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The Subject Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

Entries in this Index are carried primarily under the names of the issuing agencies, with the most significant subjects additionally carried in appropriate alphabetical position.

This Subject Index should be distinguished from the numerical codification guide (List of CFR Sections Affected) which is also published separately. The numerical guide is designed for quick checking in the *Code of Federal Regulations* numbering system of provisions whose numbers are already known or have been learned through use of the Subject Index.

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- (u) revised — 10635
- (aa) added — 10635
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- (f) added — 10345

213.3106
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213.3108
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213.3111
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- (h)(1) revoked — 75
- (a)(5) revised — 10249

213.3113
- (g)(3) revoked — 10635

213.3114
- (i)(3) added — 4015
- (e) and (j)(3) revoked — 10635
- (d)(1) revised — 11981
- (h)(3) revoked — 14887

213.3116
- (c)(2) added — 8021
- (h) revoked — 10635
- (c)(2) revoked — 15703

213.3123
- Added — 12598

213.3132
- (f) added — 251

213.3144
- (a)(2) revoked — 9807
- (b) revoked — 10249
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213.3146
- (c) revised — 8511

213.3153
- Added — 5979

213.3160
- Added — 11847

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- Designated correctly — 8657

213.3175
- Added — 9297

213.3182
- (a)(4) revoked; (a)(9) added — 13401

213.3184
- Added — 9807
- (b) added — 10249

213.3188
- Revoked — 15703

213.3189
- Revoked — 12937

213.3192
- Revised — 9807
- Revoked — 12937

213.3194
- Added — 8751

213.3195
- Added — 6431

213.3196
- Added — 8281

213.3197
- Added — 15911

213.3206
- (a)(2) revised — 10556

213.3212
- (b) revoked — 75

213.3213
- (a) revoked — 75

213.3214
- (a) added — 9807

213.3215
- (a) revised — 8229

213.3216 — Page
- (b) revoked — 75

213.3237
- Added — 8511

213.3242
- Added — 10293

213.3256
- (a) revised — 11375

213.3273
- (a) revoked — 75
- (g) added — 2361
- (b), (c), and (d) revoked; (h) added — 5249
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213.3301a
- Added — 15805

213.3303
- (e) added — 10556
- (e) revoked — 14017
- (c)(5) added — 16477
- (a)(5) and (c)(3) revoked — 20627

213.3304
- (l)(1) revised — 3289
- Heading of (j) and (j)(3) revised — 6431
- (a)(5) revised — 14685
- (a)(5) revised; (c)(1) and (8), (d)(6), and (i)(4) revoked; (l)(1) revised; (m)(1) revoked; (n)(3) revised; (n)(7) revoked — 20627

213.3305
- (a)(28) added — 5455
- (a)(29) added — 6389
- (e) revoked — 6965
- (a)(30) added — 7011
- (d)(2) added — 11313
- (a)(31) added — 11375
- (a)(32) added — 13754
- (a)(1) revised; (a)(3), (4), (5), (6), (11), (12), (14), (22), (23), and (24) and (d)(1) revoked — 20627, 20837

213.3306
- (c)(2) revised — 3289
- (a)(45) and (46) revised — 5411
- (a)(9) revised — 8511
- (c)(3) revised — 8953
- (a)(53) added — 9605
- (a)(54) added — 10249
- (a)(4), (8), (9), (17), (19), (20), and (27) revoked; (a)(28) revised; (a)(31), (34), (37), (40), (42), (45), (47), (53), and (54) revoked — 20627

213.3307
- (a)(18) added — 7521
- (a)(5), (7), (10), (14), (15), (16), (17), and (18) revoked — 20627

213.3308
- (a)(1) revised; (a)(6) and (10) revoked — 20627

213.3309
- (a)(2) revised — 8511
- (a)(1) revised; (a)(4) and (5) revoked — 20627

213.3310
- (r)(2) revoked; (r)(3) and (5) revised; (r)(6) and (7) revoked; (r)(10) revised; (r)(11) revoked; (r)(13) and (14) added — 4491
- (m)(3) revoked; (m)(5) and (6) added — 5455
- (l) revoked — 5768
- (e)(14) added — 15911
- Amended — 20627

213.3311
- (a)(4) revised — 4341
- (h)(7) added — 8511

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(a)(1) revoked; (a)(2) revised; (a)(11), (14), (15), and (20), (b)(3), (5), and (9), (c)(6), (f)(2) and (4), and (h)(1) and (5) revoked 20627
213.3312
(a)(31) added 1085
(a)(7) revoked 2805
(d)(3) revoked; (d)(8) added 5671
(h)(4) revised 6901
(b)(4) revised 10781
(o) added 12831
(a)(3) revised 13045
(a)(33) added 13909
Amended 20627
213.3313
(a)(19) revised; (a)(23) added 7
(a)(24) added 9061
(a)(24) revoked 12437
(m)(4) added 14201
Amended 20627
213.3314
(a)(23), (25), and (27) revoked 251
(a)(41) added 780
(a)(1), (2), (3), and (4) revoked; (q)(9) revised; (q)(13) and (14) revoked; (q)(17) revised; (q)(22) revoked; (q)(26) added 7805
(a)(24) revoked 9297
(q)(21) revised 12383
(q)(32) added 12831
(n)(5) added 12937
Amended 20628
213.3315
(a)(1) revised 2931
(a)(22) revised; (a)(26) added 4341
(a)(24) revised 8124
(a)(23) revised 8229
(a)(19) revised 9061
(a)(1) revised; (a)(8), (19), (22), (24), and (26), (e)(1), (g)(1), (h)(1), (i), (j), and (l) revoked 20628
213.3316
(l)(2) revised 251
(h)(5) revoked; (j)(9) added 3085
(e)(1) revised 8953
(h)(7) added 10249
(f)(1) revised; (f)(3) and (5) revoked 11313
(n)(5) added 12383
(o) added 12383
(h)(8) added 12437
(j)(10) added 13443
(o)(4) added 13443
(a)(5), (d)(1), (4), and (5), and (j)(3) and (4) revoked 13695
(o)(5) added 13855
Amended 20628
213.3322
(a) revised 14887
(d) added 16477
(b) and (c) revoked 20628
213.3325
(a) revised 20628
213.3326
(g) revoked; (o) added 6620
(d)(2) added 11770
213.3327
(a)(1), (6), and (7) and (c)(1) revoked 20628
213.3328
(b) revoked 20628
213.3329
(j) added 3689
(c), (d), (g), (h), and (j) revoked 20628
213.3330
(a), (b), and (e) revoked 20628
213.3332
(jj) added 1085
(kk) added 3763
(ll) added 6087
(f) revoked 6620
(c), (d), (v), (gg), and (ll) revoked 20628
213.3333
(i) added 3729
213.3334
Revoked 20628
213.3337
(i) added 7625
(a)(3) revised 10293
(a)(7) and (8) and (f) revoked 20628
213.3338
Revoked 20628
213.3340
(b), (c), (f), (i), and (k) revoked 20628
213.3341
(b), (c), (e), and (f) revoked; (g) revised 20628
213.3342
(f) revised 8229
(a), (d), (f), (g), and (j) revoked 20628
213.3343
(b) and (c) revoked; (d) revised 20628
213.3344
(b)(13) revoked 407
(b)(7) revoked 607
(b)(3), (9), (12), (14), and (18) through (21) revoked 2931
(a)(15) revoked; (c)(3), (6), and (7) revoked 4158
(b)(1) revoked 8281
(a)(17) revoked 9297
(a)(1), (2), (3), (5), (6), (7), (10), (12), (13), (16), (22), (24), (26), (28), (30), (32), (33), (34), (37), (42) through (45), and (47) and (c)(2) and (5) revoked 12437
(a)(20), (27), (29), (38), (39), and (46), and (b)(2), (4), (5), (6), (8), (10), (11), (15), and (16) revoked 14201
(c)(4) revoked 20628
213.3347
Revoked 20628
213.3348
(o) and (p) added 9005
(e), (f), and (h) revoked 16477
(q) added 16477
213.3354
(b), (c), (g), (j), (k), and (o) revoked 20628
213.3356
(b) and (f) revoked 20628
213.3357
(b) revoked 20628
213.3359
Revoked 15911
213.3364
(e) and (f) revoked 20628
213.3367
(b) and (c) revoked 20628
213.3368
(b)(4) added 4275
213.3369
Revoked 20628
213.3371
(d) added 14017
213.3373
(a)(3), (5), (7), (8), and (b)(1) revised; (b)(2) and (3) revoked; (b)(4) revised; (b)(5) revoked; (b)(6), (c)(1), and (d)(1) revised 5249
(c)(5) revised; (c)(6) and (7) revoked 12437
(a)(8) revoked 14201
(a)(2), (3), (4), (5), (6), and (13), (b)(4) and (6), (c)(1) and (5), and (d)(1), (4), and (5) revoked 20628
213.3374
Added 7172
213.3377
(g) and (h) added 3383
(i) added 9297
(a) revised 13754
(l) revoked 14887
(b), (c), (g), and (h) revoked 20628
213.3380
Revoked 20628
213.3384
(a)(19) added 365
(a)(4) revised; (c)(6) added 407
(a)(20) and (21), incorrectly designated as (a)(19) and (20), added 407
(a)(20) and (21) designated correctly 780
(b)(3) through (8) added 2931
(e)(5) added 3335
(a)(22) added 5671
(e)(2) revoked; (e)(6) added 6257
(e)(7) added 7521
(b)(9) added 8281
(c)(7) added 9297
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Added; incorrectly designated as 213.3375 15011
Correctly designated as 213.3385 16097
213.3387
Revoked 20629
213.3394
Added 6389
(b) added 8021
(a)(3) added 8124
(a)(4) added 8511
(a)(5) added 8657
(a)(6) added 9297
(a)(7) added 9807
(a)(8) added 10556
(a)(9) added 11313, 11515
(a)(10) and (c) added 11609
(c)(2) added 12937
(a)(7) revised 13319
(d) added 20701
(a)(1), (3), (9), and (10), and (c) revoked 20629
294
Added 9493
302.101
(d)(7) and (8) revised; (d)(9) added 13752

305
Added 13752
305.509
(e) added 15805
310
Added 20801
315.806
(d) revised 16474
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352.209
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(b) amended 9605
511.703
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(b)(2) revised 12472
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531.407
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531.516
(c) revised 16476
534.202
(a) revised; (b) amended 75
(b) amended 5455
(b) amended 9605
(b) amended 14887
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Subpart I Appendix A amended; Appendix A–1 added 8751
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Revised 20942
550.153
(b)(1) revised 20942
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Revised 20942
550.505
(k) added 9807
550.701
(b)(4) added 7743
(b)(1) revised; (b)(5) added 13648
(b)(6) added 21023
550.703
(b) revised 3763
550.704
(b)(1) revised 3689
(b)(4)(iii) added 6674
550.804
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550.901—550.907
Subpart I added 7
Subpart I Appendix A amended; Appendix A–1 added 8751
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Revised 15631
713.203
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(a) revised 16476
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(a) revised 16476
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713.401
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713.402
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731.401
(c) revised 16476
733.301
(b) amended 4275
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Redesignated from 735.202(c); revised 8281
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735.203
Heading revised; (e)(1) redesignated as 735.202(f) and revised 8282
735.210
(a), (d), (g), (h), (j), and (p) revised; (q) added 8282
735.401
Revised 8282
735.403
Revised 8282
735.403a
Added 8282
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735.404a
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735.406
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735.410
Revised 8283
735.412
(b)(2) revised 8283
752.102
Revised 10909
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(a)(1) revised 13754
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(f) revised 10909
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(b)(3) revised 3289
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Revised 15805
Revised 16476
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(a)(1) revised 13754
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771.228
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772.307
(a) revised 16477
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(a)(5) revised 9061
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Authority citation revised 14887
890.101
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890.201
(a)(1), (4), and (6) and (b) revised 14888
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890.301
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890.306
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(a)(2) amended 6187
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(a)(2) amended 15155
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(b) amended 4060
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(b)(2) amended 3442
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(a)(5) and (b)(2) amended 5774
(b)(2) amended 11522
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(b)(2) amended 14945
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(b) amended 982
(b) amended 8817
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(b)(2) amended 4060
(b)(2) amended 17857
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(d) amended 270
(d) amended; (m) added 1021
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(c) amended 4060
(c) amended 14551
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(c)(2) added 8360
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121.2564
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(b) amended 6569
(b) amended 7174
(b) amended 14945
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(b)(3) amended 14946
(b)(3) amended 15108
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(b)(2) amended 5675
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(d) revised 3443
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(a) and (b) revised 8085
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(a) and (b) revised 8086
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(b)(3) revised 8087
130.33
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130.35
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130.38
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(b) revised 10789
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148c.5
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148f.1
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148i.49
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148n.1
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148n.2
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(a)(1)(viii) revised 16212
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(b)(1) revised 16212
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(a)(1) amended 16212
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148o.2
(b)(1) revised 15989
148o.3
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148q.1
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(b)(1)(i)(d), (g), and (h) revised 11081
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148y.1
(b)(1)(ii) revised 16153
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191.8
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191.9
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191.107
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191.112
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3 5560, 7026, 12404, 12756, 13008
8 2645, 2646, 2897, 6701, 8094, 10983
14 4075, 9979
15 14237, 18114
17 3710, 7917, 11577, 14239
19 2646, 2647, 12723
20 6938
27 2953, 3469, 6144, 7342, 8320, 14966
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120 2647, 2709, 6059, 6702, 8379
121 140, 578, 1055, 6844, 7777, 8379, 11334, 11443, 14239, 14403, 14697, 16048.
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(g) added 3970
(c) revised 7770
(h) added 8711
41.117
Revised 16098
41.122
(c) revised 5620
41.124
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Appendix E added 11264
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Appendix E deleted 15013
201.01
(w) added 495
(x) added 11264
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(x) deleted 15013
201.11
(j) added 11264
Effective date of (j) 13716
(j) (3) deleted 15013
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(b) (1) (ii) amended 494
(b) (3) (i) (e) added 923
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(d) added 495
201.27
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201.32
(d) added 923
201.34
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Deleted 15013
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Added 923
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(a) (4) amended; text of (c) designated as (c) (1); (c) (2) added 6488
(a) (2) (i) (f) revised; (a) (10) added 11264
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1.4
Existing text of (b) (2) designated as (b) (2) (i); (b) (2) (ii) added 14819
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15
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PROPOSED RULES:
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14 CFR

39 (4 documents) 3386, 3387
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Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1967 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1967. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (as of Jan. 1, 1967):	Price
4 (Rev.)	$0.40
26 Parts 30–39 (Rev.)	.75
28 (Rev.)	.65

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3108 is amended to show that positions of Student Speech Pathologist at U.S. Naval Hospitals are in Schedule A when filled on a part-time, intermittent, or temporary basis by students enrolled in a participating non-Federal institution. Effective on publication in the FEDERAL REGISTER, subparagraph (12) is added to paragraph (a) of § 213.3108 as set out below.

§ 213.3108 Department of the Navy.

(a) *General.* * * *

(12) Positions of Student Speech Pathologist at U.S. Naval Hospitals when filed by persons who are enrolled in participating non-Federal institutions and whose compensation is fixed under 5 U.S.C. 5351–5356. Employment under this authority may not exceed one year.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2279; Filed, Feb. 28, 1967; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

Section 213.3377 is amended to show that the positions of Executive Director and Chief, Program Review and Analysis, are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs (g) and (h) are added to § 213.3377 as set out below.

§ 213.3377 Equal Employment Opportunity Commission.

* * * * *

(g) The Executive Director.

(h) The Chief, Program Review and Analysis.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2349; Filed, Feb. 28, 1967; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective January 27, 1966, as amended March 19, 1966, April 23, 1966, June 9, 1966, July 15, 1966, August 25, 1966, October 13, 1966, and January 27, 1967 (31 F.R. 1052, 4722, 6247, 8113, 9593, 11213, 13203, 32 F.R. 969), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding to the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted travel time.

* * * * *

WITHIN METROPOLITAN AREA

ONE HOUR

Astoria, Oreg.

* * * * *

OUTSIDE METROPOLITAN AREA

* * * * *

TWO HOURS

Westport, Oreg. (served from Astoria, Oreg.).
Willapa Bay, Wash. (served from Astoria, Oreg.).

* * * * *

THREE HOURS

Longview, Oreg. (served from Astoria, Oreg.).
Raymond, Oreg. (served from Astoria, Oreg.).
Any undesignated Oregon or Washington port served from Astoria, Oreg.

* * * * *

FOUR HOURS

Grays Harbor, Wash. (served from Astoria, Oreg.).

* * * * *

SIX HOURS

Cincinnati, Ohio (served from Toledo, Ohio).

* * * * *

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561)

This amendment shall become effective March 1, 1967.

Done at Hyattsville, Md., this 24th day of February 1967.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 67-2273; Filed, Feb. 28, 1967; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 255, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement

Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 910.555 (Lemon Reg. 255, 32 F.R. 3046) are hereby amended to read as follows:

§ 910.555 Lemon Regulation 255.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 21,390 cartons;

(ii) District 2: 211,110 cartons;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 24, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-2241; Filed, Feb. 28, 1967; 8:47 a.m.]

[Grapefruit Reg. 10, Termination]

PART 913—GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Limitation of Handling; Termination

Findings. (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation, as provided in Grapefruit Regulation 10 (32 F.R. 3047), of the handling of such grapefruit during the effective time thereof no longer tends to effectuate the order and the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this termination action until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this action is based became available and the time when this action must become effective is insufficient, and this action relieves restrictions on the handling of grapefruit grown in the Interior District in Florida.

It is, therefore, ordered, That Grapefruit Regulation 10 (§ 913.310, 32 F.R. 3047) is hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 24, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-2269; Filed, Feb. 28, 1967; 8:49 a.m.]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that the expenses for the maintenance and functioning of such committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are $237,000.

It is, therefore, ordered, That paragraph (a) of § 917.205 Expenses and rates of assessment for the 1966–67 season (31 F.R. 8404) is hereby amended by deleting the amount $220,500, and substituting in lieu thereof the amount $237,000. As amended paragraph (a) of § 917.205 reads as follows:

§ 917.205 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1966, through February 28, 1967, will amount to $237,000.

* * * * *

It is hereby further found that it is impracticable and contrary to the public interests to give preliminary notice, engage in rule-making procedure, and postpone the effective date of this amendatory order until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The increase in the budget set forth above does not involve an increase in the rates of assessment heretofore established by the Secretary (31 F.R. 8404); and (2) the said committee in the performance of its duties and functions has incurred obligations in excess of the expenses previously thought likely to be incurred. Therefore, it is essential that this amendatory action be issued immediately so that said committee can meet its obligations.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 24, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-2270; Filed, Feb. 28, 1967; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 2]

PART 1002—MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

Order Amending Order

§ 1002.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to Section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than March 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued February 23, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1967, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (5 U.S.C. 553(d) (1966))

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New York-New Jersey milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

In § 1002.40 paragraph (a)(3) is revised to read as follows:

§ 1002.40 Class prices.

* * * * *

(a) * * *

(3) For each month during the 3-year period ending with the second preceding month, calculate to one decimal place the percentage that the total volume of milk in Class I–A and Class I–B was of the total volume of reported receipts of pool milk (these percentages to be referred to as utilization percentages): *Provided,* That for the purpose of computing such utilization percentage each month there shall be added to the volume of milk in Class I–A and Class I–B the pounds of skim milk subject to the fluid skim differential which is in excess of that volume subject to the differential for the corresponding month of the period November 1965, through October 1966.

* * * * *

For this purpose the utilization percentages for the months of November 1966 to the effective date of this order shall be recomputed on this same basis.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 1, 1967.

Signed at Washington, D.C., on February 27, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-2347; Filed, Feb. 28, 1967; 8:50 a.m.]

[Milk Order 138]

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

Order Amending Order

§ 1138.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held; and

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk including such handler's own production, (ii) other source milk allocated to Class I pursuant to § 1138.46 (a) (2) (i), (3) and (7) and the corresponding steps of § 1138.46(b), and (iii) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants: *Provided,* That if such handler elects pursuant to § 1138.36 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than March 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued February 9, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued February 21, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1967, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553(d) (1966)).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of pro-

ducers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Rio Grande Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. The introductory text of § 1138.10 is revised and a new paragraph (c) is added to read as follows:

§ 1138.10 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a), (b), or (c) of this section during the month except the plant of a handler exempted in § 1138.60 or § 1138.61;

* * * * *

(c) Any plant, hereinafter referred to as a "cooperative standby pool plant," which is operated by a cooperative association, and is located within the marketing area, if 50 percent or more of the milk delivered during the month by producers who are members of such association is delivered directly or is transferred by the association to pool plants of other handlers.

§ 1138.51 [Amended]

2. In paragraph (a) of § 1138.51 *Class prices,* the phrase which reads "During the period from the effective date of this order until March 1, 1967," is revoked and the word "the" immediately following such phrase is revised to read "The".

3. The introductory text of § 1138.55 is revised to read as follows:

§ 1138.55 Credit for specified Class II uses.

From the effective date hereof through August 1968, producer milk classified as Class II milk in the following utilizations shall be subject to a credit at the respective rates specified:

* * * * *

§ 1138.88 [Amended]

4. In § 1138.88 *Expense of administration* the word "four" is revised to read as "five".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 1, 1967.

Signed at Washington, D.C., on February 27, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-2348; Filed, Feb. 28, 1967; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7988; Amdt. 39-359]

PART 39—AIRWORTHINESS DIRECTIVES

Model BAC 1-11, 200, 400 Series Airplanes

There have been reports of inflight loss of engine stub panels on BAC 1–11, 200, and 400 Series airplanes that have resulted in damage to the airplane's rudder and stabilizer. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and, if necessary, corrective action of the access panels to ensure that the fasteners are adequately locked; there is not excessive vertical movements of the panels; the snapover locking action of the fasteners is positive and no looseness exists; a continuous line has been stenciled across the fastener boss and the skin; and that there is not excessive clearance between the leading and trailing edges of certain of the panels. In addition, this AD requires eventual replacement of the Camloc fastener grommets with steel grommets and relubrication of the sliding bar fasteners.

Since a situation exists that requires immediate adoption of this regulation, it is found that compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and under the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. To prevent the inflight loss of engine stub access panels, accomplisb the following:

(a) Within the next 150 hours' time in service after the effective date of this AD, accomplish the following:

(1) Inspect the access panels Camloc fasteners and sliding bar type fasteners to insure they are locked in accordance with British Aircraft Corp. One-Eleven Alert Service Bulletin No. 54-A-PM-2649, dated September 22, 1966, or later ARB-approved issue.

(2) Inspect the access panels for vertical movement. If found in excess of 0.1 inch, replace the Camloc grommets with steel grommets Part No. 4002-0 or a FAA-approved equivalent.

(b) Within the next 600 hours' time in service after the effective date of this AD, accomplish the following:

(1) Inspect to insure that each of the clearances between the leading and trailing edges of L.H. panels F3-3 and F3-4 and R.H. panels F3-24 and F3-25 is not greater than 0.080 inch. If any clearance is found to be greater, remove and reposition the two spigots Part No. AB 16-549 to the forward face of the channel section and open up and countersink the existing rivet holes to receive $\frac{5}{32}$ inch diameter 100 degree rivets to material Specification L86, or FAA-approved equivalent, to attach the spigots.

(2) Inspect to insure that a continuous line has been stenciled across the sliding bar fastener boss and skin in accordance with British Aircraft Corp. One-Eleven Alert Service Bulletin No. 54-A-PM-2649, dated September 22, 1966, or later ARB-approved issue. If this has not been accomplished, align the locked indicator marks on the sliding bar fastener boss and the skin and stencil, with paint of a contrasting color to the local finish, a continuous line across the boss and the skin in line with the existing locked indicator marks.

(3) Operate the sliding bar fasteners to insure that the snapover locking action is positive and that no looseness exists. Lubricate and operate several times, in accordance with British Aircraft Corp. One-Eleven Alert Service Bulletin No. 54-A-PM-2649, dated September 22, 1966, or later ARB-approved issue, any fastener that fails to meet this requirement. Replace any fastener that fails to respond to this treatment with a new part.

(4) Replace Camloc fastener grommets with steel grommets Part No. 4002-0 or a FAA-approved equivalent.

(c) Within the next 1,800 hours' time in service after the effective date of this AD, remove the access panels and relubricate the sliding bar fasteners using grease to Process Specification VP 93/2, or a FAA-approved equivalent.

(d) The requirements of this AD do not apply to those airplanes that have been modified in accordance with British Aircraft Corp. One-Eleven Alert Service Bulletin No. 54-A-PM-2649, dated September 22, 1966, or later ARB-approved issue.

This amendment is effective, March 6, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 21, 1967.

C. W. WALKER,
Director, Flight Standards Service.

F.R. Doc. 67-2219; Filed, Feb. 28, 1967; 8:45 a.m.]

[Airworthiness Docket No. 67-WE-6-AD; Amdt. 39-357]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Models 269A, 269A-1, 269B Helicopters

Amendment 39-337 (32 F.R. 260, FAA Washington Docket No. 7855), AD 67-2-2, requires inspection of the main rotor blades for cracks on Hughes Models 269A, 269A-1, and 269B helicopters equipped with main rotor blades P/N 269A1125, all blade serial numbers; P/N 269A1131, all blade serial numbers; and P/N 269B1145, blade serial numbers 0001 through 1313. After issuing Amendment 39-337 the Agency has determined that paragraph (c) thereof contains typographical errors which incorrectly identify main rotor blade P/N 269B1145 as P/N 269A1145. In addition, clarification of paragraph (c) is necessary to show that intermixing of P/N 269B1145 blades regardless of serial number is permitted, and that intermixing of different part number blades is prohibited. Therefore, the AD is being amended to revise paragraph (c).

Since this amendment corrects typographical errors, provides a clarification, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-337 (32 F.R. 260), AD 67-2-2, is amended by revising paragraph (c) to read as follows:

(c) Replace all cracked main rotor blades as necessary with new or serviceable used blades in accordance with (1), (2), or (3). Do not intermix different part number blades.

(1) P/N 289B1145 main rotor blade (new blade or serviceable used blade). This P/N blade with Serial Numbers 0001 through 1313 must meet the requirements of AD 67-2-2 as amended herein until retired from service.

(2) P/N 269A1131 main rotor blade (new blade or serviceable used blade). This P/N blade, all serial numbers, must meet the requirements of AD 67-2-2 as amended herein until retired from service.

(3) P/N 269A1125 main rotor blade (new blade or serviceable used blade). This P/N blade, all serial numbers, must meet the requirements of AD 67-2-2 as amended herein until retired from service.

This amendment becomes effective immediately upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on February 20, 1967.

JOSEPH H. TIPPETS,
Regional Director,
FAA Western Region.

[F.R. Doc. 67-2220; Filed, Feb. 28, 1967; 8:45 a.m.]

[Airworthiness Docket No. 67-WE-7-AD; Amdt. 39-358]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Models of Beech Airplanes

Amendment 39-325 (31 F.R. 16311, FAA Washington Docket No. 7809), AD 66-30-1, requires installation of a drain in the static line of certain models of Beech airplanes which have been modified in accordance with Volpar, Inc., Supplemental Type Certificate Nos. SA4-1531 or SA111WE. After issuing Amendment 39-325 the Agency has determined that reference to Volpar, Inc., Drawing No. 857 alone, without further reference to Volpar, Inc., Service Bulletin No. 10 which incorporates Drawing No. 857 on page 2 thereof, was causing confusion among operators. Also, it was brought to the attention of the Agency that two models of airplanes were erroneously included in the list of airplanes to which the AD applies. Therefore, the AD is being amended to correct these items.

Since the amendment corrects an error, provides clarification and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-325 (31 F.R. 16311), AD 66-30-1, is amended as follows:

1. The applicability statement of the Airworthiness Directive is revised by deleting "G18S with serial numbers prior to BA445, H18".

2. The third paragraph of the Airworthiness Directive is revised by inserting the words "(Volpar, Inc., Service Bulletin No. 10, page 2)" immediately prior to the words "or an equivalent".

3. The following new paragraph is added at the end of the Airworthiness Directive:

Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Regional Director, FAA Western Region, may adjust the compliance time if the request contains subatantiating data to justify the adjustment for that operator.

This amendment becomes effective upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on February 20, 1967.

JOSEPH H. TIPPETS,
Regional Director,
FAA Western Region.

[F.R. Doc. 67-2221; Filed, Feb. 28, 1967; 8:45 a.m.]

[Docket No. 7992 Amdt. 39-360]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas DC-6 and DC-7 Series Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on February 28, 1967, and made effective immediately as to all known operators of Douglas DC-6 and DC-7 series airplanes. The directive requires installation of a placard, in clear view of the pilot, stating that flight with cabin pressurized is prohibited. It is the Agency's intent to provide relief from the provisions of the airworthiness directive as soon as warranted by the results of investigations it is conducting.

Since it was found that immediately corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of the Douglas DC-6 and DC-7 series airplanes by individual telegrams dated February 26, 1967. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

DOUGLAS. Applies to DC-6 and DC-7 Series airplanes.

Before further flight, unless already accomplished, install a placard in clear view of the pilot reading as follows: "Flight with cabin pressurized prohibited."

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated February 26, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 27, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-2344; Filed, Feb. 28, 1967; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Retail Discount Selling Organizations

§ 15.114 Retail discount selling organizations.

(a) The Commission recently advised the promoter of a membership organization of retailers which would grant discounts on purchases and services except where prohibited by law that the plan was unobjectionable. More specifically, the plan provided—

(1) The promoter would set up a discount program for independent retailers such as auto dealers, appliance, furniture, and clothing stores. Chain stores and other discount houses would not be admitted to membership.

(2) For $5 per week for 26 weeks or 6 months, the retailer would become a member of the organization. There would be no fee for consumer-members to join. The promoter would guarantee retailers 30,000 discount member/customers. The retailers would be listed in a book showing the discount each had decided to give on purchases and services except on "fair traded" items or where prohibited by law. There would be no coordination or combination on prices by participating retailers. A free book with customer's membership card as the cover would be mailed to all residents in the area in which the plan is tried.

(3) Although all competing retailers would be offered the opportunity, only one retailer, the first participant in an area, in each category of business would be allowed to join in each of the various areas in which the plan is tried. Participating retailers would "cooperate"

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only in the sense that all give discounts to member/customers; however, if a group of retailers wished to purchase an item several sold, the promoter would order the item direct from manufacturers, distributors or importers with whom the promoter has business connections.

(b) The Commission advised the applicant that the plan itself is unobjectionable. The Commission added however that:

(1) The participating retailers should grant the discount off the manufacturer's suggested price, where there is one and where a number of the principal retail outlets in the area are regularly engaged in making sales at that price; or off the usual trade area price so that the consumer will in fact receive a discount.

(2) The booklet listing participating retailers should note that listing does not imply that other businesses in the community do not offer similar or even greater discounts and that the listing of the retailer is done for a fee.

(3) If participation in the plan results in agreement as to prices, discounts, terms of sale, and the like, such agreement or agreements would be violative of Commission administered law.

(4) If the literature you use in seeking to persuade retailers or consumer-members to participate actually does or has the capacity to mislead or deceive, it would be actionable under Commission administered law.

(5) If implementation of the plan results in discriminatory acts which may substantially affect competition, same would violate the Robinson-Patman Amendment to the Clayton Act.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: February 28, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-2251; Filed, Feb. 28, 1967; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-68]

PART 1—GENERAL PROVISIONS

Ports of Entry; Champlain-Rouses Point, N.Y.

FEBRUARY 21, 1967.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the designations of Champlain and Mooers, N.Y., as customs ports of entry and Rouses Point, N.Y., as a customs port of entry and port of documentation, all in the Ogdensburg, N.Y., customs district (Region I), are revoked effective March 1, 1967, and there is designated, effective March 1, 1967, in said district a consolidated customs port of entry and port of documentation to be known as "Champlain-Rouses Point."

The geographical limits of the port of entry of Champlain-Rouses Point shall include all of the territory within the limits of the unincorporated townships of Champlain and Mooers, in the county of Clinton, State of New York.

Champlain-Rouses Point is designated the home port of all vessels home ported at Rouses Point, N.Y., on the effective date of this change. Vessels marked with the name of Rouses Point as home port shall be deemed to have been properly marked within the meaning of section 4178 of the Revised Statutes, as amended (46 U.S.C. 46), and the applicable regulations issued thereunder.

Section 1.2(c) of the Customs Regulations is amended by deleting "*Rouses Point," "Mooers," and "Champlain," and by adding in proper alphabetic order "*Champlain-Rouses Point (including territory described in (T.D. 67-67)" in the column headed "Port of Entry" in the Ogdensburg, N.Y., district (Region I).

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

Notice of the proposed consolidation of the existing adjoining ports of entry at Champlain, Rouses Point, and Mooers, N.Y., into a new port of entry and port of documentation to be known as Champlain-Rouses Point was published in the FEDERAL REGISTER on January 4, 1967 (32 F.R. 9). All submissions received pursuant to this notice were carefully reviewed. It was determined that no objections, views, or comments received raised matters which would materially affect the decision to consolidate the ports of entry of Champlain, Rouses Point, and Mooers.

The consolidation of these ports of entry will effect considerable savings in operating costs for the Bureau of Customs in the Champlain-Rouses Point-Mooers area and will not adversely affect service to the public. In order to realize these savings at the earliest practical date, and to facilitate accounting procedures, it is important to make this action effective on March 1, 1967. Accordingly, pursuant to the provisions of 5 U.S.C. 553(d)(3), good cause is found for making this consolidation effective less than 30 days after publication.

[SEAL] TRUE DAVIS, *Assistant Secretary of the Treasury.*

[F.R. Doc. 67-2276; Filed, Feb. 28, 1967; 8:49 a.m.]

[T.D. 67-69]

PART 2—MEASUREMENT OF VESSELS

PART 3—DOCUMENTATION OF VESSELS

Optional Simplified Admeasurement Method of Pleasure Vessels

Public Law 89-476, approved June 29, 1966 (80 Stat. 229), permits the assignment of gross and net tonnages to vessels intended to be used exclusively as pleasure vessels, without the necessity of formal admeasurement, by the application of appropriate coefficients to the product of length, breadth, and depth, so defined that the owner can take the measurements himself. If an owner does not elect to have tonnages assigned in this way, or if the vessel is subsequently sought to be documented for use other than exclusively as a pleasure vessel, the vessel will be required to be formally measured.

On November 23, 1966, there was published in the FEDERAL REGISTER a notice of proposed rulemaking setting forth proposed amendments to the Customs Regulations to give effect to Public Law 89-476. All representations submitted pursuant to the notice have been carefully considered.

The amendments as proposed, with technical and clarifying changes and the addition in § 3.9(c) of a provision for noting on marine documents admeasurement under Public Law 89-476, are adopted as follows:

The citation of authority for Part 2 is amended to read:

AUTHORITY: The provisions of this Part 2 issued under sec. 301, 80 Stat. 379, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, R.S. 4148, as amended, 4149, as amended, 4150, as amended, 4151, as amended, 4153, as amended; 5 U.S.C. 301, 46 U.S.C. 2, 3, 71, 72, 74, 75, 77.

1. Section 2.2 is amended to read:

§ 2.2 What vessels are to be admeasured.

(a) Before any vessel is registered, enrolled and licensed, or licensed, or issued a certificate of record, her tonnages shall be ascertained by an officer of the customs as provided in these regulations.

(b) In the discretion of the Commissioner of Customs, a vessel not required by law to be admeasured may nevertheless be admeasured upon his own motion or upon application by the owner, a Federal or State agency, or a foreign government.

2. Section 2.5 is amended as follows: The text in paragraph (b) preceding subparagraph (1) is amended and paragraph (d) is added to read:

§ 2.5 Gross register tonnage.

* * * * *

(b) Except in the case of a vessel which is measured under the provisions of §§ 2.80 through 2.100, or under the provisions of §§ 2.101 through 2.104, the gross register tonnage of a vessel shall consist of the following items:

* * * * *

(d) The gross tonnage of a vessel measured under the provisions of §§ 2.101 through 2.104 shall be determined as provided by §2.103.

3. Section 2.6 is amended by adding paragraph (c) as follows:

§ 2.6 Net register tonnage.

* * * * *

(c) The net tonnage of a vessel measured under the provisions of §§ 2.101 through 2.104 shall be determined as provided by § 2.104.

4. Section 2.7 is amended as follows: The existing text is designated paragraph (a); the first clause thereof is amended by inserting after the words "every vessel" the words "except one admeasured under the provisions of §§ 2.101 through 2.104"; and a paragraph (b) is added, as follows:

§ 2.7 The marine document.

(a) The marine document of every vessel except one admeasured under the provisions of §§ 2.101 through 2.104 shall show the date and place of build, the register length, breadth, depth, and the height of the upper deck to the hull above the tonnage deck; * * *.

(b) The marine document of every vessel admeasured under the provisions of §§ 2.101 through 2.104 shall show the date and place of build, the register length, breadth, and depth, and the gross and net tonnages.

5. Section 2.8 is amended to read:

§ 2.8 Application for measurement.

The builder of a new vessel which is to be admeasured, the person having supervision of changes or alterations, or both, affecting a vessel's register tonnage, and the owner of a vessel who elects to have her admeasured under the provisions of §§ 2.101 through 2.104 or who, having had the vessel so admeasured, elects or is required to have her admeasured under the appropriate provisions of §§ 2.11 through 2.100, shall apply in writing for admeasurement or tonnage adjustment, as the case may be, to the district director of customs for the district where the vessel is located. Except in the case of admeasurement under §§ 2.101 through 2.104, application should be made in time to permit admeasurement before cargo or ballast is taken on, and in case of a new vessel, before boilers or engines are installed or compartments partitioned off. The application shall state the name and the official number of the vessel, if any, the name, address, and telephone number of the owner, the exact location of the vessel, the date and place of build and the builder's name, the rig, and model or other identifying numbers.

6. Section 2.11 is amended by adding paragraph (c) as follows:

§ 2.11 Uniform system required.

* * * * *

(c) These directions do not apply to admeasurement under the provisions of §§ 2.101 through 2.104.

7. Part 2 is amended to add a centerhead and new §§ 2.101 through 2.105 as follows:

OPTIONAL SIMPLIFIED ADMEASUREMENT METHOD FOR PLEASURE VESSELS

§ 2.101 Application for simplified admeasurement.

(a) Upon application by the owner for simplified admeasurement, filed with and approved by the district director of customs for the district where the vessel is located, a vessel which is intended to be used exclusively for pleasure shall, whether or not it has been previously admeasured, be admeasured in accordance with the provisions of §§ 2.103 and 2.104. The application shall state the owner's name and address, the vessel's name and rig, her overall length, breadth, and depth, as defined in § 2.102, the name of the builder, and the vessel's model, serial, and official number, if any. Where the vessel appears to be subject to admeasurement under the provisions of § 2.103 (b) or (d), or both, the application shall be accompanied by dimensioned sketches, not necessarily to scale of the arrangement, profile, and cross section of the vessel, indicating thereon the points to which the dimensions were taken.

(b) Dimensions shall be stated on the application in feet and inches or in feet and decimal fractions of feet. The register length (L), breadth (B), and depth (D) used in calculating the vessel's tonnages and shown on the vessel's document shall be in feet and decimal fractions of feet.

§ 2.102 Definition of terms used in §§ 2.101 through 2.105.

(a) "Overall length" means the horizontal distance between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments.

(b) "Overall breadth" is the horizontal distance, excluding rub rails, from the outside of the skin (outside planking or plating) on one side to the outside of the skin on the other, taken at the widest part of the hull.

(c) "Overall depth" is the vertical distance taken at or near midships from a line drawn horizontally through the uppermost edges of the skin at the sides of the hull (excluding the cap rail and trunks, cabins, or deckhouses) to the outboard face of the bottom skin of the hull. This excludes the keel unless the keel is covered by the skin.

(d) Overall length and depth are measured in the vertical plane of the centerline; overall breadth, in a line at right angles to the vertical plane of the centerline.

(e) The overall length, breadth, and depth, as defined in this section, of a vessel measured under the provisions of §§ 2.101 through 2.104 of this part shall be deemed to be the vessel's register length, breadth, and depth.

(f) "Vessel designed for sailing" means a vessel, whether or not equipped with an auxiliary motor, which has the fine lines of a sailing craft and is in fact propelled by sail or capable of being propelled by sail, other than a mere steadying sail.

§ 2.103 Calculation of gross tonnage.

(a) Except as provided in paragraphs (b) and (d) of this section, the gross tonnage of a vessel designed for sailing shall be one-half (LBD/100, and the gross tonnage of a vessel not designed for sailing shall be two-thirds (LBD/100), LBD being the product of overall length, breadth, and depth.

(b) Where a vessel's hull approximates in shape a regular geometric solid, the gross tonnage of the hull shall be her volume as calculated by the use of appropriate geometric formulae, expressed in tons of 100 cubic feet.

(c) The gross tonnage of a catamaran or trimaran shall be arrived at by adding the gross tonnages of her hulls as calculated under this section.

(d) Where the volume of the deckhouse is disproportionate to the volume of the hull, as in the case of certain houseboats, the volume of the deckhouse, calculated by the use of appropriate geometric formulae, expressed in tons of 100 cubic feet, shall be added to the gross tonnage of the hull as previously calculated.

§ 2.104 Calculation of net tonnages.

(a) Except as provided in paragraph (b) of this section, the net tonnage of a vessel designed for sailing shall be nine-tenths of her gross tonnage, and the net tonnage of a vessel not designed for sailing shall be eight-tenths of her gross tonnage.

(b) The net tonnage of a vessel which has no propelling machinery in the hull shall be the same as her gross tonnage.

§ 2.105 Readmeasurement of vessels admeasured under §§ 2.101 through 2.104.

(a) A vessel admeasured under the provisions of §§ 2.101 through 2.104 may, upon application by the owner, be readmeasured under the appropriate provisions of §§ 2.11 through 2.100.

(b) A vessel admeasured under the provisions of §§ 2.101 through 2.104 which is thereafter to be documented for use other than exclusively as a pleasure vessel shall be readmeasured under the appropriate provisions of §§ 2.11 through 2.100.

8. Section 3.9 is amended to read:

§ 3.9 Marine documents to include dimensions and tonnage.

(a) The marine document of every vessel except one admeasured under the provisions of §§ 2.101 through 2.104 of this chapter shall express her length, breadth, and depth; if applicable, the depth (D_s) and the length (L_s) used with the tonnage mark table and the distances to the tonnage mark from the line of the upper deck and from the molded line or equivalent of the second deck; the number of decks and masts; capacity under the tonnage deck, that of the between decks, and also separately, permanently enclosed spaces on or above the upper deck to the hull required to be included in the gross tonnage, and the omitted spaces, whether open or closed-in, on, above, or below the upper deck; the gross tonnage or tonnages; items of deduction; and the net tonnage or tonnages. In appropriate cases it shall also show the height of the upper deck to the hull above the tonnage deck.

(b) The marine document of every vessel admeasured under the provisions of §§ 2.101 through 2.104 of this chapter shall express her length, breadth, depth, and gross and net tonnages.

(c) Every marine document issued to a vessel admeasured under the provisions of Public Law 89–476 shall bear on its face the following notation: "This vessel has been admeasured under the provisions of Public Law 89–476 and shall be used exclusively as a pleasure vessel until readmeasured and redocumented under the appropriate statutes."

9. Part 3 is amended to add a new § 3.15 as follows:

§ 3.15 Verification of overall dimensions.

(a) A vessel document issued upon admeasurement under the provisions of §§ 2.101 through 2.104 of this chapter may, in the discretion of the customs officer concerned, not be renewed, nor another document issued for a vessel documented upon such admeasurement until a customs officer has verified the overall dimensions stated in the application for such admeasurement.

(b) Any correction of the stated overall dimensions of a vessel as the result of the verification provided for in paragraph (a) of this section shall be deemed a change in the description of the vessel within the meaning of § 3.6(c).

(R.S. 4149, as amended, 4150, as amended, 4153, as amended; 46 U.S.C. 72, 74, 77)

Since the method of measurement provided for in these amendments is optional with owners of the vessels involved, good cause is found under 5 U.S.C. 553 (d) for making them effective less than 30 days after publication in the FEDERAL REGISTER. These amendments shall therefore be effective on the date of their publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: February 23, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-2277; Filed, Feb. 28, 1967; 8:49 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 10]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Appendix A—Interpretations

In response to inquiries for interpretation of certain of the Initial Federal Motor Vehicle Safety Standards and regulations published in the FEDERAL REGISTER February 3, 1967 (32 F.R. 2408) under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority of October 20, 1966 (31 F.R. 13952) and January 24, 1967 (32 F.R. 1005), the following interpretations have been formulated and adopted by the National Traffic Safety Agency for the guidance of the public and are hereby published in the FEDERAL REGISTER in accordance with 5 U.S.C. 552(b).

Issued in Washington, D.C., on February 27, 1967.

LOWELL K. BRIDWELL,
Acting Under Secretary of Commerce for Transportation.

General. Compliance with Initial Federal Motor Vehicle Safety Standards is determined by actual date of manufacture, rather than model year designation.

MOTOR VEHICLE SAFETY STANDARD No. 105

HYDRAULIC SERVICE BRAKE, EMERGENCY BRAKE, AND PARKING BRAKE SYSTEMS—PASSENGER CARS

(1) The definition of the term "emergency brake" contained in § 255.3(b) does not refer to a system that would provide a means of bringing a vehicle to a stop after a total failure of the entire hydraulic service brake system, since paragraph S4.2 of the Standard provides that rupture or leakage-type failure of any single pressure component of the service brake system, except structural failures of the brake master cylinder body or effectiveness indicator body shall not result in complete loss of function of the vehicle brakes when force on the brake pedal is continued.

(2) Paragraph S4.2.1 applies to loss of pressure in a part of the brake system resulting from failure of a pressure component or insufficient hydraulic fluid in that part of the system.

(3) The requirement of paragraph S4.2.2 that an indicator light illuminate before or upon application of the brakes in the event of a hydraulic-type complete failure of a partial system may be met with a master cylinder reservoir level indicator light or system pressure indicator light. The indicator light need not illuminate during that application of brake pressure that contributed to the failure.

MOTOR VEHICLE SAFETY STANDARD No. 108

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT—MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, TRAILERS, AND BUSES, 80 OR MORE INCHES WIDE OVERALL

The term "overall width" refers to the overall width of the vehicle (excluding signal lamps, marker lamps, outside rearview mirrors, flexible fender extensions, and mud flaps) with doors and windows closed, and the wheels in the straight-ahead position.

MOTOR VEHICLE SAFETY STANDARD No. 203

IMPACT PROTECTION FOR THE DRIVER FROM THE STEERING CONTROL SYSTEM—PASSENGER CARS

The term "jewelry" in paragraph S4.3 refers to watches, rings, and bracelets without loosely attached or dangling members.

MOTOR VEHICLE SAFETY STANDARD No. 208

SEAT BELT INSTALLATIONS—PASSENGER CARS

(1) The words "passenger car seat position" in paragraphs S3.1 and S3.1.1 refer to designated permanent seating positions, rather than fixed or folding jump-type seats.

(2) A Type 2a shoulder belt (upper torso restraint) when used in conjunction with a Type 1 seat belt assembly (pelvic restraint) provides the equivalent of a Type 2 seat belt assembly whether three or four seat belt assembly anchorages are used. Therefore, any requirement for a Type 2 seat belt assembly may be met with a Type 2a shoulder belt used in conjunction with a Type 1 seat belt assembly.

MOTOR VEHICLE SAFETY STANDARD No. 209

SEAT BELT ASSEMBLIES—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

This Standard applies to seat belt assemblies manufactured after February 28, 1967, for use in passenger cars, multipurpose passenger vehicles, trucks and buses. Since the effective date of Motor Vehicle Safety Standard No. 208, which provides that a Type 1 or Type 2 seat belt assembly that conforms to Motor Vehicle Safety Standard No. 209 shall be installed in each passenger car seat position, is January 1, 1968, seat belt assemblies installed in passenger cars until that date need not conform to Standard No. 209 unless the seat belt assemblies have been manufactured after February 28, 1967.

[F.R. Doc. 67-2376; Filed, Feb. 28, 1967; 9:45 a.m.]

[Docket No. 11]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 209; Seat Belt Assemblies

Motor Vehicle Safety Standard No. 209 (32 F.R. 2415) specifies requirements for seat belt assemblies for use in passenger cars, multipurpose passenger vehicles, trucks, and buses, incorporating by reference the requirements of Department of Commerce, National Bureau of Standards, *Standards for Seat Belts for Use in Motor Vehicles* (15 CFR Part 9; 31 F.R. 11528).

Paragraph (f) of 15 CFR 9.3 of Standards for Seat Belts for Use in Motor Vehicles requires that seat belt assemblies designed for installation in motor vehicles equipped with seat belt anchorages "shall have 7/16–20 UNF–2A 1/2–13 UNC–2A, or nonthreaded fasteners as required by the particular vehicle."

The National Traffic Safety Agency has determined that other fasteners that meet or exceed the strength requirements of paragraph (c) of 15 CFR 9.5 may be suitable for use. Therefore, Standard No. 209 is being amended to provide for the use of an approved equivalent of equal or superior performance as an alternative to the fasteners specified.

Since this amendment provides an alternative means of compliance, relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause is shown that an effective date earlier than 180 days after issuance is in the public interest and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Secretary (31 F.R. 13952) and (32 F.R. 1005), § 255.21 of Part 255—Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 209 (32 F.R. 2415), paragraph S3., is amended to read as follows:

S3. *Requirements.* Seat belt assemblies shall meet the requirements of Department of Commerce, National Bureau of Standards, *Standards for Seat Belts for Use in Motor Vehicles* (15 CFR Part 9; 31 F.R. 11528), using the attachment hardware specified in paragraph (f) of 15 CFR 9.3 or approved equivalent hardware.

This amendment is made under the authority of sections 103 and 119 of National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. secs. 1392, 1407) and becomes effective March 1, 1967.

Issued in Washington, D.C., on February 27, 1967.

LOWELL K. BRIDWELL,
Acting Under Secretary of Commerce for Transportation.

[F.R. Doc. 67-2375; Filed, Feb. 28, 1967; 9:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 505—SAFEGUARDING DEFENSE INFORMATION

Visitors

Section 505.17 is revised to read as follows:

§ 505.17 Visitors.

(a) *General.* (1) This section establishes procedures for visits by U.S. citizens and foreign nationals to Army installations and activities within the continental United States. The Commanding General, U.S. Army, Alaska; the Commander-in-Chief, U.S. Army, Pacific; and oversea commanders may utilize this section for guidance in establishing local procedures. Requests to visit activities in Alaska, Hawaii, or oversea commands should be submitted to the commanding general of the area concerned.

(2) Regulations governing visits by Department of Defense contractors and their employees to military installations and activities and visits to Department of Defense contractor facilities are set forth in AR 380–130.

(3) Regulations governing Department of the Army orientation and observer training visits of foreign military personnel to Army installations and activities within the United States for the purpose of training or orientation are set forth in AR 551–50.

(4) The commanding officer of an Army installation, or the Department of Army representative, hereinafter referred to as the Army representative, at an Army activity will determine whether the situation at the time of the visit makes the admission of a visitor inadvisable, and is empowered to postpone the visit and request instructions from the office which authorized it.

(b) *Definition.* For the purpose of this section, the following definitions apply—

(1) *Foreign national.* Any person not a citizen of nor immigrant alien to the United States.

(2) *Foreign representative.* Any citizen of the United States or immigrant alien thereto who is acting as a representative, official, or employee of a foreign government, firm, association, corporation, or individual.

(3) *Army installation.* A post, camp, or station, generally self-sufficient, situated on Department of the Army controlled land and established by Department of the Army orders (Fort Belvoir, Aberdeen Proving Ground).

(4) *Army activity.* Agency, detachment, office, or other Department of the Army operated entity established by competent orders (District and Division offices, Beach Erosion Board, recruiting stations). As used herein the term includes Government-owned, contractor-operated facilities and contractor facilities as defined in paragraph 1–236, AR 380–130.

(5) *DA agency.* The term includes the Army Staff, a command, unit, installation, or facility under the control of Headquarters, Department of the Army or a command, unit, installation, or facility for which the Department of the Army is the executive agent.

(c) *Release of military information.* Where the visit involves access to classified information the installation commander or the Army representative concerned will be responsible for controlling access to such information consistent with the purpose of the visit and will not permit access to any other classified information in his custody. In no case will visitors be granted access to information classified higher than that indicated by the Department of the Army agency approving the specific visit, nor will visitors be permitted to take photographs of a classified subject or object unless prior written approval has been obtained from the Department of the Army agency concerned. During periods of access to classified information, visitors will be escorted or supervised by responsible persons designated by the installation commander or Army representative concerned—

(1) *To National Guard, Army Reserve, and Reserve Officers Training Corps.* AR 135–380.

(2) *To Congress.* Instructions are published in a separate Department of the Army directive.

(3) *To U.S. nonmilitary agencies and individuals.* See AR 380–5.

(4) *To foreign nationals and foreign representatives.* Military information will be released to foreign nationals and foreign representatives only in accordance with paragraph (d) of this section, AR 380–19, and Department of the Army Disclosure of Classified Military Information to Foreign Governments (DA–DCMI (A)). Department of the Army agencies sponsoring visits of foreign nationals and foreign representatives will indicate in each instance whether classified information should be released in order to accomplish the purpose of the visit and if so, will indicate the category and classification of such information.

(d) *Visits of foreign nationals and foreign representatives.* Foreign nationals and foreign representatives will be admitted to Department of the Army installations and activities only in accordance with the authorization procedures established by this section. Authorization of a visit in itself does not constitute authority for the release of classified information to visitors, nor retention by visitors of any classified documents or material. Visitors should be advised that requests for such information or material connected with their visits must be submitted to the Department of the Army by the appropriate diplomatic representative of their country or the country of the firm which they are representing. Where visual or oral disclosures only are desired or indicated, such a request may be made in conjunction with the request for the visit. Foreign nationals and foreign representatives will not be permitted access to classified information until their identity has been clearly established and it has been determined that the release of the information requested has been authorized—

(1) *By authority of the Assistant Chief of Staff for Intelligence, Department of the Army.* (i) Foreign nationals and foreign representatives, except as otherwise indicated, may be admitted to Department of the Army installations and activities only upon written authority of the Assistant Chief of Staff for Intelligence, Department of the Army. Requests for visit approval will be submitted by or through the prospective visitor's diplomatic representative in the United States, to the Assistant Chief of Staff for Intelligence, Attention: Foreign Liaison Office, Department of the Army. Requests for visits by foreign nationals while acting as representatives of international organizations, involving the release of U.S. classified information, will be submitted by the U.S. agency charged with maintaining liaison between the international organization and the United States. Such requests will be forwarded to the Secretariat, U.S. Military Information Control Committee (S/USMICC). All visit requests will include—

(*a*) Name in full.
(*b*) Official title or position.
(*c*) Nationality.
(*d*) Visa, passport, or orders number.
(*e*) Date and place of birth.
(*f*) Name of installation, or activity to which admission is desired.
(*g*) Date of visit or dates between which visits are desired.
(*h*) Purpose of visit.
(*i*) Sponsor.
(*j*) Security Clearance.
(ii) Visit requests to—
(*a*) Installations or activities under the command jurisdiction of a DA agency will be processed through that agency.
(*b*) Installations or activities under the command jurisdiction of U.S. Continental Army Command with the exception of Human Resources Research Units will be processed directly between Headquarters, Department of the Army, and the agency to be visited, with infor-

mation copy furnished to Headquarters, U.S. Continental Army Command.

(c) Human Resources Research Units will be processed through U.S. Continental Army Command.

(d) Installations or activities under the command jurisdiction of ZI armies or the Military District of Washington, will be processed directly between Headquarters, Department of the Army, and the ZI army (or MDW) concerned, with information copy furnished to Headquarters, U.S. Continental Army Command.

(e) Major subordinate commands of the U.S. Army Materiel Command and related installations and activities will be processed directly between Headquarters, Department of the Army Materiel Command major subordinate command concerned.

(f) Installations or agencies under the command jurisdiction of the U.S. Army Combat Developments Command will be processed through Headquarters, U.S. Army Combat Developments Command.

(iii) The assistant Chief of Staff for Intelligence, in approving a visit, will specifically state the limitations for disclosure of classified information that are applicable to the particular visit. When disclosure of classified information is authorized in connection with a visit, such disclosure will be limited to the information necessary to accomplish the purpose of the visit.

(2) *By authority of the installation commander or Army representatives.* By authority of the commanding officer of an Army installation or the Army representative at an Army activity, foreign nationals and foreign representatives may be admitted to the installation or activity under the following conditions, provided that no classified information is disclosed.

(i) For social purposes.

(ii) For activities open to the general public.

(iii) For authorized medical treatment.

(iv) In connection with emergency landings or other emergency situations.

(v) For domestic, janitorial, housekeeping, repair, and maintenance activities.

(vi) As transients through military installations (e.g. port of embarkation, to nondefense activity located within an installation boundary).

(vii) On matters of official business when the individual is employed by a U.S. contractor in the performance of a U.S. military contract, or by an agency of the U.S. Armed Forces or other agency of the U.S. Government.

(viii) For visits approved by the Defense Logistics Center, Defense Supply Agency made for the purpose of inspecting items of excess material available for sale to eligible foreign governments.

(ix) Canadian defense suppliers and representatives of the Canadian Department of Defense Production in connection with procurement solicitations or other matters related thereto. Discussions conducted during visits in this category cannot be expanded to include classified matters.

(x) For those visits described under subdivisions (vii), (viii), and (ix) of this subparagraph, the following will be accomplished:

(*a*) A visit request in accordance with subparagraph (1) of this paragraph will be submitted to the Army installation commander or to the Army representative at the activity to be visited.

(*b*) The applicant will be notified whether the visit is approved or disapproved.

(c) Prior to admittance the identity of the visitor will be clearly established.

(3) *By authority of Commanding General, U.S. Army Air Defense Command.*

(i) Canadian military personnel assigned to North American Air Defense Command and Continental Air Defense Command accredited to U.S. Army Air Defense Command may be admitted to U.S. Army installations, in connection with air defense activities, on the authority of the Commanding General, U.S. Army Air Defense Command. Classified information may be disclosed, at the lowest appropriate level consistent with the purpose of the visit, within the limits of the accreditation.

(ii) Members of the Armed Forces of Canada or representatives of the government of Canada may be admitted to air defense installations on matters of mutual interest in connection with air defense operational matters on the authority of the Commanding General, U.S. Army Air Defense Command.

(4) *By authority of Commanding Generals, ZI armies.* Members of the Armed Forces of Canada and Mexico may be admitted to Department of the Army installations or activities near the borders of those countries and the United States in connection with border incidents, disciplinary problems, coordination of security matters pertaining to the border, and such other matters of mutual interest as may arise, on the authority of the commanding general of the ZI army concerned without reference to higher headquarters, provided that no unauthorized classified information is disclosed.

(5) *By authority of commandants of service schools.* (i) Commandants of service schools are authorized to approve visits of foreign nationals to military installations and activities when such visits are field trips scheduled in the program of instruction of a course in which the foreign nationals are students, and when such field trips are in consonance with the purpose and scope of the school course attended. The school commandant will obtain the concurrence of the commander of the installation or activity to be visited before approval. During such visits, foreign students will not be furnished classified information higher than that which they have been authorized to receive in the school course which they have been attending.

(ii) Commandants of service schools are authorized to approve visits to U.S. Army schools by Canadian school representatives acting as liaison officers at Canadian schools on behalf of U.S. Army schools under the Liaison Program-Canadian and U.S. Army schools and agencies.

(6) *Visits to the Defense Language Institute.* The Director, Defense Language Institutes, is authorized to approve visits of foreign nationals and foreign representatives to his installations for the purpose of conducting lectures or discussing language training problems when such visits will result in a benefit to the institution, provided that no classified information is disclosed.

(7) *Visits by foreign news-media representatives.* Foreign news-media representatives may request permission to visit Army installations or activities. Such requests will be processed through the Chief of Information, Headquarters, Department of the Army. The Chief of Information may approve such requests without reference to the Assistant Chief of Staff for Intelligence, Department of the Army, provided that no classified information is disclosed and no classified installations are visited.

(8) *Accredited foreign personnel.* Military representatives of foreign governments may be accredited by the Assistant Chief of Staff for Intelligence, Department of the Army, for direct contact to specific Department of the Army agencies, installations, or activities. Representatives so authorized are as listed in the current Accreditation Lists published by the Assistant Chief of Staff for Intelligence. These representatives may submit visit requests directly to the U.S. Army Contact Officer at the installation, activity or agency to which accredited. The U.S. Army Contact Officer may authorize the accredited representative to visit that agency, installation, or activity or agency to which accredited. The U.S. Army Contact Officer may authorize the accredited representative to visit that agency, installation, or activity and their subordinate elements, provided the purpose is within the stated terms of reference and security clearance of the approved accreditation, and provided the military information desired is within the purview of the location to be visited. Accredited representatives who request a visit which is not within the approved terms and security clearance, or is not within the purview of the agency, installation, or activity to which accredited, will be advised to submit a visit request through their diplomatic representative in Washington, D.C.

(e) *Visits of U.S. citizens.* By authority of the Army installation commander or the Army representative at an Army activity, U.S. citizens, except as provided in paragraph (b)(2) of this section, may be admitted to Army installations or activities under the following conditions:

(1) Casual visitors (visitors on a transient status, passing through port of embarkation or port of debarkation, parents or relatives of personnel stationed within the installation or activity, individuals invited for social occasions or activities open to the public, domestics or personnel employed or admitted for housekeeping, repair, and maintenance purposes or such other casual visitors who may be considered under similar criteria) may be admitted provided that no classified information is disclosed.

(2) Representatives of U.S. Government agencies or of the Military Establishment, and individuals employed by U.S. contractors or subcontractors or individuals engaged in cooperating with the Department of Defense in the capacity of engineer, inventor, consultant, or advisor, may be admitted provided that the local representative of the Department of the Army agency concerned considers the visit necessary or desirable and not in conflict with the best interests of the services. Classified information may be disclosed on a need-to-know basis to such visitors provided that appropriate visitor clearance, including security clearance, is obtained by the visitor prior to the visit in accordance with the requirements of the head of the Department of the Army agency concerned, or by authority of the Assistant Chief of Staff for Intelligence, Department of the Army; and provided that no information of a classification higher than that of the individual's clearance is disclosed. Access to classified information will not be permitted until identity and security clearance have been clearly established. Authorization for the visit in itself does not constitute authority for the release of classified information to visitors nor retention by the visitor of any classified documents or material. In case doubt exists as to the identity of the visitor, or whether he is acting in an official capacity, verification will be made with the Assistant Chief of Staff G2 of the Army or other command concerned.

(3) Visits of representatives of the Atomic Energy Commission, its contractors and its contractor employees, and visits which will involve access to "Restricted Data" as defined by the Atomic Energy Act of 1954, will be controlled by Headquarters, Department of the Army, as set forth in AR 380–150.

(4) Installation commanders and Army representatives at activities may contact any cognizant security office or the Chief, Industrial and Personnel Security Group, Attention: Central Index File, Fort Holabird, Baltimore, Md. 21219, direct on matters pertaining to visits by contractor employees.

(5) Reporters, photographers, and other representatives of public information media may be admitted to Army installations or facilities provided that no unauthorized classified information is disclosed. AR 360–5 governs such visits.

(6) Union officials not employed by contractors but who may require access to classified information or to closed or restricted areas in connection with the specific terms of a bargaining or other agreement with a contractor may be granted access to such information or areas by the commander of an installation under the following procedures:

(i) Appropriate documentation will be furnished by the union official to the commander of the installation as follows:

(*a*) Name and address of the person for whom visit is requested.

(*b*) Citizenship.

(c) Date and place of birth.

(*d*) Organization with which the person is associated.

(*e*) Position of person in the organization.

(*f*) Date of requested visit or dates of intermittent visits.

(*g*) Purpose of visit in detail, including classified information to which access is required and the reason therefor.

(*h*) Person(s) to be visited, if known.

(*i*) Name and address of any facility or Army installation to which the person has submitted previously, forms identified in (*j*) of this subdivision.

(*j*) Five signed Personnel Security Questionnaires (DD Form 48), five signed Certificate of Non-affiliation with Certain Organizations (DD Form 48–1) and one executed fingerprint card (FD Form 258).

(ii) The contractor who employs the union members may act as sponsor in submission of the foregoing documentation except that forms required in subdivision (i)(*j*) of this subparagraph may be submitted directly to the installation commander.

(iii) Provisions of paragraph 3–202, AR 380–130 will be accomplished.

(iv) Notice of approval or disapproval of visit will be furnished the requestor by the commander.

(v) These provisions are not to be interpreted as modifying in any way the authority of the commander of a military installation to deny admittance of any individual to a military installation under his control. Actions under such authority are not appealable.

[AR 380–25, May 17, 1965] (Sec. 3012, 70A Stat. 157, 10 U.S.C. 3012)

C. A. STANFIEL,
Colonel, AGC,
Acting The Adjutant General.

[F.R. Doc. 67–2217; Filed, Feb. 28, 1967; 8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

PART 750—NAVY GENERAL CLAIMS

PART 753—NAVY FOREIGN CLAIMS

Miscellaneous Amendments

Scope and purpose. Part 750 is updated in accordance with—

(a) The amendments to the Federal Tort Claims Act (28 U.S.C. 2671–2680) by Public Law 89–506 of July 18, 1966;

(b) The Federal Claims Collection Act of 1966 (Public Law 89–508 of July 19, 1966; 31 U.S.C. 951–952);

(c) Section 21 of Public Law 89–718 of November 2, 1966, redesignating 10 U.S.C. 2736, relating to certain claims not cognizable under other law, as section 2737; and

(d) Controlling regulations issued under Public Laws 89–506 and 89–508; i.e., 4 CFR Chapter II (31 F.R. 13381) and 28 CFR Part 14 (31 F.R. 16616); see also delegation of authority, 31 F.R. 16722.

Part 753 is amended by updating statutory and regulatory references in §§ 753.29 and 753.31.

1. The title of Subpart A is revised to read:

Subpart A—Federal Tort Claims Accruing on or Before January 17, 1967

2. Following § 750.16 a new subpart is inserted to read:

Subpart A–1—Federal Tort Claims Accruing on or After January 18, 1967

Sec.

750.16a Statutory authority.
750.16b Applicable provisions governing administrative settlement of Federal tort claims under Title 28, United States Code, as amended by Public Law 89–506.
750.16c Attorneys' fees.
750.16d Prerequisite for suit on claims accruing on or after January 18, 1967.
750.16e Approval or disapproval of claims.
750.16f Notice to claimant.
750.16g Action on approved claims.
750.16h Administrative claim; when presented.
750.16i Administrative claim; who may file.
750.16j Administrative claim; evidence to be submitted.
750.16k Limitation on authority to compromise or settle.
750.16l Investigation and examination.

AUTHORITY: The provisions of this Subpart A–1 issued under secs. 2671–2680, 62 Stat. 982–984, as amended (incl. Pub. L. 89–506), sec. 5031, 70A Stat. 278, as amended, sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 5031, 28 U.S.C. 2671–2680; 31 F.R. 16616, 28 CFR Part 14.

Subpart A–1—Federal Tort Claims Accruing on or After January 18, 1967

§ 750.16a Statutory authority.

Public Law 89–506 amended various sections of the Federal Tort Claims Act (28 U.S.C. 2671–2680), the amendments to apply to claims accruing on or after January 18, 1967. Pursuant to, and subject to the limitations of, this law, the Secretary of the Navy or his designee may consider, ascertain, adjust, determine, compromise, and settle any claim for money against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred. Any award, compromise, or settlement in excess of $25,000 may be effected only with the prior written approval of the Attorney General or his designee.

§ 750.16b Applicable provisions governing administrative settlement of Federal tort claims under Title 28, United States Code, as amended by Public Law 89–506.

In addition to the provisions of this Subpart A–1, the provisions of §§ 750.1, 750.3 (b) and (c), 750.4 and 750.8 to 750.12 and Subpart C of this part, except § 750.42(b) are applicable to claims accruing on or after January 18, 1967.

Applicable provisions of 28 CFR Part 14 (31 F.R. 16616) will also be followed.

§ 750.16c Attorneys' fees.

For claims accruing on or after January 18, 1967, an attorney's fee not in excess of 25 per centum of any judgment rendered pursuant to 28 U.S.C. 1346(b) or settlement made pursuant to 28 U.S.C. 2677, and not in excess of 20 per centum of any award, compromise, or settlement made pursuant to 28 U.S.C. 2672, may be allowed.

§ 750.16d Prerequisite for suit on claims accruing on or after January 18, 1967.

An action may not be instituted against the United States for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Navy while acting within the scope of his office or employment, unless the claimant shall have first presented the claim to the Navy and his claim shall have been finally denied by the Navy in writing; see § 750.16f. The failure of the Navy to make final disposition of a claim within 6 months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of this section. These provisions do not apply to such claims as may be asserted under the Federal Rules of Civil Procedure by third-party complaint, cross-claim, or counterclaim.

§ 750.16e Approval or disapproval of claims.

(a) *Claims accruing on or before January 17, 1967.* Claims accruing on or before January 17, 1967, shall be handled, approved or disapproved, and paid in accordance with Subparts A and C of this part.

(b) *Claims accruing on or after January 18, 1967.* (1) A claim in any amount may be approved, disapproved, compromised, or settled by any of the following, each of whom is designated to administer Public Law 89–506 for the Navy—

(i) The Judge Advocate General;

(ii) The Deputy Judge Advocate General;

(iii) Such other officers as may be designated by the Secretary of the Navy;

Provided, That any award, compromise, or settlement involving payment of more than $25,000 shall be effected only with the prior written approval of the Attorney General or his designee.

(2) A claim in an amount not exceeding $10,000 may be approved or disapproved, and a claim in any amount may be compromised or settled in an amount not exceeding $10,000, by any of the following:

(i) The Assistant Judge Advocate General (International and Administrative Law).

(ii) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

(iii) Such other officers as may be designated by the Secretary of the Navy.

(3) A claim in an amount not exceeding $3,500 may be approved or disapproved, and a claim in any amount may be compromised or settled in an amount not exceeding $3,500, by any of the following:

(i) The Assistant Director, Litigation and Claims Division, Office of the Judge Advocate General.

(ii) The commandant or the district legal officer of the naval district within which the claim arose or, if the claim arose in Guam, Commander Naval Forces Marianas or his staff legal officer.

(iii) The Legal Officer, U.S. Naval Base, Newport, R.I., and the Legal Officer, U.S. Naval Submarine Base, New London, Conn., for claims accruing to operators of fishing vessels for damage to nets, booms, lines, or other trawler impedimenta as a result of contact with naval ordnance (mines or torpedoes).

(iv) Such other officers as may be designated by the Secretary of the Navy.

§ 750.16f Notice to claimant.

The claimant shall in each case be notified by the approving or disapproving authority, in writing, of the action taken on his claim. Final denial of an administrative claim shall be in writing and sent to the claimant or his attorney or legal representative by certified or registered mail. Notification of final denial may include a statement of reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the agency action, he may file suit in an appropriate U.S. District Court within 6 months after the date of mailing of notice of final denial.

§ 750.16g Action on approved claims.

(a) *Payment.* Any award, compromise or settlement in an amount of $2,500 or less shall be paid in accordance with section 2044. Payment of awards in excess of $2,500 and not more than $100,000 will be obtained by forwarding Standard Form 1145 to the Claims Division, General Accounting Office; payment of awards in excess of $100,000 will be obtained by forwarding Standard Form 1145 to the Bureau of Accounts, Department of the Treasury. When an award is in excess of $25,000, Standard Form 1145 must be accompanied by evidence that the award has been approved by the Attorney General or his designee. When the use of Standard Form 1145 is required, it shall be executed by the claimant or it shall be accompanied by either a claims settlement agreement or a Standard Form 95 executed by the claimant. When a claimant is represented by an attorney, the voucher for payment shall designate as "payee" both the claimant and his attorney; the check shall be delivered to the attorney, whose address shall appear on the voucher.

(b) *Effect of acceptance.* Acceptance by the claimant, or by his agent or legal representative, of any award, compromise, or settlement made pursuant to the provisions of section 2672 or 2677 of Title 28, United States Code, shall be final and conclusive on the claimant, agent or legal representative and any person on whose behalf or for whose benefit the claim has been presented, and shall constitute a complete release of any claim against the United States, or against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

§ 750.16h Administrative claim; when presented.

(a) *Receipt of executed form or written notification.* For purposes of the provisions of sections 2672, 2675, and 2401(b) of Title 28, United States Code, a claim shall be deemed to have been presented when the Navy receives from a claimant, or his duly authorized agent or legal representative, an executed Standard Form 95 or written notification of an incident, together with a claim for money damages, in a sum certain, for damage to or loss of property or personal injury or death.

(b) *Forwarding.* A claim presented to the wrong Federal agency shall be transferred forthwith to the appropriate agency. For purposes of the 6-month provision of section 2675 of Title 28, United States Code, a claim shall be deemed to have been filed when it is received by the appropriate Federal agency.

§ 750.16i Administrative claim; who may file.

(a) *Property.* A claim for damage to or loss or destruction of property may be presented by the owner of the property or his duly authorized agent or legal representative.

(b) *Personal injury.* A claim for personal injury may be presented by the injured person or his duly authorized agent or legal representative.

(c) *Death.* A claim based on death may be presented by the executor or administrator of the deceased's estate, or by any other person legally entitled in accordance with local law governing the rights of survivors.

(d) *Loss compensated by insurer.* A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the parties individually as their respective interests appear, or jointly.

(e) *Claim presented by agent or legal representative.* A claim presented by an agent or legal representative will be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 750.16j Administrative claim; evidence to be submitted.

In addition to evidence required by § 750.32, the claimant may be required to furnish any other evidence which would have a bearing on the award.

§ 750.16k Limitation on authority to compromise or settle.

(a) *Consultation with Department of Justice.* An administrative claim presented under the provisions of section 2672 of Title 28, United States Code, may be adjusted, determined (by approval or disapproval), compromised or settled only after consultation with the Department of Justice:

(1) When a new precedent or a new point of law is involved;

(2) When in the opinion of the Federal agency a question of policy is or may be involved;

(3) When the United States is or may be entitled to indemnity or contribution from a third party and the agency is unable to adjust the third-party claim; or

(4) When, for any reason, the compromise of a particular claim, as a practical matter, will control the disposition of a related claim in which the amount to be paid may exceed $25,000.

(b) *Other litigation pending related to same transaction.* An administrative claim presented under the provisions of section 2672 of Title 28, United States Code, may be adjusted, determined (by approval or disapproval), compromised or settled only after consultation with the Department of Justice when the United States or its employee, agent, or cost-plus contractor is involved in litigation based on a claim arising out of the same transaction.

(c) *Principal and derivative or subrogated claims.* For purposes of the provisions of section 2672 of Title 28, United States Code, and these regulations, the principal claim and any derivative or subrogated claim shall be treated as a single claim.

(d) *Forwarding to JAG of claim and file.* In all situations noted in paragraphs (a) and (b) of this section in which the award, disapproval, compromise or settlement of a claim would otherwise be within the authority of the person handling it, the claim, along with the entire file, shall be forwarded to the Judge Advocate General with a full statement of the reasons therefor.

§ 750.16l Investigation and explanation.

A Federal agency may request any other Federal agency to investigate a claim filed under section 2672, Title 28, United States Code, or to conduct a physical examination of a claimant and to provide a report of the physical examination.

3. Section 750.25 is amended by revising paragraph (c) to read as follows:

§ 750.25 Claims arising in foreign countries.

* * * * *

(c) *Relation to other statutory provisions—(1) Advance payments.* 10 U.S.C. 2736, concerning advance payments and implemented in §§ 750.27, 750.27a, and 750.27b, is applicable to payments otherwise payable under the Military Claims Act (10 U.S.C. 2733) or the Foreign Claims Act (10 U.S.C. 2734).

(2) *Claims not cognizable under any other law.* 10 U.S.C. 2737, relating to certain claims not cognizable under any other law and implemented in §§ 750.28, 750.28a, and 750.28b, may, in proper cases, be applied to claims arising in foreign countries.

(3) *Federal Tort Claims Act not applicable.* Claims arising in foreign countries are expressly excluded by 28 U.S.C. 2680(k) from consideration under the provisions governing the settlement of Federal tort claims under Title 28, United States Code, and the application of the civil-action provisions of 28 U.S.C. 1346(b).

4. Sections 750.27 to 750.28c are revised to read as follows:

10 U.S.C. 2736

Sec.
750.27 Statutory authority.
750.27a Conditions for payment under 10 U.S.C. 2736.
750.27b Exclusion.

10 U.S.C. 2736

§ 750.27 Statutory authority.

10 U.S.C. 2736 authorizes the Secretary of the Navy or his designee to pay an amount not in excess of $1,000 in advance of the submission of a claim to or for any person, or the legal representative of any person, who was injured or killed, or whose property was damaged or lost, as the result of an accident involving an aircraft or missile under the control of the Department of the Navy for which allowance of a claim is authorized by law. Payment under this law is limited to that which would be payable under the Military Claims Act (10 U.S.C. 2733) or the Foreign Claims Act (10 U.S.C. 2734). Payment of an amount under this law is not an admission by the United States of liability for the accident concerned; and any amount so paid shall be deducted from any amount that may be allowed under any other provision of law to the person, or his legal representative, for injury, death, damage, or loss attributable to the accident concerned.

§ 750.27a Conditions for payment under 10 U.S.C. 2736.

Prior to making a payment under 10 U.S.C. 2736, the adjudicating authority (designated in § 750.41(d)) will ascertain that:

(a) The injury, death, damage or loss resulted from an accident involving an aircraft or missile under the control of the Department of the Navy.

(b) The injury, death, damage or loss would be payable under the Military Claims Act (10 U.S.C. 2733) or the Foreign Claims Act (10 U.S.C. 2734).

(c) The payee, insofar as can be determined, would be a proper claimant under this part or the Navy Foreign Claims Regulations (Part 753 of this chapter), or is the spouse or next of kin of a proper claimant who is incapacitated.

(d) The provable damages are estimated to exceed the amount to be paid.

(e) There exists an immediate need of the person who suffered the injury, damage, or loss, or his family, or the family of a person who was killed, for food, clothing, shelter, medical or burial expenses, or other necessities, and other resources for such expenses are not reasonably available.

(f) The prospective payee has signed a statement that it is understood that the payment is not an admission by the Navy or the United States of liability for the accident concerned and that the amount paid is not a gratuity but shall constitute an advance against and shall be deducted from any amount that may be allowed under any other provision of law to the person, or his legal representative, for injury, death, damage, or loss attributable to the accident concerned.

§ 750.27b Exclusion.

No payment under 10 U.S.C. 2736 may be made if the incident occurred in a foreign country in which the NATO Status of Forces Agreement (4 U.S.T. 1792, TIAS 2846) or other similar agreement is in effect and the injury, death, damage, or loss (a) was caused by a member or employee of the Department of the Navy acting within the scope of his employment or (b) occurred "incident to noncombat activities" of the Department of the Navy as defined in § 750.21.

10 U.S.C. 2737 (PUBLIC LAW 87–769 (76 STAT. 767), AS AMENDED)

Sec.
750.28 Statutory authority.
750.28a Definitions.
750.28b Scope of 10 U.S.C. 2737.

10 U.S.C. 2737 (PUBLIC LAW 87–769 (76 STAT. 767), AS AMENDED)

§ 750.28 Statutory authority.

10 U.S.C. 2737 (Public Law 87–769 (76 Stat. 767), as amended) authorizes the Secretary of the Navy or his designee to settle and pay, in an amount not more than $1,000, a claim against the United States, not cognizable under any other law, for—

(a) Damage to, or loss of, property, or

(b) Personal injury or death,

caused by a civilian official or employee of the Department of the Navy or a member of the Navy or Marine Corps, incident to the use of a vehicle of the United States at any place, or incident to the use of any other property of the United States on a Government installation.

§ 750.28a Definitions.

For the purpose of § 750.28b, the following terms will have the meanings indicated:

(a) *Civilian official or employee.* Any civilian official or employee of the Department of the Navy paid from appropriated funds at the time of the incident which resulted in the damage or loss.

(b) *Vehicle.* Includes every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land. (1 U.S.C. 4.)

§ 750.28b Scope of 10 U.S.C. 2737.

(a) *Rule.* Subject to the exceptions and limitations set forth in paragraph (b) of this section, 10 U.S.C. 2737 provides authority for the administrative settlement, in an amount not to exceed $1,000, of any claim against the United States, not cognizable under any other

provision of law, for damage to or loss of property, or for personal injury or death, caused by military personnel or a civilian official or employee incident to the use of a vehicle of the United States at any place, or incident to the use of any other property of the United States on a Government installation.

(b) *Exclusions.* A claim may not be allowed under 10 U.S.C. 2737 and these regulations:

(1) If the damage to or loss of property, or the personal injury or death, was caused wholly or partly by a negligent or wrongful act of the claimant, his agent, or his employee;

(2) In the case of personal injury or death, for more than the cost of reasonable medical, hospital, and burial expenses actually incurred, and not otherwise furnished or paid by the United States;

(3) Unless it is presented in writing within 2 years after it accrues;

(4) Unless the amount tendered is accepted in writing by the claimant in full satisfaction of any claim against the United States arising from the incident;

(5) To the extent that the claim or any part thereof is legally recoverable by the claimant under an indemnifying law or indemnity contract;

(6) If it is a subrogated claim;

(7) If it is cognizable under any other provision of law.

5. Section 750.29 is amended by revising the introductory paragraph of paragraph (a) and by revising paragraphs (d) and (e) to read as follows:

§ 750.29 Measure of damages.

(a) *Damage to property.* In claims for damage to or loss or destruction of property cognizable under the provisions governing the administrative settlement of Federal tort claims under Title 28, United States Code, or the civil-action provisions of 28 U.S.C. 1346(b), the measure of damages is determined by the law of the place where the act or omission occurred. In cases cognizable under the Military Claims Act (10 U.S.C. 2733) or Public Law 87–769, as amended (10 U.S.C. 2737), however, the measure of damages shall be as follows:

* * * * *

(d) *Limitations.* In claims cognizable under the Military Claims Act (10 U.S.C. 2733) or Public Law 87–769, as amended (10 U.S.C. 2737), payment shall not be made for the following elements of damage: Interest, cost of preparation of claims, attorneys' fees; or inconvenience and similar items.

(e) *Joint tort-feasor.* If a claimant under the Military Claims Act (10 U.S.C. 2733) or Public Law 87–769, as amended (10 U.S.C. 2737), has elected to proceed against a third party as a joint tort-feasor, any amount paid by such third party for damage which might otherwise be properly included in the claim against the Government shall be deducted from any award made by the Government to the claimant.

6. Section 750.31 is amended by revising paragraph (b) to read as follows:

§ 750.31 The submission of a claim.

* * * * *

(b) *To whom submitted.* The claim shall be submitted by the claimant to the commanding officer of the naval activity involved, if known; otherwise, it shall be submitted to the commanding officer of any naval activity, preferably the one within which or nearest to which the incident occurred, or to the Judge Advocate General of the Navy, Washington, D.C. 20370.

7. Section 750.41 is amended by revising paragraphs (d) and (e) and by adding paragraph (f) to read as follows:

§ 750.41 Approval of claims.

* * * * *

(d) *Payments under 10 U.S.C. 2736.* Pursuant and subject to the provisions of 10 U.S.C. 2736 and §§ 750.27, 750.27a, and 750.27b, the following are designated to approve payments under this law:

(1) The Judge Advocate General.

(2) The Deputy Judge Advocate General.

(3) The Assistant Judge Advocate General (International and Administrative Law).

(4) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

(5) The Assistant Director, Litigation and Claims Division, Office of the Judge Advocate General.

(6) Such other officers as may be designated by the Secretary of the Navy.

(e) *Payments under 10 U.S.C. 2737 (Public Law 87–769 (76 Stat. 767), as amended).* Pursuant and subject to the provisions of 10 U.S.C. 2737 (Public Law 87–769 (76 Stat. 767), as amended) and §§ 750.28, 750.28a, and 750.28b, the following are designated to approve payments under this law:

(1) The Judge Advocate General.

(2) The Deputy Judge Advocate General.

(3) The Assistant Judge Advocate General (International and Administrative Law).

(4) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

(5) The Assistant Director, Litigation and Claims Division, Office of the Judge Advocate General.

(6) Such other officers as may be designated by the Secretary of the Navy.

(f) *Collection, compromise, termination of collection action, and referral to General Accounting Office, or to Department of Justice for litigation, of civil claims by the Navy for property damage.* Collection, compromise, termination of collection action, and referral to the General Accounting Office, or to the Department of Justice for litigation, of civil claims of the United States for property damage arising out of activities of, or referred to, the Department of the Navy pursuant to section 3 of the Federal Claims Collection Act of 1966 (80 Stat. 309, 31 U.S.C. 952); Title 4 of the Code of Federal Regulations, Chapter II; and § 750.45, and as authorized by delegation of authority, 31 F.R. 16722, shall be made by any of the following, all of whom are designated to administer those provisions of law for the Navy:

(1) The Judge Advocate General.

(2) The Deputy Judge Advocate General.

(3) The Assistant Judge Advocate General (International and Administrative Law).

(4) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

(5) The Assistant Director, Litigation and Claims Division, Office of the Judge Advocate General.

(6) Such other officers as may be designated by the Secretary of the Navy.

(7) The commandant or the district legal officer of the naval district within which the claim arose, or, if the claim arose in Guam, Commander Naval Forces Marianas or his staff legal officer, if the claim does not exceed $5,000.

8. Section 750.45 is amended by revising paragraph (a) to read as follows:

§ 750.45 Claims in favor of the United States.

(a) *Collection, compromise, termination of collection action, and referral to General Accounting Office, or to Department of Justice for litigation, of civil claims by the Navy for property damage.* Pursuant to section 3 of the Federal Claims Collection Act of 1966 (80 Stat. 309, 31 U.S.C. 952), Title 4 of the Code of Federal Regulations was amended to promulgate joint regulations of the General Accounting Office and the Department of Justice prescribing standards for the administrative collection, compromise, termination of agency collection action, and the referral to the General Accounting Office, or to the Department of Justice for litigation, of civil claims by the Government for money or property. These regulations are set forth in 4 CFR Chapter II (31 F.R. 13381). Department of Defense notice, 31 F.R. 16722, delegates to the Secretary of the Navy, or his designees, the authority granted the Secretary of Defense under the Federal Claims Collection Act of 1966. Action and procedures in accordance with 4 CFR Chapter II shall be taken with respect to claims for property damage in favor of the United States by the Judge Advocate General or those designated in § 750.41(f). In cases in which it is determined that a valid claim exists in favor of the United States for property damage in excess of $5,000, for other than property damage, or for medical expenses beyond the authority conferred on JAG Designees in § 757.4 of this chapter, the record, together with appropriate recommendations, shall be forwarded to the Judge Advocate General for action.

* * * * *

9. Section 750.48 is amended by revising paragraph (a)(6) to read as follows:

§ 750.48 Single-service assignment of responsibility for processing of claims.

(a) *Applicable law.* * * *

(6) Act of October 9, 1962 (76 Stat. 767), as amended (10 U.S.C. 2737), Certain claims not cognizable under any other provision of law.

* * * * *

10. Section 753.29 is amended by revising paragraph (b)(1)(vi) to read as follows:

§ 753.29 Claims arising in specified foreign countries.

* * * * *

(b) *Single-service assignment of responsibility for processing of claims—*(1) *Applicable law.* * * *

(vi) Act of October 9, 1962 (76 Stat. 767), as amended (10 U.S.C. 2737), Certain claims not cognizable under any other provision of law.

* * * * *

11. Section 753.31 is revised to read as follows:

§ 753.31 Payments under 10 U.S.C. 2736.

10 U.S.C. 2736 authorizes the Secretary of the Navy or his designee to pay an amount not in excess of $1,000, in advance of the submission of a claim, to or for any person, or the legal representative of any person, who was injured or killed, or whose property was damaged or lost, as the result of an accident involving an aircraft or missile under the control of the Department of the Navy for which allowance of a claim is authorized by law. The regulations controlling such payments are contained in §§ 750.27, 750.27a, 750.27b, and 750.41(d).

(Secs. 2671–2680, 62 Stat. 982–984, as amended, secs. 2734, 5031, 70A Stat. 154, 278, as amended, sec. 133, 76 Stat. 517, 80 Stat. 306–309, 379, 1118; 5 U.S.C. 301, 10 U.S.C. 133, 2734, 2736, 2737, 5031, 28 U.S.C. 2671–2680, 31 U.S.C. 951–952; 31 F.R. 13381, 16616, 16722; 4 CFR Chap. II, 28 CFR Part 14)

Dated: February 23, 1967.

By direction of the Secretary of the Navy.

R. H. HARE,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

[F.R. Doc. 67–2228; Filed, Feb. 28, 1967; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

INTERNATIONAL POSTAL RATES AND FEES

A notice of proposed changes in certain international postage rates was published in the FEDERAL REGISTER of January 14, 1967 (32 F.R. 415). Interested persons were given 30 days in which to submit written comments concerning the proposals.

After thorough consideration of all comments received, the Department has reached the conclusion of adopting the proposals to be effective on May 1, 1967, with the following modifications:

1. The increase from 2 cents to 3 cents for the first 2 ounces applicable to Canadian publishers' second-class mailings is postponed 6 months, until November 1, 1967.

2. The "Bundling" rates for Canadian publishers' second-class mail are retained for eighteen months beyond the May 1, 1967 effective date, and will not be discontinued until November 1, 1968.

Accordingly, the rates to be effective on May 1, 1967, read as follows with the footnoted exceptions:

I. Surface postal union rates:

Classification	Countries	Rates
Letter mail	Countries other than Canada and Mexico.	13 cents first ounce; 8 cents each additional ounce.
Post cards	do	8 cents single; 16 cents reply-paid.
Printed matter:		
a. Books and sheet music	Countries of the Postal Union of the Americas and Spain, except Spain and Spanish possessions.	3 cents first 2 ounces; 1 cent each additional 2 ounces.
	Other countries	4 cents first 2 ounces; 1½ cents each additional 2 ounces.
b. Publishers' second class	PUAS countries, including Mexico	3 cents first 2 ounces; 1 cent each additional 2 ounces.
	Canada [1]	2 cents first 2 ounces; 1 cent each additional 2 ounces.[1]
	Other countries	4 cents first 2 ounces; 1½ cents each additional 2 ounces.
c. Controlled circulation publications.	All countries	5 cents first 2 ounces; 2 cents each additional 2 ounces.
d. Other printed matter	Countries other than Canada and Mexico.	6 cents first 2 ounces; 4 cents each additional 2 ounces.
Samples of merchandise	do	6 cents first 2 ounces; 4 cents each additional 2 ounces. Minimum charge, 13 cents.
Small packets	Countries admitting	6 cents each 2 ounces; minimum charge, 26 cents.

[1] On Nov. 1, 1967, the increase from 2 cents to 3 cents for the first 2 ounces will be effective.
[2] Postage computations based on bundles of individually addressed copies will be retained until Nov. 1, 1968, when they will be discontinued.

II. Surface parcel post rates:

Zone 1. North America, Central America, and the Caribbean Islands $1 for the first 2 pounds; 30 cents for each additional pound.

Zone 2. All other countries $1.10 for the first 2 pounds; 35 cents for each additional pound.

III. Airmail rates:

A. Airmail rates for letters, other than to Canada and Mexico, will be based on a three-zone rate structure as follows:

Zone I. Central America, South America, and the Caribbean Islands.

Zone II. Europe (except U.S.S.R.) and Mediterranean Africa.

Zone III. Other countries.

The airmail letter rates will be—

Zone I countries—15 cents per half ounce.
Zone II countries—20 cents per half ounce.
Zone III countries—25 cents per half ounce.

B. Airmail rates for postal union "other articles" will be based on a three-zone structure as follows:

Zone A. North America (except Canada), Central America, and the Caribbean Islands—40 cents first 2 ounces; 10 cents each additional 2 ounces.

Zone B. South America, Europe (except U.S.S.R.) and Mediterranean Africa—50 cents first 2 ounces; 20 cents each additional 2 ounces.

Zone C. U.S.S.R., Asia, the Pacific, and Africa other than Mediterranean—60 cents first 2 ounces; 30 cents each additional 2 ounces.

C. Airmail rates for post cards and aerogrammes will be as follows:

Countries other than Canada and Mexico—13 cents each.

The appropriate amendments necessary to codify these changes in rates (pursuant to this notice) into Title 39, Code of Federal Regulations, will be published in the FEDERAL REGISTER as soon as practicable.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

FEBRUARY 27, 1966.

[F.R. Doc. 67–2280; Filed, Feb. 28, 1967; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER B—MILITARY PERSONNEL

[CGFR 67–14]

PART 33—APPOINTMENT OF CIVILIANS AS COMMISSIONED OFFICERS, CHIEF WARRANT OFFICERS, AND WARRANT OFFICERS

Subpart 33.05—Appointments of Licensed Officers of the United States Merchant Marine as Commissioned Officers

QUALIFICATION REQUIREMENTS FOR APPOINTMENT AS COMMISSIONED OFFICERS

The purpose of the amendments to 33 CFR 33.05–3(a)(1), 33.05–6(c), 33.05–7(c), 33.05–11(a), 33.05–11(b), 33.05–19(b), as set forth in this document, is to revise and lower the experience requirements for applicants holding licenses as merchant marine officers who are seeking appointment as commissioned officers

in the U.S. Coast Guard and to revise certain application procedures.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Orders 167-17, dated June 29, 1955 (20 F.R. 4976) and 167-56, dated October 23, 1963 (20 F.R. 11570) and section 633 of Title 14, U.S. Code, the following changes to the regulations in 33 CFR Part 33 are prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER.

1. The authority for Subpart 33.05 is amended to read as follows:

AUTHORITY: The provisions of this Subpart 33.05 issued under secs. 92, 633, 63 Stat. 503, as amended, 545; 14 U.S.C. 92, 633. Interpret or apply secs. 211, 212, 213, 77 Stat. 177, as amended, 178; 14 U.S.C. 211, 212, 213. Treasury Department Orders 167-17 June 29, 1955, 20 F.R. 4976; 167-56 Oct. 23, 1963, 20 F.R. 11570.

§ 33.05-3 [Amended]

2. Section 33.05-3 *General requirements*, is amended by changing in paragraph (a)(1), first sentence, the phrase from "4 or more years," to "2 or more years," and in the second sentence, the phrase "Of this service, at least 3 years," to the phrase "When more than 2 years service is required, a minimum of 2 years."

§ 33.05-6 [Amended]

3. Section 33.05-6, *Requirements for lieutenant, junior grade*, is amended by changing in paragraph (c) the phrase from "4 or more years," to "2 or more years."

4. Section 33.05-7(c) is amended to read as follows:

§ 33.05-7 Requirements for lieutenant.

* * * * *

(c) *Experience.* (1) Applicants must have served 4 or more years on board vessels of the United States in the capacity of licensed officers, of which not less than 1 year must have been served as Chief Mate or First Assistant Engineer or higher. Credit for up to 2 years of the required 4 may be given for service on board public vessels of the United States, in addition to service on such vessels considered as equivalent to commercial merchant vessels.

(2) Applicants who hold a degree from an accredited college, or who are graduates of a Federal or State maritime academy, may substitute such degree, diploma, or certificate of completion for 1 year of the required 4. Experience ashore as assistant port captain, assistant port engineer, marine surveyor, or higher, or comparable position may be substituted equally for up to 2 years of the required 4.

(3) A combination of substitutions of educational credit and experience ashore cannot serve to reduce actual sea service below the 2 years required by law. Credit for service on board public vessels not considered equivalent to commercial merchant vessels cannot reduce the required sea service on board commercial merchant vessels below 3 years. Substitution cannot be made for the required 1 year of service as Chief Mate or First Assistant Engineer, or higher.

§ 33.05-11 [Amended]

5. Section 33.05-11 *Application procedure*, is amended by changing in paragraph (a), first sentence, the phrase "Commandant, U.S. Coast Guard, Washington 25, D.C.," to "Commandant, U.S. Coast Guard, Washington, D.C. 20226," and in paragraph (b), first sentence, the phrase "Commandant, U.S. Coast Guard, Washington 25, D.C.," to "Commandant, U.S. Coast Guard, Washington, D.C. 20226."

§ 33.05-19 [Amended]

6. Section 33.05-19 *Physical examinations*, is amended by changing in paragraph (b), first sentence, the phrase "within 30 days," to "within 60 days."

Dated: February 20, 1967.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 67-2274; Filed, Feb. 28, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 991]

HOPS OF DOMESTIC PRODUCTION

Salable Quantity and Allotment Percentage for 1967-68 Marketing Year

Notice is hereby given of a proposal to establish, for the 1967-68 marketing year, which begins August 1, 1967, a salable quantity and allotment percentage of 48,500,000 pounds and 93 percent, respectively, applicable to hops produced in Washington, Oregon, Idaho, and California. The proposed salable quantity and allotment percentage would be established in accordance with the provisions of Marketing Order No. 991 (7 CFR Part 991; 31 F.R. 9713, 10072), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by the Hop Administrative Committee.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than March 8, 1967. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed salable quantity and allotment percentage are based upon the recommendation of the Committee as a result of their marketing policy meeting which was held January 24, 1967, and would result in the following determinations for the marketing year beginning August 1, 1967:

(1) Total domestic consumption of 32,200,000 pounds of hops (31 million as fresh hops, 1,200,000 equivalent pounds as hop extract), minus

(2) Imports of 7,500,000 pounds of hops or a resultant domestic consumption of U.S. hops of 24,700,000 pounds, plus

(3) Total U.S. exports of hops, 27,750,000 pounds (23,500,000 as fresh hops, 4,250,000 equivalent pounds as hop extract) equaling 52,450,000 pounds total usage of hops, minus

(4) A desirable inventory adjustment, as of September 1, 1968, of 3,950,000 pounds, resulting in a proposed salable quantity of 48,500,000 pounds of hops.

The proposal is as follows:

§ 991.203 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1967.

The allotment percentage during the marketing year beginning August 1, 1967, shall be 93 percent, and the salable quantity shall be 48,500,000 pounds or such quantity as is salable by application of the allotment percentage to the producer allotment bases.

Dated: February 24, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-2272; Filed, Feb. 28, 1967; 8:49 a.m.]

[7 CFR Part 1006]

[Docket No. AO 356-A2]

MILK IN UPPER FLORIDA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Dixie Sherman Hotel, Fifth and Jenks Avenue, Panama City, Fla., beginning at 9:30 a.m., local time, on March 10, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Upper Florida marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Charles Wamble, Bay County Manager, Baldwin Dairy Farms; Ira Hill, Owner, Hill's IGA Supermarket; Thomas Todd, Bay County Superintendent of Public Instruction; H. Bense, Jr.; and L. T. Hand:

Proposal No. 1. Delete Bay County, Fla., from the Upper Florida marketing area.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, John D. Nord, Box 4886, Fort Lauderdale, Fla. 33304, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on February 23, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-2271; Filed, Feb. 28, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 208]

[Docket No. 18202; EDR-111]

TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Proposed Increase of Minimum Limits of Liability Insurance for Bodily Injury or Death

FEBRUARY 24, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to § 208.11 which would increase the minimum limits of mandatory liability insurance coverage for bodily injury or death from $50,000 to $75,000. The reasons for the proposal are set forth in the explanatory statement. The amendment is proposed under authority of sections 204(a) and 401 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754; 49 U.S.C. 1324, 1371).

Interested persons may participate in the rule making proceeding through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matters received on or before March 31, 1967, will be considered by the Board before taking action on the proposal. Copies of such

communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Section 401 (n)(1) of the Act conditions the operating authority of supplemental air carriers on compliance with the Board's regulations prescribing amounts and terms of liability insurance. The statute is designed to assure the public of the carrier's ability to pay damages arising out of aircraft accidents. Part 208, which contains the Board's regulations implementing the statute, presently requires insurance coverage with limits of liability not less than $50,000 for bodily injury to or death of a passenger or other person.

In May 1966, the principal international air carriers entered into an agreement[1] to assume liability up to $75,000 provable damages for bodily injury to or death of a passenger in international air transportation to or from the United States. Practically all of the U.S. scheduled carriers and eight supplemental air carriers are now parties to the Agreement. The Military Air Command increased its liability insurance coverage requirements, in fiscal year 1967 contracts, from $50,000 to $75,000 for passengers but retained the $50,000 limit for other persons. The Air Taxi Service Agreement[2] also increased minimum liability insurance coverage to be maintained by the parties to $75,000 for passengers and other persons. The Board now proposes to bring the minimum liability insurance requirements of supplemental carriers into line with the prevailing industry minimum insurance level by increasing the liability limits for bodily injury or death of passengers and other persons to $75,000.

Proposed rule. It is proposed to amend paragraphs (a) and (b) of § 208.11 (14 CFR 208.11) to read as follows:

§ 208.11 Minimum limits of liability.

The minimum limits of liability insurance coverage maintained by a supplemental air carrier shall be as follows:

(a) Liability for bodily injury to or death of aircraft passengers: A limit for any one passenger of at least seventy-five thousand dollars ($75,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying seventy-five thousand dollars ($75,000) by seventy-five percent (75%) of the total number of passenger seats installed in the aircraft.

(b) Liability for bodily injury to or death of persons (excluding passengers): A limit of at least seventy-five thousand dollars ($75,000) for any one person in any one occurrence, and a limit of at least five hundred thousand dollars ($500,000) for each occurrence.

* * * * * *

[F.R. Doc. 67-2259; Filed, Feb. 28, 1967; 8:48 a.m.]

[1] CAB Agreement 18900, approved by Order E-23680, dated May 13, 1966.

[2] Amendment to CAB Agreement 8308, effective May 30, 1966, between route air carriers and air taxi operators for interline service.

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-WE-56]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would raise the floors of Federal airway segments in the Denver, Colo., Air Route Traffic Control Center area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency proposes to redesignate the floors on the pertinent airway segments as hereinafter set forth.

V-4 From Laramie, Wyo., 1,200 feet AGL Denver, Colo., including a 1,200 feet AGL N alternate from Laramie to Denver via Gill, Colo.; 1,200 feet AGL Thurman, Colo.; 17 miles, 1,200 feet AGL, 33 miles, 6,500 feet MSL, 1,200 feet AGL Goodland, Kans.

V-6 From Sidney, Nebr., 13 miles, 1,200 feet AGL, 26 miles, 5,700 feet MSL, 1,200 feet AGL North Platte, Nebr.

V-8 From Bryce Canyon, Utah, 1,200 feet AGL Hanksville, Utah, including a 1,200 feet AGL S alternate, 1,200 feet AGL Grand Junction, Colo., including a 1,200 feet AGL S alternate and also a 1,200 feet AGL N alternate from Bryce Canyon to Grand Junction via INT Bryce Canyon 048° and Grand Junction 259° True radials; 33 miles, 1,200 feet AGL, 13,000 feet MSL Kremmling, Colo., 9 miles, 13,000 feet MSL, 29 miles, 14,400 feet MSL, 11 miles, 12,700 feet MSL, 1,200 feet AGL Denver, Colo.; 1,200 feet AGL Akron, Colo., including a 1,200 feet AGL S alternate via INT Denver 101° and Akron 238° True radials; 1,200 feet AGL Hayes Center, Nebr., including a 1,200 feet AGL N alternate via INT Akron 063° and Hayes Center 276° True radials and also a 1,200 feet AGL S alternate via INT Akron 094° and Hayes Center 245° True radials;

V-10 From Pueblo, Colo., 18 miles, 1,200 feet AGL, 48 miles, 6,000 feet MSL, 1,200 feet AGL Lamar, Colo.

V-19 From Pueblo, Colo., 1,200 feet AGL Kiowa, Colo., including a 1,200 feet AGL E alternate; 1,200 feet AGL INT Kiowa 005° and Denver, Colo., 101° True radials; 1,200 feet AGL Denver; 1,200 feet AGL Cheyenne, Wyo.

V-80 From Akron, Colo., 1,200 feet AGL North Platte, Nebr.

V-81 From Tobe, Colo., 1,200 feet AGL Pueblo, Colo., 1,200 feet AGL Colorado Springs, Colo.; 1,200 feet AGL Denver, Colo.

V-83 From Alamosa, Colo., 1,200 feet AGL INT Alamosa 075° and Pueblo, Colo., 203° True radials; 1,200 feet AGL Pueblo; 1,200 feet AGL Colorado Springs, Colo., 1,200 feet AGL Kiowa, Colo.

V-89 From INT Denver, Colo., 207° and Kiowa, Colo., 246° True radials, 1,200 feet AGL Denver; 1,200 feet AGL Cheyenne, Wyo., including a 1,200 feet AGL E alternate from Denver to Cheyenne via Gill, Colo., and INT Gill 003° and Cheyenne 131° True radials.

V-95 From Gunnison, Colo., 15 miles, 12,500 feet MSL, 12 miles, 14,500 feet MSL, 22 miles, 15,700 feet MSL, 23 miles, 13,500 feet MSL, 9 miles, 12,800 feet MSL, 1,200 feet AGL Kiowa, Colo.

V-100 From Chadron, Nebr., 41 miles, 1,200 feet AGL, 119 miles, 9,500 feet MSL, 1,200 feet AGL O'Neill, Nebr.

V-108 From Colorado Springs, Colo., 1,200 feet AGL Hugo, Colo., including a 1,200 feet AGL S alternate via INT Colorado Springs 153° and Hugo 250° True radials; 74 miles, 6,500 feet MSL, 1,200 feet AGL Goodland, Kans.

V-132 From Cheyenne, Wyo., 1,200 feet AGL Akron, Colo.; 17 miles, 1,200 feet AGL, 49 miles, 5,900 feet MSL, 1,200 feet AGL Goodland, Kans.

V-148 From Denver, Colo., 1,200 feet AGL INT Denver 174° and Kiowa, Colo., 268° True radials; 1,200 feet AGL Kiowa; 1,200 feet AGL Thurman, Colo.; 17 miles, 1,200 feet AGL, 47 miles, 6,500 feet MSL, 1,200 feet AGL Hayes Center, Nebr.; 1,200 feet AGL North Platte, Nebr.; 21 miles, 1,200 feet AGL, 84 miles, 4,900 feet MSL, 1,200 feet AGL O'Neill, Nebr.

V-160 From Denver, Colo., 1,200 feet AGL Sidney, Nebr.

V-168 From Scottsbluff, Nebr., 1,200 feet AGL O'Neill, Nebr.

V-169 From Tobe, Colo., 6,900 feet MSL Hugo, Colo.; 38 miles, 6,700 feet MSL, 1,200 feet AGL Thurman, Colo.; 1,200 feet AGL Akron, Colo.; 1,200 feet AGL Sidney, Nebr.

V-172 From Denver, Colo., 1,200 feet AGL INT Denver 061° and Hayes Center, Nebr., 276° True radials; 1,200 feet AGL INT Hayes Center 276° and North Platte, Nebr., 245° True radials; 1,200 feet AGL North Platte.

V-187 From Dove Creek, Colo., 17 miles, 1,200 feet AGL, 28 miles, 11,500 feet MSL, 1,200 feet AGL Grand Junction, Colo.

V-200 From Myton, Utah, 30 miles, 7,900 feet MSL, 31 miles, 1,200 feet AGL, 9,800 feet MSL Meeker, Colo.; 5 miles, 9,800 feet MSL, 30 miles, 10,700 feet MSL, 28 miles, 13,700 feet MSL, 13,000 feet MSL Kremmling, Colo.; 9 miles, 13,000 feet MSL, 29 miles, 14,400 feet MSL, 11 miles, 12,700 feet MSL, 1,200 feet AGL Denver, Colo.

V-207 From Denver, Colo., 1,200 feet AGL Gill, Colo.

V-210 From Farmington, N. Mex., 1,200 feet AGL Alamosa, Colo., including a 1,200 feet AGL S alternate via INT Farmington 086° and Alamosa 232° True radials; 1,200 feet AGL INT Alamosa 075° and Lamar, Colo., 250° True radials; 40 miles, 1,200 feet AGL, 51 miles, 6,500 feet MSL, 1,200 feet AGL Lamar, Colo.

V-220 From Kremmling, Colo., 12 miles, 13,000 feet MSL, 32 miles, 14,700 feet MSL, 8 miles, 11,500 feet MSL, 1,200 feet AGL INT Kremmling 081° and Denver, Colo. 334° True radials; 1,200 feet AGL Akron, Colo.; 1,200 feet AGL INT Akron 094° and McCook, Nebr., 264° True radials; 1,200 feet AGL McCook.

V-244 From Milford, Utah, 1,200 feet AGL Hanksville, Utah; 42 miles, 1,200 feet AGL, 9,500 feet MSL LaSal, Utah; 14 miles, 9,500 feet MSL, 57 miles, 11,500 feet MSL, 1,200 feet AGL Gunnison, Colo.; 33 miles, 12,200 feet MSL, 27 miles, 15,500 feet MSL, 1,200 feet AGL Pueblo, Colo., 18 miles, 1,200 feet AGL, 48 miles, 6,000 feet MSL, 1,200 feet AGL Lamar, Colo.

V-263 From Tobe, Colo., 54 miles, 6,900 feet MSL, 1,200 feet AGL Lamar, Colo.; 17 miles, 1,200 feet AGL, 6,300 MSL, Hugo, Colo.; 1,200 feet AGL Kiowa, Colo.

V-484 From Myton, Utah, 14 miles, 7,900 feet MSL, 33 miles, 10,000 feet MSL, 1,200 feet AGL Grand Junction, Colo.; 1,200 feet AGL Gunnison, Colo., including a 1,200 feet AGL S alternate via INT Grand Junction 129° and Gunnison 264° True radials; 13 miles, 11,200 feet MSL, 13,100 feet MSL INT Gunnison 110° and Alamosa, Colo., 339° True radials; 1,200 feet AGL Alamosa.

V-524 From Scottsbluff, Nebr., 18 miles, 1,200 feet AGL, 93 miles, 5,400 feet MSL, 1,200 feet AGL North Platte, Nebr.

Floors of 1,200 feet above the surface were applied to those airway segments where the floor is required for climb from the surface to minimum en route altitude, for aeronautical chart legibility or for compatibility with existing airspace for which a 1,200 feet above the surface has been assigned.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on February 23, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-2223; Filed, Feb. 28, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-14]

FEDERAL AIRWAY

Proposed Extension

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 297 from Carleton, Mich., to Saginaw, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency proposes to extend V-297 from Carleton to Saginaw via the intersection of the Carleton 327° T (330° M) and the Saginaw 182° T (185° M) radials.

This extended airway segment would provide a route for north and northwest bound aircraft departing Willow Run/Detroit Metropolitan Wayne County Airports which will bypass the Salem and Pontiac VORTAC's, and conform to the revised traffic flow procedures in the Detroit terminal area.

This action is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C. on February 23, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-2224; Filed, Feb. 28, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-WE-52]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would raise the floors of Federal airway segments in the Seattle, Wash., Air Route Traffic Control Center area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designated to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices of civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention of International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Federal Aviation Agency proposes to redesignate the floors of the pertinent airway segments as hereinafter set forth.

V-2 From Seattle, Wash., 1,200 feet AGL Ellensburg, Wash., including a 1,200 feet AGL S alternate via INT Seattle 124° and Ellensburg 274° True radials; 1,200 feet AGL Ephrata, Wash., including a 1,200 feet AGL N alternate from Seattle to Ephrata via Wenatchee, Wash.

V-4 From Neah Bay, Wash., RBN, 1,200 feet AGL Port Angeles, Wash.; 1,200 feet AGL INT Port Angeles 090° and Seattle, Wash., 329° True radials; 1,200 feet AGL Seattle; 1,200 feet AGL Yakima, Wash., including a 1,200 feet AGL S alternate via INT Seattle 163° and Olympia, Wash., 084° True radials and INT Olympia 084° and Seattle 124° True radials, excluding the airspace between the main and this alternate airway.

V-23 From Red Bluff, Calif., 58 miles, 1,200 feet AGL, 9,500 feet MSL Fort Jones, Calif.; 1,200 feet AGL Medford, Oreg., including a 1,200 feet AGL E alternate via INT Fort Jones 042° and Medford 157° True radials and also a 1,200 feet AGL W alternate via INT Fort Jones 340° and Medford 235° True radials, excluding the airspace between the main and these alternate airways; 1,200 feet AGL Eugene, Oreg., including a 1,200 feet AGL W alternate from Medford to Eugene via Roseburg, Oreg., and INT Roseburg 003° and Eugene 187° True radials; 1,200 feet AGL Portland, Oreg., including a 1,200 feet AGL E alternate and also a 1,200 feet AGL W alternate from Eugene to Portland via Corvallis, Oreg., INT Corvallis 352° and Newberg, Oreg., 204° True radials and Newberg; 20 miles, 1,200 feet AGL, 4,500 feet MSL INT Portland 350° and Seattle, Wash., 197° True radials; 21 miles, 4,500 feet MSL, 1,200 feet AGL Se-

attle; 1,200 feet AGL Paine, Wash.; 1,200 feet AGL Bellingham, Wash.; 1,200 feet AGL via Bellingham 290° True radial to the United States Canadian border.

V-25 From Red Bluff, Calif., 53 miles, 1,200 feet AGL, 9,500 feet MSL INT Red Bluff 015° and Klamath Falls, Oreg., 181° True radials; 18 miles, 9,500 feet MSL, 1,200 feet AGL Klamath Falls; 22 miles, 1,200 feet AGL, 76 miles, 9,000 feet MSL, 1,200 feet AGL Redmond, Oreg., 1,200 feet AGL The Dalles, Oreg.; 1,200 feet AGL Yakima, Wash., including a 1,200 feet AGL E alternate via INT The Dalles 051° and Yakima 183° True radials; 1,200 feet AGL INT Yakima 305° and Ellensburg, Wash., 191° True radials; 1,200 feet AGL, Ellensburg; 1,200 feet AGL Wenatchee, Wash.

V-27 From Fortuna, Calif., 1,200 feet AGL Crescent City, Calif.; 31 miles, 1,200 feet AGL, 32 miles, 5,900 feet MSL, 1,200 feet AGL North Bend, Oreg.; 1,200 feet AGL Newport, Oreg.; 28 miles, 1,200 feet AGL, 39 miles, 4,600 feet MSL, 1,200 feet AGL Astoria, Oreg.; 30 miles, 1,200 feet AGL, 17 miles, 4,500 feet MSL, 1,200 feet AGL Olympia, Wash.; 1,200 feet AGL INT Olympia 010° and Seattle, Wash., 249° True radials; 1,200 feet AGL Seattle, including a 1,200 feet AGL W alternate from Astoria to INT Olympia 010° and Seattle 249° True radials via Hoquiam Wash., excluding the airspace between the main and this W alternate.

V-99 From Newport, Oreg, 1,200 feet AGL Newberg, Oreg.; 32 miles, 1,200 feet AGL, 4,500 feet MSL INT Newberg 355° and Olympia, Wash., 195° True radials; 1,200 feet AGL Olympia; 1,200 feet AGL INT Olympia 010° and Seattle, Wash., 249° True radials; 1,200 feet AGL Seattle.

V-112 From Astoria, Oreg., 44 miles, 1,200 feet AGL; 15 miles, 6 miles wide, 1,200 feet AGL Portland, Oreg.; 1,200 feet AGL The Dalles, Oreg.; 1,200 feet AGL INT The Dalles 101° and Pendleton, Oreg., 254° True radials; 1,200 feet AGL Pendleton.

V-121 From Medford, Oreg., 1,200 feet AGL INT Medford 352° and Roseburg, Oreg., 127° True radials; 1,200 feet AGL Roseburg; 1,200 feet AGL North Bend, Oreg.; 1,200 feet AGL Eugene, Oreg.

V-122 From Crescent City, Calif., 1,200 feet AGL Medford, Oreg.; 22 miles, 1,200 feet AGL, 7,500 feet MSL INT Medford 117° and Klamath Falls, Oreg., 282° True radials; 3 miles, 7,500 feet MSL, 1,200 feet AGL Klamath Falls; 22 miles, 1,200 feet AGL 9,000 feet MSL Lakeview, Oreg.

V-182 From Portland, Oreg., 1,200 feet AGL The Dalles, Oreg., 1,200 feet AGL Baker, Oreg.

V-204 From Hoquiam, Wash., 1,200 feet AGL Olympia, Wash.

V-281 From Redmond, Oreg., 32 miles, 1,200 feet AGL, 58 miles, 7,100 feet MSL, 1,200 feet AGL Pendleton, Oreg.

V-283 From Lakeview, Oreg., 5 miles, 1,200 feet AGL, 72 miles, 9,000 feet MSL, 1,200 feet AGL Redmond, Oreg.; 16 miles, 1,200 feet AGL, 34 miles, 12,000 feet MSL, 26 miles, 6,700 feet MSL, 1,200 feet AGL Newberg, Oreg.

V-287 From North Bend, Oreg., 1,200 feet AGL Newberg, Oreg.; 1,200 feet AGL Portland, Oreg., including a 1,200 feet AGL E alternate via INT Newberg 069° and Portland 196° True radials; 20 miles, 1,200 feet AGL, 51 miles, 4,500 feet MSL, 12 AGL Olympia, Wash.; 1,200 feet AGL INT Olympia 010° and Seattle, Wash., 329° True radials; 1,200 feet AGL INT Seattle 329° and Port Angeles, Wash., 090° True radials; 1,200 feet AGL Port Angeles; 1,200 feet AGL Neah Bay, Wash., RBN. The airspace within Canada is excluded.

V-448 From Portland, Oreg., 1,200 feet AGL Yakima, Wash., including a 1,200 feet AGL S alternate.

V-497 From John Day, Oreg., 49 miles, 6,500 feet MSL, 1,200 feet AGL The Dalles, Oreg.

V-500 From Portland, Oreg., 1,200 feet AGL Newberg, Oreg.; 37 miles, 1,200 feet AGL, 22 miles, 7,300 feet MSL, 8,000 feet MSL John Day, Oreg.

V-520 From Pasco, Wash., 1,200 feet AGL The Dalles, Oreg.; 1,200 feet AGL, Portland, Oreg.

On those segments for which a 1,200 feet AGL floor is proposed, the floor is required for climb from the surface to minimum enroute altitude, for aeronautical chart legibility or for compatibility with existing airspace for which a 1,200 feet AGL floor has been assigned. The alignment of V-122 conforms to that considered in Airspace Docket No. 66-WE-40; the alignments of V-4 and V-287 conform to those considered in Airspace Docket No. 66-WE-50; and the alignments of V-25, V-112, V-520, V-182 and V-497 conform to those considered in Airspace Docket No. 66-WE-70.

These amendments are made under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on February 21, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-2225; Filed, Feb. 28, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-1]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter Federal airways in the vicinity of Norfolk, Va.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

V-1 is designated in part from Cape Charles, Va., via the INT of Cape Charles 015° and Salisbury, Md., 206° True Radials; to Salisbury. V-139 is designated in part from Cape Charles to Snow Hill, Md. V-194 is designated in part from Norfolk, Va., to the INT of Norfolk 001° and Cape Charles 313° True radials. The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would realign V-1 from Cape Charles via the INT of Cape Charles 013° T (020° M) and Salisbury 206° T (214° M) radials to Salisbury; that would designate a segment of V-139 from Norfolk via Cape Charles to Snow Hill, including a W alternate from Norfolk to Snow Hill via the INT of Norfolk 360° T (007° M) and Snow Hill 226° T (234° M) radials, excluding the airspace within R-6609; and that would revoke the segment of V-194 from Norfolk to the INT of Norfolk 001° and Cape Charles 313° True radials. Floors of 1,200 feet above the surface would be designated for these airway segments.

Southbound arrivals at Norfolk are cleared to the Cape Charles VORTAC. The designation of V-139 west alternate, as proposed, would simplify air traffic control procedures and flight planning by providing an airway via the northbound standard instrument departure, and by providing separate routes for southbound arrival and northbound departure traffic at Norfolk. Alteration of V-1 would provide a common intersection of V-1 and V-139W at the dog leg in V-1. The segment of V-194 under consideration could be revoked as it would be replaced by a segment of V-139 W alternate.

These actions are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on February 20, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-2226; Filed, Feb. 28, 1967; 8:46 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 66-WE-81]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 73 of the Federal Aviation Regulations that would alter the Salton Sea, Calif., Restricted Area R-2521.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Navy has requested that the designated altitudes be changed to read "Surface to flight level 400 sunrise to sunset; surface to 4,000 feet MSL sunset to sunrise" and the time of designation be changed to read "Continuous."

The Department of the Navy advised that the majority of night operations in R-2521 are photo flash missions and the surface to 1,000 feet MSL sunset to sunrise designation is adequate for the actual photo flash run. However, they feel that an unsafe situation exists immediately following the run which poses a threat to the participating military aircraft as well as nonparticipating aircraft. During the run the pilot's night vision is seriously impaired by the illumination necessary to the mission. At the completion of the run the restricted area altitudes, as presently designated, require the pilot to maintain not above 1,000 feet MSL during preparatory maneuvers for the next run. The Navy feels that this altitude restriction creates a hazardous situation. If the designated altitudes were increased to 4,000 feet MSL, the pilot, at the end of the photo flash run, could pull up to a reasonably safe altitude while preparing for the next run.

The increase in time of use to "continuous" is requested to accommodate increased scheduling and the requirement for weekend use.

If this proposed action is taken, the Salton Sea Restricted Area R-2521 would be amended by changing the designated altitudes and time of designation to read "Designated altitudes: Surface to flight level 400 sunrise to sunset; surface to 4,000 feet MSL sunset to sunrise," and "Time of designation: Continuous."

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on February 20, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-2227; Filed, Feb. 28, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 17023]

DOMESTIC PUBLIC RADIO SERVICES OTHER THAN MARITIME MOBILE

Order Extending Time for Filing Reply Comments

In the matter of amendment of Subparts C, G, H, and I of Part 21 of the Commission's rules to reduce the separation between assignable frequencies in the 450/470 Mc/s band for Domestic Public Radio Services (other than Maritime Mobile); Docket No. 17023.

The Commission, by its Chief of the Common Carrier Bureau having under consideration a petition filed on behalf of American Telephone & Telegraph Co., by its attorneys to extend the time to file reply comments in the above entitled matter to March 7, 1967; and

It appearing, that the time for filing reply comments in Docket No. 17023 expires February 20, 1967; and

It further appearing, that the petitioner states that additional time is necessary to analyze the comments filed by other parties and to prepare an appropriate pleading in reply thereto; and

It further appearing, that in light of the considerations advanced by petitioner, an extension of the period for filing reply comments would be in the public interest:

It is ordered, This 20th day of February 1967, pursuant to section 4(i) and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.333(c) of the Commission's rules, that the time for filing reply comments in response to the above entitled matter is hereby extended to March 7, 1967.

Released: February 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2257; Filed, Feb. 28, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3–G]

PIG IRON FROM ROMANIA

Antidumping Proceeding Notice

FEBRUARY 21, 1967.

On January 19, 1967, information was received in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that pig iron imported from Romania is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The information was submitted by Congressman Guy Vander Jagt of Michigan.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

Having conducted a summary investigation pursuant to § 14.6(d)(1)(i) of the Customs Regulations and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d)(1)(ii), (2), and (3) of the Customs Regulations to determine the validity of the information.

A summary of information received from all sources is as follows:

Information received indicates that the net price of pig iron from Romania for export to the United States is generally lower than the net price of comparable pig iron sold for home consumption in countries not having a state-controlled economy, suggesting the possibility of sales at less than fair value within the meaning of the Antidumping Act of 1921.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs Regulations (19 CFR 14.6(d)(1)(i)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 67–2215; Filed, Feb. 28, 1967; 8:45 a.m.]

[T.D. 67–70]

AMERICAN ZINC CO.

Notice of Qualification as Citizen of United States

FEBRUARY 23, 1967.

This is to give notice that pursuant to § 3.21, Customs Regulations (19 CFR 3.21), issued under the provisions of section 27A of the Merchant Marine Act, 1920, as amended by the Act of September 2, 1958 (46 U.S.C. 883–1), American Zinc Co. of 503 Blount Avenue, Knoxville, Tenn., incorporated under the laws of the State of Maine, did on February 13, 1967, file with the Commissioner of Customs, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in customs Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States; or in a territory, district, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commissioner of Customs, having found this oath to be in compliance with the law and regulations, on February 23, 1967, issued to American Zinc Co. a certificate of compliance on customs Form 1262 as provided in § 3.21(i) of the regulations. The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under § 3.21(h) of the regulations.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 67–2275; Filed, Feb. 28, 1967; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 1416]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 21, 1967.

The Department of Agriculture, on behalf of the Forest Service, has filed application, Montana 1416, for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid claims.

The applicant desires the land for protection of campgrounds in the national forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

LOLO NATIONAL FOREST

PRINCIPAL MERIDIAN, MONTANA

Cabin City Campground

T. 19 N., R. 29 W.,
Sec. 26, S½SW¼NW¼, NW¼SW¼, NE¼SW¼SW¼, W½SW¼SW¼;
Sec. 27, SE¼SE¼NE¼, E½SE¼, E½SW¼SE¼.
Total area—200 acres.

Patrick Creek Campground

T. 18 N., R. 26 W.,
Sec. 15, Lots 3, 4, and 5, SE¼NW¼, W½NW¼NW¼, NW¼SE¼NW¼NW¼, S½SE¼NW¼NW¼, less a strip of land through these subdivisions approximately 3,300 feet long by 200 feet wide, containing 15 acres which is occupied by the Northern Pacific Railway Co. right-of-way. Lot 6.
Total area—141.77 acres.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 67–2230; Filed, Feb. 28, 1967; 8:46 a.m.]

[I–766]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

Correction

In F.R. Doc. 67–1083, appearing at page 1101 of the issue for Tuesday, January 31, 1967, the land description for Boise Meridian, Boise National Forest, South Fork Bridge Recreation Area, should read as follows:

T. 15 N., R. 6 E.,
Sec. 11, W½SW¼NE¼NW¼, N½SW¼NW¼, N½S½SW¼NW¼ and W½NW¼SE¼NW¼.

Fish and Wildlife Service

[Docket No. C–254]

STANLEY J. SCHONES

Notice of Loan Application

Stanley J. Schones, 694 Governor Street, Costa Mesa, Calif. 92627, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new steel 63-foot vessel to engage in the fishery for tuna and squid.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Acting Director,
Bureau of Commercial Fisheries.

FEBRUARY 23, 1967.

[F.R. Doc. 67–2229; Filed, Feb. 28, 1967; 8:46 a.m.]

Office of the Secretary

CHARLES ALBERT CAMPBELL

Report of Appointment and Statement of Financial Interests

JANUARY 24, 1967.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Charles Albert Campbell.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Deputy Director, Defense Electric Power Area 12.

The name of the appointee's private employer or employers: Louisiana Power & Light Co.

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on January 24, 1967, as Deputy Director, Defense Electric Power Area 12, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

None.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

CHARLES A. CAMPBELL.

FEBRUARY 10, 1967.

[F.R. Doc. 67–2232; Filed, Feb. 28, 1967; 8:46 a.m.]

JACK W. KEPNER

Report of Appointment and Statement of Financial Interests

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Jack W. Kepner.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Deputy Director, Defense Electric Power Area 7.

The name of the appointee's private employer or employers: Appalachian Power Co.

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 24, 1967.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on _____, as Deputy Director, Defense Electric Power Area 7, Office of Assistant Secretary for Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Electric Power Service Corp.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

J. W. KEPNER.

FEBRUARY 14, 1967.

[F.R. Doc. 67–2231; Filed, Feb. 28, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 2–B; Amdt. 2]

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on February 14, 1967. This material hereby further amends the material appearing at 31 F.R. 10700–10702 of August 11, 1966, and 31 F.R. 15548 of December 9, 1966.

Department Order 2–B, dated August 1, 1966, as amended, is hereby further amended as follows:

1. SEC. 8. *General Staff Offices.* Subparagraphs .03a and .03d are amended to read:

a. The Administrative Operations Division provides services throughout the Administration consisting of property, procurement and supply management; paperwork management systems including ESSA directives; space and facilities management; travel and transportation services; mail and messenger services, and related office services; graphics services; safety; security; and tort claims.

d. The Management and Organization Division provides management analysis and related staff services throughout the Administration by conducting or participating in surveys, studies, and analyses designed to improve organization, management systems, and procedures; participates in organization planning and documentation; maintains a system of position control, and devel-

ops systems for measuring production and performance efficiency.

Effective date: February 14, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-2216; Filed, Feb. 28, 1967; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING REGIONAL ADMINISTRATOR; REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Regional Administrator, Region VI (San Francisco), during the absence of the Regional Administrator with all the powers, functions, and duties redelegated or assigned to the Regional Administrator provided that no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Assistant Regional Administrator for Administration.

This designation supersedes the designation effective February 1, 1965 (30 F.R. 2121, Feb. 16, 1965) of the Acting Regional Administrator, Region VI (San Francisco).

(Delegation effective May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 25th day of January 1967.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 67-2264; Filed, Feb. 28, 1967; 8:48 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION; REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Administration, Region VI (San Francisco), during the absence of the Assistant Regional Administrator for Administration, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Administration, provided that no officer is authorized to serve as Acting Assistant Regional Administrator for Administration unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Chief, Budget.
2. Chief, Personnel Operations Branch.
3. Chief, Accounting Branch.

This designation supersedes the designation effective September 19, 1966 (31 F.R. 14419, Nov. 9, 1966) of the Acting Regional Director of Administration, Region VI (San Francisco).

(Delegation effective May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 25th day of January 1967.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 67-2265; Filed, Feb. 28, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF ARIZONA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Arizona for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resumé, prepared by the State of Arizona and summarizing the State's proposed program, was also submitted to the Commission. With the exception of referenced Appendices A through E and Chart 1, this resumé is set forth below as an appendix to this notice. A copy of the program, including proposed Arizona regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 6th day of February 1967.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF ARIZONA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Arizona is authorized under Chapter 4, Title 30 of the Arizona Revised Statutes to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Arizona certified on January 20, 1967, that the State of Arizona (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ---------- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commisison's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement states in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement states in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement state. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on May 15, 1967, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at Phoenix, State of Arizona, in triplicate, this ---- day of ---------- 1967.

For the United States Atomic Energy Commission.

———— ————,

For the State of Arizona.

JACK WILLIAMS,
Governor.

POLICIES AND PROCEDURES FOR THE CONTROL OF IONIZING RADIATION

FOREWORD

This narrative describes the policies and procedures of the State of Arizona relating to the control of ionizing radiation in the State. The radiation control program will be administered by the Arizona Atomic Energy Commission. Assistance in the administration of the program will be provided by the Arizona State Department of Health.

AUTHORITY

Section 274 of the Atomic Energy Act of 1954, as amended, authorizes the U.S. Atomic Energy Commission to enter into an agreement with the Governor of a State for purposes of transferring to that State certain functions of licensing and regulatory control of byproduct, source and special nuclear material. This transfer is made after the determination by the U.S. Atomic Energy Commission that the State has the competency to administer a licensing and regulatory program.

Chapter 4, Title 30, of the Arizona Revised Statutes authorizes the Governor of Arizona, on behalf of that State, to enter into an agreement with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by the State of Arizona.

Chapter 4, Title 30, Arizona Revised Statutes, further authorizes the Arizona Atomic Energy Commission to adopt, administer and enforce rules and regulations for the control of ionizing radiation in Arizona.

The authority for the Arizona State Department of Health to assist in the administration of the radiation control program is contained in Chapter 1, Title 36, Arizona Revised Statutes, which gives the Health Department the general responsibility for protecting the health of the people of the State of Arizona.

HISTORY

In 1960, Governor Paul Fannin of Arizona established a Governor's Atomic Energy Committee, composed of representatives from the State's universities, industry, the medical profession, the military and the Governor's Office. As a result of the efforts of this Committee, plus many others, the legislation was enacted in 1964 which added Chapter 4 to Title 30 of the Arizona Revised Statutes. A copy of this legislative act is included as Appendix A.

The Arizona Atomic Energy Commission (AAEC) held its first formal meeting on July 23, 1964. Since that date the AAEC has been preparing for the initiation of the Arizona radiation control program, as well as performing various other functions in the areas of atomic energy development and public education.

The Arizona State Department of Health (ASDH) has been active in the field of radiological health since 1956, when an air sampling station was established in Phoenix. This station is operated by the Radiological Health Section of the ASDH under the sponsorship of the U.S. Public Health Service. The ASDH is also cooperating with the U.S. Public Health Service by sending them samples of human blood and hair for the determination of strontium-90 content and is participating in a nationwide Public Health Service study to establish a baseline of radiation contamination of foodstuffs.

In 1962 a survey program was initiated by the Radiological Health Section of the ASDH to evaluate the radiation safety of X-ray departments in all non-Federal hospitals of the State. Handbook 76 of the National Bureau of Standards, "Medical X-ray Protection up to Three Million Volts," has been used as the standard in evaluating this equipment. At least two surveys of the X-ray equipment in each of the 70 hospitals have been made to date in this continuing activity. An analysis of the findings shows the following improvements:

	In Compliance—	
	Percent 1962–63	*Percent 1964–65*
Personnel monitoring	63	83
Coning	62	86
Adequate filtration	59	89
Structural shielding	60	90
Fluoroscopy table top dose	78	96

The Radiological Health Section has also initiated a county-by-county program for surveying all X-ray machines used in the healing arts. This program has received excellent cooperation from the professions, and essentially all of the machines in 5 of Arizona's 14 counties have been surveyed. Each visit is documented by a letter to the owner or user, indicating any defects found.

The ASDH has conducted a survey of dental X-ray machines, using a special mailed film packet (the "Surpak") supplied by the Division of Radiological Health, U.S. Public Health Service. This survey was responded to by 450 of the 500 dentists in Arizona. Over 90 percent of the machines were found to be in good condition. Personnel of the Radiological Health Section are now making physical surveys of the defective units, installing filters and collimators, and discussing radiological health with each dentist.

The Radiation Control Specialist of the AAEC, while with the ASDH, has accompanied U.S. Atomic Energy Commission inspectors on most of the compliance inspections in Arizona since 1961. The Director of the AAEC accompanied a U.S. Atomic Energy Commission inspector on his inspections in Phoenix in June of 1966.

ORGANIZATION AND STAFF RESPONSIBILITIES

An organization chart showing the lines of responsibility in the Arizona radiation control program is shown as Chart I.

There are 12 AAEC Commissioners, 10 of whom are appointed by the Governor with the advice and consent of the State Senate. The other two are the Director of the Arizona Development Board and the Commissioner of the Arizona State Department of Health. The Commissioners have the following broad responsibilities in the radiation control program:

(a) Establish policy, objectives and goals.

(b) Review, approve and audit the program.

(c) Make recommendations to the Governor.

Legal counsel is supplied to the AAEC by the Arizona Attorney General's Office.

The Director of the AAEC is appointed by the AAEC Commissioners and has general responsibility for the administration of the State's radiation control program. He will review all radioactive material licenses issued by the AAEC. The Radiation Control Specialist reports to the Director and has the direct responsibility for administering the radiation control program. He will be responsible for the technical evaluation of applications for radioactive material licenses, and for the preparation of licenses. He will also be responsible for handling the registration of radiation machines. The full-time AAEC staff will initially consist of the Director, the Radiation Control Specialist, and the Secretary to the Director.

The Arizona State Department of Health (ASDH) will provide assistance to the AAEC in the administration of the Arizona radiation control program. The Director of the Division of Environmental Health of the ASDH will maintain close liaison with the Director of the AAEC in implementing this assistance. A copy of the formal agreement

between the AAEC and the ASDH for cooperation in the radiation control program is included as Appendix B.

Personnel of the Radiological Health Section of the ASDH will be responsible for conducting inspections of licensees and registrants, under the immediate direction of the Radiation Control Specialist, AAEC. The staff of the Radiological Health Section will initially consist of a health physicist, a radiological health technician, and a secretary. The ASDH expects to hire an additional health physicist later in 1967.

The present combined staffs of the AAEC and the Radiological Health Section of the ASDH are felt to be adequate for initiating the Arizona radiation control program. Appropriate job descriptions are given in Appendix C. Résumés of the personnel presently employed are given in Appendix D.

A Medical Advisory Committee has been appointed by the AAEC. This Committee, composed of physicians knowledgeable in the clinical and investigational uses of radioisotopes and other ionizing radiation, will be available to advise the AAEC on medical uses of radiation. The composition of the Medical Advisory Committee is given in Appendix E. Other advisory groups will be established as the need arises.

EQUIPMENT FOR RADIATION MONITORING

The following radiation monitoring equipment is available for use in the radiation control program:

Item	Quantity
Arizona Atomic Energy Commission:	
Geiger Counter, Eberline Model E-510	1
Dosimeter, Landsverk Model L-50, range 0-200 mR	5
Reader-charger for above dosimeter	1
Radalert, beta-gamma, Physics International Model 2000	2
Arizona State Department of Health, Radiological Health Section:	
Decontamination kit, Tracerlab "DK-Kit"	2
Geiger Counter, Eberline Model E-500B	1
X-ray safety survey kit, P.H.S., complete with survey meter, Nucor Model CS-40A, Victoreen condenser R-meter, lead apron, calibrated fluorescent screens, etc	1
Survey meter, Victoreen Thyac II, with G.M. probe and 1¼ inches x 1 inch scintillation probe	2
9-foot extension arm for above survey meters	1
Portable gas proportional alpha counter, Eberline Model PAC-4G	1
Air Sampler, Roots-Connersville blower, 1½ hp. electric motor, P.H.S. assembly, for 4-inch diameter filter	1
Continuous recording alpha-beta air monitor, Eberline Model AIM-3	1
Dosimeter, Nuclear-Chicago Model NC-402, range 0-200 mR	5
Reader-charger for above dosimeter	1

The equipment belonging to the Arizona Atomic Energy Commission is located at its offices at 40 East Thomas Road, Suite 107, Phoenix; that of the Arizona State Department of Health at the office of its Division of Environmental Health, Fifth Floor, 14 North Central Avenue, Phoenix.

LABORATORY SUPPORT

The Laboratory Division of the Arizona State Department of Health is available to assist in the State's radiation control program. This Laboratory has a proportional flow counting system for measuring alpha and beta activities.

Laboratory facilities at the University of Arizona and Arizona State University are also available when needed These facilities include various counting systems and several multichannel analyzers.

RADIATION PROTECTION STANDARDS

In the preparation of the Arizona Atomic Energy Commission (AAEC) Regulations for the control of Ionizing Radiation, care has been taken to insure uniformity with regulations of the U.S. Atomic Energy Commission and other States having regulatory agreements with the U.S. Atomic Energy Commission. Standards to be followed in Arizona conform to those adopted by other agreement States. The limits of exposure to radiation are consistent with those recommended by the Federal Radiation Council. Regulations on shielding and other protective features of X-ray installations conform to those recommended in the National Bureau of Standards Handbook No. 76.

LICENSING AND REGISTRATION

A general or specific license will be required for the use of all radioactive materials except those which are exempt by law or regulations. The procedures and regulations for licensing will be similar to those employed by the U.S. Atomic Energy Commission. The principal difference will be the requirement for licensing the use of naturally occurring radioisotopes and other radioisotopes not produced in nuclear reactors. Licenses will be issued on a routine basis by the AAEC, provided the applicant meets the requirements outlined in sections B.25 and B.26 of the AAEC Regulations. In the review of nonroutine or unusual human uses, the Medical Advisory Committee will be called upon for its advice prior to issuance of a license. Other consultants at the local or national level will be employed if needed.

Provisions are made for reciprocal recognition of licenses issued by the U.S. Atomic Energy Commission and other agreement States.

Licensing of radiation machines will not be required. However, the owner or person having possession of any radiation machine will be required to register such machine with the AAEC.

INSPECTIONS

Periodic inspections of licensees and registrants will be conducted. Most inspections will be announced, but some will be made on an unannounced basis. The normal frequency of inspection is listed below:

Broad licenses	Once each 12 months.
Specific licenses:	
Waste disposal services	Once each 6 months.
Industrial radiography	Once each 12 months.
Other industrial	Once each 24 months.
Medical	Do.
Academic	Do.
Other	Based on hazards associated with licensee's program.
Registered facilities	Based on hazards associated with registrant's program.

Inspection visits will usually include a comprehensive review by the inspector of the following: (1) The licensee's or registrant's equipment and facilities; (2) the licensee's handling and storage of radioactive material; (3) personnel safety procedures; (4) survey methods and results; (5) personnel monitoring practices and results; (6) posting and labeling used; (7) training of personnel; and (8) records and recordkeeping procedures.

The inspector may make measurements of radiation levels. Before the termination of each inspection, the inspector will meet with the management to discuss the results of his inspection. At this time he will present tentative oral recommendations or suggestions, and will answer questions concerning the regulatory program.

A comprehensive written inspection report will be made to the Director of the AAEC. The report will mention violation, if any, and will include both the oral recommendations which have been made to the licensee or registrant, and any additional recommendations considered appropriate.

Arizona law provides for steps which may be taken when users refuse access for inspection purposes.

COMPLIANCE AND ENFORCEMENT

Reports of inspections of licensees' and registrants' activities will be evaluated to determine radiation safety and compliance with the AAEC's regulatory requirements. If no items of noncompliance are observed, the person will be so informed in writing. For minor items of noncompliance which the licensee or registrant has agreed to correct at the time of the inspection, a letter of notification will be sent informing the licensee or registrant of the items of noncompliance and stating that corrective action will be reviewed during the next inspection.

If the inspection reveals items of noncompliance of a more serious nature, the licensee or registrant will be informed by letter of the items of noncompliance and directed to reply within a specified time as to the corrective action taken and the date completed. A followup inspection may be made to determine compliance, or the matter may be reviewed during the next regular inspection to ensure that the corrective action has in fact been accomplished.

The AAEC will use its best efforts to attain compliance through cooperation and education. However, the AAEC may amend, suspend or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license or the AAEC Regulations, or failure to take adequate corrective action concerning items of noncompliance. In the event that any of these actions are taken, the licensee will be afforded the opportunity for a hearing before the Commissioners of the AAEC.

If the AAEC finds that an emergency exists requiring immediate action to protect public health and safety, it may issue an order or regulation to meet the emergency situation. Any person to whom such order or regulation is directed is required to comply therewith immediately, but on application to the AAEC shall be afforded a hearing within 5 days. On the basis of such hearing, the emergency order or regulation shall be continued, modified or revoked within 30 days after such hearing. Any orders of the AAEC shall be subject to judicial review as provided by Arizona Statutes.

Upon the request of the AAEC, a court order directing a person to comply with Chapter 4, Title 30 of the Arizona Revised Statutes or the AAEC Regulations, or enjoining a practice in violation of these Statutes or Regulations, may be sought by the Attorney General in an appropriate court.

[F.R. Doc. 67-1550; Filed, Feb. 7, 1967; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16206; Order No. E-24786]

EASTERN AIR LINES, INC., ET AL.

Order of Investigation and Suspension; Individual Coach Excursion Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of February 1967.

By tariffs filed January 18, 20, and 27, 1967,[1] marked to become effective February 26, and March 4, 1967, Eastern Air Lines, Inc. (Eastern), National Airlines, Inc. (National), and Northeast Airlines, Inc. (Northeast), proposed round-trip coach individual excursion fares between certain points in Florida and certain points in northeastern United States. The proposed fares are applicable to jet and propeller coach service offered between Allentown, Baltimore, Boston, Hartford, New Haven, New York/Newark, Philadelphia, Providence, Syracuse, and Washington, on the one hand, and several Florida points, on the other. In addition, the proposed fares are applicable on Tuesdays, Wednesdays, and Thursdays during the period April 25, 1967, through December 14, 1967, with fares being increased about 10 percent during the period between July 4, 1967, and September 14, 1967. The return trip on these excursion fares is limited to departures not earlier than 6 days nor later than 22 days after the departure time of the outbound portion of the trip.[2]

National and Eastern also filed local round-trip "See All Florida" excursion tariffs[3] containing circle fares which are $9 higher than the individual excursion fares between cities in the east and Miami. Except for the basic excursion fares and the higher fares in effect during the period July 4, 1967 to September 14, 1967, the $9 additional fare and the applicability provisions of the tariffs are generally similar to those in effect in 1966.

All tariffs are marked to expire with December 14, 1967.

In support of its filing, Eastern submits that the proposed New York to Miami round-trip coach excursion fare of $90 is comparable to the lowest fare offered in 1966; that the proposed fares in other markets are based upon the New York to Miami fare per mile (4.12 cents) rounded up to the next dollar; and that different fares should apply in July and August to maintain a relationship with hotel rates in the Florida area so that together they will have a similar pattern of increase and decrease. Neither National nor Northeast offered any support for their respective tariff filings other than to establish fares at the same level as those proposed by Eastern.

By letter dated January 30, 1967, counsel for the Southern Florida Hotel and Motel Association stated that the summer and fall excursion fares proposed for 1967 are less favorable to the public than those in effect during 1966, and that the carriers should propose fares similar to those of 1966. On February 13, 1967, the Association filed a motion for receipt of a late-filed complaint and a formal complaint[4] requesting suspension of several parts of the carriers' proposals. The Association points out three aspects by which the fares proposed for 1967 are less favorable than those in effect last year and suggests that they be changed. These three changes are: (1) The fare is increased during two and one-half summer months by about 10 percent; (2) the full fare will be required for passengers wishing to travel on Mondays and Saturdays; and (3) first-class excursion fares are no longer available.[5] Of great significance, according to the Association, is the fact that the excursion fares will not be available until April 25, 1967, although this year both the Easter and Passover holidays will be at the end of March and the hotel off-season rates will begin in the early days of April.

By letter of February 9, 1967, National answered the Association's letter stating that the proposed excursion fares are reasonable and that meetings between hotel operators and air carriers to consider a possible agreement on the fares would be undesirable. National pointed out that the period of fare applicability starts April 25, 1967, the same date as last year, and that at least for the "shoulder" periods Thursdays will enjoy a fare of $90 instead of the $94 fare charged last year.

Eastern, in its answer to the complaint, stated that it is proposing to extend its Discover America fares to include midnight Friday to noon Sunday, thus making these fares available all day Saturday as well as Friday and Sunday until noon and from Monday noon on. Eastern also requests the Board to consider the level of its earnings over a long period of time which are not excessive and which were depressed in 1966 due to the mechanics' strike. The carrier further alleges that the issue here is not whether the proposed fares are too high, but whether the 1966 excursion fares were too low, and that the proposed excursion fares are among the lowest in the United States on a fare per mile basis. Eastern also states that the higher excursion fares are justified as the peak travel periods during the summer are between July 4 and September 15. The carrier concludes that its experience shows that the peak winter Florida season extends well into April no matter when the holidays occur, and for this reason, the excursion fares should not be applicable earlier than April 25, 1967.

The three carriers have proposed fares which are substantially identical. They have proposed excursion fares which will be higher and relatively more restricted in their availability than those in effect last year, but no adequate reasons for such higher fares are provided. For example, the New York to Miami coach fares have been proposed at $90 for the periods from April 25 through July 3, 1967, and from September 15 through December 14, 1967. However, from July 4 through September 14, 1967, the carriers propose to charge about 10 percent more or $99. This year's excursion fares will be available on Tuesday through Thursday. Last year, excursion fares were $94 on Monday, Thursday, and Saturday, and a fare of $90 was charged Tuesday and Wednesday.

Excursion fares applying in the spring, summer, and fall months have long been an integral part of the Florida fare structure. A substantial number of the excursion fares proposed to apply during the summer period from July 4, 1967, to September 14, 1967, are at the same level as those disapproved by the Board last year.[6] No adequate justification has been submitted in support of the proposed higher fare of $99 for this 2½-month summer period. No showing has been made that the New York to Miami fare of $90 and those constructed from it are uneconomically low, or that the $99 fare would be reasonably related to the lower fare of $90 or more appropriate for different time periods. In this regard, the Board notes that the financial posture of the carriers involved has improved substantially in the past 2 years, and that certainly National and Eastern have not shown the need for fare increases at the present time.

Accordingly, we find that the proposed individual coach excursion fares applicable during the period July 4, 1967, through September 14, 1967, may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and that such fares should be investigated. In consideration of the substantial reliance of the traveling public on these discounted fares and the magnitude of the increase proposed, we will suspend these fares pending such investigation. The Board also believes that the Association's request

[1] Eastern Air Lines, Inc., Local Round-Trip Excursion Tariff, CAB No. 221; National Airlines, Inc., Local Round-Trip Excursion Tariff, CAB No. 100; and Northeast Airlines, Inc., Local Passenger Excursion Tariff, CAB No. 73.

[2] These provisions are substantially similar to those of the years 1963 through 1966 Florida summer fares. As in 1966, children's fares at 50 percent of the adult fare are limited to children under the age of 12.

[3] National Airlines, Inc., Local Round-Trip See All Florida Excursion Tariff, CAB No. 101, filed with a posting date of Jan. 19, 1967, marked to become effective Mar. 5, 1967. Eastern Air Lines, Inc., Local Round-Trip See Florida Excursion Tariff, CAB No. 222, filed with a posting date of Jan. 30, 1967, marked to become effective Mar. 5, 1967.

[4] The complaint is untimely with regard to the tariffs of Eastern and Northeast but appears to be timely filed against National's tariff, CAB No. 100. The motion will be denied insofar as the complaint requests suspension of the tariffs of Eastern and Northeast. In all other respects the motion will be granted and the complaint will be considered on its merits.

[5] Northeast has filed first-class excursion fares which are $30 higher than the applicable coach fare. These tariff revisions will become effective Mar. 27, 1967, but the fares will not be applicable until Apr. 25, 1967. Eastern, in its answer to the Association's complaint, stated that it was also filing first-class excursion fares.

[6] Orders E-23526, E-23527, and E-23528, dated Apr. 14, 1966.

that some excursion fares be provided after the holidays has merit and in the interest of the traveling public and other parties concerned urges all the carriers to make the Discover America excursion fares available on and after April 1, 1967. The Board, furthermore, would favor the extension of the spring and fall excursion fares to the period July 4 to September 14, 1967.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A[1] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A are suspended and their use deferred to and including May 26, 1967, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The motion of the Southern Florida Hotel and Motel Association, in Docket 18180, for the receipt of a late filed complaint is granted except insofar as it applies to the requests for suspension of Eastern's Tariff, CAB No. 221 and Northeast's Tariff, CAB No. 73;

4. Except to the extent granted herein, the complaint of the Florida Hotel and Motel Association, in Docket 18180, is denied;

5. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

6. Copies of this order shall be filed with the affected tariffs and shall be served upon Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and the Southern Florida Hotel and Motel Association, who are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-2258; Filed, Feb. 28, 1967; 8:48 a.m.]

[Docket No. 17822]

WESTERN TENNESSEE SERVICE INVESTIGATION

Notice of Reassignment of Prehearing Conference

In accordance with the request of counsel for Delta Air Lines, the prehearing conference in the above-indicated proceeding hereby is rescheduled for March 1, 1967, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., February 23, 1967.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 67-2214; Filed, Feb. 28, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17198; FCC 67-212]

SAN FERNANDO BROADCASTING CO. (KSFV)

Order Designating Application for Hearing on Stated Issues

In re application of Joseph M. Arnoff and Maurice H. Gresham, doing business as San Fernando Broadcasting Co. (KSFV), Docket No. 17198, File No. BLH-2397; for license to cover construction permit authorizing a new FM broadcast station at San Fernando, Calif.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of February 1967:

1. The Commission has before it for consideration (1) the above-captioned application; (2) Commission investigations and inquiries with respect to the operations of Station KSFV; and (3) other matters regarding the operation of Station KSFV.

2. On September 6, 1961, the Commission granted the application of Joseph M. Arnoff and Maurice H. Gresham, doing business as San Fernando Broadcasting Co. for a permit (BPH-3460) to construct a new FM broadcast station at San Fernando, Calif., to which the call letters KSFV were subsequently assigned.

3. On May 17, 1963, Joseph M. Arnoff and Maurice H. Gresham, doing business as San Fernando Broadcasting Co. filed an application for license to cover the said construction permit, which application is still pending before the Commission.

4. The Commission's inquiries with respect to the above-captioned applicant and into the operations of Station KSFV raise a number of substantial and unresolved questions bearing upon whether Joseph M. Arnoff and/or Maurice H. Gresham possess the qualifications to become licensees of the Commission.

5. In view of these questions, the Commission is unable to find that a grant of the above-captioned application would serve the public interest, convenience, and necessity and must, therefore, designate this application for a hearing;

Accordingly, it is ordered, That, pursuant to section 319(c) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing, at a time and place to be specified by subsequent order, upon the following issues:

1. To determine all the facts and circumstances with respect to the construction and operation of Station KSFV;

2. To determine whether the operation of Station KSFV resulted in repeated or willful violations of the Commission's technical requirements;

3. To determine whether Joseph M. Arnoff and/or Maurice H. Gresham have exercised adequate supervision over the construction and operation of Station KSFV and whether either of them, at any time, relinquished control thereof to any person without receiving prior consent of the Commission, in violation of section 310(b) of the Communications Act;

4. To determine whether Joseph M. Arnoff and/or Maurice H. Gresham have failed to file agreements, documents, or understandings pertaining to the present or future ownership or control of Station KSFV, which agreements, documents or understandings are required to be filed by the provisions of § 1.613 of the Commission's rules;

5. To determine whether, in the light of the evidence adduced with respect to the foregoing issues, Joseph M. Arnoff and Maurice H. Gresham, doing business as San Fernando Broadcasting Co. possess the requisite qualifications to be licensees of the Commission;

6. To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That the Chief, Broadcast Bureau, will proceed with the initial introduction of evidence with respect to Issues 1 through 4. The applicant will then proceed with its evidence under these issues.

It is further ordered, That further action on an application (File No. BAPH-401) filed September 26, 1966, looking toward assignment of the KSFV construction permit to Manuel G. Martinez, will be withheld pending outcome of hearing ordered herein.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the Chief, Broadcast Bureau, shall furnish a Bill of Particulars to the applicant herein setting forth the basis for the above issues.

It is further ordered, That the applicant herein shall give notice of the hearing within the time, and in the manner prescribed by, § 1.594 of the rules.

Released: February 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2253; Filed, Feb. 28, 1967; 8:47 a.m.]

[1] Commissioner Wadsworth absent.

[1] Appendix A filed as part of the original document.

[Docket Nos. 17144, 17155; FCC 67M-313]

GENERAL ELECTRIC CABLEVISION CORP.

Statement and Order After Further Prehearing Conference

In re petitions by General Electric Cablevision Corp., Peoria, Ill., Docket No. 17144, File No. CATV 100-25; General Electric Cablevision Corp., Peoria Heights & Bartonville, Ill., Docket No. 17155, File No. CATV 100-59; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Peoria television market.

At today's further prehearing conference it was ordered that—

(a) The unopposed verified petition to intervene, filed for Mid America Media, Inc., licensee of Station WIRL-TV, Peoria, Ill., was granted, and Mid America made a party to this proceeding.

(b) The further prehearing conference was rescheduled to April 17, 1967, at 9 a.m. and the hearing from March 15 to May 15, 1967, at 10 a.m.

Dated: February 23, 1967.

Released: February 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2254; Filed, Feb. 28, 1967; 8:48 a.m.]

[Docket No. 16709; FCC 67M-306]

ISLAND BROADCASTING SYSTEM (WRIV), INC.

Order Continuing Hearing

In re application of Island Broadcasting System (WRIV), Inc., Riverhead, N.Y., Docket No. 16709, File No. BPCT-3475; for construction permit (Channel 55).

The Hearing Examiner having under consideration the motion for continuance of procedural dates filed on February 14, 1967, by Island Broadcasting System, Inc.;

It appearing, that there is presently pending a petition for leave to amend to which the Broadcast Bureau has filed comments setting forth the need for additional data including, inter alia, information with reference to a corporate entity which, under the amendment, would become the largest single stockholder of applicant;

It further appearing, that the extention of procedural dates is requested to afford time for obtaining and submitting as a supplement to the amendment the additional data requested and good cause is, therefore, present for grant of the requested extension;

It further appearing, that the Broadcase Bureau advised orally on February 21, 1967, that it has no objections to a reasonable extension of procedural dates;

It is ordered, This 21st day of February 1967 that the said motion is granted and the date for exchange of exhibits to be offered in evidence is extended from February 6, 1967, to March 15, 1967; the date for giving notification of witnesses to be called for cross-examination is continued from February 9, 1967, to March 20, 1967; and the date for hearing is continued from February 27, 1967, to March 22, 1967 commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: February 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2255; Filed, Feb. 28, 1967; 8:48 a.m.]

[Docket No. 17197; FCC 67-207]

VIDEO VISION, INC.

Memorandum Opinion and Order Instituting a Hearing

In re petition by Video Vision, Inc., Lancaster, S.C., Docket No. 17197, File No. CATV 100-94; for authority pursuant to § 74.1107 to serve and operate a CATV system in the Charlotte, N.C. (ARB-30) and Columbia, S.C. (ARB-83) television markets.

1. Before us for consideration is the request for waiver of hearing filed August 19, 1966, by Video Vision, Inc., to permit extension of the following commercial signals on its proposed CATV system in Lancaster, S.C. (CATV 100-94), in the Charlotte, N.C.-Columbia, S.C. markets, ranked 30 and 83 respectively: Two UHF stations from Columbia, S.C. (CBS-19; ABC-25); two VHF stations from the Greenville-Spartanburg and Asheville, N.C. market; and one VHF station from the Greensboro-High Point and Winston-Salem, N.C. market. The request is opposed by the licensee of station WCCB-TV, Charlotte.

2. The Charlotte market has a total net weekly circulation of 492,100 TV homes. Charlotte has assigned to it Channels 3 (CBS), 9 (ABC/NBC), and 18 (ABC/CBS/NBC), all operating,[1] plus Channels 36 and *42 for which construction permits have been issued. The Columbia market has a net weekly circulation of 223,400 TV homes, and assigned to it are Channels 10 (NBC), 19 (CBS), 25 (ABC), all licensed and operating, *35 for which a construction permit has been issued, and 57 which is idle.

3. Lancaster (a city of 7,999), in Lancaster County (39,352), is located approximately 6 miles south of the North Carolina-South Carolina border, 40 miles south of Charlotte (201,564), and 55 miles north of Columbia (97,433), but not in the Census Areas of either market, although it is within the Area of Dominant Interest (ARB) of the Charlotte market. All of the operating stations in Charlotte place a Grade B or better signal into Lancaster, as will channel 36 when it becomes operative. Channel 10 in Columbia places a Grade A signal over Lancaster, but the Grade B contours of the Columbia UHF stations (19 and 25) fall approximately 6 miles short of the community. Lancaster has no television channels assigned to it.

4. Petitioner urges essentially that Lancaster is a relatively small community; that its approximate population of 8,000 persons and 2,000 homes constitute an insignificant part of the Charlotte and Columbia markets; that Lancaster is not part of the Charlotte or Columbia trading area but a separate and distinct community with several industries of its own; that activation of CATV would permit UHF stations to overcome technical reception difficulties caused by terrain and afford the stations an opportunity to attract advertiser support; full network coverage would be made available for the first time; the system had made financial commitments prior to the second report and order.

5. We are persuaded by our previous position in Athens TV Cable, 5 FCC 2d 577, and Greater Television, 5 FCC 2d 699, authorizing the CATV system to carry the distant UHF stations where the system also carries the VHF competitor, that waiver is warranted in this instance with respect to the extension of the two UHF stations from Columbia, S.C. Carriage of these two UHF signals would in addition make available to the community complete network coverage. *Accordingly, it is ordered*, This 15th day of February 1967, that the provisions of § 74.1107 of the rules are waived in order to permit Video Vision, Inc., to carry the signals from Channels 19 and 25 in Columbia, S.C., on its CATV system in Lancaster, S.C.

6. We are not persuaded however, that a case has been made for waiver of hearing with respect to the importation of distant signals from Greenville, Spartanburg, and High Point. The reasons advanced in support of the petition do not meet our concern for the public interest in the preservation of UHF potential, particularly in view of UHF activity in Charlotte. Absent a hearing, impact on the future growth of UHF in Charlotte and Columbia cannot be ascertained.

Accordingly, it is further ordered, Pursuant to sections 4(i), 303, and 307(b) of the Communications Act and § 74.1107 of the Commission's rules, that hearing is ordered on the following issues with respect to the signals sought to be imported from Greenville, Spartanburg, and High Point, as requested in the petition filed by Video Vision, Inc.:

1. To determine the present and proposed penetration and extent of CATV service in the Charlotte, N.C., and Columbia, S.C., television markets.

2. To determine the effects of current and proposed CATV service in the two markets upon existing, proposed, and potential television broadcast stations in the markets.

3. To determine (1) the present policy and proposed future plans of respondents with respect to the furnishing of any

[1] WCCB-TV, formerly on Channel 36, has been on program tests since Oct. 26, 1966 (authority extended on Nov. 30, 1966) operating on Channel 18 with increased power. WCTU-TV has a construction permit pending for Channel 36 conditioned on the commencement of WCCB-TV's regular operation on Channel 18.

service other than the relay of the signals of broadcast stations; (2) the potential for such services; and (3) the impact of such services upon television broadcast stations in the markets.

4. To determine whether the CATV proposal is consistent with the public interest.

Video Vision, Inc., and Mecklenburg Television Broadcasters, Inc., are parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proof is upon petitioner. A time and place for the hearing will be specified in another order.

Released: Feburary 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-2256; Filed, Feb. 28, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 67-5; Agreement No. 9584]

U.S. OCEAN CARRIERS' RATE AGREEMENT

Order for Further Hearing

This is a show cause proceeding to determine the approvability under section 15 of Agreement 9584. The agreement as originally submitted would permit the parties thereto, all U.S.-flag carriers,[1a] to agree upon rates, terms and conditions, and other matters relating to the carriage of cargoes of household, personal effects, and unaccompanied baggage shipped by U.S. Government agencies.

The Department of Defense lodged a protest to approval of the agreement, and this proceeding was instituted. The order instituting the proceeding, served January 12, 1967, contained three modifications which the Commission's staff suggested were necessary before the agreement could be approved under section 15. These modifications would: (1) Limit the initial effective period of the agreement to 1 year; (2) permit any party to exercise independent action on 48 hours' notice to the other parties; and (3) require the publication by the parties to the agreement of a berth term rate that is based upon a composite of the FIO rates offered MSTS under its competitive ocean rate procurement system plus a factor for terminal and stevedoring services. Briefs were filed, and we heard oral argument.

The Department of Defense is opposed to approval of the agreement whether or not modified as proposed by the staff, on the ground that the agreement is contrary to the public interest because it would eliminate competitive procurement of ocean rates for the movement in question. The respondent ocean carriers as a condition to approval accept the first two proposed modifications, but oppose the third on the ground that the proposed formula is inequitable because not based on "commercial costs." Intervener, the Household Goods Forwarders Association, urges approval of the agreement as proposed to be modified by the staff. Finally, Hearing Counsel calls for an evidentiary hearing to resolve certain disputed issues of material fact.

The present posture of the record in this proceeding will not permit action on Agreement 9584. Therefore, we will transmit the record to the Chief Examiner for assignment, further hearings, and the issuance of an initial decision.

We desire that the parties, in addition to the issues presented in our order of January 12, 1967, pay particular attention to the resolution of the following questions:

1. What are the circumstances and conditions presently existing in the trades in question which call for approval of Agreement 9584?

2. Should approval of Agreement 9584 be conditioned upon a requirement that the rates published under it bear a relationship to any other rates, and if so what rates and what relationship?

Therefore it is ordered, That this proceeding be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be determined by the Chief Examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon the parties.

It is further ordered, That any persons, other than respondents, Department of Defense and Household Goods Forwarder Association, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 10, 1967, with copy to the aforementioned parties and Hearing Counsel.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.[1]

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 67-2262; Filed, Feb. 28, 1967; 8:48 a.m.]

[1] Statements of Commissioners Bartley and Cox, concurring and dissenting in part, filed as part of original document; Commissioners Loevinger and Johnson concurring in result; Commissioner Wadsworth absent.

[1a] The carriers party to the agreement are Bloomfield Steamship Co.; Lykes Bros. Steamship Co., Inc.; Moore-McCormack Lines, Inc.; States Marine Lines, Inc.; United States Lines; and Waterman Steamship Corp.

[1] Commissioner Day's dissenting opinion filed as part of the original document.

SEAPORT SHIPPING CO. ET AL.

Notice of Agreements Filed for Approval and Agreements Subject to Cancellation

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working agreements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Seaport Shipping Co., Portland, Oreg., and Wehrli Shipping Co., Inc., New York, N.Y. — FF-3265
Coastal Forwarders, Charleston, S.C., and H. Z. Bernstein Co., Inc., New York, N.Y. — FF-3266
7 Brothers International, Inc., Miami, Fla., and Southern Shipping Co., Jacksonville, Fla. — FF-3268
Geo. M. Leininger Co., New Orleans, La., and P. John Hanrahan, Inc., New York, N.Y. — FF-3269
Freedman & Slater, Inc., New York, N.Y., and American Enterprises, Inc., Baltimore, Md. — FF-3270
Hemisphere Air Freight, New York, N.Y., and Enterprise Shipping Corp., San Francisco, Calif. — FF-3271
Brito Forwarding Co., Brownsville, Tex., and Schenkers International Forwarders, Inc., Houston, Tex. — FF-3272
J. T. Steeb & Co., Inc., Portland, Oreg., and J. R. Michels, Inc., Houston, Tex. — FF-3273
York Forwarding Corp., New York, N.Y., and Arthur J. Fritz & Co., San Francisco, Calif. — FF-3274
A. L. Harden Agencies, Jacksonville, Fla., and George W. Wise, Jr., Savannah, Ga. — FF-3276
Helde Co., Inc., Wilmington, N.C. (Branch), and D. C. Andrews & Co., Inc., New York, N.Y. (Branches) — FF-3277
Donald R. Winter, Atlanta, Ga., and United Forwarders Service, Miami, Fla. — FF-3279
R. F. Downing & Co., Inc., New York, N.Y., and Frontier Freight Forwarders, Inc., Miami, Fla. — FF-3280
Donald R. Winter, Atlanta, Ga., and Norton & Ellis, Inc., Norfolk, Va. — FF-3281

Agreement No. FF-3267 between McLendon Forwarding Co., Houston, Tex., and G. S. Doyle Co., Inc., New York, N.Y., is a cooperative working agreement whereunder forwarding and service fees are subject to negotiations and agreement on each transaction depending upon the services to be performed. Ocean freight brokerage is to be divided equally (50–50) between the parties. This division of brokerage will be restricted to those shipments handled on behalf of each other.

Agreement No. FF-3278 between Alonso Shipping Co., New Orleans, La., and S. G. Scott Co., Tampa, Fla., is a cooperative working agreement whereunder forwarding and service fees are to be as follows: $7.50 per shipment. Ocean freight brokerage is to be divided equally on a 50–50 basis between both parties. This division of brokerage will be restricted to those shipments handled on behalf of each other.

Notice of agreements subject to cancellation. Notice is hereby given that the following independent ocean freight forwarder cooperative working agreements approved by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) are scheduled for cancellation inasmuch as in accordance with the terms therein the parties to the agreements have requested in writing that the agreements be terminated.

The Interport Co., Chicago, Ill., and Cosdel International Co., San Francisco, Calif. — FF-556
The Interport Co., Chicago, Ill., and Win-Mar, Inc., New Orleans, La. — FF-933
The Interport Co., Chicago, Ill., and Adolf Blum & Popper, Inc., New York, N.Y. — FF-1156
The Interport Co., Chicago, Ill., and American Union Transport, Inc., New York, N.Y. — FF-1631
Loretz & Co., Los Angeles, Calif. (Branches), and Seabird Forwarders, Inc., New York, N.Y. — FF-3128

Dated: February 24, 1967.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67-2263; Filed, Feb. 28, 1967; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 66-SO-4]

BAY VIDEO, INC.

Grant of Additional Extension to Comment Period

On December 22, 1966, a notice of petition for and grant of review was issued in response to a petition received by the Federal Aviation Agency in opposition to a determination of hazard to air navigation concerning the proposed construction by Bay Video, Inc., of a tower 1,942 feet above mean sea level (1,797 feet above ground) near Woods, Fla.

On January 27, 1967, a grant of extension of comment period to February 23, 1967, was issued in response to a request by the proponent. Subsequently, because of a delay in negotiations between the proponent and Florida State University, an additional 30-day extension has been requested. The grant of extension is considered to be in the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator, notice is hereby given that the comment period for submitting relevant information for consideration in this review is extended to expire on March 23, 1967. Submission must be filed in triplicate with the Federal Aviation Agency, Obstruction Evaluation Branch, 800 Independence Avenue SW., Washington, D.C. 20553, and must be relevant to the effect of the proposed structure on safe air navigation.

Issued in Washington, D.C., on February 21, 1967.

WILLIAM E. MORGAN, *Acting Director, Air Traffic Service.*

[F.R. Doc. 67-2218; Filed, Feb. 28, 1967; 8:45 a.m.]

CIVIL SERVICE COMMISSION

CORRECTIONAL PROGRAM OFFICER (CHIEF, RESEARCH, STATISTICS, AND DEVELOPMENT)

Manpower Shortage

Under the provisions of 5 U.S.C. 5723 the Civil Service Commission has found, effective February 17, 1967, that there is a manpower shortage for the single position of Correctional Program Officer (Chief, Research, Statistics, and Development), GS-006-15, Bureau of Prisons, Department of Justice, Washington, D.C. This finding will terminate when the position is filled.

The appointee to this position may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[F.R. Doc. 67-2278; Filed, Feb. 28, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-6195 etc.]

GULF OIL CORP.

Findings and Order After Statutory Hearing

FEBRUARY 16, 1967.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, accepting FPC gas rate schedules for filing, redesignating FPC gas rate schedules, substituting respondent, redesignating proceedings, and accepting agreements and undertakings for filing.

The British-American Oil Producing Co. (British-American), predecessor in interest to Gulf Oil Corp. (Gulf), has filed in Docket Nos. CI63-1156, CI64-573, and CI66-72 applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce all as more fully set forth in the applications. Concurrently with the applications British-American submitted copies of the related gas purchase contracts which have heretofore been accepted for filing as its FPC gas rate schedules. By order issued December 28, 1966, in Docket No. G-10615 et al., the Commission accepted a settlement proposal by British-American, and the certificates issued in the subject dockets are subject to the terms and conditions of said proposal and order.

On September 19, 1966, Gulf filed in all of British-American's certificate dockets a petition to amend the orders issuing certificates by substituting Gulf in lieu of British-American as certificate holder to reflect the acquisition of British-American by Gulf. Gulf proposes to continue the same service without change or interruption. Gulf has submitted notices of succession to British-American's FPC gas rate schedules, and said rate schedules will be redesignated as those of Gulf. Gulf has also submitted the contract between British-American and the gas purchaser related to the certificate heretofore issued in Docket No. G-16093. This will be accepted for filing as a rate schedule of Gulf.

Gulf has requested to be substituted as respondent in British-American's rate proceedings and has submitted agreements and undertakings to assure the refund of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Gulf will be substituted in lieu of British-American; the proceedings will be redesignated accordingly; and the agreements and undertakings will be accepted for filing.

Gulf's petition to amend includes the certificate order issued in Docket No. G-9814. Said certificate has been terminated by the order permitting and approving abandonment of service in Docket No. CI66-972. Therefore, Gulf's petition will be dismissed as moot with respect to the certificate issued in Docket No. G-9814.

Gulf's motion to be substituted as respondent includes certain rate proceedings which were terminated in the aforementioned settlement order in Docket No. G-10615, et al. Therefore, the motion to be substituted as respondent in the following dockets will be dismissed as moot:

G-10615	RI60-159	RI62-328
G-13471	RI60-214	RI64-662
G-14630	RI61-174	RI65-194
G-17286	RI61-540	RI65-412
G-18472	RI62-184	RI65-530
G-18950	RI62-215	
G-19024	RI62-274	

After due notice petitions for leave to intervene were filed in the initial certificate proceedings in Docket No. CI64-573 by United Fuel Gas Co. and Long Island Lighting Co. and in Docket No. CI66-72 by the Philadelphia Gas Works Division of The United Gas Improvement Co. and

Long Island Lighting Co. The petition of Long Island Lighting Co. in the latter docket has been withdrawn. A notice of intervention was filed in the initial certificate proceeding in Docket No. CI66–72 by the Public Service Commission of the State of New York. A petition for leave to intervene in the proceeding on the petition of Gulf to continue sales from the interests of British-American was filed and withdrawn in Docket Nos. G–6813, G–13636, and CI63–1156 by Long Island Lighting Co. None of the petitioners in Docket Nos. CI64–573 and CI66–72 have objected to the issuance of certificates in said dockets at the rates and under the terms and conditions set forth in the settlement order in Docket No. G–10615, et al.

At a hearing held on February 9, 1967, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the certificate applications, petition to amend, and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicant in Docket Nos. CI63–1156, CI64–573, and CI66–72 is engaged in the sale for resale of natural gas in interstate commerce for ultimate public consumption subject to the jurisdiction of the Commission and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in Docket Nos. CI63–1156, CI64–573, and CI66–72 and in the tabulation herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by Gulf, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Gulf is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Gulf, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and certificates therefore should be issued in Docket Nos. CI63–1156, CI64–573, and CI66–72 as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedule related to the sale authorized in Docket No. G–16093 should be accepted for filing.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity to British-American should be amended by substituting Gulf as certificate holder and that the related rate schedules should be redesignated accordingly.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Gulf should be substituted as respondent in British-American's rate proceedings, that said proceedings should be redesignated accordingly, and that the agreements and undertakings submitted by Gulf in said proceedings should be accepted for filing.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the motion to substitute repsondent and petition to amend a certificate order in terminated proceedings should be dismissed as moot.

The Commission orders :

(A) Certificates of public convenience and necessity are issued in Docket Nos. CI63–1156, CI64–573, and CI66–72 upon the terms and conditions of this order, authorizing the sales by Gulf of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the applications and in the tabulation herein. Said certificates are subject to the terms and conditions set forth in the order issued December 28, 1966, in Docket No. G–10615 et al.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Gulf continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Gulf. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity to British-American are amended by substituting Gulf as certificate holder, and in all other respects said orders shall remain in full force and effect.

(E) The contract for the sale of natural gas authorized in Docket No. G–16093 is accepted for filing and designated as set forth in the tabulation herein.

(F) The FPC gas rate schedules of British-American are redesignated as those of Gulf and the related notices of succession and assignments are accepted for filing and designated as set forth in the tabulation herein. The ratification agreements related to the sales authorized to be continued by Gulf in Docket Nos. G–18963 and CI66–72 are accepted for filing and designated as set forth in the tabulations herein.

(G) The petition to amend filed by Gulf in Docket No. G–9814 is dismissed as moot.

(H) The motion to be substituted as respondent in the following proceedings is dismissed as moot:

G–10615	RI60–159	RI62–328
G–13471	RI60–214	RI64–662
G–14630	RI61–174	RI65–194
G–17286	RI61–540	RI65–412
G–18472	RI62–184	RI65–530
G–18950	RI62–215	
G–19024	RI62–274	

(I) Gulf is substituted in lieu of British-American in the proceedings pending in Docket Nos. G–14028,[1] G–19254,[1] RI63–292,[2] RI64–32, RI64–123,[2] and RI64–522; said proceedings are redesignated accordingly, and the agreements and undertakings submitted by Gulf in said proceedings are accepted for filing.

(J) Gulf shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreements and undertakings filed in Docket Nos. G–14028, G–19254, RI63–292, RI64–32, RI64–123, and RI64–522 by Gulf shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Consolidated in the initial proceeding in Docket No. AR61–1 et al.

[2] Consolidated in the proceeding on the order to show cause issued Aug. 5, 1965, in Docket No. AR61–1 et al., 34 FPC 424.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		Description and date of document
			No.	Supp.	
G–6206 E 9–19–66	do	El Paso Natural Gas Co., Perton Devonian Field, Pecos and Ward Counties, Tex.	328		The British-American Oil Producing Co., FPC GRS No. 6.
			328	1–8	Supplement Nos. 1–8.
					Notice of succession 9–15–66.
G–6207 E 9–19–66	do	Mississippi River Transmission Corp., Waskom Field, Harrison County, Tex.	327	9	Assignment 7–28–66. The British-American Oil Producing Co., FPC GRS No. 7.
			327	1–8	Supplement Nos. 1–8.
					Notice of succession 9–15–66.
G–6813 E 9–19–66	do	Michigan Wisconsin Pipe Line Co., Cameron Parish, La.	337	9	Assignment 7–28–66. The British-American Oil Producing Co., FPC GRS No. 17.
			334	1–3	Supplement Nos. 1–3.
					Notice of succession 9–15–66.
G–8467 E 9–19–66	do	El Paso Natural Gas Co., Headlee Field, Ector County, Tex.	334	4	Assignment 7–28–66. The British-American Oil Producing Co., FPC GRS No. 14.
			332	1–7	Supplement Nos. 1–7.
					Notice of succession 9–15–66.
G–8784 E 9–19–66	do	Panhandle Eastern Pipe Line Co., Greenough Field, Beaver County, Okla.	332	8	Assignment 7–28–66. The British-American Oil Producing Co., FPC GRS No. 15.
			333	1–2	Supplement Nos. 1–2.
					Notice of succession 9–15–66.
G–12751 E 9–19–66	do	United Gas Pipe Line Co., Cadeville Field, Ouachita Parish, La.	333	3	Assignment 7–28–66. The British-American Oil Producing Co., FPC GRS No. 28.
			335	1–7	Supplement Nos. 1–7.
					Notice of succession 9–15–66.
G–13636 E 9–19–66	Gulf Oil Corp. (Operator) et al. (successor to The British-American Oil Producing Co. (Operator) et al.).	Southern Natural Gas Co., West Hay Field, Plaquemines Parish, La.	335	8	Assignment 7–28–66. The British-American Oil Producing Co. (Operator) et al., FPC GRS No. 29.
			336	1–2	Supplement Nos. 1–2.
					Notice of succession 9–15–66.
G–14515 E 9–19–66	do	Texas Gas Transmission Corp., Romos Field, St. Mary Parish, La.	336	3	Assignment 7–28–66. The British-American Oil Producing Co. (Operator) et al., FPC GRS No. 31.
			338	1–3	Supplement Nos. 1–3.
					Notice of succession 9–15–66.
G–15894 E 9–19–66	Gulf Oil Corp. (successor to The British-American Oil Producing Co.).	Colorado Interstate Gas Co., Armstrong Field, Logan County, Okla.	338	4	Assignment 7–28–66. The British-American Oil Producing Co., FPC GRS No. 32.
			339	1–2	Supplement Nos. 1–2.
					Notice of succession 9–15–66.
G–16091 E 9–19–66	do	Transwestern Pipeline Co., Panhandle Area, Hemphill County, Tex. and Hansford Counties, Tex.	339	3	Assignment 7–28–66. The British-American Oil Producing Co., FPC GRS No. 34.
			366	1	Supplement No. 1.
					Notice of succession 9–15–66.
			366	2	Assignment 7–28–66.
G–6196 E 9–19–66	Gulf Oil Corp. (successor to The British-American Oil Producing Co.)	Kansas-Nebraska Natural Gas Co., Inc., acreage in Logan County, Colo.	329		The British-American Oil Producing Co., FPC GRS No. 9.
			329	1–16	Supplement Nos. 1–16.
					Notice of succession 9–15–66.
			329	17	Assignment 7–28–66. The British-American Oil Producing Co., FPC GRS No. 55.
			358	1	Supplement No. 1.
					Notice of succession 9–15–66.
G–6198 E 9–19–66	do	Southern Natural Gas Co., Gwinville Field, Jefferson Davis County, Miss.	358	2	Assignment 7–28–66. The British-American Oil Producing Co., FPC GRS No. 30.
			337	1	Supplement No. 1.
					Notice of succession 9–15–66.
G–6199 E 9–19–66	do	Lone Star Gas Co., Northeast Elmore Field, Garvin County, Okla.	337	2	Assignment 7–28–66. The British-American Oil Producing Co., FPC GRS No. 11.
			330	1–3	Supplement Nos. 1–3.
					Notice of succession 9–15–66.
G–6200 E 9–19–66	do	Cities Service Gas Co., West Edmond Field, Oklahoma County, Okla.	330	4	Assignment 7–28–66. The British-American Oil Producing Co., FPC GRS No. 12.
			331	1	Supplement No. 1.
					Notice of succession 9–15–66.
G–6202 E 9–19–66	Gulf Oil Corp (Operator), et al. (successor to The British-American Oil Producing Co. (Operator) et al.).	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	331	2	Assignment 7–28–66. The British-American Oil Producing Co. (Operator) et al., FPC GRS No. 3.
			323	1–8	Supplement Nos. 1–8.
					Notice of succession 9–15–66.
G–6203 E 9–19–66	Gulf Oil Corp. (successor to The British-American Oil Producing Co.).	Iroquois Gas Corp., Sheridan Field, Colorado County, Tex.	323	9	Assignment 7–28–66. The British-American Oil Producing Co., FPC GRS No. 8.
			328	1–7	Supplement Nos. 1–7.
					Notice of succession 9–15–66.
G–6204 E 9–19–66	do	El Paso Natural Gas Co., South Fullerton Plant, Andrews County, Tex.	328	8	Assignment 7–28–66. The British-American Oil Producing Co., FPC GRS No. 4.
			324	1–9	Supplement Nos. 1–9.
					Notice of succession 9–15–66.
G–6205 E 9–19–66	do	El Paso Natural Gas Co., Spraberry Field, Glasscock County, Tex.	324	10	Assignment 7–28–66. The British-American Oil Producing Co., FPC GRS No. 5.
			325	1–7	Supplement Nos. 1–7.
					Notice of succession 9–15–66.
			325	8	Assignment 7–28–66.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G-19106 E 9-19-66	do	El Paso Natural Gas Co., Bisti-Gallup Field, San Juan County, N. Mex.	The British-American Oil Producing Co., FPC GRS No. 45.	348	
			Supplement Nos. 1-3.	348	1-3
			Notice of succession 9-15-66.		
G-20329 E 9-19-66	do	Kansas-Nebraska Natural Gas Co., Inc., Mount Hope East Field, Logan County, Colo.	Assignment 7-28-66	348	4
			The British-American Oil Producing Co., FPC GRS No. 38.	343	
			Supplement Nos. 1-2.	343	1-2
			Notice of succession 9-15-66.		
C160-322 E 9-19-66	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 20 Field, Cameron Parish, Offshore Louisiana.	Assignment 7-28-66	343	3
			The British-American Oil Producing Co., FPC GRS No. 46.	349	
			Supplement No. 1.	349	1
			Notice of succession 9-15-66.		
C161-600 E 9-19-66	do	United Fuel Gas Co., Valentine Field, Lafourche Parish, La.	Assignment 7-28-66	349	2
			The British-American Oil Producing Co., FPC GRS No. 47.	350	
1-3			Supplement No. 1.	350	1
			Notice of succession 9-15-66.		
C161-607 E 9-19-66	do	El Paso Natural Gas Co., West Kutz Canyon Field, San Juan County, N. Mex.	Assignment 7-28-66	350	2
			The British-American Oil Producing Co., FPC GRS No. 48.	351	
1-2			Supplement Nos. 1-5.	351	1-5
			Notice of succession 9-15-66.		
3			Assignment 7-28-66	351	7
C161-649 E 9-19-66	do	Texas Gas Transmission Corp., Bayou Sale Field, St. Mary Parish, La.	The British-American Oil Producing Co., FPC GRS No. 49.	352	
1			Supplement No. 1.	352	1
			Notice of succession 9-15-66.		
2			Assignment 7-28-66	352	2
C162-307 E 9-19-66	Gulf Oil Corp. et al. (Successor to The British-American Oil Producing Co. et al.).	Arkansas Louisiana Gas Co., South Marlow Field, Stephens County, Okla.	The British-American Oil Producing Co., et al., FPC GRS No. 50.	353	
1-4			Supplement No. 1.	353	1
5			Notice of succession 9-15-66.		
C162-984 E 9-19-66	Gulf Oil Corp. (Operator) et al. (Successor to The British-American Oil Producing Co. (Operator) et al.).	Lone Star Gas Co., Doyle Field, Stephens County, Okla.	Assignment 7-28-66	353	2
			The British-American Oil Producing Co. (Operator) et al., FPC GRS No. 51.	354	
1-2			Supplement Nos. 1-3.	354	1-3
3			Notice of succession 9-15-66.		
C162-1016 E 9-19-66	do	Texas Gas Transmission Corp., Ramos Field, St. Mary Parish, La.	Assignment 7-28-66	354	4
			The British-American Oil Producing Co., FPC GRS No. 52.	355	
1-4			Supplement Nos. 1-3.	355	1-3
5			Notice of succession 9-15-66.		
C162-1433 E 9-19-66	do	Kansas-Nebraska Natural Gas Co., Inc., Armstrong Field, Logan County, Colo.	Assignment 7-28-66	355	4
			The British-American Oil Producing Co., FPC GRS No. 53.	356	
1-3			Notice of succession 9-15-66.		
4			Assignment 7-28-66	356	1
5			Ratified 10-8-66	356	2
G-16093 [1] E 9-19-66	do	Transwestern Pipeline Co., Panhandle Area, Beaver, Ellis, and Woodward Counties, Okla.	Contract 7-30-58 [2]	370	
			Amendment 8-19-58	370	1
			Amendment 11-14-58	370	2
			Amendment 2-25-59	370	3
			Amendment 6-5-59	370	4
			Amendment 8-26-59	370	5
			Letter agreement 10-9-59. [3]	370	6
			Letter agreement 10-8-60. [4]	370	7
			Letter agreement 2-24-61.	370	8
			Letter agreement 3-4-61.	370	9
			Letter agreement 6-5-63.	370	10
			Letter agreement 1-15-66.	370	11
			Effective date: [5]	370	12
G-16108 E 9-19-66	do	Transwestern Pipeline Co., Crawar and Heiner Fields, Crane, Pecos, and Ward Counties, Tex.	Assignment 7-28-66	342	
			The British-American Oil Producing Co., FPC GRS No. 35.	342	1-5
			Supplement Nos. 1-5.		
			Notice of succession 9-15-66.		
1-5			Assignment 7-28-66	342	9
G-17790 E 9-19-66	do	Cities Service Gas Co., North Wakita Field, Grant County, Okla.	The British-American Oil Producing Co., FPC GRS No. 33.	340	
			Supplement Nos. 1-2.	340	1-2
			Notice of succession 9-15-66.		
1-2			Assignment 7-28-66	340	3
G-17945 E 9-19-66	do	Lone Star Gas Co., Knox Field, Grady and Stephens County, Okla.	The British-American Oil Producing Co., FPC GRS No. 34.	341	
			Supplement No. 1.	341	1
			Notice of succession 9-15-66.		
2			Assignment 7-28-66	341	2
G-18437 E 9-19-66	do	El Paso Natural Gas Co., Santa Rosa Field, Pecos County, Tex.	The British-American Oil Producing Co., FPC GRS No. 39.	345	
			Supplement Nos. 1-4.	345	1-4
			Notice of succession 9-15-66.		
5			Assignment 7-28-66	345	5
G-18445 E 9-19-66	do	Florida Gas Transmission Co., Shuteston Field, St. Landry Parish, La.	The British-American Oil Producing Co., FPC GRS No. 36.	344	
			Supplement Nos. 1-2.	344	1-2
			Notice of succession 9-15-66.		
3			Assignment 7-28-66	344	3
G-18823 E 9-19-66	do	Colorado Interstate Gas Co., Greenwood Field, Baca County, Colo.	The British-American Oil Producing Co., FPC GRS No. 41.	346	
			Supplement No. 1-4.	346	1-4
			Notice of succession 9-15-66.		
5			Assignment 7-28-66	346	5
G-18963 E 9-19-66	do	Transcontinental Gas Pipe Line Corp., Wildcat Bayou Field, Terrebonne Parish, La.	The British-American Oil Producing Co., FPC GRS No. 42.	347	
			Supplement Nos. 1-3.	347	1-3
			Notice of succession 9-15-66.		
4			Assignment 7-28-66	347	4
5			Ratified 10-8-66	347	5

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C163-253 E 9-19-66	Gulf Oil Corp. (successor to The British-American Oil Producing Co.).	Arkansas Louisiana Gas Co., Chenière Field, Ouachita Parish, La.	The British-American Oil Producing Co., FPC GRS No. 54.	357	
			Supplement Nos. 1-2	357	1-2
			Notice of succession 9-15-66.		
C163-918 E 9-19-66	do	Cities Service Gas Co., Panhandle Field, Gray County, Tex.	Assignment 7-28-66	357	3
			The British-American Oil Producing Co., FPC GRS No. 56.	359	
			Notice of succession 9-15-66.		
C163-1156 A 3-14-63 E 9-19-66	do	Southern Natural Gas Co., Section 28 "Dome" Field, St. Martin Parish, La.	Assignment 7-28-66	359	1
			The British-American Oil Producing Co., FPC GRS No. 57.	360	
			Notice of succession 9-15-66.		
C163-1470 E 9-19-66	do	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Assignment 7-28-66	360	1
			The British-American Oil Producing Co., FPC GRS No. 58.	361	
			Supplement No. 1	361	1
			Notice of succession 9-15-66.		
C164-573 A 11-8-63 E 9-19-66	do	United Fuel Gas Co., Deep Lake Field, Cameron Parish, La.	Assignment 7-28-66	361	2
			The British-American Oil Producing Co., FPC GRS No. 61.	363	
			Supplement Nos. 1-4	363	1-4
			Notice of succession 9-15-66.		
C164-1088 E 9-19-66	do	Kansas-Nebraska Natural Gas Co., Inc., Riverside Field, Weld County, Colo.	Assignment 7-28-66	363	5
			The British-American Oil Producing Co., FPC GRS No. 62.	364	
			Supplement No. 1	364	1
			Notice of succession 9-15-66.		
C164-1400 E 9-19-66	do	Cascade Natural Gas Corp., Divide Creek Field, Garfield County, Colo.	Assignment 7-28-66	364	2
			The British-American Oil Producing Co., FPC GRS No. 63.	365	
			Supplement No. 1	365	1
			Notice of succession 9-15-66.		
C165-923 E 9-19-66	do	El Paso Natural Gas Co., Payton-Simpson Field, Pecos County, Tex.	Assignment 7-28-66	365	2
			The British-American Oil Producing Co., FPC GRS No. 65.	367	
			Supplement No. 1	367	1
			Notice of succession 9-15-66.		
C165-1224 E 9-19-66	do	Montana-Dakota Utilities Co., Wind River Basin Field, Fremont County, Wyo.	Assignment 7-28-66	367	2
			The British-American Oil Producing Co., FPC GRS No. 66.	368	
			Supplement Nos. 1-2	368	1-2
			Notice of succession 9-15-66.		
C166-72 A 7-28-65 E 9-19-66	do	Transcontinental Gas Pipe Line Co., Block 71-Block 52 Field, Vermillion Parish, La.	Assignment 7-28-66	368	3
			The British-American Oil Producing Co., FPC GRS No. 67.	369	
			Notice of succession 9-15-66.		
			Assignment 7-28-66	369	1
			Ratified 9-8-66	369	2

[1] Certificate was issued on Aug. 10, 1959, in Opinion No. 328, however, rate schedule was never filed by The British-American Oil Producing Co.
[2] Basic contract between The British-American Oil Producing Co. and buyer.
[3] Changes dates in basic contract.
[4] Amends basic contract to provide for an initial rate of 17.0 cents.
[5] Date of this order (for Supplement Nos. 1 through 11).

[F.R. Doc. 67-2119; Filed, Feb. 28, 1967; 8:45 a.m.]

[Docket No. G-3735, etc.]

TIDEWATER OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 17, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 10, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-965 A 10-13-66	Mobil Oil Corp.,[10] Post Office Box 2444, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Ideal Basin Gas Plant, Eddy County, N. Mex.	[11] 16.528	14.65
C167-966 A 10-13-66	Northern Natural Gas Producing Co.,[10] Post Office Box 2444, Houston, Tex. 77001.	do	[11] 16.528	14.65
C167-853 A 11-4-66	Eastern Kentucky Exploration Co., c/o Clara Queen, Agent, 2808 Panola Pike, Catletts-burg, Ky. 41129.	United Fuel Gas Co., Holly Creek and Emily Branch, Martin County, Ky.	16.0	15.325
C167-881 A 1-18-67	William D. Lewis, Jr., et al., 7 East Fern Rd., Charleston, W. Va. 25314.	United Fuel Gas Co., Dural District, Lincoln County, W. Va.	15.0	15.325
C167-900 (G-17197) (G-17779) A&F 2-1-67 [12]	Austral Oil Co., Inc. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.), 2700 Humble Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., Hatcher Field, Vermilion Parish, La.	19.05	15.025
C167-961 A 1-31-67	J. William McElvain, 310 Jefferson St., Norris, Ill. 60450.	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	[13] 13.0	15.02
C167-965 A 2-3-67	Lee E. Minter, 9 Florence St., Bradford, Pa. 16421.	The Manufacturers Light & Heat Co., Buffington Township, Indiana County, Pa.	[11] 16.5	15.025
C167-966 A 2-3-67	do	The Manufacturers Light & Heat Co., Houston Township, Clearfield County, Pa.	27.5	14.65
C167-967 A 2-3-67	Rhoades Oil Co., 900 Mid-Continent Bldg., Tulsa, Okla. 74103.	Chestnut Grove Gas Co., West Mertick Field, Logan County, Okla.	12.0	14.65
C167-968 A 2-3-67	Pan American Petroleum Corp.	Panhandle Eastern Pipe Line Co., Northeast Seiling Field, Dewey County, Okla.	[11] 16.5	14.65
C167-970 A 2-3-67	Keener Oil Co., c/o Wilbur J. Holleman, Atty., 1700 First Nat. Bank Bldg., Dallas, Tex.	Northern Natural Gas Co., Southwest Seiling and Southwest May Fields, Ellis County, Okla.	[14] 17.0	14.65
C167-971 (C163-759) 2-1-67 [14]	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Lone Star Gas Co., Peatown Field, Gregg County, Tex.	16.36	14.65
C167-972 (C163-760) 2-1-67 [14]	do	do	16.36	14.65
C167-973 A 2-7-67	Mobil Oil Corp.	El Paso Natural Gas Co., Pleasnee Creek Field, Rio Blanco County, Colo.	15.0	15.025
C167-974 A 2-6-67	Wessely Petroleum, Ltd., 2002 Republic Bank Bldg., Dallas, Tex. 75201.	Michigan Wisconsin Pipe Line Co., Arapaho-Lowrance Field, Harper County, Okla.	[15] 17.0	14.65
C167-975 A 2-6-67	Newmont Oil Co., Capital National Bank Bldg., Houston, Tex. 77002.	Florida Gas Transmission Co., Arnaudville Field, St. Martin and St. Landry Parishes, La.	20.0	15.025
C167-976 A 2-6-67	Smith Drilling Contractors, Inc., et al., Rural Delivery No. 1, Box 66, Chester, W. Va.	Consolidated Gas Supply Corp., Meade District, Tyler County, W. Va.	25.0	15.325
C167-977 A 2-6-67	Mobil Oil Corp.	Panhandle Eastern Pipe Line Co., Moceane Field, Beaver County, Okla.	[16] 18.70	14.65
C167-978 A 2-6-67	Pioneer Production Corp., Post Office Box 2542, Amarillo, Tex. 79105.	Panhandle Eastern Pipe Line Co., Forest Thandle Field, Moore County, Tex.	12.0	14.65
C167-980 B 2-6-67	Pan American Petroleum Corp., Post Office Box 291, Ohio, W. Va. 25561.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	Uneconomical	.....
C167-981 A 2-6-67	Northwestern Oil & Gas Co., c/o John M. Sawyer, agent, Post Office Box 186, Mt. Morris, N.Y. 14510.	The Manufacturers Light & Heat Co., Benezette Township, Elk County, Pa.	27.5	15.025
C167-982 B 2-3-67	Lyons Exploration Co., 1800 Beck Bldg., Shreveport, La. 71102.	Texas Eastern Transmission Corp., acreage in Harrison County, Tex.	(18)	.....
C167-983 A 2-8-67	Jones & Pellow Oil Co., et al., 101 Northeast 26th St., Oklahoma City, Okla. 73105.	Panhandle Eastern Pipe Line Co., Valley Center West Area, Dewey County, Okla.	[17] 17.0	14.65

for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3735 1-25-67 [1]	Thlewater Oil Co., P. O. Box 1404, Houston, Tex. 77001.	El Paso Natural Gas Co., Levelland Gasoline Plant, Hockley County, Tex.	[2] 14.21	14.65
G-4533 E 2-3-67	Scis Petroleum Inc., Post Office Box 336, Tyler, Tex. 75701 (partial abandonment).	Arkansas Louisiana Gas Co., South Hallsville Field, Harrison County, Tex.	(3)	.....
G-8743 E 1-20-67	C. C. Lyman, d.b.a. Lyman Damascus Operations), Suite 1213, 2016 Main St., Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Captain Lucy (Bentonville) and North Alice Fields, Nueces and Jim Wells Counties, Tex.	14.38/69	14.65
G-9635 E 2-10-65	Anchorage Oil Co. et al. (successor to B. H. Putnam, Jr.), 1700 First Nat. Bank Bldg., Dallas, Tex. 75202.	Gas Transport, Inc., Grant District, Jackson County, W. Va.	[4] 25.0 [5] 27.0	15.023
C160-160 C 2-1-67	Merchants Petroleum Co., 1836 West 8th St., Room 319, Los Angeles, Calif. 90017.	Equitable Gas Co., Henry District, Clay County, W. Va.	25.0	15.325
C160-323 C 1-23-67	Jonnell Gas, Inc. (Operator) et al. D-20b Petroleum Center, 800 Northeast Loop Expressway, San Antonio, Tex.	Tennessee Gas Pipeline Co. a division Tenneco, Inc., Lockhart Field, Starr County, Tex.	16.0	14.65
C161-619 C 2-6-67	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., acreage in Major County, Okla.	[6] 15.0	14.65
C162-1561 E 1-31-67	Martin B. Klenda (successor to Allen Oldham) (Operator) et al., c/o Jerry L. Casello, Attorney, Tampa State Bank Bldg., Tampa, Kans. 67843.	Cities Service Gas Co., Antioch-Simpson, Missouri Gas Pool, Marion County, Kans.	15.0	14.65
C163-215 C 2-2-67	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore, Latimer, and Sequoyah Counties, Okla.	15.0	14.65
C164-175 C 2-6-67	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
C164-1130 12-8-66 [7]	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Gomez Field, Pecos County, Tex.	[8] 16.5	14.65
C164-1339 D 2-8-67	Wood Petroleum Corp., 1010 East Mexico Ave., Denver, Colo. 80222 (partial abandonment).	Lake Shore Pipe Line Co., Bushnell Field, Erie County, Pa.	(9)	.....
C165-578 G 12-13-65 C 9-29-66	Warren Petroleum Corp.,[10] Post Office Box 1589, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Caliche Plant, Lea County, N. Mex.	[11] 14.51 [12] [13] 16.66	14.65
C166-962 C 7-5-66 C 7-21-66	Dorchester Exploration Co. (Operator) et al.,[10] Post Office Box 2012, Tyler, Tex. 75202.	Northern Natural Gas Co., Meybin Ranch Area, Crockett County, Tex.	16.0 16.5	14.65 14.65
C166-942 C 1-30-67	Pan American Petroleum Corp.	Northern Natural Gas Co., various fields, Ellis County, Okla.	[14] 19.55	14.65
C166-1016 1-30-67 [14]	Union Oil Co. of California (Operator) et al.	Texas Eastern Transmission Corp., Welsh Field, Jefferson Davis Parish, La.	18.25	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-984 B 2-6-67	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Cities Service Gas Co., acreage in McClain County, Okla.	Depleted	.....
C167-985 A 2-6-67	Explorer Oil Co., First National Bldg., Oklahoma City, Okla. 73102.	Transwestern Pipeline Co., Mammoth Creek Field, Lipscomb County, Tex.	[4] 23.0	14.65
C167-986 B 2-8-67	J. F. Deem, Harrisville, W. Va. 26362.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Uneconomical	.....
C167-987 B 2-8-67	Cox's Delight, c/o Robert L. Holland, agent, West Union, W. Va. 26456.	Consolidated Gas Supply Corp., New Milton District, Doddridge County, W. Va.	Uneconomical	.....
C167-988 A 2-8-67	Ralph L. Warner, 105 Lee St., Gassaway, W. Va. 26624.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	25.0	15.325
C167-989 A 2-8-67	Hundred Gas Co., Hundred, W. Va. 26575.	The Manufacturers Light & Heat Co., acreage in Wetzel County, W. Va.	21.5	15.325
C167-990 A 2-6-67	W. E. Burchett, Cherry Lawn Rd., Route No. 60, Huntington, W. Va. 25701.	United Fuel Gas Co., acreage in Mingo County, W. Va.	16.0	15.325
C167-991 A 2-7-67	George H. Daggett & Co., Agent, for Harry W. Brunt, et al., c/o Harry W. Brunt, tenant-in-common, Post Office Box 232, Bradford, Pa. 73102.	The Manufacturers Light & Heat Co., Brush Valley Township, Indiana County, Pa.	27.5	15.025
C167-992 A 2-6-67	W. M. Connolly, et al., c/o Alex E. Booth, Jr., president, Booth Coal Co., Box 310, Kenova, W. Va. 25530.	United Fuel Gas Co., Johns Creek Field, Pike County, W. Va.	16.0	15.325
C167-993 A 2-6-67	Yale Oil Association, c/o Harry C. Marberry, attorney, 2207 First National Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Seiling Field, Dewey County, Okla.	17.0	14.65
C167-995 A 2-8-67	Jones & Pellow Oil Co., et al., 101 Northeast 26th St., Oklahoma City, Okla. 73105.	Panhandle Eastern Pipe Line Co., Southeast Arnett Field, Ellis County, Okla.	[4] 17.0	14.65
C167-996 B 2-8-67	Ferrell L. Prior, et al., d.b.a. Prior Oil Co., 224 Washington Blvd., Belpre, Ohio 45714.	Consolidated Gas Supply Corp., Central District, Doddridge County, W. Va.	Uneconomical	.....
C167-997 B 2-8-67	Creslenn Oil Co., Inc., 1111 Mercantile Dallas Bldg., Dallas, Tex. 75221.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	Uneconomical	.....
C167-998 B 2-8-67	Tuscarora Oil & Gas Corp., 330 First National Bank Bldg., Jackson, Miss. 39205.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Uneconomical	.....

[1] Amendment to the certificate filed to increase contract volumes.
[2] Price established for sales by the Commission's Opinion Nos. 468 and 468-A at Docket No. AR61-1.
[3] Deletes the W. T. Cock Well No. 1, which has ceased to produce gas in commercial quantities.
[4] Including Berea formation and up.
[5] From Berea formation down.
[6] Subject to upward and downward B.t.u. adjustment.
[7] Amendment to the certificate filed to reflect removal of reserve limitation.
[8] Subject to reductions for quality deviations pursuant to Opinion No. 484.
[9] No production has ever been obtained from the properties covered by subject application and leases have terminated.
[10] Applicant has advised willingness to accept permanent authorization containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[11] Residue from casinghead gas.
[12] Residue from gas-well gas.
[13] Subject to quality adjustment in accordance with Opinion No. 468.
[14] Includes 2.55 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[15] Amendment to the certificate filed to add interests of co-owners and to redesignate rate schedule to read "Operator, et al." and to delete certain leasehold interests of Union's which have been utilized with other producers' leases to form units operated by Gulf Oil Corp.
[16] Includes 0.528 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[17] Filing completed.
[18] In addition to acquired leases, Applicant seeks authorization for sales of gas from various leases not covered by Predecessors' certificates.
[19] Union's interest was formerly covered under J. Ray McDermott & Co., Inc. (Operator), et al., FPC GRS No. 4, Docket No. G-17197.
[20] Plus liquid products.
[21] Includes 1.5 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[22] Subject to upward B.t.u. adjustment.
[23] Applicant is filing for certificate to cover its own interest which was previously covered under the certificate issued to Robbins Petroleum Corp. (Operator), et al., Docket No. C163-759.
[24] Applicant is filing for certificate to cover its own interest which was previously covered under the certificate issued to Robbins Petroleum Corp. (Operator), et al., Docket No. C163-760.
[25] Includes 1.70 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[26] Well ceased to produce.

[F.R. Doc. 67-2163; Filed, Feb. 28, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2050]

BLAIR FUND, INC.

Notice of Filing of Application for Order of Exemption

FEBRUARY 23, 1967.

Notice is hereby given that The Blair Fund, Inc. ("applicant"), 20 Broad Street, New York, N.Y. 10005, a registered open-end nondiversified investment company chartered under the laws of Delaware, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act certain proposed transactions.

All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

As a means of providing applicant with the initial net worth of $100,000 required by section 14(a) of the Act, applicant proposes to issue shares of its common stock at net asset value in exchange for all of the assets of Digby Associates ("Digby"), an unincorporated joint venture, the participants of which will acquire applicant's common stock for investment and not with a view toward distribution or redemption. On September 30, 1966, these assets had a value of $1,600,823 including securities with a cost of $1,647,197 and a market value of $1,598,640. In addition, applicant may assume all of Digby's disclosed obligations and liabilities which as of September 30, 1966, amounted to $125,429. It is anticipated by applicant that the transfer will be considered a tax-free exchange and that the basis of the securities received by applicant will be their basis in the hands of Digby. Digby's tax basis on such securities was $1,647,197 as of September 30, 1966.

Applicant will be managed by Blair Advisory Co., Inc., 90 percent of the capital stock of which is owned by Blair & Co., Inc. ("Blair") which will be applicant's principal underwriter.

There are 23 participating accounts in Digby (including four joint accounts). The manager of Digby is Mr. Jay B. Samson who, pursuant to written agreement, has full authority to act on behalf of Digby in the conduct of its business, no participant being authorized to take part in the management or control of Digby. The investment adviser and regular broker for Digby is Blair. Mr. Samson is president and a director of applicant, will be president, director, and a 10 percent stockholder of Blair Advisory Co., Inc., and is a vice president and stockholder of Blair. Mr. Samson's wife, Mrs. Sue G. Samson, is a 2.2 percent participant in Digby.

Mr. R. Percy Nugent, Jr., a director and affiliated person of applicant, holds a large participating interest in Digby. Members of his family also hold interests. It is expected that Mr. Nugent and the various members of his family will consent to the exchange with the Fund.

It is contemplated that all of the Digby participants will agree to the transfer of all of the assets of Digby to applicant. If, however, holders of Digby interests amounting to more than 75 percent thereof do not consent to the proposed transfer, it will not be consummated.

Applicant intends to offer its capital stock to the public on a continuous basis through its principal underwriter. It is anticipated, however, that immediately upon completion of the proposed transactions with Digby, applicant may be subject to taxation as a "personal holding company" under the Internal Revenue Code and therefore will not qualify as a regulated investment company under Subchapter M of the Internal Revenue Code so that all its net income and realized capital gains whether or not distributed will be subject to Federal income taxes in the hands of applicant. In order to insure that the public investors will not bear an unfair tax bur-

den in the event of the sale of any appreciated security obtained from Digby in the tax-free exchange, applicant will establish on its books, immediately after the proposed transfer of assets, a reserve for Federal income taxes equal to 10 percent of the net aggregate unrealized appreciation, if any, in the portfolio securities of Digby, existing at the date of their transfer to applicant which reserve shall be reduced pro tanto by the amount allocable to any of such securities disposed of by applicant. In addition, Digby and its participants who consent to the exchange with applicant will agree to indemnify applicant in amounts not to exceed 15 percent of the lessor of (1) unrealized appreciation with respect to the security sold or (2) the capital gain realized by applicant with respect to such security upon which a Federal income tax is paid by applicant. The indemnification agreement is subject to certain conditions precedent one of which would be satisfied if the Fund acquires the status of a personal holding company under the Interal Revenue Code immediately upon completion of the proposed transaction. At such time as the Fund ceases to be a personal holding company under the Internal Revenue Code the indemnification agreement will terminate.

Section 17(a) of the Act, in relevant part, prohibits the sale of securities to a registered investment company by an affiliated person or promoter of such company, or by an affiliated person of such a person. Under section 17(b) of the Act, the Commission shall grant an exemption from the prohibitions of section 17(a) if it finds that the terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transactions are consistent with the policy of the registered investment company concerned as recited in its registration statement and reports filed under the Act, and with the several purposes of the Act.

Notice is further given that any interested person may, not later than March 15, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-2233; Filed, Feb. 28, 1967; 8:46 a.m.]

[812-2070]

CONTINENTAL ASSURANCE CO. SEPARATE ACCOUNT (B)

Notice of Application for Exemption

FEBRUARY 23, 1967.

Notice is hereby given that Continental Assurance Co. Separate Account (B) ("Applicant"), 310 South Michigan Avenue, Chicago, Ill. 60605, a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting the applicant from section 27(a)(4) of the Act to permit the offering of Applicant's group variable annuity contracts with a minimum initial payment of $10. Applicant has previously been exempted from various sections of the Act with respect to its group variable annuity contracts (Investment Company Act Release No. 4798). All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Section 27(a)(4) of the Act requires that the first payment on any periodic payment plan certificate shall be not less than $20 and any subsequent payment shall be not less than $10. While Applicant's variable annuity contract provides a minimum payment of $10 on all supplemental payments, the minimum for the initial payment is also $10.

Applicant states that payments on its variable annuity contracts, which are issued to school districts and other tax exempt institutions included in section 403(b) of the Internal Revenue Code, must be made through payroll deductions by the employer to meet section 403(b) requirements. Applicant represents that such payroll deductions will frequently be made through electronic computer programs where a change between the first and second payment would be an unnecessary complication, increasing administrative expenses. Accordingly, Applicant requests exemption from the requirement that the first payment be not less than $20.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or regulation thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 16, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-2234; Filed, Feb. 28, 1967; 8:46 a.m.]

[812-2075]

HORNBLOWER & WEEKS-HEMPHILL, NOYES

Notice of Filing of Application for Order of Exemption

FEBRUARY 23, 1967.

Notice is hereby given that Hornblower & Weeks-Hemphill, Noyes ("Applicant"), 8 Hanover Street, New York, N.Y. 10004, the prospective managing underwriter of an offering of shares of Income and Capital Shares, Inc. ("Company"), a closed-end diversified management investment company registered on November 22, 1966, under the Investment Company Act of 1940 ("Act"), has filed an application for an order pursuant to section 6(c) of the Act. Applicant seeks to exempt proposed transactions in connection with the underwriting of the offering from the provisions of section 30(f) of the Act insofar as the applicant, any of its partners and, to the extent necessary, any of applicant's counderwriters and selling dealers are involved.

All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Company proposes to make a public offering and sale of an equal number of its cumulative income shares and its capital shares through an underwriting group to be managed by applicant and has filed a registration statement covering both classes of these shares under the Securities Act of 1933. The shares of each class of stock are to be purchased by the underwriters from the Company at a price of $9.15 per share and will be re-offered and sold to the public at a maximum public offering price of $10 per share.

Set forth below is a description of the marketing and distribution procedures proposed to be followed in connection with the public offering of the shares. It is in connection only with these transactions that applicant has requested the exemption.

(a) Each underwriter will agree with the Company, on or prior to the effective date of the Securities Act registration statement, to purchase his "expected commitment" which may be shares of either or both classes of stock, and, if both classes of stock, need not be equal in number.

(b) The offering is to commence upon the date the registration statement becomes effective and the closing between the Company and the underwriters is scheduled to take place seven to 10 days after commencement of the offering.

(c) No later than the third business day prior to the closing the expected commitment of each underwriter will be reduced by the number of shares which are not the subject of purchase orders theretofore received by him and each underwriter (other than applicant) whose expected commitment is so reduced will pay to the Company 15 cents per share for the number of shares by which his expected commitment is reduced, and applicant will have the option of purchasing any of said shares.

(d) The agreement among underwriters will provide that sales to selected dealers who will resell to the public may be made only by the applicant for its sole account.

(e) Applicant, in its individual capacity, may engage in stabilizing transactions and overallot shares of either class, and it may dispose of any shares of such stock acquired as a result of stabilization activities and may purchase shares of either class of such securities to cover any such overallotments.

One limited partner of applicant is one of the 12 directors of the Company. He owns 500 cumulative income shares and 500 capital shares of the fund. There are 10,011 shares of each class presently outstanding. No other partner of applicant is affiliated with the Company or with its investment adviser, John P. Chase, Inc.

Applicant expects to purchase from the Company, as an underwriter, more than 50 percent of each class of stock of the Company to be issued and sold in the proposed public offering.

Section 30(f) of the Act imposes the duties and liabilities of section 16 of the Securities Exchange Act of 1934 upon, among others, beneficial owners of more than 10 percent of any class of outstanding securities of, and directors of, a registered closed-end investment company. Section 16 of the Securities Exchange Act contains reporting requirements, prohibitions against profits from purchases and sales or sales and purchases within 6 months and against short sales by those persons covered thereby. Applicant represents that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. It states that the transactions sought to be exempted cannot lend themselves to the practices which section 16 was enacted to proscribe.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 13, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-2235; Filed, Feb. 28, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

Correction

FEBRUARY 24, 1967.

FSA No. 40900 filed by Western Trunk Line Committee, agent (No. A–2490) for interested rail carriers, published in 32 F.R. 3035, issue of February 17, 1967, erroneously titled LCL class rates from or to western trunkline territory, and territory shown as, between points in western trunkline territory, on the one hand, to points in official, Illinois, southern and southwestern territories, on the other. Correct title is, LCL class rates between points in the United States, and territory is, from and to points in the United States located in ICC Docket 28300 territory, except those points within western trunkline and southern territories.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-2245; Filed, Feb. 28, 1967; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 24, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40908—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 596), for interested rail carriers. Rates on vinyl dentist aprons and vinyl baby pants, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 64 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 40910—*Superphosphate from Ewell, Fla.* Filed by O. W. South, Jr., agent (No. A4988), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in carloads, and in multiple carload shipments, from Ewell, Fla., to points in southwestern, southern, official, Illinois Freight Association, and western trunkline territories.

Grounds for relief—Rate relationship.

Tariffs—Supplements 77, 24, and 10, to Southern Freight Association, agent, tariffs ICC S–548, S–632, and S–642, respectively.

FSA No. 40912—*Superphosphate from Prairie Junction, Fla.* Filed by O. W. South, Jr., agent (No. A4990), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, minimum 100,000 pounds, from Prairie Junction, Fla., to Cincinnati, Ohio, Louisville, Ky., Jeffersonville, New Albany, Ind., and Nashville, Tenn.

Grounds for relief—Rate relationship.

Tariff—Supplement 77 to Southern Freight Association, agent, tariff ICC S–548.

AGGREGATE-OF-INTERMEDIATES

FSA No. 40909—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 597), for interested rail carriers. Rates on vinyl dentist aprons, and baby pants, in carloads, also liquefied chlorine gas, in tankcar loads, from, to, and between points in Texas, as described in the application, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 64 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 40911—*Superphosphate from Ewell, Fla., to New England points.* Filed by O. W. South, Jr., agent (No. A4989), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, from Ewell, Fla., to specified points in Connecticut, Massachusetts, and Rhode Island.

Grounds for relief—Maintenance of depressed rates established to meet rail-water-truck competition without having to use such rates as factors in constructing combination rates.

Tariff—Supplement 24 to Southern Freight Association, agent, tariff ICC S–632.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2246; Filed, Feb. 28, 1967; 8:47 a.m.]

[Notice No. 344]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 24, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3062 (Sub-No. 25 TA), filed February 21, 1967. Applicant: L. A. TUCKER TRUCK LINES, INCORPORATED, Post Office Box 538, Cape Girardeau, Mo. 63701. Applicant's representative: G. F. Gunn, Jr., Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, as follows: *General commodities* (except household goods, commodities in bulk, class A and B explosives and commodities which, because of size or weight require use of special equipment), serving Arlington, Ky., as an off-route point in connection with applicant's regular route operations to and from Cairo, Ill., for 180 days. Supporting shipper: DEENA of Arlington (George Weiner, President), Arlington, Ky. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 19945 (Sub-No. 26 TA), filed February 21, 1967. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Dry fertilizer and fertilizer materials*, from the plantsite of W. R. Grace & Co., located at or near Henry, Ill., to points in Iowa, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: W. R. Grace & Co., Nitrogen Products Division, Post Office Box 277, 147 Jefferson Avenue, Memphis, Tenn. 38101. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 55236 (Sub-No. 147 TA), filed February 21, 1967. Applicant: OLSON TRANSPORTATION COMPANY, 1970 South Broadway, Post Office Box 1187, Green Bay, Wis. 54306. Applicant's representative: G. R. Richmond (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Dry fertilizer and fertilizer materials*, from the plantsite of W. R. Grace & Co., at Henry, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minneapolis, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: W. R. Grace & Co., 147 Jefferson Avenue, Memphis, Tenn. 38101 (C. W. Drewry, Traffic Manager—Central Operations). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Bureau of Operations and Compliance, 133 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 66562 (Sub-No. 2217 TA), filed February 21, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: Elmer F. Slovacek, Suite 1008, 105 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, as follows: *General commodities* moving in express service (1) between Helena and Great Falls, Mont., from Helena over U.S. Highway 91/Interstate, Highway 15 to Great Falls, and return over same route: Serving the intermediate and/or off-route points of Wolf Creek and Cascade, Mont., and (2) between Butte, Helena, Butte, Montana (a "loop" route) from Butte over U.S. Highway 91/Interstate Highway 15 to Helena, thence west via U.S. Highway 12 to Garrison, thence south over U.S. Highway 10/Interstate Highway 90 to Butte, Mont., in either direction: Serving the intermediate and/or off-route points of Boulder, Helena, Elliston, Avon, Garrison, Deer Lodge, and Warm Springs, Mont. (1) The service to be performed by the applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc.; (2) shipments transported by applicant shall be limited to those on through bills of lading or express receipts; (3) such further specific conditions as the Commission in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc., for 180 days. Supporting shipper: The application is supported by statements from 12 shippers which are on file here at the Interstate Commerce Commission, in Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 74857 (Sub-No. 25 TA), filed February 21, 1967. Applicant FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: Donald Fuller, 802 Plum Street, Cincinnati, Ohio. 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Salt*, from the site of Kentucky Asphalt Sales Terminal, Jefferson County, Ky., near Louisville, Ky., to points in Indiana on and south of Indiana Highway 28 and points in Brown, Butler, Clermont, Clinton, Greene, Hamilton, Highland, Montgomery, Preble, and Warren Counties, Ohio, for the account of Cargill, Inc., for 180 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 87720 (Sub-No. 59 TA), filed February 21, 1967. Applicant: BASS TRANSPORTATION CO., INC., Star Route A, Old Croton Road, Post Office Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Office furniture, crated and uncrated*, from Nashville, Tenn., to points in Ohio, New York, Connecticut, and New Jersey, for 180 days. Supporting shipper: The Globe-Wernicke Co., Cincinnati, Ohio 45225. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 103880 (Sub-No. 380 TA), filed February 21, 1967. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio. Applicant's representative: T. J. Bird (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Dry fertilizer, and fertilizer materials*, from the plantsite of W. R. Grace & Co., at Henry, Ill., to Minnesota, Wisconsin, Iowa, Missouri, Indiana, Kentucky, Ohio, and Michigan, for 180 days. Supporting shipper: W. R. Grace & Co., 147 Jefferson Avenue, Memphis, Tenn. 38101 (Post Office Box 277). Sent protests to: G. J. Baccei, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 435 Federal Building, Cleveland, Ohio 44114.

No. MC 107403 (Sub-No. 704 TA), filed February 21, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook, vice president (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Silica gel catalyst*, in bulk, in tank vehicles, from Paulsboro, N.J., to Bay City, Mich., for 150 days. Supporting shipper: Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 108449 (Sub-No. 251 TA), filed February 21, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Dry fertilizer, and fertilizer materials*, from Henry, Ill., to points in Minnesota, Wisconsin, Iowa, Missouri, Indiana, Kentucky, Ohio, and Michigan, for 180 days. Supporting shipper: W. R. Grace & Co., Nitrogen Products Division, Post Office Box 277, 147 Jefferson Avenue, Memphis, Tenn. 38101. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 116763 (Sub-No. 110 TA), filed February 21, 1967. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380 (mailing address) and 906 Magnolia Avenue, Auburndale, Fla. (legal address). Applicant's representative: W. J. Bohman, Post Office Box 81, North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Tile facing, earthenware*, glazed or not glazed, *mastics, grouts, cements, bathroom accessories, and tools*, from Wrightsville, Ga., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin, and return of *empty pallets*, for 180 days. Supporting shipper: Doric Corp., Post Office Box 295, Wrightsville, Ga. 31096. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117698 (Sub-No. 4 TA) (Correction), filed February 16, 1967, published in notice No. 341, and republished as corrected this issue. Applicant: LEO H. SEARLES, doing business as L. H. SEARLES, South Worcester, N.Y. 12197. Applicant's representative: Harold C. Vrooman, 140 Main Street, Oneonta, N.Y. 13820. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Ice cream and ice cream products, ice confections, and ice mix* such as ice cream in bulk or in small containers, fudgsicles, popsicles, cones, candied ice cream, sherbets in bulk or in small containers, or on sticks, from Suffield, Conn., to Lake George, Ravena, Utica, Buffalo, N.Y., Pittsburgh, Pa., and Boston, Mass. for 180 days. Supporting shipper: Simonson Bros. Ice Cream, Inc., Oneonta, N.Y.; H. P. Hood and Sons, Inc., Ravena, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 215–217 Post Office Building, Binghamton, N.Y. 13902. NOTE: The purpose of this republication is to add the territory proposed to be served inadvertently omitted from previous publication.

No. MC 124417 (Sub-No. 9 TA), filed February 21, 1967. Applicant: ALPHONSE HINDERMAN and VINCENT HINDERMAN, a partnership, doing business as HINDERMAN BROTHERS, Dickeyville, Wis. 53808. Applicant's representative: John T. Porter, 708 First National Bank Building, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: (1) *Dry fertilizer*, in bags from the plantsite of Mobil Chemical Co., a division of Mobil Oil Corp. at Dubuque, Iowa, to points in Illinois on and north of Illinois Highway 24, points in Minnesota on and south of U.S. Highway 12 and points in Wisconsin north of Wisconsin Highway 29, except Langlade and Shawano Counties; and (2) *dry fertilizer*, in bulk, from the plantsite of Mobil Chemical Co., a division of Mobil Oil Corp. at Dubuque, Iowa, to points in Wisconsin north of Wisconsin Highway 29, except Langlade and Shawano Counties, Wis., for 150 days. Supporting shipper: Mobil Chemical Co., 410 East Main Street, Richmond, Va. 23208. Send protests to: C. W. Buckner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis. 53703.

No. MC 124679 (Sub-No. 9 TA), filed February 21, 1967. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South Street, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Johnson, Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Frozen foods*, from Morgantown, and Pottstown, Pa., to points in Washington, Idaho, Montana, Oregon, Wyoming, Nevada, Utah, Colorado, California, Arizona, and New Mexico, for 180 days. Supporting shipper: Mrs. Smith's Pie Co., Charlotte and Water Streets, Pottstown, Pa. 19464. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 124998 (Sub-No. 2 TA), filed February 17, 1967. Applicant: STEPHEN L. KULOVITS, 1141 Mickley Avenue, Fullerton, Pa. 18052. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Shale derived aggregate*, in bulk, from Plains Township, Luzerne County, Pa., to Ewing, Irvington, Kearney, Kenvil, Newark, and North Arlington, N.J.; New York and Hawthorne, N.Y.; Dover and Wilmington, Del.; Aberdeen, Baltimore, and Silver Hill, Md.; and Washington, D.C., for 150 days. Supporting shipper: Bylite Corp., Post Office Box 1628 North End Station, Wilkes-Barre, Pa. 18705. Send protests to: F. W. Doyle, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 127524 (Sub-No. 3 TA), filed February 21, 1967. Applicant: QUADREL BROS. TRUCKING COMPANY, INC., 1603 Hart Street, Rahway, N.J. 07065. Applicant's representative: Stephen T. Sliker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Dry dextrose*, in bulk, in hopper type vehicles, from the Flexi-Flo Terminal of the New York Central Railroad at North Bergen, N.J., to Edison, N.J., restricted to shipments having a prior rail movement, for 150 days.

Supporting shipper: A. E. Staley Manufacturing Co., Decatur, Ill. 62521. Send protests to: Walter J. Grossmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Room 363, Newark, N.J. 07102.

No. MC 128884 TA, filed February 21, 1967. Applicant: TOMMY A. GOLLOTT, doing business as AAA TRANSFER & STORAGE, 1050 Gouevas Street, Biloxi, Miss. 39530. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor carrier, over irregular routes, as follows: *Household goods*, as defined by the Commission, (a) between points in Mississippi, and (b) between points in Mississippi, on the one hand, and, on the other, the ports of New Orleans, La., and Mobile, Ala., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, over irregular routes, for 180 days. Supporting shippers: American Red Ball Transit Co., Inc., 427 Third Avenue West, Seattle, Wash. 98119; Jet Forwarding, Inc., 2945 Columbia Street, Torrence, Calif. 90503; Trans Ocean Van Service, Post Office Box 7331, Long Beach, Calif. 90807. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 312–A, U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 128885 TA, filed February 21, 1967. Applicant: ROBERT EDWARDS, SR. AND ROBERT F. EDWARDS, JR., a partnership, doing business as R. F. EDWARDS & SON TRANSPORTATION, 1434 North Etting Street, Philadelphia, Pa. 19121. Applicant's representative: L. W. Harris and Associates, 515 Schaff Building, 1505 Race Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *General commodities*, between Philadelphia, Pa., to points in New York, New Jersey, Delaware, Ohio, Virginia, and the District of Columbia, for 180 days. Supporting shippers: Nu-Way Auto Supply Co., 6450 Ardleigh Street, Philadelphia, Pa. 19119; Charles Gordon & Sons, 114 Market Street, Philadelphia, Pa. 19106; Julius Gordon & Co., Inc., 240 Market Street, Philadelphia, Pa. 19106. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2247; Filed, Feb. 28, 1967; 8:47 a.m.]

[Notice 435]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 24, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 906 (Deviation No. 6), CONSOLIDATED FORWARDING CO., INC., 1300 North 10th Street, St. Louis, Mo. 63106, filed February 17, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Tulsa, Okla., over Oklahoma Highway 51 to Wagoner, Okla., thence over U.S. Highway 69 to Muskogee, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Tulsa, Okla., and Muskogee, Okla., over U.S. Highway 64.

No. MC 2202 (Deviation No. 93), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed February 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 1 and Virginia Highway 10 over Virginia Highway 10 to Hopewell, Va., and (2) from junction U.S. Highway 1 and Willis Road over Willis Road to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Virginia Highway 10, thence over Virginia Highway 10 to Hopewell, Va., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Richmond, Va., over U.S. Highway 1 to Petersburg, Va., and return over the same route.

No. MC 29120 (Deviation No. 6), ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, S. Dak. 47104, filed February 16, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, near Joliet, Ill., thence over Interstate Highway 80 to junction Interstate Highway 29, near Missouri Valley, Iowa, thence over Interstate Highway 29 to Sioux City, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway southeast of Marshalltown, Iowa, thence over unnumbered highway to Marshalltown, Iowa, thence over Iowa Highway 330 to junction U.S. Highway 30, thence over U.S. Highway 30 to Denison, Iowa, thence over U.S. Highway 59 to junction Iowa Highway 141, thence over Iowa Highway 141 to Sioux City, Iowa, and return over the same route.

No. MC 29120 (Deviation No. 7), ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, S. Dak. 57104, filed February 16, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Sioux City, Iowa, over Interstate Highway 29 to junction Interstate Highway 90 near Sioux Falls, S. Dak., thence over Interstate Highway 90 to Oacoma, S. Dak., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Oacoma, S. Dak., over U.S. Highway 16 to Sioux Falls, S. Dak., thence over U.S. Highway 77 to Sioux City, Iowa, and return over the same route.

No. MC 44592 (Sub-No. 1) (Deviation No. 12), MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, Post Office Box 1296, New Britain, Conn. 06053, filed February 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kingston, N.Y., over U.S. Highway 209 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction of the Northeast Extension of the Pennsylvania Turnpike, thence over the Northeast Extension of the Pennsylvania Turnpike to junction with the Pennsylvania Turnpike at or near Fort Washington, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kingston, N.Y., over U.S. Highway 9W to junction U.S. Highway 1, thence over U.S. Highway 1 to junction with the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to junction with the Northeast Extension of the Pennsylvania Turnpike, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 357) (Cancels Deviation No. 72), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed February 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Knoxville, Tenn., and junction Interstate Highway 40 and Tennessee Highway 61, over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Nashville, Tenn., over U.S. Highway 41 to Murfreesboro, Tenn., thence over U.S. Highway 70S to Crossville, Tenn., thence over U.S. Highway 70 to Knoxville, Tenn., (2) from Harriman, Tenn., over Tennessee Highway 61 via Oliver Springs and Oak Ridge, to Clinton, Tenn., and (3) from Knoxville, Tenn., over the Solway Road to the Solway Gate of the Oak Ridge Area, Tenn., and return over the same routes.

No. MC 1515 (Deviation No. 358) (Cancels Deviation No. 253), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed February 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction Alabama Highway 106 and U.S. Highway 31, at Georgianna, Ala., over Alabama Highway 106 (access highway) to junction Interstate Highway 65, thence over Interstate Highway 65 to Mobile, Ala., with the following access routes: (a) From junction Interstate Highway 65 and Alabama Highway 83 over Alabama Highway 83 to Evergreen, Ala., (b) from junction Interstate Highway 65 and U.S. Highway 84 over U.S. Highway 84 to Evergreen, Ala., (c) from junction Interstate Highway 65 and Alabama Highway 21 over Alabama Highway 21 to Atmore, Ala., (d) from junction Interstate Highway 65 and County Road 47, near Bay Minette, Ala., over County Highway 47 to junction Alabama Highway 59, and (e) from junction Interstate Highway 65 and Alabama Highway 59 over Alabama Highway 59 to Bay Minette, Ala., and (2) from Mobile, Ala., over Interstate Highway 10 to the Alabama-Mississippi State line, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Montgomery, Ala., over U.S. Highway 31 via Flomaton, Ala., to Mobile, Ala., thence over U.S. Highway 90 to New Orleans, La., and return over the same route.

No. MC 1515 (Deviation No. 359) (Cancels Deviation No. 164), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed February 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction Louisiana Highway 95 and Interstate Highway 10 over Interstate Highway 10 to Lake Charles, La., with the following access routes: (a) From Duson, La., over Louisiana Highway 95 to junction Interstate Highway 10, (b) from Rayne, La., over Louisiana Highway 35 to junction Interstate Highway 10, (c) from Crowley, La., over Louisiana Highway 13 to junction Interstate Highway 10, (d) from junction Interstate Highway 10 and Louisiana Highway 97 over Louisiana Highway 97 to junction U.S. Highway 90, (e) from junction Interstate Highway 10 and Louisiana Highway 26 over Louisiana Highway 26 to junction U.S. Highway 90, and (f) from junction Interstate Highway 10 and U.S. Highway 165 over U.S. Highway 165 to junction U.S. Highway 90, and (2) from Baton Rouge, La., over Interstate Highway 10 to junction U.S. Highway 61, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From New Orleans, La., over U.S. Highway 90 to junction Louisiana Highway 30, thence over U.S. Highway 30 to Luling, La., thence over unnumbered highway to Boutte, La., thence over U.S. Highway 90 to Lake Charles, La., and return over the same route.

No. MC 1515 (Deviation No. 360), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed February 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Rochester, N.Y., and junction Interstate Highway 490 and the New York State Thruway, at Interchange No. 47, over Interstate Highway 490, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent services routes as follows: (1) From Suffern, N.Y. (Interchange No. 15), over New York State Thruway to Buffalo, N.Y. (Interchange No. 50), and (2) from Rochester, N.Y., over U.S. Highway 15 to Interchange No. 46 on the New York State Thruway, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2248; Filed, Feb. 28, 1967; 8:47 a.m.]

[Notice 1032]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 24, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 95084 (Sub-No. 60) (Amendment), filed January 31, 1967, published in FEDERAL REGISTER issue of February 16, 1967, and republished as amended, this issue. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay filled panels*, from Belle Fourche, S. Dak., Colloid Spur, Wyo. (near Upton, Wyo.); Aberdeen and White Springs, Miss., and Sandy Ridge, Ala., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: The purpose of this republication is to (1) delete Pennsylvania as a destination State, and (2) to reflect the hearing information.

HEARING: March 9, 1967, at the U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Edwin J. Martenet.

No. MC 68539 (Sub-No. 25), (Amendment), filed February 12, 1967, published FEDERAL REGISTER, issue of February 23, 1967, and republished as amended, this issue. Applicant: ROMANS MOTOR FREIGHT, INC., Ord, Nebr. Applicant's representatives: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr., and Jack Romans, Box 278, Broken Bow, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles* (except foam, cellular or expanded, and commodities in bulk), from the plantsite of Plasti-Vac Corp. at Montgomery, Pa., to Broken Bow, Columbus, and Holdrege, Nebr.; and (2) *glass tubing*, from the plantsite of Owens-Illinois Glass Co. at Vineland, N.J., to Broken Bow, Columbus, and Holdrege, Nebr. NOTE: Applicant states that the above proposed operations will be restricted to traffic originating at the two above mentioned plantsites. The purpose of this republication is to show the application has been amended to seek authority only to Broken Bow, Columbus, and Holdrege,

Nebr., and also to reflect hearing information.

HEARING: March 14, 1967, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alvin H. Schutrumpf.

No. MC 1753 (Sub-No. 3) (Republication), filed October 6, 1966, published FEDERAL REGISTER issue of October 27, 1966, and republished this issue. Applicant: RENZ TRUCK LINES, INC., 231 Walnut Street, Pacific, Mo. 63069. Applicant's representative: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. 65101. By application filed October 6, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the new generating plant of Union Electric Co. northeast of Labadie, in Franklin County, Mo., and all facilities, including substations, of Union Electric Co. located within 5 miles of the site of said new generating plant, as off-route points in connection with applicant's regular-route operations between Union, Mo., and National Stockyards, Ill.

An order of the Commission, Operating Rights Board No. 1, dated January 27, 1967, and served February 16, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving those plantsites, facilities, and substations of Union Electric Co. located in that portion of Franklin County, Mo., north of Interstate Highway 44 and west of Missouri Highway 100 as off-route points in connection with carrier's present regular-route operations between Union, Mo., and East St. Louis, Ill.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 3647 (Sub-No. 390) (Republication), filed July 21, 1966, published FEDERAL REGISTER issue of September 9, 1966, and republished this issue. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). By application filed July 21, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of express and newspapers essentially between the same points and over the same routes as now authorized to applicant for the transportation of passengers and their baggage by certificates of public convenience and necessity in Nos. MC 3647 (Sub-No. 2, 6, 28, 29, 93, 111, and 372). An order of the Commission, Operating Rights Board No. 1, dated January 31, 1967, and served February 21, 1967, finds that in certificates of public convenience and necessity Nos. MC–3647 (Sub-No. 2, 6, 28, 29, 93, 111, and 372), applicant holds authority to operate as a common carrier by motor vehicle of passengers and their baggage, over specified routes, between all points and over the same routes sought herein. That the present and future public convenience and necessity require modification of Certificate Nos. MC–3647 (Sub-No. 2, 6, 28, 29, 93, 111, and 372) so as to include the authority herein sought by substituting in lieu of the descriptions appearing on sheet 1 of each respective certificate and, additionally on sheet 2 of certificate No. MC–3647 (Sub-No. 372), the following:

Passengers and their baggage, and express and newspapers in the same vehicle with passengers, over regular routes; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that appropriate amended certificates be issued to applicant authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle of the commodities described, and in the manner described above. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding.

No. MC 29910 (Sub-No. 63), pursuant to MC–F–8314, filed December 12, 1962. Applicant: ARKANSAS-BEST FREIGHT, INC., 301 South 11th Street, Fort Smith, Ark. Applicant's representative: Thomas Harper, Post Office Box 43, Kelley Building, Fort Smith, Ark. Applicant was issued a certificate of public convenience and necessity, pursuant to MC–F–8314, in MC 29910 (Sub-No. 63), authorizing the transportation by motor vehicle, over regular routes, of general commodities, except those of unusual value, classes A and B explosives, livestock, and household goods as defined by the Commission, which reads in part as follows: Between Milwaukee, Wis., and Hutchinson, Kans., serving the intermediate points of Chicago and East Moline, Ill., *St. Joseph* and Kansas City, Mo., and Kansas City, Abilene, Salina, and McPherson, Kans., over certain specified routes. By petition filed April 22, 1965, applicant seeks the partial revocation of its certificate by eliminating therefrom the authority to serve St. Joseph, Mo. A report of the Commission, Division 1, decided February 1, 1967, and served February 16, 1967, finds that the present and future public convenience and necessity require a partial revocation of applicant's certificate No. MC 29910 (Sub-No. 63), dated November 4, 1963, by deletion of the words "St. Joseph" from lines 3 and 4 of the first subparagraph describing the territorial limits of the regular routes described on sheet 1 of said certificate, and that an amended certificate with the matter described above deleted should be issued; that applicant is fit, willing and able properly to conduct the operation authorized in the certificate so amended and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. It is possible that other parties may have an interest in and would be prejudiced by the lack of proper notice of the authority partially revoked in the findings herein. Accordingly, notice of the relief granted will be published in the FEDERAL REGISTER, and the partial revocation of the said certificate will not be effective for a period of 30 days from the date of such publication, during which period any proper party in interest may request reconsideration.

No. MC 53965 (Sub-No. 50) (Republication), filed March 18, 1966, published FEDERAL REGISTER issue of April 7, 1966, and republished this issue. Applicant: GRAVES TRUCK LINE, INC., Salina, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. By application filed March 18, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of commodities requiring refrigeration, between points in Kansas. An Order of the Commission, Operating Rights Board No. 1, dated January 31, 1967, and served February 21, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *foods*, in vehicles equipped with mechanical refrigeration, between points in Kansas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding.

No. MC 58692 (Sub-No. 11) (Republication), filed October 12, 1966, published FEDERAL REGISTER issue of October 27, 1966, and republished this issue. Applicant: AUSTIN ROBBINS, doing business as CHENANGO VALLEY TRANSIT, 123 Eldredge Street, Binghamton, N.Y. Applicant's representative: Harry H. Frank, 12th Floor, Commerce Building, Post Office Box 432, Harrisburg, Pa. By application filed October 12, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage, in special operations, from points in Chenango County, N.Y., to points in the United States, including ports of entry on the international boundary line between the United States and Canada, but excluding Hawaii and Alaska. An order of the Commission, Operating Rights Board No. 1, dated January 31, 1967, and served February 21, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round trip tours, beginning and ending at points in Chenango County, N.Y., and extending to points in the United States (except Hawaii and Alaska), subject to the right of the Commission, which is hereby expressly reserved, to impose, after final determination of the proceeding in Ex Parte No. MC–29 (Sub-No. 1), such terms and conditions, if any, as may be deemed necessary to insure that the operations of applicant are limited to bona fide special operations, in sightseeing and pleasure tours; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 113828 (Sub-No. 111) (Republication), filed March 10, 1966, published FEDERAL REGISTER issue of March 31, 1966, and republished this issue. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue NW., Washington, D.C. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. In the above-specified proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of liquid sugar, corn syrup and blends thereof, in bulk, in tank vehicles, from Ridgely, Md., to points in Delaware, Maryland, North Carolina, Virginia, West Virginia, Pennsylvania, New Jersey, New York, and the District of Columbia, restricted against service to points in Pennsylvania, New Jersey, and New York within 100 miles of Columbus Circle, N.Y. A decision and order of the Commission, Operating Rights Review Board No. 3, dated December 30, 1966, and served January 16, 1967, as amended, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *liquid sugar, corn syrup, and blends thereof*, in bulk, in tank vehicles, from Ridgely, Md., to the District of Columbia and points in Maryland, North Carolina, Virginia, and West Virginia, points in that portion of Pennsylvania lying in and west of Susquehanna, Wyoming, Luzerne, Schuylkill, Berks, and Lancaster Counties, Pa., points in Salem, Cumberland, and Cape May Counties, N.J., and points in that portion of New York lying north and west of the northerly boundaries of Sullivan, Ulster, and Dutchess Counties, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. A notice of the authority actually granted in this proceeding should be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest which might have an interest in or be prejudiced by lack of proper notice of the authority described in this order, may file an appropriate pleading.

No. MC 128076 (Sub-No. 4) (Republication), filed July 22, 1966, published FEDERAL REGISTER issue of September 1, 1966, and republished this issue. Applicant: PROTECTIVE SERVICE COMPANY, 725–29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: Peter Platten, 1035 Land Title Building, Philadelphia, Pa. 19110. By application filed July 22, 1966, applicant seeks a permit authorizing operations in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of business papers, records and audit and accounting media of all kinds (excluding plant removals), between Harrisburg, Pa., Baltimore, Md., and Washington, D.C., under contract with the Service Bureau Corp. NOTE: Common control may be involved. An order of the Commission, Operating Rights Board No. 1, dated January 31, 1967, and served February 16, 1967, as amended, finds that applicant is a wholly owned subsidiary of Protective Motor Service Co., Inc., which holds permits No. MC 111103 and subs thereunder, said control and common management not having been subject to prior Commission approval; that operations by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *business papers, records, and audit and accounting media*, between Harrisburg, Pa., on the one hand, and, on the other, Washington, D.C.,

Carolina, Virginia, West Virginia, Pennsylvania, New Jersey, New York, and the District of Columbia, restricted against service to points in Pennsylvania, New Jersey and New York within 100 miles of Columbus Circle, N.Y. A decision and order of the Commission, Operating Rights Review Board No. 3, dated December 30, 1966, and served January 16, 1967, as amended, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of liquid sugar, corn syrup and blends thereof, in bulk, in tank vehicles, from Ridgely, Md., to the District of Columbia and points in Delaware, Maryland, North Carolina, Virginia, and West Virginia, points in that portion of Pennsylvania lying in and west of Susquehanna, Wyoming, Luzerne, Schuylkill, Berks, and Lancaster Counties, Pa., points in Salem, Cumberland, and Cape May Counties, N.J., and points in that portion of New York lying north and west of the northerly boundaries of Sullivan, Ulster, and Dutchess Counties, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. A notice of the authority actually granted in this proceeding should be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest which might have an interest in or be prejudiced by lack of proper notice of the authority described in this order, may file an appropriate pleading.

No. MC 123038 (Sub-No. 2) (Republication), filed February 1, 1966, published FEDERAL REGISTER issue of February 17, 1966, and republished, this issue. Applicant: E. & D. TRANSPORTATION CO., INC., 147 West King Street, Malvern, Pa. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. In the above-specified proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of liquid sugar, corn syrup and blends thereof, in bulk, in tank vehicles, from Ridgely, Md., to points in Delaware, Maryland, North Carolina, Virginia, West Virginia, Pennsylvania, New Jersey, New York, and the District of Columbia, restricted against service to points in Pennsylvania, New Jersey and New York within 100 miles of Columbus Circle, N.Y. A decision and order of the Commission, Operating Rights Review Board No. 3, dated December 30, 1966, and served January 16, 1967, as amended, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *liquid sugar, corn syrup, and blends thereof*, in bulk, in tank vehicles, from Ridgely, Md., to the District of Columbia and

under a continuing contract with the Service Bureau Corp., of New York, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate permit should be issued, subject to the condition that the person or persons who control the operations both of applicant and any other carrier operating in interstate or foreign commerce shall first obtain approval of such control under the provisions of section 5(2) of the Act or if such approval is not needed, shall so inform the Commission by affidavits, indicating why such approval is unnecessary, within 90 days after the date of service hereof, or within such additional time as may be authorized by the Commission. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 128532 (Sub-No. 1) (Republication), filed October 7, 1966, published FEDERAL REGISTER issue of October 27, 1966, and republished this issue. Applicant: ORVILLE LAMBE, doing business as LAMBE'S TRUCKING, Box 414, Claresholm, Alberta, Canada. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. By application filed October 7, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of mobile home supplies from Grand Island, Nebr., to the port of entry on the international boundary line between the United States and Canada, located at or near Sweetgrass, Mont., on traffic destined to Claresholm, Alberta, Canada. An order of the Commission, Operating Rights Board No. 1, dated January 31, 1967, and served February 16, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of *materials and supplies* used in the manufacture of mobile homes, from Grand Island, Nebr., to the port of entry on the international boundary line between the United States and Canada, located at or near Sweetgrass, Mont.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding.

NOTICE OF FILING OF PETITION

No. MC 127827 (Subs No. 1, 3, 5, and 4 TA) (Notice of filing of petition to amend permit by adding additional shipper at Calhoun City, Miss.), filed January 20, 1967. Petitioner: G. C. COONER, JR., doing business as COONER TRUCK LINE, Calhoun City, Miss. Petitioner's representative: Donald B. Morrison, 829 Deposit Guaranty Bank Building, Box 961, Jackson, Miss. 39205. Petitioner states that it holds authority to transport as follows: (a) MC 127827 (Sub-1), *furniture*, new, cartoned and uncartoned, from the plantsite of Calhoun Industries, Inc., near Calhoun City, Miss., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Calhoun Industries, Inc., (b) MC 127827 (Sub-3), *new furniture*, from the plantsite of Calhoun Industries, Inc., near Calhoun City, Miss., to points in Connecticut, Illinois, Kansas, Massachusetts, Oklahoma, South Dakota, and Mississippi. The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Calhoun Industries, Inc.

(c) MC 127827 (Sub-4 TA), *new furniture*, from Aberdeen, Miss., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Mastercraft Chair Co., (d) MC 127827 (Sub-5), *new furniture*, from Aberdeen, Miss., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virgina, West Virginia, and Wisconsin. The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Mastercraft Chair Co., Inc. By the instant petition, petitioner seeks to modify its existing authority by adding Mastercraft Chair Co., Inc., as an additional contracting shipper for which petitioner may transport *new furniture*, from the plantsite of Mastercraft Chair Co., Inc., located near Calhoun City, Miss., to States set forth above. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 1977 (Sub-No. 12) (Republication), filed August 31, 1966, published FEDERAL REGISTER issue of September 12, 1966, and correction republished February 15, 1967, and republished this issue. Applicant: GOLDSTEIN TRANSPORTATION AND STORAGE, INC., 1420 38th Street, Denver, Colo. 80205. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Colorado. NOTE: Common control may be involved. This application is a matter directly related to Docket No. MC-F-9518, published FEDERAL REGISTER issue of September 14, 1966. The purpose of this republication is to reflect the hearing information.

HEARING: March 20, 1967, Room 545, Federal Court Building, 1929 Stout Street, Denver, Colo., before Joint Board No. 126 on a join record with MC-F-9518.

No. MC 33807 (Sub-No. 5), filed February 13, 1967. Applicant: NASHUA MOTOR EXPRESS, INC., 270 Amherst Street, Nashua, N.H. Applicant's representative: George C. O'Brien, 33 Broad Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, class A and B explosives, commodities in bulk and those requiring special equipment, between points in Massachusetts. NOTE: The application is directly related to MC-F9673, published in the FEDERAL REGISTER issue of February 23, 1967. If a hearing is deemed necessary, applicant requests it be held at Nashua, N.H., or Boston, Mass.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other

proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC-F-9674. (LYNDEN TRANSFER, INC.—Purchase—WILLIAM A. HOOD ET AL.), published in the February 22, 1967, issue of the FEDERAL REGISTER on page 3202. Application filed February 15, 1967, for temporary authority under section 210a(b).

No. MC-F-9676. Authority sought for purchase by PIERCETON TRUCKING COMPANY, INC., Post Office Box 233, Laketon, Ind. 46943, of the operating rights of SPURLING TRUCKING, INC. (CLIFFORD BATTREALL, RECEIVER), 1101 West 26th Street, Indianapolis, Ind., and for acquisition by ROBERT H. LEIFER and PHILLIP A. FLINN, both of Laketon, Ind., of control of such rights through the purchase. Applicants' attorney: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Operating rights sought to be transferred: *Brick*, as a *common carrier*, over irregular routes, from Danville, Ill., to certain specified points in Indiana; *prefabricated cement slabs* and *allied products* used in the installation of prefabricated cement slabs, from Indianapolis, Ind., to points in Illinois, Michigan, Ohio, and that part of Kentucky east of U.S. Highway 31W; and *empty containers* used in transporting the immediately above-specified commodities, from points in the immediately above-specified destination territory to Indianapolis, Ind. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Ohio, and Michigan. Application has been filed for temporary authority under section 210a(b). NOTE: Order by the Transfer Board, dated November 30, 1966, approved the application in MC-FC-69185, Allied Motor Express, Inc., Transferee, and Spurling Trucking, Inc., Clifford Battreall, Receiver, Transferor.

No. MC-F-9677. Authority sought for control by CROUCH BROS., INC. (Mailing Address: Post Office Box 1059, St. Joseph, Mo. 64502), Elwood, Doniphan County, Kans., of JACKSON TRUCK LINE, INC., Post Office Box 496, Topeka, Kans., through acquisition by CROUCH BROS., INC., of the outstanding capital stock of VICTORIA TRUCKING CORP., a noncarrier holding company, and for purchase by CROUCH BROS., INC., of the operating rights and property of JACKSON TRUCK LINE, INC., and for acquisition by CLEO CROUCH, ARTHUR CROUCH, and ROBER M. CROUCH, all also of Elwood, Doniphan County, Kans., of control of such rights and property through the transaction. Applicants' attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C. 20036. Operating rights sought to be controlled and purchased: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between St. Joseph, Mo., and Shambaugh, Iowa, serving the intermediate points of Clearmont, and Elmo, Mo., and Blanchard, and Braddyville, Iowa, and the off-route points of Coin and College Springs, Iowa, serving Burlington Junction, Fillmore, Forest City, and Oregon, Mo., as intermediate or off-route points in connection with carrier's authorized regular-route operation from and to St. Joseph, Mo., between Maryville, Mo., and Clarinda, Iowa, serving all intermediate points and the off-route points of Elmo, Mo., and Blanchard and College Springs, Iowa, between Maryville, Mo., and Hopkins, Mo., serving all intermediate points, between Maryville, Mo., and Mound City, Mo., serving all intermediate points, and the off-route points of Graham and Maitland, Mo., between junction Missouri Highway 113 and U.S. Highway 136 and junction Missouri Highway 113 and 46, between junction Missouri Highways 46 and 113 and Fairfax, Mo., serving all intermediate points, from and to St. Joseph, Mo., serving the intermediate points of Maryville, Tarkio, Fairfax, Craig, and Mound City, Mo., and the off-route point of Rockport, Mo., over a circuitous route; with restrictions.

General commodities, excepting among others, commodities in bulk, but not excepting household goods, over irregular routes, between Clearmont, Mo., and points in Missouri and Iowa within 20 miles of Clearmont (except Maryville and Tarkio, Mo.) on the one hand, and, on the other, points in Missouri, Iowa, Nebraska, and Kansas, with restrictions; and in pending No. MC-8582 Sub-10, seeking a certificate of public convenience and necessity, covering the transportation of general commodities, excepting, among others, household goods and commodities in bulk, as a common carrier, over regular routes, between Maryville, Mo., and Salina, Kans., serving the intermediate points of Wamego, Manhattan, Fort Riley, Junction City, and Abilene, Kans., and the off-route point of Enterprise, Kans., between Maryville, Mo., and Wichita, Kans., serving the intermediate point of Topeka, Kans., and the off-route point of Emporia, Kans., between Topeka, Kans., and Junction City, Kans., between Topeka, Kans., and St. Marys, Kans., serving no intermediate points, as an alternate route for operating convenience only, but serving Topeka for the purpose of joinder only; with restrictions. CROUCH BROS., INC., is authorized to operate as a *common carrier* in Missouri, Kansas, Illinois, Iowa, Nebraska, Arkansas, Oklahoma, Minnesota, and Indiana. NOTE: Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9678. Authority sought for purchase by LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33142, of a portion of the operating rights of UNDERHILL TRANSFER COMPANY, 1965 Factor Avenue, Yuma, Ariz., and for acquisition by ARMLON LEONARD (by virtue of voting trust agreement), also of Miami, Fla., of control of such rights through the purchase. Applicants' representatives: J. F. Dewhurst, 2595 Northwest 20th Street, Miami, Fla., and John T. Underhill, 1965 Factor Avenue, Yuma, Ariz. Operating rights sought to be transferred: *Machinery*, as a *common carrier*, over regular routes, between Yuma, Ariz., and Calexico, Calif., between Yuma, Ariz., and Westmoreland, Calif., serving all intermediate and certain off-route points; *general commodities*, except liquids in bulk, and articles of unusual value, over irregular routes, between points in California and Arizona within 25 miles of Yuma, Ariz., including Yuma. Vendee is authorized to operate as a *common carrier* in Texas, Alabama, Georgia, Kentucky, Kansas, Nebraska, New Mexico, Maryland, New Jersey, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Oklahoma, Wisconsin, Iowa, Arkansas, Louisiana, California, Connecticut, Delaware, Florida, Maine, Massachusetts, Mississippi, Missouri, New Hampshire, New York, Ohio, Rhode Island, Pennsylvania, Vermont, Indiana, Michigan, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9679. Authority sought for purchase by BEKINS VAN LINES OF CALIFORNIA, INC. (which is a wholly owned subsidiary of BEKINS VAN & STORAGE CO.), 1335 South Figueroa Street, Los Angeles, Calif., of the operating rights and property of BEKINS VAN & STORAGE CO. (California, Corp.), 1335 South Figueroa Street, Los Angeles, Calif. Applicants' attorneys and representative: Vernon Baker, Irving Raley, both of 1411 K Street, NW., Washington, D.C., Eldon R. Clawson, and Norman S. Marshall, both of 1335 South Figueroa Street, Los Angeles, Calif. 90015. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, livestock, petroleum products in tank trucks, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over irregular routes, between points in the Los Angeles Harbor commercial zone and points in the Los Angeles, Calif., commercial zone as defined by the Commission; *household goods* as defined by the Commission, between points in California; and *cereal*, from points in Fresno County, Calif., to Fresno, Calif; and *household goods* as defined in *Practices of Motor Common Carriers of Household goods*, 17 M.C.C. 467, and *theatrical and motion picture equipment*, as a *broker*, between points in the United States; *household goods* as defined in *Practices of Motor Common carriers of Household Goods*, 17 M.C.C. 467, between all points in the United States; and *household goods*, as defined by the Commission, between points in the United States, including Alaska and Hawaii. Vendee is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-9680. Authority sought for purchase by RED-YELLOW CAB CO., of the operating rights and property of BUCKEYE STAGES, INC., 128 East Tiffin Street, Fostoria, Ohio, and for acquisition by J. L. KEESHIN, 876 First National Bank Building, Chicago, Ill., of

control of such rights and property through the purchase. Applicants' attorney and representative: Paul F. Beery, 100 East Broad Street, Suite 1800, Columbus, Ohio 43215, and Andrew Douglas, 1045 Spitzer Building, Toledo, Ohio 43604. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Sandusky, Ohio, and Lima, Ohio, between Fostoria, Ohio, and Toledo, Ohio, between Tiffin, Ohio, and Toledo, Ohio, between Genoa, Ohio, and Marblehead, Ohio, between Fremont, Ohio, and Port Clinton, Ohio, serving all intermediate points. RED-YELLOW CAB CO., hold no authority from this Commission. However, its controlling stockholder is affiliated with (1) KEESHIN TRANSPORT SYSTEM, INC., 511 Phillips Avenue, Toledo, Ohio 43612, which is authorized to operate as a *common carrier* in Michigan, Ohio, Wyoming, Indiana, Illinois, Iowa, New York, Pennsylvania, and Missouri; and (2) KEESHIN CHARTER SERVICE, INC., 705 South Jefferson, Chicago, Ill. 60607, which is authorized to operate as a *common carrier* in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PROPERTY

No. MC-F-9681. Authority sought for purchase by TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316, of a portion of the operating rights of DIXIE HIGHWAY EXPRESS, INC., 1900 Vanderbilt Road, Birmingham, Ala. 35202, and for acquisition by AMERICAN COMMERCIAL LINES, INC., 1701 East Market Street, Jeffersonville, Ind., of control of such rights through the purchase. Applicants' attorneys: T. Randolph Buck, K. Edward Wolcott, both of 1701 East Market Street, Jeffersonville, Ind., and Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Paducah, Ky., and Cairo, Ill., serving certain intermediate points; and the sites of the Tennessee Valley Authority plant and of the Atomic Energy Commission plant located approximately 12 miles west of Paducah, near Kevil, Ky., as off-route points; *general commodities*, excepting, among others, commodities in bulk, but not excepting household goods, between Nashville, Tenn., and Paducah, Ky., serving certain intermediate points, between Hardin, Ky., and Nashville, Tenn., serving the intermediate point of Clarksville, Tenn.; and *general commodities*, except livestock and commodities which require special equipment, between St. Louis, Mo., and Paducah, Ky., serving certain intermediate points; and the sites of the Tennessee Valley Authority plant and of the Atomic Energy Commission plant located approximately 12 miles west of Paducah, near Kevil, Ky., as off-route points; serving two alternate routes for operating convenience only. Vendee is authorized to operate as a *common carrier* in Florida, Georgia, Illinois, Indiana, Kentucky, Tennessee, and Alabama. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2249; Filed, Feb. 28, 1967; 8:47 a.m.]

[Notice 1482]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 24, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69424. By order of February 16, 1967, the Transfer Board approved the transfer to Columbia Transport, Inc., a Delaware corporation, Columbia, N.J., of certificate No. MC-124905 (Sub-No. 1), issued January 15, 1964, to Maurice Albee, doing business as Albee Trucking, White Haven, Pa., authorizing the transportation of used wire, with insulation, in dump vehicles, from Staten Island, N.Y., and Newark, N.J., to points in Luzerne County, Pa., and used wire, without insulation, in dump vehicles, from points in Luzerne County, Pa., to Baltimore, Md., points in New Jersey (except points in certain counties), and New York. Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101, attorney for applicants.

No. MC-FC-69425. By order of February 16, 1967, the Transfer Board approved the transfer to Coastal Van Lines, Inc., Brooklyn, N.Y., of certificates Nos. MC-73365 and MC-73365 (Sub-No. 1), issued September 23, 1949, and February 26, 1953, respectively, to Joseph Goltzman and Morris Goltzman, a partnership, doing business as Goltzman's Moving Vans, New York (Brooklyn), N.Y., and authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between New York, N.Y., on the one hand, and on the other, points and places in Massachusetts, Connecticut, New Jersey, New York, Pennsylvania, Maryland, Virginia, and the District of Columbia. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicants.

No. MC-FC-69427. By order of February 16, 1967, the Transfer Board approved the transfer to Delmont E. Hartt, Carmel, Maine, of the operating rights of Robert B. West, Somers, Conn. in permit No. MC-123939, issued May 7, 1963, authorizing the transportation, over irregular routes, of bathroom and lavatory fixtures, and materials and equipment used in the installation and maintenance of plumbing and heating system, from Boston, Mass., to points in a described portion of Maine, and return shipments of the commodities specified. Ruben H. Klainer, 185 Devonshire Street, Boston, Mass. 02110, and Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-69428. By order of February 20, 1967, the Transfer Board approved the transfer to Ronald B. Sundrup, doing business as Ron Sundrup Transfer, Arcadia, Iowa, of the operating rights of William Sundrup, Arcadia, Iowa, in certificate No. MC-60235, issued March 14, 1942, authorizing the transportation, over irregular routes, of oil and grease, in containers, new furniture, building materials, agricultural implements, fertilizer, feed, coal, fencing materials, farm tanks, farm machinery, animal disinfectants, and seed, over irregular routes, from Omaha, Nebr., to Arcadia, Iowa, and points in Iowa within 15 miles of Arcadia, and livestock and agricultural commodities, over irregular routes, between Arcadia, Iowa, and points in Iowa within 15 miles of Arcadia, on the one hand, and, on the other, Omaha, Nebr.

No. MC-FC-69442. By order of February 20, 1967, the Transfer Board approved the transfer to Jack and Jill Express, Inc., Canajoharie, N.Y., of certificate of registration in No. MC-97995 (Sub-No. 2), issued April 14, 1964, to Richard E. Kelley, doing business as Kelley's Transportation, Canajoharie, N.Y., and evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate of public convenience and necessity No. 3587, dated June 13, 1962, issued by the New York Public Service Commission. Pasquale C. Bernardi, 218 Rutger Street, Utica, N.Y. 13501, attorney for applicants.

No. MC-FC-69449. By order of February 20, 1967, the Transfer Board approved the transfer to R. C. Mason Movers, Inc., Lynn, Mass. 01905, of the operating rights of Roland C. Mason, doing business as R. C. Mason—Movers, Lynn, Mass. 01905, in certificate No. MC-100537, issued July 21, 1949, authorizing the transportation, over irregular routes, of household goods, as defined, between Lynn, Mass., and points within 10 miles of Lynn, on the one hand, and, on the other, points in New Hampshire, New York, Rhode Island, Maine, New Jersey, Connecticut, and Vermont. Richard L. Reynolds, 480 Lincoln Avenue, Saugus, Mass. 01906, attorney for applicants.

No. MC-FC-69450. By order of February 20, 1967, the Transfer Board approved the transfer to Merchants Delivery & Transfer, Inc., Boise, Idaho 83706, of the operating rights of E. B. Sheets, doing business as Merchants Delivery & Transfer, Boise, Idaho 83706, in certificate No. MC-120635 (Sub-No. 1), issued March 17, 1964, authorizing the transportation, over irregular routes, of crated household goods, as defined, between points in Idaho within 50 miles of Boise, Idaho. Kenneth G. Berquist, Post Office Box 1775, Boise, Idaho 83701, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2250; Filed, Feb. 28, 1967; 8:47 a.m.]

[3d Rev. S.O. 562; ICC Order 218]

BOSTON AND MAINE CORP.

Rerouting and Diversion of Traffic

Because of derailment on its Fitchburg Division between Mechanicville, N.Y. and Greenfield, Mass., the Boston and Maine Corp., in the opinion of R. D. Pfahler, agent, is unable to transport traffic routed over this line.

It is ordered, That:

(a) Rerouting traffic: Because of derailment on its Fitchburg Division between Mechanicville, N.Y. and Greenfield, Mass., the Boston and Main Corp. is unable to transport traffic over this line in accordance with shippers' routing. The Boston and Maine Corp. and its connections are hereby authorized to reroute or divert such traffic via any available route. The billing covering each car so rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The Boston and Maine Corp. and its connections shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: The Boston and Maine Corp. and its connections shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the direction of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rate of transportation applicable to said traffic; division shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:30 a.m., February 23, 1967.

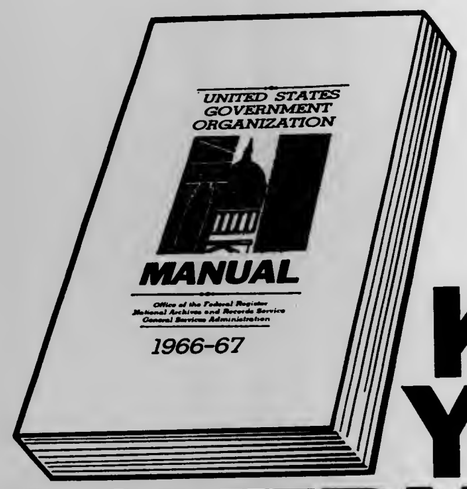
(g) Expiration date: This order shall expire at 11:59 p.m., February 28, 1967, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 23, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 67-2244; Filed, Feb. 28, 1967; 8:47 a.m.]



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FEDERAL REGISTER

VOLUME 32 • NUMBER 41

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Thursday, March 2, 1967 • Washington, D.C.

(Part II begins on page 3601)

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Federal Power Commission
Federal Register Administrative Committee
Federal Trade Commission
Fiscal Service
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Internal Revenue Service
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Securities and Exchange Commission
State Department
Treasury Department
Veterans Administration

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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

No. 41—Pt. I——1

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JANUARY 1967

(Codification Guide)

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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 7, Amdt. 6]

PART 944—FRUIT; IMPORT REGULATIONS

Oranges

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 944.306 (Orange Reg. 7; 29 F.R. 13602; 30 F.R. 11713; 31 F.R. 1001, 11140; 32 F.R. 711, 2938) are hereby amended to read as follows:

§ 944.306 Orange Regulation 7.

(a) On and after 12:01 a.m., e.s.t., March 1, 1967, the importation into the United States of any oranges is prohibited unless such oranges are inspected and graded at least U.S. No. 3 and are of a size not smaller than 2$^{5}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than 2$^{5}/_{16}$ inches in diameter.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 553 (1966)) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those to be in effect beginning March 1, 1967, on domestic shipments of oranges under Orange Regulation 14 (§ 906.331); (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on imports of oranges.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated February 27, 1967, to become effective at 12:01 a.m., e.s.t., March 1, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-2366; Filed, Mar. 1, 1967; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airworthiness Docket No. 67-WE-5-AD; Amdt. 39-356]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas Model DC-9 Airplanes Equipped With Sperry SP-50A Autopilot

There have been failures of the engage armature switch link in the Sperry SP-50 autopilot control panels. These failures resulted in the inability to electrically disconnect the engaged autopilot channel by means of the disconnect button on the airplane's control wheel. The Sperry SP-50A autopilot is used in the Douglas Model DC-9 airplane. Since this condition is likely to exist or develop in the Douglas Model DC-9 airplane equipped with the Sperry SP-50A autopilot, an Airworthiness Directive is being issued to limit use of the autopilot until rework has been accomplished as provided for in the AD. The rework affects the engage switch mechanism of the SP-50A autopilot control panel.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

DOUGLAS. Applies to Douglas Model DC-9 airplanes equipped with the Sperry SP-50A autopilot.

Compliance required as indicated unless already accomplished. To prevent an unsafe condition which may result when the autopilot does not disengage when the control wheel disconnect button is used, accomplish the following:

A. For airplanes having Sperry SP-50A autopilot control panels with 1,500 or more hours' time in service on the effective date of this AD, comply with paragraph D prior to completing the next 50 hours' time in service.

B. For airplanes having Sperry SP-50A autopilot control panels with less than 1,500 hours' time in service on the effective date of this AD, comply with paragraph D prior to completing 1,550 hours' total time in service.

C. Operators who have not kept records of hours' time in service of individual Sperry SP-50A autopilot control panels shall substitute hours' time in service of the airplane or airplanes in which the individual autopilot control panel was installed.

D. Install a placard in clear view of the pilot with the following information:

Autopilot(s) must be turned off when operating below 3,000 feet above ground level in a terminal area. Verify by position of the control panel engage lever.

E. The placard installed in accordance with paragraph D may be removed when the Sperry SP-50A autopilot control panel switches have been reworked to Sperry Service Bulletin TA-693-37.

This amendment becomes effective immediately upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on February 20, 1967.

JOSEPH H. TIPPETS,
Regional Director, FAA Western Region.

[F.R. Doc. 67-2281; Filed, Mar. 1, 1967; 8:45 a.m.]

[Airworthiness Docket No. 67-WE-4-AD; Amdt. 39-355]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Airplanes Equipped With Sperry SP-50 Autopilot

There have been failures of the engage armature switch link in the Sperry SP-50 autopilot control panels as used in the Boeing Model 727 airplane. These failures resulted in the inability to electrically disconnect the engage autopilot channel by means of the disconnect button on the airplane's control wheel. Since this condition is likely to exist or develop in other Boeing Model 727 airplanes equipped with the Sperry SP-50 autopilot, an Airworthiness Directive is being issued to limit use of the autopilot until rework has been accomplished as provided for in this Airworthiness Directive. The rework affects the engage switch mechanism of the SP-50 autopilot control panel.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

BOEING. Applies to Boeing Model 727 airplanes equipped with the Sperry SP-50 autopilot.

Compliance required as indicated unless already accomplished. To prevent an unsafe condition which may result when the autopilot does not disengage when the control wheel disconnect button is used, accomplish the following:

A. For airplanes having Sperry SP-50 autopilot control panels with 1,500 or more hours' time in service on the effective date of this AD, comply with paragraph D prior to completing the next 50 hours' time in service.

B. For airplanes having Sperry SP-50 autopilot control panels with less than 1,500

hours' time in service on the effective date of this AD, comply with paragraph D prior to completing 1,550 hours' total time in service.

C. Operators who have not kept records of hours' time in service of individual Sperry SP–50 autopilot control panels shall substitute hours' time in service of the airplane or airplanes in which the individual autopilot control panel was installed.

D. Install a placard in clear view of the pilot with the following information:

Autopilot(s) must be turned off when operating below 3,000 feet above ground level in a terminal area. Verify by position of the control panel engage lever.

E. The placard installed in accordance with paragraph D may be removed when the Sperry SP–50 autopilot control panel switches have been reworked to Sperry Service Bulletin TA–697–104.

This amendment becomes effective immediately upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on February 20, 1967.

JOSEPH H. TIPPETS,
Regional Director,
FAA Western Region.

[F.R. Doc. 67–2282; Filed, Mar. 1, 1967; 8:45 a.m.]

[Airspace Docket No. 66–SO–64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration, Designation, and Revocation of Federal Airway Segments

On December 15, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 15814) stating the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter, designate, and revoke VOR Federal airway segments in the Memphis, Tenn., terminal area.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., May 25, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows:

1. In V–11 all between "From Memphis, Tenn.," to and including "Scotland, Ind.," is deleted and "12 AGL Dyersburg, Tenn., including a 12 AGL W alternate via INT Memphis 001° and Dyersburg 235° radials, and a 12 AGL E alternate via the INT Memphis 045° and Dyersburg 182° radials; 12 AGL Paducah, Ky., including a 12 AGL E alternate; 12 AGL Evansville, Ind.; 12 AGL Scotland, Ind.," is substituted therefor.

2. In V–16 "12 AGL Jacks Creek, Tenn.;" is deleted and "12 AGL Jacks Creek, Tenn., including a 12 AGL N alternate via INT Memphis 045° and Jacks Creek 260° radials;" is substituted therefor.

3. In V–140 ", including a 12 AGL S alternate from Dyersburg to Nashville via INT Dyersburg 115° and Graham, Tenn., 270° radials; and Graham" is deleted.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 23, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–2283; Filed, Mar. 1, 1967; 8:45 a.m.]

[Airspace Docket No. 67–SO–20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Dothan, Ala., control zone.

The Dothan control zone is described in § 71.171 (32 F.R. 2071).

The control zone, as currently described, is predicated on "Napier Field." Because of a change in the name of the airport and alteration of the runway configuration which changed the location of the airport reference point, it is necessary to amend the control zone description.

Additionally, action is taken herein to reflect a change in the Dothan VOR to a VORTAC facility.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (32 F.R. 2071), the Dothan control zone is amended to read:

DOTHAN, ALA.

Within a 5-mile radius of Dothan Airport (latitude 31°19'09" N., longitude 85°27'10" W.); within 2 miles each side of the Dothan VORTAC 156° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on February 21, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67–2284; Filed, Mar. 1, 1967; 8:45 a.m.]

[Airspace Docket No. 66–WE–70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Realignment of VOR Federal Airways

On January 13, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 389) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway segments in the vicinity of The Dalles, Oreg.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., May 25, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows:

1. In V–25 "including an E alternate via INT of The Dalles 032° and Yakima 183° radials;" is deleted and "including an E alternate via INT of The Dalles 051° and Yakima 163° radials;" is substituted therefor.

2. In V–112 ", INT of The Dalles 096° and Pendleton, Oreg., 254° radials;" is deleted and "; INT of The Dalles 101° and Pendleton, Oreg., 254° radials;" is substituted therefor.

3. In V–520 all before "12 AGL Walla Walla, Wash.," is deleted and "From Portland, Oreg., via The Dalles, Oreg.; Pasco, Wash.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 23, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–2285; Filed, Mar. 1, 1967; 8:45 a.m.]

[Airspace Docket No. 67–AL–2]

PART 73—SPECIAL USE AIRSPACE

Revocation, Alteration, and Designation of Restricted Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to make certain adjustments in the designated airspace associated with Restricted Areas R–2202A and R–2202B at Big Delta, Alaska.

The U.S. Air Force, using agency for R–2202B, has advised they no longer have a requirement for this restricted area. The U.S. Army, using agency for R–2202A, requested that a new Restricted Area R–2202B be designated within the existing R–2202A from the surface to 5,000 feet MSL, to contain concentrated continuous military test activities which are additional to the activities conducted in R–2202A. Due to the continuous nature of these activities, it is not feasible to designate R–2202B on a joint use basis.

Since the total effect of these amendments is less restrictive upon the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., March 30, 1967, as hereinafter set forth.

In § 73.22 (32 F.R. 2293), R–2202B at Big Delta, Alaska, is revoked.

R–2202B is redesignated as follows:

R–2202B BIG DELTA, ALASKA

Boundaries. Beginning at latitude 64°07'–30" N., longitude 146°27'30" W.; to latitude 64°02'30" N., longitude 146°11'30" W.; to latitude 63°53'00" N., longitude 146°24'30" W.; to latitude 63°57'00" N., longitude 146°–41'00" W.; to point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Using agency. President, U.S. Army Arctic Test Board, Fort Greely, Alaska.

R–2202A Big Delta, Alaska, is altered by adding to the text of the boundaries "excluding that airspace within R–2202B."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 24, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67–2286; Filed, Mar. 1, 1967; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8660o.]

PART 13—PROHIBITED TRADE PRACTICES

Panat Jewelry Co., Inc., et al.

Subpart—Furnishing Means and Instrumentalities of Misrepresentation or Deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception:* 13.1055–50 Preticketing merchandise misleadingly. Subpart—Misbranding or Mislabeling: § 13.1185 *Composition;* § 13.1260 *Price;* § 13.1325 *Source or origin:* 13.1325–70 Place: 13.1325–70(a) Domestic product as imported. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1590 *Composition;* § 13.1745 *Source or origin:* 13.1745–70 Place: 13.1745–70(a) Domestic products as imported. Misrepresenting Oneself and Goods—Prices: § 13.1811 *Fictitious preticketing.* Subpart—Using Misleading Name—Goods: § 13.2280 *Composition;* § 13.2310 *Manufacture or preparation;* § 13.2345 *Source or origin:* 13.2345–65 Place: 13.2345–(a) Domestic product as imported.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Panat Jewelry Co., Inc., et al., New York City, N.Y., Docket 8660, Feb. 8, 1967]

In the Matter of Panat Jewelry Co., Inc., a Corporation, and Nathan Jachter, Individually and as an Officer of Said Corporation, and Nathan Jachter Doing Business and Trading as Jaq de Paris

Order requiring New York City distributor of perfumes and costume jewelry to jobbers and retailers, to cease deceptively preticketing and misbranding its perfume and jewelry as to the regular selling price and composition, ambiguously using French words and symbols to falsely imply that its perfumes are imported, and furnishing retailers with means and materials to deceive the public in the above-enumerated ways.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Panat Jewelry Co., Inc., a corporation, and its officers, and respondent Nathan Jachter, individually and as an officer of said corporation, and Nathan Jachter trading and doing business as Jaq de Paris, or under any other name or names, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of perfumes, toilet waters, cosmetics, costume jewelry, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Preticketing any product at a suggested retail price that is not established in good faith as an honest estimate of the actual retail price or that appreciably exceeds the highest price at which substantial sales are made in respondents' trade area.

2. Furnishing to others, any means or instrumentality by or through which the public may be misled as to the actual bona fide retail prices of respondents' merchandise.

3. Using any letters, numerals, or symbols that are associated with or otherwise suggestive of nationally advertised or well-known perfumes, toilet waters, or related products in the labeling or advertising of respondents' products without clearly and conspicuously revealing in immediate conjunction therewith the actual trade name of the manufacturer of said products.

4. Using the term "Jaq de Paris" or any other French word or words, or a depiction of the Eiffel Tower, the French flag, or any other typically French scene, in advertising or labeling to describe perfumes, toilet waters, or cosmetics that are not manufactured or compounded in France.

5. Representing in any manner that merchandise was manufactured, compounded, or distributed by a named person or concern, or originated in a given country or geographical area, unless such article was so manufactured, compounded, distributed, or originated.

6. Using the term "Sterling Silver" or any other word or words of similar import or meaning, to designate, describe, or refer to an article which is not wholly composed of 925/1000ths pure silver.[1]

7. Using the term "Gold Filled" or any word or words of similar import or meaning, to designate, describe or refer to an article unless the article contains a surface plating of gold alloy of not less than 10 karat fineness which is of a substantial thickness of at least 1/20th of the weight of the metal in the entire article, and unless the term is immediately preceded, with equal conspicuousness, by a correct designation of the karat fineness of the alloy.[1]

8. Using the term "14 K. Gold", "14 KT. Gold", "14 Karat Gold" or any other term, word, number, abbreviation, or symbol, either singularly or in combination one with another, relative to the karat fineness of the gold alloy content of the metal in the article to which it refers, unless the metal in the article is wholly composed of gold alloy of the karat fineness specified.[1]

9. Using the words "Pearl", "Cultured Pearl", or any other word or words of similar import or meaning to describe imitation pearls, or representing in any manner that imitation pearls are genuine pearls: *Provided, however,* That the word "Pearl" may be used to describe the appearance of an imitation pearl if, whenever used, the word "Pearl" is immediately preceded, in equally conspicuous type, by the words "imitation" or "simulated" or other words of similar import or meaning, which will clearly indicate that the imitation pearl is not a genuine pearl.

10. Furnishing or placing in the hands of retailers or dealers the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered, That respondents Panat Jewelry Co., Inc., and Nathan Jachter shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner in which they have complied with the order to cease and desist.

By the Commission, without the concurrence of Commissioner MacIntyre.

Issued: February 8, 1967.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67–2294; Filed, Mar. 1, 1967; 8:46 a.m.]

[Docket No. C–1170]

PART 13—PROHIBITED TRADE PRACTICES

Stylecrest Fabrics, Ltd., and Irving Stern

Subpart—Advertising Falsely or Misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act. Subpart—Invoicing Products Falsely: § 13.1108 *Invoicing products falsely:* 13.1108–80 Textile Fiber Products Identification Act. Subpart—Misbranding or Mislabeling: § 13.1185

[1] In construing pars. 6, 7, and 8 of this order, the provisions of Title 15 U.S.C. § 291–300 relating to tolerances and the exemptions customary in the industry, contained in Commercial Standards CS 51–35, CS 67–38, CS 118–44, and CS 47–34 issued by the Department of Commerce and incorporated in Trade Practice Rules for the Jewelry Industry promulgated by the Federal Trade Commission June 28, 1957, and amended Nov. 17, 1959, shall be applied.

Composition: 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Stylecrest Fabrics, Ltd., et al., New York City, N.Y., Docket C–1170, Feb. 10, 1967]

In the Matter of Stylecrest Fabrics, Ltd., a Corporation, and Irving Stern, Individually and as an Officer of Said Corporation

Consent order requiring a New York City distributor of textile fabrics to cease deceptively misbranding the fiber content of its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Stylecrest Fabrics, Ltd., a corporation, and its officers, and Irving Stern, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such product as to the name or amount of constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 10, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–2295; Filed, Mar. 1, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

SUBCHAPTER C—DRUGS

PART 131—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Aspirin

During hearings in 1966 on H.R. 13886, the Committee on Interstate and Foreign Commerce of the 89th Congress expressed the view that certain provisions of the bill with respect to aspirin intended for children should be dealt with by the voluntary conference approach. Consequently, on November 21, 1966, the Commissioner of Food and Drugs convened a Food and Drug Administration-sponsored Conference on Prevention of Accidental Ingestion of Salicylate Products by Children under the Chairmanship of Harry Cameron Shirkey, Director, The Children's Hospital of Birmingham, University of Alabama Medical College. The Conference was attended by representatives of the medical profession, the drug industry, and the Food and Drug Administration. The names of the medical authorities and others attending the Conference, the Conference agenda, and the summary of the Conference prepared by the Chairman are available upon request directed to the Press Relations Staff, Food and Drug Administration, Washington, D.C. 20204.

The main items of the agenda of the Conference were:

I. Limitation of the number of 1¼-grain flavored aspirin in a retail package.

II. Safety packaging.

III. Other safety measures to prevent injury or death of children from ingestion of salicylate preparations.

The conclusions and recommendations of the Conference may be summarized as follows:

A. The smaller aspirin tablets, often referred to as "children's aspirin" tablets, should continue as 1¼ grain in size.

B. The flavoring of "children's aspirin" should not be prohibited.

C. The flavoring of 5-grain aspirin tablets, "adult aspirin" tablets, should be discontinued.

D. The maximum number of 1¼-grain aspirin tablets that should be permitted in a retail container is 36.

1. The drug industry representatives attending the Conference agreed that drug manufacturers would not ship retail containers containing more than 36 tablets of 1¼-grain aspirin after June 1, 1967.

2. The Commissioner assured the Conference that use of the present bottle size to contain the fewer tablets would be permitted.

E. An ideal safety closure is desirable for aspirin and all over-the-counter and prescription drugs, if possible. A Committee was appointed to make a continuing study of improved safety closures for "children" and "adult" aspirin tablets. Attention to the safety closure feature of strip packaging was strongly favored.

F. The carton and container labeling of all aspirin intended for children and for adults should include in heavy block type on clearly contrasting background: "Warning—Keep this and all medicines out of children's reach. In case of accidental overdose, contact a physician immediately."

G. Oil of wintergreen, methyl salicylate, was recognized as a frequently lethal agent when ingested accidentally. Concern was also expressed about poisoning by phenyl salicylate and other toxic salicylates. The Food and Drug Administration agreed to again bring this problem to the attention of the manufacturers of these products.

H. The Food and Drug Administration agreed to seek a more detailed delineation of which deaths from salicylates were from methyl salicylate or from aspirin intended for adults or children. The Conference agreed present data are insufficient.

I. Educational programs should point out the dangers of "adult" aspirin, "children's" aspirin, and therapeutic overdosage. Industry representatives pointed out that the Council on Family Health, 485 Madison Avenue, New York, N.Y. 10022, would be active in educational programs directed to the public to point out dangers from salicylates.

J. It was agreed that advertising of aspirin tablets to the public with undue emphasis on flavor without warning against accidental ingestion is undesirable.

K. This study group or a similar group should convene in the near future to evaluate the status of all over-the-counter salicylates.

L. The Conference conclusions should be widely publicized by publication in the FEDERAL REGISTER and elsewhere.

In accordance with the conclusions and recommendations of the Conference, the Commissioner orders that the statement of policy on labeling of drugs containing salicylates and the regulations regarding warnings on drugs for over-the-counter sale be amended as set forth below. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502(f), 701(a), 52 Stat. 1052, 1055; 21 U.S.C. 352(f), 371(a)) and delegated by him to the Commissioner (21 CFR 2.120), Parts 3 and 131 are amended:

1. By revising § 3.509 (a) and (c) to read as follows:

§ 3.509 Labeling of drug preparations containing salicylates.

(a) The label of any oral drug preparation intended for sale without prescription and which contains any salicylate ingredient (including aspirin, salicylamide, other salicylates, and combinations) must bear a conspicuous warning statement in heavy block type on clearly contrasting background, such as: "Warning—Keep this and all medicines out of children's reach. In case of accidental overdose, contact a physician immediately," or "Warning—Keep out of the reach of children," except that if the article is an aspirin preparation, it shall bear the first of these warning statements. Such a warning statement is required for compliance with section 502(f)(2) of the Federal Food, Drug, and Cosmetic Act and is intended to guard against accidental poisonings. Safety closures that prevent access to the drug by young children are also recommended to guard against accidental poisonings.

• • • • •

(c) Aspirin tablets sold as such and containing no other active ingredients, except tablets which cannot be readily subdivided into a child's dose because of their coating or size, should always bear dosage directions for each age group down to 3 years of age, with a statement such as "For children under 3 years of age, consult your physician." It is recommended that:

(1) Aspirin tablets especially made for pediatric use be produced only in 1¼-grain size to reduce the hazard of errors in dosage;

(2) By June 1, 1967, manufacturers and distributors of 1¼-grain size aspirin tablets discontinue the distribution of such tablets in retail containers containing more than 36 tablets, to reduce the hazard of accidental poisoning;

(3) The flavoring of 5-grain aspirin tablets or other "adult aspirin tablets" be discontinued; and

(4) Labeling giving undue emphasis to the pleasant flavor of flavored aspirin tablets be discontinued.

• • • • •

2. By revising §§ 131.9 and 131.10 to read as follows:

§ 131.9 General warnings re accidental ingestion by children.

Section 131.15 includes under certain items, but not all medicines, the statement: "Warning—Keep this and all medicines out of children's reach. In case of accidental overdosage, contact a physician immediately," or "Warning—Keep out of the reach of children." However, in view of the possibility of accidental ingestion of drugs, it is not only suggested but is recommended that one of these statements be used on the label of all drug products.

§ 131.10 Conspicuousness of warning statements.

Necessary warning statements should appear in the labeling prominently and conspicuously as compared to other words, statements, designs, and devices, and in bold type on clearly contrasting background, in order to comply with the provisions of section 502 (c) and (f)(2) of the act. The warning statements should be placed in the labeling in juxtaposition with the directions for use and, in any case, should appear on the label when there is sufficient label space in addition to mandatory label information.

3. By revising in § 131.15 the item "SALICYLATES, INCLUDING ASPIRIN • • •" to read as follows:

§ 131.15 Drugs for human use; recommended warning and caution statements.

• • • • •

SALICYLATES, INCLUDING ASPIRIN AND SALICYLAMIDE (EXCEPT METHYL SALICYLATE, EFFERVESCENT SALICYLATE PREPARATIONS, AND PREPARATIONS OF AMINOSALICYLIC ACID AND ITS SALTS). (See also § 3.509 of this chapter.)

Warning—Keep this and all medicines out of children's reach. In case of accidental overdose, contact a physician immediately; or

Warning—Keep out of the reach of children.

If the article is an aspirin preparation, it should bear the first of the above two warning statements. In either case, the above information should appear on the label.

Caution—For children under 3 years of age, consult your physician; or

Caution—For younger children, consult your physician.

One of the two immediately preceding caution statements is required on the label of all aspirin tablets, but such a statement is not required on the labels of other salicylates clearly offered for administration to adults only.

If offered for use in arthritis or rheumatism, in juxtaposition therewith, the statement:

Caution—If pain persists for more than 10 days, or redness is present, or in conditions affecting children under 12 years of age, consult a physician immediately.

• • • • •

Additionally, in accordance with recommendations of the Conference, the Commissioner requests manufacturers and distributors of drug preparations containing significant proportions of wintergreen oil (methyl salicylate) to label such drugs conspicuously with the warning statements contained in § 3.35 *Labeling of drug preparations containing significant proportions of wintergreen oil* and § 131.15 *Drugs for human use; recommended warning and caution statements,* under the heading "SALICYLATES: METHYL SALICYLATE (WINTERGREEN OIL)," which reads: "*Warning*—Do not use otherwise than as directed. Keep out of the reach of children to avoid accidental poisoning."

The Commissioner warns consumers to observe these label warnings carefully to avoid accidental poisonings of both adults and children.

Effective Date: This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Secs. 502(f), 701(a), 52 Stat. 1052, 1055; 21 U.S.C. 352(f), 371(a))

Dated: February 21, 1967.

JAMES L. GODDARD, *Commissioner of Food and Drugs.*

[F.R. Doc. 67–2326; Filed, Mar. 1, 1967; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

N-butyl-*N*-ethyl-α,α,α-trifluoro-2,6-dinitro-*p*-toluidine

A petition (PP 7F0514) was filed with the Food and Drug Administration by the Elanco Products Co., 740 South Alabama Street, Indianapolis, Ind. 46206, proposing the establishment of a tolerance of 0.05 part per million for negligible residues of the herbicide *N*-butyl-*N*-ethyl-α,α,α-trifluoro-2,6-dinitro-*p*-toluidine in or on the raw agricultural commodity peanuts.

The Secretary of Agriculture has certified that this herbicide is useful for the purposes for which the tolerance is being established.

After consideration of the data submitted in the petition and other relevant material, it is concluded that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Part 120 is amended by adding the following new section to Subpart C:

§ 120.208 *N*-butyl-*N*-ethyl-α,α,α-trifluoro-2,6-dinitro-*p*-toluidine; tolerances for residues.

A tolerance of 0.05 part per million is established for negligible residues of the herbicide *N*-butyl-*N*-ethyl-α,α,α-trifluoro-2,6-dinitro-*p*-toluidine in or on the raw agricultural commodity peanuts.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: February 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2323; Filed, Mar. 1, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6A2034) filed by Seymour Foods Co., a Division of Norris Grain Co., 101 North Kansas Avenue, Topeka, Kans. 66603, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of calcium disodium EDTA as a preservative in an egg product that is hard-cooked and consists, in a cylindrical shape, of egg white with an inner core of egg yolk. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1017(b)(1) is amended by inserting alphabetically in the table a new item, as follows:

§ 121.1017 Calcium disodium EDTA.

* * * * * * *

(b) * * *
(1) * * *

Food	Limitation (parts per million)	Use
* * *	* * *	* * *
Egg product that is hard-cooked and consists, in a cylindrical shape, of egg white with an inner core of egg yolk.	200 by weight of egg yolk portion.	Preservative.
* * *	* * *	* * *

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2327; Filed, Mar. 1, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD

Based on a petition (FAP 1B0492) filed by BASF Colors and Chemicals, Inc., 845 Third Avenue, New York, N.Y. 10022, an order was published in the FEDERAL REGISTER of July 2, 1966 (31 F.R. 9106), amending § 121.2526 of the food additive regulations to provide for the use of *n*-alkylsulfonate as an emulsifier for vinylidene chloride copolymer coatings for paper and paperboard intended for use in contact with aqueous and fatty foods. The petitioner subsequently submitted comments advising that through inadvertence they had incorrectly identified the additive as containing only even-numbered alkyl groups in the range C_{12} through C_{18} with not less than 50 percent C_{14} and C_{16}, whereas further study showed that the substance deemed safe as a result of feeding studies contains all of the odd- and even-numbered alkyl groups in the range C_{10} through C_{16} with not less than 50 percent C_{14} through C_{16}.

The Commissioner of Food and Drugs has evaluated the new information submitted by the petitioner and has concluded that the description of the additive should be revised as hereinafter set forth.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2526(b)(2) is amended by changing in the list of substances the item "*n*-Alkylsulfonate * * *" to read as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *
(2) * * *

List of substances	Limitations
* * *	* * *
n-Alkylsulfonate (alkyl group is in the range C_{10}-C_{18} with not less than 50 percent C_{14}-C_{16}).	For use only as an emulsifier for vinylidene chloride copolymer coatings and limited to use at a level not to exceed 2 percent by weight of the coating solids.
* * *	* * *

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 20, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2324; Filed, Mar. 1, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart G—Radiation and Radiation Sources Intended for Use in the Production, Processing, and Handling of Food

LABELING REQUIREMENTS FOR FOOD INTENTIONALLY SUBJECTED TO RADIATION

No comments were received in response to a notice published in the FEDERAL REGISTER of January 7, 1967 (32 F.R. 140), proposing that the food additive regulations prescribing labeling requirements for foods which have been intentionally subjected to radiation be amended to provide optional forms of terms defining specific radiation on the labeling. Accordingly, the Commissioner of Food and Drugs has concluded that the amendments should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Subpart G of Part 121 is amended as set forth below.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: February 21, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

Subpart G of Part 121 is amended by revising §§ 121.3002(d), 121.3003(c)(1) and (2), 121.3004(e), 121.3005(d), and 121.3007(d)(1) and (2) to read as follows:

§ 121.3002 High-dose gamma radiation for the processing of food.

* * * * * *

(d) To assure safe use, the label of any food so processed shall bear, in addition to the other information required by the Act, the statement "Processed by ionizing radiation" or "Processed by gamma radiation."

§ 121.3003 Low-dose gamma radiation for the treatment of food.

* * * * * *

(c) * * *

(1) "Treated with ionizing radiation" or "Treated with gamma radiation" on retail packages.

(2) "Treated with ionizing radiation—do not irradiate again" or "Treated with gamma radiation—do not irradiate again" on wholesale packages and on invoices or bills of lading of bulk shipments.

§ 121.3004 High-dose electron beam radiation for the processing of food.

* * * * * *

(e) To assure safe use, the label of any food so processed shall bear, in addition to the other information required by the Act, the statement "Processed by ionizing radiation" or "Processed by electron radiation."

§ 121.3005 High-dose X-radiation for the processing of food.

* * * * * *

(d) To assure safe use, the label of any food so processed shall bear, in addition to the other information required by the Act, the statement "Processed by ionizing radiation" or "Processed by X-radiation."

* * * * * *

§ 121.3007 Low-dose electron beam radiation for the treatment of food.

* * * * * *

(d) * * *

(1) "Treated with ionizing radiation" or "Treated with electron radiation" on retail packages.

(2) "Treated with ionizing radiation—do not irradiate again" or "Treated with electron radiation—do not irradiate again" on wholesale packages and on invoices or bills of lading of bulk shipments.

[F. R. Doc. 67-2325; Filed, Mar. 1, 1967; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER B—PERSONNEL

[Dept. Reg. 108.545]

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Miscellaneous Amendments

Under the authority of sections 511, 515, and 516 of the Foreign Service Act of 1946, as amended, and the Basic State-USIA Agreement of September 23, 1964, for Joint Examination and Appointment of Class 7 and Class 8 Foreign Service Officers, Part 11, §§ 11.1 through 11.8 are revised to read as follows:

§ 11.1 Eligibility for appointment as Foreign Service Officer.

(a) Pursuant to section 511 of the Foreign Service Act of 1946, as amended, all Foreign Service officers shall be appointed by the President, by and with the advice and consent of the Senate. All appointments shall be made to a class and not to a particular post. No person shall be eligible for appointment as a Foreign Service officer unless he has demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution, and unless he has been a citizen of the United States for at least 10 years and, if married, is married to a citizen of the United States. The religion, race, sex, and political affiliations of a candidate will not be considered in designations, examinations or certifications.

(b) Appointment as a Foreign Service officer of class 8, or of class 7, in circumstances specified herein, is governed by regulations § 11.2 through § 11.8.

§ 11.2 Written examination for appointment to class 7 or 8.

The Board of Examiners for the Foreign Service has established the following rules regarding the written examination:

(a) The written examination will be given annually or semi-annually, if required, in designated cities in the United States and at Foreign Service posts abroad on dates established by the Board of Examiners for the Foreign Service. Applicants must indicate in their applications whether they are applying for the Department of State or for the U.S. Information Agency. Candidates who pass the written examination successfully (Option A) may request to transfer their application to the other agency.

(b) No person will be permitted to take a written examination for appointment as Foreign Service officer who has not been specifically designated by the Board of Examiners to take that particular examination. Prior to each written examination the Board will establish a closing date for the receipt of applications for designation to take the examination. No person will be designated for the examination who has not as of that closing date filed an application with the Board. To be designated for the written examination, a candidate, as of the date of the examination, shall have been a citizen of the United States for at least 7½ years and shall be at least 21 but under 31 years of age, except that an applicant who has been awarded a bachelor's degree by a college or university, or has completed successfully his junior year at a college or university, may qualify as to age if at least 20 but under 31 years of age.

(c) The written examination is designed to permit the Board to test the candidate's intelligence and the breadth and quality of his knowledge and understanding. It will consist of 4 parts: (1) A general ability test, (2) an English expression test, (3) a general background test, and (4) three special optional tests: Option A—History, Government, Social Sciences and Public Affairs; Option B—Administration; Option C—Economics and Commerce; one of which must be selected by the candidate except that candidates for the U.S. Information Agency will take Option A only.

(d) The several parts of the written examination will be weighted in accordance with the rules laid down by the Board of Examiners.

§ 11.3 Oral examination for appointment to class 7 or 8.

The Board of Examiners for the Foreign Service has established the following rules regarding the oral examination:

(a) The oral examination will be given throughout the year at Washington and periodically in selected cities in the United States and at selected Foreign Service posts abroad.

(b) If a candidate's weighted average on the four parts of the written examination is 70 or higher, he will be eligible to take the oral examination. Candidates eligible for the oral examination will be given an opportunity and will be required to take the oral examination within 9 months after the date of the written examination. If a candidate fails to present himself for the oral examination on an agreed date within the 9-month period, his candidacy will automatically terminate except that time spent outside the United States and its territories for reasons acceptable to the Board of Examiners will not be counted against the 9-month period.

(c) The oral examination will be given by a panel of deputy examiners selected by the Board of Examiners from a roster of Foreign Service officers, officers from the Department of State and other Government agencies, and qualified

private citizens who by prior service as members of selection boards or through other appropriate activities have demonstrated special qualifications for this work. The examination will be conducted in the light of all available information concerning the candidate and will be designed to determine his competence to perform the work of a Foreign Service officer at home and abroad, his potential for growth in the Service, and his suitability to serve as a representative of the United States abroad. Panels examining candidates for the Department of State will be chaired by a Foreign Service officer with the Department. Panels examining candidates for the United States Information Agency will be chaired by a Foreign Service officer of that Agency. Determinations of duly constituted panels of deputy examiners are final, unless modified by specific action of the Board of Examiners for the Foreign Service.

(d) Candidates appearing for the oral examination will be graded "recommended for class 8," "recommended for class 7," or "not recommended." If recommended, the panel will assign a grade which will determine the candidate's numerical standing on the rank-order register of eligibles.

§ 11.4 Medical examination for appointment to class 7 or 8.

The Board of Examiners for the Foreign Service has established the following rules regarding the medical examination of candidates.

(a) A candidate graded "recommended" on the oral examination will be eligible for the physical examination.

(b) The medical examination will be designed to determine the candidate's physical fitness to perform the duties of a Foreign Service officer on a worldwide basis and to determine the presence of any physical, nervous, or mental disease or defect of such a nature as to make it unlikely that he would become a satisfactory officer. The Executive Director of the Board of Examiners for the Foreign Service, with the concurrence of the Director, Medical Division, may make such exceptions to these physical requirements as are in the interest of the service. All such exceptions shall be reported to the Board of Examiners for the Foreign Service at its next meeting.

(c) The medical examination will be conducted either by medical officers of the Armed Services, the Public Health Service, the Department, accredited colleges and universities, or, with the approval of the Board of Examiners, by private physicians.

(d) The Board of Examiners will determine on the basis of the report of the physician(s) who conducted the medical examination whether the candidate has met the standards set forth in paragraph (b) of this section.

§ 11.5 Certification for appointment to class 7 or 8.

No person will be certified as eligible for appointment as a Foreign Service officer of class 8 unless he is at least 21 years of age, has been a citizen of the United States for at least 10 years, and, if married, is married to a citizen of the United States. A person shall be certified as eligible for direct appointment to class 7 if in addition to meeting these specifications he is at least 24 years old and has a record of 2 years of graduate training, employment, military service, or Peace Corps service which clearly demonstrates ability and special skills for which there is a need in the Foreign Service. Recommended candidates who meet these requirements, who pass their medical examinations, and who on the basis of investigation are found to be loyal to the Government of the United States and personally suitable to represent it abroad, will have their names placed on the rank-order register for class 8 appointments or, if deemed appropriate by the Board of Examiners in the light of their age and education or employment record, on the rank-order register for class 7 appointments and they will be certified for appointment, in accordance with the needs of the Service in the order of their standing on their respective registers. Separate registers for the Department of State candidates will be maintained according to the optional portions of the examination. Successful candidates for the U.S. Information Agency will have their names placed on a separate rank order register and appointments will be made according to the needs of the Agency. Postponement of entrance on duty for required active military service, civilian Government service abroad, or Peace Corps volunteer service will be authorized. A candidate may be certified for appointment to class 7 or 8 without first having passed an examination in a foreign language but his appointment will be subject to the condition that he may not receive more than one promotion unless, within a specified period of time, he achieves adequate proficiency in a foreign language.

§ 11.6 Leave without pay appointments.

In certain specified cases, Leave Without Pay offers of appointment as Foreign Service Reserve officers may be made to candidates who have established their eligibility when such appointments will ensure that well qualified candidates will not be lost to the Service because they wish to continue advanced graduate studies that will improve their qualifications as future Foreign Service officers. When they become available for duty they will be given regular Foreign Service officer appointments.

§ 11.7 Termination of eligibility.

(a) Candidates who have qualified but have not been appointed because of lack of vacancies, will be dropped from the rank-order register 30 months after the date of the written examination: *Provided, however,* That reasonable time spent in civilian Government service abroad, including service as a Peace Corps volunteer or in required active military service subsequent to establishing eligibility for appointment will not be counted in the 30-month period.

(b) The Chairman of the Board of Examiners may extend the eligibility period when such extension is in his judgment justified in the interests of the Service. He shall report to the Board of Examiners the extensions he has approved.

§ 11.8 Travel expenses of candidates.

The travel and other personal expenses of candidates incurred in connection with the written and oral examination will not be borne by the Government, except that the Department may issue round-trip invitational travel orders to bring candidates to Washington at Government expense when it is determined that it is necessary in ascertaining a candidate's qualifications and adaptability for appointment.

(Secs. 212, 302, 303, 516, 517, 60 Stat. 1001, as amended, 1002, 1006, as amended; 22 U.S.C. 827, 842, 843, 911, 912)

Dated: February 15, 1967.

IDAR RIMESTAD,
Deputy Under Secretary of State for Administration.

Dated: February 9, 1967.

LIONEL S. MOSELEY,
Assistant Director (Personnel and Training) U.S. Information Agency.

[F.R. Doc. 67-2321; Filed, Mar. 1, 1967; 8:48 a.m.]

[Dept. Reg. 108.546]

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Lateral Entry Appointment of Foreign Service Officers to Classes 1 Through 6

Under the authority of section 517 of the Foreign Service Act of 1946 as amended, Part 11 § 11.1 is revised to read as follows:

§ 11.11 Lateral entry appointment of Foreign Service Officers to classes 1 through 6.

Appointments of Foreign Service officers under the provisions of section 517 of the Foreign Service Act of 1946, as amended, are governed by these regulations:

(a) *Purpose of lateral entry appointment.* The lateral entry program is a means by which the intake of Foreign Service officers through the junior Foreign Service officer examination can be supplemented to meet total requirements for Foreign Service officers. Lateral entry appointments are made only to classes 1 through 6, ensuring retention of the career principle of entry primarily at classes 7 and 8 through competitive examination.

(2) The great majority of lateral entrants will be drawn from officers of the Department and the Foreign Service of proven ability who possess high potential for advancement, or similar personnel of other foreign affairs agencies who may be appointed based on agreements between the Department and those agencies.

(3) The need for additional lateral entrants in classes 1 through 6 is met by appointing applicants who are officers or former officers of other Federal Government agencies. Principally, these will be persons possessing skills and abilities in short supply in the Foreign Service appointed to meet rapidly changing requirements. On a limited and highly selective basis, however, other persons may be appointed who have demonstrated outstanding qualities of leadership and who possess capabilities, insights, techniques, experiences, and differences of outlook which would serve to enrich and stimulate the Foreign Service and enable them to perform effectively in assignments both abroad and in the Department.

(b) *Magnitude.* (1) The Department places no numerical limitation on the lateral appointment of FSR, FSSO, and Civil Service officers already on its rolls who apply and are found qualified by the Board of Examiners.

(2) Subject to such agreements as may be entered into between the Department and other foreign affairs agencies and certification of need by such agencies, similar consideration is given to the lateral appointment of officers of those agencies.

(3) Lateral entry from other sources is limited and based on intake levels established in accordance with total Foreign Service officer manpower and functional requirements.

(c) *Eligibility requirements.* The religion, race, sex and political affiliations of a candidate will not be considered in designations, examinations, or certifications.

(1) *Citizenship.* Each applicant must have been a citizen of the United States for at least 10 years and, if married, shall be married to a citizen of the United States.

(2) *Service.* On the date of application, each applicant must have completed at least 3 years of service (4 years if under age 31) in a position of responsibility in a Federal Government agency or agencies. For this purpose, a position of responsibility is defined as a position in the Foreign Service Reserve at class 7, in the Foreign Service Staff Officer Corps at class 6, in the Departmental service at GS-9, and in the Armed Forces of the United States at the grade of First Lieutenant or Lieutenant Junior Grade, or higher. The duties and responsibilities of the position occupied by the applicant must have been similarly or closely related to that of a Foreign Service officer in terms of knowledge, skills, and abilities. To be eligible, an applicant must have been in or currently be in a grade or class comparable to FSO-6, or be receiving a base salary at least equal to the first salary step of that class.

(3) *Age.* The Board of Examiners will establish periodically minimum and maximum age requirements based on the following criteria:

(i) On the date of application, each applicant shall be at least as old as the average of the youngest 5 percent of the Foreign Service officers in the class for which he is a candidate.

(ii) On the date of application, each applicant shall be no older than the minimum age established for each class in paragraph (a)(3) of this section plus 10 years. For Foreign Service officer, class 1, the Board of Examiners will not normally certify a candidate who is more than 55 years of age as he is expected to serve 5 years as a Foreign Service officer before reaching mandatory retirement age.

Each lateral entry application which does not meet these requirements will be reviewed by the Board to determine whether, in special individual cases, an exception might be recommended.

(d) *Recruitment.* (1) It is the Department's policy to encourage eligible personnel on its rolls to apply for lateral entry into the Foreign Service Officer Corps; including, in particular, the following categories:

(i) Foreign Service Reserve officers, who, in competition with Foreign Service officers, are either recommended for promotion or ranked in the upper percentage groups of their class;

(ii) Foreign Service Staff officers who are recommended for consideration for lateral entry by a Staff Officer Selection Board, whose performance has been consistently of a high caliber, and whose background, experience, and general qualifications indicate they can contribute to the Foreign Service Officer Corps and compete favorably with Foreign Service officers.

(iii) Civil Service officers in the Department and domestic Foreign Service Reserve officers who are serving in functions to which Foreign Service officers are normally assigned, who have superior records, and who can be expected to make substantial contributions to Foreign Service work and compete favorably with Foreign Service officers.

(2) The Department also considers highly qualified applicants from other agencies of the Government and from outside the Federal Service who meet the statutory and other eligibility requirements. Appointments from these sources for the limited vacancies available are made on a competitive basis to fill specific Service needs after assuring that the vacancies cannot be filled by Foreign Service officers already in the Foreign Service Officer Corps.

(e) *Method of application.* Applicants for lateral entry must complete Standard Form 57, Application for Federal Employment, and Form DSP-34, Supplement to Standard Form 57, and forward them to the Board of Examiners for the Foreign Service, Department of State. The Board establishes a file for each applicant, placing therein all available documentation of value in evaluating the applicant's potential for appointment as a Foreign Service officer. The file is reviewed initially to determine if the applicant meets the statutory and other eligibility requirements and to assess his skills relative to the needs of the Service. The examination of candidates is based on the needs of the Service for specific skills and experience.

(f) *Examination for lateral entry*—(1) *General.* The filing of an application with the Board of Examiners for the Foreign Service does not in itself entitle an applicant to examination. The decision whether to proceed with an oral examination, as well as with a detailed background investigation, is made by the Board of Examiners after determining eligibility for appointment, medical qualifications and a thorough review of the applicant's qualifications. Each applicant's background, experience, performance, and other related documentation are carefully studied and evaluated. Due regard is given to the functional needs of the Service in making this assessment. An oral examination is granted only in those cases where the applicant is found to possess superior qualifications, proven ability, and, at the middle levels, high potential for advancement.

(2) *Class of appointment.* In determining the class at which candidates are considered for appointment within the established minimum and maximum age limits, the initial presumption is that the candidate is eligible for examination for the Foreign Service officer class which equates with his salary level at the time of examination. In evaluating qualifications, and in conducting oral examinations, panels carefully assess candidates to determine whether their total qualifications compare favorably with officers at their current class level. A successful candidate normally is considered for appointment to the Foreign Service Officer class equating to his salary. However, the Board of Examiners, at its discretion, may certify a candidate for appointment as a Foreign Service officer at a class lower than that equating to his salary in those instances where the Board determines that the candidate's qualifications clearly warrant such action. A candidate's total qualifications, as evaluated by the examining panels and the Board, will have an important bearing on the waiving of age requirements for a particular class or on the decision to certify a candidate for appointment at a class lower than that which equates to his current salary. Otherwise, age will be treated as an eligibility requirement.

(3) *Application validity and termination.* If an applicant is not called for examination within 2 years from the date of his application, or, if based on the qualifications review, it is decided not to proceed further with his candidacy, or if he is not certified as a successful candidate following examination, his candidacy will be terminated. He may, however, reapply after 12 months by submitting a new application.

(4) *Purposes of examination.* The purpose of the examination is to determine an applicant's competence to perform the function or functions for which he is being considered and his fitness for a Foreign Service career.

(5) *Nature of examination*—(i) *Medical.* A medical examination is required for the applicant and his dependents who will reside with him on tours abroad. Each applicant and his dependents shall meet the physical requirements for full Foreign Service duty. Normally, failure to meet the medical requirements will preclude appointment as a Foreign Service officer. In exceptional cases, the Director General may grant a waiver of the physical requirements in the interest of the Service.

(ii) *Security.* Each applicant shall have demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution. A background investigation shall be conducted or appropriate security clearance shall be assured.

(iii) *Qualifications evaluation.* An evaluation is made of the education, training, experience, and work performance of the applicant based on his application forms, records of performance, interviews, background investigative reports, and other available information. A record of successful performance overseas is not a lateral entry prerequisite, but is considered an additional favorable factor in evaluating an applicant.

(iv) *Oral examination.* (*a*) Candidates recommended for further consideration after completion of the qualifications review and evaluation are given oral examinations by a panel of Deputy Examiners appointed by the Board of Examiners from a roster of Foreign Service officers, Civil Service officers of the Department, officers of other Federal agencies, and from members of the public. The panel shall include at least one officer from the same professional specialty as that for which the applicant is being examined.

(*b*) The oral examination is given in Washington and at Foreign Service posts selected by the Board of Examiners, but normally not at the candidate's post of assignment.

(v) *Final review and certification.* The Board of Examiners considers all cases of candidates fully examined, determines whether they should be certified for appointment as Foreign Service officers and certifies successful candidates, specifying the appropriate class and salary for which they are found qualified.

(Secs. 212, 302, 303, 516, 517, 60 Stat. 1001, as amended; 1002, 1008, as amended; 22 U.S.C. 827, 842, 843, 911, 912)

Dated: February 15, 1967.

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

[F.R. Doc. 67-2322; Filed, Mar. 1, 1967; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6913]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for the Taxable Year 1966 and Estimated Tax for the Taxable Year 1967

Section 819 of the Internal Revenue Code of 1954 provides for the determination of a percentage to be used in determining a "minimum figure" for each foreign corporation carrying on a life insurance business. Where this minimum figure exceeds such a corporation's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805 without regard to section 819), and the amount of the "required interest" (determined under section 809(a) without regard to section 819), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805(b)(2)). Accordingly, it is hereby determined that for purposes of computing the 1966 income tax for foreign corporations carrying on a life insurance business a percentage of 15.0 shall be used in determining the "minimum figure" under section 819.

It is presently anticipated that the data with respect to domestic life insurance companies for 1966 required for the computation of the percentage to be used by foreign corporations carrying on a life insurance business in computing their estimated tax for the taxable year 1967 will not be available in time for the filing of the declaration of estimated tax for such taxable year. Accordingly, it is hereby determined that for purposes of computing the estimated tax for the taxable year 1967 and payments of installments thereof by such corporations a percentage of 15.0 (the percentage applicable for 1966) shall be used in determining the minimum figure under section 819. No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1967 which results solely from the use of this percentage.

Because the percentage announced in this Treasury decision is computed from information contained in the income tax returns of domestic life insurance companies for the year 1965, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of Title 5 of the United States Code (Pub. L. 89-554, 80 Stat. 383), or subject to the effective date limitation of subsection (d) of such section.

[SEAL] STANLEY S. SURREY,
Assistant Secretary of the Treasury.

FEBRUARY 24, 1967.

[F.R. Doc. 67-2343; Filed, Mar. 1, 1967; 8:50 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 306—GENERAL REGULATIONS WITH RESPECT TO U.S. SECURITIES

PART 312—FEDERAL SAVINGS AND LOAN ASSOCIATIONS AND FEDERAL CREDIT UNIONS AS FISCAL AGENTS OF THE UNITED STATES

PART 315—REGULATIONS GOVERNING U.S. SAVINGS BONDS

Miscellaneous Amendments

The regulations set forth in the Treasury Department Circulars No. 300, Third Revision (31 CFR Part 306), and No. 530, Ninth Revision, as amended (31 CFR Part 315), both dated December 23, 1964, and No. 568 (31 CFR Part 312), dated September 15, 1936, have been revised and amended in the form shown below. As these revisions and amendments, which were adopted on February 24, 1967, are all matters concerning the fiscal policy of the United States, notice and public procedures thereon are unnecessary.

Dated: February 24, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Section 306.0 of Department Circular No. 300, Third Revision, dated December 23, 1964 (31 CFR Part 306), is hereby amended, as follows:

§ 306.0 Applicability of regulations.

The regulations in this part apply to all U.S. transferable and nontransferable securities,[1] other than U.S. Savings Bonds and U.S. Savings Notes, to the extent specified in the regulations in this part, the offering circulars or special regulations governing such securities.

§ 312.2 [Rescinded]

Section 312.2 of Department Circular No. 568, dated September 15, 1946 (31 CFR Part 312), is hereby rescinded and the number is reserved, and § 312.4 of the circular is hereby amended, as follows:

[1] See footnote 1, Department Circular No. 300, Third Revision (31 CFR Part 306).

§ 312.4 Bond of indemnity.

No Federal savings and loan association or Federal credit union which may have been designated for employment mentioned in this part shall perform, or make any effort to perform any of the acts included in such employment, or advertise in any manner that it is authorized to perform such acts until it has qualified by the execution of, delivery to, and approval of a bond of indemnity in favor of the United States with satisfactory surety, or with the pledge of collateral security as provided in Part 225 of this chapter, conditioned upon the faithful performance of the obligor's duties as fiscal agent of the United States in the principal amount of $1,000 and until the Federal Home Loan Bank Board or the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, respectively, shall have certified to the Secretary of the Treasury that such association or credit union is in good standing and is eligible, under the terms and conditions prescribed by the Secretary, to qualify for the performance of the designated acts. The Federal Home Loan Bank Board and the Bureau of Credit Unions, respectively, shall keep the Secretary of the Treasury currently advised of the changes in the lists of associations and credit unions which are eligible, under the aforesaid terms and conditions, to qualify for the performance of the designated acts.

Sections 315.0, 315.2(a), and 315.16 of Department Circular No. 530, Ninth Revision (31 CFR Part 315), dated December 23, 1964, as amended, are hereby revised and amended, as follows:

§ 315.0 Applicability of regulations.

The regulations in this part apply to all U.S. Savings Bonds of whatever series designation, bearing any issue dates whatever, to the extent specified herein and in the offering circulars governing such bonds. The provisions of the regulations in this part with respect to bonds registered in the names of certain classes of individuals, fiduciaries, and organizations are equally applicable to bonds to which such individuals, fiduciaries, and organizations are otherwise shown to be entitled under the regulations in this part. U.S. Savings Notes, issued under authority of sections 18 and 20 of the Second Liberty Bond Act, as amended (31 U.S.C. 753 and 754b), and offered in Department Circular, Public Debt Series No. 3-67 (Part 342 of this chapter), are also governed by the regulations in this part, subject to the provisions of the offering circular. The term "savings bonds" or "bonds," as used in the regulations in this part, refers to U.S. Savings Bonds and, as applicable, to U.S. Savings Notes. The provisions of Department Circular No. 300, current revision (Part 306 of this chapter), have no application to the securities governed by the regulations in this part.

§ 315.2 Definition of words and terms as used in these regulations.

(a) "Authorized issuing agent" means an incorporated bank, trust company, savings bank, savings and loan association, other organization, or agency of the United States qualified as an issuing agent under the provisions of Department Circular, Public Debt Series No. 4-67 (Part 317 of this chapter).

* * * * * *

§ 315.16 Pledge under Department Circular No. 154 and Public Debt Series No. 4-67.

A bond may be pledged by the registered owner in lieu of security under the provisions of Department Circular No. 154, current revision (Part 225 of this chapter), if the bond approving officer is the Secretary of the Treasury, in which case an irrevocable power of attorney shall be executed authorizing the Secretary of the Treasury to request payment. A bond may also be deposited as security with a Federal Reserve Bank under the provisions of Department Circular, Public Debt Series No. 4-67 (Part 317 of this chapter).

[F.R. Doc. 67-2340; Filed, Mar. 1, 1967; 8:49 a.m.]

PART 317—REGULATIONS GOVERNING AGENCIES FOR ISSUE OF U.S. SAVINGS BONDS OF SERIES E AND U.S. SAVINGS NOTES

The regulations set forth in Treasury Department Circular No. 657 (31 CFR Part 317), dated April 15, 1941, as amended, are hereby rescinded and replaced by Treasury Department Circular, Public Debt Series No. 4-67 (31 CFR Part 317). As the changes made are all matters concerning the fiscal policy of the United States, notice and public procedures thereon are unnecessary.

The revisions and amendments, set out below, were adopted on February 24, 1967.

Dated: February 24, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Sec.
317.0 Purpose.
317.1 Definitions of words and terms as used in this circular.
317.2 Procedure for qualifying as an issuing agent.
317.3 Certificate of qualification.
317.4 Modification or termination of qualification.
317.5 Issuance of bonds and notes.
317.6 Accounting.
317.7 Fiscal agents.
317.8 Reservations.

AUTHORITY: The provisions of this Part 317 issued under secs. 18, 20, 22, Second Liberty Bond Act, as amended (31 U.S.C. 753, 754b, 757c; 40 Stat. 1309, 48 Stat. 383, 49 Stat. 21, all as amended).

§ 317.0 Purpose.

The regulations in this part prescribe the procedures whereby (a) banks, trust companies and savings institutions chartered by or incorporated under the laws of the United States or those of any State or Territory of the United States or the Commonwealth of Puerto Rico, (b) agencies of the United States and of State and local governments, (c) employers operating payroll savings plans for the purchase of U.S. Savings Bonds, and (d) other entities, may qualify, and thereafter act, as agents for the sale and issue of U.S. Savings Bonds of Series E and U.S. Savings Notes, issued pursuant to Treasury Department Circulars No. 653, current revision, and Public Debt Series No. 3-67 (Parts 316 and 342 of this chapter), respectively.

§ 317.1 Definitions of words and terms as used in this circular.

(a) "Bonds" refer to U.S. Savings Bonds of Series E.

(b) "Federal Reserve Bank" refers to the Federal Reserve Bank of the Federal Reserve district in which the issuing agent, or the applicant organization, is located, and includes Branches to the extent utilized by the parent Bank. In the context of the regulations in this part, the reference to the Federal Reserve Bank is in its capacity as fiscal agent of the United States.

(c) "Issuing agent" refers to an organization which has been issued a certificate of qualification to sell and issue bonds and notes, or bonds only.

(d) "Notes" refers to U.S. Savings Notes.

(e) "Organization" refers to any entity described in § 317.0 as eligible to qualify as an issuing agent of the bonds and notes, or bonds only.

§ 317.2 Procedure for qualifying as an issuing agent.

(a) *General.* An organization desiring to qualify as an issuing agent shall obtain from and file with the Federal Reserve Bank an appropriate application-agreement form. If the organization desires to qualify as an issuing agent for bonds only, it shall, before submission, amend the form furnished so that it refers only to bonds. Through use of the appropriate form, the person authorized to act on behalf of the organization will certify that it is authorized by its governing body, or other body authorized to act in the premises, to apply for and act as an issuing agent under the terms of the agreement; the regulations in this part and the circulars offering the bonds and notes for sale, or, if appropriate, bonds only, and that applicable Federal or State law permits or does not prohibit the organization from so acting. The Secretary of the Treasury, either directly or through the Federal Reserve Bank, may deny qualification to, or specify the basis of qualification of, any organization.

(b) *Basis on which stock may be obtained*—(1) *Trust agreement.* An organization may obtain stocks on the basis of an application-trust agreement. Under the terms of such agreement, the stocks of bonds and notes obtained, together with the proceeds of sale therefrom, are at all times the property of the United States, for which the organization shall be fully accountable.

(2) *Pledge agreement*—(i) *Pledge of collateral.* An organization may obtain stock on the basis of a pledge of collateral. Under the terms of the application-pledge agreement, collateral is pledged at the cost price of the maximum

amount of stocks of bonds and notes, and the proceeds of sales therefrom, for which the organization may be accountable at any one time.

(ii) *Security.* Security which may be required under the application-pledge agreement shall consist of either or both of the following:

(*a*) The amount of insurance directly available to the United States covering the proceeds of the issuing agent's sales of bonds and notes by reason of the agent's coverage by an acceptable Federal or State insurance corporation or fund; for example, in the case of a member bank of the Federal Deposit Insurance Corporation, the amount of security would be $15,000 and would cover approximately $20,000 (face amount) of stocks of bonds and notes.

(*b*) U.S. Treasury bonds or other direct obligations of the United States, or obligations unconditionally guaranteed as to both principal and interest by the United States, in negotiable form, which will be accepted at face value; and U.S. Savings Bonds of any series registered in the name of the issuing agent, which will be accepted at issue price. Savings bonds must be accompanied by an irrevocable power of attorney, executed on behalf of the issuing agent, authorizing the Secretary of the Treasury to request payment of the bonds. All obligations deposited pursuant hereto must be delivered to the Federal Reserve Bank before stocks of bonds and notes may be obtained.

(3) *Prepayment of stock.* An organization whose primary function as an issuing agent will relate to the issue of bonds and notes bought under its payroll savings plan, and which is not qualified under subparagraph (1) or (2) of this paragraph, is required to execute an application-prepayment agreement, under the terms of which all stocks of bonds and notes obtained for its issue function are prepaid at cost price.

(c) *Issuing agents of bonds qualified under Treasury Department Circular No. 657, as amended.* Issuing agents of bonds qualified prior to the rescission of Treasury Department Circular No. 657, as amended, who do not desire to qualify as issuing agents for the notes, may continue to act without requalification and by so doing shall be subject to the terms and conditions of this circular and the agreements under which they qualified in the same manner and to the same extent as though they had requalified hereunder.

§ 317.3 Certificate of qualification.

Until such time as a certificate of qualification is issued by the Federal Reserve Bank, an organization shall not make any effort to or perform any acts as an issuing agent, or advertise in any manner that it is authorized to perform such acts, or that it has applied for qualification as an issuing agent. Upon approval of the application-agreement, the Federal Reserve Bank will issue a certificate of qualification to the organization. The organization will be notified if the application-agreement is not approved, or after qualification, at any such time as the certificate of qualification is modified or terminated.

§ 317.4 Modification or termination of qualification.

(a) *By the United States.* The Secretary of the Treasury, or the Federal Reserve Bank may modify or terminate the qualification of an issuing agent at any time, upon notice to that effect, and may require the immediate surrender of any part or all of the stocks of bonds and notes held by the agent for sale and not theretofore issued or sold, and any part or all of the proceeds due on account of the stocks issued or sold. The Secretary of the Treasury, or the Federal Reserve Bank, may also regulate the amount of stocks of bonds and notes which may be obtained, including temporary increases over the amount of stocks obtainable by the issuing agent regardless of the basis of qualification, and under § 317.2 (b) (2) or (3), without requiring a pledge of additional collateral or additional prepayment for stocks.

(b) *By issuing agent.* An issuing agent which has fully complied with the terms of its agreement and the regulations and instructions issued pursuant thereto may at any time request the Federal Reserve Bank to modify or terminate its qualification.

§ 317.5 Issuance of bonds and notes.

Issuing agents must comply with all regulations and instructions issued by the Treasury Department or the Federal Reserve Bank concerning the sale, inscription, dating, validation, and issue of the bonds and notes, and disposition of the registration stubs. No issuing agent shall have authority to sell bonds and notes other than as provided in the offering circulars and the governing regulations.[1]

§ 317.6 Accounting.

Issuing agents must comply with all regulations and instructions issued by the Treasury Department, governing the accounting for stocks of bonds and notes received as issuing agent and the proceeds of sales thereof. Each issuing agent, other than an agent qualified on the basis of prepayment of stock, shall open and maintain, or continue to maintain, for the Federal Reserve Bank, a separate deposit account for the proceeds of all sales of bonds and notes to be known, as appropriate, as the "Savings Bond and Note Account," or the "Series E bond account." An issuing agent which is also a depositary pursuant to Treasury Department Circular No. 92, current revision (Part 203 of this chapter), may make payment by credit for the proceeds of its sales of bonds and notes up to any amount for which it shall be qualified under that circular in excess of existing deposits when so authorized by the Federal Reserve Bank.

[1] Treasury Department Circulars No. 530, current revision (31 CFR Part 315), No. 653, current revision (31 CFR Part 316), and Public Debt Series No. 3-67 (31 CFR Part 342).

§ 317.7 Fiscal agents.

The Federal Reserve Banks are authorized to perform such duties and prepare and issue such forms and instructions as may be necessary to fulfill the purposes and requirements of the regulations in this part.

§ 317.8 Reservations.

The Secretary of the Treasury may at any time or from time to time, revise, supplement, amend, or withdraw, in whole or in part, the provisions of the regulations in this part, or of any revisions, supplements, or amendments thereto.

[F.R. Doc. 67-2342; Filed, Mar. 1, 1967; 8:50 a.m.]

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 525—RHODESIAN TRANSACTION REGULATIONS

Part 525 is added, reading as follows:

Subpart A—Relation of This Part to Other Laws and Regulations

Sec.
525.101 Relation of this part to other laws and regulations.

Subpart B—Prohibitions

525.201 Transactions involving certain merchandise.
525.202 Transactions involving certain goods for Southern Rhodesia.

Subpart C—General Definitions

525.301 Person.
525.302 Transfer.
525.303 License.
525.304 General license.
525.305 Specific license.
525.306 United States; continental United States.
525.307 Person subject to the jurisdiction of the United States.

Subpart D—Interpretations

525.401 Reference to amended sections.
525.402 Effect of amendment of sections of this part or of other orders, etc.
525.403 Transactions between principal and agent.
525.404 Insurance of embargoed goods.
525.405 Stockpiling in Southern Rhodesia.
525.406 Processing of embargoed goods for Rhodesian account.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

525.501 Effect of subsequent license or authorization.
525.502 Exclusion from licenses and authorizations.
525.503 Certain transactions with respect to merchandise affected by § 525.201.
525.504 Letters of credit.
525.505 Merchandise exported prior to December 16, 1966.

Subpart F—Reports

525.601 Records.
525.602 Reports to be furnished on demand.

Subpart G—Penalties

525.701 Penalties.

Subpart H—Procedures

525.801 Licenses.
525.802 Availability of forms and records.
525.803 Decision.

Sec.
525.804 Records and reporting.
525.805 Amendment, modification, or revocation.
525.806 Rule making.
525.807 Delegation by the Secretary of the Treasury.
525.808 Customs procedures; merchandise specified in § 525.201.

AUTHORITY: The provisions of this Part 525 issued under United Nations Resolution No. 232, Dec. 16, 1966; sec. 5, 59 Stat. 620, sec. 3, 63 Stat. 735, 22 U.S.C. 287c; E.O. 11322, Jan. 5, 1967.

Subpart A—Relation of This Part to Other Laws and Regulations

§ 525.101 Relation of this part to other laws and regulations.

A license or authorization contained in or issued pursuant to this part does not authorize any transaction that is prohibited by the provisions of any law, statute or regulation other than section 5 of the United Nations Participation Act of 1945, Executive Order 11322 issued January 5, 1967 thereunder and the regulations contained in this part.

Subpart B—Prohibitions

§ 525.201 Transactions involving certain merchandise.

(a) All of the following transactions by any person subject to the jurisdiction of the United States are prohibited, except as specifically authorized by the Secretary of the Treasury (or any person, agency or instrumentality designated by him) by means of regulations, rulings, instructions, licenses, or otherwise, if such transactions involve merchandise outside the United States defined in paragraph (c) of this section:

(1) The importation into the United States of such merchandise;

(2) Transfers abroad whether or not the merchandise is to be imported into the United States but not including transfers involving merchandise located within and which will remain within Southern Rhodesia;

(3) All transfers of credit and all payments between, by, through or to any person or persons subject to the jurisdiction of the United States incidental to the transactions prohibited in subparagraph (1) or (2) of this paragraph.

(b) Any transaction for the purpose or which has the effect of evading or avoiding any of the prohibitions set forth in paragraph (a) of this section is prohibited.

(c) The term "merchandise" means any commodity listed in the schedule below which is of Southern Rhodesian origin and any listed commodity which has been produced elsewhere from any other listed commodity of Southern Rhodesian origin. The listed commodities include processed or manufactured forms thereof to the extent such forms are included within the coverage of the referenced portions of the Tariff Schedules of the United States (TSUS).

SCHEDULE

Commodity	*TSUS Reference*
Asbestos, crudes, fibers, stucco, sand and refuse.	Schedule 5, Part 1, Subpart F, item 518.11.
Chromium:	
Ore and concentrates thereof	Schedule 6, Part 1, item 601.15.
Ferrochromium and ferro-silicochromium.	Schedule 6, Part 2, Subpart B, items 607.30, 607.31 and 607.55.
Copper:	
Ore and concentrates thereof	Schedule 6, Part 1, items 602.25 and 602.30.
Copper products	Schedule 6, Part 3.
Iron:	
Ore and concentrates thereof	Schedule 6, Part 1, item 601.24.
Pig iron, cast iron and spiegeleisen	Schedule 6, Part 2, Subpart B, items 607.15, 607.18, 607.20 and 607.21.
Hides, skins and leather	Schedule 1, Part 5, Subpart A.
Meat and meat products	Schedule 1, Part 2.
Sugar, syrups and molasses, confectionery.	Schedule 1, Part 10, Subparts A and C.
Tobacco and tobacco products	Schedule 1, Part 13.

(d) The effective date of this section is 11:59 p.m., e.s.t., January 5, 1967.

§ 525.202 Transactions involving certain goods for Southern Rhodesia.

(a) All of the following transactions by any person subject to the jurisdiction of the United States are prohibited, except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, rulings, instructions, licenses, or otherwise:

(1) All transactions involving the supply from any foreign country of any non-United States origin commodity listed in the schedule in paragraph (d) of this section directly or indirectly to Southern Rhodesia; and,

(2) All transfers abroad involving the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia.

(b) Any transaction for the purpose of which has the effect of evading or avoiding any of the prohibitions set forth in paragraph (a) of this section is prohibited.

(c) The effective date of this section is 11:59 p.m., e.s.t., January 5, 1967.

(d) Schedule:

Aircraft (all types) and equipment and materials for their manufacture, assembly, or maintenance in Southern Rhodesia.

Arms, ammunition (all types), military vehicles, and equipment and materials for their manufacture and maintenance in Southern Rhodesia.

Oil and oil products.

Vehicles, motor, and equipment and materials for their manufacture, assembly, or maintenance in Southern Rhodesia.

Subpart C—General Definitions

§ 525.301 Person.

The term "person" means an individual, partnership, association, corporation, or other organization.

§ 525.302 Transfer.

The term "transfer" shall mean any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, transfer, or alter, directly or indirectly, any right, remedy, power privilege, or interest, with respect to any property and without limitation upon the foregoing shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; and the appointment of any agent, trustee, or other fiduciary.

§ 525.303 License.

Except as otherwise specified, the term "license" shall mean any license or authorization contained in or issued pursuant to this part.

§ 525.304 General license.

A general license is any license or authorization the terms of which are set forth in this part.

§ 525.305 Specific license.

A specific license is any license or authorization issued pursuant to this part but not set forth in this part.

§ 525.306 United States; continental United States.

The term "United States" means the United States and all areas under the jurisdiction or authority thereof including the Panama Canal Zone and the Trust Territory of the Pacific Islands. The term "continental United States" means the States of the United States and the District of Columbia.

§ 525.307 Person subject to the jurisdiction of the United States.

(a) The term "person subject to the jurisdiction of the United States" includes:

(1) Any person, wheresoever located, who is a citizen or resident of the United States;

(2) Any person actually within the United States;

(3) Any corporation organized under the laws of the United States or of any State, territory, possession, or district of the United States; and

(4) Any partnership, association, corporation, or other organization organized under the laws of, or having its principal place of business in, Southern

Rhodesia which is owned or controlled by persons specified in subparagraph (1), (2) or (3) of this paragraph.

Subpart D—Interpretations

§ 525.401 Reference to amended sections.

Reference to any section of this part or to any regulation, ruling, order, instruction, direction, or license issued pursuant to this part shall be deemed to refer to the same as currently amended unless otherwise so specified.

§ 525.402 Effect of amendment of sections of this part or of other orders, etc.

Any amendment, modification, or revocation of any section of this part or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Secretary of the Treasury pursuant to Executive Order 11322 shall not unless otherwise specifically provided be deemed to affect any act done or omitted to be done, or any suit or proceeding had or commenced in any civil or criminal case, prior to such amendment, modification, or revocation, and all penalties, forfeitures, and liabilities under any such section, order, regulation, ruling, instruction, or license shall continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 525.403 Transactions between principal and agent.

A transaction between any person within the United States and any principal, agent, home office, branch, or correspondent outside the United States of such person is a prohibited transaction to the same extent as if the parties to the transaction were in no way affiliated or associated with each other.

§ 525.404 Insurance of embargoed goods.

Sections 525.201 and 525.202 prohibit the unlicensed insurance of merchandise listed therein.

§ 525.405 Stockpiling in Southern Rhodesia.

Section 525.201 does not prohibit transactions involving the production in Southern Rhodesia of merchandise listed therein for consumption or for stockpiling in Southern Rhodesia provided such merchandise will remain in Southern Rhodesia.

§ 525.406 Processing of embargoed goods for Rhodesian account.

Section 525.201 prohibits transactions involving processing, manufacturing, packing, or storing of merchandise listed therein for the account of Southern Rhodesia or any person owned by or acting for or on behalf of Southern Rhodesia.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 525.501 Effect of subsequent license or authorization.

No license or other authorization contained in this part or otherwise issued by or under the direction of the Secretary of the Treasury pursuant to Executive Order 11322 shall be deemed to authorize or validate any transaction effected prior to the issuance thereof, unless such license or other authorization specifically so provides.

§ 525.502 Exclusion from licenses and authorizations.

The Secretary of the Treasury reserves the right to exclude from the operation of any license or from the privileges therein conferred or to restrict the applicability thereof with respect to particular persons, transactions or property or classes thereof. Such action shall be binding upon all persons receiving actual notice or constructive notice thereof.

§ 525.503 Certain transactions with respect to merchandise affected by § 525.201.

(a) With respect to merchandise the importation of which is prohibited by § 525.201 all U.S. Customs transactions are authorized except the following:

(1) Entry for consumption (including any appraisement entry, any entry of goods imported in the mails, regardless of value, and any other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone.

(b) Paragraph (a) of this section is intended solely to allow certain restricted disposition of merchandise which is imported without proper authorization. Paragraph (a) of this section does not authorize the purchase or importation of any merchandise.

§ 525.504 Letters of credit.

Domestic banks are hereby authorized to make payments of drafts drawn under irrevocable letters of credit issued or confirmed by a domestic bank prior to January 5, 1967, provided that the beneficiary of the credit is not a person subject to the jurisdiction of the United States.

§ 525.505 Merchandise exported prior to December 16, 1966.

Specific licenses will be issued authorizing transactions involving merchandise subject to § 525.201 when the Control is satisfied that the merchandise was exported from Southern Rhodesia prior to December 16, 1966.

Subpart F—Reports

§ 525.601 Records.

Every person engaging in any transaction subject to the provisions of this part shall keep a full and accurate record of each such transaction engaged in by him, regardless of whether such transaction is effected pursuant to license or otherwise, and such record shall be available for examination for at least two years after the date of such transaction.

§ 525.602 Reports to be furnished on demand.

Every person is required to furnish under oath, in the form of reports or otherwise, from time to time and at any time as may be required by the Secretary of the Treasury or any person acting under his direction or authorization complete information relative to any transaction subject to the provisions of this part. The Secretary of the Treasury or any person acting under his direction may require that such reports include the production of any books of account, contracts, letters, or other papers, connected with any such transaction in the custody or control of the persons required to make such reports. Reports with respect to transactions may be required either before or after such transactions are completed. The Secretary of the Treasury may, through any person or agency, investigate any such transaction or any violation of the provisions of this part regardless of whether any report has been required or filed in connection therewith.

Subpart G—Penalties

§ 525.701 Penalties.

(a) Attention is directed to section 5(b) of the United Nations Participation Act of 1945 (22 U.S.C. sec. 287(c)), which provides in part:

> Any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to subsection (a) of this section shall, upon conviction, be fined not more than $10,000 or, if a natural person, be imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation or evasion shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, or vehicle, or aircraft, concerned in such violation shall be forfeited to the United States. (Dec. 20, 1945, ch. 583, sec. 5, 59 Stat. 620; Oct. 10, 1949, ch. 660, sec. 3, 63 Stat. 735.)

This section of the United Nations Participation Act of 1945, is applicable to violations of any provision of this part and to violations of the provisions of any license, ruling, regulation, order, direction or instruction issued pursuant to this part or otherwise under section 5 of the United Nations Participation Act, United Nations Resolution 232, of December 16, 1966, and Executive Order 11322.

(b) Attention is also directed to 18 U.S.C. 1001 which provides:

> Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

Subpart H—Procedures

§ 525.801 Licenses.

(a) *General licenses.* General licenses may be issued authorizing, under appropriate terms and conditions, types of transactions subject to the prohibitions contained in Subpart B of this part. All such licenses are set forth in Subpart E of this part. It is the policy of the Office of Foreign Assets Control not to grant applications for specific licenses authorizing transactions to which the provisions of an outstanding general license are applicable. Persons availing themselves of certain general licenses are required to file reports and statements in the form and in accordance with the instructions specified in the licenses.

(b) *Specific licenses*—(1) *General course of procedure.* Transactions subject to the prohibitions contained in Subpart B of this part which are not authorized by general license may be effected only under specific licenses. Form TFAC–26 is the specific license form. The specific licensing activities of the Office of Foreign Assets Control are performed by the central organization and the Federal Reserve Bank of New York. When an unusual problem is presented, the proposed action is cleared with the Director of Foreign Assets Control or such person as the Director may designate.

(2) *Applications for specific licenses.* Applications for specific licenses to engage in any transaction prohibited by or pursuant to this part are to be filed in duplicate on Form TFAC–25 with the Federal Reserve Bank of New York. Any person having an interest in a transaction or proposed transaction may file an application for a license authorizing the effecting of such transaction, and there is no requirement that any other person having an interest in such transaction shall or should join in making or filing such application.

(3) *Information to be supplied.* Applicants must supply all information specified by the respective forms and instructions. Such documents as may be relevant shall be attached to each application as a part of such application except that documents previously filed with Foreign Assets Control may, where appropriate, be incorporated by reference. Applicants may be required to furnish such further information as is deemed necessary to a proper determination by the Control. If an applicant or other party in interest desires to present additional information or discuss or argue the application, he may do so at any time before or after decision. Arrangements for oral presentation should be made with the Control.

(4) *Effect of denial.* The denial of a license does not preclude the reopening of an application or the filing of a further application. The applicant or any other party in interest may at any time request explanation of the reasons for a denial by correspondence or personal interview.

(5) *Reports under specific licenses.* As a condition upon the issuance of any license, the licensee may be required to file reports with respect to the transaction covered by the license, in such form and at such times and places as may be prescribed in the license or otherwise.

(6) *Issuance of license.* Licenses will be issued by the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury or by the Federal Reserve Bank of New York, acting in accordance with such regulations, rulings, and instructions as the Secretary of the Treasury or the Office of Foreign Assets Control may from time to time prescribe, in such cases or classes of cases as the Secretary of the Treasury or the Office of Foreign Assets Control may determine, or licenses may be issued by the Secretary of the Treasury acting directly or through any person, agency, or instrumentality designated by him.

§ 525.802 Availability of forms and records.

(a) Form TFAC–25 and any other form used in connection with the regulations in this part may be obtained in person from or by writing to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220, or the Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y. 10045.

(b) Except to the extent exempted by law, identifiable records of the Office of Foreign Assets Control are available upon request for public inspection and copying. In general, such records involve privileged financial or commercial information and may also involve foreign affairs matters exempt from disclosure. Privileged information is deleted before the records are made available for inspection. Requests for inspection of Foreign Assets Control records should be addressed to the Chief Counsel, Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220. Fees are charged for services involved in such inspections.

§ 525.803 Decision.

The Office of Foreign Assets Control or the Federal Reserve Bank of New York will advise each applicant of the decision respecting applications filed by him. The decision of the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall be final.

§ 525.804 Records and reporting.

(a) Records are required to be kept by every person engaging in any transaction subject to the provisions of this part, as provided in § 525.601.

(b) Reports may be required from any person with respect to any transaction subject to the provisions of this part as provided in § 525.602.

§ 525.805 Amendment, modification, or revocation.

The provisions of this part and any rulings, licenses, authorizations, instructions, orders, or forms issued thereunder may be amended, modified, or revoked at any time. In general, the public interest requires that such amendments, modifications, or revocations be made without prior notice.

§ 525.806 Rule making.

(a) All rules and other public documents are issued by the Secretary of the Treasury upon recommendation of the Director of the Office of Foreign Assets Control or by the Director of the Office of Foreign Assets Control. Except to the extent that there is involved any military, naval, or foreign affairs function of the United States or any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts, and except when interpretative rules, general statements of policy, or rules of agency organization, practice, or procedure are involved or when notice and public procedure are impracticable, unnecessary or contrary to the public interest, interested persons will be afforded an opportunity to participate in rule making through submission of written data, views, or argument, with oral presentation in the discretion of the Director. In general, rule making by the Office of Foreign Assets Control involves foreign affairs functions of the United States. Whenever possible, however, it is the practice to hold informal consultations with interested groups or persons before the issuance of any rule or other public document.

(b) Any interested person may petition the Director of Foreign Assets Control in writing for the issuance, amendment or repeal of any rule.

§ 525.807 Delegation by the Secretary of the Treasury.

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Order 11322 may be taken by the Director of the Office of Foreign Assets Control, or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

§ 525.808 Customs procedures; merchandise specified in § 525.201.

(a) With respect to merchandise specified in § 525.201, whether or not such merchandise has been imported into the United States, district directors of customs shall not accept or allow any:

(1) Entry for consumption (including any appraisement, entry, any entry of goods imported in the mails, regardless of value, and any other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone, unless either:

(i) The merchandise was imported prior to January 5, 1967,

(ii) A specific license pursuant to this part is presented, or

(iii) Instructions from the Office of Foreign Assets Control, either directly or through the Federal Reserve Bank of New York, authorizing the transaction are received.

(b) Whenever a specific license is presented to a district director of customs in accordance with this section, one additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the district director of customs at the port where the transaction is to take place. Each copy of any such entry, withdrawal, or other appropriate document, including the additional copy, shall bear plainly on its face the number of the license pursuant to which it is filed. The original copy of the specific license shall be presented to the district director in respect of each such transaction and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity, and value of the merchandise to be entered, withdrawn or otherwise dealt with. This notation should be so placed and so written that there will exist no placed on the license at the time of its possibility of confusing it with anything issuance. If the license in fact authorizes the entry, withdrawal or other transaction with regard to the merchandise the district director, or other authorized customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it and the additional copy of the entry, withdrawal, or other appropriate document shall be forwarded by the district director to the Office of Foreign Assets Control.

(c) Whenever a person shall present an entry, withdrawal or other appropriate document affected by this section and shall assert that no specific Foreign Assets Control license is required in connection therewith, the district director of customs shall withhold action thereon and shall advise such person to communicate directly with the Federal Reserve Bank of New York to request that instructions be issued to the district director to authorize him to take action with regard thereto.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-2394; Filed, Feb. 28, 1967; 1:58 p.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

EDUCATIONAL PROGRAMS, REPORTING

1. Section 21.4138 is revised to read as follows:

§ 21.4138 Certifications.

Educational assistance allowance will be paid to or on behalf of a veteran or eligible person under Chapter 34 or 35 on the basis of a required certification concerning the pursuit of a course during the reporting period. For a course not leading to a standard college degree, the allowance will be paid only after the Veterans Administration has received a report which shows that the individual has been pursuing his course. The report must be certified by the student on a form provided by the Veterans Administration for that purpose. Where the student is enrolled in a course which does not lead to a standard college degree, or a course pursued exclusively by correspondence, a certification from the school is required. On certifications of enrollment, periodic certifications and absences, see §§ 21.4203, 21.4204, and 21.4205 respectively.

2. In § 21.4204, the introductory portion immediately preceding paragraph (a) and paragraph (a) are amended to read as follows:

§ 21.4204 Periodic certifications.

Educational assistance allowance is payable on the basis of a required certification concerning the pursuit of a course during the reporting period.

(a) *Reports by veterans and eligible persons.* A veteran or eligible person enrolled in a course which leads to a standard college degree must submit to the Veterans Administration a report certifying as to continued enrollment in and pursuit of his course. Reports by other veterans and eligible persons will be submitted in accordance with § 21.4203 (e) or (f).

* * * * *

3. In § 21.4205, paragraph (c)(1) is amended to read as follows:

§ 21.4205 Absences.

* * * * *

(c) *Reporting.* (1) Veterans and eligible persons must report each full day of absence from scheduled attendance as well as days when the school was closed for local and school holidays and, if reported enrollment was on an ordinary school year basis, intervals between terms, quarters, or semesters. When the school is closed for the weekend, those days will not be reported. However, if classes are normally scheduled for Saturday and Sunday, absences must be reported.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: February 23, 1967.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 67-2346; Filed, Mar. 1, 1967; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order 78]

PARTS 71–90—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Explosives and Other Dangerous Articles Board, held at Washington, D.C., on the 14th day of February 1967.

The matter of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing, that Notice No. 73, dated September 16, 1966, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on September 30, 1966 (31 F.R. 12795) pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

It further appearing, that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments;

It further appearing, that identification of the substantive changes made is appropriate and will be of benefit to parties of interest, the following sets forth, generally, the revisions or modifications made:

Section 73.33(b) (1), (2). May 14, 1967, has been set as the date after which new construction to specifications MC 300, 302, 303, 304, 305, 310, and 311 is not authorized. However, continued use of existing cargo tanks built in compliance with those specifications prior to that date is permitted. All cargo tanks constructed on and after December 1, 1967, must be constructed in compliance with specifications MC 306, MC 307, MC 312, or MC 331.

Section 73.33(b)(4). Continued use of existing MC 330 cargo tanks is authorized but new construction is not permitted after May 14, 1967.

Section 77.824(a). Clarifies the intent and application of the retest and inspection requirements for cargo tanks.

Section 77.824(b). Date for first visual inspection of subject cargo tanks has been established.

Section 77.824(b). Provisions for retesting tanks which are internally coated and externally insulated have been incorporated.

Section 77.824(c). Pneumatic as well as hydrostatic retesting has been provided for under conditions as outlined.

Section 77.824(c)(4). Hydrostatic or pneumatic retesting of cargo tanks operating under the terms of a special permit has been clarified.

Section 77.824(h). Conditions stipulating withdrawal of certification are more properly located here instead of in § 78.340–10.

Section 78.340–5(a). Requirements pertaining to joints in covers, vents, valves, piping, or their adaptors have been removed from the welding qualification section.

Section 78.340–8(a)(1). Requirements applicable to attachment of appurtenances have been clarified.

Section 78.341–4(b). Requirements pertaining to vent design have been modified to be more practicable.

Section 78.341–4(d)(3). Clarifies installation of fusible vents and their rated venting capacity.

Section 78.342–2(b). Corrosion factor influencing the minimum thickness of tank shell has been made more realistic.

And it further appearing, that in all other respects the proposed amendments set forth in the above referred-to Notice No. 73, with minor changes and editorial adjustments for clarification, are deemed justified and necessary:

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth as follows:

PART 73—SHIPPERS

In the table of contents in Part 73, amend § 73.33 (29 F.R. 18668, Dec. 29, 1964) to read as follows:

Sec.
73.33 Cargo tank use authorization.

Cancel entire Note 1 following the bracketed paragraphs after the table of contents in Part 73 and immediately preceding § 73.1 (29 F.R. 18670, Dec. 29, 1964) presently reading as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, the following regulations shall apply to transportation of flammable liquids by private carriers of property in interstate or foreign commerce:

All regulations heretofore applying to common or contract carriers by motor vehicle shall apply to such private carriers, except:

Cargo tanks of tank motor vehicles constructed previous to June 15, 1943, may be continued in service if maintained in safe operating condition and sufficiently frequent inspections are maintained to determine compliance with all requirements as specified in this note.

Any defect or deficiency, due to accident or otherwise, that is likely to cause serious hazard must be corrected before any such tank is continued in or returned to service; see however § 77.856 of this chapter.

Requirements applying to tests of tanks, and provisions for markers thereon except that indicating the flammable nature of the cargo, are waived.

Outages for shipments shall be those provided for by this part, except that filling of tanks to outage markers already incorporated in tanks, having due regard for safety in the transportation of the flammable liquids, need not be changed.

Section 77.815 of this chapter, labels, and § 77.819 of this chapter, certification of packages, of these regulations, need not be complied with by such private carriers, except as to packages transferred from one carrier to another.

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

Revise entire § 73.33 by amending the heading; canceling paragraphs (a) through (j); redesignating paragraphs (k), (l), (m), (n), (o), (p), and (q) as paragraphs (e), (f), (g), (h), (i), (j), and (k) respectively; adding new paragraphs (a), (b), (c), and (d); adding new paragraph (e) heading (29 F.R. 18677, 18678, 18679, Dec. 29, 1964) to read as follows:

§ 73.33 Cargo tank use authorization.

(a) General: Unless otherwise provided in this part every cargo tank (or compartment) used for the transportation of dangerous articles must be an authorized container. Such authorized container shall comply with requirements as set forth in this section in addition to those regulations applicable for the transportation of the particular commodity.

(b) Container authorization: Cargo tank qualification as an authorized container includes compliance with applicable specifications MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, MC 307, MC 310, MC 311, MC 312, MC 330, or MC 331 plus current compliance with the retest provisions as required in § 77.824 of this chapter and marked accordingly.

(1) Cargo tanks constructed on or after December 1, 1967 must be constructed in compliance with specifications MC 306, MC 307, MC 312 or MC 331 (§ 78.341, § 78.342, § 78.343 or § 78.337 of this chapter).

(2) Continued use of existing cargo tanks constructed to specifications MC 300, MC 302, MC 303, MC 304, MC 305, MC 310, and MC 311 is authorized but new construction is not permitted after May 14, 1967.

(3) Continued use of existing cargo tanks constructed to specification MC 301 is authorized but new construction is not permitted after June 11, 1961.

(4) Continued use of existing cargo tanks constructed to specification MC 330 is authorized but new construction is not permitted after May 14, 1967.

(c) Special permit authorization: Every cargo tank which does not meet one or more of the authorized specifications as shown in paragraph (b) of this section may continue in or be placed in service only under the terms specifically prescribed by the Director or Acting Director, Bureau of Operations and Compliance, Interstate Commerce Commission. In the event such special permit authorization is desired, the carrier shall furnish those details concerning the design and construction of the tank motor vehicle and the cargo tank as seem necessary for the determination of its ability to transport the proposed commodity safely.

(d) Multipurpose cargo tanks: Multipurpose cargo tanks which have more than one compartment, each of which meets the requirements qualifying them as different container types, are authorized for use for applicable commodities.

(1) Multipurpose tanks which can be physically altered to qualify as containers to accommodate various commodities subject to the regulations in this part or commodities not subject to the regulation in this part are authorized if:

(i) All applicable provisions of the regulations in this part which are required to qualify the container as acceptable for the commodity being transported are met.

(ii) The required physical alterations to convert from one container type to another are clearly indicated on or near the certification plate.

(e) Cargo tanks used for transportation of liquefied compressed gases shall be retested in accordance with the following and shall not be kept in or returned to transportation service unless they shall have successfully withstood the following prescribed tests, as appropriate in each instance:

(1) Every cargo tank which is constructed in accordance with or fulfilling the requirements of ICC Specification MC 330 shall be tested at least once in every 5 years in accordance with subparagraphs (2), (3), and (4) of this paragraph, except that tanks and safety valves of cargo tanks used for the transportation of chlorine must be retested at intervals of 2 years or less.

(2) The tank less any fittings shall be subjected to a hydrostatic pressure of 1½ times the design pressure (maximum allowable working pressure or rerated pressure) of the tank.

(3) The tank shall be inspected for corroded areas, bad dents, or other conditions, including leakage under test pressure, which indicate weakness that might render the tank unsafe for transportation service, and shall be rejected if evidence of any such unsafe condition is discovered.

(4) The tank lagging, if any, and its jacket need not be removed from lagged tanks unless it is found to be impossible to reach test pressure and maintain a condition of pressure equilibrium after test pressure is reached during tank retesting.

(5) Every tank not complying in all respects with the prescribed specifications, but otherwise allowable under this part, shall successfully withstand the identical tests at test periods required for "specification tanks" by subparagraphs (2), (3), and (4) of this paragraph. Nonspecification tanks shall be tested at least once in every calendar year as required in subparagraphs (2), (3), and (4) of this paragraph. Tanks constructed in accordance with paragraph U–68 or U–69 of the ASME Code, and which have not been rerated, must be retested at a hydrostatic pressure of twice the design pressure.

(6) Every cargo tank which shall have been authorized by the Commission to transport dangerous articles under the provisions of paragraph (c) of this section shall be tested under requirements specifically set forth in the terms of such authorization.

(7) Without regard to any other retest requirement, any tank that shows evidence at any time of bad dents, corroded areas, leakage, or other conditions that indicate weakness which might render the tank unsafe for transportation service, shall be retested as prescribed by subparagraphs (2), (3), and (4) of this paragraph.

(8) Any tank which has been in an accident and which has been damaged to an extent likely to cause it to be in unsafe condition or to an extent where such a condition is suspected, shall be tested as prescribed by subparagraphs (2), (3), and (4) of this paragraph.

(9) Any tank which has been out of transporation service for a period of 1 year or more shall not be returned to or placed in such service until it shall have successfully fulfilled the testing requirements prescribed by subparagraphs (2), (3), and (4) of this paragraph.

(10) The Commission may require the testing under prescribed conditions of any tank when probable cause appears for suspecting that such tank is in unsafe condition.

(f) The repair of tanks is authorized, provided such repairs are made under requirements prescribed in the "Code" for its original design and construction.

(1) In addition to any other provisions of the specification, no tank shall be repaired, or remodeled, as to cause leakage or cracks or likelihood of leakage or cracks, by areas of stress concentration due to shrinkage of cooling metal in welding operations, sharp fillets, reversal of stresses, or otherwise.

(2) No field welding shall be done except to nonpressure parts.

(g) On tanks used for compressed gases (except chlorine for which provisions are made at subparagraphs (9) to (11) of this paragraph), the bursting strength of any piping and fittings shall be not less than four times the design pressure of the tank, and not less than four times that pressure to which, in any instance, it may be subjected in service, by the action of a pump or other device (not including safety relief valves) the action of which may be to subject certain portions of the tank piping to pressures greater than the design pressure of the tank.

(1) Welded pipe joints shall be used wherever possible. Joints in copper tubing shall be of the brazed type where permitted or of any equally strong metal union type. Melting point of brazing material must be not less than 1,000° F. Such joints shall in any event be of such a character as not to decrease the strength of the tubing, as by the cutting of threads.

(2) Fittings shall be extra heavy. Nonmalleable metals shall not be employed in the construction of valves or fittings.

(3) Suitable provision shall be made in every case to allow for expansion, contraction, jarring, and vibration of all pipe. Slip joints shall not be used for this purpose.

(4) Piping and fittings shall be grouped in the smallest practicable space and shall be protected from damage as required by the specification.

(5) All hose, wherever used, shall be designed for a bursting pressure not less than four times the design pressure of the tank with which it is used, and not less than four times that pressure to which, in any instance, it may be subjected in service by the action of a pump or other device, the action of which may be to subject the hose to pressures greater than the design pressure of the tank. Any coupling used on hose to make connections shall be designed for a pressure not less than 20 percent in excess of the design pressure of the hose and shall be so designed that there will be no leakage when connected.

(6) All piping, valves, and fittings on every tank motor vehicle shall be proved free from leaks at not less than the design pressure for the tank. This condition will be considered to have been met when such piping, valves, and fittings have been tested for leakage with gas or air after installation and proved tight at not less than the design pressure marked on the cargo tank with which they are used. In the event of replacement, all such piping, valves, or fittings so replaced shall be tested in accordance with the requirements of this section before the tank is returned to transportation service. The requirements of this section shall apply with equal force to all hose used on such tanks, except that such hose may be so tested either before or after installation on the tank.

(7) Liquid pumps or gas compressors, wherever used, must be of suitable design, adequately protected against breakage by collisions, and kept in good condition. They may be driven by motor vehicle power takeoff or other mechanical, electrical, or hydraulic means. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

(8) Each tank used for the shipment of carbon dioxide or nitrous oxide shall be provided with a suitable pressure gauge. A shutoff valve must be installed between the pressure gauge and the tank. This gauge need be used only during the filling operation.

(9) On cargo tank motor vehicles for the transportation of chlorine, no piping, hose, or other means of loading or unloading shall be attached to the angle valves required by paragraph (i)(4) of this section except at the time of loading or unloading, nor shall any hose, piping, or tubing used for loading or unloading be mounted on or carried on the vehicle nor shall such devices be considered as part of the cargo tank motor vehicle. On cargo tank motor vehicles for the transportation of chlorine, except at the time of loading or unloading, pipe connections of the angle valves must be closed with screw plugs, chained or otherwise fastened to prevent misplacement.

(10) Angle valves on chlorine cargo tank motor vehicles shall be tested at not less than 225 p.s.i.g. using dry air or inert gas, before installation of such valves on the cargo tank, and such tests shall be made before each loading. The valves and gasketed joints shall be inspected for leaks, at a pressure of not less than 50 p.s.i.g., after loading and prior to shipment, and such inspections shall be made for each loading. Leaks which are detected shall be corrected before the cargo tank motor vehicle is shipped.

(11) Liquid chlorine pumps shall not be installed on cargo tank motor vehicles used for the shipment of chlorine.

(h) All materials of construction used in cargo tanks and their appurtenances shall not be subject to destructive attack by the contents of the tank.

(1) All parts of tanks and appurtenances for anhydrous ammonia shall be steel. No copper, silver, zinc, nor their alloys shall be permitted. Brazed joints shall not be permitted.

(i) Each outlet of cargo tanks used for the transportation of liquefied compressed gases, except carbon dioxide, shall be provided with an approved suitable automatic excess-flow valve or in lieu thereof may be fitted with an approved automatic quick-closing internal valve. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve.

EXCEPTION: Safety device connections and liquid level gauging devices which are so constructed that the outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening are not required to be equipped with excess-flow valves.

(1) Excess-flow valves shall close automatically at the rated flows of gas or liquid as specified by the valve manufacturer. The connections or lines on each side of the excess-flow valve, including valves, fittings, etc., shall have a greater capacity than the rated flow of the excess-flow valve.

(2) Excess-flow valves may be designed with a bypass, not to exceed a No. 60 drill size opening, to allow equalization of pressures.

(3) Filling and discharge lines shall be provided with a shutoff valve located as close to the tank as is practicable, except where an automatic quick-closing internal valve or an automatic shutoff valve is used, in which case a manually operated shutoff valve shall be located anywhere in the line ahead of the hose connection.

NOTE 1: The use of so-called "Stop-Check" or excess flow valves to satisfy with one valve the requirements of this rule and of paragraph (1) of this section is forbidden.

(4) Angle valves and excess-flow valves on chlorine tank motor vehicles shall conform to the standards of the Chlorine Institute, Inc. Angle valves to conform with Dwg. 104–4 dated May 5, 1958. Excess-flow valves conforming with Dwg. 101–3 dated January 23, 1959, shall be installed under each liquid angle valve and the excess-flow valves conforming with Dwg. 106–1 dated July 24, 1959, shall be installed under each gas angle valve.

(j) Each tank for chlorine, carbon dioxide, and nitrous oxide shall be insulated with a suitable insulation material of such thickness that the overall thermal conductance is not more than 0.08 B.t.u. per square foot per degree F. differential in temperature per hour. The conductance shall be determined at 60° F. Insulation material used on tanks for nitrous oxide shall be noncombustible. Insulation material used on tanks for chlorine shall be corkboard with minimum thickness of 4 inches.

(k) A refrigerating and/or heating coil or coils may be installed in tanks for carbon dioxide and nitrous oxide. Such coils must be tested externally to at least the same pressure as the test pressure of the tank. The coils must also be tested internally to at least twice the working pressure of the heating or refrigerating system to be used but in no case less than the test pressure of the tank. Such coils shall be securely anchored. The refrigerant or heating medium to be circulated through the coil or coils must be such as to cause no adverse chemical reaction with the tank or tank contents in case of leakage. If desired, the unit furnishing refrigeration may be mounted on the motor vehicle.

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.119 amend paragraphs (a)(17), (e)(3), (f)(5); cancel footnote 3 (29 F.R. 18702, Dec. 29, 1964) to read as follows:

§ 73.119 Flammable liquids not specifically provided for.

(a) • • •

(17) Specification MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, or MC 307 (§ 78.341 or § 78.342 of this chapter). Tank motor vehicles.

[Note 1 remains unchanged.]

• • • • •

(e) • • •

(3) Specification MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, or MC 307 (§ 78.341 or § 78.342 of this chapter). Tank motor vehicles.

• • • • •

(f) • • •

(5) Specification MC 304 or MC 307 (§ 78.342 of this chapter). Tank motor vehicles.

• • • • •

In § 73.123 amend paragraph (a)(6) (29 F.R. 18705, Dec. 29, 1964) to read as follows:

§ 73.123 Ethyl chloride.

(a) • • •

(6) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles.

• • • • •

In § 73.134 amend paragraph (a)(6) (30 F.R. 5744, April 23, 1965) to read as follows:

§ 73.134 Pyroforic liquids, n.o.s.

(a) • • •

(6) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles having a minimum design pressure of 175 pounds per square inch. Safety-relief devices must communicate with the vapor space when tanks are fully loaded.

• • • • •

In § 73.135 amend paragraph (a)(9) (29 F.R. 18708, Dec. 29, 1964) to read as follows:

§ 73.135 Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.

(a) • • •

(9) Specification MC 300, MC 303, MC 304, MC 306, or MC 307 of steel or stainless steel construction (§§ 78.341, 78.342 of this chapter). Tank motor vehicles.

In § 73.136 amend paragraph (a)(8) (29 F.R. 18708, Dec. 29, 1964) to read as follows:

§ 73.136 Methyl dichlorosilane and trichlorosilane.

(a) • • •

(8) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles.

• • • • •

In § 73.141 amend paragraph (a)(8) (29 F.R. 18709, Dec. 29, 1964) to read as follows:

§ 73.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

(a) • • •

(8) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles.

• • • • •

In § 73.145 amend paragraph (a)(7); cancel footnote 1 (30 F.R. 5744, Apr. 23, 1965) (29 F.R. 18709, Dec. 29, 1964) to read as follows:

§ 73.145 Dimethylhydrazine, unsymmetrical, and methylhydrazine.

(a) • • •

(7) Specification MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, MC 307, MC 310, MC 311, or MC 312 (§ 78.341, § 78.342, § 78.343 of this chapter). Tank motor vehicles without bottom discharge outlets and equipped with steel safety valves of approved design. Authorized only for dimethylhydrazine, unsymmetrical.

In § 73.148 amend paragraph (a)(5) (29 F.R. 18709, Dec. 29, 1964) to read as follows:

§ 73.148 Monoethylamine.

(a) • • •

(5) Specification MC 304 or MC 307 (§ 78.342 of this chapter). Tank motor vehicles.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.190 amend paragraph (b)(4) (29 F.R. 18717, Dec. 29, 1964) to read as follows:

§ 73.190 Phosphorus, white or yellow.

• • • • •

(b) • • •

(4) Specification MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, without bottom outlet and with insulation at least 4 inches in thickness, except that 2 inches of insulation is authorized for tanks equipped with an exterior heating jacket. Interior heating coils are not authorized. The material must be immersed in water or be blanketed with an inert gas and be loaded at a temperature not exceeding 140° F. After unloading, the tank must be filled to its entire capacity with an inert gas or to its entire capacity with water having a temperature not exceeding 140° F.

• • • • •

In § 73.206 amend paragraph (c)(3) (29 F.R. 18719, Dec. 29, 1964) to read as follows:

§ 73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride.

• • • • •

(c) • • •

(3) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles having a minimum design pressure of 150 pounds per square inch and having exterior coils fusion-welded to the tank shell and properly stress-relieved. Tanks must be equipped with safety valves having a start-to-discharge pressure not exceeding 150 pounds per square inch. The material must be in molten condition when loaded and solidified before being moved over a public highway. Outage must be 5 percent or more at a sodium temperature of 208° F.

• • • • •

In § 73.224 amend paragraph (a)(4) (29 F.R. 18723, Dec. 29, 1964) to read as follows:

§ 73.224 Cumene hydroperoxide, dicumyl peroxide, diisopropylbenzene hydroperoxide, paramenthane hydroperoxide, and tertiary butylisopropyl benzene hydroperoxide.

(a) • • •

(4) Specification MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Authorized for para-

menthane hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent only.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.247 amend paragraph (a) (12) (29 F.R. 18726, Dec. 29, 1964) to read as follows:

§ 73.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.

(a) • • •

(12) Specification MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.248 amend paragraph (a) (6) (29 F.R. 18727, Dec. 29, 1964) to read as follows:

§ 73.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.

(a) • • •

(6) Specification MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.249 amend paragraph (a) (6) (29 F.R. 18727, Dec. 29, 1964) to read as follows:

§ 73.249 Alkaline corrosive liquids, n.o.s., alkaline caustic liquids, n.o.s., alkaline corrosive battery fluids, and sodium aluminate, liquid.

(a) • • •

(6) Specification MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.252 amend paragraph (a) (4) (29 F.R. 18728, Dec. 29, 1964) to read as follows:

§ 73.252 Bromine.

(a) • • •

(4) Specification MC 310 or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. The tank must have a steel shell thickness of ⅜-inch minimum and must be lined with lead of at least ⅜-inch thickness. The water weight capacity of the tank must not be more than 5,100 pounds and the maximum quantity of liquid bromine loaded into the tank must not be more than 15,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is the lesser. In no case shall the quantity loaded be less than 98 percent of the quantity the tank is authorized to carry.

• • • • • •

In § 73.253 amend paragraph (a) (6) (29 F.R. 18728, Dec. 29, 1964) to read as follows:

§ 73.253 Chloracetyl chloride.

(a) • • •

(6) Specification MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles having tanks fabricated from Type 316 stainless steel.

• • • • • •

In § 73.254 amend paragraph (a) (5) (29 F.R. 18728, Dec. 29, 1964) to read as follows:

§ 73.254 Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.

(a) • • •

(5) Specification MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

In § 73.255 amend paragraph (a) (5) (29 F.R. 18728, Dec. 29, 1964) to read as follows:

§ 73.255 Dimethyl sulfate.

(a) • • •

(5) Specification MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.257 amend paragraph (a) (4) (29 F.R. 18729, Dec. 29, 1964) to read as follows:

§ 73.257 Electrolyte (acid) or corrosive battery fluid.

(a) • • •

(4) Specification MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, except that unlined tanks must not be used.

• • • • • •

In § 73.262 amend paragraphs (a) (11) and (b) (4) (29 F.R. 18731, Dec. 29, 1964) to read as follows:

§ 73.262 Hydrobromic acid.

(a) • • •

(11) Specification MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, rubber-lined.

(b) • • •

(4) Specification MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, rubber-lined.

In § 73.263 amend paragraph (a) (10) (29 F.R. 18732, Dec. 29, 1964) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution inhibited, sodium chlorite solution (not exceeding 42 percent sodium chlorite), and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) • • •

(10) Specification MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles lined with rubber or equally acid-resistant material of equivalent strength and durability. Unlined specifications MC 311 and MC 312 tank motor vehicles made from Type 304L stainless steel authorized for sodium chlorite solution not exceeding 42 percent sodium chlorite only.

• • • • • •

In § 73.264 amend paragraphs (a) (14) and (b) (3) (29 F.R. 18733, Dec. 29, 1964) to read as follows:

§ 73.264 Hydrofluoric acid.

(a) • • •

(14) Specification MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

[Note 1 remains the same.]

• • • • • •

(b) • • •

(3) Specification MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.265 amend paragraph (b) (4) (29 F.R. 18734, Dec. 29, 1964) to read as follows:

§ 73.265 Hydrofluosilicic acid.

• • • • • •

(b) • • •

(4) Specification MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, lined with rubber.

• • • • • •

In § 73.266 amend paragraph (f) (2) (29 F.R. 18735, Dec. 29, 1964) to read as follows:

§ 73.266 Hydrogen peroxide solution in water.

• • • • • •

(f) • • •

(2) Specification MC 310 or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Tanks shall be welded construction of aluminum complying with Aluminum Association Nos. 1060, 1260, 5254, or 5652, and having a minimum wall thickness of one-half inch. They must be built to a design working pressure of not less than 40 p.s.i.g. and shall be designed so that internal surfaces may be effectively cleaned and passivated. All openings in the tank shall be located on top of tank. All valves and safety devices shall be provided with overturn protection and dust covers. The tank metal identification plate required shall be marked "ICC MC 310–H_2O_2" or "ICC MC 312–AL–H_2O_2," as appropriate, and, in addition, the vehicle shall be clearly marked in letters not less than one inch high "FOR HYDROGEN PEROXIDE ONLY." Designs for venting and pressure relief devices must be approved by the Bureau of Explosives.

In § 73.267 amend paragraph (a) (7) (29 F.R. 18735, Dec. 29, 1964) to read as follows:

§ 73.267 Mixed acid (nitric and sulfuric acid) (nitrating acid).

(a) • • •

(7) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. (See paragraph (b) of this section.)

• • • • • •

In § 73.268 amend paragraph (b) (3) (29 F.R. 18736, Dec. 29, 1964) to read as follows:

§ 73.268 Nitric acid.

• • • • • •

(b) • • •

(3) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.271 amend paragraph (a) (8), (13), (14), and (15) (29 F.R. 18737, Dec. 29, 1964) to read as follows:

§ 73.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) • • •

(8) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles when tanks are lead-lined or nickel-lined. If nickel-lined, the lining shall comprise at least 1/32-inch of uncontaminated nickel at all points including rivets, welds, and other joints, and edges of tank plates.

• • • • • •

(13) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles when tanks are clad with a minimum of 20 percent Type 316 stainless steel. Authorized for phosphorus oxychloride only.

(14) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles made from Types 304, 316, or 347 stainless steels. Authorized for phosphorus trichloride only.

(15) Specification MC 311 or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Tank must be of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent. Authorized for phosphorus oxychloride and phosphorus trichloride only.

• • • • • •

In § 73.272 amend paragraphs (h) (2) and (i) (3) (29 F.R. 18738, Dec. 29, 1964) to read as follows:

§ 73.272 Sulfuric acid.

• • • • • •

(h) • • •

(2) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

• • • • • •

(i) • • •

(3) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles (rubber-lined).

• • • • • •

In § 73.273 amend paragraph (a) (5) (29 F.R. 18739, Dec. 29, 1964) to read as follows:

§ 73.273 Sulfur trioxide, stabilized.

(a) • • •

(5) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Authorized only for stabilized sulfur trioxide. Tanks must be equipped with spring-relief safety valves. Tanks equipped with interior heater coils not permitted.

In § 73.276 amend paragraph (a) (6) (29 F.R. 18739, Dec. 29, 1964) to read as follows:

§ 73.276 Anhydrous hydrazine and hydrazine solution.

(a) • • •

(6) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles having tanks of Type 304L or 347 stainless steel with molybdenum content not exceeding one-half of 1 percent. Vapor space in tank must be filled with nitrogen gas at not less than atmospheric pressure.

• • • • • •

In § 73.280 amend paragraph (a) (8) (29 F.R. 18740, Dec. 29, 1964) to read as follows:

§ 73.280 Allyl trichlorosilane, amyl trichlorosilane, butyl trichlorosilane, cyclohexenyl trichlorosilane, cyclohexyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, nonyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane.

(a) • • •

(8) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles of steel or stainless steel construction.

In § 73.289 amend paragraph (a) (4) (29 F.R. 18741, Dec. 29, 1964) to read as follows:

§ 73.289 Formic acid and formic acid solutions.

(a) • • •

(4) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.292 amend paragraph (a) (2); cancel footnote 2 (29 F.R. 18742, Dec. 29, 1964) to read as follows:

§ 73.292 Hexamethylene diamine solution.

(a) • • •

(2) Specifications MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, MC 307, MC 310, MC 311, or MC 312 (§§ 78.341, 78.342, 78.343 of this chapter). Tank motor vehicles.

In § 73.294 amend paragraph (a) (3) (29 F.R. 18742, Dec. 29, 1964) to read as follows:

§ 73.294 Monochloroacetic acid, liquid.

(a) • • •

(3) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Tanks to be fabricated from 99 percent pure nickel plates, Type 304 or 316 stainless steel, or be suitably lined.

• • • • • •

In § 73.295 amend paragraph (a) (9) and (10) (29 F.R. 18742, Dec. 29, 1964) to read as follows:

§ 73.295 Benzyl chloride.

(a) • • •

(9) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Authorized for stabilized benzyl chloride only.

(10) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles fabricated from 99 percent pure nickel plates. All cast metal parts of the tank in contact with the lading must have a minimum nickel content of 96.7 percent. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron.

• • • • • •

In § 73.296 amend paragraph (a) (2) (29 F.R. 18742, Dec. 29, 1964) to read as follows:

§ 73.296 Di isooctyl acid phosphate.

(a) • • •

(2) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.297 amend paragraph (a) (1) (29 F.R. 18742, Dec. 29, 1964) to read as follows:

§ 73.297 Titanium sulfate solution containing not more than 45 percent sulfuric acid.

(a) • • •

(1) Specifications MC 310, MC 311, or MC 312 (§78.343 of this chapter). Tank motor vehicles, rubber-lined.

• • • • • •

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.348 amend paragraph (a) (12); cancel footnote 2 (29 F.R. 18757, Dec. 29, 1964) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) • • •

(12) Specifications MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, MC 307, MC 310, MC 311, or MC 312 (§§ 78.341, 78.342, 78.343 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.347 amend paragraph (a) (3); cancel footnote 2 (29 F.R. 18757, Dec. 29, 1964) to read as follows:

§ 73.347 Aniline oil.

(a) • • •

(3) Specifications MC 300, MC 301, MC 302, MC 303, MC 305, or MC 306 (§ 78.341 of this chapter). Tank motor vehicles.

• • • • • •

In § 73.352 amend paragraph (a) (5); cancel footnote 2 (29 F.R. 18758, Dec. 29, 1964) to read as follows:

§ 73.352 Liquid sodium or potassium cyanide.

(a) • • •

(5) Specifications MC 300, MC 301, MC 302, MC 303, MC 305, or MC 306 (§ 78.341 of this chapter). Tank motor vehicles.

In § 73.353 amend paragraph (e) (29 F.R. 18759, Dec. 29, 1964) to read as follows:

§ 73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

• • • • • •

(e) Specifications MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles having a design pressure not less than 250 pounds per square inch equipped with an approved spring-relief safety valve. Outage must be sufficient to prevent tank from becoming entirely filled with liquid at 130° F. Authorized for methyl bromide-ethylene dibromide mixture only.

In § 73.354 amend paragraph (a)(5) (29 F.R. 18759, Dec. 29, 1964) to read as follows:

§ 73.354 Motor fuel antiknock compound or tetraethyl lead.

(a) • • •

(5) Specification MC 330 or MC 331 (§ 78.337 of this chapter) (see Note 1). Tank motor vehicles. Authorized for motor fuel antiknock compound only.

[No change in Note 1.]

• • • • •

In § 73.369 amend paragraph (a)(14); cancel footnote 1 (31 F.R. 9073, July 1, 1966) to read as follows:

§ 73.369 Carbolic acid (phenol), not liquid.

(a) • • •

(14) Specifications MC 300, MC 301, MC 302, MC 303, MC 305, MC 306, MC 310, MC 311, or MC 312 (§§ 78.341, 78.343 of this chapter). Tank motor vehicles.

[No change in (i).]

• • • • •

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

In the table of contents in Part 77, amend § 77.824 (29 F.R. 18795, Dec. 29, 1964) to read as follows:

Sec.
77.824 Retesting and inspection of cargo tanks.

Cancel entire Note 1 following the bracketed paragraphs after the table of contents in Part 77 and immediately preceding § 77.800 (29 F.R. 18796, Dec. 29, 1964) presently reading as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, the following regulations shall apply to transportation of flammable liquids by private carriers of property in interstate or foreign commerce:

All regulations heretofore applying to common or contract carriers by motor vehicle shall apply to such private carriers, except:

Cargo tanks of tank motor vehicles constructed previous to June 15, 1943, may be continued in service if maintained in safe operating condition and sufficiently frequent inspections are maintained to determine compliance with all requirements as specified in this Note.

Any defect or deficiency, due to accident or otherwise, that is likely to cause serious hazard must be corrected before any such tank is continued in or returned to service; see, however, § 77.856.

Requirements applying to tests of tanks, and provisions for markers thereon except that indicating the flammable nature of the cargo, are waived.

Outages for shipments shall be those provided for by Part 73 of this chapter, except that filling of tanks to outage markers already incorporated in tanks, having due regard for safety in the transportation of the flammable liquids, need not be changed.

Section 77.815, labels, and § 77.819, certification of packages, need not be complied with by such private carriers, except as to packages transferred from one carrier to another.

Subpart A—General Information and Regulations

In § 77.815 add paragraph (a)(1) (29 F.R. 18797, Dec. 29, 1964) to read as follows:

§ 77.815 Labels.

(a) • • •

(1) Such labels are not required for packages transported by the shipper except for packages which are to be reshipped or transferred from one carrier to another carrier.

• • • • • •

In § 77.819 add paragraph (a)(1) (29 F.R. 18798, Dec. 29, 1964) to read as follows:

§ 77.819 Certificate.

(a) • • •

(1) Shipper certification is not required for shipments to be transported by the shipper except for shipments which are to be reshipped or transferred from one carrier to another carrier.

• • • • • •

In § 77.824 revise the heading; cancel paragraphs (a), (b), (c), (e), (f), (g), and (h); redesignate paragraph (d) as paragraph (e); add new paragraphs (a), (b), (c), (d), (f), (g), and (h) (29 F.R. 18799, Dec. 29, 1964) to read as follows:

§ 77.824 Retesting and inspection of cargo tanks.

(a) *General.* In accordance with § 73.33 of this chapter (cargo tank use authorization) every cargo tank and every compartment of a cargo tank authorized as a qualified container, except those cargo tanks having a capacity of 3,000 gallons or less used exclusively for the transportation of flammable liquids, must fulfill the applicable requirements as set forth in this section.

(1) Every cargo tank, except specifications MC 330 and MC 331 cargo tanks, must comply with paragraphs (a), (b), (c), (d), (f), (g), and (h) of this section. Specification MC 330 cargo tanks must comply with paragraphs (a), (e), (f), (g), and (h) of this section in addition to the requirements contained in § 73.33 (e) of this chapter.

(2) Every cargo tank whether constructed in accordance with ICC specifications or being operated as a novel tank under special permit authorization shall not continue in service unless it has successfully fulfilled the testing requirements as set forth in this section.

(b) *Visual inspection requirements.* Every cargo tank shall receive an external visual inspection at least once in every 2-year period. The first such inspection shall be required at the time the next hydrostatic retest is due or prior to January 31, 1969, whichever comes first. This inspection shall be made by a responsible and experienced inspector who shall record the condition of the items set forth below. The inspection record shall be approved and signed by an authorized representative of the owner or operator. A written report of each inspection shall be retained in carrier's or owner's files for a period of 2 years after the date of inspection. Where insulation precludes external visual inspection, the cargo tank shall receive a visual internal inspection for corroded areas, defects in welds or tank sheets. Where visual inspection is precluded by both internal coating and external insulation or when the cargo tank is not equipped with a manhole, the tank shall be hydrostatically tested at 5-year intervals except as otherwise provided in paragraph (c) of this section. The tank shall not be placed in or returned to service if evidence of any unsafe condition is discovered and until such condition has been corrected. Inspection shall consist of the following items:

(1) The tank shall be inspected for: Corroded areas, bad dents, and defects in welds; defects in piping, valves, and gaskets; and other conditions, including leakage, which indicate weakness in the tank that might render it unsafe for transportation service.

(2) Devices for tightening manhole covers must be operative and leakage at manhole covers and gaskets must be corrected.

(3) Spring-loaded safety-relief valves rated in excess of 7 p.s.i.g. shall be removed from the cargo tank and tested.

(4) All emergency devices and valves must be free from corrosion, distortion, and any damage which will prevent their normal operation.

(5) Missing or loose bolts or nuts on any flanged connection or blank flange must be replaced or tightened.

(6) Required markings on the tank shall be legible.

(7) The entire vehicle shall be inspected for and comply with the Motor Carrier Safety Regulations Part 193 of this chapter.

(c) *Hydrostatic or pneumatic testing requirements.* In addition to the visual inspection requirements as contained in paragraph (b) of this section, hydrostatic or pneumatic testing of cargo tanks (or compartments) is required to be conducted in accordance with the provisions contained in paragraph (d) of this section to qualify as an authorized container if:

(1) The cargo tank has been out of service (transporting dangerous articles) 1 year or more, or

(2) The cargo tank has been involved in an accident in which it may have been dented, torn, or otherwise damaged so as to affect its product retention integrity, or

(3) The shell of the cargo tank as originally manufactured has been modified, or

(4) The cargo tank is operating under special permit authorization. Such tanks shall be hydrostatically tested once every calendar year unless otherwise provided for in the special permit, and shall successfully fulfill the requirements set forth in paragraph (d) of this section. No two such required tests shall be closer than 6 months.

(d) *Hydrostatic or pneumatic testing procedure.* Every cargo tank (or compartment) required to be hydrostatically or pneumatically tested in paragraph (c) of this section shall use the following procedure to determine the acceptability of the tank to retain product at design pressures.

(1) All closures shall be in place while the test is being made. During the test all relief devices shall be clamped, plugged or otherwise rendered inoperative. Immediately after the tests are completed such relief devices shall be returned to their operative condition.

(2) The cargo tank shall be completely filled (including domes if any) with water or other liquid having a similar viscosity. Pressure shall be applied in accordance with the following chart. The pressure shall be gauged at the top of the tank. The tank shall hold the prescribed test pressure for at least 10 minutes. All tank valves piping and other accessories in communication with the lading shall be pressure tested and proved tight at the tank design pressure.

CHART I

Container type	*Test pressure (p.s.i.g.)*
MC 300, 301, 302, 303, 305, 306	3
MC 304, 307	[1] 25
MC 310, 311, 312	[1] 3

[1] Or 1½ times design pressure whichever is greater.

(3) If a cargo tank is compartmented each compartment shall be similarly tested with the adjacent compartment empty and at atmospheric pressure.

(4) Cargo tanks (or compartments) equipped with heating systems employing such media as steam or hot water under pressure for heating the contents of the container shall be tested with hydrostatic pressure and proved to be tight at 200 p.s.i.g. Systems employing flues for heating the container's contents shall be suitably tested to insure against product leakage into the flues or into the atmosphere.

(5) The requalification as an authorized container of cargo tanks (or compartments) required to be hydrostatically or pneumatically tested in accordance with paragraph (a) of this section shall be based on successfully retaining the applicable test pressure (see Chart I in subparagraph (2) of this paragraph) without leakage, undue distortion, excessive permanent expansion, evidence of impending failure or failure.

(i) Cargo tanks (or compartments) with heating systems shall successfully withstand hydrostatic pressure and examination contained in subparagraph (4) of this paragraph.

(ii) Such cargo tank (or compartment) shall not be returned to service as an authorized container until suitable repairs are made. The suitability of the repair shall be determined by the same method of test.

• • • • •

(f) *Special testing required by the Commission.* Upon the showing of probable cause of the necessity for retest, the Commission may, at its discretion, cause any cargo tank to be retested at any time in accordance with the requirements prescribed for its periodic retest.

(g) *Test date markings.* The date of the last test shall be durably marked on the tank in letters not less than 1¼ inches high, in legible colors near the metal certification plate. The date shall be followed by the letter "V" for visual and/or "H" for hydrostatic (or pneumatic).

(h) *Withdrawal of certification.* If as the result of accident or for any reason the cargo tank ceases to be in compliance with the applicable specification, the metal certification plate shall be removed or otherwise made illegible by the carrier. The details pertaining to action necessitating withdrawal of certification shall be recorded on the written certificate, dated, signed and such certificate shall be retained for three years by the vehicle owner.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

In the table of contents in Part 78, cancel §§ 78.321, 78.323, 78.324, 78.325, 78.326, 78.330, 78.331, and 78.336 (29 F.R. 18813, Dec. 29, 1964) which presently read as follows:

Sec.
78.321 Specification MC 300; cargo tanks constructed of mild (open hearth, or blue annealed) steel, or combination of mild steel with high-tensile steel, or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.
78.323 Specification MC 302; cargo tanks constructed of welded aluminum alloy (ASTM B209–57T), primarily for the transportation of flammable liquids, or poisonous liquids, class B.
78.324 Specification MC 303; cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.
78.325 Specification MC 304; cargo tanks constructed of mild (open hearth or blue annealed) steel, welded ferrous alloy (high-tensile steel) or aluminum, primarily for the transportation of flammable liquids, or poisonous liquids, class B, having Reid (ASTM D–323) vapor pressures of 18 p.s.i.a., or more at 100° F. but less than those stated in § 73.300 of this chapter in defining compressed gases.
78.326 Specification MC 305; cargo tanks constructed of aluminum alloys for high-strength welded construction, primarily for the transportation of flammable liquids, or poisonous liquids, class B.
78.330 Specification MC 310; cargo tanks constructed of ferrous materials, primarily for the transportation of corrosive liquids.
78.331 Specification MC 311; cargo tanks constructed of ferrous metals or aluminum, primarily for the transportation of corrosive liquids.
78.336 Specification MC 330; cargo tanks constructed of steel, primarily for transportation of compressed gases.

In the table of contents in Part 78, add §§ 78.340, 78.341, 78.342, and 78.343 (29 F.R. 18813, Dec. 29, 1964) to read as follows:

Sec.
78.340 General design and construction requirements applicable to specifications MC 306 (§ 78.341), MC 307 (§ 78.342), and MC 312 (§ 78.343) cargo tanks.
78.341 Specification MC 306; cargo tanks.
78.342 Specification MC 307; cargo tanks.
78.343 Specification MC 312; cargo tanks.

Subpart J—Specifications for Containers for Motor Vehicle Transportation

§§ 78.321–78.336 [Cancelled]

Cancel §§ 78.321, 78.323, 78.324, 78.325, 78.326, 78.330, 78.331, and 78.336 in their entirety (29 F.R. 18976 through 18995, Dec. 29, 1964).

Add § 78.340 (29 F.R. 18995, Dec. 29, 1964) to read as follows:

§ 78.340 General design and construction requirements applicable to specifications MC 306 (§ 78.341), MC 307 (§ 78.342), and MC 312 (§ 78.343) cargo tanks.

§ 78.340–1 Specification requirements for MC 306, MC 307, and MC 312 cargo tanks.

(a) Specifications MC 306, MC 307, and MC 312 cargo tanks constructed on or after December 1, 1967, for the bulk transportation of dangerous commodities must meet the requirements contained in this section in addition to the requirements of each applicable specification as contained in § 78.341 (MC 306), § 78.342 (MC 307), and § 78.343 (MC 312).

(b) All of these specification requirements are minimum requirements.

§ 78.340–2 General requirements.

(a) Every cargo tank and vessel shall be designed and constructed in accordance with the best known and available practices in addition to the other applicable cargo tank specification requirements.

(b) Those requirements relating to parts and accessories applicable to all motor vehicles engaged in interstate commerce as contained in Part 193 of the Motor Carrier Safety Regulations of this chapter are an integral part of this specification.

(c) Where applicable the additional requirements prescribed in Part 73 of this chapter to accommodate specific commodities are considered an integral part of these specifications.

(d) Multipurpose cargo tank:

(1) A single cargo tank may be divided into compartments of different specification construction. Each such compartment shall conform to specification requirements concerned.

(2) A single cargo tank may be physically altered to comply with another cargo tank specification in the regulations in this part; or altered to accommodate a commodity not requiring an ICC specification tank.

§ 78.340–3 Material.

(a) All sheet and plate material for shell, heads, bulkheads and baffles for cargo tanks which are not required to be constructed in accordance with the American Society of Mechanical Engineers' Boiler and Pressure Vessel Code shall meet the following minimum applicable requirements:

(1) *Aluminum Alloys (AL).* Only aluminum alloy material suitable for fusion welding and in compliance with one of the following ASTM specifications shall be used:

ASTM B–209 Alloy 5052.
ASTM B–209 Alloy 5086.
ASTM B–209 Alloy 5154.
ASTM B–209 Alloy 5254.
ASTM B–209 Alloy 5454.
ASTM B–209 Alloy 5652.

All heads, bulkheads, baffles, and ring stiffeners may use 0 temper (annealed) or stronger tempers. All shells shall be made of materials with properties equivalent to H32 or H34 tempers, except that lower ultimate strength tempers may be used if the minimum shell thicknesses in Table II in § 78.341–2, § 78.342–2, or § 78.343–2 are increased in inverse proportion to the lesser ultimate strength.

(2) *Steel.*

	Mild steel (MS)	High strength low alloy steel (HSLA)	Austenitic stainless steel (SS)
Yield point...p.s.i..	25,000	45,000	25,000
Ultimate strength p.s.i..	45,000–	60,000	70,000
Elongation, 2-inch samples percent..	20	25	30

§ 78.340–4 Structural integrity.

(a) *Maximum stress values.* The maximum calculated stress value shall not exceed 20 percent of the minimum ultimate strength of the material as authorized in § 78.340–3, except when ASME pressure vessel design requirements apply (see section VIII, American Society of Mechanical Engineers Boiler and Pressure Vessel Code, 1965 edition).

(b) *Loadings.* Cargo tanks shall be provided with additional structural elements as necessary to prevent resulting stresses in excess of those permitted in paragraph (a) of this section. Consideration shall be given to forces imposed by each of the following loads individually, and where applicable a vector summation of any combination thereof:

(1) Dynamic loading under all product load configurations.

(2) Internal pressure.

(3) Superimposed loads such as operating equipment, insulation, linings, hose tubes, cabinets, and piping.

(4) Reactions of supporting lugs and saddles or other supports.

(5) Effect of temperature gradients resulting from product and ambient temperature extremes. Thermal coefficients of dissimilar materials where used should be accommodated.

§ 78.340–5 Joints.

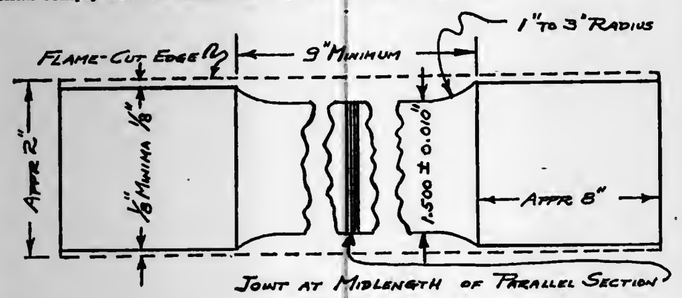
(a) *Method of joining.* All joints between tank shells, heads, baffles (or baffle attaching rings), and bulkheads shall be welded in accordance with the requirements contained in this section.

(b) *Strength of joints (Aluminum Alloy (AL)).* All welded aluminum alloy joints shall be made in accordance with recognized good practice, and the efficiency of a joint shall be not less than 85 percent of the properties of the adjacent material. Aluminum alloys shall be joined by an inert gas arc welding process using aluminum-magnesium type of filler metals which are consistent with the material suppliers recommendations.

(c) *Strength of joints (Mild Steel (MS), High Strength Low Alloy (HSLA), Austenitic Stainless Steel (SS)).* Joints shall be welded in accordance with recognized good practice and the efficiency of any joint shall be not less than 85 percent of the mechanical properties of the adjacent metal in the tank.

(1) Combinations of mild steel (MS), high strength low alloy (HSLA) and/or austenitic stainless steel (SS), may be used in the construction of a single tank, provided that each material, where used, shall comply with the minimum requirements specified in § 78.340–3(a) for the material used in the construction of that section of the tank. Whenever stainless steel sheets are used in combination with sheets of other types of steel, joints made by welding shall be formed by the use of stainless steel electrodes or filler rods and the stainless steel electrodes or filler rods used in the welding shall be suitable for use with the grade of stainless steel concerned, according to the recommendations of the manufacturer of the stainless steel electrodes or filler rods.

(d) *Compliance test.* Compliance with the requirements contained in paragraph (b) or (c) of this section for the welded joints indicated in paragraph (a) of this section shall be determined by preparing from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, two test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed. The butt welded specimens tested shall be considered qualifying other types or combinations of types of weld using the same filler material and welding process as long as parent metals are of the same types of material.



TENSILE SPECIMEN

§ 78.340–6 Supports and anchoring.

(a) Cargo tanks with frames not made integral with the tank as by welding, shall be provided with restraining devices to eliminate any relative motion between the tank and frame which may result from the stopping, starting or turning of the vehicle. Such restraining devices shall be readily accessible for inspection and maintenance; except that insulation and jacketing are permitted to cover the restraining devices.

(b) Any cargo tank designed and constructed so that it constitutes in whole or in part the structural member used in lieu of a frame, shall be supported in such a manner that the resulting stress levels in the cargo tank do not exceed those specified in § 78.340–4(a). The design calculations of the support elements shall include loadings imposed by stopping, starting and turning in addition to those imposed as indicated in § 78.340–4(b) using 20 percent of the minimum ultimate strength of the support material.

§ 78.340–7 Circumferential reinforcement.

(a) Tanks with shell thicknesses less than three-eighths of an inch shall in addition to the tank heads be circumferentially reinforced with either bulkheads, baffles, or ring stiffeners. It is permissible to use any combination of the aforementioned reinforcements in a single cargo tank.

(1) *Location.* Such reinforcement shall be located in such a manner that the maximum unreinforced portion of the shell be as specified in Table II of the applicable specification and in no case more than 60 inches. Additionally such circumferential reinforcement shall be located within 1 inch of points where discontinuity in longitudinal shell sheet alignment exceeds 10 degrees unless otherwise reinforced with structural members capable of maintaining shell sheet stress levels permitted in § 78.340–4(a).

(b) Baffles: Baffles or baffle attaching rings if used as reinforcement members shall be circumferentially welded to the tank shell. The welding must not be less than 50 percent of the total circumference of the vessel and the maximum unwelded space on this joint shall not exceed 40 times the shell thickness.

(c) Double bulkheads: Tanks designed to transport different commodities which if combined during transit will cause a dangerous condition or evolution of heat or gas shall be provided with compartments separated by an air space. This air space shall be vented and be equipped with drainage facilities which shall be kept operative at all times.

(d) Ring stiffeners: Ring stiffeners when used to comply with this section shall be continuous around the circumference of the tank shell and shall have a section modulus about the neutral axis of the ring section parallel to the shell at least equal to that determined by the following formula:

$\frac{I}{C}$ (Min) = 0.00027 WL (MS, HSLA, and SS) Steel

$\frac{I}{C}$ (Min) = 0.000467 WL (AL) Aluminum Alloy

where:

$\frac{I}{C}$ = Section modulus (inches³).
W = Tank width or diameter (inches).
L = Ring spacing (inches); i.e., the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener.

(1) If a ring stiffener is welded to the tank shell (with each circumferential weld not less than 50 percent of the total circumference of the vessel and the maximum unwelded space on this joint not exceeding 40 times the shell thickness) a portion of the shell may be considered as part of the ring section for purposes of computing the ring section modulus. The maximum portion of the shell to be used in these calculations is as follows:

Circumferential ring stiffener to tank shell welds	Distance between parallel circumferential ring stiffener to shell welds	Shell section credit
1		20t.
2	Less than 20t	20t+W.
2	20t or more	40t.

where:

t = Shell thickness.
W = Distance between parallel circumferential ring stiffener to shell welds.

(2) If configuration of internal or external ring stiffener encloses an air space, this air space shall be arranged for venting and be equipped with drainage facilities which shall be kept operative at all times.

§ 78.340–8 Accident damage protection.

(a) Unless protected in accordance with paragraph (b) or (c) of this section, the design, construction and/or installation of all cargo tank appurtenances whether required by the Commission's regulations or not, shall be such as to minimize the possibility of accident damage or failure of such appurtenances adversely affecting the product retention integrity of the tank.

(1) All structural members such as the upper coupler, suspension subframe, external ring stiffeners, rear bumper and overturn protection shall be mounted to the vessel in accordance with provisions contained in these specifications. The attachment of all other nonliquid carrying appurtenances to the aforementioned structural members is to be encouraged and shall meet the provisions of this paragraph.

(2) All nonlading carrying appurtenance attachments made by welding to shell or head material shall be made by means of mounting pads. Mounting pad thickness shall not be less than the required shell thickness. Each pad shall extend not less than 2 inches in each direction beyond the appurtenance attachment. Pad corner shall be rounded or otherwise prepared in such a manner as to not cause stress concentration.

(3) The strength of the appurtenance to mounting pad attachment shall be such that when a force is applied to the appurtenance (as mounted and normally equipped) in any direction (except normal to the tank shell or within 45° thereof) such attachment shall fail completely without damage to the mounting pad to shell (or head) attachment which will adversely affect the product retention integrity of the tank.

(b) Rear bumpers: Every cargo tank shall be provided with a rear bumper to protect the tank and piping in the event of a rear end collision and minimize the possibility of any part of the colliding vehicle striking the tank. The bumper shall be located at least 6 inches to the rear of any vehicle component which is used for loading or unloading purposes or may at any time contain lading while in transit. Dimensionally, the bumper shall conform to § 193.86 of this chapter. Structurally, the bumper shall be designed to successfully absorb (no damage which will cause leakage of product) the impact of the vehicle with rated payload, with a deceleration of 2 "g" using a factor of safety of two based on the ultimate strength of the bumper material. For purposes of the regulations in this part such impact shall be considered uniformly distributed and applied horizontally (parallel to the ground) from any direction at an angle not exceeding 30° to the longitudinal axis of the vehicle.

(c) Overturn protection: All closures for filling, manhole, or inspection openings shall be protected from damage which will result in leakage of lading in the event of overturning of the vehicle by being enclosed within the body of the tank or dome attached to the tank or by guards.

(1) When guards are required, they shall be designed and installed to withstand a vertical load of twice the weight of the loaded tank and a horizontal load in any direction equivalent to one-half the weight of the loaded tank. These design loads may be considered independently. Ultimate strength of the material shall be used as a calculation base. If more than one guard is used each shall carry its proportionate share of the load. If protection other than guards are considered the same design load criteria is applicable.

(2) Except for pressure actuated vents no overturn protection is required for nonoperating nozzles or fittings less than 5 inches in diameter (which do not contain product while in transit) that project a distance less than the inside diameter of the fitting. This projected distance may be measured either from the shell or the top of an adjacent ring stiffener provided such stiffener is within 30 inches of the center of the nozzle or fitting.

(3) If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall be provided with drainage facilities directed to a safe point of discharge.

(d) Piping:

(1) Product discharge piping shall be provided with protection in such a manner as to reasonably assure against the accidental escape of contents. Such protection may be provided by:

(i) A shear section located outboard of each emergency valve seat and within 4 inches of the vessel which will break under strain and leave the emergency valve seat and its attachment to the vessel and the valve head intact and capable of retaining product. The shear section shall be machined in such a manner as to abruptly reduce the wall thickness of the adjacent piping (or valve) material by at least 20 percent; or

(ii) By suitable guards capable of successfully absorbing a concentrated horizontal force of at least 8,000 pounds applied from any horizontal direction, without damage to the discharge piping which will adversely affect the product retention integrity of the discharge valve.

(2) Minimum road clearance: The minimum allowable road clearance of any cargo tank component or protection device located between any two adjacent axles on a vehicle or vehicle combination shall be at least one-half inch for each foot separating such axles and in no case less than 12 inches.

(3) Strength of piping, fittings, hose and hose couplings: Hose, piping, and fittings for tanks to be unloaded by pressure shall be designed for a bursting pressure of at least 100 p.s.i.g. and not less than four times the pressure to which, in any instance, it may be subjected in service by the action of any vehicle mounted pump or other device (not including safety relief valves), the action of which may be to subject certain portions of the tank piping and hose to pressures greater than the design pressure of the tank. Any coupling used on

hose to make connections shall be designed for a working pressure not less than 20 percent in excess of the design pressure of the hose and shall be so designed that there will be no leakage when connected.

(4) Provision for expansion and vibration: Suitable provisions shall be made in every case to allow for and prevent damage due to expansion, contraction, jarring, and vibration of all pipe. Slip joints shall not be used for this purpose.

(5) Heater coils: Heater coils, when installed, shall be so constructed that the breaking-off of their external connections will not cause leakage of contents of tank.

(6) Gauging, loading, and air-inlet devices: Gauging, loading, and air-inlet devices, including their valves, shall be provided with adequate means for their secure closure, and means shall also be provided for the closing of pipe connections of valves.

§ 78.340–9 Pumps.

(a) Loading or unloading pumps mounted on tractor or trailer, if used, shall be provided with automatic means to prevent the pressure from exceeding the design pressure of the tank mounted equipment.

§ 78.340–10 Certification.

(a) Certification as required in paragraphs (b) and (c) of this section shall indicate that such cargo tank has been designed, constructed, and tested in accordance with the applicable specification MC 306, MC 307, or MC 312 (§ 78.341, § 78.342 or § 78.343).

(1) *Multipurpose tanks.* If a cargo tank is divided into compartments and each compartment is constructed in accordance with the requirements of a different MC specification, there shall be a metal plate required in paragraph (b) of this section, located on the right side, near the front of each compartment, in a place readily accessible for inspection. Details pertaining to the multipurpose configuration shall also be clearly indicated on the manufacturer's certificate required in paragraph (c) of this section.

(i) If a cargo tank is constructed in accordance with the requirements of one specification and may be physically altered to meet another cargo tank specification in this part; or physically altered to accommodate a commodity not requiring a specification tank, such alterations shall be clearly indicated on the manufacturer's certificate required in paragraph (c) of this section and the tank mounted multipurpose plate required in paragraph (b)(2) of this section.

(2) *Specification shortages.* If a cargo tank is manufactured which does not meet all of the applicable specification requirements, thereby requiring subsequent manufacturing involving the installation of additional components, parts, appurtenances or accessories, it is permissible for the original manufacturer to affix the metal certification plate required in paragraph (b) of this section. The specification requirements not complied with shall be indicated on the manufacturer's certificate required in paragraph (c) of this section. When the cargo tank is finally brought into complete compliance, the date such compliance is accomplished shall be stamped on the metal certification plate. The certificate shall indicate the pertinent details, date and concern (manufacturer or carrier) accomplishing complete compliance.

(b) Metal certification plate: There shall be on every cargo tank (or tank compartment if constructed to different specification) a metal plate not subject to corrosion located on the right side, near the front, in a place readily accessible for inspection. Such plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked in characters at least 5/16-inch high by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

(1) If a cargo tank is to be physically altered to meet another specification (or to accommodate a commodity not requiring a specification tank) such combinations shall be indicated beside specification identification. Additionally the metal multipurpose plates required in subparagraph (2) of this paragraph are required.

Vehicle manufacturer_____
Manufacturer's serial No._____
Specification identification [1] ICC MC 306; or MC 307; or MC 312_____
Date of manufacture_____
Original test date_____
Certificate date_____
Design pressure_____ p.s.i.g.
Test pressure_____ p.s.i.g.
Head material_____
Shell material_____
Weld material_____
Lining material_____
Nominal tank capacity by compartment (front to rear)_____ U.S. gal.
Maximum product load_____ lbs.
Loading limits_____ g.p.m. and/or p.s.i.g.
Unloading limits_____ g.p.m. and/or p.s.i.g.

[1] The following material designations (or combinations thereof) must be added: Aluminum Alloy (AL); Mild Steel (MS); High Strength Low Alloy (HSLA); Austenitic Stainless Steel (SS). For example "ICC MC 306–AL" for cargo tanks made of aluminum. A multipurpose cargo tank example would be "Combination MC 306SS–307SS."

(2) Metal multipurpose plate: If a cargo tank is to be physically altered, metal multipurpose plates shall be mounted adjacent to the metal certification plate readily accessible for inspection. The mounting of the plates shall be such that only the plate identifying the applicable specification is legible at all times the cargo tank is in complete compliance with such specifications. The mounting of the plates (or plate assembly) shall be secured in such a manner as to be capable of retaining the plate when subjected to normal operating conditions. The same marking size and method used on the certification plate shall be used. The plate shall contain at least the information contained below:

SPECIFICATION IDENTIFICATION MC ____

EQUIPMENT NECESSARY

	Quantity [1]
Vents:	
Pressure actuated	
Fusible	
Frangible	
Product discharge:	
Top	
Bottom	
Pressure unloading fitting	
Covers:	
Manhole	
Fill opening	

[1] The number required to meet applicable specification. If no physical change is required the letters NC shall follow the number required. If cargo tank is not so equipped the word "NONE" shall be inserted.

(i) *Color coding.* Those parts which must be changed or added to meet the applicable specification requirements and the appropriate multi-purpose plate shall be identified using the following colors:

MC 306	RED
MC 307	GREEN
MC 312	YELLOW
Nonspecification	BLUE

Additionally those parts to be changed or added shall be stamped with the appropriate MC Specification No. _____.

(c) Manufacturer's certificate: A certificate signed by a responsible official of the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed, constructed and tested in accordance and complies with the requirements contained in the applicable specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him plus one year. In lieu of this certificate, if the motor carrier himself elects to ascertain that any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Add § 78.341 (29 F.R. 18995, Dec. 29, 1964) to read as follows:

§ 78.341 Specification MC 306; cargo tanks.

§ 78.341–1 General requirements.

(a) Specification MC 306 cargo tanks must comply with the general design and construction requirements in § 78.340 in addition to the specific requirements contained in this section.

(b) Design pressure: The design pressure of each cargo tank shall be not less than that pressure exerted by the static head of the fully loaded tank in the upright position.

§ 78.341–2 Thickness of shells, heads, bulkheads, and baffles.

(a) *Material thickness.* The minimum thicknesses of tank material authorized in § 78.340–3 shall be predicated on not exceeding the maximum allowable stress level (§ 78.340–4(a)) but in no case less than those indicated in Tables I and II below:

TABLE I—MINIMUM THICKNESS OF HEADS, BULKHEADS AND BAFFLES. MILD STEEL (MS), HIGH STRENGTH LOW ALLOY STEEL (HSLA), AUSTENITIC STAINLESS STEEL (SS), IN U.S. STANDARD GAUGE; ALUMINUM ALLOY (AL)—EXPRESSED IN DECIMALS OF AN INCH

	Volume capacity in gallons per inch											
	10 or less			Over 10 to 14			14 to 18			18 and over		
	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL
Thickness	14	15	0.096	13	14	0.109	12	13	0.130	11	12	0.151

TABLE II—MINIMUM THICKNESS OF SHELL SHEETS. MILD STEEL (MS), HIGH STRENGTH LOW ALLOY STEEL (HSLA), AUSTENITIC STAINLESS STEEL (SS) IN U.S. STANDARD GAUGE; ALUMINUM ALLOY (AL)—EXPRESSED IN DECIMALS OF AN INCH

Maximum shell radius	Distance between bulkheads, baffles, or ring stiffeners	Volume capacity in gallons per inch											
		10 or less			over 10 to 14			14 to 18			18 and over		
		MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL
Less than 70 inches	36 inches or less	14	16	0.087	14	16	0.087	14	15	0.096	13	14	0.109
	Over 36 inches to 54 inches	14	16	.087	14	15	.096	13	14	.109	12	13	.130
	54 inches through 60 inches	14	15	.096	13	14	.109	12	13	.130	11	12	.151
70 inches or more, less than 90 inches	36 inches or less	14	16	.087	14	15	.096	13	14	.109	12	13	.130
	Over 36 inches to 54 inches	14	15	.096	13	14	.109	12	13	.130	11	12	.151
	54 inches through 60 inches	13	14	.109	12	13	.130	11	12	.151	10	11	.173
90 inches or more, less than 125 inches	36 inches or less	14	15	.096	13	14	.109	12	13	.130	11	12	.151
	Over 36 inches to 54 inches	13	14	.109	12	13	.130	11	12	.151	10	11	.173
	54 inches through 60 inches	12	13	.130	11	12	.151	10	11	.173	9	10	.194
125 inches or more	36 inches or less	13	14	.109	12	13	.130	11	12	.151	10	11	.173
	Over 36 inches to 54 inches	12	13	.130	11	12	.151	10	11	.173	9	10	.194
	54 inches through 60 inches	11	12	.151	10	11	.173	9	10	.194	8	9	.216

(1) *Product density.* The material thicknesses contained in Tables I and II are minimums based on a maximum 7.2 pounds per gallon product weight. If the tank is designed to haul products weighing more than 7.2 pounds per gallon, the gallon per inch value used to determine the minimum thickness of heads, bulkheads, baffles or shell sheets shall be the actual section capacity required in gallons per inch multiplied by the actual product density in pounds per gallon divided by 7.2.

§ 78.341–3 Closures for fill openings and manholes.

(a) Each compartment in excess of 2,500 gallons capacity shall be accessible through a manhole of at least 11 x 15 inches. Manhole and/or fill opening covers shall be designed to provide secure closure of the openings. They shall have structural capability of withstanding internal fluid pressures of 9 p.s.i.g. without permanent deformation. Safety devices to prevent the manhole and/or fill cover from opening fully when internal pressure is present shall be provided.

§ 78.341–4 Vents.

(a) Each cargo tank compartment shall be provided with safety relief devices in accordance with the requirements contained in this paragraph. All of such devices shall communicate with the vapor space. Shutoff valves shall not be installed between the tank opening and any safety device. Safety relief devices shall be so mounted, shielded, or drained as to eliminate the accumulation of water, the freezing of which could impair the operation or discharge capability of the device.

(b) Normal venting: Each cargo tank compartment shall be provided with pressure and vacuum vents having a minimum through area of 0.44 square inch. All pressure vents shall be set to open at no more than 1 p.s.i.g. and all vacuum vents at no more than 6 ounces. Pressure and vacuum vents shall be designed to prevent loss of liquid through the vent in case of vehicle overturn.

(c) Loading and unloading venting protection: If the tank is designed to be loaded or unloaded with the dome cover closed, the vent or vents as described in paragraph (b) of this section or additional vents shall limit the vacuum to 1 p.s.i. and the tank pressure to 3 p.s.i.g. based on maximum product transfer rate to be included on the metal certification plate § 78.340–10(b). Unless effective protection against overfilling is made, the pressure vent shall also have sufficient liquid capacity to prevent the pressure from exceeding 3 p.s.i.g. in case of accidental overfilling. This pressure vent may be pressure operated or interlocked with the tank loading device, and shall be designed to prevent loss of liquid through the vent under any condition of vehicle rollover attitude.

(d) Emergency venting for fire exposure:

(1) *Total capacity.* The total emergency venting capacity (cu. ft./hr.) of each cargo tank compartment shall be not less than that determined from Table III.

(2) *Pressure-actuated venting.* Each cargo tank compartment shall be equipped with pressure-actuated vent or vents set to open at not less than 3 p.s.i.g. and close when pressure drops to 3 p.s.i.g. or below. The minimum venting capacity for pressure-actuated vents shall be 6,000 cubic feet of free air per hour (14.7 p.s.i.a. and 60° F.) from a tank pressure of 5 p.s.i.g. Pressure-actuated devices shall be designed so as to prevent leakage of liquid past the device in case of surge or vehicle upset, except that they shall function in case of pressure rise under any condition of vehicle rollover attitude.

(3) *Fusible venting.* If the pressure-actuated venting required by subparagraph (2) of this paragraph does not provide the total venting capacity required by subparagraph (1) of this paragraph additional capacity shall be provided by adding fusible venting devices each having a minimum area of 1.25 square inches, such fusible elements shall be so located as to not be in contact with the tank lading under normal operating conditions. The fusible vent or vents shall be actuated by elements which operate at a temperature not exceeding 250° F. The venting capacity of these devices shall be rated at not more than 5 p.s.i.g.

TABLE III—MINIMUM EMERGENCY VENT CAPACITY IN CUBIC FEET; FREE AIR/HOUR (14.7 P.S.I.A. and 60° F.)

Exposed area square feet	Cubic feet free air per hour	Exposed area square feet	Cubic feet free air per hour
20	15,800	275	214,300
30	23,700	300	225,100
40	31,600	350	245,700
50	39,500	400	265,000
60	47,400	450	283,200
70	55,300	500	300,600
80	63,300	550	317,300
90	71,200	600	333,300
100	79,100	650	348,800
120	94,900	700	363,700
140	110,700	750	378,200
160	126,500	800	392,200
180	142,300	850	405,900
200	158,100	900	419,300
225	191,300	950	432,300
250	203,100	1,000	445,000

NOTE 1: Interpolate for intermediate sizes.

(e) Flow testing and marking of vents: Each type and size of venting devices shall be flow tested in the ranges specified in the applicable preceding paragraphs. The actual rated flow capacity of the vent in cubic feet of free air per hour at the pressure in p.s.i.g. at which the flow capacity is determined shall be stamped on the device. The fusible vent or vents shall have their flow rating determined at 5 p.s.i.g. differential.

(1) These flow tests may be conducted by the manufacturer or may be delegated to a certified outside agency.

§ 78.341–5 Emergency flow control.

(a) Each product discharge opening shall be equipped with a self-closing shut-off valve, designed, installed, and protected in accordance with § 78.340–8(d) and operated so as to assure against the accidental escape of contents. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or within the welded flange, its companion flange, nozzle, or coupling. Such product discharge valves (outflow) shall, in addition to normal means, be closed by (1) an automatic heat actuated means which will become effective at a temperature not over 250° F., (2) a secondary closing means, remote from tank filling or discharge openings, for operation in event of fire or other accident.

§ 78.341–6 Gauging devices.

(a) No applicable provisions.

§ 78.341–7 Method of test.

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 p.s.i.g. or at least equal to the tank design pressure of § 78.341–1(b) whichever is greater applied to the whole tank and dome if it be noncompartmented. If compartmented each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be held for a period of at least 5 minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be placed in or returned to service unless an adequate repair is made. The adequacy of the repair shall be determined by the same method of test.

Add § 78.342 (29 F.R. 18995, Dec. 29, 1964) to read as follows:

§ 78.342 Specification MC 307; cargo tanks.

§ 78.342–1 General requirements.

(a) Specification MC 307 cargo tanks must comply with the general design and construction requirements in § 78.340, in addition to the specific design requirements contained in this section.

(b) The design pressure (maximum allowable working pressure) of each cargo tank shall be not less than 25 p.s.i.g. For working pressures in excess of 50 p.s.i.g. the tank shall be designed in accordance with the requirements of section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, 1965 edition.

(c) Tanks shall be of circular cross-section.

TABLE I—MINIMUM THICKNESS OF HEADS, BULKHEADS, AND BAFFLES. MILD STEEL (MS), HIGH STRENGTH LOW ALLOY (HSLA), AND AUSTENITIC STAINLESS STEEL (SS) EXPRESSED IN U.S. GUAGE; ALUMINUM ALLOY (AL) IN DECIMALS OF AN INCH

	Volume capacity of tank in gallons per inch																					
	10 or less			Over 10 to 14			14 to 18			18 to 22			22 to 26			26 to 30			30 and over		
	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL
Thickness	14	15	0.109	13	14	0.130	12	13	0.151	11	12	0.173	10	11	0.194	9	10	0.216	8	9	0.237

TABLE II—MINIMUM THICKNESS OF SHELL SHEETS. MILD STEEL (MS), HIGH STRENGTH LOW ALLOY (HSLA), AND AUSTENITIC STAINLESS STEEL (SS) EXPRESSED IN U.S. STANDARD GAUGE; ALUMINUM ALLOY (AL) IN DECIMALS OF AN INCH

Distance between bulkheads, baffles, or other shell stiffeners	Volume capacity of tank in gallons per inch																				
	10 or less			Over 10 to 14			14 to 18			18 to 22			22 to 26			26 to 30			30 and over		
	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL
Inches																					
36 or less	14	16	0.109	14	16	0.109	14	15	0.109	13	14	0.130	12	13	0.151	11	12	0.173	10	11	0.194
Over 36 to 54	14	16	.109	14	15	.109	13	14	.130	12	13	.151	11	12	.173	10	11	.194	9	10	.216
54 through 60	14	15	.109	13	14	.130	12	13	.151	11	12	.173	10	11	.194	9	10	.216	8	9	.237

§ 78.342–2 Thickness of shell, heads, bulkheads, and baffles.

(a) *Material thickness.* The minimum thicknesses of tank material authorized in § 78.340–3 shall be not less than those obtained by applying the following formulas nor less than those specified in Tables I and II below:

$$\text{Thickness of shell} = T_s = \frac{PD}{2SE_s}$$

$$\text{Thickness of heads} = T_h = \frac{0.885PL}{SE_h}$$

*For pressure on concave side only.

where:

T_s = Minimum thickness of shell material, exclusive of allowance for corrosion or other loadings.
T_h = Minimum thickness of head material, after forming, exclusive of allowance for corrosion and other loadings.
P = Design pressure, pounds per square inch.
D = Inside diameter of shell, inches.
L = Inside crown radius of head, inches.
S = Maximum allowable stress value, pounds per square inch—equals one-fourth of specified minimum ultimate tensile strength (one-fourth of aluminum alloy's annealed minimum ultimate strength).
E_s = Lowest efficiency of any longitudinal joint in shell (85 per cent maximum).
E_h = Lowest efficiency of any joint in head (85 percent maximum).

(1) The knuckle radius of the head shall not be less than three times the material thickness. The straight flange shall not be less than three times the material thickness for butt-welded heads.

(2) For heads with pressure on the convex side, the material thickness as obtained by the above formula shall be increased by 67 percent unless such heads are adequately braced to prevent excessive distortion.

(b) *Corrosion allowance.* Vessels or part of vessels subject to thinning by corrosion, erosion, or mechanical abrasion, shall have provision made to withstand the intended life and service by a suitable increase in the thickness of the material over that determined by the design formulas, or by using some other suitable method of protection. Material added for these purposes need not be of the same thickness for all parts of the vessel if different rates of attack are expected for the various parts.

§ 78.342–3 Closures for manholes.

(a) Each compartment shall be accessible through a 15-inch minimum inside diameter manhole. The manhole cover shall be designed to provide a secure closure of the manhole. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid. Gaskets, if used, shall be of suitable material not subject to attack by lading.

(1) Closures shall have structural capability of withstanding internal fluid pressures of 40 p.s.i.g. or 1.5 times the design pressure of the tank whichever is greater without permanent deformation. Safety devices to prevent the manhole and/or fill cover from opening fully when internal pressure is present shall be provided.

§ 78.342–4 Vents.

(a) Each cargo tank compartment shall be provided with safety relief devices in accordance with the requirements contained in this paragraph. All of such devices shall communicate with the vapor space. Shutoff valves shall not be installed between the tank opening and any safety device. Safety relief devices shall be so mounted, shielded, or drained as to eliminate the accumulation of water, the freezing of which could impair the operation or discharge capability of the device.

(b) Total capacity: Every cargo tank compartment shall be provided with one or more devices with sufficient capacity to limit the tank internal pressure to a maximum of 130 percent of the tank design pressure. This total venting capacity shall be not less than that determined from Table III, using the external surface of the cargo tank or tank compartment as the exposed area.

(c) Pressure-actuated venting (spring loaded): Every cargo tank compartment shall be equipped with pressure-actuated vent or vents set to open at not less than the tank design pressure. The minimum venting capacity for pressure actuated vents shall be 12,000 cubic feet of free air per hour (14.7 p.s.i.a. and 60° F.) per compartment or 12,000 cubic feet of free air per hour (14.7 p.s.i.a. and 60° F.) for each 350 square feet of exposed tank area, whichever is greater. This minimum capacity shall be measured at a pressure of 130 percent of the tank design pressure. Pressure actuated devices shall be designed to function in case of pressure rise when in any condition of roll over attitude. If pressure (maximum limits to be included on the metal certification plate § 78.340–10 (b) unloading devices are provided, the relief valve shall have sufficient capacity to limit the tank internal pressure to 130 percent of design pressure.

(d) Fusible and frangible venting: If the pressure-actuated venting required by paragraph (c) of this section does not provide the total venting capacity required by paragraph (b) of this section, additional capacity shall be provided by adding fusible and/or frangible venting devices. Each fusible device shall have a minimum area of 1.25 square inches and shall be actuated by elements which operate at a temperature not exceeding 250° F. when the tank pressure is between the tank design pressure and 130 percent of the tank design pressure. Such fusible elements shall be so located as to not be in contact with the lading under normal operating conditions. The bursting pressure of frangible devices shall be not less than 130 percent nor more than 150 percent of the tank design pressure.

TABLE III—MINIMUM EMERGENCY VENT CAPACITY IN CUBIC FEET; FREE AIR/HOUR (14.7 P.S.I.A. AND 60° F.)

Exposed area square feet	Cubic feet free air per hour	Exposed area square feet	Cubic feet free air per hour
20	15,800	275	214,300
30	23,700	300	225,100
40	31,600	350	245,700
50	39,500	400	265,000
60	47,400	450	283,200
70	55,300	500	300,600
80	63,300	550	317,300
90	71,200	600	333,300
100	79,100	650	348,800
120	94,900	700	363,700
140	110,700	750	378,200
160	126,500	800	392,200
180	142,300	850	405,900
200	158,100	900	419,300
225	191,300	950	432,300
250	203,100	1,000	445,000

NOTE 1: Interpolate for intermediate sizes.

(e) Flow testing and marking of vents: Each type and size of venting devices shall be flow tested in the ranges specified in the applicable preceding paragraphs. The actual rated flow capacity of the vent in cubic feet of free air per hour at the pressure in p.s.i.g. at which the flow capacity is determined shall be stamped on the device.

(1) These flow tests may be conducted by the manufacturer or may be delegated to a certified agency.

§ 78.342–5 Outlets.

(a) Each product discharge opening shall be equipped with a self-closing shut-off valve, designed, installed, and protected in accordance with § 78.340–8(d) and operated so as to assure against the accidental escape of contents. These valves shall be located inside the tank or within the welded flange, its companion flange, nozzle, or coupling. Such product discharge valves (outflow) shall, in addition to normal means, be closed by (1) an automatic heat actuated means which will become effective at a temperature not over 250° F., (2) a secondary closing means, remote from tank filling or discharge openings, for operation in event of fire or other accident.

(b) Vapor return lines, if used, may be equipped with an excess flow valve at the tank connection if a positive shutoff valve is provided between the excess-flow valve and the hose connection.

§ 78.342–6 Gauging devices.

(a) *Gauge device design.* Every tank compartment except tanks filled by weight, shall be equipped with one or more gauging devices which shall indicate accurately the maximum permitted liquid level in each compartment. Additional gauging devices may be installed but may not be used as primary controls for filling of cargo tanks at pressures above atmospheric. Acceptable gauging devices for use at pressures above atmospheric are the rotary tube, the adjustable slip tube and the fixed length dip tube. Gauge glasses are not permitted to be installed on any cargo tank.

(b) *Fixed level indicators.* All liquid level gauging devices, except those on tanks provided with fixed maximum level indicators, shall be legibly and permanently marked in increments of not more than 20° F. to indicate the maximum levels to which the tank may be filled with liquid at temperatures above 20° F. In the event that it is impractical to put these markings on the gauging device, this information shall be marked on a suitable plate affixed to the tank in a location adjacent to the gauging device.

(c) *Dip tubes.* A fixed length dip tube gauging device, when used, shall consist of a dip pipe of small diameter equipped with a valve at the outer end, and extending into the tank to a specified fixed length. On horizontally mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid reaches the maximum level permitted by the regulations in this part.

§ 78.342–7 Method of test.

(a) *Test pressure.* The standard test design pressure whichever is greater. pressure for each required test shall be 40 p.s.i.g. or a minimum of 1.5 times

(b) *Method of test.* Every cargo tank shall be tested by complete filling (including domes if any) with water or other liquid having a similar viscosity and applying a pressure of not less than the standard test pressure specified in paragraph (a) of this section. The pressure shall be gauged at the top of the tank. The tank shall hold the prescribed pressure for at least 10 minutes. All tank accessories shall be leakage tested after installation and proved tight at not less than the design pressure of the tank, except that hose used on such tanks may be tested either before or after installation. Failure to successfully meet the test criteria shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired. The suitability of the repair shall be determined by the same method of test.

(1) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be tested as a separate tank with adjacent compartments empty and at atmospheric pressure.

Add § 78.343 (29 F.R. 18995 Dec. 29, 1964) to read as follows:

§ 78.343 Specification MC 312; cargo tanks.

§ 78.343–1 General requirements.

(a) Specification MC 312 cargo tanks must comply with the general design and construction requirements in § 78.340 in

addition to the specific requirements contained in this section.

(b) **Tank design:** Cargo tanks built under this specification that are unloaded by pressure in excess of 15 p.s.i.g. shall be designed and constructed in accordance with and fulfill all requirements of the 1965 edition of section VIII of the American Society of Mechanical Engineers' Boiler and Pressure Vessel Code, no revisions. No tank shall have head, bulkhead, and baffle or shell thicknesses less than that specified in § 78.343–2, Tables I and II, nor shall the spacing of bulkheads, baffles, or shell stiffeners exceed that specified in § 78.340–7.

(c) Design pressure shall be not less than pressure used for unloading.

§ 78.343–2 Thickness of shell, heads, bulkheads, and baffles of non-ASME Code tanks.

(a) *Material thickness.* The minimum thicknesses of tank material authorized in § 78.340–3 shall be predicated on not exceeding the maximum allowable stress level in § 78.340–4(a) but in no case less than those indicated in Tables I and II listed below, or the accompanying aluminum alloy formula:

TABLE I—MINIMUM THICKNESS OF HEADS, BULKHEADS, AND BAFFLES. MILD STEEL (MS), HIGH STRENGTH LOW ALLOY STEEL (HSLA), AUSTENITIC STAINLESS STEEL (SS), IN U.S. STANDARD GAGE—UNLESS OTHERWISE EXPRESSED IN FRACTIONS OF AN INCH

	Volume capacity in gallons per inch											
	10 or less			Over 10 to 14			14 to 18			18 and over		
	Product weight in pounds per gallon at 60° F.											
	10lbs. and less	Over 10 to 13lbs.	13 to 16lbs.	10lbs. and less	Over 10 to 13lbs.	13 to 16lbs.	10lbs. and less	Over 10 to 13lbs.	13 to 16lbs.	10lbs. and less	Over 10 to 13lbs.	13 to 16lbs.
Thickness	12	10	8	10	8	3/16	9	3/16	1/4	8	1/4	1/4

TABLE II—MINIMUM THICKNESS OF SHELL SHEETS. MILD STEEL (MS), HIGH STRENGTH LOW ALLOY STEEL (HSLA), AUSTENITIC STAINLESS STEEL (SS) IN U.S. STANDARD GAUGE—UNLESS OTHERWISE EXPRESSED IN FRACTIONS OF AN INCH

		Volume capacity in gallons per inch											
			10 or less			Over 10 to 14			14 to 18			18 and over	
			Product weight in pounds per gallon at 60° F.										
		Distance between bulkheads, baffles, or ring stiffeners	10lbs. and less	Over 10 to 13lbs.	13 to 16lbs.	10lbs. and less	Over 10 to 13lbs.	13 to 16lbs.	10lbs. and less	Over 10 to 13lbs.	13 to 16lbs.	10lbs. and less	Over 10 to 13lbs.	13 to 16lbs.
Maximum shell radius	Less than 70 inches	36 inches or less	12	10	8	12	10	8	12	10	8	10	8	3/16
		Over 36 inches to 54 inches	12	10	8	12	10	8	10	8	3/16	9	3/16	1/4
		54 inches through 60 inches	12	10	8	10	8	3/16	9	3/16	1/4	8	1/4	1/4
	70 inches or more, less than 90 inches	36 inches or less	12	10	8	12	10	8	10	8	3/16	9	3/16	1/4
		36 inches to 54 inches	12	10	8	10	8	3/16	9	3/16	1/4	8	1/4	1/4
		54 inches through 60 inches	10	8	3/16	9	3/16	1/4	8	1/4	1/4	3/16	1/4	5/16
	90 inches or more, less than 125 inches	36 inches or less	12	10	8	10	8	3/16	9	3/16	1/4	8	1/4	1/4
		36 inches to 54 inches	10	8	3/16	9	3/16	1/4	8	1/4	1/4	3/16	1/4	5/16
		54 inches through 60 inches	9	3/16	1/4	8	1/4	1/4	3/16	1/4	3/16	3/16	1/4	5/16
	125 inches or more	36 inches or less	10	8	3/16	9	3/16	1/4	8	1/4	1/4	3/16	1/4	5/16
		36 inches to 54 inches	9	3/16	1/4	8	1/4	1/4	3/16	1/4	3/16	3/16	1/4	5/16
		54 inches through 60 inches	8	1/4	1/4	3/16	1/4	5/16	3/16	1/4	5/16	1/4	5/16	3/8

(1) *Aluminum alloy formula.*

$$\text{Thickness of aluminum alloy materials} = \text{Steel thickness from Tables I and II} \times \left(\frac{3 \times 10^7}{E}\right)^{1/3}$$

where:

E = Modulus of elasticity of the material to be used.

(b) *Lining.* Except as provided in paragraph (c) of this section, cargo tanks shall be lined and the material used for lining each cargo tank subject to this specification shall be homogenous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities to be transported therein. It shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means.

(c) *Conditions under which tanks need not be lined.* Tanks need not be lined as provided in paragraph (b) of this section, if:

(1) The material of the tank is substantially immune to attack by the materials to be transported therein; or,

(2) The material of the tank is thick enough to withstand 10 years normal service without being reduced at any point to less thickness than that specified in paragraph (a) of this section corresponding to its type; or,

(3) The chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized and if the tank is not frequently cleaned and not used in the transportation of other commodities.

§ 78.343–3 Closure for manholes.

(a) Each compartment shall be accessible through a 15-inch minimum inside diameter manhole. The manhole cover shall be designed to provide a secure closure of the manhole. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid. Gaskets, if used, shall be of suitable material not subject to attack by the lading.

(1) The manhole cover shall have structural capability of withstanding internal fluid pressures equal to 1.5 times the design pressure of the tank and in no case less than 15 p.s.i.g. without permanent deformation. Safety devices to prevent the manhole and/or fill cover from opening fully when internal pressure is present shall be provided.

§ 78.343–4 Vents.

(a) *Safety vent.* Every cargo tank compartment shall be equipped with suitable pressure relief devices as required by the ASME Code, or shall be fitted with suitable rupture discs in lieu of mechanical pressure relief valves. Such discs shall be designed to rupture at not to exceed 1.5 times the design pressure of the tank. If air inlet devices are provided a relief valve shall have adequate capacity to limit tank pressure to 130 percent of design pressure at maximum inlet flow rate. Such maximum limits to be included on the metal certification plate § 78.340–10(b). Air inlet lines if permanently connected to an air source shall be equipped with a check valve. Shutoff valves between the tank and relief valve or rupture disc are prohibited.

§ 78.343–5 Outlets.

(a) *Outlet construction.* No cargo tank, except those used for shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets shall be equipped with a shutoff valve as close as practical to the tank outlet and a shutoff valve, blank flange, or sealing cap at the discharge end of the outlet, and should not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the top of the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet.

(b) *Bottom outlet construction.* Outlets shall be metal, not subject to rapid deterioration by the lading and each shall be provided with a valve designed, installed, and protected in accordance with § 78.340–8(d) and operated so as to assure against escape of contents. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or within the welded flange nozzle or coupling.

(1) A shutoff valve, blank flange or sealing cap at the discharge end of the piping is required.

(c) *Bottom washout chambers.* Cargo tanks may be equipped with bottom washout chambers. Bottom washout chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a bolted flange closure at its lower end.

§ 78.343–6 Gauging devices.

(a) No applicable requirement.

§ 78.343–7 Method of test.

(a) *Test for leaks.* Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying a pressure of 1.5 times the design pressure but not less than 3 p.s.i.g. The pressure shall be gauged at the top of the tank. The tank shall hold the prescribed pressure for at least 10 minutes without failure, undue distortion, leakage or evidence of impending failure. All closures shall be in place while test is made. During these tests, operative relief devices shall be clamped, plugged or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in paragraph (a) of this section and shall withstand such pressures without undue distortion or other indication of impending failure. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be placed in or returned to service unless an adequate repair is made. The adequacy of the repair shall be determined by the same method of test.

(c) *Test of heating system.* After an interior heating system consisting of coil piping is installed, and before the tanks to which they are fitted are placed in service, the heating system shall be tested. Systems employing media such as steam or hot water under pressure for heating the contents of cargo tanks shall be tested with hydrostatic pressure and proved to be tight at 200 p.s.i.g.

(d) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be tested as a separate tank.

It is further ordered, That this order shall become effective May 14, 1967, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Explosives and Other Dangerous Articles Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–2243; Filed, Mar. 1, 1967; 8:45 a.m.]

[Docket No. 3666; Order 69]

PARTS 71–90—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

PART 190—GENERAL

Applicability; Further Postponement of Effective Date

At a session of the Interstate Commerce Commission held at Washington, D.C., on the 24th day of February 1967.

It appearing, that the outstanding order dated December 15, 1966, published in the FEDERAL REGISTER on December 21, 1966 (31 F.R. 16318), in the above captioned proceeding not yet having become effective, and a request for further postponement of the effective date having been submitted by the American Trucking Associations, Inc., and for good cause:

It is ordered, That the March 1, 1967, effective date as set forth in the Commission's order dated December 20, 1966 (31 F.R. 16495), is hereby postponed until June 1, 1967.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–2370; Filed, Mar. 1, 1967; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Certain Wildlife Ranges and Refuges in Montana

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Charles M. Russell National Wildlife Range, Post Office Box 110, Lewistown, Mont. 59457.

Sport fishing is permitted year round in the Missouri and Musselshell Rivers and Fort Peck Reservoir.

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Medicine Lake National Wildlife Refuge, Medicine Lake, Mont. 59247.

Sport fishing is permitted only on the area designated by signs as open to fishing. This area comprises 750 acres in the west end of Medicine Lake.

NATIONAL BISON RANGE

National Bison Range, Moiese, Mont. 59824.

Sport fishing is permitted only on the Jocko River south of the Big Game Fence.

NINEPIPE NATIONAL WILDLIFE REFUGE

Ninepipe National Wildlife Refuge (Headquarters: National Bison Range, Moiese, Mont. 59824).

Sport fishing is permitted on Ninepipe Reservoir as posted.

Special conditions:

1. All islands are closed to fishing or trespass.

2. No ice fishing shelters may be left overnight.

PABLO NATIONAL WILDLIFE REFUGE

Pablo National Wildlife Refuge (Headquarters: National Bison Range, Moiese, Mont. 59824).

Sport fishing is permitted on Pablo Reservoir as posted. The north and east shorelines from the east side of the inlet canal to the south end of the main dike are open year round except during the migratory waterfowl hunting season—balance of the refuge closed except for ice fishing. The entire area is open for ice fishing when the reservoir is ice covered except during the migratory waterfowl season.

Special conditions:

1. All islands are closed to fishing or trespass.

2. No ice fishing shelters may be left overnight.

PISHKUN NATIONAL WILDLIFE REFUGE

Pishkun National Wildlife Refuge (Headquarters: Benton Lake Refuge, Post Office Box 2624, Great Falls, Mont. 59401).

Sport fishing is permitted on Pishkun Reservoir January 1 through September 4 each year.

Special condition: Boats are prohibited on the West Pond of the reservoir.

RAVALLI NATIONAL WILDLIFE REFUGE

Ravalli National Wildlife Refuge, No. 5—3d Street, Stevensville, Mont. 59870.

Sport fishing is permitted on the east bank and islands of the Bitterroot River which borders the refuge for approximately 2¾ miles.

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Red Rock Lakes National Wildlife Refuge, Monida, Mont. 59744.

Sport fishing is permitted as posted from June 11, through November 30, 1967. Areas closed entire year: Upper and Lower Red Rock Lakes; Red Rock River between Upper and Lower Red Rock Lakes; Shambow Pond; and all waters within 100 yards of these areas.

Special condition: Boats with motors are prohibited.

WILLOW CREEK NATIONAL WILDLIFE REFUGE

Willow Creek National Wildlife Refuge (Headquarters: Benton Lake Refuge, Post Office Box 2624, Great Falls, Mont. 59401).

Sport fishing on Willow Creek Reservoir is permitted from January 1 through September 4 each year.

General conditions. Fishing shall be in accordance with applicable State regulations.

All areas open to fishing are designated by signs and delineated on a map available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through April 30, 1968.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 20, 1967.

[F.R. Doc. 67-2299; Filed, Mar. 1, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

WIND RIVER INDIAN IRRIGATION PROJECT, WYO.

Operation and Maintenance Charges; Correction

In F.R. Doc. 67-653, appearing at page 613 of the issue for Thursday, January 19, 1967, in the 10th line of the second paragraph, Basis and Purpose, as preambled to § 221.95, *Charges*, the words "within 30 days of publication of this notice" should read "within 52 days of publication of this notice." This correction made in order to extend the notice period 22 days.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 67-2300; Filed, Mar. 1, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1134]

MILK IN WESTERN COLORADO MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Western Colorado marketing area is being considered for the months of February, March, and April 1967.

The provisions proposed to be suspended in § 1134.12(b)(1) are the following: "for at least five days", and "without limit during the other days of such month", relating to the diversion of milk for the account of a cooperative association.

Petitioner requests the proposed suspension to enable the cooperative to maintain producer status under the order for its membership, pending a hearing it has requested to consider an amendment of the diversion provisions to conform to current marketing conditions in the Western Colorado marketing area.

All persons who desire to submit written views, data, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the day of publication of this notice in the FEDERAL REGISTER.

All documents should be filed in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on February 24, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-2367; Filed, Mar. 1, 1967; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CRANBERRY JUICE COCKTAIL—A JUICE DRINK AND ARTIFICIALLY SWEETENED CRANBERRY JUICE COCKTAIL—A JUICE DRINK

Definitions and Standards of Identity

Notice is given that a petition has been filed by Ocean Spray Cranberries, Inc., Hanson, Mass. 02341, proposing the establishment of a definition and standard of identity for cranberry juice cocktail—a juice drink, and for an artificially sweetened cranberry juice cocktail—a juice drink.

Grounds set forth in the petition in support of the proposal are that the 50 percent minimum fruit juice requirement proposed by the Commissioner of Food and Drugs in a diluted fruit juice beverage proposal published in the FEDERAL REGISTER of August 13, 1964 (29 F.R. 11625), is too high for a juice drink prepared from cranberries because cranberry juice is characteristically so acidic and astringent that a beverage containing 50 percent single strength cranberry juice is not as palatable as one containing 25 percent. The petitioner further maintains that cranberry juice cocktail, a juice drink containing 25 percent of equivalent single strength cranberry juice has been accepted by consumers as a "quality" drink for many years. The petitioner's proposal also differs from that of the Commissioner's in that it provides for a minimum acid requirement for the finished beverage and does not provide for the artificial adjustment of the acid content or for the addition of a color additive.

1. Accordingly, it is proposed by the petitioner that a definition and standard of identity be established in Part 27 for cranberry juice cocktail—a juice drink, and for its artificially sweetened counterpart, essentially as follows:

a. Cranberry juice cocktail—a juice drink is prepared from single strength cranberry juice or concentrated cranberry juice, or both, to which water and one or more nutritive sweetening ingredients are added. The finished beverage is filtered and contains not less than 25 percent by volume of equivalent single strength cranberry juice. The food has a Brix refractometer reading of not less than 14° and not more than 16° and an acid content (derived solely from cranberry juice), calculated as anhydrous citric acid, of not less than 0.55 gram per 100 milliliters. The finished beverage may contain added vitamin C in such a quantity that the total vitamin C content in each 6-fluid ounce serving is not less than 30 milligrams. The beverage is sealed in containers and so processed by heat either before or after sealing as to prevent spoilage. The food's ingredients are listed on the label by their common names in descending order of predominance. The name of the beverage is "Cranberry juice cocktail—a juice drink" with the words "a juice drink" appearing on a separate line immediately below the words "Cranberry juice cocktail" in type size not less than one-half the size of the letters in "Cranberry juice cocktail."

b. Artificially sweetened cranberry juice cocktail—a juice drink is prepared in the same manner as cranberry juice cocktail—a juice drink, except that approved artificial sweeteners are used in lieu of nutritive sweeteners. The quantity of artificial sweeteners is sufficient to sweeten the beverage to the same sweetness taste level as that of the nutritively sweetened beverage. The Brix reading for the finished beverage does not apply. The name of the beverage is "Artificially sweetened cranberry juice cocktail—a juice drink" with the words "Artificially sweetened" in type size one-half the size of the letters "Cranberry juice cocktail."

2. Whereas the foregoing proposals do not include a provision for an upper limit on the amount of vitamin C which may be added to either the regular or the artificially sweetened cranberry beverage nor do they provide for appropriate requirements for the labeling of added vitamin C or artificial sweeteners, the Commissioner of Food and Drugs proposes that, in the event the foregoing proposals are adopted, an upper limit be set at 60 milligrams per 6 fluid ounces when vitamin C is added to the beverages, and that when the beverages contain added vitamin C or artificial sweeteners, or both, the standards specify that the labeling of the product must be in accordance with regulations for food for special dietary uses promulgated under section 403(j) of the Federal Food, Drug, and Cosmetic Act. The Commissioner further proposes that the words

"Artificially sweetened" proposed as part of the name of the beverage be of the same size type as that used for the words "Cranberry juice cocktail."

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: February 20, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2328; Filed, Mar. 1, 1967; 8:48 a.m.]

[21 CFR Part 133]

DRUGS; CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURE, PROCESSING, PACKING, OR HOLDING

Repacked Tablets or Capsules

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(2)(B), 701(a), 52 Stat. 1050, as amended, 1055; 21 U.S.C. 351(a)(2)(B), 371(a)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), the Commissioner proposes to amend § 133.10 of the regulations establishing criteria of current good manufacturing practice in the manufacture, processing, packaging, or holding of finished pharmaceuticals to define conditions under which tablet or capsule dosage forms of drugs may be repacked without laboratory testing. The repacker of a drug is responsible for the identity, strength, quality, and purity of the repacked drug whether or not his operations conform to these conditions. Accordingly, it is proposed that § 133.10(e) be revised to read as follows:

§ 133.10 Packaging and labeling.

• • • • •

(e) Provide for adequate examination or laboratory testing of adequately representative samples of finished products after packaging and labeling to safeguard against any error in the finishing operations, and to prevent distribution of any batch until all specified tests have been met; however, repackers who, in accordance with the practice of the trade, repack tablet or capsule dosage forms of drugs in substantial quantities at establishments other than those where originally processed or packed may meet the requirements for adequate examination of the repacked drug by complying with all of the following conditions:

(1) The drug received by the repacker in bulk containers is readily distinguishable visually from all other drugs in his possession and in the possession of the supplier of the drug.

(2) The repacker has in his possession, and in good faith relies on, a valid guarantee or undertaking (referred to in sec. 303(c)(2) of the act) from the manufacturer of the bulk drug, setting forth that at the time of delivery to the repacker it complied with the act.

(3) A labeled sample package of the drug, for which the manufacturer furnishes protocol(s) of laboratory tests showing that the drug meets appropriate standards of identity, strength, quality, and purity, and which sample package bears a label identical (except for the quantity of contents statement) with the label on the bulk package of the tablets or capsules, is shipped by the manufacturer to the repacker for comparison with the appearance and labeling of the article in the bulk container. Such sample package contains at least twice the quantity of drug required to conduct all the tests performed on the batch of the drug. The sample package and a sufficient number of finished labeled containers of the repacked drug to contain at least as much drug as contained in the sample package are retained at least 2 years after distribution of the repacked drug has been completed.

(4) Before repacking, the repacker assures himself by visual comparison that the drug to be repacked from bulk is identical in appearance to that in the sample package and that the labeling of the bulk package and the sample package show the same identity and composition of the drug.

(5) The repacker labels the repacked drug with a suitable expiration date determined on the basis of adequate studies of the stability of the repacked drug as needed to assure that the drug meets appropriate standards of identity, strength, quality, and purity at time of use.

(6) The label of the repacked drug bears a control number and the repacker maintains records for at least 2 years from which the batch or control number of the bulk drug used in the repacking can be ascertained.

Any interested person may, within 60 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments in quintuplicate on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 16, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-2329; Filed, Mar. 1, 1967; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 67-CE-12]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airway Nos. 26 and 148 in the vicinity of Minneapolis, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communication should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An information docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency is considering the following airspace actions:

1. Realign V-26 segment from Redwood Falls, Minn., with a 1,200 foot AGL Floor via Flying Cloud, Minn.; intersection of the Flying Cloud 081° T (075° M) and Eau Claire, Wis., 271° T (267° M) radials; to Eau Claire, with a 1,200 foot AGL south alternate segment from Redwood Falls to Eau Claire via Farmington, Minn.

2. Revoke V-148 south alternate segment between Redwood Falls and Minneapolis.

The proposed altered segment of V-26 would facilitate air traffic by providing a route which would conform to the revised traffic flow procedures now utilized in the Minneapolis terminal area. The revised segment of V-26 along with the existing segment of V-13 west alternate would provide a replacement route for the segment of V-148 proposed for revocation.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on February 23, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-2287; Filed, Mar. 1, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17095; RM-1066]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Order Extending Time for Filing Reply Comments; Phoenix, Ariz.

In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations (Port Jervis, N.Y., Rockville, Ind., Waynesville, Mo., Roanoke Rapids and Goldsboro, N.C., Thibodaux, La., Crossville, Tenn., Danville, Ill., Lincoln and Omaha, Nebr., Clinton, Okla., Phoenix, Ariz., Fresno, Calif., San Antonio, San Marcos, Kenedy-Karnes, Georgetown, and Burnet, Tex., Columbus, Nebr., Salt Lake City, Utah, Bemidji, Minn., Longview, Wash., and Astoria, Oreg.); Docket No. 17095, RM-1065, RM-1078, RM-995, RM-1034, RM-1043, RM-1051, RM-1059, RM-1061, RM-1062, RM-1066, RM-1067, RM-1071, RM-1073, RM-1074, RM-1075.

1. Reply comments in most of the matters included in this proceeding are now due February 24, 1967. On February 21, 1967, Arizona Stereocasters, Inc., petitioner in RM-1066, filed a request for 21 additional days to reply to a counterproposal advanced February 13 in comments in that portion of the proceeding concerning Phoenix, Ariz. It is asserted that the present period is not adequate for engineering analysis of the counterproposal.

2. It appears that good cause exists for granting additional time to consider and comment on the counterproposal first advanced in comments. *Accordingly, it is ordered*, This 23d day of February 1967, that the time for filing reply comments in this proceeding, with respect to RM-1066 and related matters only, is extended to and including March 17, 1967. This action is taken pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: February 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2351; Filed, Mar. 1, 1967; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17095; RM-1066]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Order Extending Time for Filing Reply Comments; Phoenix, Ariz.

In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations (Port Jervis, N.Y., Rockville, Ind., Waynesville, Mo., Roanoke Rapids and Goldsboro, N.C., Thibodaux, La., Crossville, Tenn., Danville, Ill., Lincoln and Omaha, Nebr., Clinton, Okla., Phoenix, Ariz., Fresno, Calif., San Antonio, San Marcos, Kenedy-Karnes, Georgetown, and Burnet, Tex., Columbus, Nebr., Salt Lake City, Utah, Bemidji, Minn., Longview, Wash., and Astoria, Oreg.); Docket No. 17095, RM-1065, RM-1078, RM-995, RM-1034, RM-1043, RM-1051, RM-1059, RM-1061, RM-1062, RM-1066, RM-1067, RM-1071, RM-1073, RM-1074, RM-1075.

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Released: February 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2351; Filed, Mar. 1, 1967; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 128 (Rev. 2)]

OFFICE OF FOREIGN ASSETS CONTROL

Authority and Functions

FEBRUARY 27, 1967.

Treasury Department Order No. 128 is hereby amended to read as follows:

By virtue of the authority vested in me as Secretary of the Treasury, including section 161 of the Revised Statutes (5 U.S.C. 22), I hereby order that:

(1) There is established in the Treasury Department the Office of Foreign Assets Control, successor to Foreign Funds Control. The Office shall function under the immediate supervision of a Director of Foreign Assets Control, who shall be designated, with my approval, by the Assistant Secretary for International Affairs. The Director shall report to the Assistant Secretary for International Affairs through the Assistant to the Secretary (National Security Affairs).

(2) The Director of Foreign Assets Control shall exercise and perform all authority, duties and functions which I am authorized or required to exercise or perform under—

(i) Sections 3 and 5(b) of the Trading with the Enemy Act, as amended, and any proclamations, orders, regulations or rulings that have been or may be issued thereunder, and

(ii) Executive Order 11322 of January 5, 1967 issued pursuant to section 5 of the United Nations Participation Act of 1945 and all other authority residing in the President.

(3) The Director of Foreign Assets Control shall be assisted in the exercise and performance of such authority, duties and functions by such assistants and other staff as may be appointed or detailed for the purpose.

(4) This order shall take effect immediately.

[SEAL] JOSEPH W. BARR,
Acting Secretary.

[F.R. Doc. 67-2392; Filed, Feb. 28, 1967; 1:58 p.m.]

Bureau of Customs

[Antidumping—ATS 643.3-b]

REPRODUCTION CLOTH FROM ENGLAND

Antidumping Proceeding Notice

FEBRUARY 24, 1967.

On February 1, 1967, information was received in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that reproduction cloth (base for tracing cloth) from England, manufactured by Winterbottom Products Ltd., Lancashire, England, is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

This merchandise, after being coated with a sensitized substance, is used in drafting as a tracing or drafting cloth.

The information was submitted by Arkwright Interlaken Inc., Fiskeville, R.I.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

Having conducted a summary investigation pursuant to § 14.6(d) (1) (i) of the Customs Regulations and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d) (1) (ii), (2), and (3) of the Customs Regulations to determine the validity of the information.

A summary of information received from all sources is as follows:

Information before the Bureau indicates the possibility that reproduction cloth (base for tracing cloth) is being sold to the United States at prices which are up to 25 percent below the prices at which comparable merchandise is being sold in the home market.

This notice is published pursuant to § 14.6(d) (1) (i) of the Customs Regulations (19 CFR 14.6(d) (1) (i)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 67-2365; Filed, Mar. 1, 1967; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 3889]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 23, 1967.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, serial number Wyoming 3889, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including mining and mineral leasing laws, pursuant to authority of Executive Order 10355.

The applicant desires the land for protection of the Pine Creek Picnic Site, which is to be developed for public recreation use.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyo. 82001.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 25 N., R. 116 W.,
Sec. 35, E½SW¼.

The area described contains 80 acres.

ED PIERSON,
State Director.

[F.R. Doc. 67-2301; Filed, Mar. 1, 1967; 8:46 a.m.]

Office of the Secretary

JOHN S. ANDERSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 6, 1967.

Dated: February 6, 1967.

JOHN S. ANDERSON.

[F.R. Doc. 67-2302; Filed, Mar. 1, 1967; 8:46 a.m.]

HUBBELL CARPENTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 3, 1967.

Dated: February 3, 1967.

HUBBELL CARPENTER.

[F.R. Doc. 67-2303; Filed, Mar. 1, 1967; 8:46 a.m.]

CLYDE M. EPPARD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Delete: Consolidation Coal Co. Add: Chrysler Corp. Add: Continental Oil Co.
(3) No change.
(4) No change.

This statement is made as of February 6, 1967.

Dated: February 6, 1967.

CLYDE M. EPPARD.

[F.R. Doc. 67-2304; Filed, Mar. 1, 1967; 8:46 a.m.]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) (3) (4) None.

This statement is made as of February 6, 1967.

Dated: February 6, 1967.

GLENN J. HALL.

[F.R. Doc. 67-2305; Filed, Mar. 1, 1967; 8:46 a.m.]

RUSSELL V. KNAPP

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 7, 1967.

Dated: February 7, 1967.

RUSSELL V. KNAPP.

[F.R. Doc. 67-2306; Filed, Mar. 1, 1967; 8:46 a.m.]

LEWIS W. LENGNICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Sold—Commonwealth Oil Ref. Bought—Ford Motors. Bought—Air Products & Chemical.
(3) No change.
(4) No change.

This statement is made as of February 8, 1967.

Dated: February 8, 1967.

LEWIS W. LENGNICK.

[F.R. Doc. 67-2307; Filed, Mar. 1, 1967; 8:46 a.m.]

CHARLES S. McNEER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 6, 1967.

Dated: February 6, 1967.

C. S. McNEER.

[F.R. Doc. 67-2308; Filed, Mar. 1, 1967; 8:47 a.m.]

JOHN LAWRENCE McNEALEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 10, 1967.

Dated: February 10, 1967.

J. L. McNEALEY.

[F.R. Doc. 67-2309; Filed, Mar. 1, 1967; 8:47 a.m.]

JOHN PAUL NEUBAUER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 1, 1967.

Dated: February 6, 1967.

JOHN P. NEUBAUER.

[F.R. Doc. 67-2310; Filed, Mar. 1, 1967; 8:47 a.m.]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 1967.

Dated: February 3, 1967.

JULIO NEGRONI.

[F.R. Doc. 67-2311; Filed, Mar. 1, 1967; 8:47 a.m.]

RAFAEL RAMIREZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

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place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

Dated: February 8, 1967.

R. RAMIREZ.

[F.R. Doc. 67-2312; Filed, Mar. 1, 1967; 8:47 a.m.]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 8, 1967.

Dated: February 8, 1967.

L. J. SCHULTZ.

[F.R. Doc. 67-2313; Filed, Mar. 1, 1967; 8:47 a.m.]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 1, 1967.

Dated: February 1, 1967.

C. W. WATSON.

[F.R. Doc. 67-2314; Filed, Mar. 1, 1967; 8:47 a.m.]

CARL H. WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 7, 1967.

Dated: February 7, 1967.

CARL H. WILLIAMS.

[F.R. Doc. 67-2315; Filed, Mar. 1, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CALIFORNIA AND SOUTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of California and South Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

CALIFORNIA

Colusa.	Kern.
Glenn.	Tulare.

SOUTH DAKOTA

Campbell.	Pennington.
Corson.	Roberts.
Davison.	Sanborn.
Dewey.	Sully.
Jones.	Todd.
McPherson.	Walworth.
Mellette.	Ziebach.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of February 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-2320; Filed, Mar. 1, 1967; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN HOECHST CORP.

Notice of Withdrawal of Petition for Food Additive Binapacryl

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), American Hoechst Corp., Agricultural Division, 11312 Hartland Street, North Hollywood, Calif. 91605, has withdrawn its petition (FAP 7H2066), notice of which was published in the FEDERAL REGISTER of August 24, 1966 (31 F.R. 11187), proposing the issuance of a regulation establishing a food additive tolerance of 1 part per million for residues of binapacryl (2-*sec*-butyl-4,6-dinitrophenyl 3-methyl-2-butenoate) in or on dried tea as a result of application of the pesticide chemical to the growing crop.

The withdrawal of this petition is without prejudice to a future filing.

Dated: February 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2330; Filed, Mar. 1, 1967; 8:49 a.m.]

ELANCO PRODUCTS CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0555) has been filed by Elanco Products Co., a division of Eli Lilly and Co., 740 South Alabama Street, Indianapolis, Ind. 46209, proposing the establishment of tolerances for residues of the herbicide trifluralin (α,α,α-trifluoro-2,6-dinitro-*N*,*N*-dipropyl-p-toluidine) in or on raw agricultural commodities, as follows: 1 part per million in or on carrots; and 0.05 part per million in or on cantaloups and cucumbers.

The analytical method proposed in the petition for determining residues of trifluralin is a gas chromatographic technique.

Dated: February 17, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2331; Filed, Mar. 1, 1967; 8:49 a.m.]

FRITZSCHE BROTHERS, INC.

Notice of Withdrawal of Petition for Food Additive Glycerol Ester of Wood Rosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Fritzsche Brothers, Inc., 76 Ninth Avenue, New York, N.Y. 10011, has withdrawn its petition (FAP 6A1863), notice of which was published in the FEDERAL REGISTER of December 18, 1965 (30 F.R. 15674), proposing an amendment to § 121.1084 *Glycerol ester of wood rosin* to provide for the safe use of glycerol ester of wood rosin (glyceryl abietate) as an adjuvant for flavor compounds.

The withdrawal of this petition is without prejudice to a future filing.

Dated: February 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2332; Filed, Mar. 1, 1967; 8:49 a.m.]

M&T CHEMICALS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6B1768) has been filed by M&T Chemicals, Inc., Rahway, N.J. 07065, proposing the issuance of a regulation to provide for the safe use of di(*n*-octyl)tin *S,S'*-bis-(isooctylmercaptoacetate) and di(*n*-octyl)tin bis-maleate as stabilizers used alone or in combination at levels not exceeding a total of 3 parts per hundred parts of the following vinyl polymers that are intended for use as articles or components of articles that contact food: Polyvinyl chloride; vinyl chloride-acetate copolymers; vinyl chloride-acrylonitrile copolymers; vinyl chloride-fumaric acid copolymers; vinyl chloride-maleic acid copolymers; and vinyl chloride-propylene copolymers.

Dated: February 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2333; Filed, Mar. 1, 1967; 8:49 a.m.]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0553) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of tolerances for residues of *N*-isopropylaniline from the use of the herbicide 2-chloro-*N*-isopropylacetanilide in or on raw agricultural commodities, as follows:

1 part per million in or on sugarbeet tops.
0.2 part per million in or on sugarbeet roots.

The analytical method proposed in the petition for determining residues of 2-chloro-*N*-isopropylacetanilide and *N*-isopropylaniline is gas-liquid chromatography.

Dated: February 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2334; Filed, Mar. 1, 1967; 8:49 a.m.]

OLIN MATHIESON CHEMICAL CORP. ET AL.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Olin Mathieson Chemical Corp., 1730 K Street NW., Washington, D.C. 20006, on behalf of itself, The Dow Chemical Co., General Aniline & Film Corp., Jefferson Chemical Co., Inc., Monsanto Co., Rohm & Haas Co., Union Carbide Corp., and Wyandotte Chemicals Corp., has withdrawn its petition (FAP 6A1916), notice of which was published in the FEDERAL REGISTER of March 10, 1966 (31 F.R. 4256) proposing an amendment to § 121.1091 *Chemicals used in washing fruits and vegetables* to provide for the safe use of alkyl (C_8–C_{18}) phenoxypolyethoxyethanol (11–15 moles) in washing fruits and vegetables.

The withdrawal of this petition is without prejudice to a future filing.

Dated: February 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2335; Filed, Mar. 1, 1967; 8:49 a.m.]

OLIN MATHIESON CHEMICAL CORP. ET AL.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Olin Mathieson Chemical Corp., 1730 K Street NW., Washington, D.C. 20006, on behalf of itself, The Dow Chemical Co., General Aniline & Film Corp., Jefferson Chemical Co., Inc., Monsanto Co., Rohm & Haas Co., Union Carbide Corp., and Wyandotte Chemicals Corp., has withdrawn its petition (FAP 4A1480), notice of which was published in the FEDERAL REGISTER of March 10, 1966 (31 F.R. 4257), proposing an amendment to § 121.1091 *Chemicals used in washing fruits and vegetables* to provide for the safe use of alkyl (C_8–C_{18}) phenoxypolyethoxyethanol (4–10, 30–50 moles) in washing fruits and vegetables.

The withdrawal of this petition is without prejudice to a future filing.

Dated: February 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2336; Filed, Mar. 1, 1967; 8:49 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0561) has been filed by Shell Chemical Co., Suite 1103, 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of a tolerance of 0.25 part per million for residues of the herbicide 4-(methylsulfonyl)-2,6-dinitro-*N*,*N*-dipropylaniline in or on the raw agricultural commodities cotton and soybeans.

The analytical method proposed in the petition for determining residues of the herbicide is an electron-capture gas chromatographic technique.

Dated: February 20, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2337; Filed, Mar. 1, 1967; 8:49 a.m.]

SWIFT & CO.

Notice of Withdrawal of Petition for Food Additive Tallowyl-Beta-Lactic Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Swift & Co., Packers and Exchange Avenues, Chicago, Ill. 60609, has withdrawn its petition (FAP 6A1881), notice of which was published in the FEDERAL REGISTER of May 21, 1966 (31 F.R. 7413), proposing the issuance of a regulation to provide for the safe use of tallowyl-beta-lactic acid as an emulsifier in bread at a level not in excess of 0.6 percent by weight of flour used.

The withdrawal of this petition is without prejudice to a future filing.

Dated: February 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2338; Filed, Mar. 1, 1967; 8:49 a.m.]

UNITED STATES RUBBER CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), United States Rubber Co., Chemical Division, Naugatuck,

Conn. 06771, has withdrawn its petition (FAP 7B2100), notice of which was published in the FEDERAL REGISTER of December 23, 1966 (31 F.R. 16482), proposing an amendment to § 121.2522 *Polyurethane resins* to provide for the safe use of a specified polyurethane resin as a coating on articles intended for repeated use in contact with nonalcoholic foods.

The withdrawal of this petition is without prejudice to a future filing.

Dated: February 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2339; Filed, Mar. 1, 1967; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE, REGION I (NEW YORK)

Designation

The officers appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Assistant Regional Administrator for Renewal Assistance, Region I, during the absence of the Assistant Regional Administrator for Renewal Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Renewal Assistance, provided that no officer is authorized to serve as Acting Assistant Regional Administrator for Renewal Assistance unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Renewal Assistance.
2. Director, Field Service Division.
3. Chief, Fiscal Management Branch.

The designation effective May 19, 1965 (30 F.R. 7304, June 2, 1965), is hereby revoked.

(Delegation effective May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 13th day of February 1967.

JUDAH GRIBETZ,
Regional Administrator, Region I.

[F.R. Doc. 67-2368; Filed, Mar. 1, 1967; 8:51 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Metropolitan Development, Region VI, during the absence of the Assistant Regional Administrator for Metropolitan Development with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Metropolitan Development, Region VI, provided that no officer is authorized to serve as Acting Assistant Regional Administrator for Metropolitan Development unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Metropolitan Development.
2. Director, program Field Service Division.
3. Chief, Finance Branch.

The designation effective November 22, 1964 (30 F.R. 11404, Sept. 8, 1965), is hereby revoked.

(Delegation effective May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 18th day of December 1966.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 67-2369; Filed, Mar. 1, 1967; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16203; Order E-24784]

AEROVIAS INTERAMERICANAS DE PANAMA, S.A. (AVISPA)

Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of February 1967.

Aerovias Interamericanas de Panama, S.A. (AVISPA) holds a foreign air carrier permit which authorizes foreign air transportation with respect to persons, property, and mail between a point or points in the Republic of Panama, the intermediate points Kingston, Jamaica, and Havana, Cuba, and the terminal point Miami, Fla., and to operate offroute charter trips in foreign air transportation.[1] The United States has been notified by the Government of Panama that AVISPA has changed its name to Aerovias Panama, S.A. (APA). It appears, therefore, that AVISPA and APA are one and the same entity. The Government of Panama on November 15, 1966, canceled all routes and the operating certificates of APA.

In view of the cancellation of APA's routes and operating certificate by the Government of Panama and the fact that the Government has informed the United States that it has no objection to the cancellation of APA's foreign air carrier permit, the Board has tentatively concluded that it should recommend to the President that the foreign air carrier permit issued to AVISPA and used by APA should be canceled.

[1] Order E-8200, approved by the President on Mar. 30, 1954, and Order E-12945, approved by the President on Sept. 6, 1958.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and recommend to the President that the foreign air carrier permit issued to Aerovias Interamericanas de Panama, S.A. (AVISPA) be canceled;

2. That any interested persons having objection to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 15 days of service of this order;[2]

3. That if timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That copies of this order shall be served upon the following: Aerovias Interamericanas de Panama, S.A., Aerovias Panama, S.A., Aerovias Panama Internacional, S.A., Benjamin W. Turner, Everett P. Jones, and the Ambassador of the Government of Panama.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-2350; Filed, Mar. 1, 1967; 8:50 a.m.]

[2] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16722; FCC 67M-327]

BLACK HAWK BROADCASTING CO. (KWWL-TV)

Order Continuing Hearing

In re application of Black Hawk Broadcasting Co. (KWWL-TV), Waterloo, Iowa, Docket No. 16722, File No. BPCT-3606; for construction permit.

The Hearing Examiner having under consideration the informal request for continuance of hearing filed February 23, 1967, by Black Hawk Broadcasting Co.;

It appearing, that the Federal Aviation Agency has ordered an informal meeting for the date of March 16, 1967, to consider applicant's proposed Rowley transmitter site and the requested continuance is to afford Federal Aviation Agency opportunity to release its decision with respect to this site prior to the hearing herein;

It further appearing, that all parties have consented to immediate consideration and grant of the instant request and good cause for a grant is shown:

It is ordered, This 24th day of February 1967, that the said request is granted and the hearing herein is continued from March 1, 1967, to April 19, 1967, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: February 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2352; Filed, Mar. 1, 1967; 8:50 a.m.]

[Docket No. 16690; FCC 67M-318]

DAILY EXPRESS, INC., ET AL.

Order Continuing Hearing

In the matter of Daily Express, Inc., Post Office Box 39, Carlisle, Pa., complainant; v. American Telephone and Telegraph Co., 195 Broadway, New York, N.Y.; The Bell Telephone Company of Pennsylvania, 1 Parkway, Philadelphia, Pa.; and The United Telephone Company of Pennsylvania, Carlisle, Pa.; defendents; Docket No. 16690.

The Hearing Examiner having under consideration a communication from counsel for the complainant dated February 23, 1967, and a copy of a letter from counsel for one of the defendants, namely, United Telephone Company of Pennsylvania, also dated February 23, 1967, addressed to John M. Lothschuetz, counsel, Common Carrier Bureau of this Commission;

It appearing, that the substance of both communications is that the parties herein are in the process of implementing a formal pleading to be filed by the parties herein with the Commission in the near future;

It further appearing, that counsel for the complainant requests that the April 4, 1967, hearing date be indefinitely continued;

It further appearing, that counsel for the defendant, United Telephone Company of Pennsylvania, requests an extension of time to file an answer to the supplemental complaint until April 10, 1967;

It further appearing, that counsel for the defendant, United Telephone Company of Pennsylvania, confirms that the parties are in the process of negotiating a settlement and if it is accomplished an appropriate pleading will be filed with the Commission to dismiss the complaints;

It appearing, that good cause exists why said petition should be granted:

Accordingly, it is ordered, This 24th day of February 1967, that the complaintant's request is granted, and the hearing now scheduled for April 4, 1967, be and the same is hereby continued without date.

Released: February 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2353; Filed, Mar. 1, 1967; 8:50 a.m.]

[Docket Nos. 17200-17206; FCC 67M-304]

FETZER CABLE VISION ET AL.

Order Scheduling Hearing

In re petitions by Fetzer Cable Vision, Kalamazoo, Mich., Docket No. 17200, File No. CATV 100-12; Booth American Co., North Muskegon, Muskegon, Muskegon Township, Muskegon Heights, Norton Township, and Roosevelt Park, Mich., Docket No. 17201, File No. CATV 100-45; and Allegan Tele-Ception, Inc., Allegan, Mich., Docket No. 17202, File No. CATV 100-116; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Grand Rapids-Kalamazoo Market (ARB-36); and in re petitions by Jackson TV Cable Co., Jackson and Blackman Township, Mich., Docket No. 17203, File No. CATV 100-83; Coldwater Cablevision, Inc., Coldwater, Mich., Docket No. 17204, File No. CATV 100-111; Calhoun Telephone Cable Television Co., Homer, Mich., Docket No. 17205, File No. CATV 100-126; and Gross Telecasting, Inc., Lansing, Mich., Docket No. 17206, File No. CATV 100-131; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Lansing Television Market (ARB-48); and in re petitions by Triad Cablevision, Inc., Albion, Marshall, Battle Creek, Battle Creek Township, Emmett Township, Bedford Township, Pennfield Township, and Springfield, Mich., Docket No. 17207, File No. CATV 100-14; and Wolverine Cable Vision, Inc., Albion, Marshall, Battle Creek, Battle Creek Township, and Springfield, Mich., Docket No. 17208, File No. CATV 100-49; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Grand Rapids-Kalamazoo and Lansing Television Markets:

It is ordered, This 21st day February 1967, that Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 25, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 15, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: February 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2354; Filed, Mar. 1, 1967; 8:50 a.m.]

[Docket Nos. 16655, 16656; FCC 67M-315]

JONES T. SUDBURY AND NORTHWEST TENNESSEE BROADCASTING CO., INC.

Order Continuing Hearing

In re applications of Jones T. Sudbury, Martin, Tenn., Docket No. 16655, File No. BPH-5067; Northwest Tennessee Broadcasting Co., Inc., Martin, Tenn., Docket No. 16656, File No. BPH-5174; for construction permits.

The Hearing Examiner has under consideration a joint petition for continuance of hearing signed by all counsel for each of the two applicants and filed February 21, 1967, requesting that the hearing now scheduled to begin on Monday, February 27, 1967, be continued to Monday, March 27, 1967.

It appearing, that the reason for the requested continuance is to allow further time within which to explore the possibility of securing an additional FM channel in or near Martin, or McKenzie, Tenn. Studies have been made. Further study is expected to produce the desired result. Should another FM channel become available, it will eliminate the necessity of the comparative hearing now scheduled.

It further appearing, that counsel for the Chief, Broadcast Bureau, has no objection to the immediate favorable grant of this petition. Good cause for granting the same has been shown.

It is ordered, This the 24th day of February 1967, that the joint petition for continuance of hearing is granted, and the evidentiary hearing now scheduled to begin on Monday, February 27, 1967, is continued to Monday, March 27, 1967, beginning at 10 a.m. in the offices of the Commission in Washington, D.C.

Released: February 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2355; Filed, Mar. 1, 1967; 8:50 a.m.]

[Docket No. 17198; FCC 67M-317]

SAN FERNANDO BROADCASTING CO. (KSFV)

Order Scheduling Hearing

In re application of Joseph M. Arnoff and Maurice H. Gresham, doing business as San Fernando Broadcasting Co. (KSFV), Docket No. 17198, File No. BLH-2397; for license to cover construction permit authorizing a new FM broadcast station at San Fernando, Calif.:

It is ordered, This 20th day of February 1967, that Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 1, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 15, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: February 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2356; Filed, Mar. 1, 1967; 8:50 a.m.]

[Docket No. 16663; FCC 67M-312]

LAMAR LIFE INSURANCE CO.

Order Rescheduling Hearing

In re application of Lamar Life Insurance Co., Docket No. 16663, File No.

BRCT-326; for renewal of license of television station WLBT and auxiliary services, Jackson, Miss.

Pursuant to a prehearing conference as of this date: *It is ordered*, That the hearing now scheduled for May 1, 1967, be and the same is hereby rescheduled for Jackson, Miss., 10 a.m., April 18, 1967, at a place to be hereinafter announced.

Dated: February 23, 1967.

Released: February 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2357; Filed, Mar. 1, 1967; 8:50 a.m.]

[Docket Nos. 17005, 17006; FCC 67M-324]

ROMAC BATON ROUGE CORP. AND CAPITOL TELEVISION BROADCASTING CORP.

Order Regarding Procedural Dates

In re applications of Romac Baton Rouge Corp., Baton Rouge, La., Docket No. 17005, File No. BPCT-3725; Capitol Television Broadcasting Corp., Baton Rouge, La., Docket No. 17006, File No. BPCT-3609; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration the "Request for Extension of Time" filed by counsel for Romac Baton Rouge Corp. on February 17, 1967, requesting extensions in certain procedural dates in view of involvement of the president of this applicant in other pending major litigation, thus affecting the preparation of applicant's exhibits for the instant comparative proceeding;

It appearing, that counsel for other parties have informally consented to the grant of this request, and that "good cause" is found for allowance of the extensions as requested, with a brief additional extension of the hearing date, on the Examiner's own motion, to prevent a conflict in the Hearing Examiner's hearing schedule:

Accordingly, it is ordered, This 24th day of February 1967, that the "Request for Extension of Time" filed by Romac Baton Rouge Corp. on February 17, 1967, is granted; and the pertinent procedural dates are extended as follows: (a) Exchange of exhibits, from February 21 to March 23, 1967; (b) notification re witnesses, from March 7 to April 6, 1967; and (c) commencement of hearing, from March 27 to April 25, 1967.[1]

Released: February 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2358; Filed, Mar. 1, 1967; 8:50 a.m.]

[1] In the event the aforementioned conflict in hearing dates can be resolved, the Hearing Examiner will give consideration to advancing the hearing date to Apr. 18, 1967, as proposed in the subject request of Romac.

[Docket No. 16125; FCC 67M-305]

TINKER, INC.

Order Scheduling Hearing

In the matter of revocation of the license of Tinker, Inc., for Standard Broadcast Station WEKY, Richmond, Ky., Docket No. 16125.

A prehearing conference having been conducted on February 21, 1967, whereat procedures and dates governing the hearing were established;

It appearing, that the said procedures and dates, as well as others heretofore provided for, should be the subject of this order:

It is ordered, This 21st day of February 1967, that on or before March 27, 1967, the parties will comply with the provisions of the Hearing Examiner's order released herein on July 18, 1966, as well as the provisions of all other orders referenced therein; and

It is further ordered, That hearing shall commence on April 5, 1967, at 10 a.m., at a location in the area of Richmond, Ky., to be hereafter specified.

Released: February 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2359; Filed, Mar. 1, 1967; 8:51 a.m.]

[Docket Nos. 17131-17136; FCC 67-63]

UNICABLE, INC., ET AL.

Memorandum Opinion and Order Designating Consolidated Hearing

In re petitions by Unicable, Inc., Oswego, N.Y., File No. CATV 100-8; Auburn Cablevision Corp., Auburn, N.Y., File No. CATV 100-10; General Electric Cablevision Corp., Auburn, N.Y., File No. CATV 100-65; General Electric Cablevision Corp., Van Buren, N.Y., Docket No. 17131, File No. CATV 100-65; General Electric Cablevision Corp., Solvay, N.Y., Docket No. 17132, File No. CATV 100-137; Newchannels Corp., East Syracuse, N.Y., Docket No. 17133, File No. CATV 100-112; and Newchannels Corp., Camillus, N.Y., Docket No. 17134, File No. CATV 100-124; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Syracuse Television Market; in re applications of Eastern Microwave, Inc., Van Buren, N.Y., Docket No. 17135, File No. 4704-C1-P-66; and Eastern Microwave, Inc., Camillus, N.Y., Docket No. 17136, File No. 4879-C1-P-66; for construction permits for new point-to-point microwave radio stations; and in re applications of New York-Penn Microwave Corp., Auburn, N.Y., File No. 6595-C1-P-66; and Eastern Microwave, Inc., East Syracuse, N.Y., and Oswego and North Syracuse, N.Y., File Nos. 233/234-C1-P-66, 6324/6325-C1-P-65; for construction permits for new point-to-point microwave radio stations.

1. The following proposals in the Syracuse television market, ranked 35th, are before us for consideration: (a) Unicable Inc. presently carries the Syracuse stations on its CATV system in Oswego and in addition proposes to carry the distant signals of three New York City independent stations and one New York City educational station; (b) Auburn Cablevision Corp. plans to operate its CATV system in Auburn, and would carry, in addition to the Syracuse stations, the distant signals of three New York City independent stations; (c) General Electric Cablevision Corp. proposes to operate CATV systems in Auburn, Solvay and Van Buren, and to carry the Syracuse stations, three New York City independent stations, and one Kingston, Ontario, station; (d) Newchannels Corp. intends to operate CATV systems in East Syracuse and Camillus and to carry, in addition to the three Syracuse VHF stations and one Syracuse UHF educational station, the distant signals of three New York City independent stations, one New York-Newark independent, one Kingston and one Ottawa, Ontario, station.[1] The petitioners (Newchannels filed for East Syracuse on Sept. 30, 1966, for Camillus on Nov. 1, 1966; General Electric filed for Solvay on Nov. 28, 1966, for Van Buren and Auburn on July 6, 1966; Auburn Cablevision filed for Auburn on Apr. 5, 1966; Unicable filed for Oswego on Mar. 30, 1966.) request waiver of hearing to permit them to implement their proposals.

2. The Syracuse market has a total net weekly circulation of 425,400. The city has Channels 3, 5, 9, *24, 43, and 62 assigned to it. Stations are operating on Channels 3, 5, 9, and *24; an application is on file for Channel 43; 62 is vacant and not applied for. Ithaca, about 45 miles from Syracuse but within the predicted Grade A, has been assigned Channels *14, and 52, for which construction permits have been issued. Utica, about 50 miles from Syracuse and also in the market, has been assigned Channels 2, 15, 33, and *59. Channel 2 is in operation; the other channels are not applied for. East Syracuse, a city of 4,708, and Solvay, a city of 8,732, are adjacent to Syracuse; Camillus, a city of 1,416, and Van Buren, population 8,754, are located about 7 miles from Syracuse, all in Onondaga County (population 423,028). Auburn (35,249) is located about 25 miles from Syracuse in Cayuga County which has a population of 73,942. Oswego, a city of 22,155, is located about 35 miles from Syracuse, in Oswego County which has a population of 86,118. Onondaga and Oswego Counties comprise the Syracuse Standard Metropolitan Statistical Area which has a population of 563,781. East Syracuse, Solvay, and Camillus are in the Syracuse Urbanized Area which has a population of 333,266.

[1] The service proposed would be implemented, in part, by six separate sets of microwave applications (Eastern Microwave, Inc., File Nos. 6324/25-C1-P-65 (Oswego and North Syracuse); 4704-C1-P-66 (Van Buren); 4879-C1-P-66 (Camillus); 233/234-C1-P-66, 3605-C1-P-66 (East Syracuse); New York-Penn Microwave Corp., File No. 6595-C1-P-66 (Auburn)).

3. The petitioners ground their proposals on such factors and contentions as improved quality and increased diversity of television service, lack of impact upon, and in fact probable benefits to local UHF television, because of CATV carriage, financial commitments by the systems, the need of the systems to carry distant signals in order to attract subscribers, and the absence of any significant ties between Syracuse and several of the CATV communities.

4. The supporting arguments for the proposals are substantial, but are outweighed here where there is demonstrated UHF interest by the design of the second report and order that UHF potential be preserved. Without the additional information which can be developed in a public hearing, we are unable to accept the allegations of petitioners proposing CATV service in East Syracuse, Camillus, Solvay, and Van Buren, all of which are in the very heart of the area upon which new UHF stations must rely heavily for economic support, that the effect upon UHF broadcasting of CATV operations in those communities would be minimal. We note, in this connection, that New York City signals are not now being imported and that there is no operating CATV in Syracuse or the immediate area.

5. But Auburn and Oswego are separate and distinct communities, located about 25 and 35 miles from Syracuse, outside its Urbanized Area. Auburn is also outside the Standard Metropolitan Statistical Area of Syracuse and in Cayuga County where New York City television stations are already being viewed on existing cable facilities. Carriage of New York City independent programing on the proposed Auburn systems will have little additional effect upon UHF development in Syracuse. Since Unicable's system is in the relatively small community [of Oswego] on the fringe of the Syracuse market, its carriage of New York City independents and educational signals in order to provide diversified programing to Oswego viewers will have slight, if any, impact upon UHF development in the market. Under these circumstances, carriage of the New York City signals in Oswego will have little impact upon the development of UHF television in Syracuse, and will offer Oswego viewers more diversified programing. *Accordingly, it is ordered*, That the provisions of § 74.1107 of the rules are waived in order to permit the Auburn and Oswego CATV systems to operate as proposed. The applications of New York-Penn Microwave Corp. (6595-C1-P-66), and Eastern Microwave Inc. (233/234-C1-P-66), pursuant to section 309 of the Communications Act of 1934, as amended, are granted and Eastern Microwave's applications (6324 and 6325-C1-P-65) are granted insofar as service is proposed to Unicable's Oswego CATV system but are dismissed insofar as service is proposed to the North Syracuse CATV system, without prejudice to refiling.[2]

[2] Upon an appropriate refiling, the application will be promptly consolidated in the hearing.

It is further ordered, This 11th day of January 1967, pursuant to sections 4(i), 303, 307(b), and 309 of the Communications Act and § 74.1107 of the Commission's rules, that the petitions for waiver of Newchannels concerning East Syracuse[3] and Camillus and General Electric relating to Van Buren and Solvay are denied, and that a consolidated hearing is ordered as to said petitions and the Eastern Microwave applications (4704-C1-P-66 and 4879-C1-P-66), on the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Syracuse market.

2. To determine the effects of current and proposed CATV service in the Syracuse market upon existing, proposed, and potential television broadcast stations in the market.

3. To determine (1) the present policy and proposed future plans of petitioners with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (2) the potential for such services; and (3) the impact of such services upon television broadcast stations in the market.

4. To determine whether the applications and proposals are consistent with the public interest.

Newchannels Corp., General Electric Cablevision Corp., Eastern Microwave, Inc., Meredith Syracuse Television Corp., Channel 9 Syracuse, Inc., and Channel 30, Inc., are made parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proof is upon the petitioners. A time and place for the hearing will be specified in another order.

Released: February 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2360; Filed, Mar. 1, 1967; 8:51 a.m.]

[3] Eastern Microwave's application (3605-C1-P-66) to serve the East Syracuse CATV system has not yet been processed but will be considered in the context of the questions raised here.

[4] Dissenting statement of Commissioner Bartley and partially concurring and partially dissenting statement of Commissioner Cox filed as part of original document; Commissioner Lee concurring in part and dissenting in part.

[Docket No. 17197; FCC 67M-316]

VIDEO VISION, INC.

Order Scheduling Hearing

In re petition by Video Vision, Inc., Lancaster, S.C., Docket No. 17197, File No. CATV 100-94; for authority pursuant to § 74.1107 to serve and operate a CATV system in the Charlotte, N.C. and Columbia, S.C., television markets:

It is ordered, This 20th day of February 1967, that David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 24, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 17, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: February 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2361; Filed, Mar. 1, 1967; 8:51 a.m.]

[Docket No. 17051; FCC 67M-319]

WLCY-TV, INC. (WLCY-TV)

Order Continuing Hearing

In re application of WLCY-TV, Inc. (WLCY-TV), Largo, Fla., Docket No. 17051, File No. BPCT-3700; for construction permit.

Pursuant to a prehearing conference as of this date: *It is ordered*, This 24th day of February 1967, that the direct written cases, including exhibits of all parties, shall be exchanged on or before April 17, 1967; that the notification of witnesses desired for cross-examination shall be accomplished on or before May 8, 1967, and

It is further ordered, That the hearing herein be and the same is hereby scheduled for May 22, 1967, 10 a.m., in the Commission's offices, Washington, D.C.

Released: February 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2362; Filed, Mar. 1, 1967; 8:51 a.m.]

[Docket Nos. 17117, 17118; FCC 67M-325]

WARD L. JONES AND MARS HILL BROADCASTING CO., INC.

Order Following Prehearing Conference

In re applications of Ward L. Jones, Syracuse, N.Y., Docket No. 17117, File No. BPH-5314; Mars Hill Broadcasting Co., Inc., Syracuse, N.Y., Docket No. 17118, File No. BPH-5450; for construction permits.

In accordance with the procedural arrangements made at the prehearing conference held this date: *It is ordered*, This 24th day of February 1967, that the future course of the proceeding shall be governed by adherence of the parties to the following schedule:

Procedure	*Date*
(1) Proposed exchange of exhibits under existing issues	Apr. 14, 1967
(2) Notifications re cross-examination of witnesses	Apr. 28, 1967

It is further ordered, That the hearing heretofore scheduled to commence on March 21, 1967, is postponed to May 9,

1967, at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: February 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2363; Filed, Mar. 1, 1967; 8:51 a.m.]

[Docket No. 17137; FCC 67M-326]

WESTERN UNION TELEGRAPH CO.

Order Continuing Hearing

In the matter of section 14.2 of Tariff FCC No. 237 of the Western Union Telegraph Co. applicable to Autodin Service; Docket No. 17137.

Pursuant to the agreement reached at prehearing conference in the above-entitled proceeding held February 24, 1967, the evidentiary hearing now scheduled to begin Monday, March 6, 1967, is continued to Monday, May 29, 1967, beginning at 10 a.m. in the offices of the Commission in Washington, D.C.

It is so ordered, This the 24th day of February 1967.

Released: February 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2364; Filed, Mar. 1, 1967; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7337]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

FEBRUARY 21, 1967.

Take notice that on February 13, 1967, Community Public Service Co. (Applicant), an electric utility incorporated under the laws of the State of Texas with its principal business office at Fort Worth, Tex., filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of unsecured promissory notes in the maximum principal amount of $8 million.

The notes which Applicant proposes to execute will be executed at such time or times as short-term bank loans are made or renewed on or before November 1, 1969. The notes will evidence loans from Fort Worth or other Texas or New York City banking institutions. The maturity of each note will not exceed 120 days from its date of issuance and the notes will bear interest at the rate in effect for such loans on the dates of issue or renewals at the place of the borrowing.

The proceeds from the issuance of promissory notes will reimburse the treasury of the Applicant for expenditures for the construction, completion, extension, or improvement of its facilities. The major item in Applicant's present construction program, the installation of a 22 mw generating unit in Lordsburg, N. Mex., will require an estimated expenditure of $3,220,000 in 1967.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2288; Filed, Mar. 1, 1967; 8:45 a.m.]

[Docket No. RP64-38]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Change in Rates and Charges

FEBRUARY 21, 1967.

Take notice that on February 14, 1967, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) filed a proposal to reduce the rates and charges set out in its presently effective tariff, to make refunds consistent therewith, and to flow-through refunds and net reductions in suppliers' rates. The proposed reduction and refund reflects primarily the flow-through of the benefits of liberalized depreciation.

Michigan Wisconsin proposes to file revised tariff sheets to its FPC Gas Tariff, to be effective March 1, 1967, to reflect a reduction (1) of 4 cents per Mcf in the demand component and of 0.2 cent per Mcf in the commodity component of its Rate Schedules ACQ-1 and MDQ-1; (2) of 0.35 cent per Mcf in Rate Schedule SGS-1; and (3) of 0.2 cent per Mcf in Rate Schedules AOS-1 and SDOS-1. The proposal also provides for further reduction and refunds if the Federal income taxes are not increased prior to January 1, 1968.

In addition Michigan Wisconsin proposes to refund to its customers (1) $548,000 per month for 11 months allocated to each customer on the basis of actual deliveries made during the period October 1, 1965, to August 31, 1966; and (2) an amount equivalent to 8 cents per Mcf of billing demand under Rate Schedules ACQ-1 and MDQ-1, 0.3 cent per Mcf delivered under Rate Schedules ACQ-1, MDQ-1, AOS-1, and SDOS-1, and 0.6 cent per Mcf delivered under Rate Schedule SGS-1, during the period from September 1, 1966, to February 28, 1967.

Copies of the proposal have been served by Michigan Wisconsin on its customers and on interested State Commissions. Comments may be filed with the Commission on or before March 7, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2289; Filed, Mar. 1, 1967; 8:45 a.m.]

[Docket Nos. E-7338, etc.]

MISSISSIPPI POWER & LIGHT CO.

Notice of Application

FEBRUARY 21, 1967.

Take notice that on February 13, 1967 Mississippi Power & Light Co. (Applicant) filed three applications with the Federal Power Commission seeking authority pursuant to section 203 of the Federal Power Act to acquire various electric transmission facilities from two REA electric cooperatives.

Applicant is incorporated under the laws of Mississippi with its principal business office at Jackson, Miss., and is engaged in the electric utility business in parts of 45 of the 82 counties in Mississippi.

In its application filed in Docket No. E-7338 Applicant requests approval to perform its agreement of August 1, 1966, with Delta Electric Power Association to construct for the account of that Association, to lease, operate, maintain, and to purchase at the end of 10 years (or earlier) 3.5 miles of 115 KV transmission line to be located in Leflore County, Miss. The cost of the facilities to the leased and purchased is estimated to be $95,000. The Applicant will pay an annual lease rental equal to 2½ percent of the original cost of the line and will make 10 annual payments each equal to 7½ percent of said cost toward the purchase of the line. On the completion of these 10 payments the Association will convey title of the line to the applicant.

In its application filed in Docket No. E-7339 Applicant requests approval to perform its agreement of January 25, 1967, with Delta Electric Power Association to construct for the account of the Association, to lease, operate, maintain, and to purchase at the end of 10 years (or earlier) 6.5 miles of 115 KV transmission line located in Sunflower County, Miss. The Company will pay an annual lease rental equal to 2½ percent of the original cost of said line and will make 10 annual payments equal to 7½ percent of said cost toward the purchase of the line. Upon the completion of said payments Association will convey title of said line to Company. The cost of the facilities to be leased and purchased is estimated as $205,000.

In its application filed in Docket No. E-7340 Applicant requests approval to perform its agreement of May 31, 1966, with Twin County Electric Power Association to lease, operate, maintain, and to purchase at the end of 10 years (or earlier) 0.94 miles of 115 KV transmission line located in Washington County, Miss. The Company will pay an annual lease rental of $1,350.95 and will make 10 annual payments of $4,052.86 toward the purchase of the line. Upon the completion of said payments Association will convey title of said line to Company. The original cost of the facilities to be leased and purchased is $54,038.16.

Any person desiring to be heard or to make any protest with reference to the application should on or before March 13, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2290; Filed, Mar. 1, 1967; 8:45 a.m.]

[Docket No. CP65-219]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

FEBRUARY 21, 1967.

Take notice that on February 20, 1967, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP65-219 a petition to amend the order issued by the Commission in said docket March 24, 1965, by authorizing the construction and operation of additional facilities and by extending the time of authorization from March 24, 1967, to April 1, 1969, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The above-mentioned order authorized Petitioner to exchange quantities of natural gas with Colorado Interstate Gas Co. (Colorado) and the sale by Colorado to the Cabot Corp. (Cabot), of quantities of natural gas up to 30,000 Mcf per day, for a period which expires March 27, 1967.

Specifically, Petitioner requests authorization to continue deliveries of natural gas to Cabot, on behalf of Colorado, Colorado delivering like quantities to Petitioner, until April 1, 1969.

In addition, Petitioner seeks authorization to construct and operate a 6-inch side valve on its line from the Kerr-McGee plant, Gray County, Tex., to its Grayco Compressor Station, as well as removing the check valve on this line.

Petitioner also requests authority to increase the quantity exchanged from a maximum of 30,000 Mcf per day of natural gas to a maximum of 33,000 Mcf per day of natural gas.

Petitioner states that the proposed cost of construction will be approximately $1,005, said amount to be reimbursed by Colorado.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 15, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2291; Filed, Mar. 1, 1967; 8:45 a.m.]

[Docket No. CP67-231]

SOUTHERN NATURAL GAS CO.

Notice of Application

FEBRUARY 21, 1967.

Take notice that on February 17, 1967, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67-231 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation of natural gas in interstate commerce and the sale for resale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 7.9 miles of 24-inch loop pipeline on its main North Line between Louisville and Reform Compressor Stations. The new facilities will enable Applicant to provide increased natural gas service to Chattanooga Gas Co. (Chattanooga), an existing customer of Applicant.

Applicant estimates the cost of the proposed construction at approximately $791,570, said cost to be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 22, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2292; Filed, Mar. 1, 1967; 8:45 a.m.]

[Docket No. CP66-150]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

FEBRUARY 21, 1967.

Take notice that on February 15, 1967, Transcontinental Gas Pipe Line Corp. (Petitioner), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP66-150 a petition to amend the order issued by the Commission in said docket December 19, 1966, to authorize the relocation of the proposed meter and regulator station from Tryon, N.C., to Mill Springs, N.C., and to construct and operate two appropriately sized meter and regulator stations at or near Tryon and Columbus, both in North Carolina, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The above-mentioned order authorized Petitioner to construct and operate a 16-inch line from its main line at or near Moore, S.C., to a point beyond Tryon, N.C., towards Mill Springs, to the extent permitted by its lateral line formula, and authorized Petitioner to extend the line the full distance to Mill Springs if it so elected.

Petitioner has elected to extend the line the full distance to Mill Springs and wishes to relocate the meter and regulator station, originally proposed to be constructed at the Tryon terminus, at the Mill Springs terminus for the sale and delivery of natural gas to Public Service Company of North Carolina, Inc. (Public). Petitioner also seeks authorization to construct and operate two smaller meter and regulator stations that it now considers necessary; one at Tryon, N.C., and one at Columbus, N.C. Petitioner intends to use the new meter and regulator stations for deliveries to Public for the communities of Tryon and Columbus, N.C.

Petitioner estimates the cost of the meter and regulator stations at Tryon and Columbus at approximately $45,650. The cost of the relocated station is shown in Hearing Exhibit 6, page 7, and is incorporated herein by reference.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 17, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2293; Filed, Mar. 1, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2060]

DREXEL HARRIMAN RIPLEY, INC., AND BACHE & CO., INC.

Notice of Filing of Application for Order of Exemption

FEBRUARY 24, 1967.

Notice is hereby given that Drexel Harriman Ripley, Inc., 60 Broad Street, New York, N.Y. 10004, and Bache & Co. Inc., 36 Wall Street, New York, N.Y. 10004 ("applicants"), the prospective managing underwriters of an issue of income shares and capital shares of Gemini Fund, Inc. ("Company"), a closed-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), have filed an application pursuant to section 6(c) of the Act for an order exempting certain transactions in connection with the offering from the provisions of section 30(f) of the Act insofar as the applicants

and, to the extent necessary, any of applicants' counderwriters, are involved. All interested persons are referred to the application on file with the Commission for a complete statement of the representations therein, which are summarized below.

The Company was organized under Delaware law on November 23, 1966, and registered under the Act on December 1, 1966. It proposes to make a public offering and sale of an equal number of its income shares and its capital shares through an underwriting group to be managed by applicants, and has filed a registration statement covering both classes of stock under the Securities Act of 1933. The shares of each class of stock are to be purchased by the underwriters from the fund, on a firm commitment basis, at a price of $11 per share and will be reoffered and sold to the public at a maximum public offering price of $12 per share.

Applicants represent that the proposed form of underwriting agreement between the Company and the several underwriters provides that sales to selected dealers in the selling group will be made for the account of the applicants, as managing underwriters, and not for the accounts of the several underwriters. As a result, when the Company's income shares and capital shares are purchased by the several underwriters for resale to the public, the applicants may each agree to purchase from the Company more than 10 percent of its income shares and of its capital shares to be sold. In addition, applicants represent that it is likely that the aggregate of their participation in the shares of each class of the Company may be in excess of 50 percent of the total number of such shares being purchased and resold by the several underwriters.

Section 30(f) of the Act imposes the duties and liabilities of section 16 of the Securities Exchange Act of 1934 ("section 16") upon, among others, beneficial owners of more than 10 percent of any class of outstanding securities of, and directors of, a registered closed-end investment company. Section 16 contains reporting requirements, prohibitions against profits from purchases and sales or sales and purchases within 6 months of each other, and against short sales by the persons covered thereby. Applicants represent that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act because the purposes of section 30(f) of the Act in imposing the liabilities of section 16 on 10 percent holders of any class of security of a closed-end investment company will not be jeopardized by permitting applicants to perform their underwriting function and to have in the aggregate a larger participation than that taken by all other underwriters who are not subject to section 30(f) of the Act, since the Company will not actually be viable until after the shares purchased by the applicants and the other underwriters are sold and distributed to the public and the proceeds invested by the Company. Applicants state that therefore there is no information which could have been obtained by reason of the relationship of the applicants and the other underwriters to the Company and consequently the transactions sought to be exempted cannot lend themselves to the practices which section 16 was enacted to proscribe.

Section 6(c) of the Act, in pertinent part, provides that the Commission, by order upon application, may exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 13, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20540. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2316; Filed, Mar. 1, 1967; 8:47 a.m.]

[812-2077]

HAYDEN, STONE INC.

Notice of Filing of Application for Order of Exemption

FEBRUARY 24, 1967.

Notice is hereby given that Hayden, Stone Inc. ("applicant"), 25 Broad Street, New York, N.Y. 10004, the proposed managing underwriter for a proposed offering of the two classes of shares of American DualVest Fund, Inc. ("DualVest"), a closed-end diversified management company registered under the Investment Company Act of 1940 ("Act"), has applied for an order pursuant to section 6(c) of the Act for an exemption from the provisions of section 30(f) of the Act. Applicant seeks an exemption to permit it to effect transactions in connection with its underwriting of the DualVest offering. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant proposes to enter into an underwriting agreement with DualVest for the sale to the underwriters, to be managed by applicant, of the preferred shares and capital shares of DualVest. It is a condition of the underwriting that an equal number of each class of shares be sold to the underwriters. The shares will be purchased from DualVest by the underwriters at a price of $13.80 per share who will then sell the shares to the public at a maximum public offering price of $15 per share. Applicant may, for its own account, also sell some shares to selling dealers for resale to the public.

Applicant states that it may, in connection with the offering, engage in stabilizing transactions or overallot shares of either class and it may dispose of shares acquired as a result of stabilization activities and may purchase shares of either class to cover any such overallotments.

A number of directors of applicant will also be officers and directors of DualVest and an investment adviser of DualVest, Haywood Management Corp. In addition, applicant itself may serve as an investment adviser to DualVest. It is contemplated that applicant's directors will themselves purchase shares of each class of stock of DualVest. Applicant expects to purchase from DualVest as an underwriter more than 50 percent of each class of stock of DualVest to be issued and sold to all the underwriters.

Section 30(f) of the Act makes the duties and liabilities imposed by section 16 of the Securities Exchange Act of 1934 applicable to, among others, beneficial owners of, more than 10 percent of any class of outstanding securities of, and directors of, a registered closed-end investment company.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant represents that the transactions in connection with the offering are not comprehended within the intent or purpose of section 30(f) of the Act, and that the exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 13, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2317; Filed, Mar. 1, 1967; 8:47 a.m.]

[812-2079]

E. F. HUTTON & CO., INC.

Notice of Filing of Application for Order of Exemption

FEBRUARY 24, 1967.

Notice is hereby given that E. F. Hutton & Co., Inc. ("Hutton"), 1 Chase Manhattan Plaza, New York, N.Y. 10005, the prospective managing underwriter of an offering of shares of Scudder Duo-Vest Inc. ("Company"), a closed-end diversified management investment company registered on November 23, 1966, under the Investment Company Act of 1940 ("Act"), has filed an application for an order pursuant to section 6(c) of the Act. Hutton seeks to exempt proposed transactions in connection with the underwriting of the offering from the provisions of section 30(f) of the Act insofar as Hutton, any of its officers and directors and, to the extent necessary, any of the other underwriters and dealers participating in the transactions are involved. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Company proposes to make a public offering and sale of an equal number of its income shares and its capital shares through an underwriting group to be managed by Hutton and has filed a registration statement covering both classes of these shares under the securities Act of 1933. The shares of each class of stock are to be purchased by the underwriters from the Company, on a firm commitment basis, at a price of $9.15 per share and will be reoffered and sold to the public at a maximum public offering price of $10 per share.

Hutton represents that there are now no public security holders of the Company. Public security holders will come into being only by virtue of the transactions to be effected by the underwriters and dealers in connection with the initial public distribution of the securities of the Company.

Hutton expects to purchase from Company more than 50 percent of each class of stock of Company to be issued and sold to the underwriters and to be reoffered and resold by the underwriters. Hutton may, in its individual capacity, engage in stabilizing transactions and overallot shares of either class, and may dispose of any shares of such stock acquired as a result of stabilization activities and may purchase shares of either class of such securities to cover any such overallotments.

Section 30(f) of the Act imposes the duties and liabilities of section 16 of the Securities Exchange Act of 1934 upon, among others, beneficial owners of more than 10 percent of any class of outstanding securities of, and directors of, a registered closed-end investment company. Section 16 of the Securities Exchange Act contains reporting requirements, prohibitions against profits from purchases and sales or sales and purchases within 6 months and against short sales by those persons covered thereby. Hutton represents that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, stating that the transactions sought to be exempted cannot lend themselves to the practices which section 16 was enacted to proscribe.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 13, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Hutton at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be file contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2318; Filed, Mar. 1, 1967; 8:47 a.m.]

[812-2076]

DEAN WITTER & CO., AND PAINE, WEBBER, JACKSON & CURTIS

Notice of Filing of Application for Order of Exemption

FEBRUARY 24, 1967.

Notice is hereby given that Dean Witter & Co. and Paine, Webber, Jackson & Curtis ("Applicants"), care of Dean Witter & Co., 14 Wall Street, New York, N.Y. 10005, the prospective managing underwriters of an offering of shares of Leverage Fund of Boston, Inc. ("Company"), a closed-end diversified management investment company registered on December 14, 1966, under the Investment Company Act of 1940 ("Act"), has filed an application for an order pursuant to section 6(c) of the Act. Applicant seeks to exempt proposed transactions in connection with the underwriting of the offering from the provisions of section 30(f) of the Act insofar as the Applicants, any of their partners and, to the extent necessary, any of Applicants' counderwriters are involved. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Company proposes to make a public offering and sale of an equal number of its income shares and its capital shares through an underwriting group to be managed by Applicants and has filed a registration statement covering both classes of these shares under the Securities Act of 1933. The shares of

each class of stock are to be purchased by the underwriters from the Company, on a firm commitment basis, at a price of $13.725 per share and will be reoffered and sold to the public at a maximum public offering price of $15 per share.

Applicants represent that no underwriter has any inside information and that no such inside information exists since Company will have no assets or business of any sort prior to the initial distribution. No director or officer of any underwriter is a director or officer of Company.

Applicants each expect to acquire from Company more than 10 percent of its income shares and of its capital shares, and taking into account the purchases of both firms, more than 50 percent of its income shares and of its capital shares, for resale in connection with the initial distribution of shares of Company. Applicants, in their individual capacities, may engage in stabilizing transactions and overallot shares of either class, and may dispose of any shares of such stock acquired as a result of stabilization activities and may purchase shares of either class of such securities to cover any such overallotments.

Section 30(f) of the Act imposes the duties and liabilities of section 16 of the Securities Exchange Act of 1934 upon, among others, beneficial owners of more than 10 percent of any class of outstanding securities of, and directors of, a registered closed-end investment company. Section 16 of the Securities Exchange Act contains reporting requirements, prohibitions against profits from purchases and sales or sales and purchases within 6 months and against short sales by those persons covered thereby. Applicants represent that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, stating that the transactions sought to be exempted cannot lend themselves to the practices which section 16 was enacted to proscribe.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 13, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2319; Filed, Mar. 1, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1033]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 24, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247-(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 488 (Sub-No. 7), filed February 10, 1967. Applicant: BREMAN'S EXPRESS COMPANY, a corporation, 300 Canal Street, Leechburg, Pa. 15656. Applicant's representative: Edward Goldberg, 1408 Law & Finance Building, 429 Fourth Avenue, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products and materials, including blocks, bricks, nozzles, slabs, sleeves, tile, and high temperature bonding mortar*, from Salina, Bell Township, Westmoreland County, Pa., to points in that part of Ohio, east of U.S. Highway 21 and north of U.S. Highway 50, and that part of West Virginia, east of U.S. Highway 21 and north of U.S. Highway 50, including points on the indicated portions of the highways specified, and *refused or damaged commodities*, indicated above, on return. NOTE: Applicant states it believes it presently has the authority which it is seeking in this application, and says a motion to dismiss is being filed simultaneously with this application. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 1630 (Sub-No. 10), filed February 8, 1967. Applicant: D. D. JONES TRANSFER & WAREHOUSE COMPANY, INC., 630 Poindexter Street, Chesapeake, Va. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, in containers, between Norfolk, Portsmouth, Chesapeake, and Newport News, Va., on the one hand, and, on the other, points in Virginia, Maryland, Delaware, North Carolina, South Carolina, Tennessee, and the District of Columbia. Restricted to traffic having an immediately prior or subsequent movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Norfolk, Va.

No. MC 1641 (Sub-No. 75), filed February 3, 1967. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. 68327. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, and fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Co. at or near Hoag, Nebr., to points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 2202 (Sub-No. 312), filed February 10, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), to serve points in Lee County, Ga., as off-route points in connection with applicant's presently authorized route between Columbus, Ga., and Albany, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 2428 (Sub-No. 20), filed February 6, 1967. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J. 08861. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation board*, urethane foam expanded, one or both faces laminated, from Perth Amboy and Pennsauken, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey (ports of embarkation), New York, Pennsylvania, Rhode Island, and the District of Columbia, and *returned shipments*, on return, under contract with Bird & Son, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 3009 (Sub-No. 73), filed February 13, 1967. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Post Office Box 1569, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Lamps*, serving the plantsite of the Lawrin Co., at Kosciusko, Miss., in connection with applicant's regular route operations in No. MC–3009, Sub 61, with the privilege of interlining at Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 4405 (Sub-No. 447), filed February 13, 1967. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago, Ill. 60633. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic equipment*, from Louisville, Ky., Cleveland, Ohio, and Torrance, Calif., to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 10207 (Sub-No. 14) filed February 13, 1967. Applicant: McCLAIN DRAY LINE, INC., 404 Railroad Avenue, Marion, Ind. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, in tank vehicles), between Portage, Ind., and points in Illinois, Indiana, Ohio, Kentucky; Keokuk, Fort Madison, Burlington, Muscatine, Davenport, Bettendorf, Clinton, and Dubuque, Iowa; Huntington, Charleston, Parkersburg, Wheeling, and Moundsville, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 10761 (Sub-No. 205) (Amendment), filed October 17, 1966, published FEDERAL REGISTER issue of November 3, 1966, amended February 20, 1967, and republished as amended, this issue. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: Kim D. Mann, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits and vegetables*, not frozen, *fruit juices*, frozen or other than frozen, and *fruit concentrates with essences*, from plantsites and warehouses of the Seneca Grape Juice Co., located at or near Dundee, Penn Yan, and Williamson, N.Y., to points in Ohio, Michigan, Indiana, Kentucky, Illinois, Wisconsin, Missouri, Iowa, Kansas, Nebraska, Oklahoma, and Texas. NOTE: The purpose of this republication is to broaden the commodity description. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 11220 (Sub-No. 109), filed February 13, 1967. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38102. Applicant's representative: J. W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Jacuzzi Bros., Inc., located at Lonoke, Ark., as an intermediate point on its presently authorized regular route between Memphis, Tenn., and Fort Smith, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 22179 (Sub-No. 13), filed February 13, 1967. Applicant: FREEMAN TRUCK LINE, INC., 416 Jackson Avenue, Oxford, Miss. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment for handling), between Grenada, and West, Miss. (over U.S. Highway No. 51 also over Interstate Highway 55 and access roads, when the latter highway is completed), and return over the same routes, serving all intermediate points. NOTE: Applicant states it already operates between Memphis, Tenn., and Grenada, Miss., and will tack this authority to its present authority at Grenada, Miss. If a hearing is deemed necessary, applicant requests it be held at Winona, Grenada, or Jackson, Miss., or Memphis, Tenn.

No. MC 30657 (Sub-No. 21), filed February 13, 1967. Applicant: DIXIE HAULING COMPANY, a corporation, 959 Bankhead Avenue NW., Atlanta, Ga. 30318. Applicant's representative: James L. Flemister, 1026 Fulton Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste foodstuffs* (not fit for human consumption), consisting of bakery or flour mill refuse or sweepings or stale bread, cake, candy, or cookies, from points in Florida, Georgia, Alabama, Mississippi, Kentucky, Tennessee, North Carolina, South Carolina, and Virginia to Morrow, Ga., and *empty containers*, on return under contract with International Bakerage, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 50069 (Sub-No. 374), filed February 13, 1967. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street,

Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sea animal oil*, in bulk, in tank vehicles, from Cleveland, Ohio, to Chicago, Ill. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 52751 (Sub-No. 71), filed February 15, 1967. Applicant. ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets*, kitchen or bathroom, and *parts* and *accessories* thereof, from Des Moines, Iowa, to points in Kansas, Missouri, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 61396 (Sub-No. 168) (Amendment), filed November 3, 1966, published in the FEDERAL REGISTER issue of November 24, 1966, amended February 16, 1967, and republished this issue. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer materials*, in bulk, and (2) *anhydrous ammonia and liquid fertilizer materials*, in bulk, in tank trunks, from Clinton, Iowa, to points in Minnesota, Wisconsin, and Illinois. NOTE: The purpose of this republication is to broaden the commodity description, and to show "Clinton, Iowa," in lieu of "the plantsite of the Hawkeye Chemical Co. located at or near." If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., St. Louis, Mo., or Chicago, Ill.

No. MC 64932 (Sub-No. 424), filed February 9, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Freon and cleaning compounds*, in bulk, in tank vehicles, from the plantsite of E. I. du Pont de Nemours & Co., Inc., located at Montague, Mich., to points in Illinois, Indiana, Iowa, Minnesota, and Wisconsin. NOTE: Application is being filed to eliminate the traversing of the Ferndale, Mich., gateway. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64994 (Sub-No. 90), filed February 9, 1967. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representatives: Frank C. Phillips, Post Office Box 612, Winston-Salem, N.C. 27102, and James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Dunkirk, Ind., to Milledgeville, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 87720 (Sub-No. 58), filed February 10, 1967. Applicant: BASS TRANSPORTATION CO., INC., Star Route A, Post Office Box 391, Old Cronton Road, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic resin*, dry, in bulk and in containers, (a) between Flemington and Burlington, N.J., on the one hand, and, on the other, points in Hudson, Bergen, Essex, Union, Middlesex, and Camden Counties, N.J., (b) from New York, N.Y., to Flemington and Burlington, N.J., and (c) from Philadelphia, Pa., to Flemington and Burlington, N.J., (2) *synthetic resin*, dry, in containers, from Flemington and Burlington, N.J., to Philadelphia, Pa., commercial zone, under contract with Tenneco Chemicals, Inc., of East Brunswick, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 95540 (Sub-No. 690), filed February 7, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33802. Applicant's representative: Hoyt Starr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meatpackinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities, in bulk, in tank vehicles), from the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Wichita, Kans., or Omaha, Nebr.

No. MC 106603 (Sub-No. 91), filed February 13, 1967. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, facing or flooring, accessories, materials and supplies* used in the installation thereof, from Kankakee, Ill., to points in Michigan, Indiana, Ohio, Kentucky, Missouri, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107496 (Sub-No. 527), filed February 6, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water clarifying, hardening, purifying, or softening compounds*, not medicated or perfumed, *antifoam or defoaming compound, corrosion inhibiting compounds, and chemicals and compounds* used in the processing of crude oil, in bulk, in tank or hopper type vehicles, from Casper, Wyo., to Colorado, Idaho, Montana, Nebraska, South Dakota, Utah, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Gary, Ind.

No. MC 107496 (Sub-No. 528), filed February 6, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, from the plantsite of the New Jersey Zinc Co. in Depue, Ill. to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 108453 (Sub-No. 30), filed February 13, 1967. Applicant: G & A TRUCK LINE, INC., 404 West Peck Avenue, White Pigeon, Mich. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and paper mill supplies*, between White Pigeon, Mich., and Clinton, Iowa, under contract with Weyerhaeuser Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 110563 (Sub-No. 40), filed February 14, 1967. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, North Ohio Avenue, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confections, and confectionery products* (except commodities in bulk, in tank vehicles), and *advertising matter, premiums, prizes, and display materials*, when shipped in the same vehicle with the foregoing commodities, from Elizabeth, N.J., to Cincinnati, Ohio, and Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New York, N.Y., or Philadelphia, Pa.

No. MC 111057 (Sub-No. 5), filed February 9, 1967. Applicant: EAST EXPRESS, INCORPORATED, Post Office Box 923, Thomasville, N.C. 27360. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, in mixed loads of uncrated new furniture, from High Point and Thomasville, N.C., to Chicago, Ill., and Indianapolis, Ind., and points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland (except Baltimore and Annapolis), Mississippi, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia (except Richmond), West Virginia, and the District of Columbia; and *rejected and returned shipments* of *new furniture*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at High Point, N.C.

No. MC 111401 (Sub-No. 213) (Clarification), filed December 29, 1966, published FEDERAL REGISTER issue of February 9, 1967, and republished as clarified this issue. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, liquefied and/or gaseous, in bulk, from the Alamo Chemical Co. and Gardner Cryogenic Corp. helium plant commonly referred to as Greenwood Facility located in Morton County, Kans., approximately 25 miles northwest of Elkhart, Kans., to all points in the continental United States (except Huntsville, Ala.; Boron, Downey, Goldstone, San Diego, and Torrance, Calif.; Boulder, Colo.; the Kennedy Space Center near Cape Kennedy, Fla.; the Michoud Assembly Facility near New Orleans, La.; the Goddard Space Flight Center in Greenbelt, Md.; the Mississippi Test Facility in Hancock County, Miss., the White Sands Test Facility in New Mexico, Bethpage, N.Y.; and the Manned Spacecraft Center near Houston, Tex.). NOTE: The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 113325 (Sub-No. 118), filed February 13, 1967. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: Kenneth C. Dillman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and materials used in the manufacturing and processing thereof*, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone (as defined by the Commission), and Alton, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 113388 (Sub-No. 80), filed February 9, 1967. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Post Office Box 248, Bridgeville, Del. 19933. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk in tank vehicles), from the plantsite and warehouse facilities of The Pillsbury Co. at/or near Greenville, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, Vermont, and the District of Columbia. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113495 (Sub-No. 27), filed February 10, 1967. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. Applicant's representative: Wilmer B. Hill, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles*, and *materials, equipment, and supplies* used in the manufacturing and processing of iron and steel and iron and steel articles, between points in Tennessee, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 113624 (Sub-No. 34), filed February 6, 1967. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Co., at or near Hoag, Nebr., to points in Iowa and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 275), filed February 3, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Robert A. Nelson, J. Max Harding and Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk in tank vehicles), from traffic originating at the plantsite and warehouse facilities of The Pillsbury Co., located at East Greenville, Pa., to points in Connecticut, Delaware, District of Columbia, New York, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia. NOTE: Applicant states the authority proposed herein can or will be joined with its presently authorized authority in MC 113678 Sub 12, at New York or Philadelphia, Pa., from which points it serves Colorado and Nebraska. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 127), filed February 10, 1967. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk in tank vehicles), from the plantsite and warehouse facilities of the Pillsbury Co. at East Greenville, Pa., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia. NOTE: If hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 152), filed February 10, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from points in Washington, Oregon, Idaho, and Montana to Billings, Mont. NOTE: The purpose of this application is to enable applicant to provide a service involving stops in transit at Billings, Mont., for processing. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., Seattle or Spokane, Wash.

No. MC 114045 (Sub-No. 265), filed February 6, 1967. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Lindale, Tex., to points in Arizona, New Mexico, and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114284 (Sub-No. 34), filed February 13, 1967. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, 1700 South Portland Street, Post Office Box 82307, Stockyards Station, Oklahoma City, Okla. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities, in bulk, in tank vehicles), from the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans., to points in Oklahoma, Texas, New Mexico, Arizona, California, and Arkansas. Restriction: The authority above is restricted to the transportation of traffic originating at the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114989 (Sub-No. 9), filed February 9, 1967. Applicant: BRACEY & MARTIN, INC., 1910 South Walnut Street, Hopkinsville, Ky. 42240. Applicant's representative: James C. Havron, 513 Nashville Bank and Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* in containers, (1) from South Bend, Ind., to Hopkinsville, Ky., (2) from Cincinnati, Ohio, to points in Christian County, Ky., and *empty malt beverage containers and rejected shipments,* on return, in (1) and (2) above, under contract with Kentucky Ace Beverage Distributors, Inc., and Cravens Distributing Co. NOTE: Applicant holds common carrier authority under MC-115762 and Sub-1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 115162 (Sub-No. 142), filed February 9, 1967. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. Applicant's representative: Robert E. Tate, Suites 2025, 2028, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, and foodstuffs* in containers, other than frozen, from Cade and Lozes, La., to Illinois, Indiana, Michigan, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 115651 (Sub-No. 15), filed February 9, 1967. Applicant: KANEY TRANSPORTATION, INC., Rural Route No. 4, Post Office Box 12, Freeport, Ill. 61032. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* in bulk, in tank vehicles, from Dubuque, Iowa, and points within 10 miles thereof, to points in Illinois and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115841 (Sub-No. 302), filed February 10, 1967. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and/or warehouse facilities of The Pillsbury Co., East Greenville, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, New Jersey, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia. NOTE: Applicant states the above proposed operations are restricted to traffic originating at said plantsite and warehouse facilities. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115992 (Sub-No. 4), filed February 6, 1967. Applicant: L. M. PEPPER, doing business as PEP'S KEROSENE SERVICE, Post Office Box 1105, 2300 Tidelands Avenue, National City, Calif. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Magnesium chloride,* in bulk, in tank trucks, from Chula Vista, Calif., to the port of entry, at or near Calexico, Calif., on the international boundary line between the United States and Mexico under contract with Inorganic Chemicals Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 118282 (Sub-No. 10), filed February 15, 1967. Applicant: NURSERYMAN SUPPLY, INC., 6801 Northwest 74th Avenue, Miami, Fla. Applicant's representative: Monty Schumacher, 1375 Peachtree Street NE., Suite 693, Atlanta Ga. 30309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Seabrook, N.J., to Cincinnati, Columbus, Dayton, and Solon, Ohio; Chicago, Ill.; Fort Wayne, Ind.; Lavonia, Mich.; and points in Georgia and Florida. NOTE: Applicant holds contract carrier authority under MC 125811, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 119689 (Sub-No. 9), filed February 13, 1967. Applicant: BROWN BROTHERS EXPRESS, INCORPORATED, Post Office Box 568, Ledgewood, N.J. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass or plastic containers, bottles, jars, packing glasses, and jelly tumblers, with or without caps, covers, stoppers, or tops, and corrugated paper boxes or paper containers, knocked down,* when moving in mixed shipments with the above-described commodities, from Brockway, Pa., to points in Iowa, Kansas, Missouri, and Nebraska, and *returned or rejected material,* on return. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 120378 (Sub-No. 4), filed February 8, 1967. Applicant: FINDLAY TRUCK LINE, INC., 420 Trenton Street, Findlay, Ohio 45840. Applicant's representative: Clarence J. Leopold, 511 Nottingham, Toledo, Ohio 43610. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Bowling Green, Ohio, and Toledo Express Airport, Ohio, on traffic having a prior or subsequent out-of-State movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 123067 (Sub-No. 55), filed February 9, 1967. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representative: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* in bulk, in tank vehicles, (1) from Swannanoa, N.C., to points in Tennessee and Virginia, and, (2) from Savannah and Port Wentworth, Ga., to points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124078 (Sub-No. 264), filed February 9, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Feldspar,* from points in Arkansas, Illinois, Indiana, Kentucky, Mississippi, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Asheville, N.C., Atlanta, Ga., or Charlotte, N.C.

No. MC 124679 (Sub-No. 8), filed February 10, 1967. Applicant: R. ENGLAND & SONS, INC., 228 West Fifth South, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Johnson, 847 Warner Building, 501 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cream and cream substitutes,* and *advertising, promotional,* and *display material* when moving at the same time and in the same vehicle with cream and cream substitutes, from Gustine, Calif., to points in Michigan, West Virginia, Pennsylvania, District of Columbia, New Hampshire, Indiana, Virginia, Rhode Island, Connecticut, Maine, Kentucky, Maryland, New Jersey, Massachusetts, Ohio, Delaware, New York, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 124692 (Sub-No. 31), filed February 6, 1967. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Precut buildings* (not prefabricated), *component parts thereof,* and *equipment, materials, and supplies* used in the installation, construction or erection thereof, from Des Moines, Iowa, to points in North Dakota, South Dakota, Colorado, Wyoming, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124796 (Sub-No. 27), filed February 13, 1967. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 7236 East Slauson, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Buffing and polishing compounds, cleaning, scouring and washing compounds, solvents, sponges, starch, and advertising materials and racks* moving with the described commodities, from Kankakee, Ill., to points in Louisiana and Texas, under contract with Simoniz Co., an affiliate of Morton International, Inc., Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Chicago, Ill.

No. MC 125616 (Sub-No. 2), filed February 14, 1967. Applicant: W. PAUL HENRY, 300 Robinwood Drive, Hagerstown, Md. 21740. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dulles International Airport, Loudoun and Fairfax Counties, Va., and Washington National Airport, Gravelly Point, Va., on the one hand, and, on the other, points in Jefferson and Berkeley Counties, W. Va., restricted to the transportation of shipments having a prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125708 (Sub-No. 69), filed February 10, 1967. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles,* and *items manufactured from iron and steel,* between Carlinville, Ill., and points 5 miles thereof and points in Alabama, Arkansas, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Washington, D.C.

No. MC 125708 (Sub-No. 70), filed February 13, 1967. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Applicant's representative: Hugh Major (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and items manufactured from iron and steel,* between points in Macomb, Oakland, and Wayne Counties in Michigan, on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Washington, D.C.

No. MC 125777 (Sub-No. 109), filed February 9, 1967. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Zinc* and *aluminum dross, skimmings and ingots,* in dump vehicles, between Benton Harbor, Mich., on the one hand, and, on the other, points in Illinois, Indiana, and Ohio. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126115 (Sub-No. 2), filed January 30, 1967. Applicant: MEADOWS VAN & STORAGE, INC., Post Office Box 481, Frederick, Md. 21701. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies,* between Arlington, Va., on the one hand, and, on the other, points in Allegany, Caroline, Carroll, Cecil, Dorchester, Frederick, Harford, Kent, Queen Annes, Talbot, Washington, and Wicomico Counties, Md., under contract with Western Electric Co., Inc. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate No. MC 107328, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126736 (Sub-No. 52), filed February 8, 1967. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, Post Office Box 5809, Jacksonville, Fla. 32207. Applicant's representative: Martin Sack, Jr., 710 Atlantic Bank Building, 121 West Forsyth Street, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Black liquor soap skimmings,* in bulk, in tank vehicles, from Foley, Fla., to Savannah, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 127283 (Sub-No. 2), filed February 9, 1967. Applicant: WEDRON TRANSPORT COMPANY, a corporation, Yorkville, Ill. Applicant's representative: Carl L. Steiner, 38 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Sand,* in bags from points in La Salle County, Ill., to points in Wisconsin, under contract with Ottawa Silica Co., Ottawa, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127451 (Sub-No. 1) (Amendment), filed May 17, 1966, published in FEDERAL REGISTER issue of June 9, 1966, amended February 9, 1967, and republished as amended this issue. Applicant: A. D. GAVIN, E. P. GAVIN, AND R. G. PEEL, a partnership, doing business as PEEL AND GAVIN TRUCKING CO., 6057 Braemar Street, South Burnaby, British Columbia, Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, British Columbia. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, poles, and piling,* between Blaine, Sumas, or Lynden, Wash., at the international boundary between the United States and Canada, on the one hand, and, on the other, points in Whatcom, Skagit, Snohomish, King, Lewis, Cowlitz, Pierce, Thurston, and Clark Counties, Wash., and Portland, Oreg., on traffic originating at or destined to points in British Columbia, Canada. NOTE: The purpose of this republication is to add Thurston and Clark Counties, thereby broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 127834 (Sub-No. 8), filed February 9, 1967. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-542 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Signs, sign poles, parts and accessories therefor* (except commodities that require special equipment), from points in Milwaukee County, Wis., and Allen County, Ohio, to points in the United States, except Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 127943 (Sub-No. 2), filed February 13, 1967. Applicant: FRED J. ROGERS, doing business as FRED ROGERS LUMBER CO., Route No. 2, Box 249A, Everett, Wash. 98201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* between points in Washington (west of Cascade Mountains) and Portland, Oreg., service is authorized on shipments having a prior or subsequent movement in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, or Everett, Wash.

No. MC 128272 (Sub-No. 1), filed February 13, 1967. Applicant: RIVERSIDE MOTOR LINES, INC., Post Office Box 8295, Station A, Greenville, S.C. Applicant's representative: Henry P. Willimon Post Office Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement block*, from points in Richmond County, Ga., to points in South Carolina, (2) *brick and tile* from points in Richmond County, Ga., to points in North Carolina and Florida. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Augusta, Ga.

No. MC 128282 (Sub-No. 2), filed February 14, 1967. Applicant: JOE I. REES, doing business as A.B.E. AIR CARGO CENTER, A.B.E. Airport Hangar No. 36, Post Office Box 2181, Lehigh Valley, Pa. 18001. Applicant's representative: Morris Mindlin, 146 East Broad Street, Bethlehem, Pa. 18018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General cargo, general commodities* (except classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those of unusual value), between points in Lehigh and Northampton Counties, Pa., on the one hand, and, on the other, Newark Municipal Airport, N.J., La Guardia Airport, N.Y., and John F. Kennedy International Airport, N.Y., restricted to shipments having prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Allentown, Easton, or Philadelphia, Pa.

No. MC 128341 (Sub-No. 1), filed February 10, 1967. Applicant: GALE L. HELBLING, 1455 Penn Avenue, New Brighton (Beaver County), Pa. Applicant's representative: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, and plastic shapes and forms*, from New Brighton (Beaver County), Pa., to points in North Carolina, under contract with Tuscarora Plastics, Inc., New Brighton, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 128594 (Clarification), filed September 9, 1966, published in the FEDERAL REGISTER issue of February 2, 1967, clarified and republished as clarified, this issue. Applicant: EDWARD G. THIGPEN, 3520 Krameria Street, Denver, Colo. 80207. Applicant's representative: G. Gordon Whitman and/or James F. Culver, 9981 North Washington Street, Suite 15, Denver, Colo. 80229. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk metal*, between points in Colorado, Wyoming, Utah, and New Mexico. NOTE: The purpose of this republication is to show in the note that the applicant proposes to transport junk metal. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 128649 (Sub-No. 1), filed February 10, 1967. Applicant: JACK CHAMBLESS, doing business as CLOVIS MOVING & STORAGE, 700 East Tatum Street, Post Office Box 697, Clovis, N. Mex. 88101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Clovis, N. Mex., on the one hand, and, on the other, points in Curry, Quay, Roosevelt, and De Baca Counties, N. Mex., on traffic having a prior or subsequent out-of-State movement. NOTE: If a hearing is deemed necessary, applicant requests it be held at Clovis, Santa Fe, or Albuquerque, N. Mex.

No. MC 128664 (Sub-No. 2), filed February 13, 1967. Applicant: LEON W. KARDUX, doing business as KARDUX TRANSFER, 516 West Fourth Street, Muscatine, Iowa 52761. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Walcott, Iowa, to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128746 (Sub-No. 2), filed February 13, 1967. Applicant: D'AGATA NATIONAL TRUCKING COMPANY, a corporation, 3240 South 61st Street, Philadelphia, Pa. 19145. Applicant's representative: G. Donald Bullock, Box 103, Wyncote, Pa. 19095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, from Norristown, Pa., to Philadelphia, Pa. NOTE: Applicant states it intends to tack the above proposed operations with authority to be acquired in MC-F 9318, at Philadelphia, Pa., to serve points in Connecticut, New Jersey, New York, Delaware, Maryland, Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 128820 (Sub-No. 2), filed February 10, 1967. Applicant: JAMES A. STURDEVANT, doing business as PACKAGE DELIVERY SERVICE, 2117 Laburnum Lane, Toledo, Ohio 43624. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in and sold by retail or chain department stores*, from Toledo, Ohio, to points and places in Lenawee, Washtenaw, Wayne, and Monroe Counties, Mich., under contract with Sears, Roebuck & Co., Toledo, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich., or Columbus, Ohio.

No. MC 128878, filed February 6, 1967. Applicant: SERVICE TRUCK LINE, INC., 6319 East Ridge Drive, Shreveport, La. 71106. Applicant's representative: Charles Wade Shemwell, Post Office Box 447, Waskom, Tex. 75692. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glue stock*, in bulk, in tank vehicles and (2) *glue stock*, in drums, in bags, in sacks and containers, from Winnfield, La., to points in Arkansas, Alabama, Mississippi, Missouri, Oklahoma, Louisiana, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport or Baton Rouge, La.

No. MC 128880, filed February 10, 1967. Applicant: PROSPECT STEEL PRODUCTS CORP., 598 Prospect Avenue, New Market, N.J. 08854. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal containers*, with or without plastic inserts, and (2) *materials, and supplies*, except in bulk, used in the manufacture or distribution thereof, between Piscataway (New Market), N.J., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Ohio, Pennsylvania, Delaware, Maryland, and Virginia, under contract with Jersey Steel Drum Manufacturing Corp., and Phoenix Steel Container Co., Inc., both of New Market, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128882, filed February 10, 1967. Applicant: R. W. STEELE, doing business as R. W. STEELE TRUCKING COMPANY, 320 Heaslet Street, Clovis, N. Mex. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation system, and parts thereof*, between Valley, Nebr., and points within 5 miles thereof, on the one hand, and, on the other, points in Oklahoma, Texas, New Mexico, Arizona, California, Louisiana, and Colorado, under a continuing contract with Shur-Gro Irrigation, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

MOTOR CARRIERS OF PASSENGERS

No. MC 2835 (Sub-No. 31), filed February 6, 1967. Applicant: ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, N.Y. 12401. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage, express, mail and newspapers* in the same vehicle with passengers, (1) regular routes between New Paltz and Kingston, N.Y.: From New Paltz over New York Highway 299 to junction U.S. Highway 44, thence over U.S. Highway 44 to junction U.S. Highway 209, thence over U.S. Highway 209 to Kingston, and return over the same route, serving all intermediate points and (2) irregular routes in charter operations, beginning and ending at points on the routes specified in (1) above, and extending to points in the United States, including Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kingston or Albany, N.Y.

No. MC 3647 (Sub-No. 392), filed February 7, 1967. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, express, and newspapers*, in the same vehicle with passengers, from the Lincoln Park Industrial area of Secaucus, N.J., over Secaucus Road, County Avenue, Paterson Plank Road, State Highway 3, and Interstate Highway 495 to Lincoln Tunnel Plaza, Weekawken, N.J., and return over the same route, serving all intermediate points. NOTE: Applicant intends to tack the above-proposed authority with its present authority in MC 3647 and Subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 108531 (Sub-No. 11), filed February 13, 1967. Applicant: BLUE BIRD COACH LINES, INC., 502-504 North Barry Street, Olean, N.Y. 14760. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Jamestown, N.Y., and junction New York Highways 17 and 353 (which is located approximately 3 miles west of Salamanca, N.Y.), over New York Highway 17, serving all intermediate points. If a hearing is deemed necessary, applicant requests it be held at Olean or Buffalo, N.Y.

No. MC 116212 (Sub-No. 4), filed February 8, 1967. Applicant: HARRY LEE EYRE, JR., Woodbine, Md. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at points within 15 miles of Damascus, Md., including Damascus but excluding Rockville and Frederick, Md., and extending to points in the District of Columbia, Virginia, Pennsylvania, New Jersey, New York, Illinois, Kentucky, Tennessee, Mississippi, Louisiana, Michigan, Alabama, Georgia, Florida, South Carolina, North Carolina, Indiana, Ohio, West Virginia, Connecticut, Rhode Island, Masssachusetts, New Hampshire, Vermont, and Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128776, filed December 14, 1966. Applicant: TEEN TOURS UNLIMITED, INC., Box 447, Sidney, Iowa. Applicant's representative: William A. Eden, 210 East Street, Hamburg, Iowa 51640. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and camping equipment*, in the same vehicle with passengers, in special operations, in round trip all-expense educational tours, beginning and ending at points in those parts of (Iowa, Kansas, and Nebraska within an area bounded on the east by U.S. Highway 63, on the north by U.S. Highway 20, on the west by U.S. Highway 281, and on the south by U.S. Highway 24), to points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

APPLICATION OF FREIGHT FORWARDER

No. FF-36 (Sub-4) D. C. ANDREWS INTERNATIONAL, INC.—Extension—Virginia, filed February 10, 1967. Applicant: D. C. ANDREWS INTERNATIONAL, INC., 327 South La Salle Street, Chicago, Ill. Applicant's representative: Charles B. Myers, 611 Field Building, Chicago, Ill. 60603. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as *a freight forwarder* in interstate or foreign commerce, through use of the facilities of *common carriers* by railroad, motor vehicle and water in the transportation of *general commodities*, from points in Arkansas, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, to ports in Virginia, when consigned for export.

No. FF-332 (FRITZ TRANSPORTATION INTERNATIONAL—Freight Forwarder Application) (Amendment), filed March 14, 1966, published in the FEDERAL REGISTER, issue of March 31, 1966, under the name of Fritz Transportation, Inc., republished as clarified, issue of April 28, 1966, amended February 3, 1967, and republished as amended, this issue. Applicant: FRITZ TRANSPORTATION INTERNATIONAL, a corporation, 226 Jackson Street, San Francisco, Calif. Applicant's representative: Lynn C. Fritz (same address as above). Authority sought under section 410, Part IV of the Interstate Commerce Act to institute operations as a freight forwarder in interstate or foreign commerce, in the transportation of *general commodities*, from points in California, to points in Illinois, Kansas, Missouri, Texas, and Colorado. NOTE: The purpose of this republication is to amend the application by (1) reflecting a change in corporate name to Fritz Transportation International, and (2) to delete the limitation that the proposed operation as a freight forwarder be confined to the use of facilities of common carriers by railroad.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2242; Filed, Mar. 1, 1967; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 27, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER:

LONG-AND-SHORT HAUL

FSA No. 40913—*Potatoes and Onions from points in Wisconsin.* Filed by Illinois Freight Association, agent (No. 316), for interested rail carriers. Rates on potatoes, other than sweet, also onions (without tops), and onion sets, in carloads, from Cottage Grove, Deerfield, Dousman, Helenville, Jefferson Junction, Lake Mills, Madison, Milwaukee, Sullivan, Wales, and Waukesha, Wis., to points in southern territory.

Grounds for relief—Private truck competition.

Tariffs—Supplements 60 and 23 to Illinois Freight Association, agent, tariffs ICC 1044 and 1103, respectively.

FSA No. 40914—*Grain and grain products from Kansas and Oklahoma points.* Filed by Chicago, Rock Island and Pacific Railroad Co. (No. 902), for interested rail carriers. Rates on grain and grain products, as described in the application, in carloads, from specified points in Kansas and Oklahoma, to Blakely and Mobile, Ala., and Pensacola, Fla. (for export).

Grounds for relief—Rate relationship.

Tariff—Chicago, Rock Island and Pacific Railroad Co. tariff ICC C-13777.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2371; Filed, Mar. 1, 1967; 8:52 a.m.]

[Notice 345]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 27, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub-No. 2218 TA), filed February 21, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: Elmer F. Slovacek, Railway Express Agency, Inc., Suite 1008, 105 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, as follows: *General commodities* moving in express service from Valley City, N. Dak., west over Interstate Highway 94 to intersection of U.S. Highways 52 and 281; thence north over U.S. Highways 52 and 281 to intersection of North Dakota Highway 15; thence west over North Dakota Highway 15 to intersection of U.S. Highway 52; thence north and west over U.S. Highway 52 to Portal, N. Dak., and return over the same route, serving the intermediate and/or off-route points of Jamestown, Carrington, New Rockford, Fessenden, Manfred, Harvey, Martin, Anamoose, Drake, Balfour, Voltaire, Velva, Sawyer, Minot, Foxholm, Carpio, Donnybrook, Kenmare, and Flaxton, N. Dak. Restrictions: The service to be performed by the applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc.; shipments transported by applicant shall be limited to those on through bills of lading or express receipts; such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc.; applicant requests that the authority for the proposed operation, if granted, be construed as an extension, to be joined and combined with REA's existing authority in MC 66562 and subs thereunder; thereby negating the restrictions against tacking or connections customarily placed upon temporary authority, for 150 days. Supporting shippers: The application is supported by statements of 27 shippers which may be examined here at the Interstate Commerce Commission at Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 102616 (Sub-No. 814 TA), filed February 21, 1967. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17403. Applicant's representative: S. E. Smith, Traffic Manager, Coastal Tank Lines, Inc., 501 Grantley Road, York, Pa. 17403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Heavy lubricating oil*, in bulk, in tank vehicles, from Falling Rock, W. Va., to Hopewell, Va., for 180 days. Supporting shipper: United Oil Co., Preble Avenue and North Franklin Street, Pittsburgh, Pa. 15233. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 127506 (Sub-No. 2 TA), filed February 21, 1967. Applicant: P. JUDGE & SONS, INC., 117 Metropolitan Avenue, Brooklyn, N.Y. 11211. Applicant's representative: George Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Business machines and parts, accessories, and supplies therefor* (except articles which, because of size, shape, or weight, require the use of special equipment or special handling), between Port Elizabeth, N.J., on the one hand, and, on the other, Clark, and Somerville, N.J., under a continuing contract with Inter-Continental Trading Corp., Clark, N.J., for 150 days. Supporting shipper: Inter-Continental Trading Corp., Clark, N.J. Send protests to: Robert E. Johnston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

MOTOR CARRIER OF PASSENGERS

No. MC 128891 (Sub-No. 1 TA), filed February 21, 1967. Applicant: ADVENTURELINES, INC., 14 Shelton Avenue, Trenton, N.J. 08618. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Passengers*, in special operations, from points in Bucks County, Pa., to points in Lawrence Township (near Trenton), N.J. transporting personnel employed at Educational Testing Service, and return, for 180 days. Supporting shipper: Educational Testing Service, Princeton, N.J. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2372; Filed, Mar. 1, 1967; 8:52 a.m.]

[3d Rev. S.O. 562; ICC Order 217, Amdt. 1]

ANN ARBOR RAILROAD CO.

Diversion or Rerouting of Traffic

Upon further consideration of ICC Order No. 217 (Ann Arbor Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 217 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1967, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 24, 1967, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 23, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 67-2373; Filed, Mar. 1, 1967; 8:52 a.m.]

[Notice 1483]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 27, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69420. By order of February 20, 1967, the Transfer Board approved the transfer to Mathis Motor Service, Inc., South Bend, Ind., of the certificate of registration No. MC-28778 (Sub-No. 2) issued March 9, 1964, to Arthur Mathis, doing business as Mathis Motor Service, South Bend, Ind., evidencing a right to engage in interstate or foreign commerce within the State of Indiana, in the transportation of general commodities. Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-69429. By order of February 20, 1967, the Transfer Board approved the transfer to J. Warren Bean, doing business as J. A. Bean, Lexington, Mass. 02173, of the operating rights of George O. Slater, Inc., Stoughton, Mass. 02072, in certificate No. MC-45362, issued July 30, 1965, in the name of Hyman Stone, doing business as Stone Bros., acquired by George O. Slater, pursuant to order entered September 14, 1965, in No. MC-FC-68137, and acquired by George O. Slater, Inc., Stoughton, Mass. 02072, pursuant to order entered May 25, 1966, in No. MC-FC-68663, authorizing the transportation of household goods, between Boston, Mass., and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, New Hampshire, Maine, and Maryland. Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, attorney for applicants.

No. MC-FC-69431. By order of February 20, 1967, the Transfer Board approved the transfer to Bormann Brothers, Inc., doing busines as Bormann Bros., Somerville, Mass., of certificate No. MC-29083, issued February 10, 1965, to David N. Stapleford, doing business as Bormann Bros., Somerville, Mass., authorizing the transportation of: Household goods, between points in Middlesex County, Mass., on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, Connecticut, and New York. Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, attorney for applicants.

No. MC-FC-69432. By order of February 20, 1967, the Transfer Board approved the transfer to Salem Fuel Co., a corporation, Salem, Oreg., of permit No. MC-125218, issued October 23, 1963, to Robert D. Toney, doing business as Salem Fuel Co., Salem, Oreg., authorizing the transportation of: Wood chips, from the Stimson Lumber Co. at Forest Grove, Oreg., to the plant of the Boise-Cascade Co. at Vancouver, Wash. Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205, attorney for applicants.

No. MC-FC-69440. By order of February 20, 1967, the Transfer Board approved the transfer to Lafferty-Smith Express Lines, Ltd., Belleville, Ontario, Canada, of permit No. MC-123787 (Sub-No. 1), issued May 7, 1962, to Haggarty Transport, Ltd., Belleville, Ontario, Canada, and authorizing the transportation of soda ash and dry calcium cloride, in bags and in bulk, from Ogdensburg, Alexandria Bay, Clayton, and Rooseveltown, N.Y., to ports of entry on the United States-Canada boundary line on the St. Lawrence River. H. D. Haggarty, Post Office Box 696, Belleville, Ontario, Canada, representative for applicants.

No. MC-FC-69443. By order of February 23, 1967, the Transfer Board approved the transfer to William Wellington Connolly, London, Ontario, Canada, of certificate No. MC-126628, issued January 26, 1967, to Connolly Transports Ltd., London, Ontario, Canada, and authorizing the transportation of face and decorative brick (except refractory brick), from Dearborn, Mich., to ports of entry on or adjacent to the United States-Canada boundary line located on or near the St. Clair and Detroit Rivers, restricted to traffic destined to points in the Province of Ontario, Canada. S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-69444. By order of February 20, 1967, the Transfer Board approved the transfer to Interstate Transportation Co., Inc., 108 South Broadway, Minot, N. Dak. 58701 of the operating rights in certificates Nos. MC-28661 and MC-28661 (Sub-No. 2) issued August 8, 1966, and August 14, 1963, respectively, to Interstate Transportation Co., a corporation, 108 South Broadway, Minot, N. Dak., authorizing the transportation of: Passengers and their baggage, and express, newspapers and mail, in the same vehicle, between points in North Dakota.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2374; Filed, Mar. 1, 1967; 8:52 a.m.]

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PART II

Guide to Record Retention Requirements

(Title 1, Appendix A)



No. 41—Pt. II——1

GUIDE TO RECORD RETENTION REQUIREMENTS

(1 CFR, Appendix A)

REVISION AS OF JANUARY 1, 1967

This is a Guide in digest form to the provisions of Federal laws and regulations relating to the keeping of records by the public. It tells the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The Guide is derived from the laws published in the United States Code, as amended by laws enacted during 1966, and from the regulations published in the Code of Federal Regulations, as amended in the daily issues of the FEDERAL REGISTER through December 31, 1966.

Coverage

In preparing the Guide it was necessary to establish boundaries in order to keep it from going beyond its intended purpose. The nature of these boundaries is outlined below.

As indicated by its name, the Guide adheres strictly to the retention of records. It does not cover such matters as the furnishing of reports to Government agencies, the filing of tax returns, or the submission of supporting evidence with applications or claims.

The Guide is limited to provisions which apply to a class. Requirements applying only to named individuals or bodies have been omitted.

The Guide is confined to requirements which have been expressly stated. In many laws and regulations there is an implied responsibility to keep copies of reports and other papers furnished to Federal agencies, and to keep related working papers. Such implied requirements have not been included in the Guide.

The following types of requirements have also been excluded from the Guide:

(1) Requirements as to the keeping of papers furnished by the Government, such as passports, licenses, permits, etc., unless they are closely related to other records which must be kept.

(2) Requirements as to the display of posters, notices, or other signs in places of business.

(3) Requirements contained in individual Government contracts, unless the contracts are incorporated in the Code of Federal Regulations.

Arrangement

The digests of record-keeping provisions comprising the Guide are grouped under the Departments or independent agencies which impose or administer them (see "Contents"). Individual items are numbered to simplify indexing.

In general, the items retain their original numbers from year to year. Renumbering occurs only after a major revision of the material and is so indicated in brackets after the name of the agency involved. Individual items revised, amended, deleted, or added are shown in brackets following the item heading.

Two supplements to the Guide contain generalized information about certain requirements under the Second War Powers Act of 1942 and detailed information on requirements imposed by the Civil Aeronautics Board relative to the availability of credentials for inspection.

An index to the Guide follows the last supplement.

NOTICE

The Guide to Record Retention Requirements does not have the effect of law, regulation, or ruling. It is published as a guide to legal requirements that appear to be in effect as of January 1, 1967.

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I. DEPARTMENT OF AGRICULTURE

1. Foreign Agricultural Service

1.1 Persons importing certain dairy commodities.

To keep records of importations and of the transactions relating to the procurement and disposition of such commodities.

Retention period: Not less than 2 years subsequent to the end of the quota period during which the importation was made. 7 CFR 6.28

1.2 Distributing agencies receiving donations of food commodities for use in the assistance of needy persons and in nonprofit school lunch programs outside the United States of America.

Maintain records and documents which will accurately reflect all transactions pertaining to the receipt, storage, and distribution of commodities including records of the receipt of commodities in U.S., their exportation, receipt in foreign countries, and distribution to recipient agencies and recipients; and records of receipt and disbursement of funds that arose from the operation of the distribution program and school lunch programs.

Retention period: 3 years from the close of the U.S. Federal fiscal year to which they pertain. Records may be disposed of before the end of 3 years with the prior approval of AID/W and the Department. 7 CFR 1501.6

1.3 Exporters participating in the Rice Export Program.

To maintain records showing milled rice or brown rice exported or to be exported in connection with program.

Retention period: 2 years after date of export. 7 CFR 1481.138

1.4 Cotton products and cotton exporters and affiliates and subsidiaries participating in the cotton export program.

To keep books, records, accounts, and other documents and papers pertinent to any transaction under the program.

Retention period: At least 3 years after the date of last payment under any sales registration. 7 CFR 1482.613

1.5 Feed grain exporters participating in the Feed Grain Export Program.

To keep records, accounts, and other documents relating to transactions under the program.

Retention period: 3 years after date of export. 7 CFR 1484.137

1.6 Exporters participating in the dairy products export programs.

To maintain accurate records showing all commodities exported or to be exported in connection with this program.

Retention period: 3 years after date of export. 7 CFR 1485.216, 1485.266

1.7 Private organizations or individuals which enter the private trade agreements pursuant to Title IV of Public Law 480.

Maintain books and records as well as pertinent documents, correspondence, and memoranda covering all transactions relating to the private trade agreement.

Retention period: Not specified (subject to examination by the Administrator at all reasonable times until the entire amount due under the agreement has been paid CCC). 7 CFR 14.66

1.8 Suppliers who sell agricultural commodities under a Title IV credit purchase authorization (including ocean transportation).

Maintain pertinent books, documents, papers, and records related to the supplier and the importer.

Retention period: 3 years after final payment under such contracts. 7 CFR 14.17

1.9 Exporters or purchasers participating in the flaxseed and linseed oil export payment-in-kind program. [Amended]

To maintain records of flaxseed or linseed oil exported or to be exported and any documents relating to any transaction in connection with this program.

Retention period: 3 years after date of export. 7 CFR 1486.137

1.10 Exporters of agricultural commodities under CCC export credit sales program. [Amended]

To keep books, documents, papers, and records involving transactions relating to contracts between the exporter and the importer.

Retention period: 3 years after maturity of related credit arrangement. 7 CFR 1488.21

1.11 Importers and suppliers involved in sales of agricultural commodities. [Amended]

(a) Importers—to maintain a record of all offers received from suppliers as a result of public tenders or negotiation.

(b) Suppliers—to maintain accurate books, records, and accounts with respect to all contracts entered into hereunder.

Retention period: Until expiration of 3 years after final payment under such contracts. 7 CFR 11.6, 11.17, 17.6, 17.17

2. Consumer and Marketing Service

MARKETING ORDER PROGRAM FOR FRUITS AND VEGETABLES UNDER THE AGRICULTURAL MARKETING ACT OF 1937, AS AMENDED

2.1 Orange and grapefruit handlers.

To maintain records of fruit received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 906.51

2.2 Central marketing organizations.

To keep records regarding allotment transactions for lemon handlers.

Retention period: 3 years. 7 CFR 910.62

2.3 Lime handlers.

To maintain records of limes received and disposed of in order to verify reports submitted to the Florida Lime Administrative Committee.

Retention period: At least 2 succeeding fiscal years. 7 CFR 911.60

2.4 Nectarine handlers.

To keep records of nectarines received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding fiscal years. 7 CFR 916.60

2.4a Pear, plum, and peach handlers in California.

To maintain records of fruits received and disposed of as necessary to verify reports submitted to the Control Committee.

Retention period: 2 fiscal years. 7 CFR 917.50

2.5 Peach handlers.

To maintain records of peaches received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 921.60

2.6 Apricot handlers.

To maintain records of apricots received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 922.60

2.7 Cherry handlers.

To maintain records of cherries received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 923.60

2.8 Fresh prune handlers.

To maintain records of prunes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 924.60, 925.60

2.9 Potato handlers.

To keep records of potatoes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 948.80, 950.80

2.10 Onion handlers.

To maintain records of onions received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 958.65, 959.80

2.11 Tomato handlers.

To maintain records of tomatoes received and disposed of as may be necessary to verify the reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 965.80, 966.80

2.12 Carrot handlers.

To maintain records of carrots received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 970.80

2.13 Lettuce handlers.

To maintain records of lettuce received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 971.80

2.13a Celery producers and handlers in Florida.

To maintain records to substantiate the reports required by the Florida Celery Committee.

Retention period: Not less than 1 year after end of season. 7 CFR 967.46

2.14 Almond handlers.

To keep records showing details of receipt of almonds, withholdings, sales, shipments, inventories, surplus disposition, and other pertinent information in respect to operations.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.70

2.15 Almond handlers.

To keep copies of receipts they have issued for almonds received for their own accounts.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.71 (retention: 981.70)

2.16 Filbert handlers.

To keep records of all filberts received, held, and disposed of as prescribed by Filbert Control Board.

Retention period: 2 years after end of fiscal year in which transaction occurred. 7 CFR 982.71

2.17 Walnut handlers.

To keep records of shelled and unshelled walnuts and walnut material received, held, and disposed of.

Retention period: 2 years after end of marketing year in which transactions are completed. 7 CFR 984.80, 984.464, 984.480

2.18 Date handlers.

To maintain records of the handling, withholding, and disposition of dates.

Retention period: At least 2 years subsequent to termination of each crop year. 7 CFR 987.68

2.19 Raisin handlers.

To keep records as prescribed by the Raisin Administrative Committee, of raisins acquired, stored, sold, and otherwise disposed.

Retention period: At least 2 years after the termination of the crop year in which the transactions occurred. 7 CFR 989.76, 989.77, 989.176

2.20 Olive handlers.

To maintain records of olives acquired, held, and disposed of as may be prescribed by the Olive Administrative Committee and needed by it to perform its functions.

Retention period: At least 2 years beyond the crop year in which the transaction occurred. 7 CFR 932.61

2.21 Prune handlers.

To keep records of prunes received, held, and disposed of as prescribed by the Prune Administrative Committee.

Retention period: At least 2 years after the end of the crop year in which the transaction occurred. 7 CFR 993.74, 993.174

2.21a Cranberry handlers.

To maintain records of all cranberries acquired, withheld from handling, handled or otherwise disposed of as will substantiate the required reports.

Retention period: Not less than 3 years after termination of the crop year in which the transaction occurred or for such lesser period as the committee may direct. 7 CFR 929.61

2.21b Pear handlers.

To maintain records of pears received and disposed of as may be necessary to verify reports submitted thereon

Retention period: At least 2 succeeding years. 7 CFR 931.60

2.21c Hops handlers. [Added]

To maintain such records and receipts (including for each lot received, identifying marks, variety, weight, place of production, producers name and address) as the Hops Administrative Committee may prescribe.

Retention period: At least 2 years after end of marketing year. 7 CFR 991.61

SHIPPERS HANDLING EXEMPTED FRUITS AND VEGETABLES

2.22 Shippers handling fruits and vegetables covered by exemption certificates under marketing order programs.

To keep records of such shipments.

Retention period: Not specified, except for tomatoes (at least 2 succeeding years). 7 CFR 917.141, 966.80

(Certificate (record) returned after shipment of commodities (pears, grapes, and potatoes.)) 7 CFR 926.122, 927.125, 953.104

PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930 (FRUITS AND VEGETABLES)

2.23 Commission merchants, dealers, and brokers.

(a) To keep accounts, records, memoranda, and documents which disclose all business transactions.

Retention period: 2 years. 7 CFR 46.14, 46.15, 46.17–46.19, 46.21–46.24, 46.28, 46.29, 46.31, 46.32

(b) To preserve records and memoranda which disclose the true ownership and management of the business.

Retention period: 4 years. 7 CFR 46.14

SCHOOL LUNCH, SPECIAL MILK, FOOD STAMP PROGRAM, AND COMMODITY DISTRIBUTION PROGRAMS

2.24 Cooperating State agencies and participating public and private schools.

To maintain records as specified in the regulations of the National School Lunch Program.

Retention period: 3 years from the end of the Federal fiscal year to which they pertain. 7 CFR 210.8, 210.13

2.25 Cooperating State agencies, participating public and private schools, and institutions.

To maintain records as specified in the regulations of the Special Milk Program

Retention period: 3 years after the end of the fiscal year to which they pertain. 7 CFR 215.6, 215.10

2.26 Distributing, sub-distributing, and recipient agencies distributing food commodities donated for use in school lunch programs, for training students in home economics, in summer camps for children, by needy Indians on reservations, in institutions, and management companies pertaining to the feeding operations of the institutions, in State correctional institutions for minors, and in assistance of other needy persons. [Amended]

To maintain records relating to receipt, disposal, and inventory of commodities, including records with respect to the receipt and disbursement of funds arising from operation of the distributing program.

Retention period: 3 years from the close of the Federal fiscal year to which the records pertain. 7 CFR 250.6, 250.8

2.27 State and State educational agencies, public and private schools participating in the school breakfast and nonfood assistance programs. [Added]

To maintain accounts and records as specified by the Child Nutrition Act of 1966.

Retention period: 3 years. Public Law 89–642 (80 Stat. 890)

2.27a State agencies participating in the food stamp program.

To keep such records and submit such reports and other information as may from time to time be required by C&MS.

Retention period: 3 years from the close of the Federal fiscal year to which they pertain. 7 CFR 1601.8

POULTRY AND POULTRY PRODUCTS INSPECTION PROGRAMS

2.28 Persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce, or holding such products.

To maintain detailed records of such transactions as specified in the regulations.

Retention period: 2 years. 7 CFR 81.152

SUBSIDY PAYMENT PROGRAM FOR POULTRY

2.28a Exporters participating in the chicken export payment program. [Amended]

To maintain accurate records relating to all chickens exported or to be exported in connection with the program.

Retention period: 3 years after date of export. 7 CFR 207.13

INSPECTION OF DAIRY PRODUCTS

2.29 Plants manufacturing, processing, and packaging dairy products under Department of Agriculture inspection.

To maintain records of quality tests made on raw milk and cream received from each producer, seller, or shipper and of plant and laboratory tests and analyses of raw materials and finished products.

Retention period: 1 year. 7 CFR 58.143, 58.144, 58.169

PACKERS AND STOCKYARDS ACT, 1921

Regulations pertaining to interstate and foreign commerce in livestock and poultry as follows:

2.30 Stockyard owners, market agencies, and licensees under Packers and Stockyards Act regulations.

To keep open for public inspection (and post in the case of licensees) duplicate copies of all schedules of rates and charges and rules or regulations and amendments or supplements thereto.

Retention period: Not specified; however, required to post and keep open for inspection currently effective schedules only. 9 CFR 201.22

2.30a Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.

To keep accounts and records in regard to the Custodial Account for Shippers' Proceeds and the Custodial Account for Buyers' Funds.

Retention period: 2 years. 9 CFR 201.42 (retention: 201.50)

2.31 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.

To keep available for inspection by owners or consignors or purchasers copies of bills covering charges paid for or on behalf of the owner or consignor which were deducted from the gross proceeds of the sale or added to the purchase price thereof when accounting for the sale or purchase.

Retention period: 2 years. 9 CFR 201.45 (retention: 201.50)

2.32 Stockyard owners, registrants buying or selling livestock, and licensees buying or selling live poultry.

To keep (in addition to other necessary records) daily accurate records of purchases, sales, shipments, prices, etc.

Retention period: 2 years. 9 CFR 201.46 (retention: 201.50)

2.33 Sellers of live poultry under Packers and Stockyards Act regulations.

To keep copy of ticket prepared by seller at time of sale showing the name of the designated market, the date of the transaction, the names of the seller and buyer, the number of coops, kinds of poultry, price per pound, and such terms and conditions as the parties may agree upon.

Retention period: 2 years. 9 CFR 201.48 (retention: 201.50)

2.34 Stockyard owners, market agencies, or licensees weighing livestock or live poultry for purposes of purchase or sale under Packers and Stockyards Act regulations.

To keep copy of scale ticket of weighing showing for both livestock and live poultry, name of agency performing the service, date of weighing, number of the scale or other information identifying the scale, name of seller, name of buyer, name of consignor, or understandable abbreviations of such names; in case of livestock, also, the number of head, kind, and actual weight, the amount of dockage and name or initials of person weighing it; and, in case of live poultry, also, number of coops weighed, the gross, tare, and net weights, and the name or initials of person operating scale at time of weighing.

Retention period: 2 years. 9 CFR 201.49 (retention: 201.50)

2.35 Stockyard owners, market agencies, or licensees who weigh livestock or live poultry for purposes of purchase and sale under Packers and Stockyards Act regulations.

To keep one copy of form report of tests and inspections of scales and shall cause one copy to be kept by the agency conducting the test and inspection of the scales (a third copy to the Area Supervisor of the Service).

Retention period: Not specified.[1] 9 CFR 201.74

2.36 Authorized State agencies and livestock associations under Packers and Stockyards Act regulations.

To keep adequate records showing in detail the income derived from the collection of authorized fees, the disbursement of such funds as expenses for conducting the services, the inspections performed and the results thereof, including records showing a full description of brands, marks, and other identifying characteristics of inspected livestock; and currently maintain records of the brands, marks, and other identifying characteristics of livestock located in the State from which such agency or association will operate and with reference to which the authorization has been granted.

Retention period: Not specified.[1] 9 CFR 201.89

2.37 Packers subject to the provisions of the Packers and Stockyards Act.

To retain for the specified period of time the following records:

(a) Cutting tests; departmental transfers; buyers' estimates; drive sheets; scale tickets received from others; inventory and products in storage; receiving records; trial balances; departmental overhead or expense recapitulations; bank statements, reconciliations and deposit slips; production or sale tonnage reports (including recapitulations and summaries of routes, branches, plants, etc.); buying or selling pricing instructions and price lists; correspondence, telegrams, teletype communications and memoranda relating to matters other than contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(b) Kill sheets, lot sheets or carcass graded cost sheets; carcass hot weight sheets and carcass test cost sheets by lots for purchases of livestock on a grade and yield or grade or yield basis; contracts and agreements; purchase invoices; sales invoices; freight bills, bills of lading or shipping tickets; scale tickets and weight records issued or prepared by the packer; cash sales receipts and memoranda; claims and credit memoranda; canceled checks and drafts; check stubs or vouchers; correspondence, telegrams, teletype communications, and memoranda relating to contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(c) Departmental statements and summaries; balance sheets and profit and loss or operating statements.

Retention period: (a) 1 year; (b) 2 years; (c) 3 years. 9 CFR 203.4

2.37a [Deleted]

WAREHOUSE ACT OF 1916, AS AMENDED

Regulations pertaining to warehousing agricultural products as follows:

2.38 Licensed warehousemen. [Amended]

To keep copies of all receipts issued.

Retention period: 1 year after December 31 of the year in which the corresponding original receipt is canceled. 7 CFR 101.17, 102.20, 103.17, 104.17, 105.17, 106.17, 107.17, 108.17, 111.18

2.39 Licensed warehousemen. [Amended]

To retain each canceled receipt.

Retention period: 6 years after December 31 of the year in which receipt is canceled and for such longer period as may be necessary for the purpose of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.28, 102.34, 103.28, 104.28, 105.29, 106.30, 107.31, 108.29, 111.33

2.40 Licensed warehousemen. [Amended]

To keep a copy of his current rules and schedule of charges exposed conspicuously in a place accessible to the public.

Retention period: Required to expose current copy only. 7 CFR 101.29, 102.35, 103.29, 104.31, 105.30, 106.31, 107.32, 108.30, 111.34

2.41 Licensed warehousemen. [Amended]

Shall use for his licensed warehouse a system of accounts approved for the purpose by the Service, and maintain such records as are specified.

Retention period: 6 years after December 31 of the year in which created and for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.33, 102.37, 103.40, 104.28, 105.33, 106.37, 107.39, 108.33, 111.41

2.42 Licensed warehousemen. [Amended]

Shall keep on file an exact copy of each report required to be submitted by such warehouseman.

Retention period: 3 years after December 31 of the year in which submitted. 7 CFR 101.36, 102.38, 103.41, 104.29, 105.35, 106.39, 107.42, 108.35, 111.44

2.43 Licensed cotton warehousemen.

To keep copies of certificates covering cotton stored, and copies of Form A memorandums and Form C certificates issued by a board of cotton examiners which forms a basis of any receipt issued.

Retention period: 1 year after December 31 of the year in which the receipt based on such certificates or memoranda is canceled. 7 CFR 101.47

2.44 Licensed cotton warehousemen.

To keep records of cotton sampling including the written request, if any.

Retention period: 1 year after December 31 of the year in which such cotton is removed from the warehouse. 7 CFR 101.49

2.45 Licensed classifiers, inspectors, graders, and weighers of agricultural commodities. [Amended]

To keep copies of certificates issued by them.

Retention period: 1 year. 7 CFR 101.61, 102.69, 104.57, 105.59, 106.66, 107.68, 108.59, 111.70

2.46 Licensed warehousemen. [Amended]

To keep either copies of, or the original inspection, grade and/or weight, certificates covering lots of commodities stored.

Retention period: 3 years after December 31 of the year in which issued. 7 CFR 102.29, 103.24, 105.46, 106.54, 107.55, 108.47, 111.56

2.47 Licensed grain warehousemen.

To keep records of weights, kinds, and grades of all lots of nonstorage grain received into and delivered from warehouses.

Retention period: 1 year after December 31 of the year in which the lot of nonstorage grain is delivered from the warehouse. 7 CFR 102.30

2.48 Licensed warehousemen. [Amended]

To keep as a record notices of the condition of commodities stored in the warehouse.

Retention period: 6 years after December 31 of the year in which created, and for such longer period as may be necessary for the purposes of litigation which the warehouseman knows is pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 102.54, 103.39, 106.48, 107.51, 108.42, 111.52

FEDERAL SEED ACT

Regulations pertaining to growers, shippers, and procurers of seeds as follows:

2.49 Persons shipping agricultural and vegetable seeds subject to the Federal Seed Act regulations.

To keep complete records of each lot of agricultural and vegetable seeds transported or delivered for transportation in interstate commerce.

Retention period: 3 years for documents, 1 year for seed samples. 7 CFR 201.4–201.7

2.50 Country shippers of agricultural seeds subject to the Federal Seed Act regulations.

To keep copies of origin declarations they have issued and records showing names and addresses of growers or country shippers from whom seeds were purchased, quantity, and date of delivery.

Retention period: 3 years. 7 CFR 201.5 (retention: 201.4)

2.51 Procurers of seeds from growers subject to the Federal Seed Act regulations.

To obtain and keep the grower's declaration.

Retention period: 3 years. 7 CFR 201.7 (retention: 201.4)

2.52 Growers of seeds subject to the Federal Seed Act regulations.

To keep copy of the grower's declaration and a sample of the seed.

Retention period: 3 years for documents, 1 year for seed samples. 7 CFR 201.7 (retention: 201.4)

REGULATIONS PERTAINING TO THE ADMINISTRATION OF THE COTTON ACTS

2.53 Cotton handlers. [Added]

To maintain books and records necessary to carry out the provisions of the Cotton Research and Promotion Act and to verify required reports.

Retention period: At least 2 years beyond the marketing year of their applicability. 7 CFR 1205.335

2.54 Licensed cottonseed chemists.

To keep records of the analysis of each individual sample of cottonseed graded as well as books, papers, records, and accounts relating to the performance of their duties under the Agricultural Marketing Act of 1946 and the regulations made under the act by the Secretary of Agriculture.

Retention period: At least 1 year after date of analysis. 7 CFR 61.15

2.55 [Reserved]

NAVAL STORES ACT OF 1923, AS AMENDED

2.56 Accredited turpentine and rosin processors for naval stores.

To keep such records as may be necessary to submit correct reports.

Retention period: Not specified. 7 CFR 160.50

DIVERSION PROGRAMS

2.57 [Reserved]

2.58 [Deleted]

2.59 Diverters participating in cotton and cotton byproducts diversion program.

To keep records and accounts with respect to cotton and cotton byproducts diverted under this program.

Retention period: 3 years after final payment. 6 CFR 535.14, 535.34

REGULATIONS FOR THE MARKETING ORDER PROGRAM FOR DAIRY PRODUCTS UNDER THE AGRICULTURAL MARKETING ACT OF 1937, AS AMENDED

2.60 Milk handlers.

To maintain records pertaining to receipt and use of milk and milk products, including records of production, processing, and distribution, and financial records relating thereto.

Retention period: 3 years, but can be extended by the market administrator by written notice. 7 CFR Parts 1001—1159 (See specific milk marketing area.)

3. Agricultural Research Service

3.1 Licensed manufacturers (domestic and foreign), distributors, and importers of biological products. [Amended]

To keep detailed records of the results of tests for purity and potency and of the methods of preservation of each batch of biological products; and of the sale, shipment, or other disposition of the products.

Retention period: 2 years after expiration date of the product involved, or longer if requested by the Director, Veterinary Biologics Division. 9 CFR 116.1 (retention: 116.3)

3.2 Licensees preparing anti-hog-cholera serum and hog-cholera virus. [Amended]

To keep records pertaining to virus production, serum preparation, and to pigs used to produce virus.

Retention period: 2 years after expiration date of the product involved, or longer if requested by the Director, Veterinary Biologics Division. 9 CFR 116.2 (retention: 116.3)

3.3 [Deleted]

3.4 Operators of approved feed lots.

To keep records of vaccination and disposition of all animals.

Retention period: 1 year. 9 CFR 120.9

3.5 Operators of approved feed lots.

To keep an inventory of animals showing the daily admission to and removal from the premises.

Retention period: 1 year. 9 CFR 120.9

3.6 Research investigators or research sponsors administering experimental biological products to animals.

To maintain adequate records relative to the disposition of each animal administered experimental biological prod-

[1] Records shall not be destroyed or disposed of without the consent in writing of the Director, Packers and Stockyards Division, C&MS, Department of Agriculture. 9 CFR 201.50.

ucts. Such records include name and address of owner, pertinent data about animals and their location, and, if sold, name and address of purchaser.

Retention period: At least 2 years from the date that an experimental product was administered to such animal. 9 CFR 103.2

3.7 Recipients of research grants. [Amended]

To keep records of disposition of proceeds of grants, total costs of project or undertaking, amounts supplied by other sources, and such other records as to facilitate an effective audit.

Retention period: Not specified. 7 U.S.C. 450b

3.8 Research facilities and dealers engaged in transportation, sale, and handling of dogs, cats, and certain other animals used for research or experimentation, or for other purposes. [Added]

To keep records with respect to the purchase, sale, transportation, identification, and previous ownership of dogs and cats but not monkeys, guinea pigs, hamsters, or rabbits.

Retention period: Not specified. Public Law 89-544 (80 Stat. 350; 7 U.S.C. 2131)

4. Agricultural Stabilization and Conservation Service

4.1 [Deleted]

4.2 Producers of gum naval stores from turpentine trees. [Amended]

To keep records of faces by tracts and drifts in connection with the Naval Stores and Agricultural Conservation Programs.

Retention period: 2 years following close of applicable program year. 1965—7 CFR 706.306; 1966—706.406 (retention: 7 CFR 708.1)

4.2a Food processors participating in the wheat marketing allocation program.

To maintain records and documents for each processing plant of all wheat processed into food products and of all sales and removals of food products from processing plants.

Retention period: 3 years. 7 CFR 777.15

4.2b Exporters of wheat.

To maintain records (including export sales contracts or agreements, bills of lading or delivery documents, inspection and weight certificates) of all exportations of wheat made on or after July 1, 1964.

Retention period: 3 years after date of export. 7 CFR 778.11

4.2c Handlers under milk indemnity program.

To keep existing books, records, and accounts supporting any information furnished in connection with the program.

Retention period: 3 years following the end of the year during which application for payment was filed. 7 CFR 16.17

MARKETING QUOTAS FOR COTTON, WHEAT, TOBACCO, PEANUTS, AND RICE

4.3 Ginners of cotton. [Amended]

To keep for each bale of cotton or lot less than a bale ginned by him records showing (a) date of ginning; (b) name of operator of farm on which cotton produced; (c) name of producer of cotton; (d) county and State in which farm located; (e) gin bale number or mark; (f) name and address of person delivering cotton to gin; and (g) gross weight of each bale and net weight of each lot of lint cotton less than a bale.

Retention period: [2] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.89 (retention: 722.92)

4.4 Buyers of cotton. [Amended]

To keep for each bale of cotton or lot less than a bale purchased from a producer records showing (a) name and address of the producer; (b) date purchased; (c) original gin bale number or equivalent; (d) number of pounds of lint cotton in each bale and lot; and (e) amount of penalties to be collected, if any.

Retention period: [2] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.90 (retention: 722.92)

4.5—4.6 [Reserved]

4.7 Warehousemen, ginners, buyers, processors, common carriers, and other persons handling cotton from, for, or on behalf of the producer. [Amended]

To keep records concerning such cotton so that the accuracy of any reports or other records that may be required can be checked.

Retention period: [2] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.91 (retention: 722.92)

4.8 Producers of cotton. [Amended]

To keep records of cotton marketed; and a copy of certificate showing name and address of buyer or transferee if marketed to persons not within the United States.

Retention period: [2] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.94

4.9—4.25 [Revised and renumbered]

4.9 Producers and producer-manufacturers of burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and Maryland tobacco.

To keep copies of reports with respect to disposition of tobacco marketed and (a) number of acres harvested, (b) total production, (c) amount on hand and its location, and (d) for each lot marketed, name and address of person to or through whom marketed, gross price, number of pounds marketed, and date of marketing.

Retention period: [2] 1963–64 and succeeding marketing years—2 years after end of marketing year. 7 CFR 724.98 (retention: 724.109)

4.10 Producers of flue-cured tobacco.

To keep copies of reports with respect to disposition of tobacco marketed and (a) number of acres harvested, (b) total production, (c) amount on hand and its location, and (d) for each lot marketed name and address of person to or through whom marketed, gross price, number of pounds marketed, and date of marketing.

Retention period: [2] 1966–67 and succeeding marketing years—2 years after end of marketing year. 7 CFR 725.98 (retention: 725.107)

4.11 Buyers of cigar-filler tobacco, cigar-filler and binder tobacco, and cigar-binder tobacco under marketing quota regulations.

To keep records with respect to each sale of tobacco made by producer to buyer, and to furnish the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm; also to record other specified information and maintain records of sale and disposition of tobacco; and to keep copies of required reports.

Retention period: [2] 1963–64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.103, 724.109

4.12 Truckers and persons redrying, prizing, or stemming burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and Maryland tobacco.

To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: [2] 1963–64 and succeeding marketing years—2 years after end of marketing year. 7 CFR 724.105 (retention: 724.109)

4.13 Truckers and persons redrying, prizing, or stemming flue-cured tobacco.

To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: [2] 1966–67 and succeeding marketing years—2 years after end of marketing year. 7 CFR 725.101 (retention: 725.107)

4.14 Warehousemen handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and Maryland tobacco.

To keep records that will permit furnishing detailed information of all transactions.

Retention period: [2] 1963–64 and succeeding marketing years—2 years after end of marketing year. 7 CFR 724.99, 724.100 (retention: 724.109)

4.15 Warehousemen handling flue-cured tobacco.

To keep records that will permit furnishing detailed information of all transactions.

[2] For such longer period of time as may be requested in writing by the State Executive Director or the Director.

Retention period: [2] 1966–67 and succeeding marketing years—2 years after end of marketing year. 7 CFR 725.99 (retention: 725.107)

4.16 Dealers handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and Maryland tobacco.

To keep records that will permit furnishing detailed information of all transactions.

Retention period: [2] 1963–64 and succeeding marketing years—2 years after end of marketing year. 7 CFR 724.101 (retention: 724.109)

4.17 Dealers handling flue-cured tobacco.

To keep records that will permit furnishing detailed information of all transactions.

Retention period: [2] 1966–67 and succeeding marketing years—2 years after end of marketing year. 7 CFR 725.100 (retention: 725.107)

4.18—4.25 [Deleted]

4.26 Handlers of shade-grown cigar-leaf tobacco.

To keep books and records showing details of handling of the tobacco including grower's name and address, handling certificate, priming number, date of receipt, etc.

Retention period: 5 years. 7 CFR 1201.60, 1201.130

4.27 Wheat producers, warehousemen, elevator operators, feeders, processors or transferees, and buyers.

To keep records of wheat transactions (as specified in the regulations).

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends. 7 CFR 728.1173, 728.1174, 728.1177

4.27a Industrial users of flour second clears. [Added]

To maintain accurate records and documents supporting information shown on Form CCC–161 (Industrial Users Production Report and Claim for Refund).

Retention period: 3 years. 7 CFR 777.19

4.27b Distributors of flour second clears. [Added]

To maintain accurate records and documents, including Forms CCC–165 (Processor Certification) and CCC–165–1 (Flour Second Clears), relating to the sale of flour second clears to industrial users.

Retention period: 3 years. 7 CFR 777.20

4.28 Peanut producers.

To keep copies of specified reports on disposition of peanuts produced and marketed.

Retention period: [2] 3 years following end of pertinent marketing year. 7 CFR 729.1466, 729.1480

4.29 Peanut buyers.

To keep detailed records of peanuts marketed and sales memoranda with respect to farmers stock peannts and shelled peanuts purchased from producers.

Retention period: [2] 3 years following end of pertinent marketing year. 7 CFR 729.1470, 729.1480

4.30 Peanut shellers.

To maintain detailed records and keep copies of reports pertaining to the shelling of each lot of peanuts (including record of peanuts retained by the sheller) as specified in the regulations.

Retention period: [2] 3 years following end of pertinent marketing year. 7 CFR 729.1475, 729.1480

4.31 Rice producers, warehousemen, mill or elevator operators, other processors or transferees, and buyers.

To keep records of rice transactions as prescribed.

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends. 7 CFR 730.1585, 730.1586, 730.1589

IMPORT QUOTAS AND FAIR WAGE RATES UNDER THE SUGAR ACT

4.32 Importers or persons bringing sugar and liquid sugar into the continental United States from domestic offshore areas and foreign countries.

To keep records of operations and transactions pertaining to sugar and liquid sugar including detailed information for each unit of sugar tested and for each processing facility.

Retention period: 2 years following end of calendar year in which sugar is imported or brought into the United States. 7 CFR 810.9

4.33 Persons marketing sugar and liquid sugar produced from sugar beets and sugarcane grown in the continental United States and marketing sugar for consumption in Territory of Hawaii and in Puerto Rico.

To keep records of processings, receipts, and marketings of sugar and liquid sugar.

Retention period: 2 years following the end of the calendar year in which sugar is marketed. 7 CFR 816.8

4.34 Persons importing sugar and liquid sugar into the continental United States (including importers, mainland refiners, allottees of offshore domestic sugar quotas, shipping companies, persons engaged in the movement of sugar in interstate and foreign commerce, and surety companies undertaking obligations with respect to imported sugar).

To keep records of receipt, processing, and movement of sugar and liquid sugar and of tests, gallonages, and weights pertaining thereto.

Retention period: 2 years following end of calendar year in which sugar is imported or disposed of. 7 CFR 817.11

4.35 Importers of non-quota purchase sugar imports.

To keep an accurate record of the receipt, processing, and movement of sugar and liquid sugar.

Retention: 2 years following the end of the calendar year in which the sugar was imported into the United States. 7 CFR 819.10

4.36 Employers of Virgin Islands apprentice operators of mechanical loaders and tractors in the sugar industry.

To maintain complete wage records of person employed.

Retention period: 2 years following date on which application for Sugar Act payment is filed. 7 CFR Part 868

4.37 Employers of Virgin Islands handicapped workers in the sugar industry.

To maintain complete wage records of persons employed.

Retention period: 2 years following date on which his application for Sugar Act payment is filed. 7 CFR Part 868

4.37a Producers of sugar beets and sugarcane.

To maintain complete wage records of persons employed in the production, cultivation, or harvesting of sugar beets and sugarcane.

Retention period: 2 years. 7 CFR Parts 862, 863, 864

4.37b Farm operators participating in the Sugar Act payment program. [Amended]

To maintain a record of excess acreage in each field or parts of fields and the method and purpose of disposal of sugarcane grown in excess acreage in each such case.

Retention period: Until receipt of Sugar Act payment for the 1967 crop of sugarcane. 7 CFR 855.35

4.38 [Reserved]

5. Commodity Credit Corporation

5.1 [Reserved]

5.2 Cottonseed crushers participating in the Cottonseed Price Support program. [Amended]

To keep complete and detailed records as specified with respect to all purchases of cottonseed and other specified transactions.

Retention period: At least 3 years from the last date any of the products tendered by the crusher have been delivered. 7 CFR 1443.2010 (1964); 7 CFR 1443.2030 (1965); 7 CFR 1443.2050 (1966)

5.3 Cooperative marketing associations of producers participating in the Tung Nut Price Support program.

To maintain detailed records as specified pertaining to quantities of tung nuts and tung nut oil obtained and processed.

[2] For such longer period of time as may be requested in writing by the State Executive Director or the Director.

Retention period: 1963 and succeeding crop years—3 years after December 31 of the crop year to which they pertain, 7 CFR 1443.333

5.3a Cooperative marketing associations participating in the tung oil warehouse-stored loan and purchase program.

To maintain a record of quantity of tung oil eligible for price support delivered to associations by eligible producer-members and record of quantity of ineligible tung oil, showing source and disposition.

Retention period: At least until October 31, 1970. 7 CFR 1421.3577

5.4 Peanut shellers participating in the Peanut Price Support program. [Amended]

To keep accounts with respect to the purchase and sale of crop peanuts, including types, grades, quality, weight, names and addresses of producers and purchasers, and date and place of each transaction.

Retention period: 3 years after final delivery of peanuts to CCC. 7 CFR 1446.1618 (1965); 7 CFR 1446.1648 (1966)

5.5 Mohair producers participating in the Payment Program for Mohair, and their marketing agencies. [Amended]

To maintain books, records, and accounts showing the marketing of mohair on which an application for payment is based.

Retention period: 3 years. 7 CFR 1468.227, 1468.272

5.6 Wool producers participating in the Incentive Payment Program for Shorn Wool, and their marketing agencies. [Amended]

To maintain books, records, and accounts showing: purchases of lambs on and after April 1, 1956, and marketing of wool or lambs on which application is based.

Retention period: 3 years after end of specified marketing year. 7 CFR 1472.1158, 1472.1251

5.7 Lamb and yearling producers participating in the Payment Program for Lambs and Yearlings (Pulled Wool), and persons furnishing evidence to an applicant to enable him to receive payment under the program. [Amended]

To maintain books, records, and accounts showing purchases of unshorn lambs on or after April 1, 1956, and marketing of unshorn lambs on which application for payment is based.

Retention period: 3 years after end of specified marketing year. 7 CFR 1472.1158, 1472.1251

5.8 Persons purchasing farmers stock peanuts from producers for sale to shellers. [Amended]

To keep accounts of the quality and prices paid to them for each lot of farmers stock peanuts sold to a sheller participating in the price support program.

Retention period: Until December 31, 1969, 7 CFR 1446.1818 (1965); until December 31, 1970, 7 CFR 1446.1648 (1966)

5.9 Handlers, dealers, and warehousemen performing transactions with regard to delivery orders under the Livestock Feed Program.

To maintain books and records which will permit verification of all transactions with regard to delivery orders.

Retention period: At least 3 full years following deliveries against delivery orders (or to be kept longer if requested by the Commodity Credit Corporation). 7 CFR 1475.213

5.10 [Reserved]

5.11 Exporters participating in the Commodity Credit Corporation's wheat and wheat flour export payment programs under the International Wheat Agreement.

To keep accurate records showing sales and deliveries of wheat or flour exported or to be exported in connection with the programs.

Retention period: 2 years after date of export. 7 CFR 1483.177, 1483.277

5.12—5.13 [Reserved]

5.14 [Deleted]

5.15 Cotton handlers participating in the cotton equalization program. [Amended]

To maintain books, records, and documents pertinent to any transaction under this program.

Retention period: Until July 31, 1969. 7 CFR 1427.1970

5.16 [Deleted]

5.17 Producers participating in the honey price support program.

To maintain (1) records of quantity of eligible honey for price support and (2) record of honey purchased or acquired which is ineligible for price support showing source and disposition.

Retention period: 5 years. 7 CFR 1434.36

5.18 Cooperative cotton gins participating in the cottonseed purchase program.

To maintain records of the quantity of cottonseed purchased from producers and such record must show purchase price.

Retention period: Through December 31 of the 5th year following the calendar year in which the cottonseed was grown. 7 CFR 1443.1943a

5.19 Cooperative marketing associations participating in the price support program.

To maintain records showing quantity, quality, and disposition of commodities (cotton, dry edible beans, honey, rice, soybeans, tung oil) eligible for price support received from each member. The same records to be kept for commodities received from nonmembers which are ineligible for price support.

Retention period: Through end of the 5th marketing year following the marketing year for which approval is obtained. 7 CFR 1425.17, 1425.18

5.20 Exporters participating in the tobacco export program. [Added]

To maintain accurate records (including contracts of purchase, sale, and storage) establishing eligibility of tobacco for export payments made to exporters under the program.

Retention period: 3 years after date of export. 7 CFR 1490.10

6. Commodity Exchange Authority

6.1 Futures commission merchants depositing customers' monies in a bank or trust company.

Must secure a written waiver agreement from such bank or trust company and keep as a record an executed copy of this agreement.

Retention period: 5 years from date of closing of such bank account.[2] 17 CFR 1.20 (retention: 1.31)

6.2 Futures commission merchants in customers' money on the security of vesting customers' money or loaning negotiable warehouse receipts.

To deposit such obligations, securities and warehouse receipts in safekeeping with a bank, trust company or clearing organization, or clearing member of a contract market and keep an executed copy of agreement with bank, trust company, clearing organization, or a clearing member of a contract market as specified in the section cited.

Retention period: 5 years after termination of agreement.[2] 17 CFR 1.26 (retention: 1.31)

6.3 Futures commission merchants.

To keep the following records re obligations and investment securities, date investments made, name of person from or through whom obligations bought, amount of money paid, description of obligations or securities, date disposition made and amount received therefor, name of person to or through whom sold; and the following records re warehouse receipts, date loan made, name of person to whom funds loaned, amount loaned, description of warehouse receipts, date, and particulars of any changes or substitutions, date on which loan repaid.

Retention period: 5 years after investment liquidated or loan paid.[2] 17 CFR 1.27 (retention: 1.31)

6.4 Futures commission merchants.

To keep a record of the daily computation of money, securities and property which must be segregated for customers.

Retention period: 5 years.[2] 17 CFR 1.32 (retention: 1.31)

6.5 Futures commission merchants.

To keep records furnished customers as of close of last business day of each calendar month, or as of any regular monthly date selected showing customer's position in each future.

Retention period: 5 years.[2] 17 CFR 1.33 (retention: 1.31)

[2] After 3 years the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined.

6.6 Futures commission merchants.

To keep copy of confirmation of the execution of any trade originated by controller of accounts.

Retention period: 5 years.[2] 17 CFR 1.33a (retention: 1.31)

6.7 Futures commission merchants.

To keep a "point balance" record of all open trades or contracts of customers as of last day of business of each calendar month or any regular monthly date selected.

Retention period: 5 years.[2] 17 CFR 1.34 (retention: 1.31)

6.8 [Reserved]

6.9 Futures commission merchants and members of contract markets.

To keep full and complete record of all futures and cash transactions including all orders, trading cards, signature cards, street books, journals, ledgers, cancelled checks, copies of confirmations, statements of purchase and sale, together with all other data and memoranda and records of every sort pertaining to cash and future transactions.

Retention period: 5 years.[2] 17 CFR 1.35 (retention: 1.31)

6.10 Futures commission merchants and clearing members of contract markets.

To prepare and keep in permanent form the following: (a) A financial ledger record showing all charges against and credits to each customer's account; (b) a record of transactions showing for each account all commodity futures transactions executed for such account, including date, price, quantity, market, commodity, and future; (c) a record or journal showing for each day complete details of all commodity futures transactions executed, including date, price, quantity, market, commodity, future, and the person for whom such transaction was made (in the case of clearing members, the record or journal should also show the floor broker or other person executing each transaction and the opposite clearing member with whom it was made).

Retention period: 5 years.[2] 17 CFR 1.35 (retention: 1.31)

6.11 Futures commission merchants.

To keep record of all securities and property (other than money) received from customers to margin, guarantee or secure trades and contracts including description of securities and property, name and address of customer, date received and returned or otherwise disposed of.

Retention period: 5 years from date of return of property.[2] 17 CFR 1.36 (retention: 1.31)

[2] After 3 years the person required to keep such books and records may at his option substitute photographic reproduction thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined.

6.12 Futures commission merchants and members of contract markets.

To keep record showing for each futures account name, address and principal occupation or business of person for whom account is carried and names of persons guaranteeing account or exercising trading control over account.

Retention period: 5 years from date account closed.[2] 17 CFR 1.37 (retention: 1.31)

6.13 Contract markets.

To keep record of each transaction wherein a member acts for both a buyer and a seller, including the date, price, quantity, kind of commodity, delivery month, by whom executed, and the exact time of execution.

Retention period: 5 years.[2] 17 CFR 1.39 (retention: 1.31)

6.14 Contract markets.

Must require warehouse operators whose receipts are deliverable in satisfaction of futures contracts made on or subject to the rules of the contract market to keep records showing stocks traded for future delivery on such contract markets, in store by kind, class, and grade, including lots and parcels stored specially or separately.

Retention period: 5 years.[2] 17 CFR 1.44 (retention: 1.31)

6.15 Persons having or controlling a reportable position in commodity futures.

To keep books and records showing all details of all positions and transactions for future delivery in the commodity on all contract markets and all positions and transactions in the cash commodity, its products, and byproducts.

Retention period: 5 years.[2] 17 CFR 18.05 (retention: 1.31)

7. Farmers Home Administration

7.1 Borrowers operating under farm and home annual plans. [Amended]

To maintain records of income, expenses, and operations.

Retention period: Until summarized and reflected in the Agency's official records. 7 CFR 1802.3

8. Federal Crop Insurance Corporation

8.1 Insured under Federal Crop Insurance Corporation. [Amended]

To keep records of harvesting, storage, shipments, sale, or other disposition of all barley, dry beans, citrus, combined crops, corn, cotton, flax, grain sorghum, oats, peanuts, potatoes, canning and freezing peas, dry peas, rice, rye, safflower, soybeans, sugar beets, sugarcane, tobacco, tomatoes, and wheat produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage of the insured crop in the county in which he has an interest.

Retention period: 2 years after time of loss. 7 CFR 401.11, sec. 19

8.2 Persons holding tung nut crop insurance contracts.

To maintain records of harvesting, storage, shipments, sale, or other disposition of all insured crop produced on each unit covered by contract, and separate records showing same information for production on any uninsured acreage of the insured crop in the county.

Retention period: 2 years after the time of damage. 7 CFR 407.6

II. DEPARTMENT OF COMMERCE

1. Economic Development Administration

1.1 Recipients of loans and grants—project control records. [Amended]

To keep and preserve, and to require each contractor and subcontractor to keep and preserve, on account of any loan under section 201, 202, or 403, Public Law 89–136, August 26, 1965, or section 6 or 7, Public Law 87–27, May 1, 1961, or on account of any grant under section 101, 102, 301, 403, or 505, Public Law 89–136, August 26, 1965, or section 8, Public Law 87–27, May 1, 1961, detailed records reflecting acquisitions, work progress, expenditures and commitments, and to indicate their relationship to estimated costs and schedules.

Retention period: Until completion of all work performed or acquisitions made in connection with the project and at least 3 years thereafter. 13 CFR 301.54

1.2 Recipients of loans and grants—financial records. [Amended]

To keep and preserve so long as any sum shall be due and unpaid to the Government on account of any loan under section 201, 202, or 403, Public Law 89–136, August 26, 1965, or section 6 or 7, Public Law 87–27, May 1, 1961, or on account of any grant under section 101, 102, 301, 403, or 505, Public Law 89–136, August 26, 1965, or section 8, Public Law 87–27, May 1, 1961, full written records, accurately disclosing the amount and the disposition by such recipients of the proceeds of any such assistance, together with the amounts and dispositions of other funds applied to the project, all as shall adequately establish a compliance with the requirements of the Act or Acts involved and the terms and conditions upon which such financial assistance was made.

Retention period: For loans, until final payment has been made to the Government, and at least 3 years thereafter; for grants, until completion of all work performed in connection with the project, or until final disbursement has been made by the Government, whichever is later, and at least 3 years thereafter. 13 CFR 301.54

1.3 Recipients of grants. [Amended]

To keep and preserve for any grant under section 302, Public Law 89–4, March 9, 1965, full written records, accurately disclosing the amount and the disposition by such recipient of the proceeds of any such assistance, together with the amounts and dispositions of other funds applied to the project, all as shall adequately establish a compliance with the requirements of the Act and the terms and conditions upon which

such financial assistance was made; and to keep and preserve, and to require each contractor and subcontractor to keep and preserve, in connection with the project, detailed records reflecting acquisitions, work progress, expenditures and commitments, and to indicate their relationship to estimated costs and schedules.

Retention period: Until 3 years after completion of all work on the project or final disbursement has been made by the Government, whichever is later. 44 CFR 805.6, 806.10

2. Business and Defense Services Administration

ADJUSTMENT ASSISTANCE

2.1 Recipients of adjusted assistance under Chapter 2 of Title III of the Trade Expansion Act of 1962.

To keep records which fully disclose the amount and disposition of the proceeds of adjustment assistance and which will facilitate an effective audit.

Retention period: At least 3 years. 48 CFR 310.7

INDUSTRIAL MOBILIZATION

2.2 Persons in the United States participating in transactions covered by BDSA Regulation 3.

To keep records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with provisions of BDSA Regulation 3 (Operations of the Priorities and Allocations Systems between Canada and the United States).

Retention period: At least 3 years. 32A CFR Ch. VI, BDSA Reg. 3, sec. 7 (a)

2.3 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by Defense Materials System Regulation 1, as amended December 1, 1959.

To keep accurate and complete records of each such transaction, including all rated orders, ACM orders and directives received by such persons, copies of all rated orders and ACM orders placed by such persons, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired by means of priority, allotment or directive assistance, and records of sales and deliveries of all materials sold or delivered by such persons pursuant to rated orders, ACM orders and directives. Records shall be maintained in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DMS Reg. 1, as amended December 1, 1959.

Retention period: For at least 3 years. 32A CFR Ch. VI, DMS Reg. 1, sec. 14

2.4 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by BDSA (formerly NPA) Regulation 2 and BDSA (formerly NPA) Orders M–1A, M–5A, and M–43A.

To keep accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of BDSA Reg. 2—Basic Rules of the Priorities System; BDSA Order M–1A—Iron and Steel; BDSA Order M–5A—Aluminum; BDSA Order M–43A—Construction Machinery: Distribution, as applicable to such transaction.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Reg. 2, sec. 24 (a); Order M–1A, sec. 19 (a); Order M–5A, sec. 15(a); Order M–43A, sec. 9(a)

2.5 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by BDSA Orders M–17 and M–41.

To keep accurate and complete records of rated orders and directives received and monthly records of production, production schedules and deliveries in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of BDSA Order M–17—Electronic Components or Parts; BDSA Order M–41—Metalworking Machines.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Order M–17, sec. 7(a); BDSA Order M–41, sec. 8(a)

2.6 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transactions covered by BDSA (formerly NPA) Regulation 6—Transfer of Quotas and Ratings; Transfer of a Business as a Going Concern.

To keep accurate and complete records in sufficient detail to permit the determination, after audit, whether each such transaction complies with the provisions of that regulation.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Reg. 6, sec. 8(a)

2.7 Persons participating in transactions covered by BDSA Order M–1B.

To keep records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with provisions of Order M–1B (Nickel Alloys).

Retention period: At least 3 years. 32A CFR Ch. VI, Order M–1B, sec. 13(a)

2.8 Producers and distributors of copper controlled materials, producers of intermediate shapes, and users of copper raw materials. (BDSA Order M–11A—Copper and Copper-base Alloys).

To keep accurate and complete records of purchases, receipts, inventories, production, use, sales and deliveries of copper controlled materials, intermediate shapes, and copper raw materials. Such records shall include, but shall not be limited to, all authorized controlled material orders, certified orders and directives received by such persons, and copies of all authorized controlled material orders, rated orders, and certified orders placed by such persons.

Retention period: At least 3 years. 32A CFR Ch. VI, Order M–11A, sec. 12(a)

2.9 Producers of domestic refined copper. (Direction 2 to BDSA Order M–11A, Domestic Refined Copper Set-Aside). [Added]

To keep accurate and complete records of production, receipt, sale, and delivery of domestic refined copper. Such records shall include, but not limited to, all rated orders received by such producers.

Retention period: At least 3 years. 32A CFR Ch. VI, Order M–11A, Dir. 2, sec. 9

3. Office of State Technical Services [Added]

3.1 State agencies or institutions receiving financial assistance under the State Technical Services Act of 1965.

To maintain records and documentation (e.g., vouchers, payrolls, invoices, contracts) relating to grant and amount, nature, and identification of funds supplied from non-Federal sources.

Retention period: 3 years after end of grant period or until audit has been conducted by the Department and all questions arising therefrom are resolved. 15 CFR 700.11

4. Bureau of International Commerce

4.1 Holders of U.S. Import Certificates selling or transferring commodities covered by such certificates.

To secure and retain a written acceptance by the purchaser or transferee of all obligations imposed under the export regulations of the United States.

Retention period: 3 years.[4] 15 CFR 368.1 (retention: 381.11)

4.2 Executors of Import Certificates where resale or transfer of commodities covered by Import Certificate occurs before delivery.

To secure and retain written acceptance by purchaser or transferee of obligation to provide delivery verification.

Retention period: 3 years.[4] 15 CFR 368.1 (retention: 381.11)

4.3 [Reserved]

4.4 Applicants for export licenses.

To keep documents constituting evidence of an order and of facts relating to the purchase transaction as specified in section cited.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 372.4 (retention: 381.11)

4.5 Applicants for export licenses.

To keep the originals of any copies of documents submitted in support of applications.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 372.9 (retention: 381.11)

[4] Complete and accurate reproductions may be substituted for documents required to be retained under Export Control Regulations after 12 months from beginning of required retention period; provided facilities for location and inspection are available at the place of retention. 15 CFR 381.11

4.6 Foreign importers of aircraft or vessel repair parts.

To keep records of commodities imported from the U.S. and supplied abroad to vessels or aircraft.

Retention period: 3 years from the date the commodities are supplied to a vessel or aircraft.[4] 15 CFR 373.3 (retention 381.11)

4.7 Exporter to a foreign distributor.

To retain documents, correspondence, memoranda, books, and other records, in addition to copies of validated or rejected Forms FC–143 and 243.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 373.4 (retention: 381.11)

4.8 Applicants for a Periodic Requirements License.

To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 3 years from, whichever is later, date of exportation, reexporation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 376.3 (retention: 381.11)

4.9 Applicants for a Time Limit License.

To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 377.3 (retention: 381.11)

4.10 Forwarding agents receiving copies of commercial invoices not containing notice of prohibition against diversion.

To keep record of notification to exporter of obligation and exporter's reply of compliance therewith.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 379.10 (retention: 381.11)

4.11 Transferors and transferees of export licenses.

To keep records of all documents evidencing the order covered by these licenses.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 380.1 (retention: 381.11)

4.12 Exporters or agents.

To keep records of export transactions, exports and reexports.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 381.10 (retention: 381.11)

4.13 Foreign distributors.

To keep records of distribution, sale, or reexportation from a foreign-based stock under the Form FC–243 Procedure.

Retention period: 3 years from date of distribution.[4] 15 CFR 373.4 (retention: 381.11)

4.14 Exchange of commodities by airlines.

To keep records of commodities imported from the U.S. and lent, exchanged, or sold to another airline without profit.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 373.48

4.15 Carriers releasing shipment without receiving a bill of lading containing notice of prohibition against diversion.

To secure a receipted copy of the written notice omitted from the bill of lading from party taking custody of the shipment.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 379.10 (retention: 381.11)

4.16 Exporters of certain kinds of technical data.

To secure and retain a written assurance from the consignee regarding use of the data and its direct product.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 385.2 (retention: 381.11)

Foreign Trade Zones Board

4.17 Grantees of foreign trade zones.

To keep books, records, and accounts in the form and manner prescribed in "Uniform System of Accounts, Records and Reports," approved February 6, 1939.

Retention period: Not specified. 15 CFR 400.1002a

5. Maritime Administration

5.1 General agents (shipping companies) or their subcontractors and berth agents.

To keep books, records, documents and accounts (which shall be the property of the U.S.), relating to the activities, maintenance and business of vessels covered by or involving transactions related to Service Agreements as prescribed in AGE–1—General Agents, Agents and Berth Agents.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, AGE–1, sec. 2(b), General Agents service agreement, Art. 3(g)(1) and Art. 14; Berth Agents service agreement, Art. 3(e)(1) and Art. 14

5.2 Agents entering into service agreements.

To keep separate sets of books of accounts to record the various transactions in connection with procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, FIS–1, sec. 1

5.3 Agents entering into service agreements.

To keep the originals of all documents, at his principal office, including authorizations, for facilities, services and supplies and complete tariffs and port schedules covering charges at domestic and foreign ports incident to the operation of the vessels assigned under the procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, FIS–1, secs. 9 and 12

5.4 General agents.

To prepare monthly invoices for compensation earned during preceding month under the applicable provisions of NSA Order No. 47 (AGE–4) and record in agency account books.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, FIS–2, sec. 3(a)(1) and sec. 5

5.5 General agents.

To keep originals of statements or credit memoranda for return premiums for all vessels insured with Underwriters pursuant to INS–1–Maritime Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, INS–1, sec. 7(b)

5.6 General agents.

To keep records to account, if required, for the purchase, delivery to the Master, receipts from sales, condemnations, transfers and all other transactions in connection with slop chests.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, OPR–1, sec. 2(e)

5.7 Masters.

To keep records and logs disclosing receipts for the quantities of slop chest items delivered aboard ship.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, OPR–1, sec. 3 (d) and (e)

5.8 General agents.

To keep a copy of each Job Order, Supplemental Job Order or Worksmalrep Contracts for the maintenance and repair of vessels when work awarded by General Agents.

Retention period: Until completion of audit.[5] 32A CFR Ch. XVIII, SRM–1, sec. 3(a)(1)

[4] Complete and accurate reproductions may be substituted for documents required to be retained under Export Control Regulations after 12 months from beginning of required retention period; provided facilities for location and inspection are available at the place of retention. 15 CFR 381.11

[5] After audit by the General Accounting Office, the Maritime Administration will take custody of the records.

5.9 General agents.

To keep records and supporting documents pertaining to repairs and equipment purchased for repairs to ships so that reports may be made to the Maritime Administration.

Retention period: Until completion of audit.* 32A CFR Ch. XVIII, SRM–2, sec. 4; SRM–3, sec. 3(d); SRM–4, sec. 2; SRM–5, sec. 3(a) and sec. 19

5.10 Charterers of Government-owned dry-cargo vessels.

To keep books, records, and accounts, required under Clause 37(1), Part II, of Form 705 charter; section 705 of the Merchant Marine Act, 1936.

Retention period: 3 years after a release or final settlement is completed between the Maritime Administration and the charterer. 46 CFR 221.13

5.11 Operators of vessels newly constructed under Maritime Administration ship construction contracts, containing guarantee clauses.

To keep records, including log extracts of all deficiencies, defects, weaknesses, etc., found in the ship while in the operator's custody and operation, and, if possible, the causes thereof; and maintain 12 complete sets of records of the items deemed to be the builder's responsibility, including the initial report of the deficiency, specifications, itemized costs, and completion certificates for all such work awarded during the guarantee period, and, if possible, the cause of the deficiencies and all related correspondence for use at the time of the Final Guarantee Survey.

Retention period: 3 years after date of the final guarantee survey. 46 CFR 247.4

5.12 Operators of operating-differential subsidized vessels.

To keep copy of Form MA–140, Repair Summary (together with the letter and documents pertinent thereto) for each terminated voyage.

Retention period: Not less than 6 years after audit and approval by the Maritime Administration and Maritime Subsidy Board of a final accounting for the last year of a recapture period and settlement of such a recapture period. 46 CFR 272.7

5.13 Operating-differential subsidy contractors, and such affiliates, domestic agents, subsidiaries, or holding companies connected with, or directly or indirectly controlling or controlled by, such contractors.

To keep its books, records, and accounts, as the Maritime Administration shall require, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 282.00, 282.01, 292.3

5.14 Operating-differential subsidy contractors.

To keep records supporting entries to notes and accounts receivable from officers and employees and subsidiary accounts.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 282.364

5.15 Contractors and subcontractors.

To keep accounts, books, documents, memoranda, minutes and records of every kind involving cost of performing a contract or subcontract subject to inspection and audit by the Administration.

Retention period: 2 years after the final determination and acceptance of payment by the Maritime Administration. 46 CFR 285.5

5.16 Contractors and subcontractors.

To keep books and records in such manner that a proper determination of profit can be made therefrom.

Retention period: 2 years after the contractor or subcontractor has made payment of excess profits as determined by the Maritime Administration. 46 CFR 285.35

5.17 Operators of operating-differential subsidy agreements and depositories.

To keep certified copies of resolutions authorizing the establishment of special and capital reserve funds and such other accounts established in connection therewith.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 286.2

5.18 Taxpayers establishing construction reserve funds.

To keep records and make such additional reports as the Commissioner of Internal Revenue or the Maritime Administration may require.

Retention period: 6 months after the termination or closing out of the reserve fund. 46 CFR 287.26

5.18a Taxpayers establishing construction reserve funds; depositories.

To keep resolutions in connection with the establishment and maintenance of the construction reserve fund under agreement with the depository.

Retention period: 2 years after a final release or settlement agreement is completed between the Maritime Administration/Maritime Subsidy Board and the taxpayer. 46 CFR 287.6

5.19 Operators of operating-differential subsidy agreements.

To keep all working papers (irrespective of by whom prepared) in support of the various statements comprising annual and final accountings.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 292.8

5.20 Citizen applicants to purchase or charter a war-built vessel.

To keep books, records, and accounts available for examination as deemed necessary by the Maritime Administration to verify financial statements submitted.

Retention period: Purchase—10 years after completion of contract requirements; charter—5 years after settlement of company charters by the Maritime Administration. 46 CFR 299.8

5.21 Purchasers of war-built vessels.

To keep books, records and accounts available for examination and audit as may be required by the Maritime Administration.

Retention period: Until a final release or settlement agreement is completed between the Maritime Administration and the purchaser. 46 CFR 299.21

5.22 Charterers of war-built vessels.

To keep books, records and accounts relating to the vessel in such form as the Maritime Administration may prescribe available for examination and audit.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.31

5.23 Charterers of war-built vessels, Government-owned dry-cargo vessels, and war-built dry-cargo vessels.

To keep books, records and accounts relating to the management, operations, conduct of the business of and maintenance of the vessels covered by the agreement in accordance with the "Uniform System of Accounts" and under such regulations as may be prescribed by the owner: *Provided*, That if the Charterer is subject to the jurisdiction of the Interstate Commerce Commission, the Administration will not require the duplication of books, records and accounts required to be kept in some other form by the Interstate Commerce Commission.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.39, 299.130, 299.202

5.24 Charterers of war-built vessels.

To keep cost records or other sound accounting evidence for purpose of supporting claims, if any, for post-redelivery overhead expenses.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.48, 299.52, 299.53

5.25 Underwriting agents under war risk insurance program for hull, P & I and second seamen.

To keep a full and complete record of all applications, binders and policies, and also record all premiums, charges or deposits required by the terms of the binders or policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.8

5.26 Those assured under war risk cargo insurance program.

To keep books, records and accounts in such form and manner that all information available to the assured as to the amounts at risk and the amounts of losses incurred and premiums due can be readily ascertained therefrom by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.517

5.27 Underwriting agents under war risk cargo insurance program.

To keep a full and complete record of all applications, binders, and policies, and also record all premiums, charges, collateral deposit funds and surety bonds required by the terms of the binders and policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.548

5.28 State maritime academies.

To keep records pertaining to academies, officers, instructors, crew cadets, training ships and shore bases, and daily logs of absences, with or without leave, hospitalizations, disenrollments and other analogous data.

Retention period: Personnel records—60 years from date of enrollment; all other records—12 years after final audit. 46 CFR 310.3

5.29 Clearing agents under war risk cargo insurance programs.

To keep a complete, separate system of books, records and accounts covering its operation and activities under this agreement, including a record of all statements, vouchers and other information received by it from the underwriting agents which shall be the property of the United States represented by the Maritime Administrator.

Retention period: During the period of the agreement and up to 36 months after its termination and thereafter until final settlement of any outstanding claims against the Administrator by holders of policies issued by the underwriting agents. 46 CFR 308.551

5.30 Operators under Title VI and VII, Merchant Marine Act of 1936. [Amended]

To keep varied records created while under contract with the Maritime Administration/Maritime Subsidy Board.

Retention period: In accordance with the provisions of 46 CFR 380.20–380.24

*After audit by the General Accounting Office, the Maritime Administration will take custody of the records.

6. Bureau of Public Roads

6.1 State highway departments or their agents. [Revised]

To maintain all records and documents as may be prescribed in the "Retention Schedule of Federal-Aid Highway Records for State Highway Departments" relating to (a) projects undertaken pursuant to Federal law and regulations, and (b) toll facilities financed in part with Federal funds.

Retention period: (a) 3 years from date of final payment of Federal funds to State or as otherwise specified in the retention schedule, and (b) at least 3 years after facility has been operated on a free basis. 23 CFR 1.30

7. Under Secretary of Commerce for Transportation

7.1 Ship and aircraft owners, masters, officers, employees and agents participating in transportation.

To retain records of voyages and/or shipments in sufficient detail to permit an audit to determine if the provisions of orders T–1 and T–2 (Shipping restrictions) to Country groups X, Y, or Z (these include Soviet bloc countries (excluding Rumania and Poland), Hong Kong, Macao, China, North Korea, North Viet-Nam, and Cuba), as set forth in the Export Schedule (15 CFR 370.1(g)(2)), have been carried out. No changes in the records customarily maintained are required provided such records supply an adequate basis for audit. Records may be retained in microfilm or other photographic copies instead of the originals.

Retention period: At least 2 years. 32A CFR Ch. VII, T–1, sec. 4; T–2, sec. 5

8. Great Lakes Pilotage Administration

8.1 Each voluntary association holding a Certification of Authorization under the Great Lakes Pilotage Uniform Accounting System.

To keep all books, records and memoranda and file them in such a manner to readily permit the audit and examination thereof by representatives of the Great Lakes Pilotage Administration. Also, the records must be housed or stored in such a manner as to afford protection from loss, theft or damage by fire, flood or otherwise.

Retention period: 10 years unless otherwise authorized by the Administration. 46 CFR Part 403

9. National Highway Safety Agency [Added]

9.1 Manufacturers of motor vehicles and motor vehicle equipment.

To maintain such books, records, papers, and documents relating to the safety standards of motor vehicles and motor vehicle equipment.

Retention period: Not specified. Public Law 89–563 (80 Stat. 725)

III. DEPARTMENT OF DEFENSE

1. Office of the Secretary of Defense (Departments of Army, Navy, Air Force)

1.1 Contractors with negotiated fixed price supply contracts and purchase orders in excess of $2,500. [Amended]

To maintain books, documents, papers, and records involving transactions related to the contract or which will permit adequate evaluation of the cost or pricing data submitted.

Retention period: 3 years after final payment under the prime contract. 32 CFR 7.104–15. ASPR 7–104.15

1.2 Subcontractors with contracts or purchase orders in excess of $2,500 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed price supply contracts and purchase orders in excess of $2,500. [Amended]

To maintain books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.104–15. ASPR 7–104.15

1.3 Contractors and subcontractors with facilities contracts. [Added]

To maintain books, documents, papers, and records involving transactions related to consolidated facilities contracts, facilities acquisition contracts, or facilities use contracts.

Retention period: 3 years after date of payment under the contract. 32 CFR 7.702–13, 7.702–48, 7.703–11, 7.703–41, 7.704–5, 7.704–33 (retention: 7.104–41, 7.203–7)

1.4 Contractors and subcontractors with time and materials and labor and hour contracts. [Added]

To maintain books, documents, papers, and records involving transactions related to the contract.

Retention period: 3 years after final payment under the contract. 32 CFR 7.901–16, 7.901–17 (retention: 7.104–41, 7.203–7)

1.5 Contractors and subcontractors with mortuary services contracts. [Added]

To maintain books, documents, papers, and records involving transactions related to the contract.

Retention period: 3 years after final payment under the contract. 32 CFR 7.1202–1 (retention: 7.104–15)

1.6 Architect-engineer contracts. [Added]

To maintain books, documents, papers, and records involving transactions related to the contract.

Retention period: 3 years after final payment under the contract. 32 CFR 7.607–17, 7.607–22 (retention: 7.104–15, 7.104–41)

1.7—1.13 [Reserved]

1.14 Contractors with cost reimbursement type supply contracts. [Amended]

To maintain books, records, documents and other evidence pertaining to the expenses for which reimbursement is claimed under the contract.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.203–7. ASPR 7–203.7

1.15 Subcontractors with contracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost reimbursement type prime supply contracts. [Amended]

To maintain books, records, documents, and other evidence pertaining to the expenses for which reimbursement is claimed under the subcontract.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.203–7. ASPR 7–203.7

1.16 Subcontractors with subcontracts in excess of $2,500 on other than cost, cost-plus-fixed-fee, time-and-material, or labor-hour basis (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under cost reimbursement type prime supply contracts. [Amended]

To maintain books, documents, papers and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.203–7. ASPR 7–203.7

1.17 Contractors with negotiated fixed-price research and development contracts in excess of $2,500. [Amended]

To maintain books, documents, papers and records involving transactions related to the contract.

Retention period: 3 years after final payment under the prime contract. 32 CFR 7.302–6 (retention: 7.104–15). ASPR 7–302.6

1.18 Subcontractors with subcontracts in excess of $2,500 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed-price prime research and development contracts in excess of $2,500. [Amended]

To maintain books, documents, papers and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.302–6 (retention: 7.104–15). ASPR 7–302.6

1.19 Contractors with cost-reimbursement type research and development contracts. [Amended]

To maintain books, records, documents and other evidence pertaining to all direct and indirect costs of whatever nature for which reimbursement is claimed under the contract.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.402–7 (retention: 7.203–7). ASPR 7–402.7

1.20 Subcontractors with subcontracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost-reimbursement type prime research and development contracts. [Amended]

To maintain books, records, documents and other evidence pertaining to all direct and indirect costs of whatever nature for which reimbursement is claimed under the subcontract.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.402–7 (retention: 7.203–7). ASPR 7–402.7

1.21 Subcontractors with subcontracts in excess of $2,500 on other than cost, cost-plus-fixed-fee, time and material or labor-hour basis (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under cost-reimbursement type prime research and development contracts. [Amended]

To maintain books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.402–7 (retention: 7.203–7). ASPR 7–402.7

1.22 Contractors with fixed-price construction contracts.

To maintain books, documents, papers and records involving transactions relating to this contract.

Retention period: 3 years after final payment under the prime contract. 32 CFR 7.603–7 (retention: 7.104–15). ASPR 7–603.7

1.23 Contractors with fixed price contracts in excess of $2,500 for supplies or experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or nonprofit institutions when no profit is contemplated. [Amended]

To maintain books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 32 CFR 8.701. ASPR 8–701

1.24 Contractors with fixed price construction contracts amounting to more than $10,000. [Amended]

To maintain books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 32 CFR 8.701. ASPR 8–701

1.25 Subcontractors with fixed price subcontracts. [Amended]

To maintain books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 32 CFR 8.706. ASPR 8–706

1.26 [Deleted]

1.27 Contractors with Army, Navy, Air Force.

To keep control records for Government property, whether furnished to or acquired by a contractor for the account of the Government, to be designated and used as official contract records by the Government, whenever possible. Records and procedures shall be reviewed and approved by the Contract Administrator; status of records should be readily ascertained; consolidated property records may be maintained. Property records shall show a unit price, determined by the Government, and property amount number for each item (summary stock records may be maintained in lieu of individual property records for items of plant equipment having a value of less than $500 each when designated by the contract administrator in accordance with departmental procedures). Records include those of material, special tooling, plant equipment, real property, and scrap. (Specific information given in Code.)

Retention period: Not specified. 32 CFR 30.2, paragraphs 301 and 304; 32 CFR 30.3, paragraphs 207 and 210. (Various regulations of the Army, Navy, and Air Force repeat these requirements as they relate to particular types of contracts.)

1.28 Banks holding in special accounts advance payments to contractors under the terms of the Armed Services Procurement Act of 1947.

To keep books and records, memoranda, checks, correspondence or documents pertaining to the account.

Retention period: 6 years after closing of the account. 32 CFR 82.48–1. ASPR App. E 414.1(c)(3)

1.29—1.30 [Reserved]

1.31 Contractors with negotiated cost-reimbursement type incentive or price redeterminable contracts.

To maintain books, records, documents, and other evidence sufficient to reflect all direct and indirect costs claimed to have been incurred and anticipated to be incurred for the performance of the contract.

Retention period: 3 years after final payment under the contract. 32 CFR 7.104–41. ASPR 7–104.41

1.32 Contractors with stevedoring contracts. [Amended]

To maintain books, papers, or other accounting records pertaining to stevedoring contracts.

Retention period: 3 years after expiration or termination of the contract. 32 CFR 7.1002–21, 7.1002–22 (retention: 7.104–15). ASPR 7–1002.21

2. Department of the Air Force

2.1—2.2 [Reserved]

2.3 Contractors' flight operating procedures and flight crews.

To keep records of each flight crew member and policy and flight operating procedures.

Retention period: Not specified. 32 CFR 860.6

3. Department of the Army

3.1 Reclamation Board, State of California, as operating agency for the Big Dry Creek Reservoir and Diversion, Fresno County Stream Group.

To keep a continuous record of Big Dry Creek Reservoir stage, including specified inflow, release, diversion, flow, and such other operational data as shall be deemed necessary by the operating agency or as shall be requested by the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality.

Retention period: Not specified. 33 CFR 208.83

3.2 Owners of private interstate toll bridges.

To keep records relating to construction, financing, and promotion of such bridge.

Retention period. At least 3 years after completion of bridge. 33 U.S.C. 528

3.3 States or municipalities or other political subdivisions or public agencies thereof taking over or acquiring or constructing an interstate toll bridge.

To keep an accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating same, and of the daily tolls collected.

Retention period: Not specified. 33 U.S.C. 529

3.4 Masters or operators of all vessels subject to the Oil Pollution Act of 1961.

To keep an "Official Oil Record Book" on vessels which contain the record of certain actions in connection with the use or handling of oil or oily mixture.

Retention period: Each completed book for 2 years from date of last entry. 33 CFR 212.3

3.5 Contractors with federally assisted contracts.

To maintain payroll and other related records during the course of the work for all laborers and mechanics working at the site of the work.

Retention period: 3 years. 32 CFR 1808.4

3.6 State or State agencies receiving Federal contributions for civil defense equipment. [Added]

To maintain books, records, and documents relating to such contributions.

Retention period: 3 years following completion of the approved project. 32 CFR 1801.6

3.7 State or State agencies receiving financial contributions for personnel and administrative expenses under the Federal Civil Defense Act of 1950, as amended. [Added]

To keep books, records, papers, and other pertinent supporting material including those relating to procurement of administrative equipment and to merit system operations showing receipt and disbursement of Federal funds received.

Retention period: 3 years after payment unless advised by OCD to maintain such records for a longer period. 32 CFR 1807.6

IV. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

1. Office of Education

1.1 Local educational agencies receiving Federal grants for construction of minimum school facilities in areas affected by Federal activities under Public Law 81–815, as amended. [Amended]

To keep all records supporting claims for Federal grants.

Retention period: (1) Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies, or (2) for 3 years following the fiscal year to which the claim relates, whichever is later, except as otherwise notified.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agencies making the reviews. 45 CFR 114.30

1.2 Local educational agencies receiving Federal grants to cover current expenditures in areas affected by Federal activities under Public Law 81–874, as amended. [Amended]

To keep all records supporting claims for Federal grants.

Retention period: (1) Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies, or (2) for 3 years following fiscal year to which the claim relates, whichever is later, except as otherwise notified.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agencies making the reviews. 45 CFR 115.43

1.3 State and local agencies receiving financial assistance for vocational education under both the Vocational Education Act of 1963 and the Smith-Hughes, George-Barden and Supplementary Acts, as amended, or under the Vocational Education Act of 1963 alone.

To keep all records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: Until notified of the completion of the program reviews and of the fiscal audit covering the records.

Records supporting accountability for and disposition of school facilities constructed and nonconsumable equipment costing $100 or more purchased under the State plan (whether from Federal or matching funds) shall be kept until notification in writing of the completion of the review and audit covering the disposition of such school facilities and equipment. 45 CFR 104.36

1.4 State and local agencies receiving financial assistance for vocational education in agriculture, distributive occupations, home economics, and trades and industries, including the fishery trades and industry, and practical nurse training and area vocational education programs under the Smith-Hughes and/or George-Barden Acts, as amended.

To keep all records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: Until notified of the completion of the program reviews and of the fiscal audit covering the records. Records supporting accountability for nonconsumable equipment purchased under the program (whether from Federal or matching funds) and costing $10 or more shall be kept until notification of the completion of the review and audit covering the disposition of such equipment. 45 CFR 102.24, 103.2

1.5 State and local agencies participating in the library services and construction program under the Library Services and Construction Act.

To maintain all records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of such grants and relating to the expenditure of matching funds for services or construction projects.

Retention period: (1) 3 years after close of fiscal year in which expenditure was made or (2) until notification of completion of fiscal audit, whichever is later. 45 CFR 130.7

1.6 State agencies receiving payments for training under the Manpower Development and Training Act of 1962.

To keep all records supporting claims for Federal funds or relating to the accountability of the State agency for ex-

penditure of the Federal funds and of its share of the cost of providing training under the act.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made by the State agency or any public or private educational agency or institution; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is notified of the completion of the Federal fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Commissioner. 45 CFR 160.13

1.7 Agencies receiving Federal financial assistance for noncommercial educational television broadcast facilities pursuant to title III of the Communication Act of 1934.

(a) To maintain all records relating to the receipt and expenditure of the Federal grant funds and to the expenditure of non-Federal share of the cost of the project.

Retention period: (1) For 3 years after close of fiscal year in which expenditure was made, or (2) until audit is completed or (3) until agency notifies that such records are no longer needed for program administration review, whichever is later. Records involved in any expenditure which has been questioned shall be further maintained until the matter has been reviewed and cleared by the Secretary. 45 CFR 60.19

(b) To maintain descriptive inventories or other records supporting accountability of all items of transmission apparatus costing $100 or more acquired or installed with Federal financial assistance.

Retention period: 10 years after completion of the project. 45 CFR 60.19

1.8 [Transferred to IV 6.1]

1.9 State commissions receiving financial assistance under section 105 and institutions receiving financial assistance for construction of higher education facilities under the Higher Education Facilities Act of 1963. [Revised]

(a) *State commissions.* To maintain (1) accounts and documents supporting expenditures for expenses, (2) inventories and other records supporting accountability for purchase of equipment items costing $50 or more per unit, (3) records of each application received, and (4) records of all hearings on appeals and all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered.

(b) *Institutions, cooperative graduate center boards, and higher education building agencies.* To maintain all accounting records relating to approved projects, including bank deposits, canceled checks, etc., for audit and inspection by the Federal Government.

Retention period: (a) (1) Until notified of completion of Federal audits for the Federal fiscal year concerned, (2) until notified of the completion of review and audit by HEW covering disposition of such equipment, (3) at least 2 years after final action is taken, and (4) at least 3 years; (b) 3 years after the completion of the project or until the applicant is notified of completion of the Government's audit, whichever is later. 45 CFR 170.6

1.10 [Deleted]

1.11 State and local educational agencies receiving financial assistance under title III of the National Defense Education Act for strengthening instruction in science, mathematics, history, civics, geography, economics, industrial arts, modern foreign language, English, and reading. [Amended]

To keep all records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made by the State or local education agency; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is notified of the completion of the Department's fiscal audit, whichever is later.

Records supporting accountability for nonconsumable equipment purchased under the program for supervision, related services or administration, and costing $50 or more shall be kept until notification of the completion of the review and audit covering the disposition of such equipment. No such continuing inventory is required for equipment acquired under projects approved in accordance with section 303(a) of the National Defense Education Act of 1958.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department. 45 CFR 141.18

1.12 Private nonprofit elementary and secondary schools receiving loans under title III of the National Defense Education Act for acquisition of equipment for strengthening instructions in science, mathematics, history, civics, geography, economics, industrial arts, modern foreign language, English, and reading. [Amended]

To keep all records supporting the use of loan funds accessible and intact.

Retention period: Until the loan has been paid in full or until 3 years after receipt of loan funds, whichever is later. 45 CFR 142.9

1.13 Institutes of higher education receiving financial assistance for graduate fellowship programs under title IV of the National Defense Education Act.

To keep all records supporting claims for Federal payments.

Retention period: (1) For 3 years after the close of the fiscal year to which such records relate; or (2) until they are notified that such records are not needed for program administration review; or (3) until they are notified of the completion of the Department's fiscal audit, whichever is later.

The records involved in any claims which have been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department. 45 CFR 145.5

1.14 State and local educational agencies receiving financial assistance for guidance and counseling and testing programs under title V of the National Defense Education Act.

To keep all records supporting claims for Federal grants or relating to the accountability of the grantee agency for expenditures of Federal grants and matching funds.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made by the State or local educational agency; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is notified of the completion of the Department's fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department.

Records supporting accountability for nonconsumable equipment purchased under the program with Federal financial participation and costing $50.00 or more shall be kept until notification of the completion of review and audit covering the disposition of such equipment. 45 CFR 143.18

1.15 State educational agencies receiving financial assistance under section 1009 of the National Defense Education Act for improvement of statistical services.

To keep all records supporting claims for Federal grants or relating to the accountability of the grantee agency for expenditure of Federal grants and matching funds.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made by the State educational agency; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is notified of the completion of

the Department's fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department.

Records supporting accountability for nonconsumable equipment purchased under the program with Federal financial participation and costing $10 or more per unit shall be kept until notification of the completion of the Department's review and audit covering the disposition of such equipment. 45 CFR 140.7

1.16 State and local educational agencies receiving financial assistance for the education of children of low-income families, pursuant to title I of the Elementary and Secondary Education Act of 1965, which amended Public Law 81–874. [Amended]

(a) To keep all records supporting claims for Federal grants under title I of the act or relating to the accountability for expenditure of such grants.

Retention period: (1) For 3 years after close of fiscal year in which expenditure was made; or (2) until notified that such records are not needed for administrative review; or (3) until notified of the completion of the fiscal audit, whichever is later.

(b) To keep all other records developed under a program or project under this title.

Retention period: For 3 years after the completion of the program or project.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and such adjustments have been, reviewed and approved by the Department. 45 CFR 116.54

1.17 State and local educational agencies receiving financial assistance for school library resources, textbooks, and other instructional materials, under title II of the Elementary and Secondary Education Act of 1965. [Amended]

To keep records supporting claims for Federal grants or relating to the accountability of the grantee agency for expenditure of such grants.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made; or (2) until notified that such records are not needed for program administration review; or (3) until notified of the completion of the fiscal audit, whichever is later.

Where equipment which costs $100 or more per unit is purchased with Federal funds for use in administration of the State plan, records supporting accountability shall be maintained for the useful life of the equipment or until completion of the Department's review and audit covering the disposition of such equipment, whichever is sooner.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department. 45 CFR 117.37

1.18 Local educational agencies receiving financial assistance under title III of Elementary and Secondary Education Act of 1965 for supplementary educational centers and services.

To keep all records pertaining to the grant.

Retention period: (1) For 3 years after close of fiscal year in which expenditures are liquidated, (2) until notification that such records are not needed for program administrative review; and (3) until notification of completion of Federal fiscal audit.

Where equipment which costs $100 or more per item is purchased under an approved project, records supporting accountability shall be maintained until notification of the completion of the review and audit covering the disposition of such equipment.

Records pertaining to any claim or expenditure which has been questioned at time of audit shall be maintained until necessary adjustments have been reviewed and cleared by the Department. 45 CFR 118.31, 118.40

1.19 Recipients of Federal financial assistance for research and research related activities in the field of education and for construction of national and regional research facilities under the Cooperative Research Act, as amended by title IV of the Elementary and Secondary Education Act of 1965.

To keep all records supporting claims under Federal grants or relating to the accountability of Federal funds.

Retention period: (1) For 3 years after close of the fiscal year in which expenditure was made, (2) until notification that such records are not needed for program administration review; or (3) until notification of completion of Federal fiscal audit, whichever is later.

Where nonconsumable equipment costing $250 or more per unit is purchased in whole or in part, with Federal funds, the grantee shall maintain inventories and other records supporting accountability for such equipment until grantee is notified of the completion of the Department's review and audit covering the disposition of such equipment.

Records pertaining to any claim or expenditure questioned at time of audit shall be maintained until necessary adjustments have been reviewed and cleared by the Department. 45 CFR 151.18

1.20 State educational agencies receiving financial assistance under title V of the Elementary and Secondary Education Act of 1965 to strengthen State departments of education.

To keep all records supporting claims for Federal grants or relating to the accountability of such State agency for expenditure of such grants and relating to the expenditure of any non-Federal funds necessary for matching or supplementing the Federal share of such grants.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made by the State educational agency; or (2) until the State agency is notified that such records are not needed for administrative review; or (3) until the State agency is notified of the completion of the Department's fiscal audit, whichever is later.

Where equipment which costs $100 or more per unit is purchased by the State with Federal financial participation, inventories and other records supporting accountability shall be maintained until the State agency is notified of the completion of the Department's review and audit covering the disposition of such equipment.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and such adjustments have been reviewed and approved by the Department. 45 CFR 119.42

1.21 Local educational agencies receiving financial assistance for construction of public elementary and secondary schools in areas affected by major disasters. [Added]

To keep records supporting claims for such assistance.

Retention period: 3 years following fiscal year to which claim relates, or until completion of the Federal fiscal audit or the regularly conducted Federal administrative review, whichever is later.

Records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and such adjustments have been reviewed and approved by the Federal agency making such review. 45 CFR 112.16

1.22 Local educational agencies receiving financial assistance for current expenditures in areas affected by major disasters. [Added]

To keep all records supporting claims for such Federal funds.

Retention period: 3 years following fiscal year to which claim relates, or until completion of the fiscal audit or the regularly conducted Federal administrative review and notification the case is closed, whichever is later.

Records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and such adjustments have been reviewed and approved by the Federal agency making such review. 45 CFR 113.19

1.23 State commissions and institutions receiving financial assistance for acquisition of equipment to improve undergraduate instruction in institutions of higher education under the Higher Education Act of 1965. [Added]

(a) *State commissions.* To maintain records of case files on each application received and of all proceedings by which

It establishes relative priorities and recommended Federal shares for eligible projects considered.

(b) *Institutions.* To maintain all accounting records relating to approval of projects and to verification of the applicant's maintenance of effort, including bank deposits, canceled checks, etc.

Retention period: (a) 2 years after final action or each such closing date; (b) 3 years after completion of project or until applicant is notified of the Government's audit, whichever is later. 45 CFR 171.8

1.24 School systems receiving Federal assistance. [Added]

To maintain all records relating to personnel actions, transportation (routes and schedules), and student assignments and transfers including all choice forms and transfer applications submitted to the school system in compliance with title VI of the Civil Rights Act of 1964.

Retention period: 3 years. 45 CFR 80.6, 181.19, 181.35, 181.55

1.25 State agencies or institutions receiving financial assistance for community service and continuing education programs under the Higher Education Act of 1965. [Added]

To maintain all records supporting claims for Federal grants or relating to accountability for expenditure of such grants or of matching funds.

Retention period: Until notified that such records are not needed for program administration review or of completion of Department's fiscal audit, whichever is sooner.

Records involved in any claim or expenditure which has been questioned shall be maintained until necessary adjustments have been reviewed and cleared by the Department. 45 CFR 173.29

1.26 Institutions of higher education participating in the national defense student loan program under title II of the National Defense Education Act. [Added]

To maintain records of all transactions with respect to the fund, general ledger control accounts and subsidiary accounts as required, pertinent records of fund activities including individual oaths, and promissory notes.

Retention period: Until agreed upon with the Commissioner that there is no further need for retention. 45 CFR 144.11

2. Food and Drug Administration

2.1 Persons introducing shipment or delivery of unlabeled food into interstate commerce and operators of establishments processing, labeling, and repacking.

Persons shipping unlabeled food interstate and operators of establishments processing, labeling, or repacking such food, where such persons and such operator are not the same person, shall keep written agreements containing such specifications as will insure that such food will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such food from such establishment. 21 CFR 5.2

2.2 Persons introducing shipment or delivery of unlabeled drugs and devices into interstate commerce and operators of establishments processing, labeling, and repacking.

Persons shipping unlabeled drugs and devices into interstate commerce and operators of establishments processing, labeling, or repacking such drugs and devices, where such persons and such operator are not the same person, shall keep written agreements containing such specifications as will insure that such drugs or devices will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such drugs or devices from such establishment. 21 CFR 1.107

2.3 Persons introducing shipment or delivery of unlabeled cosmetics into interstate commerce and operators of establishments processing, labeling, and repacking.

Persons shipping unlabeled cosmetics interstate and operators of establishments processing, labeling, or repacking such cosmetics, where such persons and such operator are not the same person shall keep written agreements containing such specifications as will insure that such cosmetics will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such cosmetics from such establishment. 21 CFR 1.204

2.4 Persons introducing shipment or delivery of unlabeled hazardous substances into interstate commerce and operators of establishments receiving and labeling such substances.

Persons shipping unlabeled household containers of hazardous substances interstate and operators of establishments receiving and labeling such hazardous substances, where the person and the operator are not the same person, shall keep written agreements containing such specifications as will insure that such hazardous substances will not be misbranded upon completion of such labeling.

Retention period: 2 years after final shipment or delivery of such hazardous substance from such establishment. 21 CFR 191.64

2.5 Packers of processed shrimp and canned oysters operating under the seafood inspection service.

Shall keep shipping records covering shipments from each lot of inspected seafood.

Retention period: At least 2 years. 21 CFR 85.9, 85.24

2.6 Sponsors and investigators of new drugs and antibiotic drugs for investigational use; persons shipping new drugs and antibiotic drugs for laboratory study or for clinical investigation in animals; sponsors of clinical investigations in animals. [Amended]

(a) Sponsors of new drugs and antibiotic drugs for investigational use shall keep and maintain: (1) complete records of each shipment and delivery to an investigator, and (2) accurate progress reports of the investigation and significant findings, together with any significant changes in the informational material supplied to investigators.

Retention period: 2 years after a new-drug application or an antibiotic form 5 is approved for the drug or, if unapproved, 2 years after shipment and delivery for investigational use is discontinued and the Food and Drug Administration is so notified. 21 CFR 130.3, 144.8

(b) Investigators of new drugs and antibiotic drugs shall maintain: (1) complete records of disposition of the drug, and (2) case histories and other data pertinent to the investigation of each individual treated with the drug.

Retention period: 2 years after a new-drug application or an antibiotic form 5 is approved for the drug or, if unapproved, 2 years after the investigation is discontinued. 21 CFR 130.3, 144.8

(c) Persons introducing a shipment or other delivery interstate of a new-drug or an antibiotic drug for laboratory study or for clinical investigation in animals shall keep and maintain complete records of each shipment and delivery including the name and post office address of the expert or investigator to whom the drug is shipped and the date, quantity, and batch or code mark of each shipment and delivery.

Retention period: 2 years after such shipment and delivery. 21 CFR 130.3, 130.3a, 144.8

(d) Sponsors of clinical investigations in animals shall keep and maintain all reports received from investigators.

Retention period: 2 years after the termination of the investigation or approval of a new-drug application. 21 CFR 130.3, 130.3a, 144.8

2.6a Manufacturers, processors, packers, and holders of finished pharmaceuticals.

To maintain records of all written or verbal complaints for each product and the evaluation and action relating to such complaints.

Retention period: Not specified. 21 CFR 133.14

2.7 Persons requesting certification of antibiotic drugs; persons introducing shipment or delivery of antibiotic drugs into interstate commerce and operators of establishments processing, labeling, storing, repacking, and manufacturing.

(a) Persons requesting certification of antibiotic drugs shall keep complete records of all shipments and deliveries of each batch or part thereof.

(b) Persons shipping antibiotic drugs interstate for processing, labeling, storing, repacking, and manufacturing, and operators of such establishments, whether or not the shipper, shall keep complete records of all shipments and deliveries of each batch or part thereof.

(c) Persons engaged in manufacturing, compounding, processing, packing, or labeling an antibiotic drug for which a certificate or release has been issued or whose name appears on the labeling of an antibiotic drug as its manufacturer, packer, or shipper shall maintain such records and make such reports as are necessary to facilitate a determination whether any such certification or release should be rescinded or whether any regulation should be amended or repealed.

Retention period: (a) and (b) 3 years from date of shipment or delivery and/or receipt of same; (c) Not specified. (a) 21 CFR 146.5; (b) 21 CFR 144.3—144.7; (c) 21 CFR 146.14(d)

Photostatic or other permanent reproductions may be used as substitutes for records identified in this section after the first 2 years of retention. 21 CFR 144.23, 146.7

2.8 Persons petitioning for exemption from certification for antibiotic drugs intended for local or topical use. [Added]

Shall keep records of all laboratory tests and assays required as a condition for certification on each batch produced, and of all shipments and deliveries of each batch or part thereof.

Retention period: 3 years after date of shipment or delivery. 21 CFR 144.1

2.9 Insulin distributors to whom certifications have been issued by the Food and Drug Administration.

Shall keep records of shipments and deliveries.

Retention period: 2 years after disposal of all the batch covered by the certificate. 21 CFR 164.8

2.10 Dairy farms and plants at which any milk or cream is pasteurized for shipment or transportation into the United States.

Shall keep all thermograph charts.

Retention period: 2 years, unless within that period the charts are examined and released by authorized agent of the Secretary. 21 CFR 290.17

2.11 Persons manufacturing, processing, packing, or holding finished pharmaceuticals.

Shall keep and maintain (1) batch production and control records for each batch of drugs; (2) complete records of all data concerning laboratory tests performed; and (3) complete records of the distribution of each batch of drug in a manner that will facilitate its recall if necessary.

Retention period: At least 2 years after distribution has been completed. 21 CFR 133.7, 133.11, 133.12

2.12 Persons to whom color-additive certificates have been issued by the Food and Drug Administration.

Shall keep complete and separate records showing the disposal of all the color additive from the batch covered by such certificates.

Retention period: At least 2 years after disposal of all such color additive. 21 CFR 8.26

2.13 Persons delivering for introduction or introducing into interstate commerce a color additive or a food, drug, or cosmetic containing such an additive, for investigational use.

Shall maintain complete records of each shipment and delivery.

Retention period: 2 years after such shipment and delivery. 21 CFR 8.33

2.14 Persons processing food with gamma radiation.

Shall keep a record of the total dose absorbed.

Retention period: 1 year. 21 CFR 121.3002

2.15 Persons processing or treating food with electron beam radiation and/or X-radiation. [Amended]

Shall keep a record of total dose absorbed and of the radiation intensity and power used in the processing or treatment.

Retention period: 1 year. 21 CFR 121.3004, 121.3005, 121.3007

2.16 Persons obtaining an experimental permit for use of a pesticide chemical for which a temporary tolerance is established.

Shall keep records of production, distribution, and performance.

Retention period: 2 years. 21 CFR 120.31(e)(4)

2.17 Persons holding approved new-drug applications.

Shall, upon receiving notification that an application for a new drug is approved, establish and maintain such records and make such reports as are necessary to facilitate a determination whether there may be grounds for invoking section 505(e) of the Federal Food, Drug, and Cosmetic Act to suspend or withdraw approval of the application.

Retention period: Not specified. 21 CFR 130.13(d)

2.18 Persons manufacturing, processing, packing, or holding medicated feeds.

(a) Shall keep and maintain appropriate receipt and inventory records on any drug components used, and a production record of each batch or run produced.

Retention period: At least 1 year. 21 CFR 133.104, 133.105(b)

(b) Shall prepare, check, and maintain a master formula record or card for each medicated feed.

Retention period: At least 1 year after production of the last batch. 21 CFR 133.105(a)

(c) Shall provide for the maintenance of the results of any assays together with records of analyses reported by any State feed control official.

Retention period: At least 1 year after distribution of the medicated feed has been completed. 21 CFR 133.108(e)

(d) Shall maintain complete records of distribution for each shipment of medicated feed in a manner that will facilitate the recall, diversion, or destruction of the feed, if necessary.

Retention period: At least 6 months after the date of the shipment. 21 CFR 133.109

(e) Shall maintain a record of complaints and the action taken relating to such complaints.

Retention period: 2 years. 21 CFR 133.110

2.19 Manufacturers, compounders, processors, dealers, wholesalers, retailers, jobbers, distributors, and any person otherwise disposing of depressant or stimulant drugs. [Added]

Shall keep and maintain complete inventory and continuing records of each such drug manufactured, compounded, processed, stored, received, sold, purchased, delivered, or otherwise disposed of.

Retention period: Not less than 3 years. 21 CFR 166.16, 166.17

3. Public Health Service [6] [Revised]

3.1 State health authorities and cooperating agencies using grant funds for training under section 314 of the Public Health Service Act.

To maintain records of funds for each authorized personnel training grant for health work under the act.

Retention period: Not specified.[7] 42 CFR 51.11, 51.13, 51.15

3.2 Institutions receiving grants for research projects.

To maintain such progress and fiscal records as the Surgeon General may prescribe.

[6] For Food, Drug and Cosmetic Act regulations applicable to products licensed under the Public Health Service Act, see Food and Drug Administration, Items 2.6, 2.11, 2.13.

[7] All records supporting claims for Federal grants, or relating to the accountability of the State or other grantee agency for expenditures of Federal grants—and, where required, of matching funds—must be kept intact until the completion of the fiscal audit and/or such other reviews as are regularly conducted by the Federal agencies, or for three years, whichever is later. The records involved in any claims or expenditures which have been questioned should be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agencies. The Department of Health, Education, and Welfare does not require that records be maintained beyond this period unless, under special circumstances, the grantee agency is specifically advised that certain record materials should be retained until specific questions are settled. It is recognized that a State or locality, by law or regulation, may make additional requirements. (PHS–CB Health Grants Manual—Part 17–1.8C)

Retention period: 3 years after termination of the project period unless a shorter or longer period of time is, respectively, permitted or required in writing by the Surgeon General. 42 CFR 52.23

3.3 State and State agencies receiving Federal funds for hospital and medical facilities survey and construction projects.

To maintain (a) separate fiscal and accounting records of Federal and/or State funds reflecting the receipt or expenditure of such funds and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 53.128, 53.131

3.4 State and State agencies receiving Federal grants for the construction of facilities and community centers for the mentally retarded.

To maintain (a) separate fiscal and accounting records of Federal and/or State funds reflecting the receipt or expenditure of such funds and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 54.4, 54.112, 54.116, 54.208, 54.209

3.5 Applicants receiving grants for initial cost of professional and technical personnel of community mental health centers.

To maintain such records, books, documents, and papers that are pertinent to assistance under the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

Retention period: Not specified. 42 CFR 54.308

3.6 State, interstate, municipal, and intermunicipal air pollution control agencies receiving Federal project grants for air pollution control programs under section 4 of the Clean Air Act.

To maintain such fiscal records of the project and overall air pollution control program as will facilitate an effective audit. This requirement pertains to non-Federal as well as Federal expenditures.

Retention period: Until grantee is notified in writing that the final audit has been completed. 42 CFR 56.7

3.7 Institutions receiving Federal grants for the construction of health research facilities (including mental retardation facilities).

To maintain (a) all fiscal or other records relating to the construction and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 57.8

3.8 Applicants receiving Federal grants for the construction of teaching facilities for health professions.

To maintain (a) adequate and separate accounting and fiscal records for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 57.106

3.9 Institutions participating in the health professions and the nursing student loan programs.

To keep records reflecting all transactions with respect to the student loan fund, recording Federal capital contributions and institutional capital contributions separately.

Retention period: Not specified. 42 CFR 57.209, 57.309

3.10 Public or nonprofit private schools of nursing receiving Federal grants for construction of nurse training facilities.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the site.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 57.406

3.11 Schools of medicine, dentistry, osteopathy, optometry, pharmacy, and podiatry receiving Federal funds for scholarship grants and for improving quality of such schools.

To maintain such records as the Surgeon General may prescribe.

Retention period: Not specified. 42 CFR 57.511, 57.610

3.12 Schools of public health receiving grants for provision of public health training.

To maintain records, documents, and information that relate to the grants.

Retention period: Until completion of the fiscal audit and resolution of all questions arising therefrom. 42 CFR 58.9

3.13 Public or private nonprofit agencies or institutions receiving Federal grants for the construction of medical library facilities.

To maintain (a) fiscal records and accounts for all funds provided from any source to pay for the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 59a.7

3.14 Public or private nonprofit medical libraries or related institutions receiving Federal grants for improving and expanding basic resources.

To maintain progress and fiscal records relating to the use of such grant funds.

Retention period: 3 years after termination of the grant unless a shorter or longer period of time is, respectively, permitted or required in writing by the Surgeon General. 42 CFR 59a.20

3.15 Public or private nonprofit medical libraries receiving Federal grants for the establishment of regional medical libraries.

To maintain separate fiscal records and accounts for all grant funds.

Retention period: 3 years after termination of the grant unless a shorter or longer period of time is, respectively, permitted or required by the Surgeon General. 42 CFR 59a.37

3.16 Institutions receiving Federal grants for National Institutes of Health and National Library of Medicine training.

To maintain fiscal and other records relating to the training and instruction for which a grant is awarded.

Retention period: Not specified. 42 CFR 64.4

3.17 Licensed domestic and foreign manufacturing establishments of biological products or trivalent organic arsenicals.

To keep records concurrently with performance of each step in the manufacture and distribution of each lot; complete records of recall from distribution; sterilization records including date, duration, temperature, and other conditions relating to each sterilization, so as to identify the particular process to which the sterilization relates; animal necropsy records; records by each establishment participating in manufacture of a product showing degree of individual responsibility with manufacturer preparing product in final form to retain complete records of all manufacturing operations; and records of tests of cultures for verification of identity and determination of freedom from extraneous organisms.

Representatives of licensed foreign establishments distributing biological products or trivalent organic arsenicals into any State or possession of the United States. To keep such records of distribution as are required of domestic licensed establishments.

Retention period: 5 years after the records of manufacture have been completed or 6 months after the latest expiration date, whichever is later.

Suspension of retention requirements: If a summary is retained, authorization may be granted to suspend retention of records of a manufacturing step upon a showing that such records no longer serve the purpose for which they were made. 42 CFR 73.21, 73.37, 73.77

3.18 Licensed domestic and foreign manufacturing establishments processing whole blood (human) or packed red blood cells (human).

To maintain records of the full explanation made by the physician, hospital or other medical facility, of why it is essential to allow time for transportation of whole blood (human) prior to determination of test results, to assure arrival when needed for transfusion.

Retention period: 5 years after the records of manufacture are completed or 6 months after the latest expiration date, whichever is later. 42 CFR 73.304, 73.327

3.19 Applicants receiving Federal grants for solid waste disposal projects.

To maintain such records, books, documents, and papers that are pertinent to the grant received under sections 204 and 206 of the Solid Waste Disposal Act.

Retention period: Until grantee is notified in writing that the final audit has been completed. 42 CFR 59.6

4. Social Security Administration

4.1 States under agreement for special coverage of State and local government employees.

To keep or cause to be kept by the State, or, with respect to employees of any political subdivision thereof, by such political subdivision, accurate records of all remuneration paid employees in coverage groups, containing data relating to employee identification, payments made, withholdings and collections, and details of adjustment or settlement, necessary explanations, a complete and detailed record respecting any contribution or interest against which a refund or credit is claimed, and, as a part of these records, copies of returns, reports, schedules, and statements required to be kept under these regulations or by instructions applicable to any form prescribed thereunder.

Retention period: For records relating to claims for refunds or credit, at least 4 years after claim is filed; for others, at least 4 years after due date or date of payment of related contribution, whichever is later. 20 CFR 404.1254, 404.1256

4.1a Carriers under contract to assist in the administration of the supplementary medical insurance program for the aged.

To maintain such records as the Secretary finds necessary to assure the correctness and verification of the information and reports furnished him under the supplementary medical insurance program for the aged.

Retention period: Not specified. 42 U.S.C. 1395 cc

4.1b Hospitals, extended care facilities, and home health agencies which have filed agreements to participate in the health insurance for the aged program.

To keep clinical records on all patients.

Retention period: Not specified. 42 U.S.C. 1395 x

4.1c Hospitals, extended care facilities, and home health agencies which have filed agreements to participate in the health insurance for the aged program.

To maintain and provide such information as the Secretary finds necessary to determine whether payments are or were due under title XVIII of the Social Security Act, and the amounts thereof.

Retention period: Not specified. 42 U.S.C. 1395 cc

4.1d Psychiatric and tuberculosis hospitals which have filed agreements to participate in the health insurance for the aged program.

To maintain such records as the Secretary finds to be necessary to determine the degree and intensity of the treatment provided to individuals entitled to hospital insurance benefits under the hospital insurance benefits for the aged program.

Retention period: Not specified. 42 U.S.C. 1395 x

Bureau of Federal Credit Unions

4.2 Federal Credit Unions.

To keep accounting records as prescribed in 45 CFR 301.14.

Retention period: Not specified.* 45 CFR 301.14

4.3 Custodians of records of Federal Credit Unions voluntarily liquidated.

To keep all records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed.

Retention period: 5 years following date of cancellation of the charter of the credit union. 45 CFR 310.11, 310.13

5. Administration on Aging

5.1 State agencies receiving Federal grants under title III of the Older Americans Act of 1965 for community planning, services, and training.

To keep such records and afford such access thereto as the Secretary of Health, Education, and Welfare may find necessary to assure the correctness and verification of reports.

Retention period: Not specified. 45 CFR 903.25

5.2 Public or nonprofit private agencies, organizations or institutions receiving Federal grants under title IV of the Older Americans Act of 1965 for research and development projects.

To keep such records and afford such access thereto as the Secretary of Health, Education, and Welfare may find necessary to assure the correctness and verification of reports.

Retention period: Not specified. 45 CFR 904.9

5.3 Public or nonprofit private agencies, organizations or institutions receiving Federal grants under title V of the Older Americans Act of 1965 for training projects.

To keep such records and afford such access thereto as the Secretary of Health, Education, and Welfare may find necessary to assure the correctness and verification of reports.

Retention period: Not specified. 45 CFR 905.9

6. General Administration [Added]

6.1 State agencies participating in the distribution and utilization of surplus property for health, education, and civil defense purposes under the Federal Property and Administrative Services Act of 1949.

To maintain books and accountability records of all donable property having an acquisition cost in excess of $10 received, warehoused, and distributed, except that records of all single items having acquisition cost of over $2,500 shall be kept separate from those of lesser amount.

Retention period: 5 years. 45 CFR 14.6

V. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

1. Office of the Secretary

1.1 Local public agencies making relocation payments under urban renewal projects and code agencies making relocation payments under programs of concentrated code enforcement or under contracts for the demolition of unsound structures.

To maintain records pertaining to eligibility of relocation payments, including all claims, receipted bills, or other documentation in support of a claim, and records pertaining to action on a claim.

Retention period: 3 years after the completion of the urban renewal project or other federally assisted activities. 24 CFR 3.104

1.2 Applicants for assistance under the programs administered by the Office of Assistant Secretary for Metropolitan Development (preparation by public agencies of plans for public works). [Amended]

To keep accurate accounting records of all costs involved in connection with plan preparation.

Retention period: Not specified. 44 CFR 702.13

2. Federal Housing Administration

2.1 Lending agencies with respect to property improvement loans.

To keep complete credit and collection file pertaining to each eligible property improvement loan transaction, which will accompany any claim for loss made by the insured, and to include the borrower's application for a Title I loan, the original note, completion certificate(s) and other exhibits furnished to the lending institution by the borrower. Where proceeds of the loan are not disbursed

* See Accounting Manual for Federal Credit Unions (July 1965), pp. 146–148.

directly to borrower without dealer intervention in any manner, file will include borrower's written authorization to disburse to other than the borrower, signed copy of contract or sales agreement describing type and extent of improvements to be made and the material to be used, also record of written notice to borrower of credit application approval. Proper evidence shall be in the file of permissible additional charges assessed against the borrower for additional expenses such as recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums in connection with Title I property improvement loans where security is taken in the nature of a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien or other security device taken for the purpose of securing the payment of eligible loans. Evidence of late charge billing must be in the file if claim is made under the Contract of Insurance. With respect to Class 3 property improvement loans under Title I of the National Housing Act, the property description, plans and specifications shall remain a permanent part of the loan file in connection with certification to the Commissioner by the insured that in its opinion the site is suitable for a home and the proposed structure when completed will not adversely affect surrounding properties.

Retention period: Not specified. 24 CFR 200.171, 200.172, 200.174, 200.177, 200.185, 201.2, 201.4, 201.8, 201.10, 201.11

2.2 Lending agencies—Title I.

To keep dealer files in connection with dealer approval, investigation and control which shall contain the dealer application, the approval by the insured together with supporting information and a record of the insured's experience with the loans originated by such dealer.

Retention period: Not specified. 24 CFR 200.171, 201.8

2.3 Lending agencies with respect to multifamily housing insured under sections 207, 213, 220, 221, 231, 232, 803, 810, 908, and Title X of the National Housing Act.

To keep records filed by the mortgagor with respect to occupancy reports when prescribed by the Commissioner, annual CPA reports, and copies of minutes of stockholders' and directors' meetings certified to by the Secretary of the Corporation (mortgagor).

Retention period: Not specified. 24 CFR 207.19, 213.30, 220.630, 221.530, 221.533, 221.538, 221.550, 221.552, 232.87, 810.1, 1000.127

2.4 Mortgagors of multifamily housing under sections 207, 213, 220, 221, 231, 232, 233, 803, 810, and Title X of the National Housing Act.

To keep books and accounts in accordance with requirements of the FHA Commissioner and in such form as will permit a speedy and effective audit and maintain for such periods of time as may be prescribed by the Commissioner; contracts, records, documents, and papers shall be subject to inspection and examination by the FHA Commissioner and his duly authorized agent at all reasonable times.

Retention period: Not specified. 24 CFR 207.19, 213.30, 220.630, 221.530, 221.538, 221.550, 221.552, 232.87, 233.505, 810.1, 1000.127

2.5 Mortgagors of multifamily rental housing under sections 207, 213, 220, 221, 231, 232, 233, 234, 803, 810, and Title X of the National Housing Act.

Where neither mortgagor nor its associates has any interest in the builder, financial or otherwise, and in connection with cost certification procedure, records shall be kept of all costs of any construction or other cost items not representing work under the general contract; where the mortgagor and/or its associates have an interest in the builder, contractor, or any subcontractor, the mortgagor shall keep such records and in turn require the builders to keep similar records. Requirements also apply to rehabilitation projects.

Retention period: Not specified. 24 CFR 207.27, 213.35, 213.37, 220.501, 221.550, 231.1, 232.83, 233.505, 234.501, 810.1, 1000.110–1000.125

2.6 Lending agencies with respect to multifamily rental housing insured under sections 207, 213, 220, 221, 231, 232, 233, 234, 608, 611, 803, 810, 908, and Title X of the National Housing Act.

When eligible to receive the benefits of the mortgage insurance, and where it is elected to assign the mortgage to the FHA Commissioner, along with other requirements, there will be assigned and delivered to the Commissioner, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. 24 CFR 207.258, 220.751, 221.751, 231.251, 232.251, 233.501, 234.751, 608.251, 611.251, 803.251, 803a.251, 810.251, 908.251, 1000.251

2.7 Investors insured under yield insurance provisions under title VII of the National Housing Act.

Shall establish and maintain such books, records and accounts with respect to the insured project as may be prescribed by the Commissioner and will, in the judgment of the Commissioner, adequately and accurately reflect the conditions and operations of the project. The investor shall agree to permit the Commissioner or his agent at all reasonable times upon request to examine any and all books, records, contracts, documents, and accounts of the investor which reflect in any way the condition or operations of the project.

Retention period: Not specified. 24 CFR 702.255

2.8 Lending agencies for multifamily rental housing under sections 207, 213, 220, 221, 231, 232, 233, 234, 608, 609, 611, 803, 810, 908, and Title X of the National Housing Act.

Upon assignment of the mortgage to the Federal Housing Commissioner, when entitled to receive the benefits of the insurance will deliver to the Commissioner, in addition to other items specified, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. Secs. 207, 213, 220, 221, 231, 232, 233, 234, 608, 609, 611, 803, 810, 908, and Title X, National Housing Act of 1934

2.9 Mortgagors of new or rehabilitated multifamily housing insured under sections 207, 213, 220, 221, 231, 232, 803, 810, and Title X of the National Housing Act. [Amended]

To keep such records as are prescribed by the Federal Housing Commissioner at the time certification to keep such records is made and to keep them in such form as to permit a speedy and effective audit.

Retention period: Not specified. 42 U.S.C. 1434

VI. DEPARTMENT OF THE INTERIOR

1. Office of the Secretary

1.1 Permittees filming motion pictures on any area under the jurisdiction of the Department of the Interior.

To furnish upon request for administrative use a print of the film footage taken pursuant to the permission granted.

Retention period: 3 years from date permission is granted. 43 CFR 5.1

2. Fish and Wildlife Service

2.1 Operators of commercial picking establishments, cold storage or locker plants receiving, possessing, or having custody of migratory game birds.

To maintain accurate records showing the numbers and kinds of such birds, dates received and disposed of, and the names and addresses of the persons from whom received and to whom delivered.

Retention period: 1 year following the close of the open season on migratory game birds. 50 CFR 10.9

2.2 Persons exercising privileges under permits granted under Migratory Bird Treaty Act regulations. [Amended]

To keep records and make reports as specified in the permits issued by the Bureau of Sport Fisheries and Wildlife for the importation, taking, sale, purchase, or other acquisition, and possession of live migratory birds and their eggs for propagating purposes; for the importation, taking, sale, purchase, or other acquisition, and possession of migratory birds and their eggs, nests or parts for scientific and other limited purposes; for the disposition and transportation of such birds, eggs, nests, parts and their increase; and for the mounting or other preparation by a taxidermist of such birds, eggs, or nests.

Retention period: 1 year following the end of the calendar year covered by the records. 50 CFR 16.9, 16.11, 16.12, 16.13, 16.14 (retention: 16.3)

2.3 Persons exercising privileges under permits to kill, frighten, or herd migratory birds injuring crops. [Amended]

To keep an accurate record of all migratory birds killed and submit a report stating the species and number of migratory birds killed by the permittee.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.21 (retention: 16.3)

2.4 California State Agricultural Commissioner authorized to kill or to have killed certain birds economically injurious. [Amended]

To keep a record of the persons authorized by him to kill such birds and of the number of birds killed by each person so authorized, as well as by himself, and to make a report thereof.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.23 (retention: 16.3)

2.5 Persons authorized to kill depredating purple gallinules in Louisiana. [Amended]

To maintain record of the number of birds killed by him and submit a report thereon.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.24 (retention: 16.3)

2.6 State fish and game departments conducting wildlife restoration projects with Federal aid. [Amended]

To keep or direct the keeping of separate project records of cost of lands acquired, improvements, construction, overhead and maintenance done by or on behalf of the State.

Retention period: 3 years following notification of acceptability of project claims and accomplishments. 50 CFR 80.32, 80.33

2.7 Licensees on whale catchers and factory ships, and at land stations.

To maintain records of detailed information of the killing, capturing, and delivery of whales and a detailed record of whales received and processed.

Retention period: 6 months following the end of the calendar year to which the records apply. 50 CFR 230.30, 230.31, 230.32 (retention: 230.34)

2.8 Loan applicants of the fisheries loan fund.

To maintain books of account and submit periodic reports as required by the Secretary of the Interior.

Retention period: End of loan period. 50 CFR 250.13

2.9 Applicants for fishing vessel mortgage insurance.

To maintain books of account and submit periodic reports as required by the Secretary of the Interior.

Retention period: End of period during which insurance is in force. 50 CFR 255.4

2.10 State or State agencies receiving Federal funds for research and development of commercial fisheries resources.

To maintain records of accounts, reporting and supporting documentation thereto.

Retention period: 3 years after completion of project. 50 CFR 253.8

2.11 Commercial fishery operators receiving resource disaster loans.

To maintain all records incident to the fishing operation.

Retention period: 3 years after the loan has been satisfied. 50 CFR 253.8

2.12 [Deleted]

2.13 Masters of shipping vessels engaged in yellow-fin tuna fishing. [Added]

(a) To keep an accurate log of all fishing operations, including the date, locality, and estimated quantity of tuna fish by species which are taken on board.

(b) To retain authenticated copy of report certifying the unloading of all tuna fish on board and that vessel is leaving port to engage in yellow-fin tuna fishing.

Retention period: (a) Not specified; (b) 6 months following date of report. 50 CFR 280.9

2.14 State fishing agencies or other non-Federal interests receiving Federal assistance under the Anadromous Fish Act of 1965. [Added]

To maintain records of accounts and reports, with supporting documentation thereto.

Retention period: 3 years after final audit. 50 CFR 401.15

2.15 Contractors and subcontractors of demonstration plants for the production of fish protein concentrate. [Added]

To maintain books, documents, papers, and records involving transactions under such contract.

Retention period: 3 years after final payment. Public Law 89–701 (80 Stat. 1090)

3. Geological Survey

3.1 Coal-mine lessees (federally owned lands).

To keep records of all coal mined, sold, or otherwise disposed of. Records of correct daily weights or biweekly measurements shall be posted if the miners are paid by weight or measurement.

Retention period: Not specified. 30 CFR 211.15

3.2 Oil and gas lessees (federally owned and restricted Indian lands).

To keep accurate and complete records of the drilling, redrilling, deepening, repairing, plugging, or abandoning of oil wells and of all other well operations, and of all alterations to casing.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 221.23

3.3—3.7 [Reserved]

3.8 Mineral lessees, potash, sodium and other minerals (federally owned lands).

To keep books of a correct account of all ore mined, put through the mill, of all ore and mineral products sold and to whom sold, the weight, assay value, moisture content, prices received, and percentage of mineral products recovered or lost.

Retention period: Not specified. 30 CFR 231.26

3.9 Oil and gas and sulphur lessees (outer Continental Shelf).

To keep well records and production records, and information obtained in the course of well operations.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 250.37

4. Bureau of Indian Affairs

4.1 Indian chartered corporations, unincorporated tribes and bands, and credit and cooperative associations from the United States.

To keep separate records and accounts of their credit activities and of their cattle loans.

Retention period: Not specified. 25 CFR 91.7

4.2 Indian corporations and tribes.

To keep separate records and accounts of their cattle loans in connection with the revolving cattle pool.

Retention period: Not specified. 25 CFR 92.9

4.3—4.4 [Reserved]

4.5 Oil and gas pipeline operators with rights-of-way over Indian lands.

To keep books and records of oil produced or run from the lands.

Retention period: Not specified. 25 CFR 161.25

4.6 Lessees of tribal lands for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 171.18

4.7 Lessees of allotted lands for mining.

To keep a full and correct accounting of all operations and their books and records, showing manner of operations and persons interested, shall be open at all times for examination of such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examinations.

Retention period: Not specified. 25 CFR 172.25

4.8 Lessees of lands in Crow Indian Reservation, Montana, for mining.

To keep books of account showing amount of ore shipped or oil or other mineral substance sold or treated, and

showing amount of money received from sale of ores, oil, etc.

Retention period: Not specified. 25 CFR 173.18

4.9 Lessees of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 174.34

4.10 Lessees of lands in Osage Reservation, Oklahoma, for mining, except oil and gas.

To keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all holes, showing the formations; and books and records showing manner of operations and persons interested.

Retention period: Not specified. 25 CFR 175.13

4.11 Lessees of lands under jurisdiction of Quapaw Agency for lead and zinc mining.

To keep books in which shall be a correct account of all ore and rock mined on the tract, of all ore put through the mill, etc.

Retention period: Not specified. 25 CFR 176.24

4.12 Lessees of Osage Reservation lands for oil and gas mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 183.44

4.13 Lessees of lands in Wind River Indian Reservation, Wyoming, for oil and gas mining.

To keep a full and correct account of all operations; and their books and records, showing the manner of operations and persons interested, shall be open at all times for examination by such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations, to make such examination.

Retention period: Not specified. 25 CFR 184.25

4.14 Traders on Navajo, Zuni, and Hopi Reservations.

To keep accurate records of business activities. Receipts issued by the trader for Indian products must be recorded in the traders' books.

Retention period: Not specified. 25 CFR 252.7, 252.17

5. International Pacific Halibut Commission

5.1 Masters or operators of vessels holding Pacific halibut fisheries license or permit. [Amended]

To keep an accurate log of all fishing operations, including the date, locality, amount of gear used, and amount of halibut taken daily in each locality.

Retention period: 2 years. 50 CFR 301.7

5.2 Halibut dealers. [Amended]

To keep records of each purchase or receipt of halibut, showing date, locality, name of vessel, firm or corporation purchased or received from and amount in pounds according to trade categories of the halibut and other species landed therewith.

Retention period: 2 years. 50 CFR 301.8

6. International Whaling Commission

6.1 Factory whaling ships and land stations.

To enter immediately in a permanent record the information reported by radio on whales taken by whale catchers, as prescribed in 50 CFR 351.13 (c), and other data, as prescribed in paragraph (d), when it becomes available.

Retention period: Permanent. 50 CFR 351.13

7. Bureau of Mines

7.1 NOTE (supplied by Bureau of Mines):

Federal Coal Mine Safety Act, Section 105 (55 Stat. 177, as amended by 66 Stat. 692, 30 U.S.C. 455)

FEDERAL COAL MINE SAFETY ACT

TITLE I

Every owner, lessee, agent, manager, superintendent, or other person having control or supervision of any coal mine the products of which regularly enter commerce or the operations of which substantially affect commerce shall furnish to the Secretary of the Interior, acting through the United States Bureau of Mines, or to any duly authorized representative of such Bureau, upon request, complete and correct information to the best of his knowledge concerning any or all accidents involving bodily injury or loss of life which occurred in such mine during the six-month period immediately preceding the date on which the request is made. Whoever willfully violates this section shall be fined not more than $500.

Retention period: Records of accidents involving bodily injury or loss of life in coal mines should be retained 6 months.

7.2 State and local authorities receiving aid for reclamation and rehabilitation of strip and surface mine areas under the Appalachian Regional Development Act of 1965. [Added]

To maintain suitable records and accounts of transactions with and payments to project contractors.

Retention period: 3 years after completion of each individual project. 30 CFR 42.7

7.3 Organizations or institutions (public and private) or individuals receiving Federal grants for solid waste disposal projects. [Added]

To maintain records of all property and books of account (including papers explaining and proving validity of transactions recorded) of financial transactions involving Federal grants and those financed with matching funds from other sources.

Retention period: 3 years after last disbursement of such funds. 30 CFR 51.12

8. National Park Service

8.1 Concessioners.

To keep records of their employees, payrolls, and other records with respect to compliance with labor standards established from time to time by or pursuant to Federal or State labor laws.

Retention period: 3 years. 36 CFR 8.6, 8.8

8.2 Concessioners and subconcessioners operating under negotiated contracts in areas administered by National Park Service. [Added]

To keep such records as the Secretary of the Interior may prescribe to enable the Secretary to determine that all terms of the concession contract have been and are being faithfully performed.

Retention period: 5 calendar years after the close of the business year of concessioner or subconcessioner. 16 U.S.C. 20g

9. Office of Water Resources Research

9.1 Individuals and institutions receiving funds under the Water Resources Research Act of 1964.

To maintain books and records reflecting financial transactions involving allotments, grants, contracts, or other arrangements and all papers necessary to explain or prove the validity of the transactions recorded.

Retention period: 3 years after allottee's or grantee's last disbursement of such funds or after last payment thereunder was received by the contractor. 18 CFR 505.6

10. Federal Water Pollution Control Administration [Added]

10.1 State and interstate agencies receiving Federal grants for the construction of treatment works under the Federal Water Pollution Control Act.

To maintain (a) records reflecting the receipt and expenditure of funds and (b) payroll records and kickback statements of laborers and mechanics working at the site.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 18 CFR 601.25, 601.32

10.2 State and interstate agencies receiving Federal grants for demonstration projects for control of discharges from stormwater or combined sewer systems.

To maintain (a) accounting and fiscal records reflecting amount, receipt, and disposition of grant assistance, total cost of project, amount and identification of that portion of the cost of the project supplied from other sources, and (b) payroll records and kickback statements of laborers and mechanics working at the site.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 18 CFR 601.65

10.3 Institutions, organizations, and individuals receiving Federal grants for research, training and demonstration projects.

To maintain progress and fiscal records relating to the conduct of approved projects and use of grant funds.

Retention period: 3 years after termination of project period unless a shorter or longer period of time is, respectively, permitted or required in writing by the Commissioner. 18 CFR 601.84

11. Oil Import Administration [Added]

11.1 Persons receiving allocations of imports of crude oil, unfinished oils, and finished products.

To maintain complete and current records of imports, refinery inputs, petrochemical plant inputs and the outputs of such plants.

Retention period: 3 years. 32A CFR Ch. X, OI Reg. 1, Sec. 6

VII. DEPARTMENT OF JUSTICE

1.1 Foreign agents required to register under 22 U.S.C. 611 et seq.

To keep all books and records relating to any activities which necessitate registration, including correspondence, memoranda, and other written communications, with or on behalf of foreign principals, cryptographic paraphernalia, names and addresses of those designated to receive "political propaganda," financial records, etc.

Retention period: 3 years after notifying Department that activities requiring registration are terminated. 28 CFR 5.500

1.2 Foreign agents.

To keep books and records of political activities.

Retention period: 3 years following termination of activity as agent. Upon good and sufficient cause shown in writing to the Chief, Registration Section, a registrant may be permitted to destroy books and records in support of the information furnished in the registration statement which was filed 5 or more years prior to the date of the application to destroy. 28 CFR 5.500

1.3 Organizations registered under Subversive Activities Control Act of 1950.

To keep bookkeeping and other financial records relating to registrants' activities, including income and disbursements, as well as books and records disclosing members, officers, and employees of registrant.

Retention period: Not specified. 28 CFR 11.204

1.4 Manufacturers of and dealers in gambling devices.

To keep monthly records of sales and deliveries of gambling devices, showing the mark and number identifying each article together with the name and address of the buyer or consignee thereof and the name and address of the carrier, and including duplicate bills and invoices.

Retention period: 5 years. 15 U.S.C. 1173

2. [Transferred to XI 5.1]

VIII. DEPARTMENT OF LABOR

1. Office of the Secretary

1.1 Contractors or subcontractors engaged in construction, prosecution, completion, or repair of any public building, public work, or work financed in whole or in part by loans or grants from a Federal agency. [Amended]

To keep weekly payroll records setting out name and address of each laborer and mechanic, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid.

Retention period: 3 years from date of completion of contract. 29 CFR 3.4; 32 CFR 12.403–1; 41 CFR 1–12.403–1

1.2 Contractors or subcontractors subject to labor standards provisions applicable to contracts covering federally financed and assisted construction (see 29 CFR 5.1 and 5.5).

(a) To keep payroll and basic records including name and address of each laborer or mechanic, correct classification, rate of pay (including rates of contributions or costs anticipated for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship programs, or for other bona fide fringe benefits), daily and weekly number of hours worked, deductions made, and actual wages paid to all laborers and mechanics.

(b) In the case of unfunded plans or programs for fringe benefits listed in the Davis-Bacon Act, which are approved by the Department of Labor, to maintain records showing: (1) that the contractor's commitment is enforceable, (2) that it has been communicated in writing to laborers or mechanics employed by him, and (3) that it is financially responsible.

Retention period: 3 years after termination of contract. 29 CFR 5.5(a)(3)(i) and (6)

1.3 Contractors or subcontractors subject to labor standards provisions applicable to contracts subject only to the Contract Work Hours Standards Act. [Amended]

To keep records relating to wages and hours.

Retention period: 3 years from completion of contract. 29 CFR 5.5(e), 516.2(a); 32 CFR 12.303–1; 41 CFR 1–12.303

1.4 Persons subject to the Farm Labor Contractor Registration Act of 1963.

To keep payroll records showing specified information concerning earnings, hours worked, withholdings from wages, time periods constituting the basis for payment, piece rates, and units of work performed at piece rates for migrant workers engaged in interstate agricultural employment paid by such a contractor either on his own behalf or on behalf of another.

Retention period: Not specified. 29 CFR 40.10

1.5 Contractors or subcontractors subject to Service Contract Act of 1965. [Amended]

To keep records relating to work classifications, wages, fringe benefits, and hours worked.

Retention period: 3 years from completion of the work. 29 CFR 4.6(b)(6); 32 CFR 12.1004; 41 CFR 1–12.904–1

1.6 Sponsors of apprenticeship and training programs registered with the Bureau of Apprenticeship and Training. [Added]

To maintain records of the selection process which includes a brief summary of each interview, and the conclusions on each of the specific factors, e.g., motivation, ambition, willingness to accept direction, which are part of the total judgment. The records shall be made available to the Bureau upon request.

Retention period: 2 years. 29 CFR 30.4(a)(3)

2. Bureau of Employees' Compensation

2.1 Physicians and hospitals treating Federal employees covered by the Employees' Compensation Act of 1916, as amended.

To keep records of all injury cases treated by them sufficient to supply the Bureau of Employees' Compensation with a history of the employee's accident, the exact description, nature, location and extent of injury, the degree of disability arising therefrom, the X-ray findings if X-ray examination has been made, the nature of the treatment rendered, and the degree of disability arising from the injury.

Retention period: Not specified. 20 CFR 2.10

2.2 Employers subject to the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Defense Base Act, the Outer Continental Shelf Lands Act, and the Nonappropriated Fund Instrumentalities Act.

To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 31.23

2.3 Employers in the District of Columbia subject to the Longshoremen's and Harbor Workers' Compensation Act.

To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 41.22

3. Office of Labor-Management and Welfare-Pension Reports

3.1 Every labor organization required to file a labor organization information report under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide

in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 402.9

3.2 Every person who pursuant to an agreement or arrangement with an employer undertakes certain activities or who has certain receipts or makes certain disbursements subject to the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 406.6

3.3 Labor organizations required to file annual financial reports under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing the documents. 29 CFR 403.7

3.4 Employers required to report payments or agreements under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 405.9

3.5 Persons required to file any report under labor organization trusteeship reports provision of the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 408.10

3.6 Labor organization officers and employees who are required to file reports of certain income and interests under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 404.7

3.7 Election officials designated in the constitution and bylaws of labor organization conducting election by secret ballot, or the secretary of such organization if no other official is designated, subject to the Labor-Management Reporting and Disclosure Act of 1959.

To preserve all election records, including ballots.

Retention period: 1 year. 29 CFR 452.12(d)

3.8 Officials designated in the constitution and bylaws or the secretary of national or international labor organization when no such official is designated, in elections at conventions, subject to the Labor-Management Reporting and Disclosure Act of 1959.

To preserve the credentials of delegates and all minutes and records pertaining to election.

Retention period: 1 year. 29 CFR 452.13(c)

3.9 Persons required to file any description or report or to certify any information therefor under the Welfare and Pension Plans Disclosure Act.

To maintain records on the matters of which disclosure is required which will provide in sufficient detail the necessary basic information and data from which the documents thus required may be verified, explained, or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: 5 years. 29 U.S.C. 308b; 29 CFR Part 486

3.10 Surety companies required to file reports under section 211 of the Labor-Management Reporting and Disclosure Act of 1959. [Added]

To maintain records on matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the reports may be verified, explained or clarified, and checked for accuracy and completeness.

Retention period: Not less than 5 years after filing of report. 29 CFR 409.5

4. Division of Public Contracts

4.1 Supply contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To keep unexpired certificate of age of employee issued and held pursuant to regulations issued by the Secretary of Labor under the Fair Labor Standards Act, as protection against unintentional employment of underage minors.

Retention period: During period of employment of such minors. 41 CFR 50-201.105

4.2 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

(a) To keep employment records, including name, address, sex, occupation, date of birth of each employee under 19 years of age (if the employer has obtained a certificate of age to record the title and office issuing the certificate, the number of certificate, if any, the date of its issuance, and the name, address, and date of birth of the minor, as the same appears on the certificate of age), wage and hour records.

Retention period: 3 years from date of last entry. 41 CFR 50-201.501(d)

(b) To keep basic employment and earnings records, wage rate tables, and work time schedules.

Retention period: 2 years from date of last entry or last effective date, whichever is later. 41 CFR 50-201.501(h)

4.3 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To keep records of injury frequency rates of employees.

Retention period: 3 years after date of entry. 41 CFR 50-201.502

4.4 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia.

To maintain records of radiation exposure of all employees for whom personnel monitoring is required.

Retention period: Not specified. 41 CFR 50-204.317

5. Wage and Hour Division

5.1 State agencies having agreements with Secretary of Labor, or Administrator of Wage and Hour Division, for utilization of their services in making investigations and inspections under Fair Labor Standards Act and Public Contracts Act.

To keep accounting records and supporting data pertaining to expenditures for investigations and inspections.

Retention period: Not specified. 29 CFR 515.6; 1500.86

5.2 Employers subject to the Fair Labor Standards Act making retroactive payment of wages to employees, including industrial homeworkers, under supervision of the Administrator.

To record and preserve, as an entry on payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the

date of payment; and preserve a copy of the report of each such payment on the receipt form authorized by the Wage and Hour Division.

Retention period: 3 years. 29 CFR 516.2(b), 516.5, 516.24(b)(7), 545.7(d), 695.6(d)

5.3 Employers subject to Fair Labor Standards Act.

To keep employment records relating to wages, hours, sex, occupation, conditions of employment, etc.

Retention period: 3 years for records containing employee information, payrolls, and certificates, union agreements, and notices; and 2 years for basic employment and earnings records, wage rate tables, work time schedules, order, shipping and billing records (customers' bills, etc.), job evaluations, merit or seniority systems, or other matters which describe or explain the basis for payment of any wage differentials to employees of the opposite sex in the same establishment, records of deductions from or additions to pay. 29 CFR 516.2, 516.3, 516.5, 516.6, 516.8, 516.11-516.29

5.4 Employers subject to Fair Labor Standards Act employing apprentices in skilled trade at wages lower than minimum wage applicable.

To keep records relating to wages, hours, conditions of employment, etc., as well as designation of apprentices on the payroll, and, when applicable, the apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed shall be retained.

Retention period: 3 years from termination of apprenticeship. 29 CFR 516.5, 516.23, 521.8 (a) and (c)

5.5 Joint apprenticeship committees holding certificates issued by Administrator.

To keep records of apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed by an employer; the cumulative amount of work experience gained by the apprentice, and a list of employers to whom apprentice was assigned and period of time worked for each employer.

Retention period: 3 years from date of termination of apprenticeship. 29 CFR 516.5, 516.23, 521.8 (b) and (c)

5.6 Employers subject to Fair Labor Standards Act employing learners under special learners certificates.

To keep payroll records of learners and occupation in which each learner is employed; any special learner certificates issued; statements obtained from learners employed under special learners certificates of experience acquired in the industry in the 3 years prior to employment as a learner; and to maintain file of all evidence and records, including correspondence, pertaining to filing or cancellation of job orders (in addition to requirements of 29 CFR Part 516).

Retention period: At least 3 years from last effective date of the certificate. 29 CFR 516.5, 516.23, 522.7

5.7 Employers subject to Fair Labor Standards Act employing student-learners as learners under certificates.

To keep payroll records of student-learners and occupation in which each student-learner is employed and copies of applications serving as temporary authorization under 29 CFR 520.6(c)(2) and of any special certificates issued under which student-learners are employed.

Retention period: At least 3 years from the last effective date of the certificate. 29 CFR 516.5, 516.23, 520.7

5.8 Employers subject to Fair Labor Standards Act employing handicapped workers.

To keep a copy of special certificates authorizing employment of workers whose earning capacity is impaired by physical or mental deficiencies at wages lower than the minimum wages applicable under Fair Labor Standards Act with employment record.

Retention period: 3 years. 29 CFR 524.10 (retention: 516.5, 516.23)

5.9 Sheltered workshops (as defined in 29 CFR 525.2(b)).

To keep records of the nature of each client's disability and records that reflect the productivity of each client on a continuing basis or at periodic intervals not exceeding 6 months, and special certificates and records required under applicable provisions of 29 CFR Part 516.

Retention period: Special certificates, 3 years, 29 CFR 516.23(a); records on productivity, 2 years, 29 CFR 516.6(a)(1); records on disability, not specified, 29 CFR 525.11

5.10 Educational institutions employing student-workers as learners under certificates.

To keep payroll records showing rate of pay, including a copy of any special certificate issued.

Retention period: At least 3 years from the last effective date of the certificate. 29 CFR 516.5, 516.23, 527.7

5.11 Retail or service establishments subject to Fair Labor Standards Act employing full-time students outside of their school hours under special full-time student certificates.

To keep payroll records of full-time students employed outside of their school hours in any retail or service establishment and occupations in which each such full-time student is employed; statements obtained by the employer from schools attended by such students that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student; records of the monthly hours of employment of full-time students at special minimum wages under a full-time student certificate and of the total hours of employment during the month of all employees in the establishment; and any special certificates issued.

Retention period: At least 3 years from the last effective date of the certificate. 29 CFR 516.5, 516.23, 519.7

5.11a Retail or service establishments subject to Fair Labor Standards Act employing employees exempt from overtime pay requirements pursuant to section 7(b).

To keep employment records relating to wages, hours, circumstances and conditions of employment, including the representative period selected.

Retention period: 3 years for records containing employee information, payrolls and certificates, union agreements, and notices; 2 years for basic employment and earning records, wage rate tables, work time schedules, orders, shipping and billing records (customers' bills, etc.), record of deductions from or additions to pay. 29 CFR 516.2, 516.5, 516.6, 516.28

5.12 Homeworkers and employers in the women's apparel industry, the jewelry manufacturing industry, the knitted outerwear industry, the gloves and mittens industry, the button and buckle manufacturing industry, the handkerchief manufacturing industry, and the embroideries industry.

To maintain a copy of each certificate authorizing employment of industrial homeworkers in the above industries on file in the same place at which the worker's employment records are maintained.

Retention period: Not specified. 29 CFR 530.8

5.13 Employers of industrial homeworkers in the women's apparel industry, the jewelry manufacturing industry, the knitted outerwear industry, the gloves and mittens industry, the button and buckle manufacturing industry, the handkerchief manufacturing industry, and the embroideries industry.

To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 530.9

5.14 Employers of industrial homeworkers engaged in making hand-fashioned jewelry on the Navajo, Pueblo, and Hopi Indian Reservations.

To keep records, including name, address, and date of birth of the homeworker, if under 19 years of age, description of work performed, amount and date of cash payments for each pay period, and a schedule of piece rates paid, and all records required by Part 516, except those required by 516.2 and 516.24.

Retention period: Not specified. 29 CFR Part 530.12(b)(3)

5.15 Employers of homeworkers in the fabric and leather glove industry; the handkerchief, scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.

To keep records including name and address of firms outside Puerto Rico from

whom goods upon which work to be done are received; name and address of subcontractors, if any, to whom each lot delivered or delivery to homeworkers, and Labor Department permit number; dates goods delivered to and received from subcontractor, with description of goods and rate of commission; name, address, age (if under 19) of homeworker; style number, description, amount of goods delivered, rates, etc.; date homeworker paid.

Retention period: 3 years. 29 CFR 545.7 (a) and (e), 545.8

5.16 Employers of homeworkers in the fabric and leather glove industry; the handkerchief, scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.

To keep handbook furnished to employers by Wage and Hour Division, in which employer enters dates on which goods delivered to and received from (or purchased from) homeworker; style number; description, amount of goods, rates, etc.; date homeworker paid; signature of person acting for employer.

Retention period: 2 years subsequent to date of last entry. 29 CFR 545.7 (b) and (e)

5.17 Employers of homeworkers in the fabric and leather glove industry; the handkerchief, scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.

To keep record of overtime (over 40 hours 1 week) including hours worked on each lot of work, total hours worked each week; wages paid at regular piece rates; extra amount paid for overtime; this in addition to other records required by 29 CFR 545.7.

Retention period: Employer, 3 years; employee handbook, 2 years. 29 CFR 545.7 (c) and (e)

5.18 Employers of homeworkers in Puerto Rico (other than needlework industries).

To keep records pertaining to employment of such homeworkers.

Retention period: 2 years. 29 CFR 681.7, 681.8

5.19 Employers of homeworkers in industries in Puerto Rico (other than needlework industries).

To keep handbook furnished to employers by Wage and Hour Division to record dates upon which goods in each lot were delivered; style number, if any; description of, and amount of goods in each lot; operations to be performed thereon; piece rate to be paid, and net amount paid for operations performed upon such goods, etc.

Retention period: 2 years. 29 CFR 681.7, 681.8

5.20 Employers of homeworkers in industries in the Virgin Islands.

To keep records pertaining to such homeworkers.

Retention period: 3 years. 29 CFR 695.6, 695.7

5.21 Employers of homeworkers in industries in the Virgin Islands.

To keep handbook records containing dates upon which goods in each lot were delivered and collected; style number, description, and amount of goods in each lot, operations to be performed, and piece rate to be paid; net amount actually paid for operations performed; date paid and signature of person acting in behalf of employer.

Retention period: 2 years subsequent to last entry. 29 CFR 695.6, 695.7

5.22 Employers of local delivery drivers and helpers.

To keep records and computations with respect to employees for whom the overtime pay exemption is taken.

Retention period: Not specified. 29 CFR 516.14, 551.9

6. [Reserved]

7. Bureau of Labor Standards

7.1 Employers subject to child-labor provisions of the Fair Labor Standards Act.

To keep certificates of age for employed minors under 18 years of age.

Retention period: Until termination of employment of minor. 29 CFR 1500.3

7.2 State agencies having agreements with Secretary of Labor or Administrator of Wage and Hour Division, Labor Department, for utilization of their services in making investigations and inspections.

To keep accounting records and supporting data pertaining to expenditures for investigations and inspections under Fair Labor Standards Act, and Public Contracts Act.

Retention period: Not specified. 29 CFR 515.6, 1500.86

7.3 Employers subject to minimum age standards of child-labor provisions of Fair Labor Standards Act.

To keep age certificate (a statement of a minor's age issued under regulations of Secretary of Labor) showing minor to be above minimum age requirements for employment as a protection from an unwitting violation of minimum age standards.

Retention period: Not specified. 29 CFR 1500.121

7.4 Persons accredited for vessel cargo gear certification.

To maintain records of all work performed on gear certification, including tests, proof loads, and heat treatment; of the status of the certification of each vessel issued a register by such accredited person.

Retention period: Permanent. 29 CFR 1505.10, 1505.11

7.5 Operators or officers of vessels.

To keep vessel's register and certificates relating to cargo gear.

Retention period: 4 years after date of the latest entry except for nonrecurring test certificates concerning gear which is kept in use for a longer period, in which case certificates are retained as long as that gear is in use. 29 CFR 1505.12

7.6 Employers of maritime employees under the Longshoremen's and Harbor Workers' Compensation Act.

(a) To keep records as are necessary to compute and permit verification of standard work-injury frequency and severity rate and employee hours worked.

Retention period: 3 years. 29 CFR 1506.2

(b) To maintain records of tests of strength of stevedoring gear.

Retention period: As long as such gear is in use. 29 CFR 1504.61

(c) To keep records of the dates, times, and locations of tests for carbon monoxide made when internal combustion engines exhaust into the hold or intermediate deck.

Retention period: 30 days after the work is completed. 29 CFR 1504.93

(d) To keep records relating to tests and inspections for the existence of hazardous flamable, explosive, or toxic liquids and gases.

Retention period: 3 months from the date of the completion of the job. 29 CFR 1501.10, 1502.10, 1503.10

IX. POST OFFICE DEPARTMENT

1.1 Postage meter licensees.

To keep a Meter Record Book (Form 3602–A), showing register readings of metered mail on each day of operation of the meter.

Retention period: At least 1 year from date of final entry. 39 CFR 33.3, 33.7

1.2 Postage meter manufacturers.

(a) To maintain at his headquarters a complete record by serial number of all meters manufactured, showing all movements of each from the time it is produced until it is scrapped, and the reading of the ascending register each time it is checked into or out of service through a post office. These records must be subject to inspection at any time during business hours by officials of the Post Office Department.

(b) To maintain a record by serial number of all meter keys issued to postmasters as well as those sections of the manufacturer's establishment in which their use is essential, preferably in the form of signed receipt cards.

Retention period: (a) These records may be destroyed 3 years after the meter is scrapped; (b) permanent. 39 CFR 33.8

1.3 Apartment house managers.

To maintain a record of the number of keys supplied by manufacturers and jobbers, relating the key number to the receptacle number, so that, when necessary, new keys may be ordered. Key numbers shall not be placed on the barrels of the locks, as this would make it

possible for unauthorized persons to secure keys and gain access to the boxes. Apartment house managers must keep a record of the combinations of keyless locks so that new tenants may be given the combination. These records of key numbers and combinations must be kept in the custody of the manager or a trusted employee.

Retention period: The record of key numbers must be kept until the lock has been changed when it may be destroyed. The record of combinations to the keyless locks must be maintained until the combination is changed, when it may be destroyed. 39 CFR 45.6

X. DEPARTMENT OF STATE

1. Office of Munitions Control

1.1 Persons required to register as manufacturers, importers, or exporters of United States Munitions List articles.

To maintain, subject to the inspection of the Secretary of State, or any person designated by him, records on the importation and exportation of articles enumerated in the United States Munitions List. Records shall contain all information pertinent to the transaction.

Retention period: 6 years, except that the Secretary may prescribe a longer or shorter period in individual cases as he deems necessary. 22 CFR 122.05

2. Agency for International Development [Added]

2.1 Foreign governments, U.S. voluntary agencies, or intergovernmental organizations involved in the transfer of food commodities for use in disaster relief, economic development, and other assistance.

To maintain records and documents of all transactions pertaining to receipt, storage, and distribution of commodities, including records of receipt and disbursement of funds accruing from the operation of the program.

Retention period: 3 years from close of the U.S. fiscal year to which they pertain. 22 CFR 211.6

2.2 AID suppliers of commodities and commodity-related services for AID-financed programs or projects.

To maintain all records pertaining to the supplier's business together with all other documents bearing on supplier compliance with the undertakings and certifications of the Supplier's Certificate, AID Form 282.

Retention period: Not less than 5 years after date of execution of the Supplier's Certificate. 22 CFR Part 201, App. A., sec. 11

XI. DEPARTMENT OF THE TREASURY

1. Bureau of Accounts

1.1 Public and private agencies holding refugee relief loans.

To maintain adequate books and records relating to the funds borrowed from the Secretary of the Treasury under the Refugee Relief Act of 1953 and resettlement loans made therefrom.

Retention period: During life of the loan. 31 CFR 290.5

2. Comptroller of the Currency

2.1 National banks acting as insurance agents and as brokers or agent for loans on real estate.

To keep records available for inspection by Examiners as specified in 12 CFR Part 2, including authorization statements and certificates, copies of agent-bank's reports, adequate records of insurance transactions and loans, with separate entries and accounts, and records as may be required by insurance companies.

Retention period: Permanent, except for copies of reports made by the agent bank to each insurance company which it represents, which copies shall be kept for a period of five years, and except for records of loans negotiated by the bank in acting as broker or agent in making or procuring loans on real estate, which records shall be kept for a period of 5 years. 12 CFR 2.2, 2.4

2.2 National banks exercising trust powers.

To keep a separate set of books and records showing in proper detail all permissible fiduciary transactions engaged in under regulations and State and local law.

Retention period: Not specified. 12 CFR 9.8

2.3 National banks' shareholder lists. [Amended]

To maintain a stock register book containing names and residences of all shareholders, such book to be kept in the main office of the bank.

Retention period: Permanent. 12 U.S.C. 62

2.4 Certificates executed by national banks under Exception 13 of R.S. 5200.

To keep certificates, executed by an officer of the bank designated by the board of directors for that purpose, in support of loans made based on negotiable or nonnegotiable installment consumer paper where the bank has in fact evaluated and is relying primarily on the makers for the payment of such obligations.

Retention period: Until repayment of the loan. 12 U.S.C. 84

2.5 National banks with 750 or more shareholders of record; 500 or more shareholders of record after May 1, 1967. [Added]

To retain copy of annual report, statements of beneficial ownership and changes in beneficial ownership of national bank securities.

Retention period: Not specified. 12 CFR 10.4, 12.3

3. Bureau of Customs

3.1—3.4 [Reserved]

3.5 Importers of Patna rice to be used in the manufacture of canned soups.*

To keep records to support blanket certificates issued to show sales of such Patna rice during a specific period to a specified manufacturer showing quantity and description of the Patna rice and identifying such Patna rice with the import entry.

Retention period: 3 years from liquidation of the entry. 19 CFR 10.88

3.6 Manufacturers, processors, or dealers entering or withdrawing wool or hair of the camel under bond or receiving wool or hair by transfer under bond.

To keep records showing (a) in case of entry or withdrawal, the quantity, entered clean content, identity, and description of such wool or hair; (b) in case of receipt by transfer, the quantity, description, and date of transfer certificate of wool or hair and name and address of transferor.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.93 (retention: 10.95)

3.7 Manufacturers or processors of products and substances resulting wholly or in part from bonded wool or hair of the camel.

To keep records showing (a) date or inclusive dates of processing of each lot or inclusive dates of each period of manufacture; (b) quantity, identity, and description of wool or hair not previously processed put into process; (c) quantity and description of all intermediate products, stocks in process, and wastes not described put into process; (d) quantity and description of final products and quantity by weight of wool or hair content; (e) quantity of wastes remaining on hand; (f) inventory of wool and hair on hand at close of each abstract period; (g) quantities and description of any yarns spun.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.94 (retention: 10.95)

3.8 Manufacturers, processors, or dealers of articles of wool or hair of the camel.

To keep records showing quantity, description, and wool or hair content of all articles delivered from their premises pursuant to transfer under bond, purchase, consignment, or otherwise; date of delivery; name and address of person to whom delivered; exact designation; price paid or agreed upon.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.95

* These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

3.9 Importers of rapeseed oil to be used in the manufacture of rubber substitutes or lubricating oil.*

To keep records to support blanket certificates issued to show sales of such rapeseed oil during a specific period to a specified manufacturer showing quantity and description of the rapeseed oil and identifying such rapeseed oil with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.100

3.10 Importers of limestone to be used in the manufacture of fertilizer.*

To keep records to support blanket certificates issued to show sales of such limestone during a specific period to a specified manufacturer showing quantity and description of the limestone and identifying such limestone with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.101

3.11 [Reserved]

3.12 Proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930.*

To keep such records of their operations as will enable them to file an annual statement, not later than 60 days after the termination of their fiscal year, showing the quantities of metal bearing materials on hand at the beginning of the period and the dutiable contents thereof; the quantities of metal bearing materials received during the period and the dutiable contents thereof; the quantities of metal bearing materials to be accounted for and the dutiable contents thereof; the quantities of metal bearing materials on hand at the end of the period and the dutiable contents thereof; the quantities of metal bearing materials worked during the period and the dutiable contents thereof; and the wastage incurred during the period.

Retention period: 5 years from date of the related annual statement. 19 CFR 19.19

3.13 Importers, exporters, proprietors of customs bonded warehouses, bonded common carriers, and others handling imported wheat in continuous customs custody.

To maintain such records as will enable customs officers to verify the handling to which imported wheat has been subjected and the proper accounting of any increase or shortage in quantity from shrinkage or other factor.

Retention period: 2 years after date of transaction. 19 CFR 19.34

3.14 Manufacturers or producers of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.*

To keep records showing the date or inclusive dates of manufacture or production of the articles, the quantity and identity of the imported duty-paid merchandise used, the quantity and description of finished product obtained, and, if valuable waste is incurred in manufacture and claim is made for an allowance for such waste, the value of the imported merchandise used in manufacture and the quantity and value of the waste incurred, and, in cases where two or more products are obtained, the values thereof at the time of separation.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.4, 22.6 (retention: 22.46)

3.15 Manufacturers or producers of articles manufactured or produced in the United States with the use, in certain cases, of substituted merchandise in lieu of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(b), Tariff Act of 1930, as amended.*

To keep detailed records pertaining to duty-paid merchandise or other articles manufactured or produced under drawback regulations with the use of such merchandise designated as the basis for the allowance of drawback on the exported articles.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.5, 22.6 (retention: 22.46)

3.16 Manufacturers or producers of flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced in the United States with the use of domestic taxpaid alcohol and intended for exportation with benefit of drawback under section 313(d), Tariff Act of 1930, as amended.*

To keep records similar to those required of manufacturers or producers in the case of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.23, 22.24 (retention: 22.46)

3.17 Licensed customhouse brokers.

To maintain correctly and in orderly itemized manner, and keep current, records of account reflecting all their financial transactions as customhouse brokers, including a copy of each entry made, copies of all correspondence and other papers relating to customs business and, except for certain specified limitations, a record of transactions of licensed customhouse broker (Customs Form 3079) in addition to the regular records of account.

Retention period: At least 5 years after preparation or receipt. 19 CFR 31.9

4. Internal Revenue Service

NOTE: The following items refer to requirements issued under the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954 which were in effect as of January 1, 1967. All regulations applicable under any provision of law in effect on August 16, 1954, the date of enactment of the 1954 Code, are applicable to the corresponding provisions of the 1954 Code insofar as such regulations are not inconsistent with the 1954 Code, and such regulations remain applicable to the 1954 Code until superseded by regulations under such Code. The Internal Revenue Service points out that the omission from this compilation of any record retention requirement provided for by law or regulation issued thereunder shall not be construed as authority to disregard any such requirement. The Service also points out that persons subject to income tax are bound by the retention requirement given in item 4.1 regardless of other requirements which for other purposes allow shorter retention periods.

The record retention requirements of the Internal Revenue Service are divided into the following categories: Income, Estate, Gift, Employment, Excise, Liquor, Tobacco, and Firearms Taxes.

Regulations issued pursuant to the Internal Revenue Code of 1939 and not entirely superseded are carried in the Code of Federal Regulations as Appendixes to Subchapters A and D of Chapter I of Title 26.

INCOME TAX

4.1 Persons subject to income tax. [Amended]

(a) *General.* Except as provided in paragraph (b), any person subject to tax, or any person required to file a return of information with respect to income shall keep such permanent books of account or records, including inventories, as are sufficient to establish the amount of gross income, deductions, credits, or other matters required to be shown by such person in any return of such tax or information.

(b) *Farmers and wage-earners.* Individuals deriving gross income from the business of farming, and individuals whose gross income includes salaries, wages, or similar compensation for personal services rendered, are required to keep such records as will enable the district director to determine the correct amount of income subject to the tax, but it is not necessary that these individuals keep the books of account or records required by paragraph (a).

(c) *Exempt organizations.* In addition to the books and records required by paragraph (a) with respect to the tax imposed or unrelated business income, every organization exempt from tax but required to file an annual return shall keep such permanent books of account or records, including inventories, as are sufficient to show specifically the items of gross income, receipts, and disbursements, and other required information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.6001-1

4.1a Persons computing credit for investment in certain depreciable property.

To maintain records to determine whether section 47 of the Internal Revenue Code, relating to certain dispositions, etc., of section 38 property, applies with respect to any section 38 asset.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.46-3 (retention: 1.6001-1)

4.1b Determination of amount of credit for investment in certain depreciable property; members of affiliated group.

To keep as a part of its records a copy of the consent of the common parent (or a copy of the statement containing all the required consents) to the apportionment of the $25,000 credit for tax among the members of the affiliated group.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.46-1 (retention: 1.6001-1)

4.1c Persons selecting used section 38 property for purposes of the $50,000 cost limitation.

To maintain records which permit specific identification of any item of used section 38 property selected, which was placed in service by the person selecting the property. In addition, each member of an affiliated group shall maintain as part of its records a copy of the statement containing the apportionment schedule which was attached to the common parent's return.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.48-3 (retention: 1.6001-1)

4.1d Lessors of new section 38 property electing to treat the lessees as purchasers.

To keep the statements required for the election as part of their records.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.48-4 (retention: 1.6001-1)

4.2 Persons paying travel or other business expenses incurred by an employee in connection with the performance of his services.

To maintain adequate and detailed records of ordinary and necessary travel, transportation, entertainment, and other similar business expenses, including identification of amount and nature of expenditures, and to keep supporting documents, especially in connection with large or exceptional expenditures.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.162-17, 1.274-5 (retention: 1.6001-1)

4.3 Persons claiming allowance for depreciation of property used in trade or business or property held for the production of income.

To keep records of all factors entering into the computation of depreciation allowances.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.167(a)-7 (retention: 1.6001-1)

4.3a Persons changing method of depreciation of section 1245 property.

To maintain records which permit specific identification of the section 1245 property in the account with respect to which the election is made, and any other property in such account. The records shall also show for all the property in the account the date of acquisition, cost or other basis, amounts recovered through depreciation and other allowances, the estimated salvage value, the character of the property, and the remaining useful life of the property.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.167(e)-1 (retention: 1.6001-1)

4.3b Persons claiming a deduction for amounts expended in maintaining certain students as a member of household.

To keep adequate records of amounts actually paid in maintaining a student as a member of the household. For certain items, such as food, a record of amounts spent for all members of the household, with an equal portion thereof allocated to each member, will be acceptable.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.170-2 (retention: 1.6001-1)

4.4 Persons electing to treat trademark or trade name expenditures as deferred expenses.

To make an accounting segregation on his books and records of trademark and trade name expenditures, for which the election has been made, sufficient to permit an identification of the character and amount of each expenditure and the amortization period selected for each expenditure.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.177-1 (retention: 1.6001-1)

4.5 Persons electing additional first-year depreciation allowance for small business.

To maintain records which permit specific identification of each piece of "section 179 property" and reflect how and from whom such property was acquired.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.179-4 (retention: 1.6001-1)

4.6 Persons receiving any class of exempt income or holding property or engaging in activities the income from which is exempt.

To keep records as will enable allocation to be made of amounts of each class of exempt income and amounts of items or parts of items allocated to each class.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.265-1 (retention: 1.6001-1)

4.7 Taxpayer substantiation of expenses for travel, entertainment, and gifts related to active conduct of trade or business.

A taxpayer must substantiate each element of an expenditure by adequate records or sufficient evidence corroborating his own statements.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.274-1, 1.274-5 (retention: 1.6001-1)

4.8 Corporations receiving distributions in complete liquidation of subsidiaries.

To keep records showing information with respect to the plan of liquidation and its adoption.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.332-6 (retention: 1.6001-1)

4.9 Qualified electing shareholders receiving distributions in complete liquidation of domestic corporations other than collapsible corporations.

To keep records in substantial form showing all facts pertinent to the recognition and treatment of the gain realized upon shares of stock owned at the time of the adoption of the plan of liquidation.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.333-5 (retention: 1.6001-1)

4.10 Persons who participate in a transfer of property to a corporation controlled by the transferor.

To keep records in substantial form showing information to facilitate the determination of gain or loss from a subsequent disposition of stock or securities and other property, if any, received in the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.351-3 (retention: 1.6001-1)

4.11 Persons who participate in a tax-free exchange in connection with a corporate reorganization.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange, or any liabilities to which any of the properties received were subject), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in

* These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

the administration of any internal revenue law. 26 CFR 1.368-3 (retention: 1.6001-1)

4.12 Persons who exchange stock and securities in corporations in accordance with plans of reorganizations approved by the courts in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.371-1 (retention: 1.6001-1)

4.13 Corporations which are parties to reorganizations in pursuance of court orders in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.371-2 (retention: 1.-6001-1)

4.14 Railroads participating in a tax-free reorganization.

Records in substantial form must be kept by every railroad corporation which participates in a tax-free exchange in connection with a reorganization under section 374(a) of the Internal Revenue Code, showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received, including any liabilities assumed upon the exchange, in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: Permanent. 26 CFR 1.374-3

4.15 Records required in computing depreciation allowance carryovers of acquiring corporations in certain corporate acquisitions.

Records shall be maintained in sufficient detail to identify any depreciable property to which section 1.381(c)(6)-1 of the regulations applies and to establish the basis thereof.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.381(c)(6)-1 (retension: 1.6001-1)

4.16 Corporations and shareholders for whom elections are filed with respect to the tax treatment of corporate reorganizations.

To keep permanent records of all relevant data in order to facilitate the determination of gain or loss from a subsequent disposition of stock or securities or other property acquired in the transaction in respect of which the election was filed.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.393-3 (retention: 1.6001-1)

4.16a Qualified pension or annuity plans with provisions for certain medical benefits.

To keep a separate account for record-keeping purposes with respect to contributions received to fund medical benefits described in section 401(h) of the Internal Revenue Code.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.401-14 (retention: 1.6001-1)

4.17 Employers claiming deductions for contributions to an employees' trust or annuity plan or compensating an employee under a deferred-payment plan.

To keep records substantiating all data and information required to be filed with respect to each plan and the deductions claimed thereunder.

Retention period: To be kept at all times available for inspection. 26 CFR 1.404(a)-2

4.18 Persons required to seek the approval of the Commissioner in order to change their annual accounting period. [Amended]

To keep adequate and accurate records of their taxable income for the short period involved in the change and for the fiscal year proposed.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.442-1 (retention: 1.6001-1)

4.19 Persons selling by the installment method.

(a) *Installment method.* In adopting the installment method of accounting the seller must maintain such records as are necessary to clearly reflect income. A dealer who desires to compute income by the installment method shall maintain accounting records in such a manner as to enable an accurate computation to be made by such method.

(b) *Revolving credit plan.* The percentage of charges under a revolving credit plan which will be treated as sales on the installment plan shall be computed by making an actual segregation of charges in a probability sample of the revolving credit accounts in order to determine what percentage of charges in the sample is to be treated as sales on the installment plan. The taxpayer shall maintain records in sufficient detail to show the method of computing and applying the sample.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.453-1, 1.453-2 (retention: 1.6001-1)

4.20 Persons engaged in the production, purchase, or sale of merchandise.

To keep a record of inventory conforming to the best accounting practice in the trade or business which clearly reflects income and is consistent from year to year.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.471-1, 1.471-2 (retention: 1.6001-1)

4.20a Farmer's cooperative marketing and purchasing associations.

To keep permanent records of the business done both with members and nonmembers, which show that the association was operating during the taxable year on a cooperative basis in the distribution of patronage dividends to all producers. While under the Code patronage dividends must be paid to all producers on the same basis, this requirement is complied with if an association, instead of paying patronage dividends to nonmember producers in cash, keeps permanent records from which the proportionate shares of the patronage dividends due to nonmember producers can be determined, and such shares are made applicable toward the purchase price of a share of stock or of a membership in the association.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.521-1 (retention: 1.6001-1)

4.21 Corporations claiming deduction for dividends paid.

To keep permanent records necessary (a) to establish that dividends with respect to which the deduction is claimed were actually paid during the taxable year, and (b) to supply the information required to be filed with the income tax return of the corporation. To also keep canceled dividend checks and receipts obtained from shareholders acknowledging payment.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.561-2 (retention: 1.6001-1)

4.21a Mutual savings banks, etc., maintaining reserves for bad debts.

To maintain as a permanent part of its regular books of account, an account for: (1) a reserve for losses on nonqualifying loans, (2) a reserve for losses on qualifying real property loans, and (3) if required, a supplemental reserve for losses on loans. A permanent subsidiary ledger containing an account for each of such reserves may be maintained.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.593-7 (retention: 1.6001-1)

4.21b Mutual savings banks, etc., making capital improvements on land acquired by foreclosure.

To maintain such records as are necessary to reflect clearly, with respect to each particular acquired property, the cost of each capital improvement and whether the taxpayer treated minor capital improvements with respect to such property in the same manner as the acquired property.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.595-1 (retention: 1.6001-1)

4.22 Persons claiming allowance for cost depletion of natural gas property without reference to discovery value or percentage depletion.

To keep accurate records of periodical pressure determinations where the annual production is not metered.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.611-2 (retention: 1.6001-1)

4.23 Persons claiming an allowance for depletion and depreciation of mineral property, oil and gas wells, and other natural deposits.

(a) *General.* To keep a separate account in which shall be accurately recorded the cost or other basis of such property together with subsequent allowable capital additions to each account and all other required adjustments; and, to assemble, segregate, and have readily available at his principal place of business, all the supporting data which is used in compiling certain summary statements required to be attached to returns.

(b) *Mineral property.* The information on which the summary statement is based and for which supporting data must be kept includes:

(1) An adequate map showing the name, description, location, date of surveys, and identification of the deposit or deposits;

(2) A description of the character of the taxpayer's property, accompanied by a copy of the instrument or instruments by which it was acquired;

(3) The date of acquisition of the property, the exact terms and dates of expiration of all leases involved, and if terminated, the reasons therefor;

(4) The cost of the mineral property and improvements, stating the amount paid to each vendor, with his name and address;

(5) The date as of which the mineral property and improvements are valued, if a valuation is necessary to establish the basis;

(6) The value of mineral property and improvements on that date with a statement of the precise method by which it was determined;

(7) An allocation of the cost or value among the mineral property, improvements and the surface of the land for purposes other than mineral production;

(8) The estimated number of units of each kind of mineral at the end of the taxable year, and also at the date of acquisition, if acquired during the taxable year or at the date as of which any valuation is made, together with an explanation of the method used in the estimation, the name and address of the person making the estimate, and an average analysis which will indicate the quality of the mineral valued, including the grade or gravity in the case of oil;

(9) The number of the units sold and the number of units for which payment was received or accrued during the year for which the return is made (in the case of newly developed oil and gas deposits it is desirable that this information be furnished by months);

(10) The gross amount received from the sale of mineral;

(11) The amount of depreciation for the taxable year and the amount of cost depletion for the taxable year;

(12) The amounts of depletion and depreciation, if any, stated separately, which for each and every prior year: (i) Were allowed, (ii) Were allowable, and (iii) Would have been allowable without reference to percentage or discovery depletion;

(13) The fractions (however measured) of gross production from the deposit or deposits to which the taxpayer and other persons are entitled together with the names and addresses of such other persons; and

(14) Any other data which will be helpful in determining the reasonableness of the valuation asserted or of the deductions claimed.

(c) *Oil and gas properties.* The following information with respect to each property is required in addition to that information set forth in paragraphs (a) and (b):

(1) The number of acres of producing oil or gas land and, if additional acreage is claimed to be proven, the amount of such acreage and the reasons for believing it to be proven;

(2) The number of wells producing at the beginning and end of the taxable year;

(3) The date of completion of each well finished during the taxable year;

(4) The date of abandonment of each well abandoned during the taxable year;

(5) Maps showing the location of the tracts or leases and of the producing and abandoned wells, dryholes, and proven oil and gas lands (maps should show depth, initial production, and date of completion of each well, etc., to the extent that these data are available);

(6) The number of pay sands and average thickness of each pay sand or zone;

(7) The average depth to the top of each of the different pay sands;

(8) The annual production of the deposit or of the individual wells, if the latter information is available, from the beginning of its productivity to the end of the taxable year, the average number of wells producing during each year, and the initial daily production of each well (the extent to which oil or gas is used for fuel on the premises should be stated with reasonable accuracy);

(9) All available data regarding change in operating conditions, such as unit operation, proration, flooding, use of air-gas lift, vacuum, shooting, and similar information, which have a direct effect on the production of the deposit; and

(10) Available geological information having a probable bearing on the oil and gas content; information with respect to edge water, water drive, bottom hole pressures, oil-gas ratio, porosity of reservoir rock, percentage of recovery, expected date of cessation of natural flow, decline in estimated potential, and characteristics similar to characteristics of other known fields.

(d) *Statement to be attached to return when depletion is claimed on percentage basis.*

In addition to the requirements set forth in paragraphs (a), (b) and (c), a taxpayer who claims the percentage depletion deduction for any taxable year shall attach to his return for such year a statement setting forth in complete, summary form, with respect to each property for which such deduction is allowable, the following information:

(1) All data necessary for the determination of the "gross income from the property," as defined in 26 CFR 1.613-3, including, (i) Amounts paid as rents or royalties including amounts which the recipient treats under section 631(c) of the Internal Revenue Code, (ii) Proportion and amount of bonus excluded, and (iii) Amounts paid to holders of other interests in the mineral deposit;

(2) All additional data necessary for the determination of the "taxable income from the property computed without the allowance for depletion," as defined in 26 CFR 1.613-4.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.611-2, 1.613-5 (retention 1.6001-1)

4.24 Persons claiming an allowance for depletion of timber property.

To keep accurate ledger accounts in which shall be recorded the cost or other basis of the property and land together with subsequent allowable capital additions in each account and all other adjustments. In such accounts there shall be set up separately the quantity of timber, the quantity of land, and the quantity of other resources, if any, and a proper part of the total cost or value shall be allocated to each after proper provision for immature timber growth. The timber accounts shall be credited each year with the amount of the charges to the depletion accounts or the amount of the charges to the depletion accounts shall be credited to depletion reserves accounts.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.611-3 (retention: 1.6001-1)

4.25 Persons electing to aggregate separate operating mineral interests.

To maintain adequate records and maps that shall contain a description of the aggregation and the operating mineral interests within the operating unit which are to be treated as separate properties apart from the aggregation. A general description, accompanied by appropriately marked maps, which accurately circumscribes the scope of the aggregation and identifies the properties which are to be treated separately will be sufficient. There shall also be included a description of the operating unit in sufficient detail to show that the aggregated operating mineral interests are properly within a single operating unit.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.614–2 (retention: 1.6001–1)

4.26 Rules relating to separate operating mineral interests in the case of mines.

To maintain adequate records and maps that shall contain the following information:

(a) Whether the taxpayer is making an election or elections with respect to the operating unit in accordance with section 614(c)(3) (A) or (B) of the Internal Revenue Code;

(b) A description of the operating unit of the taxpayer in sufficient detail to identify the operating mineral interests which are included within such operating unit;

(c) A description of each aggregation to be formed within the operating unit, in sufficient detail to show that each aggregation consists of all the separate operating mineral interests which comprise any one mine or any two or more mines;

(d) A description of each separate operating mineral interest within the operating unit which is to be treated as a separate property, in sufficient detail to show that such interest is not a part of any mine for which an election to aggregate has been made;

(e) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each separate operating mineral interest within the operating unit, but if the first expenditure for development or operation has not been made with respect to a separate operating mineral interest before the close of the taxable year for which the election is made, such information should also be included;

(f) A description of each separate operating mineral interest within the operating unit which the taxpayer elects to treat as more than one such interest under section 614(c)(2) of the Internal Revenue Code, in sufficient detail to show that the separate operating mineral interest was not a part of an aggregation formed by the taxpayer under section 614(c)(1) of the Code for any taxable year prior to the taxable year for which the election under section 614(c)(2) of the Code is made, and to show that the mineral deposit representing the separate operating mineral interest is being developed or extracted by means of two or more mines;

(g) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each mine on the separate operating mineral interest that the taxpayer is electing to treat as more than one such interest; and

(h) The allocation of the mineral deposit representing the separate operating mineral interest between (or among) the newly formed interests and the method by which such allocation was made.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.614–3 (retention: 1.6001–1)

4.26a Persons aggregating operating mineral interests in oil and gas wells in a single tract or parcel of land.

To obtain accurate and reliable information, and keep records with respect thereto, establishing all facts necessary for making the computations prescribed for the fair market value method of determining basis on the aggregation.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.614–6 (retention: 1.6001–1)

4.26b Life insurance companies, contracts with reserves based on segregated asset accounts. [Added]

Separately account for each and every income, exclusion, deduction, asset, reserve, and other liability item which is properly attributable to such segregated asset accounts and keep such permanent records and other data relating to such contracts as is necessary to enable the district director to determine the correctness of the application of the separate accounting rules and the accuracy of the computations.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.801–8(c) (retention: 1.6001–1)

4.27 Life insurance companies distributing dividends to policyholders.

Every life insurance company claiming a deduction for dividends to policyholders shall keep such permanent records as are necessary to establish the amount of dividends actually paid during the taxable year. Such company shall also keep a copy of the dividend resolution and any necessary supporting data relating to the amounts of dividends declared and to the amounts held or set aside as reserves for dividends to policyholders during the taxable year.

Retention period: Permanent. 26 CFR 1.811–2

4.28 Record retention requirements for life insurance companies with respect to the optional treatment of policies reinsured under modified coinsurance contracts.

The reinsured and reinsurer shall maintain as part of their permanent books of account any subsequent amendments to the original modified coinsurance contract between the reinsured and reinsurer.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.820–2 (retention: 1.6001–1)

4.29 Regulated investment companies.

To maintain records showing the information relative to the actual owners of its stock contained in the written statements to be demanded from the shareholders. For the purposes of determining whether a domestic corporation claiming to be a regulated investment company is a personal holding company the records of the company shall show the maximum number of shares of the corporation (including the number and face value of securities convertible into stock of the corporation) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the corporation's taxable year. Also to maintain a list of the persons failing or refusing to comply with demand for statements respecting ownership of shares.

Retention period: As long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.852–6, 1.852–7 (retention: 1.6001–1)

4.30 Real estate investment trust.

(a) To maintain in the internal revenue district in which it is required to file its income tax return such permanent records as will disclose the actual ownership of its outstanding stock.

(b) Shareholders of record may not be the actual owners of the stock; accordingly, the real estate investment trust shall demand a written statement from shareholders of record disclosing the actual owner of the stock. Section 1.856–6(d). A list of the persons failing or refusing to comply in whole or in part with the trust's demand for such statement shall be maintained as a part of the trust's records.

(c) For the purpose of determining whether a trust, claiming to be a real estate investment trust, is a personal holding company, the permanent records of the trust shall show the maximum number of shares of the trust (including the number and face value of securities convertible into stock of the trust) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the trust's taxable year, as provided in section 544 of the Internal Revenue Code.

Retention period: Such records shall be kept at all times available for inspection by any internal revenue officer or employee and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.857–6

4.31 Persons claiming credit for taxes paid or accrued to foreign countries and possessions of the United States.

To keep readily available for comparison on request the original receipt for each such tax payment, or the original return on which each such accrued tax was based, a duplicate original, or a duly certified or authenticated copy, in case only a sworn copy of a receipt or return is submitted.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.905–2 (retention: 1.6001–1)

4.32 Western Hemisphere trade corporations.

To keep records substantiating income tax statement showing that its entire business is done within the Western Hemisphere and, if any purchases are made outside the Western Hemisphere, the amount of such purchases, the amount of its gross receipts from all sources, and any other pertinent information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.921–1 (retention: 1.6001–1)

4.32a Persons or corporations seeking to come within the exception to the limitation on reduction in income tax liability incurred to the Virgin Islands, under section 934 of the Internal Revenue Code of 1954.

Must maintain such records and other documents as are necessary to determine the applicability of the exception.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.934–1 (retention: 1.6001–1)

4.32b United States shareholders of controlled foreign corporations.

To provide permanent books of account or records which are sufficient to verify for the taxable year subpart F, export trade, and certain other classes of income and the increase in earnings invested in United States property.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.964–3 (retention: 1.6001–1)

4.33 Executors or other legal representatives of decedents, fiduciaries of trusts under wills, life tenants and other persons to whom a uniform basis with respect to property transmitted at death is applicable.

To make and maintain records showing in detail all deductions, distributions, or other items for which adjustment to basis is required to be made.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1014–4 (retention: 1.6001–1)

4.34 Persons making or receiving gifts of property acquired by gift after December 31, 1920. [Amended]

To preserve and keep accessible a record of the facts necessary to determine the cost of the property and, if pertinent, its fair market value as of March 1, 1913, or its fair market value as of the date of the gift, to insure a fair and adequate determination of the proper basis.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1015–1 (retention: 1.6001–1)

4.35 Persons participating in exchanges or distributions made in obedience to orders of the Securities and Exchange Commission.

To keep records in substantial form showing the cost or other basis of the property transferred and the amount of stock or securities and other property (including money) received.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1081–11 (retention: 1.6001–1)

4.36 Stock or security holders records of distribution pursuant to the Bank Holding Company Act of 1956.

Each stock or security holder who receives stock or securities or other property upon a distribution made by a qualified bank holding corporation under section 1101 of the Internal Revenue Code shall maintain records of all facts pertinent to the nonrecognition of gain upon such distribution.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1101–4 (retention: 1.6001–1)

4.37 Persons engaged in arbitrage operations in stocks and securities.

To keep records that will clearly show that a transaction has been timely and properly identified as an arbitrage operation. Such identification must ordinarily be entered in the taxpayer's records on the day of the transaction.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1233–1 (retention: 1.6001–1)

4.38 Record retention requirements for corporations and shareholders with respect to the substantiation of ordinary loss deductions on small business corporation stock.

(a) *Corporations.* The plan to issue stock which qualifies under section 1244 of the Internal Revenue Code must appear upon the records of the corporation. In addition, in order to substantiate an ordinary loss deduction claimed by its shareholders, the corporation should maintain records showing the following:

(1) The persons to whom stock was issued pursuant to the plan, the date of issuance to each, and a description of the amount and type of consideration received from each;

(2) If the consideration received is property, the basis in the hands of the shareholders and the fair market value of such property when received by the corporation;

(3) Which certificates represent stock issued pursuant to the plan;

(4) The amount of money and the basis in the hands of the corporation of other property received after June 30, 1958, and before the adoption of the plan for its stock, as a contribution to capital and as paid-in surplus;

(5) The equity capital of the corporation on the date of adoption of the plan; and

(6) Information relating to any tax-free stock dividend made with respect to stock issued pursuant to the plan and any reorganization in which stock is transferred by the corporation in exchange for stock issued pursuant to the plan.

(b) *Shareholders.* Any person who claims a deduction for an ordinary loss on stock under section 1244 of the Code shall file with his income tax return for the year in which a deduction for the loss is claimed a statement setting forth:

(1) The address of the corporation that issued the stock;

(2) The manner in which the stock was acquired by such person and the nature and amount of the consideration paid; and

(3) If the stock was acquired in a nontaxable transaction in exchange for property other than money—the type of property, its fair market value on the date of transfer to the corporation, and its adjusted basis on such date.

In addition, a person who owns "section 1244 stock" in a corporation shall maintain records sufficient to distinguish such stock from any other stock he may own in the corporation.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1244(e)–1 (retention: 1.6001–1)

4.38a Foreign investment companies.

To maintain and preserve such permanent books of account, records, and other documents as are sufficient to establish what its taxable income would be if it were a domestic corporation. Generally, if the books and records are maintained in the manner prescribed by regulations under section 30 of the Investment Company Act of 1940, the requirements shall be considered satisfied.

Retention period: So long as the contents thereof may be material in the administration of section 1247 of the Code. 26 CFR 1.1247–5 (retention: 1.6001–1)

4.39 Persons involved in the liquidation and replacement of lifo inventories.

To keep detailed records such as will enable the Commissioner, in his examination of the taxpayer's return for the year of replacement, readily to verify the

extent of the inventory decrease claimed to be involuntary in character and the facts upon which such claim is based, all subsequent inventory increases and decreases, and all other facts material to the replacement adjustment authorized.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1321–1, 1.1321–2 (retention: 1.6001–1)

4.40 Unincorporated business enterprise electing to be taxed as a domestic corporation.

(a) *General.* Except as otherwise provided in paragraph (b), any unincorporated business enterprise electing to be taxed as a domestic corporation under section 1361 of the Internal Revenue Code is required to keep records, render statements, and make returns in the same manner as a domestic corporation.

(b) *Other records.* The following other records shall be maintained by a "section 1361 corporation:"

(1) Separate records shall be maintained for payments to owners of a "section 1361 corporation" in order that a determination may be made as to whether such payments are compensation for personal services to which section 1361(j) of the Internal Revenue Code applies, or are distributions which may be treated either as corporate distributions or as distributions of personal separate capital accounts shall be maintained for each partner. Such accounts shall set forth the original capital contribution, adjustments thereto (for example, because of an owner's share of undistributed personal holding company income), and any other information necessary to establish each partner's interest in the "section 1361 corporation."

(2) In the case of a partnership, holding company income.

(3) A "section 1361 corporation" shall maintain records of all transfers of interests by its owners made at any time during the period the election under section 1361 applies, showing the names of the transferor and the transferee, the relationship between them, and the interest transferred.

(4) The records of a "section 1361 corporation" shall be maintained in such a manner that assets, liabilities, income, and expenses of the "section 1361 corporation" are shown separately and distinctly from assets, liabilities, income, and expenses of the owners which do not relate to the enterprise. Moreover, separate records shall be maintained for personal holding income and deductions attributable thereto.

(5) A "section 1361 corporation" shall maintain an earnings and profits account which shall be computed in accordance with the rules applicable generally to domestic corporations, except that the receipt and distribution of personal holding company income (and expenses attributable thereto) shall not be taken into account in determining the amount of earnings and profits for the taxable year or accumulated earnings and profits.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1361–10, 1.1361–14 (retention: 1.6001–1)

4.41 Distributions by small business corporations of previously taxed income.

To keep records of the net share of the previously taxed income of each shareholder. In addition, each shareholder of such corporation shall keep a record of his own net share of previously taxed income and shall make such record available to the corporation for its information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1375–4 (retention: 1.6001–1)

4.41a Persons required to withhold tax on nonresidential aliens, foreign corporations, and tax-free covenant bonds on payments of income made on and after January 1, 1957.

To keep copies of Forms 1042 and 1042S.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1461–2 (retention 1.6001–1)

4.41b Affiliated group, intercompany transactions, accounting for deferred gain or loss. [Added]

Maintain permanent records (including work papers) which will properly reflect the amount of deferred gain or loss and enable the group to identify the character and source of the deferred gain or loss to the selling member and apply the applicable restoration rules.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.502–13(c)(5) (retention: 1.6001–1)

4.42 Tax-exempt organizations.

(a) *General.* To keep records and books of account pertaining to information included in the anual return, including items of gross income, receipts, disbursements, and contributions and gifts received, and to keep other pertinent information which will enable the district director to inquire into the organization's exempt status.

(b) *Employees' trusts.* To keep as a part of its records, written notification from an employer to the trustee that the employer has or will timely file the information required under section 404 of the Internal Revenue Code.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.6033–1 (retention: 1.6001–1)

4.42a Banking institutions, trust companies, or brokerage firms, who elect to file Form 1087, Nominee's Information Return, for each actual owner for whom it acts as nominee.

Must maintain such records as will permit a prompt substantiation of each payment of dividends made to the actual owner.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.6042–1 (retention: 1.6001–1)

4.42b Any trustee, insurance company, or other person, which is notified under section 6047(b) of the Code that contributions to a trust or under a retirement plan have been made on behalf of an owner-employee.

Shall maintain a record of such notification.

Retention period: Until all funds of the trust or under the plan on behalf of the owner-employee have been distributed. 26 CFR 1.6047–1

4.42c Persons making payments of estimated tax installments in foreign currency. [Added]

Maintain a copy of the statement certified by the foundation, commission, or other person having control of the payments to the taxpayer in nonconvertible foreign currency which are expected to be received during the taxable year for the purpose of exhibiting it to the disbursing officer when making installment deposits of foreign currency.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 301.6316–6 (retention 1.6001–1)

4.43 Persons engaged in construction of aircraft for the Army and the Air Force.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR App. A 16.13

4.44 Persons engaged in construction of naval vessels or aircraft for the Navy.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR App. A 17.14

4.44a Domestic building and loan associations.

To maintain adequate records to establish to the satisfaction of the district director that various assets tests are met for taxable years beginning after October 16, 1962, and ending before November 1, 1964.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 301.7701–13 (retention: 301.6001–1)

Estate Tax

4.45 Executors of estates.

To keep detailed records of the affairs of the estate as will enable the district director to determine the amount of the estate tax liability, including copies of documents relating to the estate, appraisal lists of items included in the gross estate, copies of balance sheets or other financial statements relating to value of stock, and any other information necessary in determining the tax.

Retention period: Not specified. 26 CFR 20.6001–1

Gift Tax

4.46 Persons making transfers of property by gift. [Revised]

To maintain books of account or records as are necessary to establish the amount of the total gifts together with the deductions allowable in determining the amount of taxable gifts, and other information required to be shown in their gift tax returns.

Retention period: Permanent. 26 CFR 25.6001–1

Employment Tax

4.47 General record retention requirements for employment taxes.

(a) *Form of records.* Records shall be kept accurately, but no particular form is required. Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person (including an employee) who claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) of this section which relate to the claim.

(d) *Records of employees.* While not mandatory (except in the case of claims), it is advisable for each employee to keep permanent, accurate records showing the name and address of each employer for whom he performs services as an employee, the dates of beginning and termination of such services, the information with respect to himself which is required to be kept by employers, and all receipts furnished by employers.

(e) *Place for keeping records.* All records required shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 31.6001–1

4.48 [Reserved]

4.49 Employers required to deduct and withhold income tax on wages which include sick pay. [Amended]

To keep records with respect to payments (sick pay) made directly by the employer to his employees after December 31, 1955, under a wage continuation plan showing, with respect to each employee, the beginning and ending dates of each period of absence from work for which any such payment was made, and sufficient information to establish the amount and weekly rate of each such payment; and, to the extent that income tax is not withheld on the amount of any such payment excludable from the gross income of the employee, the amount of the payment and the excludable portion thereof, and data substantiating the employee's entitlement to the exclusion from gross income.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 31.3401(a)–1, 31.6001–5 (retention: 1.6001–1)

4.50 Employers liable for tax under the Federal Insurance Contributions Act.

(a) *General.* (1) To keep records of all remuneration, whether in cash or in a medium other than cash, paid to his employees after 1954 for services (other than agricultural labor which constitutes or is deemed to constitute employment, domestic service in a private home of the employer, or service not in the course of the employer's trade or business) performed for him after 1936. Records shall show with respect to each employee receiving such remuneration:

(i) The name, address, and account number of the employee and such additional information with respect to the employee as is required when the employee does not advise the employer what his account number and name are as shown on an account number card issued to the employee by the Social Security Administration.

(ii) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(iii) The amount of each such remuneration payment which constitutes wages subject to tax.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(2) Every employer shall keep records of the details of each adjustment or settlement of taxes under the Federal Insurance Contributions Act and a copy of each statement furnished.

(b) *Agricultural labor, domestic service, and service not in the course of employer's trade or business.* (1) Every employer who pays cash remuneration after 1954 for the performance for him after 1950 of agricultural labor which constitutes or is deemed to constitute employment, of domestic service in a private home of the employer not on a farm operated for profit, or of service not in the course of his trade or business shall keep records of all such cash remuneration with respect to which he incurs, or expects to incur, liability for the taxes imposed by the Federal Insurance Contributions Act, or with respect to which amounts equivalent to employee tax are deducted. Such records shall show with respect to each employee receiving such cash remuneration:

(i) The name of the employee.

(ii) The account number of each employee to whom wages for such services are paid and such additional information as is required when the employee does not advise the employer what his account number and name are as shown on the account number card issued to the employee by the Social Security Administration.

(iii) The amount of such cash remuneration paid to the employee (including any sum withheld therefrom as tax or for any other reason) for agricultural labor which constitutes or is deemed to constitute employment, for domestic service in a private home of the employer not on a farm operated for profit, or for service not in the course of the employer's trade or business; the calendar month in which such cash remuneration was paid; and the character of the services for which such cash remuneration was paid. When the employer incurs liability for the taxes imposed by the Federal Insurance Contributions Act with respect to any such cash remuneration which he did not previously expect would be subject to the taxes, the amounts of any cash remuneration not previously made a matter of record shall be determined by the employer to the best of his knowledge and belief.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such cash remuneration and the calendar month in which collected.

(v) To the extent material to a determination of tax liability, the number of days during each calendar year after 1956 on which agricultural labor which constitutes or is deemed to constitute employment is performed by the employee for cash remuneration computed on a time basis.

(2) Every person to whom a "crew leader" furnishes individuals for the performance of agricultural labor after December 31, 1958, shall keep records of the name; permanent mailing address, or if none, present address; and identification number, if any, of such "crew leader."

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date

such tax is paid, whichever is the later. 26 CFR 31.6001–2 (retention: 31.6001–1)

4.51 Persons subject to the Railroad Retirement Tax Act.

(a) *Records of employers.* (1) To keep records of all remuneration (whether in money or in something which may be used in lieu of money) other than tips, paid to his employees after 1954 for services rendered to him (including "time lost") after 1954. Such records shall show with respect to each employee:

(i) The name and address of the employee.

(ii) The total amount and date of each payment of remuneration to the employee (including any sum withheld therefrom as tax or for any other reason) and the period of service (including any period of absence from active service) covered by such payment.

(iii) The amount of such remuneration payment with respect to which the tax is imposed.

(iv) The amount of employee tax collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total payment of remuneration and the amount thereof with respect to which the tax is imposed are not equal, the reason therefor.

(2) The employer shall keep records of the details of each adjustment or settlement of taxes under the Railroad Retirement Tax Act.

(b) *Records of employee representatives.* Every individual liable for employee representative tax under the Railroad Retirement Tax Act shall keep records of all remuneration (whether in money or in something which may be used in lieu of money) paid to him after 1954 for services rendered (including "time lost") by him as an employee representative after 1954. Such record shall show:

(1) The name and address of each employee organization employing him.

(2) The total amount and date of each payment of remuneration for services rendered as an employee representative (including any sum withheld therefrom as tax or for any other reason) and the period of service, including any period of absence from active service, covered by such payment.

(3) The amount of such remuneration payment with respect to which the employee representative tax is imposed.

(4) If the total payment of remuneration and the amount thereof with respect to which the employee representative tax is imposed are not equal, the reason therefor.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001–3 (retention: 31.6001–1)

4.52 Employers subject to tax under the Federal Unemployment Tax Act.

(a) *Records of employers.* To keep such records as are necessary to establish:

(1) The total amount of remuneration (including any sum withheld therefrom as tax or for any other reason) paid to his employees during the calendar year for services performed after 1938.

(2) The amount of such remuneration which constitutes wages subject to the tax.

(3) The amount of contributions paid by him into each State unemployment fund, with respect to services subject to the law of such State, showing separately (i) payments made and neither deducted nor to be deducted from the remuneration of his employees, and (ii) payments made and deducted or to be deducted from the remuneration of his employees.

(4) The information required to be shown on the prescribed return and the extent to which the employer is liable for the tax.

(5) If the total remuneration paid and the amount thereof which is subject to the tax are not equal, the reason therefor.

(6) To the extent material to the determination of a tax liability, the dates, in each calendar quarter, on which each employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter.

The term "remuneration," as used in this paragraph, includes all payments whether in cash or in a medium other than cash, except that the term does not include payments in a medium other than cash for services not in the course of the employer's trade or business.

(b) *Records of persons who are not employers.* Any person who employs individuals in employment during any calendar year but who considers that he is not an employer subject to the tax shall, with respect to each such year, be prepared to establish by proper records (including, where necessary, records of the number of employees employed each day) that he is not an employer subject to the tax.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001–4 (retention: 31.6001–1)

4.53 Employers required to deduct and withhold income tax on wages paid.

(a) Every employer required to deduct and withhold income tax upon the wages of employees shall keep records of all remuneration paid to such employees. Such records shall show with respect to each employee:

(1) The name and address of the employee and, after December 31, 1962, the account number of the employee.

(2) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(3) The amount of such remuneration payment which constitutes wages subject to withholding.

(4) The amount of tax collected with respect to such remuneration payment and, if collected at a time other than the time such payment was made, the date collected.

(5) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(6) Copies of any statements furnished by the employee relating to permanent residents of the Virgin Islands.

(7) Copies of any statements furnished by the employee relating to nonresident alien individuals who are residents of a contiguous country.

(8) Copies of any statements furnished by the employee relating to residence or physical presence in a foreign country.

(9) Copies of any statements furnished by the employee relating to citizens resident in Puerto Rico.

(10) The fair market value and date of each payment of noncash remuneration, made to an employee after August 9, 1955, for services performed as a retail commission salesman, with respect to which no income tax is withheld.

(11) With respect to payments made in 1955 under a wage continuation plan, the records required to be kept in respect of such payments must (i) separately show the amounts of such payments, and distinguish such amounts from all other payments, and (ii) establish the facts necessary to show that the employee is entitled to the exclusion, either by means of a written statement from the employee as to the injury, illness, or hospitalization, or by any other information which the employer believes to be accurate and which he is willing to accept.

(12) With respect to payments made directly by an employer after December 31, 1955, under a wage continuation plan, the records must show (i) the beginning and ending dates of each period of absence from work for which any such payment was made; and (ii) sufficient information to establish the amount and weekly rate of each such payment.

(13) The withholding exemption certificates (Form W–4) filed with the employer by the employee.

(14) The agreement, if any, between the employer and the employee for the withholding of additional amounts of tax.

(15) To the extent material to a determination of tax liability, the dates, in each calendar quarter, on which the employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter.

The term "remuneration," as used in this paragraph, includes all payments whether in cash or in a medium other than cash, except that the term does not include payments in a medium other than cash for services not in the course of the employer's trade or business.

(b) The employer shall keep records of the details of each adjustment or settlement of income tax withheld.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is later. 26 CFR 31.6001–5 (retention: 31.6001–1)

4.54 Employers claiming a refund, credit, or abatement of tax under the Federal Insurance Contributions Act or Railroad Retirement Tax Act.

Every employer who has filed a claim for refund, credit, or abatement of employee tax under section 3101 or section 3201 of the Internal Revenue Code, or a corresponding provision of prior law, collected from an employee shall retain as part of his records the written receipt of the employee showing the date and amount of the repayment, or the written consent of the employee, whichever is used in support of the claim. Where employee tax was collected under section 3101 of the Code, or a corresponding provision of prior law, from an employee in a calendar year prior to the year in which the credit or refund is claimed, the employer shall also retain as part of his records a written statement from the employee (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the date the claim is filed. 26 CFR 31.6402(a)–2, 31.6404(a)–1 (retention: 31.6001–1)

4.55 Repayment by employer of tax erroneously collected from employee under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act and of income tax withheld from wages.

(a) Before employer files return. To obtain and keep as part of his records the written receipt of the employee showing the date and amount of the repayment.

(b) *After employer files return.* If the amount of an overcollection is repaid to an employee, the employer shall obtain and keep as part of his records the written receipt of the employee, showing the date and amount of the repayment. If in any calendar year, an employer repays or reimburses an employee in the amount of an overcollection of employee tax under section 3101 of the Internal Revenue Code, or a corresponding provision of prior law, which was collected from the employee in a prior calendar year, the employer shall obtain from the employee and keep as part of his records a written statement (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is later. The records of claimants shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 31.6413(a)–1 (retention: 31.6001–1)

EXCISE TAX

4.56 Persons required to file a return and pay tax on the sale or use of any article subject to manufacturers' excise tax, or disposing of articles free of tax. [Amended]

To keep accurate records, including duplicates of returns, and accounts of all transactions. To keep, in the case of dispositions of products to other manufacturers free of tax, accurate records of all such transactions including certificates from purchasers certifying to the fact that the products are purchased for further manufacture of taxable articles, with supporting invoices, etc. To maintain evidence with respect to sales for export, or shipment to a possession of the United States, and sales to States or political subdivisions thereof, upon which no tax is due, and other tax-free sales, and evidence required to support a claim for credit or refund.

Retention period: 4 years from the date the tax became due; with respect to tax-free sales, for a period of 4 years from the last day of the month following the month in which the sale was made; and with respect to credits or refunds, 4 years from the date any credit is taken or refund is claimed. 26 CFR 40.4220–3, 40.4220–4, 48.4041–5—48.4041–9, 48.4071–2, 48.6416, 48.6420, 48.6421; App. D 314.62, 316.7, 316.202

4.57 [Deleted]

4.58 [Transferred to 4.83a]

4.59 [Reserved]

4.59a Persons acquiring secondhand highway motor vehicles.

To maintain as part of his records evidence showing whether there was taxable use of such vehicle at any time in the taxable period prior to the time when the vehicle was registered in his name. If evidence is not obtained showing whether there was such use, the person must keep as part of his records a written statement of the reasons why he was unable to obtain such evidence.

Retention period: At least 3 years after the date the tax becomes due or the date the tax is paid, whichever is later. 26 CFR 41.4481–2 (retention: 41.6001–1)

4.60 Persons subject to the tax on use of certain highway motor vehicles.

(a) *Person in whose name vehicle registered.* Every person in whose name any highway motor vehicle having a taxable gross weight in excess of 26,000 pounds is registered at any time in the taxable period shall keep certain specified records with respect to each vehicle to enable the district director to determine whether such person is liable for the tax and, if so, the amount thereof.

(b) *Transit systems.* Every person engaged in the operation of a transit system who claims exemption from tax with respect to a transit-type bus shall keep records sufficient to show, with respect to each taxable period, whether he meets the 60-percent passenger fare revenue test for the period prescribed as the test period for such system for such taxable period.

(c) *Claimants.* Any person claiming refund, credit, or abatement of the tax, interest, additional amount, addition to the tax, or assessable penalty, shall keep a complete and detailed record with respect to the claim.

Retention period: Records required by paragraphs (a) and (b) shall be maintained for a period of at least 3 years after the date the tax becomes due or the dates the tax is paid, whichever is later. Records required by paragraph (c) (including any record required by paragraph (a) or (b) which relates to the claim) shall be maintained for a period of at least 3 years after the date the claim is filed. 26 CFR 41.6001–1

4.61 Persons required to collect taxes on amounts paid for local and toll telephone services and teletypewriter services. [Amended]

To keep accurate records and accounts of all such services and facilities furnished upon which the tax is imposed and evidence of the right to exemption relative to any such services or facilities furnished in respect of which tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due; with respect to evidence of the right to exemption, 4 years from the date the tax would have become due if applicable; and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 49.4253–11; App. D 130.71, 130.77

4.62—4.64 [Deleted]

4.65 Persons required to collect taxes on amount paid for the transportation of persons and seating or sleeping accommodations in connection therewith.

To keep accurate records to show with respect to each ticket or order sold or fare collected, or other individual transaction, the amount of tax collected or evidence of the right to exemption where tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: (a) Except as provided in paragraph (b) *below*, 4 years from the date the tax is due; with respect to evidence of the right to exemption, 4 years from the date the tax would have become due if payable; and, with respect to credits, 4 years from the date of the return on which the credit appears.

(b) On or after October 1, 1956, carriers furnishing transportation or facilities paid by a State, a Territory of the United States, or any political subdivision thereof, or the District of Columbia, shall retain all exemption certificates accepted, with the record of services and facilities rendered for a period of at least 3 years from the date the tax would have become due if payable. 26 CFR 42.4292–1(b), 49.4261–6(e); App. D 130.54, 130.62, 130.71, 130.77

4.66 Persons required to pay excise tax on wagering.

(a) *General.* To keep records as will clearly show as to each day's operation: (a) Gross amount of all wagers accepted; (b) gross amount of each class or type of wager accepted on each separate event, contest, or other wagering medium; (c) separately, the gross amount of wagers: (1) accepted directly by the taxpayer or at any registered place of business of the taxpayer (other than laid-off wagers), (2) accepted for his account by agents at other than a registered place of business of the taxpayer (other than laid-off wagers), (3) accepted as laid-off wagers from persons subject to the excise tax; (d) with respect to wagers laid-off with others: (1) The name, address and registration number of each person with whom placed, (2) the gross amount laid-off with each person showing separately the gross amounts of laid-off wagers with respect to each contest, event, or other wagering medium; and (e) the gross amount of tax collected from or charged to bettors as a separate item. To keep, in the case of the taxpayer's employees or agents receiving wagers on his behalf, separate records showing the name, address, the period of employment of, and number of the special tax stamp issued to, such employee or agent. To also keep duplicates of returns and a complete and detailed record of each overpayment.

(b) *Records of agent or employee.* Every person who is engaged in receiving for or on behalf of another person (at any place other than a registered place of business of such other person) wagers of a type subject to tax shall keep a record showing for each day (1) the gross amount of such wagers received by him, (2) the amount, if any, retained as a commission or as compensation for receiving such wagers, and (3) the amount turned over to the person on whose behalf the wagers were received, and the name and address of such person.

(c) *Records of claimants.* Any person claiming a credit or refund shall keep a complete and detailed record of each overpayment and of each laid-off wager for which credit is taken or refund is claimed, including a copy of the required certificate.

(d) *Place for keeping records.* Every person required to pay the tax on wagering shall keep or cause to be kept, at his office or principal place of business, or, if he has no office or principal place of business, at his residence or some other convenient or safe location, all such records as are required pursuant to paragraphs (a) and (c).

Retention period: All records required by the regulations in this part shall at all times be available for inspection by internal revenue officers. Records required by § 44.4403–1 and by paragraph (a) of this section shall be maintained for a period of at least 3 years from the date the tax became due. Records required by paragraph (b) of this section shall be maintained for a period of at least 3 years from the date the wager was received. Records required by paragraph (c) of this section shall be maintained for a period of at least 3 years from the date any credit is taken or refund is claimed. 26 CFR 44.4403–1, 44.6001–1

4.67 [Deleted]

4.68 Manufacturers of white phosphorus matches.

(a) *General.* Every manufacturer is required to keep a daily record showing the total of each material used each day and the total number of matches produced and the number of stamped packages and original packages in which packed; also the total number of stamped packages and original packages, together with the total number of matches, disposed of each day.

(b) *Names of customers.* The names of customers to whom matches are consigned and the quantities so sold will not be entered in the manufacturers' daily record and quarterly returns, but the manufacturer shall, upon request of any internal revenue officer, furnish a record of all sales for such period as may be desired.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 25 CFR 45.4804–10 (retention: 45.6001–1)

4.69 Persons making contracts of sale of cotton for future delivery, and persons who act in the capacity of a clearing house or association for such transactions.

(a) All persons who make contracts of sale of cotton for future delivery at, on, or in any exchange, board of trade, or similar institution or place of business, whether said contracts shall be cleared and adjusted through a clearing association, or direct between seller and buyer, or otherwise, shall keep a record (in accordance with forms prescribed in § 45.4872–3 of the regulations) thereof showing: (1) name and address of contracting person keeping record; (2) name and address of other party to contract; (3) date contract was made; (4) quantity of cotton involved, in bales or pounds; (5) time specified in contract for delivery; (6) whether transaction is a purchase or a sale; (7) whether the contract is a contract subject to section 4863, 4864, or 4865 of the Internal Revenue Code, and the basis grade; (8) grade, type, sample, or description of cotton, if not basis grade; (9) specified price per pound; (10) date of delivery or settlement; (11) method of actual fulfillment or settlement; and (12) amount of tax paid (or, if exempt, so state).

(b) All persons who act in the capacity of a clearinghouse or clearing association for the purpose of clearing, settling, or adjusting transactions mentioned in section 4851(a) of the Internal Revenue Code shall keep a record (see forms prescribed in § 45.4872–3 of the regulations) thereof showing: (1) name and address of clearinghouse or clearing association keeping record; (2) name and address of person for whom contract is cleared; (3) date contract was made; (4) quantity of cotton involved, in bales or pounds; (5) time specified in contract for delivery; (6) whether transaction is a purchase or a sale; (7) whether the contract is a contract subject to section 4863, 4864, or 4865 of the Internal Revenue Code, and the basis grade; (8) grade, type, sample, or description of cotton, if not basis contract; (9) specified price per pound; (10) date of delivery or settlement; and (11) method of actual fulfillment or settlement.

(c) *Records to be kept in separate books and open for inspection.* All records required by the regulations in this subpart must be in writing and shall be kept in separate books, and not mixed with records of other accounts or transactions, and shall be open to inspection, when demand is made therefor by officers and agents of the Internal Revenue Service. Agents duly appointed shall have authority to examine the books and records kept in pursuance to §§ 45.4872–1 to 45.4872–3, inclusive, and may require the production of any other books, papers, records, or statements of account necessary to determine any liability to the tax imposed by section 4851 of the Internal Revenue Code.

Retention period: Not less than 3 years. 26 CFR 45.4872–1, 45.4872–2 (retention: 45.4872–4)

4.70 [Deleted]

4.71 Persons subject to certain miscellaneous stamp taxes.

(a) *General.* The records required by Part 45 of the regulations shall be kept accurately, but no particular form is required for keeping such records. See, however, the requirements in § 45.4804–10, relating to form for daily record in the case of manufacturers of white phosphorus matches, and §§ 45.4872–1 to 45.4872–4, inclusive, relating to records regarding sales of cotton for future delivery. Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required, by the regulations in this part or by instructions applicable to any form prescribed thereunder, to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person who, pursuant to the regulations in this part, claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) and by §§ 45.6001–2 to 45.6001–5, inclusive, which relate to the claim.

(d) *Place for retention of records.* All records required by the regulations in this part shall be maintained, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

(e) *Microfilm reproduction.* General books of account, such as cash books, journals, voucher registers, ledgers, etc., shall be maintained and preserved in their original form. However, microfilm reproductions of supporting records of details, such as invoices, vouchers, production reports, sales records, certificates, proofs of exportation, etc., may be kept in lieu of the original records provided the person required to keep such records retains such microfilmed copies for the required period, provides adequate facilities for the preservation of such films and for the ready inspection and location thereof, including a projector for viewing such records in the event inspection is necessary for tax purposes, and makes any transcription which may be required of the information contained on the microfilm.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–1

4.72 Manufacturers of adulterated butter, process or renovated butter, or filled cheese.

(a) *General.* A manufacturer shall keep at his place of business separate records of adulterated butter, of process or renovated butter, and of filled cheese. If the record is kept as hereinafter prescribed in the manufacturer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than adulterated butter, process or renovated butter, filled cheese, and the materials or ingredients used in the manufacture of each product.

Entry shall be made not later than the day following that on which each transaction occurred. Quantities reported shall be as indicated by the tax-paid stamps affixed to the packages, except that where the product is withdrawn free of tax for export, or where the product is returned to the factory, the actual quantity will be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Item.* The record must show:

(1) The number of pounds of each material or ingredient used in the production of adulterated butter, process or renovated butter, or filled cheese, and the number of such materials used for other purposes.

(2) The number of pounds of each product produced.

(3) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(4) The number of pounds in each lot returned to the factory, the name of the person by whom returned, the address from which returned, and the date of receipt.

(5) The number of pounds reworked, disposed of as grease, dumped, or otherwise destroyed.

(6) The total value of tax stamps purchased and used.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter, process or renovated butter or filled cheese distributed gratuitously shall be recorded in the same manner as if the packages were sold.

(2) *Transfers to self.* Where adulterated butter, process or renovated butter, or filled cheese is transferred by a manufacturer to himself as a wholesale or retail dealer, the transaction shall be recorded in the same manner as a transfer to another person.

(3) *Sales to chain stores.* Where adulterated butter, process or renovated butter, or filled cheese is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipment.* Where a manufacturer receives an order from one person to ship adulterated butter, process or renovated butter, or filled cheese to another, the transaction shall be recorded in the name and address of the consignee, followed by "acc't. of" and the name and address of the person for whose account the shipment was made. A manufacturer shall not record consignments on orders in the names of agents, solicitors, or other persons transmitting an order for another party.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) of § 45.6001–1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–2 (retention: 45.6001–1)

4.73 Wholesale dealers in adulterated butter.

(a) *General.* A wholesale dealer shall keep at his place of business records of transactions in adulterated butter. If the record is kept as hereinafter prescribed in the dealer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than tax-paid and branded adulterated butter.

Entry shall be made not later than the day following that on which the transaction occurred. Quantities reported shall be as indicated by the tax-paid stamp affixed to the packages, except that where goods are returned to or by the wholesaler the actual quantity shall be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Items.* The record must show:

(1) The number of pounds in each consignment of adulterated butter received, the name and address of the consignor, and the date of receipt.

(2) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter received and disposed of gratuitously shall be recorded in the same manner as adulterated butter which is purchased and sold.

(2) *Transfers to self.* Where adulterated butter is transferred by a wholesale dealer to himself as a retail dealer, the transaction shall be recorded in the same manner as a sale to another person.

(3) *Sales to chain stores.* Where adulterated butter is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipments.* A wholesale dealer shall not record the receipt of adulterated butter which he orders delivered direct to a third party. The dealer's connection with the transaction shall be shown by the manufacturer as provided in paragraph (c) of § 45.6001–2. Where a wholesale dealer receives an order from one person to ship adulterated butter to another, the transaction shall be recorded in the name and address of the consignee followed by "acc't. of" and the name and address of the person giving the order. A wholesale dealer shall not record consignments in the names of agents, solicitors, or other persons transmitting orders for other parties.

(5) *Returned goods.* Where adulterated butter is returned by a customer to a wholesale dealer the transaction shall be recorded separately from other receipts. The sale of repossessed goods shall be recorded with other disposals. Adulterated butter returned by a wholesale dealer to the manufacturer or other wholesale dealer from whom received shall be recorded separately from other disposals (see paragraph (c)(6) of § 45.4821–3 as to resales.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid whichever is the later. The records of claimants required by paragraph (c) of section 45.6001–1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–3 (retention: 45.6001–1)

4.74 Wholesale dealers in filled cheese.

Every wholesale dealer in filled cheese shall keep at his place of business a daily record of (a) the number of pounds in each consignment of filled cheese received by him, giving the name and address of the consignor and date of receipt, and (b) the number of pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and address to which sent.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) of section 45.6001–1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001–4 (retention: 45.6001–1)

4.75 Persons liable for the excise tax on manufactured sugar. [Revised]

(a) *General.*—(1) *Form of records.* Records shall be kept accurately, but no particular form is required. Such forms and systems of accounting shall be used as will enable the District Director of Internal Revenue to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(2) *Copies of returns, schedules, and statements.* Every person who is required to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(3) *Records of Claimants.* Any person who claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any record required of the claimant by paragraph (a)(2), and by paragraph (b) below.

(4) *Place for keeping records.* All records required shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

(5) *Microfilm reproductions.* General books of account, such as cash books, journals, voucher registers, ledgers, etc., shall be maintained and preserved in their original form. However, microfilm reproductions of supporting records of details, such as invoices, vouchers, production reports, sales records, certificates, proofs of exportation, etc., may be kept in lieu of the original records provided the person required to keep such records (i) retains such microfilmed copies for the specified retention period, (ii) provides adequate facilities for the preservation of such films and for the ready inspection and location thereof, including a projector for viewing such records in the event inspection is necessary for tax purposes, and (iii) makes any transcription which may be required of the information contained on the microfilm.

(b) *Manufactured sugar*—(1) *Manufacturing records.* Every person who manufactured sugar shall keep an accurate monthly record of the manufacturing done by him.

(2) *Content of records.* Such records shall show:

(i) The quantity of manufactured sugar and other sugar on hand at the beginning of the month;

(ii) The quantity received during the month;

(iii) The quantity of manufactured sugar produced during the month;

(iv) The quantity sold during the month;

(v) The quantity of manufactured sugar used during the month in the production of other articles for sale; and

(vi) The quantity of manufactured sugar and other sugar on hand at the end of the month.

For periods prior to August 31, 1963, the records shall show the polariscopic test or total sugars of each grade and type of sugar and manufactured sugar.

For periods after August 30, 1963, the records shall show the total sugars of each grade and type of sugar and manufactured sugar.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (a)(3) shall be maintained for a period of at least 3 years after the date the claim is filed. 26 CFR 46.6001-1, 46.6001-2 (retention: 46.6001-1)

4.76—4.78 [Deleted]

4.79 Persons required to keep records with respect to foreign insurance policies.

(a) *Records to be kept by solicitors, brokers, etc.* No return or statement showing a list of policies or other instruments subject to the tax imposed by section 4371 of the Internal Revenue Code is required from any person to or for whom, or in whose name, such policy or other instrument is issued, or from the solicitor or broker acting directly or indirectly for or on behalf of such person. However, each person, solicitor, or broker, accepting, placing, soliciting, or making, directly or indirectly, or paying or receiving compensation with respect to, a policy or other instrument subject to the tax imposed by section 4371 of the Code shall keep a record of such policy or other instrument for a period of at least 3 years from the date any part of the tax was paid with respect to the issuance thereof and shall be prepared to furnish full information to the district director at any time upon demand.

(b) *Records to be kept by policy holder.* The person having control or possession of a policy of insurance, or reinsurance, or other instrument to which documentary stamps must be affixed shall retain such instrument for at least 3 years from the date any part of the tax was paid with respect to the issuance thereof to enable internal revenue officers to ascertain whether the requisite stamps have been affixed and cancelled. 26 CFR 47.6001-2

4.80—4.82 [Deleted]

4.83 Persons claiming exemption from tax on the sale or use of diesel fuel, special motor fuel, and lubricating oil. [Revised]

(a) *Bulk purchases by users.* Persons who purchase taxable liquid in bulk delivered into storage tanks or other containers and use it for various purposes, both taxable and nontaxable, or in both registered and nonregistered vehicles, must maintain adequate records of all fuel used for each purpose to permit verification of the tax paid and any of the credits, refunds, or exemptions claimed.

(b) *Dual use of taxable liquid.* If the taxable liquid used in a separate motor, or during a period the vehicle does not have the essential characteristics of a motor vehicle, is drawn from the same tank as the one which supplies fuel for the propulsion of the vehicle, a reasonable determination of the quantity of taxable liquid used in such separate motor or during such period will be acceptable for purposes of application of the tax. Such determination must be based, however, on the operating experience of the person using the taxable liquid and the taxpayer must maintain records which will support the allocation used.

(c) *Use as supplies for vessels or aircraft.* Seller must obtain and retain a properly executed exemption certificate, maintain records of invoices, orders, etc., relative to tax-free sales.

(d) *Use on a farm for farming purposes.* Maintain adequate records to establish that the taxable liquid was used on a farm for farming purposes.

(e) *Sales to State, Territory of the United States or a political subdivision or the District of Columbia.* Vendor must retain clearly identified orders or contracts properly signed by an authorized officer that the liquid sold was purchased for the exclusive use of a State, Territory of the United States, or a political subdivision, or the District of Columbia.

(f) *Sales for export.* Vendor must maintain adequate records, such as export bill of lading, certificate of carrier or customs officer, or statement of foreign consignee, to establish that the liquid was sold for export and actual exportation.

(g) *Sales to nonprofit educational organizations.* Retailer must obtain from purchaser and retain a properly executed exemption certificate.

Retention period: 4 years from the date the tax became due or, in the case of tax-free sales, for a period of at least 4 years from the last day of the month following the month in which the sale was made. 26 CFR 48.4041-5, 48.4041-6, 48.4041-8, 48.4041-9, 148.1-4 (retention: App. D 314.62, 324.42)

4.83a Manufacturers, producers, or importers selling automobile tires or tread rubber. [Amended]

To maintain records of tires sold with metal rims or rim bases attached which will establish what portion of the finished product represents the weight of the tire exclusive of the metal rim or base; and for tax-free sales of tread rubber, to retain exemption certificates and to keep records of invoices, orders, etc., for inspection by the district director.

Retention period: Not specified. 26 CFR 48.4071-2, 48.4073-3

4.84—4.84a [Deleted]

4.85 Claims by suppliers for credit or refund due to repeal of tax by Excise Tax Reduction Act of 1965. [Revised]

(1) An inventory statement of articles held for sale on the first moment of June 22, 1965, by a retailer, and not used, must be kept in the supplier's records; (2) either evidence that the supplier has reimbursed the retailer or the written consent of the retailer to the allowance of the credit or refund to the supplier must be kept in the supplier's records.

Retention period: Not specified. 26 CFR 48.6011(c)-1

4.86 Persons claiming a credit or refund for diesel fuel, special motor fuel, lubricating oil, or gasoline used for certain nonhighway purposes, by a local transit system, or for farming purposes. [Amended]

(a) *General.* To keep in accordance with the form outlined in the regulations an accurate record of the number of gallons purchased and the dates of purchases, the name and address of each vendor, the number of gallons used during the period covered by the claim and such other information as is necessary to establish the correctness of the claim.

(b) *Local transit systems.* In addition to the records required by paragraph (a), to keep records that establish for each calendar quarter: (1) the total passenger fare revenue (not including with respect to gasoline used before November 16, 1962, the tax imposed by section 4261 of the Internal Revenue Code) derived from scheduled common carrier public passenger land transportation service along regular routes, and (2) the commuter fare revenue derived from such scheduled service.

(c) *Farming purposes.* To keep a record of the gasoline purchased and used by the claimant on a farm which he is the owner, tenant, or operator, and to show, in cases where trucks or other vehicles are used both on and off the farm an allocation of the number of gallons used in such trucks or vehicles for farming purposes. Where the claimant is entitled to claim payment for gasoline used on his farm by a person other than the owner, tenant, or operator thereof, the records must show: (1) the name and address of the person who performed the farming operation, (2) a description of the type of work and the type of equipment used, (3) the date or dates on which the work was done, and (4) the number of gallons of gasoline so used.

Retention period: At least 3 years from the last date prescribed for the filing of the claim. 26 CFR 48.6416(b)-2, 48.6420(f)-1, 48.6421(g)-1

4.86a Manufacturer of tires and tubes floor stocks inventories October 1, 1966. [Added]

Maintain physical inventory of tires and inner tubes held at each retail outlet as of 12:01 a.m., on October 1, 1966.

Retention period: Not specified. 26 CFR 144.1-2(d)

4.87—4.88 [Deleted]

4.88a Persons seeking credit or refund due to tax reduction or repeal.

(a) *Floor stocks.* Every manufacturer filing a claim for credit or refund shall support the claim by keeping as a part of his records dealer's inventory statements and records showing: (1) the name and address of the dealer; (2) quantities of each article; (3) the amount of tax paid on each article held by the dealer; (4) the amount of tax computed at the new rate; (5) the total amount of reimbursement due the dealer; (6) the date the reimbursement request was received from the dealer; (7) the date and amount of each payment to the dealer or the date of receipt from the dealer of written consent to the credit or refund.

(b) *Consumer purchases.* Every manufacturer filing a claim for credit or refund shall support the claim by keeping as a part of his records: (1) the name and address of the ultimate purchaser of the article; (2) the name and address of the dealer from whom the ultimate purchaser purchased the article; (3) the date of the sale of the article to the ultimate purchaser; (4) the invoice number of the sales slip; (5) the serial or identification number of the item sold; and (6) the date and amount of reimbursement to the ultimate purchaser with a receipt or cancelled check.

(c) *Installment sales.* The vendor, either a manufacturer or retailer, shall retain sufficient evidence of reimbursement or the reimbursement obligation.

Retention period: Not specified. 26 CFR 145.2-1, 145.2-2, 145.2-4, 145.2-5

4.88b Manufacturers making tax-free sales of supplies for vessels and aircraft.

To retain in his possession properly executed exemption certificates and supporting invoices, orders, etc., relative to the tax-free sales.

Retention period: Not specified. 26 CFR 145.4-1

4.88c Persons making premium payments on or after January 1, 1966, to foreign insurers, reinsurers, nonresident agents, solicitors, or brokers. [Amended]

To keep or cause to be kept accurate records of all premium payments, policies, or other instruments subject to the tax imposed by section 4371 of the Code. Records must be kept on file at the place of business or at some other convenient location in such manner as to be readily accessible to authorized internal revenue officers or employees.

Retention period: At least 3 years from the date any part of the tax became due or the date any part of the tax is paid, whichever is later. 26 CFR 145.5-1

4.88d Commercial financing corporations electing to treat foreign branch offices as foreign corporations.

To maintain separate books and records reasonably reflecting the assets and liabilities properly attributable to such office.

Retention period: Not specified. 26 CFR 147.7-6

4.88e Acquisition of foreign stock or debt obligations.

(a) *General.* Every United States person who acquires stock or debt obligations of a foreign issuer or obligor for his own account after July 18, 1963, and before January 1, 1966, shall keep adequate records in order to determine his tax liability with respect to such acquisition. If such person receives a written confirmation or Certificates of American Ownership, such confirmation or Certificates shall be retained.

(b) *Members or member organizations of certain securities exchanges or associations.* Every member or member organization of a registered national securities exchange or association shall keep records which include separate files of copies of confirmations, Certificates of American Ownership, and certain other enumerated documents.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 147.8-4

4.89 Manufacturers of smoking opium.

To keep a book conforming to Form 271 which shall contain a daily accurate account of (a) the quantity of crude gum opium (including all forms, preparations, or derivatives suitable for manufacturing opium for smoking purposes) and other materials purchased and sold; (b) name and address of purchaser or seller; (c) if articles are shipped or delivered to some other person, the name of such other person and place of delivery; (d) the sizes of the packages and number of packages of each size purchased and sold; (e) the total quantity of prepared smoking opium (1) manufactured, (2) sold, (3) removed tax paid, and (f) the number and value of stamps purchased and used.

Retention period: Permanent. 26 CFR 150.10

4.90 Persons making application for registry or reregistry as retail dealers, physicians, dentists, veterinary surgeons, etc., manufacturers of and dealers in exempt preparations, and those entitled to obtain and use narcotics in a laboratory.

To keep the duplicates of inventories required to be made of the narcotic drugs and preparations on hand at the time of making the inventories.

Retention period: 2 years. 26 CFR 151.27

4.91 Manufacturers or producers of packages containing one ounce or more of morphine, cocaine or isonipecaine or any of their salts or derivatives, and of packages containing tablets, pills, or preparations the content of which amounts to one ounce or more of such drugs, and wholesale dealers disposing of such packages. [Amended]

(a) *Manufacturers or producers.* To keep a record of the individual identification number placed on each package manufactured and produced together with the name and address of the purchaser, so arranged that upon disclosure of the identification number the identity of the purchaser can be readily ascertained.

(b) *Wholesale dealers.* To keep a record showing as to each package disposed of the manufacturer's name, location, and identification number, the name and address of the purchaser, and the date of disposal, so arranged that upon disclosure of the identity of the manufacturer and the identification number, the identity of the purchaser can be readily ascertained.

Retention period: Permanent. 26 CFR 151.131

4.92 Manufacturers, importers, producers, compounders, wholesale dealers and other authorized persons filling orders for narcotic drugs.

To keep as a part of their permanent records order forms for narcotic drugs, including orders of exempt officials.

Retention period: 2 years. 26 CFR 151.162, 151.201

4.93 Registrants authorized to execute and present order forms for narcotic drugs.

(a) To keep on file duplicate order forms.

(b) To keep on file original and duplicate order forms which are improperly executed or mutilated so as to make them unusable.

(c) To keep on file with the duplicates thereof original order forms returned because of improper preparation.

(d) To keep on file attached to the duplicates thereof original order forms which are not accepted, or cannot be filled, and are returned with a letter of explanation. The letter of explanation is also attached to the duplicate.

(e) To file with the duplicates of order forms, the unfilled originals of which have been lost, the duplicates of second orders and of the affidavits accompanying the second orders, and to attach, if returned, the originals of the first order forms to the duplicates and affidavits.

Retention period: 2 years. 26 CFR 151.162, 151.188, 151.201, 151.202

4.94 Narcotic registrants or exempt officials purchasing narcotics from court officers under judicial proceedings.

To retain duplicates of official order forms or purchase orders.

Retention period: 2 years. 26 CFR 151.182, 151.475

4.95 Persons registered for the purpose of engaging in any activity involving the use of narcotic drugs.

To file with their official order forms and records receipts for samples of narcotics furnished to Federal and State enforcement officers.

Retention period: Not less than 2 years. 26 CFR 151.227

4.96 Importers, manufacturers, producers, compounders, wholesale dealers, and others filling orders for narcotic drugs submitted by qualified dealers or practitioners in the Virgin Islands.

To keep records in the same manner as in the case of domestic sales, except that in lieu of the record of the registry number of the purchaser, there shall be kept a record of the date the order was approved by the Commissioner of Health of the Virgin Islands and the date the order was received by them.

Retention period: Not less than 2 years. 26 CFR 151.243

4.97 Manufacturers, importers, producers, and compounders of, and wholesale dealers in taxable narcotics.

To keep invoices, original sales orders, delivery or duplicate sales slips, or other papers or records as may be required to evidence any unrecorded purchase, receipt, or disposition. Also manufacturers must keep available such batch tags, production orders, or other papers as may be required to evidence any unrecorded quantity used or produced.

Retention period: Until the information is recorded on Forms 810 and 811. 26 CFR 151.262, 151.263, 151.264,151.479

4.98 Manufacturers importing opium or medicinal coca leaves. [Amended]

To keep, where factory procedure is such that partial withdrawals are made from individual containers, a complete record of all such withdrawals on a stock record card attached to each container.

Retention period: Until the information is recorded on Form 163 and its supplements. 26 CFR 151.287, 151.317

4.99 Manufacturers, producers, compounders, and importers of, and wholesale dealers in narcotic drugs.

To retain on file together with other narcotic records duplicate copies of all returns, properly sworn to as in the case of original copies.

Retention period: Not less than 2 years. 26 CFR 151.375

4.100 Retail dealers and other persons qualified to sell narcotic drugs at retail.

To keep written prescriptions and written records of oral prescriptions for narcotic drugs in a separate file.

Retention period: Not less than 2 years. 26 CFR 151.400

4.101 Physicians, dentists, veterinary surgeons, and other practitioners (including hospitals and institutions).

To keep daily records showing the kind and quantity of narcotics dispensed or administered, the names and addresses of persons to whom dispensed or administered, the names and addresses of persons upon whose authority, and the purpose for which dispensed or administered. In lieu of these records practitioners who, in their office practices, administer minute quantities of narcotics in stock preparations, may keep, as to such preparations, records of the date when each stock preparation is made or purchased and the date when the preparation is exhausted.

Retention period: Not less than 2 years. 26 CFR 151.412, 151.413, 151.414

4.102 Manufacturers, producers, compounders, and vendors (including dispensing physicians) of pharmaceutical preparations (containing a narcotic drug) classified as Class "X" preparations.

To keep a record in accordance with the form outlined in the regulations of all sales, exchanges, gifts or other dispositions of such Class "X" preparations, the entries to be made at the time of delivery. The requirement that such records be maintained as herein provided is absolute, independent and not merely a condition precedent to securing exemption granted under section 4702(a) of the Internal Revenue Code, as amended (§ 151.423), to manufacturers, producers, compounders or vendors (including dispensing physicians), of exempt preparations. Such records shall be kept in such a way as to be readily accessible to inspection by any duly authorized officer or employee of the Treasury Department and the State, territorial, district, municipal or insular officers named in section 4773 of the Code. Separate records shall be kept of disposition to registrants and disposition to consumers. The record of disposition to registrants shall show the name, address, and registry number of the registrant to whom disposed, the name and quantity of the preparation and the date upon which delivery to the registrant, his agent or carrier is made. The record of disposition to consumers shall show the name of the recipient, his address, the name and quantity of the preparation, and the date of delivery. Any person required to keep records pursuant to this paragraph and failing to do so is guilty of a violation of law and liable to the penalties provided for violation of the provision of law relating to narcotic drugs.

In the case of manufacturers of or dealers in preparations classified as Class "X" products who are also registered as manufacturers of or dealers in taxable drugs in Class I or II, the requirement of this section as to records of dispositions to registrants shall be deemed to be complied with if all such dispositions are evidenced by vouchers or invoices containing all the required information. As to records required in the case of registrants supplying preparations classified as Class "X" products to consumers pursuant to prescriptions issued by registered physicians, the requirement of this paragraph as to records of disposition to consumers shall be deemed to be complied with if each such prescription shows the name and address of the recipient, the name and quantity of the preparation, and the date of filling, and the prescriptions are kept on the narcotic prescription file.

Retention period: Not less than 2 years. 26 CFR 151.424

4.103 Laboratories using narcotics.

To keep complete records of receipts, disposals, and stocks on hand, of all narcotic drugs and preparations; to keep duplicate copies of official order forms used to obtain narcotic drugs; to keep the original of the return of inventory the duplicate of which is forwarded to the district director; and to keep a special record in accordance with the form outlined in the regulations showing date, kind, and quantity of narcotic drug or preparation used, the particular purpose or object of such use, and the identification and disposition of the narcotics or resulting products or residues so used, showing the date, quantity of resulting products or residues, and manner of disposition.

Retention period: Not less than 2 years from date of last transaction shown therein. 26 CFR 151.441

4.104 Laboratories transferring and receiving narcotic drugs for chemical or pharmacological tests. [Amended]

(a) *Transferors.* To keep on file with the official order form or with the order and exempt certificate, as the case may be, the written approval of the Commissioner of Narcotics to the transfer of an appropriate quantity of a narcotic drug to another qualified registrant or to an exempt official for the purpose of having the desired tests made.

(b) *Transferees.* To keep a record of such drugs used and disposed of in the manner described in item 4.103 above with additional data, in the case of pharmacological tests, accounting for quantities dispensed to humans and animals. A copy of the report to the transferor of the results of the tests made, if such report includes data from which a complete accounting for the narcotic drug used and disposed of can be ascertained, may be kept on file by the transferee as the special record required.

Retention period: Not less than 2 years from the date of the last transaction therein. 26 CFR 151.443

4.105 Persons required to make statements with respect to narcotics lost or destroyed.

(a) *Persons having title to narcotics lost or destroyed through breakage of container or other accident, other than in transit.* To retain a copy of statement, forwarded to narcotic district supervisor, as to kinds and quantities of narcotics lost or destroyed and the circumstances involved.

(b) *Consignees of narcotics lost by theft, or otherwise lost or destroyed in transit.* To retain a copy of the signed statement of the facts, filed with the narcotics district supervisor immediately upon ascertainment of the occurrence, including a list of the narcotics stolen, lost, or destroyed, and documentary evidence that the local authorities were notified.

Retention period: Not less than 2 years. 26 CFR 151.472

4.106 Persons desiring to discontinue a business, involving the use of narcotic drugs, on any date other than June 30.

To retain on file with narcotic records special-tax stamps returned by district director after being marked "Business discontinued" with the date.

Retention period: 2 years. 26 CFR 151.473

4.107 Narcotic registrants disposing of excess of undesired narcotics. [Amended]

To retain duplicate copy of inventories of excess or undesired narcotics shipped to narcotic district supervisor and a copy of Form 142 for narcotics held in class for which returns are not required.

Retention period: 2 years. 26 CFR 151.474

4.108 Applicants for registry required to submit inventories of marihuana and preparations thereof on hand.

To keep duplicates of inventories required to be made of marihuana and preparations thereof on hand at the time of making such inventories.

Retention period: 2 years. 26 CFR 152.26

4.109 Transferors and transferees of marihuana.

(a) *Transferors.* To preserve the originals of order forms for marihuana.

(b) *Transferees.* To preserve the duplicates of order forms for marihuana.

Retention period: 2 years. 26 CFR 152.69

4.110 Physicians, dentists, veterinary surgeons, hospitals, sanatoriums, medical schools, and other practitioners dispensing or administering marihuana to patients.

To keep daily records showing the kind and quantity of marihuana dispensed or administered, the name and address of each person to whom dispensed or administered, the name and address of the person under whose authority the marihuana is dispensed or administered and the purpose for which it is dispensed or administered.

Retention period: 2 years. 26 CFR 152.73, 152.74

4.111 Dealers filling marihuana prescriptions.

To keep marihuana prescriptions in a separate file. Dealers registered under the Harrison Narcotics Law, as amended, as retail dealers, who keep marihuana prescriptions on the narcotic prescription file, will be deemed in compliance with this provision.

Retention period: 2 years. 26 CFR 152.84

4.112 Transferors and transferees of unsterilized marihuana seeds or the plant Cannabis sativa L.

To keep records covering dispositions and receipts of such seeds or such plant.

Retention period: 2 years. 26 CFR 152.88, 152.89, 152.102

4.113 Persons required to render returns with respect to marihuana.

To retain duplicates of such returns.

Retention period: 2 years. 26 CFR 152.98, 152.102

4.114 Persons registered to obtain marihuana for laboratory use.

To keep complete records relating to the receipt, disposal, and stock on hand of all marihuana; to keep in accordance with the form outlined in the regulations a special record showing the date, the quantity and kind of marihuana used, the particular purpose or object of such use, and also showing as to the resulting product or residue, the date, quantity and kind, and manner of disposition.

Retention period: 2 years. 26 CFR 152.100, 152.102

4.115 Persons registered to process the Cannabis sativa L plants and parts thereof for the purpose of extracting any fiber or fiber products therefrom.

To keep in accordance with the form outlined in the regulations complete records relating to the receipt, disposal, and stock on hand, of all such plants and parts thereof and products therefrom.

Retention period: 2 years. 26 CFR 152.101, 152.102

4.116 Persons taxable under the Marihuana Tax Act.

To retain all order forms, duplicate forms, prescription records, returns, and inventories required to be kept on file.

Retention period: 2 years. 26 CFR 152.102

4.117 Persons required to make statements with respect to marihuana lost or destroyed.

(a) *Persons having title to marihuana lost or destroyed through breakage of container or other accident, other than in transit.* To keep a copy of affidavit, forwarded to narcotic district supervisor, as to the kind and quantity of marihuana items lost or destroyed and the circumstances involved.

(b) *Consignees of marihuana lost by theft, or otherwise lost or destroyed in transit.* To retain a copy of the sworn statement of the facts, filed with the narcotic district supervisor immediately upon ascertainment of the occurrence, including a list of marihuana items stolen, lost, or destroyed, and documentary evidence that the local authorities were notified.

Retention period: Not less than 2 years. 26 CFR 152.127

4.118 Persons desiring to discontinue a business, involving the use of marihuana, on any date other than June 30.

To retain on file with marihuana records special-tax stamps returned by district director after being marked "Business discontinued" with the date.

Retention period: 2 years. 26 CFR 152.128

4.119 Marihuana registrants disposing of excess, undesirable, or useless marihuana.

To retain copies of inventories of excess, undesirable, or useless marihuana shipped to narcotic district supervisor.

Retention period: 2 years. 26 CFR 152.128

4.120—4.122 [Deleted]

4.123 Persons required to file returns and pay tax on the sale or use of gasoline, lubricating oil, or matches. [Amended]

To keep accurate and complete records, including accounts with respect to sales or use of gasoline, lubricating oil, or matches. Duplicates of returns, supporting information with respect to exempt or tax-free sales must also be kept.

Retention period: 4 years from the date the tax became due, or, in the case of exempt or tax-free sales, 4 years from the last day of the month immediately following that in which the sale occurs. 26 CFR App. D 314.62

4.124—4.125 [Deleted]

4.126 Persons required to file a return and pay tax on the sale or use of diesel fuel and special motor fuel. [Amended]

To keep accurate records and accounts of all taxable transactions.

Retention period: 4 years from the date the tax became due. 26 CFR App. D 324.42

LIQUORS

4.127 Manufacturers recovering taxpaid alcohol.

To keep records of distilled spirits recovered from dregs or marc of percolation or extraction, or from medicines, medicinal preparations, food products, flavors, or flavoring extracts and the subsequent use to which such recovered spirits are put.

Retention period: Not less than 2 years. 26 CFR 170.617

4.128 Persons disposing of substances or articles of the character used in manufacturing distilled spirits, or disposing of containers of the character used for packaging distilled spirits.

To keep records pertaining to the disposition of such substances or articles or containers.

Retention period: 3 years. 26 CFR 173.15.

4.129 Persons manufacturing, importing, storing, or using liquor bottles.

To keep such records and furnish such inventories and reports relating to the manufacture, shipment, delivery, purchase, use, or sale of all liquor bottles, as the assistant regional commissioner may from time to time require. Persons placing orders for liquor bottles to keep a copy of each order and the original report of each shipment or delivery; consignors to keep the original of each order and a copy of the report of each shipment or delivery. Persons storing liquor bottles to keep suitable commercial records covering the receipt, disposition, and stocks of such bottles. Bottlers and importers furnishing liquor bottles to liquor dealers for display purposes to keep records covering disposition of such bottles.

Retention period: 2 years. 26 CFR 175.64, 175.65, 175.73, 175.74, 175.90a (retention: 175.73)

4.130 Wholesale dealers in distilled spirits (except proprietors of distilled spirits plants, who are subject to the record keeping provisions of 26 CFR Part 201).

To keep (a) daily records of the physical receipt and disposition of distilled spirits (including any spirits transferred between wholesale and retail departments of the dealer's own premises), copies of all invoices and delivery receipts (or bills of lading if delivered to a common carrier), and a daily recapitulation record showing total quantities of bottled and packaged spirits received and disposed of during the day; (b) file copies of reports on Forms 52A and 52B (unless the requirement to prepare and submit such forms is waived) and 338; (c) work sheets from which grand totals of month's receipts and disposition are obtained; and (d) separate records and copies of monthly reports (Form 338) of all transactions in distilled spirits stored for export with benefit of drawback.

Retention period: Not less than 2 years. (a) 26 CFR 194.221, 194.223, 194.225—194.230, 194.238; (b) 194.221, 194.234—194.238; (c) 194.230; (d) 194.283 (retention: 194.242)

4.131 Wholesale dealers in wine and/or beer.

To keep a complete record of all wines and beer received, showing the quantities thereof, from whom received, and the receiving dates.

Retention period: Not less than 2 years. 26 CFR 194.222, 194.223 (retention: 194.222, 194.242)

4.132 Retail liquor dealers.

To keep a complete record of all distilled spirits, wines, and beer received, showing the quantities thereof, from whom received, and the receiving dates; a record of each sale of distilled spirits, wines, or beer in quantities of 20 wine gallons or more to the same person at the same time, showing the date of sale, the name and address of the purchaser, the kind and quantity of each kind of liquors sold, the serial numbers of all full cases of distilled spirits included in the sale; and the delivery receipt supporting each entry in the sales record.

Retention period: Not less than 2 years. 26 CFR 194.223, 194.238, 194.239 (retention: 194.242)

4.133 Liquor dealers packaging alcohol for industrial uses.

To keep records, daily, showing bulk alcohol received, dumped for packaging, packaged, strip stamped, and disposed of, including the name and address of each consignor and consignee. To keep copies of monthly reports of strip stamp transactions (Form 2260) and monthly reports of bulk alcohol transactions (Form 2733).

Retention period: Not less than 2 years. 26 CFR 194.271 (retention: 194.242)

4.134 Proprietors of vinegar factories.

To keep daily records of operations, showing the kind and quantity of fermenting and distilling material received, produced, used and removed from the premises, the quantity of mash set, the quantity of low wines produced and used, the quantity of vinegar produced and removed, and the identity of each consignor and consignee; and copies of monthly reports (Form 1623).

Retention period: Not less than 2 years. 26 CFR 195.152, 195.153, 195.155, 195.159—195.161, 195.175, 195.176 (retention: 195.177)

4.135 Manufacturers and vendors of distilling apparatus.

(1) In the case of any distilling apparatus removed for exportation without payment of tax, to keep a copy of each bill of lading covering exportation or consignment to a foreign-trade zone;

(2) In the case of distilling apparatus for domestic use for purposes other than distilling (as defined in 26 CFR 196.10), to keep a record showing the apparatus manufactured, received, and removed or otherwise disposed of, the name and address of each purchaser, and the purpose for which each still is to be used.

Retention period: Not less than 2 years. 26 CFR 196.62, 196.80, 196.82

4.136 Manufacturers of nonbeverage products claiming drawback.

(a) To keep a copy of each approved quantitative formula (Form 1678).

Retention period: Not less than 2 years from the date of filing last claim for drawback under such formula. 26 CFR 197.95 (retention: 197.133)

(b) To keep records showing the distilled spirits received and used, the products produced, and the disposition of such products; and all Forms 179 and bills of lading relating to the spirits shipped to him.

Retention period: Not less than 2 years. 26 CFR 197.95, 197.99, 197.130–197.132 (retention: 197.133)

4.137 Proprietors of volatile fruit-flavor concentrate plants.

(a) To keep daily records showing processing material used; processing material removed and the reason for such removal; concentrate produced, used, and removed, and returned concentrates received; substances received for use in rendering concentrate unfit for use as a beverage, and the use or other disposition of such substances; and the name and address of each person to whom processing material or concentrate is shipped and, in the case of concentrates shipped to or returned by a bonded wine cellar, the registry number of such bonded wine cellar and the identity of such concentrate.

(b) To keep file copies of Form 3874, Notice of Transfer of Fruit-Flavor Concentrate.

(c) To keep file copies of monthly reports (Form 1695).

Retention period: Not less than 2 years. 26 CFR 198.111, 198.112, 198.116, 198.117, 198.121—198.125 (retention: 198.121)

4.138 Scientific institutions and colleges of learning authorized to conduct experimental or research operations.

To keep records, daily, of quantities of spirits produced, received, and used.

Retention period: Not less than 4 years. 26 CFR 201.72 (retention: 201.612)

4.139 Persons receiving distilling material from the bonded premises of a distilled spirits plant.

To keep records of the receipt, use, and disposition of such material.

Retention period: Not less than 4 years. 26 CFR 201.74 (retention: 201.612)

4.140 Proprietors of distilled spirits plants. [Amended]

(a) *Production.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to production facilities, including the receipt, use, and disposition of fermenting and distilling materials; the production of spirits and denatured spirits; the production and disposition of distillates and chemical byproducts; losses in production processes; inventories; and the taking of samples.

Retention period: Not less than 4 years. 26 CFR 201.261, 201.262, 201.264, 201.265, 201.268, 201.269, 201.271, 201.274, 201.275, 201.278, 201.279, 201.562, 201.582, 201.587, 201.603, 201.611, 201.612, 201.616–201.620, 201.626, 201.627, 201.630, 201.632, 201.633 (retention: 201.612)

(b) *Storage in bond.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to the receipt and storage of spirits and denatured spirits; quick-aging; addition of oak chips or caramel; repairing, filling, and changing packages; mingling and consolidation of spirits; blending of beverage rums or brandies; losses and voluntary destruction; inventories; and the taking of samples.

Retention period: Not less than 4 years from the date the spirits covered thereby are removed from the proprietor's bonded premises. 26 CFR 201.291, 201.292, 201.294, 201.295, 201.298, 201.302–201.308, 201.311–201.313, 201.562, 201.582, 201.583, 201.587, 201.603, 201.611, 201.612, 201.616–201.618, 201.622, 201.626–201.630, 201.632–201.635 (retention: 201.612)

(c) *Bottling on bonded premises.* To keep, as prescribed by regulations, records and copies of applications and reports relating to bottling operations on bonded premises, including bottling in bond, bottling of alcohol before taxpayment, bottling losses and gains, strip stamp transactions, and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years from the date the bottled spirits are removed from the proprietor's bonded premises. 26 CFR 201.322, 201.327, 201.336–201.338, 201.341–201.343, 201.346–201.348, 201.352, 201.543, 201.546, 201.611, 201.612, 201.616–201.618, 201.622, 201.624, 201.632, 201.633 (retention: 201.612)

(d) *Transfers and withdrawals.* To keep, as prescribed by regulations, records and copies of applications, notices, and withdrawal and taxpayment forms relating to transfer and withdrawal of spirits and denatured spirits, including transfers between bonded premises, removals from storage to production facilities, determination and payment of tax and removal of spirits after taxpayment, withdrawals without payment of tax, and withdrawals free of tax.

Retention period: Not less than 4 years. 26 CFR 201.363, 201.364, 201.366–201.380, 201.381–201.385, 201.387, 201.388, 201.390, 201.393, 201.394, 201.602, 201.603, 201.606, 201.611, 201.612, 201.614, 201.616–201.618, 201.622, 201.624, 201.628, 201.629, 201.632, 201.633 (retention: 201.612)

(e) *Denaturation.* To keep, as prescribed by regulations, records and copies of statements, certifications, applications, notices, and reports relating to denaturing transactions and operations, including receipt, test, use, and disposition of denaturants and the denaturation of spirits (including redenaturation and restoration of recovered denatured spirits and articles).

Retention period: Not less than 4 years. 26 CFR 201.404, 201.406-201.408, 201.410, 201.602, 201.603, 201.611, 201.612, 201.614, 201.616-201.618, 201.621, 201.626, 201.630, 201.632, 201.633 (retention: 201.612)

(f) *Rectification and bottling on bottling premises.* To keep, as prescribed by regulations, records and copies of applications, affidavits, statements, reports, and taxpayment forms relating to transactions and operations on bottling premises, including the receipt, use, and disposition of flavoring materials and of taxpaid spirits and wines; rectification of spirits and wines; production of vodka and gin by redistillation; packaging, botting, and removal of rectified and unrectified spirits and wines; tax liability accounts; tax payment; stamping; operational losses; voluntary destruction of spirits; inventories; and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years. 26 CFR 170.60, 170.61, 170.62, 201.426, 201.427, 201.430, 201.432, 201.435, 201.444, 201.446, 201.448, 201.450, 201.451, 201.452, 201.454, 201.455, 201.460, 201.463–201.466, 201.470, 201.482–201.484, 201.487, 201.490, 201.492, 201.551, 201.562, 201.563, 201.611, 201.612, 201.614, 201.616–201.618, 201.623, 201.624, 201.627, 201.630, 201.632, 201.633 (retention: 201.612)

(g) *Wholesale liquor dealer and taxpaid storeroom operations.* To keep daily records of the receipt and disposition of distilled spirits and wines at such premises of restamping operations, and to keep copies of monthly reports of spirits received at and removed from such premises.

Retention period: Not less than 4 years. 26 CFR 201.611, 201.612, 201.614, 201.616, 201.618, 201.625 (retention: 201.612)

4.141 Dealers in and users of completely denatured alcohol. [Amended]

To keep such records as will enable an internal revenue officer to verify and trace the receipt, storage, and disposal of such alcohol.

Retention period: 3 to 6 years. 26 CFR 211.118, 211.125, 211.261, 211.273, 211.274 (retention: 211.273)

4.142 Manufacturers of and dealers in proprietary anti-freeze made with completely denatured alcohol. [Amended]

To keep such records as will enable an internal revenue officer to verify and trace the production, receipt, storage, and disposal of such products.

Retention period: 3 to 6 years. 26 CFR 211.125, 211.262, 211.273, 211.274 (retention: 211.273)

4.143 Persons recovering completely denatured alcohol and articles.

To keep such records as will enable an internal revenue officer to verify and trace recovery, redenaturation (if any), and reuse; to keep copies of monthly reports.

Retention period: 3 to 6 years. 26 CFR 211.212, 211.214, 211.215, 211.218, 211.263, 211.269, 211.273, 211.274 (retention: 211.273)

4.144 Dealers in specially denatured spirits.

To keep records and copies of all applications, notices, and reports reflecting details of procurement, packaging, losses, and disposition of specially denatured spirits.

Retention period: 3 to 6 years. 26 CFR 211.139, 211.145, 211.148, 211.234, 211.241, 211.243, 211.251–211.253, 211.255, 211.264, 211.270, 211.272–211.274, 211.285 (retention: 211.273)

4.145 Users of specially denatured spirits.

To keep records and copies of all applications, notices, and reports reflecting details of (a) specially denatured spirits received, used, recovered (including redenaturation), lost, and otherwise disposed of, and (b) products and articles manufactured and the disposition of such products and articles.

Retention period: 3 to 6 years. 26 CFR 211.139, 211.168, 211.212, 211.214, 211.215, 211.218, 211.241–211.243, 211.251–211.253, 211.255, 211.265–211.267, 211.271–211.274 (retention: 211.273)

4.146 Reprocessors, repackagers, and bottlers of bay rum, skin and hair lotions, and similar products and purchasers of such products in containers larger than 1 gallon for resale.

To keep records of receipt, manufacture, packaging, bottling, and sales.

Retention period: 3 to 6 years. 26 CFR 211.265–211.267, 211.272–211.274 (retention: 211.273)

4.147 Dealers in and users of proprietary solvents and special industrial solvents.

To keep records of receipt, use, and disposition.

Retention period: 3 to 6 years. 26 CFR 211.268, 211.272–211.274 (retention: 211.273)

4.148 Users of tax-free alcohol.

To keep records and copies of all applications, notices, and reports relating to receipt, use, recovery (including restoration), losses, and inventories of tax-free alcohol.

Retention period: 3 to 6 years. 26 CFR 213.116, 213.134, 213.151–213.153, 213.161–213.163, 213.165, 213.171–213.176 (retention: 213.175)

4.149 Proprietors of taxpaid wine bottling houses.

To keep records of wine received, bottled, packaged, and removed, and of semiannual and special inventories.

Retention period: 3 years. 26 CFR 231.110–231.114 (retention: 231.114)

4.150 Persons (other than proprietors of bonded wine cellars) producing wine for family use.

To keep the copy of the registration (Form 1541), with production data entered thereon, at the place of manufacture.

Retention period: Not specified. 26 CFR 240.542

4.151 Universities, colleges of learning, and institutions of scientific research authorized to conduct wine experimental or research operations.

To keep copies of approved applications and appropriate records of experiments and research.

Retention period: 3 to 6 years. 26 CFR 240.546–240.549, 240.731, 240.732, 240.924 (retention: 240.924)

4.152 Proprietors of vinegar plants receiving wine free of tax for use in manufacturing vinegar.

To keep records showing receipt and use of wine, and vinegar produced and disposed of.

Retention period: Not specified. 26 CFR 240.656, 240.657

4.153 Proprietors of bonded wine cellars. [Amended]

(a) Production of wine, distilling material, vinegar stock, and commercial fruit products. To keep, as prescribed by regulations, records and copies of all applications, notices, statements, and reports of transactions and operations relating to the receipt and use or other disposition of basic winemaking materials such as fruit, or juice, or concentrated juice, and of sugar, acids, chemicals, preservatives, distillates, wine spirits, volatile fruit-flavor concentrates, and other materials used in production of wine and allied products and in cellar and finishing operations; fermentation; amelioration and sweetening; baking; use of carbon dioxide in still wines; removal of excess color in white wine; reduction of acid content; and other cellar and finishing treatment of wines. Retention period: 3 to 6 years. 26 CFR 240.359a, 240.362, 240.363, 240.366, 240.367, 240.368, 240.375–240.379, 240.382–240.385, 240.402, 240.406, 240.407, 240.408, 240.409, 240.443, 240.484–240.487, 240.491, 240.525–240.527a, 240.532, 240.537, 240.771, 240.773, 240.822, 240.826, 240.832–240.834, 240.836, 240.837, 240.890, 240.892, 240.900, 240.904, 240.908–240.911, 240.913–240.919, 240.922–240.925 (retention: 240.924)

(b) Storage in bond, filling bottles and containers, voluntary destruction, reconditioning of foreign wine, losses, and inventories. To keep, as prescribed by regulations, records and copies of all applications, notices, and reports relating to the receipt and storage of wine and wine spirits, and volatile fruit-flavor concentrates on bonded premises; bottling, casing, and the filling of containers; losses and voluntary destruction; and semiannual and special inventories.

Retention period: 3 to 6 years. 26 CFR 240.359a, 240.534, 240.561, 240.751, 240.753, 240.783, 240.786–240.789, 240.804, 240.854–240.858, 240.871, 240.900, 240.903, 240.912, 240.913, 240.916, 240.922–240.925 (retention: 240.924)

(c) Transfers and removals. To keep, as required by regulations, records and copies of all applications, notices, transfer and withdrawal forms, and returns relating to wine and wine spirits, including transfers between bonded premises, return of wine to bonded storage, return of concentrates to volatile fruit-flavor concentrate plants, taxpayment and removal, withdrawal free of tax and without payment of tax, disposition of lees and other residues, and the disposition of commercial fruit products and other allied products.

Retention period: 3 to 6 years. 26 CFR 240.359b, 240.590–240.592, 240.600, 240.613–240.615, 240.618, 240.619, 240.630, 240.633, 240.652, 240.660, 240.662, 240.672, 240.722, 240.726, 240.730, 240.732, 240.741, 240.743, 240.746, 240.761–240.763, 240.802, 240.804, 240.839, 240.871, 240.892, 240.900–240.902, 240.904, 240.920, 240.922–240.925 (retention: 240.924)

(d) Taxpaid storeroom operations. To keep records of receipt and disposition.

Retention period: 3 to 6 years. 26 CFR 240.801, 240.921–240.925 (retention: 240.924)

4.154 Brewers.

To keep, as required by regulations, records and copies of all applications, statements, notices, tax returns, and reports of brewery operations and transactions relating to receipt and use or disposition of brewing materials; production of beer and cereal beverages; beer entered into concentration process; concentrate produced, received, and used in reconstituting beer; beer reconstituted; transfers of beer and beer concentrate between breweries of same ownership; removals of yeast, malt syrup, and other articles; removal of beer unfit for beverage use; racking and bottling operations; losses; voluntary destruction; beer returned to the brewery; beer procured from another brewer; removal of cereal beverage; removal of beer for sale or consumption; removal of beer free of tax; removal of beer and beer concentrate without payment of tax; beer consumed at the brewery; and inventories of brewing materials, beer and cereal beverage in process, concentrate, and finished beer and cereal beverage on hand.

Retention period: Not less than 4 years. 26 CFR 245.135, 245.136, 245.145–245.148, 245.152, 245.153, 245.155, 245.157, 245.158, 245.161, 245.205–245.208, 245.210, 245.215, 245.225–245.227, 245.230, 245.232, 245.233 245.243, 245.245 (retention: 245.232)

4.155 Proprietors of bonded warehouses or bonded processing rooms in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2899, 2901, 2925, and 2630.

Retention period: Not less than 2 years. 26 CFR 250.78–250.81, 250.112 (retention: 250.276)

4.156 Proprietors of rectifying plants in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2925 and 2926.

Retention period: Not less than 2 years. 26 CFR 250.85 (retention: 250.276)

4.157 Proprietors of bonded premises in Puerto Rico withdrawing wine of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900, 2927, and 2928.

Retention period: Not less than 2 years. 26 CFR 250.93–250.96, 250.112 (retention: 250.276)

4.158 Proprietors of bonded premises in Puerto Rico withdrawing beer of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900, 2929, and 2930.

Retention period: Not less than 2 years. 26 CFR 250.102–250.105, 250.112 (retention: 250.276)

4.159 Shippers of liquors and articles of Puerto Rican manufacture to the United States.

To keep file copies of Forms 487–B and 3039.

Retention period: Not less than 2 years. 26 CFR 250.88, 250.89, 250.116 (retention: 250.276)

4.160 Persons, other than tourists, bringing liquors into the United States from Puerto Rico or the Virgin Islands (except proprietors of distilled spirits plants).

To keep records and copies of reports pertaining to receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR Part 194 (Liquor Dealer).

Retention period: At least 2 years. 26 CFR 250.163, 250.272 (retention: 194.242)

4.161 Proprietors of distilled spirits plants bringing liquors into the United States from Puerto Rico or the Virgin Islands.

To keep records and copies of reports of transactions pertaining to such liquors in accordance with 26 CFR Part 201 (Distilled Spirits Plants).

Retention period: Not less than 4 years. 26 CFR 250.164, 250.273 (retention: 201.612)

4.162 Importers bringing bottled distilled spirits into the United States from the Virgin Islands.

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 26 CFR 250.270, 250.271 (retention: 250.276)

4.163 Importers of distilled spirits.

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 26 CFR 251.130, 251.131 (retention: 251.137)

4.164 Importers of distilled spirits, wines, or beer (except proprietors of premises qualified under the provisions of Chapter 51, I.R.C.).

To keep records and copies of reports of the receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR Part 194 (Liquor Dealers).

Retention period: At least 2 years. 26 CFR 251.133 (retention: 251.137)

4.165 Proprietors of premises qualified under the provisions of Chapter 51, Internal Revenue Code importing liquors.

To keep records and copies of reports of transactions in accordance with the regulations governing the operations of such premises.

Retention period: Not less than 2 years. 26 CFR 251.134 (retention: 251.137)

4.166 Importers of liquors.

To keep records, documents or copies of documents supporting such records, and copies of reports required to be submitted to the assistant regional commissioner or to the collector of customs.

Retention period: Not less than 2 years. 26 CFR 251.136, 251.137 (retention: 251.137)

4.167 Proprietors of distilled spirits plants who transfer distilled spirits from customs custody to their bonded premises.

To keep file copies of Form 2609.

Retention period: Not less than 2 years. 26 CFR 251.172 (retention: 251.137)

4.168 Proprietors or claimants exporting liquors under the provisions of 26 CFR Part 252.

To keep file copies of all export forms involved, and the records, documents, or copies of the records and documents supporting such forms.

Retention period: Not less than 2 years. 26 CFR 252.45

4.169 Proprietors of distilled spirits plants.

(1) To keep a copy of each Form 206 (with attached Form 2630, if any) covering distilled spirits withdrawn without payment of tax for exportation, use on vessels and aircraft, transfer to a foreign-trade zone, or transfer to a any return of the spirits so withdrawn to manufacturing bonded warehouse, and the distilled spirits plant.

Retention period: Not less than 2 years. 26 CFR 252.107, 252.118 (retention: 252.45)

(2) To keep a copy of each Form 206 (with attachments, if any) covering the withdrawal of specially denatured spirits, free of tax, for exportation or transfer to a foreign-trade zone, and any return of the spirits so withdrawn to the distilled spirits plant.

Retention period: Not less than 2 years. 26 CFR 252.153 (retention: 252.45)

4.170 Proprietors of bonded wine cellars.

To keep a copy of each Form 206 covering the withdrawal of wine without payment of tax for exportation, use on vessels and aircraft, or transfer to a manufacturing bonded warehouse, and any return of the wine so withdrawn to the bonded wine cellar.

Retention period: Not less than 2 years. 26 CFR 252.125, 252.133 (retention: 252.45)

4.171 Brewers.

To keep a copy of each Form 1689 covering beer removed without payment of tax for use as supplies on vessels and aircraft; and a copy of each Form 1689 covering beer, and Form 3021 covering beer concentrate, removed without payment of tax for exportation or transfer to a foreign-trade zone, and any return to the brewery of the beer or beer concentrate so removed.

Retention period: Not less than 2 years. 26 CFR 252.145, 252.146, 252.150f—252.150h (retention: 252.45)

4.172 Proprietors of export storage.

To keep a copy of each Form 1656 relating to transfers of distilled spirits.

Retention period: Not less than 2 years. 26 CFR 252.187, 252.188 (retention: 252.45)

4.173 Exporters of distilled spirits bottled or packaged, or restamped and marked, especially for export with benefit of drawback.

To keep a copy of each Form 1582 (with attachments, if any) on which claim for drawback is filed.

Retention period: Not less than 2 years. 26 CFR 252.195 (retention: 252.45)

4.174 Exporters of wine.

To keep a copy of each Form 1582–A on which claim for drawback is filed and the supporting tax certification Form 2605.

Retention period: Not less than 2 years. 26 CFR 252.215, 252.218 (retention: 252.45)

4.175 Brewers.

To keep a copy of each Form 1582–B on which a claim for drawback is filed.

Retention period: Not less than 2 years. 26 CFR 252.225–252.227 (retention: 252.45)

4.176 Airlines withdrawing distilled spirits or wines from its stock held in customs custody.

To keep a copy of each requisition.

Retention period: Not less than 2 years. 26 CFR 252.280 (retention: 252.45)

Tobacco

4.177 Manufacturers of tobacco products.

To keep authorizations to employ alternate methods or procedures, to employ emergency variations from requirements, to remove cigars or cigarettes in bond for experimental purposes, and to destroy cigars or cigarettes without supervision.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 270.45, 270.46, 270.232, 270.253 (retention: 270.185)

4.178 Manufacturers of tobacco products.

To keep receipted copy of each semimonthly tax return, Form 3071, and of each prepayment tax return, Form 2617.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.162, 270.167 (retention: 270.185)

4.179 Manufacturers of tobacco products.

To keep daily records of his operations, either commercial records or internal revenue Form 3065 or Form 3066, together with auxiliary and supplemental records from which such records are compiled, supporting records of cigars and cigarettes removed subject to tax and transferred in bond, and separate records with respect to Puerto Rican cigars and cigarettes released from customs custody, without payment of tax. To keep daily records of his operations in tobacco.

Retention period: 3 years following close of calendar year in which made. 26 CFR 270.181, 270.184, 270.186, 275.139 (retention: 270.185, 275.22)

4.180 Manufacturers of tobacco products.

To keep a copy of each verified inventory, Form 3067.

Retention period: 3 years following the close of calendar year in which made. 26 CFR 270.201 (retention: 270.185)

4.181 Manufacturers of tobacco products.

To keep a copy of each monthly report, Form 3068, together with copy of any supplemental report covering cigars and cigarettes of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.202, 275.141 (retention: 270.185, 275.22)

4.182 Manufacturers of tobacco products.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance, credit, or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.281, 270.282, 270.283, 270.284 (retention: 270.185)

4.183 Manufacturers of tobacco products.

To keep a copy of each notice of release, Form 2145, Form 3072, customs form, or written certification (as the case may be) covering the release of imported or Puerto Rican cigars, cigarettes, and cigarette papers and tubes, from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.86, 275.137 (retention: 275.22)

4.184 Manufacturers of tobacco products.

To keep a copy of each notice of removal, Form 2149, covering shipment of cigars and cigarettes removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such products to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

4.185 Manufacturers of tobacco products.

To keep a supporting record showing appropriate entries with respect to removals of cigars and cigarettes, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 26 CFR 295.51

4.186 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of release, Form 2145 or Form 3072, covering the release of imported or Puerto Rican cigarette papers and tubes from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.86, 275.137 (retention: 275.22)

4.187 Manufacturers of cigarette papers and tubes.

To keep a receipted copy of each monthly tax return, Form 2137.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.25 (retention: 285.31)

4.188 Manufacturers of cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 285.34a, 285.35 (retention: 285.31)

4.189 Manufacturers of cigarette papers and tubes.

To keep a copy of each verified inventory, Form 2132.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.91 (retention: 285.31)

4.190 Manufacturers of cigarette papers and tubes.

To keep daily records of his operations and transactions, and also separate records with respect to Puerto Rican cigarette papers and tubes released from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.139, 285.101 (retention: 275.22, 285.31)

4.191 Manufacturers of cigarette papers and tubes.

To keep a copy of each report, Form 2138, together with copy of any supplemental report covering cigarette papers and tubes of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.141, 285.111 (retention: 275.22, 285.31)

4.192 Manufacturers of cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance, credit, or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 285.171, 285.172, 285.173, 285.174 (retention: 285.175)

4.193 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of removal, Form 2149, covering shipment of cigarette papers and tubes removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such articles to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

4.194 Manufacturers of cigarette papers and tubes.

To keep a supporting record showing appropriate entries with respect to removals of cigarette papers and tubes, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 26 CFR 295.51

4.195—4.198 [Reserved]

4.199 Importers of cigars, cigarettes, and cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 275.26, 275.27 (retention: 275.22)

4.200 Persons filing claims for tax assessed or paid on imported cigars, cigarettes, and cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, together with verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.161, 275.163 (retention: 275.22)

4.201 [Reserved]

4.202 Proprietors of bonded internal revenue tobacco export warehouses. [Amended]

To keep complete and adequate daily records of operations of his warehouse, with a copy of each notice of removal, Form 2149 or 2150, covering receipt of cigars, cigarettes, and cigarette papers and tubes from a manufacturer, another export warehouse, or customs warehouse proprietor, and of each Form 2150 covering such articles removed from his warehouse.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.142, 290.199, 290.200, 290.201

4.203 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each inventory made.

Retention period: 2 years following close of calendar year in which made. 26 CFR 290.143

4.204 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each monthly report, Form 2140.

Retention period: 2 years following close of calendar year in which filed. 26 CFR 290.147

4.205 Proprietors of customs bonded manufacturing warehouse, class 6.

To keep a copy of each notice of removal of cigars, Form 2149, withdrawn from the customs warehouse, without payment of tax for export, and of each notice of removal, Forms 2149 and 2150, relating to the return of cigars to the customs warehouse.

Retention period: 2 years following close of calendar year in which shipment was withdrawn or received. 26 CFR 290.257, 290.266, 290.267.

FIREARMS

4.206 Persons responsible for returns and payment of tax on sales of pistols and revolvers.

To keep such records and memoranda as will clearly show the amount of the sales of pistols and revolvers for each month; evidence of the right to exemption from the tax; and a complete and detailed record of overpayments for which credits are taken. A duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax becomes due and, with respect to credits, 4 years from the date the credit is taken. 26 CFR (1939) 302.9, 302.12, 302.15

4.207 Persons making exports of pistols and revolvers.

(a) *Manufacturers selling pistols and revolvers for export and in due course so exported.* To preserve the orders or contracts of sale, and certificates with respect to shipment to a foreign destination, and "proofs of exportation."

(b) *Persons, other than manufacturers, exporting pistols and revolvers.* To carefully preserve in their own files copies of export bills of lading or other shipping documents and all other papers bearing on the transactions.

Retention period: Not specified. 26 CFR (1939) 302.16, 302.17, 302.18

4.208 Licensed firearms manufacturers and dealers.

To maintain complete and adequate records reflecting the production or receipt (whether by importation, acquisition from other licensees, or otherwise), and the disposition, at wholesale or retail, of all firearms (including firearms in an unassembled condition) received or disposed of in the course of business.

Retention period: 10 years from date transaction occurs. Upon discontinuance of business records must be delivered to successor, or, if discontinuance of the business is absolute, to Director, Alcohol and Tobacco Tax Division. 26 CFR 177.51

4.209 Applicants for exemption from firearms transfer tax.

To retain a duplicate copy of the application for exemption, giving a description of the firearm, names and addresses of transferor and transferee, date of transfer, basis of exemption, and any other evidence the Director, Alcohol and Tobacco Tax Division, may require.

Retention period: Not specified for transferor. Transferee retains for duration of his ownership of firearm. 26 CFR 179.105

4.210 Manufacturers, importers, or dealers in firearms (including pawnbrokers).

To keep records showing (a) the manufacture, receipt, transfer or other disposition of all firearms taxable under the Internal Revenue Code, (b) date of such manufacture, receipt, transfer or disposition, (c) the number, model, and trade name or other mark identifying each firearm, (d) the name and address of the person to whom any firearm is transferred.

Retention period: At least 4 years from date of disposition of the firearm. 26 CFR 179.150

4.211 Manufacturers, importers, and dealers of firearms (including pawnbrokers) making returns on the manufacture, receipt, transfer, or other disposition of firearms.

To keep duplicate copy of the return, whether of individual transaction or a daily summary of transactions.

Retention period: At least 4 years. 26 CFR 179.151

5. Office of Foreign Assets Control

5.1 Persons engaged in transactions subject to Foreign Assets Control Regulations, Transaction Control Regulations and Cuban Assets Control Regulations. [Amended]

To keep a full record of each transaction subject to the provisions of 31 CFR Ch. V, whether effected pursuant to license or not.

Retention period: Shall be available for examination at least 2 years after date of transaction. 31 CFR 500.601, 500.804, 505.40, 505.60, 515.601, 515.804, 520.601

6. Office of Domestic Gold and Silver Operations

6.1 Persons authorized by license or by 31 CFR 54.18 or 54.21 to acquire, hold, process, and dispose of gold.

To keep full and accurate records of all operations and transactions respecting gold, including the name, address, and Treasury gold license number of each person from whom it is acquired or to whom it is delivered (or, when no Treasury gold license is held, the section of regulations in this part pursuant to which the gold was held or acquired by such person), the amount, date, description and purchase or sales price of each acquisition and delivery, any other papers and records required to be kept by a Treasury Department gold license, and costs and expenses in computation of total domestic value of articles of fabricated or semiprocessed gold.

Retention period: Until end of the fifth calendar year (or fifth fiscal year, if accounts are so maintained). 31 CFR 54.26

6.2 Licensed importers of gold-bearing materials for reexport of gold refined therefrom.

To cause to be kept at the plant of first treatment an exact record of percentages and weights as specified, for each importation, an attested copy of such record to be filed with the assay office at New York or the assay office at San Francisco, whichever is designated.

Retention period: At least 1 year after date of disposition of gold. 31 CFR 54.32

7. Bureau of Narcotics [10]

7.1 Importers of crude opium or coca leaves.

To keep quintuplicate copy of permit to import.

Retention period: 2 years. 21 CFR 302.10 (retention: 26 U.S.C. (I.R.C. 1954) 4705)

7.2 Exporters of narcotic drugs.

To keep triplicate copy of export permit.

Retention period: 2 years. 21 CFR 302.21 (retention: 26 U.S.C. (I.R.C. 1954) 4705)

7.3 Exporters of narcotic drugs.

To keep a record of any serial numbers that might appear on packages of narcotic drugs in quantities of one ounce or more in such manner as will identify the foreign consignee.

Retention period: Permanent. 21 CFR 302.27 (retention: 26 CFR 151.132)

7.4 Importers of special coca leaves.

To keep duplicate copy of quarterly return accounting for all transactions involving such leaves or substances derived therefrom containing narcotic drugs.

Retention period: 2 years. 21 CFR 302.46 (retention: 26 U.S.C. (I.R.C. 1954) 4705)

7.5 Persons surrendering narcotic drugs to Commissioner of Narcotics. [Revised]

To keep duplicate copy of inventory of excess and undesired narcotic drugs shipped to Commissioner of Narcotics.

Retention period: 2 years. 26 CFR 151.474(a)

7.6 Forfeiture of narcotic drugs.

To keep triplicate copy of inventory made at time of confiscation of narcotic drugs.

Retention period: Not less than 2 years. 21 CFR 307.112

7.7 Manufacture of narcotic precursors.

To keep a record of the quantity of precursors manufactured or otherwise acquired.

Retention period: Not less than 2 years. 21 CFR 307.141

8. Bureau of the Public Debt

8.1 [Reserved]

8.2 Treasury savings stamp agents selling U.S. savings stamps in schools.

To keep (a) cancelled receipts returned by post office covering stamps obtained and fully accounted for and (b) original and duplicate copy of monthly record of unsold stamps and/or proceeds of stamps sales shipped or otherwise delivered to the post office during month (Form PD 2950).

Retention period: (a) 1 calendar month after receipt is returned and (b) 1 calendar month after date last shipment is recorded on monthly record or, if stamps or proceeds of stamp sales are lost, stolen, or destroyed in transit or for other reason stamps are not accounted for in full, 1 calendar month after deficiency is removed. 31 CFR 338.9

9. United States Coast Guard

9.1 Certificates or documents issued by Coast Guard.

Certificates or documents issued to the public, as required by laws, rules, or regulations, shall be retained for the applicable period of time.

Retention period: If the certificate or document (a) specifies a definite period of time for which it is valid, it shall be retained for so long as it is valid unless it is required to be surrendered; (b) does not specify a definite period of time for which it is valid, it shall be retained for that period of time such certificate or document is required for operation of the vessel; or, (c) is evidence of a person's qualifications, it shall be retained for so long as it is valid unless it is required to be surrendered. 46 CFR 2.95–1

9.2 Owners, masters or persons in charge of vessels required to have cargo gear certificates and/or registers, and records regarding such gear.

To keep on board the current, valid cargo gear certificate and/or register, and records regarding such gear, such as inspections and tests or examinations, original or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear, and records of all tests and examinations conducted by or under the supervision of surveyors of organizations or associations approved by the Commandant.

Retention period: The cargo gear certificate and/or register shall be retained for so long as it is valid unless it is required to be surrendered, and in addition until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained so long as the gear described in such certificates is on board the vessel. The records of inspections by ship's officers shall be maintained on the vessel for that period of time which agrees with the period covered by the current Coast Guard certificate of inspection issued to the vessel. 46 CFR 31.10–16, 31.37–75, 71.25–25, 71.47–75, 91.25–25, 91.37–75 (retention: 2.95–5)

9.3 Owners, masters, or persons in charge of vessels required to have performed tests and inspections of all firefighting equipment.

To keep on board records of required tests and inspections of all firefighting equipment.

[10] For record retention requirements for tax purposes, see Internal Revenue Service, X 4.89—X 4.119.

Retention period: Shall be kept for the period of validity of the current Coast Guard certificate of inspection for the vessel. 46 CFR 31.10–18, 78.17–80, 97.–15–60

9.4 Owners, masters or persons in charge of new vessels having cargo gear described in approved plans.

To keep on board a set of approved plans of cargo gear showing a stress diagram with the principal details of the gear and a diagram showing arrangement and safe working loads.

Retention period: During period such cargo gear is on board vessel. 46 CFR 31.37–15, 31.37–20, 71.47–15, 71.47–20, 91.37–15, 91.37–20 (retention: 2.95–5)

9.5 Masters of tank vessels or vessels towing tank barges transporting flammable or combustible cargo. [Amended]

To keep on board a bill of lading manifest or shipping document giving name of consignee and the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled.

Retention period: During period of transportation or storage. 46 CFR 35.01–10 (retention: 2.95–5)

9.6 Masters or persons in charge of vessels required to conduct fire and lifeboat drills to log such drills.

To make entries in the ship's logs relating to the fire and lifeboat drills and examinations of emergency equipment.

Retention period: Until official log book is required to be surrendered to the Coast Guard, or for a vessel not required to use the official log book such logs shall be kept for a period of one year after date entries were made. 46 CFR 35.07–5, 35.07–10, 35.10–5, 78.17–50, 78.37–3, 78.–37–5, 97.15–35, 97.35–3, 97.35–5

9.7 Owners, agents, masters, or persons in charge of vessels involved in marine casualties.

To keep such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engineroom logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of draft, aids to mariners, radiograms sent and received, the radio log, and crew and passenger lists.

Retention period: Until notification of completion of investigation is received from Coast Guard. 46 CFR 35.15–1, 78.07–15, 97.07–15, 136.05–15, 167.65–65

9.8 Masters or senior deck officer of tank ships in charge of transfer of flammable and combustible cargo.

To keep on board copy of Declaration of Inspection Prior to Bulk Cargo Transfer.

Retention period: During period of transportation or storage. 46 CFR 35.35–30

9.9 Fabricators to keep welders' qualification test records and pipe welding process records.

To maintain qualification test records with identification data.

Retention period: For period of validity of welder's certificate. 46 CFR 56.01–10, 56.01–80 (retention: 2.95–5)

9.10 Owners, masters, or persons in charge of nuclear vessels required to have "Operating Manuals."

To keep on board a copy of the approved "Operating Manual," which shall be kept up to date.

Retention period: At all times vessel has a nuclear reactor on board. 46 CFR 57.30–35

9.11 Masters of passenger vessels other than those making foreign or intercoastal voyages.

To have official logbook (or equivalent) available for review by Coast Guard Inspectors.

Retention period: At least 1 year after last date to which record refers. 46 CFR 78.37–3

9.12 Masters of passenger vessels where an official logbook is not required (except ferry vessels).

To keep a record of the correct count of all passengers received and delivered from day to day. This record shall be open to inspection by the Coast Guard at all times.

Retention period: 1 year after date to which the records refer. 46 CFR 78.37–10

9.13 Owners, masters, or persons in charge of vessels required to display plans. [Amended]

To keep on board for guidance of officer in charge the general arrangement plans of passenger vessels of 1,000 gross tons and over, passenger vessels of any tonnage on an international voyage, cargo barges with sleeping accommodations for more than six persons, and self-propelled cargo vessels.

Retention period: At all times vessel is in navigation. 46 CFR 78.45–1, 97.36–1

9.14 Masters of cargo and miscellaneous vessels other than those making foreign or intercoastal voyages.

To have official logbook (or equivalent) available for review by Coast Guard Inspectors.

Retention period: At least 1 year after last date to which record refers. 46 CFR 97.35–3

9.15 Masters of vessels storing explosives for a period exceeding 24 hours (other than barges and magazine vessels).

To keep records of temperature readings.

Retention period: 1 year, 46 CFR 146.02–12

9.16 Owners of vessels.

To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers, and records as required to be prepared, unless persons or corporations charter or engage or contract for the use of these vessels under such terms and conditions that they have full and exclusive control of the management and operation of such vessels.

Retention period: 1 year. 46 CFR 146.02–22

9.17 Persons or corporations chartering or engaging or contracting for the use of vessels under such terms and conditions that they have full and exclusive control of the management and operation thereof.

To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers and records as required to be prepared.

Retention period: 1 year. 46 CFR 146.02–22

9.18 Vessel operators.

To keep copies of delivery receipts covering domestic deliveries and exportation of explosives or other dangerous articles or substances, and combustible liquids.

Retention period: 1 year. 46 CFR 146.05–12, 146.05–13

9.19 Owners, charterers, agents, or masters of vessels.

To keep memoranda describing the shipments of explosives or other dangerous articles or substances, and combustible liquids being transported, conveyed or stored on board vessels.

Retention period: 1 year. 46 CFR 146.05–12

9.20 Masters of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.

To keep on board dangerous cargo manifests or lists.

Retention period: During the period of transportation or storage. 46 CFR 146.06–12

9.21 Owners, charterers, or agents of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo. [Amended]

To keep ashore copies of dangerous cargo manifests or lists.

Retention period: 1 year. 46 CFR 146.06–12 (retention: 146.02–22)

9.22 [Deleted]

9.23 Manufacturers of equipment or material which must be approved or found satisfactory for use.

To keep the required drawings, plans, blueprints, specifications, production models (if any), qualification tests, and related correspondence containing evidence that the Coast Guard has found such equipment satisfactory, during the period of time the approval or listing is valid.

Retention period: Not specified. Most of the specifications containing detailed descriptions of records to be retained are contained in 46 CFR Parts 160—164

XII. ATOMIC ENERGY COMMISSION

1.1 Cost-type contractors. [Amended]

To keep justifications in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

Retention period: Until disposal is authorized by the Commission. 41 CFR 9-1.5203

Cost-type contractors and subcontractors are also required to retain records in accordance with the provisions of their contracts or subcontracts. AEC Manual Chapter Appendix 0230 contain established retention periods for more than 900 record items of cost-type contractors and subcontractors. 41 CFR 9-7.5006–1

1.2 Licensees receiving, possessing, using, or transferring byproduct material, source material, or special nuclear material.

To maintain records (a) used in preparing Form AEC–4, "Occupational External Radiation Exposure History;" (b) showing the radiation exposures of all individuals for whom personnel monitoring is required under 10 CFR 20.202; (c) showing the results of surveys made to evaluate the radiation hazards incident to the production, use, release, disposal or presence of radioactive materials or other sources of radiation; and (d) of disposals of licensed material by release into sanitary sewerage systems, by burial in soil or pursuant to procedures specifically authorized by license.

Retention period: (a), (c), and (d)—until disposal is specifically authorized by the Commission; (b)—until December 31, 1970, or until a date 5 years after termination of the individual's employment, whichever is later (prior to December 31, 1970, the Commission may amend the regulations to assure the further preservation of records). (a) 10 CFR 20.102; (b), (c), and (d) 10 CFR 20.401

1.3 Holders of access permits.

To keep written agreements from all individuals who will have access to Restricted Data under the access permit to give effect to waivers of claims (a) for damages under 35 U.S.C. 183; (b) for compensation under section 173 of the Atomic Energy Act of 1954, as amended; and (c) against the United States and the Commission arising in connection with use of information supplied. To establish a document accountability procedure for documents containing Secret Restricted Data and maintain records to show disposition of all such documents which have been in his custody at any time.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 25.23, 95.34

1.4 Persons receiving byproduct material pursuant to license.

To maintain (a) records of all tests performed on generally licensed devices as required under section 31.5; (b) such records as may be determined by the Commission to be necessary or appropriate to effectuate the purposes of the Atomic Energy Act of 1954, as amended, and the regulations issued thereunder; and (c) records showing receipt, transfer, export, and disposal of such byproduct material.

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 31.5; (b) 10 CFR 30.34; (c) 10 CFR 30.51

1.5 Licensees utilizing sealed sources of byproduct material for radiography.

To maintain (a) records of the dates of calibration for each radiation survey instrument possessed by the licensee; (b) records of results of leak tests of sealed sources; (c) records of quarterly physical inventories of all sealed sources received and possessed under the license; (d) current logs showing for each sealed source a description of the radiographic exposure device or storage container, the identity of the radiographer to whom assigned, and the plant or site where used and dates of use; (e) film badge reports and records of pocket dosimeter and pocket chamber readings; (f) records of physical radiation surveys required under 10 CFR 34.43.

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 34.24; (b) 10 CFR 34.25; (c) 10 CFR 34.26; (d) 10 CFR 34.27; (e) 10 CFR 34.33; (f) 10 CFR 34.43

1.6 Licensees receiving, using, transferring, delivering, importing, or exporting source material.

To maintain (a) such records as may be determined by the Commission to be necessary or appropriate to effectuate the purposes of the Atomic Energy Act of 1954, as amended, and the regulations issued thereunder; (b) records showing the receipt, transfer, export, and disposal of such source material.

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 40.41; (b) 10 CFR 40.61

1.7 Licensees and holders of construction permits.

To maintain such records as may be required by conditions of the license or permit or by rules, regulations, and orders of the Commission.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 50.71

1.8 Lessees of uranium deposits on land controlled by the Atomic Energy Commission.

To keep records of (1) shifts worked; (2) wages and salaries paid; (3) expenditures for supplies and services and costs of operation of every kind; (4) tonnage and grade of ore mined; (5) development work and drilling performed; and (6) such other matters as in the Commission's opinion would be of assistance to it in determining the cost of the operations.

Retention period: At least 3 years after termination or expiration of the lease. 10 CFR 60.8

1.9 Licensees receiving special nuclear material.

To keep (a) such records of receipt, possession, use, and transfer of special nuclear material as may be incorporated as a condition or requirement in any license and (b) records showing the receipt, inventory, and transfer of special nuclear material.

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 70.32; (b) 10 CFR 70.51

1.10 Holders of construction and operating authorizations for certain nuclear reactors exempt from licensing requirements.

To maintain records as may be required by the conditions of the authorization or by the rules, regulations and orders of the Commission.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 115.51

1.11 Licensees and other persons subject to financial protection requirements and indemnity agreements.

To maintain records as deemed necessary by the Commission for the administration of the regulations concerning financial protection requirements and indemnity agreements.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 140.6

1.12 Contractors having negotiated contracts with Atomic Energy Commission (except foreign governments, agencies thereof, and foreign producers) and their subcontractors. [Amended]

To keep directly pertinent books, documents, papers, and records.

Retention period: The General Accounting Office shall, until the expiration of 3 years after final payment, have access to and the right to examine the above-mentioned records, provided that earlier disposal of contractor and subcontractor records is possible in accordance with records disposal schedules agreed upon between the Commission and the General Accounting Office. 41 CFR 9–7.5004–10. 42 U.S.C. 2206

1.13 Licensees packaging radioactive material for transport. [Added]

To keep reeords of each shipment of fissile material and of a large quantity of licensed material in a single package.

Retention period: 2 years after its generation. 10 CFR 71.62

XIII. CIVIL AERONAUTICS BOARD

1.1 Certificated route and supplemental air carriers. [Amended]

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places

where tickets are sold or property is received for transportation.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170, 221.171 (retention: 249.8, 249.13)

(b) To keep general books of account and supporting books, records, and memorandums including organization tables and charts, internal accounting manuals, minute books, stock books, reports, work sheets, memorandums, etc.

Retention period: Various. 14 CFR 241.1–5 (retention: 249.8, 249.13)

(c) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memorandums.

Retention period: 3 years. 14 CFR 223.5 (retention: 249.8, 249.13)

(d) To maintain a record of the names and addresses of all passengers transported on each pro rata charter trip operated in interstate or overseas air transportation.

Retention period: 6 months. 14 CFR 207.9, 208.4 (retention: 249.8, 249.13)

1.2 Certificated route local service air carriers; certificated route air carriers furnishing transportation within Hawaii or Alaska; certificated route helicopter air carriers; and one certificated trunkline route air carrier receiving subsidy for services over part of its routes. [Amended]

To maintain a record pertaining to each trade agreement entered into, including all correspondence and records concerning advertising and transportation services provided.

Retention period: Not specified. 14 CFR 225.10

1.3 U.S. air carriers authorized to perform transatlantic charter flights. [Amended]

To preserve every charter contract and related information including post-flight reports, vouchers, passenger manifests and proof of agents' commissions.

Retention period: 2 years. 14 CFR 295.5 (retention: 249.8)

1.4 Foreign route air carriers. [Amended]

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: 3 years. 14 CFR 221.170, 221.171 (retention: 249.12)

(b) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memorandums.

Retention period: 3 years. 14 CFR 223.5 (retention: 249.12)

1.5 Foreign route air carriers (operating off-route charter trips). [Amended]

To keep available for inspection at a place in the United States true copies of all manifests, air waybills, invoices, and other traffic documents covering flights originating or terminating in the United States.

Retention period: Not specified. 14 CFR 212.7

1.6 Holders of permits to operate foreign aircraft in the United States. [Amended]

To keep available for inspection at a place in the United States true copies of all manifests, air waybills, invoices, and other traffic documents covering flights originating or terminating in the United States.

Retention period: 2 years. 14 CFR 249.11, 375.43

1.6a Foreign air carriers authorized to perform charter flights only. [Added]

To maintain at its principal or general office every charter contract, all passenger manifests, including those filed by charterers, and proof of commission paid to any travel agent by the carrier.

Retention period: 2 years. 14 CFR 214.6

1.7 Air freight forwarders and international air freight forwarders.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170, 221.171 (retention: 249.27)

(b) To keep other records as listed in the section cited.

Retention period: Various. 14 CFR 249.27

1.8 Operators of aircraft involved in accidents.

To preserve for custody of the Civil Aeronautics Board aircraft wreckage, flight recorders, cargo and mail aboard the aircraft, together with all records pertaining thereto.

Retention period: Until the CAB or its authorized representative grants release. 14 CFR 320.10, 320.11

XIV. COMMITTEE ON PURCHASES OF BLIND-MADE PRODUCTS

1.1 National Industries.

To maintain a record of all qualifying agencies for the blind and such necessary data as will enable it to equitably allocate orders among such agencies for the blind.

Retention period: Not specified. 41 CFR 51–1.4

1.2 Agencies for the blind (employing blind to extent of 75 percent of hours of employment of personnel in direct labor) selling to Government agencies and participating in the program of the Committee on Purchases of Blind-Made Products.

To keep accounting system records from which can be drawn annually a financial report and operating statement accurately reflecting operations.

To keep eye record cards containing information establishing that employees are blind (as defined in 41 CFR 51–1.1).

Retention period: Not specified. 41 CFR 51–1.9

XIVa. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION [ADDED]

1.1 Employers subject to title VII of the Civil Rights Act.

To maintain personnel and employment and other records having to do with hiring, promotion, demotion, transfer, lay-off or termination, rates of pay, and selection for training or apprenticeship.

Retention period: 6 months from date of making record or personnel action involved, whichever is later. 29 CFR 1602.14

XV. FEDERAL AVIATION AGENCY

1.1 Aircraft and related products manufacturers.

To maintain records of inspection identified with the completed product and records of Materials Review Board action applying to materials, parts, assemblies, and the completed product.

Retention period: At least 2 years. 14 CFR 21.125

1.2 Aircraft and related products manufacturers.

To maintain records of inspection applying to the manufacture of replacement or modification parts and identifiable with the completed part.

Retention period: At least 2 years. 14 CFR 21.303

1.3 Certificated air carrier and commercial operator. [Amended]

To keep records pertaining to the maintenance, repair, rebuilding, or alteration of any airframe, powerplant, propeller, or appliance giving description of work performed, completion date of work done, name of individual, etc., doing work and signature of person authorized to approve work done.

Retention period: (a) Records of major structural repairs and major alterations, including records of last complete overhaul cycle—until aircraft is sold (records to be transferred to new owner or operator), or if the aircraft is retired, 1 year after cancellation of registration certificate; (b) records of maintenance performed—1 year; (c) records of X-rays and other special tests relating to aircraft designated as critical components—until components are sold (records to be transferred to new owner or user), or if components are retired, 1 year from date of retirement or date of cancellation of the registration certificate. 14 CFR 43.9

1.4 Certificated repair stations or airframe, powerplant, propeller, or appliance manufacturers. [Amended]

To maintain a duplicate copy of the customer's work order, when accepted in lieu of the Major Repair and Alteration Form (FAA–337 or equivalent).

Retention period: At least 2 years. 14 CFR Part 43, App. B

1.5 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To retain information taped by flight recorders.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation Agency or the Civil Aeronautics Board. 14 CFR 121.343

1.6 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft. [Amended]

To maintain current records of every crewmember and aircraft dispatcher, as is necessary to show compliance with the appropriate requirements of Federal Aviation regulations, and each action taken concerning the release from employment or physical or professional disqualification of flight crewmembers or aircraft dispatchers.

Retention period: At least 6 months after termination of employment. 14 CFR 121.683

1.7 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To maintain (a) records of total time in service, time since last overhaul, and time since last inspection on major components of airframe, engines, propellers, and where practicable, appliances; (b) an aircraft maintenance log; (c) copies of alteration and repair reports; and (d) copies of airworthiness release forms.

Retention period: Not specified for (a), (b), and (c); 2 months for (d). 14 CFR 121.699, 121.701, 121.707, 121.709

1.8 Flag and domestic air carriers.

To maintain a list of aircraft in current operation and airplanes operated under interchange agreements.

Retention period: Not specified. 14 CFR 121.685

1.9 Flag and domestic air carriers.

To retain copies of load manifests, dispatch releases, and flight plans.

Retention period: 3 months. 14 CFR 121.695

1.10 Flag and domestic air carriers.

To maintain records pertaining to radio contacts by or with pilots en route.

Retention period: 30 days. 14 CFR 121.711

1.11 Air taxi operators and commercial operators of small aircraft. [Amended]

To maintain at principal business office (a) a current list of aircraft used or available for use and the operations for which each is equipped and (b) an individual record of each pilot used (including name, certificate and ratings held, aeronautical experience, current duties, medical certificate, etc.).

Retention period: 1 year. 14 CFR 135.43

1.12 Registered owners or operators of civil aircraft.

To keep separate, current maintenance record for aircraft and each engine, including kind and extent of maintenance and alteration, and date work is done; listing of compliance with mandatory service bulletins, airworthiness directives, and method of compliance; current empty weight, empty center of gravity, and useful load; addition or removal of optional equipment, or of required equipment in exchange for optional equipment; total time in service of aircraft; and total time in service and history of each engine overhauled, repaired or reassembled to standards other than those for rebuilt engines.

Retention period: Not specified, but records must go to next owner. 14 CFR 91.173

1.13 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To keep maintenance records (including a maintenance log) of such information as total time in service, time since last overhaul, and time since last inspection on all major components of the airframe, engines, rotors, and appliances.

Retention period: In accordance with provisions specified in Part 249. 14 CFR 127.309, 127.311

1.14 Air carriers (utilizing helicopters in scheduled interstate air transportation). [Amended]

To maintain records of every crewmember as is necessary to show compliance with the appropriate requirements of Federal Aviation regulations and each action taken concerning the release from employment or physical or professional disqualification of any flight crewmember.

Retention period: At least 3 months. 14 CFR 127.301

1.15 Air carriers (utilizing helicopters in scheduled interstate air transportation). [Amended]

To retain copies of load manifest, flight release, and airworthiness release forms.

Retention period: At least 60 days. 14 CFR 127.307, 127.319

1.16 Air carriers.

To retain copy of shipper's certification for transportation of explosives and other dangerous articles.

Retention period: Not specified. 14 CFR 103.3

1.17 Pilots. [Revised]

To keep a reliable record of the flight time used to meet the experience requirements for pilot certificate or rating, or the recent flight experience requirements of 14 CFR 61.47, including as to each flight such general data as points of departure and arrival, date, duration, and identification mark; type of piloting time; and conditions of flight.

Retention period: Not specified. 14 CFR 61.39

1.18 Airline transport pilots. [Amended]

To keep an accurate and legible record of flying time in a bound logbook arranged for easy reference, including specified information on each flight. Pilot must certify solo flying time entries, and his instructor must certify entries on instruction.

Retention period: Not specified. 14 CFR 61.41

1.19 Flight instructors. [Amended]

To maintain separately or in his logbook a record of (a) the name of each person to whom he has given flight instruction or whose certificate he has endorsed, and the date and type of each flight instruction period or endorsement, and (b) the name of each person for whom he has signed a recommendation for a written or flight test, under this part, the kind of test, and the date of recommendation.

Retention period: 3 years. 14 CFR 61.174

1.20 Flight navigator training course operators.

To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: During continuation of approval of course. 14 CFR Part 63, App. B, para. (f)

1.21 Certificated parachute riggers.

To keep a record of the packing, maintenance, and alteration of parachutes performed or supervised by him.

Retention period: At least 2 years after the date record is made. 14 CFR 65.131

1.22 Aircraft dispatcher course operators.

To keep an accurate record of each student including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: During continuation of approval of course. 14 CFR Part 65, App. A, para. (g)

1.23 Certificated pilot schools.

To keep a current and accurate record of each student's participation and accomplishments in the course for which he is enrolled, including a chronological log of his instruction, attendance, subjects covered, tests, and test grades.

Retention period: 1 year following student's graduation or termination of his participation in the training course. 14 CFR 141.21

1.24 Certificated domestic repair stations and applicants for a domestic repair station certificate and rating.

To maintain a roster of its supervisory and inspection personnel, and a summary of the employment of each person whose name is on the roster containing enough information to show compliance with experience requirements.

Retention period: Not specified. 14 CFR 145.43

1.25 Certificated domestic repair stations.

To maintain adequate records of work performed, naming the certificated mechanic or repairman who performed or supervised the work, and the inspector of that work.

Retention period: At least 2 years. 14 CFR 145.61

1.26 Certificated foreign repair stations.

To keep a record of the maintenance and alteration performed on United States registered aircraft.

Retention period: Not specified. 14 CFR 145.79

1.27 Certificated aircraft mechanic schools.

To keep (a) current record of each student enrolled showing his attendance, courses, tests, and grades, and authenticated transcript of his grades; and (b) current progress chart or individual progress record showing the projects or laboratory work completed, or to be completed, by the student.

Retention period: At least 2 years after the end of the student's enrollment as to (a); (b) not specified. 14 CFR 147.33

1.28 Holders of parachute loft certificates.

To maintain records of work performed, including names of persons doing the work.

Retention period: At least 2 years. 14 CFR 149.15

1.29 Owners of VOR, nondirectional radio beacon, and instrument landing system facilities.

To keep records of each facility as follows: (a) Record of meter readings and adjustments—Form FAA–198 (1 copy); (b) Facility maintenance log—Form FAA–406c (original); (c) Radio equipment operation record—Form FAA–418 (original); and (d) VOR check error data, FAA Forms 2396 and 2397 (originals—for VOR facilities only).

Retention period: Permanent for (a) and (b); not specified for (c) and (d). 14 CFR 171.13, 171.33, 171.53

1.30 Manufacturers of aircraft.

To maintain at factory, for each product type certificated under the delegation option procedures, current records containing the following: (a) technical data file including type design drawings, reports on tests, and original type inspection report and amendments; (b) data (including amendments) required with original application for each production certificate; (c) record of all rebuilding and alteration performed; (d) complete inspection record for each product manufactured; (e) record of reported service difficulties.

Retention period: (a), (b), and (c) for the duration of the manufacturing operation under the delegation option authorization; (d) and (e), 2 years. 14 CFR 21.293

1.31 Contractors for construction of public airports.

To keep payrolls and basic records during the course of the work for all laborers and mechanics as specified in the section cited.

Retention period: 3 years from the completion of the work. 14 CFR 151.49; Part 151, App. H, para. C(1)

1.32 Sponsors of the construction of public airports.

To keep records of all affidavits and copies of payrolls furnished by the contractor.

Retention period: 3 years from the date of the completion of the contract. 14 CFR 151.53

1.33 Sponsors of the construction of public airports.

To retain in its files documentary evidence of each item of project costs such as invoices, cost estimates and payrolls supporting each item of project cost. Also evidence of all payments for items of project costs including vouchers, canceled checks or warrants and receipts for cash payments.

Retention period: 3 years after final grant payment. 14 CFR 151.55

1.34 Supplemental air carriers and commercial operators.

To maintain originals or copies of load manifests, flight releases, flight plans, airworthiness releases, and pilot route certification.

Retention period: 6 months. 14 CFR 121.697

1.35 Commercial operators using large aircraft.

To retain a copy of each contract under which it provides service, or a memorandum stating elements of oral contracts, and of each contract amendment.

Retention period: 1 year after date of execution of contract or amendment. 14 CFR 121.713

1.36 Commercial agricultural aircraft operators. [Amended]

To maintain records showing name and address of persons for whom service was provided, date of service, name and quantity of material dispersed for each operation conducted, and the name, address, and certificate number of each pilot used, and the date he met the requirements of 14 CFR 137.19(c).

Retention period: At least 12 months. 14 CFR 137.71

1.37 Designated alteration stations.

To maintain current records of technical data (including drawings, photographs, specifications, instructions, and reports) for each product for which it has issued a supplemental type certificate; list of products by make, model, manufacturer's serial number, etc.; and a file of information on alteration difficulties of products altered.

Retention period: For duration of the operation under the DAS authorization. 14 CFR 21.493

1.38 Flight engineer training course operators. [Amended]

To keep an accurate record of each student's training, including a chronological log of the subject course, attendance, examinations, and grades.

Retention period: At least 2 years after student graduates, fails, or drops from course. 14 CFR Part 63, App. C, para. (g)

1.39 Domestic, flag, and supplemental air carriers. [Added]

To keep a log of each flight conducted with a provisionally certificated airplane and to keep accurate and complete records of each inspection and all maintenance performed on the airplane.

Retention period: Not specified. 14 CFR 121.207

1.40 Domestic, flag, and supplemental air carriers. [Added]

To keep, in the event of an accident or occurrence requiring immediate notification of the Civil Aeronautics Board under Part 320 of its regulations, the information recorded on cockpit voice recorders.

Retention period: At least 60 days or longer if requested by the Administrator or the Board. 14 CFR 121.359

1.41 Domestic, flag, and supplemental air carriers. [Added]

To maintain, or determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections.

Retention period: Not specified. 14 CFR 121.371

1.42 Domestic, flag, and supplemental air carriers. [Added]

To establish and maintain a record system on each trainee indicating the kind, amount, and dates of training received and certification of satisfactory completion.

Retention period: Not specified. 14 CFR 442(b)(4)

1.43 Air carriers (utilizing helicopters in scheduled interstate air transportation). [Added]

To keep a log of each flight conducted with a provisionally certificated helicopter and to keep accurate and complete records of each inspection made and all maintenance performed on the helicopter.

Retention period: Not specified. 14 CFR 127.85

1.44 Air carriers (utilizing helicopters in scheduled interstate air transportation). [Added]

To maintain, or determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections.

Retention period: Not specified. 14 CFR 127.135

XVI. FEDERAL COMMUNICATIONS COMMISSION

1.1 Licensees of standard and FM broadcast (radio) stations.

To keep at each transmitter records of equipment performance measurement data including diagrams and appropriate graphs, together with descriptions of instruments and procedure, signed by the engineers making measurements.

Retention period: 2 years. 47 CFR 73.47, 73.254

1.2 Licensees of standard, FM, noncommercial educational FM, and international radio, and television broadcast stations.

To keep records of time and results of auxiliary transmitter tests.

Retention period: 2 years. 47 CFR 73.63, 73.255, 73.555, 73.638, 73.757

1.3 Licensees or permittees of standard, FM, noncommercial educational FM, and international radio, and television broadcast stations.

To keep (in the case of standard, FM, noncommercial educational FM, and television broadcast stations) program, operating, and maintenance logs; and (in the case of international radio stations) program and operating logs, including rough logs and transcribed portions thereof.

Retention period: 2 years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensees or permittees have been notified, shall be retained until they are specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensees or permittees have been notified shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by the statute limiting the time for filing of such suits upon such claims. 47 CFR 73.111—73.115, 73.281—73.285, 73.581—73.585, 73.669—73.673, 73.781—73.786

1.4 Licensees of standard, FM, noncommercial educational FM radio, and television broadcast stations.

To keep complete records of all requests for broadcast time made by or on behalf of candidates for public office, together with appropriate notations showing disposition made and charge, if any, if request is granted.

Retention period: 2 years. 47 CFR 73.120, 73.290, 73.590, 73.657

1.5 Licensees of experimental and developmental, auxiliary, and special broadcast services, including experimental television broadcast, experimental facsimile broadcast, developmental, remote pickup, aural broadcast STL and intercity relay, television pickup, television STL, television intercity relay, television broadcast translator, television broadcast booster, instructional television fixed, and community antenna relay stations.

(a) To keep adequate records of operation.

(b) To keep operating logs.

Retention period: (a) 2 years; (b) 2 years; for licensees of instructional television fixed stations, or of community antenna relay stations, not less than 2 years, with Commission reserving the right to order, in individual cases, retention of logs for a longer period of time. In cases where the licensee has notice of any claim or complaint to which information contained in the log may be pertinent, the log shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 74.181, 74.281, 74.381, 74.481, 74.581, 74.681, 74.781, 74.881, 74.981, 74.1081

1.6 Licensees of low power broadcast auxiliary stations.

To maintain records, at the main studio or transmitter of broadcast station with which the auxiliary is principally used, which will accurately show current location of all transmitting units, periods of operation at such locations and other pertinent remarks concerning transmissions.

Retention period: Not specified. 47 CFR 74.437

1.7 Licensees of experimental stations.

To keep adequate station records of operation; of service or maintenance duties which may affect proper station operation; and of the illumination of antennas or antenna supporting structures.

Retention period: 1 year. 47 CFR 5.163, 5.165

1.8 Licensees of radio stations holding student authorizations for experimental services.

To maintain record of date, time, and frequency of operation and brief description of experimentation being conducted.

Retention period: 1 month after termination of authorization. 47 CFR 5.410

1.9 Licensees of radio stations in the international fixed public radio communication services.

To keep station logs.

Retention period: 1 year: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has been notified shall be retained by the licensee until such claim or complaint has been fully satisfied or until same has been barred by statute limiting the time for filing of suits upon such claims. 47 CFR 23.47

1.10 Licensees of radio stations on land in the maritime service including public and limited coast stations, marine-utility stations, marine-fixed stations, marine-receiver-test stations and stations operated in the land mobile service for maritime purposes using radiotelegraphy or radiotelephony (including developmental stations and coast and fixed stations in Alaska).

To keep accurate logs.

Retention period: 1 year from date of entry and for such additional periods as required as follows: (a) Station logs involving communications incident to a distress or disaster shall be retained for a period of 3 years from date of entry; (b) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them; (c) station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 81.115, 81.194, 81.214, 81.314, 81.370, 81.458, 81.477, 81.536, 85.109, 85.115

1.11 Licensees of limited coast stations or marine-utility stations used on shore.

To keep a copy of agreements with vessel owners, verifying that licensee has sole right of control of the ship radio station involved.

Retention period: Not specified. 47 CFR 81.352

1.12 Licensees of limited coast stations, marine-utility stations, and marine-fixed stations.

To keep records which reflect the cost of the service and its nonprofit, cost-sharing, cooperative arrangement or basis on which radio communication service is rendered.

Retention period: Not specified. 47 CFR 81.352, 81.451

1.13 Licensees of radiotelegraph, radiotelephone, and radar stations on shipboard in the maritime services including public and limited ship stations, marine utility ship stations, ship-radar stations, and developmental stations, including such stations in Alaska.

To keep accurate logs.

Retention period: 1 year from date of entry and such additional periods as required as follows: (a) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry; (b) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them; (c) station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims (47 CFR Part 42 prescribes the requirement concerning record retention by communications common carriers); (d) a permanent installation and maintenance record is required to be kept at the

station by the station licensee of each ship radar station. 47 CFR 83.115, 83.184, 83.330, 83.368, 83, 405, 85.115

1.14 Stations licensed in the aviation services. [Amended]

All stations at fixed locations, except radionavigation land test stations (MTF), to keep adequate records of operation; and stations whose antenna structure is required to be illuminated—a record of illumination; Aeronautical Public Service Stations—to keep a file of all record communications handled and all ground stations so licensed to keep a record of radiotelephone contacts either in the form of telephone traffic tickets or as a separate list.

Retention period: The logs in the aviation services may be destroyed after a period of 30 days except: (a) That logs involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them, (b) that logs incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 87.99, 87.101, 87.103

1.15 Air carrier aircrafts.

To keep adequate records to permit ready identification of individual aircraft if in lieu of radio station call letter, the official aircraft registration number, or company flight identification is used.

Retention period: Not specified. 47 CFR 87.115

1.16 Licensees of public safety and industrial radio services stations.

To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name of person or persons responsible for the foregoing; base and fixed stations (except such stations in the public safety services authorized to be operated at temporary locations or for unattended operation and except such stations in the industrial radio service authorized to be operated at temporary locations)—names of persons responsible for the operation of the transmitting equipment, together with the period of their duty; for base stations in the industrial radio services—identification of other base stations or fixed stations with which they communicate, and date, time, and nature of such communication; and stations whose antenna or antenna supporting structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 89.175, 89.179, 91.160

1.17 Licensees of public safety and industrial radio stations, land transportation (base) radio stations, and citizens radio stations sharing costs and facilities with other licensees in the same service. [Amended]

To keep a copy of cooperative agreements and contracts as well as records which reflect the non-profit, cost-sharing nature of that sharing.

Retention period: The copy of the cooperative agreement shall be kept during the life of the agreement and 1 year thereafter, and the cost sharing records shall be retained for 1 year. 47 CFR 89.13, 89.14, 89.179, 91.6, 91.160, 93.3, 93.160, 95.87, 95.103

1.18 Nonprofit corporations or associations organized to operate radio stations in the power, petroleum, forest product, motion picture, relay press, motor carrier, railroad, taxicab, and automobile emergency radio services. [Amended]

To keep records which reflect the cost-sharing nonprofit basis under which they operate.

Retention period: 1 year. 47 CFR 91.160, 91.251, 91.301, 91.351, 91.401, 91.451, 93.3, 93.251, 93.351, 93.401, 93.501

1.19 Licensees of amateur radio stations. [Amended]

To keep an accurate log of station operation.

Retention period: 1 year following the last date of entry: *Provided*, That, in the case of stations in the Radio Amateur Civil Emergency Service, those portions of any log covering operation of a station in connection with any actual condition jeopardizing the public safety or affecting the National Defense shall not be destroyed unless prior approval for such destruction shall have been received from the Commission. 47 CFR 97.103, 97.105, 97.209

1.20 Radio officers of amateur civil emergency services.

To keep records of secret, tactical, or abbreviated call signs or other distinctive signals of station identification.

Retention period: Not specified. 47 CFR 97.211, 97.213

1.21 Manufacturers, owners, or distributors of radio receivers.

To keep certificate of compliance with radiation interference limits.

Retention period: 5 years. 47 CFR 15.69

1.22 Licensees in land transportation radio services.

To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name of the person or persons responsible for the foregoing; base and fixed stations (except for such stations authorized for unattended operation)—names of persons responsible for the operation of the transmitting equipment, together with the period of their duty (except in the Railroad Radio Service); for base stations—identification of other base or fixed stations with which they communicate, and date, time, and nature of such communications (except in the Railroad Radio Service); and stations whose antenna structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 93.160

1.23 Licensees of citizens radio service stations.

To keep records as follows: for each station operated as a mobile station, the current authorization; for stations where the licensee installs a unit of his station on the premises of a telephone answering service, the required written agreement; and for stations whose antenna structure is required to be illuminated, a record of illumination.

Retention period: 1 year. 47 CFR 95.101, 95.103, 95.111, 95.189

1.24 Disaster communications service radio stations.

To keep a list of all general or collective call signs, unit designators, or authorized substitutes used.

Retention period: Not specified. 47 CFR 99.25

1.25 Disaster communications service radio stations.

To keep an accurate log of all operations in the 1750–1800 kc band.

Retention period: 1 year, except that those portions of any disaster station log covering operation of such station in connection with any actual disaster shall not be destroyed unless prior approval for such destruction shall have been received from the Commission. 47 CFR 99.27

1.26 Licensees of radio stations in the domestic public radio services.

To maintain a technical log of station operations as follows: For each station—results and dates of transmitter measurements, details of servicing and maintenance of transmitters which may affect proper station operation, and time and nature of failure or erratic operation of transmitter or automatic alarm facilities; for stations having obstruction lighted antenna structure—time of daily lighting and check of proper operation, details of obstruction light failure (if any) and repair details, and results of three-month periodic inspection (including date, condition of obstruction painting, lighting devices, indicators, and alarms, and details of adjustments, replacements, and repairs), and date and time of notice to the Federal Aviation Agency regarding failure of obstruction lighting and any resumption thereof; for stations required to maintain one or more control points—time and signature of person operating transmitting equipment each day, including class, serial number and expiration date of license if operator is required to be licensed, and identity of station or point to which transmission is made.

Retention period: 1 year: *Provided:* That (a) records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them, (b) records incident to, or involved in, any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 21.208

1.27 Communication common carriers, including Communications Satellite Corporation and certain contractors.

To keep accounts, records, memoranda, documents, microfilm, correspondence and related indexes prepared by or on behalf of the carrier as well as records of property or services acquired by a carrier through purchase, consolidation, merger, etc.

Retention period: Records are to be preserved in accordance with the requirements and for the periods of time designated in the codified regulations. 47 CFR 25.177, 42.9

1.28 Operators of industrial heating equipment.

To keep a log of inspections of industrial heating equipment.

Retention period: Not specified. 47 CFR 18.105

1.29 Operators of ultrasonic equipment, industrial heating equipment, medical diathermy equipment, RF stabilized arc welders.

To keep a copy of certificate of compliance at the equipment site.

Retention period: For life of equipment. 47 CFR 18.80, 18.117, 18.141, 18.142, 18.183

1.30 Applicants, permittees, and licensees of standard, FM, noncommercial educational FM radio, and television broadcast stations.

To maintain for local public inspection copies of the following applications and reports, including exhibits, letters, and other documents related thereto, which are open for public inspection at the offices of the Commission:

(a) A copy of every application tendered to the Commission for filing with respect to which, under the provisions of the Commission rules, local public notice must be given by publication in a newspaper and/or broadcasting over the station involved.

(b) A copy of every application tendered to the Commission for filing with respect to which local public notice is not required but which involves changes in program service, requests for extension of time in which to complete construction of a new station, or requests for consent to assignment or transfer or control.

(c) A copy of every ownership or supplemental ownership report filed with the Commission.

Retention period: Applicants for construction permits for new stations shall maintain the material so long as the application is pending before the Commission or any proceeding involving the application is pending before the courts. Permittees or licensees shall maintain the material so long as an authorization to operate the station is outstanding. 47 CFR 1.526

1.31 Licensees of standard FM and international radio, and television broadcast stations. [Added]

To keep a list of the chief executive officers or members of the executive committee or of the board of directors of any corporation, committee, association, or other unincorporated group which sponsors, pays for or furnishes, in whole or in part, or provides material or services for any program, other than a program advertising commercial products or services, which is broadcast by the station.

Retention period: Not specified. 47 CFR 73.119, 73.289, 73.654, 73.789

1.32 Licensees of community antenna relay (CAR) stations. [Added]

To keep records showing cost of the service and its nonprofit, cost-sharing nature when CAR licensees supply television program material to CATV systems, other than CATV systems owned or operated by the CAR licensee.

Retention period: Not specified. 47 CFR 74.1030

XVII. FEDERAL DEPOSIT INSURANCE CORPORATION

1.1 Insured banks.

Each insured bank, as a condition to the right to make any deduction, allowed under section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817), in determining its assessment base, shall maintain such records as will readily permit verification of the correctness of its assessment base.

Retention period: No insured bank shall be required to retain such records for such purpose for a period in excess of 5 years from the date of the filing of any certified statement, except that when there is a dispute between the insured bank and the Corporation over the amount of any assessment the bank shall retain such records until final determination of the issue. 12 U.S.C. 1817(b); 12 CFR 304.3

1.2 Insured banks.

To keep certified statement forms.

Retention period: Same as for item 1.1 12 CFR 304.3

XVIII. FEDERAL HOME LOAN BANK BOARD

1.1 Federal savings and loan associations.

To keep at home office and branch offices complete records of all business transactions, and to keep at agencies an original record of all business transacted at such agencies.

Retention period: Not specified. 12 CFR 545.15, 545.20

1.2 Federal savings and loan associations.

To keep records of real estate loans in case of loans in excess of 80 percent of value showing date and amount of appraisal and date of approval of loan, and to retain all reports and certifications referring thereto.

Retention period: So long as the loan is outstanding and in any event for a period of 3 years from the date of any disbursements on the loan. 12 CFR 545.6–1

1.3 Federal savings and loan associations.

To keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which the association has loans or which is owned by it.

Retention period: Not specified. 12 CFR 545.6–11

1.4 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation.

Signed appraisals of real estate loans located more than fifty miles from institution's principal office to be kept by insured institution.

Retention period: Not specified. 12 CFR 563.10

1.5 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation.

To keep records of evidence of cost of give-away given in connection with the opening or increasing of an account.

Retention period: 2 years. 12 CFR 563.24

1.6 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation.

(a) To establish and maintain by a separate ledger control or otherwise records showing the aggregate of outstanding balances of all accounts opened or increased as the result of the services of a broker and to make, and retain an itemized record of each payment of sales commission to any broker, identifying each account and stating the amount thereof in respect to which such sales commission is paid.

(b) To retain original or signed duplicate of each agreement by which a broker is employed, engaged, or retained.

Retention period: Not specified. 12 CFR 563.25

1.7 Federal savings and loan associations.

To keep records for each real estate loan, the security for which includes one or more dwelling units.

Retention period: Not specified. 12 CFR 545.6–1

1.8 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation.

To keep records showing compliance with the limitations on real estate loans to one borrower if the total balances of all outstanding loans on the security of real estate owed to an institution by any one borrower exceeds $100,000.

Retention period: Not specified. 12 CFR 563.9–3

1.9 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation.

To establish and maintain such accounting and other records as will provide an accurate and complete record of all business transacted by it and, without any limitation on the generality of the foregoing, to establish and maintain records with respect to: (1) loans on the security of real estate, (2) property purchased subject to, or with assumption by a third party of, an institution's loan, (3) loans sold, (4) the acquisition of mortgaged security, (5) insured ac-

counts, and (6) such other records as are required by statute or by any other regulation to which such institution is subject.

Retention period: Not specified. 12 CFR 563.17–1

1.10 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation.

To keep a dated, signed copy of each report of appraisal of each parcel of real estate owned which is a scheduled item.

Retention period: Not specified. 12 CFR 563.17–2

1.11 Federal savings and loan associations.

To keep a signed copy of the report of the appraisal of each parcel of real estate owned made at the time of its acquisition.

Retention period: Not specified. 12 CFR 545.19

1.12 Federal savings and loan associations.

To establish and maintain such books, records, and accounting practices as will clearly and fully disclose the operations of a data processing service center in which two or more institutions participate.

Retention period: Not specified. 12 CFR 545.14–3

XIX. FEDERAL MARITIME COMMISSION

1.1 Independent ocean freight forwarders.

To keep books of account and records, including each document prepared, processed, or obtained by the licensee, in connection with carrying on the business of forwarding.

Retention period: 5 years. 46 CFR 510.23

1.2 Carriers and conferences of carriers. [Added]

To keep records of votes on each question voted on.

Retention period: At least 2 years. 46 CFR 537.4

XX. FEDERAL POWER COMMISSION

1.1 Public utilities and licensees.

Preservation of records.

Retention period: Specified at 18 CFR 125.1–125.3

See also Regulations to Govern the Preservation of Records of Public Utilities and Licensees, December 12, 1962. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402

1.2 Natural gas companies.

Preservation of records.

Retention period: Specified at 18 CFR 225.1–225.3

See also Regulations to Govern the Preservation of Records of Natural Gas Companies, December 12, 1962. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402

XXI. FEDERAL TRADE COMMISSION

1.1 Wool products manufacturers.

To keep records of the various fibers used in wool products. The records should show not only the fiber content of wool, reprocessed wool, and reused wool, but also any other fibers used. Such records should contain sufficient information whereby each of the wool products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Retention period: 3 years. 16 CFR 300.31

1.2 Fur products manufacturers and dealers in furs and fur products.

To keep records showing all the information required under the Fur Products Labeling Act and under rules and regulations relating to such products or furs in a manner that will permit proper identification of each fur product or fur manufactured or handled. The item number required to be assigned to a fur product and to appear on the label and on the invoice relating to such product must appear in the records in such a manner as to identify the product through the various processes of manufacture, from whom purchased and the date of purchase.

Retention period: 3 years. 16 CFR 301.41

1.3 Dealers advertising prices of furs and fur products.

To keep records to support pricing representations where comparative prices and percentage savings claims are used in advertising.

Retention period: Not specified. 16 CFR 301.44

1.4 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of guaranties received by them.

To keep the guaranty received and identification of the fabric or fabrics guaranteed.

Retention period: 3 years after guaranty furnished. 16 CFR 302.8

1.5 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of class tests.

To keep records showing (a) identification of the class test; (b) fiber composition, construction, and finish type of the fabrics; (c) a swatch of each class of fabrics guaranteed.

Retention period: 3 years after test. 16 CFR 302.8

1.6 Persons guarantying as to flammable quality of fabrics in wearing apparel who have made tests thereof.

To keep records showing (a) style or range number, fiber composition, construction, and finish type of each fabric used in the article of wearing apparel, including a swatch of the fabric tested; (b) stock or formula number, color, thickness and general description of each film used in the article and a sample of the film; (c) results of actual tests.

Retention period: 3 years after test. 16 CFR 302.8

1.7 Textile fiber products manufacturers and distributors substituting labels.

To keep records of the various fibers used in the manufacture of textile fiber products. Such records should contain sufficient information whereby each of the textile fiber products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Those substituting labels shall keep such records as will show the information set forth on the label removed and the name of the person from whom such textile fiber product was received.

Retention period: 3 years. 16 CFR 303.39

1.8 Importers of flammable textile fabrics or articles of wearing apparel.

To maintain records which establish that the imported flammable textile fabrics or articles of wearing apparel have been shipped for appropriate flammability treatment and that such treatment has been completed, and records showing disposition of such fabrics or articles of wearing apparel subsequent to the completion of such treatment.

Retention period: Not specified. 16 CFR 302.14

XXII. GENERAL ACCOUNTING OFFICE

1.1 Contractor using Government bill of lading as shipper.

To keep bill of lading, memorandum copy, certified by initial carrier's agent.

Retention period: Where the bill of lading covers shipments made under a Government contract having a records retention clause, the memorandum copies should be retained together with other records pertaining to the contract for the specific period. When the shipment is made under a Government contract not having a record retention clause, the contractor's normal business practice as to retention of similar records may be followed. 4 CFR 52.9

1.2 Contractors having Government contracts negotiated without advertising.

To keep records pertaining to the contracted project. (This requirement does not apply to contracts involving the development of military installations and facilities in foreign countries excepted from the requirement pursuant to section 604 of the act of September 16, 1965, 79 Stat. 793, 815. Nor does this requirement apply to certain contracts entered into with foreign governments or their agencies for service rendered to the United States or its agencies within the continental limits of the United States or to purchases made outside the continental limits of the United States under section 633(a) of the Foreign Assistance Act of 1961, 75 Stat. 424, 454; 22 U.S.C. 2393(a), as implemented by Executive Order 11223, May 12, 1965, or under the Peace Corps Act, 75 Stat. 612; 22 U.S.C. 2501 et seq., as implemented by Executive Order 11041, August 6, 1962, as amended by Executive Order 11250, October 10, 1965.)

Retention period: 3 years after final payment under contract. 41 U.S.C. 254; 10 U.S.C. 2313. However, subcontracts under contracts for experimental, developmental or research work may contain clauses specifying that records pertaining to such subcontract need be retained only 3 years after final payment under the subcontract. Comptroller General's decision B–101404, September 8, 1952

1.3 Contractors.

Contracts and amendments to contracts made under authority of the act of August 28, 1958, 72 Stat. 972, shall include the following contract provision: The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract, and agrees to include similar provisions in all his related subcontracts. 50 U.S.C. 1433

1.4—1.26 [Deleted]

XXIII. GENERAL SERVICES ADMINISTRATION

1.1 War contractors and subcontractors, World War II, having contract of $25,000 or more or having termination inventory worth $5,000 or more. [Amended]

To keep records essential to determining performance under the contract and to justifying the settlement thereof as required by the Contract Settlement Act of 1944 (41 U.S.C. 101–125) and 18 U.S.C. 443 (excluded from this provision are contractor records title to which is transferred to a Federal agency; war contractor records that are included by Federal agencies on records disposition schedules approved by the Congress in the manner provided in the Records Disposal Act of 1943 and war contractor records disposal of which is approved in writing by the Administrator of General Services and the Comptroller General of the United States).

Retention period: (a) 5 years after such disposition of termination inventory by such war contractor or Government agency, or (b) 5 years after the final payment or settlement of such war contract, whichever applicable period is longer. 41 CFR Part 101–13

1.2 [Reserved]

1.3 Contractors and subcontractors under negotiated contracts pursuant to 41 U.S.C. 252(c)(15) and 254 (c). [Revised]

To maintain books, documents, papers, and records involving transactions relating to the contract.

Retention period: 3 years after final payment under the contract. 41 CFR 1–3.814–2(e) (retention: 1–7.101–10)

1.4 Contractors with contracts containing the Small Business Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

Maintain records showing information required by the clause.

Retention period: Not specified. 41 CFR 1–1.710–3(b)

1.5 Contractors with contracts containing the Labor Surplus Area Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

Maintain records showing procedures which have been adopted to comply with the policies set forth in the clause.

Retention period: Not specified. 41 CFR 1–1.805–3(b)

1.6 Contractors with fixed-price supply contracts containing the standard inspection clause. [Amended]

Keep complete records of all inspection work by the contractor and make such records available to the Government.

Retention period: During performance of the contract and for such longer period as may be specified elsewhere in the contract. 41 CFR 1–7.101–5

1.7 Contractors with fixed-price contracts in excess of $2,500 for (a) supplies, or (b) experimental, developmental, or research work where a profit is contemplated, when such contracts contain the standard long-form Termination for Convenience of the Government clause.

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated thereunder, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1–8.701

1.8 Contractors with fixed-price construction contracts estimated to exceed $10,000, when such contracts contain the standard Termination for Convenience of the Government clause.

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated thereunder, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1–8.703

1.9 Sellers with fixed-price subcontracts which contain the termination clause suggested for use in such contracts.

Unless otherwise provided for in the subcontract, or by applicable statute, make available to the buyer and the Government at all reasonable times at the office of the seller all his books, records, documents, or other evidence bearing on the costs and expenses of the seller under the subcontract and in respect of the termination of work thereunder, or, to the extent approved by the Government, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1–8.706

1.10 Contractors and subcontractors under contracts entered into, amended, or modified under the extraordinary, emergency authority granted by the act of August 28, 1958 (72 Stat. 972; 50 U.S.C. 1431–1435). [Revised]

To maintain books, documents, papers, and records involving transactions relating to the contracts.

Retention period: 3 years after final payment. 41 CFR 1–17.206(e) (retention: 1–3.814–2(e), 1–7.101–10)

1.11 Contractors and subcontractors under contracts and amendments or modifications of contracts made prior to July 1, 1958, when such contracts and amendments or modifications were issued under title II of the First War Powers Act, 1941 (55 Stat. 838), as amended. [Amended]

To maintain books, documents, papers, and records involving transactions relating to the contracts.

Retention period: Not specified. Public Law 81–921 (64 Stat. 1257)

1.12 Participants in the lead and zinc stabilization program pursuant to act of October 3, 1961 (75 Stat. 766; 30 U.S.C. 681–689). [Amended]

To keep any pertinent books, documents, papers, and records of any participant involving transactions related to the program established under the regulations of 41 CFR 101–15 and authorized representatives of the United States Government shall have access to and the right to examine such records.

Retention period: 3 years after termination of the program. 41 CFR 101–15.109

1.13 Contractors and subcontractors required to submit cost and pricing data in conjunction with certain negotiated contracts or contract modifications involving an amount in excess of $100,000.

To maintain books, records, documents, and other supporting data which will permit adequate evaluation by the contracting officer or his authorized representatives of the cost or pricing data submitted, along with the computations used

therein, which were available to the contractor as of the date of execution of his Contractor's Certificate of Current Cost or Pricing Data.

Retention period: Until the expiration of 3 years from the date of final payment under the contract. 41CFR 1–3.814–2

1.14 Contractors and subcontractors having certain cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable contracts.

To maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred for the performance of the contract.

Retention period: (1) Until the expiration of 3 years from the date of final payment under the contract; (2) for such longer period, if any, as is required by applicable statute; (3) if contract is completely or partially terminated, the records relating to the work terminated shall be preserved for 3 years from the date of any resulting settlement; or (4) records which relate to appeals under the "Disputes" clause of the contract or litigation or the settlement of claims arising out of performance of the contract, shall be retained until disposition has been made of such appeals, litigation, or claims. 41 CFR 1–3.814–2

XXIV. INTERSTATE COMMERCE COMMISSION

1.1 Refrigerator car lines.

To keep records as listed in the sections cited.

Retention periods: Various. 49 CFR 24, par. 4, 110.7

1.2 Railroad companies.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.7

1.3 Electric railway companies.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.31

1.4 Sleeping car companies.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.50

1.5 Express companies.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.70

1.6 Pipeline companies.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.87

1.7 Persons which furnish cars to railroads.

To keep records as listed in the section cited.

Retention period: Various. 49 CFR 110.104

1.8 Rate-making organizations.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 130.30

1.9 Class I and II motor carriers.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 203.8

1.10 Class III motor carriers.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 203.20

1.11 Brokers.

To keep records for same periods as Class III motor carriers, insofar as applicable.

Retention periods: Various. 49 CFR 203.20

1.12 Water carriers.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 325.7

1.13 Freight forwarders.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 450.8

1.14 Private carriers subject to Part II of the Interstate Commerce Act.

To keep records as listed in the sections cited.

Retention periods: Various. 49 CFR 191.10, 194.3, 195.8, 196.2, 196.7

1.15 Motor carriers exempt under section 203(b) of the Interstate Commerce Act.

To keep records as listed in the sections cited.

Retention periods: Various. 49 CFR 191.10, 194.3, 194.6, 195.8, 195.9, 196.2, 196.7

1.16 Carriers of migratory workers by motor vehicles.

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 198.3

XXV. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

1.1 Contractors with negotiated fixed-price supply contracts and purchase orders in excess of $2,500.

A standard "Examination of Records" clause is provided. Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records involving transactions related to the contract. Must further agree to insert a similar clause in each subcontract under this type of prime contract.

Retention period: 3 years after final payment under the prime contract. 41 CFR 18–7.104–15

1.2 Subcontractors with contracts or purchase orders in excess of $2,500 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed-price supply contracts and purchase orders in excess of $2,500.

Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 41 CFR 18–7.104–15

1.3 Contractors with negotiated fixed-price research and development contracts in excess of $2,500.

Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the contract. Must further agree to insert a similar clause in each subcontract under this type of prime contract.

Retention period: 3 years after final payment under the prime contract. 41 CFR 18–7.302–6

1.4 Subcontractors with subcontracts in excess of $2,500 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed-price prime research and development contracts in excess of $2,500.

Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 41 CFR 18–7.302–6

1.5 Contractors with cost reimbursement type contract, including facilities contracts.

A standard "Records" clause is provided. Must agree to maintain books, records, documents and other evidence pertaining to the expenses for which reimbursement is claimed under the contract and to make them available to any authorized representatives of the Comptroller General of the United States. Must insert a similar requirement in each cost, cost-plus-fixed-fee, time-and-material, or labor-hour subcontract under his cost reimbursement type prime contract.

Retention period: 3 years after date of final payment or until settlement of litigation, whichever is longer. 41 CFR

18–7.203–7; 18–7.402–7; 18–7.451–7; 18–7.460–6; 18–7.702–6; 18–7.703–6; 18–7.704–6

1.6 Subcontractors with subcontracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost-reimbursement type prime contracts, including facilities contracts.

Must agree to maintain books, records, documents and other evidence pertaining to all direct and indirect costs of whatever nature for which reimbursement is claimed under the subcontract and to make them available to any authorized representatives of the Comptroller General of the United States.

Retention period: 3 years after date of final payment or until settlement of litigation, whichever is longer. 41 CFR 18–7.203–7; 18–7.402–7; 18–7.451–7; 18–7.460–6; 18–7.702–6; 18–7.703–6; 18–7.704–6

1.7 Subcontractors with subcontracts in excess of $2,500 on other than cost, cost-plus-fixed-fee, time-and-material or labor-hour basis (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under cost-reimbursement type prime contracts, including facilities contracts.

Must agree that the Comptroller General or his authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 41 CFR 18–7.203–7; 18–7.402–7; 18–7.451–7; 18–7.460–6; 18–7.702–6; 18–7.703–6; 18–7.704–6

1.8 Contractors with negotiated fixed-price construction contracts.

To maintain books, documents, papers and records involving transactions relating to this contract.

Retention period: 3 years after final payment under the prime contract. 41 CFR 18–7.104–15

1.9 Contractors with fixed-price contracts in excess of $2,500 for supplies or experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or nonprofit institutions when no profit is contemplated.

Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government without direct charge to the Government all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.701

1.10 Contractors with fixed-price construction contracts amounting to more than $10,000.

Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government, without direct charge to the Government, all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.703

1.11 Subcontractors with fixed-price subcontracts.

The standard Termination Clause suggested for use in fixed-price subcontracts contains the provision that the subcontractor agrees to make available to the buyer and the Government all his books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.706

1.12 Contractors with construction and facilities contracts in excess of $2,000 (for work within the United States).

To keep payroll records showing name and address of each employee, classification, rate of pay, daily and weekly number of hours worked, deductions from pay and actual pay received.

Retention period: 3 years after contract work completed. 41 CFR 18–12.403.1(d); 18–7.705–5

1.13 Industrial contractors having Government furnished property.

Contractors and subcontractors are required to maintain adequate records of all Government property, whether furnished to or acquired by them for the account of the Government, in accordance with the provisions of Chapter 4 of the NASA Industrial Property Control Manual (NPC 105).

Retention period: Not specified. 41 CFR 18–13.502–2; 18–13.503

1.14 Contractors furnishing special tooling under fixed-price contracts.

Contractors and subcontractors are required to follow normal industrial practice in maintaining property control records on all special tooling which they furnish and to make such records available for inspection by the Government.

Retention period: Not specified. 41 CFR 18–13.504

1.15 Nonprofit contractors having Government furnished property under research and development contracts.

Contractors and subcontractors are required to keep records of Government property, whether furnished to or acquired by them for the account of the Government, in accordance with the provisions of Part III, Appendix C, Armed Services Procurement Regulations, "Manual for Control of Government Property in Possession of Nonprofit Research and Development Contractors", and to make such records available to authorized representatives of the contracting officer.

Retention period: Not specified. 41 CFR 18–13.505–2; 18–13.506–2

1.16 All contractors and subcontractors other than those having firm fixed-price contracts.

To maintain books, records, documents, and other evidence and accounting procedures and practices sufficient to reflect all direct and indirect costs claimed to have been incurred and anticipated to be incurred for the performance of the contract or subcontract.

Retention period: 3 years after date of final payment or until final settlement of litigation, whichever is longer. 41 CFR 18–7.104–42; 18–7.203–29; 18–7.303–29; 18–7.350–18; 18–7.402–30; 18–7.451–30; 18–7.460–20; 18–7.702–46; 18–7.703–34; and 18–7.704–55

1.17 Contractors with facilities contracts providing for the use of facilities.

Shall maintain adequate property control procedures and records and a system of identification of the facilities.

Retention period: Not specified. 41 CFR 18–7.703–28; 18–7.704–49

1.18 Contractors with contracts containing the Small Business Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

Maintain records showing (a) whether each prospective subcontractor is a small business concern, (b) procedures which have been adopted to comply with the policies set forth in the contract clause entitled "Small Business Subcontracting Program", and (c) such other information required by the clause.

Retention period: Not specified. 41 CFR 18–1.707–3(b)

1.19 Contractors with contracts containing an inspection clause.

Keep complete records of all inspection work by the contractor and make such records available to the Government.

Retention period: During performance of the contract and for such longer period as may be specified elsewhere in the contract. 41 CFR 18–7.103–5; 18–7.203–5; 18–7.302–4; 18–7.402–5; 18–7.451–5; 18–7.702–3; 18–7.703–3; 18–7.704–3

1.20 Contractors with contracts containing the "Data Requirements" clause.

To retain and make available, upon written request of the Contracting Officer, the following:

(a) A set of engineering drawings sufficient to enable manufacture of any equipment or items furnished under the contract, or a set of flow sheets and engineering drawings sufficient to enable any

performance of any process developed under the contract.

(b) Any subject data which is necessary to explain or to help the Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government.

Retention period: 1 year after final payment under the contract. 41 CFR 18–9.202–1(e)

1.21 Contractors with contracts providing for progress payments.

To maintain control of progress payments and make available to the Government the books, records, and accounts thereof.

Retention period: During performance of the contract. 41 CFR 18–7.104–35

1.22 Contractors and subcontractors required to furnish cost and pricing data certificates.

Must agree that the contracting officer or his duly authorized representatives shall have access and the right to examine those books, records, documents, and other evidence which will permit adequate evaluation of the cost or pricing data submitted along with the computations and projections used therein.

Retention period: 3 years after final payment. 41 CFR 18–3.807–4

1.23 Contractors with fixed-price type letter contracts. [Added]

Unless otherwise provided in this letter contract, or by applicable statute, the contractor shall preserve and make available to the Government, without direct charge, all books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to the work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.701

1.24 Contractors subject to the Work Hours Act of 1962. [Added]

To keep payroll records containing name, address, classification, rate of pay, hours worked, etc., for each employee.

Retention period: 3 years. 41 CFR 18–12.301–1, 18–12.403–1

XXVI. NATIONAL SCIENCE FOUNDATION

1.1 Persons or organizations engaging in weather modification activities.

To maintain records, including logs, of ground and airborne or mobile weather modification activities.

Retention period: Not less than 5 years after date of entry. 45 CFR 635.5

XXVII. PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT [Revised]

1.1 Masters of vessels at sea, destined for ports of the Canal Zone.

To keep sanitary log or other official record of sanitary conditions and corrective measures taken.

Retention period: Discard at expiration of voyage. 35 CFR 61.151, 61.153

1.2 Masters of vessels transferring hazardous liquid cargoes at a port of the Canal Zone.

To keep original of the "Declaration of Inspection Prior to Bulk Cargo Transfer."

Retention period: Discard at expiration of voyage. 35 CFR 113.112

1.3 Vessels transiting or partially transiting Panama Canal.

To keep a full set of plans and a copy of the measurements made at the time of issue of the national tonnage certificate of the vessel, as well as the national tonnage certificate.

Retention period: Until vessel is decommissioned. 35 CFR 133.32

XXVIII. RAILROAD RETIREMENT BOARD

1.1 Employers subject to contributions under the Railroad Unemployment Insurance Act for any calendar quarter.

To keep such permanent records as are necessary to establish the total amount of compensation paid to employees, during each such quarter for services performed after June 30, 1939.

Retention period: At least 4 years. 20 CFR 345.24

1.2 States (employment agencies).

To make records available to Railroad Retirement Board.

Retention period: Not specified. 42 U.S.C. 503(c)(1)

1.3 Employers subject to the Railroad Retirement Act.

To keep original records necessary to establish service and compensation for a number of years prior to 1937 which, when added to the years elapsed after 1936, total at least 50.

Retention period: Not specified. 20 CFR 220.4

XXIX. SECURITIES AND EXCHANGE COMMISSION

1.1 Exchange members, brokers, and dealers.

To keep books and records relating to their business including blotters; ledgers; other records of orders, purchases, and sales; records of the proof of money balances of all ledger accounts in the form of trial balances; questionnaires or applications for employment executed by associated persons of such member, broker, or dealer; and other records and accounts as specified in the sections cited.

Retention periods: 6 years and 3 years as specified in the sections cited. Filming of records permitted after 2 years. 17 CFR 240.17a–3, 240.17a–4

1.2 Exchange members, brokers, and dealers.

To keep all partnership articles, articles of incorporation, charters, minute books, and stock certificate books.

Retention period: Life of business and its successors. Filming of records permitted after 2 years. 17 CFR 240.17a–4

1.3 National securities exchanges.

To keep copies of statements, exhibits, and other information regarding registered securities, filed pursuant to sections 12, 13, 14, and 16 of the Securities Exchange Act of 1934.

Retention period: The foregoing materials may be destroyed after 5 years in accordance with plans submitted to and declared effective by the SEC pursuant to its Rule 17a–6. 17 CFR 240.17a–6, 240.24b–3

1.4 Mutual and subsidiary service companies in registered public utility holding company systems. [Revised]

To keep uniform accounts and other records to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all pertinent records such as minute books, contracts, billing computations, reports, memoranda, correspondence, other papers, and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention period: On August 12, 1966, the Commission adopted its "Regulation To Govern the Preservation and Destruction of Records of Mutual and Subsidiary Service Companies," which prescribes specific retention periods and microphotographing privileges with respect to all such books of account and other records of mutual and subsidiary service companies. 17 CFR 256.01–8 and Part 256a

1.5 Registered public utility holding companies which are not also operating companies. [Amended]

To keep uniform accounts and other records to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all records such as minute books, stock books, stockholder records, reports, memoranda, contracts, correspondence, other papers and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention periods: On November 24, 1959, the Commission adopted its "Regulation to Govern the Preservation and Destruction of Books of Account and Other Records of Companies Which Are Subject to the Uniform System of Accounts for Public Utility Holding Companies under the Public Utility Holding Company Act of 1935," which prescribes specific retention periods and microfilming privileges with respect to all such books of account and other records of registered holding companies. 17 CFR 257.0–3 and Appendix to Part 257

1.6 Registered investment companies and underwriters, brokers, dealers or investment advisers which are majority-owned subsidiaries of such companies.

To keep such accounts, books, and other documents relating to its business which constitute the record forming the basis for financial statements required to be filed pursuant to Section 30 of the Investment Company Act of 1940, and of the auditor's certificate relating thereto. For registered investment companies, these records include journals (or other records of original entry) containing an itemized daily record in detail of all securities transactions (including those in its own securities); general and auxiliary ledgers (or other records) reflecting asset, liability, reserve, capital, income and expense accounts; separate ledger accounts (or other records) for each portfolio security, for each broker-dealer or other person with or through which portfolio securities transactions are effected, and for each shareholder of record; a securities record or ledger; corporate charters, certificates of incorporation or trust agreements, bylaws, and minute books; records of brokerage orders; records showing the bases for the allocation of orders for the purchase and sale of portfolio securities to named brokers or dealers and the division of brokerage commissions or other compensation on such purchase and sale orders, including the consideration given to enumerated factors; records identifying the persons authorizing the purchase or sale of portfolio securities; and all vouchers, memoranda, correspondence, and other documents.

Every underwriter, broker, or dealer which is a majority-owned subsidiary of a registered investment company shall keep such accounts, books, and other documents as are required of brokers and dealers by rule adopted under Section 17 of the Securities Exchange Act of 1934.

Every investment adviser which is a majority-owned subsidiary of a registered investment company shall keep such accounts, books, and other documents as are required of registered investment advisers by rule adopted under Section 204 of the Investment Advisers Act of 1940.

Retention period: Registered investment companies: journals, ledgers, corporate charters, certificates of incorporation, trust agreements, by-laws, and minute books—permanently; other records—6 years. Underwriter, broker, or dealer which is a majority-owned subsidiary of a registered investment company, see rule adopted under Section 17 of the Securities Exchange Act of 1934. Investment adviser which is a majority-owned subsidiary of a registered investment company, see rule adopted under Section 204 of the Investment Advisers Act of 1940. Notwithstanding the above, records may be destroyed pursuant to a plan approved by the Securities and Exchange Commission pursuant to Rule 31a–2. Microfilming permitted after 3 years. 17 CFR 270.31a–1, 270.31a–2

1.7 Depositor of and principal underwriter for any registered investment company other than a closed-end investment company. [Amended]

To keep such accounts, books, and other documents as are required of brokers and dealers by rule adopted under Section 17 of the Securities Exchange Act of 1934, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. See rule adopted under Section 17 of the Securities Exchange Act of 1934, 17 CFR 240.17a–3, 240.17a–4 (digested in par. 1.1 of this chapter). 17 CFR 270.31a–1, 270.31a–2

1.8 Investment adviser not a majority-owned subsidiary of a registered investment company. [Amended]

To keep such accounts, books, and other documents as are required of registered investment advisers by rule adopted under Section 204 of the Investment Advisers Act of 1940, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. See rule adopted under Section 204 of the Investment Advisers Act of 1940, 17 CFR 275.204–2 (digested in par. 1.10 of this chapter). 17 CFR 270.31a–1, 270.31a–2

1.9 Records prepared or maintained by others than person required to maintain and preserve them.

Permits records to be maintained or prepared by others on behalf of the person required to maintain and preserve such records, subject to certain agreements required to be reduced to writing. See Rule 31a–3 for requirements as to such written agreements.

Retention period: See Rule 31a–2 for periods of preservation of records. 17 CFR 270.31a–3 (retention: 270.31a–2)

1.10 Investment advisers making use of mails or of any means or instrumentality of interstate commerce in connection with business as investment adviser (other than an adviser specifically exempted from registration pursuant to Section 203(b) of the Investment Advisers Act of 1940). [Amended]

To make, keep, and retain the books and records specified in section cited.

Retention period: Various. 17 CFR 275.204–2

XXX. SMALL BUSINESS ADMINISTRATION

1.1 Corporations licensed under the Small Business Investment Act.

To maintain current financial records, minutes of meetings of stockholders, directors, executive officials, and other officers, and files of other documents pertinent to all transactions.

Retention period: Not specified. 13 CFR 107.802

1.2 Corporations licensed to provide management consulting services under the Small Business Investment Act of 1958.

To maintain a record of SBA inspection of time spent and charges made with respect to management consulting services performed for each small business concern financed by licensee.

Retention period: Not specified. 13 CFR 107.705

XXXI. VETERANS ADMINISTRATION

1.1 State owned or controlled hospitals and institutions distributing tax-free tobacco products to members or former members of the Armed Forces of the United States. [Added]

To keep copies of orders and other pertinent documents involved in the purchase, storage, and distribution of tax-free tobacco products to eligible patients.

Retention period: At least 3 years and available to the Veterans Administration and the Internal Revenue Service for inspection purposes. 41 CFR 8–11.250–2

1.2 Medical schools, hospitals, and research centers receiving grants under the Veterans Hospitalization and Medical Services Modernization Amendments of 1966. [Added]

To keep records of amount and disposition of grant, total cost of project, and amount of cost of project received from other sources.

Retention period: Not specified. Public Law 89–785 (80 Stat. 1375)

1.3 Educational institutions under chapter 33, title 38, U.S. Code.[11] [Amended]

To keep appropriate records and accounts, including but not limited to (a) records and accounts which are evidence of tuition and fees charged to all students; (b) records of previous education or training of veterans at time of admission, and records of advance credit at time of admission; and (c) records of grades and progress of veterans.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

1.4 Educational institutions furnishing nonaccredited courses under section 1654, chapter 33, title 38, U.S. Code, supra.[11] [Amended]

To keep, in addition to the records and accounts described in item 1.3, above, (a) records of leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory conduct or attendance; and (b) records of refunds of

[11] Chapter 33, title 38, U.S. Code has been repealed; 38 CFR 21.2201 and 21.2306 have been revoked. The 3-year retention period terminates Jan. 31, 1968.

tuition, fees, and other charges made to a veteran who fails to enter the course or withdraws, or is discontinued prior to completion of the course.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

1.5 Educational institutions furnishing institutional on-farm training courses under section 1652, chapter 33, title 38, U.S. Code, supra.[1] [Amended]

To keep in addition to the records and accounts described in item 1.3, above, records of the individual and organized group instruction furnished.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

1.6 Training establishments furnishing apprentice or other training-on-the-job courses under chapter 33, title 38, U.S. Code, supra.[1] [Amended]

To keep appropriate records pertaining to such training including, but not limited to, (a) payroll records; (b) records of attendance; and (c) records of progress toward job objective, including accomplishments and failures.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2201, 21.2306

1.7 Educational institutions furnishing education or special restorative training under chapter 34 or 35, title 38, U.S. Code. [Amended]

To keep appropriate records and accounts, including but not limited to, (a) records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all students and trainees; (b) records of previous education or training of veterans and eligible persons enrolled under the law at time of admission and records of advance credit granted by institution; and (c) records of the veteran's and eligible person's grades and progress.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.8 Educational institutions having veterans and eligible persons under chapter 34 or 35, title 38, U.S. Code, supra, enrolled in courses which do not lead to standard college degree. [Amended]

To keep, in addition to the records and accounts described in item 1.7, above, records of leave, absences, class cuts, makeup work, and tardiness.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.9 Educational institutions having veterans and eligible persons under chapter 34 or 35, title 38, U.S. Code, supra, enrolled in nonaccredited courses approved under section 1776, chapter 36, title 38, U.S. Code. [Amended]

To keep, in addition to records and accounts described in items 1.7 and 1.8, above, (a) records of interruptions for unsatisfactory conduct or attendance; and (b) records of refunds of tuition, fees, and other charges made to a veteran or an eligible person who fails to enter the course or withdraws or is discontinued prior to completion of the course.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.10 Holders of loans guaranteed or insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep a record of each loan showing the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof.

Retention period: Until the Administrator ceases to be liable as guarantor or insurer of the loan. 38 CFR 36.4330

1.11 Holders of loans insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep an insurance account showing the amounts credited as available for the payment of losses on insured loans made or purchased by the holder and the amounts debited on account of transfers of insured loans, purchases by the Veterans Administration under 38 CFR 36.4318, or payment of losses.

Retention period: Until effective date of closing of insurance account by the Veterans Administration. 38 CFR 36.4370

1.12 Institutions and training establishments participating in the vocational rehabilitation and education program.

To maintain contracts, agreements, or arrangements providing for number and frequency of reports, adequate financial records to support payment for each trainee, and attendance and progress records.

Retention period: 3 years following the date of the last payment or a longer period if requested by the General Accounting Office or the Veterans Administration. 41 CFR 8-95.209

SUPPLEMENTS

Supplement I—Requirements Under the Second War Powers Act of 1942

The Second War Powers Act of March 27, 1942 (56 Stat. 185), provided that contractors with defense contracts placed after September 8, 1939, could be required to produce any books or records deemed relevant for audit and inspection by any agency or officer designated by the President or the Chairman of the War Production Board. The effectiveness of this Act was continued by the Act of June 30, 1953 (67 Stat. 120), for the duration of the national emergency proclaimed December 16, 1950, and for 6 months thereafter.

Supplement II—Aeronautics and Space Requirements on Availability of Credentials for Inspection in 14 CFR

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[1] Chapter 33, title 38, U.S. Code has been repealed; 38 CFR 21.2201 and 21.2306 have been revoked. The 3-year retention period terminates Jan. 31, 1968.

INDEX

EXPLANATION: The index is a guide to the persons, groups, or products covered by the subject titles in the list. It does not purport to bring together under a given entry a complete analysis of all requirements relating to a given business or product. Thus, a requirement affecting corporations in liquidation will be found under "corporation" because the word appears in the subject title in the list. There are many other requirements, however, affecting corporations which must be sought under "taxes", "manufacturers", "employers", "contractors", name of product or other subject. In the same way general categories of persons to whom requirements may apply (such as manufacturers or importers) have been included only if they are particularly necessary in identifying the applicability of the requirements.

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Education Office
Federal Aviation Agency
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Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

New York State Housing Finance Agency

§ 1.181 New York State Housing Finance Agency.

(a) *Request.* The Comptroller of the Currency has been requested to consider whether the ruling of October 28, 1965 (12 CFR 1.166), that the General Housing Loan Bonds of the New York State Housing Finance Agency are eligible for underwriting, is now applicable to outstanding and future issues of the Agency's General Housing Loan Bonds, Mental Hygiene Improvement Bonds, and State University Construction Bonds.

(b) *Opinion.* The State of New York, with respect to each issue, has required the maintenance of a reserve fund sufficient to meet the next succeeding year's annual requirements for bond interest and principal payments, and has provided that any deficiency in such reserve fund shall be apportioned and paid from the general funds of the State of New York. The State, which possesses general powers of taxation, has thus committed its faith and credit in support of these bonds.

(c) *Ruling.* It is our conclusion, therefore, that the General Housing Loan Bonds, Mental Hygiene Improvement Bonds, and State University Construction Bonds of the New York State Housing Finance Agency are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

Dated: February 28, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-2391; Filed, Mar. 2, 1967; 8:46 a.m.]

PART 1—INVESTMENT SECURITIES REGULATION

Orange County—Westminster Civic Center Authority City Building Facilities Revenue Bonds

§ 1.182 Orange County-Westminster Civic Center Authority City Building Facilities Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $2,350,000 Orange County-Westminster Civic Center Authority City Building Facilities Revenue Bonds are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Orange County-Westminster Civic Center Authority is a public entity created pursuant to the laws of the State of California by an agreement between the City of Westminster and the County of Orange. Under this agreement, and as authorized by California law, the Authority is empowered to acquire a site for, construct and lease public buildings, and to issue bonds to finance such projects. The Authority is issuing these bonds for the purpose of constructing public buildings which will be leased to the City.

(2) Under a lease rental agreement between the City and the Authority, the City has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The City, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, therefore, that the bonds of the Orange County-Westminster Civic Center Authority are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks.

Dated: February 28, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-2392; Filed, Mar. 2, 1967; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.5, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1967

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), hereinafter called the Act, for the purpose of amending Sugar Regulation 814.5 which established preliminary allotments for the Mainland Cane Sugar Area for the calendar year 1967.

This amendment is necessary to revise the allotment for one allottee due to the incorrect use of data in establishing an allotment for such processor in Sugar Regulation 814.5 (32 F.R. 38).

Finding (4) of that regulation provides in part that "the preliminary allotment of the 1967 Mainland Cane Sugar Area quota for each allottee shall be established at 80 percent of its 1966 allotment which became effective on July 27, 1966: *Provided*, That any allotment established by this order shall not be less than the respective allottee's estimated January 1, 1967, physical inventory which could not be marketed within its 1966 marketing allotment." Due to an oversight the allotment for Cora Texas Manufacturing Co., Inc., was established at 5,675 short tons, raw value, representing 80 percent of its 1966 allotment instead of 6,680 short tons, raw value, which is such allottee's physical inventory which could not be marketed within its 1966 marketing allotment.

To correct such error the following amendments are made pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act.

1. Paragraph (5) of the findings and conclusions set forth in Sugar Regulation 814.5 (32 F.R. 38) is amended to read as follows:

(5) The January 1, 1967, physical inventories of sugar in short tons, raw value, as estimated by the Secretary which could not be marketed within the 1966 allotments for Cajun Sugar Corporation, Inc., and Cora Texas Manufacturing Co. were 18,639 tons and 6,680 tons respectively and allotments established for these processors in this order are not less than their respective January 1, 1967, physical inventories. The individual preliminary allotments for all other allottees determined at 80 percent of each allottee's 1966 allotment as provided in finding (4) above exceeds their respective January 1, 1967, physical inventories as estimated by the Secretary.

2. Paragraph (a) of § 814.5 of this title, is amended to read as follows:

§ 814.5 Allotment of the 1967 sugar quota for the mainland cane sugar area.

(a) *Allotments.* For the period January 1, 1967, until the date allotments of the 1967 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, on the basis of a subsequent hearing, the 1967 quota of 1,100,000 tons for the Mainland Cane Sugar Area is hereby allotted in part, to the extent shown in this section, to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co	8,324
Alma Plantation	8,053
J. Aron & Co., Inc	11,815
Billeaud Sugar Factory	8,410
Breaux Bridge Sugar Co-op	6,875
Wm. T. Burton Industries, Inc	5,091
Caire & Graugnard	4,381
Cajun Sugar Co-op, Inc	18,639
Caldwell Sugars Co-op, Inc	10,288
Columbia Sugar Co	6,828
Cora-Texas Manufacturing Co., Inc	6,680
Dugas & LeBlanc, Ltd	12,119
Duhe & Bourgeois Sugar Co	7,894
Erath Sugar Co., Ltd	5,968
Evan Hall Sugar Co-op, Inc	18,084
Frisco Cane Co., Inc	2,098
Glenwood Co-op, Inc	12,642
Helvetia Sugar Co-op, Inc	9,158
Iberia Sugar Co-op, Inc	15,324
Lafourche Sugar Co	14,648
Harry L. Laws & Co., Inc	12,984
Levert-St. John, Inc	11,466
Louisa Sugar Co-op, Inc	9,219
Louisiana State Penitentiary	3,529
Louisiana State University	80
Meeker Sugar Co-op, Inc	9,681
Milliken & Farwell, Inc	12,010
M. A. Patout & Son, Ltd	12,732
Poplar Grove Planting & Refining Co	6,727
Savoie Industries	12,078
St. James Sugar Co-op, Inc	13,883
St. Mary Sugar Co-op, Inc	12,128
South Coast Corp	49,009
Southdown, Inc	28,963
Sterling Sugars, Inc	21,751
J. Supples' Sons Planting Co., Inc	4,581
Valentine Sugars, Inc	9,078
Vida Sugars, Inc	4,261
A. Wilbert's Sons Lumber & Shipping Co	8,662
Young's Industries, Inc	6,337
Louisiana, subtotal	442,478
Atlantic Sugar Association	27,796
Florida Sugar Corp	11,246
Glades Co. Sugar Growers Co-op, Association	36,328
Osceola Farms Co	35,027
South Puerto Rico Sugar Co	56,886
Sugarcane Growers Co-op of Florida	80,353
Tullaman Sugar Corp	30,821
United States Sugar Corp	159,493
Florida, subtotal	437,950
Total, all mainland	880,428

* * * * * *

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Effective date. The allotment established in this order for one processor is larger than the allotment established in S.R. 814.5 (32 F.R. 38). To afford this processor adequate opportunity to plan and to market the additional quantity of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirements in 5 U.S.C. 553 (80 Stat. 378) is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 28th day of February 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-2406; Filed, Feb. 28, 1967; 4:36 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Early Maturity Allotments

Notice was published in the FEDERAL REGISTER issue of February 15, 1967 (32 F.R. 2896), that the Department was giving consideration to a proposal to amend § 908.113 of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 908.100 et seq.) currently in effect pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). No written data, views, or arguments have been filed with respect to said proposal during the period specified therefor in the notice.

The proposal was submitted by the Valencia Orange Administrative Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof, and, as published in the said notice, would permit handlers to make application for early maturity allotment by telephone or telegraph in addition to the present method of making application in writing for such allotments.

After consideration of all relevant matters presented, including that in the notice, it is hereby found that the amendment, as hereinafter set forth, of § 908.113 of the rules and regulations (Subpart—Rules and Regulations), pursuant to said amended marketing agreement and order, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

Therefore, § 908.113 of the said rules and regulations is hereby amended by revising paragraph (a) thereof to read as follows:

§ 908.113 Early maturity allotments.

(a) *Applications to be filed.* On or before 12 o'clock noon of the day preceding the regular weekly meeting day of the committee, any handler controlling early maturity oranges who desires to receive allotment therefor for use during the following week must request such allotment from the committee by telephone or telegram, or by an application on V.O.A.C. Form No. 9 delivered to the committee at any of its designated offices. Telephone and telegram requests shall be confirmed either by (1) delivering to the committee not later than the day preceding the regular weekly meeting day a duly executed V.O.A.C. Form No. 9, or (2) mailing to the committee such V.O.A.C. Form No. 9 postmarked not later than the day preceding the regular weekly meeting day. Requests for early maturity allotment, or for changes in requests previously made, shall not be considered by the committee if received subsequent to 12 o'clock noon of the day preceding the regular weekly meeting day of the committee. Each application, and each confirmation, on V.O.A.C. Form No. 9, shall indicate the name and address of the applicant, the general location of early maturity oranges for which allotment is desired, the number of cartons of allotment desired, and such other pertinent information as the committee may from time to time request.

* * * * *

It is hereby found that good cause exists for making the amendment effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that (1) shipments of Valencia oranges are currently in progress and subject to allotment and handlers may presently file official requests for early maturity allotment only by filing an official application form with the committee before noon of the day preceding the regular committee meeting; (2) the earliest possible receipt by the committee of handler's requests for early maturity allotments is necessary to facilitate the timely computation of all such requests by committee personnel for consideration by the committee members at its regular meetings; (3) the amendment does not require any special preparation for compliance therewith which cannot be completed by the effective time hereof; and (4) the amendment relieves restrictions on handlers by making it easier to transmit applications for early maturity allotments to the committee.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, February 28, 1967, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-2407; Filed, Mar. 2, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 6]

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

MEMBER ASSOCIATIONS

The regulations issued by the Commodity Credit Corporation, published in 30 F.R. 6907, 9260, 9877, 14915, 31 F.R. 10514 and 12514, which contain eligibility requirements for cooperative marketing associations to obtain price support, are hereby amended as set forth below.

Section 1425.15 is amended (1) to set forth more explicitly the current provisions thereof, (2) to provide (i) that each association which is a member of an association applying for approval under this subpart and which markets the commodity for which approval is sought and certain other member associations must execute the certification required of an applicant association under § 1425.16 and (ii) that the applicant association must submit such certifications of such member associations in support of its application and (3) to provide that the applicant association shall determine and certify that certain member associations comply with the producer ownership and membership meeting and voting provisions of applicable state law for purposes of determining producer member control and ownership of an applicant association. As amended, § 1425.15 reads as follows:

§ 1425.15 Member associations.

(a) If an applicant association (otherwise eligible for price support) includes in its membership an association which markets through the applicant association in behalf of producer members of the member cooperative marketing association the commodity with respect to which approval is sought, the requirements of subparagraphs (1), (2), and (3) of this paragraph shall be met.

(1) Each such member cooperative marketing association must have authority to deliver such commodity to the applicant association. Also, each such member cooperative marketing association must have authority to sell the commodity produced and delivered to such member association by its members, obtain a loan on the security thereof, and give a lien thereon.

(2) In its charter, bylaws, marketing agreement, or by other legal means, the applicant association must require each such member cooperative marketing association to meet the requirements of this subpart.

(3) The applicant association must determine that each such member cooperative marketing association is eligible for price support under this subpart and must submit a certification with its application for approval that each such member cooperative marketing association is eligible for price support under this subpart.

(b) If an applicant association utilizes a member association in connection with a commodity for which approval is sought, whether or not such member association is engaged in marketing such commodity, such member association shall execute the civil rights assurances required by § 1425.16 and the applicant association shall submit such civil rights assurances executed by such member association with its application for approval.

(c) The applicant association shall determine and certify to CCC that its member associations which are not subject to paragraph (a) of this section comply with the producer ownership, membership meeting and voting requirements of applicable state law.

(d) Notwithstanding the foregoing provisions of this section, an applicant association need not meet the requirement of paragraph (a)(2) of this section, make the determinations required in paragraphs (a)(3) and (c) of this section or provide the assurances required in paragraph (b) of this section with respect to a member association which has been approved to participate in the price support program under this subpart with respect to the commodity and the crop year involved.

(Secs. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret to apply sec. 5, 62 Stat. 1072, secs. 101, 103, 401, 63 Stat. 1051 as amended; secs. 301, 401, 63 Stat. 1053; secs. 203, 301, 401, 63 Stat. 1054; sec. 302, 72 Stat. 988; 15 U.S.C. 714 b and c, 7 U.S.C. 1421, 1444, 1446d, 1447)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on February 27, 1967.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-2387; Filed, Feb. 28, 1967; 1:58 p.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Federal Power Commission

Section 213.3329 is amended to show that the position of Director of Special Projects is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (j) is added to § 213.3329 as set out below.

§ 213.3329 Federal Power Commission.

* * * * * *

(j) *One Director of Special Projects.*

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2389; Filed, Mar. 2, 1967; 8:46 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Computation of Severance Pay

Section 550.704(b) is amended to clarify the severance pay regulations applying to the crediting of military service. § 550.704(b)(1) is amended as set out below.

§ 550.704 General provisions.

* * * * * *

(b) *Computation of severance pay.* (1) In computing an employee's civilian service under section 9(d) of the Act, the department shall include all service that is creditable for annual leave accrual purposes under section 6303 of Title 5, United States Code, except that military service shall not be counted unless it interrupts otherwise creditable civilian service. For the purpose of this subparagraph, military service is considered to interrupt civilian service when an employee with a statutory restoration right leaves civilian service creditable for annual leave accrual rate purposes to enter military service, returns to civilian service creditable for annual leave accrual rate purposes within the time limit prescribed for the exercise of the restoration right, and is regarded as having been on furlough or leave of absence during the period of military service.

* * * * * *

(Sec. 9(c), P.L. 89–301, 79 Stat. 1119; E.O. 11257)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2390; Filed, Mar. 2, 1967; 8:46 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

Tolerance for Apprentices, Student-Learners and Handicapped Workers

On December 13, 1966, a notice was published in the FEDERAL REGISTER (31 F.R. 15702) proposing to amend 29 CFR Part 4 by adding thereto a tolerance from the minimum wage requirements of the McNamara-O'Hara Service Contract Act of 1965 (41 U.S.C. 351) for apprentices, student-learners, and handicapped workers. Interested persons were given 30 days in which to submit data, views, and argument regarding the proposal. No comments have been received. The proposed regulation is hereby adopted without change.

As this amendment relieves a restriction, the delayed effective date provided in section 4 of the Administrative Procedure Act (5 U.S.C. 553) does not apply. I do not believe such delay serves a useful purpose here. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER.

(41 U.S.C. 353(b))

Signed at Washington, D.C., this 28th day of February 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

§ 4.10 Tolerance for apprentices, student-learners and handicapped workers.

(a) Apprentices, student-learners, and workers whose earning capacity is impaired by age, physical, or mental deficiency or injury may be employed at wages lower than the minimum wages otherwise required by sections 2(a)(1) and 2(b)(1) of the McNamara-O'Hara Service Contract Act of 1965, without diminishing any fringe benefits or cash payments in lieu thereof required under section 2(a)(2) of that Act, in accordance with the procedures prescribed for the employment of apprentices, student-learners, handicapped persons, and handicapped clients of sheltered workshops under section 14 of the Fair Labor Standards Act of 1938, in the regulations issued by the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor (Parts 520, 521, 524, and 525 of this title).

(b) The Administrator will issue certificates under the McNamara-O'Hara Service Contract Act of 1965 for the employment of apprentices, student-learners, handicapped persons, or handicapped clients of sheltered workshops not subject to the Fair Labor Standards Act of 1938, or subject to different minimum rates of pay under the two acts, authorizing appropriate rates of minimum wages (but without changing requirements concerning fringe benefits or supplementary cash payments in lieu thereof), applying procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act of 1938 (Parts 520, 521, 524, and 525 of this title).

(c) The Administrator will also withdraw, annul, or cancel such certificates in accordance with the regulations in Parts 525 and 528 of this title.

[F.R. Doc. 67-2406; Filed, Mar. 2, 1967; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Justification To Support GSA Procurement

When GSA acts as the procurement agent for another agency it is necessary that requests for procurement of proprietary type items be accompanied by a justification sufficient to support negotiated procurement. Requests for GSA to purchase other than the lowest priced item on a Federal Supply Schedule must also be accompanied by justification.

Subpart 101-26.1—General

Section 101-26.102-1 is amended by adding new paragraph (c), as follows:

§ 101-26.102-1 General.

* * * * *

(c) If, because of the proprietary nature of the items to be procured, GSA will be required to negotiate procurement, the purchase requests shall refer to, and be accompanied with justifications sufficient to support such negotiated procurement. In the case of requests for items for which it is impracticable to secure competition by formal advertising (see § 1-3.210 of this title), GSA as the contracting agency will, based upon the information furnished by the requisitioning agency, execute the required determination and findings. Each request based on need for standardization of equipment and interchangeability of parts shall refer to, and be accompanied by a copy of, the required determination and findings executed by the head of the requesting agency (see § 1-3.213 of this title).

Subpart 101-26.4—Purchase of Items From Federal Supply Schedule Contracts

Section 101-26.408-4(a) is revised to read as follows:

§ 101-26.408-4 Placement of orders.

(a) The possibilities of selectivity among items listed in multiple-award Federal Supply Schedules do not relieve agencies of the responsibility to place orders at the lowest delivered price available (after application of Buy American differentials, when appropriate, as set forth in the Federal Supply Schedule under the paragraph "Foreign Origin") unless there are factors for consideration which definitely justify the purchase at other than the lowest price. The responsibility exists whether or not the value of an order is more or less than the applicable open market limitation. When purchases are made at other than the lowest delivered price available under the applicable Federal Supply Schedule, the purchase order file or other appropriate file should contain a complete justification for such purchase. When an agency, pursuant to an agreement with GSA, submits a request for GSA to purchase an item under a Federal Supply Schedule which is other than the lowest priced item on the Schedule, a complete justification to support procurement shall accompany the request. Justifications for such purchases need not accompany requests from overseas activities for overseas deliveries. However, GSA will construe such requests to mean that the justification is in fact in the ordering installation's file.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: February 27, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67-2400; Filed, Mar. 2, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7997; Amdt. 39-363]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls Royce Model Spey Mark Engines

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted February 27, 1967, and made effective as to all operators of aircraft equipped with Rolls Royce Model Spey Mark 506-14, 510-14, and 511-14 engines. The directive requires inspection of certain Avica fuel tube clamps until the incorporation of specified Rolls Royce modifications.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of aircraft equipped with the specified engines by individual telegrams dated February 27, 1967. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

ROLLS ROYCE. Applies to Spey Mark 506-14, 510-14, and 511-14 engines.

Compliance required as indicated.

To prevent fuel loss due to clamp failure accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 25 hours' time in service, inspect in accordance with the Accomplishment Instructions of Rolls Royce Service Bulletin SP 72-360 (Mod. 2689) and SP 71-93 (Mod. 2468 PP), Avica fuel tube clamps P/N's EU 34387A or 3405803, EU 34393A or 3405809, EU 34389A or 3405805, and EU 34388A or 3405804 to determine that the wire locking is intact and tight.

(b) The repetitive inspection intervals may be increased to 100 hours' time in service when Part 2 of Rolls Royce Modifications 2939 and 2512 PP or a later ARB-approved equivalent has been incorporated.

(c) The repetitive inspections may be discontinued when Part 1 of Rolls Royce Modifications 2939 and 2512 PP or a later ARB-approved equivalent has been incorporated.

(Rolls Royce Alert Service Bulletin SP 72-A477 pertains to this subject.)

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated February 27, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1956; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 1, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-2441; Filed, Mar. 2, 1967; 8:48 a.m.]

[Docket No. 7992; Amdt. 39-362]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas DC-6 and DC-7 Series Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on February 26, 1967, by telegram and made effective immediately as to all known operators of Douglas DC-6 and DC-7 series airplanes. The directive was also published in the FEDERAL REGISTER (32 F.R. 3387) on March 1, 1967. The airworthiness directive stated that the Agency would provide relief from its provisions as soon as warranted by the results of investigations being conducted. A portion of these investigations has now been completed and the first stage of the contemplated relief is now possible. On this basis a telegraphic airworthiness directive was adopted on February 28, 1967, and made effective immediately to all known operators of the airplanes concerned. This relief consisted of authorization to operate with cabin pressurization after certain inspections and repair or replacement of parts as necessary. The Agency intends to provide further relief as soon as warranted by further results from the investigations it is conducting. The telegraphic airworthiness directive adopted on February 28, 1967, and the airworthiness directive contained herein supersede the airworthiness directive adopted by telegram on February 26, 1967 and published in the FEDERAL REGISTER on March 1, 1967.

Since it was found that immediate corrective action was required, notice and public procedure on the telegraphic airworthiness directive of February 28, 1967 was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, § 39.13 of Part 39 is amended by adding the following airworthiness directive.

DOUGLAS. Applies to Models DC-6 and DC-7 series airplanes.

(a) Before further flight, except for aircraft covered by paragraph (d)(2), install a placard in the pilot's compartment in clear view of the pilot to prescribe the maximum permissible cabin differential pressure during flight operation. The maximum permissible cabin differential pressure shall be based on the structural configuration of the airplane, physical determination of condition of the structure, and repair or replacement of affected parts, as follows:

(1) Structural configuration A—DC-6 series and DC-7 series airplanes with fuselage numbers 794 and higher; DC-6 series airplanes with fuselage numbers 1 through 793 which were manufactured or modified in service, or both, to incorporate the provisions of Douglas DC-6 service bulletins 616, 636, and 731, or DC-6 service bulletin 815; and DC-7 series airplanes with fuselage numbers 350 through 792 which were either manufactured or modified in service, or both, to incorporate the provisions of Douglas DC-7 service bulletins 182, 218, and 275.

(2) Structural configuration B—DC-6 series airplanes with fuselage numbers 1 through 793 which were not manufactured or modified in service, or both, to incorporate the provisions of Douglas DC-6 service bulletins 616, 636, and 731, or DC-6 service bulletin 815; and DC-7 series airplanes with fuselage numbers 350 through 792 which were not manufactured or modified in service, or both, to incorporate the provisions of Douglas DC-7 service bulletins 182, 218, and 275.

(b) Physical determination of condition of the structure shall consist of inspection and repair or replacement of structural elements, as necessary.

(1) Inspection A shall consist of a close visual internal inspection of all exposed structural portions of the door frames of the crew door and adjacent fuselage frame, skin and longeron elements on the right side of the fuselage, from the cockpit compartment bulkhead to at least 12 inches aft of the aft edge of the crew door opening and from floor level up to at least 12 inches above the upper edge of the crew door opening, after removal of cabin lining and insulation, as necessary.

(2) Inspection B shall consist of a close visual inspection of exposed external portions of the door frame for the crew door on the right side of the airplane and all adjacent fuselage skin, and from 6 inches forward of the door opening to 12 inches aft of the door opening, and from 6 inches below the door opening to 12 inches above the door opening.

Any evidence of cracking, if not conclusive by the visual inspection method, must be confirmed by dye penetrant inspection technique.

(c) Any structural element that exhibits evidence of corrosion, cracking, or fracture must be replaced with a new part or repaired in the manner prescribed by the pertinent Douglas DC-6 or DC-7 repair manual or other FAA approved instructions or service bulletins.

(d) The maximum permissible cabin differential pressure shall be established as follows:

(1) 4 p.s.i. for any configuration A airplane, after completion of Inspection B and finding of no evidence of structural cracks.

(2) Normal maximum permissible differential pressure (4.16 or 5.46 p.s.i.) for any configuration A airplane after completion of Inspection A and Inspection B and repair or replacement of parts as necessary.

(3) 2.5 p.s.i. for any configuration B airplane after completion of Inspection A and Inspection B and replacement or repair of parts as necessary.

(4) Zero p.s.i. for any DC-6 or DC-7 series airplane that has not been inspected in accordance with Inspection A or Inspection B, or both, as applicable.

(e) Each operator who finds cracks or corrosion in a DC-6 or DC-7 series aircraft as a result of an inspection under this airworthiness directive shall send a written report thereon to the Aircraft Engineering Division, WE-100, Federal Aviation Agency, Western Region.

(f) Further relief from the provisions of this airworthiness directive will be provided as warranted by results of continuing investigations.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective by telegram dated February 28, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 1, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-2440; Filed, Mar. 1, 1967; 12:40 p.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-SW-8]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Airspace

The purpose of this amendment is to extend the time of designation of Restricted Area R-6312 Cotulla, Tex.

The Department of the Navy has stated that the increased training requirements generated by the situation in Viet Nam necessitate the use of Restricted Area R-6312 on a daily basis. The immediate need for this extension negates the time consuming use of normal procedures for the rulemaking process.

The Administrator has been authorized by Congress to order the use of airspace under such terms, conditions, and limitations as he may deem necessary in order to insure the safety of aircraft and the efficient utilization of airspace. In exercising the authority granted to him, the Administrator also is required to give full consideration to the requirements of national defense.

Since the Department of the Navy has stated that the designation of this restricted area is required for national defense, the Administrator has determined that it is contrary to the public interest to comply with the notice, public procedure, and effective date requirements of the Administrative Procedure Act and, therefore, this amendment may become effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended effective on the 15th day after publication in the FEDERAL REGISTER as hereinafter set forth:

Section 73.63 (32 F.R. 2331) R-6312 Cotulla, Tex., is amended by changing the text following time of designation to read, "Sunrise to sunset."

(Secs. 306, 307, Federal Aviation Act of 1958; 49 U.S.C. 1347, 1348)

Issued in Washington, D.C., on February 28, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-2410; Filed, Mar. 2, 1967; 8:48 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7975; Amdt. 525]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Lakewood Int	OH LOM (final)	Via OBK, R 272° and 318° bearing from LOM.	2100	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-14L	400–1	400–1	400–1
Warren Int	OH LOM	Direct	2500	A-dn	800–2	800–2	800–2
Niles Int	OH LOM	Direct	2500				
Deerfield Int	OH LOM	Direct	2500				
OHK VOR	OH LOM	Direct	2500				

Radar available.
Procedure turn W side of NW crs, 318° Outbnd, 138° Inbnd, 2500' within 10 miles.
Minimum altitude over LOM on final approach crs, 2100'.
Crs and distance, facility to airport, 138°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing OH LOM, turn left to heading of 120° and climb to 1500', make left-climbing turn to 3500' and proceed to Evanston Int, via ORD R 075.°
NOTE: Runway 14R, LOM named "ROMEO"; Runway 14L, LOM named "LIMA."
CAUTION: Takeoffs on Runway 27, when weather is below 2000–3, will intercept ORD VOR, R 250° and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD VOR, R 306° and climb to 2000' before proceeding westbound.
MSA within 25 miles of facility: 000°–090°—2100'; 090°–180°—2600'; 180°–270°—2600'; 270°–360°—2200'.

City, Chicago; State Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., LOM; Ident., OH; Procedure No. NDB (ADF) Runway 14L, Amdt. 7 Eff date, 25 Mar. 67; Sup. Amdt. No. ADF 2, Amdt. 6; Dated, 26 June 65

CLE RBn	Gilbert RBn	Direct	3000	T-dn	300–1	300–1	200–½
CLE VOR	Gilbert RBn	Direct	3000	C-d	500–1	500–1	500–1½
Vermillion Int	Gilbert RBn	Direct	3000	C-n	500–2	500–2	500–2
Sharon Int	Gilbert RBn	Direct	3000	S-d-5 R and L	500–1	500–1	500–1
Mentor Int	Gilbert RBn	Via Stadium RBn	3000	S-n-5 R and L	500–2	500–2	500–2
				A-dn	800–2	800–2	800–2
				If OM or Olmstead Int is received, the following minimums apply:			
				C-dn	400–1	500–1	500–1½
				S-dn-5 R and L	400–1	400–1	400–1

Radar available.
Procedure turn SE side of crs, 234° Outbnd, 054° Inbnd, 2700' within 10 miles of Gilbert RBn.
Minimum altitude over facility on final approach crs, 2700'.
Crs and distance, Gilbert RBn to airport, 054°—6.8 miles; OM to airport, 054°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing Gilbert RBn or 3.5 miles after passing OM or Olmstead Int, make left-climbing turn to 3000', intercept and proceed Outbnd on Strongsville, R 346° to Crib Int; hold SE, 1-minute right turns, 346° Inbnd.
CAUTION: 1971' towers, approximately 6 miles ESE of airport.
MSA within 25 miles of facility: 000°–180°—3000'; 180°–270°—2500'; 270°–360°—2100'.

City, Cleveland; State, Ohio; Airport name, Cleveland-Hopkins International; Elev., 792'; Fac. Class., MHW; Ident., CIL; Procedure No. NDB (ADF) Runways 5R/5L, Amdt. 2; Eff. date, 25 Mar. 67; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 17 Apr. 65

CRP VOR	LOM	Direct	2000	T-dn	300–1	300–1	200–½
CRP RBn	LOM	Direct	2000	C-dn	700–1	700–1	700–1½
Mathis Int	Edroy Int	Direct	1700	S-dn-13	700–1	700–1	700–1
Edroy Int	LOM (final)	Direct	1400	A-dn	800–2	800–2	800–2
				If Tank Fix received, minimums become:			
				C-dn	400–1	500–1	500–1½
				S-dn-13	400–1	400–1	400–1

Radar available.
Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 127°—4.8 miles; Tank Fix to airport, 127°—2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing LOM, proceed to Pogo VHF Int via 127° bearing from CRP LOM and CRP VOR, R 182° climbing to 2000', or when directed by ATC, turn left, proceed direct to CRP VOR climbing to 2000'.
MSA within 25 miles of facility: 000°–090°—1400'; 090°–180°—2000'; 180°–270°—2100'; 270°–360°—1500'.

City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 43'; Fac. Class., LOM; Ident., CR; Procedure No. NDB (ADF) Runway 13, Amdt. 13; Eff. date, 25 Mar. 67; Sup. Amdt. No. ADF 1, Amdt. 12; Dated, 14 May 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MIA VORTAC	FLL RBn	Direct	1500	T-dn	300–1	300–1	200–½
New River Int	FLL RBn	Direct	1500	C-dn	700–1	700–1	700–1½
Bradley Int	FLL RBn	Direct	1500	S-dn-13°	500–1	500–1	500–1
Guppy LF Int	FLL RBn	Direct	1500	A-dn	800–2	800–2	800–2
Dania Int	FLL RBn	Direct	2000				
Martin VHF Int	FLL RBn	Direct	1500				

Miami radar available.
Procedure turn N side of crs, 315° Outbnd, 135° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 135°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing RBn, make left-climbing turn to 1500', returning direct to FLL RBn, or when directed by ATC, make left turn to a crs of 051° climbing to 2000' and intercept the 101° bearing from FLL RBn and proceed to Martin LF Int.
*Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°–090°—1400'; 090°–180°—2100'; 180°–270°—2100'; 270°–360°—1400'.

City, Fort Lauderdale; State, Fla.; Airport name, Fort Lauderdale-Hollywood International; Elev., 10'; Fac. Class., MHW; Ident., FLL; Procedure No. NDB (ADF) Runway 13, Amdt. 7; Eff. date, 25 Mar. 67; Sup. Amdt. No. ADF 1, Amdt. 6; Dated, 19 Feb. 66

Hyannis VOR	HY LOM	Direct	1500	T-dn*	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-24	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 245°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing HY LOM, make a left-climbing turn to 1500', returning to the HY LOM. Hold NE of HY LOM 245° Inbnd, 1-minute left turns.
NOTE: Use Otis APC altimeter setting when control zone not effective.
*Takeoff minimums of 300–1 required for Runway 24.
MSA within 25 miles of facility: 000°–360°—1500'.

City, Hyannis; State, Mass.; Airport name, Barnstable Municipal; Elev., 52'; Fac. Class., LOM; Ident., HY; Procedure No. NDB (ADF) Runway 24, Amdt. 2; Eff. date 25 Mar. 67; Sup. Amdt. No. ADF-1, Amdt. 1; Dated, 16 May 64

Rowland Int	LBT RBn	Direct	1900	T-dn*	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-13	600–1	600–1	600–1
				A-dn#	NA	NA	NA

Radar available.
Procedure turn N side of crs, 305° Outbnd, 125° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 726'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of LBT RBn, climb to 1700' on 098° crs from LBT RBn within 20 miles, or when directed by ATC, climb to 1700' on 098° crs returning to RBn. Hold E on 098° crs, right turns, 1 minute, 1700', 278° Inbnd.
NOTES: (1) IFR flight plan must be filed or closed with Fayetteville CS/T or Florence FSS. (2) Use Fayetteville altimeter setting.
*Aircraft will not take off under IFR conditions without prior ATC approval. Night operations not authorized on Runways 18-36.
#No local weather reporting; area weather available from FLO or FAY.
MSA within 25 miles of facility: 000°–360°—1700'.

City, Lumberton; State, N.C.; Airport name, Lumberton Municipal; Elev., 126'; Fac. Class., MIIW; Ident., LBT; Procedure No. NDB (ADF) Runway 13, Amdt. Orig.; Eff. date, 25 Mar. 67

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dt	1500–1	1500–1	1500–1
				T-nt	1500–2	1500–2	1500–2
				C-d	2300–1	2300–1½	2300–1½
				C-n	2300–2	2300–2	2300–2
				A-dn	2300–2	2300–2	2300–2

Procedure turn E side of crs, 343° Outbnd, 163° Inbnd, 9000' within 10 miles.
Minimum altitude over facility on final approach crs, 7900'.
Crs and distance, facility to airport, 096°—11.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, and unable to proceed to airport in accordance with VFR, make right-climbing turn to VOR, then continue climb to 9000' in 1-minute holding pattern on R 343°, left-hand turns.
NOTE: Final approach from holding pattern at VOR not authorized. Procedure turn required.
¢Climb clear of clouds over the airport to at least 7000'. If unable to climb to MEA clear of clouds over the airport, climb to BTM VOR on R 094°, then climb to MEA in 1-minute holding pattern on R 343°, left-hand turns.
MSA within 25 miles of facility: 000°–090°—9900'; 090°–180°—11,300'; 180°–270°—11,700'; 270°–360°—11,200'.

City, Butte; State, Mont.; Airport name, Silver Bow County; Elev., 5554'; Fac. Class., L-BVORTAC; Ident., BTM; Procedure No. VOR-1, Amdt. 5; Eff. date, 25 Mar. 67; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 9 Oct. 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
New River Int	FLL VOR	Direct	1500	T-dn	300-1	300-1	200-1½
Bradley VHF Int	FLL VOR	Direct	1500	C-dn	700-1	700-1	700-1½
Martin VHF Int	FLL VOR	Direct	1500	S-dn-9#	600-1	600-1	600-1
Dania VHF Int	FLL VOR	Direct	2000	A-dn	800-2	800-2	800-2
Miami VORTAC	FLL VOR	Direct	1500	ADF VOR Minima:			
Guppy LF Int	FLL VOR	Direct	1500	S-dn-9%	500-1	500-1	500-1
Big Horse VHF Int	Wagon Wheel Int (final)	Direct	610				

Miami radar available.
Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 1500' within 10 miles.
Minimum altitude over Wagon Wheel Int on final approach crs 610'.
Crs and distance, Wagon Wheel Int to VOR, 098°—3.7 miles; breakoff point to Runway 9, 091°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing FLL VOR, turn left and climb to 2000' on R 079°, and proceed to Martin VHF Int.
#Reduction not authorized.
%Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°-090°—1400'; 090°-180°—2100'; 180°-270°—2100'; 270°-360°—1400'.

City, Fort Lauderdale; State, Fla.; Airport name, Fort Lauderdale-Hollywood International; Elev., 10'; Fac. Class., L-VOR; Ident., FLL; Procedure No. VOR Runway 9, Amdt. 8; Eff. date, 25 Mar. 67; Sup. Amdt. No. Ter VOR-9, Amdt. 7; Dated, 19 Feb. 66

New River VHF Int	FLL VOR	Direct	1500	T-dn	300-1	300-1	200-1½
Bradley VHF Int	FLL VOR	Direct	1500	C-dn	700-1	700-1	700-1½
Martin VHF Int	FLL VOR	Direct	1500	S-dn-13#	600-1	600-1	600-1
Dania VHF Int	FLL VOR	Direct	2000	A-dn	800-2	800-2	800-2
Miami VORTAC	FLL VOR	Direct	1500				
Guppy LF Int	FLL VOR	Direct	1500				

Miami radar available.
Procedure turn N side of crs, 306° Outbnd, 126° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 610'.
Crs and distance, breakoff point to Runway 13, 135°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing FLL VOR, turn left and climb to 2000' on R 079°, and proceed to Martin Int.
#Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—1400'; 090°-180°—2100'; 180°-270°—2100'; 270°-360°—1400'.

City, Fort Lauderdale; State, Fla.; Airport name, Fort Lauderdale-Hollywood International; Elev., 10'; Fac. Class., L-VOR; Ident., FLL; Procedure No. VOR Runway 13, Amdt. 7; Eff. date, 25 Mar. 67; Sup. Amdt. No. Ter VOR-13, Amdt. 6; Dated, 19 Feb. 66

Guppy LF Int	FLL VOR	Direct	1500	T-dn	300-1	300-1	200-1½
Bradley VHF Int	FLL VOR	Direct	1500	C-dn	700-1	700-1	700-1½
Dania VHF Int	FLL VOR	Direct	2000	S-dn-27%	700-1	700-1	700-1
New River Int	FLL VOR	Direct	1500	A-dn	800-2	800-2	800-2
Miami VORTAC	FLL VOR	Direct	1500				
Martin VHF Int	FLL VOR (final)	Direct	710				
Martin Radar Fix	FLL VOR (final)*	Direct	710				

Miami radar available.
Procedure turn N side of crs, 079° Outbnd, 259° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 710'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing FLL VOR, turn right and climb to 2000' on R 079° and proceed to Martin VHF Int.
%Reduction not authorized.
*Martin Radar Fix is over Martin VHF Int and may be used in lieu of procedure turn when authorized by Miami approach control.
MSA within 25 miles of facility: 000°-090°—1400'; 090°-180°—2100'; 180°-270°—2100'; 270°-360°—1400'.

City, Fort Lauderdale; State, Fla.; Airport name, Fort Lauderdale-Hollywood International; Elev., 10'; Fac. Class., L-VOR; Ident., FLL; Procedure No. VOR Runway 27, Amdt. 2; Eff. date, 25 Mar. 67; Sup. Amdt. No. Ter VOR-27, Amdt. 1; Dated, 19 Feb. 66

OBH VOR	GRI VOR	Direct	3700	T-dn	300-1	300-1	200-1½
R 231°, GRI VOR clockwise	R 294°, GRI VOR	Via 10-mile DME Arc.	3500	C-dn	700-1	700-1	700-1½
				S-dn-12	700-1	700-1	700-1
R 074°, GRI VOR counterclockwise	R 294°, GRI VOR	Via 10-mile DME Arc.	3500	A-dn	800-2	800-2	800-2
				Minima with DME of Dual VOR Receivers:			
10-mile DME Fix, GRI VOR, R 294°	3.6-mile DME Fix or Evers Int, GRI VOR, R 294° (final).	Direct	2546	C-dn	500-1	500-1	500-1½
				S-dn-12	400-1	400-1	400-1

Procedure turn W side of crs, 294° Outbnd, 114° Inbnd, 3200' within 10 miles.
Minimum altitude over 3.6-mile DME Fix or Evers Int on final approach crs, 2546'.
Crs and distance, 3.6-mile DME Fix or Evers Int to airport, 114°—3.8 miles; breakoff point to runway, 125°—0.89 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing GRI VOR, or 3.6 miles after passing Evers Int, make left turn, climbing to 3500' on GRI VOR, R 350° within 10 miles, make left turn and return to GRI VOR.
MSA within 25 miles of facility: 225°-135°—3300'; 135°-225°—3800'.

City, Grand Island; State, Nebr.; Airport name, Grand Island Municipal; Elev., 1846'; Fac. Class., L-BVORTAC; Ident., GRI; Procedure No. VOR Runway 12, Amdt. 5; Eff. date, 25 Mar. 67; Sup. Amdt. No. TerVOR-12, Amdt. 4; Dated, 18 June 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
OBH VOR	GRI VOR	Direct	3700	T-dn	300-1	300-1	200-1½
R 231°, GRI VOR clockwise	R 350°, GRI VOR	Via 10-mile DME Arc.	3500	C-dn	500-1	500-1	500-1½
				S-dn-17@	500-1	500-1	500-1
R 074°, GRI VOR counterclockwise	R 350°, GRI VOR	Via 10-mile DME Arc.	3500	A-dn	800-2	800-2	800-2
				Minima with DME:			
10-mile DME Fix, GRI VOR, R 350°	3-mile DME Fix, GRI VOR, R 350° (final).	Direct	2346	C-dn	500-1	500-1	500-1½
				S-dn-17@@	400-1	400-1	400-1

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 3100' within 10 miles.
Minimum altitude over 3-mile DME Fix on final approach crs, 2346'.
Crs and distance, facility to airport, 170°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing GRI VOR, make left turn, climbing to 3500' on GRI VOR, R 350° within 10 miles, make left turn and return to GRI VOR.
@500-¾ authorized with HIRL, except for 4-engine turbojets.
@@400-¾ authorized with HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 225°-135°—3300'; 135°-225°—3800'.

City, Grand Island; State, Nebr.; Airport name, Grand Island Municipal; Elev., 1846'; Fac. Class., L-BVORTAC; Ident., GRI; Procedure No. VOR Runway 17, Amdt. 9; Eff. date, 25 Mar. 67; Sup. Amdt. No. TerVOR 17, Amdt. 8; Dated, 18 June 66

				T-dn*	300-1	300-1	200-1½
				C-dn	500-1	500-1	500-1½
				S-dn-24	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 061° Outbnd, 241° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 241°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing HYA VOR, make left-climbing turn to 1500', returning to the HYA VOR. Hold NE of HYA VOR, 1-minute left turns, 241° Inbnd.
NOTES: (1) Approach from a holding pattern not authorized. Procedure turn required. (2) Use Otis APC altimeter setting when control zone not effective.
*Takeoff minimums of 300-1 required for Runway 24.
MSA within 25 miles of facility: 000°-360°—1500'.

City, Hyannis; State, Mass.; Airport name, Barnstable Municipal; Elev., 52'; Fac. Class., L-BVORTAC; Ident., HYA; Procedure No. VOR Runway 24, Amdt. 3; Eff. date, 25 Mar. 67; Sup. Amdt. No. VOR-1, Amdt. 2; Dated, 16 May 64

LSE VOR	Midway Int	Direct	2900	T-d¢	*400-1	*400-1	¢400-1
ONA VOR	Holman Int	Direct	2900	T-n¢	*400-1½	*400-1½	¢400-1½
ODI VOR	Midway Int	Direct	2900	C-d	500-1	500-1	500-1½
Holman Int	Midway Int (final)	Direct	2100	C-n	500-2	500-2	500-2
				S-dn-13@	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 316° Outbnd, 138° Inbnd, 2900' within 10 miles of Midway Int.
Minimum altitude over Midway Int on final approach crs, 2100'.
Facility on airport.
Crs and distance, Midway Int to VOR, 138°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing VOR, make immediate right-climbing turn, climb to 2900' on VOR, R 318° within 10 miles.
NOTES: (1) Dual VOR receivers required. (2) Final approach from holding pattern at Midway Int not authorized. Procedure turn required.
*300-1 authorized on Runways 31 and 36.
¢200-½ authorized on Runways 31 and 36.
@When weather is below 800-2 aircraft departing Runways 3, 13, 18, and 21, flight below 1900' beyond 2 miles of airport is prohibited between radials 040° and 270°, inclusive of the LSE VOR.
$400-¾ authorized, with operative HIRL except for 4-engine turbojets.
MSA within 25 miles of facility: 000°-090°—2800'; 090°-180°—2900'; 180°-270°—2900'; 270°-360°—3500'.

City, La Crosse; State, Wis.; Airport name, La Crosse Municipal; Elev., 653'; Fac. Class., T-BVOR; Ident., LSE; Procedure No. VOR Runway 13, Amdt. 8; Eff. date, 25 Mar. 67; Sup. Amdt. No. TerVOR-13, Amdt. 7; Dated, 3 July 65

ODI VOR	LSE VOR	Direct	2800	T-d¢	*400-1	*400-1	¢400-1
Westby Int	LSE VOR	Direct	2800	T-n¢	*400-1½	*400-1½	¢400-1½
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-dn-36	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 181° Outbnd, 001° Inbnd, 2800' within 10 miles of Ronnie Int.
Minimum altitude over Ronnie Int on final approach crs, 2500'.
Facility on airport.
Crs and distance, Ronnie Int to VOR, 001°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing VOR, make left-climbing turn, climb to 2900' on R 318° within 10 miles.
NOTE: Dual VOR receivers required.
*300-1 authorized on Runways 31 and 36.
¢200-½ authorized on Runways 31 and 36.
@When weather is less than 800-2, aircraft departing Runways 3, 13, 18, and 21, flight below 1900' beyond 2 miles of airport is prohibited between R 040° and R 270° inclusive of the LSE VOR.
MSA within 25 miles of facility: 000°-090°—2800'; 090°-180°—2900'; 180°-270°—2900'; 270°-360°—3500'.

City, La Crosse; State, Wis.; Airport name, La Crosse Municipal; Elev., 653'; Fac. Class., T-BVOR; Ident., LSE; Procedure No. VOR Runway 36, Amdt. 10; Eff. date, 25 Mar. 67; Sup. Amdt. No. Ter VOR-36, Amdt. 9; Dated, 6 Feb. 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Deer Park VOR	Garden Int (9-mile DME/Radar Fix)	Direct	2000	T-dn	300-1	300-1	200-½
Garden Int (9-mile DME/Radar Fix)	Elmont Int (4-mile DME/Radar Fix)	Direct	912	C-dn	900-1	900-1	900-1½
Elmont Int (4-mile DME/Radar Fix)	JFK VOR (final)	Direct		S-dn-22L	900-1	900-1	900-1
				A-dn	900-2	900-2	900-2
				If Elmont Int (4-mile DME/Radar Fix) identified, the following minimums apply:*			
				C-dn	600-1	600-1	600-1½
				S-dn-22L#	500-1	500-1	500-1

Radar available.
Procedure turn not authorized.
Minimum altitude on final approach crs (JFK R 048°) over Garden Int, 9-mile DME/Radar Fix, 2000', over Elmont Int, 4-mile DME/Radar Fix, 912'.
Facility on airport, breakoff point to runway, 222°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing JFK VORTAC, climb to 2000' via JFK, R 189° to Channel Int. Hold S, 1-minute right turns, inbnd crs, 009°.
*Aircraft must be equipped with dual VOR receivers, VOR and DME receivers, or position established over Elmont Int by Kennedy Radar.
#500-¾ for HIRL, 500-½ for ALS authorized except for 4-engine turbojet aircraft.
MSA within 25 miles of facility: 000°–090°—2000'; 090°–180°—1400'; 180°–270°—1600'; 270°–360°—2600'.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., H-BVORTAC; Ident., JFK; Procedure No. VOR Runway 22L, Amdt. 13; Eff. date, 25 Mar. 67; Sup. Amdt. No. TerVOR-22L Amdt. 12; Dated, 14 Jan. 67

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
12-mile DME Fix, R 104°	6-mile DME Fix, R 104°	284°—6 miles	2600	T-dn	300-1	300-1	200-½
6-mile DME Fix, R 104°	BUF VOR (final)	284°—6 miles	1600	C-dn	400-1	500-1	500-1½
				S-dn-31#	400-1	400-1	
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side of crs, 104° Outbnd, 284° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to breakoff point, 284°—3.2 miles; breakoff point to runway, 314°—0.38 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles, make a right-climbing turn to 2600', intercept Buffalo VOR, R 302° Outbnd, proceed to Grand Island Int. Hold NW, 1-minute, right turns, 122° Inbnd, or when directed by ATC, make right-climbing turn to 2600', proceed to Buffalo VOR. Hold E, 1-minute right turns, 284° Inbnd.
NOTE: When authorized by ATC, DME may be used between R 040° clockwise to R 140° at 3000' to position aircraft for straight-in approach via 12-mile DME Arc, with elimination of procedure turn.
CAUTION: 1349' TV tower, 5 miles WNW of airport; 860' tank, 1.6 miles E of airport.
#Reduction not authorized.
MSA within 25 miles of facility: 080°–170°—3200'; 170°–260°—3900'; 260°–350°—2400'; 350°–080°—2200'.

City, Buffalo; State, N.Y.; Airport name, Greater Buffalo International; Elev., 722'; Fac. Class., H-BVORTAC; Ident., BUF; Procedure No. VOR/DME-1, Amdt. 10; Eff. date, 25 Mar. 67; Sup. Amdt. No. 9; Dated, 21 Jan. 67

OBH VOR	GRI VOR	Direct	3700	T-dn	300-1	300-1	200-½
GRI VOR	7-mile DME Fix, R 170°	Direct	3700	C-dn	500-1	500-1	500-1½
R 074° GRI VOR clockwise	R 170°, GRI VOR	Via 13-mile DME Arc.	3700	S-dn-35@	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
R 263°, GRI VOR counterclockwise	R 170°, GRI VOR	Via 13-mile DME Arc.	3700				
13-mile DME Fix, GRI VOR, R 170°	7-mile DME Fix, GRI VOR, R 170° (final).	Direct	3400				

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 3700' between 7-mile and 17-mile DME Fix R 170°.
Minimum altitude over 7-mile DME Fix, R 170° final approach crs, 3400'.
Crs and distance, 7-mile DME Fix, R 170° to airport, 350°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1.6-mile DME Fix, R 170°, climb to 3500' on GRI, R 350° within 10 miles, make left turn and return to GRI VOR.
@500-¾ authorized with operative HIRL, 500-½ authorized with operative ALS, except for 4-engine turbojets.
MSA within 25 miles of facility: 225°–135°—3300'; 135°–225°—3800'.

City, Grand Island; State, Nebr.; Airport name, Grand Island Municipal; Elev., 1896'; Fac. Class., L-BVORTAC; Ident., ORI; Procedure No. VOR/DME Runway 35, Amdt. 2; Eff. date, 25 Mar. 67; Sup. Amdt. No. VOR/DME No. 1 Amdt. 1; Dated, 18 June 66

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LTA VOR	10-mile DME Fix, R 115°	Direct	11,000	T-dn%	2500-4	2500-4	2500-4
10-mile DME Fix, R 115°	12-mile DME Fix, R 115°	Direct	10,400	T-d%	1000-3	1000-3	1000-3
Minden Int	Richardson Int	Direct	13,000	C-dn*	2500-4	2500-4	2500-4
Richardson Int	12-mile DME Fix, R 115°	Direct	11,000	S-dn	NA	NA	NA
12-mile DME Fix, R 115°	18-mile DME Fix, R 115° (final)	Direct	8,800	A-dn	NA	NA	NA

Procedure turn N side of R 115°, 295° Outbnd, 115° Inbnd, 11,000' within 10 miles of 12-mile DME Fix, R 115°.
Minimum altitude over 10-mile DME Fix, R 115°, 11,000'; 12-mile DME Fix, R 115°, 10,400'; 18-mile DME Fix, R 115°, 8,800' on final approach crs.
Crs and distance, 18-mile DME Fix, R 115° to airport, 165°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 18-mile DME Fix, R 115°, turn left and climb northwestbound on R 115° to 11,000'; hold SE of 10-mile DME Fix, R 115° (295° Inbnd), right turns, 1-minute pattern.
NOTE: Approach not authorized for 4-engine turbojets over 60,000 pounds.
CAUTION: High terrain all quadrants. Lee side turbulence and down drafts may be encountered on final approach when winds aloft exceed 20 knots. Heavy icing and severe turbulence should be expected during storm conditions.
%After takeoff, climb in VFR conditions to cross 18-mile DME Fix, R 115° of LTA VOR at or above 8500' and climb northwestbound on R 115°. Upon reaching 10,400', aircraft cleared northbound or southbound via V28/113, reverse crs to the right to cross Richardson Int at or above 11,000'.
*Use Lake Tahoe altimeter setting. Approach not authorized when Lake Tahoe tower not in operation.
MSA within 25 miles of facility: 000°–090°—13,000'; 090°–180°—12,900'; 180°–270°—11,000'; 270°–360°—11,100'.

City, Tahoe Valley; State, Calif.; Airport name, Lake Tahoe; Elev., 6263'; Fac. Class., L-BVORTAC; Ident., LTA; Procedure No. VOR/DME-1, Amdt. 1; Eff. date, 25 Mar. 67; Sup. Amdt. No. VOR/DME-1, Orig., Dated, 11 Feb. 67

ACT VORTAC	8-mile DME Fix on R 141°	Direct	2200	T-dn	300-1	300-1	200-½
Heart DME Fix	8-mile DME Fix on R 141° (final)	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-32	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 141° Outbnd, 321° Inbnd, 2200' within 10 miles of 8-mile DME Fix.
Minimum altitude over 8-mile DME Fix on final approach crs, 1500'.
Crs and distance, 8-mile DME Fix to airport, 321°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.1-mile DME Fix on R 141° proceed direct to ACT VORTAC, climbing to 2500' continue on R 306° within 15 miles.
NOTE: When authorized by ATC, DME may be used to orbit E of the R 013° and R 187° at 11 miles from the VOR at 2000' for a final approach with the elimination of procedure turn.
MSA within 25 miles of facility: 090°–180°—2700'; 180°–270°—2500'; 270°–090°—2100'.

City, Waco; State, Tex.; Airport name, Waco Municipal; Elev., 515'; Fac. Class., H-BVORTAC; Ident., ACT; Procedure No. VOR/DME Runway 32, Amdt. 2; Eff. date, 25 Mar. 67; Sup. Amdt. No. VOR/DME Runway 32, Amdt. 1; Dated, 11 Feb. 67

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakewood Int	OH LOM (final)	Via OBK, R 272° and NW crs, OHA ILS.	2100	T-dn%	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-14L#	300-¾	300-¾	300-¾
Niles Int	ORD VOR	Direct	2500	A-dn	600-2	600-2	600-2
ORD VOR	OH LOM	Direct	2500				
Warren Int	OH LOM	Direct	2500				
Deerfield Int	OH LOM	Direct	2500				
OBK VOR	OH LOM	Direct	2500				

Radar available.
Procedure turn W side of NW crs, 318° Outbnd, 138° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at LOM, 2090'—5.2 miles; at MM, 864'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left to a heading of 120° and climb to 1500', make left-climbing turn to 3500' and proceed to Evanston Int via ORD, R 075.
NOTES: Runway 14R, LOM named "ROMEO"; Runway 14L, LOM named "LIMA."
CAUTION: Takeoffs Runway 27 when weather is below 2000-3 will intercept ORD VOR, R 250° and climb to 2000' before proceeding westbound. Takeoffs Runway 32L when weather is below 2000-3 will intercept ORD, R 306° and climb to 2000' before proceeding westbound. When conducting a parallel approach, parallel ILS 14 R and L procedure must be used.
#400-¾ required when glide slope not utilized.
%Runway visual range, 2400' authorized for takeoff on Runways 14L, 14R, and 32L.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I-OHA; Procedure No. ILS Runway 14L, Amdt. 10; Eff. date, 25 Mar. 67; Sup. Amdt. No. ILS-14L, Amdt. 9; Dated, 18 June 66

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Meadows Int	Lima OM (final when glide slope not utilized).	Direct	2100	T-dn	300-1	300-1	300-1½
				C-dn	NA	NA	NA
				S-dn-14R#	200-½	200-½	200-½
				S-dn-14L$	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Procedure turn not authorized. Radar vectoring to final approach crs required.
Crs, Romeo LOM to Runway 14R, 138°; Lima LOM to Runway 14L, 138°.
Minimum altitude at glide slope interception Inbnd, 14R—2200'; 14L—3200' (2100' when authorized by ATC after passing Meadows).
Altitude of glide slope and distance to approach end of runway at OM, 14R: 2140'—5.3 miles; 14L: 2090'—5.2 miles; at MM, 14R: 861'—0.5 mile; 14L: 864'—0.6 mile.
When advised by the controller or if visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 14R: Turn right to heading of 185° and climb to 1800', then make right-climbing turn to 3500' and proceed to DPA VOR via R 068°. Runway 14L: Turn left to heading of 120° and climb to 1500', make left-climbing turn to 3500' and proceed to Evanston Int via ORD, R 075°.
#S-dn-14R: 400-¾ required when glide slope not utilized; 400-½ authorized with operative ALS, except for 4-engine turbojets. 2400' RVR. Descent below 867' not authorized unless approach lights are visible.
$S-dn-14L: 400-¾ required when glide slope not utilized.
NOTES: (1) Use of this procedure is mandatory when conducting a parallel ILS approach, and is authorized only when airborne 75 mc (or ADF), and localizer receivers are operating simultaneously. A radar fix in lieu of Meadows Int will be provided upon pilot's request. (2) When any required airborne receiver in note (1) is malfunctioning or a parallel approach is not desired, immediate notification of approach control is mandatory. (3) When advised that parallel operations are in progress, the pilot will check his authorization and restrictions for Runway 14 L and R, and be prepared to accept or reject an approach to either.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I-ORD and I-OHA; Procedure No. Parallel ILS Runways 14 R and L, Amdt. 5; Eff. date, 25 Mar. 67; Sup. Amdt. No. Parallel ILS-14 R and L, Amdt. 4; Dated, 18 June 66

CLE RBn	Gilbert RBn	Direct	3000	T-dn**	300-1	300-1	200-½
CLE VOR	Louis Int (final)	Direct	3000	C-dn	400-1	500-1	500-1½
Sharon Int	Louis Int (final)	Direct	3000	S-dn-5R%	200-½	200-½	200-½
Louis Int (11.8-mile DME Fix)	Gilbert RBn (final) (7-mile DME Fix).	Direct	2700	S-dn-5L#	400-1	400-1	400-1
Vermillion Int	Gilbert RBn	Via STG VOR, R 309° and ILS 5R front crs.	3000	A-dn	600-2	600-2	600-2
				With glide slope inoperative:			
Mentor Int	Gilbert RBn	Via CLE, R 072° and ILS 5R front crs.	3000	S-dn-5R*	400-¾	400-¾	400-¾

Radar available.
Procedure turn SE side of crs, 234° Outbnd, 054° Inbnd, 2700' within 10 miles of Gilbert RBn.
Crs and distance, Gilbert RBn to airport, 054°—6.8 miles.
Minimum altitude at glide slope interception Inbnd, 2700'.
Altitude of glide slope and distance to approach end of runway at OM, 1787'—3.5 miles; at MM, 966'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn to 3000', intercept and proceed Outbnd on Strongsville, R 346° to Crib Int, hold SE, 1-minute right turns, 346° Inbnd.
CAUTION: Towers 1971', approximately 6 miles ESE of airport. Pole 818', 1178' out, 785' right of centerline, Runway 5R.
NOTE: DME indication at Gilbert RBn, 7 miles at OM, 3.7-mile DME should not be used to determine aircraft position over MM, runway threshold or runway touchdown point. DME located at glide slope site.
#400-¾ authorized with 5L HIRL and 5R ALS operative, except for 4-engine turbojets.
*400-½ authorized 5R with operative ALS except for 4-engine turbojets.
**RVR 2400' authorized Runway 5R.
*; RVR 2400' Runway 5R, descent below 989' not authorized unless approach lights are visible.
MSA within 25 miles of Gilbert RBn: 000°-180°—3000'; 180°-270°—2500'; 270°-360°—2100'.

City, Cleveland; State, Ohio; Airport name, Cleveland-Hopkins International; Elev., 792'; Fac. Class., ILS; Ident., I-CLE; Procedure No. ILS Runways 5R/5L, Amdt. 5; Eff. date, 25 Mar. 67; Sup. Amdt. No. ILS R5 Amdt. 4; Dated, 10 Sept. 66

Mentor Int	Stadium RBn (8.1-mile DME Fix)	Direct	3000	T-dn	300-1	300-1	200-½
Cleveland RBn	Stadium RBn	Direct	3000	C-d	700-1	700-1	700-1½
Sharon Int	Stadium RBn	Via STG VOR, R 183° and STG VOR, R 036°.	3000	C-n	700-2	700-2	700-2
				S-d-23 L and R.	700-1	700-1	700-1
				S-n-23 L and R.	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2
Vermillion Int	Stadium RBn	Via CLE RBn	3000	If 4-mile Radar Fix (5.3-mile DME Fix) is received, the following minimums apply:			
				C-dn	400-1	500-1	500-1½
				S-dn-23 L and R.*	400-1	400-1	400-1

Radar available.
Procedure turn N side of NE crs, 054' Outbnd, 234° Inbnd, 3000' within 10 miles of SUM RBn.
Minimum altitude over Stadium RBn on final approach crs, 3000'.
Crs and distance, Stadium RBn to airport, 234°—6.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing Stadium RBn or 4 miles after passing 4-mile Radar Fix (5.3-mile DME Fix), make right-climbing turn to 3000', proceed direct to Cleveland VOR, hold SW, 1-minute right turns, 069° Inbnd.
NOTES: (1) Minimum altitude 1500' after SUM RBn Inbnd until 4-mile Radar Fix (5.3-mile DME Fix) is received. (2) 4-mile Radar Fix not provided by ATC unless weather is 700-2 or below.
CAUTION: TV towers, 1971', approximately 6 miles ESE of airport. DME indication at SUM 8.1 miles; at 4-mile Radar Fix—5.3 miles. DME should not be used to determine aircraft position over the runway threshold or touchdown point. DME located at glide slope site.
*400-¾ authorized, with operative high-intensity runway lights, except for 4-engine turbojets.
MSA within 25 miles of SUM RBn: 000°-090°—2600'; 090°-270°—3000'; 270°-360°—1900'.

City, Cleveland; State, Ohio; Airport name, Cleveland-Hopkins International; Elev., 792'; Fac. Class., ILS; Ident., I-CLE; Procedure No. Localizer (BC) Runways 23L/R, Amdt. 2; Eff. date, 25 Mar. 67; Sup. Amdt. No. ILS-23L (back crs), Amdt. 1; Dated, 2 July 66

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Pogo Int	LOM	Direct	2000	T-dn	300-1	300-1	200-½
CRP VOR	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
CRP RBn	LOM	Direct	2000	S-dn-13#	200-½	200-½	200-½
Sinton Int	LOM	Direct	2000	A-dn	600-2	600-2	600-2
Mathis Int	Edroy Int	Direct	1700				
Edroy	LOM (final)	Direct	1400				

Radar available.
Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1400'.
Altitude of glide slope and distance to approach end of runway at LOM, 1370'—4.8 miles; at LMM, 244'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing LOM, proceed to Pogo Int via ILS SE CRS and CRP VOR, R 182° climbing to 2000', or when directed by ATC, turn left, proceed direct to CRP VOR climbing to 2000'.
#400-¾ required if glide slope not utilized. 400-½ authorized with operative ALS, except for 4-engine turbojets.

City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 43'; Fac. Class., ILS; Ident., I-CRP; Procedure No. ILS Runway 13, Amdt. 12; Eff. date, 25 Mar. 67; Sup. Amdt. No. ILS-13, Amdt. 11; Dated, 14 May 66

Hyannis VOR	HY LOM	Direct	1500	T-dn*	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-24**	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 245°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing HY LOM, make a left-climbing turn to 1500', returning to the HY LOM. Hold NE of HY LOM, 245° Inbnd, 1-minute left turns.
NOTES: (1) No glide slope. (2) Back course unusable. (3) Use Otis APC altimeter setting when control zone not effective.
*Takeoff minimums of 300-1 required for Runway 24.
**400-½ authorized with operative ALS and HIRLs, and 400-¾ authorized with operative HIRLs, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°-360°—1500'.

City, Hyannis; State, Mass.; Airport name, Barnstable Municipal; Elev., 52'; Fac. Class., ILS; Ident., I-HYA; Procedure No. Localizer Runway 24, Amdt. 6; Eff. date, 25 Mar. 67; Sup. Amdt. No. ILS-24, Amdt. 5; Dated, 24 Sept. 66

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	360°	0-6 miles	1700	Surveillance approach			
000°	360°	6-30 miles	1800	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-15 L and R.*‡	400-1	400-1	400-1
				S-dn-33 L and R.*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

All bearings and distances are from radar antenna site with sector azimuths progressing clockwise. Radar control must provide 3 miles or 1000' vertical separation from the following towers: 2419'—16.5 miles SW; 1949'—17 miles WSW, and 1049'—9.5 miles WSW.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 15 L and R: Turn right, climb to 2000' on JAN VORTAC, R 164° within 20 miles. Runway 33 L and R: Turn right, climb to 2000' on JAN VORTAC, R 129°, proceed to Rankin Int. Hold SE, 1-minute right turns, 309° Inbnd.
*400-¾ authorized, with operative HIRLS, except for 4-engine turbojets. #400-½ authorized Runway 15L, with operative ALS, except for 4-engine turbojets.

City, Jackson; State, Miss.; Airport name, Allen C. Thompson Field; Elev., 345'; Fac. Class. and Ident., Jackson radar; Procedure No. 1, Amdt. 5; Eff. date, 25 Mar. 67; Sup. Amdt. No. 4; Dated, 7 Jan. 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on February 16, 1967.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-2061; Filed, Mar. 2, 1967; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Extended Terms and Improved Yields for Outstanding Bonds

Section 316.8 of Department Circular No. 653, Seventh Revision, dated March 18, 1966, as amended (31 CFR Part 316), is hereby further amended and revised, as follows:

§ 316.8 Extended terms and improved yields for outstanding bonds.

(a) *Optional extension privileges.* • • •

(4) *Bonds with issue dates June 1, 1959, or thereafter.* Owners of Series E bonds with issue dates of June 1, 1959, or thereafter, have the option of retaining their bonds for an extended maturity period of ten years.[1]

(b) *Improved yields.*[2] • • •

(5) *Bonds with issue dates June 1, 1959, through November 1, 1959.* The investment yield on all outstanding Series E bonds with issue dates of June 1, 1959, through November 1, 1959, for the remaining period to the maturity date, was increased by $\frac{1}{10}$ of 1 percent per anpum if held to original maturity and by lesser amounts if redeemed earlier. The investment yield for the extended maturity period will be approximately 4.15 percent per annum compounded semiannually for each half-year period. See Table 50–A for redemption values and investment yields.

(6) *Bonds with issue dates December 1, 1959, or thereafter.* The investment yield on all outstanding Series E bonds with issue dates of December 1, 1959, through November 1, 1965, for the remaining period to the maturity date, was increased by $\frac{4}{10}$ of 1 percent per annum if held to original maturity and by lesser amounts if redeemed earlier. The investment yield for the extended maturity period for bonds bearing issue dates of December 1, 1959, or thereafter, will be approximately 4.15 percent per annum compounded semiannually for each half-year period: *Provided, however,* That the Secretary of the Treasury may at any time prior to their maturity prescribe a different yield for such bonds for which no tables of redemption values and investment yields for the extended maturity period have been previously published. Tables of redemption values and investment yields, which are a part of this circular, will be published periodically for the extended maturity period for bonds bearing issue dates of December 1, 1959, or thereafter.

Dated: February 23, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

TABLE 50—BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1959

Issue price	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7,500	Approximate investment yield	
Original maturity value	25.00	50.00	100.00	200.00	500.00	1,000.00	10,000		
Period after issue date	(1) Redemption values during each half-year period [1] (Values increase on first day of period shown)							(2) On purchase price from issue date to beginning of each half-year period [1]	(3) On current redemption value from beginning of each half-year period [1] to maturity
								Percent	*Percent*
First ½ year	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	*3.75
½ to 1 year	18.91	37.82	75.64	151.28	378.20	756.40	7,564	1.71	*3.89
1 to 1½ years	19.19	38.38	76.76	153.52	383.80	767.60	7,676	2.33	*3.96
1½ to 2 years	19.51	39.02	78.04	156.08	390.20	780.40	7,804	2.67	*4.01
2 to 2½ years	19.90	39.80	79.60	159.20	398.00	796.00	7,960	3.00	*4.01
2½ to 3 years	20.28	40.56	81.12	162.24	406.60	811.20	8,112	3.16	*4.03
3 to 3½ years	20.66	41.32	82.64	165.28	413.20	826.40	8,264	3.26	*4.05
3½ to 4 years	21.07	†42.14	84.28	168.56	421.40	842.80	8,428	3.36	*4.06
4 to 4½ years	21.50	43.00	86.00	172.00	430.00	860.00	8,600	3.45	*4.06
4½ to 5 years	21.95	43.90	87.80	175.60	439.00	878.00	8,780	3.53	*4.04
5 to 5½ years	22.40	44.80	89.60	179.20	448.00	896.00	8,960	3.59	*4.03
5½ to 6 years	22.86	45.72	91.44	182.88	457.20	914.40	9,144	3.64	*4.02
6 to 6½ years	23.32	46.64	93.28	186.56	466.40	932.80	9,328	3.67	*4.01
6½ to 7 years	23.79	47.58	95.16	190.32	475.80	951.60	9,516	3.70	†4.43
Redemption values and investment yields to maturity on basis of Dec. 1, 1965, revision									
7 to 7½ years	$24.29	$48.58	$97.16	$194.32	$486.80	$971.60	$9,716	3.73	4.58
7½ years to 7 years and 9 months	24.83	49.66	99.32	198.64	496.60	993.20	9,932	3.78	4.86
Maturity value (7 years and 9 months from issue date)	25.13	50.26	100.52	201.04	502.60	1,005.20	10,052	3.81	
Period after maturity date	Extended maturity period								(b) To extended maturity
First ½ year	$25.13	$50.26	$100.52	$201.04	$502.60	$1,005.20	$10,052	3.81	4.15
½ to 1 year	25.65	51.30	102.60	205.20	513.00	1,026.00	10,260	3.83	4.15
1 to 1½ years	26.18	52.36	104.72	209.44	523.60	1,047.20	10,472	3.85	4.15
1½ to 2 years	26.73	53.46	106.92	213.84	534.60	1,069.20	10,692	3.87	4.15
2 to 2½ years	27.28	54.56	109.12	218.24	545.60	1,091.20	10,912	3.88	4.15
2½ to 3 years	27.86	55.70	111.40	222.80	557.00	1,114.00	11,140	3.90	4.15
3 to 3½ years	28.43	56.86	113.72	227.44	568.60	1,137.20	11,372	3.91	4.15
3½ to 4 years	29.02	58.04	116.08	232.16	580.40	1,160.80	11,608	3.92	4.15
4 to 4½ years	29.62	59.24	118.48	236.96	592.40	1,184.80	11,848	3.93	4.15
4½ to 5 years	30.23	60.46	120.92	241.84	604.60	1,209.20	12,092	3.94	4.15
5 to 5½ years	30.86	61.72	123.44	246.88	617.20	1,234.40	12,344	3.95	4.15
5½ to 6 years	31.50	63.00	126.00	252.00	630.00	1,260.00	12,600	3.95	4.15
6 to 6½ years	32.15	64.30	128.60	257.20	643.00	1,286.00	12,860	3.96	4.15
6½ to 7 years	32.82	65.64	131.28	262.56	656.40	1,312.80	13,128	3.97	4.15
7 to 7½ years	33.50	67.00	134.00	268.00	670.00	1,340.00	13,400	3.97	4.15
7½ to 8 years	34.20	68.40	136.80	273.60	684.00	1,368.00	13,680	3.98	4.14
8 to 8½ years	34.91	69.82	139.64	279.28	698.20	1,396.40	13,964	3.99	4.14
8½ to 9 years	35.63	71.26	142.52	285.04	712.60	1,425.20	14,252	3.99	4.14
9 to 9½ years	36.37	72.74	145.48	290.96	727.40	1,454.80	14,548	3.99	4.14
9½ to 10 years	37.12	74.24	148.48	296.96	742.40	1,484.80	14,848	4.00	4.15
Extended maturity value (10 years from original maturity date) [2]	37.89	75.78	151.56	303.12	757.80	1,515.60	15,156	4.00	

*Yield from beginning of each half-year period to maturity at original maturity value prior to the Dec. 1, 1965, revision.

†Yield from effective date of the Dec. 1, 1965, revision to maturity date.

[1] 3-month period in the case of the 7½-year to 7-year and 9-month period.

[2] 17 years and 9 months from issue date.

[1] See footnote 8, Department Circular No. 653, Seventh Revision (31 CFR Part 316).

[2] See footnote 2, Department Circular No. 653, Seventh Revision (31 CFR Part 316).

[F.R. Doc. 67-2341; Filed, Mar. 2, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Appendix—List of Employees Required To File Statements

Pursuant to the authority contained in E.O. 11222, 3 CFR 1965 Supp., the Appendix to Part 20 Title 43 of the Code of Federal Regulations is amended as set forth below. These amendments are effective upon publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 24, 1967.

APPENDIX

As provided in 43 CFR 20.735–41(a)(4), employees in the following positions, which are in addition to those listed in § 20.735–41(a)(1)–(3) shall file statements of employment and financial interests:

OFFICE OF THE SECRETARY

OFFICE FOR EQUAL OPPORTUNITY

Director, Office for Equal Opportunity, Washington, D.C.
Chief, Division of Contracts, Washington, D.C.
Compliance Specialists (2), Washington, D.C.
Federal Financial Assistance Specialists (2), Washington, D.C.

ASSISTANT SECRETARY—PUBLIC LAND MANAGEMENT

Staff Assistant (Indian Affairs), Washington, D.C.
Staff Assistant (Land Matters), Washington, D.C.
Staff Assistant (Recreation and Public Relations Matters), Washington, D.C.

ASSISTANT SECRETARY—WATER AND POWER DEVELOPMENT

Electrical Engineers (2), Washington, D.C.
General Engineer, Washington, D.C.

PROGRAM SUPPORT STAFF

Staff Assistants (3), Washington, D.C.

Regional Coordinators

Southwest Region, Muskogee, Okla.
Upper Mississippi-Western Great Lakes, Madison, Wis.
North Central Field Committee, Cincinnati, Ohio.
Northeast Field Committee, Boston, Mass.
Pacific Northwest Region, Portland, Oreg.
Pacific Southwest Field Committee, Salt Lake City, Utah.
Alaska Field Committee, Juneau, Alaska.
Chairman, Missouri Basin Field Committee, Billings, Mont.

BOARD OF CONTRACT APPEALS

Supervisory Attorney-Examiner, Washington, D.C.
Attorney-Examiner (General) (4), Washington, D.C.

JOB CORPS

Deputy Coordinator, Washington, D.C.

OFFICE OF SURVEY AND REVIEW

Special Assistant (Financial Management) (Assistant Director), Washington, D.C.
Assistant to the Director (Contract Review), Washington, D.C.
Supervisory Systems Accountant (Chief, Methods Division), Washington, D.C.
Supervisory Auditor (Chief, Division of Audit and Analysis), Washington, D.C.
Supervisory General Investigator (Chief, Division of Investigations), Washington, D.C.
Investigators (General) (5), Washington, D.C.
Supervisory Auditors (5), Washington, D.C.

OFFICE OF MANAGEMENT OPERATIONS

Assistant Director, Washington, D.C.
Chief, Division of Fiscal Services, Washington, D.C.
Electronic Engineer (Electro-Magnetics), Washington, D.C.
Chief, Division of Property and Records, Washington, D.C.
Department Records Management Officer, Washington, D.C.
Property Management Officer, Washington, D.C.
Job Corps Supply Officer, Washington, D.C.
Job Corps Finance Officer, Washington, D.C.
Chief, Branch of Central Services, Washington, D.C.
Assistant Chief, Branch of Central Services, Washington, D.C.
Procurement Agent, Washington, D.C.

OFFICE OF SALINE WATER

Assistant Director, Washington, D.C.
Supervisory Contract Specialist, Washington, D.C.
General Engineers (5), Washington, D.C.
Chief, Engineering Analysis Staff, Washington, D.C.
Chief, Membrane Division, Washington, D.C.
Chief, Special Projects Division, Washington, D.C.
Chief, Branch of Physics and Surface Chemistry, Washington, D.C.
Chief, Division of Biosciences, Washington, D.C.
Chief, Branch of Inorganic Chemistry, Washington, D.C.
Chief, Branch of Physical Chemistry, Washington, D.C.
Chief, Division of Materials, Washington, D.C.
Supervisory Accountant, Washington, D.C.
Accountant (Contract Finance Manager), Washington, D.C.

OFFICE OF OIL AND GAS

Industrial Specialist (Distribution and Marketing), Washington, D.C.
Industrial Specialist (Programing), Washington, D.C.
Industrial Specialist (Transportation and Storage), Washington, D.C.
Industrial Specialist (International Organizations), Washington, D.C.
Supervisory Industrial Specialist (Natural Gas), Washington, D.C.
Industrial Specialist (Foreign Oil), Washington, D.C.
Industrial Specialist (Domestic Oil), Washington, D.C.
Industrial Specialist (Refining and Petrochemicals), Washington, D.C.
Industrial Specialists (2), Washington, D.C.
Special Assistant for Research, Washington, D.C.

OIL IMPORT ADMINISTRATION

Industrial Specialists—Assistant Administrators (2), Washington, D.C.
Industrial Specialist, Washington, D.C.

OIL IMPORT APPEALS BOARD

Attorney-Adviser (General), Chairman, Oil Import Appeals Board, Washington, D.C.

OFFICE OF WATER RESOURCES RESEARCH

Executive Officer, Washington, D.C.
Physical Scientist, Washington, D.C.

OFFICE OF MINERALS AND SOLID FUELS

Coordinator for Solid Fuels, Washington, D.C.
Coordinator for Minerals, Washington, D.C.
Assistant to Coordinator for Solid Fuels, Washington, D.C.

OFFICE OF COAL RESEARCH

Chief, Division of Contract and Administration, Washington, D.C.
Chief, Division of Mining and Preparation, Washington, D.C.
Chief, Division of Utilization, Washington, D.C.
Supervisory Industry Economist, Washington, D.C.
Contract Specialists (2), Washington, D.C.

OFFICE OF GEOGRAPHY

Supervisory Geographer (Director, Office of Geography), Washington, D.C.

OFFICE OF THE SOLICITOR

All positions of Attorneys in grade GS–13 and above.
Claims Attorney, Branch of Claims, Washington, D.C.

BUREAU OF COMMERCIAL FISHERIES

Assistant Director for Administration, Washington, D.C.
Assistant Director for Economics, Washington, D.C.
Chief, Branch of Property Management, Washington, D.C.
Assistant Chief, Branch of Property Management, Washington, D.C.
Regional Director, Region 4, Ann Arbor, Mich.
Deputy Regional Director, Region 4, Ann Arbor, Mich.
Assistant Regional Director for Administration, Region 4, Ann Arbor, Mich.
General Supply Officer, Ann Arbor, Mich.
Deputy Regional Director, Region 3, Gloucester, Mass.
Assistant Regional Director for Administration, Region 3, Gloucester, Mass.
Property Management Officer, Gloucester, Mass.
Deputy Regional Director, Region 1, Seattle, Wash.
Assistant Regional Director for Administration, Region 1, Seattle, Wash.
Property and Supply Officer, Seattle, Wash.
Deputy Regional Director, Region 2, St. Petersburg Beach, Fla.
Assistant Regional Director for Administration, Region 2, St. Petersburg Beach, Fla.
Property Management Officer, St. Petersburg Beach, Fla.
Regional Director, Region 5, Juneau, Alaska.
Deputy Regional Director, Region 5, Juneau, Alaska.
Assistant Regional Director for Administration, Region 5, Juneau, Alaska.
Property Management Officer, Juneau, Alaska.
Regional Director, Region 6, Terminal Island, Calif.
Assistant Regional Director for Administration, Region 6, Terminal Island, Calif.
Area Director, Hawaii, Honolulu, Hawaii.
Deputy Area Director, Honolulu, Hawaii.
Assistant Area Director for Administration, Honolulu, Hawaii.
Procurement Officer, Honolulu, Hawaii.
Chief, Branch of Loans and Grants, Washington, D.C.
Assistant Chief, Branch of Loans and Grants, Washington, D.C.
Loan Specialist (Commercial), Division of Resources Development, Washington, D.C.
General Fishery Specialist, Seattle, Wash.
Loan Specialist (Commercial), Seattle, Wash.
General Fishery Specialist, St. Petersburg Beach, Fla.
Loan Specialist (Commercial), St. Petersburg Beach, Fla.
General Fishery Specialist, Gloucester, Mass.

BUREAU OF COMMERCIAL FISHERIES—Continued

Loan Specialist (Commercial), Gloucester, Mass.
General Fishery Specialist, Juneau, Alaska.
General Fishery Specialist, Terminal Island, Calif.
Fishery Administrator, Washington, D.C.
Executive Assistant, Washington, D.C.
Fishery Administrator (2), Seattle, Wash.
Fishery Biologist (General), St. Petersburg Beach, Fla.
Fishery Biologist (General), Ann Arbor, Mich.
Fish and Wildlife Administrator, Juneau, Alaska.
Fishery Biologist (General), Gloucester, Mass.
Chief, Branch of Management Analysis, Washington, D.C.
Chief, Inspection and Cost Section, Washington, D.C.
Chief, Branch of Technology, Washington, D.C.
Supervisory Fishery Products Inspector, Seattle, Wash.
Supervisory Fishery Products Inspector, St. Petersburg Beach, Fla.
Supervisory Fishery Products Inspector, Gloucester, Mass.
Supervisory Fishery Products Inspector, Chicago, Ill.
Supervisory Fishery Products Inspector, Terminal Island, Calif.

BUREAU OF SPORT FISHERIES AND WILDLIFE

Assistant Director, Administration and Engineering, Washington, D.C.
Chief, Division of Property Management, Washington, D.C.
Assistant Chief, Division of Property Management, Washington, D.C.
Assistant Regional Director, Administration and Engineering, Pacific Region, Portland, Oreg.
General Supply Officer, Pacific Region, Portland, Oreg.
Assistant Regional Director, Administration and Engineering, Southwestern Region, Albuquerque, N. Mex.
Procurement Officer, Southwestern Region, Albuquerque, N. Mex.
Assistant Regional Director, Administration and Engineering, North Central Region, Minneapolis, Minn.
Property Officer, North Central Region, Minneapolis, Minn.
Assistant Regional Director, Administration and Engineering, Southeastern Region, Atlanta, Ga.
General Supply Officer, Southeastern Region, Atlanta, Ga.
Assistant Regional Director, Administration and Engineering, Northeastern Region, Boston, Mass.
Property Officer, Northeastern Region, Boston, Mass.
Assistant Regional Director, Cooperative Services, Pacific Region, Portland, Oreg.
Regional Supervisor, Division of Federal Aid, Pacific Region, Portland, Oreg.
Assistant Regional Director, Cooperative Services, Southwestern Region, Albuquerque, N. Mex.
Regional Supervisor, Division of Federal Aid, Southwestern Region, Albuquerque, N. Mex.
Assistant Regional Director, Cooperative Services, North Central Region, Minneapolis, Minn.
Regional Supervisor, Division of Federal Aid, North Central Region, Minneapolis, Minn.
Assistant Regional Director, Cooperative Services, Southeastern Region, Atlanta, Ga.
Regional Supervisor, Division of Federal Aid, Southeastern Region, Atlanta, Ga.
Assistant Regional Director, Cooperative Services, Northeastern Region, Boston, Mass.
Regional Supervisor, Division of Federal Aid, Northeastern Region, Boston, Mass.
Associate Regional Director, Operations, Pacific Region, Portland, Oreg.
Associate Regional Director, Operations, Southwestern Region, Albuquerque, N. Mex.
Associate Regional Director, Operations, North Central Region, Minneapolis, Minn.
Associate Regional Director, Operations, Southeastern Region, Atlanta, Ga.
Associate Regional Director, Operations, Northeastern Region, Boston, Mass.

GEOLOGICAL SURVEY

Assistant Director for Program Coordination, Washington, D.C.
Staff Geologists (2), Washington, D.C.
Staff Engineer, Washington, D.C.
Contract Negotiator, Administrative Division, Washington, D.C.
Executive Officer, Washington, D.C.
Program Analyst, Washington, D.C.
Procurement Officer, Washington, D.C.
Assistant Executive Officer, Washington, D.C.
Procurement Agent (Supervisory), Washington, D.C.
Chief, Publications Division, Washington, D.C.
Assistant Chief, Publications Division, Washington, D.C.
Hydraulic Engineer (Delaware Watermaster), Washington, D.C.
Associate Chief, Topographic Engineer, Washington, D.C.
Assistant Chief, Topographic Engineer, Plans and Program Development, Washington, D.C.
Assistant Chief, Topographic Engineer, Research and Technical Standards, Washington, D.C.
Assistant Chief, Conservation Division, Washington, D.C.
Chief, Branch of Oil and Gas Operations, Washington, D.C.
Petroleum Regulatory Engineer, Washington, D.C.
Chief, Branch of Mining Operations, Washington, D.C.
Chief, Branch of Mineral Classifications, Washington, D.C.
Chief, Office of Minerals Exploration, Washington, D.C.
Assistant Chief, Office of Minerals Exploration, Washington, D.C.
Assistant Chief Geologist for Regional Geology, Washington, D.C.
Assistant Chief Geologist for Experimental Geology, Washington, D.C.
Assistant Chief Geologist for Economic Geology, Washington, D.C.
Research Geologist, Earth Orbiter, Washington, D.C.
Management Officer, Denver, Colo.
Personnel Officer, Denver, Colo.
Area Hydrologist, Denver, Colo.
Rocky Mountain Region Engineer, Denver, Colo.
Supervisory Mining Engineer, Denver, Colo.
Management Officer, Menlo Park, Calif.
Personnel Officer, Menlo Park, Calif.
Area Hydrologist, Menlo Park, Calif.
Pacific Region Engineer, Menlo Park, Calif.
Chief, Office of Marine Geology and Hydrology, Menlo Park, Calif.
Research Geophysicist, Earthquake Center, Menlo Park, Calif.
Area Hydrologist, Arlington, Va.
Atlantic Region Engineer, Arlington, Va.
Area Hydrologist, St. Louis, Mo.
Supervisory Hydrologist Engineer (Watermaster), Idaho Falls, Idaho.
Central Region Engineer, Rolla, Mo.
Supervisory General Engineer, Branch of Oil and Gas Operations, Casper, Wyo.
Supervisory General Engineer, Branch of Oil and Gas Operations, Roswell, N. Mex.
Supervisory General Engineer, Branch of Oil and Gas Operations, New Orleans, La.
Petroleum Regulatory Engineer, Tulsa, Okla.
Petroleum Regulatory Engineer, Los Angeles, Calif.
Petroleum Regulatory Engineer, Anchorage, Alaska.
Supervisory Mining Engineer, Billings, Mont.
Supervisory Mine Development and Production Engineer, McAlester, Okla.
Supervisory Mine Development and Production Engineer, Carlsbad, N. Mex.
Supervisory Mining Engineer, Anchorage, Alaska.
Chief, Branch of Astrogeology, Flagstaff, Ariz.
Chief of Party, Saudi Arabia, Jidda, Saudi Arabia.

BUREAU OF INDIAN AFFAIRS

Supply Program Management Officers (2), Washington, D.C.
Procurement Officer, Washington, D.C.
Director, Division of Administration, Washington, D.C.
Director, Division of Engineering, Washington, D.C.
Area Director, Aberdeen, S. Dak.
Assistant Area Director, Administration, Aberdeen, S. Dak.
Assistant Area Director, Community Services, Aberdeen, S. Dak.
Assistant Area Director, Economic Development, Aberdeen, S. Dak.
Supervisory General Supply Officers (2), Aberdeen, S. Dak.
Area Director, Albuquerque, N. Mex.
Assistant Area Director, Albuquerque, N. Mex.
Area Director, Anadarko, Okla.
Assistant Area Director, Anadarko, Okla.
Administrative Officer, Anadarko, Okla.
Area Director, Billings, Mont.
Assistant Area Director, Administration, Billings, Mont.
Assistant Area Director, Economic Development, Billings, Mont.
Supervisory General Supply Officers (2), Billings, Mont.
Area Director, Gallup, N. Mex.
Assistant Area Director, Administration, Gallup, N. Mex.
Assistant Area Director, Community Services, Gallup, N. Mex.
Assistant Area Director, Economic Development, Gallup, N. Mex.
Supply Management Officers (2), Gallup, N. Mex.
Procurement Officer, Gallup, N. Mex.
Area Director, Juneau, Alaska.
Assistant Area Director, Juneau, Alaska.
Supervisory General Supply Officers (2), Juneau, Alaska.
Area Director, Minneapolis, Minn.
Assistant Area Director, Minneapolis, Minn.
Administrative Officer, Minneapolis, Minn.
Area Director, Muskogee, Okla.
Assistant Area Director, Muskogee, Okla.
Supervisory General Supply Officer, Muskogee, Okla.
Procurement Officer, Muskogee, Okla.
Area Director, Phoenix, Ariz.
Assistant Area Director, Administration, Phoenix, Ariz.
Assistant Area Director, Community Services, Phoenix, Ariz.
Assistant Area Director, Economic Development, Phoenix, Ariz.
Supervisory General Supply Officers (2), Phoenix Ariz.
Area Director, Portland, Oreg.
Assistant Area Director, Administration, Portland, Oreg.
Assistant Area Director, Community Services, Portland, Oreg.
Assistant Area Director, Economic Development, Portland, Oreg.
Supply Management Officer, Portland, Oreg.
Procurement Officer, Portland, Oreg.
Property Manager, Portland, Oreg.
Area Director, Sacramento, Calif.
Assistant Area Director, Sacramento, Calif.
Administrative Officer, Sacramento, Calif.
General Supply Officer, Sacramento, Calif.

Special Assistant to the Area Director, Palm Springs, Calif.
Executive Officer, Office of Consolidated Services, Albuquerque, N. Mex.
Supply Management Officer, Office of Consolidated Services, Albuquerque, N. Mex.
Supervisory Procurement Agent, Office of Consolidated Services, Albuquerque, N. Mex.
Supervisory General Engineers, Branch of Plant Design and Construction (2), Albuquerque, N. Mex.
Supervisory Management Engineer, Plant Management, Field Technical Office, Littleton, Colo.
Supervisory Civil Engineer, Plant Management, Field Technical Office, Littleton, Colo.
Administrative and Special Representative (Seattle Liaison Office, Juneau Area Office), Seattle, Wash.
Assistant Administrative Officer (Liaison Office, Juneau Area Office), Seattle, Wash.

BUREAU OF LAND MANAGEMENT

Assistant to the Director, Administration, Washington, D.C.
Chief, Division of Lands and Minerals Program Management, Washington, D.C.
Chief, Division of Administrative Services, Washington, D.C.
Chief, Office of Appeals and Hearings, Washington, D.C.
State Director, Phoenix, Ariz.
State Director, Sacramento, Calif.
State Director, Denver, Colo.
State Director, Boise, Idaho.
State Director, Billings, Mont.
State Director, Reno, Nev.
State Director, Santa Fe, N. Mex.
State Director, Portland, Oreg.
State Director, Salt Lake City, Utah.
State Director, Cheyenne, Wyo.
State Director, Juneau, Alaska.
Chief, Division of Lands and Minerals Program, Management and Land Office, Phoenix, Ariz.
Chief, Division of Lands and Minerals Program, Management and Land Office, Sacramento, Calif.
Chief, Division of Lands and Minerals Program, Management and Land Office, Denver, Colo.
Chief, Division of Lands and Minerals Program, Management and Land Office, Boise, Idaho.
Chief, Division of Lands and Minerals Program, Management and Land Office, Billings, Mont.
Chief, Division of Lands and Minerals Program, Management and Land Office, Reno, Nev.
Chief, Division of Lands and Minerals Program, Management and Land Office, Santa Fe, N. Mex.
Chief, Division of Lands and Minerals Program, Management and Land Office, Portland, Oreg.
Chief, Division of Lands and Minerals Program, Management and Land Office, Salt Lake City, Utah.
Chief, Division of Lands and Minerals Program, Management and Land Office, Cheyenne, Wyo.
Chief, Division of Lands and Minerals Program, Management and Land Office, Juneau, Alaska.
Manager, New Orleans, La.
Mineral Leasing Representative, Los Angeles, Calif.
Conservation Center Director, Kingman, Ariz.
Conservation Center Director, Mountain Home, Idaho.
Conservation Center Director, Antelope, Mont.
Conservation Center Director, Tillamook, Oreg.
Conservation Center Director, Fort Vannoy, Oreg.
Conservation Center Director, Price, Utah.
Field Job Corps Supervisor, Portland, Oreg.
Field Job Corps Supervisor, Denver, Colo.
District Manager, Lakeview, Oreg.
District Manager, Burns, Oreg.
District Manager, Vale, Oreg.
District Manager, Prineville, Oreg.
District Manager, Baker, Oreg.
District Manager, Coos Bay, Oreg.
District Manager, Salem, Oreg.
District Manager, Eugene, Oreg.
District Manager, Roseburg, Oreg.
District Manager, Medford, Oreg.
District Manager, Bakersfield, Calif.
District Manager, Susanville, Calif.
District Manager, Redding, Calif.
District Manager, Sacramento, Calif.
District Manager, Ukiah, Calif.
District Manager, Riverside, Calif.
District Manager, Anchorage, Alaska.
District Manager, Fairbanks, Alaska.
District Manager, Boise, Idaho.
District Manager, Burley, Idaho.
District Manager, Idaho Falls, Idaho.
District Manager, Salmon, Idaho.
District Manager, Shoshone, Idaho.
District Manager, Coeur d'Alene, Idaho.
District Manager, Elko, Nev.
District Manager, Winnemucca, Nev.
District Manager, Carson City, Nev.
District Manager, Ely, Nev.
District Manager, Las Vegas, Nev.
District Manager, Battle Mountain, Nev.
District Manager, Salt Lake City, Utah.
District Manager, Fillmore, Utah.
District Manager, Cedar City, Utah.
District Manager, Richfield, Utah.
District Manager, Monticello, Utah.
District Manager, Price, Utah.
District Manager, Vernal, Utah.
District Manager, Kanab, Utah.
District Manager, St. George, Utah.
District Manager, Phoenix, Ariz.
District Manager, Safford, Ariz.
District Manager, Malta, Mont.
District Manager, Miles City, Mont.
District Manager, Billings, Mont.
District Manager, Dillon, Mont.
District Manager, Lewiston, Mont.
District Manager, Missoula, Mont.
District Manager, Worland, Wyo.
District Manager, Lander, Wyo.
District Manager, Rawlins, Wyo.
District Manager, Rock Springs, Wyo.
District Manager, Pinedale, Wyo.
District Manager, Casper, Wyo.
District Manager, Craig, Colo.
District Manager, Denver, Colo.
District Manager, Montrose, Colo.
District Manager, Canon City, Colo.
District Manager, Grand Junction, Colo.
District Manager, Albuquerque, N. Mex.
District Manager, Socorro, N. Mex.
District Manager, Las Cruces, N. Mex.
District Manager, Roswell, N. Mex.

BUREAU OF MINES

Assistant Director, Administration, Washington, D.C.
Chief, Division of Procurement and Property Management, Washington, D.C.
Chief, Division of Coal Mine Inspection, Washington, D.C.
Chief, Division of Personnel, Washington, D.C.
District Manager, Pittsburgh, Pa.
Safety Representative, Pittsburgh, Pa.
Technical Assistant, Pittsburgh, Pa.
Mining Health and Safety Engineers (3), Pittsburgh, Pa.
Coal Mine Inspectors (26), Pittsburgh, Pa.
Chief, Eastern Administrative Office, Pittsburgh, Pa.
Subdistrict Manager, Wilkes-Barre, Pa.
Supervisory Coal Mine Inspector, Wilkes-Barre, Pa.
Coal Mine Inspectors (17), Wilkes-Barre, Pa.
Subdistrict Manager, Johnstown, Pa.
Electrical Engineer, Johnstown, Pa.
Coal Mine Inspectors (22), Johnstown, Pa.
Subdistrict Manager, St. Clairsville, Ohio.
Safety Representative, St. Clairsville, Ohio.
Coal Mine Inspectors (10), St. Clairsville, Ohio.
District Manager, Mount Hope, W. Va.
Mining Health and Safety Engineers (2), Mount Hope, W. Va.
Technical Assistants (2), Mount Hope, W. Va.
Training Specialist, Mount Hope, W. Va.
Coal Mine Inspectors (48), Mount Hope, W. Va.
Subdistrict Manager, Morgantown, W. Va.
Coal Mine Inspectors (21), Morgantown, W. Va.
District Manager, Norton, Va.
Technical Assistants (2), Norton, Va.
Coal Mine Inspectors (27), Norton, Va.
Subdistrict Manager, Birmingham, Ala.
Coal Mine Inspectors (18), Birmingham, Ala.
Subdistrict Manager, Barbourville, Ky.
Coal Mine Inspectors (16), Barbourville, Ky.
District Manager, Vincennes, Ind.
Supervisory Mining Health and Safety Engineer, Vincennes, Ind.
Coal Mine Inspectors (17), Vincennes, Ind.
Subdistrict Manager, McAlester, Okla.
Coal Mine Inspectors (2), McAlester, Okla.
District Manager, Denver, Colo.
Technical Assistant, Denver, Colo.
Supervisory Mining Health and Safety Engineers (2), Denver, Colo.
Mining Health and Safety Engineer, Denver, Colo.
Coal Mine Inspectors (7), Denver Colo.
Chief, Western Administrative Office, Denver, Colo.
Subdistrict Manager, Seattle, Wash.
Coal Mine Inspector, Seattle Wash.
Subdistrict Manager, Salt Lake City, Utah.
Coal Mine Inspectors (3), Salt Lake City, Utah.
Subdistrict Manager, Phoenix, Ariz.
Subdistrict Manager, Oakland, Calif.

NATIONAL PARK SERVICE

Assistant Director (Cooperative Activities), Washington, D.C.
Assistant Director (Resource Studies), Washington, D.C.
Associate Regional Director, National Capital Region, Washington, D.C.
Assistant Regional Directors, National Capital Region (3), Washington, D.C.
Regional Chief, Division of Property Management and General Services, Washington, D.C.
Regional Procurement Officer, Washington, D.C.
Supervisory Landscape Architect, National Capital Office, Design and Construction, Washington, D.C.
Chief, Division of Property Management and General Services, Washington, D.C.
Staff Curator, Washington, D.C.
Chief, Division of Lands, Washington, D.C.
Chief, Division of Concessions Management, Washington, D.C.
Concessions Analysts (6), Washington, D.C.
Supervisory Landscape Architect, Eastern Office, Design and Construction, Philadelphia, Pa.
Regional Director, Northeast Region, Philadelphia, Pa.
Assistant Regional Directors (3), Philadelphia, Pa.
Administrative Officer, Philadelphia, Pa.
Regional Procurement and Property Management Officer, Philadelphia, Pa.
Supervisory Landscape Architect, Western Office, Design and Construction, San Francisco, Calif.
Supervisory Education Specialist, Harpers Ferry, W. Va.
Regional Director, Southeast Region, Richmond, Va.

NATIONAL PARK SERVICE—Continued

Assistant Regional Directors (3), Richmond, Va.
General Supply Officer, Richmond, Va.
Regional Director, Midwest Region, Omaha, Nebr.
Assistant Regional Directors (3) Omaha, Nebr.
Regional Chief, Division of Property Management and General Services, Omaha, Nebr.
Regional Director, Western Region, Omaha, Nebr.
Assistant Regional Directors (3), Omaha, Nebr.
Regional Chief, Division of Property Management and General Services, Omaha, Nebr.
Regional Director, Southwest Region, Santa Fe, N. Mex.
Assistant Regional Directors (3), Santa Fe, N. Mex.
Regional Chief, Division of Property Management and General Services, Santa Fe, N. Mex.

Superintendents of the following areas

Abraham Lincoln Birthplace National Historic Site, Hodgenville, Ky.
Andrew Johnson National Historic Site, Greenville, Tenn.
Appomattox Court National Historical Park, Appomattox, Va.
Blue Ridge Parkway, Roanoke, Va.
Booker T. Washington Birthplace National Monument, Hardy, Va.
Cape Hatteras National Seashore, Manteo, N.C.
Castillo de San Marcos National Monument, St. Augustine, Fla.
Chalmette National Historical Park, Arabi, La.
Chickamauga and Chattanooga National Military Park, Fort Oglethorpe, Ga.
Colonial National Historical Park, Yorktown, Va.
Cumberland Gap National Historical Park, Middlesboro, Ky.
De Soto National Memorial, Bradenton, Fla.
Everglades National Park, Homestead, Fla.
Fort Donelson National Military Park, Dover, Tenn.
Fort Frederica National Monument, St. Simons Island, Ga.
Fort Pulaski National Monument, Savannah Beach, Ga.
Fort Smith National Historical Site, Fort Smith, Ark.
Fort Sumter National Monument, Charleston, S.C.
Fredericksburg and Spotsylvania National Military Park, Fredericksburg, Va.
Great Smoky Mountains National Park, Gatlinburg, Tenn.
Guilford Courthouse National Military Park, Greensboro, N.C.
Horseshoe Bend National Military Park, Dadeville, Ala.
Hot Springs National Park, Hot Springs, Ark.
Kennesaw Mountain National Battlefield Park, Marietta, Ga.
Kings Mountain National Military Park, Kings Mountain, N.C.
Mammoth Cave National Park, Mammoth Cave, Ky.
Manassas National Battlefield Park, Manassas, Va.
Moores Creek National Military Park, Currie, N.C.
Natchez Trace Parkway, Tupelo, Miss.
Ocmulgee National Monument, Macon, Ga.
Pea Ridge National Military Park, Rogers, Ark.
Petersburg National Military Park, Petersburg, Va.
Richmond National Battlefield Park, Richmond, Va.
Russell Cave National Monument, Bridgeport, Ala.
San Juan National Historical Site, San Juan, P.R.
Shenandoah National Park, Luray, Va.
Shiloh National Military Park and Cemetery, Pittsburg Landing, Tenn.
Stones River National Battlefield and Cemetery, Murfreesboro, Tenn.
Vicksburg National Military Park and Cemetery, Vicksburg, Miss.
Virgin Islands National Park, Charlotte Amalie, St. Thomas.
Badlands National Monument, Interior, S. Dak.
Bent's Old Fort National Historic Site, La Junta, Colo.
Bighorn Canyon National Recreation Area, Montana-Wyoming.
Curecanti, Colorado and Black Canyon National Monument, Colorado.
Custer Battlefield National Monument, Crow Agency, Mont.
Devils Tower National Monument, Devils Tower, Wyo.
Dinosaur National Monument, Jensen, Utah.
Effigy Mounds National Monument, McGregor, Iowa.
Flaming Gorge National Recreation Area, Utah.
Fort Laramie National Historical Site, Fort Laramie, Wyo.
George Washington Carver National Monument, Diamond, Mo.
Glacier National Park, West Glacier, Mont.
Grand Portage National Monument, Grand Portage, Minn.
Grand Teton National Park, Moose, Wyo.
Homestead National Monument, Beatrice, Nebr.
Jefferson-National Expansion Memorial, St. Louis, Mo.
Mount Rushmore National Monument, Keystone, S. Dak.
Ozark National Scenic Riverways, Van Buren, Mo.
Pipestone National Monument, Pipestone, Minn.
Rocky Mountain National Park, Estes Park, Colo.
Scotts Bluff National Monument, Gering, Nebr.
Theodore Roosevelt National Memorial Park, Medora, N. Dak.
Wind Cave National Park, Hot Springs, S. Dak.
Yellowstone National Park, Yellowstone Park, Wyo.
Aztec Ruins National Monument, Aztec, N. Mex.
Bandelier National Monument, Santa Fe, N. Mex.
Big Bend National Park, Texas.
Bryce Canyon National Park, Rubys Inn, Utah.
Canyon de Chelly National Monument, Chinle, Ariz.
Canyonlands National Park, Moab, Utah.
Capitol Reef National Monument, Torrey, Utah.
Capulin Mountain National Monument, Capulin, N. Mex.
Carlsbad Caverns National Park, Carlsbad, N. Mex.
Casa Grande Ruins National Monument, Coolidge, Ariz.
Chaco Canyon National Monument, Bloomfield, N. Mex.
Chiricahua National Monument, Dos Cabezas, Ariz.
Coronado National Monument, Hereford, Ariz.
El Morro National Monument, El Morro, N. Mex.
Fort Davis National Historical Site, Fort Davis, Tex.
Fort Union National Monument, Las Vegas, N. Mex.
Gila Cliff Dwellings National Monument, Silver City, N. Mex.
Glen Canyon National Recreation Area, Page, Ariz.
Grand Canyon National Park, Grand Canyon, Ariz.
Gran Quivira National Monument, Gran Quivira, N. Mex.
Great Sand Dunes National Monument, Alamosa, Colo.
Lake Mead National Recreation Area, Boulder City, Nev.
Mesa Verde National Park, Mesa Verde, Ariz.
Montezuma Castle National Monument, Camp Verde, Ariz.
Navajo National Monument, Tonalea, Ariz.
Organ Pipe Cactus National Monument, Ajo, Ariz.
Padre Island National Seashore, Corpus Christi, Tex.
Petrified Forest National Park, Holbrook, Ariz.
Pipe Spring National Monument, Moccasin, Ariz.
Platt National Park, Sulphur, Okla.
Saguaro National Monument, Tucson, Ariz.
Sanford National Recreation Area, Sanford, Ariz.
Timpanogos Cave National Monument, American Fork, Utah.
Tonto National Monument, Roosevelt, Ariz.
Tumacacori National Monument, Tumacacori, Ariz.
Tuzigoot National Monument, Clarksdale, Ariz.
Walnut Canyon National Monument, Flagstaff, Ariz.
White Sands National Monument, Alamogordo, N. Mex.
Wupatki and Sunset Crater, Flagstaff, Ariz.
Zion National Park, Springdale, Utah.
Cabrillo and Channel Islands National Monument, San Diego, Calif.
City of Refuge National Historical Park, Honanau, Hawaii.
Coulee Dam National Recreation Area, Coulee Dam, Wash.
Crater Lake National Park, Medford, Oreg.
Craters of the Moon National Park, Arco, Idaho.
Death Valley National Monument, Death Valley, Calif.
Fort Clatsop National Monument, Astoria, Oreg.
Fort Van Couver National Historical Site, Vancouver, Wash.
Haleakala National Park, Kahului, Maui.
Hawaii Volcanoes National Park, Hawaii.
Joshua Tree National Monument, Twentynine Palms, Calif.
Lassen Volcanic National Park, Mineral, Calif.
Lava Beds National Monument, Tulelake, Calif.
Lehman Caves National Monument, Baker, Nev.
Mount McKinley National Park, McKinley Park, Alaska.
Mount Rainier National Park, Longmire, Wash.
Muir Woods National Monument, Mill Valley, Calif.
Olympic National Park, Port Angeles, Wash.
Pinnacles National Monument, Paicines, Calif.
Point Reyes National Seashore, Point Reyes, Calif.
Sequoia and Kings Canyon National Park, Three Rivers, Calif.
Sitka and Glacier Bay National Monuments, Juneau, Alaska.
Whiskeytown National Recreation Area, Whiskeytown, Calif.
Whitman Mission National Historical Site, Walla Walla, Wash.
Yosemite National Park, California.
Acadia National Park, Bar Harbor, Maine.
Adams National Historical Site, Quincy, Mass.
Allegheny Portage Railroad National Historical Site and Johnstown Flood National Memorial, Johnstown, Pa.
Antietam National Battlefield Site, Sharpsburg, Md.
Cape Cod National Seashore, Eastham, Mass.
Chesapeake and Ohio Canal National Monument, Washington, D.C.
Edison National Historic Site, East Orange, N.J.
Fire Island National Seashore, New York.
Fort McHenry National Monument and Historic Site, Baltimore, Md.
Fort Necessity National Battlefield, Farmington, Pa.
Gettysburg National Military Park, Gettysburg, Pa.
Harpers Ferry National Historical Park, Harpers Ferry, Md.
Home of Franklin D. Roosevelt and Vanderbilt Mansion National Historical Site, Hyde Park, N.Y.
Independence National Historical Park, Philadelphia, Pa.
Isle Royale National Park, Houghton, Mich.
Lincoln Boyhood National Memorial, Lincoln City, Ind.
Minute Man National Historical Park Project, Salem, Mass.
Morristown National Historical Park, Morristown, N.J.
Mound City Group National Monument, Chillicothe, Ohio.
New York City National Park Service Group, New York, N.Y.
Perry's Victory and International Peace Memorial National Monument, Put-in-Bay, Ohio.
Salem Maritime National Historical Site, Salem, Mass.
Saratoga National Historical Park, Stillwater, N.Y.
Central National Capital Parks, Washington, D.C.
North National Capital Parks, Washington, D.C.
East National Capital Parks, Washington, D.C.
Catoctin Mountain Park, Thurmont, Md.
Prince William Forest Park, Triangle, Va.

Assistant Superintendents of the Following Areas

Cape Hatteras National Seashore, Manteo, N.C.
Colonial National Historical Park, Yorktown, Va.
Everglades National Park, Homestead, Fla.
Greaty Smoky Mountains National Park, Gatlinburg, Tenn.
Shenandoah National Park, Luray, Va.
Glacier National Park, West Glacier, Mont.
Rocky Mountain National Park, Estes Park, Colo.
Yellowstone National Park (2), Yellowstone Park, Wyo.
Mount Rainier National Park, Longmire, Wash.
Olympic National Park, Port Angeles, Wash.
Sequoia and Kings Canyon National Parks, Three Rivers, Calif.
Yosemite National Park, California.

Conservation Center Directors of the following centers

The Gap Job Corps Conservation Center, Middlesboro, Ky.
Oconaluftee Job Corps Conservation Center, North Carolina.
Tremont Job Corps Conservation Center, Tennessee.
Great Onyx Job Corps Conservation Center, Mammoth Cave, Ky.

BUREAU OF OUTDOOR RECREATION

Assistant Director for Administration, Washington, D.C.
Accounting Officer, Washington, D.C.
Chief, Division of Program Development and Management Operations, Washington, D.C.
Program Development Officer, Washington, D.C.
Administrative Assistant, Washington, D.C.
Chief, Division of Grants-in-Aid, Washington, D.C.
Recreation Resource Specialists (3), Washington, D.C.
Program Management Officer, Washington, D.C.
Management Analyst, Washington, D.C.
Grants Management Specialist, Washington, D.C.
Chief, Division of Federal Coordination, Washington, D.C.
Realty Officer, Washington, D.C.
Assistants to the Director (2), Washington, D.C.
Public Information Officer, Washington, D.C.
Chief, Division of Personnel Management and Organization, Washington, D.C.
Chief, Division of Nationwide Planning and Surveys, Washington, D.C.
Chief, Division of Water Resources and Special Area Studies, Washington, D.C.
Chief, Division of Resources and Education, Washington, D.C.
Supervisory Recreation Resources Specialist, Washington, D.C.
Chief, Division of Federal Programs Review, Washington, D.C.
Special Assistant, Washington, D.C.
Regional Director, Seattle, Wash.
Assistant Regional Directors (2), Seattle, Wash.
Recreation Resources Specialists (2), Seattle, Wash.
Staff Assistant, Seattle, Wash.
Regional Director, San Francisco, Calif.
Assistant Regional Directors (2), San Francisco, Calif.
Supervisory Recreation Resources Specialist, San Francisco, Calif.
Grants Management Specialist, San Francisco, Calif.
Staff Assistant, San Francisco, Calif.
Regional Director, Denver, Colo.
Assistant Regional Directors (2), Denver, Colo.
Recreation Resources Specialists (2), Denver, Colo.
Staff Assistant, Denver, Colo.
Regional Director, Ann Arbor, Mich.
Assistant Regional Directors (2), Ann Arbor, Mich.
Recreation Planner, Ann Arbor, Mich.
Supervisory Recreation Resources Specialist, Ann Arbor, Mich.
Staff Assistant, Ann Arbor, Mich.
Regional Director, Atlanta, Ga.
Assistant Regional Directors (2), Atlanta, Ga.
Supervisory Recreation Resources Specialist, Atlanta, Ga.
Recreation Resources Specialist, Atlanta, Ga.
Staff Assistant, Atlanta, Ga.
Regional Director, Philadelphia, Pa.
Assistant Regional Directors (2), Philadelphia, Pa.
Supervisory Recreation Resources Specialist, Philadelphia, Pa.
Grants Management Specialist, Philadelphia, Pa.
Staff Assistant, Philadelphia, Pa.

BUREAU OF RECLAMATION

Chief, Division of General Services, Washington, D.C.
Chief, Property and Services Branch, Washington, D.C.
Assistant Chief, Division of General Engineering, Washington, D.C.
Chief, Construction Activities Branch, Washington, D.C.
Chief, Research, Scientific and Technical Coordination Branch, Washington, D.C.
Chief, Division of Power, Washington, D.C.
Assistant Chief, Division of Power, Washington, D.C.
Chief, Marketing and Sales Branch, Washington, D.C.
Chief, Power Systems Branch, Washington, D.C.
Chief, Division of Procurement and Property, Washington, D.C.
Assistant Chief, Division of Procurement and Property, Washington, D.C.
Chief, Division of Project Development, Washington, D.C.
Chief, Division of Irrigation and Land Use, Washington, D.C.
Assistant Chief, Division of Project Development, Washington, D.C.
Assistant Chief, Division of Irrigation and Land Use, Washington, D.C.
Chief, Irrigation Branch, Washington, D.C.
Chief, Lands and Recreation Branch, Washington, D.C.
Compliance and Settlement Officer, Washington, D.C.
Realty Officer, Washington, D.C.
Chief, Contracts and Repayment Branch, Washington, D.C.
Contract and Repayment Specialists (3), Washington, D.C.
General Engineers (16), Denver, Colo.
Supervisory General Engineers (14), Denver, Colo.
Supervisory Civil Engineers (24), Denver, Colo.
Supervisory Electrical Engineers (9), Denver, Colo.
Supervisory Mechanical Engineers (8), Denver, Colo.
Supervisory Structural Engineers (4), Denver, Colo.
Electrical Engineer, Denver, Colo.
Civil Engineers (5), Denver, Colo.
Procurement Officers (2), Denver, Colo.
Engineering Technician, Denver, Colo.
Supervisory General Physical Scientists (2), Denver, Colo.
Supervisory Hydraulic Engineer, Denver, Colo.
Supervisory Soil Scientist, Denver, Colo.
Research Meteorologists (3), Denver, Colo.
Research Physical Scientists (2), Denver, Colo.
Research General Physical Scientist, Denver, Colo.
Administrative Assistants (2), Denver, Colo.
Supervisory Appraiser, Denver, Colo.
Supervisory Geologists (2), Denver, Colo.
Business Manager, Denver, Colo.
Office Services Manager, Denver, Colo.
Supply Management Officer, Denver, Colo.
Regional Director, Boise, Idaho.
Assistant Regional Director, Boise, Idaho.
Assistant to the Regional Director, Boise, Idaho.
Regional Engineer, Boise, Idaho.
Chief, Construction Branch, Boise, Idaho.
Chief, Design Branch, Boise, Idaho.
Supervisor of Irrigation, Boise, Idaho.
Chief, Repayment and Statistics Branch, Boise, Idaho.
Supervisor of Power, Boise, Idaho.
Chief, Resources and Contracts Branch, Boise, Idaho.
Project Development Engineer, Boise, Idaho.
Assistant Project Development Engineer, Boise, Idaho.
Chief, Engineering and Surveys Branch, Boise, Idaho.
Chief, Economic Resources Branch, Boise, Idaho.
Procurement and Property Officer, Boise, Idaho.
Chief, Procurement Branch, Boise, Idaho.
Project Manager, Ephrata, Wash.
Assistant Project Manager, Ephrata, Wash.
Chief, Engineer and Construction Division, Ephrata, Wash.
Chief, Construction Management Branch, Ephrata, Wash.
Chief, Construction Field Branch, Ephrata, Wash.
Chief, Irrigation and Land Division, Ephrata, Wash.
Chief, Power Field Division, Ephrata, Wash.

BUREAU OF RECLAMATION—Continued

Chief, Maintenance Branch, Ephrata, Wash.
Property and Services Officer, Ephrata, Wash.
Assistant to Project Manager, Ephrata, Wash.
Center Director, Larson AFB, Wash.
Project Construction Engineer, Baker, Oreg.
Administrative Officer, Baker, Oreg.
Project Construction Engineer, Spokane, Wash.
Administrative Officer, Spokane, Wash.
Project Construction Engineer, The Dalles, Oreg.
Administrative Officer, The Dalles, Oreg.
Project Superintendent, Boise, Idaho.
Project Superintendent, Burley, Idaho.
Administrative Officer, Burley, Idaho.
Project Superintendent, Yakima, Wash.
Administrative Officer, Yakima, Wash.
Project Superintendent, Hungry Horse, Mont.
Administrative Officer, Hungry Horse, Mont.
Project Construction Engineer, Oroville, Wash.
Administrative Officer, Oroville, Wash.
Area Engineer, Spokane, Wash.
Area Engineer, Salem, Oreg.
Area Engineer, Boise, Idaho.
Center Director, Marsing, Idaho.
Columbia-North Pacific Planning Officer, Portland, Oreg.
Assistant Regional Directors (2), Sacramento, Calif.
Assistant to Regional Director, Sacramento, Calif.
Civil Engineer, Sacramento, Calif.
Regional Supervisor of Irrigation, Sacramento, Calif.
Chief, Land Acquisition Branch, Sacramento, Calif.
Regional Supervisor of Power, Sacramento, Calif.
Chief, Marketing and Sales Branch, Sacramento, Calif.
Regional Engineer, Sacramento, Calif.
Regional Project Development Engineer, Sacramento, Calif.
Regional Procurement and Property Officer, Sacramento, Calif.
Procurement Officer, Sacramento, Calif.
Administrative Officer, Sacramento, Calif.
Pacific Southwest Planning Officer, San Bernardino, Calif.
Head, Auburn Field Office, Auburn, Calif.
Administrative Officer, Auburn Field Office, Auburn, Calif.
Office Engineer, Auburn, Calif.
Chief, Right-of-Way Division, Auburn, Calif.
Project Construction Engineer, Truckee, Calif.
Chief, Folsom Field Division, Folsom, Calif.
Administrative Officer, Folsom, Calif.
Chief, Fresno Field Division, Fresno, Calif.
Preconstruction Engineer, Fresno, Calif.
Chief, Office Engineering Division, Fresno, Calif.
Administrative Officer, Fresno, Calif.
Administrative Officer, Fresno CVP Preconstruction Office, Fresno, Calif.
Chief, Tracy Field Division, Tracy, Calif.
Administrative Officer, Tracy, Calif.
Chief, Shasta Field Division, Redding, Calif.
Center Director, Redding, Calif.
Administrative Officer, Redding, Calif.
Project Construction Engineer, Red Bluff, Calif.
Office Engineer, Red Bluff, Calif.
Administrative Officer, Red Bluff CVP Construction Office, Red Bluff, Calif.
Project Construction Engineer, Willows, Calif.
Office Engineer, Willows, Calif.
Administrative Officer, Willows CVP Construction Office, Willows, Calif.
Project Construction Engineer, Los Banos, Calif.
Assistant Project Construction Engineer, Los Banos, Calif.
Chief, Office Engineering Division, Los Banos, Calif.
Administrative Officer, Los Banos, Calif.
Project Manager, Klamath Falls, Oreg.
Administrative Officer, Klamath Falls, Oreg.
Project Manager, Carson City, Nev.
Center Director, Lewiston, Calif.
Administrative Officer, San Louis Unit CVP Construction Office.
Administrative Officer, Lahontan Basin Projects Office.
Assistant Regional Director, Phoenix, Ariz.
Project Manager, Phoenix, Ariz.
Assistant Project Manager, Phoenix, Ariz.
Administrative Officer, Phoenix, Ariz.
Assistant to Regional Director, Boulder City, Nev.
Regional Engineer, Boulder City, Nev.
Regional Supervisor of Power, Boulder City, Nev.
Public Utilities Specialist, Boulder City, Nev.
Regional Supervisor of Irrigation, Boulder City, Nev.
Regional Procurement and Property Officer, Boulder City, Nev.
Chief, Construction Branch, Boulder City, Nev.
Supervisory Economist, Boulder City, Nev.
Land Use and Settlement Specialist, Boulder City, Nev.
Chief, Procurement Branch, Boulder City, Nev.
Realty Officer, Boulder City, Nev.
Regional Project Development Engineer, Boulder City, Nev.
Chief, Engineering Branch, Boulder City, Nev.
River Control Engineer, Boulder City, Nev.
Project Manager, Boulder City, Nev.
Area Engineer, Boulder City, Nev.
Administrative Officer, Transmission Lines Office, Reno, Nev.
Project Manager, Yuma, Ariz.
Administrative Officer, Yuma, Ariz.
Chief, Field Engineering Division, Yuma, Ariz.
Administrator, Yuma, Ariz.
Area Engineer, San Bernardino, Calif.
Planning Engineer, St. George, Utah.
Regional Director, Salt Lake City, Utah.
Assistant Regional Director, Salt Lake City, Utah.
Assistant to Regional Director, Salt Lake City, Utah.
Regional Engineer, Salt Lake City, Utah.
Regional Supervisor of Irrigation, Salt Lake City, Utah.
Regional Project Development Engineer, Salt Lake City, Utah.
Regional Supervisor of Power, Salt Lake City, Utah.
Chief, Division of River Control, Salt Lake City, Utah.
Regional Finance Officer, Salt Lake City, Utah.
Regional Property and Service Officer, Salt Lake City, Utah.
Chief, Procurement Branch, Salt Lake City, Utah.
Chairman, Pacific Southwest Field Committee, Salt Lake City, Utah.
Project Manager, Provo, Utah.
Administrative Officer, Provo, Utah.
Project Power Manager, Montrose, Colo.
Administrative Officer, Montrose, Colo.
Chief, Flaming Gorge Field Division, Dutch John, Utah.
Project Construction Engineer, Gunnison, Colo.
Administrative Officer, Gunnison, Colo.
Project Manager, Durango, Colo.
Chief, Field Engineering Division, Durango, Colo.
Acting Project Construction Engineer, Castle Dale, Utah.
Administrative Officer, Castle Dale, Utah.
Project Construction Engineer, Page, Ariz.
Project Manager, Grand Junction, Colo.
Administrative Officer, Grand Junction, Colo.
Construction Engineer, Rifle, Colo.
Project Construction Engineer, Mount View, Wyo.
Acting Project Construction Engineer, Mount View, Wyo.
Acting Project Manager, Rock Springs, Wyo.
Project Construction Engineer, Fontenelle, Wyo.
Administrative Officer, Fontenelle, Wyo.
Project Manager, Ogden, Utah.
Administrative Assistant, Ogden, Utah.
Construction Engineer, Morgan, Utah.
Construction Engineer, Devil's Slide, Utah.
Center Director, Collbran, Colo.
Center Director, Ogden, Utah.
Regional Director, Amarillo, Tex.
Assistant Regional Director, Amarillo, Tex.
Assistant to Regional Director, Amarillo, Tex.
Regional Engineer, Amarillo, Tex.
Regional Supervisor of Power, Amarillo, Tex.
Regional Project Development Engineer, Amarillo, Tex.
Regional Supervisor of Irrigation, Amarillo, Tex.
Regional Finance Officer, Amarillo, Tex.
Regional Procurement and Property Officer, Amarillo, Tex.
Project Construction Engineer, Amarillo, Tex.
Administrative Officer, Amarillo, Tex.
Project Superintendent, Albuquerque, N. Mex.
Area Engineer, Albuquerque, N. Mex.
Administrative Officer, Albuquerque, N. Mex.
Project Manager, El Paso, Tex.
Administrative Officer, El Paso, Tex.
Project Construction Engineer, Sulphur, Okla.
Center Director, Sulphur, Okla.
Project Construction Engineer, Weslaco, Tex.
Administrative Officer, Weslaco, Tex.
Project Construction Engineer, Santa Fe, N. Mex.
Administrative Officer, Santa Fe, N. Mex.
Project Construction Officer, Farmington, N. Mex.
Administrative Officer, Farmington, N. Mex.
Area Engineer, Austin, Tex.
Administrative Officer, Austin, Tex.
Area Engineer, Oklahoma City, Okla.
Regional Director, Billings, Mont.
Assistant Regional Director, Billings, Mont.
Assistant to Regional Director, Billings, Mont.
Regional Engineer, Billings, Mont.
Regional Supervisor of Irrigation, Billings, Mont.
Electrical Engineers (2), Billings, Mont.
Regional Supervisor of Power, Billings, Mont.
Regional Project Development Engineer, Billings, Mont.
Regional Property Officer, Billings, Mont.
Public Utilities Specialist, Billings, Mont.
Chief, Land Acquisition Branch, Billings, Mont.
Chief, Procurement Branch, Billings, Mont.
Project Manager, Bismarck, N. Dak.
Assistant Project Manager, Bismarck, N. Dak.
Chief, Administrative Services Division, Bismarck, N. Dak.
Chief, Property Branch, Bismarck, N. Dak.
Project Manager, Huron, S. Dak.
Administrative Officer, Huron, S. Dak.
Chief, Property Branch, Huron, S. Dak.
Project Construction Engineer, Fort Smith, Mont.
Chief, Administrative Services Division, Fort Smith, Mont.
Project Manager, Great Falls, Mont.
Chief, Administrative Services Division, Great Falls, Mont.
Project Manager, Riverton, Wyo.
Power System Operations Officer, Watertown, S. Dak.
Assistant Regional Director, Denver, Colo.
Assistants to Regional Director (2), Denver, Colo.
Regional Engineer, Denver, Colo.
Chief, Construction Coordination and Estimates Branch, Denver, Colo.

Regional Project Development Engineer, Denver, Colo.
Civil Engineer, Denver, Colo.
Regional Supervisor of Irrigation, Denver, Colo.
Regional Supervisor of Power, Denver, Colo.
Chief, Land Acquisition Branch, Denver, Colo.
Chief, Repayments Branch, Denver, Colo.
Chief, Power Contracts Branch, Denver, Colo.
Regional Procurement and Property Officer, Denver, Colo.
Chief, Procurement Branch, Denver, Colo.
Regional Finance Officer, Denver, Colo.
Missouri River Basin Planning Officer, Omaha, Nebr.
Assistant Missouri River Basin Planning Officer, Omaha, Nebr.
Wyoming Reclamation Representative, Cheyenne, Wyo.
Construction Engineer, Cheyenne, Wyo.
Project Manager, Pueblo, Colo.
Administrative Officer, Pueblo, Colo.
Chief, Construction Field Division, Glenwood Springs, Colo.
Project Manager, Loveland, Colo.
Administrative Officer, Loveland, Colo.
Project Manager, Casper, Wyo.
Administrative Officer, Casper, Wyo.
Chief, Procurement and Property Branch, Casper, Wyo.
Project Manager, McCook, Nebr.
Assistant Project Manager, McCook, Nebr.
Chief, Procurement and Property Management Branch, McCook, Nebr.
Chief, Glen Elder Construction, Beloit, Kans.
Project Manager, Grand Island, Nebr.
Administrative Officer, Grand Island, Nebr.
Chief, Ainsworth Construction Field Division, Ainsworth, Nebr.
Chief, Farwell Construction Field Division, St. Paul, Nebr.
Center Director, McCook, Nebr.
Center Director, Casper, Wyo.
District Manager, Juneau, Alaska.
Administrative Officer, Juneau, Alaska.
Chief, Project Development Division, Juneau, Alaska.
Chief, Division of Power, Juneau, Alaska.
Project Superintendent, Palmer, Alaska.
Assistant Project Superintendent, Palmer, Alaska.
Supervisory Appraiser, Boise, Idaho.
Head, Appraisal Section, Ephrata, Wash.
Appraiser, Ephrata, Wash.
Supervisory Appraiser, Sacramento, Calif.
Mineral Appraiser, Sacramento, Calif.
Appraisers (12), Sacramento, Calif.
Supervisory Appraiser, Auburn, Calif.
Appraisers (2), Auburn, Calif.
Appraisers (4), Salt Lake City, Utah.
Appraiser, Amarillo, Tex.
Head, Appraisal Section, Billings, Mont.
Supervisory Appraisers (5), Billings, Mont.
Appraisers (15), Billings, Mont.
Appraisers (5), Denver, Colo.
Head, Appraisal Section, Denver, Colo.

OFFICE OF TERRITORIES

Comptroller of the Virgin Islands, St. Thomas, V.I.
Deputy Comptroller of the Virgin Islands, St. Thomas, V.I.
Secretary of American Samoa, Pago Pago, American Samoa.
Attorney General, American Samoa, Pago Pago, American Samoa.
Director of Administrative Services, American Samoa, Pago Pago, American Samoa.
Special Assistant to the Governor of American Samoa, Pago Pago, American Samoa.
Director of Public Works, American Samoa, Pago Pago, American Samoa.
Chief Justice for American Samoa, Pago Pago, American Samoa.
Associate Justice for American Samoa, Pago Pago, American Samoa.
Assistant Commissioner for Administration, Trust Territory, Saipan, Mariana Islands.
Director, Budget and Finance, Trust Territory, Saipan, Mariana Islands.
Chief Engineer, Trust Territory, Saipan, Mariana Islands.
Director of Property and Supply, Trust Territory, Saipan, Mariana Islands.
Director of Public Works, Trust Territory, Saipan, Mariana Islands.
Transportation Officer, Trust Territory, Saipan, Mariana Islands.
Internal Auditor, Trust Territory, Saipan, Mariana Islands.
Assistant Commissioner for Resources Development, Trust Territory, Saipan, Mariana Islands.
Director of Agriculture, Trust Territory, Saipan, Mariana Islands.
Economist, Trust Territory, Saipan, Mariana Islands.
Assistant Commissioner for Community Services, Trust Territory, Saipan, Mariana Islands.
Director of Education, Trust Territory, Saipan, Mariana Islands.
Director of Medical Services, Trust Territory, Saipan, Mariana Islands.
Assistant Commissioner for Public Affairs, Trust Territory, Saipan, Mariana Islands.
Chief Justice for Trust Territory, Saipan, Mariana Islands.
Associate Justice for Trust Territory, Saipan, Mariana Islands.
Attorney General for Trust Territory, Saipan, Mariana Islands.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

Public Information Officer, Washington, D.C.
Acting Compliance Officer, Washington, D.C.
Chief, Procurement Branch, Washington, D.C.
Contract Negotiator (2), Washington, D.C.
Chief, Contract Negotiation Section, Washington, D.C.
Chief, Division of Pollution Surveillance, Washington, D.C.
Chief, Technical Services, Washington, D.C.
Chief, Research Division, Washington, D.C.
Assistant Chief, Research Division, Washington, D.C.
Chief, Pollution Control Technology Branch, Washington, D.C.
Acting Chief, Grants Management Division, Washington, D.C.
Acting Deputy Chief, Grants Management Division, Washington, D.C.
Program Planning Officer, Washington, D.C.
Chief, Enforcement Division, Washington, D.C.
Chief, Construction Grants Division, Washington, D.C.
Deputy Chief, Construction Grants Division, Washington, D.C.
Chief, Area Operations Division, Washington, D.C.
Chief, Technical Control Division, Washington, D.C.
Chief, Planning Grants Division, Washington, D.C.
Deputy Regional Director, Southeast Region, Atlanta, Ga.
Regional Construction Grants Officer, Southeast Region, Atlanta, Ga.
Regional Enforcement Officer, Southeast Region, Atlanta, Ga.
Regional Construction Grants Officer, Ohio Basin Region, Cincinnati, Ohio.
Regional Enforcement Officer, Ohio Basin Region, Cincinnati, Ohio.
Deputy Regional Director, Middle Atlantic Region, Charlottesville, Va.
Regional Enforcement Officer, Middle Atlantic Region, Charlottesville, Va.
Regional Construction Grants Officer, Middle Atlantic Region, Charlottesville, Va.
Deputy Regional Director, Northeast Region, Boston, Mass.
Regional Construction Grants Officer, Northeast Region, Boston, Mass.
Regional Enforcement Officer, Northeast Region, Boston, Mass.
Deputy Regional Director, Northwest Region, Portland, Oreg.
Regional Construction Grants Officer, Northwest Region, Portland, Oreg.
Regional Enforcement Officer, Northwest Region, Portland, Oreg.
Regional Information Officer, Portland, Oreg.
Deputy Regional Director, Southwest Region, San Francisco, Calif.
Regional Enforcement Officer, Southwest Region, San Francisco, Calif.
Regional Construction Grants Officer, Southwest Region, San Francisco, Calif.
Deputy Regional Director, Great Lakes Region, Chicago, Ill.
Regional Construction Grants Officer, Great Lakes Region, Chicago, Ill.
Regional Enforcement Officer, Great Lakes Region, Chicago, Ill.
Construction Grants Officer, Great Lakes Region, Chicago, Ill.
Deputy Regional Director, Missouri Basin Region, Kansas City, Mo.
Regional Construction Grants Officer, Missouri Basin Region, Kansas City, Mo.
Regional Enforcement Officer, Missouri Basin Region, Kansas City, Mo.
Deputy Regional Director, South Central Region, Dallas, Tex.
Regional Enforcement Officer, South Central Region, Dallas, Tex.
Regional Construction Grants Officer, South Central Region, Dallas, Tex.
Construction Grants Officer, South Central Region (5), Dallas, Tex.

BONNEVILLE POWER ADMINISTRATION

Assistant Administrator, Washington, D.C.
Special Assistant, Office of the Administrator, Washington, D.C.
Special Assistant to the Administrator, Portland, Oreg.
Special Assistant to the Administrator, Portland, Oreg.
Executive Assistant to the Administrator, Portland, Oreg.
Assistants to the Administrator (3), Portland, Oreg.
Equal Employment and Security Officer, Portland, Oreg.
Field Operations Officer, Portland, Oreg.
Chief, Branch of Finance and Accounts, Portland, Oreg.
Head, Disbursement Audit Section, Portland, Oreg.
Disbursement and Claims Specialist, Portland, Oreg.
Chief, Branch of Supply, Portland, Oreg.
Assistant Chief, Branch of Supply, Portland, Oreg.
Head, Supply Control, Portland, Oreg.
Head, Procurement Section, Portland, Oreg.
Head, Specifications-Engineering Unit, Portland, Oreg.
Electrical Engineers (Power System) (3), Portland, Oreg.
Electrical Engineers (Equipment) (2), Portland, Oreg.
Electrical Engineer (Systems Engineering), Portland, Oreg.
Electrical Engineer (General), Portland, Oreg.
Mechanical Engineer (General), Portland, Oreg.
Head, Bid and Awards Unit, Portland, Oreg.
Head, Purchase Unit, Portland, Oreg.
Head, Inspection Section, Portland, Oreg.
Head, Pacific Coast Inspection, Portland, Oreg.
Head, Field Receiving Inspection, Portland, Oreg.
Head, Material Control Section, Portland, Oreg.
Assistant Chief Engineer, Portland, Oreg.
Consulting Engineer, Portland, Oreg.
Electrical Engineers (3), Portland, Oreg.
Assistants to Chief Engineer (3), Portland, Oreg.

BONNEVILLE POWER ADMINISTRATION—Con.

General Engineers (5), Portland, Oreg.
Supervisory Electrical Engineer, Portland, Oreg.
Civil Engineers (4), Portland, Oreg.
Chief of Maintenance, Portland, Oreg.
Supervisory General Engineer, Portland, Oreg.
Realty Officer, Portland, Oreg.
Supervisory Realty Officer, Portland, Oreg.
Supervisory Appraiser, Portland, Oreg.
Supervisory Legal Assistant, Portland, Oreg.
Assistant Power Manager, Portland, Oreg.
Chief, Branch of Power Operation, Portland, Oreg.
Chief, Branch of Customer Service, Portland, Oreg.
Chief, ranch of Power Resources, Portland, Oreg.
Chief, Branch of Power Marketing, Portland, Oreg.
Head, Rates and Statistics, Portland, Oreg.
Area Manager, Portland, Oreg.
Chief of Construction, Vancouver, Wash.
Assistant Chief of Construction, Vancouver, Wash.
Head, Line Construction Section, Vancouver, Wash.
Assistant Head, Line Construction Section, Vancouver, Wash.
Head, Substation Construction Section, Vancouver, Wash.
Assistant Head, Substation Construction Section, Vancouver, Wash.
Plant Services Manager, Vancouver, Wash.
Head, Shops Section, Vancouver, Wash.
Transportation Officers (2), Vancouver, Wash.
Administrative Officer, Vancouver,, Wash.
Maintenance and Equipment Officer, Vancouver, Wash.
Plant Services Supervisor, Vancouver, Wash.
Head, Pittsburgh Inspection Office, Pittsburgh, Pa.
Head, Schenectady Inspection Office, Schenectady, N.Y.
Supervisory Construction Representative, Eugene, Oreg.
Supervisory Construction Representative, Bend, Oreg.
Supervisory Construction Representative, Olympia, Wash.
Supervisory Construction Representative, Wenatchee, Wash.
Area Manager, Seattle, Wash.
Area Manager, Spokane, Wash.
Area Manager, Walla Walla, Wash.
Area Manager, Idaho Falls, Idaho.

SOUTHWESTERN POWER ADMINISTRATION

Chief, Division of Power, Tulsa, Okla.
Assistant Chief, Division of Power, Tulsa, Okla.
Chief, Branch of Customer Service, Tulsa, Okla.
Chief, Branch of Construction, Tulsa, Okla.
Chief, Division of Administrative Services, Tulsa, Okla.
Assistant Chief, Division of Administrative Services, Tulsa, Okla.
Chief, Branch of Supply, Tulsa, Okla.
Financial Management Systems Analyst, Office of the Administrator, Tulsa, Okla.
Assistant Administrator, Tulsa, Okla.
Chief, Management Office, Office of Administrator, Tulsa, Okla.
Public Utilities Specialists (4), Tulsa, Okla.
Chief, Branch of Power Operations, Tulsa, Okla.
Supervisory System Operator, Tulsa, Okla.

[F.R. Doc. 67-2381; Filed, Mar. 2, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF COMMERCE

Great Lakes Pilotage Administration

[46 CFR Parts 401, 403]

PILOTAGE REGULATIONS AND UNIFORM SYSTEM OF ACCOUNTS

Notice of Proposed Rule Making

Notice is hereby given that amendments to the Great Lakes Pilotage Regulations (46 CFR Part 401), and the Uniform System of Accounts (46 CFR Part 403) set forth in tentative form below are proposed to be promulgated by the Administrator, Great Lakes Pilotage Administration.

The proposed amendment to Great Lakes Pilotage Regulations (46 CFR Part 401) adds a new section, § 401.350, to Subpart C, to make clear that the Certificate of Authorization to form a pool issued to a voluntary association under the provisions of that subpart is valid only for the facilities and arrangements proposed in the application and approved by the Certificate of Authorization issued. Further, the proposed amendment provides means by which the original application may be amended to accommodate requested and approved changes in the facilities and arrangements including the establishment of other entities or corporations created to perform pilot related functions.

The amendments to the Uniform System of Accounts (46 CFR Part 403) are proposed to provide for the separation and identification of costs and expenses arising out of a claimed employer-employee relationship between the voluntary association and its member pilots because they are not considered eligible as costs and expenses incurred for providing and maintaining the pilotage facilities and arrangements under the provisions of section 5(c) of the Great Lakes Pilotage Act of 1960 and therefore, should be treated as additions to the gross share of each individual pilot.

Prior to the adoption of these amendments, consideration will be given to comments by interested persons who may submit data, views, or arguments, in writing to the Administrator, Great Lakes Pilotage Administration, Department of Commerce, Washington, D.C. 20230, within 30 days of the date of this publication in the FEDERAL REGISTER.

1. Subpart C of Part 401 is amended to add:

§ 401.350 Amendment of Certificates of Authorization.

(a) A Certificate of Authorization issued pursuant to the provisions of this subpart is valid only for the facilities and arrangements proposed in the application under which issued. If any voluntary association holding a Certificate of Authorization finds it necessary or desirable to make any alteration in the authorized facilities and arrangements provided for in the application including relocation or reorganization of the facilities or establishment of any other entity or corporation created to perform pilot related functions, such alteration shall constitute an amendment of the original application requiring approval of the Great Lakes Pilotage Administration.

(b) No amendment to the initial application under paragraph (a) of this section shall be approved unless it also meets the requirements for authorization as provided under § 401.320.

(c) Any amendment to the application shall be made and approved in writing and an amendment to the Certificate of Authorization shall be issued.

(d) Any unauthorized alteration of the approved facilities and arrangements may be deemed in contravention of the terms and content of the application under which the Certificate of Authorization was issued and the certificate will be subject to withdrawal by the Administrator under the provisions of § 401.330, or be liable for the penalties provided under § 401.500.

2. Part 403 is amended as follows:

General Accounting Provisions

a. Section 1. *Introduction to system of accounts and reports* is amended to add:

10. *Self-employed status of U.S. Registered Pilots.* U.S. Registered Pilots on the Great Lakes are independent contractors who function as and have the status of self-employed individuals. An employer-employee relationship does not exist between the association and its member or nonmember pilots within the pool. Accordingly, the accounting treatment for earnings, allocation of expenses, and distribution of net share of earnings shall be consistent and in conformance therewith. Any cost of expense incurred by the association including taxes withheld or paid on an employer-employee relationship are not authorized costs or expenses of the pool unless a demonstratable obligation exists and shall be added to the net earnings share of the individual as personal compensation.

11. *Tax liabilities.* Each association holding a Certificate of Authorization shall be prepared to establish by satisfactory evidence that any Federal, State, and local tax liabilities of the association claimed as costs or expenses chargeable to the authorized pool are properly and legally incurred.

12. *Voluntary deductions from pilots net earnings shares.* No deductions shall be made from pilots net earnings shares for any purpose not required by law without individual voluntary authorization in writing by the pilot concerned. Each deduction shall be individually authorized subject to cancellation at any time by the individual but valid only for the current accounting year. The authorization must be renewed prior to each new accounting year. The authorization shall specify the payee of each deduction and shall specifically hold the association harmless from any neglect or failure to remit the deductions to the specified payees.

b. In section 2. *General accounting policies,* paragraph (a) of 4. *Federal income tax accruals* is amended to read as follows:

4. *Federal income tax accruals.* (a) All income taxes of the association exclusive of voluntary deductions of individual withholding taxes of the U.S. Registered Pilots, shall be, accrued by proportionate charges or credits to income each accounting period in such manner as will allocate the charges for taxes, or the tax credits for losses, to the period in which the related profits or losses respectively, are reflected.

* * * * *

Balance Sheet Classifications

c. Section 6. *Description and classifications of balance sheet accounts,* is amended as follows:

2040 Collections as agent.

Record here amounts collected for the account of others such as Federal, State, local taxes and other amounts deducted from employee salaries and wages including deductions from U.S. Registered Pilot earnings shares for payment to others.

2131 Accrued Federal income taxes.

Record here accruals for currently payable Federal income taxes of the association only. Provisions for deferred taxes shall be accrued as provided in balance sheet account 2340 Deferred Federal Income Taxes.

2139 Other accrued taxes.

Record here accruals for taxes, exclusive of Federal income taxes of the association only.

2340 Deferred Federal income taxes.

(a) Accruals of deferred Federal income taxes liability of the association only shall be recorded in this account (see section 2, Item 4, for applicable accounting policy.)

* * * * *

Profit and Loss Classifications

d. Section 9. *Description and classification of profit and loss accounts* is amended as follows:

5100 Pilotage expenses.

Record here all expenses incurred for the performance of pilotage services rendered by Registered Pilots, Applicants, or contract pilots. These expenses include all net earnings shares paid pilots and Applicants, related expenses for meals,

taxis, and rooms whether reimbursed or furnished, voluntary deductions and other. Separate subsidiary accounts will be maintained as follows:

5110—Pilots Net Earnings Shares.
5120—Applicant Pilot Net Earnings Shares.
5130—Contract Pilot Net Earnings Shares.
5140—Subsistence and Travel Expense.
5150—Voluntary Deductions.
5160—Other.

(Sec. 4(e), Great Lakes Pilotage Act of 1960 (46 U.S.C. 216–216i))

Dated: February 15, 1967.

A. T. MESCHTER,
Administrator.

[F.R. Doc. 67-2377; Filed, Mar. 2, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BREAD

Proposal To Amend Standard To Permit Optional Use of Enzymes Derived From *Bacillus Subtilis*

Notice is given that a petition has been filed by the Wallerstein Co., Wallerstein Square, Staten Island, N.Y. 10303, proposing that the standard of identity for bread (21 CFR 17.1) be amended to provide for the use of α-amylase enzymes derived from *Bacillus subtilis* as optional ingredients. It is proposed that the α-amylases may be added in a suitable, harmless carrier but that the quantity of any such carrier shall be no greater than reasonably necessary to effect a uniform mixture of the enzymes with the flour used.

Grounds set forth in the petition in support of the proposal are that α-amylases from *Bacillus subtilis* are in bread making functionally effective to cause the degradation of starch so as to retard the firming of the bread crumb, and that the flavor, aroma, taste, and general characteristics of bread made with the subject enzymes are better than that of a control loaf baked at the same time without the enzymes, when both are evaluated 4 days after baking.

Accordingly, it is proposed that § 17.1 (a) (6) be amended by adding a new subdivision, as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) • • •

(6) • • •

( ) Harmless preparations of α-amylases, obtained from *Bacillus subtilis*, which may be added in a suitable, harmless carrier, but the quantity of any such carrier shall be no greater than reasonably necessary to effect a uniform mixture of the enzymes with the flour used.

• • • • • •

Due to cross-references, adoption of the proposed amendment to the standard for bread (§ 17.1) would have the effect of making α-amylases obtained from *Bacillus subtilis* permitted ingredients of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2–17.5).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal.

Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: February 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2401; Filed, Mar. 2, 1967; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 26]

EXEMPLARY REHABILITATION CERTIFICATES FOR EX-SERVICEMEN

Notice of Proposed Rule Making

Pursuant to section 1577 of the Exemplary Rehabilitation Certificates Act (80 Stat. 1016), I hereby propose to establish a new Part 26 of Title 29 of the Code of Federal Regulations to carry out the provisions of that Act which would read as set forth herein.

Any person interested in this proposal may submit a written statement of data, views, or argument regarding it within 10 days after this notice is published in the FEDERAL REGISTER. Such submissions should be mailed to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210.

The new regulations would read as follows:

PART 26—EXEMPLARY REHABILITATION CERTIFICATES FOR EX-SERVICEMEN

Sec.
26.1 Purpose and scope.
26.2 Application for certificate.
26.3 Information in applications.
26.4 Consideration for issuance of certificate.
26.5 Matters to be considered.
26.6 Denials.
26.7 Reconsideration of a denial.

AUTHORITY: The provisions of this Part 26, issued under Sec. 1577, 80 Stat. 1017.

§ 26.1 Purpose and scope.

(a) Public Law 89–690 amends Part II of Subtitle A of Title 10, United States Code, in that it authorizes the award of Exemplary Rehabilitation Certificates to any person discharged or dismissed from the Armed Forces under conditions other than honorable, or who received a general discharge, upon his being able to establish that he has rehabilitated himself, and that his character, conduct, activities, and habits since he was so discharged or dismissed have been exemplary for at least 3 years.

(b) The Act does not affect, change, or supersede the previous discharge in any way, nor would it allow any veterans' benefits to which the individual would not otherwise be entitled. It would allow these persons to receive special counseling and job development assistance through the national system of public employment offices.

§ 26.2 Application for certificate.

Any person desiring to apply for an Exemplary Rehabilitation Certificate may do so by filing an application form prescribed by the Department of Labor. The form may be obtained from and should be filed with:

Bureau of Employment Security, U.S. Department of Labor, Washington, D.C. 20210. Attention: XRC.

§ 26.3 Information in applications.

The application referred to in § 26.2 requires among other things that the applicant:

(a) Submit the prescribed form to his present employer, if employed, to be completed with regard to the applicant's general reputation and employment record, notarized, and returned by the applicant;

(b) List the names and addresses of all prior employers for at least 3 years preceding the date of application;

(c) Submit on a prescribed form a set of fingerprints to be used for positive identification purposes;

(d) List all prior addresses for the preceding 3 years, in order that certified statements from chief law enforcement officers of towns, cities, or counties in which the applicant has resided may be received attesting to his general reputation, so far as police and court records are concerned;

(e) Provide notarized statements from not less than 5 persons, other than relatives, attesting that they have personally known him for at least the 3 years preceding the date of application as a person of good reputation and exemplary conduct, and the extent of personal contact they have had with him.

§ 26.4 Consideration for issuance of certificate.

The Administrator of the Bureau of Employment Security or his authorized representative may consider an application for, and issue to that person, an Exemplary Rehabilitation Certificate if it is established to his satisfaction that such person has rehabilitated himself, that his character is good, and that his conduct, activities, and habits since he was discharged or dismissed have been exemplary for a resonable period of time, but not less than 3 years prior to the date of application.

§ 26.5 Matters to be considered.

Matters to be considered in determining whether a Certificate is to be issued may include the following:

(a) All material submitted in accordance with § 26.3;

(b) The nature of the previous discharge and the reasons for it;

(c) The certified statements received from the chief law enforcement officers in the applicant's locale, as to his conduct for the previous 3 years;

(d) FBI reports obtained through examination of the applicant's fingerprints;

(e) Notarized statements from the applicant's present employer, if employed, and from each employer for whom the applicant has worked in the preceding 3 years prior to the date of application, attesting to the applicant's general reputation and employment record;

(f) Notarized statements from at least 5 persons, other than relatives, attesting that they have personally known the applicant for at least 3 years as a person of good reputation and exemplary conduct, and the extent of personal contact they have had with him;

(g) Such independent investigation as the Secretary of Labor may make, or as may be made by utilizing the services of the Civil Service Commission.

§ 26.6 Denials.

If the Administrator of the Bureau of Employment Security or his authorized representative denies an application for an Exemplary Rehabilitation Certificate, he shall send the applicant notice of such denial together with a statement of the reasons therefore.

§ 26.7 Reconsideration of a denial.

(a) Any applicant denied a certificate may have such denial reviewed by the Secretary of Labor. Requests for such review shall be mailed to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, within 30 days from the date of the denial. Such requests shall state the reasons why he feels the denial is improper and may include any documents which he may wish to have considered.

(b) Any person wishing to appear in person or by counsel to object to the Administrator's denial should so state in his request filed in accordance with paragraph (a) of this section and should indicate whether he wishes to be heard in Washington, D.C., or at the nearest regional office of the U.S. Department of Labor. Thereafter, he will be notified of the time and place at which he will be heard and the officer who will hear the applicant's presentation and make recommendations to the Secretary of Labor.

(c) Following the close of these proceedings, the entire record shall be considered and the Secretary of Labor shall issue his decision which shall be mailed to the applicant.

Signed at Washington, D.C., this 24th day of February 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-2382; Filed, Mar. 2, 1967; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 153]

BEAUTY AND BARBER EQUIPMENT AND SUPPLIES INDUSTRY

Proposed Revised Trade Practice Rules; Notice of Hearing and of Opportunity To Present Data, Views, or Other Pertinent Information

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, and organizations and all other parties affected by or having an interest in the proposed trade practice rules for the Beauty and Barber Equipment and Supplies Industry (which constitute a proposed revision and extension of the rules for this industry promulgated by the Commission August 9, 1941) to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may care to submit and to be heard in the premises. For this purpose copies of the proposed rules, which are in the nature of advisory opinions as to the applicability of legal requirements, may be obtained upon request to the Commission. Such data, views, suggested changes, or other pertinent information may be submitted by letter, memorandum, brief, or other communication not later than April 28, 1967 to the Chief, Division of Trade Practice Conferences and Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue at Sixth Street NW., Washington, D.C. 20580.

Opportunity to orally present data, views, suggested changes, or other pertinent information relating to the proposed rules, will be afforded at three public hearings the first beginning at 10 a.m., P.t., on Monday, April 3, 1967, at the Sheraton-Palace Hotel, Market at New Montgomery Street, San Francisco, Calif.; the second at 10 a.m., e.s.t., on Friday, April 7, 1967, at the Commodore Hotel, 42d Street and Lexington Avenue, New York, N.Y.; and the third at 10 a.m., e.s.t., on Tuesday, April 11, 1967, at the Atlanta-American Motor Hotel, Spring Street at Carnegie Way NW., Atlanta, Ga., to any such persons, firms, corporations, organizations, and other interested or affected parties who desire to appear and be heard.

Those desiring to make verbal presentation should notify, by March 28, 1967, the Chief, Division of Trade Practice Conferences and Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue at Sixth Street NW., Washington, D.C. 20580. The notification should include an estimate of the time required for the presentation and indicate at which of the three hearings the verbal presentation is to be made.

All comments received in the proceeding will be available for examination by interested parties at the Federal Trade Commission, Washington, D.C., and will be fully considered by the Commission.

The industry is composed of persons, firms, corporations, or organizations engaged in the manufacture, distribution, or sale (including utilization in connection with services) of products marketed through beauty salons, beauty schools, beauty clinics, or barber shops.

These proceedings were instituted pursuant to an industry application and are directed to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41–58 and provisions of Part 1, Subpart F, of the Commission's Procedures and Rules of Practice, 16 CFR 1.61–1.67.

The rules which have been proposed for written comment and for discussion at the hearing are concerned with the following subjects:

1. Misrepresentation in general.
2. Misrepresentation as to character of business.
3. Deceptive plaques and certificates.
4. Deceptive pricing.
5. Deceptive use and imitation of trade or corporate names, trademarks, etc.
6. False invoicing.
7. Defamation of competitors or false disparagement of their products.
8. Push money.
9. Enticing away employees of competitors.
10. Inducing breach of contract.
11. Discriminations.

Issued: March 2, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-2345; Filed, Mar. 2, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 254]

FIELD ORGANIZATION

Pursuant to the requirements of section 3(a)(1) of the Administrative Procedure Act (5 U.S.C. 1002; 60 Stat. 238), there follows a description of the field organization of the Department of State (Foreign) as of January 1, 1967:

EMBASSIES

Afghanistan, Kabul.
Algeria, Algiers.
Argentina, Buenos Aires.
Australia, Canberra.
Austria, Vienna.
Barbados, Bridgetown.
Belgium, Brussels.
Bolivia, La Paz.
Botswana, Gaberones.
Brazil, Rio de Janeiro.
Bulgaria, Sofia.
Burma, Rangoon.
Burundi, Bujumbura.
Cameroon, Yaoundé.
Canada, Ottawa.
Central African Republic, Bangui.
Ceylon, Colombo.
Chad, Fort-Lamy.
Chile, Santiago.
China, Taipei (Taiwan).
Colombia, Bogotá.
Congo, Kinshasa.
Costa Rica, San José.
Cyprus, Nicosia.
Czechoslovakia, Prague.
Dahomey, Cotonou.
Denmark, Copenhagen.
Dominican Republic, Santo Domingo.
Ecuador, Quito.
El Salvador, San Salvador.
Ethiopia, Addis Ababa.
Finland, Helsinki.
France, Paris.
Gabon, Libreville.
Gambia, Bathurst.
Germany, Bonn.
Ghana, Accra.
Greece, Athens.
Guatemala, Guatemala.
Guinea, Conakry.
Guyana, Georgetown.
Haiti, Port-au-Prince.
Honduras, Tegucigalpa.
Hungary, Budapest.
Iceland, Reykjavik.
India, New Delhi.
Indonesia, Djakarta.
Iran, Tehran.
Iraq, Baghdad.
Ireland, Dublin.
Israel, Tel Aviv.
Italy, Rome.
Ivory Coast, Abidjan.
Jamaica, Kingston.
Japan, Tokyo.
Jordan, Amman.
Kenya, Nairobi.
Korea, Seoul.
Kuwait, Kuwait.
Laos, Vientiane.
Lebanon, Beirut.
Lesotho, Maseru.
Liberia, Monrovia.
Libya, Tripoli.
Luxembourg, Luxembourg.
Madagascar, Tananarive.
Malawi, Blantyre.
Malaysia, Kuala Lumpur.
Mali, Bamako.
Malta, Valletta.
Mauritania, Nouakchott.
Mexico, México, D. F.
Morocco, Rabat.
Nepal, Kathmandu.
Netherlands, The Hague.
New Zealand, Wellington.
Nicaragua, Managua.
Niger, Niamey.
Nigeria, Lagos.
Norway, Oslo.
Pakistan, Rawalpindi.
Panama, Panamá.
Paraguay, Asuncion.
Peru, Lima.
Philippines, Manila.
Poland, Warsaw.
Portugal, Lisbon.
Romania, Bucharest.
Rwanda, Kigali.
Saudi Arabia, Jidda.
Senegal, Dakar.
Sierra Leone, Freetown.
Singapore, Singapore.
Somalia, Mogadiscio.
South Africa, Pretoria.
Soviet Union, Moscow.
Spain, Madrid.
Sudan, Khartoum.
Sweden, Stockholm.
Switzerland, Bern.
Syria, Damascus.
Tanzania, Dar es Salaam.
Thailand, Bangkok.
Togo, Lomé.
Trinidad and Tobago, Port-of-Spain.
Tunisia, Tunis.
Turkey, Ankara.
Uganda, Kampala.
United Arab Republic, Cairo.
United Kingdom, London.
Upper Volta, Ouagadougou.
Uruguay, Montevideo.
Venezuela, Caracas.
Viet-Nam, Saigon.
Yemen, San'a.
Yugoslavia, Belgrade.
Zambia, Lusaka.

MISSIONS

Austria: Vienna (IAEA).
Belgium: Brussels (NATO) and (USEC).
Canada: Montreal (ICAO).
France: Paris (OECD) and (USRO).
Germany: Berlin (United States Mission).
Luxembourg: Luxembourg (USEC).
Switzerland: Geneva (European Office of the United Nations and Other International Organizations).

SPECIAL OFFICES

Brazil: Brasilia.
Libya:
Baida.
Benghazi.
Okinawa (Ryuku Islands): Naha.
Pakistan: Karachi.
Somalia: Hargeisa.
Yemen: Taiz.

CONSULATES GENERAL

Australia:
Melbourne.
Sydney.
Belgium: Antwerp.
Brazil:
Recife.
Sao Paulo.
Canada:
Calgary.
Halifax.
Montreal.
Quebec.
St. John's.
Toronto.
Vancouver.
Winnipeg.
Ecuador: Guayaquil.
Ethiopia: Asmara.
France:
Bordeaux.
Lyon.
Marseille.
Strasbourg.
Germany:
Bremen.
Düsseldorf.
Frankfort am Main.
Hamburg.
Munich.
Stuttgart.
Greece: Thessaloniki.
India:
Bombay.
Calcutta.
Madras.
Italy:
Genoa.
Milan.
Naples.
Palermo.
Japan: Kobe-Osaka.
Jerusalem: Jerusalem.
Mexico:
Guadalajara.
Monterrey.
Tijuana.
Morocco:
Casablanca.
Tangier.
Netherlands:
Amsterdam.
Rotterdam.
(Americas:)
Curaçao, Netherlands Antilles.
Paramaribo, Surinam.
Pakistan: Dacca.
Portugal:
(Africa:)
Lourenço Marques, Mozambique.
Luanda, Angola.
Saudi Arabia: Dhahran.
South Africa:
Cape Town.
Durban.
Johannesburg.
Spain:
Barcelona.
Seville.
Sweden: Göteborg.
Switzerland: Zürich.
Syria: Aleppo.
Turkey:
Istanbul.
Izmir.
United Arab Republic: Alexandria.
United Kingdom: (Great Britain and Northern Ireland:)
Belfast.
(Africa:)
Salisbury, Southern Rhodesia.
(Americas:)
Hamilton, Bermuda.
Nassau, Bahamas.
(Asia:)
Aden.
Victoria, Hong Kong.
Yugoslavia: Zagreb.

CONSULATES

Algeria:
Constantine.
Oran.
Argentina: Cordoba.
Australia:
Adelaide.
Brisbane.
Perth.
Bolivia: Cochabamba.
Brazil:
Belém.
Belo Horizonte.
Curitiba.
Porto Alegre.
Salvador.
Burma: Mandalay.
Cameroon: Douala.
Canada:
Saint John.
Windsor.
Chile: Antofagasta.
Colombia:
Barranquilla.
Cali.
Medellín.
Congo (Kinshasa):
Bukavu.
Lubumbashi.
Dominican Republic: Santiago de los Caballeros.
France:
Nice.
(Americas:)
Fort-de-France, Martinique.
Honduras:
San Pedro Sula.
Indonesia:
Medan.
Surabaja.
Iran:
Isfahan.
Khorramshahr.
Meshed.
Tabriz.
Iraq: Basra.
Italy:
Florence.
Trieste.
Turin.
Japan:
Fukuoka.
Nagoya.
Sapporo.
Malaysia: Kuching.
Mexico:
Ciudad Juárez.
Matamoros.
Mazatlán.
Mérida.
Mexicali.
Nogales.
Nuevo Laredo.
Piedras Negras.
San Luis Potosí.
Tampico.
Veracruz.
New Zealand: Auckland.
Nigeria:
Enugu.
Ibadan.
Kaduna.
Pakistan: Peshawar.
Panama: David.
Peru: Arequipa.
Philippines: Cebu.
Poland: Poznan.
Portugal:
Oporto.
Ponta Delgada, São Miguel, Azores.
South Africa: Port Elizabeth.
Spain:
Bilbao.
Valencia.
Tanzania: Zanzibar.
Thailand:
Chiengmai.
Udorn.
Turkey: Adana.
United Arab Republic: Port Said.
United Kingdom:
Edinburgh.
Liverpool.
(Africa:)
Mbabane, Swaziland.
(Americas:)
Belize City, British Honduras.
(Oceania:)
Suva, Fiji.
Venezuela:
Maracaibo.
Puerto la Cruz.

CONSULAR AGENCIES

Brazil:
Manaus, Amazonas.
São Luis, Maranhão.
Chile:
Concepción.
Valparaiso.
Colombia:
Buenaventura.
Leticia.
Costa Rica: Puntarenas.
Dominican Republic:
La Romana.
Manzanillo.

CONSULAR AGENCIES—Continued

Haiti: Cap Haitien.
Israel: Haifa.
New Zealand: Christ-church.
Portugal: Funchal, Maderia Islands.
Spain:
Las Palmas, Gran Canaria, Canary Islands.
Palma de Mallorca.
Switzerland: Basel.

This supersedes the basic "Field Organization of the Department of State" published in Public Notice No. 225 dated December 3, 1963 (28 F.R. 14274, dated December 25, 1963).

Dated: February 24, 1967.

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary of State for Administration.

[F.R. Doc. 67-2409; Filed, Mar. 2, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR1202]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

FEBRUARY 23, 1967.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. OR1202, for the withdrawal of the public lands described below, from all forms of appropriation under the mining laws (Ch. 2, 30 U.S.C.) but not from leasing under the mineral leasing laws.

The applicant desires the land in order to preserve the Babyfoot, York Creek, and Big Craggies Botanical Areas for public use and to assure their retention in public ownership.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separated notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

SISKIYOU NATIONAL FOREST

Big Craggies Botanical Area

T. 37 S., R. 11 W., unsurveyed,
Sec. 16, NE¼NW¼SW¼, W½W½SW¼, and SE¼SW¼SW¼;
Sec. 19, W½W½, S½SE¼SW¼, NE¼NE¼SE¼, S½NE¼SE¼, SE¼NW¼SE¼, and S½SE¼;
Sec. 20, NE¼NW¼SW¼ and W½W½SW¼;
Sec. 30, N½, SW¼, W½NE¼SE¼, and W½SE¼;
Sec. 31, NW¼NW¼NE¼, NE¼NW¼, W½NW¼, N½SE¼NW¼, SW¼SE¼NW¼, and N½NW¼SW¼.

T. 37½ S., R. 11 W., unsurveyed,
Sec. 30, SW¼SW¼NW¼ and W½W½SW¼;
Sec. 31, W½NW¼NW¼ and NW¼SW¼NW¼.

T. 37 S., R. 12 W., unsurveyed,
Sec. 13, SE¼SE¼;
Sec. 24, E½, SE¼NE¼NW¼, S½NW¼, E½SW¼, E½NW¼SW¼, NE¼SW¼SW¼, and S½SW¼SW¼;
Sec. 25;
Sec. 26, E½E½NE¼, SW¼SE¼NE¼, E½NE¼SE¼, and NE¼SE¼SE¼;
Sec. 34, SE¼NE¼NE¼, E½SE¼NE¼, S½NE¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼, and SE¼;
Sec. 35, E½E½, NE¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, SW¼NW¼NW¼, NW¼SW¼NW¼, NE¼SE¼NW¼, S½S½NW¼, SW¼, NW¼SE¼, and N½SW¼SE¼;
Sec. 36, N½, SW¼, N½SE¼, and SW¼SE¼.

T. 37½ S., R. 12 W., unsurveyed,
Sec. 25, S½S½NE¼, S½SE¼NW¼, NE¼SW¼, E½SE¼SW¼, and SE¼;
Sec. 26, SW¼SW¼NE¼, S½S½NW¼, N½SW¼, NE¼SW¼SW¼, and SE¼SW¼;
Sec. 36, NW¼NE¼, N½SW¼NE¼, SE¼SW¼NE¼, and E½NE¼NW¼.

Babyfoot Botanical Area

T. 38 S., R. 9 W.,
Sec. 31, E½ lot 1, E½NE¼ lot 2, S½S½NE¼NE¼, NW¼NW¼NE¼, S½NW¼NE¼, S½NE¼, E½NW¼, NE¼SW¼, NE¼SE¼SW¼, N½SE¼, and N½S½SE¼;
Sec. 32, SW¼NW¼, W½SE¼NW¼, N½NW¼NE¼SW¼, and N½NW¼SW¼.

York Creek Botanical Area

T. 36 S., R. 10 W.,
Sec. 36, E½SW¼SW¼SW¼, SE¼SW¼SW¼, and W½SW¼SE¼SW¼.

T. 37 S., R. 10 W.,
Sec. 1, S½NW¼ lot 2, SW¼ lot 2, N½SE¼ lot 2, SW¼SE¼ lot 2, lots 3 and 4, W½NW¼SW¼NE¼, N½SW¼NW¼, NE¼SW¼SW¼NW¼, SE¼SW¼NW¼, N½SE¼NW¼, N½SW¼SE¼NW¼, and NW¼SE¼SE¼NW¼;
Sec. 2, lot 1 and NE¼SE¼NE¼.

The areas described aggregate approximately 5,223.03 acres.

ERLING A. OLSON,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-2380; Filed, Mar. 2, 1967; 8:45 a.m.]

Geological Survey

EXECUTIVE OFFICER ET AL.

Delegation of Authority

FEBRUARY 27, 1967.

The following material is a revision of that portion of the Geological Survey Manual and the numbering system is that of the Manual. (Part 205, General Redelegations, Chapter 4 Procurement.) (27 F.R. 2574 and amendment 28 F.R. 3704 are revoked.)

.1 *Delegation.* Under authority delegated to heads of bureaus by the Secretary of the Interior in Departmental Manual, Part 205, General Delegations dated November 30, 1961 (26 F.R. 11748), redelegation of authority to officials and employees of the Geological Survey is hereby made.

.2 *Exercise of authority.* The redelegation hereby made is of authority, on behalf of the United States and the Geological Survey, to enter into contracts for construction, supplies, or services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations; with respect to any such contract, to issue change orders and extra work orders pursuant to the contracts, to enter into modifications of the contract which are legally permissible, and to terminate the contract if such action is legally authorized. This authority is redelegated under categories depending upon the amount involved.

A. Irrespective of the amount involved, to:

Executive Officer.

B. With respect to contracts for helicopter services not exceeding $100,000 in amount, to:

Procurement Officer.
Management Officer, Denver, Colo.
Management Officer, Menlo Park, Calif.

C. With respect to contracts not exceeding $25,000 in amount, to:

Chief, Branch of Service and Supply.
Procurement Officer.
Contract Specialists.

D. With respect to contracts not exceeding $10,000 in amount, to:

Assistant Procurement Officer.
Management Officer, Denver, Colo.
Management Officer, Menlo Park, Calif.

E. With respect to contracts not exceeding $5,000 in amount, to:

Management Officer, Anchorage, Alaska.

F. With respect to contracts for construction, including drilling, not exceeding $2,000, to:

Branch Chiefs, Water Resources Division.
Branch Area Chiefs, Water Resources Division.
Chief, Instrumentation Unit, Research Section, Surface Water Branch, Water Resources Division, Columbus, Ohio.

G. With respect to contracts for test drilling and construction not exceeding $1,000, to:

Heads of Field Offices.
Water Resources Division.

H. With respect to contracts for test drilling or other sampling process not exceeding $1,000, to:

Heads of Field Offices.
Branch of Mineral Classification.
Conservation Division.

W. T. PECORA,
Director.

[F.R. Doc. 67-2379; Filed, Mar. 2, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

UPLAND COTTON

Notice of Proposed Referenda on Transfers Out-of-County by Sale or Lease of Allotments

Notice is hereby given that the Department of Agriculture proposes to fix the period for holding individual county referenda by mail ballot in designated counties on the question of transfers out-of-county but within the same State by sale or lease of upland cotton allotments during 1968 and 1969 pursuant to section 344a of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1344b). Section 344a(b)(ii) of the act provides as follows:

(ii) No farm allotment may be sold or leased for transfer to a farm in another county unless the producers of cotton in the county from which transfer is being made have voted in a referendum within 3 years of the date of such transfer, by a two-thirds majority of the producers participating in such referendum, to permit the transfer of allotments to farms outside the county, which referendum, insofar as practicable, shall be held in conjunction with the marketing quota referendum for the commodity;

The referenda of producers of the 1967 crop of upland cotton would be conducted by mail ballot during the period May 15–19, 1967, each inclusive, in accordance with the Regulations Governing the Holding of Referenda on Marketing Quotas (7 CFR Part 717). The counties having 1967 upland cotton allotments which are required to hold another referenda on the question of transfers during 1968 and 1969 are listed below.

ALABAMA

Autauga.
Baldwin.
Barbour.
Bibb.
Blount.
Bullock.
Butler.
Calhoun.
Chambers.
Cherokee.
Chilton.
Choctaw.
Clarke.
Colbert.
Conecuh.
Covington.
Cullman.
Dale.
Dallas.
De Kalb.
Elmore.
Escambia.
Etowah.
Fayette.
Franklin.
Geneva.
Greene.
Hale.
Henry.
Houston.
Jackson.
Jefferson.
Lamar.
Lauderdale.
Lawrence.
Lee.
Limestone.
Lowndes.
Macon.
Marengo.
Marion.
Marshall.
Mobile.
Monroe.
Montgomery.
Morgan.
Perry.
Pickens.
Russell.
Shelby.
Sumter.
Talladega.
Tallapoosa.
Tuscaloosa.
Walker.
Washington.
Wilcox.
Winston.

ARIZONA

Cochise.
Graham.
Greenlee.
Maricopa.
Pima.
Pinal.

ARKANSAS

Arkansas.
Ashley.
Boone.
Bradley.
Calhoun.
Chicot.
Clark.
Clay.
Conway.
Craighead.
Crittenden.
Cross.
Dallas.
Desha.
Drew.
Faulkner.
Franklin.
Garland.
Greene.
Independence.
Jackson.
Jefferson.
Johnson.
Lafayette.
Lee.
Lincoln.
Little River.
Logan.
Lonoke.
Miller.
Mississippi.
Monroe.
Ouachita.
Phillips.
Poinsett.
Pope.
Prairie.
Pulaski.
Randolph.
St. Francis.
Washington.
White.
Woodruff.
Yell.

CALIFORNIA

Fresno.
Imperial.
Kern.
Kings.
Madera.
Merced.
Riverside.
Tulare.

FLORIDA

Escambia.
Holmes.
Jackson.
Jefferson.
Madison.
Santa Rosa.
Walton.

GEORGIA

Appling.
Baldwin.
Barrow.
Bartow.
Berrien.
Brooks.
Bulloch.
Burke.
Calhoun.
Candler.
Chattooga.
Clay.
Colquitt.
Cook.
Crawford.
Crisp.
Early.
Effingham.
Elbert.
Emanuel.
Evans.
Floyd.
Franklin.
Gilmer.
Glascock.
Gordon.
Grady.
Hancock.
Harris.
Hart.
Houston.
Irwin.
Jeff Davis.
Jefferson.
Jenkins.
Johnson.
Lanier.
Laurens.
Lee.
Lowndes.
Macon.
Madison.
Marion.
Meriwether.
Mitchell.
Morgan.
Oconee.
Oglethorpe.
Polk.
Randolph.
Richmond.
Screven.
Seminole.
Spalding.
Stewart.
Sumter.
Talbot.
Telfair.
Terrell.
Thomas.
Toombs.
Treutlen.
Troup.
Turner.
Twiggs.
Walton.
Warren.
Washington.
Webster.
Wheeler.
Wilcox.
Wilkinson.
Worth.

ILLINOIS

Alexander.
Massac.

KANSAS

Montgomery.

KENTUCKY

Hickman.

LOUISIANA

Acadia.
Allen.
Assumption.
Avoyelles.
Beauregard.
Bossier.
Caddo.
Caldwell.
Cameron.
Catahoula.
Concordia.
De Soto.
Evangeline.
Franklin.
Grant.
Lafayette.
La Salle.
Madison.
Morehouse.
Natchitoches.
Ouachita.
Pointe Coupee.
Rapides.
Red River.
Richland.
St. Helena.
St. Landry.
St. Martin.
Tensas.
Vermilion.
Washington.
West Baton Rouge.
West Carroll.
Winn.

MISSISSIPPI

Alcorn.
Attala.
Benton.
Calhoun.
Carroll.
Chickasaw.
Choctaw.
Claiborne.
Clarke.
Clay.
Coplah.
Covington.
De Soto.
Greene.
Grenada.
Hancock.
Harrison.
Hinds.
Holmes.
Humphreys.
Issaquena.
Itawamba.
Jasper.
Jefferson Davis.
Jones.
Kemper.
Lafayette.
Lawrence.
Leake.
Lee.
Lowndes.
Madison.
Marion.
Marshall.
Monroe.
Montgomery.
Neshoba.
Noxubee.
Oktibbeha.
Panola.
Perry.
Pontotoc.
Prentiss.
Quitman.
Rankin.
Scott.
Simpson.
Smith.
Sunflower.
Tallahatchie.
Tate.
Tippah.
Tishomingo.
Tunica.
Union.
Walthall.
Warren.
Washington.
Wayne.
Webster.
Winston.
Yalobusha.
Yazoo.

MISSOURI

Bollinger.
Butler.
Dunklin.
Mississippi.
New Madrid.
Ozark.
Pemiscot.
Ripley.
Scott.
Stoddard.
Vernon.

NEVADA

Nye.

NEW MEXICO

Bernalillo.
Chaves.
Curry.
De Baca.
Dona Ana
Eddy.
Guadalupe.
Harding.
Hidalgo.
Lea.
Otero.
Quay.
Roosevelt.
Sierra.
Socorro.

NORTH CAROLINA

Anson.
Bertie.
Chowan.
Cleveland.
Currituck.
Davie.
Gates.
Granville.

Guilford.
Hoke.
Johnston.
Lincoln.
Martin.
Moore.
Nash.
Pender.
Perquimans.
Polk.
Rutherford.
Union.
Warren.

OKLAHOMA

Atoka.
Beckham.
Blaine.
Bryan.
Caddo.
Canadian.
Carter.
Cleveland.
Coal.
Comanche.
Cotton.
Custer.
Dewey.
Garfield.
Garvin.
Grady.
Greer.
Harmon.
Harper.
Hughes.
Jackson.
Jefferson.
Johnston.
Kiowa.
Logan.
Love.
McClain.
McCurtain.
Major.
Marshall.
Mayes.
Muskogee.
Okfuskee.
Oklahoma.
Okmulgee.
Osage.
Pawnee.
Pontotoc.
Roger Mills.
Seminole.
Stephens.
Texas.
Tillman.
Wagoner.
Washington.
Washita.

SOUTH CAROLINA

Abbeville.
Aiken.
Allendale.
Anderson.
Bamberg.
Barnwell.
Berkeley.
Calhoun.
Charleston.
Cherokee.
Chester.
Chesterfield.
Darlington.
Dorchester.
Edgefield.
Florence.
Georgetown.
Greenville.
Greenwood.
Hampton.
Kershaw.
Lancaster.
Laurens.
Lee.
Lexington.
McCormick.
Marion.
Marlboro.
Newbury.
Oconee.
Richland.
Saluda.
Spartanburg.
Sumter.
Williamsburg.
York.

TENNESSEE

Benton.
Carroll.
Decatur.
Dyer.
Fayette.
Franklin.
Gibson.
Giles.
Hardeman.
Hardin.
Haywood.
Henderson.
Henry.
Lauderdale.
Lawrence.
Lincoln.
McNairy.
Madison.
Marshall.
Obion.
Rutherford.
Shelby.
Tipton.
Wayne.
Weakley.

TEXAS

Aransas.
Archer.
Armstrong.
Atascosa.
Austin.
Bailey.
Bandera.
Bastrop.
Baylor.
Bee.
Bell.
Bexar.
Borden.
Bosque.
Bowie.
Brazoria.
Brazos.
Briscoe.
Brooks.
Burleson.
Caldwell.
Calhoun.
Callahan.
Cameron.
Carson.
Castro.
Childress.
Clay.
Cochran.
Coke.
Coleman.
Collin.
Collingsworth.
Colorado.
Concho.
Cooke.
Coryell.
Cottle.
Crosby.
Dallas.
Dawson.
Deaf Smith.
Delta.
Denton.
De Witt.
Dickens.
Donley.
Ector.
Ellis.
El Paso.
Falls.
Fannin.
Fayette.
Fisher.
Floyd.
Foard.
Fort Bend.
Frio.
Galveston.
Garza.
Gillespie.
Glasscock.
Gray.
Grayson.
Grimes.
Guadalupe.
Hale.
Hall.
Hamilton.
Hardeman.
Hardin.
Haskell.
Hays.
Hemphill.
Hidalgo.
Hill.
Hockley.
Houston.
Howard.
Hudspeth.
Hunt.
Irion.
Jack.
Jackson.
Jeff Davis.
Jim Wells.
Johnson.
Jones.
Karnes.
Kaufman.
Kent.
Kerr.
Kimble.
King.
Kleberg.
Knox.
Lamar.
Lamb.
Lee.
Leon.
Liberty.
Live Oak.
Lubbock.
Lynn.
McCulloch.
McLennan.
McMullen.
Martin.
Mason.
Matagorda.
Maverick.
Medina.
Menard.
Midland.
Milan.
Mills.
Mitchell.
Montague.
Motley.
Navarro.
Nolan.
Nueces.
Ochiltree.
Palo Pinto.
Parker.
Parmer.
Potter.
Presidio.
Rains.
Randall.
Real.
Red River.
Reeves.
Refugio.
Roberts.
Robertson.
Rockwall.
Runnels.
Rusk.
San Patricio.
Schleicher
Scurry.
Shackelford.
Somervell.
Starr.
Stonewall.
Swisher.
Tarrant.
Taylor.
Terry.
Throckmorton.
Tom Green.
Travis.
Val Verde.
Van Zandt.
Victoria.
Waller.
Washington.
Webb.
Wharton.
Wheeler.
Wichita.
Wilbarger.
Willacy.
Williamson.
Winkler.
Yoakum.
Young.
Zavala.

VIRGINIA

Brunswick.
Chesapeake.
Franklin.
Isle of Wight.
Mecklenburg.
Southampton.
Sussex.

Since the record of each transfer of allotment is required under section 344a of the act to be filed with the county committee only during the period beginning June 1 and ending December 31, it would be desirable to determine prior to the beginning of such period which counties will permit out-of-county transfers of upland cotton allotments so that farmers could make arrangements for transfers to take effect during 1968. Section 344a of the act provides that these referenda shall be held in conjunction with the upland cotton marketing quota referendum, insofar as practicable. It is not practicable to proclaim an upland cotton national marketing quota for the 1968 crop under section 342 of the act prior to June 1, 1967. The national marketing quota referendum under section 343 of the act cannot be held until the quota has been proclaimed. Accordingly, it is considered by the Department to be impracticable to hold the out-of-county transfer referenda in conjunction with the 1968 national marketing quota referendum.

Prior to fixing the period for holding these referenda, consideration will be given to any data, views or recommendations which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 20 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business. (7 CFR 1.27(b).)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 24, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-2386; Filed, Mar. 2, 1967; 8:45 a.m.]

Consumer and Marketing Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (31 F.R. 16724 and 32 F.R. 1059) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to cattle with respect to Nat Buring Packing Co. of Arkansas, establishment 837-B is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Emery Land Co	561	(*)					
Lowell Rosenthal	1980	(*)					
New establishments reporting: 2.							
Swift & Co	3CC		(*)				
Animal Husbandry Department, Texas Technological College.	236				(*)		
Puckett Packing Co	343		(*)				
Wells & Davies Inc	860			(*)			
Samuels & Co., Inc	878					(*)	
Joe Dotterman & Son Packing Co., Inc	949			(*)		(*)	
Species added: 7.							

Done at Washington, D.C., this 27th day of February 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 67-2388; Filed, Mar. 2, 1967; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE, REGION III (ATLANTA)

Designation

John T. Edmunds, Jr., Region III (Atlanta), is hereby designated to serve as Acting Assistant Regional Administrator for Renewal Assistance, Region III, during the present vacancy in the position of Assistant Regional Administrator for Renewal Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Renewal Assistance, Region III.

(Secretary's delegation effective Nov. 18, 1966)

Effective as of the 31st day of December 1966.

DWIGHT A. INK,
Assistant Secretary for Administration.

[F.R. Doc. 67-2405; Filed, Mar. 2, 1967; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-99; NDA No. 16-579]

TYLER PHARMACAL DISTRIBUTORS, INC.

Notice of Hearing Relating to Drug Pro-Forma

Notice is hereby given to Tyler Pharmacal Distributors, Inc., 36 West Van Buren Street, Chicago, Ill. 60605, that in accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), and the regulations in Part 130 of Title 21, Code of Federal Regulations, a hearing in the matter of the proposal of the Commissioner of Food and Drugs to refuse to approve new-drug application No. 16-579, dated November 15, 1966, for marketing the drug Pro-Forma, will be held beginning at 10 a.m. on March 21, 1967, in Room 5131, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201.

Evidence and arguments may be produced at this hearing to show why the proposed order of the Commissioner to refuse to approve said application on the grounds and for the reasons set forth in the Notice of Opportunity for Hearing published in the FEDERAL REGISTER of January 11, 1967 (32 F.R. 286), should not be issued. The Food and Drug Administration may also produce evidence and arguments relevant and material to the subject matter of this hearing.

The hearing will be open to the public, except that any portion thereof that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specified otherwise in his filing appearance.

Dated: February 27, 1967.

WILLIAM E. BRENNAN,
Hearing Examiner, Food and Drug Administration.

[F.R. Doc. 67-2402; Filed, Mar. 2, 1967; 8:47 a.m.]

Office of Education

CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Acceptance for Filing of Application for Federal Financial Assistance

Notice is hereby given that effective with this publication the following described applications for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

St. Louis Educational Television Commission, 6996 Milbrook Boulevard, St. Louis, Mo., File No. 190, to expand the facilities of noncommercial educational television Station KETC, Channel 9, St. Louis, Mo.

Marshall University, Huntington, W. Va., File No. 191, for the establishment of a new noncommercial educational television station on Channel 67, Huntington, W. Va.

University of Massachusetts, Amherst, Mass., File No. 192, for the establishment of a new noncommercial educational television station on Channel 57, Springfield, Mass.

The Greater Washington Educational Television Association, Inc., 2600 Fourth Street NW., Washington, D.C., File No. 193 for the establishment of a new noncommercial educational television station on Channel 32, Washington, D.C.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Chief, Educational Television Facilities Branch, U.S. Office of Education.

[F.R. Doc. 67-2403; Filed, Mar. 2, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ESTABLISHMENTS OF MULTIUNIT COMPANIES

Number of Employees, Taxable Wages, Geographic Location and Kind of Business; Notice of Consideration for Surveys

Notice is hereby given that the Bureau of the Census is considering a proposal under the provisions of Title 13 U.S.C. 181, 224, and 225, to conduct a First Quarter 1967 Survey of Selected Multiunit Companies. This survey is similar to those conducted for previous County Business Patterns Reports. It is designed to collect information for the 1967 Report on the number of employees, taxable wages, geographic location, and kind of business for the establishments of selected multiunit companies. Only those companies which do not report in sufficient detail to other Federal agencies will be required to report in this survey. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Copies of the proposed form and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted to the Director in writing within 30 days after the date of this publication will receive consideration.

Dated: February 16, 1967.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 67-2378; Filed, Mar. 2, 1967; 8:45 a.m.]

Office of the Secretary

MARVIN S. PLANT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 15, 1967.

MARVIN S. PLANT.

FEBRUARY 15, 1967.

[F.R. Doc. 67-2395; Filed, Mar. 2, 1967; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

GRACE LINE, INC., AND GULF & SOUTH AMERICAN STEAMSHIP CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. C. Astudillo, Assistant Vice President, Grace Line, Inc., 3 Hanover Square, New York, N.Y. 10004.

Agreement 7907-1, between Grace Line, Inc., and Gulf & South American Steamship Co., Inc., modifies the basic transshipment arrangement between the parties by adding Guayaquil, Ecuador as a port of transshipment when moving cargo from U.S. Atlantic and Gulf ports to ports on the west coast of South America.

Dated: February 28, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-2404; Filed, Mar. 2, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI67-309]

JACK D. HODGEN ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

FEBRUARY 21, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 20, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-309	Jack D. Hodgen (Operator) et al., 1108 Bass Bldg., Enid, Okla. 73701.	1	2	Oklahoma Natural Gas Gathering Corp.[1] (North Ringwood Field, Major County, Okla.) (Oklahoma "Other" Area).	$522	1-30-67	[2] 1-30-67	[3] 1-31-67	11.0	[4] 12.0	

[1] Oklahoma Natural Gas Gathering Corp. classed as a pipeline company in its certificate (C161-1408) for resale of gas to Cities Service Gas Co. at an initial rate of 17.0 cents per Mcf. Oklahoma Natural's related rate increase to 18.5 cents per Mcf has been approved. However, Oklahoma Natural must flow through refunds to its suppliers.

[2] The stated effective date is the date of filing. The 30-day notice requirement is waived herein.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.

Jack D. Hodgen (Operator) et al. (Hodgen) proposes a periodic increase in rate from 11.0 cents to 12.0 cents per Mcf, amounting to $522 annually, for a wellhead sale of gas to Oklahoma Natural Gas Gathering Corp. (ONG) from the Ringwood Field, Major County, Okla. (Oklahoma "Other" Area). ONG gathers the gas and resells it, after processing, to Cities Service Gas Co. at a rate of 18.5 cents per Mcf.[a] Hodgen's proposed rate exceeds the area increased rate ceiling of 11.0 cents per Mcf for the Oklahoma "Other" Area as announced in the Commission's statement of general policy No. 61–1, as amended. However, since ONG's related resale rate is in effect, we conclude that it would be in the public interest that the 30-day notice requirement provided in section 4(d) of the Natural Gas Act be waived and that Hodgen's rate filing be suspended for 1 day from January 30, 1967, the date of filing.

[a] By order issued Nov. 3, 1966, in Docket No. RP66–19, an increase by ONG from 17 cents to 18.5 cents designed to compensate only for an increase in the cost of purchased gas was accepted for filing and allowed to become effective June 1, 1966, without obligation to refund, except that ONG is required to flow through any refunds received from its producer-suppliers and to reduce its rates to reflect any rate reductions of such suppliers.

[F.R. Doc. 67–2296; Filed, Mar. 2, 1967; 8:45 a.m.]

[Docket Nos. RI67–303 etc.]

H. L. HUNT ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 21, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-303	H. L. Hunt (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	36	4	Michigan Wisconsin Pipe Line Co. (Woodward Area, Woodward County, Okla.) (Panhandle Area).	$3,960	1-30-67	[2] 3-2-67	8-2-67	[6] 17.49	[4] [6] 19.99	
RI67-304	Walter F. Kuhn (Operator) et al., 726 Union Center Bldg., Wichita, Kans. 67202.	46	3	Plateau Natural Gas Co. (Council Grove Formation, Stevens County, Kans.).	468	2- 2-67	[2] 3-5-67	8-5-67	[7] 14.0	[4] [7] 15.0	
RI67-305	....do....	51	3	Colorado Interstate Gas Co. (Hugoton Field, Finney County, Kans.).	2,426	2- 2-67	[2] 3-5-67	8-5-67	[7] 12.5	[4] [7] 13.5	RI61-60.
RI67-306	Lamar Hunt (Operator) et al., 1401 Elm St., Dallas, Tex. 75202, Attn: Donald K. Young, attorney.	8	7	United Gas Pipe Line Co. (West Pilgrim Church Area, Allen Parish, La.) (Southern Louisiana).	700	2- 3-67	[5] 4-1-67	9-1-67	[10] 22.25	[4] [10] 22.75	RI65-363.
RI67-307	A. P. King, Jr. (Operator) et al., Bankers Mortgage Bldg., Houston, Tex. 77002.	2 2	[11] 11 12	United Gas Pipe Line Co. (Lewisburg Field, Acadia Parish, La.) (Southern Louisiana).	38,665	2- 1-67 2- 1-67	[2] 3-4-67 3-4-67	Accepted 8-4-67	[10] 12.1416	[9] [10] 18.0	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Filing from certificated rate to initial contract rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes base rate of 17.0 cents before increase and base rate of 19.5 cents after increase plus 0.49 cent upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[6] Periodic rate increase.
[7] Subject to a downward B.t.u. adjustment.
[8] The stated effective date is the effective date proposed by Respondent.
[9] Pressure base is 15.025 p.s.i.a.
[10] Inclusive of 1.75 cents per Mcf tax reimbursement.
[11] Contract Amendment dated Dec. 6, 1966, provides for the renegotiated rate proposed herein for the remainder of the contract term and extends contract term by 10 years to Nov. 1, 1976.
[12] Renegotiated rate increase.
[13] Inclusive of 1.80 cents per Mcf tax reimbursement.

H. L. Hunt (Operator) et al. (Hunt), request that their proposed rate increase be permitted to become effective as of January 24, 1967. Walter F. Kuhn (Operator) et al., and Walter F. Kuhn et al. (both referred to herein as Kuhn), request an effective date of January 1, 1967, for their proposed rate increases. A. P. King, Jr. (Operator) et al., request a retroactive effective date of November 1, 1966, for their proposed rate increase and contract amendment. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Hunt, Kuhn, and King's rate filings and such requests are denied.

On February 1, 1967, King tendered for filing a contract amendment dated December 6, 1966, which provides for the subject renegotiated rate for the remainder of the contract term and extends contract term by 10 years to November 1, 1976. Such amendment has been designated as Supplement No. 11 to King's FPC Gas Rate Schedule No. 2. We believe that it would be in the public interest to accept for filing King's aforementioned contract amendment to become effective as of March 4, 1967, the date of expiration of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing King's proposed contract amendment dated December 6, 1966, designated as Supplement No. 11 to King's FPC Gas Rate Schedule No. 2, and for permitting such supplement to become effective on March 4, 1967, the date of expiration of the statutory notice.

(2) Except for the supplement set forth in paragraph (1) above, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) King's contract amendment dated December 6, 1966, designated as Supplement No. 11 to King's FPC Gas Rate Schedule No. 2, is accepted for filing and permitted to become effective on March 4, 1967.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 20, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–2297; Filed, Mar. 2, 1967; 8:45 a.m.]

[Docket No. RI67–308]

PETROLEUM, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

FEBRUARY 21, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 20, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-308	Petroleum Inc. et al., 300 West Douglas, Wichita, Kans. 67202.	[1] 38	4	Northern Natural Gas Co. (Camrick Field, Texas County, Okla.) (Panhandle Area).	$1,800	2-3-67	[2] 3-6-67	[3] 7-7-67	[4] 16.0	[5] [6] 17.0	

[1] Contract dated after Sept. 28, 1960, the date of issuance of the Commission's general policy statement No. 61–1.
[2] The stated effective date is the effective date proposed by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.

The contract related to the rate filing proposed by Petroleum Inc. et al. (Petroleum), was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61–1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, Petroleum's rate filing should be suspended for 1 day from March 6, 1967, the proposed effective date.

[F.R. Doc. 67–2298; Filed, Mar. 2, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70–4459]

OHIO POWER CO.

Notice of Issue and Sale at Competitive Bidding of Principal Amount of First Mortgage Bonds and Principal Amount of Debentures

FEBRUARY 27, 1967.

Notice is hereby given that Ohio Power Co. ("Ohio"), 301 Cleveland Avenue SW., Canton, Ohio 44702, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12(c) of the Act and Rules 32 and 50 promulgated thereunder as applicable to the proposed transactins. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Ohio proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $50 million principal amount of first mortgage bonds, ____ percent series due April 1, 1997 ("new bonds"), and $20 million principal amount of ____ percent sinking fund debentures due April 1, 1997 ("new debentures"). In respect of each issue, the interest rate (which shall be a multiple of one-eighth of 1 percent and the price to be paid to Ohio (which shall not be less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The new bonds will be issued under and pursuant to the provisions of the mortgage and deed of trust, dated as of October 1, 1938, made by Ohio to Manufacturers Hanover Trust Co., New York, N.Y., and Donald B. Herterich, New York, N.Y., as trustees, as heretofore supplemented and amended, and as to be further supplemented and amended by a supplemental indenture to be dated April 1, 1967. The new debentures will be issued pursuant to a supplemental agreement, to be dated as of April 1, 1967, and to be executed by Ohio with First National City Bank, New York, N.Y., as trustee. The new bonds and new debentures will be issued only in registered form without coupons.

The proceeds to be derived from the sale of the new bonds and new debentures will be applied by Ohio, to the extent necessary, to prepay, without premium, its outstanding notes payable to banks, which, at December 31, 1968, amounted to $58,600,000. The balance of the proceeds will be used to finance Ohio's construction program.

Prior authorization of the Public Utilities Commission of Ohio, the State in which Ohio is organized and doing business, is required for the issue and sale

of the new bonds and new debentures, and a copy of the order entered by said commission will be supplied by amendment. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred by Ohio in connection with the proposed transactions, and the fees and disbursements of counsel for the purchasers of the new bonds and new debentures (which in each case will be paid by the successful bidders), will also be supplied by amendment.

Notice is further given that any interested person may, not later than March 29, 1967, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as it may be amended may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2383; Filed, Mar. 2, 1967; 8:45 a.m.]

[811-1350]

THIRD PRESIDENTIAL FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be Investment Company

FEBRUARY 27, 1967.

Notice is hereby given that Third Presidential Fund, Inc. ("Applicant"), 719 Liberty Avenue, Pittsburgh, Pa. 15222, a Maryland corporation and an open-end, diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that it has ceased to be an investment company. All persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

On or before March 3, 1966, applicant issued 2,000 shares of its capital stock to Federated Research Corp. for an aggregate consideration of $100,000. Applicant had no other shareholders or assets nor did it issue any other securities. On September 1, 1966, applicant was merged into Fourth Empire Fund, Inc., a registered open-end diversified investment company, each share of applicant's capital stock became a share of capital stock of Fourth Empire Fund and all of applicant's assets were transferred to Fourth Empire Fund. Applicant does not propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 16, 1967 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service by affidavit (or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2384; Filed, Mar. 2, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 28, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40915—*Sulphur from Hulse, Okla.* Filed by Southwestern Freight Bureau, agent (No. B-8962), for interested rail carriers. Rates on crude and refined sulphur, in carloads, from Hulse, Okla., to points in official and southern territories.

Grounds for relief—Market competition.

Tariff—Supplement 6 to Southwestern Freight Bureau, agent, tariff ICC 4713.

FSA No. 40916—*Asbestos fiber to Green Cove Springs, Fla.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2879), for interested rail carriers. Rates on asbestos fiber, in carloads, as described in the application, from Black Lake, Coleraine, Danville, East Broughton, Summit (Beauce Co.), Thetford Mines, and Warwick, Quebec, Canada, to Green Cove Springs, Fla.

Grounds for relief—Truck-water-rail competition.

Tariffs—Supplement 12 to Canadian National Railways tariff ICC E. 531, and 8th revised page 18 to Quebec Central Railway Co. tariff ICC 458.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2396; Filed, Mar. 2, 1967; 8:46 a.m.]

[Notice 346]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 28, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29647 (Sub-No. 39 TA), filed February 24, 1967. Applicant: CHARLTON BROS. TRANSPORTATION COMPANY, INC. 552 Jefferson Street, Hagerstown, Md. 21740. Applicant's representative: E. J. Donohue (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust and wood chips*, in bulk in specialiy constructed trailers, from Martinsburg, W. Va., to Williamsburg, Blair County, Pa., for 120 days. Supporting shipper: Martinsburg Forest Products, Inc., Post Office Box 1222, Martinsburg, W. Va. 25401. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Room 1220, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 52579 (Sub-No. 56 TA), filed February 24, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicant's representative: Aaron Hoffman same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between New Haven, Ind., and points in the New York, N.Y. commercial zone, for 150 days. Supporting shipper: Joseph H. Cohen and Sons, 1290 Avenue of the Americas, New York, N.Y. 10019. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y.

No. MC 52616 (Sub-No. 4 TA), filed February 24, 1967. Applicant: SAMUEL D. PERLOW, doing business as GERSON TRANSPORTATION, 475 Burlington Avenue, Bridgeton, N.J. Applicant's representative: C. Robert Zelnick, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from Gloucester, N.J., to Linfield, Pa., for 180 days. Supporting shipper: Armstrong Cork Co., Lancaster, Pa. 17604. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 107496 (Sub-No. 529 TA), filed February 24, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions, anhydrous ammonia, nitric acid, ammonium nitrate, and urea*, in bulk and in bags, between Port Neal and Sergeant Bluff, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Illinois, Missouri, and Colorado, for 180 days. Supporting shipper: Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, Iowa 51101. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 530 TA), filed February 24, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Box 855, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz, Ruan Transport Corporation, Keosauqua Way at Third, Box 855, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compound*, in bulk, from plantsite of the Ansul Co. at Marinette, Wis., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, Texas, and Tennessee, for 180 days. Supporting shipper: The Ansul Co., Marinette, Wis. 54143. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 531 TA), filed February 24, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, from Henry, Ill., to points in Minnesota, Wisconsin, Iowa, Missouri, Indiana, Kentucky, Ohio, and Michigan, for 180 days. Supporting shipper: W. R. Grace & Co., Nitrogen Products Division, Post Office Box 277, 147 Jefferson Avenue, Memphis, Tenn. 38101. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 115331 (Sub-No. 219 TA), filed February 24, 1967. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from Henry, Ill., to points in Minnesota, Wisconsin, Iowa, Missouri, Indiana, Kentucky, Ohio, and Michigan, for 180 days. Supporting shipper: W. R. Grace & Co., Agricultural Products Division, Attention: C. W. Drewry, 147 Jefferson Avenue, Post Office Box 277, Memphis, Tenn. 38101. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 118288 (Sub-No. 17 TA), filed February 24, 1967. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat meal, bone meal, and blood meal*, from Billings, Mont., to points in North Dakota and Minnesota, for 180 days. Supporting shipper: Pierce Packing Co., Post Office Box 1677, Billings, Mont. 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 119934 (Sub-No. 135 TA), filed February 24, 1967. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic resins*, in bulk, from Tuscola, Ill., to High Point, N.C., for 150 days. Supporting shipper: United States Industrial Chemical Co., a division of National Distillers & Chemical Corp., New York, N.Y. Send protests to: District Supervisor R. M. Hagarty, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 119948 (Sub-No. 1 TA), filed February 24, 1967. Applicant: A. L. POSTERARO, Post Office Box 626, Willingboro, N.J. 08046. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden building materials and counter tops*, from Delanco and Pemberton, N.J., to the building sites of Levitt & Sons; Montpelier and Bel Air at or near Bowie, Md.; Greenbriar, at or near Fairfax, Va.; and building sites on Long Island, N.Y.; *returned shipments* in the opposite direction, for 180 days. Supporting shipper: Builders Supply Corp., Willingboro, N.J. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No MC 124692 (Sub-No. 32 TA), filed February 24, 1967. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboards and composition boards and parts, materials, supplies, and accessories* used in the installation thereof, from L'Anse, Mich., and points within 5 miles thereof, to points in Montana, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 124774 (Sub-No. 65 TA), filed February 24, 1967. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. 68701. Applicant's representative: David D. Tews, 605 South 14th Street, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plantsite of Minden Beef Co., at or near Minden, Nebr., to Norfolk, Nebr., tacking with existing authority to serve points in Iowa, Kansas, Kentucky, Minnesota, Missouri, and Tennessee (except Memphis and its commercial zone), for 180 days. Supporting shipper: Minden Beef Co., Minden, Nebr. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 125420 (Sub-No. 13 TA), filed February 24, 1967. Applicant: MERCURY TANKLINES LIMITED, Post Office Box 5858, South Edmonton, Alberta, Canada. Applicant's representative: J. F. Meglen, 207 Behner Building, 2822 Third Avenue N., Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcholic beverages*, for the account of Alberta Distillers, Ltd., between Cincinnati, Ohio, Louisville, and Frankfort, Ky., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada, at or near Sweetgrass, Mont.; Portal, N. Dak.; Noyes, Minn.; and Detroit, Mich., for 180 days. Supporting shipper: Alberta Distillers, Ltd., Post Office Box 5100, Postal Station A, Calgary, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 126291 (Sub-No. 6 TA), filed February 24, 1967. Applicant: QUIRION TRANSPORT, INC., La Guadeloupe, Frontenac County, Quebec, Canada. Applicant's representative: Frank J. Weiner, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from the port of entry on the international boundary line between the United States and Canada, at or near Coburn Gore, Maine, to points in Maine, for 180 days. Supporting shipper: Crystal Rock, Inc., Skowhegan, Maine. Send protests to: District Supervisor Ross J. Seymour, Interstate Commerce Commission, Bureau of Operations and Compliance, 14 Parkhurst Street, Lebanon, N.H. 03766.

No. MC 128007 (Sub-No. 8 TA), filed February 24, 1967. Applicant: HOFER, INC., Post Office Box 583, Pittsburg, Kans. 66762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed organic manure*, from Pittsburg, Pratt, and Dodge City, Kans., to points in Oklahoma, Texas, Louisiana, Arkansas, Mississippi, Alabama, Tennessee, Kentucky, Missouri, Iowa, Illinois, Nebraska, Minnesota, and Colorado, for 180 days. Supporting shipper: Harvest Brand, Inc., Pittsburg, Kans. 66762. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 128375 (Sub-No. 5 TA), filed February 24, 1967. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Duane W. Acklie, 605 South 14th Street, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Inedible meat and meat byproducts* for use in animal food, from points in Wisconsin, Illinois, Minnesota, Indiana, Michigan, Ohio, Kentucky, Tennessee, Arkansas, and West Virginia to the plant and storage facilities of Allen Products Co. at Allentown, Pa., and (2) *canned pet food, supplies, ingredients, and materials* used in the manufacture of pet food, between the plantsite and storage facilities of Allen Products Co. at Allentown, Pa., and the plant and storage facilities of Allen Products Co., at Crete, Nebr., for 150 days. Supporting shipper: Allen Products Co., Allentown, Pa. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations and Compliance, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 128898, TA filed February 24, 1967. Applicant: STANDARD TRANSPORTATION, INC., 2450 Wall Avenue, Ogden, Utah 84401. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wholesale plumbing supplies and related equipment, industrial and water works supplies and related equipment, and those items dealt in and sold by Standard Plumbing Supply Co.*, between points in Utah, Idaho, Nevada, California, Oregon, and Washington, for 180 days. Supporting shipper: Standard Plumbing Supply Co., 2450 Wall Avenue, Ogden, Utah 84401. Send protests to: John T. Vaughn, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-2397; Filed, Mar. 2, 1967; 8:46 a.m.]

[Notice 1484]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 28, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69050. By order of February 24, 1967, the Transfer Board approved the transfer to Cardinal Air Service Corp., Buffalo, N.Y., of the operating rights in certificate No. MC-126333 (Sub-No. 2), issued October 15, 1965, to Clifford Earl Farnsworth, doing business as Farnsworth's Air Freight Service, Elba, N.Y., authorizing the transportation, over irregular routes, of general commodities, with exceptions, between The Greater Buffalo International Airport (Erie County), N.Y., and 16 other airports in New Jersey, New York, Ohio, and Pennsylvania, and points in Genesee County, N.Y., restricted to traffic having an immediately prior or subsequent movement by aircraft. William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202, attorney for applicants.

No. MC-FC-69051. By order of February 20, 1967, the Transfer Board approved the transfer to Gringeri Bros. Transportation Co., Inc., Lexington, Mass., of permit in No. MC-34836, issued August 18, 1943, to Ryan of Boston, Inc., Somerville, Mass., authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, between Boston, Somerville, Cambridge, and Everett, Mass., on the one hand, and, on the other, points in Massachusetts, New Hampshire, Vermont, Maine, and Rhode Island. John F. Curley, 33 Broad Street, Boston, Mass. 02109, attorney for transferee; George C. O'Brien, 33 Broad Street, Boston, Mass. 02109, attorney for transferor.

No. MC-FC-69408. By order of February 20, 1967, the Transfer Board approved the transfer to Equipment Transport, Inc., West Columbia, S.C., of the operating rights in certificate No. MC-109430, MC-109430 (Sub-No. 7), MC-109430 (Sub-No. 8), MC-109430 (Sub-No. 9), and MC-109430 (Sub-No. 12), respectively, issued December 9, 1949, February 15, 1961, August 23, 1961, June 8, 1962, and December 28, 1965, respectively, to Heavy Duty Haulers, Inc., West Columbia, S.C., authorizing the transportation of: Road building machinery and equipment requiring the use of special equipment, heavy machinery, and general commodities, between points in South Carolina, North Carolina, Florida, Georgia, Alabama, Virginia, and Tennessee. Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602, attorney for applicants.

No. MC-FC-69419. By order of February 20, 1967, the Transfer Board approved the transfer to Trioli Transport, Inc., Gloucester, Mass., of the operating rights in certificate No. MC-118020, issued by the Commission November 3, 1960, in the name of Cape Ann Transport Co., Inc., and acquired by transferor herein pursuant to approval and consummation of the transfer proceeding in No. MC-FC-68364, and assigned No. MC-118233 (Sub-No. 1). The operating rights transferred herein authorized the transportation of bananas, from points in the New York, N.Y., commercial zone, to Boston and Ipswich, Mass. George C. O'Brien, 33 Broad Street, Boston, Mass., attorney for applicants.

No. MC-FC-69445. By order of February 24, 1967, the Transfer Board approved the transfer to Don G. Brewer, doing business as Jackson-Victor Express, 601 West Norwood, Jackson, Wyo. 83001, of the operating rights in certificate No. MC-116856 issued April 25, 1962, to James G. Rains, doing business as Jackson-Victor Express, Box 558, Jackson, Wyo. 83001, authorizing the transportation of: General commodities, except petroleum products, in bulk, in tank vehicles, classes A and B explosives, and household goods as defined by the Commission, between Victor, Idaho, on the one hand, and, on the other, points in Teton County, Wyo.

No. MC-FC-69446. By order of February 24, 1967, the Transfer Board approved the transfer to Raymond I. Alpaugh, Box 208, Main Street, Lebanon, N.J. 08833, of the operating rights in certificate No. MC-112458 issued May 2, 1952, to Charles B. Alpaugh, Rural Delivery No. 1, Lebanon, N.J. 08833, authorizing the transportation of: Coal, over irregular routes, from points in Schuylkill County, Pa., to New Brunswick, N.J., and points in Union and Hunterdon Counties, N.J.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-2398; Filed, Mar. 2, 1967; 8:46 a.m.]

[3d Rev. S.O. 562, ICC Order No. 218; Amdt. 1]

BOSTON & MAINE CORP.

Rerouting and Diversion of Traffic

Upon further consideration of ICC Order No. 218 (Boston & Maine Corp.) and good cause appearing therefor:

It is ordered, That: ICC Order No. 218 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 3, 1967, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 28, 1967, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 27, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 67-2399; Filed, Mar. 2, 1967; 8:46 a.m.]

FEDERAL TRADE COMMISSION

RETAIL CREDIT TRANSACTIONS

Notice of Extension of Time for Submission of Written Comments Concerning Proposed Guides

On December 24, 1966, notice was published in the FEDERAL REGISTER, 31 F.R. 16504, whereby the Federal Trade Commission extended to any interested or affected parties the opportunity to furnish written comments upon the proposed guides relating to retail credit transactions. Such notice provided that comments may be submitted to the Commission in duplicate not later than February 24, 1967.

Notice is hereby given that the Commission has extended the closing date for submission of written views concerning the proposed guides through March 24, 1967.

Approved: February 27, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-2385; Filed, Mar. 2, 1967; 8:45 a.m.]

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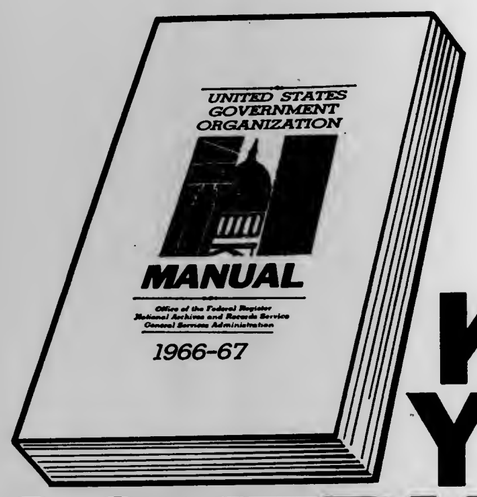
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VOLUME 32 • NUMBER 43

Saturday, March 4, 1967 • Washington, D.C.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Federal Deposit Insurance Corporation

Section 213.3333 is amended to show that the position of Special Assistant to the Director (Appointive) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (i) is added to § 213.3333 as set out below.

§ 213.3333 Federal Deposit Insurance Corporation.

* * * * *

(i) One Special Assistant to the Director (Appointive).

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 67-2451; Filed, Mar. 3, 1967; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 128]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.428 Navel Orange Regulation 128.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 2, 1967.

(b) *Order.* The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 5, 1967, and ending at 12:01 a.m., P.s.t., March 12, 1967, are hereby fixed as follows:

(i) District 1: 900,000 cartons;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 3, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-2547; Filed, Mar. 3, 1967; 11:21 a.m.]

[Valencia Orange Reg. 189]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.489 Valencia Orange Regulation 189.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of per-

sons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 2, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 5, 1967, and ending at 12:01 a.m., P.s.t., March 12, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 99,018 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 3, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–2548; Filed, Mar. 3, 1967; 11:21 a.m.]

[Lemon Reg. 257]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.557 Lemon Regulation 257.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 28, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 5, 1967, and ending at 12:01 a.m., P.s.t., March 12, 1967, are hereby fixed as follows:

(i) District 1: 13,020 cartons;
(ii) District 2: 191,580 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 2, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–2528; Filed, Mar. 3, 1967; 8:50 a.m.]

[Grapefruit Reg. 37]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.337 Grapefruit Regulation 37.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and veiws at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 2, 1967.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., March 6, 1967, and ending at 12:01 a.m., e.s.t., March 13, 1967, is hereby fixed at 245,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 2, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–2529; Filed, Mar. 3, 1967; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

PART 214—NONIMMIGRANT CLASSES

Transits Without Visas

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

Paragraph (e) of § 212.1 is amended to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(e) *Direct transits*—(1) *Transit without visa.* A passport and visa are not required of an alien who is being transported in immediate and continuous transit through the United States in accordance with the terms of an agreement entered into between the transportation line and the Service under the provisions of section 238(d) of the Act on Form I–426 to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided,* That such alien is in possession of a travel document or documents establishing his identity and nationality and ability to enter some country other than the United States. This waiver of visa and passport requirements is not available to an alien who is a citizen of Albania, Communist-controlled China ("Chinese Peoples' Republic"), Cuba, North Korea ("Democratic Peoples' Republic of Korea"), North Viet Nam ("Democratic Republic of Viet Nam"), Outer Mongolia ("Mongolian Peoples' Republic"), or the Soviet Zone of Germany ("German Democratic Republic") and is a resident of one of said countries, and is, on a basis of reciprocity, available to a national of Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania or the Union of Soviet Socialist Republics resident in one of said countries, only if he is transiting the United States by aircraft of a transportation line signatory to an agreement with the Service on Form I–426 on a direct through flight which will depart directly to a foreign place from the port of arrival.

(2) *Foreign government officials in transit.* If an alien is of the class described in section 212(d)(8) of the Act only a valid unexpired visa and a travel document valid for entry into a foreign country for at least 30 days from the date of admission to the United States are required .

* * * * *

2. Subparagraph (1) of paragraph (c) of § 214.2 is amended to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(c) *Transits*—(1) *Without visas.* An applicant for admission under the transit without visa privilege must establish that he is admissible under the immigration laws; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join a vessel in the United States as a crewman, he will proceed directly to the vessel and upon joining the vessel, will remain aboard at all times until it departs from the United States); and that his departure from the United States will be accomplished within 10 calendar days after his arrival. Except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without a visa must be made at one of the following ports of entry: Buffalo, N.Y.; Rouses Point, N.Y.; Boston, Mass.; New York, N.Y.; Norfolk, Va.; Baltimore, Md.; Philadelphia, Pa.; Washington, D.C.; Miami, Fla.; Port Everglades, Fla.; Tampa, Fla.; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; San Diego, Calif.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, Hawaii; Seattle, Wash.; Portland, Oreg.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Anchorage, Alaska; Fairbanks, Alaska; San Juan, P.R.; Charlotte Amalie, V.I.; Christiansted, V.I.; Agana, Guam. The privilege of transit without a visa may be authorized only under the conditions that the alien will depart voluntarily from the United States, that he will not apply for adjustment of status under section 245 of the Act, and that at all times he is not aboard an aircraft which is in flight through the United States he shall be in the custody directed by the district director, provided that if admissibility is established only after exercise of the discretion contained in section 212(d)(3)(B) of the Act the alien shall be in the custody of the Service at carrier expense and must depart on the earliest and most direct foreign-destined plane or vessel.

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) as to notice of proposed rule making is unnecessary in this instance because the rules prescribed by the order confer benefits on persons affected thereby.

Dated: February 27, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67–2442; Filed, Mar. 3, 1967; 8:47 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 14—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Pursuant to and in accordance with section 2672 of Title 28, United States Code, as amended by section 1(a) of the Act of July 18, 1966 (Public Law 89–506; 80 Stat. 306), and Title 28, Chapter 1, Part 14 of the Code of Federal Regulations (31 F.R. 16616), Part 14 is added to Title 10 of the Code of Federal Regulations, reading as set forth below.

Subpart A—General

Sec.
14.1 Scope of regulations.

Subpart B—Procedures

14.2 Administrative claim; when presented; appropriate AEC office.
14.3 Administrative claim; who may file.
14.4 Investigation.
14.5 Administrative claims; evidence and information to be submitted.
14.6 Authority to adjust, determine, compromise, and settle.
14.7 Limitation on authority.
14.8 Referral to Department of Justice.
14.9 Review by legal officers.
14.10 Final denial of claim.
14.11 Action on approved claims.

AUTHORITY: The provisions of this Part 14 are issued under sec. 1(a), 80 Stat. 306, 28 U.S.C. 2672; 28 CFR Part 14.

Subpart A—General

§ 14.1 Scope of regulations.

(a) These regulations shall apply only to claims asserted under the Federal Tort Claims Act, as amended, accruing on or after January 18, 1967, for money damages against the United States for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Atomic Energy Commission while acting within the scope of his office or employment.

(b) The terms "Atomic Energy Commission" and "commission" as used in this part mean the agency established by the Atomic Energy Act of 1946, as amended by the Atomic Energy Act of 1954, but do not include any contractor with the Atomic Energy Commission.

Subpart B—Procedures

§ 14.2 Administrative claim; when presented; appropriate AEC office.

(a) For purposes of these regulations, a claim shall be deemed to have been presented when the Atomic Energy Commission receives, at a place designated in paragraph (b) of this section, an executed Standard Form 95 or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, for personal injury, or for death, alleged to have occurred by reason of the incident. A claim which should have been presented to the Commission, but which was mistakenly addressed to or filed with another Federal agency,

shall be deemed to be presented to the Commission as of the date that the claim is received by the Commission. A claim mistakenly addressed to or filed with the Commission shall forthwith be transferred to the appropriate Federal agency, if ascertainable, or returned to the claimant.

(b) A claimant shall mail or deliver his claim to the office of employment of the Commission employee or employees whose negligent or wrongful act or omission is alleged to have caused the loss or injury complained of. Where such office of employment is Atomic Energy Commission Headquarters, or is not known and not reasonably ascertainable, claimant shall file his claim with the Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545. In all other cases claimant shall address his claim to the Manager of the appropriate office indicated below, "Attention, Office of Chief Counsel":

(1) Amarillo Area Office, Post Office Box 1086, Amarillo, Tex. 79105.
(2) Albuquerque Operations Office, Post Office Box 5400, Albuquerque, N. Mex. 87115.
(3) Brookhaven Office, Upton, N.Y. 11973.
(4) Burlington Area Office, Post Office Box 561, Burlington, Iowa 52601.
(5) Canoga Park Area Office, Post Office Box 591, Canoga Park, Calif. 91305.
(6) Chicago Operations Office, 9800 South Cass Avenue, Argonne, Ill. 60439.
(7) Cincinnati Area Office, Post Office Box 39188, Cincinnati, Ohio 45239.
(8) Dayton Area Office, Post Office Box 66, Miamisburg, Ohio 45342.
(9) Grand Junction Office, Post Office Box 2567, Grand Junction, Colo. 81501.
(10) Honolulu Area Office, Post Office Box 580, Honolulu, Hawaii 96809.
(11) Idaho Operations Office, Post Office Box 2108, Idaho Falls, Idaho 83401.
(12) Kansas City Area Office, Post Office Box 202, Kansas City, Mo. 64141.
(13) Los Alamos Area Office, Los Alamos, N. Mex. 87544.
(14) Nevada Operations Office, Post Office Box 1678, Las Vegas, Nev. 89101.
(15) New Brunswick Area Office, Post Office Box 150, New Brunswick, N.J. 08903.
(16) New York Operations Office, 376 Hudson Street, New York, N.Y. 10014.
(17) Oak Ridge Operations Office, Post Office Box E, Oak Ridge, Tenn. 37830.
(18) Paducah Area Office, Post Office Box 1213, Paducah, Ky. 42001.
(19) Palo Alto Area Office, Post Office Box 2370, Stanford, Calif. 94305.
(20) Pinellas Area Office, Post Office Box 11500, St. Petersburg, Fla. 33733.
(21) Pittsburgh Naval Reactors Office, Post Office Box 109, West Mifflin, Pa. 15122.
(22) Puerto Rico Area Office, Post Office Box BB, Hato Rey, P.R. 00919.
(23) Richland Operations Office, Post Office Box 550, Richland, Wash. 99352.
(24) Rocky Flats Area Office, Post Office Box 928, Golden, Colo. 80401.
(25) St. Louis Area Office, Post Office Box 470, St. Charles, Mo. 63301.
(26) San Francisco Operations Office, 2111 Bancroft Way, Berkeley, Calif. 94704.
(27) Savannah River Operations Office, Post Office Box A, Aiken, S.C. 29801.
(28) Schenectady Naval Reactors Office, Post Office Box 1069, Schenectady, N.Y. 12301.

§ 14.3 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property interest which is the subject of the claim, his duly authorized agent, or his legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or his legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate or by any other person legally entitled to assert such a claim under applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually, as their respective interests appear, or jointly. Whenever an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 14.4 Investigation.

The Commission may investigate, or may request any other Federal agency to investigate, a claim filed hereunder.

§ 14.5 Administrative claims; evidence and information to be submitted.

(a) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birth, dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the amount of damages claimed.

(b) *Personal injury.* In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by the Commission or another Federal agency. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request, provided that he has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the Commission any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full- or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(c) *Property damage.* In support of a claim for injury to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership of the property interest which is the subject of the claim.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price, and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the injury to or loss of property or the damages claimed.

§ 14.6 Authority to adjust, determine, compromise, and settle.

The authority to consider, ascertain, adjust, determine, compromise, and settle claims under the provisions of 28 U.S.C. 2672, as provided herein, is delegated to the General Manager and, under his direction and without power of redelegation, to the following Commission officers for their respective offices: The Deputy General Manager and the Assistant General Manager, Headquarters; the Manager and Deputy Manager, Chicago Operations Office, Idaho Operations Office, Oak Ridge Operations Office, New York Operations Office, Savannah River Operations Office, Albuquerque Operations Office, San Francisco Operations Office, Nevada Operations Office; the Manager, Richland Operations Office, Grand Junction Office, Brookhaven Office, Pittsburgh Naval Reactors Office, Schenectady Naval Reactors Office.

§ 14.7 Limitation on authority.

(a) An award, compromise, or settlement of a claim hereunder in excess of $25,000 shall be effected only with the prior written approval of the Attorney General or his designee. For the purposes of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised, or settled hereunder only after consultation with the Department of Justice when, in the opinion of the Commission legal officer reviewing the claim:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and the Commission is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed $25,000.

(c) An administrative claim may be adjusted, determined, compromised, or settled hereunder only after consultation with the Department of justice when the Commission is informed or is otherwise aware that the United States or an employee, agent, or cost-type contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

§ 14.8 Referral to Department of Justice.

(a) When Department of Justic approval or consultation is required under § 14.7, the referral or request shall be transmitted to the Department of Justice by the General Counsel or his designee after review and approval by the General Manager or Deputy General Manager.

(b) When a Commission field office is processing a claim hereunder requiring Department of Justice approval or consultation, the referral or request shall be transmitted by the Chief Counsel for that office to the General Counsel in writing and shall contain (1) a short and concise statement of the facts and of the reasons for the referral or request, (2) copies of relevant portions of the claim file, and (3) a statement of the recommendations or views of the field office.

§ 14.9 Review by legal officers.

The authority to adjust, determine, compromise, and settle a claim hereunder shall be exercised by the Commission officer delegated responsibility therefor only after review by the General Counsel or his designee or by the appropriate Chief Counsel or his designee.

§ 14.10 Final denial of claim.

Final denial of an administrative claim hereunder shall be in writing and sent to the claimant, his attorney, or legal representative, by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the Commission action, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

§ 14.11 Action on approved claims.

(a) Payment of any claim approved hereunder, shall be contingent upon claimant's execution of (1) a Standard Form 1145, or (2) a claims settlement agreement or (3) a Standard Form 95, as appropriate. When a claimant is represented by an attorney, the voucher for payment shall designate both the claimant and his attorney as payees, and the check shall be delivered to the attorney, whose address shall appear on the voucher.

(b) Acceptance by the claimant, his agent, or legal representative, of any award, compromise, or settlement made pursuant to the provisions of section 2672 or 2677 of Title 28, United States Code, shall be final and conclusive on the claimant, his agent or legal representative and any other person on whose behalf or for whose benefit the claim has been presented, and shall constitute a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

Effective date. This Part 14 shall become effective upon publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 1st day of March 1967.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary to the Commission.

[F.R. Doc. 67-2463; Filed, Mar. 3, 1967; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7139; Amdt. 1-11, 21-15, 33-3, 35-2]

POWERPLANT DESIGN REQUIREMENTS FOR AIRCRAFT ENGINES AND PROPELLERS

This amendment adds miscellaneous powerplant design requirements for aircraft engines and propellers, and withdraws certain proposals for rotorcraft. This amendment is based on, and reflects industry comments concerning, notice of proposed rule making 66-3, published in the FEDERAL REGISTER (31 F.R. 2485) on February 8, 1966. Except as modified by the following discussion, the reasons for this amendment are those in the notice. Changes from the notice, and Agency disposition of industry comments, are as follows:

Part 1—Definitions and Abbreviations: Definitions of "rated takeoff power" and "rated takeoff thrust" were proposed. One comment suggested adding further details to clarify the definitions. The Agency does not agree that the recommended clarifications are necessary. One comment recommended amending the definitions of "2½-minute power" and "30-minute power" to obtain conformity with the definitions of "rated takeoff power" and "rated takeoff thrust." This suggestion has merit and is being considered for a future notice of proposed rule making. No other adverse comments having been received, the definitions are drafted as proposed, except that the words "maximum brake horsepower * * * developed" are replaced with the words "approved brake horsepower developed" since the words "maximum * * * developed" could imply that the power rating is set at the maximum (or highest) power developed by any engine using the appropriate limiting parameters, contrary to new § 33.8. Amended definitions of "maximum continuous power" and "maximum continuous thrust" were proposed. One comment recommended adding further details to clarify the amended definitions. The Agency does not agree that the recommended clarifications are necessary. One comment stated that the amended definitions should include the word "rated" for consistency with the new takeoff power and thrust definitions. The Agency agrees. The amended definitions are so drafted. In addition, and for the same reason, the word "rated" is added to the terms "2½-minute power" and "30-minute power" in the definitions thereof.

Part 21—Certification procedures for Products and Parts: As proposed in the notice, Part 21 is amended to make editorial changes consistent with the new definitions of engine power or thrust values in terms of "ratings." No substantive change results. The notice proposed to delete § 33.13 and § 35.15

since § 21.21 contains similar general language concerning unsafe features of engines and propellers. One comment objected, stating that repetition may be beneficial in this case. The Agency disagrees. Experience has shown that repetition of legal requirements can lead to misunderstanding and uncertainty on the part of the users of the regulations. Other comments stated that §§ 33.13 and 35.15 should not be deleted because type certification standards (as opposed to procedural requirements) should be located together in one document for each product (Parts 33 and 35, respectively), and that §§ 33.13 and 35.15 also contain testing requirements not in § 21.21. The Agency agrees. This amendment therefore accomplishes the intent of the notice by eliminating the surplus requirement with respect to engines and propellers in § 21.21 rather than by deleting the similar provision in Parts 33 and 35.

Parts 27 and 29—Rotorcraft Airworthiness Standards (Withdrawal): The notice proposed to amend Parts 27 and 29 to provide, for single engine, turbine engine powered helicopters, an exception to the general requirement (resulting from the requirement to have an engine that is type certificated under Part 33) that the engine must have two secondary circuits and igniters. Comments were received that indicate that the relationship between ignition and relight failures on turbine engines has historically been such that the requirement for two igniters and two separate secondary electric circuits may be an unnecessary burden for turbine engine powered aircraft other than single engine helicopters. These comments appear to have merit. The proposed amendments to Parts 27 and 29 are therefore withdrawn pending further study of these comments, which, if substantiated, would lead to new notice procedures for amendment of Part 33 rather than of individual aircraft airworthiness requirements.

Part 33—Airworthiness Standards: Aircraft Engines: Consistent with the proposed new definitions of "rated takeoff power" and "rated takeoff thrust," the notice proposed to amend Part 33 to use those terms in place of the terms "takeoff power," "takeoff thrust," and "takeoff rating" wherever the latter are used. The notice also proposed to delete the word "rating" wherever applied to engine "speed" since, under the concept of the new engine rating terminology, the term "rating" is properly applicable only to engine powers or thrusts. No adverse industry comments having been received, these changes are issued as proposed. In addition, § 33.7 is editorially amended to make it clear that, under the new terminology, the word "rating" applies to powers and thrusts, and the words "operating limitations" apply to other factors such as speeds, temperatures, and pressures. Consistent with the addition of the word "rated" to the definitions of "2½-minute power" (and thrust) and "30-minute power" (and thrust), the word "rated" is added where those power and thrust descriptions are used. Further, an inappropriate use of the word "rated" appears in § 33.49(c)(5): The words "normal rated" (speed) and "normal rated" (manifold pressure) are military usage corresponding with the Agency terminology "maximum continuous" (speed and manifold pressure). The latter terminology is used instead. Finally, consistent with the use of the word "rated" to describe approved powers and thrusts, § 33.97(b) is amended by deleting the words "maximum forward" (thrust) and inserting the words "rated takeoff thrust" in place thereof.

The notice proposed to add a new § 33.8 requiring that the applicant must select power or thrust ratings and that the selected ratings must be for the lowest power or thrust that all engines of the same type may be expected to produce under the conditions used to determine that rating. One comment objected for the following reasons: The commentator states that the current requirements are satisfactory and pose no compromise with safety. The Agency disagrees for the reasons stated in the notice. The commentator states that production tolerances should not be included in the type certification regulations. This amendment prescribes no production requirement in addition to the present requirement of conformity to the type design in the production requirements of Part 21. This amendment merely resolves an ambiguity concerning the meaning of the rating concept as an aspect of the type design so that there can be no doubt that no production engine conforms to its type design unless it equals or exceeds the specific power or thrust values assigned as ratings under the type design. The commentator states that reduction of ratings to represent the lower end of the anticipated range of power variation would result in aircraft manufacturers receiving engines of less power than those he would otherwise get. The Agency disagrees. The present rules do not authorize a negative tolerance with respect to production conformity to assigned ratings. As stated in the notice, conformity is not shown unless all production engines equal or exceed the assigned ratings. Since the assigned rating is the aircraft manufacturer's assurance of engine capability, assignment of power ratings to represent the low end of the expected production range of powers or thrusts will reduce unexpected power deficiencies, not cause them as claimed. The commentator states that no rule change is necessary if the industry specified a reasonable production tolerance, and states that this has been the past practice. A reasonable range of expected production power or thrust values is inevitable and is not prevented by this amendment. However, the current rules do not delegate to private persons the authority to prescribe negative tolerances so far as meeting minimums prescribed during type certification is concerned. The commentator states that production power variations do not adversely affect safety considering that other variables such as ambient conditions, propeller tolerances and airframe tolerances also exist. The Agency disagrees. Reliance by the aircraft manufacturer upon assigned engine ratings is necessary in order for him to correctly assess, and make allowance for, other production variables related to aircraft production. The commentator states that the hazardous situation cited in the preamble is not pertinent since it was related to the selection of an engine for a prototype aircraft rather than the selection of a power rating. The Agency disagrees. The hazard resulted because (1) the aircraft manufacturer in the example designed for performance based on an assigned engine rating, and (2) certain engines supplied did not meet their assigned ratings and failed to produce aircraft performance that was produced by engines that produced their assigned ratings. It is in the selection of an engine for a prototype that reliance upon assigned ratings by the aircraft manufacturer is necessary to ensure that production aircraft have the performance capabilities of the prototype aircraft. This comment cannot, therefore, be accepted. This amendment is drafted as proposed.

The notice proposed to amend § 33.17 to require that contact of flammable fluid with hot surfaces be "prevented" rather than "minimized" as at present. This proposal is withdrawn pending further study. The notice also proposed to delete the words "from heat, vibration, or fluid pressure" at the end of § 33.17(b). No adverse comments having been received on this part of the proposal, this amendment is drafted as proposed.

The notice proposed to amend § 33.23 to require that maximum allowable engine mounting attachment loads be specified by the applicant and that the engine mounting attachments and related structure be able to withstand the specified loads. One comment objected, stating that, instead of being required to specify maximum allowable loads, the engine manufacturer should "identify the design cases (e.g. maximum loading, rate of turn, engine seizure torque, etc.) and the associated time factors which were used in determining the critical loads * * *." Since this comment assumes that critical loads will be determined, it is not clear how the commentator's proposal would differ from the proposed amendment. The "design cases" mentioned by the commentator would be considered under the proposed amendment. The maximum allowable loads should be specified for use by subsequent aircraft applicants for the reasons stated in the notice. This amendment is therefor drafted as proposed.

The notice proposed to amend § 33.69 to reflect the single-ignition allowance proposed for Parts 27 and 29. Since those proposed amendments have been withdrawn for further study, the proposed amendment to § 33.69 is withdrawn accordingly.

Part 35—Airworthiness Standards: Propellers: In place of deleted § 35.15 (which proposed deletion is withdrawn above), the notice proposed to add a new section, entitled "Pitch Control System", which would have required that each variable pitch propeller that tends to go to low pitch if "the pitch control system fails" must incorporate means to "automatically lock the pitch" to prevent hazardous overspeeding, and that "each pitch control system" that uses engine oil for feathering must incorporate means to "position the governor pilot valve for feathering without using engine oil" or incorporate means to "let feathering oil bypass the governor pilot valve." One comment stated that the words "the pitch control system fails" imply that the propeller manufacturer must anticipate all possible failures of pitch control system components whose design will not be known until later certification of an engine or aircraft. This is not intended. The commentator suggests language which would require the propeller manufacturer to consider hazardous overspeeding only where that hazard is caused by failure of the "pitch control mechanism contained within the propeller, or supplied with the propeller." This language is too narrow. The intended pitch changing function is a design feature of the propeller regardless of the location or certification status of the mechanisms for performing that function. If the propeller design includes an intended pitch changing method or function, safety requires that the consequence of failure of this intended function, within intended operating conditions, be given design consideration by the propeller applicant. New § 35.23(a) therefore provides that the propeller applicant is responsible for the overspeed consequences of loss of normal propeller pitch control, however caused, under "intended operating conditions". Responsibility and control by the propeller applicant over engine or aircraft "systems" or "mechanisms" that could cause such failures is not implied by this amendment. So far as the words "each pitch control" in proposed paragraph (b) are concerned, the Agency agrees that limitation to "each pitch control system within the propeller, or supplied with the propeller" is appropriate, since the propeller applicant's responsibility for systems, rather than intended propeller functions, is involved. Paragraph (b) is drafted accordingly. One comment stated that to require a means to "automatically lock the pitch" to prevent hazardous overspeeding could unnecessarily restrict design, and that the objective prevention of hazardous overspeeding is all that is necessary. The Agency agrees. Paragraph (a) is so drafted. Further, the Agency believes that a similarly unnecessary design restriction could result from the requirement, in proposed paragraph (b), that there be means to "position the governor pilot valve * * *" or means to "let feathering oil bypass the governor pilot valve". The objective of this proposal is to require means to override or bypass the normally operative hydraulic system components so as to allow feathering if those components fail or malfunction. Paragraph (b) is drafted accordingly. This amendment is renumbered as § 35.23.

The notice proposed to amend § 35.35 to make it clear that the section covers only blade retention strength and that an endurance test of the entire propeller is not intended under that section. No adverse comments having been received, this amendment is drafted as proposed.

The notice proposed to delete § 35.37, delete certain language in § 35.39, and add a new § 35.37, in order to establish that the intent of § 35.37 is to substantiate vibration load limits rather than merely record vibration loads withstood. Proposed new § 35.37 would have covered "each critical component" of each propeller. One comment objected, stating that "each critical component" could be strictly administered to require load limit establishment for every metal component. This is not intended. This amendment therefore is specifically limited to "each metal hub and metal blade" and "each primary load-carrying metal component of nonmetallic blades," but is otherwise drafted as proposed.

The notice proposed to amend § 35.39 to require that the prescribed tests be conducted on a propeller of the greatest diameter for which certification is requested. One comment objected for the following reasons: The commentator states that, in several ways, such as test airspeed and blade angle, the actual tests conducted under § 35.39 do not simulate operational loads and therefore do not "substantiate the propeller loads that are expected in operation", contrary to the notice. The Agency agrees that there are some operating conditions that are not simulated in the tests. However, notwithstanding these, proper test equipment can sufficiently simulate, and provide a basis to substantiate, the maximum steady loads that the propeller will actually experience in the takeoff regime when the power and engine speed are greatest, the airspeed and blade angle are lowest, and the corresponding thrust and centrifugal loads are the greatest. Substantiation of these loads is necessary for safety. Regardless of other variables in the testing process, substantiation of these loads cannot be properly established with reduced propeller diameters. The commentator states in effect that an inadequate testing environment obviates the need to use the full diameter in the test since any advantage in simulation that would result would be eliminated or hidden by the unrepresentative effects of the poor test environment. The Agency disagrees. Proper substantiation of the steady propeller takeoff loads is necessary for safety. No showing has been made that adequate test facilities cannot be designated and feasibly provided for this purpose. This amendment is therefore drafted as proposed.

In consideration of the foregoing, Subchapters A and C of Chapter I of Title 14 of the Code of Federal Regulations are amended, effective April 3, 1967, as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

(a) Part 1 § 1.1 is amended as follows:

§ 1.1 [Amended]

1. The following new definitions are added:

"Rated takeoff power," with respect to reciprocating, turbopropeller, and turboshaft engine type certification, means the approved brake horsepower that is developed statically under standard sea level conditions, within the engine operating limitations established under Part 33, and limited in use to periods of not over 5 minutes for takeoff operation.

"Rated takeoff thrust," with respect to turbojet engine type certification, means the approved jet thrust that is developed statically under standard sea level conditions, within the engine operating limitations established under Part 33, and limited in use to periods of not over 5 minutes for takeoff operation.

2. The definitions of "maximum continuous power" and "maximum continuous thrust" are amended to read as follows:

"Rated maximum continuous power," with respect to reciprocating, turbopropeller, and turboshaft engines, means the approved brake horsepower that is developed statically or in flight, in standard atmosphere at a specified altitude, within the engine operating limitations established under Part 33, and approved for unrestricted periods of use.

"Rated maximum continuous thrust," with respect to turbojet engines, means the approved jet thrust that is developed statically or in flight, in standard atmosphere at a specified altitude, within the engine operating limitations established under Part 33, and approved for unrestricted periods of use.

3. The definition of "2½-minute power" is amended by inserting the word "Rated" before the term "2½-minute power".

4. The definition of "30-minute power" is amended by inserting the word "Rated" before the term "30-minute power".

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

(b) Part 21 is amended as follows:

§ 21.21 [Amended]

1. Section 21.21(b)(2) is amended by striking out the words "or, for aircraft engines and propellers, that no feature or characteristic makes it unsafe for use on aircraft" after the word "requested".

§ 21.128 [Amended]

2. Section 21.128(a)(1) is amended by striking out the words "the maximum continuous rating" and inserting the words "rated maximum continuous power or thrust" in place thereof, and by striking out the words "the takeoff rating" and inserting the words "rated takeoff power or thrust" in place thereof.

3. Section 21.128(a)(2) is amended by:

(1) Striking out the words "the maximum continuous rating" after the words "operation at", and inserting the words "rated maximum continuous power or thrust" in place thereof.

(2) Striking out the words "the maximum continuous rating" between the words "higher than" and "the 5-hour", and inserting the words "rated maximum continuous power or thrust" in place thereof.

(3) Striking out the words "takeoff rating" between the words "having a" and "higher than", and inserting the words "rated takeoff power or thrust" in place thereof.

(4) Striking out the words "the takeoff rating" after the words "30 minutes at", and inserting the words "rated takeoff power or thrust" in place thereof.

PART 33—AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES

(c) Part 33 is amended as follows:

1. Section 33.7 is amended to read as follows:

§ 33.7 Engine ratings and operating limitations.

Engine ratings and operating limitations established by the Administrator are based on the engine operating conditions demonstrated during the block tests required by this part and include power and thrust ratings, and include operating limitations relating to speeds, temperatures, pressures, fuels, and oils which the Administrator finds necessary for safe operation of the engine.

2. The following new section is added after § 33.7:

§ 33.8 Selection of engine power and thrust ratings.

(a) Requested engine power and thrust ratings must be selected by the applicant.

(b) Each selected rating must be for the lowest power or thrust that all engines of the same type may be expected to produce under the conditions used to determine that rating.

§ 33.17 [Amended]

3. Section 33.17(b), last sentence, is amended by deleting the words "from heat, vibration, or fluid pressure".

4. Section 33.23 is amended to read as follows:

§ 33.23 Engine mounting attachments and structure.

(a) The maximum allowable loads for engine mounting attachments and related structure must be specified by the applicant.

(b) The engine mounting attachments and related structure must be able to withstand the specified loads without failure, malfunction, or permanent deformation.

§ 33.43 [Amended]

5. Section 33.43 is amended by striking out the word "rating" following the words "maximum continuous speed" and also following the words "takeoff speed".

6. Section 33.49 is amended to read as follows:

§ 33.49 Endurance test.

(a) *General.* Each engine must be subjected to an endurance test (with a representative propeller) that includes a total of 150 hours of operation and, depending upon the type and contemplated use of the engine, consists of one of the series of runs specified in paragraphs (b) through (d) of this section, as applicable. The runs must be performed in the periods and order found appropriate by the Administrator for the specific engine. During the endurance test the engine power and the crankshaft rotational speed must be controlled within ±3 percent of the specified values.

(b) *Single-speed engines.* For engines not incorporating a supercharger and for those incorporating a single-speed supercharger, each applicant must make the following runs:

(1) A 30-hour run consisting of alternate periods of 5 minutes at rated takeoff power with takeoff speed, and 5 minutes at maximum best economy cruising power or maximum recommended cruising power.

(2) A 20-hour run consisting of alternate periods of 1½ hours at rated maximum continuous power with maximum continuous speed, and ½ hour at 75 percent rated maximum continuous power and 91 percent maximum continuous speed.

(3) A 20-hour run consisting of alternate periods of 1½ hours at rated maximum continuous power with maximum continuous speed, and ½ hour at 70 percent rated maximum continuous power and 89 percent maximum continuous speed.

(4) A 20-hour run consisting of alternate periods of 1½ hours at rated maximum continuous power with maximum continuous speed, and ½ hour at 65 percent rated maximum continuous power and 87 percent maximum continuous speed.

(5) A 20-hour run consisting of alternate periods of 1½ hours at rated maximum continuous power with maximum continuous speed, and ½ hour at 60 percent rated maximum continuous power and 84.5 percent maximum continuous speed.

(6) A 20-hour run consisting of alternate periods of 1½ hours at rated maximum continuous power with maximum continuous speed, and ½ hour at 50 percent rated maximum continuous power and 79.5 percent maximum continuous speed.

(7) A 20-hour run consisting of alternate periods of 2½ hours at rated maximum continuous power with maximum continuous speed, and 2½ hours at maximum best economy cruising power or at maximum recommended cruising power.

(c) *Two-speed engines.* Each engine incorporating a two-speed supercharger must undergo the following runs:

(1) A 30-hour run consisting of alternate periods in the lower gear ratio of 5 minutes at rated takeoff power with takeoff speed, and 5 minutes at maximum best economy cruising power or at maximum recommended cruising power. If a takeoff power rating is desired in the higher gear ratio, 15 hours of the 30-hour run must be made in the higher gear ratio in alternate periods of 5 minutes at the observed horsepower obtainable with the takeoff critical altitude manifold pressure and takeoff speed, and 5 minutes at 70 percent high ratio rated maximum continuous power and 89 percent high ratio maximum continuous speed.

(2) A 15-hour run consisting of alternate periods in the lower gear ratio of 1 hour at rated maximum continuous power with maximum continuous speed, and ½ hour at 75 percent rated maximum continuous power and 91 percent maximum continuous speed.

(3) A 15-hour run consisting of alternate periods in the lower gear ratio of 1 hour at rated maximum continuous power with maximum continuous speed, and ½ hour at 70 percent rated maximum continuous power and 89 percent maximum continuous speed.

(4) A 30-hour run in the higher gear ratio at rated maximum continuous power with maximum continuous speed.

(5) A 5-hour run consisting of alternate periods of 5 minutes in each of the supercharger gear ratios. The first 5 minutes of the test must be made at maximum continuous speed in the higher gear ratio and the observed horsepower obtainable with 90 percent of maximum continuous manifold pressure in the higher gear ratio under sea level conditions. The condition for operation for the alternate 5 minutes in the lower gear ratio must be that obtained by shifting to the lower gear ratio at constant speed.

(6) A 10-hour run consisting of alternate periods in the lower gear ratio of 1 hour at rated maximum continuous power with maximum continuous speed, and 1 hour at 65 percent rated maximum continuous power and 87 percent maximum continuous speed.

(7) A 10-hour run consisting of alternate periods in the lower gear ratio of 1 hour at rated maximum continuous power with maximum continuous speed, and 1 hour at 60 percent rated maximum continuous power and 84.5 percent maximum continuous speed.

(8) A 10-hour run consisting of alternate periods in the lower gear ratio of 1 hour at rated maximum continuous power with maximum continuous speed, and 1 hour at 50 percent rated maximum continuous power and 79.5 percent maximum continuous speed.

(9) A 20-hour run consisting of alternate periods in the lower gear ratio of 2 hours at rated maximum continuous power with maximum continuous speed, and 2 hours at maximum best economy cruising power and speed or at maximum recommended cruising power.

(10) A 5-hour run in the lower gear ratio at maximum best economy cruising power and speed or at maximum recommended cruising power and speed.

Where simulated altitude test equipment is not available when operating in the higher gear ratio, the runs may be made at the observed horsepower obtained with the critical altitude manifold pressure or specified percentages thereof, and the fuel-air mixtures may be adjusted to be rich enough to suppress detonation.

(d) *Helicopter engines.* To be eligible for use on a helicopter each engine must either comply with paragraphs (a) through (j) of § 29.923 of this chapter, or must undergo the following series of runs:

(1) A 35-hour run consisting of alternate periods of 30 minutes each at rated takeoff power with takeoff speed, and at rated maximum continuous power with maximum continuous speed.

(2) A 25-hour run consisting of alternate periods of 2½ hours each at rated maximum continuous power with maximum continuous speed, and at 70 percent rated maximum continuous power with maximum continuous speed.

(3) A 25-hour run consisting of alternate periods of 2½ hours each at rated maximum continuous power with maximum continuous speed, and at 70 percent rated maximum continuous power with 80 to 90 percent maximum continuous speed.

(4) A 25-hour run consisting of alternate periods of 2½ hours each at 80 percent rated maximum continuous power with takeoff speed, and at 80 percent rated maximum continuous power with 80 to 90 percent maximum continuous speed.

(5) A 25-hour run consisting of alternate periods of 2½ hours each at 80 percent rated maximum continuous power with takeoff speed, and at either rated maximum continuous power with 110 percent maximum continuous speed or at rated takeoff power with 103 percent takeoff speed, whichever results in the greater speed.

(6) A 15-hour run at 105 percent rated maximum continuous power with 105 percent maximum continuous speed or at full throttle and corresponding speed at standard sea level carburetor entrance pressure, if 105 percent of the rated maximum continuous power is not exceeded.

§ 33.51 [Amended]

7. Section 33.51 is amended by inserting the word "rated" between the words "settings for" and "maximum continuous".

§ 33.73 [Amended]

8. Section 33.73 is amended by striking out the word "of" between the words "percent" and "takeoff" and inserting the word "rated" in place thereof.

§ 33.87 [Amended]

9. Section 33.87 is amended as follows:

(1) Section 33.87(b)(1) is amended by inserting the word "rated" between the words "periods at" and "takeoff power" in the first sentence; by inserting the word "power" between the words "augmented takeoff" and "ratings that" in the 4th sentence, and by inserting the word "power" between the words "augmented takeoff" and "ratings that" in the 5th sentence.

(2) Section 33.87(b)(2) is amended by striking out the word "*Maximum*" in the heading and inserting the words "*Rated maximum*" in place thereof; by inserting the word "rated" between the words "duration at" and "maximum continuous"; and by inserting the word "rated" between the words "duration at" and "takeoff power".

(3) Section 33.87(b)(3) is amended by striking out the word "*Maximum*" in the heading and inserting the words "*Rated maximum*" in place thereof; and by striking out the word "the" between the words "at" and "maximum" and inserting the word "rated" in place thereof.

(4) Section 33.87(b)(5) is amended by inserting the word "rated" between the words "thrust to" and "takeoff power".

(5) Section 33.87(c)(1) is amended by inserting the word "rated" between the words "periods at" and "takeoff power"; by inserting the word "power" between the words "augmented takeoff" and "ratings that"; and by inserting the word "power" between the words "the augmented" and "rating".

(6) Section 33.87(c)(2) is amended by inserting the word "*Rated*" after the figure "(2)"; and by inserting the word "rated" between the words "at" and "30-minute power".

(7) Section 33.87(c)(3) is amended by striking out the word "*Maximum*" in the heading and inserting the words "*Rated maximum*" in place thereof; and by striking out the word "the" between the words "at" and "maximum" and inserting the word "rated" in place thereof.

(8) Section 33.87(c)(5) is amended by inserting the word "rated" between the words "thrust to" and "takeoff power".

(9) Section 33.87(c)(7) is amended by inserting the word "rated" between the words "all the" and "takeoff power", and by inserting the word "rated" between the words "takeoff power," and "30-minute power", after the comma.

(10) Section 33.87(d)(1) is amended by inserting the word "rated" between the words "periods at" and "takeoff power"; by inserting the word "rated" between the words "conducted at" and "takeoff power"; by inserting the word "rated" between the words "conducted at" and "2½ minute"; and by inserting the word "power" between the words "augmented takeoff" and "ratings that".

(11) Section 33.87(d)(3) is amended by inserting the word "rated" between the words "all the" and "takeoff"; by inserting the words "power, rated" between the word "takeoff" and "2½ minute"; and by inserting the word "rated", following the comma, between the words "minute power" and "30-minute".

§ 33.95 [Amended]

10. Section 33.95 is amended as follows:

(1) Section 33.95(b) is amended by inserting the word "rated" between the words "from" and "maximum".

(2) Section 33.95(c) is amended by inserting the word "rated" between words "from" and "maximum".

(3) Section 33.95(d) is amended by inserting the word "rated" between the words "cycles at" and "maximum continuous".

11. Section 33.97(b), first sentence, is amended by deleting the words "maximum forward" and inserting the words "rated takeoff thrust" in place thereof.

PART 35—AIRWORTHINESS STANDARDS: PROPELLERS

(d) Part 25 is amended as follows:

1. By adding the following new section after § 35.21:

§ 35.23 Pitch control.

(a) No loss of normal propeller pitch control may cause hazardous overspeeding of the propeller under intended operating conditions.

(b) Each pitch control system that is within the propeller, or supplied with the propeller, and that uses engine oil for feathering, must incorporate means to override or bypass the normally operative hydraulic system components so as to allow feathering if those components fail or malfunction.

§ 35.35 [Amended]

2. Section 35.35 is amended by:

(1) Striking out the heading "*Centrifugal load test*" and inserting the heading "*Blade retention test*" in place thereof; and

(2) Striking out the words "one-hour" between the words "either a" and "whirl test".

3. Section 35.37 is amended to read as follows:

§ 35.37 Vibration load limit test.

The vibration load limits of each metal hub and metal blade, and of each primary load-carrying metal component of nonmetallic blades, must be determined for all reasonably foreseeable vibration load patterns.

§ 35.39 [Amended]

4. Section 35.39(a) is amended as follows:

(1) Subparagraph (a)(2) is amended by adding the following new sentence at the end thereof: "This test must be conducted on a propeller of the greatest diameter for which certification is requested."

(2) Subparagraph (a)(3) is amended by adding the following new sentence at the end thereof: "This test must be conducted on a propeller of the greatest diameter for which certification is requested."

5. Section 35.39(c) is amended as follows:

(1) The following sentence is inserted between the paragraph heading "*Variable-pitch propellers*" and the first sentence: "Compliance with this paragraph must be shown for a propeller of the greatest diameter for which certification is requested."

(2) The second sentence of subparagraph (c)(1) is amended to read as follows: "Each test must be made at the maximum continuous rotational speed and power rating of the propeller."

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 24, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-2437; Filed, Mar. 3, 1967; 8:47 a.m.]

[Docket No. 67-EA-12; Amdt. 39-361]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Models UH-12D, UH-12E

There have been recent reports of cracks in the cyclic control bracket inserts in the lower transmission housing of the Fairchild Hiller Helicopter Models UH-12D and UH-12E. These cracked inserts then caused the cyclic control bracket to pull away from the transmission housing causing loss of cyclic control.

This condition is likely to exist or develop in other helicopters of the same design and therefore an airworthiness directive is being issued to require inspection of and replacement of the cyclic control bracket inserts.

Since a situation exists that requires immediate adoption of this regulation, it is found that the notice and public procedure provisions of the Administrative Procedure Act are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated, 14 CFR 11.85 (31 F.R. 13697), to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

FAIRCHILD-HILLER. Applies to Models UH-12D and UH-12E Helicopters. Compliance required as indicated.

To prevent failure of the attachment of cyclic control bracket P/N 33031-5 to the transmission housing P/N 23542, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this Airworthiness Directive, unless already accomplished, inspect the cyclic control bracket attachment bolts for a torque of less than 50-inch pounds and visually inspect the Rosan inserts in the transmission housing for cracks or any other damage. Replace damaged inserts and inserts where a bolt torque of less than 50-inch pounds is encountered prior to further flight in accordance with Fairchild Hiller Service Information Letter No. 3054 of November 4, 1966, or later revisions approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Agency, Eastern Region.

(b) Within the next 100 hours' time in service after the effective date of this Airworthiness Directive, unless already accomplished, remove the Rosan R2068B-8 inserts and install Rosan RD2068B-8 inserts in their place and install MS20073-04-10 bolts in accordance with Fairchild Hiller Service Information Letter No. 3054 of November 4, 1966, or later revisions approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Agency, Eastern Region.

This amendment is effective March 9, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on February 27, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-2510; Filed, Mar. 3, 1967; 8:50 a.m.]

[Airspace Docket No. 66-CE-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On December 15, 1966, Airspace Docket No. 66-CE-9 was published in the FEDERAL REGISTER (31 F.R. 15796) and in part described V-13 to exclude the portion of a west alternate within R-2401. This action was effective February 2, 1967. This exclusion is in error as the present alignment of this west alternate no longer traverses R-2401. Corrective action is taken herein.

Since this action is minor and editorial in nature, notice and public procedure thereon is unnecessary and it may be made effective immediately.

In consideration of the foregoing, Item 3 of the Airspace Docket No. 66-CE-9 (31 F.R. 15796) and § 71.123 (32 F.R. 2009) are amended effective immediately as hereinafter set forth.

In V-13 all after "Lakehead", Ont., Canada." is deleted and "The airspace outside the United States is excluded." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 28, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-2457; Filed, Mar. 3, 1967; 8:49 a.m.]

[Airspace Docket No. 66-EA-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the segment of VOR Federal airway No. 140 between Bluefield, W. Va., and Montebello, Va., via the intersection of the Bluefield 071° T (074° M) and the Montebello 250° T (255° M) radials.

The realignment of V-140 would permit the deletion of the Clifdale, Va., VOR as a facility within the VOR airway structure and also permit its decommissioning. Since this realignment of V-140 will not alter the extent of controlled airspace or the minimum en route altitude associated with this airway segment, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

In § 71.123 (32 F.R. 2009) V-140 is amended by deleting "Clifdale, Va.; Montebello, Va.;" and substituting "INT of Bluefield 071° and Montebello, Va., 250° radials; Montebello;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 27, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-2412; Filed, Mar. 3, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-88]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On December 15, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 15814) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 39 segment between Augusta, Maine, and Millinocket, Maine.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

In § 71.123 (32 F.R. 2009) V-39 is amended by deleting "12 AGL INT Augusta 025° and Millinocket, Maine, 228° radials; 12 AGL Millinocket;" and substituting "12 AGL Bangor, Maine; 12 AGL Millinocket, Maine;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 24, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-2413; Filed, Mar. 3, 1967; 8:45 a.m.]

[Airspace Docket No. 67-WA-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make an editorial change in the description of Control 1445. The description of Control 1445 makes reference to Vancouver Oceanic Control Area. This has been changed to the Vancouver Flight Information Region. Accordingly, action is taken herein to reflect this correct wording.

Since this amendment is editorial in nature and does not involve the designation of airspace, notice and public procedure are unnecessary and may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective upon the date of publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.163 (32 F.R. 2063) Control 1445 is amended by deleting "Vancouver Oceanic Control Area" and substituting "Vancouver Flight Information Region" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 28, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-2458; Filed, Mar. 3, 1967; 8:49 a.m.]

[Airspace Docket No. 67-WA-8]

PART 73—SPECIAL USE AIRSPACE

Miscellaneous Amendments

On February 2, 1967, F.R. Doc. No. 67-807 comprising a compilation of Parts 71, 73, and 75 of the Federal Aviation Regulations, was published as Part II of the FEDERAL REGISTER of that date. A review of that document disclosed the omission of Regulatory Docket No. 7672; Amendment 73-1 which provides for the codification of Prohibited Areas under the Federal Aviation Regulations. The purpose of this docket is to rectify that omission by the inclusion thereof in Part 73 of the compilation.

Since these amendments are editorial in nature, notice and public procedure thereon are unnecessary and they may be made effective in less than 30 days after publication.

In consideration of the foregoing, Federal Register Document No. 67-807 is amended, effective immediately, as follows:

§ 73.1 [Amended]

1. In Subpart A—General, § 73.1 *Applicability* is amended by adding "and Subpart C" after the words "Subpart B".

§ 73.15 [Amended]

2. In Subpart B § 73.15(a) is amended by deleting "part" and substituting "subpart" therefor.

§ 73.21 [Amended]

3. In Subpart B the center heading preceding § 73.21 is deleted.

4. Following Subpart B, add:

Subpart C—Prohibited Areas

Sec.
73.81 Applicability.
73.83 Restrictions.
73.85 Using agency.

DESCRIPTIONS OF DESIGNATED PROHIBITED AREAS

73.87 P-56, District of Columbia.

Subpart C—Prohibited Areas

§ 73.81 Applicability.

This subpart designates prohibited areas and prescribes limitations on the operation of aircraft therein.

§ 73.83 Restrictions.

No person may operate an aircraft within a prohibited area unless authorization has been granted by the using agency.

§ 73.85 Using agency.

For the purpose of this subpart, the using agency is the agency, organization or military command that established the requirement for the prohibited area.

NOTE: Sections 73.87 through 73.99 are reserved for descriptions of designated prohibited areas.

DESCRIPTIONS OF DESIGNATED PROHIBITED AREAS

§ 73.87 P-56, District of Columbia.

BOUNDARIES

A. Beginning at the southwest corner of the Lincoln Memorial (latitude 38°53'20" N.; longitude 77°03'03" W.);

Thence via a 327° bearing, 0.6 mile, to the intersection of New Hampshire Avenue and Rock Creek and Potomac Parkway NW. (latitude 38°53'45" N.; longitude 77°03'24" W.);

Thence northeast along New Hampshire Avenue, 0.6 mile, to Washington Circle, at the intersection of New Hampshire Avenue and K Street NW. (latitude 38°54'08" N.; longitude 77°03'02" W.);

Thence east along K Street, 2.5 miles, to the railroad overpass between First and Second Streets NE. (latitude 38°54'08" N.; longitude 77°00'14" W.);

Thence southeast via a 158° bearing, 0.7 mile, to the southeast corner of Stanton Square, at the intersection of Massachusetts Avenue and Sixth Street NE. (latitude 38°53'35" N.; longitude 76°59'57" W.);

Thence southwest via a 211° bearing, 0.8 mile, to the Capitol Power Plant at the intersection of New Jersey Avenue and E Street SE. (latitude 38°52'59" N.; longitude 77°00'25" W.);

Thence west via a 265° bearing, 0.7 mile, to the intersection of the Southwest Freeway (Interstate Route 95) and Sixth Street SW., extended (latitude 38°52'56" N.; longitude 77°01'13" W.);

Thence north along Sixth Street, 0.4 mile, to the intersection of Sixth Street and Independence Avenue SW. (latitude 38°53'15" N.; longitude 77°01'13" W.);

Thence west along the north side of Independence Avenue, 0.8 mile, to the intersection of Independence Avenue and 15th Street SW. (latitude 38°53'16" N.; longitude 77°02'02" W.);

Thence west along the southern lane of Independence Avenue, 0.4 mile to the west end of the Kutz Memorial Bridge over the Tidal Basin (latitude 38°53'12" N.; longitude 77°02'28" W.);

Thence west via a 285° bearing, 0.6 mile, to the southwest corner of the Lincoln Memorial, the point of beginning.

B. That area within a one-half mile radius from the center of the U.S. Naval Observatory located between Wisconsin and Massachusetts Avenues at 34th Street NW. (latitude 38°55'17" N.; longitude 77°04'02" W.).

Designated altitudes: Surface to unlimited.

Time of designation: Continuous.

Using agency: Administrator, Federal Aviation Agency, Washington, D.C.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 27, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-2416; Filed, Mar. 3, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-38]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On December 23, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 16470) stating that the Federal Aviation Agency was considering an amendment to change the boundaries, altitudes and time of designation of Restricted Area R-4101 Camp Edwards, Mass.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Comments received indicated no objection to the proposal.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

In § 73.41 (32 F.R. 2314) R-4101 Camp Edwards, Mass., is amended to read as follows:

Boundaries. A circle with a 3-mile radius centered at latitude 41°43'30" N., longitude 70°32'30" W.; excluding the portion NW of a line extending from latitude 41°44'30" N., longitude 70°35'45" W.; to latitude 41°45'07" N., longitude 70°34'30" W.; to latitude 41°45'53" N., longitude 70°33'47" W., and excluding the portion SE of a line extending from latitude 41°40'54" N., longitude 70°32'52" W.; to latitude 41°42'02" N., longitude 70°31'37" W.; to latitude 41°41'42" N., longitude 70°30'55" W.; to latitude 41°42'20" N., longitude 70°30'16" W.; to latitude 41°42'42" N., longitude 70°30'51" W.; to latitude 41°44'17" N., longitude 70°29'11" W.

Designated altitudes. Surface to 9,000 feet MSL.

Time of designation. From 0600 to 1800 hours local time, daily, other times as specified in a NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Agency, Otis Approach Control.

Using agency. Commanding Officer, Camp Edwards, Mass.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 27, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-2417; Filed, Mar. 3, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-91]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On January 5, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 56) stating that the Federal Aviation Agency was considering an amendment to the Federal Aviation Regulations (FARs) which would alter Restricted Area R-5802 Indiantown Gap, Pa.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received was from the Air Transport Association and they interposed no objection.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 30, 1967, as hereinafter set forth.

Section 73.58 (32 F.R. 2329) R–5802 Indiantown Gap, Pa., is amended by changing the time of designation and the using agency to read:

Time of designation. 0630 to 2400 local time, June 1 through August 31; 0800–1800 local time, Saturday and Sunday February 15 through May 31; 0800–1800 local time, Saturday and Sunday September 1 through December 15. Other dates and times by NOTAM, issued at least 48 hours in advance.

Using agency. Commanding General, Indiantown Gap Military Reservation, Annville, Pa.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 24, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67–2415; Filed, Mar. 3, 1967; 8:45 a.m.]

[Airspace Docket No. 66–CE–103]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

On January 13, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 389) stating the Federal Aviation Agency was considering amendments to Part 73 of the Federal Aviation Regulations which would increase the time of designation of Restricted Areas R–6903, Sheboygan, Wis., and R–6904, Volk Field, Wis., and lower the designated ceiling of R–6904.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. Two comments were received, neither interposing an objection.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

In § 73.69 (32 F.R. 2337) the following changes are made:

1. Restricted Area R–6903 is amended by deleting *"Time of designation.* 0600 to 2200 c.s.t., May 1 through September 30, and from 0800 to 1600 c.s.t., Saturday and Sunday, October 1 through April 30." and substituting therefor *"Time of designation.* Continuous, sunrise to sunset."

2. Restricted Area R–6904 is amended by deleting *"Designated altitudes.* Surface to 20,000 feet MSL." and *"Time of designation.* 0600 to 2200 c.s.t., May 1 through September 30 and from 0800 to 1600 c.s.t., Saturday and Sunday, October 1 through April 30." and substituting therefor *"Designated altitudes.* Surface to 15,000 feet MSL." and *"Time of designation.* Continuous, sunrise to sunset."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 24, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67–2414; Filed, Mar. 3, 1967; 8:45 a.m.]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration and Revocation of Jet Routes

On December 16, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 16161) stating that the Federal Aviation Agency was considering amendments to Part 75 of the Federal Aviation Regulations that would alter the Jet Route structure in the vicinity of The Dalles, Oreg.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

Section 75.100 (32 F.R. 2341) is amended as follows:

1. In Jet Route No. 15 "to Newberg, Oreg." is deleted and "to Portland, Oreg." is substituted therefor.

2. In Jet Route No. 16 everything before "Whitehall, Mont." is deleted and "From Portland, Oreg., via INT of Portland 100° and Pendleton, Oreg., 254° radials; Pendleton;" is substituted therefor.

3. Jet Route No. 67 is amended to read:

Jet Route No. 67 (Lakeview, Oreg., to Portland, Oreg.). From Lakeview, Oreg., direct Portland, Oreg.

4. Jet Route No. 73 is revoked.

5. Jet Route No. 82 is amended as follows:

In the caption "McCall, Idaho," is deleted and "Portland, Oreg.," is substituted therefor, and in the text all before "Dubois, Idaho," is deleted and "From Portland, Oreg., via McCall, Idaho;" is substituted therefor.

6. Jet Route No. 93 is amended as follows:

In the caption "Newport, Oreg.," is deleted and "Portland, Oreg.," is substituted therefor, and the text is amended to read, "From Portland, Oreg., via INT of Portland 353° and Seattle, Wash., 197° radials; to Seattle."

7. Jet Route No. 114 is revoked.

8. Jet Route No. 136 is amended as follows:

In the caption "Portland, Oreg.," is deleted and "Newport, Oreg.," is substituted therefor, and in the text all before "Yakima, Wash.," is deleted and "From Newport, Oreg., via Portland, Oreg.," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 27, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–2418; Filed, Mar. 3, 1967; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 650—PRODUCTION CREDIT ASSOCIATIONS

Subpart A—Loans to Members

STOCKHOLDER ENDORSEMENTS

As prescribed by the farm credit board in each of the 12 farm credit districts with the approval of the Farm Credit Administration pursuant to section 23 of the Farm Credit Act of 1933, as amended (12 U.S.C. 1131g), § 650.103 of Title 12 of the Code of Federal Regulations (31 F.R. 16252) is amended to read as follows:

§ 650.103 Stockholder endorsements.

(a) When a loan is made to a corporation, either the holder or holders of at least a majority of its outstanding shares of voting stock or a principal stockholder or stockholders must, (1) endorse, or sign as comakers, all notes evidencing such loan; or (2) execute continuing guaranties of all indebtedness of such corporation to the association. Requirement (2) may be met by two or more stockholders each executing a guaranty for a specified percentage of the indebtedness, with the aggregate of such guaranties affording personal liability for 100 percent of the indebtedness. If such personal liability of stockholders of the borrowing corporation cannot be obtained by reason of ownership of its capital stock by another corporation, the stockholder liability requirement may be met by like endorsement or guaranty on the part of an individual stockholder or stockholders of such parent or affiliated corporation.

(b) As an exception thereto, an association may waive the foregoing stockholder liability requirement for loans to eligible corporations if in its judgment the soundness of the loan and continuity of management are reasonably assured without such personal liability, subject to concurrence in such waiver by the Bank and the Farm Credit Administration on loans requiring their approval.

(Sec. 23, 48 Stat. 261, as amended; 12 U.S.C. 1131g)

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 67–2450; Filed, Mar. 3, 1967; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

MISCELLANEOUS AMENDMENTS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER.

The amendment (1) revises § 230.8–5 *Radioactivity standards* to renew and change the price of standard reference material 4944–C and renumber the material, and (2) makes a correction in § 230.8–25 *Carbon-14 and Hydrogen-3 labeled sugars* in the listing of sample numbers.

The following amends Title 15 CFR Part 230:

Section 230.8–5 *Radioactivity standards* is amended to renew and change the price of standard reference material 4944–C and renumber the material as follows:

§ 230.8–5 Radioactivity standards.

* * * * *

(b) * * *

(3) *Beta, gamma and electron capture solution standards.* * * *

Sample No.	Radionuclide	Calibration radiation	Approximate activity or emission rate at time of calibration (month, year)	Approximate weight of solution	Price
* * *	* * *	* * *	* * *	* * *	* * *
4944–D	Iodine-125	X-ray	1.1×10^{6} dps/g (12/66)	5g	$66
* * *	* * *	* * *	* * *	* * *	* * *

* * * * * * *

Section 230.8–25 *Carbon-14 and Hydrogen-3 labeled sugars* is corrected to change standard reference material numbers from "1500 series" to "1550 series" as follows:

§ 230.8–25 Carbon-14 and Hydrogen-3 labeled sugars.

* * * * *

(b) *Interior Carbon-14 sugars.*

Sample Nos. (series)	Kind	Amount of activity (microcuries)	Price
1550	Carbon-14 labeled sugars and related products, Type 2 (carbohydrates labeled in positions other than carbon 1).	10	$17.50

* * * * * *

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: February 16, 1967.

A. V. ASTIN,
Director.

[F.R. Doc. 67–2411; Filed, Mar. 3, 1967; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67–71]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Automated Accounting System

Because of the delay in printing and distributing the customs forms required in the customs automated accounting system, the schedule for implementing the system in each customs region, published in T.D. 67–33 (32 F.R. 492), dated January 9, 1967, is amended as follows:

Date effective	Region No.	Headquarters
Apr. 1, 1967	III	Baltimore, Md.
June 1, 1967	I	Boston, Mass.
	IV	Miami, Fla.
July 1, 1967	V	New Orleans, La.
	VI	Houston, Tex.
	VII	Los Angeles, Calif.
Aug. 1, 1967	VIII	San Francisco, Calif.
	IX	Chicago, Ill.
Sept. 1, 1967	II	New York, N.Y.

New § 24.5(c) published in T.D. 67–33 authorizes a single digit suffix as an addition to the customs importer identification number by a firm having branch office operations to permit the firm to identify transactions originating in its branch offices. It has been found desirable to increase this suffix to two digits.

To provide for this increase in the number of digits allowed for the suffix number the following amendment is adopted.

Section 24.5(c) is amended to read:

§ 24.5 Filing identification number.

* * * * *

(c) Form 5106 contains blocks for a two-digit suffix code which may be inserted as an addition to the Internal Revenue Service employer identification number by a firm having branch office operations to permit the firm to identify transactions originating in its branch offices. A separate Form 5106 to report the specific suffix code and name and address will be required for each branch office to be identified. When an organization desires to associate a customs transaction with a specific branch office, the importer number, including the suffix, reported on Form 5106, shall be supplied on the Form 5101 or the request for services. The suffix code may be either numeric, alphabetic, or a combination of both numeric and alphabetic, except that the letters O, Z, and I may not be used. The blocks shall be left blank if the organization has no use for them.

* * * * *

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

Because of a delay in printing and distributing, customs Form 5106, Notification of Importer's Number, required by § 24.5 is not required to be filed until the implementation of the system has become effective for the region involved under the schedule as amended by this Treasury Decision. The form may be used prior to that time if it has been received.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: February 23, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67–2438; Filed, Mar. 3, 1967; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart M—Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission

OUTSIDE OR PRIVATE EMPLOYMENT

Pursuant to and in conformity with sections 201 through 209 of Title 18 of the United States Code, Executive Order No. 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, paragraph (f) of § 200.735–4 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding a footnote numbered "8a" to the second sentence thereof.

As so amended, paragraph (f) of § 200.735–4 of this chapter shall read:

§ 200.735–4 Outside or private employment.

* * * * *

(f) No employee shall publish any article or treatise or deliver any prepared speech or address relating to the Commission or the statutes and rules it administers without having obtained clearance from the Commission. The proposed publication or speech should be submitted to the Office of General Counsel and will be examined to determine whether it contains confidential or nonpublic information or whether there is

any reason why the publication or delivery of the employee's private views on the subject matter would be otherwise inappropriate.[a] Clearance for publication or delivery will not involve adoption of or concurrence in the views expressed, and such publication or speech shall include at an appropriate place by way of footnote or otherwise the following disclaimer of responsibility:

The Securities and Exchange Commission, as a matter of policy, disclaims responsibility for any private publication by any of its employees. The views expressed herein are those of the author and do not necessarily reflect the views of the Commission or of the author's colleagues upon the staff of the Commission.

* * * * *

This amendment was approved by the Commission on February 6, 1967, and by the U.S. Civil Service Commission on February 20, 1967.

Since the foregoing amendment relates solely to the Commission's internal management and personnel, the Commission finds that the procedures specified in Administrative Procedure Act, section 4, as codified, 5 U.S.C., section 533, are unnecessary.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

(E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR 1965 Supp.; 5 CFR 735.104; secs. 19, 23, 48 Stat. 85, 901 as amended, 15 U.S.C. 77s, 78w; sec. 20, 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; secs. 38, 211, 54 Stat. 841, 855, 15 U.S.C. 80a-37, 80b-11)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 28, 1967.

[F.R. Doc. 67-2446; Filed, Mar. 3, 1967; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.547]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to provide a waiver of visa and passport requirements for nationals of certain Eastern European countries who are entering the United States pursuant to direct through-flight arrangements on a bonded transportation line.

Subparagraph (1) of paragraph (e) of § 41.6 is amended to read as follows:

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

* * * * *

(e) *Aliens in immediate transit—(1) Aliens in bonded transit.* A passport and visa are not required of an alien who is being transported in immediate and continuous transit through the United States in accordance with the terms of an agreement entered into between the transportation line and the Immigration and Naturalization Service under the provisions of section 238(d) of the Act on Form I-426 to insure such immediate and continuous transit through and departure from, the United States en route to a specifically designated foreign country, provided that such alien is in possession of a travel document or documents establishing his identity and nationality and ability to enter some country other than the United States. This waiver of visa and passport requirements is not available to an alien who is a citizen of Albania, Communist-controlled China ("Chinese Peoples' Republic"), Cuba, North Korea ("Democratic Peoples' Republic of Korea"), North Viet-Nam ("Democratic Republic of Viet-Nam"), Outer Mongolia ("Mongolian Peoples' Republic"), or the Soviet Zone of Germany ("German Democratic Republic") and is a resident of one of said countries, and is, on a basis of reciprocity, available to a national of Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Romania or the Union of Soviet Socialist Republics resident in one of said countries, only if he is transiting the United States by aircraft of a transportation line signatory to an agreement with the Immigration and Naturalization Service on Form I-426 on a direct through flight which will depart directly to a foreign place from the port of arrival.

* * * * *

Effective date. The amendment to the regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulation contained herein involves foreign affairs functions of the United States.

PHILIP B. HEYMANN,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

NOVEMBER 4, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2443; Filed, Mar. 3, 1967; 8:47 a.m.]

[a] Clearance will not be granted with respect to any address or article relating to current litigation in which the Commission is participating as a party, or as amicus curiae or in any other capacity, except where such address or article is nonargumentative and does nothing more than describe the litigation or explain the Commission's position.

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Reservoir Areas in Indiana, Kentucky, and Oregon

The Secretary of the Army having determined that the use of the following reservoir areas by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of Section 4 of the Flood Control Act of 1944 (76 Stat. 1195), adding the reservoirs to those listed in § 311.1, as follows:

§ 311.1 Areas covered.

* * * * *

INDIANA

* * * * *

Huntington Reservoir Area, Wabash River
Mississinewa Reservoir Area, Mississinewa River
Salamonie Reservior Area, Salamonie River

* * * * *

KENTUCKY

* * * * *

Green River Reservoir Area, Green River

* * * * *

OREGON

* * * * *

Fall Creek Reservoir Area, Fall Creek
Foster Reservoir Area, South Santiam River
Green Peter Reservoir Area, Middle Santiam River

* * * * *

[Regs., Feb. 1, 1967, ENGCW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

C. A. STANFIEL,
Colonel, AGC,
Acting The Adjutant General.

[F.R. Doc. 67-2456; Filed, Mar. 3, 1967; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Burial Benefits

1. In § 3.1600, the introductory portion immediately preceding paragraph (a) and paragraphs (a), (b)(4), and (c) are amended to read as follows:

§ 3.1600 Payment of burial expenses of deceased veterans.

For the purpose of payment of burial expenses the term "veteran" includes a person who died during a period deemed to be active military, naval or air service under § 3.6(b)(6) (Public Law 89-360). The period of active service upon which the claim is based must have been terminated by discharge or release from active service under conditions other than dishonorable.

(a) *Wartime veterans.* When a veteran of any war dies, an amount not to exceed $250 (where entitlement is based on § 3.8 (c) or (d), at a rate in Philippine pesos equivalent to $125) is payable on the burial and funeral expenses and transportation of the body to the place of burial, if otherwise entitled within the further provisions of §§ 3.1600 through 3.1611. For this purpose the period of any war is as defined in § 3.2, except that World War I extends only from April 6, 1917, through November 11, 1918, or if the veteran served with the U.S. military forces in Russia, through April 1, 1920 (38 U.S.C. 902; 107(a) (Public Law 89-641)).

(b) *Peacetime veterans.* * * *

(4) If he dies of a service-connected disability (38 U.S.C. 902; 107(a) (Public Law 89-641)).

(c) *Death while properly hospitalized.* If a person dies while properly hospitalized by the Veterans Administration, there is payable an allowance not to exceed $250 for the actual cost of funeral and burial, and an additional amount for transportation of the body to the place of burial. See § 3.1605 (38 U.S.C. 903).

* * * * *

2. In § 3.1605, the introductory portion immediately preceding paragraph (a) is added and paragraph (a) is amended to read as follows:

§ 3.1605 Death while traveling under prior authorization or while hospitalized by the Veterans Administration.

An amount not to exceed $250 is payable for the funeral and burial expenses of a person who dies while in a hospital, domiciliary, or nursing home to which he was properly admitted under authority of the Veterans Administration. In addition, the cost of transporting the body to the place of burial may be authorized. The amount payable under this section is subject to the limitations set forth in paragraph (b) of this section, and §§ 3.1604 and 3.1606.

(a) *Death en route.* When a veteran while traveling under proper prior authorization and at Veterans Administration expense to or from a specified place for the purpose of:

(1) Examination; or
(2) Treatment; or
(3) Care

dies en route, burial, funeral and transportation expenses will be allowed as though death occurred while properly hospitalized by the Veterans Administration. Hospitalization in the Philippines under 38 U.S.C. 631, 632, and 633 does not meet the requirements of this section.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: February 27, 1967.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 67-2438; Filed, Mar. 3, 1967; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4163]

[Anchorage 064317]

ALASKA

Powersite Cancellation No. 245; Partial Revocation of Powersite Classification No. 412, Opening of Lands Subject to Section 24 of the Federal Power Act

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), and in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission, DA-65-Alaska, it is ordered as follows:

1. The order of the Geological Survey of November 9, 1950, creating Powersite Classification No. 412, is hereby canceled so far as it affects the following described lands:

SEWARD MERIDIAN

T. 17 N., R. 1 W.,
Sec. 1, SE¼NE¼ and E½SE¼.
T. 18 N., R. 1 E.,
Sec. 31, E½SW¼, S½SE¼, and NE¼SE¼;
Sec. 32, lots 2 and 4, and SW¼NE¼;
Sec. 33, lots 3 and 8;
Sec. 34, lot 2.
T. 19 N., R. 1 E. (partially unsurveyed),
Sec. 2, SW¼ (unsurveyed);
Sec. 11, NW¼ and W½SW¼ (unsurveyed);
Sec. 14, W½W½ (unsurveyed);
Sec. 15, E½E½ (unsurveyed);
Sec. 22, E½ (unsurveyed);
Sec. 23, W½W½ (unsurveyed);
Sec. 26, NW¼;
Sec. 27, NE¼.

The areas described, including both public and nonpublic lands, aggregate 2,046 acres, of which 1,474.45 acres are public lands.

2. In DA-65-Alaska the Federal Power Commission determined that the value of the following described lands, withdrawn in Power Project No. 207, application for which was filed April 14, 1921, as amended June 20, 1921, will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act:

KNIK PRECINCT AND RECORDING DISTRICT

a. All lands within one-fourth mile of Fishhook Creek lying below the 1,550-foot contour (datum mean sea level).

b. All lands within one-fourth mile of Little Susitna River lying below the 1,550-foot contour (datum mean sea level).

3. In DA-65-Alaska, the Federal Power Commission vacated the power withdrawal created by the filing of application for preliminary permit for Project No. 207, so far as it affected lands within one-fourth mile of Fishhook Creek and Little Susitna River above elevation 1,550 feet (datum mean sea level).

The lands lie in the Matanuska Valley, and along the Little Susitna River and Fishhook Creek.

4. Until 10 a.m. on May 29, 1967, the State of Alaska shall have a preferred right to select the public lands not otherwise withdrawn in accordance with the provisions of section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9. After that time the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 29, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Any disposal of lands described in paragraph 2 of this order shall be subject to the provisions of section 24 of the Federal Power Act, as amended.

The lands have been open to applications and offers under the mineral leasing laws, and to locations under the U.S. mining laws, subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries should be addressed to the Manager, Anchorage District and Land Office, Bureau of Land Management, Anchorage, Alaska.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2423; Filed, Mar. 3, 1967; 8:46 a.m.]

[Public Land Order 4164]

[Wyoming 0324691]

WYOMING

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The orders of the Secretary of the Interior dated October 15, 1943, May 25, 1949, and July 9, 1951, withdrawing lands for the Paintrock Unit, Missouri River Basin Project, are hereby revoked so far as they affect the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 50 N., R. 92 W.,
Sec. 19, lot 7, E½ and NE¼SW¼;
Sec. 20, SW¼ and S½SE¼;
Sec. 26;
Sec. 27, N½ and SW¼;
Sec. 28, N½N½, SE¼NE¼, and SE¼;
Sec. 29, N½NE¼, SW¼NE¼, NW¼, NW¼SW¼, SE¼SW¼, and SE¼;
Sec. 30, lot 1, NE¼, and NE¼SE¼.

The areas described aggregate 2,880.80 acres in Big Horn County, of which lot 1, section 30, is patented.

The lands are located in the Big Horn River drainage on the rolling foothills adjoining the river valley. The vegetation is primarily saltbush and sagebrush associations.

2. Until 10 a.m. on August 28, 1967, the State of Wyoming shall have a preferred right of application to select the public lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 28, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The public lands will be open to location under the U.S. mining laws at 10 a.m. on August 28, 1967. They have been open to applications and offers under the mineral leasing laws.

Inquires concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2424; Filed, Mar. 3, 1967; 8:46 a.m.]

[Public Land Order 4165]

[New Mexico 0559622]

NEW MEXICO

Partial Revocation of Executive Order No. 6143 and No. 6276

By virture of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Orders No. 6143 of May 23, 1933, and No. 6276 of September 8, 1933, withdrawing lands in New Mexico to aid the State in making exchange selections, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 22 S., R. 7 W.,
Sec. 8, SE¼SE¼;
Sec. 17, E½NE¼, N½NW¼, SW¼NW¼, SE¼SW¼, and N½SE¼.
T. 24 S., R. 15 W.,
Sec. 9, NE¼;
Sec. 12, N½S½.

The areas described aggregate 520 acres of patented land and 160 acres of public land.

2. At 10 a.m. on April 4, 1967, the public lands, being the 160 acres comprising the N½S½ of sec. 12, supra, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 4, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The public lands will be open to location for nonmetalliferous minerals at 10 a.m. on April 4, 1967. They have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals.

The State of New Mexico has waived the preference right of application granted to certain States by R.S. 2276 as amended (43 U.S.C. 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2425; Filed, Mar. 3, 1967; 8:46 a.m.]

[Public Land Order 4166]

[Oregon 016737]

OREGON

Powersite Restoration No. 644; Partial Revocation of Power Withdrawals

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 2 of the Act of June 9, 1916 (39 Stat. 218), it is ordered as follows:

1. The departmental classification order of July 13, 1917 (Waterpower Designation No. 12), and the Executive order of July 17, 1917, creating Powersite Reserve No. 645, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 23 S., R. 9 W.,
Sec. 19, SE¼SE¼.

Containing 40 acres of revested O&C lands.

2. At 10 a.m. on April 4, 1967, the lands shall be subject to such forms of disposition as may by law be made of revested Oregon and California Railroad Grant lands, subject to valid existing rights.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2426; Filed, Mar. 3, 1967; 8:46 a.m.]

[Public Land Order 4167]

[Utah 648]

UTAH

Partial Revocation of Public Water Reserve No. 81

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of November 26, 1921, creating Public Water Reserve No. 81, is hereby revoked so far as it affects the following described land:

SALT LAKE MERIDIAN

T. 13 S., R. 23 E.,
Sec. 11, NW¼SW¼.

The area described contains 40 acres in Uintah County, of which 35 acres comprising the NE¼NW¼SW¼, W½NW¼SW¼, and N½SE¼NW¼SW¼ are patented.

The land is located 8 miles southwest of Rainbow, Utah. The elevation is approximately 6,000 feet. The soils are a shallow, silt loam which resists water percolation. Erosion is severe. The vegetative cover consists of scattered juniper and sage with an understory of native grasses.

2. At 10 a.m. on April 4, 1967, the public land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 4, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The public land will be open to location for nonmetalliferous minerals at 10 a.m. on April 4, 1967. It has been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

The State of Utah has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2427; Filed, Mar. 3, 1967; 8:46 a.m.]

[Public Land Order 4168]

[Montana 157]

MONTANA

Partial Revocation of Public Land Order No. 2135

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 2135 of June 23, 1960, creating the Freezeout Lake Waterfowl Management Area, is hereby revoked so far as it affects the following described lands:

PRINCIPAL MERIDIAN

T. 22 N., R. 4 W.,
Sec. 3, lots 1 and 2, and S½ NE¼.

Containing 160 acres in Teton County.

The land, which is situated about 9 miles northwest of Fairfield, Mont., is east sloping, panspot-covered native range land.

2. Until 10 a.m. on August 28, 1967, the State of Montana shall have a preferred right of application to select the land as provided by R.S. 2276 as amended (43 U.S.C. 852). After that time the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 28, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2428; Filed, Mar. 3, 1967; 8:46 a.m.]

[Public Land Order 4169]

[Oregon 016900]

OREGON

Withdrawal for Protection of Civil Works Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, for the protection of facilities of the Applegate Reservoir Project:

WILLAMETTE MERIDIAN

ROGUE RIVER NATIONAL FOREST

T. 40 S., R. 3 W.,
Sec. 30, NE¼NE¼NW¼, S½NE¼NW¼, SE¼SW¼NW¼, SE¼NW¼, and SW¼;
Sec. 31, W½E½ and W½.
T. 40 S., R. 4 W.,
Sec. 25, NE¼, SW¼, NE¼SE¼, W½SE¼, and N½SE¼SE¼;
Sec. 26, E½SE¼;
Sec. 34, SE¼SE¼;
Sec. 35, NE¼NE¼, S½NE¼, SW¼, NE¼SE¼, and W½SE¼.
T. 41 S., R. 4 W.,
Sec. 1, NW¼NW¼, S½NW¼, and N½S½;
Sec. 3, E½NE¼, N½SW¼, and SE¼;
Sec. 11, NE¼, E½NW¼, and W½SW¼;
Sec. 15, lots 5 and 6.

The areas described aggregate 2,661.47 acres.

WILLAMETTE MERIDIAN

PUBLIC DOMAIN

T. 41 S., R. 3 W.,
Sec. 6, E½NE¼, NW¼NE¼, NE¼NW¼, and NE¼SE¼.
T. 41 S., R. 4 W.,
Sec. 2, SE¼NE¼ and NW¼NW¼;
Sec. 14, lot 8.

The areas described aggregate 293.39 acres.

The areas described total in the aggregate 2,954.86 acres in Jackson County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, nor does it alter the jurisdiction of the Secretary of Agriculture over the national forest lands for purposes other than construction of the Applegate Reservoir Project. The terms and conditions for utilization of the national forest lands for the construction and maintenance of the project facilities by the Corps of Engineers will be governed by the memorandum of agreement entered into by the Department of Agriculture and the Department of the Army, dated August 13, 1964, as may be amended and supplemented.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2429; Filed, Mar. 3, 1967; 8:46 a.m.]

[Public Land Order 4170]

[Utah 0140643]

UTAH

Withdrawal for Waterfowl Management Area

By virtue of the authority contained in section 8 of the act of April 11, 1956 (70 Stat. 110; 43 U.S.C 620g), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C Ch. 2), but not from leasing under the mineral leasing laws, and reserved for management in corporation with the State of Utah for the Desert Lake Waterfowl Management Area:

SALT LAKE MERIDIAN

T. 17 S., R. 10 E.,
Sec. 3, NW¼SW¼, and SE¼;
Sec. 10, E½E½, NW¼NE¼, NE¼NW¼, NE¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 11, W½W½, SE¼SW¼, and S½SE¼.

The areas described aggregate approximately 880 acres in Emery County.

2. Upon execution of a cooperative agreement with the Secretary of the Interior, or his delegate, the State of Utah is authorized to manage the withdrawn lands for the conservation of small game and waterfowl and as a public hunting and fishing grounds consistent with Federal programs for the management of the lands.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, contracts, or permits will be issued only if the proposed use of the lands will not interfere with the proper management of the Desert Lake Waterfowl Management Area.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2430; Filed, Mar. 3, 1967; 8:46 a.m.]

[Public Land Order 4171]

[Nevada 054522; 054524; 054527]

NEVADA

Powersite Cancellation No. 230; Cancellation of Powersite Classification No. 181 in Part and Nos. 217 and 270 Entirely

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), it is ordered as follows:

1. The Departmental order of May 23, 1927, creating Powersite Classification No. 181, is hereby canceled so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 37 N., R. 61 E.,
Sec. 20, W½NE¼, SE¼SE¼.

The areas described aggregate 120 acres.

2. The Departmental orders of February 9, 1929, and March 10, 1933, withdrawing the following described lands as Powersite Classifications Nos. 217 and 270 respectively, are hereby canceled:

(a) Powersite Classification No. 217:

MOUNT DIABLO MERIDIAN

All lands lying within 50 feet of the center line of the transmission line of the Nevada Valleys Power Co., traversing subdivisions within the following sections:

T. 19 N., R. 26 E.,
Secs. 2, 14, 22, and 34.
T. 20 N., R. 26 E.,
Secs. 24 and 26.
T. 20 N., R. 27 E.,
Secs. 4, 8, 18.
T. 21 N., R. 27 E.,
Secs. 12, 14, 22, 28, and 32.
T. 22 N., R. 27 E.,
Sec. 36.
T. 22 N., R. 28 E.,
Secs. 8, 20, and 30.
T. 23 N., R. 28 E.,
Secs. 4, 8, 9, 16, 20, and 32.
T. 24 N., R. 28 E.,
Secs. 24, 26, 34.

MOUNT DIABLO MERIDIAN—Continued

T. 24 N., R. 29 E.,
Secs. 2, 10, 16, 16.
T. 25 N., R. 29 E.,
Secs. 12, 24, 26, and 36.
T.25 N., R. 30 E.,
Secs. 6 and 18.
T 26 N., R. 30 E.,
Secs. 23, 24, 26, 28, and 32.
T. 26 N., R. 31 E.,
Secs. 8 and 18.
T. 27 N., R. 32 E.,
Secs. 4, 8, 18.
T. 28 N., R. 32 E.,
Secs. 24, 26, 34.
T. 28 N., R. 33 E.,
Secs. 4, 8, 10, 13, 14, 18, and 24.
T. 28 N., R. 34 E.,
Secs. 16, 17, 18, and 19.

The area described contains approximately 500 acres.

(b) Powersite Classification No. 270:

MOUNT DIABLO MERIDIAN

All public lands lying within 50 feet of the center line of the transmission line of the Sierra Pacific Power Co. traversing subdivisions within the following sections:

T. 19 N., R. 18 E.,
Sec. 26.
T. 18 N., R. 19 E.,
Secs. 11 and 24.
T. 19 N., R. 19 E.,
Secs. 28 and 29.
T. 17 N., R. 20 E.,
Secs. 1, and 2.
T. 18 N., R. 20 E.,
Secs. 28, 30, 34.
T. 16 N., R. 21 E.,
Secs. 4, 5, 8, 9, 22, 24, and 25.
T. 17 N., R. 21 E.,
Secs. 6, 8, 17, 20, 29, and 32.
T. 18 N., R. 21 E.,
Secs. 20 and 30.
T. 15 N., R. 22 E.,
Secs. 4, 5, 6, 9, 10, 11, and 14.
T. 16 N., R. 22 E.,
Secs. 30 and 31.

The area described contains approximately 205 acres.

3. The lands described in paragraph 1 are within the Humboldt National Forest and have been open to applications and offers under the mineral leasing laws, and to location under the mining laws subject to provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

4. The lands described in paragraph 2 have been open to location, entry or selection under the public land laws, pursuant to the general determination of the Federal Power Commission dated April 17, 1922 (43 CFR 2022.2(a)), subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws and regulations.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2431; Filed, Mar. 3, 1967; 8:47 a.m.]

[Public Land Order 4172]

[Arizona 035063]

ARIZONA

Withdrawal for National Forest Roadside Zones

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

TONTO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Arizona State Highway No. 87 (Bee Line) Roadside Zone

A strip of land 330 feet on each side of the center line as the road passes through the following subdivisions:

T. 3 N., R. 7 E. (partially surveyed),
Sec. 13;
Sec. 21, SE¼, with exception of lots 7 and 8, within Indian Reservation withdrawal;
Sec. 22, S½;
Sec. 23;
Sec. 24, NW¼;
Sec. 26, N½;
Sec. 27, N½;
Sec. 28, NE¼, with exception of lots 5 and 6, within Indian Reservation withdrawal.
T. 3 N., R. 8 E. (unsurveyed),
Sec. 4, NW¼;
Sec. 5;
Sec. 6, SE¼;
Sec. 7;
Sec. 8, NW¼;
Sec. 18, W½.
T. 4 N., R. 8 E. (unsurveyed),
Sec. 2, W½;
Sec. 3, E½;
Sec. 10, NE¼;
Sec. 11, W½ and SE¼;
Sec. 14;
Sec. 22, SE¼;
Sec. 23;
Sec. 26, NW¼;
Sec. 27, NE¼NE¼, NE¼SW¼, and S½ SW¼;
Sec. 33, S½ and NE¼;
Sec. 34, W½.
T. 5 N., R. 8 E. (unsurveyed),
Sec. 1, E½;
Sec. 12, all, with exception of land in patented HES 445;
Sec. 13;
Sec. 24;
Sec. 25, N½ and SW¼;
Sec. 26, SE¼;
Sec. 35, E½ and SW¼;
Sec. 36, W½.
T. 6 N., R. 8 E. (partially surveyed),
Sec. 36, SE¼.
T. 7 N., R. 8 E. (partially surveyed),
Sec. 24, SE¼;
Sec. 25, E½, with exception of land in Pat. 774675;
Sec. 36, E½.
T. 5 N., R. 9 E. (unsurveyed),
Sec. 6, W½.
T. 6 N., R. 9 E. (surveyed),
Sec. 7, lots 5 to 11, incl., and lot 15;
Sec. 8, lots 2 and 3, E½SW¼, and NW¼;
Sec. 17, lot 1;
Sec. 18, lots 5 and 8, W½NE¼, and SE¼;
Sec. 19, E½;
Sec. 20, W½;
Sec. 29, NW¼;
Sec. 30, E½;
Sec. 31, lots 5 to 8, incl., E½W½, and E½.
T. 7 N., R. 9 E. (partially surveyed),
Sec. 15, SW¼, with exception of Pat. M.S. 4086;
Sec. 16;
Sec. 17, E½ and SW¼;
Sec. 19, lot 3, SE¼SW¼SW¼, E½SW¼, and E½;
Sec. 20, W½ and NE¼;
Sec. 30, E½NW¼ and E½W½NW¼.

Arizona State Highway No. 88 (Apache Trail) Roadside Zone

A strip of land 330 feet on each side of the center line as the road passes through the following subdivisions:

T. 2 N., R. 8 E. (unsurveyed),
Sec. 36, SE¼NE¼, E½SE¼, and SE¼ NE¼NE¼, with exception of patented land in M.Ss. 1568 and 4507.
T. 2 N., R. 9 E. (unsurveyed),
Sec. 5, SE¼SW¼ and SW¼SE¼;
Sec. 8, W½ and W½W½SE¼;
Sec. 9, NW¼NW¼ and W½NE¼NW¼;
Sec. 12, SW¼, N½SE¼, and NE¼;
Sec. 13, NW¼NW¼NW¼;
Sec. 17, W½ and W½NE¼;
Sec. 18, E½E½E½;
Sec. 19, SE¼, SE¼NE¼, and E½NE¼ NE¼;
Sec. 20, W½SW¼, W½NW¼, W½E½ NW¼, and NE¼NE¼NW¼;
Sec. 30, S½SW¼, NE¼SW¼, E½NW¼, W½NE¼, NW¼SE¼, and NW¼SW¼ SE¼;
Sec. 31, NW¼SW¼, W½NW¼, with exception of Pat. M.S. 4507, NE¼NW¼, NW¼ SE¼NW¼, and NW¼SW¼SW¼.
T. 2 N., R. 10 E. (unsurveyed),
Sec. 7, SW¼NW¼NW¼, SW¼NW¼, S½ SE¼NW¼, S½S½NE¼, SW¼, and N½SE¼SE¼;
Sec. 8, S½NW¼ and NW¼SW¼.

Forest Service Road No. 1278 (First Water Road) Roadside Zone

A strip of land 330 feet on each side of the center line as the road passes through the following subdivision:

T. 2 N., R. 9 E. (unsurveyed),
Sec. 29, S½;
Sec. 32, N½.

The areas described aggregate approximately 3,716.77 acres in the Tonto National Forest, Gila and Maricopa Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2432; Filed, Mar. 3, 1967; 8:47 a.m.]

[Public Land Order 4173]

[Idaho 24]

IDAHO

Withdrawal for Protection of Public Recreation Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following described land which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws including the mining laws (30 USC Ch. 2), but not from leasing under the mineral leasing laws, for the protection of a public recreation site:

BOISE MERIDIAN

T. 49 N., R. 3 W.,
Sec. 1, Lots 7, 8, 9, and 10.

The area described contains 152.15 acres in Kootenai County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the land under lease, license, or permit, or the disposal of its mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2433; Filed, Mar. 3, 1967; 8:47 a.m.]

[Public Land Order 4174]

[New Mexico 531]

NEW MEXICO

Addition to Santa Fe National Forest

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1), it is ordered as follows:

Subject to existing valid rights, the following described lands, acquired by the United States in exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Santa Fe National Forest and shall hereafter be subject to all laws and regulations applicable to such national forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 N., R. 14 E.,
Sec. 8, lots 4, 5, 8, S½NE¼ and SE¼;
Sec. 9, SW¼NE¼ and SE¼;
Sec. 10, SW¼SW¼;
Sec. 15, W½NW¼, SW¼, W½SE¼ and SE¼SE¼;
Sec. 16, all, excepting a tract more particularly described as beginning at a point on the west section line 100' south of the quarter corner; thence N. 89°56' E., 1950.23' to a stake located 100' south of the E-W centerline; thence N. 02°19' W., 2868.70' to a stake on the north section line; thence westward along the section line to the corner common to secs. 8, 9, 16, and 17; and thence southward along the west section line to the point of beginning, containing 128.435 acres, more or less;
Sec. 17, lots 3, 6, and SE¼, excepting a tract more particularly described as beginning at a point which is the intersection of the E-W centerline of section 17 and the west line of the Mora Grant; thence S. 89°10' E., 1475.70' to a stake; thence S. 84°41' E., 1383.60' to a stake located 100' south of the east quarter corner; thence northward to the quarter corner; and thence westward along the E-W centerline of the section to the point of beginning, containing 1.565 acres, more or less;
Sec. 21, NE¼NW¼;
Sec. 22, E½NE¼, N½NW¼ and SE¼;
Sec. 26, S½NW¼ and NE¼SW¼;
Sec. 27, NE¼NE¼ and N½SE¼NE¼.

The area described contains 2,086.21 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2434; Filed, Mar. 3, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 73]

OSAGE INDIAN TRIBE

Election of Officers

Pursuant to the Acts of June 28, 1906 (34 Stat. 539), March 2, 1929 (45 Stat. 1478), and August 28, 1957 (71 Stat. 471), §§ 73.38, 73.40, 73.41, 73.42, 73.43, and 73.47 are proposed to be amended, §§ 73.30 and 73.44 are proposed to be added and § 73.51 stricken from the Code of Federal Regulations as set forth below.

The purpose of these revisions and additions is to improve the procedure for conducting Osage tribal elections under 25 CFR Part 73. By revision of § 73.38 the number of polling places will be reduced to one. By revision of § 73.40 a candidate will be permitted to use one nickname; use of titles or professional designations on the ballot will be prohibited; and provision is made for preservation of spoiled or mutilated ballots or any part thereof. Revised § 73.41 will regulate the preparation and use of absentee ballots and permit the execution of an absentee ballot before witnesses. Revised § 73.42 will regulate the receipt of absentee ballots. Provisions relating to the supervisor's statement pertaining to the conduct and result of elections will be moved from § 73.42 to the new § 73.44. Revised § 73.43(a) will govern the counting of all ballots; provide for delivery of both ballot boxes and keys to such boxes to the Superintendent for safekeeping; provide for the destruction of all ballots 180 days after the election when no contest has been filed; provide that a tallying team shall consist of at least one election judge and two clerks; and prohibit any information concerning voting or tallying being made public before 8 p.m. on election day. Revised § 73.43(b) will specify when ballots must be declared void; permit the counting of valid votes when others must be held invalid; and eliminate write-in candidates. Revised § 73.47 will require the deposit with any election challenge of $500 to defray the cost of a recount and permit only a candidate for election to the particular office involved to challenge the election. For purpose of continuity § 73.51 will be stricken and its provisions will appear as § 73.30. These provisions will become mandatory.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER. The proposed changes are as follows:

The Table of Contents shall reflect in numerical order additional §§ 73.30 and 73.44, a title change in § 73.38, and deletion of § 73.51.

The revised and new sections of 25 CFR Part 73 shall read as follows:

§ 73.30 Nominating conventions and petitions.

Conventions shall be held on or before the first Monday in April of the year in which a quadrennial election is held, and there shall be written reports of such conventions, duly certified by the secretary or presiding officer showing total number of qualified voters in attendance, together with the names of candidates nominated for the various offices: *Provided*, That at least 25 qualified voters shall have been in attendance at any such convention; also, names of any independent candidates nominated by petition of not less than 25 qualified voters, each signature to be witnessed by two persons, shall be filed with the supervisor not later than 5 p.m. on the first Monday in April of the year in which a quadrennial election is held in order that such names may be placed on the official ballot. No person shall be considered a candidate for tribal office unless and until the requirements of this section have been met.

§ 73.38 Opening and closing of poll.

The poll shall remain open without intermission from 8 a.m. to 8 p.m. on the date of the election. When all else is in readiness for the opening of the poll the supervisor shall open the ballot box in view of the other election officers, shall turn same top down to show that no ballots are contained therein, and shall then lock the box and retain the key in his possession.

§ 73.40 Ballots.

The Superintendent of the Osage Agency shall have ballots printed showing the name and the office for which each candidate has been nominated and also space for showing the value of the respective ballots. The Superintendent shall have recorded on a detachable portion of each ballot the name of the voter. The value of each voter's ballot shall be recorded on the principal portion of the respective ballots. Any faction or group has the right to nominate any candidate it chooses, in accordance with the regulations prescribed in this part. The names of such candidates shall be printed on the ballot in the manner set forth as follows:

(a) Under the heading, Principal Chief, with notation to vote for one, shall appear names of all candidates for that office. Similarly for Assistant Chief. Under the heading, Members of Council, with notation to vote for eight, shall appear names of all candidates for council. Names of candidates for office shall appear only once on ballot, regardless of the fact that they may have been nominated on more than one ticket. The order in which names of qualified candidates for office will be placed on the ballot shall be by lot method of drawing in a manner to be determined by the tribal council, and to be free from or regardless of party or factional affiliations. A candidate may use one nickname. Titles and professional designations will not be shown on the ballot. A record shall be kept of any ballots that may be mutilated, canceled, or used as samples.

(b) Upon each ballot will be a space in which the clerk prior to issuing the ballot shall note the value of the ballot which shall be exactly the same value as the voter's headright interest as shown on the last quarterly annuity roll, except any fraction of a headright shall be valued as to the first two decimals only unless such interest is less than one one-hundredth then it shall have its full value. As verification the clerk shall initial the ballot so numbered in the margin. In addition each ballot shall be stamped "Official Ballot" (facsimile signature Supervisor Osage Election Board). Should any voter spoil or mutilate his ballot in his effort to vote he may surrender the ballot to the supervisor who shall give the voter in lieu thereof another ballot which shall show its appropriate value. The spoiled or mutilated ballot or any portion of a spoiled or mutilated ballot should be retained with other records pertaining to the election.

§ 73.41 Absentee voting.

(a) Any eligible voter who will be unable to appear at the poll in Pawhuska on election day shall be entitled to vote by absentee ballot. Absentee ballots shall be identical to the ballots described in § 73.40 with the exception that each such ballot shall be stamped "Absentee Ballot," and reflect the date of issuance. All applications for absentee ballots shall be made in writing by the voter. Each ballot shall indicate the value of the vote to which the voter is entitled. The supervisor shall maintain a file of all applications, together with a record of the names and addresses of all persons to whom absentee ballots are mailed or delivered, including the date of mailing or delivery. All absentee ballots must be postmarked and be in the Pawhuska Post Office prior to 8 a.m. on election day.

(b) It shall be the duty of the supervisor, upon receipt of an application, to mail or deliver to the applicant or his agent an envelope containing a ballot (after removing the detachable portion), and an inner and outer envelope as described herein. This shall be done not more than 30 days before the election, except that the envelopes and ballots may be mailed to absentee voters residing outside the continental limits of the United States at any time after mailing of the election notice.

(c) If the absentee ballot and accompanying envelopes are to be mailed to the prospective voter, the written request must be submitted to the supervisor on or before 5 p.m. of the Wednesday preceding the election. The absentee ballot and accompanying envelopes may be delivered personally to the prospective voter or his agent any time prior to the opening of the poll.

(d) The absentee voter shall mark the ballot and seal it only in the inner envelope. The following shall be printed on the inner envelope:

ABSENTEE BALLOT

ELECTION OF OFFICERS OF THE OSAGE TRIBE
JUNE --, 19--

(e) The absentee voter shall enclose the inner envelope in the outer envelope and after sealing same shall execute the certificate imprinted thereon before two witnesses of legal age, which certificate shall be in the following form:

I will be unable to appear at the poll in Pawhuska, Oklahoma, on the ____ day of June 19__ and have enclosed my ballot for the election of officers of the Osage Tribe.[1]

(Voter's signature)

Two witnesses to voter's signature:

(Name) (Address)

(Name) (Address)

The outer envelope shall be preaddressed as follows:

Supervisor
Osage Election Board
Post Office Box ____
Pawhuska, Okla. 74056

§ 73.42 Absentee ballots.

The absentee ballots shall remain in the locked box in the post office, Pawhuska, Okla., until 8 a.m. on the day of election at which time the supervisor or assistant supervisor of the election board, accompanied by the Superintendent of the Osage Agency or his designated representatives, shall receive the locked box from the post office and shall personally transport the locked box to the polling site where it shall be delivered immediately to the supervisor or assistant supervisor of the election board. The supervisor or the assistant supervisor in the presence of at least two judges shall unlock the locked box containing the absentee ballots and shall then determine whether the person whose name is signed to the statement is a qualified voter of the Osage Tribe and check said voter off the poll list before opening the outer envelope. After it has been determined which of the absentee ballots have been cast by duly qualified voters, the supervisor in the presence of the election board shall cause the sealed inner envelopes in the valid ballots to be placed in the ballot box.

§ 73.43 Canvass of election returns.

(a) After the absentee ballots have been placed in the ballot box, the supervisor may direct that the counting of the ballots may commence. The supervisor in the presence of the election board shall remove the official ballot box holding all of the ballots cast up to that time at the poll and shall replace the ballot box thus removed with one of like size and dimensions adequately secured by padlock. The supervisor and not less than two judges shall remain continuously in the room until the ballots are finally counted. One or more judges shall act as official counters and two or more clerks shall record the value of each vote and shall comprise a vote tallying team. The vote shall be recorded on two tally sheets by each team of judges and clerks under the name of each candidate for whom the voter designated his choice. The count shall continue until all votes have been recorded. The duties of the remaining officials of the election board will be to assist in conducting the election. After the vote of each ballot is recorded, the ballot shall be pierced by needle and string and after the ballots have been so counted, the ends of the string shall be tied together. Prior to the closing of the poll at 8 p.m., the supervisor is authorized in the presence of the election board to take ballots from the remaining ballot box being used at the poll, following the same procedure set forth in this section for removing and replacing the original ballot box, at any time when in his opinion a sufficient number of ballots has been disposited to be counted. All ballots and mutilated ballots; registration lists of voters, both absentee and those appearing at the poll; all tally sheets; and all other election materials shall be placed in the ballot box which shall be locked. The supervisor shall then deliver the locked ballot box and keys to same to the Superintendent, Osage Agency, and the box shall be retained in a safe place until opened by order of the supervisor or election board in the event a contest is filed. If no contest is filed, the ballots shall be destroyed 180 days after the election. No information concerning voting or tallies shall be posted or made public information until after 8 p.m.

(b) Should any ballot be marked for more than one principal chief or assistant chief or for more than eight councilmen, only that section of the ballot wherein the error was made shall be declared void and the remaining section or sections shall be counted in the same manner as other ballots. Absentee ballots shall be declared void when items other than the ballot are enclosed in the inner envelope, the voter fails to sign the statement appearing on the outer envelope or fails to have his signature witnessed by two witnesses, and for failure to seal the inner envelope or enclose the inner envelope in the outer envelope. Votes cast for individuals whose names are not printed on the official ballot shall not be counted.

§ 73.44 Statement of supervisor.

Following the election a statement is to be prepared by the supervisor pertaining to the conduct of the election and certifying to the correct tabulation of the votes for each candidate. The statement shall also set forth the names of the elected candidates and the office to which each was elected. The statement shall be duly acknowledged before an officer qualified to administer oaths and delivered to the Superintendent of the Osage Agency.

§ 73.47 Contesting elections.

Any unsuccessful candidate may before noon on Monday next following the tribal election file with the supervisor a challenge to the correctness of the vote cast for the office for which he was a candidate, which challenge must be accompanied by a deposit of $500. The election board or the supervisor may order a recount and proceed with same as provided in this part. If the recount results in the contestant being elected, the deposit shall be refunded; otherwise, the deposit shall be used to defray all expenses of said recount and any balance not so used shall be returned to the contestant.

§ 73.51 [Deleted]

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2435; Filed, Mar. 3, 1967; 8:47 a.m.]

[1] Criminal penalities are provided by statute for knowingly filing false information in such statements (18 U.S.C. 1001).

FEDERAL AVIATION AGENCY

[14 CFR Part 61]

[Docket No. 7858; Notice 67-1A]

CERTIFICATION OF PILOTS

New Basic Pilot Certificates, Private and Commercial Pilot Training and Experience Requirements, and Instrument Ratings

On January 12, 1967, the Federal Aviation Agency published a notice of proposed rule making in the FEDERAL REGISTER (32 F.R. 329). Two of its objectives were to propose amending Part 61 of the Federal Aviation Regulations to establish a new, lower requirement pilot certificate to be known as a basic pilot certificate, and to increase the training and experience requirements for private and commercial pilot qualification.

The proposals made in the notice stated certain essential features of the airplanes in which the holder of the basic pilot certificate would be allowed to carry passengers (the 11th paragraph, appearing at 32 F.R. 330). The essential features were that the airplanes would not be "complex"; that is, they would have fixed landing gears, fixed propellers, and no

flaps—and have a power-off stalling speed not more than 60 miles per hour (53 knots).

Most airplanes in operation, and virtually all now in production, have flaps, including those with fixed landing gears and fixed propellers. Accordingly, the absence of flaps should not have been used as an essential feature of an airplane that the holder of a basic pilot certificate would be allowed to operate with passengers.

This supplemental notice therefore is issued to delete this reference to flaps in Notice 67–1, and to eliminate any confusion caused by an inadvertent use of that criterion. Also, "fixed propellers" are identified as those whose pitch can not be changed in flight. The closing date for receipt of comments on Notice 67–1 is April 13, 1967. All comments with respect to this supplement received on or before that date will be considered by the Administrator before taking action on the proposals contained in Notice 67–1, as supplemented by this notice.

In consideration of the foregoing, the third sentence of the eleventh paragraph of Notice 67–1 is changed to read as follows:

"• • • Accordingly, to equate the aircraft used with the functions to be performed, these proposals would allow the holder of the basic pilot certificate to carry passengers in airplanes that have fixed landing gears, fixed propellers (those whose pitch can not be changed in flight), and a power-off stalling speed not more than 60 miles per hour (53 knots) • • •."

This supplemental notice of proposed rule making is issued under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422).

Issued in Washington, D.C., on March 2, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67–2504; Filed, Mar. 3, 1967; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66–SW–54]

FEDERAL AIRWAYS

Proposed Alterations

VOR Federal airway No. 68 is designated in part from Corpus Christi, Tex., via Harlingen, Tex., to McAllen, Tex. VOR Federal airway No. 163 is designated from Brownsville, Tex., via INT Brownsville 347° and Corpus Christi 191° True radials to Corpus Christi, including a W alternate from Brownsville to INT Brownsville 347° and Corpus Christi 191° True radials via Harlingen, Tex.

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would redesignate V–68 from Corpus Christi via INT Corpus Christi 178° T (169° M) and McAllen 039° T (030° M) radials to McAllen including an E alternate from INT Corpus Christi 178° and McAllen 039° True radials to McAllen via Harlingen. The airspace above 14,000 feet MSL would be excluded between INT Corpus Christi 178° and McAllen 039° True radials and McAllen. V–163 would be realigned from Brownsville direct to Corpus Christi, including a W alternate from Brownsville to INT Harlingen 023° T (014° M) and Corpus Christi 178° T (169° M) via Harlingen.

These actions would reduce the airway mileage between Brownsville and Corpus Christi and between McAllen and Corpus Christi. The ceiling on the segment of V–68 would segregate en route traffic from military training activities conducted above 14,000 feet MSL. The designated 1,200 feet AGL floors would be retained for these airway segments.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the amendments. The proposals contained in this notice may be changed in the light of comments received.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on February 24, 1967.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 67–2419; Filed, Mar. 3, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67–CE–4]

FEDERAL AIRWAYS

Proposed Alteration

V–4 and V–210 are designated in part from Kansas City, Mo., to Hallsville, Mo., via the Marshall, Mo., VOR. V–424 is designated from Blue Springs, Mo., to Macon, Mo., via the Marshall VOR. V–12 is designated in part from Blue Springs to Maryland Heights, Mo., via the Blackwater, Mo., and Readsville, Mo., VOR's, including a south alternate from Readsville to Maryland Heights. The Federal Aviation Agency is considering the realignment of these airways by deleting reference to the Marshall, Blackwater, and Readsville VOR's, as these facilities are being considered for decommissioning in accordance with non rule-making procedures and published under separate cover.

If the airway actions are taken the airways would be redescribed as follows:

1. V–4 and V–210 would be redesignated from Kansas City direct to Hallsville.

2. V–424 would be redesignated from Blue Springs via the INT of Blue Springs 077° T (070° M) and Macon 236° T (230° M) radials to Macon.

3. V–12 would be redesignated from Blue Springs via Columbia, Mo., to Maryland Heights. The south alternate airway would be revoked.

Concurrently with the above actions, it is proposed to revoke the Readsville VOR as a designated low altitude reporting point and designate the Columbia VOR as a reporting point. The 1,200-foot AGL airway floors would remain as designated.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are made in accordance with section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on February 24, 1967.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 67–2420; Filed, Mar. 3, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66–WE–57]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would raise the floors on segments of Federal airways in the Salt Lake City, Utah, Air Route Traffic Control Center Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency proposes to redesignate the floors of the pertinent airway segments as hereinafter set forth.

Section 71.123 (31 F.R. 15531, 32 F.R. 2009) is amended as follows:

1. V–6 From Lovelock, Nev., 1,200 feet AGL Battle Mountain, Nev., including a 1,200 feet AGL N alternate; 1,200 feet AGL INT Battle Mountain 062° and Wells, Nev., 258° radials; 1,200 feet AGL Wells; 5 miles, 1,200 feet AGL, 40 miles, 9,800 feet MSL, 8,500 feet MSL Lucin, Utah; 43 miles, 8,500 feet MSL, 1,200 feet AGL Ogden, Utah; 11 miles, 1,200 feet AGL, 50 miles, 10,500 feet MSL, 1,200 feet AGL Fort Bridger, Wyo.

2. V–21 From Milford, Utah, 1,200 feet AGL Delta, Utah; 1,200 feet AGL Provo, Utah; 1,200 feet AGL Salt Lake City, Utah; 1,200 feet AGL Ogden, Utah; 1,200 feet AGL Malad City, Idaho.

3. V–32 From Battle Mountain, Nev., 1,200 feet AGL Elko, Nev.; 1,200 feet AGL Bonneville, Utah, including a 1,200 feet AGL N alternate via Wells, Nev.; 37 miles, 8,500 feet MSL, 1,200 feet AGL Salt Lake City, Utah; 17 miles, 1,200 feet AGL, 45 miles, 10,500 feet MSL, 1,200 feet AGL Fort Bridger, Wyo.

4. V–101 From Ogden, Utah, 54 miles, 1,200 feet AGL, 33 miles, 10,900 feet MSL, 1,200 feet AGL Burley, Idaho.

5. V–200 From Provo, Utah, 10 miles, 1,200 feet AGL, 35 miles, 12,500 feet MSL, 1,200 feet AGL Myton, Utah.

6. V–235 From Provo, Utah, 10 miles, 1,200 feet AGL, 15 miles, 13,500 feet MSL, 46 miles, 12,500 feet MSL, 1,200 feet AGL Fort Bridger, Wyo.

7. V–236 From INT Bonneville, Utah, 084° and Ogden, Utah 235° radials, 1,200 feet AGL Ogden.

8. V–253 From Provo, Utah, 1,200 feet, AGL INT Provo 325° and Salt Lake City, Utah, 265° radials; 24 miles, 1,200 feet AGL, 8,500 feet MSL Bonneville; 5 miles, 8,500 feet MSL, 9,000 feet MSL Lucin, Utah; 14 miles, 9,000 feet MSL, 19 miles, 10,500 feet MSL, 1,200 feet AGL Twin Falls, Idaho.

9. V–257 From Bryce Canyon, Utah, 1,200 feet AGL INT Bryce Canyon 338° and Delta, Utah, 186° radials, 1,200 feet AGL Delta; 39 miles, 1,200 feet AGL, 10,500 feet MSL INT Delta 004° and Malad City, Idaho, 179° radials; 20 miles, 11,800 feet MSL, 1,200 feet AGL Malad City.

10. V–269 From Wells, Nev., 1,200 feet AGL Twin Falls, Idaho.

11. V–288 From Lucin, Utah, 50 miles, 8,500 feet MSL, 1,200 feet AGL INT Lucin 080° and Fort Bridger, Wyo., 278° radials; 17 miles, 1,200 feet AGL, 50 miles, 10,500 feet MSL, 1,200 feet AGL Fort Bridger.

12. V–484 From Salt Lake City, Utah, 25 miles, 1,200 feet AGL, 31 miles, 12,500 feet MSL, 1,200 feet AGL Myton, Utah.

Floors of 1,200 feet above the surface were applied to those segments where the floor is required for climb from the surface to minimum en route altitude for aeronautical chart legibility or for compatibility with existing airspace for which a 1,200 feet AGL floor has been designated. Where a floor has been specified for an airway segment within a transition area and the floor is higher than the floor of the transition area, there will be no loss of controlled airspace within the transition area below the airway floor. No cardinal altitudes will be lost by the actions proposed herein. In those instances where the floor of the airway would be above the minimum obstruction clearance altitude (MOCA), the MOCA is not used operationally for air traffic control service. V–494 is not considered herein as it is being considered for revocation in Airspace Docket No. 66–WE–59.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on February 24, 1967.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 67–2421; Filed, Mar. 3, 1967; 8:46 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 67–WE–6]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations that would extend the time of designation of the Sailor Creek, Idaho, Restricted Area R–3202.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Air Force (AF) has requested a change in the time of designation of the Sailor Creek, Idaho, Restricted Area R–3202 from "sunset to 4 hours thereafter, Monday through Friday" to "sunset to 8 eight hours thereafter, Monday through Friday."

The AF states the extended time of use is required to accommodate increased activity generated by the activation of the 10th Replacement Training Unit and the need to provide vital photoflash cartridge training to Southeast Asia replacement crews. This would be in addition to the reconnaissance curriculum for continuation of training for combat ready aircrews.

If this proposed action is taken the time of designation of the Sailor Creek, Idaho, Restricted Area R–3202 would be changed from "sunset to 4 hours thereafter, Monday through Friday" to "sunset to 8 hours thereafter, Monday through Friday."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on February 24, 1967.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 67–2422; Filed, Mar. 3, 1967; 8:46 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 67–EA–5]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 73 of the Federal Aviation Regulations that would alter Restricted Areas R–6611, R–6612, and R–6613 at Dahlgren, Va.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The U.S. Navy has requested the Federal Aviation Agency to extend the time of designation of the restricted areas at the Dahlgren Complex, Va. It is therefore proposed to alter the time of designation for R–6611, R–6612, and R–6613 from Monday through Friday to Monday through Saturday. The Navy has stated that the workload at the Dahlgren Complex involving research, development,

test, and evaluation of ammunition, warheads, and missiles has increased steadily due to increased weapons requirements in Southeast Asia. They state these increased requirements necessitate use of the complex on Saturday.

If this proposal is adopted the texts relating to the times of designation for Restricted Areas R–6611, R–6612, and R–6613 Dahlgren Complex, Va., would read:

Time of designation: 0800 to 1700 e.s.t., Monday through Saturday 1 September through 31 May; 0700 to 1600 e.s.t., Monday through Saturday 1 June through 31 August.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C. on February 28, 1967.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–2459; Filed, Mar. 3, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 296a]

[Docket No. 18126]

CLASSIFICATION AND EXEMPTION OF HOUSEHOLD GOODS AIR FORWARDERS

Supplemental Notice of Proposed Rule Making

FEBRUARY 28, 1967.

The Board in 32 F.R. 992 and by circulation of EDR–110, dated January 23, 1967, as supplemented by EDR–110A, dated February 10, 1967 (32 F.R. 2955), gave notice that it had under consideration a new Part 296a which would provide for the classification and exemption of household goods air forwarders. Interested persons were invited to participate in the rule making proceedings by submission of ten (10) copies of written data, views, or arguments to the Docket Section of the Board on or before March 13, 1967.

The National Furniture Warehousemen's Association, which states that its membership exceeds 1,000 household goods carriers and warehousemen, requests that time for comment be extended until 1 month after the scheduled meeting of the Association Board of Directors on March 9, 1967.

The undersigned finds that good cause has been shown for such an extension of time. Accordingly, pursuant to authority delegated in section 7.3C of Public Notice PN–15, dated July 3, 1961, the undersigned hereby extends the time for submitting comments to April 10, 1967.

All relevant communications received on or before April 10, 1967, will be considered by the Board before taking action on the proposed rule. Copies of these communications will be available for examination in the Docket Section, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR R. SCHOR,
Acting Associate General Counsel, Rules and Rates Division.

[F.R. Doc. 67–2455; Filed, Mar. 3, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2148) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing that § 121.2511 *Plasticizers in polymeric substances* be amended by substituting a 17-percent maximum limit of addition of butyl benzyl phthalate plasticizer in place of the extractives limitations presently prescribed under limitation number 3 for that plasticizer in the table in paragraph (b). It is also proposed that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* be amended by deleting the item butyl benzyl phthalate from the list in paragraph (b)(2) and by adding it instead to the list of substances in paragraph (a)(5) to exempt it from compliance with the extractives limitations prescribed in that section.

Dated: February 27, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–2452; Filed, Mar. 3, 1967; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR PROGRAM COORDINATION AND SERVICES; REGION VI (SAN FRANCISCO)

Designation

The officer appointed to the position of Deputy Regional Administrator, Region VI (San Francisco), is hereby designated to serve as Acting Assistant Regional Administrator for Program Coordination and Services, Region VI (San Francisco), during the present vacancy in the position of Assistant Regional Administrator for Program Coordination and Services, Region VI, with all the powers, functions and duties redelegated or assigned to the Assistant Regional Administrator for Program Coordination and Services.

(Secretary's delegation effective Nov. 16, 1966)

Effective date. This designation shall be effective as of November 19, 1966.

DWIGHT A. INK,
Assistant Secretary for Administration.

[F.R. Doc. 67–2439; Filed, Mar. 3, 1967; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–133]

PACIFIC GAS & ELECTRIC CO.

Notice of Issuance of Order Extending Expiration Date of Provisional Operating License

Please take notice that the Atomic Energy Commission has issued an order extending to February 28, 1968, the expiration date specified in Provisional Operating License No. DPR–7 issued to the Pacific Gas & Electric Co. authorizing steady state operation at thermal power levels up to 240 megawatts of the Humboldt Bay Unit No. 3 nuclear reactor located at its site in Humboldt County, Calif.

Copies of the Commission's order and the application dated February 1, 1967, filed by the Pacific Gas & Electric Co., are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 27th day of February 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F. R. Doc. 67–2444; Filed, Mar. 3, 1967; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

HUNTINGTON BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956, as amended by Public Law 89–485, by Huntington Bancshares, Inc., Columbus, Ohio, for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 51 percent or more of the voting shares of The Washington Savings Bank, Washington Court House, Ohio.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 27th day of February 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67–2445; Filed, Mar. 3, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16928, etc.; FCC 67–233]

CALIFORNIA WATER & TELEPHONE CO. ET AL.

Memorandum Opinion and Order Amending Order Instituting Investigation

In the matter of California Water & Telephone Co., Docket No. 16928; Tariff FCC No. 1 and Tariff FCC No. 2 applicable to channel service for use by community antenna television systems; in the matter of The Associated Bell System Cos., Docket No. 16943; tariffs for channel service for use by community antenna television systems; in the matter of The General Telephone System, and United Utilities, Inc., Cos., Docket No. 17098; tariffs for channel service for use by community antenna television systems.

The Commission has under consideration its order of October 20, 1966, in the above-captioned Docket No. 16943, 5 FCC 2d 357, whereby the Commission instituted an investigation into the lawfulness of tariffs of the Bell System companies which offer channel services to Community Antenna Television operators (CATVs).

2. Among the issues specified for determination in that proceeding is whether the Bell System Cos. have complied with section 214 of the Act. This issue reads as follows:

Whether the requirements of section 214 of the Act and Part 63 of our rules implementing that section have been met as to the facilities used to offer channel service under the aforesaid tariffs and, if not, what action, if any, the Commission should take with respect thereto (par. 7(4)).

3. The background for the inclusion of the above-stated issue is an exchange of correspondence between the Commission and American Telephone & Telegraph Co. (A.T. & T.) in September and October of 1966. On September 29, 1966, the Commission addressed a letter to A. T. & T. stating that the map shown in Tariff FCC No. 119 of the Pacific Telephone & Telegraph Co. offering channel service in the Altadena area of the county of Los Angeles, Calif., indicated that the distribution facilities used to provide that service offering consisted of more than 10 miles of local branch or terminal lines and that this raised the question of whether a certificate or authorization was required therefor under section 214(a) of the Act. Accordingly, A.T. & T. was requested in our letter to state its position with respect to the aforestated question. On October 19, 1966, A. T. & T. submitted its reply to our letter and stated that the map showed that "the facilities in Altadena are situated wholly within the State of California and the cable facilities do not provide for a communications service to points more than 10 miles distant." A.T. & T. concluded in its reply that "Therefore, it would appear that no certificate or authorization for such facilities is required under section 214(a) of the Communications Act."

4. Based upon the foregoing correspondence it appeared that the AT&T position was that, no matter how many miles of lines or channels may be constructed or operated by the Bell System Cos. to provide CATV local distribution channels, a certificate or authorization under section 214 would not be required so long as the facilities are located wholly within a State and "do not provide for a communications service to points more than ten miles distant." No decisional or other authority was cited by AT&T to support its position. While it is true that section 214(a) of the Act exempts from the requirements thereof any "local, branch, or terminal lines not exceeding ten miles in length", the Commission was not satisfied that this statutory language could properly be construed so as to support the AT&T position as we understand it to be in that the exempting language in the statute speaks in terms of length of lines and not in terms of distances between service points. For the foregoing reasons, we included the section 214 issue among the others to be considered in the investigation.

5. We believe that it is undesirable to delay resolution of the question of the correctness of the Bell System's position on the section 214 issue until after completion of the evidentiary hearing record on the other issues that are to be considered in the consolidated proceedings herein. We are concerned that, if we should ultimately find that the Bell System's position is not justified, there may have occurred substantial construction and expansion of Bell System CATV channel facilities contrary to the provisions of section 214 of the Act during the period of time reasonably necessary to complete our investigation of the other issues in the consolidated proceedings.

6. For the foregoing reasons, we shall order the presiding officer to take evidence promptly on the aforesaid section 214 issue and to certify that part of the record to the Commission for final decision by the Commission on proposed findings, conclusions and briefs, and opportunity for oral argument before the Commission en banc. We find that due and timely execution of our functions imperatively and unavoidably requires this procedure, if we are to discharge fully our responsibilities under the Communications Act of 1934, as amended.

7. Therefore, in view of the foregoing: *It is ordered*, That the order of October 20, 1966, in Docket 16943 (5 F.C.C. 2d 357) be amended to provide:

(1) That the presiding officer shall proceed, at the earliest practicable date, to take evidence on the section 214 issue set forth in paragraph 7(4) of that order;

(2) That upon completion of the receipt of evidence on the aforesaid issue, the presiding officer, without the preparation of any recommended decision, shall certify the record to the Commission for decision on such issue;

(3) That the respondents and parties in Docket 16943 shall, and the respondents and parties in Dockets 16928 and 17098 may file proposed findings of fact and conclusions, briefs and memoranda of law, within 15 days following the certification of the record to the Commission;

(4) That prior to the preparation and issuance of a decision, the Commission, by appropriate order, will afford respondents and parties opportunity to present oral argument before the Commission, en banc, pursuant to an appropriate order.

Adopted: February 28, 1967.

Released: March 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-2460; Filed, Mar. 3, 1967; 8:49 a.m.]

[Docket Nos. 17131-17136; FCC 67M-267]

GENERAL ELECTRIC CABLEVISION CORP. ET AL.

Order Scheduling Hearing

In re petitions by General Electric Cablevision Corp., Van Buren, N.Y., Docket No. 17131, File No. CATV 100-65; General Electric Cablevision Corp., Solvay, N.Y., Docket No. 17132, File No. CATV 100-137; Newchannels Corp., East Syracuse, N.Y., Docket No. 17133, File No. CATV 100-112; Newchannels Corp., Camillus, N.Y., Docket No. 17134, File No. CATV 100-124; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Syracuse television market; In re applications of Eastern Microwave, Inc., Van Buren, N.Y., Docket No. 17135, File No. 4704-C1-P-66; Eastern Microwave, Inc., Camillus, N.Y., Docket No. 17136, File No. 4879-C1-P-66; for construction permits for new point-to-point microwave radio stations.

It is ordered, This 15th day of February 1967, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 26, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 15, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: February 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-2462; Filed, Mar. 3, 1967; 8:49 a.m.]

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[1] Commissioner Bartley abstaining from voting and Commissioner Wadsworth absent.

[Change List No. 222]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections

FEBRUARY 17, 1967.

List of changes, proposed changes, and corrections in assignment of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Stations (Mimeograph No. 47214) attached to the recommendation of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		730 kc/s				
CJIIR (assignment of call letters).	Leamington, Ontario	0.25 kw	DA-N	Night	II	
		1390 kc/s				
New (delete assignment).	Oshawa, Ontario	5 kwD/1 kwN	DA-1	U	III	
		1390 kc/s				
New	Ajax, Ontario	10 kw	DA-1	U	III	E.I.O. 2-15-68.
		1490 kc/s				
CJVR (now in operation).	Melfort, Saskatchewan	10 kw	DA-N	U	IV	

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-2461; Filed, Mar. 3, 1967; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2042]

AMK CORP.

Notice of Application for Order Extending Period of Exemption

FEBRUARY 28, 1967.

Notice is hereby given that AMK Corp. ("AMK"), 122 East 42d Street, New York, N.Y. 10017, a Delaware corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission extending the period during which AMK is exempt from all provisions of the Act applicable to investment companies for an additional 60 days after January 29, 1967. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

On November 30, 1966, AMK filed an application under section 3(b)(2) of the Act for an order declaring it to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (a) through majority owned subsidiaries or (b) through controlled companies conducting similar types of businesses.

AMK states that since the filing of its application on November 30, 1966, it has filed certain additional materials including financial data with the Commission in order to present a more complete and meaningful statement.

Section 3(b)(2) of the Act provides that the filing of an application by an issuer other than a registered investment company shall exempt an applicant for a period of 60 days from all provisions of the Act applicable to investment companies as such. Section 3(b)(2) of the Act also provides that for cause shown, the Commission by order may extend the period of exemption for an additional period or periods.

Notice is further given that any interested person may, not later than March 14, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon AMK at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2447; Filed, Mar. 3, 1967; 8:48 a.m.]

[812-1367]

CHRISTIANA SECURITIES CO.

Notice of Filing of Amendment to Application for Exemption

FEBRUARY 28, 1967.

Notice is hereby given that Christiana Securities Co. ("Applicant"), Du Pont Building, Wilmington, Del., a closed-end, nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an amended application pursuant to sections 6(c) and 17(b) of the Act for an order, supplementary to the Commission's memorandum opinion and order of January 13, 1961 (40 S.E.C. 469), granting an exemption from section 17(a) of the Act in connection with a proposed offer by Applicant to exchange, for shares of its common stock, the 600,000 shares of common stock of Hercules Inc. ("Hercules"), formerly Hercules Powder Co., which Applicant owns. The exemption is requested to permit the participation in such exchange offer of common stockholders of Applicant who are affiliated persons of Applicant or affiliated persons of an affiliated person of Applicant. Such persons include Wilmington Trust Co., E. I. du Pont de Nemours & Co. ("DuPont"), The News-Journal Co., Longwood Foundation, and the trustees, officers, directors, and employees of the foregoing and of Applicant. Section 17(a) makes it unlawful for an affiliated person of a registered investment company, or an affiliated person of such affiliated person, to sell to or buy from such company any security or other property, with certain exceptions, unless the Commission finds upon application that the terms of the proposed transaction are reasonable and fair and do not involve overreaching and that the proposed transaction is consistent with the policy of the company and the purposes of the Act. Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. All interested persons are referred to the amendment to the application filed with the Commission for a statement of Applicant's representations, which are summarized below.

The 600,000 shares (adjusted for a 2-for-1 split in 1962) of Hercules common stock proposed to be offered were formerly owned by Delaware Realty & Investment Co. ("Delaware Realty") and were acquired by Applicant upon the merger into it of Delaware Realty. Applicant also owns approximately 29 percent and 1 percent, respectively, of the outstanding common stock and preferred stock, $4.50 series, of DuPont. In order to avoid any question under the antitrust laws, Applicant informed the Department of Justice at the time of the merger that it would not retain such shares of Hercules common stock.

A registration statement under the Securities Act of 1933 with respect to the proposed offering of Hercules common stock was filed with the Commission on February 23, 1967. As soon as practicable after the registration statement

has become effective, Applicant proposes to offer to exchange up to 600,000 shares of Hercules common stock for shares of Applicant's common stock in the ratio of 3⅛ shares of Hercules common stock for each share of Applicant's common stock. The exchange offer will be made only to owners of Applicant's common stock on February 22, 1967, and only with respect to shares of Applicant's common stock owned by them at that time.

Based on market prices and Applicant's financial position at February 21, 1967, the exchange ratio is such that the market value of the shares of Hercules common stock exchanged for a share of Applicant's common stock would be approximately equivalent to the net asset value of the share of Applicant's common stock surrendered in the exchange and about 116 percent of the market value of such share of Applicant's common stock.

The closing price of Hercules common stock on the New York Stock Exchange on February 21, 1967 was $47⅝, or $180.98 for 3⅛ shares. The net asset value of each share of Applicant's common stock was $178.43, computed by valuing investment securities on the basis of quoted market prices per share on February 21, 1967 (except for shares of News-Journal, for which there is no quoted market, which were valued by Applicant's board of directors at an amount considered to represent the fair value) and deducting from net assets the aggregate liquidation price ($100 per share) of the preferred stock, but with no reduction for any capital gains tax which would be payable if the unrealized appreciation of Applicant's investments were realized. In this connection, Applicant states that it does not intend to dispose of its investment securities except the stock of Hercules.

The market price of Applicant's common stock is, and for many years has been, lower than the net asset value per share. On February 21, 1967, the market price of Applicant's common stock was $156½, based on the mean between the highest bid and lowest asked price for such stock in the over-the-counter market.

Based on market prices and Applicant's financial position at February 21, 1967, stockholders who do not accept the exchange offer or who accept it only in part would continue to have about the same net asset value applicable to each share of Applicant's common stock they hold.

It is now contemplated that the exchange offer will expire on April 7, 1967. Total expenses to be incurred by Applicant in connection with the exchange offer are not expected to exceed $185,000.

Notice is further given that any interested person may, not later than March 14, 1967, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–2448; Filed, Mar. 3, 1967; 8:48 a.m.]

RAND DEVELOPMENT CORP.

Order Suspending Trading

FEBRUARY 28, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 5 cents par value, of Rand Development Corp., Cleveland, Ohio, and the Class B Common Stock, 5 cents par value, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 1, 1967, through March 10, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–2449; Filed, Mar. 3, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 1, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40917—*Grain and soybeans to Louisiana points.* Filed by Southwestern Freight Bureau, agent (No. B–8964), for interested rail carriers. Rates on grain and soybeans, in carloads, as described in the application, from points in southwestern and western trunkline territories, to specified points in Louisiana.

Grounds for relief—Rate relationship and market competition.

Tariffs—Supplement 13 to Southwestern Freight Bureau, agent, tariff ICC 4618, and other schedules named in the application.

FSA No. 40918—*Chlorine from Midland, Mich.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2880), for inteersted rail carriers. Rates on chlorine, in tank carloads, from Midland, Mich., to Choctaw City, Cromwell, Jachin, Naheola, Pennington, and Rob John, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 10 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C–611.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–2453; Filed, Mar. 3, 1967; 8:48 a.m.]

[Notice 1485]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 1, 1967.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179.

No. MC–FC–69497. By application filed February 27, 1967, ZANETTI BUS & FAST EXPRESS, INC., c/o Pete Zanetti, 1000 Clark Street, Rock Springs, Wyo. 82901, seeks temporary authority to lease the operating rights of TETON FREIGHT LINES, INC., c/o Frank Andrews, Secretary, Teton Freight Lines, Inc., 611 East Main Street, Riverton, Wyo. 82501, under section 210a(b). The transfer to ZANETTI BUS & FAST EXPRESS, INC., of the operating rights of TETON FREIGHT LINES, INC., is presently pending.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–2454; Filed, Mar. 3, 1967; 8:49 a.m.]

[Investigation and Suspension Docket Nos. M–21134, 8348]

HOUSEHOLD GOODS, UNITED STATES, CANADA, MEXICO

Freight Forwarder Shipment Charges

Present: Laurence K. Walrath, Commissioner, to whom the matters which are the subject of this order have been assigned for action thereon.

It appearing, that by orders of the Commission dated December 29, 1966, and January 24, 1967, in the above-entitled proceedings, respectively, investigations were instituted into and concerning the lawfulness of the rates, charges, and regulations contained in schedules described in said orders;

It further appearing, that under sections 216(g) and 406(e) of the Interstate Commerce Act respondents have the burden of proof to show that the proposed changed rates, charges, and regulations are just and reasonable;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question whether the resulting revenues would be just and reasonable, it is deemed appropriate in the public interest and pursuant to sections 216(i) and 406(d) of the act that the information specified below be included in the record to be developed in these proceedings;

And good cause appearing therefor:

It is ordered, That respondents be, and they are hereby, notified and required to submit information and supporting data which shall include, among other things, actual cost and revenue data (including anticipated revenue to show the effect of the proposed increase or decrease) and operating ratios specifically related to the traffic and territories involved, overall operating ratios, detailed data to establish the representative nature of the carriers used, and detailed data to disclose carrier-affiliate financial and operating relationships and transactions as generally indicated by the admonitions in General Increase—Middle Atlantic and New England Territories, 319 I.C.C. 168, and in General Increases—Transcontinental, 319 I.C.C. 792, and in addition, all pertinent evidence and supporting data for the individual representative carriers as they relate to their overall operations and specifically to the traffic and territories involved.

It is further ordered, That the Commission will take official notice of all the respondent carriers' financial statements on file with the Commission.

It is further ordered, That the detailed data required to be submitted by respondents regarding carrier-affiliate financial and operating relationships and transactions shall include, with respect to any and all individuals, partnerships, and corporations affiliated with respondents, the following information:

1. Name of each affiliate from which respondent, during the year 1966, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier or a freight forwarder.

2. Kinds of property or service which each affiliate supplies to respondent.

3. Basis of charges for property or services supplied by affiliate to respondent, including the base and rate for rental charges.

4. Total charges by each affiliate to respondent during the year 1966 for:

a. Lease of vehicles.
b. Lease of terminals.
c. Lease of other property.
d. Pickup and delivery of shipments.
e. Repair and servicing of vehicles.
f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.
g. Property sold by affiliate to respondent.

5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1966.

6. The detailed data regarding carrier-affiliate financial and operating relationships and transactions are required of all the freight forwarder respondents and the Classes I and II motor carrier respondents participating in the tariffs under investigation when such transactions individually or in the aggregate amount to $2,500 or more during the year 1966.

7. A copy of the income statements for each affiliate for the year 1966 and the latest period of 1967 for which an income statement is available where the carrier-affiliate financial or operating transactions fall within the provisions of paragraph 6 above.

8. A statement listing the amounts of wages, salaries, bonuses, and other compensation paid by the affiliate in 1966 to any individual who is also a respondent or an officer, director or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director or substantial stockholder of a respondent.

9. The term "affiliate" as used in this order means:

a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

b. Any partnership in which one of the partners is a resporident; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

It is further ordered, That the traffic studies to be submitted shall be based upon actual operations conducted during identical periods of time for each carrier, and the actual cost studies shall be based upon the operations of the same carriers as used in the traffic studies; and that the periods of time selected for, as well as the motor carriers or freight forwarders used in, such cost and traffic studies shall be shown to be representative and their selection statistically sound;

It is further ordered, That all of the required data specified in this order shall be based upon and reflect at least the most recent annual reporting period;

It is further ordered, That the detailed information called for by this order shall be in writing and shall be verified by a person or persons having knowledge thereof; that such verified material shall be served on all parties of record on or before April 3, 1967, and at the same time, respondents shall mail two copies to this Commission and one copy to the Hearing Examiner hereinafter named, together with certificates of service in accordance with § 1.22(a) of the general rules of practice; and that an executed original shall be tendered at the hearing.

It is further ordered, That all underlying data used in the preparation of respondents' detailed and verified material shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that the underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination.

It is further ordered, That anyone desiring to become a party of record to receive copies of the verified material of respondents to be filed in accordance with the procedure set forth above, must notify the Commission, in writing, on or before March 6, 1967. As soon as practicable after such date, a service list of all parties of record will be prepared and served by the Commission. Otherwise, any interested person desiring to participate in the proceeding may make his appearance at the hearing.

It is further ordered, That these proceedings be, and they are hereby, referred to Hearing Examiner Richard S. Ries for hearing on a common record commencing April 18, 1967, at 9:30 a.m. U.S. standard time at the offices of the Interstate Commerce Commission, Washington, D.C.

It is further ordered, That a copy of this order be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who—

(1) Have been identified by name in the order or orders of investigation herein,

(2) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(3) Have appeared at a hearing.

Dated at Washington, D.C., this 1st day of February A.D. 1967.

By the Commission, Commissioner Walrath.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–2520; Filed, Mar. 3, 1967; 8:50 a.m.]

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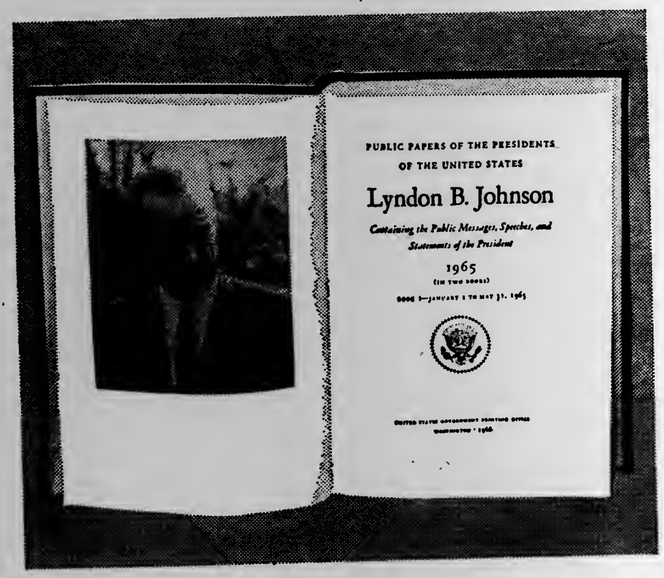
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PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that the position of Special Assistant to the Associate Administrator for Investment is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (kk) is added to § 213.3332 as set out below.

§ 213.3332 Small Business Administration.

* * * * *

(kk) One Special Assistant to the Associate Administrator for Investment.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–2533; Filed, Mar. 6, 1967; 8:51 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Basic Compensation

Section 550.703 is amended to change the severance pay regulations to include premium pay paid on an annual basis for standby duty as part of an employee's basic compensation. Effective the first day of the first pay period after November 2, 1966, § 550.703(b) is amended as set out below.

§ 550.703 Definitions.

* * * * *

(b) "Basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an employee at the time of separation, including premium pay for standby duty paid to an employee on an annual basis under § 550.141, but excluding other additional compensation.

* * * * *

(Sec. 9(c), P.L. 89–301, 79 Stat. 1119; E.O. 11257)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–2525; Filed, Mar. 6, 1967; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 991—HOPS OF DOMESTIC PRODUCTION

Identification of Reserve Hops

Notice was published in the February 17, 1967, issue of the FEDERAL REGISTER (32 F.R. 3023) regarding a proposal to establish methods of identifying reserve hops. The establishment of identification requirements is pursuant to § 991.32 of Marketing Order No. 991 (7 CFR Part 991; 31 F.R. 9713, 10072) regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Hop Administrative Committee and other available information, it is hereby found that identification of reserve hops shall be as follows:

§ 991.132 Identification of reserve hops.

As provided in §§ 991.32 and 991.39, identification of reserve hops shall be completed prior to November 15 or such other date established pursuant to § 991.39. Also, prescribed reports are required with respect to reserve hops held and not delivered by the closing date for pooling.

(a) Any hops which become reserve hops pursuant to § 991.39 shall, prior to November 15 of the year of production or such other date as may be established pursuant to § 991.39, be identified by such devices and in such manner as the Committee finds necessary to maintain surveillance over such hops to assure disposition thereof in accordance with this part and to prevent their unauthorized use in outlets for salable hops. Such identification of bales of reserve hops held by a producer-handler or cooperative marketing association, as provided in § 991.39, shall be by Committee-approved seals or stencils, or such other means as the Committee may approve in writing, applied to the individual bales. Each such producer-handler or association holding reserve hops shall be responsible for having the Committee-approved seals, stencils, or other identification applied to such hops; and representatives of the Committee and the Secretary shall have access to all premises on which such producer-handler and associations, hold reserve hops.

(b) No such producer-handler or association holding reserve hops shall alter or remove any identification applied to such reserve hops except under supervision of the Committee exercised by either the presence of a representative of the Committee or specific written authorization.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that: (1) The Committee has already approved the identification applicable to the 1966 crop hops; (2) except for a few lots not delivered to the reserve pool, all hops have already been identified; (3) the unidentified hops are readily accessible and can be quickly identified; and (4) issuance of the regulation will enhance order operations, hence, effectuating the declared policy of the act.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 2, 1967, to become effective 10 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 67–2500; Filed, Mar. 6, 1967; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Reserve Percentages

1. Section 204.5 (Supplement to Regulation D) is amended to read as follows:

§ 204.5 Supplement.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (b) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

(1) If not in a reserve city—

(i) 4 percent of the following deposits until the opening of business on

March 2, 1967, 3½ percent of such deposits from March 2, 1967, to March 15, 1967, inclusive, and 3 percent of such deposits thereafter: (a) Savings deposits and (b) time deposits, open account, that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts, that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months; plus

(ii) 4 percent of its other time deposits up to $5 million until the opening of business on March 2, 1967, 3½ percent of such deposits from March 2, 1967, to March 15, 1967, inclusive, and 3 percent of such deposits thereafter; plus 6 percent of such deposits in excess of $5 million; plus

(iii) 12 percent of its net demand deposits.

(2) If in a reserve city (except as to any bank located in such a city which is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) of this paragraph)—

(i) 4 percent of the following deposits until the opening of business on March 2, 1967, 3½ percent of such deposits from March 2, 1967, to March 15, 1967, inclusive, and 3 percent of such deposits thereafter: (a) Savings deposits and (b) time deposits, open account, that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts, that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months; plus

(ii) 4 percent of its other time deposits up to $5 million until the opening of business on March 2, 1967, 3½ percent of such deposits from March 2, 1967, to March 15, 1967, inclusive, and 3 percent of such deposits thereafter; plus 6 percent of such deposits in excess of $5 million; plus

(iii) 16½ percent of its net demand deposits.

(b) *Currency and coin.* The amount of a member bank's currency and coin shall be counted as reserves in determining compliance with the reserve requirements of paragraph (a) of this section.

2a. This amendment is issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act to set reserve ratios (12 U.S.C. 462). The change is to reduce from 4 percent to 3 percent, in two steps, the reserves that must be maintained by a member bank against its savings deposits, Christmas and vacation club accounts, and first $5 million of other time deposits.

b. There was no notice and public participation with respect to this amendment as such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. The effective dates were deferred for less than the 30-day period referred to in section 553(d) of title 5, United States Code, because the action falls within the exception thereto with respect to granting relief from a restriction and because the Board found that the general credit situation and the public interest compelled it to make the action effective no later than the dates adopted.

Dated at Washington, D.C., this 28th day of February 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-2494; Filed, Mar. 6, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 8006; Amdt. 39-364]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Model F-27, FH-227

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted March 1, 1967, by telegram and made effective immediately as to all known operators of Fairchild Model F-27 and FH-227 series airplanes. An elevator torque tube was found to be cracked 370 degrees around its circumference at an approximate 45-degree angle. The directive requires inspection of the elevator torque tube and supporting rings for cracks.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of F-27 and FH-227 airplanes by individual telegrams dated March 1, 1967. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing, § 39.13 of Part 39 is amended by adding the following airworthiness directive.

FAIRCHILD. Applied to Model F-27 and FH-227 series airplanes.

Compliance required as indicated.

To detect cracks in the elevator torque tube and supporting rings, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished, visually inspect the inside area of the elevator torque tube P/N 27-223002-3 between elevator stations 11.811 (inboard end rib) and 15.748 (next rib outboard) and the elevator end (inboard) rib and internal elevator structure adjacent to the elevator torque tube for cracks using a mirror and light or an equivalent inspection approved by an FAA maintenance inspector. If a crack is found, comply with paragraph (c) before further flight.

(b) Within the next 75 hours' time in service after the effective date of this AD, unless already accomplished, inspect the elevator torque tube P/N 27-223002-3 between elevator stations 11.811 and 15.748 and the torque tube supporting rings P/N 27-223006-9 (inboard end rib) and P/N 27-223006-3 (next rib outboard) for cracks using X-ray or dye-penetrant with a glass of at least 10 power or an equivalent inspection approved by an FAA maintenance inspector. If a crack is found comply with paragraph (c) before further flight.

(c) Replace any part found cracked with a part of the same part number that has been inspected for cracks in accordance with paragraph (b) or with an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(d) Upon request of the operator an FAA maintenance inspector may, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, increase the initial compliance times specified in this AD by not more than 5 hours' time in service if the request contains substantiating data to justify the increase for that operator.

(Fairchild Hiller Alert Service Bulletins No. F-27-55-13A and FH-227-55-2A dated Feb. 21, 1967, pertain to this subject.)

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated March 1, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 2, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-2511; Filed, Mar. 6, 1967; 8:49 a.m.]

[Airspace Docket No. 66-EA-79]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On pages 14991 and 14992 of the FEDERAL REGISTER for November 29, 1966, the Federal Aviation Agency published proposed regulations which would alter the Richmond, Va., control zone.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. April 27, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on January 30, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Richmond, Va., control zone, the letters and numerals, "230°" and "SW" and insert in lieu thereof, "359°" and "N".

[F.R. Doc. 67-2468; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 15242 of the FEDERAL REGISTER for December 6, 1966, the Federal Aviation Agency published proposed regulations which would alter the Quantico, Va., control zone and 700-foot floor transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. April 27, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on January 30, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Quantico, Va., control zone and insert in lieu thereof, "Within a 5-mile radius of the center (38°30'10" N., 77°18'20" W.), of MCAS Quantico, Va., and within 2 miles each side of the Brooke, Va., VOR 013° radial extending from the 5-mile radius zone to 2 miles north of the VOR.".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Quantico, Va., 700-foot floor transition area in its entirety and designate a new one as follows:

QUANTICO, VA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (38°30'10" N., 77°18'20" W.), of MCAS Quantico, Va.; and within 2 miles each side of the Brooke, Va., 013° radial extending from the 7-mile radius area to the VOR.

[F.R. Doc. 67-2469; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 66-SO-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area and Control Zone

On November 17, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 14653) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Birmingham, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except those submitted by the Aircraft Owners and Pilots Association (AOPA).

The AOPA objected on the basis that the proposed 700-foot transition area is not justified by air traffic operational requirements; that adequate controlled airspace protection can be provided aircraft within currently designated airspace by raising the authorized minimum IFR altitudes within the terminal area; and that the transition area, as proposed, would constitute an inefficient use of airspace.

Further review of terminal airspace requirements for Birmingham Municipal Airport was conducted in light of the comments submitted by the AOPA. The review substantiated the fact that the existing 700-foot transition area is not adequate to protect IFR operations in the Birmingham terminal area. A 700-foot floor transition area within a 17-mile radius of the radar antenna site, excluding an area northwest of the airport, is required for the protection of IFR aircraft operating in the Birmingham terminal area.

Consideration was given to the AOPA's suggestion to raise the authorized minimum IFR altitudes within the terminal area from 2,500 AMSL to 3,000 AMSL. This action would contain IFR aircraft within currently designated airspace and obviate the necessity for enlarging the transition area. However, this would derogate the instrument procedures by requiring excessively long final approaches and would not contribute to efficient utilization of airspace or to the expeditious flow of IFR aircraft within the terminal area.

In the review, it was determined that an area in the northwest quadrant of the proposed 700-foot floor transition area is not required for the protection of IFR aircraft. Due to lower terrain in that area, IFR aircraft are protected by the 1,200-foot floor transition area. In keeping with the Agency's policy of designating only that airspace which is required for the protection of instrument operations, action is taken herein to exclude that portion of the proposed 17-mile radius transition area that is not required by applicable criteria. Since this modification is less restrictive on the public, notice and public procedure hereon are unnecessary.

Subsequent to circularization of the notice, it was determined that the longitudinal ordinate of the Birmingham Municipal Airport radar antenna site was in error by two seconds. In addition, it has also been determined that the coordinate for the Birmingham Municipal Airport, as published in the control zone description, is erroneous. Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary. Therefore, the correct coordinates are incorporated herein.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

1. In § 71.171 (32 F.R. 2071) the Birmingham, Ala., control zone is amended, effective immediately, by deleting "• • • latitude 32°33'49" N., longitude 86°45'-31" W. • • •" and substituting "• • • latitude 33°33'50" N., longitude 86°45'-30" W. • • •" therefor

2. In § 71,181 (32 F.R. 2148) the 700-foot floor portion of the Birmingham, Ala., transition area is amended, effective 0001 e.s.t., April 27, 1967, to read:

That airspace extending upward from 700 feet above the surface beginning at the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36 north of the Birmingham Municipal Airport and the arc of a 17-mile radius circle centered at Birmingham Airport surveillance radar antenna site (latitude 33°34'24" N., longitude 86°45'23" W.); thence clockwise along this arc to the intersection of the 270° bearing from the radar antenna site; thence east along the 270° bearing from the radar antenna site to the intersection of the arc of a 13-mile radius circle centered at the radar antenna site; thence clockwise along this arc to a line 2 miles northeast of and parallel to the Birmingham VORTAC 313° radial; thence southeast along this line to the intersection of the arc of a 10-mile radius circle centered at the radar antenna site; thence clockwise along this arc to the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36; thence north along this line to the point of beginning.

The Birmingham, Ala., transition area extending upward from 1,200 feet above the surface is not changed by this action.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on February 23, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-2476; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 66-CE-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 24, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 16497) stating that the Federal Aviation Agency proposed to alter controlled airspace at Grand Forks, N. Dak.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

The Grand Forks, N. Dak., International Airport coordinates recited in the notice of proposed rule making have been changed slightly in this final rule. Since this change is minor in nature and imposes no additional burden on anyone, it is being incorporated in the Rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

(1) In § 71.171 (32 F.R. 2071), the Grand Forks, N. Dak., control zone is amended to read:

GRAND FORKS, N. DAK. (GRAND FORKS AIR FORCE BASE)

Within a 5-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.), within 2 miles each side of the Red River VOR 360° radial extending from the 5-mile radius zone to 1 mile N of the VOR, and within 2 miles each side of the Red River TACAN 004° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN.

(2) In § 71.181 (32 F.R. 2148), the Grand Forks, N. Dak., transition area is amended to read:

GRAND FORKS, N. DAK.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.), within 5 miles W and 8 miles E of the Grand Forks VORTAC 173° radial, extending from the 8-mile radius area to 12 miles S of the VORTAC, and within a 10-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.); and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Grand Forks AFB, and within a 29-mile radius of Red River VOR, extending clockwise from a line 5 miles E of and parallel to the Red River VOR 180° radial to a line 5 miles W of and parallel to the Red River VOR 209° radial.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on February 17, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-2482; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Areas

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Columbus, Ga. (Lawson AAF) and Muscogee County Airport) control zones and the Augusta, Ga., Gulfport, Miss., Johns Island, S.C., Key West, Fla., Miami, Fla., and Raleigh, N.C., transition areas.

The above-named control zones are described in 32 F.R. 2071. The above-named transition areas are described in 32 F.R. 2148.

Because § 91.95 of the Federal Aviation Regulations requires a pilot to obtain permission from the appropriate authority prior to operating an aircraft within a restricted area, and because of changes in the status of certain warning and restricted areas, it is necessary to alter the above-named control zones and transition areas.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the following control zones are amended as specified:

1. In Columbus, Ga. (Lawson AAF), "* * * excluding that portion within R-3002" is deleted and "* * * excluding that portion within R-3002A" is substituted therefor.

2. In Columbus, Ga. (Muscogee County Airport), "* * * excluding that portion within R-3002" is deleted and "* * * excluding that portion within R-3002A" is substituted therefor.

In § 71.181 (32 F.R. 2148) the following transition areas are amended as specified:

1. In Augusta, Ga., "* * * excluding the portions which would coincide with R-3003, R-3004, and R-6004" is deleted and "* * * excluding that portion within R-6004" is substituted therefor.

2. In Gulfport, Miss., "* * * excluding the portion within R-4401" is deleted.

3. In Johns Island, S.C., "* * * excluding that portion within R-6003 and the Charleston, S.C., 700-foot transition area" is deleted and "* * * excluding that portion within the Charleston, S.C., 700-foot transition area" is substituted therefor.

4. In Key West, Fla., "* * * excluding the portion within W-173 and W-465" is deleted and "* * * excluding that portion within W-465" is substituted therefor.

5. In Miami, Fla., "* * * excluding the portion within W-173" is deleted.

6. In Raleigh, N.C., "* * * excluding that portion within R-5311" is added.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C 1348(a))

Issued in East Point, Ga., on February 27, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-2483; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 66-EA-90]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 16469 and 16470 of the FEDERAL REGISTER for December 23, 1966, the Federal Aviation Agency published proposed regulations which would designate a part time 700-foot floor transition area over Sussex Airport, Sussex, N.J.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., April 27, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on January 30, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part-time 700-foot-floor transition area for Sussex Airport, Sussex, N.J., as follows:

SUSSEX, N.J.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°12'00" N., 74°37'25" W.) of Sussex Airport, Sussex, N.J.; within 2 miles each side of the Sparta, N.J. VOR 334° radial extending from the 5-mile radius area to the VOR; within 2 miles each side of the centerline of Runway 3 extended to 9 miles NE of the end of the runway; within 2 miles each side of the centerline of Runway 21 extended to 10 miles SW of the end of the runway; within 2 miles each side of the centerline of Runway 26 extended to 12 miles W of the end of the runway; within 2 miles each side of the centerline of Runway 8 extended to 10 miles E of the end of the runway, excluding the portion within the Andover, N.J., 700-foot-floor transition area. This transition area shall be in effect from sunrise to sunset daily.

[F.R. Doc. 67-2466; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-85]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 15242 of the FEDERAL REGISTER for December 6, 1966, the Federal Aviation Agency published proposed regulations which would alter the Chicopee Falls, Mass., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. March 30, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on January 30, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add in the description of the Chicopee Falls, Mass., transition area after the words, "Barnes Airport, Westfield, Mass.," the phrase, "and within 8 miles west and 5 miles east of the Westfield, Mass., 009° radial extending from the VOR, to 12 miles north of the VOR."

[F.R. Doc. 67-2467; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 14558 of the FEDERAL REGISTER for November 15, 1966, the Federal Aviation Agency published proposed regulations which would alter the Wilmington, Del. 700-foot floor transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., April 27, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on January 30, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Wilmington, Del., 700-foot floor transition area by inserting after the phrase, "New Castle, Del., VORTAC 278° radial extending from the 7-mile radius area to 8 miles west of the VORTAC.", the phrase, "within a 4-mile radius of the center (39°31'20" N., 75°-43'25" W.) of Summit Airpark Airport; and within 2 miles each side of the New Castle, Del., VORTAC 207° radial extending from the Summit Airpark 4-mile radius area to the VORTAC."

[F.R. Doc. 67-2470; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-86]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 14992 of the FEDERAL REGISTER for November 29, 1966, the Federal Aviation Agency published proposed regulations which would designate a part-time 700-foot floor transition area over Oneonta Municipal Airport, Oneonta, N.Y.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., April 27, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y. on January 30, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part time 700-foot floor transition area for Oneonta, N.Y., as follows:

ONEONTA, NEW YORK

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (42°31'26" N., 75°03'56" W.), of Oneonta Municipal Airport, Oneonta, N.Y.; and within 2 miles each side of the Rockdale VOR 066° radial, extending from the 5-mile radius area to the Rockdale VOR, excluding the portion within the Sidney, N.Y. transition area. This transition area shall be effective from sunrise to sunset, daily.

[F.R. Doc. 67-2471; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Agency is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Laconia, N.H., 700-foot floor transition area.

The Laconia, N.H., ADF final approach course predicated on the Laconia radio beacon has been altered from the 263° magnetic bearing to 267° magnetic bearing from the radio beacon requiring a 4-degree change in the transition area. Additionally, Coast and Geodetic Survey has refined the geographical position of the airport.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and it may be made effective in less than 30 days.

In view of the foregoing, the amendment is hereby adopted effective 0001 e.s.t., April 27, 1967 as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Laconia, N.H., 700-foot floor transition area the coordinates, "(43°34'24" N., 71°25'30" W.)" and the phrase, "within 2 miles each side of the 247° bearing from the Laconia RBN" and insert in lieu thereof the coordinates, "(43°34'30" N., 71°25'25" W.)" and the phrase, "within 2 miles each side of the 251° bearing from the Laconia RBN.", respectively.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on February 2, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 67-2472; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 67-EA-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The Federal Aviation Agency is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Cooperstown Airport, Cooperstown, N.Y., 700-foot floor transition area.

Due to the cancellation of the instrument approach procedure to Cooperstown, N.Y., Airport, there is no requirement for the transition area.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, the amendment is hereby adopted effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Cooperstown, N.Y., 700-foot floor transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on February 2, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 67-2473; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 15545 of the FEDERAL REGISTER for December 9, 1966, the Federal Aviation Agency published proposed regulations which would designate a 700-foot floor transition area over Hershey Air Park, Hershey, Pa.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., April 27, 1967.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on February 1, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Hershey, Pa., described as follows:

HERSHEY, PA.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center (40°17'35" N., 76°39'40" W.) of Hershey Air Park Airport, Hershey, Pa.; and within 2 miles each side of the Runway 8 centerline extended from the 4-mile radius area to 5 miles east of the end of the runway, excluding that portion which coincides with Harrisburg, Pa., transition area. This transition area shall be effective from sunrise to sunset, daily.

[F.R. Doc. 67-2474; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 66-EA-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 14557 and 14558 of the FEDERAL REGISTER for November 15, 1966, the Federal Aviation Agency published proposed regulations which would alter the Columbus, Ohio, 700-foot floor transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., April 27, 1967, except as follows:

1. Amend Item 1 of the notice of proposed rule making so as to delete the coordinates "(40°04'30" N., 83°04'15" W.)" and insert in lieu thereof the coordinates "(40°04'47" N., 83°04'54" W.)"

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on February 2, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Columbus, Ohio, 700-foot floor transition area by inserting after the phrase, "of Anchor Hocking Airport, Lancaster, Ohio;", the phrase, "within a 6-mile radius of the center, (40°04'45" N., 83°04'20" W.), of Ohio State University Airport; within 2 miles each side of the Ohio State University RBN (40°04'47" N., 83°04'54" W.) 273° bearing extending from the Ohio State University 6-mile radius area to 8 miles W of the RBN;".

[F.R. Doc. 67-2475; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 66-EA-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 14408 of the FEDERAL REGISTER for November 9, 1966, the Federal Aviation Agency published proposed regulations which would designate a part-time 700-foot floor transition area for Wurtsboro, N.Y.

Interested parties were given 30 days after publication in which to submit written data or views. AOPA had submitted written objection but has subsequently withdrawn any objection to the proposed regulations.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., April 27, 1967, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part-time 700-foot floor transition area for Wurtsboro, N.Y., described as follows:

WURTSBORO, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°35'50" N., 74°27'35" W.) of Wurtsboro Mamakating Airport, Wurtsboro, N.Y.; and within 2 miles each side of the Huguenot, N.Y., VOR 028° radial extending from the 5-mile radius area to the VOR excluding that portion that coincides with the Newburgh, N.Y., Transition Area, effective from sunrise to sunset daily.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on February 15, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 67-2478; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 66-CE-93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On December 13, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 15703) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Ashland, Wis., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was from the Air Transport Association. The Association offered no objection to the proposal provided that adequate communications exist between the controlling facility and IFR arrivals/departures at the John F. Kennedy Memorial Airport, Ashland, Wis., so as not to unduly penalize other airspace movements within the area. The Federal Aviation Agency has determined that such adequate communications do exist.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148), the following transition area is added:

ASHLAND, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of John F. Kennedy Memorial Airport (latitude 46°32'55" N., longitude 90°55'00" W.) and within 2 miles each side of the 208° bearing from John F. Kennedy Memorial Airport, extending from the 5-mile radius area to 8 miles SW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 208° bearing from John F. Kennedy Memorial Airport extending from the airport to 12 miles SW of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on February 17, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-2480; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 66-CE-91]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On December 6, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 15243) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Zionsville, Ind., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. No comments were received.

Subsequent to the issuance of the subject Notice, the Federal Aviation Agency has determined that, based on current instrument approach procedure criteria, the transition area extension designated in the proposed Zionsville, Ind., transition area is not required and, consequently, will be eliminated in this final rule.

Since this change is less restrictive in nature and imposes no additional burden on any person, further notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148), the following transition area is added:

ZIONSVILLE, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Terry Memorial Airport (latitude 40°02'05" N., longitude 86°15'00" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on February 17, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-2481; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 67-EA-10]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the time of designation of Restricted Area R-2801, Bethany Beach, Del., and to designate Salisbury Flight Service Station (Federal Aviation Agency) as Controlling Agency.

The U.S. Army has concurred in a Federal Aviation Agency proposal that Restricted Area R-2801 be activated by NOTAM 48 hours in advance of actual requirements rather than on a continuous basis during specified periods.

Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER as hereinafter set forth.

In § 73.28 (32 F.R. 2303), Restricted Area R-2801, Bethany Beach, Del., is amended as follows:

a. Change time of designation to read: "By NOTAM 48 hours in advance during the following periods: June 1 through September 30, 0800-2000 local time, Monday through Friday; October 1 through May 31, 0800-1600 local time, Saturdays and Sundays."

b. Add: "Controlling Agency. Federal Aviation Agency, Salisbury, Md., Flight Service Station."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on February 28, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-2499; Filed, Mar. 6, 1967; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 2—PROCEDURES FOR HANDLING AND SETTLEMENT OF CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

The following regulations were issued by the Secretary of Commerce effective January 18, 1967, as Department Order 70.

Part 2, Subtitle A, Title 15 of the Code of Federal Regulations (24 F.R. 3184 of Apr. 24, 1959, and 24 F.R. 9306 of Nov. 18, 1959) is revised in its entirety to read as follows:

Sec.
2.1 Purpose.
2.2 Provisions of law.
2.3 Delegation of authority.
2.4 Procedure for filing claims.
2.5 Adjudication and settlement of claims.
2.6 Payment of claims.
2.7 Annual report.
2.8 Supplementary regulations.

Appendix A—Procedure for handling and settlement of claims under the Federal Tort Claims Act accruing on or before January 18, 1967

AUTHORITY: The provisions of this Part 2 issued under sec. 2672, 62 Stat. 983, as amended; 28 U.S.C. 2672.

§ 2.1 Purpose.

(a) The purpose of this part is to delegate authority to settle or deny claims under the Federal Tort Claims Act (in part, 28 U.S.C. 2671-2680) as amended by Public Law 89-506, 80 Stat. 306, and to establish procedures for the administrative adjudication of such claims accruing on or after January 18, 1967.

(b) Appendix A of this part delegates authority to settle or deny claims under the Federal Tort Claims Act (in part, 28 U.S.C. 2671-2680) and establishes procedures for the administrative adjudication of claims accruing on or before January 17, 1967.

§ 2.2 Provisions of law and regulations thereunder.

(a) Section 2672 of Title 28, U.S. Code, as above amended, provides that:

The head of each Federal agency or his designee, in accordance with regulations prescribed by the Attorney General, may consider, ascertain, adjust, determine, compromise, and settle any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred: *Provided*, that any award, compromise, or settlement in excess of $25,000 shall be effected only with the prior written approval of the Attorney General or his designee.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award, compromise, settlement, or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

Any award, compromise, or settlement in an amount of $2,500 or less made pursuant to this section shall be paid by the head of the Federal agency concerned out of appropriations available to that agency. Payment of any award, compromise, or settlement in an amount in excess of $2,500 made pursuant to this section or made by the Attorney General in any amount pursuant to section 2677 of this title shall be paid in a manner similar to judgments and compromises in like causes and appropriations or funds available for the payment of such judgments and compromises are hereby made available for the payment of awards, compromises, or settlements under this chapter.

The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

(b) Subsection (a) section 2675 of said Title 28 provides that:

An action shall not be instituted upon a claim against the United States for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail. The failure of an agency to make final disposition of a claim within 6 months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of this section. The provisions of this subsection shall not apply to such claims as may be asserted under the Federal Rules of Civil Procedure by third party complaint, crossclaim, or counterclaim.

(c) Section 2678 of said Title 28 provides that no attorney shall charge fees in excess of 25 percent of a judgment or settlement after litigation, or over 20 percent of administrative settlements.

(d) Section 2679 of said Title 28 provides that tort remedies against the United States by reason of operation by any Government employee of a motor vehicle while acting within the scope of his employment shall be exclusive of any other action against the employee.

(e) Section 2401(b) of said Title 28 provides that:

A tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within 2 years after such claim accrues or unless action is begun within 6 months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented.

(f) The Tort Claims Act as amended provides that it shall apply to claims accruing 6 months or more after date of enactment (date of enactment, July 18, 1966).

(g) Pursuant to section 2672 as amended, the Attorney General has issued regulations (herein referred to as "the Regulations"; 28 CFR Part 14) prescribing standards and procedures for settlement of tort claims (31 F.R. 16616). Persons delegated authority under this part shall follow and be guided by such Regulations (28 CFR Part 14).

§ 2.3 Delegation of authority.

(a) The following are hereby named as designees of the Secretary of Commerce with respect to tort claims filed under section 2672 of Title 28, U.S. Code, as described in § 2.2, with authority to act on such claims as provided in said section 2672, including denial thereof:

(1) The Assistant Secretary of Commerce for Administration for the Office of the Secretary, and Secretarial Officers for constituent operating units (as defined in Department Order 83) reporting to them; and

(2) The head of each primary operating unit, for his unit.

(b) Authority delegated under this section may, with the approval of the Assistant Secretary for Administration, be redelegated to other designees.

(c) Any proposed settlement of a tort claim for an amount exceeding $5,000, and any proposed denial of a claim made for more than $5,000, shall be subject to review and approval by the Assistant Secretary for Administration, and no such settlement or denial shall be made without such approval: *Provided, however*, That the Assistant Secretary for Administration may permit any unit to settle or deny claims for amounts not to exceed $10,000 without such review and approval.

(d) Settlement or denial of any claim under this part is final for the Department of Commerce.

(e) No action with respect to any tort claim regardless of amount shall be taken without prior legal review and approval by the General Counsel of the Department or his designee.

§ 2.4 Procedure for filing claims.

(a) The procedure for filing and the contents of claims shall be pursuant to §§ 14.2, 14.3, and 14.4 of the Regulations (28 CFR Part 14).

(b) Claims shall be filed with the Assistant Secretary for Administration, Department of Commerce, Washington, D.C. 20230.

(c) If a claim is filed elsewhere in the Department, it shall immediately be recorded and transmitted to the Assistant Secretary for Administration.

§ 2.5 Adjudication and settlement of claims.

(a) Upon receipt of a claim, the time and date of receipt shall be recorded. If such claim involves a unit other than one for which the Assistant Secretary for Administration is responsible under paragraph (a) of § 2.3, he shall, after recording of such claim, transmit it to the head of such unit, who shall in turn transmit it to the appropriate official of his unit. The appropriate official shall

prepare a file, make or cause such investigation to be made, and obtain such information as necessary. If the investigative facilities of the unit are insufficient for a proper and complete investigation, such unit shall consult with the departmental Office of Investigations and Security with a view to (1) having such office conduct the investigation or (2) requesting another Federal agency to conduct such investigation as necessary, pursuant to § 14.8 of the Regulations (28 CFR Part 14), all on a reimbursable basis.

(b) If the amount of the proposed award exceeds $25,000 (in which case, approval by the Attorney General is required), or if consultation with the Department of Justice is desired or required pursuant to § 14.6 of the Regulations, the unit involved will prepare and compile the material required by the Department of Justice under § 14.7 of the Regulations (28 CFR Part 14) and submit such material to the General Counsel of the Department for consultation with or referral to the Department of Justice.

(c) Denial of a claim shall be communicated as provided by § 14.9 of the Regulations (28 CFR Part 14).

(d) Designees hereunder are responsible for the control over and expeditious handling of claims, bearing in mind the applicable statutory time limitations for adjudications of claims.

§ 2.6 Payment of claims.

When an award is made, the file on the case shall be transmitted to the appropriate fiscal office for payment by the Department or for transmittal for payment as prescribed by § 14.10 of the Regulations (28 CFR Part 14). Prior to payment appropriate releases shall be obtained, as provided in said section.

§ 2.7 Annual report.

Designees hereunder shall compile a report for their respective areas covering the preceding fiscal year, describing actions, including denials, taken under this part, name of claimant, amount claimed, amount of any award, and a brief description of the claim. The report shall be filed by August 15 of each year, one copy to be submitted to the Assistant Secretary for Administration and one to the General Counsel of the Department.

§ 2.8 Supplementary regulations.

(a) The Assistant Secretary for Administration may from time to time issue such supplementary regulations or instructions as he deems appropriate to carry out the purpose of this part.

(b) Any designee mentioned in paragraph (a) of § 2.3 may issue regulations or instructions covering his area of responsibility hereunder which are consistent with this part and with those issued under paragraph (a) of this section, such regulations and instructions to be approved by the Assistant Secretary for Administration and the General Counsel.

Dated: March 2, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

APPENDIX A—PROCEDURES FOR HANDLING AND SETTLEMENT OF CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT ACCRUING ON OR BEFORE JANUARY 17, 1967

A. Purpose:

The purpose of this Appendix A to Part 2, is to delegate authority to settle claims for personal injury or property damage under the Federal Tort Claims Act (28 U.S.C. 2671–80) and to establish procedures for the adjudication of such claims accruing on or before January 17, 1967.

B. Provisions of law:

1. Title 28 U.S.C., section 2672, provides:

"(a) The head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, may consider, ascertain, adjust, determine, and settle any claim for money damages of $2,500 or less against the United States accruing on and after January 1, 1945, for injury or loss of property or personal injury or death caused by the negligent wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

"(b) Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

"(c) Any award made pursuant to this section, and any award, compromise, or settlement made by the Attorney General pursuant to section 2677 of this title, shall be paid by the head of the Federal agency concerned out of appropriations available to such agency.

"(d) The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter."

2. Under Title 28, section 2401(b), it is provided in part that a claim not exceeding $2,500 must be presented in writing within 2 years after the claim accrues.

3. Title 28, Section 2678, of the act provides in part as follows:

"* * * the head of the Federal agency or his designee making an award pursuant to section 2672 of this title * * * may, as a part of such judgment, award, or settlement, determine and allow reasonable attorney fees, which, if the recovery is $500 or more, shall not exceed 10 per centum of the amount recovered under section 2672 of this title * * * to be paid out of but not in addition to the amount of judgment, award, or settlement recovered, to the attorneys representing the claimant."

C. Delegation of authority for adjudication and settlement of claims:

1. The head of each primary operating unit is hereby authorized to exercise with respect to claims authorized to be considered, ascertained, adjusted, determined, and settled under sections 2672 and 2678 of Title 28, in accordance with sections D and E of this Appendix, all authority vested in the Secretary of Commerce by said sections. The General Counsel of the Department of Commerce is authorized to exercise such authority with respect to claims arising out of the wrongful acts or omissions of any employees of the constituent units of the Office of the Secretary.

2. The authority delegated under paragraph 1 of this section may be redelegated to such officers of the primary operating units and of the Office of the General Counsel as the heads thereof may deem appropriate.

3. The adjudication and settlement of any claim in accordance with the provisions of this Appendix constitutes final action in the case insofar as the Department of Commerce is concerned and no further review in the Department may be obtained.

D. Procedure for making claims:

1. Claims may be filed with the primary operating unit involved or in any of its field offices, or with the Office of the General Counsel where a constituent unit of the Office of the Secretary is involved.

2. A claim may be filed by the individual or firm sustaining injury or damages in his or its own right or by an attorney.

3. Claims shall be filed on Standard Form No. 95, "Claim for Damage or Injury." The file in each claim should also include a statement of the employee involved and statements of any witnesses. This evidence should be supported by any other documentary evidence that will be helpful in adjudicating the claims.

E. Adjudication and settlement of claims:

1. Upon receipt of a claim the date of receipt shall be made a matter of record. After recording, the claim will be forwarded to appropriate legal counsel for review of the evidence and recommended disposition, including amount of award, if any, and attorneys' fees. When deemed necessary, additional evidence or investigation of the facts in any given case may be requested. Claims involving unusual or novel questions of law may be submitted to the General Counsel of the Department for consideration and recommendation.

2. The officer to whom authority is delegated to settle tort claims shall make the final determination as to whether or not an award shall be made in each case, and, if an award is to be made, the amount of the award, and the amount to be allowed for attorneys' fees.

F. Payment of claims:

When an award is made, the file on the case will be transmitted to the appropriate fiscal office for payment out of funds appropriated, or to be appropriated, for the purpose. Prior to the payment of any claim which is administratively settled, there shall be obtained from the claimant or claimants a release stating that the award or settlement is final and conclusive and constitutes a complete release by the claimant of any claim against the United States and against the employee of the Government arising out of the circumstances which resulted in the claim.

G. Annual report:

An annual report shall be submitted by each primary operating unit, and the General Counsel to the Office of Administrative Services by August 15 of each year covering the preceding fiscal year and showing, with respect to each claim settled, the name of each claimant, the amount claimed, and the amount of any award, and a brief description of the claim.

[F.R. Doc. 67-2509; Filed, Mar. 6, 1967; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 518—RECORDS AND REPORTS

Supply of Maps to the General Public

A new § 518.10 is added, relating to the supply of maps to the general public, as follows:

§ 518.10 Supply of maps to the general public.

(a) The sale or distribution of unclassified maps and related materials to individuals and commercial firms is incidental to the primary function of the Army. When requests for maps and related material are received, the following criteria for sale or release will apply:

(1) Material supplied will contain no copyright data.

(2) Maps of foreign areas supplied will be at a scale of 1:500,000 and smaller except as provided in subparagraph (3) of this paragraph.

(3) Unclassified maps of foreign areas at a scale larger than 1: 500,000 but smaller than 7: 75,000 may be supplied when considered in the best interests of the United States subject to third-nation restrictions. Questionable cases will be referred to the Chief of Engineers, Department of the Army, or appropriate oversea command. All materials so released will contain an appropriate note restricting its use to the individual or firm concerned.

(4) Suitable materials are not available through commercial organizations or in civil agencies of the Federal Government.

(5) Sale will not deplete stocks below quantity deemed necessary to fulfill requirements of the military services.

(6) Large-scale maps, aerial photographs and geodetic control of foreign areas may be released on a need-to-know basis as determined by the Chief of Engineers or appropriate oversea command subject to third-nation restrictions or desire of nation concerned. All material so released will contain an appropriate note restricting its use to the individual or firm concerned.

(b) A sales list of maps and related material available to the public can be obtained on request to: Army Map Service, Corps of Engineers, 6500 Brooks Lane, Washington, D. C. 20315.

(c) Loan of maps to foreign elements: Exhibit, loan, or supply of domestic or foreign maps or related products to foreign elements including governments, military organizations, commercial firms, individuals, and foreign military or civil students attending U.S. military schools:

(1) Requests will be forwarded directly to the Assistant Chief of Staff for Intelligence, Department of the Army for decision.

(2) Most maps of foreign areas at scales of 1:250,000 or larger are subject to third party agreements. That is, the country originally providing the maps (first party) to the United States (second party) has required an agreement that the map will not be released to any third party without prior consent of the first party.

(3) Domestic maps on the public sale list may be released without approval of the Assistant Chief of Staff for Intelligence, U.S. Army.

[AR 117-5, Feb. 5, 1964] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

C. A. STANFIEL,
Colonel, AGC,
Acting The Adjutant General.

[F.R. Doc. 67-2464; Filed, Mar. 6, 1967; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1171]

PART 13—PROHIBITED TRADE PRACTICES

C. M. Gourdon, Inc., and Charles M. Gourdon

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–30 Flammable Fabrics Act. Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, C. M. Gourdon, Inc., et al., New York, N.Y., Docket C-1171, Feb. 13, 1967]

Consent order requiring a New York City distributor of fabrics to cease importing or selling dangerously flammable fabrics and furnishing false guaranties to its customers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents C. M. Gourdon, Inc., and its officers, and Charles M. Gourdon, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce,

any fabric which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That respondents C. M. Gourdon, Inc., and its officers, and Charles M. Gourdon, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fabric is not so highly flammable as to be dangerous when worn by individuals when respondents have reason to believe such fabric may be introduced, sold, or transported in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 13, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-2495; Filed, Mar. 6, 1967; 8:47 a.m.]

[Docket No. C-1169 o]

PART 13—PROHIBITED TRADE PRACTICES

Procter & Gamble Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [The order of divestiture, the Procter & Gamble Co., Cincinnati, Ohio, Docket C-1169, Feb. 9, 1967]

Consent order requiring the Nation's largest producer of numerous household consumer products with its principal place of business in Cincinnati, Ohio, to divest itself of the Houston, Tex., coffee plant, within 5 years—one of five plants of the J. A. Folger & Co. coffee firm acquired through acquisition in November 1963—and prohibits further acquisitions of household product firms for 7 years without prior approval of the Commission, and to comply with other related provisions of the divestiture order as set forth below:

The order of divestiture, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent, the Procter & Gamble Co. ("Procter"), a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within 5 years from the date of service upon it of this order, shall, unless the period of 5 years is extended by further order of the Commission on application of Procter, divest, absolutely and in good faith, to a purchaser or purchasers approved by the Federal Trade Commission, the coffee plant of the Folger Coffee Co., a subsidiary of Procter, located in Houston, Tex., and all assets, facilities and properties related to the Houston, Tex., coffee plant, which were acquired by Procter as a result of the acquisition of the assets of J. A. Folger & Co., together with all machinery, buildings, improvements, and equipment which have been added to the Houston, Tex., coffee plant since the acquisition and used in the production and sale of coffee together with a freeze dry unit now at the plantsite but not in operation, if the purchaser desires to acquire this unit along with the plant.

II. *It is further ordered,* That none of the assets or properties, described in paragraph I of this order, shall be sold or transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee, or agent of, or under the control or direction of, Procter or any of Procter's subsidiary or affiliated corporations, or owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of common stock of

Procter, or to any purchaser who is not approved in advance by the Federal Trade Commission.

III. *It is further ordered*, That pending divestiture, Procter shall not make or permit any deterioration in the plant, machinery, buildings, equipment, or other property or assets of the Houston, Tex., coffee plant, other than ordinary wear and tear, which may impair present capacity of such plant unless such capacity is restored prior to divestiture.

IV. *It is further ordered*, That Procter, for a period of 7 years from the date of service upon it of this order, shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, the whole, or any part, of the stock or other share capital of any corporation engaged in commerce and in the manufacture, production, sale or distribution of any household consumer product or any assets valued in excess of $25,000 used by such a corporation in the manufacture, production, sale or distribution of any household consumer product in the United States. A household consumer product is any product made for use or consumption in the home and generally sold through the grocery market as defined in the complaint.

V. *It is further ordered*, That Procter, for a period of 10 years from the date of service upon it of this order, shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, any interest in any organization engaged in growing, producing, importing, manufacturing, processing or selling green coffee, regular coffee, soluble coffee or other coffee products in the commerce of the United States or any assets of such organization used in such activities.

VI. *It is further ordered*, That Procter, for a period of 5 years from the date of service upon it of this order, shall cease and desist from the acceptance of discounts or reductions in media rates of any kind on its purchase of advertising for regular coffee, soluble coffee or other coffee products in any media, other than discounts or reductions in rate resulting solely from Procter's purchases of advertising for regular coffee, soluble coffee or other coffee products.

VII. *It is further ordered*, That Procter, for a period of 5 years from the date of service upon it of this order, shall cease and desist from initiating or conducting any type of promotion in which regular coffee, soluble coffee or other coffee product is promoted in conjunction with any of Procter's other products in the same promotion.

VIII. *It is further ordered*, That Procter, for a period of 5 years from the date of service upon it of this order, shall cease and desist from granting or allowing any price discrimination, directly or indirectly, in or in connection with the sale or offering for sale of regular coffee, soluble coffee, or other coffee products to different purchasers unless any different price to a purchaser (a) makes only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such products are to such purchaser sold or delivered, or (b) is granted in good faith to meet an equally low price of a competing seller of such products.

IX. *It is further ordered*, That Procter, having by acquisition succeeded to the business of J. A. Folger & Co., shall accept the responsibilities and duties imposed on J. A. Folger & Co. prior to the acquisition under the cease and desist order in Federal Trade Commission Docket No. 8094 with respect to the offer for sale, sale or distribution of regular coffee, soluble coffee or other coffee products.

X. As used in this order, the word "person" shall include all members of the immediate family of the individual specified and shall include corporations, partnerships, associations and other legal entities as well as natural persons.

XI. *It is further ordered*, That Procter shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the orders to cease and desist as set forth herein. Within such sixty (60) days and every six (6) months thereafter until complete divestiture of the Houston, Tex., coffee plant and facilities is effected, Procter shall file a report in writing with the Commission, detailing its actions, plans and progress in complying with the divestiture provisions of this order, including the name of every person who shall in writing have indicated to Procter a bona fide interest in purchasing said plant. On or before March 31 of each year for a period of 10 years from the date of this order, Procter shall report for that portion of the preceding year this order is in effect: (a) Any stock or share capital of any domestic concern purchased or acquired by Procter, directly or indirectly, and (b) any assets of any domestic concern valued in excess of $100,000 purchased or acquired by Procter, directly or indirectly, except assets purchased or acquired in the normal course of business for use, processing or resale.

Issued: February 9, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-2496; Filed, Mar. 6, 1967; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Sonoma Creek and Mare Island Strait, Napa River, Calif.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.712 is hereby amended with respect to paragraphs (h) (1) and (i) (1) deleting reference to the State of California highway drawbridge across Napa River at Vallejo, Calif., effective on publication in the FEDERAL REGISTER, since the drawbridge has been replaced by a fixed bridge, as follows:

§ 203.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

* * * * *

(h) *Sonoma Creek—(1) State of California highway bridge.* At least 4 hours' advance notice required.

* * * * *

(i) *Mare Island Strait, Napa River, and their tributaries—(1) Department of the Navy bridge (Mare Island Causeway) at Vallejo.* From 7 a.m. to 8 a.m. and from 4:15 p.m. to 5:15 p.m. daily, except Saturdays, Sundays, and holidays, the draw need not be opened for the passage of vessels other than vessels owned, operated, or controlled by the United States.

* * * * *

[Regs., Feb. 3, 1967, 1507-32 (Sonoma Creek and Mare Island Strait, Napa River, Calif.)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

C. A. STANFIEL,
Colonel, AGC,
Acting The Adjutant General.

[F.R. Doc. 67-2465; Filed, Mar. 6, 1967; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8–1—GENERAL

1. Section 8–1.317 is revised to read as follows:

§ 8–1.317 Noncollusive bids and proposals.

(a) The head of a field station, the Assistant Director, Supply Service for Veterans Administration Supply Depots and the Assistant Director, Supply Service for Marketing, are authorized to make the determinations set forth in paragraph (d) of the certification required by FPR 1–1.317(a).

(b) The Assistant Administrator for Construction, Manager, Administrative Services and the Director, Supply Service are authorized to make these determinations for the Central Office purchasing activities under their respective jurisdictions.

PART 8–2—PROCUREMENT BY FORMAL ADVERTISING

2. Section 8–2.205–1 is added to read as follows:

§ 8–2.205–1 Establishment of lists.

Prospective bidders, dealing in commodities for which the procurement activity has a need, and who have submitted a Bidder's Mailing List Application, SF 129, will be added to the bidders mailing list. The submission of a request for proposal, request for quotation, or an invitation to bid will fulfill the requirement of notification to the prospective bidder. If for any reason, the prospective bidder's name is not added to the list, he shall be advised as to the reason why such action has been taken.

3. Section 8–2.205–2 is revised to read as follows:

§ 8–2.205–2 Removal of names from bidders mailing lists.

Except as provided for in FPR 1–2.205–2, no Veterans Administration Contracting Officer, or other employee, shall remove from the bidders mailing list the name of any prospective bidder. This list shall, however, be reviewed annually to assure that it contains only accurate, up-to-date information essential to the proper functioning of a procurement activity.

4. Section 8–2.407–3 is added to read as follows:

§ 8–2.407–3 Discounts.

Invitations for bids or requests for proposals involving a trade-in shall provide that when a prompt payment discount is offered, the discount shall be computed on the gross purchase price.

5. In § 8–2.407–8, that portion of paragraph (b) preceding subparagraph (1) is amended to read as follows:

§ 8–2.407–8 Protests against awards.

* * * * *

(b) *Protests before award.* When a written protest has been lodged with the Contracting Officer, and he considers it desirable to do so, he may obtain the views of the Comptroller General. The submission will be made direct to him and will include the material indicated in FPR 1–2.406 which is pertinent to the protest.

* * * * *

PART 8–3—PROCUREMENT BY NEGOTIATION

6. Section 8–3.401 is revoked.

§ 8–3.401 Types of contracts. [Revoked]

7. In § 8–3.403, paragraphs (b) and (c) are amended, and paragraph (d) is added to read as follows:

§ 8–3.403 Selection of contract type.

* * * * *

(b) Contracts of the type specified in paragraph (a) (2) and (3) of this section will be entered into only when such contracts are clearly shown to be advantageous to the Veterans Administration. The Contracting Officer shall document the contract file to show the specific and compelling reasons for his selection of the particular type contract.

(c) If a contract is made for a period which extends beyond the appropriation of the year in which the contract period begins, a statement shall be incorporated in the contract to the effect that it is made for the period of time covered by the contract, subject to the availability of appropriations in the ensuing fiscal year(s).

(d) Architect-engineer contracts, construction contracts, or professional engineer contracts, financed by "no year appropriations" are not subject to the requirements of paragraph (c) of this section.

8. Section 8–3.405–5 is revised to read as follows:

§ 8–3.405–5 Cost-plus-a-fixed-fee contract.

(a) Contracts of this type may be entered into only after the Contracting Officer has made the determination required by FPR 1–3.302(b). The determination shall be made a part of the contract file.

(b) The amount of the fee to be paid or allowed to a prime contractor or subcontractor under this type of contract shall be negotiated by the Contracting Officer within the statutory limitations set forth in FPR 1–3.405–5(c)(2).

(c) A determination to include in a cost reimbursement type contract, a proviso that will permit an interim payment in excess of 80 percent of the costs incurred, shall be made by the department or staff head concerned.

9. Sections 8–3.606–1 and 8–3.606–3 are revoked.

§ 8–3.606–1 General. [Revoked]

§ 8–3.606–3 Establishment of account. [Revoked]

10. Section 8–3.606–5 is revised to read as follows:

§ 8–3.606–5 Agency implementation.

(a) Blanket purchase arrangements for open market transactions may be made without regard to a limitation of time or dollar amount.

(b) The duplicate and triplicate copies of the VA Form 07–2237, Request, Turn-in and Receipt for Property or Services, requesting the purchase will be used as the receiving report and property voucher for each individual purchase made under these arrangements.

(c) Items procured under blanket purchase arrangements will be analyzed periodically to determine if they can be procured more economically by consolidating requirements and making periodic procurements.

(d) Blanket purchase arrangements made under existing contracts are restricted only to the period covered by the contract.

PART 8–7—CONTRACT CLAUSES

11. In § 8–7.150–4, paragraph (b) is amended to read as follows:

§ 8–7.150–4 Estimated quantities for requirements contracts.

* * * * *

(b) The following clause will be used for general equipment, supplies and services.

ESTIMATED QUANTITIES

As it is impossible to determine the exact quantities that will be required during the contract term, each bidder whose bid is accepted wholly or in part will be required to deliver all articles or services that may be ordered during the contract term, except as he otherwise indicates in his bid and except as otherwise provided herein. Bids will be considered if made with the proviso that the total quantities delivered shall not exceed a certain specified quantity. Bids offering less than 75 percent of the estimated requirement or which provide that the Government shall guarantee any definite quantity, will not be considered. The fact that quantities are estimated shall not relieve the Contractor from filling all orders placed under this contract to the extent of his obligation. Also, the Veterans Administration shall not be relieved of its obligation to order from the Contractor all articles or services that may, in the judgment of the ordering officer, be needed except that in the public exigency procurement may be made without regard to this contract.

When invitations for bids will result in Decentralized Contracts, the following will be included as a part of the above provision:

It is further provided that any item covered by this contract, required for delivery to a Veterans Administration supply depot may at the option of the Veterans Administration be procured without regard to this contract. The bidder or offeror also agrees that any contract made as a result of this invitation for bid or request for proposal will not be mandatory on the Veterans Administration for any purchase transaction of $50 or less; the contractor may, however, at his option accept such orders. Failure to return such orders by mailing or delivering it to the ordering office within 3 working days after receipt, shall indicate acceptance of the order and all provisions of the contract shall apply.

* * * * *

12. In § 8–7.150–8, the clause "Technical Industry Standards" is amended to read as follows:

§ 8–7.150–8 Technical industry standards.

* * * * *

TECHNICAL INDUSTRY STANDARDS

The supplies or equipment required by this invitation for bid or request for proposal must conform to the standards of the ----------[1] and ----------[1] as to----------[2]. The successful bidder or offeror will be required to submit proof that the item(s) he furnishes conforms to this requirement.

This proof may be in the form of a label or seal affixed to the equipment or supplies, warranting that they have been tested in accordance with and conform to the specified standards. The seal or label of any nationally recognized laboratory such as those listed by the National Fire Protection Association, Boston, Mass., in the current edition of their publication "Research on Fire", is acceptable. Proof may also be furnished in the form of a certificate from one of these laboratories certifying that the item(s) furnished have been tested in ac-

cordance with and conform to the specified standards.

13. Section 8–7.150–22 is added to read as follows:

§ 8–7.150–22 Services provided eligible beneficiaries.

The following clause will be included in all contracts covering services provided to eligible beneficiaries:

NONDISCRIMINATION IN SERVICES PROVIDED BENEFICIARIES

The Contractor agrees to provide all services specified in this contract for any person determined eligible by the Chief Medical Director, or his designee, regardless of the race ,creed, color, or national origin of the person for whom such services are ordered. In addition, the contractor warrants that he will not resort to subcontracting as a means of circumventing this provision.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: March 1, 1967.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 67–2503; Filed, Mar. 6, 1967; 8:46 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

[Docket No. 66–31]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Effective Date of Amendments

On October 22, 1966, the Commission published an order in the FEDERAL REGISTER adopting amendments to General Order 4, 46 CFR Part 510, regulating licensed independent ocean freight forwarders. The rules were to be effective 30 days from the date of publication.

On November 14, 1966, a petition for reconsideration and application for postponement of effective date was filed by New York Foreign Freight Forwarders & Brokers Association, Inc. This petition was directed to the rules contained in §§ 510.22(a), 510.23(f), 510.24 (a) and (f), and 510.21(1).

Good cause appearing, the Commission on November 18, 1966, postponed the effective date of amendments of §§ 510.22 (a), 510.23(f), 510.24(a), and 510.24(f) until further order.

National Customs Brokers & Forwarders Association of America and National Association of Secondary Material Industries (not heretofore a party to the proceeding) have also petitioned for reconsideration of certain of the rules. Far East Conference, United States Atlantic and Gulf/Australia-New Zealand Conference, 21 conferences and their member lines represented by the firm of Casey, Lane & Mittendorf, and Hearing Counsel have replied.

The New York Association asks us to reconsider whether we have authority to promulgate the rules in question here. Our report specifically discussed and rejected each point raised by the New York Association concerning our authority. There is no need to reiterate such discussion here. We need only say that sections 43 and 44 of the Shipping Act, 1916, contain authority for the promulgation of these rules.

Reconsideration of the amendment to § 510.22(a) is requested. This amendment would permit ocean carriers to perform free forwarding services to the extent they so specify in their tariffs. Reconsideration is requested in light of our predecessor's decision in Docket No. 765, Freight Forwarder Investigation, Etc., 6 F.M.B. 327, in which the Board found that performance of free forwarding services by common carriers constituted a violation of section 16 of the Act. This finding, however, when considered in light of the circumstances in Docket 765, will not preclude the adoption of this amendment. The practice condemned in Docket 765 involved the performance by carriers of free forwarding services for New York forwarders at certain outports, while refusing to perform similar free forwarding services for the outport forwarders. Such practices resulted in loss of revenue by and discrimination against outport forwarders.

What was condemned in Docket 765 was the practice of affording some persons transportation services at less than established rates. Such a result cannot occur under this amendment. This amendment permits free forwarding services by a carrier only to the extent such free services are established by tariff and are made available on an equal basis to all.

The only reason offered for reconsideration of the amendment to § 510.23(f) is that we lack authority to issue the rule. As stated above, sections 43 and 44 of the Act contain the proper authority.

Reconsideration is requested of the amendment to section 510.24(a) which would require disclosure of the shipper's name on the bill of lading. It is stated that the former rule which required such disclosure on the "line copy" only was sufficient to prevent rebating; a declared purpose of the amendment. It is also suggested that if the purpose of the rule is to facilitate enforcement of dual rate contracts it is improper to attempt to do so through such an unrelated proceeding. The petitions for reconsideration contain nothing to cause us to reconsider this amendment. The best way to prevent unlawful rebating is to discourage secrecy and this amendment will be of great assistance in that respect. This Commission is charged with the duty of policing dual rate contracts and this rule will enable us to better perform that duty. An evidentiary hearing on this matter is requested but it has not been shown what might be gained by such a hearing.

Reconsideration is requested of the amendment to § 510.24(f) which would require carriers to include in their tariffs the rate of compensation to be paid to forwarders. It is suggested that we erred in concluding that section 18 of the Act confers authority to require such information in a carrier's tariff.

The legislative history of the forwarder legislation indicates that Congress intended the Commission to closely scrutinize the payment of compensation. This amendment would accomplish that purpose.

We are also asked to reconsider our decision that any amendment to § 510.21 (1), which defines "beneficial interest," would require legislation by Congress. It is suggested that the "beneficial interest" rule be amended to allow a forwarder to have a lien interest in a shipment. The statute and legislative history bar the adoption of such a rule. Congress in drafting the forwarder legislation specifically deleted a phrase from the definition of "independent ocean freight forwarder" which would have allowed a forwarder to have a lien interest in a shipment. We are bound by that decision.

In view of the foregoing, it is ordered:

1. That the petitions for reconsideration are hereby denied.

2. That the amendments to §§ 510.22 (a), 510.23(f), 510.24 (a) and (f) of Title 46 CFR, published in the FEDERAL REGISTER of October 22, 1966 (31 F.R. 13650), shall become effective 30 days from the date of publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67–2515; Filed, Mar. 6, 1967; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Emergency Equipment on All Power Units

At a session of the Interstate Commerce Commission, Motor Carrier Safety Board, held at its office in Washington, D.C., on the 15th day of February 1967.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations, prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing, that continuing study of accident experience, observations by our staff, and expressions of many informed persons concerned with highway safety, support the need for improved and more effective warning devices to be carried on vehicles for use in event of breakdown or other stopping on or near the traveled portion of highways; that some time will be required for determination of appropriate performance standards for such improved devices, and that in the interim period optional use of a device extensively used in European countries and in some Canadian provinces should be authorized in addition to presently authorized devices.

It appearing, that representations have been made to the Commission to the effect that a traffic hazard warning device in the form of an equilateral triangle with red reflective surfaces affords to drivers a more meaningful indication of a hazard than currently authorized devices; that such triangular devices have been authorized for use in certain countries other than the United States and in some Canadian provinces and, consequently, are recognized as warning devices internationally; and that such triangular devices, made to afford reflective performance equal to or better than that provided by certain reflective materials for which specifications have been published by the Federal Supply Service, General Services Administration, may properly be authorized for optional use at least until such time as more adequate standards for hazard warning devices are promulgated and adopted after prescribed rule making procedures;

It further appearing, that pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) for good cause it is found that notice of proposed rule making is unnecessary;

Upon consideration of the record and good cause appearing therefor:

It is ordered, That paragraphs (f), (g), (h), and (i) of § 193.95 of Title 49, Code of Federal Regulations be, and they are hereby amended to read as follows:

§ 193.95 Emergency equipment on all power units.

On every bus, truck, truck-tractor, and every driven vehicle in driveaway-towaway operation, there shall be:

* * * * *

(f) *Warning devices for stopped vehicles.* Except as provided in paragraph (g) of this section, one of the following combinations of warning devices:

(1) Three liquid burning emergency flares which satisfy the requirements of SAE Standard J597, "Liquid Burning Emergency Flares," and three fusees and two red flags; or

(2) Three electric emergency lanterns which satisfy the requirements of SAE Standard J596, "Electric Emergency Lanterns," and two red flags; or

(3) Three red emergency reflectors which satisfy the requirements of paragraph (i) of this section, and two red flags; or

(4) Three red emergency reflective triangles which satisfy the requirements of paragraph (h) of this section.

(g) *Flame producing devices prohibited on certain vehicles.* Liquid burning emergency flares, fusees, oil lanterns, or any signal produced by a flame shall not be carried on any motor vehicle transporting explosives, Class A or Class B; any cargo tank motor vehicle used for the transportation of flammable liquids or flammable compressed gas whether loaded or empty; or any motor vehicle using compressed gas as a motor fuel.

(h) *Requirements for red emergency reflective triangle.* (1) Each reflector shall be a collapsible equilateral triangle, with legs not less than 17 inches long and not less than 2 inches wide, with reflective material covering the exposed leg surface, front and back. The reflective surface, front and back, shall be approximately parallel. When placed in position, one point of the triangle shall be upward. The area within the sides of the triangle shall be open.

(2) Reflective material: The reflecting material covering the legs of the equilateral triangle shall comply either with:

(i) The requirements for reflex-reflector elements made of red methyl-methacrylate plastic material, meeting the color, sealing, minimum candlepower, wind test, vibration test, and corrosion resistance test of sections 3 and 4 of Federal Specification RR–R–1185, dated November 17, 1966, or

(ii) The requirements for red reflective sheeting of Federal Specification L–S–300, dated September 7, 1965, except that the aggregate candlepower of the assembled triangle, in one direction, shall be not less than 8 when measured at 0.2 degrees divergence angle and —4 degrees incidence angle, and not less than 80 percent of the candlepower specified for 1 square foot of material at all other angles shown in Table II, Reflective Intensity Values, of L–S–300.

(3) Reflective surfaces alignment: Every reflective triangle shall be so constructed that, when the triangle is properly placed, the reflective surfaces shall be in a plane perpendicular to the plane of the roadway surface with a permissible tolerance of ±10°. Reflective triangles which are collapsible shall be provided with means for holding the reflective surfaces within the required tolerance. Such holding means shall be readily capable of adjustment without the use of tools or special equipment.

(4) Reflectors, mechanical adequacy: Every reflective triangle shall be of such weight and dimensions as to remain stationary when subjected to a 40-mile per hour wind when properly placed on any clean, dry paved road surface. The reflective triangle shall be so constructed as to withstand reasonable shocks without breakage.

(5) Reflectors, incorporation in holding device: Each set of reflective triangles shall be adequately protected by enclosure in a box, rack, or other adequate container specially designed and constructed so that the reflectors may be readily extracted for use.

(6) Certification: Every red emergency reflective triangle designed and constructed to comply with these requirements shall be plainly marked with the certification of the manufacturer that it complies therewith.

(i) *Requirements for red emergency reflectors.* Each red emergency reflector shall conform in all respects to the following requirements:

(1) Reflecting elements required: Each reflector shall be composed of at least two reflecting elements or surfaces on each side, front and back. The reflecting elements, front and back, shall be approximately parallel.

(2) Reflecting elements to be Class A: Each reflecting element or surface shall meet the requirement for a red Class A reflector contained in the SAE Recommended Practice[1] "Reflex Reflectors." The aggregate candlepower output of all the reflecting elements or surfaces in one direction shall not be less than 12 when tested in a perpendicular position with observation at one-third degree as specified in the Photometric Test contained in the above-mentioned Recommended Practice.

* * * * *

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That this order shall become effective April 1, 1967, and continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to motor carriers and the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Safety Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–2519; Filed, Mar. 6, 1967; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1063, 1070, 1078, 1079]

[Docket Nos. AO 105-A24, AO 229-A15, AO 272-A10, AO 295-A12]

MILK IN QUAD CITIES-DUBUQUE, CEDAR RAPIDS-IOWA CITY, NORTH CENTRAL IOWA, AND DES MOINES, IOWA, MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cedar Rapids, Iowa, on December 8, 1966, pursuant to notices thereof issued on October 25, 1966 (31 F.R. 13864), and November 8, 1966 (31 F.R. 14523).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on February 3, 1967 (32 F.R. 2644; F.R. Doc. 67-1509) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 2644; F.R. Doc. 67-1509) are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to the Class II price.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

The Class II price. The Class II price in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, orders should be established at the level of the basic formula price for the month. The basic formula price in these four orders is the average price per hundredweight paid for manufacturing grade milk in Minnesota and Wisconsin as reported by the U.S. Department of Agriculture, adjusted to a 3.5 percent butterfat test.

The Class II price in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, and North Central Iowa orders is now the average reported basic paying prices at four milk manufacturing plants in Illinois and Iowa (herein referred to as the local condensery price). In the Des Moines order, the Class II price is the higher of the above described local condensery price or a formula price based on the market prices of butter and nonfat dry milk. The butter-nonfat dry milk formula has been the effective formula in only 1 month during the past 4 years.

The present pricing provisions are no longer appropriate as a basis for determining Class II prices under these four orders. The number of local condensery plants reporting prices has dwindled from 12 to 4; of the 4 remaining plants 3 are operated by the same company. Further, the reported prices at these plants do not include all payments for milk such as premiums paid for bulk tank milk.

Producers and handlers proposed that prices paid at manufacturing plants in Wisconsin and Minnesota be used in establishing the Class II prices under these four orders. There was no opposition to the use of this price series. There was disagreement, however, regarding the inclusion of an alternative Class II pricing formula in the orders. One cooperative association representative urged that the monthly Class II prices be based on the present Class II price formula in the Des Moines order whenever such formula yields a higher price than the Minnesota-Wisconsin price series.

Handlers, on the other hand, argued that the monthly Class II prices should be based solely on the Minnesota-Wisconsin price series. However, they testified that if an alternative formula is to be considered, it should be similar to the one in the Indianapolis market. The Class II price formula in the Indianapolis order provides that the Class II price be based on the Minnesota-Wisconsin series but may not exceed by more than 10 cents a butter-nonfat dry milk formula. For October 1966, the Indianapolis Class II price, which was based on the butter-nonfat dry milk formula, was $4.02 per hundredweight for 3.5 percent milk while the Minnesota-Wisconsin price was $4.26.

The Minnesota-Wisconsin price series is representative of prices paid to dairy farmers for about one-half of the manufacturing grade milk sold in the United States. There are many plants in these States which are competing for such milk supplies. This price series reflects a price level determined by competitive conditions which are affected by demand in all the major uses of manufactured dairy products. Further it reflects the supply and demand for manufactured dairy products within a highly coordinated marketing system which is national in scale. Milk products that are manufactured from the excess milk in these four Iowa markets compete within this system. Using the Minnesota-Wisconsin price series to determine Class II prices under these four orders would yield an appropriate Class II price level in each of these markets.

For the year ending November 30, 1966, this would have obtained an average Class II price of $3.86; the actual Class II price under these four orders in the same 12 months averaged $3.83.

Representatives of two cooperative associations stated that their associations receive a price in excess of the present Class II price for milk they sell for manufacturing purposes. Further, three Iowa manufacturing plants to which excess milk is moved from some of these four markets have consistently paid higher prices for manufacturing grade milk than the Class II prices computed under the present formulas. Prices at these three manufacturing plants have been about equal to or above the Minnesota-Wisconsin price series.

No alternative Class II price formula should be provided in the orders. As set forth above, the Minnesota-Wisconsin price series reflects the supply and demand conditions in a marketing system which is national in scope. Also, plants regulated under these four Iowa orders must compete within this system and such plants are located in relatively close proximity to manufacturing plants in the States of Minnesota and Wisconsin. Any significant variation in prices between plants regulated under these four orders and prices in Minnesota and Wisconsin would have a direct bearing upon the competitive position of the plants regulated under these orders in the national market. Accordingly, the Class II prices under each of these four orders should be based solely upon the Minnesota-Wisconsin price series. Therefore, the proposals to provide an alternative Class II price formula in the orders are denied.

The Minnesota-Wisconsin price series, which is the basic formula used in most Federal orders for determining Class I prices, has also gained wide acceptance in various orders as a formula for pricing milk used for manufacturing purposes. This formula is used for such purpose in 39 other Federal orders, including the nearby orders of Central Illinois, Rock River Valley, and Madison, Wis. Utilizing it in these Iowa orders will tend to obtain a Class II price level consistent with that prevailing in other markets and will assure an equitable return to producers for Class II milk.

Proposals were contained in the notice of hearing which would have used the average monthly prices reported to have been paid to farmers for bulk tank milk received at seven manufacturing plants in Illinois and Iowa as an alternative in determining the Class II prices. Proponents abandoned these proposals. Since they were not supported at the hearing, no further consideration of these proposals is warranted on this record.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing Agreements and Orders

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, Marketing Areas," and "Order Amending the Orders Regulating the Handling of Milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, Marketing areas," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of Representative Period

The month of January 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, marketing areas, is approved or favored by producers, as defined under the terms of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Referendum Order; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Mr. E. H. McGuire is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (30 F.R. 15412), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on March 1, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order [1] Amending the Orders Regulating the Handling of Milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, Marketing Areas

§ ____.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said orders as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the orders as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders as hereby amended, regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, marketing areas shall be in conformity to and in com-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

pliance with the terms and conditions of the aforesaid orders, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the orders contained in the recommended decision issued by the Deputy Administrator, on February 3, 1967, and published in the FEDERAL REGISTER on February 8, 1967 (32 F.R. 2644; F.R. Doc. 67-1509) shall be and are the terms and provisions of these orders, and are set forth in full herein.

Amendment to Quad Cities-Dubuque order. Section 1063.50(c) is revised to read as follows:

§ 1063.50 Basic formula and class prices.

* * * * *

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

Amendment to Cedar Rapids-Iowa City order. Section 1070.50(c) is revised to read as follows:

§ 1070.50 Basic formula and class prices.

* * * * *

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

Amendment to North Central Iowa order. Section 1078.50(c) is revised to read as follows:

§ 1078.50 Basic formula and class prices.

* * * * *

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

Amendment to Des Moines, Iowa, order. Section 1079.50(c) is revised to read as follows:

§ 1079.50 Basic formula and class prices.

* * * * *

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

[F.R. Doc. 67-2531; Filed, Mar. 6, 1967; 8:51 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 531]

DOMESTIC AIR TRANSPORTATION

Air Carriers' Responsibilities and Handling of Mail

Notice is hereby given of proposed rule making consisting of proposed amendments to Part 531 of Title 39, Code of Federal Regulations. One proposed amendment to § 531.3(g)(2) will show that changes to existing airmail schedules must be filed with the Department not less than 10 days prior to the effective date, except that not less than 20 days must elapse for processing major time changes. Another proposed amendment to § 531.3(g)(3) would extend the procedure for designating airmail flights now applicable to local service carrier flights to all flights. A third proposed amendment would add a new paragraph (d)(4) to § 531.5 showing that when irregular operations occur, airmail is to be dispatched to the best advantage, and if two carrier routing has advantage over holding for single carrier, then two carrier dispatch will be used.

Although the procedures in 39 CFR Part 531 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003), in order that patrons of the Postal Service may have an opportunity to comment on the proposed amendments. Written data, views, and arguments may be filed with the Director, Air Transportation Branch, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, the proposed amendments to Part 531 read as follows:

§ 531.3 Air carriers' responsibilities.

* * * * *

(g) *For preparing and submitting schedules.* * * *

(2) *Submission.* (i) Air carriers shall submit with proposed new schedules a brief explanatory letter or cover sheet detailing proposed changes.

(ii) Copies of changes to existing schedules must be filed with the Post Office Department, Air Transportation Branch, Bureau of Transportation and International Services, Washington, D.C. 20260, not less than 10 days prior to effective date, except not less than 20 days must elapse for processing major time changes. The date of filing will be the date of receipt by the Air Transportation Branch.

(iii) Air carriers shall distribute copies of proposed new schedules or changes to existing schedules as follows:

(*a*) Two copies to Air Transportation Branch.

(*b*) One copy to transportation division in each region concerned.

(c) States-Alaska and Inter-Alaska air carriers must send one copy to the Director, Transportation Division, Post Office Department, Post Office Box 9000, Seattle, Wash. 98109.

(3) *Designation of service.* The Transportation Division will advise the Air Transportation Branch of all flights that are not needed for the transportation of mail. The Air Transportation Branch will notify the air carriers of flights designated for transportation of the mail.

* * * * *

NOTE: The corresponding Postal Manual sections are 531.372 and 531.373 respectively.

§ 531.5 Handling of mail.

* * * * *

(d) *Disposition of mail—cancelled or irregular flights.* * * *

(4) When irregular operations occur, dispatch airmail to best advantage. If two carrier routing has advantage over holding for single carrier, use the two carrier dispatch.

* * * * *

NOTE: The corresponding Postal Manual section is 531.54.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

MARCH 2, 1967.

[F.R. Doc. 67-2502; Filed, Mar. 6, 1967; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[45 CFR Part 308]

MERGERS OF FEDERAL CREDIT UNIONS

Notice of Proposed Rule Making

Notice is hereby given that the regulation set forth below in tentative form is proposed to be prescribed by the Director of the Bureau of Federal Credit Unions with the approval of the Commissioner of Social Security and the Secretary of Health, Education, and Welfare.

Section 308.4 *Approval by members* is amended by addition of a clause which provides that a plan for merger of two or more credit unions, one or more of which are Federal credit unions, must be approved by a majority of the members of each of the Federal credit unions involved who have cast their votes at a membership meeting or filed written ballots within 30 days following the meeting.

Under the present regulation, such a plan requires the affirmative vote of a majority of all of the members of each of the Federal credit unions involved. This requirement works a hardship on many Federal credit unions, especially those serving military groups or other widely scattered fields of membership, which find it practically impossible to get a majority of all members to respond to a proposal, because many of the members are overseas and are not particularly concerned about which credit union serves them.

Liberalizing the regulation to require merely a majority vote of the members of each credit union who cast their votes at a membership meeting or by written ballot within 30 days of the meeting will provide an adequate opportunity for all members to make their wishes known. Moreover, when a majority of those who do respond, vote in the affirmative, it can be assumed that the vote is representative of the wishes of the rest of the members as well. Any member who is opposed to the merger will have the same opportunity that he now has to vote against the merger.

For the above reasons, we believe that the proposed amendment is in the best interests of both the members and the credit unions concerned.

Prior to official adoption of the proposed regulation, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Director of the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, Washington, D.C. 20201 within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Part 308, Chapter III, Title 45 of the Code of Federal Regulations is amended by revising § 308.4 to read as follows:

§ 308.4 Approval by members.

Upon approval of the plan of the proposed merger by the Director it may be submitted to the members of each Federal credit union at their annual meetings if such are scheduled within 120 days after such approval, or it shall be submitted to the members of each Federal credit union at special meetings to be called within 120 days after such approval; it shall be submitted to the members of any State credit union included in the proposed merger, and acted upon thereby, in accordance with the requirements of applicable State law. Federal credit union members shall have the right to vote on the proposition in person at the meeting, or by written ballot to be filed not later than 30 days following the date of the meeting. Written notice of the Federal credit union meetings, annual or special, at which the proposed merger is to be considered, shall include a summary of the plan of the proposed merger, shall inform the members of the opportunity to vote on the proposition by written ballot, and when and where such written ballots may be filed, and shall contain a form of written ballot for the use of those members who will vote thereby instead of in person at the meeting. The written notice shall be handed to each member in person, or mailed to each member at his address as the same appears on the records of the credit union, as provided in the bylaws. In order for the plan to be approved and acted upon further by the Federal credit unions it must receive the affirmative vote of a majority of the members of each such Federal credit union, who have cast their votes at the membership meeting or have filed a written ballot not later than 30 days following the date of the meeting. The results of the votes shall be certified to the Regional Representative by the president and secretary of each of the credit unions promptly after expiration of the period for the voting.

Effective date. Interested persons may submit to the Director of the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, Washington, D.C. 20201 in writing in duplicate, any views, data, or arguments pertaining to the amendment within 30 days after the publication of this notice in the FEDERAL REGISTER.

(Sec. 21, 73 Stat. 635, 12 U.S.C. 1766)

Dated: February 3, 1967.

[SEAL] J. DEANE GANNON,
Director,
Bureau of Federal Credit Unions.

Approved: February 15, 1967.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: February 28, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-2527; Filed, Mar. 6, 1967; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 67-SW-5]

TRANSITION AREA

Proposed Alteration

Correction

In F.R. Doc. 67-1644, appearing at page 2860 of the issue for Tuesday, February 14, 1967, the following corrections are made:

1. In the seventh line of the fourth paragraph, the words "to latitude 29°-27'00" N.," should read "to latitude 29°46'00" N.,".

2. In the eighth and ninth lines of the fourth paragraph, the words "to latitude 29°50'00" N.," should read "to latitude 29°52'00" N.,".

[14 CFR Part 71]

[Airspace Docket No. 66-EA-77]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Agency is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the John F. Kennedy International Airport, N.Y., control zone.

A new instrument approach procedure VOR-22L, has been authorized for John F. Kennedy International Airport, replacing VOR-Runways 22 R and L. The VOR-Runways 13 L and R approach procedure has also been revised. Coast and Geodetic verification necessitates a minor change in the geographic position of the John F. Kennedy International Airport. Therefore, an alteration of the New York, N.Y. (John F. Kennedy International Airport) control zone will be required.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Agency officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of New York, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the description of the John F. Kennedy International Airport, N.Y., control zone by deleting the coordinates "(40°38'30" N., 73°47'10" W.)" and the phrase, "within 2 miles each side of the Kennedy VOTAC 053° radial, extending from the 5.5-mile radius zone to 7 miles E of the VORTAC;" and insert in lieu thereof the coordinates, "(40°38'20" N., 73°47'10" W.)" and the phrase, "within 2 miles each side of the Kennedy VORTAC 037° radial, extending from the 5.5-mile radius zone to 8 miles NE of the VORTAC;". After the phrase, "extending from the 5.5-mile radius zone to 8 miles SW of the OM-RBN;", insert the phrase, "within 2 miles each side of the Canarsie VOR 030° radial, extending from the VOR to 4.5 miles NE of the VOR;".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, New York on January 27, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 67-2484; Filed, Mar. 6, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-11]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate controlled airspace in the Omak, Wash., area.

A city owned radio beacon located on the Omak Airport, Wash., will provide navigational guidance for aircraft executing proposed instrument approach, departure and holding procedures. Communications with aircraft, down to the surface, will be provided through a Limited Remote Communications Outlet monitored by the FAA Flight Service Station, Wenatchee, Wash., 700- and 1,200-foot transition areas will be required to provide controlled airspace for

aircraft executing the aforementioned instrument procedures.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

In view of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (32 F.R. 2148) the following transition area is added:

OMAK, WASH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Omak Airport (latitude 48°28'10" N., 119°31'19" W.), within 2 miles each side of the 177° bearing from the Omak radio beacon (latitude 48°27'30" N., longitude 119°30'45" W.), extending from the 5-mile radius area to 8 miles S of the radio beacon; and that airspace extending upward from 1,200 feet above the surface, within 7 miles E and 10 miles W of the 177° and 357° bearings from the Omak radio beacon, extending from 8 miles N to 20 miles S of the radio beacon.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on February 24, 1967.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 67-2485; Filed, Mar. 6, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-15]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Faribault-Owatonna, Minn., terminal area.

The Faribault-Owatonna, Minn., transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribualt Municipal Airport (latitude 44°19'35" N., longitude 93°18'30" W.); within a 5-mile radius of Owatonna Municipal Airport (latitude 44°07'15" N., longitude 93°15'15" W.); within 2 miles each side of the 200° bearing from Faribault Municipal Airport, extending from the Faribault 5-mile radius area to 9 miles S of the airport; and within 2 miles each side of the 315° bearing from Owatonna Municipal Airport, extending from the Owatonna 5-mile radius area to 9 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 200° bearing from Faribault Municipal Airport, extending from 9 miles to 21 miles south of the airport; within 5 miles northeast and 8 miles southwest of the 315° bearing from Owatonna Municipal Airport extending from the airport to 21 miles northwest of the airport; within 5 miles each side of the 015° bearing from Faribault Municipal Airport, extending from the airport to the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'08" N., longitude 93°13'11" W.); and within 5 miles each side of the 140° bearing from Owatonna Municipal Airport, extending from the airport to 12 miles southeast of the airport, excluding the portion which overlies the Hope, Minn., transition area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Faribault-Owatonna, Minn., terminal area, which revealed a need for revising the designated transition area, proposes the following airspace action:

Redesignate the Faribault-Owatonna, Minn., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°19'35" N., longitude 93°18'30" W.); within a 5-mile radius of Owatonna Municipal Airport (latitude 44°07'15" N., longitude 93°15'15" W.); within 2 miles each side of the 200° bearing from Faribault Municipal Airport extending from the Faribault 5-mile radius area to 9 miles south of the airport; and within 2 miles each side of the 315° bearing from Owatonna Municipal Airport, extending from the Owatonna 5-mile radius area to 9 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface in the Faribault Owatonna terminal area bounded on the north by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'08" N., longitude 93°13'11" W.), on the east by V-82, on the south by V-24 and on the west by V-170, excluding the portion which overlies the Hope, Minn., and Rochester, Minn., transition areas.

The proposed transition area does not change that portion of the present designation extending upward from 700 feet above the surface. However, it will enlarge that portion of the transition area extending upward from 1,200 feet above the surface to include the area required to provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures for Faribault and Owatonna Municipal Airports during the portion of those procedures executed at and above 1,500 feet above the surface and for radar vectoring of air traffic en route to and from the Minneapolis terminal area.

No procedural changes will be effected in conjunction with the action proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on February 20, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-2486; Filed, Mar. 6, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

LAKE MEAD NATIONAL RECREATION AREA

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Temple Bar Marina, Inc., authorizing it to continue to provide concession facilities and services for the public at the Temple Bar site, Arizona, in Lake Mead National Recreation Area for a period of fifteen (15) years. Before doing so, however, and before granting a new contract pursuant to the Act cited above, the Secretary hereby gives public notice of his intention in the matter and will consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Director of the National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

HOWARD W. BAKER,
Acting Director,
National Park Service.

FEBRUARY 17, 1967.

[F.R. Doc. 67-2497; Filed, Mar. 6, 1967; 8:48 a.m.]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 67]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, and in furtherance of my decision relating to the "Reorganization for Increased Emphasis on the Private Sector and the War on Hunger" announced in AID/W Notice of February 10, 1967, by the Assistant Administrator for Administration, it is hereby ordered as follows:

SECTION 1. Delete the title "Assistant Administrator for Material Resources" wherever it appears and substitute the title "Assistant Administrator for Administration" in the following delegations of authority:

(a) Delegation of Authority No. 15 of June 1, 1962 (27 F.R. 5152), relating to advance acquisition of excess property;

(b) Delegation of authority No. 17 of June 14, 1962 (27 F.R. 5914), as amended by Delegation of Authority No. 17.1 dated April 12, 1963 (28 F.R. 4037), relating to contracting functions; and

(c) Delegation of Authority No. 64 of July 14, 1966 (31 F.R. 9811), relating to domestic excess property.

SEC. 2. Current redelegations of authority issued prior to this order by the Assistant Administrator for Material Resources based on the Delegation of Authority Nos. 15, 17, and 64 shall continue in effect according to their terms until modified or revoked by the Assistant Administrator for Administration.

SEC. 3. The authorities delegated to the Assistant Administrator for Administration by section one hereof may be redelegated to the extent specified in each of the delegations of authority, and shall be subject to such limitations or restrictions as are provided in such delegations.

SEC. 4. Any functions or authorities of the Assistant Administrator for Material Resources which are specified in any regulation, published or unpublished, manual order, policy determination, manual circular or circular airgram or instruction or communication of any nature relating to procurement, transportation and government excess property functions transferred under the Reorganization mentioned above shall henceforth be the responsibility of the Assistant Administrator for Administration.

SEC. 5. This delegation of authority is effective immediately.

WILLIAM S. GAUD,
Administrator.

MARCH 1, 1967.

[F.R. Doc. 67-2498; Filed, Mar. 6, 1967; 8:48 a.m.]

POST OFFICE DEPARTMENT

PARCEL POST FOR FRENCH TERRITORIES

Notice of Increased Weight Limits

On March 1, 1967, the weight limit of parcel post (surface and air) for Comoro Islands, French Polynesia, French Somaliland, New Herbrides, and St. Pierre, and Miquelon was increased to 44 pounds.

The Appendix of Subchapter C of Title 39, Code of Federal Regulations will be appropriately amended as soon as practicable.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

MARCH 2, 1967.

[F.R. Doc. 67-2501; Filed, Mar. 6, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Application for Duty Free Entry of Scientific Articles

The following is a notice of the receipt of an application for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importatior Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of the application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

Docket No. 67-00001-01-77095. Applicant: Massachusetts Institute of Technology, Cambridge, Mass. 02139. Article: Electron spectrometer, iron-free, double focusing, combining a Beta-ray spectrometer with an X-ray source and Geiger counter detector. Manufacturer: The Physics Institute, University of Uppsala, Sweden. Manufacturer's sales agent: Nuclesa (Nuclear Engineering & Equipment, S.A.) Geneva, Switzerland. Intended use of article: Analytical chemistry—direct determination of elemental ratios in compounds, determination of valence state of elements and for structural analysis of organic compounds. Application received by Commissioner of Customs: February 27, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-2518; Filed, March 6, 1967; 8:50 a.m.]

National Bureau of Standards

NBS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be no change in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo., on April 1, 1967. The carrier frequency of WWVB is 60 kHz and is broadcast without offset. These emissions are made following the stepped atomic time (SAT) system as coordinated by the Bureau International de l'Heure (BIH).

Notice is also hereby given that there will be no change in the phase of time pulses emitted from radio stations WWV, Fort Collins, Colo., and WWVH, Maui, Hawaii, on April 1, 1967. These pulses at present occur at intervals which are longer than one second by 300 parts in 10^{10}. This is due to the offset maintained in the carrier frequencies of these stations, following the universal time (UTC) system as coordinated by the BIH.

A. V. ASTIN,
Director.

[F.R. Doc. 67-2508; Filed, March 6, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order No. E-24799]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March 1967.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2, 3-1, and 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated January 31, 1967,[1] names rates under an existing commodity description as set forth below. Additionally, the agreement amends the description for Commodity Item 4702, applicable via the North Atlantic, by the inclusion of "anchors, bolts, nails, nuts, screws, and/or studs made of brass, copper, iron, or steel." The new rates reflect reductions of 29.9 and 31.5 percent, respectively, and are consistent with the present level of specific commodity rates within the applicable areas.

Commodity Item 1026—Fish, Live, Inedible; 212 cents per kg., minimum weight 100 kgs.; Colombo, Ceylon to New York. 244 cents per kg., minimum weight 100 kgs.; Colombo, Ceylon to West Coast.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement CAB 19276, R-9 and R-10, be approved provided approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-2505; Filed, Mar. 6, 1967; 8:48 a.m.]

[1] Received in the Board Feb. 6, 1967.

[Docket No. 18224; Order No. E-24798]

TRANS WORLD AIRLINES, INC. AND UNITED AIR LINES, INC.

Jet and Propeller Commuter Fare Increases Between Las Vegas and Los Angeles; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March 1967.

By tariff revisions marked to become effective March 3,[1] and March 5, 1967,[2] Trans World Airlines, Inc. (Trans World), and United Air Lines, Inc. (United), propose to increase their respective commuter fares between Las Vegas and Los Angeles from $13 to $15 to equal the recently filed fare of Bonanza Air Lines, Inc. (Bonanza). The tariff filings are not marked with expiration dates and no complaints have been filed.

In support of their respective fares, the carriers state that the proposed fares are to match the recent filing of Bonanza. In addition, United alleges that the increases would not have any significant effect on its 1967 revenue, and that unless its fares are filed at the same level as Bonanza's it is unlikely that Bonanza will be able to maintain the higher fares.

Upon consideration of all relevant matters, the Board has determined that the proposed tariff revisions may be unjust or unreasonable, or unduly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated.

Although the proposed increased fares would be equal to those of Bonanza which recently became effective, the Board finds that the particular circumstances which supported Bonanza's fare increases do not support similar increases of Trans World and United. Bonanza's system earnings were moderately substandard and it alleged it was unable to earn a fair rate of return on its unsubsidized operations at reasonably attainable load factors. Neither Trans World nor United has made a showing of economic need; either a general economic need to improve system earnings, or a specific economic need caused by unprofitable operations in the Las Vegas-Los Angeles market.

The Board therefore concludes that the proposed fare increases are not warranted, and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof.

It is ordered, That:

1. An investigation is instituted to determine whether the jet commuter fares and propeller commuter fare between Las Vegas and Los Angeles on 21st revised page 271 and 34th revised page 292-E of CAB No. 44 issued by Airline Tariff Publishers, Inc., Agent, and rules, regulations, and practices affecting such fares, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares, and rules, regulations, or practices affecting such fares;

2. Pending hearing and decision by the Board, the jet commuter fares and propeller commuter fare between Las Vegas and Los Angeles on 21st revised page 271 and 34th revised page 292-E of CAB No. 44 issued by Airline Tariff Publishers, Inc., Agent, are suspended and their use deferred to and including May 31, 1967, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. A copy of this order be served upon Bonanza Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[1] Airline Tariff Publishers, Inc., Agent, Local and Joint Passenger Fares Tariff No. PF-5, CAB No. 44, 21st revised page 271, filed Feb. 1, 1967.

[2] Airline Tariff Publishers, Inc., Agent, Local and Joint Passenger Fares Tariff No. PF-5, CAB No. 44, 34th revised page 292-E, filed Feb. 3, 1967.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-2506; Filed, Mar. 6, 1967; 8:48 a.m.]

[Docket No. 17769]

EASTERN AIR LINES; REMMERT-WERNER ACQUISITION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on March 27, 1967, at 10 a.m., e.s.t. in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., March 1, 1967.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 67-2507; Filed, Mar. 6, 1967; 8:49 a.m.]

CIVIL SERVICE COMMISSION

NURSES, VARIOUS LOCATIONS

Notice of Adjustment of Minimum Rates and Rate Ranges

1. Under authority of 5 U.S.C. 5303 and E.O. 11073, the Civil Service Commission has increased the minimum rates and date ranges for Clinical Nurses in various grade levels in the GS-610 series in several geographic locations. The Commission has determined that the special rates now in effect for the Clinical Nurses are extended to include GS-610 Nurses in occupational health programs and GS-615 Public Health Nurses in the same grade levels and geographic locations.

2. The following locations are affected by this determination (Grade level coverage, geographic coverage, and salary rates will be found in the appropriate FPM Letter.):

a. Staten Island, New York, N.Y.	FPM LTR 530-35.	Sept. 9, 1966
b. San Francisco, Calif.	FPM LTR 530-38.	Dec. 16, 1966
c. Seattle and Bremerton, Wash.	FPM LTR 530-39.	Dec. 30, 1966
d. Suffolk County (includes Boston), Mass.	FPM LTR 530-40.	Do.
e. Washington, D.C.	FPM LTR 530-41.	Jan. 13, 1967
f. Los Angeles County and Fort Ord, Calif.	FPM LTR 530-42.	Jan. 27, 1967
g. San Diego and Sacramento Counties, Calif.	FPM LTR 530-44.	Feb. 10, 1967
h. Detroit, Mich.	FPM LTR 530-45	Feb. 24, 1967

3. Under authority of 5 U.S.C. 5303 and E.O. 11073, the Civil Service Commission has increased the minimum rates and rate ranges for positions of PFS-610 Nurse in various grades and locations as follows:

TABLE A—GEOGRAPHIC COVERAGE: BOSTON, MASS.; SEATTLE, WASH.; WASHINGTON, D.C.

[Per annum rates]

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-5	$6,270	$6,461	$6,652	$6,843	$7,034	$7,225	$7,416	$7,607	$7,798	$7,989	$8,180	$8,371
PFS-6	6,519	6,722	6,925	7,128	7,331	7,534	7,737	7,940	8,143	8,346	8,549	8,752

[1] Corresponding statutory rates: PFS-5—Fourth; PFS-6—Third.

TABLE B—GEOGRAPHIC COVERAGE: LOS ANGELES, CALIF.; DETROIT, MICH.

[Per annum rates]

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-5	$6,652	$6,843	$7,034	$7,225	$7,416	$7,607	$7,798	$7,989	$8,180	$8,371	$8,562	$8,753
PFS-6	6,925	7,128	7,331	7,534	7,737	7,940	8,143	8,346	8,549	8,752	8,955	9,158
PFS-7	7,199	7,417	7,635	7,853	8,071	8,289	8,507	8,725	8,943	9,161	9,379	

[1] Corresponding statutory rates: PFS-5—Sixth; PFS-6—Fifth; PFS-7—Fourth.

TABLE C—GEOGRAPHIC COVERAGE: SAN FRANCISCO, CALIF.

[Per annum rates]

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-5	$6,843	$7,034	$7,225	$7,416	$7,607	$7,798	$7,989	$8,180	$8,371	$8,562	$8,753	$8,944
PFS-6	7,128	7,331	7,534	7,737	7,940	8,143	8,346	8,549	8,752	8,955	9,158	9,361
PFS-7	7,417	7,635	7,853	8,071	8,289	8,507	8,725	8,943	9,161	9,379	9,597	

[1] Corresponding statutory rates: PFS-5—Seventh; PFS-6—Sixth; PFS-7—Fifth.

4. The effective date will be the first day of the first pay period beginning on or after February 25, 1967.

5. All new employees in the specified occupational levels will be hired at the new minimum rate.

6. As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2526; Filed, Mar. 6, 1967; 8:50 a.m.]

BUREAU OF THE BUDGET

TRANSFER OF CERTAIN FUNCTIONS RELATING TO COMMERCIAL FISHERIES TO DEPARTMENT OF INTERIOR

Modification of Determination of March 22, 1958

Pursuant to authority vested in the Director of the Bureau of the Budget by section 6(a) of the Act of August 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U.S.C. 742e), section 3 of the determination of March 22, 1958 (23 F.R. 2304), is hereby modified to read as follows:

3. All functions of the Maritime Administration, Department of Commerce, which pertain to Federal ship mortgage insurance for fishing vessels under authority of Title XI of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1271-1279), provided that the amount of loans outstanding under this transferred authority shall not exceed $20 million at any one time.

This modification shall be effective March 1, 1967.

PHILLIP S. HUGHES,
Acting Director.

MARCH 1, 1967.

[F.R. Doc. 67-2530; Filed, Mar. 6, 1967; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16890, 16891; FCC 67R-67]

LUIS PRADO MARTORELL AND AUGUSTINE L. CAVALLARO, JR.

Memorandum Opinion and Order Enlarging Issues

In re applications of Luis Prado Martorell, Loiza, P.R., Docket No. 16890, File No. BP-16000; Augustine L. Cavallaro, Jr., Bayaomon, P.R., Docket No. 16891, File No. BP-16182; for construction permits.

1. The applicants both are requesting the assignment of Class II frequency 1030 kc/s with a power of 10 kw, Martorell at Loiza, P.R., Day only, Cavallaro at Bayaomon, P.R., unlimited time with a directional antenna. After lengthy prehearing submissions, the applications were designated for hearing by the Commission in a memorandum opinion and order (FCC 66-866) released October 4, 1966. In this order, the Commission treated at length and disposed of many

of the questions now made the subjects of an additional series of twelve pleadings. These pleadings are divided into three groups and will be discussed by group in this document.

Group I. 2. The first group of pleadings begins with a petition to modify issues filed by Cavallaro on October 24, 1966.[1] The deletion of Issues 2 and 3, specified in the designation order, is requested.

3. Issue 2, which pertains to site suitability, was specified by the Commission for the reasons expressed in paragraph 16 of the designation order. Cavallaro contends the issue was included as the result of an error because if the site is leveled, as proposed, "the suitability issue is illusory." According to Cavallaro, "an issue dealing with the suitability of a site which Cavallaro does not plan to utilize in its present condition, serves no valid regulatory purpose." Both Martorell and the Broadcast Bureau oppose deletion, the Bureau arguing that "the substance of the matters now urged by Cavallaro in support of his position were considered" by the Commission in the designation order. The Bureau refers to the designation order and concludes that the Commission specified the issue "in light of considerations other than Cavallaro's financial ability to level it." Reliance is also placed upon Fidelity Radio, Inc., 6 RR 2d 140 (1965), where the Commission indicated that it did not expect subordinate officials to modify actions taken in a designation order "in the face of a clear record showing of thorough consideration of the particular question at the time of designation * * *." Replying, Cavallaro argues that the site's technical utility cannot be determined until the site is leveled, it is futile to include an issue dealing with its suitability and, instead, any grant to Cavallaro should be conditioned.

4. Paragraph 16 of the designation order, supra, recounts the reasons why a site suitability issue was added by the Commission, and it is plain that deficiencies in Cavallaro's own showing were among the reasons for the specification. These included failure to submit photographs from which the presence of structures in the vicinity could be determined and a statement in the application that the terrain in the vicinity exceeds the proposed tower height. Petitioner has not alleged and the Board's examination has not revealed that the Commission incorrectly read the application. Therefore, the request to delete the issue has not been substantiated. The designation order contains "a reasoned analysis" of the site suitability question and the petition contains no "additional information on the subject previously unknown" to the Commission.

[1] The other pleadings in this group are: Revision of petition to modify issues filed by Cavallaro on Nov. 17, 1966; reply statement filed by Martorell on Nov. 17, 1966; opposition filed by the Broadcast Bureau on Nov. 28, 1966; and reply filed by Cavallaro on Jan. 3, 1967.

Atlantic Broadcasting Co. (WUST), 5 FCC 2d 717 (1966).[2]

5. Issue 3, consisting of six parts, relates to Cavallaro's financial qualifications, and it was added for the reasons discussed in paragraph 17 of the Commission's designation order. By way of a general attack on inclusion of this issue, Cavallaro asserts that unlike Martorell, who was informed by letter of questions concerning the adequacy of his financing and given 60 days to respond, he was given no such notification, with the result that financial issues were specified as to him. Cavallaro argues he should be accorded the same opportunity previously extended to Martorell to amend and avoid a costly hearing on this issue.[3]

6. Martorell's opposition does not address itself to this general argument. In its opposition, the Bureau denies that there was discrimination, Cavallaro having written to the Commission (3 weeks prior to the date of the Commission letter to Martorell) asking for time to amend to meet the then new Ultravision financial standards,[4] and having filed a series of financial amendments thereafter. Replying to the Bureau, petitioner repeats that it was not apprised of deficiencies in its showing, as Martorell was, that this constituted unequal treatment, that the failure to notify him of weaknesses in his showing led to the insertion of the financial issue against him. Thus, says Cavallaro, he should be permitted to amend.

7. Even if Cavallaro, during the predesignation period, had been treated differently than Martorell was, this would not constitute a reason for deleting the financial issue, and that is the question which is now before the Board. The argument of unequal treatment might have some bearing on the question whether good cause had been shown for the filing of an amendment relating to the financial issues specified in the designation order, but no petition for leave to amend and amendment is now pending before the Hearing Examiner, who would be the one initially to consider such requests. Certainly, the Board is unable to conclude from the facts before it that it should take the extraordinary step of halting the proceeding to permit petitioner to file.[5]

8. Subissue (a) of Issue 3 in the designation order questions whether Cavallaro's estimate of the cost of clearing and preparing his proposed transmitter-antenna site is reasonable. The issue was included because Cavallaro's $33,250 estimate for this work "is unsupported by either an adequate description of the work to be performed or a clear identification of the engineer, 'Ydrach' whose plan would be used."[6]

9. Petitioner argues that the issue should not have been specified because the $33,250 figure is an actual bid, and not an estimate, to which there has been no challenge since it was submitted to the Commission. The Bureau opposes deletion because the Commission was in no position to accept the bid as dispositive "particularly in light of the affidavits of apparently competent engineering firms that the costs would be far in excess of Cavallaro's figure." Replying, Cavallaro repeats that inasmuch as the bid stands unchallenged and uncontradicted since it was submitted to the Commission, there is no matter open for resolution.

10. All of the material upon which petitioner now relies was specifically before the Commission at the time of designation and was the basis for the action taken, as paragraph 17(a) makes clear. It is also plain that the Commission was unwilling to rely on the "bid" submitted by Cavallaro in the face of "estimates" from others showing a much higher cost. Examination of the "bid" makes the reason for doubt evident. The bid was part of an amendment filed March 9, 1965, and it consists of a one page letter the substance of which reads as follows:

> For leveling according to the topographical plan of engineer Ydrach, spreading the material toward the edges, using it as fill: $33,250.00.

In the first sentence of the letter, Ydrach is more fully referred to as Otto Gonzales Ydrach. The topographical plan referred to is not on file in the Docket, and there is no way of determining what it proposed for site preparation. No new or additional information is supplied in the petition, and the basis for the doubt expressed in the designation order is not removed merely because Cavallaro has a "bid," as distinguished from an estimate for the preparation of the site. What preparation is contemplated is still unknown. The request to delete Issue 3(a) is denied.

11. Cavallaro partially relies for financing upon a $100,000 loan from the San Martin Mortgage & Investment Corp.

[2] On Jan. 5, 1967, the Commission denied Cavallaro's petition for reconsideration which attacked inclusion of Issues 2 and 3, stating, inter alia, that such a petition was of the type "for which it has provided ample opportunity for consideration by subordinate officials." 6 FCC 2d 262 (1967).

[3] That the Commission did send letters to Cavallaro is evidenced by material in Cavallaro's application file, which among others, contains the following:

Letter from Commission to Cavallaro concerning Cavallaro's finances: Dec. 18, 1964.

Cavallaro's reply letter of Jan. 4 filed with the Commission: Jan. 7, 1965.

Letter from Commission to Cavallaro concerning Cavallaro's finances: Jan. 22, 1965.

Cavallaro files amendment which contains reference to contents of Commission letter of Jan. 22: Feb. 11, 1965.

Letter filed by Cavallaro, dated July 19, asking that Commission defer action on Cavallaro's application until Aug. 15 to accord him opportunity to amend his application: July 21, 1965.

Amendments to application filed by Cavallaro: Oct. 12, 1965, Jan. 11, 1966, Mar. 15, 1966, Apr. 25, 1966, May 24, 1966, Sept. 30, 1966.

[4] Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965) and Public Notice, 1 FCC 2d 550, 5 RR 2d 349 (1965).

[5] As counsel for Cavallaro is doubtless aware, postdesignation amendments designed to satisfy issues going to statutory qualifications are viewed, under appropriate circumstances, in a different light than those which bear upon the comparative issues.

[6] Designation order, supra, par. 17(a).

Issue 3(d) would determine whether the Corporation has sufficient liquid assets to enable it to lend this amount and whether the loan will be available. The loan agreement has a condition making it subject to the corporation's "satisfaction at the time the loan is advanced with the borrower's financial condition and the proposed management of the station." In view of this "unusual language" and the age of the corporation's balance sheet, the Commission specified Issue 3(d).[7]

12. Contending for deletion of this issue, Cavallaro relies upon Consolidated Industries, Inc., 19 RR 1370 (1960) for the acceptability of the language in the condition and asserts that the condition "merely is expressive of commonsense prudence inherent in any financial institution." The balance sheet should be accepted, says Cavallaro, since it is no staler than one of the balance sheets submitted by Martorell and not questioned by the Commission. The Bureau, opposing deletion, argues the issue was included for a combination of factors, including the unusual language in the loan commitment, and that the Consolidated case, supra, contains nothing to suggest a different result.

13. Once more, Cavallaro has submitted no new facts, nothing that was not before the Commission at designation and explicitly discussed. The Commission found the balance sheet for the Corporation to be stale and there is nothing before the Board to warrant a different characterization. The submission of a more up-to-date statement would not seem to impose an appreciable burden on Cavallaro. The condition in the instant loan commitment differs in various respects from that in Consolidated, and the surrounding circumstances are not the same. Therefore, and since nothing new has been offered by petitioner, the Board has no grounds for reaching a result different than that contained in the designation order.

14. Cavallaro proposes to borrow $50,000 from his father, Dr. Cavallaro. Issue 3(b) requires a determination whether the father has sufficient cash and other liquid assets available to meet the loan commitment. The reasons for the inclusion of this issue are given in paragraph 17(d); the Commission was unwilling to accept Dr. Cavallaro's own appraisal of the value of his real estate, despite the fact that he may have had considerable experience as an appraiser of property values. Attacking this evaluation, Cavallaro argues that it does not follow from the fact that the appraisal may not be impartial that the evaluation "is so grossly in error that he cannot obtain less than $50,000 from property he appraised at over $200,000." The Bureau sees no valid basis for disturbing the Commission's determination, and we agree. Cavallaro has submitted nothing new, such as an appraisal from a disinterested appraiser and the weakness noted by the Commission remains. Thus, deletion is not warranted. In its reply, Cavallaro contends that the Commission "had no right arbitrarily to reject Dr. Cavallaro's representations," but this is a misconstruction of what the Commission did. It did not reject them, it simply put them in issue. They may or may not ultimately be relied upon depending upon the evidence submitted at the hearing.

[7] Designation order, supra, par. 17(c).

Group II. 15. Cavallaro has petitioned to enlarge the issues against Martorell in several respects.[8] First, it is requested that Martorell's financial qualifications be placed in issue. Petitioner argues that the $25,000 loan from Martorell's cousin, Miguel A. Martorell, cannot be relied upon as available because the lender's balance sheet is unaudited and out of date and reveals only $17,440.33 in demonstrated liquid assets compared to $103,800 in liabilities. Responding, Martorell states that the loan is available and that he will "submit any requested document." The Bureau agrees that the balance sheet was not current, but regards this as "not so material a deficiency" as to justify adding an issue. The Bureau also concludes that without reference to Miguel Martorell's other assets, it has not been shown that sufficient funds are available to enable him to lend $25,000 to the applicant, but contends that since Miguel Martorell has total assets of $1,021,363.18 and liabilities of $103,800, no serious question exists as to his ability to lend $25,000. The Bureau relies on the Board's ruling in United Artists Broadcasting, Inc., 4 RR 2d 453, 459 (1964). Cavallaro, in its reply, asserts that the principle relied on by the Bureau applies only to parties to an application, or the equivalent, and that Miguel Martorell is not a party. Thus, says Cavallaro, he lacks the financial urgency of a party and might not liquidate assets if a monetary loss were entailed, there being no statement in the application in which he commits himself to liquidate his assets to provide money to meet the loan commitment. Cavallaro relies on International Broadcasting Co., 7 RR 2d 302, 305 (1966).

16. As further grounds for addition of a financial issue against Martorell, Cavallaro contends that the equipment credit letter is out of date, it contains language that financing is subject to further review of Martorell's financial condition, the price of equipment has gone up leaving it doubtful that the equipment can now be purchased for the quoted price and that, therefore, the availability of financing from the equipment supplier is no longer assured. Martorell, in his reply, says he has a new credit letter from the equipment supplier which will be submitted if ordered. The Bureau does not comment on this argument.

[8] Petition to enlarge issues, filed by Cavallaro on Oct. 24, 1966. The other pleadings in this group are: Reply statement filed by Martorell on Nov. 17, 1966; opposition filed by Broadcast Bureau on Nov. 28, 1966; and reply to oppositions filed by Cavallaro on Jan. 3, 1967.

17. Cavallero attacks as unacceptable Martorell's reliance upon the use of equipment on hand, the estimate of the utility and worth of this equipment being "no more impartial than Dr. Cavallaro's estimate of the worth of his 'realty.'" Moreover, says Cavallaro, the equipment has aged 2 years and its suitability cannot be assumed. Martorell replies requesting that the Commission's District Engineer conduct an investigation and render a statement as to the results. The Bureau made no comment on this argument.

18. Lastly, on the financial question, Cavallaro maintains that Martorell has underestimated his costs which were given as $44,600 (approximately). Petitioner declares that this total fails to include $6,773 for installment payments on equipment and interest during the first year of $1,250. Also, Cavallaro states that it is impossible to operate a 10 kw radio station in Puerto Rico for the cost given by Martorell. Martorell responds that the total figure given by petitioner is too high because he has a down payment of $5,000 with the equipment supplier. No comment on this argument was made by the Bureau.

19. Underlying the Cavallaro contentions thus far discussed is the claim that he was treated more harshly than Martorell, and that if the financial tests applied to him had been used in evaluating Martorell's financial proposal, a financial issue would have been added against the latter. The Bureau in responding to this makes a general analysis of Martorell's financial situation and concludes that there is a cushion available which justifies the finding that he is financially qualified. Thus, the Bureau points out that Martorell has shown he will have revenues of about $55,000 which, if realized, make it unnecessary to rely on the $25,000 from Miguel Martorell. On the other hand, if the full revenue amount is not forthcoming, the difference would be offset by the proceeds from the loans. Accordingly, the Bureau maintains that "Martorell's financial plan, taken as a whole, shows with sufficient reasonableness his ability to meet his estimated construction and first-year operating costs * * *." Turning to the dual standard argument, the Bureau asserts that it is based upon Cavallaro's oversimplification of the reasons given by the Commission, in the designation order, for putting Cavallaro's financial qualifications in issue, and that the Commission's decision to specify the issue "arose out of a complex of pleadings and facts" as indicated in the document and the appendix attached to it listing all the pleadings the Commission had under consideration at the time of designation. The Bureau concludes that although enlargement is not justified from the matters alleged by Cavallaro, "should the Review Board deem such enlargement desirable to clear the air of any of the unfounded charges of discrimination being levelled at the Commission by Cavallaro, then the Bureau sees no great burden on Martorell, for the proof under such an issue need

not be broad in light of the rather narrow areas of contest being projected by Cavallaro."

20. In its reply, Cavallaro insists that Martorell's first year operating cost estimate of approximately $21,000 is unrealistic and compares it to the much higher average expenses for broadcast stations in Puerto Rico taken from a Commission Public Notice (Mimeo No. 90562, Oct. 18, 1966), AM-FM Broadcast Financial Data—1965.

21. The Commission's designation order contains no analysis of the financial qualifications of Martorell similar to that which led to the specification of financial issues against Cavallaro. Consequently, the Board must make such an analysis in light of the contentions made by petitioner and rule on the merits of the request for enlargement.[9]

22. Following the rationale of the Board's ruling in United Artists, supra, Miguel Martorell must be found to have sufficient assets to lend $25,000 to his cousin. Miguel Martorell has total assets, liquid and nonliquid, in excess of $1 million, and total liabilities of $103,800. In view of his substantial assets and net worth, his ability to honor his commitment of $25,000 is sufficiently established. Although Cavallaro reads International Broadcasting Co., supra, as limiting the use of this rule to those who are parties to an application, the Board cannot so construe that case, for the distinction between parties and nonparties was not raised. Cavallaro's interpretation is too narrow; although the fact that the lender is not a party to the proceeding is certainly a factor which can be taken into account in evaluating a particular showing. The Board has taken it into consideration here, but the commitment is a firm one and the lender is clearly capable of raising this sum of money. There is no requirement that the financial statement of a proposed lender be audited nor is it fatal to Martorell's showing that Miguel Martorell's statement is out-of-date by a short period of time. Under other circumstances, where the excess of assets over liabilities is very small, it might be essential to have an up-dated sheet, but that is not the case here. While Miguel Martorell has not said that he would sell some of his nonliquid assets, if necessary, to obtain the funds for the loan, it would be unreasonable to require such a showing for it is implicit in his agreement to lend that the necessary steps will be taken to obtain the funds.

23. Specification of a limited financial issue on the question of the availability of credit from the equipment supplier is required. Martorell, in his opposition to the petition to enlarge, says that he has a new letter of credit, thus seeming to concede that the one on file is no longer applicable. However, the new letter has not been submitted.[10] Thus, the Board is not in a position to assess the credit arrangements, and a limited issue will have to be added.

24. Examination of Martorell's application reveals that in an amendment filed September 11, 1964, applicant declared as a part of his financial showing that "A large amount of equipment, both technical and nontechnical, including tower, studio equipment, miscellaneous operating equipment, vehicles, tools, office equipment, etc., is on hand and sufficient for the proposed operation." In his financial statement of August 31, 1964, also a part of the aforesaid amendment, Martorell includes in his statement of assets a figure of $24,563 for equipment on hand, which amount must have been mostly for broadcast equipment inasmuch as separate sums for vehicular and office equipment were included in the stated assets.[11] Page 1, section III of the same amendment shows antenna system costs of only $1,083 and no costs for frequency and modulation monitors, these being "on hand." In an amendment filed September 3, 1965, equipment on hand is valued at $24,895, and in an amendment received April 5, 1966, applicant states he has on hand a power plant, valued at $10,000, which will be used as an auxiliary source of power for the proposed station.

25. Cavallaro's challenge of the valuation placed upon equipment on hand has significance only if a lesser valuation would impair Martorell's ability to meet his commitment to the applicant. Martorell's financial statement of August 31, 1965, shows cash on hand of over $17,500, and he is committed for less than $17,000. Moreover, if all of the equipment listed in this statement as part of Martorell's assets were omitted in computation of his financial status, his assets would still exceed his liabilities by more than $80,000. Therefore, assumed inaccuracies in the equipment valuations do not require specification of an issue.

26. Turning to the questions directed to the utility and suitability of the equipment on hand, Cavallaro's petition suffers from a total absence of specificity. This shortcoming, when considered in the light of what appears from a careful examination of the application and amendments, forecloses formulation of an issue based thereon.

27. Cavallaro's contention that Martorell has underestimated his expenses has been partially answered by the latter's reference to the $5,000 down payment already made. Taking this into account, the small discrepancy made up of first year interest payments and the difference between the down payment and actual first year installments is not significant. However, greater emphasis is given by petitioner to the proposition that Martorell's first year costs and expenses are underestimated. Aside from the failure to specify those expenses for which insufficient provision has been made, the argument that Martorell's estimate cannot be accepted because it is below the average for other stations in Puerto Rico is not convincing. The data derived from the financial material published by the Commission are averages in which many substantial variations may be and undoubtedly are concealed. The most that can be said for them is that they indicate that Martorell may have difficulties in operating at the expense level predicted in the application, but this is not enough basis for the formulation of an issue. Moreover, hours of operation (82 hours a week) are quite restricted and his staff will be small (seven, including his wife and two daughters), giving added acceptibility to the estimates which are being questioned. Finally, the Board agrees with the Broadcast Bureau that Martorell has a cushion in his financial proposal which gives added assurance of his financial qualification. The argument that Martorell and Cavallaro were treated differently is based upon Cavallaro's misinterpretation of the designation order, as has already been stated in the Board's disposition of the pleadings in Group I.

28. The next issue requested in this group of pleadings would put in issue Martorell's qualifications because of his alleged intent to provide service to only the suburban portions of the service area and ignore San Juan. In his opposition Martorell says his main purpose is to serve the people of the town of Loiza, for which he has applied. The Bureau opposes the requested issue because Martorell's purported intention to serve as a local outlet for Loiza rather than San Juan is already the subject of issues which can be fully explored at the hearing. Replying, the petitioner argues that an issue must be added because it is against well settled Commission policy to ignore part of a station's service area, citing, among others, Petersburg Television Corp., 19 RR 567 (1954).

29. Issues 4 and 5 of the designation order constitute the usual "suburban community" issues as to Martorell.[12] No additional issues are necessary. The basis for including Issues 4 and 5 is to determine whether Martorell will, in fact, provide a local transmission facility for the selected community rather than for another larger community. Thus, petitioner's argument that Martorell's programming is directed to Loiza rather than San Juan misses the point of the entire inquiry. The cases relied upon by Cavallaro, especially Petersburg, supra, which involved television rather than AM broadcasting, must be read in the light of the more recent pronouncements stemming from the Policy Statement, supra.

30. The final request in this group of pleadings if for an issue to learn whether Martorell has abused Commission processes or attempted to interfere with the regulatory functions of the Commission by making errors, nondisclosures, unwarranted charges or inadvertent statements about Cavallaro and by seeking to deceive, threaten, cajole, or frighten persons from cooperating with or entering into business arrangements with Cavallero. The basic charge is that "Martorell accused Cavallero of fraudulent behavior in connection with the latter's transmitter site when Martorell knew that the accusations were baseless." Petitioner relies on a number of affidavits, some of which are attached to the pleading and others of which were attached to a motion to strike filed by Cavallaro on November 19, 1964, prior to designation.

31. Martorell denies abuse of Commission processes and contends, in the main, that the charges he has made were based "in cryptic and misleading information submitted by Cavallaro," largely about the latter's transmitter site. The Bureau, after analyzing cases pertaining to character issues, states that the test is fidavits which either in and of themselves, or in the light of counter affidavits, raise material questions of fact as to misrepresentation in applications, or falsification of sworn testimony, or concealment of material facts as to one's proposal, or matters of like import * * *." The Bureau concludes that Cavallaro's pleading does not satisfy this test. The substance of the affidavits relied on by Cavallaro were before the Commission at the time of designation, the Bureau asserts, and these affidavits add nothing new and do not establish that Martorell misrepresented or deceived the Commission or that his pleadings were filed with reckless indifference for the truth. The Bureau believes that there was sound reason for Martorell to call the matters referred to, to the Commission's attention, as is indicated by the specification of issues against Cavallaro. Relying on Fidelity Radio, Inc., 6 RR 2d 140 (FCC 65-754), it is concluded by the Bureau that no enlargement is warranted since the Commission has made its determinations on all of the essential areas of controversy.

32. Cavallaro's reply to the oppositions is quite lengthy, rearguing matters raised in the petition and setting forth in great detail material which more properly should have been made a part of the petition to enlarge. One of the crucial points of controversy pertains to the time when Cavallaro made his arrangements for a transmitter site, whether this took place before or after Cavallaro filed his application on April 27, 1964. In pleadings filed before designation Martorell submitted an affidavit from one, Hernandez, who owned the site and who indicated that he had not talked to Cavallaro about making the site available until May 1964. Cavallaro contends that Martorell knew this was not correct and that Victor Martin, an agent representing Hernandez in the transaction, had fixed the date as being in April. Cavallaro also relies on these numerous affidavits to establish that Martorell has sought "directly to undermine Cavallaro's plans to construct a broadcast station by appeals to fear, ignorance, and prejudice." Hernandez is the person against whom these efforts allegedly were made.

33. The Board has examined all the affidavits referred to in the several pleadings, and it is clear that most of the trouble stems from the conflicting and inconsistent affidavits of Hernandez. Thus, in his June 16, 1964, affidavit attached to a Cavallaro pleading, Hernandez stated that Cavallaro and realtor Martin visited him at his farm about April 14, 1964, and discussed a lease for the purpose of erecting towers; that the next day Cavallaro came back to take photographs of the site but said he could not make a definite lease commitment then; that they visited him again on June 12, 1964, and that an option agreement was signed that day. Then, in an affidavit of October 3, 1964, given to Martorell, Hernandez said that Cavallaro and Martin visited him in May 1964, that Cavallaro showed no inclination "to engage in any transaction", that Cavallaro came the next day to take photographs but said nothing about purchasing the farm, that Cavallaro, Martin, and an attorney visited him in June and talked about a lease, that later that day an option agreement was signed.[13] In his affidavit of October 26, 1964, also given to Martorell, Hernandez repeats the facts stated in the October 3 affidavit, adding that he was never in accord with the option agreement he signed with Cavallaro and for which he was paid $300. Martorell's own affidavit of December 8, 1964, filed at the same time as Hernandez's of October 26, tells of going to Hernandez, calling his attention to conflicts in his affidavits, and advising him this was a serious matter and could lead to his being punished for swearing to false statements. Martorell also avers that Hernandez told him he was confused when he signed the October 3 affidavit, that he had no clear idea what was in his June 16 affidavit or about the time Cavallaro visited him, and that Hernandez said Cavallaro's attorney had written the June 16 affidavit. Martorell goes on to say that it is apparent to him that Hernandez's affidavits cannot be relied upon fully. Finally, Hernandez signed another affidavit, dated November 24, 1964, in which he said that he gave Martorell and an investigator information out of which the October 3 affidavit was prepared, that "they have not put the facts clearly, they interpret me wrongly," that what he told them isn't what appears in the October 3 statement, and that his June 16 affidavit is correct.

34. With the foregoing in mind, it is unnecessary to consider in detail all the arguments Cavallaro has constructed. They all are based on Hernandez's apparent weakness for signing affidavits which contain conflicting statements.[14] Looking at the affidavits Martorell obtained from Hernandez, there were grounds for his argument that Cavallaro had no site when his application was filed on April 27, 1964. Although Cavallaro argues that Martorell knew that Cavallaro had visited Hernandez in April because Martin, the realtor, had told him so, Martorell replies that he was unable to obtain an affidavit supporting such statement from Martin, and that therefore he relied on Hernandez sworn statements rather than Martin's oral statement. The Board cannot find in Martorell's actions any support for the assertion that Hernandez was intimidated or coerced by Martorell into giving false information. In short, the request to add a character issue will be denied.

Group III. 35. The final group of pleadings relates to enlargement of the issues against Cavallaro.[15] Martorell first asks for an issue to determine the availability of land at the site proposed by Cavallaro, that is, the Hernandez site heretofore referred to. Contending that the Commission did not dispose of this portion of his predesignation requests, Martorell first argues that more land than is proposed will be needed, as indicated by the engineering affidavits attached to the predesignation pleadings. In these, it is indicated that the necessary leveling of the site will require land fill extending beyond the boundaries of the site. Petitioner asserts that no showing has been made that additional land will be available, and that there are dangers to other property owners and existing roads, there is need for an adequate drainage system and for suitable land on which to relocate Hernandez's home.

36. In opposition, Cavallaro argues that since the Commission declined to add an availability issue when that question was before it at designation, it would be contrary to Board policy to entertain an enlargement request on this point now. Cosmopolitan Enterprises, Inc., 4 FCC 2d 639 (1966) is cited. The Bureau, on the other hand, supports enlargement of the issues to determine whether Cavallaro has sufficient land available to him to accommodate the antenna system and maintains that the Commission did not address itself to this area of concern in formulating the hearing issues.

37. It has already been noted that the test which the Board must use in deciding whether a question has been ruled on by the Commission in a designation order is that given in Atlantic Broadcasting Co. (WUST), supra. Paragraphs 4 through 16 of the designation order contain a discussion and analysis of the site availability and suitability questions; nowhere in these paragraphs or elsewhere in that document is there an analysis of the particular point now at issue in the pleadings. Therefore, the Board must make such an analysis and dispose of the requested enlargement.

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[9] Atlantic Broadcasting Co., supra.

[10] During the earlier stages, Mr. Martorell was represented by legal counsel. However, with respect to many of the pleadings under consideration in this document, he is representing himself.

[11] In the original application a breakdown of the nonbroadcast equipment was given. The first reference to broadcast equipment on hand is found in the Sept. 11, 1964, amendment.

[12] Policy statement on sec. 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190 (1965).

[13] The October 3 affidavit was submitted to the Commission first, as a part of Martorell's Petition for Relief, filed Oct. 29, 1964. The earlier affidavit of June 1964, was an exhibit to Cavallaro's Motion To Strike filed Nov. 19, 1964.

[14] The affidavits of June 16, Oct. 26, and Nov. 24, 1964, show Hernandez as single, the affidavit of Oct. 3, 1964, shows him as married.

[15] The pleadings are: Petition To Enlarge Issues filed by Martorell on Oct. 24, 1966; Broadcast Bureau Comments filed Nov. 23, 1966; and Cavallaro's Comments filed Nov. 28, 1966.

38. Attached to a reply statement filed by Martorell on December 8, 1964, are the affidavits of three engineering consultants. Each contains analysis of the work necessary to make Cavallaro's antenna site ready in the manner proposed in his application. Each of them states that the required grading and filling to make the site level will encroach on adjacent property not encompassed in the Hernandez site. Cavallaro did not then respond to this contention, and he has not done so here. Thus, it appears on the basis of the information now before the Board that if Cavallaro's site is to be made usable in the manner proposed in the application, additional land will be needed. Therefore, the issues must be enlarged to determine whether sufficient land is available.

39. Next, Martorell requests an issue directed to Cavallaro's good faith and reliability to fulfill the duties and responsibilities of a licensee. Primary reliance is placed upon the contention that Cavallaro's site is so unsuitable and would require such great expense to make suitable that it is to be doubted that he seriously intends to build on that site. Martorell asserts that this question was not considered by the Commission in the designation order, even though the pleadings had posed such a question. Cavallaro responds that there is nothing in the request which warrants an answer. The Bureau, opposing this enlargement, does not agree that Cavallaro's proposal is so suspect as to require a good faith issue and also points out that the good faith issue, in all essentials, was considered and rejected by the Commission in paragraph 18 of the designation order, that nothing new has been alleged, and that there is no sound reason for the Board to make a contrary determination on this question.

40. Paragraph 18 contains an analysis of the basic points now urged upon the Board as grounds for adding a good faith issue. A good faith issue is essentially a qualifications matter. The Commission specifically refused to put Cavallaro's qualifications in issue under these circumstances. Therefore, the request is denied.[16]

41. Thirdly, a staffing issue against Cavallaro is requested. Martorell asserts that with a 163½ hour broadcast week, consisting of 25.4 percent live commercial and 16.4 percent live sustaining (constituting in all nearly 10 hours of live programing per day), a staff of 13 full-time persons is inadequate where four have no production or programing responsibilities, four others combine engineering and announcing functions, and only five have job classifications of a programing nature. Petitioner also calls attention to the fact that the directional array will require special attention by the technical staff and that programing will originate in several different studios some distance from the principal community.

42. Opposing the staffing issue, Cavallaro asserts that he will have 2 part-time and 13 full-time employees, that the planning is based on his 13 years of broadcasting experience, and that about half the live programs bear that label because they constitute rewritten wire news reports. An affidavit of Cavallaro is attached to the comments, and in it Cavallero spells out in great detail how the staff will be utilized. The Bureau also opposes, noting that the bulk of the live time is devoted to newscasts and talk presentations which require little by way of staff other than the participants in the program itself. In the Board's view, insufficient facts have been alleged, especially in view of the detailed showing made by Cavallaro in his affidavit, to warrant inclusion of a staffing issue.

43. Martorell's fourth request is for the Board to make clear that exploration of the high local live programing proposal will be permissible under the contingent standard comparative issue. Noting the statement in the Commission's Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393 (1965) that it will not be assumed "that an unusually high percentage of time to be devoted to local or other particular types of programs is necessarily to be preferred", petitioner asserts that Cavallaro has not dispelled the doubts which arise when unrealistic live programing proposals are advanced and has not related this programing with any specific needs of the area. Cavallaro supports the request, noting that the differences between the two proposals are "of such magnitude as prima facie to be of decisional significance."

44. The Board cannot read the Policy Statement, supra, as requiring a comparison of the programing of these two applicants just because Cavallaro proposes a high percentage of local programing. Especially is this so when it is noted that much of his programing acquires this classification because it is nonnetwork news which, it is stated, is classified as local live because it is to be substantially rewritten before being broadcast. In any event, to permit inquiry into programing would require specification of an issue, if the Policy Statement is followed, rather than a ruling by the Board that this subject could be explored under the contingent comparative issue. The allegations before us are insufficient for the specification of such an issue.

45. Finally, enlargement or clarification of the Cavallaro financial issue is requested. Issue 3(a), which is part of the financial issue, reads as follows:

(a) Whether Cavallaro's estimate of the cost of clearing and preparing his proposed transmitter-antenna site is reasonable, and, in light of the evidence adduced with respect to that question, whether his estimate of initial construction and first-year operating costs is reasonable.

Petitioner observes that this issue appears to be too narrow to permit inquiry into areas of substantial doubt as to the reliability and adequacy of the financial proposal in other respects, and, therefore, requests that 3(a) be revised to read:

(a) The basis for Cavallaro's estimate of the cost of clearing and preparing his proposed transmitter-antenna site, the basis for his estimate of initial construction and first-year operating costs, and whether such estimates are reasonable.

To support the change, Martorell says that although Cavallaro originally gave $84,000 as his first-year operating costs, his proposal has changed by expanding the broadcast week 30 hours, increasing his staff to 15 from 13, and using two auxiliary studios. Moreover, it is contended that $6,500 for legal, engineering, and other items is inadequate particularly in view of the complex hearing issues to be adjudicated.

46. Cavallaro, in opposing this request, argues that this matter was passed on by the Commission. He also contends that since he has told the Commission that the changes required no alteration in first-year costs, and since there is no evidence to the contrary, revision of the issue is unnecessary. The two auxiliary studios, says Cavallaro, were a part of his initial proposal. The opposition concludes with the statement that $27,500 was budgeted in the initial proposal for legal, engineering, miscellaneous, contingencies, working capital, and auxiliary studios. The Bureau also opposes enlargement, agreeing with Cavallaro that $27,500, not $6,500, is the amount set aside for legal, engineering, etc., expenses. The Bureau states that the matters were before the Commission at designation and finds nothing in the petition warranting enlargement or clarification of the issue.

47. The Board can find no grounds for so enlarging or clarifying the issues, particularly in light of the detailed discussion of Cavallaro's financial qualification in paragraph 17 of the designation order.

Accordingly, it is ordered, This 28th day of February 1967, that:

(a) The petition to modify issues filed by Augustine L. Cavallaro, Jr., on October 24, 1966, is denied;

(b) The petition to enlarge issues filed by Augustine L. Cavallaro, Jr., on October 24, 1966, is granted to the extent of adding the following issue:

To determine whether and the extent to which credit arrangements for the purchase of equipment are available to Luis Prado Martorell and, therefore, whether he is financially qualified.

and is denied in all other respects;

(c) The petition to enlarge issues filed by Luis Prado Martorell on October 24, 1966, is granted to the extent of adding the following issue:

To determine whether Augustine L. Cavallaro, Jr., has sufficient land available to him to accommodate the directional antenna system for his proposed facility.

and is denied in all other respects.

Released: March 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[17]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2477; Filed, Mar. 6, 1967; 8:46 a.m.]

[16] Atlantic Broadcasting, supra.

[17] Review Board Members Nelson and Kessler absent.

[Docket Nos. 17086, 17087; FCC 67M-336]

CHEROKEE BROADCASTING CO. AND FANNIN COUNTY BROADCASTING CO.

Order Continuing Hearing

In re applications of Max M. Blakemore, trading as Cherokee Broadcasting Co., Murphy, N.C., Docket No. 17086, File No. BPH-5246; Robert P. Schwab, trading as Fannin County Broadcasting Co., Blue Ridge, Ga., Docket No. 17087, File No. BPH-5309; For construction permits.

To formalize the agreements and rulings made on the record at a prehearing conference held on February 28, 1967 in the above-entitled matter concerning the future conduct of this proceeding:

It is ordered, This 28th day of February 1967 that;

Exchange of exhibits is scheduled for March 21, 1967;

Notification of witnesses is scheduled for March 31, 1967; and

Hearing presently scheduled for March 22, 1967, is continued to April 13, 1967.

Released: March 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2479; Filed, Mar. 6, 1967; 8:46 a.m.]

[Docket No. 16070; FCC 67-288]

COMMUNICATIONS SATELLITE CORPORATION

Order Regarding "Deferred Credit" Requirement

In the matter of Communications Satellite Corporation.; charges, practices, classifications, rates and regulations for and in connection with the leasing of voice grade and television channels to common carriers authorized by the Federal Communications Commission, between Andover, Maine, and a communications satellite in connection with the establishment of communication paths between points in the United States and Europe for transmission and reception of voice, record, data, telephoto, facsimile, television, and other signals; Docket No. 16070.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of March 1967;

The Commission having before it the transcript of the prehearing conference herein held on February 21, 1967, which was certified to it by the Hearing Examiner on motion of counsel for the Communications Satellite Corporation (Comsat) so that the Commission may consider Comsat's request made on the record therein, that the "deferred credit" accounting requirement imposed by the Commission's order instituting this investigation be eliminated.

It appearing, that our memorandum opinion and order of June 22, 1965, instituting this investigation into the lawfulness of Comsat Tariff FCC No. 1 directs that "all revenues obtained from satellite communications by the Communications Satellite Corporation under the provisions of the tariff shall be placed in a 'deferred credit' account as proposed by the Communications Satellite Corporation and shall not be reclassified or otherwise disposed of in any manner, except as may be authorized or ordered by the Commission, until the investigation herein is concluded and the appropriate reclassification or disposition has been finally determined by the Commission," and that similar language is contained in our orders of July 28, 1965 (1 FCC 2d 533) and January 11, 1967 (FCC 67-57) in this proceeding and in our Memorandum Opinion, Order, and Authorization of June 22, 1965, File Nos 1-CSS-L-65 and 1-CSG-L-65 (38 FCC 1298);

It further appearing, that such requirement was imposed at a time when Comsat had no commercial operating experience, and when very little information concerning its financial projections or its accounting procedures was available;

It further appearing, that the passage of time has provided in part such experience and information;

It further appearing, that such requirement is a bar to the keeping of regular accounts and to the issuance by Comsat of conventional financial statements to the Commission, to its stockholders, and to the public generally, and should now be eliminated to the extent consistent with the public interest;

It further appearing, that the accounting proposal of Comsat set out in the transcript before us appears to furnish a reasonable basis for the elimination of the "deferred credit" requirement insofar as is necessary to permit Comsat to make an accounting reclassification of the balances within such deferred credit account for the past and calendar year 1967 and so regularize its accounting so as to publish conventional financial statements in the period to and including the 1967 calendar year; and

It further appearing, that all parties to the investigation herein have stated on the record before us that they do not object to the elimination of the deferred credit requirement to permit accounting on the basis proposed by Comsat:

It is ordered, That the "deferred credit" requirement imposed on Comsat by the several orders and authorizations referred to in the first appearing paragraph hereinabove is hereby withdrawn insofar as it is a bar to the regularization by Comsat of its accounting and the publishing of financial statements for accounting periods prior to January 1, 1968: *Provided,* That accounting herein authorized is performed in accordance with the accounting plan set out in the prehearing transcript before us: *And provided further,* That Comsat shall not advance proposals in the proceeding herein which are inconsistent with the aforementioned accounting plan.

Released: March 2, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2516; Filed, Mar. 6, 1967; 8:49 a.m.]

[Docket Nos. 17178-17180; FCC 67M-338]

LAWRENCE COUNTY BROADCASTING CORP. ET AL.

Order Rescheduling Hearing

In re applications of Lawrence County Broadcasting Corp., New Castle, Pa., Docket No. 17178, File No. BP-16602; Brownsville Radio Inc., Brownsville, Pa., Docket No. 17179, File No. BP-16648; Shawnee Broadcasting Co., Aliquippa, Pa., Docket No. 17180, File No. BP-16880; for construction permits:

It is ordered, This 1st day of March 1967, Hearing Examiner Chester F. Naumowicz, Jr., having withdrawn from the above-entitled proceeding by his order released February 28, 1967 (FCC 67M-333), that Hearing Examiner Millard F. French shall serve as Presiding Officer herein; that the dates designated by order released February 16, 1967 (FCC 67M-255), for commencement of hearings and hearing conference in the proceeding are hereby set aside; that the hearings shall be convened on April 26, 1967, at 10 a.m.; that the prehearing conference shall be held on March 24, 1967, commencing at 9 a.m.; and that all proceedings shall take place in the offices of the Commission, Washington, D.C.

Released: March 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2517; Filed, Mar. 6, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

H. C. MINER & CO. ET AL.

Independent Ocean Freight Forwarder Licenses and Applicants Therefor

Notice is hereby given of the cancellation of the following independent ocean freight forwarder licenses.

H. C. Miner & Co., Port Laudania Building 2, Dania, Fla. 33004; License No. 1038, canceled February 1, 1967.

Traeger Shipping Corp., 127 Northeast Ninth Street, Miami, Fla. 33132; License No. 418, canceled February 9, 1967.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight

[1] Commissioner Wadsworth absent.

forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.

Grieve & Mitchel Shipping, Inc., Cotton Exchange Building, Houston, Tex.; David E. Grieve, president; Aubrey S. Mitchel, vice president; Robert M. Davant, director and trustee; Mary E. Mitchel, secretary; Josephine Grieve, treasurer.

Rocky Mountain International Freight Forwarding Co., 5725 East 39th Avenue, Denver, Colo. 80207; Earl C. Price, president and treasurer; Edward B. Almon, vice president; Charles Henrikson, secretary.

Export Enterprises of N.Y., Inc., 16 Beaver Street, New York, N.Y. 10004; Sherman J. Fromme, president.

Jaime E. Maduro, Post Office Box 203, Playa-Ponce, P.R. 00731; Jaime E. Maduro, owner.

Luis A. Ayala Parsi, Post Office Box 803, Ponce, P.R.; Luis A. Ayala Parsi, owner.

Intraworld Shipping & Forwarding Corp., 42 Broadway, New York, N.Y.; Chendra Dutt, president; Irving Lehat, secretary.

Quast & Co., Inc., 327 South La Salle Street, Chicago, Ill.; Karl H. Quast, president and director; Julius Groner, secretary; Heino C. Weiger, vice president and director; Werner E. Rutenberg, treasurer and director.

Metro Shipping Corp., 50 Doncaster Road, Malverne, N.Y., 11565; Walter Siegler, president and treasurer; Gerda Siegler, secretary.

Charles C. Rudd Cargo Expediters, (Charles C. Rudd, d.b.a), Howard Amman Building, Room 218, Port Everglades, Fla. 33316; Charles C. Rudd, owner.

Gilscot Forwarding Co. (Mrs. Helen Guillott Scott, d.b.a.), No. 2 Canal Street, New Orleans, La. 70130; Mrs. Helen Guillott Scott, owner.

American Oceanic Forwarders (Kee Shew Chang Joe, d.b.a.), 465 California Street, San Francisco, Calif. 94104; Kee Shew Chang Joe, owner.

World Trade Forwarding Co. (Jose S. Lopez, d.b.a.), World Trade Building, 1520 Texas Avenue, Houston, Tex. 77002; Jose S. Lopez, owner.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses.

ADDRESS CHANGES

T.M.A. Shipping Co., 56 West 45th Street, New York, N.Y. 10036; License No. 755.

World Wide Air Marine Freight Forwarders, 2903 Northwest Seventh Street, Miami, Fla. 33125; License No. 411.

L. V. De Malio, 1420 Avenue R, Brooklyn, N.Y. 11229; License No. 1125.

H. E. Schurig & Co. of Louisiana, 1810 International Trade Mart Building, No. 2 Canal Street, New Orleans, La.; License No. 988.

C. A. Hartnett, 830 Saratoga Street, East Boston, Mass.; License No. 180.

Comparato Air Cargo Express, 70 West 38th Street, New York, N.Y. 10018; License No. 248.

CHANGE OF OFFICERS

Alltransport, Inc., 17 Battery Place, New York, N.Y.; License No. 300, Angelo Mariano, Vice President.

CHANGE OF NAME

George Stern to George Stern Co., Inc., 416 Marine Office Building, 33 South Gay Street, Baltimore, Md. 21202; License No. 943.

Regal Shipping Corp., & Metro Shipping Corp., to Regal Shipping Corp., 24 Stone Street, New York, N.Y.; License No. 368.

CHANGE OF NUMBER

Metro Shipping Corp., 50 Doncaster Road, Malverne, N.Y. 11565; License No. 368 to License No. 1143.

NEW APPLICANTS LICENSED

February 1967

San Francisco Freight Forwarders, Inc., 465 California Street, San Francisco, Calif. 94104; License No. 1141, Issued February 7, 1967.

Grieve & Mitchel Shipping, Inc., Cotton Exchange Building, Houston, Tex. 77002; License No. 1142, Issued February 10, 1967.

Metro Shipping Corp., 50 Doncaster Road, Malverne, N.Y.; License No. 1143, Issued February 7, 1967.

Mangili Shipping Corp., 39 Broadway, New York, N.Y.; License No. 1144, Issued February 14, 1967.

Export Enterprises of N.Y., Inc., 16 Beaver Street, New York, N.Y.; License No. 1145, Issued February 27, 1967.

P & O Lines (North America), Inc. (Formerly the License of Union SteamShip Co. of New Zealand, Ltd.), 155 Post Street, San Francisco, Calif. 94108; License No. 1102, Issued February 14, 1967.

GRANDFATHER LICENSED

Arthur J. Fritz & Co., 80 Broad Street, New York, N.Y.; Subsidiaries: Arthur J. Fritz & Co. of Los Angeles (Los Angeles); Arthur J. Fritz & Co., Inc. (Seattle); Arthur J. Fritz & Co. (Houston); Arthur J. Fritz & Co., Inc. (New Orleans); Arthur J. Fritz & Co. (Portland); Arthur J. Fritz & Co. of Hawaii, Inc. (Honolulu); Mattoon & Co., Inc. (San Francisco & New Orleans); Page Brothers, Inc. (Portland); H. S. Dorf & Co., Inc. of California (Los Angeles & San Francisco); G. E. Posey Corp. (Houston); License No. 275, Issued February 21, 1967.

Dated: March 2, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-2512; Filed, Mar. 6, 1967; 8:49 a.m.]

[Docket No. 67-16]

JOINT CONFERENCE AGREEMENT ET AL.

Investigation and Hearing

Investigation and hearing of Agreement 9482, Joint Conference Agreement; Agreement 6200-12, Modification of Conference Agreement; Agreement 6200, as amended, U.S. Atlantic and Gulf/ Australia-New Zealand Conference Agreement; and modification to the U.S. Atlantic and Gulf/Australia-New Zealand Conference's approved form of dual rate contract.

Agreement 9482 is a "rate maintenance" agreement filed for approval under section 15 of the Shipping Act, 1916, by substantially the same carriers in their dual capacities as common carriers (1) engaged in the foreign commerce of the United States as members of the U.S. Atlantic and Gulf/Australia-New Zealand Conference (the American Conference)[1] and (2) as common carriers engaged in a foreign-to-foreign commerce as members of the Eastern Canada/Australia-New Zealand Conference (the Canadian Conference).[2]

As their titles indicate, both conferences are engaged in the Southbound trades to Australia and New Zealand (the trades).

Significant provisions of Agreement 9482 are:

(1) The two conferences agree to maintain the "same rates and similar conditions" on all cargo carried from and to ports covered by the scope of their respective Conference Agreements;

(2) The two conferences agree to confer with respect to changes in existing rates and/or conditions, or the establishment of "new or initial rates" and/or conditions "with the object of agreeing thereto." In the event of "failure to agree" either party will give the other 48 hours notice of the rates and conditions intended to be quoted;

(3) No rate changes will be undertaken with the "sole object of inducing American shippers to ship from Canadian ports or vice versa;"

(4) Both conferences agree that the exclusive patronage contracts of each shall contain a clause to the effect that should the contract signator route any of his shipments through ports of the other conference he will confine his shipments to member lines of that conference.[3]

(5) As far as is "possible", both conferences agree that the rates of the U.S. Atlantic and Gulf ports are to be "equated" with those of the Canadian Atlantic and St. Lawrence River ports: and the rates applicable to U.S. Great Lakes ports are to be "equated" with those "similar areas" in the Canadian Great Lakes.

(6) Any new members of either conference automatically becomes party to Agreement 9482.

Agreement 6200-12, also filed for approval under section 15 of the Act by members of the American Conference, and the proposed modification to the U.S. Atlantic and Gulf Australia-New Zealand form of exclusive contract, filed for approval under section 14(b) of the Act are essentially ancillary agreements designed to implement the American Conference's part of the bargain as reflected in Agreements 9482, viz:

(7) Agreement 6200-12:

(a) Authorizes the Conference Secretary to "enter into, rhodify or cancel" rate maintenance agreements when authorized by the Conference membership. All actions in this respect would be subject to Commission approval;

(b) Requires freight contracts; i.e., exclusive patronage contracts to "contain all provisions which may be required by such rate maintenance agreements."

(c) Requires Conference members, not members of the Eastern Canada/ Australia-New Zealand Conference, to assess the same U.S. Atlantic (New York) rates when loading in Canadian ports. Any "exception" to this requirement would require the excepting line to give the American Conference 48 hours notice of its intentions.

The modification to the dual rate contract substantively reiterates (4) above; i.e., requires contract signators who route any of their cargoes through Canadian ports to patronize member lines of the Eastern Canada/Australia-New Zealand Conference only, provided that they are accorded the "same rates and conditions as are available to signatories" of the Canadian Conference's contract.

The arrangements proposed here differ somewhat from that existing in the past in the form of Agreement 6200-A, initially approved November 2, 1938, and canceled on June 1, 1965. Under that arrangement the MANZ Line, the only Canadian carrier, promised to observe the rates established by the American Conference when lifting Canadian cargoes at Canadian ports provided (1) no American Conference carrier called at Canadian ports (nor would MANZ call at American ports); and (2) all "freight contracts" entered into by either would include the Conference and MANZ Line.

The first question confronting the Commission is whether or not Agreement 9482 can be approved. The reason for this is that section 15 concerns itself with agreements among common carriers by water subject to the Act as defined in section 1. The several carriers of the Canadian Conference—by the definition contained in the preamble to Agreement 9482—operate in the foreign commerce of Canada to Australia and New Zealand. Consequently, they are not persons subject to the Act. Accordingly, the parties here are directed to argue, on brief, and in argument how and to what extent the Commission may exercise its jurisdiction over Agreement 9482.

As to the merits of Agreement 9482, the Commission is unable to determine with desired certainty the economic impact and effect of this arrangement upon the U.S. foreign commerce with Australia, New Zealand and other places within the geographic scope of Agreement 6200 generally; nor can we ascertain what deleterious conditions and factors exist mutually in these trades which the proposed agreement seek to remedy.

Generally, then, with respect to Agreements 9482 and 6200-12 the investigation contemplated here will seek to determine the magnitude and structure of the trades; the nature and extent of any competition between the two; the trade experience and service contributions of the carriers; the rate making policies of the two conferences now; how the conferences conduct their rate making and ancillary prerogatives now; and how the proposed arrangements will alter or affect such policies and procedures. Additionally, the investigation here will seek to determine whether or not carriers serving Gulf ports under Agreement 6200 should or should not be accorded the same rate making prerogatives as their Great Lakes counterparts, pursuant to the Commission's decision in Docket 1166, In the Matter of Agreements 6200-7, 6200-8, and 6200-B—U.S. Atlantic and Gulf/Australia-New Zealand Conference, mimeo decision served June 24, 1965, re-affirmed by report on remand dated December 20, 1966.

The proposed modification to the American Conference's approved form of exclusive patronage contract has been protested by the Dow Chemical Co., Dow Chemical International, S.A., and Union Carbide Corp. who have requested that the legality of the proposed modification be put to the test of an investigation and hearing in which they be permitted to participate. Protestants have also objected to Agreements 9482 and 6200-12 (a) insofar as any freight contracts entered into by the two Conferences are reciprocally binding upon shipper signators in the trades and (b) to the extent that American shippers' requests and complaints cannot be fairly considered, as statutorily required, if passed upon by carriers engaged in the foreign commerce of Canada.

Now, therefore, by virtue of the authority vested in the Commission:

It is ordered, That an investigation and hearing pursuant to section 14(b), 15, and 22 of the Shipping Act, 1916, be instituted in order to determine (1) whether Agreements 9482 and 6200-12, if approved, would operate so as to be unjustly discriminatory or unfair as between carriers, shippers, or ports, or between exporters from the United States and their foreign competitors, to the detriment of the commerce of the United States, contrary to the public interest, or in violation of the Shipping Act, 1916, and thus require disapproval under section 15; (2) whether Agreement 6200, as amended, should be modified, pursuant to section 15, in a manner consonant with the Commission's decision in Docket 1166; and (3) whether the proposed modification to the American Conference's approved form of exclusive patronage will, if approved, result in unequal terms and conditions being accorded contract signators in violation of section 14(b) or will otherwise be detrimental to the commerce of the United States or contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors.

It is further ordered, That the parties to this proceeding argue, on brief and in arguments, the basis and extent, if any, of the Commission's jurisdiction over Agreement 9482; and

It is further ordered, That the carriers listed in Appendix A hereto be party respondents in the proceeding; and

It is further ordered, That the protestants listed in Appendix B hereto be named as petitioners in this proceeding; and

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and participate therein, shall file a motion to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 23, 1967, with copy to respondents.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

U.S. Atlantic and Gulf/Australia-New Zealand Conference, Mr. Marcus E. Rough, Secretary, 39 Broadway, New York, N.Y. 10006.

A/B Atlanttrafik (Atlanttrafik Express Service), Garcia & Diaz, Inc., General Agents, 25 Broadway, New York, N.Y. 10004.

American & Australian Steamship Line, Joint Service, Norton Lilly & Co., Inc., Agents, 26 Beaver Street, New York, N.Y. 10004.

Blue Star Line, Ltd., c/o Booth American Shipping Corp., 17 Battery Place, New York, N.Y. 10004.

Columbus Line, 26 Broadway, New York, N.Y. 10004.

Port Line, Ltd., Funch, Edye & Co., Inc., General Agents, 25 Broadway, New York, N.Y. 10004.

Farrell Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Mrs. E. Furlong, Secretary, Eastern Canada/ Australia-New Zealand Conference, 465 St. John Street, Montreal, Province of Quebec.

A/B Atlanttrafik (Atlanttrafik Express Service), c/o March Shipping Agency, Ltd., 400 Craig Street West, Montreal, Province of Quebec.

Blue Star Line, Ltd., c/o Robert Redford Co., Ltd., 221 St. Sacrament Street, Montreal, Province of Quebec.

Columbus Line, c/o Kerr Steamships, Ltd., 468 St. John Street, Montreal, Province of Quebec.

Montreal Australia New Zealand Line, Ltd., 410 St. Nicholas Street, Montreal, Province of Quebec.

[1] The U.S. Atlantic and Gulf/Australia-New Zealand Conference consists of the following lines: American & Australian Steamship Line (a joint service comprised of Ellerman Lines, Ltd., and Federal New Zealand Lines), A/B Atlanttrafik; Blue Star Line, Ltd.; Columbus Line; Port Line, Ltd.; Bank Line, Ltd.; and Farrell Lines.

[2] The Eastern Canada/Australia-New Zealand Conference consists of A/B Atlanttrafik; Blue Star Line; Columbus Line, and the MANZ Line Joint Service. The joint service is composed of Ellerman Line, Ltd.; Port Line, Ltd., and Federal New Zealand Line.

[3] As an example, a shipper who is party to an exclusive patronage contract with the American Conference and who routes his cargo through a Canadian port would be required to patronize member lines of the Canadian Conference. Conversely, a Canadian shipper would be bound by the terms and conditions of the American Conference's contract.

APPENDIX A—Continued

The Bank Line, Ltd., c/o Boyd, Weir & Sewell, Inc., 17 Battery Place, New York, N.Y. 10004.

APPENDIX B

The Dow Chemical Co., Dow Chemical International, S.A., Jerome H. Heckman, Esq., and/or Robert R. Tiernan, Esq., Keller and Heckman, 1712 N Street NW., Washington, D.C. 20036.

Union Carbide Corp., Jerome H. Heckman, Esq., and/or Robert R. Tiernan, Esq., Keller and Heckman, 1712 N Street NW., Washington, D.C. 20036.

[F.R. Doc. 67-2513; Filed, Mar. 6, 1967; 8:49 a.m.]

[Docket No. 65-5]

OVERCHARGE CLAIMS

Time Limit on Filing; Order Reopening Proceeding

On June 28, 1966, the Federal Maritime Commission issued a report and order in the subject proceeding in which it declined at that time to promulgate a proposed rule which would have prohibited the limitation of time within which claims for adjustment of freight charges may be presented to carriers to less than two years after date of shipment.

The proposed rule was as follows:

Common carriers by water as defined in section 1 of the Shipping Act, 1916, as amended (46 U.S.C. 801), shall not by tariff rule or otherwise limit to less than two years after the date of shipment the time within which claims for adjustment of freight charges may be presented.

Ocean Freight Consultants, Inc. (OFC), petitioned on July 25, 1966, for a reopening of the rulemaking proceeding, the adoption of the purposed rule, and the institution of a Commission investigation or such further proceedings as may be necessary to outlaw the present practices of carriers with respect to claims for adjustment of freight charges.

The Commission on October 21, 1966, requested further comment from interested persons indicating (1) the sections of the Act under which the existing carrier-imposed time limitation rules are challenged and under which the proposed rule would be promulgated together with a full statement of the facts and law relied upon, and (2) the type of hearing required if the proceeding is to be reopened.

Various shippers, shipper organizations, the U.S. General Accounting Office and OFC have filed comments indicating their opposition to the conferences' present practices, and conferences and carriers have filed replies. Allegations have been made of actual and possible violations of sections 14 Fourth, 15, 16 First, 18(b)(3) (and section 2 of the Intercoastal Shipping Act, 1933), and 22 of the Shipping Act, 1916. Various shippers have, moreover, indicated their willingness to participate in further proceedings with respect to the proposed rule.

Therefore, upon consideration of the comments and replies:

It is ordered, That the Commission, under Rule 16 of its rules of practice and procedure, pursuant to the provisions of sections 14 Fourth, 15, 16 First, 18(b)(3) (and section 2 of the Intercoastal Shipping Act, 1933), 22 and 43 of the Shipping Act, 1916, reopen Docket No. 65-5 to permit the receipt of testimony, evidence, and further argument to enable the Commission to determine whether the present carrier time limitation rules:

1. Have resulted in or will result in unfair or unjust discrimination in the adjustment and settlement of claims contrary to section 14 Fourth;

2. Have resulted in or will result in unjust discrimination, detriment to the commerce of the United States, contrariness to the public interest, or the failure or refusal to adopt and maintain reasonable procedures or have prompt and fair hearing and consideration of shippers' requests and complaints under section 15;

3. Have resulted in or will result in undue or unreasonable preference or advantage or undue or unreasonable prejudice or disadvantage contrary to section 16 First;

4. Have resulted in or will result in retention of unlawful charges by carriers under section 18(b)(3) and section 2 of the Intercoastal Shipping Act, 1933;

5. Have resulted in or will result in preventing shippers from filing for or recovering reparation pursuant to claims under section 22; and

6. Necessitate the promulgation of the proposed rule under section 43.

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER; and

It is further ordered, That the Office of Hearing Counsel shall participate in the proceeding; and

It is further ordered, That any interested person who desires to participate in this proceeding shall file notice of intent to so participate with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 30, 1967;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 67-2514; Filed, Mar. 6, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. AR67-1 *etc.*]

AREA RATE PROCEEDING ET AL.

Order Instituting Area Rate Proceeding

FEBRUARY 28, 1967.

On September 28, 1960, the Commission in its decision in the Phillips case (24 FPC 537), and its statement of general policy No. 61-1 (24 FPC 818), stated that it proposed to fix just and reasonable rates for independent producers of natural gas on an area basis. Since that time four area rate proceedings have been instituted. The Permian Basin proceeding (Docket No. AR61-1) has been decided by the Commission and a decision was rendered on appeal by the U.S. Court of Appeals for the Tenth Circuit on January 20, 1967, in which the Commission's decision was affirmed in part and remanded on certain issues.[1] The hearing in the Southern Louisiana proceeding (Docket No. AR61-2) has been concluded and the presiding examiner has rendered his intermediate decision. The hearings in the Hugoton-Anadarko (Docket No. AR64-1) and the Texas Gulf Coast (Docket No. AR64-2) proceedings have also been concluded. These area proceedings will establish just and reasonable rates for about 79 percent of gas sales in interstate commerce, based on 1962 sales.

By this order we initiate a proceeding to determine just and reasonable rates for the Other Southwest Area described in Appendix A below. Sales in this area in 1962 accounted for approximately 14 percent of total sales in that year, so that upon conclusion of that proceeding rates will have been established for about 93 percent of the natural gas sold in interstate commerce. The remaining 7 percent of sales which are in widely scattered areas will be treated separately from this proceeding.

The parties have had an opportunity in the current Hugoton-Anadarko and Texas Gulf Coast proceedings to present evidence directed not only to the principles enunciated in the Permian Basin decision but also to the questions raised in that decision on which other evidence was invited. Thus, presumably there exists in the record of these proceedings extensive evidence with respect to current gas costs, demand-supply conditions, reserve-production ratios, nationwide flowing gas costs, allocation methods and other similar matters, much of such evidence substantially duplicating that presented in the Permian and Southern Louisiana records. No good reason exists for a retrial or further duplication of this evidence in the proceeding being initiated by this order. Accordingly, the presiding examiner is directed to incorporate by reference all the evidence adduced in the joint record in the Hugoton-Anadarko—Texas Gulf Coast proceedings (and may permit incorporation by reference to the Permian and Southern Louisiana proceedings): *Provided*, That specific portions of the joint record may be excluded upon a clear showing of irrelevance or immateriality. Evidence may be presented on any new issues not raised in the joint record and witnesses may supplement data presented or opinions expressed in the joint record but cumulative or repetitive direct evidence, cross-examination or rebuttal shall not be permitted. It is our intention that, absent new evidence, the same issues shall not again be tried in this proceeding but that nonrepetitive testimony or cross-examination be allowed by any of the parties on new issues or respecting matters incorporated by reference. This would include theoretical concepts related to issues applicable to the instant areas. This proceeding essentially should require and be limited to new evidence respecting area conditions, area costs, and rate design.

[1] The Commission intends to request the Solicitor General to seek Supreme Court review on behalf of the Commission.

The length of prior area rate proceedings has been a matter of concern to the Commission. These proceedings have imposed a heavy burden upon respondents and intervenors as well as upon the Commission staff. While we are aware that the institution of a new proceeding will require continued attention of the parties, we are confident that the experience gained in the past and pending proceedings will do much to expedite the hearings herein and lighten the burden of all parties concerned. The new procedures we are providing for should likewise serve this objective.

The basic data respecting area costs are obtainable from the All Areas Questionnaire issued by Commission letter order of October 30, 1963. At the request of a number of Questionnaire respondents, however, the Commission, by orders issued January 9, 1964, and June 12, 1964, indefinitely deferred the requirement to furnish certain data including that involving gathering and processing costs in the subject area. It is now appropriate that the gathering and processing data be furnished for the Other Southwest area and we are accordingly today terminating the deferral of the submission of such data. While we would normally require submission of questionnaire data within 4 months, we have extended the period to 8 months in order that the parties may have the opportunity at the prehearing conference to consider stipulations or agreements as to gathering and processing costs to be utilized in the proceedings. If, after the initial prehearing conference, the presiding examiner reports to the Commission that agreement has been reached which may make it unnecessary to obtain the deferred data as required by the order referred to, the Commission will then reconsider the order. If no such agreement or other satisfactory disposition is reached, the respondents will proceed to furnish the data in accordance with the order.

To expedite the proceedings at the prehearing conference and the disposition of data requests, any parties interested in making data requests or in receiving copies of such requests made by others shall so advise the Secretary of the Commission within 4 weeks of the date of the order instituting this proceeding. The Secretary will then prepare a preliminary service list of such parties and this list will be available to all parties requesting the same.

This proceeding, like the Permian and pending proceedings, will result in the establishment of just and reasonable rates under sections 4(e) and 5(a) of the Act applicable to all persons making sales of gas in interestate commerce from the production areas delimited herein. These persons are listed in Appendix B below and are made respondents in this proceeding.

A number of pipeline companies make purchases in the producing areas covered by this proceeding. The Commission has recognized that pipeline purchasers are directly concerned with the determinations which the Commission makes in area rate proceedings (see 29 FPC 981, 983). The contracts which have heretofore or will hereafter be entered into by pipeline companies for the purchase of gas in this area are subject to examination and review by the Commission. Consequently it is appropriate that these pipeline purchasers be made respondents in this proceeding. In Appendix C are listed the pipelines making purchases in the area covered by this proceeding.

This proceeding will also establish the refunds, if any, which may be required under section 4 of the Natural Gas Act, and all proceedings involving increased rate filings suspended by the Commission for sales in the area will be consolidated in this proceeding. A list of the pending proceedings is set forth in Appendix D below.

Three weeks prior to the initial prehearing conference all data requests shall be served on the parties on the preliminary service list. At the initial prehearing conference all proposals for stipulations as to gathering and processing costs and all other requests for data previously made shall be considered and disposed of by the presiding examiner. At the initial and subsequent prehearing conferences which the presiding examiner may schedule, consideration should be given to the incorporations by reference herein required and such other matters as may be deemed relevant to expedite conclusion of this proceeding.

The Commission orders:

(A) A proceeding is hereby instituted pursuant to sections 4, 5, 10, 14, 15, and 16 of the Natural Gas Act to determine the just and reasonable rate or rates for the sales of natural gas subject to the jurisdiction of the Commission produced in the geographical areas designated in Appendix A below and public hearings shall be held in this proceeding as determined by the presiding examiner. All persons named in Appendix B hereto and all parties on whose behalf such persons have filed FPC gas rate schedules for sales in such areas are hereby made respondents herein.

(B) All pipeline purchasers named in Appendix C below are hereby made respondents herein.

(C) The proceeding hereinbefore instituted shall also encompass the investigation of facts, conditions, practices, or matters relating to the sale of natural gas produced in said geographical area to aid in the enforcement of the provisions of the Act or in prescribing rules and regulations thereunder, and shall also encompass issues as to whether any rate or charge demanded, observed, charged, or collected by any natural gas company in connection with such sales is unjust, unreasonable, unduly discriminatory, or preferential.

(D) The section 4 proceedings listed in Appendix D below are hereby consolidated for purposes of hearing with the proceeding herein instituted.

(E) Any persons other than the respondents specifically named in Appendices B and C who desires to participate as intervenor in the hearings designated hereinabove ordered to be held, shall, on or before March 28, 1967, file a notice of intervention or petition to intervene with the Secretary of the Commission in accordance with § 1.8 of the Commission's rules of practice and procedure.

(F) All respondents or intervenors making data requests or wishing to have such requests served upon them shall so notify the Secretary of the Commission on or before March 28, 1967.

(G) A prehearing conference shall be held pursuant to the Commission's rules of practice and procedure in a Hearing Room of the Commission at 441 G Street NW., Washington, D.C. commencing at 10 a.m., June 28, 1967, before a hearing examiner designated to act as the presiding examiner in this proceeding for the purpose of but not limited to affording all interested persons an opportunity to be heard with respect to the procedures to be followed in expeditiously determining the issues to be tried in these proceedings. At the conclusion of the prehearing conference or as soon thereafter as may be feasible, the presiding examiner shall set the dates for the service of testimony and exhibits by the staff, parties, and interveners, and the date for commencement of the hearing and cross-examination.

(H) Howell Purdue, a duly qualified and appointed hearing examiner, or any officer or officers of the Commission designated by the chief hearing examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d) etc.), is designated to act as presiding examiner in this proceeding as of the date of the issuance of this order and is authorized and directed in so doing to exercise all of the functions and authority prescribed by the Administrative Procedure Act and the Commission's rules of practice and procedure, including the holding of the above-scheduled prehearing conference and such other prehearing conferences

as he may deem advisable to expedite the proceeding herein.

(I) A copy of this order shall be published in the FEDERAL REGISTER and served upon each of the respondents set out in Appendices B and C and upon interested State Commissions as is provided for in section 1.19 of the Commission's rules of practice and procedure.

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

The other Southwest Area comprises:

(a) The State of Mississippi;

(b) In the State of Alabama: Marion, Fayette, Lamar, and Pickens Counties;

(c) The State of Louisiana, north of the 31 degree parallel;

(d) In the State of Texas: Texas Railroad Commission District Nos. 5, 6, and 9;

(e) In the State of Oklahoma: Adair, Atoka, Byran, Carter, Cherokee, Choctaw, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Delaware, Garvin, Greer, Harmon, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburgh, Pontotoc, Stephens (except Carter-Knox Area), Tillman, Tulsa, Wagoner, Washington, Pottawatomie, Puahmataha, Rogers, Seminole, and Sequoyah Counties;

(f) The State of Arkansas.

APPENDIX B—RESPONDENTS TO THE AREA RATE PROCEEDING (OTHER SOUTHWEST AREA)

J. S. Abercrombie Mineral Co.
Adams, N. L., Sr.
Alexander, C. W.
Alexander, E. B., Jr.
Allied Materials Corp.
Alston, Francis H.
Amax Petroleum Corp.
A'Mell Oil Properties.
Amerada Petroleum Corp.
Americana Oil & Gas Properties of Texas, Inc.
American Exploration Development Corp.
American Petrofina, Inc.
American Petrofina Company of Texas.
American Realty & Petroleum Corp.
American Trading & Production Corp.
Amigos Oil & Gas Ventures.
Anadarko Production Co.
An-Son Corp.
Anderson, Jacqueline.
Anderson Petroleum.
Andrewski, H. C.
Anisman, M., Trustee.
Anisman, Morris.
Apache Corp.
Apco Oil Corp.
Argo, M. M.
Arkla Exploration Co.
Arrington, J. H.
Ascher, M.
Ashland Oil & Refining Co.
Athens, E. J.
Atkins, Katherine Adger.
Atlantic Richfield Co.
Austral Oil Co., Inc.
B & A Pipe Line Co.
Bailey, Virginia Mitchell.
K. Baker, Receiver.
Bander, Joe.
Barker, Walter L.
Barnes, Earl E.
Barnwell Debardeleben Oil Co.
Barnwell & Kinzler.
Barnwell, Inc.
Barnwell Production Co.
Barrett, Charlotte Osborn.
Basin Operating Co.
Bass, Harry W.
Baton, J. W.
Thelma Bauerdorf and Constance Cartwright, Trustees for George F. Bauerdorf, Deceased.
Beacon Oil & Refining Co.
Beall, Alton G.
Beard Oil Co.
Beckett, C. M.
Behring's Production Co., Inc.
Belgam Oil Co., Inc.
Berry, Thomas E.
Thomas N. Berry & Co.
Biedenharn, Betty Osborn.
Big Chief Drilling Co.
Biggs, Robert A., Jr.
Biglane, D. A.
Blackburn Gasoline Plant.
Blair, B. B.
Bodcaw, Co.
Bohnsack, Richard L.
Bond, Durbin.
Bond Oil Corp.
Bond, Roland S.
Borden, S. P.
Boteler, R. H.
Boteler, R. T.
Bracken Oil Co.
Brandenburg, R. P.
Breckenridge Gasoline Co.
Brian, C. A.
Bridewell, Billy.
Brightwell, Donald.
Briscoe, Powel.
Powel Briscoe, Inc.
Briscoe, Roy E.
Bristol, R. A.
Brooks, Jesse M.
Brooks, Jesse M. & M. James Brooks.
Zach Brooks Drilling Co.
Brown, George R.
Brown, L. D. and Trant, Sam.
Broyles, C. W.
Broyles, Harvey.
Bryant, W. H.
Buckwalter, Charles F.
Burk Gas Corp.
Burk Royalty Co.
Burnett, T. C. and Ruby C., Estate.
Burnham, Joe M.
Burns, L. T., Estate.
Burns, R. G.
Burns, R. H.
Burton, C. P.
Butler, J. R.
C. F. & H. Oil Co., Inc.
Caddo Pine Island Corp.
California Company, a Division of Chevron Oil Co., The.
Inez Calmes Executrix of the Estate of Kermit W. Calmes, Deceased.
Calto Oil Co.
Calvert-Mid American, Inc.
Cameron, A. A., doing business as Cameron Oil Co.
George E. Cameron, Inc.
Canary, S. C.
Cararas, Jerome A.
Caraway, Reagan J.
Cargill, Robert.
Carpenter, E. M.
Carter-Jones Drilling Co., Inc.
Car-Tex Producing Co.
Caruthers, J. D.
Caruthers Operating Co., Inc.
Carver, Mrs. Helen, doing business as Anthony Oil Co.
Casey, Carl.
Caska Corp.
Cassard, A. R.
J. G. Catlett Co.
Central Commercial Co.
Central Oil Co.
Champlin Petroleum Co.
Chapman, Harry Allen.
Chastain, M. B.
Chicago Mill & Lumber Co.
Chisholm, Alexander F.
A. F. Chisholm, doing business as The Brandon Co.
Cities Service Co.
Cities Service Oil Co.
Citizens Bank of Hattiesburg, Mississippi.
Claiborne Gasoline Co.
Clark, Anson L.
Clark and Cowden.
Clark, F. A.
Clay, Thomas W.
Cleary Petroleum, Inc.
Cloud, Robert E.
Coastal States Gas Producing Co.
Coats, Alton.
Cochran, Phil K.
Cofield, H. H.
Cohen, Don.
Coles, Marvin J.
Coles, Otis C., Jr.
Collins, George Fulton, Jr.
Colpitt, James R.
Columbian Fuel Corp.
Comegys, W. M., Jr.
Commercial Solvents Corp.
Compadre Oil Corp.
Consolidated Oil & Gas, Inc. (Colo.).
Continental Oil Co.
Cook, Tom, Jr.
Cook, William H.
Corban, Charlie.
Cotton, Doyle W., Jr.
Cotton Valley Community.
Coulston Drilling Co.
Coutant, A. E.
Cox, Edwin L.
Crescent Drilling Co., Inc.
Creslenn Oil Co.
Crestmont Oil Co.
Crest Petroleum Inc., Agent.
Crichton, John H.
Criner Processing.
Crockett, M. W. and Charles Kelly, doing business as Crockett & Kelly.
Crow, Mrs. Cordelia K.
Crow, David, Trustee.
Crow Drilling & Producing Co.
Milton Crow Inc.
Crystal Oil & Land Co.
Culpepper, Curtis.
Curry, W. C.
Cuttychamp Oil & Gas Corp.
Cyprus Mines Corp.
Dal-Rock Production Co.
Darby, Beulah K.
Daube, Olive H., doing business as Daube Co.
Davidor & Davidor, Inc.
Davis, C. D.
Davis, Paul R.
Davis, Waymon L.
Davon Drilling Co.
Debardeleben, Charles F., Jr.
Dees, M. H.
Delaney, W. A., Jr.
Delhi Taylor Oil Corp.
Delta Drilling Co.
Delta Gulf Drilling Co.
Deposit Guarantee Bank & Trust Co.
Despot, George J.
Dial, J. B.
Discovery Oil & Gas Co., Inc.
Dorchester Gas Production Co.
Dorfman, Elizabeth F., Trust.
Dorfman, Louis.
Dorfman, Sam Y., Jr.
Draughn, Paul V., Jr.
Draughn, Paul V., Sr.
Dunbar, Blaine.
N. V. Duncan Drilling Co.
Estate of N. V. Duncan.
Duncan, Walter.
Dunford, O. D.

[2] Statement of Commissioner Ross, dissenting in part, filed as part of original document.

E. Dunlap, Jr., & State Oil Co.
Eason Oil Co.
Everett Eaves.
Ward M. Edinger, Inc.
Edwards, Robert J., Jr.
Elledge, Vernon and Hall.
Ellis, H. A., doing business as All Star Gas Co.
Elm Grove Gathering System Inc.
Erickson, E. L.
Evans, James P., Jr.
Fagadau, Sanford P.
Fair Oil Co.
Fairfield Oil Co.
Falcon Seaboard Drilling Co.
Feazel, W. C., Estate.
Felsenthal, S. J., Estate.
Fender, Harris R.
Ferguson, Hershal C.
Ferguson Oil Co., Inc.
Fields, Bert, Estate.
Fleet, Howard W.
Flesh, David J.
Florsheim, S. L.
Fohs, Julius F., Estate of.
Fontaine, W. B.
Ford, Evon A.
Helen H. Feldman, Gertrude M. Reilly, and Raymond J. Gertz, Trustees, Estate of Joseph Feldman.
Forest Oil Corp.
Forgey, R.
Forgotson, James M.
Foster, W. H.
Four States Drilling Co., Inc.
Franks, John.
Franks Petroleum.
John N. Free, doing business as Free Lichty Drilling Co.
Joseph F. Fritz.
Fryer & Hanson Drilling Co.
Gage, Coke L.
Gammill, Dave.
Gant, Walter H.
Garrett, J. M.
Gas Rock Corp.
Gas Transmission Co.
Genecov, A. S., Trustee.
General American Oil Company of Texas.
Genere Gas Industries, Inc.
Geochemical Surveys.
Geological Exploration Co.
Gerhig Company of Arkansas.
Gibbons, Ed.
Gilbert, Arch B.
Gilmer Oil Co.
Glassell, A. C.
Glassell, Alfred C., Jr.
Glassell & Glassell.
Glen Rose Gasoline Co.
Godfrey, Roy A.
Goins, J. I.
Gose, Steve.
Gragg Drilling Co.
Graokla Gas Corp.
Graridge Corporation of Texas.
Graves, A. R.
Graves, A. R. and Wetzel, Guy
Greenbaum, R. R., doing business as Time Petroleum Co.
Greenville Gasoline Co., Inc.
Grigsby, Jack W.
Grimes, Otha H.
Gulf Mobile & Ohio R.R. Co.
Gulf Natural Gas Corp.
Gulf Oil Corp.
H & H Oil & Gas Corp.
Hall, Frank J.
Hall, G. C.
Hall, Stanton A.
Hamill, Claud B.
Hamilton Gas Co.
Hamman, Blake.
Hamon, Jake L.
Hansbro, M. G.
Estate of M. G. Hansbro.
Harden, Jack.
Hardey, Charles O.
Hargrave, Horace C.
Harper Oil Co.
Harris, James W.
Harrison, Wallace.
Harvey, W. W. & Sojourner, W. C.
Hawkins, H. L. & H. L., Jr.
Hayes, Marshall A., Jr.
Heape, Gene.
Hearnsberger, H. G.
The Hefner Co.
Hefner, Robert A., Jr.
Heidelberg, Cecil F., Jr.
Roy Heidelberg II.
Heidt, James D.
Helmerich & Payne Inc.
Henry, S. O., Jr.
Herold, Simon.
Maxwell Herring Drilling Corp.
Hewell, W. A., Trustee.
Hibbert, R. E., Agent.
Hilburn, C. A.
Hinton, Charles A.
Hinton Producing Co.
Hodge, T. F.
A. J. Hodges Industries, Inc.
Hodges, R. M.
Hoffman, L. C.
Mrs. Luna T. Holcomb.
Hollandsworth, G. J.
Hollandsworth & Travis.
Holleman, Wilbur J.
Hollyfield & McFarlene.
Home-Stake Production Co.
Hood, F. M.
Hooper, S. J.
Houston Royalty Co.
J. M. Huber Corp.
Huffines, V. R.
Dudley, J. Hughes.
Hughey, W. R.
Hughey, W. R. Operating Co.
Humble Oil & Refining Co.
Hunt, H. L.
Haroldsen L. Hunt, Jr., Trust Estate.
Hassie Hunt Trust.
Hunt Industries.
Lamar Hunt.
Lamar Hunt Trust Estate.
Hunt, Nelson Bunker, Trust Estate.
Hunt Oil Co.
Hunt Petroleum Corp.
William Herbert Hunt Trust Estate.
The Hunter Co., Inc.
Hunter, James A.
Hurley Oil & Gas Co.
Hutton, H. L.
Ben C. Hyde, Jr.
Hynson, R. C.
Imperial Production Corp.
Inabnet, W. B.
Inger, Henry S.
Ingersoll Power & Fabricating Co., Inc.
International Helium, Inc.
Investors Royalty Co., Inc.
Jabco, Inc.
Jackson, F. R.
Jackson, J. E.
Jackson, J. E., Inc.
L. B. Jackson Co.
T. L. James & Co., Inc.
Javelin Oil Co., Inc.
The Jaybird Corp.
Jenkins, Charles L.
Jenkins-Ray Supply.
Jennings, R. L. and Clogg, M., doing business as Jennings and Clogg.
Jernigan, J. E. & Morgan, M. V., doing business as Jernigan & Morgan Oil Co.
Jernigan & Morgan Transmission Co.
Johnson, E. Lyle.
Johnson, Gilbert S.
Johnson, Howard C.
Johnson, Rubein V.
Jones, Carroll G.
Jones, James Marshall.
Jones, Joseph M.
L. E. Jones Drilling Co.
Jones, O'Brien, Inc.
Jones, Shelburne & Pellow Oil.
Jorden, Jack C., Jr.
Josaline Production Co.
Jowoco, Inc.
Karll, R. P.
K. B. Compression Co., Inc.
Keener Oil Co.
Kemp, James E.
Kenyon, Clarence.
Kerr-McGee Corp.
Ketchum, Ralph F., doing business as Ketchum Oil Co.
Key, Edmund M.
Killingsworth, S. H.
King, Liberto Investments.
King, Robert E.
Kinnebrew, Lee.
Kinsey, Norman V.
Kirby Petroleum Co.
Kirkpatrick Oil & Gas Co.
Kubler, E. C., Jr.
R. Lacy, Inc.
Ladner, Heber.
Laffoon Oil Co.
La Gloria Oil & Gas Co.
P. G. Lake, Inc.
William H. Lambdin.
The Lancer Corp.
Landa Oil Co.
Langford Drilling Co.
Lankford, K. D., Jr.
Larco Drilling Co.
Larlo Oil & Gas Co.
Larson, Perry E. and Max L. Thomas.
Larue, Fred, doing business as Larue-Smith Production Co.
Latham, Joe.
Latimer, D. C.
Lechner and Hubbard.
LeCuno Oil Corp.
Lee Drilling Co.
Lee, R. A. and Ladner, H. L.
Lee, Robert A.
Le Gendre, P. G.
Lemon, I. M., Mrs.
Lerner, W. Zolley, doing business as Ko-Ler Oil Co.
Lewis, Ethel May Neel.
Lillystrand, T. O., Jr.
The Lincoln Converse Co.
Little, Quintin.
Livingston Oil Co.
Lomac Drilling Co.
London, D. E.
London Gas Co.
Lone Star Producing Co.
Longhorn Production Co.
Lubell Oil Co.
Lynn Drilling Co.
Lyons, C. H., Jr.
Lyons and Logan.
Lyons, C. H., Sr.
McAlester Fuel Co.
W. C. McBride, Inc.
McCain, M. F.
McCalman Drilling Co., Inc.
McCamic, Charles.
McCasland, T. H.
McCausland, Oscar B.
McCommons Oil Co.
McCommons, William E., doing business as McCommons Exploration Co.
McConnell, D. B.
McCord, Charles T., Jr., doing business as McCord Oil Co.
McCulloch Oil Corporation of California.
McGoldrick and Watson Drilling Co.
McGuire, T. W.
McKnight, Peyton, Jr.
McLemore, B. Regan.
McMahon, C. L., Jr.
McMillin, Frank E.
McMurrey, Jim, Estate.
McNeish, George R.
McRae, Ethel C.
McWood Corp.
M & M Producing Co.
Machin Oil, Ltd.
Mack Oil Co.
Mackey, Earl T.
Madole, J. D.
Magna Oil Corp.

APPENDIX B—Continued

MaGuire, Russell.
Malernee Oil Co.
Manziel, Bobby.
Manziel, Dorothy N.
Mapco Production Co.
Marathon Oil Co.
Marcus, Earl
Marks, E. W., Sr.
Marr, M. H.
Marshall Exploration Co., Inc.
C. F. Martin, Inc.
W. T. Massey and Harry A. Moore, doing business as Massey & Moore.
Mathews, Howard.
Mayfield Corp.
Maynard Oil Co.
Mayronne, R. W., Jr., doing business as Riverside Oil Co.
Maytex Co.
Medallion Oil Co.
Menefee, J. M.
Mercury Drilling Co.
Merrick, Ward S., Jr.
Mid-America Minerals, Inc.
Mid Century Oil & Gas Co.
Midhurst Oil Corp.
Midway Oil Co.
Midwest Oil Corp.
Miles Kimball Co.
Miller, Paul L.
Miss-Tex Oil Producers.
Mitchell, George & Associates, Inc.
Mitchell, W. H.
Mobil Oil Corp.
Mobley and Stephens.
Moffatt, Robert J.
Moffitt, Mrs. Tom J.
Moise, Mrs. Leah H.
W. A. Moncrief.
Monla Gas Co., Inc.
Monroe Gas System, Inc.
Monsanto Co.
Morgan Bros.
Morgan, Dave.
Morgan, Fred.
Morgan, J. A.
Morgan, Margaret M., Mrs.
Morris, C. L.
Morris, P. D.
Mortimer, Mrs. Betty D.
Mosbacher, Robert.
Moss, H. S.
Murphy, Charles H., Jr.
Murphy Oil Company of Oklahoma, Inc.
Murphy Oil Corp.
Muslow, James.
Mutual Investment Co.
Myers, Sidney G., Jr.
Nafco Oil & Gas Co., Inc.
National Bank of Commerce of Houston.
National Fuels Corp.
National Oil Co., Inc.
Natol Petroleum Corp.
Natural Gas & Oil Corp.
Neal, T. J.
Nemours Corp.
Neustadt, Doris W.
Newton Naval Stores Co., Inc.
Nichols, Irl A.
Nolan, William C. and T. M.
North Central Oil Corp.
North Louisiana Gas Co., Inc.
Norton, Annie.
Norton Oil Co., Inc.
Norville Oil Co., Inc.
Nowery, James R.
O'Boyle, John W.
O'Boyle, Kathleen, Trust No. 2.
O'Rourke, D. F.
OK & B Drilling Co.
Oklahoma Natural Gas Co.
Oliver, Rees R.
Oliphant, A. G.
Olympic Oil Co.
Omega Petroleum Corp.
Onstott, L. J., doing business as Progress Petroleum Products.
Orr, B. B.
Osborn, Jewel.
Osborn, W. B., Jr.
W. B. Osborn, Jr., Executor The Estate of W. B. Osborn, Sr.
Owen, K. D.
Oxley, John C.
Ozark Gas Corp.
P.S. & G., Inc.
Page, Wiley.
Palmer, Milo T.
Pan American Petroleum Corp.
Panola Trading Co., Inc.
Parker, G. C.
Patterson, H. I. and Williams, R. E.
Peake Petroleum Co.
Penn, G. E.
Perkins, Elizabeth.
Perkins, J. R.
Perkins, J. R., doing business as Perkins Production Co.
Perritt, H. W.
Petroleum Exploration, Inc., of Texas.
Petroleum Corporation of Texas.
Petroleum Management, Inc.
Pewitt, Paul H.
Phillips, B. F., Estate of.
Phillips, Jack L.
Phillips, Leonard W.
Phillips, Loyce.
Phillips, O. A., Estate of.
Phillips Petroleum Co.
Pickens, W. L.
Pioneer Oil & Gas Co., Inc.
Pioneer Oil Investment Co.
Placid Oil Co.
Porter, L. B.
Potter, Tom.
Powers, M. F. Estate.
Prentice, Paul R.
Prentiss, W. P.
Price, Jack E.
Proctor, Douglas E., Jr.
Pruet, Chealey.
Quisenberry, W. Y.
R. A. F. Natural Gas Corp.
Radford, C. H.
Ralgorodsky, Paul M.
Ray, Lucie L.
Raymond Oil Co., Inc.
Read, Paul L.
Howard M. Redwine.
Reed, M. T.
Republic Royalty Co.
Reserve Oil & Gas Co.
Reynolds Mining Corp.
Rhoades Oil Co.
Richardson Oils, Inc.
Richenthal, Arthur.
C. R. Ridgway and W. B. Ridgway.
Ridgway Management, Inc.
Rimrock Tidelands, Inc.
Rio Rojo Gathering System, Inc.
Robbins, J. C., Jr.
Robbins Petroleum Corp.
Roberts, J. I.
Roberts, J. I. and Murphy, C. H., Jr., d/b/a Roberts & Murphy.
Robinson, L. L.
Robinson & Marshall Drilling Co.
Rogers, Hellena Fox Wright.
Roosth and Genecov Production Co.
Roper, Frank C.
Rorem, S. D.
Rosario Production Co.
Henry R. Rose.
Ross Production Co.
Ross, R. M.
Wilhelmina duP. Ross.
Rougon, Dr. and Mrs. A. L.
Rowan, J. Mike.
R. D. Roy & Co., Inc.
Rozeman, A. M.
Rudco Oil & Gas Co.
Rudman, Rose.
Ruffin, J. F., Jr. Trustee.
Rushing, J. S.
Russ, John.
Ryan, Fred H.
Ryan, P. H.
Ryan, Ray.
Sabianna Oil Co., Inc.
Samedan Oil Corp.
Martin A. Samuelson.
Sanders, Nell E.
Sanford, John T.
Schafer Drilling Co.
Schober, Henry I.
Schwartz, C. B.
Scott, Francis W.
Joseph E. Seagram & Sons, Inc. d/b/a Texas Pacific Oil Co.
Sells Petroleum, Inc.
Sellwood & Myers.
Service Gas Products Co.
Sesco Production Co.
Shadid, Fred V.
Shalett, H. T. and Crow, David.
Shear, Warren.
Shell Oil Co.
Shields, Jay M.
Sho Van Gas Producing Co.
R. H. Siegfried, Inc.
Siesta Oil & Exploration Co., Inc.
Signal Oil & Gas Co.
Simmons, D. J., d/b/a Farrell and Company of Louisiana.
Simmons, Jay.
Simmons, Maxwell D.
Sinclair Oil & Gas Co.
Singer, Joseph B.
Skeeters, A. Z.
Skelly Oil Co.
Skelton, D. W.
Sklar, Sam.
Slack, Bob B.
Smith, Douglas V.
Smith, E. D.
Smith, H. S.
Smith, J. J.
Smith, L. E.
Smith Operating & Management Co.
Smith, P. E.
Smith, R. E.
Smith, Walter R.
Snee, William E.
Sohio Petroleum Co.
Sohoma Natural Gas Co., Inc.
South Central Natural Gas Corp.
Southern Union Production Co.
Southwest Gas Producing Co.
Southwestern Exploration Consultants, Inc.
Stack, J. E., Jr.
R. A. Stacy, Jr.
Standard Oil Company of Texas, a Division of Chevron Oil Co.
States Oil Co., Inc.
Stephens Production Co.
Stephenson, J. F.
Stewart, Austin E.
D. W. Stewart, Jr., and E. L. Stewart.
Strahan, Joe G.
Strength, (Mrs.) Janie R.
Harry J. Strief, Estate of.
Stringer, Murray D.
Sun Oil Co.
Sunnyland Contracting Co., Inc.
Sunray DX Oil Co.
Sunset International Petroleum Corp.
The Superior Oil Co.
Sutton, Carol Daube.
Tacony Co., The.
Talbot, C. P.
Tanner, J. W.
Tate, Ernest W.
Taubert, J. E.
Taylor, Mrs. Douglas Havard.
Taylor, McCleland.
Teekel, Lloyd G.
Tenneco Corp.
Tenneco Oil Co.
Texaco, Inc.
Texas Gas Exploration Corp.
Texas San Juan Oil Corp.
Thomas, Evan A.
Thomason, D.
D. Thomason Production Co., Inc.
Thompson, J. Cleo.

Tidewater Oil Co.
Tittle, W. M.
Todd, Dr. John D.
Toto Gas Co.
Trahan, J. C.
J. C. Trahan Drilling Contractor, Inc.
Trans-State Oil Co., Division of Hess Oil & Chemical Corp.
Trant, Mike, d/b/a Mike Trant Drilling Co.
Trant, Sam.
Treat, Frank B.
Tri J., Inc.
Trice Production Co.
Tuttle, R. M. d/b/a R. M. Tuttle Pipe Line.
Twin Gas Co.
Union Oil Company of California.
Union Producing Co.
Union Texas Petroleum, a Division of Allied Chemical Corp.
Vanson Production Corp.
Vaughn, G. H., Jr. and Jack C.
Vaughn, G. H., Jr.
Vaughn Petroleum Inc., Agent.
Vaughey & Vaughey.
Venters, Harley E.
The Vickers Petroleum Co., Inc.
Wager, Dan R.
Walker, Keith F.
Walker, Ross.
Walsh, Frank H.
Wandel, Philip.
Wannop, Mary Fitts.
Warren American Oil Co.
Warren Petroleum Corp.
Wegmann, W. A.
Westates Petroleum Co.
Westheimer Neustadt Corp.
Westland Oil Development Corp.
Whelan, D. E. and R. J.
Wheless Drilling Co.
Wheless, Joseph Sidney, Jr.
N. H. Wheless Oil Co.
Wheless, W. M.
Whitaker, Douglas.
Whitaker, John C.
White, Blanche N.
White, Janet.
White, T. J., Jr.
Whitehall Oil Co., Inc.,
Whittington Number Four.
Wichita River Oil Corp.
Wico Oil Co.
Wiederhold, William C., Agent.
Williams, Charles K.
Williams, E. B., Jr.
Williams, E. B., Sr.
Williams, George H. and Hill.
Williams Pressure Service Co.
Williams, Robert Gordon.
Wilson, Bruce L.
Wilson, Norton F.
Winwell, Inc.
Wise Operating, Inc., of Tyler.
Wood Oil Co.
Woods, Harold L.
Woods Petroleum Corp.
Woolf, Geraldine H.
Worldwide Petroleum Corp.
Worth Drilling Co.
Wrather, J. D., Jr.
Hattie C. Wright, Administratrix to J. F. Wright.
Wunderlich Development Co.
W. R. Yinger.
Yoakam, Coler, Jr.
Young, Marshall R.
Marshall R. Young Oil Co.
Zephyr Drilling Corp.
Zephyr Oil Co.

APPENDIX C—PIPELINE PURCHASERS MADE RESPONDENTS TO THE AREA RATE PROCEEDING (OTHER SOUTHWEST AREA), DOCKET NO. AR67-1 ET AL.

Arkansas Louisiana Gas Co.
Cimarron Transmission Co.
Cities Service Gas Co.
Cushing Gas Transmission Co.
El Paso Natural Gas Co.
Fort Smith Gas Corp. (now Arkansas Oklahoma Gas Corp.).
Humble Gas Transmission Co.
Lone Star Gas Co.
Louisiana Nevada Transit Co.
Michigan Wisconsin Pipe Line Co.
Mississippi River Transmission Corp.
Natural Gas Pipeline Company of America.
Panhandle Eastern Pipe Line Co.
Rio Sabine, Inc.
Southern Natural Gas Co.
Tennessee Gas Pipeline Co., A Division of Tenneco, Inc.
Tensas Gas Gathering Corp.
Texas Eastern Transmission Corp.
Texas Gas Transmission Corp.
Trunkline Gas Co.
Union Gas System, Inc.
United Fuel Gas Co.
United Gas Pipe Line Co.
Valley Gas Transmission, Inc.

APPENDIX D—SECTION 4 RATE SUSPENSION PROCEEDINGS[1] CONSOLIDATED FOR HEARING WITH AREA RATE PROCEEDING (OTHER SOUTHWEST AREA), DOCKET NO. AR67-1

NAME[2] AND DOCKET NUMBERS

Amerada Petroleum Corp.; RI65–334.
American Petrofina Company of Texas (Operator) et al.; RI64–442.
Apache Corp.; RI63–332.
Arkla Exploration Co.; RI64–233, RI64–240, RI64–277, RI66–339.
Ashland Oil & Refining Co. et al.; RI60–288.
Bander, Joe, et al.; RI67–54.
Biglane, D. A., et al.; G–20190.
Bond, Durbin; G–20184.
Borden, S. P.; G–20191.
Bracken Oil Co. (Operator) et al.; G–16084.
Bridewell, Billy (Operator) et al.; RI63–241.
Cameron, A. A., doing business as Cameron Oil Co. et al.; RI65–521, RI67–80.
Carter-Jones Drilling Co., Inc. (Operator), et al.; RI61–546.
Champlin Petroleum Co.; RI63–304.
Claiborne Gasoline Co.; RI64–260.
Cohen, Don (Operator) et al.; RI64–421.
Coles, Marvin J., et al.; RI64–134.
Continental Oil Co.; G–19734, G–19919, G–20197, RI60–193, RI60–223, RI61–249, RI63–217, RI63–350, RI63–368, RI64–165, RI64–166, RI64–784, RI65–231, RI67–72.
Continental Oil Co. (Operator) et al.; RI63–240, RI65–128.
Cook, Tom, Jr. (Operator) et al.; G–16638, RI60–133.
Cox, Edwin L.; RI63–219, RI63–428, RI64–68, RI64–573.
Cyprus Mines Corp. and Skelly Oil Co. (Operator); RI64–6.
Coastal States Producing Co.; RI67–159.
Davis, C. D., et al., and Car-Tex Producing Co. et al.; RI65–374.
Draughn, Paul V., Sr.; RI65–422.
Draughn, Paul V., Jr.; RI65–424.
Ells, H. A., et al., doing business as All Star Gas Co.; RI63–178.
Falcon Seaboard Drilling Co. et al.; RI63–221.
Fields, Bert, Estate, et al.; RI64–290.
Forest Oil Corp.; RI63–230.
Forest Oil Corp. (Operator) et al.; RI65–125.
Four States Drilling Co., Inc. (Operator) et al.; G–20081.
Gant, Walter H. (Operator) et al.; RI64–254.
General American Oil Co. of Texas; RI63–377, RI65–345.
Greenville Gasoline Co., Inc. (Operator); RI63–275.
Gulf Oil Corp.; G–11335, G–13519, G–13581, G–16657, G–19742, G–20560, RI60–214, RI61–169, RI161–212, RI162–114, RI63–148, RI64–198, RI64–231, RI64–247, RI65–600.
Gulf Oil Corp. and Ashland Oil & Refining Co.; RI65–599.
Hall, Stanton A.; RI65–421.
Hamman, Blake (Operator) et al.; RI64–710.
Harper Oil Co. (Operator) et al.; RI63–450, RI65–274.
Hefner Co., The (Operator) et al.; RI63–472.
Helmerich & Payne, Inc. (Operator) et al.; RI63–445.
Home-Stake Production Co. (Operator) et al.; RI64–124.
Humble Oil & Refining Co. (Operator) et al.; RI66–24, RI66–149, RI66–279, RI67–108.
Hunt, H. L.; G–13531, G–16642, G–19754.
Hunt, H. L., et al.; RI61–203, RI62–136, RI64–44, RI66–131.
Haroldson L. Hunt, Jr., Trust Estate; RI66–239, RI67–180.
Hassie Hunt Trust; G–19752, RI61–206, RI63–104, RI64–213, RI65–265, RI67–100.
Hassie Hunt Trust (Operator) et al.; RI66–130.
Hunt, Lamar; G–14936, G–16615, RI61–195, RI62–137, RI63–151, RI64–212, RI65–263, RI66–134, RI67–101.
Lamar Hunt Trust Estate; G–14938, G–16616, RI61–194, RI62–105, RI63–150, RI64–215, RI65–264, RI66–135, RI67–102.
Lamar Hunt Trust Estate et al.; RI66–240, RI67–181.
Hunt, Nelson Bunker, Trust Estate; G–14939, G–16616, RI61–196, RI62–139, RI63–149, RI64–211, RI65–262, RI66–136, RI66–241, RI67–103, RI67–182.
Hunt Oil Co.; RI63–229, RI66–127, RI66–243, RI67–98, RI67–178, RI67–179.
Hunt Oil Co. (Operator) et al.; RI66–237, RI66–270.
Hunt Oil Co. et al.; RI66–242.
Hunt Petroleum Corp.; RI65–261.
Hunt, William Herbert, Trust Estate; G–14937, G–16617, RI61–197, RI62–140, RI64–216, RI65–253, RI66–126, RI66–238, RI67–104, RI67–183.
Hunter Co. Inc., The; G–19920.
Hurley Oil & Gas et al.; G–16645.
Hurley Oil & Gas (Operator) et al.; and Mobil Oil Corp.; RI62–318, RI64–201.
Hyde, Ben C. W., Jr. (Operator); RI63–279.
T. L. James & Co., Inc., et al.; RI66–172, RI66–173.
Jernigan, J. E. and Morgan, M. V., doing business as Jernigan & Morgan Oil Co.; RI63–233.
Jernigan & Morgan Transmission Co., RI63–234.
R. Lacy, Inc., et al.; G–14315.
Laffoon Oil Co.; RI64–689.
Landa Oil Co.; G–19026, RI64–730, RI64–740, RI65–397.
Lario Oil & Gas Co.; RI64–601.
D. C. Latimer; RI61–410.
LeCuno Oil Corp.; RI60–459.
LeCuno Oil Corp., and Landa Oil Co.; RI61–210.
London Gas Co. et al.; RI61–112, RI63–176, RI63–177.
McCommons Oil Co. et al.; RI64–21, RI65–568.
McCommons, W. E., doing business as McCommons Exploration Co. et al.; RI63–281.
Mack Oil Co.; RI64–18.
Mapco Production Co. (Operator) et al.; RI66–20.
Marathon Oil Co., RI66–140, RI67–121, RI66–33, RI66–74.
Marathon Oil Co. (Operator) et al.; RI66–19.
Marks, E. W., Sr., et al.; RI62–272.
Marr, M. H.; RI66–144.
C. F. Martin, Inc.; RI65–372.
Maynard Oil Co.; RI64–288, RI67–17, RI67–18.
Maynard Oil Co. (Operator) et al.; RI64–287, RI66–10.

[1] These proceedings are consolidated only insofar as they pertain to sales in the areas enumerated in Appendix A.

[2] This producer designation is for general identification and may not include all of the respondents designated in the respective orders initiating rate suspension proceedings.

APPENDIX D—Continued

NAME AND DOCKET NUMBERS—Continued

Midway Oil Co. et al.; RI64–87.
Midwest Oil Corp.; RI64–195.
Midwest Oil Corp. (Operator) et al.; RI64–214.
George Mitchell & Associates, Inc., Agent for Ann W. Alexander, Executrix, et al.; RI61–239.
Mobil Oil Corp.; RI61–113, RI61–188, RI65–196.
Mobil Oil Corp. (Operator) et al.; RI61–114, RI64–210, RI65–276, RI66–98.
Mortimer, Mrs. Betty D., et al.; G–20194.
Murphy Oil Corp. et al.; RI61–145.
Murphy Oil Corp.; RI61–146.
Newton Naval Stores Co., Inc.; RI65–346.
North Central Oil Corp. et al.; G–19026.
Norville Oil Co., Inc.; RI64–19.
Page, Wiley (Operator) et al.; RI64–203.
Pan American Petroleum Corp.; G–13516, G–16629, G–17058, G–19641, G–19765, RI61–167, RI61–192, RI62–151, RI63–81, RI63–138, RI63–231, RI64–222, RI64–231, RI65–178, RI65–277, RI65–294, RI66–129.
Pan American Petroleum Corp. (Operator) et al.; RI65–112.
Perkins, Elizabeth, et al.; RI64–114.
Phillips Petroleum Co.; G–12263, G–16112, G–16113, RI60–257, RI63–394, RI64–619, RI65–127, RI65–577, RI66–324.
Phillips Petroleum Co. (Operator) et al.; RI61–284, RI67–173.
Pioneer Oil & Gas Co., Inc., et al.; G–20195, RI61–51.
Placid Oil Co. (Operator) et al.; G–15370, G–15371, G–17423, G–19767, RI61–176, RI61–193, RI61–213, RI62–104, RI62–144, RI63–132, RI64–202, RI64–239, RI65–259, RI66–132, RI67–91.
Ridgway, C. R. and W. B.; G–19932.
Ridgway Management, Inc.; G–20066.
Rimrock Tidelands, Inc., et al.; G–15073.
Robbins, J. C., Jr.; RI–63–475.
Robbins Petroleum Corp. (Operator) et al. and Pan American Petroleum Corp.; RI63–476.
Roper, Frank C.; RI60–389.
Ross, R. M.; RI65–318.
Rowan, J. Mike (Operator) et al.; RI63–293.
Ruffin, J. F., Jr.; Trustee; G–20192.
Samedan Oil Corp.; RI63–466, RI63–467.
Joseph E. Seagram Sons, Inc., doing business as Texas Pacific Oil Co.; RI63–183, RI63–443.
Shell Oil Co.; RI64–791, RI65–474, RI65–477, RI65–483.
Shell Oil Co. (Operator), RI65–485.
Shell Oil Co. (Operator) et al.; RI66–14, RI65–476.
Shell Oil Co., Cabot Corp. (SW) (Operator) et al., Herman George Kaiser, & Phillips Petroleum Co. (Operator) et al.; RI65–475.
R. H. Siegfried, Inc., et al.; RI62–380, RI64–677.
Simmons, Maxwell D. (Operator) et al.; RI63–477.
Sinclair Oil & Gas Co.; RI61–530, RI62–152, RI63–131, RI64–257, RI65–14, RI65–38, RI66–77, RI66–86, RI66–345.
Sinclair Oil & Gas Co. et al.; RI60–231, RI61–172.
Sinclair Oil & Gas Co. (Operator) et al.; RI64–256, RI65–28, RI66–166.
Skelly Oil Co.; RI60–253, RI67–10.
Sohio Petroleum Co.; RI66–276, RI67–81.
Southern Union Production Co.; RI65–587.
Southwest Gas Producing Co., Inc.; RI66–351.
Southwestern Explor. Consultants, Inc. (Operator) et al.; RI60–245, RI60–360.
Standard Oil Company of Texas, Division of Chevron Oil Co., RI63–462.
Sun Oil Co., RI66–401.
Sunray DX Oil Co.; RI64–335.
Sunset International Petroleum Corp.; RI61–545.
The Superior Oil Co.; G–20347, RI61–83.
The Superior Oil Co. (Nevada) and James W. Harris; G–14106.
The Superior Oil Co. and Gas Rock Corp.; G–18694.
Ernest W. Tate; RI66–357.
Tenneco Oil Co.; RI63–474, RI65–145.
Tenneco Oil Co. (Operator) et al.; RI64–741, RI65–534, RI66–87, RI66–369.
Tenneco Oil Co., Continental Oil Co.; RI62–539.
Texaco, Inc.; RI66–329, RI66–383, RI67–2.
Tidewater Oil Co. (Operator) et al.; RI64–726, RI65–129, RI67–78.
Tidewater Oil Co. and James W. Harris (Operator) et al.; RI64–762.
Todd, Dr. John D.; RI60–352.
J. C. Trahan Drilling Construction, Inc. and Marshall R. Young Oil Co.; RI61–499, RI64–722.
J. C. Trahan Drilling Construction, Inc. (Operator) et al.; RI63–21, RI64–329, RI64–380, RI65–548.
Twin Gas Co.; RI63–464.
Twin Gas Co. (Operator); RI63–465.
Union Oil Company of California (Operator) et al.; RI66–316, RI66–317, RI66–426.
Union Texas Petroleum, Division of Allied Chemical Corp. (Operator) et al.; RI64–742, RI65–126.
Union Texas Petroleum, Division of Allied Chemical Corp. et al.; RI63–461.
Vaughn, G. H., Jr., et al.; RI61–182.
Venters, Harley E.; RI66–356.
Walker, Ross; RI65–499.
Whelan, D. E. and R. J.; RI62–39.
Wichita River Oil Corp.; RI64–151.
Wunderlich Development Co. (Operator) et al.; RI65–124.

[F.R. Doc. 67–2488; Filed, Mar. 6, 1967; 8:47 a.m.]

[Docket No. CP67–235]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

FEBRUARY 28, 1967.

Take notice that on February 21, 1967, Kansas-Nebraska Natural Gas Co., Inc., 300 North St. Joseph Avenue, Hastings, Nebr. 68901, filed in Docket No. CP67–235 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the construction and operation of the following facilities:

(1) 14.3 miles of new 12-inch pipeline between Huntsman Storage Field and Sidney-Big Springs, Nebr., line.

(2) 13.4 miles of 12-inch pipeline to parallel the existing 10-inch pipeline between Paxton and Hershey, Nebr.

(3) 10.5 miles of new 8-inch pipeline to parallel the existing 8-inch pipeline between Grand Island and Albion, Nebr.

(4) 9.5 miles of new 8-inch pipeline to parallel the existing 6-inch pipeline between Albion and Neligh, Nebr.

(5) An 1,100 horsepower addition to the Big Springs, Nebr., compressor station.

(6) An 1,100 horsepower addition to the Albion, Nebr., compressor station.

(7) A 2,700 horsepower addition at the Holcomb, Kans., compressor station.

Applicant states that these new facilities will increase its transmission capacity by 7,000 Mcf of natural gas per day and that said facilities are required to meet the growth of its firm customer's requirements.

Applicant estimates the cost of the proposed construction at approximately $1,860,000, said cost to be financed out of current working capital and, if necessary, interim bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 24, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67–2489; Filed, Mar. 6, 1967; 8:47 a.m.]

[Docket No. CP67–232]

LOUISIANA GAS SERVICE CO. AND TRUNKLINE GAS CO.

Notice of Application

FEBRUARY 24, 1967.

Take notice that on February 17, 1967, Louisiana Gas Service Co. (Applicant), Post Office Box 433, Harvey, La. 70058, filed in Docket No. CP67–232 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Trunkline Gas Co. (Respondent) to establish physical connection of its transportation facilities with the distribution system proposed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution within the village of Kilbourne, West Carroll Parish (County), La., all as more fully set forth in the Application which is on file with the Commission and open to public inspection.

Applicant estimates the maximum daily requirements for the first 3 years at approximately 100 Mcf of natural gas per day, and the estimated yearly requirements for the first 3 years are as follows:

	First year	Second year	Third year
In Mcf	10,792	11,344	11,712

Applicant states that there will be no industrial users of the proposed service. Applicant further states that this will be an initial connection with Respondent.

The estimated cost of the proposed distribution system is approximately $40,637, said cost to be financed through funds available from company revenues and, if necessary, through funds available under a 5-year credit agreement with the Whitney National Bank of New Orleans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 21, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67–2490; Filed, Mar. 6, 1967; 8:47 a.m.]

[Docket No. CP61–149]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

FEBRUARY 27, 1967.

Take notice that on February 20, 1967, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP61–149 a petition to amend the order issued by the Commission in said docket January 3, 1963, and amended on December 30, 1963, June 2, 1964, May 25, 1965, and September 12, 1966, by extending the period of authorization from April 30, 1967, until April 30, 1968, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The abovementioned order, as amended to date, gave authorization to Petitioner for the construction and operation of certain natural gas facilities for the exchange of up to 35,000 Mcf of natural gas per day between Petitioner, Colorado Interstate Gas Co. (Colorado) and Arkansas Louisiana Gas Co. (Arkansas) limited in duration to a period extending through April 30, 1967.

By letter agreement dated November 22, 1966, Petitioner, Colorado and Arkansas have agreed to extend the term through April 30, 1968. On this basis Petitioner seeks authorization to extend the previously authorized exchange of natural gas until April 30, 1968.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 23, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67–2491; Filed, Mar. 6, 1967; 8:47 a.m.]

[Docket No. CP67–234]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

FEBRUARY 28, 1967.

Take notice that on February 21, 1967, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP67–234 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation in interstate commerce of additional quantities of natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following facilities:

(1) 66.12 miles of 42-inch main line loop.

(2) 10.4 miles of 30-inch loop line on its Southeast Louisiana Gathering System.

(3) 3.03 miles of 24-inch pipeline loop to its existing West End extension in New Jersey.

(4) A new sales meter and regulator station for Applicant's existing customer, Public Service Electric & Gas Co. (Public).

In addition to the above, Applicant proposes to sell an additional volume of 43,000 Mcf per day of natural gas commencing November 1, 1967, and an additional quantity of 40,000 Mcf per day of natural gas by November 1, 1969.

Applicant estimates the cost of the proposed construction at approximately $20,300,000, said cost to be financed initially from temporary bank loans and company funds. Long-term financing will be accomplished as required as a part of one of Applicant's continuing long-term financing programs.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 24, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67–2492; Filed, Mar. 6, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 2, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40919—*Common salt from points in Utah.* Filed by Western Trunk Line Committee, agent (No. A–2491), for interested rail carriers. Rates on common salt, as described in the application, in carloads, from Saltair Junction, Saltus, Solar, and Spray, Utah, to points in Minnesota and North Dakota.

Grounds for relief—Market competition.

Tariffs—Supplement 18 to Denver and Rio Grande Western Railroad Co. tariff ICC 1079 and Union Pacific Railroad Co. tariff ICC 5630.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–2521; Filed, Mar. 6, 1967; 8:50 a.m.]

[Notice 347]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 2, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte Mo. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in

the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2253 (Sub-No. 34 TA), filed February 27, 1967. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, N.C. 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida, to points in Georgia, for 180 days. Supporting shippers: Florida Citrus Canners Cooperative, Lake Wales, Fla. 33853; Tropicana Products Sales, Inc. (Port Canaveral) General Offices: Post Office Box 338, Bradenton, Fla. 33505. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 61396 (Sub-No. 179 TA), filed February 27, 1967. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68110, Post Office Box 189, Downtown Station, Omaha, Nebr. 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from the plantsite of W. R. Grace & Co., at or near Henry, Ill., to points in Minnesota, Wisconsin, Iowa, Missouri, Indiana, Kentucky, Ohio, and Michigan, for 180 days. Supporting shipper: W. R. Grace & Co., Nitrogen Products Division, Post Office Box 277, 147 Jefferson Avenue, Memphis, Tenn. 38101. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 61396 (Sub-No. 180 TA), filed February 27, 1967. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68110, Post Office Box 189, Downtown Station, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions, anhydrous ammonia, nitric acid, ammonium, nitrate, and urea*, from the plantsite of Terra Chemicals International, Inc., Port Neal, Iowa, and storage facilities at Sergeant Bluff, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Illinois, Missouri, and Colorado, for 180 days. Supporting shipper: Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, Iowa 51101 (L. R. Garaghty, traffic manager). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 705 Federal Office Building, Omaha, Nebr.

No. MC 61396 (Sub-No. 181 TA), filed February 28, 1967. Applicant: HERMAN BROS., INC., Post Office Box 189, Downtown Station, 2501 North 11th Street, Omaha, Nebr. 68110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and solid fertilizer materials*, in bulk and bag, from International Minerals & Chemical Corp. at or near Clinton, Iowa, to points in Minnesota, Wisconsin, Illinois, Missouri, Nebraska, and Indiana, for 180 days. Supporting shipper: International Minerals & Chemical Corp., Skokie, Ill. 60078, Paul B. St. Onge, materials management specialist. Send protests to: Keith P. Kohrs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 112801 (Sub-No. 65 TA), filed February 27, 1967. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Post Office Box 272, Chicago, Ill. 60650, Cicero Station. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from Clinton, Iowa, to points in Illinois, Indiana, Minnesota, Missouri, Nebraska, and Wisconsin, for 180 days. Supporting shipper: International Minerals & Chemical Corp., Clinton, Iowa. Send protests to: District Supervisor, Charles J. Kudelka, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 113855 (Sub-No. 154 TA), filed February 27, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Herbert J. Hilken (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves and fittings, compound joint sealer, bonding cement, and accessories and hand tools used in the installation of such products*, from the plantsite of Ethyl Corp. at Terre Haute, Ind., to points in Michigan, Iowa, Minnesota, and Illinois, for 180 days. Supporting shipper: Ethyl Corp., Post Office Box 341, Baton Rouge, La. 70821. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 114533 (Sub-No. 151 TA), filed February 27, 1967. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture film and supplies used in connection with commercial and television pictures), between Milwaukee, Wis., and Grand Rapids, Mich., for 150 days. Supporting shipper: The L. L. Cook Co., 1830 North 16th Street, Milwaukee, Wis. 53201. Send protests to: District Supervisor Charles J. Kudelka, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 117427 (Sub-No. 58 TA), filed February 27, 1967. Applicant: G. G. PARSONS TRUCKING CO., Post Office Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, Suite 770, Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. Authority sought to operate a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos cement pipe and accessories*, from Rootstown Township, Portage County, Ohio, to points in North Carolina and South Carolina, for 150 days. Supporting shipper: Orangeburg Manufacturing Co., division of The Flintkote Co., Post Office Box 151, Ravenna, Ohio 44266. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 118282 (Sub-No. 11 TA), filed February 27, 1967. Applicant: NURSERYMAN SUPPLY, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representative: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to Cincinnati, Columbus, Dayton, and Solon, Ohio; Chicago, Ill.; Fort Wayne, Ind.; Lavonia, Mich.; and points in Georgia and Florida, for 180 days. Supporting shipper: Seabrook Farms Co., a division of Francis H. Leggett & Co., Seabrook, N.J. 08302.

No. MC 124972 (Sub-No. 1 TA), filed February 27, 1967. Applicant: FIGOL DISTRIBUTORS, LIMITED, 9727 110th Street, Edmonton, Alberta, Canada. Applicant's representative: Gabriel Bass, 43600 Florida Avenue, Hemet, Calif. 92343. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nickel* in powder and briquette form, in drums, from the United States-Canadian border at ports of entry from Sweetgrass, Mont., and west, to Seattle and points in the Seattle, Wash., commercial zone, Portland, Oreg., and points in the Portland, Oreg., commercial zone, San Francisco and points in the San Francisco, Calif., commercial zone and points in Los Angeles County, Calif., for 180 days. Supporting shippers: Fred H. Lenway & Co., Inc., 100 California Street, San Francisco, Calif. 94111; Sherritt Gordon Mines, Ltd., Metal & Chemical Division, Fort Saskatchewan, Alberta, Canada; Stoody Co., Post Office Box 901, Whittier, Calif., 90608; Bartlett-Snow-Pacific, Inc., 3100 19th Street, San Francisco, Calif. 94110; Dameron Alloy Foundries, 927 South Santa Fe Avenue, Compton, Calif.; Superior Alloys Co., 150 Harbor Way, South San Francisco, Calif. 94080; Victor Equipment Co., Alloy Rod & Metal Division, 13808 East Imperial Highway, Norwalk, Calif. 90652; Esco Corp., 2141 Northwest 25th Avenue, Portland, Oreg. 97210; Westlectric Castings, Inc., 2040 South Camfield Avenue, Los Angeles, Calif. 90022; Southern California Chemical Co., Inc., Post Office Box 2127, Los Nietos, Calif. 90606. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 126420 (Sub-No. 7 TA), filed February 27, 1967. Applicant: ALASKA STEAMSHIP COMPANY, Skinner Building, Fifth and Union, Seattle, Wash. 98101. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, and commodities requiring special equipment), between Ketchikan and Juneau, Alaska, on the one hand, and, on the other, Wrangell, Petersburg, and Sitka, Alaska, for 180 days. Supporting shippers: The application is supported by statements from 20 shippers which are on file and may be examined here at the Interstate Commerce Commission, in Washington, D.C. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 128900 TA, filed February 27, 1967. Applicant: MALCOLM D. COOK, doing business as COOK'S PRODUCE, 600 East Franklin Street, Evansville, Ind. 47711. Applicant's representative: David M. Keck, 315 Old National Bank Building, Evansville, Ind. 47708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Gulfport, Miss., Tampa, and Jacksonville, Fla., to Evansville, Ind., for 180 days. Supporting shipper: Federal Produce Co., Inc., Evansville, Ind. Send protests to: District Supervisor R. M. Hagarty, Interstate Commerce Commission, Bureau of Operations and Compliance, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2522; Filed, Mar. 6, 1967; 8:50 a.m.]

[Notice 1486]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 2, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69434. By order of February 28, 1967, the Transfer Board approved the transfer to Texas Transport, Inc., San Antonio, Tex., of certificate of registration No. MC-96994 (Sub-No. 1), issued August 24, 1966, to Louis E. Hart, Jr., doing business as Texas Transport, San Antonio, Tex., evidencing a right to engage in transportation in interstate or foreign commerce, as restricted, corresponding generally in scope to the service authorized by the specialized motor carrier's permanent certificate of convenience and necessity No. 5401, Docket No. S-7418, dated September 16, 1965, issued by the Railroad Commission of Texas. Benton Coopweed, 904 Lavaca, Austin, Tex. 78701, attorney for applicants.

No. MC-FC-69436. By order of February 28, 1967, the Transfer Board approved the transfer to Schalk Express, Inc., Glencoe, Mo., of the certificate in No. MC-74497, issued March 11, 1941, to E. W. Schalk, Glencoe, Mo., and authorizing the transportation, over irregular routes, of feed and fertilizer from East St. Louis, Ill., to points and places in St. Louis County, Mo., and livestock between points and places in St. Louis County, Mo., on the one hand, and, on the other, National Stock Yards, Ill. Milton S. Jaeger, Route 1, Box 515, Glencoe, Mo. 63038, representative for applicants.

No. MC-FC-69452. By order of February 28, 1967, the Transfer Board approved the transfer to Frank Murphy Contract Carrier, Inc., Staten Island, N.Y. 10301, of the operating rights of Frank Murphy, Staten Island, N.Y. 10301, in permits Nos. MC-35211, MC-35211 (Sub-No. 4), and MC-35211 (Sub-No. 5), issued October 30, 1956, October 8, 1959, and July 26, 1966, respectively, authorizing the transportation, over irregular routes, of building materials, except cement, lumber, brick, and liquid commodities in bulk, gypsum board paper, lime and lime products, except liquid commodities in bulk, pulpboard, pallets used in the transportation of the above-named commodities, limestone, copperas, agricultural insecticides, and fertilizer, from and to specified points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, varying with the commodities transported; building materials (not including cement, lumber, and brick), between New York, N.Y., and Harrison, N.J., on the one hand, and, on the other, points in Connecticut, Middlesex, Union, Bergen, Monmouth, Warren, Sussex, Hunterdon, Hudson, Passaic, Ocean, Essex, Somerset, Morris, and Mercer Counties, N.J., and those in Dutchess, Queens, Westchester, Suffolk, Nassau, Kings, Rockland, Putnam, Sullivan, Orange, Ulster, Richmond, Bronx, and New York Counties, N.Y.; building materials, as defined, except cement, lumber, brick, and commodities in bulk, and empty pallets, from and to New Brighton, Staten Island, New York, N.Y., Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, N.J., varying with the commodities transported; building materials, as defined (except cement, lumber and brick, and liquid commodities, in bulk, in tank vehicles), and materials and supplies used in the manufacture of the commodities last described herein, and empty containers, pallets, and skids, from and to New York, N.Y., points in Berkshire, Hampshire, and Hampden Counties, Mass., Columbia, Rensselaer, Schenectady, Albany, Greene, Schoharie, and Delaware Counties, N.Y., and Bucks, Lehigh, Northampton, Carbon, Luzerne, Monroe, Pike, Wayne, Lackawanna, Wyoming, and Susquehanna Counties, Pa., as restricted, varying with the commodities transported. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, representative for applicants.

No. MC-FC-69453. By order of February 28, 1967, the Transfer Board approved the transfer to Fern A. Weaver, doing business as Roof Garden Moving & Storage, Windber, Pa. 15963, in certificate No. MC-71226, issued September 30, 1955, to J. Millard Gardner, Stoystown, Pa. 15563, authorizing the transportation, over irregular routes, of household goods, between Stoystown, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in Ohio, Michigan, West Virginia, Maryland, Virginia, New York, New Jersey, and Connecticut, and telephone telegraph line construction materials and supplies, between points in Pennsylvania within 75 miles of Stoystown, Pa., including Stoystown, except points in Allegheny County. John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-69455. By order of February 28, 1967, the Transfer Board approved the transfer to Tri-State Transportation Co., Inc., Vineland, N.J., of the operating rights in certificates Nos. MC-30374, MC-30374 (Sub-No. 11), and MC-30374 (Sub-No. 16), issued November 19, 1963, July 31, 1964, and March 22, 1966, respectively, to Moey Lihn, doing business as Tri-State Transportation Co., Vineland, N.J., and authorizing the transportation of, among other things, men's and women's garments, and materials, supplies, equipment and machinery used in the manufacture thereof, over a regular route between Philadelphia, Pa., and New York, N.Y., and Bordentown, N.J., serving the intermediate points of Minotola, Hammonton, Camden, and Vineland, N.J., and the off-route points of Richland, Mizpah, Mays Landing, Egg Harbor City, Millville, Bridgeton, and New Brunswick, N.J.; general commodities, with usual exceptions, over irregular routes, between Egg Harbor City, N.J., and points within 20 miles thereof, on the one hand, and, on the other, New York, N.Y.; men's clothing, in containers and on hangers, over irregular routes from Vineland, N.J., to Baltimore, Md., and Washington, D.C.; and general commodities, with

usual exceptions, over a regular route between Philadelphia, Pa., and Egg Harbor City, N.J., serving all intermediate points, and the off-route points of Tansboro, Cedar Brook, Blue Anchor, and Winslow, N.J., and those within 5 miles of Egg Harbor City. Charles H. Trayford, 220 East 42d Street, New York, N.Y. 10017, representative for applicants.

No. MC-FC-69461. By order of February 28, 1967, the Transfer Board approved the transfer to Paramount Moving & Storage Co., Inc., Garden City, N.Y., of the operating rights in certificate No. MC-19242, issued May 11, 1954, to Buck Nilsson Moving & Storage, Inc., Richmond Hill, N.Y., authorizing the transportation of: Household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, Pennsylvania, and New York. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for transferor, Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for transferee.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-2523; Filed, Mar. 6, 1967; 8:50 a.m.]

[Notice 1486-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 2, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69288, Corrected order.[1] By order of January 31, 1967, the Transfer Board approved the transfer to Barnes Express, Inc., Omaha, Nebr., of the operating rights of Nolte Bros. Truck Line, Inc., Omaha, Nebr., in certificates Nos. MC-25869 (Sub-No. 19), MC-25869, (Sub-No. 20), MC-25869 (Sub-No. 21), MC-25869 (Sub-No. 22), MC-25869 (Sub-No. 23), MC-25869 (Sub-No. 24), MC-25869 (Sub-No. 25), MC-25869 (Sub-No. 28), MC-25869 (Sub-No. 29), MC-25869 (Sub-No. 30), MC-25869, (Sub-No. 35), MC-25869 (Sub-No. 37), MC-25869 (Sub-No. 39), MC-25869 (Sub-No. 41), MC-25869 (Sub-No. 43), issued December 2, 1964, June 2, 1965, January 22, 1965, March 26, 1965, March 16, 1965, June 11, 1965, March 29, 1965, July 9, 1965, June 11, 1965, September 28, 1966, January 21, 1966, April 11, 1966, July 5, 1966, July 5, 1966, and January 20, 1966, respectively, authorizing the transportation of: Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described by the Commission, and other specified commodities, between points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin, and Wyoming. Donald E. Leonard, Box 2028, 606 South 14th, Lincoln, Nebr., attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-2524; Filed, Mar. 6, 1967; 8:50 a.m.]

[1] Corrected to show the transfer of the operating rights of "Nolte Bros. Truck Line, Inc., Omaha, Nebr.," which was inadvertently omitted in the notice shown in the FEDERAL REGISTER dated Feb. 15, 1967, on p. 2917.

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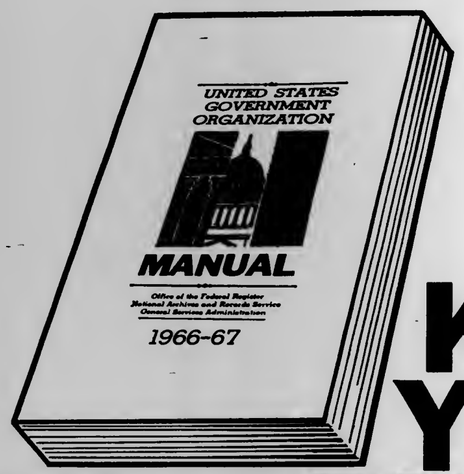
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VOLUME 32 • NUMBER 45

Wednesday, March 8, 1967 • Washington, D.C.

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Title 3—THE PRESIDENT

Proclamation 3769

SAVE YOUR VISION WEEK, 1967

By the President of the United States of America

A Proclamation

More than one million Americans cannot read a newspaper, not because they are illiterate, but because they cannot see well enough—even with glasses.

One of every fifty Americans is blind or has only partial vision.

Every fourth schoolchild requires eye care. Every third serviceman needs glasses.

Americans fear blindness more than any affliction except cancer. And every year 32,000 Americans go blind. Aid to the blind costs $1 billion a year, aside from the economic loss suffered by those who must try to find their way through lives of perpetual darkness.

Yet there is hope. Blindness can be prevented. Research and better means of applying the knowledge of the laboratories to the lives of our people can materially lessen the scourge of blindness.

Every American should cherish his God-given gift of sight, protect and care for his eyes, and support the research, diagnosis, and treatment that can save vision.

I call upon all media of communications to carry a new message of hope to the blind. I call upon doctors, and private and public agencies, to press on with their work of saving, for us and for our children, the incomparable blessing of sight.

To encourage greater awareness and action, the Congress by a joint resolution approved December 30, 1963 (77 Stat. 629), requested the President to issue annually a proclamation designating the first week in March of each year as Save Your Vision Week:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the week beginning March 5, 1967, as Save Your Vision Week; and I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourth day of March in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Dean Rusk
Secretary of State.

[F.R. Doc. 67-2864; Filed, Mar. 7, 1967; 10:42 a.m.]

Executive Order 11329

CREATING A BOARD OF INQUIRY TO REPORT ON A LABOR DISPUTE AFFECTING THE SHIPBUILDING AND REPAIR INDUSTRIES OF THE UNITED STATES

WHEREAS, there exists a labor dispute between the Pacific Coast Shipbuilders' Association, Alameda, California, representing Lockheed Shipbuilding and Construction Company, Seattle, Washington, Bethlehem Steel Company, San Francisco, California, Lake Union Dry Docks Company, Seattle, Washington, Pacific Coast Engineering Company, Alameda, California, Albina Engine and Machine Works, Portland, Oregon, Northwest Marine Iron Works, Portland, Oregon, Todd Shipyards Corporation, Seattle, Washington and Alameda, California, Guy F. Atkinson Company, Portland, Oregon, Willamette Iron and Steel Company, Portland, Oregon, and certain of their employees represented by the International Brotherhood of Electrical Workers, AFL–CIO; and

WHEREAS, such dispute has resulted in a strike which will, in my opinion, if permitted to continue, affect a substantial part of the shipbuilding and repair industries, which industries are engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, and which strike, if permitted to continue, will imperil the national safety:

NOW THEREFORE, by virtue of the authority vested in me by Section 206 of the Labor-Management Relations Act of 1947 (61 Stat. 155; 29 U.S.C. 176), I hereby create a Board of Inquiry, consisting of Mr. J. Keith Mann, Chairman, Mr. George E. Reedy and Mr. Paul D. Hanlon, whom I appoint to inquire into the issues involved in this dispute.

The Board shall have powers and duties as set forth in Title II of such Act. The Board shall report to the President in accordance with the provisions of Section 206 of such Act on or before March 8, 1967.

Upon submission of its report, the Board shall continue in existence to perform such other functions as may be required under such Act.

Lyndon B. Johnson

THE WHITE HOUSE,
March 2, 1967.

10:46 p.m. Thursday Night. En Route Texas, Airforce I.

[F.R. Doc. 67-2629; Filed, Mar. 6, 1967; 4:10 p.m.]

Rules and Regulations

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Adoption of Forms

1. The Board of Governors has adopted revisions of (a) Form F.R. Y–5 [1] for use by a bank holding company in registering with the Board pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841ff.) and (b) Form F.R. Y–6 [1] for use by such a company in submitting its annual report to the Board pursuant to section 5(c) of the Act (12 U.S.C. 1844) and § 222.8 of this part.

2. Notice of proposed rule making with respect to these forms was published in the FEDERAL REGISTER of October 5, 1966 (31 F.R. 12965) and of November 22, 1966 (31 F.R. 14800), respectively. The forms were adopted by the Board after consideration of all relevant material, including communications received from interested persons. The effective dates were not deferred as referred to in section 553(d) of Title 5, United States Code, because, in the circumstances and considering the nature of the action, such delay would serve no useful purpose.

Dated at Washington, D.C., this 1st day of March 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67–2537; Filed, Mar. 7, 1967; 8:45 a.m.]

[1] Filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System or to any Federal Reserve Bank.

Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 4]

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

Determination of Equivalent Index and Factor To Be Used in Computation of Prices for Class I Milk

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and to the applicable provisions of the order, as amended, regulating the handling of milk in the aforesaid milk marketing area (7 CFR Part 900) hereinafter referred to as the "order" it is hereby found and determined as follows:

(1) Inasmuch as the weekly wholesale commodity price index specified by the order to be used in computing the Class I milk price is no longer reported by the Bureau of Labor Statistics, U.S. Department of Labor, an equivalent for such index is necessary to compute the Class I price under the order. In addition, the index conversion factor specified in the order must be changed to maintain comparability after conversion from the reported 1957–59 base to the specified 1957–58 base.

(2) The order now provides: "If for any reason a price or index specified by this part for use in computing class prices or other purposes is not reported or published in the manner described in this part, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified."

(3) The order specifies that the computation of the Class I price be based in part on an average of the four latest weekly index figures of wholesale commodity prices as reported on a 1957–59 base by the Bureau of Labor Statistics, U.S. Department of Labor. The order further specifies that the index as reported on a 1957–59 base be converted to a 1957–58 base by dividing the average of the four latest weekly index figures by the factor 0.99614. When the monthly index is used in lieu of the now discontinued weekly index in the Class I pricing formula a new conversion factor must be provided to properly convert the data from a 1957–59 base to a 1957–58 base.

Since the Bureau of Labor Statistics discontinued release of the weekly index after the report for the week ended December 27, 1966, such index will no longer be available for use in computing the Class I price which is announced quarterly. The weekly index reported by the Bureau of Labor Statistics was an indicator of primary market price trends between reference dates of the more comprehensive monthly index. For this reason the two indexes were quite comparable on a monthly basis although there was some variation because of the limited size of the base used in the weekly index. The use of the weekly index was prescribed in the order because it insured the use of the most recent data available. Since the two indexes measured the same market factors the "Monthly Wholesale Price Index" is therefore comparable to the heretofore used but now discontinued "Weekly Wholesale Price Index" for the purpose of computing the Class I prices under the order.

(4) It is hereby determined that the latest available monthly index of wholesale commodity prices as reported on a 1957–59 base by the Bureau of Labor Statistics, U.S. Department of Labor is equivalent to the heretofore used average of the four latest weekly index figures of wholesale commodity prices and that a factor of 0.99712 is now equivalent to the heretofore used factor of 0.99614 as they apply in § 1004.50(a)(1).

(5) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This determination of an equivalent index and factor is necessary to make possible the announcement of the Class I milk price under the order for the period beginning April 1, 1967, and for each consecutive announcement period thereafter until the order is amended to provide otherwise.

(b) This determination does not require of persons affected substantial or extensive preparation prior to the effective date.

(c) This action is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

Therefore, good cause exists for making this determination effective on issuance.

Effective date: Upon date of issuance.

Signed at Washington, D.C., on March 2, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67–2570; Filed, Mar. 7, 1967; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 5]

PART 123—DISASTER LOANS

Because of a number of revisions required by additional laws affecting Part 123 of Chapter I of Title 13 of the Code of Federal Regulations, and to consolidate Part 123 (Rev. 4) (29 F.R. 2859) and Amendment 1 to Revision 4 (30 F.R. 11028), Part 123 is hereby recodified and republished as set forth below. As recodified and revised, Part 123 reads as follows:

Sec.
123.0 Statutory provisions.
123.1 General.
123.2 Types of disaster loans.
123.3 Disaster Participation Agreement Program.
123.4 Purposes of loans.

Sec.
123.5 Where to apply.
123.6 Amount of loan and interest rates.
123.7 Collateral.
123.8 Repayment.
123.9 Step-by-step procedure for disaster loan applicant.
123.10 Cooperation with American Red Cross.
123.11 Obtaining loan funds.
123.12 Administration of loans.
123.13 Extension of loans, including RFC loans.

AUTHORITY: The provisions of this Part 123 issued under sec. 5, Public Law 85-536, sec. 201 and sec. 308, Public Law 85-699.

§ 123.0 Statutory provisions.

SEC. 7. (a) • • •

(b) The Administration also is empowered—

(1) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate because of floods or other catastrophes; and

(2) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to any small business concern located in an area affected by a disaster, if the Administration determines that the concern has suffered a substantial economic injury as a result of such disaster and if such disaster constitutes—

"(A) A major disaster, as determined by the President under the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes', approved September 30, 1950, as amended (42 U.S.C. 1855-1855g), or

"(B) A natural disaster, as determined by the Secretary of Agriculture pursuant to the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961);".

(3) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in reestablishing its business, if the Administration determines that such concern has suffered substantial economic injury as a result of its displacement by a federally aided urban renewal or highway construction program or by any other construction conducted by or with funds provided by the Federal Government; and the purposes of a loan made pursuant to this paragraph may, in the discretion of the Administrator, include the purchase or construction of other premises whether or not the borrower owned the premises from which it was displaced; and

(4) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in reestablishing its business if the Administration determines that such concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes.

No loan under this subsection, including renewals and extensions thereof may be made for a period or periods exceeding 30 years: *Provided*, That the Administrator may consent to a suspension in the payment of principal and interest charges on, and to an extension in the maturity of, the Federal share of any loan under this subsection for a period of not to exceed 5 years, if (A) the borrower under such loan is a home owner or small business concern, (B) the loan was made to enable (i) such home owner to repair or replace his home, or (ii) such concern to repair or replace plant or equipment which was damaged or destroyed as a result of a disaster meeting the requirements of clause (A) or (B) of paragraph (2) of this subsection and (C) the Administrator determines such action is necessary to avoid severe financial hardship: *Provided further*, That the provisions of paragraph (1) of subsection (c) of this section shall not be applicable to any such loan having a maturity in excess of 20 years. The interest rate on the Administration's share of any loan made under this subsection shall not exceed 3 per centum per annum, except that in the case of a loan made pursuant to paragraph (3), the rate of interest on the Administration's share of such loan shall not be more than the higher of (A) 2¾ per centum per annum; or (B) the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum, plus one-quarter of 1 per centum per annum. In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

(c) (1) The Administration may further extend the maturity of or renew any loan made pursuant to this section, or any loan transferred to the Administration pursuant to Reorganization Plan No. 2 of 1954, or Reorganization Plan No. 1 of 1957, for additional periods not to exceed 10 years beyond the period stated therein, if such extension or renewal will aid in the orderly liquidation of such loan.

(2) During any period in which principal and interest charges are suspended on the Federal share of any loan as provided in subsection (b), the Administrator shall, upon the request of any person, firm, or corporation having a participation in such loan, purchase such participation, or assume the obligation of the borrower, for the balance of such period to make principal and interest payments on the non-Federal share of such loan: *Provided*, That no such payments shall be made by the Administrator in behalf of any borrower unless (i) the Administrator determines that such action is necessary in order to avoid a default, and (ii) the borrower agrees to make payments to the Administration in an aggregate amount equal to the amount paid in its behalf by the Administrator, in such manner and at such times (during or after the term of the loan) as the Administrator shall determine having due regard to the purposes sought to be achieved by this paragraph.

(d) • • •

(e) In the administration of the disaster loan program under subsection (b)(1) of this section, in the case of property loss or damage as a result of a disaster which is a "major disaster" as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), the Small Business Administration, to the extent such loss or damage is not compensated for by insurance or otherwise, may lend to a privately owned college or university without regard to whether the required financial assistance is otherwise available from private sources, and may waive interest payments and defer principal payments on such a loan for the first 3 years of the term of the loan.

§ 123.1 General.

(a) SBA is authorized to make or guarantee loans to victims of floods and other catastrophes to rehabilitate or replace damaged or lost physical property (Physical-loss Disaster Assistance).

(b) SBA is also authorized to make or guarantee loans to a small business concern:

(1) Located in an area declared to be a major disaster area by the President or declared to be a natural disaster area by the Secretary of Agriculture, if SBA determines that the concern has suffered substantial economic injury as a result of such disaster (Substantial Economic Injury Assistance);

(2) To assist in reestablishing its business which has been displaced by a federally aided urban renewal or highway construction program or by any other construction conducted by or with funds provided by the Federal Government, if SBA determines that the concern has suffered substantial economic injury as a result of such displacement (Displaced Business Disaster Assistance); and

(3) To continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes (Product Disaster Assistance).

(c) Eligibility standards for Disaster Assistance programs are set forth in § 120.3 of this chapter.

(d)(1) "Financial Assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(2) "Financial Institution" as used in this part shall include, but not be limited to, banks and other concerns whose regular course of business entails the making of commercial and industrial loans.

§ 123.2 Types of disaster loans.

Disaster loans may be made by SBA and financial institutions upon an immediate participation basis, upon a guaranteed loan basis or may be made directly by SBA alone.

(a) In an immediate participation loan either SBA or the financial institution makes the loan and the other party purchases an agreed percentage of the loan. SBA's participation shall not exceed 90 percent of the outstanding amount of the loan.

(b) In guaranteed loans the financial institution makes the entire loan and SBA is obligated to purchase pursuant to its Disaster Loan Guaranty Agreement not more than 90 percent of the outstanding loan and accrued interest in the event the borrower has defaulted for 90 days. Default as used in this subsection means nonpayment of principal or interest when due.

§ 123.3 Disaster Participation Agreement Program.

(a) When a physical loss disaster of a widespread nature occurs and where considerable destruction is involved, all banks in the affected area are given the opportunity to enter into the Disaster Participation Agreement program.

(b) Under this program, the banks, using SBA application forms (filed in duplicate) process and disburse the loans without clearance through SBA except as to clearance for SBA statutory, regulatory, and policy requirements. These loans are all made on an immediate participation basis.

(c) In the case of loans of $20,000 and under, the share of the loan which SBA may be required to purchase shall not exceed 90 percent of the balance outstanding at the time of purchase. In the case of loans in excess of $20,000 but not more than $100,000, the share of the loan which SBA may be required to purchase shall not exceed 75 percent. Loans in excess of $100,000 are not subject to this Disaster Participation Agreement program.

(d) The general requirements with regard to these loans are the same as if they were made by SBA as direct disaster loans.

§ 123.4 Purposes of loans.

(a) *Physical-loss disaster assistance.* (1) The purpose of these loans is to restore a victim's home or business property as nearly as possible to predisaster condition. A loan to an individual may be used to repair or replace damaged furniture and other household belongings or personal effects. Funds may be used to replace destroyed or damaged inventory, machinery, or equipment. If it is necessary or desirable (as determined by SBA) to construct a new home or new business facilities on a different site, the loan may be used for such purpose. However, the SBA's share or guaranteed percentage of any such loan shall not exceed the estimated cost of restoring or replacing the damaged or destroyed property.

(2) Any disaster victim located in a flood disaster-prone area that suffers real property damage, to the extent that it is determined more feasible to move outside of the disaster area than to repair or rebuild the property at the disaster location, may obtain funds for such purposes as are prescribed in subparagraph (1) of this paragraph and such other funds as may be determined necessary by SBA to reestablish the borrower's real property at the new location. In any situation where physical-loss disaster assistance is provided to relocate real property outside of a flood disaster-prone area, no future flood disaster assistance will be provided by SBA for any future physical-loss disaster damage to the property located at the site from which the disaster victim was relocated. SBA shall require the borrower to execute and record in the local office where records of property ownership are recorded a document which shall give notice of this qualification to all subsequent purchasers and encumbrancers of real property located at the disaster site. The recorded notice of disaster qualification may be canceled (released or terminated) by the recording of a determination issued by SBA that adequate flood control measures have been effected to protect the property from future flood damage.

(b) *Substantial economic injury assistance.* The purpose of these loans is solely to provide relief to small business concerns from substantial economic injury sustained as a result of major disasters declared by the President or the Secretary of Agriculture. Loans may be used for working capital, to replenish inventories, and to pay financial obligations which the borrower would have been able to pay had it not been for a loss of revenue resulting from the disaster.

(c) *Displaced business assistance.* The purpose of these loans is to assist in reestablishing the business of small business concerns which have been displaced by a federally aided urban renewal or highway construction program, or any other construction conducted by or with funds provided by the Federal government. These loans may be used to provide:

(1) Working capital necessary to carry the concern until resumption of normal operations; (2) replacement costs to owners of realty less net amounts received for indemnification of property from which displaced; (3) funds for nonowners of the premises from which displaced to purchase or construct premises if no suitable rental property is available; (4) purchase of machinery and equipment necessary to carry on business at the new location less any funds received from disposal of equipment owned at location from which displaced; (5) increases in the cost of fixed charges such as rents, insurance and utility bills for a reasonable period of time; (6) moving expenses not compensated for from some other source where the distance moved is less than 100 miles; (7) purchase of equipment to upgrade the business in a new location where such upgrading is necessary.

Where land or amount of space in premises is needed, no loan shall provide funds which would increase the square footage of land or building space to more than one-third greater than that owned or occupied prior to displacement.

(d) *Product disaster assistance.* The purpose of these loans is to assist small business concerns to reestablish or continue their business when they have suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such products through natural or undetermined causes. Loans may be used to provide working capital to support the business until such time as it is reestablished and to pay financial obligations which the borrower would have been able to pay if it had not been for a loss of revenue resulting from the disaster. Financial assistance may not be used for the replacement of equipment or for the expansion of facilities except as SBA may determine to be necessary or appropriate for the concern properly to process a product to insure its fitness for human consumption.

(e) *Limitation on use of disaster assistance for debt repayment.* Physical disaster loans made under section 7(b)(1) may not be used to repay bank loans. This exclusion shall not apply where a bank participates with SBA for an amount at least equal to its loan(s) to be refinanced with SBA disaster assistance. Nor shall this exclusion apply to the repayment of temporary bank loans determined by SBA to have been used to alleviate the disaster injury.

§ 123.5 Where to apply.

A single copy of an application on a form provided by SBA may be filed with the Regional or Branch Office, or Disaster Branch Office, if one has been established, which is most convenient to the applicant. If a bank is participating, two copies of the application should be filed with the bank which will send one copy to SBA. If a Disaster Branch Office has been established, applications generally should be filed there.

§ 123.6 Amount of loan and interest rates.

(a) There is no statutory limitation on the amount of a disaster loan. However, SBA's share or guaranteed percentage of any such loan shall not exceed the actual physical loss or economic injury suffered as a result of the disaster, except as may be permitted under § 123.4(c).

(b) In physical-loss disaster assistance, all direct and indirect costs attributable to restoring, rehabilitating, or replacing damaged or destroyed property will be considered by SBA in determining the amount of loan. The amount of money recovered from insurance or obtained from other relief sources, such as the American Red Cross, shall be deducted from the amount of the loss for which an SBA loan may be made. Sums paid to a disaster victim subsequent to his filing an application by insurance companies representing the indemnification of loss in whole or in part for which the disaster victim is requesting SBA financial assistance shall be paid by the borrower to the SBA for the reduction of this loan.

(c) Interest rates on disaster loans are set forth in Part 120 of this chapter.

§ 123.7 Collateral.

(a) The Small Business Act, as amended, contains no specific requirements with respect to collateral as security for a disaster loan, nor has SBA established any firm rule in regard to collateral. However, SBA requires applicants to pledge whatever collateral they can furnish. SBA will give consideration to the moral risk involved and to evidence showing a reasonable prospect that the loan will be repaid.

(b) Evaluation of collateral: In disaster loan cases the same general approach to establishing values will be used as for business loans, keeping in mind the emergency and the urgency incident to a disaster loan.

§ 123.8 Repayment.

(a) Generally, disaster loans shall be repaid in monthly installments beginning not later than 5 months from the date of the note. The maturity of the loan will be geared to the borrower's ability to pay. Final maturity of the loan shall not exceed 30 years. In certain hardship cases, on loans to home owners and small business concerns to repair buildings or replace equipment, payments to interest and principal may be deferred for 5 years and the term of repayment extended 5 years beyond the 30-year limitation. During a Deferment period SBA may, upon request of the participant in the loan, purchase its participation. If necessary to avoid default, SBA may assume the borrower's obligation to the participant for the balance of the deferment period, provided the borrower agrees to reimburse SBA for such payments.

(b) In the case of privately owned colleges and universities, payments to interest may be waived and payments to principal deferred for the first three years of the term of the loan.

(c) Displaced business loans may have more liberal repayment terms if circumstances indicate the need, including (1) a moratorium on principal payments (not interest) not exceeding the 12 months which immediately follow disbursement; (2) smaller amortization payments during the first few years, increasing in later years; or (3) any other reasonable terms to fit the applicant's individual circumstances.

(d) Except as described elsewhere in paragraphs (a), (b), and (c) of this section, and in the case of borrowers whose income is received on an annual or seasonal basis, all loans shall be repaid in equal monthly installments which will include principal and interest.

§ 123.9 Step-by-step procedure for disaster loan applicant.

(a) An applicant for Physical-Loss Disaster Assistance shall:

(1) Make a list of his damaged, destroyed, or lost property showing in as much detail as possible the extent of damage or loss, and, if possible, original cost of the property;

(2) Obtain from a reliable contractor, supplier, or repairman, as appropriate, a signed estimate (in duplicate) of the cost of repairing damaged property or of replacing property which has been lost or damaged beyond repair;

(3) Make an overall estimate of his losses;

(4) Prepare a list of both his debts and assets and a financial statement;

(5) If the proposed loan is to rehabilitate his business, prepare a record of his business earnings and expenditures for the 3 years preceding and make a profit and loss statement;

(6) Obtain a disaster loan application form from a local bank or the nearest SBA office;

(7) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 (see § 122.1(f) of this chapter) if such loan results in the alteration, rehabilitation, construction, conversion, extension or repair of buildings, or other improvements to real estate, where the contract exceeds $10,000; and

(8) If a loan is to a business concern, furnish an executed "Applicant's Assurance of Compliance," SBA Form 652.

(b) An applicant for Substantial Economic Injury or Product Disaster Assistance shall:

(1) Furnish a statement of the extent to which his business has been injured by the disaster conditions;

(2) For purposes of comparison, furnish financial and operating conditions covering the current period and a 12-month period of normal operations prior to the disaster;

(3) List any accounts and notes receivable which are delinquent due to the disaster conditions;

(4) Explain fully the reasons for any abnormally large and burdensome inventories;

(5) List all payables which are delinquent due to the disaster as well as current accruals;

(6) Point out any adopted or planned economies in operation designed to reduce costs of doing a lessened volume of business; and

(7) Furnish an executed "Applicant's Assurance of Compliance," SBA Form 652.

(c) An applicant for Displaced Business Disaster Assistance shall:

(1) Furnish financial and operating statements for the current year to date and for the past three previous fiscal or calendar years;

(2) Furnish figures on actual or contemplated reduction or loss of income and profits and estimate of period of time income and profits will be reduced;

(3) List all payables which are delinquent;

(4) List any additional or replacement equipment that will be required reasonably to upgrade operations in new location, with allowances or any other recoveries from disposal or trade-in of existing equipment;

(5) Advise if additional inventories will be required or if different grades of items must be carried to meet demands of new location and effect on working capital position;

(6) Furnish projection of sales, normal percentage of profits, and fixed expenses, for a period of approximately 2 years following relocation in order to establish reasonable ability to repay loan;

(7) Make a list of collateral to be offered as security for repayment of the loan, showing in detail any existing obligations or liens against such collateral;

(8) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 (see § 122.1(f) of this chapter) if such loan results in the alteration, rehabilitation, construction, conversion, extension, or repair of buildings or other improvements to real property, where the contract exceeds $10,000; and

(9) Furnish an executed "Applicant's Assurance of Compliance," SBA Form 652.

§ 123.10 Cooperation with American Red Cross.

In its physical-loss program of assistance to disaster victims, SBA maintains close coordination with the American Red Cross. In many cases, rehabilitation assistance is given jointly by the Red Cross and SBA with part of the applicant's losses being covered by a grant from the Red Cross and part by a loan through SBA.

§ 123.11 Obtaining loan funds.

(a) Once a disaster loan has been approved by SBA, the disaster victim may obtain the loan funds upon compliance with conditions of SBA's loan authorization.

(b) If the approved loan is an immediate participation or guaranteed loan, the bank will notify the disaster victim of the loan approval, terms and conditions, and arrange with him for actual closing of the loan.

(c) If the loan is a direct loan, the disaster victim will be notified by SBA of the loan approval, terms and conditions.

§ 123.12 Administration of loans.

Participation and guaranteed loans closed by the bank will be administered by the bank, and participation or direct loans closed by SBA will be administered by SBA.

§ 123.13 Extension of loans, including RFC loans.

Actions taken by SBA pursuant to the authority of section 7(c)(1) of the Small Business Act, as amended, are limited to such periods of time as appear necessary to avoid the forced liquidation of loans. Generally, a sequence of short extensions will be granted rather than one lengthy one. Extensions are only granted under this section when it appears that no other course of liquidation will result in a greater and earlier recovery of the indebtedness. No such extension may be made on any loan having a maturity in excess of 20 years.

Effective date: This recodification and revision is effective upon publication in the FEDERAL REGISTER.

Dated: March 2, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-2545; Filed, Mar. 7, 1967; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 204—RADIATION PHYSICS

Dosimetry in High-Energy Electron Beams

Under the provisions of 15 U.S.C. 275 (a) and 277, the test fee schedules of the National Bureau of Standards, Department of Commerce, pertaining to radiation physics are amended to add a new service as described herein.

Part 204 is amended to add a new section to read as follows:

§ 204.503 Dosimetry in high-energy electron beams.

(a) The Bureau will prepare and mail dosimeters to users requesting assistance with absorbed-dose measurements in high-energy electron beams. The dosimeters employed will consist of ferrous sulfate (Fricke) solution in radiation-resistant silica-glass spectrophotometer cells. The users will expose all but two of the furnished dosimeters to between 5,000 and 8,000 rads at electron energies between 5 and 50 MeV, employing the exposure geometry (field size, phantom, position of dosimeter in phantom) given in the "Protocol for Dosimetry of High-Energy Electrons," Physics in Medicine and Biology 11, 505 (1966).

(b) After irradiation, the dosimeters will be returned to the Bureau for spectrophotometric evaluation of the ferric-ion concentration in terms of absorbed dose in the phantom, using the G-value given in the Protocol. The results of this evaluation will be reported to the users.

(c) The Bureau plans to provide this service four times a year starting on or about July 1, 1967, and to offer it quarterly thereafter.

Item	Description	Fee
204.503a	Preparing and shipping four Fricke dosimeters, two as controls, and two for irradiation; evaluating the ferric-ion content in terms of absorbed dose in the phantom; reporting the test results.	[1] $250.00
204.503b	For an additional fee an additional Fricke dosimeter may be supplied and its ferric-ion content evaluated after irradiation.	[1] 50.00

[1] Through a subsidy provided by the National Center for Radiological Health, Public Health Service, Department of Health, Education, and Welfare, a reduction in fee may become available to all medical users interested in a check of the absorbed dose calibrations employed in high energy electron beam therapy. For details contact the Dosimetry Section, Radiation Physics Division, National Bureau of Standards, Room C-209, Radiation Physics Building, Washington, D.C. 20234.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: February 24, 1967.

A. V. ASTIN,
Director.

[F.R. Doc. 67-2536; Filed, Mar. 7, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-31]

PART 399—STATEMENTS OF GENERAL POLICY

Subpart H—Other Policies Relating to Interests, Activities, and Relationships of Air Carriers

INTERLOCKING RELATIONSHIPS BETWEEN AN AIR CARRIER AND A PERSON CONTROLLING ANOTHER AIR CARRIER

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March 1967.

In PSDR-14, dated November 12, 1965, 30 F.R. 14531, the Board issued a proposed policy statement, interpreting section 409 of the Federal Aviation Act of 1958, "as making unlawful, unless approved by order of the Board, interlocking relationships between an air carrier and a person controlling another air carrier." Under section 409(a), the Board has jurisdiction over interlocking relationships—such as interlocking directorates—between an air carrier and "any other person who is a common carrier or is engaged in any phase of aeronautics." The policy statement deems any person in control of an air carrier to be a "person * * * engaged in any phase of aeronautics," for purposes of interlocking relationships with other carriers. Comments on the proposed rule have been submitted by two air carriers,[1] and three other interested parties.[2] All of these parties, save one, opposed the proposed interpretation of section 409.[3]

Pan American contends that the question of interpretation involved here is not one which the Board may decide "with finality," or one on which it may attempt to create a presumption by the adoption of a statement of general policy. There can be no doubt, however, that the Board has full authority to issue an interpretative regulation of this nature for the guidance of the public.[4]

It is contended on the merits that the proposed interpretation of section 409 is erroneous as a matter of law. Basically, the opponents of the proposed rule contend that the term "phase of aeronautics" as used in section 409 does not include control of an air carrier. First, it is argued that the numerous references to a "person controlling an air carrier" in section 408 and the absence of this phrase in section 409(a)(1)–(3) indicate that the ommission from these portions of section 409 was deliberate. Second, it is contended that section 409(a)(4)–(6) indicates that Congress intended to reach persons controlling an air carrier only where such control is their principal business.

These and other arguments were considered by the Board in issuing the notice of proposed rule making, and upon further review the Board concludes that its interpretation of section 409 is not in error. Following are portions of the Explanatory Statement which accompanied the Board's notice of proposed rule making and which deal with all of the legal objections raised in the comments.

* * * Underlying the proposed construction of section 409 is the declaration of policy in section 102 of the Act that the public interest includes "competition to the extent necessary to assure the sound development of an air-transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the postal service, and of the national defense." Interlocking relationships involving rival air carriers tend to stifle or eliminate competition and a primary purpose of section 409 was to subject this type of relationship to government regulation. Apart from interlocking relationships between two rival air carriers there are few, if any, interlocking relationships posing more of a threat to competition than interlocking relationships between an air carrier and a person who controls a rival air carrier.[3] Accordingly, it is consistent with the Congressional purpose to construe section 409 as covering interlocking relationships between air carriers and persons controlling other air carriers. As stated by a United States Court of Appeals in passing upon the related question of the proper construction of "representative" in section 409:

"The purpose of Congress is not served by choosing from among available definitions of

[1] Pan American World Airways, Inc., and American Airlines, Inc.

[2] Hughes Tool Co., Metropolitan Life Insurance Co., and the Equitable Life Assurance Society of the United States, jointly.

[3] Toolco, while supporting the Board's interpretation of section 409, also takes the position that a dominant lender is engaged in a phase of aeronautics "irrespective of any question of control." Toolco contends that the proposed rule would be strengthened and be more meaningful if it defined the circumstances under which a lender is engaged in a phase of aeronautics. The question of whether financial institutions lending money to air carriers would be deemed persons engaged in a phase of aeronautics irrespective of whether such institutions control an air carrier is clearly outside the scope of this proceeding. Toolco's suggestion will therefore not be entertained.

[4] See Davis, Administrative Law Treatise, sec. 5.05 et seq. (1958).

[3] It should be emphasized that sec. 409 is not ordinarily concerned with the personal integrity of an officer or director. Rather the question is "whether the potential interests of * * * two companies may be in conflict." Pan Am. Airways-Hanes, Interlocking Relationship, 8 CAB 617, 619 (1947).

'representative' a narrow meaning inconsistent with the purpose to keep the vital aeronautical industry, in its component parts, independent and competitive to the extent necessary to insure sound development in accordance with the needs of the foreign and domestic commerce of the United States, the postal services, and the national defense."[3]

There are additional reasons for believing that Congress intended persons controlling air carriers to be covered by the phrase "person engaged in any phase of aeronautics." The broad scope of "phase of aeronautics" is indicated by section 408(c) in which Congress exempted from section 409 coverage an air carrier officer or director who also holds an office or directorship in persons whose "principal business is the maintenance or operation of * * * [a certain type of] ticket office, landing area, hangar, or other ground facility." The implication is that but for this exception such activities would be considered a "phase of aeronautics." Cf. Pan American Airways, Inc. et al., Merger, 2 CAB 503, 511 (1940).

Section 408 contains other indications that Congress intended the section 409 phrases "common carrier" and "engaged in any phase of aeronautics" to have broad meaning and to cover such persons as air carriers and persons controlling air carriers. Section 408(a)(2) prohibits certain transactions between, "any air carrier," and "any air carrier, any person controlling an air carrier, any *other* common carrier, or any person engaged in any *other* phase of aeronautics" (emphasis supplied). The use of "other" indicates that Congress believed that the phrases "common carrier" and "person engaged in any phase of aeronautics" ordinarily include air carriers and persons controlling air carriers. The implication is that when, as in section 409, Congress used the phrases "common carrier" and "phase of aeronautics" without qualification, the phrases were intended to include such persons as air carriers and persons controlling air carriers.

For similar reasons it is not determinative that section 408 sometimes expressly refers to a "person controlling an air carrier" while section 409 does not.[4] If this difference is significant then by analogy it is also significant that section 408 expressly covers transactions between an air carrier and another air carrier while the express terms of section 409 extend only to relationships between air carriers and common carriers or persons engaged in any phase of aeronautics. It is clear that interlocking relationships between two air carriers were to be covered by section 409, and "air carrier" must be included within the section 409 phrases "common carrier" or "person engaged in any phase of aeronautics." Similarly, there is no reason why Congress could not have intended persons controlling an air carrier to come within the section 409 phrase "person engaged in any phase of aeronautics."[5]

[3] Lehman v. CAB, 209 F. 2d 289, 295 (C.A.D.C., 1953), cert. denied, 347 U.S. 916 (1954).

[4] Section 408 does not always expressly refer to persons controlling air carriers. For example, in section 408(a)(3) such persons are included within the phrase "engaged in any phase of aeronautics." See Resort Airlines, Interlocking Relationships, 23 CAB 143 (1956).

[5] Nor do we believe that Congress intended the "aeronautical holding company" provisions of sec. 409 (pars. (a)(4)–(6) dealing with persons "whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics") to serve as a limitation on "phase of aeronautics" in sec. 409(a)(1)–(3). The holding company provisions of sec. 409 were derived from sec. 7 of the Air Mail Act of 1934 (48 Stat. 936) and were directed at a specific evil which had developed in the early stages of the aviation industry. Congress intended the last three paragraphs of sec. 409(a) to be distinct from, and in addition to the remainder.

[5a] 15 CAB 876, 881 (1952) "[W]ith respect to any application for approval of matters covered by sections 408 and 409 hereafter filed, whenever the Board has reasonable grounds to believe that the applicant has, at the time of his application, violated either of those sections by having acted without prior Board approval, the application will be held in abeyance until either the alleged violation has been voluntarily terminated or the completion of a proceeding to determine the existence of the violation and, in the event a violation is found to exist, until the violator has taken required corrective action."

Accordingly, the proposed policy statement will be issued as a final rule.

Because the policy statement decides a question not previously dealt with by the Board and because there may be interlocking relationships which could not conveniently be dissolved until new directors are elected, the Board has decided that the policy statement shall not be effective until 1 year after the date of adoption as to persons immediately affected by it. Therefore, such persons who file applications within 1 year, requesting Board approval under 409(a) and Part 251 of the Board's regulations, will not be subject to either enforcement proceedings or to the doctrine expressed in the Sherman, Control and Interlocking Relationship Case.[5a]

In consideration of the foregoing, the Board hereby amends Part 399, Statements of General Policy (14 CFR Part 399) effective April 7, 1967, as follows:

1. By changing the title of Subpart H to read as follows: "Subpart H—Other Policies Relating to Interests, Activities, and Relationships of Air Carriers".

2. By adding to Subpart H a new § 399.92 to read as follows:

§ 399.92 Interlocking relationships between an air carrier and a person controlling another air carrier.

The Board interprets section 409 of the Federal Aviation Act of 1958, as amended, as making unlawful, unless approved by order of the Board, interlocking relationships between an air carrier and a person controlling another air carrier.

(Secs. 204(a), 409, Federal Aviation Act of 1958, 72 Stat. 743, 768; 49 U.S.C. 1324, 1379; sec. 3, Administrative Procedure Act, 80 Stat. 383; 5 U.S.C. 552)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-2556; Filed, Mar. 7, 1967; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Trade Association Code of Ethics Governing Pricing and Selling Practices

§ 15.115 Trade association code of ethics governing pricing and selling practices.

(a) The Commission rendered an advisory opinion to a trade association of jobbers advising that while some of the submitted Code provisions appear innocuous, the Code as a whole is shot through with anticompetitive implications.

(b) The Commission pointed out, by way of examples, that the question of establishing fair and adequate profit levels is not an appropriate trade association exercise; the use of price as an economic weapon is integral to the competitive process and becomes anticompetitive only when used destructively; urging the frequent checking of competitive prices suggests an attempt of achieving price uniformity; complaining to a competitor about his practices could be construed as an unfair method of competition depending upon the practice involved for if the "practices" were low prices, the complaint could be construed as an appeal for price maintenance.

(c) In disapproving the Code of Ethics as submitted the Commission advised that because the effect of issuance of such a Code would be coercive upon the members, the cumulative effect of its provisions could well operate to reduce or eliminate price competition and impair the right of each member to price and promote his products as he sees fit.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: March 7, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-2549; Filed, Mar. 7, 1967; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Advertising Claim: "America's Most Warranted * * *"

§ 15.116 Advertising claim: "America's most warranted * * *".

(a) The Commission advised a manufacturer who wished to use the advertising claim "America's most warranted * * *" that it would be inappropriate and impracticable for it to give the desired advisory opinion.

(b) Citing § 1.51 of this chapter, the Commission stated that the proposed claim was such that an informed decision thereon could be made only after extensive investigation, clinical study, testing, or collateral inquiry.

(c) If the statement in question is true, the Commission added, then of course there is nothing in the statutes which it administers to prohibit its use. The question, however, is enormously complicated and to answer it would require both quantitative and qualitative determinations which could only be made after extensive investigation. While the Commission must of necessity investigate the use of extravagant claims, such investigation should not be initiated in support of an advisory opinion.

(d) Moreover, because of the nature of the proposed claim, Commission approval could be construed and exploited as Government endorsement.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: March 7, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-2550; Filed, Mar. 7, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DIETHYL PYROCARBONATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6H2011) filed by Hazelton Laboratories, Inc., Falls Church, Va. 22046, and other relevant material has concluded that the food additive regulations should be amended to provide for the use of diethyl pyrocarbonate in malt beverages as set forth below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1117 is amended by deleting paragraph (c) and revising paragraph (b) to read as follows:

§ 121.1117 Diethyl pyrocarbonate.

* * * * *

(b) It is used or intended for use as a fermentation inhibitor:

(1) In still wines to be added before or during bottling at a level not exceeding 200 parts per million, of which none shall remain when the wine is tested 5 days after the date of bottling.

(2) In fermented malt beverages to be added before or during packaging at a level not exceeding 150 parts per million. The treated fermented malt beverage shall not contain more than 5 parts per million of diethyl carbonate when tested 24 hours after the time of packaging.

(c) [Deleted]

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 28, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2566; Filed, Mar. 7, 1967; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6914]

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Deposit of Corporation Income and Estimated Income Tax With Government Depositaries

On January 11, 1967, notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 279) with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to provide rules for the deposit of corporation income and estimated income tax with Government depositaries. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments as proposed are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph (b) of § 1.6302–1, as set forth in paragraph 5 of the notice of proposed rule making, is changed.

PAR. 2. Section 301.6312–1 is amended by adding a new paragraph (d) at the end thereof.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: March 3, 1967.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to provide rules for the deposit of corporation income and estimated income tax with Government depositaries, the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Paragraph (a)(2) of § 1.6081–3 is amended to read as follows:

§ 1.6081–3 Automatic extension of time for filing corporation income tax returns.

(a) *In general.* * * *

(2) The original of the application must be filed on or before the date prescribed for the filing of the return of the corporation with the internal revenue officer with whom the corporation is required to file its income tax return. The corporation shall make a remittance of an estimated amount of tax which shall not be less than would be required as the first installment under section 6152(a)(1) should the corporation elect to pay the tax in installments.

* * * * *

PAR. 2. Section 1.6151–1 is amended by adding a new paragraph (d) at the end thereof to read as follows:

§ 1.6151–1 Time and place for paying tax shown on returns.

* * * * *

(d) *Use of Government depositaries.* For provisions relating to the use of Federal Reserve banks and authorized commercial banks in depositing the taxes see § 1.6302–1.

PAR. 3. Paragraph (a) of § 1.6152–1 is amended by adding a new subparagraph (3) at the end thereof to read as follows:

§ 1.6152–1 Installment payments.

(a) *Privilege of corporation to elect to make installment payments.* * * *

(3) *Use of Government depositaries.* For provisions relating to the use of Federal Reserve banks and authorized commercial banks in depositing the taxes see § 1.6302–1.

* * * * *

PAR. 4. There is inserted immediately after § 1.6154–3 the following new section:

§ 1.6154–4 Use of Government depositaries.

For provisions relating to the use of Federal Reserve banks and authorized commercial banks in depositing the taxes see § 1.6302–1.

PAR. 5. There are inserted immediately after § 1.6165–1 the following new sections:

§ 1.6302 Statutory provisions; mode or time of collection, use of Government depositaries.

SEC. 6302. *Mode or time of collection*—(a) *Establishment by regulations.* If the mode or time for collecting any tax is not provided for by this title, the Secretary or his delegate may establish the same by regulations.

* * * * *

(c) *Use of Government depositaries.* The Secretary or his delegate may authorize Federal Reserve banks, and incorporated banks or trust companies which are depositaries or financial agents of the United States, to receive any tax imposed under the internal revenue laws, in such manner, at such times, and under such conditions as he may prescribe; and he shall prescribe the manner, times, and conditions under which the receipt of such tax by such banks and trust companies is to be treated as payment of such tax to the Secretary or his delegate.

§ 1.6302–1 Use of Government depositaries in connection with corporation income and estimated income taxes.

(a) *Requirement.* For taxable years ending on or after December 31, 1967, a corporation (other than a foreign corporation referred to in paragraph (g) of § 1.6012–2) shall deposit with a Federal Reserve bank all payments of tax imposed by Chapter 1 of the Code (including any payments of estimated tax) on or before the date otherwise prescribed for paying such tax.

(b) *Depositary forms.* A deposit required to be made by this section shall be made separately from a deposit required by any other section. A corporation may make one, or more than one, remittance of the amount required by this section to be deposited. Each remittance shall be accompanied by a Federal Tax Deposit, Corporation Income Taxes, form (Form 503) which shall be prepared in accordance with the instructions applicable thereto. The remittance, together with Form 503, shall be forwarded to a Federal Reserve bank, or at the election of the corporation, to a commercial bank authorized in accordance with Treasury Department Circular No. 1079, 31 CFR Part 214, to accept remittances of the tax for transmission to a Federal Reserve bank. The timeliness of the deposit will be determined by the date of receipt by a Federal Reserve bank or by the authorized commercial bank, whichever is earlier. Each corporation making deposits pursuant to this section shall report on the return or declaration for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return or declaration. Amounts deposited under this section shall be considered as payment of the tax.

(c) *Procurement of the prescribed forms.* Copies of Form 503, the Federal Tax Deposit, Corporation Income Taxes, form will so far as possible be furnished corporations. A corporation will not be excused from making a deposit, however, by the fact that no form has been furnished to it. Corporations not supplied with the proper form should make application therefor to the district director (or director of a service center) in ample time to make the required deposits within the time prescribed. The corporation may secure the form or additional forms by applying therefor and supplying the district director or director of a service center with its name, identification number, address and the taxable year to which the deposits will relate.

(d) *Failure to deposit.* For provisions relating to the penalty for failure to make a deposit within the prescribed time, see the provisions of § 301.6656–1 of this chapter (Regulations on Procedure and Administration).

PAR. 6. Section 301.6312–1 is amended by adding a new paragraph (d) at the end thereof to reads as follows:

§ 301.6312–1 Treasury certificates of indebtedness, Treasury notes, and Treasury bills acceptable in payment of internal revenue taxes or stamps.

* * * * *

(d) In the case of payments of tax required to be deposited with Government depositaries by regulations under section 6302 of the Code, certificates, notes, or bills referred to in paragraph (a) of this section may be deposited with a Federal Reserve bank or branch, or with the Office of the Treasurer of the United States, in part or full satisfaction of such tax liability. As in the case of all remittances of amounts so required to be deposited, each such deposit of certificates, notes, or bills shall be accompanied by the appropriate deposit form in accordance with the regulations under section 6302. In such cases, notwithstanding paragraphs (b) and (c) of this section, receipts for such certificates, notes or bills shall no longer be issued in the name of the district director.

[F.R. Doc. 67–2587; Filed, Mar. 7, 1967; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

[Dept. Circular 1079]

PART 214—DEPOSIT WITH FEDERAL RESERVE BANKS AND DEPOSITARIES FOR FEDERAL TAXES OF CORPORATION INCOME TAX UNDER THE INTERNAL REVENUE CODE OF 1954, AS AMENDED

On March 8, 1967, at 32 F.R. 3819, the Commissioner of Internal Revenue prescribed regulations governing the deposit of corporation income and estimated income tax with Federal Reserve Banks and with commercial banks authorized to accept remittances of such tax for transmission to Federal Reserve Banks. In order to implement those regulations by authorizing Federal Reserve Banks and Depositaries for Federal Taxes to accept payment of corporation income tax and establishing procedures for the processing of such payments, the Treasury Department finds it necessary to prescribe further regulations. The Department also finds, in accordance with 5 U.S.C. 553, that notice and public procedure thereon are impracticable, unnecessary and contrary to the public interest since the regulations apply to deposits of installment payments of estimated corporation income tax due on April 15, 1967, and require the use of forms in connection with such deposits which must be obtained prior to that date.

Accordingly, Part 214, entitled as above and also appearing as Treasury Department Circular No. 1079, dated March 3, 1967, is hereby added to Chapter II, Title 31 of the Code of Federal Regulations, to read as follows:

Sec.
214.1 Scope of regulations.
214.2 Authorization of Federal Reserve Banks.
214.3 Functions of Federal Reserve Banks.
214.4 Authorization of Depositaries for Federal Taxes.
214.5 Functions of Depositaries for Federal Taxes.
214.6 Federal Tax Deposit Forms.

AUTHORITY: The provisions of this Part 214 issued under sec. 10, 56 Stat. 356, as amended; Sec. 15, 38 Stat. 265; sec. 6, 40 Stat. 291, as amended; 12 U.S.C. 265, 391; 31 U.S.C. 771, and sec. 6302(c), Internal Revenue Code of 1954, as amended, unless otherwise noted.

SOURCE: The provisions of this Part 214 appear at 32 F.R. 3820, Mar. 8, 1967, and are contained in Treasury Department Circular No. 1079, dated Mar. 3, 1967.

§ 214.1 Scope of regulations.

The regulations in this part authorize Federal Reserve Banks and Depositaries for Federal Taxes to receive deposits of corporation income tax. The regulations govern the processing of deposits with such Banks and Depositaries of (a) installment payments of estimated corporation income tax pursuant to section 6154 of the Internal Revenue Code of 1954, as amended, made on and after January 1, 1967, and (b) installment and final payments of corporation income tax (other than estimated income tax) pursuant to section 6152 of that Code, as amended, made on and after January 1, 1968, for tax years ending on and after December 31, 1967. Such tax is hereafter referred to as corporation income tax.

§ 214.2 Authorization of Federal Reserve Banks.

The Federal Reserve Banks, as fiscal agents of the United States, are hereby authorized and directed, subject to the provisions of this part, to receive from corporations or their agents, deposits of corporation income tax.

§ 214.3 Functions of Federal Reserve Banks.

(a) The Federal Reserve Banks shall perform the following functions with respect to deposits of corporation income tax:

(1) The Banks shall receive directly from corporations, or their agents, remittances in the form of check or money order, drawn to the order of the Bank, covering the amount to be deposited as corporation income tax, accompanied by a preinscribed Form 503[1]—Federal Tax Deposit, Corporation Income Taxes, on which the amount of the deposit has been entered in the space provided.

(2) The Banks shall stamp, in the space provided on the face of each tax deposit form received directly from corporations, the date the tax deposit was received, and the name and identifying number of the Bank.

(3) The Banks shall receive from Depositaries for Federal Taxes, under cover of transmittal letters, remittances or advices of credits to Treasury Tax and Loan Accounts and tax deposit forms relating to deposits of corporation income tax made with such Depositaries.

(4) The Banks shall establish accounting control over remittances received directly from corporations, as well as remittances and advices of credit received from Depositaries, and process related entries in the account of the Treasurer of the United States.

(5) The Banks shall establish accounting control over tax deposit forms, process the forms, and transmit them to the Office of the Treasurer of the United States.

§ 214.4 Authorization of Depositaries for Federal Taxes.

Every incorporated bank and trust company, now or hereafter designated and qualified to act as a Depositary for Federal Taxes under Part 213 of this subchapter (Treasury Department Circular No. 848, Second Revision, dated May 2, 1958), is hereby authorized and directed to accept from corporations or their agents, subject to the provisions of this part and without compensation for its services, deposits of corporation income tax. To the extent provided in § 214.5(a)(6), such tax deposits are eligible for deposit in a Depositary's Tax and Loan Account, maintained under its qualification as a Special Depositary of Public Moneys pursuant to Part 203 of this subchapter (Treasury Department Circular No. 92 (Revised), dated November 10, 1949, as amended).

§ 214.5 Functions of Depositaries for Federal Taxes.

(a) Depositaries for Federal Taxes shall perform the following functions with respect to deposits of corporation income tax:

(1) Depositaries shall accept directly from corporations or their agents, cash or checks, drawn on and to the order of the Depositary, covering the amount to be deposited as corporation income tax. Each deposit must be accompanied by a pre-inscribed Form 503—Federal Tax Deposit, Corporation Income Taxes,[1] on which the amount of the deposit has been entered in the space provided.

(2) Depositaries are not required to accept from corporations checks drawn on other banks, but they may do so at their own risk. If such checks are accepted, Depositaries must, nevertheless, stamp the date each deposit was received on the tax deposit form, and transmit the forms, together with payment therefor, to the Federal Reserve Bank of their district at the close of business on the day the deposits were received, in accordance with requirements stated in subparagraph (6) of this paragraph.

(3) Depositaries shall not accept public debt securities of the United States as deposits of corporation income tax.

(4) Depositaries shall, upon request by a corporation, acknowledge receipt of deposits. This may be accomplished by placing their stamp impression in the space provided on the stub portion of the tax deposit form, detaching the stub, and returning it to the taxpayer.

(5) Depositaries shall place, in the space provided on the face of each tax deposit form, a stamp impression reflecting (i) the date on which the tax deposit was received by the Depositary or its branch; (ii) the name and location of the Depositary; and (iii) the Depositary's transit number or identifying number assigned by the Federal Reserve Bank. The timeliness of the deposit will be determined by the date of receipt shown by the stamped impression.

(6) Depositaries shall forward daily to the Federal Reserve Bank of their district all tax deposit forms received that day from taxpayers, together with payment in funds immediately available at the Federal Reserve Bank point, or with advice that funds have been credited in the Treasury Tax and Loan Account of the Depositary. Depositaries shall detach any stubs, which were left attached to the deposit forms by taxpayers, before forwarding the deposit forms to the Federal Reserve Bank. Each transmittal will be accompanied by a transmittal letter in the form prescribed by the Federal Reserve Bank of the district.

(7) Depositaries shall establish, prior to transmittal to the Federal Reserve Bank, an adequate record of all deposits of corporation income tax, so that a Depositary will be able to identify deposits in the event tax deposit forms are lost in shipment between it and the Federal Reserve Bank. For this purpose a record should be made of each deposit, showing the date of deposit, the corporation's employer identification number, and the amount of the tax deposit. The Depositary's copy of transmittal letters may be used to provide the necessary information if individual deposits are listed separately, showing employer's identification number, deposit date and related amount for each deposit.

(b) The Federal Reserve Banks will furnish Depositaries with further information.

§ 214.6 Federal Tax Deposit Forms.

Each deposit of corporation income tax shall be accompanied by a Form 503—Federal Tax Deposit, Corporation Income Taxes.[1] The Bureau of Accounts, Treasury Department, on the basis of data furnished by the Internal Revenue Service, will so far as possible furnish to corporations a supply of tax deposit forms sufficient to meet their normal needs for the current year, approximately one month prior to the due date of their first deposit. However, a corporation will not be excused from making a deposit by the fact that no Form 503 has been furnished. Accordingly, if a corporation required to make such deposits has not received Form 503 tax deposit forms, it should communicate with the District Director of Internal Revenue for the district in which the corporation files its return (or director of the Internal Revenue Service Center for its region). Likewise, if additional tax deposit forms are needed, the corporation should request such additional supplies from the District Director or Service Center, furnishing its name, identification number, address and the ending date of its taxable year, as shown on the corporation's tax return.

Dated: March 3, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67–2585; Filed, Mar. 7, 1967; 8:49 a.m.]

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 309—ISSUE AND SALE OF TREASURY BILLS

Acceptance of Treasury Bills for Various Purposes

The regulations set forth in Treasury Department Circular No. 418, revised, as amended, dated February 23, 1954 (31 CFR Part 309) have been revised and amended in the form shown below. As these revisions and amendments which were adopted on March 3, 1967, are all matters concerning the fiscal policy of the United States, notice and public procedures thereon are unnecessary.

Dated: March 3, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Section 309.5 of Department Circular No. 418, revised, as amended, dated February 23, 1954 (31 CFR Part 309) is hereby amended as follows:

§ 309.5 Acceptance of Treasury bills for various purposes.

(a) *Acceptable as security for public deposits.* Treasury bills will be acceptable at maturity value to secure deposits of public moneys.

(b) *Acceptable in payment of taxes.* The Secretary of the Treasury, in his discretion, when inviting tenders for Treasury bills, may provide that Treasury bills of any series will be acceptable at maturity value, whether at or before maturity, under such rules and regulations as he shall prescribe or approve, in payment of income taxes payable under the provisions of the Internal Revenue Code. Treasury bills which by the terms of their issue are acceptable in payment of income taxes may be surrendered to any Federal Reserve Bank or Branch, acting as fiscal agent of the United States, or to the Office of the Treasurer of the United States, Wash-

[1] Form 503 attached to Department Circular 1079, dated Mar. 3, 1967, filed as part of original document.

ington, D.C. 20220, 15 days or less before the date on which the taxes become due.

(1) In the case of payments of corporation income taxes (including payments of estimates) for taxable years ending on or after December 31, 1967, the bills shall be accompanied by a preinscribed Form 503, Federal Tax Deposit, Corporation Income Taxes, on which the face amount of the bills being surrendered shall be entered in the space provided for the amount of the tax deposit. The office receiving the bills and Form 503 will acknowledge receipt of the bills to the owner corporation and effect the tax deposit on the date on which the taxes become due. Accordingly, in these cases, it will no longer be necessary to submit receipts for Treasury bills to the Internal Revenue Service with the corporation's declaration or tax return.

(2) In the case of payments of all other income taxes the office receiving the bills will issue receipts (in duplicate) to the owners. The original of the receipt shall be submitted, by the owner, in lieu of the bills, together with the tax return, to the District Director, Internal Revenue Service.

(c) *Discounting by Federal Reserve Bank of notes secured by Treasury bills.* Notes secured by Treasury bills are eligible for discount or rediscount at Federal Reserve Banks as provided under the provisions of section 13 of the Federal Reserve Act, as are notes secured by bonds and notes of the United States.

(d) *Acceptable in connection with foreign obligations held by United States.* Treasury bills will be acceptable at maturity, but not before, in payment of interest or of principal on account of obligations of foreign governments held by the United States.

[F.R. Doc. 67-2586; Filed, Mar. 7, 1967; 8:49 a.m.]

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Importations of and Dealings in Certain Merchandise and Customs Procedures

Section 500.204(a)(2)(ii) is amended by deleting from the item "human hair" in the list therein of types of merchandise, "nets and netting."

Section 500.204, Appendix, is amended in the following respects:

1. Each item is renumbered.

2. Item (12), renumbered (14). The definition of the term "hair, human, Asiatic" is amended to exclude hair originating in Turkey, Israel, and Lebanon.

3. Item (17)(b), renumbered (20)(b). The definition of "molybdenum" is amended to include ammonium molybdate.

4. Item (20), renumbered (23). The definition of "stones, semiprecious" is amended to exclude raw stones.

5. Item (101) is amended by the deletion of the words "from countries in the authorized trade territory"; by the deletion of the reference to § 500.322, and by the addition of the following commodities from the countries specified: Cotton manufactures from Poland, Czechoslovakia and Hungary, dried eggs from Poland and South Africa, silk, raw and waste, from Bulgaria, and walnuts from Rumania.

6. Item (105) is amended by the addition to the list of examples of "hair, human from Pakistan."

7. Item (114), a policy statement concerning cultural and educational materials from Communist China, is added.

8. Item (201) is amended by the addition of the commodity "shark fins" to the list of Chinese type foodstuffs.

9. Item (214). An authorization with respect to "Purchases at the 'Rice Bowl' and at the 'Welfare Handicrafts,' Hong Kong," is added.

10. Several minor editorial changes are made.

As so amended, § 500.204 and the appendix thereto read as follows:

§ 500.204 Importation of and dealings in certain merchandise.

(a) Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, rulings, instructions, licenses, or otherwise, no person subject to the jurisdiction of the United States may purchase, transport, import, or otherwise deal in or engage in any transaction with respect to any merchandise outside the United States if such merchandise is:

(1) Merchandise the country of origin of which is China (except Formosa), North Korea, or North Viet-Nam. Articles which are the growth, produce or manufacture of these areas shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa), North Korea, or North Viet-Nam, notwithstanding that they may have been subjected to one or any combination of the following processes in another country: (i) Grading; (ii) testing; (iii) checking; (iv) shredding; (v) slicing; (vi) peeling or splitting; (vii) scraping; (viii) cleaning; (ix) washing; (x) soaking; (xi) drying; (xii) cooling, chilling, or refrigerating; (xiii) roasting; (xiv) steaming; (xv) cooking; (xvi) curing; (xvii) combining of fur skins into plates; (xviii) blending; (xix) flavoring; (xx) preserving; (xxi) pickling; (xxii) smoking; (xxiii) dressing; (xxiv) salting; (xxv) dyeing; (xxvi) bleaching; (xxvii) tanning; (xxviii) packing; (xxix) canning; (xxx) labeling; (xxxi) carding; (xxxii) combing; (xxxiii) pressing; (xxxiv) any process similar to any of the foregoing. Any article wheresoever manufactured shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa), North Korea, or North Viet-Nam, if there shall have been added to such articles any embroidery, needle point, petit point, lace or any other article of adornment which is the product of China (except Formosa), North Korea, or North Viet-Nam notwithstanding that such addition to the merchandise may have occurred in a country other than China (except Formosa), North Korea, or North Viet-Nam.

(2) Merchandise specified in this subparagraph, howsoever processed, unless such merchandise originated in a country named as excepted for that type of merchandise and is imported into the United States directly from that country:

Type of merchandise	*Excepted countries*
(i) All merchandise, not elsewhere specified in this paragraph, if prior to December 17, 1950, imports thereof into the United States were chiefly of Chinese origin within the meaning of this chapter, and,	None.
(ii) All of the following specified types of merchandise:	
Aniseed, star	None.
Aniseed oil	None.
Antiques, Chinese type (except Chinese porcelain which qualified under items 766.20–25 of Title I — Tariff Schedules of the United States, Tariff Act of 1930, as amended, and which is decorated with the armorial bearing, crests, monograms, cyphers, or badges of European or American families or societies or bearing motifs based thereon, or with European or American political, memorial, or Masonic scenes or devices, or with European or American figures, ships, or other scenes, or with motifs or inscriptions in English, Latin, or any other European language).	None.
Bamboo, split	None.
Braids, straw	Italy, Japan.
Bristles, hog (except nondyed European hog bristles).	None.
Brushes, paint and hair pencil, and parts thereof, containing hog bristles more than 1½ inches in total length or more than 1¼ inches in length out of the ferrule.	None.
Carpet wool, Tibetan and Nepalese types.	None.
Cashmere	Iran.
Cassia	Indonesia.
Cassia oil	None.
Chinese type:	
Art objects	None.
Beverages	None.
Drugs	None.
Foodstuffs	None.
Garments	None.
Herbs	None.
Ivory articles	None.
Jade articles	None.
Medicines, prepared	None.
Rugs	None.
Tea	Formosa.
Cinnamic aldehyde	None.
Cinnamon oil	Ceylon, Seychelles.
Cornmint oil	Argentina, Brazil.
Eggs, poultry:	
Whole in the shell, preserved.	None.
Dried (whole, albumen, or yolks).	None.
Embroideries and embroidered articles of types chiefly imported from China prior to December 17, 1950.	None.
Feathers and down, Asiatic, except peacock feathers.	Burma, India, Formosa, Thailand, and those areas of Viet-Nam which are not under Communist control.
Firecrackers	None.
Floor coverings, grass, straw and seagrass.	Japan.
Fur skins:	
Goat and kid	Argentina, Ethiopia, Iran, Iraq.
Kolinsky	Republic of Korea.
Weasel	Canada.
Gallnuts, except Aleppo gallnuts.	None.
Ginger root, candied or otherwise prepared or preserved.	None.
Hair, human, Asiatic	None.
Hats, unfinished:	
Manila hemp (abaca)	None.
Palm leaf	Mexico, Philippines.
Straw	Brazil, Dominican Republic, Italy, Japan, Philippines.
Jade stones, cut but not set, suitable for use in jewelry.	None.
Menthol, natural and synthetic (except racemic).	Brazil.
Musk	None.
Rutin	None.
Seagrass mats and squares.	Japan.
Silk, tussah, muga, eri	None.
Silk piece goods, tussah, muga, eri.	None.
Sophera Japonica	None.
Tannic acid, from gallnuts other than Aleppo gallnuts.	None.
Tung oil	Argentina, Brazil, Paraguay.
Walnuts, except black or pickled walnuts.	France, Iran, Italy, Turkey.
Yak hair	None.

(3) Merchandise specified in this subparagraph, howsoever processed, if such merchandise is or has been located in or transported from or through Hong Kong, Macao, or any country not in the authorized trade territory.

TYPE OF MERCHANDISE

Agar-agar.
Bamboo:
Bags, baskets and other manufactures, except furniture.
Poles and sticks.
Brocades and brocade articles.
Camphor, natural and synthetic.
Camphor oil, natural and synthetic.
Cane webbing.
Carpet wool.
Carpets.
Castor beans.
Castor oil.
Chinaware.
Citronella oil.
Cotton manufactures.
Cotton waste.
Earthenware.
Embroideries and embroidered articles.
Hair, animal.
Hair nets of any material.
Handkerchiefs.
Hardwood manufactures, except bentwood furniture.
Hats, paper.
Hides, buffalo.
Ivory manufactures.
Lace and lace articles.
Linen manufactures, except wearing apparel not containing any lace, embroidery or brocade.
Ores and metals:
Antimony.
Bismuth.
Mercury.
Molybdenum.
Tin.
Tungsten.
Peanut oil.
Peanuts.
Ramie.
Rugs.
Seagrass manufactures.
Sesame oil.
Sesame seed.
Shoes, leather soled with nonleather uppers, except ladies' high-heel shoes.
Silk:
Manufactures except Western style suits and Indian saris.
Raw.
Waste.
Skins, deer and goat.
Stones, semiprecious.
Stones, semiprecious, manufactures.
Straw manufactures.
Tapestries.
Tapioca.
Tapioca flour.

(4) Merchandise specified in this subparagraph, howsoever processed, if such merchandise is or has been located in or transported from or through Hong Kong or Macao.

TYPE OF MERCHANDISE

Feather manufactures.
Glass, sheet (window).
Graphite.
Honey.
Marine products, edible.
Pigeons, frozen or otherwise prepared or preserved.
Poultry, frozen or otherwise prepared or preserved.

APPENDIX TO SECTION 500.204—DEFINITIONS AND INTERPRETATIONS, STATEMENTS OF LICENSING POLICIES AND AUTHORIZATIONS

DEFINITIONS AND INTERPRETATIONS OF SECTION 500.204

(1) "Chinese type" refers to items which are typically and principally used by Chinese or which are prepared, processed or designed in the Chinese manner. Excluded are certain items such as rice customarily consumed by Chinese but also consumed in considerable quantities by others.

(2) "Beaded articles"—Beaded articles, such as beaded bags, are regarded as cotton, linen, or silk manufactures subject to § 500.204(a)(3) if the fabric to which the beads are attached is cotton, linen, or silk (see also Appendix 9 and Appendix 18).

(3) "Braids, straw" does not include unfinished hats of straw braid.

(4) "Bristles, hog" includes bristles in knots or other processed condition.

(5) "Cane webbing" includes rattan webbing.

(6) "Cashmere and camel hair" include cashmere and camel hair in any processed form (e.g. scoured, dehaired, top rovings, noils, and yarn waste) but does not include cashmere and camel hair which have been spun, woven, or knitted, i.e., yarn and fabric.

(7) "Cassia," includes all species of the genus cinnamomum except cinnamomum zeylanicum.

(8) "Cinnamic aldehyde" does not include synthetic cinnamic aldehyde.

(9) "Cotton manufactures" does not include rubber soled shoes with canvas uppers, cotton umbrellas, or mixed tetron, dacron, orlon or rayon articles of less than 50 percent cotton content.

(10) "Cotton waste" does not include linters or grabbots.

(11) "Currency, coins, postage and other stamps" issued by China (except Formosa), North Korea, or North Viet-Nam are merchandise of Chinese, North Korean, or North Viet-Namese origin and subject to § 500.204(a)(1).

(12) "Embroidered articles" does not include beaded articles.

(13) "Furskins" includes the fur or hair removed from the skin, e.g., goat hair from goat fur skins, and includes fur neck pieces. It does not include fur scarves and stoles which are fur manufactures.

(14) "Hair in various forms." (i) The term "hair, human, Asiatic" is defined to include hair originating in the Republic of Indonesia and in the Republic of the Philippines and to exclude hair originating in Turkey, Israel and Lebanon.

(ii) The items "hair, human, Asiatic," "fur skins," and "yak hair" include commodities processed therefrom, e.g., beards, braids, buns, chignons, eyelashes, hair pieces, mustaches, nets, netting, switches, tresses, wefts, wefted wiglets, wigs and wiglets.

(15) "Hats" finished in third countries from hat bodies made in China (except Formosa), North Korea, or North Viet-Nam are merchandise of Communist Chinese, North Korean, or North Viet-Namese origin.

(16) "Hides, buffalo" includes those of Indian water buffalo.

(17) "Jade articles, Chinese type" includes jade band rings.

(18) "Linen manufactures" includes wearing apparel made in whole or in part of brocade, embroidery, or lace.

(19) "Musk" includes musk dissolved in a fluid.

(20) "Ores and metals." (a) Antimony includes antimony oxide and sodium antimonate, but does not include antimonial lead of less than 5 percent antimony.

(b) Molybdenum includes ammonium molybdate but does not include ferromolybdenum.

(c) Tungsten includes tungstic acid, hubnerite (manganese tungstate), tungsten oxide, ammonium paratungstate, and tungsten powder, but does not include ferrotungsten.

(21) "Silk, tussah, muga, and eri" includes raw silk, silk waste, silk noils, and continuous filament silk yarn and thread, but does not include other silk yarn or thread of tussah, muga or eri silk.

(22) "Silk piece goods, tussah" includes antung, honan, nanshan, pongee, and shantung, but does not include any fabrics containing 5 percent or less tussah fibers, or wool fabrics containing tussah silk if the material consist chiefly of wool.

(23) "Stones, semiprecious" includes all gem stones except diamonds, rubies, sapphires, and emeralds. It does not include pearls. It also does not include raw stones.

(24) "Stones, semiprecious, manufactures" includes jewelry made of semiprecious stones.

(25) "Straw manufactures" includes tea pads.

(26) "Tea chest paper" is joss paper, which is subject to § 500.204(a)(2)(i).

(27) *Dealings abroad in commodities subject to the regulations.* Section 500.204 prohibits not only the importation into the United States of certain commodities, but also prohibits persons subject to the jurisdiction of the United States from purchasing, transporting, or otherwise dealing in or engaging in any transactions with respect to such commodities which are outside the United States, unless authorized by license or otherwise. The term "persons subject to the jurisdiction of the United States" includes foreign firms owned or controlled by Americans, as defined in § 500.329.

(28) *Rejection of Imports.* Imports of merchandise subject to § 500.204(a) (2), (3), or (4) are refused, although an appropriate certificate of origin or specific license has been obtained, if there is reason to believe either that the merchandise is of Communist Chinese, North Korean, or North Viet-Namese origin or that there exists an interest of a designated national therein (see also (112) below).

(29) *Process v. manufacture.* A commodity subject to § 500.204 remains subject howsoever it has been processed. If it has been manufactured in a country other than China (except Formosa), North Korea, or North Viet-Nam, it remains subject only if the manufactured item itself is specified in the section. It should not be assumed that a subject commodity which has undergone operations other than those listed in § 500.204(a)(1), has become a manufactured form of the commodity rather than a processed form thereof. In case of question, a ruling should be requested from the Office of Foreign Assets Control. Requests for rulings in the form of license applications or otherwise should include adequate technical detail.

It should be noted that it is quite possible for merchandise to have China as its "country of origin" for Foreign Assets Control purposes while having some other country as its "country of origin" for marking or statistical purposes.

(30) *Unlicensed commitments.* In the absence of an appropriate general license, contractual commitments with respect to merchandise subject to § 500.204 should be made only if the contract specifies that it is subject to the issuance of a specific Foreign Assets Control license or other authorization from the Office of Foreign Assets Control. General licenses which may be applicable are §§ 500.536, 500.537, 500.538, and 500.539.

The fact that an unlicensed firm commitment or payment may have been made for commodities subject to § 500.204 is not a basis for licensing a transaction.

LICENSING POLICIES

(100) *Quotas for certain commodities from Eastern Europe and the U.S.S.R.* Quotas have been established for the importation of certain commodities from countries not in the authorized trade territory (except Communist China, North Korea, and North Viet-Nam), based on records of imports of such commodities into the United States during the period 1946–51. The principal commodities which have been licensed under these quotas are certain types of animal hair and textile waste from the U.S.S.R. and Outer Mongolia, including.

Badger hair.	Horse tail hair.
Carpet wool.	Other horse hair.
Cotton waste.	Silk waste.
Goat hair.	Yak hair.
Horse mane hair.	

(For definition of "authorized trade territory" see § 500.322.)

(101) *Quotas for imports of certain commodities from other countries.* Under certain limited circumstances, quotas have been established for the importation of certain commodities under annual limitations set by the amount determined as currently available for export.

Licenses are issued for:

Cotton manufactures from Poland, Czechoslovakia, and Hungary.
Dried eggs from Poland and South Africa.
Feathers, Asiatic, from Japan, Malaysia.
Firecrackers from Macao.
Lotus seeds from Thailand.
Lychees from Mexico.
Mung beans from Peru, Thailand.
Silk, raw and waste from Bulgaria.
Tung oil from Malawi.
Vegetables, fresh, Chinese type, from Mexico.
Walnuts from India, Pakistan, Rumania, and Yugoslavia.

(102) *Proof of origin.* Except as set forth in (112) below, the Office of Foreign Assets Control does not prescribe the documents which will satisfactorily prove the origin of merchandise, but will consider all documents submitted by importers to establish origin of merchandise. However, it has been found that affidavits, statements, invoices, and other documents prepared by manufacturers, processors, sellers, or shippers cannot be relied on and are therefore not by themselves accepted by the Office of Foreign Assets Control as satisfactory proof of origin.

(103) *Certificates of origin.* There are many types of certificates of origin issued by governmental and commercial agencies abroad. However, the only certificates of origin which will be accepted by Customs for Foreign Assets Control purposes in connection with imports of commodities subject to § 500.204 are certificates issued pursuant to special agreements between the country of issue and the Treasury Department. Such certificates are described in § 500.536(d). The name of the issuing agency in each country and the list of commodities for which such certificates are available from each country appear in this Appendix. Additions to the list are published in the FEDERAL REGISTER.

The Office of Foreign Assets Control reserves the right to refuse importations when the certificate of origin presented to Customs in connection with an importation under § 500.536 has been improperly issued. Certificates must be requested from the certifying country prior to exportation. Certificates may be improperly issued if the goods were not produced in the certifying country or were produced in the certifying country by a nonregistered producer. Further, if the certificate does not fully and specifically describe the merchandise to which it refers, it may likewise be rejected.

(104) *Direct import and continuous carriers' custody.* The term "imported directly" as used in § 500.204(a)(2) includes shipment via a third country on a through bill of lading as well as direct shipment from the country of origin. Specific licenses are issued for merchandise subject § 500.204(a)(2) when the merchandise is imported from an expected country via a third country without a through bill of lading if the Control is satisfied that the merchandise remained in "continuous carriers' custody." Such licenses require that the applicant furnish: (1) Name of the ship on which merchandise will arrive, port of arrival, and identification of the merchandise (case markings and numbers); (2) Evidence of shipment of the merchandise from the expected country to the port of transshipment; and (3) Evidence that the merchandise from the time of its arrival in said port until the time of its shipment therefrom on the ship named in (1) above was at no time in the custody of any person other than a carrier, or a person acting solely as agent for a carrier, and that no person other than a carrier or its agent had access thereto.

(105) *Physical examination.* The Office of Foreign Assets Control is satisfied that certain types of merchandise subject to § 500.204 can be reliably determined by physical examination not to be of Communist Chinese, North Korean or North Viet-Namese origin. Licenses to import these types of merchandise are issued subject to physical examination at the time of entry. Examples are:

Bristles, hog, not dyed, from Japan and Iran.
Camel hair from Outer Mongolia.
Cashmere.
Cassia from Indonesia and Sabah, Malaysia.
Chinaware from Eastern Europe.
Earthenware from Eastern Europe.
Embroidered articles, peasant-type, from Eastern Europe.
Hair, human, from India, Iran, and Pakistan.
Rugs, grass, from Spain and Portugal.
Straw manufactures from Eastern Europe.
Wood articles from Eastern Europe.

(106) *Export of animal hair and skins for processing abroad.* Reimports of commodities subject to § 500.204 of the regulations which were exported from the United States for processing abroad (principally animal hair and skins), are licensed on the basis of satisfactory documentary proof of the export and an estimate of the yield of processed material.

(107) *Other exports.* Reimports of other merchandise subject to § 500.204 of the regulations are licensed on proof of the export. Persons planning to export such merchandise for exhibition, repair, or for any other purpose, should first asertain that reimport will be authorized. Generally, reimport is authorized only if Customs Form 4455 was obtained at the time of export.

(108) *Publications from China, North Korea, and North Viet-Nam.* Publications imported directly from mainland China, North Korea, or North Viet-Nam may be licensed for commercial importation provided all payments due to the Chinese, North Korean, or North Viet-Namese suppliers are made into blocked accounts. Publications from mainland China, North Korea, and North Viet-Nam may also be licensed without restriction as to shipment or method of payment under programs approved by the Librarian of Congress or the National Science Foundation for universities, libraries, research and scientific institutions. Such publications may also be licensed in exchange for publications from the United States.

(109) *Chinese language films and publications from other areas.*—Imports of Chinese language films, books, magazines, and almanacs may be licensed if the Control is satisfied that they were produced outside of mainland China, North Korea, or North Viet-Nam and that no designated national of Communist China, North Korea, or North Viet-Nam has an interest in the transaction.

(110) *Exhibitions.* Certain merchandise subject to § 500.204 being imported for exhibition at trade fairs, expositions, museums, etc., may be licensed for entry for that purpose only and eventual reexport or destruction under Customs supervision.

(111) *Research samples.* Commodities subject to § 500.204, including commodities from mainland China, North Korea, and North Viet-Nam may be licensed for import for bona fide research purposes in sample quantities only.

(112) *Goods of mainland Chinese, North Korean, or North Viet-Namese origin.* Licenses for articles of mainland Chinese, North Korean, or North Viet-Namese origin are generally issued only on submission of documentary evidence satisfactory to the Control of the location outside mainland China, North Korea, or North Viet-Nam of the merchandise at all times since the respective effective date, and of the absence of any Communist Chinese, North Korean, or North Viet-Namese interest in the merchandise during that period. Except as noted below, affidavits from persons purporting to have knowledge of the location and ownership of the merchandise are not satisfactory documentary evidence of such facts. Bills of lading, insurance policies, museum catalogues, etc., may constitute such evidence.

In the case of antiques, if no satisfactory documentary evidence, such as exhibition catalogues dated prior to the respective effective date, is available, an affidavit from a disinterested person who can from his own knowledge affirm as to the location and ownership of the antique at all times on and since the respective effective date may be acceptable. In general, such affidavits will not be accepted when the antique has been in Hong Kong, Macao or Southeast Asia since the respective effective date.

(113) *Wigs and other human hair products from certain European countries.* Customs will detain wigs and other human hair products imported from Austria, Belgium, Federal Republic of Germany, France, Italy, Portugal, Spain, and United Kingdom unless either a specific license or appropriate certificate of origin is presented.

Human hair products from the above mentioned European countries are denied unlicensed entry into the United States in conjunction with the November 10, 1965, amendment to Item (14) of § 500.204 because it has been determined that substantial quantities of Asiatic hair are used in their production of wigs and other hair products sent to the United States.

(114) *Cultural and educational materials from Communist China.* Cultural and educational materials from Communist China may be licensed for importation provided that the value of the item being imported does not exceed $1,000 and provided that there is no commercial market for the item.

(115) *Bristles, hog.* Bristles of a type commonly used in shaving brushes, bearing a dyed strip of about three-eighths of an inch in width located ½ to 1 inch from the tip of the bristle are regarded as if they were undyed hog bristles for the purposes of § 500.539.

AUTHORIZATIONS

The following types of merchandise are hereby authorized to be imported without a certificate of origin or specific license, provided there has been no interest therein of a designated national:

(200) *Chinaware.* Section 500.204(a)(3): Well-known brands, such as Dresdenware, Meissenware, Spode, Noritake, Haviland, etc.

(201) *Footstuffs, Chinese type.* Section 500.204(a)(2):

Beche de mer.	Shark fins.
Bird's nests.	Thick soy.
Bird's nest soup.	

(202) *Foodstuffs, Chinese type, directly from Japan.* Section 500.204(a)(2):

Seaweed, dried.
Fish, dried, except dried cuttlefish.
Oysters, dried, or otherwise prepared in a Chinese manner.
Scallops, dried, or otherwise prepared in a Chinese manner.

(203) *Hardwood manufactures.* Section 500.204(a)(3):

Boats, western style.
Cabinets with radio or other electronic equipment installed.
Clothes pins, string type.
Guitars, electric.

(204) *Hats, unfinished.* Section 500.204(a)(2):

Lindu.	Pandan.
Lintao.	Raffia.
Macorra.	Toquilla.
Panama.	Yeddo.

(205) *Tea pads used for packing.* Section 500.204(a)(3) which enter as incidental packing for other imported goods.

(206) *Cotton manufactures from Eastern Europe.* Section 500.204(a)(3): Cotton manufactures (other than embroideries and laces, embroidered and lace articles, handkerchiefs, wearing apparel, and piece goods) from an Eastern European country or the U.S.S.R. if Customs is satisfied that the merchandise is of a type which was imported into the United States from that country prior to December 17, 1950.

(207) *Linen manufactures from Eastern Europe.* Section 500.204(a)(3): Linen piece goods, table cloths, toweling, towels, and other household articles, but not including any embroidered goods, from Eastern European countries or the U.S.S.R.

(208) *Animal hair from U.S.S.R.* Section 500.204(a)(3): Seal, otter, reindeer, and Mongolian dog hair, from the U.S.S.R.

(209) *Angora rabbit hair from Czechoslovakia.* Section 500.204(a)(3).

(210) *Purchases in Defense Department installations.* (Army Post Exchange, Navy Base Exchange, Ships Stores, etc.) Upon presentation to Customs of a sales slip which adequately describes the merchandise to which it relates.

(211) *Brushes, artists'.* Section 500.204(a)(2)(ii): Artists' brushes, and parts thereof, which are round at the handle end of the ferrule, the brush end consisting of natural white hog bristles (bleached or unbleached) curving inward at or near the working tip.

This authorization does not apply to fitch brushes.

(212) *Chinese type articles from Japan.* Section 500.204(a)(2)(ii): Not including antiques, originating in and imported directly from Japan:

Bronze, silver, and other metal articles.
Ceramics.
Coral articles.
Ivory articles.
Jade and other semiprecious stone manufactures (jewelry, figurines, bowls, etc.).
Paintings and scrolls.

(213) *Ginseng from Canada.* Section 500.204(a)(2).

(214) *Purchases at the "Rice Bowl" and at "Welfare Handicrafts," Hong Kong:* Upon presentation to Customs of a sales slip which adequately describes the merchandise to which it relates.

LIST OF AVAILABLE CERTIFICATES OF ORIGIN

Attention is directed to the provisions of § 500.536 (c) and (d) of the Foreign Assets Control Regulations, pursuant to which certain merchandise affected by § 500.204 of the regulations may be imported if the origin thereof is appropriately certified by the country of exportation.

Notice is hereby given that appropriate certificates of origin issued by the governments hereinafter listed under procedures agreed upon between the specified certifying agencies of those governments and the Office of Foreign Assets Control are available for the importation into the United States only (except as noted) of the commodities listed below, directly or on a through bill of lading, from the respective countries.

Changes in the list of certifiable commodities will be published in the FEDERAL REGISTER.

AUSTRALIA (*Certificates issued by Comptroller General of Customs*):
Ginger root, candied or otherwise prepared or preserved.
Menthol, synthetic.

AUSTRIA (*Certificates issued by Federal Chamber of Commerce*):
Hair, human, processed (wigs, etc.).
Jade stones, cut but not set, suitable for use in jewelry.

BELGIUM (*Certificates issued by Ministry of Economic Affairs*):
Camel hair, washed (scoured).
Cashmere:
Washed (scoured).
Noils.
Hair, human, processed (wigs, etc.).
Tannic acid.

CANADA (*Certificates issued by Department of Trade and Commerce*):
Foodstuffs, Chinese type.
Hair, human, processed (wigs, etc.).

ECUADOR (*Certificates issued by Ministry of Industry and Trade*):
Jade stones, cut but not set, suitable for use in jewelry.

FRANCE (*Certificates issued by Ministere de L'Industrie*):
Hair, human, processed (wigs, etc.).
Menthol, synthetic.
Silk piece goods, tussah.

FEDERAL REPUBLIC OF GERMANY (*Certificates issued by local Chamber of Industry and Commerce and countersigned by a Customs Official of Federal Ministry of Finance*):
Hair, human, processed (wigs, etc.).
Jade stones, cut.
Menthol, natural, synthetic.

HONG KONG ("*Comprehensive*" *Certificates issued by Department of Commerce and Industry*):
Abacuses.
Apricots, preserved.
Arrowhead.
Bambooware, machine-made from Formosan bamboo.
Bean curd, thread.
Bean fertilizer, dried.
Beans, salted.
Brass trays.
Brocade articles.
Brocades, other than cotton.
Bronze imitation antiquea.
Cabbage, white, dried.
Camphor tablets.
Cane webbing.
Candles, joss, novelty, Chinese type.
Carminative oil.
Ceramics, including Japanese porcelain decorated in Hong Kong.
Chilli sauce.
Cloissonneware.
Confectionery.
Cotton manufactures, waste.
Cucumber, bitter, white.
Doll clothes.
Duck, preserved.
Embroidered articles, excluding handmade table cloths, napkins, and handkerchiefs.
Feather manufactures.
Fish gravy.
Fish maw, dried.
Fish, salted, in oil.
Fish, spotted.
Foodstuffs, Chinese type, frozen.
Garments, Chinese style regardless of material from which made and whether or not containing any brocade, embroidery or lace.
Ginger, preserved.
Goat hair, processed (wigs, etc.).

Gold plated articles, Chinese type.
Graphite.
Greeting cards and book markers.
Hair, human, processed (wigs, etc.).
Hardwood manufactures.
Hoi sin sauce.
Ink, liquid, Chinese type.
Ivory manufactures.
Joss paper.
Junks.
Kudau roots.
Lacquerware.
Lamps, table.
Lanterns, silk, rayon.
Lemon sauce.
Lemons, red, yellow.
Linen manufactures.
Lotus root, seed.
Lychees.
Marine products, fresh frozen.
Molluska, dried.
Mullet, canned.
Mushrooms.
Musical instruments, Chinese type.
Mustard, preserved.
Needlework tapestries.
Olives, black, white.
Oysters, oyster sauce.
Paintings and scrolls, Chinese type.
Paper novelties.
Peas, garden, Chinese type.
Pewter novelties.
Pictures, cork, iron.
Plum sauce.
Plums, preserved.
Po Chun Balm.
Punk, firecracker.
Radishes.
Rice powder.
Rice sticks.
Rickshaws.
Rugs, cotton rag.
Rugs, woolen (knotted, hooked and braided).
Sampans.
Sandalwood manufactures.
Seagrass articles, including mats and squares.
Shoes, leather soled with nonleather uppers.
Shrimp, dried slices, noodles, sauce, paste.
Silk manufactures.
Silver articles, including plate, Chinese type.
Soybean sauce.
Stones, semi-precious, cut, jewelry, carvings, manufactures, excluding jade in any form.
Straw manufactures.
Sugar, slab, white rock.
Taro.
Tea, Chinese type.
Textile novelties.
Theatrical costumes, Chinese type.
Tiger Balm.
Tinware novelties.
Tungsten ore, concentrates.
Turnips, preserved.
Vinegar, white, red, black.
Wallpaper and textile fabrics, hand painted in Chinese type designs.
Wampei.
Wastepaper baskets, folding, silk, rayon.
Water chestnuts, water chestnut powder.
Wheat starch.
White flower oil (Pak Feh Yeow).
Wine, Chinese type, medicinal, non-medicinal.
Wooden novelties.
Yams.

Certificates are also available for:

(a) Shipments to third countries when the shipment is financed in U.S. dollars by the Agency for International Development;

(b) Purchases by persons subject to the jurisdiction of the United States who reside in Hong Kong; and

(c) Merchandise to be transshipped through the United States.

INDIA:

(a) Certificates issued by Ministry of International Trade.
Musk.
Silk piece goods, tussah, muga, eri.

(b) Certificates issued by Joint Chief Comptroller of Imports and Exports of Government of India.
Hair, human, raw and processed (wigs, etc.).

(c) Certificates issued by Directorate of Marketing and Inspection Ministry of Food and Agriculture.
Goat hair, dressed.
Rhubarb root.

INDONSIA (*Certificates issued by Ministry of Trade*):
Hair, human, raw and processed (wigs, etc.).

ITALY (*Certificates issued by Ministry of Industry and Commerce*):
Hair, human, processed (wigs, etc.).
Silk piece goods, tussah.

JAPAN (*Certificates issued by Ministry of International Trade and Industry*):
Abalone, canned, dried.
Bamboo, split.
Bamboo sprouts, canned, dried and shredded, raw.
Cuttlefish, dried.
Fish (sea bream), canned, prepared.
Ginger.
Ginko nuts, in the shells, canned or otherwise prepared.
Ginseng.
Hair, human, raw and processed (wigs, etc.).
Hats, unfinished, manila hemp (abaca).
Ingen-mame, raw, canned or otherwise prepared.
Jade stones, cut but not set, suitable for use in jewelry.
Kumquats, canned or bottled.
Lotus root, canned, dried.
Menthol.
Mushrooms, canned, baked, dried or otherwise prepared.
Oyster juice.
Plums, candied.
Quail, frozen.
Red bean flour.
Scallions, pickled.
Silk piece goods, tussah.
Silk waste derived from the production of tussah silk piece goods.
Soybean meal, oil, paste, sauce.
Walnuts.

(Certificates are also available for shipments to third countries when the shipment is financed in U.S. dollars by the Agency for International Development.)

KOREA, Republic of (*Certificates issued by Ministry of Commerce and Industry*):
Abalone, canned, dried.
Bristles, hog.
Cornmint oil.
Crabmeat, canned.
Cuttlefish, dried.
Duck eggs.
Duck products, dried, canned.
Feathers, domestic cock, pheasant cock.
Fish, salted, dried.
Floor coverings, grass, including seagrass mats and squares.
Gallnuts.
Ginger, preserved.
Ginseng, raw, wine, tea, tonic.
Goat hair, dressed.
Hair, human, raw and processed (wigs, etc.).
Herbs, medicinal, raw.
Jujube (red dates), dried.
Menthol.
Mushrooms, dried.
Rhubarb.
Seaweeds, dried.
Shell fish, dried (oysters, scallops, other).
Silk piece goods, tussah.
Silk, tussah, raw.
Straw braids.
Walnuts.

(Certificates are also available for shipments to third countries when the shipment is financed by the Agency for International Development.)

NETHERLANDS (*Certificates issued by Department of Agriculture, Fisheries, and Food*):
Eggs, dried (whole, albumen, yolk).
Rhubarb, Chinese type.

REPUBLIC OF THE PHILIPPINES (*Certificates issued by Department of Finance (Bureau of Customs)*):
Hair, human, raw and processed (wigs, etc.).

SINGAPORE (*Certificates issued by Trade Division, Ministry of Finance*):
Soya bean sauce.

SPAIN (*Certificates issued by Ministry of Commerce*):
Menthol, synthetic.

SWITZERLAND (*Certificates issued by Federal Department of Public Economics*):
Cashmere nolls, top.
Silk piece goods, tussah.

TAIWAN (Formosa) (*Certificates issued by Ministry of Economic Affairs*):
Bamboo shoots, canned.
Bamboo, split.
Bean curd, dried (sheet and stick).
Bean thread (Fen-ssu).
Bristles, hog.
Cabbage, preserved.
Cassia.
Chinese medicinal herbs.
Chop suey vegetables.
Cornmint oil.
Cucumber, sweet, canned.
Cuttlefish, dried.
Duck eggs, salted, preserved.
Firecrackers.
Foodstuffs, Chinese type, canned, frozen or otherwise prepared.
Ginger root, candied or otherwise preserved.
Grass squares, citronella.
Grass squares, Yueh Tao.
Hair, human, processed (wigs, etc.).
Handicraft items, Chinese type, including:
- Ceramics, including vases, bowls, dishes, and animal figures.
- Dolls.
- Embroideries and drawn work, including ladies' garments, accessories, shawls, piece goods and cushion covers.
- Furniture, chests, house furnishings, kitchen utensils, bowls, baskets, gift items made in whole or in part of bamboo, rattan, or wood.
- Greeting cards and miscellaneous paper decorative objects.
- Lanterns.
- Matting and floor coverings.
- Musical instruments.
- Scrolls, paper, silk.
- Wallpaper.
- Miscellaneous items made in whole or in part of shell, coral, fishbone, metal, buffalo horn, ramie, seagrass, or jute.

Hoods (hat bodies), bakou, hemp, and palm raffia.
Jade stones, cut but not set, suitable for use in jewelry.
Jelly grass, products.
Joss paper.
Kumquats.
Lotus root, fresh, sugared, powdered.
Lungngan, dried, pulp, canned, fresh.
Lychees (Litchis), canned, preserved, dried.
Melon seed, salted.
Menthol.
Mushrooms, dried, canned.
Olives, preserved.
Oyster sauce.
Peanuts, dried and/or salted.
Plum liquor.
Plums, preserved.
Po Chai pills.
Prunes, preserved.
Radish, dried or otherwise prepared.
Seagrass squares.
Semiprecious stones, manufactures, Chinese type (jewelry, carvings, etc.).
Silver articles.
Soybean curd, paste, sauce.
Water chestnuts, powdered.
Wines, and other alcoholic beverages, Chinese type.
Wong Lo Kat herb ingredients, mixtures.

(Certificates are also available for shipments to third countries when the shipment is financed in U.S. dollars by the Agency for International Development.)

UNITED KINGDOM (*Certificates issued by Customs and Excise*):
Aniseed oil.
Camel hair nolls.
Cashmere:
- Nolls.
- Washed (scoured).

Cassia oil.
Cinnamon oil.
Hair, human, processed (wigs, etc.).
Kid fur skins, dressed or otherwise processed.
Silk piece goods, tussah.
Tannic acid.

REPUBLIC OF VIETNAM (*Certificates issued by Ministry of National Economy*):
Cassia.
Cassia oil.
Duck eggs, fresh, salted.
Firecrackers.
Fish bladders.
Floor coverings, grass.
Handicraft products.
Lemons, dried or preserved.
Seagrass mats and squares.

INDEX TO COMMODITIES IN § 500.204 AND ITS APPENDIX

Commodity; § 500.204 references; Certifiable from

Abaca (hats); (a) (2) (ii); Japan.
Abacuses; (a) (2) (i); Hong Kong.
Abalone; (a) (2) (i); Japan, Korea.
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Bakou and hemp hoods (hat bodies); (a) (2) (ii); Taiwan.
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Bamboo sprouts; (a) (2) (ii); Japan.
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Beans, salted; (a) (2) (ii); Hong Kong.
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Brocades, other than cotton; (a) (3); Hong Kong.
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Gallnuts; (a) (2) (ii); Korea.
Garments, Chinese type; (a) (2) (ii); Hong Kong.
Ginger; (a) (2) (ii), Australia, Hong Kong, Japan, Korea, Taiwan.
Ginko nuts; (a) (2) (ii); Japan.
Ginseng; (a) (2) (ii); App. 213; Korea, Japan.
Glass, sheet (window); (a) (4).
Goat, hair, dressed; (a) (2) (ii), App. 100; Korea, India, Hong Kong.
Goat fur skins; (a) (2) (ii).
Goat skins; (a) (3).
Gold plated articles, Chinese type; (a) (2) (i); Hong Kong.
Grabbots (cotton); (a) (3), App. 10.
Graphites; (a) (4); Hong Kong.
Grass squares, citronella, Yueh Tao; (a) (2) (ii); Taiwan.
Grass rugs; (a) (2) (ii), App. 105.
Greeting cards and book markers; (a) (2) (i); Hong Kong.
Greeting cards, miscellaneous paper decorative objects; (a) (2) (i); Taiwan.
Hair, animal; (a) (3), App. 106, App. 208, App. 209; (see also goat hair).
Hair, human; (a) (2) (ii); Processed (wigs, etc.); App. 14, App. 113; Austria, Belgium, Canada, Formosa, France, Germany, Hong Kong, India, Italy, Japan, Philippines, South Korea, United Kingdom, Indonesia. Raw; Asiatic, India, Indonesia, Japan, Korea, Philippines.
Hairnets; (a) (2) (ii), (a) (3).
Hair pencils (see brushes, paint).
Handicrafts; (a) (2) (i); Taiwan, Viet-Nam.
Handkerchiefs; (a) (3), App. 206.
Hardwood manufactures; (a) (3) App' 203; Hong Kong.
Hat bodies (hoods), palm raffa; (a) (2) (ii); Taiwan.
Hats, paper; (a) (3).
Hats, unfinished; (a) (2) (ii), App. 3, App. 204; Japan.
Hats, finished; App. 15.
Haviland chinaware; (a) (3), App. 200.
Herbs, Chinese type; (a) (2) (ii) (see Chinese medicinal herbs).
Herbs, medicinal, raw; (a) (2) (ii); Korea.
Hides, buffalo; (a) (3), App. 16.
Hog bristles (see Bristles, hog).
Hoi Sin sauce; (a) (2) (ii); Hong Kong.

Honan (tussah) silk; (a) (2), App. 22.
Honey; (a) (4).
Horse hair; (a) (3), App. 100.
Hubnerite; (a) (3), App. 20.
Indian water buffalo hides; (a) (3), App. 16.
Ingen-mame, raw, canned, or otherwise prepared; (a) (2) (ii); Japan.
Ink, liquid (Chinese type); (a) (2) (i); Hong Kong.
Ivory articles, Chinese type; (a) (2) (ii), App. 212.
Ivory manufactures; (a) (3); Hong Kong.
Jade articles (Chinese type) (e.g. jewelry, bowls, figurines, carvings); (a) (2) (ii), App. 17, App. 212; Taiwan.
Jade stones; (a) (2) (ii); Canada, Ecuador, Germany, Taiwan, Japan.
Jade jewelry; (a) (3).
Jelly grass, products; (a) (2) (ii); Taiwan.
Jewelry; App. 23; Hong Kong.
Joss and novelty (Chinese type) candles; (a) (2) (i); Hong Kong.
Joss paper; (a) (2) (i), App. 26; Hong Kong, Taiwan.
Jujube (red dates), dried; (a) (2) (ii); Korea.
Junks; (a) (3); Hong Kong.
Jute handicrafts; (a) (2) (i); Taiwan.
Kid fur skins; (a) (2) (ii); United Kingdom.
Kolinsky fur skins; (a) (2) (ii).
Kudzu, roots; (a) (2) (ii); Hong Kong.
Kumquats; (a) (2) (ii); Japan, Taiwan.
Lace; (a) (1).
Lace and lace articles; (a) (3), App. 18, App. 206.
Lacquerware; (a) (2) (i); Hong Kong.
Lamps, table; (a) (2) (i); Hong Kong.
Lanterns; (a) (2) (i); Hong Kong, Taiwan.
Lemons; (a) (2) (ii); Hong Kong, Vietnam red and yellow; Hong Kong dried or preserved; Viet-Nam.
Lemon sauce; (a) (2) (ii); Hong Kong.
Lindu hats; (a) (2) (ii), App. 204.
Linen manufactures; (a) (3), App. 18, App. 207; Hong Kong.
Lintao hats; (a) (2) (ii), App. 204.
Linters, cotton; (a) (3), App. 10.
Litchis (see Lychees).
Live fish (deleted; Note p. (I)).
Lotus root; (a) (2) (ii); Hong Kong, Japan, Taiwan.
Lotus seeds; (a) (2) (ii), App. 101; Hong Kong.
Lungagan; (a) (2) (ii); Taiwan.
Lychee wine; (a) (2) (ii); Taiwan.
Lychees; (a) (2) (ii), App. 101; Hong Kong, Taiwan.
Macorra hats; (a) (2) (ii), App. 204.
Magazines; (a) (2) (i), App. 109.
Manganese tungstate; (a) (3), App. 20.
Manila hemp hats; (a) (2) (ii).
Marine products, edible; (a) (4); Hong Kong.
Matting and floor coverings; (a) (2) (i); Taiwan.
Medicines, prepared, Chinese type; (a) (2) (ii).
Meissenware (chinaware); (a) (3), App. 200.
Melon seed, salted; (a) (2) (ii); Taiwan.
Menthol; (a) (2) (ii); Australia, France, Germany, Japan, Korea, Spain, Taiwan.
Mercury; (a) (3).
Metals and ores; (a) (3), App. 20.
Metal handicrafts; (a) (2) (i); Taiwan.
Molluska, dried; (a) (2) (ii); Hong Kong.
Molybdenum; (a) (3), App. 20.
Mongolian dog hair; (a) (3), App. 206.
Muga silk; (a) (2) (ii), App. 21.
Mullet, canned; (a) (2) (ii); Hong Kong.
Mung beans; (a) (2) (ii), App. 101.
Mushrooms; (a) (2) (ii); Hong Kong, Japan, Korea, Taiwan.
Musical instruments; (a) (2) (i); Hong Kong, Taiwan.
Musk; (a) (2) (ii), App. 19; India.
Mustaches (see hair, human).
Mustard, preserved; (a) (2) (ii); Hong Kong.
Nanshan (tussah) silk; (a) (2) (ii), App. 22.
Needlepoint; (a) (i).
Needlework tapestries; (a) (3); Hong Kong.
Nephrite (Jade) articles; (a) (2) (ii); Taiwan.
Noritake chinaware; (a) (3), App. 200.
Olives; (a) (2) (ii); Hong Kong, Taiwan.
Ores and metals (see individual items); (a) (3), App. 20.
Orlon/cotton articles; App. 9.
Otter hair; (a) (3), App. 208.
Oysters; (a) (2) (ii), App. 202.
Oysters, oyster sauce, juice; (a) (2) (ii); Hong Kong, Japan, Taiwan.
Packing, straw; (a) (2) (ii), App. 205.
Paintings and scrolls, Chinese type; (a) (2) (i); Hong Kong.
Palm leaf hats, unfinished; (a) (2) (ii).
Panama hats; (a) (2) (ii), App. 204.
Pandan hats; (a) (2) (ii), App. 204.
Paper novelties; (a) (2) (i); Hong Kong.
Paper and silk scrolls, wallpaper, decorative objects; (a) (2) (i); Taiwan.
Peacock feathers; (a) (2) (ii).
Peanut oil; (a) (3).
Peanuts, Chinese type; (a) (2) (ii) and (a) (3); Taiwan.
Pearls; App. 23.
Peas, garden; (a) (2) (ii); Hong Kong.
Petit point; (a) (1).
Pewter novelties; (a) (2) (i); Hong Kong.
Pickled walnuts; (a) (2) (ii).
Pictures, cork, iron; (a) (2) (i); Hong Kong.
Pigeons; (a) (4); Hong Kong, Japan, Taiwan.
Plums; (a) (2) (ii).
Plum liquor; (a) (2) (ii); Taiwan.
Plum sauce; (a) (2) (ii); Hong Kong.
Po Chai pills; (a) (2) (ii); Taiwan.
Po Chun Balm; (a) (2) (ii); Hong Kong.
Pongee (tussah) silk; (a) (2) (ii), App. 21.
Porcelain (see ceramics); (a) (3); Hong Kong.
Post Exchange; App. 210.
Postage stamps; (a) (2) (i), App. 11.
Poultry; (a) (4).
Preserved eggs; (a) (2) (ii) (see duck eggs).
Processing; (a) (1), App. 29.
Prunes, preserved; (a) (2) (ii); Taiwan.
Publications; (a) (2) (i), App. 108, App. 109.
Punk, firecracker; (a) (2) (ii); Hong Kong.
Quail, frozen; (a) (2) (ii); Japan.
Quicksilver (see Mercury).
Rabbit hair, angora; (a) (3), App. 209.
Radio cabinets, hardwood; (a) (3), App. 203.
Radishes, dried or otherwise prepared; (a) (2) (ii); Taiwan, Hong Kong.
Raffia hats; (a) (2) (ii), App. 204.
Ramie; (a) (3).
Ramie handicrafts; (a) (2) (i); Taiwan.
Rattan webbing; (a) (3), App. 5.
Rattan handicrafts, App. 21; Taiwan.
Rayon/cotton articles; App. 9.
Rayon/cotton articles; App. 9.
Red bean flour; (a) (2) (ii); Japan.
Red dates (see Jujube).
Reimports; App. 107.
Reindeer hair; (a) (3), App. 208.
Research, imports for; App. 111.
Rhubarb, root, Chinese types; (a) (2) (ii); Netherlands, Korea, India.
Rice; App. 1.
Rice powder, stickes; (a) (2) (ii); Hong Kong.
Rickshaws; (a) (3); Hong Kong.
Rubies; App. 23.
Rugs, Chinese type; (a) (2) (ii).
Rugs; (a) (3), App. 105.
Rugs, cotton rag, woolen (knotted, hooked, and braided); (a) (3); Hong Kong.
Rutin; (a) (2) (ii).
Sampans; (a) (3); Hong Kong.
Sandalwood manufactures; (a) (2) (i); Hong Kong.
Sapphires; App. 23.
Saris, sari cloth; (a) (3).
Scallions, pickled; (a) (2) (ii); Japan.
Scarves, fur; (a) (2) (ii), App. 13.
Scallops; (a) (2) (ii), App. 202.
Scrolls, paper, silk; (a) (2) (i), App. 212; Taiwan.
Seagrass, manufactures; (a) (3).
Seagrass articles, mats, squares; (a) (2) (ii), (a) (3); Hong Kong, Taiwan.
Seagrass mats, squares; (a) (2) (ii); Viet-Nam.
Seagrass handicrafts; (a) (2) (i); Taiwan.
Seal hair; (a) (3), App. 208.
Seaweed, dried; (a) (2) (ii), App. 202; Korea.
Sesame oil, seed; (a) (3).
Shantung (tussah) silk; (a) (2) (ii), App. 22.
Shark fins; (a) (2) (ii), App. 201.
Shell fish, dried (oysters, scallops, others); (a) (2) (ii); Korea.
Shell handicrafts; (a) (2) (ii); Hong Kong, Japan, Korea.
Shell handicrafts; (a) (2) (i); Taiwan.
Ships store; App. 210.
Shoes, leather soled with nonleather uppers; (a) (3), App. 9; Hong Kong.
Shrimp (see also marine products); (a) (2) (ii), (a) (4); Hong Kong.
Silk, tussah, muga, eri; (a) (2) (ii), App. 21; Korea.
Silk manufactures; (a) (3); Hong Kong.
Silk piece goods, tussah, muga and eri; (a) (2) (ii), App. 22; France, India, Italy, Japan, Korea, Switzerland, United Kingdom.
Silk scrolls (handicrafts); (a) (2) (i); Taiwan.
Silk waste; (a) (3), App. 21, App. 100; Japan.
Silver articles; (a) (2) (i); Hong Kong, Taiwan.
Skins, deer and goat; (a) (3).
Skins, fur; (a) (2) (ii).
Sodium antimonate; (a) (3), App. 20.
Sophora Japonica; (a) (2) (ii).
Soya bean sauce; (a) (2) (ii); Singapore.
Soy bean meal, oil, paste, sauce; (a) (2) (ii).
Soybean sauce; (a) (2) (ii); Hong Kong.
Soybean paste, curd, sauce; (a) (2) (ii); Taiwan.
Spode chinaware; (a) (3), App. 200.
Stamps; (a) (2) (i), App. 11.
Star aniseed; (a) (2) (ii).
Stoles, fur; (a) (2) (ii), App. 13.
Stones, semiprecious and manufactures; (a) (3), App. 23, App. 24; Hong Kong.
Straw braids; (a) (2) (ii), App. 3; Korea.
Straw manufactures; (a) (3), App. 25, App. 105; Hong Kong.
Straw hats, unfinished; (a) (2) (ii).
Straw packing; (a) (2) (ii), App. 205.
Sugar, slab, white rock; (a) (2) (ii); Hong Kong.
Switches, hair (see hair, human).
Tablecloths, linen; (a) (3), App. 207.
Tannic acid; (a) (2) (ii); United Kingdom, Belgium.
Tapestries (see also needlework tapestries); (a) (3).
Tapioca; (a) (3).
Tapioca flour; (a) (3).
Taro; (a) (2) (ii); Hong Kong.
Tea, Chinese type; (a) (2) (ii); Hong Kong.
Tea chest paper; (a) (2) (i), App. 26.
Tea pads; (a) (2) (ii), App. 25, App. 205.
Tetron/cotton articles; App. 9.
Textile novelties; (a) (3); Hong Kong.
Theatrical costumes; (a) (2) (i); Hong Kong.
Thick soy; (a) (2) (ii); App. 201.
Through bill of lading; App. 104.
Tiger Balm; (a) (2) (ii); Hong Kong.
Tin; (a) (3).
Tinware novelties; (a) (3); Hong Kong.
Toquilla hats; (a) (2) (ii), App. 204; Hong Kong.
Towels, towelling, linen; (a) (3), App. 207.
Tresses, hair (see hair, human).
Tung oil; (a) (2) (ii), App. 101.
Tungsten oxide; (a) (3), App. 20; Hong Kong.
Tungstic acid; (a) (3), App. 20.
Turnips, preserved; (a) (2) (ii); Hong Kong.
Tussah silk; (a) (2) (ii), App. 21, App. 22.
Umbrellas; (a) (3), App. 9.
Vegetables, fresh; (a) (2) (ii), App. 101.
Vinegar; (a) (2) (ii); Hong Kong.
Wallpaper; (a) (2) (i); Taiwan.
Wallpaper and textile fabrics hand painted; (a) (2) (i); Hong Kong, Taiwan.
Walnuts; (a) (2) (ii), App. 101; Japan, Korea.
Wampei; (a) (2) (ii); Hong Kong.
Wastepaper baskets, folding, silk, rayon; (a) (2) (i); Hong Kong.
Water chestnuts, water chestnut powder; (a) (2) (ii); Hong Kong, Taiwan.
Wearing apparel; (a) (3), App. 18, App. 206.
Weasel fur skins; (a) (2) (ii).
Wefts, wefted wiglets (see hair, human).
Wheat starch; (a) (2) (ii); Hong Kong.
White flower oil (Pak Feh Yeow); (a) (2) (ii); Hong Kong.
Wigs, wiglets (see hair, human).
Wine; (a) (2) (ii); Hong Kong, Taiwan.
Wong Lo Kat herb ingredients, mixtures; (a) (2) (ii); Taiwan.
Wood furniture, handicrafts; (a) (2) (i); Taiwan.
Wooden articles; (a) (3), App. 105.
Wooden novelties; (a) (2) (ii); Hong Kong.
Wool, carpet (carpet wool); (a) (2) (ii), (a) (3).
Yak hair; (a) (2) (ii), App. 100.
Yams; (a) (2) (ii); Hong Kong.
Yeddo hats; (a) (2) (ii), App. 204.
Yolks (egg) dried; (a) (2) (ii) (see eggs, dried).

Section 500.808 is amended by substituting throughout, wherever they appear, the words "directors of customs" in place of "collectors of customs."

As so amended, § 500.808 reads as follows:

§ 500.808 Customs procedures; merchandise specified in § 500.204.

(a) With respect to merchandise specified in § 500.204, whether or not such merchandise has been imported into the United States, directors of customs shall not accept or allow any:

(1) Entry for consumption (including any appraisement entry, any entry of goods imported in the mails, regardless of value, and any other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone, until either:

(i) A specific license pursuant to this chapter is presented,

(ii) Instructions from the Foreign Assets Control, either directly or through the Federal Reserve Bank of New York, authorizing the transaction are received, or

(iii) The original of an appropriate certificate of origin as defined in § 500.536(d) is presented.

(b) Whenever a specific license is presented to a director of customs in accordance with this section, one additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the director of customs at the port where the transaction is to take place. Each copy of any such entry, withdrawal or other appropriate document, including the additional copy, shall bear plainly on its face the number of the license pursuant to which it is filed. The original copy of the specific license shall be presented to the director in respect of each such transaction and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity, and value of the merchandise to be entered, withdrawn or otherwise dealt with. This notation should be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes the entry, withdrawal or other transaction with regard to the merchandise the director, or other authorized customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to present. The license shall thereafter be returned to the person presenting it and the additional copy of the entry, withdrawal or other appropriate document shall be forwarded by the director to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220.

(c) (1) Whenever the original of an appropriate certificate of origin as defined in § 500.536(d) is presented to a director of customs in accordance with this section, an additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the director of customs at the port where the transaction is to take place. Each copy of the entry, withdrawal or other appropriate document, including the additional copy, shall bear plainly on its face the following statement: "This document is presented under the provisions of § 500.536(c) of the Foreign Assets Control Regulations." The original of the certificate of origin shall not be returned to the person presenting it. It shall be securely attached to the additional copy required by this subparagraph and shall be forwarded by the director to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220. Directors may forward such documents weekly or more often if the volume warrants.

(2) If the original of an appropriate certificate of origin is properly presented to a director of customs with respect to a transaction which is the first of a series of transaction which may be allowed in connection therewith under subdivision (iii) of paragraph (a) (6) of this section (as, for example, where merchandise has been entered in a bonded warehouse and an appropriate certificate of origin is presented which relates to all of the merchandise entered therein but the importer desires to withdraw only part of the merchandise in the first transaction), the director shall so note on the original of the appropriate certificate of origin and return it to the importer. In addition, the director shall endorse his pertinent records so as to record what merchandise is covered by the appropriate certificate of origin presented. The director may therefore allow subsequent authorized transactions on presentation of the certificate of origin. The director shall, with respect to each such transaction, demand an additional copy of each withdrawal or other appropriate document, which copy shall be promptly forwarded by the director to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220, with an endorsement thereon reading:

This document has been accepted pursuant to § 500.808(c) (2) of the Foreign Assets Control Regulations. Appropriate certificates of origin No. ____ from (country).

When the final transaction has been effected under the certificate of origin, the original shall be taken up and attached to the entry and forwarded as in this paragraph (c).

(d) Whenever a person shall present an entry, withdrawal or other appropriate document affected by this section and shall assert that no specific Foreign Assets Control license or appropriate certificate of origin as defined in § 500.536 (d) is required in connection therewith, the director of customs shall withhold action thereon and shall advise such person to communicate directly with the Federal Reserve Bank of New York to request that instructions be issued to the director to authorize him to take action with regard thereto.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-2584; Filed, Mar. 7, 1967; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 100—INVOLUNTARY ORDER TO ACTIVE DUTY OF READY RESERVISTS FOR UNSATISFACTORY PERFORMANCE OF OBLIGATION

The Deputy Secretary of Defense has approved the following on February 23, 1967:

Sec.
100.1 Purpose.
100.2 Applicability.
100.3 Policy.

AUTHORITY: The provisions of this Part 100 issued under Title I, 80 Stat. 981. E.O. 11327, Feb. 15, 1967, 32 F.R. 2995.

§ 100.1 Purpose.

This part prescribes uniform policy for compliance measures invoked under Title I, Public Law 89-687 dated October 15, 1966, and Executive Order 11327, dated February 15, 1967 (32 F.R. 2995), against those members of the reserve components without prior military service who enlist or have enlisted directly into units of the Ready Reserve but who do not participate satisfactorily in such Reserve units after enlistment. It supplements current policy guidance pertaining to participation in Reserve training programs included in DoD Directive 1215.5, January 16, 1956 (32 CFR Part 101 of this chapter).

§ 100.2 Applicability.

The provisions of this part apply to the Military Departments conducting reserve enlistment programs under the provisions of section 511 (a) and (d), Title 10, U.S.C.; section 302, Title 32, U.S.C.; and

section 262, Reserve Forces Act of 1955 (69 Stat. 598, 600) as modified by Act of September 3, 1963, Public Law 88–110 (77 Stat. 134, 136) for personnel without prior military service.

§ 100.3 Policy.

(a) *Unsatisfactory participation compliance measures.* (1) Personnel without prior military service who enlist or have enlisted in the reserve components under the provisions of section 511 (a) and (d), Title 10, U.S.C.; section 302, Title 32, U.S.C.; or section 262, Reserve Forces Act of 1955 (69 Stat. 598, 600) as modified by Act of September 3, 1963, Public Law 88–110 (77 Stat. 134, 136) are expected to participate satisfactorily in units of the reserve components for the full period of their Ready Reserve obligation unless excepted in accordance with subparagraph (2) of this paragraph.

(i) Those individuals who (*a*) fail, or are unable, to participate satisfactorily in units of the Ready Reserve, (*b*) have not fulfilled their statutory reserve obligation, and (*c*) have not served on active duty for training for a total of twenty-four (24) months will be ordered to active duty under the provisions of Title I, Public Law 89–687 dated October 15, 1966, and Executive Order No. 11327 dated February 15, 1967.

(ii) A member ordered to active duty under these provisions may be required to serve on active duty until his total service on active duty or active duty for training equals twenty-four (24) months.

(iii) If the enlistment or period of military service of a member of the Ready Reserve ordered to active duty under the provisions of Title I, Public Law 89–687 dated October 15, 1966, and Executive Order No. 11327 dated February 15, 1967, would expire before the required period of active duty prescribed has been served, the enlistment or period of military service may be extended until that service on active duty has been completed in accordance with the provisions of Title I, Public Law 89–687 dated October 15, 1966 and Executive Order No. 11327 dated February 15, 1967.

(2) As exceptions to this policy, individuals who are unable to participate in reserve component units may be considered for discharge or assignment to the Ready Reserve Pool as follows:

(i) Individuals eligible for discharge from the reserve components for dependency, hardship, or other reasons authorized by regulations, will, upon application, be discharged.

(ii) Individuals unable to participate in a unit by reason of action taken by the Military Service (e.g., unit inactivation) rather than because of their own actions, will be retained in the Ready Reserve Pool.

(iii) Individuals who provide substantial evidence that their employment is necessary to maintain the national health, safety or interest, will, upon application, be discharged.

(iv) The Secretary of the Military Department concerned may determine the minimum period of active duty, e.g., 12 months, 9 months, etc., below which these individuals cannot be effectively employed in an active duty status. In this instance, individuals will be discharged under the provisions of appropriate regulations and reported to the Selective Service System.

(b) *Change of residence.* (1) Individuals who lose their unit positions because of a voluntary change of residence will be given a period of sixty (60) days after separation from their original unit to locate and join another reserve component unit where they will fill an existing vacancy or a vacancy which is projected to occur within one hundred eighty (180) days.

(2) If individuals locate position vacancies which require different specialties than the ones they now possess, the Secretary of the Military Department concerned may provide for the retraining of these individuals (with their consent) by ordering them to active duty for training in a new specialty.

(3) If these individuals fail to locate another position vacancy, they will be ordered to active duty or discharged as provided in this part.

(c) *45-day active duty tours.* The policy of either ordering individuals to active duty or discharging them will be followed, in lieu of the 45-day tour of active duty, for personnel without prior military service. However, the 45-day tour may continue to be used for prior service obligors where desired.

(d) *Delay from involuntary order to active duty.* Individuals who become subject to being ordered to active duty under this policy may be delayed, as prescribed by the Military Secretary concerned, from active duty for the purposes of taking State or Federal examinations, seasonal employment, and for similar cogent reasons. Upon termination of such delays, reservists will be ordered to active duty. However, those members ordered to active duty for reasons other than willful unsatisfactory participation who join a unit during the period of delay will not be ordered to active duty.

(e) *Grade period.* Individuals in the Ready Reserve Pool who are subject to this policy (paragraph (a)(1) and (2) of this section) will be given sixty (60) days after the effective date of the implementing regulations of the Military Department concerned to rejoin a reserve component unit or submit a request for discharge. However, those individuals in the Ready Reserve Pool who come under the provisions of paragraph (a)(2)(ii) of this section, will be retained in the Pool until such time as they can be assigned to a unit by the Military Department concerned.

Effective date and implementation. This part is effective immediately and will remain in effect through June 30, 1968. Two (2) copies of the implementing documents will be forwarded to the Assistant Secretary of Defense (Manpower) within sixty (60) days.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-2536; Filed, Mar. 7, 1967; 8:45 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER C—SHIPPING AND NAVIGATION

PART 117—MARINE ACCIDENTS: INVESTIGATIONS; CONTROL; RESPONSIBILITY

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, Part 117 of Title 35, Code of Federal Regulations, is amended by adding new §§ 117.1a and 117.1b and by revising § 117.3, to read as set forth below:

§ 117.1a Scheduling of investigations.

(a) Marine-accident investigations shall be scheduled so as to afford pilots and other parties in interest a period of time not less than that provided below for rest and consultation prior to the commencement of an investigation:

Relief time	*Time of investigation*
0000–0400	1400–1800 (12 hours minimum).
0400–0800	1600–2000 (12 hours minimum).
0800–1200	1800–2200 (10 hours minimum).
1200–1600	0800 Next Day.
1600–2000	1000 Next Day.
2000–2400	1000 Next Day.

(b) The column "Relief Time", set out in paragraph (a) of this section, indicates the period during which the pilot or other party in interest completed the transit during which an accident occurred or the time at which he was relieved of duty following the occurrence of an accident. The column "Time of Investigation", set out in paragraph (a) of this section, indicates the earliest time at which the investigation may be scheduled. In exceptional cases a departure from this schedule may be made, as for example in the case of warships or other vessels that have an imperative need to resume the voyage as soon as possible. Unless a pilot or other party in interest requests the time provided in this schedule, the hearing may be set for an earlier hour.

§ 117.1b Rights of party in interest.

Any Panama Canal pilot or other individual who is a party in interest at a marine-accident investigation may obtain counsel of his own choosing, testifying in his own behalf, cross-examine witnesses, call witnesses, and introduce any relevant evidence. The Board of Local Inspectors shall advise all parties in interest of such rights.

§ 117.3 Reports by Board to Governor.

The Board shall make reports forthwith in detail to the Governor of all marine-accident investigations conducted by it, setting forth the facts and circumstances surrounding the accident and bearing upon its proximate causation, the nature and extent of the injury and the amount of damages, if any, occasioned by such injury. The reports shall include a transcript of the record of the Board's investigation, together with its findings and opinions respecting the accident. All findings and opinions of the Board shall be rendered by a full Board after a review of the entire transcript, even though the hearing may have been conducted by a single member of the Board or by a two-man Board. Reports to the Governor shall be forwarded in duplicate through the Supervising Inspector, who may place thereon such endorsement as he may see fit.

(2 C.Z.C. § 1331, 76A Stat. 46; 33 CFR 3.1(a)(1), 31 F.R. 12203)

Dated: February 27, 1967.

STANLEY R. RESOR,
Secretary of the Army.

[F.R. Doc. 67-2542; Filed, Mar. 7, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-243]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority; Chief, CATV Task Force

This action is taken at a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of March 1967.

The Commission believes that the orderly disposition of its business will be advanced by delegating additional authority to the Chief of the CATV Task Force to act on a number of housekeeping matters which arise in connection with the operation of the CATV Task Force. Accordingly, we are amending § 0.289 of the rules in order to provide for these delegations.

These amendments relate to internal Commission organization and practice so that the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, do not apply, and the amendments can be made effective immediately. Authority for the promulgation of these amendments is contained in sections 4(i), 5 (b) and (d), and 303(r) of the Communications Act of 1934, as amended.

Accordingly, it is ordered, Effective March 10, 1967, that Part 0 of the rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: March 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.289 (c) is added, to read as follows:

§ 0.289 Authority delegated.

* * * * *

(c) The Chief, CATV Task Force, is delegated authority to act upon the following matters:

(1) Requests for extensions of time in which to comply with Commission orders directing carriage and/or program exclusivity by a CATV system for a reasonable period of time upon a showing of good cause.

(2) For withdrawal of papers in accordance with § 1.8 of this chapter.

(3) To dismiss or return applications or petitions which are not acceptable under Commission rules.

(4) For extension of time within which to file briefs and comments with respect to rule making.

(5) To extend the time to file pleadings related to waiver requests or applications not designated for hearing.

(6) To dismiss petitions and other pleadings which have clearly been rendered moot.

(7) To initiate official correspondence where appropriate, and to extend the time to file responses to official correspondence.

(8) To dismiss, as repetitious, any petition for reconsideration of a Commission order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order.

(9) To dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

[F.R. Doc. 67-2571; Filed, Mar. 7, 1967; 8:48 a.m.]

[1] Commissioner Wadsworth absent.

[FCC 67-238]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority; Chief, Safety and Special Radio Services Bureau

1. At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 1st day of March 1967, the Commission considered the above-captioned matter.

2. Section 0.331(b)(8) of the Commission's rules delegates authority to the Chief, Safety and Special Radio Services Bureau, to issue in revocation cases, orders of revocation and also orders that revocation shall not issue, following waiver of a hearing. No delegation exists for the issuance of similar orders in cease and desist proceedings.

3. Section 0.331(b)(8) of the Commission's rules delegates authority to the Chief, Safety and Special Radio Services Bureau, to waive in advance, as part of an order of revocation, the provisions of § 1.916 of the rules. The latter section provides that, where a license for a radio station in the Safety and Special Radio Services has been revoked, the Commission will not consider a subsequent application involving service of the same kind to substantially the same area by substantially the same applicant until after the lapse of 12 months from the effective date of the Commission's order.

4. However, the staff is rarely aware of a basis for waiving the repetitious applications provision of § 1.916 at the time when an order of revocation is issued. Circumstances which would support a waiver are occasionally brought to staff attention subsequent to issuance of an order of revocation. This is especially true in cases where the order of revocation is based on a licensee's failure to reply to official communications. The result is that Commission en banc consideration is required with respect to such applications for waiver of § 1.916 filed after revocation of a radio station license.

5. It is felt that greater efficiency in the Commission's operations would be promoted, and the public interest would be served, by delegating to the Chief, Safety and Special Radio Services Bureau, authority to issue cease and desist orders and orders that a cease and desist order shall not issue, following waiver of a hearing in cease and desist proceedings, and to waive § 1.916 of the rules subsequent to issuance of an order of revocation.

6. The amendments adopted herein pertain to internal Commission organization and procedure. The prior notice and effective date provisions of section 4 of the APA are therefore inapplicable.

7. In view of the foregoing: *It is ordered,* Pursuant to sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.201(d) of the Commission's rules, that, effective March 10, 1967, Part 0 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: March 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.331(b)(8) is amended and (b)(19) is added, to read as follows:

§ 0.331 Authority delegated.

* * * * *

(b) * * *

(8) To issue, in accordance with section 312(c) of the Communications Act of 1934, as amended, (i) orders to show cause why an order of revocation pursuant to section 312(a) of the Act, or a cease and desist order pursuant to section 312(b) of the Act, should not be issued; and (ii) after waiver of hearing and termination of the hearing proceeding in revocation cases and cease and desist cases as prescribed by §1.92 of this chapter, to issue orders of revocation and orders to cease and desist, and also orders that a revocation or cease and desist order shall not issue.

* * * * *

(19) To act on requests for waiver of the restrictions of §1.916 of this chapter

subsequent to revocation of a radio station license.

* * * * *

[F.R. Doc. 67-2572; Filed, Mar. 7, 1967; 8:48 a.m.]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Table of Frequency Allocations

1. The Commission has taken under consideration the desirability of amending Part 2 of its rules to effect certain editorial corrections in the Table of Frequency Allocations, § 2.106.

2. By its report and order, released October 14, 1963, and published in the FEDERAL REGISTER (28 F.R. 11213) on October 19, 1963, the Commission, in Docket 14503, amended its rules to allocate a portion of the spectrum between 25 and 42 Mc/s to the Land Mobile Radio Services. Inadvertently, several of the band edges were incorrectly listed in the Table of Frequency Allocations. Corrections to the Table are shown below:

3. Inasmuch as the amendments adopted herein are purely editorial in nature, the prior public notice and effective date provisions of section 4 of the Administrative Procedures Act are not applicable.

4. Authority for this action is contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and in § 0.261(a) of the Commission's rules.

5. In view of the foregoing: *It is ordered*, That effective March 10, 1967, Part 2 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Adopted: March 2, 1967.

Released: March 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

In Part 2 of Chapter I of Title 47 of the Code of Federal Regulations, the 7th column, Band (Mc/s), in § 2.106, Table of Frequency Allocations, is amended as follows:

1. The present entry, 33.11–33.4, is revised to read as follows: 33.11–33.41.
2. The present entry, 33.4–34, is revised to read as follows: 33.41–34.
3. The present entry, 37.01–37.42, is revised to read as follows: 37.01–37.43.
4. The present entry, 37.42–37.88, is revised to read as follows: 37.43–37.89.
5. The present entry, 37.88–38, is revised to read as follows: 37.89–38.

[F.R. Doc. 67-2573; Filed, Mar. 7, 1967; 8:48 a.m.]

[Docket No. 16988, RM-976; FCC 67-272]

PART 73—RADIO BROADCAST SERVICES

TV Broadcast Stations; Table of Assignments, Oneonta and Elmira, N.Y.

1. On November 18, 1966, the Commission issued a notice of proposed rule making (FCC 66-1030) in the above-entitled matter. Interested parties were invited to submit comments on or before December 27, 1966, and replies thereto on or before January 6, 1967. The proceeding was initiated pursuant to a petition (RM-976) filed June 6, 1966, by Susquehanna Broadcasting, Inc. (Susquehanna), and proposed to move Channel 36 from Elmira, N.Y., to Oneonta, N.Y., and to replace Channel 36 in Elmira with Channel 65.

2. The petitioner filed comments supporting the proposal, repeating the facts about Oneonta's size, importance, and lack of local or nearby service, which were set forth in the petition.[1] It reiterates its intention promptly to apply for a station if Channel 36 or another suitable channel is assigned.

3. Opposition to the proposal came from WBJA-TV, licensee of WBJA-TV, Channel 34, Binghamton, N.Y. On December 7, 1966, WBJA-TV, Inc., submitted an application for authority to construct a new TV broadcast station on Channel 36 in Elmira. The application was accepted December 12, 1966, and assigned the file number BPCT-3897. The applicant proposes a facility employing 108.6 kilowatts from an antenna 633 feet above average terrain, to operate as a "satellite" of WBJA-TV, Binghamton. The distance between Binghamton and Elmira is approximately 45 miles. WBJA-TV argues that it has no objection to the assignment of a commercial TV channel to Oneonta but that some channel other than Channel 36 should be assigned. It suggests two alternatives: one would assign Channel 64 to Oneonta by deleting it, from Scranton, Pa., and replacing it with Channel 50 in Scranton; the other would assign Channel 15 to Oneonta by deleting it from Utica, N.Y., and replacing it with Channel 20. Neither proposed assignment is in use or applied for. Engineering data showing that the proposed assignments meet the separation requirements of Commission rules, is included. On February 7, 1967, WENY, Inc., licensee of WENY(AM) and WENY-FM at Elmira, tendered an application for a regular station (not a satellite) on Channel 36 at Elmira. Both Susquehanna and WBJA-TV filed subsequent pleadings, but since the decision adopted herein—assigning Channel 15 to Oneonta and retaining Channel 36 at Elmira—essentially grants the relief sought by both parties, it is unnecessary to discuss their contentions in detail. The following observations set forth briefly the reasons for our decision.

4. WBJA-TV asserts that Oneonta, with its relatively small population, is exactly the type of community suitable for a low power "community" type of station, which in Docket 14229 we propose to assign on Channels 70 and above. Therefore, it is urged, Channel 36 should not be removed from Elmira at least until Docket 14229 is resolved. The proposal to establish a new class of low powered community TV stations is not intended to suggest a policy which would limit small communities to such stations. The Commission has and will continue to make regular TV channel assignments in small markets if there is a demand therefor, if channels are available, and if the public interest would be best served thereby. Furthermore, the further notice of proposed rule making and the supplement thereto issued in Docket 14229 during 1966, propose other uses of Channels 70 and above, in addition to or instead of low-power "community" type stations. Still other uses have been proposed in comments. This matter is as yet unresolved and decision may not be in the immediate future. While Oneonta is not a large city, it is of substantial size and appears to be the population and economic center of a sizable area in which there are no large cities. Existing television stations are located at a substantial distance and local TV service in the area appears to be needed. Petitioner asserts that it will promptly take steps to bring such service. Therefore, the making of a regular assignment to Oneonta at this time is appropriate. It is emphasized that this action is taken on the basis of petitioner's assertions that it will apply and (if granted) construct promptly. If the channel is not promptly applied for it may be withdrawn.

5. One of WBJA-TV's arguments against the original proposal is that use of Channel 36 at Oneonta would limit the transmitter location of a station operating on Channel 29, assigned to Albany-Schenectady and reserved for educational use. It is pointed out that although it is some 68 miles between the Oneonta and Albany reference points, it is only about 62 miles from Oneonta to Schenectady and only about 56 miles from Oneonta to a site used by three Albany and Schenectady stations, compared to the 60 mile separation required between stations operating seven channels apart. Channel 15 assigned to Oneonta presents the same limitation, since stations 14 channels apart must also be 60 miles from each other. Use of Channel 64 at Oneonta would not involve any close separations. However, the other existing Albany station, and two pending Albany applications, have sites in that area well over the required minimum separation to Oneonta. Therefore, this is not a substantial obstacle to use of Channel 15 at Oneonta.

6. WBJA-TV urges that the substitution of Channel 50 for Channel 64 at Scranton and the assignment of Channel 64 to Oneonta is to be preferred over the Commission's original proposal because it would place the Scranton-Wilkes-Barre assignments closer together on the TV receiver tuning dial and leave the Elmira assignments in their present close proximity on TV receiver tuning dials. WBJA-TV failed to comment on the dial separation between Channels 42 and 64 at Oneonta. It also claims its Channel 64 proposal is more "efficient." As to the "efficiency" argument, the criteria used in developing the overall UHF television assignment plan measured efficiency in terms of the impact of contemplated assignments on other available but unassigned channels. The WBJA-TV engineering showing did not report on that aspect of their proposal. In shifting assignments in an area where there are no other remaining available assignments, no difference in efficiency would be expected between the three alternatives proposed in this proceeding.

7. The shift of channels between Utica and Oneonta as proposed by WBJA-TV appears to have the most merit. This will leave the Elmira assignments undisturbed, will provide Oneonta with a suitable channel and will replace the channel removed from Utica with one that future prospective applicants would consider "comparable." The assignments comply in all respects with the geographic separations required by Commission rules and there is no sacrifice of efficiency.

8. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective April 10, 1967, the Table of Assignments in § 73.606(b) of the Commission rules is amended insofar as the cities listed below are concerned, to read as follows:

City	*Channels*
Oneonta, N.Y.	15, *42
Utica, N.Y.	2–, 20, 33, *59

NOTE: Appropriate offsets for UHF channels will be supplied in a subsequent order.

9. *It is further ordered*, That this proceeding is terminated.

Adopted: March 1, 1967.

Released: March 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2574; Filed, Mar. 7, 1967; 8:48 a.m.]

[1] As mentioned in the notice, Oneonta is the county seat of Otsego County, with 1960 census populations of 13,412 and 51,942 persons respectively. It is about 60 miles from Albany, 50 miles from Binghamton, 70 miles from Syracuse and 45 miles from Utica (all New York). With respect to television service, it lies well within the Grade B contours of the Binghamton Channel 12 and Utica Channel 2 stations, and just inside the Grade B contour of WSYR-TV, Syracuse Channel 3. These are the only stations providing a predicted Grade B or better signal to the community. A CATV there has some 4,000 subscribers.

[1] Commissioner Wadsworth absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1125]

[Docket No. AO 226–A16]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Banquet Hall, Norway Center (Norselander Restaurant), 300 Third Avenue West, Seattle, Wash. 98119, beginning at 10 a.m., on March 14, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Puget Sound, Wash., marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by United Dairymen's Association on behalf of Whatcom County Dairymen's Association, Northwest Dairymen's Association, and the Lewis-Pacific Dairymen's Association:

Proposal No. 1. Provide for a new Class III classification to include milk used in butter, powder, Cheddar cheese, dumped milk, livestock feed, and shrinkage.

Proposal No. 2. Redefine Class II milk to include all uses except those in Class I and those proposed to be classified as Class III.

Proposal No. 3. Price Class III milk on the basis of the present Class II pricing formula.

Proposal No. 4. Price Class II milk 25 cents over the Class III price (the present Class II pricing formula), subject to the same location adjustments as specified for Class I use.

Proposal No. 5. Revise and redesignate marketing area districts as follows:

Remove from District No. 1 Grays Harbor and Thurston Counties and three northern tiers of townships in Snohomish County;

District No. 2 shall consist of three northern tiers of townships in Snohomish County;

District No. 3 shall consist of Skagit and Island Counties;

District No. 4—Whatcom County;

District No. 5—San Juan County;

District No. 6—Thurston County.

District No. 7—That portion of the defined marketing area in Grays Harbor, Lewis and Pacific Counties.

Proposal No. 6. Revise location adjustment provisions pursuant to § 1125.53, 1125.54, and 1125.81 where necessary to include Grays Harbor County with Lewis and Pacific Counties as areas where the 20 cent per hundredweight location differential is applicable;

Include Thurston County and Mason County as areas where a 15 cent per hundredweight location adjustment is applicable;

Provide for a 10-cent location adjustment rate for proposed District No. 2 (specified townships in Snohomish County);

Proposal No. 7. Revise § 1125.7(a) (plant-reload point definition) so that reload points will not be included in the category of a plant, for pricing purposes. Eliminate reload points as points for pricing producer milk.

Proposal No. 8. Amend §§ 1125.12 and 1125.13 and other provisions of the order where necessary to provide for the pricing of producer milk at points of actual receipt and if milk is received at two or more plants from one load, such receipts shall be prorated among producers making up the load.

Proposal No. 9. Add to the uniform excess price in all Districts 25 cents per hundredweight subject to the same location adjustments as applied to Class I and base milk in those Districts except that in no event should the location adjustment for this purpose exceed 25 cents per hundredweight.

If the funds available from the Class II premiums over the Class III price (25 cents) are insufficient to pay the full amount as calculated above the excess price payable in the several location adjustment Districts shall be reduced on a prorata basis.

Proposed by the Cow Milkers' Association:

Proposal No. 10. Amend § 1125.6 (marketing area definition) to redistrict Grays Harbor County from District No. 1 to District No. 3.

Proposal No. 11. Amend § 1125.41 (Classes of Utilization) by:

A. Providing for a new Class III milk classification to include all skim milk and butterfat items presently set forth in § 1125.41 (b)(1) and (b)(3) through (b)(8).

B. Revise § 1125.41(b) *Class II milk* to read: Class II milk shall be all skim milk and butterfat used to produce cottage "bakers," "pot," cream or neufchatel cheese, and ice cream mix.

C. Revise § 1125.41(a)(3) to read: Not specifically accounted for as Class II or Class III utilization.

Proposal No. 12. Amend the appropriate sections of the order to provide that Class II milk be priced at 25 cents over the Class III price, subject to the same location adjustments as specified in the present order for Class II uses; and to provide that the Class III milk will be subject to no location adjustment provisions.

Proposal No. 13. Retain reload points as a facility which meets the definition of a "plant" and a "pool plant," regardless of the quantities of milk received at such reload point, and regardless of the plant at which such milk is priced, if not priced at such reload point; define a "handler" as the operator of a pool plant, specifically including the operator of a reload point.

Proposal No. 14. Provide that an operator of one or more pool plants, including a reload point, be a handler with respect to milk diverted or delivered by it to a fully regulated pool plant upon terms and conditions similar to those contained in section 1125.10(f) of the order.

Proposed by Fairmont Foods Co.:

Proposal No. 15. In the event the order is amended to provide for three classes of utilization, the order should be amended as follows:

A. Revise § 1125.41(a)(3) to read: Not specifically accounted for as Class II or Class III utilization;

B. Revise § 1125.41(b) *Class II milk* to read: Class II milk shall be all skim milk and butterfat used to produce products other than fluid milk products or those specified in paragraph (c) of this section.

C. Add a new paragraph (c) defining Class III milk to include those items presently specified in § 1125.41(b) (1), and (3) through (8);

D. Amend § 1125.46 to provide for the allocation on the basis of a three class order rather than the present two class order.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 16. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 16 West Harrison Street, Seattle, Wash. 98119, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on March 6, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67–2622; Filed, Mar. 7, 1967; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17254; FCC 67–274]

TV BROADCAST STATIONS

Table of Assignments; UHF Channel, Anaheim, Calif.

In the matter of amendment of the table of assignments for television broadcast channels in § 73.606(b) of the Commission rules and regulations to assign a UHF channel to Anaheim, Calif.; Docket No. 17254, RM–1082.

1. During the course of the proceedings in Docket No. 14229 which were concerned with an overall revision of the table of assignments for UHF television broadcast channels, Morrio Publishing Co. filed a petition (RM–692) to delete Channel 52 from Corona, Calif., and assign it to Anaheim, Calif. At the time, Kaiser Broadcasting Corp. held a construction permit for the channel and the request of Morrio Publishing Co. was not granted. Kaiser has since placed KMTW in operation on Channel 52 in Corona and the application for license is pending. In a recent document (FCC 66–970), the Commission stated that consideration would be given to the assignment of another channel to Anaheim if the petitioner indicates a continuing interest in the prompt construction and operation of a UHF station in Anaheim.

2. On December 15, 1966, Morrio Publishing Co. filed a petition for rule making (RM–1082) requesting the assignment of a suitable commercial UHF television broadcast channel to Anaheim and in support thereof, recited statistics concerning the population of Anaheim and Orange County and asserted that a need exists for a local TV station to provide programs of local interest to Anaheim and Orange County and to provide an advertising media for local businesses. The petitioner further stated that it is prepared to promptly apply for the channel if it is assigned to Anaheim and if authorized to do so, will proceed with the construction and operation of a new UHF station on the channel.

3. Anaheim is located in Orange County, approximately 25 miles southeast of the Los Angeles main Post Office and 28 miles south-southeast of the Los Angeles TV stations located on Mount Wilson. According to the U.S. Census of 1960, it had a population of 104,184 and the petitioner gives the present population as 155,000. There are no TV channels assigned to Anaheim. However, it is well within the theoretical Grade A contours of the Los Angeles VHF and UHF stations located on Mount Wilson. Channel 50, reserved for educational use is assigned to Santa Ana some 7 miles south of Anaheim.

4. Assignment possibilities at Anaheim have been studied by means of the electronic computer and it is found that as many as three channels below channel 70, could be assigned to Anaheim. Channel 56 is the most efficient on the basis that its assignment to Anaheim will leave the greatest number of channels still available for assignments elsewhere in the area. This is the criteria that was used to develop the overall UHF assignment plan.

5. In view of the foregoing, the petition appears to have sufficient merit to warrant the institution of rule making. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.606(b) of the Commission rules by assigning Channel 56 to Anaheim, Calif.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before April 10, 1967, and reply comments on or before April 20, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: March 1, 1967.

Released: March 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2575; Filed, Mar. 7, 1967; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 17251; FCC 67–268]

TV BROADCAST STATIONS

Table of Assignments; Agana, Guam

In the matter of amendment of § 73.606, table of assignments, TV broadcast stations (Agana, Guam); Docket No. 17251.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. At the present time television Channels 8 and 10 are assigned to Agana, Guam. Station KUAM–TV occupies Channel 8. While there is a translator in operation on Channel 10, no applications have been filed for a regular TV broadcast station on this assignment. The Governor of Guam has requested the assignment and reservation for educational use of two VHF television channels to be utilized as part of the future educational television broadcast program of the territory. The request for two channels (one in the low portion of the VHF and the second in the high VHF band) is motivated by the fact that two transmitters are needed to cover the island due to the rugged mountain terrain in the center and the lack of a suitable centrally located site. The Department of Education has been engaged in a study program on the feasibility of providing educational programs to the many schools, military installations, and the general public in Guam, and is presently pursuing an application to the Department of Health, Education, and Welfare for matching funds. There, thus, appears to be a need and demand for the assignment and reservation of TV channels for these purposes.

3. In view of the foregoing, comments are invited on the following:

City	Channel No.	
	Present	Proposed
Agana, Guam	8, 10	*3, 8, *10

Operation of a noncommercial educational station on Channel 10 would, of course, preclude the use of the channel for a translator. However, the translator operation could continue until the proposed station is ready to commence operation.

4. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before April 3, 1967, and reply comments on or before April 14, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

5. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: March 1, 1967.

Released: March 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2576; Filed, Mar. 7, 1967; 8:48 a.m.]

[1] Commissioner Wadsworth absent.

[47 CFR Part 73]

[Docket No. 17253; FCC 67–271]

TV BROADCAST STATIONS

Prediction of Coverage

In the matter of amendment of § 73.684(c) of Part 73, prediction of coverage of TV broadcast stations; Docket No. 17253, RM–1060.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On November 9, 1966, WKBN Broadcasting Corp., licensee of UHF television broadcast Station WKBN, Youngstown, Ohio, filed a petition requesting rule making looking toward an

amendment of § 73.684(c) to specify a different method for predicting the distance to the Grade A and B signal strength contours.[1] As petitioner points out, the present method specifies that in predicting the distance to the Grade A and Grade B contours, the effective radiated power to be used is that in the horizontal plane in the pertinent direction. The same rule provides that in predicting other field strengths over areas not in the horizontal plane (such as the signal required to be placed over the principal community) the effective radiated power to be used is the power in the direction of such areas and that the appropriate vertical plane radiation pattern of the antenna must be used in determining this power.

3. WKBN states that this rule operates to the serious disadvantage of UHF stations where such stations compete with VHF stations for CATV carriage and priority rights. This, they argue, comes about in the following way. UHF stations normally use narrower vertical beams and more electrical beam tilt than do VHF stations, in order to obtain greater effective radiated powers and better close-in coverage. This, of course, may result in a considerable reduction in the horizontal radiated power. An example is given of a typical high-gain UHF antenna which results in a reduction of over 70 percent in the horizontal field. An example is also given of the net effect of this rule. It is shown that Steubenville, Ohio, would be included within the Grade B contours of at least two Youngstown UHF stations if the power were to be based upon that in the maximum vertical lobe, but this city would not be included if service is based on the horizontal radiated power.

4. WKBN urges, therefore, that the Commission "recognize the engineering and regulatory merits of permitting the contours to be predicted based on the actual radiation directed toward earth in the area of concern". It recommends that the last two sentences of § 73.684(c) be amended to read as follows: "In predicting the distance to field intensity contours, the effective radiated power to be used is that in the pertinent direction and determined by consideration of the appropriate vertical plane radiation pattern in that direction."

5. A study of a typical UHF antenna with commonly used beam tilting angles indicates that at the distances involved (Grade A and Grade B contours) the effective radiated power in the pertinent direction is almost the same as that in the horizontal direction. Furthermore, with the angle of tilt commonly employed, the maximum vertical radiation is directed to a point much closer to the station than the Grade A contour.

6. We are inviting comments in order that WKBN and other interested parties may submit their views and relevant data. Our primary concern is whether the horizontal radiated or the power in other "pertinent" directions is the most appropriate for estimating the distance to Grade A and Grade B field strength contours and whether there are administrative problems in establishing the Grade A and B contours under the proposal.

7. Authority for the adoption of the proposed rule is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before April 14, 1967, and reply comments on or before May 1, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by the Notice.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: March 1, 1967.

Released: March 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-2577; Filed, Mar. 7, 1967; 8:48 a.m.]

[1] A supporting statement was filed on Dec. 15, 1966, by WBRE-TV, Inc. licensee of UHF Station WBRE-TV, Wilkes-Barre, Pa.

[2] Commissioner Wadsworth absent.

[47 CFR Part 73]

[Docket No. 17252; FCC 67-269]

STANDARD, FM, AND TV BROADCAST STATIONS

Sponsorship Identification Requirements

In the matter of amendment of Part 73 of the Commission's rules and regulations relating to the sponsorship identification requirements; Docket No. 17252.

Notice of proposed rule making is hereby given in the above-entitled matter.

1. In the past few years, in accordance with the provisions of section 317(d) of the Communications Act of 1934, as amended, the Commission has granted a number of requests substantially similar in nature for waiver of the sponsorship identification requirements of section 317(a) of the Communications Act. Each request involved the broadcast of "want ad" or classified advertisement programs wherein individuals sponsor brief advertisements. Typically, waiver of the sponsorship identification requirements was sought because the licensee believed that his audience "would be better served if the persons who purchased such want ad advertising were permitted to obtain the same kind of anonymity which is available to users of classified want ad advertising in the newspapers so as to prevent the type of abuse of advertisers which has sometimes occurred * * * when strict sponsorship identification requirements of the Act and rules have been met." Specifically cited as the type of abuse of advertisers to be avoided was harassment of women advertisers by crank telephone calls.

2. Each licensee seeking waiver made substantially similar representations regarding safeguards and precautionary measures to be established if the Commission granted the request for waiver; namely, that he would attach to the program log for each day's classified want ads a list showing the name, the address and (where available) the telephone number of each person purchasing classified want ads and that this information would be made available to any member of the public having a legitimate interest in it.

3. In view of the numerous similarly worded requests for waiver, all of which have been granted upon the basis of representations to the Commission regarding precautionary measures, the Commission believes it would be desirable to amend the present sponsorship identification rules, and to that end we are proposing amendments to the rules as set forth below. In effect, the proposed amendments provide a blanket waiver of the announcements required by section 317(a) for classified advertising sponsored by private individuals but not for advertisement sponsored by any business enterprise (corporate or otherwise).

4. The restriction of the waiver to individuals is in our opinion consistent with the public interest, convenience, and necessity in that it affords needed protection to individuals. No such necessity exists with respect to business firms, which are not likely to be subjected to telephone harassment from cranks, as are private individuals.

5. The proposed rule requires each licensee who wishes to take advantage of the waiver to comply with certain minimum safeguards as set forth in the rule. These safeguards are merely a codification of the safeguards required by the Commission as a condition to its grants of waiver in the past years under similar circumstances. Lastly, we believe the proposed amendments will assist the Commission, will relieve licensees of the burden of filing applications for waiver, will protect the public and that they are, therefore, appropriate and necessary means to carry out our functions under the public interest standard of the Communications Act.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before April 10, 1967, and reply comments on or before April 20, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. Authority for the amendments proposed herein is contained in sections 4(1) and 313(r) of the Communication Act of 1934, as amended.

8. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, brief, and other documents shall be furnished the Commission.

Adopted: March 1, 1967.

Released: March 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

In Chapter I of Title 47 of the Code of Federal Regulations, Part 73 is amended as follows:

1. In § 73.119, paragraph (h) is redesignated as paragraph (i) and a new paragraph (h) is added; as amended § 73.119 (h) and (i) read as follows:

§ 73.119 Sponsored programs, announcement of.

* * * * *

(h) The announcements required by section 317(a) of the Communications Act of 1934, as amended, are waived with respect to the broadcast of "want ad" or classified advertisements sponsored by individuals. The waiver granted in this paragraph shall not extend to classified advertisements or wants ads sponsored by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph the following conditions shall be observed:

(1) The licensee shall maintain a list showing the name, address and (where available) the telephone number of each advertiser and shall attach this list to the program log for each day's operation; and

(2) Shall make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list.

(i) Commission interpretations in connection with the provisions of this section may be found in the Commission's public notice entitled "Applicability of Sponsorship Identification Rules" (FCC 63-409; 28 F.R. 4732, May 10, 1963) and such supplements thereto as are issued from time to time.

(Sec. 317, 48 Stat. 1089, as amended; 47 U.S.C. 317)

2. In § 73.289, paragraph (h) is redesignated as paragraph (i) and a new paragraph (h) is added; as amended § 73.289 (h) and (i) read as follows:

§ 73.289 Sponsored programs, announcement of.

* * * * *

(h) The announcements required by section 317(a) of the Communications Act of 1934, as amended, are waived with respect to the broadcast of "want ad" or classified advertisements sponsored by individuals. The waiver granted in this paragraph shall not extend to classified advertisements or want ads sponsored by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph the following conditions shall be observed:

(1) The licensee shall maintain a list showing the name, address and (where available) the telephone number of each advertiser and shall attach this list to the program log for each day's operation; and

(2) Shall make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list.

(i) Commission interpretations in connection with the provisions of this section may be found in the Commission's public notice entitled "Applicability of Sponsorship Identification Rules" (FCC 63-409; 28 F.R. 4732, May 10, 1963) and such supplements thereto as are issued from time to time.

(Sec. 317, 48 Stat. 1089, as amended; 47 U.S.C. 317)

3. In § 73.654, paragraph (i) is redesignated as paragraph (j) and a new paragraph (i) is added; as amended § 73.654 (i) and (j) read as follows:

§ 73.654 Sponsored programs, announcement of.

* * * * *

(i) The announcements required by section 317(a) of the Communications Act of 1934, as amended, are waived with respect to the broadcast of "want ad" or classified advertisements sponsored by individuals. The waiver granted in this paragraph shall not extend to classified advertisements or want ads sponsored by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph the following conditions shall be observed:

(1) The licensee shall maintain a list showing the name, address and (where available) the telephone number of each advertiser and shall attach this list to the program log for each day's operation; and

(2) Shall make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list.

(j) Commission interpretations in connection with the provisions of this section may be found in the Commission's public notice entitled "Applicability of Sponsorship Identification Rules" (FCC 63-409; 28 F.R. 4732, May 10, 1963) and such supplements thereto as are issued from time to time.

(Sec. 317, 48 Stat. 1089, as amended; 47 U.S.C. 317)

[F.R. Doc. 67-2578; Filed, Mar. 7, 1967; 8:49 a.m.]

[1] Concurring statement of Commissioner Loevinger filed as part of original document; Commissioner Wadsworth absent.

Notices

POST OFFICE DEPARTMENT

CITIZENS' STAMP ADVISORY COMMITTEE

Notice of Appointment and Duties

The following is an excerpt from Headquarters Circular No. 67–6 signed by the Postmaster General on February 28, 1967, relative to the above subject:

I. *Purpose.* To appoint a Post Office Department Citizens Stamp Advisory Committee. This Committee will make available to the Post Office Department breadth of judgment and depth of experience in numerous areas of competence which influence the subject matter, character and beauty of postage stamps.

II. *Appointment to Committee.* The following are hereby appointed as members of the Post Office Department Citizens' Stamp Advisory Committee to serve at the pleasure of the Postmaster General for a term not to exceed 1 year:

Reuben K. Barrick, Arlington, Va. (Bureau of Engraving and Printing).
Stevan Dohanos, Westport, Conn.
Belmont Faries, Clifton, Va.
Roger Kent, San Francisco, Calif.
Dr. Elsie M. Lewis, Washington, D.C.
David Lidman, New York, N.Y.
Dr. James J. Matejka, Jr., Chicago, Ill.
Roger L. Stevens, Washington, D.C. (Special Assistant to the President on the Arts).
Norman Todhunter, New York, N.Y.
John Walker, Washington, D.C. (National Gallery of Arts).
Kurt Wiener, Washington, D.C.

III. *Compensation and travel allowances.* A. Members of the Post Office Department Stamp Advisory Committee, in addition to such other reimbursable expenses as are authorized under the Standardized Government Travel Regulations, as amended, shall be allowed reimbursement for travel expenses and per diem at the rate of $16 a day in lieu of subsistence, when traveling in connection with their duties as members of the Post Office Department Stamp Advisory Committee. They shall be granted an allowance of 9 cents per mile for necessary official use of privately owned automobiles or airplanes when traveling in connection with their duties as members of such Committee. Approval of advantage to the Government, as required by law, shall be made either by the Postmaster General, the Deputy Postmaster General, or the Special Assistant to the Postmaster General.

Members of the Committee who are appointed from private life shall also each receive compensation of $48 per day when engaged in duties as members of the Committee, including travel time to and from their homes or regular places of business.

B. No member of the Committee will receive personal benefit from payment for stamp designing.

IV. *Meetings of Committee.* The Committee shall meet upon the request of the Postmaster General. Meetings shall be conducted in conformity with the regulations prescribed by Executive Order 11007 dated February 26, 1962.

* * * * *

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

MARCH 3, 1967.

[F.R. Doc. 67–2558; Filed, Mar. 7, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Classification of Public Lands in Iliamna-Cook Inlet Area for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 586; 43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands described below. Subject to valid existing rights, publication of this notice segregates the described lands from all forms of appropriation under the public land laws except as provided in paragraphs 2, 3, and 4.

2. All of the public lands described in paragraph 7 shall be subject to appropriation under the mining laws (30 U.S.C. 21) except:

a. Public lands lying within one-half mile of the line of mean high water of all lakes exceeding 40 acres in size and all islands situated therein,

b. Public lands lying within one-half mile of the line of mean high tide of Cook Inlet including all Cook Inlet islands within one mile of this line of MHT,

c. Public lands within one-quarter mile of the centerline of the existing Pile Bay-Iliamna Bay portage road.

3. All of the public lands described in paragraph 7 shall remain subject to the Mineral Leasing Laws of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), as amended, and the Materials Act of July 31, 1947 (61 Stat. 681), as amended, the Act of April 12, 1926 (44 Stat. 242), and section 11 of the Act of May 14, 1898 (30 Stat. 414).

4. The public lands in the following described areas shall remain open to settlement by Natives of Alaska (Eskimos, Aleuts, and Indians) and to appropriation under the Native Allotment Act of May 17, 1906 (34 Stat. 197), as amended August 2, 1956 (70 Stat. 954; 48 U.S.C. 357, 357a, 357b), and subject to disposal under the Public Land Sales Act of September 19, 1964 (78 Stat. 988), to the Townsite Laws, both under the Act of March 3, 1891 (26 Stat. 1095, 1099), and the Act of May 25, 1926 (44 Stat. 629) as amended, and to lease or sale under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741):

SEWARD MERIDIAN.—UNSURVEYED

KIJIK

T. 2 N., R. 28 W.,
Secs. 5 and 6.
T. 3 N., R. 28 W.,
Secs. 29 to 32, inclusive.
T. 2 N., R. 29 W.,
Sec. 1.
T. 3 N., R. 29 W.,
Secs. 25 and 36.
All those portions lying above the line of mean high water of Lake Clark and north of the Kijik River.

TANALIAN

T. 1 N., R. 29 W.,
Secs. 3, 4, and 5,
Secs. 8 to 11, inclusive, and
Secs. 14 to 18, inclusive.
All those portions lying above MHW of Lake Clark and south of the Tanalian River.

CHINITNA

T. 4 S., R. 22 W.,
Secs. 16 and 17,
Secs. 19 to 21, inclusive,
Secs. 30 and 31.
All those portions lying above and southerly of the line of mean high tide of Chinitna Bay.

INISKIN E.

T. 5 S., R. 24 W.,
Secs. 14 to 17, inclusive,
Secs. 21 to 23, inclusive,
Secs. 26 to 28, inclusive.
All those portions above and easterly of the line of MHT of Iniskin Bay.

INISKIN W.

T. 5 S., R. 25 W.,
Secs. 1 to 4, inclusive,
Secs. 11 to 13, inclusive,
Sec. 24.
All those portions above and west of the line of MHT of Iniskin Bay.

PILE AND PEDRO BAYS

T. 4 S., R. 27 W.,
Secs. 24 to 36, inclusive.
T. 5 S., R. 27 W.,
Secs. 3 and 4.
T. 4 S., R. 28 W.,
Sec. 19,
Secs. 25 to 36, inclusive.
T. 5 S., R. 28 W.,
Secs. 1 to 10, inclusive.
T. 5 S., R. 29 W.,
Secs. 1 to 5, inclusive,
Secs. 9 to 12, inclusive.
All those portions above and northerly of the line of MHW of Iliamna Lake, but excluding all islands.

ILIAMNA-COTTONWOOD BAYS

T. 6 S., R. 26 W.,
Secs. 1 to 3, inclusive,
Secs. 10 to 15, inclusive,
Secs. 20 to 29, inclusive,
Secs. 32 to 36, inclusive.
All those portions above MHT of Iliamna and Cottonwood Bays.

SID LARSON BAY

T. 9 S., R. 31 W.,
Secs. 4 to 9, inclusive,
Secs. 16 to 18, inclusive.
All those portions above MHW of Iliamna Lake.

KOKHANOK

T. 8 S., R. 32 W.,
Secs. 29 to 36, inclusive.
All those portions above MHW of Iliamna Lake.

ILIAMNA-NEWHALEN

T. 4 S., R. 33 W.
All that portion lying east of Newhalen River.

T. 5 S., R. 33 W.
All that portion lying westerly and above the MHW line of Iliamna Lake.

IGIUGIG

T. 10 S., R. 39 W.,
Secs. 5 to 9, inclusive,
Secs. 16 to 18, inclusive.
All those portions above MHW of Iliamna Lake.

The areas described above, including both public and nonpublic lands, aggregate approximately 89,200 acres.

5. A public hearing on the proposed classification will be held on May 2, 1967, at King Salmon, Alaska. The purpose of the hearing is to give all interested an opportunity to present their views as to the proposal to classify the following described lands for multiple use management. In addition, for such lands as should be so classified, views are needed as to the extent to which the classified lands should be segregated from appropriation under the public land laws.

All interested persons are encouraged to attend and present information and suggestions. Written statements will also be accepted.

6. For a period of 75 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Manager, Anchorage District Office, Bureau of Land Management, 4700 East 72d Street, Anchorage, Alaska 99502.

7. The public lands proposed for classification are located within the following described area and are shown on maps on file in the Anchorage District Office, 4700 East 72d Street, Anchorage, Alaska 99502, and the Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

SEWARD MERIDIAN

UNSURVEYED PROTRACTED DESCRIPTIONS

T. 3 N., R. 17 W.
Tps. 2 and 3 N., R. 18 W.
Tps. 4 to 7 N., R. 18 W., W½.
T. 8 N., R. 18 W., SW¼.
Tps. 1 to 8 N., Rs. 19 to 27 W., inclusive.
Tps. 1 to 6 N., Rs. 28 and 29 W.
Tps. 1 to 4 N., Rs. 30 to 33 W., inclusive.
Tps. 1 to 3 N., Rs. 34 and 35 W.
Tps. 1 and 2 S., R. 19 W.
Tps. 1 to 3 S., Rs. 20 and 21 W.
Tps. 1 to 6 S., Rs. 22 to 24 W., inclusive (partially surveyed).
Tps. 1 to 7 S., R. 25 W.
Tps. 1 to 9 S., R. 26 W.
T. 14 S, R. 26 W.
Tps. 1 to 9 S., R. 27 W.
Tps. 14 to 16 S., R. 27 W.
Tps. 1 to 10 S., R. 28 W.
Tps. 14 to 16 S., R. 28 W.
Tps. 1 to 11 S, Rs. 29 and 30 W.
Tps. 14 to 17 S., Rs. 29 and 30 W.
Tps. 1 to 12 S., R. 31 W.
Tps. 14 to 17 S., R. 31 W.
Tps. 1 to 12 S., R. 32 W.
Tps. 15 to 17 S., R. 32 W.
Tps. 1 to 17 S., Rs. 33 to 36 W., inclusive.
Tps. 5 to 16 S., Rs. 37 and 38 W.
Tps. 5 to 15 S., R. 39 W.
Tps. 9 to 12 S., R. 40 W., E½.
Tps. 13 to 15 S., R. 40 W.

The area proposed for classification aggregates approximately 6,552,000 acres.

BURTON W. SILCOCK,
State Director.

MARCH 3, 1967.

[F.R. Doc. 67–2532; Filed, Mar. 7, 1967; 8:45 a.m.]

[AA–502]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 28, 1967.

The Bureau of Reclamation has filed an application, Serial No. AA–502 for the withdrawal of the lands described below from all forms of appropriation. The applicant desires the land for operation and maintenance of the Eklutna Hydroelectric Project and for protection of a new dam and facilities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulations, 43 CFR 2311.1–3(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

EKLUTNA LAKE, ALASKA

SEWARD MERIDIAN (UNSURVEYED)

T. 15 N., R. 2 E.,
Sec. 7, NE¼SE¼ and SE¼NE¼.

Aggregating 80 acres and situated about 28 miles northeast of Anchorage.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 67–2538; Filed, Mar. 7, 1967; 8:45 a.m.]

[Grazing Districts No. 4 and 5]

WYOMING

Modification of Certain Grazing Districts

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, known as the Taylor Grazing Act, and in accordance with the authority delegated in 235 DM 1.1, it is ordered as follows:

The exterior boundaries of Grazing District No. 4 established by Departmental Order approved October 31, 1936, are hereby extended to include the following described lands, which lands are hereby excluded from Wyoming Grazing District No. 5, established October 31, 1936:

SIXTH PRINCIPAL MERIDIAN

T. 26 N., R. 111 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 26 N., R. 111 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.

This boundary modification will become effective upon publication in the FEDERAL REGISTER.

JOHN O. CROW,
Associate Director.

MARCH 2, 1967.

[F.R. Doc. 67–2539; Filed, Mar. 7, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

March Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.s.t., on February 28, 1967, and, subject to amendment, continuing until superseded by the April Monthly Sales List. The following commodities are available: Cotton (upland

and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, linseed oil, and tung oil.

For March there is no change in commodities listed.

On February 17, USDA announced that the CCC would stop quoting prices for the export sale of its wheat and make sales only on the basis of offers submitted by buyers. This is being modified further to withdraw all classes of CCC wheat from export sales at all coasts except the west coast, effective on issuance of this sales list. CCC will continue to accept offers for wheat from buyers for export sale at west coast locations. West coast CCC wheat sales will be made under Announcement GR–261 which provides for pricing at world price levels. In addition, limited quantities of hard red winter wheat at west coast points will be offered from time to time for export sales at quoted prices under Announcement GR–345 (redemption of payment-in-kind export certificates).

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agriculture Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM–3) for March 1967 are 6 percent for U.S. bank obligations and 7 percent for foreign bank obligations, without regard to credit periods involved up to a maximum of 36 months. CCC-owned commodities currently available for export sale under the CCC Export Credit Sales Program are: Wheat, grain sorghum, barley, oats, rye, rice, flaxseed, extra long staple cotton, plus tobacco from CCC loan stocks. Commodities from private stocks now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, milled and brown rice, cottonseed oil, soybean oil, dairy products, dry edible beans, and tallow.

Information on commodities available under Title IV, P.L. 480, private trade agreements, and current information on interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. Wheat and grain sorghum are also available under conditions noted in the individual commodity listings. (In addition, free market stocks of corn, grain sorghum, wheat, wheat flour, tobacco, cottonseed, and soybean oils are eligible for barter programing under barter contracts covering procurements for Federal agencies that will reimburse CCC except that hard red winter, hard red spring, and durum wheats, and flour produced from those wheats, may not be exported through west coast ports.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Viet Nam except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10 (c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use:

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1966 price support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel—in-store.)*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.17	$0.13¼	Minneapolis—No. 1 DNS ($7.56) 115 percent +$0.13¾; $1.93¾. Portland—No. 1 SW ($1.46) 115 percent +$0.13¾; $1.81¾. Kansas City—No. 1 HRW ($1.43) 115 percent +$0.13¾; $1.78¾. Chicago—No. 1 RW ($1.49) 115 percent +$0.13¾; $1.85¾.

D. *Availability information.* Contact Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at end of this sales list.

Export.

A. CCC will sell limited quantities of Hard Red Winter wheat at west coast ports at announced prices under Announcement GR–345 (Revision III, July 6, 1962, as amended) to fill dollar market sales and buyer must show export from the west coast to a destination west of the 170th meridian, west longitude and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America. Notice of export sale must be given within 5 days after purchase.

B. CCC will sell wheat for export under Announcement GR–261 (Revision II, Jan. 9, 1961, as amended and supplemented) as follows:

(1) All classes of wheat will be sold only at west coast ports for export commodity certificates to fill dollar market sales and buyer must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America. The buyer must include in his offer the price at which he proposes to purchase the wheat.

(2) All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966. CCC-owned wheat will not be sold for barter at west coast ports nor will evidence of export at west coast ports be acceptable under a sale for barter.

C. Announcement GR–262 (Revision II, Jan. 9, 1961, as amended) for export as flour as follows: All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966. However, sales for barter will not be made at west coast ports nor will evidence of export from west coast ports be acceptable under a sale for barter pursuant to this announcement.

D. CCC will not sell wheat under Announcement GR–346 until further notice.

E. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted Use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than 115 percent of the applicable 1966 price-support loan rate for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price support rate [2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. Markups and examples (dollars per bushel in-store [1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).

Markup in-store received by—	Examples
Truck	
$0.11¼	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.01+$0.03) 115 percent +$0.11¼; $1.31¼. Agricultural Act of 1949 stat. minimums: McLean County, Ill. ($1.01+$0.19 +$0.03); 105 percent +$0.11¼; $1.41¼.

D. *Availability information.* For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS Grain Offices shown at the end of this sales list.

Export.

Corn from CCC inventory is not available for export sale.

GRAIN SORGHUM (BULK)

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than 115 percent of the applicable 1966 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate [3] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. Markups and examples (dollars per hundredweight in-store [1] No. 2 or better).

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.21½	$0.15¾	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.50) 115 percent +$0.21½; $1.92. Kansas City, Mo. (ex-rail) ($1.78) 115 percent +$0.15¾; $2.20¾. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.50+$0.34); 105 percent +$0.21½; $2.15½. Kansas City, Mo. (ex-rail) ($1.78+$0.34); 105 percent +$0.15¾; $2.38¾.

D. *Availability information.* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961) for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m. e.d.t., on August 26, 1966, and to approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of barley as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than 115 percent of the applicable 1966 price-support loan rate for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable barley as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate [3] (published loan rate plus 13 cents per bushel)

See footnotes at end of document.

for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section, applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.16¼	$0.13¾	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. ($0.76) 115 percent +$0.16¼; $1.04¼. Minneapolis, Minn. (ex-rail) ($0.99) 115 percent +$0.13¾; $1.27¾. Agricultural Act of 1949; statutory minimums: Cass County, N. Dak. ($0.76+$0.13); 105 percent +$0.16¼; $1.10¼. Minneapolis, Minn. (ex-rail) ($0.99+$0.13); 105 percent +$0.13¾; $1.31¾.

D. *Availability information.* For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Kansas City, Evanston, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for barley. Sales will be made pursuant to the following announcements.

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. *Available.* Kansas City, Evanston, and Minneapolis ASCS grain offices.

OATS, BULK

Unrestricted use.

A. Market price, as determined by CCC, but not less than 115 percent of the applicable 1966 price-support rate [2] for the class, grade and quality of the oats plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store [1] basis No. 2 XHWO.)*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.14¾	Redwood County, Minn. ($0.56+$0.03 quality differential); 115 percent +$0.14¾; $0.82¾.

C. *Nonstorable.* At not less than the market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through the ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to barter contracts and to approved CCC credit sales.

C. *Available.* Kansas City, Evanston, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent [3] of the applicable 1966 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below, applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.17	$0.13¾	Rolette County, N. Dak. ($0.89); 105 percent +$0.17; $1.11. Minneapolis, Minn. (ex-rail) ($1.23); 105 percent +$0.13¾; $1.43¾.

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. *Available.* Evanston, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1966 loan rate plus 5 percent, plus 34 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR–369, (Revision III, as amended) Rice Export Program—and under GR–379, (Revision I) for approved credit sales.

Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the current loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, which shall be the highest price offered but not less than the minimum determined by CCC, and in no event at less than the loan rate for such cotton.

Export.

CCC disposals for barter (1966–67 marketing year). Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export under the Barter Program) and NO–C–31 (described above), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO–C–6 (Revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC sales for export.* Competitive offers under the terms and conditions of Announcements CN–EX–22 (Extra Long Staple Cotton Export Program) and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

B. CCC credit sales and barter. Competitive offers under the terms and conditions of Announcements CN–EX–26 (Purchase of Extra Long Staple Cotton for Export under the Export Credit Sales Program), or CN–EX–27 (Acquisition of Extra Long Staple Cotton for Export under the Barter Program), and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

Availability information. Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED

A. Domestic crushing or export.

1. Shelled peanuts of less than U.S. No. 1 grades may be purchased for foreign or domestic crushing.

2. U.S. Medium—Virginia type—for export.

3. Terms and conditions of sales as set forth in Peanut Announcement PR–1 effective July 1, 1966, Amendment 1, and the lot list.

B. When stocks of any of the above categories are available in their area of responsibility, weekly lot lists are issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

All sales are made on the basis of competitive bids submitted each Wednesday to the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

TUNG OIL

Domestic or export.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitation to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–3, effective September 26, 1966, and the applicable Invitation to Bid.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS. Telephone Washington, D.C., area code 202, DU 8–3901 or DU 8–2967.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price but not less than the applicable 1966 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store).* [1]

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents $0.18½	*Cents* $0.14	Minneapolis	No. 1	$3.43½

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

Export.

A. Announcement PS–GR–4, Revision 1, as amended, dispositions of flaxseed, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales. Such sales will be at the domestic market price as determined by CCC less the applicable export payment allowance. The flaxseed to be exported shall be No. 2 grade, or better.

C. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

LINSEED OIL, RAW (BULK)

Export.

Under Announcement PS–GR–4, Revision 1, as amended, dispositions of raw linseed oil, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Commodity Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 21.00 cents per pound.

Export.

Competitive bid, under MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and approved CCC credit.

Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Comodity Office each Wednesday.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 70.5 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 69.75 cents per pound—Washington, Oregon, and California. All other States 69.50 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and CCC credit.

Any butter offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP–14: 49.0 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 48.0 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under MP–10. Sales under this announcement may be made for application to CCC credit.

Any cheese offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

FOOTNOTES

[1] The formula price delivery basis for bin site sales will be f.o.b.

[2] To compute, multiply applicable support price by 105 percent or the price support loan rate by 115, as indicated, round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight and handling charges.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES:

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway, Post Office Box 205, Kansas City, Mo. 64141. Telephone: Emerson 1–0660.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export), California (domestic only).

Branch Office—Evanston ASCS Branch Office, 2201 Howard Street, Evanston, Ill. 60202. Telephone: Long Distance—University 9–0600 (Evanston Exchange). Local—Rogers Park 1–5000 (Chicago, Ill.).

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: 334–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office—Portland ASCS Branch Office, 1216 Southwest Washington Street, Portland, Oreg. 97205. Telephone: 226–3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 334–3200.

COTTON OFFICES (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y. 10013. Telephone: 264–8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: 556–6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on March 3, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67–2569; Filed, Mar. 7. 1967; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

COLORCON, INC.

Notice of Filing of Petition Regarding Diluent for Color Additive Mixtures

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 403; 21 U.S.C. 376(d), notice is given that a petition (CADP 2) has been filed by Colorcon Inc., Box 24, West Point, Pa. 19486, proposing that § 8.300 *Diluents in color additive mixtures for food use exempt from certification* be amended to provide for the safe use of polyvinylpyrrolidone as a diluent in color additive mixtures used in or as food-tablet coatings.

Dated: March 3, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67–2567; Filed, Mar. 7, 1967; 8:47 a.m.]

[Docket No. FDC–D–102; NDA No. 11–997]

CHAS. PFIZER AND CO., INC.

Mastalone; Notice of Withdrawal of Approval of New-Drug Application

Chas. Pfizer & Co., Inc., 435 East 42d Street, New York, N.Y. 10017, the applicant for and the holder of new-drug application No. 11–997 for Mastalone, a mastitis ointment, has requested withdrawal of approval of that application, and thereby has waived the opportunity for a hearing, as provided for by section 505(e) of the Federal Food, Drug, and Cosmetic Act, prior to such withdrawal.

The Commissioner of Food and Drugs, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and delegated by him to the Commissioner (21 CFR 2.120), finds that new evidence not contained in said application and not available when the application was approved shows that such drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved. Specifically, residues of oxytetracycline and neomycin are present in milk intended for food when the drug is administered to animals as directed in its labeling.

Therefore, on the basis of the foregoing finding of fact and at the request of the applicant, the approval of new-drug application No. 11–997 applying to Mastalone is withdrawn, effective on the date of signature of this document.

Dated: March 3, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–2568; Filed, Mar. 7, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–277, 50–278]

PHILADELPHIA ELECTRIC CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses

Philadelphia Electric Co., 1000 Chestnut Street, Philadelphia, Pa., 19105, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated February 6, 1967, for authorization to construct and operate two single cycle, forced circulation, boiling water nuclear reactors to be located at its Peach Bottom Atomic Power Station. The applicant is presently licensed to operate a high temperature, gas-cooled nuclear reactor at this location which is approximately 38 miles north-northeast of Baltimore, Md., and about 63 miles west-southwest of the city of Philadelphia in Peach Bottom Township, York County, Pa.

The proposed reactors, designated by the applicant as Peach Bottom Atomic Power Station Units No. 2 and No. 3, will have a net electrical capacity per unit of approximately 1065 megawatts derived from a thermal capacity of approximately 3295 megawatts. Unit No. 2 will be owned jointly by the applicant, Public Service Electric & Gas Co., Newark, N.J.; Delmarva Power & Light Co., Wilmington, Del.; and Atlantic City Electric Co., Atlantic City, N.J. Unit No. 3 will be owned solely by Philadelphia Electric Co.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C.

Dated at Bethesda, Md., this 28th day of February 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67–2534; Filed, Mar. 7, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17727]

W.A.A.C. (NIGERIA) LTD.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding now assigned to be held March 15, 1967, is postponed to April 14, 1967, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., March 1, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67–2557; Filed, Mar. 7, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15469, 15470; FCC 67M–342]

ADVANCED ELECTRONICS AND INDUSTRIAL COMMUNICATIONS SYSTEMS, INC.

Order Rescheduling Hearing

In re applications of R. L. Mohr, doing business as Advanced Electronics, Docket No. 15469, File No. 214–C2–P–63; for a construction permit in the domestic public land mobile radio service at Palos Verdes, Calif.; Industrial Communications Systems, Inc., Docket No. 15470, File No. 1050–C2–P–63; for a construction permit for station KMD990 in the domestic public land mobile radio service at Los Angeles, Calif.

The Hearing Examiner having under consideration a "Motion for Continuance of Procedural Dates" filed February 24, 1967 by counsel for R. L. Mohr, doing business as Advanced Electronics, and agreed to by the other parties, and it appearing, that the continuances are necessary:

It is ordered, This 1st day of March 1967, by the Hearing Examiner on his own motion, that the dates previously set for (a) exchange of rebuttal exhibits, (b) notification of witnesses desired for cross-examination, and (c) further hearing are canceled: *And it is further ordered,* That the aforesaid motion requesting the following dates is granted:

(1) Exchange of rebuttal exhibits shall occur March 28, 1967,

(2) Notification of witnesses desired for cross-examination shall be made on or before April 8, 1967, and

(3) The further hearing heretofore scheduled for March 14, 1967 is rescheduled to commence at 10 a.m., April 18, 1967, in the Commission's offices in Washington, D.C.

Released: March 2, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2579; Filed, Mar. 7, 1967; 8:49 a.m.]

[Docket Nos. 17070–17072; FCC 67M–350]

KLRA, INC., ET AL.

Postponement of Procedural Dates; Order

In re applications of KLRA, Inc., Little Rock, Ark., Docket No. 17070, File No. BPH–4707; KAAY, Inc., Little Rock, Ark., Docket No. 17071, File No. BPH–5250; The Valley Corp., Little Rock, Ark., Docket No. 17072, File No. BPH–5403; for construction permits.

The Hearing Examiner having under consideration a "Request for Postponement of Procedural Dates", in view of matters being conducted among counsel for the parties concerning the resolution of this proceeding, filed on behalf of KLRA, Inc., on March 1, 1967, requesting at least a 30-day postponement in all previously scheduled procedural dates, with the specification of a new hearing date being held in abeyance;

It appearing, that counsel for the other parties have informally indicated they do not object to the immediate consideration and grant of the subject request, and that "good cause" is shown for granting the same since it offers prospect of an early resolution of the proceeding;

Accordingly, it is ordered, This 2d day of March 1967, that the "Request for Postponement of Procedural Dates" filed March 1, 1967, on behalf of KLRA, Inc., is granted; and that the heretofore scheduled dates of March 3, for preliminary exchange of engineering exhibits, March 17, for final exchange of all exhibits, and March 29, 1967, for notifications re witnesses are postponed to April 3, April 17, and April 28, 1967, respectively.

It is further ordered, That the heretofore scheduled hearing date of April 11, 1967, is postponed to a later date to be fixed by further order of the Hearing Examiner in light of future developments.

Released: March 2, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2580; Filed, Mar. 7, 1967; 8:49 a.m.]

[Docket Nos. 17088, 17089; FCC 67M–348]

GULF SOUTH BROADCASTERS AND BAYOU BROADCASTING CO.

Order Continuing Hearing

In re applications of Joseph M. Costello III, trading as Gulf South Broadcasters, New Orleans, La., Docket No. 17088, File No. BPH–5276; Bayou Broadcasting Co., New Orleans, La., Docket No. 17089, File No. BPH–5443; for construction permits.

Pending action on applicants' joint request for approval of agreement and motion for dismissal of application, the hearing is rescheduled from March 7, to May 8, 1967.

Dated: March 2, 1967.

Released: March 2, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2581; Filed, Mar. 7, 1967; 8:49 a.m.]

[Docket No. 16979; FCC 67–239]

INTERDEPENDENCE OF COMPUTER AND COMMUNICATION SERVICES AND FACILITIES

Supplemental Notice of Inquiry

In the matter of regulatory and policy problems presented by the interdependence of computer and communication services and facilities, Docket No. 16979.

1. On November 10, 1966, the Commission issued the above-captioned notice of inquiry with respect to the regulatory and policy questions which are being raised by the growing interdependence of computer services and technology and communications facilities and services of common carriers. The notice specified the questions involved, concerning which the Commission desires to obtain information, views, and recommendations from all interested persons. However, before fixing a date for the filing of such submissions and because of the complex nature of this matter, we invited interested persons to make suggestions, by December 12, 1966, for additions to or modifications or clarifications of the items of inquiry specified in the notice. As stated in the notice, after consideration of any such suggestions, we would then issue a supplemental notice and fix a date by which written responses are to be filed in this proceeding. The following have responded to the initial notice: American Communications Association; American Newspaper Publishers Association; American Petroleum Institute (Central Committee on Communications Facilities); American Telephone and Telegraph Co.; Applied Data Processing, Inc.; Association of American Railroads; Association of Data Processing Service Organizations, Inc.; Bunker-Ramo Corp.; Business Equipment Manufacturers Association; C-E-I-R, Inc.; Collins Radio Co.; Computer Research Corp.; Computing and Software, Inc.; Department of Justice of the United States; Dial Data Inc.; East & Watts; General Electric Co.; General Services Administration of the United States; Honeywell Inc.; Informatics Inc.; International Business Machines Corp.; ITT Data Services; ITT World Communications Inc.; John Wiley & Sons, Inc.; McDonnell Automation Center; Metromedia, Inc.; Microwave Communications, Inc.; Milwaukee Railroad; National Association of Educational Broadcasters; National Association of Manufacturers; National Committee for Utilities Radio; Randolph Computer Corp.; Republic Systems and Programming; Rixon Electronics, Inc.; Robosonics, Inc.; Towson Laboratories, Inc.; Union Pacific Railroad Co.; Unitab Co.; VIP Systems; Western Union Telegraph Co.; and Xerox Corp.

2. Four types of responses were received. The largest number expressed the view that the items of inquiry specified in our notice are sufficiently relevant and comprehensive as to require no modification or additions in order to accomplish the objectives of the inquiry. Certain of the respondents addressed themselves to the merits of the questions posed by the notice and advanced positions and recommendations with respect thereto. The comments of these respondents are, of course, premature since the notice did not seek such substantive submissions at this time. However, those persons who replied in this manner are assured that their comments will be considered after all substantive submissions are received on or before the date to be hereafter specified by this supplemental notice. They should also feel free to expand upon their comments at that time.

3. Other persons responded with comments which seek modification or interpretation of the items of inquiry listed in paragraph 25 of our notice of November 10, 1966. Also, suggestions were advanced as to the procedures that the Commission should prescribe with respect to the substantive submissions contemplated by our notice.

4. We will deal first with those comments suggesting modifications or interpretation of the items of inquiry listed in paragraph 25. At the outset, we wish to stress that it is our purpose to accord the widest possible latitude to all participants to make whatever submissions are relevant and material to a resolution of the basic regulatory and policy questions identified in our notice of November 10, as having been raised by the growing convergence of computer and communication services and technology. In this context, after considering each of the modifications suggested, it is our view that, with certain exceptions hereinafter noted, the items of inquiry listed in paragraph 25 are sufficiently broad and encompassing to accommodate submissions by respondents treating those areas which are the subject of their suggestions. We believe that the following summary of the more significant and relevant suggestions that have been filed, together with our brief observations thereon, will assist participants in formulating their submissions.

5. The Western Union Telegraph Co. urged that Item A, which asks for a description of the uses that are being made currently and the uses that are anticipated in the next decade of computers and communications channels and facilities, should expressly include remote terminal and channel derivation equipment. The telegraph company suggested that Item C, which inquires into the circumstances under which computer services should be deemed subject to regulation, should include the concept of any "combination of services." It also suggested consideration of the question as to whether, if any of these services or combination of services are offered by both regulated and nonregulated companies, there are any considerations, legal or otherwise, requiring the regulation of some, but not all, of the companies. The telegraph company also proposed that Item D, which asks the question whether regulation or competition will best serve the policies and objectives of the Communications Act, should be expanded to encompass a combination of regulation and competition. In our view, the items of inquiry set forth in our notice of inquiry of November 10, 1966, may be properly construed to permit all parties to address themselves to each of the foregoing matters.

6. The other suggestions of Western Union are designed to "make more specific the areas in which information ought to be obtained." As previously indicated, the inquiry was designed to be broad enough in nature to allow interested persons maximum latitude in responding with any specific data or views which they believe are relevant to this inquiry and will aid the Commission in resolving the questions raised herein. Thus, with respect to Item B, which asks for a description of the basis for and structure of charges to customers for the services listed in Item A, Western Union suggests an amendment which would invite disclosure of the terms and conditions of sale, lease or other arrangements with customers involving computers or computer systems. Item B was designed to elicit such information and should be so construed.

7. The International Business Machines Corp. interpreted Item A "as limited to data processing applications requiring communications channels and facilities." It interpreted Item B "as not intended to elicit from the computer industry information concerning the basis for and structure of charges for computers for data processing services generally, but only to elicit information con-

cerning the methods of handling communication costs in connection with the charges for communication channels and facilities required for data processing applications." These interpretations are much too restrictive. The purpose of this inquiry is to elicit full information essential to an understanding of the economic, operational and other aspects of the use of computers in conjunction with communication channels and services. It appears to us that such an understanding cannot be achieved by focusing upon the latter to the exclusion of the former. We are not here concerned with the charges made by the computer industry for the sale or lease of computer equipment per se. We are, however, concerned with ascertaining the structure of any and all charges related to the furnishing of the computer services which are the subject of this inquiry, including all components of such charges and the basis therefor. Accordingly, responses herein should include full information concerning the charges made in connection with existing and anticipated uses of both computers and communication channels and facilities for the purpose contemplated by Item A.

8. The American Communications Association suggested that the inquiry be expanded to include the "effect of any regulatory or policy decision dealing with this matter on the viability of the carriers." This question is comprehended in Issues D and E. Whenever the Commission considers the policies and objectives of the Communications Act, the viability of communication common carriers is of direct relevance. ACA further suggests an expansion to include "possible effects on employment in the industry, both present and potential." The inquiry is broad in nature and, while we did not include a specific issue on employment in the industry, those persons who wish to submit information on this point may do so. At such time as comments thereon are received, and in light of those comments, we will give further consideration as to whether additional information is needed to treat any specific questions that may be raised.

9. The Association of Data Processing Service Organizations, Inc. recommended enlargement of the inquiry to consider "whether common carriers, or other governmental granted and regulated monopolies, should be permitted to engage in the business of marketing electronic data processing services at all, whether regulated or not." No specific item was included to obtain expressions of opinion on this question. However, we welcome comments from any persons who may wish to address themselves thereto. After study of the comments received, we will determine what further action, if any, is required in light of such comments.

10. Microwave Communications, Inc. suggested the Commission consider "whether the present and anticipated communications requirements of computer users may be best served by allowing the entry into this evolving field of small microwave common carrier companies capable of providing high quality, flexible, and individualized microwave communications services to computer users and to businesses having a multiplicity of communications needs." We view Item H as broad enough to include this issue.

11. The National Association of Manufacturers suggest "that in proceeding with your intention of delving into the questions of 'protection of privacy and the proprietary nature of data' that you also give substantial attention to the control capabilities these machines will have in the hands of Government and others who might direct their arbitrary uses." Item J is designed to elicit information on the protection of the privacy and proprietary nature of data stored in computers and transmitted over communications facilities. This issue seeks information on the means now being used or under consideration, and the effectiveness of such measures in insuring that only authorized persons have access to data. The proposed modification would appear to broaden this issue to include comments on possible limitations which should be placed on the uses which may be made of the information by those persons who properly have access thereto. We do not believe that this problem is appropriate for inclusion within the scope of the inquiry. We note, however, that it has been the subject of Congressional hearings. A report of these hearings was published under the title The Computer and Invasion of Privacy, Hearings before a Subcommittee of the Committee on Government Operations, House of Representatives, 89th Congress.

12. Rixon Electronics, Inc. suggested that Item H be amended to include consideration of (a) the economic suitability of present tariff offerings in regard to available bandwidth of channels conditioned for data transmission, and (b) the extent to which present-day tariffs describe the technical characteristics of the communications channel and the desirability and practicality of expanding these descriptions to describe the channel more fully.

Item H, as formulated in our notice of November 10, 1966, embraces these matters.

13. The Union Pacific Railroad Co. addressed its response to Item C, which inquires into the circumstances, if any, under which computer services should be deemed subject to regulation, and Item D, which poses the question, assuming that such services are subject to regulation under the Communications Act, whether the policies and objectives of the Act will be served better by such regulation or by such services evolving in a free and competitive market. The railroad company suggested additions to the two Items as follows:

> C(4) When furnished by right-of-way companies and enterprises whose rates and services are regulated by a governmental authority or body to other entities included within those classifications; and
>
> D(1) Assuming that it is subject to regulation under the Communications Act, should a right-of-way company or enterprise whose rates and services are regulated by a governmental authority or body be specifically authorized and permitted to utilize its own owned and/or leased communication facilities in connection with the furnishing of a computer or other data processing service to other entities included within these classifications.

The items which the Union Pacific wishes to amend are sufficiently broad in scope to permit treatment of the specific concerns reflected in these suggestions.

14. We turn now to the suggestions which have been made regarding the procedures that should be prescribed for this inquiry. The American Telephone and Telegraph Co., later joined by Western Union, suggests that the proceeding be divided into two phases. The first phase would encompass Items A and B of the notice of November 10, 1966, which items are characterized by those companies as dealing with factual matters, and the second phase would encompass Items C through J, which are characterized as dealing with policy matters. It is urged that this arrangement will enable the parties, in treating the policy matters, to more logically address the factual situations which evolve from the responses to Items A and B. Although the responses called for by Items A and B involve mainly factual matters, it would appear that a number of the remaining items involve a mix of both policy and fact. Thus, it may well prove impractical to separate the factual and policy questions involved herein in view of the apparent interrelationship of those questions and the need for their contemporaneous consideration and development in responding to many aspects of this inquiry. Accordingly, we do not feel that the proposed phasing of this inquiry will be conducive to its orderly and expeditious conduct.

15. The United States Department of Justice has suggested that participants in this inquiry be permitted to submit to the Commission requests for information. The Commission would then forward such requests to the appropriate entity who would be required to supply answers thereto to be served on all participants. Thereafter, the participants would submit the views, recommendations, and conclusions called for by the inquiry. It is our view that adoption of these procedures may operate to complicate and delay the conduct of this inquiry. We are particularly concerned that implementation of such procedures would involve the Commission and the participants in a plethora of pleadings and counterpleadings related to each request for information. While it is our objective through this inquiry to amass all relevant and substantial information, views, and recommendations concerning the questions being examined, there is no reason to believe, at this time, that the procedures suggested by the Department are required to achieve that objective. In this connection, it is to be noted that thus far about 40 corporate entities and associations, representing the different segments of the computer industry have indicated intentions to participate fully in this inquiry. It is expected that these and other persons will be forthcoming with the information required to resolve the various questions in issue. If, after receipt of their submissions, it appears that additional information is required, the Commission will be prepared to take such measures as are appropriate to elicit such additional information, including the conduct of open hearings for the receipt of testimony as has been suggested by Western Union.

16. The suggestion was also made that a list be established and maintained of all persons participating in this inquiry and that all such persons be required to serve copies of all documents filed upon each party appearing on the list. The Commission will, for the convenience and information of all interested persons, maintain and publish a list of all participants who will have filed responses to our notice of inquiry. However, in view of the large number and volume of filings that are likely to be involved, we believe that it will work an undue hardship on participants herein to require service of documents on all other participants. This may inhibit participation by individuals and small firms which constitute a vitally interested segment of the computer industry and whose responses will contribute materially to the record we are seeking to develop in this inquiry. We would urge, however, that each participant, as a matter of courtesy, honor individual requests they may receive for copies of their documents from other parties.

17. Finally, Xerox Corp. requests that all interested Government agencies and departments, which also have a regulatory concern with respect to the use of computers by entities subject to their regulatory jurisdiction, be notified by the Commission of the impending inquiry, and that the Commission furnish copies of all comments received by the Commission to such agencies and departments, and invite their participation. We have been advised that the General Services Administration will represent the interests of Government agencies as users of the services involved. However, Government agencies have been generally notified of the pendency of the inquiry and those who have interests other than as users of computer services are invited to make such comments as might be helpful. We will, in any event, forward copies of our notices in this inquiry to the regulatory agencies and departments involved.

18. Accordingly, all interested persons are invited to submit written responses to Items A through J contained in paragraph 25 of the notice of inquiry, released November 10, 1966, FCC 66-1004, 31 F.R. 14752, 14755, no later than October 2, 1967. In reaching conclusions in this matter, the Commission may also take into account any other relevant information brought to our attention, in addition to the comments invited by this notice.

19. All filings in this proceeding should be submitted in accordance with the provisions of §§ 1.49 and 1.419 of the Commission's rules (47 CFR 1.49, 1.419), which require, inter alia, submission of an original and 14 copies.

Adopted: March 1, 1967.

Released: March 2, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2582; Filed, Mar. 7, 1967; 8:49 a.m.]

[Docket No. 16440; FCC 67-230]

WORLD ADMINISTRATIVE CONFERENCE OF INTERNATIONAL TELECOMMUNICATIONS UNION

Fourth Notice of Inquiry

In the matter of preparation for a world administrative conference of the International Telecommunication Union to consider amendment of the International Radio Regulations presently applicable to the maritime mobile radio service and new provisions for the radio requirements of the Service of Oceanography, Docket No. 16440.

1. On September 28, 1966, the Commission adopted its third notice of inquiry in this docket, attaching thereto a document setting forth the preliminary views of the United States to the World Administrative Radio Conference (WARC) to deal with matters relating to the maritime mobile service, scheduled to convene in Geneva, Switzerland, on September 16, 1967. Comments were filed by the Radio Technical Commission for Marine Services (RTCM), Collins Radio Co. and Mr. William N. Krebs. No reply comments were filed with the Commission.

2. Additionally, as noted in the third notice of inquiry, the preliminary views were given wide distribution abroad through the Department of State in order to elicit the comments and possible preliminary views of other administrations.

3. Comments filed by RTCM, Collins, and Mr. Krebs pointed out certain errors of fact or omission and some areas in which clarification was desirable. These factors as well as comments received through correspondence and discussions with representatives of other administrations have been taken into consideration in the proposals attached hereto.[1a]

4. The attached document has been developed jointly by the Commission and the Director of Telecommunications Management (DTM). It reflects generally the recommendations of non-Government users and Executive Branch agencies with respect to those items to be considered by the WARC on which U.S. preparatory work has been completed. The Commission and the DTM have recommended to the Department of State that this document be transmitted to the Secretary General of the International Telecommunication Union (ITU) as the formal proposals of the United States with respect to certain items to be considered at the WARC. The Commission has been informed by the Department of State that it concurs in the joint recommendation and will transmit the proposals to the ITU.

5. It is anticipated that additional proposals will be made on items not treated in the attached document as our preparatory work progresses. However, in some instances those proposals must await the results of tests not yet completed or the decisions of international meetings not yet convened. In the meantime, it is important that the items on which work has been completed reach the ITU as soon as possible so that the necessary translations and distribution to other administrations can be made well in advance of the WARC. It is expected that such additional proposals will be made the subject of further notices in this proceeding.

6. Interested parties are invited to file with the Commission their views relative to the attached proposals. Authority for the further Inquiry instituted herein is contained in section 403 of the Communications Act of 1934, as amended. Comments in response to this Inquiry, pursuant to § 1.415 of the Commission's rules, should be submitted on or before April 3, 1967, and reply comments on or before April 18, 1967. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements or comments shall be furnished to the Commission. In reaching its decision in this proceeding, the Commission also may take into account other relevant information before it, in addition to the specific comments invited by this Notice.

Adopted: February 23, 1967.

Released: March 2, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2583; Filed, Mar. 7, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 67-18]

CITY OF LONG BEACH, CALIF., AND EVANS PRODUCTS CO.

Order of Investigation and Hearing

On August 23, 1966, the city of Long Beach, Calif. (Long Beach), filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814), Agreement No. T-1985, a marine terminal lease, between Long Beach and Evans Products Co. (Evans). Long Beach also submitted Agreement No. T-1986, a warehouse lease between Long Beach and South Bay Warehouse Corp. (South Bay), for determination as to whether it is subject to section 15, and for approval if it is found to be subject to section 15.

[1] Commissioner Wadsworth absent.

[1a] Attachment filed as part of the original document.

[2] Commissioner Wadsworth absent.

Agreement No. T–1985 provides for the lease of terminal property by Long Beach to Evans to conduct a public wharfinger business at a rental based on tariff charges which will conform as nearly as possible to Long Beach's tariff rates, but limited to a minimum-maximum payment. Agreement No. T–1986 provides for the lease of property by South Bay to be used for the operation of a warehouse.

The Commission has received comments from the Port of Los Angeles and the San Francisco Port Authority as to whether Agreement No. T–1986 is subject to section 15 of the Shipping Act, 1916, and protests against approval of Agreements No. T–1985 and T–1986. Protestants urge that Agreement No. T–1986 is subject to the provisions of section 15 and that the agreements should not be approved because inter alia, (1) they are unjustly discriminatory between carriers, shippers, and ports, and (2) they constitute an unjust and unreasonable practice relating to the handling and storage of property.

Now, therefore, it is ordered, That the Commission, on its own motion, enter upon an investigation and hearing pursuant to sections 15 and 22 of the Shipping Act, 1916, to determine (1) whether Agreement No. T–1986 is between parties subject to the Shipping Act; (2) whether Agreement No. T–1986, if between parties subject to said Act, is subject to the provisions of section 15; and (3) whether Agreements No. T–1985 and T–1986, if the latter is subject to the provisions of section 15, should be approved, disapproved, or modified under the standards of section 15 of said Act;

It is further ordered, That the city of Long Beach, Evans Products Co., and South Bay Warehouse Corp., are hereby made respondents in this proceeding; and the port of Los Angeles and the San Francisco Port Authority are hereby designated as petitioners; and

It is further ordered, That the proceeding herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Chief Examiner; and

It is further ordered, That notice of this order and notice of hearing be published in the FEDERAL REGISTER, and copy of such order and notice of hearing be served upon respondents and petitioners; and

It is further ordered, That persons other than respondents, petitioners, and Hearing Counsel who desire to become parties in this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 22, 1967, with copy to respondents; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 67–2551; Filed, Mar. 7, 1967; 8:46 a.m.]

[Docket No. 67–17]

MARSEILLES NORTH ATLANTIC U.S.A. FREIGHT CONFERENCE

Order of Investigation and Hearing

The member lines of the Marseilles North Atlantic U.S.A. Freight Conference have filed with the Commission for approval, pursuant to section 15 of the Shipping Act, 1916, an agreement, which has been assigned Federal Maritime Commission No. 5660–7, to amend the basic agreement to establish an admission fee of $10,000.

It appearing that Agreement 5660–7 may establish an unreasonable and unequal term or condition for admission and readmission to Conference membership of other qualified carriers in the trade, or may be detrimental to the commerce of the United States or otherwise in contravention of the statutory requirements of section 15 of the Shipping Act, 1916, and in order to develop a record upon which the Commission may determine whether to approve, disapprove, or modify Agreement 5660–7;

It is ordered, That, pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation be, and is hereby, instituted to determine whether Agreement 5660–7 should be approved, disapproved or modified.

It is further ordered, That the Marseilles North Atlantic U.S.A. Freight Conference and the member lines thereof, as listed in Appendix A hereto, are hereby made respondents in this proceeding; and

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 22, 1967, with a copy to respondents.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX A

Mr. Guy L. Retournat, Secretary, Marseilles North Atlantic U.S.A. Freight Conference, 10, Place de la Joliette, Marseilles 2, France.
American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.
American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108.
Concordia Line, Boise-Griffin Steamship Co., Inc., General Agents, 90 Broad Street, New York, N.Y. 10004.
Constellation Line, Constellation Navigation Inc., General Agents, 85 Broad Street, New York, N.Y. 10004.
Fabre Line, Black Diamond Steamship Co., General Agents, 2 Broadway, New York, N.Y. 10004.
Fassio Line, Norton, Lilly & Co., Inc., General Agents, 26 Beaver Street, New York, N.Y. 10004.
Fresco Line, F. W. Hartmann & Co., Inc., General Agents, 21 West Street, New York, N.Y. 10006.
Hansa Line, F. W. Hartmann & Co., General Agents, 21 West Street, New York, N.Y. 10006.
Zim Israel Navigation Co., Ltd., Mediterranean Agencies, Inc., General Agents, 42 Broadway, New York, N.Y. 10004.

[F.R. Doc. 67–2552; Filed, Mar. 7, 1967; 8:46 a.m.]

MATSON NAVIGATION CO. AND ENCINAL TERMINALS

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. David F. Anderson, Staff Attorney, Matson Navigation Co., 215 Market Street, San Francisco, Calif. 94105.

Agreement No. T–27–5 between Matson Navigation Co. (Matson) and Encinal Terminals (Encinal) is a modification of the basic lease between the parties which provides for the lease of certain property adjacent to Encinal's Berth 5 at Alameda, Calif. to be used exclusively by Matson as a marshalling yard for the handling of containers, automobiles and trucks. The purpose of the modification is to terminate in its entirety Agreement No. T–27, promptly, but in no event later than 120 days after loading or discharging a Matson container vessel with shore-based cranes at Oakland, Calif.'s new container facility.

Dated: March 2, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67–2553; Filed, Mar. 7, 1967; 8:46 a.m.]

JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. A. Cole, Jr., Chairman, Japan-Atlantic & Gulf Freight Conference, Kindai Building, 11, 3-Chome, Kyobashi, Chuo-Ku, Tokyo, Japan.

Agreement 3103–32, between the member lines of the Japan-Atlantic & Gulf Freight Conference (JAGFC), amends Article 4 entitled "Non-Conference Representation," of the basic agreement of the Conference Agreement 3103. The purpose of this amendment is to remove any restrictions on agency representation of "carriers in trades within the scope of the Agreement if they operate as local carriers from Korea and Okinawa to Japan and do not have sailings to U.S. ports of discharge. In effect, a carrier, operating from Korea or Okinawa to Japan, may be represented by an agent of a JAGFC line without the line becoming liable for "loss or damage" to other member lines, as set forth in Article 4.

Dated: March 2, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67–2554; Filed, Mar. 7, 1967; 8:46 a.m.]

STATES MARINE LINES, INC., AND CHINA NAVIGATION CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

J. D. Kenny, Counsel, States Marine Lines, Inc., 90 Broad Street, New York, N.Y. 10004.

Agreement 9622, between States Marine Lines, Inc. (SML), and China Navigation Co. (CNC), covers, and is restricted to the transportation of tobacco under through bills of lading from Norfolk, Va., Charleston, S.C., and New Orleans, La., served by SML to Port Moresby, New Guinea, served by CNC, with transshipment at a port or ports in Japan, under terms and conditions as set forth in the agreement.

Dated: March 2, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67–2555; Filed, Mar. 7, 1967; 8:46 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order No. 1–67]

ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority for Compromise of Claims and for Suspending or Terminating Collection Action

1. *Purpose.* To delegate authority to compromise claims and to suspend or terminate collection action.

2. *Authority and directives affected.* a. This order is issued pursuant to the authority contained in the Federal Claims Collection Act of 1966.

b. All other orders, instructions and memoranda by the Secretary of Labor or other officials of the Department are superseded to the extent they are inconsistent herewith.

3. *Background.* Section 3(b) of the Federal Claims Collection Act of 1966, 80 Stat. 309, provides that the head of an agency or his designee may compromise claims and suspend or terminate collection action on claims which do not exceed $20,000 exclusive of interest prior to the referral of such claims to the General Accounting Office or to the Department of Justice for litigation. Only the Comptroller General or his designee may effect the compromise of a claim that arises out of an exception made by the General Accounting Office in the account of an accountable officer.

4. *Delegation.* a. To facilitate exercising the functions involved in carrying out the compromise of claims and suspension or termination of collection action, the Assistant Secretary for Administration is delegated authority for developing the requisite procedures and for administering these functions as provided in the cited legislation. This includes authority to compromise claims and to suspend or terminate collection action on claims.

b. The Assistant Secretary for Administration will consult the Solicitor for legal advice in the performance of his functions under the Federal Claims Collection Act of 1966.

5. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 2d day of March 1967.

W. WILLARD WIRTZ, *Secretary of Labor.*

[F.R. Doc. 67–2541; Filed, Mar. 7, 1967; 8:45 a.m.]

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods, which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Acme Garment Co., Wentzville, Mo.; 1–4–67 to 1–3–68 (women's jamaicas, surfers, capris, bermudas).

Alabama Textile Products Corp., Brentley, Ala.; 1–1–67 to 12–31–67 (men's work shirts, work jackets).

Allen Garment Co., Nashville, Tenn.; 1–12–67 to 1–11–68 (men's and boys' sport shirts).

Angelica Uniform Co., No. 1, Mountain View, Mo.; 1–1–67 to 12–31–67 (men's washable service garments).

The Arrow Co., Huntingdon, Pa.; 1–20–67 to 1–19–68 (men's sports shirts).

Bali Bra Manufacturing Co., Inc., Johnstown, Pa.; 2–4–67 to 2–3–68 (brassieres).

Berwick Shirt Co., Berwick, Pa.; 1–30–67 to 1–29–68 (men's sport shirts).

Big-Dad Manufacturing Co., Inc., Starke, Fla.; 1–23–67 to 1–22–68 (Men's and boys' pants).

Big Yank Corp., Water Valley, Miss.; 1–28–67 to 1–27–68 (men's and boys' trousers).

H. & L. Block, Inc., Decherd, Tenn.; 12–20–66 to 12–19–67 (men's pants).

Blount Manufacturing Co., Blountsville, Ala.; 1–14–67 to 1–13–68 (children's apparel-pants, outerwear jackets, shirts and shifts).

Boys-Tone Shirt Co., Inc., Center Hill Division, Bailey, Miss.; 1–25–67 to 1–24–68 (boys' sport shirts).

Byrds Manufacturing Corp., Albany, Ky.; 1–9–67 to 1–8–68 (ladies' shirts).

Carthage Garment Corp., Carthage, Miss.; 1–22–67 to 1–21–68 (boys' sport shirts).

Cherryvale Manufacturing Co., Cherryvale, Kans.; 1–10–67 to 1–9–68 (men's work pants).

C&H Sportswear Manufacturing Co., Meshoppen, Pa.; 2–1–67 to 1–31–68; 10 learners (men's and boys' outerwear jackets).

C&J Manufacturing Co., Eastman, Ga.; 1–22–67 to 1–21–68 (boys' shirts).

Checotah Manufacturing Co., Checotah, Okla.; 1–23–67 to 1–22–68 (children's shorts).

City Shirt Corp., Mahanoy City, Pa.; 2–1–67 to 1–31–68 (men's shirts).

Colshire Manufacturing Co., Inc., Morgantwon, W. Va.; 2–1–67 to 1–31–68 (men's pajamas).

Corbin, Ltd., Huntington, W. Va.; 12–30–66 to 12–29–67 (men's trousers and work shirts).

Corman & Wasserman, Inc., Baltimore, Md.; 12–28–66 to 12–27–67 (men's trousers).

Cowden-Greenville Co., Greenville, Ky.; 1–25–67 to 1–24–68 (men's and boys' dungarees and outerwear jackets).

Cowden-Stanford Co., Stanford, Ky.; 1–19–67 to 1–18–68 (men's and boys' dungarees).

Decatur Shirt Corp., Decatur, Miss.; 1–11–67 to 1–10–68 (boys' sport shirts).

Diaper Jeans, Inc., Denison, Tex.; 1–16–67 to 1–15–68 (infants' wear).

Dickson Jenkins Manufacturing Co., Inc., Fort Worth, Tex.; 2–2–67 to 2–1–68 (men's, ladies' and children's pants and shirts).

Dillon Manufacturing Co., Savannah, Tenn.; 12–30–66 to 12–29–67 (men's shirts).

Donlin Sportswear, Inc., New Tazewell, Tenn.; 1–27–67 to 1–26–68 (men's and boys' shirts).

Dunbrooke Shirt Co., Lexington, Mo.; 1–12–67 to 1–11–68 (men's shirts).

E&W of Paragould, Inc., Paragould, Ark.; 2–5–67 to 2–4–68 (boys' sports shirts).

E&W of Dover, Inc., Dover, Tenn.; 1–24–67 to 1–23–68 (men's pants).

E&W of Yazoo City, Inc., Yazoo City, Miss.; 2–1–67 to 1–31–68 (men's and boys' pajamas).

East Salem Manufacturing Co., Mifflintown, Pa.; 12–28–66 to 12–27–67 (men's and boys' shirts, and ladies' blouses and dresses).

Eastwill Sportwear Co., Inc., Greenwood, S.C.; 2–2–67 to 2–1–68 (men's and boys' sport shirts).

Edric Manufacturing Corp., Columbia, Tenn.; 12–30–66 to 12–29–67 (men's shirts).

Eileen-Hope, Inc., Duncannon, Pa.; 12–22–66 to 12–21–67; 10 learners (women's dresses).

Eileen-Hope, Inc., Halifax, Pa.; 12–22–66 to 12–21–67; 10 learners (women's dresses).

Elder Manufacturing Co., McLeansboro, Ill.; 2–7–67 to 2–6–68 (men's and boys' shirts).

Elloree Garment Corp., Elloree, S.C.; 1–18–67 to 1–17–68 (ladies' pajamas and nightgowns).

Elpern Manufacturing Co., Inc., Hagerstown, Md.; 1–5–67 to 1–4–68; 10 learners (children's dresses).

Emporia Garment Co., Inc., Emporia, Va.; 12–30–66 to 12–29–67; 10 learners (children's dresses).

Enterprise Manufacturing Co., Enterprise, Ala.; 1–1–67 to 12–31–67 (men's shirts).

The Enro Shirt Co., Inc., Madisonville, Ky.; 2–1–67 to 1–31–68 (sport shirts).

Evergreen Textiles, Inc., Evergreen, Ala.; 12–29–66 to 12–28–67 (men's slacks).

Garan, Inc., Eupora, Miss.; 12–23–66 to 12–22–67; 10 leaners (men's and boys' shirts).

Garan, Inc., Corinth, Miss.; 1–3–67 to 1–2–68 (boys' shirts).

Garan, Inc., Starkeville, Miss.; 1–3–67 to 1–2–68 (men's and boys' shirts).

Gloria Manufacturing Corp., Newport News, Va.; 1–20–67 to 1–19–68 (girls' dresses).

Hamburg Shirt Corp., Hamburg, Ark.; 2–2–67 to 2–1–68 (boys' shirts).

Hebron Pants Factory, Hebron, Md.; 2–4–67 to 2–3–68 (men's work pants).

Hicks Ponder Co., Del Rio, Tex.; 1–13–67 to 1–12–68 (men's and boys' jeans).

Higginsville Garment Co., Inc., No. 2, Higginsville, Mo.; 12–28–66 to 12–27–67 (ladies' uniforms).

Huggins Garment Co., Inc., Donalds, S.C.; 1–29–67 to 1–28–68 (men's shirts).

Huggins Garment Co., Inc., Due West, S.C.; 1–26–67 to 1–25–68 (men's shirts).

Imperial Reading Corp., Anniston, Ala.; 2–1–67 to 1–31–68 (men's, boys' and ladies' dungarees).

Imperial Reading Corp., Lynchburg, Va.; 1–6–67 to 1–5–68 (misses' sportswear).

F. Jacobson & Sons, Inc., York, Pa.; 2–3–67 to 2–2–68 (men's shirts).

Jaline Togs, Inc., Homer, N.Y.; 1–20–67 to 1–19–68; 10 learners (children's slacks, shorts, playclothes).

The Jay Garment Co., Brookville, Ind.; 1–24–67 to 1–23–68 (men's and boys' pants).

The Jay Garment Co., Portland, Ind.; 1–24–67 to 1–23–68 (men's work clothing).

Jomax Apparel Co., York, Pa.; 2–1–67 to 1–31–68; 10 learners (ladies' dresses and shirts).

Kellwood Co., Rutherford, Tenn.; 1–3–67 to 1–2–68 (outerwear jackets).

Kinston Shirt Co., Kinston, N.C.; 1–31–67 to 1–30–68 (men's shirts).

Klos Manufacturing Co., Inc., Muskogee, Okla.; 1–8–67 to 1–7–68; 10 learners (children's shorts and pants).

L&H Shirt Co., Cochran, Ga.; 1–22–67 to 1–21–68 (boys' shirts).

The H. D. Lee Co., Inc., Sulphur Springs, Tex.; 1–20–67 to 1–19–68 (western pants).

The Loudoun Manufacturing Co., Emmitsburg, Md.; 1–3–67 to 1–2–68; 10 learners (men's trousers).

The Manhattan Shirt Co., Charleston, S.C.; 1–11–67 to 1–10–68 (men's shirts).

The Manhattan Shirt Co., Lexington, N.C.; 1–17–67 to 1–16–68 (men's shirts).

The Manhattan Shirt Co., Jesup, Ga.; 1–17–67 to 1–16–68 (men's shirts).

The Manhattan Shirt Co., Ashburn, Ga.; 1–17–67 to 1–16–68 (men's pajamas and shirts).

The Manhattan Shirt Co., Salisbury, Md.; 1–30–67 to 1–29–68 (men's and ladies' shirts).

Manufacturers' Sportswear, Inc., Scranton, Pa.; 1–6–67 to 1–5–68 (boys' trousers).

Marcus Manufacturing Co., Inc., Nowata, Okla.; 12–22–66 to 12–21–67; 10 learners (men's slacks).

Mill Apparel Co., Inc., Millville, Pa.; 2–1–67 to 1–31–68 (women's dresses).

Mode O'Day Co., No. 6, Ottawa, Kans.; 1–1–67 to 12–31–67; 10 learners (ladies' dresses).

Mount Airy Pants Factory, Mount Airy, Md.; 1–29–67 to 1–28–68; 10 learners (men's work pants).

Pollak Bros., Inc., Fort Wayne, Ind.; 1–13–67 to 1–12–68 (ladies' dresses).

Powellville Pants Factory, Powellville, Md.; 1–27–67 to 1–26–68; 10 learners (men's work pants).

Prairie Manufacturing Co., East Prairie, Mo.; 1–30–67 to 1–29–68 (men's and boys' pants).

Primo Pants Co., Versailles, Mo.; 2–1–67 to 1–31–68 (men's pants).

Princess Kent, Inc., Fort Kent, Maine; 1–14–67 to 1–13–68; 10 learners (children's nightwear).

Publix Tennessee Corp., Huntingdon, Tenn.; 1–6–67 to 1–5–68 (men's and boys' shirts).

Publix Shirt Corp., Hazleton, Pa.; 1–30–67 to 1–29–68 (men's and boys' shirts).

Punxy Sportswear Co., Inc., Punxsutawney, Pa.; 12–22–66 to 12–21–67 (misses' and ladies' slacks and blouses).

The Raleigh Corp., Raleigh, Miss.; 1–31–67 to 1–30–68 (ladies' slacks).

Reidbord Bros. Co., No. 2, Elkins, W. Va.; 2–5–67 to 2–4–68 (men's and boys' trousers).

Richfield Manufacturing Co., Richfield, Pa.; 12–28–66 to 12–27–67 (men's and boys' shirts).

Rosebud Manufacturing Co., Vidalia, Ga.; 12–1–67 to 1–31–68 (women's lingerie).

Rowland Manufacturing Co., Rowland, N.C.; 2–11–67 to 2–10–68 (men's and boys' shirts).

Salant & Salant, Inc., Lawrenceburg, Tenn.; 1–20–67 to 1–19–68 (men's work shirts).

Saluda Shirt Co., Saluda, S.C.; 2–9–67 to 2–8–68 (ladies' blouses).

Samsons Manufacturing Corp., Wilson, N.C.; 2–9–67 to 2–8–68 (men's shirts).

Sanford Manufacturing Co., Wilkes-Barre, Pa.; 2–3–67 to 2–2–68 (men's and boys' trousers and ladies' slacks).

Shamrock of Dublin, Ltd., Dublin, Ga.; 1–30–67 to 1–29–68 (men's and boys' slacks).

Sharon Manufacturing Co., Sharon, Tenn.; 2–1–67 to 1–31–68 (children's pajamas).

Siceloff Manufacturing Co., Inc., Lexington, N.C.; 2–1–67 to 1–31–68 (men's and boys' pants, work shirts and dungarees).

Henry I. Siegel Co., Inc., Tiptonville, Tenn.; 2–1–67 to 1–31–68 (men's and boys' outerwear coats and dungarees).

Boris Smoler & Sons, Inc., Elkhart, Ind.; 1–5–67 to 1–4–68 (dresses).

Boris Smoler & Sons, Inc., La Porte, Ind.; 1–3–67 to 1–2–68; 10 learners (dresses).

Soperton Manufacturing Co., Soperton, Ga.; 2–3–67 to 2–2–68 (men's shirts).

Sparta Garment Co., Inc., Sparta, Ga.; 2–1–67 to 1–31–68 (men's and boys' trousers).

Spartans Industries, Inc., Dunlap, Tenn.; 1–18–67 to 1–17–68 (ladies' dresses and blouses).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn.; 1–2–67 to 1–1–68 (men's and boys' pants).

W. E. Stephens Manufacturing Co., Inc., Watertown, Tenn.; 1–14–67 to 1–13–68; 10 learners (men's and boys' shirts, ladies' and girls' shorts and slacks).

Stitchcraft, Inc., Athens, Ga.; 1–10–67 to 1–9–68; 10 learners (ladies' dresses).

Levi Strauss & Co., Murphy, N.C.; 2–1–67 to 1–31–68 (men's and boys' trousers).

Levi Strauss & Co., Warsaw, Va.; 1–30–67 to 1–29–68 (work pants).

Sturgis Clothing Co., Sturgis, Ky.; 2–1–67 to 1–31–68 (men's pants).

Swirl, Inc., Easley, S.C.; 1–13–67 to 1–12–68 (women's dresses).

Tellico Manufacturing Co., Inc., Tellico Plains, Tenn.; 1–20–67 to 1–19–68 (men's trousers).

Tennessee Overall Co., Tullahoma, Tenn.; 1–29–67 to 1–28–68 (men's pants).

Top Notch Manufacturing Co., Inc., El Paso, Tex.; 2–1–67 to 1–31–68 (men's and boys' overalls).

The Turner Manufacturing Co., Goodlettsville, Tenn.; 1–10–67 to 1–9–68 (ladies' blouses).

Vernon Manufacturing Co., Inc., Vernon, Tex.; 1–1–67 to 12–31–67 (men's and boys' trousers).

The Warner Bros. Co., Thomasville, Ga.; 12–28–66 to 12–27–67 (corsets and brassieres).

The Warner Bros. Co., Moultrie, Ga.; 1–5–67 to 1–4–68 (corsets and brassieres).

Wayne Industries, Inc., Jellico, Tenn.; 2–1–67 to 1–31–68 (men's trousers).

Wilker Bros. Co., Inc., McKenzie, Tenn.; 1–17–67 to 1–16–68 (men's, boys' and ladies' pajamas).

Willards Shirt Co., Willards, Md.; 1–29–67 to 1–28–68; 10 learners (men's work shirts).

Wood Garment Manufacturing Co., Inc., Crane, Mo.; 2–1–67 to 1–31–68 (men's, boys', ladies', and girls' dungarees).

Wood Garment Manufacturing Co., Inc., Republic, Mo.; 2–1–67 to 1–31–68 (men's trousers).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Angelica Uniform Co., No. 1, Mountain View, Mo.; 1–13–67 to 7–12–67; 70 learners (men's washable service coats).

Angelica Uniform Co., No. 2, Mountain View, Mo.; 1–13–67 to 7–12–67; 90 learners (men's and women's washable uniforms).

Big-Dad Manufacturing Co., Inc., Starke, Fla.; 1–12–67 to 7–11–67; 105 learners (men's and boys' pants).

Blount Manufacturing Co., Blountsville, Ala.; 1–14–67 to 7–13–67; 30 learners (children's apparel-pants, outerwear jackets, shirts and shifts).

Boys-Tone Shirt Co., Inc., Bailey, Miss.; 1–25–67 to 7–24–67; 25 learners (boys' shirts).

C&R Manufacturing Co., Rector, Ark.; 1–16–67 to 7–15–67; 50 learners (men's trousers).

Cowden-Ohio Co., Beaver Dam, Ky.; 1–26–67 to 7–25–67; 35 learners (work clothes, dungarees).

Duncan Manufacturing Co., Duncan, Okla.; 2–1–67 to 7–31–67; 100 learners (men's and boys' trousers).

Emporia Garment Co., Inc., Emporia, Va.; 1–9–67 to 7–8–67; 20 learners (children's dresses).

Etowah Industries, Inc., Etowah, Tenn.; 2–1–67 to 7–31–67; 50 learners (outerwear jackets).

Formflex of Arizona, Inc., Phoenix, Ariz.; 1–3–67 to 7–2–67; 15 learners (girdles).

Marcus Manufacturing Co., Inc., Nowata, Okla.; 12–28–66 to 6–27–67; 15 learners (men's slacks).

Middleburg Sportswear, Inc., Middleburg, Pa.; 1–8–67 to 7–7–67; 10 learners (women's dresses).

Monroe Industries, Tellico Plains, Tenn.; 1–16–67 to 7–15–67; 40 learners (men's and boys' shirts).

Pecos Garment Co., Pecos, Tex.; 1–24–67 to 7–23–67; 40 learners (men's and boys' dungarees).

Rothley, Inc., Taylorville, Ill.; 1–6–67 to 7–5–67; 20 learners (dresses).

Tellico Manufacturing Co., Inc., Tellico Plains, Tenn.; 1–20–67 to 7–19–67; 75 learners (men's trousers).

The Van Heusen Co., Hazen, Ark.; 2–1–67 to 7–31–67; 100 learners (men's shirts).

Wayne Industries, Inc., Jellico, Tenn.; 2–1–67 to 7–31–67; 35 learners (men's trousers).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Edmont-Wilson, Coshocton, Ohio; 2–1–67 to 1–31–68; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Edmont-Wilson, Mount Vernon, Ohio; 1–31–67 to 7–30–67; 10 learners for plant expansion purposes (work gloves).

Edmont-Wilson, Mount Vernon, Ohio; 1–31–67 to 7–30–67; 10 percent of the total number of machine stitchers for normal labor turnover purposes. (work gloves).

Indianapolis Glove Co., Inc., Mount Ida, Ark.; 1–22–67 to 1–21–68; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Marson & Rodenborn Manufacturing Co., Fort Dodge, Iowa; 12–28–66 to 12–27–67; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Belmont Hosiery Mills, Inc., Belmont, N.C.; 2–1–67 to 1–31–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Belmont Knitting Co., Belmont, N.C.; 1–30–67 to 1–29–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Dothan Hosiery Co., Dothan, Ala.; 1–25–67 to 1–24–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Elizabeth City Hosiery Mills, Elizabeth City, N.C.; 1–5–67 to 1–4–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Elizabeth City Hosiery Mills, Elizabeth City, N.C.; 1–5–67 to 7–4–67; 30 learners for plant expansion purposes (seamless).

C. D. Jessup & Co., Claremont, N.C.; 12–27–66 to 12–26–67; 5 learners for normal labor turnover purposes (seamless).

Roane Hosiery, Inc., Harriman, Tenn.; 1–3–67 to 1–2–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

U.S. Industries, Inc., the Batesville Co. Division, Batesville, Miss.; 2–3–67 to 8–2–67; 20 learners for plant expansion purposes (seamless).

U.S. Industries, Inc., National Mills Division, Grenada, Miss.; 1–25–67 to 1–24–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless, full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Ainsbrooke, Division of Genesco, Inc., Carmi, Ill.; 2–1–67 to 1–31–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's woven underwear).

Eagleknit, Inc., Shawno, Wis.; 1–17–67 to 7–16–67; 10 learners for plant expansion purposes (children's knit garments).

Eagleknit, Inc., Shawno, Wis.; 1–17–67 to 1–16–68; five learners for normal labor turnover purposes (children's knit garments).

The H. W. Gossard Co., Troy, Mo.; 1–27–67 to 1–26–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and nightwear).

The H. W. Gossard Co., Bristow, Okla.; 1–20–67 to 1–19–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's knit and woven underwear and nightwear).

The H. W. Gossard Co., Malden, Mo.; 1–24–67 to 1–23–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's knit and woven underwear and nightwear).

Hazlehurst Manufacturing Co., Inc., Hazlehurst, Ga.; 2–14–67 to 2–13–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's underwear).

Mistee Lingerie, Inc., Boyertown, Pa.; 1–25–67 to 1–24–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Walter W. Moyer Co., Inc., Ephrata, Pa.; 2–1–67 to 1–31–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (knitted underwear).

Russell Mills, Inc., Montgomery, Ala.; 2–1–67 to 1–31–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (tee shirts).

Russell Mills, Inc., Montgomery, Ala.; 2–1–67 to 7–31–67; 25 learners for plant expansion purposes (tee shirts).

Van Raalte Co., Inc., Middleburg, Vt.; 1–26–67 to 1–25–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear and nightwear).

Van Raalte Co., Inc., Franklin, N.C.; 1–20–67 to 7–19–67; 25 learners for plant expansion purposes (ladies' lingerie).

Van Raalte Co., Inc., Franklin, N.C.; 1–20–67 to 1–19–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Wolverine Knitting Mills, Inc., Bay City, Mich.; 2–1–67 to 1–31–68; 5 percent of the total number of factory production workers for normal labor turnover purposes. Learners may not be employed at especial minimum wages in the manufacture of robes (women's underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The Graham Co., Waco, Tex.; 2–1–67 to 7–31–67; six learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of not less than $1.25 an hour (embroidery and chenille sport letters).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Adele Manufacturing Corp., Rio Grande, P.R.; 12–5–66 to 12–4–67; five learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (men's cotton shorts).

Alfredo Manufacturing Corp., Rio Grande, P.R.; 12–5–66 to 12–4–67; 17 learners for normal labor turnover purposes in the occupations of sewing machine operating, final pressing, each for a learning period of 320 hours at the rate of 75 cents an hour (men's cotton pajamas).

Bayuk International, Inc., Ciales, P.R.; 12-6-66 to 4-15-67; 17 learners for normal labor turnover purposes in the occupations of sorting, sizing, tying and grading, each for a learning period of 240 hours at the rate of 80 cents an hour (wrapper type tobacco).

Eleven Eleven Corp., Bayamon, P.R.; 11-28-66 to 11-27-67; 10 learners for normal labor turnover purposes in the occupations of: (1) Pairing, for a learning period of 360 hours at the rate of 69 cents an hour, and (2) knitting, seaming, examining, preboarding and boarding; each for a learning period of 240 hours at the rate of 69 cents an hour (men's and boys' socks).

Mesana Dyeing & Finishing, Inc., Quebradillas, P.R.; 12-5-66 to 6-4-67; 29 learners for plant expansion purposes in the occupations of: (1) Sewing machine operating, hand sewing, final pressing; each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours; and (2) dyeing machine operating, dryer machine operating; each for a learning period of 240 hours at the rate of 88 cents an hour (dyeing and finishing of sweaters, skirts, dresses, and men's shirts).

Mesana Dyeing & Finishing, Inc., Quebradillas, P.R.; 12-5-66 to 12-4-67; 10 learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operating, hand sewing, final pressing; each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours; and (2) dyeing machine operating, dryer machine operating; each for a learning period of 240 hours at the rate of 88 cents an hour (dyeing and finishing of sweaters, skirts, dresses and men's shirts).

Plata Gloves, Inc., Cayey, P.R.; 11-28-66 to 11-27-67; eight learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours (ladies' fabric and leather gloves).

Plata Gloves, Inc., Cayey, P.R.; 11-28-66 to 3-31-67; two learners for plant expansion purposes in the occupation of die and clicker machine operating, for a learning period of 160 hours at the rate of 80 cents an hour (ladies' fabric and leather gloves).

Rio Monte Manuracturing Corp., Rio Grande, P.R.; 12-5-66 to 12-4-67; 5 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (men's cotton pajamas).

Swan Hook & Eye Corp., Arecibo, P.R.; 12-12-66 to 5-13-67; 26 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 92 cents an hour (eye tape on elastic) (replacement certificate).

Swan Textile Finishing Corp., Arecibo, P.R.; 11-14-66 to 5-13-67; 18 learners for plant expansion purposes in the occupations of folding machine operating, tending, fixing, each for a learning period of 240 hours at the rate of 78 cents an hour (dyeing of tricot cloth).

Swan Tricot Mills Corp., Arecibo, P.R.; 11-14-66 to 5-13-67; 28 learners for plant expansion purposes in the occupation of machine knitting, for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 85 cents an hour for the remaining 240 hours (tricot cloth).

United Corp., Cabo Rojo, P.R.; 12-8-66 to 3-31-67; 50 learners for plant expansion purposes in the occupations of: (1) Machine stitching, laying-off, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; and (2) die and clicker machine operating, for a learning period of 160 hours at the rate of 80 cents an hour (leather gloves).

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 24th day of February 1967.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 67-2540; Filed, Mar. 7, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[24FW-1395]

AUTROPONICS, INC.

Notice and Order for Hearing

MARCH 2, 1967.

I. Autroponics, Inc., 21 Turtle Creek Square, Dallas, Tex., a corporation, organized under the laws of Texas on September 14, 1965, and having its principal office located at 21 Turtle Creek Square, Dallas, Tex., filed with the Commission on September 15, 1966, a notification on Form 1-A, with attached exhibits, including an offering circular, relating to the company's proposed offering of 118,300 shares of its $1 par value per share common stock at the price of $1.875 per share, or an aggregate offering price to the public of $221,812.50, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission, on January 23, 1967, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. The Commission has received a written request for a hearing from Autroponics, Inc.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10 a.m., June 26, 1967, at the Fort Worth Regional Office, 503 U.S. Courthouse, 10th and Lamar Streets, Fort Worth, Tex. 76102, with respect to the matters set forth in section II of the Commission's order dated January 23, 1967, which temporarily suspended the Regulation A exemption of Autroponics, Inc., without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. *It is further ordered*, That an officer or officers to be appointed by the Commission for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by certified mail on Autroponics, that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before June 22, 1967, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-2543; Filed, Mar. 7, 1967; 8:46 a.m.]

[24C-2754]

INDUSTRIAL KINETICS, INC.

Notice and Order for Hearing

MARCH 2, 1967.

I. Industrial Kinetics, Inc. (issuer), 1972 Grand Avenue, St. Paul, Minn., a Minnesota corporation, incorporated February 27, 1961, with its principal and only office at 1972 Grand Avenue, St. Paul, Minn., filed with the Commission on April 6, 1966, a notification on Form 1-A and an offering circular relating to a proposed offering of 165,000 shares of $0.05 par value common stock and 16,500 shares of 5 percent preferred $10 par value noncumulative stock in units of 100 shares of common and 10 shares of preferred stock for a total price per unit of $120.75 and an aggregate offering price of $200,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission, on January 16, 1967, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. On February 10, 1967, the issuer submitted a written request for a hearing.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10 a.m., April 10, 1967, at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, at such room as may be designated on such date by the hearing room clerk, with respect to the matters set forth in section II of the Commission's order dated January 16, 1967, which temporarily suspended the Regulation A exemption of Industrial Kinetics, Inc., without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. *It is further ordered*, That an officer or officers of the Commission, designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by certified mail on Industrial Kinetics, Inc., and that notice of the entry of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before April 6, 1967, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That Industrial Kinetics, Inc., pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in the Commission's order dated January 16, 1967. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Industrial Kinetics, Inc., does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in the Commission's order dated January 16, 1967.

Notice is hereby given, That if Industrial Kinetics, Inc., fails to file an answer pursuant to 17 CFR 201.7 within 15 days after service upon it of this notice and order for hearing, the proceedings may be determined against Industrial Kinetics, Inc., by the Commission upon consideration of this notice and order for hearing and said allegations in the Commission's order dated January 16, 1967, may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-2544; Filed, Mar. 7, 1967; 8:46 a.m.]

TARIFF COMMISSION

[APTA-W-8]

EATON, YALE & TOWNE, INC.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Upon receipt on February 28, 1967, of a request therefor from the Automotive Agreement Adjustment Assistance Board, the Tariff Commission instituted an investigation pursuant to section 302(e), Automotive Products Trade Act of 1965, with respect to a petition filed with the Board by the United Steel Workers of America, on behalf of a group of workers at Eaton, Yale & Towne, Inc., Lackawanna, N.Y. The petition alleges that by reason of the transfer from Lackawanna to Canada of the production of automotive leaf springs dislocation of the group of workers is scheduled to occur, beginning April 1, 1967, and that the operation of the United States-Canadian Automotive Agreement is the primary factor threatening to cause such dislocation. The Commission is conducting the investigation to provide a factual record on the basis of which the Board may make the determinations required by section 302 of the Act.

No hearing has been scheduled. A hearing will be held on request of any party showing a proper interest in the subject matter of the investigation, provided the request is filed with the Secretary of the Tariff Commission within 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 3, 1967.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 67-2559; Filed, Mar. 7, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3244 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 23, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 16, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3244	Phillips Petroleum Co.,[3] Bartlesville, Okla. 74003.	El Paso Natural Gas Co., Kermit Area, Winkler County, Tex.	[1] 16.66	14.65
9-4-66 [4]	Ermar Oil Corp. (successor to Joseph S. Gruss), N.Y. 10004.	El Paso Natural Gas Co., Spraberry Trend Area Field, Glasscock and Reagan Counties, Tex.	[2] 14.64	14.65
G-3608	Hamilton Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	United Gas Pipe Line Co., acreage in Pearl River County, Miss.	[2] 17.2295	14.65
E 2-3-67			Assigned	
G-8618	Tidewater Oil Co.,[5] Post Office Box 1404, Houston, Tex. 77001.	El Paso Natural Gas Co., West Keitz Field, San Juan County, N. Mex.	12.0	15.025
D 2-16-67				
G-10799	Orlob Oil Co. (Operator) et al., 2000 The Six Hundred Bldg., Corpus Christi, Tex. 78401.	Transcontinental Gas Pipe Line Corp., Block 105 of Block 100 Field, Eugene Island Area, Offshore Louisiana.	21.5	15.025
C 2-13-67				
G-16390	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	Texas Gas Transmission Corp., Mandeo Field, Webster Parish, La.	18.25	15.025
G-17882	Pan American Petroleum Corp. (Operator) et al.	Cities Service Gas Co., Winchester Field, Woods County, Okla.	13.0	14.65
C 2-13-67				
C168-966	J. Lee Youngblood (successor to J. Lee Youngblood (Operator) et al.), Post Office Box 1866, Dallas, Tex. 75221.	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	Uneconomical	
E 2-14-67				
C168-1061	Consolidated Oil & Gas, Inc., 4150 East Mexico Ave., Denver, Colo. 80222 (partial abandonment).	El Paso Natural Gas Co., Eunice Field, Lea County, N. Mex.	[3] 16.66	14.65
D 2-9-67			[4] 14.51	
C165-273	Phillips Petroleum Co., Operator.[3]	El Paso Natural Gas Co., Gold-smith Area, Ector County, Tex.	[3] 16.74	14.65
7-19-66 [4]	do.[3]	Atlantic Richfield Oil & Gas Co., Southeast Lahoma Field, Major County, Okla.	[4] 14.50	
2-28-67			15.0	
C165-624	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Six Mile Field, Beaver County, Okla.	[2] 14.0	14.65
6-20-66 [4]				
C165-1309				
C 2-13-67				
C165-1310	Robert E. Aikman et al. d.b.a. A.I.K., Ltd., 706 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Southern Natural Gas Co., Logansport Field, De Soto Parish, La.	13.82	15.025
C 2-7-67				
C166-524	Marshall Exploration, Inc., 305 West Rusk St., Marshall, Tex. 75670.	El Paso Natural Gas Co., Wilson Plant, Eunice Field, Lea County, N. Mex.	[10] 15.5	14.65
C 2-15-67				
C166-905	Phillips Petroleum Co.[3]	El Paso Natural Gas Co., Flora Vista Mesaverde Field, San Juan County, N. Mex.	13.0	15.025
A 2-9-67 [4]				
4-26-66 [4]				
C166-1038	J. Gregory Merrion et al. (successor to Tidewater Oil Co.), c/o Robert L. Bayless, Box 1541, Farmington, N. Mex.	Northern Natural Gas Co., Ellwood Field, Ellis County, Okla.	[11] 17.0	14.65
(C162-185)				
C 2-8-67 [11]				
C166-1276	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	Arkansas Louisiana Gas Co., South Bokoshe Field, Le Flore County, Okla.	15.0	14.65
C 2-15-67	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.			
C167-274			Depleted	
C 2-14-67				
C167-990	Texaco Inc. (formerly Producers Corp. of Nevada), Post Office Box 1668, Midland, Tex. 79701.	Transcontinental Gas Pipe Line Corp., Tyson Field, Bee County, Tex.	15.0	14.65
B 2-6-67				
C167-1002	George R. Brown et al., c/o J. L. Bianchi, attorney, 1201 San Jacinto Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., North Panther Reef Field, Calhoun County, Tex.	[2] 17.0	14.65
A 2-9-67				
C167-1003	National Cooperative Refinery Association, 500 Farmers & Bankers Bldg., Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., acreage in Texas County, Okla.		
A 2-9-67				

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-1039	W. G. Rogers et al., c/o Jacob Goldberg, Attorney, 810 Pennsylvania Ave., Washington, D.C. 20004.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Area, Beaver County, Okla.	[1] 17.0	14.65
A 2-10-67				
C167-1040	Ann K. Wise, 585 South Negley Ave., Pittsburgh, Pa. 15232.	The Manufacturers Light & Heat Co., Somerset Township, Washington County, Pa.	22.5	15.325
A 2-13-67				
C167-1041	Bridwell Oil Co., Post Office Box 1830, Wichita Falls, Tex. 76307.	Coastal States Gas Producing Co. et al., Johns Field Area, Duval County, Tex.	Depleted	
B 2-13-67				
C167-1042	Robert Mosbacher	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., North Texana Field, Jackson County, Tex.	[12]	
B 2-13-67				
C167-1043	Vernon J. Main, Jr., c/o Duncan M. Smith, Jr., attorney, Post Office Box 51643, Oil Center Station, Lafayette, La. 70501.	Texas Gas Transmission Corp., Oberlin Field, Allen Parish, La.	[13] 16.75	15.025
A 2-13-67				
C167-1044	An-Son Corp.	Panhandle Eastern Pipe Line Co., South Keyes Field, Cimarron County, Okla.	[1] 17.0	14.65
A 2-13-67				
C167-1045	Westmore Drilling Co., Inc. (Operator), et al., Post Office Box 206, Medicine Lodge, Kans. 67202.	Colorado Interstate Gas Co., Nurse Northeast Pool, Barber County, Kans.	14.0	14.65
A 2-14-67				
C167-1046 (C161-478) F 2-13-67	Pan American Petroleum Corp. (successor to W. B. Osborn, Jr., et al.),	Colorado Interstate Gas Co., Northeast Lemon Field, Haskell County, Okla.	[17] 16.8	14.65
C167-1047	Delta Producing Corp., c/o James N. Ryan, vice president, Post Office Box 2051, Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
A 2-15-67				
C167-1048	Lonita Oil Corp., Inc., 704 Bitting Bldg., Wichita, Kans. 67202.	Wunderlich Development Co., acreage in Cowley County, Kans.	6.2	14.65
A 2-15-67				
C167-1049	Central Gas Co., et al., Post Office Box 1223, Charleston, W. Va. 25324.	Consolidated Gas Supply Corp., Sheridan District, Calhoun County, W. Va.	25.0	15.325
A 2-15-67				
C167-1050	George C. McGhee (Operator) et al., c/o Drew Cornell, Inc., Post Office Box 51267, Oil Center Station, Lafayette, La. 70501.	Texas Gas Transmission Corp., South Bayou Mallett Field, Acadia Parish, La.	Depleted	
B 2-14-67				

[1] Amendment to the certificate filed to increase daily contract quantity.
[2] By letter dated Jan. 25, 1967, Applicant advised willingness to accept permanent authorization pursuant to Opinion Nos. 468 and 468–A.
[3] Applicable area rate for residue gas derived from new gas well gas.
[4] Applicable area rate for residue gas not derived from new gas well gas.
[5] Rate in effect subject to refund in Docket No. RI60–74.
[6] Application previously noticed Aug. 4, 1965, in Docket Nos. G–3629 et al. at a total initial rate of 16 cents per Mcf.
[7] Subject to upward and downward B.t.u. adjustment.
[8] Amendment to increase daily contract quantity.
[9] By letter dated Jan. 27, 1967, Applicant advised willingness to accept permanent authorization pursuant to Opinion Nos. 468 and 468–A.
[10] Base area rate subject to further adjustment for quality deviations plus State and local production taxes in effect as of Sept. 1, 1965.
[11] Adds acreage acquired from Tidewater Oil Co., Docket No. CI62–185.
[12] Plus B.t.u. adjustment.
[13] Applicant states its willingness to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468–A.
[14] No deliveries have been made since August 1957, nor is it anticipated that any further deliveries will be made.
[15] Well ceased to produce in 1964.
[16] Includes 1.75 cents tax reimbursement.
[17] Includes 0.8 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 67–2493; Filed, Mar. 7, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 3, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40920—*Clay to Newark, Ohio.* Filed by O. W. South, Jr., agent (No. A4991), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, from Aberdeen and Amory, Miss., to Newark, Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 253 to Southern Freight Association, agent, tariff ICC S–40.

FSA No. 40921—*Chlorine to Louisville, Ky.* Filed by O. W. South, Jr., agent (No. A4992), for interested rail carriers. Rates on chlorine, in tank cars, in shipments of not less than 5 tank carloads, from Acme, N.C., and Brunswick, Ga., to Louisville, Ky.

Grounds for relief—Market competition.

Tariffs—Supplements 76 and 57 to Southern Freight Association, agent, tariffs ICC S–517 and S–600, respectively.

FSA No. 40922—*Chlorine to Kingsport, Tenn.* Filed by O. W. South, Jr., agent (No. A4993), for and on behalf of Southern Railway Co. Rates on chlorine, in tank carloads, from Brunswick, Ga., to Kingsport, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 57 to Southern Freight Association, agent, tariff ICC S–600.

FSA No. 40923—*Chlorine to Kingsport, Tenn.* Filed by O. W. South, Jr., agent (No. A4994), for interested rail carriers. Rates on chlorine, in tank carloads, from Acme, N.C., to Kingsport, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 76 to Southern Freight Association, agent, tariff ICC S–517.

FSA No. 40924—*Chlorine to Port St. Joe, Fla.* Filed by O. W. South, Jr., agent (No. A4995), for interested rail carriers. Rates on chlorine, in tank cars, in shipments of not less than 5 tank carloads, from Vicksburg, Miss., and Memphis, Tenn., to Port St. Joe, Fla.

Grounds for relief—Market competition.

Tariffs—Supplements 134 and 124 to Southern Freight Association, agent, tariffs ICC S–397 and S–484, respectively.

FSA No. 40925—*Phosphatic fertilizer solution to Henry, Ill.* Filed by O. W. South, Jr., agent (No. A4996), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, but not less than 200,000 pounds per car, subject to volume minimum of not less than 2,000 net tons per shipment, from Ridgewood, Fla., to Henry, Ill.

Grounds for relief—Truck-barge competition.

Tariff—Supplement 26 to Southern Freight Association, agent, tariff ICC S–632.

FSA No. 40926—*Potassium (potash) to points in Idaho, Oregon, and Washington.* Filed by G. H. Mitchell, agent (No. 14), for interested rail carriers. Rates on potassium (potash), in carloads, as described in the application, from Cutarm, Saskatchewan, Canada, to points in Idaho, Oregon, and Washington.

Grounds for relief—Market competition.

Tariff—Supplement 35 to G. H. Mitchell, agent, tariff ICC 144.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–2560; Filed, Mar. 7, 1967; 8:47 a.m.]

[No. MC–C–5388]

ARROW CARRIER CORP.

Petition for Declaratory Order To Terminate Controversies and Remove Uncertainties in Operating Authority

MARCH 3, 1967.

Petitioner: ARROW CARRIER CORPORATION, 50 Moonachie Avenue, Carlstadt, N.J. Petitioner's attorneys: Bryce Rea, Jr., Thomas M. Knebel, 1329 E Street NW., Washington, D.C. 20004, and Ralph S. Snyder, 1719 Packard Building, Philadelphia, Pa. 19102. By petition filed January 25, 1967, petitioner states that it holds certificate No. MC–71536 and subs thereunder, authorizing

the transportation of property, in interstate or foreign commerce, between points in the States of Vermont, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, and that, specifically, it is authorized to transport general commodities, with exceptions: (1) Under Sub-No. 3, between Philadelphia, Pa., on the one hand, and, on the other, points within 15 miles of Philadelphia, and (2) under Sub-No. 1, between Allentown and Morrisville, Pa., serving all intermediate points, and between Allentown, Pa., and numerous Pennsylvania points, including those listed above. Petitioner states that on December 15, 1966, it relocated its Philadelphia, Pa., terminal at Pennsauken, N.J. (directly across the Delaware River from Philadelphia), which new terminal it uses as an interchange point and as the consolidation and break-bulk point on all traffic it moves from or to Philadelphia. Since the relocation of the Philadelphia terminal at Pennsauken, shippers at Philadelphia, who use the service of petitioner in the movements of shipments to points beyond Pennsylvania, have begun commingling with such shipments and tendering to petitioner other shipments destined to points within Pennsylvania such as Allentown, Bethlehem, and Scranton.

Petitioner states it is accepting these shipments and handling them in the normal course of its operations, that is, moving them in pickup vehicles to its terminal at Pennsauken and there consolidating them in over-the-road vehicles with shipments that are terminaled there in the course of movement from points in New Jersey within 15 miles of Philadelphia, Delaware, Maryland, Virginia, and the District of Columbia, on the one hand, to points such as Allentown, Bethlehem, and Scranton, on the other. The commingled shipments are then dispatched in line haul service and routed as follows: Utilizing Arrow's Sub-No. 3 authority permitting transportation between Philadelphia, Pa., on the one hand, and, on the other, points within 15 miles of Philadelphia, the vehicle proceeds across the Palmyra Bridge and follows Route 73 to Lansdale, Pa., an intermediate point between Allentown and Morrisville (Sub-No. 1) and within the 15-mile radial authority of Sub-No. 3; tacking these authorities, the vehicle proceeds on U.S. 309 to U.S. 22, thence to Arrow's terminal at Bethlehem, from which point the shipments are routed to their destinations under Arrow's authority in Sub-No. 1 and its original certificate. Petitioner states that to a lesser extent a similar service on commingled shipments is provided in the reverse direction. Petitioner prays that the Interstate Commerce Commission issue an order declaring that the transportation described above, of shipments originating at a point in Pennsylvania, and moving to the Pennsauken terminal, and then moving to another point in Pennsylvania, is in interstate commerce, and is being lawfully performed by petitioner under the certificates of public convenience and necessity issued to it by the Interstate Commerce Commission. Any interested person or persons desiring to participate in the matter may do so by filing an original and six copies of his or their written representations, views, or arguments, in support of, or against the petition, within 30 days from the date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2561; Filed, Mar. 7, 1967; 8:47 a.m.]

[Notice 436]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 3, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 21170 (Deviation No. 3), BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50518, filed February 21, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 270 (east of St. Louis, Mo.), thence over Interstate Highway 270 to junction Interstate Highway 70 (west of St. Louis, Mo.), thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Kansas City, Kans., over city streets to Kansas City, Mo., thence over Alternate U.S. Highway 69 to junction U.S. Highway 69, thence over U.S. Highway 69 via Cameron, Mo., to Ames, Iowa, (2) from Kansas City, Kans., to Kansas City, Mo., as specified above, thence over U.S. Highway 71 to St. Joseph, Mo., thence over U.S. Highway 36 to Cameron, Mo., thence to Ames, Iowa, as specified above, and (3) from Chicago, Ill., over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 to Rock Island, Ill., thence over U.S. Highway 6 to Omaha, Nebr., and return over the same routes.

No. MC 21170 (Deviation No. 4), BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50518, filed February 21, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, thence over Interstate Highway 80 to Omaha, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over Illinois Highway 64 to St. Charles, Ill., thence over Illinois Highway 31 to Geneva, Ill., thence over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 131, thence over Iowa Highway 131 to Belle Plaine, Iowa, thence over Iowa Highway 212 to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, thence over U.S. Highway 75 to Omaha, Nebr., thence over U.S. Highway 275 to junction U.S. Highway 30, thence over U.S. Highway 30 to Kearney, Nebr., (2) from Chicago, Ill., to Missouri Valley, Iowa, as specified above, thence over U.S. Highway 30 to Kearney, Nebr., and (3) from Chicago, Ill., over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 to Rock Island, Ill., thence over U.S. Highway 6 to Omaha, Nebr., thence over Nebraska Highway 38 to junction unnumbered highway, thence over unnumbered highway to Millard, Nebr., thence over Nebraska Highway 31 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hastings, Nebr., and return over the same routes.

No. MC 21170 (Deviation No. 5), BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50518, filed February 21, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, thence over Interstate Highway 80 to Des Moines, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 to Rock Island, Ill., thence over U.S. Highway 6 to Omaha, Nebr., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 361) HOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed February 21, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 24 and U.S. Highway 41 at Monteagle, Tenn., over Interstate Highway 24 to junction U.S. Highway 41, 6.4 miles south of Hillsboro, Tenn., with the following access route: From junction Interstate Highway 24 and Tennessee Highway 50 over Tennessee Highway 50 to Pelham, Tenn., (2) from South Pittsburg, Tenn., over Interstate Highway 24, for a distance of 12 miles to junction U.S. Highway 41 at the foot of Monteagle Mountain, and (3) from Chattanooga, Tenn., over Interstate Highway 24 for a distance of 6 miles to junction U.S. Highways 11 and 41, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Murfreesboro, Tenn., over U.S. Highway 41 to Chattanooga, Tenn., thence over U.S. Highway 11 via Attalla and Springville, Ala., to Birmingham, Ala. (also from Attalla, Ala., over Alternate U.S. Highway 11 to Springville, Ala.), and return over the same routes.

No. MC 1515 (Deviation No. 362), GREYHOUND LINES, INC. (Eastern Division), 1400 West 3d Street, Cleveland, Ohio 44113, filed February 24, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Rochester, N.Y., over Interstate Highway 490 to Interchange No. 45 of the New York State Thruway, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Suffern, N.Y. (Interchange No. 15), over the New York State Thruway to Buffalo, N.Y. (Interchange No. 50), and (2) from Rochester, N.Y., over New York Highway 96 to Interchange No. 45 of the New York State Thruway, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2562; Filed, Mar. 7, 1967; 8:47 a.m.]

[Notice 1034]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 3, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub-No. 444) (Republication), filed July 20, 1966, published FEDERAL REGISTER issue of August 18, 1966, and republished this issue. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago, Ill. 60633. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. By application filed July 20, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) trailers, semitrailers and trailer chassis and semitrailer chassis (except those designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service, (2) bodies and containers (except containers having a capacity of 5 gallons or less of 9 cubic feet or less), (3) material supplies and parts used in the manufacture, assembly or servicing of the commodities described in paragraphs (1) and (2) above when moving in mixed loads with such commodities; from points in Lee County, Iowa, and Lower Swatara Township, Dauphin County, Pa., to points in the United States, including Alaska, but excluding Hawaii, with the restriction that all of the authority requested in (2) and (3) above is restricted against the transportation of commodities which because of size or weight require the use of special equipment, (4) tractors, in secondary driveaway, only when drawing trailers, semitrailers, trailer chassis, or semitrailer chassis, moving in initial driveaway service, from points in Lee County, Iowa, and Lower Swatara Township, Dauphin County, Pa., to points in Alaska, Arizona, Nevada, Oregon, and Vermont, and (5) refused, rejected, and damaged shipments of the commodities described herein above, on return, in connection with (1), (2), (3), and (4) above.

An order of the Commission, Operating Rights Board No. 1, dated January 27, 1967, and served February 23, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (A) (1) *trailers, semitrailers, trailer chassis, and semitrailer chassis* (except those designed to be drawn by passenger automobile), in initial movements, in truckaway and driveaway service, (2) *truck bodies and trailer bodies, and containers* (except such of these commodities which because of size or weight require the use of special equipment), and (3) *materials, supplies, and parts* used in the manufacture, assembly or servicing of the commodities described in (1) and (2) above (except such of these commodities which because of size or weight require the use of special equipment), when moving in mixed loads with such commodities; from points in Lee County, Iowa, and those in Lower Swatara Township (Dauphin County), Pa., to points in the United States (including Alaska, but excluding Hawaii); (B) *tractors*, in secondary movements, in driveaway service, only when drawing trailers, semitrailers, trailer chassis, or semitrailer chassis, moving in initial movements in driveaway service, from points in Lee County, Iowa, and those in Lower Swatara Township (Dauphin County), Pa., to points in Alaska, Arizona, Nevada, Oregon, and Vermont, and

(C) *Returned shipments* of the commodities described in A and B above, on return from the respective destination points to the respective origin points; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding.

No. MC 102616 (Sub-No. 810) (Republication), filed October 6, 1966, published FEDERAL REGISTER issue of October 20, 1966, and republished this issue. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. By application filed October 6, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of pulver-

ized anthracite coal, in bulk, in vehicles equipped with pneumatic unloading devices, from Shamokin, Pa., to Trenton, N.J. An order of the Commission, Operating Rights Board No. 1, dated January 27, 1967, and served February 23, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *pulverized anthracite coal*, in bulk, from Shamokin, Pa., to Trenton, N.J.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC–105813 (Sub–No. 145) (Republication), filed July 15, 1966, published FEDERAL REGISTER issue of August 4, 1966, and republished this issue. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, Fla. 33144. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. By application filed July 15, 1966, applicant seeks a certificate of public convenience and necessity, authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of fresh meats, packinghouse products, and articles distributed by packinghouses, from plantsite or storage facilities of the Rath Packing Co., at Birmingham, Ala., to Miami, Tampa, and Panama City, Fla., restricted to partial loadnig of shipments originating at the plantsite or storage facilities of the Rath Packing Co., at Waterloo, Hawarden, or Columbus Junction, Iowa. An order of the Commission, Operating Rights Board No. 1, dated January 26, 1967, and served March 1, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from the plantsite or storage facilities of the Rath Packing Co. at Birmingham, Ala., to Miami, Tampa, and Panama City, Fla., restricted to the transportation of shipments originating at the said plantsite or storage facilities; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 111729 (Sub-No. 168) (Republication), filed September 13, 1966, published FEDERAL REGISTER issue of October 6, 1966, and republished this issue. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. By application filed September 13, 1966, and amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of: (1) Radiopharmaceuticals, radioactive drugs, and medical isotopes, limited to shipments not exceeding 75 pounds per shipment, (a) between New York, N.Y., on the one hand, and, on the other, points in Maryland, Massachusetts, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, (b) between Boston, Mass., on the one hand, and, on the other, points in Connecticut, Massachusetts, and Rhode Island, restricted to traffic having an immediately prior or subsequent movement by air, (c) between Washington, D.C., and Dulles Airport, Fairfax, Va., on the one hand, and, on the other, points in Maryland and Virginia, restricted to traffic having an immediately prior or subsequent movement by air, (d) between Bradley Field and Windsor Locks, Conn., on the one hand, and, on the other, points in Connecticut, restricted to traffic having an immediately subsequent movement by air, (e) between Baltimore, Md., on the one hand, and, on the other, points in Maryland and the District of Columbia, restricted to traffic having an immediately prior or subsequent movement by air;

(2) Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, consisting of labels, envelopes, and packaging materials and advertising literature moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Fitchburg, Mass., on the one hand, and, on the other, points in Connecticut, Rhode Island, and Ashland, Auburn, Biddeford, Bingham, Brownville Junction, Buckport, Calais, Camden, Chrisholm, Ellsworth, Fort Kent, Greenville Junction, Hiram, Kittery, Lewiston, Locke Mille, Lubec, Machais, Madison, Mexico, Millinocket, Mount Desert, Naples, Newcastle, Newport, Norway, Oakland, Portland, Porter, Presque Isle, Rockland, Rumford, Sanford, South Berwick, South West Harbor, Warren, Waterville, Wilton, and Yarmouth, Maine; points in Ashland, Bennington, Berlin, Charleston, Chester, Claremont, Concord, Errol, Francetown, Gorham, Greenville, Hampton, Hanover, Hillsboro, Hopkinton, Hudson, Keene, Lancaster, Littleton, Manchester, Milford, Milton, Nashua, New London, New Market, Newport, North Sutton, Pittsfield, Plymouth, Raymond, Rindge, Rochester, Somersworth, Troy Whitfield, Wilton, Winchester, Windham, and Woodsville, N.H., and (b) between Philadelphia, Pa., on the one hand, and, on the other, points in Cumberland, Gloucester, Camden, Salem, Atlantic, Cape May County, N.J.; (3) meter books, meter reading scan sheets, sales slips, cashier payment stubs, data runs and audit media, between Westboro, Mass., on the one hand, and, on the other, Lebanon, N.H., and Providence, R.I.;

(4) Checks, business papers, records and audit and accounting media of all kinds (excluding plant removals), (a) between points in Hartford County, Conn., on the one hand, and, on the other, points in Nassau County, N.Y., and (b) between Clifton, N.J., on the one hand, and, on the other, points in Fairfield, Litchfield, and New Haven Counties, Conn., points in Nassau (except Great Neck), Suffolk, Richmond, Westchester, Sullivan, Rockland, Orange and Dutchess Counties, N.Y., and points in Bucks, Lehigh, Northampton, Chester, Delaware, Berks, and Lancaster Counties, Pa.; (5) payroll checks, business papers, records, checks and audit and accounting media of all kinds, sales and advertising pamphlets moving therewith (excluding plant removals), between Washington, D.C., on the one hand, and, on the other, points in Philadelphia County, Pa.; and (6) business papers, records, and audit and accounting media of all kinds (excluding plant removals), (a) between New York, N.Y., on the one hand, and, on the other, Searsport and South Portland, Maine, Fall River and Waltham, Mass.; East Brooklyn, Md.; and Springfield, Va., and (b) between New York, N.Y., on the one hand, and, on the other, Paramus, N.J.

An order of the Commission, Operating Rights Board No. 1, dated January 27, 1967, and served February 28, 1967, finds that in No. MC 112750 (Sub-No. 73), *Armored Carrier Corp.—Extension—Vermont*, 102 M.C.C. 411, on further hearing, the Commission (1) found that the transportation by applicant of cash letters for banks and banking institutions is that of a contract carrier by motor vehicle as defined by section 203 (a) (15) of the act, while the remainder of its operations, including transportation of the kind such as set forth in this application here before us, are those of a common carrier; (2) directed applicant, in the case of those of its existing operations found to be common carriage, to file appropriate applications to effectuate the conversion of said contract carrier permits to corresponding common carrier certificates, which conversion applications have been since filed and granted, but that appropriate certificates have not as yet been issued. That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *Radiopharmaceuticals, and medical isotopes*, (a) between New York, N.Y., on the one hand, and, on the other, points in Maryland, Massachusetts, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, (b) between Boston, Mass., on the one hand, and, on the other, points in Connecticut, Massachusetts, and Rhode Island, (c) between Washington, D.C., and Dulles Airport, Fairfax, Va., on the one hand, and, on the other, points in Maryland and Virginia.

(d) Between Bradley Field and Windsor Locks, Conn., on the one hand, and, on the other, points in Connecticut (e) between Baltimore, Md., on the one hand, and, on the other points in Maryland and the District of Columbia, restricted in (b), (c), (d), and (e) above to the transportation of traffic having an immediately prior or immediately subsequent movement by air, and restricted in (a) above against transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day. (2) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theatre and television exhibition) (a) between Fitchburg, Mass., on the one hand, and, on the other, points in Connecticut, Rhode Island, and Ashland, Auburn, Biddeford, Bingham, Brownville Junction, Buckport, Calais, Camden, Chrisholm, Ellsworth, Fort Kent, Greenville Junction, Hiram, Kittery, Lewiston, Locke Mille, Lubec, Machais, Madison, Mexico, Millinocket, Mount Desert, Naples, Newcastle, Newport, Norway, Oakland, Portland, Porter, Presque Isle, Rockland, Rumford, Sanford, South Berwick, South West Harbor, Warren, Walterville, Wilton and Yarmouth, Maine; Ashland, Bennington, Berlin, Charleston, Chester, Claremont, Concord, Errol, Francestown, Gorham, Greenville, Hampton, Hanover, Hillsboro, Hopkinton, Hudson, Keene, Lancaster, Littleton, Manchester, Milford, Milton, Nashua, New London, New Market, Newport, North Sutton, Pittsfield, Plymouth, Raymond, Rindge, Rochester, Somersworth, Troy, Whitfield, Wilton, Winchester, Windham, and Woodsville, N.H., and (b) between Philadelphia, Pa., on the one hand, and, on the other, points in Cumberland, Gloucester, Camden, Salem, Atlantic, and Cape May Counties, N.J.

(3) *Meter books, meter reading scan sheets, sales slips, cashier payment stubs, data runs, and audit media* (except cash letters) between Westboro, Mass., on the one hand, and, on the other, Lebanon, N.H., and Providence, R.I. (4) *Checks, business papers, records and audit and accounting media* (except cash letters) (a) between points in Hartford County, Conn., on the one hand, and, on the other, points in Nassau County, N.Y., and (b) between Clifton, N.J., on the one hand, and, on the other, points in Fairfield, Litchfield, and New Haven Counties, Conn., points in Nassau (except Great Neck), Suffolk, Richmond, Westchester, Sullivan, Rockland, Orange, and Dutchess Counties, N.Y., and points in Bucks, Lehigh, Northampton, Chester, Delaware, Berks, and Lancaster Counties, Pa. (*Payroll checks, business papers, records, checks, audit and accounting media and sales and advertising pamphlets* moving therewith (except cash letters) between Washington, D.C., on the one hand, and, on the other, points in Philadelphia County, Pa., and (6) *business papers, records, and audit and accounting media* (except cash letters) (a) between New York, N.Y., and Paramus, N.J.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that subsequent to or concurrently with issuance of certificates to applicant in Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), and MC 127431 (Sub-No. 8), an appropriate certificate should be issued. That the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. 112750 and subs thereunder, MC 123304 and subs thereunder, and MC 123486 and subs thereunder, will be consistent with the public interest and national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the common carrier authority for which a need is found in this order will be published in the FEDERAL REGISTER, and for a period of 30 days from the date of such publication, any proper party in interest may file an appropriate protest or other pleading.

No. MC 111729 (Sub-No. 172) (Republication), filed October 10, 1966, published FEDERAL REGISTER issue of October 27, 1966, and republished this issue. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1825 K Street NW., Washington, D.C. 20006. By application filed October 10, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *Ophthalmic goods and commercial papers* (excluding plant removals), between Cleveland, Ohio, on the one hand, and, on the other, points in Delaware, Montgomery, and Philadelphia Counties, Pa., (2) *business papers, records and audit and accounting media of all kinds* (excluding plant removals), between Dayton, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky (except Louisville), Michigan (except Wayne, Oakland, and Macomb Counties), and Pennsylvania, and (3) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes and packaging materials, and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Des Plaines, Ill., and Menomonee Falls, Wis. NOTE: Applicant holds contract carrier authority in MC 112750 and Subs, therefore dual operations may be involved.

An order of the Commission, Operating Rights Board No. 1, dated January 26, 1967, and served March 1, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes, of (1) *ophthalmic goods and commercial papers relating thereto and moving therewith* (except cash letters), between Cleveland, Ohio, on the one hand, and, on the other, points in Delaware, Montgomery, and Philadelphia Counties, Pa., (2) *Business papers, records, audit and accounting media* (except cash letters), between Dayton, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky (except Louisville), Michigan (except Wayne, Oakland, and Macomb Counties), and Pennsylvania, and (3) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theatre and television exhibition), between Des Plaines, Ill., and Menomonee Falls, Wis.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that subsequent to or concurrently with the issuance of certificates to applicant in Nos. MC–111729 (Sub-No. 169, 170, and 171), MC–126745 (Sub-No. 19), and MC–127431 (Sub-No. 8), an appropriate certificate should be issued.

That the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. MC–112750 and subs thereunder, MC–123304 and subs thereunder, and MC–123486 and subs thereunder, will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and

issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 114647 (Sub-No. 18), (Republication), filed February 11, 1966, published FEDERAL REGISTER issue of March 3, 1966, and republished this issue. Applicant: ROBERT E. PLETCHER, doing business as PLETCHER TRANSFER & STORAGE, 605 East J Street, Forest City, Iowa. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. By application filed February 11, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of truck fertilizer spreader bodies, tractor-trailer spreaders and truck commercial feed bodies originating at Quimby, Iowa, and destined to points in Wyoming, Utah, Maryland, Pennsylvania, South Carolina, and North Carolina, and damaged, unclaimed, rejected, or returned commodities, as specified above, on return. The application was referred to Examiner Joseph A. Reilly for hearing and the recommendation of an appropriate order thereon. Hearing was held on November 28, 1966, at Des Moines, Iowa. A report and order of the Commission, served January 19, 1967, which became effective February 20, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes of *truck fertilizer spreader bodies, tractor-trailer spreaders and truck commercial feed bodies* originating at Quimby, Iowa, and destined to points in Wyoming, Utah, Maryland, Pennsylvania, South Carolina, North Carolina, New York, and North Dakota; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be granted after the elapse of 30 days from the date of republication in the FEDERAL REGISTER of the amended statement of the authority sought herein, and provided that no protests and petitions for further hearing are received during such period.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9682. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., of the operating rights of FRANK WOODROW, doing business as WESTERN TRANSPORT SERVICE, 2205 Osage Street, Sidney, Nebr., and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., 1530 Russ Building, San Francisco, Calif., of control of such rights through the purchase. Applicants' attorneys: Frank Woodrow, 2205 Osage Street, Sidney, Nebr., and Robert K. Lancefield, 175 Linfield Drive, Menlo Park, Calif. Operating rights sought to be transferred: *Refined petroleum products* (except liquefied petroleum gases), in bulk, as a *common carrier*, over irregular routes, from certain specified points in Kansas, to certain specified points in Nebraska, from Augusta, Kans., to Dickens, Nebr., from all refinery and distribution points in Wyoming, to certain specified points in Nebraska; and *petroleum products* (except liquefied petroleum gases), in bulk, in tank vehicles, from all refinery and distribution points in Wyoming to certain specified points in Nebraska. Vendee is authorized to operate as a *common carrier* in Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9683. Authority sought for purchase by FOX & GINN, INC., 12 Howard Lane, Bangor, Maine, of the operating rights of MENARD'S EXPRESS CO., INC., Depot Square, Rochdale, Mass., and for acquisition by C. L. FOX, MRC Box 47, Bangor, Maine, C. L. FOX, Jr., Bangor, Maine, D. W. Fox, 73 Washington, Street, Brewer, Maine, M. W. GINN, S. E. GINN, both of 14 Montgomery Street, Bangor, Maine, H. E. GINN, 19 Rocky Hill Road, Cape Elizabeth, Maine, R. E. GINN, 224 Perkins Row, Topsfield, Maine, and M. E. AVERILL, 20 Montgomery Street, Bangor, Maine, of control of such rights through the purchase. Applicant's attorney and representative: Kenneth B. Williams, 111 State Street, Boston, Mass., and Peter A. Penczer, 855 Main Street, Bridgeport, Conn. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-98594 Sub-1, covering the transportation of general commodities, as a common carrier, over regular and irregular routes, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, Maine, and New Hampshire. Application has been filed for temporary authority under section 210a(b). NOTE: MC-28536 Sub-No. 13 is a matter directly related.

No. MC-F-9684. Authority sought for purchase by BUDIG TRUCKING CO., 1100 Gest Street, Cincinnati, Ohio 45203, of a portion of the operating rights and property of ROBERT HENNING, doing business as HENNING TRUCKING COMPANY, Batavia, Ohio, and for acquisition by OTTO M. BUDIG, OTTO M. BUDIG, JR., and GEORGE J. BUDIG, all also of Cincinnati, Ohio, of control of such rights and property through the purchase. Applicants' attorneys: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215, and Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Williamsburg, Ohio, and Cincinnati, Ohio, serving all intermediate points, with restriction; and a portion under a certificate of registration, in Docket No. MC-15442 Sub-2, covering the transportation of property, as a common carrier, in intrastate commerce, over irregular routes, from and to Goshen, Ohio, and the territory within an eight mile radius therefrom. Vendee is authorized to operate as a *common carrier* in Ohio, Kentucky, and Indiana. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-77016 Sub-8, is a matter directly related.

No. MC-F-9685. Authority sought for purchase by THOMAS CARTAGE, INC., 303 North Wilson, Box 2301, Amarillo, Tex. 79105, of a portion of the operating rights of LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representatives: Alvin A. Thomas, Box 2301, Amarillo, Tex. 79105, and Richard Champlin, 3000 West Reno, Oklahoma City, Okla. 73108. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Texhoma, Okla., and Guymon, Okla., serving all intermediate points. Vendee is authorized to operate under a certificate of registration, as a common carrier in intrastate commerce within the State of Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9686. Authority sought for control by GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y., of SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y., and for purchase by GILBERT CARRRIER CORP., of the operating rights of SELMAN'S EXPRESS, INC., and for acquisition by GILBERT SYSTEMS, INC., 441 Ninth Avenue., New York, N.Y., of control of sueh rights through the transaction. Applicants' attorney: Harris J. Klein, 280 Broadway, New York, N.Y. Operating rights sought to be controlled and purchased: *Ladies' wearing apparel, and materials and machinery* used in the manufacture thereof, as a *common carrier*, over irregular routes, between Newark, N.J., on the one hand, and, on the other, Cobleskill and Frankfort, N.Y., between Jersey City, N.J., on the one hand, and, on the other, certain specified points in New York, between certain specified points in New York, on the one hand, and, on the other, New York, N.Y., between certain specified points in New York, on the one hand, and, on the other, Jersey City, N.J., between Union City, N.J., on the one hand, and, on the other, certain specified points in New York, between Newark and Paterson, N.J., on the one hand, and, on the other, Ossining, N.Y., between Paterson, N.J., on the one hand, and, on the other, Cobleskill and Frankfort, N.Y., between Poughkeepsie, N.Y., and Rutland, Vt., on the one hand, and, on the other, Jersey City, N.J.; *material* used in the manufacture of ladies' wearing apparel, from New York, N.Y., to certain specified points in New York, and Fayetteville, N.C., from Union City, N.J., to Chatham, N.Y., from Pittsfield, Mass., to certain specified points in New York; *ladies' wearing apparel*, on hangers, between New York, N.Y., on the one hand, and, on the other, certain specified points in New York, and Fayetteville, N.C., between Union City, N.J., on the one hand, and, on the other, Chatham, N.Y., from Kinston and Wilson, N.C., to New York, N.Y., from New York, N.Y., to Richmond, Va., from Poultney, Vt., and Cohoes, N.Y., to New York, N.Y., from Youngsville, N.C., Spartanburg, S.C., and Kingston and St. Johnsville, N.Y., to New York, N.Y., from Oneonta, N.Y., to West New York, N.J., from Fayetteville, N.C., to Jersey City, N.J., from Pittsfield, Mass., to New York, N.Y., between Pittsfield, Mass., on the one hand, and, on the other, certain specified points in New York.

Ladies' wearing apparel, from Poughkeepsie, N.Y., to New Brunswick, N.J., from Troy, N.Y., to Jersey City, N.J.; *materials and other articles* used in the manufacture of ladies' wearing apparel, from New York, N.Y., to Kinston and Wilson, N.C.; *materials and supplies* used in the manufacture of ladies' wearing apparel, from New York, N.Y., to Poultney, Vt., and Cohoes, N.Y., from New York, N.Y., to Youngsville, N.C., Spartanburg, S.C., and Kingston and St. Johnsville, N.Y., from West New York, N.J., to Oneonta, N.Y., from Jersey City, N.J., to Fayetteville, N.C., between Jersey City, N.J., on the one hand, and, on the other, Troy, N.Y., from New Brunswick, N.J., to Poughkeepsie, N.Y.; *ladies' and children's wearing apparel*, on hangers and the *materials* used in the manufacture thereof, between Pittsfield, Mass., and Burlington, Vt., between New York, N.Y., on the one hand, and, on the other, certain specified points in Vermont (with exception); *ladies' and children's wearing apparel* on hangers, from New York, N.Y., to Pittsfield, Mass., from certain specified points in North Carolina, South Carolina, and Georgia, to New York, N.Y., and North Bergen, N.J., from Spartanburg, S.C., to North Bergen, N.J.; *ladies' and children's wearing apparel* and the *materials* used in the manufacture thereof, between Cooperstown, N.Y., and West New York, N.J.; and *materials and supplies* used in the manufacture of ladies' and children's wearing apparel, unpackaged, from New York, N.Y., and North Bergen, N.J., to certain specified points in North Carolina, South Carolina, and Georgia, from North Bergen, N.J., to Spartanburg, S.C. GILBERT CARRIER CORP. is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-9687. Authority sought for purchase by MONSON DRAY LINE, INC., Rural Route 1, Red Wing, Minn. 55066, of a portion of the operating rights and certain property of LAWRENCE TRUCKING, INC., 1320 West Main Street, Red Wing, Minn. 55066, and for acquisition by GORDON MONSON, ROBERT MONSON, and DONALD MONSON all also of Red Wing, Minn. of control of such rights and property through the purchase. Applicants' representative: Donald B. Taylor, 3464 Minnehaha Avenue, South, Post Office Box 5068, Minneapolis, Minn. 55406. Operating rights sought to be transferred: *Sewer pipe, sewer pipe fittings, flue lining, wall coping, septic tank pipe, drain tile, firebrick, fire clay, mortar mix, and clay filter media blocks* as a *common carrier* over irregular routes from Red Wing, Minn., to points in Wisconsin, North Dakota, and South Dakota; *Lumber* and *lath*, from certain specified points in Wisconsin to Red Wing, Minn.; *clay products* and *mortar mix*, from What Cheer, Iowa, to points in Illinois, Minnesota, and Wisconsin; and *clay sewer pipe, sewer pipe fittings, flue lining, wall coping, septic tank pipe, drain tile, firebrick, fire clay, mortar mix, and clay filter media blocks*, from Red Wing, Minn., to points in the Upper Peninsula of Michigan. Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, Iowa, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9688. Authority sought for control and merger by C&H TRANSPORTATION CO., INC., Post Office Box 5976, Dallas, Tex., 75222, of the operating rights and property of BELL TRANSPORTATION COMPANY, 1406 Hays Street, Houston, Tex., and for acquisition by SATURN INDUSTRIES, INC., 3100 Southland Center, Dallas, Tex., of control of such rights and property through the transaction. Applicants' attorney and representatives: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102, James Robinson, Felts & Starnes, 904 Lavaca Building, Austin, Tex. 78701. Operating rights sought to be controlled and merged: (A) *Machinery, equipment, materials, and supplies*, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, *machinery, materials, equipment and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *commodities* other than those specified above, the transportation of which, because of their size or weight requires the use of special equipment or handling, and *parts* thereof, as a *common carrier*, over irregular routes, between points in Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, North Carolina, Georgia, and Florida, authority is granted to traverse Missouri and South Carolina for operating convenience only; (B) *machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between Cisco, Tex., and points within 100 miles of Cisco, on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex.

In addition to the authority described in sections (A) and (B), the operations in section (B) having been acquired by the above-named carrier through proceedings in MC-F-3805, approved July 26, 1948, the above-named carrier is authorized to perform through service in the transportation of authorized commodities under a combination of the authorities in section (A) on the one hand, and, on the other, section (B), when under one such section the carrier is authorized to transport the shipment to a gateway point from which the shipment is authorized to be transported under another section, provided in each instance the movement is made through such authorized gateway point or points; *machinery, equipment, materials, and supplies*, used in, or in connection with the operation, repair, servicing, and maintenance of pipelines used in the transmission of natural gas, petroleum and petroleum products, but not including the stringing or picking up of pipe in pipelines, between points in Kentucky, South Carolina, Virginia, West Virgina, Ohio, Pennsylvania, and New York, between points in Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, and North Carolina, on the one hand, and, on the other, points in Kentucky, South Carolina, Virginia, West Virginia, Ohio, Pennsylvania, and New York, traversing Maryland and the District of Columbia for operating convenience only; *machinery and equipment* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and

Materials and supplies (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant)

sites or storage sites, between points in Kansas, Oklahoma, Texas, Louisiana, and Mississippi, between points in Kansas, Oklahoma, Texas, Louisiana, and Mississippi, on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex., subject to the restriction that shipments, between said points shall be transported from, to, or through Cisco, Tex., or a point within 100 miles of Cisco; *machinery, equipment, materials,* and *supplies* used in, or in connection with, the drilling of water wells, between points in Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, North Carolina, Georgia, and Florida, between points in Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, North Carolina, Georgia, and Florida, on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex., subject to the restriction that shipments between said points shall be transported from, to, or through Cisco, Tex., or a point within 100 miles of Cisco, between points in Wyoming, Montana, Utah, Colorado, North Dakota, South Dakota, and Nebraska.

Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipelines, between points in Nevada, on the one hand, and, on the other, points in Montana, Utah, and Wyoming, between points in Nevada, on the one hand, and, on the other, points in Kansas, Texas, and Oklahoma; *machinery, equipment, materials, and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Alaska, on the one hand, and, on the other, points in Montana, Wyoming, Nevada, Utah, Kansas, and Illinois; *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, restricted to pipelines used for the transmission of natural gas and petroleum and the products and byproducts, and restricted against the stringing or picking up of pipe in connection with main or truck pipelines, between points in Alaska, on the one hand, and, on the other, points in Ohio.

Commodities, the transportation of which, because of size or weight requires the use of special equipment and *related machinery parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by the carrier of commodities which, because of size or weight, require the use of special equipment, exclusive of those commodities specified in the paragraph above, between points in Alaska, on the one hand, and, on the other, points in Kansas; *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, North Carolina, Georgia, and Florida, between Cisco, Tex., to points within 100 miles of Cisco, on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex., between points in Kentucky, South Carolina, Virginia, West Virginia, Ohio, Pennsylvania, and New York, between points in Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, and North Carolina, on the one hand, and, on the other, points in Kentucky, South Carolina, Virginia, West Virginia, Ohio, Pennsylvania, and New York, between points in Wyoming, Montana, Utah, Colorado, North Dakota, South Dakota, and Nebraska, between points in Nevada, on the one hand, and, on the other, points in Montana, Utah, and Wyoming, between points in Nevada, on the one hand, and, on the other, points in Kansas, Texas, and Oklahoma; and *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution, of natural gas, and petroleum, and their products and byproducts, not including the stringing or picking up of pipe in connection with pipelines, between points in Illinois, Indiana, Kentucky, and Tennessee. C&H TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in all points in the United States (except Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9689. Authority sought for purchase by NORTH PENN TRANSFER, INC., Routes 202 and 63, Box 230, Lansdale, Pa., of a portion of the operating rights of JETWAY, INC., Box 230, Lansdale, Pa., and for acquisition by ARTHUR N. ANDERS, also of Lansdale, Pa., of control of such rights through the purchase. Applicants' representative: John W. Frame, Post Office Box 626, Camp Hill, Pa. 17011. Operating rights sought to be transferred: *Machinery,* as a *common carrier,* over irregular routes, between points in Bucks, Delaware, and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, Ohio, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Delaware, Maryland, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Virginia, Ohio, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2563; Filed, Mar. 7, 1967; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 3, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 1695-S-657, filed February 27, 1967. Applicant: FRED HARVEY TRANSPORTATION COMPANY, 80 East Jackson Boulevard, Chicago, Ill. 60604. Applicant's representative: Calvin H. Udall, 411 North Central Avenue, Phoenix, Ariz. 85004. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of (1) *passengers and baggage,* in Flagstaff and vicinity and in Grand Canyon and vicinity; (2) *passengers and baggage* originating at Grand Canyon, Ariz., in a tours service over the public highways between Grand Canyon, Ariz., and any point within the State of Arizona, with the limitation that no passengers or baggage originating at Grand Canyon destined for Flagstaff or any point between Williams and Flagstaff shall be transported over State Highway No. 64 to its junction with U.S. Highway No. 66 and thence over said U.S. Highway No. 66 to Flagstaff or such other point of destination between Williams and Flagstaff; (3) *passengers and baggage* between Grand Canyon and Williams via State Highway No. 64; (4) *mail and express* between Grand Canyon and Williams serving all intermediate points, (5) *passengers and baggage* over the public highways designated as follows: between Grand Canyon, Ariz. (South Rim), and Vermillion Cliffs Lodge via State Highway 64 and U.S. Highways 89 and 89 Alternate, serving the intermediate point of Cameron, Ariz., and also serving the points of Tuba City, Ariz., on State Highway 164 and Moenkopi, Ariz., on State Highway 264; between Grand Canyon, Ariz. (South Rim), and Flagstaff, Ariz., serving the intermediate point of Cameron, Ariz., provided that no passengers or baggage shall be transported between Grand Canyon, Ariz., and Flagstaff, Ariz., via U.S. Highway 66 between Flagstaff and Williams, Ariz.: *Provided, however,* That no points other than those specifically named above shall be served, (6) *passengers* in Williams and vicinity.

(7) *Passengers and baggage* originating in Williams, in a tours service over the public highways between Williams and any point within the State of Arizona, with the limitation that no passengers or baggage originating at Williams and destined for Flagstaff shall be transported via U.S. Highway No. 66; and (8) *passengers and their hand baggage,* between Grand Canyon National Park Airport and the other points which applicant is authorized to serve. Both intrastate and interstate authority sought.

HEARING: Wednesday, April 19, 1967, at 10 a.m., Capitol Annex Building, Phoenix, Ariz. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Arizona Corporation Commission, Motor Carrier Division, 1688 West Adams, Phoenix, Ariz. 85007, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT-8620, filed January 18, 1967. Applicant: LONG ISLAND NUCLEAR SERVICE CORP., Station Road, Bellport, N.Y. 11713. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *source, special, nuclear and byproducts material, radioactive material* (new and spent) *and related experimental equipment, components, parts and associated material,* between all points in New York State. Both intrastate and interstate authority sought.

HEARING: Unknown at this time. Contact the New York State Public Service Commission, 55 Elk Street, Albany, N.Y. 12225. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York State Public Service Commission, 55 Elk Street, Albany, N.Y. 12225, and should not be directed to the Interstate Commerce Commission.

State Docket No. 8845-CCT, filed February 22, 1967. Applicant: THE SENTINEL STAR EXPRESS CO., 64 East Concord, Orlando, Fla. Applicant's representative: James E. Wharton, 506 First National Bank Building, Orlando, Fla. 32802. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *freight,* Route No. 1: From points and places presently authorized to be served under certificate No. 673 on the one hand and on the other, Jacksonville, Fla., and its commercial zone as defined by Chapter 323 Florida Statutes and the rules of the Commission including the off-route points of which are located outside the commercial zone of the city of Jacksonville over the following routes: (A) From Gainesville, Fla., over State Road 24 to Waldo, Fla., thence over U.S. Highway 301 to Maxville, Fla., thence over State Road 228 to Jacksonville, Fla., and return over the same route serving no intermediate points. (B) From Gainesville, Fla., over State Road 24 to Waldo, Fla., thence over U.S. Highway 301 to point of intersection with Interstate Highway 10, thence over Interstate Highway 10 to Jacksonville, Fla., and return over the same route serving no intermediate points. (C) From Deland, Fla., over U.S. Highway 17 to Jacksonville, Fla., and return over the same route serving no intermediate points. (D) From Deland, Fla., over Florida Highway 11 to Bunnell, Fla., thence over U.S. Highway 1 to Jacksonville, Fla., and return over the same route serving no intermediate points.

(E) From Daytona Beach, Fla., over U.S. Highway 1 to Jacksonville, Fla., and return over the same route serving no intermediate points. (F) From Daytona Beach, Fla., over U.S. Highway 92 to point of intersection with Interstate Highway 95, thence over Interstate Highway 95 to Jacksonville, Fla., and return over the same route serving no intermediate points. Route No. 2: Between St. Cloud, Fla., and West Melbourne, Fla., as follows: From St. Cloud, Fla., over U.S. Highway 441 to Holopaw, Fla., thence over U.S. Highway 192 to point of intersection with U.S. Highway 1 near West Melbourne, Fla., and return over the same route serving no intermediate points as an alternate route for operating convenience only. Route No. 3: Between Orlando, Fla., and Vero Beach, Fla., as follows: From Orlando, Fla., over Interstate Highway 4 to point of intersection with the Sunshine State Parkway thence over the Sunshine Parkway to Yeehaw Junction, Fla., thence over State Road 60 to Vero Beach, Fla., and return over the same route serving no intermediate points as an alternate route for operating convenience only. Route No. 4: Between Gainsville, Fla., and Tampa, Fla., as follows: From Gainesville, Fla., over Interstate Highway 75 to Tampa, Fla., and return over the same route serving the intermediate point of Ocala, Fla., which applicant is presently authorized to serve.

Route No. 5: Applicant seeks authority to serve the Disney World site, the entrance of which is located on or close to State Road 530 approximately 3 miles west of Kissimmee, Fla., as an off-route point in connection with its regular route operations. Route No. 6: Between Lake Wales, Fla., and Vero Beach, Fla., as follows: From Lake Wales, Fla., over Florida Highway 60 to Vero Beach, Fla., and return over the same route serving no intermediate points for operating convenience only. Route No. 7: Between Daytona Beach, Fla., and Vero Beach, Fla., as follows: From Daytona Beach, Fla., over U.S. Highway 92 to point of intersection with Interstate Highway 95, thence over Interstate Highway 95 to point of intersection with State Road 60, thence over State Road 60 to Vero Beach, Fla., and return over the same route serving no intermediate points. Route No. 8: Between Holopaw, Fla., and intersection with State Road 60 and U.S. Highway 441 at Yeehaw Junction, Fla., as follows: From Holopaw, Fla., over U.S. Highway 441 to point of intersection with State Road 60 near Yeehaw Junction, Fla., and return over the same route serving no intermediate points. Route No. 9: Between point of intersection of Interstate Highway 75 and Florida Sunshine State Parkway near Wildwood, Fla., and point of intersection with the Sunshine State Parkway and Interstate Highway 4 near Orlando, Fla., as follows: From point of intersection of Interstate Highway 75 and Sunshine State Parkway near Wildwood, Fla., thence over Sunshine State Parkway to point of intersection with Interstate Highway 4 near Orlando, Fla., and return over the same route serving no intermediate points. Route No. 10: Applicant seeks authority to serve the McCoy Air Force Base, located near Orlando, Fla., as an off-route point in connection with its presently authorized regular route service (applicant contends it has the authority at the present time but seeks to remove any doubt concerning same).

Route No. 11: Between point of intersection of Martin Andersen Bee Line Expressway and U.S. Highway 441 near Pinecastle, Fla., and intersection of said Bee Line with State Road 520 in Brevard County as follows: From point of intersection of Martin Andersen Bee Line Expressway and U.S. Highway 441, thence over said Bee Line Expressway to point of intersection with State Road 520 in Brevard County and return over the same route serving no intermediate points. The Martin Andersen Bee Line Expressway is being constructed by Orlando-Orange County Expressway Authority and utilizes a portion of right of way formerly known as State Road 528. Portions of said expressway are now open and additional portions will be open in the near future. NOTE: Applicant intends to utilize the above-described routes in connection with its presently authorized service routes and seeks authority to tack the routes sought in this proceeding with its presently authorized service routes at any point of common joinder or intersection. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Contact the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2564; Filed, Mar. 7, 1967; 8:47 a.m.]

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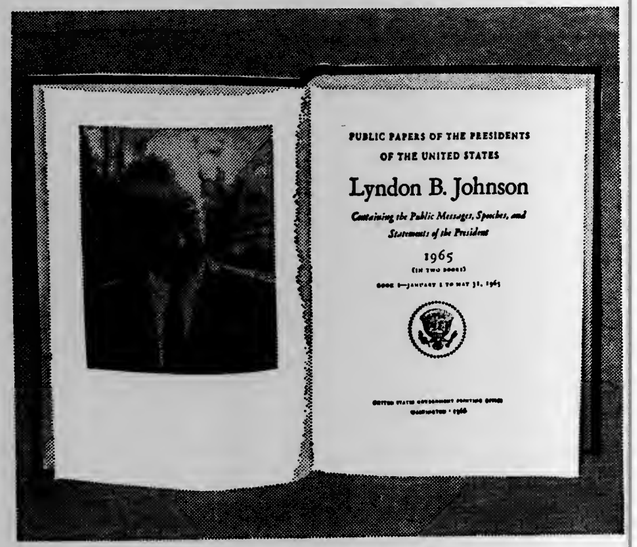
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Executive Order 11330

PROVIDING FOR THE COORDINATION OF YOUTH OPPORTUNITY PROGRAMS

The promise and the future strength of the United States is in our youth.

We must meet the needs of youth so that the formative years will equip them for a productive role in society and prepare them for the responsibilities of citizenship.

Many youths, particularly those who live in impoverished areas, need special help in improving their lives and finding a place in the mainstream of our society.

Existing public services for youth need to be strengthened and improved and joined with private resources.

Programs and resources of Federal departments and agencies require coordination in order to provide continuity in planning and carrying out services to meet the needs of youth.

The summer months provide an exceptional opportunity to enhance the sound growth and guidance of youth through education, employment, recreation, and health services.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

PART I. PRESIDENT'S COUNCIL ON YOUTH OPPORTUNITY

SECTION 101. *Membership and chairmanship.* (a) There is hereby established the President's Council on Youth Opportunity (hereinafter referred to as the "Council"). The Council shall be composed of the Vice President, who shall serve as Chairman, the Secretary of Defense, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Director of the Office of Economic Opportunity, the Chairman of the Civil Service Commission, and such other Federal officials as the President may designate. Each of the foregoing may appoint a delegate to represent him in Council affairs.

(b) When matters which affect the interests of Federal agencies not represented on the Council are to be considered by the Council the Chairman shall invite the heads of such agencies to participate in the business of the Council.

SEC. 102. *Functions of the Council.* (a) The Council shall be responsible for (1) assuring effective program planning for summer and other youth programs of the Federal Government, (2) strengthening the coordination of youth programs and activities of Federal departments and agencies, (3) evaluating the over-all effectiveness of Federal youth opportunity programs, (4) encouraging State, local, nonprofit and other private organizations to participate fully in efforts to enhance opportunities for youth, and (5) reporting progress to the President.

(b) The scope of subsection (a) of this section extends to, but is not limited to, (1) programs to maximize meaningful employment for youth in cooperation with employers and agencies of Federal, State, and local governments, and with emphasis on types of employment leading to the acquisition of skills which will increase the employability of participants as members of the labor force; (2) programs to strengthen the educational achievements of youth through such means as preparatory courses conducted through school systems which will encourage youth to continue or resume their education, remedial and tutorial programs conducted in the communities by schools and colleges, and the use of summer and part-time employment as incentives; (3) programs to encourage and stimulate youth to become involved in improving their home neighborhoods; (4) programs designed to identify, diagnose, and treat the illnesses and handicapping conditions of youth who participate in these summer programs; (5) programs arranged through communities and private organizations to stimulate opportunities for youth to participate in cultural, recreational, and athletic activities or competitions; (6) programs utilizing the existing camping and recreational resources in Federal, State, and local parks, forests, and recreation areas, with a view to securing the support and participation of public authorities and private organizations concerned with youth in developing constructive outdoor or work-related opportunities which will benefit disadvantaged urban and rural youth by utilizing such facilities during the summer months; and (7) programs designed to increase opportunities for children of urban slums to spend part of their summers in the wholesome environment of families in other areas through the hospitality of such families and with the support and cooperation of private, nonprofit organizations.

SEC. 103. *Assistance and cooperation.* (a) Upon request of the Chairman, each Federal agency shall, to the extent permitted by law and within available funds, furnish information, data, and reports needed by the Council to accomplish the purposes of this order.

(b) All Federal officials, in carrying out their statutory responsibilities and programs, shall be mindful of the objectives of this order, and shall take into account any advice given by the Council pursuant to this order, and shall take such measures, consistent with their authorities and available funds, as will assist in accomplishing the purposes of this order.

(c) The staff of the Council shall include an Executive Director, who shall be appointed by the Chairman of the Council, and such other employees as may be necessary, who shall be assigned by the various members of the Council.

PART II. CITIZENS ADVISORY BOARD ON YOUTH OPPORTUNITY

SEC. 201. *Establishment of Board.* (a) There is hereby established the Citizens Advisory Board on Youth Opportunity (hereinafter referred to as the "Board").

(b) The Board shall be composed of a Chairman and not more than fourteen other members, all of whom shall be appointed by the President. The Chairman shall serve as such until his successor is appointed by the President. Appointments of the other members of the Board shall be governed by the following: (1) The terms of those first appointed hereunder shall expire on July 1, 1969. (2) The immediate successors of the members so appointed shall be appointed, in as nearly equal numbers as may be, for terms of one year, two years, and three years. (3) Thereafter appointments shall be made for terms of three years.

SEC. 202. *Duties and responsibilities.* (a) The Board shall advise both the President and the Council on matters relating to (1) ways and means of enhancing the opportunities of disadvantaged youth to achieve preparation for adult responsibility, (2) the coordination of programs and activities of Federal agencies which pertain to the needs of youth, and (3) local, State, and private action to extend and improve youth opportunity.

(b) The Board shall advise and assist the Council in the evaluation of the progress made in carrying out the functions of the Council and recommend to the Council, as necessary, action to accelerate progress.

PART III. GENERAL PROVISIONS

SEC. 301. *Financing.* The Federal agencies headed by the officers composing the Council shall, as may be necessary, furnish assistance to the Council or the Board in accordance with the provisions of section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691).

SEC. 302. *Expenses of Board members.* Members of the Board shall receive no compensation from the United States by reason of their service under this order but they may be allowed transportation expenses and per diem in lieu of subsistence or reimbursement for actual and necessary expenses (5 U.S.C. 5703(c)(d)).

THE WHITE HOUSE,
March 5, 1967.

[F.R. Doc. 67-2668; Filed, Mar. 7, 1967; 1:20 p.m.]

Executive Order 11331

ESTABLISHMENT OF THE PACIFIC NORTHWEST RIVER BASINS COMMISSION

WHEREAS the Water Resources Planning Act (hereinafter referred to as the Act, 79 Stat. 244, 42 U.S.C. 1962 *et seq.*) authorizes the President to declare the establishment of a river basin water and related land resources commission when a request for such a commission is addressed in writing to the Water Resources Council (hereinafter referred to as the Council) by the Governor of a State within which all or part of the basin or basins concerned are located and when such a request is concurred in by the Council and by not less than one-half of the States within which portions of the basin or basins concerned are located, and in the event the Columbia River Basin is involved, by at least three of the four States of Idaho, Montana, Oregon, and Washington; and

WHEREAS the Council, by resolution adopted November 14, 1966, concurred in the requests of the Governors of the States of Oregon, Washington, Idaho, Montana, and Wyoming; and did itself request that the President declare the establishment of the Pacific Northwest River Basins Commission under the provisions of section 201 of the Act; and

WHEREAS the requests of the Governors of the States of Oregon, Washington, Idaho, Montana, and Wyoming, and the resolution of the Council of November 14, 1966, satisfy the formal requirements of section 201 of the Act; and

WHEREAS the Governors of the States of California, Nevada, and Utah have been consulted in regard to small headwater areas in these respective States that contribute small quantities of water to or use small quantities of water from the area of jurisdiction of the Commission; and

WHEREAS it appears that it would be in the public interest and in keeping with the intent of Congress to declare the establishment of such a Commission:

NOW, THEREFORE, by virtue of the authority vested in me by section 201 of the Act, and as President of the United States, it is ordered as follows:

SECTION 1. *Pacific Northwest River Basins Commission.* It is hereby declared that the Pacific Northwest River Basins Commission is established under the provisions of Title II of the Act.

SEC. 2. *Jurisdiction of the Commission.* It is hereby determined that the jurisdiction of the Pacific Northwest River Basins Commission referred to in section 1 of this order (hereinafter referred to as the Commission) shall extend to the entire area of the State of Washington; the entire area of the State of Oregon, except that drained by the Klamath River system, the Smith River system, and that area draining into Goose Lake; and those portions of the States of Idaho, Montana, and Wyoming lying within the Columbia River drainage, in accordance with the requests of the Governors of Oregon, Washington, Idaho, Montana, and Wyoming, and in accordance with the resolution of the Council.

SEC. 3. *Membership of the Commission.* It is hereby determined that, in accordance with section 202 of the Act, the Commission shall consist of the following:

(1) a Chairman to be appointed by the President,

(2) one member from each of the following Federal departments and agencies: Department of Agriculture, Department of the Army, Department of Commerce, Department of Health, Education, and Welfare, Department of Housing and Urban Development, Department of the Interior, Department of Transportation, and the Federal Power Commission, such member to be appointed by the head of each department or independent agency he represents,

(3) one member from each of the following States: Oregon, Washington, Idaho, Montana, and Wyoming,

(4) one member from each interstate agency created by an interstate compact to which the consent of Congress has been given and whose jurisdiction extends to the waters of the area specified in section 2, and

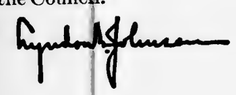
(5) the Chairman of the United States Entity for the Columbia River Treaty.

SEC. 4. *Functions to be performed.* The Commission and its Chairman, members, and employees are hereby authorized to perform and exercise, with respect to the jurisdiction specified in section 2 of this order, the functions, powers, and duties of such a Commission and of such Chairman, members, and employees, respectively, as set out in Title II of the Act.

SEC. 5. *Consultation with adjoining States.* The Commission is expected to provide for procedures for consultation with the States of California, Nevada, and Utah on any matter which might affect the water and related land resources of the small headwater drainages in each of these States that drain into the area of jurisdiction of the Commission, and to give notice to these States of meetings of the Commission.

SEC. 6. *International Coordination.* The Chairman of the Commission is hereby authorized and directed to refer to the Council any matters under consideration by the Commission which relate to the areas of interest or jurisdiction of the International Joint Commission, United States and Canada. The Council shall consult on these matters as appropriate with the Department of State and the International Joint Commission through its United States Section for the purpose of enhancing international coordination.

SEC. 7. *Reporting to the President.* The Chairman of the Commission shall report to the President through the Council.



THE WHITE HOUSE,
March 6, 1967.

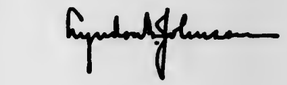
[F.R. Doc. 67-2672; Filed, Mar. 7, 1967; 3:19 p.m.]

Executive Order 11332

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (53 Stat. 29, 54 Stat. 1008; 26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954, as amended (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1947 to 1968, inclusive, shall, during the Ninetieth Congress, be open to inspection by the Committee on Government Operations, House of Representatives, or any duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to determining the economy and efficiency of the Government. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.



THE WHITE HOUSE,
March 7, 1967.

[F.R. Doc. 67-2682; Filed, Mar. 8, 1967; 10:25 a.m.]

Executive Order 11333

PARTIALLY SUSPENDING SECTION 6374 OF TITLE 10 OF THE UNITED STATES CODE, RELATING TO RETIREMENT OF BRIGADIER GENERALS OF THE MARINE CORPS

By virtue of the authority vested in me by section 6386(c) of title 10 of the United States Code, I hereby suspend until June 29, 1968, the provisions of section 6374 of title 10 of the United States Code, but only with respect to a brigadier general on the active list of the Marine Corps whose second failure of selection for promotion to the grade of major general occurred during the same fiscal year as his first failure of selection for such promotion.



THE WHITE HOUSE,
March 7, 1967.

[F.R. Doc. 67-2701; Filed, Mar. 8, 1967; 11:47 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdts. 1a, 13]

PART 730—RICE

Increases in 1967 National Acreage Allotment and Producer and Farm Acreage Allotments

Basis and purpose. (a) The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and are issued for the purpose of amending §§ 730.1803, 730.1517, 730.1518, 730.1528, and 730.1529, with respect to the national, producer, and farm acreage allotments for 1967 crop rice.

Section 371(b) of the act provides that if the Secretary has reason to believe that because of a national emergency, or because of a material increase in export demand, any national marketing quota or acreage allotment for cotton, rice, peanuts, or tobacco, should be increased or terminated, he shall cause an immediate investigation to be made to determine whether the increase or termination is necessary to meet such emergency or increase in export demand. If, on the basis of such investigation, the Secretary finds that such increase or termination is necessary, he shall immediately proclaim such findings (and if he finds an increase is necessary, the amount of the increase found by him to be necessary), and thereupon such quota or allotment shall be increased, or shall terminate, as the case may be.

In accordance with the foregoing an investigation has been made and it was found that there is an increase in export demand since announcement in the FEDERAL REGISTER of December 9, 1966 (31 F.R. 15529), of the national acreage allotment for the 1967 crop of rice. Food demand in rice-eating countries is rising and additional production of rice is needed for the 1967 crop year to provide an adequate supply against all probable needs in 1967–68. World demand for rice is great because of the conflict in Viet Nam which made that country a large net importer. This coupled with increased import requirements of other Far Eastern countries has resulted in a material increase in export demand above that originally anticipated at the time of announcement of the 1967 national rice acreage allotment.

United States production in 1967–68, with current acreage, is forecast at 80.0 million hundredweight rough, with an estimated 9.0 million hundredweight rough carryover. Export availability from this crop is estimated at 47.5 million hundredweight, rough. Of this, commercial exports are expected to utilize 32.5 million hundredweight, rough, leaving a balance available for government programs of about 15 million hundredweight.

Requests for United States rice under government programs are expected to range from 18.0 to 23.2 million hundredweight, rough basis.

In view of anticipated increased export requirements from the 1967 crop of rice, it has been found that there is a need for increasing the national acreage allotment for the 1967 crop of rice.

An increase of 10 percent in the acreage allotment for the 1967 rice crop would be largely utilized and result in an increase in production of an estimated additional 7.7 million hundredweight, rough rice, or 250,000 metric tons, milled, for export requirements. This additional production, coupled with the possible use of other food grains to meet some of the rice requirements, would bring supplies in line with at least the most critical requirements.

(b) Section 371(c) of the act provides that in case any national acreage allotment for any commodity is increased under section 371(b), each farm acreage allotment for the commodity shall be increased in the same ratio.

In producer States the State rice acreage allotment is initially apportioned to producers who allocate their producer allotments to farms. In such States the most effective way to utilize the increased allotment is to increase each producer allotment by 10 per centum, which increase will be reflected in increased farm allotments by subsequent allocation to farms by the producers. Moreover, farm acreage allotments in producer States are not finally determined until all producer allocations of allotments have been made. Producers in producer States have until May 1, 1967, to allocate their allotments in producer States and farm allotments in farm States will receive the 10 per centum increases.

In addition to the amendments increasing national, farm, and producer rice allotments by ten per centum language has been included in the amendments to make it clear whether the increases in allotments shall go to the transferors or transferees in cases where rice producers have agreed upon the transfer of producer rice allotments to other producers as authorized by section 353(f) of the Agricultural Adjustment Act of 1938, as amended, or have agreed upon the exchange of farm rice allotments for farm cotton allotments as authorized by section 344a(h) of said act. It is considered that the date of the agreement of the parties as evidenced by the date of producer signatures on the transfer or exchange document should be considered as the effective date of the transfer or exchange for purposes of increasing the rice allotments.

(c) Since planting time for the 1967 crop of rice is very near, and planting plans will need to be adjusted in order to fully utilize the additional allotted acreages for production of needed supplies, it is of utmost importance that farmers be notified of their increased 1967 producer or farm rice acreage allotments as soon as possible. Therefore, it is determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, these amendments shall become effective upon filing with the Director, Office of the Federal Register.

1. Section 730.1517 is amended by adding at the end thereof a new paragraph (e) to read:

§ 730.1517 Determination of allotments for old producers.

* * * * * *

(e) The 1967 allotment determined for each producer under paragraphs (a), (b), and (c) of this section shall be increased by 10 per centum.

2. Section 730.1518 is amended by adding at the end thereof a new paragraph (g) to read:

§ 730.1518 Determination of allotments for new producers.

* * * * * *

(g) The 1967 allotment determined for each producer under paragraphs (a), (b), (c), (d), and (e) of this section shall be increased by 10 per centum.

3. Paragraph (a)(2) of § 730.1525 is amended by adding at the end thereof the following:

§ 730.1525 Succession of interest in producers allotments.

(a) * * *

(2) * * * The transferor's signature date shown on the notice of withdrawal shall be the effective date of the transfer. If such date is prior to February 21, 1967, the 10 per centum increase in the 1967 rice allotment applicable to that part of the allotment transferred shall be credited to the transferee's share of the allotment transferred to the extent that the transferee shares in the allotment transferred: *Provided,* The county committee and a representative of the State committee find that the conditions applicable to the transfer of allotment under this section have been met. If it is found that any of the required conditions has not been met, the notice of withdrawal shall be canceled and the interested producers shall be so notified in writing showing reasons for cancellation of the transfer of allotment. If the transferor's signature date shown

on the notice of withdrawal is February 21, 1967, or thereafter, the 10 per centum increase in the 1967 allotment shall be credited to the transferor.

* * * * *

4. Section 730.1528 is amended by adding at the end thereof a new paragraph (f) to read:

§ 730.1528 Determination of allotments for old farms.

* * * * *

(f) (1) The 1967 allotment determined for each farm under paragraphs (a), (b), (c), and (d) of this section shall be increased by 10 per centum.

(2) When rice allotment is exchanged for cotton allotment as provided in paragraph (d) of this section, the latest signature date of the operator(s) and owner(s) shown on the application for exchange shall be the effective date of the exchange. If such date is prior to February 21, 1967, the 10 per centum increase in the 1967 allotment applicable to that part of the rice allotment exchanged shall be added to the allotment credited to the receiving farm as the result of the exchange: *Provided*, The county committees find that the conditions applicable to the exchange of cotton allotment for rice allotment have been met. If the State and county committees find that any of the required conditions has not been met, the application for exchange shall be canceled as provided in Part 722 of this chapter (§ 722.434; 31 F.R. 5300), as amended. If the signature date of the operator(s) and owner(s) shown on the application for exchange is February 21, 1967, or thereafter, the 10 per centum increase in the 1967 rice allotment applicable to that part of the rice allotment exchanged shall be credited to the transferring farm.

5. Section 730.1529 is amended by adding at the end thereof a new paragraph (i) to read:

§ 730.1529 Determination of allotments for new farms.

* * * * *

(i) The 1967 allotment determined for each farm under paragraphs (a), (b), (c), (d), (e), and (f) of this section shall be increased by 10 per centum.

6. Section 730.1803 is amended by adding the following at the end thereof:

§ 730.1803 National acreage allotment of rice for 1967.

* * * Notwithstanding the foregoing, the national acreage allotment of rice for the calendar year 1967 is increased by ten per centum to 2,000,502 acres pursuant to section 371(b) of the act.

(Secs. 352, 353, 371, 375, 52 Stat. 60, as amended, 61, as amended, 64, as amended, 66, as amended; 7 U.S.C. 1352, 1353, 1371, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 6, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-2641; Filed, Mar. 8, 1967; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7761; Amdt. 39-366]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Models of Marvel-Schebler Carburetors

A proposal to amend Part 39 of the Federal Aviation Regulations, Amendment 39-189 (31 F.R. 1267), AD 66-5-4 to correct the applicability paragraph was published in 31 F.R. 14956.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of the Federal Aviation Regulations, Amendment 39-189 (31 F.R. 1267), AD 66-5-4 is further amended by revising the applicability paragraph to read as follows:

MARVEL-SCHEBLER. Applies to Models MA-3, MA-3A, MA3-PA (Marvel-Schebler Part No. 10-2948 only), MA-3SPA, MA4SPA, MA-4-5, MA4-5AA and MA-6 carburetors used on various Franklin (Air-cooled), Continental, Lycoming and Ranger Engines, except carburetors which (1) have Marvel-Schebler basic part numbers higher than 10-4495 or (2) have the number "64" stamped on the nameplate or (3) are listed herein.

Marvel-Schebler P/N	*Serial No.*
10-3103-1 and higher (-) Nos.	Y-7-2216 and up.
10-3346-1 and higher (-) Nos.	B-7-206 and up.
10-3565-1 and higher (-) Nos.	C-7-229 and up.
10-3678-32 and higher (-) Nos.	A-5-5207 and up.
10-3859-1 and higher (-) Nos.	W-5-285 and up.
10-3878 and all (-) Nos.	G-6-1922 and up.
10-3965-12 and higher (-) Nos.	H-11-4119 and up.
10-4025-12 and higher (-) Nos.	Z-2-1385 and up.
10-4057-1 and higher (-) Nos.	AI-2-108 and up.
10-4115-1 and higher (-) Nos.	AV-2-1165 and up.
10-4164-1 and higher (-) Nos.	K-3-1697 and up.
10-4171 and all (-) Nos.	L-4-692 and up.
10-4218-1 and higher (-) Nos.	AK-2-368 and up.
10-4233 and all (-) Nos.	P-6-304 and up.
10-4240 and all (-) Nos.	AU-2-143 and up.
10-4252 and all (-) Nos.	Q-6-1227 and up.
10-4401-1 and higher (-) Nos.	AC-3-1400 and up.
10-4404 and all (-) Nos.	R-6-3320 and up.
10-4404-1 and higher (-) Nos.	AO-3-996 and up.
10-4438-1 and higher (-) Nos.	AH-4-768 and up.
10-4439 and all (-) Nos.	S-5-5847 and up.
10-4495 and all (-) Nos.	AE-6-245 and up.

This amendment becomes effective April 8, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 2, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-2589; Filed, Mar. 8, 1967; 8:45 a.m.]

[Airspace Docket No. 67-SO-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Designated Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Baxley, Ga., Intersection as a designated low altitude reporting point. The Federal Aviation Agency has determined that this reporting point is no longer required for air traffic control purposes and that its revocation would reduce a burden on pilots.

Since this amendment is minor in nature and will reduce a burden on the users of airspace it has been determined that notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed for appropriate changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

In § 71.203 (32 F.R. 2275) "Baxley, Ga. INT: INT Dublin, Ga. 137° Alma, Ga., 035° radials; V-5E, V-267." is deleted.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 1, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-2590; Filed, Mar. 8, 1967; 8:45 a.m.]

[Airspace Docket No. 66-WE-68]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration and Revocation of Jet Routes

Correction

In F.R. Doc. 67-2418, appearing at page 3740 of the issue for Saturday, March 4, 1967, the airspace docket number should appear as set forth above.

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 5—Delegations and Designations

DELEGATION OF AUTHORITY OF CERTAIN CIVIL RIGHTS FUNCTIONS TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

New § 1204.508 is added, reading as follows:

§ 1204.508 Delegation of authority of certain civil rights functions to Department of Health, Education, and Welfare.

(a) Pursuant to the authority of § 1250.111(c) of this chapter, the following responsibilities of the National Aeronautics and Space Administration and of the responsible NASA official under Title VI, Civil Rights Act of 1964 (78 Stat. 252) (42 U.S.C. 2000d), with respect to institutions of higher education were delegated by the Administrator, NASA, to the Secretary, Department of Health, Education, and Welfare, on March 15, 1966:

(1) Responsibilities with respect to compliance reports, including receiving and evaluation thereof under § 1250.105 (b) of this chapter, and other actions under § 1250.105 of this chapter.

(2) All actions under § 1250.106 of this chapter, including periodic compliance reviews, receiving of complaints, investigations, determination of recipient's apparent failure to comply, and resolution of matters by informal means.

(b) NASA specifically has reserved to itself the responsibilities for effectuation of compliance under §§ 1250.107, 1250.108, and 1250.109 of this chapter.

(c) The responsibilities so delegated were and are to be exercised in accordance with the "Plan for Coordinated Enforcement Procedures for Higher Education" (dated February 1966), developed by interested Government agencies and approved by the Department of Justice; and redelegation by the Secretary to other officials of the Department of Health, Education, and Welfare was authorized.

(d) NASA has retained the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in the Department of Health, Education, and Welfare. The Office of Grants and Research Contracts, NASA Headquarters, has been designated to represent NASA in carrying out the provisions of this delegation.

(42 U.S.C. 2473(b)(1))

Effective date. The provisions of § 1204.508 were effective March 15, 1966.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 67-2626; Filed, Mar. 8, 1967; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Hampton Roads, Va., and Potomac River

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.168 governing anchorage areas in Hampton Roads, Va., is hereby amended with respect to paragraph (a) by adding subparagraph (6-a) establishing an explosives anchorage, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.168 Hampton Roads, Va., and adjacent waters.

(a) *Hampton Roads.* * * *

(6-a) *Anchorage H-2 (Explosives).* (i) A circular area with a radius of 150 yards centered at latitude 36°55'52", longitude 76°21'21".

(ii) The net high-explosive content of any vessel anchored in the area shall not exceed 27 tons.

(iii) No vessel shall anchor within 500 yards of any vessel occupying the explosives-handling area.

(iv) The area shall not be occupied more than an average of two days per week.

* * * * *

[Regs., Feb. 8, 1967, 1507-32 (Hampton Roads, Va.)-ENGCW-ON] (Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.40 governing the use and navigation of danger zones in the Potomac River at Dahlgren, Va., is hereby amended with respect to paragraph (a) redesignating the boundaries of the middle zone and updating the description and regulations of the danger zones, revising subparagraphs (1) and (2) (ii) and (iii), effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.40 Potomac River.

(a) *U.S. Naval Weapons Laboratory, Dahlgren, Va.*—(1) *The danger zone*—(i) *Lower zone.* The entire portion of the lower Potomac River between a line from Point Lookout, Md., to Smith Point, Va., and a line from Buoy 14 (abreast of St. Clements Island) to a point near the northeast shore of Hollis Marsh at latitude 38°10'00", longitude 76°45'-23.5". Long-range and aerial machine gun firing is normally conducted in this zone at infrequent intervals.

(ii) *Middle zone.* Beginning at the intersection of the Potomac River Bridge with the Virginia shore; thence to Light 33; thence to latitude 38°19'06", longitude 76°57'07", which point is about 3,300 yards east-southeast of Light 30; thence to Line of Fire Buoy O, about 1,150 yards southwesterly of Swan Point; thence to Line of Fire Buoy M, about 1,700 yards south of Potomac View; thence to Line of Fire Buoy K, about 1,400 yards southwesterly of the lower end of Cobb Island; thence to Buoy 14, abreast of St. Clements Island; thence southwesterly to a point near the northeast shore of Hollis Marsh at latitude 38°10'00", longitude 76°45'23.5"; thence northwesterly to Line of Fire Buoy J, about 3,000 yards off Popes Creek, Va.; thence to Line of Fire Buoy L, about 3,600 yards off Church Point; thence to Line of Fire Buoy N, about 900 yards off Colonial Beach; thence to Line of Fire Buoy P, about 1,000 yards off Bluff Point; thence northwest to latitude 38°17'52", longitude 77°01'00", a point of the Virginia shore on property of the U.S. Naval Weapons Laboratory, a distance of about 3,800 yards; thence northerly along the shore of the U.S. Naval Weapons Laboratory to Baber Point, latitude 38°18'42", longitude 77°01'45"; and thence northnorthwest to latitude 38°19'09", longitude 77°02'08", a point on the Main Dock at the U.S. Naval Weapons Laboratory. Firing is normally conducted in this zone daily except Saturdays, Sundays, and national holidays.

(iii) *Upper zone.* Beginning at Mathias Point, Va.; thence north to Light 5; thence in a northeasterly direction to Light 6; thence east-southeast to Lighted Buoy 2, thence east-southeast to a point on the Maryland shore at approximately latitude 38°23'35", longitude 76°59'18"; thence southerly with the Maryland shore to a line passing through Light 1 to the Virginia shore, parallel to the Potomac River Bridge; thence northerly with the Virginia shore to the point of beginning. Aerial bombing and strafing is normally conducted in this zone at infrequent intervals.

(2) *The regulations.* * * *

(ii) When firing is in progress, no fishing or oystering vessels shall operate within the danger zone affected unless so authorized by the Naval Weapons Laboratory's patrol boats. Oystering and fishing boats or other craft may cross the river in the danger zone only after they have reported to the patrol boats and received instructions as to when and where to cross. Deep-draft vessels using dredged channels and propelled by mechanical power at a speed greater than five miles per hour may proceed directly through the danger zones without restriction except when especially notified to the contrary. Unless instructed to the contrary by the patrol boat, small craft navigating up or down the Potomac River during firing hours shall proceed outside of the northeastern boundary of the Middle Danger Zone. All craft desiring to enter the Middle Danger Zone when proceeding in

or out of Upper Machodoc Creek during firing hours will be instructed by the patrol boat; for those craft which desire to proceed in or out of Upper Machodoc Creek on a course between the western shore of the Potomac River and a line from the Main Dock of the U.S. Naval Weapons Laboratory to Line of Fire Buoy P, clearance will be granted to proceed upon request directed to the patrol boat.

(iii) The regulations in this section shall be enforced by the Commander, U.S. Naval Weapons Laboratory and such agencies as he may designate. Patrol boats, in the execution of their mission assigned herein, shall display a square red flag during daylight hours for purposes of identification; at night time, a 32 point red light shall be displayed at the mast head.

* * * * *

[Regs., Feb. 15, 1967, 1507-32 (Potomac River)-ENGCW-ON] (Sec. 7, 40 Stat. 266, Chap. XIX, 40 Stat. 892; 33 U.S.C. 1, 3)

C. A. STANFIEL,
Colonel, AGC,
Acting The Adjutant General.

[F.R. Doc. 67-2588; Filed, Mar. 8, 1967; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

[Ex Parte No. MC-7]

PART 170—COMMERCIAL ZONES

Washington, D.C.

FEBRUARY 10, 1967.

The outstanding order of December 16, 1966 (32 F.R. 76), in the above-entitled proceeding not yet having become effective, and an appropriate petition for reconsideration having been filed by interveners on January 30, 1967, such order pursuant to section 17(8) of the Interstate Commerce Act, is stayed pending disposition of the matter.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-2642; Filed, Mar. 8, 1967; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Necedah National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Public hunting of wild turkeys in conformance with the laws of Wisconsin, on the Necedah National Wildlife Refuge, Wisc., is permitted with firearms from April 22, through May 11, 1967 but only on those areas designated by signs as open to hunting. These open areas, comprising approximately 17,000 acres are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following condition:

(1) A current, unused turkey license issued to the bearer must be in the hunters possession and will serve as a permit to be on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through May 11, 1967.

EDWARD J. COLLINS,
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.

FEBRUARY 23, 1967.

[F.R. Doc. 67-2596; Filed, Mar. 8, 1967; 8:45 a.m.]

PART 33—SPORT FISHING

Wapanocca National Wildlife Refuge, Ark.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARKANSAS

WAPANOCCA NATIONAL WILDLIFE REFUGE

Sport fishing on the Wapanocca National Wildlife Refuge, Turrell, Ark., is permitted only on the areas designated by signs as open to fishing. These open areas are shown on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1967, through September 30, 1967.

(2) Fishing permitted during daylight hours only.

(3) Motors larger than 5½ hp. are prohibited. No boats are allowed in the Woody Ponds Area on the south side of the refuge.

(4) The use of jug, drop, or trotlines is prohibited.

(5) No fishing permitted within 100 yards of the bridge, water control structure, and boat dock which is located behind the refuge headquarters.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1967.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 67-2597; Filed, Mar. 8, 1967; 8:45 a.m.]

PART 33—SPORT FISHING

Mingo National Wildlife Refuge, Mo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Mingo National Wildlife Refuge, Mo., is permitted in all waters on the refuge. These waters comprise about 4,300 acres. Maps and information are available at refuge headquarters. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: March 15, 1967, through September 30, 1967, daylight hours only.

(2) The use of motors on boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1967.

JOHN E. TOLL,
Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo.

MARCH 1, 1967.

[F.R. Doc. 67-2598; Filed, Mar. 8, 1967; 8:46 a.m.]

PART 33—SPORT FISHING

Upper Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprise 7,000 acres and are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The refuge shall be open to the taking of all fish from January 1 to March 26. It shall then be closed to all fishing from March 27 to May 5. It shall then open to the taking of all fish from May 6 to September 15. It shall then be closed to all fishing from September 16 to December 14 except in those areas that shall remain open to fishing during this period as specified by the Refuge Manager. It shall then be open to the taking of all species from December 15 to December 31.

(2) The use of minnows, fish or parts thereof, for bait (except perch eyes) is prohibited north of the Lake Darling Dam. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1967.

JOHN M. DAHL,
Refuge Manager, Upper Souris National Wildlife Refuge, Foxholm, N. Dak.

MARCH 2, 1967.

[F.R. Doc. 67-2599; Filed, Mar. 8, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Computation of Limitation on Percentage Depletion Allowance Based Upon Taxable Income From Property

Notice is hereby given that the regulation set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to conform §§ 1.613 and 1.613–4 of the Income Tax Regulations (26 CFR Part 1) to section 13(e) of the Revenue Act of 1962 (76 Stat. 1034), such regulations are amended as follows:

PARAGRAPH 1. Section 1.613 is amended by revising section 613(a) and the historical note at the end of § 1.613 to read as follows:

§ 1.613 Statutory provisions; percentage depletion.

SEC. 613. *Percentage depletion*—(a) *General rule.* In the case of the mines, wells, and other natural deposits listed in subsection (b), the allowance for depletion under section 611 shall be the percentage, specified in subsection (b), of the gross income from the property excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed 50 percent of the taxpayer's taxable income from the property (computed without allowance for depletion). For purposes of the preceding sentence, the allowable deductions taken into account with respect to expenses of mining in computing the taxable income from the property shall be decreased by an amount equal to so much of any gain which (1) is treated under section 1245 (relating to gain from disposition of certain depreciable property) as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231, and (2) is properly allocable to the property. In no case shall the allowance for depletion under section 611 be less than it would be if computed without reference to this section.

* * * * *

[Sec. 613 as amended by sec. 36, Technical Amendments Act 1958 (72 Stat. 1633); sec. 13 (e), Rev. Act 1962 (76 Stat. 1034); sec. 6, Act of Sept. 2, 1964 (Public Law 88–571, 78 Stat. 860)]

PAR. 2. Section 1.613–4 is amended to read as follows:

§ 1.613–4 Taxable income from the property.

(a) *In general.* The term "taxable income from the property (computed without allowance for depletion)" as used in section 613 and this part, means "gross income from the property" as defined in section 613(c) and § 1.613–3, less allowable deductions (excluding any deduction for depletion) which are attributable to the mineral property, including allowable deductions attributable to ordinary treatment processes and mining transportation, with respect to which depletion is claimed. These deductions include administrative and financial overhead, operating expenses, selling expenses, depreciation, taxes, losses sustained, etc. In the case of oil and gas properties, such deductions include intangible drilling and development costs deducted under section 263(c) and § 1.612–4. In the case of a property other than an oil or gas property, such deductions include deductions which are attributable to processes and transportation treated as mining under section 613 (c) and § 1.613–3 and amounts of exploration or development expenditures which are deducted for the taxable year under sections 615, 616, and 617. Expenditures which may be attributable to both the mineral property upon which depletion is claimed and other activities shall be fairly apportioned. Furthermore, where a taxpayer has more than one mineral property, deductions not directly attributable to a specific mineral property shall be fairly apportioned among the several properties.

(b) *Special rule; decrease in mining expenses resulting from gain recognized under section 1245(a)(1).* (1) If during any taxable year beginning after December 31, 1962, the taxpayer disposes of an item of section 1245 property (as defined in section 1245(a)(3)) which has been used in connection with a mineral property, then for the purpose of computing the taxable income from the mineral property for such taxable year, the allowable deductions taken into account with respect to expenses of mining (that is, expenses attributable to mineral property other than oil and gas property) shall be decreased by an amount equal to the portion of any gain recognized under section 1245(a)(1) (relating to treatment of gain from dispositions of certain depreciable property as ordinary income) which is properly allocable to the mineral property in respect of which the taxable income is being computed. The portion of such gain which is properly allocable to the mineral property shall bear the same ratio to the total of such gain as—

(i) The portion of the "adjustments reflected in the adjusted basis" (as such term is defined in paragraph (a)(2) of § 1.1245–2, relating to definition of recomputed basis) of such section 1245 property,

(*a*) Which were allowed as deductions from the "gross income from the property" (as defined in section 613(c) and § 1.613–3) in computing the taxable income from the mineral property, or

(*b*) Which, in the case of an allocation to a part of a property (see example (2) of subparagraph (6) of this paragraph), would have been properly allowable as such deductions if the taxable income from such part had been computed,

bears to—

(ii) The total of the "adjustments reflected in the adjusted basis" of such section 1245 property.

(2) For the purposes of this paragraph, the adjustments reflected in the adjusted basis of the section 1245 property disposed of shall be deemed to have been taken into account in computing the taxable income from the mineral property for any taxable year notwithstanding that for the taxable year the allowance for depletion was determined without reference to percentage depletion under section 613.

(3) If the amount of gain described in subparagraph (1) of this paragraph allocable to a mineral property for a taxable year exceeds the allowable deductions otherwise taken into account in computing the taxable income from the mineral property for the taxable year, the excess may not be taken into account in computing the taxable income from the mineral property for any other taxable year. Furthermore, to the extent that the adjustments reflected in the adjusted basis of the section 1245 property were allocable to mineral property which the taxpayer no longer owned in the taxable year in which he disposed of the section 1245 property, the gain recognized under section 1245(a)(1) does not result in any tax benefit to the taxpayer under this paragraph since he has no taxable income from the mineral property for such year.

(4) The right under subparagraph (1) of this paragraph of a taxpayer who recognized a gain under section 1245(a)

(1) to decrease the allowable deductions taken into account with respect to expenses for mining in computing the taxable income from mineral property shall follow the mineral property to which the adjustments reflected in the adjusted basis of the section 1245 property disposed of were allocable through aggregations and deaggregations. See example (2) of subparagraph (6) of this paragraph.

(5) In any case in which it is necessary to determine the portion of any gain recognized under section 1245(a)(1) which is properly allocable to the mineral property in respect of which the taxable income is being computed, the taxpayer shall have available permanent records of all the facts necessary to determine with reasonable accuracy the amount of such portion. In the absence of such records, none of the gain recognized under section 1245(a)(1) shall be allocable to such mineral property.

(6) The provisions of this paragraph may be illustrated by the following examples:

Example (1). A, who uses the calendar year as his taxable year, operated and treated as separate properties mines Nos. 1 and 2. On January 1, 1963, A acquired a truck which was section 1245 property. During 1963 and 1964 the truck was used 25 percent of the time on mine No. 1 and 75 percent of the time on mine No. 2. For each such year the depreciation adjustments allowed in respect of the truck were $800 (the amount allowable). In computing the taxable income from mines Nos. 1 and 2 for each such year, $200 (25 percent of $800) of the depreciation adjustments was allocated by A to mine No. 1 and $600 (75 percent of $800) to mine No. 2. Thus, for the 2 years, the total of the depreciation adjustments on the truck was $1,600, of which $400 was allocated to mine No. 1 and $1,200 to mine No. 2. On January 1, 1965, A recognized upon sale of the truck gain of $500 to which section 1245(a)(1) applied. During 1965, A did not recognize any other gain to which section 1245(a)(1) applied. In computing taxable income from the mines for 1965, the expenses otherwise required to be taken into account are reduced by $125 (that is $400/$1,600 of $500) for mine No. 1 and by $375 (that is $1,200/$1,600 or $500) for mine No. 2.

Example (2). On January 1, 1963, B, who uses the calendar year as his taxable year and who normally allocates depreciation costs to mines according to the percentage of time which the depreciable asset is used with respect to the mines, acquired a truck which was section 1245 property. During 1963 the truck was used exclusively on mine No. 1, which B operated and treated as a separate property. The depreciation adjustments allowed in respect of the truck for 1963 were $1,000 (the amount allowable), which amount was allocated to mine No. 1 in computing the taxable income therefrom. On January 1, 1964, B acquired and began operating mine No. 2 and elected under section 614(c) to aggregate and treat as one property mines Nos. 1 and 2. During 1964 B used the truck 60 percent of the time for mine No. 1 and 40 percent of the time for mine No. 2. For 1964 the depreciation adjustments allowed in respect of the truck were $1,000 (the amount allowable), which amount was allocated to the aggregation of mines Nos. 1 and 2 in computing the taxable income therefrom. On December 31, 1964, B sold mine No. 2. For 1965 the depreciation adjustments allowed in respect of the truck were $1,000 (the amount allowable), which amount was allocated to mine No. 1 in computing the taxable income therefrom. On January 1, 1966, B recognized upon sale of the truck gain of $600 to which section 1245(a)(1) applied. In computing the taxable income from mine No. 1 for 1966, the expenses otherwise required to be taken into account are reduced by $520:

$$\left($600 \text{ (gain)} \times \frac{\$2{,}600 \text{ (depreciation adjustments allowed with respect to truck which are allocable to mine No. 1 ($1,000 for 1963, $600 for 1964, $1,000 for 1965))}}{\$3{,}000 \text{ (total depreciation adjustments on truck)}}\right).$$

Depreciation adjustments allowed with respect to the truck which are allocable to mine No. 2 ($400 for 1964) do not result in a tax benefit to B under this paragraph since he has no taxable income from mine No. 2 in 1966, the taxable year in which he sold the truck.

[F.R. Doc. 67–2625; Filed, Mar. 8, 1967; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 77]

[Docket No. 8008; Notice No. 67–7]

NAVIGABLE AIRSPACE

Standards for Determining Obstructions

The Federal Aviation Agency is considering amending Part 77 of the Federal Aviation Regulations to eliminate the requirement that the Agency must find any structure exceeding the applicable obstruction standards and located within an airport runway clear zone or the portion of a primary surface extending beyond the end of a runway to be a hazard to air navigation, regardless of any mitigating factors.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

Section 77.19(c)(4) of the Federal Aviation Regulations requires an Agency determination that any proposed construction or alteration in a runway clear zone or the portion of a primary surface extending beyond the end of a runway and exceeding the obstruction standards promulgated in Subpart C of that part is, without further study, a hazard to air navigation. This requirement precludes the Agency from exercising discretionary authority to find whether or not the obstruction would constitute a hazard after reviewing the facts of the case. The Agency has recently found it necessary to grant exemptions in cases where the construction, although clearly unobjectionable from the standpoint of safety to air navigation, was found to be a hazard in accordance with § 77.19(c)(4). The granting of exemptions as appropriate results in a special regulation promulgated for each case. This procedure is both time-consuming and administratively inefficient.

For the foregoing reasons, it is proposed to delete § 77.19(c)(4) which contains special provisions applicable to construction within a runway clear zone, or that portion of a primary surface extending beyond the end of a runway, exceeding the obstruction standards of Subpart C. Construction of this nature will hereafter be handled as other construction exceeding the obstruction standards of Subpart C, in that it will be determined to be a hazard whenever it exceeds the standards, subject to a subsequent determination based upon an aeronautical study of its effect upon air navigation, if requested by the sponsor within 30 days of the acknowledgment.

In addition, since the proposed revocation of § 77.19(c)(4) will permit an aeronautical study, it is proposed to amend § 77.33(a) by deleting the statement that specifies that an aeronautical study will not be conducted for any construction or alteration for which a notice is submitted under Subpart B where that construction or alteration would be an obstruction in a runway clear zone.

In consideration of the foregoing, it is proposed to amend §§ 77.19 and 77.33(a) as follows:

(1) By adding the word "or" at the end of § 77.19(c)(2).

(2) By striking out the semicolon at the end of § 77.19(c)(3) and inserting a period in place thereof.

(3) By striking out the word "or" at the end of § 77.19(c)(3).

(4) By deleting § 77.19(c)(4) and the flush paragraph which follows.

(5) By striking out the words "or is an obstruction in a runway clear zone" in § 77.33(a).

This amendment is proposed under the authority of sections 307, 313, and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, 1501).

Issued in Washington, D.C., on March 2, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67–2591; Filed, Mar. 8, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 18]

[Docket No. 11467]

OPERATION OF RADIO FREQUENCY STABILIZED ARC WELDERS

Further Extension of Time for Filing Comments

The Commission has before it for consideration a request dated February 9, 1967, by the Joint Industry Committee on High-Frequency Stabilized Arc Welders to extend the time for filing comments in the above proceeding from February 1, 1967, to August 1, 1967.

On October 27, 1966, the time for filing comments in the proceeding was extended from November 1, 1966, to December 1, 1966, at the request of the Aerospace and Flight Test Radio Coordinating Council. On November 28, 1966, the time was further extended to February 1, 1967, and the time for filing reply comments extended to February 15, 1967, at the request of the Joint Industry Committee on High-Frequency Stabilized Arc Welders. In requesting this additional-extension the Joint Industry Committee seems to have been under the misapprehension that the time for filing original comments had been extended to February 15, 1967.

The longer extension was requested because the Joint Industry Committee has undertaken a comprehensive testing program on radio frequency stabilized arc welders; the initial tests have been completed by one of its subcommittees, and the report of those tests has been evaluated by the Joint Industry Committee; the evaluation of those tests indicated that further testing is necessary in order to develop appropriate comments on the proposed rule making; and such testing cannot be made until after the winter season.

The data which the Committee will derive from its testing should be of interest to the Commission in the proceeding and, accordingly, the public interest will be served by granting the additional time requested.

Therefore, it is ordered, This 1st day of March 1967, pursuant to § 0.251(b) of the Commission's rules, that the time for filing comments in this proceeding is extended to August 1, 1967, and the time for filing reply comments is extended to September 1, 1967.

Released: March 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2627; Filed, Mar. 8, 1967; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 16992]

MINIMUM POWER REQUIREMENTS FOR FM BROADCAST STATIONS

Order Extending Time for Filing Reply Comments

1. Reply comments in this proceeding are due on or before March 3, 1967. On February 18, 1967, A. Earl Cullum, Jr. and Associates filed a request for additional time in which to file replies to the comments filed in the proceeding until April 1, 1967. Petitioner states that there are only 9 working days between the time for filing comments and replies and that this is insufficient time for parties to obtain and review the comments and prepare meaningful reply comments.

2. We are of the view that good cause has been shown to the requested extension of time in this case. However, since April 1, 1967, falls on a Saturday we will extend the time until March 31 instead. *Accordingly, it is ordered*, This first day of March 1967, that the time for filing reply comments is extended to March 31, 1967.

3. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Released: March 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2628; Filed, Mar. 8, 1967; 8:48 a.m.]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[33 CFR Part 401]

SEAWAY RULES

Notice of Proposed Rule Making

Notice is hereby given that the Saint Lawrence Seaway Development Corporation, acting jointly with The Saint Lawrence Seaway Authority of Canada pursuant to provisions of its enabling act (33 U.S.C. 981 et seq.), proposes to adopt miscellaneous amendments with respect to Chapter IV of Title 33, Code of Federal Regulations, Part 401, Subpart B—Rules, as they affect vessel fittings and equipment, radio communications, transit instructions and preclearance information; and revision of the rules on dangerous cargo.

Interested parties may submit written data, views, or arguments in regard to the changes being proposed herein to the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, N.Y. (Attention: General Counsel). All relevant matter received not later than 30 days after publication of this notice will be considered. Formal adoption of these proposals is contemplated prior to the 1967 navigation season of the St. Lawrence Seaway.

The proposed amendments in Subpart B—Rules of 33 CFR Part 401, as revised by 28 F.R. 3754–62 and further amended by 29 F.R. 5034–35, 30 F.R. 6580–81, and 31 F.R. 8062–64, are set forth below.

I. It is proposed that the rules of Subpart B respecting Condition of Vessels, §§ 401.102–1 to 401.102–25, be amended by revising § 401.102–9 (on landing booms) to increase the length of vessels to which the requirement is applicable from 100 feet to 150 feet; § 401.102–13 (on mooring lines and winches) to eliminate the table of minimum requirements and reduce their applicability from five to three categories of vessels; § 401.102–18 (on propeller direction alarms) to incorporate § 401.102–22 (on r.p.m. indicators) for prospective application to vessels over 260 feet in length, as required equipment rather than recommended equipment, in the alternative; § 401.102–19 (on septic tanks) to change the recommendation for "septic tanks" aboard vessels to a more inclusive recommendation for "sewage disposal systems"; § 401.102–21 (on rudder angle indicators) and § 401.102–25 (on midship draft markings) for prospective application to vessels over 260 feet in length as required rather than recommended equipment; and by deleting § 401.102–22 (on r.p.m. indicators); as follows:

§ 401.102–9 Landing booms.

Vessels in excess of 150 feet in overall length must be equipped with at least one adequate landing boom on each side.

§ 401.102–13 Requirements for mooring lines and winches.

Minimum requirements with respect to mooring lines and winches and with respect to the location of fairleads on vessels are as follows:

(a) Vessels of 125 feet and less in overall length shall have at least two mooring lines or hawsers, one leading from the break of the bow and one from the quarter. Both lines may be led through closed chocks and may be handheld.

(b) Vessels in excess of 125 feet and up to 200 feet in overall length shall have four mooring lines, two of which (one leading forward from the break of the bow and one leading astern from the quarter, or one leading astern from the break of the bow and one leading forward from the quarter) must be power-operated from winches, capstans, or windlasses and must be led through a type of fairlead acceptable to the Authority. The two remaining lines may be led through closed chocks and may be handheld.

(c) Vessels in excess of 200 feet in overall length shall have four mooring lines, which must be power-operated from the main drums of adequate power-operated winches, and not from capstans or windlasses. All four mooring lines (two leading from the break of the bow and two from the quarter) must be led through a type of fairlead acceptable to the Authority.

(d) The following table sets out the requirements for the location of fairleads.

TABLE I—LOCATION OF FAIRLEADS

Overall length of vessel in feet	For mooring lines Nos. 1 and 2	For mooring lines Nos. 3 and 4
200 to 300	Between 30 and 80 feet from the stem	Between 30 and 80 feet from the stern.
Over 300 to 400	Between 40 and 100 feet from the stem	Between 50 and 110 feet from the stern.
Over 400 to 500	Between 40 and 110 feet from the stem	Between 50 and 130 feet from the stern.
Over 500 to 600	Between 50 and 130 feet from the stem	Between 60 and 150 feet from the stern.
Over 600 to 730	Between 60 and 160 feet from the stem	Between 70 and 170 feet from the stern.

§ 401.102–18 Propeller direction alarms and R.P.M. indicators.

Effective January 1, 1969, vessels in excess of 260 feet in overall length shall be equipped with propeller direction and shaft r.p.m. indicators or visible and audible wrongway propeller direction alarms located in the wheelhouse and the engine room.

§ 401.102–19 Sewage disposal systems.

Sewage disposal systems are strongly recommended for vessels not otherwise equipped with containers for ordures.

§ 401.102–21 Rudder angle indicators.

Effective January 1, 1968, vessels in excess of 260 feet in overall length shall be equipped with rudder angle indicators located in the wheelhouse.

§ 401.102–22 [Deleted]

§ 401.102–25 Midship draft markings.

Effective January 1, 1969, vessels in excess of 260 feet in overall length shall be marked on both sides with midship draft markings.

II. It is further proposed that the rules of Subpart B respecting Radio Communications, §§ 401.103–1 to 401.103–8, be amended by revising § 401.103–3 (on location of stations) to designate the location of Station VDX22 as "Welland Canal Headquarters" instead of "Guard Gate, Welland Canal"; by deleting § 401.103–6 (on calling-in upon leaving at Montreal) and calling-in-points Nos. 4 and 2 under § 401.103–7 (on calling-in-points) for downbound vessels, to eliminate unnecessary messages contributing to radio congestion; as follows:

§ 401.103–3 Location of stations.

The Seaway stations are for vessel traffic control purposes only, and are located as follows:

VDX20 Upper Beauharnois Lock (Dispatch Area No. 1).
KEF Eisenhower Lock (Dispatch Area No. 2).
VDX21 Iroquois Lock (Dispatch Area No. 3).
VDX22 Welland Canal Headquarters (Dispatch Area No. 4).

§ 401.103–6 [Deleted]

§ 401.103–7 Calling-in points.

* * * * *

Downbound vessels	Dispatch area	Station call sign
No. 16—Three Mile Fairway Buoy—off Port Colborne Harbor—Lake Erie (order of passing through established here).	No. 4	VDX22.
No. 14—Maitland—Fairway Buoy—St. Lawrence River	No. 3	VDX21.
No. 13—Cardinal—St. Lawrence River (order of passing through established here).	No. 3	VDX21.
No. 10—Bradford Island—Light No. 71—Lake St. Lawrence	No. 2	KEF.
No. 9—Richards Point—Light No. 55—Lake St. Lawrence (order of passing through established here)	No. 2	KEF.
No. 6—Pointe Mouillee—Pier Light No. 63F—Lake St. Francis	No. 1	VDX20.
No. 5—Entrance to Beauharnois Canal—Buoy No. 24F—Lake St. Francis (order of passing through established here).	No. 1	VDX20.

III. It is further proposed that the rules of Subpart B respecting Transit Instructions, §§ 401.104–1 to 401.104–48, be amended by revising § 401.104–15 (on the limit of approach to a lock) to provide a reference to all signs identifiable as marking the limit of approach, including abbreviations, lights or symbols; and § 401.104–30 (on turning basins) to redescribe and reflect the enlargement of turning basin (b) in the Welland Canal; as follows:

§ 401.104–15 Limit of approach to a lock.

The stem of a vessel approaching a lock or guard gate shall not pass the indicated sign signifying the limit of approach until the signal light at the lock shows green.

§ 401.104–30 Turning basins.

* * * * *

Welland Canal:

(a) Opposite St. Catherines Wharf for vessels up to 350 feet.

(b) Between Lock 7 and Bridge 9 for vessels up to 600 feet.

(c) Three thousand feet south of Bridge 12 for vessels up to 600 feet.

(d) North of Lock No. 8 for vessels up to 550 feet.

* * * * *

IV. It is further proposed that the rules of Subpart B respecting Dangerous Cargo, §§ 401.105–1 to 401.105–8, be revised in full, to provide procedural and operational requirements for carriage of dangerous cargoes in the Seaway by vessels considered to be in an explosive category; and separate requirements for the carriage of dangerous cargoes of a class and in quantities in vessels considered to be in a hazardous category; as follows:

DANGEROUS CARGO

§ 401.105–1 General conditions.

Vessels carrying fuel oil, gasoline, crude oil, or other flammable goods in bulk, including empty tankers which are not gas free, and vessels carrying dangerous goods to which regulations made under the Canada Shipping Act, or to which the Dangerous Cargo Act of the United States of America or regulations issued pursuant thereto, apply, shall be deemed to carry dangerous cargo, and they may transit only if all requirements of the statutes and regulations cited and of §§ 401.105–2 to 401.105–11 have been fulfilled.

§ 401.105–2 Explosive vessel.

A vessel carrying—

(a) Explosives with a mass explosive risk, including ammonium nitrate when it falls into this classification; or

(b) More than 10 tons of explosives which do not explode en masse; or

(c) More than 100 tons of explosives having a fire hazard with minor or no explosive effects

shall be deemed for Seaway purposes to be an explosive vessel.

§ 401.105–3 Explosives permit.

An explosive vessel shall not transit without a Seaway Explosives Permit.

§ 401.105–4 Application for permit.

Written application for a Seaway Explosives Permit may be made to the Director of Operations, The St. Lawrence Seaway Authority, Cornwall, Ontario, or to the Chief Engineer, St. Lawrence Seaway Development Corporation, Massena, N.Y., and it shall show that the goods are packed, marked, labeled, described, certified, stowed, and otherwise conform with all relevant regulations of the country in which they were loaded and of Canada and the United States of America.

§ 401.105–5 Production of explosives permit.

A signed copy of a Seaway Explosives Permit and a true copy of any certificate as to the loading of dangerous goods shall be kept on board a vessel in transit and made available to any officer requiring production of same.

§ 401.105–6 Hazardous cargo vessel.

A tanker vessel carrying fuel oil, gasoline, crude oil, or other flammable goods in bulk, including tankers which are not gas free, and also a dry cargo vessel carrying other dangerous cargo which is—

(a) In excess of 50 tons of gases, compressed, liquified, or dissolved under pressure;

(b) In excess of 50 tons of inflammable liquids of the low flashpoint group;

(c) In excess of 50 tons of organic peroxides;

(d) In excess of 100 tons of oxidizing substances;

(e) In excess of 100 tons of inflammable liquids of the intermediate flashpoint group;

(f) In excess of 100 tons of inflammable solids or spontaneously combustible substances;

(g) In excess of 100 tons of substances emitting inflammable gases when wet;

(h) In excess of 100 tons of poisonous toxic substances;

(i) In excess of 100 tons of infectious substances;

(j) In excess of 200 tons of corrosive substances; or

(k) In excess of 500 tons of inflammable liquids of the high flashpoint group

shall be deemed for Seaway purposes to be a Hazardous Cargo Vessel.

§ 401.105–7 Nonmetallic fenders.

An explosive vessel and a hazardous cargo vessel must be equipped with a sufficient number of nonmetallic fenders to prevent any metallic part of the vessel from touching the side of a dock or lock wall.

§ 401.105–8 Signals—explosive vessel.

An explosive vessel must display at the masthead or at an equivalent, conspicuous position, a "B" Flag by day and a red light by night, both visible all around the horizon for a distance of at least 2 miles.

§ 401.105–9 Signals—hazardous cargo vessel.

A hazardous cargo vessel must display at the masthead or at an equivalent, conspicuous position, a "B" Flag superior to numeral pennant No. 1 by day and a red light by night, both visible all around the horizon for a distance of at least 2 miles.

§ 401.105–10 Calling-in.

An explosive vessel shall report the Seaway Explosives Permit number, and both explosive and hazardous cargo vessels shall report the nature of their cargo, in addition to the other required information, when calling-in as provided by §§ 401.103–4 and 401.103–5.

§ 401.105–11 Safety restrictions for passing through.

The passing through of explosive vessels and hazardous cargo vessels may be directed in a special manner by the officer in charge.

V. It is lastly proposed that Part II of § 401.120–1 (Preclearance Form) be revised to provide more complete information as to required and recommended equipment for vessels; as follows:

§ 401.120–1 Preclearance form.

* * * * *

PART II—INFORMATION ON VESSEL

The furnishing of inaccurate information is an offense under the regulations.

1. Managing Owner or Operator of the Vessel:
(a) Name of Company ----------
(b) Address ----------
2. Type of Vessel:
(a) Cargo ---------- ☐
(b) Tanker ---------- ☐
(c) Passenger only ---------- ☐
(d) Cargo/Passenger ---------- ☐
(more than 12 passengers)
(e) Cargo/Passenger ---------- ☐
(under 12 passengers)
(f) Under Tow ---------- ☐
(g) Dredge ---------- ☐
(h) Scow ---------- ☐
Barge ---------- ☐
Tank Barge ---------- ☐
(i) Tug ---------- ☐
(j) Naval (MIL) ---------- ☐
(k) Government ---------- ☐
(l) Other (specify) ---------- ☐
3. Type of Service for which constructed:
(a) Inland ---------- ☐
(b) Ocean ---------- ☐
4. Specifications:
(a) Gross Tons ----------
(b) Net tons ----------
(c) Length (overall) ----------
(d) Extreme Breadth (including fenders) ----------

NOTE: It is of the utmost importance to furnish the precise overall length of all vessels in order that traffic controllers may arrange lockages accordingly.

5. Machinery:
(a) Steam ----------
(b) Diesel ----------
(c) Turbine ----------
Is vessel fitted with—
(a) Adjustable pitch propeller? Yes☐ No☐
(b) Bridge control? Yes☐ No☐
(c) Gyro compass? Yes☐ No☐
(d) Oily-water separator? Yes☐ No☐
(e) Radar? Yes☐ No☐
(f) Rudder angle indicator? Yes☐ No☐
(g) Sewage disposal system? Yes☐ No☐
(h) Stern anchor? Yes☐ No☐
(i) Wrong way propeller direction alarm? Yes☐ No☐

(68 Stat. 93–97, 33 U.S.C. 981–990, as amended)

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] JOSEPH H. McCANN,
Administrator.

[F.R. Doc. 67–2546; Filed, Mar. 8, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 595]

NEW MEXICO

Notice of Classification

MARCH 2, 1967.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272) as amended, for lands within Grant and Hidalgo Counties, N. Mex.

The lands affected by this classification are located in Grant and Hidalgo Counties and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 14 W.,
Sec. 5, lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 6, lots 2, 3, 4, 5, 6, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.
T. 23 S., R. 15 W.,
Sec. 25, SW¼SE¼;
Sec. 31, lot 4, SE¼SW¼, and S½SE¼.
T. 24 S., R. 15 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and N½S½;
Sec. 4, SE¼;
Sec. 5, lot 2 and SW¼NW¼;
Sec. 6, lots 1 to 6, inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 11, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 12, N½ and N½S½.
T. 22 S., R. 16 W.,
Sec. 34, S½SW¼.
T. 23 S., R. 16 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 13;
Sec. 17, SE¼;
Sec. 19, lots 3, 4, E½SW¼, and SE¼;
Sec. 20, NE¼ and S½;
Secs. 23, 25, and 26;
Sec. 27, E½;
Sec. 34, E½E½.
T. 24 S., R. 16 W.,
Sec. 3, lot 1 and SE¼NE¼;
Sec. 4, SW¼NW¼ and NW¼SE¼;
Sec. 5, lots 1, 2, 3, 4, and S½N½;
Sec. 6, lots 1, 2, and S½NE¼.
T. 22 S., R. 17 W.,
Sec. 31, E½ and E½W½;
Sec. 34, N½NW¼ and SW¼NW¼.
T. 23 S., R. 17 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 5, lots 1 and 2;
Sec. 7, SE¼NE¼;
Sec. 8, S½N½;
Secs. 9, 10, 11, 12, 13, 14, and 15;
Sec. 18, lots 1, 2, 3, 4, and E½W½;
Sec. 19, lots 1, 2, 3, 4, W½NE¼, SE¼NE¼, E½W½, and SE¼;
Sec. 20, S½N½ and S½;
Sec. 21, S½N½ and S½;
Sec. 23;
Sec. 24, N½, N½SW¼, SW¼SW¼, and NE¼SE¼;
Sec. 25, NE¼NE¼, S½NE¼, and SW¼;
Sec. 26, NW¼ and S½;
Secs. 27 and 28;
Sec. 29, E½;
Sec. 30, E½SW¼ and SE¼;
Sec. 31, NE¼NW¼.
T. 23 S., R. 18 W.,
Sec. 1, lot 4, NE¼SW¼, E½NW¼SW¼, S½NW¼NW¼SW¼, SW¼NW¼SW¼, and N½SE¼.

The areas described aggregate 21,582.57 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM., 721, Washington, D.C. 20240. (43 CFR 2411.12(d))

MICHAEL T. SOLAN,
Acting State Director.

[F.R. Doc. 67–2600; Filed, Mar. 8, 1967; 8:46 a.m.]

[Oregon 011382–011394]

OREGON

Notice of Proposed Classification

FEBRUARY 28, 1967.

Pursuant to the provisions of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below as proper for selection by the State of Oregon under provisions of sections 2275 and 2276 of the Revised Statutes (43 U.S.C. 851, 852), as amended. The selection is in lieu or as indemnity for an equal acreage of land lost to the State by reservation or appropriation prior to survey or because of other deficiencies.

The public lands at issue are timberlands located in the Western Oregon counties of Benton, Clatsop, Coos, Douglas, Lincoln, Marion, Polk, and Tillamook. Under Federal jurisdiction the lands have been managed for sustained yield timber production pursuant to multiple use land management policies. Under the laws of the State of Oregon, the lands would become Common School Forest Lands and would continue to be managed for public purposes under sustained yield forestry principles.

This proposal has been discussed with the District Advisory Boards, local governmental officials, and other interested parties. Information derived from discussions and other sources indicate that these lands meet the criteria of 43 CFR 2410.13(c) (1) and (2), which authorizes classification of lands found to be valuable for public purposes for transfer in satisfaction of a State land grant. Information concerning the lands, including the record of public discussions, is available for inspection and study at the Oregon State Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg.

WILLAMETTE MERIDIAN

T. 10 S., R. 7 W.,
Sec. 6;
Sec. 8, SE¼;
Sec. 18, NE¼SW¼ and SE¼SE¼.
T. 4 N., R. 8 W.,
Sec. 14, lots 5 and 6.
T. 2 S., R. 8 W.,
Sec. 30, lots 3 and 4, E½SW¼, and S½SE¼.
T. 9 S., R. 8 W.,
Sec. 28, S½S½;
Sec. 30, NE¼SW¼;
Sec. 33, N½NE¼.
T. 10 S., R. 8 W.,
Sec. 2, SE¼NE¼;
Sec. 4, lots 2, 3, and 4, SW¼NE¼, S½NW¼, NW¼SW¼, and SE¼SE¼;
Sec. 8, E½NE¼;
Sec. 10, NE¼;
Sec. 14, E½NE¼.
T. 11 S., R. 8 W.,
Sec. 14, SW¼SW¼;
Sec. 26, NW¼SW¼ and S½SW¼;
Sec. 28, N½NW¼;
Sec. 30, lot 1, NE¼NW¼, and NE¼;
Sec. 32, E½NE¼;
Sec. 34, SE¼NE¼ and S½S½.
T. 12 S., R. 8 W.,
Sec. 4, lots 3 and 4;
Sec. 6, SE¼NE¼ and E½SE¼.
T. 1 N., R. 9 W.,
Sec. 19, lots 3, 4, E½SW¼, and E½SE¼;
Sec. 20, NW¼NE¼, S½NE¼, W½, and SE¼;
Sec. 21, W½SW¼ and SE¼SW¼;
Sec. 22, SW¼ and S½SE¼;
Sec. 27, N½NE¼, SW¼NE¼, and NW¼;
Sec. 28, W½;
Sec. 29, NE¼ and S½;
Sec. 30;
Sec. 32, N½NE¼ and NE¼NW¼;
Sec. 33, N½NW¼.
T. 5 N., R. 9 W.,
Sec. 27, NW¼NE¼;
Sec. 34, NE¼NE¼.
T. 11 S., R. 9 W.,
Sec. 34, SE¼NE¼ and E½SE¼.
T. 1 N., R. 10 W.,
Sec. 23, S½SE¼;
Sec. 25, SE¼.
T. 24 S., R. 11 W.,
Sec. 16, E½SW¼;
Sec. 20, NE¼SE¼;
Sec. 30, lot 1.
T. 22 S., R. 12 W.,
Sec. 24, lots 2, 3, and 4, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 25, lot 4, S½NW¼, S½SW¼, and SW¼SE¼;
Sec. 26, SE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 27, SW¼SE¼;
Sec. 35, NE¼NE¼, SW¼NE¼, and NW¼NW¼.
T. 7 S., R. 2 E.,
Sec. 34, SW¼ and W½SE¼.
T. 9 S., R. 3 E.,
Sec. 24, E½SE¼.

The areas described aggregate 8,193.14 acres.

Publication of this notice segregates the described lands from all forms of disposal under the public land laws, including the mining laws, except as to selections under sections 2275 and 2276 of the

Revised Statutes (43 U.S.C. 851, 852), as amended.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the State Director, Bureau of Land Management, Department of the Interior, Post Office Box 2965, 729 Northeast Oregon Street, Portland, Oreg. 97208.

A public hearing on the proposed classification will be held on April 14, 1967, at 10 a.m. in the Federal Building Auditorium, 1002 Northeast Holladay Street, Portland, Oreg.

After having considered comments received as a result of this publication and hearing, the undersigned officer will classify the above-described lands, which classification shall be published in the FEDERAL REGISTER.

JAMES F. DOYLE,
State Director.

[F.R. Doc. 67-2601; Filed, Mar. 8, 1967; 8:46 a.m.]

[Montana 1422]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 1, 1967.

The Department of Agriculture, on behalf of the Forest Service, has filed application, Montana 1422, for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid claims.

The applicant desires the land for protection of campgrounds in the national forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

LOLO NATIONAL FOREST

PRINCIPAL MERIDIAN, MONTANA

River Point Recreation Area

T. 17 N., R. 15 W.,
Sec. 33, lots 3, 4, and 5.
Total area—62.75 acres.

Lake Alva Boat Launch

T. 18 N., R. 16 W.,
Sec. 24, that portion of lot 1 lying west of Montana State Highway 209.
Total area—10 acres.

Rainy Lake Recreation Area

T. 18 N., R. 16 W.,
Sec. 11, lot 1;
Sec. 12, lot 1.
Total area—61.68 acres.

Gold Rush Recreation Area

Unsurveyed, but which probably will be when surveyed:

T. 20 N., R. 29 W.,
Sec. 5, S½SE¼NE¼.
Total area—20 acres.

The area described aggregate 154.43 acres.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 67-2602; Filed, Mar. 8, 1967; 8:46 a.m.]

[OR1295 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

MARCH 2, 1967.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number OR1295 (Washington), for the withdrawal of the public lands described below, from all forms of appropriation under the mining laws (Ch. 2, 30 U.S.C.) but not from leasing under the mineral leasing laws.

The applicant desires the land in order to protect the South Fork Snoqualmie (Alpental) Recreation Area for skiing, winter sports, and public recreational use and to safeguard the existing and planned Government investments thereon.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

SNOQUALMIE NATIONAL FOREST

South Fork Snoqualmie (Alpental) Recreation Area

T. 23 N., R. 10 E.,
Sec. 24, E½W½SE¼ and E½SE¼.

T. 23 N., R. 11 E.,
Sec. 19, S½ lot 7 and S½SW¼SE¼;
Sec. 20, S½S½S½;
Sec. 21, S½S½SW¼;
Sec. 28, lots 1 to 7, inclusive, NW¼, and NW¼SW¼;
Sec. 29, lot 1, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 30, lots 1 to 4, inclusive, and E½;
Sec. 31, E½NE¼ and NE¼NW¼NE¼;
Sec. 32, lots 1 to 3, inclusive, W½NE¼, SE¼NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 33, lots 1, 4, and NE¼.

The area described aggregates 2,679.56 acres.

ERLING A. OLSON,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-2603; Filed, Mar. 8, 1967; 8:46 a.m.]

[A 466]

ARIZONA

Notice of Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below, together with any lands therein that may become public lands in the future, are hereby classified for multiple use management. Publication of this notice has the effect of segregating all lands described in this notice from appropriation under the agricultural land laws (43 U.S.C., Chs. 7 and 9, and 25 U.S.C. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands described in paragraphs 4b and 4c are further segregated from private exchange (43 U.S.C. 315g (b)) and the lands described in paragraph 4c are further segregated from State exchange (43 U.S.C. 315g(c)). All the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. Several comments in response to the notice of proposed classification (31 F.R. 16324) were received at the public hearing held on January 31, 1967. All comments were carefully considered and only one change was made. Two tracts of land, the W½ sec. 28 and the W½ sec. 33, T. 34 N., R. 7 W., GSR Mer., listed in the notice of proposed classification are not included in this notice of classification. The segregative effect of the notice of proposed classification is hereby terminated as to these two tracts.

3. The files and maps for the described area are on file and are available for inspection at the Bureau of Land Management, Arizona Strip District Office, 53 North Main, Hafen Building, St. George, Utah; and Bureau of Land Management, Land Office, Federal Building, Phoenix, Ariz.

4. The lands involved are in Mohave County, Ariz., and are described as follows:

GILA AND SALT RIVER MERIDIAN ARIZONA

a. As provided in paragraph 1 above the following lands are segregated from the agricultural land laws and from public sale under Revised Statutes 2455.

T. 34 N., R. 7 W.,
Secs. 3 to 9 inclusive;
Sec. 10, W½;
Secs. 16 to 21 inclusive;
Secs. 29 to 32 inclusive.
T. 35 N., R. 7 W.,
Secs. 19 to 22 inclusive;
Sec. 27, W½NE¼, NW¼, and N½SW¼;
Secs. 28 to 33 inclusive.
T. 40 N., R. 7 W.,
Secs. 3 to 9 inclusive.
T. 41 N., R. 7 W.,
Secs. 4 to 10 inclusive;
Secs. 15 to 22 inclusive;
Secs. 27 to 34 inclusive.
T. 41 N., R. 8 W.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 42 N., R. 7 W.,
Secs. 31 to 33 inclusive.
T. 42 N., R. 8 W.,
Sec. 36.

b. As provided in paragraph 1 above the following lands are further segregated from private exchange:

T. 34 N., R. 8 W.,
Secs. 1 to 3 inclusive;
Sec. 4, SE¼;
Secs. 9 to 16 inclusive;
Secs. 21 to 24 inclusive.
T. 35 N., R. 4 W.,
Secs. 6, 7, 18, and 19.
T. 35 N., R. 5 W.,
Secs. 1 to 24 inclusive.
T. 35 N., R. 6 W.,
Secs. 1 to 24 inclusive.
T. 35 N., R. 7 W.,
Secs. 1 to 18 inclusive;
Secs. 23 and 24.
T. 35 N., R. 8 W.,
Secs. 1 to 19 inclusive;
Sec. 20, W½;
Sec. 23, E½;
Secs. 24 and 25;
Sec. 26, E½;
Sec. 29, W½;
Sec. 30;
Sec. 31, N½ and N½S½;
Sec. 32, NW¼ and N½SW¼;
Sec. 34, S½;
Sec. 35, SW¼ and E½;
Sec. 36.
T. 35 N., R. 9 W.,
Secs. 1 to 18 inclusive;
Secs. 20 to 29 inclusive;
Sec. 33, N½ and N½S½;
Sec. 34, N½ and N½S½;
Sec. 35, N½ and N½S½;
Sec. 36, N½ and N½S½.
T. 36 N., R. 4 W.,
Sec. 1, that part west of Kaibab National Forest irregular boundary;
Secs. 2 to 11 inclusive;
Secs. 12 and 13, that part west of Kaibab National Forest irregular boundary;
Secs. 14 to 23 inclusive;
Sec. 24, that part west of Kaibab National Forest irregular boundary;
Secs. 30 and 31.
T. 36 N., R. 5 W.,
Secs. 1 to 36 inclusive.
T. 36 N., R. 6 W.,
Secs. 1 to 36 inclusive.
T. 36 N., R. 7 W.,
Secs. 1 to 36 inclusive.
T. 36 N., R. 8 W.,
Secs. 1 to 36 inclusive.
T. 36 N., R. 9 W.,
Secs. 1 to 36 inclusive.
T. 36 N., R. 10 W.,
Sec. 12, E½;
Sec. 13, E½ and E½W½;
Sec. 24, E½ and E½W½;
Sec. 25, E½.
T. 37 N., R. 3 W.,
Sec. 5, that part west of Kaibab National Forest irregular boundary;
Secs. 6 and 7;
Secs. 8 and 17, that part west of Kaibab National Forest irregular boundary;
Sec. 18;
Secs. 19, 20, 30 and 31, that part west of Kaibab National Forest irregular boundary.
T. 37 N., R. 4 W.,
Secs. 1 to 35 inclusive;
Sec. 36, that part west of Kaibab National Forest irregular boundary.
T. 37 N., R. 5 W.,
Secs. 1 to 36 inclusive.
T. 37 N., R. 6 W.,
Secs. 34 to 36 inclusive.
T. 37 N., R. 8 W.,
Secs. 1 to 36 inclusive.
T. 37 N., R. 9 W.,
Secs. 1 and 2;
Secs. 10 to 15 inclusive;
Secs. 21 to 36 inclusive.
T. 38 N., R. 3 W.,
Secs. 4 to 8 inclusive;
Secs. 17 to 20 inclusive;
Secs. 29 to 32 inclusive.
T. 38 N., R. 4 W.,
Secs. 1 to 36 inclusive.
T. 38 N., R. 8 W.,
Secs. 4 to 9 inclusive;
Secs. 16 to 21 inclusive;
Secs. 28 to 33 inclusive.
T. 38 N., R. 9 W.,
Secs. 1 to 4 inclusive;
Secs. 10 to 15 inclusive;
Secs. 22 to 26 inclusive;
Secs. 35 and 36.
T. 39 N., R. 3 W.,
Secs. 3 to 10 inclusive;
Secs. 16 to 21 inclusive;
Secs. 28 to 33 inclusive.
T. 39 N., R. 4 W.,
Secs. 1 to 4 inclusive;
Secs. 7 to 36 inclusive.
T. 39 N., R. 5 W.,
Sec. 13;
Secs. 17 to 36 inclusive.
T. 39 N., R. 6 W.,
Secs. 7 to 9 inclusive;
Secs. 13 to 29 inclusive;
Secs. 32 to 36 inclusive.
T. 39 N., R. 8 W.,
Secs. 19 to 21 inclusive;
Secs. 28 to 33 inclusive.
T. 39 N., R. 9 W.,
Secs. 1 to 18 inclusive;
Secs. 20 to 29 inclusive;
Secs. 33 to 36 inclusive.
T. 40 N., R. 3 W.,
Secs. 31 to 34 inclusive.
T. 40 N., R. 4 W.,
Sec. 34, E½;
Secs. 35 and 36.
T. 40 N., R. 7 W.,
Secs. 10 and 11;
Sec. 13, W½;
Secs. 14, 15, 22, 23, 26, 27, 34, and 35.
T. 40 N., R. 9 W.,
Secs. 1 to 36 inclusive.
T. 40 N., R. 10 W.,
Secs. 1 to 3 inclusive;
Secs. 10 to 14 inclusive;
Secs. 23 to 25 inclusive;
Sec. 36.
T. 41 N., R. 8 W.,
Secs. 2 to 11 inclusive;
Secs. 14 to 23 inclusive;
Secs. 26 to 35 inclusive.
T. 41 N., R. 9 W.,
Secs. 1 to 36 inclusive.
T. 41 N., R. 10 W.,
Secs. 12 and 13;
Secs. 23 to 26 inclusive;
Secs. 34 to 36 inclusive.
T. 42 N., R. 8 W.,
Secs. 31 to 35 inclusive.
T. 42 N., R. 9 W.,
Secs. 31 to 36 inclusive.

c. As provided in paragraph 1 above the following lands are further segregated from private exchange and state exchange:

T. 37 N., R. 6 W.,
Secs. 1 to 33 inclusive.
T. 37 N., R. 7 W.,
Secs. 1 to 36 inclusive.
T. 38 N., R. 5 W.,
Secs. 1 to 36 inclusive.
T. 38 N., R. 6 W.,
Secs. 1 to 36 inclusive.
T. 38 N., R. 7 W.,
Secs. 1 to 36 inclusive.
T. 38 N., R. 8 W.,
Secs. 1 to 3 inclusive;
Secs. 10 to 15 inclusive;
Secs. 22 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 39 N., R. 6 W.,
Secs. 30 and 31.
T. 39 N., R. 7 W.,
Secs. 1 to 36 inclusive.
T. 39 N., R. 8 W.,
Secs. 1 to 18 inclusive;
Secs. 22 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 40 N., R. 7 W.,
Secs. 16 to 21 inclusive;
Secs. 28 to 33 inclusive.
T. 40 N., R. 8 W.,
Secs. 1 to 36 inclusive.

The lands described aggregate 699,904 acres of public lands.

5. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.-1-2(d)).

GLENDON E. COLLINS,
Acting State Director.

MARCH 3, 1967.

[F.R. Doc. 67-2604; Filed, Mar. 8, 1967; 8:46 a.m.]

[New Mexico 929]

NEW MEXICO

Notice of Classification of Public Lands for Multiple Use Management

MARCH 3, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below together with any lands therein that may become public lands in the future are hereby classified for multiple use management. Publication of this notice segregates the lands from appropriation under the agricultural land laws (43 U.S.C. Part 7, 43 U.S.C. Part 9, and 25 U.S.C. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. No adverse comments were received following publication of a notice of proposed classification (31 F.R. 16794 and 16795), or at the public hearing at Artesia, N. Mex., which was held on January 16, 1967. The record showing the comments received and other information is on file and can be examined in the Roswell District Office, Roswell, N. Mex. The public lands affected by this classification are located within the following described areas and are shown on maps designated Classification No. 30–06–02, in the Roswell District Office, and at the Land Office of the Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex.

NEW MEXICO PRINCIPAL MERIDIAN

Unit 06–02

T. 17 S., R. 19 E.,
Secs. 25, 26, 27, 34, 35, and 36.
T. 17 S., R. 20 E.,
Secs. 21 to 36, inclusive.
T. 17 S., R. 21 E.,
Secs. 19, 30, and 31.
T. 18 S., R. 17 E.,
Secs. 13, 24, 25, and 36.
T. 18 S., R. 16 E.,
Secs. 1, 2, 11, and 12;
Secs. 13 to 36, inclusive.
T. 18 S., Rs. 19 and 20 E.
T. 18 S., R. 21 E.,
Secs. 6, 7, 8, 17, 18, 19, 20, 29, and 30;
Secs. 31 to 35, inclusive.
T. 19 S., R. 17 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 19 S., Rs. 18, 19, 20, and 21 E.
T. 20 S., R. 18 E.,
Sec. 1.
T. 20 S., R. 19 E.,
Secs. 1 to 17, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 20 S., R. 20 E.
T. 20 S., R. 21 E.,
Sec. 1, W½;
Secs. 2 to 11, inclusive;
Sec. 12, W½;
Sec. 13, W½;
Secs. 14 to 23, inclusive;
Sec. 24, W½ and SE¼;
Secs. 25 to 36, inclusive.
T. 20 S., R. 23 E.,
Sec. 19, S½S½;
Secs. 30 and 31.
T. 20½ S., R. 20 E.,
Secs. 31 to 36, inclusive.
T. 20½ S., R 21 E.,
Secs. 31 to 36, inclusive.
T. 20½ S., R. 22 E.,
Sec. 31, SW¼.
T. 21 S., R. 19 E.,
Secs. 1, 2, 11, 12, and 13.
T. 21 S., R. 20 E.,
Secs. 1 to 18, inclusive;
Secs. 20 to 28, inclusive;
Secs. 34 to 36, inclusive.
T. 21 S., R. 21 E.,
Secs. 1 to 21, inclusive;
Sec. 22, N½ and N½S½;
Sec. 23, N½N½;
Secs. 28 to 33, inclusive.
T. 21 S., R. 22 E.,
Sec. 6, W½ and W½E½;
Secs. 7 and 18.
T. 22 S., R. 20 E.,
Secs. 1, 2, 3, and 12.
T. 22 S., R. 21 E.,
Secs. 4 to 9, inclusive;
Sec. 10, SW¼;
Sec. 14, SW¼;
Secs. 15 to 18, inclusive;
Sec. 21, N½;
Secs. 22 and 23;
Sec. 26, NW¼;
Sec. 27, NE¼.

Unit 06–03

T. 8 S., R. 30 E.,
Sec. 21, S½;
Sec. 22, S½;
Sec. 23, S½;
Sec. 24, S½;
Secs. 25 to 36, inclusive.
T. 7 S., R. 31 E.,
Sec. 28, S½;
Sec. 33;
Sec. 34, S½.
T. 8 S., R. 31 E.,
Secs. 2 and 3;
Secs. 7 to 11, inclusive;
Sec. 12, W½;
Sec. 13, W½ and S½SE¼;
Secs. 14 to 35, inclusive.
T. 8 S., R. 32 E.,
Sec. 17, S½S½;
Sec. 18, S½S½;
Sec. 19;
Sec. 20, W½;
Sec. 29, NW¼;
Sec. 30, N½.
T. 9 S., R. 29 E.,
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 9 S., R. 30 E.
T. 9 S., R. 31 E.,
Sec. 3, W½;
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 10 S., R. 29 E.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 10 S., R. 30 E.,
Secs. 1 to 35, inclusive.
T. 10 S., R. 31 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 19, inclusive.
T. 11 S., R. 30 E.
T. 11 S., R. 31 E.,
Secs. 6 and 7;
Secs. 18 and 19;
Secs. 29 to 32, inclusive.
T. 12 S., R. 29 E.,
Sec. 1;
Secs. 7 to 36, inclusive.
T. 12 S., R. 30 E.
T. 12 S., R. 31 E.,
Secs. 5 to 8, inclusive;
Sec. 9, S½;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 13 S., R. 28 E.,
Sec. 23, S½;
Sec. 24, S½;
Secs. 25, 26, 35, and 36.
T. 13 S., Rs. 29 and 30 E.
T. 13 S., R. 31 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 14 S., R. 27 E.,
Secs. 1, 12, and 13;
Sec. 14, S½;
Sec. 15, SE¼ and E½SW¼;
Sec. 22, E½ and E½W½;
Secs. 23 to 26, inclusive;
Sec. 27, E½, E½W½, and W½SW¼;
Sec. 28, S½;
Secs. 33 to 36, inclusive.
T. 14 S., Rs. 28, 29, and 30 E.
T. 14 S., R. 31 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 20, inclusive;
Secs. 30 and 31.
T. 15 S., R. 26 E.,
Sec. 24, E½SE¼ and SW¼SE¼;
Sec. 25;
Sec. 26, S½S½ and NW¼SW¼;
Sec. 27, SE¼;
Sec. 33, NE¼NE¼, S½N½, and S½;
Secs. 34 to 36, inclusive.
T. 15 S., R. 27 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Sec. 17, E½, E½SW¼, and SW¼SW¼;
Sec. 18, S½SE¼;
Secs. 19 to 36, inclusive.
T. 15 S., Rs. 28 and 29 E.
T. 15 S., R. 30 E.,
Secs. 1 to 23, inclusive;
Sec. 24, W½;
Sec. 25, W½;
Secs. 26 to 35, inclusive;
Sec. 36, W½.
T. 16 S., R. 26 E.,
Sec. 1;
Sec. 12, E½;
Sec. 13, E½;
Sec. 24, NE¼ and E½SE¼;
Sec. 25, E½NE¼.
T. 16 S., R. 27 E.,
Secs. 1 to 30, inclusive;
Sec. 31, E½ and E½NW¼;
Secs. 32 to 36, inclusive.
T. 16 S., Rs. 28 and 29 E.
T. 16 S., R. 30 E.,
Secs. 1 to 33, inclusive;
Sec. 34, N½ and N½S½;
Sec. 35, N½;
Sec. 36, N½ and N½SE¼.
T. 16 S., R. 31 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 20, inclusive;
Sec. 21, N½ and N½S½;
Sec. 22, N½ and N½S½;
Secs. 29 and 30;
Sec. 31, N½;
Sec. 32.
T. 17 S., R. 27 E.,
Secs. 1 to 5, inclusive;
Sec. 6, E½;
Sec. 8, N½N½;
Sec. 9, N½N½;
Sec. 10, N½N½;
Sec. 11, N½N½;
Sec. 12, N½N½.
T. 17 S., R. 28 E.,
Secs. 1 to 6, inclusive;
Sec. 7, N½N½;
Sec. 8, N½N½;
Sec. 9, N½N½;
Secs. 10 to 15, inclusive;
Secs. 22 to 24, inclusive;
Sec. 25, N½ and N½S½;
Secs. 26 and 27.
T. 17 S., R. 29 E.,
Secs. 1 to 20, inclusive;
Sec. 21, N½ and N½S½;
Sec. 22, N½;
Sec. 23, N½;
Sec. 24, N½;
Sec. 30, N½N½.

T. 17 S., R. 30 E.,
Sec. 4, N½NW¼;
Secs. 5 to 8, inclusive;
Sec. 17, N½ and N½SW¼;
Sec. 18;
Sec. 19, N½.

Unit 06–04

T. 19 S., R. 24 E.,
Sec. 20, E½;
Secs. 21 to 36, inclusive.
T. 19 S., R. 25 E.,
Sec. 19;
Sec. 26, S½;
Sec. 27, S½;
Sec. 28, S½;
Sec. 29, S½;
Secs. 30 to 35, inclusive.
T. 20 S., R. 21 E.,
Sec. 1, E½;
Sec. 12, E½;
Sec. 13, E½;
Sec. 24, NE¼.
T. 20 S., R. 23 E.,
Secs. 1 to 18, inclusive;
Sec. 19, N½ and N½S½;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 20 S., R. 24 E.
T. 20 S., R. 25 E.,
Secs. 2 to 11, inclusive;
Secs. 13 to 35, inclusive.
T. 20 S., R. 26 E.,
Sec. 19.
T. 20½ S., R. 22 E.,
Sec. 31, SE¼;
Secs. 32 to 36, inclusive.
T. 20½ S., R. 23 E.,
Secs. 31 to 36, inclusive.
T. 21 S., R. 21 E.,
Sec. 22, S½S½;
Sec. 23, S½N½ and S½;
Secs. 24 to 27, inclusive;
Secs 34 to 36, inclusive.
T. 21 S., R. 22 E.,
Secs. 1 to 5, inclusive;
Sec. 6, E½E½;
Secs. 8 to 17, inclusive;
Secs. 19 to 36, inclusive.
T. 21 S., Rs. 23 and 24 E.
T. 21 S., R. 25 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 27 to 35, inclusive.
T. 22 S., R. 21 E.,
Secs. 1, 2, and 3;
Sec. 10, N½ and SE¼;
Secs. 11 and 12.
T. 22 S., R. 22 E.,
Secs. 1 to 15, inclusive;
Sec. 16, NE¼;
Sec. 23, N½N½.
T. 22 S., R. 23 E.,
Secs. 1 to 18, inclusive;
Sec. 19, N½N½, S½NE¼, and SE¼;
Secs. 20 to 28, inclusive;
Sec. 29, N½;
Sec. 30, NE¼;
Secs. 33 to 36, inclusive.
T. 22 S., R. 24 E.
T. 22 S., R. 25 E.,
Secs. 1 to 33, inclusive;
Sec. 34, W½ and NE¼.
T. 22 S., R. 26 E.,
Secs. 6 and 7;
Secs. 16 to 20, inclusive;
Sec. 21, W½;
Sec. 28, W½;
Secs. 29 and 30.
T. 23 S., R. 23 E.,
Secs. 1 to 4, inclusive;
Sec. 9, N½ and N½S½;
Secs. 10 to 15, inclusive.
T. 23 S., R. 24 E.,
Sec. 1, N½;
Sec. 2, N½N½;
Sec. 3, N½NE¼, W½SE¼, and W½;
Secs. 4 to 8, inclusive;
Sec. 9, N½ and SW¼;
Sec. 17, NW¼ and N½SW¼;
Sec. 18, all.

Unit 06–06

T. 22 S., R. 21 E.,
Sec. 13;
Sec. 14, N½ and SE¼;
Sec. 21, S½;
Secs. 24 and 25;
Sec. 26, E½ and SW¼;
Sec. 27, W½ and SE¼;
Sec. 28;
Secs. 35 and 36.
T. 22 S., R. 22 E.,
Sec. 16, W½ and SE¼;
Secs. 17 to 22, inclusive;
Sec. 23, S½N½ and S½;
Secs. 24 to 36, inclusive.
T. 22 S., R. 23 E.,
Sec. 19, S½NW¼ and SW¼;
Sec. 29, S½;
Sec. 30, W½ and SE¼;
Secs. 31 and 32.
T. 22 S., R. 25 E.,
Sec. 34, SE¼;
Secs. 35 and 36.
T. 22 S., R. 26 E.,
Sec. 21, E½;
Sec. 22;
Sec. 23, W½;
Sec. 27;
Sec. 28, E½;
Secs. 31 to 34, inclusive.
T. 23 S., R. 21 E.,
Secs. 1 and 12.
T. 23 S., R. 22 E.,
Secs. 1 to 18, inclusive;
Secs. 20 to 28, inclusive;
Sec. 36.
T. 23 S., R. 23 E.,
Secs. 5 to 8, inclusive;
Sec. 9, S½S½;
Secs. 16 to 36, inclusive.
T. 23 S., R. 24 E.,
Sec. 1, S½;
Sec. 2, S½N½, and S½;
Sec. 3, S½NE¼ and E½SE¼;
Sec. 9, SE¼;
Secs. 10 to 16, inclusive;
Sec. 17, E½ and S½SW¼;
Secs. 19 to 36, inclusive.
T. 23 S., R. 25 E.
T. 23 S., R. 26 E.,
Secs. 4 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 33, inclusive.
T. 24 S., R. 22 E.,
Secs. 1, 12 and 13.
T. 24 S., R. 23 E.,
Secs. 1 to 18, inclusive;
Secs. 20 to 28, inclusive;
Secs. 33 and 34;
Sec. 35, N½.
T. 24 S., R. 24 E.,
Secs. 1 to 24, inclusive;
Sec. 30.
T. 24 S., R. 25 E.,
Secs. 1 to 26, inclusive;
Sec. 34, E½;
Secs. 35 and 36.
T. 24 S., R. 26 E.,
Sec. 1;
Secs. 4 to 36, inclusive.
T. 24 S., R. 27 E.,
Secs. 7 and 8;
Secs. 17 to 20, inclusive;
Sec. 21, W½;
Secs. 28 to 33, inclusive.
T. 25 S., R. 23 E.,
Secs. 34 to 36, inclusive.
T. 25 S., R. 24 E.,
Sec. 11, E½;
Secs. 12 and 13;
Sec. 14, E½;
Secs. 19 to 36, inclusive.
T. 25 S., R. 25 E.,
Secs. 1 to 4, inclusive;
Secs. 7 to 36, inclusive.
T. 25 S., R. 26 E.,

T. 25 S., R. 27 E.,
Secs. 4 to 8, inclusive;
Secs. 17 to 20, inclusive;
Sec. 26, W½ and SW¼ SE¼;
Secs. 27 to 35, inclusive.
T. 26 S., R. 22 E.,
Sec. 1, S½;
Secs. 12 and 13;
Secs. 19 to 36, inclusive.
T. 26 S., R. 23 E.,
Secs. 1 to 5, inclusive;
Sec. 6, E½ and SW¼;
Secs. 7 to 36, inclusive.
T. 26 S., Rs. 24, 25, and 26 E.
T. 26 S., R. 27 E.,
Secs. 1 to 23, inclusive;
Secs. 26 to 35, inclusive.

The public lands in the areas described aggregate approximately 1,053,000 acres.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

MICHAEL T. SOLAN,
Acting State Director.

[F.R. Doc. 67–2605; Filed, Mar. 8, 1967; 8:46 a.m.]

[New Mexico 1239; Classification No. 30–02–01]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Multiple Use Management

MARCH 2, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the areas described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating the described lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. sec. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. The public lands located within the following described areas are shown on maps on file in Socorro District Office, Bureau of Land Management, Socorro, N. Mex., and Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501. The overall description of the areas is as follows:

a. Unit 2–01 is bounded on the north by township line between 3 and 4 north, on the west by the Arizona State line, on the south by the Apache National Forest, on the east by an irregular line running north and south through range 19 west.

b. Unit 2–02 is bounded on the north by State Road 32, on the west by an irregular line running north and south through range 19 west, on the south by the Apache National Forest, and on the east by the Apache National Forest and Largo Creek south of Quemado.

c. Unit 2–03 is an area of approximately 15 townships located south and west of the Acoma Indian Reservation, centered approximately 35 miles south of Grants. Three townships of this area are in BLM District 1 but are administered by District 2.

d. Unit 2–04 is bounded on the north by the Plains of San Augustine and Luera Mountains, on the east, south, and west by the Gila National Forest.

e. Unit 2–05 is bounded on the north by the north boundary of the Magdalena Stock Driveway, on the west by the Catron county line and stock driveway, on the south by the township line between townships 5 and 6 south and the Cibola National Forest and on the east by the Cibola National Forest.

f. Unit 2–06 is bounded on the north by the township line between townships 3 and 4 north, on the west by the range line between ranges 5 and 6 west, on the south by the Cibola National Forest, the New Mexico Base Line and the north boundary of the Sevilleta Grant, and on the east by the Rio Puerco and Sevilleta Grant.

g. Unit 2–07 is bounded on the north by the township line between townships 6 and 7 south, on the west by the Cibola National Forest, on the south by the township line between townships 10 and 11 south, and on the east by Pedro Armendariz Grant.

h. Unit 2–08 is bounded on the north by the Sevilleta Grant, on the west by the Cibola National Forest and the range line between ranges 1 and 2 west, on the south by the Pedro Armendariz Grant and the Bosque Del Apache Wildlife Refuge, on the east by the Rio Grande Valley.

i. Unit 2–09 is bounded on the north by the Sevilleta Grant, on the west by the Rio Grande Valley, on the south by U.S. Highway 380 and on the east by the range line between ranges 2 and 3 east.

j. Unit 2–10 is bounded on the north by U.S. Highway 380, on the west by the Bosque Del Apache Wildlife Refuge and the Pedro Armendariz Grant, on the south by a line running east and west through the center of township 9 south, on the east by the White Sands Missile Range.

k. Unit 2–11 is bounded on the north by the New Mexico Base Line and the Sevilleta Grant, on the west by the range line between ranges 2 and 3 east, on the south by the White Sands Missile Range, and on the east by the range line between ranges 5 and 6 east.

The public lands within the areas described aggregate approximately 1,161,000 acres.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Socorro District Manager, Bureau of Land Management, Post Office Box 1456, Socorro, N. Mex. 87801.

4. A public hearing on the proposed classification will be held on March 28, 1967, at 10 o'clock a.m. at the Socorro Masonic Lodge, 912 Leroy Place NW., Socorro, N. Mex.

MICHAEL T. SOLAN,
Acting State Director.

[F.R. Doc. 67–2606; Filed, Mar. 8, 1967; 8:46 a.m.]

UTAH

District Managers et al.; Notice of Delegation of Purchasing Authority

FEBRUARY 24, 1967.

Pursuant to authority contained in Order No. 698 of Director, Bureau of Land Management, dated August 3, 1962, and Amendment No. 7, dated May 28, 1965, I hereby redelegate to the following employees of the Bureau of Land Management for the State of Utah, effective this date, authority to make purchases within the following limitations:

District Managers:
Contracts for construction and land treatment services—$2,000 per contract.
Purchase of supplies and materials from established sources, such as GSA Stores Stock, Federal Supply Schedules, etc.—Unlimited.
Open market purchases of supplies and materials and other services—$1,000 per order.

State Administrative Officer:
Purchases of supplies and materials from established sources—Unlimited.
Purchase of supplies, materials, and services on the open market—$1,000 per order.

Cadastral Engineering Survey Party Chiefs:
Open market purchases of supplies and materials—$200 per order.

Other Employees of the Utah State Office as follows:
Division Chiefs, Natural Resource Specialists, Realty Specialists, Mining Engineers, Recreation Specialist, and Resource Utilization Specialist:
Open market purchases of materials and supplies in emergency situations only—$100 per order.

District Administrative Assistants:
Purchases of supplies and materials from established sources—$1,000 per order.
Open market purchases of supplies, materials, and services—$500 per order.

Other Employees of District Offices as designated by District Managers:
Open market purchases of supplies, materials, and services—$100 per order.

This authority shall be exercised in accordance with applicable limitations set forth in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and control prescribed by the General Services Administration.

This delegation cancels and replaces delegations published in the FEDERAL REGISTER, Vol. 31, No. 126, dated Thursday, June 30, 1966 (F.R. Doc. 66–7173) and Vol. 31, No. 140, dated Thursday, July 21, 1966 (F.R. Doc. 66–7909).

R. D. NIELSON,
State Director.

[F.R. Doc. 67–2621; Filed, Mar. 8, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order No. E–24809]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of March 1967.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which has been assigned CAB Agreement No. 19360, was adopted by the 20th Meeting of the Traffic Conference 1 Specific Commodity Rate Committee held January 10, 1967, in New York.

Basically, the agreement, as it applies to air transportation in the Western Hemisphere, amends certain presently effective commodity descriptions and extends for a further period of effectiveness specific commodity rates adopted since the 19th Meeting of the Traffic Conference 1 Specific Commodity Rate Committee held in New York July 19, 1966. Additionally, the agreement, as set forth in the attachment,[1] (1) names rates under new commodity descriptions, (2) names additional rates under existing commodity descriptions, (3) cancels a few presently effective specific commodity rates, and (4) increases the minimum weight requirement for an existing commodity rate. The new rates under new and existing commodity descriptions reflect reductions in rates ranging from 11.3 to 77.2 percent and are consistent with the existing commodity rate structure.

While the agreement cancels the rates under Commodity Items 500 and 9995, it should be noted that it would appear that such traffic can move under Commodity Items 4401 and 9994, respectively, at the same presently effective rates. Further, the agreement cancels all rates under Commodity Item 4401 and transfers such rates to Commodity Item 4404. In conjuction with the transfer, the description for Commodity Item 4404 has been amended so as to encompass those items presently moving under Commodity Item 4401. A similar procedure was used with the merger of those rates under Item 4702 with Item 4700, Item 6002 with Item 6001, Items 7102 and 7103 with Item 7101, and Item 9509 with Item 9516.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject Agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

[1] Attachment filed as part of the original document.

Accordingly, it is ordered:

That Agreement CAB 19360 be approved: *Provided*, That such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67–2639; Filed, Mar. 8, 1967; 8:49 a.m.]

[Docket No. 17828; Order No. E–24823]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares To Apply Via North Atlantic

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1967.

Agreements adopted by Joint Conferences 1–2 and 1–2–3 of the International Air Transport Association relating to fares to apply via the North Atlantic Docket No. 17828, Agreement C.A.B. 19200,[1] Agreement C.A.B. 19234,[2] Agreement C.A.B. 19288,[3] Agreement C.A.B. 19301.[4]

By Order E–24577, dated December 29, 1966, the Board approved for a limited period certain new transatlantic fare resolutions, incorporated in Agreement CAB 19288, which were adopted at meetings in Rome, in December 1966, of the carrier members of the International Air Transport Association (IATA). These resolutions, which embraced group inclusive tour-basing fares and certain special fares to the Middle East, were adopted for early effectiveness and intended to apply through the 2-year fare period ending March 31, 1969. The Board limited its approval through March 31, 1967, so as to receive and consider comments on the application of these fares beyond that date.

Pursuant to section 412 of the Federal Aviation Act of 1958 (the Act), an agreement has been filed encompassing the balance of the resolutions agreed upon at the Rome meetings for the 2-year period beginning April 1, 1967. The agreement has been designated as Agreement CAB 19301. The Rome agreements, in conjunction with those adopted at preceding meetings in Honolulu (CAB 19200 and CAB 19234), comprise the total North Atlantic fare structure.

The total fare structure, in general terms, provides for the maintenance of the status quo in normal fares and most promotional fares, and the introduction of additional promotional fares all geared to group travel. The most significant of these would appear to be the group inclusive tours-basing fares. The agreements also contemplate the maintenance of the status quo in collateral fare provisions, including the baggage resolutions, the fare construction rules and the $2.50 inflight entertainment charge.

As discussed in Order E–24577, the new group inclusive tour fares agreed for early effectiveness, based on New York-London, provide a fare of $230 as compared with the existing inclusive tour fare of $270. These fares generally provide reductions from the inclusive tour fares based on individual excursion fares in the range of 13 to 23 percent and reductions from normal economy fares ranging from 39 to 45 percent. Availability of the fares is subject to an added charge of $50 when the individual excursion fares do not apply and would be subject to the purchase of a tour package with a minimum price of $70. The fares would be available all year for groups of 15 or more persons traveling together on the same flights with minimum/maximum-stay requirements of 14/21 days, respectively. Exceptions preclude travel on the weekends during the period June 12 through July 6 for the outgoing eastbound traffic, and August 21 through September 7 for the outgoing westbound traffic.[5]

The new fares to the Middle East, which were also the subject of Order E–24577, provide winter group inclusive-tour fares to Tel Aviv and most other Middle East points at a level of $399 for groups of 50 or more persons traveling together on the same flight. These fares are subject to minimum/maximum-stay requirements of 4/9 days, respectively, and the purchase of a tour package with a minimum price of $45. Additionally, the early effectiveness resolutions included eight—30-day winter nonaffinity group fares to Tel Aviv and most other Middle East points at a fare of $499 for groups of 25 or more persons. This compares with current fares of $535 for nonaffinity groups of 25 or more persons in the off-season and 40 or more persons in the on-season.

The resolutions incorporated in Agreement CAB 19301 for effect on April 1 propose modifications in the current North Atlantic affinity group fares and the introduction of special affinity group fares to/from the Iberian Peninsula.

With the exception of specified fares to African points which are canceled, current North Atlantic affinity group fares will be maintained. These fares of $300, based on New York-London, for 25 or more persons, eastbound, and $275 for 15 persons, westbound, are currently available in the on-season, subject to one westbound blackout, and restrictions against weekend travel in peak months. Amendments proposed to this resolution would (1) eliminate the westbound blackout period, (2) make group fares available year-round with winter fares set at a level of $267, based on New York-London, and (3) provide additional reduced fares in the summer months for groups of 50 persons, $245, based on New York-London.[6]

The new fares to/from the Iberian Peninsula are described as affinity group bulk travel fares. The resolution, based on New York-Lisbon, provides a fare of $15,050 for 70 persons or less. This equates to $215 per passenger and the resolution would require an added charge of $215 for each additional passenger over 70. The resolution would also require the group to travel together on the same flights for the entire itinerary, but would permit individual travel within the United States and Spain and Portugal. Travel originating in Spain and Portugal would be limited to residents of those countries.

The new promotional fare provisions all proscribe the free or reduced-rate tour conductor privilege. Other provisions, including those pertaining to the submission of applications and refund rules, are generally similar to those contained in the current affinity group fare resolutions.

Comments directed to the group inclusive tours have been received from the American Society of Travel Agents (ASTA), the Chicago Suburban Travel Agents Association, individual agents and tour operators and the public.

While ASTA does not urge disapproval of the resolution, it believes that the group size requirement is too large, that the period of validity should be extended to 25 or 30 days, that the prohibition of the tour conductor privilege will have a devastating effect on agents' efforts to promote the new fares, and that the 25-percent penalty is not justifiable.

ASTA states that the resolution is not precise with respect to situations where the group falls below the minimum size of 15 persons and that conflicting interpretations have been offered—that the person who cancels should pay full fare, or that the remaining passengers should make up the difference between the deposit and full fare, or that the travel organizer do so. ASTA considers that none of the alternative interpretations are reasonable, that the balance of the group should be permitted to travel at no

[1] R–15.
[2] R–13, R–18, R–19, R–25, R–26, R–28, R–38, R–40, R–93, R–94, R–95, R–97 through R–102, R–106, R–107, R–109, R–112.
[3] R–3 through R–8.
[4] R–1 through R–23.

[5] Exceptions to this general pattern relate to fares to/from Far East points where the minimum/maximum-stay requirements would be 16/28 days, respectively, for groups of 10 or more persons and to Middle East points. Fares to Middle East points would be subject to an added charge of $40 instead of $50 when the excursion fares do not apply, and fares would be reduced in winter months by $25 with a reduction in the minimum tour price to $59.

[6] An exception to the pattern permits the application of fares with a $30 surcharge to Ireland on weekends when travel is otherwise prohibited.

added cost, and that a more reasonable cancellation fee should be adequate to assure the integrity of the group.

ASTA also comments on the lack of clarity with respect to certain other provisions and, in this connection, believes that if the resolution is intended to prohibit the adding of names within the 30-day period prior to departure, it should be amended to allow for added names in this period.

The American Express Co. urges approval of the resolution on the basis of the lower fares offered and the hardships that would be encountered in the event of disapproval. This firm urges, among other things, the Board's approval be made subject to a clarification in two respects. First, American Express would have the Board clarify that, in the event the group falls below the minimum size, the forfeiture shall not exceed 25 percent of the fare paid and that the tour operator or organizer must pay the carrier the difference between the 25-percent forfeiture and the canceled ticket price. Second, since the resolution does not specifically prohibit the addition of names within the 30-day period before departure, the request is made that the Board clarify that names may be added.

Also, while American Express would not have the Board condition its approval of the resolution in other respects, it believes other provisions are unreasonable and unnecessary, namely the proscription of the reduced-rate privilege for tour conductors which it believes will lead to an increased price for land arrangements, and the requirement that all group travel be performed in the same airplane.

Comments from individual agents and tour operators recite many of the same complaints as ASTA and American Express but, with limited exceptions, do not urge disapproval. Many contend that because of the restrictive provisions the new group inclusive tour-basing fares will be of little use in developing group inclusive tour traffic. Some comments, in addition, indicate a belief that the new fares merely create a market for the wholesaler. Carrier practices with respect to the allocation of large blocks of space to wholesalers long in advance of travel and the concomitant inability of others to secure space are also adverted to in the comments. Finally, comments from some agents and the public indicate a belief that the tie-in provision with the purchase of ground accommodations and with group travel is unjustly discriminatory.

As earlier noted, the carriers' agreements which they intend to apply for a 2-year period would maintain the status quo in normal fares and most promotional fares, as well as in baggage provisions and other related matters. The new elements provide reductions for group fare travel, the most significant of which is the resolution establishing group inclusive tour-basing fares. The Board has decided to approve the agreements, subject to conditions, since the agreements reflect improvements over the existing fare structure. We are concerned, however, with the carriers' failure to make any adjustments in the normal fares and in the 14–21-day excursion fares which are warranted. For example, the IATA cost report shows that a general reduction of North Atlantic fares is economically feasible. Moreover, as we have previously stated, modification of the fare structure is warranted to correct the inverse taper of fares per mile as distance increases. In addition, modification of the 14–21-day excursion fares to allow travel during some of the weekend periods at a reasonable surcharge would appear to offer advantages to carriers and travelers alike. Finally, the extent the new group fares will be used and their effects on the overall fare structure are by no means clear at this time. In addition, the comments submitted have presented serious problems with respect to the new group inclusive tour-basing fares. It may well be that experience with the new fares will indicate a need for some modifications and improvements. Accordingly, we will limit our approval of the agreements to a 1-year period through March 31, 1968.

It has been asserted that the group inclusive tour-basing fares are unjustly discriminatory because they are available only if ground accommodations are also purchased. These fares are available to all persons. There are no restrictions based on the characteristics of status of the user, i.e., occupation, club membership, etc. The tie-in feature with the purchase of ground accommodations does not seem to be an unreasonable one in view of the considerable discount these fares provide from normal and other fares. Moreover, these fares, coupled with attractive tours in the United States, Europe, and countries in the Middle East and Far East, should prove to be a strong stimulus to airline traffic. The lower price of such tours made possible by the lower cost of air transportation should enable many persons to travel by air who would not otherwise be able to use air transportation. In the long run, additional volumes of traffic will afford a broader base over which to spread costs and should enhance the possibility of lower normal fares.

While we are most sympathetic with the magnitude of the problems faced by the carriers and the agents in promoting the new group inclusive tour-basing fares in scheduled service, we believe that many of the questions and problems will be resolved with experience and that appropriate modifications can be effected in due course. Concerning assertions with respect to the inability of some agents to obtain space for group inclusive tour traffic, we will expect the carriers to work out orderly and nondiscriminatory procedures for the administration of this traffic.

Although we are approving the resolutions, we find certain of the cancellation and refund provisions to be wholly unacceptable. The group inclusive tour-basing fare resolutions require that a deposit of 25 percent of the fares paid accompany the application which must be made 30 days in advance of travel. It provides for the application of normal cancellation and refund procedures unless cancellation takes place less than 30 days prior to departure in which event the 25-percent deposit must be forfeited. A further provision provides that, if at departure time the number of the passengers in the group is less than the required number and is caused by circumstances beyond the control of the passenger, the balance of the group may travel if the appropriate number of flight coupons are deemed used and ineligible for refund. This apparently is being interpreted by some carriers to require a 100-percent penalty for cancellations causing the group to fall below the minimum size group as specified.

The affinity group bulk travel fare conditions provide that in no case shall any part of the applicable bulk travel fares for 70 passengers be refunded on account of unused transportation. Otherwise, the refund and cancellation provisions of the affinity group fares would apply. These require a forfeiture of the 10-percent deposit called for with respect to applications for refunds made more than 21 days before departure and a 100-percent forfeiture within 21 days before departure.[7]

There are economic risks attached to discounted fares offered on a group basis. A penalty provision to deter frivolous reservations and cancellations is an appropriate restriction. But, it should be no greater than necessary to serve this purpose based on carriers' experiences. It should not be looked upon as an added source of revenue for the carriers. In some situations, the carriers will have an opportunity to and will resell the seat, and, in some instances, some seats will be unoccupied in any event. Contentions have been made that the 25-percent penalty, imposed under the group inclusive tour fares for cancellations in less than 30 days prior to departure, is unreasonable. The 25-percent penalty comports with the maximum allowed by a condition attached to the Board's approval of the North Atlantic affinity group fares. We conclude at this point that such limit is equally appropriate for application with respect to the group inclusive tour-basing fares.

However, we cannot condone a 100-percent penalty for cancellations under any circumstances.[8] People for very valid reasons other than illness may find it essential to cancel their reservations. It is unconscionable that they should be required to forfeit the full fare paid. Neither do we believe that the remaining members of the group living up to the full terms of their arrangement should have their travel plans disrupted or have to pay for the price of the canceled seats of the members dropping out

[7] Exceptions to the forfeiture provisions would appear to permit the substitution of five names not less than 15 days before departure under the group inclusive tour-basing fares and 10 names not less than 5 days before departure under the affinity group bulk travel fares.

[8] The Board has previously conditioned its approval of IATA agreements so as to prohibit full forfeiture of fares paid in air transportation. The current affinity group fares are so conditioned, and we see no reason to depart from this policy.

of the group. Accordingly, we will condition our approval of the resolutions here in question so as to limit the amount of the forfeiture to be imposed on passengers cancelling, for any reason, to 25 percent of the fare paid and to permit the balance of the group to travel at no added cost.[9]

Further, we will impose a condition to our approval of the resolutions to permit full refund of the fare paid in the event of death or illness of the passenger or a member of the passenger's immediate family prior to travel. The current affinity group fare resolutions make provision for full refund in the event of death of the passenger before departure. We believe this provision should be applicable in the event of illness as well. Similarly, we believe the same provisions should apply under any of the special fare resolutions.

Additionally, we will apply other conditions attached to our approval of the North Atlantic affinity group fare resolutions, as appropriate, to the new fare resolutions. These conditions would require full refund of fares paid in the event of cancellation of travel arrangements by a carrier on the grounds that the group or any member of the group is ineligible for the group fare and render inapplicable in air transportation (a) provisions placing numerical and/or population standards on the size of affinity groups from which passengers may be drawn, and (b) provisions which would limit the application of fares paid as a credit toward the purchase of normal fare transportation to situations en route caused by death in the family of the passenger or illness of the passenger.

We are also approving for 1 year the $2.50 inflight entertainment charge which has been agreed upon for worldwide application for a 2-year period. It is less than a year since the Board last had this matter under consideration. By Order E–23708, adopted May 20, 1966, the Board approved the charge through March 31, 1967. Based on carrier cost data presented at that time, it was clear that this charge was not excessive in relation to the cost of the service. There is no apparent reason to conclude that the data considered so recently by the Board are no longer valid. Neither is there any indication that the $2.50 charge has been or is likely to be tantamount to a ban on inflight motion pictures. On the other hand, it is appropriate that the agreed charge be reviewed again after more experience has been gained prior to expiry of the full term of the agreement. Accordingly, we will approve this resolution for only 1 year and we will expect the carriers to submit pertinent costs and usage data if approval is sought beyond March 31, 1968.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

[9] This should clarify any ambiguity as to the status of remaining passengers stemming from the Board's earlier condition attached to the affinity group fares limiting the maximum penalty for cancellation at any time for any reason to 25 percent of the fare paid.

1. The Board does not find the following IATA resolutions incorporated in Agreement CAB 19301, as indicated, to be adverse to the public interest or in violation of the Act, provided that, insofar as air transportation is concerned, approval shall be limited to a 1-year period through March 31, 1968.

Agreement	IATA No.	Title
CAB 19301:		
R–1	001b	Special Effectiveness Resolution.
R–2	001d	Special Emergency Escape for North Atlantic Agreements
R–3	054a	North Atlantic First Class Fares.
R–4	054x	Iceland-Greenland First Class Fares.
R–5	057a	Joint Conference 123 First Class Fares.
R–6	064a	North Atlantic Economy Class Fares.
R–7	064x	Iceland-Greenland Economy Class Fares.
R–8	067a	Joint Conference 123 Economy Class.
R–9	080d	North Atlantic 21-day Excursion Fare.
R–10	080e	North American-India/Pakistan/Ceylon/Nepal 28-day Excursion Fares.
R–11	080t	21-day ($535) Excursion Fare—North America-Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Nicosia, Teheran.
R–12	080x	21-day ($565) Excursion Fare—North America-Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Nicosia, Teheran.
R–13	080z	Special Iceland-Greenland Excursion Fares.
R–14	084y	North Atlantic Inclusive Tour Basing Fares.
R–15	084y	Do.
R–20	089	Group Travel Fares for U.S. Military Personnel and Dependents.
R–21	089a	Group Fares for Dependents of U.S. Military Personnel.
R–22	089b	Group Travel for Canadian Armed Forces Personnel and Dependents.
R–23	096	North Atlantic Emigrant Fares.

2. The Board does not find it adverse to the public interest or in violation of the Act to approve and/or extend its approval now limited to March 31, 1967, of the following IATA resolutions incorporated in Agreements CAB 19288 and CAB 19301, as indicated, provided that insofar as air transportation is concerned, approval shall be limited to 1 year through March 31, 1968, and subject to the conditions specified with respect to each:

Agreement	IATA No.	Title
CAB 19288:		
R–3	015	North American Proportional Fares. Provided that with respect to Resolution 015: (a) Copies of minutes or reports of meetings shall be submitted to the Board at the conclusion of any meetings which may be held as well as copies of any notices that are circulated at the time of circulation to members. (b) Agreements reached at meetings shall be filed with the Board under sec. 412 of the Act and approved prior to being placed in effect. Similarly, all unprotested notices shall be filed as agreements and approved by the Board prior to being placed in effect.
R–4	084L	North Atlantic Winter Group Inclusive Tour Basing Fares.
R–5	084LL	Do.
R–6	088d	Special Round Trip Economy Class Group Fares—Israel.
R–7	088dd	Special Round Trip Economy Class Group Fares—Middle East.
R–8	087	North Atlantic Group Inclusive Tour Basing Fares.
CAB 19301:		
R–16	088	Special Round Trip Economy Class Group Fares. Provided that with respect to Resolutions 084L, 084LL, 088d, 088dd, and 087: (a) The provision which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added costs. (b) In the event a passenger discontinues his journey enroute for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin. (c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel. (d) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group fare ticket over the cost of normal fare transportation from point of origin to point of cancellation.[1] Provided that the following additional conditions shall apply with respect to resolution 087: (a) That copies of any notice issued pursuant thereto shall be filed with the Board at the time of circulation to members. (b) That any agreements reached at meetings pursuant thereto shall be filed with the Board pursuant to sec. 412 of the Act and approved prior to being placed in effect.
R–17	088l	North Atlantic Affinity Group Bulk Travel Fares.
R–18	088n	North Atlantic Group Travel Fares.
R–19	088t	Group Fares JT123—Revalidating and Amending. Provided that with respect to Resolution 088l, 088n, and 088t: (a) The provisions imposing numerical limitation and/or population standards on affinity groups from which passengers may be drawn shall not be applicable. (b) The provision which at departure time would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added costs. (c) In the event a passenger discontinues his journey enroute for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin. (d) The amount of the forfeiture to be imposed in the event of cancellation by the group or members of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group fare ticket over the cost of normal fare transportation from the point of origin to the point of cancellation. (e) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel. (f) Full refund of the group fares paid shall be made in the event of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the group fares.

[1] Stated differently, after transportation commences the carrier need not refund 75 percent of the price of the group fare ticket, but only 75 percent of the balance, if any, after deducting the normal fare for the transportation used.

3. The Board does not find the following IATA resolutions incorporated in Agreements CAB 19200 and CAB 19234, as indicated, insofar as they apply in air transportation to the North Atlantic, to be adverse to the public interest or in violation of the Act, provided that approval shall be limited to a 1-year period through March 31, 1968.

Agreement	IATA No.	Title
CAB 19200:		
R-15	310	Free Baggage Allowance.
CAB 19234:		
R-13	002	Standard Revalidation Resolution.
R-18	001a	Mileage Manual—Non-IATA Sectors.
R-25	023a	Rounding-Off Passenger Fares—Amending.
R-26	025	Definition of Days—Amending.
R-28	050	First-Class Conditions of Service.
R-38	060	Economy-Class Conditions of Service.
R-40	060a	Mixed-Class Aircraft.
R-97	151a	Circle Trip Discount—Revalidating and Amending.
R-98	153	Air/Sea Transportation.
R-99	200f	Effect of Government Orders.
R-101	277	Extension of Ticket Validity—Revalidating and Amending.
R-102	278	Involuntary Change of Routing—Amending.
R-106	311	Baggage Excess Weight Charges.
R-107	311b	Charges for Skiing Equipment—Revalidating and Amending.
R-109	314	Special Rates for Personal Effects.
R-112	680	Diplomatic Bags—Amending.

4. The Board does not find the following IATA resolutions incorporated in Agreement CAB 19234 to be adverse to the public interest or in violation of the Act, provided that insofar as air transportation is concerned approval shall be limited to a 1-year period through March 31, 1968.

Agreement	IATA No.	Title
CAB 19234:		
R-93 [1]	100	Conditions of Service-In-Flight Entertainment.
R-94 [2]	100	Do.
R-95 [3]	100a	Do.

[1] Application: Traffic Conferences 1; 2; and 3 and Joint Conferences 1/2 (Mid and South Atlantic) 2/3; 3,1; and 1,2/3 (other than North Atlantic).
[2] Application: Joint Conferences 1/2 (North Atlantic) and 1/2/3 (North Atlantic).
[3] Application: Traffic Conference 1.

5. The Board does not find IATA Resolution 014a (Construction Rule for Passenger Fares—Amending) incorporated in Agreement CAB 19234, R–19, intended for worldwide application except the North/Central Pacific, to be adverse to the public interest or in violation of the Act: *Provided*, That insofar as it applies in air transportation to the North Atlantic approval shall be limited to a 1-year period through March 31, 1968: *And further provided*, That insofar as air transportation is concerned, approval shall be subject to the following conditions:

(a) That all unprotested notices issued pursuant to the provisions of said resolution shall be filed with the Board as agreements under section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being placed in effect.

(b) That fares applying to and from the United States shall not be combined with other fares if such a combination undercuts through fares published with the Civil Aeronautics Board unless the fares so constructed are shown in the tariffs on file with the Board.

(c) That any service operated by Mohawk Airlines, Inc., with BAC–1–11 and FH–227 aircraft, as well as with Convair 240 and 440 equipment, may be used at through economy-class fares.[10]

6. The Board does not find IATA Resolution 200h (Free and Reduced Fare Transportation for Inaugural Flights—Amending), incorporated in Agreement CAB 19234, R–100, insofar as it applies in air transportation to the North Atlantic to be adverse to the public interest or in violation of the Act: *Provided*, That approval shall be limited to a 1-year period through March 31, 1968, and that approval shall not be construed as:

(a) A determination as to whether a violation of section 404 of the Federal Aviation Act of 1958 would result from the issuance of passes pursuant to such resolution whether or not tariff provisions applicable thereto have previously been filed with the Board.

(b) An exemption from the requirements of filing tariff provisions as a condition precedent under section 403 of the Federal Aviation Act of 1958 to the issuance of passes pursuant to said resolution.

(c) An exemption from the provisions of the Board's Economic Regulations relating to tariffs for free and reduced-rate transportation.

Accordingly, it is ordered, That:

1. Those portions of Agreement CAB 19301 described in finding paragraph 1 are approved: *Provided*, That insofar as air transportation is concerned approval shall be limited to 1 year through March 31, 1968.

2. Those portions of Agreements CAB 19288 and CAB 19301 are approved: *Provided*, That insofar as air transportation is concerned approval shall be limited to 1 year through March 31, 1968 and subject to the conditions stated therein.

3. Those portions of Agreements CAB 19200 and CAB 19234 as described in finding paragraph 3 are approved: *Provided*, That approval shall be limited to 1 year through March 31, 1968.

4. Those portions of Agreement CAB 19234 as described in finding paragraph 4 are approved: *Provided*, That insofar as air transportation is concerned approval shall be limited to 1 year through March 31, 1968.

5. That portion of Agreement CAB 19234 as described in finding paragraph 5 is approved: *Provided*, That insofar as it applies in air transportation to the North Atlantic approval shall be limited to 1 year through March 31, 1968 and subject to the conditions stated therein.

6. That portion of Agreement CAB 19234 as described in finding paragraph 6 is approved: *Provided*, That approval shall be limited to 1 year through March 31, 1968 and subject to the conditions stated therein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67–2640; Filed, Mar. 8, 1967; 8:50 a.m.]

[10] Mohawk requested the Board to retain this condition. No air carrier member expressed opposition to maintaining the condition.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 67–257]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

MARCH 3, 1967.

The application listed below is mutually exclusive with the application, File No. BR–3704, of the licensee of Station WSRA, Milton, Fla., for renewal of license. The proposal is for the identical facilities of this Class IV station except that a different antenna site is proposed. Accordingly, we have this date accepted the application for filing. Similarly, we will accept any other applications for consolidation proposing these facilities.

NEW, Milton, Fla.
Jimmie Hugh Howell, d/b/a Radio Milton.
Req: 1490 kc, 250 w, 1 kw-LS, U.

Accordingly, notice is hereby given that the above application is accepted for filing and that on April 11, 1967, the application will be considered as ready and available for processing, and pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with this application, or with any other application on file by the close of business on April 10, 1967, which involves a conflict necessitating a hearing with either this application, or the WSRA renewal application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on April 10, 1967, or (b) the earlier effective cutoff date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: March 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67–2623; Filed, Mar. 8, 1967; 8:48 a.m.]

[Docket No. 17164; FCC 67 M–367]

AMERICAN TELEVISION RELAY, INC.

Order Continuing Hearing

In re petition by American Television Relay, Inc., Albuquerque, N. Mex., Docket No. 17164, File No. CATV 100–11, for authority pursuant to section 74.1107 to serve and operate CATV system in the 100th television market.

On the unopposed motion of Vumore Co., a party to the above-entitled proceeding, filed March 2, 1967: *It is ordered*, This 3d day of March 1967, that the prehearing conference scheduled for March 6 is hereby postponed and will convene at 9 a.m., Friday, May 5, 1967, at the Commission's offices, Washington, D.C., and that the hearing scheduled to commence April 3 is hereby continued and will convene on June 5, 1967, at the same time and place unless otherwise ordered during the prehearing conference.

Released: March 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67–2630; Filed, Mar. 8, 1967; 8:49 a.m.]

[Docket No. 16789; FCC 67M–352]

ASHEBORO BROADCASTING CO.

Memorandum and Order Following Prehearing Conference

In the matter of revocation of the licenses of Asheboro Broadcasting Co. for Broadcast Station WGWR AM–FM Asheboro, N.C., Docket No. 16789.

A prehearing conference was held on March 1, 1967. The conference was devoted to a discussion of ways and means of going to hearing as soon as possible with due account being paid the Examiner's own hearing calendar. It was agreed that a further prehearing conference would be held on March 31, 1967. During the month between the two conferences the parties will prepare, and attempt to negotiate, stipulations covering all noncontroverted facts. The parties, who are generally informed concerning the Examiner's calendar, will also, at this second conference, present for approval a hearing date.

Accordingly, it is ordered, This 1st day of March that a further prehearing conference will be held in this proceeding at 9 a.m., March 31, 1967.

Released: March 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67–2631; Filed, Mar. 8, 1967; 8:49 a.m.]

[Docket No. 15806; FCC 67–235]

BOCA BROADCASTERS, INC.

Memorandum Opinion and Order Remanding Proceeding to Hearing Examiner

In re application of Boca Broadcasters, Inc., Pompano Beach, Fla., Docket No. 15806, File No. BPH–4605, for construction permit.

1. This proceeding relates to the application of Boca Broadcasters, Inc. (hereinafter Boca), for a construction permit for a new FM station at Pompano Beach, Fla. The Commission has before it for consideration the application for review and request for reopening filed on October 26, 1966, by WFTL Broadcasting Co. (hereinafter WFTL). The request for review is directed to: (a) The initial decision of Hearing Examiner Millard F. French (FCC 66D–36) released July 1, 1966, which recommended a grant of Boca's application; and (b) the memorandum opinion and order of the Review Board (FCC 66R–370, 8 RR 2d 609) released September 26, 1966, which dismissed WFTL's petition for reconsideration of the Review Board's refusal (FCC 66R–304, released Aug. 8, 1966) to review the initial decision.

2. Comments on the application were filed by the Broadcast Bureau on November 10, 1966, and a reply to such comments was filed by WFTL on November 23, 1966. No pleading was filed by Boca until January 3, 1967, when it filed a petition to strike WFTL's application.[1] Boca offered no satisfactory explanation for the failure to file an opposition pleading or for the long delay before filing the petition to strike. The said petition must therefore be dismissed as untimely.

3. That portion of WFTL's application which requests review of the Review Board's decision presents no issue of law, fact, or policy, meriting Commission consideration, and the request for such relief is denied.

4. The additional request by WFTL for review by the Commission of the initial decision of Hearing Examiner French is also without merit and must be denied. Our rules contemplate review of an initial decision only upon the filing of exceptions by a party (§ 1.276) or upon the Commission's own motion. WFTL is not a party to this adjudicatory proceeding,[2] and nothing contained in the pleadings filed herein inclines us to exercise our discretion to review the initial decision on our own motion.

5. WFTL also requests that, on the basis of newly discovered evidence, the record be reopened and the proceeding be remanded for further hearing. The newly discovered evidence relates to an advertisement for the sale of broadcast facilities which appeared in the October 3, 1966, issue of a broadcast trade magazine. A summary of the background facts of this proceeding is necessary to a consideration of the serious public interest questions raised by WFTL's pleadings.

6. Boca is the licensee of a daytime standard broadcast station, WSBR, in Boca Raton, Fla., which is approximately 8 miles north of Pompano Beach, the community to be served by the proposed FM facility. The construction permit for the AM station was issued on July 15, 1962, but the station did not go on the air until May 14, 1965. According to the application submitted for the FM station, Boca proposes to simulcast the programs of both stations during daytime operation and to make use of WSBR (AM)'s studios and transmitting antenna for the FM facility.

7. The advertisement to which WFTL refers in its pleading, and which was published after denial by the Review Board of WFTL's petition for reconsideration, is as follows: [3]

Florida: Day-time Excellent frequency and coverage. $275,000—Terms. FM available.

WFTL alleges that the advertisement relates to Boca's standard broadcast station, WSBR, at Boca Raton and to the proposed FM station at Pompano Beach for which Boca is seeking a construction permit in this proceeding; that if the AM and FM stations are sold separately, the basis of Boca's pending FM application will be destroyed, in view of the proposals for duplication of the AM and FM programing, and for the use of WSBR(AM)'s studios and transmitting antenna; that if sold separately there is no way of knowing whether the program proposals of the AM station at Boca Raton would serve the needs of

[1] Commissioner Wadsworth absent.

[1] An opposition to the petition was filed by the Broadcast Bureau on Jan. 12, 1967. WFTL tendered an opposition on Jan. 19, 1967, and a supplement to its opposition on Jan. 23, 1967. By reason of the action we are taking herein, the request of WFTL filed on Jan. 18, 1967, for an extension of time to file an opposition is dismissed as moot.

[2] The Hearing Examiner denied intervention pursuant to his memorandum opinion and order, FCC 65M–1222, released Sept. 20, 1965; the Review Board affirmed the Examiner by its memorandum opinion and order, 1 FCC 2d 138, 6 RR 2d 523, released Nov. 22, 1965; and we denied review by our Order, FCC 66–23, released Jan. 13, 1966. The matter is now pending on appeal in the U.S. Court of Appeals for the District of Columbia Circuit, Case. No. 19,970.

[3] In a pleading tendered on Jan. 23, 1967, WFTL alleged that a similar advertisement appeared in the Jan. 23, 1967, edition of the same magazine.

the public at Pompano Beach; that the sale proposal constitutes a "substantial change" in the pending proposal which is of "decisional significance" within the contemplation of section 1.65 of the rules; and, consequently, that Boca's FM application should not be granted on the basis of the present record. In the event the proceeding is remanded for further evidence, WFTL requests that it be permitted to participate as a party.

8. The Broadcast Bureau supports the request for reopening "and the addition of a section 1.65 issue against Boca in the absence of a responsive pleading satisfactorily rebutting the allegations of WFTL." Asserting that Boca proposed to sell its AM station less than 18 months after commencing operation and to dispose of its FM proposal "when the grant of that proposal is under attack," the Bureau further requests the inclusion of a trafficking issue.

9. Boca filed no opposition to the application for a reopening, but it touched upon the matters raised in its belated petition to strike. While it does not deny that it caused the advertisement to be placed in the magazine, Boca asserts that it has not changed its position with respect to construction and operation of the FM station and simultaneous operation of the AM and FM stations; and that the controlling stockholder, Dr. Fred Grunwald, moved to the service area and abandoned his medical practice "in order to focus on station operations." Inconsistently, however, Boca further alleges that Dr. Grunwald is suffering from a heart condition and that his "health has caused him—reluctantly—to consider sale of the station and to entertain offers." No affidavit or other substantiating data concerning Dr. Grunwald's health was submitted with the pleading.

10. The pertinent portion of § 1.65 provides as follows:

> • • • Whenever there has been a substantial change as to any other matter which may be of decisional significance in a Commission proceeding involving the pending application, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, submit a statement furnishing such additional or corrected information as may be appropriate, which shall be served upon parties of record in accordance with section 1.47 • • •. For the purposes of this section, an application is "pending" before the Commission from the time it is accepted for filing by the Commission until a Commission grant or denial of the application is no longer subject to reconsideration by the Commission or to review by any court.

11. Under the circumstances of this case, Boca was obliged to bring to the Commission's attention the fact that the assignment of the license of WSBR or the construction permit for the FM station, if obtained, was under consideration. Effectuation of the proposals for duplication of programing and the use of WSBR (AM)'s studios and transmitting antenna may not be possible if the facilities are separately owned. Moreover, the good faith intention of an applicant to construct and operate the proposed facility is a significant factor in determining whether a grant of the application would serve the public interest, and the Commission must be kept informed concerning any and all facts which have a significant bearing on the applicant's intention. We believe that the placing of an advertisement for the sale of a construction permit before the grant of the application becomes final provides a strong indication of a change in circumstances and raises a substantial question concerning the applicant's intention to proceed with construction. Under § 1.65 of the rules, Boca was required to bring such changed circumstances to the attention of the Commission with an appropriate explanation of the situation so that the Commission could determine whether a grant would be in the public interest or whether some other action was warranted. We shall therefore reopen and remand the proceeding so that the foregoing matters may be fully explored in an evidentiary hearing.

12. We are also persuaded that the issues herein should be enlarged to include a trafficking issue. Boca offered its standard broadcast station for sale less than 2 years after the commencement of broadcast operations, and it has indicated a willingness to dispose of its interest in the FM application which is still in a pending status. The foregoing facts, together with Boca's inconsistent and contradictory statements concerning its reasons for offering to dispose of its broadcast interests, raise serious questions which require a hearing for their resolution. The addition of a trafficking issue will enable the Commission to make an informed judgment as to whether Boca had an improper speculative intent in continuing to prosecute its FM application and whether the public interest would be served by a grant of the said application.

13. On February 2, 1967, Boca filed a pleading which, while characterized as a reply to the oppositions to its petition to strike, is in fact a grossly belated opposition to WFTL's request for reopening.[4] Nevertheless, we have examined the pleading and considered the contents thereof in determining whether a reopening should be ordered. For the first time affidavits and a doctor's statement are submitted in support of Boca's allegations concerning Dr. Grunwald's health. The pleading and the supporting document attached thereto indicate that the illness of Dr. Grunwald which allegedly prompted the advertisement for sale of Boca's broadcast interests had its inception in the spring of 1966, and thus serve only to reinforce our conclusion that a hearing is necessary to determine whether Boca failed to comply with the requirements of § 1.65 of the rules, and whether its continued prosecution of the FM application was motivated by an improper speculative intent contrary to the public interest.

[4] On Feb. 8, 1967, WFTL submitted a request for permission to file responsive comments, together with its comments. In view of the action we have taken, WFTL's request is dismissed as moot. For the same reason, the petition for extension of time filed by Boca on Feb. 23, 1967, is dismissed as moot.

14. Finally, WFTL claims the right to participate as a party at any reopened hearing. WFTL is the licensee of an AM and an FM facility at Fort Lauderdale which is approximately five miles from Pompano Beach. Since Boca is a potential competitor for advertising revenue, WFTL manifestly has an economic interest in the outcome of this proceeding. While its prior petition to intervene was properly denied as being untimely filed, WFTL did act promptly with respect to the application for reopening on the basis of newly discovered evidence. We believe that its participation will assist the Commission in the determination of the issues herein designated, and we shall exercise our discretion to make WFTL a party to this proceeding. In view of the foregoing, it is unnecessary to decide whether WFTL is entitled to intervention as a matter of right. However, we wish to make clear that the reopened hearing is to be limited to evidence pertaining to the issues specified in this order and that WFTL's participation is authorized only with respect to matters which may properly be considered at the reopened hearing. We shall permit no reargument and we contemplate no reconsideration of those issues which were resolved by the prior determinations of the Hearing Examiner and the Review Board.

15. *Accordingly, it is ordered,* This 1st day of March 1967, that the record herein is reopened and this proceeding is remanded to the Hearing Examiner for hearing at a time and place to be specified in a subsequent order, for the purpose of taking additional evidence and issuing a supplemental initial decision upon the following issues:

(a) To determine all the facts and circumstances surrounding the placement by Boca Broadcasters, Inc., of advertisements in a trade magazine for the sale of Boca's interests in broadcast facilities at Boca Raton and Pompano Beach, Fla.

(b) To determine whether Boca Broadcasters, Inc., failed to timely advise the Commission of substantial changes of decisional significance with respect to the construction and operation of the proposed FM broadcast facility at Pompano Beach, Fla., in violation of § 1.65 of the Commission's rules.

(c) To determine whether Boca Broadcasters, Inc., or its principals, have trafficked or attempted to traffic in broadcast authorizations.

(d) To determine in light of the evidence adduced under the foregoing issues whether Boca Broadcasters, Inc., possesses the requisite qualifications to become a Commission licensee.

(e) To determine in light of the evidence adduced under the foregoing issues whether a grant of the application by Boca for a construction permit for a new FM station at Pompano Beach would serve the public interest, convenience, and necessity.

16. *It is further ordered,* That, in the exercise of the Commission's discretion, the request of WFTL Broadcasting Co. to be made a party to the reopened proceeding is granted;

17. *It is further ordered,* That the application for review and request for reopening filed on October 26, 1966, by WFTL Broadcasting Co. is granted to the extent indicated above but in all other respects is denied;

18. *It is further ordered,* That the petition to strike filed on January 3, 1967, by Boca Broadcasters, Inc., is dismissed; that the request for extension of time to file an opposition to the said petition filed on January 18, 1967, by WFTL Broadcasting Co. is dismissed as moot; that the request filed on February 8, 1967, by WFTL Broadcasting Co. for permission to file comments is dismissed as moot; that the petition for extension of time filed on February 23, 1967, by Boca Broadcasters, Inc., is dismissed as moot; and

19. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the parties to this proceeding shall, in person or by attorneys within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: March 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2632; Filed, Mar. 8, 1967; 8:49 a.m.]

[Docket Nos. 16972, 16973; FCC 67M-363]

CARTER BROADCASTING CORP. AND METRO GROUP BROADCASTING, INC.

Order Continuing Hearing

In re applications of Carter Broadcasting Corp., Burlington, Vt., Docket No. 16972, File No. BP-16735; Metro Group Broadcasting, Inc., Plattsburgh, N.Y., Docket No. 16973, File No. BP-17089; for construction permit.

The Hearing Examiner having under consideration a communication dated March 2, 1967, from counsel for Carter Broadcasting Corp., requesting a continuance of the hearing scheduled as of this date;

It appearing, that counsel states that the two applicants have executed an agreement looking toward the dismissal of the Carter application;

It further appearing, that good cause exists why said request should be granted and there is no opposition thereto;

Accordingly, it is ordered, This 3d day of March 1967, that the request is granted and the hearing scheduled for this date be and the same is hereby rescheduled for April 3, 1967, at 10 a.m., in the Commission's offices, Washington, D.C.

Released: March 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2633; Filed, Mar. 8, 1967; 8:49 a.m.]

[Docket Nos. 15461 etc.; FCC 67-234]

CHAPMAN RADIO AND TELEVISION CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of William A. Chapman and George K. Chapman, doing business as Chapman Radio and Television Co., Homewood, Ala., Docket No. 15461, File No. BPCT-3282; Alabama Television, Inc., Birmingham, Ala., Docket No. 16760, File No. BPCT-3706; Birmingham Broadcasting Co., Birmingham, Ala., Docket No. 16761, File No. BPCT-3707; for construction permit for new television Broadcast Station; Birmingham Television Corp. (WBMG), Birmingham, Ala., Docket No. 16758, File No. BPCT-3663; for modification of construction permit.

1. In a memorandum opinion and order, FCC 66R-412, released October 20, 1966, the Review Board denied a petition of Alabama Television, Inc. (Alabama), to enlarge the issues in this proceeding to permit a comparative determination of: (a) The proposed programing of the applicants, and (b) the respective efforts of the applicants to ascertain the needs and interests of the communities to be served. Before us is an application of Alabama for review of the Board's denial of the petition.[1] The application is opposed by Birmingham Broadcasting Co. and the Chief, Broadcast Bureau. For reasons discussed infra, we believe that the Review Board's denial of the request for a programing issue should be set aside, the matter should be remanded to the Review Board, and Alabama should be permitted to file with the Review Board a supplemental pleading in support of its request. The Board, after considering the supplemental pleading and any responses thereto by other parties, should make a further determination of Alabama's request. We further believe that the requested issue as to efforts to ascertain community needs should have been added to the proceeding, and we shall grant the application for review in this respect.

2. In considering the subject request for a programing issue the Review Board noted that Alabama had alleged substantial differences in the programing proposals of the various applicants in: (a) The total number of hours of operation, (b) the percentage of broadcast time to be devoted to various types of programs, and (c) the amount of time to be allocated to live programing. The Review Board further noted that in our policy statement on comparative broadcast hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965), we indicated that programing differences, to be considered of decisional significance, must be substantial and must also evince a superior devotion to public service. The Review Board deemed it essential that an applicant not only allege that substantial differences exist but also relate those differences to demonstrated community needs.[2]

3. In its application for review, Alabama argues that the pleading requirements for addition of a program issue set out by the Board impose an unreasonable burden, forcing the petitioner to make the same total evidentiary showing in its pleading that it would ordinarily be called upon to make at the hearing, and requiring the Review Board or the Commission to weigh the evidence submitted on the basis of pleadings rather than on the basis of a hearing record. Alabama contends that the policy statement, supra, should be read to permit a comparative programing issue on a showing of substantial differences in the proposals, with decisional significance being accorded to a particular proposal if it is shown during the hearing that the differences therein go beyond ordinary differences in judgment and are clearly related to demonstrated needs and interests.

4. Alabama's petition to enlarge issues and its arguments in its application for review indicate that there is some confusion as to the pleading requirements for a program issue. This is the first case to come before us on an application for review on this question since the issuance of the policy statement, and it therefore appears desirable to take this opportunity to provide guidance for the parties in this and in subsequent proceedings. Moreover, since we have not previously clarified this part of the statement, we believe that it is fair that we accord Alabama an opportunity to supplement its petition to enlarge the issues if it should choose to do so.

[1] Under consideration are the following pleadings: (a) Application for review filed Oct. 27, 1966, by Alabama Television, Inc. (Alabama); (b) a comment on such application filed Nov. 8, 1966, by the Chief, Broadcast Bureau; and (c) an opposition to such application filed Nov. 14, 1966, by Birmingham Broadcasting Co.

[2] The Review Board disagreed with Alabama's argument that the Commission did not intend to apply the standard of superior devotion to public service to the threshold determination of whether a comparative programing inquiry is warranted. The Review Board correctly stated that such an approach would disregard the requirement that the petitioner be able to demonstrate significant differences and would be wholly inconsistent with the expressed desire to keep hearing records free of immaterial clutter.

[4] Commissioner Wadsworth absent; Commissioner Johnson not participating.

5. As pointed out in the policy statement, differences in proposed program plans, to be regarded as of decisional significance, must go beyond ordinary differences in judgment and show a superior devotion to public service (for example, an unusual attention to local community matters for which there is a demonstrated community need). The statement indicates also that the Commission will not assume that an unusually high percentage of time to be devoted to local or other particular types of programs is necessarily to be preferred unless it is related to such needs. In light of the foregoing, and having in mind the desirability of keeping hearing records free of immaterial clutter, a petitioner seeking the addition of a programing issue must make a persuasive showing for the inclusion of such an issue. This showing need not approach the total evidentiary showing necessary at the hearing itself, nor need it be upon the basis of some absolute community need, but the petitioner should make such a showing as will indicate the relationship between his own ascertainment of community needs and interests and the reflection of these needs and interests in the substantially greater amount of time, effort and resources proposed to be devoted to certain of the categories of programing. In other words, a proponent of the programing issue should be required to make a prima facie showing that there are significant differences in the programing proposed and should relate his claimed substantial superiority in program planning to his ascertainment of community needs. Only in this manner, we believe, is it possible to determine initially whether there exist material and substantial differences between proposed program plans as to which the reception of evidence in the hearing will be useful, and which might, after hearing, support a finding that a particular proposal shows superior devotion to public service. This requirement should not be an undue burden upon a petitioner because he has, in any event, the responsibility for a reasonable knowledge of the community and area, based upon personal background, surveys or contacts with local civic and other groups and individuals, which knowledge should be used in formulating his program proposals to meet the area's needs and interests.

6. In the instant case, Alabama has presented tables showing substantial differences in the applicants' program proposals. It has also indicated that its own program proposals are based in some measure upon two surveys which it conducted of television needs in various areas to be served; but it has not shown what these surveys, and any other data that it may have accumulated in preparing its proposal, established with respect to the program needs and interests of the community. Nor has Alabama explained how its program proposal is designed to meet these ascertained needs and interests. Alabama may, therefore, in the supplemental pleading which we are permitting it to file with the Review Board, undertake to make a prima facie showing of how its claimed substantial superiority in program planning is related to its ascertainment of community needs. If after the submission of the supplemental pleading the Review Board is satisfied that Alabama has made such a prima facie showing, the Board should grant the request and add the program issue.

7. The request for an issue as to efforts to ascertain community needs was denied by the Board for lack of factual allegations demonstrating differences in efforts. Contrary to the conclusion of the Board, we believe that reference to the applications here involved and to the pleadings indicates a significant disparity in efforts which should be examined in hearing. Alabama submitted a statement indicating that it made two surveys in connection with its proposal; Birmingham Television Corp. also submitted a statement of its efforts. Birmingham Broadcasting Co. included an exhibit in its application entitled "Program and Public Service Contacts" which lists contacts with some 389 organizations, many by name but many merely by category (e.g., "38 Baptist churches," "30 Methodist churches"). The exhibit does not reveal, however, either the method employed to make such a large number of contacts or the results obtained. In the circumstances, inquiry concerning efforts is warranted.

8. *Accordingly, it is ordered,* This 1st day of March 1967, that:

(a) The application for review filed October 27, 1966, by Alabama Television, Inc., is granted to the extent indicated herein;

(b) Alabama Television, Inc., is authorized to file, on or before April 3, 1967, a supplement to its petition to enlarge issues filed August 8, 1966, directed to the Review Board; other parties to this proceeding are granted until April 17, 1967, to submit responses thereto; and Alabama is allowed until April 24, 1967, to file a reply to such responses;

(c) The Review Board's memorandum opinion and order, FCC 66R-412, released October 20, 1966, is set aside, and this matter insofar as it involves Alabama Television, Inc.'s request for a comparative programming issue is remanded to the Review Board for its further consideration in the light of this memorandum opinion and order; and

(d) The following issue is added to this proceeding:

To determine on a comparative basis the significant differences between the applicants with respect to the efforts made by each applicant to ascertain the needs and interests of the community and area each proposes to serve.

Released: March 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2634; Filed, Mar. 8, 1967; 8:49 a.m.]

[1] Commissioner Loevinger dissenting; Commissioner Wadsworth absent.

[Docket No. 17255; FCC 67-283]

HARRIMAN BROADCASTING CO. (WXXL)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of F. L. Crowder, trading as Harriman Broadcasting Co. (WXXL), Harriman, Tenn., Docket No. 17255, File No. BP-15122, requests 970 kc, 500 w, Day, for construction permit.

1. The Commission has before it the above-captioned and described application granted without hearing on January 12, 1966 (2 FCC 2d 320, released Jan. 14, 1966), and the opinion of the U.S. Court of Appeals for the District of Columbia Circuit, Folkways Broadcasting Co., Inc., v. Federal Communications Commission, ____ U.S. App. D.C. ____, ____ F. 2d ____ 8 Pike and Fischer R.R. 2d 2089, reversing and remanding the matter to the Commission for further proceedings. Also before the Commission are a motion for an order terminating the operation of WXXL, filed January 20, 1967, by Folkways Broadcasting Co., Inc., licensee of Station WHBT, Harriman, Tenn., Crowder's opposition to the motion filed January 27, 1967, and WHBT's reply to Crowder's opposition, filed February 1, 1967.

2. In its opinion the Court directed the Commission to hold a hearing on the question raised by WHBT in a pregrant petition to deny the application on whether the applicant has engaged in trafficking of broadcast authorizations and whether a grant of his present application would create another opportunity for such trafficking. The Court also directed that further proceedings should be held to resolve an additional question raised by WHBT in alleging that the establishment of another station in Harriman would result in a net degradation of service to the public, Carroll Broadcasting Co. v. Federal Communications Commission, 103 U.S. App. D.C. 346, 258 F. 2d 440, 17 Pike and Fischer R.R. 2066 (1958). Consistent with the Court's mandate, the Commission will order a hearing in which these issues will be resolved.

3. The question raised in WHBT's motion to terminate the operation of WXXL which commenced pursuant to program test authority granted on August 11, 1966, is whether WXXL should be permitted to continue operation or whether, during the pendency of the hearing, the station should be ordered to cease operation.[1] WHBT contends, in substance, that the WXXL construction permit, having been granted without the hearing which the Court found necessary, is illegal and void and that the program test authority granted pursuant thereto is also void. WXXL opposes the motion on the ground that WHBT has failed to seek a stay of the WXXL authorization during the pendency of the appeal, that service is being provided by WXXL in the public interest and that the continued operation of WXXL during the hearing would be consistent with Commission precedent (citing WEAT-TV, Inc., 1 RR 2d 37, adopted July 24, 1963).

4. WHBT is thus seeking the termination of the WXXL operation during the hearing on the basis of its legal arguments rather than on the basis of any particular factual showing. We do not think that the public interest would be served by any such mechanistic approach. WHBT has raised serious questions concerning the effects of the competition by WXXL upon its broadcast operation and the public interest in this area, and these questions are to be fully explored in the hearing. We appreciate that in view of the nature of the issue and the present posture of the matter, WHBT should not be subjected to significant adverse competitive consequences pending the outcome of the hearing. However, WHBT did not seek a stay of the Commission's grant to Harriman, and, thus, WXXL has been in actual operation during the last seven months. Rather than any automatic shutdown of this operation, we believe it reasonable that WHBT should make a showing that significant adverse competitive consequences have resulted (e.g., loss of a significant amount of advertising to WXXL or similar adverse developments).[2] Such a showing is peculiarly and readily within WHBT's knowledge. Yet no such showing has been made here. There is the possibility in a situation involving a grant of a second facility in some relatively small community that the entry of the second station does not result in the slightest competitive injury to the existing station but, rather, the latter's advertising revenues increase. We cite this only as a possibility and do not, of course, say that that is the case here, where only the hearing can resolve the substantial public interest questions raised. In view of the circumstances here, where WXXL has been in operation for a substantial period of time during which WHBT has been faced with the competitive pressures of a second station operating in Harriman, it is obviously appropriate to take action on a basis which rules out the above possibility, for if there has not been any significant adverse impact and no such impact develops at any point during the hearing, there is clearly no public interest served by terminating the station's operation. On the contrary, the public interest would be disserved by such action. We therefore conclude (i) that we should not act on any automatic basis but, rather, upon a factual showing of some significant adverse impact and (ii) that no such showing has been made here.

[1] Program test authority was granted without prejudice to such action the Commission may deem warranted as a result of proceedings in Folkwaya Broadcasting Co., Inc., v. FCC, supra.

[2] By "significant adverse competitive consequences" we thus mean just that, and are in no way calling for the type of showing which must be made in the hearing in order to make the ultimate public interest judgment. See Court's opinion.

5. We have therefore determined upon the following course:

(i) To leave WXXL on the air but to grant it only a temporary authorization, subject to cancellation upon further order of the Commission. In this way, we will be in a position to take prompt action based upon any new developments or showing, including, of course, an immediate filing by WHBT along the lines delineated in paragraph 4.

(ii) In any event, to order an expedited hearing. We think that the course we have adopted is fully consistent with the Court's remand order and with the public interest, for it is designed to insure timely action taken on a reasonable and readily available factual basis rather than one made on inference or assumption, which might possibly be wholly at odds with the public interest applicable to these particular circumstances.

6. Except as indicated by the issues specified below, the applicant is qualified to own and operate WXXL as proposed. However, for the reasons indicated above, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity. Therefore, the application will be designated for hearing on the issues specified below.

Accordingly, it is ordered, This 1st day of March 1967, that, pursuant to the mandate of the U.S. Court of Appeals for the District of Columbia Circuit, Folkways Broadcasting Co., Inc. v. FCC, supra, and section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the applicant has engaged in trafficking in broadcast authorizations.

2. To determine whether there are adequate revenues to support more than one standard broadcast station in the area to be served without a net loss or degradation to standard broadcast service to the area.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That Folkways Broadcasting Co., Inc., licensee of Station WHBT, is made a party to the proceeding.

It is further ordered, That the burden of proceeding with the introduction of the evidence with respect to issues 1 and 2 shall be on the petitioner; that the burden of proof with respect to issue 1 shall be on the applicant and with respect to issue 2 shall be upon the petitioner.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to §1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That such hearing shall be expedited by the Hearing Examiner and by the Review Board if exceptions are taken to the initial decision.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

It is further ordered, That the motion for an order terminating the operation of WXXL filed by Folkways Broadcasting Co., Inc., is hereby denied, and that F. L. Crowder, trading as Harriman Broadcasting Co., is granted temporary authority to continue operation of WXXL until further order of the Commission.

Released: March 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2635; Filed, Mar. 8, 1967; 8:49 a.m.]

[Docket No. 17255; FCC 67M-362]

HARRIMAN BROADCASTING CO. (WXXL)

Order Scheduling Hearing

In re application of F. L. Crowder, trading as Harriman Broadcasting Co. (WXXL), Harriman, Tenn., Docket No. 17255, File No. BP-15122, for construction permit.

It is ordered, This 3d day of March 1967, that James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearing therein shall be convened on April 3, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 14, 1967, commencing at 9 a.m.: *And it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Released: March 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2636; Filed, Mar. 8, 1967; 8:49 a.m.]

[1] Statement of Commissioner Bartley, concurring in part and dissenting in part, filed as part of original document; Commissioner Cox dissenting; Commissioner Wadsworth absent.

[Docket No. 16709; FCC 67M-326]

ISLAND BROADCASTING SYSTEM (WRIV), INC.

Order Advancing Hearing

In re application of Island Broadcasting System (WRIV), Inc., Riverhead, N.Y., Docket No. 16709, File No. BPCT-3475; for construction permit (Channel 55).

It is ordered, This 24th day of February 1967 to resolve a conflict in the Hearing Examiner's calendar, the hearing herein presently scheduled for March 22, 1967, is advanced to March 21, 1967, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: February 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2637; Filed, Mar. 8, 1967; 8:49 a.m.]

[Docket No. 17143; FCC 67M-332]

STOKES COUNTY BROADCASTING CO. (WKTE)

Order Continuing Hearing

In re application of Stokes County Broadcasting Co. (WKTE), King, N.C., Docket No. 17143, File No. BP-16610; for construction permit.

Pursuant to a prehearing conference as of this date: *It is ordered*, This 24th day of February 1967, that there will be a further hearing conference on March 28, 1967, 9 a.m., in the Commission's offices, Washington, D.C.; and

It is further ordered, That the evidentiary hearing now scheduled for March 20, 1967, be and the same is hereby continued without date.

Released: February 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2638; Filed, Mar. 8, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI61-48, etc.]

BIG CHIEF DRILLING CO. ET AL.

Order Substituting Respondents, Making Successors Correspondents, Redesignating Proceedings, Accepting Agreements and Undertakings for Filing, and Requiring Filing of Agreements and Undertakings

MARCH 1, 1967.

By order issued December 20, 1966, in Docket No. G-13166 et al., the Commission amended the order issuing a certificate of public convenience and necessity to Louis H. Martin et al., in Docket No. G-13166 by authorizing Bachus Oil Co. to continue the sale of natural gas in lieu of Martin. Martin's FPC Gas Rate Schedule No. 1 was redesignated as Bachus' FPC Gas Rate Schedule No. 7. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-723.[1] Bachus has requested to be substituted as respondent in said proceeding and has submitted an agreement and undertaking to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Bachus will be substituted in lieu of Martin as respondent in said proceeding; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

By order issued January 17, 1967, in Docket No. G-4098 et al., the Commission issued a certificate of public convenience and necessity to Post Oak Oil Co. in Docket No. CI67-549 authorizing the continuation in part of the sale of natural gas heretofore authorized in Docket No. G-13768 to be made by Big Chief Drilling Co. In the same order the Commission amended the order issuing a certificate of public convenience and necessity to Big Chief by authorizing Payne, Inc., to continue the remaining part of the sale in lieu of Big Chief. Big Chief's FPC Gas Rate Schedule No. 10 was redesignated as Payne's FPC Gas Rate Schedule No. 1 and the contract comprising said rate schedule was also accepted for filing as Post Oak's FPC Gas Rate Schedule No. 1. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-728.[2] An increased rate has been collected by Big Chief for a locked-in period subject to refund in Docket No. RI61-48.[3] Payne and Post Oak have requested to be substituted as respondents in the proceeding pending in Docket No. RI64-728. Therefore, they will be substituted as respondent in Docket No. RI64-728 and made co-respondents in Docket No. RI61-48; said proceedings will be redesignated accordingly; and they will be required to file agreements and undertakings in Docket Nos. RI61-48 and RI64-728.

By order issued January 9, 1967, in Docket No. G-11647, et al., the Commission amended the orders issuing certificates of public convenience and necessity to Standard Oil Company of Texas, a division of Chevron Oil Co., in Docket Nos. G-13830, G-18721, G-20317 and CI62-78 by authorizing Chevron Oil Co., Western Division, to continue the sales of natural gas in lieu of Standard Oil Company of Texas. Standard Oil Company of Texas' FPC Gas Rate Schedule Nos. 12, 16, 20, and 27 were redesignated as Western Division's FPC Gas Rate Schedule Nos. 7, 8, 9, and 10, respectively. The presently effective rates under said rate schedules are in effect subject to refund in Docket Nos. RI64-655, RI64-585, RI64-591,[4] and RI64-585, respectively. An increased rate has been collected by Standard Oil Company of Texas under said rate schedules for a locked-in period subject to refund in Docket No. RI64-60.[5] Western Division has requested to be substituted as respondent in all of its predecessor's rate proceedings and has submitted an agreement and undertaking to assure the refund of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings. Inasmuch as the proceedings in Docket Nos. RI64-60 and RI64-591 pertain to rate schedules in addition to those involved in the successions in interest, Western Division will be made co-respondent in those proceedings and will be substituted as respondent in the proceedings pending in Docket Nos. RI64-585 and RI64-655; the proceedings will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that respondents should be substituted and added, proceedings should be redesignated, and agreements and undertakings should be required and accepted, all as hereinafter ordered.

The Commission orders:

(A) Bachus Oil Co. is substituted in lieu of Louis H. Martin et al., as respondent in the proceeding pending in Docket No. RI64-723, the proceeding is redesignated accordingly,[6] and the agreement and undertaking submitted by Bachus in said proceeding is accepted for filing.

(B) Post Oak Oil Co. and Payne, Inc., shall be co-respondents with Big Chief Drilling Co. in the proceeding pending in Docket No. RI61-48 and are substituted in lieu of Big Chief Drilling Co. as respondents in the proceeding pending in Docket No. RI64-728. Said proceedings are redesignated accordingly.[7]

(C) Within 30 days from the issuance of this order Post Oak Oil Co. and Payne, Inc., shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Docket Nos. RI61-48 and RI64-728 to assure the refunds of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing.

(D) Chevron Oil Co., Western Division, shall be co-respondent with Standard Oil Company of Texas, a division of Chevron Oil Co., in the proceedings pending in Docket Nos. RI64-60 and RI64-591 and is substituted in lieu of Standard Oil Company of Texas, a division of Chevron Oil Co., as respondent in the proceedings pending in Docket Nos. RI64-585 and RI64-655. Said proceedings are redesignated accordingly,[8] and the agreement and undertaking submitted in the aforementioned dockets by Chevron Oil Co., Western Division, is accepted for filing.

(E) Each of the new respondents shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by them shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2592; Filed, Mar. 8, 1967; 8:45 a.m.]

[Docket No. CP61-143]

COLORADO INTERSTATE GAS CO.

Notice of Petition to Amend

MARCH 1, 1967.

Take notice that on February 23, 1967, Colorado Interstate Gas Co. (Petitioner), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP61-143 a petition to amend the order issued by the Commission January 3, 1963, and amended December 30, 1963, June 2, 1964, May 25, 1965, and September 12, 1966, by extending the period of authorization from April 30, 1967, until April 30, 1968, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The above-mentioned order, as amended to date, gave authorization to Petitioner for the exchange and sale of up to 35,000 Mcf of natural gas per day between Petitioner, Natural Gas Pipeline Company of America (Natural) and Arkansas Louisiana Gas Co. (Arkansas) limited in duration to a period extending through April 30, 1967.

By letter agreement dated November 22, 1966, Petitioner, Natural and Arkansas have agreed to extend the term through April 30, 1968. On this basis Petitioner seeks authorization to extend the previously authorized sale and exchange of natural gas until April 30, 1968.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 27, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2593; Filed, Mar. 8, 1967; 8:45 a.m.]

[Docket No. CP67-237]

LONE STAR GAS CO.

Notice of Application

MARCH 1, 1967.

Take notice that on February 23, 1967, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP67-237 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon the operation of certain natural gas facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon the following pipelines and appurtenant facilities by removal and salvage:

(1) 6,496 feet of 4-inch and 675 feet of 2-inch Line A-18-2,
(2) 1,635 feet of 4-inch Line A-18-3,
(3) 1,105 feet of 2-inch Line A-18-3-1,
(4) 5,151 feet of 3-inch Line A-18-4,
(5) 2,369 feet of 2-inch Line A-18-4-1,
(6) 2,639 feet of 2-inch Line A-18-7,
(7) 3,253 feet of 2-inch Line A-18-13,
(8) 1,454 feet of 2-inch Line 71-23-1-1,
(9) 8,960 feet of 4-inch Line 71-23-1-3,
(10) 14,838 feet of 6-inch Line ED,
(11) 3,877 feet of 3-inch Line GN-35-T,
(12) 5,540 feet of 6-inch Line E5AA-A,
(13) 154 feet of 4-inch and 76 feet of 3-inch Line FX-476-T,
(14) 634 feet of 4-inch Line FX-506-T,
(15) 1,195 feet of 2-inch Line FX-529-T,
(16) 10,607 feet of 6-inch and 51 feet of 4-inch Line H-W,
(17) 3,341 feet of 6-inch Line GDH-A,
(18) 14,335 feet of 6-inch and 3,974 feet of 4-inch Line GDH-B,
(19) 3,740 feet of 6-inch Line FX-410-T, and
(20) 5,001 feet of 4-inch Line FX-427-T.

Applicant states that the above-listed lateral pipelines and related facilities are no longer needed or required to transport gas due to termination of sales of gas or the disconnection of depleted sources of gas supply and that the proposed abandonment would not result in any abandonment or diminution of natural gas service to any city, town, or community.

Applicant estimates the value of the salvage at approximately $93,962. Applicant estimates the cost of salvage at approximately $37,175 and the cost to recondition the pipe at approximately $9,755, said cost to be financed from working funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 28, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2594; Filed, Mar. 8, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

LINCOLN FIRST GROUP, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Lincoln First Group, Inc., Rochester, N.Y., for approval of action to become a bank holding company through the acquisition of substantially all of the voting shares of four banks in the State of New York.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1), as amended by Public Law 89-485), and § 222.4(a)(1) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), an application by Lincoln First Group, Inc., Rochester, N.Y., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of substantially all of the voting shares of each of the following New York banks: Lincoln Rochester Trust Co., Rochester; Lincoln National Bank & Trust Co. of Central New York, Syracuse, a proposed new bank into which would be merged Lincoln National Bank & Trust Co. of Central New York, Syracuse; First-City National Bank of Binghamton, N.Y., Binghamton, a proposed new bank into which would be merged First-City National Bank of Binghamton, N.Y., Binghamton, and The First National Bank of Jamestown, Jamestown, into which would be merged The First National Bank of Jamestown, Jamestown.

[1] Consolidated with Docket No. AR64-1 et al.

[2] Consolidated with Docket No. AR64-2 et al.

[3] Consolidated in the proceeding on the order to show cause issued Aug. 5, 1965, in Docket No. AR61-1 et al., 34 FPC 424.

[4] Docket No. RI64-723, Bachus Oil Co.

[5] Docket No. RI61-48, Big Chief Drilling Co., Post Oak Oil Co. and Payne, Inc.; Docket No. RI64-728, Post Oak Oil Co. and Payne, Inc.

[6] Docket No. RI64-60, Standard Oil Company of Texas, a division of Chevron Oil Co., and Chevron Oil Co., Western Division; Docket No. RI64-585, Chevron Oil Co., Western Division; Docket No. RI64-591, Standard Oil Company of Texas, a division of Chevron Oil Co., and Chevron Oil Co., Western Division; Docket No. RI64-655, Chevron Oil Co., Western Division.

FEDERAL REGISTER, VOL. 32, NO. 46—THURSDAY, MARCH 9, 1967

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the New York State Superintendent of Banks and the Comptroller of the Currency and requested their views and recommendations. As discussed in the Statement accompanying this order, the New York State Banking Board advised this Board of its action, following a recommendation of the Superintendent of Banks, approving an application filed by Lincoln First Group, Inc., pursuant to the New York Banking Law involving the same proposal submitted to this Board. The Comptroller of the Currency also recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 6, 1966 (31 F.R. 13017), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of the order.

Dated at Washington, D.C., this 2d day of March 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-2595; Filed, Mar. 8, 1967; 8:45 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Assignment of Compliance Functions Under Title VI of Civil Rights Act of 1964

Notice is hereby given of the agreements set forth in the letters reprinted below pursuant to which the Office of Economic Opportunity (OEO) has assigned to the Department of Health, Education, and Welfare certain responsibilities under regulations issued by OEO under Title VI of the Civil Rights Act of 1964.

SARGENT SHRIVER,
Director.

MARCH 1, 1967.

OFFICE OF ECONOMIC OPPORTUNITY
EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON, D.C. 20506,
February 24, 1966.

Hon. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare,
Washington, D.C. 20201.

DEAR MR. SECRETARY: Pursuant to the authority of 45 CFR 1010.13(c), I hereby assign to you the responsibilities listed below of the Office of Economic Opportunity and of the responsible Office of Economic Opportunity official under Title VI and the Office of Economic Opportunity's regulations issued thereunder (45 CFR Part 1010) with respect to hospitals and other health facilities:

1. Compliance reports, including the mailing, receiving, and evaluation thereof under 45 CFR 1010.7(b);

2. Other actions under 45 CFR 1010.7;

3. All actions under 45 CFR 1010.8, including periodic compliance reviews, receiving of complaints, investigations, determination of recipient's apparent failure to comply, and resolution of matters by informal means.

The Office of Economic Opportunity specifically reserves to itself the responsibilities for the effectuation of compliance under 45 CFR 1010.9, 1010.10, 1010.11.

The responsibilities so designated to you are to be exercised in accordance with the Coordinated Enforcement Procedures for Medical Facilities under Title VI of the Civil Rights Act of 1964 dated February 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department. The Office of Economic Opportunity also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department.

We would welcome the opportunity for staff consultations on the specific forms and procedures to be adopted pursuant to the foregoing arrangements.

If you consent to this assignment, please indicate your acceptance by signing in the space provided below.

Sincerely yours,

SARGENT SHRIVER,
Director.

Accepted: March 25, 1966.

WILBUR J. COHEN,
Acting Secretary of Health,
Education, and Welfare.

OFFICE OF ECONOMIC OPPORTUNITY
EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON, D.C. 20506,
February 24, 1966.

Hon. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare,
Washington, D.C. 20201.

DEAR MR. SECRETARY: Pursuant to the authority of 45 CFR 1010.13(c), I hereby assign to you the responsibilities listed below of the Office of Economic Opportunity and of the responsible Office of Economic Opportunity official under Title VI and the Office of Economic Opportunity's regulations issued thereunder (45 CFR Part 1010) with respect to institutions of higher education.

1. Compliance reports, including the mailing, receiving, and evaluation thereof under 45 CFR 1010.7(b):

2. Other actions under 45 CFR 1010.7;

3. All actions under 45 CFR 1010.8, including periodic compliance reviews, receiving of complaints, investigations, determination of recipient's apparent failure to comply, and resolution of matters by informal means.

The Office of Economic Opportunity specifically reserves to itself the responsibilities for the effectuation of compliance under 45 CFR 1010.9, 1010.10, 1010.11.

The responsibilities so designated to you are to be exercised in accordance with the Coordinated Enforcement Procedures for Higher Education under Title VI of the Civil Rights Act of 1964 dated February 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department. The Office of Economic Opportunity also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department.

We would welcome the opportunity for staff consultations on the specific forms and procedures to be adopted pursuant to the foregoing arrangements.

If you consent to this assignment, please indicate your acceptance by signing in the space provided below.

Sincerely yours,

SARGENT SHRIVER,
Director.

Accepted: April 22, 1966.

WILBUR J. COHEN,
Acting Secretary of Health,
Education, and Welfare.

OFFICE OF ECONOMIC OPPORTUNITY
EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON, D.C. 20506,
July 5, 1966.

Hon. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare,
Washington, D.C.

DEAR MR. SECRETARY: Pursuant to the authority of 45 CFR 1010.13(c), I hereby assign to you the responsibilities listed below of the Office of Economic Opportunity and of the responsible Office of Economic Opportunity official under Title VI of the Office of Economic Opportunity's regulations issued thereunder (45 CFR Part 1010) with respect to elementary and secondary schools and school systems:

1. Soliciting, receiving, and determining the adequacy of assurances of compliance, voluntary desegration plans, and final court orders under 45 CFR 1010.5;

2. Mailing, receiving, and evaluating compliance reports under 45 CFR 1010.7;

3. All other actions related to securing voluntary compliance, or related to investigations, compliance reviews, complaints, determinations of apparent failure to comply, and resolutions of matters by informal means.

The Office of Economic Opportunity specifically reservea to itself the responsibilities for the effectuation of compliance under 45 CFR 1010.9, 1010.10, 1010.11.

Excepted from the operation of the plan for Coordinated Enforcement Procedures for Elementary and Secondary Schools are preschool programs such as Project Head Start and other programs which are not (i) conducted in conjunction with the regular school day and also (ii) limited to the regular student body of the school or school system in question.

The responsibilities so designated to you are to be exercised in accordance with the plan for Coordinated Enforcement Procedures for Elementary and Secondary Schools and School Systems dated May 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department. The Office of Economic Opportunity also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department.

We would welcome the opportunity for staff consultations on the specific forms and procedures to be adopted pursuant to the foregoing arrangements.

If you consent to this assignment, please indicate your acceptance by signing in the space provided below.

Sincerely yours,

SARGENT SHRIVER,
Director.

Accepted: July 23, 1966.

WILBUR J. COHEN,
Acting Secretary of Health,
Education, and Welfare.

[F.R. Doc. 67-2624; Filed, Mar. 8, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2659, etc.]

ALLOYS UNLIMITED, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 3, 1967.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities; Securities Exchange Act of 1934.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Alloys Unlimited, Inc	7-2659
Lehigh Portland Cement Co	7-2660
United Artists Corp	7-2633
Foxboro Co	7-2635

Upon receipt of a request, on or before March 20, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-2607; Filed, Mar. 8, 1967; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 3, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 4, 1967, through March 13, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-2608; Filed, Mar. 8, 1967; 8:46 a.m.]

[File No. 7-2653]

GULF & WESTERN INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 3, 1967.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security; Securities Exchange Act of 1934.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Gulf & Western Industries, Inc., File No. 7-2653.

Upon receipt of a request, on or before March 20, 1967, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-2609; Filed, Mar. 8, 1967; 8:47 a.m.]

[File No. 7-2661]

GULF & WESTERN INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 3, 1967.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in a certain security; Securities Exchange Act of 1934.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Gulf & Western Industries, Inc., File No. 7-2661.

Upon receipt of a request, on or before March 20, 1967, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of ing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-2610; Filed, Mar. 8, 1967; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington D.C. 20551, or to the Federal Reserve Bank of New York. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Shepardson, Mitchell, Daane, Maisel, and Brimmer. Voting against this action: Governor Robertson.

[811-1288]

HANNA DIVERSIFIED INVESTMENTS, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

MARCH 3, 1967.

Notice is hereby given that Hanna Diversified Investments, Inc. ("applicant"), 140 Federal Street, Boston, Mass., a Delaware corporation registered as an open-end, diversified investment company, has filed an application pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a wholly-owned subsidiary of the M. A. Hanna Co. ("Hanna") in 1964. On November 23, 1965, Hanna adopted plans of complete liquidation of Hanna and of applicant. Applicant thereupon distributed all of its assets to Hanna in redemption and cancellation of its capital stock. Hanna assumed all of the liabilities of applicant, which was dissolved as a Delaware corporation effective December 22, 1965.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions necessary for the protection of investors, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 23, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2611; Filed, Mar. 8, 1967; 8:47 a.m.]

[File Nos. 7-2655—7-2658]

HECLA MINING CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 3, 1967.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities; Securities Exchange Act of 1934.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Hecla Mining Co.	7-2655
The Beryllium Corp	7-2656
Western Air Lines, Inc	7-2657
Continental Telephone Corp	7-2658

Upon receipt of a request, on or before March 20, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2612; Filed, Mar. 8, 1967; 8:47 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

MARCH 3, 1967.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 4, 1967, through March 13, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2613; Filed, Mar. 8, 1967; 8:47 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

MARCH 3, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc., and all other securities of Pakco Companies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 4, 1967, through March 13, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2614; Filed, Mar. 8, 1967; 8:47 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

MARCH 3, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended this order to be effective for the period March 4, 1967, through March 13, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2615; Filed, Mar. 8, 1967; 8:47 a.m.]

[811-9]

SPECIAL INVESTMENTS AND SECURITIES, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

MARCH 3, 1967.

Notice is hereby given that Special Investments & Securities, Inc. ("applicant"), 1645 West Valencia Drive, Fullerton, Calif., a Delaware corporation registered as a diversified, closed-end investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

A plan of complete liquidation of applicant was adopted by its stockholders at a special meeting in December 1966 and an initial liquidating distribution with a value of $22.56 per share was made on December 28, 1966. A certificate of dissolution was issued by the Secretary of State of the State of Delaware on January 5, 1967. It is proposed that the net assets remaining after payment of, or provision for, all remaining obligations and liabilities of applicant shall be distributed on a pro rata basis to stockholders of applicant directly or by Security First National Bank of Los Angeles as liquidating trustee.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions necessary for the protection of investors, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 20, 1967, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2616; Filed, Mar. 8, 1967; 8:47 a.m.]

[File No. 1-4407]

SPORTS ARENAS, INC.

Order Suspending Trading

MARCH 3, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1 cent par value of Sports Arenas, Inc., and the 6 percent convertible debentures being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 4, 1967, through March 13, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2617; Filed, Mar. 8, 1967; 8:48 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

MARCH 3, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 4, 1967, through March 13, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2618; Filed, Mar. 8, 1967; 8:48 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

MARCH 3, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 4, 1967, through March 13, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2619; Filed, Mar. 8, 1967; 8:48 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

MARCH 3, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for

the period March 4, 1967, through March 13, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2620; Filed, Mar. 8, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1035]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 3, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2202 (Sub-No. 313), filed February 15, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between junction U.S. Highway 22 and Pennsylvania Highway 419 and junction Pennsylvania Highways 61 and 443; from junction U.S. Highway 22 and Pennsylvania Highway 419 over Pennsylvania Highway 419 to junction Pennsylvania Highway 183, thence over Pennsylvania Highway 183 to junction Pennsylvania Highway 443, thence over Pennsylvania Highway 443 to junction Pennsylvania Highway 61, south of Pottsville, Pa., and return over the same route, serving no intermediate points, and as an alternate route for operating convenience only; and (2) between junction U.S. Highway 22 and Pennsylvania Highway 419 and Pottsville, Pa.; from junction U.S. Highway 22 and Pennsylvania Highway 419 over Pennsylvania Highway 419 to junction Pennsylvania Highway 183, thence over Pennsylvania Highway 183 to junction Pennsylvania Legislative Route 53008, thence over Pennsylvania Legislative Route 53008 to junction U.S. Highway 209, thence over U.S. Highway 209 to Pottsville, Pa., and return over the same route, serving no intermediate points, and as an alternate route for operating convenience only. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2392 (Sub-No. 55), filed February 23, 1967. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, Post Office Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representatives: J. William Cain, Jr., Madison Building, 1155 15th Street NW., Washington, D.C. 20005, and Leonard A. Jaskiewicz (same address). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from the Mid-America Pipeline Co. terminal at or near Whiting, Iowa, to points in Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 2392 (Sub-No. 56), filed February 23, 1967. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, Post Office Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: J. William Cain, Jr., Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Co. located at or near Hoag, Nebr., to points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 2900 (Sub-No. 153), filed February 2, 1967. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: W. D. Beatenbough (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), to serve the TVA plantsite at or near Brown's Ferry, Ala., and the Moore-Handley Hardware, Inc., plantsite at or near Pelham, Ala., as off-route points in connection with applicant's present authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 3576 (Sub-No. 3), filed February 14, 1967. Applicant: P. J. HAMILL TRANSFER CO., a corporation, 900 Virginia Avenue, St. Louis, Mo. 63103. Applicant's representative: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stove parts and wirebound crates*, between Barnhart, Jefferson County, Mo., on the one hand, and, on the other, Belleville, St. Clair County, Ill., for the account of Universal Metal Products. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate No. MC 3772, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 4405 (Sub-No. 448), filed February 17, 1967. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago, Ill. 60633. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical transformers, circuit breakers, switchgear, insulators, air switches, and/or parts of these items*, which by reason of size or weight require the use of special equipment, (2) *electrical transformers, circuit breakers, switchgear, air switches, insulators, and/or parts of these items*, which do not require the use of special equipment when moving in the same vehicle at the same time with the commodities in, (1) above, and (3) *transformer oil in containers, paint in containers, and iron and steel forms* used in or on the commodities named in (1) above, when transported in mixed loads with the commodities named in (1) and (2) above, from Crystal Springs, Miss., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New Orleans, La., or Jackson, Miss.

No. MC 4941 (Sub-No. 25), filed February 16, 1967. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. 02403. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Pittsburgh, Pa., on the one hand, and, on the other, points in West Virginia, restricted to traffic originating or destined to points on applicant's regular routes or irregular routes in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and Pennsylvania (except Pittsburgh and those points within 45 miles of Pittsburgh) and the District of Columbia. NOTE: The applicant states the purpose of the application is to utilize Pittsburgh, Pa., as an alternate gateway to Baltimore, Md., in providing service between West Virginia points and points in States applicant is authorized to serve. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11220 (Sub-No. 110), filed February 13, 1967. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38102. Applicant's representative: J. W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of Geigy Chemical Corp., at or near McIntosh, Ala., as an off-route point in connection with applicant's presently authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Mobile, or Montgomery, Ala.

No. MC 11899 (Sub-No. 19), filed February 15, 1967. Applicant: STEVENS TRUCK LINES, INC., 893 Ridge Road, Webster, N.Y. 14580. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk, in tank vehicles) and *empty containers:* (a) Between points in Wayne County, N.Y., on the one hand, and, on the other, points in Wayne, Erie, and Monroe Counties, N.Y.; (b) between points in Monroe County, N.Y.; (c) between points in Genesee County, N.Y., on the one hand, and, on the other, points in Genesee and Erie Counties, N.Y.; (d) from points in Wayne County, N.Y., to points in Niagara, Oneida, Onondaga, Ontario, and Oswego Counties, N.Y.; (e) from points in Orleans County, N.Y., to points in Wayne County, N.Y.; (f) from points in Genesee County, N.Y., to points in Oneida and Onondaga Counties, N.Y.; (g) from points in Livingston, Niagara, and Yates Counties, N.Y., to points in Genesee County, N.Y.; (h) from points in Erie County, N.Y., to points in Allegany, Cortland, Orleans, Seneca, Steuben, Wyoming, and Yates Counties, N.Y.; (i) from points in Niagara County, N.Y., to points in Monroe County, N.Y.

(j) From points in Genesee County, N.Y., to points in Albany and Schenectady Counties, N.Y.; (k) from points in Monroe County, N.Y., to points in Ontario and Orleans Counties, N.Y.; (l) from points in Onondaga County, N.Y., to points in Monroe County, N.Y.; (m) from points in Orleans County, N.Y., to points in Columbia, Erie, and Onondaga Counties, N.Y.; (n) from points in Erie County, N.Y., to points in Albany, Columbia, Oneida, Onondaga, Ontario, Oswego, and Schenectady Counties, N.Y.; (o) from points in Genesee County, N.Y., to points in Allegany, Cortland, Orleans, Seneca, Steuben, Wayne, Wyoming, and Yates Counties, N.Y.; (p) from points in Livingston County, N.Y., to points in Albany, Erie, Oneida, Onondaga, and Schenectady Counties, N.Y.; (q) from points in Monroe County, N.Y., to points in Albany, Erie, Niagara, Oneida, Onondaga, Ontario, Oswego, and Schenectady Counties, N.Y.; (r) from points in Niagara County, N.Y., to points in Albany, Erie, Oneida, Onondaga, Ontario, Schenectady, and Wayne Counties, N.Y.; (s) from points in Orleans County, N.Y., to points in Albany, Allegany, Cortland, Genesee, Oneida, Onondaga, Ontario, Oswego, Schenectady, Seneca, Steuben, Webster, Wyoming, and Yates Counties, N.Y.; (t) from points in Wayne County, N.Y., to points in Albany, Allegany, Genesee, Ontario, Orleans, Schenectady, and Wyoming Counties, N.Y.; (u) from points in Yates County, N.Y., to points in Albany, Erie, and Schenectady Counties, N.Y.

(v) From points in Onondaga County, N.Y., to points in Erie, Monroe, Niagara, Ontario, Orleans, Oswego, and Wayne Counties, N.Y.; (w) from points in Ontario County, N.Y., to points in Wayne County, N.Y., and (2) *foodstuffs* (except in bulk, in tank vehicles): (a) From points in Monroe County, N.Y., to points in Albany, Erie, Monroe, Niagara, Oneida, Onondaga, Ontario, Oswego, Schenectady, and Wayne Counties, N.Y.; (b) from points in Wayne County, N.Y., to points in Albany, Allegany, Erie, Genesee, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Schenectady, Wayne, and Wyoming Counties, N.Y.; (c) from points in Genesee County, N.Y., to points in Monroe County, N.Y.; (d) from points in Livingston County, N.Y., to points in Genesee County, N.Y., and (e) from points in Ontario County, N.Y., to points in Wayne County, N.Y. NOTE: Applicant states that it intends to tack the above sought authority with its presently held authority wherein it is authorized to conduct operations in the States of New York, New Jersey, Pennsylvania, Maryland, Ohio, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 21170 (Sub-No. 252), filed February 16, 1967. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Storm Lake, Iowa, and Bloomington, Ill., to Indianapolis and South Bend, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 21571 (Sub-No. 33), filed February 23, 1967. Applicant: SCHERER FREIGHT LINES, INC., 424 West Madison Street, Ottawa, Ill. 61350. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between Granite City, Alton, and Madison, Ill., on the one hand, and, on the other, points in Missouri, Iowa, Wisconsin, and Indiana. NOTE: Applicant holds contract carrier authority in MC 115738, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 29647 (Sub-No. 40), filed February 23, 1967. Applicant: CHARLTON BROS. TRANSPORTATION COMPANY, INC., Post Office Box 2097, 552 Jefferson Street, Hagerstown, Md. 21740. Applicant's representative: Spencer Money, Park Lane Building, 2025 Eye Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust and wood chips*, in bulk, in specially constructed trailers, from Martinsburg, W. Va., to Williamsburg and Tyrone (Blair County), Pa. NOTE: Common control may be involved. If a hearing is

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

deemed necessary, applicant requests it be held at Washington, D.C., or Martinsburg, W. Va.

No. MC 29910 (Sub-No. 73), filed February 15, 1967. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of International Paper Co., Springhill, La., as an off route point in connection with applicant's regular route operations between Hope, Ark., and Shreveport, La. NOTE: Applicant states the proposed operation is to be restricted to traffic between said plantsite, on the one hand, and, on the other, Kansas City, Cape Girardeau, and St. Louis, Mo., and points north and east thereof, which applicant is now authorized to serve. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or New Orleans, La.

No. MC 35107 (Sub-No. 2), filed February 23, 1967. Applicant: GLEN FLOYD, Beattie, Kans. 66406. Applicant's representative: Arthur L. Claussen, 303 New England Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Processed mill feeds, soybean meal, bran, shorts, alfalfa meal, alfalfa pellets*, in bulk (restricted to perform no transportation in tank vehicles) (1) between Home, Kans., and St. Joseph, Mo., from Home over U.S. Highway 36 via Hiawatha, Kans., to St. Joseph, and return over the same route, serving intermediate and off-route points in Kansas and Nebraska within 15 miles of Home, Kans., and (2) between Home, Kans., and Kansas City, Mo., from Home to Hiawatha as specified above, thence over U.S. Highway 73 to junction U.S. Highway 24, and thence over U.S. Highway 24 to Kansas City, Mo., and return over the same route, serving the intermediate and off-route points of Kansas City, Kans., restricted to livestock only, and those in Kansas and Nebraska within 15 miles of Home, Kans., without restriction. NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 35540 (Sub-No. 16), filed February 17, 1967. Applicant: SCHRODER'S EXPRESS, INC., 1550 Perin Street, Cincinnati, Ohio 45294. Applicant's representative: George M. Catlett 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, articles of unusual value, commodities in bulk, and commodities which require special equipment), (1) between Evansville, Ind., and Greenville, Ky.: From Evansville over U.S. Highway 41 to junction U.S. Highway 62, thence over U.S. Highway 62 to Greenville, and return over the same route, serving all intermediate points (except points between Evansville,, Ind., and Anthoston, Ky.) (2) between junction U.S. Highways 41 and 62 and Princeton, Ky., over U.S. Highway 62, serving all intermediate points, and (3) between Princeton, Ky., and Evansville, Ind.: From Princeton over Kentucky Highway 293 to Providence, Ky., thence over Kentucky Highway 120 to junction U.S. Highway 41A, thence over U.S. Highway 41A to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 41, thence over U.S. Highway 41 to Evansville, and return over the same route, serving no intermediate points, for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind., or Louisville, Ky.

No. MC 50069 (Sub-No. 375), filed February 13, 1967. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Depue, Ill., to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52704 (Sub-No. 55), filed February 13, 1967. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Lafayette, Ala. Applicant's representative: D. H. Markstein, Jr., 818 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oyster shells* in bags, from Jacksonville and Tampa, Fla. to points in Alabama, Georgia, North Carolina, and South Carolina and (2) *citrus pulp and citrus meal*, both in bulk and in bags, from points in Florida to points in Alabama, Georgia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Greenville, S.C., or Charlotte, N.C.

No. MC 52729 (Sub-No. 20), filed February 20, 1967. Applicant: FIOROT TRUCKING, INC., West Main Street, Post Office Box 43, Pen Argyl, Pa. 18072. Applicant's representative: Morris Mindlin, 146 East Broad Street, Bethlehem, Pa. 18018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Irregular routes: (1) *Vinyl shingles, vinyl siding, and vinyl panels and materials and supplies used in the installation of said vinyl commodities when moving therewith*, from the site of the plant, plants, or warehouses of the Supradur Manufacturing Corp. at Fall River, Mass., to the site of the plant, plants, or warehouses of the said corporation at Wind Gap, Pa., and points within 5 miles thereof; (2) *vinyl shingles, vinyl siding, and vinyl panels and materials and supplies, used in the installation of said vinyl commodities when moving therewith*, between Wind Gap, Pa., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

(3) *Materials and supplies used in the installation of asbestos cement roofing shingles, asbestos cement siding, asbestos cement sheets, and asbestos cement pressure pipes and asphalt shingles*, from points in Michigan, Ohio, North Carolina, and Vermont to Wind Gap, Pa.; (4) *materials and supplies used in the production and manufacture of asbestos cement roofing shingles, asbestos cement siding, asbestos cement sheets, and asbestos cement pressure pipes, asphalt shingles, and vinyl shingles, vinyl siding, and vinyl panels, in return movement from shipment of said asbestos, asphalt, and vinyl products*, from points in the destination territories for shipment of said asbestos, asphalt, and vinyl products to Wind Gap, Pa.; (5) *sand*, from Millville, Newport, Pinewald, and Old Bridge, N.J., and points within 10 miles of each of said communities, to Pen Argyl, Pa., and points within 5 miles thereof; and, (6) *asphalt shingles, and materials and supplies used in the installation of said asphalt shingles when moving therewith*, from Kearney, N.J., and points within 5 miles thereof to Wind Gap, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Easton, Allentown, or Philadelphia, Pa.

No. MC 53321 (Sub-No. 4), filed February 13, 1967. Applicant: RAU CARTAGE, INC., 1107 East Noble Street, Monroe, Mich. 48161. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste and scrap paper and pulpboard*, from Monroe, Mich., to points in Ohio, under contract with Monroe Scrap Materials Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 55236 (Sub-No. 148), filed February 13, 1967. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Post Office Box 1187, Green Bay, Wis. 54306. Applicant's representative: K. L. Laird (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank or hopper type vehicles, from Port Edwards, Wis., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states that it intends to tack at Port Edwards, Wis., and Waukegan, Ill., serving the territory embraced under this application and the additional States of New York, Delaware, and Louisiana. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 55896 (Sub-No. 26) (Amendment), filed May 19, 1966, published in the FEDERAL REGISTER issues of June 16, 1966, and October 13, 1966, further amended and republished as amended, this issue. Applicant: R. W. EXPRESS, INC., 4840 Wyoming Street, Dearborn, Mich. Applicant's representative: Rex Eames, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, equipment, materials, and supplies* used in the manufacturing or processing of iron and steel and iron and steel articles, between points in the Chicago, Ill., commercial zone as defined by the Commission, and Chicago Heights, Ill., and Portage, Ind., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to add points in Michigan, Minnesota, Missouri, Nebraska, North Dakota, and Ohio as destination points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 425), filed February 20, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Marseilles, Ill., and points within 5 miles thereof, to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 67450 (Sub-No. 24), filed February 20, 1967. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, from points in Henry County, Tenn., to points in the United States (including Alaska, but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 67450 (Sub-No. 25), filed February 20, 1967. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, from points in Pulaski County, Ill., to points in the United States (including Alaska, but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 70151 (Sub-No. 44) filed February 23, 1967. Applicant: UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit 9, Mich. Applicant's representative: Archie C. Fraser, 1400 Michigan National Tower, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, commodities in special equipment, and those injurious or contaminating to other lading), serving the Russell Schmidt Industrial Complex at or near 26090–23 Mile Road, Chesterfield Township, Macomb County, Mich., as an off-route point in connection with authorized regular route service. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 70272 (Sub-No. 217), filed February 21, 1967. Applicant: KING VAN LINES, INC., Post Office Box 18268, 7707 E. Harry, Wichita, Kans. 67218. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric signs*, from Lima, Ohio, and South Milwaukee, Wis., to points in the United States (except Alaska and Hawaii), and *rejected and returned shipments*, on return. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 76177 (Sub-No. 312), filed February 17, 1967. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, blasting supplies, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Shannon and Plainville, Ga., as off-route points in connection with applicant's authorized regular route operations between Rome, Ga., and Chattanooga, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 78786 (Sub-No. 270), filed February 16, 1967. Applicant: PACIFIC MOTOR TRUCKING COMPANY, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: W. A. Gregory, Room 845, 65 Market Street, San Francisco, Calif. 94105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, between Phoenix, Ariz., and Litchfield, Ariz., over U.S. Highway 80, serving no intermediate points. Restriction: Service shall be limited to that which is auxiliary to or supplemental of rail service of Southern Pacific Co., and shall be restricted to the transportation of shipments having in addition to movement by applicant, an immediately prior or subsequent movement by rail. NOTE: Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or San Francisco, Calif.

No. MC 78947 (Sub-No. 8), filed February 15, 1967. Applicant: ELLIOTT BROS. TRUCK LINE, INC., Dysart, Iowa 52224. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission and Alton, Ill., on the one hand, and, on the other, points in Iowa and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 82808 (Sub-No. 10), filed February 13, 1967. Applicant: LEWIS R. HUNT AND C. L. HUNT, a partnership, doing business as HUNT AND SON, Holden, Mo. Applicant's representative: Ivan E. Moody, 1111 Scarritt Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between East St. Louis, Ill., and St. Louis, Mo., commercial zones, points in Johnson County, Mo., LaMonte, Strasburg, and Blairstown, Mo., and (2) between Kansas City, Kans., commercial zone and Leeton, Mo., and points within 5 miles thereof, restricted against tacking to render through service between St. Louis, Mo., and Kansas City, Kans., in (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 94430 (Sub-No. 34), filed February 17, 1967. Applicant: WEISS TRUCKING COMPANY, INC., Mongo, Ind. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Schoolcraft, Mich., to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Columbus, Ohio.

No. MC 95490 (Sub-No. 26), filed February 15, 1967. Applicant: UNION CARTAGE COMPANY, a corporation, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Leonard A. Jaskiewicz, 1155 16th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Malt beverages,* in containers and *related advertising material,* from Cranston, R.I., to points in Pennsylvania, Maryland, and Delaware. NOTE: Applicant states it intends to tack at Cranston, R.I., to provide service from points in Massachusetts to the destination territory involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 100666 (Sub-No. 94), filed February 23, 1967. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sideboard racks,* from Lufkin, Tex., to Bradenton, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Dallas, Tex.

No. MC 101010 (Sub-No. 19), filed February 16, 1967. Applicant: ERIE-LACKAWANNA RAILROAD COMPANY, a corporation, 101 Prospect Avenue NW., Cleveland, Ohio 44115. Applicant's representative: J. R. Clark, 1336 Midland Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except commodities requiring special equipment, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities of unusual value in substituted motor-for-rail service), from Buffalo, N.Y., east on U.S. Highway 5 to junction New York State Highway 98 at Alexander, N.Y., thence northeast on New York State Highway 98 to junction New York Highway 5 at Batavia, N.Y., thence east on New York Highway 5 to junction U.S. Highway 15 at East Avon, N.Y., thence north on U.S. Highway 15 to Rochester, N.Y., serving the intermediate points which are stations on applicant's rail line, namely East Buffalo, Cheektowaga, Depew, Lanchester, Town Line, Alden, Darien Center, Alexander, Batavia, Stafford, Le Roy, Caledonia, Avon, Industry, West Henrietta, and Mortimer, N.Y.; also serving the off-route intermediate points which are stations on applicant's rail line, Fargo and Ray, N.Y. NOTE: Applicant states the authorities herein shall be restricted to (1) the service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of rail service; (2) carrier shall not serve, or interchange traffic at, any point not a station on its rail lines; and (3) shipments transported by carrier by motor vehicle shall be limited to those which it receives from or delivers to, its rail lines under a through bill of lading covering, in addition to a motor carrier movement by carrier, and immediately prior or immediately subsequent movement by rail. Applicant further states the regular route sought will parallel its rail line between Buffalo and Rochester as nearly as practicable. If a hearing is deemed necessary, applicant requests it be held at Buffalo or Rochester, N.Y.

No. MC 102616 (Sub-No. 815), filed February 17, 1967. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17405. Applicant's representative: Samuel E. Smith (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid toluene, dilsocyanate, and liquid resins,* in bulk, in tank vehicles, from the plantsite of the Mobay Chemical Co., at or near Natrium, W. Va., to points in Massachusetts and Connecticut, restricted to traffic originating at the origin named herein and destined to the territory named herein. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103493 (Sub-No. 7), filed February 20, 1967. Applicant: ROBINSON TRANSFER COMPANY, INC., 1809 St. James Street, La Crosse, Wis. 54601. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies,* used in the conduct of such business, (1) from Duluth, Minn., to points in Wisconsin on and west of U.S. Highway 51 from the Michigan-Wisconsin State line at Hurley, Wis., to Wausau, Wis., and, on and north of Wisconsin Highway 29 from Wausau to Chippewa Falls, Wis., thence along U.S. Highway 53 from Chippewa Falls to Eau Claire, Wis., thence along U.S. Highway 12 from Eau Claire to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to the Minnesota-Wisconsin State line at Prescott, Wis., and (2) between Duluth, Minn., and La Crosse, Wis., under contract with Gateway Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Minneapolis, Minn.

No. MC 103880 (Sub-No. 381), filed February 16, 1967. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas,* in bulk, in tank vehicles, from the site of the Cities Service Oil Co. terminal located at or near South Bend, Ind., to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 106398 (Sub-No. 344), filed February 24, 1967. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers,* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Nebraska, except Kearney, Nebr., to points in the United States except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 106485 (Sub-No. 11), filed February 17, 1967. Applicant: LEWIS TRUCK LINES, INC., Box 642, Lisbon, N. Dak. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), (1) between Lisbon, N. Dak., and Moorhead, Minn., from Lisbon north over North Dakota Highway 32 to junction North Dakota Highway 46, thence east over North Dakota Highway 46 to junction U.S. Highway 81, thence north over U.S. Highway 81 to junction U.S. Highway 10, thence over U.S. Highway 10 to Moorhead, and return over the same route, serving no intermediate points for operating convenience only, (2) between Lisbon, and Verona, N. Dak., from Lisbon over North Dakota Highway 27 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to Verona, and return over the same route, serving all intermediate points and the off-route points of Elliott and Englevale, N. Dak., and (3) between Lisbon, and Oakes, N. Dak., from Lisbon over North Dakota Highway 32 to junction North Dakota Highway 13, thence over North Dakota Highway 13 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to Oakes, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 107002 (Sub-No. 333), filed February 17, 1967. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006, and Harold D. Miller, Jr., Post Office Box 1250, Jackson, Miss. 39205. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Cement,* from Lowndes, Lee, Hinds, and Rankin Counties, Miss., to points in Louisiana, Alabama, Tennessee, and Arkansas, and (2) *sulphuric acid,* in bulk, in tank vehicles, from Bossier Parish, La., to points in Mississippi. NOTE: Applicant states that tacking is possible in conjunction with its presently held authority which may be lawfully joined. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., Birmingham, Ala., or Memphis, Tenn.

No. MC 107496 (Sub-No. 532), filed February 20, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals and acids,* from Port Edwards, Wis., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Ohio, and Wisconsin. NOTE: Applicant states it intends to tack at Tri-City Regional Port Complex, Madison County, Ill., with its presently held authority in MC 107496, Sub 340, wherein it is authorized to conduct operations in Arkansas. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 107544 (Sub-No. 74), filed February 23, 1967. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Highway 11E, Post Office Box 580, Marion, Va. 24354. Applicant's representatives: Guy N. Bushnell (same address as above) and E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions,* in bulk, in tank vehicles, from Chesapeake, Va., to points in Delaware, Maryland, and New Jersey. NOTE: Applicant holds contract carrier authority in MC 113959 and Sub 2, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Norfolk, Va.

No. MC 107678 (Sub-No. 38), filed February 17, 1967. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott Street, Post Office Box 9698, Houston, Tex. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Earth drilling machinery and equipment,* and (2) *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or holesites, and (d) from the injection or removal of commodities into or from holes or wells, between points in Harris County, Tex., on the one hand, and, on the other, points in Colorado and Utah. NOTE: Applicant states it is presently authorized to operate under a Mercer description and in the transportation of size and weight commodities between points in Harris County, Tex., on the one hand, and, on the other, points in Colorado and Utah under the last two paragraphs of its lead certificate. Applicant also states it would tack between points in Harris County, Tex., to serve points in Alabama, Arkansas, Florida, Georgia, and Mississippi. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 108119 (Sub-No. 16), filed February 13, 1967. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 2330 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* as defined by the Commission in Ex Parte MC–45, from points in the St. Louis, Mo., commercial zone and Alton, Ill., to points in Wisconsin, Minnesota, Iowa, Nebraska, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 108449 (Sub-No. 252), filed February 15, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Beiberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals and acids,* from Port Edwards, Wis., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Minneapolis, Minn.

No. MC 109397 (Sub-No. 152), filed February 20, 1967. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Solid propellant rocket motors,* (1) between Huntsville, Ala., Cumberland, Md., and Magna, Utah, on the one hand, and, on the other, Vandenberg Air Force Base, Calif., (2) between Magna, Utah, on the one hand, and, on the other, Wallops Island Station, Va., and Tullahoma, Tenn., (3) between Coyote, Calif., on the one hand, and, on the other, Wallops Island Station, Va., and (4) between Vandenberg Air Force Base, Calif., on the one hand, and, on the other, Wallops Island Station, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 233), filed February 13, 1967. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Acids and chemicals,* in bulk, from Port Edwards, Wis., and points within 5 miles thereof to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 111103 (Sub-No. 22), filed February 17, 1967. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: Morris Cheston, Jr., 1035 Land Title Building, Philadelphia, Pa. 19110. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Checks, coupons, and bank accounting papers,* between the data center of the Philadelphia National Bank, near Carlisle, Cumberland County, Pa., on the one hand, and, on the other, points in Anne Arundel, Caroline, Kent, Prince Georges, and Talbot Counties, Md.; Broome, Chemung, Tioga, and Steuben Counties, N.Y.; Alexandria, Va., and points in Arlington, Augusta, Fauquier, Loudoun, Prince William, Rockingham, Shenandoah, and Warren Counties, Va.; and Hampshire and Morgan Counties, W. Va., for the account of Philadelphia National Bank, and (2) *check transit letters, checks, and items relating thereto,* between points in Dauphin, Cumberland, and York Counties, Pa., and Baltimore, Md., for the account of Dauphin Deposit Trust Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia or Harrisburg, Pa.

No. MC 111214 (Sub-No. 9), filed February 23, 1967. Applicant: CLARK V. GRAHAM, doing business as CONTRACT TRUCKING COMPANY, Post Office Box 8778, 843 Linde Road, Jackson, Miss. Applicant's representative: Donald B. Morrison, 829 Deposit Guaranty National Bank Building, Jackson, Miss., 39205. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Precast concrete products,* from Jackson, Miss., to St. Louis, Mo., under a continuing contract with Jackson Stone Co., Jackson, Miss. NOTE: If a hearing is deemed necessary, applicant requests hearing be held at Jackson, Miss., or Memphis, Tenn.

No. MC 111401 (Sub-No. 218), filed February 21, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals, petroleum, and petroleum products;* from Luling, La., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states it intends to tack at Luling, La., with its present authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 112801 (Sub-No. 64), filed February 23, 1967. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Perlite and vermiculite,* in bulk, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana,

Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113325 (Sub-No. 119), filed February 20, 1967. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: Kenneth C. Dillman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate*, dry, in bulk, from the plantsite of the New Jersey Zinc Co., at or near Depue, Ill., to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 113828 (Sub-No. 123), filed February 20, 1967. Applicant: O'BOYLE TANK LINES INCORPORATED, 4848 Cordell Avenue NW., Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from Chalk Point, Dickerson, and Morgantown, Md., to points in Virginia and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 153), filed February 23, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and agricultural implements, and parts for agricultural machinery and agricultural implements*, from Greeley, Colo., to points in California, Idaho, Illinois, Iowa, Indiana, Kentucky, Kansas, Maine, Missouri, Minnesota, Michigan, Montana, New York, Nebraska, North Carolina, North Dakota, Oregon, Ohio, Pennsylvania, South Dakota, Texas, Tennessee, Utah, Virginia, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Minneapolis, Minn., or Chicago, Ill.

No. MC 114457 (Sub-No. 67), filed February 23, 1967. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Minneapolis, Minn., to points in Illinois, Indiana, Iowa, Michigan, and Wisconsin; (2) *bottles, empty containers, and incidental materials, equipment, and supplies* used in the manufacture, transportation, and sale of malt beverages, from points in Illinois, Indiana, Iowa, Michigan, and Wisconsin to Minneapolis, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 115669 (Sub-No. 71), filed February 14, 1967. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and animal and poultry feed ingredients* (except salt and salt products), from Hutchinson, Kans., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 115841 (Sub-No. 302) (Correction), filed February 10, 1967, published in the FEDERAL REGISTER issue of March 2, 1967, corrected and republished as corrected, this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and/or warehouse facilities of the Pillsbury Co., East Greenville, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, New Jersey, Maryland, Virginia, West Virginia, North Carolina, Pennsylvania, and the District of Columbia. NOTE: Applicant states the above proposed operations are restricted to traffic originating at said plantsite and warehouse facilities. The purpose of this republication is to add the State of Pennsylvania as a destination point. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116063 (Sub-No. 98), filed February 20, 1967. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Fort Worth, Tex. 76101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, syrup, and blends thereof*, in bulk, from Bonner Springs, Kans., to points in Missouri. NOTE: Applicant states it can tack the above sought authority with its presently held authority in MC 116063, Subs 52 and 138 at Kansas City, Mo., to serve Dallas, Tex., Oklahoma City, Okla., Little Rock, Ark., and Omaha, Nebr., and points in Colorado, Louisiana, and Texas. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 116119 (Sub-No. 17), filed February 15, 1967. Applicant: JOHN F. HARRIS, doing business as HOGAN'S TRANSFER & STORAGE CO., 1122 South Davis Avenue, Post Office Box 102, Elkins, W. Va. 26241. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Cleveland, Ohio, to points in West Virginia, under contract with C. Schmidt & Sons, Inc. NOTE: Applicant holds common carrier authority in MC 106002 and Sub 3, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116544 (Sub-No. 85), filed February 24, 1967. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview, Post Office Box 518, Carthage, Mo. 64836. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Grand Island, Nebr., to points in North Carolina, South Carolina, and Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 116763 (Sub-No. 111), filed February 20, 1967. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380, and 906 Magnolia Avenue, Auburndale, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay tile and related items*, from Lake Wales, Lakeland, and Tampa, Fla., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York west of Interstate Highway 81, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 117184 (Sub-No. 4), filed February 15, 1967. Applicant: APEX TRUCKING CO., INC., 330 West 42d Street, New York, N.Y. 10036. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers of duplicating, copying, and reproducing machines, and materials, supplies, accessories, components, publications, equipment, and fixtures* used in the conduct of such business, between points in the New York, N.Y., commercial zone as defined by the Commission, Northvale and Rockleigh, N.J., and Blauvelt, N.Y., on the one hand, and, on the other, points in Westchester, Dutchess, Putnam, Rockland, Orange, Ulster, Sullivan, Nassau, and Suffolk Counties, N.Y., and New York, N.Y., under contract with the Xerox Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 117303 (Sub-No. 5), filed February 17, 1967. Applicant: HUDSON VALLEY CEMENT LINES, INC., Box 203, Claverack, N.Y. 12513. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Greenport (Columbus County), N.Y., to New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., through New Jersey. NOTE: Applicant states that New York Public Service Commission certificate No. 2320, authorizes it to perform the described operation over New York highways. By this application, authority is sought to use New Jersey highways in operating from and to the same points it is presently authorized to serve. No new or additional commodity, origin or destination point is involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 118127 (Sub-No. 8), filed February 24, 1967. Applicant: HALE DISTRIBUTING COMPANY, INC., 1315 East Seventh Street, Los Angeles, Calif. 90021. Applicant's representative: William J. Augello, Jr., 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen poultry products*, when moving at the same time and in the same vehicle with commodities which are otherwise partially exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, from Moorefield, W. Va., to Flagstaff, Phoenix, and Tucson, Ariz., Denver, Colo., Las Vegas and Reno, Nev., Albuquerque, N. Mex., Portland, Oreg., Salt Lake City, Utah, Seattle, Wash., and points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118159 (Sub-No. 33), filed February 15, 1967. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waxes, petrochemicals, petroleum, and petroleum products* (excluding commodities in bulk, in tank vehicles), from points in Tulsa and Rogers Counties, Okla., to points in Alabama, Florida, Georgia, Mississippi, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 118159 (Sub-No. 34), filed February 16, 1967. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products, and canned juice, drinks, and beverages*, carbonated or noncarbonated other than citrus, from Plymouth and Bradenton, Fla., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 118288 (Sub-No. 16), filed February 20, 1967. Applicant: STEPHEN F. FROST, Post Office Box 28, 1202 First Avenue North, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products and meat byproducts*, and (2) *poultry, eggs, fresh fruits, fresh berries, and fresh vegetables* when moving in the same vehicle with meat, meat products and meat byproducts, between Billings, Mont., and points in Wyoming. NOTE: Applicant states it intends to tack at Billings, Mont., to its presently held authority in MC 118288, Subs 4 and 7 wherein it is authorized to conduction operation in the State of California. It a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 118831 (Sub-No. 50), filed February 16, 1967. Applicant: CENTRAL TRANSPORT, INCORPORATED, Umharrie Road, Post Office Box 5044, High Point, N.C. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk (except cement sand, including feldspathic sand and fly ash) from points in South Carolina (except Charleston and North Charleston) to points in South Carolina, North Carolina, Virginia, Georgia, and Tennessee (except Kingsport and Elizabethton). Restriction: The above authority is restricted against the transportation of clay from Aiken County, S.C., corn products from Greer, S.C., and points within 5 miles thereof, and fertilizer, fertilizer materials and fertilizer ingredients from Jericho, Roebuck, Chester, and points in Charleston County, S.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbia, S.C.

No. MC 119539 (Sub-No. 5), filed February 16, 1967. Applicant: BEVERAGE TRANSPORT, INC., Route 5420, Post Office Box 88, East Bloomfield, N.Y. 14443. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than in bulk, in tank vehicles, (1) between points in Genesee, Erie, Livingston, Monroe, Niagara, Ontario, Orleans, Wayne, and Yates Counties, N.Y., (2) from points in Genesee, Erie, Livingston, Monroe, Niagara, Ontario, Orleans, Wayne, and Yates Counties, N.Y., to points in Albany, Broome, Cayuga, Columbia, Cortland, Dutchess, Fulton, Greene, Herkimer, Madison, Montgomery, Nassau, Oneida, Onandaga, Orange, Oswego, Putnum, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Seneca, Suffolk, Sullivan, Ulster, Warren, Westchester, Wyoming, and New York City N.Y., (3) from points in Oneida County, N.Y., to New York, N.Y., (4) from New York, N.Y., to points in Wayne and Monroe Counties, N.Y., and (5) from points in Albany County, N.Y., to points in Monroe County, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 119948 (Sub-No. 2), filed February 20, 1967. Applicant: A. L. POSTERARO, Post Office Box 626, Willingboro, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood building materials and counter tops*, from Delanco and Pemberton, N.J., to Levitt & Sons, Montpelier and Bel Air building sites at or near Bowie, Md., Greenbriar building site at or near Fairfax, Va., and building sites on Long Island, N.Y., and *returned shipments*, on return under contract with Builders Supply Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 121256 (Sub-No. 3), filed February 20, 1967. Applicant: BOWEN TRUCKING, INC., Ridge Road, Holley, N.Y. 14470. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Crates*, from points in Monroe County, N.Y., to points in Orleans County, N.Y., (B) *pomace*, (1) from points in Wayne County, N.Y., to points in Monroe County, N.Y., (2) between points in Orleans County, N.Y., (3) from points in Orleans County, N.Y., to points in Cayuga, Chautauqua, Chemung, Genesee, Monroe, Onondaga, Schuyler, Seneca, and Wayne Counties, N.Y., and (4) between Holley (Orleans County), N.Y., and points in New York (except Cayuga, Chautauqua, Chemung, Genesee, Monroe, Onondaga, Schuyler, Seneca, and Wayne Counties, N.Y.), (C) *foodstuffs* (other than in bulk, in tank vehicles), from points in Chautauqua, Erie, Monroe, Niagara, Ontario, Orleans, and Wayne Counties, N.Y., to points in Cayuga, Chautauqua, Chemung, Erie, Genesee, Monroe, Niagara, Onondaga, Ontario, Orleans, Schuyler, Seneca, and Wayne Counties, N.Y., (D) *vinegar*, (1) between points in Orleans County, N.Y., and (2) from points in Orleans County, N.Y., to points in Cayuga, Chautauqua, Chemung, Genesee,

Monroe, Onondaga, Schuyler, Seneca, and Wayne Counties, N.Y., (E) *frozen fruits and vegetables*, from points in Erie, Genesee, Monroe, Niagara, Orleans, and Wayne Counties, N.Y., to Albany, Utica, and Binghamton, N.Y., (F) *tin cans*, from Syracuse, N.Y., to Pembroke (Genesee County), and Holley (Orleans County), N.Y., (G) *apple skins and cores*, in bulk, from points in Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Cortland, Erie, Genesee, Jefferson, Lewis, Livingston, Madison, Monroe, Niagara, Onondaga, Oneida, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming, and Yates Counties, N.Y., to points in Monroe and Orleans Counties, N.Y., and (H) *raw apple juice*, in stainless steel tank vehicles, from Williamson (Wayne County), N.Y., to Holley (Orleans County), N.Y. NOTE: Applicant states it intends to tack at common points of the proposed and present authority wherever physically possible to serve points in New York and Ohio. If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 123061 (Sub-No. 38), filed February 20, 1967. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, 600 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *bagged coffee*, from points in Washington and Oregon, to points in Utah and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Portland, Oreg.

No. MC 123383 (Sub-No. 20), filed February 20, 1967. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash* in containers, between points in Pennsylvania, Delaware, Maryland, New Jersey, New York, Virginia, Connecticut, Massachusetts, Rhode Island, West Virginia, and the District of Columbia, and (2) *fly ash*, in bulk, in tank vehicles, (a) between points in New York, Virginia, Connecticut, Massachusetts, Rhode Island, West Virginia, and the District of Columbia and (b) between points in New York, Virginia, Connecticut, Massachusetts, Rhode Island, West Virginia, and the District of Columbia on the one hand, and, on the other, points in Pennsylvania, Delaware, Maryland, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 123392 (Sub-No. 4), filed February 20, 1967. Applicant: JACK B. KELLEY, doing business as JACK B. KELLEY CO., 3801 Virginia Street, Amarillo, Tex. 79109. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, liquified and/or gaseous in bulk, from the Alamo Chemical Co. and Gardner Cryogenics Corp. helium plant commonly referred to as the Greenwood Facility, located in Morton County, Kans., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla.

No. MC 123819 (Sub-No. 8), filed February 20, 1967. Applicant: ACE FREIGHT LINE, INC., 261 East Webster, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Memphis, Tenn., to points in Illinois, Missouri, and Kentucky. NOTE: Applicant states it could tack the authority sought herein with its presently held authority in MC 123819 at Memphis, Tenn., to perform through service from Alabama, Arkansas, Louisiana, Mississippi, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 124078 (Sub-No. 253) (Amendment), filed November 16, 1966, published in the FEDERAL REGISTER issue of December 8, 1966, amended February 20, 1967, and republished this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acrylonitrile, acetonitrile, methacrylonitrile, and catalyst*, from the plantsite of Vistron Corp. located at Lima, Ohio, to points in Delaware, New Jersey, Tennessee, Michigan, Illinois, Indiana, Kentucky, West Virginia, and Pennsylvania. NOTE: The purpose of this republication is to change the corporate name of the shipper from Sohio Chemical Co. to Vistron Corp., and to add Delaware, New Jersey, and Tennessee to the destination. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 124211 (Sub-No. 105), filed February 16, 1967. Applicant: HILT TRUCK LINE, INC., Post Office Box 824, 3751 Sumner Street, Lincoln, Nebr. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware, glass containers, caps, covers, tops, stoppers, boxes, cartons, and accessories* for glassware and glass containers, between Alliance, McCook, and points within 4 miles of Waverly, Nebr. (including Waverly), on the one hand, and, on the other, Muskogee, Okmulgee, Sand Springs, and Sapulpa, Okla., and Waco, Tex., and (2) *macaroni, noodles, grain products, food products, pancake and cake flour, spaghetti, and vermicelli*, between Lincoln, Nebr., on the one hand, and, on the other, points in Arkansas, Colorado (except Denver), Idaho, Kansas, Michigan, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124211 (Sub-No. 106), filed February 23, 1967. Applicant: HILT TRUCK LINE, INC., 2937 North 27th Street, Post Office Box 824, Lincoln, Nebr. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint materials, plumbing materials and supplies, and, floor and wall coverings*, between points in Douglas County, Nebr., on the one hand, and, on the other, points in Arizona, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Maine, Maryland, Massachusetts, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124254 (Sub-No. 4), filed February 15, 1967. Applicant: NORTHERN MAINE TRANSPORT, INC., 79 Industrial Street, Presque Isle, Maine 04769. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, and advertising materials* when moving in connection therewith, from Baltimore, Md., Boston and Natick, Mass., Newark, N.J., Albany, Rochester, and New York, N.Y., and Cranston, R.I., to Presque Isle, Maine, and (2) *carbonated beverages and flavoring syrup* (except in bulk, in tank vehicles), and *advertising materials* when moving in connection therewith, from Waltham, Mass., to Presque Isle, Maine, restricted to a transportation service to be performed under a continuing contract, or contracts with Aroostook Beverage Co., Presque Isle, Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 124813 (Sub-No. 36), filed February 20, 1967. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, except liquids, in bulk, in tank vehicles (1) from Cedar Rapids, Iowa, to points in Minnesota, Nebraska, and South Dakota, (2) from Muncie, Kans., to Cedar Rapids and Ida Grove, Iowa, and Fremont, Nebr., and (3) from Mankato, Minn., to points in Iowa, Minnesota, North Dakota, and South Dakota. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 118468, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124957 (Sub-No. 3), filed February 17, 1967. Applicant: KENNETH KOHLES, Post Office Box 442, Mankato, Minn. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*, from Sergeant Bluff, Adel, and Des Moines, Iowa, to points in Minnesota, under contract with Sioux City Brick & Tile Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124964 (Sub-No. 7), filed February 17, 1967. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, Post Office Box 907, Eustis, Fla. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is distributed by a premium stamp redemption center in the redemption of premium stamps*, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between South Hackensack, N.J., on the one hand, and, on the other, points in Palm Beach County, Fla., and (2) *premium stamp books*, with stamps attached, from points in Palm Beach County, Fla., to South Hackensack, N.J., under contract with the Stop & Save Trading Stamp Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Jacksonville, Fla.

No. MC 125708 (Sub-No. 71), filed February 23, 1967. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and items manufactured from iron and steel*, from Carlinville, Ill., and 5 miles thereof, to that part of Missouri south and east of U.S. Highway 67 extending from Crystal City, Mo., to the Arkansas State line. NOTE: Applicant states that it intends to tack at Carlinville, Ill. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Washington, D.C.

No. MC 125813 (Sub-No. 9), filed February 23, 1967. Applicant: FRANK A. CRESSLER, doing business as CRESSLER'S TRUCKING, Rural Delivery No. 3, Shippensburg, Pa. 17257. Applicant's representative: James W. Hagar, Post Office Box, 432, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Party novelties and decorations*, between Shippensburg, Pa., on the one hand, and, on the other, New York, N.Y., (2) *scrap paper*, from Shippensburg, Pa., to Little Falls, N.Y., (3) *extruded sheet plastics*, from Oakland, N.J., to Shippensburg, Pa., (4) *scrap extruded sheet plastics*, from Shippensburg, Pa., to Oakland, N.J., (5) *containers for pumps*, from Indianapolis, Ind., to Shippensburg, Pa., (6) *machinery parts and materials*, from Shippensburg, Pa., to points in Delaware, Maryland, New Jersey, New York, and the District of Columbia and (7) *cottonseed oilmeal*, from points in Georgia, North Carolina, and South Carolina to points in Adams, Berks, Chester, Cumberland, Dauphin, Franklin, Fulton, Lancaster, Lebanon, Perry, and York Counties, Pa., and points in Carroll, Cecil, Frederick, Harford, and Washington Counties, Md. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 126210 (Sub-No. 1), filed February 16, 1967. Applicant: DALLAS KELLY, FREEMAN ADKINS, AND EUGENE ADKINS, a partnership, doing business as KELLY & ADKINS TRUCKING COMPANY, Jenkins, Ky. 41537. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, limestone, gravel, aggregate, and agricultural lime*, from the Levisa Stone Corp., Jenkins, Ky., to points in Wise, Dickenson, Buchanan, Scott, Russell, Lee, Tazewell, Smyth, and Washington Counties, Va. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 126497 (Sub-No. 2), filed February 20, 1967. Applicant: TIGER EXPRESS, INC., 267 Michigan Avenue, Buffalo, N.Y. 14203. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (other than in bulk, in tank vehicles), from Hamlin and Holley, N.Y., to points in the New York, N.Y., commercial zone. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rochester or New York, N.Y.

No. MC 126720 (Sub-No. 3), filed February 21, 1967. Applicant: McNAMARA VANS & WAREHOUSES, INC., 30 Essex Street, Post Office Box 10159, San Antonio, Tex. 78210. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Comal, Guadalupe, Wilson, Atascosa, Medina, Bandera, Kendall, Hays, Gonzales, Frio, Gillespie, Blanco, Lavaca, La Salle, Karnes, Kerr, McMullen, and De Witt Counties, Tex., and between points in the above counties on the one hand, and, on the other, points in Bexar County, Tex. NOTE: Applicant states that the above proposed operations will be restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex., or Washington, D.C.

No. MC 126904, filed February 23, 1967. Applicant: H. C. PARRISH TRUCK SERVICE, INC., Rural Route No. 2, Freeburg, Ill. Applicant's representative: B. W. La Tourette, Jr., 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meramec sand and gravel, and rock*, from points in Missouri, to points in Illinois and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127253 (Sub-No. 37), filed February 13, 1967. Applicant: R. A. CORBETT TRANSPORT, INC., 111 West Laurel Street, Post Office Box 86, Lufkin, Tex. 75901. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials*, dry, in bags and in bulk, from Shreveport and Bossier City, La., to points in Texas, Oklahoma, Arkansas, Mississippi, and Louisiana, and (2) *Ammonium nitrate, urea, fertilizer, fertilizer material and fertilizer ingredients*, dry, in bulk, and in bags, (a) from Jonesboro, Ark., to points in Illinois and Missouri, and (b) from Dermott, Ark., to points in Louisiana and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport or New Orleans, La.

No. MC 127834 (Sub-No. 9), filed February 13, 1967. Applicant: CHEROKEE HAULING & RIGGING, INC., 540 42 Merritt Avenue, Nashville, Tenn, 37203. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign poles, parts, and accessories therefor*, except commodities that require special equipment, from points in Lexington County, S.C., to points in the United States, except Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Washington, D.C.

No. MC 128277 (Sub-No. 1), filed February 15, 1967. Applicant: THE WALDORF ICE CREAM COMPANY, doing business as WALDORF DELIVERY, 1501 Industrial Parkway, Akron, Ohio 44310. Applicant's representative: Lester S. Lash, 52 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream products and related frozen desserts, consisting of: Ice cream, ice milk, imitation ice cream, sherbets, and water ices*, all manufactured in the

form of novelties and specialties, in packages and in straight or mixed shipments, (1) from Akron, Ohio, to points in Wayne, Washtenaw, Oakland, and Macomb Counties, Mich., and (2) from Akron, Ohio, to points in Erie, Crawford, Warren, Forest, Venango, Mercer, Lawrence, Butler, Armstrong, and Allegheny Counties, Pa., for the account of B.C.P. Distributors, Inc., Pittsburgh, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Akron, or Cleveland, Ohio.

No. MC 128496 (Sub-No. 1), filed February 20, 1967. Applicant: HOBBLE BROOK CROSSEN HORSE VANS, INC., 104 West Barlow Road, Hudson, Ohio. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses, and supplies and equipment thereof*, between points in Delaware, New Jersey, New York, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, and Maine. NOTE: Applicant states it would tack the proposed authority with its present authority between points in Ohio, Illinois, Kentucky, Pennsylvania, Maryland, West Virginia, and the Lower Peninsula of Michigan. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 128654 (Sub-No. 2), filed February 13, 1967. Applicant: D & O TRANSPORT, INC., 3562 West Church Street, Fresno, Calif. 93706. Applicant's representative: Marshall A. Smith, Jr., Suite No. 4, 925 North Fulton Street, Fresno, Calif. 93744. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers, fertilizer compounds*, in bags, packages and/or bulk, consisting of *ammonium phosphate, dry; ammonium phosphate complex, dry; ammonium sulphate, dry; fertilizer compounds (manufactured fertilizers)* not otherwise specified; *super phosphate (acid phosphate)* ammoniated or other than ammoniated, dry, from Lathrop, Calif., to points in Oregon, under contract with the Best Fertilizers Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fresno, San Francisco, or Los Angeles, Calif.

No. MC 128708 (Sub-No. 1), filed February 20, 1967. Applicant: HARLAN M. JOHNSON, 629 South Louisiana Avenue, Mason City, Iowa 50401. Applicant's representative: Clayton L. Wornson, 824 Brick & Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Poultry and animal feeds and feed ingredients* (excluding liquid products in bulk), from Mankato, Minn., to points in Iowa on and east of Iowa Highway 44, on and north of Iowa Highway 3 and on and west of U.S. Highway 63 and (2) *ground limestone and dicalcium phosphate in bags* (excluding liquid products in bulk), from the plantsite of the Iowa Limestone Co. at Alden, Minn., to points in Martin, Faribault, Freeborn, Mower, Fillmore, Watonwan, Blue Earth, Waseca, Steele, Dodge, Olmsted, Winon, Brown, and Goodhue Counties, Minn., under contract with Carroll Sales Co., Inc. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Mason City, Iowa, or Minneapolis, Minn.

No. MC 128788 (Sub-No. 1), filed February 23, 1967. Applicant: TOM McKEE AND KILLAN MAUZ, a partnership, doing business as McKEE TRUCKING CO., 2770 Eldrige Street, Golden, Colo. 80401. Applicant's representative: Samuel R. Freeman, 1310 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured, processed or sold by persons engaged in the milling of flour, and incidentally in the sale and distribution of feed, seed, grains and beans*, from the plantsites of the Colorado Milling & Elevator Co. at Denver and Commerce City, Colo., to points in New Mexico, Phoenix and Tucson, Ariz., and El Paso, Tex., limited to service to be performed under a continuing contract with the Colorado Milling & Elevator Co. of Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 128852 (Sub-No. 1), filed February 16, 1967. Applicant: COLONIAL TRANSFER & STORAGE CO., INC., 390 Salters Creek Road, Hampton, Va. 23361. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Norfolk, Newport News, Hampton, Virginia Beach, Suffolk, Richmond, Petersburg, Hopewell, Colonial Heights, Williamsburg, Portsmouth, and Chesapeake, Va., and points in York, James City, Gloucester, Mathews, Surry, Isle of Wright, Sussex, Nansemond, Norfolk, Princess Anne, Southampton, Northampton, Accomack, Middlesex, Lancaster, Richmond, Northumberland, Westmoreland, King George, Essex, Caroline, King and Queen, King William, New Kent, Charles City, Prince George, Chesterfield, Henrico, Hanover, Louisa, Goochland, Powhatan, Cumberland, Amelia, Nottoway, Dinwiddie, Greensville, Brunswick, Mecklenburg, Lunenburg, Prince Edward, Charlotte, and Halifax Counties, Va., restricted to shipments having a prior or subsequent movement beyond said points in containers. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Hampton or Norfolk, Va., or Washington, D.C.

No. MC 128881 (Sub-No. 1), filed February 15, 1967. Applicant: KYLE STREET AND KALE STREET, a partnership, doing business as STREET TRANSPORTATION COMPANY, Route 1, Unicol, Tenn. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cinder blocks, clay and clay products, shale and shale products, concrete and concrete products, and mortar mixes*, (1) from Kingsport, Tenn., to points in Alleghany, Bedford, Botetourt, Buchanan, Bland, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Henry, Lee, Montgomery, Patrick, Pittsylvania, Pulaski, Roanoke, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties, Va., (2) from Kingsport and Johnson City, Tenn., and Groseclose, Va., to points in Bell, Breathitt, Clay, Floyd, Harlan, Jackson, Johnson, Knox, Knott, Laurel, Leslie, Letcher, McCreary, Magoffin, Martin, Owsley, Perry, Pike, Rockcastle, and Whitley Counties, Ky., and Fayette, Logan, McDowell, Mercer, Mingo, Raleigh, Summers, and Wyoming Counties, W. Va., (3) between Kingsport and Johnson City, Tenn., on the one hand, and, on the other, Richmond, Va., (4) from Kingsport and Johnson City, Tenn., to Louisville Ky., and (5) between Kingsport, Tenn., on the one hand, and, on the other, points in Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Davidson, Davie, Forsyth, Guilford, Haywood, Henderson, Iredell, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Randolph, Rockingham, Rowan, Rutherford, Stokes, Surry, Transylvania, Watauga, Wilkes, Yadkin, and Yancey Counties, N.C., under a continuing contract, or contracts, ith General Shale Products Corp., Johnson City, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 128884 (Sub-No. 1), filed February 21, 1967. Applicant: TOMMY A. GOLLOTT, doing business as AAA TRANSFER & STORAGE, 1050 Couevas Street, Biloxi, Miss. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Mississippi, and (2) between points in Mississippi on the one hand, and, on the other, the ports of New Orleans, La., and Mobile, Ala., restricted to shipments having a prior or subsequent movement beyond said points in container, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Biloxi, Miss., or Washington, D.C.

No. MC 128886, filed February 2, 1967. Applicant: ERNEST MAY, ARVAL MAY, GALEN MAY, a partnership, doing business as ERNEST MAY COMPANY, Route 4, Box 127, Hope, Ark. 71801. Applicant's representative: Norman M. Smith, Post Office Box 583, Hope, Ark. 71801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and related wood products*, from Hope, Ark., to points in Kentucky, Tennessee, Illinois, Indiana, Nebraska, Georgia, Texas, Louisiana, Mississippi, Missouri, Alabama, Kansas, Arkansas, and Oklahoma, under contract with Hempstead Manufacturing Corp., Hope, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 128888, filed February 14, 1967. Applicant: PANDA TRANSPORT, INC., 2700 Broening Highway, Dundalk Marine Terminal, Baltimore 21, Md. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used household goods:* (a) Between Baltimore, Md., on the one hand, and, on the other, the Washington, D.C., commercial zone as defined by the Interstate Commerce Commission and Springfield, Va., and Rockville, Md., and (b) between points in the Baltimore, Md., commercial zone as defined by the Interstate Commerce Commission. Restrictions: (1) The transportation authorized herein shall be restricted to shipments moving on the through bill of lading of a forwarder operating under the section 402(b)(2) exemption of the Interstate Commerce Act, and (2) the transportation authorized herein is restricted to shipments having an immediately prior or subsequent line-haul movement by rail, motor, water, or air; (2) *personal effects:* from Dover, Del., to Baltimore, Md.; and (3) *empty containers*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 128889, filed February 13, 1967. Applicant: DINO ROTELLINI, doing business as ROTELLINI TRUCKING CO., 434 Cedar Lane, Fallansbee (Brooke County), W. Va. Applicant's representative: Charles D. Bell, 67 Seventh Street, Wellsburg, W. Va. 26070. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Coal*, (1) between Burgettstown, Pa., and Weirton, W. Va.: From Burgettstown north on Pennsylvania Highway 18 to junction U.S. Highway 22, thence west on U.S. Highway 22 to Weirton, and return over the same route, serving all intermediate points, and (2) between Burgettstown, Pa., and Empire, Ohio: From Burgettstown north over Pennsylvania Highway 18 to junction U.S. Highway 22, thence west over U.S. Highway 22 to junction Ohio Highway 7, thence north over Ohio Highway 7 through Toronto, Ohio, to Empire, Ohio, and return over the same route, serving all intermediate points, under contract with Bologna Mining Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh or Washington, Pa., or Weirton, W. Va.

No. MC 128893, filed February 6, 1967. Applicant: SAM W. CARROLL AND GROVER C. CARROLL, a partnership doing business as CARROLL BROTHERS TRUCKING, Rural Delivery Box 1058, Umatilla, Fla. 32784. Applicant's representative: R. W. Wigton, Post Office Box 1107, Sioux City, Iowa 51102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass bottles, jars or bowls*, (a) from Ada, Okmulgee, and Sand Springs, Okla., and Alton, Ill., to Summerfield and Umatilla, Fla., Lima, Ohio, Sioux City, Iowa, and Waycross, Ga., (b) from Huntington, W. Va., to Lima, Ohio, Waycross, Ga., Summerfield and Umatilla, Fla., (c) from Clarion, Pa., to Waycross, Ga., Lima, Ohio, Sioux City, Iowa, and Temple, Tex., (d) from Lakeland, Fla., to Waycross, Ga., and (e) from Montgomery, Ala., to Summerfield and Umatilla, Fla., and Waycross, Ga.; (2) *cans*, from Conneaut, Ohio, to Waycross, Ga., Summerfield and Umatilla, Fla., and Sioux City, Iowa, and to apiaries located at points in Florida, Georgia, Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota; (3) *drums*, from Dolton, Peotone, and Alton, Ill., to Summerfield and Umatilla, Fla., Waycross, Ga., Wendell, Idaho, Sioux City, Iowa, Lima, Ohio, and Temple, Tex., and to apiaries located at points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Missouri, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wyoming; (4) *drums*, used, suitable only for reconditioning, from Summerfield and Umatilla, Fla., Waycross, Ga., Wendell, Idaho, Sioux City, Iowa, Lima, Ohio, and Temple, Tex., to Minneapolis, Minn;

(5) *Drums*, that have been reconditioned, from Minneapolis, Minn., to Summerfield and Umatilla, Fla., Waycross, Ga., Wendell, Idaho, Sioux City, Iowa, Lima, Ohio, and Temple, Tex., apiaries located at points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Missouri, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wyoming; (6) *materials, equipment, and supplies* used by honey processing, storing and distributing plants and by apiaries, *honey, comb*, granulated or strained, and/or *beeswax*, when moving in *mixed shipments with materials, equipment, and supplies*, between Summerfield and Umatilla, Fla., Waycross, Ga., Wendell, Idaho, Sioux City, Iowa, Lima, Ohio, and Temple, Tex.; (7) *beekeeping supplies and equipment*, (a) between Sioux City, Iowa, and points in Alabama, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, and (b) between Waycross, Ga., Umatilla, Fla., and Lima, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin; and (8) *plastic articles*, other than expanded, from Ligonier, Ind., to Lima, Ohio, Sioux City, Iowa, Temple, Tex., and Waycross, Ga., under contract with Sioux Honey Association, Sioux City, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 128895, filed February 17, 1967. Applicant: HENRY SCHUUR, doing business as INDIANA MOBILE HOME TRANSPORT, 4505 North 16th Street, Terre Haute, Ind. 47801. Applicant's representative: W. L. Jordan, 201 Merchants Savings Building, Terre Haute, Ind. 47801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, equipment, and contents*, thereof in secondary movements only, between points in Indiana, Illinois, Kentucky, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Springfield, Ill.

No. MC 128896, filed February 20, 1967. Applicant: ANDRES-BELL CONSTRUCTION, LIMITED, Box 133, Virgil, Ontario, Canada. Applicant's representative: Thomas J. Runfolas, 631 Niagara Street, Buffalo, N.Y. 14201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats and accompanying marine equipment*, between points on the international boundary line between the United States and Canada, located on the Niagara River and points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 128897, filed February 17, 1967. Applicant: O. K. MOTOR LINES, INC., 1030 Main Avenue NW., Post Office Box 1391, Hickory, N.C. Applicant's representative: A. W. Flynn, Jr., Post Office Box 127, Greensboro, N.C. 27402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Folding cartons*, from Hickory, N.C., to points in Florida, Georgia, South Carolina, Virginia, Alabama, Tennessee, Ohio, Indiana, Illinois, Michigan, Kentucky, West Virginia, Maryland, Pennsylvania, New York, and New Jersey, under contract with Fidelity Cartons, Inc., Hickory, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 29948 (Sub-No. 4), filed February 24, 1967. Applicant: EMPIRE LINES, INC., Post Office Box 2205, West 1125 Sprague Avenue, Spokane, Wash. 99210. Applicant's representative: Lawrence W. Thayer, 902 Paulsen Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and express, newspapers, and mail*, in the same vehicle with passengers, (1) between Millwood-Pasadena, Wash., and Schweitzer Basin Ski Area, Idaho, from Millwood-Pasadena, Wash., over Washington Highway 290 to Idaho-Washington State line, thence over Idaho Highway 53 to junction with U.S. Highway 95, thence over U.S. Highway 95 to Sandpoint, Idaho, thence over unnumbered highway to Schweitzer Basin Ski Area, Idaho, serving no intermediate points, (2) between Coeur d'Alene, Idaho, and Farragut State Park on Pend Oreille

Lake, Idaho, from Coeur d'Alene, Idaho, on U.S. Highway 95 to Athol, Idaho, thence on unnumbered highway to Farragut State Park, Idaho, serving no intermediate points, and (3) between Spokane, Wash., and Medical Lake, Wash., from Spokane, Wash., to U.S. Highway 2 to its intersection with Graham Road (Spokane County Rd.), thence on Graham Road to Medical Lake, Wash., serving all intermediate points. NOTE: Common control may be involved. Applicant states it would tack the proposed authority with its present regular route authority between Spokane and Millwood-Pasadena, Wash., and between Spokane, Wash., and Coeur d'Alene, Idaho, both joinders to serve Schweitzer Basin Ski Area and Farragut State Park. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 115116 (Sub-No. 18) (Correction), filed January 30, 1967, published in FEDERAL REGISTER issue of February 24, 1967, corrected February 27, 1967, and republished, as corrected this issue. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. 08901. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and newspapers and express*, in the same vehicle with passengers, between Trenton and Montgomery Township, N.J., from Trenton over New Jersey Highway 69 to its junction with county Highway 518 Spur in Hopewell Township, N.J., thence over county Highway 518 Spur to its junction with county Highway 518 in the Borough of Hopewell, N.J., thence over county Highway 518 to its junction, with U.S. Highway 206 in Montgomery Township, N.J., and return over the same route, in connection with carrier's presently authorized regular-route operations, serving all intermediate points. NOTE: (1) The purpose of this republication is to show the starting point of the route description "from Trenton," and (2) to omit the note regarding dual operations, as previously published. If a hearing is deemed necessary, applicant requests it be held at Trenton or Newark, N.J.

No. MC 124433 (Sub-No. 1), filed February 13, 1967. Applicant: C. H. NORTON, Rural Route No. 1, Burlington, Ontario, Canada. Applicant's representative: Walter N. Bieneman, Suite 1700 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at ports of entry on the international boundary between the United States and Canada at the St. Lawrence, Niagara, Detroit, St. Clair, St. Marys, Pigeon, and Rainy Rivers and extending to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 124764 (Sub-No. 1), filed February 10, 1967. Applicant: SARLON COACH LINES, LIMITED, 1901 Oxford Street East, Post Office Box 4422, Postal Station "C", Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, over regular routes, between the port of entry on the international boundary line between the United States and Canada at Port Huron, Mich., to Port Huron, Mich., from the port of entry over bridges and city streets to Port Huron, and return over the same routes, serving all intermediate points; and (2) *passengers and their baggage*, over irregular routes, in one way and round trip charter operations, from points in St. Clair County, Mich., to points in the United States, (excluding Alaska and Hawaii), and including ports of entry on the international boundary line between the United States and Canada, and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130030, filed February 13, 1967. Applicant: THOMAS TRAVEL SERVICE, INC., doing business as THOMAS TOURS OF GRIFFIN, GA., 222 Meriwether Street, Griffin, Ga. Applicant's representative: Henry P. Willimon, Greenville, S.C. For a license (BMC 5) to engage in operations as a *broker* at Griffin, Ga., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, in groups on charter bus tours (1) between points in Georgia and South Carolina, and (2) between points in Georgia and South Carolina, on the one hand, and, on the other, points in the United States.

No. MC 130031, filed February 14, 1967. Applicant: HENRY A. SATINSKAS, doing business as WINDSOR TOURS, 23 Oakbranch Road, Cranbury, N.J. 08512. For a license (BMC 5) to engage in operations as a *broker* at points in East Windsor Township, Mercer County, and Monroe Township, Middlesex County, N.J., in arranging for the transportation, in interstate or foreign commerce, of *passengers and their baggage*, in charter and special operation, in round trip tours, beginning and ending at points in East Windsor Township, Borough of Hightstown, Mercer County, and Monroe Township, Middlesex County, N.J., and extending to points in the United States, including Alaska and Hawaii.

No. MC 130032, filed February 20, 1967. Applicant: DESERET TRAVEL BUREAU, INC., 58 North University Avenue. Provo, Utah. Applicant's representative: Phillip V. Christensen, 55 East Center Street, Provo, Utah 84601. For a license (BMC 5) to engage in operations as a *broker* at Provo, Utah, in arranging for the transportation, in interstate or foreign commerce, of *passengers and their baggage*, both as individual and in groups, in charter and special operation, in round trip sightseeing tours, beginning and ending at points in Utah, and extending to points in the United States, including Alaska and Hawaii.

APPLICATION OF FREIGHT FORWARDER

No. FF-339, CTI-CONTAINER TRANSPORT INTERNATIONAL, INC., Freight forwarder application, filed February 24, 1967. Applicant: CTI-CONTAINER TRANSPORT INTERNATIONAL, INC., 17 Battery Place, New York, N.Y. 10004. Applicant's representative: Jerome Slater, vice president, CTI-CONTAINER TRANSPORT INTERNATIONAL, INC., 17 Battery Place, New York, N.Y. 10004. Authority sought under part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, to continue in the transportation of: (a) *Used household goods, used automobiles, and unaccompanied baggage*, between points in the United States, including Alaska and Hawaii; (b) *commodities requiring refrigeration and/or atmospheric control*, between points in the United States and the ports of New York, N.Y., New Orleans, La., and San Francisco, Calif., restricted to export-import traffic only; and (c) *general commodities*, between points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, and the ports of New York, N.Y., New Orleans, La., and San Francisco, Calif., restricted to export-import traffic only.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 89723 (Sub-No. 46), filed February 17, 1967. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Lyons and Great Bend, Kans., over U.S. Highway 56, serving no intermediate points, for operating convenience only. NOTE: Common control may be involved.

No. MC 109924 (Sub-No. 6), filed February 16, 1967. Applicant: EASTON MOTOR FREIGHT, INC., Lehigh and Apples Streets, Easton, Pa. 18042. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Easton, Pa., and New York, N.Y., serving the intermediate points of Newark, Harrison, Jersey City, Hoboken, and Philipsburg, N.J., and serving those off-route points in New Jersey on and north of New Jersey Highway 28 within 15 miles of Newark, and those in Lehigh and Northampton Counties, Pa.: (1) From Easton, Pa., over U.S. Highway 22 to junction U.S. Highways 1 and 9, near Newark, N.J., thence over U.S. Highways 1 and 9 to Jersey City, N.J., thence over city streets and access roads to New York, N.Y., and return over the same route; (2) from Easton, Pa., to New York, N.Y., over U.S. Highway 22 to junction New Jersey Highway 24, thence over New Jersey Highway 24 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 10, thence over New Jersey Highway 10 to Newark, N.J., thence over U.S. Highways 1 and 9 to Jersey City, N.J., thence over city streets and access roads to New York, N.Y., and return over the same route, as an alternate route for operating convenience only; (3) from Easton, Pa., to Newark, N.J., over Interstate Highway 78 and return over the same route as an alternate route for operation convenience only. NOTE: Upon approval of conversion to regular route authority, applicant will offer for cancellation its corresponding irregular route authority as follows: The portion of MC 109924, Sub 2: Irregular routes: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Lehigh and Northampton Counties, Pa., and Phillipsburg, N.J., on the one hand, and, on the other, Newark, N.J., and points in New Jersey on and north of New Jersey Highway 28 within 15 miles of Newark. Between Newark, N.J., and New York, N.Y.

No. MC 110525 (Sub-No. 816), filed February 21, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid tolylene diisocyanate, and liquid resins*, in bulk, in tank vehicles, from the plantsite of the Mobay Chemical Co., at or near Natrium, W. Va., to points in Massachusetts and Connecticut. NOTE: Applicant states that the above proposed operations will be restricted to traffic originating at the origin named herein and destined to the territory named herein.

No. MC 112822 (Sub-No. 72), filed February 20, 1967. Applicant: EARL BRAY, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Co., located at or near Hoag, Nebr., to points in Iowa and points in Missouri east of U.S. Highway 63.

No. MC 118569 (Sub-No. 2), filed February 17, 1967. Applicant: DALE KIRSCHER, doing business as KIRSCHER BULK TRANSPORT, South 18th Avenue and 8th Street, Box 529, Virginia, Minn. 55792. Applicant's representative: Robert F. Berger, 200 First National Bank Building, Virginia, Minn. 55792. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, bulk and packaged, from Superior, Wis., to Minneapolis-St. Paul, Saint Cloud, Pine City, Cambridge, Braham, Sandstone, Moose Lake, Carlton, Cloquet, Duluth, Bemidji, Brainerd, Little Fork, International Falls, Grand Rapids, Coleraine, Pengilly, Nashwauk, Keewatin, Hibbing, Chisholm, Mt. Iron, Virginia, Gilbert, McKinely, Biwabik, Forbes, Aurora, Hoyt Lakes, Ely, Tower, Cook, Cotton, Independence, Twig, Pigeon River, Grand Marais, Schroeder, Silver Bay, Beaver Bay, Two Harbors, French River, and Babbitt, Minn.

No. MC 123490 (Sub-No. 3), filed February 20, 1967. Applicant: CHIP CARRIERS, INC., 1217 South 24th Street, Omaha, Nebr. 68108. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chips, twists, and puffs* made of flour, meal, dough, and mush, and *fried pork skins*, between plantsite of Frito-Lay, Inc., located in Tulsa, Okla., and plants and warehouses of Frito-Lay, Inc., located in Iowa, Kansas, Missouri, Nebraska, South Dakota, Colorado, Arkansas, Tennessee, and Georgia, under contract with Frito-Lay, Inc., Dallas, Tex.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-2565; Filed, Mar. 8, 1967; 8:45 a.m.]

[Notice 1487]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 6, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69399. By order of February 28, 1967, the Transfer Board approved the transfer to Carpenter Transportation Co., a corporation, Crossett, Ark., of certificate in No. MC-123358 (Sub-No. 2), issued August 30, 1965, to John Clifton Carpenter, doing business as Pine Forest Creamery, Crossett, Ark., authorizing the transportation of: Milk products, milk byproducts, fruit juices, fruit drinks, and fruit segments, in containers, and milk in containers, from the plantsites of Sealtest Foods, at Memphis, Tenn., to Greenville, Miss., and points in a specified part of Arkansas. William S. Arnold, Box 828, Crossett, Ark. 71635, attorney for applicants.

No. MC-FC-69435. By order of February 28, 1967, the Transfer Board approved the transfer to P & M Auto Transport, Inc. of Delaware, Hackensack, N.J., of certificate No. MC-43711, issued March 25, 1966, to P & M Auto Transport, Inc. of Illinois, Lebanon, Pa., authorizing the transportation of: Automobiles, hearses, automobile bodies, trucks, chassis, cabs, bodies, automobile parts and accessories, automobile show equipment and paraphernalia, new motor vehicles and parts and accessories therefor, unfinished motor vehicles and farm and garden tractors, in initial and secondary movements, in driveaway and truckaway service, from and to or between points as specified in Connecticut, Delaware, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia. Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226, attorney for applicants.

No. MC-FC-69448. By order of February 28, 1967, the Transfer Board approved the transfer to Earl E. Warman, Inc., Middleton, Mass., of the operating rights in certificate No. MC-21845, issued November 9, 1964, to Warren C. Mason, doing business as Earl E. Warman, Middleton, Mass., authorizing the transportation of: Household goods, as defined by the Commission, over irregular routes, between points in Essex County, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, New York, Delaware, New Jersey, and Pennsylvania. Richard L. Reynolds, 480 Lincoln Avenue, Saugus, Mass., attorney for applicants.

No. MC-FC-69473. By order of March 6, 1967, the Transfer Board approved the transfer to Wahoo Transfer, Inc., Wahoo, Nebr., of certificate No. MC-94646, issued by the Commission March 24, 1964, to Gale J. Doggett, doing business as Doggett Trucking Co., Sidney, Nebr., and authorizing the transportation of, among other things, coal, from points within 25 miles of Denver, Colo., to Sidney, Nebr., and points in Nebraska within 50 miles of Sidney; farm machinery and parts, from Sidney, Nebr., to Haxtun, Holyoke, Julesburg, Crok, Burlington, and Longmont, Colo.; livestock, between Sidney, Nebr., on the one hand, and, on the other, Denver, Julesburg, Brush, Fort Collins, Greeley, and Fort Morgan, Colo., and household goods, as defined by the Commission, and emigrant movables, between Sidney, Nebr., and points in Nebraska within 50 miles of Sidney, Nebr., on the one hand, and, on the other points in Colorado. Duane W. Acklie, Nelson, Harding, Acklie, Leonard and Tate, Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-2643; Filed, Mar. 8, 1967; 8:50 a.m.]

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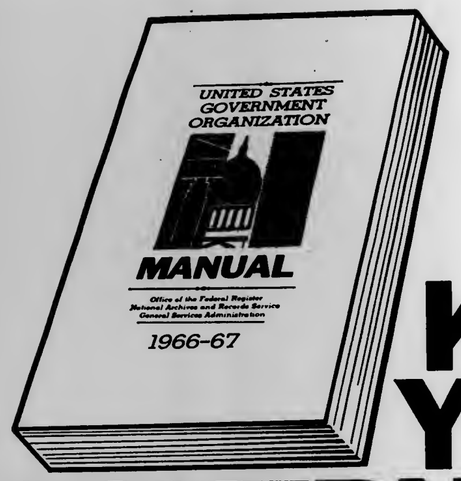
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FEDERAL REGISTER

VOLUME 32 • NUMBER 47

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Pages 3929–3959

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How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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Executive Order 11334

ENJOYMENT OF CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES BY THE ASIAN DEVELOPMENT BANK AND COORDINATION OF UNITED STATES POLICIES WITH REGARD TO THE BANK

By virtue of the authority vested in me by Reorganization Plan No. 4 of 1965 (30 F.R. 9353), by section 4 of the Asian Development Bank Act, approved March 16, 1966 (Public Law 89–369), and by section 1 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288), and as President of the United States, it is ordered as follows:

SECTION 1. (a) The Asian Development Bank, an organization in which the United States participates under the authority of the Asian Development Bank Act, is hereby designated as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act.

(b) The foregoing designation shall not be (1) deemed to abridge in any respect privileges, exemptions, and immunities which that organization may have acquired or may acquire by treaty or congressional action, or (2) construed to affect in any way the applicability of the provisions of Article 50 of the Agreement Establishing the Asian Development Bank as adopted by the Congress in the Asian Development Bank Act.

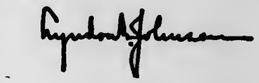
SEC. 2. Executive Order No. 11269 of February 14, 1966, is amended as follows:

(1) By adding at the end of section 2 the following new subsection:

"(c) The Council shall perform with respect to the Asian Development Bank, the same functions as those delegated to it by subsections (a) and (b) of this section with respect to other international financial institutions."

(2) By adding at the end of section 3 thereof the following new subsection:

"(d) The Secretary of the Treasury shall perform, with respect to the Asian Development Bank, the same functions as those delegated to him by subsections (a) and (b) of this section with respect to other international financial institutions."



THE WHITE HOUSE,
March 7, 1967.

[F.R. Doc. 67-2704; Filed, Mar. 8, 1967; 1:21 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 17—SALES OF AGRICULTURAL COMMODITIES MADE AVAILABLE UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

Subpart A—Regulations Governing the Financing of Commercial Sales of Agricultural Commodities

CORRECTIONS

In F.R. Doc. 66–14042, appearing in Part II of the issue for Saturday, December 31, 1966, the following corrections are made:

1. Page 16818, column 2, in line 1 of § 17.1(c)(3) the word "entent" is changed to "extent".

2. Page 16819, column 1, in line 5 of § 17.2(b)(7) the reference is changed to "§ 17.9(f)".

3. Page 16823, column 2, in line 16 of § 17.9(k)(7) the word "with" is changed to "without" and in line 5 of § 17.9(k)(9) the word "of" is deleted.

4. Page 16829, column 2, in line 8 of § 17.15(b)(5), "specifically authorized contraction on a c.i.f. basis" is corrected to read, "which specifically authorized contracting on a c.i.f. basis."

5. Page 16845, column 1, in paragraph (C)(2)(b) of Appendix B, the words "Form CCC–329, Supplier's Certificate, signed original:" are changed to read, "signed original of Form CCC–329, Supplier's Certificate:".

6. Page 16845, column 1, in line 1 of paragraph (C)(2)(c) of Appendix B, the words "Ocean bill of lading, copy, which shall" are changed to read "a copy of the ocean bill of lading, which shall".

7. Page 16845, column 2, in paragraph (C)(2)(d), Appendix B, the words "Form CCC–106–1, Advice of Vessel Approval, signed original" are changed to read "signed original of Form CCC–106–1, Advice of Vessel Approval."

8. Page 16848, column 3, in line 7 of paragraph (Q)(1), of Appendix B, the word "exporter" is corrected to read "export".

9. Page 16849, column 2, in line 9 of paragraph (T)(1), Appendix B the word "or" is inserted between the words "same" and "better".

ORVILLE L. FREEMAN,
Secretary of Agriculture.

MARCH 7, 1967.

[F.R. Doc. 67–2678; Filed, Mar. 9, 1967; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 12]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purposes of this amendment are as follows:

1. In certain cases the cropland on a farm for the current year may be insufficient to support all authorized land uses for allotted crops and feed grain bases in the current year. Failure to plant 75 percent of the farm allotment in such cases is considered as resulting from a condition beyond the control of producers on the farm within the meaning of the exception to the 75 percent rule in section 344(f)(8) of the act. Section 722.414(a)(5) is added to provide farm base protection in such cases.

2. Under section 103(d)(3) of the Agricultural Act of 1949, as amended, an acreage of cotton not planted due to a natural disaster is regarded as planted for purposes of payments. This operates to create history and farm base credits, under section 103(d)(9) of the Agricultural Act of 1949, as amended. Sections 722.404(b)(3)(ii) and 722.414(b)(2) are revised to include such acreage regarded as planted to cotton.

3. References in §§ 722.404(b)(15) and 722.408 to the Deputy Administrator are shortened since it is a defined term under § 722.404(a).

4. The language in § 722.405 is revised to recognize that the national marketing quota referendum may be held during a period of time in case of mail ballot.

5. The filing period for transfers of allotment effective beginning in 1968 is established under § 722.436(b)(3) as the period June 1, 1967, through January 2, 1968.

6. Section 722.438(d) is clarified to show the limitation on planting cotton after transfer by sale or lease applies to the currently established farm allotment which may be of different size than the farm allotment remaining on the farm in the year of the transfer and a typographical error is corrected to state the period of limitation after transfer by sale is 5 years and not 6 years.

Since this amendment only involves technical, corrective, and clarifying changes, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 (80 Stat. 383) is unnecessary. Accordingly, this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 13205, as amended) are amended as follows:

1. Section 722.404(b)(3)(ii) and the last clause of the proviso in § 722.404(b)(15) are amended to read as follows:

§ 722.404 Definitions.

* * * * * *

(b) *Cotton program terms.* * * *

(3) Acreage planted to cotton on the farm during the base period (for use in establishing farm allotments; acreage devoted to production of extra long staple cotton shall be excluded)—

* * * * * *

(ii) *For 1966–69.* The farm allotment for the respective year including any allotment released from the farm for 1 year only, excluding any allotment reapportioned to the farm under section 344(m)(2) of the act and excluding any allotment not entitled to acreage history under section 344(f)(7) of the act: *Provided,* That if less than 75 percent of the farm allotment for the respective year and for each of the 2 years preceding such year, after release and before reapportionment under section 344(m)(2) of the act, was seeded to cotton; or devoted to the production of cotton but seeded prior to such year (stub cotton); or was regarded as planted to cotton under the conservation programs; except that for 1966–69, the foregoing 75 percent requirement shall be satisfied if some cotton was planted on the farm (or regarded as planted under the natural disaster provision of section 103(d)(3) of the Agricultural Act of 1949, as amended) and the farm qualified for payment under section 103(d) of the Agricultural Act of 1949, as amended; the farm acreage history for the respective year shall be the sum of the acreage seeded to cotton on the farm in such year, the acreage devoted to the production of stub cotton, acreage regarded as planted under the conservation programs, and released allotment for the year but excluding any allotment not entitled to acreage history under section 344(f)(7) of the act. The foregoing proviso does not apply to the allotment for farms owned by the Federal Government with a restrictive lease prohibiting the planting of cotton, or to farms for which allotments have been pooled under section 378 of the act.

* * * * * *

(15) State reserve— • • •, unless the State committee recommends a larger acreage which is approved by the Deputy Administrator.

• • • • •

2. The first sentence of § 722.405 is amended to read as follows:

§ 722.405 Annual national cotton marketing quota referendum.

A referendum of the farmers who are engaged in the production of cotton in the year preceding the current year will be held on the date or during the period of time to be published in the FEDERAL REGISTER for each crop for which farm acreage allotments and farm marketing quotas are proclaimed. • • •

3. The last clause of the first sentence of § 722.408 is amended to read as follows:

§ 722.408 State reserve.

• • •, unless the State committee recommends a larger acreage which is approved by the Deputy Administrator. • • •

4. Paragraph (a) of § 722.414 is amended by adding a new subparagraph (5) at the end thereof to read as follows, and paragraph (b)(2) of § 722.414 is amended to read as follows:

§ 722.414 Adjustment of allotment bases and determination of acreage history.

(a) *Farm base adjustments under section 344(f)(8) of the act applicable to plantings of cotton in the current year.* • • •

(5) In any case where the county committee determines that failure to plant at least 75 percent of the farm allotment was the result of insufficient cropland on the farm to support all authorized land uses for allotted crops and feed grain bases in the current year, such failure shall be considered as resulting from a condition beyond the control of producers on the farm. The acreage not planted under the farm allotment because of insufficient cropland as determined by the county committee shall be regarded as planted on the farm for purposes of the 75 percent rule in computing the farm base under section 344(f)(8) of the act.

(b) *Preservation of acreage history under section 377 of the act.* • • •

(2) *Farms eligible for payment under section 103(d) of the Agricultural Act of 1949, as amended, on which some cotton is planted for 1966, 1967, 1968, and 1969.* Farm domestic allotments for the 1966, 1967, 1968, and 1969 crops are required to be established for each farm under section 350 of the act. If some cotton is planted on the farm, or regarded as planted on the farm under the natural disaster provision of section 103(d)(3) of the Agricultural Act of 1949, as amended, and the farm has qualified for payment under section 103(d) of the Agricultural Act of 1949, as amended, the farm allotment excluding adjustments under section 344(m)(2) of the act shall be regarded as planted for purposes of establishing future State, county, and farm allotments and farm bases under section 344(f)(8) of the act and paragraph (a) of this section.

• • • • •

5. § 722.436(b) is amended by adding a new subparagraph (3) at the end thereof to read as follows:

§ 722.436 Applications for transfer.

• • • • •

(b) *When applications to be filed.* • • •

(3) *For transfers effective beginning in 1968.* Applications shall be filed for transfers to take effect in 1968 during the period June 1, 1967, through January 2, 1968. The statutory closing date of December 31, 1967, is a nonworking day for county offices and the next working day is January 2, 1968, which becomes the closing date under the rule in § 720.1 of this chapter (24 F.R. 4233).

• • • • •

6. The first sentence of § 722.438(d) is amended to read as follows:

§ 722.438 Additional conditions and limitations.

• • • • •

(d) *Limitation on planting of cotton after transfer by sale or lease.* No cotton in excess of the currently established farm allotment after transfer by sale or lease shall be planted on such farm for a period of 5 years following a transfer by sale and for a period of time equal to the term of the lease if the transfer is by lease. • • •

(Secs. 343, 344, 344a, 375, 63 Stat. 670, as amended, 79 Stat. 1197, 52 Stat. 66, as amended; 7 U.S.C. 1343, 1344, 1344b, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 6, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-2667; Filed, Mar. 9, 1967; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 6—Department of State

[Dept. Reg. 108.548]

PART 6-3—PROCUREMENT BY NEGOTIATION

PART 6-75—DELEGATIONS OF PROCUREMENT AUTHORITY

Miscellaneous Amendments

1. Subpart 6-3.2 is amended by adding a new § 6-3.213 reading as follows:

§ 6-3.213 Technical equipment requiring standardization and interchangeability of parts.

(a) *Policy.* It is the Department's policy to utilize the negotiation authority contained in section 302(c)(13) of the Act (41 U.S.C. 252(c)(13)) wherever standardization of technical equipment to be purchased in the United States for use in the Foreign Service is necessary in the public interest. This policy cannot be implemented in individual cases until it has first been determined by the Department that: The public interest would be best served by standardization due to special situations or particular localities in which the equipment is to be used; the equipment is in fact technical equipment; and procurement without formal advertising is necessary. All three determinations must be based upon findings of fact by the posts or offices concerned.

(b) *Application.* In order to assist posts in identifying the "special situations and particular localities" where standardization might be justified there follow several examples:

(1) A "Particular locality" might be a post that is remote from available sources of supply for parts or necessary repair services.

(2) Special situations might be ones in which:

(i) For security or other reasons, it is necessary for maintenance to be performed by U.S. citizen employees.

(ii) For reasons other than remoteness of locality, it is necessary for parts to be stockpiled by the Government.

(iii) Costs of either parts or repair services are prohibitive in the absence of standardization.

(c) *Justification.* Since standardization is an exception to a general policy of formally advertised procurement within the United States, it can be justified by the Department only when failure to standardize will result in significantly increased costs or interference with a vital program.

(d) *Limitations.* (1) Posts, or Regional Supply Centers on a regional basis, that consider standardization justifiable on a "particular locality" basis should report findings of fact concerning the following:

(i) The distance from the nearest adequate source of supply for parts for all known American makes of the particular type of equipment.

(ii) The distance from the nearest adequate source of service for all known American makes of the particular type of equipment.

(iii) The number of units of each make or brand of the equipment on hand.

(iv) The recommended choice of make or brand to be standardized upon in accordance with post consideration of the following factors:

(a) Local service capability.

(b) Local parts availability and cost.

(c) Suitability of various makes under local conditions.

(d) Availability of parts or service from U.S. Government sources.

(e) Standardization by other U.S. Government agencies at the post or in the host country.

(f) Present equipment inventory by make.

(g) Price.

(h) Probable future trends of the factors in this subdivision.

(2) Any post or Departmental office that considers standardization justifiable on a "special situation" basis should fully describe the situation in a report to the Supply and Transportation Services Division including the recommended choice of make or brands to be standardized upon in accordance with consideration of the factors in subparagraph (1)(iv) of this paragraph insofar as they apply.

(e) *Determinations and findings.* Upon receipt of requests for standardization accompanied by findings of fact upon which ultimate determinations may be based, the Supply and Transportation Services Division will prepare formal determinations for approval. Submitting posts or Departmental offices will be notified of approval and, if standardization is approved, will be advised of the period for which it is effective.

(Act of May 26, 1949 (63 Stat. 111; 5 U.S.C. 151c, 22 U.S.C. 811a), as amended)

2. Subpart 6-75.2 is amended by revising § 6-75.202 to read as follows:

§ 6-75.202 Library.

The authority to execute, award and administer contracts (except grants) is granted to the Librarian, Principal Acquisition Librarian, and Chief, Acquisition Branch, for the acquisition of newspapers, books, maps, and periodicals, and for the acquisition of publication binding and repair services whenever the acquisition of such services is authorized by the Public Printer pursuant to the provisions of section of the Act of January 12, 1895, 28 Stat. 602, as amended (44 U.S.C. 14).

(Act of May 26, 1949 (63 Stat. 111; 5 U.S.C. 151c, 22 U.S.C. 811a), as amended; General Services Administration Delegation of Authority No. 410 dated Mar. 30, 1962)

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2675; Filed, Mar. 9, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 8015; Amdt. 39-369]

PART 39—AIRWORTHINESS DIRECTIVES

Allison-Aero Products Models A6441FN-606, A6441FN-606A Propellers

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on March 8, 1967, and made effective immediately as to all known operators of Allison-Aero Products Models A6441FN-606 and A6441FN-606A propellers installed on Allison Convair Model 340/440 airplanes modified in accordance with STC SA4-1100 or on Lockheed Model L188 airplanes. The directive requires removal of the propeller and replacement with another that does not bear a number on the following list, or inspection and return to service in accordance with procedures established by Allison and approved by the FAA.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of the propeller by individual telegrams dated March 8, 1967. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, § 39.13 of Part 39 is amended by adding the following airworthiness directive:

ALLISON-AERO PRODUCTS. Applies to Models A6441FN-606 and A6441FN-606A propellers installed on Allison Convair Model 340/440 airplanes modified in accordance with STC SA4-1100 or Lockheed Model L188 airplanes.

Before further flight of any airplane equipped with a propeller identified by the following list of propeller serial numbers and hub serial numbers, unless already accomplished, remove the propeller and replace with a propeller that does not bear a number on the following list or inspect and return to service in accordance with procedures established by Allison and approved by the Chief, Engineering and Manufacturing Branch, FAA Central Region. Further flight beyond the point where the aircraft is grounded pursuant to this airworthiness directive may be conducted only in accordance with FAR 21.197.

Propeller No.	*Hub No.*
P807	H21260
P607	H21048
P791	H21126
P1001	H22073
P1002	H22074
P975	H22047
P978	H22050
P981	H22053
P982	H22054
P983	H22055
P989	H22061
P995	H22067
P996	H22068
P997	H22069
P998	H22070
P1003	H22075
P1006	H22078
P985	H22057
P986	H22058
P1004	H22076
P1019	H22091
P994	H22067
P990	H22062
P991	H22063
P971	H22043
P974	H22046
P992	H22064
P993	H22065
P999	H22071
P1000	H22072
P541	H21176
P625	H21234
P909	H21163
P984	H22056
P987	H22059
P976	H22048
P977	H22049

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective by telegram dated March 8, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 8, 1967.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-2706; Filed, Mar. 9, 1967; 8:48 a.m.]

[Airworthiness Docket No. 67-WE-8-AD; Amdt. 39-367]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Models of Aircraft Equipped With Rajay Model 315A10 Turbochargers

Amendment 39-21 (30 F.R. 573, FAA Washington Docket No. 6428), AD 65-2-3, requires repetitive inspections of the turbocharger turbine scroll P/N TC-6-11 for cracks. In the meantime, the manufacturer has produced a new scroll P/N TC-6-11A made of improved material. The new scroll has now had 2 years of satisfactory service on various airplanes with no record of cracks on a total of 500 scrolls. In view of this satisfactory service record, the Agency now considers that the repetitive inspections of the new scroll P/N TC-6-11A are no longer required, and AD 65-2-3 is being amended to reflect this position.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-21 (30 F.R. 573), AD 65-2-3, is amended as follows:

Revise paragraph (c) to read—

(c) The repetitive inspections required by paragraph (a) may be discontinued only when a turbocharger turbine scroll P/N TC-6-11A has been installed.

This amendment becomes effective upon publication in the FEDERAL REGISTER.

(Secs. 313(a)), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on March 2, 1967.

LEE E. WARREN,
Acting Regional Director, FAA Western Region.

[F.R. Doc. 67-2644; Filed, Mar. 9, 1967; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-WE-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extensions

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke those control area extensions that are no longer required as designated controlled airspace.

Since this action imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective 0001 e.s.t., April 27, 1967, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth:

In § 71.165 (32 F.R. 2070, 2071), the following control area extensions are revoked:

Tacoma, Wash.
Toledo, Wash.

(Sec. 307(a), Federal Aviation Regulations, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on March 1, 1967.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67-2845; Filed, Mar. 9, 1967; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7989; Amdt. 526]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Leroy Int	AZ LOM	Direct	2800	T-dn	300-1	300-1	200-½
AZO VOR	AZ LOM	Direct	2800	C-dn	400-1	500-1	500-1½
BTL VOR	AZ LOM	Direct	2800	S-dn-35	400-1	400-1	400-1
Centerville Int	Barton Int	Via AZO, R 192° and BTL, R 218°.	2800	A-dn	800-2	800-2	800-2
Barton Int	AZ LOM (final)	Direct	2500				
Lawton Int	AZ LOM	Direct	2800				
Cooper Int	AZ LOM	Direct	2800				
Hickory Int	AZO VOR	Direct	2800				

Procedure turn E side of crs, 172° Outbnd, 352° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 352°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing AZ LOM, climb to 3000', proceed to Cooper Int via AZO VOR, R 321°, or when directed by ATC, climb to 2800', turn left and return to AZ LOM.
CAUTION: Procedure not authorized when control tower not in operation.
MSA within 25 miles of facility: 000°-360°—2400'.

City, Kalamazoo; State, Mich.; Airport name, Kalamazoo Municipal; Elev., 874'; Fac. Class., LOM; Ident., AZ; Procedure No. NDB (ADF) Runway 35, Amdt. 6; Eff. date, 1 Apr. 67; Sup. Amdt. No. ADF 1, Amdt. 5; Dated, 22 May 65

LCH VOR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-15	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 148°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, climb to 1500' on 148° bearing from LCH LOM within 20 miles, or when directed by ATC, make immediate right turn, climbing to 1500' on the LCH VOR, R 210° within 20 miles.
MSA within 25 miles of facility: 000°-360°—1500'.

City, Lake Charles; State, La.; Airport name, Lake Charles Municipal; Elev., 22'; Fac. Class., LOM; Ident., LC; Procedure No. NDB (ADF) Runway 15, Amdt. 9; Eff. date, 1 Apr. 67; Sup. Amdt. No. ADF 1, Amdt. 8; Dated, 5 June 65

SAM VOR	OLY RBn	Direct	2000	T-dn	300-1	300-1	200-½
HIB VOR	OLY RBn	Direct	2000	C-dn	700-1	700-1	700-1½
New Hebron Int	OLY RBn	Direct	2000	S-dn-3	700-1	700-1	700-1
				A-dn	NA	NA	NA

Procedure turn S side of crs, 220° Outbnd, 040° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1170'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of RBn, make climbing right turn to 2000' and return to RBn.
NOTE: Use Vandalia, Ill., altimeter setting.
MSA within 25 miles of facility: 000°-360°—2100'.

City, Olney; State, Ill.; Airport name, Olney Noble; Elev., 470'; Fac. Class., MHW; Ident., OLY; Procedure No. NDB (ADF) Runway 3, Amdt. Orig.; Eff. date, 30 Mar. 67

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Richmond VOR	Oxford RBn	Direct	2800	T-dn	300-1	300-1	NA
Camden Int	Oxford RBn	Direct	2600	C-dn	700-1	700-1	NA
Raymond Int	Oxford RBn (final)	Direct	1740	S-dn-4	700-1	700-1	NA
				A-dn	NA	NA	NA
				ADF/VOR minimums (VOR receiver required):			
				C-dn	600-1	600-1	NA
				S-dn-4	600-1	600-1	NA

Radar available.
Procedure turn S side of crs, 225° Outbnd, 045° Inbnd, 2500' within 10 miles.
Minimum altitude over Peoria Int on final approach crs, 1740'.
Facility on airport. Crs and distance, Peoria Int to airport, 045°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of Oxford RBn, make left-climbing turn to 2500'; return to Oxford RBn. Hold SW, 1-minute right turns, 045° Inbnd.
NOTE: Use Cincinnati altimeter setting.
MSA within 25 miles of facility: 000°-090°—3100'; 090°-180°—2800'; 180°-270°—2300'; 270°-360°—2400'.

City, Oxford; State, Ohio; Airport name, Miami University; Elev., 1040'; Fac. Class., MHW; Ident., OXD; Procedure No. NDB (ADF) Runway 4, Amdt. Orig.; Eff. date, 1 Apr. 67 or upon commissioning of facility

McClure Int	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Waterville VOR	LOM	Direct	2200	C-dn	500-1	500-1	500-1½
Harbor View Int	LOM	Direct	2200	S-dn-7	500-1	500-1	500-1
Gerald Int	LOM	Direct	2300	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2100' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 069°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing LOM, make right-climbing turn to 2200', proceed to Waterville VOR. Hold SE, Waterville VOR on R 140°, right turns, 1 minute, 320° Inbnd, or when directed by ATC, within 4.7 miles after passing LOM, make climbing left turn to 2100', proceed to Toledo LOM. Hold SW Toledo LOM, right turns, 1 minute, 069° Inbnd.
CAUTION: Tower 869', 1¾ miles S of MM.
MSA within 25 miles of facility: 000°-090°—3100'; 090°-180°—2200'; 180°-270°—2100'; 270°-360°—2500'.

City, Toledo; State, Ohio; Airport name, Toledo Express; Elev., 684'; Fac. Class., LOM; Ident., TO; Procedure No. NDB (ADF) Runway 7, Amdt. 11; Eff. date, 1 Apr. 67; Sup. Amdt. No. ADF 1, Amdt. 10; Dated, 6 Nov. 65

STE VOR	ISW RBn	Direct	2600	T-dn	300-1	300-1	200-½
Junction City Int	ISW RBn	Direct	2800	C-d	700-1	700-1	700-1½
Bancroft Int	ISW RBn	Direct	2600	C-n	700-2	700-2	700-2
				S-d-2°	700-1	700-1	700-1
				S-n-2°	700-1½	700-1½	700-1½
				A-dn	NA	NA	NA

Procedure turn E side of crs, 188° Outbnd, 008° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 1719'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of RBn, make left-climbing turn to 2600' on 188° magnetic bearing from RBn within 10 miles.
NOTE: Use Stevens Point altimeter setting. When Stevens Point altimeter setting not available, use Wausau altimeter setting.
*Sliding scale not authorized.
MSA within 25 miles of facility: 000°-270°—2500'; 270°-360°—2900'.

City, Wisconsin Rapids; State, Wis.; Airport name, Alexander Field-South Wood County; Elev., 1019'; Fac. Class., MHW; Ident., ISW; Procedure No. NDB (ADF) Runway 2, Amdt. Orig.; Eff. date, 30 Mar. 67

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 150°, CGT VOR clockwise	R 264°, CGT VOR	Via 7-mile DME Arc.	2300	T-dn	300-1	300-1	300-1
R 011°, CGT VOR counterclockwise	R 264°, CGT VOR	Via 7-mile DME Arc.	2300	C-d	800-1	800-1	800-1½
7-mile DME Fix, R 264° CGT VOR	CGT VOR (final)	Direct	2300	C-n	800-2	800-2	800-2
				A-dn	NA	NA	NA
				Minimums with DME:			
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				A-dn	NA	NA	NA

Radar available.
Procedure turn S side of crs, 264° Outbnd, 084° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'; over 5-mile DME Fix, 1440'.
Crs and distance, facility to airport, 084°—7.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.7 miles after passing CGT VOR, climb to 2300' on R 084° right turn and return to CGT VOR.
NOTE: Use Chicago Midway altimeter setting.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—2000'; 180°-270°—2100'; 270°-360°—2600'.

City, Griffith; State, Ind.; Airport name, Griffith; Elev., 640'; Fac. Class., L-BVORTAC; Ident., CGT; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 30 Mar. 67

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-d*	500-1	500-1	500-1
				T-n*	500-2	500-2	500-2
				C-d@#**	700-1	700-1½	700-1½
				C-n@#**	700-2	700-2	700-2
				S-d-1@#	700-1	700-1	700-1
				S-n-1@#	700-2	700-2	700-2
				A-dn@#	800-2	800-2	800-2

Procedure turn E side of crs, 192° Outbnd, 012° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 1864' (2064' when control zone not effective).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of IMT VOR, make left-climbing turn to 2800' on R 320° of IMT VOR and return to VOR.
NOTES: (1) Airport situated in hilly terrain, prominent hill and 1676' tower, 1.4 miles NNE; 1400' terrain, 1 mile S; 1305' trees, ½ mile; and 1330' stacks, 1.3 miles approach end Runway 31. (2) Use Marquette, Mich., altimeter setting when control zone not effective.
@Circling and straight-in ceiling minimums are raised (200') and alternate minimums not authorized when control zone not effective.
#These minimums apply at all times for air carriers with approved weather reporting service.
*Takeoff restriction before proceeding on crs: Runway 1, immediately after takeoff, make left-climbing turn to 2200' on IMT VOR, R 315°; Runway 13, immediately after takeoff, make right-climbing turn to 2200' on IMT VOR, R 150°; Runway 31, right turn not authorized until reaching 2200'.
**Circling NE of airport not authorized.
MSA within 25 miles of facility: 000°-360°—2800'.

City, Iron Mountain; State, Mich.; Airport name, Ford; Elev., 1164'; Fac. Class., L-BVOR; Ident., IMT; Procedure No. VOR Runway 1, Amdt. Orig.; Eff. date, 30 Mar. 67

				T-d*	500-1	500-1	500-1
				T-n*	500-2	500-2	500-2
				C-d@#**	600-1	600-1½	600-1½
				C-n@#**	600-2	600-2	600-2
				S-d-31@#	600-1	600-1	600-1
				S-n-31@#	600-2	600-2	600-2
				A-dn@#	800-2	800-2	800-2

Procedure turn S side of crs, 140° Outbnd, 320° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 1764' (1964' when control zone not effective).
Facility on airport. Crs and distance, breakoff point to Runway 31, 312°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2800' on R 320° of IMT VOR and return to VOR.
NOTES: (1) Airport situated in hilly terrain. Prominent hill and 1676' tower, 1.4 miles NNE; 1400' terrain, 1 mile S; 1305' trees, ½ mile; and 1330' stacks, 1.3 miles approach end Runway 31. (2) Use Marquette, Mich., altimeter setting when control zone not effective. (3) Reduction not authorized.
**Circling NE of airport not authorized.
*Takeoff restriction before proceeding on crs: Runway 1—Immediately after takeoff, make left-climbing turn to 2200' on IMT VOR, R 315°. Runway 13—Immediately after takeoff, make right-climbing turn to 2200' on IMT VOR, R 150°. Runway 31—Right turn not authorized until reaching 2200'.
@Circling and straight-in ceiling minimums are raised 200' and alternate minimums not authorized when control zone not effective.
#These minimums apply at all times for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°-360°—2800'.

City, Iron Mountain; State, Mich.; Airport name, Ford; Elev., 1164'; Fac. Class., L-BVOR; Ident., IMT; Procedure No. VOR Runway 31, Amdt. 1; Eff. date, 30 Mar. 67; Sup. Amdt. No. Ter VOR-31, Orig.; Dated, 21 July 66

IGM VOR	Music Int	Direct	8300	T-dn%	300-1	300-1	200-½
PGS VOR	Music Int	Direct	9000	C-dn#	800-1	800-1	800-1½
Milkweed Int	Music Int	Direct	8300	A-dn*	NA	NA	NA
Int of IGM, R 010° and PGS, R 235°	Music Int	Direct	8300				
Int of IGM, R 010° and HLD, R 106°	Music Int	Direct	8300				
Music Int	Walapai FM (final)	Direct	6300				

Procedure turn W side of crs, 010° Outbnd, 190° Inbnd, 8300' within 10 miles of Music Int.
Minimum altitude over Music Int on final approach crs, 8300', over Walapai FM 6300'.
Crs and distance, Walapai FM to VOR, 190°—7.9 miles
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.6 miles of Walapai FM, make climbing left turn and climb via R 010° to 8300' at Milkweed Int. Cross Music Int at or above 6500'.
%Takeoff all directions: Climb via IGM, R 010° to 9000' at Milkweed Int. Required minimum climb rate 185 feet per mile to 5000'.
#CAUTION: Use Needles, Calif., altimeter setting.
*900-2 authorized for air carrier with weather service.
MSA within 25 miles of facility: 000°-090°—7800'; 090°-180°—9400'; 180°-270°—8800'; 270°-360°—8200'.

City, Kingman; State, Ariz.; Airport name, Kingman Municipal; Elev., 3446'; Fac. Class., L-VOR; Ident., IGM; Procedure No. VOR-2, Amdt. 1; Eff. date, 1 Apr. 67; Sup. Amdt. No. VOR-2, Orig.; Dated, 2 Feb. 67

				T-dn	300-1	300-1	
				C-dn	900-1	900-1	
				A-dn	NA	NA	
				DME minimums:			
				C-dn	600-1	600-1	

Procedure turn W side of crs, 174° Outbnd, 354° Inbnd, 2900' within 10 miles.
Minimum altitude over facility on final approach crs, 2900'; over 6-mile DME Fix, R 354°, 1920'.
Crs and distance, facility to airport, 354°—9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9 miles after passing Chardon VOR, make left-climbing turn to 3000'; return to Chardon VOR. Hold S, 1-minute left turns, 354° Inbnd.
NOTE: Use Cleveland, Ohio, altimeter setting.
MSA within 25 miles of facility: 000°-090°—2300'; 090°-180°—2700'; 180°-270°—3000'; 270°-360°—2600'.

City, Painsville; State, Ohio; Airport name, Concord Airpark; Elev., 1020'; Fac. Class., L-BVORTAC; Ident., CXR; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 1 Apr. 67

PROCEDURE CANCELED, EFFECTIVE 30 MAR. 1967.

City, Roswell; State, N. Mex.; Airport name, Roswell Municipal; Elev., 3623'; Fac. Class., L-VORW; Ident., LKR; Procedure No. 2, Amdt. 1; Eff. date, 23 May 64; Sup. Amdt. No. Orig.; Dated, 22 June 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	*200-1½
				C-dn	600-1	600-1	600-1½
				S-dn-3	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
				If TIP DME Fix received, DME minimums apply:#			
				C-dn	500-1	500-1	500-1½
				S-dn-3	400-1	400-1	400-1

Procedure turn W side of crs, 228° Outbnd, 048° Inbnd, 5500' within 10 miles.
Minimum altitude over facility on final approach crs, 5000'; over TIP DME Fix, 4223'.
Crs and distance, facility to airport, 028°—5 miles; TIP DME Fix to airport, 028°—2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing ROW VOR, turn left, climb to 6000' on R 323° within 20 miles of ROW VOR, or when directed by ATC, climb to 5500' on R 028° within 20 miles of ROW VOR.
*300-1 required Runway 12.
#Descent below 4223' not authorized unless 3-mile TIP DME Fix, R 028° is received.
MSA within 25 miles of facility: 000°-180°—5000'; 180°-360°—7000'.

City, Roswell; State, N. Mex.; Airport name, Roswell Municipal; Elev., 3623'; Fac. Class., H-BVORTAC; Ident., ROW; Procedure No. VOR Runway 3, Amdt. 7; Eff. date, 30 Mar. 67; Sup. Amdt. No. VOR-1; Amdt. 6; Dated, 17 July 65

				T-d	300-1	300-1	NA
				C-d	700-1	700-1	NA
				S-d-8	700-1	700-1	NA
				A-d	NA	NA	NA

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 060°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing SBJ VOR, make a climbing left turn to 2000', proceed direct to SBJ VOR. Hold SW, 1-minute right turns, Inbnd crs, 060°.
NOTES: (1) No Unicom available. (2) Use Newark altimeter setting.
MSA within 25 miles of facility: 000°-090°—2500'; 090°-180°—1800'; 180°-270°—2000'; 270°-360°—2700'.

City, Somerville; State, N.J.; Airport name, Somerset; Elev., 105'; Fac. Class., L-BVORTAC; Ident., SBJ; Procedure No. VOR Runway 8, Amdt. 5; Eff. date, 1 Apr. 67; Sup. Amdt. No. VOR-1; Amdt. 4; Dated, 11 July 64

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
10-mile DME Fix, R 017°	6-mile DME Fix, R 017° (final)	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-21°	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 017° Outbnd, 197° Inbnd, 1800' within 15 miles.
Minimum altitude over 6-mile DME Fix, R 017°, 1600'; over 3.5-mile DME Fix, R 017°, 600'.
Crs and distance, breakoff point to approach end Runway 21, 216°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of HOU VOR, climb to 2500' on R 218° within 15 miles.
CAUTION: 1549' tower approximately 13 miles SW of HOU VOR. 1235' tower approximately 11 miles SSE of HOU VOR.
*400-¾ authorized, with operative high-intensity runway lights, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°-090°—1600'; 090°-180°—2300'; 180°-270°—2600'; 270°-360°—1800'.

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48'; Fac. Class., H-BVORTAC; Ident., HOU; Procedure No. VOR/DME Runway 21, Amdt. 11; Eff. date, 1 Apr. 67; Sup. Amdt. No. VOR/DME-2; Amdt. 10; Dated, 24 Dec. 66

PROCEDURE CANCELED, EFFECTIVE 1 APR. 1967.

City, Lawrenceville; State, Ga.; Airport name, Gwinett County; Elev., 1033'; Fac. Class., L-BVORTAC; Ident., OCR; Procedure No. 1, Amdt. Orig.; Eff. date, 15 Sept. 66

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Wrigley Int	Lakeside LOM (final)	Direct	2700	T-dn*	300–1	300–1	200–½
				C-dn	NA	NA	NA
				S-dn-9L and 9 R‡	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar required.
Procedure turn not authorized.
Minimum altitude at glide slope intercption inbnd, 9L—3500'; at Wrigley Int, 9R—2500'.
Crs Lakeside LOM to Runway 9L and Red Oak LOM to Runway 9R, 089°.
Altitude of glide slope and distance to approach end of runway at OM; 9L, 2660'—5.2 miles; 9R, 2500'—5 miles; at MM, 9L, 1236'—0.5 mile; 9R, 1226'—0.6 mile.
When advised by the controller, or if visual contact not established upon descent to authorized landing minimums, or if landing not accomplished: Runway 9L—climb to 3000', proceed to Tucker Int via ATL VOR, R 033°. Runway 9R—make climbing right turn to 3000' and proceed direct to ATL VOR.
NOTES: (1) TDZ–9R, CL–9R/27L, VASI–27R, REIL–27R, VASI–27L. (2) When advised by ATC, pilot shall monitor both control frequency and localizer voice continuously during the remainder of the approach. (3) Runway 9L—Back crs unusable. (4) Use of this procedure authorized only when associated 75 MC markers (or ADF) and localizer receivers are operating simultaneously. (5) When any required airborne receiver in Note (4) is malfunctioning or use of reduced separation is not desired, immediate notification of approach control is mandatory.
‡RVR (2000') 4-engine turbojet; RVR (1800') other aircraft 9R. RVR (2400') 9L. Descent below 1224' not authorized unless approach lights are visible.
*RVR (2400') authorized 9L, 33. RVR (2000') 4-engine turbojet; RVR (1800') other aircraft 9R.

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Fac. Class., ILS I–ATL; Ident., I–ALR; Procedure No. Parallel ILS Runway 9 L and R, Amdt. 5; Eff. date, 1 Apr. 67; Sup. Amdt. No. IL–9 L and R; Amdt. 4; Dated, 19 Nov. 66

Southgate Int$	W crs ILS and 10-mile DME Fix	12–15 arc	2200	T-dn‡‡	300–1	300–1	200–½
Honolulu VOR	LOM	Direct	3600	C-dn**	500–1	500–1	500–1½
Breakers Int	W crs ILS and 10-mile DME Fix	Via W crs ILS	2200	S-dn–8*	200–½	200–½	200–½
W crs ILS and 10-mile DME Fix	LOM (final)	Direct	2200	A-dn	600–2	600–2	600–2

Radar available.
Procedure turn S side crs, 259° Outbnd, 079° Inbnd, 3600' within 10 miles.
Minimum altitude at glide slope interception inbnd, ‡2200'.
Altitude at glide slope and distance to approach end of runway at OM, 1958'—5.9 miles; at MM, 244'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right turn, climb to 2000' and proceed to Southgate VHF Int via HNL VOR, R 168°.
CAUTION: (1) Terrain rises sharply on N side final approach crs; within 2.2 miles, 1000', 4.1 miles 2566', 5.4 miles 3098'. (2) ILS unusable below 190'.
‡‡500–1 required Runway 4. Right turn required to 150° for Runways 4 and 8. Left turn as soon as practical for Runway 26.
‡Do not descend below 2200' until intercepting glide slope due NAS Barber's Point 1500' jet traffic pattern.
*400–¾ required when glide slope not utilized.
**Circling N of airport not authorized because of terrain 385', 1.5 miles N and 524', 2 miles NE.
$When authorized by ATC.

City, Honolulu; State, Hawaii; Airport name, Honolulu International; Elev., 13'; Fac.Class., ILS; Ident., I–HNL; Procedure No. ILS Runway 8, Amdt. 6; Eff. date, 1 Apr. 67; Sup. Amdt. No. ILS–8; Amdt. 5; Dated, 26 Nov. 66

Lawton Int	AZO VOR	Direct	2600	T-dn	300–1	300–1	200–½
AZO VOR	Upjohn Int	Direct	2500	C-dn	400–1	500–1	500–1½
Ostego Int	Upjohn Int (final)	Direct	2100	S-dn–17**	400–1	400–1	400–1
BTL VOR	Upjohn Int	Via BTL, R 270°	2500	A-dn‡	800–2	800–2	800–2
Centerville Int	AZO VOR	Direct	2500				

Procedure turn W side of crs, 352° Outbnd, 172° Inbnd, 2400' within 10 miles of Upjohn Int.
Minimum altitude over Upjohn Int on final approach crs, 2100'.
Crs and distance, Upjohn Int to airport, 172°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing Upjohn Int, climb to 2500' and proceed to AZ LOM via S. crs AZO ILS, or when directed by ATC, make right turn, climb to 3000' and proceed to Cooper Int via AZO, R 321.
NOTES: (1) Back crs approach. No glide slope. No approach lights. (2) Use Battle Creek altimeter setting when control zone not effective; alternate minimums and reduction not authorized.
**400–¾ authorized with operative HIRL, except for 4-engine turbojets.
‡These minimums apply at all times for air carriers with approved weather reporting service.

City, Kalamazoo; State, Mich.; Airport name, Kalamazoo Municipal; Elev., 874'; Fac. Class., ILS; Ident., I–AZO; Procedure No. LOC (BC) Runway 17, Amdt. 5; Eff. date, 1 Apr. 67; Sup. Amdt. No. ILS–17; Amdt. 4; Dated, 10 Oct. 64

Leroy Int	AZ LOM	Direct	2800	T-dn	300–1	300–1	200–½
AZO VOR	AZ LOM	Direct	2800	C-dn	400–1	500–1	500–1½
BTL VOR	AZ LOM	Direct	2800	S-dn–35*	200–½	200–½	200–½
Centerville Int	Barton Int	Via BTL, R 218° and AZO, R 192°.	2800	A-dn‡	600–2	600–2	600–2
Barton Int	AZ LOM (final)	Direct	2800				
Lawton Int	AZ LOM	Direct	2800				
Cooper Int	AZ LOM	Direct	2800				
Hickory Int	AZO VOR	Direct	2800				

Procedure turn E side of crs, 172° Outbnd, 352° Inbnd, 2800' within 10 miles.
Minimum altitude at glide slope interception inbnd, 2800'.
Altitude of glide slope and distance to approach end of runway at OM, 2717'—5.8 miles; at MM, 1070'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000', proceed to Cooper Int via AZO VOR, R 321°, or when directed by ATC, climb to 2800', turn left and return to AZ LOM.
NOTE: Use Battle Creek altimeter setting when control zone not effective; straight-in minimums are raised to 400–1, reduction and alternate minimums not authorized.
‡These minimums apply at all times for air carriers with approved weather reporting service and straight-in minimums of 300–¾ authorized when control zone not effective.
*400–¾ required when glide slope not utilized and 400–½ authorized with operative ALS except for 4-engine turbojets.

City, Kalamazoo; State, Mich.; Airport name, Kalamazoo Municipal; Elev., 874'; Fac. Class., ILS; Ident., I–AZO; Procedure No. ILS Runway 35, Amdt. 6; Eff. date, 1 Apr. 67; Sup. Amdt. No. ILS–35; Amdt. 5; Dated, 22 May 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
LCH VOR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Sulphur Int	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
Gillis Int	Maple Int	Via BPT VOR, R 045° and NW crs LCH ILS, 13.2 miles.	2200	S-dn–15*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2
Maple Int	LOM (final)	Direct	1500				

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500' within 10 miles.
Minimum altitude at glide slope interception inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at LOM, 1170'—4.3 miles; at LMM, 199'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500' on the SE crs of ILS within 20 miles, or when directed by ATC, make immediate right turn, climbing to 1500' on the LCH VOR, R 210° within 20 miles.
*400–¾ required when glide slope not utilized; 400–½ authorized with operative ALS except for 4-engine turbojets.

City, Lake Charles; State, La.; Airport name, Lake Charles Municipal; Elev., 22'; Fac. Class., ILS; Ident., I–LCH; Procedure No. ILS Runway 15, Amdt. 8; Eff. date, 1 Apr. 67; Sup. Amdt. No. ILS–15; Amdt. 7; Dated, 10 Apr. 65

Nashville VORTAC	LOM	Direct	2500	T-dn‡‡	300–1	300–1	200–½
Knob Int	LOM	Direct	2500	C-dn	400–1	500–1	500–1½
Franklin Int	LOM	Direct	2500	S-dn–2L*‡	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar available.
Procedure turn E side S crs, 196° Outbnd, 016° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope interception inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM, 2100'—5 miles; at MM, 817'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing LOM, climb to 2500' on N crs ILS (016°) within 15 miles of airport, or when directed by ATC, turn right, climb to 2500' on R 042° BNA VORTAC within 15 miles.
CAUTION: Brightly lighted building west of ALS Runway 2L.
*400–¾ (RVR 4000') required when glide slope not utilized. Reduction not authorized.
‡RVR 2400'. Descent below 797' not authorized unless ALS visible.
‡‡RVR 2400' authorized Runway 2L.

City, Nashville; State, Tenn.; Airport name, Nashville Metropolitan; Elev., 597'; Fac. Class., ILS; Ident., I–BNA; Procedure No. ILS Runway 2L, Amdt. 16; Eff. date, 1 Apr. 67; Sup. Amdt. No. ILS Runway 2L; Amdt. 15; Dated, 4 Mar. 67

McClure Int	LOM	Direct	2200	T-dn‡	300–1	300–1	200–½
Waterville VOR	LOM	Direct	2200	C-dn	500–1	500–1	500–1½
Harbor View Int	LOM	Direct	2200	S-dn–7‡	200–½	200–½	200–½
Gerald Int	LOM	Direct	2300	A-dn	600–2	600–2	600–2
				With glide slope inoperative:			
				S-dn–7*	400–¾	400–¾	400–¾

Radar available.
Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2100' within 10 miles.
Minimum altitude at glide slope interception inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1983'—4.7 miles; at MM, 892'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make climbing right turn to 2200', proceed to Waterville VOR. Hold SE, Waterville VOR on R 140°, right turns, 1 minute, 320° Inbnd, or when directed by ATC, climb to 2600' on NE localizer crs to Harbor View Int. Hold NE Harbor View Int, left turns, 1 minute, 249° Inbnd.
CAUTION: Tower 869', 1¾ miles S of MM.
‡RVR 2400' authorized Runway 7.
‡RVR 2400'. Descent below 884' not authorized unless approach lights are visible.
*400–½ (RVR 2400') authorized, with operative ALS, except for 4-engine turbojets.
MSA within 25 miles of LOM: 000°–090°—3100'; 090°–180°—2200'; 180°–270°—2100'; 270°–360°—2500'.

City, Toledo; State, Ohio; Airport name, Toledo Express; Elev., 684'; Fac. Class., ILS; Ident., I–TOL; Procedure No. ILS Runway 7, Amdt. 11; Eff. date, 1 Apr. 67; Sup. Amdt. No. ILS–7, Amdt. 10; Dated, 22 May 65

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic; Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation; Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance approach			
000°	180°	6 miles	2500	T-dn	300-1	300-1	200-½
180°	360°	6 miles	2200	C-dn	400-1	500-1	500-1½
195°	150°	10 miles	2600	S-dn-32, 36,			
150°	195°	10 miles	3100	05, 14, 18, 23.	400-1	400-1	400-1
110°	200°	30 miles	3100	S-d-09, 27*	400-1		
200°	110°	30 miles	3000	A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 32, 05, 09, 36—Climb on runway heading to 2700', proceed direct to YNG VORTAC. Hold N, R 003°, 1-minute right turns, 183° Inbnd 2700'. Runways 18, 23, 27, 14—Climb on runway heading to 2800', proceed direct to YNG LOM. Hold SE, 1-minute right turns, 320° Inbnd.

½ RVR 2400' authorized Runway 32.

*Runways 09–27, 3573' in length, lights out of service indefinitely.

City, Youngstown; State, Ohio; Airport name, Youngstown Municipal; Elev., 1196'; Fac. Class., Youngstown Radar; Ident., YNG; Procedure No. 1, Amdt. Orig.; Eff. date, 1 Apr. 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1346(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on February 23, 1967.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-2222; Filed, Mar. 9, 1967; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

PART 255—USE OF COLUMBIA RIVER INDIAN IN-LIEU FISHING SITES

On page 9087 of the FEDERAL REGISTER of July 1, 1966, there was published a notice of intention to add a new Part 255 to Chapter I, Title 25, Code of Federal Regulations and the text of the proposed regulations. The purpose of the new part is to prescribe rules governing the use of lands and facilities acquired by the Secretary of the Army and transferred to the Secretary of the Interior pursuant to the Act of March 2, 1945 (59 Stat. 10, 22), as amended by the Act of June 8, 1955 (69 Stat. 85), to replace Indian fishing grounds on the Columbia River in the States of Washington and Oregon submerged or destroyed as a result of the construction of the Bonneville Dam.

Interested persons were given an opportunity to submit their comments, suggestions or objections in writing on the proposed regulations within 30 days from the date of publication of the notice in the FEDERAL REGISTER. During the 30-day period numerous comments, suggestions and objections were received. Most of these questioned the authority of the Secretary of the Interior to promulgate the regulations, either on the basis that the States have exclusive jurisdiction to control off-reservation fishing or on the basis that the right of Indians to fish under their treaties is not subject to either Secretarial or State regulation. These objections were premised on the assumption that the proposed regulations purport to regulate, control, or otherwise affect fishing, which is not the intent. After evaluation of the suggestions, comments, and objections, it has been determined that the following changes are desirable:

1. Section 255.2 is changed. The purposes of this change are to clarify the language of the section and to remove any possible implication that the regulations purport to regulate or affect fishing as such.

2. Section 255.3 is changed. This change is made to eliminate the possible implication that the regulation affects fishing rights, for clarification purposes, and to indicate more clearly who may request users to exhibit identification cards.

3. Section 255.4 is changed. The purposes of this change are to combine the content of proposed §§ 255.4 and 255.5, to make clear that the regulations do not affect Indian treaty fishing rights or subject them to incompatible State laws or regulations, and to make the Area Director's authority to withdraw privileges discretionary instead of mandatory and applicable to violations of any law or regulation instead of only to State or local laws.

4. Proposed § 255.5 is deleted in its entirety. The substance of this section has been included in § 255.4.

5. Section 255.6 is renumbered 255.5.

6. Section 255.7 is renumbered 255.6 and revised. This change is made to include existing structures as well as new structures. It also eliminates the words "or his designee" after the words "Area Director" because they are superfluous.

The change specifies that approval shall take the form of a revocable permit and that a permit may not be issued for any structure or installation to be used for dwelling purposes unless it conforms to State or local health, sanitation and safety requirements. If no such requirements exist, U.S. Public Health Service recommendations must be followed.

7. Section 255.8 is renumbered 255.7; the word "structures" is substituted for the words "fishing platforms" in the caption; the words "fishing platforms or other" are deleted from the first sentence of paragraph (a); the word "or" between the words "erected" and "placed" in the first sentence of paragraph (a) is deleted and a comma is inserted in its place; a comma is inserted after the word "placed" in the first sentence of paragraph (a) and the words "or maintained" are inserted after that comma; the word "or" between the words "erection" and "placement" in the first sentence of paragraph (b) is deleted and a comma is inserted in its place; a comma is inserted after the word "placement" in the first sentence of paragraph (b) and the words "or maintenance" are inserted after that comma; and the word "structures" is substituted for the word "platforms" in the last sentence of paragraph (b).

The change is made to remove possible implications of an attempt to regulate fishing, and to include existing structures as well as new ones.

8. Section 255.9 is renumbered 255.8 and is revised. The purpose of this change is to make it clear that abandoning and not merely leaving property unattended is prohibited. It also removes any question about whether the Area Director should store abandoned property.

9. Section 255.10 is renumbered 255.9 and is revised. The purpose of this change is to consolidate with this section the substance of the proposed § 255.12.

10. Sections 255.11, 255.12, and 255.13 are deleted entirely. The substance of these proposed sections to the degree considered necessary and desirable is adequately included in other sections.

11. A new § 255.10 is added. The purpose of this new section is to point out the appeal rights of persons adversely affected by decisions made under these regulations.

The proposed new part to the regulations with the changes set out above are hereby adopted and are set forth below.

Part 255 shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 2, 1967.

Part 255 is adopted to read as follows:

Sec.
255.1 Fishing sites subject to regulation.
255.2 Persons eligible to use sites.
255.3 Identification of eligible users.
255.4 Applicability of laws and regulations.
255.5 Damage to Government-owned property.
255.6 Unauthorized structures.
255.7 Liability for condition and use of structures.
255.8 Abandoned property.
255.9 Camping and use restrictions.
255.10 Appeals from administrative actions.

AUTHORITY: The provisions of this Part 255 issued under 5 U.S.C. 22; 25 U.S.C. 2, 9.

§ 255.1 Fishing sites subject to regulation.

Use of any of the lands acquired by the Secretary of War and transferred to the Secretary of the Interior pursuant to the Act of March 2, 1945 (59 Stat. 22), as amended (hereinafter called "in lieu fishing sites" or "sites") to replace Indian fishing grounds submerged or destroyed as a result of the construction of the Bonneville Dam shall be subject to the following rules and regulations. The Area Director, Portland Area Office, Bureau of Indian Affairs (hereinafter called "Area Director"), may suspend or withdraw the privileges of access to or use of any or all the sites for any violation of the regulations in this part or of any rules issued pursuant to the regulations in this part.

§ 255.2 Persons eligible to use sites.

The in-lieu fishing sites are for the benefit of the Yakima, Umatilla, and Warm Springs Indian Tribes, and such other Columbia River Indians, if any, who had treaty fishing rights at locations inundated or destroyed by Bonneville Dam, to be used is accordance with treaty rights. The use of the sites is restricted to such Indians; however, this shall not preclude the use of camping areas on the sites by the families of such Indians.

§ 255.3 Identification of eligible users.

For the purpose of identification of the persons entitled to use the sites, each eligible Indian shall, when using said sites, have in his possession an identification card issued by his tribe identifying him as a member of that tribe. The Area Director shall issue identification cards to such other Columbia River Indians, if any, as may be eligible to use the sites. Any individual using the sites shall exhibit the identification upon request of authorized Federal, State or local officials.

§ 255.4 Applicability of laws and regulations.

No Indian shall use any of the sites for any activity that is contrary to the provisions of any applicable law or regulation of his tribe or contrary to any applicable State or Federal law or regulation. The Area Director may in his discretion suspend or withdraw privileges for future access to or use of the sites for violation of such laws and regulations: *Provided*, That, nothing contained in the regulations in this part is intended or shall be construed as limiting or affecting any treaty rights of any tribe nor as subjecting any Indian properly exercising tribal treaty rights to State fishing laws or regulations which are not compatible with such rights.

§ 255.5 Damage to Government-owned property.

Anyone committing any act of depredation, destruction, theft, or misuse of the land, buildings, fences, signs, or other structures which are the property of the United States shall be subject to prosecution under applicable Federal or State law.

§ 255.6 Unauthorized structures.

No structures shall be erected, placed, or maintained upon the sites without prior approval of the Area Director. Approval shall be in the form of a revocable permit. Any structure erected or maintained in violation of the regulations in this part may be removed, demolished, or otherwise disposed of, with or without prior notice, as determined by the Area Director, and the cost of such disposition may be assessed against the person responsible for the structure. No permit may be issued for any permanent or semipermanent structure used for dwelling purposes or for parking any house trailer to be occupied on any such site as a dwelling if such structure or trailer installation does not conform to the health, sanitation, and safety requirements of State or local law. In the absence of such State or local law, the recommendations of the U.S. Public Health Service shall be followed.

§ 255.7 Liability for condition and use of structures.

(a) Any private structures erected, placed, or maintained on the sites are the sole responsibility of their owners, and all use of such structures shall be at the user's or owner's sole responsibility and risk. Neither the United States nor any officer or employee thereof warrants, makes any representation, or is responsible for the safety or condition of any such structure.

(b) The approval required by the regulations in this part for the erection, placement, or maintenance of said structures is solely for the protection of the sites and for the prevention of unauthorized use of the sites or any portion thereof. Any use or occupancy of any such structures without the authority or permission of the owner shall be a trespass.

§ 255.8 Abandoned property.

No vehicle, trailer, boat, or other personal property shall be abandoned on the sites. Property abandoned in violation of the regulations in this part may be removed without prior notice to the owner and may be disposed of at the owner's expense as determined by the Area Director.

§ 255.9 Camping and use restrictions.

All camping, picnicking, use of alcoholic beverages, setting or use of fires, use of the sites for cleaning of fish, the deposit of any garbage, paper, cans, bottles, or rubbish of any kind, or use of the sites for any commercial activity (including commercial purchase of fish) shall be subject to such prohibitions, restrictions, or other regulations as the Area Director may prescribe and cause to be posted on the site or sites to which said regulations are applicable; provided that no fee may be charged to any Indian or member of his family for any such use.

§ 255.10 Appeals from administrative actions.

Any decision made by the Area Director under this Part 255 shall be subject to appeal to the Commissioner of Indian Affairs, and any decision of the Commissioner of Indian Affairs on such an appeal may be appealed to the Secretary of the Interior in accordance with Part 2 of this chapter.

[F.R. Doc. 67-2670; Filed, Mar. 9, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 822]

CONTINENTAL UNITED STATES

Definition of Farm and Definition and Interpretation of Operator; 1967 and Subsequent Crops

On February 9, 1967 (32 F.R. 2708), notice was given that the Secretary of Agriculture is preparing to issue regulations providing for a revision of the definition of a farm and a definition and interpretation of an operator in continental United States under the Sugar Act. Such notice provided that all comments and views regarding the proposed revision and definition should be submitted in writing within 30 days following the date of publication of the notice.

Notice is hereby given that the date for submission of written comments and views on this matter is extended to March 31, 1967.

Signed at Washington, D.C., on March 7, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-2679; Filed, Mar. 9, 1967; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 65, 121]

[Docket No. 8009; Notice No. 67-8]

EMPLOYMENT OF REPAIRMEN BY COMMERCIAL OPERATORS TO PERFORM MAINTENANCE

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Parts 65 and 121 of the Federal Aviation Regulations to permit a commercial operator certificated under Part 121 of the Federal Aviation Regulations to (1) employ a repairman to perform or supervise maintenance, preventive maintenance, and alterations on aircraft or components thereof, and (2) perform maintenance for, and to have maintenance performed by, other Part 121 certificate holders.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before May 9, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Subpart E of Part 65 provides, in part, that a certificated repairman may perform or supervise the maintenance of aircraft or components thereof, appropriate to the job for which he is employed and certificated. These privileges, however, may only be exercised by a repairman in connection with his employment by a repair station or air carrier. There is no provision authorizing a commercial operator to employ repairmen to perform maintenance on its aircraft in the same manner as an air carrier, even though the commercial operator is required under Part 121 to perform its maintenance under the same standards as an air carrier. The absence of such a provision appears to be an undue restriction upon a commercial operator who is held primarily responsible for maintenance, including all methods, techniques and practices, and for the competency of the airmen doing that work. Therefore, the Agency proposes to amend paragraphs (c) and (f) of § 65.101 and paragraphs (a) and (b) of § 65.103 of the Federal Aviation Regulations to include a commercial operator certificated under Part 121 of the Federal Aviation Regulations.

At present, § 121.379(a) authorizes an air carrier to perform maintenance, preventive maintenance, and alterations "for another air carrier as provided in the continuous airworthiness maintenance program and maintenance manual of the other air carrier". However, this part does not authorize a commercial operator to perform maintenance, preventive maintenance, or alterations for another commercial operator or for an air carrier. Moreover, it does not authorize an air carrier to perform maintenance, preventive maintenance, or alterations on aircraft of a commercial operator, even though the air carrier may perform such work on aircraft of another air carrier.

Since the maintenance, preventive maintenance, and alterations requirements of Part 121, except for the repairman authorization, are identical for all certificate holders under that part, the Agency believes that there is no longer a need for limiting the authorization in § 121.379(a) to air carriers. Therefore, the Agency also proposes to amend § 121.379(a) to permit any certificate holder under Part 121 of the Federal Aviation Regulations to perform maintenance, preventive maintenance, and alterations for another Part 121 certificate holder. In all cases, as under the present authorization for air carriers, these functions would be required to be performed under the continuous airworthiness maintenance program and maintenance manual of the certificate holder for whom the maintenance, preventive maintenance, or alteration is performed.

This amendment is proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1422).

Issued in Washington, D.C., on March 6, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-2646; Filed, Mar. 9, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-20]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Denison, Iowa, terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Denison, Iowa, terminal area, proposes the following airspace action:

Designate the Denison, Iowa, transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Denison, Iowa, Municipal Airport (latitude 41°-59'15" N., longitude 95°23'00" W.) and within 2 miles each side of the 115° bearing from Denison Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 115° bearing from Denison Municipal Airport, extending from the airport to 12 miles southeast of the airport.

The proposed transition area is being developed for the protection of aircraft executing a new public-use instrument approach procedure to serve the Denison, Iowa, Municipal Airport, utilizing an "MH" facility which the city of Denison proposes to install.

The proposed 700-foot floor transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. It will also provide protection for departing aircraft during climb from 700 to 1,200 feet above the surface. The proposed 1,200-foot floor transition area will provide airspace protection for that portion of the instrument approach procedure conducted at or above 1,500 feet above the surface.

The floor of the airway that traverses the transition area proposed herein will automatically coincide with the floors of the transition area.

Since a new approach procedure is to be established, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on February 21, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-2647; Filed, Mar. 9, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-23]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Coldwater, Mich., terminal area.

The Coldwater, Mich., transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County Memorial Airport, Coldwater, Mich. (latitude 41°56'00" N., longitude 85°03'15" W.) and within 8 miles NW and 5 miles SE of the 209° bearing from the Branch County Memorial Airport extending from the airport to 12 miles SW of the airport excluding the portion within the Sturgis, Mich., transition area.

A new VOR public-use instrument approach procedure, utilizing the Litchfield, Mich., VORTAC as a navigational aid, has been developed to serve Branch County Memorial Airport, Coldwater, Mich. In consideration of the foregoing, and as a result of a comprehensive review of the airspace requirements at Coldwater, Mich., the Federal Aviation Agency proposes to alter the Coldwater, Mich., transition area as follows:

Redesignate the Coldwater, Mich., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County Memorial Airport (latitude 41°56'00" N., longitude 85°03'15" W.), within 2 miles each side of the Litchfield, Mich., VORTAC 239° radial extending from the 5-mile radius area to 8 miles NE of the airport, and within 2 miles each side of the 209° bearing from the Branch County Memorial Airport extending from the 5-mile radius area to 8 miles SW of the airport.

The proposed transition area will provide controlled airpsace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. It will also provide controlled airspace protection for departing aircraft during climb from 700 to 1,200 feet above the surface. The controlled airspace proposed herein will underlie the Battle Creek, Mich., 1,200-foot floor transition area. The existing ADF approach procedure at Branch County Memorial Airport has been previously modified by raising the procedure turn altitude to where it is now protected by the Battle Creek, Mich., 1,200-foot floor transition area.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floor of the transition area.

Since the ADF approach procedure serving Branch County Memorial Airport has previously been modified and a new VOR approach procedure is to be established, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views of arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on February 21, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-2648; Filed, Mar. 9, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

CHIEF, CONTRACT STAFF FOR VIETNAM

Redelegation of Authority

Pursuant to the authority vested in me by Redelegation of Authority No. 17, from the Administrator, dated June 14, 1962 (27 F.R. 5914), I hereby redelegate authority as follows:

SECTION 1. To the Chief, Contract Staff for Vietnam, for matters relating to Vietnam, authority to sign or approve the following:

(1) Contracts and amendments to contracts, financed in whole or in part by AID, other than contracts exclusively for the supply of commodities, and grants other than to a foreign government, or agencies of a foreign government, or an international organization.

(2) Letters of commitment to AID financed contractors and Notices of Approval for Financing of Cooperating Country Contracts, for contracts entered into under (1) above.

(3) Project Implementation Orders—Technical Services (PIO/T).

(4) Amendments or modifications (pursuant to Executive Order 11223) of AID direct contracts or other AID financed contracts entered into with nonprofit institutions, where no fee is charged or paid under the contract, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are entered into during performance of the contract or within a reasonable time prior to final payment under the contract: *And provided further*, That such amendments or modifications involving $25,000 or more have the specific approval of myself or of the Deputy Assistant Administrator for Vietnam.

SEC. 2. The authorities set forth in section 1 may not be further redelegated but the authorities herein delegated may be exercised by a person who is performing the functions of the Chief, Contract Staff for Vietnam in an "Acting" capacity. These authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within AID.

SEC. 3. The Delegation of Authority to the Chief, Contract Staff from the Assistant Administrator for the Far East dated June 28, 1962 (27 F.R. 7043) is amended by deleting in the first paragraph the words "within the responsibility of this Regional Bureau" and substituting "within the responsibility of the Deputy Assistant Administrator for East Asia".

SEC. 4. This redelegation of authority shall be effective immediately.

RUTHERFORD M. POATS,
Assistant Administrator, Far East.

MARCH 2, 1967.

[F.R. Doc. 67-2665; Filed, Mar. 9, 1967; 8:47 a.m.]

DEPUTY ASSISTANT ADMINISTRATOR FOR VIETNAM AND DEPUTY ASSISTANT ADMINISTRATOR FOR EAST ASIA

Redelegation of Authority

Pursuant to the authority delegated to me as Assistant Administrator of the Bureau for the Far East, and in accordance with the directions of the Administrator for the Reorganization of this Bureau as set forth in Manual Circular 206.1 dated February 15, 1967, I hereby redelegate authority as follows:

1. To Walter G. Stoneman as Deputy Assistant Administrator for Vietnam, authority to act as my alter ego to be responsible under my direction and concurrently with me, for all functions which are currently or which may hereafter be administered by the Bureau, for Vietnam.

2. To Stephen B. Ives, Jr. as Deputy Assistant Administrator for East Asia, authority to act as my alter ego to be responsible under my direction and concurrently with me, for all functions, including regional programs, which are currently or which may hereafter be administered by the Bureau for all areas other than Vietnam.

3. Except as specifically revoked by this redelegation, the published redelegations with respect to contracts, dated June 28, 1962 (M.O. 131.4.1), with respect to personnel, dated May 1, 1963 (M.O. 403.1.2), with respect to guaranties dated November 4, 1966 (M.O. 131.4.3) and all other current redelegations of authority shall continue in effect but shall hereafter be applicable only to East Asia except that such authority shall also be exercised for Vietnam until further notice.

4. Each of the Deputy Assistant Administrators named above is hereby authorized to represent me for his area of responsibility and to exercise authority delegated to me with respect to all functions now or hereafter conferred upon me by A.I.D. delegations of authority, regulations, manual orders, directives, notices or other documents, by law or any competent authority.

5. The authority herein delegated to each of the Deputy Assistant Administrators may be redelegated by him to such other officers and employees as may from time to time be appropriate, but only to the extent permissible under the regulations, policies and procedures now or hereafter established or modified and promulgated within A.I.D.

6. The authority herein delegated to each of the Deputy Assistant Administrators may be exercised by persons who are performing the functions of such officers in an "Acting" capacity.

7. There are hereby revoked the redelegation of authority to the Deputy Assistant Administrator for the Far East, dated July 31, 1964, and the redelegation of authority to the Associate Assistant Administrator for the Far East, dated November 10, 1966.

8. This redelegation of authority is effective February 15, 1967.

RUTHERFORD M. POATS,
Assistant Administrator, Far East.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2666; Filed, Mar. 9, 1967; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3-b]

PIG IRON FROM ROMANIA

Withholding of Appraisement Notice

MARCH 3, 1967.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price of pig iron from Romania is less, or likely to be less, than the constructed value as defined, respectively, in sections 203 and 206 of that Act, as amended (19 U.S.C. 162 and 165).

Customs officers are being directed to withhold appraisement in accordance with the provisions of § 14.9(a) of the Customs Regulations (19 CFR 14.9(a)), of all importations of pig iron from Romania subject to this order which are entered or withdrawn from warehouse, for consumption, after the date of publication of this notice in the FEDERAL REGISTER.

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Anti-dumping Act was received in proper form on January 19, 1967. Pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)), an "Antidumping Proceeding Notice" pertaining to this merchandise was published on page 3404 of the FEDERAL REGISTER of March 1, 1967.

This notice is published pursuant to § 14.6(e) of the Customs Regulations (19 CFR 14.6(e)).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 67-2671; Filed, Mar. 9, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR1293 (Washington)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

MARCH 3, 1967.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. OR1293 (Washington), for the withdrawal of the public lands described below, from all forms of appropriation under the mining laws (Ch. 2, 30 U.S.C.) but not from leasing under the mineral leasing laws.

The applicant desires the land in order to protect the area for public purposes as a campground.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

KANIKSU NATIONAL FOREST

Pioneer Park Campground

T. 31 N., R. 45 E.,
Sec. 1, lot 8.

The area described aggregates 37.10 acres.

ERLING A. OLSON,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-2660; Filed, Mar. 9, 1967; 8:46 a.m.]

[OR1294 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

MARCH 3, 1967.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. OR1294 (Washington), for the withdrawal of the public lands described below, from all forms of appropriation under the mining laws (Ch. 2, 30 U.S.C.) but not from leasing under the mineral leasing laws.

The applicant desires the land in order to protect the Billy Goat Recreation Area for public recreational use and to safeguard the Government's future investments in the area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and, potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

OKANOGAN NATIONAL FOREST

Billy Goat Recreation Area

T. 38 N., R. 20 E., unsurveyed,
A tract of land within secs. 15, 22, and 23, and which is more particularly described as:
Beginning at the forks of Eightmile Creek and an unnamed tributary in sec. 23; thence northwesterly along unnamed tributary 4260 feet; thence 396 feet on a bearing of S. 72° W.; thence 330 feet on a bearing of S. 38° W. to Larch Creek Trail and continuing on same bearing 330 feet to Hidden Lakes Trail; thence on Hidden Lakes Trail a distance of 363 feet on a bearing of S. 38° E.; thence 330 feet on a bearing of S. 46° W.; thence 132 feet on a bearing of S. 29° E.; thence 264 feet on a bearing of S. 56° W.; thence 1,354 feet on a bearing of S. 2° E. toward Eightmile Creek, thence along Eightmile Creek 2,850 feet to point of beginning.

The area described aggregates approximately 102 acres.

ERLING A. OLSON,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-2661; Filed, Mar. 9, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18246; Order E-24826]

U.S. FLAG CARRIER AND AIR FREIGHT FORWARDER DISCUSSIONS

Order Regarding International Air Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of March 1967.

The biennial Cargo Traffic Conference of the International Air Transport Association (IATA) is scheduled to commence on April 17, 1967, in San Juan, P.R. The Board believes it could prove advantageous to both the direct air carriers and the air freight forwarders to exchange views on international cargo rates prior to that conference. Such discussions may provide information and expert opinion, otherwise unavailable, and thus contribute to the establishment of an improved international cargo rate structure which will, in turn, enhance the sound development of air cargo services. Under these circumstances, and subject to appropriate safeguards, the Board considers it to be in the public interest to authorize such discussions between the U.S.-flag air carrier members of IATA and all Board-authorized air freight forwarders.

These discussions will be authorized from the date of this order through March 31, 1967.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 414 thereof: *It is ordered*, That:

1. All U.S.-flag carrier members of the International Air Transport Association, the Air Freight Forwarders Association, and all Board-authorized air freight forwarders, are authorized to engage in discussions of international air cargo rates and related matters between the date of this order and March 31, 1967;

2. A notice of any meeting called pursuant to this order shall be filed with the Board in this docket and mailed to the Air Freight Forwarders Association at least 10 calendar days prior to such meeting;

3. The Civil Aeronautics Board reserves the right to have one or more observers in attendance at these meetings;

4. Complete and accurate minutes shall be kept of all discussions by the carriers, and a true copy thereof filed

with the Board not later than 15 days after the conclusion of each meeting; and

5. This order will be served upon all U.S.-flag carrier members of the International Air Transport Association, the Air Freight Forwarders Association, and all Board-authorized air freight forwarders.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-2673; Filed, Mar. 9, 1967; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-99; NDA No. 16-579]

TYLER PHARMACAL DISTRIBUTORS, INC.

Notice of Prehearing Conference Relating to Drug Pro-Forma

Pursuant to the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), and § 130.18 of the new drug regulations (21 CFR 130.18), notice is hereby given to Tyler Pharmacal Distributors, Inc., 36 West Van Buren Street, Chicago, Ill. 60605, and to the public, that a prehearing conference will be held in the matter of the proposal of the Commissioner of Food and Drugs to refuse to approve new-drug application No. 16-579, dated November 15, 1966, for marketing the drug Pro-Forma, and will begin at 10 a.m. on March 17, 1967, in Room 5131, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201.

The following matters will be considered at this prehearing conference:

A. The simplification and formalization of the issues for the hearing.

B. The possibility of obtaining stipulations, admission of facts, and documents.

C. The submission of all documentary evidence to be marked for identification.

D. The submission of a list of all witnesses to be called during the hearing and, if possible, the scheduling of such witnesses.

E. Such other matters as may assist in the expeditious handling of the hearing in this matter.

Dated: March 6, 1967.

WILLIAM E. BRENNAN, *Hearing Examiner.*

[F.R. Doc. 67-2680; Filed, Mar. 9, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP66-205; CP66-285]

CINCINNATI GAS & ELECTRIC CO. AND TEXAS GAS TRANSMISSION CORP.

Notice of Postponement of Hearing and Granting Extension of Time

MARCH 3, 1967.

Upon consideration of the request filed February 28, 1967, by counsel for Ohio Fuel Gas Co. and Kentucky Gas Transmission Co. for an extension of time within which to file with the Commission and serve upon all parties and the Examiner their direct presentations and for postponement of the hearing in the above-consolidated proceeding.

Take notice that the time is extended to and including March 13, 1967 within which Ohio Fuel Gas Co., Kentucky Gas Transmission Co., and all intervenors opposing applicants shall file with the Commission and serve on all parties and the Examiner their direct presentations as provided for in paragraph (C) of the order issued February 3, 1967. Further, the hearing presently scheduled to commence on March 14, 1967, is hereby postponed until April 11, 1967.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-2650; Filed, Mar. 9, 1967; 8:45 a.m.]

[Docket No. CP67-243]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

MARCH 2, 1967.

Take notice that on February 27, 1967, Columbia Gulf Transmission Co. (Applicant), Post Office Box 683, Houston, Tex. 77001, filed in Docket No. CP67-243 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval of the Commission for the abandonment of its field lines and appurtenances thereto constructed to take gas for the account of United Fuel Gas Co. (United) from the properties in the following fields in Louisiana:

Field	Parish (county)	Producer	Lines to be abandoned
Deep Lake	Cameron	Texas Pacific Oil Co. (successor to the Calvert Distilling Co., d.b.a. Frankfort Oil Co.) et al.	6,330 feet of 6-inch line.
Ellis	Acadia	Forest Oil Corp. et al	6,328 feet of 4-inch line.
Do	do	Humble Oil & Refining Co	6,521 feet of 3-inch line.
Go Around Bayou	Cameron	Kerr-McGee Corp. et al	7,300 feet of 6-inch line.

Applicant states that the well of Texas Pacific Oil Co. (Texas) which is connected to the above-described gas purchase facilities in the Deep Lake Field is no longer capable of production and its reservoir is depleted. However, other gas is still being delivered at another delivery point in the Deep Lake Field under Texas' gas rate schedule on file with the Commission.

Applicant further states that as a result of a change of delivery point, deliveries formerly made in the Ellis Field by Forest Oil Corp. et al. (Forest) are now being made at another existing delivery point in Acadia Parish (County). It is therefore averred that no producer abandonments are involved.

All gas production of Humble Oil & Refining Co. (Humble) and Bateman Drilling Co. et al. (Bateman) from the Ellis Field and of Kerr-McGee Corp. et al. (Kerr) and Humble from the Go Around Bayou Field has ceased, the wells have been abandoned, the leases have expired, and these producers have canceled their sales contracts with United.

On the above-mentioned basis, Applicant can see no further use for these facilities and seeks permission and approval to abandon them in place.

Applicant estimates that the salvage from certain valves and above-ground facilities will be approximately $1,900.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 3, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-2651; Filed, Mar. 9, 1967; 8:45 a.m.]

[Docket Nos. CP66-110 etc.]

GREAT LAKES GAS TRANSMISSION CO. ET AL.

Order Denying Appeal, Waiving Examiner's Decision, and Granting Oral Argument

MARCH 3, 1967.

Great Lakes Gas Transmission Co., Docket Nos. CP66-110, CP66-111, CP66-112; Michigan Wisconsin Pipe Line Co., Docket No. CP66-109; Midwestern Gas Transmission Co., Docket Nos. CP66-119, CP66-120, CP66-121; Northern Natural Gas Co., Docket No. CP66-212; Northern Natural Gas Transportation Co., Docket Nos. CP66-213, CP66-214.

On February 3, 1967, Great Lakes Gas Transmission Co. et al. (Great Lakes) filed an appeal from the January 24, 1967, ruling of the presiding examiner granting the motion of Northern Natural Gas Transportation Co. (the Northern Cos.) to reopen the record for the receipt of evidence concerning a proposal by the Northern Cos. allegedly containing the "essential elements" of an alternative plan submitted by Staff in its brief filed August 26, 1966. Answers to the Great Lakes' motion were submitted by the Northern Cos. and our staff.

Northern alleges that its proposed presentation on staff's proposal will show that it is superior to Great Lakes' proposal, but inferior to Northern's. It asserts that the type of plan advocated by the staff, even if improved in material respects, would still not be the optimum method of serving the public convenience and necessity.

Additionally, the Northern Cos.' claim that the Great Lakes' project has changed from one of a mere accommodation for Canadians to one that will become increasingly oriented to the importation of large quantities of Canadian gas for consumption in the United States, and that, therefore, the Commission must have a complete record so as to properly determine which alternative provides maximum benefits for United States consumers. The Northern Cos. further argue that the grant of Great Lakes' appeal would be contrary to the holdings in Michigan Wisconsin Gas Co. v. F.P.C.,[1] City of Pittsburgh v. F.P.C.,[2] and Scenic Hudson Preservation Conference v. F.P.C.[3]

Great Lakes alleges: (1) The Commission can consider the staff's "public interest proposal" without reopening the record; (2) the alternative evidence sought to be put into the record by the Northern Cos. does not relate to staff's proposal, but to a modification of the Northern Cos. project; and (3) the proffered evidence concerns a proposal that could not be certificated in any event. In addition Great Lakes avers that if the record is reopened for the inclusion of this evidence, the delay would render its project (and the competing Northern Cos. project) moot since the Canadian Government would require that other steps be taken immediately.

Requests for the waiver and omission of the examiner's intermediate decision have been filed by Great Lakes, Midwestern Gas Transmission Co., Consumers Gas Co. and the St. Lawrence Gas Co. Oppositions have been filed by the Panhandle Eastern Pipe Line Co. and the Fuels Research Council, Inc. Great Lakes has also filed a request for oral argument.

We do not decide here whether Northern's evidence constitutes a proper development of the staff's proposal or is essentially a new proposal; we conclude only that the examiner's determination to receive the evidence, and to permit cross-examination thereon if he determines it to be relevant and material to the making of a complete record, is not inappropriate under the circumstances. It is of no significance that we could not certificate the staff's proposal for our consideration of that proposal could well demonstrate that the public interest would require rejection of each of the pending applications. Therefore, the appeal of Great Lakes will be denied. But our denial should not be interpreted as a ruling on the appropriateness of Northern's submission. We leave that question for resolution together with the merits.

In so concluding we are by no means insensitive to Great Lakes' final contention that the delay resulting from denial of its appeal would render both its project and that of the Northern Cos. moot since the Canadian Government would require that steps be taken in the immediate future to assure adequate service to Canadian consumers next winter. It does appear that there is a pressing need for additional natural gas service in Canada, and the Canadian Government has directed Trans Canada to apply, by May 1, 1967, for permission to construct additional facilities in Canada if it believes that transportation service through the United States cannot be authorized in time to install facilities for the 1967-68 heating season. Presumably Trans Canada would be required to loop its present Canadian line. And, while the record does not indicate precisely how much looping would be required it would appear to be significant. Once that looping program is completed it is questionable whether any of the proposals now before us would still be viable. Moreover, even if the initial looping would not moot the need for transportation service through the United States, it would undoubtedly prejudice significantly Great Lakes' ability to finance its transportation proposal. Certainly the public interest will not be furthered by the elimination of the Great Lakes' alternative without affording this Commission an opportunity to consider it on its merits. Based upon the foregoing we find that the due and timely execution of our functions imperatively an unavoidably requires the omission of the examiner's decision.

Accordingly, the appeal of Great Lakes is denied and its requests for the waiver of the intermediate decision and for oral argument are granted. Following the expeditious completion of cross-examination which is to commence on March 8, 1967, the examiner is further directed to certify the record to the Commission for decision. The parties will have 20 days from the close of cross-examination to file initial briefs and 10 days thereafter to file answering briefs. All briefs should be served by air mail. Oral argument will be heard at 10 a.m. on April 21, 1967, in a hearing room of the Federal Power Commission at 441 G Street NW., Washington, D.C.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-2652; Filed, Mar. 9, 1967; 8:45 a.m.]

[1] 283 F. 2d 204, 224-226 (CADC 1960), cert. denied, 364 U.S. 913.
[2] 237 F. 2d 741, 751n.28 (CADC 1956).
[3] 354 F. 2d 608 (CA2 1965), cert. denied, 384 U.S. 941.

[Project No. 2635]

GREAT NORTHERN PAPER CO.

Notice of Application for License for Constructed Project

MARCH 3, 1967.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Great Northern Paper Co. (correspondence to: Robert Hellendale, Vice President and Secretary, Great Northern Paper Co., 522 Fifth Avenue, New York, N.Y. 10036) for constructed Project No. 2635, known as Caucomgomoc Headwater Storage Project, located on Caucomgomoc Stream, in Piscataquis County, Maine.

The existing Caucomgomoc Headwater Storage Project consists of: (1) A composite dam about 905 feet long and 12 feet high, made of a rock filled timber crib spillway section 105 feet long which is tied to the right abutment by an earth dike 500 feet long and to the left abutment by a similar dike 300 feet long; (2) a reservoir with surface area of 5,728 acres at an elevation of 993 feet, and usable storage capacity of 32,400 acre-feet at a drawdown of 10 feet; and (3) four 12-foot wide timber gates and one 6-foot wide timber gate at spillway section.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 21, 1967. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-2653; Filed, Mar. 9, 1967; 8:45 a.m.]

[Docket No. CP67-238]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

MARCH 3, 1967.

Take notice that on February 24, 1967, Montana-Dakota Utilities Co. (Applicant), 831 Second Avenue South, Minneapolis, Minn. 55402, filed in Docket No. CP67-238 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 (c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate certain gas sales and transmission facilities for the purpose of making direct sales of natural gas to consumers for seasonal industrial purposes and authorization for the transportation and sale of volumes of natural gas previously authorized under certificates to existing distributors, at rates on file with the Commission, for resale in existing market areas. The application states that natural gas deliveries to any one customer through the proposed facilities will not exceed 100,000 Mcf annually, and that such gas will not be used for boiler fuel purposes.

Total estimated cost of Applicant's proposed facilities is not to exceed $190,000 and will be financed with internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 31, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2654; Filed, Mar. 9, 1967; 8:46 a.m.]

[Project No. 2494]

PUGET SOUND POWER & LIGHT CO.

Notice of Application for License for Constructed Project

MARCH 6, 1967.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Puget Sound Power & Light Co. (correspondence to: L. E. Karrer, Vice President, Puget Sound Power & Light Co., Puget Power Building, Bellevue, Wash. 98004) for constructed Project No. 2494, known as the White River Project, located on White River in Pierce County, Wash., near the cities of Auburn, Buckley, and Sumner, and the town of Bonny Lake.

The White River Project consists of: (1) A rock-filled crib and concrete diversion dam, 352 feet long and 4 feet high with 7-foot flashboards; (2) a concrete intake to which has been added a Corps of Engineers' fish trap (applicant releases 30 cfs for fishery purposes); (3) a 5,000-foot long timber flume; (4) a 2-mile long series of desilting basins, the lowest containing applicant-operated fish screens; (5) 7,000 feet of unlined canal; (6) a 2-mile long timber lined canal; (7) a 1,600-foot long storage basin and short canal; (8) Lake Tapps, a 2,566-acre reservoir with a storage capacity of 46,700 acre-feet; (9) a lined tunnel to a forebay; (10) steel penstocks; (11) a powerhouse containing two 18,000 hp. turbines each connected to a 15,000 kw. generator and two 23,000 hp. turbines each connected to a 20,000 kw. generator; (12) a 0.5-mile long tailrace; and (13) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 2, 1967. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2655; Filed, Mar. 9, 1967; 8:46 a.m.]

[Project No. 2495]

PUGET SOUND POWER & LIGHT CO.

Notice of Application for License for Constructed Project

MARCH 6, 1967.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791-825r) by Puget Sound Power & Light Co. (correspondence to: Puget Sound Power & Light Co., L. E. Karrer, Vice President, Puget Power Building, Bellevue, Wash. 98004) for constructed Project No. 2495, known as the Electron Project, located on the Puyallup River in Pierce County, Wash., near the towns of Kapowsin and Orting.

The existing Electron Project consists of: (1) A timber dam 12 feet high and 200 feet long projecting about 3 feet above the natural stream bed and surmounted with flashboards diverting part of the flow to the concrete intake; (2) a wooden flume 10.1 miles long; (3) a small circular reservoir approximately 1,500 feet in diameter located on a plateau about 900 feet above the powerhouse; (4) four penstocks 4 feet in diameter and one 1.5-foot diameter penstock; (5) a concrete powerhouse structure housing four generating units, three of 6,000 kw. and one of 7,500 kw. capacity; and (6) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 25, 1967. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2656; Filed, Mar. 9, 1967; 8:46 a.m.]

[Docket No. CP64-5]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition To Amend

MARCH 2, 1967.

Take notice that on February 27, 1967, Texas Eastern Transmission Corp. (Petitioner), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP64-5 a petition to amend the order issued by the Commission December 19, 1963, as amended October 28, 1964, April 5, 1965, August 24, 1965, November 4, 1966, and December 30, 1966, by authorizing Petitioner to sell additional quantities of natural gas to Algonquin Gas Transmission Co. (Algonquin), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The above-mentioned order, as amended to date, authorized Petitioner to construct and operate additional facilities to its pipeline system to provide an additional 563,126 Mcf of natural gas of peak capacity over a 4-year period beginning in 1964 to enable Petitioner to meet the increased requirements of its customers for natural gas during the 4-year period beginning in November 1964.

Petitioner states that as of November 15, 1967, it will have an unallocated system capacity of 36,696 Mcf of natural gas per day. Petitioner seeks authorization to sell to Algonquin an additional 3,838 Mcf per day of natural gas under its annual firm gas rate schedule and an additional 2,635 Mcf of natural gas per day under its winter service rate schedule. The annual firm sales are to begin on November 1, 1967, and the winter service sales are to begin on November 16, 1967.

Petitioner states that the additional quantities of natural gas proposed to be sold to Algonquin are needed by it to meet its natural gas requirements beginning with the 1967-68 winter heating season. Petitioner also states that the additional proposed sales will not affect any service now being given by it. On this basis, Petitioner seeks authorization for the additional sales of natural gas to Algonquin.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 31, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2657; Filed, Mar. 9, 1967; 8:46 a.m.]

[Docket No. RP67-16]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Changes in Rates and Charges

MARCH 2, 1967.

Pursuant to § 2.59 of the Commission's rules (18 CFR 2.59) notice is hereby given that on February 20, 1967, Transcontinental Gas Pipe Line Corp. filed proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective December 1, 1966. The proposed rates reflect decreases in Transco's Rate Schedule S-2 for underground storage from the Oakford Storage Field, Pennsylvania, and are stated to be based upon a rate reduction which Transco has received in turn from Texas Eastern Transmission Corp. in Docket No. RP65-59. The proposed changes would result in reduced charges of approximately $266,000 annually.

Copies of the proposed rate changes have been served by Transco upon its jurisdictional customers and interested state commissions.

Comments may be filed with the Commission on or before March 16, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2658; Filed, Mar. 9, 1967; 8:46 a.m.]

[Docket No. CP67-239]

UNITED GAS PIPE LINE CO.

Notice of Application

MARCH 3, 1967.

Take notice that on February 24, 1967, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP67-239 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale of quantities of natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 40 feet of 2⅜-inch line, positive meter and regulator station and appurtenant facilities near milepost 27.3 on Applicant's 20-inch Carthage compressor station to Longview compressor station line, located in Gregg County, Tex.

Applicant states that the purpose of the proposed construction is to supply natural gas to the city of Easton, Gregg County, Tex., for resale and distribution. Applicant estimates the first year sales to the city of Easton at approximately 17,000 Mcf of natural gas.

Applicant estimates the cost of the proposed construction at approximately $5,825, said cost to be financed out of current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 31, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2659; Filed, Mar. 9, 1967; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

HAMBURG-AMERIKA LINIE ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

James N. Jacobi, Esquire, Kurrus and Jacobi, 2000 K Street NW., Washington, D.C. 20006.

Agreement 9623, between Hamburg-Amerika Linie, Norddeutscher Lloyd, and Container Marine Lines, a division of American Export Isbrandtsen Lines, Inc., provides for interchange of cargo containers and/or related equipment in the trades between ports in Europe and U.S. North Atlantic ports in accordance with the terms and conditions set forth therein.

Dated: March 6, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-2674; Filed, Mar. 9, 1967; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4409]

CONNECTICUT LIGHT AND POWER CO.

Notice of Filing of Post-Effective Amendments Regarding Issue and Sale of Notes to Banks

MARCH 6, 1967.

Notice is hereby given that the Connecticut Light and Power Co. ("CL&P"), Selden Street, Berlin, Conn. 06037, an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed with this Commission, pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act"), posteffective amendments to the declaration in this matter. All interested persons are referred to said posteffective amendments, which are summarized below, for a complete statement of the proposed transactions.

By order dated September 21, 1966 (Holding Company Act Release No. 15563), this Commission authorized the issue and sale by CL&P to banks of up to $12 million of notes maturing on or before June 30, 1967 ("original notes"). The original notes were to be issued, among other things, for construction purposes, and, together with notes which CL&P might issue and sell pursuant to the 5 percent exemptive provision of section 6(b) of the Act ("exempt notes"), were not to exceed $32 million outstanding at any one time. It is now stated

that revised estimates of CL&P's construction expenditures indicate the necessity during May 1967 for outstanding bank loans of approximately $38 million. Accordingly, CL&P proposes to issue and sell, but in no event later than June 30, 1967, up to $6 million of additional notes to banks as follows:

Bankers Trust Co., New York, N.Y	$2,500,000
Chemical Bank New York Trust Co., New York, N.Y	1,750,000
Manufacturers Hanover Trust Co., New York, N.Y	1,750,000
Total	6,000,000

The additional notes will bear interest at the prime rate (currently 5¾ percent) in effect at the lending bank on the date of issue, and the terms of the additional notes will in all other respects be the same as the original notes, except that each additional note will mature 6 months after its date of issue.

In May 1967, after the sale of additional notes, CL&P expects to issue and sell, subject to Commission authorization, $30 million principal amount of first mortgage bonds and use the net proceeds to retire outstanding notes. Any additional notes which are outstanding after such sale of bonds will be retired or replaced by exempt notes.

Notice is further given that any interested person may, not later than March 24, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendments to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2662; Filed, Mar. 9, 1967; 8:46 a.m.]

[70-4463]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Cash Capital Contributions to Subsidiary Companies

MARCH 6, 1967.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes, from time to time during 1967, to make cash capital contributions to its subsidiary companies named below in amounts not in excess of those shown:

Jersey Central Power & Light Co	$14,000,000
Metropolitan Edison Co	8,000,000
Pennsylvania Electric Co	11,500,000
Total	33,500,000

The cash capital contributions will be credited by each subsidiary company to its capital surplus account; and will be used to finance its business as a public-utility company, including the construction of additional facilities and the increase of its working capital.

The filings state that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. GPU estimates that the fees and expenses in connection with the proposed capital contributions will not exceed an aggregate of $2,500.

Notice is further given that any interested person may, not later than April 6, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2663; Filed, Mar. 9, 1967; 8:46 a.m.]

TARIFF COMMISSION

[TC Publication 198; APTA-W-6]

CERTAIN WORKERS OF ROCKWELL-STANDARD CORP.

Report to Automotive Agreement Adjustment Assistance Board in Adjustment Assistance Case

MARCH 7, 1967.

The Tariff Commission today reported to the Automotive Agreement Adjustment Assistance Board the results of its investigation No. APTA-W-6, conducted under section 302(e) of the Automotive Products Trade Act of 1965. The Commission's report contains information for use by the Board, which determines the eligibility of the workers concerned to apply for adjustment assistance. The workers in this case were employed in the Adrian, Mich., plant of the Lyon Division, Rockwell-Standard Corp.

Only certain sections of the Commission's report can be made public since much of the data it contains were received in confidence. The sections of the report that can be made public are reproduced below. In addition to this material, the report also contained information concerning the factors causing the changes in employment at the plant.

U.S. TARIFF COMMISSION, MARCH 7, 1967

Introduction. In accordance with section 302(e) of the Automotive Products Trade Act of 1965 (79 Stat. 1016), the U.S. Tariff Commission herein reports the results of investigation No. APTA-W-6, which was ordered in response to a request received January 16, 1967, from the Automotive Assistance Committee of the Automotive Agreement Adjustment Assistance Board. The Committee's request resulted from a petition for adjustment assistance filed with the Board on January 10, 1967, by Local 1268, International Association of Machinists and Aerospace Workers, Adrian, Mich., on behalf of a group of workers of the Lyon Division, Rockwell-Standard Corp., Adrian, Mich.

The petition alleged that the threatened dislocation of more than 214 employees between January 5, and March 30, 1967, when production at the Adrian plant was scheduled to cease, is due to pressure from Rockwell-Standard Corp.'s customers to manufacture larger quantities of wheel covers in Canada. The petition further stated that the petitioners believe the primary factor causing, or threatening to cause, the unemployment at the Adrian plant is the existence of the United States-Canadian Automotive Agreement.

The Commission instituted the investigation on January 16, 1967; public notice thereof was given in the FEDERAL REGISTER (32 F.R. 833) on January 24, 1967. Neither the petitioners nor any other party requested a hearing before the Commission, and none was held.

The information reported herein was obtained from Rockwell-Standard Corp., the workers concerned and their local union officials, the major U.S. motor-vehicle manufacturers, the Commission's files, and by fieldwork by members of the Commission's staff.

The automotive product involved—wheel covers and hubcaps. Wheel covers and hubcaps are protective and decorative articles that are fastened to the wheels of passenger automobiles and certain other motor vehicles. Wheel covers completely cover the outside portion of a mounted wheel, whereas hubcaps cover only the center portion.

Wheel covers and hubcaps perform essentially the same function and are produced by similar manufacturing processes utilizing the same type of equipment. Data for the two products, therefore, have been combined in this report.

Imported wheel covers and hubcaps that are parts of motor vehicles are dutiable under Item 692.27 of the Tariff Schedules of the United States at the rate of 8½ percent ad valorem, unless imported from Canada for use as original motor-vehicle equipment, in which case they are duty free under Item 692.28.

Rockwell-Standard Corp. and its Lyon Division. Rockwell-Standard Corp., with headquarters in Pittsburgh, Pa., is a large corporation that includes 34 plants in the United States and 11 plants in Canada. It had net sales of $638 million in 1966; parts for trucks, trailers, and buses accounted for 43 percent of sales, and parts of passenger automobiles, 22 percent. In addition to wheel covers and hubcaps, the motor-vehicle parts manufactured by Rockwell-Standard include axles, transmissions, spring suspensions, brakes, universal joints, bumpers, and lamp assemblies.

Rockwell-Standard Corp. acquired the assets of Lyon, Inc., Adrian, Mich., in November 1965, for $21 million. The Lyon, Inc., properties, which became Lyon Division of Rockwell-Standard Corp., included plants in Bracebridge, Parry Sound, and Windsor, Ontario; Grenada, Miss.; Huntland and Memphis, Tenn.; and Adrian, Mich.

Four of the plants acquired with Lyon, Inc. (Parry Sound, Windsor, Grenada, and Adrian) produce wheel covers and hubcaps almost exclusively. The Adrian, Windsor, and Grenada plants are of principal importance in this report. At the Adrian facility wheel covers and hubcaps have been produced for the last 13 years. During this time, the plant has been owned successively by the following firms: Hurd Lock and Manufacturing Co.; Avis Industrial Corp.; Lyon, Inc.; and Rockwell-Standard Corp. The Adrian operation is housed in buildings that are about 80 years old. The main building is a multilevel, masonry structure (partly four floors, partly two). * * *

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By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-2669; Filed, Mar. 9, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 7, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40927—*Chlorine to points in Alabama.* Filed by Southwestern Freight Bureau, agent (No. B-8966), for interested rail carriers. Rates on chlorine, in tank carloads, but not less than 110,000 pounds per car, from specified points in Arkansas, Kansas, and Texas, to Demopolis, Greentree, and Selma, Ala.

Grounds for relief—Market competition.

Tariffs—Supplements 143 and 152 to Southwestern Freight Bureau, agent, tariffs ICC 4529 and 4534, respectively, and supplement 35 to Western Trunk Line Committee, agent, tariff ICC A-4620.

FSA No. 40928—*Chlorine to Chattanooga, Tenn.* Filed by O. W. South, Jr., agent (No. A4997), for interested rail carriers. Rates on liquefied chlorine gas, compressed, in tank carloads, but not less than 110,000 pounds per car, from Calvert, Ky., to Chattanooga, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 126 to Southern Freight Association, agent, tariff ICC S-484.

FSA No. 40929—*Petroleum products from, to, and between points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2493), for interested rail carriers. Rates on petroleum rubber extender or rubber processing oil, in less-than-carloads, carloads, or tank carloads, points within western trunkline territory; from, to, and between points in western trunkline territory, on the one hand, and points in Illinois Freight Association, southern, and southwestern territories, on the other, and returned shipments from original destinations to original points of shipment.

Grounds for relief—Carrier competition.

FSA No. 40930—*Asphalt from Cody, Wyo., to western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2494), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain, or varnish), road oil, and wax tailings, in tank carloads, from Cody, Wyo., to points in western trunkline territory.

Grounds for relief—Market competition.

Tariff—Supplement 32 to Western Trunk Line Committee, agent, tariff ICC A-4572.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2676; Filed, Mar. 9, 1967; 8:47 a.m.]

[Notice 348]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 7, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be fled with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2392 (Sub-No. 57 TA), filed March 1, 1967. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Station, 7722 F Street, Omaha, Nebr. 68114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions, anhydrous ammonia, nitric acid, ammonium nitrate, and urea*, in bulk, in tank vehicles, from the plantsite of Terra Chemical International, Inc., Port Neal, and storage facilities at Sergeant Bluff, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Illinois, Missouri, and Colorado, for 180 days. Supporting shipper: Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, Iowa 51101. Send protests to: Keith P. Kohrs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 76472 (Sub-No. 6 TA), filed February 28, 1967. Applicant: MATERIAL TRUCKING, INC., 924 South Heald Street, Wilmington, Del. 19801. Applicant's representative: William Salenni, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, *Salt* (except rock salt and rock salt compounds in bulk in tank vehicles), from Wilmington, Del., to points in Caroline, Dorchester, Wicomico, Somerset, Worcester, and Talbot Counties, Md., for 150 days. Supporting shipper: Watkins Salt Co., Watkins Glen, N.Y., V. W. Alling, traffic manager. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance,

Interstate Commerce Commission, Room 206, Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 107838 (Sub-No. 3 TA), filed March 1, 1967. Applicant: H&S MOTOR FREIGHT, INC., Sixth and Maple Streets, Eldon, Mo. 65026. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from Eldon, Mo., over U.S. Highway 54 to Camdenton, Mo., and return over the same route, (2) from Camdenton, Mo., over Missouri Highway 5 to Versailles, Mo., and return over the same route, (3) from the junction of U.S. Highway 54 and Missouri Highway 52, over Missouri Highway 52 to Tuscumbia, Mo., and return over the same route, serving between Eldon, Camdenton, Versailles, Tuscumbia, and all intermediate points on the above-described routes and the off-route points located in that area of the Lake of the Ozarks, including those areas known as Horseshoe Bend and Shawnee Bend, in connection with applicant's authorized regular-route operations between Kansas City and St. Louis, Mo. Supporting shippers: Crowell Distributing Co., Osage Beach, Mo. 65065; J. B. Deere Cedarcraft, Co., Inc., Lake Ozark, Mo. 65049; W. T. Cox Co., Inc., 580 West Highway 54, Camdenton, Mo. 65020; Blair Cedar & Novelty Works, Inc., Camdenton, Mo. 65020; Niangua Arms Lake of the Ozarks, Chamber of Commerce, Camdenton, Mo. 65020. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 107839 (Sub-No. 110 TA), filed March 1, 1967. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Post Office Box 16021, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Suite 420, Denver Club Building, Denver, Colo. 80202. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albuquerque, N. Mex., to Denver, Colorado Springs, and Pueblo, Colo., for 180 days. Supporting shipper: Associated Grocers of Colorado, 5151 Bannock Street, Post Office Box 5528, Terminal Annex, Denver, Colo. 80217. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC 108449 (Sub-No. 253 TA), filed February 28, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, *Hydrogen*, in bulk, from Denver, Colo., to St. Paul, Minn., for 180 days. Supporting shipper: National Cylinder Gas, 965 North Lexington Parkway, St. Paul, Minn. 55103. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 108449 (Sub-No. 254 TA), filed March 1, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions, anhydrous ammonia, nitric acid, ammonium nitrate, and urea*, from the plantsite of Terra Chemicals International, Inc., located at Port Neal, Iowa, and the storage facilities of Terra Chemicals International, Inc., located at Sergeant Bluff, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Illinois, Missouri, and Colorado, for 180 days. Supporting shipper: Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, Iowa 51101. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 113855 (Sub-No. 157 TA), filed March 2, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from points in Washington, Oregon, Idaho, and Montana, to Billings, Mont. NOTE: The purpose of this application is to enable applicant to provide a service involving stops in transit at Billings, Mont., for processing, for 180 days. Supporting shipper: Packers Hide Co., 420 North 16th Street, Post Office Box 692, Billings, Mont. 59103. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 114239 (Sub-No. 17 TA), filed March 1, 1967. Applicant: FARRIS TRUCK LINE, a corporation, Faucett, Mo. 64448. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, Kansas City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from the plantsite of W. R. Grace & Co., Henry, Ill., to points in Minnesota, Wisconsin, Iowa, Missouri, Indiana, Kentucky, Ohio, and Michigan, under a continuing contract with W. R. Grace & Co., for 150 days. Supporting shipper: W. R. Grace & Co., Post Office Box 277, 147 Jefferson Avenue, Memphis, Tenn. 38101. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115669 (Sub-No. 72 TA), filed March 1, 1967. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard Dahlsten, Post Office Box 95, Clay Center, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Kansas City, Mo., to points in Nebraska on and east of U.S. Highway 81 and to points in Iowa, on and west of U.S. Highway 169, for 150 days. Supporting shipper: Cargill, Inc., Minneapolis, Minn. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations and Compliance, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 118127 (Sub-No. 7 TA), filed March 2, 1967. Applicant: HALE DISTRIBUTING COMPANY, INC., 1315 East Seventh Street, Los Angeles, Calif. 90021. Applicant's representative: William J. Augello, Jr., 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen poultry products*, when moving at the same time and in the same vehicle with commodities which are otherwise partially exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, from Moorefield, W. Va., to Flagstaff, Phoenix, and Tucson, Ariz.; Denver, Colo.; Las Vegas and Reno, Nev.; Albuquerque, N. Mex.; Portland, Oreg.; Salt Lake City, Utah; Seattle, Wash.; and points in California, for 180 days. Supporting shipper: Pierce Pre-Cooked Foods, Inc., Moorefield, W. Va. Send protests to: John E. Nance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 123173 (Sub-No. 3 TA), filed March 1, 1967. Applicant: MISSION FUEL, LIMITED, Post Office Box 965, Mission City, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardwood lumber*, from the port of entry at the international boundary between the United States and Canada at or near Sumas, Wash., to Everson, Wash.; (2) *mill waste pulpwood*, from the port of entry at the international boundary between the United States and Canada at or near Sumas, Wash., to Anacortes, Wash., restricted to traffic originating at Mission City, British Columbia, for 150 days. Supporting shipper: McMahon Lumber Co., Ltd., Post Office Box 28, Mission City, British Columbia. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Seattle, Wash. 98101.

No. MC 123490 (Sub-No. 4 TA), filed March 1, 1967. Applicant: CHIP CARRIERS, INC., 1217 South 24th Street, Omaha, Nebr. 68108. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fried pork skins, chips, twists, or puffs made of flour, meal, dough, or mush*, between Tulsa, Okla., plant of Frito-Lay, Inc., and plants and warehouses of Frito-Lay, Inc., in Iowa, Kansas, Missouri, and Nebraska, South Dakota, Colorado, Arkansas, Tennessee, and Georgia, for 180 days. Supporting shipper: Frito-Lay, Inc., Dallas, Tex. (Wm. J. Morgan, Director of Traffic). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 123604 (Sub-No. 6 TA), filed February 28, 1967. Applicant: DUSABLON TRUCKING SERVICE, INC., Centerville, Iowa 52544. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, dry, in bulk, from Chariton, Iowa, to points in Missouri (except St. Louis, Mo.), for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 124359 (Sub-No. 7 TA), filed March 2, 1967. Applicant: WIL-HELEN, INC., 1409 16th Avenue, Greeley, Colo. 80631. Applicant's representative: W. R. Stevens (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Floor and wall tile, linoleum and supplies used in the installation of tile and linoleum*, from Houston, Miss., to points in Adams, Arapahoe, Douglas, Bent, Boulder, Crowley, Denver, El Paso, Fremont, Jefferson, Kit Carson, Larimer, Las Animas, Mesa, Morgan, Otero, Pueblo, Sedgwick, and Weld Counties, Colo., Lamar, Colo., points in Albany, Fremont, Goshen, Laramie, Natrona, Park, and Sheridan Counties, Wyo., Cheyenne, Kimball, Perkins, and Scotts Bluff Counties, Nebr., and Rapid City, S. Dak.; and (b) *carpets, carpeting, and supplies used in the installation thereof*, from Dalton and Resaca, Ga., to points in the same destination territory as described in (a) above, for 180 days. Supporting shippers: Wholesale Flooring, Inc., and Wholesale Ceramic Tile, Inc., 2200 Market, Denver, Colo. Send protests to: Luther H. Oldham, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 126514 (Sub-No. 6 TA), filed March 1, 1967. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, Post Office Box 392, Phoenix, Ariz. 85001; Office: 5200 West Bethany Home Road, Glendale, Ariz. 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures, equipment, materials, and supplies used or useful in the sale or manufacture of lighting fixtures, curtains, plastic, and plastic articles*, between points in Arizona and California, on the one hand, and, on the other, points in Connecticut, Illinois, New Jersey, New York, and Pennsylvania, for 180 days. Supporting shipper: Lighting Parts, Inc., 191 East Jefferson Boulevard, Los Angeles, Calif. 90011. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 128866 (Sub-No. 1 TA), filed March 1, 1967. Applicant: TWO B'S, INC., 9 Brady Lane, Cherry Hill, N.J. 08034. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil or sheet*, in coils, from Lebanon, Pa., to the plantsite of Penny Plate, Inc., Cherry Hill, N.J. (2) *scrap aluminum, damaged aluminum foil or sheet, skids and pallets and aluminum cores*, from the plantsite of Penny Plate, Inc., Cherry Hill, N.J., to Lebanon, Pa., for 150 days. Supporting shipper: Penny Plate, Inc., Kresson Road and New Jersey Turnpike, Cherry Hill, N.J. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 128888 (Sub-No. 1 TA), filed February 28, 1967. Applicant: PANDA TRANSPORT, INC., 2700 Broening Highway, Baltimore, Md. 21221. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Used household goods*, between Baltimore, Md., on the one hand, and, on the other, points in the Washington, D.C., commercial zone, as defined by the Interstate Commerce Commission, and Springfield, Va., and Rockville, Md. (b) Between points in the Baltimore, Md., commercial zone, as defined by the Interstate Commerce Commission. (Restrictions: (1) The transportation authorized herein shall be restricted to shipments moving on the through bill of lading of a forwarder operating under the section 402(b)(2) exemption of the Interstate Commerce Act. (2) The transportation authorized herein is restricted to shipments having an immediately prior or subsequent line-haul movement by rail, motor, water, or air.) (2) *Personal effects*, from Dover, Del., to Baltimore, Md., for 180 days. Supporting shipper: Thru-Container Services, Inc., 303 East Fayette Street, Baltimore, Md. 21202. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 103 South Gay Street, Baltimore, Md. 21202.

No. MC 128905 TA, filed March 2, 1967. Applicant: GARY E. CHAPMAN, doing business as CHAPMAN TRUCKING CO., Route 1, Box 295, Barboursville, W. Va. 25504. Applicant's representative: John E. Friedman, Charleston Traffic Service, 405 Lawson Street, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting, carpets, carpet supplies and sundries, and materials and supplies used in the manufacturing of carpets and carpeting*, restricted to traffic having a prior or subsequent movement by railroad trailer or flat car service, between Huntington, W. Va., and the plantsite of Louisa Carpet Mills, at Louisa, Ky., for 180 days. Supporting shipper: Jack J. Painter, plant manager, Louisa Carpet Mills, Inc., Post Office Box No. 270, Louisa, Ky. 41230. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 128906 TA, filed March 2, 1967. Applicant: PORTLAND AUTO AUCTION TRANSPORT CO., INC., 7625 Northeast Killingsworth, Portland, Oreg. 97218. Applicant's representative: Rask, Hefferin & Bowerman, 410 Oregon Bank Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles and trucks*, from Portland, Oreg., to points in Washington, Idaho, Nevada, Montana, and northern California for 150 days. Supporting shippers: Portland Auto Auction, Inc., 5035 Northeast 82d Avenue, Portland, Oreg. 97220. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2677; Filed, Mar. 9, 1967; 8:48 a.m.]

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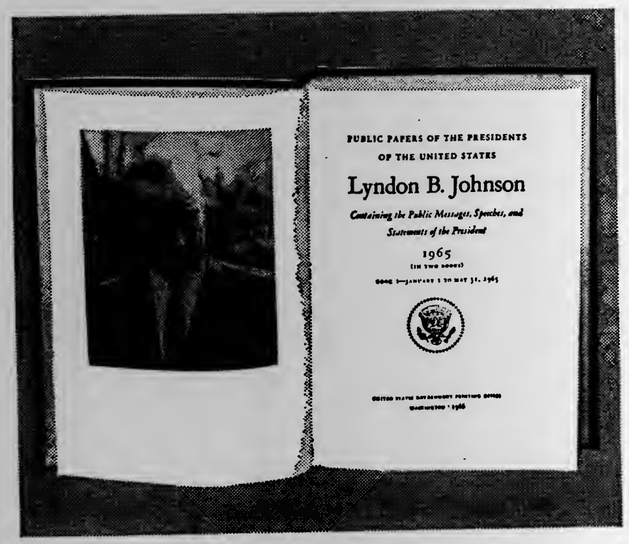
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(Retain Supplement as of January 1, 1966)

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Executive Order 11335

PLACING AN ADDITIONAL POSITION IN LEVEL V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by Section 5317 of Title 5 of the United States Code, as amended, and as President of the United States, Section 2 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by adding thereto the following:

(12) Commissioner, Property Management and Disposal Service, General Services Administration.

Lyndon B. Johnson

THE WHITE HOUSE,
March 9, 1967.

[F.R. Doc. 67–2797; Filed, Mar. 10, 1967; 9:53 a.m.]

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

Miscellaneous Amendments

Parts 330 and 332 are amended to provide placement assistance to employees or former employees receiving compensation from the Employees' Compensation Fund as provided by section 6 of Public Law 89–488.

1. Section 330.303 is amended and a new Subpart G is added as set out below.

Subpart C—Displaced Employee Program

§ 330.303 Entry of names of displaced employees on special registers.

When there is no appropriate existing register the Commission may establish special registers containing the names of employees applying under § 330.301, together with the names of eligibles described in §§ 330.703, 332.311, and 332.322 of this chapter, and use these registers for certification to fill appropriate vacancies.

Subpart G—Placement Program for Employees' Compensation Beneficiaries

Sec.
330.701 Acceptance of applications.
330.702 Order of entry on registers.
330.703 Entry of names on special registers.

AUTHORITY: The provisions of this Subpart G issued under sec. 6, 80 Stat. 253.

Subpart G—Placement Program for Employees' Compensation Beneficiaries

§ 330.701 Acceptance of applications.

(a) Subject to the conditions published by the Commission in the Federal Personnel Manual, a present or former employee receiving compensation under Subchapter I of Chapter 81 of Title 5, United States Code, who has not served with career or career-conditional tenure may apply for examination by the Commission for any position, except postmaster and rural carrier, for which there is a register established or about to be established under open competitive examination.

(b) Subject to the conditions published by the Commission in the Federal Personnel Manual, a present or former career or career-conditional employee receiving compensation under Subchapter I of Chapter 81 of Title 5, United States Code, may apply for examination for any competitive position, except postmaster and rural carrier, whether the examination is open or there is an existing register or a register about to be established.

§ 330.702 Order of entry on registers.

(a) The Commission shall enter the names of employees applying under § 330.701(a) on the appropriate register in the order provided in § 332.401 of this chapter.

(b) The Commission shall enter the names of employees applying under § 330.701(b) on the appropriate register with the same priority afforded by § 330.302 for displaced employees.

§ 330.703 Entry of names on special registers.

When there is no appropriate existing register the Commission may establish special registers containing the names of employees applying under § 330.701(b), together with the names of eligibles described in §§ 330.303, 332.311, and 332.322 of this chapter, and use these registers for certification to fill appropriate vacancies.

2. Paragraph (b) of § 332.311 and paragraph (c) of § 332.322 are amended as set out below.

§ 332.311 Quarterly examination.

* * * * *

(b) When there is no appropriate existing register, the Commission may establish special registers containing the names of eligibles from the quarterly examinations authorized by paragraph (a) of this section, together with the names of eligibles described in §§ 332.322, 330.303, and 330.703 of this chapter, and use these registers for certification to fill appropriate vacancies.

* * * * *

§ 332.322 Persons who lost eligibility because of military service.

* * * * *

(c) When there is no appropriate existing register, the Commission may establish special registers containing the names of persons entitled to priority of certification under paragraph (b) of this section, together with the names of eligibles described in §§ 332.311, 330.303, and 330.703 of this chapter, and use these registers for certification to fill appropriate vacancies.

(Sec. 6, 80 Stat. 253)

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–2722; Filed, Mar. 10, 1967; 8:48 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 15—NONDISCRIMINATION

Subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964

ASSURANCES REQUIRED

Section 15.4, Subpart A, Part 15, Subtitle A, Title 7, CFR is hereby amended by adding the following new paragraphs (d) and (e) at the end thereof:

§ 15.4 Assurances required.

* * * * * *

(d) *Recipients other than applicants.* Each recipient not required to submit an application for Federal financial assistance, shall furnish, as a condition to the extension of any such assistance, an assurance or statement as is required of applicants under paragraphs (a), (b) (1) and (2) of this section.

(e) *Elementary and secondary schools.* The requirements of paragraphs (a), (b), or (d) of this section with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (2) submits a plan for the desegregation of such school or school system which the U.S. Commissioner of Education determines is adequate to accomplish the purposes of the Act and this part, and provides reasonable assurance that it will carry out such plan; in any case of continuing Federal financial assistance the said Commissioner may reserve the right to redetermine, after such period as may be specified by him, the adequacy of the plan to accomplish the purposes of the Act and this part. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order, including any future modification of such order.

(Sec. 802, 78 Stat. 252, 42 U.S.C. 2000d; and the laws referred to in the appendix)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

Approved: March 7, 1967.

LYNDON B. JOHNSON.

[F.R. Doc. 67–2720; Filed, Mar. 10, 1967; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 4]

PART 775—FEED GRAINS

Subpart—1966 Through 1969 Feed Grain Program Regulations

Correction

In F.R. Doc. 67-1240, appearing at page 2500 of the issue for Tuesday, February 7, 1967, the following corrections are made in the tabular matter of § 775.427(b):

1. Under Illinois:

a. For Peoria County, the entry in the second figure column should read "1.36" instead of "1.37".

b. For Tazewell County, the entry in the second figure column should read "1.37" instead of "1.36".

2. Under Michigan, for Monroe County, the entry in the third figure column should read "48.6" instead of "8.6".

3. Under New Jersey, for Bergen County, the entry in the third figure column should read "50.1" instead of "50.3".

4. Under New York, for Orleans County, there should appear an entry in the fourth figure column reading "1.27".

5. Under South Dakota:

a. For Douglas County, the entry in the fourth figure column should read "1.11" instead of "1.10".

b. For Fall River County, the entry in the fourth figure column should read "1.10" instead of "1.11".

6. Under Wisconsin, for Wood County, the entry in the second figure column should read "1.36".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 129]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.429 Navel Orange Regulation 129.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 9, 1967.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 12, 1967, and ending at 12:01 a.m., P.s.t., March 19, 1967, are hereby fixed as follows:

(i) District 1: 900,000 cartons;

(ii) District 2: 500,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 10, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-2817; Filed, Mar. 10, 1967; 11:29 a.m.]

[Valencia Orange Reg. 190]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.490 Valencia Orange Regulation 190.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 9, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 12, 1967, and ending at 12:01 a.m., P.s.t., March 19, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: Unlimited movement;

(iii) District 3: 125,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 10, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-2818; Filed, Mar. 10, 1967; 11:29 a.m.]

[Lemon Reg. 258]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.558 Lemon Regulation 258.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 7, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 12, 1967, and ending at 12:01 a.m., P.s.t., March 19, 1967, are hereby fixed as follows:

(i) District 1: 11,160 cartons;

(ii) District 2: 174,840 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 801–674)

Dated: March 9, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-2783; Filed, Mar. 10, 1967; 8:48 a.m.]

[Grapefruit Reg. 38]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.338 Grapefruit Regulation 38.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 9, 1967.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., March 13, 1967, and ending at 12:01 a.m., e.s.t., March 20, 1967, is hereby fixed at 250,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 9, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-2784; Filed, Mar. 10, 1967; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.551]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended

to provide a waiver of the passport and visitor visa requirements for participants in the Twelfth Boy Scouts World Jamboree and Twenty-first Boy Scouts World Conference. Section 41.6 is amended by the addition of the following paragraph:

§ 41.6 **Nonimmigrants not required to present passports, visas, or border-crossing identification cards.**

* * * * *

(g) *Participants in Twelfth Boy Scouts World Jamboree and Twenty-first Boy Scouts World Conference.* A visa and a passport shall not be required of a nonimmigrant who is a Boy Scout, Scouter or official whose association is certified by the National Council, Boy Scouts of America, as representing another nation at the Twelfth Boy Scout World Jamboree to be held at Coeur d' Alene, Idaho, from August 1 through 9, 1967, or at the Twenty-first Boy Scouts World Conference to be held at Seattle, Wash., from August 11 through August 17, 1967.

Effective date. The amendment to the regulations contained in this order shall become effective July 1, 1967, and shall expire on August 18, 1967.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

PHILIP B. HEYMANN,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

FEBRUARY 2, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

FEBRUARY 27, 1967.

[F.R. Doc. 67-2708; Filed, Mar. 10, 1967; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waivers

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 212.1 is amended by adding a paragraph (g) to read as follows:

§ 212.1 **Documentary requirements for nonimmigrants.**

* * * * *

(g) *Boy Scouts World Jamboree and Conference participants.* A visa and a passport are not required of a nonimmigrant who is a Boy Scout, Scouter or official whose association is certified by the National Council, Boy Scouts of America, as representing another nation at the Twelfth Boy Scout World Jamboree to be held at Coeur d'Alene, Idaho, from August 1 through 9, 1967, or at the Twenty-first Boy Scouts World Conference to be held at Seattle, Wash., from August 11 through 17, 1967.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective July 1, 1967, and shall expire on August 18, 1967. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making is unnecessary in this instance because the rule prescribed by the order confers benefits on persons affected thereby.

Dated: February 27, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67-2707; Filed, Mar. 10, 1967; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 20,493]

PART 531—STATEMENTS OF POLICY

Addition of Statement of Policy on Collateral for Advances

MARCH 2, 1967.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of stating and codifying its policy with respect to the retention by borrowing members of documents evidencing home mortgages assigned as security for advances from a Federal Home Loan Bank and for the purpose of effecting such publication and such codification hereby amends Part 531 of the regulations for the Federal Home Loan Bank System (12 CFR Part 531) by adding, immediately after § 531.3 a new section, § 531.4, to read as follows:

§ 531.4 **Verification of collateral held by members under trust receipt.**

(a) Documents evidencing home mortgages assigned by a borrowing member to a Federal Home Loan Bank as security for advances may be placed or left with such borrowing member for safekeeping, provided that the Bank obtains from the borrowing member a trust receipt or other agreement. Such documents will be held for the benefit and subject to the direction and control of the lending Bank. Where such a procedure is employed, it is necessary for the loaning Bank to periodically determine that home mortgage loans securing its advances are actually in existence and that any documents held by the borrowing member under a trust receipt are not intermingled with other documents. This periodic determination should be accomplished by a member's auditor at the time of each audit of such member by means of verification and reconcilement of the appropriate records and documents of the Bank and the borrowing member. If a borrowing member is not audited regularly, the verification and reconcilement may be done by representatives of the appropriate supervisory authority in connection with each examination of such member. Notwithstanding the foregoing, verification may be made at any time by a representative of the Bank, and shall be made by such a representative in any instance where verification was not accomplished to the satisfaction of the Bank during the preceding 16-month period.

(b) Verification must be accomplished in accordance with generally accepted auditing standards and must include such tests of the borrowing member's books, records, and documents as may be necessary to provide a reasonable basis for a certification to the loaning Bank by the auditor, examiner, or other person performing the verification and reconcilement that home mortgage loans pledged as security for Bank advances are actually in existence and that loan documents which are held for the Bank by the borrowing member are physically segregated from other loan documents in the possession of such borrowing member. The certification shall be of such type and in such form as the loaning Bank may from time to time prescribe.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 67-2702; Filed, Mar. 10, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 67-EA-19 Amdt. 39-365]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Model F27 Series Airplanes

Failure of the supporting brackets for the stewardess seat assembly on a Fairchild Model F27 series aircraft, during a hard landing, resulted in collapse of the seat assembly and danger to the seat occupant. Subsequent investigation established that the seat assemblies do not meet stress requirements for hard landings. Since the collapse is likely to occur on other aircraft of the same type, an airworthiness directive is being issued to require placarding of such seat assemblies, until they are modified to the satisfaction of FAA.

Since a situation exists that requires adoption of this regulation, it is found that notice and public procedures hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

FAIRCHILD HILLER CORP. Applies to Model F27 Series Airplanes incorporating stewardess seat assembly, Fairchild Drawings No. 27-770633 and 27-770634. Compliance required within the next 50 hours time in service after the effective date of this AD unless already accomplished.

To prevent injury to occupants of stewardess seat assemblies, accomplish the following:

(a) Conspicuously post in the vicinity of the stewardess seat and in full view of the seat occupant a placard reading as follows: "Do not occupy stewardess jump seat during take-off or landing."

(b) The placard required in (a) may be removed when there has been incorporated into the seat assembly a modification approved by the Chief, Engineering & Manufacturing Branch, Eastern Region.

This amendment becomes effective immediately.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on March 2, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-2688; Filed, Mar. 10, 1967; 8:45 a.m.]

[Docket No. CE-67-AD-4; Amdt. 39-368]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Models of Beechcraft Airplanes

Beechcraft Models C18S, AT-11, C-45, C45A, UC-45B, UC-45F, AT-7, AT-7A, AT-7B, AT-7C, JRB-1, JRB-2, JRB-3, JRB-4, SNB-1, SNB-2, SNB-2C, C45G, TC-45G, C45H, TC-45H, TC-45J (SNB-5), JRB-6, D18C, D18CT, and D18S (Serial Nos. A-1, through A-440 inclusive) airplanes with 1,500 hours' or more time in service:

There have been cracks found in the lower spar cap of the outboard wing panel on Beechcraft Model D18C, D18CT, and C45H airplanes. The possible result, if cracks in this area go undetected, is loss of the primary wing structure. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued requiring inspection, using X-ray method or FAA-approved equivalent, and replacement where necessary, of the lower spar caps of the outboard wing panels, Beechcraft Part No. 181410, on Beechcraft Models C18S, AT-11, C-45, C45A, UC-45B, UC-45F, AT-7, AT-7A, AT-7B, AT-7C, JRB-1, JRB-2, JRB-3, JRB-4, SNB-1, SNB-2, SNB-2C, C45G, TC-45G, C45H, TC-45H, TC-45J (SNB-5), JRB-6, D18C, D18CT, and D18S (Serial Nos. A-1 through A-440 inclusive) airplanes with 1,500 hours' or more time in service.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedures Act is not practicable, and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), section 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BEECHCRAFT. Applies to Model C18S, AT-11, C-45, C45A, UC-45B, UC-45F, AT-7, AT-7A, AT-7B, AT-7C, JRB-1, JRB-2, JRB-3, JRB-4, SNB-1, SNB-2, SNB-2C, C45G, TC-45G, C45H, TC-45H TC-45J (SNB-5), JRB-6, D18C, D18CT, and D18S (Serial Nos. A-1 through A-440 inclusive) airplanes with 1500 hours' or more time in service.

Compliance required as indicated.

To detect cracks in the lower spar caps of the outboard wing panels, within the next 25 hours' time in service after the effective date of this AD, unless already accomplished, and thereafter at intervals of not to exceed 500 hours' time in service from the date of the last inspection, accomplish the following:

(a) Inspect, using X-ray method or FAA-approved equivalent, the elliptical lower spar caps of the outboard wing panels at two positions on each wing, one position located between a point 3 inches and a point 10 inches outboard of the center line of the wing hinge fitting, hereinafter referred to as Area 1, and the other position located between a point 14 inches and a point 21 inches outboard of the center line of the wing hinge fitting, hereinafter referred to as Area 2. X-ray inspections of Areas 1 and 2 must be conducted in accordance with MIL-STD-453. To accomplish the X-ray inspections of Areas 1 and 2 on each wing, position the film holder underneath the wing to cover the area being inspected and position the X-ray tube head on top of the wing perpendicular to the lower spar cap and offset from the vertical plane of the spar as necessary to provide good definition of the lower spar cap. For Area 1, tape the penetrameter to the top of the elliptical lower spar cap ½ to 1 inch outboard of the outboard edge of the boss located 7¼ inches from the center line of the hinge fitting. For Area 2, tape the penetrameter to the top of the elliptical lower spar cap ½ to 1 inch inboard of the weld at the intersection of the diagonal 181410-8 tube and the lower spar cap, located approximately 15 inches from the center line of the hinge fitting.

NOTE: X-ray equipment used for the inspection should be capable of penetrating three-eighths inch of steel with 2 percent sensitivity. A sufficient number of X-ray shots should be made of Areas 1 and 2 to provide good definition of the entire periphery of the spar cap elliptical tube. Information regarding X-ray equipment, film, film holders, and subsurface indications on X-rays which may have no structural significance can be obtained from Beechcraft Service Bulletins Nos. 64-15, 64-16, or 64-17.

(b) If cracks are found in either Area 1 or 2, replace with airworthy part prior to further flight.

(c) Operator shall send a completed Form FAA 1226 (Malfunction and Defects Report) to the local FAA GADO if cracks are detected.

This supersedes AD-48-16-1.

This amendment becomes effective upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Kansas City, Mo., on March 7, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-2755; Filed, Mar. 10, 1967; 8:48 a.m.]

[Airspace Docket No. 66-EA-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 11760 of the FEDERAL REGISTER for September 8, 1966, the Federal Aviation Agency published proposed regulations which would alter the Jefferson, Ohio, 700-foot floor transition area.

The proposed regulation intended a single airspace reservation to cover the needs of traffic control in the terminal area of Jefferson, Ohio, above the Ashtabula-Jefferson Airport and Geneva, Ohio, above the Germack Airport. It has been determined that while the same amount of airspace is needed, that area above Germack Airport is needed only between sunrise and sunset. Therefore, the airspace dimensions while remaining the same are split into two separate airspace descriptions. This latter action is thus less restrictive than the proposal and need not be the subject of notice and procedure.

In answer to the proposed regulations, Mr. Woerner, owner of Woerner's Field objected to establishing the transition area over Germack Airport. Woerner Field is adjacent to Germack Airport and Mr. Woerner attests that during VFR operations there are conflictions between the traffic of the respective airports. He concludes that the conflictions will be heightened by the introduction of IFR traffic in the transition area.

The establishment of the instrument approach procedure to Germack Airport requires the establishment of a transition area to protect the approach. Mr. Woerner's objection to the transition area infers the potential violation of Federal Aviation Regulations by VFR and IFR aircraft operating in the same airspace. This Agency cannot derogate its responsibility to protect instrument approaches on such a supposition. Rather, it is assumed that the regulations will be obeyed.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., April 27, 1967, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Jefferson, Ohio, 700-foot floor transition area and insert in lieu thereof the following:

JEFFERSON, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile

radius of the center, 41°45'15" N., 80°46'25" W., of the Ashtabula-Jefferson Airport, Jefferson, Ohio; and within 2 miles each side of the Jefferson, Ohio, VOR 061° radial extending from the 5-mile radius area to 8 miles NE of the VOR.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to establish a Geneva, Ohio, transition area described as follows:

GENEVA, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 41°46'40" N., 80°54'15" W., of Germack Airport, Geneva, Ohio, excluding that airspace that coincides with the Jefferson, Ohio, 700-foot floor transition area. This transition area shall be in effect from sunrise to sunset, daily.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on February 27, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 67-2689; Filed, Mar. 10, 1967; 8:45 a.m.]

[Airspace Docket No. 66-SO-79]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Jackson, Tenn., transition area.

The Jackson transition area is described in § 71.181 (32 F.R. 2148). The portion of the airspace which extends upward from 1,200 feet above the surface is predicated on Federal airways V-11E, V-16, V-16N, and V-140S. Effective May 25, 1967, as specified in Airspace Docket No. 66-SO-64, V-11E between Memphis, Tenn., and Paducah, Ky., will be realigned; V-140S between Dyersburg and Nashville, Tenn., will be revoked; and a new V-16N airway segment between Memphis and Jacks Creek, Tenn., will be designated. Amendment of the transition area to reflect predication on appropriate airway boundaries is required concurrently with these changes.

This action incorporates airspace currently associated with airway segments into the Jackson transition area.

Realignment of the airway structure also eliminates the necessity for the transition area extension predicated on the McKellar VOR 212° radial.

Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the Jackson, Tenn., transition area is amended to read:

JACKSON, TENN.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the McKellar VOR 208° radial, extending from the VOR to 12 miles SW; and that airspace bounded on the N by V-140, on the E and S by V-16N, and on the W by V-11E.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on March 2, 1967.

W. B. RUCKER,
Acting Director, Southern Region.

[F.R. Doc. 67-2690; Filed, Mar. 10, 1967; 8:45 a.m.]

[Airspace Docket No. 67-CE-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Dubuque, Iowa, transition area.

The Dubuque, Iowa, transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N, longitude 90°42'32" W), within 8 miles SW and 5 miles NE of the Dubuque VORTAC 321° radial, extending from the VORTAC to 12 miles NW, and within 8 miles NE and 5 miles SW of the Dubuque 126° radial extending from the VORTAC to 12 miles SE; and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Dubuque VORTAC.

Pursuant to Airspace Docket No. 65-CE-63 (30 F.R. 9781), effective September 16, 1965, the Dubuque, Iowa, transition area was redesignated in order to authorize the Chicago Air Route Traffic Control Center to provide radar vectoring services for aircraft operating to, from, and between Dubuque, Iowa, and Cedar Rapids, Iowa. Pursuant to Airspace Docket No. 66-CE-41 (31 F.R. 15236), effective February 2, 1967, the Dubuque, Iowa, transition area was redesignated to accommodate the relocation of the Dubuque VORTAC to a site on the Dubuque Municipal Airport and to provide controlled airspace protection for aircraft executing prescribed arrival, departure, and holding procedures in the Dubuque terminal area. In the latter redesignation, the controlled airspace necessary to permit the Chicago Air Route Traffic Control Center to perform the above-mentioned radar vectoring services to aircraft was inadvertently omitted.

Since no objections were received as a result of the Administrator's circularization of the proposals contained in Airspace Dockets Nos. 65-CE-63 and 66-CE-41, the omission in Airspace Docket No. 66-CE-41 was unintentional, and reinstatement of the omitted airspace is urgently required in order for Air Traffic Control to provide efficient air traffic radar vectoring services to aircraft operating to, from, and between Dubuque, Iowa, and Cedar Rapids, Iowa, any delay in making this amendment effective will be contrary to the public interest. For these reasons, the Administrator finds that a situation exists requiring immediate action in the public interest and that notice and public procedure hereon are impracticable, and good cause exists for making the amendment effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the Dubuque, Iowa, transition area is amended to read:

DUBUQUE, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.), within 8 miles SW and 5 miles NE of the Dubuque VORTAC 321° radial, extending from the VORTAC to 12 miles NW of the VORTAC, and within 8 miles NE and 5 miles SW of the Dubuque 126° radial extending from the VORTAC to 12 miles SE of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Dubuque VORTAC, and that area bounded on the N by the S edge of V-100, on the E by the W edge of V-63, on the S by the N edge of V-172, on the W by the E edge of V-67, excluding the portions which coincide with the Cedar Rapids, Iowa, and Waterloo, Iowa, transition areas.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on March 3, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-2691; Filed, Mar. 10, 1967; 8:45 a.m.]

[Airspace Docket No. 66-SO-73]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route

On December 20, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 16278) stating that the Federal Aviation Agency (FAA) was considering realignment of Jet Route No. J-71 from Memphis, Tenn., to Centralia, Ill.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The only comment received was favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

Section 75.100 (32 F.R. 2341) is amended as follows:

1. In J-71 "INT of Memphis 354° and Centralia, Ill., 199° radials; Centralia;" is deleted and "Centralia, Ill.;" is substituted therefor.

(Sec 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 6, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-2692; Filed, Mar. 10, 1967; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8720]

PART 13—PROHIBITED TRADE PRACTICES

Angus Freezer Meats, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.85 *Government approval, action, connection or standards.* 13.85–60 Standards, specifications, or source. § 13.155 *Prices.* 13.155–10 Bait. § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1645 *Government standards or specifications.* § 13.1715 *Quality.* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719; as amended, 15 U.S.C. 45.) [Cease and desist order, Angus Freezer Meats, Inc., Trading As Black Angus Freezer Meats, etc., Washington, D.C., Docket 8720, Feb. 16, 1967]

In the Matter of Angus Freezer Meats, Inc., a Corporation, Trading as Black Angus Freezer Meats, Steakland Freezer Meats, Inc., a Corporation, Black Angus Freezer Meats of Virginia, Inc., a Corporation, and David W. Ewing, Individually and as an Officer of Said Corporations

Order requiring three affiliated meat dealers of Washington, D.C., Philadelphia, Pa., and Norfolk, Va., to cease using bait advertising, misrepresenting the grade and quality of their meat, falsely representing that their products are graded by the U.S. Department of Agriculture, and making other deceptive claims.

The order to cease and desist is as follows:

It is ordered, That respondents Angus Freezer Meats, Inc., a corporation trading as Black Angus Freezer Meats, or under any other name or names, and its officers; Steakland Freezer Meats, Inc., a corporation, and its officers; Black Angus Freezer Meats of Virginia, Inc., a corporation, and its officers; and David W. Ewing, individually and as an officer of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of beef or other meat products, do forthwith cease and desist from:

A. Disseminating, or causing the dissemination of, any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

1. That any such products are offered for sale when such offer is not a bona fide offer to sell such products at the price or prices stated.

2. That beef offered at 29, 31, or 33 cents per pound, or at any other comparatively low price per pound, is "choice" or top quality meat; or that such beef has been so graded by the U.S. Department of Agriculture.

3. That the beef offered at the prices aforesaid consists primarily of sirloin, T-bone, roasts, porterhouse, or other top quality cuts of meat.

4. That the beef offered for sale comes entirely or primarily from the Black Angus breed of cattle: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted under paragraphs 2, 3, or 4 of section A of this order for respondents to establish that the advertised beef conforms to the representations made.

5. That the beef or meat products offered for sale will be cut and trimmed at the convenience of the purchaser: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that they in fact comply with such representation.

B. Disseminating, or causing the dissemination of, any advertisement by means of the U.S. mails or by any means in commerce, as "commerce", is defined in the Federal Trade Commission Act, which advertisement misrepresents in any manner the quality or grade of any beef or other meat product.

C. Discouraging the purchase of, or disparaging in any manner, any products which are advertised or offered for sale in advertisements disseminated or caused to be disseminated in commerce as "commerce" is defined in the Federal Trade Commission Act.

D. Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondents' products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs A and B above.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That Angus Freezer Meats, Inc., a corporation, trading as Black Angus Freezer Meats; Steakland Freezer Meats, Inc., a corporation; Black Angus Freezer Meats of Virginia, Inc., a corporation; and David W. Ewing, individually and as an officer of said corporations, shall within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: February 16, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-2696; Filed, Mar. 10, 1967; 8:45 a.m.]

[Docket No. C-1173]

PART 13—PROHIBITED TRADE PRACTICES

Custom Carpet Shop of Virginia and Floyd H. Charsky

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods.* 13.30–75 Textile Fiber Products Identification Act. § 13.73 *Formal regulatory and statutory requirements.* 13.73–90 Textile Fiber Products Identification Act. § 13.155 *Prices.* 13.155–40 Exaggerated as regular and customary. 13.155–70 Percentage savings. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely.* 13.1108–80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition.* 13.1185–80 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Goods. § 13.1747 *Special or limited offers.* Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary.* § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition.* 13.1845–70 Textile Fiber Products Identification Act. § 13.1852 *Formal regulatory and statutory requirements.* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Custom Carpet Shop of Virginia et al., Arlington, Va., Docket C-1173, Feb. 17, 1967]

Consent order requiring an Arlington, Va., carpet dealer to cease making deceptive pricing and savings claims, misbranding the fiber content, and falsely advertising its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Custom Carpet Shop of Virginia, a corporation, and its officers, and Floyd H. Charsky, individually and as an officer of the said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device in connection with the advertising, offering for sale, sale, or distribution of rugs, carpets, floor coverings, or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, by use of the words "Sale," "Clearance," "special event," "factory closeout," "limited time only," or any other word or words of similar import that the price of any merchandise is a reduction from respondents' former offering price for said merchandise: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for the respondents to establish that the price at which said merchandise is being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless,

from the actual bona fide price at which such merchandise was offered to the public on a regular basis by respondents for a reasonably substantial period of time in the recent regular course of their business;

2. Representing, directly or by implication, that any offer is limited in point of time or in any manner: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for the respondents to establish that any represented limitation or restriction was actually imposed and in good faith adhered to;

3. Using the words "Save," "Savings," "reduced," or any other word or words of similar import in conjunction with a stated dollar or percentage amount of savings: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for the respondents to establish as a fact that the stated dollar or percentage amount of savings actually represents the difference between the offering price and the actual bona fide price at which such merchandise had been sold or offered for sale on a regular basis to the public by the respondents for a reasonably substantial period of time in the recent regular course of their business;

4. Using the words "Regular," "Reg," or any other word or words of similar import to refer to any amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent regular course of their business; or otherwise misrepresenting the price at which such merchandise has been sold or offered for sale by respondents;

5. Using the words "Special Package," "Package," "Combination," or any other word or words of similar import, either alone or in conjunction with an offering price: *Provided, however,* that it shall be a defense in any enforcement proceeding instituted hereunder for the respondents to establish that the offering price of said "Special Package," "Package," or "Combination" is a reduction, not so insignificant as to be meaningless, from the sum of the actual bona fide prices at which the items of the said package or combination were sold separately by the respondents on a regular basis for a reasonably substantial period of time in the recent regular course of their business;

6. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' merchandise; or misrepresenting in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

It is further ordered, That respondents Custom Carpet Shop of Virginia, a corporation, and its officers, and Floyd H. Charsky, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce, or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such textile fiber products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, directly or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, in the manner and form required, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Setting forth information required under section 4(c) of the Textile Fiber Products Identification Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth, in disclosing the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile, or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

4. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

5. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber in plainly legible and conspicuous type.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: February 17, 1967.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-2697; Filed, Mar. 10, 1967; 8:46 a.m.]

[Docket No. 8702]

PART 13—PROHIBITED TRADE PRACTICES

Empeco Corp. et al.

Subpart—Advertising falsely or misleading: § 13.75 *Free goods or service.* § 13.155 *Prices.* 13.155–5 Additional charges unmentioned. 13.155–40 Exaggerated as regular and customary. § 13.260 *Terms and conditions.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services.* § 13.1760 *Terms and conditions.* Misrepresenting oneself and goods—Prices: § 13.1778 *Additional costs unmentioned.* § 13.1805 *Exaggerated as regular and customary.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.* § 13.1882 *Prices.* § 13.1905 Terms and conditions. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2013 *Offers deceptively made and evaded.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, The Empeco Corp. et al., Washington, D.C., Docket 8702, Feb. 14, 1967]

In the Matter of The Empeco Corp., a Corporation, Doing Business as Empire Furniture and Appliance Co. and as Empire Home Equipment Co., and Allen C. Baverman, Individually and as an Officer of Said Corporation

Order requiring a Washington, D.C., furniture and appliance retailer to cease using various deceptive practices to induce its customers to sign sale contracts, making fictitious value claims, using deceptive offers of "free" merchandise, failing to disclose interest and other charges, and offering used articles as new.

The order to cease and desist is as follows:

It is ordered, That respondents The Empeco Corp., a corporation, doing business as Empire Furniture and Appliance Co. or as Empire Home Equipment Co., or under any other name, and its officers, and Allen C. Baverman, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of television sets, phonographs, household furniture, electrical appliances, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents sell their merchandise with "No money down," or that respondents sell their merchandise without requiring a down payment or trade-in.

2. Representing, directly or by implication, that respondents arrange credit or installment payments as low as $2 weekly, or otherwise misrepresenting the amount of weekly or monthly credit or installment payments permitted or required by respondents.

3. Representing, directly or by implication, that any amount is the "worth" or the value of merchandise given with or included in the purchase of specified merchandise, unless substantial sales of such merchandise have been made in the recent regular course of business in the trade area where such representations are made at or in excess of the specified amount.

4. Representing, directly or by implication, that respondents give free or without cost, a watch, or any other article of merchandise, to callers who ultimately purchase respondents' merchandise.

5. Inducing or causing purchasers or prospective purchasers of respondents' merchandise to sign blank or partially completed conditional sale contracts, or any other contractual instruments.

6. Inserting or changing any prices or any other charges in contracts or other instruments, unless such prices or other charges were agreed upon or understood by the purchaser, and unless such insertions or changes were with the written permission of the purchaser or were initialed by the purchaser on the changed instrument.

7. Inducing or causing purchasers or prospective purchasers of respondents' merchandise to execute conditional sale contracts, promissory notes, or any other instruments by falsely representing that such contracts, notes, or other instruments are receipts acknowledging that merchandise has been placed in the purchaser's home for demonstration or approval purposes; or otherwise inducing or causing purchasers or prospective purchasers to execute conditional sale contracts, promissory notes, or any other instruments by misrepresenting the true nature or effect of such documents.

8. Failing or refusing to disclose the exact amount of the total purchase price of merchandise, including all interest, credit, or service charges, at the time the contract for the sale of such merchandise is executed by the purchaser or purchasers.

9. Inducing or causing a purchaser of respondents' merchandise to fabricate or simulate the signature of an absent member of the household, or any other person, upon a conditional sale contract or any other instrument.

10. Failing or refusing prior to execution thereof to disclose orally, and in writing with such conspicuousness and clarity as likely to be observed and read by purchasers and prospective purchasers, that the conditional sale contract and promissory note executed by such purchaser may at the option of respondents be negotiated or assigned to a finance company or other party to which the purchaser will be indebted.

11. Failing or refusing to supply purchasers of respondents' merchandise with a copy of the executed conditional sale contract, promissory note, or other agreement at the time of execution by the purchaser.

12. Representing, directly or by implication, that used merchandise is new; or selling any used merchandise which simulates or has the appearance of new merchandise without disclosing before consummation of the sale that such merchandise is used by conspicuously marking "used" on all written sales instruments, including invoices and sales contracts.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That respondents The Empeco Corp., a corporation, doing business as Empire Furniture and Appliance Co. or as Empire Home Equipment Co., or under any other name, and Allen C. Baverman, individually and as an officer of said corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: February 14, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-2698; Filed, Mar. 10, 1967; 8:46 a.m.]

[Docket No. C-1172]

PART 13—PROHIBITED TRADE PRACTICES

Groval Knitted Fabrics, Inc., and Fred Alcott

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act. § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Groval Knitted Fabrics, Inc., et al., New York, N.Y., Docket C-1172, Feb. 17, 1967]

In the Matter of Groval Knitted Fabrics, Inc., a Corporation, and Fred Alcott, Individually and as an Officer of the Said Corporation

Consent order requiring a New York City jobber of piece goods which also operates a dyeing and finishing plant in Manchester, N.H., to cease misrepresenting the fiber content of its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Groval Knitted Fabrics, Inc., and its officers, and Fred Alcott, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 17, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-2699; Filed, Mar. 10, 1967; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 395—PLAN OF OPERATION DURING A NATIONAL EMERGENCY

Fiscal Functions

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, as amended; 45 U.S.C. 228j), and section 12 of the act of June 25, 1938 (52 Stat. 1107, as amended; 45 U.S.C. 362), § 395.6(b) (2) and (3) of Part 395 of the Regulations under such acts are amended by Board Order 67–29, dated March 1, 1967, as follows:

§ 395.6 Personnel, fiscal, and service functions.

* * * * * *

(b) *Fiscal.* * * *

(2) In a national emergency, incumbents of the following positions are hereby authorized to appoint emergency certifying officers:

Chief Executive Officer.
Director, Office of Budget and Fiscal Operations.
Director, Bureau of Retirement Claims.
Director, Bureau of Unemployment and Sickness Insurance.
Regional Directors, or
Deputy Regional Directors.

• • • • •

(3) In a national emergency, incumbents of the following positions are designated as emergency cashiers and are authorized to receive and disburse cash for emergency administrative needs of the Board:

Cashiers	*Alternates*
Chairman of the Board.	Director, Bureau of Retirement Claims. Director, Bureau of Unemployment and Sickness Insurance.
Management Member of the Board.	Labor Member of the Board. Director, Office of Budget and Fiscal Operations.
Chief Executive Officer.	None.
Regional Director:	
Atlanta	Deputy Regional Director.
New York	Do.
Cleveland	Do.
Chicago	Do.
Dallas	Do.
Kansas City	Do.
San Francisco	Do.
District Manager:	
Seattle	Occupant of Position No. 7751–26.

• • • • •

Dated: March 7, 1967.

By Authority of the Board.

LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 67–2715; Filed, Mar. 10, 1967; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

PART 1001—GENERAL PROVISIONS

1. In § 1001.1306, paragraph (c) is revised to read as follows:

Subpart M—Transportation

§ 1001.1306 Consignment and marking instructions.

• • • • •

(c) The contract, purchase order, or delivery order number will be made a part of each shipping address as shown in the sample below. This will expedite identification of shipments received by a consignee:

Transportation Officer, MOAMA (MOST), Marked for: AFD 2010 FSC 6740, F33601–67–C–1001, Brookley AFB, Ala. 36615.

• • • • •

PART 1003—PROCUREMENT BY NEGOTIATION

2. In § 1003.215–51, paragraphs 2 and 4 of the clause are revised; § 1003.250 is deleted; §§ 1003.605–3, 1003.605–7, and 1003.605–8 are added; in § 1003.607–2, paragraph (a)(1)(iv) is revised and paragraph (c)(2)(vii) is deleted; in § 1003.607–4, paragraph (f) is deleted; § 1003.608–2 is deleted; Subpart H is revised; and Subpart T is deleted. These sections now read as follows:

Subpart B—Circumstances Permitting Negotiation

§ 1003.215–51 Format.

• • • • •

DEPARTMENT OF THE AIR FORCE

INDIVIDUAL DETERMINATIONS AND FINDINGS

Authority To Negotiate Contract

• • • • •

2. I hereby find that the proposed procurement was solicited by advertising under Invitation for Bid F17600–67–B–1001, August 1, 1967. The only bid received offered a lump price of $268,660 for basic bid and $244,660 for alternate bid, which were considerably higher than the estimated project price. This difference is considered excessive as it exceeds the highest project estimated price by over $100,000.

• • • • •

4. Upon the basis of the determinations and findings above, I hereby authorize the negotiation of a contract for this procurement pursuant to 10 U.S.C. 2304(a)(15), provided that prior notice of intention to negotiate, and a reasonable opportunity to negotiate, be given to each responsible bidder who submitted a bid in response to the invitation for bids, the negotiated prices be lower than the lowest rejected bids of a responsible bidder, as determined above, and the negotiated prices be the lowest negotiated prices offered by a responsible contractor.

§ 1003.250 Citation of law. [Deleted]

Subpart F—Small Purchases

§ 1003.605–3 Establishment of blanket purchase agreements.

(a) through (c) No implementation.

(d) *Accounting data.* The accounting and finance office will be furnished information on obligation of funds by one of the following methods:

(1) A copy of AFPI Form 3F, Blanket Purchase Agreement Call Register, or mechanically prepared registers showing the totals of the appropriations obligated and signed by the contracting officer will be furnished at the end of each month.

(2) Where the procurement office uses DD Form 250, DD Form 1155, or informal correspondence as a call document a copy of the document may be signed by the contracting officer and furnished daily or periodically during the month.

(3) When DD Form 1348–1 is used as a record of the call, sufficient copies will be furnished to supply to record the obligation in the computer.

(e) No implementation.

(f) *Description of agreement.* When the BPA is limited to specific items on a price list, include a statement that the supplier will furnish firm price lists periodically as required by the contracting officer.

§ 1003.605–7 Review procedures.

The contracting officer or his designated representative will review the BPA files at least semiannually to assure that authorized procedures are being followed and that calls are placed according to the terms of the BPA and applicable price lists.

§ 1003.605–8 Prepriced BPA's.

Responsibility for the function of placing calls against BPA's rests with the procurement office. Nevertheless, decentralization of this function is permitted with certain requiring activities when prepriced BPA's are used. Individuals assigned to the commissary, hospital, service academy cadet stores, research laboratories, or isolated off-base activities, only, may be authorized to place calls against prepriced BPA's under the following conditions:

(a) The contracting officer will establish firm unit prices by negotiating prices or price lists for specific periods of time from each BPA holder. Where multiple BPA's are utilized for the same items, the contracting officer will determine whether prices are fair and reasonable and notify the requiring activity of the items to be ordered from each BPA holder. Price lists will be obtained in duplicate, the original retained in the original BPA file and the duplicate forwarded to the activity designated to place calls. The duplicate will identify the items to be purchased from the price list by means of check marks circling item numbers, or ruling out inapplicable items. It will also be stamped or marked "Approved" and signed by the contracting officer. When the items required are only available from a sole source, a sole source justification by the contracting officer will be placed in the BPA file to justify all calls made in excess of $250.

(b) The requiring activity will place calls only against the approved price lists. If it becomes necessary to order items from other than those items previously cleared on the approved price list because of delivery or other reasons, the call will be approved verbally by the contracting officer and the requiring activity will document the call file to justify this action. Requiring activities will not negotiate or solicit prices. Requests for items not on a price list will be submitted to the contracting officer for separate procurement action or addition of the item to the price list. Records of calls will be maintained as required by the contracting officer for control of funds and procurement reports. Any problems with BPA holders will be referred to the contracting officer for necessary action.

§ 1003.607–2 Establishment of imprest funds.

(a)(1) • • •

(iv) Research laboratories or highly technical functions subject to prior written approval of the major command of the host base.

• • • • •

(c) • • •

(2) • • •

(vii) [Deleted]

• • • • •

§ 1003.607–4 Procedures.

• • • • •

(f) [Deleted]

§ 1003.608–2 Order for supplies or services (DD Forms 1155, 1155r, 1155c, 1155c–1, and 1155s). [Deleted]

Subpart H—Price Negotiation Policies and Techniques

Sec.

1003.807–6 Refusal to provide cost or pricing data.
1003.850 Special pricing instructions.
1003.850–2 Prenegotiation conferences and briefings.
1003.850–3 Pricing of fixed-price type maintenance, overhaul, and modification contracts.
1003.850–4 Savings clauses.

AUTHORITY: The provisions of this Subpart H issued under sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012; 2301–2314.

Subpart H—Price Negotiation Policies and Techniques

§ 1003.807–6 Refusal to provide cost or pricing data.

When the situation described in Subchapter A, Chapter I of this title applies and the contracting officer and the commander of the local activity have exhausted all means available to them to secure the required data, the case will be referred to AFSC (SCKPF) or AFLC (MCPPP), as appropriate. Referral will include the following information in the sequence listed.

(a) Contract, RFP or Purchase Request No., including Supplemental Agreement No., if applicable.

(b) A concise description of supplies or services being procured.

(c) Any outside influences and the time pressures affecting the procurement.

(d) Complete name and location of the company.

(e) Complete description of the data (§ 3.807–3 of this title) the contractor refuses to submit.

(f) List of previous procurements including contractor, contract No., quantities, performance dates, and basis of award for each.

(g) Information required by § 3.807–6(a) of this title. This will include the names and titles of the contractor personnel contacted and the Government personnel making the contact. This will also include an explanation of the company's position; i.e., basis for refusal to furnish cost or pricing data, and the submission of pertinent company correspondence. Special attention should be given to local activity commander's action to resolve the problem.

(h) Information required by § 3.807–6(b) of this title.

(i) Information required by § 3.807–6(c) of this title.

(j) Information required by § 3.807–6(d) of this title.

(k) Summary statement as to the nature of approval action being requested.

§ 1003.850 Special pricing instructions.

§ 1003.850–2 Prenegotiation conferences and briefings.

(a) When, in any procurement cycle, a meeting is held with the contractor to reach agreement upon terms and conditions of a proposed contract or upon adjusted price on an existing contract, meeting will be preceded by a prenegotiation conference of Government's negotiating team. Purpose of this meeting will be to: (1) Discuss proposal in detail to achieve full understanding, (2) to express opinions and discuss problems that have developed during review and analysis of proposal, and (3) to determine unified negotiation objectives and a course of action to be followed during conference with contractor.

(b) Those to whom the authority to manually approve contracts has been delegated (§ 1001.455 of this subchapter) by the Director of Procurement and Production, Hq AFLC, or the Deputy Chief of Staff, Procurement and Production, Hq AFSC, will establish a system for briefings by AF negotiating team after negotiation objectives have been firmed but before conclusion of negotiation conference.

(c) Although the basic requirement for prenegotiation reviews is established within paragraph (b) of this section, detailed procedures will be determined locally. Briefings are considered appropriate in the following situations:

(1) A new contract follows contract(s) where contractor's performance has been unsatisfactory.

(2) A new procurement substantially increases a contractor's annual sales and production volume.

(3) Costs have increased susbtantially beyond those originally estimated.

(4) Items procured have performed poorly and required modification and retrofit.

(5) Performance indicates justification for additional or reduced profit.

(6) The procurement obligates a significant portion of the organization's budget.

§ 1003.850–3 Pricing of fixed-price type maintenance, overhaul, and modification contracts.

(a) In those maintenance, overhaul, and modification contracts where services and indirect materials are procured on a fixed-price basis and it is agreed that contractor will furnish, as needed, certain direct materials and parts on a cost-reimbursement basis, profit consideration in the fixed price portion will represent reasonable reward for the total contract effort. Subsequent reimbursement for contractor-furnished direct materials or parts will be limited to direct material costs. Reasonable and allocable material handling costs may be included in the charge for direct materials at cost to the extent they are clearly excluded from the fixed price for services and indirect materials. (See § 1007.4503–3(b)(1) of this subchapter for contract clause and § 15.205–22(e) of this title for discussion of pricing intercompany sales or transfers of materials.)

(b) In sole source procurements and procurements where manufacturer of item being repaired is quoting in competition with contractors who must procure parts from the manufacturer to perform, exception to procedure outlined in paragraph (a) of this section is appropriate if review and negotiation reveals that compliance would prohibit an award at lowest overall price to Government, all factors considered. Under these conditions only, it may be agreed in advance to reimburse contractor at a later date for costs and, in addition, for profit considerations applicable to furnishing direct materials and parts. However, in multiple source situation described, all sources must first be given an opportunity to requote on revised basis. Whenever such prospective agreement is reached, the contract must reflect the intent of both parties.

(c) Paragraph (a) of this section does not apply to contract changes authorizing the contractor to procure or fabricate direct materials or parts that were previously designated as Government-furnished. Such a change increases contract scope originally contemplated and payment of additional profit is appropriate.

§ 1003.850–4 Savings clauses.

Contractual savings clauses identify specific cost elements not considered in negotiating price or estimated cost, but which may be recognized at some future date. Subsequent recoupment will be limited to costs only and all savings clauses will include a statement to this effect.

Subpart T—Repricing of Fixed-Price Contracts Providing for Price Determination or Incentive Revision of Price, and Reporting of Cost and Price Data [Deleted]

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

3. Subpart A is deleted; in § 1004.302–50, the material in subparagraph (3) of paragraph (b) is deleted; and § 1104.2103 is revised as follows:

Subpart A—Procurement of Construction [Deleted]

Subpart C—Contracts for Preparation of Household Goods for Shipment, Government Storage and Related Services

§ 1004.302–50 BDO procedure.

• • • • •

(b) • • •

(3) [Deleted]

• • • • • •

Subpart U—DOD Non Temporary Storage Contracts

§ 1004.2103 Switching or trackage agreements and delivery orders for packing and crating services.

The warrant of the contracting officer located in the transportation office pursuant to § 1004.2102(a) may include authority to: (a) Execute switching agreements according to paragraph 102011C and appendix IX, AFM 75–2, and (b) place calls and execute delivery orders on DD Form 1155 for packing and crating services against existing requirements contracts.

PART 1007—CONTRACT CLAUSES

4. Section 1007.3706 is revised; in § 1007.3706–3, the clause in paragraph (a) is revised; in § 1007.3706–4, paragraph (a) of the clause is revised; §§ 1007.4015 and 1007.4016 are revised; § 1007.4021 is deleted; and in § 1007.4048, paragraph (d) of the clause in paragraph (a) is revised. These sections now read as follows:

Subpart KK—Clauses and Arrangements for Negotiated Utility Service Contracts

§ 1007.3706 Required clauses and arrangements; contracts for more than $2,400.

The following clauses and provisions will be inserted in all negotiated utility service contracts which involve a connection charge, termination charge, or are for an estimated annual cost of more than $2,400, or both. In addition to the requirements for approval in § 1001.455 of this subchapter, utility service contracts for a period "extending beyond the current fiscal year" submitted for approval as specified in § 1001.461 of this subchapter. See AFR 91–5 (Utility Services) for administrative procedures for review of utility service contracts.

§ 1007.3706–3 Rates for service.

(a) • • •

RATES FOR SERVICE (OCTOBER 1960)

Rates established under this contract shall be subject to regulation in the manner and to the extent prescribed by law by any Federal, State, or local regulatory agency having jurisdiction. The Contractor agrees to give the Contracting Officer written notice of the filing of an application for rate changes concurrently with the filing of the application. Such notice shall fully describe proposed rate change. If during the term of this contract the public regulatory agency having jurisdiction approves rates that are higher or rates that are lower than those stipulated herein, for customers with similar conditions of service or of the same service classification, the Contractor agrees to continue to furnish service as stipulated in this contract and the Government agrees to pay for such service at the higher or lower rates from after the date when such rates are made effective. In the event that the regulatory agency promulgates any regulation concerning other than rates which affect this contract, the Contractor shall immediately notify the Contracting Officer. The Government shall not be bound to accept any new regulation inconsistent with Federal laws or regulations.

• • • • • •

§ 1007.3706–4 Application of most favorable rates.

(OCTOBER 1960)

(a) The Contractor hereby declares that the rates applicable to the service furnished under this contract are not in excess of the lowest rates available to any prospective customer under similar conditions of the same classification and agrees that during the life of this contract the Government shall continue to be billed at the lowest available rate for similar conditions of service.

• • • • • •

Subpart NN—Special Clauses

§ 1007.4015 Dimensional control requirements for equipment.

Any fixed price contract which calls for delivery of supplies may include the following clause.

DIMENSIONAL CONTROL REQUIREMENTS FOR EQUIPMENT (DECEMBER 1966)

The Contractor in the dimensional control of the articles to be inspected under this contract is required to use any jigs, fixtures and other positioning devices and appliances such as numerically controlled manufacturing or inspection equipment which are essential for the fabrication and inspection of the articles. Such jigs, fixtures or other devices may be of a temporary nature for experimental type articles but shall be adequate to maintain the dimensions called for in the applicable drawing and for the quantity specified.

§ 1007.4016 Approved airfields.

In fixed-price contracts for aircraft requiring flyaway, the following clause may be included.

APPROVED AIRFIELDS (DECEMBER 1966)

Unless otherwise provided herein, any airfield or fields [or heliports] to be used by the contractor or the Government for flight acceptance of aircraft in accordance with the provisions of this contract must meet minimum standards which will insure the safe operation of the aircraft in accordance with the applicable flight manual and must be approved in writing by the Government.

§ 1007.4021 Production sample test. [Deleted]

§ 1007.4048 Safety precautions for all types of dangerous materials.

(a) • • •

SAFETY PRECAUTIONS FOR DANGEROUS MATERIALS (NOVEMBER 1964)

• • • • •

(d) Insofar as applicable to contract or subcontract work or services hereunder, requirements of the following exhibits are hereby invoked: MIL–STDs 129D, to the extent called out by MIL–L–9931, 130B to the extent called out by MIL–L–9931, 444 and 709; MIL–STD–1167, MIL–STD–1168, and MIL–L–9931; AF to 11A–1–47; ICC Regulations T. C. George's Tariff No. 19; Freund's Tariff No. 12, Motor Carrier Explosives and Dangerous Articles Tariff; Restricted Articles Tariff No. 6D (including ATB No. 37 and CAB No. 82); U.S. Coast Guard Regulations and Federal Aviation Agency Regulations.

• • • • •

PART 1013—GOVERNMENT PROPERTY

5. In § 1013.2103–4, the notation in paragraph (b)(4) is changed to read as follows:

Subpart U—Adjustment of Discrepancies Incident to the Shipment of Government Property

§ 1013.2103–4 Reply to AF Form 672.

• • • • •

(b) • • •

(4) • • •

Shipped for ----------
(Repair, rework, modification, replacement, etc.)

at no cost to the Government. Rejection No. F33600–67–C–0001–R1.

• • • • •

PART 1016—PROCUREMENT FORMS

Subpart B—Forms for Negotiated Procurement

§ 1016.202 [Amended]

6. In § 1016.202, the parenthetical reference in the last line is changed to read "(13 CFR 121.3–8)."

7. A new paragraph (c) is added to § 1016.207–50, and § 1016.207–56 is revised to read as follows:

§ 1016.207–50 Price redetermination forms (AFPI Forms 4A and 4B).

• • • • •

(c) AFPI Form 4C, "Report of Incentive Contracts Workload and Delinquent Incentive Contracts."

§ 1016.207–56 Request for price analysis (AFPI Form 4).

AFPI Form 4 may be used in submitting requests for specialized cost assistance (see § 3.801–2 of this title).

PART 1054—CONTRACT ADMINISTRATION

8. In § 1054.3004, paragraph (a)(3)(iii) is revised to read as follows:

Subpart DD—Administration of Base Procurement Contracts

§ 1054.3004 Contract administration procedures.

(a) • • •

(3) • • •

(iii) Action against habitual delinquent contractors involving other supply contracts and delivery orders will be essentially as outlined in subdivision (ii) of this subparagraph to establish conclusive evidence of habitual delinquency and then consideration will be given to possible debarment action pursuant to § 1.604 of this title and § 1001.604 of this subchapter.

• • • • • •

(Sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314)

[AFPI Revision No. 73, Dec. 29, 1966]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67–2687; Filed, Mar. 10, 1967; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Educational Assistance

1. In § 21.3032(a), subparagraph (3) is amended to read as follows:

§ 21.3032 Time limits.

(a) *Completion of claim.* • • •

(3) *Reopening.* Where an application has been considered abandoned under subparagraph (2) of this paragraph, any subsequent communication from the parent, guardian or eligible person requesting a program of education will be considered a new application. The date of receipt of such later communication will be considered the date of application. Educational assistance or special restorative training allowance may not be paid, however, for any period prior to the date the eligible person reports for counseling.

• • • • •

2. In § 21.4135, paragraph (n) is amended and paragraph (u) is added to read as follows:

§ 21.4135 Discontinuance dates.

• • • • •

(n) *Active duty (§§ 21.4136(c) and 21.3042).* Day before entrance on active duty. (Does not apply to brief periods of active duty for training if school permits such absence without interruption of training; however, where course does not lead to standard college degree, the absence must be reported as required by § 21.4205.)

• • • • •

(u) *Except as otherwise provided.* On basis of facts found.

3. In § 21.4200, paragraph (b) is amended to read as follows:

§ 21.4200 Definition.

• • • • •

(b) *Divisions of the school year.* (1) "Ordinary school year," a period of 2 semesters or 3 quarters which is not less than 30 nor more than 39 weeks in total length.

(2) "Term," any regularly established division of the ordinary school year under which the school operates.

(3) "Quarter," a division of the ordinary school year, usually a period from 10 to 13 weeks long.

(4) "Semester," a division of the ordinary school year, usually a period from 15 to 19 weeks long.

(5) "Summer quarter," (term or session), the whole of the summer period of instruction specified for the course in which the veteran or eligible person is enrolled, without regard to any divisions of such a period which may be made by the institution for administrative or other purposes.

4. In § 21.4233(b), subparagraphs (1) and (2) are amended to read as follows:

§ 21.4233 Combination.

• • • • •

(b) *Concurrent enrollment.* • • •

(1) Where the standards for measurement of the course pursued concurrently in the two schools are different, the extent of the course will be determined by converting the measurement of courses in the second school to its equivalent in value to the measurement required for full-time courses in the primary institution; e.g., school courses on a clock-hour basis converted to its equivalent in value to semester hours of credit will be 0.56 semester credits (14÷25) or 0.46 semester credits (14÷30), as applicable, for each clock hour of attendance.

(2) Periodic certifications of training will be required from the veteran and each of the schools where concurrent enrollment is approved in a course which does not lead to a standard college degree (see §§ 21.4203 and 21.4204).

• • • • •

5. In § 21.4252, paragraph (a) is amended to read as follows:

§ 21.4252 Courses precluded.

(a) *Bartending, dancing, and personality development.* Enrollment will not be approved in any bartending, dancing, or personality development course. The prohibition against approval of a dancing course is applicable to ballroom dancing and other avocational or recreational courses. It does not, however, preclude approval of a dancing course which is pursued in connection with and is a minor part of a physical education or dramatic arts program in an institution of higher learning.

• • • • •

6. In § 21.4253(f), the introductory portion immediately preceding subparagraph (1) is amended to read as follows:

§ 21.4253 Accredited courses.

• • • • •

(f) *Business schools.* Any business course in a 1- or 2-year business school approved by the State approving agency will be accepted as an accredited course when all of the following conditions are met:

• • • • •

7. In § 21.4258, paragraph (b) is added to read as follows:

§ 21.4258 Notice of approval.

• • • • •

(b) For institutions of higher learning, the letter of approval may identify approved courses and subjects by reference to page numbers in the school catalog or bulletin in lieu of a listing by name as required in paragraph (a)(4) of this section.

8. In § 21.4260(b), subparagraph (1) is amended to read as follows:

§ 21.4260 Courses in foreign countries.

• • • • •

(b) *Chapter 35.* • • •

(1) The subjects to be taken at the foreign school are an integral part of and fully creditable toward the satisfactory completion of an approved course in which the eligible person is enrolled in an institution of higher learning (hereafter in this paragraph referred to as his principal school) which is located in a State or in the Republic of the Philippines.

• • • • •

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: March 6, 1967.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 67–2705; Filed, Mar. 10, 1967; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Contracts and Subcontracts Utilizing Enriched Uranium (Nonsection 53)

1. Section 9–4.000–50, *Policy, AEC contractors,* is revised to read as follows:

§ 9–4.000–50 Policy, AEC contractors.

The following portions of this part constitute specific provisions which the contracting officer shall bring to the attention of AEC contractors, where applicable, for appropriate action.

Section or subpart	*Subject*
AECPR:	
9–4.5008	"Representation" for use in subcontracts and purchase orders and prime contractor holding statutory indemnity agreement.
9–4.54	Contracts and Subcontracts Utilizing Enriched Uranium (nonsection 53).

2. The following subpart is added:

Subpart 9–4.54—Contracts and Subcontracts Utilizing Enriched Uranium (Nonsection 53)

Sec.

9–4.5400	Scope of subpart.
9–4.5401	Use of supply agreement.
9–4.5402	Contract article covering enriched uranium.
9–4.5403	Invitations for bids and requests for proposals.
9–4.5404	Contracts and subcontracts for fabrication, conversion, and scrap recovery.

AUTHORITY: The provisions of this Subpart 9–4.54 issued under sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

Subpart 9–4.54—Contracts and Subcontracts Utilizing Enriched Uranium (Nonsection 53)

§ 9–4.5400 Scope of subpart.

This subpart sets forth the policies and procedures of the Atomic Energy Commission for furnishing enriched uranium under a supply agreement for use under AEC fixed-price contracts or subcontracts in any tier (when the contractor or subcontractor is licensed by AEC to possess and use the enriched uranium), which call for the production of enriched uranium products, including fabrication and conversion, for Government use. This subpart also sets forth policies limiting the use of cost-type contracts and subcontracts (where all higher-tier arrangements are cost-type) for such purposes, as well as for scrap recovery services.

§ 9–4.5401 Use of supply agreement.

(a) Enriched uranium (nonsection 53) shall be furnished under AEC fixed-price prime contracts and fixed-price subcontracts subject to this subpart only pursuant to a supply agreement in the form set forth in AECPR 9–16.5002–15. Such agreement shall be executed and administered by the AEC Oak Ridge Operations Office, Post Office Box E, Oak Ridge, Tenn. 37830.

(b) Any exception to the financial responsibility of contractors and subcontractors for Government-furnished enriched uranium provided for in the standard contract article in AECPR 9–4.5402 and in the supply agreement in AECPR 9–16.5002–15 shall be made only with the approval of the Director, Division of Contracts, Headquarters.

§ 9–4.5402 Contract article covering enriched uranium.

Fixed-price contracts and fixed-price subcontracts involving enriched uranium to be furnished to the contractor or subcontractor pursuant to the supply agreement referred to in § 9–4.5401 shall include an article substantially as follows:

STANDARD CONTRACT ARTICLE COVERING SPECIAL NUCLEAR MATERIAL (ENRICHED URANIUM)

(a) Except as otherwise agreed, all enriched uranium used in the performance of this contract shall be material owned by the AEC which is obtained under a standard AEC Supply Agreement for nonsection 53 Material (hereinafter referred to as the "Supply Agreement").

(b) The contractor shall be responsible for obtaining the special nuclear material (enriched uranium) required in the performance of this contract, including making arrangements for and/or execution of a Supply Agreement to enable the contractor and all subcontractors to order and possess enriched uranium for the purposes of this contract. Except as otherwise provided in this contract, the terms and conditions of the Supply Agreement shall govern with respect to all special nuclear material utilized, or to be utilized, in the performance of this contract. The Government shall not be responsible for any delays or liable for any damages resulting from the contractor's failure or inability to obtain such material; or resulting from cancellation of said Supply Agreement. If enriched uranium required in the performance of this contract is furnished by the Commission under the Supply Agreement, and if the term of such Supply Agreement would otherwise expire during the period of performance of this contract, the Commission may extend the term of the Supply Agreement to permit use of such material for completion of performance of work under this contract, or will make other arrangements to furnish such material pursuant to this contract.

(c) Nothing herein shall require the contractor to assume lease responsibility for any special nuclear material which is otherwise subject to and covered by a Supply Agreement.

(d) The Contracting Officer will furnish to the contractor and/or subcontractors, upon compliance with (e)(1) below, credit memoranda equal to the total amount of use charge credits provided for in this contract, which, subject to the conditions hereinafter provided, may be utilized in payment of use charges due or which may become due for special nuclear material pursuant to a Supply Agreement.

(e) The conditions applicable to the issuance and redemption of use charge credit memoranda are:

(1) The contractor shall submit applications for all use charge credits for the performance of work under this contract, and each such application shall specify the Supply Agreement number to which the credit is to be issued. The contractor shall certify in each such application that it pertains to work under this contract and is true and correct to the best of his knowledge and belief. If such credit or a portion thereof is to be issued to a subcontractor under this contract, the contractor shall specify in his application the amount of such credit and the Supply Agreement number and subcontractor to which the credit is to be issued.

(2) Except as provided in this paragraph, credit memoranda will be issued upon completion of the contract work. Where the contract includes a partial or progress payments clause, a credit memorandum will be given, if proper application is made, for use charges incurred with respect to material used under this contract for the period covered by such partial or progress payment. Where billings are made for use charges on material used in the performance of work under this contract prior to completion of the contract or before partial or progress payments are due, a credit memorandum for the amount of use charge incurred with respect to material used under this contract will be given if proper application is made.

(3) The amount of use charge credit provided for in this contract will be adjusted to reflect any changes in the Commission's published base charges and use charge rates for enriched uranium during the performance of this contract.

(4) The credit memoranda provided for in this article may be used only by the person to whom issued in payment of use charges due from such person under a Supply Agreement. It is expressly understood and agreed that such credit memoranda are not negotiable; may not be transferred to or utilized by any other person; and are not redeemable in cash. They may not be used in payment of any charges due under any other agreement for special nuclear material; nor in payment of any other obligation to the Government.

§ 9–4.5403 Invitations for bids and requests for proposals.

Invitations for bids or requests for proposals which will result in a fixed-price contract or fixed-price subcontract involving enriched uranium to be furnished under the Supply Agreement referred to in § 9–4.5401 shall contain as a term or condition of such invitation to bid or request for proposals the following paragraph:

Bidders (proposers) shall be responsible for obtaining under the terms and conditions of a standard supply agreement administered by AEC Oak Ridge Operations Office, enriched uranium necessary for the performance of any resulting contract (or subcontract). The supply agreement requires the payment of a use charge for the enriched uranium subject to the agreement. However, Article ____ of the proposed contract, attached hereto, provides for the issuance by the contracting officers of a use charge credit applicable to work under the proposed contract. Bids (proposals) shall separately state, based on the quantity of material and the time (including the time necessary for recovery of scrap) required for the performance of the contract (or subcontract): (1) The total dollar amount of use charge credit, such total to include all use charge credits, if any, to lower-tier subcontractors; and (2) the total dollar amount of cash bid (quotation) price (the difference between the total bid and the total dollar amount of use charge credit) to be paid to the contractor (subcontractor). Bids (proposals) will be evaluated on the basis of the total sum of the total dollar amount of use charge credit (including all use charge credits to lower-tier subcontractors) specified by the bidder (proposer) and the cash bid (quotation) price. In addition to any other right of rejection of bids (proposals) provided for herein, the Government (contractor) specifically reserves the right to reject any bid (proposal) if, in the judgment of the contracting officer (representative of the contractor), the total bid (proposal) is excessive or the amount of the use charge credit specified is either unreasonably high or low in relation to the quantity of enriched uranium required and the time required for performance of the proposed contract.

§ 9–4.5404 Contracts and subcontracts for fabrication, conversion, and scrap recovery.

(a) Contracts and subcontracts for fabrication of end items using enriched uranium generally shall be of the fixed-price type. Cost-type contracts or subcontracts for fabrication shall be used only with the approval of the Manager of the Field Office, and this approval authority shall not be redelegated.

(b) Contracts and subcontracts for conversion or scrap recovery of enriched uranium shall be of the fixed-price type except as otherwise approved by the Director, Division of Contracts, Headquarters.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 6th day of March 1967.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 67–2685; Filed, Mar. 10, 1967; 8:45 a.m.]

PART 9–16—PROCUREMENT FORMS

Subpart 9–16.50—Contract Outlines

OUTLINE OF AGREEMENT FOR SUPPLY OF ENRICHED URANIUM (NONSECTION 53 MATERIAL)

The following contract outline is added:

§ 9–16.5002–15 Outline of agreement for supply of enriched uranium (nonsection 53 material).

Enriched Uranium
Supply Agreement No. ------.

This supply agreement (hereinafter referred to as the "Agreement"), entered into this ------ day of ----------, 19--, by and between the United States of America (hereinafter called the "Government"), acting through the United States Atomic Energy Commission (hereinafter called the "Commission"), and ----------
----
(hereinafter called the "Company");

Witnesseth That:

Whereas, the parties hereto desire to establish the terms and conditions applicable to the transfer and supply by the Commission of enriched uranium intended for use in processing or fabricating enriched uranium products for the performance of Commission contracts or subcontracts in any tier; and

Whereas, this Agreement is authorized by and executed under the Atomic Energy Act of 1954, as amended;

Now, therefore, the parties hereto do mutually agree as follows:

ARTICLE 1—DEFINITIONS

As used in this Agreement:

(a) The term "Act" means the Atomic Energy Act of 1954, as amended.

(b) The terms "Atomic Energy Commission," "Commission," or "AEC" mean the U.S. Atomic Energy Commission or any duly authorized representative thereof, including the Contracting Officer, except for the purpose of deciding an appeal under the article entitled "Disputes."

(c) The term "base charge" means the dollar amount per unit of enriched uranium in standard form and specification in effect as of the time any particular transaction under this Agreement takes place, as set forth in schedules published by the Commission in the FEDERAL REGISTER from time to time for material subject to this Agreement, or in the absence thereof, for the same material distributed pursuant to section 53 of the Act.

(d) The term "Commission facility" means a laboratory, plant, office, or other establishment operated by or on behalf of the Commission.

(e) The term "Commission's established specifications" means the specifications for purity and other physical or chemical properties of enriched uranium as published by the Commission in the FEDERAL REGISTER from time to time.

(f) The term "Contracting Officer" means the person executing this Agreement on behalf of the Commission and includes his successors or any duly authorized representative of such person.

(g) The terms "consumed" or "consumption" include the reduction in value of material due to blending of different assays of enriched uranium, or other alteration of the isotopic ratio, or the disposition of material in such manner that it cannot be economically recovered for further use.

(h) The term "persons acting on behalf of the Commission" includes employees and contractors of the Commission, and employees of such contractors, who implement or participate in the implementing of this Agreement pursuant to their employment or their contracts with the Commission.

(i) The term "source material" means (1) uranium, thorium, or any other material which is determined by the Commission pursuant to the provisions of section 61 of the Act to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission may by regulation determine from time to time.

(j) The term "special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material. This term includes "enriched uranium" as such term is used herein, and unless the context otherwise indicates, the term "material" refers to enriched uranium.

(k) The term "value" means the dollar amount determined by multiplying the applicable base charge by the number of units, or fractions thereof, of material involved, whether or not such material is in standard form and/or specification: *Provided*, That where normal or depleted uranium is involved, the applicable unit price as determined in accordance with the established Commission pricing policy then in effect shall be used in lieu of applicable base charge as defined herein.

(l) The term "established Commission pricing policy" means any applicable price or charge in effect at the time any particular transaction under this Agreement takes place (i) published by the Commission in the FEDERAL REGISTER for material subject to this Agreement, or in the absence thereof, for the same material distributed pursuant to section 53 of the Act, or (ii) in the absence of such a published figure, determined in accordance with the Commission's Pricing Policies. A statement of such Pricing Policies will be furnished Company upon request. The Commission's published prices and charges, as well as its Pricing Policies, may be amended from time to time.

(m) The term "Standard form" means the chemical form of special nuclear material, as published by the Commission in the FEDERAL REGISTER from time to time for material subject to this Agreement, or in the absence thereof, for the same material distributed pursuant to section 53 of the Act.

(n) The term "blend" means the altering of the isotopic composition of a quantity of an element, by mixing it with a quantity of the same element which has a different isotopic composition, or a mixture resulting from such action.

(o) The terms "other persons," "another person," or "person other than the Commission" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission and persons acting on behalf of the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation of any political subdivision of any such government or nation, or other entity, other than the Company; and (2) any legal successor, representative, agent, or agency of the foregoing.

ARTICLE 2—SCOPE

(a) The terms and conditions contained herein shall govern and apply to the supplying of special nuclear material by the Commission to the Company as uranium enriched in the isotope 235 (sometimes herein referred to as "enriched uranium") and to the withdrawal services related thereto, for use under and in the performance of fixed-price prime contracts with the Commission including subcontracts (and purchase orders) in any tier thereunder, and fixed-price subcontracts (and purchase orders) in any tier under Commission cost-type prime contracts, for ultimate delivery of enriched uranium products for Government use (including the Commission or other Government agencies and by their contractors and subcontractors in any tier); but does not cover any material distributed to the Company or others pursuant to section 53 of the Act. For the purpose of this Agreement, "prime contracts with the Commission" shall be deemed to include contracts entered into by the National Aeronautics and Space Agency (NASA) pursuant to a joint AEC–NASA program, and "subcontracts" shall include subcontractual arrangements of any tier. Material furnished under this Agreement shall include material obtained directly from a Commission facility or from any other person as approved by the Commission as provided herein. Nothing herein shall be deemed to prevent Company from shipping material covered by this Agreement to any person duly authorized by the Commission to possess and use such material. Company may be relieved of its obligations under this Agreement for such material, however, only by compliance with the terms of this Agreement. Material received by Company from another person shall be subject to the provisions of this Agreement only if such material is furnished pursuant to an order accepted by the Commission as provided in paragraphs (b) and (c) below.

(b) Company shall order material pursuant to this Agreement through the execution and submission to the Commission of an order form prescribed by the Commission for such material.

(c) Acceptance of Company's order for material by or on behalf of the Commission shall constitute the Commission's commitment to supply the material specified in such order subject to the terms thereof and of this Agreement: *Provided*, That where Company orders material which is to be obtained from any person other than the Commission, this Agreement shall not be applicable to such material unless and until such other person and the Commission have acknowledged their consent and agreement to the transfer of such material to Company.

(d) Nothing herein shall be deemed to obligate the Company to order material or to obligate the Commission to accept an order to supply material to Company or to provide services for Company with respect to material.

(e) The Company's use of material covered by this Agreement shall be limited solely to the performance of Commission contracts and subcontracts, it being specifically understood that such material is not distributed pursuant to section 53 of the Act. The Company shall not be required, in ordering material hereunder, to possess a contract prior to ordering such material.

ARTICLE 3—TITLE

Except as otherwise provided herein, title to all material subject to this Agreement shall at all times be and remain in the Government.

ARTICLE 4—TERM OF AGREEMENT, TERMINATION AND CANCELLATION

(a) Except as otherwise provided herein, Company shall have the right to possess and use material covered by this Agreement until ----------; provided this Agreement may be extended by mutual agreement of the parties.

(b) In order to obtain or possess material under this Agreement, Company must

either have a valid license therefor or be exempt from licensing requirements with respect to such material.

(c) Company may cancel any order for material under this Agreement by notice in writing to the Commission at any time prior to delivery of the material; provided, Company shall pay a cancellation charge for the costs incurred by the Commission in connection with such order, as determined in accordance with established Commission pricing policy in effect at the time such costs are incurred.

(d) The Commission may cancel this Agreement at any time if Company shall fail or neglect to fulfill its obligations hereunder, or if bankruptcy or insolvency proceedings are commenced by or against Company, or if receivers are appointed to take possession of the business of Company.

(e) Whenever this Agreement or any other executed subject to this Agreement has, in whole or in part, expired, been terminated or canceled and Company shall have failed to return any affected material, the Commission shall have the right to enter upon Company's premises to recover or take possession of the affected material subject to this Agreement; and to charge to the Company the Commission's full costs of such recovery or repossession, as determined in accordance with established Commission pricing policy in effect at the time of such recovery or repossession.

ARTICLE 5—MATERIAL FURNISHED TO THE COMPANY

(a) Material to be furnished under this Agreement shall be in Standard form in accordance with the Commission's established specifications for such material unless otherwise expressly agreed.

(b) Company shall pay the Commission's service charges, if any, for withdrawal and packaging; and for any other special service rendered pursuant to Company's order, with respect to material ordered subject to this Agreement. Unless such charge or charges are otherwise agreed to in the order executed by Company and the Commission for material, Company shall pay the Commission its charges for the services rendered pursuant to Company's order as determined in accordance with established Commission pricing policy in effect at the time such services are rendered. Company shall also pay the use charge as hereinafter provided for the period covered by such services, and the value of material consumed in the rendering of such special services.

(c) If the material delivered by the Commission pursuant to an order executed by Company and the Commission does not conform to the Commission's established specifications (or to the specifications set forth in an order executed by Company and the Commission), the responsibility and liability of the Government, the Commission, and persons acting on behalf of the Commission shall be limited solely to correcting such discrepancies by delivery of material which does conform to the applicable specifications; provided neither the Government nor the Commission nor persons acting on their behalf shall have any responsibility or liability for replacing material which Company obtains from any person other than the Commission. Any material obtained directly from the Commission which does not conform to applicable specifications will be returned to the Commission pursuant to the Commission's instructions and the Commission will pay the transportation charges for returning such material as well as the transportation charges for shipment of replacement material.

(d) The Company agrees to notify the Commission of any proposed or actual blending of material subject to this Agreement with uranium not subject to this Agreement, provided, however, material subject to this Agreement may not be blended with material distributed under section 53 of the Act. Notice shall be in writing and shall contain such information as may be required by the Commission including the quantities and properties of all material used in blending.

(e) Whenever material subject to this Agreement is blended, the following provisions shall apply.

(1) If the resulting blend is not enriched uranium, the material covered by this Agreement which is used by the Company in blending shall be deemed to have been lost or consumed, and, in addition to any other rights which the Commission may have, Company shall pay to the Commission an amount equal to the value of such material used in blending. Title to such blend shall pass to Company upon such payment; provided that if the normal or depleted uranium used in blending is property of the Government held under contract with the Commission, then (i) title to all such blend shall be recognized as vested in the Government, (ii) the Company's other arrangements with the Commission for such uranium shall be adjusted to cover its use in the blend, (iii) the Company's account provided for in Article 10 shall be adjusted to reflect the return of the material used in blending, and (iv) Company shall pay to the Commission an amount equal to the monetary loss suffered by the Commission computed by adding the value of all materials used in the blend and subtracting therefrom the value of the resulting blend. Company hereby agrees to pay to the Commission the amount determined to be due for such loss upon receipt of the Commission's invoice.

(2) Any blend which is enriched uranium shall be held by Company subject to the provisions of this Agreement, and title to all such material shall be recognized as vested in the Government. Company's account provided for in Article 10 shall be adjusted to reflect the value of such blend, and Company shall pay to the Commission an amount equal to the monetary loss suffered by the Commission computed by adding the value of all materials used in the blend and subtracting therefrom the value of such resulting blend. Company hereby agrees to pay to the Commission the amount determined to be due for such loss upon receipt of the Commission's invoice. The Commission shall compensate Company for the value of privately owned uranium used in blending by delivering to Company f.o.b. any Commission facility a quantity of uranium of the same approximate U-235 content, as uranium hexafluoride (UF_6) (or other mutually agreeable form) equivalent to the quantity of privately owned uranium blended with the material supplied hereunder. Company shall pay the Commission's service charges, if any, for withdrawal and packaging of such uranium, and for any other special service rendered with respect to such uranium. If the uranium used by Company in blending is property of the Government held under a contract with the Commission, Company's obligations under such other contract shall be deemed to be of no further force or effect with respect to the uranium used in the blending, as of the time such uranium becomes subject to the provisions of this Agreement. Company agrees that such delivery or cancellation shall constitute full compensation to Company for uranium used in blending.

(3) It is hereby agreed that Company shall hold the Government, the Commission, and persons acting on behalf of the Commission, harmless from any claims of third parties on account of rights alleged in or in connection with the uranium used in blending.

(4) As used in this paragraph (e), the term "value" refers to value as of the date of blending.

(f) Paragraphs (a) and (b) above, do not apply in any instance where material involved was obtained by Company from any person other than the Commission.

ARTICLE 6—RETURN OF MATERIAL TO THE COMMISSION: SPECIAL CHARGES FOR COMMISSION SERVICES

(a) Company will return all material not delivered and accepted, or lost or consumed, pursuant to and in connection with the performance of Commission contracts and subcontracts, upon expiration or earlier termination of this Agreement; provided, that the Company shall have the right to return any material not so used or consumed at any time prior to such date.

(b) Except as otherwise provided herein, material subject to this Agreement will be returned to the Commission in the Standard form, and shall meet the Commission's established specifications for return of material in effect as of the date of this Agreement.

(c) For purposes of this Agreement, material delivered and accepted as a part of the product furnished under Commission contracts and subcontracts, regardless of the form and/or specification of such material, shall be deemed to have been returned to the Commission hereunder; *Provided*, That this paragraph shall not apply to material thereafter rejected pursuant to the provisions of such contracts and subcontracts.

(d) Material transferred to any person other than the Commission, regardless of the form and/or specification of such material, shall be deemed to have been returned to the Commission if such other person, the Commission, and the Company have executed an order covering the material so transferred.

(e) The Commission may at its sole discretion accept material in a form and/or specification other than as provided in (b) and (c), above. Unless the Commission shall determine that acceptance of the material in its existing form is in the best interests of the Government, Company shall pay a service charge for processing such returned material so as to enable it to satisfy the Commission's established specifications in effect at the time the material is returned. Such charge shall include the Commission's charge for processing, as determined in accordance with the established Commission pricing policy in effect at the time the material is returned and an amount, as determined by the Commission, for the value of the material consumed during processing. Whenever material returned by Company is subject to processing charges under this paragraph, Company shall continue to pay the use charge on such material until expiration of the processing period as determined by the Commission at the time the material is accepted.

(f) Unless the Commission elects to accept material as provided in (e) above, Company shall pay the Commission for material returned in a form and/or specification other than those stated in (b) above, a sum equal to the value of the material. In addition, Company shall also pay a special service charge, as determined in accordance with established Commission pricing policy in effect at the time the material is returned for the handling, storage and/or disposal of such material.

(g) All shipments of material returned to the Commission shall be in accordance with the requirements of this Agreement including Article 15.

(h) All material returned to the Commission under (b) and (e) above shall be delivered by Company to the Commission facility or location specified by the Commission f.o.b. commercial conveyance at such facility or location. Unless waived by the Commission, Company shall give the Commission at least fifteen (15) days' written notice of intent to so return material to the Commission. The Commission will notify Company promptly after receipt of Company's notice of intent to return material as to the Commission facility or location designated for return of the material. Company at the time of shipment of material shall notify the Commission facility or other location to which shipment is made of the date and method of shipment and expected date of arrival.

ARTICLE 7—PAYMENT FOR MATERIAL LOST OR CONSUMED

(a) Except as otherwise provided herein, Company shall be responsible for and shall reimburse the Commission for any loss or consumption of material, whether or not such loss or consumption is due to the fault or neglect of Company, or any other cause, occurring from the time of delivery of such material to Company and until such material has been returned to the Commission as provided herein.

(b) Company shall make reports to the Commission, on forms as prescribed by the Commission, to accurately reflect all losses or consumption of material as then known to the Company. In reporting material as lost or consumed, Company shall make reasonable effort to accurately fix the time of such loss or consumption on the basis of a specific occurrence or in accordance with accepted procedures and methods of calculating loss or consumption.

(c) The Company may, and shall when required by the Commission, pay for material lost or consumed on a provisional basis. Except as otherwise provided herein the amount due the Commission for material lost or consumed shall be the value of such material computed in accordance with this Agreement, as of the time of such loss or consumption.

(d) Any disagreement between the Commission and the Company as to whether material has in fact been lost or consumed, or as to the time any such loss or consumption occurred, shall be deemed a question of fact within the meaning of that term as used in Article 22, "Disputes," of this Agreement.

ARTICLE 8—USE-CHARGE PAYMENT

Except as otherwise agreed, Company agrees to pay the Commission a charge for material subject to this Agreement as provided in Article 10 below. The rate of charge shall be the same as the Commission's annual (365 days) rate of use-charge for leased material as published in the FEDERAL REGISTER in effect and applicable for the period covered by the Commission's invoice.

ARTICLE 9—OTHER AUTHORITY

Nothing in this Agreement shall be deemed to obligate Company to pay the Commission's charges with respect to materials and/or services subject to this Agreement, or to observe other specific provisions of this Agreement, if the Commission, in accordance with statutory or other authority available to it, determines that such charges, or other provisions, are not applicable.

ARTICLE 10—ESTABLISHMENT OF "ENRICHED URANIUM SUPPLY ACCOUNT"

(a) The Commission will establish an enriched uranium supply account for Company to which will be debited as provided herein the amount or amounts equal to the value of the material subject to this Agreement. Such account will be credited as provided herein with the amount or amounts equal to the value of the material returned or paid for, in accordance with this Agreement. The daily balance of this account shall be used for computing the amount due to the Commission for use charges. The value of material reflected in this account after credit for the value of material returned and for payments for material lost or consumed shall represent the amount due to the Commission for material not returned or paid for. In the event material paid for as having been lost or consumed is later reestablished in Company's account, said account shall be debited as of the date of refund (or appropriate setoff) of such payment to Company as provided in paragraph (c) of Article 12, "Performance of AEC Obligations: Billing," hereof, with the amount or amounts equal to the value of such material at the time of such reestablishment in Company's account.

(b) Except as otherwise provided in this Agreement, Company's account will be debited for material furnished as of the date material is delivered to Company; provided, that in the case of material obtained directly from any person other than the Commission, the debit will be made as of the effective date specified in the order executed by Company, the other person and the Commission for such material.

(c) Company's account will be credited for material returned to the Commission or transferred to another person only when the material is returned or transferred in accordance with Article 6. Except as otherwise provided in this Agreement, Company's account will be credited for material returned to the Commission as provided in paragraphs (b) and (e) of Article 6 as of the date the material is delivered to a location specified by the Commission pursuant to this Agreement. Credit for material transferred to another person will be made as of the effective date specified in the order executed by the receiving person, the Commission, and Company. Credit for material becoming a part of any product furnished under separate Commission contracts and subcontracts will be made as of the date such product is received pursuant to the provisions of such contracts and subcontracts; provided, that any material in products thereafter rejected shall be debited to Company's account as of the date of return delivery to Company. Samples returned to the Company by mutual agreement of the Company and the Commission or its contractors or subcontractors will be debited to Company's account as of the date of delivery to Company. Credit for material paid for will be made as of the date such payment is received by the Commission.

(d) Whenever the Commission changes any applicable base charge as provided in Article 11, "Changes in Rate of Use Charge, Base Charges, and Specifications," below, the value of material recorded in Company's account will be recomputed at the new base charge: *Provided*, That the value of material lost or consumed as of the date of such change shall not be recomputed. Subsequent to the effective date of the change in the applicable base charge, the new base charge will be used, in determining the value of material lost or consumed and for computing the value of material subject to use charges.

(e) Company will be notified of the debits and credits made to its account as the result of shipments and transfers of material, and of any changes in the value of material in such account as the result of changes in the applicable base charges. Company will promptly notify the Commission of any disagreement with, discrepancies, or errors in such notices.

ARTICLE 11—CHANGES IN RATE OF USE CHARGE, BASE CHARGES, AND SPECIFICATIONS

(a) The rate of use charge, base charges and/or specifications for material furnished pursuant to this Agreement are subject to change by the Commission.

(b) Any changes in applicable charges and/or specifications shall be effective on either July 1 or January 1 as stated in the applicable notice of change published by the Commission: *Provided*, At least thirty (30) days' notice of such changes shall be given Company, by publications or otherwise: *And provided further*, That the Commission may reduce the rate of use charge or the base charges at any time by a notice of change published by the Commission and without prior notice to Company.

ARTICLE 12—PERFORMANCE OF AEC OBLIGATIONS: BILLING

(a) The Commission may fulfill its obligations under the Agreement through the operator of any of its facilities.

(b) Billings for amounts due the Commission under the Agreement will ordinarily be made:

(1) Following the performance of any service, and

(2) Semiannually for use charge and for loss or consumption of material.

(c) All billings and payments made on a provisional basis are subject to adjustment to recognize actual or calculated amounts, enrichment, isotopic content, and specifications of material involved. Whenever Company has paid for material reported as having been lost or consumed and such material is later reestablished in Company's account, the Commission shall refund to Company (or appropriately set off against any amounts due the Commission) the amount paid by Company for such material. Any disagreement between the Commission and the Company as to the amount actually paid by Company for such material shall be deemed a question of fact within the meaning of that term as used in Article 22, "Disputes," of this Agreement. Except as stated in paragraph (d) below, the adjustments provided for in this paragraph will not subject Company or the Commission to liability for interest.

(d) All bills rendered by or on behalf of the Commission are due thirty (30) days from the date of invoice. Payment received after thirty days from date of invoice shall entitle the Commission to an additional charge at six percent (6%) per annum on such amount.

ARTICLE 13—INJURY OR DAMAGE

Neither the Government, the Commission nor persons acting on behalf of the Commission make any warranty or other representation, express or implied, that material furnished under this Agreement (a) will not result in injury or damage when used for the purpose authorized by the Commission, (b) will accomplish the results for which it is requested from the Commission, or (c) is safe for any other use.

ARTICLE 14—TIME OF DELIVERY

The Commission will make reasonable efforts to deliver material at the time or times stated in orders for material subject to this Agreement, but neither the Government, the Commission, nor persons acting on behalf of the Commission shall be subject to any liability under this Agreement for any failure to do so.

ARTICLE 15—DELIVERY—F.O.B. POINT

(a) Material furnished from a Commission facility will be shipped f.o.b. commercial conveyance at such Commission facility. Delivery of material or containers to Company or its designee or to a carrier for the account of Company or its designee shall be deemed delivery of such material or containers to Company for the purposes of this Agreement.

(b) When Company obtains material from another person pursuant to this Agreement, such material is furnished in place, and, as between the Commission and Company, all costs of packaging, shipment, and handling shall be the responsibility of Company.

ARTICLE 16—CYLINDERS, EQUIPMENT, AND SHIPMENTS

(a) All shipments of material in the form of uranium hexafluoride (UF_6) from the Commission to Company, and from Company to the Commission, will be made in AEC-owned cylinders of appropriate size as specified by the Commission unless the use of other cylinders is mutually agreed to by the Commission and the Company. The quantity of material shipped in any cylinder shall not be less than the Commission-established minimum loading for the type of cylinder used. AEC-owned cylinders for return of UF_6 directly to the Commission will be made available to Company f.o.b. commercial conveyance at the Commission facility.

(b) Except as provided in (a) above, shipments of material subject to this Agreement to Company, and from Company to the Commission, shall be made only in containers and/or equipment acceptable to the Commission. The Commission may, but shall not be required to, furnish containers and equipment for shipping such material.

(c) Any non-AEC-owned cylinders, containers, and equipment furnished or utilized by Company will meet current Commission specifications and practices, as to safety, design criteria, cleanliness and freedom from contamination, of which the Commission shall be the sole judge. The Commission will endeavor to return non-AEC cylinders, containers, and other equipment to the Company in a reasonable time, but will not be responsible for any loss of or damage to such cylinders, containers, or equipment except as may result from its fault or negligence. Such return shipments by the Commission will be made f.o.b. commercial conveyance at the Commission facility.

(d) Title to AEC-owned cylinders, containers, and equipment shall remain in the Government. Company shall pay such rental charge, if any, for such cylinders, containers, and equipment as shall be set forth or referenced in the orders executed by Company and the Commission for delivery of material. Unless otherwise agreed, Company will clean AEC-owned cylinders, containers, or equipment to be returned directly to the Commission to the satisfaction of the Commission. The Company will keep AEC-owned cylinders, containers, and equipment in good condition and will return them to the Commission facility from which received f.o.b. commercial conveyance at the Commission facility. Company shall be responsible and shall reimburse the Commission for any loss of or damage to AEC-owned cylinders, containers, or equipment occurring from the time of delivery to Company (or to a carrier for delivery to Company) until return to the Commission as provided above. AEC-owned cylinders, containers, and equipment will be used only for storage of material shipped therein, or for return directly to the Commission of material designated by the Commission to be shipped therein. Any residual quantities of material in cylinders, containers, and equipment returned to the Commission will be deemed to have been lost or consumed by Company and Company shall pay for such material in accordance with this Agreement.

(e) Whenever material is shipped to the Commission, and the Commission elects to decontaminate the containers, railroad cars, trucks, or other shipping vehicles or the Commission's unloading area and machinery, because the containers, or the material, or the method of shipment, failed to meet the health and safety standards prescribed by the Commission or any other Government agencies having jurisdiction over such matters, the Company shall pay the Commission the full cost of such decontamination as determined by the Commission in accordance with established Commission pricing policy.

(f) The foregoing provisions of this Article 16 do not apply to delivery of enriched uranium products by Company under Commission contracts and subcontracts. Such products will be delivered in accordance with the terms and conditions stated in such contracts and subcontracts.

ARTICLE 17—ASSIGNMENT

(a) Company may not assign this Agreement, or any order for material subject to this Agreement, without the express written approval of the Commission.

(b) Transfer of material by the Company to another person with the approval of the Commission as provided in this Agreement shall not have the effect of assigning this Agreement or of relieving the Company of any obligation hereunder, except as to return of or payment for material so transferred and the payment of use charges therefor thereafter accruing.

ARTICLE 18—DETERMINATION OF MATERIAL QUANTITIES AND PROPERTIES; SETTLEMENT OF MEASUREMENT DIFFERENCES: ADJUSTMENTS OF USE CHARGES

(a) This section (a) sets forth provisions and procedures for determination of quantities and properties of material subject to this Agreement transferred directly to or from the Commission, and for the resolution of measurement differences resulting from such determination, including the use of an "Umpire." (For the purpose of this section, the terms "shipper" and "receiver" shall refer to the Commission and the Company or vice versa as the case may be.)

(1) The Commission samples obtained using the Commission's procedures will be the official samples and shall be binding upon the Commission, the Company and umpire unless the Commission and Company agree upon the use of other samples.

(2) If the receiver does not accept the shipper's quantities and/or properties stated on the AEC transfer form for such material, the receiver shall within thirty (30) days after the receipt of the material or the AEC transfer form for such material, whichever is later, submit a written or telegraphic notice of disagreement to the shipper. The notice of disagreement shall include measurement data supporting the disagreement. If such notice of disagreement is not submitted within such thirty (30) days, the shipper's measurements will be final and binding upon both parties. The receiver shall not use or dispose of the material in any manner until the difference is resolved unless such use or disposition is mutually agreed to by the Commission and the Company provided that nothing herein shall prevent the receiver from handling the material as necessary for storage or protection against health and safety hazards.

(3) If the disagreement is not resolved by mutual agreement, the following procedures shall apply:

(i) If the disagreement concerns bulk measurement (i.e., total volume, gross and net weight, total piece count or any other measurement made on the entire quantity of material involved), repeat measurements shall be performed by an umpire mutually agreed to by both parties at a mutually agreed-upon site. The umpire's results will be conclusive on both parties. The party whose original measurement result is furthest from the umpire's result will bear the umpire's charges; provided, in the event the umpire's result is equidistant between Company's and the Commission's results, the parties will each bear one-half of the umpire's charges.

(ii) If the disagreement concerns results obtained from analysis of a sample, an official sample will be submitted to an umpire mutually agreed upon for analysis. The umpire's results will be conclusive on both parties.

(A) In the case of disagreement with respect to specification limits based on an official sample, the receiver will bear the umpire's charges if the umpire's result is within specification limits, and the shipper will pay the umpire's charges if the umpire's result is not within specification limits.

(B) In the case of disagreement concerning quantitative determinations on an official sample, the umpire's result will be used and the party whose result is furthest from the umpire's result will pay the umpire's charges; provided, in the event the umpire's result is equidistant between the shipper's and the receiver's results, the parties will each bear one-half of the umpire's charges.

(4) The period of time during which use charges shall accrue under this Agreement with respect to material subject to a measurement disagreement hereunder shall be adjusted as follows:

(i) Where the disagreement pertains to material delivered to Company and is resolved by the umpire in favor of Company, no use charge shall accrue between the date of receipt of notice of disagreement and the date of resolution or the date of use or disposition of material by the Company (when mutually agreed upon) whichever occurs first: *Provided, however,* That where the disagreement pertains to specifications of the material and is resolved by the umpire in favor of Company, no use charge shall accrue unless Company accepts the material, uses or disposes of the material (when mutually agreed upon) or fails to return it after resolution of the disagreement within a reasonable time.

(ii) Where the disagreement pertains to material returned directly to the Commission, no use charge shall accrue between the date of receipt of the shipment and the Company's receipt of notice of disagreement. Use charges shall accrue between Company's receipt of notice of disagreement and the date of resolution or the date of use or disposition of the material by the Commission (when mutually agreed upon), whichever occurs first, unless the disagreement is resolved in favor of the Company.

(iii) Where an umpire is used and the umpire's result is equidistant from those of the parties, no use charge shall accrue for one-half of the period between the date of receipt of notice of disagreement and the date of resolution or the date of use or disposition of the material by the Company or the Commission (when mutually agreed upon), whichever occurs first.

(iv) Where the disagreement is resolved by mutual agreement, the period of use charge shall be included in and settled by mutual agreement.

(b) The use charges of Section (a) above shall apply to the total of the material whose quantity, or other characteristics, is involved, and not to the amount represented by any difference of measurements.

(c) The quantity and properties of material subject to this Agreement furnished under and becoming a part of any product delivered under Commission contracts and subcontracts shall be determined in accordance with the provisions and procedures stated in such contracts and subcontracts.

ARTICLE 19—SAFEGUARDS CONTROL OF ENRICHED URANIUM

(a) *Records.* The Company will maintain and make available to the Commission for examination, upon reasonable notice, all records pertaining to its receipt, possession, use, transfer, and physical inventories of material subject to this Agreement. Such records shall be complete and adequate to fully reflect physical measurements, actual inventories and the transactions relating thereto. Company will submit such transfer documents and reports reflecting quantities of material received, physically present, lost, consumed, and transferred, with respect to material subject to this Agreement as the Commission may prescribe.

(b) *Inventory, Inspection and Tests.* The Company will take physical inventories of material subject to this Agreement and in the custody of Company at intervals not to exceed twelve (12) months. The Company shall afford to the Commission, at all reasonable times, opportunity to inspect the material subject to this Agreement and the premises and facilities where such material is used or stored. The Company shall permit the Commission to perform such inventory tests as the Commission deems necessary for verification of the accuracy of any reports submitted by the Company to the Commission. The Commission agrees to perform any inventory tests with respect to material subject to this Agreement (which the Company agrees may include the taking of a reasonable number of samples for physical or chemical analyses but which does not include sampling and destructive testing of fabricated articles except as agreed to by the Company) so as to minimize interference to the Company's processing, delivery schedules, and third-party commitments regarding the material. The Company agrees that no charges for costs or value of any material samples, or for services or equipment, should such be furnished by the Company, provided in connection with the performance of audit tests and inventory tests, shall be made against the Commission; however, the Commission will allow full credit in the Company's account with the Commission for the value of the material included in the samples and the Commission will make no charge against the Company for reconversion of the material samples to standard form.

(c) *Company's Procedures Governing Safeguards Control of Material.* The Company will submit for the approval of the Contracting Officer a Procedure Manual for the safeguards control of the material subject to this Agreement. The manual shall describe a material control system that is capable of providing current, detailed, and accurate quantitative data concerning the receipt, possession, transfer, consumption or use of material subject to this Agreement. The Company shall not process material subject to this Agreement prior to approval of the Procedure Manual: *Provided, however,* That actions required by the Commission as a condition of such approval or any results of the Company's following the approved Procedure Manual, shall not constitute the basis of a claim for compensation or damages by the Company.

(d) *Material To Be Segregated.* The Company shall use its best efforts to segregate physically all material subject to this Agreement from any other source material and special nuclear material in the Company's possession. However, it is recognized that in certain situations some of the material subject to this Agreement may become unavoidably mixed with such other material due to the nature of the process or work performed by the Company. In the event unavoidable mixing should occur, the parties shall negotiate in good faith to reach an equitable agreement, taking into consideration the provisions of this Agreement and the provisions of any lease or other agreement or agreements establishing the Company's responsibility with respect to such other material, concerning the assignment or allocation of any losses resulting from such mixing as between this Agreement and such other lease, agreement or agreements, and any other necessary arrangements. Any such matter not promptly resolved by negotiation shall be determined in accordance with the procedure for settlement of disputes under Article 22 hereof entitled "Disputes."

(e) *Shipments.* In the event of any action resulting in a shipment of any material subject to this Agreement to any other person, the Company shall assure that all of Company's obligations under this Article are also assumed by the person to whom such material is shipped, and that the rights and privileges of the Commission under this Article are not affected by such shipment: *Provided, however,* That the requirement shall not apply in the case of any shipment of material deemed to constitute a return of such material to the Commission as provided hereunder.

(f) The Company will use reasonable care and exercise prudent business judgment to prevent loss, diversion, or damage to material, but nothing in this sentence shall be construed to relieve Company from its obligations elsewhere hereunder to pay for material.

ARTICLE 20—PATENT INDEMNIFICATION

The Company agrees to indemnify the Government, the Commission, and persons acting on behalf of the Commission against liability, including costs and expenses incurred, for infringement of any Letters Patent occurring in the course of the performance of any service, analysis or test performed for Company as a result of following specific instructions of Company in connection therewith, or occurring in the utilization by Company of any material procured hereunder, except as expressly waived in writing by the Commission or otherwise provided in Commission contracts, or in subcontracts thereunder approved by the Commission, under which material subject to this Agreement is used.

ARTICLE 21—RIGHT TO USE AND PUBLISH INFORMATION

The Commission shall have the right to publish and use any information or data developed by the Commission or persons acting on behalf of the Commission as the result of any service, analysis, or test performed hereunder for the Company.

ARTICLE 22—DISPUTES

Insert FPR 1-7.101-12, modified by substituting "Commission" for "Secretary."

ARTICLE 23—PERMITS

Except as otherwise directed by the Contracting Officer, the Company shall procure all necessary permits or licenses (including any special nuclear material licenses), and abide by all applicable laws, regulations, and ordinances of the United States and of the State, territory, and political subdivision in which any element of this contract is performed.

ARTICLE 24—OFFICIALS NOT TO BENEFIT

Insert FPR 1-7.101-19.

ARTICLE 25—COVENANT AGAINST CONTINGENT FEES

Insert FPR 1-1.503.

ARTICLE 26—EQUAL OPPORTUNITY IN EMPLOYMENT

Insert FPR 1-12.803-2 (as modified by FPR Temporary Regulation No. 1 and extended by FPR Temporary Regulations Nos. 6 and 8).

ARTICLE 27—NOTICES

(a) Any notices required by this Agreement of the Company shall be submitted in writing to the Commission addressed to:

Director, Production Division
Oak Ridge Operations Office
U.S. Atomic Energy Commission
Post Office Box E
Oak Ridge, Tenn. 37830

(b) Any notices required by this Agreement of the Commission shall be submitted in writing to the Company addressed to:

In witness whereof, the parties have executed this Supply Agreement the day and year first above written.

The United States of America;

By UNITED STATES ATOMIC ENERGY COMMISSION.

By ----------
Title ----------

The Company ----------
(Company)

By ----------
Title ----------

Witnesses:

I, ----------, certify that I am the ---------- of the corporation named as the Company herein; that ----------, who signed this Agreement on behalf of the Company, was then the ---------- of said corporation; that said Agreement was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

In Witness Whereof, I have hereunto affixed my hand and the seal of said corporation this ------ day of ----------, 196--.

(CORPORATION SEAL) ----------
(Secretary)

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 6th day of March 1967.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 67-2686; Filed, Mar. 10, 1967; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 20; Docket No. 66-67]

PART 540—SECURITY FOR THE PROTECTION OF THE PUBLIC

Subpart A—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation

On December 13, 1966, the Commission published a notice of proposed rule making in this proceeding in the FEDERAL REGISTER (31 F.R. 15703) and invited comments from interested persons. The purpose of this proceeding is the promulgation of rules and regulations necessary to carry out the provisions of section 3 of Public Law 89–777, an Act to require evidence of adequate financial responsibility to pay judgments for personal injury or death, or to repay fares in the event of nonperformance of voyages. Section 3 of the Act is concerned with idemnification of passengers for nonperformance of water transportation.

Comments on the proposed rules were submitted by interested parties. Replies to these comments were filed by Hearing Counsel on behalf of the Commission's staff, and there were filed answers to these replies. On February 8, 1967, the Commission heard oral argument during which a request was made by one of the parties to leave the record open for 48 additional hours in order to give all interested parties an opportunity to comment in writing on certain controversial issues which had arisen during the argument. The request was granted and some additional comments were received. On February 18, 1967, the Commission published a Request for Additional Comments on the proposed rules, and comments were filed by interested parties pursuant to this request. The Commission has carefully considered the comments and arguments on the proposed rules and in the light thereof herewith adopts its final rules at this time for the reasons noted below. Comments and arguments not discussed or reflected herein have been considered and found not justified or not material.

The rules and regulations hereby prescribed cover all passenger operations involving any vessel having berth or stateroom accommodations for fifty or more passengers embarking passengers at U.S. ports. Section 3(a) of Public Law 89–777 provides that

> No person in the United States shall arrange, offer, advertise, or provide passage on a vessel having berth or stateroom accommodations for 50 or more passengers and which is to embark passengers at United States ports without there first having been filed with the Federal Maritime Commission such information, as the Commission may deem necessary to establish the financial responsibility of the person arranging, offering, advertising, or providing such transportation, or in lieu thereof a copy of a bond or other security, in such form as the Commission, by rule or regulation, may require and accept, for indemnification of passengers for nonperformance of the transportation.

In § 540.2, "Passenger" is defined as "any person who is to embark on a vessel at any United States port and has paid any amount for a ticket contract entitling him to water transportation." The contention was made at oral argument that the Commission is without authority to extend its jurisdiction over noncitizens of the United States who may be embarking at United States ports. The Commission intends that any person, citizen or noncitizen of the United States, embarking at a U.S. port shall be entitled to the protection afforded by this statute. (The Commission does not consider a passenger who goes ashore in a United States port for a temporary visit and who reboards the same vessel on the same voyage to be "embarking" within the meaning of these rules.) Of course, we are interested in protecting the United States citizen, but we do not propose to deny protection under the statute to a person using our ports and facilities, simply because he is not a citizen. This was the clear intent of Congress.[1]

Section 540.2(h) defines "Passenger revenue" as "those monies, wherever paid by passengers who are to embark at any U.S. port for water transportation and all other accommodations, services, and facilities relating thereto," but excluding monies paid to persons other than the person providing the water transportation for shore-based excursions related to the voyage. This definition covers only that revenue connected with the water transportation.

Section 540.3 provides that no person in the United States may arrange, offer, advertise, or provide passage on a vessel unless a Certificate (Performance) has been issued to or covers such person. At oral argument, objection was made to the certification procedure proposed in these rules. Certain interested parties contended that this proposal was essentially a licensing procedure. In the legislative history of this Act, Congress considered and rejected procedures for licensing. This Act expressly provides that this Commission shall furnish evidence of compliance with the statute. The determination has been made by the Commission that this evidence shall take the form of something physical, something called a Certificate. There is no intention whatsoever by the Commission to engage and establish a licensing requirement on foreign and domestic passenger ship operators.

The proposed rules in § 540.4 provide that the Commission shall have the privilege of verifying any statements made or any evidence submitted under the rules of this subpart. There has been objection by certain commentators to this provision, their having construed this to convey the proposition that the Commission may through this device engage in the activities of general inspection of all documents or evidence submitted. The Commission is not requiring an automatic audit of all statements filed. It is simply seeking the possibility of verifying those statements which might be considered by it to warrant or demand such verification. Without such a provision, the ocean passenger files of this Commission could easily become a repository of worthless data and information.

Section 540.4(c) requires that the application shall be signed by a duly authorized officer or representative of the applicant with a copy of the evidence of his authority. Some concern has been expressed over this provision by several interested parties. What is being sought here is simply a statement to the effect that the individual is authorized to submit the application in question.

In § 540.5 alternative methods are provided for establishing financial responsibility under section 3 of the Act, these being evidence of insurance, such as an insurance policy, guaranties, escrow accounts, and self-insurance. A requirement applying to all of these alternatives of establishing financial responsibility is that they shall each be in an amount determined by the Commission to be no less than 110 percent of the unearned passenger revenue of the applicant on the date within the 2 fiscal years immediately prior to the filing of the application which reflects the greatest amount of unearned passenger revenue.

Objection has been voiced that this 110 percent figure is without the boundary of the Commission to require.

The statute specifically states that the bond or other security submitted to establish financial responsibility shall be in an amount paid equal to the estimated total revenue for the particular transportation. This estimated total revenue for the purposes of these rules is considered to be 100 percent of the unearned passenger revenue, based on the past 2 years' performance, just as some factor to give an indication of the general operating condition of the applicant, plus a safety factor of 10 percent.

However, this requirement (§ 540.5) is worded in such a manner to allow for sufficient flexibility to permit consideration of any unusual circumstances or change in circumstance which may arise.

Section 540.9(e) provides that each applicant, insurer, and guarantor shall designate a person in the United States as his legal agent for service of process for the purposes of the rules of this subpart. There has been strenuous objection on the part of various interested parties that the rules cannot require such designations. The position of the Commission is that the Act itself contemplates recovery for unperformed transportation. The intention of the statute will have gone for naught if the person injured cannot avail himself of the legal process which is contemplated for the recovery of his monies. The legal processes will be effectively closed to the injured party if he is unable to find someone who can be the recipient of legal service of process. The Commission does not understand Congress to have enacted such an empty statute.

Section 540.9(j) provides in substance that any evidence of financial responsibility submitted under these rules shall not be required to exceed $5 million. Some comment by interested parties has been directed toward this five million dollar figure, with the request that it be reduced to $3.5 million. This figure included in the requirement has not been arrived at arbitrarily, but is the result of the studied judgment of the Commission's staff from data and information made available to it by various segments of industry. It is the position of the Commission that this is a fair figure and that it remain as originally published.

Filing of applications. Section 540.4(b) provides that initial applications for Certificates should be filed at least 30 days prior to the first sailing on or after May 5, 1967. This provision should allow the Commission sufficient time to process applications and provide the vessel operators with the Certificates required for Customs clearance of such sailings.

Availability of assets in the United States. In the Commission's proposed rules published in the FEDERAL REGISTER on December 13, 1966 (31 F.R. 15703), § 540.5(d) originally provided that "* * * the working capital and net worth required above will be available to cover suits in the United States for nonperformance." Section 540.9(e) originally provided that "Any securities or assets accepted by the Commission under the rules of this subpart must be available in the United States."

Comments have been received as to whether these securities and assets should be physically located in the United States. It is the position of the Commission that securities and assets submitted as evidence of financial responsibility by applicants, guarantors, insurers, escrow agents and others must be physically located in the United States to meet their responsibilities under the rules of this subpart.

The Commission deems such a requirement necessary in order to adequately insure the protection of the travelling public since the lack of such a requirement might prevent or impede the indemnification of an injured party. Sections 540.5(d) and 540.9(d) of the final rules restate the Commission's position and provide that there will be assets physically located in this country which may be proceeded against as intended by the Congress in Public Law 89–777.

Applicability of certificates to agents. Section 540.3 reads as follows:

> No person in the United States may arrange, offer, advertise, or provide passage on a vessel unless a Certificate (Performance) has been issued to or covers such person.

The purpose of this provision is to insure that the only persons selling tickets on vessels covered by this subpart are those persons (1) who have established their financial responsibility by obtaining a Certificate in their own name or (2) whose actions a holder of a Certificate is willing to be responsible for. It is not the intention of the Commission to require each and every travel agent to obtain a Certificate provided a carrier is able and willing to assume responsibility for the agents' actions.

Therefore, pursuant to section 3 of Public Law 89–777 (80 Stat. 1357, 1358) Title 46 CFR is hereby amended by the addition of a new Part 540 as follows:

Subpart A—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation

Sec.

540.1 Scope.
540.2 Definitions.
540.3 Proof of financial responsibility, when required.
540.4 Procedure for establishing financial responsibility.
540.5 Insurance, guaranties, escrow accounts, and self-insurance.
540.6 Surety bonds.
540.7 Evidence of financial responsibility.
540.8 Denial, revocation, suspension, or modification.
540.9 Miscellaneous.

AUTHORITY: The provisions of this Subpart A issued under sec. 3 of Public Law 89–777 (80 Stat. 1357, 1358).

§ 540.1 Scope.

The regulations contained in this subpart set forth the procedures whereby persons in the United States who arrange, offer, advertise or provide passage on a vessel having berth or stateroom accommodations for 50 or more passengers and embarking passengers at U.S. ports shall establish their financial responsibility or, in lieu thereof, file a bond or other security for obligations under the terms of ticket contracts to indemnify passengers for nonperformance of transportation to which they would be entitled. Included also are the qualifications required by the Commission for issuance of a Certificate (Performance) and the basis for the denial, revocation, modification, or suspension of such Certificates.

§ 540.2 Definitions.

As used in this subpart, the following terms shall have the following meanings:

(a) "Person" includes individuals, corporations, partnerships, associations, and other legal entities existing under or authorized by the laws of the United States or any State thereof or the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any territory or possession of the United States, or the laws of any foreign country.

(b) "Vessel" means any commercial vessel having berth or stateroom accommodations for 50 or more passengers and embarking passengers at U.S. ports.

(c) "Commission" means the Federal Maritime Commission.

(d) "United States" includes the Commonwealth of Puerto Rico, the Virgin Islands or any territory or possession of the United States.

(e) "Berth or stateroom accommodations" or "passenger accommodations" includes all temporary and all permanent passenger sleeping facilities.

(f) "Certificate (Performance)" means a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation issued pursuant to this subpart.

(g) "Passenger" means any person who is to embark on a vessel at any U.S. port and who has paid any amount for a ticket contract entitling him to water transportation.

(h) "Passenger revenue" means those monies wherever paid by passengers who are to embark at any U.S. port for water transportation and all other accommodations, services and facilities relating thereto.

(i) "Unearned passenger revenue" means that passenger revenue received for water transportation and all other accommodations, services, and facilities relating thereto not yet performed.

(j) "Insurer" means any insurance company, underwriters, corporation, or association of underwriters, ship owners' protection and indemnity association, or other insurer acceptable to the Commission.

(k) "Evidence of insurance" means a policy, certificate of insurance, cover note, or other evidence of coverage acceptable to the Commission.

§ 540.3 Proof of financial responsibility, when required.

No person in the United States may arrange, offer, advertise, or provide passage on a vessel unless a Certificate (Performance) has been issued to or covers such person.

§ 540.4 Procedure for establishing financial responsibility.

(a) In order to comply with section 3 of Public Law 89–777 (80 Stat. 1357, 1358) enacted November 6, 1966, there must be filed an application on Form FMC–131 for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation. Copies of Form FMC–131 may be obtained from the Secretary, Federal Maritime Commission, Washington, D.C. 20573, or at the Commission's offices at New York, N.Y.; New Orleans, La.; and San Francisco, Calif.

(b) An application for a Certificate (Performance) shall be filed in duplicate with the Secretary, Federal Maritime Commission, by the vessel owner or charterer at least 60 days in advance of the arranging, offering, advertising, or providing of any water transportation or tickets in connection therewith: *Provided, however,* That any person other than the owner or charterer who arranges, offers, advertises, or provides passage on a vessel may apply for a Certificate (Performance). Applications for initial certificates should be filed at least 30 days prior to the first sailing on or after May 5, 1967. The rules of this subpart shall not apply to the arranging, offering, or advertising of voyages which embark passengers at U.S. ports prior to May 5, 1967. Late filing of the application will be permitted only for good cause shown. All applications and evidence

[1] Hearings before the Subcommittee on Merchant Marine and Fisheries, U.S. Senate, 89th Cong., Serial No. 89–66, p. 292 (hereafter cited as Senate hearings).

required to be filed with the Commission shall be in English, and any monetary terms shall be expressed in terms of U.S. currency. The Commission shall have the privilege of verifying any statements made or any evidence submitted under the rules of this subpart.

(c) The application shall be signed by a duly authorized officer or representative of the applicant with a copy of evidence of his authority. In the event of any material change in the facts as reflected in the application, an amendment to the application shall be filed no later than five (5) days following such change. For the purpose of this subpart, a material change shall be one which (1) results in a decrease in the amount submitted to establish financial responsibility to a level below that required to be maintained under the rules of this subpart, or (2) requires that the amount to be maintained be increased above the amount submitted to establish financial responsibility. Notice of the application for, issuance, denial, revocation, suspension, or modification of any such Certificate shall be published in the FEDERAL REGISTER.

§ 540.5 Insurance, guaranties, escrow accounts, and self-insurance.

Except as provided in § 540.9(j), the amount of coverage required under this section and § 540.6(b) shall be in an amount determined by the Commission to be no less than 110 percent of the unearned passenger revenue of the applicant on the date within the 2 fiscal years immediately prior to the filing of the application which reflects the greatest amount of unearned passenger revenue: *Provided, however,* That the Commission for good cause shown may consider a time period other than the previous 2 fiscal year requirement in this section or other methods acceptable to the Commission to determine the amount of coverage required. Evidence of adequate financial responsibility for the purposes of this subpart may be established by one of the following methods:

(a) Filing with the Commission evidence of insurance, issued by an insurer, providing coverage for indemnification of passengers in the event of the nonperformance of water transportation.

(1) Termination or cancellation of the evidence of insurance, whether by the assured or by the insurer, and whether for nonpayment of premiums, calls or assessments or for other cause, shall not be effected (i) until notice in writing has been given to the assured or to the insurer and to the Secretary of the Commission at its office, 1321 H Street NW., Washington, D.C. 20573, by certified mail, and (ii) until after 30 days expire from the date notice is actually received by the Commission, or until after the Commission revokes the Certificate (Performance), whichever occurs first. Notice of termination or cancellation to the assured or insurer shall be simultaneous to such notice given to the Commission. The insurer shall remain liable for claims covered by said evidence of insurance arising by virtue of an event which had occurred prior to the effective date of said termination or cancellation. No such termination or cancellation shall become effective while a voyage is in progress.

(2) The insolvency or bankruptcy of the assured shall not constitute a defense to the insurer as to claims included in said evidence of insurance and in the event of said insolvency or bankruptcy the insurer agrees to pay any unsatisfied final judgments obtained on such claims.

(3) No insurance shall be acceptable under these rules which restricts the liability of the insurer where privity of the owner or charterer has been shown to exist.

(4) Subpargraphs (1) through (3) of this paragraph shall apply to the guaranty as specified in paragraph (c) of this section.

(b) Filing with the Commission evidence of an escrow account, acceptable to the Commission, for indemnification of passengers in the event of nonperformance of water transportation.

(c) Filing with the Commission a guaranty on Form FMC–133A, by a guarantor acceptable to the Commission, for indemnification of passengers in the event of nonperformance of water transportation.

(d) Filing with the Commission for qualification as a self-insurer such evidence acceptable to the Commission as will demonstrate continued and stable passenger operations over an extended period of time in the foreign or domestic trade of the United States. In addition, applicant must demonstrate financial responsibility by maintenance of working capital and net worth each in an amount calculated as in the introductory text of this section. The Commission will take into consideration all current contractural requirements with respect to the maintenance of such working capital and/or net worth to which the applicant is bound. Evidence must be submitted that the working capital and net worth required above is physically located in the United States. This evidence of financial responsibility shall be supported by and subject to the following which are to be submitted on a continuing basis for each year or portion thereof while the Certificate (Performance) is in effect:

(1) A current quarterly balance sheet: *Provided, however,* The Commission for good cause shown may require only an annual balance sheet;

(2) A current quarterly statement of income and surplus: *Provided, however,* The Commission for good cause shown may require only an annual statement of income and surplus;

(3) An annual current balance sheet and an annual current statement of income and surplus to be certified by appropriate certified public accountants;

(4) An annual current statement of the book value or current market value of any assets physically located within the United States together with a certification as to the existence and amount of any encumbrances thereon;

(5) An annual current credit rating report by Dun and Bradstreet or any similar concern found acceptable to the Commission;

(6) A list of all contractual requirements or other encumbrances (and to whom the applicant is bound in this regard) relating to the maintenance of working capital and net worth;

(7) All financial statements required to be submitted under this section shall be due within a reasonable time after the close of each pertinent accounting period;

(8) Such additional evidence of financial responsibility as the Commission may deem necessary in appropriate cases.

§ 540.6 Surety bonds.

(a) Where financial responsibility is not established under § 540.5, a surety bond shall be filed on Form FMC–132A. Such surety bond shall be issued by a bonding company authorized to do business in the United States and acceptable to the Commission for indemnification of passengers in the event of nonperformance of water transportation.

(b) In the case of a surety bond which is to cover all passenger operations of the applicant subject to these rules, such bond shall be in an amount calculated as in the introductory text of § 540.5.

(c) In the case of a surety bond which is to cover an individual voyage, such bond shall be in an amount determined by the Commission to equal the gross passenger revenue for that voyage.

(d) The liability of the surety under the rules of this subpart to any passenger shall not exceed the amount paid by any such passenger. Provided, however, no such bond shall be terminated while a voyage is in progress.

§ 540.7 Evidence of financial responsibility.

Where satisfactory proof of financial responsibility has been given or a satisfactory bond has been provided, a Certificate (Performance) covering specified vessels shall be issued evidencing the Commission's finding of adequate financial responsibility to indemnify passengers for nonperformance of water transportation. The period covered by the Certificate (Performance) shall be indeterminate, unless a termination date has been specified thereon.

§ 540.8 Denial, revocation, suspension, or modification.

(a) Prior to the denial, revocation, suspension, or modification of a Certificate (Performance), the Commission shall advise the applicant of its intention to deny, revoke, suspend, or modify and shall state the reasons therefor. If the applicant, within 20 days after the receipt of such advice, requests a hearing to show that the evidence of financial responsibility filed with the Commission does meet the rules of this subpart, such hearing shall be granted by the Commission: *Provided, however,* That a Certificate (Performance) shall become null and void upon cancellation or termination of the surety bond, evidence of insurance, guaranty, or escrow account.

(b) A Certificate (Performance) may be denied, revoked, suspended, or modified for any of the following reasons:

(1) Making any willfully false statement to the Commission in connection with an application for a Certificate (Performance);

(2) Circumstances whereby the party does not qualify as financially responsible in accordance with the requirements of the Commission;

(3) Failure to comply with or respond to lawful inquiries, rules, regulations or orders of the Commission pursuant to the rules of this subpart.

If the applicant, within 20 days after notice of the proposed denial, revocation, suspension, or modification, requests a hearing to show that such denial, revocation, suspension, or modification should not take place, such hearing shall be granted by the Commission.

§ 540.9 Miscellaneous.

(a) If any evidence filed with the application does not comply with the requirements of this subpart, or for any reason fails to provide adequate or satisfactory protection to the public, the Commission will notify the applicant stating the deficiences thereof.

(b) Any financial evidence submitted to the Commission under the rules of this subpart shall be written in the full and correct name of the person to whom the Certificate (Performance) is to be issued, and in case of a partnership, all partners shall be named.

(c) The Commission's bond (Form FMC–132A), guaranty (Form FMC–133A), and application (Form FMC–131) forms are hereby incorporated as a part of the rules of this subpart. Any such forms filed with the Commission under this subpart must be in duplicate.

(d) Any securities or assets accepted by the Commission (from applicants, insurers, guarantors, escrow agents, or others) under the rules of this subpart must be physically located in the United States.

(e) Each applicant, insurer, and guarantor shall designate a person in the United States as his legal agent for service of process for the purposes of the rules of this subpart.

(f) In the case of any charter arrangements involving a vessel subject to the regulations of this subpart, the vessel owner (in the event of a subcharter the charterer shall file) must within 10 days file with the Secretary of the Commission evidence of any such arrangement.

(g) Financial data filed in connection with the rules of this subpart shall be confidential except in instances where information becomes relevant in connection with hearings which may be requested by applicant pursuant to § 540.8 (a) or (b).

(h) Every person who has been issued a Certificate (Performance) must submit to the Commission a semiannual statement of any changes that have taken place with respect to the information contained in the application or documents submitted in support thereof. Negative statements are required to indicate no change. Such statements must cover every 6-month period commencing with the first 6-month period of the fiscal year immediately subsequent to the date of the issuance of the Certificate (Performance). In addition, the statements will be due within 30 days after the close of every such 6-month period.

(i) Vessels operated by the Panama Canal Company are exempted from the provisions of the rules of this subpart.

(j) The amount of (1) insurance as specified in § 540.5(a); (2) the escrow account as specified in § 540.5(b); (3) the guaranty as specified in §540.5(c); or (4) the surety bond as specified in §540.6 shall not be required to exceed 5 million dollars.

Effective date. To enable the Commission to process applications and accomplish certification of financial responsibility by May 5, 1967, as required by Public Law 89–777, the Commission is of the opinion that good cause exists for these rules to be effective less than 30 days after publication. Accordingly, these rules shall become effective on April 5, 1967.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By order of the Federal Maritime Commission.

[SEAL] THOMAS LISI,
Secretary.

Form FMC–131

FEDERAL MARITIME COMMISSION
WASHINGTON, D.C. 20573

APPLICATION FOR CERTIFICATE OF FINANCIAL RESPONSIBILITY

In compliance with the provisions of Public Law 89–777 and 46 CFR Part 540, application is hereby made for a Certificate of Financial Responsibility (check one or both as applicable):

☐ for indemnification of passengers for nonperformance. ☐ initial application. ☐ Certificate has previously been applied for (if so, give date of application and action taken thereon).

☐ to meet liability incurred for death or injury to passengers or other persons. ☐ initial application. ☐ Certificate has previously been applied for (if so, give date of application and action taken thereon).

INSTRUCTIONS

Submit two (2) typed copies of the application to the Secretary, Federal Maritime Commission, Washington, D.C. 20573. The application is in four parts: Part I—General; Part II—Performance; Part III—Casualty; and Part IV—Declaration. Applicants must answer all questions in Part I and Part IV, then Parts II and/or Part III as appropriate. Instructions relating to Part II and Part III are contained at the beginning of the respective part. If the information required to be submitted under 46 CFR Part 540 has been previously submitted under other rules and regulations of the Commission, state when and for what reason such information was submitted. If previously submitted, it is not necessary to resubmit. If additional space is required, supplementary sheets may be attached.

PART I—GENERAL

ANSWER ALL QUESTIONS

1. (a) Legal business name:

(b) English equivalent of legal name if customarily written in language other than English:

(c) Trade name or names used:

2. (a) State applicant's legal form of organization, i.e. whether operating as an individual, corporation, partnership, association, joint stock company, business trust, or other organized group of persons (whether incorporated or not), or as a receiver, trustee, or other liquidating agent, and describe current business activities and length of time engaged therein.

(b) If a corporation, association, joint stock company, business trust, or other organization, give:

Name of State or country in which incorporated or organized.

Date of the incorporation or organization.

(c) If a partnership, give name and address of each partner:

3. Give following information regarding any person or company controlling, controlled by, or under common control with you (answer only if applying as a self-insurer under Part II or Part III).

Name	Address	Business and relationship to you

4. In relation to the passenger transportation engaged in by you to or from U.S. ports:

Do you own all the vessels? ☐ Yes ☐ No

(If "No" indicate the nature of the arrangements under which those not owned by you are available to you (e.g., bareboat, time, voyage, or other charter, or arrangement).)

5. Name of each passenger vessel having accommodations for 50 or more passengers and embarking passengers at U.S. ports:

Name	Country of registry	Registration No.	Maximum number of berth or stateroom accommodations

6. Submit a copy of passenger ticket or other contract evidencing the sale of passenger transportation.

7. Name and address of applicant's U.S. agent or other person authorized to accept legal service in the United States.

PART II—PERFORMANCE

Answer items 8–15 if applying for Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance. If you are filing evidence of insurance, escrow account, guaranty, or surety bond under Subpart A of 46 CFR Part 540 and providing at least five (5) million dollars of coverage you need not answer questions 10–15.

8. If you are providing at least five (5) million dollars of coverage, state type of evidence and name and address of applicant's insurer, escrow agent, guarantor, or surety (as appropriate).

9.* A Certificate (Performance) is desired for the following proposed passenger voyage or voyages: (Give itinerary and indicate whether the Certificate is for a single voyage, multiple voyages or all voyages scheduled annually.)

Vessel	Voyage date	Voyage itinerary

10. Items 11–15 are optional methods; answer only the one item which is applicable

*The filing of sailing schedules will be acceptable in answer to this question.

to this application. Check the appropriate box below:

☐ Insurance (item 11).
☐ Escrow (item 12).
☐ Surety bond (item 13).
☐ Guaranty (item 14).
☐ Self-insurer (item 15).

11. (a) Total amount of performance insurance which is to be computed in accordance with 540.5 of 46 CFR Part 540. (Evidence of insurance must be filed with the Federal Maritime Commission before a Certificate (Performance) may be issued.)

(b) Method by which insurance amount is determined (attach data substantiating that amount is not less than that prescribed in 540.5 of 46 CFR Part 540).

(c) Name and address of applicant's insurer for performance policy.

12. (a) Name and address of applicant's escrow agent. (Applicants may pledge cash or U.S. Government securities, in lieu of a surety bond, to fulfill the indemnification provisions of Public Law 89–777.)

12. (b) Total escrow deposit which is to be computed in accordance with 540.5 of 46 CFR Part 540. (Escrow agreement must be filed with the Federal Maritime Commission before a Certificate (Performance) will be issued.) Cash $____. U.S. Government Securities $____.

(c) Method by which escrow amount is determined (attach data substantiating that amount is not less than that prescribed by 540.5 of 46 CFR Part 540).

13. (a) Total amount of surety bond in cordance with 540.6 of 46 CFR Part 540. (The bond must be filed with the Federal Maritime Commission before a Certificate (Performance) may be issued.)

(b) Method by which bond amount is determined (attach data substantiating that amount is not less than that prescribed in 540.6 of 46 CFR Part 540).

(c) Name and address of applicant's surety on performance bond.

14. (a) Total amount of guaranty which is to be computed in accordance with 540.5 of 46 CFR Part 540. (Guaranty must be filed with the Federal Maritime Commission before a Certificate (Performance) may be issued.)

(b) Method by which guaranty amount is determined (attach data substantiating that amount is not less than that prescribed in 540.5 of 46 CFR Part 540).

(c) Name and address of applicant's guarantor.

15. If applicant intends to qualify as a self-insurer for a Certificate (Performance) under 540.5 of 46 CFR Part 540, attach all data, statements, and documentation required therein.

PART III—CASUALTY

ANSWER ITEMS 16–22 IF APPLYING FOR CERTIFICATE OF FINANCIAL RESPONSIBILITY TO MEET LIABILITY INCURRED FOR DEATH OR INJURY TO PASSENGERS OR OTHER PERSONS

16. Name of passenger vessel subject to section 2 of Public Law 89–777 operated by you to or from U.S. ports which has largest number of berth or stateroom accommodations. State the maximum number of berth or stateroom accommodations.

17. Amount of death or injury liability coverage based on number of accommodations aboard vessel named in item 16 above, calculated in accordance with 540.24.

ITEMS 18–22 ARE OPTIONAL METHODS; ANSWER ONLY THE ONE ITEM WHICH IS APPLICABLE TO THIS APPLICATION

18. (a) Total amount of applicant's insurance. (Evidence of the insurance must be filed with the Federal Maritime Commission before a Certificate (Casualty) will be issued.)

(b) Name and address of applicant's insurer.

19. (a) Total amount of surety bond. (Bond must be filed with the Federal Maritime Commission before a Certificate (Casualty) will be issued.)

(b) Name and address of applicant's surety for death or injury bond.

20. (a) Total amount of escrow deposit. (Escrow agreement must be filed with the Federal Maritime Commission before a Certificate (Casualty) will be issued.)

(b) Name and address of applicant's escrow agent.

21. (a) Total amount of guaranty. (Guaranty must be filed with the Federal Maritime Commission before a Certificate (Casualty) will be issued.)

(b) Name and address of applicant's guarantor.

22. If applicant intends to qualify as a self-insurer for a Certificate (Casualty) under 540.24(c) of 46 CFR Part 540, attach all data, statements and documentation required therein.

PART IV—DECLARATION

This application is submitted by or on behalf of:

(a) Name.
(b) Name and title of official.
(c) Home office—Street and number.
(d) City.
(e) State or country.
(f) ZIP Code.
(g) Principal office in the United States—Street and number.
(h) City.
(i) State.

I declare that I have examined this application, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct and complete.

By _____
(Signature of official)

_____
(Date)

Comments:

Form FMC–132A

PASSENGER VESSEL SURETY BOND (46 CFR 540)

Know all men by these presents, that We _____, of _____, _____
(Name of applicant) (City) (State and _____, as Principal (hereinafter called Principal), and _____, a company
(Name of surety)
created and existing under the laws of _____ and authorized to do
(State and country)
business in the United States as Surety (hereinafter called Surety) are held and firmly bound unto the United States of America in the penal sum of _____, for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Whereas the Principal intends to become a holder of a Certificate (Performance) pursuant to the provisions of Subpart A of Part 540 of Title 46, Code of Federal Regulations and has elected to file with the Federal Maritime Commission such a bond to insure financial responsibility and the supplying of transportation and other services subject to Subpart A of Part 540 of Title 46, Code of Federal Regulations in accordance with the ticket contract between the Principal and the passenger, and

Whereas this bond is written to assure compliance by the Principal as an authorized holder of a Certificate (Performance) pursuant to Subpart A of Part 540 of Title 46, Code of Federal Regulations, and shall inure to the benefit of any and all passengers to whom the Principal may be held legally liable for any of the damages herein described.

Now, therefore, the condition of this obligation is such that if the Principal shall pay or cause to be paid to passengers any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to provide such transportation and other accommodations and services in accordance with the ticket contract made by the Principal and the passenger while this bond is in effect for the supplying of transportation and other services pursuant to and in accordance with the provisions of Subpart A of Part 540 of Title 46, Code of Federal Regulations, then this obligation shall be void, otherwise, to remain in full force and effect.

The liability of the Surety with respect to any passenger shall not exceed the passage price paid by or on behalf of such passenger.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or paymenta shall amount in the aggregate to the penalty of the bond, but in no event shall the Surety's obligation hereunder exceed the amount of said penalty. The Surety agrees to furnish written notice to the Federal Maritime Commission forthwith of all suits filed, judgments rendered, and payments made by said Surety under this bond.

This bond is effective the ____ day of _____, 19__, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice sent by certified mail to the other and to the Federal Maritime Commission at its office in Washington, D.C., such termination to become effective thirty (30) days after actual receipt of said notice by the Commission. Provided, however, no such termination shall become effective while a voyage is in progress. The Surety shall not be liable hereunder for any refunds due under ticket contracts made by the Principal for the supplying of transportation and other services after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for refunds arising from ticket contracts made by the Principal for the supplying of transportation and other services prior to the date such termination becomes effective.

In witness whereof, the said Principal and Surety have executed this instrument on the ____ day of _____, 19__.

PRINCIPAL.

Name_____
By_____
(Signature and title)
Witness_____

SURETY.

[SEAL] Name_____
By_____
(Signature and title)
Witness_____

Only corporations or associations of individual insurers may qualify to act as surety, and they must establish to the satisfaction of the Federal Maritime Commission legal authority to assume the obligations of surety and financial ability to discharge them.

Form FMC–133A

GUARANTY IN RESPECT OF LIABILITY FOR NONPERFORMANCE SECTION 3 OF THE ACT

1. Whereas _____ as Guarantee (Hereinafter referred to as the "Applicant") is the Owner or Charterer of the

passenger Vessel(s) specified in the annexed Schedule ("the Vessels"), which are or may become engaged on voyages to or from United States ports, and the Applicant desires to establish its financial responsibility in accordance with Section 3 of Public Law 89–777, 89th Congress, approved November 6, 1966 ("the Act") then, provided that the Federal Maritime Commission ("FMC") shall have accepted, as sufficient for that purpose, the Applicant's application, supported by this Guaranty, and provided that FMC shall issue to the Applicant a Certificate (Performance) ("Certificate"), the undersigned Guarantor hereby guarantees to discharge the Applicant's legal liability to indemnify the passengers of the Vessels for nonperformance of transportation within the meaning of Section 3 of the Act, in the event that such legal liability has not been discharged by the Applicant within 21 days after any such passenger has obtained a final judgment (after appeal, if any) against the Applicant from a United States Federal or State Court of competent jurisdiction, or has become entitled to payment of a specified sum by virtue of a compromise settlement agreement made with the Applicant, with the approval of the Guarantor, whereby, upon payment of the agreed sum, the Applicant is to be fully, irrevocably and unconditionally discharged from all further liability to such passenger for such nonperformance.

2. The Guarantor's liability under this Guaranty in respect to any passenger shall not exceed the amount paid by such passenger; and the aggregate amount of the Guarantor's liability under this Guaranty shall not exceed $____.

3. The Guarantor's liability under this Guaranty shall attach only in respect of events giving rise to a cause of action against the Applicant, in respect of any of the Vessels, for nonperformance of transportation within the meaning of section 3 of the Act, occurring after the Certificate has been granted to the Applicant, and before the expiration date of this Guaranty, which shall be the earlier of the following dates:

(a) The date whereon the Certificate is withdrawn, or for any reason becomes invalid or ineffective,

(b) The date 30 days after the date of receipt by FMC of notice in writing (including telex or cable) that the Guarantor has elected to terminate this Guaranty:

Provided, however, That if, on the date which would otherwise have been the expiration date under the foregoing provisions (a) or (b) of this Clause 3, any of the Vessels is on a voyage whereon passengers have been embarked at a United States port, then the expiration date of this Guaranty shall, in respect of such Vessel, be postponed to the date on which the last passenger on such voyage shall have finally disembarked;

Also provided, however, such termination shall not affect the liability of the Guarantor for refunds arising from ticket contracts made by the Applicant for the supplying of transportation and other services prior to the date such termination becomes effective.

4. If, during the currency of this Guaranty, the Applicant requests that a vessel owned and operated by the Applicant, and not specified on the annexed Schedule, should become subject to this Guaranty, and if the Guarantor accedes to such request and so notifies FMC in writing (including telex or cable), then provided that within 30 days of receipt of such notice FMC shall have granted a Certificate, such vessel shall thereupon be deemed to be one of the Vessels included in the said Schedule and subject to this Guaranty.

5. The Guarantor hereby designates _____, with offices at _____, as the Guarantor's legal agent for service of process for the purposes of the Rules of the Federal Maritime Commission, Subpart A of Part 540 of Title 46, Code of Federal Regulations issued under section 3 of Public Law 89–777 (80 Stat. 1357, 1358), entitled "Security for the Protection of the Public."

_____
(Place and date of execution)

_____
(Type name of guarantor)

_____
(Type address of guarantor)

By _____
(Signature and title)

SCHEDULE OF VESSELS REFERRED TO IN CLAUSE 1

VESSELS ADDED TO THIS SCHEDULE IN ACCORDANCE WITH CLAUSE 4

[F.R. Doc. 67–2723; Filed, Mar. 10, 1967; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4175]

[Sacramento 079580]

CALIFORNIA

Powersite Restoration No. 636; Revocation of Powersite Reserves

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Executive orders of December 11, 1912, June 6, 1914, and June 17, 1920, creating Powersite Reserves Nos. 324, 439, and 746, respectively, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

SHASTA NATIONAL FOREST

Powersite Reserve No. 324

T. 37 N., R. 2 W.,
Sec. 4, S½NW¼.
T. 37 N., R. 3 W.,
Sec. 14, SE¼SE¼;
Sec. 26, NW¼NE¼.

Powersite Reserve No. 439

T. 36 N., R. 3 W.,
Sec. 4, lot 3 (NE¼NW¼), SW¼NE¼, SE¼NW¼, and W½SE¼;
Sec. 22, NW¼NW¼;
Sec. 28, NW¼NE¼ and NW¼.

Powersite Reserve No. 746

T. 38 N., R. 2 W.,
Sec. 34, SW¼NE¼.

The areas described aggregate 120 acres of national forest lands and 521.08 acres of patented lands, all in Shasta County. The national forest lands are either withdrawn for Power Project No. 2099, or have previously been restored subject to section 24 of the Federal Power Act of June 10, 1920 (16 U.S.C. 818), as amended. As to the latter, the effect of this order is to relieve the lands of the provisions of the said section 24.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 7, 1967.

[F.R. Doc. 67–2700; Filed, Mar. 10, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Handler Nominees

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108–932.154; 31 F.R. 12635) currently effective pursuant to the applicable provisions of the marketing agreement and order 932 (7 CFR Part 932), regulating the handling of olives grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment to the said rules and regulations was proposed by the Olive Administrative Committee, established under the said marketing agreement and order as the agency to administer the terms and provisions thereof.

The amendment would modify the provisions of § 932.29(b)(7) to provide that two nominees for handler member and two nominees for handlers alternate member positions on the committee may be affiliated with the same handler. Current provisions of such section provide that not more than one nominee for member and one nominee for alternate member may be so affiliated. The committee reports that due to mergers which have taken place there are now only three cooperative olive handlers in the industry, and the proposed action is necessary to permit nominations of persons to fill the four handler member and four handler alternate member positions assigned to cooperative handlers, under the order.

The proposed amendment is as follows:

§ 932.160 Modification of provisions relative to handler nominees.

The provisions of § 932.29(b)(7) are modified to provide that not more than two nominees for member and two nominees for alternate member positions on the committee may be affiliated with the same handler.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 7th day after publication of the notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours. (7 CFR 1.27(b))

Dated: March 8, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–2718; Filed, Mar. 10, 1967; 8:48 a.m.]

[7 CFR Part 1047]

[Docket No. AO 33–A35]

MILK IN FORT WAYNE, IND., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Fort Wayne, Ind., marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the third day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Fort Wayne, Ind., on February 9, 1967, pursuant to notice thereof which was issued January 27, 1967 (32 F.R. 1132).

The material issue on the record of the hearing relates to a proposed reduction in the rate of "take-out" prescribed in the "Louisville plan" of seasonal pricing.

Findings and conclusions. The Louisville seasonal pricing plan "take-out" rate should be reduced to 20 cents per hundredweight of producer milk in April and 25 cents for each of the months of May and June.

The order presently provides for the withholding from the computation of the uniform price for each of the months of April, May, and June an amount equal to eight percent of the Class I price multiplied by the total hundredweight of producer milk. One-third of the total amount withheld is then added in computing uniform prices for each of the months of September, October, and November for "pay-back" to producers delivering milk to regulated plants in these months. The purpose of the seasonal incentive price plan is to induce dairy farmers on the market to increase fall production in relation to spring production, thus encouraging a more even pattern of milk deliveries throughout the year.

Two cooperative associations, representing a large majority of the producers on the market, proposed the reduction in the rate of "take-out" during the months of April, May, and June adopted herein. Proponents stated it is imperative that the seasonal price differences between this market and other Federal order markets in Ohio be reduced by changing the rate of withholding under the seasonal incentive plan. Proponents of the reduced rate of "take-out," however, proposed no change in the division of the accumulated funds over the three "pay-back" months.

Proponents pointed out that producers leave, or may be removed from, the market in April, May, and June to avoid the high rate of "take-out" and return to the market during the "pay-back" months of September, October, and November. This shifting is possible, in part, because one of the cooperatives has producer members shipping to at least three Federal order markets. It was proponents' position that unless the rate is reduced the unsettling disturbances to market supplies caused during the past year by the shifting of producers from market to market would continue.

Proponents object to continuing the rate of "take-out" as a percentage of the Class I price because the Class I price has increased in recent periods, thus increasing the "take-out," and because of the uncertainty of the amount to be involved. It was their position that sufficient improvement in the seasonal production of milk has been accomplished to warrant some reduction in the rate of "take-out." In addition, they contended that there would be added price stability from fixing a definite amount to be deducted from producers' blend prices in the three "take-out" months, thus aiding producers in future production plans. They pointed out also that the proposed rate is similar to that under the Louisville plans for the Dayton-Springfield and Greater Cincinnati markets and that the reduced rate proposed would result in

improved price relationships with these and other neighboring markets.

The cooperatives' proposed rate of "take-out" of 20 cents per hundredweight of producer milk in April and 25 cents in May and June should be adopted.

The 13 Indiana counties of the Fort Wayne supply area are a common milk supply area for at least eight Federal order markets. Thus, there is considerable overlapping of the Fort Wayne supply area with those of other markets. Eleven of the same 13 counties also are part of the Fort Wayne marketing area. The rather uniform health requirements in these competing markets, together with improved roads and transportation facilities for moving milk over greater distances, have made it readily possible for dairy farmers to shift, or be shifted, among these markets, often on a temporary basis, to obtain the highest price for their milk.

During the five-year period (1961–65) the rate of "take-out" approximated 35 cents per hundredweight of milk for each of the months of April, May, and June. The rate of "take-out" in May and June 1966 averaged about 39 cents, and at present Class I price levels could reach 44 cents in April, May, and June 1967. It is apparent that these relatively high rates of "take-out" contribute to substantial differences in blend prices among the several markets not strictly related to differences in market utilization or the relative needs of the markets for milk supplies. They constitute an inducement to the Fort Wayne producer or his organization to shift milk among markets on a month-to-month basis in an effort to maximize returns. There is reason to believe also that, to some extent at least, the higher rate of withholding in Fort Wayne has provided a significant procurement advantage for Northeastern Ohio and Greater Cincinnati order handlers in the "take-out" months.

While the major objective of the Louisville plan is not to establish intermarket alinement of blend prices, it should not be permitted to cause such misalinement of blend prices that uneconomic movements will take place or that it will tend to diminish needed market supplies. Reduction of the "take-out" rate will better enable this market to retain the necessary year-round supplies of milk. At the present time, supplies and sales are reasonably related, as indicated by the average utilization of producer milk in Class I milk of 73 percent for 1966. (Official notice is taken of the Market Administrator's statistical announcement for December 1966.)

The blend prices resulting from more uniform amounts of seasonal price changes provided under the several orders in this area also will give producers in the overlapping supply areas a clearer guide as to the market where the need for milk is greatest. Thus, orderly marketing conditions will be promoted.

Had the proposed rate of "take-out" been effective, the average blend price for April, May, and June 1966 would have been $4.35 as compared to the Northeastern Ohio blend price of $4.53, Dayton-Springfield $4.37, Greater Cincinnati $4.29, and Northwestern Ohio $4.65. Under normal operation of present order provisions, the Fort Wayne blend price would have averaged $4.19 in April–June 1966. However, the blend price actually averaged $4.32 for such 3 months in 1966 because the "take-out" was suspended for the month of April in 1966 thus increasing the price in such months. While hauling rates to these various markets from the Fort Wayne area differ somewhat, it can be expected that the resulting blend prices will result in a more stable supply situation in the Fort Wayne market.

Very similar blend price relationships among these markets would have prevailed for the corresponding three months of 1965, under the same conditions. Under the amendment adopted herein the Fort Wayne blend price would have averaged $3.83 as compared to the Northeastern Ohio blend price of $3.95, Dayton-Springfield $3.98, Greater Cincinnati $3.79, and Northwestern Ohio $3.99. The announced Fort Wayne blend prices for such months averaged $3.71. Thus, the proposed lesser "take-out" rate would have brought the Fort Wayne blend into closer relationship to the other markets.

Since the recommended rate of "take-out" will result in a reduction in accumulated funds during the spring "take-out" period, it will result in a lesser amount paid back during the fall months. Under the amendment adopted the rate of "pay-back" per hundredweight of producer milk for the months of September, October and November 1966 would have closely approximated the actual average of 24 cents per hundredweight paid to producers for such months inasmuch as the "take-out" period was limited to May and June 1966, through suspension of this provision for April 1966.

If the proposed amendments had been effective during the three "pay-back" months of September, October, and November, 1966, the average blend price would have been $5.49 as compared to the Northeastern Ohio blend price of $5.43, Dayton-Springfield $5.77, Greater Cincinnati $5.61, and the Northwestern Ohio $5.38. Under the present order provisions and in the absence of the suspension of the "take-out" in April 1966, the blend price would have averaged $5.62.

Quite similar blend price relationships among these markets would have prevailed for the same three months of 1965. The Fort Wayne blend price would have averaged about $4.56, as compared to the Northeastern Ohio blend price of $4.49, Dayton-Springfield $4.79, Greater Cincinnati $4.81, and Northwestern Ohio $4.47. The announced Fort Wayne blend prices for such months averaged $4.70.

There were no proposals to maintain the present rate of deduction under the Louisville plan. However, one dairy farmer shipping milk from one farm to a plant regulated by the Northwestern Indiana order and from a second farm to a plant regulated by the Fort Wayne order recommended elimination of the Louisville plan. In support of his proposal, he compared seasonal production changes and producer numbers on the Southern Michigan market to those of the Fort Wayne market.

There was no evidence that any substantial number of producers in the Fort Wayne production area ship to plants regulated by the Southern Michigan order or that the two markets strongly compete for supplies. Moreover, the situation in the Southern Michigan market is significantly different from the Fort Wayne market since for many years the Southern Michigan market has employed a base-excess plan of payment to producers to accomplish evenness of producer deliveries throughout the year. This comparison of markets using different seasonal pricing plans does not provide sufficient indication that the Louisville plan is no longer a necessary feature of pricing in the Fort Wayne market. The proposal to eliminate the plan, therefore, is denied.

Proponent cooperatives proposed that the reduced rate of "take-out" should apply also for those dairy farmers delivering milk to any partially regulated handler who elects, as provided by the order, to pay such dairy farmers the full classified use value of his milk.

The cooperatives' representative stated that there has been no change in the basis for applying the Louisville plan in such instances as set forth in the Assistant Secretary's April 30, 1962, decision (27 F.R. 4282), official notice of which is taken. This decision adopted identical rates of "take-out" for dairy farmers delivering milk to both partially regulated and fully regulated handlers. It was the cooperatives' position that this situation warrants continuation of similar treatment even though the rate of "take-out" is reduced. It is concluded, therefore, that the rate of "take-out" as proposed by the proponent cooperatives should apply also for the partially regulated handler.

Rulings on proposed findings and conclusions. The period from the close of the hearing through February 20, 1967, was allowed for the filing of briefs. None were filed.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price

of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Fort Wayne, Ind., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1047.62(b)(1), the first proviso of subdivision (i) (*b*) is changed and paragraph (b)(2) is changed to read as follows:

§ 1047.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * *

(b) * * *
(1) * * *
(i) * * *
(*b*) * * *

Provided, That for each of the months of April, May, and June an amount computed by multiplying the total hundredweight of milk received from dairy farmers at such plant by the following amounts: 20 cents in April and 25 cents in May and June, shall be subtracted from the amount computed pursuant to this subdivision:

* * * * * *

(2) On or before the 17th day after the end of each of the months of April, May, and June for the producer-settlement fund an amount computed by multiplying the total hundredweight of milk received from dairy farmers at such plant by the following amounts: 20 cents in April and 25 cents in May and June;

* * * * * *

2. In § 1047.71, paragraph (h) is changed to read as follows:

§ 1047.71 Computation of uniform prices.

* * * * * *

(h) Subtract from the remainder for each of the months of April, May, and June an amount computed by multiplying the total hundredweight of producer milk for such month by the following amounts: 20 cents in April and 25 cents in May and June:

* * * * * *

Signed at Washington, D.C., on March 7, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-2719; Filed, Mar. 10, 1967; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

CONSENT FOR USE OF INVESTIGATIONAL NEW DRUGS ON HUMANS

Proposed Revision of Statement of Policy

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505(i), 701(a), 52 Stat. 1053, as amended, 1055; 21 U.S.C. 355(i), 371(a)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), and in consonance with the Declaration of Helsinki adopted by the World Medical Association, and the "Ethical Guidelines for Clinical Investigation" adopted by the House of Delegates of the American Medical Association, it is proposed that § 130.37 be revised to read as follows:

§ 130.37 Consent for use of Investigational New Drugs (IND) on humans; statement of policy.

(a) Section 505(i) of the act provides that regulations on use of investigational new drugs on human beings shall impose the condition that investigators "obtain the consent of such human beings or their representatives, except where they deem it not feasible or, in their professional judgment, contrary to the best interests of such human beings."

(b) This means that the consent of such human beings (or the consent of their representatives) to whom investigational drugs are administered primarily for the accumulation of scientific knowledge, for such purposes as studying drug behavior, body processes, or the course of a disease, must be obtained in all cases and, in all but exceptional cases, the consent of patients under treatment with investigational drugs, or the consent of their representatives, must be obtained.

(c) "Under treatment" applies when the administration of the investigational drug for diagnostic, therapeutic, or other purpose involves medical judgment, taking into account the individual circumstances pertaining to the patient to whom the investigational drug is to be administered.

(d) "Exceptional cases," as used in paragraph (b) of this section, are those relatively rare cases in which it is not feasible to obtain the patient's consent or the consent of his representative, or in which, as a matter of professional judgment exercised in the best interest of a particular patient under the investigator's care, it would be contrary to that patient's welfare to obtain his consent.

(e) "Patient" means a person under treatment.

(f) "Not feasible" is limited to cases where the investigator is not capable of obtaining consent because of inability to resentative; for example, where the patient is in a coma or is otherwise incapable of giving informed consent, his representative cannot be reached, and it is imperative to administer the drug without delay.

(g) "Contrary to the best interests of such human beings" applies when the communication of information to obtain consent would seriously affect the patient's well-being and the physician has exercised a professional judgment that under the particular circumstances of this patient's case, the patient's best interests would suffer if consent were sought.

(h) "Consent" means that the person involved has legal capacity to give consent, is so situated as to be able to exercise free power of choice, and is provided with a fair explanation of pertinent information concerning the investigational drug, and/or his possible use as a control, as to enable him to make a decision as to his willingness to receive said investigational drug. This latter element means that before the acceptance of an affirmative decision by such person the investigator should carefully consider and make known to him (taking into consideration such person's well-being and his ability to understand) the nature, expected duration, and purpose of the administration of said investigational drug; the method and means by which it is to be administered; the hazards involved; the existence of alternative forms of therapy, if any; and the beneficial effects upon his health or person that may possibly come from the administration of the investigational drug.

When consent is necessary under the rules set forth in this section, the consent of persons receiving an investigational new drug in Phase 1[1] and Phase 2[1] investigations (or their representatives) shall be in writing. When consent is necessary under such rules in Phase 3[1] investigations, it is the responsibility of investigators, taking into consideration the physical and mental state of the patient to decide when it is necessary or preferable to obtain consent in other than written form. When such written consent is not obtained, the investigator must obtain oral consent and record that fact in the medical record of the person receiving the drug.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

[1] As discussed in item 10 of Form FD 1571 which Form is set forth in § 130.3(a)(2).

Dated: March 9, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-2788; Filed, Mar. 10, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 30, 40, 50, 70, 170]

FACILITY AND MATERIALS LICENSES

Proposed Fees

The Atomic Energy Commission is proposing to establish fees for facility construction permits and operating licenses issued under 10 CFR Part 50 and for specific byproduct, source, and special nuclear materials licenses issued under 10 CFR Parts 30, 32–35, 40, and 70.

The Commission is proposing the establishment of fees for its facility and materials licenses which it believes to be reasonable and compatible with the Commission's responsibility for fostering the development of nuclear energy. The fees are set out below in a proposed new Part 170. Amendments to Parts 30, 40, 50, and 70 to reflect the proposed application filing fee requirements are also proposed. The fees would apply to specific licenses but not to general licenses at the present time.[1]

The Commission is proposing application filing fees, license issuance fees, and annual fees for both facility and materials licenses. With respect to both facility and materials licenses, if a single application covers more than one facility, or class of licensed material, only a single application fee need be paid. However, if more than one license is issued in response to an application, the applicable fees for each license will be assessed. License issuance and annual fees for both facilities and materials would be deemed as assessed for licensing services to be performed by the Commission and paid for at the beginning of the year in which they are rendered. No refunds would be made if the license terminates before the expiration of the year.

Facility license fees. Fees are proposed for all facility construction permits and operating licenses under Part 50 of the Commission's rules and regulations, except for licenses to export facilities and for certain licenses held by educational institutions. The following types of fees would be required: (1) A fee for filing an application for a construction permit; (2) a construction permit issuance fee, and (3) an operating license issuance fee and annual fee payable each year after issuance of the operating license. No separate fees would be assessed for licensing of nuclear material incidental to the operation of a facility, or for facility operator licenses under 10 CFR Part 55. The filing fee would be payable in full at the time of filing the application. Construction permit fees and operating license fees would be payable when the first authorization is received; i.e., the provisional construction permit or operating license. Annual fees would be payable 1 year after the issuance of any provisional operating license, or in the case of a facility for which an operating license has already been issued, 1 year after the effective date of Part 170 and annually thereafter.

Materials license fees. Fees are proposed for specific byproduct, source, and special nuclear materials licenses issued pursuant to 10 CFR Parts 30, 32–35, 40, and 70. For new licenses, application fees would be payable at the time of filing of the application. Annual fees would be payable 1 year after the issuance of the license, or in case of outstanding licenses, 1 year after the effective date of Part 170 and annually thereafter. Exemptions are provided for licenses for material incidental to the operation of a facility, as indicated above, for licenses for export or import only of byproduct, source, or special nuclear materials and for certain licenses held by educational institutions.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, notice is hereby given that adoption of the following amendments of 10 CFR Parts 30, 40, 50, and 70 and of the following new 10 CFR Part 170 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendments and regulation should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed rule may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Section 30.32 of 10 CFR Part 30 is amended by adding a new paragraph (e) to read as follows:

§ 30.32 Applications for specific licenses.

* * * * * *

(e) Each application for a byproduct material license, other than a license exempted from Part 170 of this chapter, and other than an application for renewal or amendment of a license, shall be accompanied by the fee prescribed in Part 170 of this chapter.

2. Section 40.31 of 10 CFR Part 40 is amended by adding a new paragraph (f) to read as follows:

§ 40.31 Applications for specific licenses.

* * * * * *

(f) Each application for a source material license, other than a license exempted from Part 170 of this chapter, and other than an application for renewal or amendment of a license, shall be accompanied by the fee prescribed in Part 170 of this chapter.

3. Section 50.30 of 10 CFR Part 50 is amended by adding a new paragraph (d) to read as follows:

§ 50.30 Filing of applications for licenses, oath or affirmation.

* * * * * *

(d) *Filing fees.* Each application for a production or utilization facility license, including whenever appropriate, a construction permit, other than a license exempted from Part 170 of this chapter, shall be accompanied by the fee prescribed in Part 170 of this chapter. No fee will be required to accompany an application for renewal, amendment or termination of a construction permit or operating license, except as provided in § 170.21 of this chapter.

4. Section 70.21 of 10 CFR Part 70 is amended by adding a new paragraph (f) to read as follows:

§ 70.21 Filing.

* * * * * *

(f) Each application for a special nuclear material license, other than a license exempted from Part 170 of this chapter, and other than an application for renewal or amendment of a license, shall be accompanied by the fee prescribed in Part 170 of this chapter.

5. Chapter I of Title 10 of the Code of Federal Regulations is amended by adding a new Part 170 to read as follows:

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSED UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

GENERAL PROVISIONS

Sec.
170.1 Purpose.
170.2 Scope.
170.3 Definitions.
170.4 Interpretations.
170.5 Communications.
170.11 Exemptions.
170.12 Payment of fees.

SCHEDULE OF FEES

170.21 Schedule of fees for production and utilization facilities.
170.31 Schedule of fees for materials licenses.

ENFORCEMENT

170.41 Failure by licensee to pay annual fees.

AUTHORITY: The provisions of this Part 170 issued under sec. 501, 65 Stat. 290; sec. 161, 68 Stat. 948; 42 U.S.C. 2201.

GENERAL PROVISIONS

§ 170.1 Purpose.

The regulations in this part set out fees charged for licensing services rendered by the Atomic Energy Commission, as authorized under Title V of the In-

[1] Specific licenses are issued to named persons upon applications filed pursuant to the regulations in Parts 30, 32–36, 40, 50, and 70 of this chapter. General licenses are effective without the filing of applications with the Commission or the issuance of licening documents to particular persons.

dependent Offices Appropriation Act of 1952 (65 Stat. sec. 290), and provisions regarding their payment.

§ 170.2 Scope.

Except for persons who apply for or hold the licenses exempted in § 170.11, the regulations in this part apply to each person who is an applicant for or holder of a specific license issued pursuant to Parts 30, 32–36, 40, 50, and 70 of this chapter.

§ 170.3 Definitions.

As used in this part:

(a) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear materials.

(b) "Materials license" means a byproduct material license issued pursuant to Parts 30 and 32–36 of this chapter, or a source material license issued pursuant to Part 40 of this chapter, or a special nuclear materials license issued pursuant to Par' 70 of this chapter.

(c) "Nuclear reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(d) "Other production or utilization facility" means a facility other than a nuclear reactor licensed by the Commission under the authority of sections 103 or 104 of the Atomic Energy Act of 1954, as amended (the Act) and pursuant to the provisions of Part 50 of this chapter.

(e) "Power reactor" means a nuclear reactor designed to produce electrical or heat energy licensed by the Commission under the authority of section 103 or subsection 104b. of the Act and pursuant to the provisions of § 50.21(b) or § 50.22 of this chapter.

(f) "Production facility" means:

(1) Any nuclear reactor designed or used primarily for the formation of plutonium or uranium 233; or

(2) Any facility designed or used for the separation of the isotopes of uranium or the isotopes of plutonium, except laboratory scale facilities designed or used for experimental or analytical purposes only; or

(3) Any facility designed or used for the processing of irradiated materials containing special nuclear material, except (i) laboratory scale facilities designed or used for experimental or analytical purposes, and (ii) facilities in which the only special nuclear materials contained in the irradiated material to be processed are uranium enriched in the isotope U-235 and plutonium produced by the irradiation, if the material processed contains not more than 10^{-4} grams of plutonium per gram of U-235 and has fission product activity not in excess of 0.25 millicuries of fission products per gram of U-235.

(g) "Research reactor" means a nuclear reactor licensed by the Commission under the authority of subsection 104 c. of the Act and pursuant to the provisions of § 50.21(c) of this chapter for operation at a thermal power level of 10 megawatts or less, and which is not a testing facility as defined by paragraph (l) of this section.

(h) "Sealed source" means any byproduct material that is encased in a capsule designed to prevent leakage or escape of the byproduct material.

(i) "Source material" means:

(1) Uranium or thorium, or any combination thereof, in any physical or chemical form or

(2) Ores which contain by weight one-twentieth of 1 percent (0.05%) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof.

Source material does not include special nuclear material.

(j) "Special nuclear material" means:

(1) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act determines to be special nuclear material but does not include source material; or

$$\frac{175 \text{ (grams contained U-235)}}{350} + \frac{50 \text{ (grams U-233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1$$

(l) "Testing facility" means a nuclear reactor licensed by the Commission under the authority of subsection 104 c. of the Act and pursuant to the provisions of § 50.21(c) of this chapter for operation at:

(1) A thermal power level in excess of 10 megawatts; or

(2) A thermal power level in excess of 1 megawatt, if the reactor is to contain:

(i) A circulating loop through the core in which the applicant proposes to conduct fuel experiments; or

(ii) A liquid fuel loading; or

(iii) An experimental facility in the core in excess of 16 square inches in cross-section.

(m) "Utilization facility" means any nuclear reactor other than one designed or used primarily for the formation of plutonium or U-233 and any other equipment or device determined by rule of the Commission to be a utilization facility within the purview of subsection 11 cc. of the Act.

(n) "Waste disposal license" means a license specifically authorizing the receipt of waste byproduct material, source material or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial.

§ 170.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 170.5 Communications.

All communications concerning the regulations in this part should be addressed to the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545. Communications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

§ 170.11 Exemptions.

(a) No application filing fees, license fees, or annual fees shall be required for:

(1) A license authorizing the export only of a production or utilization facility;

(2) A license authorizing the export only or import only of byproduct material, source material or special nuclear material;

(3) A license authorizing the receipt, ownership, possession, use or production of byproduct material, source material, or special nuclear material incidental to the operation of a production or utilization facility licensed under Part 50 of this chapter, including a license under Part 70 of this chapter authorizing possession and storage only of special nuclear material at the site of a nuclear reactor for use as fuel in operation of the nuclear reactor or at the site of a spent fuel processing plant for processing at the plant.

(4) A construction permit or license applied for, or issued to, a nonprofit educational institution, which shows itself to be, with respect to the material or facility licensed or to be licensed, party to (i) a loan agreement administered by the Commission's Division of Nuclear Education and Training, or (ii) a university reactor assistance contract with the Commission. The exemption in this subparagraph shall not apply to a construction permit or license for a facility or material other than that referred to in the loan agreement or university reactor assistance contract.

(b) The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of this part as it determines are authorized by law and are otherwise in the public interest.

§ 170.12 Payment of fees.

(a) *Application fees.* Each application for which a fee is prescribed in this part shall be accompanied by a remittance in the full amount of the fee. No application will be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received may be returned to the applicant. All application fees will be charged irrespective of the Commission's disposition of the application or a withdrawal of the application.

(b) *Construction permit fees and operating license fees.* Fees for construction permits and operating licenses are payable when the provisional construction permit or provisional operating license, if any, is issued. Otherwise, fees are payable when the construction permit or operating license is issued. No provisional construction permit or provisional operating license, or construction permit or operating license, as the case may be, will be issued by the Commission until the full amount of the fee prescribed in this part has been paid.

(c) *Annual fees.* Annual fees prescribed in this part are payable, in the case of licenses outstanding on the effective date of this part, 1 year after the effective date of this part and annually thereafter. In the case of licenses issued after the effective date of this part, annual fees are payable 1 year after the date of issuance of the license or provisional operating license, if any, whichever is earlier, and annually thereafter.

(d) *Method of payment.* Fee payments shall be by check or money order payable to the U.S. Atomic Energy Commission.

SCHEDULE OF FEES

§ 170.21 Schedule of fees for production and utilization facilities.

Applicants for construction permits or operating licenses for production or utilization facilities and holders of construction permits or operating licenses for production or utilization facilities shall pay the following fees:

Facility (thermal megawatt values refer to the maximum capacity applied for or stated in the permit or license) [1]	Fee for filing application for construction permit	Construction permit fee	Operating license fee and annual fee
(1) Power reactor:			
Up to 1,000 Mw(t)	$2,500	$12,000	$1,800
Over 1,000 to 1,500 Mw(t)	2,500	18,000	2,700
Over 1,500 Mw(t)	2,500	27,000	3,800
(2) Testing facility:			
Up to 15 Mw(t)	800	2,000	700
Over 15 Mw(t)	800	3,000	1,000
(3) Research reactor:			
Up to 1 Mw(t)	300	1,000	300
Over 1 to 5 Mw(t)	300	1,500	400
Over 5 Mw(t)	300	2,000	500
(4) Other production or utilization facility	1,500	5,000	2,000

[1] Amendments reducing capacity shall not entitle the applicant to a partial refund of any fee; applications for amendments increasing capacity to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee less the amount already paid.

§ 170.31 Schedule of fees for materials licenses.

Applicants for materials licenses and holders of materials licenses shall pay the following fees:

SCHEDULE OF MATERIALS LICENSE FEES

Category of materials license	Application fee	Annual fee
1. All materials licenses other than licenses in categories 2, 3, 4, and 5 [1]	None	$25.00
2. Licenses for byproduct material issued pursuant to 10 CFR Part 33 or pursuant to an application described in §35.11 (e) of 10 CFR Part 35	$100.00	50.00
3. Licenses for byproduct material of 100,000 curies or more in sealed sources used for irradiation of materials	500.00	100.00
4. Licenses for special nuclear material in quantities sufficient to form a critical mass	300.00	100.00
5. Waste disposal licenses specifically authorizing the receipt of waste byproduct material, source material or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial	500.00	200.00

[1] If a license falls within more than one category of categories 2, 3, 4, or 5, the license shall be deemed to fall within the category for which the fee specified is the highest.

ENFORCEMENT

§ 170.41 Failure by licensee to pay annual fees.

In any case where the Commission finds that a licensee has failed to pay the applicable annual fee required in this part, the Commission may suspend or revoke the license or may issue such order with respect to licensed activities as the Commission determines to be appropriate or necessary in order to carry out the provisions of this part, Parts 30, 32–36, 40, 50, and 70 of this chapter and of the Act.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 501, 65 Stat. 290)

Dated at Washington, D.C., this 8th day of March 1967.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 67–2681; Filed, Mar. 10, 1967; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 8014]

AIRWORTHINESS DIRECTIVES

Pan Avion Model PA–5 Life Vests

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to all Pan Avion Model PA–5 Life Vests equipped with an 8 gram CO_2 cartridge (P/N 2200–525–15). The 8 gram CO_2 cartridge does not provide the minimum buoyancy requirements needed for safe operation of these life vests. To correct this deficiency, the proposed airworthiness directive would require the removal of the 8 gram CO_2 cartridge (P/N 2200–525–15) and the installation of a 12 gram CO_2 cartridge (P/N 2200–525–21) and a long inflator cap (P/N 2200–538–8).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before April 10, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PAN AVION. Applies to Model PA–5 Life Vests equipped with an 8 gram CO_2 cartridge (P/N 2200–525–15).

Compliance required within 30 days after the effective date of this AD, unless already accomplished.

To insure adequate life vest buoyancy, remove the 8 gram CO_2 cartridge (P/N 2200–525–15) and install a 12 gram CO_2 cartridge (P/N 2200–525–21) and a long inflator cap (P/N 2200–538–8).

(Pan Avion Service Bulletin No. 22–66 dated Sept. 15, 1966, covers this subject.)

Issued in Washington, D.C., on March 3, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67–2693; Filed, Mar. 10, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67–CE–13]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Green Bay, Wis., and Oshkosh, Wis., terminal areas.

The Green Bay, Wis., transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'15" N., longitude 88°07'45" W.), within 2 miles each side of the Green Bay VORTAC 326° radial, extending from the 6-mile radius area to 8 miles NW of the VORTAC, and within 2 miles each side of the Green Bay ILS localizer SW and NE courses, extending from 8 miles SW to 21 miles NE of the OM.

The Oskosh, Wis., transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Winnebago County Airport, Oshkosh, Wis. (latitude 43°59'20" N., longitude 88°33'15" W.), within 8 miles E and 5 miles W of the Oshkosh VOR 176° radial, extending from the 8-mile radius area to 12 miles S of the VOR; within a 5-mile radius of Fond du Lac County Airport, Fond du Lac, Wis. (latitude 43°46'14" N., longitude 88°29'29" W.), and within 5 miles S and 8 miles N of the 273° bearing from the Fond du Lac County Airport, extending from the airport to 12 miles W of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44°32'00" N., longitude 87°43'55" W.; thence to latitude 44°32'00" N., longitude 87°27'00" W.; thence to latitude 43°-30'00" N., longitude 87°27'00" W.; thence to latitude 43°30'00" N., longitude 88°30'00" W.; thence to latitude 43°40'40" N., longitude 89°38'20" W.; thence north along the east boundary of V-255 to latitude 44°19'50" N., longitude 89°29'00" W.; thence counterclockwise via the arc of a 15-mile radius circle centered on the Stevens Point, Wis., VOR to latitude 44°28'30" N., longitude 89°14'25" W.; thence to latitude 44°28'30" N., longitude 89°05'20" W.; thence to latitude 44°29'10" N., longitude 89°04'35" W.; thence to latitude 44°29'25" N., longitude 88°35'30" W.; thence to latitude 44°31'32" N., longitude 88°29'20" W.; thence clockwise along the arc of an 18-mile radius circle centered on Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'15" N., longitude 88°07'45" W.) to the east edge of V-7; thence northeast along the east edge of V-7 to intersect an arc of a 20-mile radius circle centered on Austin-Straubel Airport; thence clockwise along the 20-mile radius arc to the point of beginning.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Green Bay and Oshkosh, Wis., terminal areas, as the result of the modification of public use instrument approach procedures at the Austin-Straubel Airport, Green Bay, Wis., utilizing the DME capability of the Green Bay VORTAC as a navigational aid, proposes to take the following airspace actions:

(1) Redesignate the Green Bay, Wis., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'15" N., longitude 88°07'45" W.); within 2 miles each side of the Green Bay VORTAC 326° radial, extending from the 6-mile radius area to 8 miles NW of the VORTAC; and within 2 miles each side of the Green Bay ILS localizer SW and NE courses, extending from 11 miles SW to 21 miles NE of the OM.

(2) Redesignate the Oshkosh, Wis., transition area as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Winnebago County Airport, Oshkosh, Wis. (latitude 43°59'20" N., longitude 88°33'-15" W.); within 8 miles E and 5 miles W of the Oshkosh VOR 176° radial, extending from the 8-mile radius area to 12 miles S of the VOR; within a 5-mile radius of Fond du Lac County Airport, Fond du Lac, Wis. (latitude 43°46'10" N., longitude 88°29'30" W.); and within 5 miles S and 8 miles N of the 273° bearing from Fond du Lac County Airport, extending from the airport to 12 miles W of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning At latitude 44°36'00" N., longitude 87°-47'15" W.; thence to latitude 44°36'00" N., longitude 87°27'00" W.; thence to latitude 43°30'00" N., longitude 87°-27'00" W.; thence to latitude 43°-30'00" N., longitude 88°30'00" W.; thence to latitude 43°40'40" N., longitude 89°38'20" W.; thence north along the east boundary of V-255 to latitude 44°19'50" N., longitude 89°29'-00" W.; thence counterclockwise via the arc of a 15-mile radius circle centered on the Stevens Point, Wis., VOR to latitude 44°28'30" N., longitude 89°14'25" W.; thence to latitude 44°28'30" N., longitude 89°05'20" W.; thence to latitude 44°29'10" N., longitude 89°04'35" W.; thence to latitude 44°29'25" N., longitude 88°35'00" W.; thence clockwise via the arc of a 20-mile radius circle centered on the Green Bay VOR to the point of beginning, excluding the portion which overlies the Cecil, Wis., transition area.

The proposed 700-foot floor transition area at Green Bay will provide controlled airspace protection for aircraft executing prescribed instrument approach and departure procedures at Austin-Straubel Airport, Green Bay, Wis., during descent from 1,500 to 1,000 feet above the surface and during climb from 700 to 1,200 feet above the surface. The proposed 700-foot floor transition area at Oshkosh will remain the same as it is presently designated.

The proposed 1,200-foot floor transition area at Oshkosh will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures for Austin-Straubel Airport during the portion of those procedures executed at and above 1,500 feet above the surface.

Floors of the airways which traverse the transition areas proposed herein will automatically coincide with the floors of the transition areas.

Specific details of this proposal and the procedures which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on February 28, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-2694; Filed, Mar. 10, 1967; 8:45 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 67-CE-21]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations which would alter the designated altitude of Restricted Area R-4501A, Fort Leonard Wood West.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

R-4501A is now designated continuously from the surface to 2,200 feet MSL. The Department of the Army has requested a change in designated altitudes as follows: Monday through Friday, surface to 2,200 feet MSL; Saturday and Sunday, surface to 11,200 feet MSL. This change is desired to permit training of U.S. Army, National Guard and Reserve Army units in the employment of indirect fire high angle artillery and mortar weapons on weekends.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 6, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-2695; Filed, Mar. 10, 1967; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 20,495]

FEDERAL SAVINGS AND LOAN SYSTEM

Loans in Excess of 80 Percent of Value

MARCH 2, 1967.

Resolved, that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.6-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545.6-1) be amended as follows:

Amend subparagraph (4) of paragraph (a) of § 545.6-1 of the rules and regulations for the Federal Savings and Loan System to read as follows:

§ 545.6-1 Lending powers under sections 13 and 14 of Charter K.

* * * * *

(a) *Homes or combination of homes and business property.*

* * * * *

(4) *Loans in excess of 80 percent of value.* The limitation of 80 percent set forth in subdivision (1) of subparagraph (1) of this paragraph shall be 90 percent in the case of any loan which is made in an amount not in excess of $30,000 and with respect to which the following requirements are met:

(i) The association, at the time it makes or invests its funds in the loan, has general reserves and surplus equal to at least 3 percent of the association's assets;

(ii) Except as provided in subdivision (x) of this subparagraph, the loan is made upon the security of a first lien upon real estate upon which there is located a structure designed for residential use for one family, the construction of which has been completed prior to the date on which the security instrument securing the loan is executed and prior to the date on which any disbursement on the loan is made, and upon which there is not located any other structure designed or used in whole or in part as a dwelling or any structure designed or used in whole or in part for any business purpose or for any purpose not ancillary to the residential use aforesaid;

(iii) The principal obligation of the loan is specified in the security instrument securing the loan and does not exceed (*a*) $30,000 or (*b*) 90 percent of the value of the real estate or, if the loan is made to finance the purchase of the real estate, 90 percent of the purchase price set forth in the certification specified in subdivision (vii) of this subparagraph, whichever is less;

(iv) The loan contract requires that, in addition to interest and principal payments on the loan, the equivalent of one-twelfth of the estimated annual taxes, assessments, and insurance premiums on the real estate security be paid monthly in advance to the association;

(v) The borrower, including a purchaser defined as a borrower in the proviso clause of subdivision (x) of this subparagraph, has executed, not earlier than the date on which the security instrument securing the loan is executed and, except as provided by subdivision (x) of this subparagraph, not later than the date on which any disbursement on the loan is made, a certification in writing stating (*a*) the purpose for which the loan is sought and, if for the purpose of enabling the borrower to purchase the security property, the name of the vendor or vendors; (*b*) that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by the borrower or has been contracted or agreed to be so given or executed; and (*c*) that the borrower is actually occupying the property as a dwelling or that the borrower in good faith intends to do so;

(vi) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the vendor or vendors have executed, not earlier nor later than the dates specified in subdivision (v) of this subparagraph, a certification in writing stating that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed to the vendor or vendors by the purchaser or has been contracted or agreed to be so given or executed;

(vii) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the purchaser and the vendor or vendors have jointly executed, prior to approval of the loan, a certification in writing stating (*a*) the purchase price of the security property and the items comprising such price and (*b*) that there is outstanding a contract or agreement between the vendor or vendors and the purchaser that the security property will be conveyed to the purchaser;

(viii) The association has made or obtained, prior to approval of the loan, a written report on the credit standing of the borrower, as described in subdivision (v) of this subparagraph, and the financial ability of such borrower to undertake and pay off the obligation involved in the loan;

(ix) The resulting aggregate of the principal amount of such loan as specified in accordance with subdivision (iii) of this subparagraph and of the association's investment in the principal amount of all other loans made under this subparagraph, exclusive of any such loan with respect to which the unpaid principal balance has been reduced to an amount not in excess of 80 percent of the value of the property according to the appraisal on which such loan was made (or 80 percent of the purchase price set forth in the certification specified in subdivision (vii) of this subparagraph, if such purchase price is less than such value), does not, at the time the association makes or invests its funds in such loan, exceed 20 percent of the association's assets;

(x) Notwithstanding the requirements of subdivision (ii) of this subparagraph, a loan under this subparagraph may be made to finance the construction of a structure as described in subdivision (ii) of this subparagraph, but the amount by which such a loan exceeds 80 percent of the value of the real estate shall not be disbursed unless and until construction has been fully completed. If the loan is made to finance construction of such structure for sale, the amount by which such loan exceeds 80 percent of the value of the real estate shall not be disbursed unless and until construction has been fully completed, the property has been sold and title has been conveyed to a purchaser who has executed an agreement with the association assuming and agreeing to pay the loan, and there is compliance with all of the provisions of this subparagraph except as specifically waived in this subdivision: *Provided*, That, for the purpose of such compliance, the unpaid balance of the loan at the date of execution of the said assumption agreement shall be deemed to be the principal obligation of the loan; the date of execution of the said assumption agreement shall be deemed to be the date of approval of the loan, of the purchase of the property, of the execution of the security instrument, and of disbursement of the loan; the person or concern to whom the loan was made to finance construction shall be deemed to be the vendor; and the purchaser shall be deemed to be the borrower; and

(xi) In the case of a loan purchased by a Federal association from other than a Federal association, each certification required by subdivisions (v), (vi), and (vii) of this subparagraph shall contain a statement that the certification is made for the purpose of inducing a Federal savings and loan association to purchase the loan.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed

amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than April 11, 1967, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 67-2703; Filed, Mar. 10, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

HURON ISLANDS AND SENEY UNITS

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on May 10, 1967, at the Northern Michigan University Center, Marquette, Mich., on studies leading to recommendations to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including the Huron Islands and Seney Wilderness Study Areas in the National Wilderness Preservation System. The Units consist of approximately 147 acres and 20,000 acres within the Huron Islands and Seney National Wildlife Refuges located in Marquette and Schoolcraft Counties, Mich., respectively.

A brochure containing a map and information about the Huron Islands and Seney Wilderness Units may be obtained from the Refuge Manager of Seney National Wildlife Refuge, Seney, Mich. 49883, or the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by May 10, 1967.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

MARCH 8, 1967.

[F.R. Doc. 67-2721; Filed, Mar. 10, 1967; 8:48 a.m.]

Office of the Secretary

NATIVE FISH AND WILDLIFE

Endangered Species

In accordance with section 1(c) of the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926; 16 U.S.C. 668aa(c)) I find after consulting the States, interested organizations, and individual scientists, that the following listed native fish and wildlife are threatened with extinction.

Mammals:

Indiana Bat—*Myotis sodalis.*
Delmarva Peninsula Fox Squirrel—*Sciurus niger cinereus.*
Timber Wolf—*Canis lupus lycaon.*
Red Wolf—*Canis niger.*
San Joaquin Kit Fox—*Vulpes macrotis mutica.*
Grizzly Bear—*Ursus horribilis.*
Black-Footed Ferret—*Mustela nigripes.*
Florida Panther—*Felis concolor coryi.*
Caribbean Monk Seal—*Monachus tropicalis.*
Guadalupe Fur Seal—*Arctocephalus philippi townsendi.*
Florida Manatee or Florida Sea Cow—*Trichechus manatus latirostris.*
Key Deer—*Odocoileus virginianus clavium.*
Columbian White-Tailed Deer—*Odocoileus virginianus leucurus.*
Sonoran Pronghorn—*Antilocapra americana sonoriensis.*

Birds:

Hawaiian Dark-Rumped Petrel—*Pterodroma phaeopygia sandwichensis.*
Hawaiian Goose (Nene)—*Branta sandvicensis.*
Aleutian Canada Goose—*Branta canadensis leucopareia.*
Tule White-Fronted Goose—*Anser albifrons gambelli.*
Laysan Duck—*Anas laysanensis.*
Hawaiian Duck (or Koloa)—*Anas wyvilliana.*
Mexican Duck—*Anas diazi.*
California Condor—*Gymnogyps californianus.*
Florida Everglade Kite (Florida Snail Kite)—*Rostrhamus sociabilis plumbeus.*
Hawaiian Hawk (or Ii)—*Buteo solitarius.*
Southern Bald Eagle—*Haliaeetus l. leucocephalus.*
Attwater's Greater Prairie Chicken—*Tympanuchus cupido attwateri.*
Masked Bobwhite—*Colinus virginianus ridgwayi.*
Whooping Crane—*Grus americana.*
Yuma Clapper Rail—*Rallus longirostris yumanensis.*
Hawaiian Common Gallinule—*Gallinula chloropus sandvicensis.*
Eskimo Curlew—*Numenius borealis.*
Puerto Rican Parrot—*Amazona vittata.*
American Ivory-Billed Woodpecker—*Campephilus p. principalis.*
Hawaiian Crow (or Alala)—*Corvus tropicus.*
Small Kauai Thrush (Puaiohi)—*Phaeornia palmeri.*
Nihoa Millerbird—*Acrocephalus kingi.*
Kauai Oo (or Oo Aa)—*Moho braccatus.*
Crested Honeycreeper (or Akohekohe)—*Palmeria dolei.*
Akiapolaau—*Hemignathus wilsoni.*
Kauai Akialoa—*Hemignathus procerus.*
Kauai Nukupuu—*Hemignathus lucidus hanapepe.*
Laysan Finchbill (Laysan Finch)—*Psittirostra c. cantans.*
Nihoa Finchbill (Nihoa Finch)—*Psittirostra cantans ultima.*
Ou—*Psittirostra psittacea.*
Palila—*Psittirostra bailleui.*
Maui Parrotbill—*Pseudonestor xanthophrys.*
Bachman's Warbler—*Vermivora bachmanii.*
Kirtland's Warbler—*Dendroica Kirtlandii.*
Dusky Seaside Sparrow—*Ammospiza nigrescens.*
Cape Sable Sparrow—*Ammospiza mirabilis.*

Reptiles and Amphibians:

American Alligator—*Alligator mississippiensis.*
Blunt-Nosed Leopard Lizard—*Crotaphytus wislizenii silus.*
San Francisco Garter Snake—*Thamnophis sirtalis tetrataenia.*
Santa Cruz Long-Toed Salamander—*Ambystoma macrodactylum croceum.*
Texas Blind Salamander—*Typhlomolge rathbuni.*
Black Toad, Inyo County Toad—*Bufo exsul.*

Fishes:

Shortnose Sturgeon—*Acipenser brevirostrum.*
Longjaw Cisco—*Coregonus alpenae.*
Piute Cutthroat Trout—*Salmo clarki seleniris.*
Greenback Cutthroat Trout—*Salmo clarki stomias.*
Montana Westslope Cutthroat Trout—*Salmo clarki.*
Gila Trout—*Salmo gilae.*
Arizona (Apache) Trout—*Salmo sp.*
Desert Dace—*Eremichthys acros.*
Humpback Chub—*Gila cypha.*
Little Colorado Spinedace—*Lepidomeda vittata.*
Moapa Dace—*Moapa coriacea.*
Colorado River Squawfish—*Ptychocheilus lucius.*
Cui-ui—*Chasmistes cujus.*
Devils Hole Pupfish—*Cyprinodon diabolis.*
Commanche Springs Pupfish—*Cyprinodon elegans.*
Owens River Pupfish—*Cyprinodon radiosus.*
Pahrump Killifish—*Empetrichythys latos.*
Big Bend Gambusia—*Gambusia gaigei.*
Clear Creek Gambusia—*Gambusia heterochir.*
Gila Topminnow—*Poeciliopsis occidentalis.*
Maryland Darter—*Etheostoma sellare.*
Blue Pike—*Stizostedion vitreum glaucum.*

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 24, 1967.

[F.R. Doc. 67-2758; Filed, Mar. 10, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16944, 16945; FCC 67M-368]

PRAIRIELAND BROADCASTERS AND RICHARD P. LAMOREAUX

Order Rescheduling Prehearing Conference

In re applications of Stephen P. Bellinger, Joel W. Townsend, Ben H. Townsend, Morris E. Kemper, and James A. Mudd, doing business as Prairieland Broadcasters, Monmouth, Ill., Docket No. 16944, File No. BHP-5298; Richard P. Lamoreaux, Monmouth, Ill., Docket No. 16945, File No. BPH-5441; for construction permits.

On the Hearing Examiner's own motion, and with the consent of all parties:

It is ordered, This 3d day of March 1967, that the prehearing conference in the above-entitled matter presently sched-

uled for March 8, 1967, at 9 a.m. is hereby rescheduled for March 15, 1967, at 2 p.m.

Released: March 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2712; Filed, Mar. 10, 1967; 8:47 a.m.]

[Docket Nos. 16942, 17073; FCC 67-240]

CARTER ELECTRONICS CORP. ET AL.

Memorandum Opinion and Order Assigning Matter for Public Hearing and Consolidating Proceedings

In the matter of use of the Carterphone Device in Message Toll Telephone Service, Docket No. 16942; in the matter of Thomas F. Carter and Carter Electronics Corp., Dallas, Tex., Complainants, v. American Telephone and Telegraph Co., Associated Bell System Cos., Southwestern Bell Telephone Co., and General Telephone Co. of the Southwest (see Appendix), Defendants, Docket No. 17073.

1. The Commission has before it for consideration:

(a) The above-captioned formal complaint in Docket No. 17073, filed on December 21, 1966, pursuant to Section 208 of the Communications Act of 1934, by the above-named complainants against the above-named defendants; an answer to the complaint filed January 13, 1967, by defendants American Telephone and Telegraph Co., Associated Bell System Cos., and Southwestern Bell Telephone Co. (Bell System); an answer to the complaint filed January 13, 1967, by General Telephone Co. of the Southwest (General); and

(b) A motion to consolidate filed by complainants on December 21, 1966, requesting that the hearing on the complaint in Docket No. 17073 be consolidated with the above-captioned proceeding in Docket No. 16942; and

(c) A motion to enlarge the issues filed by complainants on December 21, 1966, requesting that the issues in Docket No. 16942 be enlarged to cover the issues raised by the complainants in Docket No. 17073; an opposition thereto filed January 5, 1967, by the Bell System defendants; an opposition thereto filed January 5, 1967, by General; and

(d) A request for special relief and opposition to motion for consolidation filed January 17, 1967, by General; a reply thereto filed January 23, 1967, by complainants; an opposition thereto filed January 25, 1967, by National Retail Merchants Association (NRMA), an intervenor in Docket No. 16942; and an opposition thereto filed January 31, 1967, by the Central Committee on Communication Facilities of the American Petroleum Institute (API), an intervenor in Docket No. 16942.

2. On October 20, 1966, the Commission, on its own motion, ordered the above-captioned investigation and hearing (Docket No. 16942) into the lawfulness of the regulations published in American Telephone and Telegraph Co., Tariff FCC No. 132 which are construed and applied by the telephone companies to prohibit the attachment of the Carterphone (or Carterfone) device to the facilities of telephone companies for use in connection with interstate and foreign message toll telephone services. 5 FCC 2d 360.

3. The foregoing action was taken by the Commission following a decision of the U.S. Court of Appeals for the Fifth Circuit in Carter, et al. v. American Telephone and Telegraph Co., 365 F. 2d 486, August 17, 1966, in which that Court affirmed a decision of the lower court in a private antitrust action whereby the lower court denied a requested preliminary injunction and invoked the doctrine of primary jurisdiction by referring to this Commission for resolution the question of the justness, reasonableness, validity and effect of the aforesaid tariff regulations as they relate to the use of the Carterfone. In making this reference, the lower court, in its decision of February 8, 1966, stated that "jurisdiction remains in the Court to pass ultimately upon the antitrust issues" involved in the private antitrust action, 250 F. Supp. 188, 192.

4. At the time of the Commission's action of October 20, 1966, no formal complaint had been filed with the Commission raising any question as to the lawfulness of the aforesaid tariff regulations for any past period. The only question before the Commission at that time was that expressed by the Court of Appeals, in the above-cited case, as follows:

> What we do say is that inescapably presented is the question whether the practice permitted, indeed required, by Tariff No. 132 is lawful (365 F. 2d 486, 497).

The Commission was, therefore, concerned at that time with the question of the application and lawfulness of such tariff regulations that were currently in effect and with whether the Commission should prescribe any changes therein for the future. The issues in Docket No. 16942 were accordingly framed so as to permit the resolution of these questions.

5. On December 21, 1966, the above-named complainants filed for the first time with us a formal complaint (Docket No. 17073) pursuant to section 208 of the Act, against the above-named defendants challenging the validity of the aforesaid tariff regulations for a past period, namely, from February 6, 1957, to the time of the filing of the complaint. During this past period, defendants allegedly were applying such tariff regulations so as to bar the use of the Carterfone. Complainants point out, among other things, that the tariff language that was in effect from February 6, 1957, to April 10, 1966, was different from that which now appears in the tariffs and they infer that any resolution by the Commission of the question of the lawfulness of such tariff regulations for the present and for the future would not be determinative of the question of the lawfulness thereof for such past period.

6. We agree that the issues as now framed in Docket No. 16942 are not directly concerned with the past lawfulness of the tariff regulations in question. We believe that the complaint fairly raises questions as to the lawfulness of such tariff provisions for the past period during which the defendants allegedly have barred the use of the Carterfone on the basis of such regulations and that such questions should be resolved. We shall, therefore, designate the complaint for hearing on issues that will permit complainants and defendants to adduce material and competent evidence relevant to the question of whether such tariffs were unjust or unreasonable (section 201(b) of the Act), or unlawfully discriminatory or preferential (section 202(a) of the Act) during the period from February 6, 1957, to the time of the filing of the complaint.

7. Complainants also request specific issues with respect to whether such tariffs have been in violation of sections 1 and 2 of the Sherman Act (15 U.S.C. 1, et seq.) but we decline to do so for two reasons. First, under the section 201(b) issue, which we shall specify, the Commission may consider the justness and reasonableness of the tariff regulations in the light of the many relevant factors, including any alleged antitrust violations. Secondly, as heretofore stated, the lower court, in ordering reference to the Commission for determination of the justness, reasonableness, validity and effect of the tariffs, specifically reserved to itself the jurisdiction to pass ultimately on the antitrust issues. Complainants also ask for an issue as to whether the tariffs have complied in the past with § 61.55 of our rules requiring tariffs to be clear, specific and definite. We see no need for this issue inasmuch as any actual ambiguity that may have existed in the tariffs during the past period would have to be construed against the framer and favorably to the user, Commodity News Service, Inc., et al. v. The Western Union Telegraph Co., 29 FCC 1203, 1213, 1214; WSAZ, Inc. v. A.T. & T., 31 FCC 175, 194. Complainants also ask that issues be specifically stated as to the alleged past public need and demand for the Carterfone, as well as the alleged past usage effects of that device. However, such issues are unnecessary since competent and material evidence in these areas may be considered under the section 201(b) issue of justness and reasonableness.

8. Complainants do not ask the Commission to award monetary damages for any of the alleged violations of the provisions of the Communications Act set forth in the complaint. They ask instead that the Commission certify its findings to the lower court in which the private antitrust action is stayed for the use of such court therein in resolving that action, including such damages as might be awardable therein. Section 208 of the Act, 47 U.S.C. 208, and our implementing rules, permit the submission of complaints seeking adjudication of past alleged violations of the Act even though monetary damages are not sought. Our rules further provide that, if the Commission should find that such past violations have occurred, a supplemental complaint for damages may be filed with the Commission based upon the findings of the Commission in the original proceeding (47 CFR 1.723). However, any such supplemental complaint for damages is subject to the 1-year statute of limitations set forth in section 415 of the Act, 47 U.S.C. 415; 47 CFR 1.727. Therefore, we wish to make it clear that, although we are undertaking herein to adjudicate the lawfulness of the tariffs in question for a past period going back to February 6, 1957, as requested by complainants, our action is not to be construed as indicating that damages for any violation of the provisions of the Act which may be found to have existed may be recovered for such entire past period, 47 U.S.C. 415(b).

9. Complainants' motion to enlarge the issues asks that the issues specified in our order of investigation of October 20, 1966, in Docket No. 16942 be broadened to include the aforementioned antitrust and other issues requested in the complaint. For the reasons stated in the preceding paragraph 7, for rejecting such issues in the complaint proceeding, we shall deny the corresponding motion to enlarge the issues in Docket No. 16942.

10. Complainants' motion to consolidate requests that the proceedings on the complaint be consolidated with the proceedings in Docket No. 16942. General, in its request for special relief and opposition to the motion to consolidate, contends that complainants did not elect to file a formal complaint until 2 months after the Commission, on its own motion, instituted its investigation and hearing on October 20, 1966; that the issues in the Commission's order of investigation are more appropriate for a complaint proceeding than for a proceeding instituted by the Commission without a complaint; and that the proceedings ordered by the Commission in Docket No. 16942 should now be dissolved and a new proceeding started on the complaint alone. We do not believe that such action is warranted. While it may be true that complainants should have filed their complaint with us before they did, we believe that the proper course of action in the matter is to continue with the investigation heretofore ordered in Docket No. 16942 as to the lawfulness of the tariff regulations for the present and the future and to order an investigation into the issues properly raised by the complaint as to the lawfulness of the tariffs for the past and to consolidate the two proceedings. These consolidated proceedings will enable the Commission to resolve all questions relating to the justness, reasonableness, validity, and effect of the tariff regulations that are within the contemplation and scope of the primary jurisdiction reference made by the courts to this Commission. General's request for special relief will be denied and complainants' motion to consolidate will be granted.

11. *Accordingly, it is ordered,* That pursuant to the provisions of sections 201 through 209 of the Communications Act of 1934, as amended, a public hearing shall be held at a time and place to be hereinafter designated upon the following specific issues raised by the complaint in Docket No. 17073:

1. Whether, with respect to the period from February 6, 1957, to December 21, 1966, the regulations and practices in Tariff FCC No. 132 of the American Telephone and Telegraph Co. were properly construed and applied to prohibit any telephone user from attaching the Carterphone (Carterfone) device to the facilities of the telephone companies for use in connection with interstate and foreign message toll telephone service; and if so

2. Whether, during the aforesaid period, such regulations and practices were unjust and unreasonable, and therefore unlawful within the meaning of section 201(b) of the Communications Act of 1934, as amended, or were unduly discriminatory or preferential in violation of section 202(a) of said Act.

12. *It is further ordered,* That a copy of this memorandum opinion and order shall be served upon the complainants and defendants herein;

13. *It is further ordered,* That the motion by complainants to consolidate the proceedings ordered herein in Docket No. 16942 is granted and the request for special relief by General is denied;

14. *It is further ordered,* That the motion by complainants to enlarge the issues in Docket No. 16942 is denied;

15. *It is further ordered,* That a hearing examiner shall be designated to preside in the complaint proceedings ordered herein who shall prepare an initial decision on all of the issues as provided in § 1.267 of the Commission's rules.

Adopted: March 1, 1967.

Released March 8, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX—NAMES AND ADDRESSES OF ALL DEFENDANTS

American Telephone and Telegraph Co., 195 Broadway, New York, N.Y.
The Bell Telephone Co. of Pennsylvania, 1 Parkway, Philadelphia, Pa.
The Chesapeake and Potomac Telephone Co., 930 H Street NW., Washington, D.C.
The Chesapeake and Potomac Telephone Co., of Maryland, 320 St. Paul Place, Baltimore, Md.
The Chesapeake and Potomac Telephone Co., of Virginia, 703 East Grace Street, Richmond, Va.
The Chesapeake and Potomac Telephone Co., of West Virginia, 816 Lee Street, Charleston, W. Va.
The Cincinnati and Suburban Bell Telephone Co., 225 East Fourth Street, Cincinnati, Ohio.
The Diamond State Telephone Co., 1 Parkway, Philadelphia, Pa.
General Telephone Company of the Southwest, 2701 South Johnson Street, Post Office Box 1001, San Angelo, Tex.
Illinois Bell Telephone Co., 212 West Washington Street, Chicago, Ill.
Indiana Bell Telephone Co., Inc., 240 North Meridian Street, Indianapolis, Ind.
Michigan Bell Telephone Co., 1365 Cass Avenue, Detroit, Mich.
The Mountain States Telephone and Telegraph Co., 931 14th Street, Denver, Colo.
New England Telephone and Telegraph Co., 185 Franklin Street, Boston, Mass.
New Jersey Bell Telephone Co., 540 Broad Street, Newark, N.J.
New York Telephone Co., 140 West Street, New York, N.Y.
Northwestern Bell Telephone Co., 100 South 19th Street, Omaha, Nebr.
The Ohio Bell Telephone Co., 100 Erieview Plaza, Cleveland, Ohio.
Pacific Northwest Bell Telephone Co., Exchange Building, 821 Second Avenue, Seattle, Wash.
The Pacific Telephone and Telegraph Co., 140 New Montgomery Street, San Francisco, Calif.
Southern Bell Telephone and Telegraph Co., Hurt Building, Post Office Box 2211, Atlanta, Ga.
The Southern New England Telephone Co., 227 Church Street, New Haven, Conn.
Southwestern Bell Telephone Co., 1010 Pine Street, St. Louis, Mo.
Wisconsin Telephone Co., 722 North Broadway, Milwaukee, Wis.

[1] Commissioner Wadsworth absent.

[F.R. Doc. 67-2713; Filed, Mar. 10, 1967; 8:47 a.m.]

[Docket No. 16703; FCC 67M-373]

TRI-CITY BROADCASTING CO., INC.

Order Continuing Hearing

In re application of Tri-City Broadcasting Co., Inc., Vineland, N.J., Docket No. 16703, File No. BPCT-3716, for construction permit.

It is ordered, This 6th day of March 1967, on the Hearing Examiner's own motion, that the date for hearing is continued from March 8, 1967, to March 29, 1967.

Released: March 7, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2714; Filed, Mar. 10, 1967; 8:48 a.m.]

TARIFF COMMISSION

[APTA-W-9]

CERTAIN WORKERS AT AMERICAN MOTORS MILWAUKEE BODY PLANT

Notice of Investigation Regarding Petition for Determination of Eligibility To Apply for Adjustment Assistance

Upon receipt on March 6, 1967, of a request therefor from the Automotive Agreement Adjustment Assistance Board, the Tariff Commission instituted an investigation pursuant to section 302 (e), Automotive Products Trade Act of 1965, with respect to a petition filed with the Board by the International Union, United Automobile Workers, on behalf of a group of workers at the American Motors Milwaukee Body Plant, Milwaukee, Wis. The petition alleges that dislocation of the group of workers has occurred and that the operation of the United States-Canadian Automotive Agreement has been the primary factor in causing such dislocation. The Com-

mission is conducting the investigation to provide a factual record on the basis of which the Board may make the determinations required by section 302 of the Act.

No hearing has been scheduled. A hearing will be held on request of any party showing a proper interest in the subject matter of the investigation, provided the request is filed with the Secretary of the Tariff Commission within 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 8, 1967.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-2709; Filed, Mar. 10, 1967; 8:47 a.m.]

[APTA-W-10]

CERTAIN WORKERS AT AMERICAN MOTORS CORP., KENOSHA, WIS.

Notice of Investigation Regarding Petition for Determination of Eligibility To Apply for Adjustment Assistance

Upon receipt on March 6, 1967, of a request therefor from the Automotive Agreement Adjustment Assistance Board, the Tariff Commission instituted an investigation pursuant to section 302(e), Automotive Products Trade Act of 1965, with respect to a petition filed with the Board by the International Union, United Automobile Workers, on behalf of a group of workers at the American Motors Corporation, Kenosha, Wis. The petition alleges that dislocation of the group of workers has occurred and that the operation of the United States-Canadian Automotive Agreement has been the primary factor in causing such dislocation. The Commission is conducting the investigation to provide a factual record on the basis of which the Board may make the determinations required by section 302 of the Act.

No hearing has been scheduled. A hearing will be held on request of any party showing a proper interest in the subject matter of the investigation, provided the request is filed with the Secretary of the Tariff Commission within 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 8, 1967.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-2710; Filed, Mar. 10, 1967; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—ATS 643.3-b]

FUR FELT HAT BODIES FROM CZECHOSLOVAKIA

Determination of Sales at Not Less Than Fair Value

MARCH 6, 1967.

On November 30, 1966, there was published in the FEDERAL REGISTER a "Notice of Intent to Discontinue Investigation and to Make Determination That No Sales Exist Below Fair Value" with respect to fur felt hat bodies imported from Czechoslovakia. That notice was issued because of revisions in the prices of the merchandise and because of unconditional assurances given by the exporter that no future sales of the merchandise will be made to the United States at less than fair value.

Interested parties were afforded until December 30, 1966, to make written submissions or to request in writing an opportunity to present views in connection with the "Notice of Intent."

The complainant submitted a written request for an opportunity to present views in person in opposition to such notice. The opportunity was afforded to the complainant, and all interested parties of record were notified and were represented at the hearing.

After consideration of all written and oral arguments presented, I hereby determine that for the reasons stated above fur felt hat bodies imported from Czechoslovakia are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS, *Assistant Secretary of the Treasury.*

[F.R. Doc. 67-2711; Filed, Mar. 10, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

HARVARD UNIVERSITY

Application for Duty Free Entry of Scientific Articles

The following is a notice of the receipt of an application for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C., 20230, within 20 days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of the application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C., Docket No.: 67-00003-33-46040. Applicant: Harvard University, Cambridge, Mass. 02138. Article: Electron misroscope, model HU-11C with resolution of 4.5 Angstroms. Manufacturer: Hitachi, Ltd., Tokyo, Japan. Intended use of article: Research and instruction for elucidation of cell fine structure. Application received by Commissioner of Customs: March 1, 1967.

CHARLEY M. DENTON, *Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.*

[F.R. Doc. 67-2683; Filed, Mar. 10, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-35]

CANRAD PRECISION INDUSTRIES, INC.

Filing of Petition for Rule Making

Notice is hereby given that Canrad Precision Industries, Inc., 630 Fifth Avenue, New York, N.Y., by letter dated February 16, 1967, has filed with the Commission a petition for rule making to amend the Commission's regulations pertaining to the licensing of byproduct material.

The petitioner requests that the Commission amend its regulations so as to exempt from licensing requirements the following items with self-luminous sources:

1. Hunters' and sportsmen's compasses containing no more than 50 millicuries of tritium in the form of sealed gas sources.

2. Toggle and other switches containing no more than 15 millicuries of tritium in the form of sealed gas sources.

3. Emergency markers containing no more than 15 millicuries of tritium in the form of sealed gas sources.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 6th day of March 1967.

For the Atomic Energy Commission.

W. B. MCCOOL, *Secretary.*

[F.R. Doc. 67-2684; Filed, Mar. 10, 1967; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-5251, etc.]

MAHASKA GAS CO., INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 3, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 24, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: Provided, however, that pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-5251 C 2-14-67	Mahaska Gas Co., Inc., c/o Mark H. Adams II, attorney at law, 301 American Savings Bldg., 201 North Main St., Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., Panoma (Council Grove) Gas Field, Stevens County, Kans.	15.0	14.65
G-5256 E 1-20-67	The Stevens County Oil & Gas Co., a copartnership (successor to the Stevens County Oil & Gas Co., a corporation), c/o Mark H. Adams II, attorney at law, 301 American Savings Bldg., 201 North Main St., Wichita, Kans. 67202.	Northern Natural Gas Co., Hugoton Field, Seward County, Kans.	[2] 12.0	14.65
		Panhandle Eastern Pipe Line Co., acreage in Stevens, Seward, and Morton Counties, Kans.	[3] 12.0	14.65
		Northern Natural Gas Co., Hugoton Field, Morton County, Kans.	[3] 12.0	14.65
		Northern Natural Gas Co., Permian System, Morton County, Kans.	[4] 12.0	14.65
G-5991 C 2-13-67	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.,[5] Post Office Box 747, Dallas, Tex. 75221.	El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex.	[6] 16.55	14.65
G-9744 E 1-20-67	The Stevens County Oil & Gas Co., a copartnership (successor to the Stevens County Oil & Gas Co., a corporation).	Pleateau Natural Gas Co., Hugoton Field, Kearny County, Kans.	[7] 14.0	14.65
G-10017 E 1-20-67	do	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Kearny County, Kans.	11.0	14.65
G-10104 E 1-20-67	do	Colorado Interstate Gas Co., Sparks Field, Morton County, Kans.	[8] 16.0	14.65
G-13017 C 2-17-67	Barnwell Production Co., Post Office Box 1748, Shreveport, La. 71102.	United Gas Pipe Line Co., Bethany Field, Harrison County, Tex.	11.9004	14.65
G-15079 E 2-21-67	Pan American Petroleum Corp. (successor to John H. Trigg, d.b.a. John H. Trigg Co.), Post Office Box 591, Tulsa, Okla. 74102.	Southern Union Gathering Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	11.0	15.025
G-15714 D 2-20-67	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Transwestern Pipeline Co., acreage in Lipscomb County, Tex.	Assigned	----
G-17951 A 2-27-59 C 8-12-60	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Transwestern Pipeline Co., acreage in Beaver and Ellis Counties, Okla.	17.0	14.65
G-18147 E 2-21-67	Pan American Petroleum Corp. (successor to John H. Trigg et ux, d.b.a. John H. Trigg Co.).	Southern Union Gathering Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	13.0	15.025
G-18191 E 2-21-67	Pan American Petroleum Corp. (successor to John H. Trigg et ux).	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	12.0	15.025
CI61-445 E 1-20-67	The Stevens County Oil & Gas Co., a copartnership (successor to the Stevens County Oil & Gas Co., a corporation).	Panhandle Eastern Pipe Line Co., acreage in Stevens, Seward, and Morton Counties, Kans.	14.0	14.65
CI61-593 D 2-16-67	Jas. F. Smith (Operator) et al., c/o Sherman S. Poland, attorney Ross, Marsh & Foster, 725-15th St. NW., Washington, D.C. 20005 (partial abandonment).	Transwestern Pipeline Co., acreage in Ochiltree County, Tex.	(9)	----
CI62-454 E 1-20-67	The Stevens County Oil & Gas Co., a copartnership (successor to Gas, Inc.).	Panhandle Eastern Pipe Line Co., acreage in Morton, Seward, and Stevens Counties, Kans.	[10] 12.0 [11] 15.0	14.65 14.65
		Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans.	[12] 15.0	14.65
CI63-181 C 2-20-67	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	Oklahoma Natural Gas Gathering Corp. and National Fuels Corp., Ringwood Field, Major County, Okla.	[13] 12.0	14.65
CI63-1162 D 2-16-67	Humble Oil & Refining Co.	Northern Natural Gas Co., Como Area, Beaver County, Okla.	Declined in pressure.	----
CI64-17 (CI61-943) C&E 1-23-67 [14]	Juniper Oil & Gas Co. (successor to Ralph B. Phillips, d.b.a. DeVaughn Oil & Gas Co. et al.), c/o Thomas M. Burns, attorney, 901 Denver Club Bldg., Denver, Colo. 80202.	Kansas-Nebraska Natural Gas Co., Inc., Loam Unit Area, Weld and Morgan Counties, Colo.	12.0	16.4
CI64-555 D 5-16-66	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Northern Natural Gas Co., Southeast Como Field, Beaver County, Okla.	(14)	----
CI67-133 (CI65-625) C&E 2-21-67 [15]	Pan American Petroleum Corp.[5] (successor to John H. Trigg, d.b.a. John H. Trigg Co.).	Natural Gas Pipeline Co. of America, Indian Basin Field, Eddy County, N. Mex.	[17] 16.608	14.65
CI67-351 C 2-20-67	Amerada Petroleum Corp. (Operator) et al., Post Office Box 2040, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., Northeast Waynoka Area, Woods County, Okla.	15.0	14.65
CI67-889 A 1-20-67	Dow L. Keever, 706 Grove Ave., Corning, Iowa 50841.	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	12.0	14.65
CI67-1017 A 2-21-67	W. P. Ryan, 41 Enterprise St., Enterprise, Fla. 32763.	Kentucky-West Virginia Gas Co., Inc., Beaver Creek, Floyd County, Ky.	12.0	15.225
CI67-1029 B 2-13-67	Columbian Fuel Corp., 401 Dewey Ave., Bartlesville, Okla. 74003.	Consolidated Gas Supply Corp., Blackwater Anticline-Northern Extension Field, Randolph County, W. Va.	(18)	----
CI67-1033 B 2-13-67	Pan American Petroleum Corp.	Mountain Fuel Supply Co., Little Worm Creek Field, Sweetwater County, Wyo.	(1)[8]	----

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-1090 ..... A 2-20-67	Gunn and Beecher, c/o C. W. Beecher, agent, Post Office Box 183, Crawfordville, W. Va. 26147.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
C167-1091 ..... A 2-20-67	Mono Petroleum Co., 8300 Santa Monica Blvd., Los Angeles, Calif. 90069.	Consolidated Gas Supply Corp., Center and Glenville Districts, Gilmer County, W. Va.	25.0	15.325
C167-1092 ..... A 2-15-67	Shell Oil Co., 50 West 50th St., New York, N. Y. 10020.	United Fuel Gas Co., Deep Lake Field, Cameron District, Marshall County, W. Va.	Depleted	.....
C167-1093 ..... A 2-15-67	Union Pacific Railroad Co., 5480 Ferguson Dr., Los Angeles, Calif. 90022.	Colorado Interstate Gas Co., Point of Rocks Field, Sweetwater County, Wyo.	11.0004	14.65
C167-1094 ..... A 2-15-67	Jake L. Hamon, Post Office Box 896, Cheyenne, Wyo. 82001.	Louisiana Land & Exploration Co., Bethany Pettit Field, Harrison County, Tex.	15.0	14.65
C167-1095 ..... A 2-15-67	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
C167-1096 ..... A 2-16-67	North Star Petroleum Corp., c/o Sherman S. Poland, attorney, Ross, Marsh & Foster, 725 15th St. NW., Washington, D.C. 20005.	Michigan Wisconsin Pipe Line Co., Northeast Kelling Field, Major County, Okla.	15.0	14.65
C167-1097 ..... A 2-16-67	Monsanto Chemical Co., c/o Monlar Oil & Gas Development Co., Operator, 16310 Northeast 19th Ave., North Miami Beach, Fla. 33162.	El Paso Natural Gas Co., Four Lakes Field, Lea County, N. Mex.	(2)	.....
C167-1098 ..... A 2-16-67	Monlar Shallmaker 21 Well, Ltd., c/o Monlar Oil & Gas Development Co., Operator, 16310 Northeast 19th Ave., North Miami Beach, Fla. 33162.	Transcontinental Gas Pipe Line Corp., Ravenswood Field, Pointe Coupee Parish, La.	15.0	15.025
C167-1099 ..... A 2-16-67	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065.	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 208 Offshore Terrebonne Parish, La.	Uneconomical	.....
C167-1100 ..... B 2-20-67	Humble Oil & Refining Co	Consolidated Gas Supply Corp., Union District, Barbour County, W. Va.	19.0	15.325
C167-1101 ..... A 2-21-67	Hall M. Lyons et al., Post Office Box 51474, O.C.S., Lafayette, La. 70501.	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	20.0	15.025
C167-1102 ..... B 2-21-67	Houston Royalty Co. (Operator) et al., 2607 Humble Bldg., Houston, Tex. 77002.	Florida Gas Transmission Co., South Arnaudville Field, St. Martin Parish, La.	20.0	15.025
C167-1104 ..... A 2-23-67	Humble Oil & Refining Co.....	Consolidated Gas Supply Corp., Union District, Barbour County, W. Va.	11.0	15.325
C167-1105 ..... A 2-23-67	Junaco Properties, Inc., et al., c/o Marsden W. Miller, Jr., attorney, 1122 Whitney Bldg., New Orleans, La. 70130.	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	20.0	15.025
C167-1106 ..... A 2-16-67	Charles B. Wrightsman, First City National Bank Bldg., Houston, Tex. 77002.	Lone Star Gas Co., acreage in Garvin County, Okla.	19.0	14.65
C167-1107 ..... A 2-15-67	Hess Oil Co., Inc., 2405 Oak Plaza Bldg., 3707 Rawlins St., Dallas, Tex. 75219.	Consolidated Gas Supply Corp., Pleasants District, Barbour County, W. Va.	25.0	15.325
C167-1108 ..... A 2-15-67	Union Pacific Railroad Co., 5480 Ferguson Dr., Los Angeles, Calif. 90022.	Colorado Interstate Gas Co., Point of Rocks Field, Sweetwater County, Wyo.	15.0	14.65
C167-1109 ..... A 2-16-67	Lloyd Phillips et al., Post Office Box 3366, Gladewater, Tex. 75647.	Arkansas Louisiana Gas Co., Kinta Field, Sequoyah County, Okla.	20 18.165	14.65
C167-1110 ..... B 2-20-67	Fred Jones, Post Office Box 25088, Oklahoma City, Okla. 73125.	Natural Gas Pipeline Co. of America, Smith Perryton Field, Ochiltree County, Tex.	21 12.0 22 11.5	14.65
C167-1111 ..... A 2-16-67	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Phillips Petroleum Co., acreage in Hutchinson County, Tex.	(2)	.....
C167-1112 ..... A 2-16-67	Humble Oil & Refining Co	Equitable Gas Co., Troy District, Gilmer County, W. Va.	25.0	15.325
C167-1113 ..... A 2-21-67	Hall M. Lyons et al., Post Office Box 51474, O.C.S., Lafayette, La. 70501.	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 208 Offshore Terrebonne Parish, La.	19.0	15.025
C167-1114 ..... A 2-16-67	Houston Royalty Co. (Operator) et al., 2607 Humble Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 208 Field, Offshore Terrebonne Parish, La.	19.0	15.025
C167-1115 ..... A 2-16-67	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065.	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 208 Field, Offshore Terrebonne Parish, La.	19.0	15.025
C167-1116 ..... A 2-23-67	Junaco Properties, Inc., et al., c/o Marsden W. Miller, Jr., attorney, 1122 Whitney Bldg., New Orleans, La. 70130.	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 208 Field, Offshore Terrebonne Parish, La.	19.0	15.025
C167-1117 ..... A 2-23-67	Monsanto Co., 1300 Main St., Houston, Tex. 77002.	Transwestern Pipeline Co., Mendota Field, Roberts and Hemphill Counties, Tex.	21 17.0	14.65
C167-1118 ..... A 2-23-67	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 208 Field, Offshore Terrebonne Parish, La.	19.0	15.025
C167-1119 ..... A 2-23-67	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Mickelson Creek Field, Sublette County, Wyo.	14.0	14.65
C167-1120 ..... A 2-20-67	J-W Operating Co., Operator, 612 Fidelity Union Tower, Dallas, Tex. 75201.	Texas Eastern Transmission Corp., Northeast Lisbon Field, Claiborne Parish, La.	18.25	15.025
C167-1121 ..... A 2-17-67	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Oklahoma Natural Gas Gathering Corp. and National Fuels Corp., Ringwood Field, Major County, Okla.	12.0	14.65
C167-1122 ..... A 2-10-67	Union Drilling, Inc., Post Office Box 264, Washington, Pa. 15301.	Equitable Gas Co. Skin Creek District, Lewis County, W. Va.	25.0	15.325

1 Effective rate under FPC GRS No. 19. Rate in effect subject to refund in Docket No. R164-704.
2 Effective rate under FPC GRS No. 26. Rate in effect subject to refund in Docket No. R165-313.
3 Effective rate under FPC GRS No. 28. Rate in effect subject to refund in Docket No. R165-65.
4 Effective rate under FPC GRS No. 29. Rate in effect subject to refund in Docket No. R165-65; 14.0-cent rate suspended in Docket No. R165-65.
5 Applicant has elected to accept permanent authorization containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
6 Subject to adjustment for quality upon testing. There are additional payments of percentage types for liquids.
7 Rate in effect subject to refund in Docket No. R166-66.
8 Rate in effect subject to refund in Docket No. CI-17327.
9 Abandons service insofar as the No. 1 Witt Gas Unit is unable to deliver gas at Buyer's line pressure.
10 Effective rate under FPC GRS No. 31. Rate in effect subject to refund in Docket No. R165-314.
11 Effective rate under FPC GRS No. 32. Rate in effect subject to refund in Docket No. R166-217.
12 Effective rate under FPC GRS No. 33. Rate in effect subject to refund in Docket No. R163-242.
13 Price value for liquid products.
14 Application to amend certificate for the addition of acreage, as successor in interest to Ralph B. Phillips, d.b.a. Devaughn Oil & Gas Co. et al., FPC GRS No. 1, Docket No. CI61-443. Docket No. CI61-443 will be terminated.
15 Deletes 160 acres in the Tonkawa Formation. Does not fulfill contract provision for connection by buyer, based on available reserves.
16 Application to amend certificate for the addition of acreage, as successor in interest to John H. Trigg, d.b.a. John H. Trigg Co., predecessor in compliance with Commission order issued Nov. 3, 1966 accepting offers of settlement and issuing certificates.
17 Includes 1.105 cents upward B.t.u. adjustment.
18 Applicant assigned its interest to Purchaser.
19 Applicant conveyed to Craig Steel & Salvage Co. all of its interest committed to contract except for a 40 percent interest which is nonproductive.
20 Includes 1.105 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
21 Rate for sweet gas.
22 Rate for sour gas.
23 Well became noncommercial as to oil-gas well.
24 Subject to upward and downward B.t.u. adjustment.
25 Due to the declining volume of gas, Applicant proposes to discontinue processing the gas in its own plant and to deliver the gas to Warren Petroleum Co. under a percentage-type contract for sale and delivery to the same Purchaser.

[F.R. Doc. 67-2649; Filed, Mar. 10, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 8, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40931—*Talc, soapstone, etc., from Ogden, Utah, and points in Montana.* Filed by Western Trunk Line Committee, agent (No. A–2492), for interested rail carriers. Rates on talc, soapstone, wollastonite, and related articles, in carloads, from Ogden, Utah, and specified points in Montana, to points in western trunkline territory.

Grounds for relief—Shortline distance formula and grouping.

Tariffs—Supplement 22 to Trans-Continental Freight Bureau, agent, tariff ICC 1741, and supplement 186 to Western Trunk Line Committee, agent, tariff ICC A–4411.

FSA No. 40932—*Sand—Illinois territory to Aurora, N.C.* Filed by Illinois Freight Association, agent (No. 319), for interested rail carriers. Rates on sand, in carloads, from specified points in Illinois Freight Association territory, to Aurora, N.C.

Grounds for relief—Carrier competition.

Tariff—Supplement 8 to Illinois Freight Association, agent, tariff ICC 1094.

FSA No. 40933—*Iron or steel articles from Leeds, Ala.* Filed by Southwestern Freight Bureau, agent (No. B–8968), for interested rail carriers. Rates on iron or steel articles, and kindred or related articles, in carloads, from Leeds, Ala., to points in Texas and Louisiana.

Grounds for relief—Market competition.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–2716; Filed, Mar. 10, 1967; 8:48 a.m.]

[Notice 1488]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 8, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69345. By order of February 28, 1967, the Transfer Board approved the transfer to Rams Express, a corporation, Los Angeles, Calif., of certificate in No. MC–44927, issued May 2, 1962, to Terminal Transportation Co., Inc., Wilmington, Calif., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Los Angeles Harbor and Long Beach, Calif., on the one hand, and, on the other, points in the Los Angeles, Calif., commercial zone; canned goods, between San Diego, Long Beach, and Los Angeles Harbor, Calif., and, olive oil and chocolate candies and syrups, from Los Angeles Harbor and Long Beach, Calif., to San Diego, Calif. Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027, representative for applicants.

No. MC–FC–69398. By order of February 28, 1967, the Transfer Board approved the transfer to Raymond D. Good, doing business as La Cygne Truck Line, La Cygne, Kans., of certificate in No. MC–988, issued January 5, 1949, to Howard Crotchett, doing business as Crotchett Truck Line, Overland Park, Kans., authorizing the transportation of: General commodities, with certain exceptions, between specified points in Kansas, and, points in the Kansas City, Mo.-Kans., commercial zone. John L. Richeson, First National Bank Building, Ottawa, Kans. 66067; and, Carll V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106; attorneys for applicants.

No. MC–FC–69454. By order of February 28, 1967, the Transfer Board approved the transfer to Rock Hill Trucking Co., Inc., Clifton, N.J., of the operating rights in permit No. MC–111982, issued June 20, 1960, to DCM Trucking, Inc., Teaneck, N.J., acquired by Thomas A. Cupo and Anthony S. Cupo, a partnership, doing business as Rodney Transport Co., Clifton, N.J., pursuant to No. MC–FC–69036, and authorizing the transportation of textiles, over irregular routes, from New York, N.Y., to Paterson, N.J. John M. Zachara, Post Office Box Z, Paterson, N.J. 07509, representative for applicants.

No. MC–FC–69457. By order of February 28, 1967, the Transfer Board approved the transfer to Hope O. Palmer and Lyelle A. Palmer, doing business as Palmer Freight, Tonopah, Nev., of certificate No. MC–120408 (Sub-No. 2), issued December 23, 1965, to Richard G. Williams, Tonopah, Nev., and authorizing the transportation of general commodities, with usual exceptions, over a regular route between Tonopah, Nev., and Round Mountain, Nev., serving all intermediate points. Hope O. Palmer, Post Office Box 382 Tonopah, Nev. 89049, representative for applicants.

No. MC–FC–69458. By order of February 28, 1967, the Transfer Board approved the transfer to Engel Trucking, Inc., Greenville, Pa., of that portion of the operating rights in certificate No. MC–109170 (Sub-No. 2), issued June 24, 1960, to William Engel, doing business as Engel's Trucking, Sharpsville, Pa., authorizing the transportation, over irregular routes, of steel tanks and parts thereof, steel castings, machinery, machine parts, bridge materials, and lumber, between Greenville, Pa., on the one hand, and, on the other, points in that part of Ohio on and east of U.S. Highway 21 and those in that part of New York on and west of U.S. Highway 62. David L. Pemberton, George, Greek, King & McMahon, 100 East Broad Street, Suite 1800, Columbus, Ohio 43215, attorney for applicants.

No. MC–FC–69459. By order of February 28, 1967, the Transfer Board approved the transfer to Arkansas Transit Co., Inc., Springdale, Ark., of the operating rights in certificates Nos. MC–111710 and MC–111710 (Sub-No. 6) issued December 9, 1955 and March 26, 1962, respectively to Robert L. Spencer, doing business as Arkansas Transit Co., Springdale, Ark., authorizing the transportation of: New tin cans and lids, between points in Arkansas, Missouri, Oklahoma, Texas, and Kansas. Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark., 72201, attorney for applicants.

No. MC–FC–69464. By order of February 28, 1967, the Transfer Board approved the transfer to Robert G. Owen Trucking, Inc., 49 Ohio Street, Navarre, Ohio, in permits Nos. MC–112210 and MC–112210 (Sub-No. 2), issued January 29, 1951, and February 26, 1952, respectively, to Robert G. Owen, 49 Ohio Street, Navarre, Ohio, authorizing the transportation, over irregular routes, of corrugated paper boxes, from Navarre, Ohio, to Chester, W. Va., corrugated paper, in sheets, from Pittsburgh, Pa., to Navarre, Ohio, and scrap corrugated paper, in bulk, from Navarre, Ohio, to Wellsburg, W. Va.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–2717; Filed, Mar. 10, 1967; 8:48 a.m.]

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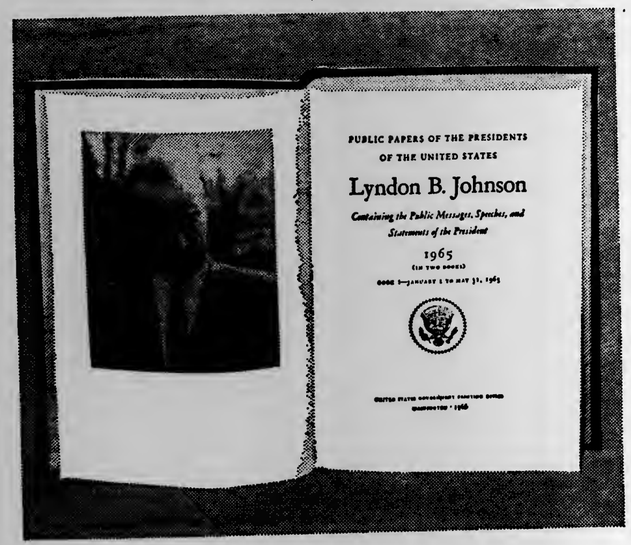
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Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

APPENDIX B—LISTS OF ACTS REQUIRING PUBLICATION IN THE FEDERAL REGISTER

Appendix B is amended by adding thereto the list of acts enacted in 1966 requiring or authorizing the publication of documents in the FEDERAL REGISTER, as follows:

1966

Indian Lands (Certain Pueblos)	80 Stat. 30; (No. U.S.C.).
Cape Lookout National Seashore	80 Stat. 35; 16 U.S.C. 459g–2.
Corporation Taxes	80 Stat. 112, 113; 26 U.S.C. 1375 note.
Mount Rogers Recreation Area	80 Stat. 190; 16 U.S.C. 460r–1.
Fort Union Trading Post Historic Site	80 Stat. 211; 16 U.S.C. 461 note.
Publication and incorporation by reference in the FEDERAL REGISTER	80 Stat. 250; 5 U.S.C. 1002.
Quality grading of Tires	80 Stat. 729; 15 U.S.C. 1423.
Mining exploration tax treatment	80 Stat. 759; 26 U.S.C. 617.
Mining Health and Safety Standards	80 Stat. 774; 30 U.S.C. 725.
Foreign Scientific Instruments	80 Stat. 900; 19 U.S.C. 1202, Schedule 8, Part 4, headnote 6.
Bighorn Canyon National Recreation Area	80 Stat. 913; 16 U.S.C. 460t.
Guadalupe Mountains National Park	80 Stat. 920; 16 U.S.C. 283b.
Pictured Rocks National Lakeshore	80 Stat. 922; 16 U.S.C. 460s–1, 460s–2.
Conservation of Fish and Wildlife	80 Stat. 926; 16 U.S.C. 668aa.
Department of Transportation	80 Stat. 950; 49 U.S.C. 1651 note.
Presidential Determination of Foreign Aid	80 Stat. 1021; 22 U.S.C. 2370 note.
International Education Agreements	80 Stat. 1068; 20 U.S.C. 1174.
Indiana Dunes National Lakeshore	80 Stat. 1309; 16 U.S.C. 460u–2.
Tariff schedules for watches	80 Stat. 1522; 19 U.S.C. 1202, Schedule 7, Part 2, subpart E, headnote 6.
Presidential Determination of Foreign Aid	80 Stat. 1527; 7 U.S.C. 1703.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3114 is amended to show that 40 positions in Alaska whose function is to aid in carrying out U.S. participation in the Alaska Purchase centennial celebration are excepted under Schedule A until December 31, 1967. Effective on publication in the FEDERAL REGISTER, subparagraph (3) is added to paragraph (i) of § 213.3114 as set out below.

§ 213.3114 Department of Commerce.

* * * * *

(i) *Office of the Assistant Secretary for Domestic and International Business.* * * *

(3) Until December 31, 1967, 40 positions in Alaska whose function is to aid in carrying out U.S. participation in the Alaska Purchase centennial celebration, as follows: 1 Exposition Officer GS–14; 2 Deputy Exposition Officers GS–13; 9 Guide-Demonstrators GS–6; 9 Building Guards GS–3 and GS–4; 1 Fiscal and Property Officer GS–9; 1 Secretary GS–6; 1 Information Clerk GS–5; and 10 Cleaners, 5 Projectionists, and 1 Electrician to be paid at prevailing rates under the wage board system. The 24 positions under the General Schedule may be established at lower grade levels than those indicated as required.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2760; Filed, Mar. 13, 1967; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 3]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1967

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (31 F.R. 15581, 32 F.R. 2609, 3085) is to revise the determination of sugar requirements for the calendar year 1967, establish quotas, prorations, and direct-consumption limits consistent with such requirements, and to permit the importation of an additional 50,000 short tons, raw value, of sugar during the second quarter of 1967 pursuant to the Sugar Act of 1948, as amended, hereinafter referred to as the "Act".

Section 201 of the Act directs the Secretary to revise the determination of sugar requirements at such times during the calendar year as he deems necessary.

The spot price of domestic raw sugar at the beginning of this year was 7.10 cents per pound and was 7.22 cents per pound on March 2. In the development of this amendment, consideration has been given to the need to make more sugar available to refiners north of Cape Hatteras during the second quarter and to the desirability of attaining fairly stable prices that will carry out over the long term the price objectives set forth in the Act.

Accordingly, total sugar requirements for the calendar year 1967 are hereby increased by 100,000 short tons, raw value, to a total of 10,400,000 short tons, raw value.

The limitation on total raw sugar imports from foreign countries during the second quarter of 1967 is increased 50,000 tons to 1,150,000 short tons, raw value.

Pursuant to section 202(a)(2)(B) of the Act, the quota for Hawaii has been reduced by 341 short tons, raw value, on the basis of final 1966 crop production data.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.50, 811.51, and 811.53 as follows:

1. Section 811.50 is amended to read as follows:

§ 811.50 **Sugar requirements, 1967.**

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1967 is hereby determined to be 10,400,000 short tons, raw value.

2. Section 811.51 is amended by amending paragraph (a) to read as follows:

§ 811.51 **Quotas for domestic areas.**

(a) For the calendar year 1967 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in Column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in Column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,025,000	(1)
Mainland cane sugar	1,100,000	(1)
Hawaii	1,252,543	35,568
Puerto Rico	1,140,000	156,000
Virgin Islands	15,000	0

[1] No limit.

* * * * *

3. Section 811.53 is amended in the following manner: Paragraphs (b) and (c) thereof are amended to read as follows; and paragraph (d) thereof is amended by amending subparagraph (1), subdivision (ii) of subparagraph (2), subdivision (i) of subparagraph (4) and by adding a new subdivision (vi) to subparagraph (4) to read as follows:

§ 811.53 Quotas for foreign countries.

* * * * *

(b) For the calendar year 1967 the quota for the Republic of the Philippines is 1,126,020 short tons, raw value, and the quantity of such quota that may be filled by direct-consumption sugar is 59,920 short tons, raw value.

(c) For the calendar year 1967, the prorations or allocations to individual foreign countries other than the Republic of the Philippines pursuant to section 202(c) (3) and (4) and section 202(d) of the Act are as follows:

Country	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Total quotas and prorations
	(Short tons, raw value)		
Mexico	211,499	222,079	433,578
Dominican Republic	206,848	217,194	424,042
Brazil	206,848	217,194	424,042
Peru	164,986	173,239	338,225
British West Indies	82,630	73,448	156,078
Ecuador	30,097	31,602	61,699
French West Indies	25,993	23,104	49,097
Argentina	25,446	26,718	52,164
Costa Rica	24,351	27,028	51,379
Nicaragua	24,351	27,028	51,379
Colombia	21,889	22,983	44,872
Guatemala	20,521	22,777	43,298
Panama	15,322	16,088	31,410
El Salvador	15,049	16,703	31,752
Haiti	11,492	12,066	23,558
Venezuela	10,397	10,916	21,313
British Honduras	6,019	5,351	11,370
Bolivia	2,462	2,586	5,048
Australia	98,499	87,000	185,499
Republic of China	41,041	36,250	77,291
India	39,400	34,800	74,200
South Africa	29,003	25,616	54,619
Fiji Islands	21,615	19,092	40,707
Thailand	9,029	7,975	17,004
Mauritius	9,029	7,975	17,004
Malagasy Republic	4,651	4,108	8,759
Swaziland	3,557	3,142	6,699
Ireland	5,351		5,351
Total	1,367,375	1,374,062	2,741,437

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia and the proration of the Honduras quota to Central American Common Market countries.

(d) (1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, only 2,050,000 short tons, raw value, of raw sugar may be authorized for importation from all such foreign countries in accordance with Part 817 of this chapter during the first 6 months of 1967, and of such 2,050,000 short tons, raw value, 900,000 short tons, raw value, may be authorized for importation during the first quarter of the year.

(2) * * *

(ii) Applications for the importation of sugar during the first quarter received on or before December 19, 1966, will be considered as having been received at the same time. Applications for the importation of sugar during the second quarter received on or before January 13, 1967, will be considered as having been received at the same time. Applications for the importation during the second quarter of 100,000 short tons, raw value of sugar representing an addition to the initial limitation of 1 million short tons, raw value, received on or before February 27, 1967, will be considered as having been received at the same time. Applications for the importation during the second quarter of 50,000 short tons, raw value, of sugar representing an addition to previous limitations of 1,100,000 short tons, raw value, received on or before March 13, 1967, will be considered as having been received at the same time.

(3) * * *

(4) (i) Allocations of second quarter importations among countries will be made in the following manner within the limits of applications received. Allocation among countries of the initial limitation of 1 million short tons, raw value, shall be made as provided in subdivisions (ii), (iii), and (iv) of this subparagraph. Allocation among countries of 100,000 short tons, raw value, representing an addition to the initial limitation of 1 million short tons, raw value, shall be made as provided in subdivision (v) of this subparagraph. Allocation among countries of 50,000 short tons, raw value, representing an addition to previous limitations of 1,100,000 short tons, raw value, shall be made as provided in subdivision (vi) of this subparagraph.

* * * * *

(vi) The 50,000 short tons, raw value, shall be prorated among countries for which applications for importation have been made, on the basis of first half importations from such countries as set forth in subparagraph (5) of this paragraph.

* * * * * *

(Secs. 201, 202, 207, and 403; 61 Stat. 923 as amended, 924 as amended, 927 as amended and 932 as amended; 7 U.S.C. 1111, 1112, 1117, and 1153)

Effective date. This action increases quotas for the calendar year by 100,000 tons and raises the limitation on second quarter imports from foreign countries by 50,000 tons. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar for consumption in the continental United States be able as soon as possible to make plans based on changes in the marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and 30-day effective date requirements in 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 9th day of March 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-2796; Filed, Mar. 10, 1967; 9:50 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 134]

PART 1134—MILK IN WESTERN COLORADO MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in Western Colorado marketing area (7 CFR Part 1134), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the months of February, March, and April 1967.

In § 1134.12(b) (1) the provisions: "For at least 5 days", and "without limit during the other days of such month," relating to the diversion of milk for the account of a cooperative association.

Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will enable a cooperative association to maintain producer status under the order for its membership, pending a hearing to consider an amendment to the provision in view of changed marketing conditions.

The suspension is needed because handlers are now receiving milk on fewer days of the month than heretofore, and the cooperative association anticipates a greater need to divert large amounts of milk during this period. Without the suspension, continued producer status cannot be assured during this period for all dairy farmers who have been supplying the market. The inability of the cooperative association to maintain producer status for its membership would create disorderly marketing conditions and impede the efficient handling of reserve supplies of milk for the market.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (32 F.R. 3469). None was filed in opposition.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of February, March, and April 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 8, 1967.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-2750; Filed, Mar. 13, 1967; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1174]

PART 13—PROHIBITED TRADE PRACTICES

Framingham Fur Storage & Mfg. Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements.* 13.73–10 Fur Products Labeling Act. § 13.155 *Prices.* 13.155–70 Percentage savings. 13.155–100 Usual as reduced, special, etc. § 13.235 *Source or origin.* 13.235–50 Maker or seller, etc. 13.235–50(a) Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely.* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition.* 13.1845–30 Fur Products Labeling Act. § 13.1852 *Formal regulatory and statutory requirements.* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Framingham Fur Storage & Mfg. Corp., trading as C. F. Carlson Co. et al., Framingham, Mass., Docket C-1174, Feb. 27, 1967]

In the Matter of Framingham Fur Storage & Mfg. Corp., a Corporation, Trading as C. F. Carlson Co., and William Hibel, Individually and as an Officer of Said Corporation

Consent order requiring a Framingham, Mass., manufacturing and retailing furrier to cease falsely invoicing and advertising its fur products.

The order to cease and desist, including further order requiring of compliance therewith, is as follows:

It is ordered, That respondents Framingham Fur Storage & Mfg. Corp., a corporation, trading as C. F. Carlson Co. or any other name, and its officers, and William Hibel, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

5. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Failing to set forth separately information required under section 5(b)(1) of the Fur Products Labeling Act and rules and regulations promulgated thereunder with respect to each section of such fur product composed of two or more sections containing different animal furs.

7. Misrepresenting, directly or by implication, on invoices that their fur products are being offered for sale and sold at factory prices.

8. Misrepresenting, directly or by implication, on invoices, that their fur products are being offered for sale and sold at prices which are less than wholesale.

9. Misrepresenting in any manner the savings available to purchasers of respondents' fur products.

B. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Represents, directly or by implication, that respondents manufactured such fur product when such fur product was manufacutred by another person.

2. Misrepresents, directly or by implication, that such fur product is being offered for sale and sold at the factory price.

3. Misrepresents, directly or by implication, that such fur product is being offered for sale and sold at a price which is less than wholesale.

4. Misrepresents in any manner the savings available to purchasers of such fur product.

5. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

6. Fails to set forth the term "natural" as part of the information required to be disclosed in advertising under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

C. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 27, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-2736; Filed, Mar. 13, 1967; 8:46 a.m.]

[Docket No. C-1176]

PART 13—PROHIBITED TRADE PRACTICES

Rosin-Starr, Inc., and Herman Wizner

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods.* 13.30–30 Fur Products Labeling Act. § 13.73 *Formal regulatory and statutory requirements.* 13.73–10 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely.* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition.* 13.1185–30 Fur Products Labeling Act. § 13.1212 *Formal regulatory and statutory requirements.* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition.* 13.1845–30 Fur Products Labeling Act. § 13.1852 *Formal regulatory and statutory requirements.* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Rosin-Starr, Inc., et al., Chicago, Ill., Docket C-1176, Feb. 20, 1967]

In the Matter of Rosin-Starr, Inc., a Corporation, and Herman Wizner, individually and as an Officer of Said Corporation

Consent order requiring a Chicago, Ill., manufacturing and retailing furrier to cease misbranding, falsely advertising, and deceptively invoicing its fur products.

The order to cease and desist, including further order requiring of compliance therewith, is as follows:

It is ordered, That respondents Rosin-Starr, Inc., a corporation, and its officers, and Herman Wizner, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Setting forth conflicting information on a label affixed to such fur product.

2. Falsely or deceptively labeling or otherwise identifying such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" on a label in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb."

5. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Failing to set forth separately on a label attached to such fur product composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur product the name or names of any animal or animals other than the name of the animal producing the fur contained in the fur product as specified in the Fur Products Name Guide, and as prescribed by the rules and regulations.

3. Setting forth on an invoice pertaining to such fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

5. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Failing to set forth on an invoice the item number or mark assigned to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

3. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe any fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Fails to set forth all parts of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 20, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-2737; Filed, Mar. 13, 1967; 8:46 a.m.]

[Docket No. C-1175]

PART 13—PROHIBITED TRADE PRACTICES

Wasserman & Lavine, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements.* 13.73-10 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely.* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition.* 13.1185-30 Fur Products Labeling Act. § 13.1212 *Formal regulatory and statutory requirements.* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition.* 13.1845-30 Fur Products Labeling Act. § 13.1852 *Formal regulatory and statutory requirements.* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Wasserman & Lavine, Inc., et al., New York, N.Y., Docket C-1175, Feb. 20, 1967]

In the Matter of Wasserman & Lavine, Inc., a Corporation and David Wasserman and Paul Lavine, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding, falsely invoicing, and deceptively advertising its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Wasserman & Lavine, Inc., a corporation, and its officers, and David Wasserman and Paul Lavine, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Falsely or deceptively labeling or otherwise identifying such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on a label affixed to such fur product.

5. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

4. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 20, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-2738; Filed, Mar. 13, 1967; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-74]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles from Australia

The following information is published pursuant to T.D. 54582 dated April 29, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the last 6 months of 1966 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE — APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

1966:	*Net amount of bounty per 2,240 lbs. of sugar content*
July	Aus$96.90
August	92.90
September	96.90
October	100.50
November	99.90
December	101.00

The net amounts of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action." Since it has been determined that the retention of references to Treasury decisions publishing countervailing duty orders for a longer period than 1 year serves no real need (T.D. 56258, 29 F.R. 12961), the table is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 66-33 in the column headed "Treasury Decision" and the words "New rates" appearing opposite such number in column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON, *Commissioner of Customs.*

Approved: March 6, 1967.

TRUE DAVIS, *Assistant Secretary of the Treasury.*

[F.R. Doc. 67-2764; Filed, Mar. 13, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

POLOXALENE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by A. E. Staley Manufacturing Co., 2200 East Eldorado Street, Decatur, Ill. 62521, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of poloxalene as a component of molasses blocks for cattle for the prevention of legume (alfalfa, clover) bloat. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart C a new section, as follows:

§ 121.295 Poloxalene.

The food additive poloxalene may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use as a component of molasses blocks when incorporated therein at a level of 6.6 percent by weight.

(b) It is used for the prevention of legume (alfalfa, clover) bloat in cattle and is to be fed to cattle at the rate of 0.8 ounce of block per 100 pounds of body weight per day.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported

by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 7, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2777; Filed, Mar. 13, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 80

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5H1743) filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of polysorbate 80 as an adjuvant added to herbicide use and plant-growth regulator use dilutions by a grower or applicator prior to application of such dilutions to the growing crop. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1009 is amended in the following respects:

§ 121.1009 Polysorbate 80.

* * * * *

(c) * * *

(12) As an adjuvant added to herbicide use and plant-growth regulator use dilutions by a grower or applicator prior to application of such dilutions to the growing crop. Residues resulting from such use are exempt from the requirement of a tolerance. When so used or intended for use, the additive shall be exempt from the requirements of paragraph (d)(1) of this section.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 7, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2778; Filed, Mar. 13, 1967; 8:49 a.m.]

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 281—ENFORCEMENT OF THE TEA IMPORTATION ACT

Tea Standards 1967–68

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Tea Importation Act (secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42, 50), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.120), the regulations for the enforcement of this act (21 CFR Part 281) are amended by changing § 281.19(a) to read as follows:

§ 281.19 Tea standards.

(a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on February 8, 1967, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1967, and ending April 30, 1968:

(1) Formosa oolong.

(2) Ceylon-India, Indonesia black (all black tea except Formosa and Japan black and congou type).

(3) Formosa black (Formosa black, congou type, and Japan black).

(4) Japan green.

(5) Canton type (all Canton type teas including scented Canton and Canton oolong types).

These standards apply to tea shipped from abroad on or after May 1, 1967. Tea shipped prior to May 1, 1967, will be governed by the standards that became effective May 1, 1966 (31 F.R. 5071).

* * * * *

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of tea experts drawn from the Food and Drug Administration and the tea trade, so as to be representative of the trade as a whole.

Effective date. This order shall become effective May 1, 1967.

(Secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42, 50)

Dated: March 7, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2779; Filed, Mar. 13, 1967; 8:50 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER D—CLAIMS AND STOLEN PROPERTY

[Dept. Reg. 108.549]

PART 31—ADMINISTRATIVE SETTLEMENT OF TORT CLAIMS AND CERTAIN PROPERTY DAMAGE CLAIMS

In Part 31, §§ 31.1 through 31.15 are revised and the numbering of Subpart D is changed from §§ 31.16 through 31.20 to §§ 31.19 through 31.23. As revised, Part 31 reads as follows.

Sec.
31.1 Purpose.
31.2 Delegation of authority.

Subpart A—General Provisions

31.3 Definitions.
31.4 Action by claimant.
31.5 Penalties.
31.6 Investigation of claims.
31.7 Determination of claims.
31.8 Adjustment or settlement of claims.
31.9 Payment of claims.
31.10 Final denial of claim.

Subpart B—Federal Tort Claims Act

31.11 General.
31.12 Allowable claims.
31.13 Claims not allowable.
31.14 Limitations.
31.15 Acceptance of award or settlement by claimant.
31.16 Attorneys' fees.
31.17 Effective date.

Subpart C—Act of August 1, 1956

31.18 General.

Subpart D—Act of June 19, 1939

31.19 General.
31.20 Exclusion.
31.21 Limitations.
31.22 Action by claimant.
31.23 Payment of claim.

AUTHORITY: The provisions of this Part 31 issued under 49 Stat. 906, as amended, sec. 1, 62 Stat. 983, as amended, sec. 4, 63 Stat. 111, as amended, sec. 2, 70 Stat. 890, sec. 1(a), 80 Stat. 306; 22 U.S.C. 277e, 28 U.S.C. 2672, 5 U.S.C. 151c, 170g; 28 CFR 14.11.

§ 31.1 Purpose.

The purpose of this part is to establish and provide a procedure for the preparation and submission of claims for personal injury, death, and property loss or damage capable of administrative settlement under the Federal Tort Claims Act (28 U.S.C. 2672), as amended and the act of August 1, 1956 (5 U.S.C. 170g), and claims for property loss or damage cognizable under the act of June 19, 1939 (22 U.S.C. 277e), and to authorize certain officers of the Department of State and of the U.S. Section, International Boundary and Water Commission, United States and Mexico, to consider, ascertain, adjust, determine, and settle such claims.

§ 31.2 Delegation of authority.

The Legal Adviser and the Deputy Legal Advisers are authorized to consider, ascertain, adjust, determine, and settle claims capable of administrative settlement under the Federal Tort Claims Act and the act of August 1, 1956, except claims arising out of activities of the Commission. Awards in excess of $25,000 require approval by the Attorney General or his designee. Chiefs of mission and principal officers of fiscal reporting posts are authorized to consider, ascertain, adjust, determine and settle claims in an amount of $1,000 or less which are capable of administrative settlement under the act of August 1, 1956, arising out of the activities of their respective establishments. The Commissioner is authorized to consider, ascertain, adjust, determine, and settle claims cognizable under the Federal Tort Claims Act and the act of June 19, 1939, arising out of activities of the Commission.

Subpart A—General Provisions

§ 31.3 Definitions.

As used in this part, the term:

(a) "Secretary" means the Secretary of State.

(b) "Department" means the Department of State, its offices, bureaus, and divisions and its Foreign Service establishments abroad. It does not include any contractor with the United States.

(c) "Commission" means the U.S. Section, International Boundary and Water Commission, United States and Mexico.

(d) "Legal Adviser" means the Legal Adviser of the Department of State.

(e) "Deputy Legal Advisers" means the Deputy Legal Advisers of the Department of State.

(f) "Chiefs of mission" means principal officers appointed by the President, by and with the advice and consent of the Senate, in charge of embassies or legations of the United States.

(g) "Principal officers of fiscal reporting posts" means principal officers in charge of embassies, legations, or other diplomatic missions, or of a consulate general or consulate of the United States, which are designated fiscal reporting posts by the Department of State.

(h) "Commissioner" means the U.S. Commissioner, International Boundary and Water Commission, United States and Mexico.

(i) "Employee" includes any officer or employee of the Department or the Commission, or any person acting on behalf of the Department or the Commission in an official capacity, temporarily or permanently in the service of the Department or the Commission, whether with or without compensation. It does not include the employee of a contractor with the United States.

§ 31.4 Action by claimant.

(a) *Claimant.* Claims for property loss or damage may be filed by the owner of the property, his duly authorized agent or legal representative, or survivors. A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the parties individually as their respective interests appear, or jointly. Claims for personal injury may be filed by the injured person, his duly authorized agent or legal representative. Claims for death may be filed by the executor or administrator of the decedent's estate, or by any other person legally or beneficially entitled to assert such a claim in accordance with applicable local law governing the rights of survivors. When filed by an agent or legal representative, the claim must be presented in the name of the real claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, legal representative, executor, administrator, parent, guardian, or other legal representative.

(b) *Form of claim.* Claims arising in the United States and in the Territories and possessions of the United States should be prepared, in duplicate, on the standard form, "Claim for Damage or Injury," promulgated by the Bureau of the Budget. Copies of this form will be furnished upon a request to the Department or the Commission, as the case may be. All information requested therein should be given in detail. It is especially important that the amount claimed for property damage and for personal injury be indicated in the spaces provided. Claims arising in foreign countries should be prepared in form of a sworn statement and submitted in duplicate. The original copy of the claim should be sworn to or affirmed before an official with authority to administer oaths or affirmations and should contain the following information, at least: (1) The name and address of the claimant; (2) the amount claimed for injury or death and for property loss or damage; (3) if property was lost or damaged, the amount paid or payable by the insurer and the name of the insurer; (4) the facts and circumstances in detail giving rise to the claim including the date, place and time of the accident or incident; (5) if property was involved, a description of the same and of the nature and extent of the damage and of the cost of repair or replacement; (6) if personal injury was involved, the nature of the injury, the cost of medical services and time and income lost from incapacitation; (7) if death is involved, the names and ages of the claimants and their relationship to the decedent; (8) the name of the employee of the United States who is alleged to be responsible for the accident or incident and the name and address of the Foreign Service establishment by whom he is or was employed; (9) the names and addresses of any witnesses to the accident or incident; and (10) if desired, the law applicable to the claim.

(c) *Place of filing claim.* Claims should be submitted directly to the office, bureau, division, or Foreign Service establishment of the Department, or of the Commission, out of whose activities the accident or incident occurred, if known; or, if not known, to the Legal Adviser, Department of State, Washington, D.C. 20520.

(d) *Evidence and information to be submitted by claimant*—(1) *General.* The amount claimed on account of damage to or loss of property or on account of personal injury or death should, so far as possible, be substantiated by competent evidence. Supporting statements, estimates and the like should, if possible, be obtained from disinterested parties. All evidence should be submitted in duplicate. Original evidence or certified copies should be attached to the original copy of the claim, and simple copies should be attached to the other copy of the claim. All documents in other than the English language should be accompanied by English translations.

(2) *Death.* In support of a claim based on death, the claimant should submit the following evidence or information to the extent necessary to substantiate the elements of the claim:

(i) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(ii) Decedent's employment or occupation at time of death, including his monthly or yearly salary or earnings (if any), and duration of his last employment or occupation.

(iii) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death.

(iv) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(v) Decedent's general physical and mental condition before death.

(vi) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for such expenses.

(vii) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(viii) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the damages claimed.

(3) *Personal injury.* In support of a claim for personal injury, including pain and suffering, the claimant should submit the following evidence or information to the extent necessary to establish the elements of the claim.

(i) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addi-

tion, the claimant may be required to submit to a physical or mental examination by a physician employed by the Department or another Federal agency. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request provided that he has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the Department any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of his claim.

(ii) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(iii) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(iv) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full or part-time employee, and wages or salary actually lost.

(v) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(vi) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(4) *Damage to personal property.* In support of a claim for damage to, or loss or destruction of personal property, the claimant should submit the following evidence or information to the extent necessary to substantiate the elements of the claim:

(i) Proof of ownership, in cases where doubt exists that claimant was the owner.

(ii) A detailed statement of the amount claimed with respect to each item of property.

(iii) Where the property has been repaired, an itemized receipt, or, where not repaired, itemized estimates of the cost of repairs by two reliable persons who specialize in such work.

(iv) Where the property is not economically repairable, a statement with respect to date of purchase, purchase price and salvage value, accompanied, where doubt exists, by the corroborative statements of two reliable qualified persons.

(v) Any other evidence or information which may have a bearing on either the responsibility of the United States for the damage or loss or the damages claimed.

(5) *Damage to real property.* In support of a claim for damage or destruction of real property, the claimant should submit the following evidence or information to the extent necessary to substantiate the elements of the claim:

(i) Proof of ownership.

(ii) A detailed statement of the amount claimed with respect to each item of the property.

(iii) Where the property has been repaired, an itemized receipt, or, where it has not been repaired, itemized estimates of the cost of repairs by two reliable persons who specialize in such work.

(iv) Where the property is not economically repairable, corroborative statements of two reliable qualified persons with regard to the value of the property before and after the incident and the cost of replacement.

(v) Any other evidence or information which may have a bearing on neither the responsibility of the United States for the damage or the damages claimed.

(6) *Damage to crops.* In support of a claim for damage to crops, the claimant should submit the following evidence or information:

(i) Proof of ownership of the crop.

(ii) An itemized signed statement showing the number of acres or other unit measure of crop damaged, the probable yield per unit, the gross amount which would have been realized from such probable yield, and an estimate of the costs of cultivating, harvesting and marketing the crop; in addition, if the crop is one which need not be planted each year, a statement of the diminution in value of the land beyond the damage to the current year's crop.

(iii) Any other evidence or information which may have a bearing on either the responsibility of the United States for the damage or the damages claimed.

§ 31.5 Penalties.

A person who files a false claim or makes a false or fraudulent statement in a claim against the United States may be liable to a fine of not more than $10,000 or to imprisonment of not more than 5 years, or both (18 U.S.C. 287, 1001), and, in addition, to a forfeiture of $2,000 and a penalty of double the loss or damage sustained by the United States (31 U.S.C. 231).

§ 31.6 Investigation of claims.

(a) When a claim is received, the office, bureau, division, or Foreign Service establishment out of whose activities the claim arose shall make such investigation as may be necessary or appropriate for a determination of the validity of the claim and thereafter shall forward the claim, together with all pertinent material, and a recommendation, based on the merits of the case, with regard to allowance or disallowance of the claim, to the Legal Adviser, Deputy Legal Advisers, Commissioner, chief of mission or principal officer of fiscal reporting post, as the case may be.

(b) Pursuant to instructions from the Department, acting at the request of any other federal agency, a Foreign Service establishment shall make such investigations as may be necessary or appropriate for the determination of the validity of the claim arising outside the United States, and thereafter shall forward the claim, together with all pertinent material, and a recommendation regarding allowance or disallowance of the claim, to the Department for transmission to the requesting agency.

§ 31.7 Determination of claims.

Claims will be determined in accordance with the applicable statute and the applicable subpart of this part.

§ 31.8 Adjustment or settlement of claims.

(a) Except on instructions from the Legal Adviser or Deputy Legal Advisers, no claim will be adjusted or settled by a chief of mission, principal officer of a fiscal reporting post if it falls within one of the following categories:

(1) A new precedent or new point of law;

(2) A claim which involves or may involve a question of policy;

(3) A claim in which the United States is or may be entitled to indemnity or contribution from a third party and the claim against the third party has not been settled;

(4) A claim whose adjustment or settlement would, for any reason, control the disposition in a related claim in which the amount to be paid may exceed $25,000;

(5) A claim in which the United States, an employee, agent or cost-plus contractor is involved in litigation based on a claim arising out of the same transaction.

(b) If a chief of mission or principal officer of a fiscal reporting post considers, after the investigation of the claim has been completed, that the claim falls within one of the categories listed in paragraph (a) of this section, he shall transmit the claim, together with all pertinent material, to the Legal Adviser.

(c) When the Legal Adviser or Deputy Legal Adviser considers that a claim falls within one of the categories listed in paragraph (a) of this section, he shall consult the Department of Justice. Such consultation shall be initiated by a written communication addressed to the Assistant Attorney General, Civil Division, containing (1) a short and concise statement of the facts and of the reasons for the referral, (2) copies of relevant portions of the claim file, and (3) a statement of the recommendations and views of the Department.

(d) The settlement of a claim for an amount in excess of $25,000 shall not be effected until the Legal Adviser or Deputy Legal Adviser has obtained the written approval of the Department of Justice. Consultations with a view to obtaining such approval shall be initiated as provided in paragraph (c) of this section. For purposes of this paragraph, a principal claim and a derivative or subrogated claim shall be treated as a single claim.

§ 31.9 Payment of claims.

(a) When a claim is approved:

(1) If payment is to be in the amount of $2,500 or less it will be made out of appropriations available to the Department;

(2) If payment is to be in excess of $2,500 and not more than $100,000 it will be obtained by the Department by forwarding Standard Form 1145 to the Claims Division, General Accounting Office;

(3) If payment is to be in excess of $100,000 it will be obtained by the Department by forwarding Standard Form 1145 to the Bureau of Accounts, Department of the Treasury, which will be responsible for transmitting the award, compromise, or settlement to the Bureau of the Budget for inclusion in a deficiency appropriation bill.

(b) When the use of Standard Form 1145 is required it shall be executed by the claimant or it shall be accompanied by either a claim settlement agreement or Standard Form 95 executed by the claimant.

(c) If payment is to be in excess of $25,000, Standard Form 1145 shall be accompanied by evidence that the award has been approved by the Attorney General or his designee.

(d) When the claimant is represented by an attorney, the voucher for payment shall designate both the claimant and his attorney as "payee," and the address of the attorney shall be indicated on the voucher. The check shall be delivered to the attorney.

§ 31.10 Final denial of claim.

Final denial of an administrative claim shall be in writing and sent to the claimant, his attorney, or legal representative by certified or registered mail. Except in the case of claims arising in foreign countries, the notification of final denial shall contain a statement that if the claimant is dissatisfied with the decision, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

Subpart B—Federal Tort Claims Act

§ 31.11 General.

The Federal Tort Claims Act (28 U.S.C. 2672) authorizes the head of each Federal agency, or his designee, to consider, ascertain, adjust, determine, compromise, and settle certain tort claims for money damages against the United States, in accordance with regulations prescribed by the Attorney General. Subpart A of this part is in implementation of the regulations prescribed by the Attorney General.

§ 31.12 Allowable claims.

Tort claims, except those specifically excluded by the Federal Tort Claims Act (28 U.S.C. 2680), are allowable under the act and this subpart for damage to or loss of property and for personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Department or of the Commission, while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred. The size of the payment is not limited by the act. Payments in excess of $25,000 require the prior written approval of the Attorney General.

§ 31.13 Claims not allowable.

The following claims, among others, are not allowable under the Federal Tort Claims Act and this subpart:

(a) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(c) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(d) Any claim arising in a foreign country. Such claims may be allowable under the act of August 1, 1956. See Subpart C of this part.

§ 31.14 Limitations.

(a) Claims arising under the Federal Tort Claims Act must be presented in writing, within 2 years after accrual.

(b) A suit may not be filed until a claim has been finally denied. If the Department fails to make a final disposition of a claim within 6 months after it is filed, the claim may, at the option of the claimant any time thereafter, be deemed finally denied. If a claim is denied, the claimant may commence action thereon within 6 months from the date of notice of denial. The amount of the suit may not exceed the amount of the claim, except where the increased amount is based upon newly discovered evidence, or upon allegation and proof of intervening facts, relating to the amount of the claim.

§ 31.15 Acceptance of award or settlement by claimant.

The acceptance by the claimant of an award, compromise or settlement is final and conclusive on the claimant, his agent or legal representative and any person on whose behalf or for whose benefit the claim has been presented, and constitutes a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

§ 31.16 Attorneys' fees.

As part of any award or settlement, reasonable attorneys' fees may be allowed out of, but not in addition to, the amount of the award or settlement. Such fees shall not exceed 20 percent of the award or settlement. Any attorney who receives more than the amount allowed may be liable to a fine of not more than $2,000 or imprisonment of not more than 1 year, or both. Attorneys' fees will be fixed only upon the written request of the claimant or his attorney.

§ 31.17 Effective date.

Subparts A and B shall apply only to claims arising out of acts or omissions occurring on or after January 18, 1967.

Subpart C—Act of August 1, 1956

§ 31.18 General.

The act of August 1, 1956 (5 U.S.C. 170g) authorizes the Secretary of State, when funds are appropriated therefor, to pay tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, as amended, when such claims arise in foreign countries in connection with Department of State operations abroad. Consequently, the Federal Tort Claims Act and Subpart B of this part are applicable to claims filed under the act of August 1, 1956, except that no provision has been made in that act for the institution of suit if a claim is denied.

Subpart D—Act of June 19, 1939

§ 31.19 General.

The act of June 19, 1939 (53 Stat. 841; 22 U.S.C. 277e), provides as follows:

The Secretary of State acting through such officers as he may designate, is further authorized to consider, adjust, and pay from funds appropriated for the project, the construction of which resulted in damages, any claim for damages occurring after March 31, 1937, caused to owners of land or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of any project constructed or administered through the American Commissioner, International Boundary Commission, United States and Mexico, if such claim does not exceed $1,000 and has been filed with the American Commissioner within 1 year after the damage is alleged to have occurred, and when in the opinion of the American Commissioner such claim is substantiated by a report of a board appointed by the said Commissioner.

This act covers only claims for damages to lands or other private property and not claims for personal injuries. (Decision Comptroller General B–36817, Sept. 28, 1943, unpublished.) To the extent that claims for damages to lands or other private property are based upon negligence, the provisions of this act have been superseded by the Federal Tort Claims Act (26 Comp. Gen. 452, Decision B–61757, Jan. 6, 1947). Hence claims cognizable under the act of June 19, 1939, are limited to claims for damages accruing after March 31, 1937; (a) for damages to lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of any project constructed or administered through the Commissioner; (b) where such claims do not exceed $1,000; and (c) which claims are not based upon the negligence of any officer or employee of the Government acting within the scope of his employment.

§ 31.20 Exclusion.

Claims which are cognizable under the Federal Tort Claims Act are not cognizable under the act of June 19, 1939.

§ 31.21 Limitations.

The claim will be considered by the Commissioner under this subpart unless filed with him within 1 year after the damage is alleged to have occurred.

§ 31.22 Action by claimant.

The provisions of § 31.4 shall be applicable to claims for damages cognizable under this subpart, except those provisions relating to personal injury or death.

§ 31.23 Payment of claim.

Upon receipt of a claim by the Commissioner, the Commissioner will appoint a board to investigate the facts surrounding the claim and to make its report and recommendations to the Commission. The Commissioner will thereupon approve the claim in whole or in part, or disapprove the claim. If the claim is approved in whole or in part, and claimant accepts the settlement tendered by the Commissioner, the claimant will execute a release of his claim in the form prescribed by the Commissioner and will execute a voucher in the sum approved by the Commissioner. The file on the case, including the claim, the findings of the board, the approval of the Commissioner, the release, and the voucher, will thereupon be transmitted by the Commissioner through the Department to the General Accounting Office for settlement.

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

MARCH 1, 1967.

[F.R. Doc. 67-2747; Filed, Mar. 13, 1967; 8:47 a.m.]

SUBCHAPTER F—NATIONALITY AND PASSPORTS

[Dept. Reg. 108.550]

PART 51—PASSPORTS

Violation of Geographical Limitations

Part 51, Chapter I, is amended to exclude unauthorized travel to restricted countries or areas as violations of 8 U.S.C. 1185 and/or 18 U.S.C. 1544. Section 51.74 is amended to read as follows:

§ 51.74 Violation of geographical limitations.

Travel to, in or through a restricted country or area without a passport or without a passport specifically validated for such travel is ground for revocation or cancellation of a passport and for denial of an application for a passport or renewal of a passport until such time as the Secretary receives formal assurance and is satisfied that the person will not again travel in violation of the travel restrictions.

Dated: March 6, 1967.

PHILIP B. HEYMANN,
Acting Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 67-2746; Filed, Mar. 13, 1967; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 525—RHODESIAN TRANSACTION REGULATIONS

Transactions Involving Copper Products; Correction

In F.R. Doc. 67-2394 appearing on page 3448 in the issue of Thursday, March 2, 1967, the following correction is made: In the schedule following § 525.201(c), the TSUS Reference following the commodity "copper products" which reads "Schedule 6, Part 3" is corrected to read "Schedule 6, Part 2, Subpart C, and Part 3."

[SEAL] MARGARET W. SCHWARTZ,
Director, Office of Foreign Assets Control.

[F.R. Doc. 67-2765; Filed, Mar. 13, 1967; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-34—EMERGENCY PREPAREDNESS PLANNING

Procedures are provided in a new Part 101-34 to establish the supply support position of GSA and actions required by agencies to which this supply support is to be furnished during designated periods of national emergency.

Subchapter E is amended by the addition of new Part 101-34.

Sec.

101-34.000 Scope of part.
101-34.001 Applicability.
101-34.002 Definitions.
101-34.003 Handbook, Emergency Supply Support Operations.

Subpart 101-34.1—Preattack Defense Emergency Plans

101-34.100 Scope of subpart.
101-34.101 General.
101-34.102 Prepositioned stocks.
101-34.103 Logistics Control Centers.
101-34.104 Agency supply requirements.
101-34.105 Agency supply liaison.

Subpart 101-34.2—Postattack Defense Emergency Plans [Reserved]

AUTHORITY: The provisions of this Part 101-34 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101-34.000 Scope of part.

This part provides policies and procedures relating to procurement and supply of personal property and nonpersonal services during periods of national emergency.

§ 101-34.001 Applicability.

The provisions of this part are applicable to all executive agencies. Other Federal agencies are encouraged to conform with the provisions of this part.

§ 101-34.002 Definitions.

As used in this part the following terms have the described meaning:

(a) *Defense Readiness Conditions (DEFCONS).* Reference to the use of DEFCONS to trigger nonmilitary defense actions is made in OEP Circular 9410.1A. DEFCONS 5 and 4 periods require only normal emergency planning preparations and most civil agencies are not notified when DEFCON 5 is changed to DEFCON 4. This means that primary emphasis is placed on activating emergency preparedness measures for stepped-up readiness during DEFCONS 3, 2, and 1. Although it is recognized that a surprise attack or rapid progression from a DEFCON 4 to an attack warning may not permit the accomplishment of certain of these measures, it should be understood that the availability of communications in the preattack period will permit appropriate instructions to be issued.

(b) *Preattack.* That period between the declaration of a national defense emergency and an attack upon the United States, or between the establishment of DEFCON 3 (or a DEFCON 4 under certain circumstances) and an attack upon the United States. Since certain emergency preparedness actions may not be practical or feasible during the early stages of a national emergency, the term "preattack" is used to indicate that period when the impact of international tension, limited war, or a general war causes supply shortages, resulting in stepped up readiness actions. This period generally conforms to the period between DEFCON 3 and an air raid warning, except in those cases when an agency is required to step up its readiness in DEFCON 4.

(c) *Attack.* That period during which the United States is under attack. Such attack may involve either nuclear or conventional weapons.

(d) *Postattack.* That period following an attack upon the United States.

(e) *Preposition.* The storing of records, reserve supplies, equipment, and other administrative type items at or near a predetermined relocation site.

§ 101-34.003 Handbook, Emergency Supply Support Operations.

Detailed instructions and guidelines to assist agencies in implementing GSA's preparedness plans and programs and coordinating emergency supply operations are included in the GSA Handbook, Emergency Supply Support Operations. This handbook will be issued and maintained by the Commissioner, Federal Supply Service.

Subpart 101-34.1—Preattack Defense Emergency Plans

§ 101-34.100 Scope of subpart.

This subpart provides policy, procedures, and guidelines relating to the procurement of personal property and nonpersonal services from GSA during periods of national defense emergency.

§ 101-34.101 General.

Normal procurement and order processing procedures shall be followed during the preattack period to the extent practicable. Where modifications are required because of emergency conditions, agencies will be notified accordingly. Instructions supplementing the provisions of this Subpart 101-34.1 are contained in the GSA Handbook, Emergency Supply Support Operations.

§ 101-34.102 Prepositioned stocks.

(a) *Requirements determination.* The Office of Emergency Planning encourages agencies to preposition essential supplies at their relocation sites as a part of their normal relocation program. Such stockage will assure operating supplies in case of a surprise attack or rapid progression from a DEFCON 4 to an attack warning. It will also allow the necessary time for GSA to evaluate its surviving resources and adapt its distribution system to postattack operations. Agencies with a relocation program should develop, prior to the preattack period, a listing by Federal stock number of office supplies and equipment and other administrative type items sufficient to take care of the first 30 days of their relocation site operations.

(b) *Shipment from GSA stock.* Requisitions for minimum operating requirements of items stocked by GSA should be submitted to the appropriate GSA regional office prior to the preattack period. Although it is preferable to request shipment before DEFCON 3, agencies may consider it advisable to submit a separate requisition for immediate shipment of items with no shelf life or with an extended (at least 2 years) shelf life, and a separate requisition covering items with less than a 2-year shelf life for shipment upon the establishment of DEFCON 3. GSA will hold such short shelf life requisitions in a suspense file for automatic DEFCON 3 shipment to the named destination without further direction from the ordering agency. If DEFCON 3 is bypassed, shipment will be made (time permitting) on DEFCON 2 or 1, or at such time as the ordering agency determines it advisable.

(c) *Return of requisitions or unused stocks.* In the absence of instructions from the ordering activity, requisitions held for shipment upon a designated DEFCON period will be returned if such DEFCON is not declared within the period of 1 year from the date of the requisition. Agencies should keep their copy of such requisitions in a tickler file and notify the holding GSA region of any additions, deletions, or other changes necessary to update the requisition and maintain its current status. If prepositioned stocks purchased from GSA are not utilized through relocation site operations, agencies will be expected to utilize them through their normal agency supply operations. Such items as cannot be utilized in this manner will be considered for return to GSA supply depot stocks.

§ 101-34.103 Logistics Control Centers.

Upon declaration of DEFCON 3, FSS Logistics Control Centers will be established at the GSA Central Office and at appropriate GSA regional offices to serve as contact points for agencies during off duty hours. GSA will keep agencies currently informed of these designated contact points. These centers may be contacted for information on the emergency plans for FSS support support, for specialized procurement assistance, or to expedite delivery of orders which are important to the defense effort. Under certain circumstances, such centers will be established prior to DEFCON 3 and, in such event, agency supply liaison contacts will be notified.

§ 101-34.104 Agency supply requirements.

(a) Although GSA records will permit an analysis of past shipments to its customer agencies, GSA will require assistance in determining agency supply requirements. In order for GSA to develop plans for meeting substantial increases in agency requirements for certain supply items, agencies should develop listings which will identify such items, for submission to GSA prior to the preattack period. These listings should identify by Federal stock number those supply items purchased from or through GSA which are expected to be required in substantially increased quantities and the expected volume or percentage increase over normal requirements. If it is not feasible to identify individual stock numbers, it is permissive to use the four digit Federal Supply Classification Class, or the two digit group (when such group is limited to a small number of classes). The primary objective is for agencies to break down their requirements to the degree that GSA can alert appropriate suppliers of anticipated increases, arrange for increased quantities under present contracts, provide for increased GSA inventories, or develop data on additional sources of supply.

(b) It is not considered feasible to provide instructions to agencies for submitting expected postattack supply requirements to GSA until such time as further guidelines on postattack planning assumptions are available from the Office of Emergency Planning. If such guidelines are not available prior to an attack upon the United States, agencies should submit their requirements as they are determined, for processing by GSA in accordance with instructions contained in the GSA Handbook, Emergency Supply Support Operations.

§ 101-34.105 Agency supply liaison.

Agency supply or mobilization planning officials should take action prior to the preattack period to designate a GSA supply liaison contact and an alternate, at both their Central Office and regional office or other field relocation sites. Names of Central Office and field office designees with title and office and home telephone numbers should be directed to:

General Services Administration, Federal Supply Service, FSS Defense Coordinator—FF, Washington, D.C. 20409.

(a) Designated personnel should be familiar with the agency's emergency supply plans and should be in a position to take direct action in coordinating GSA supply support instructions within their agency.

(b) Agencies are also requested to submit to each GSA regional office the name of their field office relocation site liaison contact, title, and office and home telephone number within the boundaries of such GSA region. A GSA regional map is located inside the back cover of the GSA Handbook, Emergency Supply Support Operations. The Central Office, FSS, will maintain the GSA headquarters listings on a current basis by periodic contacts with agency liaison representatives. GSA regional offices will follow similar procedures in the field. Certain agencies may find it necessary to designate liaison supply officers at the bureau or State level, or in the case of military activities it may be necessary to specify liaison contacts at the using activity level. The primary objective is to limit the number of liaison officers to the minimum and whenever possible have only one designee and alternate to work with each GSA regional office.

Subpart 101-34.2—Postattack Defense Emergency Plans [Reserved]

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: February 17, 1967.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 67-2776; Filed, Mar. 13, 1967; 8:49 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 67-SO-24]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Gastonia, N.C., transition area.

The Gastonia transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gastonia Municipal Airport (latitude 35°11'54" N., longitude 81°08'48" W.), excluding the portion that coincides with the Charlotte transition area.

The proposed transition area is required for the protection of IFR operations at the Gastonia Municipal Airport. A prescribed instrument approach procedure to this airport utilizing the radar facility located on the Douglas Airport, Charlotte, N.C. (10 miles east of the Gastonia Municipal Airport) is proposed in conjunction with the designation of this transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on March 3, 1967.

W. B. RUCKER,
Acting Director, Southern Region.

[F.R. Doc. 67-2730; Filed, Mar. 13, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CFR Part 1]

DEFINITIONS; RECORDS OF CASH COMMODITY AND FUTURES TRANSACTIONS

Notice of Hearing

On January 28, 1967, there was published in the FEDERAL REGISTER (32 F.R. 1042) a notice of proposed amendments to §§ 1.3 and 1.35 of the general regulations (17 CFR 1.3, 1.35) under the Commodity Exchange Act, as amended (7 U.S.C. 12a). The volume of futures trading in regulated commodities has increased tremendously and is expected to continue at very high levels. Because of this, the Commodity Exchange Authority must make use of electronic data processing equipment and techniques in the enforcement of the Commodity Exchange Act. Electronic data processing requires that more uniform, and some additional, records be maintained by members of contract markets and the contract markets themselves. The proposed revision of § 1.35 is intended to make available the information needed by the Authority to enable it to detect illegal trading practices which are detrimental to market users and to the general public. The definition of "floor trader" would be added to § 1.3 for purposes of clarity. The notice afforded opportunity for interested persons to submit written data, views, or arguments concerning the proposed amendments. An oral hearing has been requested.

Therefore, notice is hereby given that an oral public hearing with respect to the proposed amendments will be held commencing at 10 a.m. on March 28, 1967, in Room 2-W, Administration Building, U.S. Department of Agriculture, 12th-14th Streets and Independence Avenue, SW., Washington, D.C.

Adequate opportunity will be afforded all persons to present their views at the hearing.

The Presiding Officer at the hearing will be a hearing examiner from the Office of Hearing Examiners of the Department designated for that purpose.

Any interested person may present any views, facts, or arguments he wishes to offer at the hearing. It will facilitate the hearing if persons who wish to testify at the hearing will notify the Administrator of the Commodity Exchange Authority as soon as possible to that effect, stating they wish to testify and how long a time they would like to have to present their testimony. However, any person who wishes to testify at the hearing will be afforded opportunity to do so, whether he has given such advance notice or not.

The hearing will be open to the public. A stenographic transcript will be made of the hearing and copies of the transcript can be obtained from the reporter by interested persons upon request and payment of the cost of such copies.

After the hearing, the Department will evaluate all relevant material presented at the hearing or otherwise in the possession of the Department and will determine what action should be taken with respect to the proposed amendments.

Done at Washington, D.C., this 8th day of March 1967.

ALEX C. CALDWELL,
Administrator, Commodity Exchange Authority.

[F.R. Doc. 67-2749; Filed, Mar. 13, 1967; 8:47 a.m.]

Consumer and Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Proposed Handling

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 917.100-917.179; 31 F.R. 7476) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment to the said rules and regulations was proposed by the Control Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The amendment changes the representation areas of certain districts for nomination of Plum Commodity Committee members.

The said amendment is as follows:

§ 917.116 Changes in nomination of Plum Commodity Committee members.

Nominations for membership on the Plum Commodity Committee shall be made by the growers of plums in the respective representative areas, as follows:

(a) Kern District, Tehachapi District, South Coast District, and Southern California District one nominee.

(b) Tulare District two nominees.

(c) Fresno District five nominees.

(d) Placer-Colfax District two nominees.

(e) North Sacramento Valley District and Central Sacramento Valley District one nominee.

(f) All of the production area not included in the Kern District, Tehachapi District, South Coast District, Southern California District, Tulare District, Fresno District, Placer-Colfax District, North Sacramento Valley District, and Central Sacramento Valley District one nominee.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of the notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: March 8, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-2751; Filed, Mar. 13, 1967; 8:47 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 132]

SECOND CLASS MAIL

Publications Prepared in Imitation of Typewriting

Notice is hereby given of proposed rule making consisting of a revision to § 132.2 (b) (3) of Title 39, Code of Federal Regulations, to set the criteria used to make a determination whether a publication is prepared in imitation of typewriting.

Although the procedures in 39 CFR Part 132 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 553) in order that patrons of the Postal Service may have an opportunity to comment on the proposed change. Written data, views, and arguments may be filed with the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, the proposed change as set out above in Part 132 reads as follows:

§ 132.2 Qualifications for second-class privileges.

* * * * * * *

(b) *Basic qualifications.* * * *

(3) *Preparation.* Publications must be formed of printed sheets. They may not be produced by the stencil, mimeograph, or hectograph process or in imitation of typewriting. Publications may be produced by any printing process, and any style of type may be used, provided the final printing is not in imitation of typewriting. When the printing process includes the preparation of the original copy with a typewriter, the final printing is in imitation of typewriting when either the left or right margins of the textural columns are uneven, but the final printing is not in imitation of typewriting when both the left and right margins are even.

* * * * * * *

NOTE: The corresponding Postal Manual section is 132.223.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

MARCH 9, 1967.

[F.R. Doc. 67-2756; Filed, Mar. 13, 1967; 8:47 a.m.]

[39 CFR Part 143]

METERED STAMPS

Preparation and Date of Mailing

Notice is hereby given of proposed rule making consisting of amendments to §§ 143.4 and 143.6 of Title 39, Code of Federal Regulations. One proposed amendment to § 143.4(f) would require the date of mailing on certified mail, and a second proposed amendment would revise § 143.6 to require that metered mailings of five or more letter type pieces must be bundled, boxed, or otherwise packaged, and would establish the procedure for handling irregularities in preparation, and would give instructions for handling metered mail bearing the wrong date.

Although the procedures in 39 CFR Part 143 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 553) in order that patrons of the Postal Service may have an opportunity to comment on the proposed changes. Written data, views, and arguments may be filed with the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, the proposed changes as set out above in Part 143 read as follows:

§ 143.4 Meter stamps.

* * * * * * *

(f) *Date of mailing.* Meter stamps must show the date of mailing (month, day, and year) on all first-class mail, special delivery, special handling, or airmail; on all mail sent registered, certified, insured, or COD; and when printed on separate tapes used on first-class mail. The month and year must be shown on tapes on second-, third-, and fourth-class mail, but the day may be omitted. When tapes are not used, no date may be shown in meter stamps on second-, third-, or fourth-class mail.

* * * * * * *

NOTE: The corresponding Postal Manual section is 143.46.

§ 143.6 Mailings.

(a) *Preparation.* The mailer must bundle, box, or otherwise package mailings of five or more letter-type pieces with the addresses facing in one direction. This prevents the pieces from becoming mixed with other mail which has to be faced, canceled, and postmarked in the post office. Properly prepared metered mail can go direct to the distribution cases in post offices and thereby be expedited in dispatch. Metered mail not properly bundled, boxed, or otherwise packaged as required will be reported by telephone or personal visit to the mailer or his authorized agent. A record of this action will be maintained by the postmaster on Form 1835—"Record of Call or Visit." If the mailer or his agent disregards such report and the irregularity is repeated, the mail will be retained by the postmaster and the mailer immediately notified by telephone so that the mailing can be picked up for proper preparation before acceptance and dispatch. Each class and denomination should be bundled separately. Special delivery and airmail should always be bundled separately or located on the top of a bundle. (See Part 134 of this chapter for mailing of third-class bulk mail. See § 144.5(f) (2) of this chapter regarding payment of fractional postage in cash when the meter stamp does not fully pay the minimum per piece charge.)

(b) *Place of mailing.* Metered mail, other than reply mail (see § 143.5), must be mailed from the post office shown in the meter stamp. To secure the fastest dispatch, metered mail should be deposited at the main post office or a station or branch thereof. Except for bulk mailings of third-class mail, metered mail may, if prepared as required by paragraph (a) of this section, be deposited in any street collection box, building receptacle or other place, under the jurisdiction of the post office of meter settings, where mail is accepted.

(c) *Wrong date.* Metered mail bearing the wrong date of mailing will be run through a canceling machine or otherwise postmarked to show the proper date. Form 3611—"Notice of Improperly Prepared Meter Mail," will be used by postmasters to call the irregularity to the attention of the mailer. If the irregularity is repeated, the postmaster will notify the head of the firm or his authorized agent. If a mailer disregards such notices, the postmaster may return the mail with instructions to enclose in new envelopes bearing the correct date in the meter stamp.

NOTE: The corresponding Postal Manual section is 143.6.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

MARCH 9, 1967.

[F.R. Doc. 67-2757; Filed, Mar. 13, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

VITA (VOLUNTEERS FOR INTERNATIONAL TECHNICAL ASSISTANCE), INC.

Registration as Voluntary Foreign Aid Agency

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration [1] as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development of the following agency:

VITA (Volunteers for International Technical Assistance), Inc., College Campus, Schenectady, N.Y. 12308.

HERBERT J. WATERS,
Assistant Administrator for Material Resources.

FEBRUARY 28, 1967.

[F.R. Doc. 67-2744; Filed, Mar. 13, 1967; 8:46 a.m.]

TEXAS PARTNERS OF THE ALLIANCE, INC.

Registration as Voluntary Foreign Aid Agency

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration [1] as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Texas Partners of the Alliance, Inc., 108 Western Republic Building, Post Office Box 772, Austin, Tex. 78767.

HERBERT J. WATERS,
Assistant Administrator for Material Resources.

FEBRUARY 28, 1967.

[F.R. Doc. 67-2745; Filed, Mar. 13, 1967; 8:46 a.m.]

[1] Certificate filed as part of original document.

Office of the Secretary

[Public Notice 255]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Assignment of Compliance Functions Under Title VI of Civil Rights Act of 1964

Notice is hereby given that the Secretary of State, pursuant to the authority vested in him by 22 CFR 141.11(b), has assigned to the Secretary of Health, Education, and Welfare, in accordance with the letter of agreement set forth below dated July 2, 1966, the following responsibilities under Title VI of the Civil Rights Act of 1964.

The responsibilities listed below of the Department of State and of the responsible Department of State official under Title VI of the Civil Rights Act of 1964 and the Department of State regulations issued thereunder (22 CFR Part 141) with respect to institutions of higher education:

1. Compliance reports, including mailing, receiving, and evaluation thereof under § 141.5(b);
2. Other actions under § 141.5;
3. All actions under § 141.6 including periodic compliance reviews, receiving of complaints, investigations, determination of recipient's apparent failure to comply, and resolution of matters by informal means.

The Department of State specifically reserves to itself the responsibilities for the effectuation of compliance under 22 CFR 141.7, 141.8, and 141.9.

Dated: March 2, 1967.

NICHOLAS DEB. KATZENBACH,
Under Secretary of State.

DEPARTMENT OF STATE

WASHINGTON, D.C.
July 2, 1966.

Hon. JOHN W. GARDNER,
Secretary, Department of Health, Education, and Welfare.

DEAR MR. SECRETARY: Pursuant to the authority of section 141.11(b) (22 CFR 141), I hereby assign to you the responsibilities listed below of the Department of State and of the responsible Department of State official under Title VI and the Department of State's regulations issued thereunder (22 CFR 141) with respect to institutions of higher education.

1. Compliance Reports, including mailing, receiving, and evaluation thereof under Section 141.5(b);
2. Other actions under section 141.5;
3. All actions under section 141.6 including periodic compliance reviews, receiving of complaints, investigations, determination of recipient's apparent failure to comply, and resolution of matters by informal means.

The Department of State specifically reserves to itself the responsibilities for the effectuation of compliance under sections 141.7, 141.8, and 141.9.

The responsibilities so designated to you are to be exercised without reimbursement in accordance with the Plan for Coordinated Enforcement Procedures for Higher Education dated February 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department. The Department of State also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department.

If you consent to this assignment, please indicate your acceptance by signing in the space provided on the attached copy of this letter and return a true copy to me.

Sincerely,

GEORGE W. BALL,
Acting Secretary of State.

Accepted: July 23, 1966.

WILBUR J. COHEN,
Acting Secretary, Department of Health, Education, and Welfare.

[F.R. Doc. 67-2748; Filed, Mar. 13, 1967; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

ASSISTANT COMMISSIONER ET AL.

Order of Succession and Provisions for Continuous Performance of Functions

Order of succession of officials to act as Commissioner of the Public Debt, and provisions for the continuous performance of functions of the Bureau of the Public Debt in the event of an enemy attack on the continental United States.

1. It is hereby ordered that the following officers of the Bureau of the Public Debt, in order of succession enumerated, shall act as Commissioner in the event of the absence or disability of the Commissioner or a vacancy in the office:

1. Assistant Commissioner.
2. Deputy Commissioner.
3. Deputy Commissioner, Chicago Office.
4. Technical Assistant to the Commissioner.
5. Chief Counsel of the Bureau.
6. Director, Parkersburg Office.
7. Chief, Division of Loans and Currency.
8. Chief, Division of Public Debt Accounts and Audit.
9. Chief, Division of Retired Securities.
10. Assistant Deputy Commissioner, Chicago Office.
11. Assistant Director, Parkersburg Office.

2. In the event of an enemy attack on the continental United States and without regard to the matter of succession, the Deputy Commissioners and the Director of the Parkersburg Office are hereby authorized to perform any function of the Secretary of the Treasury or Commissioner of the Public Debt (whether or not otherwise delegated), (a) if it is essential to the carrying out of responsibilities otherwise assigned to them, and (b) if, and so long as, they are unable to ascertain (in a manner consistent with the efficient performance of such responsibilities) whether the Commissioner or any official acting in his stead is available to discharge the Commissioner's duties with respect to the performance of those functions.

3. The foregoing order of succession and provisions for the continuous performance of functions are made under the authority of Treasury Department Order No. 129, Revision No. 2 dated April 22, 1955. This order of succession supersedes the order of this Bureau dated April 9, 1962.

[SEAL] D. M. MERRITT,
Commissioner of the Public Debt.

MARCH 8, 1967.

[F.R. Doc. 67-2766; Filed, Mar. 13, 1967; 8:48 a.m.]

Office of the Secretary

[Antidumping—ATS 643.3-b]

SHOES FROM ROMANIA

Determination of Sales at Not Less Than Fair Value

MARCH 6, 1967.

On November 8, 1966, there was published in the FEDERAL REGISTER a "Notice of Intent To Discontinue Investigation and To Make Determination That No Sales Exist Below Fair Value" with respect to shoes, leather (other than men's and boys' of welt construction) imported from Romania. That notice was issued because of revisions in the price of the merchandise and because of unconditional assurances given by the exporter that no future sales of the merchandise to the United States will be made at less than fair value.

No persuasive evidence or argument to the contrary having been presented within 30 days of the publication of the above-mentioned notice in the FEDERAL REGISTER, I hereby determine that for the reasons stated above shoes, leather (other than men's and boys' of welt construction) from Romania are not being, nor are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination and the statement of the reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-2767; Filed, Mar. 13, 1967; 8:48 a.m.]

[Antidumping—ATS 643.3-b]

SHOES FROM ROMANIA

Determination of Sales at Not Less Than Fair Value

MARCH 6, 1967.

On November 8, 1966, there was published in the FEDERAL REGISTER a "Notice of Intent To Discontinue Investigation and To Make Determination That No Sales Exist Below Fair Value" with respect to shoes, leather, men's and boys', welt construction, imported from Romania. That notice was issued because of the termination of sales of the merchandise and because of unconditional assurances given by the exporter that sales, if resumed, would not be below fair value.

No persuasive evidence or argument to the contrary having been presented within 30 days of the publication of the above-mentioned notice in the FEDERAL REGISTER, I hereby determine that for the reasons stated above shoes, leather, men's and boys', welt construction, imported from Romania, are not being, nor are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination and the statement of the reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-2768; Filed, Mar. 13, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 1416]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 3, 1967.

The Department of Agriculture, on behalf of the Forest Service, has filed application, Montana 1418, for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid claims.

The applicant desires the land for protection of a ranger station and a campground in the Kaniksu National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

KANIKSU NATIONAL FOREST

PRINCIPAL MERIDIAN, MONT.

Trout Creek Administrative Site and Campground

T. 24 N., R. 31 W.,
Sec. 6: NE¼SW¼, lots 6 and 7.

The area described aggregates 105.83 acres.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 67-2752; Filed, Mar. 13, 1967; 8:47 a.m.]

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

1. The Plat of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m. on April 11, 1967.

MOUNT DIABLO MERIDIAN, NEVADA

T. 20 N., R. 34 E. (Group 424).

2. The surveyed area described above aggregates 15,487.60 acres. The plat was accepted September 26, 1966. Available data indicates the land surveyed ranges from about 3,550 to 4,000 feet above sea level, with general drainage from east and west toward the center. Soil consists of rocky alluvial deposits in the eastern and western portions ranging to sandy clay in the center. Access to the area is provided by an improved gravel road traversing the township north to south, and a bladed dirt road traversing the area NNE to SSW. There are no settlers within the township; grazing constitutes the principal use of the area. The vegetation consists of sagebrush, shadscale, and very sparse native grasses. There are no water sources or mineral deposits evident in the area.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following: Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections

and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., April 11, 1967, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

DANIEL P. BAKER,
Manager, Nevada Land Office.

[F.R. Doc. 67-2739; Filed, Mar. 13, 1967; 8:46 a.m.]

ALL PUBLIC LAND STATES

Amendment of Notice of Proposed Withdrawal and Reservation of Lands

MARCH 13, 1967.

The notice published in the FEDERAL REGISTER on page 2588 of the issue for February 7, 1967, is hereby amended to read as follows:

The Bureau of Land Management has filed an application for withdrawal of the lands described below, from all appropriations under the public land laws, including, without limitation, the mining laws and the mineral leasing laws. The applicant desires the withdrawal for the protection and conservation of natural resources, including geothermal steam resources and the mineral and other resource values in the lands.

During the period ending April 30, 1967, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Washington, D.C. 20240.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are all public lands which are valuable or prospectively valuable for geothermal steam.

JOHN O. CROW,
Acting Director.

[F.R. Doc. 67-2855; Filed, Mar. 13, 1967; 10:38 a.m.]

UTAH, WYOMING, AND COLORADO

Amendment of Notice of Proposed Withdrawal and Reservation of Lands

MARCH 13, 1967.

The notice published in the FEDERAL REGISTER on page 1058 of the issue for January 28, 1967, is hereby amended to read as follows:

The Bureau of Land Management has filed an application for withdrawal of the lands described below, from (1) appropriation under the mining laws relating to metalliferous minerals, and (2) from sodium leasing except where the Secretary finds that development of the sodium deposits would not adversely affect in any significant way the oil shale values of the lands. The applicant desires the withdrawal to protect the multiple-use development of the minerals and other resources in the lands.

During the period ending April 30, 1967, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Washington, D.C. 20240.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are: All deposits of oil shale and all lands containing such deposits in the States of Colorado, Utah, and Wyoming which are owned by the United States and which are under the administrative jurisdiction of the Department of the Interior.

JOHN O. CROW,
Acting Director.

[F.R. Doc. 67-2856; Filed, Mar. 13, 1967; 10:38 a.m.]

Office of the Secretary

DARIUS N. KEATON, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 14, 1967.

Dated: March 1, 1967.

D. N. KEATON, JR.

[F.R. Doc. 67-2753; Filed, Mar. 13, 1967; 8:47 a.m.]

DIRECTOR, BUREAU OF OUTDOOR RECREATION

Delegation of Authority

The following Delegation of Authority is a part of the Departmental Manual and the numbering is that of the Manual.

The Delegation of Authority to the Director, Bureau of Outdoor Recreation appearing in the FEDERAL REGISTER at 30 F.R. 4210 and 30 F.R. 15598 is amended by the addition of the following section:

248 DM 1.1 *Delegation.* The Director, Bureau of Outdoor Recreation, is authorized, except as provided in 200 DM 2.1, to exercise the program authority of the Secretary of the Interior with respect to the supervision, management and operations of the Bureau of Outdoor Recreation:

* * * * *

248 DM 1.1H. by cooperating and consulting with the Secretary, Department of Transportation, in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed and in undertaking and coordinating Interior Department participation in the planning of transportation programs and projects which require the use of any land from a public park, recreation area, wildlife and waterfowl refuge, or historic site to insure that there is no feasible and prudent alternative to the use of such land and that such programs and projects include all possible planning to minimize harm to such lands. In carrying out this delegated authority the Director, Bureau of Outdoor Recreation shall consult and coordinate with the Director, Bureau of Sport Fisheries and Wildlife, the Director, National Park Service, and the heads of other Interior bureaus (section 4(f) of the Act of Oct. 15, 1966 (80 Stat 931)).

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 67-2754; Filed, Mar. 13, 1967; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ABRIL INDUSTRIAL WAXES LTD.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Abril Industrial Waxes Ltd., Queens Road, Industrial Estate, Bridgend, Glamorgan, England, has withdrawn its petition (FAP 7B2108), notice of which was published in the FEDERAL REGISTER of October 28, 1966 (31 F.R. 13874), proposing an amendment to § 121.2507 *Cellophane* to provide for the safe use of stearamido-ethyl stearate as a component of vinylidene chloride coatings on cellophane for food-contact use.

Dated: March 7, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2780; Filed, Mar. 13, 1967; 8:50 a.m.]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petitions for Pesticide and Food Additive Maneb (Manganese Ethylenebisdithiocarbamate)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 7F0563) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing the establishment of pesticide tolerances for residues of the fungicide maneb (manganese ethylenebisdithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, in or on raw agricultural commodities, as follows: 5 parts per million in or on the grain of barley, oats, rye, and wheat; and 45 parts per million in or on the hay, forage, and straw of barley, oats, rye, and wheat.

Notice is also given that E. I. du Pont de Nemours & Co., Inc., has filed a related petition (FAP 7H2147) proposing the establishment of a food additive tolerance of 20 parts per million for residues of the fungicide in milled fractions (except flour) derived from barley, oats, rye, and wheat.

The analytical method proposed for determining residues of the fungicide is that of H. L. Pease, published in the Journal of the Association of Official Agricultural Chemists, volume 40 (1957), pages 1113–1118.

Dated: March 3, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2781; Filed, Mar. 13, 1967; 8:50 a.m.]

NALCO CHEMICAL CO.

Notice of Filing of Petition for Food Additive Chlorinated Levulinic Acids

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7H2149) has been filed by Nalco Chemical Co., 180 North Michigan Avenue, Chicago, Ill. 60601, proposing an amendment to § 121.2505 *Slimicides* to provide for the safe use of chlorinated levulinic acids (minimum chlorine content 45 percent) as antimicrobial agents to control slime in the manufacture of paper and paperboard that contact food.

Dated: March 3, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2782; Filed, Mar. 13, 1967; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Notice of Issuance of Order Extending Expiration Date of Provisional Operating License

Please take notice that the Atomic Energy Commission has issued an order extending to September 12, 1968, the expiration date specified in Provisional Operating License No. DPR-11 issued to Northern States Power Co. authorizing operation of its Pathfinder nuclear reactor located near Sioux Falls, S. Dak.

Copies of the Commission's order and the application dated January 19, 1967, filed by Northern States Power Co. are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 6th day of March 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-2728; Filed, Mar. 13, 1967; 8:45 a.m.]

CIVIL SERVICE COMMISSION

POLICE CADETS, WASHINGTON, D.C.

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and E.O. 11073, the Civil Service Commission has increased the minimum rates and rate ranges for positions of Police Cadet, GS-301-2 and 3. The revised rate ranges are:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-2	$4,590	$4,723	$4,856	$4,989	$5,122	$5,255	$5,388	$5,521	$5,654	$5,787
GS-3	4,989	5,133	5,277	5,421	5,565	5,709	5,853	5,997	6,147	6,285

[1] Corresponding statutory rate: GS-2—Sixth; GS-3—Sixth.

Coverage is the District of Columbia Government, Metropolitan Police Department.

The effective date will be the first day of the first pay period beginning on or after March 12, 1967.

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, the agency will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2761; Filed, Mar. 13, 1967; 8:48 a.m.]

DIRECTOR, BUREAU OF HEALTH INSURANCE, SOCIAL SECURITY ADMINISTRATION

Notice of Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective March 3, 1967, that there is a manpower shortage for the single position of Director, Bureau of Health Insurance GS-340-18, Social Security Administration, Department of Health, Education, and Welfare, Baltimore, Md. This finding will terminate when the position is filled.

The appointee to this position may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2762; Filed, Mar. 13, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18229]

LLOYD INTERNATIONAL AIRWAYS, LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 22, 1967, at 10 a.m., e.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Leslie G. Donohue.

Dated at Washington, D.C., March 8, 1967.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 67-2759; Filed, Mar. 13, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 67-306]

STANDARD BROADCAST APPLICATION

Availability for Processing

MARCH 9, 1967.

The application listed below is mutually exclusive with the application, File No. BR-2959, of the licensee of Station WBAM, Montgomery, Ala., for renewal of license. The proposal is for essentially the same facilities of this Class II station except that a different site is proposed. Therefore, we have this date accepted the application for filing. Similarly, we will accept any other applications for consolidation proposing these facilities.

New, Montgomery, Ala.
Barbara Benns.
Req: 740 kc, 50 kw, DA, Day.

Accordingly, notice is hereby given that the above application is accepted for filing and that on April 18, 1967, the application will be considered as ready and available for processing, and pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application in order to be considered with this application, or with any other application on file by the close of business on April 17, 1967, which involves a conflict necessitating a hearing with either this application, or the WBAM renewal application must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on April 17, 1967, or (b) the earlier effective cutoff date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: March 8, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2769; Filed, Mar. 13, 1967; 8:49 a.m.]

[Docket Nos. 17261, 17262; FCC 67-285]

BILL GARRETT BROADCASTING CORP. AND FAULKNER RADIO, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Bill Garrett Broadcasting Corp., Slidell, La., Docket No. 17261, File No. BPH-5482; requests: 105.3 mc, No. 287; 57.2 kw; 128 ft.; Faulkner Radio, Inc., Slidell, La., Docket No. 17262, File No. BPH-5493; requests: 105.3 mc, No. 287; 27 kw; 123 ft.; for construction permits.

1. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of March 1967;

2. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

3. According to its application, Bill Garrett Broadcasting Corp. will require $76,361 to construct and operate the proposed station for the first year without revenue. To meet its needs, it is relying on cash of $6,740, a $50,000 loan from its principal stockholder, profits from its existing standard broadcast station (which currently approximate $800 per month), for a total of $66,340. Although a bank has indicated its willingness to lend up to $100,000, the bank's letter fails to indicate the terms and conditions under which it would lend the money. Consequently, an issue has been specified regarding the availability of the additional $10,021 which is required for construction and initial operation of the station.

4. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, as is of the opinion that the applications must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether, and if so, under what conditions, Bill Garrett Broadcasting Corp. has available to it the additional $10,021 it indicates is required to construct and operate the proposed station for one year without revenue and thus demonstrate its financial qualifications.

2. To determine, if issue number one is resolved in Bill Garrett Broadcasting Corp.'s favor, which of the proposals would better serve the public interest.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permit should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to §1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: March 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2770; Filed, Mar. 13, 1967; 8:49 a.m.]

[Docket Nos. 17263, 17264; FCC 67-286]

BIRNEY IMES, JR., AND RADIO COLUMBUS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Birney Imes, Jr., Columbus, Miss., Docket No. 17263, File No. BPH-5515; requests: 103.1 mc, No. 276; 3 kw; 289 ft.; Radio Columbus, Inc., Columbus, Miss., Docket No. 17264, File No. BPH-5581; requests: 103.1 mc, No. 276; 3 kw; 256 ft.; for construction permits.

1. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of March 1967;

2. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

3. Birney Imes, Jr., is also licensee of FM station WELO-FM in Tupelo, Miss., although there is no overlap of the 1 mv/m contour of WELO-FM and the proposed station at Columbus as WELO-FM is presently operating (100 kw at 378 feet above average terrain), there would be substantial overlap of the 1 mv/m contours of the two stations were WELO-FM to be operated at the maximum height and power permitted stations of its class; i.e., 100 kw at 2,000 feet above average terrain. Accordingly, we will specify an issue to determine whether grant of the Birney Imes, Jr., application would impede or prevent a full and efficient utilization of the WELO-FM assignment.

4. Except as indicated below, each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make a statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether grant of the Birney Imes, Jr., application would impede or prevent a full and efficient utilization of the WELO-FM, Tupelo, Miss., channel assignment.

2. To determine, in the event the foregoing issue is resolved favorably, which of the proposals would better serve the public interest.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permit should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: March 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2771; Filed, Mar. 13, 1967; 8:49 a.m.]

[1] Commissioner Wadsworth absent.

[1] Commissioners Hyde, Chairman; and Loevinger dissenting to the inclusion of the overlap issue and commissioner Wadsworth absent.

[Docket Nos. 17256, 17257; FCC 67-284]

EAST ST. LOUIS BROADCASTING CO., INC., AND METRO-EAST BROADCASTING, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of East St. Louis Broadcasting Co., Inc., East St. Louis, Ill., Docket No. 17256, File No. BP-16579; Requests: 1490 kc, 250 w, 1 kw-LS, U; Metro-East Broadcasting, Inc., East St. Louis, Ill., Docket No. 17257, File No. BP-16682; Requests: 1490 kc, 250 w, 1 kw-LS, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of March 1967;

1. The Commission has before it the above-captioned and described applications, each requesting authority to construct and operate a new standard broadcast station on the frequency formerly assigned to Station WAMV, East St. Louis, Ill.[1] Also before the Commission is a "Petition in Opposition to Proposed Construction Permit" filed against the application of the East St. Louis Broadcasting Co., Inc., by Luther W. Martin, trading as "Show Me" Broadcasting Co., licensee of Station KTTR, Rolla, Mo. (1490 kc, 250 w, 1 kw-LS, U, Class IV).

2. The petitioner requests the denial of the East St. Louis Broadcasting Co. application on the basis of assertions which are essentially conclusions without factu factual support. Therefore, no substantial or material question of fact has been raised which requires consideration in a hearing on the applications. In addition, there is no indication that a copy of the petition was served on the applicant as required by section 309(d)(1) of the Communications Act of 1934, as amended. For this reason, the petition is, procedurally defective and will be dismissed.

3. Nevertheless, the Commission will consider the petition as an informal objection under § 1.587 of the rules. The petitioner's first contention is that the East St. Louis Broadcasting Co. proposal violates § 73.37 of the rules, presumably because of overlap of the proposed contours with those of existing stations, including KTTR, prohibited by that section. The Commission released a public notice of the acceptance of the application of the East St. Louis Broadcasting Co., Inc., on February 25, 1965. In announcing the acceptance of the application and that other applications would be accepted for concurrent consideration, the Commission, in effect, waived the provisions of § 73.37 of the rules for the purpose of holding a comparative hearing with the then pending, mutually exclusive WAMV renewal. The application of Metro-East Broadcasting, Inc., was filed in response to that notice. The WAMV application has since been dismissed (Note 1, supra). In this connection, the Commission finds that where, as here, the Commission retains jurisdiction in a matter in which the ultimate determination concerns the possibility of restoring a service for which there was an outstanding authorization that new applicants seek to acquire, the licensee of an existing station which received interference from the former station has no standing to oppose applications proposing to restore the service formerly provided. Cf. Beloit Broadcasters, Inc., v. FCC, — U.S. App. D.C. ——, 365 F. 2d 962, 7 RR 2d 2155 (1966), Lorain Community Broadcasting Co., 5 FCC 2d 133, Audubon Broadcasting Corp., Docket No. 16879, FCC 67R-45 released February 6, 1967 (Review Board).

4. The petitioner's second conclusion is that WAMV was forced to cease operation "due to the highly competitive economic situation". The petitioner provided no factual support for this conclusion, and the Commission has no information which would indicate that competitive factors caused the financial difficulties which WAMV apparently encountered. In any event, WAMV's failure to achieve financial success does not, standing alone, constitute a valid basis for denying the present applications.

5. The petitioner's next assertion is that the former WAMV site, then proposed by the East St. Louis Broadcasting Co., is not available for its proposed operation. The application as originally filed contained evidence that the applicant had a reasonable expectation of securing the former WAMV site. However, the application has since been amended to specify a different site, and the availability of the former site is no longer material.

6. Finally, the petitioner urges that in no event should a new facility be authorized to permit radiation toward KTTR in excess of that authorized for WAMV. The applicant proposes to use a series resistor to limit radiation to that specified in the WAMV authorization and, in the event of a grant of the application of the East St. Louis Broadcasting Co., Inc., the construction permit will be appropriately conditioned. Therefore, the petitioner has no cause for complaint in this regard.

7. Neither applicant has submitted adequate exhibits to demonstrate that the nighttime limitation contour would cover the city and that the proposed 25 mv/m contour would cover the principal business district. An appropriate issue will be specified to permit resolution of this matter.

8. Except as indicated by the issues specified below, each of the applicants is qualified to construct, own and operate its station as proposed, but in view of the fact that the proposals are mutually exclusive, they must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

[1] The above applications were filed during the pendency of an application for renewal of the license of WAMV. On May 11, 1965, the WAMV renewal application was dismissed at the request of the applicant, and the call letters were deleted.

1. To determine whether each of the proposals would provide coverage of the city sought to be served as required by § 73.188(b) (1) and (2) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

2. To determine, in the event the foregoing issue is resolved favorably with respect to both applicants, which of the proposed operations would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the "Petition in Opposition to Proposed Construction Permit" filed by Luther W. Martin trading as "Show Me" Broadcasting Co. is dismissed.

It is further ordered, That, in the event of a grant of either application, the construction permit shall contain the following conditions:

Permittee shall accept such interference as may be imposed by existing 250 watt Class IV stations in the event they are subsequently authorized to increase power.

Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 73.54 of the Commission's rules.

It is further ordered, That, in the event of a grant of the application of the East St. Louis Broadcasting Co., Inc., the construction permit shall contain the following condition:

A complete nondirectional proof of performance shall be submitted before program tests are authorized to establish that the inverse distance field strength at 1 mile does not exceed essentially 150 mv/m/kw as proposed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: March 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2772; Filed, Mar. 13, 1967; 8:49 a.m.]

[2] The statements of Commissioner Bartley and Commissioner Cox in which they concur in part and disent in part filed as part of the original document; Commissioner Wadsworth absent.

[Docket Nos. 16942, 17073; FCC 67M-384]

MESSAGE TOLL TELEPHONE SERVICE ET AL.

Order Scheduling Further Prehearing Conference

In the matter of use of the carterphone device in message toll telephone service, Docket No. 16942; in the matter of Thomas F. Carter and Carter Electronics Corp., Dallas, Tex., Complainants versus American Telephone and Telegraph Co., Associated Bell System Cos., Southwestern Bell Telephone Co., and General Telephone Company of the Southwest, Defendants, Docket No. 17073.

The Hearing Examiner having for consideration the memorandum opinion and order of the Commission released herein on March 8, 1967;

It appearing, that the said order disposes of the pleadings which occasioned the continuance ordered by the Examiner on January 3, 1967, and that it is now appropriate to reestablish procedures and dates;

It is ordered, This 8th day of March 1967, that a further prehearing conference shall convene on March 16, 1967, at 9 a.m. in the offices of the Commission at Washington, D.C.

Released: March 8, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2773; Filed, Mar. 13, 1967; 8:49 a.m.]

[Docket No. 16921; FCC 67M-383]

ULTRAVISION BROADCASTING CO. AND COURIER CABLE CO., INC.

Statement and Order After Further Prehearing Conference

In the matter of the petition of Florian R. Burczynski, Stanley J. Jasinski, and Roger K. Lund, doing business as Ultravision Broadcasting Co., Buffalo, N.Y., Docket No. 16921; to stay construction and prevent extension of CATV system operated in Buffalo by Courier Cable Co., Inc.

At today's further prehearing conference the following schedule was set up:

Courier Cable to furnish exhibits under issues on which it has burden of going forward by: March 28, 1967.

Similarly as to other parties: May 12, 1967. (At same time parties will specify witnesses for oral presentation.)

Hearing: May 15, 1967.

So ordered, this 7th day of March 1967.

Released: March 8, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2774; Filed, Mar. 13, 1967; 8:49 a.m.]

[Docket No. 17171; FCC 67M-385]

VALLEY-VISION, INC.

Order Advancing Hearing

In the matter of cease and desist order to be directed against Valley-Vision, Inc., owner and operator of a community antenna television system at Placerville, Calif., Docket No. 17171.

It is ordered, This 8th day of March 1967, that the order of the Chief Hearing Examiner released in the above-entitled proceeding on February 17, 1967 (FCC 67M-288), is hereby amended to provide that the hearing in said proceeding shall commence on April 3 in lieu of April 18, 1967.

Released: March 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2775; Filed, Mar. 13, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

BAHAMA ISLANDS RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Stephen Doolos, Secretary, Bahama Islands Rate Agreement, 1 Whitehall Street, New York, N.Y. 10004.

Agreement 9558-1 between Atlantic Lines, Ltd., Blue Ribbon Line, Ltd., and United Fruit Co., common carriers operating in the trade between ports in the Bahama Islands and U.S. Atlantic and Gulf ports modifies the basic agreement so that (1) expenses incurred thereunder shall be apportioned as may be agreed rather than equally among the member lines and (2) meetings will be held as may be necessary instead of on fixed dates as heretofore provided.

Dated: March 8, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-2724; Filed, Mar. 13, 1967; 8:45 a.m.]

ITALY, SOUTH FRANCE/UNITED STATES GULF CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. G. Ravera, Secretary, Italy, South France/Gulf Conference, Vico San Luca 4, Genoa, Italy.

Agreement 9522-3, between the members of the Italy, South France/United States Gulf Conference, has been refiled and revised to modify Article 4(c) of the basic agreement to read as follows:

In the event that any Member fails to have a sailing within a period of 90 consecutive days, such Member, upon expiration of such period, shall automatically lose his voting rights.

However, in the event of such Member furnishing satisfactory proof that (a) the failure to maintain sailings was due to "force majeure" and/or (b) that the service will be resumed in the near future, the Conference, at a Principals' Meeting has the authority to decide that such Member will continue to maintain his voting rights. The inactive Member will continue to pay his share of Conference expenses as agreed upon by the Conference.

The voting rights on all matters shall be restored by a Principals' resolution, only after such Member shall have submitted satisfactory evidence of the resumption of regular service.

Notice of the change of status to inactive membership as well as notice of the loss and/or restoration of voting rights pursuant to this article shall be furnished promptly to the commission by the Conference Secretary. Inactive Members shall not be counted in establishing the quorum for any meeting.

Notice of the filing of Agreement 9522-3, which proposed the acceptance by the Conference of inactive members when it is deemed that such membership is beneficial to the trade and contributes to its stability, was published in the FEDERAL REGISTER of January 5, 1967.

Dated: March 8, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-2725; Filed, Mar. 13, 1967; 8:45 a.m.]

PORT OF SEATTLE AND MATSON NAVIGATION CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

W. T. Thompson, Assistant Manager, Property Management Department, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T-57-2, between the Port of Seattle (Port) and Matson Navigation Co. (Matson) modifies the basic agreement which provides for the lease to Matson of a portion of Pier 46 in Seattle, Wash. The purpose of the modification is to permit Matson, at its option, to publish a service and facilities charge by filing an appropriate tariff concurrence in the appropriate Port tariff and retain any revenue received therefrom.

Dated: March 7, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-2726; Filed, Mar. 13, 1967; 8:45 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE ET AL.

Notice of Proposed Cancellation of Agreement

Notice is hereby given that a request for cancellation of the following agreement, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Trans-Pacific Freight Conference, Indo-China Steam Navigation Co., Ltd., Norwegian Asia Line, China Navigation Co., Ltd.

Notice of intent to cancel agreement 7949 filed by:

Mr. D. Dick,
Trans-Pacific Freight Conference,
P. & O. Building, 17th Floor, 77 Des Voeux Road Central, Hong Kong, B.C.C.

Agreement 7949, approved on February 24, 1954, between Member Lines of the Trans-Pacific Freight Conference (Hong Kong), as on carriers, and China Navigation Co., Ltd., China Siam Line, and Indo-China Steam Navigation Co., Ltd., as precarriers, covers the transportation of cargo from Bangkok and Kohsichang, Siam (now Thailand) to United States and Canadian Pacific Coast ports and Honolulu, Hawaii, with transshipment at Hong Kong. The participating precarriers have notified the Conference of their intention to terminate their participation in Agreement 7949 pursuant to Article 7 thereof, effective April 27, 1967.

Dated: March 8, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-2727; Filed, Mar. 13, 1967; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2637]

GREAT NORTHERN PAPER CO.

Notice of Application for License for Constructed Project

MARCH 6, 1967.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Great Northern Paper Co. (correspondence to: Robert Hellendale, Vice President and Secretary, Great Northern Paper Co., 522 Fifth Avenue, New York, N.Y. 10036), for constructed Project No. 2637, known as Ragged Lake Headwater

Storage Project, located on Ragged Stream, in Piscataquis County, Maine.

The existing project consists of: (1) A composite dam about 1,230 feet long and about 30 feet high, made of a concrete gravity spillway section about 50 feet long which is tied to the right abutment by an earthfill dike 930 feet long and to the left abutment by a similar dike 250 feet long; (2) a reservoir with surface area of 2,786 acres at an elevation of 1,135 feet, and usable storage capacity of 33,200 acre-feet at a drawdown of 20 feet; and (3) three 8- by 14-foot steel gates at the spillway section.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 27, 1967. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2732; Filed, Mar. 13, 1967; 8:45 a.m.]

[Docket No. E-7342]

IOWA ELECTRIC LIGHT AND POWER CO.

Notice of Application

MARCH 7, 1967.

Take notice that on February 27, 1967, Iowa Electric Light and Power Co. (Applicant), filed an application seeking authority pursuant to section 204 of the Federal Power Act to issue short-term notes in an aggregate amount not to exceed $18 million.

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Cedar Rapids, Iowa, and is engaged in the electric utility business in 51 counties in the State of Iowa.

The notes to be issued by the Applicant will evidence loans from commercial banks and will have maturities not in excess of 1 year from their dates of issuance. The interest rate will be 5¾ percent or the prime rate in effect at the time of the borrowing. Applicant presently has $6.4 million in short-term notes outstanding. Notes in addition to those presently outstanding will be issued to the First National Bank of Chicago in an amount not to exceed $6,600,000 and the Northern Trust Co. in an amount not to exceed $5 million.

Proceeds from the issuance of these notes will be used to finance in part construction of Applicant's 140 mw Prairie Creek generating unit and construction of 36 miles of a 161 kv transmission line in central Iowa.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 24, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2733; Filed, Mar. 13, 1967; 8:45 a.m.]

[Docket No. CP67-240]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

MARCH 6, 1967.

Take notice that on February 27, 1967, Montana-Dakota Utilities Co. (Applicant), 831 Second Avenue South, Minneapolis, Minn. 55402, filed in Docket No. CP67-240 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct during the calendar year 1967, and operate various natural gas facilities necessary for the connection of additional supplies of gas contiguous to its system which may become available during the year 1967 and which will be purchased from the producers thereof and to make extensions and revisions to connect additional wells in existing producing areas.

The total estimated cost of Applicant's proposed construction is not to exceed $200,000, with no single project to exceed $50,000. Applicant proposes to finance the proposed construction with internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 31, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2734; Filed, Mar. 13, 1967; 8:45 a.m.]

[Docket No. CP67-241]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 6, 1967.

Take notice that on February 27, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-241 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide firm natural gas service to a large volume industrial consumer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, The Interstate Power Co. (Inter) has requested Applicant to reserve 400 Mcf per day of natural gas of its existing contract demand for the Libby-Owens-Ford Glass Plant now under construction at Mason City, Iowa. Natural gas will be used at the plant for processing on a 24-hour day, 7-day week basis. Initial natural gas service is proposed to begin on May 1, 1967.

Applicant does not propose to construct any new facilities to provide the service herein requested.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 31, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2735; Filed, Mar. 13, 1967; 8:46 a.m.]

[Project No. 2290]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Land Withdrawal in California

MARCH 8, 1967.

By notice of land withdrawal dated July 31, 1961, and published in the FEDERAL REGISTER August 4, 1961, this Commission gave notice of the reservation of approximately 427.87 acres of U.S. lands for which application for license was filed January 6, 1961, by Southern California Edison Co. in connection with the Kern River Plant No. 3, designated as Project No. 2290.

The Southern California Edison Co., in accordance with Article 43 of its license, issued August 7, 1964, filed revised maps, Exhibit J, sheets 1 through 3, and Exhibit K, sheets 4 through 29 (FPC Nos. 2290–1 through –29, respectively).

Therefore, conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are from the date of said filing, reserved from entry, location or other disposition under the laws of the United States until otherwise directed by this Commission or by Congress.

MOUNT DIABLO MERIDIAN

Those portions of the following described subdivisions lying within the project boundary as depicted on maps, Exhibit K, sheet 5 and sheet 7 (FPC Nos. 2290–5 and –7, respectively) filed in the office of the Federal Power Commission March 30, 1966:

T. 23 S., R. 32 E.,
Sec. 24, SW¼SE¼SE¼.
T. 24 S., R. 33 E.,
Sec. 6, SE¼NE¼.

The additional area included in this notice of land withdrawal is approximately 0.79 acre, located entirely within the Sequoia National Forest.

Copies of the aforementioned project maps, Exhibit K, sheet 5 and sheet 7 (FPC Nos. 2290–5 and –7, respectively), have been transmitted to the Bureau of Land Management, Geological Survey, Forest Service, and Army Corps of Engineers.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2731; Filed, Mar. 13, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2061]

NATIONAL AVIATION CORP.

Notice of Filing of Application for Order of Exemption To Permit Purchase of Securities During an Underwriting

MARCH 8, 1967.

Notice is hereby given that National Aviation Corp. ("Applicant"), 111 Broadway, New York, N.Y. 10006, a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f) of the Act for an order of the Commission exempting from the provisions of section 10(f) a proposed purchase by the Applicant at the public offering price of up to $2 million principal amount Convertible Subordinated Debentures due 1992 ("the debentures") which Trans World Airlines, Inc. ("the Issuer") proposes to issue. The proposed purchase is a portion of an offering of $100 million principal amount of debentures expected to be offered to the public as soon as the registration statement on Form S–1 of the Issuer, filed February 16, 1967 shall be made effective pursuant to section 8(a) of the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The firm of Hornblower & Weeks-Hemphill, Noyes will probably be one of the principal underwriters for the issue. Howard E. Buhse, a director of Applicant and a member of the executive committee, is a partner of that firm. Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) if a director of the registered investment company is an affiliate of a principal underwriter of such security. Since one of the Applicant's directors is an affiliated person of one of the principal underwriters offering the debentures, the purchase thereof by the Applicant is prohibited. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

The Applicant in support of its application asserts that the proposed purchase of the debentures is consistent with Applicant's investment objectives and policies and is not proposed for the purpose of stimulating the market in the debentures or for the purpose of relieving the underwriters of securities otherwise unmarketable, that it will not purchase the debentures from Hornblower & Weeks-Hemphill, Noyes, that the terms of the proposed investment, if consummated, are fair and reasonable, that the amount paid will represent 2.11 percent of the Applicant's assets as of February 20, 1967, and that the investment of the Applicant in all securities of the Issuer will represent approximately 2.92 percent of the Applicant's assets as of February 20, 1967.

Notice is further given that any interested person may, not later than March 22, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-2741; Filed, Mar. 13, 1967; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rocky Mountain Area) Amdt. 1]

LOAN OFFICER (ECONOMIC DEVELOPMENT)

Delegation of Authority To Conduct Program Activities in the Rocky Mountain Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, Delegation of Authority No. 30 (Rocky Mountain Area), 32 F.R. 2873, is hereby amended by adding new item I.C. as follows and relettering items I.C., I.D., I.E., I.F., and I.G. to read I.D., I.E., I.F., I.G., and I.H., respectively:

I. • • •

C. *Loan Officer (Economic Development).* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and 40 percent First Mortgage Plan—501 and 502 loans.

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.
e. Extension of initial principal payments.
f. Adjustment of interest payment dates.
g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.
h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

Effective date: September 1, 1966.

GEORGE E. SAUNDERS,
Area Administrator.

[F.R. Doc. 67-2742; Filed, Mar. 13, 1967; 8:46 a.m.]

[Delegation of Authority No. 30 (Midwestern Area) Amdt. 1]

LOAN OFFICER (ECONOMIC DEVELOPMENT)

Delegation of Authority To Conduct Program Activities in the Midwestern Area

Pursuant to the authority delegated to the area administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, Delegation of Authority No. 30 (Midwestern Area) 32 F.R. 3192 is hereby amended by adding new item I.C. as follows and relettering items I.C., I.D., I.E., I.F., and I.G. to read I.D., I.E., I.F., I.G., and I.H., respectively:

I. • • •

C. *Loan Officer (Economic Development).* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and 40 percent First Mortgage Plan—501 and 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

• • • • •

Effective date: September 1, 1966.

RICHARD E. LASSAR,
Area Administrator,
Midwestern Area.

[F.R. Doc. 67-2743; Filed, Mar. 13, 1967; 8:46 a.m.]

TARIFF COMMISSION

[APTA-W-11]

WORKERS' PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

Upon receipt on March 8, 1967 of a request therefor from the Automotive Agreement Adjustment Assistance Board, the Tariff Commission instituted an investigation pursuant to section 302(e), Automotive Products Trade Act of 1965, with respect to a petition filed with the Board by the International Union, United Automobile Workers, on behalf of a group of workers at the Chrysler Jefferson Plant, Detroit, Mich. The petition alleges that dislocation of the group of workers has occurred and that the operation of the United States-Canadian Automotive Agreement has been the primary factor in causing such dislocation. The Commission is conducting the investigation to provide a factual record on the basis of which the Board may make the determinations required by section 302 of the Act.

No hearing has been scheduled. A hearing will be held on request of any party showing a proper interest in the subject matter of the investigation, provided the request is filed with the Secretary of the Tariff Commission within 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 at the Customhouse.

By order of the Commission.

Issued: March 9, 1967.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 67-2763; Filed, Mar. 13, 1967; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

A. J. Bayless Markets, Inc., food stores from 2-1-67 to 1-31-68: No. 32, Apache Junction, Ariz.; No. 29, Goodyear, Ariz.; No. 3, Mesa, Ariz.; No. 2, No. 4, No. 5, No. 7, No. 8, No. 11, No. 12, No. 16, No. 17, No. 18, No. 19, No. 20, No. 21, No. 22, No. 23, No. 25, No. 26, and No. 30, Phoenix, Ariz.; No. 31 and No. 38, Scottsdale, Ariz.; No. 28, Sierra Vista, Ariz.; No. 6, Tempe, Ariz.; No. 33, No. 34, and No. 35, Tucson, Ariz.; No. 14 and No. 24, Yuma, Ariz.

A & R Super Stores, Inc., food stores from 2-15-67 to 2-14-68: 930 Oxmoor Road, Birmingham, Ala.; 230 Sixth Street South, Clanton, Ala.

Baenziger Model Market, food store; 510 Court, Seguin, Tex.; 2-1-67 to 1-31-68.

Best Food Store, food store; 4737 Marlboro Pike, Coral Hills, Md.; 2-10-67 to 2-9-68.

Blackburn Jobbing Co., food store; Mountain City, Tenn.; 1-5-67 to 1-4-68.

Bond Stores, Inc., apparel store; Garden State Plaza, Paramus, N.J.; 1-19-67 to 1-18-68.

Geo. E. Brett Co., department store; Mankato, Minn.; 2-20-67 to 2-19-68.

Carson Pirie Scott & Co., department store; 124 South West Adams Street, Peoria, Ill.; 2-1-67 to 1-31-68.

Charles Store, department store; 607-609 State Street, Bristol, Va.; 1-27-67 to 1-26-68.

Crest 5-10-25¢ Stores Co., variety store; Hendersonville, N.C.; 1-6-67 to 1-5-68.

J. S. Dillon & Sons Stores Co., Inc., food stores from 2-24-67 to 2-23-68: No. 2 and No. 12, Dodge City, Kans.; No. 15, Garden City, Kans.; No. 3 and No. 20, Great Bend, Kans.; No. 22, Greensburg, Kans.; No. 16, Hays, Kans.; No. 9, Larned, Kans.; No. 23, Lyons, Kans.; No. 17, McPherson, Kans.; No. 32, Mulvane, Kans.; No. 6 and No. 24, Newton, Kans.; No. 14 and No. 21, Pratt, Kans.; No. 11, St. John, Kans.; No. 5, No. 27, and No. 41, Salina, Kans.; No. 7, Sterling, Kans.; No. 4, No. 18, No. 19, No. 26, No. 28, No. 29, No. 30, No. 31, No. 33, No. 36, and No. 42, Wichita, Kans.

Dixon's Master Market, food store; 210 locust Street, Des Moines, Iowa; 2-10-67 to 2-9-68.

Dixon's Super-Duper, food store; 136 Maple Avenue, Claremont, N.H.; 1-8-67 to 1-7-68.

Eagle Stores Co., food store; No. 26, Statesville, N.C.; 2-1-67 to 1-31-68.

Epps Super Market, Inc., food stores from 2-1-67 to 1-31-68: No. 2 and 1356 Federal Road, Houston, Tex.; No. 3, Pasadena, Tex.

Farmer Jack's, food stores from 2-1-67 to 3-31-67: 24501 West Seven Mile, Detroit, Mich.; 29505 Plymouth, Livonia, Mich.

Ferri Super Market, Inc., food store; Old William Penn Highway, Murrysville, Pa.; 2-9-67 to 2-8-68.

Field-Schlick, Inc., department store; 14 West Fifth Street, St. Paul, Minn.; 2-16-67 to 2-15-68.

Food Fair Market, food stores from 2-1-67 to 3-31-67: 6728 Roosevelt, Allen Park, Mich.; 2105 South Telegraph, Bloomfield, Mich.; 110 North Rochester, Clawson, Mich.; 22060 West Outer Drive, Dearborn, Mich.; 14614 Kercheval, 8000 Schaefer, 6561 Gratiot, 20221 Joy Road, 20540 Lahser, 16145 East Eight Mile, 20200 West Seven Mile, 14600 Dequindre, 10220 Gratiot, 18801 East Nine Mile, and 1620 East Grand Boulevard, Detroit, Mich.; 23391 Farmington and 33330 Twelve Mile, Farmington, Mich.; 430 West Nine Mile, Ferndale, Mich.; 31938 Groesback, Fraser, Mich.; 32550 Cherry Hill, Garden City, Mich.; 20382 Mack, Grosse Pointe Woods, Mich.; 330 West Nine Mile, Hazel Park, Mich.; 26020 Coolidge, Huntington Woods, Mich.; 3647 Dix, Lincoln Park, Mich.; 27428 West Six Mile and 35323 Plymouth, Livonia, Mich.; 27117 John Road, Madison Heights, Mich.; 705 West Main, Plymouth, Mich.; 27200 Joy Road, Redford, Mich.; 3816 North Woodward and 217 East Eleven Mile, Royal Oak, Mich.; 29000 Little Mack, St. Clair Shores, Mich.; 14441 Eureka, Southgate, Mich.; 8370 Pelham, Taylor, Mich.; 8055 Clinton River, Utica, Mich.; 4545 East Eight Mile, and 2003 Twelve Mile, Warren, Mich.; 8244 Merriman, Westland, Mich.

Wm. Y. Gilmore & Sons, department store; 137 North Oak Park Avenue, Oak Park, Ill.; 2-14-67 to 2-13-68.

W. T. Grant Co., variety stores: No. 265, Kansas City, Mo. (2-10-67 to 2-9-68); No. 183, Bayonne, N.J. (1-1-67 to 12-31-67); No. 381, Elizabeth, N.J. (1-5-67 to 1-4-68).

Haak Brothers, Inc., department store; 737-751 Cumberland Street, Lebanon, Pa.; 2-1-67 to 1-31-68.

Handy-Andy, Inc., food stores from 2-14-67 to 2-13-68: No. 31 and No. 32, Austin, Tex.; No. 41, No. 42, and No. 43, Corpus Christi, Tex.; No. 1, No. 2, No. 4, No. 5, No. 7, No. 8, No. 9, No. 10, No. 11, No. 12, No. 14, No. 15, No. 16, No. 17, No. 18, No. 19, No. 20, No. 21, No. 22, and No. 23, San Antonio, Tex.

Highway Foods, Inc., food store; 3600 Military Highway, Norfolk, Va.; 1-19-67 to 1-18-68.

Kay Baum, Inc., apparel store; 166 West Maple, Birmingham, Mich.; 2-13-67 to 2-12-68.

Klaus Stores, Inc., department store; 2865 Milwaukee Avenue, Chicago, Ill.; 1-19-67 to 1-18-68.

S. S. Kresge Co., variety stores: No. 750, St. Petersburg, Fla. (3-1-67 to 2-28-68); No. 717, Atlanta, Ga. (1-27-67 to 1-26-68); 637 Wabash, Terre Haute, Ind. (1-16-67 to 1-15-68); No. 560 (1-17-67 to 1-16-68) and No. 565 (2-1-67 to 1-31-68), Detroit, Mich.; No. 699, Drayton Plains, Mich. (1-17-67 to 1-16-68); No. 604, Columbus, Ohio (1-23-67 to 1-22-68); No. 588, Youngstown, Ohio (1-3-67 to 1-2-68); No. 126 (1-27-67 to 1-26-68) and No. 592 (1-19-67 to 1-18-68), Philadelphia, Pa.

Meyers Department Stores, Inc., department store; 4805 South Ashland Avenue, Chicago, Ill.; 1-11-67 to 1-10-68.

Minyard's Food Stores, Inc., food stores from 2-20-67 to 2-19-68: No. 1, No. 4, No. 5, No. 6, and No. 10, Dallas, Tex.; No. 3, Irving, Tex.; No. 9, Lancaster, Tex.; No. 7, Mesquite, Tex.

Morgan & Lindsey, Inc., variety stores from 1-22-67 to 1-21-68 except when otherwise indicated: No. 3024, Amite, La.; No. 3004, DeRidder, La.; No. 3021, Hammond, La.; No. 3041, Kosciusko, Miss. (1-19-67 to 1-18-68).

New Cornelia Cooperative Mercantile Co., food store; Ajo, Ariz.; 2-1-67 to 1-31-68.

Patterson Fletcher Co., apparel stores from 2-10-67 to 2-9-68: Northcrest Shopping Center and 133 West Wayne Street, Fort Wayne, Ind.

Phelps Dodge Mercantile Co., food stores from 2-1-67 to 1-31-68: Plaza, Bisbee, Ariz.; Clifton, Ariz.; 1012 G Avenue, Douglas, Ariz.; Plantsite and Stargo, Morenci, Ariz.; 405 Arizona Street, Warren, Ariz.

Piggly Wiggly, Inc., food stores from 2-24-67 to 2-23-68: Grundy, Va.; Williamson, W. Va.

Pruett's Food Town, Inc., food stores from 2-24-67 to 2-23-68: 427 Cherokee Boulevard and 2108 East Third Street, Chattanooga, Tenn.; Daisy, Tenn.

Emma Lange, Inc., apparel store; 323 East Wisconsin Avenue, Milwaukee, Wis.; 2-20-67 to 2-19-68.

Reinhardt's IGA Foodliner, food stores; East Center Street, Coloma, Mich.; 1-14-67 to 1-13-68.

Shop-Rite, Inc., food stores from 2-19-67 to 2-18-68: Fort Oglethorpe, Ga.; Ringgold, Ga.; Trenton, Ga.

Smathers Market, food store; 118 Main Street, Canton, N.C.; 1-23-67 to 1-22-68.

Stephersons Big Star 10, food store; 4625 Poplar, Memphis, Tenn.; 2-10-67 to 2-9-68.

The Stern & Mann Co., apparel store; 301 Tuscarawas Street West, Canton, Ohio; 2-1-67 to 1-31-68.

Tom Thumb Stores, Inc., food stores from 2-24-67 to 2-23-68: 209 Caddo Street, Cleburne, Tex.; 5515 Denton Road, 4120 Loma Alto, 1904 Skillman, 6800 Snider Plaza, 3046 Mockingbird Lane, 522 Preston Royal, 116 Dallas West Center, 114 P & H Center, 6709 Preston Road, 2536 Gus Thomasson, 181 Walnut Hill Center, 202 Lake Highlands Shopping Center, 615 Lochwood Center and 316 A. Harris Center, Dallas, Tex.; 1110 East California, Gainesville, Tex.

Webb's City, Inc., department store; 128 Ninth Street, South, St. Petersburg, Fla.; 2-1-67 to 1-31-68.

Whittaker Food Store, Inc., food store; 5720 North West 39th, Oklahoma City, Okla.; 1-19-67 to 1-18-68.

P. Wiest's Sons, department store; 14-20 West Market Street, York, Pa.; 2-10-67 to 2-9-68.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

A. J. Bayless Markets, Inc., food stores from 2-1-67 to 1-31-68, package boy—service clerk, 21.9 percent for each month except as otherwise indicated: No. 53, Chandler, Ariz.; No. 37, Douglas, Ariz. (20.5 percent for each month); No. 36, Flagstaff, Ariz.; No. 50, Mesa, Ariz.; No. 39 (22 percent for each month), No. 40 (21.5 percent for each month), No. 42 (23.7 percent for each month), and No. 54, Phoenix, Ariz.; No. 51, Tempe, Ariz.; No. 43, No. 44, No. 45, No. 46, No. 47, No. 49, and No. 55, Tucson, Ariz.; No. 41, Youngtown, Ariz.

A & R Super Markets, Inc., food stores from 2-15-67 to 2-14-68, stock clerk, produce clerk, carry-out boy and meat clerk, 22.7 percent for each month: Brent, Ala.; Calera, Ala.; Selma, Ala.

Autry Greer & Sons, Inc., food stores; 911 South Wilson Avenue, Prichard, Ala.; bagger; 10 percent for each month; 1-19-67 to 1-18-68.

Big Bee Market, food store; Marysville, Pa.; bagger; 7.5 percent for each month; 2-10-67 to 2-9-68.

Commonwealth Foods, Inc., food stores from 2-1-67 to 1-31-68, fountain clerk, bagger, and scale clerk, 9.8 percent for each month: 9710 Jefferson Avenue, Newport News, Va.; 1849 East Little Creek Road, Norfolk, Va.; 4717 Jefferson Davis Highway, Richmond, Va.

Cooper & Ratcliff of Martinsville, Inc., food store; Brookdale Street, Martinsville, Va.; bagger, carry-out; 10 percent for each month; 1-2-67 to 1-1-68.

J. S. Dillon & Sons Stores Co., Inc., food stores from 2-24-67 to 2-23-68, cashier, clerk, carry-out, wrapper, and maintenance, 22.7 percent for each month except as otherwise indicated: No. 101, Fayetteville, Ark.; No. 103, Ozark, Ark.; No. 102, Paris, Ark.; No. 104, Prairie Grove, Ark.; No. 49, Lawrence, Kans. (17.6 percent per month); No. 76, Manhattan, Kans. (17.6 percent per month); No. 78, Topeka, Kans. (17.6 percent per month); No. 75, Valley Center, Kans.; No. 35 (12.2 percent per month), No. 71 (12.2 percent per month), No. 72 (12.2 percent per month), No. 77 (18.2 percent per month), Wichita, Kans.

Dyche Jones Food Stores, Inc., food store; No. 4, Manchester, Ky.; bagger, carry-out, clean-up, stock clerk; between 4.5 percent and 10 percent; 1-12-67 to 1-11-68.

Epps Super Markets, Inc., food stores from 2-1-67 to 1-31-68, carry-out, clean-up, sacker, produce helper, stocker-checker, 10 percent for each month: No. 4 and No. 5, Houston, Tex.

Farmer Jack's, food stores from 2-1-67 to 3-31-67, bagger, carry-out: 14550 Southfield, Allen Park, Mich. (6.2 percent for each month); 4889 Dixie Highway, Drayton Plains, Mich. (8.6 percent for each month); 1626 Leonard, North East, Grand Rapids, Mich. (6.9 percent for each month); 3600 Oakwood Boulevard, Melvindale, Mich. (8.6 percent for each month); 1701 Apple Avenue, Muskegon, Mich. (6.9 percent for each month); 21160 Greenfield, Oak Park, Mich. (9.1 percent for each month); 29 South Glenwood, Pontiac, Mich. (8.6 percent for each month); 3520 Pine Grove, Port Huron, Mich. (6.7 percent for each month); 14001 Telegraph, Redford, Mich. (10 percent for each month); 25980 Gratiot, Roseville, Mich. (8.1 percent for each month); 3800 Dixie Highway, Saginaw, Mich. (8.6 percent for each month); 30600 Southfield Road, Southfield, Mich. (10 percent for each month); 39000 Van Dyke, Utica, Mich. (6.7 percent for each month); 31150 van Dyke (8.7 percent for each month), 13877 East Eight Mile (10 percent for each month) and 21056 Dequindre, Warren, Mich. (10 percent for each month); 425 South Telegraph, Waterford, Mich. (8.6 percent for each month); 34630 Michigan Avenue, Wayne, Mich. (6.2 percent for each month); 4500 Clyde Park, Wyoming, Mich. (6.9 percent for each month).

Food Fair Markets, food stores from 2-1-67 to 3-31-67, bagger, carry-out, 10 percent for each month except as otherwise indicated: 25855 Ford Road, Dearborn Heights, Mich.; 15510 Joy Road, 16520 West Warren (between 8.3 percent and 9.2 percent), 12701 East Seven Mile (between 9.5 percent and 10 percent), 201 East McNichols, 4031 Oakman Boulevard, 14470 Livernois, 14424 Schaefer (7.5 percent for each month), 3830 West Vernor and 2411 Central, Detroit, Mich.; 19230 Harper, Harper Woods, Mich. (between 9.2 percent and 10 percent); 29380 West Seven Mile Road, 27451 Schoolcraft and 36622 Five Mile Road, Livonia, Mich. (9.8 percent for each month); 388 North Gratiot, Mount Clemens, Mich. (8.8 percent for each month); 1647 Merriman, Nankin, Mich. (6.3 percent for each month); 18257 Ten Mile Road, Southfield, Mich.; 21800 West Eleven Mile Road, Southfield, Mich.; 2880 West Maple, Troy, Mich.; 4242 East Ten Mile Road (8.7 percent for each month) and 11660 Eleven Mile Road, Warren, Mich. (8.8 percent for each month).

W. T. Grant Co., variety stores: No. 802, Rolling Meadows, Ill. (sales clerk, stock clerk, office clerk, cashier, between 2.3 percent and 10 percent, 12-16-66 to 12-15-67); No. 90, Pottsville, Pa. (sales clerk, between 8.0 percent and 15 percent, 2-23-67 to 2-22-68).

H. E. Butt Grocery Co., food store; No. 94, Portland, Tex.; package boy, bottle boy, sack boy; 10 percent for each month; 1–4–67 to 1–3–68.

Handy-Andy, Inc., food stores from 2–14–67 to 2–13–68, package boy, stock clerk, checker, porter, office clerk, bakery sales, produce clerk, and bottle sorter, 26.9 percent for each month except as otherwise indicated: No. 33 and No. 34, Austin, Tex.; No. 44, Corpus Christi, Tex. (27.4 percent for each month), No. 24 (26.5 percent for each month), No. 25 (31.3 percent for each month), No. 26 (26.5 percent for each month), and No. 27, San Antonio, Tex.

K-Mart Foods, food stores from 2–1–67 to 3–31–67, bagger, carry-out, 10 percent for each month except as otherwise indicated: 16211 Plymouth Road, Detroit, Mich.; 13311 Eureka Road, Southgate, Mich. (8.9 percent for each month); 21111 Van Born, Taylor, Mich. (8.8 percent for each month); 100 East Maple, Troy, Mich.

Kay Baum, Inc., apparel stores from 2–13–67 to 2–12–68, stock clerk, 12.9 percent for each month: Liberty at Thompson, Ann Arbor, Mich.; 16822 Kercheval and 1550 Woodward Avenue, Detroit, Mich.

S. S. Kresge Co., variety stores for the occupation of salesclerk, except as otherwise indicated: No. 4052, Fort Smith, Ark. (between 3.8 percent and 10 percent, 1–14–67 to 1–13–68); No. 4072, Atlanta, Ga. (between 3.5 percent and 10 percent, 2–1–67 to 1–31–68); No. 226, Calumet City, Ill. (10 percent for each month, 1–19–67 to 1–18–68); No. 4595, Olney, Ill. (salesclerk, checker, office clerk, stock clerk, 11.7 percent for each month, 2–20–67 to 2–19–68); No. 4063, Alexandria, La. (between 2.4 percent and 10 percent, 1–14–67 to 1–13–68); No. 4128, Lake Charles, La. (between 3.7 percent and 10 percent, 1–19–67 to 1–18–68); No. 39, Hyattsville, Md. (between 9.2 percent and 10 percent, 1–24–67 to 1–23–68); No. 4027, Detroit, Mich. (10 percent for each month, 1–11–67 to 1–10–68); No. 4040, Flint, Mich. (10 percent for each month, 1–19–67 to 1–18–68); No. 4066, Jackson, Mich. (10 percent for each month, 1–3–67 to 1–2–68); No. 4015, Port Huron, Mich. (between 9.5 percent and 10 percent, 1–8–67 to 1–7–68); No. 4169, Massillon, Ohio (between 6.4 percent and 10 percent (1–19–67 to 1–18–68); No. 4110, High Point, N.C. (salesclerk, stock clerk, 10 percent for each month, 2–7–67 to 2–6–68); 400 East Six Forks Road, Raleigh, N.C. (10 percent for each month, 2–1–67 to 1–31–68); No. 721, Anderson, S.C. (between 6.7 percent and 10 percent, 2–2–67 to 2–1–68); No. 4139, Dallas, Tex. (between 7.2 percent and 10 percent, 1–19–67 to 1–18–68); No. 4161, Dallas, Tex. (between 7.2 percent and 10 percent, 1–19–67 to 1–18–68); No. 4090, Charlottesville, Va. (between 2.7 percent and 10 percent, 1–7–67 to 1–6–68).

McCrory-McLellan-Green, variety store; No. 338, Fort Lauderdale, Fla.; salesclerk, office clerk, stock clerk; 10 percent for each month; 1–19–67 to 1–18–68.

Marco Supermarkets, Inc., food store; 5555 East Fifth Street, Tucson, Ariz.; carry-out, clean-up, stock clerk; 10 percent for each month; 1–11–67 to 1–10–68.

Millner-Aycock's, Inc., department store; 118 South Broad Street, Monroe, Ga.; salesclerk, cashier; 5.4 percent for each month; 2–11–67 to 11–30–67.

Minyard's Food Stores, Inc., food stores from 2–20–67 to 2–19–68, package boy, 13.7 percent for each month: No. 12, Arlington, Tex.; No. 20, Arlington, Tex.; No. 2, Dallas, Tex.; No. 8, Dallas, Tex.; No. 11, Dallas, Tex.; No. 14, Dallas, Tex.; No. 15, Dallas, Tex.; No. 18, Dallas, Tex.; No. 19, Dallas, Tex.; No. 17, Irving, Tex.; No. 16, Lewisville, Tex.

Morgan & Lindsey, Inc., variety store; No. 3104, Houma, La.; salesclerk, clerical, stock clerk; between 2.6 percent and 10 percent; 1–26–67 to 1–25–68.

Phelps Dodge Mercantile Co., food store; San Jose, Bisbee, Ariz.; carry-out, janitorial, stock room housekeeping; 10 percent for each month; 2–1–67 to 1–31–68.

Piggly Wiggly, Inc., food stores; Siloam Springs, Ark. (sack boy, between 6.6 percent and 10 percent, 1–19–67 to 1–18–68); Pikeville, Ky. (bagger, carry-out, stock clerk helper, 24.7 percent for each month, 2–24–67 to 2–23–68).

Pruett's Food Town, Inc., food stores from 2–24–67 to 2–23–68, sack boy, 10 percent for each month: No. 4, Dayton, Tenn.; 5738 Ringgold Road, East Ridge, Tenn.

Shop-Rite, Inc., food stores from 1–19–67 to 1–18–68, bagger, stock clerk, 10 percent for each month: Chatsworth, Ga.; LaFayette, Ga.; 6329 East Brainerd Road, Chattanooga, Tenn.

The Stern & Mann Co., apparel store; 3040 Cromer Northwest, Canton, Ohio; delivery clerk, stock clerk, service desk, alteration, gift wrapper, teen board; between 1.3 percent and 7.6 percent; 2–1–67 to 1–31–68.

Tom Thumb Stores, Inc., food stores from 2–24–67 to 2–23–68, package boy, 10.3 percent for each month: Medallion Center, Dallas, Tex.; 7932 South Loop 12, Dallas, Tex.; 4123 Cedar Springs, Dallas, Tex.; 6707 West Northwest Highway, Dallas, Tex.; 424 Bruton Terrace, Dallas, Tex.; 131 Marsh Plaza, Dallas, Tex.; 4121 Gaston Avenue, Dallas, Tex.; 370 Hillside Village, Dallas, Tex.; 7117 Inwood Road, Dallas, Tex.; 7115 Polk Street, Dallas, Tex.; 216 Josey Square, Farmers Branch, Tex.; First and Kingsley, Garland, Tex.; Shiloh and Walnut Streets, Garland, Tex.; 160 Grand Central Center, Grand Prairie, Tex.; 39 Arapaho Center, Richardson, Tex.

Whittaker, Inc., food store; No. 3, Bethany, Okla.; sack boy, carry-out; between 3.8 percent and 4.5 percent; 1–19–67 to 1–18–68.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 3d day of March 1967.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 67–2740; Filed, Mar. 13, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 9, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40934—*Pig iron to Charlotte, N.C.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2881), for interested rail carriers. Rates on pig iron, in carloads, from Buffalo, Green Island, Niagara Falls, North Tonawanda, Suspension Bridge, and Troy, N.Y., and Swedeland, Pa., to Charlotte, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 168 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C–334.

FSA No. 40935—*Iron and steel articles to Jackson, Miss.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2882), for interested rail carriers. Rates on sheet steel, strip steel, bars and plate or sheet, n.o.i.b.n., in carloads, from specified points in Michigan, Ohio, Pennsylvania, and West Virginia, to Jackson, Miss.

Grounds for relief—Truck-barge-rail, barge-rail and market competition.

Tariff—Supplement 63 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C–428.

FSA No. 40936—*Carbide of calcium residue—Calvert, Ky., to southern territory.* Filed by O. W. South, Jr., agent (No. A4998), for interested rail carriers. Rates on carbide of calcium residue, as described in the application, in carloads, from Calvert, Ky., to points in southern territory.

Grounds for relief—Shortline distance formula and grouping.

Tariff—Supplement 66 to Southern Freight Association, agent, tariff ICC S–257.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–2785; Filed, Mar. 13, 1967; 8:50 a.m.]

[Notice 349]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 9, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can

and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4483 (Sub-No. 9 TA), filed March 6, 1967. Applicant: MONSON DRAY LINE, INC., Rural Route 1, Red Wing, Minn. 55066. Applicant's representative: Donald B. Taylor, 3464 Minnehaha Avenue South, Post Office Box 5068, Minneapolis, Minn. 55406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay sewer pipe, clay sewer pipe fittings, and kindred clay products*, from the plantsite of Red Wing Sewer Pipe Co. located at Red Wing, Minn., and the plantsite of Iowa Clay Products Co. located at Grimes, Iowa, to points in Iowa, Minnesota, and Nebraska, for 180 days. Supporting shipper: Red Wing Sewer Pipe Corp., Featherstone Road, Red Wing, Minn. 55066. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 9325 (Sub-No. 32 TA), filed March 6, 1967. Applicant: K LINES, INC., Post Office Box 216, Lebanon, Oreg. 97355. Applicant's Representative: White, Sutherland and Gilbertson, 1200 Jackson Tower Building, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in pneumatic equipment, from Gray Rocks, Calif., to points in Lake, Klamath, Deschutes, Jackson, Josephine, and Curry Counties, Oreg., for 180 days. Supporting shipper: Builders Supply Co., Medford, Oreg.; Calaveras Cement Co., San Francisco, Calif.; Grants Pass Ready Mix, Grants Pass, Oreg.; Concrete-Steel Corp., Medford, Oreg.; and, Acme Concrete, Klamath Falls, Oreg. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 20722 (Sub-No. 18 TA), filed March 3, 1967. Applicant: M & G CONVOY, INC., 590 Elk Street, Post Office Box 218, Buffalo, N.Y. 14205. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *parts thereof* moving therewith, in secondary movements, in truckaway and driveaway service, from Selkirk, N.Y., and Framingham, Mass., to points in Vermont, New Hampshire, Maine, and Rhode Island. Restriction: Service shall be restricted to traffic originating at the plantsite of Kaiser Jeep Corp. at Toledo, Ohio, and having an immediately prior movement by rail, for 180 days. Supporting shipper: Kaiser Jeep Corp., Toledo, Ohio 43601. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 121 Ellicott Street, Room 324, Buffalo, N.Y. 14203.

No. MC 51146 (Sub-No. 53 TA), filed March 3, 1967. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54303. Applicant's representative: D. J. Schneider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard boxes, and inserts and liners* used in connection therewith, from the plantsite of Menasha Corp., Container Division, Chicago, Ill., to points in Columbia, Dane, Didge, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Richland, Rock, Sauk, Walworth, Washington, and Waukesha Counties, Wis., and *damaged and rejected shipments*, on return, for 180 days. Supporting shipper: Menasha Corp., Box 191, Menasha, Wis. 64952, Carl H. Kraus, corporation traffic manager. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 61396 (Sub-No. 183 TA), filed March 3, 1967. Applicant: HERMAN BROS. INC., 2501 North 11 Street, Omaha, Nebr. 68110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone mineral filler*, in bulk, in tank vehicles, from Weeping Water, Nebr., to Akron, Iowa, for 180 days. Supporting shipper: United Mineral Products Co., 1117 WOW Building, Omaha, Nebr., 68102. Send protests to: Keith P. Kohrs, District Supervisor, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 103880 (Sub-No. 383 TA), filed March 7, 1967. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Post Office Box 7211, Akron, Ohio 44306. Applicant's representative: T. J. Bird (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Cities Service Pipeline Terminal approximately 2½ miles west of West Corporate limits of South Bend, Ind., to points in the Lower Peninsula of Michigan, for 150 days. Supporting shipper: Cities Service Oil Co., Oil Center Building, Box 300, Tulsa, Okla. 74102. Send protests to: G. J. Baccel, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 435 Federal Building, Cleveland, Ohio 44114.

No. MC 107496 (Sub-No. 535 TA), filed March 3, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in pneumatic vehicles, from Clinton, Iowa, to points in Minnesota, Wisconsin, Illinois, Missouri, Nebraska, and Indiana, for 180 days. Supporting shipper: International Minerals & Chemical Corp., 5401 Old Archard Road, Skokie, Ill. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 110988 (Sub-No. 234 TA), filed March 3, 1967. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. 54957. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers and fertilizer materials*, from Henry, Ill., to points in Minnesota, Wisconsin, Iowa, Missouri, Indiana, Kentucky, Ohio, and Michigan for 180 days. Supporting shipper: W. R. Grace & Co., Post Office Box 277, 147 Jefferson Avenue, Memphis, Tenn. 38101. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111069 (Sub-No. 40 TA), filed March 3, 1967. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, State Highway 131, Clarksville, Ind. 47131. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods and fruit*, prepared, in vehicles equipped with mechanical refrigeration, (1) from Louisville, Ky., Atlanta, Ga., and New Albany, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, District of Columbia, Montana, South Dakota, North Dakota, and (2) from East Greenville, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, District of Columbia, Montana, North Dakota, and South Dakota, for 180 days. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402. Send protests to: R. M. Hagarty, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 114364 (Sub-No. 133 TA), filed March 3, 1967. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Glass containers, and cartons* knocked down, from Ada, Okla., to points in Arizona, New Mexico, and those in Texas on and north of U.S. Highway 62, for 180 days. Supporting shipper: Brockway Glass Co., J. W. Pennington, traffic manager, Post Office Box 8, Muskogee, Okla. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 114364 (Sub-No. 134 TA), filed March 3, 1967. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and materials and supplies* used in the installation and distribution thereof, from Florence, Colo., to points in Arizona, for 180 days. Supporting shipper: Fibreboard Corp., P. W. Pollock, Manager of Rail and Truck Traffic, 475 Brannan Street, San Francisco, Calif. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 117651 (Sub-No. 8 TA), filed March 6, 1967. Applicant: FEASTER TRUCKING SERVICE, INC., Claflin, Kans. 67525. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Mason City, Iowa, and points within 10 miles thereof, to points in Missouri and Kansas, for 180 days. Supporting shipper: The Carter-Waters Corp., Kansas City, Mo. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 118959 (Sub-No. 29 TA), filed March 6, 1967. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: Stuart Symington, Jr., 434 Paul Brown Building, 808 Olive Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, dangerous explosives, articles of unusual value and commodities requiring special equipment), from points in St. Louis, Mo., East St. Louis, Ill., commercial zone, to points in Florida, and return. Applicant will interline traffic with other motor carriers at St. Louis, Mo., and will handle shipments originating at or destined to foreign countries when interchanged at St. Louis, Mo., or points in Florida. Supporting shipper: There are 82 supporting statements attached which may be examined here at the Interstate Commerce Commission, in Washington, D.C. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 124265 (Sub-No. 2 TA), filed March 3, 1967. Applicant: JOHN CRONIN AND ANDREW STEINERT, a partnership, doing business as J AND A PARCEL SERVICE, 53-24 195th Street, Flushing, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caps, gowns, robes and accessories; and gym and athletic outfits; and school wear coordinates; and worn and used caps, gowns, robes and accessories; and worn and used gym and athletic outfits; and worn and used school wear coordinates;* between New York, N.Y., Carle Place, N.Y., and Newark, N.J., on the one hand, and, on the other, points in New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Pennsylvania, Connecticut, Rhode Island, Virginia, Maryland, Delaware, and the District of Columbia, for 150 days. Supporting shipper: E. R. Moore Co., 7230 North Caldwell Avenue, Niles, Chicago, Ill. 60648. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 127093 (Sub-No. 7 TA), filed March 6, 1967. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson, Iron Mountain, Mich. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards, building, wall and/or insulating, and parts, materials and accessories* incidental thereto; (2) *manufactured and/or composition boards, and parts and accessories* incidental thereto; and (3) *roofing and/or insulating materials, and parts and accessories* incidental thereto: *Provided*, That the items specified in 1, 2, and 3 shall be restricted against the transportation of finished lumber and commodities in bulk, between the plantsite of Celotex Corp. at L'Anse, Mich., and warehouses owned or leased by Celotex Corp. in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Iowa, Missouri, Tennessee, Kentucky, Ohio, Pennsylvania, New York, Indiana (except Lake and Porter Counties), Illinois (except points in the Chicago commercial zone, and points in Illinois within 50 miles of Chicago, and except Cook, Du Page, Kane, Kendall, Lake, McHenry, and Will Counties), Wisconsin (except Florence, Marinette, Oconto, Brown, Manitowoc, Calumet, Sheboygan, Ozaukee, Milwaukee, Racine, and Kenosha Counties) and West Virginia, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 221 Federal Building, Lansing, Mich. 48933.

No. MC 127100 (Sub-No. 3), filed March 3, 1967. Applicant: B&B MOTOR LINES, INC., 911 Summit Street, Toledo, Ohio 43604. Applicant's representative: Earl F. Boxell, Toledo Trust Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and ale*, in bottles, cans and kegs, cases, and other containers, from South Bend, Ind., to Toledo, Sandusky, Defiance, and Lima, Ohio; from Toledo, Sandusky, Defiance, and Lima, Ohio, to South Bend, Ind., for 150 days. Supporting shippers: Metropolitan Distributing Co., Toledo, Ohio, the Thornburgh Sales Co., Sandusky, Ohio, the Defiance Beverage Co. of Defiance, Ohio, and Shawnee Distributors, Inc., of Lima, Ohio. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, Toledo, Ohio 43604.

No. MC 128904 TA, filed March 2, 1967. Applicant: GLENN NAREHOOD AND JAY NAREHOOD, a partnership, doing business as NAREHOOD TRUCKING CO., Rural Delivery 1, Milton, Pa. 17847. Applicant's Representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, other than in bulk, from Milton, Pa., to points in Connecticut, Massachusetts, and Rhode Island under contract with American Home Foods, Division of American Home Products Corp., for 180 days. Supporting shipper: American Home Foods, 685 Third Avenue, New York, N.Y. 10017. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 128907 TA, filed March 2, 1967. Applicant: THE SUPERIOR TRANSFER COMPANY, doing business as: LEDON CONSTRUCTION COMPANY, INC., 830 Cherry Street, Chattanooga, Tenn. 37402. Applicant's representative: Don Moore, Jr., James Building, Chattanooga, Tenn. 37401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty, used, and rebuilt tubular cylinders upon tube trailers*, between Altoona (Juniata-Altoona), Pa., Atlanta, Ga., Baltimore, Md., Barberton, Ohio, Belton, Tex., Billings, Mont., Bossier City, La., Buffalo, N.Y., Charlotte, N.C., Chattanooga, Tenn., Cincinnati, Ohio, Cleveland, and Columbus, Ohio, Conshohocken, Pa., Dallas and Richardson, Tex., Denver, Colo., Detroit, Mich., Evansville, Ind., Ferndale, Mich., Fort Smith, Ark., Grand Junction, Colo., Hodgkins, Ill., Houston, Tex., Indianapolis, Ind., Jackson, Miss., Jacksonville, Fla., Kansas City, Kans., Knoxville, Tenn., La Grange, Ill., Los Angeles, Calif., Louisville, Ky., Lowellville, Ohio, Lubbock, Tex., Mansfield, Ohio, McKees Rocks, Pa., Memphis, Tenn., Miami, Fla., Milwaukee, Wis., Natrona, Pa., New Orleans, La., Niagara Falls, N.Y., North Bergen, N.J., North Grafton, Mass., Oklahoma City, Okla., Omaha, Nebr., Peoria, Ill., Portland, Oreg., Portsmouth, Va., Pueblo, Colo., Saginaw, Mich., St. Louis, Mo., St. Paul, Minn., Salt Lake City, Utah, San Diego, Calif., San Francisco, Calif., Seattle, Wash., Sharon, Pa., South Chicago, Ill., South Meriden, Conn., Struthers-Lowellville, Ohio, Stuyvesant Falls, N.Y., Tampa, Fla., Tulsa, Okla., Waynesboro, Va., for 180 days. Supporting shipper: National Cylinder Gas, 1329 Chestnut Street, Chattanooga, Tenn. Send protests to: J. E. Gamble, District Supervisor, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 128909 TA, filed March 3, 1967. Applicant: COMMODORE CONTRACT CARRIERS, INC., 2410 Dodge Street, Omaha, Nebr. 68131. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Mobile homes, house trailers designed to be drawn by passenger autos, and homes designed to be drawn by motor vehicles only when partially disassembled*, in initial and secondary movements, in towaway and truckaway service: (1) Between Falls City and North Bend, Nebr.; Arlington (Shelby County), Tenn.; Hamilton, Haleyville, and Red Bay, Ala.; Danville, Va.; and Rosenburg, Oreg., (2) between Falls City, Nebr., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wyoming, and Wisconsin, and ports of entry on the United States-Canadian border in Minnesota, North Dakota, Montana, and Washington, (3) between North Bend, Nebr., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, South Dakota, Oklahoma, Oregon, Utah, Tennessee, Texas, Wyoming, Washington, and Wisconsin, and ports of entry on the United States-Canadian border in Minnesota, North Dakota, and Montana.

(4) Between Haleyville and Red Bay, Ala., and Arlington (Shelby County), Tenn., on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, (5) between Danville, Va., on the one hand, and, on the other, points in Delaware, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia, (6) between Roseburg, Oreg., on the one hand, and, on the other, points in Washington, California, Nevada, Arizona, New Mexico, Colorado, Utah, Idaho, Montana, and Wyoming, and ports of entry on the United States-Canadian border in Washington and Montana, and (B) *wheels, axles, and hitches*, between points in the United States (except Alaska and Hawaii), on the one hand, and, on the other, Falls City and North Bend, Nebr.; Arlington (Shelby County), Tenn.; Hamilton, Haleyville, and Red Bay, Ala.; Danville, Va.; and Roseburg, Oreg. Restriction: All service included herein to be performed under continuing contracts with The Commodore Corp., Omaha, Nebr., its wholly owned subsidiaries and its divisions, having plants at the specific named points set out in Parts A and B above, for 180 days. Supporting shipper: The Commodore Corp., 2410 Dodge Street, Omaha, Nebr. (Moreley Zipursky, Executive Vice President). Send protests to: Keith P. Kohrs, District Supervisor, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 128910 TA, filed March 3, 1967. Applicant: WILLIAM K. WOOD, 809 East Eighth Street, Moscow, Idaho 83843. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags and bulk, from points in Franklin and Benton Counties, Wash., to points in Latah County, Idaho, for 180 days. Supporting shipper: Latah County Grain Growers, Inc., Moscow, Idaho. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 128911 (Sub-No. 1 TA), filed March 7, 1967. Applicant: JAY'S DELIVERY SERVICE, INC., 1154 Flushing Avenue, Brooklyn, N.Y. 11237. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Cut goods, piece goods, and trimmings* used in the manufacture of ladies wearing apparel, and *ladies wearing apparel*, on hangers and/or boxed in cartons, between Rutherford, N.J., and New York, N.Y., via New Jersey Highway 3 and the Lincoln Tunnel, for 180 days. Supporting shipper: Latest Trends, Inc., 309 Veterans Boulevard, Rutherford Industrial Park, Rutherford, N.J. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 128915 TA, filed March 6, 1967. Applicant: W. H. EDWARDS, doing business as EDWARDS BROS. VAN & STORAGE CO., 302 F. North Russell, Santa Maria, Calif. 93454. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Santa Barbara and San Luis Obispo Counties, Calif., on traffic having a prior or subsequent out-of-State movement, for 180 days. Supporting shipper: Alaska HHG Movers, Inc., 5053 East Marginal Way South, Seattle, Wash. 98134. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128917 TA, filed March 7, 1967. Applicant: HANDY TRUCK LINE, INC., Heyburn, Idaho 83336. Applicant's representative: Leo J. Handy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Inkom, Pocatello, Idaho Falls, Heyburn, and Twin Falls, Idaho, to points in Montana, Wyoming, and Nevada, for 180 days. Supporting shipper: Idaho Portland Cement Co., Inkom, Idaho 83245. Send protests to: C. W. Campbell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 203 Eastman Building, Boise, Idaho 83702.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2786; Filed, Mar. 13, 1967; 8:50 a.m.]

[Notice 1489]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 9, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69472. By order of March 7, 1967, the Transfer Board approved the transfer to Whalen's Moving & Storage Co., Inc., Mount Kisco, N.Y., of permits Nos. MC-123404 (Sub-No. 2) and MC-123404 (Sub-No. 3), issued March 14, 1962, and April 13, 1962, respectively, to William H. Whalen, Jr., doing business as Whalen's Moving & Storage, Mount Kisco, N.Y., and authorizing the transportation of telephone equipment, tools, materials, and supplies, over irregular routes, from Mount Kisco, N.Y., to points in Westchester and Putnam Counties, N.Y., and such commodities as are dealt in by wholesale farm supply houses, in containers, from Bound Brook, Newton, Cranbury, Millville, Carteret, and Jersey City, N.J., to points in Westchester, Putnam, and Dutchess Counties, N.Y., and from Mount Kisco, N.Y., to points in Fairfield County, Conn. William H. Whalen, Jr., Kiscona and

Columbus Avenues, Mount Kisco, N.Y. 10549, representative for applicants.

No. MC-FC-69499. By order of March 8, 1967, the Transfer Board approved the transfer to Giant Transport, Inc., Paterson, N.J., of permit No. MC-112748, issued September 28, 1964, to Philip R. Waldman, Secaucus, N.J., and authorizing the transportation, over irregular routes, of cloth piece goods, between Paterson, N.J., and New York, N.Y. Martin Werner, 2 West 45th Street, New York, N.Y. 10036, attorney for transferor. A. Victor Koch, 5 Colt Street, Paterson, N.J. 07505, attorney for transferee.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2787; Filed, Mar. 13, 1967; 8:50 a.m.]

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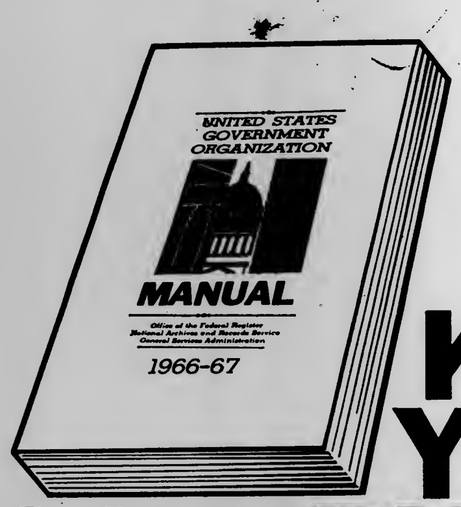
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MOROCCO—FINDING THAT SALES AGREEMENTS ARE IN THE NATIONAL INTEREST

In accordance with Section 103(d) of the Agricultural Trade Development and Assistance Act of 1954, as amended, I have reviewed the status of Morocco for purposes of sales of agricultural commodities under Title I of that Act.

As a result of that review, and as required by Section 103(d)(3) of the Act, I hereby find that the making of sales agreements with Morocco under Title I of the Act is in the national interest of the United States. This finding applies to each such sales agreement with Morocco entered into during the Fiscal Year 1967. The reasons for this finding are set forth in the accompanying statement, which shall be made available to the Senate and House of Representatives and published in the FEDERAL REGISTER together with this finding.

Lyndon B. Johnson

STATEMENT OF REASONS THAT PUBLIC LAW 480 SALES TO MOROCCO ARE IN NATIONAL INTEREST

The United States and Morocco have enjoyed cordial relations since the United States obtained its independence. The strategic importance of these relations is evident from Morocco's geographical position at the entrance to the Mediterranean and its proximity to the United States along the Atlantic. Since Moroccan independence its government has been stable and moderate, exercising a positive influence with other non-aligned African nations and in the Arab world, the Organization of African Unity and the United Nations. It is our policy to support this government which is developing Moroccan economic resources. These resources will be devoted to attaining higher standards of living, broader educational opportunities and improved health facilities in order for the Moroccan people to achieve a fuller participation in the benefits of modernization.

As a result of a severe drought during the last crop year, Morocco's wheat production was only 60 percent of normal levels. Total import requirements during Fiscal Year 1967 are estimated at 890,000 metric tons as compared with 325,000 metric tons for the previous year. This need for imported wheat has put a burden on Moroccan foreign exchange reserves. Morocco had serious foreign exchange payments difficulties in 1963 and 1964 and has not yet fully recovered. To meet its basic food requirements, Morocco has already contracted for large commercial purchases from the United States and is making maximum use of its own resources.

To alleviate the burden created by this exceptional situation, the United States programmed 335,000 metric tons of wheat for delivery during Fiscal Year 1967 under the sales provisions of Public Law 480. During July 1 to December 31, 1966, one-half of this amount was delivered. The remainder is needed during the second half of Fiscal Year 1967.

In 1965 Morocco exported to Cuba non-strategic foodstuffs, agricultural products and raw materials for agriculture valued at about $7 million. In 1966 these exports amounted to about $6 million. Morocco depends heavily on Cuban sugar and has paid for this sugar under barter terms. Despite its great dependence on Cuban sugar, the Moroccan Government is continuing to seek other markets for these exports. For these items, the President may make an exception if he finds it in the national interest.

In 1965 Morocco exported to Cuba $941,000 worth of goods for which no exception can be made under the new legislation. These exports included such non-strategic items as footwear, leather manufactures, refractory brick, cement and asbestos pressure pipe, buttons and plastic containers. No significant change in the amount and types of products is believed to have occurred in 1966. The Moroccan Government has assured the United States Government that exports of these items for which no exception can be made will be terminated immediately.

[F.R. Doc. 67-2933; Filed, Mar. 14, 1967; 10:57 a.m.]

Presidential Finding of February 28, 1967

ALGERIA—FINDING THAT SALES AGREEMENTS ARE IN THE NATIONAL INTEREST

In accordance with Section 103(d) of the Agricultural Trade Development and Assistance Act of 1954, as amended, I have reviewed the status of Algeria for purposes of sales of agricultural commodities under Title I of that Act.

As a result of that review, and as required by Section 103(d)(3) of the Act, I hereby find that the making of sales agreements with Algeria under Title I of the Act is in the national interest of the United States. This finding applies to each such sales agreement with Algeria entered into during the Fiscal Year 1967. The reasons for this finding are set forth in the accompanying statement, which shall be made available to the Senate and House of Representatives and published in the FEDERAL REGISTER together with this finding.

Lyndon B. Johnson

STATEMENT OF REASONS THAT PUBLIC LAW 480 SALES TO ALGERIA ARE IN NATIONAL INTEREST

Since achieving its independence in 1962, Algeria has received substantial assistance from the United States. The long struggle for independence left that country in a disorganized and depressed economic condition. The departure of nearly one million Europeans, the return of two and a half million Algerians to their homes, and the lack of adequate personnel and institutions had seriously disruptive consequences for the agricultural sector. To help meet urgent Algerian food requirements, the United States has directly and through the voluntary agencies supplied on a grant basis foodstuffs valued at about $170 million since Algerian independence. In addition, early in 1966 the United States made a concessional sale of 200,000 MT of wheat to Algeria under Title IV of the Public Law 480 Legislation. The United States, therefore, has been a large supplier of essential food to Algeria in recent years.

During Fiscal Year 1967, Algeria suffered one of the worst droughts on record. Wheat production was only 60 percent of normal. As a result, Algerian import requirements for wheat rose to 1,000,000 MT. The Algerian Government purchased about 400,000 MT for cash from the United States, and has arranged to obtain about 200,000 from the Soviet Union and 100,000 MT from France. For the remaining 200,000 MT the Algerian Government has requested assistance in the form of a concessional sale under the then Title IV of the Public Law.

Algeria has a limited export trade with Cuba. For the first six months of 1965 it was valued at $2.6 million and believed to have continued at this level since that period. Available statistics indicate that the products exported are within the categories of medical supplies, non-strategic raw materials for agriculture, and non-strategic agricultural or food commodities, for which an exception can be made under Section 103(d) of Public Law 480, as amended by Public Law 89-808, and are of minor economic importance. Algeria does not have any current trade with North Vietnam and its ships do not call at Cuba or North Vietnam.

We desire to extend humanitarian assistance to a friendly country with which we maintain normal diplomatic relations. Algeria is one of the most important countries in North Africa. It is essential that we maintain harmonious bilateral relations in terms of larger international problems in Africa and the world scene. The Algerian Government has faced a drain on its foreign exchange reserves because of the drought. Dollar repayable credit terms for this essential food will help alleviate this situation and permit the use of its foreign exchange resources for economic development.

[F.R. Doc. 67-2932; Filed, Mar. 14, 1967; 10:57 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, and 55), AND MARYLAND TOBACCO

Subpart—Proclamation of the Results of Marketing Quota Referenda for Fire-Cured Tobacco and Dark Air-Cured Tobacco

Basis and purpose. The purpose of this proclamation is to announce the results of the fire-cured tobacco and dark air-cured tobacco marketing quota referenda for the 3 marketing years beginning October 1, 1967, October 1, 1968, and October 1, 1969. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, and dark air-cured (types 35 and 36) tobacco for the 1967–68, 1968–69 and 1969–70 marketing years, and announced the amounts of the national marketing quotas for such kinds of tobacco for the 1967–68 marketing year (32 F.R. 651). The Secretary announced (32 F.R. 680) that referenda would be conducted by mail ballots during the period February 13 to 17, 1967, each inclusive, to determine whether fire-cured tobacco and dark air-cured tobacco producers were in favor of or opposed to marketing quotas for the 3 marketing years beginning October 1, 1967, October 1, 1968, and October 1, 1969. Since the only purpose of this proclamation is to announce the results of the referenda, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of 5 U.S.C. 553 is unnecessary.

Sec.

724.36o Proclamation of the results of the fire-cured tobacco marketing quota referendum for the 3-year period beginning October 1, 1967.
724.36p Proclamation of the results of the dark air-cured tobacco marketing quota referendum for the 3-year period beginning October 1, 1967.

AUTHORITY: The provisions of this subpart issued under secs. 312, 375; 52 Stat. 46, as amended, 66, as amended; 7 U.S.C. 1312, 1375.

§ 724.36o Proclamation of the results of the fire-cured tobacco marketing quota referendum for the 3-year period beginning October 1, 1967.

In a referendum of farmers engaged in the production of the 1966 crop of fire-cured tobacco held during the period February 13 to 17, 1967, each inclusive, 13,783 farmers voted. Of those voting, 12,882 or 93.5 percent, favored quotas for a period of 3 years beginning October 1, 1967; 901 or 6.5 percent were opposed to quotas. Therefore, the national marketing quota of 11,192,000 pounds for fire-cured (type 21) tobacco, and the national marketing quota of 46,200,000 pounds for fire-cured (types 22, 23, and 24) tobacco, proclaimed January 19, 1967 (32 F.R. 651) for the 1967–68 marketing year will be in effect for such year, and marketing quotas on such kinds of tobacco will be in effect for the 3 marketing years beginning October 1, 1967, October 1, 1968, and October 1, 1969.

§ 724.36p Proclamation of the results of the dark air-cured tobacco marketing quota referendum for the 3-year period beginning October 1, 1967.

In a referendum of farmers engaged in the production of the 1966 crop of dark air-cured tobacco held during the period February 13 to 17, 1967, each inclusive, 13,695 farmers voted. Of those voting, 12,742 or 93.0 percent, favored quotas for a period of 3 years beginning October 1, 1967; 953 or 7.0 percent were opposed to quotas. Therefore, the national marketing quota of 22,100,000 pounds proclaimed January 19, 1967 (32 F.R. 651) for dark air-cured (types 35 and 36) tobacco for the 1967–68 marketing year will be in effect for such year, and marketing quotas on such kind of tobacco will be in effect for the 3 marketing years beginning October 1, 1967, October 1, 1968, and October 1, 1969.

Done at Washington, D.C., this 10th day of March 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-2845; Filed, Mar. 14, 1967; 6:49 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 70—SPECIAL NUCLEAR MATERIAL

Discontinuance of Procedures for Allocation and Distribution of Special Nuclear Material

On November 24, 1966, the Atomic Energy Commission published in the FEDERAL REGISTER (31 F.R. 14881) proposed amendments to its regulations, 10 CFR Part 50, Licensing of Production and Utilization Facilities, and 10 CFR Part 70, Special Nuclear Material, which would discontinue the Commission's present regulatory procedure for allocating and distributing special nuclear material to production and utilization facility licensees and to special nuclear material licensees.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments. The text of the amendments set forth below is identical with the text of the proposed amendments published on November 24, 1966.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, the following amendments to 10 CFR Parts 50 and 70 are published as a document subject to codification to be effective thirty days after publication in the FEDERAL REGISTER.

§ 50.33 [Amended]

1. Paragraph (f) of § 50.33 of 10 CFR Part 50 is amended by deleting the last sentence.

§ 50.55 [Amended]

2. Paragraph (a) of § 50.55 of 10 CFR Part 50 is amended by deleting the words in the second sentence "and any scheduled delivery of materials from the Commission."

3. Section 50.60 of 10 CFR Part 50 is revised to read as follows:

§ 50.60 Allocation of special nuclear material.

(a) The Commission will not incorporate in construction permits or licenses issued after April 14, 1967, provisions allocating quantities of special nuclear material: *Provided, however,* That such provisions may be incorporated in a license if they have been incorporated in the construction permit for the facility. Any allocation granted by the Commission shall be deemed to be satisfied to the extent that (1) the Commission contracts to provide special nuclear material to a permittee or licensee under a contract for the supply of special nuclear material, whether by toll enrichment services, sale, lease, or otherwise, and/or (2) the Commission determines that special nuclear material is available, whether by toll enrichment services, sale, lease, or otherwise, from a source or sources other than the Commission on terms and conditions and at charges which are considered by the Commission to be reasonable and nondiscriminatory.

Subject to paragraph (b) of this section, provisions allocating quantities of special nuclear material in construction permits and licenses issued prior to April 14, 1967, shall remain in effect in accordance with their terms.

(b) The Commission may, in accordance with the procedures provided in Part 2 of this chapter, reduce the quantities of special nuclear material allocated to a permittee or licensee pursuant to this part, upon the ground that the quantities allocated exceed those reasonably required, or estimated to be required, for use by the facility. Except as provided in paragraph (a) of this section, the expiration, revocation or other termination of a construction permit or license shall terminate all allocations incorporated in such permit or license.

NOTE: With respect to quantities of special nuclear material allocated to construction permittees and licensees prior to April 14, 1967, and pursuant to the provisions of this part, the Commission will continue its practice of not distributing the material to the permittee or licensee until the material is needed.

§ 50.103 [Amended]

4. Section 50.103(a)(2) of 10 CFR Part 50 is amended by deleting the word "distributed".

5. Paragraph (a) of § 70.1 of 10 CFR Part 70 is revised to read as follows:

§ 70.1 Purpose.

(a) The regulations in this part establish procedures and criteria for the issuance of licenses to receive title to, own, acquire, deliver, receive, possess, use, transfer, import, and export special nuclear material; and establish and provide for the terms and conditions upon which the Commission will issue such licenses.

* * * * *

§ 70.22 [Amended]

6. Subparagraph (5) of § 70.22(a) of 10 CFR Part 70 is deleted.

7. The "Note" following § 70.22(a)(8) of 10 CFR Part 70 is revised to read as follows:

NOTE: Where the nature of the proposed activities is such as to require consideration of the applicant's financial qualifications to engage in the proposed activities in accordance with the regulations in this chapter, the Commission may request the applicant to submit information with respect to his financial qualifications.

8. Paragraph (e) of § 70.23 of 10 CFR Part 70 is revised and paragraph (f) is deleted to read as follows:

§ 70.23 Requirements for the approval of applications.

A license application will be approved if the Commission determines that:

* * * * *

(e) Where the nature of the proposed activities is such as to require consideration by the Commission, that the applicant appears to be financially qualified to engage in the proposed activities in accordance with the regulations in this part.

(f) [Deleted]

* * * * *

9. Paragraph (b) of § 70.31 of 10 CFR Part 70 is deleted and paragraph (d) revised to read as follows:

§ 70.31 Issuance of licenses.

* * * * *

(b) [Deleted]

* * * * *

(d) No license will be issued by the Commission to any person within the United States if the Commission finds that the issuance of such license would be inimical to the common defense and security or would constitute an unreasonable risk to the health and safety of the public.

* * * * *

10. Paragraph (a) of § 70.38 of 10 CFR Part 70 is revised to read as follows:

§ 70.38 Reduction and termination of allocations.

(a) The Commission may, in accordance with the procedures provided in Part 2 of this chapter, reduce the quantities of special nuclear material allocated to a licensee pursant to this part, upon the ground that the quantities allocated exceed those reasonably required, or estimated to be required, for conduct of the activities authorized by the license. Any allocation granted by the Commission shall be deemed to be satisfied to the extent that (1) the Commission contracts to provide special nulcear material to a permittee or licensee under a contract for the supply of special nuclear material, whether by toll enrichment services, sale, lease, or otherwise, and/or (2) the Commission determines that special nuclear material is available, whether by toll enrichment services, sale, lease, or otherwise, from a source or sources other than the Commission on terms and conditions and at charges which are considered by the Commission to be reasonable and nondiscriminatory.

* * * * *

§ 70.43 [Deleted]

11. Section 70.43 of 10 CFR Part 70 is deleted.

§ 70.62 [Amended]

12. Paragraph (b) of § 70.62 of 10 CFR Part 70 is amended by deleting the word "distributed".

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 24th day of February 1967.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 67-2798; Filed, Mar. 14, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 67-WA-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Muzon Intersection, Alaska, and the Dixon Intersection, Alaska, low altitude reporting points.

Since this amendment is procedural in nature and does not involve the designation of airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

Section 71.211 (32 F.R. 2287) is amended by adding:

1. Dixon INT: INT SW course Annette Island, Alaska, RR, NW course Sandspit, British Columbia, Canada, RR.

2. Muzon INT: Annette Island, Alaska 236°; and Sandspit, British Columbia, Canada, 331° radials.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 8, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-2801; Filed, Mar. 14, 1967; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Miscellaneous Amendments

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER.

The amendment (1) revises § 230.7-22 *Isotopic reference standards,* to add standard reference material 980, and (2) revises § 230.8-5 *Radioactivity standards,* to renew and change the price of standard reference material 4203, and renumber the material.

The following amends 15 CFR Part 230.

Subpart C—Standards of Certified Chemical Composition

Section 230.7-22 Isotopic reference standards is amended to add standard reference material 980.

§ 230.7-22 Isotopic reference standards.

* * * * *

Sample Nos.	Kind	Element	Price
* * *	* * *	* * *	* * *
980	Magnesium metal	Magnesium	$20.00
* * *	* * *	* * *	* * *

Subpart D—Standards of Certified Properties and Purity

Section 230.8-5 Radioactivity standards is amended to renew and change the price of standard reference material 4203, and renumber the material.

§ 230.8-5 Radioactivity standards.

* * * * *

(b) * * *

(5) *Point-source gamma-ray standards.* * * *

Sample Nos.	Radionuclide	Approximate emission rate at time of calibration (month, year)	Price
* * *	* * *	* * *	* * *
4203-A	Cobalt-60	6×10^5 γ/s (8/66)	$65.00
4203-B	Cobalt-60	2×10^5 γ/s (8/66)	65.00

* * * * *

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies Sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: March 3, 1967.

A. V. ASTIN,
Director.

[F.R. Doc. 67-2800; Filed, Mar. 14, 1967; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1177]

PART 13—PROHIBITED TRADE PRACTICES

Pacific Gamble Robinson Co.

Subpart—Discriminating in price under section 5, FTC Act: § 13.892 *Knowingly inducing or receiving discriminating payments.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Pacific Gamble Robinson Co., Seattle, Wash., Docket C-1177, Feb. 28, 1967]

Consent order requiring a Seattle, Wash., wholesale and retail grocer to cease knowingly inducing or receiving from its suppliers any discriminatory service or facility or any discriminatory treatment forbidden by section 2 of the Clayton Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Pacific Gamble Robinson Co., its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with any purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of products purchased for resale, do forthwith cease and desist from:

1. Inducing and receiving, receiving or contracting for the receipt of any service or facility, or contribution thereto, furnished by any supplier in connection with the processing, handling, sale, or offering for sale of produce or any commodity purchased from such supplier when respondent knows or should know that such service or facility, or contribution thereto, is not affirmatively offered and otherwise accorded by such supplier on proportionally equal terms to all other purchasers competing with respondent in the sale and distribution of such supplier's products, including other purchasers who resell to customers who compete with respondent in the resale of such supplier's products.

2. Knowingly inducing and receiving, receiving or contracting for the receipt of any discriminatory treatment as proscribed by section 2 of the Clayton Act, as amended, from any supplier in connection with the processing, handling, sale, or offering for sale of produce or any commodity purchased from any supplier.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 28, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-2809; Filed, Mar. 14, 1967; 8:46 a.m.]

[Docket No. C-1178]

PART 13—PROHIBITED TRADE PRACTICES

Peter Pan Foundations, Inc.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.* § 13.825 *Allowances for services or facilities.* Discriminating in price under sec. 2, Clayton Act—Furnishing services or facilities for processing, handling, etc. under 2(e): § 13.835 *Demonstrators.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1528; 15 U.S.C. 13) [Cease and desist order, Peter Pan Foundations, Inc., New York City, N.Y., Docket C-1178, Mar. 1, 1967]

Consent order requiring a New York City marketer of women's foundation garments to cease discriminating among competing customers in paying promotional allowances and in furnishing services or facilities.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Peter Pan Foundations, Inc., a corporation, and its officers, directors, representatives, agents, and employees, directly or through any corporate or other device, in or in connection with the sale and distribution of women's wearing apparel such as brassieres and other related products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Paying, or contracting to pay to or for the benefit of any customer, an advertising allowance, push money, or anything of value as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of respondent's products, unless such payment or consideration is offered and otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products;

2. Discriminating, directly or indirectly, among competing purchasers of its products, by contracting to furnish, furnishing, or contributing to the furnishing of the services of stylists or any other services or facilities connected with the processing, handling, sale, or offering for sale of respondent's products, to any purchaser from respondent of such products bought for resale, unless such services or facilities are offered and otherwise made available on proportionally equal terms to all purchasers competing in the distribution or resale of such products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the man-

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ner and form in which it has complied with this order.

Issued: March 1, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-2810; Filed, Mar. 14, 1967; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

[Docket No. R-310; Order 338]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Annual Reports of Municipal Electric Utilities

MARCH 7, 1967.

On November 15, 1966, the Commission issued a notice of proposed rulemaking in this proceeding (31 F.R. 14786, Nov. 22, 1966), proposing to revise annual report FPC Form No. 1-M, effective for reporting year 1967 and thereafter. Only two comments were received in response to the notice.[1] Both were favorable. The amendments made by this order are the same as proposed in the notice: Substitution of certain schedules from Form No. 1 in Form No. 1-M, conforming editorial changes, and the requirement of an additional copy for use in the Commission's regional offices.

These revisions will place operating data of municipal systems on a reporting basis uniform with those of privately owned systems, thus supplying the Commission and the interested public with a more complete and useful body of information. In view of the large number of Form 1-M users who will use the "small plant" schedules (requiring only a one-line entry per plant and the fact that some others already use Form 1 schedules under the permissive proviso in § 141.7(a), the Commission believes that the amendment will not result in any reporting burden not commensurate with the benefits it will produce.

The Commission finds: (1) The amendments to the annual report FPC Form No. 1-M and to the regulations here ordered are necessary and appropriate for the administration of the Federal Power Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 309 and 311 thereof (49 Stat. 858, 859; 16 U.S.C. 825h, 825j), orders:

(A) Section 141.7, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, is amended to read as follows:

§ 141.7 Form 1-M, Annual Report for municipal electric utilities having annual electric operating revenues of $250,000 or more.

(a) The form of Annual Report for municipal electric utilities having annual electric operating revenues of $250,000 or more, designated herein as FPC Form No. 1-M,[1a] is prescribed for the calendar year beginning January 1, 1967, or for a year beginning or ending during the calendar year 1967 if an established fiscal year is other than a calendar year commencing January 1, and years thereafter: *Provided, however,* That any muncipality owning or operating an electric utility system having annual electric operating revenues of $250,000 or more may, at its election, submit in lieu of FPC Form No. 1-M, a report on FPC Form No. 1 together with the schedule, Taxes, Tax Equivalents, Contributions and Services During Year, from FPC Form No. 1-M.

(b) Each "municipality" as defined in section 3 of the Federal Power Act (city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power) which is engaged in generation, transmission, distribution or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of $250,000 or more, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for the calendar year beginning January 1, 1967, or for a year beginning or ending during the calendar year 1967 if its established fiscal year is other than a calendar year commencing January 1, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year, an original and three conformed copies all properly filled out and attested. One copy of the report should be retained by the respondent in its files. The conformed copies may be carbon copies.

(c) This Annual Report contains the following schedules:

Identification.
General Instructions.
Excerpts From the Law.
General Information.
Balance Sheet.
Condensed Income Statement.
Earned Surplus.
Electric Sales Data for the Year.
Sales of Electricity for Resale.
Operation and Maintenance Expenses.
Purchased Power.
Utility Plant.
Accumulated Provision for Depreciation of Utility Plant.
Long-Term Debt.
Taxes, Tax Equivalents, Contributions and Services During Year.
Steam-Electric Generating Plant Statistics (Large Plants).
Hydroelectric Generating Plant Statistics (Large Plants).
Generating Plant Statistics (Small Plants).
Changes Made or Scheduled To Be Made in Generating Plant Capacities.
Steam-Electric Generating Plants.
Hydroelectric Generating Plants.
Internal-Combustion Engine and Gas-Turbine Generating Plants.
Transmission Line Statistics.
Transmission Lines Added During the Year.
Electric Energy Account.
Expenditures for Certain Civic, Political, and Related Activities.
Attestation.

(B) The Annual Report for Municipal Electric Utilities, FPC Form No. 1-M, prescribed by § 141.7, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations is amended, effective for a reporting year ending during calendar year 1967, by revising page 1, deleting pages 8 through 12 and in lieu thereof inserting new pages 8 through 20, and adding a new page 23, all as set out in the Attachment hereto.[1b]

(C) The amendments prescribed herein shall be effective upon the issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-2808; Filed, Mar. 14, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Animal Feeds Contaminated With Salmonella Micro-Organisms

Because of the significance to the public health of not having Salmonella micro-organisms in meat, milk, eggs, and other edible products of food-producing animals, the Commissioner of Food and Drugs calls attention to the applicability of the Federal Food, Drug, and Cosmetic Act to Salmonella contamination in animal feeds by issuing the statement of policy hereinafter set forth. Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by that act (secs. 402(a), 701(a), 52 Stat. 1046, as amended, 1055; 21 U.S.C. 342(a), 371(a)) and delegated by him to the Commissioner (21 CFR 2.120), Part 3 is amended by adding thereto the following new section:

§ 3.58 Animal feeds contaminated with Salmonella micro-organisms.

(a) Investigations by the Food and Drug Administration, the Communicable Disease Center of the U.S. Public Health Service, the Animal Health Division of the Agricultural Research Service, U.S. Department of Agriculture, and by various State public health agencies have revealed that processed fish meal, poultry meat meal, meat meal, tankage, and other animal byproducts intended for use in animal feed may be contaminated with Salmonella bacteria, an organism pathogenic to man and animals. Contamination of these products may occur through inadequate heat treatment of the product during its processing or through recontamination of the heat-treated product during a time of improper storage or handling subsequent to processing.

(b) Articles used in food for animals are included within the definition of "food" in section 201(f) of the Federal Food, Drug, and Cosmetic Act. Further, Salmonella contamination of such animal feeds having the potentiality for producing infection and disease in animals must be regarded as an adulterant within the meaning of section 402(a) of the act. Therefore, the Food and Drug Administration will regard as adulterated within the meaning of section 402(a) of the act shipments of the following when intended for animal feed and encountered in interstate commerce and found upon examination to be contaminated with Salmonella micro-organisms: Bone meal, blood meal, crab meal, feather meal, fish meal, fish solubles, meat scraps, poultry meat meal, tankage, or other similar animal byproducts, or blended mixtures of these.

(Secs. 402(a), 701(a), 52 Stat. 1046, as amended, 1055; 21 U.S.C. 342(a), 371(a))

Dated: March 8, 1967.

JAMES L. GODDARD, *Comissioner of Food and Drugs.*

[F.R. Doc. 67-2838; Filed, Mar. 14, 1967; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 51—CANNED VEGETABLES

Canned Spinach; Confirmation of Effective Date of Order Amending Standard of Identity

In the matter of amending the standard of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) to list "whole leaf," "cut leaf" or "sliced," and "chopped" as optional forms of canned spinach and to prescribe labeling thereof:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of January 7, 1967 (32 F.R. 137). Accordingly, the amendments promulgated by that order will become effective March 8, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 8, 1967.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 67-2839; Filed, Mar. 14, 1967; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DDT, DDD, AND DDE IN MILK AND MANUFACTURED DAIRY PRODUCTS

The California Department of Agriculture, 1220 N Street, Sacramento, Calif. 95814, and the California Department of Public Health, 2151 Berkeley Way, Berkeley, Calif. 94704, presented a petition (PP 5F0441) requesting that action be taken under the pesticide chemicals amendment of the Federal Food, Drug, and Cosmetic Act to establish tolerances for residues in milk for DDT at 0.05 part per million, DDD at 0.05 part per million, and DDE at 0.05 part per million, with the provision that if more than one of the three chemicals is present, the sum of their residues shall not exceed 0.10 part per million.

The petition also requested (FAP 5H1717) tolerances under the food additives amendments to the act for residues of DDT, DDD, and DDE in milk products on the milk-fat basis bearing the same relationship as that for the raw agricultural commodity milk. The petition requested tolerances on the milk-fat basis for DDT at 1.25 parts per million, DDD at 1.25 parts per million, and DDE at 1.25 parts per million, with the provision that if more than one of the three chemicals is present, the sum of their residues shall not exceed 2.50 parts per million. A proposal based on this petition was published in the FEDERAL REGISTER of November 16, 1965 (30 F.R. 14328).

A task force representing six manufacturers of DDT: Diamond Alkali Co., Cleveland, Ohio; Geigy Agricultural Chemicals, Division of Geigy Chemical Corp., Yonkers, N.Y.; General Chemical Division, Allied Chemical Corp., Morristown, N.J.; Lebanon Chemical Corp., Lebanon, Pa.; Montrose Chemical Corp. of Calif., Newark, N.J.; and Olin Mathieson Chemical Corp., Little Rock, Ark., asked that the petition be referred to an advisory committee, as provided by section 408 (e) and (g) of the act, with the request that it make a report and recommendation thereon.

The petition was referred to an advisory committee, and it has recommended that pesticide tolerances of 0.05 part per million be established for DDT, DDD, and DDE individually or in combination in milk and that food additive tolerances of 1.25 parts per million on the milk-fat basis be established for residues of these chemicals in manufactured dairy products as a result of residues in the fluid milk from which such products are made. Copies of the report and recommendations of the committee are on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201.

After consideration of all available data and the report and recommendations of the advisory committee, the Commissioner of Food and Drugs has concluded that the tolerances established in this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408 (d)(3), (e), 409 (c) (1), (4); 68 Stat. 513, 514, 72 Stat. 1786; 21 U.S.C. 346a (d)(3), (e), 348(c)(1), (4)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Parts 120 and 121 are amended in the following respects to establish tolerances for residues of DDT and its degradation products DDD and DDE in milk and in manufactured dairy products:

1. For consistency with the tolerances established by this order, §§ 120.147a(a) and 120.147b(b) are amended to read as follows:

§ 120.147a DDT residues in corn forage, corn fodder, corn silage, corn stover, and sweet corn cannery waste; statement of policy and interpretation.

(a) Section 120.101(e)(43) of this chapter, promulgated on March 11, 1955, permitted a tolerance of 7 parts per million for residues of DDT in or on the fresh vegetable sweet corn. Because of a showing of the unsuitability of the tolerance level based on sweet corn as marketed, § 120.147 provides a tolerance of 3.5 parts per million of DDT in or on the fresh vegetable sweet corn (determined on kernels plus cob after removing any husk present when marketed). Residue studies have indicated that the application of DDT in any manner to the feed of dairy cows or to the dairy cows themselves results in residues of DDT in milk. No tolerance has been established to permit any residues of DDT in milk from feeding corn forage, corn fodder, corn silage, corn stover, or sweet corn cannery waste to dairy cows. When these items contain any amount of DDT, they are unsuitable as a feed for dairy cows and should not be represented, sold, or used for that purpose.

* * * * *

§ 120.147b DDT residues in apple pomace.

* * * * *

(b) There is to tolerance for DDT in milk to provide for residues that may occur from feeding apple pomace which contains DDT to dairy animals. Apple pomace containing DDT should not be fed to dairy animals, since it has been established that the ingestion by them of even small amounts of DDT results in contamination of the milk with this pesticide. Apple pomace containing any

[1] American Public Power Association, Kansas State Corporation Commission.

[1a] Form 1-M filed as part of original document.

[1b] Attachment filed as part of original document.

amount of DDT is unsuitable as a feed or an ingredient of mixed feeds for dairy animals and should not be represented, sold, or used for that purpose.

* * * * *

2. The following new section is added to Part 120:

§ 120.147c DDT and its related degradation products in milk.

Tolerances of 0.05 part per million are established for residues in milk for each or any combination of the following: DDT, DDD (1,1-dichloro-2,2-bis(*p*-chlorophenyl)ethane), and DDE (1,1-dichloro-2,2-bis(*p*-chlorophenyl)ethylene). These tolerances are not established to provide for residues from the purposeful use of DDT, DDD, or DDE on dairy cattle, in dairy barns, or on the crops intended to be used for feeding dairy cattle.

3. The following new section is added to Part 121:

§ 121.1093a DDT and its related degradation products in manufactured dairy products.

Tolerances of 1.25 parts per million on the milk-fat basis are established for residues in manufactured dairy products for each or any combination of the following: DDT, DDD (1,1-dichloro-2,2-bis(p-chlorophenyl)ethane), and DDE (1,1-dichloro-2,2-bis(*p*-chlorophenyl) ethylene). Such residues may be present therein only as a result of permissible residues in milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408(d)(3), (e), 409(c)(1), (4); 68 Stat. 513, 514, 72 Stat. 1786; 21 U.S.C. 346a(d)(3), (e), 348(c)(1), (4))

Dated: March 8, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-2840; Filed, Mar. 14, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

EMULSIFIERS AND/OR SURFACE-ACTIVE AGENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7B2104) filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, and other relevant material, has concluded that § 121.2541 of the food additive regulations should be amended to provide for the safe use of sorbitan monolaurate as an emulsifier and/or surface-active agent in the manufacture of articles intended for use in contact with food. The Commissioner has further concluded that references to sorbitan monolaurate should be deleted from §§ 121.2506, 121.2507, 121.2525, 121.2531, and 121.2557 since the amendment to § 121.2541 in this order provides for the use of the additive as contemplated.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended in the following respects:

§ 121.2506 [Amended]

1. Section 121.2506 *Industrial starch-modified* is amended by deleting from the list in paragraph (b) the item "Sorbitan monolaurate."

§ 121.2507 [Amended]

2. Section 121.2507 *Cellophane* is amended by deleting from the list in paragraph (c) the item "Sorbitan monolaurate."

§ 121.2525 [Amended]

3. Section 121.2525 *Acrylate ester copolymer coating* is amended by deleting from the list in paragraph (b) the item "Sorbitan monolaurate."

§ 121.2531 [Amended]

4. Section 121.2531 *Surface lubricants used in the manufacture of metallic articles* is amended by deleting from the list in paragraph (b)(2) the item "Sorbitan monolaurate."

5. Section 121.2541(c) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2541 Emulsifiers and/or surface-active agents.

* * * * *

(c) List of substances:

	Limitations
* * *	* * *
Sorbitan monolaurate meeting the following specifications: Saponification number 153–170; and hydroxyl number 330–360.	----------
* * *	* * *

§ 121.2557 [Amended]

6. Section 121.2557 *Defoaming agents used in coatings* is amended by deleting from the list in paragraph (d)(3) the item "Sorbitan monolaurate."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 9, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2841; Filed, Mar. 14, 1967; 8:49 a.m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Ampicillin Trihydrate for Oral Suspension

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), the antibiotic drug regulations are amended, to provide for the certification of ampicillin trihydrate for oral suspension containing the equivalent of 100 milligrams of ampicillin per milliliter, by revising § 146a.118(a) to read as follows:

§ 146a.118 Ampicillin trihydrate for oral suspension.

(a) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate for oral suspension is a mixture of ampicillin trihydrate with one or more suitable and harmless colorings, flavorings, buffers, and preservatives. When reconstituted as directed in the labeling, it contains the equivalent of either 25 milligrams of ampicillin, 50 milligrams of ampicillin, or 100 milligrams of ampicillin per milliliter. Its moisture content is not more than 2.5 percent; except that its moisture content is not more than 5.0 percent if it is to contain 100 milligrams of ampicillin per milliliter when reconstituted as directed in the labeling. Its pH, when reconstituted as directed in its labeling, is not less than 5.0 and not more than 7.5. The ampicillin trihydrate used conforms to the standards prescribed by § 146a.6(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

This order provides for the certification of an established antibiotic drug in an additional strength or potency. Since it is in the public interest not to delay in so providing, and since this order is noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 9, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2837; Filed, Mar. 14, 1967; 8:48 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 119—LICENSING OF OFFICERS

Qualification Requirements for Panama Canal Pilots

Effective upon publication in the FEDERAL REGISTER, § 119.141 of Title 35 of the Code of Federal Regulations is revised to read as follows:

§ 119.141 Pilot, Panama Canal; qualifications.

(a) The minimum requirements to qualify an applicant for a license as Panama Canal Pilot are as follows:

(1) He must not have reached his 40th birthday at the time of his employment as Pilot-in-Training by the Panama Canal Company;

(2) He must have served at least 6 months as Chief Mate of Ocean Steam or Motor Vessels of 1,000 gross tons or over and hold a license issued by the U.S. Coast Guard as Master of Steam or Motor Vessels, Any Gross Tons, Any Ocean; or he must have served at least 5 years as Master of tugboats, 3 years of which service shall have been as Master of Panama Canal Company tugboats other than small tugboats, while holding a license issued by the Supervising Inspector of the Canal Zone as Pilot, U.S. Government Local Vessel, under § 119.143, and hold a license issued by the U.S. Coast Guard in one of the following classes:

(i) Master of Steam or Motor Vessels, Any Gross Tons, Any Ocean;

(ii) Master of Coastwise Steam or Motor Vessels, Any Gross Tons;

(iii) Master of Great Lakes Steam or Motor Vessels, Any Gross Tons;

(iv) Master of Bays, Sounds, and Lakes other than the Great Lakes Steam and Motor Vessels, Any Gross Tons;

(v) Master of River Steam or Motor Freight and Towing Vessels, Any Gross Tons.

(3) Prior to receiving a license as Pilot an applicant must pass the prescribed examination. In addition, the applicant must satisfactorily complete the following experience requirements:

(i) For a license as Pilot, Limited to vessels of not over 225 feet in length, he must have been employed as Pilot-in-Training by the Panama Canal Company for at least four (4) months, unless he qualifies for employment as a Pilot-in-Training by reason of his service as Master of tugboats, in which case he must have been employed for at least three (3) months as Pilot-in-Training by the Panama Canal Company;

(ii) For a license as Pilot, Limited to vessels not over 526 feet in length, he must have been employed by the Panama Canal Company as Pilot-in-Training and Pilot, Limited to vessels not over 225 feet, for at least seven (7) months; unless he qualifies for employment as a Pilot-in-Training by reason of his service as Master of tugboats, in which case he must have been employed for at least six (6) months as Pilot-in-Training and Pilot, Limited to vessels not over 225 feet; and

(iii) For a license as Pilot, Panama Canal, of Vessels of Any Tonnage Upon All Canal Zone Waters, he must have been employed by the Panama Canal Company as Pilot, Limited to vessels not over 526 feet, for at least twelve (12) months.

(b) Whenever qualified applicants meeting the age criteria specified in paragraph (a)(1) of this section are not available in sufficient numbers to meet the need for pilot trainees, the Marine Director may waive the age requirement in individual cases where the applicant otherwise fully meets the requirements but in no case may an applicant be employed after he has reached his 45th birthday.

(c) In the case of pilot trainees who are unusually well qualified by reason of previous piloting experience, the minimum employment period specified in paragraph (a)(3)(iii) of this section may be shortened upon recommendation of the Marine Director approved by the Governor.

(d) In the case of a pilot who has had any minimum-employment period specified in paragraph (a)(3) of this section extended, any subsequent employment period may be shortened, in any amount not exceeding the period of such prior extension, upon recommendation of the Marine Director approved by the Governor.

(2 C.Z.C. 1331(4), 76A Stat. 46; 35 CFR § 3.3(a)(4) as added by E.O. 11305 of Sept. 12, 1966, 31 F.R. 12007)

Date signed: March 2, 1967.

[SEAL] W. P. LEBER,
Governor.

[F.R. Doc. 67-2814; Filed, Mar. 14, 1967; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4153]

[Idaho 04838]

IDAHO

Withdrawal for the C. J. Strike Wildlife Management Area

Correction

In F.R. 67-1690 appearing in the issue for Wednesday, February 15, 1967, at page 2888 under "T. 5 S., R. 7E.", the last entry should read "Sec. 35, E½ SE¼."

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 11—Coast Guard, Department of the Treasury

[CGFR 67-3]

PART 11-3—PROCUREMENT BY NEGOTIATION

Subpart 11-3.2—Circumstances Permitting Negotiation

PART 11-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 11-4.50—Architect-Engineering Services

ARCHITECT-ENGINEERING SERVICES

Pursuant to authority vested in me as Commandant, U.S. Coast Guard by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530):

1. Section 11-3.204 is amended by deleting paragraph (b)(2). As amended, this section reads as follows:

§ 11-3.204 Personal and professional services.

(a) *Authority.* Section 2304(a)(4) of 10 U.S.C. is applicable for Coast Guard procurement under this section.

(b) *Limitations.* In addition to the limitations imposed in § 1-3.204(b)(1), specific approval of the Commandant (FS) will be obtained prior to negotiation of contracts under this section.

2. Subpart 11-4.50 is deleted from Chapter 11 of Title 41 of the Code of Federal Regulations.

(14 U.S.C. 633, 10 U.S.C. Ch. 137)

Dated: February 24, 1967.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67-2821; Filed, Mar. 14, 1967; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter VI—National Science Foundation

PART 611—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE NATIONAL SCIENCE FOUNDATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Revocation of Assignments to Department of Health, Education, and Welfare

The new § 611.12a on assignment of responsibilities which was added to 45 CFR Part 611 and which was printed at Page 3150 of the FEDERAL REGISTER, Volume 32, No. 36—Wednesday, February 22, 1967, is hereby revoked.

Dated: March 7, 1967.

LELAND J. HAWORTH,
Director,
National Science Foundation.

[F.R. Doc. 67-2812; Filed, Mar. 14, 1967; 8:46 a.m.]

Chapter VII—Commission on Civil Rights

REVISION OF CHAPTER

Chapter VII of Title 45 of the Code of Federal Regulations is revised to read as follows:

701 Organization and functions of the Commission.
702 Rules on hearings of the Commission.
703 Operations and functions of State Advisory Committees.
704 Communications and confidential information.
705 Employee responsibilities and conduct.

PART 701—ORGANIZATION AND FUNCTIONS OF THE COMMISSION

Subpart A—Operations and Functions

701.1 Establishment.
701.2 Responsibilities.

Subpart B—Organization Statement

701.11 Membership of the Commission.
701.12 Staff organization.
701.13 Field offices.

AUTHORITY: The provisions of this Part 701 issued under secs. 101–106, 71 Stat. 634–636, as amended; 42 U.S.C. 1975–1975e.

Subpart A—Operations and Functions

§ 701.1 Establishment.

The United States Commission on Civil Rights (hereinafter referred to as the "Commission") is a bipartisan agency of the Executive branch of the Government. Established under the Civil Rights Act of 1957, 71 Stat. 634, the Commission derives its responsibilities from that Act and from amendments to it in the Civil Rights Act of 1960, 74 Stat. 86, and in the Civil Rights Act of 1964, 78 Stat. 241. (Hereinafter the 1957 Act as amended will be referred to as "the Act.")

§ 701.2 Responsibilities.

(a) The Commission's responsibilities under section 104(a) of the Act may be summarized briefly as follows:

(1) Investigating sworn allegations that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of color, race, religion, or national origin;

(2) Studying and collecting information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;

(3) Appraising the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution;

(4) Serving as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion, or national origin;

(5) Investigating sworn allegations that citizens are being accorded or denied the right to vote in Federal elections as a result of patterns or practices of fraud or discrimination.

(b) Under section 104(b) of the Act the Commission is charged with: The submission of interim reports to the President and to the Congress at such times as the Commission, the Congress, or the President shall deem desirable, and the submission to the President and to the Congress of the final report of its activities, findings, and recommendations not later than January 31, 1968.

(c) In fulfilling these responsibilities the Commission is authorized by the Act to hold hearings; to constitute State Advisory Committees; to consult with Governors, Attorneys General, other representatives of State and local governments, and private organizations; and to issue subpenas for the production of documents and the attendance of witnesses. The Act also provides that all Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

Subpart B—Organization Statement

§ 701.11 Membership of the Commission.

Pursuant to section 101 of the Act:

(a) The Commission is composed of six members, appointed by the President by and with the advice and consent of the Senate, not more than three of whom are of the same political party.

(b) The Chairman and Vice-Chairman of the Commission are designated by the President, the Vice-Chairman acting as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(c) No vacancy in the Commission affects its powers and any vacancy is filled in the same manner and subject to the same limitation with respect to party affiliations as the original appointment was made.

(d) Four members of the Commission constitute a quorum.

§ 701.12 Staff organization.

(a) Pursuant to section 105(a) of the Act, the staff of the Commission consists of a Staff Director, appointed by the President by and with the advice and consent of the Senate, and of such other personnel as the Commission may appoint within the limitations of its appropriation.

(b) The staff organization of the Commission is as follows:

(1) *Office of the Staff Director.* Under the general direction of the Commission the Office of the Staff Director plans the agency work program; directs, supervises and coordinates the work of divisions and offices; reports plans, work programs and activities of the agency to the Commission; represents the agency in relationships with Executive Office of the President, the Congress, other Federal agencies, the press, national civil rights organizations, other private and public State and local groups and the general public; and manages the administrative affairs of the agency.

(2) *Office of General Counsel.* The Office of General Counsel plans and conducts hearings to investigate and obtain information about civil rights denials; conducts studies and prepares reports in areas within the jurisdiction of the Commission, particularly in the areas of the administration of justice and voting; receives complaints alleging denials of civil rights, refers these to Federal agencies having jurisdiction and follows up on action taken; drafts or reviews proposals for legislative and executive action in civil rights and prepares testimony on civil rights legislation; reviews all agency publications for legal sufficiency, provides in-house legal counsel to the agency; and drafts and negotiates all agency contracts.

(3) *Information Office.* The Information Office prepares and disseminates information about the Commission and its studies and publications through various techniques of communication; prepares or assists in the preparation of clearinghouse publications; edits and prepares for printing all Commission publications, including hearing transcripts and reports; maintains liaison with the news media; writes speeches and coordinates speaking engagements of Commission staff; maintains informational liaison with public and private groups and individuals interested in civil rights.

(4) *Office of Business Administration.* The Office of Business Administration provides administrative services to the agency in the areas of personnel, financial management, management analysis, procurement, space, travel, reproduction, mail and messenger services.

(5) *Federal Programs Division.* The Federal Programs Division plans and conducts appraisals and studies of Federal laws, policies, administration and programs; maintains liaison with Federal agencies on civil rights policies, administration and programs; provides clearinghouse services and prepares clearinghouse publications in areas related to Federal programs; provides technical assistance on civil rights matters related to Federal programs to other Commission units and to public and private groups and individuals.

(6) *Field Services Division.* The Field Services Division plans and directs field programs of the Commission; organizes, supervises, and plans work programs of investigations, meetings, conferences, and reports for State Advisory Committees to the Commission which are located in each State and the District of Columbia; assists other Commission units in carrying out hearings, meetings, studies, and clearinghouse functions in the field; maintains liaison with public and private organizations and individuals interested in civil rights at the regional, State, and local levels.

(7) *Research Division.* The Research Division plans and conducts or stimulates studies to advance basic knowledge about the extent, causes, and socio-economic consequences of civil rights denials; maintains a Technical Information Center for the storage, retrieval and dissemination of information related to civil rights problems and minority groups; prepares clearinghouse materials; provides technical research assistance to other Commission units and to public and private groups and individuals.

§ 701.13 Field offices.

The Commission has established field offices at:

Federal Office Building, 167 North Main Street, Memphis, Tenn.
1428 New Federal Building, 219 South Dearborn Street, Chicago, Ill.

PART 702—RULES ON HEARINGS OF THE COMMISSION

Sec.
702.1 Definitions.
702.2 Authorization for hearing.
702.3 Notice of hearing.
702.4 Subpenas.
702.5 Conduct of proceedings.
702.6 Executive session.
702.7 Counsel.
702.8 Evidence at Commission proceedings.
702.9 Cross-examination at public session.
702.10 Voluntary witnesses at public session of a hearing.
702.11 Special executive session.
702.12 Contempt of the Commission.
702.13 Intimidation of witnesses.
702.14 Transcript of Commission proceedings.
702.15 Witness fees.
702.16 Attendance of news media at public sessions.
702.17 Communications with respect to Commission proceedings.

AUTHORITY: The provisions of this Part 702 issued under secs. 101–106, 71 Stat. 634–636, as amended; 42 U.S.C. 1975–1975e.

§ 702.1 Definitions.

For purposes of the following Rules on Hearings of the United States Commission on Civil Rights, the following definitions shall apply, unless otherwise provided:

(a) "The Act" shall refer to the Civil Rights Act of 1957, 71 Stat. 634, as amended.

(b) "The Commission" shall refer to the United States Commission on Civil Rights or, as provided in § 702.2, to any authorized subcommittee thereof.

(c) "The Chairman" shall refer to the Chairman of the Commission or authorized subcommittee thereof or to any acting Chairman of the Commission or of such subcommittee.

(d) "Proceeding" shall refer collectively to any public session of the Commission and any executive session held in connection therewith.

(e) "Hearing" shall refer collectively to a public session of the Commission and any executive session held in connection therewith, but shall not include a session held for the sole purpose of receiving subpenaed documents.

(f) "The rules in this part" shall refer to the Rules on Hearings of the Commission.

§ 702.2 Authorization for hearing.

Under section 105(f) of the Act the Commission or, on the authorization of the Commission, any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of the Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable; and the holding of hearings by the Commission or the appointment of a subcommittee to hold hearings pursuant to this section must be approved by a majority of the Commission, or by a majority of the members present at a meeting at which at least a quorum of four members is present.

§ 702.3 Notice of hearing.

At least 30 days prior to the commencement of any hearing, the Commission shall cause to be published in the FEDERAL REGISTER notice of the date on which such hearing is to commence, the place at which it is to be held, and the subject of the hearing.

§ 702.4 Subpenas.

(a) Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued by the Commission over the signature of the Chairman and may be served by any person designated by him.

(b) A witness compelled to appear before the Commission or required to produce written or other matter shall be served with a copy of the rules in this part at the time of service of the subpena.

(c) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a place outside the State wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process except that, in any event, the Commission may issue subpenas for the attendance and testimony of witnesses and the production of written or other matter at a place within 50 miles of the place where the witness is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process.

(d) The Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses except as otherwise provided in §702.6(e).

(e) Requests for subpena shall be in writing, supported by a showing of the general relevance and materiality of the evidence sought. Witness fees and mileage, computed pursuant to § 702.15, shall be paid by the person at whose instance a witness is subpenaed.

(f) Subpenas shall be issued at a reasonably sufficient time in advance of their scheduled return, in order to give the person subpenaed an opportunity to prepare for his appearance and to employ counsel, should he so desire.

(g) No subpenaed document or information contained therein shall be made public unless it is introduced into and received as part of the official record of the hearing.

§ 702.5 Conduct of proceedings.

(a) The Chairman shall announce in an opening statement the subject of the proceeding.

(b) Following the opening statement, the Commission shall first convene in executive session if one is required pursuant to the provisions of § 702.6.

(c) The Chairman shall, subject to the approval of the Commission—

(1) Set the order of presentation of evidence and appearance of witnesses;

(2) Rule on objections and motions;

(3) Administer oaths and affirmations;

(4) Make all rulings with respect to the introduction into or exclusion from the record of documentary or other evidence;

(5) Regulate the course and decorum of the proceeding and the conduct of the parties and their counsel to insure that the proceedings are conducted in a fair and impartial manner.

(d) Proceedings shall be conducted with reasonable dispatch and due regard shall be had for the convenience and necessity of witnesses.

(e) The questioning of witnesses shall be conducted only by Members of the Commission, by authorized Commission staff personnel, or by counsel to the extent provided in § 702.7.

(f) In addition to persons served with a copy of the rules in this part pursuant to §§ 702.4 and 702.6, a copy of the rules in this part will be made available to all witnesses.

(g) The Chairman may punish breaches of order and decorum by censure and exclusion from the proceedings.

§ 702.6 Executive session.

(a) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive

such evidence or testimony or summary of such evidence or testimony in executive session.

(b) The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony.

(1) Such person shall be served with notice in writing of the date, time, and place made available for the appearance of witnesses at executive session, at least 10 days prior to such date, or where service is by mail at least 14 days prior to such date. This notice shall be accompanied by a copy of the rules in this part and by a brief summary of the information which the Commission has determined may tend to defame, degrade, or incriminate such person.

(2) The notice, summary, and rules in this part shall be served personally by depositing the same in the United States mail as certified mail, or by leaving a copy thereof at the last known residence or business address of such person.

(3) The date of service, for purposes of this section, shall be the day when the material is deposited in the United States mail or is delivered in person, as the case may be. When service is made by certified mail, the return post office receipt shall be proof of service; in all other cases, the acknowledgment of the party served, or the verified return of the one making service shall be proof of the same.

(c) If a person receiving notice under this section notifies the Commission within 5 days of service of such notice, or where service is by mail within 8 days of service of such notice that the time schedule therein constitutes a hardship, the Commission may, in its discretion, set a new time for his appearance at executive session.

(d) In the event such person fails to appear at executive session at the time and place made available under paragraph (b) or (c) of this section, he shall not be entitled to another opportunity to appear at executive session, except as provided in § 702.11.

(e) If such person intends to submit sworn statements of himself or others, or if he intends to request that witnesses appear in his behalf at executive session, he shall, no later than 48 hours prior to the time set under paragraph (b) or (c) of this section, submit to the Commission all such statements and a list of all such witnesses. The Commission will inform such person whether the number of witnesses requested is reasonable within the meaning of paragraph (b) of this section. In addition, the Commission will receive and dispose of requests from such person to subpena other witnesses. Requests for subpenas shall be made sufficiently in advance of the scheduled executive session as to afford persons subpenaed reasonable notice of their obligation to appear at that session. Subpenas returnable at executive session shall be governed by the provisions of § 702.4.

(f) Persons for whom an executive session has been scheduled, and persons compelled to appear at such session, may be represented by counsel at such session to the extent provided by § 702.7.

(g) Attendance at executive session shall be limited to Members of the Commission, authorized Commission staff personnel, witnesses and their counsel at the time scheduled for their appearance, and such other persons whose presence is requested or consented to by the Commission.

(h) In the event the Commission determines to release or to use evidence or testimony which it has determined may tend to defame, degrade, or incriminate any person, in such a manner as to reveal publicly the identity of such person, such evidence or testimony, prior to such public release or use, will be presented at a public session, and the Commission will afford such person an opportunity to appear as a voluntary witness or to file a sworn statement in his behalf and to submit brief and pertinent sworn statements of others.

§ 702.7 Counsel.

(a) Any person compelled to appear in person before the Commission and any witness appearing at a public session of the Commission will be accorded the right to be accompanied and advised by counsel, who will have the right to subject his client to reasonable examination, and to make objections on the record and to argue briefly the basis for such objections.

(b) For the purpose of this section, "counsel" shall mean an attorney at law admitted to practice before the Supreme Court of the United States, or the highest court of any State or Territory of the United States.

(c) The failure of any person to obtain counsel shall not excuse him from attendance in response to a subpena, nor shall any person be excused in the event his counsel is excluded from the proceeding pursuant to § 702.5(g). In the latter case, however, the witness shall be afforded a reasonable time to obtain other counsel, said time to be determined by the Commission.

§ 702.8 Evidence at Commission proceedings.

(a) The rules of evidence prevailing in courts of law or equity shall not control proceedings of the Commission.

(b) Where a witness testifying at a public session of a hearing or a session for return of subpenaed documents offers the sworn statements of other persons, such statements, in the discretion of the Commission, may be included in the record, provided they are received by the Commission 24 hours in advance of his appearance.

(c) The prepared statement of a witness testifying at a public session of a hearing, in the discretion of the Commission, may be placed into the record or may be read into the record, provided that such statement is received by the Commission 24 hours in advance of his appearance.

(d) In the discretion of the Commission, evidence may be included in the record after the close of a public session of a hearing, provided the Commission determines that such evidence does not tend to defame, degrade, or incriminate any person.

(e) The Commission will determine the pertinency of testimony and evidence adduced at its proceedings, and may refuse to include in the record of a proceeding or may strike from the record any evidence it considers to be cumulative, immaterial, or not pertinent.

§ 702.9 Cross-examination at public session.

If the Commission determines that oral testimony of a witness at a public session tends to defame, degrade, or incriminate any person, such person or his counsel shall be permitted to submit questions to the Commission in writing, which, in the discretion of the Commission, may be put to such witness by the Chairman or by authorized Commission staff personnel.

§ 702.10 Voluntary witnesses at public session of a hearing.

A person who has not been subpenaed and who has not been afforded an opportunity to appear pursuant to § 702.6 may be permitted, in the discretion of the Commission, to make an oral or written statement at a public session of a hearing. Such person may be questioned to the same extent and in the same manner as other witnesses before the Commission.

§ 702.11 Special executive session.

If, during the course of a public session, evidence is submitted which was not previously presented at executive session and which the Commission determines may tend to defame, degrade, or incriminate any person, the provisions of § 702.6 shall apply, and such extensions, recesses or continuances of the public session as it deems necessary shall be ordered by the Commission, except that the time and notice requirements of § 702.6 may be modified by the Commission provided reasonable notice of a scheduled executive session is afforded such person, and except that the Commission may, in its discretion, strike such evidence from the record, in which case the provisions of § 702.6 shall not apply.

§ 702.12 Contempt of the Commission.

Proceedings and process of the Commission are governed by section 105(g) of the Act, which provides:

> In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce pertinent, relevant and nonprivileged evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

§ 702.13 Intimidation of witnesses.

Witnesses at Commission proceedings are protected by the provisions of 18 U.S.C. 1505, which provide:

> Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness in any proceeding pending before any department or agency of the United States, or in connection with any inquiry or investigation being had by either House, or any Committee of either House, or any joint committee of the Congress; or
>
> Whoever injures any party or witness in his person or property on account of his attending or having attended such proceeding, inquiry, or investigation, or on account of his testifying or having testified to any matter pending therein; or
>
> Whoever, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part with any civil investigative demand duly and properly made under the Antitrust Civil Process Act willfully removes from any place, conceals, destroys, mutilates, alters, or by other means falsifies any documentary material which is the subject of such demand; or
>
> Whoever corruptly, or by threats of force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department or agency of the United States, or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—
>
> Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 702.14 Transcript of Commission proceedings.

(a) An accurate transcript shall be made of the testimony of all witnesses at all proceedings of the Commission. Transcripts shall be recorded solely by the official reporter, or by any other person or means designated by the Commission.

(b) Every person who submits data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that a witness in a hearing held in executive session may for good cause be limited to inspection of the official transcript of his testimony. Transcript copies of public sessions may be obtained by the public upon the payment of the cost thereof.

(c) Any person who has presented testimony at a proceeding may ask within 60 days after the close of the proceeding to correct errors in the transcript of his testimony. Such requests shall be granted only to make the transcript conform to his testimony as presented at the proceeding.

§ 702.15 Witness fees.

Pursuant to section 102(j) of the Act: A witness attending any session of the Commission shall receive $6 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 10 cents per mile for going from and returning to his place of residence; witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $10 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance; and mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

§ 702.16 Attendance of news media at public sessions.

Reasonable access for coverage of public sessions shall be provided to the various means of communication, including newspapers, magazines, radio, newsreels, and television, subject to the physical limitations of the room in which the session is held and consideration of the physical comfort of Commission Members, staff, and witnesses. However, no witness shall be televised, filmed, or photographed during the session nor shall his testimony be broadcast or recorded for broadcasting, if he objects.

§ 702.17 Communications with respect to Commission proceedings.

During any proceeding held outside Washington, D.C., communications to the Commission with respect to such proceeding must be made to the Chairman or authorized Commission staff personnel in attendance. All requests for subpenas returnable at a hearing, requests for appearance of witnesses at a hearing, and statements or other documents for inclusion in the record of a proceeding, required to be submitted in advance, must be submitted to the Chairman, or such authorized person as he may appoint, at an office located in the community where such hearing or proceeding is scheduled to be held. The location of such office will be set forth in all subpenas issued under the rules in this part and in all notices prepared pursuant to § 702.6.

PART 703—OPERATIONS AND FUNCTIONS OF STATE ADVISORY COMMITTEES

Sec.
703.1 Name and establishment.
703.2 Functions.
703.3 Scope of subject matter.
703.4 Membership.
703.5 Officers.
703.6 Subcommittees.
703.7 Meetings.
703.8 Reimbursement of members.

AUTHORITY: The provisions of this Part 703 issued under secs. 101–106, 71 Stat. 634–636, as amended; 42 U.S.C. 1975–1975e.

§ 703.1 Name and establishment.

Pursuant to section 105(c) of the Act, there are established by the Commission the State Advisory Committees to the Commission (each of which is called in this part the State Committee).

§ 703.2 Functions.

By invitation of the Commission, the State Committee is authorized to exercise the following functions within the limits defined in § 703.3.

(a) Advise the Commission in writing of any knowledge or information it has of any alleged deprivation of the right to vote and to have the vote counted, by reason of color, race, religion, or national origin, or that citizens are being accorded or denied the right to vote in Federal elections as a result of patterns or practices of fraud or discrimination.

(b) Advise the Commission concerning legal developments constituting a denial of equal protection of the laws under the Constitution, and as to the effect of the laws and policies of the Federal Government with respect to equal protection of the laws.

(c) Advise the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.

(d) Receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee.

(e) Initiate and forward advice and recommendations to the Commission upon matters which the State Committee has studied.

(f) Assist the Commission in matters in which the Commission shall request the assistance of the State Committee.

(g) Attend, as observers, any open hearing or conference which the Commission may hold within the State.

§ 703.3 Scope of subject matter.

The scope of subject matter to be dealt with by the State Committee shall be those subjects of inquiry or study with which the Commission itself is authorized to deal, pursuant to section 104(a) of the Act. The State Committee shall confine its studies to the State. It may, however, undertake to study subjects other than those chosen by the Commission for study, within the limits of the Act.

§ 703.4 Membership.

Subject to special exceptions made from time to time by the Commission to fit special circumstances, the State Committee shall consist of at least five members appointed by the Commission. Members of the State Committee shall serve for a fixed term to be set by the Commission upon the appointment of each member subject to the duration of advisory committees prescribed by section 8 of Executive Order 11007, February 26, 1962 (3 CFR), provided that members of the State Committee may be removed by the Commission for good cause.

§ 703.5 Officers.

(a) The officers of the State Committee shall be a chairman and vice chairman and such other officers as the State Committee deems advisable.

(b) The chairman shall be appointed by the Commission.

(c) The vice chairman and other officers shall be elected by the State Committee by a majority vote of the full membership of the State Committee.

(d) The chairman, or in his absence, the vice chairman, shall:

(1) Call meetings of the State Committee.

(2) Preside over all meetings of the State Committee.

(3) Appoint all subcommittees of the State Committee, with the approval of a majority of the State Committee.

(4) Perform such other functions as the State Committee may authorize or the Commission may request, within the limits of the Act.

§ 703.6 Subcommittees.

The State Committee may:

(a) Approve the establishment of subcommittees, composed of members of the State Committee to study and report upon matters under consideration, and it may authorize such subcommittees to take specific action upon matters within the competence of the State Committee.

(b) Designate, with the prior approval of the Commission, or at the request of the Commission, individual members of the State Committee to perform special projects involving research or study within the scope of the subject matter defined in § 703.3.

§ 703.7 Meetings.

(a) Meetings of the State Committee shall be called whenever it is deemed necessary or desirable by the chairman, or by a majority of the State Committee, or by the Commission, provided that the following conditions have been met:

(1) The Commission has given prior written approval of such meeting, and

(2) There is a quorum present. A quorum shall consist of one-half or more of the members of the State Committee, or five members, whichever is the lesser, except that with respect to open meetings provided for in paragraph (c) of this section, a quorum shall consist of three members.

(b) Summary minutes shall be prepared and made available as soon as practicable after each meeting for distribution to the members of the State Committee and to the Commission.

(c) In connection with its functions under the regulations in this part and subject to them, a State Committee may hold open meetings for the purpose of soliciting information and advice from local officials and other persons respecting subject matter within its jurisdiction, provided, however, that a State Committee shall not, in conjunction with its meetings, or otherwise, purport to conduct a formal hearing or adversary proceeding of any type, take oral testimony under oath, or issue subpenas.

(d) Pursuant to the authority of Executive Order 11007, dated February 26, 1962, section 6(f) thereof, the Chairman of the Commission has made the following determinations:

(1) That compliance with the requirements of section 6, subsections (a), (b), and (c), of the aforesaid Executive Order would interfere with the proper functioning of the State Advisory Committees of the Commission on Civil Rights, in that the assignment of a full-time salaried officer or employee of the Commission to each of the State Advisory Committee meetings would be impossible and impractical within the limitations of the staff and budget of the Commission, and

(2) That the Commission on Civil Rights has retained Consultants, on a part-time basis, to assist the Commission staff in attendance at State Advisory Committee meetings to the end that the intent of the aforesaid Executive Order is complied with, and

(3) That adequate provisions have been otherwise made by the statement governing State Advisory Committees published herewith to insure that such committee operations are subject to Government control and in conformity with the proper purposes and functioning of the Commission, and

(4) That the nature of the function of the State Advisory Committees as set forth in the said statement governing the State Advisory Committees is such that the waiver of the aforesaid requirement specified in section 6, subsections (a), (b), and (c), of the said Executive Order are in the public interest; and

(5) That, therefore, the meeting of a State Advisory Committee shall not be subject to the requirements specified in section 6, subsections (a), (b), and (c), of the Executive Order 11007, dated February 26, 1962.

§ 703.8 Reimbursement of members.

(a) State Committee members may be reimbursed by the Commission by a per diem subsistence allowance and for travel expenses at rates not to exceed those prescribed by Congress for Government employees, for the following activities only:

(1) Attendance at meetings, as defined in § 703.7.

(2) Any activity specifically requested and authorized by the Commission to be reimbursed.

(b) Members will be reimbursed for the expense of travel by private automobile on a mileage basis only to the extent such expense is no more than that of suitable public transportation for the same trip, unless special circumstances justify the additional expense of travel by private automobile.

(c) From time to time, the Commission may give prior authorization for the reimbursement of the State Committee for secretarial help and expenses of duplication and the like, for projects specifically requested by the Commission.

(d) No appropriated funds shall be made available to the State Committee except for the reimbursements authorized in this section.

PART 704—COMMUNICATIONS AND CONFIDENTIAL INFORMATION

Sec.

704.1 Communications with the Commission.
704.2 Confidential information.

AUTHORITY: The provisions of this Part 704 issued under secs. 101–106, 71 Stat. 634–636, as amended; 42 U.S.C. 1975–1975e.

§ 704.1 Communications with the Commission.

(a) *Complaints.* Any person may bring to the attention of the Commission a grievance which he believes falls within the jurisdiction of the Commission, as set forth in section 104 of the Act. This shall be done by submitting a complaint in writing to Office of General Counsel, United States Commission on Civil Rights, 801 19th Street NW., Washington, D.C. 20425. Allegations falling under section 104(a) (1) and (5) of the Act (discrimination or fraud in voting) must be under oath or affirmation. All complaints should set forth the pertinent facts upon which the complaint is based, including but not limited to specification of (1) names and titles of officials or other persons involved in acts forming the basis for the complaint; (2) accurate designations of place locations involved; (3) dates of events described in complaint.

(b) *Other communications.* Requests for information and for Commission literature should be directed to Information Office, United States Commission on Civil Rights, 801 19th Street NW., Washington, D.C. 20425. Communications with respect to Commission hearings should be made pursuant to § 702.17 of this chapter. All other communications with the Commission should be directed to Staff Director, United States Commission on Civil Rights, 801 19th Street NW., Washington, D.C. 20425.

§ 704.2 Confidential information.

(a) By the provisions of section 102(g) of the Act, no evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission, and any person who releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than 1 year.

(b) All information or documents obtained or prepared by any Member, officer or employee of the Commission, including members of State Advisory Committees, in the course of his official duties, or by virtue of his official status, shall, unless a matter of public record, be deemed confidential. No such person may permit the disclosure or use of the same for any purpose other than for the performance of his official duties.

(c) Any member, officer or employee of the Commission, including members of State Advisory Committees, who is served with a subpena, order, or other demand requiring the disclosure of such information or the production of such documents shall appear in response to such subpena, order, or other demand and, unless otherwise directed by the Commission, shall respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this section. Any such person who is served with such a subpena, order, or other demand shall promptly advise the Commission of the service of such subpena, order, or other demand, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

PART 705—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Sec.

705.735–1 Adoption of regulations.
705.735–2 Statements of employment and financial interests.
705.735–3 Review of statements of employment and financial interests.
705.735–4 Disciplinary and other remedial action.
705.735–5 Gifts, entertainment, and favors.
705.735–6 Outside employment.
705.735–7 Miscellaneous statutory provisions.
705.735–8 Specific provisions of Commission regulations governing special Government employees.

AUTHORITY: The provisions of this Part 705 issued under 18 U.S.C. 201–209; E.O. 11222, 30 F.R. 6469, 3 CFR 1965 Supp.; 5 CFR 735.101 et seq.

§ 705.735–1 Adoption of regulations.

Pursuant to 5 CFR 735.104(f), the United States Commission on Civil Rights (referred to hereinafter as the Commission) hereby adopts the following sections of Part 735 of Title 5, Code of Federal Regulations: §§ 735.101–735.102, 735.202 (a), (c), (d), (e)—735.210, 735.302, 735.303(a), 735.304, 735.305(a), 735.403 (a)–(c), 735.404–735.411, 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

§ 705.735–2 Statements of employment and financial interests.

(a) In addition to the employees required to submit statements of employment and financial interests under 5 CFR 735.403 (a)–(c), employees in the following named positions shall submit statements of employment and financial interests:

(1) The Executive Officer of the Commission.

(2) Special Assistants to the Staff Director.

(b) A statement of employment and financial interests is not required under this part from Members of the Commission. Members of the Commission are subject to 3 CFR 100.735–31 and are required to file a statement only if requested to do so by the Counsel to the President.

§ 705.735–3 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this part shall be submitted to and reviewed by the General Counsel, except that the statement of the General Counsel shall be submitted to and reviewed by the Staff Director. When a review indicates a conflict between the interests of an employee or special Government employee of the Commission and the performance of his services for the Government, the reviewing official shall have the indicated conflict brought to the attention of the employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If, in the case of a statement (other than a statement of the Staff Director) reviewed by the General Counsel, the indicated conflict cannot be resolved, the General Counsel shall forward a written report on the indicated conflict to the Staff Director through the counselor for the Commission designated under 5 CFR 735.105(a). Should a conflict be indicated in a statement of the Staff Director or the General Counsel, and the conflict cannot be resolved, the reviewing officials shall forward a written report on the indicated conflict to the Chairman of the Commission.

§ 705.735–4 Disciplinary and other remedial action.

An employee or special Government employee of the Commission who violates any of the regulations in this part or adopted under § 705.735–1 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(a) Changes in assigned duties;

(b) Divestment by the employee or special Government employee of his conflicting interest; or

(c) Disqualification for a particular assignment.

§ 705.735–5 Gifts, entertainment, and favors.

The Commission authorizes the exceptions to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b) (1)–(4).

§ 705.735–6 Outside employment.

An employee of the Commission may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who wishes to engage in outside employment shall first obtain the approval, in writing, of the Staff Director or his designee.

§ 705.735–7 Miscellaneous statutory provisions.

All employees and special Government employees of the Commission are subject to the prohibition on disclosure of evidence taken in executive session contained in section 102(g) of the Civil Rights Act of 1957, 71 Stat. 634, as amended by the Civil Rights Act of 1964, 78 Stat. 241.

§ 705.735–8 Specific provisions of Commission regulations governing special Government employees.

(a) Special Government employees of the Commission shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 705.735–1, except 5 CFR 735.203(b).

(b) Special Government employees of the Commission may teach, lecture, or write in a manner not inconsistent with 5 CFR 735.203(c).

(c) Pursuant to 5 CFR 735.305(b), the Commission authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 705.735–5.

This Part 705 was approved by the Civil Service Commission on January 3, 1967, and became effective upon publication in the FEDERAL REGISTER on January 11, 1967.

Dated: March 10, 1967.

JOHN A. HANNAH,
Chairman,
U.S. Commission on Civil Rights.

[F.R. Doc. 67–2820; Filed, Mar. 14, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket 16621; FCC 67–293]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Miscellaneous Amendments

In the matter of amendment of Parts 2 and 87 to change the rules governing the aeronautical advisory service.

1. The Commission on May 4, 1966, adopted a notice of proposed rule making in the above entitled matter (FCC 66–401) which made provision for the filing of comments and was duly published in the FEDERAL REGISTER on May 11, 1966 (31 F.R. 6909). The time for filing comments has passed.

2. The notice proposed extensive revisions of the rules governing the aeronautical advisory service based, in part, on the recent report of the Radio Technical Commission for Aeronautics (SC–113). The major areas of revision are: (1) The eligibility requirements, (2) frequency assignments, and (3) to allow, under certain conditions, an additional station at a landing area when the original station has ceased to provide service.

3. Comments were filed by Aerospace and Flight Test Radio Coordinating Council (AFTRCC), Aircraft Owners and Pilots Association (AOPA), Central Committee on Communication Facilities of the American Petroleum Institute, Chevron Oil Co., International Milling Co., Inc., National Business Aircraft Association (NBAA), National Pilots Association (NPA), State of Oregon—Board of Aeronautics, and Tilford Flying Service.

4. AFTRCC, AOPA, Central Committee on Communication Facilities of the American Petroleum Institute, Chevron Oil Co., and The NPA all favor adoption of the rules as proposed. The remaining respondents either objected to certain sections of the proposal or suggested

amendments of the proposal. These comments will be treated in detail in the following paragraphs.

5. International Milling Co., Inc., advocates the assignment of additional frequencies to those landing areas where more than one fixed-base operator is located. It appears that respondent envisages these additional frequencies would be used by the other operators so that direct air-ground contact may be made by the aircraft with the particular fixed-base operator who services his craft. In addition, guidelines are requested so that applicants may determine harmful interference in advance of filing an application in order to determine if additional frequencies are necessary.

6. Tilford Flying Service points out that an aeronautical advisory service is a vital and revenue producing item for a fixed-base operator. It favors making the frequency available on a nonexclusive basis to every properly designated operator. Respondent cites, for example, the Palm Beach International Airport where the Director of Airports is the licensee and all fixed-base operators are given access to the station.

7. NBAA endorses the proposal's objectives. It urges, however, that the flexibility in frequency assignment that has been proposed in § 87.253(c) for landing areas not open to the public be extended to landing areas open to the public.

8. The State of Oregon—Board of Aeronautics feels that the problem discussed in paragraph No. 3 of the notice which relates to problems encountered when a licensee abandons his station could be met by the airport owner forwarding the outstanding authorization to the Commission for cancellation. The Board "firmly oppose(s)" any change in the section on eligibility. It feels that the permission of the owner as now required is good and should be retained. The Board also takes the position that notice procedures, proposed as § 87.251(b), will increase the time and work needed before a station is licensed and could be a very cumbersome problem. Further, personalities would enter into this method of approval, and delays could be very extensive.

9. The Commission, since the inception of the aeronautical advisory service, has retained the limit of one aeronautical advisory station to a landing area. This restriction has been considered necessary from the standpoint of aviation safety. The RTCA specifically treated this matter in its report prepared by SC-113. The pertinent part of the report reads as follows:

> The consideration of more than one station at a landing area poses fundamental but unresolved problems of: Who will be primarily responsible for answering incoming calls; the legal complications which can develop should contradictory information be issued a pilot on safety of flight matters such as field or runway conditions and which could lead to an accident; and the technical problems of interference, all lead to the conclusion that more than one station at a landing area should not be considered.

The respondents urging removal of this restriction have not presented any information which justifies over-turning this long standing safety precaution.

10. It is recognized, as pointed out by Tilford Flying Service, that an aeronautical advisory station can be a revenue producing item for a fixed-base operator. However, the revenue producing aspect is entirely secondary to the safety of aircraft and must remain so. The Commission established this class of station, primarily, so that vital safety information could be given to pilots using the landing area. The fact that the station may result in increasing the revenue of the licensee-fixed-base operator is incidental. The Commission, however, has in the past sought to balance this advantage by requiring that communications be impartial with respect to information concerning similar available ground services (§ 87.257(b)). To require a licensee to provide access to the station to all fixed-based operators would not appear consistent with the primary purpose of establishing the service. In addition, it could raise serious legal problems as to the licensee's responsibility for operation of the station if the Commission compelled the licensee to make his station available to all fixed-base operators. This is not to say that a licensee cannot provide dispatch points for the fixed-base operator. In fact, the Commission favors such arrangements but does not feel that it should compel a licensee to provide such service.

11. The notice proposed frequency assignments that would allow landing areas not open to the public to obtain an alternate frequency upon a showing that harmful interference would be avoided by the use of such alternate frequency. International Milling asks for guidelines to determine "harmful interference." The Commission did not contemplate any strict engineering showing to obtain an alternate frequency, and there is no compelling reason for a nonpublic airport to have a common frequency. The rule will be amended, therefore, to allow an applicant at a landing area not open to the public to select an alternate frequency without regard to any showing of harmful interference. The procedure of having alternate frequencies at landing areas which are open to the public was recommended by NBAA. To expand the alternate frequencies idea to this type of landing area would destroy the uniform or common frequency concept. Today a pilot knows that he can obtain advisory service on 122.8 Mc/s at uncontrolled airports and on 123.0 Mc/s at controlled airports. To inject an alternate frequency into the system would destroy this aspect which is considered quite valuable from a safety standpoint.

12. The recommendation to allow for submission of an outstanding license for cancellation by the airport owner when the licensee abandons the station poses some problems. The request for cancellation should come from the licensee or someone empowered by the licensee to act on his behalf. An airport owner, per se, would not fulfill this requirement. In addition, experience has shown that in many instances the station license is not left behind so that it may be conveniently submitted for cancellation. We feel the present proposal provides a method for avoiding breaks in service while resolution of the status of the outstanding license is being made.

13. The change in eligibility which removes the airport owner as the determining factor as to which person may be a licensee was recommended by RTCA; and from experience gained in administering the service in the past, it appears to be more suitable than the present method which gives the owner the discretion. It should allow for a selection by the Commission of the applicant who will provide the best aeronautical advisory service. Accordingly, the retention of the present eligibility, as urged by the State of Oregon, Department of Aeronautics, is not considered in the public interest.

14. The comments directed to the notice procedures (proposed § 87.251(b)) appear to be based on a misunderstanding of their intended operation. Under this section a prospective licensee must give mere notice of his intention to file an application. No approval or acceptance by those receiving notice is necessary. This procedure merely supplements the notice procedures already provided for under section 309(b) of the Communications Act of 1934, as amended.

15. In summary, the majority of the commentators favored the rule changes as proposed. Those comments which took issue with the proposal or suggested revisions have been treated specifically in this report and order. The rules are essentially as proposed, except for the deletion of the requirement of a showing of harmful interferences and an editorial change to § 87.257(b) to remove the word "similar" which is considered redundant.

16. An application for modification submitted solely for a frequency change that is necessary to comply with the rule amendments adopted herein or any subsequent frequency change necessitated by a change in status of the landing area may be submitted without a fee.

17. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in sections 4(i) and 303 (b), (c), (f), (h), (j), and (r) of the Communications Act of 1934, as amended, that effective April 17, 1967 Parts 2 and 87 of the Commission's rules are amended as set forth below. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 308, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: March 8, 1967.

Released: March 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioner Wadsworth absent; Commissioner Johnson not participating.

§ 2.106 [Amended]

1. Footnote US31 to the Table of Frequency Allocations, § 2.106, is amended to read as follows:

> US31 The band 121.975–123.075 Mc/s is for use by private aircraft stations. In addition, the frequencies 122.80, 122.85, 122.95, 123.00, and 123.05 Mc/s may be used by aeronautical advisory stations and the frequency 122.90 Mc/s may be used by aeronautical multicom stations.

2. Section 87.99(a) is amended to read as follows:

§ 87.99 Information required in station logs.

(a) Except for radionavigation land test stations (MTF), all stations at fixed locations shall maintain logs showing hours of operation, frequencies used and hours of duty and signature of the operator(s) on duty. In any instance where communications pertain to emergency, distress, or danger to life or property, the specific station communicated with, the time of the communications and the nature of the communications shall be recorded.

• • • • •

3. Section 87.201 (b) and (c) is amended to read as follows:

§ 87.201 Frequencies available.

• • • • •

(b) These frequencies are available to private aircraft for air traffic control operations:

> 122.00, 122.05, 122.10, 122.15, 122.20, 122.25, 122.30, 122.35, 122.40, 122.45, 122.50, 122.55, 122.60, 122.65, 122.70, and 122.75 Mc/s.

(c) These frequencies are available to private aircraft stations for communications (1) with aeronautical advisory stations in accordance with Subpart C of this part and (2) between private aircraft while in flight provided that harmful interference is not caused to air-ground communications and such communications pertain to the safety of the flight:

> 122.80, 122.85, 122.95, and 123.05 Mc/s.

In addition, brief keyed RF signals may be transmitted on these frequencies for the control of airport lights from aircraft on the condition that no harmful interference is caused to authorized voice communications.

• • • • •

4. Section 87.251 is revised to read as follows:

§ 87.251 Special conditions.

(a) Only one aeronautical advisory station may be authorized to operate at a landing area: *Provided, however,* Where the Commission has good cause to believe that an existing station has been abandoned or ceased operation, another station may be authorized to provide service at the landing area on an interim basis while the original station is not operating and pending final determination of the status of the original station.

(b) An applicant for an aeronautical advisory station license or renewal thereof must give written notice of such application to the owner of the landing area to be served and all aviation service organizations, so-called fixed-base operators, who are located at the landing area. Such notice shall include the applicant's name and address, name of the landing area to be served, and a statement that the applicant intends to file an application with the Federal Communications Commission for an aeronautical advisory station (Unicom) to serve the named landing area. Such notice shall be given within the 10-day period immediately preceding the filing of the application with the Commission.

(c) Each applicant must submit a statement as part of the application that (1) notice has been given in accordance with paragraph (b) of this section and list the names and addresses of persons given written notice including the dates when such notices were given or (2) notice is not required because the applicant owns the landing area and there are no organizations that should be notified.

(d) An applicant for interim authority under paragraph (a) of this section must give notice, where possible, to the present licensee of the aeronautical advisory station at the landing area and must also meet the notice requirements of paragraphs (b) and (c) of this section.

(e) An aeronautical advisory station and any associated dispatch or control points must be located on the landing area to be served.

5. Section 87.253 is revised to read as follows:

§ 87.253 Frequency assignment.

(a) Aeronautical advisory stations at landing areas open to the public must provide service on a required frequency as follows:

(1) Landing area, other than a heliport, where there is not a control tower of FAA flight service station—122.8 Mc/s;

(2) Landing area, other than a heliport, where there is a control tower of FAA flight service station—123.0 Mc/s;

(3) Landing area that is used exclusively as a heliport—123.05 Mc/s.

(b) Upon a showing of need, stations required to provide service on 123.05 Mc/s also may be assigned 122.8 Mc/s for communication primarily with fixed wing aircraft, and stations required to provide service on 122.8 or 123.0 Mc/s also may be assigned 123.05 Mc/s for communications primarily with helicopters.

(c) Stations at landing areas not open to the public normally will be assigned a frequency in accordance with the provision of paragraph (a) of this section. An alternate frequency of either 122.85 or 122.95 Mc/s, in lieu of that normally assigned, may be authorized upon request.

(d) 121.5 megacycles: This is a universal simplex emergency and distress frequency for air-ground communications and will not be assigned unless (1) a showing is made establishing a need for such service and (2) a regular aeronautical advisory frequency is assigned and available for use to accommodate normal communications needs.

6. Section 87.257 is revised to read as follows:

§ 87.257 Scope of service.

(a) At all times when an aeronautical advisory station is in operation, nonpublic service will be provided to any private aircraft station upon request and without discrimination.

(b) Communications by an aeronautical advisory station shall be impartial with respect to information concerning available ground services.

(c) Aeronautical advisory stations shall not be used for air traffic control purposes.

(d) (1) Communications by an aeronautical advisory station shall be limited to the necessities of safe and expeditious operation of private aircraft, such as, conditions of runways, types of fuel available, wind conditions, weather information, dispatching, or other necessary information: *Provided, however,* That at any landing area at which an airdrome control station or FAA flight service station is located, an aeronautical advisory station shall not transmit information pertaining to the conditions of runways, wind conditions or weather information during the hours of operation of the airdrome control station or FAA flight service station.

(2) On a secondary basis, communications may be transmitted which pertain to the efficient portal-to-portal transit of which the flight is a portion, such as, requests for ground transportation, food, or lodging required during transit.

(e) The frequency 122.8 Mc/s may be used, in addition to its normal purposes, for communications with private aircraft engaged in organized civil defense activities in time of enemy attack or immediately thereafter, and on a secondary basis for communications with private aircraft engaged in organized civil defense activities in preparation for anticipated enemy attack. When used for these purposes, aeronautical advisory stations may be moved from place to place or operated at unspecified locations, except at landing areas served by other aeronautical advisory stations or airdrome control stations, or both.

NOTE: "Civil defense" is defined, for this purpose, in accordance with section 3(b) of the Federal Civil Defense Act of 1950, Public Law 920, 81st Congress as follows:

> The term "civil defense" means all those activities and measures designed or undertaken (1) to minimize the effects upon the civilian population caused or which would be caused by an attack upon the United States, (2) to deal with the immediate emergency conditions which would be created by any such attack, and (3) to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack. Such term shall include, but shall not be limited to, (a) measures to be taken in preparation for anticipated attack (including the establishment of appropriate organizations, operational plans, and supporting agreements; the recruitment and training of personnel; the conduct of research; the procurement and stockpiling of necessary materials and supplies; the provision of suitable warning systems; the construction or preparation of shelters, shelter areas, and control centers;

and when appropriate, the nonmilitary evacuation of civil population), (b) measures to be taken during attack (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities; the evacuation of personnel to shelter areas; the control of traffic and panic; and the control and use of lighting and civil communications); and (c) measures to be taken following attack (including activities for fire fighting; rescue, emergency medical, health, and sanitation services; monitoring for specific hazards for special weapons; unexploded bomb reconnaissance; essential debris clearance; emergency welfare measures; and immediately essential emergency repair or restoration of damaged vital facilities).

[F.R. Doc. 67-2826; Filed, Mar. 14, 1967; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 55]

PART 1—GENERAL RULES OF PRACTICE

Drafting of Recommended Order and Report by Prevailing Party

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 9th day of March 1967.

There being under consideration the Commission's general rules of practice, and for good cause appearing therefor:

It is ordered, that paragraph (i) of § 1.247 of Chapter I of Title 49 of the Code of Federal Regulations be amended to read as follows:

§ 1.247 Special rules governing notice of filing of applications by motor carriers of property or passengers and brokers under sections 206 (except section 206(a)(6) relating to certificates of registration), 209 and 211, by water carriers under sections 302(e), 303, and 309, and by freight forwarders under section 410 of the Interstate Commerce Act, and certain other procedural matters with respect thereto.

* * * * *

(i) *Drafting of recommended order and report by prevailing party.* Applications in which oral hearings are held and in which the hearing officer can announce his decision, either (1) on the record after the close of the taking of testimony or (2) by appropriate notification to the parties after the filing of briefs, may be made the subject of a report and recommended order, prepared by the party or parties in whose favor the hearing officer decides, within a period specified by the hearing officer. The hearing officer will make such changes as he considers appropriate in the draft prepared for him.

It is further ordered, That this amendment shall become effective March 20, 1967.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended; secs. 204, 205, 49 Stat. 546, as amended, 548, as amended; secs. 304, 316, 54 Stat. 933, 946; secs. 403, 417, 56 Stat. 285, 297, as amended; 49 U.S.C. 12, 17, 304, 904, 916, 1003, 1017)

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2848; Filed, Mar. 14, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1001, 1002, 1015]

[Docket Nos. AO 14-A38-R01, AO 71-A51, AO 305-A16]

MILK IN MASSACHUSETTS-RHODE ISLAND, NEW YORK-NEW JERSEY, AND CONNECTICUT MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Massachusetts-Rhode Island, New York-New Jersey, and Connecticut marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at New York, N.Y., on February 15-16, 1967, pursuant to notices thereof which were issued February 2, 1967 (32 F.R. 2447), and February 8, 1967 (32 F.R. 2819).

The material issues on the record of the hearing relate to:

1. The incorporation in these three orders of a coordinated plan of seasonal pricing. The coordinated plan would:

a. Eliminate seasonal factors now used in computing Class I prices.

b. Apply seasonal factors in computing blend prices designed to create greater incentives for producers to deliver milk to these markets in certain months and reduce incentives in other months.

2. When the changes described in issue No. 1 should be made effective.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

1. *A coordinated plan.* A plan which incorporates in each of these orders provisions which coordinate seasonal changes in both Class I and blend prices should be adopted.

Such a coordinated plan was proposed by 21 cooperative organizations of producers representing 34,000 producers, approximately three-fourths of those supplying these markets. The proposal supported by the cooperatives would eliminate seasonal factors in computing Class I prices under each of the orders. Seasonal factors would be used in calculating blend prices.

The proposed seasonal factors applicable to blend price computations for each market provided for the deduction of specified rates per hundredweight of all pooled milk in each of the months March through June. The funds accumulated from such deductions, plus interest, would be added to the respective pool funds in computing blend prices for August through November.

The proposed deduction rates proposed for the New York-New Jersey and Massachusetts-Rhode Island orders were 10 cents per hundredweight of pooled milk in March, 20 cents in April, and 30 cents in May and June. Rates proposed for Connecticut were 10 cents higher for each month.

The accumulated fund plus interest would be divided in the following proportions and added to the pool fund computations for the respective months: August, 25 percent; September and October, 30 percent; and November, 15 percent. The "pay-back" plan would apply for the same months and in the same proportions in each of the markets.

The impact of milk supplies and prices in any one of these three markets is felt in each of the other markets. The need for relating Class I price levels is now recognized in the use of an identical Class I pricing formula in the Connecticut and Massachusetts-Rhode Island orders and the provision in such formula that the basic level of Class I prices (prior to seasonal adjustment and an adjustment reflecting local supply and sales) shall not deviate from the basic Class I price under the New York-New Jersey order by more than 5 cents.

With the elimination of seasonal factors, Class I price changes in the New England markets and the New York-New Jersey market would be even more closely coordinated. Under present provisions seasonal factors account for Class I price differences of 1 percent in 6 months and 2 percent in 1 month. In the remaining 5 months the seasonal factors are identical.

The proponent cooperatives representing 90 percent of producers supplying the Massachusetts-Rhode Island market, 71 percent of those supplying the New York-New Jersey market, and 93 percent of the producers supplying the Connecticut market supported the plan for eliminating the seasonal Class I price factors.

In coordinating the seasonal factors for the blend price computations for the three markets the cooperative proponents were concerned primarily with the seasonal timing of such adjustments. Coordination of the months in which such seasonal adjustments apply would reduce incentives on the part of producers to shift milk supplies from one market to another to avoid a blend price reduction in the "take-out" months or to share in a blend price addition in the "pay-back" months.

There is considerable overlapping of the milk supply areas for these three markets. In 1965 the Massachusetts-Rhode Island market obtained 12 percent of its producer milk supply from New York State and 4 percent from Connecticut.

The Connecticut market obtained 525 million pounds of milk, nearly one-half of its producer milk supply in 1965, from New York farms. Based on data for the months of December 1964 and 1965 these farms were located in seven New York counties. Data for the New York-New Jersey market are not available for all of these seven counties. However, dairy farmer receipts in 1965 under the New York-New Jersey order from three of these counties, 535 million pounds, exceeds the total quantity of receipts at Connecticut plants from these same counties.

In view of the proximity of farms supplying one of these markets to farms supplying one or both of the others, producers could avail themselves of an opportunity to ship first to one market and then another. Such shifting of deliveries motivated only by seasonal price differences would not maintain an orderly flow of milk to each market in accordance with its needs.

Also, there is some incentive for entire plants to shift from pooling in one market to another to gain some advantage if "take-out" and "pay-back" months are not the same in all markets. Proponents' witness testified that in one instance two plants, not permanently associated with the market, became pool plants under the Connecticut order only during the "pay-back" period.

By adopting a coordinated pattern of seasonal price changes, the blend prices for each market will reveal more clearly its utilization of Class I milk and Class II milk relative to the other markets. Thus, producers will be able to recognize more readily the market outlet with the

higher utilization in the higher priced Class I use.

The proponents asked that their proposal be considered for adoption in the three markets at the same time and essentially as proposed in each market. It is imperative to insure orderly marketing in each of these markets that consideration of the proposal be given to adopting it for all markets or none. There was no proposal to adopt any of the proposed changes in a single market.

a. *Deletion of seasonal Class I pricing factors.* The seasonal factors used in computing Class I prices should be eliminated and appropriate seasonal adjustments should be provided in the computation of blend prices for these markets.

The appropriate seasonal blend price adjustment plan to be adopted in lieu of Class I price adjustments is discussed later. Here we note only that no proposal was before the hearing to eliminate seasonal variations in the Class I price without substituting a seasonal incentive plan applicable to the blend price. Hence, we are concerned only with the method through which the appropriate seasonal variation is to be obtained, i.e. in the Class I price or by an adjustment of the blend price.

These orders now provide seasonal Class I price factors which establish monthly prices as much as 12 percent less than the annual average in some months and 8 or 9 percent above the annual average in other months. The seasonally low prices occur in all three markets in May and June. The New York-New Jersey seasonal high is in the November price which is 9 percent above the annual rate. In the other two markets the high, 8 percent above the annual average, applies in 3 months, October–December.

The proponents believe it is desirable to charge handlers for Class I milk at an annual rate each month instead of varying prices seasonally. This is because prices charged handlers tend to be reflected in prices charged consumers. Proponents contend that price increases get more publicity and attract more attention than do price decreases.

Many handlers in these markets share the view that Class I prices should not be seasonally adjusted. Several representatives of New York-New Jersey handlers testified that of the handlers whom they represented some favored and some opposed the elimination of seasonal adjustments in the Class I price. Although all of these handler representatives opposed the elimination of seasonal pricing prior to August 1967, they distinguished their opposition to the effective date from their position regarding the adoption of the plan on or after that date.

No representatives of Massachusetts-Rhode Island milk handlers testified at the hearing. A representative of Connecticut milk dealers testified that milk dealers in that State opposed the elimination of the seasonal Class I price adjustments but were mostly concerned that the effective date of such a change should not be prior to August 1967.

The removal of seasonal factors from Class I pricing in these markets would eliminate wide seasonal differences between Class I prices in these markets and in midwestern markets. Although Class I prices have been seasonally higher during the late summer and fall months in relation to Class I prices in midwestern markets than in other months, there have been no shipments of milk to these markets from the Midwest in recent years. However, when milk was available in these markets for Class I sales to deficit outside areas in the fall months, the higher seasonal prices may have deterred such sales.

New York-New Jersey handlers called attention to the fact that Class I sales outside the market are highest in the months when the Class I price would be reduced under the annual level price proposal. They implied that this would reduce returns to producers. However, with lower Class I prices in the fall months, New York-New Jersey handlers would be able to compete on a more favorable basis for out-of-market sales. Since the difference between the annual level of the Class I price and the manufacturing class price is far greater than the seasonal Class I price differences, increased Class I sales may more than offset the lower seasonal price in the fall.

The proposed plan whereby seasonal variation would be provided in blend prices to encourage a desirable pattern of milk production is similar to plans used under 18 Federal orders as of January 1, 1967. These plans are used to augment the seasonality injected by seasonal variations in Class I prices or with level annual Class I pricing to provide the principal seasonal price variation. Such a plan has been used in Connecticut for several years to provide additional seasonality in the blend price. The application of seasonality directly to the blend price permits consideration of the amount and timing of seasonal factors without affecting the level of Class I prices and the possible reaction of consumers to any changes in resale prices which may ensue.

The proponents asked that the base price used in computing the Class I price under the New York-New Jersey order be increased from $5.20 to $5.205 to compensate for the larger Class I sales which occur in months with the highest seasonal Class I prices. The effect of this upward adjustment would be extended to Class I prices under the Massachusetts-Rhode Island and Connecticut orders through the provisions linking their prices to the New York-New Jersey Class I price.

No change should be made in this base factor. The appropriate Class I price for these markets cannot be determined with such precision. Furthermore, the effect of the seasonal pattern of Class I sales in increasing the annual average return to producers under present provisions would be more than offset by the interest income earned on the seasonal incentive funds invested from the "take-out" to the "pay-back" period. Hence, producers would suffer no loss of income from the proposed change as a whole.

b. *The seasonal incentive payment plan.* Seasonal adjustments should be made in the blend price computations under each of these orders. The months in which adjustments are made should be identical under all orders. The adjustment rates should be as follows under the New York-New Jersey and Massachusetts-Rhode Island orders: Deductions from the pool fund per 100 pounds of pool milk in the respective month—March, 10 cents; April, 20 cents; May and June, 30 cents. Payments through the pool fund (percentage of the total money accumulated from the aforesaid deductions)—August, 25 percent; September and October, each 30 percent; November, the remainder plus all accrued interest. The adjustments under the Connecticut order should be the same except that deduction rates should be 10 cents greater than the deduction rates for New York-New Jersey and for Massachusetts-Rhode Island orders.

This arrangement of seasonal incentive payments is designed to give financial rewards to farmers who are producing milk when it is needed most. The incentives proposed herein are intended to encourage the adjustment of pool milk supplies for the three markets combined.

The New York-New Jersey pool milk supply represents the greatest proportion of the milk supply for the three areas combined. New York-New Jersey pool milk receipts in 1966 were 11,275 million pounds as compared to 3,204 million pounds for Massachusetts-Rhode Island and 1,092 million pounds for Connecticut. Because the New York-New Jersey supply is two and one-half times that for the two New England markets combined, its pattern of deliveries is most important in determining the seasonal characteristics of the region's supply.

The current pattern of deliveries of pool milk to the New York-New Jersey market differs from the seasonal pattern which existed when the seasonal Class I price factors now used were established. The present seasonal factors were adopted in 1950 based on a hearing held in 1949. The data on which such factors were determined pertained mostly to the years 1940–46 and to the supply for an area which at that time included only New York City and the metropolitan area surrounding it.

During the period 1940–46 deliveries to plants regulated under the New York-New Jersey order ranged from a June high of 138 percent of the annual average to a November low of 76 percent. In that period the seasonal percentage dropped rapidly in the late summer and fall from 98 in August to 77 in December.

The high and low are now less extreme and they come in different months. In the 7-year period 1960–66, the range was from a May high of 120 percent to an August low of 88. In this recent period, pool deliveries as a percentage of the annual average rose from 88 in August to 93 in December.

The changed pattern of seasonal deliveries prompted the recommendation by

the proponent producer cooperatives that seasonal payment incentives be revised to give more incentive during the months August through October and less incentive November through March.

A similar comparison of Class I sales in the forties and in the sixties shows that the seasonality of such sales in the New York-New Jersey market in the recent period differs from the seasonality which existed earlier. The range in Class I sales during 1940–46 was from a high in May of 105 percent of the annual average to a low of 97 percent in December. The range in 1962–66 was from a high of 103 in October to a low of 95 in July. Some of the change is due to the difference in the areas involved since in the more recent period sales data covered a much larger territory. Also, programs which increase milk consumption during the school year have grown in the interim and apparently have influenced the seasonal pattern of Class I sales.

The sales pattern suggests that payment incentives should apply in September and October when sales are relatively high. Considering only the pattern of Class I sales, it would not appear that greater deliveries should be sought in August. However, sales as a percentage of pool deliveries are relatively high during August in the New York-New Jersey market. During 1964–66 the percentage of pool milk used in Class I was highest in September and October, 57 percent, in November it was 55 percent, and in August it was 54 percent.

The seasonal pattern of deliveries of producer milk under the two New England orders combined is generally similar to the New York-New Jersey pattern. In both areas deliveries per day increase during the first half of the year to reach the peak in May with June deliveries ranking next in size. July in both areas ranks as the 7th month in volume of deliveries.

But according to producer deliveries in 1965 and 1966 to the New York-New Jersey and to the combined New England markets there is some difference in when the low point of producer deliveries occurs. Although the low point of deliveries for the New York-New Jersey market is in August, the low point in New England occurs in November. However, November is the month of next to lowest deliveries in New York-New Jersey and August ranks third from lowest in deliveries for the New England markets. In both areas the 5 months of lowest receipts are August through December.

The percentage of pool deliveries used in Class I shows the same general similarity.

The 4 months of lowest Class I percentages are March, April, May, and June for the New York-New Jersey market and for the combined New England markets. For this reason, these months should be those for the seasonal "take-out" from the pool fund. The 2 months of lowest Class I percentages are May and June and the highest "take-out" rate is appropriate for such months.

The months of highest Class I percentage in the New York-New Jersey market are August through November. In the combined New England markets the months of highest Class I utilization are September through December. But comparing the areas on a 6-month basis the periods of highest Class I utilization coincide, August through January in both cases.

The pay-back rates are related more closely to the needs of the New York-New Jersey market because of its importance as the largest supply and sales area in the region. The proposed "pay-back" rates are highest in September and October, next to highest in August, and least in November. Proponents explained that the plan is designed to assure a higher level of milk supply in September and October. These are the months when Class I utilization is highest relative to receipts of pool milk.

The proposed rate for August is higher than for November because payment incentives tend to carry over into the next delivery period when producers receive their milk checks. Thus, the August incentive would carry over into September. Since less carry-over effect is desired following November, the lowest pay-back rate was selected for that month.

Handling charges may reflect to some extent the availability of milk for Class I use in the New York-New Jersey market. Such charges tend to be lowest in March through June and highest in August through November. This also supports the selection of months proposed for seasonal payment incentives and for "disincentives".

The proponents estimate that the combined effect of their proposal would increase or decrease blend prices seasonally, as compared to the present provisions in each order, as follows:

	New York—New Jersey	Massachusetts—Rhode Island	Connecticut
	(*Cents per hundredweight*)		
January	−15	−15	−21
February	−9	−15	−21
March	−10	−10	−20
April	−5	+7	+25
May	0	+8	+34
June	−2	+7	+35
July	+15	+14	+5
August	+30	+27	+20
September	+23	+17	+5
October	+12	0	−3
November	−11	−16	−23
December	−21	−32	−44

Although the pattern of seasonal payment incentives was selected primarily to fit the needs of the New York-New Jersey market, the changes in blend prices which would result in the Massachusetts-Rhode Island market would be somewhat similar. Although the plan would provide some greater incentive in this market for deliveries in April, May, and June, the proponents regard the need for coordinating the seasonal plan with that for New York-New Jersey as a more important factor.

The net effect of the plan in the Connecticut market, based on past utilization and prices in that market would be to increase blend prices most during the months April, May, and June. This suggests that, although the proposed "take-out" rate is 10 cents higher for Connecticut than for the other two markets, an even higher rate might be appropriate. However, the Connecticut market is located adjacent to both of the other markets. Accordingly, the deductions under the Connecticut order must be carefully related to the rates in the two other orders. Because of the overriding need to coordinate the seasonal plans in these three markets the rates as proposed should be adopted.

The funds accumulated from deductions made in pool computations for March, April, May, and June should be invested by the respective market administrators in interest-bearing bank accounts or short-term U.S. Government securities to the extent practicable for the period between their collection and the date on which they must be paid out through the producer-settlement fund. Such investments should be in financial institutions or securities approved as Federal depositories for such sums.

The incentive plan provided herein should apply to all "pool milk" as defined in each of the orders even though it is designed to influence the seasonal pattern of producer milk supply in each of these markets. In the Assistant Secretary's October 31, 1963, decisions to amend these orders (28 F.R. 11956 and 28 F.R. 12006, official notice of which is hereby taken) he found that pool milk, other than producer milk, should be treated the same as if it were a receipt from a producer. Providing for the incentive plan to apply to all "pool milk" as set forth herein will be in accordance with those decisions.

2. *Effective date of proposed changes.* The coordinated plan eliminating seasonal Class I pricing and substituting a seasonal incentive payment plan should be adopted in each of these three markets with the effective date April 1, 1967. For 1967 only, the "take-out" rates for April, May, and June, should be 3 cents higher than the rates to be effective thereafter.

Proponents of the coordinated plan maintain the revisions in seasonal pricing which would result are long overdue and should be adopted as soon as possible. Handlers who testified objected to an effective date prior to August 1, 1967.

Handlers' opposition to an effective date prior to August is due to the effect of the proposed plan on Class I prices during the months April through July. Class I prices as now established seasonally are less than the annual average rates during these months. New York-New Jersey handlers contend that they have made business decisions based on their anticipation that Class I prices would decline seasonally in these months. They say that margins were low during the months when Class I prices were seasonally high last fall and winter and that they had hoped to compensate for these lower margins during the months of seasonally low Class I prices. However, data offered by handlers showed that margins during August–December last year were close to or above the annual average.

Handlers' decisions with respect to prices they charge consumers involve considerations other than the price they pay for Class I milk. The Class I price which is uniform to all handlers provides only that with respect to this item they all have a uniform cost. Thus, when Class I prices change, handlers tend to make changes in prices they charge for milk. But such changes may not be directly coordinated.

Although handlers contend they hope to gain wider margins under present order provisions during April through July, this argues in the same vein that under the proposed plan which would remove seasonal Class I price increases for August through November they may enjoy greater margins under the proposed plan than under present provisions. Apparently, some handlers who do not oppose the plan except for the effective date believe the advantages and disadvantages will balance out over a 12-month period.

Some handlers maintain also that they have contracted to supply milk at fixed prices for periods extending through those months when Class I prices were expected to be seasonally low. In making such bids handlers say they relied on certain estimated future Class I prices which were released by the New York-New Jersey market administrator and by a committee of New England economists. In the releases describing such estimates, attention is called to the fact that the estimates reflect only facts known at the time such estimates were made. These unofficial estimates have differed from actual prices in the past when amendments or other order actions resulted in changed prices. Hence, handlers who are aware of this fact take it into consideration in anticipating prices.

The handlers' proposal to postpone the effective date of the proposed changes until August 1, 1967, would mean that producers' blend prices would be substantially reduced as of that date since there would be no accumulated fund from which a pay-back increment to the blend price could be obtained.

Some handlers suggested as an alternative that the effective date be postponed until March 1968. In view of the pressing need to correct the seasonal pattern of pricing, this delay of nearly 1 year is not reasonable. Furthermore, the marketing situation at that time may appear to handlers to be no more propitious than as of April this year. The change is needed now. Once it is made, handlers can proceed to make the necessary decisions with respect to their resale prices.

Since it is too late to make the deductions from the blend price computations for March 1967, the rates for April, May, and June should be increased 3 cents as the proponent cooperatives requested. This would increase the fund from which payments are to be made in August through November to compensate, in part, for the inability to provide for March deductions this year.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Certain handlers excepted to the Hearing Examiner's ruling that evidence could be received at the hearing on Class I prices to be established under the respective orders for periods prior to August 1, 1967. The ruling of the Hearing Examiner is hereby affirmed as the receipt of such evidence was clearly called for in the notice of hearing.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Orders

The following order amending the orders as amended regulating the handling of milk in the Massachusetts-Rhode Island, New York-New Jersey, and Connecticut marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Amendments to Massachusetts-Rhode Island order. 1. In § 1001.32 a new paragraph (k) is added to read as follows:

§ 1001.32 Duties.

* * * * * *

(k) He shall place the sums deducted under § 1001.64(b–1) and retained under § 1001.80 in an interest-bearing bank account or accounts in a bank or banks duly approved as a Federal depository for such sums, or invest them in short-term U.S. Government securities.

2. In § 1001.60 paragraph (d) is revoked, paragraph (b) (2) and the introductory text of paragraph (e) are revised to read as follows:

§ 1001.60 Class I price.

* * * * * *

(b) * * *

(2) Divide the Class I–A price for the month computed under the New York-New Jersey Federal order, applicable to milk containing 3.5 percent butterfat received at plants located in the 201–210-mile freight zone, by the utilization adjustment percentage which entered into the computation of that price, expressing the result to the nearest mill.

* * * * * *

(d) [Revoked]

(e) Multiply the economic index price determined under paragraph (b) of this section by the supply-demand adjustment factor determined under paragraph (c) of this section. The Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls.

* * * * * *

3. In § 1001.64 new paragraphs (b–1) and (b–2) are added to read as follows:

§ 1001.64 Basic blended price.

* * * * * *

(b–1) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk included in these computations by 10 cents in March, 20 cents in April, and 30 cents in May and June. For 1967 only the rate of deduction shall be 23 cents in April and 33 cents in May and June.

(b–2) Add for the months of August, September, and October, respectively, an amount representing 25 percent, 30 percent, and 30 percent of the aggregate amount subtracted under paragraph (b–1) of this section for the prior period of March–June, and for November, add the remainder of the amount subtracted under paragraph (b–1) of this section and the interest earned on the aggregate fund.

* * * * * *

4. Section 1001.80 is revised to read as follows:

§ 1001.80 Producer settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer settlement fund". He shall deposit into the fund all amounts received from handlers under §§ 1001.82, 1001.83, and 1001.84. He shall pay from the fund all amounts due handlers under §§ 1001.82, 1001.83, and 1001.84, subject to his right to offset any amounts due from the handler under these sections. All amounts subtracted under § 1001.64(b–1), inclusive of interest earned thereon, shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 1001.64(b–2).

Amendments to New York-New Jersey order. 1. In § 1002.23 a new paragraph (k) is added to read as follows:

§ 1002.23 Duties.

* * * * * *

(k) He shall place the sums deducted under § 1002.66(c–1) and retained pursuant to § 1002.75 in an interest-bearing account or accounts in a bank or banks duly approved as a Federal depository for such sums, or invest them in short-term U.S. Government securities.

2. In § 1002.40 paragraph (a) (11) is revoked.

§ 1002.40 Class prices.

* * * * * *

(a) * * *

(11) [Revoked]

* * * * * *

3. Section 1002.47(a) (7) is revised to read as follows:

§ 1002.47 Announcement of prices.

* * * * * *

(a) * * *

(7) The index computed by dividing the Class I–A formula price for the following month by $5.20.

* * * * * *

4. In § 1002.66 new paragraphs (c–1) and (c–2) are added to read as follows:

§ 1002.66 Computation of the uniform price.

* * * * * *

(c–1) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk for the month by 10 cents in March, 20 cents in April, and 30 cents in May and June. For 1967 only the rate of deduction shall be 23 cents for April and 33 cents for May and June.

(c–2) Add for the months of August, September, and October, respectively, an amount representing 25 percent, 30 percent, and 30 percent of the aggregate amount subtracted pursuant to paragraph (c–1) of this section for the prior period of March–June, and for November add the remainder of the amount subtracted pursuant to paragraph (c–1) of this section and the interest earned on the aggregate fund.

* * * * * *

5. Section 1002.75 is revised to read as follows:

§ 1002.75 Producer settlement fund.

The market administrator shall establish and maintain a separate fund known as "the producer settlement fund" into which he shall deposit all payments and out of which he shall make all payments pursuant to §§ 1002.77 through 1002.84. All amounts subtracted under § 1002.66 (c–1), inclusive of interest earned thereon, shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 1002.66(c–2).

Amendments to Connecticut order. 1. In § 1015.32 a new paragraph (k) is added to read as follows:

§ 1015.32 Duties.

* * * * * *

(k) He shall place the sums deducted under § 1015.64(c) and retained under § 1015.80 in an interest-bearing bank account or accounts in a bank or banks duly approved as a Federal depository for such sums, or invest them in short-term U.S. Government securities.

2. In § 1015.60 paragraph (d) is revoked, paragraph (b) (2) and the introductory text of paragraph (e) are revised to read as follows:

§ 1015.60 Class I price.

* * * * * *

(b) * * *

(2) Divide the Class I–A price for the month, computed under the New York-New Jersey Federal order, applicable to milk containing 3.5 percent butterfat received at plants located in the 201–210 mile freight zone, by the utilization adjustment percentage which entered into the computation of that price, expressing the result to the nearest mill.

* * * * * *

(d) [Revoked]

(e) Multiply the economic index price determined under paragraph (b) of this section by the supply-demand adjustment factor determined under paragraph (c) of this section. The Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls, plus 47 cents.

* * * * * *

3. In § 1015.64 paragraphs (c) and (d) are revised to read as follows:

§ 1015.64 Basic uniform price.

* * * * * *

(c) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk included in these computations by 20 cents in March, 30 cents in April, and 40 cents in May and June. For 1967 only the rate of deduction shall be 33 cents in April and 43 cents in May and June.

(d) Add for the months of August, September, and October, respectively, an amount representing 25 percent, 30 percent, and 30 percent, of the aggregate amount substracted under paragraph (c) of this section for the prior period of March–June, and for November add the remainder of the amount subtracted under paragraph (c) of this section and the interest earned on the aggregate fund.

* * * * * *

4. Section 1015.80 is revised to read as follows:

§ 1015.80 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund". He shall deposit all amounts received from handlers under §§ 1015.81, 1015.88, and 1015.89 into the fund. He shall pay all amounts due handlers under §§ 1015.82 and 1015.88 from the fund, subject to his right to offset a payment due to a handler from the producer-settlement fund against any payment due from the handler to the fund. All amounts subtracted under § 1015.64(c), inclusive of interest earned thereon, shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 1015.64(d). The market administrator shall render a statement to each handler who made the reports prescribed in § 1015.40, by the 16th day of the month showing the amount due to or from the producer-settlement fund computed in accordance with §§ 1015.63, 1015.81, and 1015.82.

Signed at Washington, D.C., on March 10, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67–2846; Filed, Mar. 14, 1967; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 14]

MILK AND SWEET CHOCOLATE AND VEGETABLE FAT (OTHER THAN CACAO FAT) COATING

Identity Standards

Notice is given that a petition has been filed by the International Association of Ice Cream Manufacturers, 1105 Barr Building, Washington, D.C. 20006, proposing that:

A. A definition and standard of identity for milk chocolate and vegetable fat (other than cacao fat) coating be established, and also that

B. Section 14.11, the identity standard for sweet chocolate and vegetable fat (other than cacao fat) coating, be amended by deleting therefrom paragraph (a) (2).

Grounds set forth in the petition in support of proposal A above are that there is a substantial and growing demand for frozen desserts coated with a milk chocolate type of coating; that such coatings can only be made with some percentage of vegetable fat other than cacao fat; and that coatings of this type cannot be successfully compounded and applied if they comply with § 14.11, the

identity standard for sweet chocolate and vegetable fat (other than cacao fat) coating, and the only standard now in effect for chocolate coating with vegetable fat.

Grounds set forth in the petition in support of proposal B above are that the standard in § 14.11 encompasses certain products that would be defined also in the proposed standard for milk chocolate and vegetable fat coating and, therefore, such amendment of § 14.11 is required to make the two standards mutually exclusive.

Accordingly, it is proposed that Part 14 be amended:

1. By revising § 14.11(a) to read as follows:

§ 14.11 Sweet chocolate and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.

(a) Sweet chocolate and vegetable fat (other than cacao fat) coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed by § 14.6, except that in its preparation is added one or any combination of two or more vegetable food oils or vegetable food fats, other than cacao fat, which oil, fat, or combination may be hydrogenated and which has a melting point lower than that of cacao fat.

* * * * *

2. By adding thereto the following new section:

§ 14.13 Milk chocolate and vegetable fat (other than cacao fat) coating, sweet milk chocolate and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.

(a) Milk chocolate and vegetable fat (other than cacao fat) coating, sweet milk chocolate and vegetable fat (other than cacao fat) coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that in its preparation is added one or any combination of two or more vegetable food oils or vegetable food fats, other than cacao fat, which oil, fat, or combination may be hydrogenated and which has a melting point lower than that of cacao fat.

(b) The provisions of this section shall not be construed as applicable to any article by reason of the addition thereto of a vegetable food fat other than cacao fat as a carrier of emulsifying ingredients, as authorized and within the limits prescribed by § 14.7(a).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: March 9, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2844; Filed, Mar. 14, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 399]

[Docket No. 18256; EDR-112, PSDR-17]

VISUAL IN-FLIGHT ENTERTAINMENT

Passenger Charges in Interstate and Overseas Air Transportation

MARCH 9, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 221 of the Economic Regulations (14 CFR Part 221) and Part 399 of its Statements of General Policy (14 CFR Part 399), to require that carriers offering visual in-flight entertainment in interstate and overseas air transportation make provision therefor in their tariffs. In addition, the proposed amendments would state the policy of the Board that carriers establish charges to passengers utilizing such services appropriate to the cost and value of the service provided, and that, in the absence of a contrary showing, a tariff providing for a charge of less than $2 for visual entertainment which includes a full-length feature motion picture would be considered unjust and unreasonable and would be suspended and investigated.

The principal features of the proposed rules are set forth below in the explanatory statement and the proposed amendments are set forth below in the proposed rule. The amendments are proposed under the authority of sections 204(a), 403, 404, and 1002 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, 760, 788; 49 U.S.C. 1324, 1373, 1374, 1482), and of section 3 of the Administrative Procedure Act (60 Stat. 238, as amended by 80 Stat. 383; 5 U.S.C. 552).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matters in communications received on or before April 14, 1967, will be considered by the Board.

Upon receipt by the Board, copies of all such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. By Order E-24839, issued simultaneously herewith, and published in the FEDERAL REGISTER concurrently with this notice,[1a] the Board has deferred action on Agreement CAB 18922 (Docket 16503)[1b] pending final determination of this rule making proceeding. The agreement in effect provided that the parties thereto would charge each passenger being furnished visual in-flight entertainment the sum of $2 in all classes of service within the continental United States. For the reasons stated in that order, the Board concluded that the public interest required that a charge, appropriate to the cost and value of service, should be assessed passengers participating in visual in-flight entertainment furnished by carriers, and, that based upon the costs presented in that proceeding, a charge of less than $2 for a full-length feature motion picture would not be reasonable. However, the Board also tentatively concluded that in interstate and overseas air transportation, it would be appropriate to implement these determinations by the exercise of its rate regulatory authority. The rules proposed herein are intended to accomplish that objective.

Under the existing provisions of Part 221 of the Economic Regulations, carriers have not been required to include in their tariffs provisions relating to passenger charges for ancillary services, such as visual in-flight entertainment. Accordingly, in order to enable the Board to exercise its regulatory authority in connection with the conditions pertaining to the provision of visual in-flight entertainment, it is proposed to amend § 221.38 to require that tariffs applicable to individually ticketed passenger service in interstate and overseas air transportation, in which visual in-flight entertainment is provided, shall specify the nature of such entertainment, the charges to passengers utilizing such service, or if no charge a statement to that effect, and any terms, conditions, or limitations pertaining to the furnishing of such entertainment. This provision would not require that tariffs be filed applicable to the provision of audio entertainment, where such audio entertainment is not furnished in conjunction with visual entertainment.

In addition, the Board is proposing the adoption of a policy statement which would reflect the conclusions it has reached as to the requirement for an appropriate passenger charge in connection with the furnishing of visual in-flight entertainment.

Proposed rule. The Civil Aeronautics Board proposes to amend Part 221 of the Economic Regulations (14 CFR Part 221) and Part 399 of its Statements of General Policy (14 CFR Part 399), as follows:

1. Amend § 221.38(a), by adding a new subparagraph (7) at the end of paragraph (a) to read as follows:

§ 221.38 Rules and regulations.

(a) * * *

(7) For individually ticketed passenger service in interstate or overseas air transportation, in which any form of visual or visual/audio in-flight entertainment is provided, the nature of such entertainment (full-length feature motion pictures; short subject motion pictures; slide projection, etc.), the charges to passengers who utilize such service, or if no charge a statement to that effect, and any terms, conditions or limitations pertaining to the furnishing of such entertainment.

* * * * *

2. Amend the table of contents of Part 399, to add a new § 399.__ to the end of Subpart C thereof, to read as follows:

399.__ Visual in-flight entertainment.

3. Add a new § 399.__ to the end of Subpart C of Part 399 to read as follows:

§ 399.__ Visual in-flight entertainment.

(a) In considering the lawfulness of tariff rules pertaining to visual in-flight entertainment, it is the policy of the Board to require that each passenger furnished visual in-flight entertainment shall be assessed a charge in an amount reasonably related to the cost and value of the service provided, in all classes of service.

(b) Where visual in-flight entertainment includes a full length feature motion picture, the Board considers that a charge to passengers utilizing the entertainment facilities of less than $2 would be unjust and unreasonable. Accordingly, in the absence of a contrary showing, it is the policy of the Board to suspend and investigate any tariff providing for a lesser charge for such visual in-flight entertainment.

[F.R. Doc. 67-2825; Filed, Mar. 14, 1967; 8:47 a.m.]

[1a] See F.R. Doc. 67-2824 appearing in the Notices section of this issue, infra.

[1b] Agreement adopted by certain members of the Air Transport Association relating to a charge for in-flight entertainment on flights between points within the continental United States.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17281; FCC 67-312]

UHF TV BROADCAST CHANNELS

Table of Assignments; Fort Myers, Fla.

In the matter of amendment of the table of assignments for television broadcast channels in § 73.606(b) of the Commission rules and regulations to assign UHF television broadcast channels to Fort Myers, Fla.; Docket No. 17281, RM-1085, RM-1106.

1. On December 16, 1966, Kenneth J. Schwartz filed a petition (RM-1085) requesting the assignment of Channel 20 to Fort Myers, Fla. On February 2, 1967, Hubbard Broadcasting, Inc., permittee of a new UHF television broadcast station assigned Channel 44 in St. Petersburg, Fla., filed a petition (RM-1106) requesting the assignment of Channel 36 to Fort Myers, Fla., noting that it was aware of the Schwartz petition.

2. In support of his petition, Mr. Schwartz recited facts concerning the population of Fort Myers and Lee County; growth in postal receipts, telephone customers, electric customers, bank deposits, and school enrollment between 1950 and 1965; estimated effective buying power; and principal industries, i.e., tourism, agriculture, and commercial fishing. This petitioner goes on to note that Fort Myers has three AM stations, two FM stations, one TV station, one daily newspaper, a CATV system and several TV translators. Other information concerning schools, churches, civic, cultural, professional, and frateral organizations is given. The petitioner states that if a UHF channel is assigned to Fort Myers, he and possibly others will join in an application for authority to construct and operate a new UHF television broadcast station in Fort Myers. The petition includes an engineering study showing how Channel 20 may be assigned to Fort Myers.

3. Hubbard Broadcasting, Inc., in support of its petition cited the population of Fort Myers and Lee County, calling attention to the growth rate in excess of 40 percent between 1950 and 1960, and, further noting that there was a petition on file to assign Channel 20 to Fort Myers. Hubbard states that if Channel 36 is assigned to Fort Myers, it intends to file an application for authority to construct and operate a new UHF television broadcast station on that channel in Fort Myers to operate as a "satellite" of the St. Petersburg station. The petition included an engineering statement showing how both Channels 20 and 36 may be assigned to Fort Myers in full compliance with the geographic separation requirements of the rules.

4. Fort Myers is located on the lower southwest coast of Florida, approximately 144 miles northwest of Miami and 123 miles south of Tampa-St. Petersburg. The 1960 U.S. Census reported its population as 22,523 and that of Lee County as 54,539. It is estimated that the current population of Fort Myers is 28,900 and that of Lee County 71,800. Fort Myers is well beyond the Grade B contours of all TV stations except WINK-TV, which operates on Channel 11 in Fort Myers. Southern Cablevision operates a CATV system in Fort Myers, bringing the signals of WSUN-TV, Channel 38, St. Petersburg, Fla., via microwave relay to an estimated 800 subscribers. In addition, two UHF television Broadcast translators operate in Fort Myers to bring in the signals of WCKT, Channel 7, Miami and WLBW-TV, Channel 10, Miami (NBC and ABC affiliates respectively). The local VHF station operates with 65 kilowatts peak visual effective radiated power from an antenna 320 feet above average terrain and is affiliated with CBS.

5. Fort Myers is in an area where the the reserve of unassigned but available channels is considered to be ample to meet foreseeable needs. Channel 20 may be assigned to towns along the Gulf Coast of Florida from Fort Myers southward and in a narrow wedge extending eastward across the Everglades to Boca Raton. Fort Myers is the largest of the cities in which Channel 20 could be used in Florida. Channel 36 may be assigned to towns along the Gulf Coast from Fort Myers southward and in a narrowing wedge extending northeastward from Fort Myers toward Sebring. As in the case of Channel 20, Fort Myers is the largest city in the area of possible use of Channel 36.

6. It appears that both channels may be assigned to Fort Myers without seriously depleting the reserve of usable but unassigned UHF channels which may be needed to meet future needs in this area. Since Hubbard filed its petition with full knowledge of the Schwartz petition, it may be presumed that it considers the operation of two new UHF television broadcast stations in Fort Myers to be feasible. The views of Schwartz are not known at this time. The institution of rule making will afford the petitioners as well as all other interested parties an opportunity to file comments setting forth their views. However, we are not necessarily persuaded at this point that the assignment of two new channels to the relatively small city of Fort Myers, rather than only one, would serve the public interest. Depending on what develops in the proceeding, our decision may be to assign only one.

7. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the table of assignments in § 73.606(b) of the Commission rules by assigning television broadcast Channels 20 and 36, or one of them, to Fort Myers, Fla.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before April 17, 1967, and reply comments on or before April 27, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: March 8, 1967.

Released: March 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2835; Filed, Mar. 14, 1967; 8:48 a.m.]

[1] Commissioner Wadsworth absent.

[47 CFR Part 73]

[Docket No. 17282; FCC 67-313]

FM BROADCAST STATIONS

Table of Assignments; Rockmart, Ga., etc.

In the matter of amendment of § 73.202, *Table of assignments*, FM broadcast stations (Rockmart, Ga., De Witt, Ark., Dover-Foxcroft, Maine, Lenoir City, Tenn., Horseheads, N.Y., Jeffersonville, Ind., Donelson, Tenn., Madisonville, Greenville, Russellville, and Columbia, Ky., Denver, Colorado, Mount Sterling, Ky., Stephenville and Eastland, Tex., and Redding, Calif.; Docket No. 17282, RM-1081, RM-1086, RM-1089, RM-1090, RM-1102, RM-1092, RM-1097, RM-1109, RM-1108, RM-1110.

1. Notice is hereby given of proposed rule making in the above-entitled matters, concerning amendments of the FM Table of Assignments contained in § 73.202 of the Commission's rules. All proposed assignments are alleged and appear to meet the separation requirements of the rules. All proposed assignments which are within 250 miles of the United States-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as noted, all channels proposed for shift or deletion are unoccupied and not applied for, and all population figures are taken from the 1960 U.S. Census.

2. *RM-1081, Rockmart, Ga. (J. Franklin Proctor); RM-1086, De Witt, Ark. (De Witt Broadcasting Co., Inc.); RM-1089, Dover-Foxcroft, Maine (The Radio Voice of Dover-Foxcroft); RM-1090, Lenoir City, Tenn. (WLIL, Inc.); and RM-1102, Horseheads, N.Y. (Chemung County Radio).* In these five cases, interested parties have sought the assignment of a first Class A channel in a community, without requiring any other changes in the table. The communities are of substantial size and appear to merit the proposed assignments. Comments are therefore invited on the following additions to the table:

City	Channel No.
De Witt, Ark	244A
Rockmart, Ga	296A
Dover-Foxcroft, Maine	276A
Horseheads, N.Y.	[1] 285A
Lenoir City, Tenn	228A

[1] A site will have to be selected about 2½ miles out of town in order to meet the 5-mile spacing requirement (IF difference) to Station WEHH-FM, Channel 232A, Elmira, N.Y.

3. *RM-1092, Jeffersonville, Ind.* On January 11, 1967, Titan Broadcasting Corp., prospective applicant for a new FM station in Jeffersonville, Ind., filed a petition requesting the assignment of Channel 239 to that community, without any other changes in the table. Jeffersonville has a population of 19,522. It is very near Louisville, Ky., and is located within its Standard Statistical Metropolitan Area and Urbanized Area.[2] It is the county seat of Clark County and its largest community. A Class IV AM station, WXVW, operates in the community, but there are no FM assignments.

4. Titan submits that Jeffersonville is an important industrial, manufacturing, retail, farming, and educational center. It states that due to its limited coverage, WXVW does not cover satisfactorily all of Clark County and that the proposed FM assignment would do so. Finally, Titan states that the corporation is composed of local residents who are desirous of operating the proposed FM station in the interests of Jeffersonville and Clark County.

5. Normally, a community the size of Jeffersonville and so situated with respect to a large population center, would be assigned a Class A channel. However, since Channel 239 can be assigned to Jeffersonville without adverse effect on other assignments, and since it does not appear that a Class A channel is available for this community, we invite comments on petitioner's request.

6. *RM-1097 and RM-1109, Donelson, Tenn., and Columbia, Ky.* In a joint petition for rule making filed on January 19, 1967, and a supplement filed on January 25, 1967, South Kentucky Broadcasters, licensee of Station WRUS-FM, Russellville, Ky., and William O. Barry, prospective applicant for a new FM station in Donelson, Tenn., request the assignment of Channel 266 to Russellville, Ky., and 221A to Donelson, Tenn., by making two other necessary changes in the table as follows:

City	Channel No.	
	Present	Proposed
Madisonville, Ky	230, 292A	230
Greenville, Ky	266	292A
Russellville, Ky	221A	266
Donelson, Tenn		221A

7. In essence, the proposal is designed to get a first FM channel at Donelson (221A), and a wide-coverage Class C channel at Russellville instead of the present Class A (266 for 221A), by replacing 266 at Greenville with 292A, which would be moved there from Madisonville. Madisonville, Ky., is a community of 13,110 persons. It has in operation a Class C FM station on Channel 230 and two AM stations, one of which is an unlimited time operation. Greenville has a population of 3,198. Station WKYF-FM operates on Class C Channel 266 with a power of 2.6 kilowatts and an antenna height of 90 feet, much less than the minimum facilities a new Class C station would be required to have. The community also has a daytime-only AM station. Russellville, with a population of 5,861, has an FM station operating on Channel 221A. It too has a daytime-only AM station. All three communities are located in the southwestern portion of Kentucky. Donelson has a population of 17,195 and is located about 7 miles east of Nashville and in its Urbanized Area. It has no radio stations but an application is on file for a daytime-only AM station in the community.

8. Petitioners state that the Greenville licensee wishes to continue with a low power facility and that the Russellville licensee wishes to utilize the proposed Class C assignment with a power of no less than 50 kilowatts. Also, Mr. Barry proposes to operate a station on Channel 221A at Donelson, in the event the proposal is adopted. A copy of an agreement among the licensees in Greenville and Russellville and Mr. Barry is attached, agreeing to the proposed changes and the necessary modification of licenses involved. It is urged that the proposed changes will result in a more effective use of Channel 266 and that it would provide the community of Donelson with a first FM assignment. Petitioners submit that all the assignments would conform to the spacing requirements of the rules. With respect to the move of Channel 221A from Russellville to Donelson, a showing is included which demonstrates that no assignments on the top three educational channels (218, 219, 220) will be precluded, because of existing educational stations in the general area. Petitioners further show that within the area in which Channel 266 is technically feasible there are only two communities of over 3,000 population in addition to Russellville and Greenville (Hopkinsville and Central City), that these have been assigned Class C channels, and that the use of Channel 266 at Russellville will provide a first 1 mv/m contour to areas not now receiving such a signal. Finally, it is pointed out that Russellville is the center of a relatively large rural area and urged that this fact plus the greater efficiency of the use of Channel 266 at Russellville compared to Greenville justifies the move of this channel.

9. The proposal would move a Class C assignment from one small community (Greenville—3,198) to another slightly larger (Russellville—5,861), delete a Class A channel at Madisonville, which has a Class C station, and assign a Class A channel to Donelson, which has none. Removal of the Class C assignment from Greenville to Russellville will not leave the former without FM service since it will have a Class A station and since another Class C station operates at Central City, Ky., about 7 miles distant. Assignment of a Class C channel to Russellville also appears to be meritorious since it would represent a more efficient use of the channel in a community which is removed from population centers. Accordingly, comments are invited on the petitioner's proposal as outlined above. In the event the proposal is adopted, appropriate action will have to be taken with respect to the authorizations of WKYF-FM and WRUS-FM.[3]

[2] Stations have been authorized on all six FM assignments in Louisville.

[3] An agreement for payment of costs to WKYF-FM on the changeover has been submitted. Since our policy has been to allow only reasonable costs incident to such changes (see National Broadcasting Co., Inc., FCC 63-257, 25 R.R. 657, and amendment of § 73.606, Harrisburg, Pa., FCC 64-906, 3 R.R. 2d 1965), and since the amount to be received by WKYF-FM is somewhat larger than would be expected, a justification for these costs should be filed in the comments in response to this notice.

10. On February 9, 1967, a conflicting petition requesting the assignment of Channel 265A to Columbia, Ky., was filed by the Tricounty Radio Broadcasting Corp., licensee of Station WAIN(AM), Columbia, Ky. Since Columbia is less than the required 105 miles from Russellville, where the adjacent Channel 266 is proposed in RM-1097 discussed above, one of the requests can be granted but not both. Columbia, a community of 2,255 persons, is the county seat and largest community in Adair County, which has a population of 14,699 persons. WAIN, the only radio station in the community, is a daytime-only operation. Thus, petitioner urges that the assignment of Channel 265A would provide the area with a first local nighttime radio service. Finally, petitioner states that the proposal would conform to all the rules and that Channel 265A is the only Class A channel which would meet all the required minimum spacings.

11. We are of the view that comments should also be invited on the above-discussed proposal and on which of the two proposals would better serve the public interest and should be adopted.

12. *RM-1108, Stephenville, Tex.* On February 6, 1967, Dixie Stations, licensee of Station KSTV(AM), Stephenville, Tex., filed a petition requesting the assignment of Channel 252A to Stephenville by substituting Channel 244A for 252A at Eastland, Tex., as follows: [4]

City	Channel No.	
	Present	Proposed
Stephenville, Tex		252A
Eastland, Tex	252A	244A

Stephenville has a population of 7,359. It is the county seat and largest community in Erath County, which has a population of 16,236. KSTV, licensed to petitioner, is a daytime-only station and the only radio station in the county. Petitioner states that it desires to bring nighttime radio to the community and will promptly file an application for the proposed assignment in the event it is adopted.

13. Comments are invited on the petitioner's proposal as outlined above.

14. *RM-1110, Denver, Colo.* On February 10, 1967, Karlo Broadcasting, Ltd., permittee of Station KMYR(FM), authorized to operate on Channel 238 at Denver, Colo., filed a petition requesting the substitution of Channel 239 for 238 at Denver, and a modification of its authorization to specify operation on the new assignment. Karlo states that, upon commencement of program tests, KYMR experienced an unusual interference situation with the Land Mobile Communications System operated by the Sheriff's Department of Jefferson County, Colo. This resulted from the interaction of the frequency of KMYR (95.5 Mc/s) with the sound carrier of KWGN-TV in Denver (Channel 2, 59.75 Mc/s) which created by addition the resultant discrete frequency 155.25 Mc/s, the frequency assigned to the Sheriff's office in Denver. Karlo sought and was granted an STA to operate on the next adjacent channel (239) in order to determine whether this move would eliminate the interference. According to the engineers of both KMYR and the Sheriff's office, the interference was eliminated by the shift in KMYR's frequency. Since the problem can be readily removed by this shift, since the interference involves a public safety radio service, and since there would be no adverse effect on other FM assignments or stations, petitioner urges that the change be made as soon as possible.

15. In view of the uniqueness of the interference problem involved herein, the simplicity of the proposed change, and the lack of adverse impact on FM allocations, we are of the view that comments should be invited on Karlo's proposal in spite of the fact that normally such interference problems are not taken into account in making assignments in broadcast services.

16. *Mount Sterling, Ky., and Redding, Calif.* In addition to the above changes proposed by interested parties, the Commission wishes to make two changes on its own motion. Channel 280A was inadvertently assigned to Mount Sterling at a short spacing to Station WPAY-FM, Channel 281, Portsmouth, Ohio (located in Zone II). It is proposed to substitute Channel 288A for 280A in this community as follows:

City	Channel No.	
	Present	Proposed
Mount Sterling, Ky	280A	288A

Likewise Channel 225 was assigned to Redding, Calif., at short spacings to two Class A assignments (Redding is in Zone II). It is proposed therefore to substitute Channel 251 for 225 as follows:

City	Channel No.	
	Present	Proposed
Redding, Calif	225, 282	251, 282

17. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

18. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before April 10, 1967, and reply comments on or before April 25, 1967. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

19. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: March 8, 1967.

Released: March 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2836; Filed, Mar. 14, 1967; 8:48 a.m.]

[4] Petitioner states that Channel 244A can be assigned directly to Stephenville but it is not requesting this assignment since it would restrict possible sites for Stephenville and would pose problems for 2 second adjacent channel stations in Fort Worth if they wanted to move closer to that city in the future.

[5] Concurring statement of Commissioner Cox filed as part of original document; Commissioner Wadsworth absent.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 6]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Government Procurement

The Note which follows § 121.3-8(f)(3) of the Small Business Size Standards Regulation (Rev. 6), as amended, provides that, under present SBA policy, no concern will be denied small business status for the purpose of Government procurement solely because of its contractual relationship with a large interstate van line: *Provided*, That its annual receipts have not exceeded $3 million during the concern's most recently completed fiscal year and no more than 50 percent of such annual receipts are directly attributable to the applicant's relationship with an interstate van line.

The 50 percent principle relates to the determination whether the parties occupy a franchisor-franchisee relationship and should not be determinative of affiliation, which under § 121.3-2(a) depends on the existence in one concern of control or power to control another or the existence in a third party of control or power to control both concerns.

Amendment 3 to the Regulation (31 F.R. 11973) established a rule that affiliation between a franchisee and franchisor will not result from controls imposed on the franchisee by the franchise agreement, provided that the franchisee has the right to profit from his effort, commensurate with ownership, and bears the risk of loss. Therefore, the 50 percent rule is not longer appropriate.

Accordingly, it is proposed to delete the note establishing the 50 percent rule.

Interested persons may file with the Small Business Administration within 15 days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C. 20416, Attention: Size Standards Staff.

It is proposed to amend the regulation as follows:

The Small Business Size Standards Regulation (Rev. 6) (31 F.R. 9721), as amended (31 F.R. 10114, 11651, 11973, 12479, 12572, 14311, 14351, 14516, 14544, 14737 as corrected 15737, 15145, 16763, 32 F.R. 2564) is hereby further amended by deleting the note following § 121.3–8(f)(3).

Dated: March 13, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67–2880; Filed, Mar. 14, 1967; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado C–1329]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 7, 1967.

The U.S. Forest Service of the Department of Agriculture has filed an application, Serial No. Colorado C–1329, for the withdrawal from location and entry under the general mining laws, subject to existing valid claims, certain public lands in the sections and townships described below.

The applicant desires the land for the establishment and enlargement of public recreation facilities including campgrounds, picnic areas, and a ski area and the enlargement of a U.S. Forest Service administrative site, all in the Pike National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Land Office Manager, Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 5 S., R. 74 W.,
In sec. 31.
T. 5 S., R. 75 W.,
In sec. 36.
T. 6 S., R. 75 W.,
In secs. 1, 2, 3, 10, 11.
T. 6 S., R. 73 W.,
In sec. 22.
T. 6 S., R. 74 W.,
In sec. 19.
T. 7 S., R. 76 W.,
In secs. 7, 14, 23, 25.
T. 8 S., R. 69 W.,
In secs. 3, 27, 35.
T. 8 S., R. 70 W.,
In secs. 4, 5, 19, 31.
T. 8 S., R. 71 W.,
In sec. 7.
T. 8 S., R. 72 W.,
In sec. 11.
T. 8 S., R. 77 W.,
In secs. 12, 13.
T. 8 S., R. 78 W.,
In sec. 29.
T. 9 S., R. 69 W.,
In secs. 9, 10, 16, 21, 22, 23.
T. 9 S., R. 70 W.,
In sec. 3.
T. 9 S., R. 71 W.,
In sec. 21.
T. 10 S., R. 71 W.,
In secs. 4, 20.
T. 10 S., R. 72 W.,
In sec. 32.
T. 10 S., R. 78 W.,
In secs. 2, 3.
T. 11 S., R. 70 W.,
In sec. 4.
T. 11 S., R. 78 W.,
In sec. 18.
T. 12 S., R. 71 W.,
In sec. 29.
T. 12 S., R. 72 W.,
In sec. 33.
T. 12 S., R. 73 W.,
In sec. 12.
T. 13 S., R. 72 W.,
In sec. 7.

Lands proposed to be withdrawn in the above designated areas aggregate approximately 2,357 acres.

J. ELLIOTT HALL,
Land Office Manager.

[F.R. Doc. 67–2811; Filed, Mar. 14, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ELANCO PRODUCTS CO.

Notice of Filing of Petition Regarding Pesticide Trifluralin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0565) has been filed by Elanco Products Co., a division of Eli Lilly and Co., 740 South Alabama Street, Indianapolis, Ind. 46206, proposing the establishment of a tolerance of 0.05 part per million for residues of the herbicide trifluralin (α,α,α-trifluoro-2,6-dinitro-*N*,*N*-dipropyl-*p*-toluidine) in or on the raw agricultural commodity alfalfa.

The analytical method proposed in the petition for determining residues of trifluralin is a gas chromatographic technique.

Dated: March 9, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–2842; Filed, Mar. 14, 1967; 8:49 a.m.]

MONSANTO CO.

Notice of Withdrawal of Petition for Food Additive Allyl Alcohol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Monsanto Co., Post Office Box 1531, Springfield, Mass. 01101, has withdrawn its petition (FAP 6B1855), notice of which was published in the FEDERAL REGISTER of August 12, 1966 (31 F.R. 11040), proposing that paragraph (b)(3)(xvii) of § 121.2514 *Resinous and polymeric coatings* be amended to provide for the safe use of allyl alcohol in the production of resinous and polymeric coatings intended for food-contact use by adding "allyl alcohol" to the list of polymers under "Styrene copolymerized with one or more of the following."

The withdrawal of this petition is without prejudice to a future filing.

Dated: March 9, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–2843; Filed, Mar. 14, 1967; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, REGION I (NEW YORK, N.Y.)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Redelegations of authority.* The Assistant Regional Administrator for Metropolitan Development and the Deputy Assistant Regional Administrator for Metropolitan Development, Region I (New York, N.Y.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359–7360, May 20, 1966, as amended), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Program of Advances for Public Works Planning (including 1st and 2d programs) under:

a. Section 702 of the Housing Act of 1954, as amended (40 U.S.C. 462).

b. Title V of the War Mobilization and Reconversion Act of 1944, P.L. 458, 78th Cong., as amended (50 U.S.C. App. 1671

note), and the Act of October 13, 1949, P.L. 352, 81st Cong., as amended (40 U.S.C. 451), subject to section 1112 of the Housing and Urban Development Act of 1965 (40 U.S.C. 462 note).

2. Basic Water and Sewer Facilities Grant Program under section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102).

3. Advance Acquisition of Land Program under section 704 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3104).

4. Open-Space Land and Urban Beautification Programs under Title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500–1500e).

5. Public Facility Loans Program under Title II of the Housing Amendments of 1955, as amended (42 U.S.C. 1491–1497).

6. Public Facilities Liquidating Programs, as described in subsection 7 of section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development cited above in this section A.

7. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071) to the extent applicable to matters redelegated herein.

SEC. B. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegations of authority to the Regional Director of Urban Renewal, Region I (New York, N.Y.) (30 F.R. 13476, Oct. 22, 1965), with respect to open-space land and urban beautification and improvement authorized under Title VII of the Housing Act of 1961, as amended by Title IX of the Housing and Urban Development Act of 1965 (42 U.S.C. 1500).

2. All redelegations of authority heretofore made by the Regional Administrator to the Regional Director of Community Facilities, Region I (New York, N.Y.), with respect to any of the programs listed in section A above.

(Redelegations of authority by Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359–7360, May 20, 1966, as amended).)

Effective date. The redelegations of authority in section A above shall be effective as of November 9, 1966.

JUDAH GRIBETZ,
Regional Administrator, Region I.

[F.R. Doc. 67–2789; Filed, Mar. 14, 1967; 8:45 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, REGION II (PHILADELPHIA, PA.)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Redelegations of authority.* The Assistant Regional Administrator for Metropolitan Development and the Deputy Assistant Regional Administrator for Metropolitan Development, Region II (Philadelphia, Pa.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359–7360, May 20, 1966, as amended), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Program of Advances for Public Works Planning (including 1st and 2d programs) under:

a. Section 702 of the Housing Act of 1954, as amended (40 U.S.C. 462).

b. Title V of the War Mobilization and Reconversion Act of 1944, P.L. 458, 78th Cong., as amended (50 U.S.C. App. 1671 note), and the Act of October 13, 1949, P.L. 352, 81st Cong., as amended (40 U.S.C. 451), subject to section 1112 of the Housing and Urban Development Act of 1965 (40 U.S.C. 462 note).

2. Basic Water and Sewer Facilities Grant Program under section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102).

3. Advance Acquisition of Land Program under section 704 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3104).

4. Open-Space Land and Urban Beautification Programs under Title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500–1500e).

5. Public Facility Loans Program under Title II of the Housing Amendments of 1955, as amended (42 U.S.C. 1491–1497).

6. Public Facilities Liquidating Programs, as described in subsection 7 of section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development cited above in this section A.

7. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071) to the extent applicable to matters redelegated herein.

SEC. B. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegations of authority to the Regional Director of Urban Renewal, Region II (Philadelphia, Pa.) (30 F.R. 13476, Oct. 22, 1965), with respect to open-space land and urban beautification and improvement authorized under Title VII of the Housing Act of 1961, as amended by Title IX of the Housing and Urban Development Act of 1965 (42 U.S.C. 1500).

2. All redelegations of authority heretofore made by the Regional Administrator to the Regional Director of Community Facilities, Region II (Philadelphia, Pa.), with respect to any of the programs listed in section A above.

(Redelegations of authority by Assistant Secretary for Metropolitan Development and the Deputy Assistant Regional Administrator for Metropolitan Development, Region II (Philadelphia, Pa.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359–7360, May 20, 1966, as amended), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Program of Advances for Public Works Planning (including 1st and 2d programs) under:

a. Section 702 of the Housing Act of 1954, as amended (40 U.S.C. 462).

b. Title V of the War Mobilization and Reconversion Act of 1944, P.L. 458, 78th Cong., as amended (50 U.S.C. App. 1671 note), and the Act of October 13, 1949, P.L. 352, 81st Cong., as amended (40 U.S.C. 451), subject to section 1112 of the Housing and Urban Development Act of 1965 (40 U.S.C. 462 note).

2. Basic Water and Sewer Facilities Grant Program under section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102).

3. Advance Acquisition of Land Program under section 704 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3104).

4. Open-Space Land and Urban Beautification Programs under Title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500–1500e).

5. Public Facility Loans Program under Title II of the Housing Amendments of 1955, as amended (42 U.S.C. 1491–1497).

6. Public Facilities Liquidating Programs, as described in subsection 7 of section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development cited above in this section A.

7. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071) to the extent applicable to matters redelegated herein.

SEC. B. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegations of authority to the Regional Director of Urban Renewal, Region III (Atlanta) (30 F.R. 13476, Oct. 22, 1965), with respect to open-space land and urban beautification and improvement authorized under Title VII of the Housing Act of 1961, as amended by Title IX of the Housing and Urban Development Act of 1965 (42 U.S.C. 1500).

2. All redelegations of authority heretofore made by the Regional Administrator to the Regional Director of Community Facilities, Region III (Atlanta), with respect to any of the programs listed in section A above.

(Redelegations of authority by Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359–7360, May 20, 1966, as amended).)

Effective date. The redelegations of authority in section A above shall be effective as of November 9, 1966.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 67–2790; Filed, Mar. 14, 1967; 8:45 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, REGION III (ATLANTA)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Redelegations of authority.* The Assistant Regional Administrator for Metropolitan Development and the Deputy Assistant Regional Administrator for Metropolitan Development, Region III (Atlanta), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359–7360, May 20, 1966, as amended), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Program of Advances for Public Works Planning (including 1st and 2d programs) under:

a. Section 702 of the Housing Act of 1954, as amended (40 U.S.C. 462).

b. Title V of the War Mobilization and Reconversion Act of 1944, P.L. 458, 78th Cong., as amended (50 U.S.C. App. 1671 note), and the Act of October 13, 1949, P.L. 352, 81st Cong., as amended (40 U.S.C. 451), subject to section 1112 of the Housing and Urban Development Act of 1965 (40 U.S.C. 462 note).

2. Basic Water and Sewer Facilities Grant Program under section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102).

3. Advance Acquisition of Land Program under section 704 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3104).

4. Open-Space Land and Urban Beautification Programs under Title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500–1500e).

5. Public Facility Loans Program under Title II of the Housing Amendments of 1955, as amended (42 U.S.C. 1491–1497).

6. Public Facilities Liquidating Programs, as described in subsection 7 of section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development cited above in this section A.

7. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071) to the extent applicable to matters redelegated herein.

SEC. B. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegations of authority to the Regional Director of Urban Renewal, Region III (Atlanta) (30 F.R. 13476, Oct. 22, 1965), with respect to open-space land and urban beautification and improvement authorized under Title VII of the Housing Act of 1961, as amended by Title IX of the Housing and Urban Development Act of 1965 (42 U.S.C. 1500).

2. All redelegations of authority heretofore made by the Regional Administrator to the Regional Director of Community Facilities, Region III (Atlanta), with respect to any of the programs listed in section A above.

(Redelegations of authority by Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359–7360, May 20, 1966, as amended).)

Effective date. The redelegations of authority in section A above shall be effective as of November 9, 1966.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 67–2791; Filed, Mar. 14, 1967; 8:45 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, REGION IV (CHICAGO, ILL.)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Redelegations of authority.* The Assistant Regional Administrator for Metropolitan Development and the Deputy Assistant Regional Administrator for Metropolitan Development, Region IV (Chicago, Ill.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359–7360, May 20, 1966, as amended), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Program of Advances for Public Works Planning (including 1st and 2d programs) under:

a. Section 702 of the Housing Act of 1954, as amended (40 U.S.C. 462).

b. Title V of the War Mobilization and Reconversion Act of 1944, P.L. 458, 78th Cong., as amended (50 U.S.C. App. 1671 note), and the Act of October 13, 1949, P.L. 352, 81st Cong., as amended (40 U.S.C. 451), subject to section 1112 of the Housing and Urban Development Act of 1965 (40 U.S.C. 462 note).

2. Basic Water and Sewer Facilities Grant Program under section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102).

3. Advance Acquisition of Land Program under section 704 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3104).

4. Open-Space Land and Urban Beautification Programs under Title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500–1500e).

5. Public Facility Loans Program under Title II of the Housing Amendments of 1955, as amended (42 U.S.C. 1491–1497).

6. Public Facilities Liquidating Programs, as described in subsection 7 of section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development cited above in this section A.

7. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071) to the extent applicable to matters redelegated herein.

SEC. B. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegations of authority to the Regional Director of Urban Renewal, Region IV (Chicago, Ill.) (30 F.R. 13476–77, Oct. 22, 1965), with respect to open-space land and urban beautification and improvement authorized under Title VII of the Housing Act of 1961, as amended by Title IX of the Housing and Urban Development Act of 1965 (42 U.S.C. 1500).

2. All redelegations of authority heretofore made by the Regional Administrator to the Regional Director of Community Facilities, Region IV (Chicago, Ill.), with respect to any of the programs listed in section A above.

(Redelegations of authority by Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359–7360, May 20, 1966, as amended).)

Effective date. The redelegations of authority in section A above shall be effective as of November 9, 1966.

JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 67–2792; Filed, Mar. 14, 1967; 8:45 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, REGION V (FORT WORTH)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Redelegations of authority.* The Assistant Regional Administrator for Metropolitan Development and the Deputy Assistant Regional Administrator for Metropolitan Development, Region V (Fort Worth), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359–7360, May 20, 1966, as amended), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Program of Advances for Public Works Planning (including 1st and 2d programs) under:

a. Section 702 of the Housing Act of 1954, as amended (40 U.S.C. 462).

b. Title V of the War Mobilization and Reconversion Act of 1944, P.L. 458, 78th Cong., as amended (50 U.S.C. App. 1671 note), and the Act of October 13, 1949, P.L. 352, 81st Cong., as amended (40 U.S.C. 451), subject to section 1112 of the Housing and Urban Development Act of 1965 (40 U.S.C. 462 note).

2. Basic Water and Sewer Facilities Grant Program under section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102).

3. Advance Acquisition of Land Program under section 704 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3104).

4. Open-Space Land and Urban Beautification Programs under Title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500–1500e).

5. Public Facility Loans Program under Title II of the Housing Amendments of 1955, as amended (42 U.S.C. 1491–1497).

6. Public Facilities Liquidating Programs, as described in subsection 7 of section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development cited above in this section A.

7. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071) to the extent applicable to matters redelegated herein.

SEC. B. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegations of authority to the Regional Director of Urban Renewal, Region V (Fort Worth) (30 F.R. 13477, Oct. 22, 1965), with respect to open-space land and urban beautification and improvement authorized under Title VII of the Housing Act of 1961, as amended by Title IX of the Housing and Urban Development Act of 1965 (42 U.S.C. 1500).

2. All redelegations of authority heretofore made by the Regional Administrator to the Regional Director of Community Facilities, Region V (Fort Worth), with respect to any of the programs listed in section A above.

(Redelegations of authority by Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359–7360, May 20, 1966, as amended).)

Effective date. The redelegations of authority in section A above shall be effective as of November 9, 1966.

W. W. COLLINS,
Regional Administrator, Region V.

[F.R. Doc. 67–2793; Filed, Mar. 14, 1967; 8:45 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, REGION VI (SAN FRANCISCO)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Redelegations of authority.* The Assistant Regional Administrator for Metropolitan Development and the Deputy Assistant Regional Administrator for Metropolitan Development, Region VI (San Francisco), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359–7360, May 20, 1966, as amended), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Program of Advances for Public Works Planning (including 1st and 2d programs) under:

a. Section 702 of the Housing Act of 1954, as amended (40 U.S.C. 462).

b. Title V of the War Mobilization and Reconversion Act of 1944, P.L. 458, 78th Cong., as amended (50 U.S.C. App. 1671 note), and the Act of October 13, 1949, P.L. 352, 81st Cong., as amended (40 U.S.C. 451), subject to section 1112 of the Housing and Urban Development Act of 1965 (40 U.S.C. 462 note).

2. Basic Water and Sewer Facilities Grant Program under section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102).

3. Advance Acquisition of Land Program under section 704 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3104).

4. Open-Space Land and Urban Beautification Programs under Title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500–1500e).

5. Public Facility Loans Program under Title II of the Housing Amendments of 1955, as amended (42 U.S.C. 1491–1497).

6. Public Facilities Liquidating Programs, as described in subsection 7 of section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development cited above in this section A.

7. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071) to the extent applicable to matters redelegated herein.

SEC. B. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegations of authority to the Regional Director of Urban Renewal, Region VI (San Francisco) (30 F.R. 13477, Oct. 22, 1965), with respect to open-space land and urban beautification and improvement authorized under Title VII of the Housing Act of 1961, as amended by Title IX of the Housing and Urban Development Act of 1965 (42 U.S.C. 1500).

2. All redelegations of authority heretofore made by the Regional Administrator to the Regional Director of Community Facilities, Region VI (San Francisco), with respect to any of the programs listed in section A above.

(Redelegations of authority by Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359–7360, May 20, 1966, as amended).)

Effective date. The redelegations of authority in section A above shall be effective as of November 9, 1966.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 67–2794; Filed, Mar. 14, 1967; 8:45 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, REGION VII (SAN JUAN, P.R.)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Redelegations of authority.* The Assistant Regional Administrator for Metropolitan Development and the Deputy Assistant Regional Administrator for Metropolitan Development, Region VII (San Juan, P.R.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359–7360, May 20, 1966, as amended), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Program of Advances for Public Works Planning (including 1st and 2d programs) under:

a. Section 702 of the Housing Act of 1954, as amended (40 U.S.C. 462).

b. Title V of the War Mobilization and Reconversion Act of 1944, P.L. 458, 78th Cong., as amended (50 U.S.C. App. 1671 note), and the Act of October 13, 1949, P.L. 352, 81st Cong., as amended (40 U.S.C. 451), subject to section 1112 of the Housing and Urban Development Act of 1965 (40 U.S.C. 462 note).

2. Basic Water and Sewer Facilities Grant Program under section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102).

3. Advance Acquisition of Land Program under section 704 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3104).

4. Open-Space Land and Urban Beautification Programs under Title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500–1500e).

5. Public Facility Loans Program under Title II of the Housing Amendments of 1955, as amended (42 U.S.C. 1491–1497).

6. Public Facilities Liquidating Programs, as described in subsection 7 of section A of the redelegations of authority of the Assistant Secretary for Metropolitan Development cited above in this section A.

7. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071) to the extent applicable to matters redelegated herein.

SEC. B. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegations of authority to the Regional Director of Urban Renewal, Region VII (San Juan, P.R.) (30 F.R. 13477, Oct. 22, 1965), with respect to open-space land and urban beautification and improvement authorized under Title VII of the Housing Act of 1961, as amended by Title IX of the Housing and Urban Development Act of 1965 (42 U.S.C. 1500).

2. All redelegations of authority heretofore made by the Regional Administrator to the Regional Director of Community Facilities, Region VII (San Juan, P.R.), with respect to any of the programs listed in section A above.

(Redelegations of authority by Assistant Secretary for Metropolitan Development effective May 18, 1966 (31 F.R. 7359–7360, May 20, 1966, as amended).)

Effective date. The redelegations of authority in section A above shall be effective as of November 9, 1966.

JOSE E. FEBRES-SILVA,
Regional Administrator, Region VII.

[F.R. Doc. 67–2795; Filed, Mar. 14, 1967; 8:45 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR FEDERAL HOUSING ADMINISTRATION, REGION VI (SAN FRANCISCO)

Designation

The officer appointed to the following listed position in Region VI (San Francisco) is hereby designated to serve as Acting Assistant Regional Administrator for Federal Housing Administration, Region VI (San Francisco), during the absence of the Assistant Regional Administrator for Federal Housing Administration, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Federal Housing Administration:

1. Director, Project Review Branch.

Effective as of the 25th day of January 1967.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 67–2854; Filed, Mar. 14, 1967; 8:50 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, REGION I (NEW YORK)

Designation

The officers appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Assistant Regional Administrator for Metropolitan Development, Region I, during the absence of the Assistant Regional Administrator for Metropolitan Development, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Metropolitan Development, provided that no officer is authorized to serve as Acting Assistant Regional Administrator for Metropolitan Development unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator, Metropolitan Development.

2. Chief, Program Field Service division.

This designation supersedes the designation effective July 21, 1963 (28 F.R. 10319, Sept. 20, 1963).

(Delegation effective May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 13th day of February 1967.

JUDAH GRIBETZ,
Regional Administrator, Region I.

[F.R. Doc. 67–2819; Filed, Mar. 14, 1967; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–243]

OREGON STATE UNIVERSITY

Notice of Issuance of Facility License

The Atomic Energy Commission has issued Facility License No. R–106, effective as of the date of issuance, to Oregon State University authorizing operation of the TRIGA Mark II type research reactor constructed on the University's campus at Corvallis, Oreg.

The license was issued as set forth in the notice of proposed issuance of construction permit and facility license published in the FEDERAL REGISTER July 30, 1966, 31 F.R. 10329, except for the inclusion of amendments filed by the applicant to update its application since issuance of the construction permit. These amendments reflect changes in the facility as described in its safety analysis report, and several related changes to the Technical Specifications incorporated as an appendix to the proposed license. We have reviewed the changes to the facility and the proposed changes to the technical specifications and concluded that they do not involve an unreviewed safety question or significant hazards considerations different from those previously evaluated.

Dated: March 7, 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67–2799; Filed, Mar. 14, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18257; Order No. E–24847]

SOUTHERN TIER COMPETITIVE NONSTOP INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of March 1967.

For the reasons set forth below, we have decided to institute an investigation to determine whether additional air service is required in 18 markets hereinafter described which lie along the southern portion of the nation.

In the Southern Transcontinental Service Case, 33 CAB 701 (1961), the Board established two southern transcontinental routes, one between South Florida and California via Houston and other cities, and one from Atlanta to California via, inter alia, Dallas/Fort Worth. These two routes were essentially noncompetitive. Moreover, they were superimposed upon the existing route pattern between Texas and California and long-haul restrictions were placed on the Texas-California services of Delta and National. Additional route changes within the area embraced in the proceeding also were made with appropriate restrictions in light of the competitive situation then existing and established. As a consequence of these various actions, except for the New Orleans-West Coast markets, only one carrier holds unrestricted authority in the majority of the significant markets from Florida to California.

At the time the Southern Transcontinental Case was decided the trunklines were just emerging into the jet age with the financial and equipment problems attendant thereto. The essentially noncompetitive route structure we established in that proceeding was, in our judgment, a conservative pattern attuned to the basic needs and problems of the trunkline industry at that time. Since 1960, the forecast year utilized in making awards in that case, the industry has enjoyed spectacular and unparalleled growth and prosperity with ever increasing traffic and revenues. The transition from piston to jet aircraft has been successfully accomplished. The overall revenue passenger miles of the domestic air carriers have almost doubled in this period, rising from slightly over 31 billion in 1960, to almost 60 billion for the 12-month period ending June 30, 1966. In light of past trends, it is reasonable to believe that the passenger traffic of the domestic trunkline industry airlines will double the 1965 level of 49 billion by 1970, and may triple that level by 1975. Substantial growth also is anticipated in the cargo field. Based on such assumptions of continued marked growth, the airlines have orders outstanding for 713 new aircraft as of September 30, 1966.

As a result of these developments, it has been incumbent upon the Board to institute various investigations to determine whether additional services should be authorized in various areas of the nation, both to remedy possible existing deficiencies in service and to insure a proper route structure in light of anticipated future developments. This proceeding is another example of such an investigation.[1]

In making our awards in the Southern Transcontinental Service Case, we relied upon projections to 1960 as an assumed year of operations under the awards there made, based upon 1958 traffic data. The 1958 O&D traffic in the 18 markets we have decided to investigate amounted to 445,198 passengers, and our 1960 projection was for 861,662 passengers. The actual 1960 O&D traffic in these markets (prior to our awards) was 549,520 passengers, and by 1965 it had increased to 1,093,350 under the route pattern established in the Southern Transcontinental proceeding. Since the cities in issue lie along transcontinental routes which include major connecting points for traffic originating elsewhere, a substantial amount of additional traffic also flows between the cities which is not reflected in the O&D survey reports since those reports show only passengers originating or terminating their journey in relation to a given pair of cities rather than all the traffic aboard an aircraft operating between them. Thus, information submitted by Delta Air Lines in Docket 17355 indicates that the nonstop flights between Atlanta and Dallas in the first quarter of 1966 transported a daily average of 923 passengers over the sector with a resulting load factor of 88 percent. In sum, the markets in question are relatively large, and indeed are larger than a substantial number of other markets in which unrestricted service is authorized by two or more carriers. Moreover, these markets have responded to the limited services which we authorized in 1961, and in at least some of them, it

[1] See, also, Pacific Northwest-Southwest Service Investigation, Docket 15450, et al., Gulf States-Midwest Service Investigation, Docket 17726.

appears that the present quality and quantity of service provided may not be at a level appropriate to properly serve them and to further develop their potential.

We deem it appropriate to consider these markets in a single proceeding because of the interrelationship heretofore noted between the markets in question in relation to the manner in which they are served. For example, Southeast-California traffic and Texas-California traffic move on the same flights in many instances. This interrelationship is further indicated by the possibility that the removal of previously imposed restrictions in one market may have an impact upon the level of service in another market, and by investigating the Southern Tier markets in one proceeding the applicants will be afforded an opportunity to advance service proposals which comport with existing traffic flows. For example, by including Miami-New Orleans issues, we will have an opportunity to consider New Orleans-Dallas and West Coast proposals which are linked to Miami.

Since the scope of this proceeding includes the Miami/Fort Lauderdale-New Orleans and Dallas/Fort Worth markets, we have requested the Court of Appeals for the District of Columbia Circuit to vacate the orders under review in Braniff Airway, Inc. v. C.A.B., No. 20,160 and remand the proceeding to the Board.[2]

To keep the investigation within manageable proportions and to focus attention on those markets where additional unrestricted authority may be justified, we have decided to limit the scope of the case to designated markets rather than institute an area type proceeding.[3]

Additionally, to further limit the size of this investigation, we shall impose a pretrial restriction that any certificate authority awarded herein to a carrier not presently authorized to serve the markets at issue shall be in the form of a new segment instead of an addition to an existing segment. Carriers presently holding restricted certificate rights in the markets in question are free to present evidence and argue that such restrictions should be removed and thereby convert existing restricted operating authority into unrestricted certificate rights.

There are presently on file applications from carriers in part requesting authority which would be at issue in the investigation as hereinabove described.[4] Rather than sever out and consolidate herein, sua sponte, those portions of these applications which are within the purview of this proceeding, we shall favorably act upon duly filed motions seeking consolidation of applications or parts thereof which are within the scope of the investigation.

Interested applicants, of course, may file amended or additional applications consistent with the scope of the investigation within the time for filing as hereinafter established. However, in the event new or amended applications for new or additional routes consistent with the scope of this case are filed, each applicant should file one new composite application covering clearly and specifically all of the relief sought in this proceeding. This procedure will obviate the confusion resulting from the consolidation of several separately filed applications or portions thereof and will assist the parties, the examiner, and the Board in analyzing and considering the precise proposals of each applicant.

Accordingly, it is ordered:

1. That an investigation designated the Southern Tier Competitive Nonstop Investigation, be and it hereby is instituted in Docket 18257 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment, or modification of carrier authorizations so as to authorize unrestricted nonstop service in the following markets:

Atlanta: Dallas/Fort Worth; Los Angeles/Long Beach; San Francisco/Oakland.

Dallas/Fort Worth: Los Angeles/Long Beach; New Orleans; San Francisco/Oakland; Tampa/St. Petersburg/Clearwater.

Houston: Los Angeles/Long Beach; San Francisco/Oakland.

Miami/Fort Lauderdale: New Orleans; Dallas/Fort Worth; San Francisco/Oakland; Los Angeles/Long Beach; Houston; Tampa/St. Petersburg/Clearwater.

New Orleans: San Francisco/Oakland; Los Angeles/Long Beach; Tampa/St. Petersburg/Clearwater.

2. That in the event a carrier is awarded certificate authority in any of the markets at issue and such carrier is not presently authorized to provide service in the market, the new authority will be granted in the form of a separate segment to the carrier's existing certificate;

3. That the restriction provided in ordering paragraph (2) above is stated without prejudice to any party to advance during the course of the proceeding appropriate evidence or argument bearing on the need for more stringent restrictions or limitations;

4. That motions to consolidate, applications, motions, or petitions seeking modification or reconsideration of this order and petitions for leave to intervene, be filed no later than 20 days after the date of service of this order and that answers to such pleadings be filed no later than 10 days thereafter;

5. That American's motion for expeditious consideration of its application in Docket 17355 and Braniff's petition to institute an investigation in Docket 17288, be and they hereby are dismissed;

6. That this proceeding shall be set down for hearing before an examiner of the Board at a time and place hereafter designated; and

7. That a copy of this order be served upon American, Braniff, Delta, Eastern, National, Continental, Western, Northeast, Southern, and the cities enumerated in ordering paragraph (1).

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-2823; Filed, Mar. 14, 1967; 8:47 a.m.]

[CAB Docket No. 16946; ICC Docket Ex Parte No. 251]

RAILWAY EXPRESS AGENCY, INC.

Supplementary Joint Agency Notice Regarding Petitions for Declaratory Orders

CROSS REFERENCE: For a document regarding petitions for declaratory orders filed by Railway Express Agency, Inc., see F.R. Doc. 67-2849, Interstate Commerce Commission, infra.

[Docket No. 16503; Order No. E-24839]

AIR TRANSPORT ASSOCIATION

Opinion and Order Deferring Action Regarding In-Flight Entertainment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of March 1967.

Following discussions authorized by the Board,[1] there was filed for Board approval pursuant to section 412 of the Act, Agreement CAB 18922 entered into by 12 air carrier members of the Air Transport Association,[2] relating to a charge for in-flight entertainment on domestic flights. In essence the agreement provides that the parties thereto will charge each passenger being furnished visual in-flight entertainment the sum of $2 in all classes of service furnished or operated by such party between points in the 48 contiguous United States. No charge would be made for purely audio entertainment, and provision is made for reduction or elimination of the charge to the extent necessary to meet the price charged by a nonparty competitor.

Pursuant to the Board's invitation,[3] comments urging approval of the agreement were received from three air carrier parties to the agreement who provide visual in-flight entertainment,[4] and comments opposing approval from the Department of Justice, three suppliers of in-flight visual entertainment systems,[5] and a supplier of in-flight motion picture films.[6] In addition, Continental Air Lines, who is not a party to the agreement, submitted a letter in effect supporting the spirit of the agreement in respect to a $2 charge for full-length motion pictures, but opposing such a charge in respect to short subject films.[7] Oral argument before the Board was held on December 14, 1966.

The proponent carriers urge that the visual in-flight entertainment agreement is intended to insure, to the maximum extent possible, that the substantial costs of providing this nonessential ancillary service will be borne by passengers who use it; that absent an enforceable agreement, competitive pressures would make it difficult, if not impossible, to maintain a charge for such service; that the proposed $2 charge is reasonable, and will maximize revenues which will offset the costs involved; and that approval of the agreement is justified for the same reasons the Board approved the IATA agreement providing for a $2.50 charge in international air transportation.[8]

The suppliers and the Department of Justice urge disapproval, arguing, inter alia, that the agreement violates the antitrust laws, and that no clear showing has been made of a serious transportation need or important public benefits which would justify approval; that a uniform charge arrived at by carrier agreement has the undesirable effect of deterring development of new improved systems at lesser costs, or the provision of different types of entertainment for which the agreed charge would not be justified; and that there is no necessity for such an intercarrier agreement in that the Board has ample rate authority to impose an appropriate charge in interstate or overseas air transportation if necessary, and the carriers are free to institute such a charge by unilateral action if they so desire.[9] The suppliers further contend that the cost of providing such service is de minimis; that the proposed $2 charge is unreasonable and will meet substantial passenger resistance; and that the intent and effect of the proposed charge will be to eliminate visual in-flight entertainment with serious injury to their substantial investments.

The Board has carefully considered all matters presented, and has concluded that an appropriate passenger charge should be assessed for the provision of visual in-flight entertainment. In addition, based on the costs presented in this proceeding, we would consider that a charge of less than $2 for a full length feature motion picture, would not be reasonable. However, we have also tentatively concluded that, under the circumstances here present, the implementation of such a charge in interstate and overseas air transportation would more appropriately be accomplished by exercise of our rate and rule making powers under the Act. Accordingly, we are simultaneously herewith issuing a notice of proposed rule making proposing amendments to the rules, as hereinafter described, to achieve this objective. Pending final determination of the rule making proceeding we will defer action on the proposed agreement.

Our conclusion that a separate passenger charge should be imposed for visual in-flight entertainment arises from our concern as to the effect that the continued carrier absorption of the substantial costs of providing such visual entertainment may have on the basic fare level.[10] Nothing presented in this proceeding serves to alleviate this concern. It is clear that the provision of such entertainment has a significant effect on the costs of operation in respect to those flights where such service is provided.[11] While the suppliers urge that the present cost is de minimis, and would not have an appreciable effect on fares, their computations are based on a percentage of total passenger revenues, including flights where no entertainment is provided.[12] We see no reason why passengers generally should bear the burden of the costs of providing such entertainment on only certain segments. Even to the extent that the present burden might not be considered substantial, with increased costs from an expanded program of in-flight entertainment it would clearly become so.

Nothing presented would indicate that the provision of such entertainment attracts a sufficient number of new passengers to air transportation to offset the costs of providing the entertainment. Rather, it appears that the competitive effect of such entertainment is to divert substantial traffic from carriers who do not provide such entertainment. As a consequence, unless a reasonable separate charge is required, there is a substantial risk that competitive pressures would result in an expansion of the provision of visual entertainment, with the substantial and increasing costs wholly absorbed by the carriers. Inevitably such increased costs would be reflected in the basic fare level.

While we are of the view that the provision of in-flight entertainment may be desirable to many passengers, it is an ancillary service not essential to the transportation function of the carriers, and the costs of providing such service should, to the maximum extent possible, be borne by the passengers who utilize the service.[13] Accordingly, we find that a reasonable passenger charge is required in order to minimize the impact of the costs of this nonessential service on basic fares.

Nevertheless, it may well be preferable for in-flight entertainment to be the subject of individual carrier initiation, subject to our rate control powers, rather than being established by collective carrier action. To begin with, it is apparent that the economic problems arising from the provision of visual in-flight entertainment may be more effectively dealt with by the exercise of our rate authority. The proposed agreement would apply only to those carriers party thereto, and then only if the carrier is not faced with a competitive lesser charge by a nonparty. On the other hand, our rate regulatory jurisdiction extends to all carriers. Moreover, the Federal Aviation Act contemplates the initial determination of rates by carriers acting individually in competition, subject to the regulatory jurisdiction of the Board to disapprove such rates to the extent they are found to be unjust and unreasonable or otherwise unlawful. Such regulated competition is an important factor in the growth and development of air transportation.

In this latter connection, we note that the proposed agreement would restrict the ability of carriers to competitively develop new and different types of visual entertainment, with passenger charges appropriate to the cost and value of the service provided. The agreement requires the same charge regardless of the type of visual entertainment offered, or the method of presentation. Thus, the agreement could act as a deterrent to the development of other systems which might be offered at substantial cost savings. Moreover, the agreement would effectively eliminate the ability of carriers to provide short subject entertainment at lesser charges commensurate with cost savings and decrease in the value of the service.

In view of the foregoing, we tentatively conclude that in interstate and overseas air transportation, the regulatory problems posed by visual in-flight entertainment can best be handled by the affirmative exercise of our rate powers, rather than by action on the proposed agreement.

We turn next to the question of the level of the charge which we would consider just and reasonable. The carrier

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[2] If our motion is denied by the Court, we shall take any additional appropriate action to define the scope of this proceeding. We have included three Tampa markets in the instant case because of their manifest relationship to the Eastern route.

[3] Another advantage of limiting the proceeding in the above fashion, is that it will permit us to consider in a separate proceeding or proceedings service proposals involving other markets in the same geographic area covered by this investigation.

[4] In view of our action, Braniff's petition to institute an investigation in Docket 17288 and American's motion for expeditious consideration of its application in Docket 17355 are now moot and will be dismissed.

[1] Order E-23214, Feb. 10, 1966, as amended by Order E-23345, Mar. 10, 1966.

[2] Allegheny, American, Bonanza, Braniff, Delta, Eastern, National, Northeast, Ozark, Trans-Texas, Trans World, and United Air Lines.

[3] Order E-23859, June 24, 1966. See also Order E-24343, Oct. 31, 1966.

[4] American, Trans World, and United Air Lines. American also filed reply and supplemental comments.

[5] Inflight Motion Pictures, Inc., Consolidated Electrodynamics Corp., and a joint comment of Sony Corporation of America and its subsidiary, Videoflight, Inc. Inflight also filed a reply comment, and a supplemental reply comment.

[6] Motion Picture Association of America, Inc.

[7] Continental also states that it was unwilling to incur the capital expenditure required for segregation of the audio from audiovisual channels.

[8] Order E-23708, May 20, 1966.

[9] It is argued that the Board's approval of the IATA agreement does not constitute a precedent for approval of the instant agreement in view of the differentiating circumstances here present.

[10] See Orders E-21745, Feb. 1, 1965; E-23214, Feb. 10, 1966; E-23708, May 20, 1966.

[11] Thus, the cost calculations submitted by the carriers show a per passenger cost on flights where such entertainment was provided ranging from a low of $2.61 for United and a high of $4.24 for American using its present Sony system.

[12] On this basis it is stated that the total cost of the visual in-flight entertainment now provided amounts to approximately 30 cents per $100 of fares for United, and 60 cents per $100 of fares for TWA.

[13] See Order E-23708, May 20, 1966, in which we approved the IATA agreement providing for a $2.50 charge.

estimates of costs of providing visual entertainment on a per passenger and per user basis,[14] each substantially exceeds the proposed $2 charge which is the minimum that we would consider reasonable. While it is obvious that the user charge cannot be sufficiently high to recover the entire costs of providing such entertainment, the charge should be at a level which will maximize the carrier's recovery of costs from headset rentals, based on the value of the service, without encountering such passenger resistance as would in effect result in a ban on visual in-flight entertainment.

The three carriers each state their belief that a $2 charge will maximize revenues. TWA estimates that there will be a 37–39 percent passenger participation at this level, based on its experience in international air transportation where the increase in the charge for economy class passengers from $1 to $2.50 resulted in a decline in passenger participation from 42 percent to approximately 31 percent.[15] United estimates a 35 percent participation at a $2 charge,[16] and American a 50 percent participation. TWA's and United's experience with a $1 charge indicates a passenger participation at that level of between 40 to 50 percent. Thus, unless the United and TWA estimates are wholly unrealistic, and nothing presented persuades us that they are, it would not appear that a charge significantly lower than $2 would produce greater revenues.[17]

Nor are we persuaded that a $2 charge is excessive in terms of value of service, or that it would in effect constitute a ban on visual in-flight entertainment. Obviously any charge will result in a decreasing passenger participation and a reduction in the competitive inducement upon carriers not possessing such systems to install them. However, the alternative is the total absorption of the significant costs of providing such service by the airlines, with the consequent effect on the basic fare level. It does not appear unreasonable to require that a passenger pay a $2 charge to view a full-length feature motion picture which may contribute to relieving the monotony or tensions of a long journey, particularly when this charge will cover only a portion of the cost of providing him with such service. Moreover, there has been no showing that the passenger demand for such service at a $2 charge would be reduced to such an extent that it would in effect constitute a ban. On the contrary, the international experience would indicate that this would not be the case.[18]

Under current Board regulations, carriers have not been required to file tariffs applicable to passenger charges for ancillary services of this nature, and the Board has not, therefore, been in a position to suspend and investigate the provision of such services without an adequate charge. Accordingly, in the notice of proposed rule making which is being published simultaneously herewith, we propose to amend Part 221 of the Economic Regulations so as to require that tariffs applicable to interstate or overseas passenger transportation, upon which visual in-flight entertainment is provided, shall contain rules specifying the terms, conditions and charges to passengers in respect to such service. In addition, it is proposed to adopt a policy statement, by amendment of Part 399, to the effect that an appropriate charge, consistent with the cost and value of service, should be imposed upon passengers utilizing visual in-flight entertainment facilities furnished by carriers, in all classes of service. The policy statement would further provide that a tariff provision for a charge of less than $2 for a full-length feature motion picture would, in the absence of a contrary showing, be considered by the Board to be unjust and unreasonable, and would be suspended and investigated. This policy would not, however, preclude the approval of a tariff providing for a lesser charge under different systems of presentation, or for other than full-length feature motion pictures, or in other circumstances where it was demonstrated that a lesser charge would be reasonable.

Accordingly, it is ordered, That:

1. Action on Agreement CAB 18922 is deferred pending final determination of the rule making proceeding instituted simultaneously herewith (EDR–112, PSDR–17, Docket 18256).[20]

2. This order will be published in the FEDERAL REGISTER.[20]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67–2824; Filed, Mar. 14, 1967; 8:47 a.m.]

[14] The estimates were as follows:

Carrier	Cost per seat	Cost per passenger	Cost per user
Trans World	$1.30	$3.00	$3.50
United	1.54	2.61	3.15
American (Sony System)	1.87	4.24	8.48
American (CEC System)	1.63	3.70	7.40

American's user costs are figured at an estimated 50 percent participation at a $2 charge, whereas Trans World's and United's user costs are based on estimated current passenger utilization, at no charge, of 85 percent and 83 percent respectively. The number of available seats per aircraft and load factors assumed by each carrier also differ.

[15] While we recognize that the IATA agreement imposed a charge for both audio and visual entertainment, and the proposed regulation would permit audio entertainment to be provided free of charge, we are not persuaded that this fact would materially affect the validity of TWA's estimates.

[16] United's estimates are based on the combined findings of a passenger survey conducted by United during December 1964, and January 1965. United's experience with charges that were imposed for the use of headsets during the same months, and a mathematical projection of known values.

[17] Assuming, for example, a 50 percent participation at a $1 charge, only a 25 percent participation at a $2 charge would be required to produce the same revenues.

[18] The suppliers urge that the provision of free audio entertainment will curtail the demand for visual entertainment for which a charge is made. However, even to the extent that this might in fact be the case, it provides no justification for imposition of an audio entertainment charge which is not otherwise required. The cost figures submitted by the carriers in this proceeding demonstrate that the cost of providing such audio entertainment is relatively insignificant on a per passenger or per user basis, and accordingly a requirement that a separate charge be imposed for audio entertainment is not warranted.

[19] See F.R. Doc. 67–2825 appearing in the Proposed Rule Making section of this issue, supra.

[20] Murphy, Chairman, Minetti, Gilliland and Adams, Members, concurred in the above opinion and order. The dissent of Murphy, Vice Chairman, filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 67–311]

COMMITTEE FOR FULL DEVELOPMENT OF ALL-CHANNEL BROADCASTING

Reconstitution and Extension of Term

MARCH 10, 1967.

In February 1963, the Federal Communications Commission authorized the formation of the Committee for the Full Development of All-Channel Broadcasting. Under the requirements of Executive Order 11007, the work of such an industry advisory committee must terminate and the group dissolve after a period of 2 years unless the Commission makes a public interest determination that its functions shall continue for an additional 2-year term.

In 1965, the Commission authorized the extension of this term, noting that two committees had completed their assignments. The remaining group was authorized to continue as a functioning body until March 12, 1967. Subcommittee 2.1 of this group has now before us a request that the life of the Committee be extended for an additional 2-year term and that the Committee be reconstituted so as to eliminate certain procedures which are now considered inappropriate.

The Commission is of the view that the public interest will be served by granting these requests. Henceforth, the Committee as reconstituted shall consist of that which was formerly Subcommittee 2.1. It is being headed by Lawrence M. Turet, chairman, with Seymour N. Siegel, vice chairman. The functions and scope of the reconstituted Committee are to consider on an ad hoc basis matters affecting TV station operations such as, but not necessarily limited to, the availability of TV programs and the effects of Pay TV, CATV, and TV ratings on television stations. The Committee will continue to be under the supervision of Commissioner Robert E. Lee.

The Executive Committee and Committee 2 are dissolved with an expression of gratitude to those who have served thereon and given so freely of their time and talents. Persons wishing to become members or observers of the reconstituted group, including those who have served on the Executive Committee and on Committee 2, may address their requests to Mr. Turet, % Field Communications Corp., 212 West Wisconsin Avenue, Milwaukee, Wis. 53203.

Copies of the proceedings of the Committee may be purchased from CSA Reporting Corp., 300 Seventh Street SW., Washington, D.C. 20024, and are available for inspection at the Commission's Public Reference Room.

Adopted: March 8, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2827; Filed, Mar. 14, 1967; 8:47 a.m.]

[1] Commissioner Wadsworth absent.

[Docket Nos. 17261, 17262; FCC 67M–393]

BILL GARRETT BROADCASTING CORP. AND FAULKNER RADIO, INC.

Order Scheduling Hearing

In re applications of Bill Garrett Broadcasting Corp., Slidell, La., Docket No. 17261, File No. BPH–5482; Faulkner Radio, Inc., Slidell, La., Docket No. 17262, File No. BPH–5493; for construction permits.

It is ordered, This 7th day of March 1967, that Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 25, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 29, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: March 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2828; Filed, Mar. 14, 1967; 8:47 a.m.]

[Docket Nos. 17263, 17264; FCC 67M–394]

BIRNEY IMES, JR., AND RADIO COLUMBUS, INC.

Order Scheduling Hearing

In re applications of Birney Imes, Jr., Columbus, Miss., Docket No. 17263, File No. BPH–5515; Radio Columbus, Inc., Columbus, Miss., Docket No. 17264, File No. BPH–5581; for construction permits.

It is ordered, This 7th day of March 1967, that Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 27, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 30, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: March 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2829; Filed, Mar. 14, 1967; 8:48 a.m.]

[Docket No. 17280; FCC 67M–397]

CABLE TELEVISION COMPANY OF ILLINOIS

Order Scheduling Hearing

In the matter of cease and desist order to be directed against Cable Television Company of Illinois, owner and operator of a community antenna television system at Fairbury, Ill., Docket No. 17280.

It is ordered, This 9th day of March 1967, that Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 3, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 24, 1967, commencing at 9 a.m.: *And it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: March 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2830; Filed, Mar. 14, 1967; 8:48 a.m.]

[Docket Nos. 16928 etc.; FCC 67–303]

CALIFORNIA WATER AND TELEPHONE CO. ET AL.

Memorandum Opinion and Order Amending Orders Instituting Investigation

In the matter of California Water and Telephone Co., Docket No. 16928; Tariff FCC No. 1 and Tariff FCC No. 2 applicable to channel service for use by Community Antenna Television Systems; in the matter of The Associated Bell System Cos., Docket No. 16943; tariffs for channel service for use by Community Antenna Television Systems; in the matter of The General Telephone System, and United Utilities, Inc., Companies, Docket No. 17098; tariffs for channel service for use by Community Antenna Television Systems.

1. The Commission has under consideration its orders of October 12, 1966, and January 24, 1967, in Docket No. 16928, wherein the Commission instituted an investigation into the lawfulness of the tariffs referred to in the above caption and specified an issue, among others, to determine whether the respondent in that proceeding is subject to the requirements of section 214 of the Act and Part 63 of our rules implementing that section. Also before us for consideration is our order of January 24, 1967 in Docket 17098, wherein the Commission instituted a similar investigation and adopted a similar issue with respect to the respondents in that proceeding.

2. On February 27, 1967, in Docket 16943, the Commission adopted an order directing the Hearing Examiner in that proceeding to separate out, and give first priority to, the 214 aspects of the proceeding and to certify the record in that phase to the Commission for expedited decision. In adopting the order, the Commission stated that it was undesirable to delay resolution of the 214 issue as to Bell until after completion of the evidentiary hearing record on the other issues in the consolidated proceeding. We stated that we were concerned that if Bell's position were determined to be incorrect, there may have occurred substantial construction and expansion of CATV channel facilities contrary to the provisions of section 214 of the Act during the period of time necessary to complete our investigation of the other issues in the consolidated proceeding. We think it equally necessary to resolve expeditiously the section 214 issue as to the other respondents in the consolidated proceeding since the problem is similar, i.e., substantial construction and expansion of CATV channel facilities contrary to the provision of section 214 of the Act during the interim.

3. For the foregoing reasons, we shall order the presiding officer to take evidence promptly on the aforesaid section 214 issue and to certify that part of the record to the Commission for final decision by the Commission on proposed findings, conclusions and briefs, and opportunity for oral argument before the Commission en banc. We find that due and timely execution of our functions imperatively and unavoidably requires this procedure, if we are to discharge fully our responsibilities under the Communications Act of 1934, as amended.

4. Therefore, in view of the foregoing: *It is ordered,* This 8th day of March 1967, that our orders of October 12, 1966, and January 24, 1967, in Docket No. 16928 and our order of January 24, 1967, in Docket No. 17098 be amended to provide:

(1) That the presiding officer shall proceed, at the earliest practicable date, to take evidence on the section 214 issues set forth in those orders, simultaneously with the taking of evidence on the section 214 issue with respect to the Bell System Cos.;

(2) That upon completion of the receipt of evidence on the aforesaid issue, the presiding officer, without the preparation of any recommended decision, shall certify the entire record on that phase of the proceedings to the Commission for decision on such issue;

(3) That the respondents and parties in Dockets 16928 and 17098 shall file proposed findings of fact and conclusions, briefs, and memoranda of law, within 15 days following the certification of the record to the Commission;

(4) That prior to the preparation and issuance of a decision, the Commission, by appropriate order, will afford respondents and parties opportunity to present oral argument before the Commission,

en banc, pursuant to an appropriate order.

Released: March 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2831; Filed, Mar. 14, 1967; 8:48 a.m.]

[Docket Nos. 17256, 17257; FCC 67M-392]

EAST ST. LOUIS BROADCASTING CO., INC., AND METRO-EAST BROADCASTING, INC.

Order Scheduling Hearing

In re applications of East St. Louis Broadcasting Co., Inc., East St. Louis, Ill., Docket No. 17256, File No. BP-16579; Metro-East Broadcasting, Inc., East St. Louis, Ill., Docket No. 17257, File No. BP-16682; for construction permits.

It is ordered, This 7th day of March 1967, that Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 27, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 30, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: March 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2832; Filed, Mar. 14, 1967; 8:48 a.m.]

[Docket Nos. 13292 etc.; FCC 67-252]

NEWS-SUN BROADCASTING CO. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of The News-Sun Broadcasting Co., Waukegan, Ill., Docket No. 13292, File No. BPH-2543; Requests: 106.7 mc, No. 294; 50 kw; 274.9 ft.; Edward Walter Piszczek and Jerome K. Westerfield, Des Plaines, Ill., Docket No. 13940, File No. BPH-3201; Requests: 106.7 mc, No. 294; 50 kw; 276 ft.; Maine Township FM, Inc., Des Plaines, Ill., Docket No. 17242, File No. BPH-4821; Requests: 106.7 mc, No. 294; 50 kw; 300 ft.; for construction permits.

1. The Commission has before it for consideration (a) the above captioned and described applications, (b) the News-Sun Broadcasting Co. ("News-Sun") "Petition to Dismiss Application" of Maine Township FM, Inc. ("Maine"), (c) Maine's opposition to the petition, (d) News-Sun's reply, (e) News-Sun's "Petition for Recission of Commission Acceptance of (Maine's) Application for Filing", (f) Maine's opposition to the petition, and (g) News-Sun's reply.

2. As a result of a series of proceedings involving Chicago area FM allocations, which need not be recounted here in detail, the Commission, inter alia, provided for the assignment of Channel 294 in Waukegan, Ill., for its use there or in Des Plaines, Ill., pursuant to the "25-mile" rule. At the time Channel 294 was assigned to Waukegan, only the News-Sun and Piszczek and Westerfield (P&W) applications were on file, and the Memorandum Opinion and Order (FCC 64-1202) making the assignment specified that these two applicants were to have 45 days within which to make appropriate amendments to their applications, following which their applications were to be designated for hearing, "primarily on 307(b) issues". Both applications have been amended and are ready for designation. In addition, following release of the above document, Maine tendered an application, which, like P&W, proposed use of the channel in Des Plaines. News-Sun then filed its first petition urging its return. When the application was accepted for filing, News-Sun filed its second petition urging recission of its acceptance.[1] News-Sun's second petition was prompted by our acceptance of the application and is directed to the same issue, Maine's eligibility for comparative consideration.

3. First, News-Sun argues that the Commission's memorandum opinion and order assigning the channel to Waukegan contemplated a hearing between it and P&W, not one involving additional applicants. Specifically, News-Sun refers to language in paragraph 14 of the document which states that the applicants (meaning News-Sun and P&W) would be given 45 days to make appropriate amendments to their applications, following which * * * "the two applications will then be designated for consolidated hearing * * *" News-Sun interprets the reference to "the two applications" as precluding the filing of additional applications. Maine, on the other hand, contends that such protection as News-Sun had ended with our action terminating the hearing proceeding involving its application, and as a result, News-Sun's status is that of a mere applicant. Nothing, Maine indicates, was said about another application because none was or could have been on file at that time.

4. In adopting the document in question it was not our intention to preclude the filing of additional applications. As Maine points out, until the proceedings involving News-Sun and P&W were terminated, no other applications could have been accepted for filing. Inevitably, then, the document was directed only to the two then-pending applications. Read in this light, it is clear that the language of the document dealt only with then-present situation without reference to the future filing of another, mutually exclusive, application. Nor, it should be pointed out, was the termination of the News-Sun and P&W proceedings consistent with a desire to afford them continuing protection.

5. News-Sun also argues that even if competing applications could be filed, our language regarding the time with which to amend indicates an intention to provide an ad hoc "cut-off" procedure which would bar the filing of an application after this 45-day period had expired. News-Sun made and then appears to have abandoned an argument regarding the date on which the 45 days begins to run.[2] Maine's view is that expiration of the 45-day period was not intended as a "cut-off" date and in any event that its application was timely filed.[3] Maine also reads §§ 1.573 (a) and (b) and 1.589 (b) of our rules as supporting its right to file.

6. Since nothing in our language indicated an intention to establish a "cut-off" date, we need not consider our right to establish one. Suffice it to say that the 45-day period was by its terms applicable to the News-Sun and P&W applications only. Although we then hoped that it would be possible to effect a prompt designation of these applications for hearing, related rule making matters and petitions for reconsideration worked a significant delay. Thus, if we had been able to proceed, expiration of the 45-day period might well have coincided with our action designating the applications for hearing. Such designation, which would have included applications filed in the interim, was our only contemplated "cut-off". Further, even if Maine's application was not substantially complete as originally filed, any possible error in our failing to return the application or prematurely accepting it for filing did not injure News-Sun, since the application is substantially complete as amended. News-Sun's various other contentions regarding alleged defects in the Maine application also have been reviewed, but for the most part these deficiencies have been corrected by subsequent amendments. As to the others, except for the matter of Maine's financial qualifications, News-Sun's contentions are found to be without merit.

[1] Commissioner Wadsworth absent.

[1] News-Sun predicates standing on the fact that the Maine application proposes a mutually exclusive use of the channel. Maine disputes this, contending that a hearing with a Des Plaines applicant would be required in any event. In our view, the possibility of the inclusion of an additional Des Plaines applicant is sufficient to establish standing.

[2] In essence, News-Sun argument was that the period began on the date the document was adopted and public notice (quoting the 45-day amendment requirement) was given, rather than the date on which the document itself was released. This in turn relates to its argument that no substantially complete application was filed by either date (although Maine did tender its application by the latter date). In view of our conclusion regarding the significance of the 45-day period, it will not be necessary to consider News-Sun's argument regarding the method of computation. Questions relating to the application's substantial completeness, however, will be discussed infra.

[3] Maine also states that P&W's amendment (about which News-Sun raised no question) was not filed until the latter date; see preceding footnote.

Under these circumstances, News-Sun's pleadings will be denied, and Maine's application will be given comparative consideration as indicated below.

7. According to its application, Maine would require approximately $148,675 to construct and operate the station for 1 year without revenue. To meet its requirements, Maine shows $6,000 in cash, stock subscriptions totaling $24,000 and stockholder loan agreements totaling $91,000. Even if Maine was credited with all of these items, it would still fall about $27,675 short. In fact, however, all of the stockholders have failed to provide balance sheets or other financial statements sufficient to establish their ability to fulfill their commitments. Accordingly, an appropriate financial issue has been specified.

8. The respective proposals are for different communities. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

9. Data submitted by the applicants indicate that there would be a significant difference in the size of the populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations within the 1 mv/m contours together with the availability of other FM services of 1 mv/m or greater intensity in such areas will be considered under the 307(b) issue, and if necessary, under the contingent comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

10. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, as is of the opinion that the applications must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Maine Township FM, Inc., has available to it, from stockholder loan commitments and otherwise, the additional $142,675 it indicates is necessary to construct and operate the station for a period of 1 year without revenues and thus demonstrate its financial qualifications.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would best serve the public interest.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which if any, of the applications for construction permit should be granted.

It is further ordered, That except as otherwise indicated, News-Sun Broadcasting Co.'s petition to dismiss application and petition for recission of Commission acceptance of application for filing are denied and the acceptance of the Maine Township FM, Inc. application is affirmed.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 1, 1967.

Released: March 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2833; Filed, Mar. 14, 1967; 8:48 a.m.]

[Docket Nos. 13292 etc.; FCC 67M-395]

NEWS-SUN BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of The News-Sun Broadcasting Co., Waukegan, Ill., Docket No. 13292, File No. BPH-2543; Edward Walter Piszczek and Jerome K. Westerfield, Des Plaines, Ill., Docket No. 13940, File No. BPH-3201; Maine Township FM, Inc., Des Plaines, Ill., Docket No. 17242, File No. BPH-4821; for construction permits.

It is ordered, This 7th day of March 1967, that Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 28, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 31, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: March 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2834; Filed, Mar. 14, 1967; 8:48 a.m.]

[4] Commissioner Wadsworth absent.

FEDERAL POWER COMMISSION

[Docket No. CS67-47]

BROOKS GAS CORP.

Further Notice of Application

MARCH 7, 1967.

Take notice that on February 6, 1967, Brooks Gas Corp. (Applicant), Post Office Box 6862, Houston, Tex. 77005, filed in Docket No. CS67-47 an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that W. M. Dow, president and sole owner of Applicant, is also president and sole owner of Brooks Pipe Line Co., a natural gas pipeline company subject to the jurisdiction of the Commission. Applicant requests the Commission to consider, inter alia, waiver of § 157.40(a)(1) of the regulations under the Natural Gas Act and issuance of a "small producer" certificate to Applicant notwithstanding its affiliation with Brooks Pipe Line Co., which certificate shall be conditioned to proscribe sales pursuant thereto to Brooks Pipe Line Co.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 28, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.[1]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2802; Filed, Mar. 14, 1967; 8:46 a.m.]

[Docket No. CP61-265]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

MARCH 7, 1967.

Take notice that on February 28, 1967, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP61-265 a petition to amend the order issued by the Commission January 11, 1965, as amended February 21, 1966, by authorizing Petitioner to deliver to Transwestern Pipeline Co. (Transwestern), on an exchange basis, natural gas to be produced from the Buzzard No. 1-75 well and to authorize Petitioner to construct all the necessary facilities required for same, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The above-mentioned order, as amended, authorized Petitioner to construct and operate certain natural gas facilities and to deliver natural gas to Transwestern, on an exchange basis, pursuant to an agreement between Petitioner and Transwestern dated February 1, 1961.

Petitioner seeks authorization to construct certain natural gas facilities, said facilities to be operated by Transwestern, from the Sunset International Buzzard No. 1-75 well to Transwestern's gathering facilities, as follows:

(1) Approximately 0.8 mile of 4½-inch O.D. pipeline and necessary appurtenances, from Buzzard No. 1-75 well to a point of connection with Transwestern's existing gathering facilities, all in Ochiltree County, Tex., and

(2) A high-pressure well tie, dehydration and measuring and regulating facilities, all in Ochiltree County, Tex.

Petitioner estimates the Average Daily Delivery from said well at approximately 300 Mcf of natural gas.

Petitioner estimates the cost of the proposed construction at approximately $18,478.

On this basis, Petitioner seeks authorization to construct the above-listed facilities and deliver the above-mentioned quantity of natural gas to Transwestern on an exchange basis.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 3, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2803; Filed, Mar. 14, 1967; 8:46 a.m.]

[1] Notice of the filing of the subject application has heretofore been issued Feb. 10, 1967, and published in the FEDERAL REGISTER on Feb 18, 1967, 32 F.R. 3072.

[Docket No. CP67-242]

UNITED GAS PIPE LINE CO.

Notice of Application

MARCH 7, 1967.

Take notice that on February 27, 1967, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP67-242 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon the following facilities:

(1) 0.15 miles of 6-inch and 4-inch pipe line together with an orifice meter station and appurtenant equipment, to the Allied Chemical Corp., all in Orange County, Tex.,

(2) A dual positive meter station with downstream regulation and appurtenant facilities, for Winnsboro Materials, Inc., all in Franklin Parish (County), La., and

(3) A portion of the 18-inch Rodessa Field Main Line, consisting of 6.6 miles of 18-inch and 4 miles of 12-inch line beginning at M.P. 0.29 and extending in a Southeasterly direction to M.P. 10.89, all in Caddo Parish (County), La.

Applicant states that the agreement with Allied Chemical Corp. (Allied) was terminated by its own terms January 1, 1967, and Allied did not desire to extend said agreement. Applicant also states that the agreement with Winnsboro Materials, Inc. (Winnsboro) was canceled by letter agreement dated January 25, 1967, and effective February 1, 1967. Applicant further states that the pipeline to the Rodessa Field is no longer needed as Applicant no longer has any gas purchase contracts in said field and it does not foresee any future need for this pipeline.

Applicant states that the proposed abandonments will not affect any of its remaining customers.

Applicant estimates the salvage value of the facilities proposed to be abandoned at approximately $39,445.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 31, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2804; Filed, Mar. 14, 1967; 8:46 a.m.]

[Project No. 2316]

WATER DISTRICT NO. 97 OF KING COUNTY, WASH.

Notice of Application for License for Unconstructed Project

MARCH 7, 1967.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Water District No. 97 of King County, Wash. (correspondence to: C. W. Duffy, Board of Commissioners, Water District No. 97 of King County, Wash., 16049 Northeast Eighth Street, Bellevue, Wash. 98004), for unconstructed Project No. 2316, to be known as North Fork Snoqualmie River Water Supply Project, to be located on North Fork of the Snoqualmie River, Lake Hancock, Calligan Lake, and Beaver Creek, in King County, Wash., near the Villages of Carnation and North Bend, about 30 miles east of Seattle, and affecting lands of the United States within Snoqualmie National Forest.

The proposed North Fork Snoqualmie River Water Supply Project, which would be constructed in three stages or phases, would consist of three earth and rock fill storage dams, and one re-regulating reservoir—one to be located on Lake Calligan, one at Lake Hancock and one on the North Fork of Snoqualmie River. From these damsites the water will pass through penstocks to a powerhouse at Beaver Creek. The water will be re-regulated at Beaver Creek and enter a penstock to Carnation where the second powerhouse will be constructed. A portion of the water will be picked up at Beaver Creek and taken directly to the water supply distribution area of Applicant. The excess water from the Carnation power station will enter a tailrace channel and discharge into the Snoqualmie River.

More specifically described, the proposed North Fork Snoqualmie River Water Supply Project would consist of: *Phase I.* (1) Calligan Lake Dam, an earth-fill structure about 12 feet high; (2) Calligan Lake, a natural lake, to have a usable storage of about 10,000 acre-feet when raised; and (3) an intake, a spillway and a 48-inch pipeline extending to the applicant's existing storage tanks. *Phase II.* (1) Lake Hancock Dam, an earth-fill structure about 15 feet high; (2) Lake Hancock, a natural lake, to have a usable storage of about 10,000 acre-feet when raised; (3) an intake, a spillway and a pipeline leading to the pipeline from Calligan Lake; (4) Beaver Creek Powerhouse containing a 12,200 hp. turbine driving a generator rated at 9000 kw; and (5) Beaver Creek Dam, with a spillway and intake structure, forming a re-regulating reservoir below Beaver Creek Powerhonse. *Phase III.* (1) North Fork Dam, an earth-fill dam about 200 feet high, with an intake and gated spillway, on the North Fork Snoqualmie River; (2) North Fork Reservoir with a capacity of 100,000 acre-feet at elevation of 1,560 feet and 60,000 acre-feet of flood control storage between elevation 1,560 and 1,585; (3) a penstock to Beaver Creek Powerhouse; (4) an additional turbine at Beaver Creek Powerhouse, developing 27,200 hp., connected to a generator rated at 20,000 kw; (5) Carnation Powerhouse, supplied with water from Beaver Creek Dam by a penstock, containing a 44,000 hp. turbine connected to a 32,000 kw generator; and (6) a re-regulating reservoir and a tailrace below Carnation Powerhouse.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 2, 1967. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2805; Filed, Mar. 14, 1967; 8:46 a.m.]

[Docket Nos. RI67-311 etc.]

MIDWEST OIL CORP. ET AL.

Order Accepting Contract Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 7, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser, and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-311	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	6	[2] 6	Natural Gas Pipeline Co. of America (Clayton Field, Live Oak County, Tex.) (RR. District No. 2).	----------	2- 9-67	[3] 3-12-67	(Accepted) 9- 1-67	----------	----------	
		6	7		$1,596	2-13-67	[4] 4- 1-67		9.52063	[5] [9] 15.39639	
RI67-312	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	177	7	United Fuel Gas Co. (East Cameron Block 17, Offshore, Cameron, La.).	29,200	2-13-67	[3] 3-16-67	8-16-67	[6] 21.5	[7] [9] 22.5	RI65-475.
	do	227	6	United Fuel Gas Co. (East Cameron Block 17 (South), Offshore, Cameron, La.).	3,650	2-13-67	[4] 3-16-67	8-16-67	[6] 21.5	[7] [9] 22.5	RI65-475.
RI67-313	Worldwide Petroleum Corp., 4150 East Mexico Ave., Denver, Colo.	1	2	Cities Service Gas Co. (Clyde Gas Field, Grant County, Okla.) (Oklahoma "Other" Area).	600	2- 8-67	[3] 3-11-67	8-11-67	[10] [11] [12] 13.0	[8] [7] [10] [11] 14.0	
RI67-314	Tommy Ward Drilling Co. (Operator), et al., 710 Kermac Bldg., Oklahoma City, Okla. 73102.	2	2	Northern Natural Gas Co. (Carthage Field, Texas County, Okla.) (Panhandle Area).	1,200	2-13-67	3-16-67	8-16-67	[11] [12] 14.0	[6] [7] [11] [10] 15.0	

[2] Provides for a redetermined base rate of 15.25 cents applicable during the 5-year period commencing Apr. 1, 1967.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] The stated effective date is the effective date proposed by Respondent.
[5] Redetermined rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Periodic rate increase.
[8] Pressure base is 15.025 p.s.i.a.
[9] Includes 1.5 cents per Mcf tax reimbursement.
[10] Subject to deductions by buyer of 0.75 cent for dehydration and 1.5 cents for compression of gas.
[11] Subject to a downward B.t.u. adjustment.
[12] Notice of change shows present effective rate of 12.0 cents, however, Respondent filed a motion, together with agreement and undertaking, concurrently with the instant filing, to place the previously suspended 13.0-cent rate in effect subject to refund in Docket No. R163-70.
[13] Applicable to gas produced from formations below the Chase Group of the Wolfcamp Series of the Permian System and above the top of the Morrowan Series of the Pennsylvanian System.

Worldwide Petroleum Corp. (Worldwide) and Tommy Ward Drilling Co. (Operator) et al. (Ward) request a retroactive effective date of January 1, 1965, the contractually provided effective date, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Worldwide and Ward's rate filings and such requests are denied.

On February 9, 1967, Midwest Oil Corp. (Midwest) tendered for filing a letter agreement dated January 25, 1967, which provides for a redetermined base rate of 15.25 cents per Mcf applicable during the 5-year period commencing April 1, 1967. Such agreement has been designated as Supplement No. 6 to Midwest's FPC Gas Rate Schedule No. 6. We believe that it would be in the public interest to accept for filing Midwest's aforementioned letter agreement to become effective as of March 12, 1967, the date of expiration of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Midwest's proposed contract agreement dated January 25, 1967, designated as Supplement No. 6 to Midwest's FPC Gas Rate Schedule No. 6, and for permitting such supplement to become effective on March 12, 1967, the date of expiration of the statutory notice.

(2) Except for the supplement set forth in paragraph (1) above, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Midwest's contract agreement dated January 25, 1967, designated as Supplement No. 6 to Midwest's FPC Gas Rate Schedule No. 6, is accepted for filing and permitted to become effective on March 12, 1967.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in

the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 19, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-2806; Filed, Mar. 14, 1967; 8:46 a.m.]

[Docket No. RI67-315]

RIP C. UNDERWOOD ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 7, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 19, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser, and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-315...	Rip C. Underwood et al., 710 Kermac Bldg., Oklahoma City, Okla. 73102.	7	1	Panhandle Eastern Pipe Line Co. (Carthage Area, Texas County, Okla.) (Panhandle Area).	$480	2-13-67	2 3-16-67	3 3-17-67	4 16.0	4 4 17.0	

1 Basic contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1.
2 The stated effective date is the first day after expiration of the statutory notice.
3 The suspension period is limited to 1 day.
4 Periodic rate increase.
5 Pressure base is 14.65 p.s.i.a.
6 Subject to a downward B.t.u. adjustment.

Rip C. Underwood et al. (Underwood), request that their proposed rate increase be permitted to become effective on March 5, 1967, the contractually provided effective date. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Underwood's rate filing and such request is denied.

The contract related to the rate filing proposed by Underwood was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, Underwood's rate filing should be suspended for 1 day from March 16, 1967, the date of expiration of the statutory notice.

[F.R. Doc. 67-2807; Filed, Mar. 14, 1967; 8:46 a.m.]

NATIONAL SCIENCE FOUNDATION

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Assignment of Compliance Functions Under Title VI of Civil Rights Act of 1964

Notice is hereby given that the Director of the National Science Foundation has assigned certain compliance functions under National Science Foundation regulations (codified at 45 CFR Part 611—Nondiscrimination in Federally Assisted Programs of the National Science Foundation) to effectuate Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-1, to the Secretary of Health, Education, and Welfare, and the latter has accepted the assignment of such functions. These assignments are contained in the two letters dated March 10, 1966, and the letter dated May 24, 1966, to the Secretary of Health, Education, and Welfare, copies of which are set forth below.

NATIONAL SCIENCE FOUNDATION
OFFICE OF THE DIRECTOR
WASHINGTON, D.C. 20550.
March 10, 1966.

Hon. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare, Washington, D.C. 20201.

DEAR MR. SECRETARY: Pursuant to the authority of 45 CFR 611.12(c), I hereby assign to you the responsibilities listed below of the National Science Foundation and of the responsible National Science Foundation official under Title VI and the nondiscrimination in federally assisted programs regulations issued thereunder (45 CFR 611) with respect to hospitals and other health facilities:

1. Compliance reports, including the mailing, receiving, and evaluation thereof under 45 CFR 611.6(b);

2. Other actions under 45 CFR 611.6;

3. All actions under 45 CFR 611.7, including periodic compliance reviews, receiving of complaints, investigations, determination of recipient's apparent failure to comply, and resolution of matters by informal means.

The National Science Foundation specifically reserves to itself the responsibilities for the effectuation of compliance under 45 CFR 611.8, 611.9, and 611.10.

The responsibilities so designated to you are to be exercised in accordance with the Plan for Coordinated Enforcement Procedures for Higher Education dated February 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department. The National Science Foundation also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department.

With respect to the second paragraph of Item 5 of the plans for Coordinated Enforcement Procedures For Institutions Of Higher Education and for Medical Facilities, dated February 1966, as a condition of this assignment it is understood that your Department will either not make requests to the National Science Foundation to designate professional staff for participation in implementation activities or that requests for the participation of Foundation employees in implementation activities will be limited to those concerned with recipients with which the National Science Foundation has grant and contract relationships.

If you consent to this assignment, please indicate your acceptance by signing in the space provided below.

Sincerely yours,

LELAND J. HAWORTH.

Accepted: April 11, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

NATIONAL SCIENCE FOUNDATION
OFFICE OF THE DIRECTOR
WASHINGTON, D.C. 20550.
March 10, 1966.

Hon. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare, Washington, D.C. 20201.

DEAR MR. SECRETARY: Pursuant to the authority of 45 CFR 611.12(c), I hereby assign to you the responsibilities listed below of the National Science Foundation and of the responsible National Science Foundation official under Title VI and the nondiscrimination in federally assisted programs regulations issued thereunder (45 CFR 611) with respect to institutions of higher education:

1. Compliance reports, including the mailing, receiving and evaluation thereof under 45 CFR 611.6(b);

2. Other actions under 45 CFR 611.6;

3. All actions under 45 CFR 611.7, including periodic compliance reviews, receiving of complaints, investigations, determination of recipient's apparent failure to comply, and resolution of matters by informal means.

The National Science Foundation specifically reserves to itself the responsibilities for the effectuation of compliance under 45 CFR 611.8, 611.9, and 611.10.

The responsibilities so designated to you are to be exercised in accordance with the Plan for Coordinated Enforcement Procedures for Higher Education dated February 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department. The National Science Foundation also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department.

With respect to the second paragraph of Item 5 of the plans for Coordinated Enforcement Procedures For Institutions Of Higher Education and for Medical Facilities, dated February 1966, as a condition of this assignment it is understood that your Department will either not make requests to the National Science Foundation to designate professional staff for participation in implementation activities or that requests for the participation of Foundation employees in implementation activities will be limited to those concerned with recipients with which the National Science Foundation has grant and contract relationships.

If you consent to this assignment, please indicate your acceptance by signing in the space provided below.

Sincerely yours,

LELAND J. HAWORTH.

Accepted: April 26, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

NATIONAL SCIENCE FOUNDATION
OFFICE OF THE DIRECTOR
WASHINGTON, D.C. 20550.
May 24, 1966.

Hon. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare, Washington, D.C. 20201.

DEAR MR. SECRETARY: Pursuant to the authority of 45 CFR 611.12(c), I hereby assign to you the responsibilities listed below of the National Science Foundation and of the responsible National Science Foundation official under Title VI and the nondiscrimination in federally assisted programs regulations issued thereunder (45 CFR 611) with respect to elementary and secondary schools and school systems.

1. Soliciting, receiving, and determining the adequacy of assurances of compliance, voluntary desegregation plans, and final court orders under 45 CFR 611.4;

2. Mailing, receiving, and evaluating compliance reports under 45 CFR 611.6(b);

3. All other actions related to securing voluntary compliance, or related to investigations, compliance reviews, complaints, determinations of apparent failure to comply, and resolutions of matters by informal means.

The National Science Foundation specifically reserves to itself the responsibilities for the effectuation of compliance under 45 CFR 611.8, 611.9, and 611.10.

The responsibilities so designated to you are to be exercised in accordance with the Plan for Coordinated Enforcement Procedures for Elementary and Secondary Schools and School Systems dated May 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department. The National Science Foundation also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department.

With respect to the second paragraph of Item 6 on page 4 of the Plans for Coordinated Enforcement Procedures for Elementary and Secondary Schools and School Systems, dated May 1966, as a condition of this assignment it is understood that your Department will either not make requests to the National Science Foundation to designate professional staff in special cases to assist in inspection or other implementation activities or that requests for the assistance of Foundation employees in such implementation activities will be limited to those concerned with recipients with which the National Science Foundation has grant and contract relationships.

If you consent to this assignment, please indicate your acceptance by signing in the space provided below.

Sincerely yours,

LELAND J. HAWORTH.

Accepted: June 22, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

Dated: March 7, 1967.

LELAND J. HAWORTH,
Director,
National Science Foundation.

[F.R. Doc. 67-2813; Filed, Mar. 14, 1967; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4462]

NEW ORLEANS PUBLIC SERVICE INC., AND MIDDLE SOUTH UTILITIES, INC.

Notice of Proposed Issue and Sale of Bonds and Stock

MARCH 9, 1967.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y. 10017, a registered holding company, and its public-utility subsidiary company, New Orleans Public Service Inc. ("New Orleans"), 317 Baronne Street, New Orleans, La. 70160, have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 7, 9(a), 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

New Orleans proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $12,000,000 principal amount of its First Mortgage Bonds, ------ percent Series due April 1, 1997 ("new bonds"). The interest rate of the new bonds (which will be a multiple of one-eighth of 1 percent) and the price to be paid to New Orleans (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The new bonds will be issued under the Mortgage and Deed of Trust dated as of July 1, 1944, between New Orleans and the Chase Manhattan Bank (National Association), New York, N.Y., and J. J. O'Connell, successor Trustees, as heretofore supplemented and as to be further supplemented by an Eighth Supplemental Indenture to be dated as of April 1, 1967. The new bonds will be issued as fully registered bonds and as coupon bonds.

New Orleans also proposes to amend its charter to authorize 60,000 shares of a new series of cumulative preferred

stock, par value $100 per share ("new preferred stock") and proposes to issue and sell such shares subject to the competitive bidding requirements of Rule 50 under the Act. The dividend rate of the new preferred stock (which will be a multiple of one twenty-fifth of 1 percent) and the price to be paid to New Orleans (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. The filing states that, except as to designation, dividend rate, and redemption prices, the new preferred stock will have the same terms and conditions as, and will rank with, New Orleans' presently outstanding preferred stock.

New Orleans also proposes to issue and sell, and Middle South proposes to acquire, 225,000 of New Orleans' presently authorized but unissued shares of common stock, par value $10 per share, at their aggregate par value of $2,250,000.

New Orleans proposes to use the net proceeds from the issue and sale of the new bonds and new preferred and common stocks for the purpose of financing, in part, the cost of its construction program for 1967 estimated at $31,400,000, including $8,700,000 for the completion of its Michoud Steam-Electric Generating Station, Unit No. 3 and related facilities, and to pay an estimated $5,000,000 of short-term bank borrowings made, or to be made, as interim financing for such construction program.

The issue and sale of the new bonds, preferred and common stocks have been expressly authorized by the Council of the City of New Orleans, a State commission (as defined in the Act) of the State in which the company is organized and doing business. The application states that no other State or Federal regulatory authority, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred by New Orleans in connection with the issue and sale of the new bonds are estimated at $57,000, including counsel fees of $15,000 and auditors' fees of $2,500. The fees and expenses to be incurred in connection with the issue and sale of the new preferred stock are estimated at $28,000, including counsel fees of $11,500 and auditors' fees of $1,500. Fees of counsel for the underwriters in the amount of $5,500 in respect of the new bonds and $4,500 in respect of the new preferred stock will be paid by the successful bidders for the respective issues. It is stated that no special or separable expenses are anticipated by either New Orleans or Middle South in connection with the sale of the additional common stock.

Notice is further given that any interested person may, not later than April 6, 1967, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in these matters, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2815; Filed, Mar. 14, 1967; 8:47 a.m.]

[812-1901]

PITTSBURGH COKE & CHEMICAL CO.

Order Postponing Date of Hearing

MARCH 8, 1967.

Pittsburgh Coke & Chemical Co. ("Applicant"), Grant Building, Pittsburgh, Pa., a corporation organized and existing under the laws of the State of Pennsylvania, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities through majority-owned subsidiaries and a controlled company conducting a similar type of business. The Commission on February 15, 1967, issued a notice of and order for hearing to be held on March 20, 1967 (Investment Company Act Release No. 4845).

Counsel for Applicant has requested that the date of hearing be postponed to April 24, 1967. The Division of Corporate Regulation has not objected, and the Commission has found that good cause has been shown for granting the request.

It is ordered, That the date of the hearing in this matter be postponed to April 24, 1967; and

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid by mailing a copy of this order by registered mail to Pittsburgh Coke & Chemical Co., and that notice to all other persons be given by publication of this order in the FEDERAL REGISTER, and that a general release of this Commission in respect to this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2816; Filed, Mar. 14, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 437]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 10, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 10875 (Deviation No. 16), BRANCH MOTOR EXPRESS CO., 114 Fifth Avenue, New York, N.Y. 10011, filed February 27, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Wilkes-Barre, Pa., over U.S. Highway 309 to Tunkhannock, Pa., thence over U.S. Highway 6 to Towanda, Pa., thence over U.S. Highway 220 to Waverly, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Wilkes-Barre, Pa., over U.S. Highway 11 to Binghamton, N.Y., thence over New York Highway 17 to Waverly, N.Y., and return over the same route.

No. MC 19553 (Deviation No. 4), KNOX MOTOR SERVICE, INC., Post Office Box 359, Rockford, Ill. 61105, filed March 3, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Milwaukee, Wis., over Interstate Highway 94 to junction Interstate Highway 294, thence over Interstate Highway 294 to junction U.S. Highway 30 (East-West Tollway), thence over U.S. Highway 30 to junction Illinois Highway 31, at Aurora, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Milwaukee, Wis., over U.S. Highway 41 to junction Illinois Highway 63, thence over Illinois Highway 63 to junction Illinois Highway 120, thence over Illinois Highway 120 to junction Illinois Highway 31, thence over Illinois Highway 31 to Aurora, Ill., and return over the same route.

No. MC 19553 (Deviation No. 5), KNOX MOTOR SERVICE, INC., Post Office Box 359, Rockford, Ill. 61105, filed March 3, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 61 and Interstate Highway 80, in Davenport, Iowa, over Interstate Highway 80 to junction Illinois Highway 2, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Davenport, Iowa, over U.S. Highway 61 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction Interstate Highway 80, and return over the same route.

No. MC 29130 (Deviation No. 9), THE ROCK ISLAND MOTOR TRANSIT COMPANY, 2744 Southeast Market Street, Des Moines, Iowa 50305, filed February 27, 1967. Carrier's representative: George M. Mariner, 139 West Van Buren Street, Chicago, Ill. 60605. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Topeka, Kans., and Salina, Kans., over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Topeka, Kans., over U.S. Highway 40 to Salina, Kans., thence over U.S. Highway 81 to McPherson, Kans., and return over the same route.

No. MC 29563 (Deviation No. 1), ROCKFORD-MILWAUKEE DISPATCH, INC., 1318 18th Avenue, Rockford, Ill. 61108, filed March 1, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Rockford, Ill., over U.S. Highway Bypass 20 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Wisconsin Highway 15 east of Beloit, Wis., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Rockford, Ill., over U.S. Highway 51 to Beloit, Wis., thence over Wisconsin Highway 15 to junction Interstate Highway 90, and return over the same route.

No. MC 76032 (Deviation No. 20), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed February 2, 1967. Carrier's representative: O. Russell Jones, 215 Lincoln Avenue, Santa Fe, N. Mex. 87501. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo., over Interstate Highway 80S to junction Interstate Highway 80 (U.S. Highway 30), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over Alternate U.S. Highway 30 to junction U.S. Highway 30, west of Sterling, Ill., thence over U.S. Highway 30 to junction U.S. Highway 75, at Missouri Valley, Iowa, thence over U.S. Highway 75 to Omaha, Nebr., thence over Alternate U.S. Highway 30 to junction U.S. Highway 275, thence over U.S. Highway 275 via Waterloo, Nebr., to Fremont, Nebr., thence over U.S. Highway 30 to junction U.S. Highway 138, near Big Springs, Nebr., thence over U.S. Highway 138 to Sterling, Colo., thence over U.S. Highway 6 to Denver, Colo., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 363), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed March 2, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 40 and Alternate U.S. Highway 40, west of Livingston, Ill., over U.S. Highway 40 (relocated) to junction Alternate U.S. Highway 40, west of Marshall, Ill., and (2) from junction U.S. Highway 40 and Alternate U.S. Highway 40, approximately 2 miles east of Martinsville, Ill., over U.S. Highway 40 (relocated) to junction Alternate U.S. Highway 40, west of Casey, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Manhattan, Ind., over U.S. Highway 40 to junction Alternate U.S. Highway 40 (formerly U.S. Highway 40), west of Livingston, Ill., thence over Alternate U.S. Highway 40 via Marshall, Ill., to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Alternate U.S. Highway 40 (formerly U.S. Highway 40) approximately 2 miles east of Martinsville, Ill., thence over Alternate U.S. Highway 40 via Martinsville, and Casey, Ill., to junction U.S. Highway 40, west of Casey, Ill., thence over U.S. Highway 40 to junction Alternate U.S. Highway 40 (formerly U.S. Highway 40) thence over Alternate U.S. Highway 40 to junction U.S. Highway 40 at or near Mulberry Grove, Ill., and return over the same route.

No. MC 108359 (Deviation No. 1), WESTERN NEW YORK MOTOR LINES, INC., Court and Endicott Streets, Terminal Building, Batavia, N.Y. 14020, filed February 24, 1967. Carrier's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Rochester, N.Y., over Interstate Highway 490 to junction New York Highway 33 near Bergen, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Buffalo, N.Y., over New York Highway 5 via Batavia and Le Roy to Caledonia, N.Y., thence over New York Highway 36 to Mumford, N.Y., thence over New York Highway 383 via Scottsville to Rochester, N.Y., and (2) from Buffalo, N.Y., to Batavia as specified in (1), thence over New York Highway 33 to Rochester, N.Y., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2851; Filed, Mar. 14, 1967; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 10, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matter shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 1662 Sub 4, filed January 25, 1967. Applicant: SEWELL R. SPEAR, doing business as S. R. SPEAR TRUCKING, 11421 South Main Road, Rockford, Ill. 61102. Certificate of public convenience and necessity sought to operate a property service as follows: Transportation of *general commodities*, which have either a prior or subsequent movement by rail and/or motor carrier, within a 30-mile radius of

Rockford, Ill., and to transport such property between points in such authorized area of operation, on the one hand, and, on the other, Chicago, Ill. Both intrastate and interstate authority sought.

HEARING: Tuesday, March 21, 1967, at 160 North La Salle Street, 19th Floor, Chicago, Ill., at 10 a.m., c.s.t. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Illinois Commerce Commission, Springfield, Ill. 62706, and should not be directed to the Interstate Commerce Commission.

State Docket No. 4869 Sub 5 (Correction), filed January 26, 1967, published FEDERAL REGISTER issue of February 22, 1967, corrected February 28, 1967, and republished as corrected, this issue. Applicant: PALMER BROTHERS, INCORPORATED, 1434 South 6 West, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, 600 El Paso Gas Building, Salt Lake City, Utah. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except petroleum products and cement in bulk); over irregular routes, between points in Kane, Garfield, Sevier, Piute, Millard, and Juab Counties, Utah. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Public Service Commission of Utah, 330 East Fourth South Street, Salt Lake City, Utah, and should not be directed to the Interstate Commerce Commission. NOTE: The purpose of this republication is (1) to correctly set forth applicants' attorney's name, (2) identify the six counties as being in the State of Utah and (3) to show the correct address for the Public Service Commission of Utah.

State Docket No. 12532–A, filed August 14, 1963. Applicant: FRED LARSEN, JR., doing business as WINNER BUS LINE, Post Office Box 604. Certificate of public convenience and necessity sought to operate as a class A motor carrier transportation of *persons, baggage and express*, for hire, over the following route, between Winner, S. Dak., and Mitchell, S. Dak., serving the intermediate points of Colome, Dallas, Gregory, Dixon Junction, and Platte, S. Dak., with closed doors between the junction of South Dakota Highways 44 and 37, and Mitchell: From Winner over U.S. Highway 18 to Gregory, thence over South Dakota Highway 47 to junction South Dakota Highway 44, thence over South Dakota Highway 44 to junction South Dakota Highway 37, thence over South Dakota Highway 37 to Mitchell, and return over the same route. Both intrastate and interstate authority sought.

HEARING: Thursday, April 13, 1967, 9:30 a.m., c.s.t., County Commissioners' Office in the Tripp County Courthouse, Winner, S. Dak. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the South Dakota Public Utilities Commission, Pierre, S. Dak., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–2850; Filed, Mar. 14, 1967; 8:49 a.m.]

[Notice 1036]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 10, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 106644 (Sub-No. 71) (Republication), filed August 12, 1966, published FEDERAL REGISTER issue of September 9, 1966, and republished this issue. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Monty Schumacher, 1375 Peachtree Street NE., Atlanta, Ga. 30309. By application filed August 12, 1966, as amended at the hearing to seek authority to serve Indiana in lieu of Idaho, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes, of flakeboard (composition lumber, board or sheets), from the plantsite of Georgia Pacific Corp., Crossett Division, Crossett, Ark., to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. The application was referred to Examiner John F. Collins for hearing and the recommendation of an appropriate order thereon. Hearing was held on December 9, 1966, at Washington, D.C.

A report and order of the Commission, served February 6, 1967, which became effective February 27, 1967, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *composition sheets*, from the plantsite of Georgia Pacific Corp., Crossett Division, Crossett, Ark., to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations; and that a certificate authorizing such operations should be granted, subject to the condition that prior to the issuance of the certificate there be published in the FEDERAL REGISTER a proper notice of the complete scope of the authority to be granted in order to allow a 30-day period during which any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107515 (Sub-No. 547) (Republication), filed April 28, 1966, published FEDERAL REGISTER issue of May 18, 1966, and republished, this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, 3901 Jonesboro Road SE., Atlanta, Ga. 30310. In the above-specified proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of foodstuffs (except in bulk, in tank vehicles), from Buffalo, N.Y., to Princeton, Charleston, Clarksburg, Huntington, and Parkersburg, W. Va., Roanoke, Lynchburg, Salem, and Bristol, Va., and points in North Carolina, South Carolina, Kentucky, Georgia, Tennessee, Alabama, Louisiana, Mississippi, and Arkansas, subject to the restrictions, (1) that service under this authority shall be limited to the transportation of shipments which originate at Buffalo, N.Y., and (2) that any duplication between the authority granted herein and any other authority held by applicant shall be considered as resulting in a single operating right only, not severable by sale or otherwise.

A Decision and Order of the Commission, Operating Rights Review Board No. 3, dated February 27, 1967, and served March 8, 1967, as amended, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *foodstuffs* (except in bulk, in tank vehicles), from Buffalo, N.Y., to Princeton, Charleston, Clarksburg, Huntington, and Parkersburg, W. Va., Roanoke, Lynchburg, Salem, and Bristol, Va., and points in North Carolina, South Carolina, Kentucky, Georgia, Tennessee, Alabama, Louisiana, Mississippi, and Arkansas, subject to the restrictions, (1) that service under this authority shall be limited to the transportation of shipments which originate at Buffalo, N.Y., and (2) that any duplication between the authority granted herein and any other authority held by applicant shall be considered as resulting in a single operating right only, not severable by sale or otherwise; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 109689 (Sub-No. 168) (Republication), filed November 4, 1965, published FEDERAL REGISTER issue of November 18, 1965, and republished this issue. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. By application filed November 4, 1965, applicant seeks a certificate of public convenience and necessity, authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of fertilizer, fertilizer ingredients, fertilizer compounds and sulfuric acid, from the plantsite of El Paso Natural Gas Co. near Conda, Idaho, to points in Arizona, California, Colorado, Kansas, Montana, Nebraska, Nevada, South Dakota, Utah, Wyoming, and New Mexico. An Order of the Commission, Operating Rights Review Board Number 3, dated February 15, 1967, and served March 2, 1967, as amended, find that operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of *dry superphosphate and dry ammonium phosphate*, from the plantsite of the El Paso Natural Gas Co. near Conda, Idaho, to points in Arizona, California, Colorado, Kansas, Montana, Nebraska, Nevada, South Dakota, Utah, Wyoming, New Mexico, Oregon, and Washington; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113678 (Sub-No. 223) (Republication), filed January 24, 1966, published FEDERAL REGISTER issue of February 17, 1966, and republished this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. By application filed January 24, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meats, meat products, meat byproducts, and articles distributed by meat packinghouses, from the plant and storage facilities of Minden Dressed Beef Co., located in Kearney County, Nebr., to York and Omaha, Nebr. Applicant intends to tack the authority sought herein with the authority it presently holds in certificates No. MC–113678 (Sub-Nos. 63 and 66) which authorize it to operate in Illinois, Colorado, Iowa, Nebraska, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

A report of the Commission, Operating Rights Review Board Number 2, decided February 23, 1967, and served March 2, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant and storage facilities of Minden Dressed Beef Co., located in Kearney County, Nebr., to Des Moines and Ottumwa, Iowa, points in Pennsylvania, and York and Omaha, Nebr., provided that the authority to serve York and Omaha is restricted to the transportation of shipments moving to such points for in-transit storage; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate certificate should be issued after the elapse of 30 days following the date of republication in the FEDERAL REGISTER of a notice of the authority granted herein, and provided that no petition for intervention has been filed.

No. MC 115841 (Sub-No. 270) (Republication), filed January 3, 1966, published FEDERAL REGISTER issue of January 27, 1966, and republished this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. In the above-specified proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of foodstuffs (except in bulk, in tank vehicles), from Buffalo, N.Y., to Princeton, Charleston, Clarksburg, Huntington, and Parkersburg, W. Va., Roanoke, Lynchburg, Salem, and Bristol, Va., and points in North Carolina, South Carolina, Kentucky, Georgia, Tennessee, Alabama, Louisiana, Mississippi, and Arkansas, subject to the restriction that service under this authority shall be limited to the transportation of shipments which originate at a Buffalo, N.Y. A decision and order of the Commission, Operating Rights Review Board No. 3, dated February 27, 1967, and served March 8, 1967, as amended, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *foodstuffs* (except in bulk, in tank vehicles), from Buffalo, N.Y., to Princeton, Charleston, Clarksburg, Huntington, and Parkersburg, W. Va., Roanoke, Lynchburg, Salem, and Bristol, Va., and points in North Carolina, South Carolina, Kentucky, Georgia, Tennessee, Alabama, Louisiana, Mississippi, and Arkansas, subject to the restriction that service under this authority shall be limited to the transportation of shipments which originate at Buffalo, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 28307 (Sub-No. 12) (Correction), filed February 3, 1967, published FEDERAL REGISTER issue of February 22, 1967, and republished as corrected, this issue. Applicant: FREDRICKSON MOTOR EXPRESS CORPORATION, 3400 North Graham Street, Charlotte, N.C. 28206. Applicant's representative: J. Ruffin Bailey, Post Office Box 2246, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transport-

ing: *General commodities* (except those requiring special equipment), (1) between Asheville and Haw River, N.C., over U.S. Highways 70 or 70A, serving all intermediate points and the off-route point of Bridgewater, N.C., (2) between Asheville and Enka, N.C.: From Asheville over U.S. Highways 19 and 23 to junction unnumbered county road, thence over unnumbered county road to Enka, and return over the same route, serving all intermediate points, (3) between junction U.S. Highway 70 and North Carolina Highway 126 and Nebo, N.C., over North Carolina Highway 126, serving all intermediate points, (4) between junction U.S. Highway 70 and North Carolina Highway 114 and Drexel, N.C., over North Carolina Highway 114, serving all intermediate points.

(5) Between Hickory and Brookford, N.C., over North Carolina Highway 127, serving all intermediate points, (6) between junction U.S. Highway 70 and North Carolina Highway 10 and Newton, N.C., over North Carolina Highway 10, serving all intermediate points, (7) between junction U.S. Highway 70 and North Carolina Highway 100 and Burlington, N.C., over North Carolina Highway 100, serving all intermediate points, (8) between junction U.S. Highway 70 and North Carolina Highway 54 and Graham, N.C., over North Carolina Highway 54, serving all intermediate points, (9) between Alamance and Hopedale, N.C.: From Alamance over North Carolina Highway 62 to junction unnumbered county road at or near Glencoe, N.C., thence over unnumbered county road to Hopedale, and return over the same route, serving all intermediate points, (10) between Graham and Haw River, N.C., over North Carolina Highway 49, serving all intermediate points, (11) between Graham and Swepsonville, N.C.: From Graham over North Carolina Highway 54 to junction unnumbered county road, thence over unnumbered county road to Swepsonville, N.C., and return over the same route, serving all intermediate points.

(12) Between Burlington and Burlington, N.C., in a circuitous manner: From Burlington over North Carolina Highway 87 to junction unnumbered county road to Saxapahaw, N.C., thence over unnumbered county road to junction North Carolina Highway 54, thence over North Carolina Highway 54 to junction North Carolina Highway 87, thence over North Carolina Highway 87 to Burlington, serving all intermediate points, (13) between junction North Carolina Highways 100 and 87 and Altamahaw, N.C., over North Carolina Highway 87, serving all intermediate points (14) between Asheville and Greensboro, N.C.: From Asheville over U.S. Highway 74 to Kings Mountain, N.C., thence over U.S. Highways 29 and 29A (also shown on the highways as bypass 29), to Charlotte, N.C., thence over U.S. Highway 29 to junction U.S. Highway 29A north of Concord, N.C., thence over U.S. Highways 29, 29A, and 601 to Salisbury, N.C., thence over U.S. Highways 29 and 29A to Greensboro, and return over the same route, serving all intermediate points, and the off-route points of Ruth, Lattimore, Dallas, and Cramerton, N.C., (15) between Charlotte and Concord, N.C.: From Charlotte over U.S. Highway 29 to junction unnumbered county road approximately 2 miles north of Charlotte, thence over unnumbered county road through Newell, N.C., to junction North Carolina Highway 49, thence over North Carolina Highway 49 through Harrisburg, N.C., to junction unnumbered county road, approximately 5 miles north of Harrisburg, N.C., thence over unnumbered county road to Concord, and return over the same route, serving all intermediate points.

(16) Between Asheville and Bat Cave, N.C.: From Asheville over U.S. Highways 25 and 25A to Hendersonville, N.C., thence over U.S. Highway 64 to Bat Cave, and return over the same route, serving all intermediate points, and the off-route points of Flat Rock and East Flat Rock, N.C., (17) between Forest City, N.C., and junction North Carolina Highway 120 and U.S. Highway 74: From Forest City over U.S. Highway 221A to junction North Carolina Highway 120, thence over North Carolina Highway 120 to junction U.S. Highway 74, and return over the same route, serving all intermediate points, and the off-route points of Brice and Cliffside, N.C., (18) between Shelby and Cliffside, N.C.: From Shelby over North Carolina Highway 226 to Polkville, N.C., thence over North Carolina Highway 182 to Fallston, N.C., thence over North Carolina Highway 18 to junction North Carolina Highway 150, thence over North Carolina Highway 150 to Boiling Springs, N.C., thence over unnumbered county road to Cliffside, and return over the same route, serving all intermediate points, (19) between Kings Mountain, N.C., and junction North Carolina Highways 216 and 274 approximately 3 miles southeast of Cherryville, N.C., over North Carolina Highway 216, serving all intermediate points, (20) between Cherryville and Belmont, N.C.: From Cherryville over North Carolina Highway 274 to Gastonia, N.C., thence over North Carolina Highway 7 to Belmont, and return over the same route, serving all intermediate points.

(21) Between Kings Mountain and Bessemer, N.C., over North Carolina Highway 161, serving all intermediate points, (22) between Shelby and Greensboro, N.C.: From Shelby over North Carolina Highway 150 to Lincolnton, N.C., thence over North Carolina Highway 27 to Charlotte, N.C., thence over U.S. Highway 21 to junction North Carolina Highway 115 approximately 3 miles north of Charlotte, N.C., thence over North Carolina Highway 115 to Statesville, N.C., thence over U.S. Highway 64 to Mocksville, N.C., thence over U.S. Highway 158 to Winston-Salem, N.C., thence over U.S. Highway 421 to Greensboro, and return over the same route, serving all intermediate points, (23) between Lincolnton and Conover, N.C., over U.S. Highway 321, serving all intermediate points, (24) between Charlotte and Newton, N.C., over North Carolina Highway 16, serving all intermediate points, (25) between Lexington and Kernersville, N.C.: From Lexington over U.S. Highway 52 to Winston-Salem, N.C., thence over North Carolina Highway 150 to Kernersville, and return over the same route, serving all intermediate points, (26) between Winston-Salem and High Point, N.C., over U.S. Highway 311, serving all intermediate points, (27) between Salisbury and Mount Airy, N.C., over U.S. Highway 601 through Mocksville, Boonville, and Dodson, N.C., serving all intermediate points.

(28) Between Statesville, N.C., and junction North Carolina Highway 268 and U.S. Highway 601: From Statesville over U.S. Highway 21 through Harmony and Brooks Cross Roads, N.C., to Elkin, N.C., thence over North Carolina Highway 268 through Burch, N.C., to junction U.S. Highway 601, and return over the same route, serving all intermediate points, (29) between Statesville and North Wilkesboro, N.C.: From Statesville over North Carolina Highway 90 to Taylorsville, N.C., thence over North Carolina Highway 16 through Moravian Falls, N.C., to North Wilkesboro, and return over the same route, serving all intermediate points, (30) between Morganton and Moravian Falls, N.C., over North Carolina Highway 18 through Lenoir, N.C., serving all intermediate points, and serving the off-route point of Sevier, N.C., in (27), (28), (29), and (30) above, (31) between junction U.S. Highway 601 and unnumbered highway and junction North Carolina Highway 801 and U.S. Highway 601: From junction U.S. Highway 601 and unnumbered highway about 9 miles north of Salisbury, N.C., over unnumbered highway to junction North Carolina Highway 801 to Cooleemee, N.C., thence over North Carolina Highway 801 to junction U.S. Highway 601, and return over the same route, serving all intermediate points, (32) between Hickory and Lenoir, N.C., over U.S. Highway 321, serving no intermediate points except those points lying within the commercial zones of Hickory and Lenoir which applicant is now authorized to serve.

(33) Serving Earl, N.C., and the plantsite of Fibre Industries, Inc., at or near Earl, as an off-route point in connection with points from U.S. Highway 74 and Bypass U.S. Highway 74 at Shelby, N.C., over North Carolina Highways 226, 180, and 198, (34) between Lincolnton and Salisbury, N.C., over North Carolina Highway 150 through Mooresville, N.C., serving all intermediate points, (35) between Winston-Salem and North Wilkesboro, N.C.: From Winston-Salem, over North Carolina Highway 67 to Elkin, N.C., thence over North Carolina Highway 268 to North Wilkesboro, and return over the same route, serving the intermediate points of Booneville and Elkin, N.C., for operating convenience only, and (36) serving the plantsite of Burlington Industries, Inc., Williamsburg Decorative Plant (Caswell County) located on North Carolina Highway 87 approximately 5 miles north of Altamahaw, N.C., as an off-route point, in connection with applicant's presently held authorized regular route authority. NOTE:

This application is a matter directly related to Docket No. MC–F–9664, published FEDERAL REGISTER issue of February 15, 1967. The purpose of this republication is to correct the spelling of applicant's name, inadvertently misspelled in the publication of February 22, 1967, and to clarify (22) above.

No. MC 61440 (Sub-No. 109), filed February 20, 1967. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno Street, Oklahoma City, Okla. 73108, also Post Office Box 82488, Exchange Branch, Oklahoma City, Okla. Applicant's representative: Richard H. Champlin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Oklahoma City and Shawnee, Okla., from Oklahoma City, over U.S. Highway 270 to Shawnee, Okla., and return over the same route serving Shawnee, Okla., as a point of joinder in connection with applicants presently authorized service between McAlester, and Oklahoma City, Okla. NOTE: Common control may be involved. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla. Applicant requests this application be handled concurrently with MC–F–9600, published in the FEDERAL REGISTER, issue of November 30, 1966.

No. MC 109564 (Sub-No. 9), filed March 5, 1967. Applicant: LYONS TRANSPORTATION LINES, INC., 1701 Parade Street, Erie, Pa. 16503. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Cleveland, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states it would join the authority sought with its presently held authorized authority at Cleveland, Ohio, for through movements to serve points in Ohio, Pennsylvania, West Virginia, and New York. This application is a matter directly related to Docket No. MC–F–9690, published this issue of the FEDERAL REGISTER. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–9680 (Amendment) (RED-YELLOW CAB CO.—Purchase—BUCKEYE STAGES, INC.), published in the March 1, 1967, issue of the FEDERAL REGISTER, on page 3429. Amendment filed March 3, 1967, to show the correct title of the transferee as RED-YELLOW CAB CO., *doing business as BUCKEYE STAGES*, in lieu of doing business as BUCKEYE STAGES, INC., which was inadvertently omitted.

No. MC–F–9690. Authority sought for: (1) Control by LYONS TRANSPORTATION LINES, INC., 1701 Parade Street, Erie, Pa. 16503, of THE BEITER LINE CORP., 270 North Abbe Road, Elyria, Ohio, and for purchase by LYONS TRANSPORTATION LINES, INC., of a portion of the operating rights of THE BEITER LINE CORP., and for acquisition by JOHN M. COCHRAN, 2238 South Shore Drive, Erie, Pa., of control of such rights through the transaction; and (2) purchase by LEHMAN CARTAGE, INC., 1821 Middle Avenue, Elyria, Ohio 44035, of a portion of the operating rights and property of THE BEITER LINE CORP., 270 North Abbe Road, Elyria, Ohio, and for acquisition by R. M. LEHMAN and R. J. LEHMAN, both also of 1821 Middle Avenue, Elyria, Ohio 44035, of control of such rights and property through the purchase. Applicants' attorney: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be controlled and transferred: (1) Under a certificate of registration in Docket No. MC–496 Sub-4, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Ohio; and (2) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Lorain, Ohio, and Cleveland, Ohio, serving all intermediate points, and the off-route points within 4 miles each of Lorain, Elyria, and Cleveland, Ohio; and under a certificate of registration in Docket No. MC–496 Sub-3, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Ohio. LYONS TRANSPORTATION LINES, INC., is authorized to operate as a *common carrier* in New York, Ohio, Pennsylvania, West Virginia, and New Jersey. LEHMAN CARTAGE, INC., is authorized to operate as a *common carrier* in Ohio, Michigan, Indiana, Pennsylvania, West Virginia, and New York. Application has been filed for temporary authority under section 210a(b). NOTE: MC–109564 Sub 9 and MC–7573 Sub 4 are matters directly related.

No. MC–F–9691. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, of: (1) The operating rights and certain property of BABCOCK & LEE PETROLEUM TRANSPORTERS, INC., Post Office Box 1961, 1002 Third Avenue North, Billings, Mont. 59103, and; (2) a portion of the operating rights of BABCOCK & LEE TRANSPORTATION, INC., Post Office Box 1961, 1002 Third Avenue North, Billings, Mont. 59103, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., 1530 Russ Building, San Francisco, Calif., of control of such rights and property through the purchases. Applicants' attorneys: Jerome Anderson, Post Office Box 1215, Billings, Mont. 59103, and Robert C. Stetson, 175 Linfield Drive, Menlo Park, Calif. 94025. Operating rights sought to be transferred: (1) *Liquid asphalt, diesel fuel, burner fuel,* and *white gasoline*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Lodge Grass, Mont., and points within 5 miles thereof, to points in North Dakota and South Dakota; *petroleum crude oil*, in bulk, in tank vehicles, between certain specified points in Montana; *aviation gasoline*, in bulk, in tank vehicles, from Sinclair, Wyo., to the site of the Miles City, Mont. Municipal Airport; *petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Roosevelt County, Mont., to points in North Dakota.

Jet fuel, in bulk, in tank vehicles, from the site of the pipeline terminal near Sidney, Mont., to points in North Dakota; *asphalt*, and *road oils*, in bulk, in tank vehicles, from Billings, Mont., to points in South Dakota; *water reducing compounds*, in bulk, in tank vehicles, from Chicago, Ill., to the site of the Yellowtail Dam project, located in Big Horn County, Mont.; *petroleum products*, in bulk, in tank vehicles (except asphalt and road oil), from points in Yellowstone County, Mont., to points in Hughes and Pennington Counties, S. Dak.; and *returned and contaminated shipments* of the above-specified commodities, from points in Hughes and Pennington Counties, S. Dak., to points in Yellowstone County, Mont.; (2) *Materials, equipment, and supplies* used in the production, transmission, or storage of electrical power or water, as a *common carrier*, over irregular routes, between points in Yellowstone and Big Horn Counties, Mont.; *ground limestone* and *calcium carbonate*, from Warren, Mont., to points within 10 miles thereof, to points in Wyoming and North Dakota; *cement*, from the Permanente Cement Co. plantsite at Montana City, Mont., to certain specified points in Idaho, Wyoming, and points in North Dakota on and west of U.S. Highway 83, between points in Idaho, between points in Montana; *ground limestone* and *calcium carbonate*, in bulk and in bags, from Warren, Mont., to points in Idaho; *fly ash* and

Pozzolan, between points in Idaho, between points in Montana; in pending Docket No. MC–115931 Sub-14, seeking a certificate of public convenience and necessity, covering the transportation of lime, in bulk or in bags, as a common carrier, over irregular routes, from Carbon County, Mont., to points in Colorado, Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming; and in pending Docket No. MC–115931 Sub-16, seeking a certificate of public convenience and necessity, cover-

ing the transportation of cement, hydraulic, masonry, mortar, natural or portland, as a common carrier, over irregular routes, between points in Utah, between points in Wyoming, with restrictions. Vendee is authorized to operate as a *common carrier* in Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Wyoming, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9692. Authority sought for purchase by BENNY DeFAZIO, JR., 1028 Spring Brook Avenue, Moosic, Pa., of a portion of the operating rights and property of M. H. HUMMEL, doing business as HUMMEL TRUCKING COMPANY, 740 North 15th Street, Allentown, Pa. 18120. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, coconut oil, coconut oil products, lard substitutes or compounds, cooking oils, glycerine, stearine, toilet preparations, soap, soap products, premiums, and advertising matter pertaining to these products, as a *common carrier*, over irregular routes, from Allentown, Pa., to certain specified points in Pennsylvania; *household goods*, as defined by the Commission, between Allentown, Pa., on the one hand, and, on the other, points in New York on and south of U.S. Highway 6, and those in New Jersey; *petroleum products*, in containers, from Carteret, N.J., to Allentown, Pa.; *empty petroleum containers*, from Allentown, Pa., to Carteret, N.J.; with restriction; *coconut oil, coconut oil products, lard substitutes or compounds, cooking oil, glycerine, stearine, toilet preparations, soap products and premiums and advertising matter* pertaining to these products, as a *contract carrier*, over irregular routes, from Port Newark, N.J., to certain specified points in Pennsylvania.

Coconut oil, coconut oil products, lard substitute or compounds, cooking oils, glycerine, stearine, toilet preparations, soap, soap products, and premiums and advertising matter relating to these products, from Port Newark, N.J., to points in Berks County, Pa., with restriction; *coconut oil, coconut oil products, lard substitutes, lard compounds, cooking oils, glycerine, stearine, toilet preparations, soap, soap products*, other than in bulk, in tank vehicles, and *premiums and advertising matter* pertaining to these commodities, from Kearny, N.J., and Clifton, Staten Island, N.Y., to certain specified points in Pennsylvania and New Jersey; *coconut oil, coconut oil products, lard substitutes or compounds, cooking oils, glycerine, stearine, toilet preparations, soap, soap products, premiums, and advertising matter* pertaining to these products, from Port Ivory, N.Y., to certain specified points in Pennsylvania, and New Jersey, from Allentown, Pa., to certain specified points in New Jersey; *soap, soap powder, soap products, lard substitutes or compounds, cooking oil, glycerine, coconut oil, coconut oil products, stearine, toilet preparations, and advertising matter or premiums* used in connection with these commodities, from Port Ivory, N.Y., to points in Berks County, Pa.; *jute products*, from Allentown, Pa., to Thompsonville, Conn., and Auburn, N.Y.

Empty bags and wooden tubes, from Thompsonville, Conn., and Auburn, N.Y., to Allentown, Pa.; *such jute products* as are used or useful in rug and carpet making, from Allentown, Pa., to certain specified points in New York, and New Jersey; *wooden tubes and used burlap bags*, from certain specified points in New York and New Jersey, to Allentown, Pa.; *groceries*, from the sites of the plants or warehouses of Procter & Gamble Distributing Co., or Procter & Gamble Manufacturing Co., at Port Ivory, Clifton, and Staten Island, N.Y., and at Kearny and Port Newark, N.J., to certain specified points in Pennsylvania, with restriction. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Massachusetts, and Connecticut; and as a *contract carrier* in Pennsylvania and New Jersey. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2852; Filed, Mar. 14, 1967; 8:50 a.m.]

[Notice 1490]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 10, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-6932. By order of February 28, 1967, the Transfer Board approved the transfer to Christopher J. Groll and Ellen C. Groll, a partnership, doing business as Colwell Cartage Co., 12 Becraft Avenue, Hudson, N.Y., of certificate No. MC-17025, issued February 16, 1942, to Earl Joseph Colwell, R.F.D. No. 1, Hudson, N.Y., authorizing the transportation of: Household goods, between Hudson, N.Y., and points within 15 miles of Hudson, on the one hand, and, on the other, points in New York, Connecticut, New Jersey, and Pennsylvania.

No. MC-FC-69439. By order of February 28, 1967, the Transfer Board approved the transfer to Harp Transportation Line, Inc., Meeker, Colo., of certificate of registration No. MC-67121 (Sub-No. 6), and certificate No. MC-67121 (Sub-No. 7), issued January 28, 1965, and July 30, 1965, respectively, to H. H. Harp, doing business as Harp Transportation Line, Meeker, Colo., the certificate of registration evidencing a right to engage in interstate transportation pursuant to certificate of public convenience and necessity No. PUC 152, transferred to applicant by Decision No. 49039, dated November 6, 1957, issued by the Public Utilities Commission of Colorado, and the certificate authorizing the transportation of general commodities, excluding household goods, commodities in bulk and other specified commodities, between Craig, Colo., and Grand Junction, Colo., serving specified intermediate points. John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203, attorney for applicants.

No. MC-FC-69462. By order of February 28, 1967, the Transfer Board approved the transfer to B Transfer, Inc., 890 West Airbase Road, Mountain Home, Idaho 83647, of the certificate of registration No. MC-120593, issued July 8, 1965 to A. P. Bermensolo, doing business as B Transfer & Storage, 890 West Airbase Road, Mountain Home, Idaho 83647, evidencing a right to engage in interstate or foreign commerce, within the State of Idaho.

No. MC-FC-69467. By order of February 28, 1967, the Transfer Board approved the transfer to Louis T. Hausman, doing business as Hausman Trucking, Arcadia, Iowa 51430, of the operating rights in certificate No. MC-62389 issued August 5, 1963, to Louis Hausman and Arthur Bruch, Jr., doing business as Hausman and Bruch, Arcadia, Iowa 51430, authorizing the transportation of: General commodities, with the usual exceptions, livestock, feed, agricultural implements, and lumber, between specified points in Iowa and Nebraska.

No. MC-FC-69470. By order of March 7, 1967, the Transfer Board approved the transfer to A. Walecka & Son, Inc., New Bedford, Mass., of certificate No. MC-35354, issued May 20, 1955, to Norris A. Walecka, doing business as A. Walecka & Son, New Bedford, Mass., authorizing the transportation of household goods as defined by the Commission over irregular routes, between New Bedford, Mass., and points within 5 miles thereof, on the one hand, and, on the other, points in Rhode Island, Connecticut, New York, and New Jersey. Rosalind Poll Brooker, 460 County Street, New Bedford, Mass. 02740, attorney for applicants.

No. MC-FC-69471. By order of March 7, 1967, the Transfer Board approved the transfer to George Kannel, Jr., doing business as George Kannel, Jr., Trucking, Plum City, Wis., of certificate No. MC-51021, issued February 17, 1965, to Joe Traynor, doing business as Joe Traynor Trucking, Plum City, Wis., authorizing the transportation of, among other things, livestock and agricultural commodities, from points in the Towns of El Paso, Union, Salem, Rock Elm, and Maiden Rock, Pierce County, Wis., to South St. Paul and Red Wing, Minn.; general commodities, with the usual exceptions, from South St. Paul, St. Paul, Minneapolis, Hastings, Red Wing, Four Corners, New Brighton, and Hopkins, Minn., to points in specified Wisconsin towns; household goods and emigrant movables, between South St. Paul, St. Paul, Minneapolis, Hastings, Red Wing, Four Corners, New Brighton, and Hopkins, Minn., on the one hand, and, on the other, points in specified towns in Pierce County, Wis.; and threshing machinery and farm machinery, from Des Moines, Iowa, to points in Goodhue County, Minn., and those in Pierce, St. Croix, Pepin, Buffalo, and Dunn Counties, Wis. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2853; Filed, Mar. 14, 1967; 8:50 a.m.]

[CAB Docket No. 16946; ICC Docket Ex Parte No. 251]

RAILWAY EXPRESS AGENCY, INC.

Supplementary Joint Agency Notice Regarding Petitions for Declaratory Orders

MARCH 10, 1967.

The Interstate Commerce Commission and the Civil Aeronautics Board issued a Joint Agency Notice, dated January 24, 1967 (32 F.R. 1159), initiating an informal proceeding relating to the establishment of joint rates and through routes between the Railway Express Agency (petitioner) and direct air carriers subject to the jurisdiction of the CAB. The notice invited interested persons to submit written statements of facts, views, and arguments on any of 14 questions raised by petitioner or any other legal or practical issues pertinent to the proceeding. Copies of such statements were required to be filed by April 3, 1967, with 10 copies (one signed) to be filed with the CAB and 15 copies (one signed) to be filed with the ICC, at their respective offices. Replies to these statements were required to be filed in the same manner on or before May 3, 1967.

Petitioner has called attention to the fact that no special provision has been made for service on interested persons of the statements due on April 3, and thus the staffs of the CAB and the ICC would be subject to time-consuming requests for copies of these statements by interested persons seeking to file replies. In order to facilitate service on interested persons, we have determined that all persons who intend to file statements in this proceeding shall notify the CAB and the ICC, setting forth their names and addresses and the person or persons they represent, no later than March 22, 1967. Immediately thereafter the agencies will list these names and addresses in a Supplemental Joint Agency Notice which will be published in the FEDERAL REGISTER. Thereafter a copy of each statement should then be served on each interested person listed in such notice.

Dated at Washington, D.C., this 10th day of March 1967.

By the Civil Aeronautics Board and the Interstate Commerce Commission.

[SEAL] H. NEIL GARSON, *Secretary, Interstate Commerce Commission.*

[SEAL] HAROLD R. SANDERSON, *Secretary, Civil Aeronautics Board.*

[F.R. Doc. 67-2849; Filed, Mar. 14, 1967; 8:49 a.m.]

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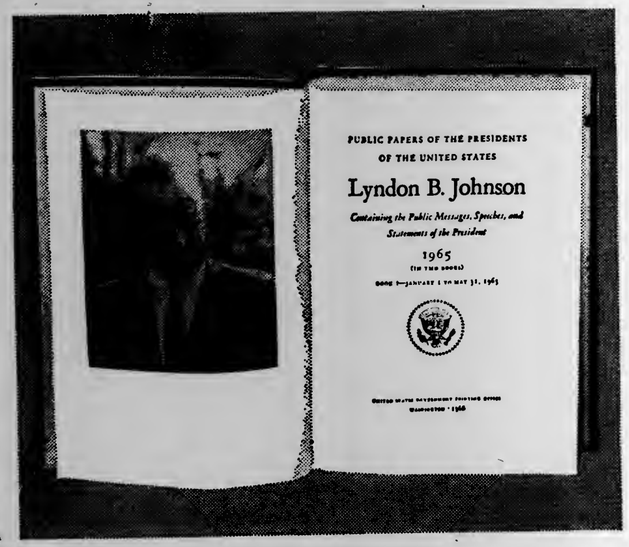
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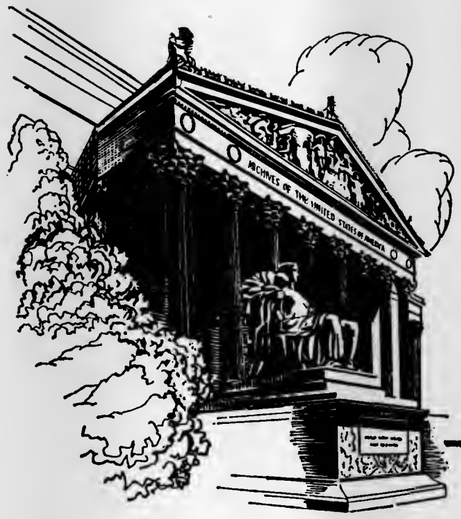
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Proclamation 3770

LAW DAY, U.S.A., 1967

By the President of the United States of America

A Proclamation

May 1st is the tenth anniversary of Law Day, U.S.A. The theme of Law Day, 1967 is, in the words of Theodore Roosevelt: "No man is above the law and no man is below it."

Again we remind ourselves that law, and respect for law, is central to the idea of American democracy. Free government could not exist, said Justice Taney, without ready obedience to the law.

Thus all who cherish freedom should also cherish law. Liberty and law abide together. In that bond is the foundation of our liberties.

I ask every American to take the law into his heart—not into his hands. I ask not blind obedience, but enlightened obedience. I ask patience too, for the law, like our times, will and must change. But America's fidelity to law must be eternal.

I ask every American to respect the law, and to respect also the men who are pledged to its enforcement. And of those who wear the badge, I ask an equal respect both for the law and for the rights of the people they are sworn to protect.

As your President, I can ask no less than the young lawyer Lincoln in 1838:

"Let every American, every lover of liberty . . . . remember that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty.

"Let reverence for the laws . . . . be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice . . . .

"Let it become the political religion of the nation; and let the old and the young, the rich and the poor, the grave and the gay of all sexes, and tongues and colors and conditions, sacrifice unceasingly upon its altars."

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby request the observance of Monday, May 1, 1967, as Law Day in the United States of America.

I urge the people of the United States to observe Law Day with appropriate ceremonies and by reaffirming their commitment to freedom and the supremacy of law in our lives. I especially urge that the schools, civic and service organizations, public bodies, courts, the legal profession, and the media of information assist in sponsoring and participating in appropriate observances.

I also call upon public officials to display the American flag on public buildings on that day as requested by the Congress.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of March in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

THE WHITE HOUSE,
Washington, D.C.

By the President,

Dean Rusk

Secretary of State.

[F.R. Doc. 67-2939; Filed, Mar. 14, 1967; 2:19 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 15]

PART 1015—MILK IN CONNECTICUT MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Connecticut marketing area (7 CFR Part 1015), it is hereby found and determined that:

(a) In the present circumstances the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1015.70 paragraph (a)(2) the provision "and § 1015.72".

2. In § 1015.72 paragraph (a) the provision "In making payments to producers" and paragraph (b) the provision "In making payments to producers".

3. In § 1015.81 the provision "and § 1015.72".

4. In § 1015.82 the provision "and § 1015.72".

(b) Notice of proposed rule making and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) The U.S. District Court for the Northern District of New York has ordered the Secretary of Agriculture to take appropriate action to collect and escrow a portion of the farm location differential monies pending the final disposition of litigation challenging the validity of the farm location differential provisions of the order. The portion to be escrowed is that amount which is in excess of the minimum amount that would accrue to producers located in the 23- and 46-cent farm location differential areas irrespective of the outcome of the litigation.

2. Under the terms of the order the farm location differential monies are financed from the total pool proceeds. This is accomplished under §§ 1015.81 and 1015.82 by adjusting each handler's pool obligation or pool credit by the amount of the farm location differentials due his producers under the provisions of § 1015.72 and such monies due each producer are paid directly by the handler to such producer pursuant to § 1015.70.

3. Since the court has ordered a portion of the farm location differential monies to be escrowed, this suspension will require all the monies to be paid to the market administrator, through the producer-settlement fund. The market administrator will hold the appropriate portion thereof in an escrow fund subject to the order of the court. The farm location differential monies that are not escrowed will be distributed pursuant to the court order in a manner that will return to producers in the 23- and 46-cent farm location differential areas the minimum amounts that they would receive irrespective of the outcome of the litigation.

4. This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

5. This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in the presence of said court order.

Therefore, good cause exists for making this order effective on issuance with respect to all milk for which final payment is due on and after that date.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective immediately.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Immediately.

Signed at Washington, D.C., on March 10, 1967.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 67-2874; Filed, Mar. 15, 1967; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Consumer and Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 202—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE PACKERS AND STOCKYARDS ACT

Proof of Service

Pursuant to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. sec. 181 et seq.), paragraph (b) of § 202.22 of the rules of practice governing proceedings under the Packers and Stockyards Act (9 CFR 202.22) is hereby amended to read as follows:

§ 202.22 Filing; service; extensions of time; additional time for filing; and computation of time.

* * * * *

(b) *Service; proof of service.* Copies of all such documents or papers shall be served upon the parties by the hearing clerk, by the examiner, or by some other employee of the Department, or by a U.S. Marshal or his deputy. Service shall be made either (1) by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served or to the president, secretary, or other executive officer or any director of the corporation or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, or association; or (2) by leaving a copy of the document or paper at the principal office or place of business of such individual, partnership, corporation, or association, or of his or its attorney or agent of record; or (3) by registering or certifying and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, or association, or to his or its attorney or agent of record, at his or its last known residence or principal office or place of business: *Provided*, That if the registered or certified document or paper is not a moving paper or final order (other than an order for the payment of money) and is returned undelivered because the addressee refused or failed to accept delivery, the document or paper shall be re-mailed by regular mail. Proof of service hereunder shall be made by the certificate of the person who actually made the service: *Provided*, That if the service be made by mail, as outlined in subparagraph (3) of this paragraph, proof of service shall be made by the return post-office receipt, in the case of registered or certified mail, or by the certificate of the person who mailed the matter by regular mail. The certificate and post-office receipt contemplated herein shall be filed with the hearing clerk.

The foregoing amendment shall become effective upon its publication in the FEDERAL REGISTER (sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. sec. 228(a)).

Done at Washington, D.C., this 13th day of March 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-2906; Filed, Mar. 15, 1967; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 20,504]

PART 555—BOARD RULINGS

Savings Accounts

MARCH 9, 1967.

Resolved that, notice and public procedure having been duly afforded (32

F.R. 997) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 555.8 of the rules and regulations for the Federal Savings and Loan System (12 CFR 555.8) relating to savings accounts, and for the purpose of effecting such amendment, hereby amends § 555.8, aforesaid, by adding, immediately after paragraph (d), a new paragraph, paragraph (e), to read as follows, effective March 16, 1967:

§ 555.8 Savings accounts.

* * * * *

(e) *Single dividend rate for entire distribution period.* A Federal association may not declare or distribute earnings at different rates on the same class of account during a single distribution period unless a reduction in rate during such period is required in order to conform with the limitations on rate of return prescribed in Part 526 of the regulations for the Federal Home Loan Bank System or in Part 569 of the rules and regulations for Insurance of Accounts.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 67-2690; Filed, Mar. 15, 1967; 8:48 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-3,031]

PART 563—OPERATIONS

Required Amounts and Maintenance of Federal Insurance Reserve

MARCH 9, 1967.

Resolved that, notice and public procedure having been duly afforded (32 F.R. 998) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 563.13 of the rules and regulations for Insurance of Accounts (12 CFR 563.13) to make clear the Corporation's authority to impose conditions in connection with its approval of the amount of dividends or interest an insured institution failing to meet the requirements of § 563.13, may declare, pay, or advertise, and for the purpose of effecting such amendment, hereby amends said § 563.13 as follows, effective March 16, 1967:

Paragraph (c) of § 563.13 of the rules and regulations for Insurance of Accounts is hereby revised to read as follows:

§ 563.13 Required amounts and maintenance of Federal insurance reserve.

* * * * *

(c) *Limitations on payment of dividends or interest.* Any insured institution which has failed to meet the requirements of this section shall not declare, pay or advertise dividends or interest for the semiannual period subsequent to the immediately succeeding semiannual period, in excess of the amount approved by the Corporation, unless, in such immediately succeeding semiannual period, the institution has credited to its Federal insurance reserve account an amount equal to the total deficiency in required credits under paragraph (b) of this section plus the required credits thereunder for such period, and is in conformity with the requirements of paragraph (a) of this section at the end of such period. The Corporation may condition its approval pursuant to this paragraph upon compliance with terms and conditions prescribed by the Corporation with respect to operations of the insured institution during the period to which such approval is applicable.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 67-2891; Filed, Mar. 15, 1967; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER D—SECURITY

PART 156—DEPARTMENT OF DEFENSE CIVILIAN APPLICANT AND EMPLOYEE SECURITY PROGRAM

Correction

In F.R. Doc. 66-11536, appearing at page 13642 of the issue for Saturday, October 22, 1966, the following correction should be made:

The last sentence of § 156.9(e)(12) is corrected to read, "Where such information has not been shown to the employee, the reasons for this action will be set forth."

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 519—INVESTIGATIONS

A new Part 519 is added to this subchapter, captioned as set forth above, to read as follows:

Sec.
519.1 General.
519.2 Conduct of investigation.
519.3 Findings.
519.4 Recommendations.
519.5 Report of proceedings.

AUTHORITY: The provisions of this Part 519 issued under sec. 3012, 70 A Stat. 157; 10 U.S.C. 3012.

SOURCE: AR 15-6, August 12, 1966.

§ 519.1 General.

(a) *Scope.* Investigating officers and boards of officers (which may consist of only one officer) are appointed by superior authority, usually under an Army regulation pertaining specifically to the matter requiring investigation. Generally, this part is supplemental to such specific regulations and, in addition, will govern in the investigation of matters not covered in specific regulations (e.g., whenever an officer is appointed to investigate a complaint under UCMJ, Art. 138). In case of conflict between this part and a pertinent specific regulation, however, the latter will govern. This part is not applicable to investigation of court-martial charges. See Uniform Code of Military Justice, Article 32, and Manual for Courts-Martial, United States, 1951, chapter VII (E.O. 10214, Feb. 8, 1951, as amended). The promulgation of this part shall not invalidate any investigation or proceeding initiated prior to the receipt of this part and conducted in conformity with the existing regulation.

(b) *Function.* The primary purpose of any investigation, whether conducted by an investigating officer or by a board of officers, is to ascertain facts and to report them to the appointing authority as the basis for some appropriate action by him. It is the duty of any investigating officer or board to make a complete and impartial presentation of the evidence on both sides, and to make such findings and recommendations as may be appropriate and warranted by the facts. No person shall attempt to coerce, or by unlawful means influence, the actions of an investigating officer or board of officers in any matter whatsoever or the action of any superior authority acting upon the matter. The appointing authority will take whatever action he deems necessary to correct errors or irregularities in the proceedings of an investigating officer or board of officers. However, errors or irregularities which do not adversely affect the substantial rights of the individual(s) concerned or of the Government will not be deemed to render invalid the proceedings, or any action of the appointing authority, based thereon.

(c) *Appointment*—(1) *Orders.* Orders appointing an investigating officer or a board of officers will specify clearly the matter to be investigated and the scope of the findings required. If the appointment is made under a specific Army regulation, the regulation should be cited. If made for a purpose not covered specifically by regulations, the purpose should be stated in sufficient detail to apprise the investigating officer or board of officers thereof. When circumstances warrant, the investigation may be ordered orally to enable it to be commenced without delay. Such oral orders will be confirmed in writing.

(2) *Investigating officers.* Only commissioned officers will be appointed as investigating officers, unless the specific statute or regulation under which the appointment is made authorizes otherwise. An investigating officer appointed to investigate the conduct, status, efficiency, fitness, character, pecuniary liability, or rights of another will be senior in rank to the person under investigation, except where such is impracticable because of military exigencies (but not because of mere inconvenience). If an investigating officer discovers during the course of an investigation that the completion thereof requires investigating the conduct, status, efficiency, fitness, character, pecuniary liability, or rights of an officer senior to him, he will report this fact to the appointing authority, who will replace him with an officer senior to the officer under investigation, or appoint another officer, senior to the officer under investigation, to conduct a separate investigation of the matters pertaining to that officer.

(3) *Boards of officers.* (i) Boards will consist of commissioned officers unless otherwise prescribed by specific statutes or regulations. The voting members of a board shall be senior in rank to all persons under investigation except where such is impracticable because of military exigencies (but not because of mere inconvenience). Appointing authorities may request assistance from higher headquarters to secure sufficient personnel senior in rank to all persons under investigation to carry out the intent of the previous sentence. Unless otherwise designated in the appointing order, the senior member present is president of the board. A commissioned or warrant officer may be designated as recorder by the orders appointing the board, and shall be without vote. Where a recorder is not designated in the appointing orders, the junior member of the board shall act as recorder, and shall have a vote.

(ii) A majority of the appointed members of a board will constitute a quorum and must be present at all its sessions. However, where a statute or regulation specifies the number (or a minimum number) of members of which a board will be comprised, the required number (or minimum number) will be present at all sessions. A large number of officers will not be appointed to a board of officers with the intention of using such of them (but less than a majority of such number) as are available at the time of the board's meeting. This does not preclude designation in the appointing order of one or more "alternate members," provided the appointing order specifies that an alternate member may serve on the board only in the absence or unavailability of an appointed member, and the order in which alternate members are to be called for service by the president of the board. In any board proceedings, a member who has not been present at a prior session of the board (such as an absent or newly appointed member, or an alternate member called to serve as a member) may participate thereafter if that member has read or had read to him the record of the proceedings held during his absence or prior to his participation.

(iii) When a board of officers is convened to investigate a member of a Reserve component not on active duty or examine an applicant for appointment in a Reserve component, one member of the board will be a Regular Army officer and the remainder will be Reserve officers of the Army in an active reserve status or on active duty. When the appointing authority determines that a Regular Army officer is not available, an officer of a Reserve component, on active duty, may be substituted for the Regular Army officer.

(iv) When a board is convened to consider technical or professional qualifications of a member, or for appointment in a Reserve component, the active duty member of the board will be of the branch concerned if practicable. A Reserve component officer not on active duty, of the branch concerned, may be substituted when it has been determined that an officer on active duty is not available. When practicable, this member will possess the qualifications sought in the individual to be examined. For example, when an optometrist of the Medical Service Corps appears before the board, the Medical Service Corps member thereof should, if reasonably available, be an optometrist. When the branch cannot be determined prior to appearance of the applicant before the board, an officer with qualifications comparable to those in which the individual is to be examined, regardless of branch, may be detailed to the board and appropriate explanation included as part of the board proceedings.

(v) A member of the board serving only in an advisory capacity may be junior to any person being considered by the board.

(d) *Swearing of an investigating officer or member of board of officers.* Unless the investigating officer or the board of officers is required to be sworn by the specific statute or regulation under which appointed, it is not necessary for the investigating officer or the members of the board of officers to be sworn.

(e) *Challenge of an investigating officer or member of boards of officers; membership of board.* Investigating officers and members of boards of officers are not subject to peremptory challenge. The privilege of challenge for cause runs through the entire administrative and punitive system of the Army; where it appears clearly that a challenged investigating officer or a member of a board of officers cannot impartially participate in the investigation, action will be taken on the challenge by the appointing authority or the president, as appropriate. The president or the senior unchallenged member will rule on challenges made while the board is in session. If the challenge of a member of a board of officers is sustained, the remaining members will constitute the board, except that whenever, through such challenge, the number of members is reduced below the minimum required, additional members will be detailed by the appointing authority.

(f) *Duties and functions of investigating officer or recorder or junior member of board*—(1) *Prior to hearing.* (i) In every case in which the conduct, status, efficiency, character, fitness, pecuniary liability, or rights of any individual is to be investigated, such person will be afforded a hearing, and the investigating officer or the recorder or junior member of the board of officers if no recorder is designated (acting under the supervision of the president) will, at a reasonable time in advance of the hearing, deliver or dispatch by messenger or mail to the individual concerned, a written communication stating—

(*a*) The date, hour, and exact place of convening.

(*b*) The specific matter to be investigated.

(*c*) The names of witnesses whose testimony is expected to be used.

(*d*) That the investigating officer, or the recorder, or the junior member of the board will endeavor to arrange for the presence of any available witnesses desired by the individual concerned upon timely written request therefor.

A copy of this communication, bearing the certificate of the investigating officer or the recorder or the junior member of the board that it is a true copy and that the original was delivered or dispatched, will be read in evidence and the record will affirmatively show this action.

(ii) He will give timely oral or written notice to all concerned (including, when appropriate, members of the board) of the date, hour, and exact place of convening.

(iii) He will notify and arrange to have present at the hearing witnesses who are to testify in person (including witnesses desired by the individual concerned) and a reporter and interpreter if required.

(iv) He will obtain a suitable room for the hearing; see that it is in order; procure requisite stationery and other supplies; and take such other action as will make possible a prompt, full, and systematic presentation of the case.

(v) He will insure that all records and documents referred with the case are furnished, when appropriate, to the member of the board and, subject to security requirements, to any named respondent or his counsel.

(2) *During hearing.* (i) The recorder or junior member of the board will execute all orders of the board. The investigating officer or the recorder or junior member of the board will keep or superintend the keeping of the required record of proceedings (§ 519.5).

(ii) At the initial session, the investigating officer or the recorder or junior member of the board will read the appointing order. At the beginning of each session, the investigating officer or the recorder or junior member of the board will note for the record the presence or absence of members of the board, the individual concerned, and his counsel, if any.

(iii) The investigating officer, or when appropriate the recorder or junior member of the board, under the direction and supervision of the president, will so conduct the presentation of evidence and examination of witnesses (including those of the individual concerned if he is not represented by counsel at the in-

vestigation) as to make as complete and impartial a presentation of the evidence on both sides as is possible.

(3) *After hearing.* The investigating officer or recorder or junior member of the board will prepare or superintend the preparation of the report of the proceedings as prescribed in § 519.5.

(g) *Reporter; clerical assistance.* The appointing authority will make available the necessary clerical assistance for investigating officers and boards of officers. An investigating officer is not authorized to employ a civilian contract reporter. A board of officers may only employ a civilian contract reporter if such a reporter is authorized under the regulations pursuant to which the board is convened. In no event will a civilian contract reporter be employed if an enlisted or Government civilian employee reporter is available.

(h) *Individual entitled to have counsel.* An individual under investigation is entitled to have counsel, either military or civilian, and any military person requested by the individual under investigation will be appointed as counsel if reasonably available. A decision by the appointing authority as to availability is final. If the requested military counsel is unavailable, other military counsel will be provided, if requested. Unless the specific statute or regulation under which the investigating officer or board of officers is appointed so provides, an individual under investigation is not entitled as a matter of right to appointed counsel who is legally qualified. Government civilian employees may voluntarily act as counsel for another civilian employee or military member, if such services are rendered gratuitously, while on leave, or subsequent to normal hours of employment, and do not conflict with regular duties. See 18 U.S.C. 205. Civilian counsel will not be provided at Government expense in any case. Civilian or military personnel under investigation will, to the extent permitted by security classification, be permitted to have their civilian counsel present at all open sessions.

§ 519.2 Conduct of investigation.

(a) *General*—(1) *Obtaining evidence.* (i) The investigation will be conducted so that whenever possible the highest quality of evidence obtainable and available will be considered, e.g.—

(a) Stipulations.

(b) Views and inspections.

(c) Sworn testimony by witnesses appearing before the investigating officer or the board.

(d) Depositions taken upon due notice to and, if feasible, in the presence of all parties.

(e) Affidavits.

(f) Original or properly identified copies of records and documents.

(g) Other writings and exhibits.

(ii) Usually, an investigation resolves itself into an inquiry concerning but a few essential facts. These facts should be established by substantial evidence and not by rumor (§ 519.3(b)).

(iii) Unless stipulated to by all parties, no evidence concerning the results, taking, or refusal of polygraph (lie detector) tests will be received in evidence or considered by an investigating officer or board of officers.

(2) *Dates, places, persons, and events.* By whatever method evidence is obtained, investigating officers and boards are required to fix dates, places, persons, and events definitely and accurately to the best of their ability. The investigating officer or board should develop complete answers to the questions: What occurred? When did it occur? Where did it occur? How did it occur? Who were involved (and the extent of their involvement)? If property is involved, an exact description thereof and its value, should be included in the record. Diagrams and photos should be used when necessary. Exact descriptions of what occurred, including both the method and the reason for the occurrence, should be included. Reading of the Report of Proceedings by Investigating Officer (Board of Officers) (DA Form 1574) by the investigating officer or the board before commencing the investigation or hearing will serve to eliminate errors.

(b) *Rules of evidence.* As proceedings utilizing this part are administrative and not judicial in nature, an investigating officer or board of officers is not bound by the rules of evidence prescribed for trials by courts-martial or for court proceedings generally. Accordingly, subject to the provisions of paragraph (a) of this section, there will be admitted in evidence, without regard to technical rules of admissibility, any oral or written matter (including hearsay) which in the minds of reasonable men is relevant and material. All evidence shall be accorded such weight as is warranted under the circumstances. All questions of admissibility will be ruled upon in open session by the president, subject to objection by any member of the board, in which case the determination will be by majority vote of the members present. See § 519.3 (b) as to evidentiary basis for findings.

(c) *Individual under investigation will be present at open sessions.* An individual whose conduct, efficiency, fitness, or pecuniary liability is under investigation and who has been notified pursuant to § 519.1(f) will, except for good cause shown, be permitted to be present at all open sessions and to cross-examine adverse witnesses. However, whether or not he is present at all sessions, before the hearing is concluded the individual concerned should be given full opportunity by some appropriate method to rebut adverse allegations. The individual concerned, if suspected of an offense punishable by court-martial, shall not be interrogated or requested to make any statement without first being informed of the nature of the offense of which he is suspected, that he does not have to make any statement regarding the offense of which he is suspected, and that any statement made by him may be used as evidence against him in a trial by court-martial. See Uniform Code of Military Justice, Article 31(b).

(d) *Witnesses to be sworn.* Investigating officers and the president or the recorder of boards of officers have power to administer oaths (see UCMJ, Art. 136). Any person appearing before an investigating officer or a board as a witness should be sworn. In the absence of any law or regulation prescribing the form of oath to be taken by a witness, the following oath will be administered:

> You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.

(e) *Testimony of witnesses*—(1) *Rights of witnesses.* No witness shall be compelled to incriminate himself or to answer any question the answer to which might tend to incriminate him, or to make a statement or produce evidence if the statement or evidence is not material to the issue and might tend to degrade him (see UCMJ, Art. 31), or, in the case of witnesses not subject to the UCMJ, which would deprive him of his rights under the Fifth Amendment of the Constitution of the United States. However, the witness must state specifically that refusal to answer a question is based upon the immunity afforded by the Uniform Code of Military Justice, Article 31, or the Fifth Amendment of the Constitution of the United States. It is the proper province of the investigating officer or board, in each case, to decide whether the stated reason is well taken. Whenever it appears appropriate and advisable to do so, the rights of a witness will be explained to him. The procedure prescribed by the Manual for Courts-Martial, United States, 1951, paragraph 150 (E.O. 10214, Feb. 8, 1951), may be utilized in such cases.

(2) *Personal appearance of witnesses.* Personal appearance of a witness should always be obtained whenever possible in preference to use of his deposition, affidavit, or written statements. However, in the event a material witness resides or is on duty at a substantial distance from the installation at which the hearing is conducted, his evidence may be obtained by deposition, affidavit, or written statement. DA Form 19–24 (statement) should, if available, be used for written statements of witnesses. The commander having jurisdiction over the locality in which such a witness is residing or is found may be requested to have a deposition or affidavit taken. Where personal appearance is otherwise not feasible, evidence should be obtained by deposition or affidavit. If it is impracticable to obtain evidence by either method, it may be secured by correspondence between the investigating officer or board and the witness. If evidence is secured by affidavits or written statements (including correspondence), the individual concerned should be given reasonable notice thereof and afforded an opportunity to meet adverse allegations. If depositions are taken, see Manual for Courts-Martial, United States, 1951, paragraph 117, and appendix 18, for guidance. The use of oral or written stipulations in appropriate cases is also permissible. If stipulations are used, see Manual for Courts-Martial, United States, 1951, paragraph 154b, for guidance.

(f) *Prejudicial allegations.* When matters prejudicial to the conduct, status, efficiency, fitness, character, or rights of an individual arise and become an issue during the course of the investigation, the investigating officer or board shall make the individual concerned a party, and make known to him in writing, the precise nature of the prejudicial allegations. Additionally, he will be entitled to counsel as provided in § 519.1 (h), permitted to examine such allegations or evidence, and afforded an opportunity to answer such allegations by the testimony of any witness or witnesses he may desire heard in his own behalf, and by written statements, sworn to if practicable, of himself and others he may desire to submit. Failure to afford any of the above rights will be fully explained in the record of proceedings. If the person concerned is unavailable for good cause, such as absence from the command, the above requirements may be met by furnishing him a copy of the record of proceedings together with advice as to his right to present evidence. Subject to the rights of a witness as set forth in paragraph (e) of this section, the individual concerned may be called by the investigating officer or board and required to testify under oath upon any point involved concerning which he might be a material witness.

(g) *Pecuniary responsibility.* The requirements in paragraph (f) of this section also will be observed before arriving at a finding which fixes pecuniary responsibility on any individual who has not been fully apprised of the matter and afforded an opportunity to present his side of the case. Every report of proceedings which recommends that any individual be held pecuniarily responsible for loss of funds or lost, damaged, or destroyed property will contain a positive statement, immediately following the findings, that each individual found pecuniarily responsible has been afforded an opportunity to examine all evidence considered by the investigating officer or board and to present evidence, including affidavits of other parties, in his own behalf. If it is impossible or impracticable to afford this opportunity to individuals held pecuniarily responsible, the report of proceedings will contain a full explanation as to why it is impossible or impracticable to do so.

(h) *Informal evidence.* During hearings, the investigating officer or board should refrain from unnecessary informal conversations or comment upon subjects under investigation, and witnesses should not be allowed to make statements "off the record." It should be understood that the primary mission of the investigating officer or the board is to present in the written record all pertinent facts and circumstances supported by the recorded evidence. Findings and recommendations must be supported by the facts contained in the record and not based upon personal knowledge not of record in the report of proceedings.

(i) *Written brief.* The individual concerned or his counsel may submit a written brief covering the whole or any portion or phase of the case under investigation and, except for good cause shown, a reasonable time will be afforded him in which to submit it. To assist in preparation of this brief, the individual concerned or his counsel will, upon request and subject to security requirements, be allowed to examine the report of proceedings prior to action by the convening authority.

§ 519.3 Findings.

(a) *General.* A finding, in the sense that it is used in proceedings under this part, is a clear and concise statement of a fact evidenced in the record, or is a conclusion of the investigating officer or board which can be readily deduced from the evidence in the record.

(b) *Evidentiary basis.* Each finding must be supported by substantial evidence, which is defined as such evidence as a reasonable mind can accept as adequate to support a conclusion.

(c) *Form.* Where the regulation under which an investigating officer or board of officers functions specifically provides the form of findings, such form will be followed. In the absence of specific provisions, the findings will be stated in such form as to give a coherent and clear recital of the facts as established by the evidence and the conclusions thereon of the investigating officer or board. If several findings are required, coherence and clarity will best be achieved by presenting separately the complete facts as to each item. If but one finding is required, the best exposition of facts ordinarily will be obtained by arranging their presentation in chronological order.

§ 519.4 Recommendations.

(a) *General.* (1) In appropriate cases, whether or not prescribed by the regulation under which an investigating officer or board is functioning, recommendations should be made, even if of a negative nature, such as a statement that no further action is considered necessary. Recommendations must be appropriate to and warranted by the findings and, in general, should cover the pecuniary, disciplinary, and corrective phases of the matter under investigation.

(2) Investigating officers or boards must make their recommendations according to the best of their understanding of the rules and regulations for the government of the Army, of Army policies, and of the customs of the service, guided by their concept of justice both to the Government and to the individual concerned.

(b) *Minority report.* In case of a disagreement between members of a board of officers, a minority report may be submitted, either as to the findings or to the recommendations, or to both. The reasons for the minority report must be stated clearly.

§ 519.5 Report of proceedings.

(a) *General.* The report of the proceedings of an investigating officer or a board of officers will be prepared as prescribed in the regulation under which appointed. When the regulation does not provide the form or character of the report, the report will be prepared on DA Form 1574 (Report of Proceedings by Investigating Officer (Board of Officers)). Also, the following instructions are generally applicable:

(1) The record will be clear and legible.

(2) Erasures, interlineations, and other changes will be initialed by the investigating officer or by the recorder or another member of the board of officers.

(3) Additional pages will be numbered at the bottom, and margins of 2½ inches will be left at the top, and 1 inch at the bottom and left side of each page.

(4) Where testimony is not recorded verbatim, it should be summarized on DA Form 19–24 (statement) and signed by the witness. If the witness is unavailable or refuses to sign, such should be noted over the signature of the investigating officer, recorder, or junior board member. Unless the specific regulation governing the proceedings provides otherwise, the report of proceedings of an investigating officer will be authenticated by his signature, and board reports will be authenticated by the signatures of all the members of the board present at its deliberations and that of the recorder. If any one of the foregoing persons is unable to authenticate because of death, disability, or absence, the reason will be stated in the report.

(5) Unless otherwise specified, the proceedings will be submitted in triplicate; the duplicate and triplicate copies, as well as the original, having appended thereto complete copies of all testimony and other exhibits.

(b) *Copies of reports.* Except as prescribed in § 519.2 (f), (g), and (i), an investigating officer or board of officers is not authorized to furnish reports of investigation or copies thereof to anyone other than the appointing authority or his duly designated representative. After deletion of classified portions, one copy shall be furnished to each individual concerned. The appointing authority may furnish reports of investigation or copies thereof to others whose official duties entitle them to such; otherwise, the furnishing of copies is governed by the provisions of Part 518 of this chapter and other pertinent regulations.

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67–2858; Filed, Mar. 15, 1967; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER E—SECURITY

PART 850—SAFEGUARDING CLASSIFIED INFORMATION

SUBCHAPTER I—MILITARY PERSONNEL

PART 888—ENLISTMENT IN THE REGULAR AIR FORCE

Miscellaneous Amendments

1. Section 850.2 is revised; and in § 850.11, paragraph (a) (3) and (4) is revised to read as follows:

§ 850.2 Industrial security program.

To be effective, the security program must provide protection for classified information entrusted to contractors as well as that held only by the Government. Therefore, an information security system and program have been established by the Department of Defense to safeguard classified information entrusted to DoD contractors and their employees. The Industrial Security Program, given effect by the execution of a Security Agreement between DoD and the contractor, establishes security requirements and access authorization procedures which are similar to those that apply in the Air Force, but which have been adapted to the operating requirements of industry, educational institutions, research activities and consultants. The security procedures that contractors must follow are set forth in the DoD Industrial Security Manual for Safeguarding Classified Information (ISM); and the security and procurement responsibilities of the Air Force in relation to the DoD Industrial Security Program are set forth in Part 852 of this chapter. Familiarity with those provisions is required any time a procurement action is proposed or undertaken which involves the release of classified information to a contractor or his employees, which requires the contractor or his employees to have access to classified information, or which will result in developing or producing information or material that will be assigned a classification.

§ 850.11 Destruction of classified material.

(a) * * *

(3) A pulping machine which conforms to Federal Specification FF–P–00800 (GSA–FSS), May 17, 1965; or

(4) A pulverizing machine conforming to Federal Specification FF–P–00810 (GSA–FSS), June 15, 1965; or

* * * * *

§ 850.13 [Amended]

2. In § 850.13 the note following paragraph (e) is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 205–1G, Dec. 28, 1966]

3. Part 888 is revised to read as follows:

Sec.
888.1 Purpose.
888.2 Definitions.
888.3 Citizenship requirements.
888.4 Enlistment criteria.
888.5 Applicants ineligible to enlist.
888.6 Place of enlistment and initial assignment.
888.7 Terms of enlistment.
888.8 Grade determination.
888.9 Date of rank.
888.10 Nonprior service program.
888.11 Prior service program.
888.12 Airmen removed from temporary disability retired list (TDRL).
888.13 Applicants whose last period of service was in officer status.
888.14 Nonprior service male applicants for Air Force bands.
888.15 Selected Officer Training School (OTS) applicants.
888.16 Processing.

AUTHORITY: The provisions of this Part 888 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFM 33–3, November 9, 1966.

§ 888.1 Purpose.

This part prescribes the eligibility requirements for enlistment in the Regular Air Force.

§ 888.2 Definitions.

(a) *Active duty (AD).* Normal full-time duty in the active military service of the United States.

(b) *Active duty for training (ACDUTRA).* A tour of AD for Reserve training under orders which provide for automatic reversion to the Air Reserve Forces not on AD when the specified period of AD is completed. Includes the tour of ACDUTRA performed by nonprior service appointees and enlistees, other short or special tours, and school tours.

(c) *Applicants.* All persons who apply for enlistment. If term applies to one sex only, the text will so state.

(d) *Armed Forces examining and entrance stations (AFEES).* Facilities established for the purpose of conducting physical examinations, mental tests, administrative processing, enlisting and shipping of applicants enlisting in the Armed Forces.

(e) *Chargeable accessions.* Male enlistments or inductions into the active forces of any of the Armed Forces, excluding aviation cadets, officer candidates, members of the Reserve Forces entering active duty, and persons exempt from induction under section 6, Universal Military Training and Service Act, as amended (50 U.S.C. app. 456).

(f) *Classification and screening tests.* Tests given to determine applicant's general level of intelligence, learning ability, and aptitude for training within specific job areas. For the purpose of this part they are identified as follows:

(1) Airman Classification Test (ACT).
(2) Armed Forces Qualification Test (AFQT).
(3) Airman Qualifying Examination (AQE).
(4) Enlistment Screening Test (EST).
(5) Armed Forces Women's Selection Test (AFWST).
(6) Women's Enlistment Screening Test (WEST).

(g) *Continental United States (CONUS).* U.S. territory including the adjacent territorial waters located within the North American continent between Canada and Mexico.

(h) *Conversion list.* Army, Navy, Marine, and Coast Guard jobs, duties, or skills that convert to Air Force specialties, published by U.S. Air Force Recruiting Service in compliance with instructions from Hq U.S. Air Force.

(i) *Dependent.* All persons dependent upon applicant, legally or morally. Applicant's stepchildren, in care or custody of applicant's spouse, are dependents whether or not adopted or receiving support from a legal parent prior to enlistment.

(j) *Eloper.* An applicant who declines to enlist after being transported, lodged, or fed by the Government.

(k) *Enlistment.* Voluntary entry into military service in enlisted status from civilian status.

(l) *Extended active duty (EAD).* A tour of active duty, normally in excess of 90 days, performed by a Reservist for whom strength accountability changes from the Air Reserve Forces to the Regular Air Force.

(m) *High school (HS) graduate.* An individual who has completed high school and received a certificate of graduation as verified by documents listed in this paragraph. A certificate showing completing of the HS General Education Test is not acceptable in lieu of a certificate of graduation.

(1) High school diploma—day or night school.
(2) Official transcript of high school credits.
(3) Certificate of equivalence issued by Board of Education.
(4) Official statement by school officials that individual has sufficiently acceptable credits to be awarded a diploma.
(5) Diploma or certificate attesting to high school completion through Home Study School (correspondence) accredited by the Accreditation Commission of the National Home Study Council.

(n) *Medically remedial enlistment program.* The purpose of this program is to establish procedures for correcting selected disqualifying medical conditions of male nonprior service applicants so that they will be physically qualified for the Regular Air Force.

(o) *Nonprior service (NPS).* Persons who have not served a minimum period of 6 continuous months on active duty with the Armed Forces. Applicants separated as service academy cadets, aviation cadets, or Reservists are considered NPS personnel for the purpose of this part.

(p) *Officer.* This term applies to a commissioned or warrant officer, except where "commissioned officer" is specified.

(q) *Original enlistment.* Enlistment of a person who never was a member of the Army Air Corps, Army Air Forces, or U.S. Air Force.

(r) *Prior service (PS).* Includes:

(1) Former members of the Armed Forces who served a continuous period of active duty for 6 months or more.

(2) Enlisted or former enlisted members of Reserve components of the Armed Forces who served a continuous period of active duty or ACDUTRA exceeding 6 months.

(s) *Prior service required skills list.* Air Force Specialty Codes and grade limitations which the Air Force needs to meet its projected requirements. List is published by U.S. Air Force Recruiting Service based upon instructions from Hq USAF.

(t) *Reenlistee.* A member of the Regular Air Force who enlists within 24 hours from date of separation from the Regular Air Force.

(u) *Restraint.* As used in this part restraint means court imposed restrictions such as confinement, suspended sentence of confinement, parole, probation, or work detail. The following are not considered forms of restraint:

(1) Acceptance of detention in lieu of fine.
(2) A fine, whether or not suspended.
(3) An unconditional suspended sentence where the court imposes no restriction, probation, or conditions of any type.
(4) Unsupervised unconditional probation.

(v) *Separate.* As used in this part, "separate" means the return of an individual to civilian status through release from active duty, discharge or dismissal from the Armed Forces.

(w) *U.S. Air Force Recruiting Service (USAF Recrtg Svc).* All recruiting activities under the jurisdiction of Hq USAF Recruiting Service responsible for recruitment of personnel to meet programed objectives.

§ 888.3 Citizenship requirements.

Applicant must be a citizen of the United States or possess a valid Form I–151, "Immigration and Naturalization Service Alien Registration Receipt Card," as evidence of lawful entry into the United States for permanent residence. Reproduction of this form in any manner is prohibited.

§ 888.4 Enlistment criteria.

(a) *Age.* All applicants except when specified otherwise in §§ 888.12 and 888.13 are required to meet the standards set forth in this paragraph.

If applicant is—	Then minimum age is—	And maximum age is—
Male nonprior service.	[1] 18	27. Do.
Female nonprior service.	[2] 21	
Male prior service.	18	46. When reduced by total active service shown on DD Form 214 age must be less than 28.[4]
Female prior services.	[2] 21	

[1] 17 years of age minimum if DD Form 373, "Consent, Declaration of Parent or Legal Guardian for Enlistment of a Minor in the U.S. Armed Forces," is properly executed, and he is high school graduate.
[2] 18 years of age minimum if DD Form 373 is properly executed.
[3] Applicants over 35 years of age must have at least 3 months prior service in the Army Air Corps, Army Air Force, or U.S. Air Force.

(b) *Educational requirements.*

If applicant is—	*Then minimum educational requirement is—*
Male nonprior service.	None. High school graduates are given priority for enlistment over nonhigh school graduates.
Male prior service.	None.
Female	A high school graduate.

NOTE: Do not enlist applicant as a high school graduate or above unless documentary proof of educational achievement is furnished.

(c) *Mental testing.* Applicants must attain a qualifying score on the Airman Qualifying Examination (AQE) and Armed Forces Qualification Test (AFQT), except that female applicants will take the AFWST in lieu of the AFQT.

§ 888.5 Applicants ineligible to enlist.

Criteria for determining ineligibility of applicants or conditions requiring specific authority for enlistment are as follows:

Any of the conditions indicated by an "X" is disqualifying for enlistment if applicant is—		Rule 1	Rule 2	Rule 3	Rule 4
(A)	Nonprior Service—male	Yes			
(B)	Nonprior Service—woman		Yes		
(C)	Prior Service—male			Yes	
(D)	Prior Service—woman				Yes
(E)	Intoxicated or under the influence of alcohol or drugs	X	X	X	X
(F)	Conscientious objector or person with religious convictions which preclude unrestricted assignments	X	X	X	X
(G)	Having a history of psychotic disorders	X	X	X	X
(H)	Enlistment not clearly consistent with interest of national security under AFR 35–62 (Security Program)	X	X	X	X
(I)	Questionable moral character, history of antisocial behavior, alcoholism, drug addiction, sexual perversion, having frequent difficulties with law enforcement agencies	X	X	X	X
(J)	Has moral disqualification (note)	X	X	X	X
(K)	Under restraint imposed by any civil court (note)	X	X	X	X
(L)	Civil or criminal charges filed or pending against them by civil authorities	X	X	X	X
(M)	Former AF Reservists separated under paragraphs 11, 16, 18, or 20–28, AFR 45–43 (Assignment of Prior Service Enlistees)	X	X	X	X
(N)	18–26 years of age not registered with Selective Service	X	-----	X	-----
(O)	Selective Service registrant classified as 1–A–O, 1–Y, or 4–F	X	-----	X	-----
(P)	Under orders for induction unless released upon request of registrant	X	-----	X	-----
(Q)	Parent by birth or adoption of a child under 18 years of age or has legal or personal custody of any child under 18 years of age	-----	X	-----	X
(R)	Has surrendered all rights to custody and control of natural children through formal adoption, divorce decree, or other court order	-----	X	-----	X
(S)	With dependents as defined in § 888.2	-----	X	-----	X
(T)	Has had an illegitimate pregnancy	-----	X	-----	X
(U)	Step-parent of a child under 18 years of age within household for period of more than 30 days per year	-----	X	-----	X
(V)	Married except when enlisting for OTS	-----	X	-----	X
(W)	Separated from the Air Force for a period of less than 93 days	X	X	X	X
(X)	Separated from last period of service for unsuitability, unfitness, disloyalty or not recommended for reenlistment	X	X	X	X
(Y)	Separated with other than an Honorable Discharge Certificate or with entry other than "honorable" on DD Form 214	X	X	X	X
(Z)	Separated with discharge or conditions that are a bar to enlistment	X	X	X	X
(AA)	Separated in pay grade E–1 or E–2 after 18 months or more in last enlistment	-----	-----	X	X
(BB)	Separated in pay grade E–3 or lower with more than 8 years active service for retirement	-----	-----	X	X
(CC)	Separated because of physical disability with or without severance pay (note)	X	X	X	X
(DD)	Separated and charged with time lost under 10 USC 972 (note)	X	X	X	X
(EE)	Separated in pay grade E–4 with more than 12 years active service for retirement	-----	-----	X	X
(FF)	Authorized Grade E–1 or E–2 and has 2 or more dependents and not classified 1–A (note)	X	-----	X	-----
(GG)	Authorized grade E–3 and has 3 or more dependents (note)	-----	-----	X	-----
(HH)	Authorized grade E–4 and has 3 or more dependents, and total service for pay less than 3½ years (note)	-----	-----	X	-----
(II)	Discharged prior to completion of 6 months active Federal military service except for those separated for minority (note)	X	X	-----	-----
(JJ)	Has completed 20 or more years active Federal service	-----	-----	X	X
(KK)	Receiving disability compensation from any Federal or other agency	X	X	X	X
(LL)	Retired or eligible for retirement under any provision of law	-----	-----	X	X
(MM)	Not qualified in primary or secondary AFSC (as indicated on DD Form 214 or Reserve Records) on the Prior Service Skills List in the skill level required	-----	-----	X	X
(NN)	Applicants who claim prior honorable service but lack written evidence of such service	X	X	X	X
(OO)	17 year old nonhigh school graduate	X	X	-----	-----

NOTE: Specific authority to enlist may be obtained.
How to read this table. For example: If applicant is prior service—male, line C, then rule 3 applies.

§ 888.6 Place of enlistment and initial assignment.

Accomplish all enlistments and assign enlistees as prescribed in this section.

If status of applicant is—	And wishes to enlist in—	Then place of enlistment is—	With initial assignment—
U.S. citizen or alien—PS or NPS.	CONUS, Alaska, or Hawaii.	AFEES through USAF Recrtg Svc.	As directed by Hq Recrtg Svc.
U.S. citizen—NPS	Puerto Rico, Canal Zone, Guam.[1]	Ramey AFB, Albrook AFB, Andersen AFB.	3720 Basic Mil Sch USAF, Lackland AFB, Tex.
U.S. citizen—PS	do	do	Obtained from Hq Recrtg Svc.
U.S. citizen—NPS [2]	Other oversea areas [1]	AF activities designated by PACAF, SAC, and USAFE.	3720 Basic Mil Sch USAF, Lackland AFB, Tex.
U.S. citizen—PS [2](c)	do	do	Base of Enlistment.[3]

[1] Must have permission of Hq Recrtg Svc.
[2] Do not request approval for prior service enlistments unless vacancy exists and has been included on RCS: ATC—P–83, Vacancy List, IAW AFR 35–81 (Administrative Discharge of Airmen Members of the AF Reserve).
[3] Applicant must also be:
(a) Dependent of U.S. citizen assigned in the oversea area as a member of the Armed Forces, a U.S. Government employee, or an employee of a U.S. company under contract to the U.S. Government. If dependency status is terminated by reason of age while living with the sponsor, enlistment is also authorized.
(b) High school graduate.
(c) Without concurrent status as a national of the country where the enlistment occurs, provided also that the enlistment does not conflict with the law of such country or with any intergovernmental agreement between the United States and such country.

§ 888.7 Terms of enlistment.

(a) Enlist all applicants, except those for Officer Training School (OTS) for terms of 4 years.

(b) Enlist OTS selected applicants for terms of 2 years.

§ 888.8 Grade determination.

Nonprior service personnel will use the first table, and prior service enlistees, except when specified otherwise in §§ 888.12 and 888.13, will use the second table as follows:

NONPRIOR SERVICE ENLISTEES

If applicant—	*Then grade authorized is—*
Was credited with over 90 days active duty service and last separated in pay grade E–2 or higher	E–2
Possesses certificate of proficiency, letter from CAP–USAF Ellington AFB, Tex., or a letter from CAP unit commander showing successful completion of the CAP Training Program	E–2
Is an AFROTC nongraduate who completed at least 2 years AFROTC and has a letter of recommendation from Professor of Air Science	E–2
Is a Service Academy ex-cadet with over 90 days service	E–2
None of the above	E–1

PRIOR SERVICE ENLISTEES

If applicant enlists prior to—	*Then grade authorized will be the lower of either the grade listed on the Required Skills List or (see note)—*
2d anniversary of DOS	Grade held when last separated.
180 days after 2d anniversary of DOS	One grade lower than at separation.
3d anniversary of DOS	Two grades lower than at separation.
4th anniversary of DOS	Three grades lower than at separation.

NOTE: Applicants not eligible to enlist in a higher grade under this part may be enlisted in the grade of Airman Third Class (E–2) provided they were last separated in pay grade E–2 or higher.

§ 888.9 Date of rank.

Date of rank for all enlistees except when specified otherwise in §§ 888.12 and 888.13 is the date of enlistment.

§ 888.10 Nonprior service program.

(a) Nonprior service male applicants who are found disqualified on AFQT for enlistment at the AFEES are required to take the regular physical examination given to all inductees or enlistees.

(b) Former Service Academy or Aviation Cadets may enlist only with prior approval of Hq U.S. Air Force Recruiting Service.

(c) Enlistees are ordered and assigned to a Training Center in accordance with separate instructions issued by Hq Air Training Command.

§ 888.11 Prior service program.

(a) Enlistment of prior service personnel in the Air Force is extremely selective because of severely limited yearly quotas. Applicants for this program are required to meet all standards prescribed in this manual and possess an AFSC on the Required Skills List. Three and 5 level vacancies on the Required Skills List are not authorized for enlistees in grades of E–6 or E–7.

If enlistment is accomplished within 60 days from the date of removal from TDRL—	*Then the applicant—*
Yes	Will not be required to undergo further mental or physical examinations and will be enlisted with grade and date of rank specified in letter from Hq USAF authorizing enlistment.
No	May be enlisted provided the criteria of the prior service program are met.

(b) *Special qualifications for personnel with service in other Armed Forces.* (1) Applicants whose last period of service was in other Armed Forces are required to meet all the criteria for prior service personnel as well as the additional qualifications prescribed in this section.

(2) Only applicants recommended for reenlistment by their last branch of service in the Armed Forces are eligible to enlist in the Air Force.

(3) The DD Form 214 issued for the applicant's last period service is the governing document used to determine applicant's eligibility.

(4) Only applicants who have a job skill or specialty indicated on their report of separation which converts to a listed AFSC are eligible; they are authorized grade in the same manner and subject to the same limitations as former Air Force personnel.

§ 888.12 Airmen removed from temporary disability retired list (TDRL).

(a) Former airmen who have been removed (discharged) from the TDRL as physically fit and are not ineligible according to § 888.5 may enlist in the Regular Air Force in accordance with the following criteria:

(b) Applicants may enlist through USAF Recruiting Service or at any Air Force installation by presenting:

(1) Letter from Hq USAF (AFPMARA) authorizing enlistment.

(2) Special order announcing removal from TDRL and discharge.

(3) DD Form 214 issued at the time of placement on TDRL.

(c) An airman who has completed the minimum requirement for voluntary retirement established by law and policy, and who is physically fit by having recovered from the condition for which placed on TDRL, but unfit by reason of a condition incurred while on TDRL or 60 days thereafter, shall be enlisted provided he was removed from TDRL and discharged without severence pay. Such enlistment shall be consummated notwithstanding the fact that there is a nonservice connected disqualifying disability and with the understanding that retirement for length of service will be accomplished as soon as practicable.

§ 888.13 Applicants whose last period of service was in officer status.

(a) General: All former officers require Hq U.S. Air Force authorization to enlist. Submit applications for authority to enlist not later than 30 days after receipt of official notification of separation direct to USAFMPC (AFPMRFE), Randolph AFB, Tex. 78148.

(b) Former Air Force officers with prior enlisted service in Regular Air Force: (1) To qualify for enlistment eligibility under the provisions of this section, applicant must:

(i) Have served on EAD as a Reserve officer or have been discharged as an enlisted member to accept temporary appointment as an officer.

(ii) Not have had a break in service exceeding 6 months after separation as an airman. An officer relieved from active service and later recalled within 6 months will be considered to have had continuous service.

(iii) Not be an officer relieved from active duty to await appellate review of sentence that includes dismissal or dishonorable discharge.

(iv) Have been separated with honorable discharge or with general discharge with approval to enlist from Hq U.S. Air Force.

(2) Provided the enlistment is within 6 months from date of separation, the applicant:

(i) Is not required to meet the prior service program criteria and will be processed without regard to age, physical disqualification incurred in line of duty while in active military service or existing vacancy.

(ii) Is entitled to date of rank held at time of discharge to serve on EAD in an officer status, adjusted to deduct credit for the number of days out of service before enlisting.

(iii) Grade Determination: (*a*) If qualified as E–7 and has letter from Hq USAF, subject, "Determination of Eligibility for E–7," applicant is authorized to enlist in grade of MSgt, E–7.

(*b*) If not qualified under (*a*) of this subdivision, applicant is authorized to enlist in the highest permanent enlisted grade held immediately preceding discharge to serve on EAD as an officer or A1C (E–4), whichever is higher.

(c) Other former AF officers, including Regular officers (twice passover) who resigned for the purpose of enlisting and Reserve officers separated because of age, who enlist within 90 days from date of separation are:

(1) Not required to meet the prior service program criteria.

(2) Entitled to date of rank of date of enlistment backdated by a period equal to the amount of active Federal military services performed in the same or higher grade in the Air Force (and Army before transfer to the Air Force under Transfer Order 1, DA Bulletin, 1947).

(3) Authorized grade A1C (E–4) or MSgt (E–7) and has letter to this effect.

(d) Other former Air Force officers separated over 90 days (ineligible under paragraph (b) of this section) and Reserve officers from the other Armed Forces. Applicants in this category are considered as prior service personnel. Authorized grade is A2C (E–3) with date of rank as date of enlistment.

(e) Place of enlistment:

If applicant enlists under provisions of—	Then if separated—	Place of enlistment is—
§ 888.13(b)	Less than 6 months.	Any Air Force base.
§ 888.13(c)	Less than 90 days.	Do.
§ 888.13(d)		Through USAF Recruiting Service.

(f) Former officers ineligible to enlist are those who:

(1) Last served in a regular component of other Armed Forces.

(2) Were discharged with severance pay.

(3) Were separated or released from EAD for cause by the Secretary of the Air Force or in lieu of such action (including cases initiated under AFRs 35–62 (Security Program), 35–66 (Discharge Processing Where Homosexual Acts or Tendencies are Involved), 36–2 (Administrative Discharge Procedures) (Unfitness, Unacceptable Conduct, or in the Interest of National Security)), or 36–3 (Administrative Discharge Procedures (Substandard Performance of Duty)).

NOTE: Does not apply to former officers qualified for enlistment under paragraph (b) of this section.

(4) Were separated with other than an Honorable Discharge Certificate (DD Form 256) or released from EAD with entry of other than "Honorable" on DD Form 214, except for applicants covered by paragraph (b) (1) (iv) of this section.

(5) Were separated because of failure for selection for promotion during the 3-year probationary period.

(6) Are eligible for retirement in officer status under any provision of law (applicants under paragraph (b) of this section and paragraph 9c(2) AFR 36–12 (Administrative Separation of Commissioned Officers and Warrant Officers of the Air Force), are excluded from this restriction).

§ 888.14 Nonprior service male applicants for Air Force bands.

(a) *Eligibility.* (1) An applicant for an Air Force band, otherwise qualified for enlistment, is required to establish his instrument or band qualification prior to enlistment.

(2) All expenses in connection with preenlistment auditioning must be paid by him.

(b) *Command band director PACAF.* (1) PACAF is authorized to audition applicants against command band vacancies at the 501 Air Force Band, APO San Francisco 96553 and to promise assignment to a specific PACAF band upon completion of basic military training.

§ 888.15 Selected Officer Training School (OTS) applicants.

These are individuals who have successfully completed all qualifying examinations (Part 902 of this chapter, USAF Officers Training School (OTS)) and were notified in writing of selection to attend Officer Training School by the Commander, Air Training Command. Except as prescribed in this section, processing is the same as for regular enlistees.

(a) Applicants who possess a letter of selection may enlist if they are not disqualified under § 888.5.

(b) Commander, Air Training Command will issue instructions covering class assignment, reporting date, career field, and travel.

§ 888.16 Processing.

(a) *Verification of age.* (The burden of proof is upon the applicant.) The only acceptable documents for verification of age are:

(1) Birth certificate—including hospital or delayed birth certificate.

(2) Statement by State registrar of vital statistics or similar State official.

(3) DD Form 214 for prior service applicants. Accept date of birth recorded thereon as a verified date.

(4) DD Form 372, Application for Verification of Birth for Official U.S. Armed Forces Use Only.

(b) *Documents.* Applicant will submit originals or duly signed and authenticated copies of all documents.

(c) *Parental consent.* Applicants who have not reached their 18th birthday (21st for female) or are still in high school (including those who withdrew in current school year) regardless of age will not be processed for enlistment until consent of parents or legal guardians is obtained.

(d) *Education.* High school students who apply for enlistment contingent upon their disenrollment require consent of parents and prior notification of the school officials.

(e) *DD Form 398, Statement of Personal History.* Each applicant is required to complete DD Form 398, "Statement of Personal History."

(f) *Service obligation.* All male applicants under 26 years of age automatically assume a 6-year military service obligation which may be terminated only on the grounds of personal hardship in accordance with standards prescribed by the Secretary of Defense. The obligation will be met as follows:

(1) Four years of active duty service.

(2) Two years in the Reserve.

(g) *Religious convictions.* Applicants whose religious convictions would limit their worldwide assignments will not be enlisted. The following are in this category:

(1) Conscientious objectors (term includes persons willing to serve in noncombat status only).

(2) Those whose religious beliefs conflict with the principle that enlistees are subject to unrestricted service on a 24-hour day, 7 days a week basis.

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67–2822; Filed, Mar. 15, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4176]

[Fairbanks 035286]

ALASKA

Withdrawal for Protection of Recreation Values

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved as recreation sites:

FAIRBANKS MERIDIAN (UNSURVEYED)

TRACT 1

Moose Creek

T. 5 N., R. 4 E.,
Sec. 28, S½;
Sec. 33, N½N½.

TRACT 2

Grouse Creek

T. 5 N., R. 4 E.,
Sec. 27, E½SE¼, SE¼NE¼;
Sec. 26, SW¼SW¼, N½SW¼, SW¼NE¼, NW¼SE¼, S½NW¼.

TRACT 3

Perhaps Creek

T. 5 N., R. 5 E.,
Sec. 17, SW¼;
Sec. 20, N½N½NW¼.

TRACT 4

U.S. Creek

T. 5 N., R. 5 E.,
Sec. 9, S½SE¼;
Sec. 16, NE¼, E½NW¼, NE¼SW¼, N½SE¼.

TRACT 5

Cripple Creek

T. 5 N., R. 5 E.,
Sec. 11, S½NE¼, N½SE¼;
Sec. 12, SW¼NW¼, NW¼SW¼.

The areas described aggregate approximately 1,760 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 9, 1967.

[F.R. Doc. 67-2866; Filed, Mar. 15, 1967; 8:45 a.m.]

[Wyoming 415]

[Public Land Order 4177]

WYOMING

Withdrawal for Protection of Air Navigation Facility

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following described lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for protection of an air navigation facility:

SIXTH PRINCIPAL MERIDIAN

T. 36 N., R. 79 W.,
Sec. 14, E½NE¼ and NE¼SE¼.

The areas described aggregate approximately 120 acres in Natrona County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the Federal Aviation Agency finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 9, 1967.

[F.R. Doc. 67-2867; Filed, Mar. 15, 1967; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 59, 2d Rev., Amdt. 2]

PART 221—DOCUMENTATION, TRANSFER, OR CHARTER OF VESSELS

Approval of Charters of Certain Vessels to Aliens

Effective as of the date of publication in the FEDERAL REGISTER, § 221.7(a)(2) of this part is amended to read as follows:

§ 221.7 Approval of charters of certain vessels to aliens.

(a) • • •

(2) For the carriage of cargoes of any kind to or from the Soviet Union, Latvia, Lithuania, Estonia, Czechoslovakia, Hungary, Bulgaria, Albania, North Korea, the Soviet Zone of Germany, Manchuria, Communist China, the Communist-controlled area of Viet Nam, Cuba, or Southern Rhodesia.

• • • • • •

(Sec. 19, 41 Stat. 995, as amended, sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114, 876)

Dated: March 13, 1967.

CARL C. DAVIS,
Acting Maritime Administrator.

[F.R. Doc. 67-2962; Filed, Mar. 15, 1967; 8:50 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER F—NATIONALITY AND PASSPORTS

[Dept. Reg. 108.553]

PART 51—PASSPORTS

Passports Invalid for Travel to Restricted Areas

Part 51, Chapter I, Title 22, Code of Federal Regulations, section 51.72 (as corrected at 31 F.R. 13654, Oct. 22, 1966, and as amended at 31 F.R. 16143, Dec. 16, 1966) is amended to read as follows:

§ 51.72 Passports invalid for travel to restricted areas.

Upon determination by the Secretary that a country or area is:

(a) A country with which the United States is at war, or

(b) A country or area where armed hostilities are in progress, or

(c) A country or area to which travel must be restricted in the national interest because such travel would seriously impair the conduct of U.S. foreign affairs,

U.S. passports shall cease to be valid for travel to, in or through such country or area unless specifically validated therefor. Any determination made under this section shall be published in the FEDERAL REGISTER along with a statement of the circumstances requiring the restriction. Unless limited to a shorter period, any such restriction shall expire at the end of 1 year from the date of publication of such notice in the FEDERAL REGISTER, unless extended or sooner revoked by the Secretary by public notice.

Effective date. This amendment shall become effective on March 16, 1967.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rulemaking are inapplicable to this order because the regulation contained herein involves foreign affairs functions of the United States.

(Secs. 1, 4, 44 Stat. 887, 63 Stat. 111, as amended; 22 U.S.C. 211a, 5 U.S.C. 151c)

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary for Administration

MARCH 14, 1967.

[F.R. Doc. 67-2974; Filed, Mar. 15, 1967; 9:31 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 777]

PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Availability of Certificate Requirements

Notice is hereby given pursuant to section 4a, Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553), that the Agricultural Stabilization and Conservation Service proposes to issue Amendment 2 to the Republication of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502).

Consideration will be given to all written comments or suggestions in connection with the proposed amendment filed, in duplicate, with the Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, during the 15-day period beginning with the date this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

The proposed amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see secs. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j), to provide the following change in the Processor Wheat Marketing Certificate Regulations: Exempt from marketing certificates, wheat processed by a State or State agency solely for training and rehabilitation purposes, if the food products derived are used by such State or State agency or another agency of that State.

The amendment would read as follows:

Section 777.4(b)(7) is amended to read as follows:

§ 777.4 Applicability of certificate requirements.

• • • • • •

(b) • • •

(7) *Wheat processed for noncommercial uses.* Certificates shall not be required for wheat processed for noncommercial uses as determined by the Administrator and specified in this paragraph. Any food processor who wishes to petition the Administrator to establish in the regulations an exemption for any such use shall submit to the Administrator the name and detailed description of the food product, the use which is to be made of the food product, the name and address of the person who will make such use, and any other information deemed relevant by the food processor and as may be required by the Administrator. The exemption shall apply to wheat used in the manufacture of food products for the following uses:

(i) *Wheat processed for use by the producer or person to whom he has donated the food product.* Marketing certificates shall not be required for wheat processed beginning July 1, 1964, into a food product for use by either the producer or a person to whom he has donated the food product outside the farm where the wheat was grown. To support the exemption provided for in this subparagraph (7)(i), the processor shall, at the time of delivery of the food product or, at such other time as may be approved in writing by the Director, obtain a certificate from the user in such form as is approved by the Administrator covering the quantity of food product delivered and describing the use to be made of the food product.

(ii) *Wheat processed by a State or State agency for use by a State or State agency or another agency of that State.* Marketing certificates shall not be required for wheat processed beginning July 1, 1964, into a food product by a State or State agency for purposes of training and rehabilitation. Such food product must be used by the State agency processing such wheat or if the food product is removed, by another agency of that State. The State agency processing the wheat must maintain complete records of the quantity of wheat processed and of the disposition of the food product processed. Any State or State agency which processes wheat for use exclusively by such State or State agency or another agency of such State shall not be required to submit food processing reports under § 777.12.

Signed at Washington, D.C., on March 13, 1967.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-2905; Filed, Mar. 15, 1967; 8:49 a.m.]

DEPARTMENT OF LABOR

Bureau of Employment Security

[20 CFR Part 602]

HOUSING FOR AGRICULTURAL WORKERS

Notice of Proposed Rule Making

The regulation concerning the labor standards to be observed by employers before orders for recruitment of agricultural workers will be placed into interstate clearance by the State Employment Agencies affiliated with the U.S. Employment Service, are set forth in 20 CFR 602.9. These regulations require, among other things, the State agency to ascertain that housing and facilities "conform to the requirements of the applicable State, county, or local housing and sanitary codes" or, in the absence of such applicable codes, be determined by it "to be such as will not endanger the lives, health, or safety of the workers." It is provided that "in making such determinations the State agency shall give full consideration to the applicable recommendations of the President's Committee on Migratory Labor with respect to housing and related facilities" (§ 602.9(d)(4)). Upon review of the quality of protection offered to migrant agricultural workers under this provision, I have determined that there is a need to require strict compliance with the standards of the President's Committee on Migratory Labor rather than that mere "consideration" be given to them.

Accordingly, pursuant to authority contained in section 12 of the Wagner-Payser Act (29 U.S.C. 49k), Reorganization Plan No. 2 of 1949 (3 CFR, 1949–53 Comp., p. 998), and 20 CFR 602.21, I hereby propose to revise paragraph (d) of 20 CFR 602.9 as set forth below.

Interested persons may, within 15 days after publication of this proposal in the FEDERAL REGISTER, mail written statements of data, views, or argument concerning it to the Administrator, Bureau of Employment Security, U.S. Department of Labor, Washington, D.C. 20210.

As amended 20 CFR 602.9(d) would read as follows:

§ 602.9 Interstate recruitment of agricultural workers.

No order for recruitment of domestic agricultural workers shall be placed into interstate clearance unless:

• • • • • •

(d) The State agency has ascertained that housing and facilities:

(1) Are available;

(2) Are hygienic and adequate to the climatic conditions of the area of employment;

(3) Are reasonably calculated to accommodate the agricultural workers sought; and

(4) (i) Will not endanger the lives, health, or safety of workers. In making such determinations the State agency must ascertain that the housing and facilities conform to the standards prescribed by the President's Committee on Migratory Labor (copies of these standards are available at all offices of the U.S. Employment Service), and applicable State, county, and local housing and sanitary requirements.

(ii) If an employer can show that he is taking adequate steps to come into compliance with the standards prescribed by the President's Committee on

Migratory Labor, a waiver until a date not later than December 31, 1967, may be issued by the State agency. After December 31, 1967, such waivers may be issued by the regional office of the Bureau of Employment Security, if the employer demonstrates that extenuating circumstances require more time.

* * * * *

(48 Stat. 117, as amended; 29 U.S.C. 49k)

Signed at Washington, D.C., this 10th day of March 1967.

ROBERT C. GOODWIN,
Administrator.

[F.R. Doc. 67-2875; Filed, Mar. 15, 1967; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 8025]

AIRWORTHINESS DIRECTIVES

TECO Model 603 Aircraft Seats

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive requiring the removal of TECO Model 603 aircraft seats from civil aircraft. These seats have been found to be installed in civil aircraft, although they have not been approved by the Agency. Tests show that they fail well below the applicable standard strength requirements. Since an unsafe condition exists, and since this condition is likely to exist or develop in other seats of the same design, the proposed AD would require removal of TECO Model 603 seats from civil aircraft within 100 hours' time in service after the effective date of the proposed AD.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before April 17, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

TECO. Applies to TECO Model 603 aircraft seats.

Compliance required as indicated.

To preclude failure of TECO Model 603 aircraft seats installed in civil aircraft, within 100 hours' time in service after the effective date of this AD, remove these seats from service, and replace with FAA-approved seats.

Issued in Washington, D.C., on March 9, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-2859; Filed, Mar. 15, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17095; RM-1065]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments; Port Jervis, N.Y.

In the matter of amendment of § 73.202, *Table of assignments*, FM Broadcast Stations (Port Jervis, N.Y., Rockville, Ind., Waynesville, Mo., Roanoke Rapids and Goldsboro, N.C., Thibodaux, La., Crossville, Tenn., Danville, Ill., Lincoln and Omaha, Nebr., Clinton, Okla., Phoenix, Ariz., Fresno, Calif., San Antonio, San Marcos, Kenedy-Karnes, Georgetown, and Burnet, Tex., Columbus, Nebr., Salt Lake City, Utah, Bemidji, Minn., Longview, Wash., and Astoria, Oreg.); Docket No. 17095, RM-1065, RM-1078, RM-995, RM-1034, RM-1043, RM-1051, RM-1059, RM-1061, RM-1062, RM-1066, RM-1067, RM-1071, RM-1073, RM-1074, RM-1075.

1. On January 12, 1967, the Commission issued a notice of proposed rule making (FCC 67-54) in the above-entitled matter inviting comments on a number of proposals to change the FM Table of Assignments, including the addition of Channel 244A to Port Jervis, N.Y. The time for filing comments was given as February 13, 1967, and for reply comments February 24, 1967. On February 27, 1967, Warren Broadcasting Corp., licensee of WCRV(AM), Washington, N.J., filed a request for an extension of time in which to file comments in opposition to the Port Jervis proposal until March 15, 1967. Warren states that it believes that Channel 244A can be assigned to Hackettstown, N.J., and that this assignment would be a more equitable allocation. It further states that it was its understanding that the time for filing comments in this proceeding would be extended to the date requested and had relied on this in its plans.

2. We are of the view that the requested extension is warranted in this case and that it would serve the public interest. However, in view of the fact that Warren has already submitted its counterproposal, we do not believe it necessary to extend the time until March 15, 1967. *Accordingly, it is ordered,* This 6th day of March 1967, that the time for filing comments in this proceeding with respect to RM-1065 only, is extended from February 13, 1967, to March 10, 1967, and the time for filing reply comments is extended from February 24, 1967, to March 31, 1967.

3. This action is taken pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Released: March 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2900; Filed, Mar. 15, 1967; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 215]

[Reg. O]

LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS

Permissible Loans

In a notice of proposed rule making published in the FEDERAL REGISTER of August 27, 1966 (31 F.R. 11399), the Board of Governors indicated that it was considering an amendment to § 215.1(c) of this part (Regulation O) and invited comments with respect thereto. In the light of comments received, the Board now contemplates a somewhat different amendment to such Regulation. The amendment presently under consideration would amend the last paragraph of § 215.1(c) by striking the word "or" preceding clause (iii) and inserting before the period at the end of such paragraph the following: "(iv) indebtedness arising by reason of general arrangements under which a bank (*a*) acquires charge or time credit accounts or (*b*) makes payments to or on behalf of participants in a bank credit card plan, check credit plan, or similar plan, except that this subdivision (iv) shall not apply to indebtedness of an executive officer to his own bank that involves prior individual clearance or approval by any officer or employee of the bank or to the extent that the aggregate amount thereof exceeds $1,000".

The amendment presently proposed would exclude from the coverage of section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) and Part 215 any indebtedness of an executive officer to a bank other than his own bank that arises under general arrangements of the kinds described. It would also exclude an executive officer's indebtedness to his own bank arising under such general arrangements except in the case of a particular indebtedness that involves prior individual clearance or approval by his bank and except to the extent that the aggregate amount of his indebtedness exceeds $1,000.

Because of their impersonal nature, indebtedness of the types described in the proposed amendment are not regarded as falling within the general intent of section 22(g) of the Federal Reserve Act. However, in order to guard against abuses or evasions of the basic purposes of the law, the proposed amendment would prescribe certain limitations in the case of indebtedness of an executive officer to his own bank.

To aid in consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 31, 1967.

Dated at Washington, D.C., the 8th day of March 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-2865; Filed, Mar. 15, 1967; 8:45 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice 1037]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 10, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d) (4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2165 (Sub-No. 18), filed February 20, 1967. Applicant: LANGDON TRUCK LINES, INC., 120 Glenwood Avenue, Medina, N.Y. 14103. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between points in Orleans County, N.Y. (2) from points in Orleans County, N.Y., to points in Albany, Chautauqua, Chemung, Erie, Monroe, Niagara, and Wayne Counties, N.Y., (3) from points in Cortland, Erie, Monroe, Niagara, Tompkins, and Wayne Counties, N.Y., to points in Orleans County, N.Y., (4) from New York, N.Y., to points in Broome, Cayuga, Chenango, Cortland, Delaware, Erie, Fulton, Genesee, Madison, Monroe, Niagara, Onondaga, Ontario, Orleans, Schuyler, and Wayne Counties, N.Y., (5) from points in Allegany, Erie, Genesee, Monroe, Niagara, Ontario, and Orleans Countries, N.Y., to New York, N.Y., (6) from points in Niagara County, N.Y., to points in Albany, Columbia, Monroe, Nassau, and Suffolk Countries, N.Y., (7) from points in Genesee County, N.Y., to points in Albany County, N.Y.

(8) From points in Monroe County, N.Y., to points in Dutchess, Erie, Genesee, Niagara, Orange, Rockland, and Ulster Counties, N.Y., (9) from points in Wayne County, N.Y., to points in Monroe County, N.Y., (10) from points in Westchester County, N.Y., to points in Onondaga County, N.Y., (11) from New York, N.Y., to points in Albany, Montgomery, and Oneida Counties, N.Y., (12) from points in Herkimer County, N.Y., to New York, N.Y., (13) between points in Niagara County, N.Y., on the one hand, and, on the other, points in Delaware, Dutchess, Greene, Orange, Putnam, Rensselaer, Rockland, Schenectady, Schoharie, Ulster, and Westchester Counties, N.Y., (14) from points in Cattaraugus, Chautauqua, and Wayne Counties, N.Y., to New York, N.Y., (15) from points in Cattaraugus, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Wayne, and Wyoming Counties, N.Y., Elmsford, Mamaroneck, and Mount Kisco (Westchester County, N.Y.), (16) from points in Cortland County, N.Y., to points in Chautauqua, Erie, Niagara, and Monroe Counties, N.Y., (17) from points in Niagara County, N.Y., to points in Dutchess, Erie, Genesee, Orange, Rockland, and Ulster Counties, N.Y.

(18) From points in Erie County, N.Y., to points in Albany, Chemung, Monroe, Niagara, and Wayne Counties, N.Y., (19) from points in Monroe County, N.Y., to points in Albany, Chautauqua, and Chemung Counties, N.Y., (20) from points in Tompkins County, N.Y., to points in Chautauqua, Erie, Niagara, and Monroe Counties, NY., (21) from points in Wayne County, N.Y., to points in Chautauqua, Dutchess, Erie, Genesee, Niagara, Orange, Rockland, and Ulster Counties, N.Y., and New York, N.Y., (22) from points in Orleans County, N.Y., to points in Columbia, Dutchess, Genesee, Nassau, Orange, Rockland, Suffolk, and Ulster Counties, N.Y. NOTE: Applicant states it intends to tack at common points with the proposed and present authority wherever physically possible to serve points in Connecticut, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Ohio. If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 2253 (Sub-No. 33), filed February 23, 1967. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, N.C. 28021. Applicant's representative: W. C. Mauldin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, beverages, and juices*, from points in Florida, to points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, West Virginia, Ohio, Indiana, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 4964 (Sub-No. 35), filed February 27, 1967. Applicant: ROY L. JONES, INC., 915 McCarthy Avenue, Post Office Box 24128, Houston, Tex. 77029. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales and bundles weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Oklahoma, Arkansas, Louisiana, and New Mexico, and (2) *iron and steel articles*, weighing 2,000 pounds or more, which require the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 10881 (Sub-No. 5), filed February 27, 1967. Applicant: CANYON TRUCKING CO., a corporation, Garden City Highway, Post Office Box 3106, Midland, Tex. 79704. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales or bundles weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Oklahoma, Louisiana, and those in Lea and Eddy Counties, N. Mex., and (2) *iron and steel articles*, weighing 2,000 pounds or more, which require the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 13250 (Sub-No. 88), filed February 27, 1967. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. 77022. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales and bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 18099 (Sub-No. 5), filed February 27, 1967. Applicant: Roland Heldt, Agnes Marie Heldt, Hertha L. Heldt, and Roland Heldt, Agnes Marie Heldt, Heartha L. Heldt and W. L. Powell, Trustees for Grace Elaine Pogue, and Mary Ann Davis, Diana Ruth Heldt, and David Michael Heldt, doing business as HELDT BROTHERS, Post Office Drawer 1130, Alice, Tex. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 21436 (Sub-No. 2), filed February 27, 1967. Applicant: THOMAS F. WELSH, doing business as, RELIANCE VAN COMPANY, 146 Crawford Hill, West Conshohocken, Pa. 19004. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania. Restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments over irregular routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 22046 (Sub-No. 15), filed February 27, 1967. Applicant: W. M. (BILLY) WALKER, INC., 129 South Grimes Street, Hobbs, N. Mex. 88240. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Oklahoma, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 23618 (Sub-No. 12), filed March 2, 1967. Applicant: McALISTER TRUCKING COMPANY, a corporation, Post Office Box 2377, Abilene, Tex. 79604. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bale or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 27662 (Sub-No. 9), filed February 27, 1967. Applicant: M. A. DAVIS TRANSPORT, INC., Post Office Box 9413, Beaumont Highway, Houston, Tex. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, and those in Lea and Eddy Counties, N. Mex., and (2) *iron and steel articles*, weighing 2,000 pounds or more each, which require the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, and Arkansas, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 29805 (Sub-No. 10), filed February 27, 1967. Applicant: GULF STATES TRUCK LINES, INC., 9101 Linwood Avenue, Post Office Box 6090, Shreveport, La. 71106. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles,* in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, and Arkansas, and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 35320 (Sub-No. 94), filed February 1, 1967. Applicant: T.I.M.E. FREIGHT, INC., 2598 74th Street, Post Office Box 1120, Lubbock, Tex. 79408. Applicant's representatives: Frank M. Garrison, Post Office Box 1120, Lubbock, Tex. 79408, and W. D. Benson, Jr., 9th Floor, Citizens Tower, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Brown's Ferry (site of TVA installation) approximately 10 miles northwest of Decatur, Ala., as an off-route point in connection with applicant's regular route authority in MC 35320, Sub-No. 78, between Chattanooga, Tenn., and Tuscumbia, Ala., and between Huntsville and Decatur, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at any point convenient to the Commission.

No. MC 43867 (Sub-No. 19), filed February 27, 1967. Applicant: ALTON LEANDER McALISTER, Post Office Box 2214, Wichita Falls, Tex. 76307. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) The following *iron or steel articles,* in bales and bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, and New Mexico; and (2) the following *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas.

No. MC 48958 (Sub-No. 96), filed February 27, 1967. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Robert W. Wright, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Classes A and B explosives,* between Pueblo, Colo., and Amarillo, Tex., from Pueblo over U.S. Highway 50 to Lamar, Colo., thence over U.S. Highway 287 to Amarillo, and return over the same route as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 52616 (Sub-No. 5), filed February 24, 1967. Applicant: SAMUEL D. PERIOW, doing business as GERSON TRANSPORTATION, 475 Burlington Avenue, Bridgeton, N.J. 08302. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass bottles,* from Gloucester, N.J., to Linfield, Pa., and *returned or rejected empty glass bottles* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 55236 (Sub-No. 148) (Amendment), filed February 13, 1967, published FEDERAL REGISTER issue of March 9, 1967, amended February 22, 1967, and republished as amended, this issue. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Post Office Box 1187, Green Bay, Wis. 54306. Applicant's representative: K. L. Laird (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Acids and chemicals,* in bulk, in tank or hopper type vehicles, from Port Edwards, Wis., and points within 5 miles thereof, on the one hand, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states that it intends to tack at Port Edwards, Wis., and Waukegan, Ill., serving the territory embraced under this application and the additional States of New York, Delaware, and Louisiana. The purpose of this republication is (1) to broaden the authority scope, and (2) to add Washington, D.C., as a place of hearing. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich., or Washington, D.C.

No. MC 56887 (Sub-No. 8), filed February 27, 1967. Applicant: JESS EDWARDS, INC., Post Office Box 1091, Corpus Christi, Tex. 78403. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles,* in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas.

No. MC 60127 (Sub-No. 3), filed February 27, 1967. Applicant: G & H TRANSIT COMPANY, INCORPORATED, 2216 Freedom Drive, Charlotte, N.C. 28208. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chair grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business,* between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Fannin County, Ga. NOTE: Applicant states that the above-proposed operations will be restricted to service performed under contract with the Great Atlantic & Pacific Tea Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Atlanta, Ga.

No. MC 60157 (Sub-No. 9), filed February 27, 1967. Applicant: C. A. WHITE TRUCKING COMPANY, INC., 4641 Greenville Avenue, Dallas, Tex. 75206. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224.

Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles,* in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Oklahoma, and points in Lea and Eddy Counties, N. Mex.; and, (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Applicant states it presently holds oilfield authority in the involved area. The proposed authority will duplicate, to a minor extent, that presently held by applicant in MC 60157. If a hearing is deemed necessary, applicant requests it be held Houston or Dallas, Tex.

No. MC 61396 (Sub-No. 182), filed February 27, 1967. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68102. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Omaha, Nebr., or Des Moines, Iowa.

No. MC 72058 (Sub-No. 6), filed February 27, 1967. Applicant: HEARD & HEARD, INC., 115 East Vance, Post Office Box S, Refugio, Tex. 78377. Applicant's representative: Benton Coopwood, 904 Lavaca, Austin, Tex. 78701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles,* in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to all points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 74857 (Sub-No. 24) (Amendment), filed January 18, 1967, published in the FEDERAL REGISTER issue of February 9, 1967, amended March 8, 1967, and republished as amended, this issue. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: David A. Caldwell, 900 Tri-State Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Salt,* in dump vehicles, from points in Hamilton County, Ohio, to points in Blackford, Boone, Delaware, Grant, Hamilton Hendricks, Howard, Jay, Madison, Randolph, and Tipton Counties, Ind., under contract with Cargill, Inc., Diamond Crystal Salt Co., and Morton Salt Co., a division of Morton International, Inc. NOTE: The purpose of this republication is to add Morton Salt Co., a division of Morton International, Inc., as a supporting shipper. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Indianapolis, Ind.

No. MC 77424 (Sub-No. 29), filed February 24, 1967. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Cleveland, Ohio 44104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles,* between the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as described by the Commission, and Alton, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 85715 (Sub-No. 5), filed February 27, 1967. Applicant: J. V. HARRISON TRUCK LINES, INC., Post Office Box 15057, Houston, Tex. 77020. Applicant's representative: Don Felts, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles,* in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 97944 (Sub-No. 5), filed February 27, 1967. Applicant: LANE BROTHERS TRUCKING COMPANY, a corporation, Post Office Box 1827, San Angelo, Tex. 76902. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles,* in bales or bundles weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Oklahoma, and New Mexico, and (2) *iron or steel articles,* weighing 2,000 pounds or more, which require the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 98334 (Sub-No. 2), filed February 27, 1967. Applicant: INDUSTRIAL TRANSIT SERVICE, a corporation, 3203 Pluto, Dallas, Tex. 75212. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles,* in bales and bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 98868 (Sub-No. 3), filed February 27, 1967. Applicant: R. R. KENNEDY TRUCKING, INC., Post Office Drawer K., McCamey, Tex. 79752. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* in bales and bundles

weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 99214 (Sub-No. 4), filed February 27, 1967. Applicant: PATTERSON TRUCK LINE, INC., 600 Roosevelt Street, Post Office Box 70, Houma, La. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles,* in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, and Arkansas; and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 99365 (Sub-No. 3), filed February 27, 1967. Applicant: SHORTY HALL RIG CO., INC., Post Office Box 2429, Odessa, Tex. 79760. Applicant's representative: George Fowler, 520 North Lee, Odessa, Tex. 79760. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles* in bales and bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Oklahoma, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 99427 (Sub-No. 6), filed February 24, 1967. Applicant: ARIZONA TANK LINES, INC., Post Office Box 6430, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sulphuric acid,* in bulk in tank vehicles, from Monument, N. Mex., and points within 10 miles of Monument to points in Arizona. NOTE: Applicant states it intends to tack with present authority in Arizona, which would enable applicant to perform through service to certain points in Colorado and Utah. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 99753 (Sub-No. 2), filed February 27, 1967. Applicant: CLYDE C. DENT, 106 Knight Hurst, Ennis, Tex. Applicant's representative: Albert G. Walker, 304 Capital National Bank Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles,* in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, booms, reinforcing rods, bars, wire mesh, and pipe,* and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 100686 (Sub-No. 95), filed March 1, 1967. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Building, roofing, and insulating materials and gypsum and gypsum products,* from the plantsite of the Celotex Corp. at or near Hamlin, Tex., to points in Mississippi, Tennessee, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Shreveport, La., or Little Rock, Ark.

No. MC 101010 (Sub-No. 20), filed February 27, 1967. Applicant: ERIE-LACKAWANNA RAILROAD COMPANY, a corporation, 101 Prospect Avenue SW., Cleveland, Ohio 44115. Applicant's representative: J. T. Clark, 1338 Midland Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except commodities requiring special equipment, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities of unusual value) between Jersey City, N.J. and Port Jervis, N.Y.: (1) From Jersey City, over U.S. Highways 1 and 9 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to Lyndhurst, N.J., thence over New Jersey Highway 17 to the New Jersey-New York State line, thence over New York Highway 17 to Suffern, N.Y., thence over the New York Highway 17 to junction U.S. Highway 6, thence over U.S. Highway 6 to Port Jervis, and return over the same route, serving all intermediate or off-route points which are stations on applicant's railroad, namely:

Weehawken, Jersey City, Croxton, North Bergen, Seacaucus, Rutherford, East Rutherford, Rutherford Junction, Passaic, Passaic Junction, Clifton, Garfield, Lake View, Paterson, East Paterson, Fair Lawn, Glen Rock, Hawthorne, Ridgewood, Hohokus, Waldwick, Allendale, Ramsey, and Mahwah, N.J., and Suffern, Hillburn, Ramapo, Sloatsburg, Tuxedo, Tuxedo Park, Southfield, Arden, Arden House, Harriman, Monroe, Greycourt, East Chester, Chester, New Hampton, Goshen, Otter Kill, and Port Jervis, N.Y., and (2) from Jersey City over U.S. Highways 1 and 9 to New Jersey County Road 501 at Leonia, N.J., thence over New Jersey County Road 501 to the New Jersey-New York State line, thence over New York County Road 501 to Sparkhill, N.Y., thence over New York Highway 303 to Blauvelt, N.Y., thence over New York Highway 59 to Suffern, N.Y., thence over New York Highway 17 to junction New York Highway 32 at Central Valley, N.Y., thence over New York Highway 32 to junction Interstate Highway 87, thence over Interstate Highway 87 (New York Thruway), to Vails Gate, N.Y., thence over New York Highway 94 to Firthcliffs, N.Y., thence over New York Highway 32 to junction New York Highway 17K, thence over New York Highway 17K to Bullville, N.Y.

Thence over New York Highway 302 to Crawford Junction, N.Y., thence over New York Highway 17M to junction U.S. Highway 6, thence over U.S. Highway 6 to Port Jervis, and return over the same route, serving all intermediate or off-route points which are stations on applicant's railroad, namely: Cranton Junction, Babbitt, Fairfield, Ridgefield, Morsemere, Palisade Park, Englewood, Tenafly, Cresskill, Demarest, Closter, Carlstadt, Moonachie, Woodbridge, Hasbrouch Heights, Hackensack, Bogota, Lodi, Maywood, Paramus, West New York, Guttenburg, Cliffside, Cliffside Park, Edgewater, Coytesville, Fort Lee, Teaneck, Bergenfield, River Edge, Dumont, Dundee, New Milford, Oradell, Westwood, Hillsdale, Woodcliff Lake, Park Ridge, Montvale, Norwood, West Norwood, Northvale, and Teterboro, N.J., and Sparkhill, Piermont, Pearl River, Tappen, Orangeburg, West Nyack, Nyack, Nanuet, Spring Valley, Monsey, Tallman, New Windsor Station, Vails Gate Junction, Montgomery, Thompson Ridge, Van Keuren's Pine Bush, Middletown, Rockville, Crawford Junction, Circleville, Bullville, Highland Mills, Berea, Maybrook, Campbell Hall, Legranage, Kipps, Goshen, Chester, Craigsville, Blooming Grove, Washingtonville, Howells, Otisville, Salisbury Mills, and Meadowbrook, N.Y.

NOTE: Applicant states the substituted motor-for-rail authority is requested to be restricted so as to be subject to the following conditions: (1) The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of rail service, (2) carrier shall not serve, or interchange traffic at, any point not a station on its rail lines, and (3) shipments transported by carrier by motor vehicle shall be limited to those which it receives from or delivers to, its rail lines under a through bill of lading covering, in addition to a motor carrier movement by carrier, an immediately prior or immediately subsequent movement by rail. Applicant further states the routes sought will parallel its rail line between Jersey City, N.J., and Port Jervis, N.Y., as nearly as practicable. Common control may be involved. No duplicate authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Port.

No. MC 106623 (Sub-No. 10), filed February 27, 1967. Applicant: SOUTHWEST OILFIELD TRANSPORTATION CO., a corporation, Post Office Box 7427, Houston, Tex. 77008. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles,* in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, and Arkansas, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Applicant states it intends to tack or join this proposed authority to other presently held authorized authority to perform through service to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 106760 (Sub-No. 72), filed February 23, 1967. Applicant: WHITE-HOUSE TRUCKING, INC., 2905 Airport Road, Toledo, Ohio 43614. Applicant's representative: J. William Cain, Jr., Madison Building, 1155 15th Street NW., Washington, D.C. 20005, and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves or fittings, compounds, joint sealer, bonding cement, primer, coating, thinner, and accessories* used in the installation of such products, from Cleveland, Ohio, and points in Cuyahoga County, Ohio, Clinton, Iowa, and points in Clinton County, Iowa, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tulsa, Okla.

No. MC 106760 (Sub-No. 73), filed February 27, 1967. Applicant: WHITE-HOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43614. Applicant's representative: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Metal buildings, metal prefabricated buildings,* complete knocked down, and in sections, including all *component parts, supplies, and fixtures* when shipped with such buildings, *accessories* used in the erection, construction, and completion thereof, from Terre Haute and points in Vigo County, Ind., to points in Minnesota, North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma. NOTE: Common control or dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 106775 (Sub-No. 22), filed February 27, 1967. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles,* in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Eagle Pass, Laredo, Brownsville, Port Isabel, Baytown, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Oklahoma, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, and Arkansas, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 107322 (Sub-No. 93), filed February 27, 1967. Applicant: BELL TRANSPORTATION COMPANY, a corporation, 1406 Hays Street, Post Office Box 8598, Houston, Tex. 77009. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles,* in bales and bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Oklahoma, Louisiana, and Arkansas, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Oklahoma, Louisiana, and Arkansas, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107403 (Sub-No. 705), filed February 27, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as applicant). Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid toluene diisocyanate and liquid resins*, in bulk, in tank vehicles, from the plantsite of the Mobay Chemical Co., at or near Natrium, W. Va., to points in Massachusetts and Connecticut, restricted to traffic originating at the origin and destined to the territory named herein. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 533), filed February 20, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Dubuque, Iowa, to points in Wisconsin (excluding points west of a line from the Illinois State line along U.S. Highway 51 to Portage, Wis., and south of a line along U.S. Highway 16 to the Minnesota State line), and points in Illinois (excluding the counties of Jo Daviess, Stephenson, Ogle, Carroll, Whiteside, Lee, Bureau, Henry, Knox, Warren, Henderson, Mercer, Stark, and Rock Island). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 534), filed February 28, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions and ingredients* in bulk, in tank vehicles, (1) from Eaton and Thorntown, Ind., to points in Ohio, and (2) from Warsaw, Ind., to points in Illinois and Ohio. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 536), filed March 1, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107993 (Sub-No. 14), filed February 27, 1967. Applicant: J. J. WILLIS TRUCKING COMPANY, a corporation, Post Office Box 2112, Odessa, Tex. 79760. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 108393 (Sub-No. 6), filed March 2, 1967. Applicant: SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, articles and commodities as are dealt in by mail order houses and retail stores, and in connection therewith, such *equipment, materials and supplies* used in the conduct of such business, *including returned shipments*, (A) between Atlanta, Ga., and points in Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, North Carolina, and South Carolina, (B) between Greensboro, N.C., and points in North Carolina, South Carolina, Tennessee, Kentucky, Virginia, West Virginia, and Georgia, and (C) between Memphis, Tenn., and points in Tennessee, Kentucky, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, and North Carolina, under continuing contract or contracts with Sears, Roebuck & Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 108676 (Sub-No. 17), filed February 23, 1967. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign poles, and parts and accessories* therefor, from points in Knox County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn., or Washington, D.C.

No. MC 108942 (Sub-No. 4), filed February 27, 1967. Applicant: C. G. TODD TRUCKING COMPANY, a corporation, Post Office Box 13734, Dallas, Tex., also 4828 West Illinois Avenue, Dallas, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, and (2) *iron or steel articles*, weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 109521 (Sub-No. 5), filed February 27, 1967. Applicant: WALTER E. COY, doing business as COY BROS., Box 416, Canfield, Ohio 44406. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, from Ashtabula, Ohio, to points in New York, Ohio, Pennsylvania, and West Virginia. NOTE: Applicant holds contract carrier authority in MC 110103 and Sub 4, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 110525 (Sub-No. 817), filed February 28, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, from Cincinnati, Ohio, to points in Indiana, Illinois, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cincinnati, Ohio.

No. MC 110525 (Sub-No. 818), filed February 28, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Dowingtown, Pa. 19335. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C. 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pyridene*, in bulk, in tank vehicle, from Indianapolis, Ind., to Freeport, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 113514 (Sub-No. 101), filed March 3, 1967. Applicant: SMITH TRANSIT, INC., 3300 Republic National Bank Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk, from Fort Worth, Tex., to points in the States of Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, and Oklahoma. NOTE: Applicant states that it intends to tack its entire operating authority, wherein it conducts operations in Texas, Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Colorado, Utah, Georgia, Illinois, Indiana, Ohio, North Carolina, South Carolina, Wisconsin, Iowa, Nebraska, Oregon, Washington, California, Kentucky, Florida, Tennessee, Michigan, Arizona, Idaho, Minnesota, Montana, Nevada, North Dakota, and South Dakota, with that sought in this application. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 113828 (Sub-No. 124), filed February 27, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Cement*, (1) from terminal facilities of Capitol Cement Co., at Pittsburgh, Pa., to points in Ohio and West Virginia; and, (2) from the terminal facilities of Capitol Cement Co., at Parkersburg, W. Va., to points in Ohio. NOTE: Applicant states it intends to tack with its present authority at Parkersburg or Pittsburgh which will permit service from Martinsburg, W. Va., to points in Ohio. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 155), filed February 27, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rollers, compactors, mobile aerial lifts, asphalt pavers, loading and grading equipment, and truck hitches for asphalt pavers*, from Salem, Oreg., and points within 2 miles thereof to points in the United States (except Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., Seattle or Spokane, Wash.

No. MC 113855 (Sub-No. 156), filed February 27, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down and in sections (except those mounted on undercarriages equipped with hitchball connecter), from El Monte, Calif., to points in the United States, including Alaska (but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 114045 (Sub-No. 266), filed February 27, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, dental and hospital supplies, solutions, and distilled water*, when moving in vehicles equipped with mechanical refrigeration and/or heating units, from Milledgeville, Ga., to Little Rock, Ark.; Tulsa and Oklahoma City, Okla.; Kansas City, Mo.; Wichita and Topeka, Kans.; Omaha and Lincoln, Nebr.; Dallas and Houston, Tex.; San Francisco, San Diego, Lyoth, Tracy, and Los Angeles, Calif.; and Minneapolis, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114364 (Sub-No. 136), filed February 28, 1967. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products*, and *materials and supplies* used in the installation and distribution thereof, from Florence, Colo., to points in Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114533 (Sub-No. 152), filed March 3, 1967. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Chicago, Ill., on the one hand, and, on the other, Greenwood, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115523 (Sub-No. 138), filed February 23, 1967. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's representative: Bruce R. Geernaert, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bags and containers, from Garfield, Utah, to points in California, (2) *dry fertilizer*, from Garfield, Salt Lake City, and Hardy, Utah, and the site of the United States Steel Corp., at Geneva, Utah, to points in Idaho and Nevada (except Yerington, Nev., and points within 35 miles thereof, and Silverpeak, Nev., and points within 80 miles thereof), and *returned empty containers*, used in the transportation of dry fertilizer, on return, (3) *aluminum sulphate*, in bulk, in conveyor belt type equipment, from Richmond, Calif., to Castle Gate, Deer Creek, Ogden, and Salt Lake City, Utah, and Blackfoot, Idaho Falls, Pocatello, and Twin Falls, Idaho, and points within 25 miles of such points, (4) *dry fertilizer*, in bulk, from Garfield, Utah, to points in California.

(5) *Dry fertilizer*, from Don, Idaho, to points in California, (6) *dry fertilizer*, from Garfield, Salt Lake City, and Hardy, Utah, to points in Montana east of the Continental Divide, points in Wyoming east of the Continental Divide (except those in Goshen, Laramie, and Platte Counties), and points in that part of Colorado on and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 through Leadville, Colo., to junction Colorado Highway 131, thence along Colorado Highway 131 to Eagle-Routt County line, thence east and north along the Routt County line, to the Colorado-Wyoming State line (except points in Alamosa, Conejos, and Rio Grande Counties, Colo.), (7) *dry ammonium nitrate and dry fertilizers*, including but not limited to ammonium sulphate, from Geneva, Utah, to points in California, (8) *dry fertilizer*, in bulk and in bags, from Geneva, Utah, to points in Montana east of the Continental Divide.

(9) *Dry fertilizers*, in bags and containers, from the plantsites of Stauffer Chemical Co., of Richmond, Calif., and Columbia-Geneva Division, United States Steel Corp., of San Francisco, Calif., located at or near Clearfield, Utah, to points in California, Idaho, Nevada, and points in Montana and Wyoming on the east of the Continental Divide, and (10) *fertilizer and dry fertilizer materials*, in containers, and *advertising materials* used in connection with the sale of these products, transported in the same vehicle, from Los Angeles, Calif., to points in Utah. NOTE: Applicant states this is an application to convert contract carrier authority in MC 115504 and subs thereunder, presently granted to Kenison Trucking, Inc., to common carrier authority in Clark Tank Lines, and is filed in conjunction with Clark Tank Lines—Purchase-Kenison Trucking, Inc., in Docket No. MC-F-9345, published FEDERAL REGISTER issue of February 24, 1966. Applicant further states it intends to tack this proposed authority to its other presently held authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 115603 (Sub-No. 9), filed February 27, 1967. Applicant: TURNER BROS. TRUCKING COMPANY, INC., 5501 South Hattie, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, chan-*

nels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe; from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and (2) *Iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 115826 (Sub-No. 150) (amendment), filed July 20, 1966, published FEDERAL REGISTER issue of August 25, 1966, amended and republished as amended, this issue. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, and (2) *agriculture products and those commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with foodstuffs, from points in Arizona and California, to points in Colorado, Idaho, Montana, Nevada, Utah, and Wyoming. NOTE: The purpose of this republication is to broaden the destination point by adding the State of Colorado. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 115841 (Sub-No. 303), filed February 27, 1967. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk or tank vehicles) frozen or unfrozen, (1) from points in New York, on and west of U.S. Highway 87; North East and Erie, Pa., to points in Virginia, (2) from points in New York, on and west of U.S. Highway 11, to Westfield, N.Y., and North East and Erie, Pa., and (3) from Brockport, Morton, Fredonia, Alton, Oakfield, Le Roy, Bergen, Mount Morris, South Dayton, and Rochester, N.Y., to points in Virginia and North Carolina. NOTE: Applicant states it intends to tack this proposed authority in (2) above with other presently held authorized authority serving points in Georgia, South Carolina, Florida, Alabama, Mississippi, Tennessee, and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 115955 (Sub-No. 13), filed February 27, 1967. Applicant: SCARI'S DELIVERY SERVICE, INC., 4115 New Castle Avenue, Wilmington, Del. 19805. Applicant's representative: Albert F. Beitel, 905 American Security Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission), and commodities in bulk, having prior or subsequent movement by air, from Philadelphia, Pa., to Baltimore, Md. New York, N.Y., and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Wilmington, Del.

No. MC 117427 (Sub-No. 59), filed March 3, 1967. Applicant: G. G. PARSONS TRUCKING CO., Post Office Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, Suite 770, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos cement pipe and accessories*, from Rootstown Township, Portage County, Ohio, to points in North Carolina and South Carolina. NOTE: Applicant holds contract carrier authority in MC 116145 and Sub 5, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118831 (Sub-No. 51), filed February 27, 1967. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, Uwharrie Road, High Point, N.C. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils*, in bulk, from points in North Carolina and South Carolina, to points in Pennsylvania, Virginia, Maryland, New Jersey, Delaware, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 119268 (Sub-No. 65), filed February 27, 1967. Applicant: OSBORN, INC., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: John P. Carlton, 325–29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets, carpeting, and textile products*, from points in Georgia, Alabama, Tennessee, to points in Nevada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Reno, Nev.

No. MC 119493 (Sub-No. 28), filed February 24, 1967. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, Joplin, Mo. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and pelts*, (1) from points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, and Illinois to the ports along the Gulf of Mexico extending from Mobile, Ala., to Brownsville, Tex., including Mobile, Ala., and Brownsville, Tex., and the ports of entry on the international boundary line between the United States and Mexico located in Texas, and (2) from points in Montana, Wyoming, Colorado, Oklahoma, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, and Illinois to the ports along the Great Lakes located in the States of Wisconsin, Illinois, Indiana, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 119897 (Sub-No. 10), filed February 27, 1967. Applicant: GREAT WESTERN MOTOR LINES, INC., Post Office Box 987, 4601 Avenue H, Rosenberg, Tex. 77471. Applicant's representative: George Fowler, 529 North Lee, Odessa, Tex. 79760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which requires the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 120228 (Sub-No. 3), filed February 27, 1967. Applicant: TRANS WESTERN TRANSPORT, INC., Post Office Box 490, 1111 Redondo Avenue, Odessa, Tex. 79760. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Drawer 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 120316 (Sub-No. 2), filed February 27, 1967. Applicant: WALTON TRANSPORTATION COMPANY, INC., 13020 Sarah's Lane, Post Office Box 9787, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh and pipe*, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 120851 (Sub-No. 2), filed February 27, 1967. Applicant: BLASCHKE TRUCKING COMPANY, a corporation, 6242 Hurst, Houston, Tex. 77008. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas; and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Applicant presently holds oilfield (Mercer Description) authority in the involved area. The proposed authority will duplicate, to a minor extent, that presently held by applicant in MC–120851. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 121201 (Sub-No. 2), filed February 27, 1967. Applicant: L. D. COOPER TRUCKING & CONTRACTING, INC., 7725 Parkhurst Street, Houston, Tex. 77028. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, pilings, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 123393 (Sub-No. 177), filed February 24, 1967. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. 65803. Applicant's representative: Harley E. Laughlin, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs, potato products not frozen*, and (2) *agricultural commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles used in carrying any other property, when moving in the same vehicle at the same time with (1) above, from points in Washington, Oregon, and Idaho, to points in Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, New York, Pennsylvania, Maryland, New Jersey, Massachusetts, Connecticut, Rhode Island, Delaware, Washington, D.C., Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 123634 (Sub-No. 3), filed February 20, 1967. Applicant: S. KLEIN TRUCKING CORP., 6 Union Square, New York, N.Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General department store merchandise*, between the warehouse, storage facilities and store locations of S. Klein Department Stores, Inc., its subsidiaries and concessionaries located at the stores and warehouses in New York, Yonkers, East Farmingdale, Commack, West Hempstead, New Hyde Park, and Valley Stream, N.Y., Newark, Woodbridge, and Wayne, N.J., Philadelphia, and points in Marble Township, Pa., Greenbelt, Md., Boston, Mass., and Alexandria, Va., limited to a transportation service to be performed under a continuing contract or contracts with S. Klein Department Stores, Inc., of New York, N.Y., its subsidiaries and concessionaries operating under contract with them and their stores. NOTE: Applicant states this instant application is intended to add the new store locations of New Hyde Park and Green Acres Shopping Center, Valley Stream, N.Y. The balance of the points are granted under its permit No. MC 123634, Subs 1 and 2. Applicant consents to the revocation of existing authority under MC 123634, Subs 1 and 2 upon a grant of authority as requested herein. Applicant does not seek duplicating operating authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123993 (Sub-No. 4), filed February 27, 1967. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 603, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bags, bagging, steel cotton bale ties, burlap, and twine*, between the plantsites of Crowley Industrial Bag Co., Inc., and Continental Bag Co. at Crowley, La., on the one hand, and, on the other, points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Oregon, Tennessee, and Texas, restricted against the transportation of new bags, from Crowley, La., to points in Missouri located within an area commencing at the Oklahoma-Missouri State line on U.S. Highway 60, thence along alternate U.S. Highway 60 to Alternate U.S. Highway 71, thence along U.S. Highway 70 north to its junction with U.S. Highway 66, near Carthage, Mo., thence northerly along U.S. Highway 71 to its junction with Missouri Highway 126, thence west of Missouri Highway 126 to the Kansas-Missouri State line, and (2) *cotton fabric, twine and metal strippings*, from Lumberton, N.C., to Crowley, La. NOTE: Applicant presently has the authority under contract carrier permit MC 41116 and Subs 21, 22, and 29 to transport the commodities sought in the instant application for the above shippers between Crowley, La., on the one hand, and, on the other, points in all the States sought in the instant application with the exception of Oregon. In the event the instant application is granted, applicant will surrender for cancellation the contract carrier permits above described. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 124221 (Sub-No. 12), filed February 24, 1967. Applicant: HOWARD BAER, 821 East Dunne Street, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, except liquids in bulk in tank vehicles, and (2) *supplies and materials* used or useful in the manufacture, production, distribution and sale of foodstuffs, in refrigerated vehicles, between points in Alabama, Arkansas, Georgia, Illinois, Indiana,

Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin under contract with Sealtest Foods, Division of National Dairy Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124251 (Sub-No. 15), filed February 16, 1967. Applicant: JACK JORDAN, INC., Post Office Box 244, Dalton, Ga. Applicant's representative: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar*, in bulk, and in bags, from points in Yancey County, N.C., to points in Georgia and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chattanooga, Tenn.

No. MC 125168 (Sub-No. 9), filed March 1, 1967. Applicant: OIL TANK LINES, INC., Box 190, Darby, Pa. 19023. Applicant's representative: G. Donald Bullock, Box 103, Wyncote, Pa. 19095. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between Falling Rock, W. Va., and Brainards, N.J., under contract with Elk Refining Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 125256 (Sub-No. 1), filed March 2, 1967. Applicant: BAKERY PRODUCTS TRANSPORT, INC., 821 East Linden Avenue, Linden, N.J. Applicants' representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products, and supplies* (except in bulk), between Philadelphia, Pa., on the one hand, and, and the other, points in New Jersey on and north of New Jersey Highway 33, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., under contract with Tasty Baking Co. of Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126102 (Sub-No. 2), filed February 27, 1967. Applicant: ANDERSON MOTOR LINES, INC., 37 Woodruff Road, Walpole, Mass. Applicant's representative: Sanford A. Kowal, 73 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold in drugstores, chain, discount, and department stores (except commodities in bulk, in tank vehicles), from points in Massachusetts, to points in Minnesota, Oklahoma, Missouri, Ohio, Michigan, Texas, Louisiana, Tennessee, Arkansas, Alabama, Indiana, Iowa, Illinois, Colorado, Kansas, Wisconsin, New Jersey, Virginia, North Carolina, New York, South Carolina, Georgia, Delaware, Maine, Connecticut, Florida, New Hampshire, Mississippi, Vermont, West Virginia, and Pennsylvania, under contract with Carter-Overton, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 126822 (Sub-No. 11), filed March 3, 1967. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 27, Passaic, Mo. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and pelts*, green, salted, cured, processed or nonprocessed, from points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnestoa, Michigan, Missouri, Mississippi, Nebraska, New Mexico, North Carolina, Florida, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming, to Woburn and Peabody, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 128043 (Sub-No. 1), filed March 2, 1967. Applicant: C R C LYNN, INC., Route 1, Box 41, Portland, Ark. 71663. Applicant's representative: Douglas C. Wynn, Post Office Box 525, Greenville, Miss. 38701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Agricultural fertilizer*, in bags, boxes, cartons, and containers, from Lake Charles, La., Yazoo City, Miss., and Memphis, Tenn., to Eudora, Montrose, Portland, and Lake Village, Ark., under contract with Pugh & Co., Portland, Ark., Southeast Arkansas Farmers Association, Eudora, Ark., Montrose Gin Co., Montrose, Ark., Mississippi Chemical Co., Yazoo City, Miss., Sam Epstein Estate, Lake Village, Ark., Mobile Chemical Corp., Memphis, Tenn., Chilean Nitrate Sales Corp., Lake Charles, La., and Coastal Chemical Corp., Yazoo City, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Greenville, Miss., or Little Rock and Pine Bluff, Ark.

No. MC 128076 (Sub-No. 8), filed March 2, 1967. Applicant: PROTECTIVE SERVICE COMPANY, a corporation, 725–29 South Broad Street, Philadelphia, Pa. 19110. Applicant's representative: John M. Demcisak, 1035 Land Title Building, Philadelphia, Pa. 19110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, reports, records, and audit and accounting media* (excluding plant removals), between Allentown, Pa., and Washington, D.C., under contract with The Service Bureau Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia or Allentown, Pa.

No. MC 128273 (Sub-No. 5), filed February 24, 1967. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and pelts*, (1) from points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, and Illinois to the ports along the Gulf of Mexico extending from Mobile, Ala., to Brownsville, Tex., including Mobile, Ala., and Brownsville, Tex., and the ports of entry on the international boundary line between the United States and Mexico located in Texas, and (2) from points in Montana, Wyoming, Colorado, Oklahoma, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, and Illinois to the ports along the Great Lakes located in the States of Wisconsin, Illinois, and Indiana, and to the State of Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 128606 (Sub-No. 3), filed March 2, 1967. Applicant: WILMA F. GEHRON, doing business as FROSTY'S DELIVERY SERVICE, 114 West Leona Street, Celina, Ohio 45822. Applicant's representative: Earl J. Thomas, 5850 North High Street, Worthington, Ohio 43085. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business and accounting records or forms*, between Celina and Dayton, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, on and south of Michigan Highway 21 and Ohio. and East Paterson, N.J., Chicago, Ill., Atlanta, Ga., Dallas, Tex., and Pittsburgh, Pa., restricted to a transportation service to be performed under a continuing contract or contracts with The Reynolds & Reynolds Co., Dayton, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 128745 (Sub-No. 1), filed February 27, 1967. Applicant: MIEDZINSKI'S TRANSFER, INC., Park Avenue, Leonardtown, Md. 20650. Applicant's representative: Oliver R. Guyther, Court Square Building, Leonardtown, Md. 20650. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between Arlington, Va., on the one hand, and, on the other, points in Anne Arundel, Charles, Prince Georges, St. Mary's, and Calvert Counties, Md., under contract with Western Electric Co., Inc. NOTE: Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128862 (Sub-No. 2), filed February 28, 1967. Applicant: B. J. CECIL, doing business as: CECIL TRUCKING, Post Office Box 378, Clay Pool, Ariz. 85532. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grinding balls, ore, ore concentrates, shredded iron, salt, and coke*, between points in Arizona, restricted to traffic having a prior or subsequent movement by rail to or from points outside the State of Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 128899, filed February 23, 1967. Applicant: ROBERT P. K. McNEILL, doing business as McNEILL TRANSPORT COMPANY, 13201 Grand River, Detroit, Mich. 48227. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Willow Run Airport, Ypsilanti, Mich., Detroit Metropolitan Airport, Romulus, Mich., and Detroit City Airport, Detroit, Mich., on the one hand, and, on the other, points in Wayne, Oakland, Macomb, Washtenaw, and Livingston Counties, Mich., restricted to traffic having an immediately prior or immediately subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 128900 (Sub-No. 1), filed March 1, 1967. Applicant: MALCOLM D. COOK, doing business as COOK'S PRODUCE, 600 East Franklin Street, Evansville, Ind. 47711. Applicant's representative: David M. Keck, 315 Old National Bank Building, Evansville, Ind. 47708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Gulfport, Miss., Tampa and Jacksonville, Fla., to Evansville, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind., Louisville, Ky., or Indianapolis, Ind.

No. MC 128901, filed February 27, 1967. Applicant: TEXAS TRANSPORT, INC., 6637 West Commerce Street, San Antonio, Tex. 78237. Applicant's representative: Benton Coopwood, 904 Lavaca Street, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hildago, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 128903, filed February 27, 1967. Applicant: DONALD J. McCARTY, 57 Bridge Street, Corning, N.Y. Applicant's representative: James L. Burke, 315 Lake Street, Elmira, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Partially processed glass materials*, (1) between Corning and Horseheads, N.Y., and Genoa, Ohio, (2) between Corning and Horseheads, N.Y., and Dearborn and Detroit, Mich., (3) between Genoa, Ohio, and Dearborn and Detroit, Mich., and (4) between Corning and Horseheads, N.Y., and Wilmington, Del., under contract with Corning Glass Works, Corning, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Elmira, Corning, or Binghampton, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 3700 (Sub-No. 54), filed March 3, 1967. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, Route 46, East Patterson, N.J. 07407. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations in round-trip sightseeing or pleasure tours, beginning and ending at points in Westchester County, N.Y., and extending to points in the United States, except Hawaii. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12133 (Sub-No. 1), filed February 24, 1967. Applicant: ALL STATE BUS CORP., 3163 Coney Island Avenue, New York, N.Y. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. For a license (BMC 5) to engage in operations as a *broker* at Brooklyn, N.Y., New York, N.Y., Boston, Mass., Miami, Fla., Los Angeles and San Francisco, Calif., in arranging for the transportation in interstate or foreign commerce of passengers and their baggage, as individuals and in groups, in regularly scheduled service, special services, and in charter groups, between points in the United States, including Alaska and Hawaii.

No. MC 130033, filed February 20, 1967. Applicant: SCANDINAVIAN SKI SHOP TOURS, & RENTALS, INC., 45 East 59th Street, New York, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. For a license (BMC 5) to engage in operations as a *broker* at White Plains, N.Y., in arranging for transportation of *passengers and their baggage and ski equipment*, in round trip all expense tours from October 1 to June 1 of each year, beginning and ending at points in Westchester County, N.Y., and extending to points in New York, New Hampshire, Vermont, Massachusetts, and Connecticut.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 43468 (Sub-No. 10), filed March 2, 1967. Applicant: VICTORY MOTOR FREIGHT, INC., Post Office Box 1156, Huntington, W. Va. 25714. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conveyors, conveyor sections and incidental machinery*, from Huntington, W. Va., to points in Ohio, West Virginia, Kentucky, Virginia, Illinois, and New Jersey, under contract with Wall Conveyor & Manufacturing Co.

No. MC 83539 (Sub-No. 206), filed February 27, 1967. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipefittings, cast iron meter boxes, manhole frames, and manhole covers* (except those which because of size or weight require the use of special equipment, and except pipe and pipefittings such as are included in the first findings of the Commission in T. E. Mercer and G. E. Mercer—Extension—Oilfield Commodities, 74 M.C.C. 459, 543), from Swan, Tex., to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Oklahoma, and Wisconsin.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–2847; Filed, Mar. 15, 1967; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 13, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40937—*Joint motor-rail rates—eastern central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 445), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Middle Atlantic or New England territories, on the one hand, and points in Central States territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 16 to The Eastern Central Motor Carriers Association, Inc., agent, tariff MF–ICC A–268.

FSA No. 40938—*Joint motor-rail rates—eastern central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 446), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Middle Atlantic or New England territories, on the one hand, and points in Central States, middlewest, or southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 16 to The Eastern Central Motor Carriers Association, Inc., agent, tariff MF–ICC A–268.

FSA No. 40939—*Joint motor-rail rates—eastern central.* Filed by The

Eastern Central Motor Carriers Association, Inc., agent (No. 447), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Middle Atlantic or New England territories, on the one hand, and points in Central States, middlewest, or southwestern territories, on the other.

Grounds for relief—motortruck competition.

Tariff—Supplement 16 to The Eastern Central Motor Carriers Association, Inc., agent, tariff MF–ICC A–268.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2895; Filed, Mar. 15, 1967; 8:48 a.m.]

[Notice 350]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 13, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 41255 (Sub-No. 67 TA), filed March 8, 1967. Applicant: GLOSSON MOTOR LINES, INC., Route 9, Hargrave Road, Lexington, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from Hamlet, Rockingham, Statesville, Sanford, Biscoe, Siler City, Washington, Greensboro, West End, Rocky Mount, and Charlotte, N.C., to points in the District of Columbia, Maryland, Virginia, New York, New Jersey, Pennsylvania, Georgia, South Carolina, Connecticut, Maine, Rhode Island, New Hampshire, Vermont, Massachusetts, Delaware, Florida, and Alabama, (2) from Winston-Salem, Asheboro, Salisbury, Ramsuer, and Liberty, N.C., to points in Georgia, Florida, Alabama, District of Columbia, Virginia, South Carolina, and Baltimore, Md., (3) from Thomasville, N.C., to points in Delaware, South Carolina, Georgia, Florida, and Alabama, (4) from High Point, N.C., to points in New Jersey, Delaware, District of Columbia, Virginia, South Carolina, Georgia, Florida, Alabama, Maryland, New York City, and points in New York within 15 miles thereof, (5) from Lexington, N.C., to points in Delaware, (6) from Hillsborough and Mebane, N.C., to points in Virginia, District of Columbia, South Carolina, Alabama, Georgia, Florida, and Baltimore, Md., (7) from Pleasant Garden, N.C., to Wilmington, Del., Baltimore, Md., New York City commercial zone, and points in Alabama, South Carolina, New Jersey, Maine, and Pennsylvania, (8) from Goldsboro, N.C., to points in the District of Columbia, Maryland, New Jersey, Pennsylvania, New York, Maine, Delaware, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Georgia, and Alabama, (9) from Norwood, N.C., to points in South Carolina, Virginia, Alabama, District of Columbia, and Baltimore, Md., and (10) from Albemarle, N.C., to points in Delaware, Maryland, Virginia, New Jersey, Pennsylvania, Alabama, and Georgia, and *damaged, rejected and refused shipments* on return, in connection with each of the above 10 routes, for 180 days. Supporting shipper: There are statements from 42 supporting shippers attached to the application that may be examined here at the offices of the Interstate Commerce Commission in Washington, D.C. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 114533 (Sub-No. 153 TA), filed March 8, 1967. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Proofs, cuts, copy, prints, photo engravings, and other graphic arts materials*, between Parsons, Kans., on the one hand, and, on the other, St. Louis, Joplin, Clinton, St. Joseph, and Jefferson City, Mo., and (2) *Papers used in the processing of data by computing machines, punch cards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports, documents, and office records*, between Salina, Kans., on the one hand, and, on the other, Springfield, Mo., for 180 days. Supporting shipper: The Salina Supply Co., Salina, Kans. 67402. Send protests to: Sun Engraving Co., Inc., 1818 Broadway, Parsons, Kans. 67357.

No. MC 115975 (Sub-No. 10 TA), filed March 8, 1967. Applicant: C. B. W. TRANSPORT, SERVICE, INC., Old Edwardsville and Hedge Road, South Roxana, Ill. 62087. Applicant representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from plantsite of Peavey Co., Alton, Ill., to Bedford, Ind., for 180 days. Supporting shipper: Peavey Co. Flour Mills, 145 West Broadway, Alton, Ill. 62002. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 118282 (Sub-No. 11 TA) (Correction), filed February 27, 1967, published FEDERAL REGISTER, issue of March 7, 1967, and republished as corrected this issue. Applicant: NURSERYMAN SUPPLY, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representative: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to Cincinnati, Columbus, Dayton, and Solon, Ohio; Chicago, Ill.; Ft. Wayne, Ind.; Lavonia, Mich.; and points in Georgia and Florida, for 180 days. Supporting shipper: Seabrook Farms Co., a division of Francis H. Leggett & Co., Seabrook, N.J. 08303. Send protests to: Joseph B. Beichert, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33103. NOTE: The purpose of this republication is to advise where protests should be sent. Same information was omitted from previous publication.

No. MC 119777 (Sub-No. 73 TA), filed March 8, 1967. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigeration equipment, walk-in type refrigeration units, and parts, accessories, and assemblies for walk-in type refrigeration units*, from Laurel, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, for 180 days. Supporting shipper: Mr. Wally Damlouji, Traffic Manager, Mid-South Industries, Inc., Laurel, Miss. 39440. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 124078 (Sub-No. 265 TA), filed March 8, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from Henry, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: W. R. Grace & Co., Post Office Box 277, 147 Jefferson Avenue, Memphis, Tenn. 38101 (C. W. Drewry, Traffic Manager—Central Operations). Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 126822 (Sub-No. 12 TA), filed March 8, 1967. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant representative: Carll V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and pelts, green, cured, salted, processed, or nonprocessed*, from Evansville and Fort Wayne, Ind., Springfield, Ill., Grand Rapids, Mich., Paris and St. Louis, Wis., Cincinnati and Columbus, Ohio, Bristol, Roanoke, and Stuarts Draft, Va., Princeton and Sistersville, W. Va., and Green Bay, Wis., to Woburn and Peabody, Mass., for 150 days. Supporting shipper: Braude Brothers Tanning Corp., 226 Salem Street, Woburn, Mass. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128715 (Sub-No. 1 TA), filed March 8, 1967. Applicant: SOL COHEN & SONS, INC., 1208 Channing Road, Far Rockaway, N.Y. 11690. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, carpet lining, underlay, and padding*, between Moonachie, N.J., and Baltimore, Md., on the one hand, and, on the other, New York, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, Putnum, Orange, Dutchess, Ulster, Sullivan, Greene, Columbia, Albany, and Rensselaer Counties, N.Y., and Baltimore, Md., and Washington, D.C., under contract with Benj. Berman, Inc., for 150 days. Supporting shipper: Benj. Berman, Inc., 533 East 119th Street, New York, N.Y. 10035. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2896; Filed, Mar. 15, 1967; 8:48 a.m.]

[Notice 1491]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 13, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69366. By order of March 7, 1967, the Transfer Board approved the transfer to Capital Service Lines, Inc., Columbus, Nebr., of the operating rights of Lester I. Creighton, doing business as Capitol Stage Lines, Lincoln, Nebr., in certificates Nos. MC–28395 (Sub-No. 1) and MC–28395 (Sub-No. 2), issued June 25, 1948, and June 8, 1955, respectively, authorizing the transportation, over regular routes of passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, between Lincoln, Nebr., and Fremont, Nebr., and between Lincoln, Nebr., and Columbus, Nebr.; and passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Fremont, Nebr., and Oakland, Nebr. James E. Ryan and Jerry L. Snyder, 214 Sharp Building, Lincoln, Nebr. 68508, attorneys for applicants.

No. MC–FC–69367. By order of March 7, 1967, the Transfer Board approved the transfer to Capital Service Lines, Inc., Columbus, Nebr., of the operating rights of Thomas Edward Turner, doing business as Center Service Bus Line, Columbus, Nebr., in certificate No. MC–67775, issued September 30, 1944, authorizing the transportation, over a regular route, between Columbus, Nebr., and Norfolk, Nebr. James E. Ryan and Jerry L. Snyder, 214 Sharp Building, Lincoln, Nebr. 68508, attorneys for applicants.

No. MC–FC–69410. By order of March 7, 1967, the Transfer Board approved the transfer to Clark's Frozen Express, Inc., Seattle, Wash., of the operating rights in certificate No. MC–103726, issued June 10, 1949, to John F. DeNoma, doing business as North End Auto Freight, Seattle, Wash., authorizing the transportation, over a specified regular route, of general commodities, with exceptions, between Seattle, Wash., and a point 2 miles from the corporate limits of Seattle, with service authorized to and from the Sand Point Naval Air Station and all intermediate points. Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104, representative for applicants.

No. MC–FC–69417. By order of March 8, 1967, the Transfer Board approved the transfer to Bennett & Taylor Trans., Inc., Boston, Mass., of the certificate of registration No. MC–71164 (Sub-No. 3) issued January 10, 1964, to George A. Wood, doing business as Bennett & Taylor Co., Boston, Mass., evidencing a right to engage in interstate or foreign commerce, in the transportation of general commodities in Massachusetts. George C. O'Brien, 33 Broad Street, Boston, Mass. 02109, attorney for applicants.

No. MC–FC–69465. By order of March 7, 1967, the Transfer Board approved the transfer to Dora A. Phillips, Clair W. Phillips, and Frederick D. Phillips, a partnership, doing business as Walter J. Phillips Sons, 1289 Franklin Avenue, Franklin, Pa. 16323, of the operating rights of Dora A. Phillips, Walter J. Phillips, Jr., Clair W. Phillips, and Frederick D. Phillips, a partnership, doing business as Walter J. Phillips Sons, 1289 Franklin Avenue, Franklin, Pa. 16323, in certificate No. MC–100934, issued March 28, 1960, authorizing the transportation, over irregular routes, of boilers, heavy machinery, oil well equipment, brick, tile, sewer pipe, iron and steel articles, steam shovels, pile drivers, and lumber, materials, and equipment from dismantled plants, between points in Pennsylvania, on and west of U.S. Highway 220, on the one hand, and, on the other, points in Ohio, those in New York, on and west of U.S. Highway 11, and those in West Virginia.

No. MC–FC–69485. By order of March 8, 1967, the Transfer Board approved the transfer to Leo Valcourt, doing business as L & V Trucking Co., Gardner, Mass., of the certificate of registration in No. MC–58833 (Sub-No. 2), issued January 10, 1964, to Adam Ricci, doing business as Ricci's Express, Beverly, Mass., and evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in irregular route common carrier certificate No. 6990, dated June 16, 1949, issued by the Massachusetts Department of Public Utilities. Frederick T. O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–2897; Filed, Mar. 15, 1967; 8:48 a.m.]

[Notice 1491–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 13, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69282. By order of March 8, 1967, Division 3, acting as an Appellate Division, approved the transfer to Quaker City Forwarders, Inc., Philadelphia, Pa., of the operating rights in certificates Nos. MC–105434 and MC–105434 (Sub-No. 2), issued June 22, 1949, and March 5, 1962, respectively, to Benjamin Shander, doing business as Cooperative Pool Car Distributors, Phila-

delphia, Pa., authorizing the transportation of: Household goods, as defined by the Commission, and new furniture, serving Philadelphia, Pa., as an origin point, and as a radial base, and specified areas of Pennsylvania, New Jersey, and Wilmington, Del. Raymond A. Thistle, Jr., 1500 Walnut Street, Philadelphia, Pa. 19102, attorney for transferee and Leon Weinroth, 1616 Walnut Street, Philadelphia, Pa. 19102, attorney for transferor.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-2898; Filed, Mar. 15, 1967; 8:48 a.m.]

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 256]

U.S. CITIZENS

Restriction on Travel to, in, or Through Mainland China

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), travel to, in, or through Mainland China is restricted as unrestricted travel to, in, or through Mainland China would seriously impair the conduct of U.S. foreign affairs. In view of the present unsettled conditions within Mainland China and the risks and dangers which might ensue from the inadvertent involvement of American citizens in domestic disturbances, the currently applicable restrictions on travel of American citizens to the Chinese mainland are therefore extended.

Hereafter U.S. passports shall not be valid for travel to, in, or through Mainland China unless specifically endorsed for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 1 year from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Dated: March 14, 1967.

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

[F.R. Doc. 67-2975; Filed, Mar. 15, 1967; 9:31 a.m.]

[Public Notice 257]

U.S. CITIZENS

Restriction on Travel to, in, or Through Cuba

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), travel to, in, or through Cuba is restricted. In view of the declared hostility of the Cuban government to the United States and other democratic governments of the Western Hemisphere and the avowed policy of that government to promote terrorism and subversion in Latin America, unrestricted travel to, in, or through Cuba would seriously impair the conduct of U.S. foreign affairs. It would be incompatible with the resolutions adopted at the Ninth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, of which the United States is a member. At this meeting, held in Washington from July 21–26, 1964, it was resolved that the governments of the American states not maintain diplomatic, consular, trade, or shipping relations with Cuba under its present government. Among other things, this policy of isolating Cuba was intended to minimize the capability of the Castro government to carry out its openly proclaimed programs of subversive activities in the Hemisphere.

Hereafter U.S. passports shall not be valid for travel to, in, or through Cuba unless specifically endorsed for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 1 year from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Public notice 179, 26 F.R. 492, promulgated January 16, 1961, is hereby canceled.

Dated: March 14, 1967.

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

[F.R. Doc. 67-2976; Filed, Mar. 15, 1967; 9:31 a.m.]

[Public Notice 258]

U.S. CITIZENS

Restriction on Travel to, in, or Through North Korea

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), travel to, in, or through North Korea is restricted as unrestricted travel to, in, or through North Korea would seriously impair the conduct of U.S. foreign affairs. In view of the dangerous tensions in the Far East, the expressed and virulent hostility of the North Korean regime toward the United States, the continued recurrence of incidents along the military demarcation line, and the special position of the Government of the Republic of Korea which is recognized by resolution of the United Nations General Assembly as the only lawful government in Korea, the Department of State believes that wholly unrestricted travel by American citizens to North Korea would seriously impair the conduct of U.S. foreign affairs.

Hereafter U.S. passports shall not be valid for travel to, in, or through North Korea unless specifically endorsed for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 1 year from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Dated: March 14, 1967.

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

[F.R. Doc. 67-2977; Filed, Mar. 15, 1967; 9:31 a.m.]

[Public Notice 259]

U.S. CITIZENS

Restriction on Travel to, in, or Through North Viet-Nam

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(b), travel to, in, or through North Viet-Nam is restricted as this is "a country or area where armed hostilities are in progress".

Hereafter U.S. passports shall not be valid for travel to, in, or through North Viet-Nam unless specifically endorsed for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 1 year from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Dated: March 14, 1967.

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

[F.R. Doc. 67-2978; Filed, Mar. 15, 1967; 9:31 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[434.31]

TYPEFACE PROJECTION DEVICES

Notice of Proposed Tariff Classification

Typeface Projection Devices consisting of an enlarger, stand, film holder, and carriage, in which the operator selects the stencil containing a letter which in turn is projected on a film strip one at a time, are manually controlled, and appear to be classifiable under Item 722.18, Tariff Schedules of the United States, as other enlargers and camera enlargers, and dutiable at the rate of 15 percent ad valorem.

Such classification appears to be necessary because merchandise of this description does not set type as required by its present classification.

Pursuant to § 16.10a(d) of the Customs Regulations, notice is hereby given that there is under review in the Bureau of Customs the existing and uniform practice of classifying type projection devices under the provision for linotype and typesetting machines in Item 668.25, TSUS, free of duty.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which is submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226. To assure consideration such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: March 8, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-2884; Filed, Mar. 15, 1967; 8:47 a.m.]

Internal Revenue Service

[Order No. 97 (Rev. 4)]

ASSISTANT COMMISSIONER (COMPLIANCE) ET AL.

Delegation of Authority; Closing Agreements Concerning Internal Revenue Tax Liability

MARCH 13, 1967.

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121-1(a); Treasury Department Order No. 150-32; dated November 18, 1953; and Treasury Department Order No. 150-36, dated August 17, 1954:

1. The Assistant Commissioner (Compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability for alcohol, tobacco, and firearms taxes, other than the manufacturers excise tax on firearms arising from application of sections 4181 and 4182 of the Internal Revenue Code, of such person (or of the person or estate for whom he acts) in respect of any prospective transcations or completed transactions affecting returns to be filed.

2. The Assistant Commissioner (Technical) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability, other than for those taxes covered by delegation to the Assistant Commissioner (Compliance) in paragraph 1, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

3. The Assistant Commissioner (Compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

4. Regional Commissioners, Assistant Regional Commissioners (Appellate), Chiefs, and Associated Chiefs, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction and in cases in which a closing agreement has been recommended for approval by the office of a District Director (but excluding cases docketed before the Tax Court of the United States) to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

5. Regional Commissioners, Assistant Regional Commissioners (Appellate), Chiefs, and Associated Chiefs, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction docketed in the Tax Court of the United States to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) but only in respect to related specific items affecting other taxable periods.

6. The Director of International Operations is hereby authorized to enter into and approved written agreements with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods, as the competent authority in the administration of the operating provisions of the tax conventions of the United States. He is also authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) to provide for the mitigation of economic double taxation under section 3 of Revenue Procedure 64-54, C.B. 1964-2, 1008, and to enter into and approve a written agreement providing for such mitigation and relief under Revenue Procedure 65-17, C.B. 1965-1, 833.

7. District Directors of Internal Revenue are hereby authorized in cases under their jurisdiction to enter into and approve a written agreement with any person to provide that the internal revenue tax liability of such person (or of the person or estate for whom he acts) with respect to the taxability of earnings from a deposit or account of the type described in Revenue Procedure 64-24, C.B. 1964-1 (Part 1), 693, opened prior to November 15, 1962, will be determined on the basis that earnings on such deposits or accounts are not includible in gross income until maturity or termination, whichever occurs earlier, and that the full amount of earnings on the deposit or account will constitute gross income in the year the plan matures, is assigned, or is terminated, whichever occurs first.

8. The authority delegated herein does not include the authority to set aside any closing agreement.

9. Authority delegated in this order may not be redelegated.

10. Delegation Order No. 97 (Rev. 3), issued November 10, 1966, is hereby superseded.

Effective date: March 13, 1967.

[SEAL] SHELDON S. COHEN,
Commissioner.

[F.R. Doc. 67-2888; Filed, Mar. 15, 1967; 8:47 a.m.]

Office of Foreign Assets Control

CUT JADE STONES

Importation Directly From Canada; Available Certifications

Notice is hereby given that certificates of origin issued by the Department of Trade and Commerce of the Government of Canada under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Canada of the following additional commodity:

Jade stones, cut but not set, suitable for use in jewelry.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-2885; Filed, Mar. 15, 1967; 8:47 a.m.]

CUT JADE STONES

Importation Directly From Republic of Korea; Available Certifications

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Korea of the following additional commodity:

Jade stones, cut but not set, suitable for use in jewelry.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-2887; Filed, Mar. 15, 1967; 8:47 a.m.]

SILK PIECE GOODS, TUSSAH

Importation Directly From Germany; Available Certifications

Notice is hereby given that certificates of origin issued by the local Chamber of Industry and Commerce and countersigned by a Customs official of the Federal Ministry of Finance of the Government of the Federal Republic of Germany under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading,

from Germany of the following additional commodity:

Silk piece goods, tussah.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-2886; Filed, Mar. 15, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-455]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 9, 1967.

The Bureau of Indian Affairs has filed an application, F-455, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws. The applicant desires the land for an addition to an existing school facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with this proposed withdrawal may present their views in writing to the Manager, Fairbanks District and Land Office, Bureau of Land Management, Department of the Interior, Post Office Box 1150, Fairbanks, Alaska 99701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration of the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NOATAK, ALASKA

Beginning at Corner No. 1, U.S. Survey 3778; thence N. 68°46' W., 324.654 feet to Corner No. 18, U.S. Survey 3776; N. 22°14' E., 30 feet to Corner No. 3 this tract; S. 68°46' E., 324.654 feet to Corner No. 4 this tract; S. 22°14' W., 30 feet to Corner No. 1, U.S. Survey 3778, the point of beginning.

The area described aggregates approximately 0.22 acre.

R. DON CHRISTMAN,
Acting State Director.

[F.R. Doc. 67-2893; Filed, Mar. 15, 1967; 8:48 a.m.]

[Sacramento 080021]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MARCH 10, 1967.

Notice of a Forest Service, U.S. Department of Agriculture, application Sacramento 080021 for withdrawal and reservation of lands for roadside scenic area, was published as F.R. Doc. No. 65-13690 on page 16021 of the issue for Thursday, December 23, 1965. The applicant agency has canceled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 7 S., R. 22 E.,
Sec. 9, SW¼NE¼SW¼.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m. on April 20, 1967, will be relieved of the segregative effect of the above-mentioned application.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-2892; Filed, Mar. 15, 1967; 8:48 a.m.]

[Colorado 0102703]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 10, 1967.

The Bureau of Reclamation of the Department of the Interior has filed an application for the withdrawal from public entry, subject to existing valid claims under the public land laws including the general mining laws but not the mineral leasing laws as provided by section 3, Act of June 17, 1902 (32 Stat. 388), certain public lands in the sections and townships described below.

The lands are to be added to the Fryingpan-Arkansas Reclamation Project for which lands were originally withdrawn under Public Land Order 3500, December 9, 1964, Serial No. Colorado 0102703.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Land Office Manager of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 9 S., R. 80 W.,
In secs. 9, 16, 19, 20, 21.
T. 11 S., R. 80 W.,
In secs. 9, 36.
T. 21 S., R. 66 W.,
In secs. 3, 11.
T. 9 S., R. 81 W.,
In secs. 10, 11, 15, 16, 20, 21.

These lands included in the proposed addition to the Fryingpan-Arkansas Reclamation Project aggregate approximately 1,980 acres.

J. ELLIOTT HALL,
Land Office Manager.

[F.R. Doc. 67-2868; Filed, Mar. 15, 1967; 8:46 a.m.]

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

MARCH 9, 1967.

1. The Plats of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m. on April 17, 1967.

MOUNT DIABLO MERIDIAN, NEVADA

a. T. 17 N., R. 39 E. (Group 416).
b. T. 37½ N., R. 43 E. (Group 411).
c. T. 41 N., R. 41 E. (Group 421); T. 40 N., R. 42 E. (Group 421); T. 40 N., R. 43 E. (Group 421).
d. T. 40 N., R. 37 E. (Group 428).

2. a. The surveyed area in T. 17 N., R. 39 E., aggregates 22,864.98 acres. The plat was accepted May 12, 1966. Available data indicates the land surveyed varies from about 6,000 feet to 8,000 feet above sea level. The soil is a mixture of sand and clay loam in the mountainous portion, and varies to alkaline clay on the dry lake bed in the southeast corner of the township. An improved gravel road traverses the middle of the township north to south. There are no settlers within the surveyed area, but a 4,500 feet emergency airstrip is located in sections 11 and 14. Timber consists of scattered pinon pine and juniper in the western portion; vegetation is chiefly sagebrush, shadscale, rabbit brush, and bunch grasses, and near the dry lake bed, salt grass.

b. Surveyed area in T. 37½ N., R. 43 E. aggragates 809.85 acres. The plat was accepted May 12, 1966. The elevation of the surveyed land is about 4,500 feet above sea level, topography is nearly level to gently rolling. The soil is sandy loam, supporting vegetation consisting of sagebrush, shadscale, and greasewood. Principal users of the area are cattlemen, and access to the township is provided by improved and unimproved roads.

c. The surveyed area in T. 41 N., R. 41 E., T. 40 N., R. 42 E., and T. 40 N., R. 43 E., totals 68,262.88 acres. The survey plats were accepted August 8, 1966. Elevations within the three townships range from about 4,450 to 6,100 feet above sea; topographically the surveyed area is nearly level to rolling, with some rocky, mountainous regions. Drainage is mostly northerly toward the Little Humboldt River, which flows WNW through the southern half of T. 41 N., R. 41 E. Vegetation consists of sagebrush, shadscale, budsage, and sparse native grasses, with willows along the river. There is no timber. Access to the two western townships is by trailroads, but an improved road follows the course of the river in T. 41 N., R. 41 E. Principal users of the area are cattlemen. There are scattered seep springs and a hot springs area in T. 41 N., R. 41 E.

d. The surveyed area in T. 40 N., R. 37 E., aggregates 23,329.48 acres. The plat was accepted January 18, 1967. Elevation of the surveyed area ranges from about 4,100 to 5,700 feet above sea level. The central eastern portion is rolling and mountainous, and the western part is nearly level to gently rolling. The soil is sandy loam to rocky. Vegetation is sagebrush, shadscale, greasewood, budsage, and sparse native grasses. Principal users of the area are cattlemen; access to the township is provided by trailroads.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following: Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., April 17, 1967, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

ROBERT T. WEBB,
Acting Manager,
Nevada Land Office.

[F.R. Doc. 67-2869; Filed, Mar. 15, 1967; 8:46 a.m.]

[New Mexico 731]

NEW MEXICO

Notice of Proposed Classification

MARCH 10, 1967.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange, under the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, for lands within the Gila River bottom and the Black Range Primitive Area of the Gila National Forest, N. Mex.

The District Advisory Board, local governmental officials, and other interested parties have been notified of this application. Information derived from discussions and other sources indicate that these lands meet the criterion of § 2410.-1-3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex.; Albuquerque District Office, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107; Las Cruces District Office, 1705 North Seventh Street, Las Cruces, N. Mex. 88001 and Roswell District Office, 1902 South Main, Roswell, N. Mex. 88201.

For a period of 60 days from the date of this publication, interested parties may submit comments to the district manager of the Albuquerque, Roswell, or Las Cruces District Offices.

The lands affected by this proposal are located in Torrance, Guadalupe, Lea, Chaves, Hidalgo, and Grant Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 3 N., R. 9 E.,
Sec. 5, lots 1 to 4, inclusive;
Sec. 6, lots 16, 20, 21 and S½SE¼.
T. 4 N., R. 9 E.,
Sec. 1, lots 1 to 6, inclusive, and S½NE¼;
Sec. 3, lot 1;
Sec. 10, SE¼NE¼;
Sec. 11, lots 1, 2, 3, 5, 6, 7, 8, and 11;
Sec. 12, lots 1, 2, 3 and SW¼SW¼;
Sec. 13, lots 5, 6, 7, 8, 9, 10, 12 and SE¼SE¼;
Sec. 14, lots 5 and 6;
Sec. 23, lot 1;
Sec. 24, lots 1, 2, 3, 4, 6, E½NE¼, SW¼NE¼, and SE¼SE¼;
Sec. 25, lots 1, 2, 3, 4 and NE¼NE¼;
Sec. 34, NE¼.
T. 5 N., R. 9 E.,
Sec. 14, S½NW¼ and SW¼;
Sec. 15, SE¼NE¼;
Sec. 22, NE¼NE¼, S½NE¼, and N½SE¼;
Sec. 23, W½;
Sec. 25, S½;
Sec. 26, W½ and SE¼;
Sec. 27, NE¼, SE¼NW¼, and E½SE¼;
Sec. 33, SE¼NE¼;
Sec. 35, E½, E½W½, SW¼NW¼, and SW¼SW¼.
T. 4 N., R. 10 E.,
Sec. 4, lots 3 and 4;
Sec. 5, lots 2, 3, SE¼NE¼ and N½SE¼;
Sec. 6, lots 4, 5, 6 and 10;
Sec. 7, lots 4, 5, NE¼, NE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 17, lot 2, SW¼NW¼ and W½SW¼;
Sec. 18, lots 1 to 12, inclusive;
Sec. 19, lots 1, 2, 3, 4, 7, 8 and SW¼NE¼;
Sec. 29, SW¼ and W½SE¼;
Sec. 30, lots 1, 2, 3, 4 and E½SE¼.
T. 5 N., R. 10 E.,
Sec. 29, lot 4;
Sec. 30, lots 4 to 9, inclusive;
Sec. 31, lots 1, 2, 4, 7, NE¼, E½NW¼, and N½SE¼;
Sec. 33, S½NE¼, SE¼SW¼, E½SE¼, and SW¼SE¼;
Sec. 34, SW¼NW¼.
T. 2 N., R. 18 E.,
Sec. 1, SE¼NW¼ and NE¼SW¼;
Sec. 6.
T. 3 N., R. 18 E.,
Sec. 7;
Sec. 8, W½W½, SE¼SW¼, and S½SE¼;
Sec. 9, SW¼;
Sec. 14, W½NW¼ and NW¼SW¼;
Sec. 15, S½SW¼;
Sec. 17, NE¼, W½W½, and SE¼NW¼;
Sec. 18, NE¼, NE¼NW¼, E½SE¼NW¼, SE¼SW¼, NE¼SE¼, E½NW¼SE¼, and S½SE¼;
Sec. 22, W½E½;
Sec. 26, SW¼SW¼;
Sec. 27, SE¼SE¼;
Sec. 35, NE¼NW¼.
T. 4 N., R. 18 E.,
Sec. 31, SE¼SW¼.
T. 2 N., R. 19 E.,
Sec. 7, E½SE¼.
T. 3 N., R. 19 E.,
Sec. 5, lot 4, SW¼NW¼ and SW¼;
Sec. 31, lots 3, 4 and E½SW¼.
T. 22 S., R. 16 W.,
Sec. 17, E½, E½W½, NE¼NW¼SW¼, NE¼NW¼NW¼SW¼, S½NW¼NW¼SW¼, S½NW¼SW¼, and SW¼SW¼;
Sec. 19;
Sec. 21, N½N½, SW¼NE¼, S½NW¼, NE¼SW¼, and S½S½;
Sec. 22, NE¼ and E½SE¼;
Sec. 34, N½, N½S½, and SW¼SE¼.
T. 22 S., R. 17 W.,
Sec. 23, SE¼;
Sec. 26, NW¼;
Sec. 27, SE¼.
T. 23 S., R. 17 W.,
Sec. 31, NE¼.
T. 23 S., R. 18 W.,
Sec. 23, NE¼NE¼;
Sec. 24, N½, NE¼SW¼, and SE¼.
T. 19 S., R. 17 E.,
Sec. 22, SE¼NW¼;
Sec. 26, SE¼;
Sec. 27, NE¼NW¼, S½NW¼, and N½SW¼;
Sec. 33, W½;
Sec. 34, NW¼;
Sec. 35, NE¼.
T. 25 S., R. 33 E.,
Sec. 34, E½SE¼.
T. 26 S., R. 33 E.,
Sec. 3, E½NE¼;
Sec. 4, S½S½.
T. 25 S., R. 35 E.,
Sec. 1, lots 3, 4, S½NW¼ and SW¼;
Sec. 14, NE¼SE¼;
Sec. 23, E½;
Sec. 24, N½SE¼.
T. 25 S., R. 36 E.,
Sec. 4;
Sec. 5, lots 1, 2, S½NE¼ and SE¼;

Sec. 8, NE¼;
Sec. 25, E½SE¼;
Sec. 26, E½E½SE¼.
T. 25 S., R. 37 E.,
Sec. 30, lots 3, 4 and E½SW¼;
Sec. 31, lots 1, 2, 3, 4 and E½W½.
T. 26 S., R. 37 E.,
Sec. 6, lot 1, NE¼ and E½NW¼.

The areas described aggregate 18,845.09 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 67-2870; Filed, Mar. 15, 1967; 8:46 a.m.]

[Utah 2254]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 8, 1967.

The Bureau of Reclamation, Department of the Interior, has filed application for the withdrawal of the lands described below from all forms of appropriation except the mineral leasing laws. Use of the lands compatible with Reclamation purposes may be allowed.

The applicant desires the land for construction, management and operation of the proposed Wasatch Aqueduct, Bonneville Unit.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 9 S., R. 4 E.,
Sec. 18, NE¼SE¼.

The area described aggregates 40 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-2872; Filed, Mar. 15, 1967; 8:46 a.m.]

[Grazing Districts No. 6 and 9]

UTAH

Modification of Certain Grazing Districts

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, known as the Taylor Grazing Act, and in accordance with the authority delegated in 235 DM 1.1, it is ordered as follows:

1. The following described lands are hereby excluded from Utah Grazing District No. 6 and included in and made a part of Utah Grazing District No. 9:

SALT LAKE MERIDIAN

T. 26 S., R. 21 E.,
Sec. 21, S½, lot 1, lots 2 and 8, SE¼NE¼, N½SE¼, SW¼SE¼;
Sec. 22, SW¼NW¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼, N½NW¼SW¼, SW¼NW¼SW¼;
Sec. 27, W½NE¼NW¼, W½NW¼, NW¼SW¼, W½SW¼SW¼;
Sec. 28, E½;
Sec. 32, SE¼;
Sec. 33, N½NE¼NE¼, SW¼NE¼NE¼, NW¼NE¼, W½SW¼NE¼, W½, W½SE¼, SW¼SE¼SE¼.
T. 27 S., R. 21 E.,
Sec. 3, SW¼SW¼NE¼, W½NE¼NW¼, SE¼NE¼NW¼, W½W½, SE¼NW¼, E½SW¼, NW¼NW¼SE¼, S½NW¼SE¼, SW¼SE¼;
Secs. 4 and 9;
Sec. 10, W½E½, NW¼SE¼NE¼, S½SE¼NE¼, W½, E½SE¼;
Sec. 11, SW¼SW¼NW¼, SW¼NE¼SW¼, W½SW¼, W½SE¼SW¼, SE¼SE¼SW¼;
Sec. 13, S½SW¼NW¼, W½SW¼;
Sec. 14, SW¼NW¼NE¼, SW¼NE¼, NW¼SE¼NE¼, S½SE¼NE¼, W½, SE¼;
Sec. 15, E½, NW¼;
Sec. 16, N½NE¼, SE¼NE¼;
Sec. 23, E½;
Sec. 24, SW¼NE¼, S½NE¼NW¼, W½W½, SE¼NW¼, E½SW¼, SW¼NE¼SE¼, W½SE¼, NW¼SE¼SE¼;
Sec. 25, SW¼NE¼NE¼, W½NE¼, SE¼NE¼, NW¼, NE¼SE¼.
T. 27 S., R. 22 E.,
Sec. 29, SW¼NW¼NW¼, NW¼SW¼NW¼;
Sec. 30, lots 3, 4, S½NE¼NE¼, E½SW¼NE¼, SE¼NE¼, NE¼NE¼SW¼, S½NE¼SW¼, SE¼SW¼, NW¼NE¼SE¼, NW¼SE¼, W½SW¼SE¼;
Sec. 31, lot 1, W½NW¼NE¼, SE¼NW¼NE¼, SW¼NE¼, E½W½, W½SE¼, SE¼SE¼;
Sec. 32, SW¼NE¼SW¼, S½NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼, NW¼SE¼SW¼.
T. 28 S., R. 22 E.,
Sec. 5, NW¼ lot 4, SW¼SW¼NW¼, NW¼NW¼SW¼, S½NW¼SW¼, SW¼SW¼, S½SE¼SW¼, S½SW¼SE¼;
Sec. 6, lots 1, 2, S½NE¼, SE¼;
Sec. 8, W½NE¼, SE¼NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 9, S½N½, N½S½;
Sec. 10, SW¼NE¼NE¼, S½NW¼NE¼, SW¼NE¼, W½SE¼NE¼, SE¼SE¼NE¼, S½NE¼NW¼, S½NW¼;
Sec. 11, NE¼NE¼, S½NE¼, S½SW¼NW¼, SE¼NW¼, N½S½;
Sec. 12, SW¼ lot 1, lots 2, 3, 4, S½NW¼NE¼, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 13, lot 1, NW¼NE¼.
T. 28 S., R. 23 E.,
Sec. 7, SW¼ lot 2, lots 3, 4, SW¼NE¼SW¼, SE¼SW¼, W½SW¼SE¼, SE¼SW¼SE¼;
Sec. 8, NE¼SE¼, SE¼NW¼SE¼, S½SE¼;
Sec. 9, W½SW¼NE¼, E½SE¼NW¼, NE¼SW¼, SW¼NW¼SW¼, S½SW¼, S½NE¼SE¼, W½NW¼SE¼, SE¼NW¼SE¼, SW¼SE¼, W½SE¼SE¼, NE¼SE¼SE¼;
Sec. 15, NE¼SE¼NW¼, W½SE¼NW¼, SE¼SW¼NW¼, NW¼NE¼SW¼, W½SW¼, W½SE¼SW¼;
Sec. 22, W½NE¼NW¼, SE¼NW¼, S½SW¼NE¼, SW¼SE¼NE¼;
Sec. 23, W½SW¼NE¼, NE¼SW¼NE¼, SE¼SE¼NW¼, N½NE¼SW¼;
Sec. 24, S½ lot 4, SE¼SW¼SE¼;
Sec. 26, W½NW¼NE¼, SE¼NW¼NE¼.

2. The following described lands are hereby excluded from Utah Grazing District No. 9 and included in and made a part of Utah Grazing District No. 6:

SALT LAKE MERIDIAN

T. 28 S., R. 23 E.,
Sec. 16, NE¼NE¼, SE¼NW¼NE¼;
Sec. 25, NW¼NE¼NW¼, N½NW¼NW¼.

J. P. BEIRNE,
Acting Associate Director.

MARCH 9, 1967.

[F.R. Doc. 67-2871; Filed, Mar. 15, 1967; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 527]

PATTERSON, WYLDE & CO.

Order To Show Cause

On February 17, 1967, the Hartford Accident and Indemnity Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b) by Patterson, Wylde & Co., 156 State Street, Boston, Mass. 02109, would be canceled effective 12:01 a.m., March 18, 1967.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order 201.1 (revised) section 6.03:

It is ordered, That Patterson, Wylde & Co. on or before March 14, 1967, either (1) submit a valid bond effective on or before March 18, 1967, or (2) show cause in writing or request a hearing to be held at 10 a.m. on March 16, 1967, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d) of the Shipping Act, 1916.

It is further ordered, That License No. 527 be forthwith revoked if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-2894; Filed, Mar. 15, 1967; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING REGIONAL ADMINISTRATOR, REGION II (PHILADELPHIA)

Designation

The officers appointed to the following listed positions in Region II (Philadelphia) are hereby designated to serve as Acting Regional Administrator, Region II, during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator, provided that no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Assistant Regional Administrator for Renewal Assistance.
4. Assistant Regional Administrator for Metropolitan Development.

This designation supersedes the designation effective June 27, 1966 (31 F.R. 9323, July 7, 1966).

(Delegation May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 16th day of March 1967.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 67-2899; Filed, Mar. 15, 1967; 8:48 a.m.]

REGIONAL ADMINISTRATORS AND DEPUTY REGIONAL ADMINISTRATORS

Redelegations of Authority With Respect to College Housing Program

The redelegations of authority by the Assistant Secretary for Renewal and Housing Assistance to Regional Administrators and Deputy Regional Administrators effective July 1, 1966 (31 F.R. 8969, June 29, 1966), as amended (31 F.R. 16375, Dec. 22, 1966), are hereby amended under section A, *Authority redelegated with respect to specific programs*, paragraph 1 with respect to the College Housing Program, in the following respects:

(1) By redesignating subparagraph 1c as 1e.

(2) By inserting new subparagraphs 1c and 1d to read:

c. Approve, consent to, and authorize amendments or modifications to bonds, bond resolutions, indentures, notes, mortgages, and other collateral security instruments, upon his finding that the action is supported by adequate consideration or requires no consideration.

d. Execute approvals, consents, amendments, or modifications to bonds, bond resolutions, indentures, notes, mortgages, and other collateral security instruments.

(3) By revising redesignated subparagraph 1e to read:

e. Redelegate to one or more employees under his jurisdiction the authority redelegated herein except the authority to approve applications, authorize loans, and amend or modify the terms thereof, and to approve, consent to, and authorize amendments or modifications as provided under subparagraph 1c.

Effective date. These amendments to redelegations of authority shall be effective as of March 16, 1967.

DON HUMMEL,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 67-2909; Filed, Mar. 15, 1967; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

TEXAS A&M UNIVERSITY

Notice of Application for Duty Free Entry of Scientific Articles

The following is a notice of the receipt of an application for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER. Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of the application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. Docket number; 67-00004-01-86500; applicant: Texas A&M University, College Station, Tex. 77843. Article: Weissenberg rheogoniometer system model R.17 consisting of basic instrument, oscillatory mechanism, normal force, servo assembly, drive unit, low temperature control equipment, high temperature control equipment, electrical platen touching gap setting assembly, transducer change-over switch, panel and racking, and one S.E.L. ultra violet recorder, type SE. 2005 with matched pair of galvanometers. Manufacturer: Sangamo Controls, Ltd., England. Manufacturer's agent: Martin Sweets Co., Louisville, Ky. 40212. Intended use of article: Basic research on rheological properties of materials and for graduate instruction. Application received by Commissioner of Customs: March 6, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-2857; Filed, Mar. 15, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16984; FCC 67M-405]

COSMOS BROADCASTING CORP. (WSFA-TV)

Order Continuing Further Prehearing Conference

In re application of Cosmos Broadcasting Corp. (WSFA-TV), Montgomery, Ala., Docket No. 16984, File No. BPCT-3643; for construction permit.

The Hearing Examiner having under consideration the "Motion for Continuance" filed by the above-entitled applicant on March 7, 1967, requesting that further proceedings in the above-entitled matter be continued for a period of approximately 60 days;

It appearing, that the above applicant's plans to amend its application to specify a different transmitter and antenna site have run into unexpected delays and difficulties that necessitate the requested continuance; and

It further appearing, that counsel for all other parties have expressed no objection to a grant of the requested continuance, and that good cause has been shown for a grant thereof:

It is ordered, This 9th day of March 1967, that the above-mentioned motion for continuance is granted, and that the further prehearing conference presently scheduled for March 14, 1967 at 9 a.m., be, and the same is, hereby continued to May 16, 1967 at 9 a.m., at which time further procedural dates shall be established.

Released: March 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2901; Filed, Mar. 15, 1967; 8:49 a.m.]

[Docket Nos. 17131–17136; FCC 67M–403]

GENERAL ELECTRIC CABLEVISION CORP. ET AL.

Order Continuing Prehearing Conference

In re petitions by General Electric Cablevision Corp., Van Buren, N.Y., Docket No. 17131, File No. CATV 100–65; General Electric Cablevision Corp., Solvay, N.Y., Docket No. 17132, File No. CATV 100–137; Newchannels Corp., East Syracuse, N.Y., Docket No. 17133, File No. CATV 100–112; Newchannels Corp., Camillus, N.Y., Docket No. 17134, File No. CATV 100–124; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Syracuse Television Market; in re applications of Eastern Microwave, Inc., Van Buren, N.Y., Docket No. 17135, File No. 4704–C1–P–66; Eastern Microwave, Inc., Camillus, N.Y., Docket No. 17136, File No. 4879–C1–P–66; for construction permits for new point-to-point microwave radio stations.

The Hearing Examiner having for consideration the informal request of Newchannels Corp. and Eastern Microwave, Inc., for a brief postponement of the prehearing conference now set for March 15, 1967, all parties having consented:

It is ordered, This 10th day of March 1967, that the said prehearing conference is continued to March 22, 1967, at 9 a.m. in the offices of the Commission at Washington, D.C.

Released: March 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2902; Filed, Mar. 15, 1967; 8:49 a.m.]

[Docket No. 16980; FCC 67M–404]

MADISON COUNTY BROADCASTING CO., INC. (WRTH)

Order Continuing Further Prehearing Conference

In re application of Madison County Broadcasting Co., Inc. (WRTH), Wood River, Ill., Docket No. 16980, File No. BP–16612; for construction permit.

On the Hearing Examiner's own motion: *It is ordered*, This 10th day of March 1967, that the further prehearing conference now scheduled for March 16, 1967 is continued to March 23, 1967 at 2 p.m.

Released: March 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2903; Filed, Mar. 15, 1967; 8:49 a.m.]

[Docket Nos. 17029, 17030; FCC 67M–401]

RUSSEL SHAFFER AND INTERNATIONAL ELECTRONIC DEVELOPMENT CORP.

Order Regarding Procedural Dates

In re applications of Russel Shaffer, Boulder, Colo., Docket No. 17029, File No. BPH–5337, International Electronic Development Corp., Boulder, Colo., Docket No. 17030, File No. BPH–5432, for construction permits.

The Hearing Examiner having under consideration the "Request for Extension of Procedural Dates" filed on March 6, 1967, by International Electronic Development Corp. in the above-entitled proceeding, requesting a 60-day extension of time for the procedural dates that were established February 16, 1967, to govern the future proceedings in said case;

It appearing, that said request sets forth good cause for a grant of the requested extension, and that counsel for all of the parties have consented to the immediate consideration and grant thereof:

It is ordered, This 9th day of March 1967, that the above "Request for Extension of Procedural Dates," be, and the same is, hereby granted; and that the following dates shall govern the future conduct of this proceeding:

Exchange of exhibits presently scheduled for March 20, 1967, is hereby continued to May 22, 1967;

Notification of witnesses presently scheduled for March 27, 1967, is hereby continued to May 29, 1967; and

Hearing presently scheduled for April 11, 1967, is hereby continued to June 13, 1967.

Released: March 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2904; Filed, Mar. 15, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65–340]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Petition To Amend

MARCH 8, 1967.

Take notice that on February 27, 1967, Algonquin Gas Transmission Co. (Petitioner), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP65–340 a petition to amend the order issued by the Commission August 24, 1965, by advancing the date for construction and operating certain natural gas facilities authorized thereby and by changing the volumes of natural gas authorized for delivery by Petitioner to certain of its resale customers, commencing November 1967, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The above-mentioned order authorized Petitioner to construct and operate certain natural gas facilities over a 4-year period and to sell and deliver certain quantities of natural gas to its customers.

Specifically, Petitioner seeks authorization to construct and operate in 1967, certain facilities originally authorized to be constructed and placed in operation in 1968, said facilities being as follows:

(1) 4.6 miles of 20-inch loop between 1 mile South of valve G–1–6, Berkley, Mass., and valve G–1–7, Freetown, Mass., and

(2) 7.6 miles of 16-inch loop between valve G–5–1, Attleboro, Mass., and valve G–5–2A, Seekonk, Mass.

Petitioner seeks authorization to place the above-listed facilities in operation commencing November 1967.

Petitioner also seeks authorization to change the quantities of natural gas to be delivered to certain of its resale customers as follows:

Customer	Maximum daily quantity increase (Mcf)	Maximum daily winter quantity increase (Mcf)
Bristol and Warren Gas Co.	100	----
Boston Gas Co.	----	1 (6,000)
Brockton Taunton Gas Co.	500	50
The Connecticut Gas Co.	----	3,000
The Newport Gas Light Co.	500	----
North Attleboro Gas Co.	40	15
Providence Gas Co.	2,700	6,200
Total	3,840	3,265

1 Denotes decrease.

Petitioner states that Texas Eastern Transmission Corp. (Texas) has agreed to sell and Petitioner has agreed to buy the above-listed additional quantities of natural gas with the maximum daily increase commencing November 1, 1967, and the maximum daily winter increase commencing November 16, 1967. Petitioner states that the proposed facilities are currently needed to meet the present requirements of its customers as are the additional quantities of natural gas. On this basis, Petitioner seeks authorization to move up to 1967 the construction proposed and authorized originally for 1968 as well as the authorization to change the volumes of natural gas for delivery by Petitioner to certain of its resale customers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 3, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67–2860; Filed, Mar. 15, 1967; 8:45 a.m.]

[Docket No. CP67–246]

BLUE DOLPHIN PIPE LINE CO.

Notice of Application

MARCH 8, 1967.

Take notice that on March 1, 1967, Blue Dolphin Pipe Line Co. (Applicant), 4257 R.C.A. Building, 50 West 50th Street, New York, N.Y. 10020, filed in Docket No. CP67–246 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities during a period of 12 months from and after March 1, 1967, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate miscellaneous rearrangements to its existing transportation facilities, said rearrangements not resulting in any material change in the transportation service presently rendered by it. Applicant does not have any specific rearrangements to propose at this time but anticipates that within the aforesaid 12-month period it may have occasion to make certain minor rearrangements in its existing transportation facilities.

Applicant states that it will not spend in excess of $10,000 to make the above-mentioned rearrangements.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 6, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67–2861; Filed, Mar. 15, 1967; 8:45 a.m.]

[Docket No. CI67–624]

HUGOTON PRODUCTION CO.

Notice of Hearing

MARCH 8, 1967.

On November 8, 1966, Hugoton Production Co. (Hugoton) filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon nunc pro tunc sales of natural gas produced from acreage in Stevens and Grant Counties, Kans., to Panhandle Eastern Pipe Line Co. (Panhandle). Notice of the application was issued November 15, 1966, and published in the FEDERAL REGISTER on November 22, 1966 (31 F.R. 14795).

On December 12, 1966, the State Corporation Commission of the State of Kansas filed a notice of intervention in Docket No. CI67–624 averring that it favors the granting of Hugoton's application to abandon sales to Panhandle.

Take notice that, pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing May 23, 1967, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the matters involved in and the issues presented by the application filed in Docket No. CI67–624.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67–2862; Filed, Mar. 15, 1967; 8:45 a.m.]

[Docket No. CP67–244]

SOUTHERN NATURAL GAS CO.

Notice of Application

MARCH 8, 1967.

Take notice that on March 1, 1967, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67–244 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon a field sale and to remove a single meter and regulator from such facility. The field sale meter is located on Applicant's Tinsley branch line in the vicinity of an oil well known as the Ben Hanley Well, Yazoo County, Miss. Applicant had a sales contract with Billy Bridewell (Bridewell) for the sale of natural gas for use as pumping gas in the operation of the well but the well ceased production December 1, 1966, and Bridewell has no further need for natural gas at this well and has, in fact, sold the equipment at the well and has no present intentions of resuming purchases of natural gas at the well. The parties terminated their sales contract by letter agreement, effective December 1, 1966.

Applicant states that no service now being rendered will be affected by the abandonment of the above-mentioned facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 6, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67–2863; Filed, Mar. 15, 1967; 8:45 a.m.]

[Docket No. CP67–245]

WEST OHIO GAS CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MARCH 8, 1967.

Take notice that on March 1, 1967, West Ohio Gas Co. (Applicant), 319 West Market Street, Lima, Ohio 45802, filed in Docket No. CP67–245 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the incorporated communities of Willshire, Rockford, Ohio City, Haviland, and Scott, and in the unincorporated village of Tipton, all in the State of Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities to enable it to render the proposed service:

(1) Approximately 12.6 miles of 4-inch lateral pipeline extending southeast from a point approximately 0.75 of a mile north of Willshire to a proposed town border station to be located at the north village limits of Willshire and, from there, to proposed border stations at the north village limits of Rockford

and the south village limits of Ohio City, all in the State of Ohio, and

(2) Approximately 3 miles of 4-inch lateral pipeline extending due east approximately 0.75 of a mile to a proposed town border station to be located at the west village limits of Haviland and, from there, due south to a proposed town border station at the north village limits of Scott, all in the State of Ohio.

Respondent has agreed to construct and operate lateral transmission pipelines from its facilities to the points of connection with Applicant's proposed facilities, as follows:

(1) Approximately 4.9 miles of 4-inch transmission lateral pipeline from its main transmission line, approximately 3.25 miles northwest of Willshire, to the connection with the proposed lateral pipeline that will serve Willshire, Rockford, and Ohio City, all in the State of Ohio, and,

(2) Approximately 3 miles of 4-inch transmission lateral pipeline from its main transmission line, approximately 3.75 miles due west of Haviland, to the connection with the proposed lateral pipeline that will serve Haviland and Scott, all in the State of Ohio.

Applicant estimates the maximum daily and maximum annual requirements of its proposed customers, by the third year, as follows:

Customer	Maximum daily requirement (Mcf)	Maximum annual requirement (Mcf)
Willshire, Rockford, and Ohio City	1,218	152,289
Haviland, Scott, and village of Tipton	504	94,035

Applicant estimates the total cost of the proposed construction at approximately $485.337, said cost to be financed with internally generated funds and long-term debt.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2864; Filed, Mar. 15, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

DADEVILLE LIVESTOCK MARKET ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Dadeville Livestock Market, Dadeville, May 18, 1959.	Dadeville Stockyards, Inc., Nov. 15, 1966.
ARIZONA	
Paradise Valley Auction, Phoenix, Jan. 26, 1967---	Paradise Valley Sale Barn, Jan. 26, 1967.
COLORADO	
Salida-Monte Vista Livestock Commission Co., Inc., Salida, Mar. 11, 1957.	Salida Livestock Commission Company, Nov. 8, 1966.
IDAHO	
Stockgrowers Commission Company, Twin Falls, June 17, 1940.	Stockgrowers Commission Co., June 8, 1966.
NORTH CAROLINA	
Twin States Auction Market, Tabor City, Apr. 28, 1961.	A. B. Jackson Livestock Barn, Apr. 1, 1966.
OKLAHOMA	
Watonga Livestock Auction, Watonga, Aug. 26, 1965.	Watonga Livestock Auction, Inc., Aug. 18, 1966.
TEXAS	
Dalhart Livestock Auction Company, Dalhart, Nov. 6, 1956.	Dalhart Auction Company, Dec. 6, 1966.
Huntsville Livestock Auction Company, Huntsville, May 12, 1959.	Huntsville Auction Company, Jan. 9, 1967.

Done at Washington, D.C., this 10th day of March 1967.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 67-2907; Filed, Mar. 15, 1967; 8:49 a.m.]

Federal Crop Insurance Corporation

[Notice No. 6]

SUGARBEETS

Extension of Closing Date for Filing of Applications for Insurance for 1967 Crop Year in Colorado and Certain Other States

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for sugar beet crop insurance for the 1967 crop year in all counties in Colorado, Idaho, Oregon, Utah, and Washington, and in Goshen County, Wyo., where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 14, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 67-2908; Filed, Mar. 15, 1967; 8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. A-5]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Health, Education, and Welfare to perform the responsibilities listed below of the General Services Administration and of the responsible GSA official under Title VI of the Civil Rights Act of 1964 and the GSA regulations issued thereunder (41 CFR Part 101-6) with respect to institutions of higher education.

2. *Delegation.* a. Pursuant to the authority of § 101-6.215-3 (41 CFR Part 101-6) of General Services Administration Federal Property Management Regulations, there is hereby assigned to the Secretary of Health, Education, and Welfare the responsibilities listed below of GSA and of the responsible GSA official under Title VI and GSA regulations issued thereunder (41 CFR Part 101-6) with respect to institutions of higher education.

(1) Compliance reports, including the mailing, receiving and evaluation thereof under § 101-6.209-2 (41 CFR Part 101-6) of GSA regulations.

(2) Other actions under §§ 101-6.209-3 and 101-6.209-4 (41 CFR Part 101-6) of GSA regulations.

(3) All actions under § 101-6.210 (41 CFR Part 101-6) of GSA regulations, including periodic compliance reviews, receiving of complaints, investigations, determination of recipient's apparent failure to comply, and resolution of matters by informal means.

b. The General Services Administration specifically reserves to itself the responsibilities for the effectuation of compliance under §§ 101-6.211, 101-6.212, and 101-6.213 (41 CFR Part 101-6) of GSA regulations.

c. The responsibilities so designated to the Secretary of Health, Education, and Welfare are to be exercised in accordance with the Plan for Coordinated Enforcement Procedures for Higher Education dated February 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by the Secretary of Health, Education, and Welfare to other officials of the Department of Health, Education, and Welfare. The General Services Administration also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in the Department of Health, Education, and Welfare.

3. *Effective date.* This delegation of authority is retroactive to June 13, 1966.

Dated: March 9, 1967.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 67-2881; Filed, Mar. 15, 1967; 8:47 a.m.]

[Federal Property Management Regs.; Temporary Reg. A-6]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Health, Education, and Welfare to perform the responsibilities listed below of the General Services Administration and of the responsible GSA official under Title VI of the Civil Rights Act of 1964 and the GSA regulations issued thereunder (41 CFR Part 101-6) with respect to hospitals and other health facilities.

2. *Delegation.* a. Pursuant to the authority of § 101-6.215-3 (41 CFR Part 101-6) of General Services Administration Federal Property Management Regulations, there is hereby assigned to the Secretary of Health, Education, and Welfare the responsibilities listed below of GSA and of the responsible GSA official under Title VI and GSA regulations issued thereunder (41 CFR Part 101-6) with respect to hospitals and other health facilities.

(1) Compliance reports, including the mailing, receiving and evaluation thereof under § 101-6.209-2 (41 CFR Part 101-6) of GSA regulations.

(2) Other actions under §§ 101-6.209-3 and 101-6.209-4 (41 CFR Part 101-6) of GSA regulations.

(3) All actions under § 101-6.210 (41 CFR Part 101-6) of GSA regulations, including periodic compliance reviews, receiving of complaints, investigations, determination of recipient's apparent failure to comply, and resolution of matters by informal means.

b. The General Services Administration specifically reserves to itself the responsibilities for the effectuation of compliance under §§ 101-6.211, 101-6.212, and 101-6.213 (41 CFR Part 101-6) of GSA regulations.

c. The responsibilities so designated to the Secretary of Health, Education, and Welfare are to be exercised in accordance with the Coordinated Enforcement Procedures for Medical Facilities under Title VI of the Civil Rights Act of 1964, dated February 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by the Secretary of Health, Education, and Welfare to other officials of the Department of Health, Education, and Welfare. The General Services Administration also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in the Department of Health, Education, and Welfare.

3. *Effective date.* This delegation of authority is retroactive to June 25, 1966.

Dated: March 9, 1967.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 67-2882; Filed, Mar. 15, 1967; 8:47 a.m.]

[Federal Property Management Regs.; Temporary Reg. A-7]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Health, Education, and Welfare to perform the responsibilities listed below of the General Services Administration and of the responsible GSA official under Title VI of the Civil Rights Act of 1964 and the GSA regulations issued thereunder (41 CFR Part 101-6) with respect to elementary and secondary schools and school systems.

2. *Delegation.* a. Pursuant to the authority of § 101-6.215-3 (41 CFR Part 101-6) of General Services Administration Federal Property Management Regulations, there is hereby assigned to the Secretary of Health, Education, and Welfare, the responsibilities listed below of GSA and of the responsible GSA official under Title VI and GSA regulations issued thereunder (41 CFR Part 101-6) with respect to elementary and secondary schools and school systems.

(1) Soliciting, receiving, and determining the adequacy of assurances of compliance, voluntary desegregation plans, and final court orders under § 101-6.205 of GSA regulations.

(2) Mailing, receiving, and evaluating compliance reports under § 101-6.209-2 of GSA regulations.

(3) All other actions related to securing voluntary compliance, or related to investigations, compliance reviews, complaints, determinations of apparent failure to comply, and resolutions of matters by informal means.

b. The General Services Administration specifically reserves to itself the responsibilities for the effectuation of compliance under §§ 101-6.211, 101-6.212, and 101-6.213 (41 CFR Part 101-6) of GSA regulations.

c. The responsibilities so designated to the Secretary of Health, Education, and Welfare are to be exercised in accordance with the Plan for Coordinated Enforcement Procedures for Elementary and Secondary Schools and School Systems dated May 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by the Secretary of Health, Education, and Welfare to other officials of the Department of Health, Education, and Welfare. The General Services Administration also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in the Department of Health, Education, and Welfare.

3. *Effective date.* This delegation of authority is retroactive to June 22, 1966.

Dated: March 9, 1967.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 67-2883; Filed, Mar. 15, 1967; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4461]

HARTFORD ELECTRIC LIGHT CO.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage Bonds and Shares of Preferred Stock at Competitive Bidding

MARCH 10, 1967.

Notice is hereby given that The Hartford Electric Light Co. ("HELCO"), 176 Cumberland Avenue, Wethersfield, Conn. 06109, a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

HELCO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $20

million principal amount of ——— percent First Mortgage Bonds, 1967 Series, due April 1, 1997. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest, to be paid to HELCO (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the first mortgage indenture and deed of trust dated as of January 1, 1958, between HELCO and Old Colony Trust Co., Trustee, as heretofore amended and supplemented and as to be further amended and supplemented by a fifth supplemental mortgage indenture to be dated as of April 1, 1967.

HELCO also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 200,000 shares of its preferred stock, par value $50 per share. The dividend rate of the new preferred stock (which will be a multiple of 0.04 percent) and the price, exclusive of accrued dividends, to be paid to HELCO (which will be not less than $50 nor more than $51.375) will be determined by the competitive bidding.

The net proceeds from the sale of the new bonds and preferred stock will be used by HELCO to pay bank borrowings, estimated to total $30 million at the time of such sale. These bank borrowings have been and will be incurred to finance, in part, the company's construction program, to pay $1,458,000 of bonds which mature on April 1, 1967, and to supply funds for investment in Connecticut Yankee Atomic Power Co. The company's 1967 construction program is estimated at $33 million.

The application states that the issue of the new bonds and preferred stock is subject to the jurisdiction of the Connecticut Public Utilities Commission. Statements of the fees and expenses related to the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than March 31, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2876; Filed, Mar. 15, 1967; 8:46 a.m.]

[70-4465]

NEW JERSEY POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage Bonds

MARCH 10, 1967.

Notice is hereby given that New Jersey Power & Light Co. ("NJP&L"), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

NJP&L proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $10 million principal amount of First Mortgage Bonds, ——— percent Series due May 1, 1997. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under a mortgage and deed of trust dated March 1, 1944 between NJP&L and Morgan Guaranty Trust Co. of New York (formerly Guaranty Trust Co. of New York), Trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated May 1, 1967.

The proceeds from the sale of the bonds (other than premium, if any, and accrued interest) will be used to reimburse NJP&L's treasury for expenses incurred for construction purposes during 1966 and 1967 and for the payment of all short-terms notes to banks outstanding at the time of the sale of the bonds. At March 1, 1967, outstanding short-term notes to banks amounted to $5,500,000. The 1967 construction program is estimated to cost $12,300,000. Any premium realized from the sale of the bonds will be used for financing the business of NJP&L, including the payment of expenses incurred in connection with the proposed issue of bonds.

Fees and expenses relating to the proposed transaction are estimated at $55,000, including legal fees of $12,000 and accountant's fees of $3,700. A statement of the fee of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Board of Public Utility Commissioners of the State of New Jersey has jurisdiction over the proposed issue and sale of bonds by NJP&L. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 10, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2877; Filed, Mar. 15, 1967; 8:46 a.m.]

RAND DEVELOPMENT CORP.

Order Suspending Trading

MARCH 10, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 5 cents par value, of Rand Development Corp., Cleveland, Ohio, and the Class B Common Stock, 5 cents par value, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period

March 11, 1967, through March 20, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-2878; Filed, Mar. 15, 1967; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 601]

ALABAMA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1967, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Alabama;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid State, suffered damage or destruction resulting from tornadoes and accompanying conditions occurring on or about March 6, 1967.

OFFICE

Small Business Administration Regional Office, 908 South 20th Street, Birmingham, Ala. 35205.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1967.

Dated: March 8, 1967.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 67-2879; Filed, Mar. 15, 1967; 8:47 a.m.]

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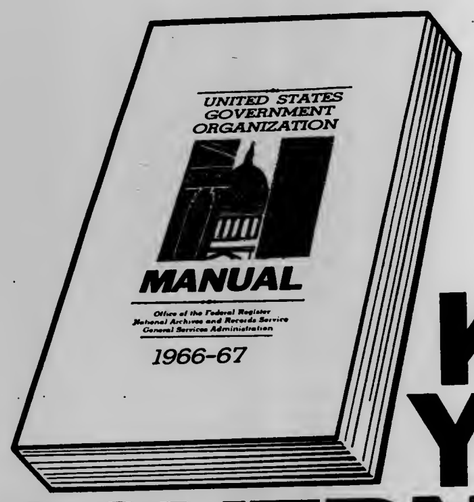
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List of CFR Parts Affected

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Bona Fide Spot Markets and Micronaire Determination

Pursuant to sections 4862 and 4863 of the Cotton Futures Provisions of the Internal Revenue Code of 1954 (26 U.S.C. 4862, 4863), the regulations governing cotton classification (7 CFR Part 27) under such provisions are hereby amended as follows:

1. Section 27.2(o) is amended to read:

§ 27.2 Terms defined.

* * * * * *

(o) *Micronaire determination.* The measure of the fiber fineness and maturity of cotton, in combination, in terms of Micronaire readings as determined by an authorized employee of the Department in accordance with the official cotton standards of the United States for fiber fineness and maturity.

§ 27.48 [Deleted]

2. Section 27.48 *Use of copy of cotton class certificate in tender of cotton* is deleted in its entirety.

3. Section 27.94 is amended to read:

§ 27.94 Spot markets for contract settlement purposes.

The following are designated as spot markets for the purpose of determining, as provided in paragraph 4863(c) of the act, the differences above or below the contract price which the receiver shall pay for grades other than the basis grade tendered or delivered in settlement of a section 4863 contract:

(a) For cotton delivered in settlement of any No. 1 contract of the New York Cotton Exchange at delivery points on or near the Gulf of Mexico:

Dallas, Tex.
Galveston, Tex.
Houston, Tex.
Memphis, Tenn.
New Orleans, La.

(b) For cotton delivered in settlement of any No. 1 contract of the New York Cotton Exchange at delivery points on the Atlantic Coast:

Atlanta, Ga.
Augusta, Ga.
Charleston, S.C.
Memphis, Tenn.
Montgomery, Ala.

(c) For cotton delivered in settlement of any No. 2 contract of the New York Cotton Exchange that provides for delivery at both interior and port locations:

Dallas, Tex.
Greenville, S.C.
Greenwood, Miss.
Memphis, Tenn.
Phoenix, Ariz.

(Secs. 4862 and 4863, 68A Stat. 581, 582; 26 U.S.C. 4862, 4863. 29 F.R. 16210, as amended; 31 F.R. 13249)

Statement of considerations. The foregoing amendment of § 27.94 designates spot markets for purposes of settlement of a new contract recently adopted by the New York Cotton Exchange. The use of these markets was approved by the New York Cotton Exchange after being recommended to the exchange by an industry wide committee. Trading on this contract will begin March 22, 1967. Such designation is necessary and should be made effective as soon as possible in order to facilitate trading under such contract.

The amendments also delete obsolete provisions and make a nonsubstantive change in the definition of the term "Micronaire determination" to conform to current classification standards.

Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice of rule making and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The amendments shall become effective upon publication in the FEDERAL REGISTER.

Dated: March 13, 1967.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 67–2934; Filed, Mar. 16, 1967; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

PART 610—FEDERAL LAND BANKS GENERALLY

Subpart—Limitations and Requirements

Subpart—Payments

CREDIT LIFE INSURANCE AND FUTURE PAYMENT FUNDS

Part 610 of Title 12 of the Code of Federal Regulations (31 F.R. 16236) is amended by adding a paragraph (c) to § 610.40 and by revising § 610.47, as follows:

§ 610.40 Insurance.

* * * * * *

(c) *Credit life insurance.* (1) Credit life insurance may be offered to borrowers. Such insurance shall be optional with each borrower and not influence consideration given the loan application. The amount of coverage shall not normally exceed the loan balance.

(2) A bank may not recover more than the actual costs for making credit life insurance available to its borrowers, or reasonably accurate estimates of such costs. Within that limitation, such costs may be recovered by taking into income payments, dividends, credits and other returns from premiums, however denominated, received from the insurer, when such returns from premiums are generally permitted under the applicable State law.

(3) Any such returns from premiums remaining after the bank has recovered such costs shall be (i) distributed to the borrowers concerned or held in trust by the bank for future distribution to the insured; or (ii) held in trust by the bank or by the insurer for use in maintaining or reducing premium rates in subsequent years.

§ 610.47 Future payment funds.

Future payment funds shall be held for subsequent credit upon indebtedness to the bank except in unusual circumstances where the release of the funds is justified. Such release may be deemed justified if the borrower needs funds for his farming operations which he otherwise would have to borrow, or where it is necessary to avoid hardship to the borrower. However, when a bank accepts such funds from a borrower, the understanding shall be that they are for subsequent credit upon his indebtedness to the bank.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665)

R. B. TOOTELL,
Governor, Farm Credit Administration.

[F.R. Doc. 67–2936; Filed, Mar. 16, 1967; 8:47 a.m.]

PART 611—FEDERAL LAND BANK ASSOCIATIONS

Subpart—Consolidation of Associations

ELECTION OF DIRECTORS

Part 611 of Title 12 of the Code of Federal Regulations (31 F.R. 16240) is amended by adding § 611.1013–50, as follows:

§ 611.1013–50 Election of directors.

At the first annual meeting of members following a consolidation or merger, two directors shall each be elected for a term of three years; two for two-year

terms, and each of the remaining board members to a one-year term. Thereafter directors shall be elected in accordance with the association bylaws.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665)

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 67-2937; Filed, Mar. 16, 1967; 8:47 a.m.]

PART 619—FEES AND CHARGES ON LOANS

Part 619 of Title 12 of the Code of Federal Regulations (31 F.R. 16243) is revised to read as follows:

Subpart—Bank Fees and Charges

Sec.
619.65 Appraisal, determination of title, legal fees, and recording charges.
619.66 Nonresident investigations.
619.67 Reamortization.
619.68 Reinstatement of loans.

Subpart—Association Fees

619.69 Approval.
619.70 Initial charges.
619.71 Canceled applications.
619.72 Closed loans.

AUTHORITY: The provisions of this Part 619 issued under secs. 11, 13, 39 Stat. 369, as amended, 372, as amended, sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665, 761, 781.

NOTE: When the word "bank" appears alone, it refers to a Federal land bank; the word "association" refers to a Federal land bank association; the word "Administration" refers to the Farm Credit Administration.

Subpart—Bank Fees and Charges

§ 619.65 Appraisal, determination of title, legal fees, and recording charges.

A bank may charge applicants and borrowers amounts not exceeding the actual costs of appraisal, determination of title, legal fees, and recording charges incident to negotiating and servicing loans. Under the principle, however, that the interest income received by a bank from its loan compensates for certain services, it is the policy and practice to forego or keep at a minimum, charges for special services insofar as practicable. Fees may be based on estimated average costs of the above-mentioned functions so long as in the aggregate the fees collected for such cases do not exceed such actual costs. In any case, though, the fee charged may be in the amount of the actual cost of the function involved in the particular case. The respective fee shall be refunded in its entirety in the event the function for which the fee was charged was not performed.

§ 619.66 Nonresident investigations.

Where, in connection with an application for a new loan, an increased loan, or the division of an existing loan, it appears necessary to make a nonresident personal investigation, the applicant may be required to pay a fee not exceeding the actual cost. Such fee shall be refunded in its entirety if the investigation is not made.

§ 619.67 Reamortization.

The borrower may be charged an amount not to exceed actual costs, such as abstract, notarial, recording, and necessary incidental items, incurred in connection with a reamortization.

§ 619.68 Reinstatement of loans.

When a bank has instituted foreclosure or has taken necessary steps preliminary to foreclosure, it may require a borrower who wishes to reinstate such defaulted loan to reimburse it for any items of actual expense which it legally could include in its foreclosure fee; but no fee may be charged upon a reinstatement for any items of expense which legally could not be included in the foreclosure fee (such as purely collection costs), even though the amount of such outside items is less than the charges which could lawfully be imposed were the foreclosure to be completed.

Subpart—Association Fees

§ 619.69 Approval.

The banks are authorized to approve, in behalf of the Administration, resolutions adopted by the associations providing for the collection of such fees as are permitted by law and applicable regulations.

§ 619.70 Initial charges.

Any initial charges collected by an association when an application is accepted may not exceed 1 percent of the amount requested in the application.

§ 619.71 Canceled applications.

Fees collected by the association in excess of the costs incurred by the association shall be refunded if the loan is not closed. Such costs may be based on estimated average costs so long as in the aggregate the fees retained for such cases do not exceed actual costs. In any case, though, the funds retained may be in the amount of the actual cost incurred by the association so long as the amount retained does not exceed 1 percent of the amount requested in the application.

§ 619.72 Closed loans.

An association may collect a closed loan fee in an amount which, when added to other fees and charges retained by the association, may equal but not exceed 1 percent of the closed loan. Any fees and charges collected by the association which exceed said amount shall be refunded to the borrower with the exception that the association may retain actual costs incurred so long as the amount retained does not exceed 1 percent of the loan requested in the application.

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 67-2938; Filed, Mar. 16, 1967; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Section 213.3344 is amended to show that the positions of Assistant Commissioner for Technical Standards, URA; Assistant Commissioner for Development, PHA; Assistant Commissioner for Management, PHA; and General Counsel, PHA, are no longer in Schedule C. Effective on publication in the FEDERAL REGISTER subparagraph (15) of para- (a); and subparagraphs (3), (6), and (7) of paragraph (c) are revoked.

§ 213.3344 Housing and Home Finance Agency.

(a) *Office of the Administrator.* * * *
(15) [Revoked]
* * * * * *
(c) *Public Housing Administration.* * * *
(3) [Revoked]
(6) [Revoked]
(7) [Revoked]
* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2912; Filed, Mar. 16, 1967; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 27]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 379, 382, 385, and 399 of Title 15 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.)

Effective date: February 9, 1967.

RAUER MEYER,
Director,
Office of Export Control.

I. *Validity period of Technical Data Licenses.*

Purpose and effect: Experience in the export licensing of technical data reveals that in a large number of instances the 6-month validity period presently applicable to technical data license is insufficient. For this reason, licenses covering the export of technical data will now be issued with a validity period of 1 year.

Effective date: February 9, 1967.

Accordingly, § 385.4(a) of the Comprehensive Export Schedule is revised.

II. *Elimination of requirement for Identification Cards (Customs Form 3141).*

Purpose and effect: Identification Cards, Customs Form 3141, need no longer be secured by individuals who present Shipper's Export Declarations or export licenses to Customs Offices. Therefore, this requirement has been eliminated from the Export Regulations.

Although identification cards are no longer necessary, the requirement still remains, as set forth in § 379.4(l), that no person shall submit to the Customs Office any Declaration unless such person is the licensee or his carrier, the duly authorized forwarding agent of the licensee, or a duly authorized officer or employee of either.

Effective date of action: February 9, 1967.

Accordingly, § 379.4(k) of the Comprehensive Export Schedule is deleted.

III. *Amendment of the Commodity Control List.*

The Commodity Control List is amended as set forth below, effective February 9, 1967, unless otherwise specified. Exporters are advised that only the items listed below opposite the specific Export Control Commodity Number are affected by these changes. The unnumbered captions serve only to identify the broad categories of commodities within which these items are to be found in Schedule B.

Two different types of explanatory numerical references are used at the end of a commodity description:

(a) A numerical reference enclosed in parentheses to indicate the entry being revised. For example, where a revised entry is followed by (1), this indicates that the new entry revises the first entry or only entry presently on the Commodity Control List under the same Export Control Commodity Number; if the entry is followed by a (2), it revises the second entry on the Commodity Control List, etc.

(b) A footnote reference referring to the footnote below which explains the effect of the revision:

[1] These commodities are transferred from Export Control Commodity Nos. 72952 and 86197 to conform with Schedule B classification.

[2] A separate entry is established to conform with Schedule B classification.

[3] Environmental chambers are transferred to Export Control Commodity Nos. 71919 and 71980.

[4] The GLV Dollar-Value Limit is increased.

[5] Licensing jurisdiction for this equipment was transferred from the Department of State, effective Dec. 2, 1966. This commodity may continue to be exported under authority of an outstanding license issued by the Department of State, in accordance with the terms of that license.

A. ADDITIONS

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Becker, Caroline, Becker, Eli P., 5566 Clifton Rd., Jacksonville, Fla.	12- 5-66	6-5-68 (on probation from 6-6-66 to 12-5-71).[1]	General and validated licenses, all commodities, any destination, also exports to Canada.	31 F.R. 15245, 12-6-66.
Bengal Behar Construction Co. Pvt. Ltd., 6 Upper Thames St., London, E.C. 4, England, and 25 Oakwood Ave., Purley, Surrey, England.	10-26-66	Indefinite	do.	31 F.R. 13951, 11-1-66.
Grace Enterprises, The 9-11B Jordan Rd., Kowloon, Hong Kong.	2- 1-67	1-31-72	do.	32 F.R. 1140, 2-1-67.
Industrial Exports Ltd., 6 Upper Thames St., London, E.C. 4, England.	12-12-66	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Sookias, John M., which see.)	31 F.R. 13951, 11-1-66.
Kanematsu New York, Inc., 1 Whitehall St., New York 4, N.Y.	2- 6-67	2-6-68 (on probation from 2-6-67 to 2-7-68).[1]		32 F.R. 2459, 2-4-67.
Leung Bros. Impex Agencies, 9-11B Jordan Road, Kowloon, Hong Kong.	2- 1-67	1-31-72	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Leung Shing Kit, which see.)	32 F.R. 1140, 2-1-67.
Leung, Robert K., Leung Shing Kit, also known as Leung, Jimmy S. K., 9-11B Jordan Rd., Kowloon, Hong Kong.	2- 1-67	1-31-72	General and validated licenses, all commodities, any destination, also exports to Canada.	32 F.R. 1140, 2-1-67.
Rad Reps Ltd., Lawrence Estates, Green Lane, Hounslow, Middlesex, England.	11- 8-66	4-20-71	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Rad Reps (Factors) Ltd. and Hopkinson, Anthony G., which see.)	31 F.R. 3140, 2-25-66, 31 F.R. 6280-6281, 4-23-66.
Reinitz, Jerome L., 180 Varick St., New York N.Y. 10014.	10-28-66	(On probation from 10-28-66 to 10-27-67.)[1]		31 F.R. 13950, 11-1-66.
Royal Zenith Corp., 180 Varick St., New York, N.Y. 10014.	10-28-66	do.		31 F.R. 13950, 11-1-66
Scientific Supply Co. (Malaysia) Ltd., 189 Jalan Pudu, Kuala Lumpur, Malaysia.	10-28-66	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Scientific Supply Co., and Rawlins, C. J., which see.)	31 F.R. 13357, 10-14-66.
Sookias, John M., doing business as Bengal Behar Construction Co. Pvt. Ltd., 6 Upper Thames St., London, E.C. 4, England, and 25 Oakwood Ave., Purley, Surrey, England.	10-26-66	do.	General and validated licenses, all commodities, any destination, also exports to Canada.	31 F.R. 13951, 11-1-66.
South Shropshire Haulage Co., Ltd., Forge Garage, Middleton, Ludlow, Shropshire, England.	9-26-66	do.	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Amos (Machinery) Ltd., which see.)	30 F.R. 13272-13273, 10-19-65.
Werschlein & Becker, 5566 Clifton Rd., Jacksonville, Fla.	12- 5-66	6-5-68 (on probation from 6-6-66 to 12-5-71).[1]	General and validated licenses, all commodities, any destination, also exports to Canada.	31 F.R. 15245, 12-6-66.
Werschlein, Frieda, Werschlein, Johann, 5637 Temple Rd., Jacksonville, Fla.	12- 5-66	do.	do.	31 F.R. 15245, 12-6-66.
Yasui, Ikuro, Uguisujyutaku 4-201, 28 Uguisudani-cho, Shibuya-ku, Tokyo, Japan.	2- 6-67	2-6-69 (on probation from 8-7-67 to 2-7-69).[1]	do.	32 F.R. 2459, 2-4-67.

[1] Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Paragraph (k) of § 379.4 is deleted.

PART 382—DENIAL OF EXPORT PRIVILEGES

Section 382.51 *Indefinite denials* is amended as follows:

B. AMENDMENTS

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Allround Establishment Inc., Post Office Box 34,613, Vaduz, Liechtenstein, and Herrengasse, 8057, Zurich, Switzerland.	6-10-60	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Maireoo Export-Import G.M.B.H. and Kurno, Emmerich, which see.)	25 F.R. 5546, 6-18-60.
Amacker, Robert W., Eggli, Tueben, Switzerland.	7-15-65	1-6-67 (on probation from 1-31-67 to 7-30).[1]		30 F.R. 8913-8915, 7-15-65.
Bordin, Emilio F., 8057 Spreitenbach, Post Office Box 13, Zurich, Switzerland.	12-18-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 380, 1-13-67. 24 F.R. 10719, 12-25-59.
Commodity Export, Ltd., 13 Upper Berkeley St., London W. 1, England.	6-10-66	Until further notice.	do	31 F.R. 8501, 6-17-66. 31 F.R. 10602, 8-10-66. 31 F.R. 13359, 10-14-66. 31 F.R. 15708, 12-13-66. 24 F.R. 10719, 12-25-59.
Continental Fine Chemicals Co., 8057 Spreitenbach A/U, Post Office Box 13, Zurich, Switzerland.	5-25-62	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Oleine, S. A. and Bordin, Emilio F., which see.)	31 F.R. 8501, 6-17-66.
Glovet Traders Ltd., 13 Upper Berkeley St., London W. 1, England.	6-10-66	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	31 F.R. 10602, 8-10-66. 31 F.R. 13339, 10-14-66. 31 F.R. 15708, 12-13-66.
Helm, Alice, 3/4 Georg Coch-Platz, Vienna 1, Austria.	5-11-64	Duration	do	29 F.R. 6697-6698, 5-22-64. 32 F.R. 762-763, 1-21-67.
Kanner, L., Kanner & Son (Aldi), 19 Eastcheap Buildings, 19 Eastcheap, London, E.C. 3, England.	6-11-64	1-27-67 (on probation from 1-28-67 for duration).[1]		29 F.R. 8746, 29 F.R. 8496-8497, 7-7-64. 32 F.R. 2388, 2-3-67.
Kokkonen, Ilmari, doing business as Ilmari Kokkonen, Tammelund, Helsinki, Finland.	5-13-65	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	30 F.R. 6661-6662, 5-18-65. 31 F.R. 13949, 11-1-66. 25 F.R. 5548, 6-18-60.
Kurno, Emmerich, 169 Wachringer Guertel, Vienna IX, Austria, and Hirschwiesen, 8057, Zurich, Switzerland.	6-10-60	Indefinite	do	24 F.R. 10719, 12-25-59.
Oleine, S.A., Post Office Box 13, Zurich, Switzerland.	12-18-59	Duration	do	29 F.R. 4746, 4-2-64. 29 F.R. 8496-8497, 7-7-64. 32 F.R. 2388, 2-3-67.
Peak Products Co., Eastcheap Buildings, 19 Eastcheap, London, E.C. 3, England.	6-11-64	1-27-67 (on probation from 1-28-67, for duration).[1]		29 F.R. 6697-6698, 5-22-64. 32 F.R. 762-768, 1-21-67.
Schifter, Herbert E., Schifter & Co., Schifter & Co., Electronics and Television Equipment, 3/4 Georg Coch-Platz, and Erdbergstrasse, 1 Top 4, Vienna III, Austria.	5-11-64	Duration	do	
Tuominen, Hjalmar, Tammelund, Helsinki, Finland.	5-13-65	do	do	30 F.R. 6661-6662, 5-14-65. 31 F.R. 13949, 11-1-66.

See footnote at end of table.

[1] Although the named person or firm is entitled to all export privileges during this probation period, these privilege may be revoked upon a finding that the probation has been violated.

C. DELETIONS

Name	Address
Avlacom, N.V.	Groothandelsgebouw, Conradstraat 38, Rotterdam, Netherlands.
de Vos, Aleis Hendrikus Johannes	Grootlandelsgebouw, Conradstraat 38, Rotterdam, Netherlands.
G & L Electrical Supply Co., Ltd.	15 Ebury Street, London W. 1, England.
Simonis, J., N.V. Industrie En Handelsonderneming	Grootlandelsgebouw, Conradstraat 38, Rotterdam, Netherlands.

PART 385—EXPORTATION OF TECHNICAL DATA

Section 385.4(a) is revised to read as follows:

§ 385.4 Export under a validated license.

(a) *Scope.* (1) Under the provisions of this § 385.4, there is established a procedure for the export of technical data not exportable under a general license.

(2) Pursuant to this procedure, application may be made for a validated license which, if issued, authorizes the export of specified technical data to a designated foreign consignee or consignees, within a validity period of 1 year.

* * * * *

PART 399—COMMODITY CONTROL LIST

Section 399.1 (Commodity Control List) is amended as follows:

Department of Commerce export control commodity number and commodity description	Unit	*Processing No.	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups S	T	V	X	*Special provisions list
Machinery, other than electric								
7[illegible]9[illegible]19 Environmental chambers capable of pressures of 26 Torr or less for treating materials by a process involving a change in temperature; and specially designed parts and accessories, n.e.c.[1]	-----	411	STVWXYZ	-----	500	-----	-----	A.
7[illegible]9[illegible]49 Environmental chambers capable of pressures of 26 Torr or less, including those which also have a capability of simulating other constant environments, such as radiation and temperature; and specially designed parts and accessories, n.e.c.[1]	-----	411	STVWXYZ	-----	500	-----	-----	A.
Electrical machinery, apparatus, and appliances								
7[illegible]930 Selenium, copper oxide, and magnesium copper sulfide diodes, rectifiers, stacks, or cells, n.e.c. (Specify by type number.) [2]	No.	618	SXYZ	-----	-----	-----	100	B.
7[illegible]962 Control instruments specially designed for environmental chambers capable of pressures of 26 Torr or less, including those which also have a capability of simulating other environments, such as radiation and temperature. (66) [2]	No.	411	STVWXYZ	-----	500	-----	-----	A.
Professional, scientific, and controlling instruments; photographic and optical goods, watches, and clocks								
86172 Other self-contained diving and underwater breathing apparatus (scuba); and specially designed components therefor, n.e.c. (2) [4]	-----	622	STVWXYZ	-----	1,000	1,000	-----	
86197 Control instruments specially designed for environmental chambers capable of pressures of 26 Torr or less, including those which also have a capability of simulating other environments, such as radiation and temperature. (1) [2]	-----	411	STVWXYZ	-----	500	-----	-----	A.
Miscellaneous manufactured articles, n.e.c.								
89422 Closed and semiclosed circuit (rebreathing) apparatus for diving and underwater swimming (scuba); and specially designed components therefor, n.e.c.[4]	(See Export Control Commodity No. 86172.)							
89442 Other self-contained diving and underwater breathing apparatus (scuba); and specially designed components therefor, n.e.c.[4]	(See Export Control Commodity No. 86172.)							

[2] For explanation, see § 399.1 pages 1, 2, and 3.

[F.R. Doc. 67-2889; Filed, Mar. 16, 1967; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-28—STORAGE AND DISTRIBUTION

Centralized Self-Service Stores

Subpart 101-28.3 is added to set forth general procedures under which GSA centralized self-service stores will be provided for Federal agencies' use in lieu of each agency providing similar services for its own use.

The table of contents for Part 101-28 is amended to provide entries for new Subpart 101-28.3, as follows:

Subpart 101-28.3—Centralized Self-Service Stores

Sec.
101-28.300 Scope of subpart.
101-28.301 Applicability.
101-28.302 Centralized self-service stores.
101-28.303 Use of self-service stores.
101-28.304 Establishment of centralized self-service stores.
101-28.305 Feasibility studies.
101-28.305-1 Initiation.
101-28.305-2 Scheduling.
101-28.305-3 Conduct of study.
101-28.305-4 Findings and determinations.
101-28.306 Consolidation of functions.
101-28.307 Continuity of service.
101-28.308 Responsibility for operation.

AUTHORITY: The provisions of this Subpart 101-28.3 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Part 101-28 is amended by the addition of the following subpart.

Subpart 101-28.3—Centralized Self-Service Stores

§ 101-28.300 Scope of subpart.

This subpart prescribes general guidelines, procedures, and requirements for the establishment of centralized self-service stores and for Federal activity participation in the services provided.

§ 101-28.301 Applicability.

This subpart is applicable to all Federal occupant activities assigned space in a building for which GSA has responsibility for the functions of operation and maintenance in addition to space management.

§ 101-28.302 Centralized self-service stores.

GSA self-service stores are central distribution outlets for small repetitive requirements of administrative supplies (general use office items), standard forms, and other selected items required to meet the official needs of Federal activities in the vicinity of these facilities. Modern self-service merchandising techniques and simplified billing methods are utilized. Limited buying service and advice on methods and sources of items not stocked in the self-service store are provided at these outlets upon request.

§ 101-28.303 Use of self-service stores.

Self-service stores are primary sources of supply for executive agencies which are occupants of buildings in which the stores are located and are available for use by other Federal activities in the vicinity. Articles and supplies stocked in self-service stores are for official use only and may be purchased only by holders of valid shopping plates issued by GSA for this purpose. Such purchases comply with requirements for use of GSA sources set forth in § 101-26.301. Agencies and activities to which shopping plates are issued shall be responsible for the acquisition, control, and use of the items purchased to insure that these purchases are used in the best interest of the U.S. Government.

§ 101-28.304 Establishment of centralized self-service stores.

In connection with the establishment of self-service stores, feasibility studies will be conducted by GSA in conjunction with other appropriate agencies to determine the feasibility of activating a self-service store and the extent of services required. The studies shall be conducted in accordance with the provisions of § 101-28.305.

§ 101-28.305 Feasibility studies.

§ 101-28.305-1 Initiation.

GSA may initiate feasibility studies to determine whether centralized self-service stores should be established:

(a) In proposed new Federal buildings or new leased space, based on available data as to the size, type, location, the number of agencies, and Federal personnel scheduled to occupy a proposed new Federal building, or new leased space, and the total Federal population in the immediate vicinity; or

(b) In an existing Federal or leased building or complex of Federal and/or leased buildings, under the provisions of § 101-5.103, or when the occupants of such buildings or complexes request GSA to initiate such a study.

§ 101-28.305-2 Scheduling.

(a) Feasibility studies will be scheduled by the appropriate GSA Regional Administrator and coordinated with potential user activities in the area of the proposed location. When the proposed facility is to be situated in a new Federal building, the study will be scheduled as soon as feasible following award of the architectural-engineering contract.

(b) The GSA Regional Administrator, or his designee, will notify the head of each prospective using activity, at least 30 days in advance of the start of the study. The notification will include:

(1) The scheduled start and completion dates for the study;

(2) A request for the head of the activity to name one or more individuals to represent him during the study;

(3) The location of the proposed GSA facility;

(4) An outline of data required for the study; and

(5) The time and place of the first meeting of agency representatives for study discussion purposes.

§ 101-28.305-3 Conduct of study.

At the first meeting of designated representatives, discussion topics will include use of self-service stores, internal studies to be made by all participating activities for determination if economies will accrue, and restrictions on operation of duplicate facilities. GSA will furnish activity representatives with a format for the survey of individual agency supply facilities, and explain the data required. The completed format should generally be returned to GSA within 15 days. Subsequent meetings may be convened by GSA.

§ 101-28.305-4 Findings and determinations.

(a) The study data including any objections or limitations expressed by the agencies affected will be accumulated, summarized, and analyzed by the GSA regional office, and submitted with findings and recommendations to the Administrator of General Services for determination and appropriate action in accordance with § 101-5.104-7 of this chapter.

(b) When the Administrator approves or disapproves the establishment of a self-service facility, the appropriate Regional Administrator will furnish the affected activities with notice of the decision. If approval is announced, additional information will be furnished, as appropriate, including:

(1) Location;

(2) Approximate date of activation;

(3) Categories of items to be stocked or otherwise available;

(4) Services which will be available, including technical supply assistance and procurement service; and

(5) Instructions for obtaining supply service.

§ 101-28.306 Consolidation of functions.

After determination to establish a GSA centralized self-service facility, the appropriate GSA regional office will:

(a) Make arrangements with each prospective or current occupant of a new or existing Federal building in which a GSA self-service store is to be established, for transfer to GSA without reimbursement, of all available equipment which will become excess by reason of establishment of the self-service store. GSA will dispose of any equipment transferred which is not needed. Arrangements for transfer of inventory, when necessary, shall also be made.

(b) Consider personnel engaged in the supply operations of an affected agency for transfer to GSA. All personnel transfers shall be accomplished in accordance with Civil Service Regulations governing transfer of functions set forth in the Federal Personnel Manual.

(c) Not assign space in a building for the operation of a supply outlet which would duplicate the functions and services performed in connection with items handled through a self-service store.

§ 101-28.307 Continuity of service.

Each GSA self-service store will be activated in sufficient time to preclude interruption of supply services to agencies.

§ 101-28.308 Responsibility for operation.

The appropriate GSA region will be responsible for the operation of centralized self-service stores.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: March 13, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67-2935; Filed, Mar. 16, 1967; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 141—FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN SCIENCE, MATHEMATICS, MODERN FOREIGN LANGUAGES, OTHER CRITICAL SUBJECTS, AND THE HUMANITIES AND THE ARTS IN PUBLIC SCHOOLS

Definition of Industrial Arts

Part 141 of Title 45 of the Code of Federal Regulations is amended as follows to reflect the addition by section 17 of Public Law 89-752 of industrial arts to those critical subjects dealt with in section 303(a) of the National Defense Education Act of 1958.

The introductory text of paragraph (e) of § 141.1 is amended, and a new subparagraph (10) is added at the end of paragraph (e) to read as follows:

§ 141.1 Definitions.

* * * * *

(e) "Critical subjects" means those subjects for which financial assistance may be provided under Title III of the Act; namely science, mathematics, history, civics, geography, economics, modern foreign language, English, reading, and industrial arts, as defined below:

* * * * *

(10) "Industrial arts" means the study of technology, its history, growth, and development in terms of industrial organization, materials, occupations, products, processes, and problems, including related academic endeavors as well as laboratory experience. It is a curriculum area in general education in which children may create, experiment, design, and plan while dealing with issues related to technology.

* * * * *

(Sec. 1001, 72 Stat. 1602; 20 U.S.C. 581. Interpret or apply sec. 303(a), 72 Stat. 1589 as amended by sec. 17, 80 Stat. 1245; 20 U.S.C. 443(a))

Effective date. This amendment shall become effective on July 1, 1967.

Dated: February 28, 1967.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: March 13, 1967.

JOHN W. GARDNER,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-2954; Filed, Mar. 16, 1967; 8:48 a.m.]

PART 142—LOANS TO PRIVATE NONPROFIT SCHOOLS FOR STRENGTHENING INSTRUCTION IN SCIENCE, MATHEMATICS, MODERN FOREIGN LANGUAGES, OTHER CRITICAL SUBJECTS, AND THE HUMANITIES AND THE ARTS

Definition of Industrial Arts

Part 142 of Title 45 of the Code of Federal Regulations is amended as follows to reflect the addition by section 17 of Public Law 89-752 of industrial arts to those critical subjects dealt with in section 303(a) of the National Defense Education Act of 1958.

The introductory text of paragraph (e) of § 142.2 is amended, and a new subparagraph (10) is added to the end of paragraph (e) to read as follows:

§ 142.2 Definitions.

* * * * *

(e) "Critical subjects" means those subjects for which financial assistance may be provided under Title III of the Act; namely science, mathematics, history, civics, geography, economics, modern foreign language, English, reading, and industrial arts, as defined below:

* * * * *

(10) "Industrial arts" means the study of technology, its history, growth, and development in terms of industrial organization, materials, occupations, products, processes, and problems, including related academic endeavors as well as laboratory experience. It is a curriculum area in general education in which children may create, experiment, design, and plan while dealing with issues related to technology.

* * * * *

(Sec. 1001, 72 Stat. 1602, 20 U.S.C. 581. Interpret or apply sec. 303(a), 72 Stat. 1589 as amended by sec. 17, 80 Stat. 1245, 20 U.S.C. 443(a))

Effective date. This amendment shall become effective on July 1, 1967.

Dated: February 28, 1967.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: March 13, 1967.

JOHN W. GARDNER,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-2955; Filed, Mar. 16, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8005; Amdt. 527]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	500-1½	500-1½	500-1½
				S-dn	NA	NA	NA
				A-dn	800-2	900-2	800-2

Procedure turn E side of NE crs, 013° Outbnd, 193° Inbnd, 3200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 180°—1.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 miles after passing the BI LFR, turn left, climb to 3200′ on NE crs of the BI LFR within 15 miles.
NOTE: Restricted areas R-2202A and R-2202B, W of airport.
MSA's within 25 miles of the facility: NE, 5200′; SE, 9000′; SW, 8100′; NW, 4600′.

City, Fort Greely; State, Alaska; Airport name, Allen AAF; Elev., 1266′; Fac. Class., SBRAZ; Ident., BI; Procedure No. LFR Runway 18, Amdt. 9; Eff. date, 8 Apr. 67; Sup. Amdt. No. LFR 1, Amdt. 8; Dated, 13 Aug. 66

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BTL VOR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Hickory Int	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Bellevue Int	LOM (final)	Direct	2100	S-dn-22	400-1	400-1	400-1
Litchfield VOR	LOM	Direct	2600	A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 044° Outbnd, 224° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 224°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing BT LOM, make left-climbing turn to 3000′ and proceed to the Leroy Int via BTL, R 176°, or when directed by ATC, climb to 2400′, turn left and return to BT LOM.
NOTE: Sliding scale below ¾ mile not authorized.
MSA within 25 miles of facility: 000°-090°—2400′; 090°-180°—2400′; 180°-270°—2300′; 270°-360°—2900′.

City, Battle Creek; State, Mich.; Airport name, W. F. Kellogg Regional Airfield; Elev., 941′; Fac. Class., LOM; Ident., BT; Procedure No. NDB (ADF) Runway 22, Amdt. 8; Eff. date, 8 Apr. 67; Sup. Amdt. No. ADF1, Amdt. 2; Dated, 6 Mar. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Hamilton Int	Lunken RBn	Direct	2700	T-dn#	600-1	600-1	600-1
Alexandria Int	Lunken RBn	Direct	2700	C-dn	900-1	900-1	900-1½
CVG VORTAC	Lunken RBn	Direct	2700	S-dn-20L and 24	800-1	800-1	800-1
Mason Int	Lunken RBn (final)	Direct	1600	A-dn	900-2	900-2	900-2

Radar available.
Procedure turn N side of crs, 044° Outbnd, 224° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, Runway 20L, 227°—4.5 miles; to Runway 24, 227°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing the Lunken RBn, climb to 2700' in California Int on heading, 201° to intercept CVG, R 105°; proceed to California Int. Hold E, 1-minute left turns, 285° Inbnd.
#300-1 takeoff authorized Runways 2R and 6; 400-1 takeoff authorized Runways 20L and 24.
MSA within 25 miles of facility: 030°-120°—2200'; 120°-210°—2300'; 210°-300°—2800'; 300°-030°—2600'.

City, Cincinnati; State, Ohio; Airport name, Cincinnati Municipal-Lunken Field; Elev., 488'; Fac. Class., H-SAB; Ident., LUK; Procedure No. NDB (ADF) Runways 20L and 24, Amdt. Orig.; Eff. date, 8 Apr. 67 or upon commissioning of facility

Concord VOR	PBR RBn	Direct	2900	T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 2900' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 328°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing PBR RBn, climb straight ahead to 1500' then make left-climbing turn; return to PBR RBn at 2900'. Hold SE of PBR RBn, 328° Inbnd, 1-minute right turns.
NOTE: Final approach from a holding pattern not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°-090°—3500'; 090°-180°—2600'; 180°-270°—3500'; 270°-360°—4000'.

City, Concord; State, N.H.; Airport name, Concord Municipal; Elev., 345'; Fac. Class., MHW; Ident., PBR; Procedure No. NBD (ADF)-1, Amdt. 1; Eff. date, 8 Apr. 67; Sup. Amdt. No. ADF 1, Orig.; Dated, 9 Oct. 65

Mescal Int	FHU RBn	Direct	10,000	T-dn	300-1	300-1	200-½
DUG VOR	FHU RBn	Direct	9,000	C-dn#	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Radar available.
*Procedure turn N side of crs, 101° Outbnd, 281° Inbnd, 8700' within 16 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 5400'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FHU RBn, make right turn, climb to 9000' on crs of 101° bearing from FHU RBn within 20 miles.
NOTES: (1) Procedure lies within restricted area R-2303. (2) Authorized for military use only except by prior arrangement.
#CAUTION: Right turn from DUG transition due rapidly rising terrain to 9466' beginning 2 miles S of airfield.
*Descent below transition altitudes not authorized until established outbound on 101° bearing from FHU RBn.

City, Fort Huachuca; State, Ariz.; Airport name, Libby AAF; Elev., 4665'; Fac. Class., H; Ident., FHU; Procedure No. NDB (ADF)-1, Amdt. 2; Eff. date, 8 Apr. 67; Sup. Amdt. No. ADF 1, Amdt 1; Dated, 21 Sept. 63

Chester VOR	BAF RBn	Direct	3300	T-d*	700-1	700-1	700-1
Westfield VOR	BAF RBn	Direct	3000	T-n*	700-2	700-2	700-2
				C-d	800-1½	800-1½	800-2
				C-n	800-2	800-2	800-2
				S-da-20	800-1½	800-1½	800-1½
				A-dn	1500-2	1500-2	1500-2

Procedure turn W side of crs, 023° Outbnd, 203° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 203°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing BAF RBn, climb straight ahead on crs 203° to 1500' within 6 miles, then right-climbing turn to 3000' direct BAF RBn. Hold NE of BAF RBn, 203° Inbnd, 1-minute right turns.
NOTES: (1) Altimeter setting from Westover when control zone not effective. (2) Approach from a holding pattern not authorized. Procedure turn required.
Departures: Runway 15, right turn to 210° as soon as practicable after takeoff.
CAUTION: 754' obstruction—lighted tower (on ridge 1 mile E of airport).
*300' ceiling required for takeoffs on Runway 15.
MSA within 25 miles of facility: 000°-090°—3000'; 090°-180°—2500'; 180°-270°—3000'; 270°-360°—4000'.

City, Westfield; State, Mass.; Airport name, Barnes Municipal; Elev., 270'; Fac. Class., SBMHZ; Ident., BAF; Procedure No. NDB (ADF) Runway 20, Amdt. 4; Eff. date, 8 Apr. 67; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 6 Aug. 66

YNG VOR	LOM	Direct	2800	T-dn	300-1	300-1	200-½
Canfield Int	Hubbard RBn	Direct	3100	C-dn	400-1	500-1	500-1½
Hubbard RBn	LOM (final)	Direct	2700	S-dn-32	400-1	400-1	400-1
Mercer Int	Hubbard RBn	Direct	3000	A-dn	800-2	800-2	800-2
Sharpsville Int	Hubbard RBn	Direct	2800				
Palestine Int	Hubbard RBn	Direct	3000				

Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 2700'.
Crs and distance, facility to airport, 320°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing YN LOM, climb straight ahead to 2900', make right turn and proceed to YN LOM. Hold SE, 1-minute right turns, 320° Inbnd.
MSA within 25 miles of facility: 000°-090°—2900'; 090°-270°—3200'; 270°-360°—2700'.

City, Youngstown; State, Ohio; Airport name, Youngstown Municipal; Elev., 1196'; Fac. Class., LOM; Ident., YN; Procedure No. NDB (ADF) Runway 32, Amdt. 11; Eff. date, 8 Apr. 67; Sup. Amdt. No. ADF 1, Amdt. 10; Dated, 6 Feb. 66

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-d	300-1		
				C-d	900-1½		
				S-d			
				A-d	NA		

Procedure turn S side of crs, 274° Outbnd, 094° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 094°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing STW VORTAC, make a left-climbing turn to 2600' and return to STW VORTAC. Hold W, 1-minute right turns, 094° Inbnd.
NOTES: (1) UNICOM available on 122.8. (2) Use Newark altimeter setting.
MSA within 25 miles of facility: 000°-090°—3100'; 090°-180°—2500'; 180°-270°—3100'; 270°-360°—3500'.

City, Andover; State, N.J.; Airport name, Aeroflex-Andover; Elev., 583'; Fac. Class., L-BVORTAC; Ident., STW; Procedure No. VOR-1, Amdt. 3; Eff. date, 8 Apr. 67; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 22 May 65

				T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2
				DME minimums:			
				S-dn-12	600-1	600-1	600-1

Procedure turn S side of crs, 299° Outbnd, 119° Inbnd, 2900' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
DME: Minimum altitude over 2-mile DME Fix, R 299°—1600'; over facility, 1300'.
Crs and distance, facility to airport, 119°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing CON VORTAC or over 3-mile DME Fix, R 119°, make right-climbing turn to 2900' direct CON VORTAC. Hold NW of CON VORTAC, 1-minute right turns, 119° Inbnd.
NOTE: Approach from a holding pattern not authorized, procedure turn required.
MSA within 25 miles of facility: 000°-090°—3500'; 090°-180°—3000'; 180°-270°—3500'; 270°-360°—4000'.

City, Concord; State, N.H.; Airport name, Concord Municipal; Elev., 345'; Fac. Class., L-BVORTAC; Ident., CON; Procedure No. VOR Runway 12, Amdt. 7; Eff. date, 8 Apr. 67; Sup. Amdt. No. VOR-1, Amdt. 6; Dated, 10 July 65

ELP VORTAC	EWM VOR	Direct	6000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-21	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn not authorized. Descend in holding pattern NE, Outbnd, 030°; Inbnd, 210° within 10 miles.
Minimum altitude over facility on final approach crs, 6000'.
Crs and distance, facility to airport, 210°—7.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing EWM VOR, turn left, climb to 5500' on R 157° within 20 miles.
MSA within 25 miles of facility: 000°-180°—7800'; 180°-270°—8200'; 270°-360°—10,100'.

City Fort Bliss; State, Tex.; Airport name, Biggs AAF; Elev., 3947'; Fac. Class., L-BVOR; Ident., EWM; Procedure No. VOR Runway 21, Amdt. Orig.; Eff. date, 8 Apr. 67

HOU VORTAC	Hyde Int	Direct 17 miles	1600	T-dn	300-1	300-1	200-½
HOU VORTAC	17-mile DME Fix, R 075°	Direct 17 miles	1600	C-dn	500-1	500-1	500-1½
				A-dn	NA	NA	NA

Radar available.
Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 1600' within 10 miles.
Minimum altitude over Hyde Int or 17-mile DME Fix on final approach crs, 1000'.
Crs and distance, Hyde Int or 17-mile DME Fix to airport, 255°—5.8 miles; breakoff point to airport boundary, 255°—11.2 miles from HOU VORTAC.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished upon reaching 11.2-mile DME Fix of HOU VORTAC or within 5.8 miles after passing Hyde Int, turn right, intercept HOU VORTAC, R 067° and proceed to Fry Int, climbing to 1600'.
NOTES: (1) Dual VOR equipment or DME required. (2) Use Houston, Tex., altimeter setting.
CAUTION: Monument, 610'—5 miles N of airport. Stack, 230'—2.8 miles NE of airport.
MSA within 25 miles of facility: 000°-090°—1600'; 090°-180°—2300'; 180°-270°—2600'; 270°-360°—1800'.

City, La Porte; State, Tex.; Airport name, La Porte Municipal; Elev., 29'; Fac. Class., H-BVORTAC; Ident., HOU; Procedure No. VOR-1, Amd. Orig.; Eff. date, 8 Apr. 67

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
New Prague Int	FOW VOR	Direct	2700	T-dn	300–1	300–1	200–½
Cannon City Int	FOW VOR	Direct	2700	C-d	600–1	600–1	600–1½
Hope Int	FOW VOR	Direct	2700	C-n	600–2	600–2	600–2
Alma City Int	FOW VOR	Direct	2700	S-d-12	500–1	500–1	500–1
				S-n-12	500–2	500–2	500–2
				A-dn	NA	NA	NA

Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 130°—6.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing VOR, climb to 2700′ on R 130° within 10 miles.
NOTE: Use Rochester altimeter setting.
MSA within 25 miles of facility: 000°–360°—2600′.

City, Owatonna; State, Minn.; Airport name, Owatonna Municipal; Elev., 1147′; Fac. Class., TVOR; Ident., FOW; Procedure No. VOR Runway 12, Amdt. 1; Eff. date, 8 Apr. 67; Sup. Amdt. No. VOR Runway 13, Orig.; Dated, 2 Mar. 67

Radar vectoring required to R 320°, XNA	Georgetown Fix		1600	T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn			
				A-dn	800–2	800–2	800–2

Radar required.
Procedure turn not authorized. Inbnd crs, 140°.
Minimum altitude over facility on final approach crs, cross Georgetown Fix, 1600′, R 320° (140° Inbnd) 715′ over facility.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of XNA VOR, climb to 1000′ on crs, 140°, make right turn, proceed to DC RBn at 1800′. Hold S, 181° Outbnd, 001° Inbnd, 1-minute left turns.
NOTES: (1) Reduction not authorized. (2) All turbojet aircraft 700–2.
CAUTION: Washington Monument, 596′—1.6 miles N of airport.
MSA within 25 miles of facility: 090°–270°—1700′; 270°–090°—2500′.

City, Washington, D.C.; Airport name, Washington National; Elev., 15′; Fac. Class., VOR; Ident., XNA; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 8 Apr. 67

Potomac Int	XNA VOR/DME	Direct	2000	T-dn	300–1	300–1	200–½
Herndon VORTAC	XNA VOR/DME	Direct	2000	C-dn–3, 21, 15, and 18.@	700–1	700–1	700–1½
Nottingham VORTAC	XNA VOR/DME	Direct	2000	C-dn–33#@	500–1	500–1	500–1½
				S-dn–36§*	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 183° Outbnd, 003° Inbnd, 2000′ within 10 miles DC RBn.
Minimum altitude over facility on final approach crs, 515′; maintain 1400′ until passing abeam DC RBn.*
Crs and distance, abeam DC RBn to airport, 003°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of XNA VOR, make left-climbing turn as soon as practical, climb to 2000′ on R 312°, XNA VOR and proceed to Potomac Int. Hold NW on XNA VOR, R 312°, 132° Inbnd, 1-minute left turns.
CAUTION: Washington Monument, 596′—1.6 miles N of airport; 193′ stack, 1.3 miles SW of airport; 316′ stack, 1.5 miles E of airport.
@500–¾ authorized for HIRL and 500–½ for ALS authorized except for 4-engine turbojets.
§Reductions not authorized for turbojets.
*Descend to landing minimums after passing abeam DC RBn.
#Circling to Runway 33 not authorized beyond the XNA VOR, R 157°.
@All turbojet aircraft circling minimums: Runway 33—600–2; Runways 3, 15, 18, and 21—700–2.
MSA within 25 miles of facility: 090°–270°—1700′; 270°–090°—2500′.

City, Washington, D.C.; Airport name, Washington National; Elev., 15′; Fac. Class., VOR/DME; Ident., XNA; Procedure No. VOR Runway 36, Amdt. 1; Eff. date, 8 Apr 67; Sup. Amdt. No. VOR Runway 36, Orig.; Dated, 2 Mar. 67

Chester VOR	BAF VOR	Direct	3300	T-d*	700–1	700–1	700–1
Skylark Int	BAF VOR	Direct	3000	T-n*	700–2	700–2	700–2
				C-dn	1500–2	1500–2	1500–2
				S-dn–20	NA	NA	NA
				A-dn	1500–2	1500–2	1500–2
				After passing BAF RBn:			
				C-d	800–1	800–1½	800–2
				C-n	800–2	800–2	800–2
				S-d–20	800–1	800–1½	800–1½
				S-n–20	800–1½	800–1½	800–1½

Procedure turn W side of crs, 023° Outbnd, 203° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1770′; after passing BAF RBn, 1070′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over BAF VOR, or 4.8 miles after passing BAF RBn, climb straight ahead on R 203° to 1500′ within 5 miles, then right-climbing turn to 2800′ direct BAF VOR. Hold NE of BAF VOR, 1-minute right turns, 203° Inbnd.
NOTE: (1) Altimeter setting from Westover when control zone not effective. (2) Approach from a holding pattern not authorized. Procedure turn required.
Departures: Runway 15, right turn to 210° as soon as practicable after takeoff.
CAUTION: 754′ obstruction—lighted tower (on ridge 1 mile E of airport).
*800′ ceiling required for takeoffs on Runway 15.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—2500′; 180°–270°—3000′; 270°–360°—4000′.

City, Westfield; State, Mass.; Airport name, Barnes Municipal; Elev., 270′; Fac. Class., L-BVOR; Ident., BAF; Procedure No. VOR Runway 20, Amdt. 6; Eff. date, 8 Apr. 67; Sup. Amdt. No. Ter VOR-20, Amdt. 5; Dated, 6 Aug. 66

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
15-mile DME Fix, R 003°	OTH VORTAC	Direct	3000	T-dn%	300–1	300–1	200–½
10-mile DME Fix, R 024°	OTH VORTAC	Direct	3100	C-dn	800–1	800–1	800–1½
10-mile DME Fix, R 091°	OTH VORTAC	Direct	3000	S-dn–4	500–1	500–1	500–1
15-mile DME Fix, R 162°	OTH VORTAC	Direct	3000	A-dn	1000–2	1000–2	1000–2
15-mile DME Fix, R 344°	OTH VORTAC	Direct	3000				

Procedure turn S side of crs, 250° Outbnd, 070° Inbnd, 2200′ within 13 miles.
Minimum altitude over 10-mile DME Fix on final approach crs, 1800′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4-mile DME Fix, R 250° (Inbnd, 070), turn right, intercept and climb on R 250° to 2200′ within 13 miles.
NOTE: When authorized by ATC, DME may be used W of OTH VOR between R 162° and R 003° clockwise within 15 miles at 2200′ with elimination of procedure turn.
%Takeoffs Runways 4, 31, and 34 turn left; takeoffs Runways 13, 16, and 22 turn right; intercept R 250° and climb westbound on R 250° to 500′, thence return to VOR via R 250° climbing to cross VOR at or above 1000′.
MSA within 25 miles of facility: 000°–180°—4200′; 180°–360°—2700′.

City, North Bend; State, Oreg.; Airport name, North Bend Municipal; Elev., 14′; Fac. Class., L-BVORTAC; Ident., OTH; Procedure No. VOR/DME Runway 4, Amdt. 2; Eff. date, 8 Apr. 67; Sup. Amdt. No. VOR/DME No. 1, Amdt. 1; Dated, 5 Nov. 66

Radar vectoring	R 326°, 7-mile DME	Via R 326°	2000	LDIN via River.	1100–2	1100–2	1100–2

Radar required.
Procedure turn not authorized. Final approach crs, 146° Inbnd from 7-mile DME Fix.
Minimum altitude over 7-mile DME Fix, 2000′; 5-mile DME Fix, 1400′; 4-mile DME Fix, 1115′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4-mile DME Fix, climb to XNA VOR, make right turn and proceed to DC RBn at 1800′. Hold S on 181° Outbnd, 001° Inbnd, 1-minute left turns.
NOTE: When visual contact established, arrival aircraft will visually follow the Potomac River to the airport.
MSA within 25 miles of facility: 270°–090°—2500′; 090°–270°—1700′.

City, Washington, D.C.; Airport name, Washington National; Elev., 15′; Fac. Class., VOR/DME; Ident., XNA; Procedure No. VOR/DME–3, Amdt. 1; Eff. date, 8 Apr. 67; Sup. Amdt. No. VOR/DME 3, Orig.; Dated, 2 Mar. 67

R 196°, XNA VOR/DME clockwise	R 332°, XNA VOR/DME	Via 10-mile Arc	2500	T-dn	300–1	300–1	200–½
R 022°, XNA VOR/DME counterclockwise	R 332°, XNA VOR/DME	Via 10-mile Arc	2500	C-dn#	700–1	700–1	700–2
				S-dn–18°#	700–1	700–1	700–2
				A-dn	1000–2	1000–2	1000–2

Radar available.
Procedure turn not authorized. Inbnd crs, 152°.
Minimum altitude over 10-mile DME Fix on final approach crs, 2500′; 7-mile DME Fix, 2000′; 5-mile DME Fix, 1400′; 4-mile DME Fix, 1100′; 715′ over facility.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of XNA VOR, climb to 1000′ on crs of 152°, make right turn and proceed to DC RBn at 1800′. Hold S, 181° Outbnd, 001° Inbnd, 1-minute left turns.
CAUTION: Washington Monument, 596′—1.6 miles N of airport.
*Reduction not authorized.
#All turbojet aircraft 700–2.
MSA within 25 miles of facility: 270°–090°—2500′; 090°–270°—1700′.

City, Washington, D.C.; Airport name, Washington National; Elev., 15′; Fac. Class., VOR/DME; Ident., XNA; Procedure No. VOR/DME Runway 18, Amdt. 1; Eff. date, 8 Apr. 67; Sup. Amdt. No. VOR/DME Runway 18, Orig.; Dated, 2 Mar. 67

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
12-mile DME Fix, R 223°	Mendon Int (final)	Via LOC crs	2500	T-dn	300–1	300–1	200–½
BTL VOR	Mendon Int	Direct	2500	C-dn	400–1	500–1	500–1½
Leroy Int	Mendon Int	Via LFD VOR, R 293°	2500	S-dn–4§	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2
Vicksburg Int	Mendon Int (final)	Direct	2500				
R 115, BTL VOR clockwise	BTL VOR, R 223°	Via 12-mile Arc	2500				
R 330, BTL VOR counterclockwise	BTL VOR, R 223°	Via 12-mile Arc	2500				

Procedure turn S side of crs, 224° Outbnd, 044° Inbnd, 2500′ within 10 miles of Mendon Int.
No glide slope. No approach lights.
Minimum altitude over Mendon Int on final approach crs, 2500′.
Crs and distance, Mendon Int to airport, 044°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing Mendon Int, make climbing left turn to 3000′ and proceed to Hickory Int via BTL VOR, R 331°, or when directed by ATC, climb to 2400′ on NE crs, ILS to BT LOM.
§400–¾ authorized with HIRL, except for 4-engine turbojets.

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional Airfield; Elev., 941′; Fac. Class., ILS; Ident., I-BTL; Procedure No. LOC (BC) Runway 4, Amdt. 4; Eff. date, 8 Apr. 67; Sup. Amdt. No. ILS–4 (back crs), Amdt. 3; Dated, 10 Oct. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
12-mile DME Fix BTL, R 044° R 285°, BTL VOR clockwise BTL VOR JXN VOR LFD VOR Bellevue Int Hickory Int R 160°, BTL VOR counterclockwise	LOM (final) BTL VOR, R 044° LOM Bellevue Int LOM LOM (final) LOM BTL VOR, R 044°	Via LOC crs Via 12-mile Arc Direct Direct Direct Via NE crs, ILS Direct Via 12-mile Arc	2200 2600 2400 2500 2700 2200 2400 2600	T-dn C-dn S-dn-22° A-dn	300–1 400–1 200–½ 800–2	300–1 500–1 200–½ 800–2	200–½ 500–1½ 200–½ 800–2

Procedure turn N side NE crs, 044° Outbnd, 224° Inbnd, 2400' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200'.
Altitude of glide slope and distance to approach end of runway at LOM, 2160'—3.7 miles; at LMM, 1155'—0.5 mile.
Altitude of glide slope and distance to approach end of runway at LOM, 2160'—3.7 miles; at LMM, 1155'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn to 3000' and proceed to Leroy Int via BTL VOR, R 176°, or when directed by ATC, climb to 2400', turn left and return to BT LOM.
NOTE: Glide slope unusable below 1141'.
*400-¾ required when glide slope not utilized. Reduction below ¾ mile not authorized.
City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional Airfield; Elev., 941'; Fac. Class., ILS; Ident., I-BTL; Procedure No. ILS Runway 22, Amdt. 3; Eff date, 8 Apr. 67; Sup. Amdt. No. ILS–22, Amdt. 2; Dated, 6 Mar. 65

Lafayette VOR Bar Int	LOM LOM (final)	Direct Direct	1500 1500	T-dn* C-dn S-dn-169 A-dn	300–1 400–1 200–½ 600–2	300–1 500–1 200–½ 600–2	200–½ 500–1½ 200–½ 600–2

Procedure turn W side of crs, 013° Outbnd, 193° Inbnd, 1500' within 10 miles.
Minimum altitude at glide slope interception, Inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1500'—5.2 miles; at MM, 236'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500' on S crs of ILS within 10 miles, or when directed by ATC, turn right, climb to 1500' on R 278° of Lafayette VOR within 20 miles.
CAUTION: 494' TV tower, 3 miles WNW of airport. 539' TV tower, 7 miles NW of airport.
*400-¾ required when glide slope not utilized; 400-½ authorized with operative ALS except for 4-engine turbojets.
*500-1 required for takeoff on Runway 28.
City, Lafayette; State, La.; Airport name, Lafayette; Elev., 42'; Fac. Class., ILS; Ident., I-LFT; Procedure No. ILS Runway 19, Amdt. 3; Eff. date, 8 Apr. 67; Sup. Amdt. No. ILS–19, Amdt. 2; Dated, 30 Nov. 63

Narrows VHF Int Channel VHF Int	LOM (final) Narrows VHF Int	Direct Via JFK VOR, R 189° and SBJ VOR, R 114°	1000 1500	T-dn* C-dn S-dn-4R** A-dn	300–1 600–1 200–½ 600–2	300–1 600–1 200–½ 600–2	200–½ 600–1½ 200–½ 600–2

Radar available.
Procedure turn S side of crs, 222° Outbnd, 042° Inbnd, 1200' within 10 miles of LOM.
Minimum altitude at glide slope interception, Inbnd, 1000'.
Altitude of glide slope and distance to approach end of runway at OM, 756'—2.7 miles; at MM, 211'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing LOM, climb straight ahead to 300', then make a climbing right turn to 3000' on JFK, R 077° to Deer Park VOR. Hold E 1-minute left turns, Inbnd crs, 257°.
CAUTION: DME indication at 1000' altitude/glide slope interception, 3.8 miles; at OM, 2.8 miles; at MM, 0.75 mile. DME should not be used to determine aircraft position over MM, runway threshold or runway touchdown point.
*RVR Runways 4R, 22L, 2000', 4-engine turbojet. 1800', other aircraft. RVR Runway 31L, 2000'. RVR 31R, 2400'.
**RVR 2000', 4-engine turbojet. 1800', other aircraft. Descent below 212', not authorized unless ALS visible.
MSA within 25 miles of LOM: 000°–090°—2000'; 090°–180°—1400'; 180°–270°—1600'; 270°–360°—2600'.
City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., ILS; Ident., I-JFK; Procedure No. ILS Runway 4R, Amdt. 13; Eff. date 8 Apr. 67; Sup. Amdt. No. ILS–4R, Amdt. 12; Dated, 10 Sept. 66

Youngstown VOR Hubbard RBn Mercer Int Sharpsville Int Palestine Int Canfield	Hubbard RBn YN LOM (final) Hubbard RBn Hubbard RBn Hubbard RBn Hubbard RBn	Direct Direct Direct Direct Direct Direct	2800 2800 3000 2800 3000 3100	T-dn@ C-dn S-dn-32# A-dn When glide slope not utilized: S-dn-32#	300–1 400–1 200–½ 600–2 400–¾	300–1 500–1 200–½ 600–2 400–¾	200–½ 500–1½ 200–½ 600–2 400–¾

Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 2800' within 10 miles of Hubbard RBn.*
Minimum altitude at glide slope interception, Inbnd, 2800'.
Altitude of glide slope and distance to approach end of runway at OM, 2716'—4.7 miles; at MM, 1395'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing YN LOM, climb to 2700' straight ahead, make right turn and proceed to Youngstown VOR. Hold N on R 003°, YNG VOR, 1-minute right turns, 183° Inbnd at 2700'.
@RVR 2400' authorized Runway 32.
*Procedure turn predicated on Hubbard RBn.
#400-½ authorized, with operative ALS, except for 4-engine turbojets.
#RVR 2400'. Descent below 1396' not authorized unless approach lights are visible.
MSA within 25 miles of facility: 000°–090°—2900'; 090°–270°—3200'; 270°–360°—2700'.
City, Youngstown; State, Ohio; Airport name, Youngstown Municipal; Elev., 1196'; Fac. Class., ILS; Ident., I-YNG; Procedure No. ILS Runway 32, Amdt. 16; Eff. date, 8 Apr. 67; Sup. Amdt. No. ILS Runway 32, Amdt. 15; Dated, 4 Feb. 67

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
335° 335° 335°	205° 205° 205°	Within: 0–5 miles 5–15 miles 15–20 miles	5000 5500 7000	Surveillance approach T-dn C-dn S-dn-21 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1½ 400–1 800–2

Radar terminal area maneuvering altitudes and azimuth measured clockwise around radar antenna.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left to 090°, climb to 6000' on ELP VOR, R 120° within 20 miles.
NOTE: Radar control must provide 1000' vertical clearance within a 3-mile radius of 4148' stacks, 5 miles S; radio towers, 4267'—3–5 miles NW; hill, 5067'—13 miles NE; hill, 4651'—9.5 miles E; and hill, 6717'—22 miles NE.
City, Fort Bliss; State, Tex.; Airport name, Biggs AAF; Elev., 3947'; Fac. Class. and Ident., El Paso Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 8 Apr. 67

050° clockwise 140° clockwise 050° clockwise 250° clockwise	340° 050° 250° 050°	Within: 25 miles 25 miles 40 miles 40 miles	#2000 #2500 #2000 #2900	Precision approach S-dn-36° A-dn Surveillance approach T-dn C-dn S-dn-36 A-dn	200–½ 700–2 300–1 700–1 700–1 800–2	200–½ 700–2 300–1 700–1½ 700–1 800–2	200–½ 700–2 *200–½ 700–2 700–1 800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make an immediate climbing left turn to 2000' direct to Georgetown RBn. Hold NW, Georgetown RBn, 324° Outbnd, 144° Inbnd, 1-minute right turns.
CAUTION: Circling minimums do not provide standard obstruction clearance over Washington Monument, 1.6 miles N of airport.
*Runway visual range, 2000' authorized for turbojet aircraft; 1800' authorized for all other aircraft, Runway 36. Descent below 215' not authorized unless approach lights are visible.
#Exclusive of danger and prohibited areas.
City, Washington, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class. and Ident., Washington Radar; Procedure No. 1, Amdt. 14; Eff. date, 8 Apr. 67; Supp. Amdt. No. 13; Dated, 20 Mar. 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on March 1, 1967.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-2487; Filed, Mar. 16, 1967; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, and Winston Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Teller, Washington, Weld and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Manatee, Nassau, Okaloosa, Santa Rosa, Sarasota, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Hawaii. Honolulu, Kauai, and Maui Counties;

Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Ascension, Assumption, Bienville, Claiborne, Jackson, Jefferson, Lincoln, Livingston, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clarke, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Montgomery, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tate, Tippah, Tishomingo, Union, Walthall, Wayne, Webster, Winston, and Yalobusha Counties;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Banner, Boone, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, and York Counties;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. Adair, Alfalfa, Atoka, Bryan, Canadian, Cherokee, Choctaw, Cimarron, Coal, Delaware, Garfield, Grant, Greer, Harmon, Haskell, Jackson, Johnson, Kay, Kingfisher, Kiowa, Latimer, McCurtain, McIntosh, Major, Mayes, Noble, Nowata, Okfuskee, Osage, Ottawa, Payne, Pushmataha, Texas, Washington, and Woods Counties;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Croson, Custer, Day, Deuel, Edmunds, Fall River, Faulk, Grant, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Meade, Miner, Minnehaha, Moody, Pennington, Perkins, Roberts, Sanborn, Shannon, Spink, Turner, Union, Walworth, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Andrews, Armstrong, Bailey, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Brewster, Briscoe, Brooks, Brown, Caldwell, Callahan, Cameron, Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dawson, Dickens, Donley, Duval, Eastland, Ector, Edwards, El Paso, Erath, Fisher, Gaines, Garza, Gillespie, Gray, Guadalupe, Hale, Hall, Hansford, Hardeman, Haskell, Hays, Hidalgo, Hockley, Hood, Howard, Hutchinson, Jack, Jeff Davis, Jim Wells, Jones, Karnes, Kendall, Kent, King, Kinney, Knox, Lamb, Lampasas, Lee, Lipscomb, Live Oak, Lubbock, McCulloch, Martin, Mason, Medina, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Real, Reeves, Roberts, Runnels, San Saba, Scurry, Sherman, Somervell, Stephens, Sterling, Swisher, Taylor, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Williamson, Wilson, Winkler, Yoakum, and Young Counties:
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended; 9 CFR 78.18)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(l): Wilcox County in Alabama; Cheyenne, Douglas, and Jackson Counties in Colorado; Duval and Sarasota Counties in Florida; Tensas Parish in Louisiana; Montgomery and Tate Counties in Mississippi; and Corson and Jackson Counties in South Dakota.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(l): Burnet, Dallam, Floyd, Glasscock, Hartley, Irion, Kerr, Kimble, Lynn, Midland, Reagan, Schleicher, Shackelford, Sutton, and Stonewall Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C., § 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of March 1967.

E. E. SAULMON,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 67–2963; Filed, Mar. 16, 1967; 8:49 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 10—SAFETY STANDARDS APPLICABLE TO WORKSHOPS AND REHABILITATION FACILITIES ASSISTED BY GRANTS

Change in Codification

Effective upon the filing of this document with the Office of the Federal Register, 29 CFR Part 10 is recodified as 29 CFR Part 1515.

Signed at Washington, D.C., this 13th day of March 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67–2920; Filed, Mar. 16, 1967; 8:45 a.m.]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1515—SAFETY STANDARDS APPLICABLE TO WORKSHOPS AND REHABILITATION FACILITIES ASSISTED BY GRANTS

Change in Codification

CROSS REFERENCE: For a document recodifying Part 10 of Subtitle A of this title as Part 1515 of Chapter XIII of this title, see F.R. Doc. 67–2920, *supra*.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

AMPROLIUM

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5D1545) filed by Merck Sharp & Dohme Research Laboratories, division of Merck & Co., Inc., Rahway, N.J. 07065, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of amprolium in the feed of laying chickens for the treatment

of moderate and severe outbreaks of coccidiosis. Concurrently, the regulations involving amprolium in Subpart C of Part 121 are amended to delete the restriction "not for laying chickens." Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended in the following respects:

1. Section 121.208 *Chlortetracycline* is amended by deleting in table 1 of paragraph (d) the phrase "not for laying chickens;" from item 2a under "Limitations".

2. Section 121.210 *Amprolium*, paragraph (c), is amended:

a. By deleting in table 1 the phrase "not for laying chickens" from items 2.1, 2.2, 2.3, 2.6b, d, e, f, g, i, j, and o, 3.1, 3.2, 3.3, 3.3a, b, d, e, f, g, i, j, o, and p, under "Limitations".

b. By changing in table 1, in the subtable under item 3.1, the column heading reading "From 8 to 14 weeks of age" to read "Over 8 weeks of age".

c. By adding to the end of table 1 new items 5.1 and 6.1, as follows:

TABLE 1.—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indicatioss for use
• • •	• • •	• • •	• • •	• • •	• • •
5.1 Amprolium	113.5 (0.0125%)			For moderate outbreaks of coccidiosis in laying hens; administer for 2 weeks.	Treatment of coccidiosis.
6.1 Amprolium	227 (0.025%)			For severe outbreaks of coccidiosis in laying hens; administer for 2 weeks.	Do.

3. Section 121.213 *Hygromycin B* is amended by deleting in table 1 of paragraph (d) the words "Not for laying chickens; as prescribed in" from subitem 0 of item 1 under "Limitations".

4. Section 121.232 *Bacitracin* is amended by deleting in table 1 of paragraph (d) the phrase "not for laying chickens" from items 2.2b and 6.2b under "Limitations".

5. Section 121.233 *Zinc bacitracin* is amended by deleting in table 1 of paragraph (d) the words "not for laying chickens" from items 2.2b and 6.2b under "Limitations".

6. Section 121.252 *Bacitracin methylene disalicylate* is amended by deleting in table 1 of paragraph (d) the words "not for laying chickens" from items 2.2b and 7.2b under "Limitations".

7. Section 121.253 *Arsanilic acid*, paragraph (c), is amended:

a. By deleting in the table the phrase "not for laying chickens" from items 1.2, 1.3, and 1.4 under "Limitations".

b. By changing in the table, in the subtable under item 1.4, the column heading reading "From 8 to 14 weeks of age" to "Over 8 weeks of age".

8. Section 121.256 *Procaine penicillin* is amended by deleting in table 1 of paragraph (d) the words "Not for laying chickens; as prescribed in" from subitems a and b of item 5.1 under "Limitations".

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 10, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–2956; Filed, Mar. 16, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

LABELS OF FOODS, DRUGS, DEVICES AND COSMETICS

Proposal Regarding Required Statements

Section 4 of the Fair Packaging and Labeling Act (Public Law 89–755) authorizes the Secretary of Health, Education, and Welfare to promulgate regulations prescribing additional requirements pertaining to the declaration of net quantity of contents, identity of the commodity, and name and place of business of manufacturer, packer, or distributor on labels of foods, drugs, devices, and cosmetics distributed in interstate commerce. Regulations governing certain aspects of these same declarations have been previously promulgated (21 CFR Parts 1, 5) under the authority of the Federal Food, Drug, and Cosmetic Act. In preparation for the effective date (July 1, 1967) of the Fair Packaging and Labeling Act, the Commissioner of Food and Drugs proposes to establish an exempting procedure and to modify the existing regulations pertaining to the required label statements for foods as set forth below (proposed changes in label statements for drugs, devices, and cosmetics will appear in future issues of the FEDERAL REGISTER).

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1455) and the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 403 (e), (f), 502(b), 602(b), 701, 52 Stat. 1047, 1050, 1054, 1055, as amended; 21 U.S.C. 343 (e), (f), 352(b), 362(b), 371), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), it is proposed that Part 1 be amended:

1. By changing the part heading to read:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

2. By adding new §§ 1.1a and 1.1b, as follows:

§ 1.1a Foods, drugs, devices, and cosmetics; labeling; procedure for requesting variations and exemptions from required label statements.

Section 403(e) of the act (in this Part 1, the term "act" means the Federal Food, Drug, and Cosmetic Act) provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 403(i) of the act provides for the establishment by regulation of exemptions from the required declaration of ingredients where such declaration is impracticable, or results in deception or unfair competition. Section 502(b) of the act provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 602(b) of the act provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 5(b) of the Fair Packaging and Labeling Act provides for the establishment by regulation of exemptions from certain required declarations of net quantity of contents, identity of commodity, identity and location of manufacturer, packer, or distributor, and from declaration of net quantity of servings represented, based on a finding that full compliance with such required declarations is impracticable or not necessary for the adequate protection of consumers, and a further finding that the nature, form, or quantity of the packaged consumer commodity or other good and sufficient reasons justify such exemptions. The procedure for requesting these exemptions is as follows:

(a) If the petitioner shows that he is an interested person and furnishes reasonable grounds for his proposal, the Commissioner shall publish the proposal in the FEDERAL REGISTER and afford opportunity for interested persons to comment on it. After a study of all the facts available and of the comments received, the Commissioner will act upon the proposal and publish an order, pursuant to section 701(e) of the act, to which objection may be taken by persons who would be adversely affected.

(b) Practical administration of the law requires that there be a substantial showing of merit before any proposal is published. In evaluating proposals submitted by petitioners for initiating actions, it will be the policy of the Food and Drug Administration to consider that reasonable grounds have been furnished when:

(1) The proposal includes or is accompanied by a statement of the facts that the petitioner asserts he can substantiate by evidence in the event the proceedings lead to a public hearing.

(2) The declared facts furnish substantial support of the proposal and warrant a conclusion that the proposal is reasonable.

(3) The proposal if adopted would not unduly impinge upon the consumer's right to information essential to efficient marketing and to the making of value comparisons and would not otherwise promote deception or unfair competition.

(4) Full compliance with the declarations required by law would be impracticable, deceptive, or otherwise unnecessary.

(c) Opportunity will be given to amend petitions regarded as inadequate.

(d) At any time prior to the issuance of an order acting on his proposal under section 701(e)(1) of the act, the petitioner may withdraw his petition without prejudice to a future filing. Notice of withdrawal of the petition and termination of the rulemaking proceeding will be published in the FEDERAL REGISTER.

§ 1.1b Packages of foods, drugs, devices, and cosmetics.

The term "package" means any container or wrapping in which any food, drug, device, or cosmetic is enclosed for use in the delivery or display of such commodities to retail purchasers, but does not include:

(a) Shipping containers or wrappings used solely for the transportation of any such commodity in bulk or in quantity to manufacturers, packers, processors, or wholesale or retail distributors;

(b) Shipping containers or outer wrappings used by retailers to ship or deliver any such commodity to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity; or

(c) Containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 234–236), the Act of August 31, 1916 (39 Stat. 673, as amended; 15 U.S.C. 251–256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257–257i).

A requirement contained in this part that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outer container or wrapper of the retail package of the food, drug, device, or cosmetic, or is easily legible through the outside container or wrapper. Where, however, the outer container or wrapper of the package bears any written, printed, or graphic matter whatsoever, such outer container or wrapper of the retail package is considered to be a label and must bear the mandatory label information required by this part, whether or not the mandatory label information is legible through the outer container or wrapper of the package. For example, "six-pack" containers bearing any written, printed, or graphic matter whatsoever must also bear the mandatory label information whether or not the mandatory label information can be seen through the container.

3. By redesignating § 1.7 as § 1.15 and adding a new § 1.7, as follows:

§ 1.7 Food in package form; principal display panel.

The term "principal display panel" as it applies to food in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring design, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. For the purpose of obtaining uniform type size in declaring the quantity of contents for all packages of substantially the same size, the term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

(a) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference;

(c) In the case of any other shaped container, the total actual area of the surface of the principal display panel.

4. By revising § 1.8 and adding new §§ 1.8a, 1.8b, and 1.8c, as follows:

§ 1.8 Food in package form, labeling; identity.

(a) The principal display panel of a food in package form shall bear as one of its principal features a statement of the identity of the commodity.

(b) Such statement of identity shall be in terms of:

(1) The name now or hereafter specified in or required by any applicable Federal law or regulation; or

(2) The common or usual name of the food; or, in the absence thereof,

(3) An appropriately descriptive term.

(c) Where a food is marketed in various optional forms (whole, slices, diced, etc.), the particular form shall be considered to be a necessary part of the statement of identity and shall be declared in letters of a type size not less than half the size of the letters forming the other components of the statement of identity.

(d) This statement shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

§ 1.8a Food labeling; name and place of business of manufacturer, packer, or distributor.

(a) The label of a food in packaged form shall specify the name and place of business of the manufacturer, packer, or distributor either on the principal display panel, or in case of a package with several panels, on the panel to the right of the principal display panel, or in case of a container with only front and back panels on either panel.

(b) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation.

(c) Where the food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such food; such as, "Manufactured for and packed by ----------," "Distributed by ----------," or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address, city, and State; however, the street address may be omitted if it is shown in a current city directory or telephone directory.

(e) If a person manufactures, packs, or distributes a food at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such food was manufactured or packed or is to be distributed, unless such statement would be misleading.

§ 1.8b Food labeling; declaration of net quantity of contents; when exempt.

(a) The label of a food in packaged form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure. The statement shall be in terms of fluid measure if the food is liquid, or in terms of weight if the food is solid, semisolid, or viscous, or a mixture of solid and liquid; except that such statement may be in terms of dry measure if the food is a fresh fruit, fresh vegetable, or other dry commodity. If there is a firmly established general consumer usage and trade custom of declaring the contents of a liquid by weight, or a solid, semisolid or viscous product by fluid measure, it may be used. Whenever the Commissioner determines that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination in the case of a specific packaged food does not facilitate value comparisons by consumers, he shall by regulation designate the appropriate term or terms to be used for such commodity.

(b) Statements of weight shall be in terms of avoirdupois pound and ounce. Statements of fluid measure shall be in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof, and, except in the case of frozen food that is consumed in the frozen state, shall express the volume at 68° F. (20° C.). Statements of dry measure shall be in terms of the U.S. bushel of 2,150.42 cubic inches and peck, dry quart, and dry pint subdivisions thereof; or in terms of the U.S. standard barrel and its subdivisions of third, half, and three-quarters barrel.

(c) When the declaration of quantity of contents by numerical count does not give adequate information as to the quantity of food in the package, it shall be supplemented by such statement of weight, measure, or size of the individual units of the foods as will provide such information.

(d) The declaration shall contain only such fractions as are generally used in expressing the quantity of the food. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places.

(e) The declaration shall be located on the principal display panel of the label, and with respect to packages bearing alternate principal panels it shall be duplicated on each principal display panel.

(f) The declaration shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed matter appearing above the declaration, and shall be without qualifying words or phrases. It shall be placed on the principal display panel within the bottom 20 percent of the area of the panel in lines generally parallel to the base on which the package rests as it is designed to be displayed, and no label information shall appear below or to either side of the declaration on the principal display panel.

(g) The declaration shall accurately reveal the quantity of food that may be delivered from the package exclusive of wrappers, propellants, and other material packed therewith.

(h) The declaration shall appear in conspicuous and easily legible boldface type and in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package. Requirements of conspicuousness and legibility shall include the specifications that:

(1) No decorative or ornamental letters shall be used.

(2) The ratio of height to width (of the letter) shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).

(3) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "x" or its equivalent that should meet the minimum standards.

(4) When fractions are used, each component numeral shall meet the minimum height standards.

(i) The declaration shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(1) Not less than one-sixteenth inch in height on packages the principal display panel of which has an area of 5 square inches or less.

(2) Not less than one-eighth inch in height on packages the principal display panel of which has an area of more than 5 but not more than 15 square inches.

(3) Not less than three-sixteenth inch in height on packages the principal display panel of which has an area of more than 15 but not more than 75 square inches.

(4) Not less than one-fourth inch in height on packages the principal display panel of which has an area of more than 75 square inches, except not less than one-half inch in height if the area is more than 400 square inches.

(j) On packages containing less than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure, the declaration shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (1 pound or 1 pint or more) followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound (see examples set forth in paragraph (m) (1) and (2) of this section), or in the case of liquid measure, the declaration shall be expressed in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see examples in paragraph (m) (3) and (4) of this section). If the net quantity of contents declaration appears on a random package, that is a package which is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights and with no fixed weight pattern, it may, when the net weight exceeds 1 pound, be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places. When the net weight does not exceed 1 pound, the declaration on the random package may be in decimal fractions of the pound in lieu of ounces (see example in paragraph (m) (5) of this section).

(k) On packages containing greater than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of fluid measure, it shall be expressed in the largest whole unit (gallons followed by common or decimal fraction of a gallon or by the next smaller whole unit or units (quarts or quarts and pints)) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see par. (m) (6) of this section).

(l) [Reserved]

(m) Examples:

(1) A declaration of 1½ pounds weight shall be expressed as "Net Wt. 24 oz. (1 lb. 8 oz.)," "Net Wt. 24 oz. (1½ lb.)," or "Net Wt. 24 oz. (1.5 lb.)".

(2) A declaration of ¾ pound avoirdupois weight shall be expressed as "Net Wt. 12 oz."

(3) A declaration of 1 quart liquid measure shall be expressed as "Net 32 fl. oz. (1 qt.)".

(4) A declaration of 1¾ quarts liquid measure shall be expressed as "Net contents 56 fluid ounces (1 quart 1½ pints)" or as "Net 56 fluid oz. (1 qt. 1 pt. 8 oz.)," but not in terms of quart and ounce such as "Net 56 fluid oz. (1 quart 24 ounces)".

(5) On a random package, declaration of ¾ pound avoirdupois may be expressed as "Net Wt. .75 lb."

(6) A declaration of 2½ gallons liquid measure shall be expressed in the alternative as "Net contents 2 gallons 2 quarts" and not as "2 gallons 4 pints".

(n) For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional):

weight wt.	pint pt.
ounce oz.	quart qt.
pound lb.	fluid fl.
gallon gal.	

(o) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contests: *Provided*, That such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the food contained in the package; for example, "jumbo quart" and full "gallon".

(p) The separate statement of net quantity of contents as specified in this section may be supplemented by an accurate statement in terms of the metric system of weight or measure appearing on the label, but shall not be on the same line with the required declaration.

(q) The statement of net quantity of contents shall express the minimum quantity of the contents of the package. Variations from the stated weight or measure shall be permitted when caused by ordinary and customary exposure after the food is introduced into interstate commerce to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure. Variations above the stated minimum shall not be unreasonably large.

(r) While held for sale, a food shall be exempt from the required declaration of net quantity of contents specified in this section if said food is received in bulk containers at a retail establishment and is accurately weighed, measured, or counted either within the view of the purchaser or in compliance with the purchaser's order.

§ 1.8c Food labeling; number of servings.

The label of any package of a food which bears a representation as to the number of servings contained in such package shall bear in immediate conjunction with such statement, and in the same size type as is used for such statement, a statement of the net quantity (in terms of weight, measure, or numerical count) of each such serving; however, such statement may be expressed in terms that differ from the terms used in the required statement of net quantity of contents (for example, cupfuls, tablespoonfuls, etc.) when such differing term is common to cookery and describes a constant quantity. Such statement may not be misleading in any particular.

5. By revising § 1.10 (d) and (e) and adding a new paragraph (g), as follows:

§ 1.10 Food; labeling; designation of ingredients.

* * * * *

(d) When the proportion of an ingredient or ingredients is material in the light of the representation that such ingredient was used in fabricating the food, the label shall contain a quantitative declaration of such ingredient(s).

(e) In the case of an assortment of different items of food, when variations in the items that make up different packages packed from such assortment normally occur in good packing practice and when such variations result in variations in the ingredients in different packages, such food shall be exempt from compliance with the requirements of clause (2) of section 403(i) of the act with respect to any ingredient that is not common to all packages. Such exemption, however, shall be on the condition that the label shall bear, in conjunction with the names of such ingredients as are common to all packages, a statement (in terms that are as informative as practicable and that are not misleading) indicating that other ingredients may be present.

* * * * *

(g) Ingredients shall be listed by common or usual name in order of decreasing predominance. The ingredient declaration shall appear on either the principal display panel or on the panel to the right of this panel, unless the package has only a front and back panel in which case it may appear on either panel. It shall be presented in adequate type size, without obscuring designs, vignettes, or crowding, and in lines of type generally parallel to the base of the package.

When the Commissioner makes public an order acting upon this proposal, he will by statement of policy deal with the orderly disposition of label stocks in inventory.

Any interested person may, within 60 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 14, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-2991; Filed, Mar. 16, 1967; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17095]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Crossville, Tenn.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, Table of assignments, FM broadcast stations (Crossville, Tenn.):

1. On February 14, 1967, in an order extending time for filing comments and reply comments in the above-entitled matter, the Commission extended the time for filing comments and reply comments to February 28, 1967, and March 10, 1967, respectively, in RM-1051 only, concerning the proposal to add the assignment of Channel 280A to Crossville, Tenn., in response to a request of Radio Station WAEW-FM, an interested party. On March 9, 1967, Millard V. Oakley, trading as Millard V. Oakley Broadcasting Co., petitioner in this matter, filed a request for an extension of time until March 21, 1967, in order to reply to the comments filed by WAEW. Petitioner states that a copy of the comments were not received until March 4, 1967, due to an error in the address and that its consulting engineer has not had sufficient time in which to study the comments filed.

2. We are of the view that the extension requested is warranted and would serve the public interest in this case. *According, it is ordered*, This 13th day of March 1967, That the time for filing reply comments in this proceeding with respect to RM-1051 only, is extended from March 10, 1967, to March 21, 1967.

3. This action is taken pursuant to the authority contained in sections 4(i), 5 (d) (1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 (d) (8) of the Commission's rules and regulations.

Released: March 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2964; Filed, Mar. 16, 1967; 8:49 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 50-253]

GENERAL DYNAMICS CORP.

Notice of Issuance of Facility License

Please take notice that, no request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Facility License No. R-105 authorizing operation of the Accelerator Pulsed Fast Critical Assembly (APFA-III) nuclear research reactor facility located on the Corporation's site at Torrey Pines Mesa near San Diego, Calif.

The license was issued substantially as set forth in the notice of proposed issuance of construction permit and facility license published in the FEDERAL REGISTER November 30, 1966, 31 F.R. 15029, with the exception of (1) certain changes made in the license to clarify wording, (2) imposed conditions which must be met before initiating APFA-III operations in the CD Area, (3) revisions in the technical specifications for clarifications and to revise the maximum scram time for the safety block to 150 milliseconds from the previously stated value of 100 milliseconds, and (4) limiting the storage of APFA-III fuel to the CD Area and to the Fast Spectrum cell. The above changes were made pursuant to the General Dynamics Corp.'s application amendments dated February 6, 1967 and February 22, 1967. These submittals and a related Safety Analysis by the Division of Reactor Licensing are all available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. A copy of the Safety Analysis may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 7th day of March 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-2910; Filed, Mar. 16, 1967; 8:45 a.m.]

[Docket No. 50-203]

GENERAL ELECTRIC CO.

Notice of Issuance of Order Authorizing Dismantling of Facility

Please take notice that the Atomic Energy Commission has issued an order authorizing General Electric Co. to dismantle a Mixed Spectrum Critical Assembly (MSCA), covered by Facility License No. CX-20, which is located in Building 105 of the General Electric Co.'s Vallecitos Atomic Laboratory in Alameda County, Calif.

Copies of the Commission's order, the General Electric Co.'s application dated January 16, 1967, and a related safety analysis prepared by the Division of Reactor Licensing are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the safety analysis may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 10th day of March 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-2911; Filed, Mar. 16, 1967; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redelegation Order 1, Amdt. 23]

SUPERINTENDENTS AND PROJECT ENGINEER

Redelegation of Authority With Respect to Lands and Minerals

Billings Area Office Redelegation Order 1, as amended, is further amended by the addition of section 2.8 *Land Acquisition*, under Part 2, Authority of Superintendents and Project Engineer, to read as follows:

SEC. 2.8 *Land Acquisition.* (a) The approval of land conveyances, on forms approved by the Commissioner of Indian Affairs, of trust or restricted lands between individual Indians or individual Indians and Indian tribes, when title remains in trust or restricted status.

(b) This authority includes disbursement of restricted individual Indian money to complete acquisition of lands for individual Indians and Indian tribes.

(c) The authority delegated in section 2.8 (a) and (b) does not include:

(1) Approval of sales in fee or those cases where individual Indian purchasers in trust are considered by the Superintendent of the Agency at which the land is located as already having an economic unit, or with the acquired lands exceeding an economic unit; or being capable of handling their own affairs.

(2) Approval of exchanges between the tribes or individual members and non-Indians when a portion of the lands being exchanged is in fee status.

(3) Approval of requests for patents in any transaction.

(4) The disbursement of annual appropriated tribal funds for the purchase of lands for the tribes on the Fort Peck and Wind River Reservations are expended by the Bureau and not by tribal officials. Such funds are under the Area Office Disbursing Officer. The Superintendent approves the conveyance instrument but the funds are as indicated above.

NED O. THOMPSON,
Acting Area Director.

Approved: March 10, 1967.

ROBERT L. BENNETT,
Commissioner.

[F.R. Doc. 67-2915; Filed, Mar. 16, 1967; 8:45 a.m.]

Bureau of Land Management

[Bureau Order No. 701, Amdt. 3]

LANDS AND RESOURCES

Redelegation of Authority

Section 2.7 of Part II of Bureau Order No. 701 is hereby revoked.

JOHN O. CROW,
Associate Director.

MARCH 13, 1967.

[F.R. Doc. 67-2916; Filed, Mar. 16, 1967; 8:45 a.m.]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MARCH 10, 1967.

Notice of a Forest Service, U.S. Department of Agriculture application, Sacramento 080122, for withdrawal and reservation of lands for roadside and streamside areas, recreation sites and an administrative site, was published as F.R. Doc. 66-1210 on page 2394 of the issue for Friday, February 4, 1966. The applicant agency has canceled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN

SIERRA AND STANISLAUS NATIONAL FORESTS

Merced River Recreation Area

Recreation Development Sites: T. 3 S., R. 19 E.
Sweetwater Site:
Sec. 19, E½ lot 14 and W½ lot 15;
Sec. 30, E½NW¼ lot 2, SW¼ lot 2, W½NE¼ lot 3, and S½SE¼ lot 3.
Geological Exhibit:
Sec. 19, W½NE¼NE¼, E½NW¼NE¼, E½SW¼NE¼, and W½SE¼NE¼.

MOUNT DIABLO MERIDIAN—Continued

Parking Site:
Sec. 19, S½NE¼SE¼ and N½SE¼SE¼.
Unnamed Picnic Site:
Sec. 20, NW¼SW¼SW¼ and NW¼NW¼SW¼.
Unnamed Picnic Site:
Sec. 20, NE¼SW¼SW¼, E½SW¼NE¼SW¼, NW¼NE¼SW¼, and NE¼NW¼SW¼.
Unnamed Picnic Site:
Sec. 20, N½SE¼SW¼ except M.S. 6065.
Unnamed Picnic Site:
Sec. 20, S½SE¼SW¼ except M.S. 6065.
Unnamed Picnic Site:
Sec. 20, NE¼SE¼.
Unnamed Site:
Sec. 21, N½NW¼SW¼.
Unnamed Site:
Sec. 21, S½SW¼NW¼.
Unnamed Site:
Sec. 21, N½SW¼NW¼.
Unnamed Site:
Sec. 21, N½SE¼NW¼.
Unnamed Site:
Sec. 21, S½NE¼NW¼ and S½NW¼NE¼ except M.S. 5798.
Clearing House Site:
Sec. 21, N½SW¼NE¼ except M.S. 5798.
Unnamed Public Service Site:
Sec. 22, W½SE¼ lot 2 and W½ lot 2, E½SE¼NW¼ and SW¼SE¼NW¼, exclusive of M.S. 6020 and H.E.S. 247.
Indian Flat Campground:
Sec. 22, S½SW¼ lot 4 and SE¼ lot 4.
Unnamed Picnic Site:
Sec. 22, N½ lot 4 and E½NE¼NE¼ except M.S. 6020.
Bridge Crossing Picnic Site:
Sec. 14, W½W½NE¼SW¼.
Unnamed Roadside Rest:
Sec. 14, E½SE¼NE¼SW¼.
Unnamed Picnic Site:
Sec. 14, W½NW¼SE¼.
Unnamed Site:
Sec. 14, E½NW¼SE¼.
Unnamed Campground Site:
Sec. 14, NW¼NE¼SW¼SE¼, S½NE¼SW¼SE¼, SE¼SW¼SE¼, E½NE¼SE¼SE¼, S½SW¼SE¼SE¼, and SE¼SE¼SE¼.
Redbud Picnic Site:
Sec. 13, N½N½ lots 13, 14, and 15, S½ lots 13, 14, and 15, and lot 16.
Public Service Site: T. 3 S., R. 20 E.
Sec. 19, N½ lot 1 except any portion withdrawn under P.L.O. 2136.
Administrative Site: T. 3 S., R. 19 E.
Sec. 23, E½NW¼NW¼, N½NW¼NW¼NW¼, E½E½SW¼NW¼NW¼, NE¼NW¼SW¼NW¼, S½NW¼SW¼NW¼, and SW¼SW¼NW¼.
Roadside and Streamside Scenic Area: T. 3 S., R. 19 E.
Sec. 14, SW¼SW¼NE¼, S½NE¼SE¼, S½SE¼NW¼, E½NW¼SW¼, W½SE¼SW¼, S½SW¼SW¼, and NE¼SW¼SW¼;
Sec. 18, lots 9, 10, 18, and S½ lot 14, N½ lot 15, N½ lot 16, SW¼NE¼SE¼, S½NW¼SE¼, E½SW¼SE¼, NW¼SW¼SE¼, and W½SE¼SE¼;
Sec. 19, lots 4 and 6, S½ lot 3, E½ lot 5, W½ lot 10, E½ lot 11, E½ lot 15, E½SE¼NE¼, N½NE¼SE¼;
Sec. 20, SE¼SW¼, S½NW¼SE¼, N½SE¼SE¼, and SW¼SE¼ except M.S. 6065;
Sec. 21, SE¼SW¼NE¼, S½SE¼NE¼, and NE¼NE¼SE¼ except any portion within M.S. 5798;
Sec. 22, S½S½SW¼NW¼ and N½NW¼SW¼;
Sec. 30, lots 5, 6, 12, and E½ lot 2, NW¼ lot 3 and W½SW¼ lot 3.
T. 3 S., R. 20 E.,
Sec. 18, lot 4 except any portions withdrawn under P.L.O. 2136;
Sec. 19, W½NW¼NE¼ and NE¼NW¼ except any portions withdrawn under P.L.O. 2136.

The areas described aggregate approximately 1,603 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m. on April 14, 1967, will be relieved of the segregative effect of the above-mentioned application.

The lands remaining in the proposed withdrawal cited above are as listed below:

MOUNT DIABLO MERIDIAN

Redbud Picnicground: T. 3 S., R. 19 E.
Sec. 13, S½N½ lot 13, S½N½ lot 14, S½N½ lot 15.
Indian Flat Campground:
Sec. 22, E½SE¼ lot 2 and N½SW¼ lot 4.
Sweetwater Site:
Sec. 30, W½NW¼ lot 2, E½NE¼ lot 3, N½SE¼ lot 3, and E½SW¼ lot 3.
Unnamed Picnic Site:
Sec. 20, W½SW¼NE¼SW¼ and S½NW¼SW¼.
Unnamed Roadside Rest:
Sec. 14, NE¼NE¼SW¼, E½W½NE¼SW¼, and W½SE¼NE¼SW¼.
Unnamed Campground Site:
Sec. 14, NW¼SE¼SE¼, W½NE¼SE¼SE¼, N½SW¼SE¼SE¼, and NE¼NE¼SW¼SE¼.
Planned Administrative Site:
Sec. 23, S½NW¼NW¼NW¼, NW¼NW¼SW¼NW¼, W½SW¼NW¼NW¼ and W½E½SW¼NW¼NW¼.

The areas described aggregate approximately 146.5 acres.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-2917; Filed, Mar. 16, 1967; 8:45 a.m.]

[Survey Group 77; ES 1153]

WISCONSIN

Notice of Filing of Plats of Survey

MARCH 13, 1967.

The plats of survey of islands in the Menominee River, described below, were accepted on March 24, 1966. These surveys were executed to provide areas and designations for islands not reported on the original survey plats. These plats will be officially filed in this Office effective at 10 a.m., on April 10, 1967.

The lands are describe as:

FOURTH PRINCIPAL MERIDIAN, WISCONSIN

T. 38 N., R. 21 E.,
Sec. 36, lot 4;
T. 36 N., R. 22 E.,
Sec. 17, lots 5, 6, 7, 8, and 9.
Sec. 31, lot 4.

The areas described aggregate 11.63 acres.

The character of the islands and the timber growth thereon attest to their existence on May 29, 1848, when Wisconsin was admitted to the Union. They are, therefore, held to be public lands.

These islands are within Federal Power Project 2394—Michigan and Wisconsin, and under license to the Wisconsin Michigan Power Co. for its constructed Chalk Hill Development. They are therefore withdrawn for power purposes under the act of June 10, 1920, 41 Stat. 1075, 16 U.S.C. 818, as amended, and are reserved from entry, location or other disposal under the public land laws.

All inquiries relating to these islands should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Md. 20910.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 67-2918; Filed, Mar. 16, 1967; 8:45 a.m.]

National Park Service

[Order No. 1]

ADMINISTRATIVE OFFICER, DELAWARE GAP NATIONAL RECREATION AREA, PA.

Delegation of Authority Regarding Contracts

SECTION 1. *Administrative Officer.* The Administrative Officer, Delaware Water Gap National Recreation Area, may execute, approve, and administer contracts not in excess of $25,000 for construction, supplies, equipment, or services, in conformity with applicable regulations and statutory authority and subject to the availability of appropriations: *Providing also;* That construction contracts will be entered into only with the advice and consent of the Design and Construction Office Chief.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535, 16 U.S.C., Sec. 2; Northeast Region Order No. 5 (31 F.R. 8135))

Dated: February 8, 1967.

PETER DEGELLEKE,
Superintendent, Delaware Water Gap National Recreation Area.

[F.R. Doc. 67-2919; Filed, Mar. 16, 1967; 8:45 a.m.]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Interim Allocation of Quotas for Calendar Year 1967 Among Producers Located in Virgin Islands, Guam, and American Samoa

CROSS REFERENCE: For a joint agency notice regarding interim allocation of quotas for calendar year 1967 among producers of watches and watch movements located in the Virgin Islands, Guam, and American Samoa, see F.R. Doc. 67-3022, Commerce Department, *infra.*

DEPARTMENT OF COMMERCE

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Interim Allocation of Quotas for Calendar Year 1967 Among Producers Located in Virgin Islands, Guam, and American Samoa

Introduction. Public Law 89–805, approved November 10, 1966, establishes a limitation on the number of watches and watch movements containing foreign components which may be imported duty-free from U.S. insular possessions.

A brief review of the events which led to the enactment of this statute is helpful in placing into focus the joint allocation responsibility assigned by Congress to the Secretaries of the Interior and Commerce Departments.

Under General Headnote 3(a) of the Tariff Schedules of the United States, duty-free treatment is allowed an article produced in the insular possessions if not more than 50 percent of the total value of such article is of foreign origin. The purpose of this duty-free treatment was to stimulate the development of light industry in the insular possessions thereby contributing to their economies. A watch assembly industry was first established in the Virgin Islands in 1959, assembling watch parts of foreign origin for duty-free shipment into the United States. Shipments rose from barely 5,000 units in 1959 to a volume in excess of 4,500,000 units in 1966.

In May of 1965, H.R. 8436, was introduced to exclude from duty-free treatment under Headnote 3(a) all imports of watches and watch movements produced in the insular possessions.

In August 1965, the Virgin Islands Government enacted legislation designed to limit local watch assembly for export to the United States. Quotas were allocated to the firms on the basis of a formula which gave two-thirds of the weight to that portion of the payroll subject to Social Security taxation (exclusive of managerial or adminstrative personnel) and one-third to prior production over a 6-month base period. H.R. 8436 was thereafter amended to exclude only from duty-free treatment imports of watches from insular possessions other than the Virgin Islands. However, before any legislation on this subject was enacted, the Virgin Islands statute and a subsequent local statute were both declared invalid by the Federal District Court for the Virgin Islands in two separate suits. These cases are currently on appeal.

In the latter part of 1965, subsequent to the restrictive enactments in the Virgin Islands, one firm established assembly operations in Guam. In 1966 seven other firms began operations there. Several watch firms also sought to establish similar operations in American Samoa; however, the Governor of Samoa withheld the necessary authorizations to avoid proliferation of watch assembly operations in that territory pending Congressional action on the overall problem in all three insular possessions.

Public Law 89–805, a Senate amended version of H.R. 8436, imposed an overall quota for duty-free entry of watches and watch movements assembled in the three insular possessions equal, for each calendar year, to one-ninth of total apparent watch consumption in the United States during the preceding calendar year. The Tariff Commission was assigned the responsibility of determining on or before April 1 of each year the apparent consumption of watches in the United States during the preceding calendar year. The statute expressly allocates 87.5 percent of the total quota to producers in the Virgin Islands, 8.33 percent to producers in Guam, and 4.17 percent to producers in American Samoa. The Secretaries of the Interior and Commerce Departments were assigned the responsibility of jointly allocating individual quotas, "on a fair and equitable basis," to producers located in the three insular possessions.

On December 27, 1966, the two Secretaries published a notice in the FEDERAL REGISTER requiring all parties interested in applying for an allocation of a portion of the duty-free quota assigned to each of the insular possessions to complete and return application forms by January 16, 1967. In addition, as a temporary procedure pending allocation by the Secretaries for calendar year 1967, producers assembling watch units as of November 10, 1966, in the Virgin Islands and Guam were licensed to ship a small portion of the overall quota, duty-free, during the period January 1, 1967, through February 28, 1967, with the stipulation that such shipments would be charged against any annual allocation subsequently granted. On January 13, 1967, the Governor of the Virgin Islands and the Governor of Guam were delegated the function of issuing shipment permits against the licenses issued by the Secretaries.

On January 17, 1967, the Secretaries gave notice, by publication in the FEDERAL REGISTER, of a public hearing to begin on February 1, 1967, for the purpose of gathering views and comments from interested parties concerning the allocation of the duty-free quotas for the importation from the insular possessions of watches and watch movements containing foreign components. The general issues of interest to the Secretaries which had been identified in the earlier notice were restated and the submission of written briefs as well as oral testimony was solicited.

There are 25 applicants for a portion of the duty-free quota in the Virgin Islands; 11 applicants for Guam; and 3 applicants for American Samoa. Among the 25 applicants for the Virgin Islands, 16 firms have had production experience there prior to January 1, 1967. Of these, the first four firms to establish assembly operations were given a 10-year substantial exemption from local taxes as an encouragement to start a new industry in the Virgin Islands. In Guam, 8 of the 11 applicants have had production experience prior to January 1, 1967, and 4 of these have been granted full tax exemption. Since no watch assembly operation has been established in American Samoa, none of the three applicants has production experience in that possession.

Public hearings were held before representatives of the two Secretaries at the Department of Commerce on February 1, 2, and 3, 1967. Briefs were submitted by 28 applicants and representatives of 23 applicants participated in oral testimony. Subsequent to these hearings, supplemental briefs were filed by 18 applicants.

I. Under Public Law 89–805, the Secretaries are vested with broad discretion in formulating the basis for apportioning the quota. The statute simply provides that allocations be made "on a fair and equitable basis."

The only pertinent legislative history is contained in the Senate Finance Committee Report and in the subsequent debates on the floor of the Senate. The Report comments generally on criteria the Secretaries might consider in determining a "fair and equitable" allocation. It expresses the expectation that "the Secretaries will act in a manner best calculated to reflect and preserve the established character of the industry in the Virgin Islands." While the Committee noted some additional factors which might well be taken into account by the Secretaries such as "production experience" and the "cost of direct labor involved in the assembly," the broad discretion granted the Secretaries can best be summed up by the following statement of Chairman Long on the floor of the Senate:

> We do not propose to say who gets what. We merely say look at all the equities and, as far as we are concerned, we let the Secretary of Commerce and the Secretary of the Interior set up pretty much the standards they wish to set up, but they must be fair and equitable in doing it.

As might be expected, widely different views were expressed by the applicants regarding the basis for allocation of quotas. Each applicant maintained that the approach which it proposed would best carry out the statutory mandate that allocation be "on a fair and equitable basis". Further, widely divergent views were expressed concerning the base period for which production experience should be considered. Suggestions ranged from relying on production experience over the entire history of the industry in the insular possessions to reliance on less than 12 months production as a base period.

There were equally divergent views as to the factors which should be given weight in the allocation. Some maintained that production experience, regardless of the base period selected, should be given little or no weight and that all applicants whether or not currently engaged in assembly operations in the insular possessions should be considered on the basis of their potential contribution to the local economy. Others took the opposite view and maintained that prior production in the insular possessions should be the sole factor in allocation. The Senate Committee's expectation that the allocation would "reflect and preserve the established character of the industry" was given different interpretations. "Production experience" was also a term subjected to varying interpretations by the applicants. In measuring the extent of the contribution made by each firm to the local economy, varying stress was placed on the volume of units locally assembled, the number of assembly steps performed per unit, payroll, direct labor cost per unit assembled, capital investment, and personnel training. Some firms stressed financial stability as a measure of their ability to make a long term contribution to the insular possessions while others believed this factor to be totally irrelevant and urged the encouragement of small nonaffiliated firms.

Applicants disagreed over whether quota allocations to firms should be adjusted from the standpoint of their impact on the domestic watch market. The applicants disagreed over whether the competitive advantage enjoyed by firms with tax-exempt status should be taken into account in making allocations. There was also disagreement over whether common financial ties between firms in the insular possessions should be taken into account in allocating quotas to these firms.

II. The voluminous material submitted by the applicants has been carefully reviewed by the two Departments. The relative weight to be given to factors deemed relevant and the base period best calculated to result in quota allocations on a fair and equitable basis were given most careful consideration.

In considering factors for allocations it became quite clear to the Departments that no single factor could be used as the exclusive basis for allocations. Production, while not a wholly satisfactory measurement of contribution to the local economy, is clearly an important factor in determining the established character of the watch assembly industry.

In evaluating the various proposals concerning the base period over which production experience might be considered, to determine which base period would be the most fair and equitable, the Departments have taken into account the historic development of the watch industry in the Virgin Islands and Guam. With respect to the Virgin Islands, although a small assembly operation was first established in 1959, only one firm produced in the area through 1961. Beginning in 1962, the number of firms increased annually (5 firms producing in 1962, 10 firms in 1963, 11 firms in 1964, 15 firms in 1965 and 16 firms as of Dec. 31, 1966). There was a continuous and rapid increase in the number of firms establishing watch assembly operations until 1965. For this reason, we do not believe it is desirable to use the years prior to 1965 as the base period. The quotas imposed by the Virgin Islands Government and the subsequent court decisions declaring these invalid undoubtedly have had an impact on the Virgin Islands watch assembly industry. Accordingly, exclusive reliance on 1966 or any portion thereof as a base period would also be inappropriate.

The production experience in Guam, as stated earlier, is of a more recent date. A single firm established sizable assembly operations in the latter part of 1965 and a total of eight firms assembled watch movements during calendar year 1966. Unlike the situation in the Virgin Islands the entire production experience is confined to relatively little more than 1 year without any imposition of local production restraints or other apparent unsettling factors.

The considerations discussed previously have led the Departments to conclude that the formula for allocation of 1967 quotas to producers in the Virgin Islands and in Guam which would best carry out the mandate of Public Law 89–805 should combine prior production (number of units produced) with direct labor cost per unit. We have further concluded to assign a weight of three-fourths to production and one-fourth to direct labor cost per unit.

In assigning a weight of three-fourths to production, the Departments wished to avoid disrupting unduly the production patterns already established in these two insular possessions. By using the years 1965 and 1966 as the base period for measuring production, the Departments wished to avoid a situation where unsettling factors which occurred primarily in 1966 after the imposition of the restraints in the Virgin Islands would unduly distort the allocations. The Departments were concerned that by using solely 1965 as the base period, certain firms with a relatively brief history of production would not have been treated equitably. On the other hand, a longer base period would have inordinately favored the few firms with an early production history.

As discussed previously, the situation with respect to Guam differs from that in the Virgin Islands because there was insufficient time for the industry to establish its character. Therefore, the use of base years 1965 and 1966 embracing the entire history of the industry in Guam produces the fairest result.

The Departments concluded that direct labor cost per unit was the most appropriate other factor to use in the formula and that it should be assigned a weight of one-fourth in allocations for calendar year 1967. This use of direct labor cost per unit is intended to foster more assembly work in the territories and thereby a greater contribution to the economy of the islands. Calendar year 1966 was used as the base period for measuring direct labor cost per unit since the most recent year would best reflect prevailing wage levels in the Virgin Islands and Guam. Direct labor cost per unit takes into account the degree of assembly work performed, but excludes sales, general and administrative costs which are indirect labor costs. Moreover, by computing direct labor cost on a per unit basis as opposed to total direct labor cost of each firm, the labor cost factor will be measured on a uniform basis regardless of the volume of production.

The Departments, therefore, believe that direct labor cost per unit provides a single common denominator consisting of several factors which together reflect a meaningful contribution to the economy of the insular possessions. Furthermore, in making allocations for future years we expect to place increasing emphasis on those factors which foster greater contributions to the economies of the insular possessions.

In allocating the quota for the year 1967, the Department gave careful consideration to those applicants without production experience in the insular possessions. While the Departments subscribe to the principle of allocating quotas in future years to firms without prior production experience which are interested in applying for a quota, we concluded that the quota for 1967 should be allocated to those firms with production experience as of November 10, 1966. This results in allocations to a total of 16 firms in the Virgin Islands and to 8 firms in Guam, which should assure a competitive situation among producers.

With respect to American Samoa, the Departments have decided to postpone any allocation for calendar year 1967 until after additional information, which will be requested from the three applicants concerned, has been received and evaluated.

III. Using the formula previously described, the following interim quota allocations are made to the firms which were performing watch assembly operations in the Virgin Islands and in Guam on November 10, 1966. These interim allocations represent approximately 50 percent of the estimated total allocations for calendar year 1967, without adjustment to reflect the number of watches and watch movements shipped into the customs territory of the United States between January 1, 1967, and February 28, 1967, pursuant to Public Law 89–805 under Temporary Procedures (31 F.R. 16579, Dec. 28, 1966).

VIRGIN ISLANDS

Name of Firm	*Number of Units*
1. Admiral Time, Inc.	176,000
2. Antilles Industries, Inc.	206,000
3. Atlantic Time Products Corp.	159,000
4. Belair Time Corp.	103,000
5. Belmont Industries	55,000
6. Master Time Co., Ltd.	109,000
7. Multi Jewel Watch Corp.	133,000
8. Quality Products Co., Inc.	165,000
9. Roza Watch Corp.	107,000
10. R. W. Summers Time Corp.	90,000
11. Standard Time Corp.	298,000
12. Sussex Watch Corp.	28,000
13. Unitime Corp.	202,000
14. Virgiline Watch Co., Inc.	45,000
15. Virgo Corp.	111,000
16. Watches, Inc.	54,000

GUAM

Name of Firm	Number of Units
1. Cromwell International, Inc	12,500
2. Hallmark Watch Factory, Inc	17,000
3. Jun-Lau Watch Corp	11,500
4. Maro Watch Co., Inc	28,000
5. Phoenix Industries, Inc	23,500
6. Precision Instruments, Inc	11,500
7. Stratton Watch Corp	74,500
8. Westminster Time Corp	21,500

The above amounts are allocated subject to verification of the data supplied by each of the applicants which were relied upon by the Departments in applying the quota formula. In particular, it will be necessary to verify that the data on which the direct labor cost per unit was calculated are accurate, are based on consistent principles of accounting, and that the number of units which have actually entered the customs territory of the United States conform to the data submitted.

Upon publication by the U.S. Tariff Commission of final statistics on apparent U.S. watch consumption during 1966 and after, data submitted by the above named firms has been verified, final allocations will be made for the balance of calendar year 1967.

The sale or transfer of quotas by one firm to another is not authorized. Unused quotas are subject to reallocation by the Departments. Unless there is a bona fide showing that failure to utilize fully a quota allocation during a given year was due to circumstances beyond the control of the firm, such failure will be taken into account in reducing or even eliminating subsequent allocations to that firm.

LAWRENCE C. MCQUADE,
Acting Assistant Secretary for Domestic and International Business, Department of Commerce.

HARRY R. ANDERSON,
Assistant Secretary for Public Land Management, Department of the Interior.

MARCH 15, 1967.

[F.R. Doc. 67-3022; Filed, Mar. 16, 1967; 11:08 a.m.]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[DOT Order 1000.1]

TEMPORARY SEAL FOR THE DEPARTMENT

1. *Purpose.* This order describes a temporary seal for the Department of Transportation and authorizes its use for the authentication of documents by the Department and its components, except for the Saint Lawrence Seaway Development Corporation which will continue to use its present seal. The authority for the establishment of a Department seal is found in section 9(k) of the Department of Transportation Act.

2. *Description.* a. The temporary seal of the Department of Transportation is described as follows:

The words "interim seal" placed one above the other within the inner of two concentric circles, both words to be centered in the circle; within the space between the inner circle and the outer circle the words "Department of Transportation U.S.A." curved and with the abbreviation "U.S.A." at the bottom separated from the words "Department of Transportation" by a five-point star on either side; the whole to be placed within a heavy border slightly separated from the outer circle.

b. The temporary seal of the Department of Transportation appears as follows:

FIGURE 1.



3. *Authority for use.* a. The temporary seal shall be the official seal of the Department and shall be embossed on all documents requiring authentication by the Office of the Secretary and the major elements of the Department, except the Saint Lawrence Seaway Development Corporation. The following officials are authorized to emboss and affix the temporary seal of the Department of Transportation to appropriate documents and other material of the Department, for all purposes, including those authorized by 28 U.S.C. 1733(b): The Assistant Secretary for Administration, the Commandant of the Coast Guard, the Federal Aviation Administrator of the Federal Aviation Administration, the Federal Highway Administrator of the Federal Highway Administration, the Federal Railroad Administrator of the Federal Railroad Administration, and the Chairman, National Transportation Safety Board.

b. The officers named in subparagraph 3a above may redelegate, and authorize redelegations of, this authority. Delegations made under this authority should be limited to the minimum number consistent with essential requirements in order to minimize procurement requirements for the temporary seal.

4. *Continued use of existing seals.* a. The Federal Aviation Administration and the Coast Guard may continue to use, until further notice, the seals of the Federal Aviation Agency and the Coast Guard, respectively, to identify installations, offices, facilities, activities, property, equipment, publications, brochures, reports, posters, promotional and exhibition material, for affixing to private vehicles of employees for parking purposes, and related uses.

b. The Saint Lawrence Seaway Development Corporation shall continue to use, until further notice, its present seal for authentication of documents and may use, until further notice, its present seal for the purposes described in subparagraph 4a.

c. The major elements of the Department, except the Federal Aviation Administration, the Coast Guard and the Saint Lawrence Seaway Development Corporation, may use the temporary seal of the Department for the purposes listed in subparagraph 4a above. This use shall be limited to requirements of high priority and need, pending the approval of the permanent seal of the Department.

5. *Custody of seal dies.* The officials named in paragraph 3 and all delegatees are authorized to secure and maintain custody of the dies of the temporary seal of the Department of Transportation.

6. *Securing of seal dies.* A limited distribution of embossing dies of the temporary seal will be made by the Office of Administrative Operations as soon as they are procured. Request for additional dies should be addressed to the Director, Office of Administrative Operations.

7. *Effective date.* This order is effective on the effective date of the Department of Transportation Act.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 67-2921; Filed, Mar. 16, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order E-24849]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of March 1967.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to a specific commodity rate; Docket 16236, Agreement CAB 19360, R-1.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated February 17, 1967,[1] names a rate under a new commodity description as set forth below. The new rate reflects a reduction of 45.9 percent and is consistent with the present level of specific commodity rates within the applicable area.

[1] Received in the Board Feb. 20, 1967.

Commodity Item 0525—Ice Cream Cones, 20 cents per kg., minimum weight 300 kgs., Barbados to San Juan.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement CAB 19360, R-1, be approved: *Provided,* That approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-2957; Filed, Mar. 16, 1967; 8:48 a.m.]

[Docket No. 15574]

REOPENED UNITED-PACIFIC TRANSFER CASE

Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 18, 1967, at 10 a.m., local time, in Room 284, U.S. Court of Appeals and Post Office, Seventh and Mission Streets, San Francisco, Calif.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on September 16, 1966, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 13, 1967.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 67-2958; Filed, Mar. 16, 1967; 8:48 a.m.]

CIVIL SERVICE COMMISSION

NURSES, BALTIMORE, MD.

Notice of Adjustment of Minimum Rates and Rate Ranges

1. Under authority of 5 U.S.C. 5303 and E.O. 11073, the Civil Service Commission has increased the minimum rates and rate ranges for positions of Nurse, GS-610-4, 5, 6, and 7 (both occupational health and clinical programs), and Public Health Nurse GS-615-5, 6, and 7. The revised rate ranges are:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$5,736	$5,896	$6,056	$6,216	$6,376	$6,536	$6,696	$6,856	$7,016	$7,176
GS-5	6,211	6,387	6,563	6,739	6,915	7,091	7,267	7,443	7,619	7,795
GS-6	6,659	6,857	7,055	7,253	7,451	7,649	7,847	8,045	8,243	8,441
GS-7	6,877	7,090	7,303	7,516	7,729	7,942	8,155	8,368	8,581	8,794

[1] Corresponding statutory rates: GS-4—Seventh; GS-5—Sixth; GS-6—Fifth; GS-7—Third.

2. The Commission also has increased the minimum rate and rate ranges for positions of Nurse, PFS-610-5. The revised rate ranges are:

Per annum rates

LEVEL	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-5	$6,652	$6,843	$7,034	$7,225	$7,416	$7,607	$7,798	$7,989	$8,180	$8,371	$8,562	$8,753

[1] Corresponding statutory rate is the sixth step.

3. Geographic coverage is the Baltimore, Maryland Standard Metropolitan Statistical Area which includes Anne Arundel, Baltimore, Carroll, and Howard Counties and Baltimore City. Additional coverage is Harford County, Md.

4. The effective date will be the first day of the first pay period beginning on or after March 11, 1967.

5. All new employees in the specified occupational levels will be hired at the new minimum rate.

6. As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2913; Filed, Mar. 16, 1967; 8:45 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on March 29, 1967. The hearing will take place in Court Room No. 1 of the Monroe County Court House, Seventh and Monroe Streets, Stroudsburg, Pa., beginning at 2:30 p.m. The hearing will be on proposals to amend the Comprehensive Plan so as to include therein the following projects:

1. *Borough of Bernville.* The construction of a sewage collection system and treatment plant to serve the Borough of Bernville, Berks County, Pa. The treatment plant will provide 85 percent reduction of BOD for a peak flow rate of 280,000 gallons per day. Discharge will be to Northhill Creek, a tributary of the Tulpehocken Creek.

2. *People's Water Co.* A well water supply project to augment public water supplies available in the company's service area in the town of Phillipsburg and the townships of Lopatcong and Pohatcong, Warren County, N.J. The four new wells are capable of producing a maximum of 9 million gallons a month.

3. *Delaware Valley Water Co.* A well water supply project to augment public water supplies in the company's service area in the Borough of Palmyra, Burlington County, N.J. Designated as Well No. 27, the new facility is expected to yield 1.5 million gallons per day. In addition, it is proposed to include in the Comprehensive Plan 18 existing wells previously developed by the same company.

4. *Borough of Shoemakersville.* A well water supply project to augment the Borough's water supply system in Berks County, Pa. The new facility, designated Well No. 5, is expected to yield 150 gallons per minute. In addition, it is proposed to include in the Comprehensive Plan three existing wells previously developed by the Borough.

5. *Ancient Oak Water Co.* A well water supply project designated to augment public water supplies within the company's service area in Lower Macungie Township, Lehigh County, Pa. Two new facilities, designated Well No. 1 and Well No. 2, are expected to have a combined yield of 829,000 gallons per day.

6. *Blackwood Water Co.* A well water supply project designed to augment public water supplies in the company's service area in Camden and Gloucester Counties, N.J. Four wells will be utilized to provide a total maximum average monthly withdrawal of 1.1 million gallons per day.

7. *Mount Arlington Service Co., Inc.* A well water supply project designed to augment water supplies in the company's service area in the Borough of Mount Arlington, Morris County, N.J. Four

wells will be utilized to provide a total maximum average-monthly withdrawal of 50,000 gallons per day.

Documents relating to the above proposed additions to the Comprehensive Plan may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; telephone 609–883–9500.

W. BRINTON WHITALL,
Secretary.

MARCH 10, 1967.

[F.R. Doc. 67–2914; Filed, Mar. 16, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14185]

EDUCATIONAL FM CHANNELS

Order Extending Time for Filing Comments and Reply Comments

In the matter of revision of FM broadcast rules, particularly as to allocation and technical standards (educational FM channels), Docket No. 14185.

1. On November 14, 1966, the Commission issued a notice of inquiry in the above-entitled matter inviting comments from all interested parties on a proposal to adopt a nationwide table of assignments for noncommercial educational FM stations and other technical rules and standards. The time for filing comments was given as December 30, 1966, and that for reply comments as January 16, 1967. In subsequent orders issued on December 15, 1966, and January 26, 1967, these dates were extended to March 13, 1967, for comments and March 28, 1967, for reply comments.

2. A great deal of interest in this proceeding has been generated as a result of the inclusion of educational radio in the proposed revision of the ETV Facilities Act and several parties have expressed an interest in filing comments in the proceeding in the event the time for filing such comments is further extended. In addition, on March 8, 1967, Kear and Kennedy filed a petition requesting the Commission to extend the time for filing comments and reply comments each for a period of 30 days, so that it may make and analyze additional measurement data which should substantially enhance the value of a report currently under preparation for filing with the Commission.

3. We are of the view that good cause has been shown in this case for the requested extension of time. *Accordingly, it is ordered*, This 10th day of March 1967, That the time for filing comments is extended to April 14, 1967, and the time for filing reply comments is extended to May 1, 1967.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Released: March 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2965; Filed, Mar. 16, 1967; 8:49 a.m.]

[Docket No. 16792; FCC 67M–410]

CITY OF CAMDEN AND L & P BROADCASTING CORP.

Order Regarding Procedural Dates

In re application of City of Camden (Assignor), and L & P Broadcasting Corp. (Assignee), Docket No. 16792, File No. BAL–5702; for assignment of license of Station WCAM, Camden, N.J.

It is ordered, This 10th day of March 1967, pursuant to the agreements reached at the prehearing conference of March 9, 1967;

(1) All exhibits to be offered in the direct affirmative presentations shall be exchanged on May 1, 1967;

(2) Notification of witnesses to be called for cross-examination shall be given on or before May 10, 1967;

(3) The hearing shall be held on May 17, 1967 commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2966; Filed, Mar. 16, 1967; 8:49 a.m.]

[Docket Nos. 16972, 16973; FCC 67M–411]

CARTER BROADCASTING CORP. AND METRO GROUP BROADCASTING, INC.

Order Continuing Hearing

In re applications of Carter Broadcasting Corp., Burlington, Vt., Docket No. 16972, File No. BP–16735; Metro Group Broadcasting, Inc., Plattsburgh, N.Y., Docket No. 16973, File No. BP–17089; for construction permit.

The Hearing Examiner having under consideration joint petition for approval of agreement and dismissal of application filed with the Review Board March 7, 1967, on behalf of the applicants in this proceeding;

It appearing, that there is now scheduled an evidentiary hearing for April 3, 1967, in this proceeding;

It further appearing that because of the filing of the instant joint petition the evidentiary hearing should be continued without date;

Accordingly, it is ordered, This 13th day of March 1967, that the evidentiary hearing now scheduled for April 3, 1967, be and the same is hereby continued without date.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2967; Filed, Mar. 16, 1967; 8:49 a.m.]

[Docket Nos. 17058–17060; FCC 67R–79]

FINE MUSIC, INC. (WFMI) ET AL.

Memorandum Opinion and Order Modifying Issues

In re applications of Fine Music, Inc. (WFMI), Montgomery, Ala., Docket No. 17058, File No. BP–16502; Tennessee Valley Broadcasting Co., Inc., Huntsville, Ala., Docket No. 17059, File No. BP–16609; Rocket City Broadcasting Co., Inc., Huntsville, Ala., Docket No. 17060, File No. BP–16721; for standard broadcast construction permits.

1. The above-captioned mutually exclusive applications were designated for hearing by Commission Order FCC 66–1148 released December 30, 1966. Among the issues designated was:

7. To determine, with respect to the Tennessee Valley financial proposal:

a. The availability to the applicant of credit from an equipment manufacturer, as described in the application.

b. The availability to the applicant of $45,000 which it proposes to obtain from loans to it by stockholders, and $66,500 which it proposes to obtain via bank loans.

c. Assuming that all of the funds upon which the applicant relies will be available to it, how the applicant will obtain sufficient additional funds to construct and operate the proposed station for 1 year.

d. Whether, in the light of the evidence adduced pursuant to Item 7–a, Tennessee Valley is financially qualified.

Tennessee Valley Broadcasting Co., Inc. (Tennessee Valley) on January 23, 1967, filed a petition to delete issues.[1]

2. Tennessee Valley argues that in evaluating its financial qualifications the Commission failed to note an amendment to its application which was filed several months prior to the designation order. That amendment deleted one of the stockholders of the corporation and increased the joint loan commitment of the two remaining stockholders from $45,000 to $70,000. The petitioner notes that as further justification for including the financial issue the Commission observed that:

> • • • the balance sheets submitted by the prospective lenders are in each case more than a year old, as are the credit commitment letters to the applicant from the equipment manufacturer and the bank. Because of the absence of more current supporting documentation, a question exists as to the availability of funds.

Tennessee Valley contends that the balance sheets and letters of commitment were current as of the date the application was filed and that if they were not current as of the date of designation, this was a function of Commission delay in processing, not lack of diligence on the part of the applicant. Moreover, Tennessee Valley argues that it is aware of no rule or obligation which would require it to file current data in the absence of significant changes with respect to its application. It states that the only significant changes, its change in stockholders and the stockholders increased loan commitment to the corporation, were promptly reported by an amendment. To further support its request the petitioner submits a current letter of credit from RCA (Jan. 12, 1967) and balance sheets for its two stockholders dated January 13, 1967, and December 31, 1966. It notes that it has requested to amend its application to submit a new bank loan commitment in the amount of $90,000. It thereupon argues that the financial issue was included because the Commission was unaware of its amendment and that in view of the data currently before the Board it is qualified to construct and operate the station as proposed for 1 year, and that the financial qualification issue should be deleted.

3. It is apparent from the foregoing that at the time the matter was designated for hearing, the Commission did not consider the then current loan commitment of Tennessee Valley's stockholders. That loan commitment was in fact $70,000, rather than $45,000. Issue 7 will therefore be modified to reflect the facts as they appeared in the record as of the date of designation. However, the inquiry concerning the availability of funds from the stockholders, the bank loan commitment and the letter of credit from the equipment supplies must remain unchanged.[2] The Commission specifically premised this inquiry upon the fact that the balance sheets of the stockholders, the bank loan commitment and the manufacturer's letter of credit were all over 1 year old at the time the matter was designated for hearing and reasoned that in view of these circumstances a question existed as to the availability of the funds relied upon by the applicant. In view of the foregoing the Board will not delete issues 7 (a) and (b) even though Tennessee Valley has submitted current data with its petition to delete issues. See Theodore Granik, 65R–450, 6 RR 2d 887 and cases cited therein. The foregoing applies equally to the petitioner's contention that if an amendment now pending before the Examiner, which seeks to show that an increased bank commitment to Tennessee Valley, is permitted, it will have sufficient funds to construct and operate the station as proposed for 1 year and that the issue concerning this matter should therefore be deleted. These issues, having been properly designated, must be met on the record. Issue 7(b) in this proceeding will, however, be modified to correct the factual error which was made at the time of designation.

Accordingly, it is ordered, This 9th day of March 1967, That the petition to delete issues, filed January 23, 1967, by Tennessee Valley Broadcasting Co., Inc., is granted to the extent that issue 7(b) is modified to read as follows:

> 7. To determine, with respect to the Tennessee Valley financial proposal:
>
> • • • • •
>
> b. The availability to the applicant of $70,000 which it proposes to obtain from loans to it by stockholders, and $66,500 which it proposes to obtain via bank loans.

And Denied in all other respects.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–2968; Filed, Mar. 16, 1967; 8:49 a.m.]

[Docket Nos. 17058–17060; FCC 67R–81]

FINE MUSIC, INC. (WFMI) ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Fine Music, Inc. (WFMI), Montgomery, Ala., Docket No. 17058, File No. BP–16502; Tennessee Valley Broadcasting Co., Inc., Huntsville, Ala., Docket No. 17059, File No. BP–16609; Rocket City Broadcasting Co., Inc., Huntsville, Ala., Docket No. 17060, File No. BP–16721; for standard broadcast construction permits.

1. The above-captioned mutually exclusive applications were designated for hearing by Commission Order FCC 66–1148, released December 30, 1966. Issue 6 dealt with the financial qualifications of Rocket City Broadcasting Co., Inc. (Rocket City), Huntsville, Ala. On January 23, 1967, Rocket City filed its motion to modify and enlarge issues.[1] In its motion Rocket City notes that the Commission did not take into account a predesignation amendment which had a bearing on the financial issue. It therefore requests that the issue be modified to reflect the facts as they existed at the time of designation. Rocket City also asks that the issues be enlarged to include: A site availability issue as to Tennessee Valley Broadcasting Co., Inc. (Tennessee Valley); an issue as to Tennessee Valley's failure to report changes in the application as required by § 1.65 of the Commission's rules; an issue with respect to alleged ex parte contacts by Tennessee Valley in contravention of the Commission's rules; an issue going to the qualifications of Tennessee Valley to be a licensee of the Commission in view of the facts adduced pursuant to the foregoing issues.

Modification of the financial qualifications issue. 2. Issue 6 seeks to develop facts concerning the availability of $8,000 capital to be supplied by stockholders and a $74,000 loan from stockholders; the availability of credit from equipment suppliers; and since it appeared that Rocket City would require $128,960 for construction and its first year of operation; how it would obtain funds in addition to the $84,000 which it would obtain from capital stock and loans from its stockholders. Rocket City does not seek to have the financial qualifications issue deleted. Rather it only seeks to have it modified to reflect the facts as they existed at the time the matter was designated for hearing. The amendment in question reflected an additional $50,000 loan commitment by one of Rocket City's stockholders. Taking this into account Rocket City would have available to it $134,000 to meet anticipated expenditures of $128,960. Issue 6 will be modified to reflect the factual situation as of the time the matter was designated for hearing.

Site availability and failure to report issues. 3. The petitioner notes that Tennessee Valley's application specifies that its antenna site would be leased. It alleges that after the application was filed that site was condemned, and that Tennessee Valley neglected to advise the Commission of this significant change concerning its application as required by § 1.65 of the Commission's rules. In support of these allegations, Rocket City has attached a series of pleadings and orders in the Probate Court for the city of Huntsville, Ala., which, it contends, show that the Tennessee Valley site was condemned for public school use February 25, 1966. The petitioner argues that since the antenna site was condemned for use by the public schools, it cannot be used by Tennessee Valley. Thus, a site availability issue should be added. It further argues that since Tennessee Valley failed to report these facts as required by § 1.65, an issue concerning its failure to do so is appropriate.

4. Tennessee Valley, in its opposition concedes that the proposed site has indeed been condemned but it argues there is now pending before the Hearing Examiner an amendment which specifies a new site and that after the Examiner's ruling on the amendment, the site availability issue requested by Rocket City will be moot and that the Board's ruling on this matter should be held in abeyance pending the Examiner's action on its pending amendment. With respect to the failure to report allegations, it states that the Probate Court's order of February 25, 1966, was not a final order taking the site in question but only the

[1] The Board also has before it Broadcast Bureau's opposition to "Petition to Delete Issues" filed Feb. 7, 1967; opposition to petition to delete issues, filed by Rocket City Broadcasting Co., Inc., Feb. 6, 1967; and a reply to oppositions to petition to delete issues, filed Feb. 9, 1967 by Tennessee Valley Broadcasting Co., Inc.

[2] Luis Prado Martorell, 5 FCC 2d 138 (1966), and Norman W. Henning, Docket No. 17175, FCC 67–181, ------ FCC 2d -------.

[1] The Board also has before it partial opposition to "Motion to Modify and Enlarge Issues" filed Feb. 6, 1967, by Tennessee Valley Broadcasting Co., Inc.; Broadcast Bureau's comment regarding "Motion to Modify and Enlarge Issues" filed Feb. 8, 1967; and reply to Tennessee Valley's partial opposition and the Broadcast Bureau's comments on "Motion to Modify and Enlarge Issues" filed Feb. 17, 1967, by Rocket City Broadcasting Co., Inc.

beginning of the condemnation process.[3] It argues that shortly after the Probate Court entered its final decree (May 19, 1966), Tennessee Valley filed its amendment (June 13, 1966) proposing a new antenna site.[4] Thus Tennessee Valley argues that within thirty days of the Probate Court's final Decree of Condemnation and almost 6 months prior to the judgment of the Circuit Court of Alabama affirming the condemnation, it filed an amendment specifying a new site.[5] This, Tennessee Valley argues, complies with the requirements of § 1.65 of the Commission's rules.

5. From the foregoing it appears that Tennessee Valley does not now have the antenna site it originally specified in its application. Nor has its application been amended to specify a new site. Since the Board cannot anticipate the outcome of Tennessee Valley's petition to amend, an appropriate issue concerning the availability of its site will be added to the proceeding.

6. Tennessee Valley's failure to submit an amendment to its application before June 13, 1966, does not constitute a violation of § 1.65 of the Commission's rules. While it may have been better practice for Tennessee Valley to amend its application as soon as it learned that its proposed site might be condemned, it is understandable that it chose to wait at least until the Probate Court had entered its final Decree taking the property. For until that time there was at least a reasonable possibility that the condemnation action might not succeed. Immediately thereafter Tennessee Valley filed an amendment specifying a new site and even though that amendment did not specifically mention the condemnation proceeding, it did note that a new site was necessary because "the School Board desires the property originally proposed for antenna and transmitter site for expansion of school facilities." In view of these circumstances, an issue concerning Tennessee Valley's failure to disclose changes with respect to its antenna site is not warranted.

The Ex Parte issue. 7. Rocket City bases its request for this issue upon three letters addressed to the Commission by the Honorable Robert E. Jones, Representative for the 8th District of Alabama to the Congress of the United States. The first two letters are conceded to be mere status inquiries. However, Rocket City argues that the third letter is on its face evidence of violation of the Commission's ex parte rules. It points to the second paragraph of that letter which states as follows:

> For more than 2 years now I have been in continuous contact with you people in an effort to expedite the handling of this application. I have exercised both patience and tolerance, however, because of the length of time that this application has been pending and the pressure that is being brought to bear on me by the interested parties I feel compelled to insist that this application be acted on immediately.

This, Rocket City says, "indicates on its face violation of § 1.1223 and § 1.1227(e) of the Commission's rules."[6] In its opposition Tennessee Valley denies that the Congressman's letter is anything more than a status inquiry. To support this position it has attached the affidavits of Congressman Jones and of Anderson and Thrasher, the principals in Tennessee Valley. This being so, Tennessee Valley argues the letter does not indicate on its face a violation of § 1.225 of the Commission's rules. With this conclusion, we are in accord. However, Tennessee Valley has not successfully met the questions raised by the above-quoted paragraph with respect to § 1.1227(e). That section prohibits interested parties from "directly or indirectly soliciting ex parte status inquires". The affidavits make it quite clear that the "pressure" to which the Congressman referred in his letter came from Anderson and Thrasher, the principals in Tennessee Valley. There can be no question that at the time of the inquiry, Anderson and Thrasher were "interested persons" and solicitation or other "pressure" either directly or indirectly was precluded by the rule. In these circumstances, an issue must be added to the proceeding. However, since it is apparent that neither Congressman Jones nor the principals of Tennessee Valley sought to influence the Commission's disposition of the application, the issue will be limited to an inquiry concerning possible violation of § 1.1227(e) of the Commission's rules and its effect on the comparative qualifications of Tennessee Valley to be a licensee of the Commission.

8. The burden of proof with respect to the issues added to the proceeding is on the applicant.

It is ordered, This 10th day of March 1967, that the motion to modify and enlarge issues, filed by Rocket City Broadcasting Co., Inc., on January 23, 1967, is granted to the extent indicated and denied in all other respects:

(a) Issue 6 is modified to read as follows:

6. To determine with respect to the Rocket City financial proposal:

a. The availability to the applicant of credit from an equipment manufacturer, as described in the application;

b. The availability to the applicant of $8,000 which it proposes to obtain from the sale of capital stock to its principals, and $124,000 which it proposes to obtain from loans to it by its principals;

c. Whether in the light of the evidence adduced through issues 6 (a) and (b), Rocket City is financially qualified.

(b) A new Issue 9 is added as follows:

9. To determine whether the principals of Tennessee Valley Broadcasting Co., Inc. have engaged in conduct prohibited by § 1.1227(e) of the Commission's rules and, if so, what effect such conduct has on Tennessee Valley's qualifications.

(c) A new Issue 10 is added as follows:

10. To determine whether Tennessee Valley has a suitable antenna site available to it.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2969; Filed, Mar. 16, 1967; 8:49 a.m.]

[Docket Nos. 17258-17260; FCC 67-258]

GAMMA TELEVISION CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Gamma Television Corp., Memphis, Tenn., Docket No. 17258, File No. BPCT-3599; John McLendon, trading as Tele/Mac of Memphis, Memphis, Tenn., Docket No. 17259, File No. BPCT-3762; Victor Muscat and Cliff Ford, doing business as Memphis Broadcasting Associates, Memphis, Tenn., Docket No. 17260, File No. BPCT-3787; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 1st day of March 1967;

1. The Commission has before it for consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 24, Memphis, Tenn.

2. With respect to the issues set forth below, the following considerations are pertinent:

a. Based on the information contained in the application of Tele/Mac of Memphis, cash in amount of $421,440 will be needed for the construction and first-year operation of the proposed station, consisting of annual rental of equipment—$77,220; interest on loan—$12,000; other items—$15,000 and first-year operating expenses—$317,220. To meet the cash requirements, the applicant relies upon the availability of existing capital of $725,000, a loan of $200,000 and profits of $100,000 from the operation of Standard Broadcast Stations WOKJ (AM), Jackson, Miss., and WENN (AM), Birmingham, Ala. The applicant has demonstrated the availability of the $200,000 loan. However, the applicant's principal, John M. McLendon has not shown current and liquid assets (as defined in sec. III, par. 4(d), FCC Form 301) in excess of current liabilities in sufficient amount to provide the applicant with $725,000, particularly since he has already committed approximately $514,700 of his funds toward the construction of Television Broadcast Station WAPT, Channel 16, Jackson, Miss. In addition, while the applicant indicates that profits of $100,000 will be available from the operation of Standard Broadcast Stations WOKJ (AM) and WENN (AM), the applicant has failed to submit agreements from the licensees of both stations to provide such funds and in addition, there is no indication that such funds are available to finance the proposed station. Moreover, the applicant has made no showing as to the validity of its $355,680 revenue estimate for the first year. Accordingly, financial issues have been specified.

b. Based on the information contained in the application of Gamma Television Corporation, cash in the amount of $525,699 will be needed for the construction and first-year operation of the proposed station, consisting of down payment on equipment—$73,200; first-year payments on equipment including interest—$56,749; first-year payments on bank loan including interest—$45,750; other items—$50,000 and first-year operating expenses—$300,000. To meet the cash requirements, the applicant relies upon the availability of $96,333 in new capital, a $300,000 bank loan and estimated first-year revenues of $330,000. The applicant has established the availability of the $300,000 bank loan and $79,333 in new capital. However, the applicant has failed to demonstrate how Sunstand, Inc., will obtain liquid and current assets (as defined in sec. III, par. 4(d), FCC Form 301) in excess of current liabilities in sufficient amount to meet its commitment to purchase the applicant's stock. Moreover, while the applicant has submitted information in an effort to support its estimate of revenues, the Commission does not believe that the information submitted does, in fact, demonstrate the soundness of the estimate of revenues as required by the Commission in Ultravision Broadcast Co., FCC 65-581, 5 RR 2d 343. Accordingly, financial issues have been specified.

3. The principals of Gamma Television Corp. are also principals of Delta Television Corp., permittee of Station WNTU-TV, Channel 33, Norfolk, Va. (construction permit granted Apr. 20, 1966); Kappa Television Corp., permittee of Station WUHF-TV, Channel 61, Hartford, Conn. (construction permit granted May 4, 1966) and Beta Television Corp., permittee of Station WBAU-TV, Channel 49, Buffalo, N.Y. (construction permit granted June 2, 1966). On December 1, 1966, December 2, 1966, and November 18, 1966, respectively, the permittees of the above stations filed applications (BMPCT-6419, BMPCT-6417, and BMPCT-6407) for extensions of time within which to complete construction of the stations. In support of its request for an extension of time, Delta Television Corp. states:

> Following conferences with its consulting engineer and based on his advise, applicant has been in the process of attempting to locate a better transmitter site. Included in these efforts have been (1) personal inspection of property in the area, (2) negotiations with real estate agents, and (3) discussions with Mr. M. G. Robertson, regarding the possible purchase of the present WYAH-TV transmitter site, tower, and combined transmitter-studio building should the WYAH-TV application (File No. BPCT-3855) to move its physical plant be granted. As soon as the new site has been selected, applicant will file an application for modification of permit.

In support of its request for an extension of time, Kappa Television Corp. states:

> As the Commission knows, hilly terrain factors in the Hartford area have caused considerable television reception difficulties. For this reason, applicant is of the opinion that its transmitter site location is highly critical to its operation. Accordingly, applicant's consulting engineer has been studying this question, but has not yet made his final recommendation. Upon receipt of this recommendation, applicant will select its new transmitter site and will promptly file its application for modification of permit specifying this site.

In support of its request for an extension of time, Beta Television Corp. states:

> Applicant is presently involved in negotiations looking toward the acquisition of existing transmitting facilities which are potentially available by reason of the relocation of the transmitter site of Station WGR-TV, Channel 2, Buffalo. Should the parties be able to agree upon the terms of acquisition and should use of the facilities prove technically feasible, applicant intends to apply for a modification of permit to specify such facilities and to commerce construction upon the grant of such application.

There is no indication that construction of the stations has commenced and, in addition, the permittees indicate that equipment has not yet been ordered. In view of the foregoing, it is apparent that construction of these stations in accordance with the terms of the construction permits is not certain nor is there certainty as to when these stations might be constructed. Under these circumstances, we believe that an issue is warranted to determine, with respect to the application of Gamma Television Corp., whether there is any reasonable assurance that the applicant will construct the proposed station.

4. The transmitters proposed by Memphis Broadcasting Associates and Tele/Mac of Memphis have not been type-accepted by the Commission. Accordingly, in the event of a grant of the application of Memphis Broadcasting Associates or the application of Tele/Mac of Memphis, the grant shall be made subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type-acceptance of the proposed transmitter in accordance with § 73.640 of the Commission's rules.

5. Since the tower site proposed by Tele/Mac of Memphis will be located in the vicinity of the tower of Standard Broadcast Station WHER (AM), Memphis, Tenn., in the event of a grant of the application of Tele/Mac of Memphis, such grant shall be made subject to a proximity condition with respect thereto.

6. There appears to be a significant disparity in the proposed Grade B contours of the applicants. In accordance with the Commission's policy, evidence with respect to which of the proposals would represent a more efficient use of the frequency may be adduced under the comparative issue.[1]

7. Memphis Broadcasting Associates is qualified to construct, own and operate the proposed new television station and, except as indicated by the issues set forth below, Gamma Television Corp. and Tele/Mac of Memphis are qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed, would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Gamma Television Corp, Tele/Mac of Memphis, and Memphis Broadcasting Associates are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to the application of Tele/Mac of Memphis:

(a) Whether John M. McLendon has current and liquid assets (as defined in sec. III, par. 4(d), FCC Form 301) in

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[3] This position is supported by an affidavit of one Jeff D. Smith, a Huntsville attorney, appended to the opposition and a series of further pleadings and orders in the matter, the last of which was the Court's decree of Condemnation dated May 19, 1966.

[4] Tennessee Valley filed an appeal from the Decree of the Probate Court June 14, 1966. The Appellate Court considers condemnation actions de novo. The appellate judgment affirming the Probate Court was entered Dec. 29, 1966.

[5] That amendment was returned to the applicant for failure to comply with section 73.187 of the Commission's rules.

[6] Sections 1.1223 and 1.1227(e) read, in pertinent part, as follows:

"1.1223 Presentations prohibited in restricted application proceedings prior to their designation for hearing.

"As provided in § 1.1203(b), certain application proceedings are 'restricted' following the submission of a petition to deny or public notice of the filing of a mutually exclusive application. Except as provided in § 1.1227, no interested person shall, directly or indirectly, make or attempt to make any oral or written ex parte presentation to decision-making Commission personnel concerning such a proceeding. Nor, in the absence of public notice, shall such an ex parte presentation be made, directly or indirectly, by an interested person having actual knowledge that a mutually exclusive application has been filed."

"§ 1.1227 Permissible ex parte communications.

"The following communications shall not be considered to be ex-parte presentations prohibited by the provisions of this subpart:

* * * * *

"(e) Any request for information solely with respect to the status of a restricted proceeding. (Interested persons, however, are prohibited from directly or indirectly soliciting ex parte status inquiries.)"

[8] Statement of Board Member Berkemeyer, dissenting in part, filed as part of original document; Board Member Nelson dissenting in part.

[1] Harriscope, Inc., FCC 65-1165, 2 FCC 2d 223.

excess of current liabilities in sufficient amount to provide the applicant with funds to construct and operate the proposed station for the first year.

(b) Whether Jomac Jackson Corp., licensee of Standard Broadcast Station WOKJ (AM), Jackson, Miss., and McLendon Birmingham Broadcasting Co., licensee of Standard Broadcast Station WENN (AM), Birmingham, Ala., can make available $100,000 to John M. McLendon for the construction and first-year operation of the proposed station.

(c) Whether, in the light of the evidence adduced, pursuant to the foregoing, Tele/Mac of Memphis is financially qualified.

2. To determine with respect to the application of Gamma Television Corp.:[1]

a. Whether Sunstand, Inc., has current and liquid assets (as defined in sec. III, par. 4(d) FCC Form 301) in excess of current liabilities in sufficient amount to meet its commitment to the applicant.

b. Whether the applicant will have available sufficient revenue to supplement its available funds.

c. Whether, in the light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

d. In view of the failure of the principals of Gamma Television Corp. to construct Television Broadcast Stations WNTU-TV, Norfolk, Va.; WUHF-TV, Hartford, Conn., and WBAU-TV, Buffalo, N.Y., whether there is any reasonable assurance that Gamma Television Corp. will construct the proposed new television broadcast station in accordance with the provisions of § 1.598 of the Commission's rules.

3. To determine which of the proposals would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, in the event of a grant of the application of Memphis Broadcasting Associates or the application of Tele/Mac of Memphis, the application shall be granted subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type-acceptance of its proposed transmitter in accordance with the requirements of § 73.640 of the Commission's rules.

It is further ordered, That, in the event of a grant of the application of Tele/Mac of Memphis, such grant shall be made subject to the following condition:

A skeleton proof of performance shall be submitted consisting of at least five field intensity measurements made between 2 and 10 miles distance on each of eight equally spaced radials before and after said construction to prove that the construction does not adversely affect the operation of Station WHER (AM).

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules give notice of the hearing, either individually or if feasible, jointly, within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-2970; Filed, Mar. 16, 1967; 8:49 a.m.]

[Docket Nos. 16609, 16610; FCC 67M-409]

NORTHWEST BROADCASTERS, INC. (KBVU) AND BELLEVUE BROADCASTERS (KFKF)

Memorandum of Ruling

In re applications of Northwest Broadcasters, Inc. (KBVU), Bellevue, Wash., Docket No. 16609, File No. BR-4369; for renewal of license of KBVU; F. Kemper Freeman, Elwell C. Case, and Mrs. Florence G. Hayes, doing business as Bellevue Broadcasters (KFKF), Bellevue, Wash., Docket No. 16610, File No. BP-17059; for construction permit.

1. On March 9, 1967, during a prehearing conference, Northwest Broadcasters moved that further hearing procedures be continued pending Commission disposition of certain pleadings now before it. The motion was granted over objection of certain of the parties, and it is deemed appropriate that this memorandum issue for the purpose of clarifying the ruling.

2. On February 6, 1967, the Commission released a memorandum opinion and order designating for comparative hearing the renewal application of Northwest Broadcasters, Inc. and the application for construction permit of Bellevue Broadcasters.[1a] The said order also, in effect, dismissed an application to transfer control of Northwest Broadcasters, Inc. from its present owners, Morton and Tishelle Glant, to Walter N. Nelskog. Recognizing that the proposed transfer of control of Northwest had been for the purpose of restoring the financial viability which the corporation otherwise lacks, the Commission designated an issue as to Northwest's financial qualifications, but afforded it "an opportunity to amend its renewal application to reflect any new financial information and plans for financing the operation of the station which it proposes to submit in response to the issue". A time limit of 30 days within which to amend was imposed.

3. Rather than availing itself of the privilege to amend, Northwest elected to seek reconsideration pursuant to 47 U.S.C. 405 and 47 CFR 1.106, and also sought, pursuant to 47 CFR 1.44 and 1.45, a stay of the effectiveness of the Commission's order of February 6, 1967, pending action on the petition for reconsideration. It is during the pendency of these pleadings that Northwest sought continuance of further proceedings by the Hearing Examiner.

4. Initially, it should be noted that the basic scheme of the Communications Act and the Commission's rules enacted in implementation thereof contemplates the continuing effectiveness of Commission actions pending disposition of requests to reconsider them.[2] For this reason, subordinate authority within the Commission does not ordinarily permit the pendency of a request for reconsideration to deter the orderly performance of its function. Nevertheless, circumstances may from time to time render the application of a contrary procedure desirable. This appears to be one of those cases.

5. The premise underlying both orders of designation is that Northwest, as presently constituted, is not financially qualified to effectuate its proposal. That is to say, assuming that the accuracy of such premise is borne out at the hearing, unless it amends to show a new scheme of financing, a hearing on its application would be an empty sham which it is preordained to lose. On the other hand, if it amends to overcome its financial deficiency it may eliminate the factual basis of the proposal on which its pending petition for reconsideration is based, thus mooting the petition and effectively depriving it of the right to reconsideration guaranteed by both the Communications Act and the Commission's rules.

6. To force Northwest to one of these choices would seem inequitable, and the very fact that it was afforded an opportunity to amend suggests that the Commission was desirous of going to unusual lengths to avoid inequity in disposing of these conflicting applications. Under these unusual circumstances, it is deemed appropriate to defer further hearing procedures until the Commission has had an opportunity to consider the pleadings and postures before it.

Accordingly, it is ordered, This 13th day of March 1967, that further proceedings herein are continued pending further order.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-2971; Filed, Mar. 16, 1967; 8:50 a.m.]

[1] Commissioner Wadsworth absent.

[1a] An earlier version of this hearing had contemplated a comparison between the Bellevue application and that of Sunshine Broadcasting Co., proposed assignee of Northwest, with the Northwest renewal application being designated for hearing only so that it could be granted if Sunshine prevailed on the comparison or denied if Bellevue were the winner. The Sunshine application was subsequently dismissed, thereby mooting the hearing issues then designated.

[2] See 47 U.S.C. 405; 47 CFR 1.106(n).

[Docket No. 16125, FCC 67M-408]

TINKER, INC.

Memorandum Opinion and Order Regarding Procedural Dates

In the matter of revocation of the license of Tinker, Inc., for standard broadcast station WEKY Richmond, Ky., Docket No. 16125.

1. The Hearing Examiner has for consideration a motion for continuance of hearing, filed by Tinker, Inc., on March 8, 1967, together with comments in support thereof filed by the Broadcast Bureau on March 9, 1967.

2. Petitioner asserts that its principal stockholder, who is a figure central to the designated issues, is in such physical and emotional condition that he is unable to participate meaningfully in the hearing, and that to compel him to attempt to do so would risk medical consequences of the most serious nature. In support of this assertion, an affidavit of the individual's physician is attached. Because of these facts, petitioner wishes to dispose of Station WEKY, and seeks continuance of the hearing while the Commission considers the matter.

3. In an order released February 14, 1967, the Commission indicated an awareness of the physical problems of Tinker's principal, but indicated that they were not of sufficiently serious nature to bring this case within the doctrine of Martin R. Karig, 3 RR 2d 669. However, the affidavit accompanying the instant petition indicates that the condition has become considerably more grievous since the Commission last considered the matter. In any event, the change of circumstance is sufficiently marked to warrant deferral of proceedings which may result in irreversible consequences until the Commission has had an opportunity to act.

Accordingly, it is ordered, This 13th day of March 1967, that all proceedings herein are continued pending further order.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-2972; Filed, Mar. 16, 1967; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-89]

CITIES SERVICE GAS CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition to Amend

MARCH 9, 1967.

Take notice that on March 1, 1967, Cities Service Gas Co., Post Office Box 25128, Oklahoma City, Okla. 73125, and Natural Gas Pipeline Company of America, 122 South Michigan Avenue, Chicago, Ill. 60603 (hereinafter referred to as "Petitioners"), filed a joint petition to amend the order issued by the Commission January 2, 1964, as amended August 14, 1964, and April 13, 1965, by extending the period in which Petitioners are authorized to exchange natural gas from May 1, 1967, to May 1, 1970, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The above-mentioned order, as amended, authorized Petitioners to exchange up to 40,000 Mcf of natural gas per day, through certain specified delivery points, for a period extending until May 1, 1967.

Petitioners seek authorization to continue the previously authorized exchange of natural gas for a period extending until May 1, 1970. Petitioners state that the agreement between them dated September 30, 1963, and as further amended, extended the term of the agreement until May 1, 1970, and was filed as Exhibit Z of the joint application filed in this docket on December 1, 1964. Petitioners stated and again state that the purpose of this exchange agreement is to enable Cities Service Gas Co. to utilize the unused capacity of its South of Blackwell System to meet the growing demands of its present customers.

On this basis, Petitioners seek authorization to extend the previously authorized exchange of natural gas for a period until May 1, 1970.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1967.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-2943; Filed, Mar. 16, 1967; 8:47 a.m.]

[Docket No. E-7277]

IOWA SOUTHERN UTILITIES CO.

Notice of Application for Amendment of Order

MARCH 10, 1967.

Take notice that on March 6, 1967, Iowa Southern Utilities Co. (Applicant) an electric utility incorporated under the laws of the State of Iowa with its principal place of business office at Centerville, Iowa, filed an application seeking an amendment to the Commission's order issued in Docket No. E-7277.

In its order issued April 4, 1966, in Docket No. E-7277 the Commission authorized the Applicant to issue short-term notes having a maturity not in excess of 6 months to commercial banks in an amount not to exceed $20 million. Applicant now asks that such order be amended so as to authorize the issuance of short-term notes in accordance with amendments to the Applicant's revolving credit agreement with the Continental Illinois National Bank and Trust Company of Chicago.

Under this amendment Applicant proposes to issue notes to Continental Illinois in an amount not to exceed $15 million at any one time outstanding. The notes will be issued from time to time as the need for funds arises with maturity dates not in excess of 90 days. Borrowings subsequent to June 30, 1968, shall not exceed $3 million.

The proceeds from the issuance of the notes will be used to finance in part Applicant's 1967 and 1968 construction program. The principal item in this program, the construction of the 212 mw Burlington generating station, will require an estimated expenditure of $18.3 million in 1967 and 1968.

Any person desiring to be heard or to make any protest with reference to the application should on or before March 30, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-2944; Filed, Mar. 16, 1967; 8:47 a.m.]

[Docket No. G-20111 etc.]

LIVINGSTON OIL COMPANY ET AL.

Order Making Successors Co-Respondents, Redesignating Proceedings, Accepting Agreements and Undertakings for Filing, and Requiring Filing of Agreement and Undertaking

MARCH 10, 1967.

By order issued January 17, 1967, in Docket No. G-4098 et al., the Commission issued a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Livingston Oil Co. in Docket No. CI67-391 authorizing Livingston to continue in part the sale of natural gas theretofore authorized in Docket No. G-19960 to be made pursuant to New Era Royalties FPC Gas Rate Schedule No. 1. Livingston's ratification of the contract comprising said rate schedule was accepted for filing as Livingston's FPC Gas Rate Schedule No. 26. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. G-20111.[1] Livingston has filed a motion to be made co-respondent in said proceeding together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Livingston will be made a co-respondent, the proceeding will be redesignated accordingly, and the agreement and undertaking will be accepted for filing.

By order issued December 21, 1966, in Docket No. G-5942 et al., the Commission amended the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in Docket No. CI62-1291 by authorizing Roy L. Cook, Trustee, to continue the sale of natural gas theretofore authorized in said docket to be made

[1] Consolidated with Docket No. AR64-1, et al.

pursuant to Feldt & Maytag FPC Gas Rate Schedule No. 1. Said rate schedule was redesignated as Cook's FPC Gas Rate Schedule No. 5. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64–500. Cook has submitted an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Cook will be made a co-respondent in said proceeding, the proceeding will be redesignated accordingly, and the agreement and undertaking will be accepted for filing.

By order issued December 21, 1966, in Docket No. G–5942 et al., the Commission amended the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in Docket No. G–19571 by authorizing Phillips Petroleum Co. to continue the sale of natural gas theretofore authorized in said docket to be made pursuant to Shell Oil Co. FPC Gas Rate Schedule No. 217. Said rate schedule was redesignated as Phillips' FPC Gas Rate Schedule No. 431. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65–475. Phillips has filed a motion to be made co-respondent in said proceeding together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Phillips will be made a co-respondent, the proceeding will be redesignated accordingly, and the agreement and undertaking will be accepted for filing.

By order issued December 20, 1966, in Docket No. G–13166 et al., the Commission issued a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Ashland Oil & Refining Co. in Docket No. CI67–507 authorizing Ashland to continue in part the sale of natural gas theretofore authorized in Docket No. G–12064 to be made pursuant to Gulf Oil Corp. FPC Gas Rate Schedule No. 68. The contract comprising said rate schedule was also accepted for filing as Ashland's FPC Gas Rate Schedule No. 180. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65–599. Ashland has filed a motion to be made co-respondent in said proceeding. Therefore, Ashland will be made co-respondent, the proceeding will be redesignated accordingly, and Ashland will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that successors in interest should be made co-respondents in rate proceedings, that said proceedings should be redesignated accordingly, and that agreements and undertakings should be required or should be accepted for filing in said proceedings.

The Commission orders:

(A) Livingston Oil Co. shall be a co-respondent in the proceeding pending in Docket No. G–20111, said proceeding is redesignated accordingly,[2] and the agreement and undertaking submitted by Livingston in said proceeding is accepted for filing.

(B) Roy L. Cook, Trustee, shall be a co-respondent in the proceeding pending in Docket No. RI64–500, said proceeding is redesignated accordingly,[3] and the agreement and undertaking submitted by Cook in said proceeding is accepted for filing.

(C) Phillips Petroleum Co. shall be a co-respondent in the proceeding pending in Docket No. RI65–475, said proceeding is redesignated accordingly,[4] and the agreement and undertaking submitted by Phillips in said proceeding is accepted for filing.

(D) Ashland Oil & Refining Co. shall be a co-respondent in the proceeding pending in Docket No. RI65–599 and said proceeding is redesignated accordingly.[5]

(E) Within 30 days from the issuance of this order Ashland Oil & Refining Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI65–599 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(F) Each of the new respondents shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by them shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–2945; Filed, Mar. 16, 1967; 8:47 a.m.]

[Docket No. CP67–247]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application

MARCH 9, 1967.

Take notice that on March 3, 1967, The Manufacturers Light and Heat Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP67–247 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a 2,160 horsepower compressor station in Franklin Township, Greene County, Pa., consisting of two 1,080 horsepower gas turbine driven centrifugal compressor units. Applicant proposes to place this compressor station in service by December 1, 1967. Applicant states that this compressor station is necessary to increase its capacity to the level required for the 1967–68 winter season.

Applicant estimates the cost of the proposed construction at approximately $550,000, said cost to be financed through the issuance and sale of promissory notes and/or common stock to its parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 7, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–2946; Filed, Mar. 16, 1967; 8:48 a.m.]

[Project No. 2639]

NORTHERN STATES POWER CO.

Notice of Application for License for Constructed Project

MARCH 9, 1967.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Northern States Power Co. (correspondence to: W. N. Marx, President, Northern States Power Co., 100 North Barstow Street, Eau Claire, Wis. 54702) for constructed Project No. 2639, known as Cornell Hydro Plant, located on the Chippewa River in the city of Cornell, Chippewa County, Wis.

The existing Cornell Hydro Plant consists of: (1) A concrete dam 764 feet long (maximum height 37 feet), made of a 210-foot concrete gravity overflow spillway section, topped by flashboards 3.1 feet high, a 284-foot gated spillway section, 14-foot wide log sluice and fishway section, and a 256-foot integral powerhouse; (2) a reservoir with surface area of 800 acres at an elevation of about 140 feet, with surface fluctuations of 5 feet; and (3) an indoor powerhouse, containing two units with total capacity of 2,160 kw., four 1,600 hp. turbines each connected directly to pulp grinders, three idle turbines, and three turbines with no runners.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 10, 1967. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–2947; Filed, Mar. 16, 1967; 8:48 a.m.]

[Docket No. RI65–113 etc.]

NORTHWEST PRODUCTION CORP. AND PECOS CO.

Order Conditionally Approving Settlement Proposals, Requiring Filing of Changes in Rates, Requiring Refunds, and Severing Proceedings

MARCH 10, 1967.

Northwest Production Corp. (Northwest) and Pecos Co. (Pecos) filed on August 15, 1966, offers of settlement for sales of natural gas to an affiliate, El Paso Natural Gas Co. (El Paso), from various fields in the Permian Basin. Although Northwest and Pecos are respondents in the Permian Basin area rate proceeding, Docket No. AR61–1, these particular suspension proceedings were not included therein. However, the subject proceedings were included in the Commission's show cause order issued with Opinion No. 468 directing respondents to show cause why said opinion should not apply to them.

Northwest and Pecos have filed quality statements in compliance with Opinion No. 468, as modified. Such statements have been accepted by the Commission. The settlement rates proposed here are the rates reflected in the quality statements which are the just and reasonable rates determined in Opinion No. 468.[1] They shall be effective as of September 1, 1965, the effective date of Opinion No. 468.

Northwest and Pecos propose to refund to El Paso the amounts collected subject to refund in the above-entitled proceedings, above the settlement rates, with applicable interest, in accordance with ordering paragraph (I) of the Commission's Opinion No. 468, 34 FPC 159. However, we believe that equity requires the 7 percent interest requirement in these dockets on amounts charged and collected subject to refund be terminated as of November 30, 1966, because of the delay involved in acting upon their offers. In the event Pecos or Northwest elect to commingle such refunds, the applicable interest shall be 5¾ percent, the prime rate of interest now in effect,[2] from and after December 1, 1966.

Additionally, Northwest and Pecos request that these proceedings be severed from the show cause proceeding issued concurrently with Opinion No. 468, 34 FPC 424, and that they be consolidated with the proceedings in AR61–1. This order will so provide.

Because Northwest and Pecos are affiliates of El Paso our approval of their offers of settlement is without prejudice to any action which may be taken by the Commission in any rate proceedings involving either Northwest, Pecos, or El Paso.

The Commission finds: The offers of settlement separately filed by Northwest and Pecos on August 15, 1966, as conditioned herein, are in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offers of settlement filed with the Commission by Northwest and Pecos on August 15, 1966, are approved in accordance with the provisions of this order.

(B) Northwest and Pecos each shall file within 20 days of the issuance of this order a notice of change for each of the FPC gas rate schedules involved in these proceedings reflecting the settlement rates. The notice of change shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Northwest and Pecos within 30 days of the date of this order shall each compute the difference between the settlement rates and the rates collected subject to refund in the above-entitled proceedings, with interest at 7 percent to November 30, 1966, in accordance with ordering paragraph (I) of the Commission's Opinion No. 468, except as modified herein. With respect to such refunds, inclusive of interest, they shall also comply within 30 days of the date of this order with ordering paragraph (J) of said opinion: *Provided, however,* If either of them elect to retain the refund monies it owes El Paso for use for its own corporate purposes pending further action of the Commission the interest rate on such monies shall be 5¾ percent, commencing on December 1, 1966, and the offers of settlement are so hereby conditioned.

(D) Upon compliance by Northwest or Pecos with the provisions of this order the instant proceedings shall be respectively severed from the show cause order mentioned above and made subject to Opinion Nos. 468 and 468–A and the settlement rates set forth in the appendix shall be effective as of September 1, 1965.

(E) The acceptance herein is without prejudice to any action which the Commission may take in any pending or future rate proceeding involving either Northwest, Pecos, or El Paso, or in any area rate proceeding involving any of said companies.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX—NORTHWEST PRODUCTION CORPORATION

Rate schedule No.	Supplement No.	Docket No.	Rate effective subject to refund[1]	Applicable rate established by quality statement[1]
			(*Cents*)	(*Cents*)
2	7	RI65–113	18.2430	[2] 14.64
PECOS COMPANY				
1	7	RI65–65	18.2430	[2] 14.64
2	9	RI65–66	16.2160	[2] 11.82
3	8	RI65–67	18.2430	[2] 14.64

[1] Rates are at 14.65 p.s.i.a.
[2] Quality statement accepted without condition by Commission order issued June 13, 1966.

[F.R. Doc. 67–2948; Filed, Mar. 16, 1967; 8:48 a.m.]

[Docket Nos. CS67–48 etc.]

O.F. & R. OIL CO. ET AL.

Notice of Applications for "Small Producer" Certificates[1]

MARCH 10, 1967.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and section 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 31, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes

[1] These rates are set forth in the appendix.

[2] Reserve Oil and Gas Co., Docket Nos. G–18570 et al., order issued Mar. 2, 1966.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

[2] New Era Royalties and Livingston Oil Co.
[3] Feldt & Maytag and Roy L. Cook, Trustee.
[4] Shell Oil Co.; Cabot Corp. (Operator), et al.; Herman Geo. Kaiser (Operator), et al.; and Phillips Petroleum Co.
[5] Gulf Oil Corp. and Ashland Oil & Refining Co.

that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Date filed	Name of applicant
CS67-48	2-23-67	O. F. & R. Oil Co., 118 West Broadway, Andrews, Tex. 79714.
CS67-49	2-27-67	Cornell Oil Co., 4616 Greenville Ave., Dallas, Tex. 75206.
CS67-50	3- 1-67	Frank J. Whitley, 683 San Jacinto Bldg., Houston, Tex. 77002.
CS67 51	3- 1-67	BBM Drilling Co., Post Office Drawer 3277, Midland, Tex. 79701.
CS67-52	3- 1-67	Paul F. Barnhart, Trustee, 1721 Chamber of Commerce Bldg., Houston, Tex. 77002.

[F.R. Doc. 67-2949; Filed, Mar. 16, 1967; 8:48 a.m.]

[Docket No. CP67-248]

OHIO FUEL GAS CO.

Notice of Application

MARCH 9, 1967.

Take notice that on March 3, 1967, The Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP67-248 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following facilities:

(1) 3.3 miles of 20-inch O.D. X.250-inch wall pipe line in Montgomery County, Ohio, extending Line A-97, and completing the looping of Line A-77 west of Dayton,

(2) 4.7 miles of 8⅝-inch O.D. X.172-inch wall pipe line in Clinton County, Ohio, replacing part of 6⅝-inch O.D. Line A-130 serving Wilmington,

(3) 4 miles of 20-inch O.D. X.250-inch wall pipe line in Hardin County, Ohio, extending Line D-500 and looping an additional section of Lines D-322 and D-357 serving the Lima market area,

(4) 4.3 miles of 8⅝-inch O.D. X.172-inch wall pipe line in Carroll County, Ohio, replacing sections of 4⅞-inch, 5⅝-inch and 6¼-inch O.D. Line V-118 serving the Carrollton market area,

(5) 5.5 miles of 12¾-inch O.D. X.203-inch wall pipe line in Fairfield County, Ohio, replacing part of 10¾-inch O.D. Line K-226 serving part of the Lancaster area, and

(6) 1.3 miles of 3½-inch O.D. X.156 wall pipe line in Erie County, Ohio, replacing part of 2⅜-inch O.D. Line D-23 serving Berlin Heights, together with valves, fittings, and incidental facilities necessary for practical operation.

Applicant states that the facilities proposed are a part of a program to maintain adequate facilities and service and to provide increased capacity needed to serve increasing requirements of existing markets and to assure adequate market service during the winter of 1967-68.

Applicant estimates the cost of the proposed construction at approximately $1,220,500, said cost to be financed by The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 7, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2950; Filed, Mar. 16, 1967; 8:48 a.m.]

[Docket Nos. CI67-1226, CI67-1227]

PHILLIPS PETROLEUM CO. AND MARATHON OIL CO.

Notice of Applications

MARCH 10, 1967.

Take notice that on March 8, 1967, Phillips Petroleum Co., Bartlesville, Okla. 74003, and Marathon Oil Co., 539 South Main Street, Findlay, Ohio 45840 (jointly Applicants), filed in Docket No. CI67-1226 an application pursuant to section 3 of the Natural Gas Act for authorization to export liquefied natural gas (LNG) to Japan from the United States. On the same date Applicants filed in Docket No. CI67-1227 an application for a Presidential permit pursuant to Executive Order No. 10485 dated September 3, 1953, for authorization to construct and maintain facilities for the export of LNG to Japan. The proposal is more fully set forth in the applications which are on file with the Commission and open to public inspection.

Specifically, pursuant to section 3 Applicants propose to export to Japan LNG for sale to The Tokyo Power Co., Inc. and Tokyo Gas Co., Ltd., at a price of 52 cents per million B.t.u. The natural gas to be liquefied will be produced from the North Cook Inlet Field and the Kenai Field, both located in the Cook Inlet Basin, Alaska. The Applicants propose to export during the first year from June 1, 1969, through May 31, 1970, thirty-five trillion, two hundred ninety-five billion B.t.u.'s (35,295,000,000,000 B.t.u.'s) of LNG, which is the methane equivalent of six hundred seventy thousand (670,000) metric tons of LNG. During each of the next 14 years Applicants propose to export fifty trillion, five hundred seventy billion B.t.u.'s (50,570,000,000,000) of LNG which is the methane equivalent of approximately nine hundred sixty thousand (960,000) metric tons of LNG.

Pursuant to the Presidential permit Applicants propose to construct and operate facilities for the liquefaction of natural gas, the storage of LNG and the loading of such onto ships for delivery in Japan. Such facilities will be located at the border of the United States in the State of Alaska.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 31, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2951; Filed, Mar. 16, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 13, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-2922; Filed, Mar. 16, 1967; 8:46 a.m.]

[70-4464]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale of Promissory Notes to Banks by Holding Company

MARCH 13, 1967.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to issue and sell, from time to time during the period beginning April 10, 1967, and ending April 10, 1968, its promissory notes to banks in an aggregate amount not to exced $25 million outstanding at any one time. Each note will mature not more than 10 months after the date of issuance, will bear interest at the prime rate in effect at the lending bank on the date of issuance, and will be prepayable without premium. It is stated that the borrowings will be from among the following banks and that the maximum amount of note indebtedness to be outstanding at any one time with each named bank will not exceed the amounts set forth below:

First National City Bank, New York, N.Y.	$5,000,000
Chemical Bank New York Trust Co., New York, N.Y.	5,000,000
Marine Midland Grace Trust Co., of New York, N.Y.	4,000,000
Bankers Trust Co., New York, N.Y	3,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	3,000,000
Morgan Guaranty Trust Co. of New York, N.Y.	3,000,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	2,000,000
Total	25,000,000

The proceeds from the proposed sale of notes, together with cash available from current operations, will be used by GPU (1) to make additional investments in its subsidiary companies, including capital contributions aggregating not in excess of $33,500,000 (see File No. 70-4463.), or to reimburse GPU's treasury for such additional investments made therefrom, or (2) to pay notes issued and sold pursuant to this declaration or under the exemption afforded GPU by the first sentence of section 6(b) of the Act, the proceeds of which will have been so utilized.

GPU anticipates that in 1968 it will issue and sell common stock in an amount sufficient to pay said note indebtedness, such common stock financing to be the subject of a future filing. GPU stipulates and agrees that the amount of note indebtedness hereby authorized shall automatically be reduced by the amount of net proceeds received by it from any permanent financing for the purpose of raising new capital.

The filing states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. GPU estimates that the fees and expenses in connection with the proposed notes will be approximately $2,500.

Notice is further given that any interested person may, not later than April 7, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-2923; Filed, Mar. 16, 1967; 8:46 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

MARCH 13, 1967.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-2924; Filed, Mar. 16, 1967; 8:46 a.m.]

[812-2074]

PACIFIC INSURANCE COMPANY OF NEW YORK AND BANKERS AND SHIPPERS INSURANCE COMPANY OF NEW YORK

Notice of Filing of Application

MARCH 13, 1967.

Notice is hereby given that Pacific Insurance Company of New York ("Pacific") and Bankers and Shippers Insurance Company of New York ("Bankers"), 12 Gold Street, New York, N.Y. 10038, both New York corporations, have filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act a transaction involving the purchase by Pacific of 15,000 shares of Bankers (10 percent of the outstanding common stock) from Insurance Securities Trust Fund ("ISTF") and the purchase by Bankers of 15,000 shares of common stock of Jersey Insurance Company of New York ("Jersey") (10 percent of the outstanding common stock) from ISTF. All interested persons are referred to the application on file with the Commission for a full statement of the representations made therein, which are summarized below.

ISTF owns 15,000 shares of the 150,000 presently outstanding shares of Bankers and 15,000 shares of the 150,000 presently outstanding shares of Jersey. Bankers and Jersey are therefore "affiliated persons" of ISTF within the meaning of section 2(a)(3) of the Act. Pacific owns 57,100 of the 150,000 outstanding shares of Bankers and 57,400 of the 150,000 shares of Jersey. Pacific is therefore an affiliated person of an affiliated person of ISTF. ISTF, a common-law trust organized under California law, is an investment company registered under the Act.

Section 17(a) of the Act, as here pertinent, makes it unlawful for any affiliate or any affiliate of an affiliate of a registered investment company to purchase from such registered company any security or other property, unless the Commission upon application grants an ex-

emption from such prohibition for the proposed transaction after finding that its terms are reasonable and fair and do not involve overreaching on the part of any person concerned and that it is consistent with the policy of the registered investment company and with the general purposes of the Act.

Applicants represent that the purchase price for the stocks involved in the transaction will be the average of the daily mean of the reported bid and asked quotations in the over-the-counter market during the period of 30 calendar days immediately preceding the date of the filing of the application. In the case of Jersey this was $34.55 per share and in the case of Bankers it was $53.79 per share. The purchase price in each case will be paid in cash. Applicants further represent that they believe the purchase prices to be paid to ISTF are reasonable and fair and that the transaction does not involve overreaching on the part of any person concerned.

Notice is further given that any interested person may, not later than March 28, 1967, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–2925; Filed, Mar. 16, 1967; 8:46 a.m.]

[File No. 0–592]

PAKCO COMPANIES, INC.

Order Suspending Trading

MARCH 13, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc., and all other securities of Pakco Companies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–2926; Filed, Mar. 16, 1967; 8:46 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

MARCH 13, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent industrial development revenue bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period March 14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–2927; Filed, Mar. 16, 1967; 8:46 a.m.]

[File No. 1–4407]

SPORTS ARENAS, INC.

Order Suspending Trading

MARCH 13, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1 cent par value of Sports Arenas, Inc., and the 6 percent convertible debentures being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–2928; Filed, Mar. 16, 1967; 8:46 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

MARCH 13, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–2929; Filed, Mar. 16, 1967; 8:46 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

MARCH 13, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–2930; Filed, Mar. 16, 1967; 8:46 a.m.]

[File No. 1–4371]

WESTEC CORP.

Order Suspending Trading

MARCH 13, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–2931; Filed, Mar. 16, 1967; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Southeastern Area)]

SOUTHEASTERN AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, the following authority is hereby redelegated to the positions as indicated herein:

I. *Area Coordinators*—A. *Economic Development Coordinator.* **1. To approve or decline section 501 State Development Company loans without dollar limitation and section 502 Local Development Company loans up to $350,000 (SBA Share).

2. To close and disburse sections 501 and 502 loans.

3. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

4. To cancel wholly or in part undisbursed balances of partially disbursed sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part), of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Supervisory Loan Officer (Economic Development).* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed sections 501 and 502 loans.

4. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Loan Officer (Economic Development).* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and 40 percent First Mortgage Plan—501 and 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

D. *Liquidation and Disposal Coordinator.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

e. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

E. *Supervisory Liquidation and Disposal Officer.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obli-

gations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans and (b) acquired property.

e. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (c) the cancellation of authority to liquidate.

F. *Financial Assistance Coordinator—1. Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

G. *Procurement and Management Assistance Coordinator—1. Eligibility determinations (for PMA activities only).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial purposes only. Product classification decisions for procurement purposes are made by contracting officers.

H. *Area Administrative Officer.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. *Regional Directors—A. Financial assistance.* 1. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity and disaster loans of any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and Area approved loans, for loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
(Name)
Regional Director.
(City)

6. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorizations.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

C. *Eligibility determination.* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

D. *Administration.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this administration.

E. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned.)—1. Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

3. To approved business and disaster loans not exceeding $350,000 (SBA share), and economic opportunity loans not exceeding $25,000 (SBA share).

4. To close and disburse approved business, economic opportunity and disaster loans.

5. To decline business, economic opportunity and disaster loans of any amount.

6. To enter into business, economic opportunity and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
(Name)
Title of person signing.

8. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participation banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

F. *Supervisory Loan Officer.* 1. To approve or decline direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business loan participation agreements with banks.

5. To execute loan authorizations for Washington, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
(Name)
Title of person signing.

6. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. *Size determination for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

G. *Loan Officer.* 1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $200 and endorse such

checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $200.

2. To close and disburse approved business, economic opportunity and disaster loans.

H. *Regional Counsel.* [Reserved]

I. *Chief, Accounting, Clerical and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

J. Assistant Chief, Accounting, Clerical and Training Division. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. *Branch Managers.* [Reserved]

IV. The specific authority delegated herein, indicated by double asterisks (**) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by any SBA employee designated as acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: September 1, 1966.

WILEY S. MESSICK,
Area Administrator,
Southeastern Area.

[F.R. Doc. 67-2940; Filed, Mar. 16, 1967; 8:47 a.m.]

[Declaration of Disaster Area 603]

PENNSYLVANIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Allegheny, Greene, Fayette, Washington, and Westmoreland Counties in the State of Pennsylvania;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situation in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about March 6 and 7, 1967.

OFFICE

Small Business Administration Regional Office, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

2. A temporary office will be located at Charleroi, Pa., address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1967.

Dated: March 10, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-2941; Filed, Mar. 16, 1967; 8:47 a.m.]

[Declaration of Disaster Area 602]

WEST VIRGINIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1967, because of the effects of certain disasters, damage resulted to residences and business property located in the State of West Virginia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid State, suffered damage or destruction resulting from heavy rainfall and accompanying conditions occurring on or about March 5, through March 9, 1967.

OFFICES

Small Business Administration Regional Office, 119 North Third Street, Clarksburg, W. Va. 26301.

Small Business Administration Branch Office, 500 Quarrier Street, Charleston, W. Va. 25301.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1967.

Dated: March 10, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-2942; Filed, Mar. 16, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 14, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40940—*Chlorine to Selma, Ala.* Filed by O. W. South, Jr., agent (No. A4999), for interested rail carriers. Rates on chlorine, in tank car loads, from Vicksburg, Miss., and Memphis, Tenn., to Selma, Ala.

Grounds for relief—Market competition.

Tariffs—Supplements 135 and 128 to Southern Freight Association, agent, tariffs ICC S-397 and S-484, respectively.

FSA No. 40941—*Chlorine to New Johnsonville, Tenn.* Filed by O. W. South, Jr., agent (No. A5000), for interested rail carriers. Rates on chlorine, in tank carloads, from Vicksburg, Miss., to New Johnsonville, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 135 to Southern Freight Association, agent, tariff ICC S-397.

FSA No. 40942—*Liquefied petroleum gas to points in Ontario, Canada.* Filed by Southwestern Freight Bureau, agent (No. B-8965), for interested rail carriers. Rates on liquefied petroleum gas, in tank carloads, from points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, to Amherstburg, Brantford, Hamilton, Quarries, Sarnia and Toronto, Ontario, Canada.

Grounds for relief—Carrier and market competition.

Tariff—Supplement 106 to Southwestern Freight Bureau, agent, tariff ICC 4530.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-2959; Filed, Mar. 16, 1967; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 14, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40943—*Corn and sorghum grains to points in Arkansas, also Memphis, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B-8951), for interested rail carriers. Rates on corn (not popcorn), corn products, grain sorghums, and grain sorghum products, in carloads, from points in Iowa, Kansas, Missouri, and Nebraska, to points in Arkansas, also Memphis, Tenn.

Grounds for relief—Motortruck competition.

Tariff—Supplement 109 to Southwestern Freight Bureau, agent, tariff ICC 4494.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-2960; Filed, Mar. 16, 1967; 8:49 a.m.]

[Notice 351]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 14, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1872 (Sub-No. 64 TA), filed March 10, 1967. Applicant: ASHWORTH TRANSFER, INC., 1526 South 600 West Street, Salt Lake City, Utah 84104. Applicant's representative: Keith E. Taylor, Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles in truckaway service*, between points in Utah, Nevada, Idaho, Montana, Wyoming, Colorado, and Arizona; and between points in Utah, on the one hand, and, on the other, points in New Mexico, for 180 days. Supporting shippers: Utah Power & Light Co., 1407 West North Temple, Salt Lake City, Utah; Howard P. Foley Co., 510 West First North Street, Salt Lake City, Utah; Atlas Equipment Co., 2525 South 300 West Street, Salt Lake City, Utah; Rocky Mountain Machinery Co., 1485 South Second West Street, Salt Lake City, Utah; Wasatch Electric Co., 1574 South West Temple Street, Salt Lake City, Utah; Utah Sprocket & Machinery Co., 717 South 500 West Street, Salt Lake City, Utah; Jelco, Inc., 1919 West North Temple Street, Salt Lake City, Utah; Kimball Equipment Co., 1846 South 200 West Street, Salt Lake City, Utah; Interstate Electric Co., Inc., 550 West Seventh South Street, Salt Lake City, Utah. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111. NOTE: Applicant states that it intends to tack the New Mexico authority with the other authority requested and to tack Sub 55 with the requested authority. It intends to interline in all States as is now done under its size and weight authority.

No. MC 55236 (Sub-No. 147 TA) (Correction), filed February 21, 1967, published FEDERAL REGISTER issue of March 1, 1967, and republished as corrected, this issue. Applicant: OLSON TRANSPORTATION COMPANY, 1970 South Broadway, Post Office Box 1187, Green Bay, Wis. 54306. Applicant's representative: G. R. Richmond (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from the plantsite of W. R. Grace & Co., at Henry, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: W. R. Grace & Co., 147 Jefferson Avenue Memphis, Tenn. 38101, C. W. Drewry, traffic manager, central operations. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Bureau of Operations and Compliance, 133 West Wells Street, Room 807, Milwaukee, Wis. 53203. NOTE: The purpose of this republication is to show the State of Minnesota as a destination State, which was inadvertently shown as Minneapolis.

No. MC 104076 (Sub-No. 11 TA), filed March 9, 1967. Applicant: THE PIONEER AND FAYETTE RAILROAD COMPANY, South State, Pioneer, Ohio 43554. Applicant's representative: Richard C. Repp (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer materials* (except lime used as a fertilizer base), *agricultural insecticides, agricultural fungicides, and agricultural herbicides*, between Fostoria, Ohio, on the one hand, and, on the other, points in Jackson, Hillsdale, Calhoun, Branch, St. Joseph, and Lenawee Counties, Mich., for 150 days. Supporting shipper: Kerr-McGee Corp., Kerr-McGee Building, Oklahoma City, Okla. 73102. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 111729 (Sub-No. 192 TA), filed March 3, 1967. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, De Bevoise Building, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Temporary authority is sought, for 180 days, as a *common carrier*, to transport, in interstate commerce, the following: *Radiopharmaceuticals, radioactive drugs, and medical isotopes*, limited to shipments not to exceed 50 pounds per shipment, over irregular routes: (1) Between North Chicago, Ill., on the one hand, and, on the other, O'Hare Field, Des Plaines, Ill., and Midway Airport, Chicago, Ill., restricted to traffic having an immediately prior or immediately subsequent movement by air; (2) between North Chicago, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, and Wisconsin; (3) between Birmingham, Ala., on the one hand, and, on the other, points in Alabama, restricted to traffic having an immediately prior or immediately subsequent movement by air; (4) between Memphis, Tenn., on the one hand, and, on the other, points in Mississippi, Tennessee, and Arkansas, restricted to traffic having an immediately subsequent movement by air; (5) between New York, N.Y., on the one hand, and, on the other, points in New York, Connecticut, and New Jersey, restricted to traffic having an immediately prior or immediately subsequent movement by air.

(6) Between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania, Delaware, New Jersey, Maryland, and Virginia, restricted to traffic having an immediately prior or immediately subsequent movement by air; (7) between Fort Lauderdale and Miami, Fla., on the one hand, and, on the other, points in Florida, restricted to traffic having an immediately prior or immediately subsequent movement by

air; (8) between Atlanta, Ga., on the one hand, and, on the other, points in Georgia, restricted to traffic having an immediately prior or immediately subsequent movement by air; (9) between Indianapolis, Ind., on the one hand, and, on the other, points in Indiana, restricted to traffic having an immediately prior or immediately subsequent movement by air; (10) between Des Moines, Iowa, on the one hand, and, on the other, points in Iowa and Nebraska, restricted to traffic having an immediately prior or immediately subsequent movement by air; (11) between Minneapolis, Minn., on the one hand, and, on the other, points in Minnesota and Wisconsin, restricted to traffic having an immediately prior or immediately subsequent movement by air; (12) between Kansas City, Mo., on the one hand, and, on the other, points in Kansas, restricted to traffic having an immediately prior or immediately subsequent movement by air; (13) between Cincinnati, Ohio, on the one hand, and, on the other, points in Kentucky and West Virginia, restricted to traffic having an immediately prior or immediately subsequent movement by air.

(14) Between Louisville, Ky., on the one hand, and, on the other, points in Kentucky, restricted to traffic having an immediately prior or immediately subsequent movement by air; (15) between New Orleans, La., on the one hand, and, on the other, points in Louisiana, restricted to traffic having an immediately prior or immediately subsequent movement by air; (16) between Boston, Mass., on the one hand, and, on the other, points in Maine, Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont, restricted to traffic having an immediately prior or immediately subsequent movement by air; (17) between Baltimore, Md., on the one hand, and, on the other, points in Maryland and the District of Columbia, restricted to traffic having an immediately prior or immediately subsequent movement by air; (18) between St. Louis, Mo., on the one hand, and, on the other, points in Illinois and points in Missouri, except Cape Girardeau, Miss., Scott, Stoddard, New Madrid and Butler Counties, Mo., restricted to traffic having an immediately prior or immediately subsequent movement by air; (19) between Kansas City, Mo., on the one hand, and, on the other, points in Missouri and Illinois, restricted to traffic having an immediately prior or immediately subsequent movement by air; (20) between Charlotte, N.C., on the one hand, and, on the other, points in North Carolina and South Carolina, restricted to traffic having an immediately prior or immediately subsequent movement by air.

(21) Between Fargo, N. Dak., on the one hand, and, on the other, points in North Dakota and Minnesota, restricted to traffic having an immediately prior or immediately subsequent movement by air; (22) between Detroit, Mich., on the hand, and, on the other, points in Michigan and Ohio, restricted to traffic having an immediately prior or immediately subsequent movement by air; (23) between Pittsburgh, Pa., on the one hand, and, on the other, points in Pennsylvania, Ohio, and West Virginia, restricted to traffic having an immediately prior or immediately subsequent movement by air; (24) between Cleveland and Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio, restricted to traffic having an immediately prior or immediately subsequent movement by air; (25) between Dallas, Tex., on the one hand, and, on the other, points in Oklahoma, restricted to traffic having an immediately prior or immediately subsequent movement by air; (26) between Omaha, Nebr., on the one hand, and, on the other, points in Iowa, Nebraska, and South Dakota, restricted to traffic having an immediately prior or immediately subsequent movement by air; (27) between Nashville, Tenn., on the one hand, and, on the other, points in Tennessee, restricted to traffic having an immediately prior or immediately subsequent movement by air.

(28) Between Washington, D.C., and Richmond, Va., on the one hand, and, on the other, points in Virginia; (29) between New York, N.Y., on the one hand, and, on the other, points in the District of Columbia and Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and Virginia; (30) between Washington, D.C., and Dulles Airport, Fairfax, Va., on the one hand, and, on the other, points in Maryland and Virginia restricted to traffic having an immediately prior or immediately subsequent movement by air; (31) between Bradley Field, Windsor Locks, Conn., on the one hand, and, on the other, points in Connecticut, restricted to traffic having an immediately prior or immediately subsequent movement by air. Applicant possesses emergency temporary authority under Docket MC 111729, R–57, granted for 30 days, effective February 24, 1967, as reflected by the annexed sheet marked Exhibit 2, and expiring March 25, 1967. This temporary authority application includes all of that granted under R–57 except for movements between Dallas, San Antonio, and Houston, Tex., on the one hand, and, on the other, points in Texas, restricted to traffic having an immediately prior or immediately subsequent movement by air. This portion of the service is already covered by a temporary authority application filed under Docket MC 111729, Sub 189 TA, pending before the Commission. With respect to Parts (29), (30), and (31) above, one of the supporting shippers herein, Mallinckrodt Nuclear, Formerly Nuclear Consultants, St. Louis, Mo., supported an application for this service under Docket MC 111729, Sub 166 TA. That portion of the application was denied by the Commission.

The transportation of radiopharmaceuticals under the aforesaid 166 TA was the subject matter of a protest filed by Smith and Solomon and said protest was restricted to the movement of radioactive materials from New York, N.Y., to Philadelphia, Pa., Baltimore, Md., and Washington, D.C. Protestant does not possess authority to perform the total service required by the shipper. Additionally, we had contacted the Protestant at that time and we were advised that they would be willing to accept a weight restriction and their interests were advised that they would be willing to accept a weight restriction and their interests were in truck-load shipments. We have, accordingly, imposed a weight limitation in this application. Applicant shall file for permanent authority in approximately 1 month with respect to all of the above service *except those parts as set forth below* because of permanent authority applications now pending before the Commission. A *Pending under MC 111729, Sub 145* copy of the Order is annexed to the application as Exhibit 3 reflecting grant of authority. Applicant shall attend to appropriate tariff filing by the necessary compliance date. Parts (1), (9), (10), (11), (12), (13), (21), (22), (26), and part (6) as between Philadelphia, Pa., and points in Pennsylvania; part (18) as between St. Louis, Mo., and points in Illinois and part (29) as between New York, N.Y., on the one hand, and, on the other, points in New Jersey and Connecticut.

B. *Pending under MC 111729, Sub 168* Filed September 13, 1966—application unprotested and verified statements filed by applicant January 12, 1967. Part (16) as between Boston, Mass., on the one hand, and, on the other, points in Massachusetts, Connecticut, and Rhode Island; all of Part (17); all of Part (30); all of Part (31) and Part (29) as between New York, N.Y., and points in the District of Columbia; Maryland, Massachusetts, Pennsylvania, Rhode Island, and Virginia, for 180 days. Supporting Shippers: Abbott Laboratories, 14th and Sheridan Road, Lake County, North Chicago, Ill. 60064; Mallinckrodt Nuclear, Box 6172 Lambert Field, St. Louis, Mo. 63145. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 119702 (Sub-No. 26 TA), filed March 9, 1967. Applicant: STAHLY CARTAGE CO., Post Office Box 481, 130–A Hillsboro Avenue, Edwardsville, Ill. 62025. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate fertilizer, and liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Marseilles, Ill., and 5 miles thereof, to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shippers: The Borden Chemical Co., Smith-Douglass Division, Post Office Box 419, Norfolk, Va. 23501; and F. S. Royster Guano Co., Norfolk, Va. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 126965 (Sub-No. 5 TA), filed March 9, 1967. Applicant: CLIFFORD B. FINKLE, Jr., 800 Bloomfield Avenue, Clifton, N.J. 07011. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Noodles*, in tote bins, from Fairlawn, N.J., to Albion, N.Y., (2) *empty tote bins*, from Albion, N.Y., to Fairlawn, N.J., under contract with A. Zerega's Sons, Inc., for 180 days. Supporting shipper: A. Zerega's Sons, Inc., 20–01 Broadway, Fairlawn, N.J. 07410. Send protests to: District Supervisor Joel Morrows, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 128920 TA, filed March 9, 1967. Applicant: LEIGHTON D. CHARLSEN, doing business as CHARLSEN TRUCKING SERVICE, 1030 South Fourth Street, Stillwater, Minn. 55082. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bed and furniture parts, materials, and supplies*, between St. Paul and Bayport, Minn., and Luck, Wis., for 180 days. Supporting shipper: St. Croix Manufacturing Co., Bayport, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128923 TA, filed March 9, 1967. Applicant: BRUMMETT MOVING & STORAGE, INC., 180 Sheppard Road, Jackson, Miss. 39206. Applicant's representative: Pat H. Scanlon, 930 Deposit Guaranty Building, Jackson, Miss. 39201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Mississippi, and (b) between points in Mississippi, on the one hand, and, on the other, the applicant's warehouse at Jackson, Miss., restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, and further restricted to shipments having a prior or subsequent movement beyond said points in containers, for 180 days. Supporting shippers: Under military contracts. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations and Compliance, 312–A U.S. Post Office Building, Jackson, Miss. 39201.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–2961; Filed, Mar. 16, 1967; 8:49 a.m.]

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FEDERAL REGISTER

VOLUME 32 • NUMBER 52

Friday, March 17, 1967 • Washington, D.C.

PART II

Department of Agriculture

Consumer and Marketing Service

Dairy Plants Approved for USDA Inspection and Grading Service

General Specifications



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart B—General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service [1]

A proposed revision of the Minimum Specifications for Approved Plants Manufacturing, Processing, and Packaging Dairy Products Under USDA Inspection titled General Specifications For Dairy Plants Approved For USDA Inspection and Grading Service, hereinafter referred to as General Specifications, was published in the FEDERAL REGISTER of September 16, 1966, under proposed rule making. It afforded interested parties 90 days to submit written data, views, or arguments for consideration therewith.

Statement of considerations. Some of the comments that were received did indicate that certain sections of the proposal were subject to misinterpretation. Therefore, minor changes have been made in line with those comments to more clearly state but not change the true intent of those sections. Certain other comments proposing complete changes or deletions of certain requirements were given careful consideration but their adoption was determined to be not in the best interest of a satisfactory and comprehensive plant approval program.

Therefore, the General Specifications are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087 as amended, 7 U.S.C. 1621–1627). It has been determined that it would be in the best interest of those concerned that the General Specifications become effective 60 days after publication in the FEDERAL REGISTER. The General Specifications shall supersede the Minimum Specifications For Approved Plants Manufacturing, Processing, and Packaging Dairy Products Under U.S. Department of Agriculture Inspection effective November 1955.

The revision is as follows:

Subpart B—General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service [2]

DEFINITIONS

Sec.
58.101 Meaning of words.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or applicable laws and regulations of States or Municipalities.

[2] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or applicable laws and regulations of any State or Municipality.

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SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING NONFAT DRY MILK, DRY WHOLE MILK, DRY BUTTERMILK AND DRY WHEY

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58.215 Preheaters.
58.216 Hotwells.
58.217 Evaporators and/or vacuum pans.
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58.219 High pressure pumps and lines.
58.220 Spray dryers.
58.221 Collectors and conveyors.
58.222 Dry dairy product cooling equipment.
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58.225 Clothing and shoe covers.
58.226 Portable and stationary bulk bins.
58.227 Sampling device.
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58.229 Filler and packaging equipment.
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SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING BUTTER AND RELATED PRODUCTS

DEFINITIONS

58.305 Meaning of words.

ROOMS AND COMPARTMENTS

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58.313 Print and bulk packaging rooms.

EQUIPMENT AND UTENSILS

58.314 General construction repair and installation.
58.315 Continuous churn.
58.316 Conventional churns.
58.317 Bulk butter trucks, boats and packers.
58.318 Butter, frozen or plastic cream melting machines.
58.319 Printing equipment.
58.320 Brine tanks.
58.321 Starter vats.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.322 Cream.
58.323 Whipped butter.
58.324 Butteroil.
58.325 Anhydrous milkfat.
58.326 Plastic cream.
58.327 Frozen cream.
58.328 Salt.
58.329 Color.
58.330 Butter starter cultures.
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OPERATIONS AND OPERATING PROCEDURES

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58.338 Composition and wholesomeness.
58.339 Containers.
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QUALITY REQUIREMENTS AND SPECIFICATIONS FOR FINISHED PRODUCTS BEARING THE USDA GRADE LABEL OR QUALITY APPROVED INSPECTION SHIELD

58.345 Butter.
58.346 Whipped butter.
58.347 Butteroil or anhydrous milkfat.
58.348 Plastic cream.
58.349 Frozen cream.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING CHEDDAR CHEESE AND SIMILAR VARIETIES

DEFINITIONS

58.405 Meaning of words.

ROOMS AND COMPARTMENTS

58.406 Starter room.
58.407 Make room.
58.408 Drying room.
58.409 Paraffining room.
58.410 Rindless block wrapping area.
58.411 Coolers or curing rooms.
58.412 Cutting and packaging rooms.

EQUIPMENT AND UTENSILS

58.413 General construction repair and installation.
58.414 Starter vats.
58.415 Cheese vats.
58.416 Mechanical agitators.
58.417 Curd mill and miscellaneous equipment.
58.418 Hoops and followers.
58.419 Press.
58.420 Rindless cheese press.
58.421 Paraffin tanks.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

58.422 Milk.
58.423 Hydrogen peroxide.
58.424 Catalase.
58.425 Cheese starter cultures.
58.426 Calcium chloride.
58.427 Color.
58.428 Rennet, pepsin, or other coagulating enzymes.
58.429 Salt.

OPERATIONS AND OPERATING PROCEDURES

58.430 Cheese from pasteurized milk.
58.431 Cheese from unpasteurized milk.
58.432 Time schedule.
58.433 Laboratory and quality control tests.
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QUALITY REQUIREMENTS AND SPECIFICATIONS FOR FINISHED PRODUCTS BEARING THE USDA GRADE LABEL OR QUALITY APPROVED INSPECTION SHIELD

58.439 Cheddar cheese.
58.440 Colby cheese.
58.441 Washed curd, soaked curd cheese.
58.442 Granular, stirred curd cheese.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING COTTAGE CHEESE

DEFINITIONS

Sec.
58.505 Meaning of words.

ROOMS AND COMPARTMENTS

58.510 Rooms and compartments.

EQUIPMENT AND UTENSILS

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58.513 Agitators.
58.514 Container filiers.
58.515 Mixers.
58.516 Starter vats.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.517 General.
58.518 Milk.
58.519 Dairy products.
58.520 Nondairy ingredients.

OPERATIONS AND OPERATING PROCEDURES

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58.522 Reconstituting nonfat dry milk.
58.523 Manufacture of cottage cheese.
58.524 Washing and cooling.
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58.527 Packaging and general identification.
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QUALITY REQUIREMENTS FOR COTTAGE CHEESE BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

58.529 Physical requirements.
58.530 Microbiological requirements at time of packaging in three out of five consecutive samples.
58.531 Chemical requirements.
58.532 Keeping quality requirements.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING ICE CREAM AND RELATED PRODUCTS

DEFINITIONS

58.605 Meaning of words.

ROOMS AND COMPARTMENTS

58.619 Mix processing room.
58.620 Freezing and packaging rooms.
58.621 Freezing tunnels.
58.622 Hardening and storage rooms.

EQUIPMENT AND UTENSILS

58.623 Homogenizer.
58.624 Freezers.
58.625 Fruit or syrup feeders.
58.626 Packaging equipment.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

58.627 Milk and dairy products.
58.628 Sweetening agents.
58.629 Flavoring agents.
58.630 Stabilizers.
58.631 Emulsifiers.
58.632 Acid.
58.633 Color.

OPERATIONS AND OPERATING PROCEDURES

58.634 Assembling and combining mix ingredients.
58.635 Pasteurization of the mix.
58.636 Homogenization.
58.637 Cooling the mix.
58.638 Freezing the mix.
58.639 Addition of flavor.
58.640 Packaging.
58.641 Hardening and storage.
58.642 Quality control tests.
58.643 Frequency of sampling.
58.644 Test methods.
58.645 General identification.
58.646 Official identification.

QUALITY REQUIREMENTS AND SPECIFICATIONS FOR FINISHED PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

Sec.
58.647 Composition requirements for ice cream.
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58.649 Physical requirements for ice cream.
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58.651 Requirements for ice milk.
58.652 Composition requirements for fruit sherbet.
58.653 Microbiological requirements for fruit sherbet.
58.654 Physical requirements for fruit sherbet.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING PASTEURIZED PROCESS CHEESE AND RELATED PRODUCTS

DEFINITIONS

58.705 Pasteurized process cheese and related products.

EQUIPMENT AND UTENSILS

58.706 General construction, repair, and installation.
58.707 Conveyors.
58.708 Grinders or shredders.
58.709 Cookers.
58.710 Fillers.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.711 Cheddar, colby, washed or soaked curd, granular or stirred curd cheese.
58.712 Swiss.
58.713 Gruyere.
58.714 Cream cheese, Neufchatel cheese.
58.715 Cream.
58.716 Nonfat dry milk.
58.717 Whey.
58.718 Flavor ingredients.
58.719 Coloring.
58.720 Acidifying agents.
58.721 Salt.
58.722 Emulsifying agents.

OPERATIONS AND OPERATING PROCEDURES

58.723 Basis for selecting cheese for processing.
58.724 Blending.
58.725 Trimming and cleaning.
58.726 Cutting and grinding.
58.727 Adding optional ingredients.
58.728 Cooking the batch.
58.729 Forming containers.
58.730 Filling containers.
58.731 Closing and sealing containers.
58.732 Cooling the packaged cheese.
58.733 Quality control tests.

QUALITY REQUIREMENTS FOR PROCESSED CHEESE PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

58.734 Pasteurized process cheese.
58.735 Pasteurized process cheese food.
58.736 Pasteurized process cheese spread.
58.737 Explanation of terms.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING MILK OR MILK PRODUCTS

DEFINITIONS

58.805 Milk and milk products.

EQUIPMENT AND UTENSILS

58.810 General construction, repair, and installation.
58.811 Vacuum chamber.
58.812 Leak protector valves.
58.813 Fillers and sealers for single service containers.
58.814 Bottle washers and sanitizers.
58.815 Case washers.
58.816 Bottle filiers and cappers.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

Sec.
58.817 Milk.
58.818 Cream.
58.819 Dairy cultures.
58.820 Milk-solids-not-fat.

OPERATIONS AND OPERATING PROCEDURES

58.821 General.
58.822 Bulk milk pickup.
58.823 Transfer of bulk milk.
58.824 Storage.
58.825 Separating and standardizing.
58.826 Pasteurization and homogenization.
58.827 Preparation and processing of batch products.
58.828 Preparation and processing of cultured dairy products.
58.829 Single-service containers.
58.830 Container adhesives.
58.831 Multiuse containers.
58.832 Filling containers.
58.833 Product storage.
58.834 Quality control tests.
58.835 Frequency of sampling.
58.836 Test methods.
58.837 General identification.
58.838 Official identification.

QUALITY REQUIREMENTS FOR PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

58.839 General.
58.840 Milk.
58.841 Low fat milk.
58.842 Skim milk.
58.843 Half and half.
58.844 Light cream.
58.845 Whipping cream.
58.846 Whipped cream.
58.847 Sour cream.
58.848 Cultured buttermilk.
58.849 Chocolate milk or milk products.
58.850 Chocolate flavored milk or milk products.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING EVAPORATED, CONDENSED OR STERILIZED MILK PRODUCTS

DEFINITIONS

58.905 Meaning of words.

EQUIPMENT AND UTENSILS

58.912 General construction repair and installation.
58.913 Evaporators and vacuum pans.
58.914 Fillers.
58.915 Batch or continuous in-container sterilizers.
58.916 Homogenizer.

OPERATIONS AND OPERATING PROCEDURES

58.917 General.
58.918 Standardization.
58.919 Preheat, pasteurization.
58.920 Homogenization.
58.921 Concentration.
58.922 Sterilization.
58.923 Filling containers.
58.924 Aseptic filling.
58.925 Sweetened condensed.
58.926 Heat stability.
58.927 Storage.
58.928 Quality control tests.
58.929 Suitability screening test.
58.930 Frequency of sampling for quality control—evaporated, condensed, and sterilized milk products.
58.931 Official test methods.
58.932 General identification.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

58.933 Milk.
58.934 Stabilizers.
58.935 Sugars.
58.936 Chocolate and cocoa.

QUALITY REQUIREMENTS FOR FINISHED PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

Sec.
58.937 Physical requirements for evaporated milk.
58.938 Physical requirements and microbiological limits for sweetened condensed milk.
58.939 Physical requirements for sterilized milk.
58.940 Physical requirements for sterilized milk concentrate.
58.941 Physical requirements for sterilized chocolate (flavored) milk or drink.

AUTHORITY: The provisions of this Subpart B issued under Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

DEFINITIONS

§ 58.101 Meaning of words.

For the purpose of the regulations of this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Act.* The applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), or any other Act of Congress conferring like authority.

(b) *Administrator.* The Administrator of the Consumer and Marketing Service or any other officer or employee of the Consumer and Marketing Service of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

(c) *Approved laboratory.* A laboratory in which the facilities and equipment used for official testing have been approved by the Administrator as being adequate to perform the necessary official tests in accordance with this part.

(d) *Approved plant.* One or more adjacent buildings, or parts thereof, comprising a single plant at one location in which the facilities and methods of operation therein have been surveyed and approved by the Administrator as suitable and adequate for inspection or grading service, in accordance with this part.

(e) *Sanitizing treatment.* Subjection of a clean product contact surface to an acceptable sanitizing agent of sufficient strength, and for a duration of time, as to effectively destroy microorganisms.

(f) *Continuous resident service or resident service.* Inspection or grading service performed at a dairy manufacturing plant or grading station by an inspector or grader assigned to the plant or station on a continuous year-around resident basis.

(g) *Dairy products.* Butter, cheese (whether natural or processed), skim milk, cream, milk products (whether dry, evaporated, stabilized or condensed), ice cream, dry whey, dry buttermilk, and any other food product which is prepared or manufactured in whole or in part from any of the aforesaid products, as the Administrator may hereafter designate.

(h) *Grader.* Any employee of the Department authorized by the Secretary or any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the Act and this part, to shippers of products and other interested parties, the class, quality, quantity and condition of such products.

(i) *Inspector.* Any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to inspect and certify quality, quantity and condition of products, observe the manufacturing, processing, packaging and handling of dairy products, and to perform dairy plant surveys in accordance with the regulations of this part.

(j) *Inspection* or *grading service.* Means in accordance with this part, the act of (1) drawing samples of any product; (2) determining the class, grade, quality, composition, size, quantity, or condition of any product by examining each unit or representative samples; (3) determining condition of product containers; (4) identifying any product or packaging material by means of official identification; (5) regrading or appeal grading of a previously graded product; (6) inspecting dairy plant facilities, equipment, and operations; such as, processing, manufacturing, packaging, repackaging, and quality control; (7) supervision of packaging inspected or graded product; (8) reinspection or appeal inspection; and (9) issuing an inspection or grading certificate or sampling, inspection, or other report related to any of the foregoing.

(k) *Milk.* The whole lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows located in modified accredited areas and modified certified areas or from cows in herds fully accredited as tuberculosis-free and certified brucellosis-free by the U.S. Department of Agriculture or in the process of being accredited.

(l) *Official methods.* Official Methods of Analysis of the Association of Official Agricultural Chemists, a publication of the Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

(m) *Plant survey.* An appraisal of a plant to determine the extent to which facilities, equipment, method of operation, and raw material being received are in accordance with the provisions of this part. The survey shall be used to determine suitability of the plant for USDA inspection or grading service.

(n) *Producer.* The person or persons who exercise control over the production of the milk delivered to a processing plant or receiving station and who receive payment for this product.

(o) *Quality control.* The inspection of the quality of the raw material and the conditions relative to the preparation of the product from its raw state through each step in the entire process. It includes the inspection of conditions under which the product is prepared, processed, manufactured, packed, and stored. In addition, assistance and guidance is offered to improve the raw milk quality, processing methods, quality, stability,

and packaging and handling of the finished product.

(p) *Regulations.* The term "regulations" means the provisions contained in this part.

(q) *Secretary.* The Secretary of Agriculture or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(r) *Shall.* Expresses a provision that is mandatory.

(s) *Should.* Expresses recommended nonmandatory provisions which when followed would significantly aid in a quality improvement program.

(t) *Standard methods.* Standard Methods for the Examination of Dairy Products, a publication of the American Public Health Association, 1790 Broadway, New York, N.Y.

(u) *3–A Sanitary Standards and Accepted Practices.* The latest standards for dairy equipment and accepted practices formulated by the 3–A Sanitary Standards Committees representing the International Association of Milk, Food and Environmental Sanitarians, the U.S. Public Health Service and the Dairy Industry Committee. Published by the International Association of Milk and Food Sanitarians, Box 437, Shelbyville, Ind.

(v) *"USDA" or "Department".* Means the U.S. Department of Agriculture.

PURPOSE

§ 58.122 Approved plants under USDA inspection and grading service.

(a) Adoption of certain sound practices at dairy plants will significantly aid the operators to manufacture more consistently, uniform high-quality stable dairy products. Only dairy products manufactured, processed and packaged in an approved plant may be graded or inspected and identified with official identification. The specifications established herein provide the basis for a quality maintenance program which may be effectively carried forward through official inspection, grading, and quality control service.

(b) USDA inspection and grading service is provided to dairy product manufacturing plants on a voluntary basis. The operator of any dairy plant desiring to have such a plant qualified as an approved plant under USDA inspection and grading service may request surveys of such plant, premises, equipment, facilities, methods of operation, and raw material to determine whether they are adequate to permit inspection and grading service. The cost of this survey shall be borne by the applicant.

APPROVED PLANTS

§ 58.123 Survey and approval.

Prior to the approval of a plant, a designated representative of the Administrator shall make a survey of the plant, premises, storage facilities, equipment and raw material, volume of raw material processed daily and facilities for handling the products at the plant. The survey shall be made at least twice a year to determine whether the facilities, equipment, method of operation, and raw material being received are adequate and suitable for USDA inspection and grading service in accordance with the provisions of this part. To be eligible for approval a plant shall satisfactorily meet the specifications of this subpart.

§ 58.124 Denial or suspension of plant approval.

Plant approval may be denied or suspended if a determination is made by a designated representative of the Administrator that the plant is not performing satisfactorily in regard to (a) the classification of milk, (b) proper segregation and disposal on unwholesome raw materials, (c) adequate facilities and condition of processing equipment, (d) sanitary conditions of plant and equipment, (e) control of insects, rodents and other vermin, (f) use of nontoxic product contact surfaces and prevention of adulteration of raw materials and products with chemicals or other foreign material, (g) proper operating procedures, (h) the maintenance of legal composition of finished products, (i) the manufacture of stable dairy products, of desirable keeping quality characteristics, (j) proper storage conditions for ingredients and dairy products, or (k) suitable and effective packaging methods and material.

PREMISES, BUILDINGS, FACILITIES, EQUIPMENT, AND UTENSILS

§ 58.125 Premises.

(a) The premises shall be kept in a clean and orderly condition, and shall be free from strong or foul odors, smoke, or excessive air pollution. Construction and maintenance of driveways and adjacent plant traffic areas should be of cement, asphalt, or similar material to keep dust and mud to a minimum.

(b) *Surroundings:* The adjacent surroundings shall be free from refuse, rubbish, and waste materials to prevent harborage of rodents, insects and other vermin.

(c) *Drainage:* A suitable drainage system shall be provided which will allow rapid drainage of all water from plant buildings and drive ways, including surface water around the plant and on the premises, and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

§ 58.126 Buildings.

The building or buildings shall be of sound construction and shall be kept in good repair to prevent the entrance or harboring of rodents, birds, insects, vermin, dogs, and cats. All service pipe openings through outside walls shall be effectively sealed around the opening or provided with tight metal collars.

(a) *Outside doors, windows, openings, etc.* All openings to the outer air including doors, windows, skylights and transoms shall be effectively protected or screened against the entrance of flies and other insects, rodents, birds, dust and dirt. All outside doors opening into processing rooms shall be in good condition and tight fitting. All hinged, outside screen doors shall open outward. All doors and windows shall be kept clean and in good repair. Outside conveyor openings and other special-type outside openings shall be effectively protected to prevent the entrance of flies and rodents, by the use of doors, screens, flaps, fans or tunnels. Outside openings for sanitary pipelines shall be covered when not in use. On new construction window sills should be slanted downward at a 45° angle.

(b) *Walls, ceilings, partitions and posts.* The walls, ceilings, partitions, and posts of rooms in which milk, or dairy products are processed, manufactured, handled, packaged or stored (except dry storage of packaged finished products and supplies) or in which utensils are washed and stored, shall be smoothly finished with a suitable material of light color, which is substantially impervious to moisture and kept clean. They shall be refinished as often as necessary to maintain a neat, clean surface. A wainscoting of a suitable material of a darker color may be used to a height not exceeding 60 inches. For easier cleaning new construction should have rounded cove at the juncture of the wall and floor in all receiving, pasteurizing, manufacturing, packaging and storage rooms.

(c) *Floors.* (1) The floors of all rooms in which milk, or dairy products are processed, manufactured, packaged or stored or in which utensils are washed shall be constructed of; tile properly laid with impervious joint material, concrete, or other equally impervious material. The floors shall be smooth, kept in good repair, graded so that there will be no pools of standing water or milk products after flushing, and all openings to the drains shall be equipped with traps properly constructed and kept in good repair. On new construction bell type traps shall not be used. The plumbing shall be so installed as to prevent the back-up of sewage into the drain lines and to the floor of the plant.

(2) Sound, smooth wood floors which can be kept clean, may be used in rooms where new containers and supplies and certain packaged finished products are stored.

(d) *Lighting and ventilation.* (1) Light shall be ample, natural or artificial, or both, of good quality and well distributed. All rooms in which dairy products are manufactured or packaged or where utensils are washed shall have at least 30 foot-candles of light intensity on all working surfaces and at least 50 foot-candles of light intensity in areas where dairy products are graded or examined for condition and quality. In all other rooms there shall be provided at least 5 foot-candles of light intensity when measured at a distance of 30 inches from the floor. Where contamination of product by broken glass is possible, light bulbs and fluorescent tubes shall be protected against breakage.

(2) There shall be adequate heating, ventilation or air conditioning for all rooms and compartments to permit maintenance of sanitary conditions.

Exhaust or inlet fans, vents, hoods or temperature and humidity control facilities shall be provided where and when needed to minimize or eliminate undesirable room temperatures, objectionable odors, moisture condensation or mold. Inlet fans should be provided with an adequate air filtering device to eliminate dirt and dust from the incoming air. Ventilation systems shall be cleaned periodically as needed and maintained in good repair. Exhaust outlets shall be screened or provided with self closing louvers to prevent the entrance of insects when not in use.

(e) *Rooms and compartments.* Rooms and compartments in which any raw material, packaging, ingredient supplies, or dairy products are handled, manufactured, packaged or stored shall be so designed, constructed and maintained as to assure desirable room temperatures and clean and orderly operating conditions free from objectionable odors and vapors. Enclosed bulk milk receiving rooms when present shall be separated from the processing rooms by a partition. Rooms for receiving can milk shall be separated from the processing rooms by a partition (partial or complete), by suitable arrangement of equipment or by allowing enough distance between receiving and processing operations to avoid possible contamination of milk or dairy products during manufacturing and handling. Processing rooms shall be kept free from equipment and materials not regularly used.

(1) *Coolers and freezers.* Coolers and freezers where dairy products are stored shall be clean, reasonably dry and maintained at the proper uniform temperature and humidity to adequately protect the product, and minimize the growth of mold. Adequate circulation of air shall be maintained at all times. They shall be free from rodents, insects, and pests. Shelves shall be kept clean and dry. Refrigeration units shall have provisions for collecting and disposing of condensate.

(2) *Supply room.* The supply rooms used for the storing of packaging materials, containers, and miscellaneous ingredients shall be kept clean, dry, orderly, free from insects, rodents, and mold and maintained in good repair. Such items stored therein shall be adequately protected from dust, dirt, or other extraneous matter and so arranged on racks, shelves or pallets to permit access to the supplies and cleaning and inspection of the room. Insecticides, rodenticides, cleaning compounds and other nonfood products shall be properly labeled and segregated, and stored in a separate room or cabinet away from milk, dairy products, ingredients or packaging supplies.

(3) *Boiler, and tool rooms.* The boiler, and tool rooms shall be separated from other rooms where milk, and dairy products are processed, manufactured, packaged, handled or stored. Such rooms shall be kept orderly and reasonably free from dust and dirt.

(4) *Toilet and dressing rooms.* Adequate toilet and dressing room facilities shall be conveniently located.

(i) Toilet rooms shall not open directly into any room in which milk or dairy products are processed, manufactured, packaged or stored; doors shall be self closing; ventilation shall be provided by mechanical means or screened openings to the outer air; fixtures shall be kept clean and in good repair.

(ii) All employees shall be furnished with a locker or other suitable facility and the lockers and dressing rooms shall be kept clean and orderly. Adequate hand-washing facilities shall be provided and durable, legible signs shall be posted conspicuously in each toilet or dressing room directing employees to wash their hands before returning to work.

(5) *Laboratory.* (i) Consistent with the size and type of plant and the volume of dairy products manufactured, an adequately equipped laboratory shall be maintained and properly staffed with qualified and trained personnel for quality control and analytical testing. The laboratory shall be located reasonably close to the processing activity. It shall be of sufficient size to perform tests necessary in evaluating the quality of raw and finished products.

(ii) Approved laboratories shall be supervised by the USDA resident inspector in all aspects of official testing and reporting results. Plant laboratory personnel in such plants may be licensed by the USDA to perform official duties. An approved central control laboratory serving more than one plant may be acceptable, if conveniently located to the dairy plants, and if samples and results can be transmitted without undue delay.

(6) *Starter facilities.* Adequate facilities shall be provided for the handling of starter cultures. The facilities shall be sufficiently isolated (preferably a separate room), and shall not be located near cheese vats, whey separators or tanks where contamination is most likely to occur.

(7) *Resident grading and inspection room.* Resident plants shall furnish a room or designated area for the grading and inspection of products. The room or area shall be suitably located, sufficient in size, well lighted, ventilated and the temperature shall be not less than 60° F. It shall be kept clean and dry, free from foreign odors and reasonably free from disturbing elements which would interfere with proper concentration by the grader or inspector. The grading or inspection room or area shall be equipped with a table or desk and convenient facilities for washing hands.

(8) *Resident inspector's facilities.* In resident plants, an office or space shall be provided for official purposes. The room or space shall be conveniently located, preferably in or near the approved laboratory, adequate in size, and equipped with desk and a lockable storage supply cabinet, and clothes locker. It shall be well lighted, ventilated or air conditioned, heated, and custodial service furnished on a regular basis.

§ 58.127 Facilities.

(a) *Water supply.* (1) There shall be an ample supply of both hot and cold water of safe and sanitary quality, with adequate facilities for its proper distribution throughout the plant, and protection against contamination and pollution. Water from other facilities, when officially approved, may be used for boiler feed water and condenser water provided that such water lines are completely separated from the water lines carrying the sanitary water supply, and the equipment is so constructed and controlled as to preclude contamination of product contact surfaces. There shall be no cross connection between safe water lines and unsafe water lines or between public and private water supplies. Bacteriological examinations shall be made of the sanitary water supply at least twice a year, or as often as necessary to determine purity and suitability for use in manufacturing dairy products. Such tests shall be made by a USDA or State agency laboratory except for supplies that are regularly tested for purity and bacteriological quality, and approved by the local health officer. The results of all water tests shall be kept on file at the plant for which the test was performed.

(2) The location, construction, and operation of any well shall comply with regulations of the appropriate agency.

(b) *Drinking-water facilities.* Drinking-water facilities of a sanitary type shall be provided in the plant and shall be conveniently located.

(c) *Hand-washing facilities.* Convenient hand-washing facilities shall be provided, including hot and cold running water, soap, or other detergents, and sanitary single service towels or air driers. Such accommodations shall be located in or adjacent to toilet and dressing rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products. Vats for washing equipment or utensils shall not be used as hand-washing facilities. Self-closing metal or plastic containers shall be provided for used towels and other wastes.

(d) *Steam.* Steam shall be supplied in sufficient volume and pressure for satisfactory operation of each applicable piece of equipment. Culinary steam used in direct contact with milk or dairy products shall be free from harmful substances or extraneous material and only nontoxic boiler compounds shall be used, or a secondary steam generator shall be used in which soft water is converted to steam and no boiler compounds are used. Steam traps, strainers and condensate traps shall be used wherever applicable to insure a satisfactory and safe steam supply. Culinary steam shall comply with the recommended practices for "Producing Culinary Steam for Processing Milk and Milk Products" as published by the National Association of Dairy Equipment Manufacturers, Washington, D.C., April 1963 or latest revision thereof.

(e) *Air under pressure.* The method for supplying air under pressure which comes in contact with milk or dairy products or any product contact surface shall comply with the 3–A Accepted Practices for Supplying Air Under Pressure. The air used at the point of application shall be free from volatile substances, volatiles which may impart any flavor or odor to

the products, and extraneous or harmful substances.

(f) *Disposal of wastes.* Dairy wastes shall be properly disposed of from the plant and premises. The sewer system shall have sufficient slope and capacity to readily remove all waste from the various processing operations. Where a public sewer is not available, all wastes shall be properly disposed of so as not to contaminate milk equipment or to create a nuisance or public health hazard. Containers used for the collection and holding of wastes shall be constructed of metal, plastic, or other equally impervious material and kept covered with tight fitting lids and placed outside the plant on a concrete slab or on a rack raised at least 12 inches, alternatively waste containers may be kept inside a suitably enclosed, clean and fly proof room. Solid wastes shall be disposed of regularly and the containers cleaned before re-use. Accumulation of dry waste paper and cardboard shall be kept to a minimum. The paper shall be burned at the plant in a properly constructed incinerator or compressed or bagged and hauled away.

§ 58.128 Equipment and utensils.

(a) *General construction, repair, and installation.* (1) The equipment and utensils used for the processing of milk and manufacture of dairy products shall be constructed to be readily demountable where necessary for cleaning and sanitizing. The product contact surfaces of all utensils and equipment such as holding tanks, pasteurizers, coolers, vats, agitators, pumps, sanitary piping and fittings or any specialized equipment shall be constructed of stainless steel, or other equally corrosion-resistant material. Nonmetallic parts other than glass having product contact surfaces shall meet 3-A Sanitary Standards for Plastic or Rubber and Rubber Like Materials.

(2) All equipment and piping shall be designed and installed so as to be easily accessible for cleaning, and shall be kept in good repair, free from cracks and corroded surfaces. New or rearranged equipment, shall be set away from any wall or spaced in such a manner as to facilitate proper cleaning and to maintain good housekeeping. All parts or interior surfaces of equipment, pipes (except certain piping cleaned-in-place) or fittings, including valves and connections shall be accessible for inspection. Milk and dairy product pumps shall be of a sanitary type and easily dismantled for cleaning or shall be of specially approved construction to allow effective cleaning in place.

(3) All C.I.P. systems shall comply with the 3–A Accepted Practices for Permanently Installed Sanitary Product, Pipelines, and Cleaning Systems.

(b) *Weigh cans and receiving tanks.* Weigh cans and receiving tanks shall meet the 3–A Sanitary Standards and shall be easily accessible for cleaning both inside and outside and shall be elevated above the floor and protected sufficiently with the necessary covers or baffles to prevent contamination from splash, condensate and drippage. Where necessary to provide easy access for cleaning of floors and adjacent wall areas, the receiving tank shall be equipped with wheels or casters to allow easy removal.

(c) *Can washers.* Can washers shall have sufficient capacity and ability to discharge a clean dry can and cover and shall be kept properly timed in accordance with the instructions of the manufacturer. They should be equipped with proper temperature controls on the wash and rinse tanks and the following additional devices: Prerinse jet, wash tank solution feeder, can sanitizing attachment, forced air vapor exhaust, and removable air filter on drying chamber. The water and steam lines supplying the washer shall maintain a reasonably uniform pressure and if necessary be equipped with pressure regulating valves. The steam pressure to the can washer should be not less than 80 pounds, and the temperature of the wash tank solution should not exceed 140° F.

(d) *Product storage tanks or vats.* Storage tanks or vats shall be fully enclosed or tightly covered and well insulated. The entire interior surface, agitator and all appurtenances shall be accessible for thorough cleaning and inspection. Any opening at the top of the tank or vat including the entrance of the shaft shall be suitably protected against the entrance of dust, moisture, insects, oil or grease. The sight glasses, if used, shall be sound, clear, and in good repair. Vats which have hinged covers shall be so designed that moisture, or dust on the surface cannot enter the vat when the covers are raised. If the storage tanks or vats are equipped with air agitation, the system shall be of an approved type and properly installed in accordance with the 3–A Accepted Practices for Supplying Air Under Pressure. Storage tanks or vats intended to hold product for longer than approximately 8 hours shall be equipped with adequate refrigeration and/or have adequate insulation. All storage tanks or vats should meet the appropriate 3–A Sanitary Standards and shall be equipped with thermometers in good operating order.

(e) *Separators.* All product contact surfaces of separators shall be free from rust and pits and insofar as practicable shall be of stainless steel or other equally noncorrosive metals.

(f) *Coil or dome type batch pasteurizers.* Coil or dome type batch pasteurizers shall be stainless steel lined and if the coil is not stainless steel or other equally noncorrosive metal it shall be properly tinned over the entire surface. Sanitary seal assemblies at the shaft ends of coil vats shall be of the removable type, except that existing equipment not provided with this type gland will be acceptable if the packing glands are maintained and operated without adverse effects. New or replacement units shall be provided with removable packing glands. Dome type pasteurizer agitators shall be stainless steel except that any non-metallic parts shall meet 3–A Sanitary Standards for Plastic or Rubber and Rubberlike Materials, as applicable. Each pasteurizer used for heating product at 165° F. or lower for 30 minutes or less shall be equipped with space-heating equipment and the necessary thermometers to insure a temperature at least 5° F. above that required for pasteurization of the product. There shall be adequate means of controlling the temperature of the heating medium. Batch pasteurizers shall have temperature indicating and recording devices.

(g) *High-temperature short-time pasteurizers.* When pasteurization is intended or required, an approved timing pump or device, recorder-controller, automatic flow diversion valve and holding tube or its equivalent, if not a part of the existing equipment, shall be installed on all HTST equipment used for pasteurization, to assure complete pasteurization. The entire facility shall meet the 3–A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High-Temperature Short Time Pasteurizers. After the HTST unit has been tested according to the 3–A Accepted Practices, the timing pump or device and the recorder controller shall be sealed at the correct setting to assure pasteurization. Sealing of the HTST unit shall be performed by the control authority having jurisdiction. When direct steam pasteurizers are used, the steam, prior to entering the product, shall be conducted through a steam strainer and a steam purifier equipped with a steam trap and only steam meeting the requirements for culinary steam shall be used.

(h) *Thermometers and recorders—*
(1) *Indicating thermometers.* (i) Long stem indicating thermometers which are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be provided for checking the temperature of pasteurization and cooling of products in vats and checking the accuracy of recording thermometers.

(ii) Short stem indicating thermometers, which are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be installed in the proper stationary position in all HTST, and dome type pasteurizers. Storage tanks where temperature readings are required shall have thermometers which are accurate within 2° F., plus or minus.

(iii) Air space indicating thermometers, where applicable, which are accurate within 1° F., plus or minus, for the proper temperature range shall also be installed above the surface of the products pasteurized in vats, to make certain that the temperature of the foam and/or air above the products pasteurized also received the required minimum temperature treatment.

(2) *Recording thermometers.* (i) HTST recording thermometers that are accurate within 1° F., plus or minus, for the applicable temperature range, shall be used on each heat treating, pasteurizing or sterilizing unit to record the heating process.

(ii) Additional use of recording thermometers accurate within 2° F., plus or minus may be required where a record

of temperature or time of cooling and holding is of significant importance.

(i) *Surface coolers.* Surface coolers shall be equipped with hinged or removable covers for the protection of the product. The edges of the fins shall be so designed as to divert condensate on nonproduct contact surfaces away from product contact surfaces. All gaskets or swivel connections shall be leak proof.

(j) *Plate type heat exchangers.* Plate type heat exchanger shall meet the 3–A Sanitary Standards for Construction and Installation. All gaskets shall be tight and kept in good operating order. Plates shall be opened for inspection by the operator at sufficiently frequent intervals to determine if the equipment is clean and in satisfactory condition. A cleaning regimen shall be posted to insure proper cleaning procedures between inspection periods.

(k) *Internal return tubular heat exchangers.* Internal return tubular heat exchangers should meet the 3–A Sanitary Standards for Construction and Installation.

(l) *Pumps.* Pumps used for milk, and dairy products shall be of the sanitary type and constructed to meet 3–A Sanitary Standards. Unless pumps are specifically designed for effective cleaning-in-place they shall be disassembled and thoroughly cleaned after use.

(m) *Scales.* (1) Small capacity scales shall be capable of the following accuracy, and shall be graduated in no higher than 1 ounce graduations.

Test load in pounds	*Tolerance in ounces*
1–2	1/16
2–4	1/8
4–7	3/16
7–10	1/4
10–15	5/16
15–20	3/8
20–30	1/2
30–40	5/8
40–50	3/4
50–75	1

(2) Large capacity scales shall be capable of the following accuracy, and shall be graduated in no higher than ¼ pound graduations.

Test load in pounds	*Tolerance in ounces*
75–100	1¼
100–150	2
150–200	3
200–300	4

(n) *Homogenizers.* Homogenizers and High Pressure Pumps of the Plunger Type shall meet the 3–A Sanitary Standards.

(o) *New equipment and replacements.* New equipment and replacements, including all plastic parts and rubber and rubberlike materials for parts and gaskets having product contact surfaces, shall meet the then current 3–A Sanitary Standards. If 3–A Sanitary Standards are not available, such equipment and replacements shall meet the general requirements of this section.

(p) *Vacuum chamber.* The vacuum chamber, as used for flavor control, shall be made of stainless steel or other equally noncorrosive metal. The unit shall be constructed to facilitate cleaning and all product contact surfaces shall be accessible for inspection. It shall be equipped with a vacuum breaker and a check valve at the product discharge line. If direct steam is used, it should also be equipped with a ratio controller to regulate the composition of the product. Only steam which meets the requirements for culinary steam shall be used. The incoming steam supply shall be regulated by an automatic solenoid valve which will cut off the steam supply in the event the flow diversion valve of the HTST pasteurizer is not in the forward flow position. Condensers when used shall be equipped with a water level control and an automatic safety shutoff valve.

PERSONNEL, CLEANLINESS AND HEALTH

§ 58.129 Cleanliness.

All employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking or otherwise soiling their hands. They shall keep their hands clean and follow good hygienic practices while on duty. Expectorating or use of tobacco in any form shall be prohibited in each room and compartment where any milk, dairy products, or supplies are prepared, stored or otherwise handled. Clean white or light-colored washable outer garments and caps (paper caps or hair nets acceptable) shall be worn by all persons engaged in receiving, testing, processing milk, manufacturing, packaging or handling dairy products.

§ 58.130 Health.

No person afflicted with a communicable disease shall be permitted in any room or compartment where milk and dairy products are prepared, manufactured or otherwise handled. No person who has a discharging or infected wound, sore or lesion on hands, arms, or other exposed portion of the body shall work in any dairy processing rooms or in any capacity resulting in contact with milk, or dairy products. Each employee whose work brings him in contact with the processing or handling of dairy products, containers or equipment shall have a medical and physical examination by a registered physician or by the local department of health at the time of employment. In addition an employee returning to work following illness from a communicable disease shall have a certificate from the attending physician to establish proof of complete recovery. Medical certificates attesting the fact that the employee when last examined was free from communicable disease shall be kept on file at the plant office.

PROTECTION AND TRANSPORT OF RAW MILK AND CREAM

§ 58.131 Equipment and facilities.

(a) (1) *Milk cans.* Cans used in transporting milk from dairy farm to plant shall be of such construction (preferably seamless with umbrella lids) as to be easily cleaned, and shall be inspected, repaired, and replaced as necessary to exclude substantially the use of cans and lids with open seams, cracks, rust, milkstone, or any unsanitary condition. Adequate provisions should be made so that milk in cans will be cooled immediately after milking to 60° F. or lower unless delivered to the plant within 2 hours after milking.

(2) *Farm bulk tanks.* Farm bulk tanks should meet 3–A Sanitary Standards for construction and should be installed preferably in a milk house in accordance with the requirements of the regulatory agency in jurisdiction. The bulk tanks should be designed and equipped with refrigeration to permit the cooling of the milk to 40° F. or lower within 2 hours after milking, and maintain it at 45° F. or below until picked up.

(b) (1) *Transporting milk or cream.* Vehicles used for the transportation of can milk or cream shall be of the enclosed type, constructed and operated to protect the product from extreme temperature, dust, or other adverse conditions and they shall be kept clean. Decking boards or racks shall be provided where more than one tier of cans is carried. Cans or vehicles used for the transportation of milk from the farm to the plant shall not be used for transporting skim milk, buttermilk, or whey to producers.

(2) *Transport tanks.* The exterior shell shall be clean and free from open seams or cracks which would permit liquid to enter the jacket. The interior shell shall be stainless steel and so constructed that it will not buckle, sag or prevent complete drainage. All product contact surfaces shall be smooth, easily cleaned and maintained in good repair. The pump and hose cabinet shall be fully enclosed with tight fitting doors and the inlet and outlet shall be provided with dust covers to give adequate protection from road dust. New and replacement transport tanks shall meet 3–A Sanitary Standards for Milk Transport Tanks.

(3) *Facilities for cleaning and sanitizing.* Enclosed or covered facilities shall be available for washing and sanitizing of transport tanks, piping, and accessories, at central locations or at all plants that receive or ship milk or milk products in transport tanks.

(4) *Transfer of milk to transport tank.* Milk shall be transferred under sanitary conditions from farm bulk tanks through stainless steel piping or approved tubing. The sanitary piping and tubing shall be capped when not in use.

QUALITY SPECIFICATIONS FOR RAW MILK

§ 58.132 Basis for classification.

Raw milk for manufacturing purposes from all individual producers shall be based on the following: Organoleptic examination (appearance and odor), quality control tests for sediment content, and bacterial estimate. In addition, milk from cows treated with antibiotics shall be excluded for such period of time as is necessary to have the milk free from antibiotics. All milk received from producers shall not exceed Federal Food and Drug Administration's established limits for pesticide residues. Producers shall be promptly notified of any shipment or portion thereof of their milk that fails to meet any of these quality specifications.

§ 58.133 Appearance and odor.

The appearance and odor of acceptable raw milk shall be normal, fresh and sweet. The milk shall be free from objectionable feed and other off-odors that would adversely affect the finished product, and it shall not show any abnormal condition (including, but not limited to curdled, ropy, bloody, or mastitic condition), as indicated by sight, odor, or other test procedures.

§ 58.134 Sediment content.

(a) *Method of testing.* Methods for determining sediment content of milk shall be those described in the latest edition of Standard Methods. For the testing of milk in cans, the off-the-bottom method shall be used. For testing bulk milk, a mixed 1-pint sample shall be tested. Sediment content shall be based on comparison with applicable charts of Sediment Standards described in Subpart T, §§ 58.2728 through 58.2731.

(b) *Sediment content classification of discs.* Milk in cans and in farm bulk tanks shall be classified for sediment content as follows:

Sediment (off-the-bottom method): (1⅛-inch diameter disc):
No. 1—USDA Sediment Standard (not to exceed) 0.50 mg. (Acceptable).
No. 2—USDA Sediment Standard (not to exceed) 1.50 mg. (Acceptable).
No. 3—USDA Sediment Standard (not to exceed) 2.50 mg. (Probational) not over 10 days.
No. 4—USDA Sediment Standard (over 2.50 mg.) (Reject).
Sediment (mixed sample): (0.40-inch diameter disc):
No. 1—USDA Sediment Standard (not to exceed) 0.0625 mg. (0.50 mg. equiv.)—(Acceptable).
No. 2—USDA Sediment Standard (not to exceed) 0.1875 mg. (1.50 mg. equiv.)—Acceptable).
No. 3—USDA Sediment Standard (not to exceed) 0.3125 mg. (2.50 mg. equiv.)—(Probational) not over 10 days.
No. 4—USDA Sediment Standard (over) 0.3125 mg. (2.5 mg. equiv.)—(Reject).

(c) *Frequency of tests.* At least once each month, at irregular intervals, the milk from each producer shall be tested as follows:

(1) *Milk in cans.* One or more cans of milk selected at random from each producer.

(2) *Milk in farm bulk tanks.* A sample shall be taken from each farm bulk tank.

(d) *Acceptance or rejection of milk.* If the sediment disc is classified as No. 1, No. 2, or No. 3, the producer's milk may be accepted. If the sediment disc is classified No. 4 the milk shall be rejected: *Provided,* That if the shipment of milk is commingled with other milk in a transport tank the next shipment shall not be accepted until its quality has been determined at the farm before being picked up; however, if the person making the test is unable to get to the farm before the next shipment it may be accepted but no further shipments shall be accepted unless the milk meets the requirements of No. 3 or better. In the case of milk classified as No. 3 or No. 4, if in cans, all cans shall be tested. Producers of No. 3 or No. 4 milk (cans or bulk) shall be notified immediately and shall be furnished applicable sediment discs and the next shipment shall be tested.

(e) *Retests.* (1) On test of the next shipment (if in cans, all cans shall be tested) milk classified as No. 1, No. 2, or No. 3, may be accepted, but No. 4 milk shall be rejected. Retests of bulk milk classified as No. 4 shall be made at the farm before pickup. The producers of No. 3 or No. 4 milk shall be notified immediately, furnished applicable sediment discs and the next shipment tested.

This procedure of retesting successive shipments and accepting probational (No. 3) milk and rejecting No. 4 milk may be continued for not to exceed 10 calendar days. If at the end of this time all of the producer's milk does not meet the acceptable sediment content classification (No. 1 or No. 2) it shall be excluded from product.

§ 58.135 Bacterial estimate.

(a) *Method of testing.* Methods for determining the bacterial estimate of milk shall be those described in the latest edition of Standard Methods for the Examination of Dairy Products.

(b) *Bacterial estimate classification.* Milk shall be classified for bacterial estimate by one of the following methods:

Bacterial estimate classification	Direct microscopic clump count or standard plate count	Methylene blue test decolorized in	Resazurin reduction time to munsell color standard 5p 7/4
No. 1	Not over 500,000 per ml.	Not less than 4½ hours	Not less than 2¼ hours.
No. 2	Not over 3,000,000	Not less than 2½ hours	Not less than 1½ hours.
Undergrade	Over 3,000,000	Less than 2½ hours	Less than 1½ hours.

(c) *Frequency of tests.* At least once each month, at irregular intervals, a mixed sample of each producer's milk shall be tested.

(d) *Acceptance of milk.* If the sample of milk is classified as No. 1 or No. 2 the producer's milk may be accepted without qualification. If the sample is classified as "Undergrade" (probational) the producer's milk may be accepted for a temporary period of 4 weeks. The producer of "Undergrade" milk shall be notified immediately.

(e) *Retests.* Additional samples shall be tested and classified at least weekly and the producer notified immediately of the results. This procedure of testing at least weekly and accepting "Undergrade" milk may be continued for a time period not exceeding 4 weeks. If at the end of this time the producer's milk does not meet the acceptable bacterial estimate requirements (No. 1 or No. 2), it shall be excluded from product.

§ 58.136 Rejected milk.

A plant shall reject specific milk from a producer if it fails to meet the requirements for sight and odor (§ 58.133) or if it is classified No. 4 for sediment content (§ 58.135). All reject milk in cans shall be identified with a reject tag.

§ 58.137 Excluded milk.

A plant shall not accept milk from a producer for use in products:

(a) If a new producer's milk does not meet the requirements for acceptable milk (§§ 58.134 and 58.135); or

(b) If the milk has been in a probational (No. 3) sediment content classification for more than 10 calendar days (§ 58.134); or

(c) If the milk has been classified "Undergrade" for bacterial estimate for more than 4 successive weeks (§ 58.135).

§ 58.138 Quality testing of milk from new producers.

An examination shall be made on the first shipment of milk from producers shipping milk to a plant for the first time or after a period of nonshipment. The milk shall meet the requirements for "acceptable milk" (§§ 58.134 and 58.135). Thereafter, the milk shall be tested in accordance with the procedure established for regular shippers.

§ 58.139 Record of tests.

Accurate records, listing the results of quality tests of each producer, shall be kept on file at the receiving plant where performed and shall be available for examination by the inspector.

§ 58.140 Field service.

A representative of the plant should arrange to promptly visit each producer shipping milk which does not meet the requirements for acceptable milk, for the purpose of inspecting the equipment, utensils and facilities at the farm and to offer constructive assistance for improvement in the quality of the milk. A representative of the plant should visit each producer as often as practicable to assist in and encourage the production of high quality milk.

§ 58.141 Alternate quality control program.

When a plant has in operation an acceptable quality program, at the producer level, which is approved by the Administrator as being effective in obtaining results comparable to or higher than the quality program as outlined above for milk or cream, then such a program may be accepted in lieu of the program herein prescribed.

OPERATIONS AND OPERATING PROCEDURES

§ 58.142 Product quality and stability.

The receiving, holding and processing of milk and cream and the manufactur-

ing, handling, packaging, storing and delivery of dairy products shall be in accordance with clean and sanitary methods, consistent with good commercial practices to promote the production of the highest quality of finished product and improve product stability.

§ 58.143 Raw product storage.

(a) All milk shall be held and processed under conditions and at temperatures that will avoid contamination and rapid deterioration. Drip milk from can washers or any other source shall not be used for the manufacture of dairy products. Bulk milk in storage tanks within the dairy plant shall be handled in such a manner as to minimize bacterial increase and shall be maintained at 45° F. or lower until processing begins. This does not preclude holding milk at higher temperatures for a period of time, where applicable to particular manufacturing or processing practices.

(b) The bacteriological quality of commingled milk in storage tanks should be No. 2 or better.

§ 58.144 Pasteurization or sterilization.

When pasteurization or sterilization is intended or required, or when a product is designated "pasteurized" or "sterilized" every particle of the product shall be subjected to such temperatures and holding periods as will assure proper pasteurization or sterilization of the product. The heat treatment by either process shall be sufficient to insure public health safety and to assure adequate keeping quality, yet retaining the most desirable flavor and body characteristics of the finished product. The phenol value of check test samples of pasteurized finished product shall be no greater than the maximum specified for the particular product as determined and specified by the phosphatase test method prescribed in the latest edition of "Official Methods of Analysis of the Association of Official Agricultural Chemists."

§ 58.145 Composition and wholesomeness.

All necessary precautions shall be taken to prevent contamination or adulteration of the milk or dairy products during manufacturing. All substances and ingredients used in the processing or manufacturing of any dairy product shall be subject to inspection and shall be wholesome and practically free from impurities. The finished products shall comply with the requirements of the Federal Food, Drug, and Cosmetic Act as to their composition and wholesomeness.

§ 58.146 Cleaning and sanitizing treatment.

(a) *Equipment and utensils.* (1) The equipment, sanitary piping and utensils used in receiving and processing of the milk, and manufacturing and handling of the product shall be maintained in a sanitary condition. Sanitary seal assemblies shall be removable on all agitators, pumps, and vats and shall be inspected at regular intervals and kept clean. Unless other provisions are recommended in the following supplement sections, all equipment not designed for C.I.P. cleaning shall be disassembled after each day's use for thorough cleaning. Dairy cleaners, detergents, wetting agents or sanitizing agents, or other similar materials which will not contaminate or adversely affect the products may be used. Steel wool or metal sponges shall not be used in the cleaning of any dairy equipment or utensils. All product contact surfaces shall be subjected to an effective sanitizing treatment immediately prior to use, except where dry cleaning is permitted. Utensils and portable equipment used in processing and manufacturing operations shall be stored above the floor in clean, dry locations and in a self-draining position on racks constructed of impervious corrosion-resistant material.

(2) C.I.P. cleaning, including sprayball systems, shall be used only on equipment and pipeline systems which have been designed and engineered for that purpose. When such cleaning is used, careful attention shall be given to the proper procedures to assure satisfactory cleaning. All C.I.P. installations and cleaning procedures shall be in accordance with 3–A Suggested Method for the Installation and Cleaning of Cleaned-In-Place Sanitary Milk Pipelines for Milk and Milk Products Plants. Because of the possibilities of corrosion, the recommendations of the cleaning compound manufacturer should be followed with respect to time, temperature and concentration of specific acid or alkaline solutions and bactericides. The established cleaning procedure shall be posted and followed. Such cleaning operation should be preceded by a thorough rinse at approximately 110–115° F. continuously discarding the water. Following the circulation of the cleaning solution the equipment and lines shall be thoroughly rinsed with lukewarm water and checked for effectiveness of cleaning. All caps, plugs, special fittings, valve seats, cross ends, pumps, plates, and tee ends shall be opened or removed and brushed clean. Immediately prior to starting the product flow, the product contact surfaces shall be given bactericidal treatment. Plates and pumps should be left open overnight, assembled and sanitized prior to use.

(b) *Milk cans and can washers.* (1) Milk cans and lids shall be cleaned, sanitized and dried before returning to producers. Inspection, repair, or replacement of cans and lids shall be adequate to substantially exclude from use cans and lids showing open seams, cracks, rust condition, milkstone, or any unsanitary condition.

(2) Washers shall be maintained in a clean and satisfactory operating condition and kept free from accumulation of scale or debris which will adversely affect the efficiency of the washer. Only washing compounds which are compatible with the water, for effective cleaning, should be used. The can washer should be checked regularly during the run for proper operation. At the end of the day, the wash and rinse tanks should be drained and cleaned, jets and strainers cleaned, air filters checked and changed or cleaned if needed, and checks should be made for proper adjustment and condition of mechanical parts.

(c) *Milk transport tanks.* A covered or enclosed wash dock and cleaning and sanitizing facilities shall be available to all plants that receive or ship milk in tanks. Milk transport tanks, sanitary piping, fittings, and pumps shall be cleaned and sanitized at least once each day, after use: *Provided,* That, if they are not to be used immediately after emptying a load of milk, they shall be washed promptly after use and given bactericidal treatment immediately before use. After being washed and sanitized, each tank should be identified by a tag attached to the outlet valve, bearing the following information: Plant and specific location where cleaned, date and time of day of washing and sanitizing, and name of person who washed and name of person who sanitized the tank. The tag shall not be removed until the tank is again washed and sanitized.

(d) *Building.* All windows, glass, partitions, and skylights shall be washed as often as necessary to keep them clean. Cracked or broken glass shall be replaced promptly. The walls, ceilings, and doors shall be washed periodically and kept free from soil and unsightly conditions. The shelves and ledges shall be wiped or vacuumed as often as necessary to keep them free from dust and debris. The material picked up by the vacuum cleaners shall be disposed of by burning or other proper method to destroy any insects that might be present.

§ 58.147 Insect and rodent control program.

In addition to any commercial pest control service, if one is utilized a specially designated employee shall be made responsible for the performance of a regularly scheduled insect and rodent control program. Poisonous substances, insecticides and rodenticides shall be properly labeled, and shall be handled, stored and used in such a manner as not to create a public health hazard.

§ 58.148 Plant records.

Adequate plant records shall be maintained of all required tests and analyses performed in the laboratory or throughout the plant during processing and manufacturing, on all raw milk receipts and dairy products. Such records shall be available for examination at all reasonable times by the inspector. The following are the records which shall be maintained for examination at the plant or receiving station where performed.

(a) Sediment and bacterial test results on raw milk from each producer. Retain for 12 months.

(1) Routine tests and monthly summary of all producers showing number and percent of total in each class.

(2) Retests, if initial test places milk in probationary status.

(3) Rejections of raw milk over No. 3 in quality.

(b) Laboratory and plant quality control tests of dairy products as required in this part. Retain for 12 months.

(1) Bacteriological.

(2) Chemical analysis.

(3) Keeping quality.

(c) Pasteurization recorder charts. Retain for 6 months.

(d) Water supply test certificate. Retain current copy for 6 months.

(e) Employee health certificate. Retain most recent copy until employee is no longer employed by plant.

§ 58.149 Alternate quality control programs for dairy products.

(a) When a plant has in operation an acceptable quality control program which is approved by the Administrator as being effective in obtaining results comparable to or higher than the quality control program as outlined in this subpart, then such a program may be accepted in lieu of the program herein prescribed.

(b) Where a minimum number of samples per batch of product, or per unit of time on continuous production runs are not specified, the phrase "as many samples shall be taken as is necessary to assure compliance to specific quality requirements" is used. Acceptable performance of this would be any method approved by the Administrator as meeting sound statistical methods of selecting samples and determining the number of samples to be taken.

Packaging and General Identification

§ 58.150 Containers.

(a) The size, style, and type of packaging used for dairy products shall be commercially acceptable containers and packaging materials which will satisfactorily cover and protect the quality of the contents during storage and regular channels of trade and under normal conditions of handling. The weights and shape within each size or style shall be as nearly uniform as is practical.

(b) Packaging materials for dairy products shall be selected which will provide sufficiently low permeability to air and vapor to prevent the formation of mold growth and surface oxidation. In addition, the wrapper should be resistant to puncturing, tearing, cracking, or breaking under normal conditions of handling, shipping, and storage. When special type packaging is used, the instructions of the manufacturers shall be followed closely as to its application and methods of closure.

§ 58.151 Packaging and repackaging.

(a) Packaging dairy products or cutting and repackaging all styles of dairy products shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and packaging material shall be practically free from mold and bacterial contamination. Methods for checking the level of contamination shall be as prescribed by the latest edition of Standard Methods or by other satisfactory methods approved by the Administrator.

(b) When officially graded bulk dairy products are to be repackaged into consumer type packages with official grade labels or other official identification, a supervisor of packaging shall be required, see Subpart A, §§ 58.2 and 58.52. If the packaging or repackaging is done in a plant other than the one in which the dairy product is manufactured, the plant, equipment, facilities, and personnel shall meet the same requirements as outlined in this subpart.

§ 58.152 General identification.

All commercial bulk packages containing dairy products manufactured under the provisions of this subpart shall be adequately and legibly marked with the name of the product, net weight, name and address of processor or manufacturer or other assigned plant identification, lot number, and any other identification as may be required. Consumer packaged product shall be legibly marked with the name of the product, net weight, name and address of packer, manufacturer, or distributor and such other identification as may be required by the regulatory agency in jurisdiction.

Storage of Finished Product

§ 58.153 Dry storage.

The product shall be stored at least 18 inches from the wall in aisles, rows, or sections and lots, in such a manner as to be orderly and easily accessible for inspection. Rooms should be cleaned regularly. It is recommended that dunnage or pallets be used when practical. Care shall be taken in the storage of any other product foreign to dairy products in the same room, in order to prevent impairment or damage to the dairy product from mold, absorbed odors, or vermine or insect infestation. Control of humidity and temperature shall be maintained at all times, consistent with good commercial practices, to prevent conditions detrimental to the product and container.

§ 58.154 Refrigerated storage.

The finished product shall be placed on shelves, dunnage, or pallets and properly identified. It shall be stored under temperatures that will best maintain the initial quality. The product shall not be exposed to anything from which it might absorb any foreign odors or be contaminated from drippage or condensation.

Inspection, Grading and Official Identification

§ 58.155 Grading.

Dairy products which have been processed or manufactured in accordance with the provisions of this subpart may be graded by the grader in accordance with the U.S. Standards for Grades. Laboratory analyses, when required in determining the final grade shall be conducted in an approved laboratory.

§ 58.156 Inspection.

Dairy products, which have been processed or manufactured in an approved plant, and for which there are no official U.S. Standards for Grades, shall be inspected for quality by the inspector in accordance with contract requirements or product specifications established by the U.S. Department of Agriculture or other Federal agency or buyer and seller. Laboratory analysis when required shall be conducted in an approved laboratory.

§ 58.157 Inspection or grading certificates.

All dairy products which have been processed or manufactured, packaged and inspected or graded, in accordance with the provision of this part may be covered by an inspection or grading certificate issued by the inspector or grader.

§ 58.158 Official identification.

(a) Application for authority to apply official identification to packaging material or containers shall be made in accordance with the provisions of Subpart A, §§ 58.49–58.57.

(b) Only dairy products received, processed, or manufactured in accordance with the specifications contained in this subpart and inspected and/or graded in accordance with the provisions of this part may be identified with official identification.

Explanation of Terms

§ 58.160 Terms.

(a) *Fresh and sweet.* Free from "old milk" flavor and odor of developed acidity or other off-flavors or off-odors.

(b) *Normal feed.* Regional feed flavors, such as alfalfa, clover, silage, or similar feeds or grasses (weed flavors, such as peppergrass, French weed, onion, garlic, or other obnoxious weeds, excluded).

(c) *Off-flavors or off-odors.* Flavors or odors, such as utensil, bitter, barny, or other associated defects when present to a degree readily detectable.

(d) *Developed acidity.* An apparent increase from the normal acidity of the milk to a degree of flavor and odor which is detectable.

(e) *Extraneous-matter.* Foreign substances, such as filth, hair, insects and fragments thereof, and rodents, and materials, such as metal, fiber, wood, and glass.

(f) *Sediment.* Fine particles of material other than the foreign substances and materials defined in paragraph (e) of this section.

(g) *C.I.P.* The abbreviation of an approved system of cleaning equipment or pipelines called "Cleaned-in-Place."

Supplemental Specifications for Plants Manufacturing, Processing and Packaging Nonfat Dry Milk, Dry Whole Milk, Dry Buttermilk and Dry Whey

Definitions

§ 58.205 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Nonfat dry milk.* The pasteurized product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It shall not contain buttermilk, or any added preservative, neutralizing agent or other chemical.

(b) *Instant nonfat dry milk.* Nonfat dry milk which has been produced in such a manner as to substantially improve its dispersing and reliquification characteristics over that produced by the conventional process.

(c) *Dry whole milk.* The pasteurized product resulting from the removal of water from milk and contains the lactose, milk proteins, milk fat, and milk minerals in the same relative proportions as in the fresh milk from which made. The milk may be standardized but shall not contain buttermilk, or any added preservative, neutralizing agent or other chemicals.

(d) *Dry buttermilk.* The product resulting from drying liquid buttermilk, derived from the manufacture of sweet cream butter, which has been pasteurized either before or during the process of manufacture, with or without the addition of lactic culture and to which no alkali or other chemical preservative has been added.

(e) *Dry whey.* The product resulting from spray drying fresh cheese whey which has been pasteurized either before or during the process of manufacture, and to which no alkali or other chemical preservative has been added.

ROOMS AND COMPARTMENTS

§ 58.210 Dry storage of product.

Storage rooms for the dry storage of product shall be adequate in size, kept clean, orderly, free from rodents, insects, and mold, and maintained in good repair. They shall be adequately lighted and ventilated. The ceilings, walls, beams and floors shall be free from structural defects and inaccessible false areas which may harbor insects.

§ 58.211 Packaging room for bulk products.

A separate room or area shall be provided for filling bulk bins, drums, bags, or other bulk containers, and shall be constructed in accordance with § 56.126 of Subpart B. The number of control panels and switch boxes in this area shall be kept to a minimum. Control panels shall be mounted a sufficient distance from the walls to facilitate cleaning or shall be mounted in the wall and provided with tight fitting removable doors to facilftate cleaning. An adequate exhaust system shall be provided to minimize the accumulation of product dust within the packaging room and where needed, a dust collector shall be provided and properly maintained to keep roofs and outside areas free of dry product. Only packaging materials that are used within a day's operation may be kept in the packaging area. These materials shall be kept on metal racks or tables at least six inches off the floor. Unnecessary fixtures, equipment, or false areas which may collect dust and harbor insects, shall not be allowed in the packaging room.

§ 58.212 Hopper or dump room.

A separate room shall be provided for the transfer of bulk dry dairy products from bags or drums to the hoppers and conveyors which lead to the fillers. This room shall meet the same requirements for construction and facilities as the bulk packaging operation. Areas and facilities provided for the transfer of dry dairy products from portable bulk bins will be acceptable if gasketed surfaces or direct connections are used that appreciably eliminate the escape of product into the area.

§ 58.213 Repackaging room.

A separate room shall be provided for the filing of small packages and shall meet the same requirements for construction and facilities as the bulk packaging operation.

EQUIPMENT AND UTENSILS

§ 58.214 General construction, repair, and installation.

All equipment and utensils necessary to the manufacture of dry milk products, including pasteurizer, timing-pump or device, flow diversion valve and recorder controller shall meet the same general requirements as outlined in section 58.128 of this Subpart. In addition, for certain other equipment the following requirements shall be met.

§ 58.215 Preheaters.

The pre-heaters shall be of stainless steel or other equally corrosion resistant material, cleanable, accessible for inspection and shall be equipped with suitable automatic temperature controls.

§ 58.216 Hotwells.

The hotwells shall be enclosed or covered and equipped with indicating thermometers either in the hotwell or in the hot milk inlet line to the hotwell and if used for holding high heat products they should also have recorders.

§ 58.217 Evaporators and/or vacuum pans.

Open type evaporators and/or vacuum pans shall be equipped with an automatic condenser water level control, barometric leg, or so constructed so as to prevent water from entering the product, and should meet the applicable 3–A Sanitary Standards. When enclosed type condensers are used, no special controls are needed to prevent water from entering the product.

§ 58.218 Surge tanks.

If surge tanks are used for hot milk, and temperatures of product including foam being held in the surge tank during processing, is not maintained at a minimum of 150° F., then two or more surge tanks shall be installed with cross connections to permit flushing and cleaning during operation. Covers easily removable for cleaning shall be provided and used at all times.

§ 58.219 High pressure pumps and lines.

High pressure lines may be cleaned-in-place and shall be of such construction that dead ends, valves and the high pressure pumps can be disassembled for hand cleaning. The high pressure pump should meet the 3–A Sanitary Standard Covering Homogenizers and High Pressure Pumps of the Plunger Type.

§ 58.220 Spray dryers.

Spray dryers shall be of a continuous discharge type and all product contact surfaces shall be of stainless steel or other equally corrosion resistant material. All joints and seams in the product contact surfaces shall be welded and ground smooth. All dryers shall be constructed so as to facilitate ease in cleaning and inspection. Sight glasses or ports of sufficient size shall be located at strategic positions. Dryers shall be equipped with suitable air intake filters and with air intake and exhaust recording thermometers. The filter system shall consist of filtering media or device that will effectively, and in accordance with good commercial practices, prevent the entrane of foreign substances into the drying chamber. The filtering system shall be cleaned or component parts replaced as often as necessary to maintain a clean and adequate air supply. In gas fired dryers, precautions should be taken to assure complete combustion. Air shall be drawn into the dryer from sources free from objectionable odors and smoke, dust or dirt.

§ 58.221 Collectors and conveyors.

Collectors shall be made of stainless steel or equally noncorrosive material and should be constructed to facilitate cleaning and inspection. Filter sack collectors, if used, shall be in good condition and the system shall be of such construction that all parts are accessible for cleaning and inspection. Conveyors shall be of stainless steel or equally corrosion resistant material and should be constructed to facilitate thorough cleaning and inspection.

§ 58.222 Dry dairy product cooling equipment.

Cooling equipment shall be provided with sufficient capacity to cool the product to 110° F. or lower, immediately after removal from dryer and prior to packaging. If bulk bins are used, the product should be cooled to approximately 90° F. but shall be not more than 110° F. A suitable dry air supply with effective filtering shall be provided where air cooling and conveying is used.

§ 58.223 Special treatment equipment.

Any special equipment used to treat dry milk products shall be of sanitary construction and all parts shall be accessible for cleaning and inspection.

§ 58.224 Sifters.

All newly installed sifters used for dry milk and dry milk products shall meet the 3–A Sanitary Standards for Sifters for Dry Milk and Dry Milk Products. All other sifters shall be constructed of

stainless steel or other equally noncorrosive material and shall be of sanitary construction and accessible for cleaning and inspection. The mesh size of sifter screen used for various dry dairy products shall be those recommended in the appendix of the 3–A Standard for sifters.

§ 58.225 Clothing and shoe covers.

Clean clothing and shoe covers shall be provided exclusively for the purpose of cleaning the interior of the drier when it is necessary to enter the drier to perform the cleaning operation.

§ 58.226 Portable and stationary bulk bins.

Bulk bins shall be constructed of stainless steel, aluminum or other equally corrosion resistant materials, free from cracks, seams and must have an interior surface that is relatively smooth and easily cleanable. All product contact surfaces shall be easily accessible for cleaning. The capacity of each portable bulk bin shall be limited as directed by the Administrator.

§ 58.227 Sampling device.

If automatic sampling devices are used, they shall be constructed in such a manner as to prevent contamination of the product, and all parts must be readily accessible for cleaning. The type of sampler and the sampling procedure shall be as approved by the Administrator.

§ 58.228 Dump hoppers, screens, mixers and conveyors.

The product contact surfaces of dump hoppers, screens, mixers and conveyors which are used in the process of transferring dry products from bulk containers to fillers for small packages or containers, shall be of stainless or equally corrosion resistant material and designed to prevent contamination. All parts should be accessible for cleaning. The dump hoppers shall be of such height above floor level as to prevent foreign material or spilled product from entering the hopper.

§ 58.229 Filler and packaging equipment.

All filling and packaging equipment shall be of sanitary construction and all parts, including valves and filler heads accessible for cleaning.

§ 58.230 Heavy duty vacuum cleaners.

Each plant handling dry milk products shall be equipped with a heavy duty industrial vacuum cleaner. Regular scheduling shall be established for its use in vacuuming applicable areas.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

§ 58.231 General.

All raw materials received at the drying plant shall meet the following quality specifications.

§ 58.232 Milk.

Raw milk shall meet the requirements as outlined in §§ 58.132 through 58.138 of Subpart B and, unless processed within two hours after being received, it shall be cooled to and held at a temperature of 45° F. or lower until processed.

§ 58.233 Skim milk.

The skim milk shall be separated from whole milk meeting the requirements as outlined in §§ 58.132 thru 58.138, and outlined in §§ 58.132 through 58.138, and unless processed immediately, it shall be cooled to and maintained at a temperature of 45° F. or lower from the time of separating until the time of processing.

§ 58.234 Buttermilk.

Buttermilk for drying shall be fresh, sweet and from the churning of sweet cream butter, with or without the addition of harmless lactic culture. No neutralizing agent or chemical preservative may be added. Fluid buttermilk, unless cultured, shall be held at 45° F. or lower until processed.

§ 58.235 Whey.

Cheese whey for drying shall be fresh and contain no neutralizing agent or chemical preservative. Whey shall be held at 45° F. or lower, or at temperatures of 150° F. or above until processed.

OPERATIONS AND OPERATING PROCEDURES

§ 58.236 Pasteurization and heat treatment.

All milk, buttermilk and whey used in the manufacture of dry dairy products shall be pasteurized at the plant where dried, except that condensed whey and acidified buttermilk containing 40 percent or more solids may be transported to another plant for drying without repasteurization. Provided the condensed product is handled according to sanitary conditions approved by the Administrator.

(a) Pasteurization. (1) All milk or skim milk to be used in the manufacture of nonfat dry milk shall be heated prior to condensing to at least the minimum pasteurization temperature of 161° F. for at least 15 seconds or its equivalent in bacterial destruction. Condensed skim made from pasteurized skim milk may be transported to a drying plant, provided that it shall be effectively repasteurized at the drying plant, prior to drying, at least 166° F. for 15 seconds or its equivalent in bacterial destruction.

(2) All buttermilk or cream from which it is derived shall be pasteurized prior to condensing at a temperature of 185° F. for 15 seconds or its equivalent in bacterial destruction.

(3) All cheese whey or milk from which it is derived shall be pasteurized prior to condensing at a temperature of 161° F. for 15 seconds or its equivalent in bacterial destruction.

(b) *High heat.* All skim milk to be used in the manufacture of nonfat dry milk intended for baking or other purposes where high heat treatment is desirable shall be heated to such a temperature as will produce a finished product meeting the requirements of U.S. High Heat as defined in the U.S. Standards for Grades of Nonfat Dry Milk (Spray Process).

§ 58.237 Condensed surge supply.

Surge tanks or balance tanks if used between the evaporators and dryer shall be used to hold only the minimum amount of condensed produet necessary for a uniform flow to the dryers. Such tanks holding product at temperatures below 150° F. shall be completely emptied and washed after each 4 hours of operation or less. Alternate tanks shall be provided to permit continuous operation during washing of tanks.

§ 58.238 Condensed storage tanks.

(a) Excess production of condensed product over that which the dryer will take continuously from the pans should be bypassed through a cooler into a storage tank to 50° F. or lower and held at this temperature until used.

(b) Product cutoff points shall be made at least every 24 hours and the tank completely emptied, washed, and sanitized before reuse.

§ 58.239 Drying.

Each dryer should be operated at not more than the manufacturer's rated capacity for the highest quality dry product consistent with the most efficient operation. This does not preclude the remodeling or redesigning of dryers after installation when properly engineered and designed. The dry products shall be removed from the drying chamber continuously during the drying process.

§ 58.240 Cooling dry products.

Prior to packaging and immediately following removal from the drying chamber the dry product shall be cooled to a temperature not exceeding 110° F., however, if the product is to be held in a bulk bin the temperature should be reduced to approximately 90° F. but shall be not more than 110° F.

§ 58.241 Packaging, repackaging and storage.

(a) *Containers.* Packages or containers used for the packaging of nonfat dry milk or other dry milk products shall be any clean, sound commercially accepted container or packaging material which will satisfactorily protect the contents through the regular channels of trade, without significant impairment of quality with respect to flavor, wholesomeness or moisture content under the normal conditions of handling. In no instance will containers which have previously been used for non-food items, or food items which would be deleterious to the dairy product be allowed to be used for the bulk handling of dairy products.

(b) *Filling.* Empty containers shall be protected at all times from possible contamination and containers which are to be lined shall not be prepared more than 1 hour in advance of filling. Every precaution shall be taken during the filling operation to minimize product dust and spillage. When necessary a mechanical shaker shall be provided; the taping or pounding of containers shall be prohibited. The containers shall be closed immediately after filling and the exteriors shall be vacuumed or brushed

when necessary to render them practically free of product remnants before being transferred from the filling room to the palleting or dry storage areas.

(c) *Repackaging.* The entire repackaging operation shall be conducted in a sanitary manner with all precautions taken to prevent contamination and to minimize dust. All exterior surfaces of individual containers shall be practically free of product before overwrapping or packing in shipping containers. The flow shall be kept free of dust accumulation, waste, cartons, liners, or other refuse. Conveyors, packaging and carton making equipment shall be vacuumed frequently during the operating day to prevent the accumulation of dust. No bottles or glass materials of any kind shall be permitted in the repackaging or hopper room. The inlet openings of all hoppers and bins shall be of minimum size, screened and placed well above the floor level. The room and all packaging equipment shall be cleaned as often as necessary to maintain a sanitary operation. Close attention shall be given to cleaning points of equipment where residues of the dry product may accumulate. A thorough clean-up including windows, doors, walls, light fixtures and ledges, shall be performed as frequently as is necessary to maintain a high standard of cleanliness and sanitation. All waste dry dairy products including dribble product at the fillers, shall be properly identified and disposed of as animal feed.

(d) *Storage*—(1) *Product.* The packaged dry milk product shall be stored or so arranged in aisles, rows, or sections and lots at least 18 inches from any wall and in such a manner as to be orderly, easily accessible for inspection or for cleaning of the room. All bags and small containers of product shall be placed on pallets elevated approximately 6 inches from the floor. The storage room shall be kept clean and dry and all openings protected against entrance of insects and rodents.

(2) *Supplies.* All supplies shall be placed on dunnage or pallets and arranged in an orderly manner for accessibility and cleaning of the room. It is preferable that supplies be stored in an area separate from that used for storing the dry products. Supplies shall be kept enclosed in their original wrapping material until used. After removal of supplies from their original containers they shall be kept in an enclosed metal cabinet, bins or on shelving and if not enclosed shall be protected from powder, and dust or other contamination. The room shall be vacuumed as often as necessary and kept clean and orderly.

§ 58.242 Product adulteration.

All necessary precautions shall be taken throughout the entire operation to prevent the adulteration of one product with another. The commingling of one type of liquid or dry product with another shall be considered as an adulteration of that product. This does not prohibit the normal standardization of like products in accordance with good commercial practices or the production of specific products for special uses, provided applicable labeling requirements are met.

§ 58.243 Checking quality.

All milk, milk products and dry milk products shall be subject to inspection and analysis by the dairy plant for quality and condition throughout each processing operation. Line samples shall be taken periodically as an aid to quality control in addition to the regular routine analysis made on the finished products.

§ 58.244 Number of samples.

As many samples shall be taken from each dryer production lot as is necessary to assure proper composition and quality control. A sufficient number of representative samples from the lot shall be taken to assure compliance with the stated net weight on the container.

§ 58.245 Method of official sample analysis.

Samples shall be tested according to the "Methods of Laboratory Analysis for Dry Whole Milk, Nonfat Dry Milk, Dry Buttermilk and Dry Whey" as issued by the USDA Consumer and Marketing Service, Dairy Division, Inspection and Grading Branch Laboratory.

§ 58.246 Cleaning of dryers, conveyors, sifters, and storage bins.

This equipment shall be cleaned as often as is necessary to maintain such equipment in a clean and sanitary condition. The kind of cleaning procedure either wet or dry and the frequency of cleaning shall be based upon observation of actual operating results and conditions.

§ 58.247 Insect and rodent control program.

In addition to any commercial pest control service, if one is utilized, a specially designated employee shall be made responsible for the performance of a regularly scheduled insect and rodent control program as outlined in AMS Bulletin 302 or subsequent revisions thereof.

QUALITY REQUIREMENTS FOR FINISHED PRODUCTS BEARING THE USDA GRADE LABEL OR QUALITY APPROVED INSPECTION SHIELD

§ 58.248 Nonfat dry milk.

(a) Nonfat dry milk in commercial bulk containers bearing an official grade label shall meet the requirements of U.S. Extra Grade or U.S. Standard Grade.

(b) Instant and regular nonfat dry milk in consumer size packages which bears an official grade label shall meet the requirements of U.S. Extra Grade. In addition, the nonfat dry milk shall meet the following specifications when sampled and tested in accordance with §§ 58.244 and 58.245. All nonfat dry milk in consumer size packages shall have a direct microscopic count of not more than 75 million per gram.

§ 58.249 Instant nonfat dry milk.

Instant nonfat dry milk shall meet the applicable standard for U.S. Extra Grade.

§ 58.250 Dry whole milk.

Dry whole milk in commercial bulk containers which bears an official grade label shall meet the requirements for the U.S. Standards for Grades of Dry Whole Milk. Quality requirements for dry whole milk in consumer packages shall be for U.S. Premium Grade or U.S. Extra Grade and in addition shall have a direct miscroscopic count of not more than 75 million per gram.

§ 58.251 Dry buttermilk.

The quality requirements for all dry buttermilk shall be in accordance with U.S. Standards for Grades of Dry Buttermilk. Dry cultured buttermilk shall meet the same requirements as listed above except that allowances shall be made for increased acidity due to the culture process.

§ 58.252 Dry whey.

The quality requirements for all dry whey shall be in accordance with U.S. Standards for Dry Whey.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING BUTTER AND RELATED PRODUCTS

DEFINITIONS

§ 58.305 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning.

(a) *Butter.* The food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, with or without harmless lactic culture or lactic acid, with or without additional coloring matter, and with water for composition control and containing not less than 80 percent by weight of milkfat, all tolerances having been allowed for.

(b) *Butteroil.* The product resulting from the removal of practically all of the moisture and solids-not-fat from butter. It contains not less than 99.6 percent fat, and not more than 0.3 percent moisture; and not more than 0.1 percent other butter constituents, of which the salt shall be not more than 0.05 percent.

(c) *Anhydrous milkfat.* The product resulting from the removal of practically all of the moisture and the solids-not-fat from cream. It contains not less than 99.8 percent fat, and not more than 0.15 percent moisture.

(d) *Frozen cream.* Sweet cream which has been pasteurized and frozen. It contains approximately 40 percent milkfat.

(e) *Plastic cream.* Sweet cream which has been pasteurized and contains approximately 80 percent milkfat.

(f) *Whipped butter.* Butter which has been stirred or whipped to incorporate air or inert gas, until its volume has been increased up to a range of from 50 to 100 percent. It contains not less than 80 percent fat by weight.

ROOMS AND COMPARTMENTS

§ 58.311 Coolers and freezers.

The coolers and freezers shall be equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good commercial practices for the applicable product, to protect the quality and condition of the products during storage or during tempering prior to further processing. Coolers and freezers shall be kept clean, orderly, free from insects, rodents, and mold, and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be of such construction as to permit thorough cleaning.

§ 58.312 Churn rooms.

Churn rooms in addition to proper construction and sanitation shall be so equipped that the air is kept free from objectionable odors and vapors and extreme temperatures by means of adequate ventilation and exhaust systems or air conditioning and heating facilities.

§ 58.313 Print and bulk packaging rooms.

Rooms used for packaging print or bulk butter and related products should, in addition to proper construction and sanitation, provide an atmosphere relatively free from mold (no more than 10 mold colonies per cubic foot of air), dust, or other airborne contamination and maintain a reasonable room temperature.

EQUIPMENT AND UTENSILS

§ 58.314 General construction, repair, and installation.

All equipment and utensils necessary to the manufacture of butter and related products shall meet the same general requirements as outlined in § 58.128. In addition for certain other equipment, the following requirements shall be met.

§ 58.315 Continuous churn.

All product contact surfaces shall be of noncorrosive material. All nonmetallic product contact surfaces shall comply with 3–A Standards for Plastic, Rubber and Rubber-Like Materials. All product contact surfaces shall be readily accessible for cleaning and inspection.

§ 58.316 Conventional churns.

Churns should be constructed of aluminum, stainless steel or equally corrosion resistant metal, free from cracks, and in good repair. All gasket material shall be fat resistant, nontoxic and reasonably durable. Seals around the doors shall be tight.

§ 58.317 Bulk butter trucks, boats, and packers.

Bulk butter trucks, boats and packers shall be constructed of aluminum, stainless steel, or equally corrosion resistant metal, free from cracks, seams, and must have a surface that is relatively smooth and easily cleanable.

§ 58.318 Butter, frozen or plastic cream melting machines.

Shavers, shredders or melting machines used for rapid melting of butter, frozen or plastic cream shall be of stainless steel or equally corrosion resistant metal, sanitary construction, and readily cleanable.

§ 58.319 Printing equipment.

All printing equipment shall be designed to be readily demountable for cleaning of product contact surfaces. All product contact surfaces shall be aluminum, stainless steel or equally corrosion resistant metal, or plastic, rubber and rubber like material which meet 3–A standards, except that conveyors may be constructed of material which can be properly cleaned and maintained in a satisfactory manner.

§ 58.320 Brine tanks.

Brine tanks used for the treating of parchment liners shall be constructed of noncorrosive material and have an adequate and safe means of heating the salt solution for the treatment of the liners. The tank shall also be provided with a satisfactory drainage outlet.

§ 58.321 Starter vats.

Bulk starter vats shall be of stainless steel or equally corrosion resistant metal and constructed according to applicable 3–A Sanitary Standards. The vats shall be in good repair, equipped with tight fitting lids and have effective temperature controls.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.322 Cream.

Cream separated at an approved plant and used for the manufacture of butter shall have been derived from raw material meeting the requirements as listed under §§ 58.132 through 58.138. The inspection of farm-separated cream or whey cream to be used for manufacturing or processing into dairy products under this part shall be based on organoleptic examination and quality control tests to determine suitability of cream at the time of delivery thereof at the receiving plant or substation.

(a) *Organoleptic examination.* Cream received at an approved receiving plant, or substation shall be identified as to the producer, seller, or shipper from whom received. Each can of cream in each shipment shall be examined for physical characteristics, off-flavors and off-odors, including those associated with developed acidity. The condition of the cream shall be wholesome and characteristic of normal cream. The organoleptic examination and segregation of the cream which is used in the manufacturing or processing into butter, shall be consistent with the applicable flavor classification of butter set forth in the U.S. Standards for Grades of Butter. Any cream having pronounced or offensive off-flavor or off-odors, or which is in an abnormal condition (including, but not being limited to surface mold, foamy, yeasty, fruity, or containing extraneous matter), or which is otherwise unwholesome, shall be rejected to the producer, seller, or shipper and shall not be used in the processing or manufacturing of dairy products.

(b) *Sediment content classification.* (1) For the purpose of quality control and establishing a rejection level of cream to the producer, seller, or shipper, the following classifications of cream for sediment shall be applicable using USDA Sediment Chart (§ 58.2726) as the basis for classification.

Sediment (off-the-bottom method):

No. 1—USDA Sediment Standard (not to exceed) 0.50 mg.
No. 2—USDA Sediment Standard (not to exceed) 1.00 mg.
No. 3—USDA Sediment Standard (not to exceed) 2.50 mg.

Sediment (mixed-can method):

No. 1—USDA Sediment Standard (not to exceed) 0.20 mg.
No. 2—USDA Sediment Standard (not to exceed) 0.30 mg.
No. 3—USDA Sediment Standard (not to exceed) 1.00 mg.

(2) At least twice each month one can of cream from each producer, seller, or shipper of farm separated cream shall be selected at random and tested by using the "off-the-bottom" method or the "mixed-can" method in accordance with acceptable and approved procedures.

(3) As a supplement to the regular sediment testing procedure it is recommended that whole-can filtering facilities be utilized for each can of each shipment of cream from the producer for coarse sediment or extraneous matter and rejections be made in accordance with State or Federal Food and Drug Administration practices.

(c) *Acceptable cream.* Cream acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination and complying with No. 1 or No. 2 for sediment content may be used in the processing or manufacturing of dairy products.

(d) *Probational cream.* Cream acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination but classified No. 3 for sediment content may be accepted for processing in an approved plant for three successive deliveries. Thereafter each successive delivery shall be tested for sediment content prior to acceptance. If the sediment content is in excess of No. 2, such cream shall be rejected to the producer, seller, or shipper, and successive deliveries shall continue to be rejected until the sediment content is No. 2, or better. As soon as any shipment of cream is classified as probationary a representative of the plant, receiving plant, or substation should contact the producer, seller, or shipper involved in the production of probational cream and if necessary arrange to inspect the equipment, utensils, and facilities at the farm, receiving plant or substation and to offer constructive assistance for improvement in the quality of the cream.

(e) *Rejected cream.* (1) The cream from a producer, seller, or shipper who has failed to improve the quality of his cream during the probationary period so as to meet the requirements of No. 2, or better, for sediment shall be rejected cream. Any further acceptance of cream from such a producer, seller, or shipper shall be on the basis of testing each ship-

ment for sediment content, prior to acceptance to determine if the cream is No. 2, or better. If all cans of cream of the subsequent shipment meet No. 2, or better, such cream shall be classified as probational cream. When three successive shipments indicate cream of No. 2, or better, the cream may again be accepted, subject to regular periodic testing and quality control measures.

(2) If the initial new shipment fails to meet the requirements of No. 2 cream, or better, the plant shall not accept such cream until a representative of the plant again contacts the producer, seller, or shipper for the purpose of offering constructive assistance in correcting the unsatisfactory condition.

(f) *Field service.* A representative of the plant should arrange to contact promptly each producer, seller, or shipper involved in the production of probational or reject cream for the purpose of offering constructive assistance for the improvement in the quality of the cream. If necessary, he should arrange to inspect the equipment, utensils, and facilities at the farm, receiving plant, or substation. A representative of the plant should visit each producer, seller, or shipper as often as is practicable to assist in and encourage the production of high quality cream.

(g) *Records.* Accurate plant records listing the results of quality tests made on raw cream shall be maintained on cream from each producer, seller, or shipper. Each producer, seller, or shipper, shipping probational or rejected cream, shall be informed immediately of the results of such quality tests. Producers, sellers, or shippers, shipping No. 1 and No. 2 cream should receive such information at the time of regular remittances. Such records shall be available for examination by the inspector and kept on file for at least 1 year.

(h) *Alternate quality program.* When a processor has in operation an acceptable quality program, at the producer level, which is approved by the Administrator as being effective in obtaining results comparable to or higher than the quality program as outlined above for cream, then such a program may be accepted in lieu of the program herein prescribed.

§ 58.323 Whipped butter.

Whipped butter to be eligible for official certification with a U.S. Grade shield shall be graded prior to whipping and shall have originated from an approved plant. If made from cream in a continuous churning and whipping process, the quality of the cream used shall meet the requirements of cream for butter of comparable U.S. Grade.

§ 58.324 Butteroil.

Made from butter. To produce butteroil eligible for official certification, the butter used shall conform to the flavor requirements of U.S. Grade AA, U.S. Grade A, or U.S. Grade B, and shall have been manufactured in an approved plant.

§ 58.325 Anhydrous milkfat.

Made by a continuous separation process directly from milk or cream. To produce anhydrous milkfat eligible for official certification, the cream used shall be comparable to the flavor quality specified above for U.S. Grade AA or U.S. Grade A butter, or for U.S. Grade B butter as follows: The flavor of the cream shall be fairly pleasing but may possess the following flavors to a slight degree: musty, utensil, and weed, and to a definite degree: Acid, bitter, smothered and old cream; and to a pronounced degree feed flavors. Appearance should be fairly smooth and uniform in consistency. The cream shall be pasteurized in accordance with the procedure for cream for butter making.

§ 58.326 Plastic cream.

To produce plastic cream eligible for official certification, the quality of the cream used shall meet the requirements of cream acceptable for the manufacture of U.S. Grade AA or U.S. Grade A butter.

§ 58.327 Frozen cream.

To produce frozen cream eligible for official certification, the quality of the cream used shall meet the requirements of cream acceptable for the manufacture of U.S. Grade AA or U.S. Grade A butter.

§ 58.328 Salt.

The salt shall be free-flowing, white refined sodium chloride of food grade quality free from extraneous material and prepared in accordance with good commercial practice. Iodized salt shall not be used.

§ 58.329 Color.

Coloring, when used shall be Annatto or any color which is approved by the U.S. Food and Drug Administration.

§ 58.330 Butter starter cultures.

Harmless bacterial cultures used in the development of flavor components in butter and related products shall have a pleasing and desirable flavor and odor and shall have the ability to transmit these qualities to the finished product.

§ 58.331 Starter distillate.

The refined flavor components used to flavor butter and related products. It shall be of food grade quality, free of extraneous material and prepared in accordance with good commercial practice.

OPERATIONS AND OPERATING PROCEDURES

§ 58.332 Segregation of raw material.

The milk and cream received at the dairy plant shall meet the quality specifications as indicated under § 58.322. The milk and cream should be segregated by quality and processed separately in such a manner that the finished product will fully meet the requirements of a particular U.S. Grade or other specification, whichever is applicable.

§ 58.334 Pasteurization.

The milk or cream shall be pasteurized at the plant where the milk or cream is processed into the finished product.

(a) *Cream for butter making.* (1) The cream for butter making shall be pasteurized at a temperature of not less than 165° F. and held continuously in a vat at such temperature for not less than 30 minutes; or pasteurized by HTST method at a minimum temperature of not less than 185° F. for not less than 15 seconds; or it shall be pasteurized by any other equivalent temperature and holding time which will assure adequate pasteurization. Additional heat treatment above the minimum pasteurization requirement is advisable to insure improved keeping-quality characteristics.

(2) Adequate pasteurization control shall be used and the diversion valve shall be set to divert at no less than 185° F. with a 15-second holding time or its equivalent in time and temperature to assure pasteurization. If the vat or holding method of pasteurization is used, vat covers shall be closed prior to holding period to assure temperature of air space reaching the minimum temperature before holding time starts. Covers shall also be kept closed during the holding and cooling period.

(b) *Cream for plastic or frozen cream.* The pasteurization of cream for plastic or frozen cream shall be accomplished in the same manner as in paragraph (a) of this section, except, that the temperature for the vat method shall be not less than 170° F. for not less than 30 minutes, or not less than 190° F. for not less than 15 seconds or by any other temperature and holding time which will assure adequate pasteurization and comparable keeping-quality characteristics.

§ 58.335 Quality control tests.

All milk, cream and related products are subject to inspection for quality and condition throughout each processing operation. Quality control tests shall be made on flow samples as often as necessary to check the effectiveness of processing and manufacturing and as an aid in correcting deficiencies in processing and manufacturing. Routine analysis shall be made on raw materials and finished products to assure adequate composition control.

§ 58.336 Frequency of sampling for quality control—butter and related products.

(a) *Microbiological.* Samples shall be taken from churnings or batches and should be taken as often as is necessary to insure microbiological control.

(b) *Composition.* Sampling and testing for product composition shall be made on churns or batches as often as is necessary to insure adequate composition control. For in-plant control, the Kohman or modified Kohman test may be used.

(c) *Copper and iron.* At least once each year a sample of product from each processing line should be spot checked for copper and iron content to establish the presence or absence of contaminating metal product contact surfaces.

(d) *Other analysis.* Other chemical analysis or physical measurements shall be performed as often as is necessary to insure meeting grade standards and contract specifications.

(e) *Weight or volume control.* Representative samples of the packaged product shall be checked during the packaging operation to assure compliance with the stated net weight or volume on the container.

(f) *Keeping quality and stability.* One sample from each churning or batch of butter (regular or whipped) shall be subjected to a seven-day keeping quality test at a temperature of 70° F. Optionally 98° F. for 48 hours may be used, however, in case of a dispute, the results of the seven days at 70° F. will prevail.

§ 58.337 Official test methods.

(a) *Chemical.* Chemical analyses, except where otherwise prescribed herein, shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, published by the Association of Official Agricultural Chemists. The Official and Tentative Methods of the American Oil Chemists Society or any other methods giving equivalent results.

(b) *Microbiological.* Microbiological determinations shall be made in accordance with the methods described or suggested in the latest edition of Standard Methods for the Examination of Dairy Products, published by the American Public Health Association.

§ 58.338 Composition and wholesomeness.

All ingredients used in the manufacture of butter and related products shall be subject to inspection and shall be wholesome and practically free from impurities. Chlorinating facilities shall be provided for butter wash water if needed and all other necessary precautions shall be taken to prevent contamination of products. All finished products shall comply with the requirements of the Federal Food, Drug and Cosmetic Act, as to composition and wholesomeness.

§ 58.339 Containers.

(a) Containers used for the packaging of butter and related products shall be commercially acceptable containers or packaging material that will satisfactorily protect the quality of the contents in regular channels of trade. Caps or covers which extend over the lip of the container shall be used on all cups or tubs containing two pounds or less, to protect the product from contamination during subsequent handling.

(b) Liners and wrappers. (1) Supplies of parchment liners, wrappers and other packaging material shall be protected against dust, mold and other possible contamination.

(2) Prior to use, parchment liners for bulk butter packages shall be completely immersed in a boiling salt solution in a suitable container constructed of stainless steel or other equally non-corrosive material. The liners shall be maintained in the solution for not less than 30 minutes. The solution should consist of at least 15 pounds of salt for every 85 pounds of water and shall be strengthened or changed as frequently as necessary to keep the solution full strength and in good condition.

(3) Other liners such as polethylene shall be treated or handled in such a manner as to prevent contamination of the liner prior to filling.

(c) *Filling bulk butter containers.* The lined butter containers shall be protected from possible contamination prior to filling. This may be accomplished by alternately inverting one container over the other or stacking the lined boxes on their sides in a rack, until ready for use. When packing butter into the bulk containers, care shall be taken to fill the corners leaving as few holes or openings as possible. The surface of the butter as well as the covering liner shall be smoothed evenly over the top surface before closing and sealing the container. Containers should be stacked only as high as the firmness of the product will support weight, so as not to crush or distort the container.

§ 58.340 Printing and packaging.

Printing and packaging of consumer size containers of butter shall be conducted under sanitary conditions. Separate rooms equipped with automatic filling and packaging equipment should be provided. The outside cartons should be removed from bulk butter in a room outside of the printing operation but the parchment removal and cutting of the butter may be done in the print room.

§ 58.341 Repackaging.

When officially graded or inspected bulk product is to be repackaged into consumer type packages for official grade labeling or other official identification, a supervisor of packaging shall be required and the plant, equipment, facilities and personnel shall meet the same specifications as outlined in this part, including such markings or identification as may be required.

§ 58.342 General identification.

Commercial bulk shipping containers shall be legibly marked with the name of the product, net weight, name and address of manufacturer, processor or distributor or other assigned plant identification (manufacturer's lot number, churn number, etc.) and any other identification that may be required. Packages of plastic or frozen cream shall be marked with the percent of milkfat.

§ 58.343 Storage of finished product in coolers.

All products shall be kept under refrigeration at temperatures of 40° F. or lower after packaging and until ready for distribution or shipment. The products shall not be placed directly on floors or exposed to foreign odors or conditions such as drippage due to condensation which might cause package or product damage.

§ 58.344 Storage of finished product in freezer.

(a) *Sharp freezers.* Plastic cream or frozen cream intended for storage shall be placed in quick freezer rooms immediately after packaging, for rapid and complete freezing within 24 hours. The packages shall be piled or spaced in such a manner that air can freely circulate between and around the packages. The rooms shall be maintained at −10° F. or lower and shall be equipped to provide sufficient high velocity, air circulation for rapid freezing. After the products have been completely frozen, they may be transferred to a freezer storage room for continued storage.

(b) *Freezer storage.* (1) The room shall be maintained at a temperature of 0° F. or lower. Adequate air circulation is desirable.

Butter intended to be held more than 30 days shall be placed in a freezer room as soon as possible after packaging. If not frozen before being placed in the freezer, the packages shall be spaced in such a manner as to permit rapid freezing and repiled, if necessary, at a later time.

QUALITY REQUIREMENTS AND SPECIFICATIONS FOR FINISHED PRODUCTS BEARING THE USDA GRADE LABEL OR QUALITY APPROVED INSPECTION SHIELD

§ 58.345 Butter.

The quality requirements for butter shall be in accordance with the U.S. Standards for Grades of Butter for U.S. Grade AA, U.S. Grade A, or U.S. Grade B, respectively. In addition, the butter is subject to the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337.

Proteolytic count—not more than 100 per gram.
Lipolytic count—not more than 100 per gram.
Yeast and mold count—not more than 20 per gram.
Coliform count—not more than 10 per gram.
Copper content—not more than 0.3 ppm.
Iron content—not more than 1.0 ppm.

§ 58.346 Whipped butter.

The flavor requirements as applicable for Whipped Butter shall be in accordance with the U.S. Standards for Grades of Butter, U.S. Grade AA, U.S. Grade A, or U.S. Grade B respectively. In addition, the whipped butter is subject to the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337.

Proteolytic count—not more than 100 per gram.
Lipolytic count—not more than 100 per gram.
Yeast and mold count—not more than 20 per gram.
Coliform count—not more than 10 per gram.
Copper content—not more than 0.3 ppm.
Iron content—not more than 1.0 ppm.
Overrun—not more than 100 percent.

§ 58.347 Butteroil or anhydrous milkfat.

The flavor shall be bland, free from rancid, oxidized or other objectionable flavors. In addition, the finished products shall meet the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337.

Butteroil		Anhydrous milk fat
Not less than 99.6 percent	Milkfat	Not less than 99.8 percent.
Not more than 0.3 percent	Moisture	Not more than 0.15 percent.
Not more than 0.1 percent	Other butter constituents including salt.	
Not more than 0.05 percent	Salt	
Not more than 0.5 percent (calculated as oleic acid).	Free fatty acids	Not more than 0.3 percent (calculated as oleic acid)
Not more than 0.1 milli equivalents per kilogram of fat.	Peroxide value	Not more than 0.1 milli equivalents per kilogram of fat.
Not more than 0.10 ppm	Copper content	Not more than 0.10 ppm.

§ 58.348 Plastic cream.

The flavor shall be sweet, pleasing and desirable but may possess the following flavors to a slight degree: Aged, bitter, flat, smothered and storage; and cooked and feed flavors to a definite degree. It shall be free from rancid, oxidized or other objectionable flavors. In addition, the finished product shall meet the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337.

Standard plate count—not more than 30,000 per gram.
Coliform count—not more than 10 per gram.
Yeast and mold—not more than 20 per gram.
Copper content—not more than 0.3 ppm.
Iron content—not more than 1.0 ppm.

§ 58.349 Frozen cream.

The flavor shall be sweet, pleasing and desirable, but may possess the following flavors to a slight degree: Aged, bitter, flat, smothered, storage; and cooked and feed flavors to a definite degree. It shall be free from rancid, oxidized or other objectionable flavors. In addition, the product shall meet the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337. Samples for analysis should be taken prior to freezing of the product.

Standard plate count—not more than 30,000 per ml.
Coliform count—not more than 10 per ml.
Yeast and mold—not more than 20 per ml.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING CHEDDAR CHEESE AND SIMILAR VARIETIES

DEFINITIONS

§ 58.405 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Cheddar cheese.* The cheese made by the Cheddar process or by any other procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced by the Cheddar process and is made from cow's milk with or without the addition of coloring matter and with common salt, contains not more than 39 percent moisture, and in the water-free substance contains not less than 50 percent milk fat and conforms to the provisions of § 19.500, "Definitions and Standards of Identity for Cheese and Cheese Products", U.S. Food and Drug Administration (21 CFR 19.500).

(b) *Colby cheese.* The cheese made by the Colby process or by any other procedure that produces a finished cheese having the same physical and chemical properties as the cheese produced by the Colby process and is made from cow's milk with or without the addition of coloring matter and with common salt, containing not more than 40 percent moisture and its solids contain not less than 50 percent milk fat and conforms to the provisions of § 19.510, "Definitions and Standards of Identity for Cheese and Cheese Products", U.S. Food and Drug Administration (21 CFR 19.510).

(c) *Granular, stirred curd cheese.* The cheese made by the granular or stirred curd process or by any other procedure that produces a finished cheese having the same physical and chemical properties as the cheese produced by the granular or stirred curd process, and is made from cow's milk with or without the addition of coloring matter and with common salt, containing not more than 39 percent moisture, and its solids contain not less than 50 percent milk fat, and conforms to the provisions of § 19.535, "Definitions and Standards of Identity for Cheese and Cheese Products", U.S. Food and Drug Administration (21 CFR 19.535).

(d) *Washed curd cheese, soaked curd cheese.* The cheese made by the washed curd or soaked curd process or by any procedure that produces a finished cheese having the same physical and chemical properties as the cheese produced by the washed or soaked curd process and is made from cow's milk with or without the addition of coloring matter and with common salt, containing not more than tain not less than 50 percent milk fat, and conforms to the provisions of § 19.505, "Definitions and Standards of Identity for Cheese and Cheese Products", U.S. Food and Drug Administration (21 CFR 19.505).

(e) *Whey cream.* Is the cream obtained from the separation of cheese whey.

ROOMS AND COMPARTMENTS

§ 58.406 Starter room.

A separate starter room equipped with a tight fitting door should be provided for the propagation and handling of starter cultures. All necessary precaution shall be taken to prevent contamination of the room, equipment and the air therein. A filtered air supply should be provided so as to obtain outward movement of air from the room.

§ 58.407 Make room.

The room in which the cheese is manufactured shall be of adequate size, and the vats adequately spaced to permit movement around the vats and presses for proper cleaning and satisfactory working conditions. Adequate ventilation shall be provided, preferably filtered air. Mold count should be no higher than 10 per cubic foot of air.

§ 58.408 Drying room.

If cheese is to be paraffined, a drying room of adequate size shall be provided to accommodate the maximum production of cheese during the flush period. Adequate shelving and air circulation shall be provided for proper drying. Temperature and humidity control facilities should be provided which will promote the development of a sound, dry rind.

§ 58.409 Paraffining room.

For rind cheese, a separate room or compartment should be provided for paraffining and boxing the cheese. The room shall be of adequate size and the temperature maintained near the temperature of the drying room to avoid sweating of the cheese prior to paraffining.

§ 58.410 Rindless block wrapping area.

For rindless blocks a suitable space shall be provided for proper wrapping and boxing of the cheese. The area shall be free from dust, condensation, mold or other conditions which may contaminate the surface of the cheese or contribute to an unsatisfactory packaging of the cheese.

§ 58.411 Coolers or curing rooms.

Coolers or curing rooms where cheese is held for curing or storage shall be clean and maintained at the proper uniform temperature and humidity to adequately protect the cheese, and minimize the growth of mold. Proper circulation of air shall be maintained at all times. They shall be free from rodents, insects, and pests. The shelves shall be kept clean and dry.

§ 58.412 Cutting and packaging rooms.

When small packages of cheese are cut and wrapped, separate rooms shall be provided for the cleaning and preparation of the bulk cheese and a separate room shall be provided for the cutting and wrapping operation. The rooms shall be well lighted, ventilated, and provided with filtered air. Air movement shall be outward to minimize the entrance of unfiltered air into the cutting and packaging room.

EQUIPMENT AND UTENSILS

§ 58.413 General construction, repair, and installation.

All equipment and utensils necessary to the manufacture of Cheddar cheese and related products shall meet the same general requirements as outlined in § 58.128. In addition, for certain other equipment the following requirements shall be met.

§ 58.414 Starter vats.

Bulk starter vats shall be of stainless steel or equally corrosion resistant metal and should be constructed according to the applicable 3–A Sanitary Standards. The vats shall be in good repair, equipped with tight fitting lids and have adequate temperature controls such as valves, indicating and/or recording thermometers.

§ 58.415 Cheese vats.

(a) The vats used for making cheddar cheese should be of metal construction with adequate jacket capacity for uniform heating. The inner liner shall be minimum 16 gauge stainless steel or other equally corrosion resistant metal, properly pitched from side to center and from rear to front for adequate drainage. The liner shall be smooth, free from excessive dents or creases and shall extend over the edge of the outer jacket. The outer jacket when metal shall be constructed of stainless steel or other metal which can be kept clean and sanitary. The junction of the liner and outer jackets shall be constructed so as to prevent milk or cheese from entering the inner jacket.

(b) The vat shall be equipped with a suitable sanitary outlet valve. Effective valves shall be provided and properly maintained to control the application of heat to the vat. Also vats should be equipped with removable cloth covers which can be regularly and suitably laundered, or with a single service paper covers.

§ 58.416 Mechanical agitators.

The mechanical agitators shall be of sanitary construction. The carriage and track shall be so constructed as to prevent the dropping of dirt, or grease into the vat. Metal blades, forks, or stirrers shall be constructed of stainless steel and of material approved in the 3–A Sanitary Standards for Plastic and Rubber or Rubber-Like Materials and shall be free from rough or sharp edges which might scratch the equipment or remove metal particles.

§ 58.417 Curd mill and miscellaneous equipment.

Knives, hand rakes, shovels, paddles, strainers, and miscellaneous equipment shall be stainless steel or of material approved in the 3–A Sanitary Standards for Plastic and Rubber-Like Material. The product contact surfaces of the curd mill should be of stainless steel. All pieces of equipment shall be so constructed that they can be kept clean. The wires in the curd knives shall be stainless steel, kept tight, and replaced when necessary.

§ 58.418 Hoops and followers.

The hoops, forms, and followers shall be constructed of stainless steel or heavy tinned steel. If tinned, they shall be kept tinned and free from rust. All hoops, forms, and followers shall be kept in good repair. Drums or other special forms used to press and store cheese shall be clean and sanitary.

§ 58.419 Press.

The cheese press should be constructed of stainless steel and all joints welded and all surfaces, seams, and openings readily cleanable. The pressure device shall be the continuous type. Press clothes shall be maintained in good repair and in a sanitary condition. Single service press clothes shall be used only once.

§ 58.420 Rindless cheese press.

The press used to heat seal the wrapper applied to rindless cheese shall have square interior corners, reasonably smooth interior surface and have controls that shall provide uniform pressure and heat equally to all surfaces.

§ 58.421 Paraffin tanks.

The metal tank should be adequate in size, have wood rather than metal racks to support the cheese, have heat controls and an indicating thermometer. The cheese wax shall be kept clean.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.422 Milk.

The milk shall be fresh, sweet, pleasing, and desirable in flavor and shall meet the requirements as outlined under §§ 58.132 through 58.138. The milk may be adjusted by separating part of the fat from the milk or by adding one or more of the following dairy products: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated or dry milk used. Such dairy products shall have originated from raw milk meeting the same requirements as outlined under §§ 58.132 through 58.138.

§ 58.423 Hydrogen peroxide.

The solution shall comply with the specification of the U.S. Pharmacopeia, except that it may exceed the concentration specified therein and it does not contain added preservative. Application and usage shall be as specified in the "Definitions and Standards of Identity for Cheese and Cheese Products" U.S. Food and Drug Administration (21 CFR 19.500).

§ 58.424 Catalase.

The catalase preparation shall be a stable, buffered solution, neutral in pH, having a potency of not less than 100 Keil units per milliliter. The source of the catalase, its application and usage shall be as specified in the "Definitions and Standards of Identity for Cheese and Cheese Products," U.S. Food and Drug Administration (21 CFR 19.500).

§ 58.425 Cheese starter cultures.

Harmless bacterial cultures used in the development of lactic acid and flavor components in cheese shall have a pleasing and desirable flavor and odor and shall have the ability to actively produce the desired results in the manufacturing process.

§ 58.426 Calcium chloride.

Calcium chloride, when used, shall be of food grade quality, free from extraneous material.

§ 58.427 Color.

Coloring, when used, shall be Annatto or any cheese or butter color which is approved by the U.S. Food and Drug Administration.

§ 58.428 Rennet, pepsin, or other coagulating enzymes.

Enzyme extracts used for curd coagulation in the manufacture of cheese shall be of food grade quality.

§ 58.429 Salt.

The salt shall be free-flowing, evaporated salt of food grade quality, free from extraneous material. Iodized salt shall not be used.

OPERATIONS AND OPERATING PROCEDURES

§ 58.430 Cheese from pasteurized milk.

If the cheese is labeled as pasteurized, the milk shall be pasteurized by subjecting every particle of milk to a minimum temperature of 161° F. for not less than 15 seconds or by any other combination of temperature and time treatment approved by the Administrator. HTST pasteurization units shall be equipped with the proper controls and equipment to assure pasteurization. If the milk is held more than 2 hours between the time of pasteurization and setting, it shall be cooled to 45° F. or lower until time of setting.

§ 58.431 Cheese from unpasteurized milk.

If the cheese is labeled as "heat treated," "unpasteurized," "raw milk," or "for manufacturing," the milk may be raw or heated at temperatures below pasteurization. If the milk is held more than 2 hours between time of receipt or heat treatment and setting, it shall be cooled to 45° F. or lower until time of setting.

§ 58.432 Time schedule.

A uniform schedule should be established and followed as closely as possible for the various steps of setting, cutting, cooking, draining the whey and milling the curd, to promote a uniform quality of cheese.

§ 58.433 Laboratory and quality control tests.

(a) *Chemical analyses*—(1) *Milkfat and moisture.* One sample shall be tested from each vat of the finished cheese to assure compliance with composition requirements.

(2) *Phosphatase.* If the cheese is labeled or required to be pasteurized representative samples of the production should be taken from milk in the vat or the finished cheese to spot check effectiveness of approved pasteurization procedure.

(3) *Test method.* Chemical analysis shall be made in accordance with the

methods described in the latest edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, the latest edition of Standard Methods or by other methods giving equivalent results.

(b) *Weight or volume control.* Representative samples of the finished product shall be checked during the packaging operation to assure compliance with the stated net weight on the container of consumer size packages.

§ 58.435 Whey disposal.

(a) Adequate sanitary facilities shall be provided for the disposal of whey. If outside, necessary precautions shall be taken to minimize flies, insects and development of objectionable odors.

(b) Whey or whey products intended for human food shall at all times be handled in a sanitary manner in accordance with the procedures of this subpart as specified for handling milk and dairy products.

§ 58.436 Curing.

After the cheese has been packaged and ready for curing, it shall be placed in a curing room, at the plant or elsewhere, to attain the desired body and flavor development. The temperature of the room and the time held shall be determined by the composition of the cheese and the amount of cure desired. Samples of cheese should be examined periodically to make certain that curing is progressing satisfactorily. Cheese made from unpasteurized milk shall be cured for the required time and temperature as specified for specific varieties in the "Standards of Identity for Cheese and Cheese Products," U.S. Food and Drug Administration.

§ 58.437 Packaging and repackaging.

(a) Packaging rindless cheese or cutting and repackaging all styles of bulk cheese shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and the packaging material shall be practically free from mold and bacterial contamination.

(b) When officially graded, bulk cheese is to be repackaged into consumer type packages with official grade labels or other official identification, a supervisor of packaging shall be required. If the repackaging is performed in a plant other than the one in which the cheese is manufactured and the product is officially identified, the plant, equipment, facilities and personnel shall meet the same requirements as outlined in this part.

§ 58.438 General identification.

Each bulk cheese shall be legibly marked with the name of the product, code or date of manufacture, vat number, officially designed code number or name and address of manufacturer. Each consumer sized container shall be plainly marked with the name and address of the manufacturer, packer, or distributor, net weight of the contents, name of product, and such other information as may be required.

QUALITY REQUIREMENTS AND SPECIFICATIONS FOR FINISHED PRODUCTS BEARING THE USDA GRADE LABEL, OR QUALITY APPROVED INSPECTION SHIELD

§ 58.439 Cheddar cheese.

The quality requirements for Cheddar cheese shall be in accordance with the U.S. Standards for Grades of Cheddar cheese.

§ 58.440 Colby cheese.

The quality requirements for Colby cheese shall be as follows:

(a) *Flavor.* Mild to mellow, pleasing characteristic cheese flavor; may possess a very slight bitter or acid flavor and feed flavor to a slight degree. It shall not possess any undesirable flavors or odors.

(b) *Body and texture.* A plug drawn from the cheese shall be fairly firm, appear fairly smooth, translucent, open and may have numerous small mechanical openings. May be slightly curdy or entirely broken down. The body shall not be pasty and the texture shall not show the presence of gas holes.

(c) *Color.* The color shall be uniform, bright and attractive. It may be colored or uncolored but if colored, it should be a medium yellow-orange.

(d) *Finish and appearance*—(1) *Bandaged and paraffin-dipped.* Shall possess a sound, fairly firm rind with the bandage and paraffin coating adhering tightly but may possess very slight mold under bandage and paraffin and the following other characteristics to a slight degree: Soiled surface, surface mold, rough surface, irregular bandaging, lopsided and high edges.

(2) *Rindless.* The wrapper or covering shall be practically smooth, properly sealed with adequate overlapping at the seams or by any other satisfactory type of closure. The wrapper or covering shall be neat and adequately and securely envelop the cheese. May be slightly wrinkled but shall be of such character as to fully protect the surface of the cheese and not detract from its initial quality. Fresh or current cheese shall be free from mold under the wrapper or covering. It may be slightly lopsided but shall not be huffed.

(3) *Barrel or bulk.* The container shall be clean, free from rust and in good condition. The barrel liner wrapper shall completely envelop the cheese but need not be sealed. Fresh or current cheese shall be practically free from mold under the liner. Medium or cured cheese may possess slight mold under the liner.

§ 58.441 Washed curd, soaked curd cheese.

The quality requirements for washed curd or soaked curd cheese shall be as follows:

(a) *Flavor.* Mild to mellow, pleasing, but may be lacking in characteristic Cheddar cheese flavor development. It may possess slight feed and acid flavor but shall not possess any undesirable flavors and odors.

(b) *Body and texture.* A plug drawn from the cheese shall be fairly firm, smooth, translucent but may be open. May be slightly curdy or completely broken down. The body shall not be pasty but may be slightly weak. The texture shall not show the presence of gas holes but may possess two sweet holes per plug.

(c) *Color.* The color shall be uniform, bright and attractive. It may be colored or uncolored but if colored it should be a medium yellow-orange.

(d) *Finish and appearance.* Same as for Colby cheese.

§ 58.442 Granular, stirred curd cheese.

The quality requirements for granular or stirred curd cheese shall be as follows:

(a) *Flavor.* Mild to mellow, pleasing characteristic cheese flavor, but may be lacking in flavor if fresh or current. May possess a very slight bitter flavor or slight feed and acid flavor. It shall not possess any undesirable flavors or odors.

(b) *Body and texture.* A plug drawn from the cheese shall be reasonably firm, smooth, reasonably compact and translucent but may be definitely open. May be slightly curdy or completely broken down. The body may be slightly mealy, short and weak. The texture shall not show the presence of gas holes but may possess two sweet holes per plug.

(c) *Color.* The color shall be uniform, bright and attractive. It may be colored or uncolored but if colored it should be a medium yellow-orange.

(d) *Finish and appearance.* Same as for Colby cheese.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING COTTAGE CHEESE

DEFINITIONS

§ 58.505 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Condensed skim.* Skim milk which has been condensed to approximately one-third the original volume in accordance with standard commercial practice.

(b) *Cottage cheese*—(1) *Dry cottage cheese.* The soft uncured cheese prepared from pasteurized skim milk, or a combination of skim milk, concentrated skim milk or nonfat dry milk, or reconstituted concentrated skim milk or reconstituted nonfat dry milk. Calcium chloride may be added in a quantity not to exceed 0.02 percent of the weight of the mixture. The finished cottage cheese shall contain not more than 80 percent of moisture and shall conform to the provisions of § 19.525, "Definitions and standards of identity for cheese and cheese products," U.S. Food and Drug Administration (21 CFR 19.525).

(2) *Creamed cottage cheese.* The soft uncured cheese made by mixing dry cottage cheese with a creaming mixture so that the finished product shall contain not less than 4 percent milkfat by weight. The creamed cheese shall contain not more than 80 percent of moisture and shall conform to the provisions of § 19.530, "Definitions and standards of identity for cheese and cheese products," U.S. Food and Drug Administration (21 CFR 19.530).

(c) *Creamed cottage cheese with fruits, nuts, chives, or other vegetables.* Shall consist of creamed cottage cheese to which has been added fruits, nuts, chives, or other vegetables. The finished cheese shall contain not more than 80 percent of moisture nor less than 4 percent milkfat by weight prior to the addition of such ingredients.

(d) *Cream.* The milkfat portion of milk which rises to the surface of milk on standing or is separated from it by centrifugal force and contains not less than 18 percent of milkfat.

(e) *Creaming mixture.* The creaming mixture consists of cream or a mixture of cream with milk or skim milk or both. To adjust the solids content nonfat dry milk or concentrated skim milk may be added but not to exceed 3 percent by weight of the creaming mixture. It may or may not contain a culture of harmless lactic acid and flavor producing bacteria, food grade acid, salt, and stabilizers with or without carriers. The creaming mixture in its final form may or may not be homogenized and shall conform to the provisions of paragraph (b) of § 19.530, "Definitions and Standards of Identity for Cheese and Cheese Products," U.S. Food and Drug Administration (21 CFR 19.530).

ROOMS AND COMPARTMENTS

§ 58.510 Rooms and compartments.

(a) Processing operations with open cheese vats should be separated from other rooms or areas. Excessive personnel traffic or other possible contaminating conditions should be avoided. Rooms, compartments, coolers, and dry storage space in which any raw material, packaging or ingredient supplies or finished products are handled, processed, packaged or stored shall be designed and constructed to assure clean and orderly operations.

(b) *Ventilation.* Processing and packaging rooms or compartments shall be ventilated to maintain sanitary conditions, preclude the growth of mold and air borne bacterial contaminants, prevent undue condensation of water vapor and minimize or eliminate objectionable odors. To minimize air borne contamination in processing and packaging rooms it is preferable to filter all incoming air. The incoming air shall exert an outward pressure so that the movement of air will be outward and prevent the movement of unfiltered air inward.

(c) *Starter room.* A separate starter room equipped with a tight fitting door should be provided for the propagation and handling of starter cultures. All necessary precautions shall be taken to prevent contamination of the room, equipment and the air therein. A filtered air supply shall be provided so as to obtain an outward movement of air. The outward movement of air from the room minimizes contamination from unfiltered air entering the starter room when the door to the room is opened.

(d) *Coolers.* Coolers shall be equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good commercial practices for the applicable product, to protect the quality and condition of the products. Coolers shall be kept clean, orderly, free from insects, rodents, and mold, and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be of such construction as to permit thorough cleaning.

EQUIPMENT AND UTENSILS

§ 58.511 General construction, repair, and installation.

The equipment and utensils used for the manufacture and handling of cottage cheese shall be as specified in § 58.128 of Subpart B. In addition for certain other equipment the following requirements shall be met.

§ 58.512 Cheese vats.

(a) The vats used for making the cottage cheese shall be of stainless steel construction with adequate jacket capacity for uniform heating and cooling. The inner liner shall be minimum 16 gauge stainless steel, or equally corrosion resistant metal properly pitched from side to center and from rear to front for adequate drainage. The liner shall be smooth, free from excessive dents or creases and shall extend over the edge of the outer jacket. The outer jacket shall be constructed of stainless steel or other metal which can be kept clean and sanitary. The junction of the liner and outer jacket shall be constructed as to prevent milk or cheese from entering the inner jacket.

(b) Vats shall be equipped with valves to control the heating and cooling medium and a suitable sanitary outlet valve. Also the vats should be equipped with removable stainless steel or other suitable metal covers, cloth covers which can be regularly and suitably laundered, or with single service paper covers. Vats used for creaming curd should be equipped with a refrigerated cooling medium. A circulating pump for the heating and cooling medium is recommended.

§ 58.513 Agitators.

Mechanical agitators should be installed on all cheese vats for stirring the milk or cheese. The carriage shall be completely enclosed or provided with a trough or drip pan to prevent condensation, oil or dirt from dropping into the vat.

§ 58.514 Container fillers.

Should conform to the 3-A Sanitary Standards for Equipment for Packaging Frozen Desserts and Cottage Cheese.

§ 58.515 Mixers.

Only mixers shall be used which will mix the cheese carefully and keep shattering of the curd particles to a minimum. They shall be constructed in such a manner as to be readily cleanable. If shafts extend through the wall of the tank below the level of product, they shall be equipped with proper seals which are readily removable for cleaning and sanitizing. The mixer shall be enclosed or equipped with tight fitting covers.

§ 58.516 Starter vats.

Bulk starter vats shall be made of stainless steel or equally corrosion resistant metal and should be constructed according to applicable 3-A Sanitary Standards. The vats shall be in good repair, equipped with tight fitting lids and accurate temperature controls such as valves, indicating and/or recording thermometers.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.517 General.

Raw materials used for manufacturing cottage cheese shall meet the following quality specifications.

§ 58.518 Milk.

The selection of raw milk for cottage cheese shall be in accordance with §§ 58.132 through 58.138.

§ 58.519 Dairy products.

(a) *Raw skim milk.* All raw skim milk obtained from a secondary source shall be separated from milk meeting the same quality requirements for milk as outlined in § 58.518. Skim milk after being pasteurized and separated shall be cooled to 45° F. or lower unless the skim milk is to be set for cheese within 2 hours after pasteurizing. The skim milk should not be more than 24 hours old from the time the milk was received at the plant and the skim milk is set for cheese.

(b) *Nonfat dry milk.* Nonfat dry milk, when used in cottage cheese bearing official identification, shall meet the requirements for U.S. Extra Grade (Spray Process), at time of use, and shall be of U.S. Low Heat Classification (not less than 6 mg. undenatured whey protein nitrogen per gram of nonfat dry milk). In addition, the nonfat dry milk shall have a direct microscopic clump count not exceeding 75 million per gram. The age of the nonfat dry milk shall be covered by a USDA grading certificate, evidencing compliance with quality requirements, dated not more than 6 months prior to use of the dry milk. In the interim between manufacture and use, the nonfat dry milk shall be stored in a clean, dry, vermin-free space. In any case, if the nonfat dry milk is more than 120 days old, at time of use, it shall be examined for flavor to make certain that it meets that requirement for U.S. Extra Grade.

(c) *Condensed skim milk.* Condensed skim milk, if used, shall be prepared from raw milk or skim milk that meets the same quality requirements outlined above for raw milk or skim milk. The concentrated skim milk should meet the requirements for U.S. Low Heat Classification for Nonfat Dry Milk (Spray Process) as indicated in the U.S. Grade Standards for Nonfat Dry Milk. It shall be cooled promptly after drawing from the vacuum pan or evaporator and shall have been

pasteurized before concentrating or during the manufacture. The standard plate count of the concentrated milk shall not exceed 30,000 per ml. at time of use.

(d) *Cream.* Any cream used for preparing the dressing for creamed cottage cheese shall be separated from milk meeting at least the same quality requirements as the skim milk used for making the curd. The flavor of the cream shall be fresh and sweet. Cream obtained from a secondary source shall meet the same requirements. The creaming mixture prepared from this cream, after pasteurization, shall have a standard plate count of no more than 30,000 per ml.

§ 58.520 Nondairy ingredients.

(a) *Calcium chloride.* Calcium chloride, when used, shall be of food grade quality and free from extraneous material.

(b) *Salt.* Salt shall be white refined sodium chloride of food grade quality and free from extraneous material.

(c) *Other ingredients.* Other ingredients such as fruits, nuts, chives or other vegetables used or blended with cottage cheese shall be reasonably free of bacteria so as not to appreciably increase the bacterial count of the finished product. The various ingredients in kind shall be consistent in size and color so as to produce the desired appearance and appeal of the finished product. The flavor of the ingredients used shall be natural and represent the intended flavor and intensity desired in the finished product. Such ingredients shall be clean, wholesome, of uniformly good quality, free from mold, rancid or decomposed particle. Vegetables used in cottage cheese may first be soaked for 15 to 20 minutes in a cold 25 to 50 p.p.m. chlorine solution to appreciably reduce the bacterial population. After soaking, the vegetables shall be drained and used soon thereafter.

OPERATIONS AND OPERATING PROCEDURES

§ 58.521 Pasteurization and product flow.

(a) The skim milk used for the manufacture of cottage cheese, shall be pasteurized not more than 24 hours prior to the time of setting by heating every particle of skim milk to a temperature of 161° F. for not less than 15 seconds or by any other combination of temperature and time giving equivalent results. All skim milk must be cooled promptly to setting temperature. If held more than two hours between pasteurization and time of setting, the skim milk shall be cooled and held at 45° F. or colder until set.

(b) Cream or cheese dressing shall be pasteurized at not less than 150° F. for not less than 30 minutes or at not less than 166° F. for not less than 15 seconds or by any other combination of temperature and time treatment giving equivalent results. Cream and cheese dressing shall be cooled promptly to 40° F. or lower after pasteurization to aid in further cooling of cottage cheese curd for improved keeping quality.

(c) Reconstituted nonfat dry milk for cottage cheese manufacture need not be repasteurized provided it is reconstituted within 2 hours prior to the time of setting. Skim milk separated from pasteurized whole milk need not be repasteurized provided it is separated in equipment from which all traces of raw milk from previous operations has been removed by proper cleaning and sanitizing.

§ 58.522 Reconstituting nonfat dry milk.

Nonfat dry milk shall be reconstituted in a sanitary manner, preferably by the use of a centrifugal pump and funnel arrangement. It shall be reconstituted within 2 hours of the time of setting, using water which is free from viable pathogenic or otherwise harmful microorganisms as well as microorganisms which may cause spoilage of cottage cheese.

§ 58.523 Manufacture of cottage cheese.

(a) *Setting.* The pasteurized skim milk shall be inoculated with a sufficient quantity of a desirable starter, thoroughly stirred into the milk to avoid lumps that may float to the surface or cause an irregular set. The amount of starter and temperature of setting shall be such that the desired acidity and firmness of curd will be attained in the time desired. Rennet or calcium chloride may or may not be used. The solids of the skim milk may also be increased by the addition of nonfat dry milk or condensed skim milk.

(b) *Cutting and cooking.* When the proper acidity has been reached, the curd shall be cut uniformly, and carefully handled during cooking to avoid unnecessary shattering and to produce a uniform curd of the proper texture, free from chunks or matted pieces of curd.

§ 58.524 Washing and cooling.

After the curd has been properly cooked, the whey shall be drained promptly and the curd washed sufficiently in cold wash water (practically free of bacterial contamination due to natural purity or chemical treatment) to remove the excess acid and properly chill the curd to 45° F. or lower. If necessary for pH control the wash water may be adjusted by the addition of a food acid approved by the U.S. Food and Drug Administration. The curd shall be adequately drained prior to storing or dressing.

§ 58.525 Dressing the curd.

After the curd has been properly chilled to 45° F. or lower and drained, it may be dressed with the creaming mixture immediately or placed in storage vats, cans, or other suitable containers in a cooler at 40° F. or lower, for dressing at a later date. Dressing the curd with the creaming mixture as soon as possible after chilling and draining is preferred. The dressing for the curd shall be of such milkfat content and consistency as to produce a satisfactory finished product of legal composition. The creamed cottage cheese shall be cooled to 45° F. or lower within 2 hours after dressing, and shall be stored at this temperature until delivered.

§ 58.526 Laboratory and quality control tests.

(a) Quality control tests shall be made on flow samples as often as necessary to check the effectiveness of processing and manufacturing as an aid in correcting deficiencies. Routine analyses shall be made on raw materials and finished products to assure adequate composition control. Keeping quality tests shall be made on each vat of finished cottage cheese to determine shelf-life and stability of the finished product.

(b) *Frequency of sampling*—(1) *Microbiological.* Samples of raw milk for testing shall be taken as prescribed in § 58.135. One sample shall be taken for each vat of finished cottage cheese and from each lot, tank or batch of product used as ingredient. For keeping quality tests one or more samples shall be taken from each vat of finished cottage cheese.

(2) *Chemical*—(i) *Milkfat and moisture.* One sample shall be taken from each vat of creamed cottage cheese; dry cottage cheese shall be tested for moisture only.

(ii) *pH.* One sample shall be taken from each vat or batch of cottage cheese.

(iii) *Phosphatase.* As many samples should be taken as are necessary to spot check effectiveness of approved pasteurization procedure.

(c) *Test methods*—(1) *Microbiological.* Microbiological determinations shall be made for coliform, psychrophiles and yeasts and molds. These tests shall be made in accordance with the methods described in the latest edition of Standard Methods for the Examination of Dairy Products, published by the American Public Health Association.

(2) *Chemical.* Chemical analysis shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, published by the Association of Official Agricultural Chemists, the latest edition of Standard Methods, or by other methods giving equivalent results.

§ 58.527 Packaging and general identification.

(a) *Containers.* Containers used for packaging cottage cheese shall be any commercially acceptable multiple use or single service container or packaging material which will satisfactorily protect the contents through the regular channels of trade without significant impairment of quality with respect to flavor, or contamination under normal conditions of handling. Caps or covers which extend over the lip of the container shall be used on all cups or tubs containing 2 pounds or less, to protect the product from contamination during subsequent handling.

(b) *Packaging.* The cheese shall be packaged in a sanitary manner and automatic filling and capping equipment should be used on all small sizes. Hand filling and capping should be limited to larger containers which cannot be filled and capped mechanically. The containers shall be check weighed during the filling operation to assure they are filled uniformly to not less than the stated net weight on the container. Also care shall be taken that the creamed cottage cheese be of uniform consistency at the time of packaging to assure legal composition in all packages.

(c) *General identification.* Bulk packages containing cottage cheese shall be adequately and legibly marked with the name of the product, net weight, name and address of the manufacturer, lot number, code or date of packaging and any other identification as may be required. Consumer size packaged products shall be legibly marked with the name of the product, net weight, name and address of manufacturer or distributor, code or date of packaging and any other identification as may be required.

§ 58.528 Storage of finished product.

Cottage cheese after packaging shall be promptly stored at a temperature of 45° F. or lower to maintain quality and condition until loaded for distribution. During distribution and storage prior to sale the product should be maintained at a temperature of 45° F. or lower. The product shall not be exposed to foreign odors or conditions such as drippage or condensation that might cause package or product damage. Packaged cottage cheese shall not be placed directly on floors.

QUALITY REQUIREMENTS FOR COTTAGE CHEESE BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

§ 58.529 Physical requirements.

(a) *Flavor and odor.* The cottage cheese shall possess a mild pleasing flavor, similar to fresh whole milk or light cream and may possess the delicate flavor and aroma of a good lactic starter. The product may possess to a slight degree a feed, acid, or salty flavor but shall be free from chalky, bitter, utensil, fruity, yeasty, or other objectionable flavors.

(b) *Body and texture.* The curd particles shall have a meaty texture, but sufficiently tender to permit proper absorbtion of cream or cheese dressing. The texture shall be smooth and velvety and shall not be mealy, crumbly, pasty, sticky, mushy, watery, rubbery, or slimy or possess any other objectionable characteristics of body and texture. Small curd style (cut with ¼-inch knives) shall have curd particles approximately ¼-inch or less in size. Large curd style (cut with knives over ¼-inch) shall have curd particles approximately ⅜-inch or more in size.

(c) *Color and appearance.* The finished cottage cheese, creamed, or plain curd, shall have an attractive natural color and appearance with curd particles of reasonably uniform size. The creamed cottage cheese shall be uniformly mixed with the cream or dressing properly absorbed or adhering to the curd so as to prevent excessive drainage.

§ 58.530 Microbiological requirements at time of packaging in three out of five consecutive samples.

(a) *Coliform.* Not more than 10 per gram.

(b) *Psychrophiles.* Not more than 100 per gram.

(c) *Yeasts and molds.* Not more than 10 per gram.

§ 58.531 Chemical requirements.

(a) *Moisture.* Not more than 80 percent.

(b) *Milkfat.* Not less than 4 percent (no requirement for dry cottage cheese).

(c) *pH.* Not higher than 5.2.

(d) *Phosphatase.* Not more than 4 micrograms of phenol equivalent per gram of cheese.

§ 58.532 Keeping quality requirements.

Keeping quality samples taken from the packaging line shall be held at 50° F. for 10 days. At the end of the 10-day period the samples shall possess a satisfactory flavor and appearance and shall be free from bitter, sour, fruity, or other objectionable flavors and odors. The surface shall not be discolored, translucent, slimy or show any other objectionable condition.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING ICE CREAM AND RELATED PRODUCTS

DEFINITIONS

§ 58.605 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning as applied to frozen desserts meeting FDA requirements and briefly defined as follows:

(a) *Ice cream.* The product prepared by freezing, while stirring, a pasteurized mix composed of milkfat, milk solids-not-fat, sweetening ingredients, stabilizers, and emulsifiers, natural and/or artificial flavor and color. The dairy products used in preparation of the mix shall not be neutralized by the addition of chemical reagents. The finished product shall conform to the requirements of § 20.1 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.1).

(b) *Frozen custard.* The same product as ice cream except that egg ingredients are used in such quantity, that the total weight of egg yolk solids used, is not less than 1.4 percent of the weight of the finished frozen custard. The finished product shall conform to the requirements of § 20.2 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.2).

(c) *Ice milk.* The product prepared from the same ingredients and in the same manner as ice cream. Except that its milkfat content is more than 2 percent but not more than 7 percent and the total milk solids are not less than 11 percent. The finished product shall conform to the requirements of § 20.3 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.3).

(d) *Fruit sherbet.* The product prepared by freezing, while stirring, a pasteurized mix composed of fruit ingredients, sweetening ingredients, stabilizers and emulsifiers, milk solids, harmless food grade acids, natural and/or artificial flavor and color. The finished product shall conform to the requirements of § 20.4 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.4).

(e) *Milkfat.* The fat derived from milk by gravitational or mechanical means. The optional sources of milkfat approved for use in ice cream and related products are: Liquid, dried or plastic cream; natural, concentrated or dried sweet cream buttermilk; and butter or butteroil.

(f) *Milk-solids-not-fat.* Includes proteins, milk sugar, various minerals and certain water-soluble vitamins of milk. The optional sources of these solids, approved for use in ice cream and related products, in addition to the various forms of milk, cream and buttermilk are: Concentrated, evaporated, condensed, superheated condensed, sweetened condensed, and nonfat dry milk. Caseinates may be used if added in addition to the required total milk solids content. Cheese whey as provided in F&D Standard of Identity for Frozen Desserts, either natural, concentrated or dried may be used if added in the prescribed amounts.

(g) *Sweetening ingredients.* Those agents used to impart the desired degree of sensual sweetness as well as body, to the finished product. Sweetening agents approved by the U.S. Food and Drug Administration may be used, such as sucrose in the form of dry or liquid sugar, dextrose or corn sugar in dry or liquid form, glucose in dry or liquid form, invert sugar in paste or liquid, maltose sirup, fructose N.F. and lactose. Individual sweetening ingredients may contain one or more of the approved sweetening agents.

(h) *Flavoring ingredients.* Those ingredients that, when added to the mix or partially frozen product, impart a characteristic and desired flavor to the finished product. Natural and/or artificial flavors approved by the U.S. Food and Drug Administration may be used.

(i) *Stabilizing ingredients.* Those agents used to help bind the water and add to the body and appearance of the finished product. Stabilizing ingredients approved by the U.S. Food and Drug Administration may be used, such as, agar-agar, algin, calcium sulphate, egg white, gelatin, carrageenan and salts of carrageenan, oat gum, gum acacia, locust bean gum, guar seed gum, gum tragacanth, pectin, lecithin, sodium carboxymethyl-cellulose, psyllium seed husk, gum kayara, furcelleran and salts of furcelleran.

(j) *Emulsifying ingredients.* Those agents used to help stabilize the fat and water emulsion, improve the body, and give a dry appearance to the finished product. Emulsifying ingredients approved by the U.S. Food and Drug Administration may be used, such as monoglycerides, diglycerides and specific polyoxyethylenes.

(k) *Acid ingredients.* Those harmless food acids used to acidulate fruit sherbet mixes to reach the desired acidity in the finished product. Acid ingredients approved by the U.S. Food and Drug Administration may be used, such as, citric, tartaric, lactic, ascorbic, phosphoric, and malic acid.

(l) *Coloring ingredients.* Those agents, when added to the mix, that will impart the desired color to the finished product. Approved coloring ingredients, are those food grade colors certified by the U.S. Food and Drug Administration, for use in food products for human consumption.

(m) *Overrun.* The trade expression used to reference the increase in volume of the frozen product over the volume of the mix. This increase in volume is due to air being whipped into the product during the freezing process. It is expressed as percent of the volume of the mix.

(n) *Mix.* The trade name for the combined and processed ingredients which after freezing become a frozen dessert.

ROOMS AND COMPARTMENTS

§ 58.619 Mix processing room.

The rooms used for combining mix ingredients and processing the mix shall meet the applicable requirements for rooms specified in § 58.126. The room shall be ventilated to remove moisture and prevent condensation from forming on walls and ceiling. The room shall be well lighted.

§ 58.620 Freezing and packaging rooms.

The rooms used for freezing and packaging frozen desserts shall be adequate in size and maintained in a clean and sanitary condition. The rooms shall be constructed in the same manner as prescribed above for mix rooms.

§ 58.621 Freezing tunnels.

Freezing tunnels used for quick freezing at extremely low temperatures shall be designed and constructed as to insure ease in cleaning and satisfactory conditions of operation.

§ 58.622 Hardening and storage rooms.

Hardening and storage rooms for frozen desserts shall be constructed of satisfactory material for this purpose. The room shall be maintained in a clean and orderly manner. Adequate shelves, bins, or pallets shall be provided to keep the packages of finished products off the floor and to prevent damage to the containers. Sufficient refrigeration should be provided to insure adequate storage temperature (—10° or lower). Air shall be circulated to maintain uniform temperature throughout the room. A vestibule or double entry way should be provided to minimize heat shock of the frozen products.

EQUIPMENT AND UTENSILS

§ 58.623 Homogenizer.

Homogenizer shall meet 3–A Sanitary Standards.

§ 58.624 Freezers.

Product contact surfaces of freezers used to lower the temperature of the liquid mix to a semifrozen mass by a stirring action shall be constructed of stainless steel or equally corrosion resistant metal and all parts easily accessible for cleaning and sanitizing. Batch continuous freezers should meet the applicable 3–A Standards.

§ 58.625 Fruit or syrup feeders.

Fruit or syrup feeders which inject flavoring material into the semifrozen product, just prior to the filling of the cartons with the semifrozen product. Product contact surfaces shall be constructed of stainless steel or equally corrosion resistant metal and all pumps shall be in accordance to 3–A Sanitary Standards for dairy equipment. The feeder shall be constructed to enable complete disassembly for cleaning and sanitizing.

§ 58.626 Packaging equipment.

Packaging equipment designed to mechanically fill and close single service containers with frozen desserts shall be constructed so that all product contact surfaces shall be of stainless steel or equally corrosion-resistant metal. Wherever applicable, 3–A Standards covering material, design and fabrication should be adhered to. All product contact surfaces shall be easily accessible for cleaning. The design and operation of the machine shall in no way contaminate the container or the finished product placed therein.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.627 Milk and dairy products.

(a) To produce ice cream and related products the raw milk and cream shall meet the quality requirements as prescribed in § 58.132, except that only commingled milk and cream meeting the bacteriological requirements of No. 1 shall be used.

(b) *USDA graded products.* Dairy products used in the manufacture of officially identified frozen desserts for which there is a U.S. grade established (nonfat dry milk, whole milk, buttermilk and whey) shall be U.S. Extra Grade, and in the case of unsalted butter shall be no lower than U.S. Grade A. Dairy products for which there is no USDA grade shall meet the applicable requirements of this part which permit such product to bear the USDA Quality Approved Inspection Shield.

§ 58.628 Sweetening agents.

Sweetening agents shall be clean and wholesome and consist of one or more of the approved sweeteners listed in § 58.605.

§ 58.629 Flavoring agents.

Flavoring agents either natural or artificial shall be wholesome and free from staleness. They must impart the desired characteristic to the finished product. Flavoring agents shall be one or more of those approved in § 58.605.

§ 58.630 Stabilizers.

Stabilizers shall be clean and wholesome and consist of one or more of those approved in § 58.605.

§ 58.631 Emulsifiers.

Emulsifiers shall be clean and wholesome and consist of one or more of those approved in § 58.605.

§ 58.632 Acid.

Acids used in sherbet shall be wholesome and of food grade quality and consist of one or more of those approved in § 58.605.

§ 58.633 Color.

Coloring used for ice cream and related products shall be those certified by the U.S. Food and Drug Administration as safe for human consumption.

OPERATIONS AND OPERATING PROCEDURES

§ 58.634 Assembling and combining mix ingredients.

The assembling and combining of mix ingredients for processing shall be in accordance with clean and sanitary methods and shall be consistent with good commercial practices. All raw materials shall be subjected to inspection for quality and condition prior to being combined and processed into the finished mix. All necessary precautions shall be taken to prevent the contamination of any raw material or the finished mix with any foreign substance.

§ 58.635 Pasteurization of the mix.

Every particle of the mix, except added flavoring ingredients, shall be pasteurized at not less than 155° F. and held at that temperature for 30 minutes or for 175° F. or 25 seconds; or it may be pasteurized by any other equivalent temperature and holding time which will assure adequate pasteurization.

§ 58.636 Homogenization.

Homogenization of the pasteurized mix shall be accomplished to effectively reduce the size of the milkfat globules and evenly disperse them throughout the mix.

§ 58.637 Cooling the mix.

The mix shall be immediately cooled to a temperature of 45° F. or lower, and stored at this temperature until further processing begins.

§ 58.638 Freezing the mix.

After the mix enters the freezer, it should be frozen as rapidly as possible to assure the formation of minute crystals. Proper adjustment of rate of flow, refrigerant, and vacuum controls shall be achieved to assure correct overrun and consistency of the product for packaging and further freezing.

§ 58.639 Addition of flavor.

The addition of flavoring ingredients to semifrozen mix just prior to packaging shall be performed in a clean and sanitary manner. Care shall be taken to insure the flavor injection equipment has been properly cleaned and sanitized prior to use and that the flavor ingredients are of good quality and wholesome in nature.

§ 58.640 Packaging.

The packaging of the semifrozen product shall be done by means which will in no way contaminate the container or the product. When single service containers and lids are used, they shall be of good construction and protect the finished product. Containers used for frozen products shall be stored and handled in a sanitary manner so as to protect them from dust and bacterial contamination.

§ 58.641 Hardening and storage.

Immediately after the semifrozen product is placed in its intended container it shall be placed in a hardening tunnel or hardening room to continue the freezing process. Rapid freezing to 0° to —15° F. is desirable to produce a good textured product.

§ 58.642 Quality control tests.

All mix ingredients shall be subject to inspection for quality and condition throughout each processing operation. Quality control tests shall be made on flow line samples as often as necessary to check the effectiveness of processing and sanitation and as an aid in correcting deficiencies. Routine analysis shall be made on raw materials and finished products to assure adequate composition control.

§ 58.643 Frequency of sampling.

(a) *Microbiological.* One sample shall be taken from each batch of mix, and for the finished frozen product one sample from each flavor made.

(b) *Composition.* Sampling and testing for fat and solids-not-fat shall be made on each batch of mix manufactured. Spot checks shall be made on the finished products as often as is necessary to assure compliance with composition standards.

(c) *Weight or volume control.* Representative samples of the packaged products shall be checked during the packaging operation to assure compliance with the stated volume on the container as well as weight and overrun requirements.

§ 58.644 Test methods.

(a) *Microbiological.* Microbiological determinations shall be made in accordance with the methods described in the latest edition of Standard Methods for the Examination of Dairy Products.

(b) *Chemical.* Chemical analysis shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, the latest edition of Standard Methods, or by other methods giving equivalent results.

§ 58.645 General identification.

The various types of frozen desserts shall be packaged and labeled in accordance with the provisions established for each type of product by the U.S. Food and Drug Administration. In addition, each package of mix or frozen product offered for sale shall be coded to identify the date the product was processed or frozen and packaged. This does not imply that individual novelty items require coding. Secondly containers holding novelties shall be coded.

§ 58.646 Official identification.

Only ice cream and related products manufactured in accordance with the requirements of this part and with the applicable requirements in Subpart A of this part which have been officially inspected in process and found to be in compliance with these requirements may be identified with the official USDA Quality Approved Inspection Shield.

QUALITY REQUIREMENTS AND SPECIFICATIONS FOR FINISHED PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

§ 58.647 Composition requirements for ice cream.

(a) *Milk fat.* Not less than 10 percent by weight, or when fruits, nuts and other such ingredients are used for flavoring, not less than 8 percent by weight.

(b) *Total milk solids, not fat.* Not less than 20 percent by weight, or when fruit, nuts, and other such ingredients are used for flavoring, not less than 16 percent by weight.

(c) *Stabilizers.* Kinds and amounts may be used as specified by the U.S. Food and Drug Administration.

(d) *Emulsifiers.* Kinds and amounts may be used as specified by the U.S. Food and Drug Administration.

(e) *Food solids per gallon.* The minimum total food solids weight per gallon must be 1.6 per gallon.

(f) *Weight per gallon.* For the finished product the weight per gallon must be 4.5 pounds or more.

§ 58.648 Microbiological requirements for ice cream.

The finished product shall contain not more than 50,000 bacteria per gram as determined by the standard plate count, and shall contain not more than 10 coliform organisms per gram for plain and not more than 20 coliform per gram in chocolate, fruit, nut or other flavors in three out of five samples.

§ 58.649 Physical requirements for ice cream.

(a) *Flavor.* The flavor of the finished ice cream shall be pleasing and desirable, and characteristic of the fresh milk and cream and the particular flavoring used.

(b) *Body and texture.* The body shall be firm, have substance and readily melt to a creamy consistency when exposed to room temperatures; the texture shall be fine, smooth, and have the appearance of creaminess throughout.

(c) *Color.* The color shall be attractive, pleasing, uniform and characteristic of the flavor represented.

§ 58.650 Requirements for frozen custard.

The same requirements apply as for ice cream except plain frozen custard shall have a minimum egg yolk solids content of 1.4 percent, and 1.12 percent when fruits, nuts and other such ingredients are used for flavoring.

§ 58.651 Requirements for ice milk.

The requirements are the same as for ice cream except: (a) The minimum milk fat content shall be 2 percent by weight and the maximum milk fat content 7 percent by weight, (b) the total milk solids content shall be no less than 11 percent by weight, (c) the minimum total food solids weight per gallon shall be 1.3 pounds, (d) no reduction in the standards are permitted when fruits, nuts and other such ingredients are used for flavoring.

§ 58.652 Composition requirements for fruit sherbet.

(a) *Milk fat.* Shall contain a minimum of 1 percent by weight of the finished product, and shall contain no more than 2 percent by weight.

(b) *Milk solids.* The total milk solids minimum shall be 2 percent by weight and shall be no more than 5 percent by weight of the finished product.

(c) *Stabilizer.* Kinds and amounts may be used as specified by the U.S. Food and Drug Administration.

(d) *Emulsifiers.* Kinds and amounts may be used as specified by the U.S. Food and Drug Administration.

(e) *Amounts of flavor ingredients*— (1) *Citrus sherbets.* Citrus sherbets shall contain a minimum of 2 percent fruit.

(2) *Berry sherbets.* Berry sherbets shall contain a minimum of 6 percent fruit.

(3) *Other sherbets.* Other fruit sherbets shall contain a minimum of 10 percent fruit by weight of the finished product.

(f) *Acidity.* The minimum acidity shall be no lower than 0.35 percent by weight of the finished product, figured as lactic acid.

(g) *Total food solids.* No minimum amount required.

(h) *Weight per gallon.* For sherbet, the minimum weight per gallon shall be 6 pounds.

§ 58.653 Microbiological requirements for fruit sherbet.

The finished product shall contain not more than 50,000 bacteria per gram as determined by the standard plate count and shall contain not more than 10 coliform organisms per gram in three out of five samples.

§ 58.654 Physical requirements for fruit sherbet.

(a) *Flavor.* The flavor of the finished fruit sherbet shall be pleasing and desirable and characteristic of the particu-

lar flavoring used and shall impart a sweet yet tart sensation.

(b) *Body and texture.* The body shall be firm, compact, somewhat chewy and readily melt to an even syrupy consistency at room temperatures; the texture shall be smooth but not as fine as in ice cream and shall be even throughout.

(c) *Color.* The color shall be attractive, pleasing, uniform and characteristic of the flavor represented.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING PASTEURIZED PROCESS CHEESE AND RELATED PRODUCTS

DEFINITIONS

§ 58.705 Pasteurized Process cheese and related products.

Pasteurized Process cheese and related products are the foods which conform to the provisions of §§ 19.750 to 19.790, "Definitions and standards of identity for cheese and cheese products," U.S. Food and Drug Administration (21 CFR 19.750–19.790).

EQUIPMENT AND UTENSILS

§ 58.706 General construction, repair, and installation.

The equipment and utensils used for the handling and processing of cheese products shall be as specified in § 58.128. In addition, for certain other equipment the following requirements shall be met.

§ 58.707 Conveyors.

Conveyors shall be constructed of material which can be properly cleaned, will not rust, or otherwise contaminate the cheese, and shall be maintained in good repair.

§ 58.708 Grinders or shredders.

The grinders or shredders used in the preparation of the trimmed and cleaned natural cheese for the cookers shall be adequate in size. Product contact surfaces shall be of corrosion-resistant material, and of such construction as to prevent contamination of the cheese and to allow thorough cleaning of all parts and product contact surfaces.

§ 58.709 Cookers.

The cookers shall be the steam jacketed or direct steam type. They shall be constructed of stainless steel or other equally corrosion-resistant material. All product contact surfaces shall be readily accessible for cleaning. Each cooker shall be equipped with an indicating thermometer, and should be equipped with a temperature recording device. The recording thermometer stem may be placed in the cooker if satisfactory time charts are used, if not, the stem shall be placed in the hotwell or filler hopper. Steam check valves on direct steam type cookers shall be mounted flush with cooker wall, be constructed of stainless steel and designed to prevent the back up of product into the steam line, or the steam line shall be constructed of stainless steel pipes and fittings which can be readily cleaned. If direct steam is applied to the product only culinary steam shall be used (see Sec. 58.127(d)).

§ 58.710 Fillers.

The hoppers of all fillers shall be covered but the cover may have sight ports. If necessary, the hopper may have an agitator to prevent buildup on side wall. The filler valves and head shall be kept in good repair, capable of accurate measurements.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.711 Cheddar, Colby, washed or soaked curd, granular or stirred curd cheese.

Cheese, used in the manufacture of pasteurized Process cheese products which are identified with the USDA Quality Approved Inspection Shield, shall possess a pleasing and desirable flavor and odor consistent with the age of the cheese; shall have body and texture characteristics which will impart the desired body and texture characteristics in the finished product; and shall possess finish and appearance characteristics which will permit removal of all packaging material and surface defects. The cheese shall possess the above characteristics but may possess the following defects, provided the quantity of the cheese with defects as listed in Tables I and II is limited, to assure compliance with the specifications of the finished product.

TABLE I—FLAVOR [1]

Feed	D
Acid	D
Flat	D
Bitter	S
Fruity	S
Utensil	S
Whey-Taint	S
Yeasty	S
Malty	S
Old Milk	S
Weedy	S
Unclean	S
Barny	S
Lipase	S
Sulfide	S
Rancid	VS
Onion	VS

[1] (VS means very slight, S slight, D definite)

TABLE II—BODY AND TEXTURE [1]

Curdy	D
Coarse	D
Open	D
Sweet Holes	D
Short	D
Mealy	S
Weak	D
Pasty	D
Crumbly	D
Gassy	S
Slitty	S
Corky	S
Pinny	S

[1] (VS means very slight, S slight, D definite)

TABLE III—FINISH [1]

Surface mold	D
Mold under wrapper or bandage	D
Penetrating surface mold	VS
Sour rind	VS
Surface rot or rind rot	VS
Sour surface (rindless)	VS

[1] (VS means very slight, S slight, D definite)

§ 58.712 Swiss.

Swiss cheese used in the manufacture of pasteurized process cheese and related products bearing official identification shall be U.S. Grade B or better, except that the cheese may be blind or possess finish characteristics which do not impair the interior quality.

§ 58.713 Gruyere.

Gruyere cheese used in the manufacture of process cheese and related products shall be of good wholesome quality and except for smaller eyes and sharper flavor shall meet the same requirements as for Swiss cheese.

§ 58.714 Cream cheese.

Neufchatel cheese. Mixed with other foods, or used for spreads and dips shall possess a fresh, pleasing and desirable flavor.

§ 58.715 Cream.

Cream shall be pasteurized, sweet, have a pleasing and desirable flavor and be free from objectionable flavors, and shall be obtained from milk which complies with the quality requirements as specified in § 58.132.

§ 58.716 Nonfat dry milk.

Nonfat dry milk used in officially identified cheese products shall meet the requirements of U.S. Extra Grade except that the moisture content may be in excess of that specified for the particular grade.

§ 58.717 Whey.

Condensed or dry whey used in officially identified cheese products shall meet the requirements for USDA Extra Grade except that the moisture requirement for dry whey may be waived.

§ 58.718 Flavor ingredients.

Flavor ingredients used in process cheese and related products shall be those permitted by the Federal Standards of Identity, and in no way deleterious to the quality or flavor of the finished product. In the case of bulky flavoring ingredients such as pimento, the particles shall be, to at least a reasonable degree, uniform in size, shape, and consistency. The individual types of flavoring materials shall be uniform in color and shall impart the characteristic flavor desired in the finished product.

§ 58.719 Coloring.

Coloring shall be Annatto or any other cheese or butter color which is approved by the U.S. Food and Drug Administration.

§ 58.720 Acidifying agents.

Acidifying agents if used shall be those permitted by the Federal Standards of Identity for the specific pasteurized process cheese product.

§ 58.721 Salt.

Salt shall be white refined sodium chloride of food grade quality and free from extraneous material. Iodized salt shall not be used.

§ 58.722 Emulsifying agents.

Emulsifying agents shall be those permitted by the Federal Standards of Identity for the specific pasteurized process cheese product, and shall be free from extraneous material.

OPERATIONS AND OPERATION PROCEDURES

§ 58.723 Basis for selecting cheese for processing.

One sample unit from each vat of cheese shall have been examined to determine fat and moisture content and suitability of the vat for use in process cheese products in accordance with the flavor, body and texture, and finish and appearance characteristics permitted in Tables I, II, III of section 58.711 of this supplement, and to determine the characteristics it will contribute to the finished product when blended with other cheese. The cheese included in each blend shall be selected on the basis of the desirable qualities which will result in the desired finished product. Recook from equivalent blends may be used at not over 2 percent per cooker batch. Hot cheese from the filler may be added to the cooker in amounts up to 10 percent if the cheese is added at the end of the cooking period.

§ 58.724 Blending.

To as great an extent as is practical each vat of cheese shall be divided and distributed throughout numerous cooker batches. The purpose being to minimize the preponderance and consequent influence of any one vat on the characteristics of the finished product, and to promote as much uniformity as is practical. In blending also consider the final composition requirements for fat and moisture. Quantities of salt, color, emulsifier, and other allowable ingredients to be added shall be calculated and predetermined for each cooker batch.

§ 58.725 Trimming and cleaning.

The natural cheese shall be cleaned free of all nonedible portions. Paraffin and bandages as well as rind surface, mold, or unclean areas or any other part which is unwholesome or unappetizing shall be removed.

§ 58.726 Cutting and grinding.

The trimmed and cleaned cheese shall be cut into sections of convenient size to be handled by the grinder or shredder. The grinding and mixing of the blended lots of cheese shall be done in such a manner as to insure a homogeneous mixture throughout the batch.

§ 58.727 Adding optional ingredients.

As each batch is added to the cooker, the predetermined amounts of salt, emulsifiers, color, or other allowable optional ingredients shall be added. However, a special blending vat may be used to mix the ground cheese and other ingredients before they enter the cooker, to provide composition control.

§ 58.728 Cooking the batch.

Each batch of cheese within the cooker, including the optional ingredients shall be thoroughly commingled and the contents pasteurized at a temperature of at least 158° F. and held at that temperature for not less than 30 seconds or any other equally effective combination of time and temperature approved by the Administrator. Care shall be taken to prevent the entrance of cheese particles or ingredients after the cooker batch of cheese has reached the final heating temperature. After holding for the required period of time, the hot cheese shall be emptied from the cooker as quickly as possible.

§ 58.729 Forming containers.

Containers either lined or unlined shall be assembled and stored in a sanitary manner to prevent contamination. The handling of containers by filler crews shall be done with extreme care and observance of personal cleanliness. Preforming and assembling of pouch liners and containers shall be kept to a minimum and the supply rotated to limit the length of time exposed to possible contamination prior to filling.

§ 58.730 Filling containers.

Hot fluid cheese from the cookers may be held in hotwells or hoppers to assure a constant and even supply of processed cheese to the filler or slice former. Filler valves shall effectively measure the desired amount of product into the pouch or container in a sanitary manner and shall cut off sharply without drip or drag of cheese across the opening. An effective system shall be used to maintain accurate and precise weight control. Damaged or unsatisfactory packages shall be removed from production, and the cheese may be salvaged into sanitary containers, and added back to cookers.

§ 58.731 Closing and sealing containers.

Pouches, liners, or containers having product contact surfaces, after filling shall be folded or closed and sealed in a sanitary manner, preferably by mechanical means, so as to assure against contamination. Each container in addition to other required labeling shall be coded in such a manner as to be easily identified as to date of manufacture by lot or sublot number.

§ 58.732 Cooling the packaged cheese.

After the containers are filled they shall be stacked, or cased and stacked in such a manner as to prevent breaking of seals due to excessive bulging and to allow immediate progressive cooling of the individual containers of cheese. As a minimum the cheese should be cooled to a temperature of 100° F. or lower within 24 hours after filling. The temperature of the cheese should be reduced further, before being shipped or if storage is intended.

§ 58.733 Quality control tests.

(a) *Chemical analyses.* The following chemical analyses shall be performed in accordance with the latest edition of the Official Methods of Analysis of the AOAC, or in accordance with methods that give equivalent results.

(1) *Natural cheese.* Each vat of natural cheese used in the manufacture of pasteurized process cheese products shall have been tested prior to usage to determine its moisture and fat content.

(2) *Pasteurized process cheese products.* As many samples shall be taken of the finished product direct from the cooker, hopper or filler as is necessary to assure compliance with composition requirements. Spot checks shall be made on samples from the cooker as frequent as is necessary to indicate pasteurization by means of the phosphatase test, as well as any other tests necessary to assure good quality control.

(b) *Examination of physical characteristics.* As many samples shall be taken as is necessary to assure meeting the required physical characteristics of the products. Samples shall be taken from the filler line for each product run and cooled to 70°±5° F. for examination of its physical characteristics. The sample unit shall be examined at 70° ±5° F. on the day of operation after the date of processing for the following characteristics: (1) Finish and appearance, (2) flavor, (3) color, (4) body and texture and (5) slicing or spreading properties.

(c) *Keeping quality.* During processing or preferably from the cooled stock select at random from each hours product production run, one unit package of product. The sample shall be stored at 70°±5° F. for 30 days for evaluation of physical characteristics as in (b) above. Additional samples may be selected and held at different temperatures or time.

(d) *Weight control.* During the filling operation as many samples shall be randomly selected and weighed from each production run as is necessary to assure accuracy of the net weight established for the finished products.

QUALITY REQUIREMENTS FOR PROCESSED CHEESE PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

§ 58.734 Pasteurized process cheese.

Shall conform to the provisions of the Definitions and Standards of Identity for Pasteurized Process Cheese and Related Products, U.S. Food and Drug Administration. The average age of the cheese in the blend shall be such that the desired flavor, body and texture will be achieved in the finished product. The quality of pasteurized process cheese shall be determined on the basis of flavor, body and texture, color and finish and appearance.

(a) *Flavor.* Has a pleasing and desirable mild cheese flavor and odor characteristic of the variety or varieties of cheese ingredients used. If additional optional ingredients are used they shall be incorporated in accordance with good commercial practices and the flavor imparted shall be pleasing and desirable. May have a slight cooked or very slight acid or emulsifier flavor; is free from any undesirable flavors and odors.

(b) *Body and texture.* Shall have a medium-firm, smooth, and velvety body free from uncooked cheese particles. Is resilient and not tough, brittle, short, weak, or sticky. It shall be free from pinholes or openings except those caused by trapped steam. The cheese shall slice freely, and shall not stick to the knife or

break when cut into approximately ⅛-inch slices. If in sliced form, the slices shall separate readily.

(c) *Color.* May be colored or uncolored but shall be uniform throughout. If colored it shall be bright and translucent and not be dull or faded. To promote uniformity and a common reference to describe color use the color designations as depicted by the National Cheese Institute standard color guide for natural cheese.

(d) *Finish and appearance.* The wrapper may be slightly wrinkled but shall envelop the cheese, adhere closely to the surface, and be completely sealed and not broken or soiled.

§ 58.735 Pasteurized process cheese food.

Shall conform to the provisions of the Definitions and Standards of Identity for Pasteurized Process Cheese Food and Related Products, U.S. Food and Drug Administration. The average age of the cheese in the blend shall be such that the desired flavor, body and texture will be achieved in the finished product. The quality of pasteurized process cheese food shall be determined on the basis of flavor, body and texture, color, and finish and appearance.

(a) *Flavor.* Has a pleasing and desirable mild cheese flavor and odor characteristic of the variety or varieties of cheese ingredients used. If additional optional ingredients are used they shall be incorporated in accordance with good commercial practices and the flavor imparted shall be pleasing and desirable. May have a slight cooked or very slight acid or emulsifier flavors; is free from any undesirable flavors and odors.

(b) *Body and texture.* Shall have a reasonably medium-firm, smooth, and velvety body and free from uncooked cheese particles. Is resilient and not tough, brittle, short, or sticky. It shall be free from pinholes or openings except those caused by trapped steam. The product shall slice freely with only a slight amount of sticking and shall not break when cut into approximately ⅛-inch slices. If in sliced form, the slices shall separate readily.

(c) *Color.* May be colored or uncolored but shall be uniform throughout. If colored it shall be bright and translucent and not be dulled or faded. To promote uniformity and a common reference to describe color use the color designations as depicted by the National Cheese Institute standard color guide for natural cheese.

(d) *Finish and appearance.* The wrapper may be slightly wrinkled but shall envelop the cheese, adhere closely to the surface, and be completely sealed and not broken or soiled.

§ 58.736 Pasteurized process cheese spread.

Shall conform to the provisions of the Definitions and Standards of Identity for Pasteurized Process Cheese Spreads and Related Products, U.S. Food and Drug Administration. The pH of pasteurized process cheese spreads shall not be below 4. The quality of pasteurized process cheese spreads shall be determined on the basis of flavor, body and texture, color, and finish and appearance.

(a) *Flavor.* Has a pleasing and desirable cheese flavor and odor characteristic of the variety or varieties of cheese ingredients used. If additional optional ingredients are used they shall be incorporated in accordance with good commercial practices and the flavor imparted shall be pleasing and desirable. May have a slight cooked, acid, or emulsifier flavor; is free from any undesirable flavors and odors.

(b) *Body and texture.* Shall have a smooth body free from uncooked cheese particles and when packaged shall form into a homogeneous plastic mass, and be free from pinholes or openings except those caused by trapped steam. Product made for slicing shall slice freely when cut into approximately ⅛-inch slices with only a slight amount of sticking. Product made for spreads shall be spreadable at 70° F.

(c) *Color.* May be colored or uncolored but shall be uniform throughout. If colored it shall be bright and translucent and not be dull or faded. To promote uniformity and a common reference to describe color the color designations as depicted by the National Cheese Institute standard color guide for natural cheese may be used.

(d) *Finish and appearance.* Wrappers, if used, may be slightly wrinkled but shall envelop the cheese, adhere closely to the surface, and be completely sealed and not broken or soiled. Other containers made of suitable materials shall be completely filled, sealed, and not broken or soiled.

§ 58.737 Explanation of terms.

(a) *Blend set up.* The trade term for a particular group of vat lots of natural cheese selected to form a blend based upon their combined ability to impart the desired characteristics to a pasteurized process cheese product.

(b) *Cooker batch.* The amount of natural cheese and added optional ingredients placed into a cooker at one time, heated to pasteurization temperature, and held for the required length of time.

Supplemental Specifications for Plants Processing, Manufacturing and Packaging Milk or Milk Products

DEFINITIONS

§ 58.805 Milk and milk products.

For the purpose of §§ 58.805–58.850 the definitions of milk and milk products shall be those as established in Part I, section 1. Definitions, "Grade A Pasteurized Milk Ordinance", 1965 Recommendations of the U.S. Public Health Service.

(a) Milk.
(b) Goat milk.
(c) Cream.
(d) Light cream, coffee cream, or table cream.
(e) Whipping cream.
(f) Light whipping cream.
(g) Heavy cream or heavy whipping cream.
(h) Whipped cream.
(i) Whipped light cream, coffee cream, or table cream.
(j) Sour cream or cultured sour cream.
(k) Half-and-Half.
(l) Sour Half and Half or cultured Half and Half.
(m) Reconstituted or recombined milk and milk products.
(n) Concentrated milk and concentrated milk products.
(o) Skim milk or skimmed milk.
(p) Lowfat milk.
(q) Vitamin D milk and milk products.
(r) Fortified milk and milk products.
(s) Homogenized milk.
(t) Flavored milk or milk products.
(u) Buttermilk.
(v) Cultured buttermilk.
(w) Cultured milk or cultured whole milk buttermilk.
(x) Acidified milk and milk products.
(y) Milk products.

EQUIPMENT AND UTENSILS

§ 58.810 General construction, repair, and installation.

(a) As a safeguard to insure proper pasteurization the 3–A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High-Temperature Short-Time Pasteurizers shall be followed.

(b) All equipment and utensils necessary to the processing of milk and milk products shall meet the same general requirements as outlined in § 58.128. In addition, for certain other equipment the following requirements shall be met.

§ 58.811 Vacuum chamber.

The vacuum chamber as used for flavor control shall be made of stainless steel or other equally corrosion-resistant material. The unit shall be easily cleaned and accessible for inspection. It shall be equipped with a vacuum breaker and a check valve at the product intake and a check valve at the product discharge line. If a direct steam vacuum chamber is used it shall be equipped with a ratio controller to regulate the composition of the product. Only direct steam which meets the requirements for culinary steam shall be used. The incoming steam supply shall be regulated by an automatic solenoid valve which will cut off the steam supply in the event the flow diversion valve is not in the forward flow position. The condenser shall be equipped with a water level control and an automatic safety shutoff valve.

§ 58.812 Leak protector valves.

Valves of this type shall be used on all batch pasteurizers and inlet pipelines connected to the pasteurizer during holding and emptying periods. They shall be of the type specified in the 3–A Sanitary Standards for Inlet and Outlet Leak Protector Plug Valves.

§ 58.813 Fillers and sealers for single service containers.

The equipment used for forming, filling and sealing single service containers should meet the 3–A Sanitary Standards for Fillers and Sealers of Single Service Containers for Milk and Fluid Milk Products.

§ 58.814 Bottle washers and sanitizers.

To assure satisfactory cleaning and sanitizing of bottles the washer must be designed to handle the specific size and shape of the bottles used. The equipment must be maintained in a sanitary condition and in good running order. Cleaning and sanitizing solutions shall be changed as often as is necessary to be effective. Scale on the interior of the washer shall be kept to a minimum and all jets shall be kept operative. Adequate steam and water shall be supplied to assure efficient operation.

§ 58.815 Case washers.

Case washers shall be constructed in such a manner as to insure thorough cleaning of cases. Adequate steam and hot water shall be supplied to insure drying of the cases before the filled containers are placed therein.

§ 58.816 Bottle fillers and cappers.

Both gravity and vacuum type fillers shall be of sanitary design and all product contact surfaces, if metal, shall be made of stainless steel or equally corrosion resistant metal. Nonmetallic product contact surfaces shall meet the requirements for 3–A Sanitary Standards for Rubber and Rubber-Like Materials or for Multiple Use Plastic Materials.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

§ 58.817 Milk.

To process and package milk and milk products eligible for official identification with the USDA Quality Approved Inspection Shield, the source of the milk and cream must be from producers which have been inspected and are within a milk shed rated 90 or higher by the proper regulatory authorities in accordance with the current U.S. Public Health Service Grade A Pasteurized Milk Ordinance. In addition, the quality of the milk shall be as follows.

(a) *Bacterial estimate.* Milk received from producers and commingled prior to pasteurization shall have a standard plate count not to exceed 300,000 per milliliter. If the regularly scheduled test on individual producer's milk indicates a bacterial count exceeding 100,000 the producer shall be notified and the milk retested within 7 days. If upon retesting the bacterial count is not below the required 100,000 then the producer shall be notified by a field representative of the dairy plan who will call on the producer to aid in correcting the condition causing the high bacterial count. A sample of milk from the producer shall be checked each week until the bacterial count does not exceed 100,000 for five consecutive tests or if a producer's milk exceeds 500,000 on any single shipment, the producer's milk shall not be used for milk products bearing the USDA Quality Approved Inspection Shield.

(b) *Sediment content.* The method and frequency of testing individual patrons milk for sediment content and the classification and acceptance of such milk shall be as outlined in § 58.134. The rejection and exclusion of milk as pertains to sediment content shall be as in §§ 58.136 and 58.137.

(c) *Sight and odor.* The odor of acceptable raw milk shall be fresh and sweet. The milk shall be free from objectionable feed and other off odors and it shall not show any abnormal condition (including, but not limited to, curdled, ropy, bloody, or mastitic condition), as indicated by sight, odor or other test procedures. Certain feed odors and flavors, which are volatile and can be removed by heating in a vacuum may be allowed if they in no way adversely affect the finished product.

(d) *Temperature.* When farm bulk milk tanks are used, the temperature of the milk shall be no more than 45° F. at the time of pickup for delivery to the dairy plant. Milk cooled and stored by other means shall meet the same temperature requirement.

(e) *Chemical adulterants.* Milk received at the dairy plant shall contain no more than the maximum limits of antibiotics and pesticides as established by the U.S. Food and Drug Administration. Milk containing excessive amounts of such adulterants shall be excluded from use.

§ 58.818 Cream.

All cream used in dairy products which are packaged in containers bearing the USDA Quality Approved Inspection Shield shall not have a bacterial count prior to pasteurization of over 300,000 per ml. The cream shall be obtained only from milk which meets the requirements as outlined in § 58.817.

§ 58.819 Dairy cultures.

Harmless bacterial cultures used in the development of lactic acid and flavor components in certain dairy products shall have a pleasing and desirable flavor and odor and shall have the ability to transmit these qualities to the finished dairy product. Dairy cultures shall be prepared from milk products meeting the same requirements as set in § 58.813.

§ 58.820 Milk-solids-not-fat.

Milk-solids-not-fat used to modify milk products shall be from milk meeting the same requirements as set in § 58.817.

OPERATIONS AND OPERATING PROCEDURES

§ 58.821 General.

All plants processing, manufacturing, and packaging milk or milk products bearing the USDA Quality Approved Inspection Shield must maintain a plant inspection rating of 90 or higher by the proper regulatory authorities in accordance with the current U.S. Public Health Service Grade A Pasteurized Milk Ordinance.

§ 58.822 Bulk milk pickup.

(a) A bulk milk hauler shall be clean in person and shall wear clean outer garments used exclusively for such work. Upon arrival at each farm he shall thoroughly wash his hands before performing the various operations required for the sampling and removal of milk from the farm bulk tank. He shall carefully examine the milk and classify it according to the requirements of this subpart. If the milk is acceptable, he shall properly sample the milk and store the samples using some form of refrigeration.

(b) The examination of the milk shall be made before the agitator is started. He shall determine if the tank contains milk of desirable odor and appearance, and shall check temperature of the milk with an accurate thermometer. After examination and acceptance the milk shall be thoroughly mixed and a washed and sanitized dipper shall be used to extract a sample of milk for test purposes. Samples shall be identified and stored at 45° F. or lower until delivered to the plant. The frequency of sampling and the tests to be performed will be covered in following sections of this supplement. The tank shall be completely emptied each time and the bulk hauler shall rinse the tank with water.

§ 58.823 Transfer of bulk milk.

The transfer of bulk milk from tankers to storage vats or tanks at the dairy plant shall be done only after the milk has been checked at the intake by a qualified employee. The pooled milk shall be examined for temperature, odor and appearance and a sample taken for further analysis (see §§ 58.813 and 58.£31). After examination and acceptance the milk may be transferred to the plant.

§ 58.824 Storage.

Raw milk shall be stored only in tanks or vats that have been properly cleaned and sanitized. Lines used for the movement of milk into the plant storage facilities or from one operation to another shall be cleaned and sanitized daily. Milk shall be maintained at a temperature of 45° F. or lower until pasteurized and at no time shall exceed a bacterial count of more than 300,000 per milliliter prior to pasteurization.

§ 58.825 Separating and standardizing.

Milk shall be separated and standardized in accordance with good commercial practices. The skimmed portion and the cream obtained therefrom shall be properly stored and handled in a manner which will effectively retard an increase of bacterial growth prior to pasteurization.

§ 58.826 Pasteurization and homogenization.

(a) Raw milk to be used for milk or milk products shall be pasteurized immediately after being separated and standardized. The pasteurizing equipment and process shall be in accordance with 3–A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High Temperature Short-Time Pasteurizers.

(b) If homogenization is intended, the homogenization of the product shall be accomplished between the preheat section and the pasteurization section or after pasteurization to insure deactivation of the enzyme lipase before the product passes through the homogenizer. The homogenizer shall be main-

tained in good repair and shall effectively reduce in size and disperse the fat globules as specified in Standard Methods. The pasteurized and homogenized product shall be cooled to 45° F. or lower and held for packaging.

§ 58.827 Preparation and processing of batch products.

Dairy products such as chocolate (chocolate flavored) milk and milk products, half and half, cream products of various composition etc., shall be prepared in accordance with good commercial practice. The vats and product lines used shall be clean and properly sanitized. The ingredients shall be properly mixed and the product properly standardized according to precalculated standards of composition. The fully combined product shall then be properly pasteurized, homogenized if need be, cooled to 45° F. or lower and made ready for immediate packaging.

§ 58.828 Preparation and processing of cultured dairy products.

(a) Cultured products such as sour cream and buttermilk shall be prepared by combining the ingredients and standardizing the product in accordance with a precalculated standard of composition. The ingredients shall be pasteurized and cooled to the optimum temperature for the starter culture used. A starter culture possessing a pleasing and desirable flavor and odor, and the ability to transmit the same characteristics to the cultured product shall be added at the proper time and temperature.

(b) For buttermilk sufficient time shall be allowed for the development of lactic acid and the desired flavor and odor. During the time of incubation the product shall be held at about 72° F. After sufficient acid and flavor development has occurred, at about 0.8 percent acidity, the coagulum shall be broken. Butter granules may or may not be added and the product cooled further to 45° F. or lower and packaged.

(c) In the case of cultured sour cream the starter should be added after the product has been homogenized, pasteurized and cooled to 72° F. The starter culture is added and the product is packaged or may be ripened in a vat and then packaged. The acidity, flavor and body development occurs in the container or in the vat. The product after reaching a pH of about 4.4 is cooled to 45° F. or lower.

§ 58.829 Single-service containers.

Packaging materials are used to protect milk products from contamination. Therefore, they must be handled and stored in a manner that will preclude their becoming contaminated before being used in the packaging operation. Paperboard packaging materials used to make single-service containers, as well as preformed containers, should be kept sealed in their original packages or shipping cases until needed. Any opened packages not completely used during a day's operation should be closed and sealed. Paperboard must be protected from excessive heat or excessive moisture to insure proper performance. Prior to use, all single service containers shall not have over one bacteria per square cm. in three out of four samples and shall be free of coliform organisms.

§ 58.830 Container adhesives.

Adhesives shall be stored at temperatures below 90° F. Adhesives shall be nontoxic, tasteless, and odorless. Clean transfer containers shall be used and all portions shall be kept covered. Unused portions of adhesives shall be returned to storage.

§ 58.831 Multiuse containers.

Reusable containers shall be properly cleaned and sanitized before each usage. The containers shall be sound and free of cracks, holes or scoring. Prior to use these containers shall not have over one bacteria per ml. of capacity or 50 bacteria colonies per 8 square inches of surface area (1 per square centimeter) in 3 out of 4 samples and shall be free of coliform organisms.

§ 58.832 Filling containers.

All product contact surfaces of lines which convey pasteurized dairy products to a filler shall be clean and properly sanitized. Filler equipment shall also be clean and properly sanitized prior to use and shall be in good operating order. Whether the filler is used for filling glass, plastic, or paper containers it shall in no way contaminate or detract from the quality or desirability of the finished product. When changing from one type of milk product to another, such as cultured products or flavored milk products, it may be necessary to reclean and sanitize the filler so as not to adulterate a greatly dissimilar product with another. Consumer-size containers after being filled shall be properly sealed and placed in cases for storage under refrigerated conditions. If a cap or closure is used, it shall be applied by approved mechanical means in a sanitary manner. The cap or closure shall protect the pouring lip.

§ 58.833 Product storage.

Milk and milk products shall be stored and transported under refrigerated conditions. The products shall be maintained at 45° F. or lower. The products shall also be guarded against freezing and protected from exposure to natural and excessive artificial light. It is most critical for products packaged in glass containers to be protected from light.

§ 58.834 Quality control tests.

All milk product ingredients shall be subject to inspection for quality and condition throughout each processing operation. Quality control tests shall be made on flow line samples as often as necessary to check the effectiveness of processing and sanitation and as an aid in correcting deficiencies. Routine analysis shall be made on raw materials and finished products to assure adequate composition control. Any officially recognized tests shall be used as the need indicates, to help solve quality problems and deficiencies.

§ 58.835 Frequency of sampling.

(a) *Microbiological.* (1) At least one sample shall be taken from each producer per month.

(2) At least twice a week a sample shall be taken from raw milk and cream storage at the plant.

(3) Flow line samples shall be taken as often as is necessary to assure the required bacteriological quality of the finished products and to indicate points of contamination during processing. At least one sample per day shall be taken from each type product run. Continuous product runs such as market milk shall be sampled as often as is necessary to give a complete bacteriological picture of the entire product run.

(4) To check the keeping quality as effected by bacterial action at least one container of each batch type product, and as many as necessary from continuous flow product runs, shall be taken.

(b) *Sediment.* At least once each month a sample from each producer shall be taken for sediment content classification as described in § 58.132.

(c) *Composition.* One sample shall be taken from each batch product run, and tested for fat and total solids. For the continuous flow products run, as many samples shall be taken as is necessary to assure composition control and compliance with regulatory standards.

(d) *Weight or volume control.* Representative samples of the packaged products shall be checked during the filling operation to assure compliance with the stated net weight or volume on the container.

(e) *Product evaluation.* At least twice a month a container of each finished product shall be evaluated for flavor, body, color, and other applicable quality factors.

§ 58.836 Test methods.

(a) *Microbiological.* All tests shall be made in accordance with the methods described in the latest edition of Standard Methods.

(b) *Keeping quality.* Storage quality tests shall be made in accordance with the methods described under the section on Psychrophilic Bacteria in the latest edition of Standard Methods.

(c) *Chemical.* Chemical analysis shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, the latest edition of Standard Methods, or other methods that give equivalent results.

§ 58.837 General identification.

The various types of milk and milk products shall be packaged and labeled in accordance with the provisions established for each type of product by the appropriate regulatory agencies. Each commercial container of product offered for sale shall be coded to establish the packaging date. By this means a systematic method of rotating stock, and picking up outdated products shall be established.

§ 58.838 Official identification.

Only milk and milk products manufactured in accordance with the requirements established in this supplement and with the applicable requirements in Subpart B and which have been officially inspected in process and found to be in compliance with these requirements may be identified with the official USDA Quality Approved Inspection Shield.

QUALITY REQUIREMENTS FOR PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

§ 58.839 General.

(a) Milk or milk products which are to be officially identified with the USDA Quality Approved Inspection Shield shall meet the composition and labeling requirements set forth in the State and local laws or regulations under whose jurisdiction the products are manufactured, processed, and sold. In cases where the State regulations for minimum composition of dairy products are lower than those defined in this supplement, then such levels of composition shall be acceptable when sold within the State.

(b) Pasteurized milk and milk products other than cultured products shall have a bacterial standard plate count of no more than 20,000 per ml and shall not exceed a coliform count of 10 per ml. Cultured products shall not exceed 10 coliform per ml with no bacterial limit. In addition, the products shall meet the applicable requirements as specified in this supplement and in this subpart. The provisions of which shall provide a continuous daily quality control and testing procedure for maintaining the following product standards of flavor, body and texture, and appearance.

§ 58.840 Milk.

May be homogenized, fortified, or contain added vitamin D.

(a) *Flavor.* Shall have a fresh, sweet, pleasing, and desirable flavor. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall possess a smooth, free flowing body. If unhomogenized, a cream line or natural cream layer is desirable.

(c) *Appearance.* Shall be white to very light cream in color depending upon the season and the amount of milk fat it contains.

§ 58.841 Low fat milk.

Shall be homogenized. May be modified, fortified, or contain added vitamins A and D.

(a) *Flavor.* Shall have a fresh, sweet, pleasing, and desirable flavor. Shall not be as lacking in the characteristic richness associated with milk fat as is skim milk, but will not appear as rich as whole milk.

(b) *Body and texture.* Shall possess a smooth, free flowing body, with approximately the same apparent viscosity as whole milk.

(c) *Appearance.* Shall be white in color, if modified may appear more opaque due to increased milk solids-not-fat.

§ 58.842 Skim milk.

May be modified, fortified, or contain added vitamin D.

(a) *Flavor.* Shall have a fresh, sweet, desirable flavor though lacking in the characteristic richness associated with products containing a higher percentage of milk fat.

(b) *Body and texture.* Shall possess a smooth, free flowing body less viscous than market milk.

(c) *Appearance.* Shall exhibit a slight off-white color characteristic of milk when almost all of the milk fat has been removed.

§ 58.843 Half and half.

(a) *Flavor.* Shall have a pleasing and desirable fresh, sweet flavor. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall be uniform, smooth, and free flowing. Be relatively viscous in proportion to the percent of fat present. Should show no feathering or oiling off when used in hot coffee.

(c) *Appearance.* Shall be light cream in color and shall impart a creamy brown color to coffee.

§ 58.844 Light cream.

(a) *Flavor.* Shall have a pleasing and desirable fresh, sweet cream flavor. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall possess a smooth uniform body and shall be reasonably viscous for the amount of milk fat present. Should show no feathering or oiling off when used in hot coffee.

(c) *Appearance.* Shall be medium cream in color and shall impart a rich creamy brown color to coffee.

§ 58.845 Whipping cream.

(a) *Flavor.* Shall have a sweet, rich flavor. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall possess a smooth, uniform body, relatively viscous in proportion to the percent of fat present. Shall respond readily to whipping under proper conditions.

(c) *Appearance.* Shall be rich cream in color and when whipped shall exhibit stability and stiffness.

§ 58.846 Whipped cream.

(a) *Flavor.* Has a rich, nut like flavor free from all undesirable flavors and odors. When sweetened shall be of medium sweetness in intensity. If flavored, shall be of moderate intensity and natural in character. Added flavoring and sweeteners shall be so blended with the cream as to create a pleasing and desirable flavor.

(b) *Body and texture.* Shall be smooth and uniform and shall exhibit a relatively stiff body with the ability to stand up and not whey off.

(c) *Appearance.* Shall appear dry with no oiling or wheying off. Shall be light in color.

§ 58.847 Sour cream.

(a) *Flavor.* Shall have a rich, clean, pleasing and desirable, milk acid flavor with an acidity of about 0.6 percent to 0.8 percent expressed as lactic acid. It should possess the delicate diacetyl aroma of a good butter culture. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall have a firm, heavy, smooth, and homogenous body which shows some rigidity and will stand up, but is not gummy or resistant to pressure.

(c) *Appearance.* Shall have a natural color. The color may range from a white to light cream. The surface shall appear dry and smooth showing a velvety luster.

§ 58.848 Cultured buttermilk.

(a) *Flavor.* Shall have a pleasing and desirable clean lactic acid flavor. Shall be tangy and possess the delicate aroma of diacetyl. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall be smooth, somewhat viscous and possess a medium body. Shall not be curdy or whey off.

(c) *Appearance.* Shall have a uniform attractive appearance of luster white. May or may not be flecked with small uniform yellow granules of butter or butterfat.

§ 58.849 Chocolate milk or milk products.

(a) *Flavor.* Shall possess a natural chocolate flavor of an intensity equal to 1.5 to 2.5 percent of chocolate liquor. The sweetness shall be of medium intensity. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall be smooth and free flowing free from sedimentation and with a viscosity slightly greater than normal milk.

(c) *Appearance.* Shall be light to medium brown in color and of such intensity as to be appealing to the eye. Shall be uniform in appearance and be void of air bubbles or curdiness.

§ 58.850 Chocolate flavored milk or milk products.

(a) *Flavor.* Shall possess a natural chocolate flavor of an intensity equal to 1 to 1.5 percent of cocoa. The sweetness shall be of medium intensity. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall be smooth and free flowing free from sedimentation and with a viscosity slightly greater than normal milk.

(c) *Appearance.* Shall be light to reddish-brown in color and of such intensity as to be appealing to the eye. Shall be uniform in appearance and be void of air bubbles or curdiness.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING EVAPORATED, CONDENSED OR STERILIZED MILK PRODUCTS

DEFINITIONS

§ 58.905 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa as the case may demand. Unless the context otherwise requires,

the following terms shall have the follow meaning:

(a) *Evaporated milk.* Is the liquid food made by evaporating sweet milk to such point that it contains not less than 7.9 percent of milkfat and not less than 25.9 percent of the total milk solids. The finished product shall conform to the requirements of § 18.520 "Definitions and Standards of Identity for Milk and Cream," U.S. Food and Drug Administration (21 CFR 18.520).

(b) *Concentrated milk, plain condensed milk.* Is the product which conforms to the standard of identity for evaporated milk except that it is not processed by heat to prevent spoilage. The container may be unsealed, and stabilizing ingredients are not used. The finished product shall conform to the requirements of § 18.525 "Definitions and Standards of Identity for Milk and Cream," U.S. Food and Drug Administration (21 CFR 18.525).

(c) *Sweetened condensed milk.* Is the liquid or semiliquid food made by evaporating a mixture of sweet milk and refined sugar (sucrose) or any combination of refined sugar (sucrose) and refined corn sugar (dextrose) to such point that the finished sweetened condensed milk contains not less than 28 percent of total milk solids and not less than 8.5 percent of milkfat. The quantity of sugar used is sufficient to prevent spoilage. The finished product shall conform to the requirements of § 18.530 or § 18.535, respectively, "Definitions and Standards of Identity for Milk and Cream," U.S. Food and Drug Administration (21 CFR 18.530 and 18.535).

(d) *Sterilized milk concentrated.* Is sweet whole milk concentrated to about one-third its original volume by the removal of water and packaged primarily in hermetically sealed glass or metal containers. The final product contains about 9.9 percent milkfat and 24.3 percent milk solids-not-fat for a total of 34.2 percent milk solids. The product may also contain added vitamin D as well as certain stabilizing ingredients permitted under the Federal Food, Drug and Cosmetic Act.

(e) *Sterilized milk.* Is the normal milk from which no water has been removed but which is packaged and sterilized in a container or is sterilized and packaged aseptically. The final product contains a minimum of 3.25 percent milkfat and 8.25 percent milk solids-not-fat. The product may also contain added vitamin D as well as certain stabilizing ingredients permitted under the Federal Food, Drug and Cosmetic Act.

(f) *Sterilized chocolate (chocolate flavored) milk.* The product made by the addition of sugar and chocolate (cocoa) to milk. The milkfat content is at least 3.25 percent and the milk solids-not-fat at least 8.25 percent and may contain certain stabilizing ingredients permitted under the Federal Food, Drug and Cosmetic Act. The product is sterilized and packaged aseptically or may be placed in metal containers hermetically sealed and heat treated to accomplish sterilization.

(g) *Sterilized chocolate (chocolate flavored) drink.* The product made by the addition of sugar and chocolate (cocoa) to milk. The milkfat content is less than 3.25 percent and the milk solids-not-fat at least 8.25 percent and may contain certain stabilizing ingredients permitted under the Federal Food, Drug and Cosmetic Act. The product is sterilized and packaged aseptically or may be placed in metal containers hermetically sealed and heat treated to accomplish sterilization.

EQUIPMENT AND UTENSILS

§ 58.912 General construction repair and installation.

The equipment and utensils used for processing and packaging evaporated, condensed or sterilized milk products shall be as specified in § 58.128. In addition for certain other equipment, the following requirements shall be met.

§ 58.913 Evaporators and vacuum pans.

All equipment used in the removal of moisture from milk or milk products for the purpose of concentrating the solids should meet the requirements of the 3–A Sanitary Standards for Milk and Milk Products Evaporators and Vacuum Pans; except that copper evaporators used for evaporated milk may be approved if free from corroded surfaces and kept in good repair. All new or used replacements for this type of equipment shall meet the appropriate 3–A Sanitary Standards.

§ 58.914 Fillers.

Both gravity and vacuum type fillers shall be of sanitary design and all product contact surfaces, if metal, shall be made of stainless steel or equally corrosion-resistant material; except that, certain evaporated milk fillers having brass parts may be approved if free from corroded surfaces and kept in good repair. Nonmetallic product contact surfaces shall meet the requirements for 3–A Sanitary Standards for Rubber, and Rubber-like Materials or for Multiple Use Plastic Materials. Fillers shall be designed so that they in no way will contaminate or detract from the quality of the product being packaged.

§ 58.915 Batch or continuous in-container sterilizers.

Shall be equipped with accurate temperature controls and effective valves for regulating the sterilization process. The equipment shall be maintained in such a manner as to assure control of the length of time of processing, and to minimize the number of damaged containers.

§ 58.916 Homogenizer.

Homogenizers where applicable shall be used to reduce the size of the fat particles and to evenly disperse them in the product. Homogenizers should meet the applicable 3–A Sanitary Standards.

OPERATIONS AND OPERATING PROCEDURES

§ 58.917 General.

There are many operations and procedures used in the preparation of evaporated, condensed, and sterilized milk products that are similar, therefore, the following general requirements will apply when such operations or procedures are used.

§ 58.918 Standardization.

The standardization of the product to obtain a finished product of a given composition shall be accomplished by the addition of milkfat, milk solids-not-fat and/or water. The ingredients added to accomplish the desired composition shall be of the same hygienic quality as the product being standardized.

§ 58.919 Preheat, pasteurization.

When pasteurization is intended or required by either the vat method, HTST method, or by the UHT method it shall be accomplished by systems and equipment meeting the requirements outlined in § 58.128. Preheat temperatures prior to sterilization will be those that have the most favorable effect on the finished product.

§ 58.920 Homogenization.

Where applicable concentrated products shall be homogenized for the purpose of dispersing the fat throughout the product. The temperature of the product at time of homogenization and the pressure at which homogenization is accomplished will be that which accomplishes the most desired results in the finished products.

§ 58.921 Concentration.

Concentrating by evaporation shall be accomplished with a minimum of chemical change in the product. The equipment and systems used shall in no way contaminate or adversely affect the desirability of the finished product.

§ 58.922 Sterilization.

The complete destruction of all living organisms shall be performed in one of the following methods:

(a) The complete in-container method, by heating the container and contents to a range of 212° F. to 280° F. for a sufficient time;

(b) By a continuous flow UHTST process at high temperatures of 280° F. and above for a sufficient time, then packaged aseptically;

(c) The product is first sterilized according to UHTST methods as in paragraph (b) of this section, then packaged and given further heat treatment to complete the sterilization process.

§ 58.923 Filling containers.

(a) The filling of small containers with product shall be done in a sanitary manner. The containers shall not contaminate or detract from the quality of the product in any way. After filling, the container shall be hermetically sealed.

(b) Bulk containers for unsterilized product shall be suitable and adequate to protect the product in storage or transit. The bulk container (including bulk tankers) shall be cleaned and sanitized before filling, and filled and closed in a sanitary manner.

§ 58.924 Aseptic filling.

A previously sterilized product shall be filled under conditions which prevent contamination of the product by living organisms or spores. The containers prior to being filled shall be sterilized and maintained, in a sterile condition. The containers shall be sealed in a manner that prevents contamination of the product.

§ 58.925 Sweetened condensed.

After condensing, the sweetened condensed product should be cooled rapidly to about 85° F. to induce crystallization of the oversaturated lactose. When the desired crystallization is reached further cooling is resumed to 68°–70° F.

§ 58.926 Heat stability.

Prior to sterilization of concentrated products and where stabilizers are allowed, tests should be made on the heat stability of the product to determine necessity for, and the amount of stabilizer needed. Based on the stability tests, the necessary amounts of stabilizers (not to exceed 0.1 percent of the concentrated product) may be added.

§ 58.927 Storage.

Finished products which are to be held more than 30 days should be stored at temperatures below 72° F. Precautions shall be taken to prevent freezing of the product.

§ 58.928 Quality control tests.

All dairy products and other ingredients shall be subject to inspection for quality and condition throughout each processing operation. Quality control tests should be made on flow samples as often as is necessary to check the effectiveness of processing and manufacturing and as an aid in correcting deficiencies. Routine analysis should be made on raw materials and finished products to assure adequate composition control. For each batch or production run a keeping quality test should be made to determine product stability.

§ 58.929 Suitability screening test.

(a) Periodic sampling and testing of raw milk supplies used for processing evaporated, condensed or sterilized milk products should be performed as an aid in determining the need for further testing to screen out milk that is high in heat resistant spore forming organisms. Tests for these organisms shall be conducted as outlined in Standards Methods.

(b) Milk to be considered as satisfactory for use should have less than one spore per ml and upon being heated for 10 minutes at 253° F. should have less than 0.1 spore surviving per ml.

§ 58.930 Frequency of sampling for quality control—evaporated, condensed, and sterilized milk products.

(a) A minimum of one sample should be taken from each batch of product or one per hour for each continuous production run.

(b) Composition: Sampling and testing for composition should be made on each batch of product. On continuous production runs enough samples shall be taken throughout the run to adequately assure composition requirements.

(c) Other chemical analysis or physical analysis: Such tests shall be performed as often as is necessary to assure compliance with standards, specifications or contract requirements.

(d) Weight or volume control: Representative samples of the packaged products shall be checked during the filling operation to assure compliance with the stated net weight or volume on the container.

(e) Keeping quality and stability: A minimum of one sample from each batch of product or one representative sample per hour from a continuous production run should be taken. For continuous runs, samples should be taken at the start, each hour, and at the end of the run. Samples should also be taken after resumption of processing following an interruption in continuous operation. Each sample shall be incubated at 90° F. to 100° F. for 7 days.

§ 58.931 Official test methods.

(a) *Chemical.* Chemical analysis, except where otherwise prescribed herein, shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the AOAC; by Standard Methods or by other methods giving equivalent results.

(b) *Microbiological.* Microbiological determinations shall be made in accordance with the methods described in the latest edition of Standard Methods for the Examination of Dairy Products.

§ 58.932 General identification.

Consumer-sized containers and bulk shipping containers shall be legibly marked with the name of the product, net weight, name and address of manufacturer, processor or distributor, a lot number and coded date of manufacture.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

§ 58.933 Milk.

To process and package evaporated, condensed or sterilized milk products eligible for official identification with the USDA Quality Approved Inspection Shield the raw incoming milk shall meet the requirements as outlined in §§ 58.132 through 58.138. Unless processed within 2 hours after being received, it shall be cooled to, and held at a temperature of 45° F. or lower until processed.

§ 58.934 Stabilizers.

Shall be those permitted by the U.S. Food and Drug Administration. "Standards of Identity" as optional ingredients for specific products. Stabilizers shall be free from extraneous material, be of food grade quality and not be in violation of the Federal Food, Drug and Cosmetic Act.

§ 58.935 Sugars.

Sucrose, dextrose or lactose used in the manufacture of sweetened condensed or sterilized milk products shall be refined, and of food grade quality.

§ 58.936 Chocolate and cocoa.

Such products used as flavor ingredients shall meet the requirements of the U.S. Food and Drug Administration, "Definitions and Standards of Identity for Cocoa Products."

QUALITY REQUIREMENTS FOR FINISHED PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

§ 58.937 Physical requirements for evaporated milk.

(a) *Flavor.* The product shall possess a sweet, pleasing and desirable flavor with not more than a definite cooked flavor. It shall be free from scorched, oxidized or other objectionable flavors and odors.

(b) *Body and texture.* The product shall be of uniform consistency and appearance. It shall be smooth and free from fat separation, lumps, clots, gel formation, coarse milk solids precipitate or sedimentation and extraneous material.

(c) *Color.* The color shall be of a natural white or light cream.

(d) *Degree of burn-on.* The interior walls of the container shall not show excessive burn-on of product (product fused to more than 75 percent of the inner surface of the can).

(e) *Keeping quality.* Samples incubated at 90–100° F. shall show no sensory, chemical or microbiological deterioration after 7 days.

§ 58.938 Physical requirements and microbiological limits for sweetened condensed milk.

(a) *Flavor.* Shall be sweet, clean, and free from rancid, oxidized, scorched, fermented, stale or other objectionable flavors and odors.

(b) *Color.* Shall be white to light cream.

(c) *Texture.* Shall be smooth and uniform, free from lumps or coarse graininess. There shall not be sufficient settling of the lactose to cause a deposit on the bottom of the container.

(d) *Body.* Shall be sufficiently viscous so that the product upon being poured at room temperature piles up above the surface of that previously poured, but does not retain a definite form.

(e) *Microbiological limits.*

(1) Coliforms—less than 10 per gram.
(2) Yeasts—less than 5 per gram.
(3) Molds—less than 5 per gram.
(4) Total plate count—less than 1,000 per gram.

(f) *Keeping quality.* Samples incubated at 90–100° F. shall show no physical evidence of deterioration after seven days.

(g) *Composition.* Shall meet the minimum requirements as set forth in the "Standards of Identity for Milk and Cream," U.S. Food and Drug Administration (21 CFR 18.530 and 18.535). In addition, the quantity of refined sugar used shall be sufficient to give a sugar-in-water ratio of not less than 61.5 percent.

(h) *Sediment.* The amount of sediment retained on a lintine disc after a

sample composed of 225 grams of product dissolved in 500 ml. of 140° F. water has passed through it, shall not exceed 0.10 mg. as indicated by the USDA Sediment Standard for Milk and Milk Products (§ 58.2726).

§ 58.939 Physical requirements for sterilized milk.

(a) *Flavor.* Shall be pleasing and desirable and free from scorched, oxidized, tallowy, storage or other objectionable flavors and odors. But may have a slight cooked or sterilized flavor.

(b) *Body.* Shall be smooth, uniform and free from fat and mineral separation, lumps, clots and coarse milk solids precipitate.

(c) *Color.* Shall be white or light cream and shall be free from any brown or yellow color typical of overheating.

(d) *Composition.* Shall contain not less than 3.25 percent milkfat and not less than 8.25 percent solids-not-fat. Acidity not to exceed 0.16 percent calculated as lactic acid.

(e) *Sediment.* The amount of sediment retained on a lintine disc through which a one pint sample has passed, shall not exceed 0.05 mg. as indicated by the USDA Sediment Standard for Milk and Milk Products (§ 58.2726).

(f) *Sterility.* Shall show no microbiological development at the end of the 7-day incubation test at 90–100° F.

(g) *Keeping quality and stability.* The sample taken and stored at 90–100° F. shall also show no physical evidence of deterioration after 7-day incubation. The samples shall possess a satisfactory flavor and color and shall be free from marked separation of fat, cream, and serum.

§ 58.940 Physical requirements for sterilized milk concentrate.

The product initially shall contain about 34.2 percent total milk solids. When reconstituted with two parts water, the product shall meet the same requirements for Flavor, Body, Color, Composition, and Sediment as listed in § 58.939. In the packaged, unreconstituted form the product shall meet the same requirements for sterility, keeping quality and stability, as listed in § 58.939 for sterilized milk.

§ 58.941 Physical requirements for sterilized chocolate (flavored) milk or drink.

(a) *Flavor.* Shall have a pleasing and desirable definite sweetened chocolate flavor and shall be free from scorched, oxidized, stale, fruity, rancid, storage or other objectionable flavors.

(b) *Body.* Shall be smooth, uniform, free from lumps, clots, and definite chocolate sedimentation. Shall have been properly homogenized to prevent creaming or fat separation.

(c) *Color.* Shall have a uniform chocolate color throughout.

(d) *Composition.* Shall contain the amounts and types of ingredients as set forth in §§ 58.907 and 58.908 under definitions of the product.

(e) *Sterility.* Shall show no microbiological development at the end of the 7-day incubation at 90–100° F.

(f) *Keeping quality and stability.* The sample taken and stored at 90–100° F. shall also show no deterioration after 7-days incubation. The samples shall possess a satisfactory flavor and color and shall be practically free from chocolate sedimentation and free from separation of fat, solids-not-fat, and serum.

The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 10th day of March 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-2873; Filed, Mar. 16, 1967; 8:45 a.m.]

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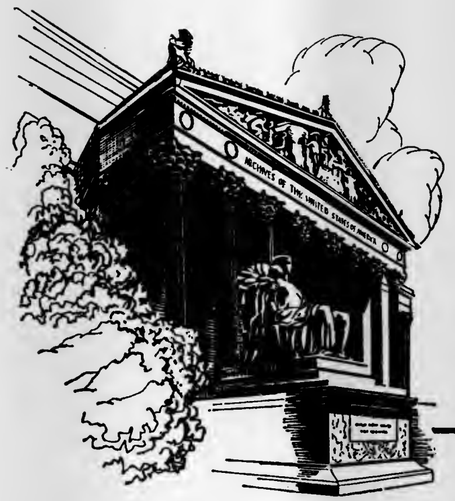
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[Dept. Reg. 108.552]

PART 123—LICENSING CONTROLS

Canadian Shipments

Subchapter M of the regulations of the Secretary of State, Part 123, § 123.23, published December 2, 1966 (Dept. Reg. 108.543, 31 F.R. 15174) is amended as follows: Subparagraphs (3) and (4) of paragraph (c) are revised and a new subparagraph (5) is added to paragraph (c) to read as follows:

§ 123.23 **Canadian shipments.**

• • • • •

(c) • • •

(3) Naval nuclear propulsion items as defined in Category VI(e);

(4) Nuclear weapons strategic delivery systems and all specifically designed components, parts, accessories, attachments, and associated equipment therefor (see § 125.32 of this subchapter); and

(5) Aircraft as defined in Category VIII(a) in § 121.01 of this subchapter (and see § 123.64).

• • • • •

(Sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; Redelegation of Authority No. 104–3–A, 28 F.R. 7231)

Dated: March 1, 1967.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 67–2990; Filed, Mar. 17, 1967; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

Exemption of Scandium 46-Labeled Resins for Use in Oil Wells

On December 14 1966, the Atomic Energy Commission published in the FEDERAL REGISTER (31 F.R. 15747) a proposed amendment to 10 CFR Part 30 which would, by a new § 30.16, exempt from licensing and regulatory requirements the use and transfer of resins containing scandium 46 and designed for sand-consolidation in oil wells, when the resins have been manufactured in accordance with a specific license issued pursuant to a proposed new § 32.17 or equivalent regulations of an agreement State. In addition, two amendments to 10 CFR Part 32 were proposed which would set out requirements for Commission issuance of specific licenses for the manufacture or import of such resins. One of the requirements of the proposed new § 32.17 was that the concentration of scandium 46 in the resin will not exceed 1.4×10^{-3} μc/ml. The proposed amendment to § 32.16 would require an annual report by persons licensed under § 32.17 indicating the total quantities of scandium 46 transferred.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received, the Commission has adopted the proposed amendments. The text of the amendments set out below is identical with the text of the proposed amendments published December 14, 1966.

The Commission has found that, under the conditions specified in the amendments, the exemption will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

The Commission considers that such resins are not a product intended for use by the general public; therefore, the transfer of such resins in an agreement State by any manufacturer licensed by that agreement State[1] would not be licensed or regulated by the Commission.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Parts 30 and 32, are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

1. A new § 30.16 is added to 10 CFR Part 30 to read as follows:

§ 30.16 **Resins containing scandium 46 and designed for sand-consolidation in oil wells.**

Any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30–36 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns, or acquires synthetic plastic resins containing scandium 46 which are designed for sand-consolidation in oil wells, and which have been manufactured or imported for sale or distribution, in accordance with a specific license issued pursuant to § 32.17 of this chapter or equivalent regulations of an agreement State. The exemption in this section does not authorize the manufacture or import of any resins containing scandium 46.

2. Section 32.16 of 10 CFR Part 32 is amended to read as follows:

§ 32.16 **Certain items containing byproduct material: material transfer reports.**

Each person licensed under § 32.14 or § 32.17 shall file an annual report with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, which shall state the total quantity of byproduct material imported for sale or distribution, or transferred to other persons under § 30.15 or § 30.16 of this chapter during the reporting period. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter..

3. A new § 32.17 is added to 10 CFR Part 32 to read as follows:

§ 32.17 **Resins containing scandium 46 and designed for sand-consolidation in oil wells-requirements for license to manufacture, or import for sale or distribution.**

An application for a specific license to manufacture, or import for sale or distribution, synthetic plastic resins containing scandium 46 for use pursuant to § 30.16 of this chapter will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The product is designed to be used only for sand-consolidation in oil wells;

(c) The applicant submits the following information:

(1) The general description of the product to be manufactured or imported.

(2) A description of control procedures to be used to assure that the concentration of scandium 46 in the final product at the time of distribution will not exceed 1.4×10^{-3} μc/ml.

(d) Each container of such product will bear a durable, legible label approved by the Commission, which contains the following information:

(1) The product name;

(2) A statement that the product contains radioactive scandium and is designed and manufactured only for sand-consolidation in oil wells;

(3) Instructions necessary for proper use; and

(4) The manufacturer's name.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 8th day of March 1967.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 67–2979; Filed, Mar. 17, 1967; 8:45 a.m.]

[1] A State to which the Commission has transferred certain regulatory authority over radioactive material by formal agreement, pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. Sections 1.201–1 and 1.201–18 are revised; in § 1.603(a), the text headed "Type C" is revised; and in § 1.608–1, paragraph (e) is revised, as follows:

§ 1.201–1 Change order.

Change order means a written order signed by the contracting officer, directing the contractor to make changes which the changes clause of the contract authorizes the contracting officer to order without the consent of the contractor. (See §§ 16.103 and 16.813.)

§ 1.201–18 Supplemental agreement.

Supplemental agreement means any contract modification which is accomplished by the mutual action of the parties. (See § 16.103.)

§ 1.603 Grounds for listing and treatment to be accorded listed concerns.

(a) • • •

Type C includes concerns which the appropriate Secretary, pursuant to section 3(b) of the Buy American Act (41 U.S.C. 10b(b)), has found to have failed to comply with the "Buy American Act" clause required for construction contracts (see § 18.510 of this chapter). Contracts for the construction, alteration, or repair of public buildings or public works in the United States or elsewhere shall not be awarded to concerns under Type C listings; nor shall bids or proposals for such work be solicited from such concerns. However, concerns under Type C listings may be awarded contracts and may be solicited for bids or proposals for other than the construction, alteration, or repair of public buildings or public works, unless listed under Type A.

• • • • •

§ 1.608–1 Situations where reports are required.

• • • • •

(e) Buy American Act violations are suspected (see § 18.510); or

• • • • •

2. In § 1.701–1(a)(2), subdivision (iv) (*d*) and accompanying footnote are revised and new subdivision (iv)(e) is added; and in § 1.1003–9, paragraph (b) (7) and (8) is revised, as follows:

§ 1.701–1 Small business concern.

(a) • • •

(2) • • •

(iv) • • •

(*d*) Any concern bidding on a contract for base maintenance[1] is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million ($6,250,000 if located in Alaska).

(*e*) Any concern bidding on contracts for marine cargo handling services is classified as small if its annual sales or receipts do not exceed $5 million for the preceding 3 fiscal years.

• • • • •

§ 1.1003–9 Preparation and transmittal.

• • • • •

(b) • • •

(7) The places of delivery will be followed by two hyphens before commencing with the procurement instrument identification number (see Subpart B, Part 10 of this chapter). Such numbers should not be broken or appear on one line carried over on the subsequent line, as the insertion of a hyphen for the carryover would change the number.

(8) Two hyphens will be used following the procurement instrument identification number to set off the bid opening date or the advance notification date. The date should be stated in military style (date, month, and year, e.g., 1 Aug 63). If the synopsis is published prior to issuance of the invitation for bids or request for proposals or quotations, the synopsis shall include a statement to the effect that requests for such invitations, proposals or quotations should be received not later than 10 days from the date of publication of such synopsis in order to enable the purchasing office to mail such invitation for bids, request for proposals, or request for quotations directly to the inquirer at the time of issuance thereof.

• • • • •

PART 2—PROCUREMENT BY FORMAL ADVERTISING

3. In § 2.201, the introductory text and paragraphs (a) (25) and (29) and (c) (4) are revised; and in § 2.208, paragraph (a) is revised, as follows:

§ 2.201 Preparation of invitation for bids.

Forms used in inviting bids are prescribed in Subparts A and D, Part 16 of this chapter. Invitation for bids shall contain the applicable information described in paragraphs (a), (b), and (c) of this section and any other information required for a particular procurement. Pen and ink entries, deletions, or alterations shall not be made in an invitation for bids after it has been prepared for distribution. If a change is necessary after reproduction of the invitation for bids, the Standard Form 30 (Amendment of Solicitation/Modification of Contract) shall be used (see § 16.101 of this chapter).

(a) • • •

(25) Where Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) is not used, a requirement for inclusion of "county" as part of bidder's address will be inserted.

• • • • •

(29) Where Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) is not used, a provision covering parent company and employer identification number (see § 1.114 of this chapter).

• • • • •

(c) • • •

(4) Special provisions relating to the Buy American Act (see Subpart E, Part 18 of this chapter).

• • • • •

§ 2.208 Amendment of invitation for bids.

(a) If after issuance of an invitation for bids but before the time for bid opening it becomes necessary to make changes in quantity, specifications, delivery schedules, opening dates, etc., or to correct a defective or ambiguous invitation, such changes shall be accomplished by issuance of an amendment to the invitation for bids, using Standard Form 30 (see § 16.101 of this chapter), whether or not a pre-bid conference is held. The amendment shall be sent to everyone to whom invitations have been furnished and shall be displayed in the bid room.

• • • • •

PART 3—PROCUREMENT BY NEGOTIATION

4. In § 3.101, the introductory text and paragraph (h) are revised; new paragraph (g) is added to § 3.202–2; and §§ 3.202–3 and 3.306(b) are revised, as follows:

§ 3.101 Negotiation as distinguished from formal advertising.

Whenever supplies or services are to be procured by negotiation (see Subparts A and B, Part 16 of this chapter), price quotations, supported by statements and analyses of estimated costs or other evidence of reasonable prices and other vital matters deemed necessary by the contracting officer (see § 3.807), shall be solicited from the maximum number of qualified sources of supplies or services consistent with the nature of and requirements for the supplies or services to be procured, in accordance with the basic policies set forth in Subpart C, Part 1 of this chapter, to the end that the procurement will be made to the best advantage of the Government, price and other factors considered. Unless award without written or oral discussion is permitted under § 3.805–1(a), negotiation shall thereupon be conducted, by contracting officers and their negotiators, with due attention being given to the following and any other appropriate factors:

• • • • •

(h) Consideration of the nature and effectiveness of the prospective contractor's cost reduction program (For those contractors that have participated in the Defense Contractor Cost Reduction Program, a transcript of all Contractor Cost Reduction Program Report (DD Form 1514) evaluation certificates (Item 10 of the form) may be obtained from the Defense Documentation Center of the Defense Supply Agency (DCC–OSB), Cameron Station, Alexandria, Va. 22314. Such transcript or a statement that there is no record on file shall always be obtained for procurements in excess of $1 million. Cost reduction programs of contractors who have not submitted reports under the DOD Contractor Cost Reduction Program or who are not participating in the formal program should also be evaluated.);

• • • • •

§ 3.202–2 Application.

• • • • •

(g) Purchase requests citing "Electronic Warfare QRC Priority" as the priority designator.

§ 3.202–3 Limitation.

Every contract negotiated under the authority of §§ 3.202—3.202–3 shall be accompanied with a determination and findings justifying its use, signed by the contracting officer and prepared in accordance with the requirements of Subpart C of this part, except that in the case of a contract resulting from a purchase request citing an issue priority designator 1 through 6 or the priority designator "Electronic Warfare QRC Priority," the determination and findings need only cite the designator or "Electronic Warfare QRC Priority" as justification. The authority of §§ 3.202—3.202–3 shall not be used when negotiation is authorized by the provisions of §§ 3.203 or 3.206.

§ 3.306 Procedure with respect to determinations and findings.

• • • • •

(b) Each Determination and Findings shall be approved and processed in accordance with procedures prescribed by each respective Department, except that determinations and findings for procurement by negotiation with respect to coordinated procurement (§ 5.1101–1 of this chapter) shall be made in accordance with § 5.1106–3 of this chapter.

5. In § 3.501(b), subparagraphs (15), (23), (31), (33), (49), and (51) are revised, subparagraph (52) is revoked, and subparagraphs (54), (56), and (59) are revised, as follows:

§ 3.501 Preparation of request for proposals or request for quotations.

• • • • •

(b) • • •

(15) Special provisions necessary for the particular procurement, relating to such matters as progress payments (see Defense Contract Financing Regulations, § 163.73 of this chapter), patent licenses, liquidated damages, Buy American Act (see §§ 6.104–3 and 18.509–4 of this chapter), or procurement by barter (see § 4.503–5 of this chapter);

• • • • •

(23) Where Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) is not used, a provision for late proposals and modifications as set forth in § 3.506 and, in addition, the following notice shall be prominently set forth in the request for proposals (in the case of request for quotations, the provision in § 3.506 and the following notice will be appropriately modified).

Caution—late proposals. See the special provision in this solicitation entitled "Late Proposals".

• • • • •

(31) Any requirements for samples or descriptive literature (for definitions, see §§ 2.202–4(a) and 2.202–5(a) of this chapter, respectively);

• • • • •

(33) Description of information required to support proposed prices (subcontract structure, make-or-buy program, purchasing system, royalty, and cost and price information) (see Subparts H and I of this part; Subpart A, Part 9; and Part 23 of this chapter);

• • • • •

(49) Where Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) is not used, a statement as follows:

Order of precedence. In the event of an inconsistency between provisions of this solicitation, the inconsistency shall be resolved by giving precedence in the following order: (a) The Schedule; (b) Terms and Conditions of the solicitation; (c) General Provisions; (d) other provisions of the contract, where attached or incorporated by reference; and (e) the Specifications. (August 1965)

The foregoing statement may be modified to change the order or to add or delete items to meet the needs of a particular procurement.

• • • • •

(51) Where neither Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) nor Standard Form 18 (Request for Quotations) (July 1966 edition) is used, a statement that prospective offerors may submit inquiries by writing or calling (collect calls not accepted) Mr. (insert name and address; telephone area code, number, and extension);

(52) [Revoked]

• • • • •

(54) Where Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) is not used, a statement on the first sheet or on a cover sheet of the Request for Proposals that: "Proposals Must Set Forth Full, Accurate, and Complete Information as Required by This Request for Proposal (Including Attachments). The Penalty for Making False Statements in Proposals Is Prescribed in 18 U.S.C. 1001.". This statement shall be suitably modified when Quotations are requests.

• • • • •

(56) Where neither Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) nor Standard Form 18 (Request for Quotations) (July 1966 edition) is used, a requirement for inclusion of "county" as part of quoter's/offeror's address will be inserted;

• • • • •

(59) Where Standard Form 33 (Solicitation, Offer, and Award) (July 1966 edition) is not used, a statement that prospective offerors should indicate in the offer the address to which payment should be mailed, if such address is different from that shown for the offeror (Contracting officers shall include this information in all resultant contracts which are to be administered by a Defense Contract Administration Services Regional Office.);

• • • • •

6. Sections 3.505(a), 3.507–1, 3.600, 3.604–2, 3.605–3 (b) and (f)(8), and 3.605–6 are revised, as follows:

§ 3.505 Amendment of request for proposals and request for quotations—prior to closing date.

(a) If after issuance of a request for proposals or quotations, but before the closing date of their receipt, it becomes necessary to make significant changes in quantity, specifications, or delivery schedules, any change in closing dates, or to correct a defect or ambiguity, such change shall be accomplished by issuance of an amendment to the request, whether or not a preproposal conference is held. Standard Form 30 (see § 16.102–3) shall be used for amending a request for proposals. Requests for quotations may be amended by letter.

• • • • •

§ 3.507–1 Restrictions on disclosure and use of data in proposals and quotations.

(a) A proposal, whether solicited or unsolicited, may include data, such as a technical design or concept or financial and management plan, which the offeror does not want disclosed to the public for any purpose or used by the Government for any purpose other than evaluation of the proposal. If an offeror wishes so to restrict his proposal, he shall mark the title page with the following legend:

This data, furnished in connection with Request for Proposals No. _____[2], shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed in whole or in part for any purpose other than to evaluate the proposal; *Provided*, That if

[1] Base Maintenance means furnishing at an installation within the several States, Commonwealth of Puerto Rico, Virgin Islands or the District of Columbia three or more of the following services: Janitorial and custodial services, protective guard services, commissary services, fire prevention services, refuse collection services, safety engineering services, messenger services, grounds maintenance and landscaping services, and air conditioning and refrigeration maintenance: *Provided, however*, That whenever the contracting officer determines prior to the issuance of bids that the estimated value of one of the services in § 1.701–4 constitutes more than 50 percent of the estimated value of the entire contract, the contract shall not be classified as base maintenance but in the industry in which such service is classified.

[2] If proposal is unsolicited (see § 4.201(c) of this chapter), delete "furnished in connection with Request for Proposals No. _____."

a contract is awarded to this offeror as a result of or in connection with the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the contract. This restriction does not limit the Government's right to use information contained in the data if it is obtained from another source without restriction. The data subject to this restriction is contained in Sheets _____. (December 1966)

The offeror shall mark each sheet of data which he wishes to restrict with the following legend:

Use or disclosure of proposal data is subject to the restriction on the Title page of this Proposal. (December 1966)

Contracting officers and other Governments personnel shall not refuse to consider any proposal merely because it or the data submitted with it is so marked. Those portions of the proposal and data which are so marked (except for information which is also obtained from another source without restriction shall be used only to evaluate the proposal and shall not be disclosed outside the Government without the written permission of the offeror. If it is desired to duplicate, use, or disclose the data of the offeror to whom the contract is to be awarded, for purposes other than to evaluate the proposal, the contract should so provide. (See § 9.201 of this chapter for a description of "data" and Subpart B, Part 9 of this chapter, in general, for the policy, instructions, and contract clauses with respect to the acquisition and use of data.)

(b) Proposals or quotations of subcontractors which are included as part of a proposal submitted by a prime-offeror may be marked as provided in paragraph (a) of this section.

(c) The provisions in paragraphs (a) and (b) of this section are also applicable to quotations. In the case of a request for quotations, the legends in paragraph (a) of this section shall be appropriately modified.

(d) Proposals, solicited and unsolicited, shall be maintained and disposed of pursuant to § 1.308 of this chapter.

(e) See § 4.205–1(e) of this chapter for further provisions with respect to unsolicited proposals.

§ 3.600 Scope of subpart.

This subpart sets forth, simplified procedures for the procurement of (a) supplies and nonpersonal services the aggregate amount of which does not exceed $2,500, and (b) construction, the aggregate amount of which does not exceed $2,000, both of which are referred to in this subpart as "small purchases." It also applies to certain other supplies and services. This subpart does not preclude the use of a negotiated two-party formal contract for procurements not in excess of $2,500; for example where the procurement is classified or requires specific contract provision relating to technical inspection or test, specification changes, Government-furnished property, insurance, patents, price adjustments, or the like. When the total cost of services to repair Government equipment does not exceed $2,500, such services may be obtained by purchase orders or other appropriate small purchase method, regardless of the value of the Government equipment being repaired (see § 3.608–2(b)(1)(viii)), except as provided in § 3.608–2(b)(2). Procurements of supplies and services or construction initially estimated to exceed $2,500 or $2,000, respectively, shall not be made by the small purchase method, even though resulting awards do not exceed such amounts.

§ 3.604–2 Purchases in excess of $250 but not in excess of $2,500.

Except as provided in § 3.608–2(b)(2), reasonable solicitation of quotations from qualified sources of supply shall be made to assure that the procurement is to the advantage of the Government, price and other factors considered, including the administrative cost of the purchase. Generally, solicitation shall be limited to three suppliers and, to the maximum extent possible, shall be restricted to the local trade area. When prices are solicited from three suppliers dealing in the general category of items required and only one quotation is received, it is not necessary to solicit additional quotations if the price received is considered fair and reasonable. Quotations shall generally be solicited orally. Written solicitations shall be used only where (a) special specifications are involved, (b) a large number of items are included in a single proposed procurement, or (c) obtaining oral quotations is not considered economical or feasible. Reasonableness of proposed prices may be established by comparison with previous purchases, current price lists, catalogs, advertisements, or by any other appropriate method. Where these informational media are not available, reasonableness of price may be based on a comparison with similar items in a related industry or the contracting officer's personal knowledge of the item being procured. Although the contracting officer must determine that prices are fair and reasonable, written justification explaining how prices were determined to be fair and reasonable is not required. Written records of solicitation may be limited to notes or abstracts to show the vendor or vendors contracted, prices, delivery, and other informal historical data. When only one source is solicited, a brief written notation must be made a part of the file to explain the absence of competition. Notification to unsuccessful suppliers shall be given only if requested.

§ 3.605–3 Establishment of blanket purchase agreements.

* * * * *

(b) *Form.* (1) Except as provided in (2) below, blanket purchase agreements shall be prepared and issued on DD Form 1155 (Order for Supplies or Services/Request for Quotations). The "General Provisions of Purchase Order" on the DD Form 1155r shall be used. Other applicable provisions of the blanket purchase agreement shall be set forth on the Standard Form 36 (Continuation Sheet) or on a blank sheet of paper.

(2) Blanket purchase agreements issued by the Defense Personnel Support Center may be prepared on its form "Order for Subsistence."

* * * * *

(f) *Terms and conditions.* * * *

(8) The special data required by § 3.606–3(b) when it is desired to use the fast payment procedure. Also see Block 16 of DD Form 1155.

§ 3.605–6 Receipt of material.

Acceptance of supplies or services shall be indicated by signature and date on the sales slip or delivery ticket after quantities have been verified and any exceptions noted. Material Inspection and Receiving Report (DD Form 250) may be used for this purpose. For blanket purchase agreements incorporating the fast payment procedure, acceptance shall be predicated on the supplier's certification in accordance with paragraph (c) of Clause No. 15 on DD Form 1155r. Suppliers' invoices shall be processed for payment at the end of each billing period.

7. Sections 3.606–3 (a) and (b)(3), 3.607–3(b)(3), 3.607–4(c)(1), 3.608–1, 3.608–2, 3.608–4, 3.608–5, and 3.608–8 are revised, and new § 3.608–9 is added, as follows:

§ 3.606–3 Preparation and execution of orders.

(a) Orders shall be issued on Order for Supplies or Services/Request for Quotations (DD Form 1155), except that calls against blanket purchase agreements shall be issued in accordance with § 3.605–5. Orders may be either priced or unpriced.

(b) Special data to be included on purchase orders or in blanket purchase agreements using fast payment procedures are:

* * * * *

(3) The following statement or consignee's copy:

Consignee's notification to purchasing activity of nonreceipt, damage or nonconformance. The consignee shall notify the purchasing office promptly after specified date of delivery in the purchase order, of supplies not received, damaged in transit, or not conforming to specifications of the purchase order. Under extenuating circumstances such notification should be made not later than 60 days after specified date of delivery.

* * * * *

§ 3.607–3 Conditions for use.

* * * * *

(b) * * *

(3) Civilian volunteers for participation in approved medical research projects.

* * * * *

§ 3.607–4 Procedures.

* * * * *

(c) *Receipt of material.* (1) All material purchased through the imprest fund shall be delivered to a designated receiving activity. The receiver shall examine the material to ascertain that the quantities and items described on the purchase request document and the supplier's sales document are present and in satisfactory condition. If the material is acceptable, the receiver shall stamp the supplier's sales document "Received and Accepted," date and sign the document, and pass it to the imprest fund cashier for payment. In the absence of a supplier's sales document, a receipted Standard Form 1165 (Receipt for Cash—Subvoucher), DD Form 1155 (Order for Supplies or Services/Request for Quotations), or DD Form 1348–1 (DoD Single Line Item Release/Receipt Document) may be used to record the receipt of purchases made from the imprest fund and shall be processed in the same manner.

* * * * *

§ 3.608–1 General.

(a) Negotiated purchases of material and nonpersonal services not in excess of $2,500, except as provided in § 3.608–2(b)(2), may be effected by using DD Form 1155 (Order for Supplies or Services/Request for Quotations) and its ancillary forms, or Standard Form 44 (Purchase Order-Invoice-Voucher) (see § 3.608–9). The DD Form 1155 may also be used for construction not in excess of $2,000.

(b) The DD Form 1155 provides for the arrangement of information in fixed locations, including sequential numbering of all blocks, and within certain of these blocks a code box for inserting alpha-numeric codes. The uniform arrangement of data and the provision for codes will facilitate manual and automated processing of contractual documents and interchange of information between purchasing offices and contract administration activities.

§ 3.608–2 Order for Supplies or Services/Request for Quotations (DD Forms 1155, 1155r, 1155r–1; Standard Form 36; DD Form 1155c–1 and Standard Form 30).

(a) *Forms.* The following forms may be used to issue purchase orders:

(1) DD Form 1155 (Order for Supplies or Services/Request for Quotations) which when used with DD Form 1155r in accordance with § 3.608–2(b)(1) or with DD Form 1155r–1 (General Provisions of Purchase Order—Foreign) in accordance with § 3.608–2(b)(2) as appropriate, provides in one document—

(i) A purchase order, a blanket purchase agreement, delivery order under a contract, or delivery order on Government agencies outside the Department of Defense (see Part 5 of this chapter);

(ii) A receiving and inspection report;

(iii) A property voucher;

(iv) A public voucher;

(v) An invoice, if desired by the supplier; and

(vi) A document for acceptance by the contractor.

(2) Standard Form 36 (Continuation Sheet) provides additional space or a blank sheet of paper may be used;

(3) DD Form 1155c–1 (Commissary Continuation Sheet) (for use on optional basis), provides columns suited for commissary procurements; and

(4) Standard Form 30 (Amendment of Solicitation/Modification of Contract) shall be used in all modifications to DD Form 1155 (see § 3.608–4).

The foregoing forms may be used as snap-out manifold forms, as cut sheets, or as reproducible masters. In addition, DD Form 1155r or DD Form 1155r–1 may be printed on the reverse of DD Form 1155.

(b) *Conditions for use.*—(1) *Use as a purchase order of not more than $2,500 in the United States, its possessions, and Puerto Rico.* DD Form 1155 is authorized for negotiated purchases of not more than $2,500 within the United States, its possessions, and Puerto Rico, provided:

(i) The procurement is unclassified, except that DD Form 1155 may be used for classified procurements if:

(a) The procuring contracting officer retains responsibility for complete administration of the contract, including compliance with the requirements of the Industrial Security Regulation (DOD 5220.22–R);

(b) The Military Security Requirements clause in § 7.104–12 of this chapter is inserted in the Schedule;

(c) DD Form 254 (Security Requirements Check List) (see § 16.811 of this chapter) is incorporated in the purchase order; and

(d) The contractor's acceptance of the purchase order is obtained by use of DD Form 1155r at the time of issuance of the order.

(ii) No clause covering the subject matter of any clause set forth in this subchapter, other than clauses set forth on DD Form 1155r and clauses referred to in subdivisions (iii) through (xv) of this subparagraph, in §§ 3.608–3 and 3.608–4, are to be used.

(iii) Where the contract specifies the delivery of data, one of the clauses set forth in §§ 9.203 through 9.206 of this chapter shall be added as appropriate in accordance with the instructions contained in Subpart B, Part 9 of this chapter.

(iv) When required by Subpart D, Part 6 of this chapter, the clause set forth in § 6.403 of this chapter shall be added.

(v) When required, the Extent of Quantity Variation clause set forth in § 1.325 of this chapter shall be added.

(vi) When required by Subpart F, Part 4 of this chapter, Humane Slaughter of Livestock, the procedures set forth in § 4.604 of this chapter shall be followed.

(vii) Where inspection and acceptance are at origin, where contract administration is performed at origin, where delivery at multiple destinations is required, or where otherwise appropriate the Material Inspection and Receiving Report clause (see § 7.105–7 of this chapter) may be inserted in the Schedule.

(viii) Where Government property having an acquisition cost in excess of $25,000 is to be furnished (for use in performance of contract or for repair), the Government Property (Fixed Price) clause in § 13.702 shall be inserted in the Schedule. Where Government property having an acquisition cost not in excess of $25,000 is to be furnished for use in performance of the contract or for repair, the Government-Furnished Property (Short Form) clause in § 13.710 of this chapter shall be inserted in the Schedule: *Provided*, That use of the clause shall be optional where the acquisition cost of property furnished for repair is not in excess of $2,500. Where a Government Property clause is inserted in the Schedule the contractor's signature shall be obtained on DD Form 1155r.

(ix) Where the contract is for Military Assistance Program items, the "United States Products (Military Assistance Program)" certificate and clause (see §§ 6.703–3 and 6.703–4 of this chapter) shall be inserted in the Schedule and Clause 6 of the General Provisions (Foreign Supplies) deleted. In addition, the contractor's signature shall be obtained on DD Form 1155r.

(x) The Commercial Warranty clause in § 1.324–2(c) of this chapter may be used in accordance with the provisions of that section.

(xi) The clauses set forth in § 1.1208 of this chapter may be used in accordance with the provisions of that section.

(xii) Where the contract is for mortuary services:

(a) The following clauses shall be inserted in the Schedule—

(1) The Specification clause in § 7.1201–4 of this chapter;

(2) The Delivery and Performance clause in § 7.1201–7 of this chapter;

(3) The Subcontracting clause in § 7–1201–8 of this chapter;

(4) The Inspection clause in § 7.1201–10 of this chapter;

(5) The Professional Requirements clause in § 7.1201–12 of this chapter;

(6) The Facility Requirements clause in § 7.1201–13 of this chapter; and

(7) The Preparation History clause in § 7.1201–14 of this chapter.

(b) The Additional Default Provision clause in § 7.1201–9 of this chapter shall be inserted in the Schedule, with the following substitution for paragraph (a) and the first sentence of paragraph (b) of that clause:

(1) This clause supplements the "Termination for Default" clause of this contract.

(2) This contract may be terminated for default by written notice if during the performance of this Contract:

(c) The Changes clause in § 7.1201–15 of this chapter shall be substituted for paragraph 17 of the Additional General Provisions on DD Form 1155r.

(xiii) When required by Subpart H, Part 6 of this chapter, the clause in § 6.806–4 of this chapter shall be added.

(xiv) When required by Subpart C, Part 1 of this chapter, the clause set forth in § 1.327–2 of this chapter shall be added.

(xv) When required by Subpart J, Part 12 of this chapter, the clause set forth in § 12.1004(b) of this chapter shall be added.

(2) *Use as a purchase order of not more than $5,000 outside the United States, its possessions, and Puerto Rico.* DD Form 1155, 1155r–1, and when required 1155r, are authorized for negotiated purchases of not more than $5,000

when such purchases are for supplies and services procured and used outside the United States, its possessions, and Puerto Rico, provided:

(i) The procurement is unclassified;

(ii) No clauses covering the subject matter of any clause set forth in this subchapter, other than clauses set forth in DD Form 1155r–1, are to be used, except that—

(a) Either the standard foreign Disputes clauses in § 7.103–12(b) of this chapter or that clause as modified in accordance with § 7.103–12(c) of this chapter shall be inserted in the Schedule; and

(b) When the contract is translated into another language, the following clause shall be inserted in the Schedule:

INCONSISTENCY BETWEEN ENGLISH VERSION AND TRANSLATION OF CONTRACT (APRIL 1966)

In the event of inconsistency between any terms of this contract and any translation thereof into another language, the English language meaning shall control.

and

(iii) The DD Form 1155r, properly modified to delete inapplicable clauses i.e., Clauses 1 through 16 of the General Provisions and Clause 20 of the Additional General Provisions, is used when the purchase exceeds $2,500.

The contracting officer may delete the Taxes clause from the DD Form 1155r–1 in purchases under $1,000 if he determines that the administrative burden of securing relief from such taxes would be out of proportion to the relief obtained: *Provided*, That such clause shall be included in all contracts in support of NATO infrastructure programs involving the expenditures of funds under section 503(b) of the Foreign Assistance Act of 1961, as amended (see § 11.403–1(a) of this chapter).

(3) *Use as a purchase order in excess of $2,500 by deployed units.* DD Form 1155, with executed contractor's acceptance on DD Form 1155r, is authorized for purchases in excess of $2,500 but not more than $10,000 where negotiations is authorized by Subpart B of this part, *Provided:*

(i) The procurement is unclassified.

(ii) The procurement is accomplished by units which are deployed to remote areas away from established Department of Defense installations with procurement functions.

(iii) The mission involving the deployment action is directed by authority above the unit to be deployed.

(iv) The commander of the deployed unit determines the supplies and nonpersonal services to be procured are required for mission accomplishment and time does not permit requirements being satisfied through normal channels.

(v) The supplies or services are immediately available.

(vi) When required by § 7.104–15 of this chapter, the Examination of Records clause shall be added.

(vii) When required by Subpart D, Part 11 of this chapter, one of the clauses set forth in § 11.403 shall be added.

(viii) Authority will be used only from time of initial deployment or mission commencement of a unit until such time as normal channels of support for the unit are established.

(ix) One payment shall be made regardless of the number of deliveries or destinations.

(c) *Solicitation and evaluation of quotations.*—(1) *General.* In using the purchase order method, competition shall be solicited in accordance with § 3.604, and every effort shall be made to obtain prompt payment discounts. Written quotations may be solicited by Standard Form 18 (Request for Quotation), DD Form 1155 (Order for Supplies or Services/Request for Quotations), approved automated format, or teletype. When using the DD Form 1155 as a request for quotation, see § 3.608–8 for guidance on specific entries required in certain blocks.

(2) *Evaluation of quotations.* Quotations shall be evaluated inclusive of transportation charges from the shipping point of the supplier to the delivery destination. For orders exceeding $250, oral quotations shall be recorded directly on the purchase request, on an abstract sheet, or other appropriate work sheet. Except as provided under the unpriced purchase order method, quotations that are indefinite as to price or based on price escalation or redetermination shall not be considered for award by the purchase order method.

(d) *Preparation and issuance of priced purchase orders.* All applicable blocks and spaces shall be completed with the required data pursuant to § 3.608–8, including the following policy guidance:

(1) Supplies to be purchased will be identified in accordance with Subpart L, Part 1 of this chapter.

(2) The quantity of supplies or services shall be specified. For bulk quantity items and those subject to shrinkage, evaporation, miscount, weight, or footage variance, etc., a maximum allowable variation (normally not in excess of 10 percent) shall be specified in the order so that shipments in excess of the order quantity may be accepted if the reason for such excess comes within the Variation in Quantity clause of the order and the aggregate amount of the order does not exceed authorized limitations. The clause set forth in § 1.325 of this chapter will be used to express the permissible variation in quantity.

(3) Purchase orders shall be issued on a fixed-price basis, except as otherwise provided under § 3.608–3 and shall include any trade discounts and offered prompt payment discounts.

(4) Inspection of small purchase shall be in accordance with § 14.106 of this chapter. Orders generally will provide that inspection and acceptance will be at destination and source inspection should be specified only when required by § 14.105–2 of this chapter. When inspection and acceptance are to be performed at destination, advance copies of the purchase order shall be furnished to consignee(s) for material receipt purposes. Receiving reports shall be accomplished immediately upon receipt and acceptance of material to assure expeditious payment of orders and to obtain prompt payment discounts, except where the fast payment procedure is authorized.

(5) F.O.B. destination shall be specified for supplies to be delivered within the United States, except Alaska and Hawaii, unless there are valid reasons to the contrary.

(6) The block "Deliver to F.O.B. Point BY" shall contain a definite calendar date by which delivery of supplies or performance of services is required.

(7) The contracting officer's signature on purchase orders shall be in accordance with ASPR procedures. Facsimile signatures may be used in the production of purchase orders by automated methods, provided specific authority for such use is obtained from the Director of Procurement, Office of the Director of Procurement, Office of the Assistant Secretary of the Army (Installations and Logistics) in the Army; Deputy Chief of Naval Material (Material and Facilities) in the Navy; the Director of Procurement Policy, Office of the Deputy Chief of Staff (Systems and Logistics) in the Air Force; and the Executive Director, Procurement and Production, in the Defense Supply Agency.

(8) Distribution of copies of purchase orders and related forms shall be limited to those copies required for essential administration and transmission of contractual information.

(9) Purchase orders for subscriptions shall contain a statement substantially as follows to assure that subscriptions have become effective prior to payment of invoices:

Contractor's invoice must be submitted on or before _____. Contractor will be paid on the basis of his invoice which must state (1) the starting and ending dates of subscriptions, and (2) that subscriptions have been placed in effect for the addressees required.

§ 3.608–4 Obtaining contractor acceptance and modifying the purchase order.

(a) When it is desired to consummate a binding contract between the parties before the contractor undertakes performance, the contracting officer shall mark in Block 16 on the DD Form 1155 the box requiring acceptance by the contractor.

(b) Standard Form 30 shall be used to modify the purchase order for administrative or other changes.

(1) Modifications making administrative changes such as the correction of typographical errors, changes in paying office and changes in accounting and appropriation data do not require contractor acceptance.

(2) To otherwise modify the purchase order, and if not previously included in the purchase order, the Additional General Provisions (Clauses 17–20 of DD Form 1155r) shall be incorporated by reference in the Standard Form 30 (Amendment of Solicitation/Modification of Contract), and the contractor acceptance obtained by his signature on the Standard Form 30. Subsequent changes pursuant to the Changes clause shall not require contractor acceptance. However, other modifications outside the general scope of the purchase order, as amended, such as the addition of the Government Property Clause, shall require contractor acceptance by signature on the Standard Form 30.

(c) DD Form 1155r (properly modified) shall be used in conjunction with DD Forms 1155 and 1155r–1 for all purchases in excess of $2,500 which are made in accordance with § 3.608–2(b)(2).

(d) No additional clauses are authorized except as provided in § 3.608–2(b). A superseding DD Form 1155 shall not be used to issue a change to an outstanding purchase order.

§ 3.608–5 Termination of purchase order.

A purchase order which has not been accepted in writing by the contractor may be withdrawn or canceled by the contracting officer any time prior to the supplier's initiation of performance. Notice of withdrawal or cancellation should be in writing and should request the contractor's acknowledgment thereof. If the contractor has begun performance on such purchase order, however, or if the contractor has accepted the purchase order in writing other than by signature on the DD Form 1155r or on a subsequently issued Standard Form 30, and it later becomes necessary to terminate the purchase order, the contractor should be asked to agree to cancellation of the order without cost or liability to either party. If he agrees, the cancellation shall be effected by use of Standard Form 30, incorporating the Additional General Provisions (DD Form 1155r), signed by the contracting officer and the contractor. If the contractor does not agree to a no-cost settlement, the case will be referred to the legal office serving the installation and action will be withheld pending receipt of advice from that office. Termination of a purchase order which the contractor has accepted in writing by means of the Contractor Acceptance on DD Form 1155r, or a subsequently issued Standard Form 30 will be processed in accordance with the guidance set forth in Part 8 of this subchapter.

§ 3.608–8 Instructions for entries on DD Form 1155 and Standard Form 36.

(a) The instructions herein are mandatory only for the preparation of all orders forwarded to the Defense Contract Administration Services (DCAS) or the Plant Cognizance Representatives of the Military Departments for administration.

(b) The Department of Defense and contractor organizational entity codes (address codes) referenced throughout this section are under development by the Office of the Assistant Secretary of Defense (Comptroller) and will be prescribed in the Defense Organization Entity System (DOES).

(c) The right hand columns designate by alpha code the activities responsible for completing certain blocks on the form. The legend is "C" for contractor, "P" for purchasing office, and "–" for not applicable.

Block No.	Title and instructions for entries	Applicable to— RFQ	PO	DO
1	*Contract/Purchase Order Number*—Enter the Procurement Instrument Identification (PII) number and, when applicable, the supplementary identification number for contracts and purchase orders as prescribed in ASPR section XX, Part 2.	------	P	P
2	*Delivery Order Number*—Enter PII number for delivery orders as prescribed in ASPR section XX, Part 2.	------	------	P
3	*Date of Order*—Enter the date of the order, i.e., 2 position numeric day, 3 position alpha month and 2 position numeric year. For example: 05 Nov 66.	------	P	P
4	*Requisition/Purchase Request Number*—Enter the applicable number authorizing the purchase. When the number differs by line item it will be listed in the schedule and this block annotated "see schedule."	P	P	P
5	*Certified for National Defense Under DMS Reg. 1*—Enter the appropriate claimant program number as defined in Volume 1, section III of the DoD Procurement Coding Manual.	------	P	P
6	*Issued by*—Enter the name and address of the purchasing office. Enter in the code block the organizational entity code (address code) of the purchasing office.	P	P	P
7	*Administered by*—Enter the name and address of the DCAS or military activity responsible for administration service. The "DoD Directory of Contract Administration Services Components" No. 4105.59H contains the complete listing of activities performing contract administration services. On purchase orders retained by purchasing offices for administration this block may be marked "see block 6." Enter in the code block the organizational entity code (address code) of the administration services office.	------	P	P
8	*Delivery F.O.B.*—Indicate the F.O.B. point by checking the applicable box..	P	P	P
9	*Contractor/Quoter*—(i) Enter the full business name and address of the contractor or quoter. Enter in the first code block the organizational entity code (address code) of the contractor. (ii) If the work covered by the order is to be performed in a contractor's facility at a different address, enter in the second code block the appropriate address code for that facility. If additional facilities are involved, indicate in the Continuation Sheet and mark this code block with "See Schedule."	P	P	P
10	*Deliver to F.O.B. Point by*—If a single date of delivery is applicable to the entire order it shall be entered in this block. Multiple delivery dates will be listed in the schedule and this block annotated "See Schedule."	P	P	P
11	*Small Business*—Check if the contractor/quoter is a small business concern as defined in ASPR section 1, Part 7.	C	P	P
12	*Discount Terms*—Enter the discount for prompt payment in terms of percentages and corresponding days allowed. The percentages will be expressed in whole numbers and decimals. For example:—3.25 percent—10 days; 0.50 percent—20 days.	C	P	------
13	*Mail Invoices to*—Enter a reference to the block number containing the appropriate address to which invoices are to be mailed. When not contained in blocks 6, 7, 14, or 15 insert in block 13 "See Schedule."	------	P	P
14	*Ship to*—If a single ship to point is applicable to the entire order the name and address of that point may be entered in this block. Multiple ship to points will be shown in the schedule and this block annotated "See Schedule."	P	P	P
15	*Payment Will be Made by*—Enter the name and address of the activity making payment. For purchase orders assigned to DCAS see the "DoD Directory of Contract Administrative Components No. 4105.59H for the DCAS Regional Office authorized to make payment. Enter in code block, the organizational entity code (address code) of the paying activity.	------	P	P
16	*Type of Order*—Indicate by checking the appropriate box whether order is a purchase or delivery order. If a purchase order, further entries are made as follows: (i) Identify the type of quotation, i.e., oral, letter or TWX on which the order is based. (ii) When the Fast Payment procedure is applicable, indicate by checking the appropriate box. (iii) Check the box when acceptance of the purchase order by the Contractor is desired and indicate the number of copies of the order to be returned to the issuing office.	------	P	P
17	*Accounting and Appropriation Data*—Enter the accounting classification applicable to the order. If multiple accounting classifications are applicable enter adjacent to each classification the line item number listed in Block No. 18 applying to the appropriate classification; for example: 97x4961.5104 01 0C26 844–073—lines 1, 2, 6 & 7. 21x4991.761 836–028—lines 3, 4, 5 & 8. When multiple accounting classifications apply to the same line item, enter in the schedule following the appropriate "Ship to/Mark For" address.	------	P	P
18	*Item Number*—Enter an item number for each item of supply or service separately identified in accordance with section XX, Part 3.	P	P	P
19	*Schedule of Supplies/Services*—The Schedule contains several elements of data. In order to accomplish standardization objectives, it will be necessary to treat and enter separately certain elements of data as indicated below and illustrated in the completed sample form. Though the order and arrangement of data in the schedule is only mandatory for purchase and delivery orders assigned to DCAS or Plant Cognizance Representatives for administration, it is encouraged, in order to establish uniformity, that this format be adopted for all orders. (i) *Federal Stock Number*—(FSN) and Total Item Quantity followed by the appropriate Federal Stock Number or the word "none" if an FSN has not been assigned. On the same line and adjacent to FSN, enter the words "Total Item Quantity." This phrase is used in conjunction with the total quantity, unit of issue unit price, and dollar amount of the stock number or item cited (see entries for blocks, 20, 21, 22, and 23). (ii) *Item Identification*—Enter first the most descriptive noun or verb of the supplies or services to be furnished, supplemented by additional description as prescribed in ASPR section 1, Part 12. (iii) *Quantity Variance*—Enter the quantity variance permitted for the line item in terms of percentages, indicating whether the percentage is plus or minus and if applicable to each destination. (iv) *Inspection/Acceptance*—Enter the point at which inspection/acceptance will take place. (v) *Preservation and Packaging*—Enter the preservation and packaging requirements for the item described. These requirements may be expressed in terms of MIL–STD–726 codes or reference to applicable specifications. First example: MIL STD 726 PRES/PACK: B/10/1/00/2/10/c/00/21/3/22/4/3/2/00. Second example: Preservation and packaging shall be in accordance with instructions below. DGSC P–54 in lieu of level "c" requirement.	P P P P P	P P P P P	P P P P P

Block No.	Title and instructions for entries	Applicable to— RFQ	PO	DO
19—Con.	(vi) *Ship to*—Enter the organizational entity code (address code) of the ship to point on the first line and the corresponding name and address on succeeding lines. When several items are to be shipped to the same point, the code will be listed but it will not be necessary to repeat the clear text address.	P	P	P
	(vii) *Issue Priority Designator*—If a priority is applicable enter the code as prescribed in DoD Instruction 4410.6 on the same line and adjacent to the ship to address code.	-------	P	P
	(viii) *Delivery Date*—When multiple delivery dates apply, enter the required date of delivery on the same line with Ship to Code.	P	P	P
	(ix) *Mark For*—Enter the organizational entity code (address code) on the first line and name and address of the ultimate recipient of the supplies and services on succeeding lines.	P	P	P
20	*Quantity Ordered/Accepted*—Enter the total quantity ordered for the line item. If applicable, enter the breakdown on quantities for each ship to point within the line item.	P	P P	P P
21	*Unit*—Enter the unit of measure applicable to the line items described	-------	P	P
22	*Unit Price*—Enter the unit price applicable to the line item described	-------	P	P
23	*Amount*—Enter the extended dollar amount (quantity x unit price) for each line item.	-------	P	P
24	*Contracting/Ordering Officer*—The contracting/ordering officer's signature will be entered in this block.	-------	P	P
25	*Total Amount*—Enter the total dollar amount for all line items on the order.	-------	P	P
26 thru 42	These blocks are utilized in the receiving and payment functions. Procedures for making entries are prescribed by the respective departments.			

§ 3.608–9 Order-invoice-voucher method.

(a) Standard Form 44 (Purchase Order-Invoice-Voucher) is designed primarily for over-the-counter purchases by authorized individuals while away from the purchasing office or at isolated activities. It is a multipurpose form which can be used as a purchase order, receiving report, supplier's invoice and public voucher.

(b) Since there are no written terms and conditions included thereon, Standard Form 44 is authorized for use only when no other small purchase method is considered more suitable and all of the following conditions are satisfied:

(1) The transaction is not in excess of $2,500.

(2) Supplies or services are immediately available, and

(3) One delivery and one payment will be made.

(c) Instructions for completion of Standard Form 44 contained on the form may be supplemented in accordance with Departmental needs to satisfy internal procedural requirements. Negotiation authority need not be cited. In view of the negotiable character of the Standard Form 44, installations will maintain adequate safeguards to assure proper usage and availability of funds.

(d) DD Form 1155 may also be used for over-the-counter purchases as an order-invoice-voucher.

8. New §§ 3.609, 3.609–1, 3.609–2, and 3.609–3 are added; § 3.805–1 (a)(5) and (b) is revised; and in § 3.807–10, the introductory text of paragraph (a) and all of paragraph (b) are revised, as follows:

§ 3.609 U.S. Government National Credit Card.

§ 3.609–1 General.

U.S. Government National Credit Card (Standard Form 149) is the only credit card authorized for use to obtain from commercial facilities listed in Federal Supply Schedule, FSC Group 91, Part III, the following supplies and services:

(a) For motor vehicles—premium and regular grade gasoline, diesel oil, regular and premium grade lubricating oil, lubrication services, oil filter elements, air filter service, tire and tube repairs, battery charging, washing and cleaning services, mounting and dismounting chains, permanent type antifreeze, emergency replacement of defective spark plugs, fan belts, windshield wipers, lamps, and other emergency repairs, known in the automobile trade as "road repairs."

(b) For small aircraft—aviation fuel and oil.

Activities shall maintain adequate safeguards to assure proper use and disposition of credit cards. In the event a Standard Form 149 is lost, stolen, or damaged, the activity shall report the incident to the Chief, Motor Equipment Division of the nearest General Services Administration (GSA) regional office and requisition a duplicate. If the lost or stolen credit card is recovered, it or the duplicate shall be destroyed. When no longer required, the Standard Form 149 shall be destroyed. The GSA booklet, "Government Vehicle Operators: Your Guide to Service Stations for Gasoline, Oil, and Lubrication" shall be made available to all motor vehicle operators.

§ 3.609–2 Acquisition of Standard Form 149.

Activities may obtain Standard Form 149 as set forth below.

(a) Orders for 50 or more: Purchase orders shall be forwarded to the embossing contractor as provided in Federal Supply Schedule, FSC Group 75, Part VII. The embossing contractor will bill ordering activities directly.

(b) Requisition for 49 or less: Requisitions shall be forwarded to the Chief, Motor Equipment Division of the nearest GSA regional office. Each activity shall furnish the billing code and billing address for each Standard Form 149 with each requisition. Such information shall be limited to four lines of not more than 22 characters (including spaces) per line. GSA will bill the requisitioning activities or accept cash payment.

(c) If premium grade gasoline or aviation fuel and oil is authorized, ordering activities may request that the card be embossed with the designation "PG" or "AF" respectively.

§ 3.609–3 Billing codes, billing addresses, and registration number.

(a) *Billing code.* The billing code is a 10 digit number and is always the first embossed line on the Standard Form 149. It is constructed as follows:

(1) The first three digits shall be "002." The zeros indicate a Government contract and the "2" a special account number which may be utilized by the Department of Defense.

(2) The fourth digit indicates the appropriate Department. Service assignments are as follows.

"1"—Navy (other than the Marine Corps).
"2"—Army.
"3"—Air Force.
"4"—Marine Corps.
"7"—Defense Supply Agency.

(3) The fifth through the ninth digits shall be the station accounting numbers of the using activity. Numbers of less than five digits shall be prefixed with an appropriate number of zeros, e.g., the number "23" shall be embossed "00023."

(4) The 10th digit, a reject number for the use of automatic data operations of the contractors, will be assigned by the Federal Supply Schedule embossing contractor or by the GSA regional office concerned.

(b) *Billing addresses.* The billing address consists of the name and address of the activity to which contractors should send statements covering the supplies and services purchased by the users of the credit cards. The billing address shall be limited to three lines and shall always be the second through the fourth embossed lines.

(c) *Tag or registration number.* The tag or registration number of the motor vehicle or aircraft is not required, but if such number is used, it shall be the fifth line embossed on the credit card. If the tag or registration number is not used on the credit card, activity instructions to operators shall insure that the used vehicle tag or registration number will be placed on the delivery ticket at the time of purchase.

(d) *Notice to GSA of assignment of billing codes and billing addresses.*

(1) Activities shall notify GSA of assignment of Standard Form 149 billing codes and billing addresses. Such notices shall be submitted to: General Services Administration, Federal Supply Service, Procurement Operations Division, Washington, D.C. 20406 in the format of the following example.

To: General Services Administration, Federal Supply Service, Procurement Operations Division, Washington, D.C. 20406.

(Agency, Bureau, Service, or Other Purchasing Activity)

has assigned the billing code(s) and billing address(es) as listed below, or attached hereto, to Standard Form 149.

002 100 174
U.S. Naval Propellant,
Plant,
Indian Head, Md.

Contracting Officer

(2) Once GSA has been officially notified of the assignment of billing codes and billing addresses, the activity may order additional Standard Forms 149 using the same billing code and billing address for additional requirements without reporting such use. Changes in billing codes and billing addresses must be furnished to the General Services Administration so that the contractors furnishing supplies and services may be informed. This is essential for proper control of billing procedures.

§ 3.805–1 General.

(a) • • •

(5) Procurements in which it can be clearly demonstrated from the existence of adequate competition or accurate prior cost experience with the product or service that acceptance of the most favorable initial proposal without discussion would result in a fair and reasonable price: *Provided, however,* That in such procurements, the request for proposals shall notify all offerors of the possibility that award may be made without discussion of proposals received and hence, that proposals should be submitted initially on the most favorable terms from a price and technical standpoint which the offeror can submit to the Government. In any case where there is uncertainty as to the pricing or technical aspects of any proposals, the contracting officer shall not make award without further exploration and discussion prior to award. Also, when the proposal most advantageous to the Government involves a material departure from the stated requirements, consideration shall be given to offering the other firms which submitted proposals an opportunity to submit new proposals on a technical basis which is comparable to that of the most advantageous proposal: *Provided,* That this can be done without revealing to the other firms any information which is entitled to protection under § 3.507–1. Paragraph 10(g) of the Solicitation Instructions and Conditions (Standard Form 33A) advises offerors that the most favorable initial proposal may be accepted without discussion.

(b) Whenever negotiations are conducted with more than one offeror, auction techniques are strictly prohibited; an example would be indicating to an offeror a price which must be met to obtain further consideration, or informing him that his price is not low in relation to that of another offeror. On the other hand, it is permissible to inform an offeror that his price is considered by the Government to be too high. After receipt of proposals, no information regarding the number or identity of the offerors participating in the negotiations shall be made available to the public or to anyone whose official duties do not require such knowledge. Whenever negotiations are conducted with several offerors, while such negotiations may be conducted successively, all offerors selected to participate in such negotiations (see paragraph (a) of this section) shall be offered an equitable opportunity to submit such price, technical, or other revisions in their proposals as may result from the negotiations. All such offerors shall be informed of the specified date (and time if desired) of the closing of negotiations and that any revisions to their proposals must be submitted by that date. All such offerors shall be informed that any revision received after such date shall be treated as a late proposal in accordance with the "Late Proposals" provisions of the request for proposals. (In the exceptional circumstance where the Secretary concerned authorizes consideration of such a late proposal, resolicitation shall be limited to the selected offerors with whom negotiations have been conducted.) In addition, all such offerors shall also be informed that after the specified date for the closing of negotiation no information other than notice of unacceptability of proposal, if applicable (see § 3.508), will be furnished to any offeror until award has been made.

• • • • •

§ 3.807–10 Subcontracting considerations in cost analysis.

(a) The amount and quality of subcontracting may be a major factor influencing price. Since a large proportion of the procurement dollar is spent by prime contractors in subcontracting for work, raw materials, parts, and components, efficient purchasing practices by a contractor will contribute heavily toward efficient and economic production. While basic responsibility rests with the prime contractor for decisions to make or buy, for selection of subcontractors, and for subcontract prices and subcontract performance, the contracting officer must have adequate knowledge of these elements and their effect on prime contract prices. Therefore, contractors' "make or buy" programs and proposed subcontracts should be reviewed in accordance with Subpart I of this part and the information from such review should be used in negotiating prime contract prices. Even though not specifically required by Subpart I of this part, the contracting officer should, where appropriate, elicit from the offeror or contractor information concerning:

• • • • •

(b) In the review of subcontracting there should be assurance that the contractors obtain competition, if available, from qualified sources in their award of subcontracts to the extent consistent with the procurement of the required services or supplies. Contractors shall be required to undertake appropriate price analysis (see § 3.807–2(b)) in all significant subcontract transactions, and to undertake cost analysis (see § 3.807–2(c)) if competition is not available or does not yield reasonable subcontract prices. Where the contracting officer's consent to subcontract is required (see § 23.100), price or cost analysis shall be required as a condition to such consent.

• • • • •

9. Subpart I is revised to read as follows:

Subpart I—Make-or-Buy Programs, Policies, and Procedures

Sec.
3.901 Scope of subpart.
3.902 Make-or-Buy programs.
3.902–1 General.
3.902–2 Definition and criteria.
3.902–3 Procedure.
3.902–4 Incorporation of the Make-or-Buy program in contracts.
3.902–5 Price adjustments.

AUTHORITY: The provisions of this Subpart I issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 3.901 Scope of subpart.

(a) This subpart sets forth policies and procedures for obtaining, evaluating, and agreeing to contractors' proposed "make-or-buy" programs. These techniques are required only where the work is complex, the dollar value is substantial, and there is not adequate price competition. The evaluation of and agreement upon a contractor's proposed make-or-buy program shall be accomplished during negotiations to the extent practicable.

(b) Although there is a relationship among the evaluation and agreement upon a contractor's make-or-buy program, the review and approval of procurement systems (see Guide for Conducting Contractor Procurement System Review (CPSR) (ASPS No. 1)), and consent to subcontracts (see Part 23 of this chapter), each is a separate and distinct action and the factors to be considered in each vary.

(c) In order to form a basis for contract negotiations, the make-or-buy program (§ 3.902) submitted with the contractor's proposal should (1) sufficiently identify the important segments of the total effort, and (2) establish the framework for determining the contractor's in-house effort, the subcontract effort, and the plant workload with attendant overhead costs.

§ 3.902 Make-or-buy programs.

§ 3.902–1 General.

The Government buys management from the prime contractor along with goods and services, and places responsibility on him to manage programs to the best of his ability, including placing and administering subcontracts as necessary to assure performance at the lowest overall cost to the Government. Although the Government does not expect to participate in every management decision, it may reserve the right to review the contractor's management efforts, including the proposed make-or-buy program.

§ 3.902–2 Definition and criteria.

(a) A make-or-buy program is that part of a contractor's written plan which identifies the major subsystems, assemblies, subassemblies, and components to be manufactured, developed, or assembled in his own facilities, and those which will be obtained elsewhere by subcontract. A "make" item is any item produced, or work performed, by the con-

tractor or his affiliates, subsidiaries, or divisions.

(b) Regardless of the type of contract contemplated, information with respect to prospective contractors' make-or-buy programs shall be required in all negotiated procurements except:

(1) When a proposed contract has a total estimated value of less than $1 million, unless the contracting officer specifically determines that such information is appropriate;

(2) In research and development contracts, unless the contract is for prototypes or hardware and it can reasonably be anticipated that significant follow-on quantities of the product will be procured;

(3) When the contracting officer determines that the price is based on adequate price competition, or established catalog or market prices of commercial items sold in substantial quantities to the general public, or on prices set by law or regulation; or

(4) When the contracting officer determines that the work is not complex.

(c) Information with respect to make-or-buy programs and the program required to be included in any contract (see § 3.902–4) shall be confined to items which, because of their complexity, quantity, or cost or because their production requires additional facilities, normally would require company management review of the make-or-buy decision. As a general guideline, the make-or-buy program should not include items or work efforts costing less than 1 percent of the total estimated contract price or $500,000, whichever is less. Raw materials and off-the-shelf items shall not be included.

§ 3.902–3 Procedure.

(a) When submission of information with respect to a prospective contractor's proposed make-or-buy program is required, the solicitation shall so state and shall clearly set forth any special factors to be used in evaluating the program. After considering such factors as capability, capacity, availability of small business and labor surplus area concerns as subcontract sources, contract schedules, integration control, proprietary processes, and technical superiority or exclusiveness, the prospective contractor shall identify in his proposed make-or-buy program that work which he considers he or his affiliates, subsidiaries, or divisions must perform as "must make," must subcontract as "must buy," and can either perform or acquire by subcontract as "can make or buy." The prospective contractor shall state the reasons for his recommendations of "must make" or "must buy" in sufficient detail for the contracting officer to determine that sound business and technical judgment has been applied to each major element of the program. When the make-or-buy program is to be incorporated into the contract and the design status of the article being procured does not permit accurate precontract identification of major items that should be included in the make-or-buy program, the prospective contractor shall be notified that such items must be added to the program, when identifiable, under the "Changes to Make-or-Buy Program" clause (§ 3.902–4(b)). The prospective contractor shall be required to include in the information furnished with respect to his proposed make-or-buy program:

(1) A description by which each major item can be identified;

(2) A recommendation to make or to buy each such item or defer the decision;

(3) A recommendation as to make-or-buy for any "can make or buy" item;

(4) the proposed subcontractors, if known, including location and size classification;

(5) designation of the plants or divisions in which the contractor proposes to make the item; and

(6) Sufficient information to permit the contracting officer to evaluate the proposed program in accordance with paragraph (b) of this section.

Proposed make-or-buy programs shall be evaluated and negotiated as soon as practical after receipt of the contractors' proposals and in any event prior to award.

(b) In reviewing and evaluating a proposed make-or-buy program, the contracting officer shall assure that all appropriate items are included and shall delete items which should not be included. In conducting his review, the contracting officer shall obtain the advice of appropriate personnel including small business and labor surplus area specialists, whose knowledge would contribute to the adequacy of the review. During such review primary consideration shall be given to the effect of the contractor's proposed make-or-buy program on price, quality, delivery, and performance. The contractor has the basic responsibility for make-or-buy decisions. The contractor's recommendations shall therefore be accepted unless they adversely affect the Government's interests or are inconsistent with Government policy. The evaluation of "must make" and "must buy" items should normally be confined to that necessary to assure that the items are properly categorized. The effect of the following factors on the interests of the Government shall also be considered:

(1) Whether the contractor has justified the performance of work inplant which differs significantly from his operations;

(2) The consequence of the contractor's projected plant workloading with respect to overhead costs;

(3) The contractor's consideration of the competence, ability, experience, and capacity available in other firms, especially small business and labor surplus area concerns (this is particularly significant if the contractor proposes to request additional Government facilities in order to perform inplant work);

(4) The contractor's make-or-buy history as to the type of item concerned;

(5) Whether small business and labor surplus area concerns will be able to compete for subcontracts; and

(6) Other elements, such as the nature of the items, experience with similar items, future requirements, engineering, tooling, starting load costs, market conditions, and the availability of personnel and materials.

(c) Proposed "make" items normally shall not be agreed to when the products or services under consideration:

(1) Are not regularly manufactured or provided by the contractor, and are available—quality, quantity, delivery, and other essential factors considered—from any other firm at prices no higher than if the contractor should make or provide the products or services; or

(2) Are regularly manufactured or provided by the contractor, but are available—quality, quantity, delivery, and other essential factors considered—from any other firm at lower prices

Such items may be agreed to, however, if the contracting officer determines that the overall cost of the contract or of the program to the Government would be increased if the item were bought.

(d) Before agreeing to a "make or buy" program to be incorporated into the contract (or, when the program is included in a contract, consenting to any change therein which, in his opinion, would reduce the anticipated participation of small business and labor surplus area concerns), the contracting officer shall invite the advice and counsel of the activity's small business and labor surplus area specialist, if any, by permitting him to review all pertinent facts and make recommendations thereon. Such review by the small business specialist should be concurrent with the review by the contracting officer. When urgent circumstances do not permit such a concurrent review, or where the small business specialist fails to respond on a timely basis, the contracting officer shall include an explanatory statement in the contract file and shall transmit a copy to the small business specialist.

§ 3.902–4 Incorporation of the make-or-buy program in contracts.

(a) Where information with respect to a make-or-buy program has been required to be submitted in accordance with the foregoing, the make-or-buy program, as approved by the contracting officer, shall be included only in cost-reimbursement contracts except:

(1) Cost-sharing contracts where the contractor's share is 25 percent or more;

(2) Cost-plus-incentive-fee contracts having a cost incentive which provides for a swing from target fee of at least ±3 percent and a contractor's overall share of cost of at least 10 percent (authority may be requested (see § 1.109 of this chapter) to exclude the make-or-buy program from other cost-plus-incentive-fee contracts having different incentive and cost-sharing patterns, whenever the contracting officer finds that such other contracts provide sufficient incentive for control of costs); and

(3) Cost-plus-incentive-fee contracts to which § 3.902–5 is applicable.

(b) The following clause shall be incorporated in all contracts in which a make-or-buy program has been included.

CHANGES TO MAKE-OR-BUY PROGRAM (APRIL 1967)

The Contractor shall perform this contract in accordance with the "make or buy" program incorporated in this contract except as hereinafter provided. If the Contractor proposes to change the "make or buy" program, he shall notify the Contracting Officer thereof in writing at a time reasonably in advance of the proposed change and shall therewith submit justification in sufficient detail to permit evaluation of the proposed change. Changes in the place of performance of work on any "make" items in the "make or buy" program are subject to this requirement. With respect to items deferred at the time of negotiation of this contract for later addition to the "make or buy" program, the Contractor shall notify the Contracting Officer of each proposed addition at the earliest possible time, together with justification in sufficient detail to permit evaluation. This contract shall be deemed modified in accordance with such proposed change or addition upon receipt by the Contractor of the Contracting Officer's written approval thereof.

§ 3.902–5 Price adjustments.

(a) The following paragraphs apply only to fixed-price-incentive and cost-plus-incentive-fee contracts.

(b) There may be cases where it is proper to agree that an item of significant value will be "bought" even though it would usually be more economical to have it "made," or vice versa. For instance, the contractor may have a unique capability for low-cost manufacture of a substantial component but his capacity may be full during the period necessary for contract performance, so the component must be subcontracted. In such cases it will be necessary that the "make or buy" program as approved by the contracting officer specifically call for what would usually be the more costly treatment of the item. In that event the consequent higher costs may be explicitly recognized in establishing the best obtainable contract or target price. Unforseen changes in the circumstances may arise during contract performance, however, which induce the contractor to propose changing the item from "buy" to "make" (or vice versa). If such a change is made, the element of the contract price which was intended to compensate the contractor for the higher costs flowing from the initial make-or-buy decision would instead constitute windfall profits to the contractor and unwarranted costs to the Government.

(c) When, during the review of the prospective contractor's "make or buy" program (see § 3.902–3), a situation of the kind described in paragraph (b) of this section is found to exist, the clause set forth below shall be included in the contract, and any "make or buy" items of the kind described in paragraph (b) of this section shall be specifically designated in the Schedule (or elsewhere in the contract) as being either a "make" item or a "buy" item, and as being subject to this clause. The make-or-buy program itself and the clause in § 3.902–4(b) shall not be included in the contract.

PRICE ADJUSTMENT FOR MAKE-OR-BUY CHANGES (APRIL 1967)

This clause applies only to items that are designated elsewhere in this contract as being "make" items or "buy" items subject to this clause. If the Contractor desires to "make" any designated "buy" item or to "buy" any designated "make" item, he shall give written notice to the Contracting Officer reasonably in advance of the proposed change and shall include significant and reasonably available cost and pricing data in sufficient detail to permit evaluation of the proposed change. Promptly thereafter, if the Contractor proceeds with the change, the Contractor and the Contracting Officer shall negotiate an equitable reduction in the contract price[3] to reflect any decrease in costs which should reasonably result from the change, and the contract shall be modified in writing accordingly. Failure to agree on an equitable reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

[3] Substitute "target cost and target fee" for "contract price" in cost-plus-incentive-fee contracts.

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

10. Sections 4.205–1(e) and 4.210 are revised to read as follows:

§ 4.205–1 Selection of sources.

* * * * *

(e) *Unsolicited proposals.* (1) Unsolicited proposals may be the product of original thinking and generally are the property of the organization or individual who presents them. They are offered in the hope that the Government will contract with the offeror for further research on, or development of, the ideas they contain. Accordingly, it is important that such proposals received by purchasing activities be handled in a manner which will encourage prospective contractors to disclose to the Government ideas which they have originated, conceived, or developed.

(2) The submitter of an unsolicited proposal may mark it with a legend, such as that provided in § 3.507–1(a) of this chapter, restricting the disclosure and use of data in the proposal. If a proposal is so marked, the terms of the legend shall be complied with.

(3) If the contracting officer receives an unsolicited proposal marked with a more restricted legend than that provided in § 3.507–1(a) of this chapter, then he shall immediately return the proposal to the submitter with a letter stating that the proposal cannot be considered because it is impracticable for the Government to comply with the legend (and pointing out specifically why this is so), but that the proposal will be considered if it is resubmitted with a satisfactorily revised legend or with the legend provided in § 3.507–1(a) of this chapter.

(4) If the contracting officer receives an unsolicited proposal without any restrictive legend, he shall place a cover sheet on the proposal or otherwise clearly mark it substantially as follows—and the terms of the notice shall be complied with—unless the submitter gives a clear written indication that he does not wish to impose any restrictions on the disclosure or use of the data contained in the proposal:

UNSOLICITED PROPOSAL

USE OF DATA LIMITED

All Government personnel handling this proposal shall exercise extreme care to insure that the information contained herein is not disclosed outside the Government and is not duplicated, used, or disclosed in whole or part for any purpose other than to evaluate the proposal, without the written permission of the submitter (except that if a contract is awarded on the basis of this proposal, the terms of the contract shall control disclosure and use).

This notice does not limit the Government's right to use information contained in the proposal if it is obtainable from another source without restriction.

This is a Government notice, and shall not by itself be construed to impose any liability upon the Government or Government personnel for any disclosure or use of data contained in this proposal.

(5) The submitter of an unsolicited proposal is not necessarily entitled to preferential treatment in the award of any contract because of his submission of such a proposal. See § 4.205–2(d)(2).

§ 4.210 Placing subcontracts for research and development effort.

Since the selection of research or development contractors is based upon seeking the best scientific and technological sources, it is important that the contractor selected on this basis does not in turn subcontract technical or scientific work without prior approval of the contracting officer. The clause prescribed in § 7.403–8 of this chapter, for cost-reimbursement type research and development contracts, requires prior written consent of the contracting officer for the placement of any subcontract which has experimental, developmental, or research work as one of its purposes. During the negotiation of the contract, it is imperative that the contracting officer obtain complete information concerning the contractor's plans for subcontracting any portion of the research or development effort. See §§ 1.906, 3.807–10, and 23.201–2 of this chapter.

PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

11. Paragraph (b) in § 5.102–2 is revised to read as follows:

§ 5.102–2 Exceptions to mandatory use.

* * * * * *

(b) *Similar items.* When specific supplies or services having the same general characteristics and intended use as those listed in a Federal Supply Schedule are needed for a special requirement, the following procedures shall apply.

(1) *Nonemergency requirements.* When supplies or services are to be procured from other sources to satisfy a nonurgent requirement, the Head of the office

initiating the purchase request or his designated representative shall furnish to the purchasing office a signed statement identifying the supplies or services to be purchased. This statement shall include an explanation of why similar items listed in the applicable Federal Supply Schedule will not meet the specific requirement. The purchasing office prior to initiating purchase action shall furnish such statement to the Commissioner, Federal Supply Service, General Services Administration, with a request that the requirement for using the Federal Supply Schedule item be waived. If such waiver is not granted, the case will be referred to the Head of the Procuring Activity or his Deputy or to such higher authority as may be required by the Departments, who shall make the final decision as to whether the nonschedule item will be purchased and shall promptly notify the Commissioner, Federal Supply Services, and the purchasing office of the decision reached.

(2) *Emergency requirements.* When supplies or services are to be procured from other sources and the situation will not permit the delay incident to following the normal channels of obtaining a waiver from the General Services Administration prior to purchase, such waiver shall not be requested. In emergency situations, the Head of the office initiating the purchase request, or his designated representative, shall furnish to the purchasing office a signed statement identifying the supplies or services to be purchased, and explaining why similar items listed in the applicable Federal Supply Schedule will not meet the specific requirements. The purchasing office shall within 15 days of the date of purchase, furnish such statement to the Commissioner, Federal Supply Service, General Services Administration.

* * * * *

PART 6—FOREIGN PURCHASES

12. Section 6.000 is revised; new § 6.001 is added; and §§ 6.101, 6.102–2 (b), 6.102–3, 6.103–2, and 6.103–5(a) are revised, as follows:

§ 6.000 Scope of part.

This part includes (a) restrictions and procedures affecting procurements of foreign-made items; (b) restrictions on purchases from communist countries or areas; (c) procedures affecting procurements from Canadian sources; (d) guidance on the use of duty-free entry procedures for foreign items generally and for certain Canadian items; (e) special guidance (including pricing guidance) for Military Assistance Program procurements; and (f) for procurements from foreign sources, procedures to promote liaison with overseas activities and compliance with government-to-government agreements.

§ 6.001 Definitions.

As used throughout this part, the words and terms defined in this section shall have the meanings set forth below unless a different definition is prescribed for a specific subpart of this part.

(a) "End products" means articles, materials, and supplies, which are to be acquired for public use. As to a given contract, the end products are the items to be delivered to the Government, as specified in the contract, including supplies to be acquired by the Government for public use in connection with service contracts, but excluding installation and other services to be performed after delivery.

(b) "Components" means those articles, materials, and supplies, which are directly incorporated in end products.

(c) "United States" means the States, the District of Columbia, Puerto Rico, and possessions (see § 1.201–12 of this chapter). It does not include leased bases, occupied-Japanese islands or trust territories.

(d) "United States end product" means an unmanufactured end product which has been mined or produced in the United States, or an end product manufactured in the United States if the cost of its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product and in the case of a component of foreign origin, duty (whether or not a duty free entry certificate may be issued). A component shall be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

(e) "Domestic concern" means an incorporated concern incorporated in the United States or an unincorporated concern having its principal place of business in the United States. (In the context of this part, "concern" refers to a prospective or actual contractor. Thus, a contract with a foreign subsidiary or foreign branch or business office of a United States corporation would not be a contract with a domestic concern. Conversely, a contract executed by a foreign salesman or agent on behalf of a domestic concern would nevertheless be a contract with a domestic concern since the basic contractual and legal responsibility resides with the domestic concern.)

(f) "Foreign concern" means a concern that is not a domestic concern.

§ 6.101 Definitions.

As used in this subpart, the following terms have the meanings set forth below.

(a) "Domestic source end product" means an unmanufactured end product which has been mined or produced in the United States, or an end product manufactured in the United States if the cost of its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product and, in the case of components of foreign origin, duty (whether or not a duty-free entry certificate may be issued). A component shall be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product in which it is incorporated is manufactured in the United States and the component is of a class or kind (1) determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, or (2) as to which the Secretary concerned has determined that it would be inconsistent with the public interest to apply the restrictions of the Act.

(b) "Canadian end product" means an unmanufactured end product mined or produced in Canada, or an end product manufactured in Canada if the cost of its components which are mined, produced, or manufactured in Canada or the United States exceed 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product. See § 6.103–5.

(c) "Foreign end product" means an end product other than a domestic source end product.

(d) "Domestic bid" means a bid or offered price for a domestic source end product, including transportation to destination.

(e) "Foreign bid" means a bid or offered price for a foreign end product, including transportation to destination and duty (whether or not a duty-free entry certificate may be issued).

§ 6.102–2 Balance of payments program requirements.

* * * * *

(b) Although the evaluation procedures in § 6.104–4 reduce overseas dollar expenditures resulting from Defense procurement at an acceptable increase in budgetary costs, this result is an average and over-all result rather than one which precisely obtains in each case. This is so because, both under the Buy American Act and as a matter of administrative practicability, items are classified absolutely as "foreign" or "domestic" and varying degrees within each class are not recognized. However, deviations (see § 1.109 of this chapter from the evaluation procedures of § 6.104–4 should be considered for major procurements (e.g., over $250,000) where it is anticipated that the low domestic bid will involve relatively substantial foreign expenditures or that the low foreign bid will involve relatively substantial domestic expenditures. Any request for such a deviation should be made sufficiently in advance of solicitation to permit the solicitation to describe the evaluation procedure that will be used. Such deviations require the advance approval of the Assistant Secretary of Defense (Installations and Logistics) or his designee.

§ 6.102–3 Procurement from other Government agencies.

(a) Except as provided in paragraph (b) of this section, as to any item which is to be acquired by one department or agency and subsequently transferred to another, compliance with the Buy American Act and application of its exceptions are the responsibility of the department or agency which first acquires the item. For example:

(1) If the General Services Administration acquires a foreign end product, any Defense activity which is procuring the product from a GSA stores depot shall presume that the product was properly acquired by GSA and may properly be accepted by Defense activities; and

(2) If an end product listed as foreign on a Federal Supply Service Schedule is first acquired by a Defense activity, it shall be procured in accordance with § 6.103–2.

(b) In the case of coordinated procurement under Subpart K, Part 5 of this chapter, compliance with the Buy American Act is the responsibility of the Procuring Department, except where the Requiring Department specifies a foreign end product in which case the determination that a domestic source end product is not available shall be the responsibility of the Requiring Department (see § 5.1106–3(b)) of this chapter.

§ 6.103–2 Nonavailability in the United States.

(a) The Buy American Act does not apply to articles, materials, or supplies of a class or kind which the Government has determined are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. Certain items determined to be exempt under this exception are set forth in § 6.105. Supplies not listed may be excepted only after a written determination has been made by the appropriate authority designated in § 6.103–2(b). Each determination shall also include a reference to the Buy American Act (41 U.S.C. 10a–d), a description of the item or items being procured, the unit, quantity, and estimated delivered cost, a brief statement establishing the necessity for the procurement and the nonavailability of a similar item or items of domestic origin. A signed copy of the determination shall be made a part of the contract file. When a determination has been made that the restrictions of the Buy American Act are inapplicable for the end products being purchased, notification to this effect shall be included in the solicitation and contract.

(b) Notwithstanding the foregoing, procurement of foreign end products on the basis of "nonavailability" shall be made only if the procurement is approved (in the case of products listed in § 6.105), or the nonavailability is determined (in the case of products not so listed) by:

(1) The Secretary or Deputy Secretary of Defense, if the procurement is estimated to exceed $100,000;

(2) The Secretary of the Department concerned or the principal assistant of the Assistant Secretary concerned, if the procurement is estimated not to exceed $100,000;

(3) The Head of the Procuring Activity or his immediate deputy, if the amount is estimated not to exceed $10,000; or

(4) The principal staff officer responsible for procurement within the Procuring Activity (or, in the Air Force, within the major air command) concerned, if the amount involved is estimated not to exceed $1,000.

Before granting such approval, or making such determination, the feasibility of foregoing the requirement or providing a United States substitute shall be considered.

(c) Notwithstanding paragraph (b) of this section, approvals and determinations covering individual procurements in the following categories may be made by the contracting officer:

(1) Procurement of spare and replacement parts for foreign manufactured items, if the procurement must be restricted to the original manufacturer or his supplier in accordance with § 1.313 of this chapter; and

(2) Procurement of foreign drugs by the Defense Personnel Support Center where the Chief of the Division of Technical Operations, Directorate of Medical Materiel, has determined that only the requested foreign drug will fulfill the requirement.

(d) Notwithstanding paragraph (b) of this section, approvals need not be made in the procurement of the following food items as listed in § 6.105: Bananas, tea, coffee, spices, herbs, sugar, cocoa, cream of tartar, tapioca, and coconut.

(e) Commissary resale: Notwithstanding paragraph (b) of this section, approvals need not be made in the procurement of the following items: Purchases for resale in domestic commissaries of brand name subsistence items of foreign origin for which there are no substitutes of U.S. origin. All purchases of such brand name subsistence items of foreign origin shall be made from domestic concerns.

§ 6.103–5 Canadian supplies.

(a) *Listed.* The Secretaries of the Departments have determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act with respect to certain supplies, which have been determined to be of a military character or involved in programs of mutual interest to the United States and Canada, where such supplies are mined, produced, or manufactured in Canada and either (1) are Canadian end products offered by the lowest acceptable bid or proposal or (2) are incorporated in end products manufactured in the United States. Each Department maintains a list of these supplies, which is approved by the Secretary concerned. (The Departmental lists provide that parts and equipment for such supplies are considered to be included in the lists, even though not separately identified when they are procured under a contract that also calls for listed supplies.)

* * * * *

13. Section 6.104–2 is revised; new paragraph (e) is added to § 6.104–4; §§ 6.104–6 and 6.105 are revised; and Subpart B is revoked, witht reference added, as follows:

§ 6.104–2 Solicitation of bids and proposals.

(a) Invitations for bids and requests for proposals shall state that specific information as to articles, materials, and supplies excepted from the Buy American Act (see § 6.105) is available to prospective contractors upon request.

(b) When obtaining quotations orally vendors shall be informed that only domestic source end products shall be acceptable other than those items which have been excepted either on a blanket or an individual basis (see §§ 6.103–2 and 6.105), unless the price for the offered foreign end product meets the evaluation criteria in § 6.104–4.

§ 6.104–4 Evaluation of bids and proposals.

* * * * *

(e) When proposed awards are submitted for Secretarial decision pursuant to paragraph (b) or (d)(3) of this section, each submission shall include a copy of each bid or offer being considered for award, the date, including extensions, the bids or offers expire, a copy of the abstract of bids or offers, and a statement justifying the proposed awards. Submissions should be forwarded to allow 21 days for processing and Secretarial consideration, unless the nature of the item or market conditions indicate the need for processing in a shorter time.

§ 6.104–6 Contract administration.

In appropriate cases, the contracting officer should advise the contractor of the effect of exceptions to the Buy American Act on the contractor's obligations under the clause required by § 6.104–5. For example, in furtherance of mutual Canadian-American interests as described in § 6.501, the contracting officer may advise the contractor that all components of Canadian manufacturers will be treated as manufactured in the United States for purposes of the Buy American Act clause.

§ 6.105 List of excepted articles, materials, and supplies.

Pursuant to the Buy American Act, the Secretaries have determined that the articles, materials, and supplies listed below are not mined, produced or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality, or that it would be inconsistent with the public interest to apply the restrictions of the Act to such articles, materials, and supplies. When required to be incorporated into an end product or construction material manufactured in the United States, these items may be regarded as components of domestic origin for the purpose of determining the origin of such manufactured end product (see § 6.101(a)) or construction material (see § 18.506–5 of this chapter). However, the procurement of any of these items other than as components of domestic source end products or construction materials must be

approved by the appropriate authority designated in § 6.103–2(b).

Acetylene black.
Asbestos, amosite.
Bananas.
Beef extract.
Bismuth.
Books; pamphlets; newspapers; magazines; periodicals; printed briefs and films; not printed in the United States and for which domestic editions are not available.
Brazil nuts, unroasted.
Cadmium, ores and flue dust.
Calcium cyanamide.
Capers.
Cashew nuts.
Chicle.
Chrome ore or chromite.
Cinchona bark.
Cobalt, in cathodes, rondelles, or other primary forms.
Cocoa beans.
Coconut and coconut meat, unsweetened, in shredded, desiccated, or similarly prepared form.
Coffee, raw or green bean.
Cork, wood or bark and waste.
Diamonds, industrial, stones.
Emetine, bulk.
Ergot, crude.
Fair linen, altar.
Fibers of the following types; Abaca, agave, coir, jute, and palmyra.
Goat and kid skins.
Graphite, natural.
Hog bristles for brushes.
Hyoscine, bulk.
Ipecac, root.
Menthol, natural bulk.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Nitroguanidine (also known as picrite).
Olive oil.
Olives (green), pitted or stuffed or bulk.
Opium, crude.
Petroleum,[4] crude oil; unfinished oils and finished products.

[4] Petroleum Definitions, as used in this subpart:

(a) *Crude oil* means crude petroleum as it is produced at the wellhead and liquids (under atmospheric conditions) that have been recovered from mixtures of hydrocarbons which existed in a vaporous phase in a reservoir and that are not natural gas products.

(b) *Finished products* means any one or more of the following petroleum oils, or a mixture or combination of such oils, which are to be used without further processing except blending by mechanical means:

(i) *liquified gases*—hydrocarbon gases recovered from natural gas or produced from petroleum refining and kept under pressure to maintain a liquid state at ambient temperatures;

(ii) *gasoline*—a refined petroleum distillate which by its composition, is suitable for use as a carburant in internal combustion engines;

(iii) *jet fuel*—a refined petroleum distillate used to fuel jet propulsion engines;

(iv) *naphtha*—a refined petroleum distillate falling within a distillation range overlapping the higher gasoline and the lower kerosenes;

(v) *fuel oil*—a liquid or liquefiable petroleum product burned for lighting or for the generation of heat or power and derived directly or indirectly from crude oil, such as kerosene, range oil, distillate fuel oils, gas oil, diesel fuel, topped crude oil, residues;

(vi) *lubricating oil*—a refined petroleum distillate or specially treated petroleum residue used to lessen friction between surfaces;

(vii) *residual fuel oil*—a topped crude oil or viscous residuum which, as obtained in refining or after blending with other fuel oil, meets or is the equivalent of Military Specification Mil–F–859 for Navy Special Fuel Oil and any other more viscous fuel oil, such as No. 5 or Bunker C;

(viii) *asphalt*—a solid or semisolid cementitious material which gradually liquefies when heated, in which the predominating constituents are bitumins, and which is obtained in refining crude oil;

(ix) *natural gas products*—liquids (under atmospheric conditions), including natural gasoline, which are recovered by a process of absorption, adsorption, compression, refrigeration, cycling, or a combination of such processes, from mixtures of hydrocarbons that existed in a vaporous phase in a reservoir and which, when recovered and without processing in a refinery, otherwise fall within any of the definitions of products contained in (ii) through (v), inclusive, of this paragraph (b).

(c) *Unfinished oils* means one or more of the petroleum oils listed in (b) above, or a mixture or combination of such oils, which are to be further processed other than by blending by mechanical means.

Platinum and platinum group metals refined, as sponge, powder, ingots, or cast bars.
Pyrethrum flowers.
Quartz crystals.
Quebracho.
Quinidine.
Radium salts.
Rubber, crude and latex.
Rutile.
Sperm oil.
Spices and herbs in bulk.
Sugars, raw (Part 3 of Section VI, however, applies).
Swords.
Talc, block, steatite.
Tapioca flour and cassava.
Tartar, crude; tartaric acid and cream of tartar in bulk.
Tea in bulk.
Vanilla beans.
Venom, cobra.
Wax, carnauba.
Woods of the following species: Angelique, balsa, ekki, greenheart, lignum vitae, mahogany and teak.

13a. Subpart B, Buy American Act—Construction Contracts, is revoked. See Subpart E, Part 18 of this chapter.

14. Sections 6.301 and 6.303(d) are revised; § 6.701 is revoked; and new Subpart H is added, as follows:

§ 6.301 Definitions.

As used in this subpart, the following terms have the meaning set forth below.

(a) *Possessions.* As used in the phrase "United States or its possessions", the term "possessions" include Puerto Rico.

(b) *United States.* "United States" means the States and the District of Columbia.

§ 6.303 Exceptions.

* * * * *

(d) Procurements of those supplies listed in 6–105 as to which the list does not make this part expressly applicable;

* * * * *

§ 6.701 Definitions [Revoked]

Subpart H—Balance of Payments Program—Procurement of Supplies and Services for Use Outside the United States and Procurement of Scientific and Technical Knowledge Involving Foreign Expenditures

Sec.
6.800 Scope of subpart.
6.801 Definitions.
6.802 Deviations.
6.803 Prohibition against fragmenting procurements.
6.804 Real property construction, repair, and maintenance.
6.804–1 Policy.
6.804–2 Project approvals.
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6.805–1 Policy.
6.805–2 Procurement limitations.
6.806 Procedures for supply and service contracts.
6.806–1 Restricted solicitation.
6.806–2 Method of purchase.
6.806–3 Certificate.
6.804–4 Contract clause.
6.807 Identification of expenditures in the United States.

AUTHORITY: The provisions of this Subpart H issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 6.800 Scope of subpart.

This subpart implements Department of Defense policy in furtherance of the Balance of Payments Program with respect to all procurements of (a) supplies and services required for use outside the United States, except petroleum and Military Assistance Program procurements (see Subpart G of this part), and (b) scientific and technical knowledge resulting in dollar expenditures outside the United States and Canada. However, the exception regarding POL and Military Assistance Program procurements does not apply to § 6.807. Defense requirements as to the use of U.S. flag vessels which affect the Balance of Payments Program, are set forth in Subpart N, Part 1 of this chapter.

§ 6.801 Definitions.

As used in this subpart, the following terms have the meanings set forth below.

(a) "Petroleum" means petroleum supplies and their byproducts as listed and defined in § 6.105.

(b) "Domestic cost" means the total estimated or actual cost of U.S. end products and services, including all transportation and handling charges.

(c) "Foreign cost" means the total estimated or actual cost of foreign end products and services, including all transportation and handling charges.

(d) "U.S. services" means those that are performed within the United States. In some instances, services provided under a single contract are performed partially in the United States and partially abroad. Such services shall be considered U.S. services if 25 percent or less of the total cost of the services is attributable to services (including incidental supplies used in connection therewith) performed outside the United States.

(e) "Foreign services" means those other than U.S. services.

(f) "Foreign end products" means those other than U.S. end products.

(g) "Construction materials": See § 18.506–2 of this chapter.

(h) "Domestic construction material": See § 18.506–4 of this chapter.

§ 6.802 Deviations.

Although the evaluation procedures and preferences for U.S. end products and services, as described in this subpart, reduce overseas dollar expenditures resulting from Defense procurement at an acceptable increase in budgetary costs, this result is an average and over-all result rather than one which precisely obtains in each case. This is so because, as a matter of administrative practicability, items are classified absolutely as "foreign" or "domestic" and varying degrees within each class are not recognized. However, deviations (see § 1.109 of this chapter) from the evaluation procedures or from the definition of "U.S. end product" should be considered for major procurements (e.g., over $250,000) where it is anticipated that the low domestic bid will involve relatively substantial foreign expenditures or that the low foreign bid will involve relatively substantial domestic expenditures. Any request for such a deviation should be made sufficiently in advance of solicitation to permit the solicitation to describe the evaluation procedure that will be used. Such deviations require the advance approval of the Assistant Secretary of Defense (Installations and Logistics) or his designee.

§ 6.803 Prohibition against fragmenting procurements.

As to those provisions of this subpart which state dollar limitations below which exceptions permitting the purchase of foreign items may be made if certain conditions are satisfied, requirements aggregating more than any such limitation shall not be broken into separate purchases which are less than such limitation merely for the purpose of allowing such exceptions.

§ 6.804 Real property construction, repair, and maintenance.

§ 6.804–1 Policy.

(a) *Review of projects.* All projects for construction and for repair and maintenance of real property outside the United States will be reviewed in accordance with § 6.804–2 to insure, prior to the approval of individual projects, that:

(i) Facilities are designed and constructed at minimum standards necessary to achieve project objectives under local conditions and to reduce expenditures entering the international balance of payments. Reduction in balance of payments expenditures will be achieved by the application of International Balance of Payments (IBP) Construction Procedures to the maximum extent feasible. These procedures include use of:

(i) U.S. contractors;

(ii) U.S. materials and end products;

(iii) U.S. Government-furnished material and equipment;

(iv) U.S. flag ocean surface and air carriers;

(v) Prefabricated installations and structures manufactured in the United States; and

(vi) Competent available troop labor.

(2) New construction is restricted to only those projects which are clearly essential in support of mission requirements.

(3) Maintenance and repair of real property is conducted at levels sufficient only to insure continuity of operations and to preclude subsequent uneconomical costs due to excessive deteriorations.

(b) *Accomplishing projects.* In developing contract requirements to accomplish approved projects, the IBP construction procedures as listed above are to be applied, consistent with the Current Working Estimate and IBP limitations established in the project approval: *Provided*, That the additional cost required by these procedures does not exceed the resultant IBP savings by more than 50 percent. Under these procedures contracts will be written to require that specified U.S. materials will be used or that Government materials and equipment will be only furnished when the cost of U.S. items (including transportation and handling charges) does not exceed the cost of foreign items plus 50 percent thereof. In applying the IBP procedures, however, a differential greater than 50 percent for either the total project or the materials within the project may be used when specifically provided for in the project approval.

(c) Contracts for performance of projects will not be awarded unless the project has been approved in accordance with § 6.804–2 and the IBP construction procedures set forth above have been applied in developing contract requirements.

§ 6.804–2 Project approvals.

All projects for construction, repair, and maintenance of real property outside the United States are subject to the approval requirements prescribed by DoD Directive 4270.24, DoD Instruction 5100.37, DoD Directive 7040.2, and DoD Directive 7040.4. Repair projects and maintenance projects are subject to the following additional approval requirements:

(a) Proposed repair projects estimated to cost between $50,000 and $100,000 and maintenance projects estimated to exceed $100,000 in cost shall be approved by the Secretary of the Military Department or his designee, prior to award;

(b) Proposed repair projects estimated to exceed $100,000 in cost shall be approved by the Assistant Secretary of Defense (Installations and Logistics) or his designee, prior to award.

§ 6.805 Supply and service contracts.

§ 6.805–1 Policy.

Except as provided in § 6.805–2, proposed procurement of supplies for use outside the United States shall be restricted to U.S.-end products. Proposed procurement of foreign services shall be made only if authorized by § 6.805–2.

§ 6.805–2 Procurement limitations.

(a) Except as provided in paragraph (c) of this section, procurements of foreign end products (including construction materials) and services for use outside the United States may be made only in the following cases:

(1) *Treaty or Executive agreement.* Procurements required to be made from indigenous sources pursuant to a treaty or executive agreement between governments.

(2) *Small purchases.* Offshore procurements estimated not to exceed $500 in foreign cost.

(3) *Compelling emergencies.* Procurements estimated not to exceed $10,000 in foreign cost when required by compelling emergencies.

(4) *Perishable subsistence.* Procurements of perishable subsistence items where it is determined that delivery from the United States would destroy or significantly impair their quality at the point of consumption. Such determinations shall be made prior to procurement by the individuals designated in paragraph (b)(1) of this section or their immediate deputies, except that this authority may be redelegated for procurements estimated not to exceed $10,000 in foreign cost. Beef is not a perishable subsistence item.

(5) *Nonavailability in the United States.* Procurements as to which it is determined in advance by the individuals designated in paragraph (b) of this section that (i) the requirements can only be filled by foreign end products or services, and (ii) that it is not feasible to forego filling the requirement or to provide a United States substitute for it.

(6) *Ryukyu Islands.* Procurements of unmanufactured end products (including construction materials) mined or produced in the Ryukyu Islands, or end products (including construction materials) manufactured in the Ryukyu Islands where the cost of those components which are mined, produced or manufactured in the Ryukyu Islands or in the United States exceed 50 percent of the total component cost.

(7) *Certain food items.* Procurements of bananas, tea, coffee, spices, herbs, sugar, cocoa, cream of tartar, tapioca, and coconut.

(8) *Miscellaneous exceptions.* (i) Procurement of the requirements listed below, providing they do not duplicate or replace an existing organic service capability:

(*a*) Utilities, including gas, water, electricity, steam, sewage, refuse collection and disposal;

(*b*) Communications services;

(*c*) Port handling, stevedoring, and other port charges;

(*d*) Maintenance and repair of, and procurement of spare parts for, foreign manufactured vehicles, equipment, machinery and systems: *Provided*, In the case of parts, that this exception applies only if the procurement must be restricted to the original manufacturer or his supplier in accordance with § 1.313;

(*e*) Packing and crating services;

(*f*) Laundry and dry cleaning;

(g) Handling and storage requirements;
(h) Industrial gases;
(i) Transportation services;
(j) Into-plane refueling;
(k) Drugs specified by the Defense Medical Materiel Board;
(l) Other mandatory requirements for contractual services which by their nature can only be performed locally and where an organic capability does not exist; and
(m) The following bulk construction materials: sand, gravel, stone, concrete mansonry units; and fired brick.

(ii) Procurement of the requirements listed below: *Provided*, That foreign cost is estimated not to exceed $10,000:
(a) Custodial services;
(b) Services of part-time instructors;
(c) Printing of base newspapers; and
(d) Dry ice.

(9) *Excess foreign currencies.* Procurements made with excess foreign currencies of the countries listed below, if procurement using such currencies does not increase the cost of the procurement. Payment for such procurements may also be made in both local currency and dollars if the dollar portion is limited to the contractor's validated direct dollar costs of the U.S. export content of these procurements. Excess foreign currencies of the following countries may be acquired from the U.S. Treasury for procurements under this exception: Burma, Ceylon, Congo (Leopoldville), Republic of Guinea, India, Israel, Pakistan, Poland, Tunisia, United Arab Republic (Egypt), Yugoslavia.

(10) *Items for use in Canada.* Procurements of Canadian end products or domestic source end products (see § 6.101) and procurements of services from Canadian or domestic concerns, for use in Canada.

(11) *Unreasonable cost.* Procurements, other than those covered in subparagraphs (1) through (10) of this paragraph, where U.S. end products or services are available, the domestic cost is not estimated to exceed $10,000, and the difference between the domestic cost and the foreign cost is determined to be so large as to make procurement of foreign end products and services clearly desirable. Such determinations shall be made by the individuals designated in paragraph (b) of this section. Where the domestic cost is estimated to exceed $10,000, and the difference between the domestic cost and the foreign cost exceeds 50 percent of the foreign cost, the matter will be forwarded to the Secretary of Defense for determination.

(12) *Commissary resale.* Purchases of brand name subsistence items of foreign origin for which there are no substitutes of U.S. origin which are intended for resale in overseas commissary stores.

(b) The individuals listed below, and the immediate deputies of those listed in subparagraph (1) of this paragraph, are designated to make determinations required by paragraph (a)(5) and (11) of this section.

(1) Procurements estimated not to exceed $1 million in foreign cost, except that this authority may be redelegated to other individuals specifically designated for this purpose for procurements estimated not to exceed $10,000:
(i) Department of the Army—
(a) Commanding General, U.S. Army, Communications Zone, Europe;
(b) Commanding General, U.S. Army, Japan;
(c) Commanding General, U.S. Army, South Command;
(d) Chief, U.S. Army Security Agency;
(e) Chief of Engineers;
(ii) Department of the Navy—
(a) Commanded-in-Chief, U.S. Naval Forces, Europe;
(b) Commander, U.S. Naval Forces, Japan;
(c) Commander, U.S. Naval Forces, Philippines;
(d) Chief of Naval Material;
(e) Commander, Service Force, Atlantic Fleet;
(f) Commander, Service Force, Pacific Fleet;
(g) Commander, Military Sea Transportation Service (MSTS);
(iii) Department of the Air Force—
(a) Commander, U.S. Air Forces in Europe;
(b) Commander, USAF Southern Command;
(c) Commander, Pacific Air Force;
(d) Commander, Sixteenth Air Force;
(e) Commander, Military Airlift Command (MAC);
(f) Commander, Air Force Logistics Command;
(g) Commander, Air Force Systems Command;
(iv) Defense Supply Agency—Executive Director, Procurement and Production;
(v) Defense Communications Agency—Director.

(2) Procurements estimated to exceed $1 million but not $3 million in foreign cost—Secretary of the Department concerned.

(3) Procurements estimated to exceed $3 million in foreign cost—Secretary or Deputy Secretary of Defense.

(c) Procurements of scientific and technical knowledge resulting in expenditures outside the United States and Canada shall be made only in the following cases:

(1) Those set forth in paragraph (a)(1), (2), (3), and (9) of this section;

(2) When it is determined in advance, by the individuals designated in paragraph (d) of this section, that the requirement can only be filled by foreign end products or services and that it is not feasible to forego filling the requirement or to provide a United States substitute for it; and

(3) Procurements other than those covered in subparagraphs (1) and (2) of this paragraph when U.S. end products or services are available, the domestic cost is not estimated to exceed $10,000, and the difference between the domestic cost and the foreign cost is determined by the individuals designated in paragraph (d) of this section to be so large as to make procurement of foreign end products and services clearly desirable. (Where the domestic cost is estimated to exceed $10,000, and the difference between the domestic cost and the foreign cost exceeds 50 percent of the foreign cost, the matter will be forwarded to the Secretary of Defense for determination.)

Whenever practicable, such procurements shall be made on a cost sharing basis or other arrangement designed to limit any adverse effect on the balance of payments. Policy questions concerning such arrangements should be directed to the Assistant Director (International Programs) of the Office of the Director of Defense Research and Engineering.

(d) The individuals listed below (and the immediate deputies of those listed in subparagraph (1) of this paragraph) are designated to make the determinations required by paragraph (c)(2) and (3) of this section.

(1) Procurements estimated not to exceed $1 million in foreign cost, except that this authority may be redelegated to individuals specifically designated for this purpose for procurements not to exceed $15,000:
(i) Department of the Army—
(a) Commanding General, Army Materiel Command;
(b) Chief of Engineers;
(c) Surgeon General, Army Medical Corps;
(d) Commanding General, Army Research Office;
(ii) Department of the Navy—
(a) Chief of Naval Research;
(b) Commander, Naval Air Systems Command;
(c) Commander, Naval Ordnance Systems Command;
(d) Commander, Naval Electronics Systems Command;
(e) Commander, Naval Ship Systems Command;
(f) Chief, Bureau of Medicine and Surgery;
(g) Commander, Naval Supply Systems Command;
(h) Chief of Naval Development;
(i) Oceanographer of the Navy;
(j) Commander, Naval Engineering Facilities Command.
(iii) Department of the Air Force—
(a) Commander, Office of Aerospace Research;
(b) Commander, Air Force Systems Command;
(c) Commander, Air Force Logistics Command;
(iv) Defense Agencies—
(a) Director, Advance Research Projects Agency;
(b) Director, Defense Atomic Support Agency;
(c) Director, Defense Communications Agency;
(d) Director, Defense Intelligence Agency.

(2) Procurements estimated to exceed $1 million but not $3 million in foreign cost—Secretary of the Department concerned, or the Director of Defense Research and Engineering in the case of agencies set forth in subparagraph (1)(iv) of this paragraph.

(3) Procurements estimated to exceed $3 million in foreign cost—Secretary or Deputy Secretary of Defense.

(e) Complete documentation justifying procurements under paragraphs (a) and (c) of this section shall be prepared by requiring activities and included in the contract file. Such documentation shall be included in requests for determinations submitted to the individuals listed in paragraphs (b) and (d) of this section.

§ 6.806 Procedures for supply and service contracts.

§ 6.806–1 Restricted solicitation.

(a) In the case of procurements other than those set forth in § 6.805–2 (a) and (c), where the domestic cost is estimated to exceed $10,000, cost estimates of United States and foreign end products and services shall be made prior to solicitation. If the domestic cost is estimated to exceed the foreign cost by not more than 50 percent of the foreign cost, the solicitation shall be restricted to U.S. end products and services (see § 6.806–2).

(b) If after bid opening, or receipt of proposals or quotations, the contracting officer has knowledge that domestic cost exceeds foreign cost by more than 50 percent of the foreign cost, he shall

(1) If the domestic cost is in excess of $10,000 forward the matter to the Secretary of Defense for a determination; or

(2) If the domestic cost is less than $10,000, award the contract for U.S. end products or services unless the differential of foreign cost is so large as to make procurement of foreign end products or services clearly desirable, in which latter event the solicitation will be canceled and a nonrestricted solicitation issued.

§ 6.806–2 Method of purchase.

Contracts in furtherance of this subpart are considered to be negotiated procurements and may be entered into by conventional negotiation or by a special method of procurement known as "Balance of Payments Restricted Advertising." The latter method shall be used wherever possible. Balance of Payments Restricted Advertising, including awards thereunder, shall be conducted in the same manner as prescribed for formal advertising in Part 2 of this chapter, except that bids and awards shall be restricted to U.S. end products and services. Contracts entered into pursuant to conventional negotiation shall cite any appropriate exception (2) through (17) of 10 U.S.C. 2304(a). Where such negotiation authority is not applicable or where contracts are entered into pursuant to the Balance of Payments Restricted Advertising method of procurement, 10 U.S.C. 2304(a)(1) shall be cited as negotiation authority. Invitations for bids and requests for proposals shall clearly designate items being procured pursuant to the Balance of Payments Program.

§ 6.806–3 Certificate.

Invitations for bids and requests for proposals shall require that each bid or proposal include a certificate substantially as follows.

U.S. PRODUCTS CERTIFICATE (BALANCE OF PAYMENTS PROGRAM) (JUNE 1965)

To the extent that the Government specifies that the items being purchased are in implementation of the Balance of Payments Program, the bidder or offeror hereby certifies that each such item is a U.S. end product or comprises U.S. services (as defined in the contract clause entitled U.S. Products and Services (Balance of Payments Program)) and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States.

§ 6.806–4 Contract clause.

The clause set forth below shall be inserted in contracts resulting from Balance of Payments Program procurements.

U.S. PRODUCTS AND SERVICES (BALANCE OF PAYMENTS PROGRAM) (JUNE 1965)

(a) To the extent that the Government specifies that the items being purchased are in implementation of the Balance of Payments Program, the Contractor agrees that there will be delivered or performed under this contract only U.S. end products or U.S. services.

(b) For the purpose of this clause:
(i) "Components" means those articles, materials, and supplies, which are directly incorporated in the end products;
(ii) "End products" means those articles, materials, and supplies, which are acquired under this contract for public use;
(iii) A "U.S. end product" means—
(A) An unmanufactured end product which has been mined or produced in the United States, or
(B) An end product manufactured in the United States, if the cost of the components thereof which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purpose of this subparagraph, components of foreign origin of the same type and kind which the Government determines are not mined, produced, or manufactured in sufficient and reasonably available commercial quantities and of satisfactory quality shall be treated as components mined, produced, or manufactured in the United States.
(iv) "U.S. services" means those that are performed within the United States. In some instances, services provided under a single contract are performed partially in the United States and partially abroad. Such services shall be considered U.S. services if 25 percent or less of the total cost of the services is attributable to services (including incidental supplies used in connection therewith) performed outside the United States.

§ 6.807 Identification of expenditures in the United States.

Department of Defense balance of payment reporting instructions require the reporting of the amount of procurements of U.S. end products and U.S. services accomplished under this subpart. The following provisions are designed to facilitate such reporting by cognizant accounting and disbursing officers. It is essential in implementing these provisions that there be appropriate liaison between procurement and accounting and disbursing personnel at each procuring activity.

(a) The following clause shall be included in each contract in excess of $10,000 that—

(1) Requires the contractor to furnish U.S. end products except that the following clause is not required if the contractor is a domestic concern and the Government will take title to the supplies to be furnished within the United States; or

(2) In the case of a contract for construction, repair, or maintenance of real property, or for services, to be performed outside the United States, either

(i) Requires the contractor to procure specified materials, equipment, or services from U.S. sources (whether or not the contractor is a domestic concern), or

(ii) Is with a contractor who is a domestic concern (whether or not specified items must be procured from U.S. sources).

IDENTIFICATION OF EXPENDITURES IN THE UNITED STATES (OCTOBER 1966)

(a) On each invoice, voucher, or other request for payment under this contract, the Contractor shall identify that part of the requested payment which represents estimated expenditures in the United States. Identification shall consist of stating the full amount of the payment requested, subdivided into the following categories:

1. U.S. end products—Expenditures for material and equipment manufactured or produced in the United States, excluding transportation;

2. U.S. services—Expenditures for services performed in the United States, including charges for overhead, other indirect costs, and profit;

3. Transportation on U.S. carriers—Expenditures for transportation furnished by U.S. flag, ocean, surface, and air carriers; and

4. Expenditures not identified under 1, 2, and 3 above.

(b) If this contract is principally for supplies or if the Contractor is not an incorporated concern incorporated in the United States, or an unincorporated concern having its principal place of business in the United States, the amounts identified under (a)1, (a)2, and (a)3 above will be limited to payments made pursuant to the requirements either of the "U.S. Products and Services" clause, if any, or of any other specific provision of this contract that obligates the Contractor to procure certain materials, equipment, transportation, or services from U.S. sources.

(c) The identification of expenditures required under (a) above may be expressed either as dollar amounts or as percentages applicable to the total amount of the request for payment.

(d) The identification will be based on reasonable estimates by the Contractor. Nothing in this clause requires the establishment or maintenance of detailed accounting records or gives the U.S. Government any right to audit the Contractor's books or records.

In lieu of the clause specified above, the following statement may be placed prominently on the face of each contract, purchase or delivery order involving procurement of U.S. end products or U.S. services where the contracting officer considers that greater accuracy will be achieved or that inclusion of the contract clause is impracticable:

U.S. expenditures for:
U.S. end products— ------ percent of each invoice.
U.S. services— ------ percent of each invoice.
Transportation on U.S. carriers— ------ percent of each invoice.

(b) To provide appropriate reporting of the balance of payments consequences of Defense procurement for contracts of less than $10,000, the following statement will be placed prominently on the face of each contract, purchase or delivery order or other procurement document:

U.S. expenditures for:
U.S. end products— ------ percent of each invoice.
U.S. services— ------ percent of each invoice.
Transportation on U.S. carriers— ------ percent of each invoice.

PART 7—CONTRACT CLAUSES

15. Sections 7.101(a)(2), 7.104–1(b), 7.104–6, and 7.104–23 are revised; § 7.104–26 is revoked; in § 7.108–1, the clause heading and clause paragraph (d) are revised; and in § 7.108–2, the clause heading and clause paragraph (f) are revised, as follows:

§ 7.101 Applicability.

* * * * * * *

(a) * * *

(2) Short form negotiated supply contracts (see § 16.102–2(c)).

* * * * * * *

§ 7.104–1 Clauses for contracts involving construction work.

* * * * * * *

(b) In accordance with the requirements of § 18.509–5 of this chapter, insert the clause entitled "Buy American Act".

§ 7.104–6 Filing of patent applications.

In accordance with the requirements of § 9.106, insert the contract clauses set forth therein.

§ 7.104–23 Subcontracts.

In accordance with the requirements of § 23.201–1 of this chapter, insert an appropriate Subcontracts clause.

§ 7.104–26 Changes to Make-or-Buy Program. [Revoked]

§ 7.108–1 Firm targets.

* * * * * * *

INCENTIVE PRICE REVISION (FIRM TARGET) (APRIL 1967)

* * * * * * *

(d) *Subcontracts.* No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

* * * * * * *

§ 7.108–2 Successive targets.

* * * * * * *

INCENTIVE PRICE REVISION (SUCCESSIVE TARGETS) (APRIL 1967)

* * * * * * *

(f) *Subcontracts.* No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

* * * * * * *

16. In § 7.109–2(b), the clause heading and clause paragraph (d) are revised; in § 7.109–4(b), the clause heading and clause paragraph (c) are revised; and §§ 7.203–8, 7.204–1(b), 7.303–1(b) and 7.303–12 are revised, as follows:

§ 7.109–2 Prospective periodic price redetermination at stated intervals.

* * * * * * *

(b) *Clause.*

PRICED REDETERMINATION (TYPE A) (APRIL 1967)

* * * * * * *

(d) *Subcontracts.* No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

* * * * * * *

§ 7.109–4 Retroactive price redetermination after completion.

* * * * * * *

(b) *Clause.*

PRICE REDETERMINATION (TYPE E) (APRIL 1967)

* * * * * * *

(c) *Subcontracts.* No subcontract under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

* * * * * * *

§ 7.203–8 Subcontracts.

(a) In accordance with the requirements in § 23.201–2, and subject to the instructions in paragraph (b) of this section, insert the following clause.

SUBCONTRACTS (APRIL 1967)

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is cost-reimbursement type, time and materials or labor-hour, or (ii) is fixed-price type and exceeds in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, or (iii) provides for the fabrication, purchase, rental, installation, or other acquisition of special test equipment having a value in excess of $1,000 or of any items of industrial facilities.

(b) In the case of a proposed subcontract which (i) is cost-reimbursement type, time and materials, or labor-hour, and would involve an estimated amount in excess of $10,000, including any fee, or (ii) is proposed to exceed $100,000, or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate are expected to exceed $100,000; the advance notification required by (a) above shall include:

(1) A description of the supplies or services to be called for by the subcontract;

(2) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(3) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(4) The subcontractor's current, complete, and accurate cost of pricing data and Certificate of Current Cost or Pricing Data, when such data and certificate are required, by other provisions of this contract, to be obtained from the subcontractor; and

(5) Identification of the type of subcontract to be used.

(c) The Contractor shall obtain the written consent of the Contracting Officer prior to placing any subcontract for which advance notification is required under (a) above. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation, related in any way to this contract, with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (i) and (ii) of (a) above without the consent of the Contracting Officer if the Contracting Officer has approved in writing the Contractor's procurement system and the subcontract is within the scope of the approval.

(h) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of the "Limitation on Payments" paragraph set forth in the appropriate clause prescribed by paragraph 7–108 of the Armed Services Procurement Regulation, including subparagraph (4) thereof, modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit the portion of subparagraph (3) thereof relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of the "Limitation on Payments" provision, including subparagraph (4) thereof, modified as outlined in (i) of this paragraph.

(i) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-price subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

(b) In contracts of the types listed in § 23.201–2(b), insert the following paragraph (g) in lieu of paragraph (g) of the clause set forth in paragraph (a) of this section:

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts without the prior written consent of the Contracting Officer if the Contracting Officer has, in writing, approved the Contractor's procurement system and the subcontract is within the scope of such approval. (APRIL 1967)

§ 7.204–1 Clauses for contracts involving construction work.

* * * * * * *

(b) In accordance with the requirements of § 18.509–5 of this chapter, insert the clause entitled Buy American Act.

§ 7.303–1 Clauses for contracts involving construction work.

* * * * * * *

(b) In accordance with the requirements of § 18.509–5 of this chapter, insert the clause entitled Buy American Act.

§ 7.303–12 Subcontracts.

In accordance with the requirements of § 23.201–1 of this chapter, insert an appropriate subcontracts clause.

17. Section 7.303–13 is revoked, and §§ 7.402–8, 7.402–11, 7.403–1(b), 7.403–2, 7.505–1, 7.602–20, 7.602–24, 7.603–3, 7.603–9, 7.605–23, 7.606–3, 7.606–4, and 7.705–6 are revised, as follows:

§ 7.303–13 Changes to make-or-buy program. [Revoked]

§ 7.402–8 Subcontracts.

(a) In accordance with the requirements in § 23.201–2, and subject to the instructions in paragraphs (b) and (c) of this section, insert the following clause.

SUBCONTRACTS (APR. 1967)

(a) The Contractor shall give advance notifications to the Contracting Officer of any proposed subcontract hereunder which (i) is cost-reimbursement, time and materials, or labor-hour, or (ii) is fixed-price type and exceeds in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, (iii) provides for the fabrication, purchase, rental, installation, or other acquisition of special test equipment having a value in excess of $1,000 or of any items of industrial facilities; or (iv) has experimental, developmental, or research work as one of its purposes.

(b) In the case of a proposed subcontract which (i) is cost-reimbursement, time and materials, or labor-hour which would involve an estimated amount in excess of $10,000, including any fee, (ii) is proposed to exceed $100,000, or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate are expected to exceed $100,000, the advance notification required by (a) above shall include:

(1) A description of the supplies or services to be called for by the subcontract;

(2) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(3) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(4) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data when such data and certificate are required by other provisions of this contract to be obtained from the subcontractor; and

(5) Identification of the type of subcontract to be used.

(c) The Contractor shall obtain the written consent of the Contracting Officer prior to placing any subcontract for which advance notification is required under (a) above. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which in the opinion of the Contractor, may result in litigation, related in any way to this contract, with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (i) and (ii) of (a) above, without the consent of the Contracting Officer, if the Contracting Officer has approved in writing the Contractor's procurement system and the subcontract is within the scope of such approval.

(h) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of the "Limitation on Payments" paragraph set forth in the appropriate clause prescribed by paragraph 7–108 of the Armed Service Procurement Regulation, including subparagrap (4) thereof, modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) thereof relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of the "Limitation on Payments" provision, including subparagraph (4) thereof, modified as outlined in (i) above.

(i) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-price types of subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

(b) In contracts of the types listed in § 23.201–2(b) of this chapter, insert the following paragraph (g) in lieu of paragraph (g) of the clause set forth in paragraph (a) of this section:

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (i), (ii), or (iii) of (a) above without the prior written consent of the Contracting Officer, if the Contracting Officer has in writing approved the Contractor's procurement system and the subcontract is within the scope of such approval. (APRIL 1967)

(c) In contracts without fee with educational institutions, change "(iii)" in paragraph (a) of the clause in paragraph (a) of this section to read:

(iii) Provides for (A) the construction, purchase, rental, installation, or other acquisition of nonseverable industrial facilities, or (B) the fabrication, purchase, rental, installation, or other acquisition, of any item of either (1) severable industrial facilities having a value in excess of $1,000 or the amount, if any, specified in the Schedule or Task Order, whichever is the lesser, or (2) special test equipment having a value in excess of $1,000. (APRIL 1967)

In (iii)(B)(1) thereof, the $1,000 limit may, in the discretion of the contracting officer, be decreased where it is determined to be in the interest of the Government, in view of the circumstances of each particular contract, as, for example, the nature of the contractor's operations, previous experience with the contractor on comparable procurements, the contractor's accounting and procurement systems, accounting and supply systems of the procurement activity, and the capability of the procuring activity to effect close surveillance of the contractor's procurement and accounting practices. Also, in the discretion of the contracting officer, the cumulative total of acquisitions of severable industrial facilities may be limited to a stated dollar amount or an amount equal to a stated percentage of the estimated cost, beyond which amount the contractor will be required to obtain written consent of the contracting officer for any additional acquisitions of such facilities.

§ 7.402–11 Disputes.

Insert the clause set forth in § 7.103–12.

§ 7.403–1 Clauses for contracts involving construction work.

* * * * * * *

(b) In accordance with the requirements of § 18.509–5 of this chapter, insert the clause entitled "Buy American Act."

§ 7.403–2 Filing of patent applications.

In accordance with the requirements of § 9.106, insert the contract clause set forth therein.

§ 7.505–1 Alterations in contract.

Insert the contract clause set forth in § 7.105–1.

§ 7.602–20 Buy American.

In accordance with § 18.509, insert the clause set forth in § 18.509–5.

§ 7.602–24 Nondomestic construction materials.

In accordance with § 18.509–4, include the clause set forth therein.

§ 7.603–3 Filing of patent applications.

In accordance with § 9.106, insert the clause set forth therein.

§ 7.603–9 Subcontracts.

In accordance with § 23.201–1 of this chapter, insert the appropriate subcontracts clause, modified if appropriate.

§ 7.605–23 Subcontracts.

In accordance with the requirements of § 23.201–2 of this chapter, insert the clause set forth in § 7.203–8(a) subject to the instructions in § 7.203–8(b).

§ 7.606–3 Buy American.

In accordance with § 18.509 of this chapter, insert the clause set forth in § 18.509–5.

§ 7.606–4 Nondomestic construction materials.

In accordance with § 18.509–4 of this chapter, insert the clause set forth therein.

§ 7.705–6 Buy American Act—construction contracts.

In accordance with the requirements of § 18.509–5 of this chapter, every contract for construction shall include the contract clause set forth therein.

PART 9—PATENTS, DATA, AND COPYRIGHTS

18. In § 9.107–5(b), clause paragraph (f)(2) is revised; and § 9.110(a)(2) and the introductory text of § 9.304–2(b) are revised, as follows:

§ 9.107–5 Clauses for domestic contracts.

* * * * *

(a) *Patent rights (license) clause.*

* * *

(b) *Patents rights (license) clause.*

* * *

PATENT RIGHTS (LICENSE) (OCTOBER 1966)

* * * * *

(f) *Withholding of payment.* * * *

(2) If at any time before final payment under this contract the contractor fails to deliver an interim report required by (c)(ii), a written invention disclosure required by (c)(i), or a confirmatory license required by (d)(i), the contracting officer shall withhold from payment $50,000 or five percent (5%) of the amount of this contract whichever is less (or whatever lesser sum is available if payments have exceeded ninety-five percent (95%) of the amount of this contract) until the contractor corrects all such failures.

* * * * *

§ 9.110 Reporting of royalties—anticipated or paid.

(a) * * *

(2) In order to determine whether royalties anticipated or actually paid under Government contracts are excessive, improper, or inconsistent with rights which the Government may possess in particular inventions, patents, or patent applications, the departments shall require royalty information and reports as prescribed below. However, royalty information generally should not be required in formally advertised contracts, or in negotiated contracts for which cost or pricing data is not required under § 3.807–3. See § 9.112 for action to be taken in the event of elimination or reduction of royalties.

* * * * *

§ 9.304–2 Review of agreements.

* * * * *

(b) When it is reasonably anticipated that the Government will procure from the second source the supplies or services involved in the agreement, or that Military Assistance Program funds will be provided for the procurement of supplies or services, the following guidance applies.

* * * * *

PART 12—LABOR

19. Paragraph (a) in § 12.1005 is revised to read as follows:

§ 12.1005 Notices and other submissions.

(a) *Notice of intention.* Prior to issuing invitations for bids or commencing negotiations for any contract containing the clause set forth in § 12.1004(a), the issuing office shall submit a "Notice of Intention To Make a Service Contract and Response to Notice" (Standard Form 98) to the Administrator, Wage and Hour and Public Contracts Divisions of the Department of Labor. Such notice shall ordinarily be submitted 30 days or more prior to the issuance of the solicitation. Where circumstances prevent submission of the notice by that time, it shall be submitted as soon thereafter as practicable. Standard Form 98 may be obtained from the General Services Administration Regional Supply Depots. The back of the form contains instructions for its completion (notwithstanding the instructions on the form, only the original and three copies shall be forwarded). Whenever detailed information which is requested is not readily available, such pertinent general information as is available should be provided. For example, if meaningful estimates of the number of service employees in various classes to be used on the contract cannot be made, estimates of the total number of employees or of the numbers falling within the categories enumerated in § 12.1002(a) should be supplied if practical.

* * * * *

PART 13—GOVERNMENT PROPERTY

20. In § 13.701, paragraphs (a) and (c) are revised to read as follows:

§ 13.701 Applicability.

(a) As used throughout this subpart, the term "fixed-price contract" shall include any advertised or negotiated fixed-price type contract (see § 3.404) and any letter contract which will be converted into a fixed-price type definitive contract, but shall exclude small purchases made under Subpart F, Part 3 of this chapter, and short form negotiated supply contracts (see § 16.102–2(c) of this chapter) under which Government property having an acquisition cost of $25,000 or less is to be furnished.

* * * * *

(c) As used throughout this subpart, the term "short form contract" shall include small purchases made under Subpart F, Part 3 of this chapter, and short form negotiated supply contracts (see § 16.102–2(c) of this chapter) under which Government property having an acquisition cost of $25,000 or less is to be furnished.

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

21. A new paragraph (g) is added to § 15.205–46, as follows:

§ 15.205–46 Travel costs.

* * * * *

(g) *Travel via contractor-owned, -leased, and -chartered aircraft.* (1) "Cost of contractor-owned, -leased, and -chartered aircraft," as that phrase is used herein, includes the cost of lease, charter, operation (including personnel), maintenance, depreciation, insurance, and other related costs. This cost is allowable, if reasonable, to the extent the contractor can demonstrate that the use of such aircraft is necessary for the conduct of his business and that the increase in cost, if any, in comparison with alternative means of transportation, is commensurate with the advantages gained.

(2) Some of the factors to consider in determining the necessity for such aircraft are whether:

(i) Scheduled commercial airlines or other suitable less costly travel facilities are available at reasonable times, with reasonable frequency and serving the required destinations conveniently;

(ii) It is likely that critical or emergency situations might arise which could not be accommodated as effectively by scheduled commercial airline or other suitable less costly travel facilities;

(iii) The increased flexibility in scheduling would result in time savings and more effective utilization of key personnel;

(iv) National or industrial security demands privacy for key personnel who must work en route; and

(v) There exists a contract requirement for flight testing of equipment.

(3) When the need for contractor-owned, -leased or -chartered aircraft has been demonstrated, additional factors such as the following shall be considered in determining the reasonableness of costs.

(i) Number, type and size of aircraft needed (involved in this determination are matters such as the number and physical aspects of locations to which flights are required, distances to these locations, number of passengers to be carried and frequency of flights).

(ii) The appropriateness of the method of acquisition, i.e., purchase, lease, or charter.

(iii) Whether, when the contractor has more than one type or size of aircraft, that available aircraft best suited to the requirements of each individual trip was used.

(4) Where the need for contractor-owned, -lease or -chartered aircraft has been demonstrated, optimum use of such aircraft, rather than scheduled commercial service, should be made where a cost advantage will result to the Government.

PART 16—PROCUREMENT FORMS

22. Section 16.000 and Subpart A are revised, and §§ 16.200, 16.201, 16.201–1, 16.201–2, 16.202, 16.203, 16.203–1, 16.203–2, and 16.203–3 are revoked, as follows:

§ 16.000 Scope of part.

This part prescribes forms for use in connection with the procurement of supplies and services. In using these forms for procurement outside the United States, its possessions, and Puerto Rico, contract provisions which are made inapplicable to such procurement by or under authority of ASPR may be deleted.

Subpart A—Forms for Advertised and Negotiated Supply and Services Contracts

Sec.

16.100 Scope of subpart.
16.101 Forms for Advertised Supply or Services Contracts (Standard Forms 33, 33A, 32, 36, 30 and 26).
16.101–1 General.
16.101–2 Conditions for Use.
16.102 Forms for Negotiated Supply or Services Contracts (Standard Forms 18, 26, DD ASPR Form 1270, Standard Form 32, DD ASPR Form 748, Standard Forms 33, 33A, 36, and 30).
16.102–1 Request for Quotation (Standard Form 18).
16.102–2 Award/Contract (Standard Form 26).
16.102–3 Solicitation, Offer, and Award (Standard Form 33).
16.103 Amendment of Solicitation/Modification of Contract (Standard Form 30).
16.104 Instructions for Preparation of Forms for Advertised and Negotiated Supply and Services Contracts (Standard Forms 33, 26, and 30).
16.104–1 General.
16.104–2 Solicitation, Offer, and Award (Standard Form 33).
16.104–3 Award/Contract (Standard Form 26).
16.104–4 Amendment of Solicitation/Modification of Contract (Standard Form 30).

AUTHORITY: The provisions of this Subpart A issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 16.100 Scope of subpart.

This subpart prescribes forms for use in procuring supplies and services either by formal advertising or by negotiation (but see also Subpart B of this part); it is not applicable to specialized procurements for which other instructions are prescribed by this subchapter or Departmental procedures (see §1.108).

§ 16.101 Forms for advertised supply or services contracts (Standard Forms 33, 33A, 32, 36, 30 and 26).

§ 16.101–1 General.

The following contract forms shall be used in effecting procurements of supplies or services by formal advertising:

(a) Solicitation, Offer, and Award (Standard Form 33) and the reverse side (Representations, Certifications, and Acknowledgements);

(b) Solicitation Instructions and Conditions (Standard Form 33A);

(c) General Provisions (Supply Contract) (Standard Form 32);

(d) Any other special terms for the solicitation or additional contract provisions which are prescribed by this subchapter or Departmental procedures (see § 1.108 of this chapter).

NOTE: The Federal, State, and Local Taxes clause in § 11.401–1 of this chapter shall be used as a part of Standard Form 32, when that standard form is used in any advertised procurement or in any of the other circumstances set forth in § 11.401–1 of this chapter. In the case of a negotiated fixed-price contract in excess of $10,000 where the contracting officer is not satisfied that the contract price, by virtue of competition or otherwise, excludes contingencies for State and Local taxes, the Federal, State and Local Taxes clause in § 11.401–2 of this chapter shall be made a part of the contract;

(e) Continuation Sheet (Standard Form 36);

(f) Amendment of Solicitation/Modification of Contract (Standard Form 30) when needed (see § 16.103);

(g) Award/Contract (Standard Form 26) when needed.

§ 16.101–2 Conditions for use.

(a) The Solicitation, Offer, and Award (Standard Form 33) shall be prepared in accordance with § 2.201 of this chapter. One copy of Standard Form 33A shall accompany each copy of Standard Form 33. Offerors shall be requested to return not more than three signed copies of their offers.

(b) Standard Form 32 and any additional general provisions may be attached to each copy of the Solicitation. Alternatively, only one copy of Standard Form 32 and any additional general provisions need be furnished to each offeror for retention if such provisions are specifically incorporated by reference, including each form name, number, and date, in the Schedule. Provisions which are inapplicable to a particular procurement or to military procurements generally may be deleted by appropriate reference in an Alterations in Contract clause.

(c) Award of contracts shall be accomplished by completing the Award portion of Standard Form 33 and furnishing a copy of the form, so completed, to each successful offeror. Alternatively, such award may be accomplished by completing the Award portion of Standard Form 26 and furnishing it to each successful offeror. Papers previously forwarded to offerors need not accompany the successful offeror's copy of the Award document. The required use of the Award portion of Standard Form 33 or Standard Form 26 does not preclude the additional use of informal documents, including telegrams, as notices of awards.

(d) Continuation Sheet (Standard Form 36) shall be used when additional space is required for Schedule, Amendment/Modification, or Award; however, where the columns thereon are not required, a blank sheet may be used. The appropriate Procurement Instrument Identification number and page number shall be shown on all continuation sheets.

§ 16.102 Forms for negotiated supply or services contracts (Standard Forms 18, 26, DD ASPR Form 1270, Standard Form 32, DD ASPR Form 748, Standard Forms 33, 33A, 36, and 30).

§ 16.102–1 Request for quotation (Standard Form 18).

(a) *General.* Standard Form 18 is prescribed for obtaining price, cost, delivery, and related information from suppliers.

(b) *Conditions for use.* Standard Form 18 is authorized for use when it appears reasonably certain that the procurement will be consummated by (1) a fixed-price contract involving extensive negotiation or (2) a cost-reimbursement contract. Continuation Sheet (Standard Form 36) may be used as required. Standard Form 18 may be used for negotiated procurements in excess of $2,500, and for negotiated procurements of $2,500 or less (including purchase orders) when written solicitations (other than by telegram) of quotations are required. (See § 3.608–2(c)(1) of this chapter for use of DD Form 1155 as a request for quotations.) Two copies of standard Form 18 shall be sent to each prospective supplier and he shall be requested to return only one signed copy. A quotation submitted on this form or on DD Form 1155 is not to be construed as an offer which can be accepted by the Government to form a binding contract. Therefore, issuance by the Government of a purchase order pursuant to a supplier's quotation does not constitute a contract, but the purchase order is an offer by the Government to the supplier to buy certain goods or services upon specified terms and conditions.

§ 16.102–2 Award/Contract (Standard Form 26).

(a) *General.* Standard Form 26 is designed for use primarily when entering into contracts resulting from extensive negotiation where the signature of both parties on a single document is appropriate. (See also § 16.102–3 for use of this form as an award pursuant to receipt of a firm offer on Solicitation, Offer, and Award (Standard Form 33).)

(b) *Conditions for use.* This form, in conjunction with appropriate General Provisions as provided in paragraphs (c), (d), and (e) of this section, is prescribed for use in negotiated contracts except:

(1) Contracts for which Solicitation, Offer, and Award (Standard Form 33) used in accordance with § 16.102–3;

(2) Contracts for the construction, alteration, or repair of buildings, bridges, roads or other kinds of real property;

(3) Procurements for which special contract forms are prescribed by this subchapter (for example, §§ 16.501, 16.503, 16.504 and 16.505 or Subpart P, Part 1 of this chapter); and

(4) Procurements for which purchase order and related forms are authorized by Subpart C of this part.

(c) *Short form negotiated supply and services contracts.* (1) DD ASPR Form 1270, General Provisions (Short Form

Negotiated Contract) shall be used with Standard Form 26, Award/Contract, for negotiated, fixed-price and nonpersonal services contracts which do not exceed $10,000 and which are for standard or commercial items not involving special inspection due to complicated specifications. DD ASPR Form 1270 need not be used in contracts to be performed outside the United States, its possessions or Puerto Rico.

(2) No clause on DD ASPR Form 1270 may be deleted or altered, and no other clause covering the subject matter of any clause set forth in this subchapter may be used (including the clauses required by §§ 1.707–3 and 1.805–3(a) of this chapter) except:

(i) Deletions and additions of clauses authorized for use by overseas activities may be made in accordance with Departmental procedures;

(ii) The Preference for Certain Domestic Commodities clause (See § 6.305 of this chapter) may be inserted in the Schedule, where required by Subpart C, Part 6 of this chapter;

(iii) When the contract is for the procurement of supplies and data or solely for data, one of the clauses set forth in §§ 9.203–9.206 of this chapter shall be added when required by the instructions contained in Subpart B, Part 9 of this chapter;

(iv) The Communist Areas clause (see § 6.403 of this chapter) shall be inserted in the Schedule where appropriate;

(v) The Priorities, Allocations, and Allotments clause (see § 7.104–18 of this chapter) may be inserted in the Schedule where required;

(vi) The Federal, State and Local Taxes clause (see § 11.401–1 of this chapter) may, in the discretion of the contracting officer, be inserted in the Schedule;

(vii) The procedures set forth in § 4.604 of this chapter will be followed when required by Subpart F, Part 4 of this chapter, Humane Slaughter of Livestock;

(viii) When the contract is for Military Assistance Program items, the U.S. Products (Military Assistance Program) certificate and clause (see §§ 6.703–3 and 6.703–4 of this chapter) shall be inserted in the Schedule, and Paragraph 11 of the General Provisions (Foreign Supplies) deleted;

(ix) The New Material and Government Surplus clauses (see § 1.1208 of this chapter) may be inserted in the Schedule;

(x) Where inspection and acceptance are at origin, where contract administration is performed at origin, where delivery at multiple destinations is required, or where otherwise appropriate, the Material Inspection and Receiving Report clause (see § 7.105–7 of this chapter) may be inserted in the Schedule;

(xi) Where Government property having an acquisition cost of more than $25,000 is to be furnished, the Government Property (Fixed-Price) clause in § 13.702 of this chapter shall be inserted in the Schedule; and where Government property having an acquisition cost of $25,000 or less is to be furnished, the Government-Furnished Property (Short Form) clause in § 13.710 of this chapter shall be inserted in the Schedule;

(xii) When appropriate, the Commercial Warranty clause (see § 1.324–2(c) of this chapter) may be used in accordance with the provisions of that paragraph;

(xiii) Pending revisions of DD ASPR Form 1270 (June 1964 edition), the Interest clause (see § 163.118 of this chapter) shall be inserted in the Schedule when the contract exceeds $2,500; and

(xiv) When required by Subpart J, Part 12 of this chapter, the clause set forth in § 12.1004(a) of this chapter shall be added.

(d) *Long form negotiated supply and services contracts.* (1) Except as provided in paragraphs (b) and (c) of this section, Award/Contract (Standard Form 26) shall be used with Standard Form 32 (General Provisions (Supply Contract)) or with required nonpersonal services clauses, and any other forms containing contract provisions which are prescribed by this subchapter or Departmental procedures, for entering into negotiated fixed-price contracts to which Subpart A Part 7 of this chapter, is applicable.

(2) Except as provided in paragraph (b) of this section, Award/Contract (Standard Form 26) shall be used with DD ASPR Form 748 (General Provisions—Cost-Reimbursement Supply Contracts), and any other forms containing contract provisions which are prescribed by this subchapter or Departmental procedures for entering into negotiated cost-reimbursement type contracts to which Subpart B, Part 7 of this chapter, is applicable.

(e) *Special negotiated contracts.* Award/Contract (Standard Form 26) may be used for special procurements where clauses other than those on DD ASPR Form 1270, Standard Form 32, or DD ASPR Form 748 have been authorized. For example, cost-reimbursement research and development contracts with clauses prescribed by Subpart D, Part 7 of this chapter; contracts for stevedoring services; time and materials contracts; personal and professional services contracts; and contracts for instruction of military personnel at educational institutions.

(f) *Corporate certificate.* Where a corporate certificate is considered necessary or desirable, it may be executed on a typed sheet, identified by Procurement Instrument Identification (contract) number, and attached to Award/Contract (Standard Form 26).

(g) *Schedule and continuation sheet.* Standard Form 36 (Continuation Sheet) shall be used for the Schedule and Continuation Sheets (see § 16.101–2(d)).

(h) *Effective date.* The effective date shown on the Award/Contract (Standard Form 26) is the date agreed to by the contracting parties as the date on which the terms and conditions of the contract take effect. This date may be different from the signature dates and is used for such purposes as establishing a base time from which delivery schedules may be established (see § 1.305–3(a)(2) of this chapter). The effective date does not necessarily determine the fund obligation date which normally is the date when a mutually binding agreement is reached. If referred to in the contract Schedule, the effective date shall always be identified as the "effective date" and should not be later than any performance or delivery dates set forth in the Schedule. The effective date should be filled in prior to forwarding for contractor signature.

§ 16.102–3 Solicitation, offer, and award (Standard Form 33).

(a) *General.* The following forms are prescribed for use under the conditions set forth in paragraph (b) of this section in effecting negotiated fixed-price procurement of supplies or nonpersonal services:

(1) Solicitation, Offer, and Award (Standard Form 33);

(2) Solicitation Instructions and Conditions (Standard Form 33A);

(3) General Provisions (Supply Contract) (Standard Form 32) (only when procuring supplies);

(4) Any other forms containing contract provisions which are prescribed by this subchapter or Departmental procedures;

(5) Continuation Sheet (see § 16.101–2(d));

(6) Amendment of Solicitation/Modification of Contract (Standard Form 30) when needed (see § 16.103); and

(7) Award/Contract (Standard Form 26) when needed.

(b) *Conditions for use.* (1) The above forms (together with authorized contract provisions) shall be used in connection with the negotiation of fixed-price contracts for supplies or nonpersonal services when it appears desirable to commence negotiations by soliciting written offers which, if there is written acceptance by the Government, would create a binding contract without further action. Prospective offerors shall be requested to return not more than three signed copies of their offers.

(2) When offers have been submitted on Solicitation, Offer, and Award (Standard Form 33) and it is in the interest of the Government and is in accordance with § 3.805–1(a)(5) of this chapter to accept a prospective contractor's offer without further negotiation, price and other factors considered, award may be made by use of the Award portion of Standard Form 33. In such instances, the contract will consist of the appropriate documents listed in paragraph (a) of this section. Alternatively, award may be made by use of the Award portion of Standard Form 26 (see § 16.102–2).

(3) When an offer submitted by a prospective contractor leads to further negotiation, the resulting contract shall be prepared as a bilateral contract document on Award/Contract (Standard Form 26) in accordance with § 16.102–2 except that:

(i) If the circumstances are such that the prospective contractor can amend his offer in writing to reflect any necessary changes, the amended offer may be accepted by use of the Award portion of Solicitation, Offer, and Award (Standard Form 33) or the Award portion of Award/Contract (Standard Form 26); or

(ii) If all the terms and conditions agreed to as a result of such further negotiation are specifically and clearly set forth in identifiable writings but such writings are unsuitable or too voluminous to permit acceptance of the amended offer by use of the Award portion of either Standard Form 33 or 26 and if the circumstances of the procurement require prompt acceptance of the amended offer, such modified offer may be accepted by the issuance of a notice of award in substantially the format set forth below.

In cases within subdivision (i) of this subparagraph, the use of the Award portion of Standard Form 33 or 26 does not preclude the additional use of informal documents, including telegrams, as notices of award. In cases within subdivision (ii) of this subparagraph, all of the terms and conditions of the contract thereby created shall be, without change or modification, promptly consolidated into a bilateral contract document using Award/Contract (Standard Form 26) and a signed copy thereof shall be submitted to the General Accounting Office.

NAME AND ADDRESS OF PURCHASING OFFICE

Date: ----------

Name and Address of Contractor

Contract No. ------

Gentlemen:

Your offer dated ----------, (In response to Solicitation No. ------, dated ---------- ------) as amended by [list and identify all documents or portions thereof, such as letters, telegrams, and printed matter, from the prospective contractor and the Government, which together set forth the terms and conditions of the contract] for the furnishing of ----------, at a total price of $------, is accepted and award is hereby made.

A contract in the usual form, dated and numbered as set forth above, incorporating all the terms and conditions of the contract hereby created is being prepared and will be forwarded to you in the near future.

This contract is authorized by and has been negotiated pursuant to 10 U.S.C. 2304(a)( ).

United States of America

By: ----------

(Name) Contracting officer

(4) Standard Form 32, if applicable, and any other general provisions may be attached to each of the Solicitation, Offer, and Award (Standard Form 33). Alternatively, only one copy of Standard Form 32 and any other general provisions need be furnished to each supplier for retention, if such provisions are specifically incorporated by reference in the Schedule including each form name, number, and date. Provisions which are inapplicable to a particular procurement, or to military procurements generally may be deleted by appropriate reference in an Alterations in Contract clause.

(5) When a cost breakdown is required in connection with an offer, the appropriate form of the DD Form 633 series shall be used to the extent provided in § 16.206.

(6) This section does not preclude the use of the purchase order forms prescribed in Subpart C of this part.

(7) When it is necessary to issue an amendment to a solicitation for offers, Standard Form 30 shall be used.

§ 16.103 Amendment of solicitation/modification on contract (Standard Form 30).

(a) *General.* This section prescribes a single form for (1) amendment of solicitations (whether advertised or negotiated), and (2) modification of contracts (including purchase and delivery orders entered into on DD Form 1155 (see § 3.608–4 of this chapter)). Use of this form in the procurement of construction is optional.

(b) *Conditions for use.* This form shall be used for:

(1) Any amendment to a solicitation;

(2) Any change order issued pursuant to the Changes clause of a contract;

(3) Any other unilateral contract modification (see § 1.201–2 of this chapter), except notices of termination (see § 16.701), issued pursuant to a contract provision authorizing such modification without the consent of the contractor;

(4) Administrative changes such as the correction of typographical mistakes, changes in the paying office and changes in accounting and appropriation data; and

(5) Supplemental agreements as defined in § 1.201–18 of this chapter.

(c) *Continuation of amendments/modifications.* Standard Form 36 or a blank sheet of paper may be used for continuation of amendments/modifications (see § 16.101–2(d)).

(d) *Modification of construction contracts.* When used to modify a contract for construction, this form may be altered to provide for the contractor's written acknowledgement of change orders. See § 16.405–3(a) for a format to be used for change orders where the contractor has agreed to the contract modification before issuance of the formal change order or similar modification.

§ 16.104 Instructions for preparation of forms for advertised and negotiated supply and services contracts (Standard Forms 33, 26, and 30).

§ 16.104–1 General.

The following information is applicable to all of the form discussed in §§ 16.104—16.104–4.

(a) *Codes.* The Department of Defense and contractor organizational entity address codes are those to be prescribed by the Office of the Assistant Secretary of Defense (Comptroller). Entries shall be made in accordance with Defense Organization Entity System (DOES).

(b) *Dates.* All date entries shall be constructed with a 2-position numeric day, 3-position alpha month, and a 2-position numeric year; e.g., 05NOV66.

(c) *Self-explanatory blocks.* Self-explanatory blocks are not discussed.

§ 16.104–2 Solicitation, offer, and award (Standard Form 33).

Instructions for block entries are as follows:

Block No.	Title and/or Instructions
2	*Solicitation No.*—For Small Business Restricted Advertising and other types of restricted advertising, the box "Advertised (IFB)" shall be checked after insertion of the appropriate Procurement Instrument Identification number.
25	Although Small Business Restricted Advertising and other types of restricted advertising are to be treated as advertised procurements for the purpose of classification in block 2, such procurements are negotiated procurements (see § 1.706–2), and require the insertion of the appropriate negotiation authority in Block 25.

§ 16.104–3 Award/Contract (Standard Form 26).

Instructions for block entries are as follows:

Block No.	Title and/or Instructions
2	*Effective Date*—Not applicable to formal advertising. For negotiated procurements, see § 16.102–2(h).
9	*Discount for Prompt Payment*—Percentages will be expressed in whole numbers and decimals; e.g., 3.25 percent—10 days, 0.50 percent—20 days.
11	*Ship To/Mark For*—Multiple delivery points shall be shown in the Schedule and this block annotated to that effect. Any "Mark For" in-the-clear or DOES coded address for ultimate consignee shall be entered in this block.
14	*Accounting and Appropriation Data*—If multiple accounting classifications are applicable, see 20–304.2 (b) and (c).
15	*Item No.*—See Section XX, Part 3.
16	*Supplies/Services*—When used as an acceptance, only the Item numbers of the solicitation need be set forth in the Schedule portion. Any modification made by the offeror to a solicitation which are accepted by the Government will be set forth in the Schedule.
22	If the form is being used as a negotiated bilateral contract pursuant to receipt of quotations on Request for Quotations (Standard Form 18) or informal means, and subsequent negotiations, if any, the box shall be checked and contractor shall be required to sign this document and return the prescribed number of copies to the issuing office.
26	If this form is being used as an acceptance (award) pursuant to receipt of a firm offer on Solicitation, Offer, and Award (Standard Form 33), the box shall be checked and contractor will not be required to sign this document.

§ 16.104–4 Amendment of solicitation/modification of contract (Standard Form 30).

Instructions for block entries are as follows:

Block No.	Title and/or Instructions
1	*Amendment/Modification No.*—See Section XX, Part 2.
2	*Effective Date*—See § 16.102–2(h).
13	If the modification is a Change Order (11(a)) or Administrative Change (11(b)), the first box in this block shall be checked, and contractor's signature will not be required. If the modification is a Supplemental Agreement (11(c)), contractor's signature will be required, the second box shall be checked and the number of copies to be returned to issuing office shall be inserted.
17	Contracting Officer's signature is not required when amending a solicitation.

§ 16.200 Scope of subpart. [Revoked]

§ 16.201 Request for quotation (Standard Form 18). [Revoked]

§ 16.201–1 General. [Revoked]

§ 16.201–2 Conditions for use. [Revoked]

§ 16.202 Negotiated contract forms (DD Form 1261 and DD ASPR Form 1270). [Revoked]

§ 16.203 Request for proposals and proposal, schedule/continuation sheet amendment to request for proposals, acceptance of proposal (DD Forms 746, 746–1 or 1155c or Standard Form 36 or Blank Sheet, DD Forms 746a, 746–2). [Revoked]

§ 16.203–1 General. [Revoked]

§ 16.203–2 Conditions for use. [Revoked]

§ 16.203–3 Instructions regarding late proposals. [Revoked]

23. Sections 16.303, 16.401–1 and 16.401–2 are revised; paragraph (g) in § 16.401–3 is revoked; § 16.402–1 is revised; and §§ 16.815, 16.815–1 and 16.815–2 are revoked, as follows:

§ 16.303 Order for supplies or services/request for quotations (DD Forms 1155, 1155r, 1155r–1, and 1155c–1).

Order for Supplies or Services/Request for Quotations, DD Form 1155 series, shall be used to accomplish small purchases in accordance with § 3.608 of this chapter.

§ 16.401–1 General.

The following forms are prescribed for use in formally advertised construction contracts where the work is to be performed in the United States, its possessions, or Puerto Rico:

(a) Standard Form 19—Invitation, Bid and Award (Construction, Alteration or Repair).

(b) Standard Form 19–A—Labor Standards Provisions—Applicable to Contracts in excess of $2,000.

(c) Standard Form 19–B—Representations and Certifications (Construction Contract).

(d) Standard Form 20—Invitation for Bids (Construction Contract).

(e) Standard Form 21—Bid Form (Construction Contract).

(f) Standard Form 22—Instructions to Bidders (Construction Contract).

(g) Standard Form 23—Construction Contract.

(h) Standard Form 23–A—General Provisions (Construction Contract).

NOTE: The Federal, State, and Local Taxes clause in § 11.401–1 of this chapter shall be used as a part of Standard Form 23–A when that Standard Form is used in any advertised procurement or in any of the other circumstances set forth in § 11.401–1 of this chapter. When a Standard Form 23–A is used in a negotiated fixed-price contract in excess of $10,000 where the contracting officer is not satisfied that the contract price, by virtue of competition or otherwise, excludes contingencies for State and Local taxes, the Federal, State, and Local Taxes clause in § 11.401–2 of this chapter shall be made a part of the contract.

(i) Standard Form 30—Amendment of Solicitation/Modification of Contract on an optional basis.

(j) Continuation sheet: There is no prescribed form of Continuation Sheet for construction contracts. A blank sheet, incorporating (1) the contract or invitation number, as appropriate; (2) page number and number of pages; and (3) name of bidder or contractor may be used for this purpose. Standard Form 36, Continuation Sheet (Supply Contract), shall not be used for construction contracts.

§ 16.401–2 Conditions for use.

(a) *Contracts estimated not to exceed $2,000.* Standard Forms 19 and 19–B shall be used for those contracts executed as a result of formal advertising. Standard Form 22 also may be used. Where it is indicated that the low bid may exceed $2,000, Standard Form 19–A should be attached, the specifications should include the appropriate wage rate determination, and the following language shall be inserted in the space provided in the bid portion of Standard Form 19 prior to the issuance of the invitation:

> If this bid exceeds $2,000, bidder shall furnish with his bid a bid guaranty in an amount equal to ------ percent of his bid; failure to submit the guaranty on time is cause for rejection of the bid. (DECEMBER 1966)

When Standard Form 19 is used, progress payments may be made if the period of performance is greater than 1 month. However, if the period of performance is less than 1 month or the total contract amount does not warrant progress payments, a single payment may be made, in which case the the contracting officer may indicate completion and final acceptance of the contract work by a stamped and signed statement to that effect on the face of the standard form and forwarding it to the disbursing officer for payment. The following statement may be used for this purpose:

> I certify that the work and services furnished hereunder have been completed, inspected, and accepted as conforming to the contract requirements, and the amount is correct and proper for payment.
>
> ----------
> Signature and title of certifying officer

(b) *Contracts estimated to exceed $2,000 but not to exceed $10,000.* Standard Forms 19, 19–A and 19–B shall be used for these construction contracts executed as a result of formal advertising. Standard Form 22 also may be used. The additional language set forth in paragraph (a) of this section shall be inserted in the bid portion of Standard Form 19 prior to issuance of the invitation.

(c) *Contracts estimated to exceed $10,000.* Standard Forms 19–A, 19–B, 20, 21, 22, 23, and 23–A shall be used for three construction contracts executed as a result of formal advertising. Strict compliance with the following instructions is required.

(1) *Standard Form 19–A.* This form shall be attached to the contract file.

(2) *Standard Form 19–B.* This form shall be completed by the bidder and shall be attached to the contract file.

(3) *Standard Form 20 (invitation for bids).* Bidders shall be requested to return only two signed copies of their bids. This form shall be completed by inserting the appropriate data on the face of the form. See § 18.202 of this chapter and the following:

(i) *Information regarding bidding material, bid guarantee and bonds.* Insert the following paragraphs on the face of the form:

(a) *Bid Bonds.* Each bidder shall submit with his bid a Bid Bond (Standard Form 24) with good and sufficient surety or sureties acceptable to the Government, or other security as provided in paragraph 4 of Instructions to Bidders (Standard Form 22) in the form of twenty percent (20%) of the bid price or $3,000,000 whichever is lesser. The bid bond penalty may be expressed in terms of a percentage of the bid price or may be expressed in dollars and cents.

(b) *Performance and Payment Bonds.* Within ---------- days after the prescribed forms are presented to the bidder to whom award is made for signature, a written contract on the form prescribed by the specifications shall be executed and two bonds, each with good and sufficient surety or sureties acceptable to the Government, furnished; namely a Performance Bond (Standard Form 25) and a Payment Bond (Standard Form 25–A). The penal sums of such bonds will be as follows:

(*1*) *Performance Bond.* The penal sum of the performance bond shall equal ------ percent (------ %) of the contract price. (Insert the appropriate percent determined in accordance with the provisions of § 10.103–1(a) of this chapter.

(*2*) *Payment Bond.* (*i*) When the contract price is $1 million or less, the penal sum will be fifty percent (50%) of the contract price.

(*ii*) When the contract price is in excess of $1 million but not more than $5 million, the penal sum shall be forty percent (40%) of the contract price.

(*iii*) When the contract price is more than $5 million, the penal sum shall be $2,500,000.

Any bonds furnished will be furnished by the contractor to the Government

prior to commencement of contract performance.

(ii) *Additional information for bidders.* (*a*) Additional information and instructions may be given to bidders by using the reverse side of Standard Form 20 or continuation sheets. If used, the reverse side of Standard Form 20, and each continuation sheet used, shall be headed: "Read the Following in Conjunction with the Instructions to Bidders, Standard Form 22."

(*b*) When required by the instructions pertaining to the various paragraphs or by the procuring activity, a paragraph shall be inserted advising prospective bidders where complete drawings and specifications may be examined or copies obtained, information as to the charge, if any, to be made for the drawings and specifications, and the conditions under which they may be obtained. If a charge is made for the drawings and specifications, the following sentences shall be included: "Payment will be made by cash or check, or money order and delivered to the Finance and Accounting Officer, ---------. Checks and money orders should be made payable to 'Treasurer of the United States'."

(*c*) Paragraph 10 of Standard Form 22, Instructions to Bidders reserves in the Government the right to accept any item or combination of items of a bid, unless precluded by the invitation for bids or the bidder includes in his bid a restrictive limitations. However, in unit price contracts, although the work is set out in "items" for pay purposes, the nature of the work is not normally such that multiple awards can be made on the basis of such items. Accordingly, for purposes of award, the work should be set up on a basis of schedules, each schedule comprised of a group of items which by their nature must be performed under a single contract. Thus, if the entire project is not susceptible of division among several contractors, the work will be set up as a single schedule. Conversely, if the work is of a nature that lends itself to multiple awards, the items will be grouped in separate and distinct schedules, each capable of being awarded as a separate contract.

(*d*) Where Standard Form 30, Amendment of Solicitation/Modification of Contract, is not used, each amendment to an invitation for bids shall contain a statement as follows:

> NOTICE: Bidders are required to acknowledge receipt of this amendment on the bid form, in the space provided, or by separate letter or telegram prior to opening of bids. Failure to acknowledge all amendments may cause rejection of the bid.

(4) *Standard Form 21 (Bid Form).* This form shall be furnished to all bidders with the invitation for bids. If the work is divided into separate schedules a bidding schedule showing a breakdown for each such separate schedule should be attached to the invitation for bids and a statement referring thereto made on Standard Form 21.

BIDDING SCHEDULE

(To be attached to bid form when required by the Invitation for Bids)

Item No.	Description	Estimated quantity	Unit	Unit price	Estimated amount

(The following paragraphs shall be printed on the last page of the bidding schedule immediately below the schedule.)

NOTE: Use additional page if necessary. All extensions of the unit prices shown will be subject to verification by the Government. In case of variation between the unit price and the extension, the unit price will be considered to be the bid.

If a modification to a bid based on unit prices is submitted, which provides for a lump sum adjustment to the total estimated cost, the application of the lump sum adjustment to each unit price in the bid schedule must be stated. If it is not stated, the bidder agrees that the lump sum adjustment shall be applied on a pro rata basis to every unit price in the bid schedule.

(5) *Standard Form 22 (instructions to bidders).* A copy of this form should accompany each invitation for bids for the information of bidders.

(6) *Standard Form 23 (construction contract).* A copy of this form should be furnished bidders with the invitation for bids for information. The form shall be completed after award to the acceptable bidder and executed by the parties as the formal contract instrument.

(7) *Standard Form 23–A (general provisions).* Additional general provisions or modifications to the General Provisions as authorized in Subpart F, Part 7 of this chapter, may be added to this form. Standard Form 23–A with any additional sheets necessary shall be attached to the executed contract.

(8) *Specifications.* Specifications consisting of technical and special provisions pertinent to the particular contract and contract drawings shall be attached to the above standard forms to complete the contract.

§ 16.401–3 Terms, conditions and provisions.

* * * * *

(g) [Revoked]

§ 16.402–1 General.

Use of the forms prescribed in § 16.401 is optional for negotiated construction contracts. When used for negotiated contracts, the forms shall be adapted by lining out or obliterating the words "sealed" and "publicly opened" and adding language to indicate the authority for negotiation.

§ 16.815 Contract modification forms. [Revoked]

§ 16.815–1 Change order (DD Form 1319). [Revoked]

§ 16.815–2 Supplemental agreements (DD Form 1320). [Revoked]

PART 17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

24. Section 17.201 is revised; in § 17.203, the last sentence of paragraph (a) and subparagraph (b)(2) are revised, and a new subparagraph (b)(4) is added; paragraph (e) in § 17.205–2 is revised; new paragraphs (e) and (f) are added to § 17.207–1; in § 17.207–3, paragraphs (b), (c), and (d) are revised and new paragraphs (e) and (f) are added; in § 17.208–3, new subparagraphs (4) and (5) are added to paragraph (c); and §§ 17.208–5 and 17.304 are revised, as follows:

§ 17.201 Authority of the Secretaries and the Directors of DSA, DCA, and DASA.

(a) The Secretary of each Department may delegate in writing his authority under the Act and the Executive order, subject to the following limitations:

(1) Authority to approve actions under the Act obligating the United States in an amount in excess of $50,000 shall not be delegated below the Secretarial level; and

(2) Authority to approve any amendment without consideration which increases the stated contract price or unit price may not be delegated below the Secretarial level except in extraordinary cases or classes of cases as to which the Secretary involved finds that there are special circumstances clearly justifying delegation to a lower level.

(b) The Directors of the Defense Supply Agency, the Defense Communications Agency, and the Defense Atomic Support Agency may exercise authority under the Act and the Executive order in all cases obligating the United States in the amount of $50,000 or less, and in disapproving proposed actions in any amount. This authority may be redelegated, consistent with the provisions of this part. Recommendations for payments in excess of $50,000 will be submitted by the Directors to the Assistant Secretary of Defense for Installations and Logistics for approval.

(c) The delegations described in §§ 17.202 and 17.203 shall not be construed as limiting the authority of the Secretaries or the Directors to modify or make other delegations. Copies of all delegations and successive redelegations shall be transmitted to the Assistant Secretary of Defense for Installations and Logistics at the time of issuance.

§ 17.203 Authority of other officers and officials.

(a) * * *. The foregoing authority may be redelegated only with the written approval of the Secretary or the Director concerned.

(b) The delegations of authority which have been made are as follows:

* * * * *

(2) The Navy:

Chief of each Bureau;
Commander of each of the six Systems Commands in the Naval Material Command;
Chief of Naval Research;
Aviation Supply Officer, Philadelphia;
Commander, Military Sea Transportation Service; and Commandant of the United States Marine Corps;

* * * * *

(4) The Defense Supply Agency:

Heads of procuring activities.

§ 17.205–2 Additional limitations upon authority below Secretarial level.

* * * * *

(e) Mistakes shall not be corrected by action obligating the Government in an amount in excess of $1,000 unless notice of the mistake is received by the contracting officer prior to final payment; and

* * * * *

§ 17.207–1 Filing requests.

* * * * *

(e) Mistakes shall not be corrected Agency:

Director, DCA,
Attention: Code 260;

and

(f) In the Defense Atomic Support Agency:

Director, DASA,
Attention: LGCM.

§ 17.207–3 Records.

* * * * *

(b) Navy activities, to the Chief of Naval Material (Navy Contract Adjustment Board);

(c) Air Force activities, to the Air Force Contract Adjustment Board, Office of the Assistant Secretary of the Air Force (Materiel);

(d) Defense Supply Agency activities, to Headquarters, DSA;

(e) Defense Communications Agency activities, to Headquarters, DCA; and

(f) Defense Atomic Support Agency activities, to Headquarters, DASA.

§ 17.208–3 Submission of cases to the Contract Adjustment Board.

* * * * *

(c) *Forwarding to boards.* * * *

(4) In the Defense Communications Agency, each case shall be sent to the Headquarters, DCA, Attention: Code 260, for further processing.

(5) In the Defense Atomic Support Agency, each case shall be sent to the Headquarters, DASA, Attention: LGCM, for further processing.

§ 17.208–5 Maintenance of records.

The records required by §§ 17.207–3, 17.208–2(b), and 17.208–4 (a) and (b) shall be maintained in the Army, Navy, and Air Force, by the respective Boards; and in the Defense Supply Agency, Defense Communications Agency, and Defense Atomic Support Agency, by the respective Headquarters.

§ 17.304 Records.

The respective Contract Adjustment Boards in the Army, Navy and Air Force; and the Headquarters, Defense Supply Agency, Defense Communications Agency and the Defense Atomic Support Agency, shall be responsible for maintaining two copies of each Memorandum of Approval required by § 17.303(b).

PART 18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEERING SERVICES

25. Paragraph (c) of § 18.303–3 is revised; §§ 18.304 and 18.305–1 (a) and (b)(1) are revised; and Subpart E is revised, as follows:

§ 18.303–3 Cost-reimbursement type contracts.

* * * * *

(c) Statutory limitations on fees in both of the above type contracts are set forth in § 3.405–5(c)(2).

§ 18.304 Subcontracting programs.

See Part 23 of this chapter.

§ 18.305–1 Fixed-price type contracts.

(a) On all fixed-price type construction procurement in excess of $10,000 and for all modifications involving $10,000 or more, whether by increase or decrease in price or a combination of both, a Government estimate shall be prepared (see § 18.108–1). The Government estimate for architect-engineer contracts shall be prepared in accordance with pertinent provisions of Department of Defense Directives.

(b) * * *

(1) Where there are significant differences between the Government estimate in a construction procurement and the proposals submitted on any item, the contractors, will be requested to submit cost or pricing data concerning such elements as wage rates or fringe benefits, significant materials and equipment allowances. Such data shall also be evaluated and analyzed, as shall cost or pricing data on subcontracts (§ 3.807–10 of this chapter), when requested by the contracting officer. (See § 23.100 of this chapter.)

* * * * *

Subpart E—Foreign Purchases and Construction in Foreign Countries

Sec.
18.501 Construction in foreign countries.
18.501–1 General.
18.501–2 Technical agreements.
18.502 Labor.
18.502–1 The Defense Base Act.
18.502–2 Labor laws of host country.
18.503 Materials.
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18.505 Scope of subpart.
18.506 Definitions.
18.506–1 Construction.
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18.506–3 Components.
18.506–4 Domestic construction material.
18.506–5 Nondomestic construction material.
18.506–6 United States.
18.507 Statutory requirements.
18.508 Exceptions.
18.508–1 Nonavailability in the United States.
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18.508–3 Panamanian materials for use in the Canal Zone.
18.509 Procedures.
18.509–1 Applicability.
18.509–2 Solicitation of bids and proposals.
18.509–3 Evaluation of bids and proposals.
18.509–4 Contract listing of excepted nondomestic construction materials.
18.509–5 Contract clause.
18.509–6 Canal Zone contracts.
18.510 Penalty for violation.
18.511 List of excepted articles, materials, and supplies.

AUTHORITY: The provisions of this Subpart E issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 18.501 Construction in foreign countries.

§ 18.501–1 General.

Construction in foreign countries includes construction anywhere outside the United States. In contracts which are entered into with foreign contractors or are for performance in foreign countries, the term "United States" will appear before the word "Government."

§ 18.501–2 Technical agreements.

When construction is contemplated in a foreign country, the Office of the Chief of Engineers, Department of the Army, or the Naval Engineering Facilities Command, Department of the Navy, as appropriate, should be invited to participate in the negotiations of any technical working agreement with a foreign government concerning the construction. This agreement negotiated between appropriate officials of the United States and the foreign government should, to the extent feasible and where not otherwise provided for in other agreements, cover all elements necessary for the construction required by the laws, regulations and customs of the United States and the foreign government, relating to:

(a) The acquisition of all necessary rights;

(b) The expeditious, duty free importation of labor, material and equipment;

(c) The payment of taxes applicable to contractors, personnel, materials and equipment;

(d) The applicability of workmen's compensation laws and other labor laws to citizens of the United States, citizens of the host country and citizens of other countries;

(e) The provision of utility services;

(f) The disposition of surplus materials and equipment;

(g) The handling of claims and litigation; and

(h) Any other problems which can be foreseen and appropriately resolved by such agreement.

§ 18.502 Labor.

§ 18.502–1 The Defense Base Act.

The Defense Base Act extends the applicability of the Longshoremen's and Harbor Worker's Compensation Act to certain classes of employees engaged in work outside the United States (see § 10.403(a) of this chapter). Where indigenous employees are subject to the compensation laws or comparable provisions of the host country for job-connected illness or injury, the contracting officer shall consider requesting a waiver of the Defense Base Act (see § 10.403(b) of this chapter).

§ 18.502–2 Labor laws of host country.

Contractors shall comply with the applicable labor laws of the host country. Exemption from such laws shall be sought by means of treaty, executive agreement or express authorization from proper officials, where compliance with the laws is impractical or serves no useful purpose.

§ 18.503 Materials.

Purchase of materials, equipment and supplies for construction overseas shall generally be the responsibility of the contractor performing the work; but where necessary to comply with foreign law, or to avoid taxation, or to obtain other advantages, purchase may be by the United States. Contracting officers shall consider savings that may be obtained by exemptions from import and other taxes and, to the extent economical, shall take advantage of tax exemptions available under existing agreements. See § 11.403 of this chapter. In specifying materials, supplies, and equipment for construction in foreign countries, contracting officers shall make maximum use of foreign currencies available for the project, shall encourage the use of American materials, equipment, and supplies and shall obtain the maximum feasible competition from indigenous, other foreign and American suppliers.

§ 18.504 Cargo Preference Act.

See Subpart N, Part 1 of this chapter.

§ 18.505 Scope of subpart.

The following sections of this subpart implement the Buy American Act (41 U.S.C. 10 a–d) and the policies set forth in Executive Order 10582, dated December 17, 1954, with respect to construction contracts.

§ 18.506 Definitions.

As used in this subpart, the following terms have the meanings set forth below.

§ 18.506–1 Construction.

"Construction" means construction, alteration, or repair of any public building or public work in the United States.

§ 18.506–2 Construction materials.

"Construction materials" means articles, materials, and supplies, which are brought to the construction site for incorporation in the building or work.

§ 18.506–3 Components.

"Components" means those articles, materials, and supplies, which are directly incorporated in construction materials.

§ 18.506–4 Domestic construction material.

"Domestic construction material" means an unmanufactured construction material which has been mined or produced in the United States, or a manufactured construction material which has been manufactured in the United States if the the cost of its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the construction material and, in the cose of components of foreign origin, duty (whether or not a duty free entry certificate may be issued). A component shall be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact), if the construction material in which it is incorporated is manufactured in the United States and the component is of a class or kind determined by the Department concerned to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

§ 18.506–5 Nondomestic construction material.

"Nondomestic construction material" means a construction material other than a domestic construction material.

§ 18.506–6 United States.

"United States" means the States, the District of Columbia, Puerto Rico, and possessions (see § 1.201–12 of this chapter). It does not include leased bases, occupied-Japanese islands or trust territories.

§ 18.507 Statutory requirements.

Except as provided in § 18.508, the Buy American Act requires that in the performance of contracts for construction, only domestic construction materials shall be used. In determining whether a construction material is a domestic construction material, only the construction material and its components shall be considered.

§ 18.508 Exceptions.

§ 18.508–1 Nonavailability in the United States.

(a) The Buy American Act does not apply to articles, materials, and supplies of a class or kind determined to be not mined, produced or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality. Certain construction materials determined to be exempt under this exception are set forth in § 6.105 of this chapter. Construction materials not listed may be excepted only after a written determination has been made by the Secretary of Defense or the Deputy Secretary of Defense.

(b) Notwithstanding the foregoing, in accordance with the Balance of Payments Program, procurements of nondomestic construction materials shall be made only if the procurement is approved (in the case of products listed in § 6.105 of this chapter), or the nonavailability is determined (in the case of products not so listed) by the Secretary of Defense or the Deputy Secretary of Defense.

§ 18.508–2 Unreasonable costs or impracticability.

The restrictions of the Buy American Act do not apply when it is determined by the Secretary concerned that the use of a particular domestic construction material would:

(a) Unreasonably increase the cost, or

(b) Be impracticable.

However, nondomestic construction materials may be procured in such circumstances only with the prior written approval of the Secretary of Defense or the Deputy Secretary of Defense, in accordance with § 18.509–3.

§ 18.508–3 Panamanian materials for use in the Canal Zone.

In accordance with the Memorandum of Understandings ancillary to the Treaty with the Republic of Panama signed January 25, 1955, articles, materials, and supplies that are mined, produced, or manufactured in Panama and are purchased for use in the Canal Zone are excepted from the Buy American Act.

§ 18.509 Procedures.

§ 18.509–1 Applicability.

The following procedures apply to all contracts for construction in the United States, except contracts executed on Standard Form 19 (see § 16.401).

§ 18.509–2 Solicitation of bids and proposals.

Invitations for bids and requests for proposals for construction shall include the following notice:

NOTICE REGARDING BUY AMERICAN ACT
(OCTOBER 1966)

The Buy American Act (41 U.S.C. 10a–10d) generally requires that only domestic construction material be used in the performance of this contract. Exception from the Buy American Act shall be permitted only in the case of nonavailability of domestic construction materials. A bid or proposal offering nondomestic construction material will not be accepted unless specifically approved by the Office of the Secretary of Defense. When a bidder or offeror proposes to furnish nondomestic construction material, his bid or proposal must set forth an itemization of the quantity, unit price, and intended use of each item of such nondomestic construction material. When offering nondomestic construction material pursuant to this paragraph, bids or proposals may also offer, at stated prices, any available comparable domestic construction material, so as to avoid the possibility that failure of a nondomestic construction material to be acceptable under this paragraph will cause rejection of the entire bid.

§ 18.509–3 Evaluation of bids and proposals.

(a) Contracts for construction that provide for the use of nondomestic construction material shall not be awarded without prior written approval of the Secretary of Defense or the Deputy Secretary of Defense.

(b) When proposed awards are submitted for such Secretarial approval, each submission shall include a description of the materials, including unit and quantity, estimated costs, location of the construction project, name and address of the proposed contractor, and a detailed justification of the impracticability of using domestic materials. Submissions shall be forwarded to the Assistant Secretary of Defense (Installations and Logistics) and shall allow 21 days for processing, unless the nature of the item or market conditions indicate the need for processing in a shorter time.

§ 18.509–4 Contract listing of excepted nondomestic construction materials.

(a) Where the Secretary of Defense or the Deputy Secretary of Defense has determined that certain construction materials may be used without regard to country of origin, or where the contract is for construction in the Canal Zone, the clause set forth below shall be included in the contract and the excepted items shall be listed therein.

NONDOMESTIC CONSTRUCTION MATERIALS (OCTOBER 1966)

The requirements of the clause of this contract entitled Buy American Act do not apply to the items set forth below:

Insert list here.

(b) When the above clause is used, the contracting officer shall place in the contract file a copy of the Secretarial findings of nonavailability, and a copy thereof shall be available for public inspection.

§ 18.509–5 Contract clause.

The clause set forth below shall be inserted in all contracts for construction, except those executed on Standard Form 19 and DD Form 1155.

BUY AMERICAN ACT (OCTOBER 1966)

(a) *Agreement.* In accordance with the Buy American Act (41 U.S.C. 10a–10d), the Contractor agrees that only domestic construction material will be used (by the Contractor, subcontractors, materialmen, and suppliers) in the performance of this contract, except for nondomestic construction material listed in the "Nondomestic Construction Materials" clause, if any, of this contract.

(b) *Domestic construction material.* "Construction material" means any article, material, or supply brought to the construction site for incorporation in the building or work. An unmanufactured construction material is a "domestic construction material" if it has been mined or produced in the United States. A manufactured construction material is a "domestic construction material" if it has been manufactured in the United States and if the cost of its components which have been mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. "Component" means any article, material, or supply directly incorporated in a construction material.

(c) *Domestic component.* A component shall be considered to have been "mined, produced, or manufactured in the United States" (regardless of its source in fact) if the article, material, or supply in which it is incorporated was manufactured in the United States and the component is of a class or kind determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

§ 18.509–6 Canal Zone contracts.

In accordance with § 18.508–3, with respect to contracts for construction in the Canal Zone, the following will be inserted in the space following the clause in § 18.509–4:

Panamanian materials. Any construction material or component that is mined, produced, or manufactured in the Republic of Panama. (Any such component shall be considered to be a U.S. component for the purpose of the "Buy American" clause.) (JULY 1960)

§ 18.510 Penalty for violation.

If the Secretary concerned finds that in the performance of a construction contract there has been a failure to comply with the clause required by § 18.509–5, he shall make public his findings, including therein the name of the contractor obligated under the contract, and no other contract for construction in the United States or elsewhere shall be awarded to such contractor, or to subcontractors, materialmen, or suppliers with which such contractor is associated or affiliated, within a period of 3 years after such finding is made public. (See Subpart F, Part 1 of this chapter.)

§ 18.511 List of excepted articles, materials, and supplies.

See § 6.105 of this chapter.

PART 23—SUBCONTRACTING POLICIES AND PROCEDURES

26. A new Part 23, titled as above, is added to this subchapter, as follows:

Sec.

23.000 Scope of part.

Subpart A—Review of Contractors' Procurement Systems

23.100 Scope of subpart.
23.101 Review criteria.
23.102 Types of review.
23.102–1 Initial review.
23.102–2 Annual review.
23.102–3 Special reviews of approved systems.
23.102–4 Review of procurement systems when approval is withheld or withdrawn.
23.103 Extent of review.
23.104 Contractor procurement system review boards.
23.105 Granting, continuing, withholding, and withdrawing approval.
23.106 Distribution of reports.
23.106–1 Summary reports.
23.106–2 Complete reports.
23.107 Disclosure of approval status of contractors' procurement systems.
23.108 Surveillance of the contractor's approved procurement system.

Subpart B—Requirement for Consent to Subcontracts

23.200 Scope of subpart.
23.201 Clause entitled "Subcontracts".
23.201–1 Clause entitled "Subcontracts" for fixed-price contracts.
23.201–2 Clause entitled "Subcontracts" for cost-reimbursement contracts.
23.201–3 Subcontracts clause for time and materials and labor-hour contracts.
23.202 Consent to subcontracts.
23.203 Disputes and arbitration provisions in subcontracts.
23.204 Additional contract clauses.

AUTHORITY: The provisions of this Part 23 issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 23.000 Scope of part.

(a) This part sets forth policies and procedures for the evaluation, review, and consent to or approval of contractors' procurement systems and proposed subcontracts. These techniques are required only where the work is complex, the dollar value is substantial, and there is not adequate price competition. Reliance upon a contractor's approved procurement system will usually obviate the need for reviewing and consenting to individual subcontracts.

(b) Although there is a relationship among the review and approval of procurement systems, consent to subcontracts, and the evaluation of and agreement upon contractors' proposed make-or-buy programs (Subpart I, Part 3 of this chapter), each is a separate and distinct action, and the factors to be considered in each vary.

Subpart A—Review of Contractors' Procurement Systems

§ 23.100 Scope of subpart.

This subpart sets forth the requirements for conducting a contractor procurement system review (CPSR) under the direction of a procurement methods analyst (PMA). (See S1–102.6). The objectives of the review are to provide:

(a) A means for evaluating the efficiency and effectiveness with which the contractor spends Government funds;

(b) The basis for the administrative contracting officer (ACO) to grant, withhold, or withdraw approval of the contractor's procurement system;

(c) Reliable current information to the procuring contracting officer (PCO) on the contractor's procurement system for use in source selection, determining the appropriate type of contract, and establishing profit and fee objectives;

(d) An independent review of the contractor's procurement system to optimize its effectiveness in complying with Government policy; and

(e) Current procurement system information for appropriate Department of Defense activities in areas of Government interest. (See Supplement No. 1 for procedures for conducting a CPSR.)

§ 23.101 Review criteria.

(a) The term "contractor," as used in this subpart, means a separate entity of a contractor, such as an affiliate, division, or plant, which performs its own purchasing.

(b) Generally, a CPSR shall not be performed for a specific contract. Except as provided in paragraph (c) of this section, an initial or annual review shall be made of all contractors who are expected to have sales to the Government during the next 12-month period in excess of $5 million on other than firm fixed-price contracts or fixed-price contracts with escalation.

(c) A review shall not be made of the procurement systems of contractors meeting the criteria in paragraph (b) of this section where the ACO determines, in writing, that the extent or nature of the subcontracting by the contractor will not justify the cost of the CPSR. In exceptional cases, a CPSR may be conducted of the procurement system of a contractor not meeting the criteria in paragraph (b) of this section if the ACO determines, in writing, that the extent or nature of the subcontracting is such that a CPSR is warranted.

§ 23.102 Types of review.

§ 23.102–1 Initial review.

An initial review shall be conducted when the contractor meets the criteria in § 23.101. It shall be a complete evaluation as described in § 23.103.

§ 23.102–2 Annual review.

An annual review shall be conducted of all contractors who have had an initial review and still meet the criteria in § 23.101. The annual review may be curtailed to cover areas of interest and weaknesses but shall include sufficient consideration of each of the factors listed in § 23.103(a) to establish the current adequacy or inadequacy of the entire system. Such review shall generally be conducted in order to:

(a) Examine any substantive changes instituted since the previous review;

(b) Ascertain the status of prior recommendations upon which action has not been completed; and

(c) Determine whether the contractor's procurement system, especially the significant cost impact areas, warrants continued approval.

§ 23.102–3 Special reviews of approved systems.

After approval of the contractor's procurement system, the ACO, or the PMA with the concurrence of the ACO, may initiate special reviews in connection with weaknesses revealed as a result of:

(a) The initial or annual review;

(b) The review of subcontracts submitted under the notification requirement of contract clauses;

(c) Major changes in the contractor's procurement policies, procedures, or key personnel;

(d) Changes in plant workload or type of work; or

(e) Information provided by Government personnel.

In conducting such reviews, the same effectiveness criteria used in previous reviews shall be applied to the area being examined.

§ 23.102–4 Review of procurement systems when approval is withheld or withdrawn.

If approval of a contractor's procurement system is withheld or withdrawn, a followup review shall be made as soon as evidence is received from the contractor that the factors leading to such action have been corrected. Whether this followup review consists of a complete reexamination of the contractor's procurement system or is confined to the areas found deficient shall be a matter of judgment and will depend on the time lapse between the notice to the contractor of withholding or withdrawal of approval and the followup review.

§ 23.103 Extent of review.

(a) Generally, a review shall consist of a complete evaluation of the contractor's procurement system where the procurement system has not been reviewed before, a past review has resulted in withholding or withdrawal of approval of the system, or a major change in a contractor's procurement organization indicates the need for a new review. This review of the contractor's procurement system shall be made in accordance with Supplement No.1, and special attention given to:

(1) The degree of price competition obtained;

(2) Pricing policies and techniques, including methods of obtaining accurate, complete, and current cost and pricing data, and certification as required (see §§ 3.807–3, 3.807–4, and 7.104–42 of this chapter);

(3) The methods of evaluating subcontractors' responsibility (see § 1.906 of this chapter);

(4) The treatment accorded affiliates and other concerns having close working arrangements with the contractor;

(5) The extent to which assurance is obtained that principal subcontractors apply sound pricing practices and a satisfactory procurement system in dealing with lower-tier subcontractors;

(6) Types of subcontracts used (see Subpart D, Part 3 of this chapter);

(7) Practices pertaining to small business and labor surplus area programs (see Subparts G and H, Part 1 of this chapter); and

(8) Attention given to the management of major subcontract programs.

(b) In reviewing the contractor's procurement system, a determination shall be made as to whether subcontracting is done competitively to the maximum practicable extent. This requires ascertaining whether:

(1) A sufficient number of sources is solicited; and

(2) Subcontracting procedures provide other elements of adequate and effective price competition, including—

(i) Adequate descriptions of any factors to be evaluated, and

(ii) Evaluation of all offers on a common basis.

(c) Decisions as to whether commercial items conform to the purpose and intent of the exemption from the requirement for a certificate of current cost and pricing data shall be analyzed.

§ 23.104 Contractor Procurement System Review Boards.

(a) When necessary, the Head of a Procuring Activity or his designee shall establish Contractor Procurement System Review Boards in contract administration activities under his jurisdiction to review contractor procurement system review reports. Each Board should be composed of at least three qualified officers or civilian employees with business and contracting experience, and a broad knowledge of how a contractor's procurement system is organized and operates. When appropriate, a representative of the Defense Contract Audit Agency shall be invited to participate as a member. No person shall serve as a member of a Board in reviewing a report in which he has participated.

(b) At the completion of a review pursuant to § 23.102, a report of the CPSR shall be prepared (see § 23.401). This report shall be reviewed and evaluated by a CPSR Board which shall make appropriate recommendations to the ACO.

§ 23.105 Granting, continuing, withholding, and withdrawing approval.

(a) The ACO is responsible for granting, continuing, withholding, or withdrawing approval of a contractor's procurement system. The ACO shall approve a procurement system only after a CPSR discloses that the contractor's procurement policies and practices are efficient and provide adequate protection of the Government's interests. Approval of a system shall be withheld when there are major weaknesses or when the contractor is unable to provide sufficient information upon which an affirmative determination can be based. Conversely, approval shall not be withheld because of minor weaknesses. An approval may be withdrawn at any time on the basis of a determination that there has been a deterioration of the contractor's procurement system, or otherwise to protect the interests of the Government.

(b) If upon date of expiration of approval of the contractor's purchasing system, the contracting officer has not specifically withheld continuing approval, or has not specifically withdrawn approval of the contractor's purchasing system, the agreement shall, as a normal course, continue for an additional period of 90 days. It is not the intent of the Government to, through no fault of the contractor, unnecessarily interrupt continuance of purchasing system approval.

(c) The ACO shall give the contractor written notice granting, continuing, withholding, or withdrawing approval of his procurement system. If the contractor's system is approved, the notification of approval shall be in substantially the following form.

To: ----------
(Contractor)

As a result of the recent review of your procurement system at ---------- (identify the plant or plants involved), you are advised of ---------- (insert "my approval" or "the continuation of the prior approval") ---------- of your procurement system. This approval, effective ---------- (date) ----------, is for a period of 1 year and is applicable to all of your contracts at the above plant or plants with the Department of Defense. This approval waives, to the extent provided in your contracts, the contractual

requirements for prior consent by the Contracting Officer to the placement of certain subcontracts. In addition, it waives, to the extent provided in fixed-price contracts, the requirement for advance notification to the Contracting Officer of your intent to place certain subcontracts.

This approval does not eliminate the requirement under cost-reimbursement contracts for advance notification to the Contracting Officer of your intent to place proposed subcontracts where such notification is required, nor does it affect any contractual provisions which require prior consent to the placement of subcontracts notwithstanding this approval of your procurement system. (If special requirements for continued notification and prior consent for one or more classes of subcontracts are to be imposed in accordance with (d) below, such special requirements should be inserted here.)

This approval of your procurement system:

(i) Shall not be construed to be a determination of the acceptability of any subcontract price or of any amount paid under any subcontract, or to relieve you of any contractual requirement, except as specified herein;

(ii) Shall automatically terminate upon the expiration date specified above unless the expiration date is extended;

(iii) Shall automatically terminate when any significant change occurs in your procurement system unless the change has received my approval; and

(iv) May be withdrawn at any time at my discretion.

You are to be commended that your procurement system merits Government approval, and you are urged to continue your efforts to maintain an acceptable procurement system.

(Contracting Officer)

(d) In exceptional circumstances, the approval may require notification and prior written consent for one or more classes of subcontracts which, because of their critical nature or particular circumstances, call for extraordinary Government surveillance. Such requirements shall not be based upon the dollar amount of proposed subcontracts and, if imposed, shall be removed at the earliest possible date.

(e) When approval of the contractor's procurement system is withheld or withdrawn, the contractor shall be informed in writing of the specific actions necessary to qualify his procurement system for approval and shall be requested to furnish his plan for accomplishing the necessary actions.

(f) When recommendations are made for improvement of an approved system, the contractor shall be requested to reply as soon as possible as to his concurrence or position with respect to the recommendations.

(g) Copies of notifications granting, continuing, withholding, or withdrawing approval of a contractor's procurement system, copies of recommendations for improvement of an approved system, and information received from the contractor pursuant to paragraphs (e) and (f) of this section shall be transmitted to the cognizant contract audit office.

§ 23.106 Distribution of reports.

§ 23.106–1 Summary reports.

Three copies of each summary report (see S1–403) shall be sent to each purchasing office responsible for a current contract held by the contractor in excess of $250,000 which requires consent to subcontracts. Copies shall be furnished to other purchasing offices upon request. All summary reports, including those furnished on request, shall be supplemented to reflect significant changes occurring since preparation of the report. The contents of the summary report shall be divulged only to those Government personnel having a need-to-know.

§ 23.106–2 Complete reports.

One copy of each complete report (see S1–402) shall be provided to each of the following.

(a) ASD(I&L): Procurement Management Review, Office of the Assistant Secretary of Defense (I&L), The Pentagon, Washington, D.C. 20301.

(b) The cognizant Contract Audit Office.

(c) Army: Army Materiel Command (AMC), AMCPPæSC, Building T–7, Gravelly Point, Washington. D.C. 20315.

(d) Navy: Assistant Chief of Naval Material (Procurement), Main Navy Building, Washington, D.C. 20360.

(e) Air Force: Director of Procurement Policy, Hq. USAF AFSPP—The Pentagon, Washington, D.C. 20330.

§ 23.107 Disclosure of approval status of contractors' procurement systems.

Upon request, a prime contractor may be informed that the procurement system of a proposed subcontractor has been approved under Government prime contracts, if such is the case. The prime contractor shall be cautioned that approval status is furnished only as of the date of notification and that the Government will not keep the prime contractor advised of any change in the approval status of the proposed subcontractor's procurement system. If the proposed subcontractor's procurement system has not been examined or approved, the prime contractor shall be advised only that the approval status of the proposed subcontractor's system will not be furnished.

§ 23.108 Surveillance of the contractor's approved procurement system.

When a contractor's procurement system has been approved, it is the responsibility of the Government to maintain a sufficient level of surveillance to assure that the contractor's procurement system continues to warrant approval. With the assistance of the PMA and the contract auditor, the ACO shall develop a surveillance plan designed to avoid duplication of effort. The plan shall give appropriate consideration to the data furnished by the contractor when providing the required advance notification of intent to place certain subcontracts. Surveillance tests which require audit effort shall be accomplished for the ACO by the contract auditor in conjunction with his other audit duties.

Subpart B—Requirement for Consent to Subcontracts

§ 23.200 Scope of subpart.

This subpart sets forth the requirements for consent to subcontracts.

§ 23.201 Clause entitled "subcontracts."

§ 23.201–1 Clause entitled "subcontracts" for fixed-price contracts.

(a) In fixed-price contracts (other than firm fixed-price or fixed-price with escalation) having an estimated contract price of $1 million or more and letter contracts which contemplate such fixed-price contracts, the clause set forth below is required, if:

(1) It is anticipated that at least one subcontract may exceed $100,000 or such lower dollar amount as is to be inserted in paragraph (b) (ii) and (iii) of the following clause in accordance with paragraph (c) of this section; or

(2) The work of the prime contractor, or of the plant or division of the prime contractor which will perform the contract, is predominantly for the Government.

SUBCONTRACTS (APRIL 1967)

(a) As used in this clause, the term "subcontract" includes purchase orders.

(b) The Contractor shall notify the Contracting Officer reasonably in advance of entering into any subcontract if the Contractor's procurement system has not been approved by the Contracting Officer and if the subcontract:

(i) Is to be a cost-reimbursement, time and materials, or labor-hour contract which it is estimated will involve an amount in excess of ten thousand dollars ($10,000) including any fee;

(ii) Is proposed to exceed one hundred thousand dollars ($100,000); or

(iii) Is one of a number of subcontracts, under this contract, with a single subcontractor for the same or related supplies or services which, in the aggregate, are expected to exceed one hundred thousand dollars ($100,000).

(c) The advance notification required by paragraph (b) above shall include:

(i) A description of the supplies or services to be called for by the subcontract;

(ii) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the competition obtained;

(iii) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(iv) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data, when such data and certificates are required by other provisions of this contract to be obtained from the subcontractor; and

(v) Identification of the type of subcontract to be used.

(d) The Contractor shall not enter into any subcontract for which advance notification to the Contracting Officer is required by this clause, without the prior written consent of the Contracting Officer: *Provided*, That the Contracting Officer, in his discretion, may ratify in writing any subcontract. Such ratification shall constitute the consent of the Contracting Officer required by this paragraph.

(e) Neither consent by the Contracting Officer to any subcontract or any provisions thereof nor approval of the Contractor's procurement system shall be construed to be a determination of the acceptability of any subcontract price or of any amount paid under any subcontract or to relieve the Contractor of any responsibility for performing this contract, unless such approval or consent specifically provides otherwise.

(f) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(b) The clause set forth in paragraph (a) of this section may be appropriately modified so as not to require advance notification of, or consent to, any subcontracts which have been definitely and finally evaluated during negotiations.

(c) In (ii) and (iii) of paragraph (b) of the clause set forth in paragraph (a) of this section, a lower dollar amount may be inserted in lieu of $100,000 where it is determined that closer surveillance of subcontracting is desirable because of the character of the industry involved, the critical nature of work which will probably be subcontracted, the absence of competition in placing the prime contract, uncertainties as to the adequacy of the contractor's procurement system, or the novelty of the supplies or services being procured.

(d) In exceptional circumstances, certain subcontracts or classes of subcontracts may be selected during negotiation for extraordinary Government surveillance. In such circumstances, insert the following as paragraph (g) of the foregoing clause.

(g) Notwithstanding approval of the procurement system, the Contractor shall not enter into certain subcontracts or classes of subcontracts set forth elsewhere in this contract without the prior written consent of the Contracting Officer. (APRIL 1967)

§ 23.201–2 Clause entitled "subcontracts" for cost-reimbursement contracts.

(a) The appropriate clause entitled "subcontracts" from either § 7.203–8 or § 7.402–8 shall be included in all cost-reimbursement contracts.

(b) In cost-sharing contracts where the contractor's share is 25 percent or more, and in cost-plus-incentive-fee contracts in which the cost incentive provides for both (1) a swing from target fee of at least ±3 percent and (2) a contractor's overall cost share of at least 10 percent, consent is not required for subcontracts, except subcontracts for research and development, coming under a contractor's procurement system which has been approved. (A profit swing of at least ±3 percent and cost-sharing of at least 90/10 have been specified only for the purpose of establishing a general rule for relaxation of the consent to subcontract requirement in cost-plus-incentive-fee contracts. Some contracts may provide sufficient incentive for control of costs and not meet this test; other contracts may meet or surpass this test and yet not provide sufficient incentive for control of costs. In such cases, contracting officers should seek authority to deviate from this subchapter (see § 1.109 of this chapter). Contracting officers shall still be guided by the criteria set forth in § 3.405–4 of this chapter in negotiating meaningful incentive formulae.)

(c) (1) Under other cost-reimbursement definitive and letter contracts, other than facilities contracts, consent is required for:

(i) Subcontracts for fabrication, purchase, rental, installation, or other acquisition of special test equipment having a value in excess of $1,000 or of any items of industrial facilities; and

(ii) Subcontracts for research and development (where the clause in § 7.402–8 of this chapter is used.

(2) Consent is also required for the following additional subcontracts under cost-reimbursement definitive and letter contracts, unless the contractor's procurement system has been approved:

(i) Cost-reimbursement, time and materials, or labor-hour subcontracts; and

(ii) Fixed-price subcontracts exceeding either $25,000 or 5 percent of the total estimated prime contract price.

(3) See § 7.702–33 or § 7.703–25 of this chapter for requirements for approval of subcontracts under facilities contracts.

(d) Purchases by a contractor from General Services Administration supply sources, under a written authorization by the contracting officer (see § 5.906 of this chapter), shall be treated as having been made with the consent of the contracting officer as required by the clause set forth in § 7.204–28 or § 7.403–23 of this chapter.

§ 23.201–3 Subcontracts clause for time and materials and labor-hour contracts.

See § 7.901–10 of this chapter for requirements for approval of subcontracts under time and materials and labor-hour contracts.

§ 23.202 Consent to subcontracts.

(a) In reviewing for the purpose of granting consent, the contracting officer shall consider:

(1) The technical justification for selection of the particular supplies, equipment, or services;

(2) Whether the decision to enter into the proposed subcontract is consistent with the contractor's approved "make-or-buy" program, if any (see § 3.902 of this chapter);

(3) Whether the proposed subcontract will require the use of Government-furnished facilities and, if so, whether proper consideration has been obtained;

(4) The responsibility of the proposed subcontractor (see § 1.906 of this chapter);

(5) The basis for selecting the proposed subcontractor, including the price competition obtained;

(6) Any cost or price analysis or price comparisons accomplished, with particular attention to whether cost or pricing data are accurate, complete, and current, and to whether any required certification has been obtained (see §§ 3.807–3 and 7.104–42 of this chapter);

(7) The effectiveness of subcontract management by the prime contractor;

(8) The type of subcontract used (see Subpart D, Part 3 of this chapter);

(9) The estimated total extent of subcontracting, including procurement of parts and materials;

(10) The extent to which the prime contractor obtains assurance of the adequacy of the subcontractor's procurement system; and

(11) Availability from Government sources of industrial facilities or special test equipment (see Subpart C, Part 13 of this chapter).

(b) In reviewing subcontracts, careful and thorough evaluation is particularly necessary when:

(1) The prime contractor's procurement system or performance thereunder is considered inadequate;

(2) Subcontracts are for items for which there is no competition or for which the proposed prices appear unreasonable (see § 3.807–10(b) of this chapter);

(3) Close working arrangements or business or ownership affiliations exist between the prime and the subcontractor which may preclude the free use of competition or result in higher subcontract prices than might otherwise be obtained;

(4) A subcontract is being proposed at a price less favorable than that which has been given by the subcontractor to the Government, all other factors such as manufacturing period and quantity being comparable; or

(5) A subcontract is to be placed on a cost-reimbursement, time and materials, labor-hour, fixed-price incentive, or fixed-priced redeterminable basis.

Where subcontracts have been placed on a cost-reimbursement, time and materials, or labor-hour basis, contracting officers should be hesitant to consent to the repetitive or unduly protracted use of such type of subcontracts and should follow the principles of § 3.803(b).

(c) Consent to a subcontract or relief from the requirement for obtaining consent, by virtue of the approval of the contractor's procurement system, does not constitute a determination as to the acceptibility of the subcontract price (§ 23.201) or the allowability of costs (§ 7.203–8 or § 7.402–8 of this chapter). However, it should minimize the requirement for retroactive review of subcontracts, except cost-reimbursement subcontracts, for the purpose of determining reasonableness of costs, unless there is some indication that the costs may be unreasonable. In all cases, costs resulting from such subcontracts shall be subject to the test of allocability.

§ 23.203 Disputes and arbitration provisions in subcontracts.

(a) Consent by the contracting officer to a subcontract does not constitute approval of the terms and conditions of the subcontract. Nevertheless, the contracting officer shall not consent to a provision in the subcontract purporting to give the subcontractor the right to obtain a direct decision of the contracting officer or the right of direct appeal to the Armed Services Board of Contract Appeals. The Government is entitled to the management services of the prime contractor in adjusting disputes between himself and his subcontractors. The contracting officer should act only in disputes arising under the prime contract, and then only with and through the prime contractor, even if a subcontractor is affected by the dispute between the Government and the prime contractor.

The contracting officer shall not participate in disputes between a prime contractor and his subcontractors.

(b) However, the contracting officer should not refuse consent to a subcontract, particularly under a cost-reimbursement contract, merely because it contains a clause giving the subcontractor, if he is affected by a dispute arising under the prime contract, an indirect appeal to the Armed Services Board of Contract Appeals through assertion of the prime contractor's right to take such an appeal, or through prosecution of such an appeal by the prime contractor on behalf of the subcontractor. Such a clause must not attempt to obligate the contracting officer or the Board to decide questions which do not arise between the Government and the prime contractor or which are not cognizable under the "Disputes" clause of the prime contract, and must not attempt to obligate the contracting officer to notify or deal directly with the subcontractor. However, such a clause may appropriately provide that the prime contractor and subcontractor shall be equally bound by the contracting officer's or the Board's decision on a dispute.

(c) The prime contractor and his subcontractor may agree to settle disputes by arbitration. The results of such arbitration and the cost resulting therefrom, however, are no more binding on the Government than are the results of a judicial determination or a voluntary settlement; they are subject to independent review and approval under the prime contract. The contracting officer shall not consent to provisions in subcontracts purporting to make the results of arbitration (or judicial determinations or voluntary settlements) binding on the Government.

§ 23.204 Additional contract clauses.

Additional contract clauses with respect to subcontracting with small business and labor surplus area concerns are set forth in Subparts G and H, Part 1 of this chapter.

PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULATIONS

27. A new § 30.8 is added to this part, as follows:

§ 30.8 Appendix I—Preparation, Reproduction and Distribution of Material Inspection and Receiving Report (MIRR) (DD Forms 250 and 250c).

PART 1—INTRODUCTION

I–101 *Applicability.* The provisions of this Appendix are applicable to all deliveries of supplies or services procured by or for the Department of Defense. Exceptions are as follows:

(i) Procurements effected under section III, Part 6 (see I–202);

(ii) Negotiated subsistence procurements;

(iii) Subcontracts where direct shipment is not made to the Government;

(iv) Contractors inventory (see 8–101.5);

(v) Tanker/barge shipments of bulk petroleum products; and

(vi) Return of Government-furnished property (GFP) (see H–202.5).

I–102 *Forms Supply.* Contractors may obtain from the contract administration office, upon request, and at no cost, MIRR forms required for use in connection with Government contracts. Contractors may print their own forms provided that the format and dimensions (8½" by 11") are identical to the MIRR forms published by the Government.

PART 2—GENERAL

I–201 *Purpose.* The MIRR is a multipurpose document used as:

(i) Inspection Document—To provide evidence of Government inspection, at either source or destination;

(ii) Acceptance Document—To provide evidence of acceptance at either source or destination, to support payment under the contract;

(iii) Shipping Document;

(iv) Packing List;

(v) Shipment Notice—To comply with Notice of Shipments clause;

(vi) Receiving Document;

(vii) Contractor Release Document (see 14–110.2);

(viii) Contractor Invoice (The use of the MIRR as an invoice by contractors is encouraged.);

(ix) Contractor Invoice Support Document—To be attached to commercial invoices; and

(x) Contractor Internal Document.

I–202 *Application of MIRR.*

(a) MIRRs shall be used for delivery of contract line, subline, exhibit line and exhibit subline items.

(b) MIRRs may, but are not required to, be used in connection with shipments under a DD Form 1155 (Order for Supplies or Services).

(c) When Department of Defense provides procurement quality assurance services for Government agencies other than DOD, the MIRR shall be prepared in accordance with the insturctions in this Appendix unless otherwise required by such other Government agency.

PART 3—PREPARATION OF THE DD FORMS 250 (MIRR) EXCEPT FOR SHIPMENTS OF BULK PETROLEUM BY TANKER OR BARGE

I–301 *Instructions.* DD Form 250 (MIRR) and DD Form 250c (Continuation Sheet) shall be prepared as follows. The numbers and titles herein correspond to the numbered blocks on the DD Form 250. DD Form 250 may be used in lieu of DD Form 250c as a continuation sheet at the option of the contractor.

Block 1—Procurement Instrument Identification (PII) Number (Contract No.).

(a) Enter the PII Number as contained in the contractual document, including the applicable call/order number if any. (See sec. XX, Part 2.)

(b) When a contract numbering system, other than PII, is cited in the award instrument, then such contract number will be entered.

(c) On non-DOD contracts, the name of the purchasing office shall be entered immediately below the contract number. This requirement may also be satisfied by inclusion of recognized abbreviations used in the contract to identifying the purchasing office.

Block 2—Shipment Number.

(a) A shipment number composed of a "prefix" and a "serial number" shall be entered.

(b) The shipment number prefix shall be assigned by the prime contractor and shall consist of a separate designation of two alphabetic characters for each plant, warehouse, subsidiary, supplier or subcontractor's plant indicated in block 11, "Shipped From." The shipment serial number shall consist of five numeric digits. The first shipment under a contract or order from each point of shipment shall be numbered 00001, and subsequent shipments under each contract or order shall be consecutively numbered.

Block 3—Date Shipped.

(a) Enter the date the shipment is released to the carrier if such date is the same as the date of Procurement Quality Assurance and/or acceptance. If shipment will be later, enter the estimated date shipment will be made. Enter an "E" after the date to indicate "Estimated." Distribution of the MIRR shall not be delayed for entry of the actual shipment date, and reissuance of the MIRR is not required to show the actual shipping date. The date shall consist of a two numeric digit day, three alphabetic month abbreviation, and the last two digits of the year. For example, 10JUL66; 07AUG66.

(b) On Procurement Quality Assurance and acceptance destination shipments, enter the actual or estimated date the shipment is accepted by the carrier.

Block 4—Bill of Lading/Transportation Control Number. Enter the number of the commercial or Government bill of lading, the Transportation Control Number (TCN), and when applicable, the name of carrier under which shipment is made.

Block 5—Discount Terms. When the DD Form 250 (MIRR) is used as an invoice, enter the discount for prompt payment in terms of percentages and corresponding days allowed.

Block 6—Invoice Number/Date.

(a) When the DD Form 250 (MIRR) is used as an invoice, the contractor shall enter an invoice number on the invoice copies.

(b) The contractor shall enter on such invoice copies the seven position date of invoice preparation. The date shall consist of a two numeric digit day, three alphabetic month abbreviation, and the last two digits of the year. For example, 10JUL66; 07AUG66. The invoice copies shall be overstamped as follows in letters approximately 1 inch high, first copy: "ORIGINAL INVOICE," other copies: "INVOICE COPY."

Block 7—Page /Of. Consecutively number the pages comprising the DD Forms 250 (MIRR). On each page enter the total number of pages in the MIRR.

Block 8—Acceptance Point. Enter an "S" for Source, "D" for Destination, or alphabetic "O" for Other, as provided for in the contract specifying the point at which material shall be accepted.

Block 9—Prime Contractor. In the code inset, enter the Defense Organizational Entity System (DOES) code when contained in the contract. On the following lines, enter the contractor's name, street address/post office box, city, State, and ZIP code.

Block 10—Administered By. In the code inset, enter the DOES code when contained in the contract. On the following lines enter the name, street address/post office box, city, State and ZIP code of the primary contract administration office named in the contract.

Block 11—Shipped From. In the code inset, enter the DOES code when contained in the contract. On the following lines enter the plant name, street address/post office box, city, State and ZIP code. Enter in the upper right hand corner of the block an "S" for Source, "D" for Destination, or alphabetic "O" for Other, as provided for in the contract specifying the free-on-board point.

Block 12—Payment Will Be Made By. In the code inset, enter the DOES code when contained in the contract. On the following lines enter the name, street address/post office box, city, State and ZIP code of the payment office named in the contract.

Block 13—Shipped To. In the code inset, enter the DOES code when contained in the contract. In the remaining space, enter the name, street address/post office box, city, State and ZIP code of the ultimate consignee as contained in the shipping instructions.

Block 14—Marked For. When the contract shipping instructions contain a "Mark For" designation, enter such information. If additional space is required, enter complete "Mark For" information in Block 16.

Block 15—Item Number. Enter the Contract Line Item Identification Number (CLIIN), including subline, exhibit line, and exhibit subline item identification, as cited in the contract. For contracts not citing CLIIN, use the item identification indicated in the contract.

Block 16—Stock/Part Number and Description.

(a) Enter the following information for each contract line, subline exhibit line, and exhibit subline item number entered into Block 15. Double spacing shall be used to separate each shipping entry.

(1) Enter the stock number (either FSN, or noncatalog number) or, if not available, the manufacturer's part number. If the contractor desires to enter a part number in addition to the FSN, such number shall be shown in parentheses following the FSN. This is to be followed by a simple description of the line item. The stock number, FSN, part number and description shall not exceed two lines. In the case of equal kind supply items, the first entry shall be the description without regard to kind. For example, "Shoe-Low Quarter-Black," "Resistor," "Vacuum Tube," etc. Below this description, enter the contract line item number in Block 15 and Stock/Part number in Block 16 followed by the size or type only, under the caption "Description." For example, "Size 6," "500 ohm," or "12BH7.")

a. If the line item in the contract bears no FSN or other identifying number, the stock number space may also be used for description.

b. Where the line item commodity is controlled by a make, model, series number, lot, batch, hazard indicator, definite quantity, and/or similar description, the appropriate notation shall be entered on the next printing line.

(2) When a shipment under a contract is made under a requisition number specified therein, enter such number as applicable to each shipping entry immediately below the Stock/Part number, or special notation. Should the requisition number be applicable to all contract line item numbers identified in the DD Form 250 (MIRR), enter such requisition number only once, in the lower left portion of the block.

(3) When a shipment for source accepted material is chargeable to Navy appropriation 17X4911, the contract shall contain a requirement for inclusion of the appropriation, Bureau Control Number (BCN), and Authorization Accounting Activity (AAA) Number (*e.g.*, 17X4911–14003–104). Where applicable to one contract line item, enter the appropriation, BCN and AAA Number shown in the contract immediately below the "Description" entry. Where applicable to all contract line item numbers identified in the MIRR, enter such appropriation data only once, in the lower right portion of the block.

(4) When an FSN is required by but not cited in a contract and has not been furnished by the Government, shipment may be made without such FSN.

(5) When a shipment includes components and accessories manufactured by a supplier other than the supplier identified in Block 11 and a required FSN has not been assigned, indicate the manufacturer's name and part number. In lieu of entering the manufacturer's name, the manufacturer's Federal Supply Code, as published in Cataloging Handbook H4–1, may be entered.

(6) When Government furnished property (GFP) is included with or incorporated into the end item, enter "GFP" under the item description, followed by the cost of such "GFP" if furnished by the Government. When GFP is furnished in bulk, the estimated cost of such material shall be included under the item description. If the cost is estimated, the alphabetic "E" shall follow the cost. The estimated or actual cost shall not be included in the unit price or extended amount blocks. On clothing and textile bailment contracts, for the item being shipped, compute the estimated cost of "GFP" by multiplying the number of units being shipped by the unit value of the "GFP" cited in the article entitled "Payment" in the bailment provisions of the contract.

(7) When shipment consists of replacements for supplies previously inspected and shipped and subsequently rejected or reported missing at destination, boldly overprint across the face "Corrected Shipment" or "Replacement Shipment." The shipment number of the initial shipment shall be reassigned and the letter A appended to designate first replacement, B for second replacement, etc.

(b) In addition to the single line entries as above, enter in the body of Block 16 as appropriate.

(1) Information pertinent to shipment of items with some missing components (shipped short). Enter the authority to ship short and the estimated value of the missing supplies. For example, "Items shipped short of the following components: ----------, Authority ----------, Estimated Price ----------"

(2) When shipment is made of components which were short on prior shipment, reference the MIRR applicable to short shipments. For example, "These components were listed as shortages on shipment number ----------, shipped (date)----------" The final DD Form 250 under a contract shall include a statement that all supplies shipped short on prior shipments have been shipped.

(3) Enter and execute the contractor release shipment statement, when authorized in the contract in accordance with section XIV.

(4) When shipments involve contractor owned or Government owned drums, cylinders, reels, containers, skids, etc., indicate whether contractor or Government owned and if returnable under contract provisions.

(5) Enter the total number and type of shipping containers included in the shipment. For example, if shipment consists of 10 cartons 1–10, enter "10 cartons, 1–10." If the number sequence is broken, enter "10 cartons, 1–5, 11–15," etc.

(6) For all shipments involving discount terms, stamp or mark "DISCOUNT EXPEDITE" in at least 1-inch block letters.

(7) On Military Assistance Sales (MAS) shipments, enter the special markings as provided for in the contract, together with the gross weight. If multiple tri-alpha MAS Case Letter identification is to be cited on a single DD Form 250, show the Case Letter as applicable to each contract line item.

(c) For NASA contracts administered by the DOD, the MIRR shall be used to also record and report the following.

(1) Waivers and deviations from contract specifications, including the source and authority for the waiver or deviation. For example, the procuring installation authorizing the waiver or deviation and the identification of the authorizing document.

(2) When direct shipments from a subcontractor are made, enter the prime contractor's order number preceded by "Prime Contract Number ----------"

Block 17—Quantity Shipped/Received.

(a) Enter the quantity shipped, using the unit of measure indicated in the contract for payment purposes. If a different unit of measure is used for shipment purposes, enter this directly below, in parentheses. For example:

Quantity Shipped	*Unit*
1000	Pound
(10)	(Sheets)

(b) If the quantity received is the same as quantity shipped, indicate by a check mark. If different, enter actual quantity received below quantity shipped and encircle.

Block 18—Unit. Enter the abbreviation of the unit of measure as indicated in the contract. Where a second unit of measure is indicated in the contract, enter the second unit of measure directly below in parentheses. Authorized abbreviations are listed in MIL–STD 129 (Marking for Shipment and Storage). For example: LB for pound; (SH) for sheet.

Block 19—Unit Price.

(a) Except as provided in (b) below, unit prices shall be entered on the copies of the MIRR used as invoices or submitted in support of invoices and on the two copies addressed to the consignee via mail.

(b) On Clothing and Textile bailment contracts, the contract unit price shall include the value of GFP. Clothing and Textile bailment contractors shall bill at the contract unit price and shall deduct for each end item shipped the Government's estimated unit charge for GFP contained in each end item. This estimated unit charge will be indicated in the contract.

Block 20—Amount.

(a) Enter the extended price for each contract line item number when the unit price is shown on the MIRR.

(b) In the event the contractor desires to offer a discount greater than that which may be specified in a contract, or to offer a special discount applicable to this delivery (for which no discount was previously offered), enter the terms of the discount below the summed total price on the copies of the DD Form 250 (MIRR) utilized as an invoice or the copies used to support an invoice. Otherwise, do not enter discount terms contained in the contract.

Block 21—Procurement Quality Assurance.

"A. ORIGIN"

(1) Authorized Government representative will place an "X" when applicable in the appropriate Procurement Quality Assurance and/or Acceptance box(es) to evidence source Procurement Quality Assurance and/or acceptance of shipment.

(2) Enter the seven position date (e.g., 10JUL66, 09AUG66) that the authorized Government representative signs.

(3) The typed or stamped name of the signer and his office shall be included in this block.

"B. DESTINATION"

(1) The authorized Government representative at destination shall place, when applicable, an "X" in the appropriate Procurement Quality Assurance or Acceptance box(es).

(2) Enter the seven position date (e.g., 10JUL66, 07AUG66) that the authorized representative signs.

		Recipient	Number of copies
2.	Air Force: On shipments of new production of aircraft and missiles, class 1410 missiles, 1510 aircraft (fixed wing, all types), 1520 aircraft (rotary wing, 1540 gliders, 1550 target drones.) When above items are delivered to aircraft modification centers. Government Furnished Aeronautical Equipment. MAP Shipments to Canada	Air Force Logistics Command, SGLA, Wright-Patterson AFBase, Ohio. Applicable A. F. Plant Representative Office. AFSC—ASWEB—WP AFB	1 1 1
	When consignee is an Air National Guard Activity. On shipments on Civil Air Reserve Fleet Contracts.	Air Force Logistics Command, MEL DDR, Wright-Patterson AFBase, Ohio. Air Force Logistics Command, MEL RCA, Wright-Patterson AFBase, Ohio. Air Officer Cmdr, AFLC, RCAF Station, Attn: LDPCZ, Rockcliffe, Ontario, Canada. Property Officer at Consignee shown in Block 9.	3 1 1 3
		Headquarters, Military Airlift Command, MAMCR, Scott Air Force Base, Ill.	1
3.	Navy: When shipment is consigned to a Marine Corps Activity.	Commandant of the Marine Corps (Code LFA), Washington, D.C. 20380.	1
		Commanding General, Marine Corps Supply Activity, 1100 South Broad Street, Philadelphia, Pa. 19146.	2
	When typed code (TC) 2T is cited in the appropriation data contained in the contract. On Grant Aid Shipments	Navy Finance Center, PAD (FPA), Washington, D.C. 20390. Naval Supply Center, MAPRCO, Bayonne, N.J.	1 2
	When shipment is consigned to another contractor's plant for a Government representative. When Block 16 indicates the shipment includes GFM.	Navy Finance Center, PAD (FPA), Washington, D.C. 20390. Navy Finance Center, PAD (FPA), Washington, D.C.	2

*Forward directly to the Payment Office except that when acceptance is at destination and a Navy Finance Office will make payment, forward to destination.

I-402 *Corrected DD Form 250.* If for any reason it becomes necessary to correct a MIRR after distribution has been made, the following procedure shall apply.

(a) A new MIRR shall be prepared containing the following identification data of the document being corrected and shall be given the same distributions as the document it corrects:

(i) PII Number (Block 1), and

(ii) Shipment Number (Block 2).

(b) The new MIRR shall be stamped or otherwise marked "CORRECTED DOCUMENT NO. _____" in bold letters across the face of the MIRR.

(c) The erroneous information shall be entered in Block 16 of the superseding DD Form 250, together with the correct information; e.g., "Shipment No. AB00012—Change to read: "Shipment No. AB0002."

PART 5—MISCELLANEOUS

I-500 *Classified material.* When the DD Form 250 is used to document shipments of classified material, no classified information shall be included in or appear on the completed MIRR.

I-501 *Alternate release procedures.* See 14-110.

I-502 *Consolidated shipments.* When individual shipments are held at the contractor's plant for authorized transportation consolidation to a single destination on a single bill of lading, the applicable DD Forms 250 may be prepared at the time of Procurement Quality Assurance and acceptance prior to the time of actual shipment. The estimated "Date Shipped" shall be entered followed by the suffix "E." Shipment copies of the DD Forms 250 shall be held for forwarding with the shipment.

(3) The typed or stamped name of the signer and his office shall be included in this block.

Block 22—Receiver's Use. This block is provided for the use of the receiving activity (Government or contractor) to denote receipt by count and condition.

Block 23—Contractor Use Only. This block is provided and shall be reserved for contractor internal management use only.

I-302 *Separate MIRRs.* A separate MIRR shall be prepared for each shipment under the following conditions and shall be identified by a separate shipment number:

(i) For each Procurement Instrument Identification Number;

(ii) For each "Shipped From" point;

(iii) For each ultimate consignee; and

(iv) When a shipment is consigned to an Air Force activity and the shipment includes items of more than one Federal Supply Class or Materiel Management Code (MMC), a separate DD Form 250 shall be prepared for items of each of the Federal Supply Classes or MMC included in the shipment. However, the cognizant Government representative may authorize a single DD Form 250 listing each of the Federal Supply Classes or MMC included in the shipment on a separate continuation sheet. The MMC appears as a suffix to the Federal Stock Number (FSN) applicable to the item.

PART 4—DISTRIBUTION OF MIRRs

I-401 *Distribution.*

(a) The contractor is responsible for assuring initial distribution of DD Forms 250 in accordance with Table 1 to this part.

(b) Distribution of DD Forms 250 on non-DOD contracts shall be in accordance with Table 1 of this part as amended by the provisions of the contract.

(c) The contractor shall make distribution of the required copies promptly, but no later than the close of business of the work day following:

(i) Signing of the DD Forms 250 by the authorized Government representative on PQA and/or acceptance source shipments, or

(ii) Shipment, on PQA or acceptance at destination or contractor release.

(d) The contractor shall be responsible for furnishing copies of DD Forms 250 to the ACD but shall not be responsible for making distribution of DD Forms 250 in accordance with Table 2 of this document. Such distribution shall be the responsibility of the Government.

TABLE 1.—DD FORMS 250 AND 250c CONTRACTOR DISTRIBUTION

	Recipient	Number of copies
(a) Mandatory	Consignee: (With shipment—in waterproof envelope) (Via mail—priced copies) Quality Assurance Representative Contract Administration Office Payment Office (Block 12)—these are copies of the MIRR used as an invoice.* Attach to GBL, TMCD (attach to Transportation Officer copy). Port Transportation Officer (with shipment, in separate envelope) Freight Forwarder (MSP-MAS shipments)	4 2 1 3 4 1 2 10
(b) Additional as required		

DISTRIBUTION TABLE 2—DD FORMS 250 AND 250c

CONTRACT ADMINISTRATION OFFICE

	Recipient	Number of copies
(a) Mandatory (All services)	Purchasing Office Contract Administration Office File Navy Status Control Activity or Army, Air Force, DSA Inventory Control Manager.	1 1
(b) Additional Requirements 1. Army MAP Shipment	Co, USASMC International Logistics Center, Attn: SSM-ILC-A, Post Office Box 2745 Harrisburg, Pa. 17105.	1

[Rev. 20, ASPR, Dec. 1, 1966] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-2980; Filed, Mar. 17, 1967; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Agency for International Development

Section 213.3368 is amended to show that the position of Staff Assistant (Congressional Liaison) is in Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) is added to paragraph (b) of § 213.3368 as set out below.

§ 213.3368 **Agency for International Development.**

* * * * * *

(b) *Office of the Director, Congressional Liaison Staff.* * * *

(4) One Staff Assistant (Congressional Liaison).

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-3016; Filed, Mar. 17, 1967; 8:49 a.m.]

PART 733—POLITICAL ACTIVITIES OF FEDERAL EMPLOYEES AND OF ENROLLEES OF THE JOB CORPS

Subpart C—Privileged Localities

PRINCE WILLIAM COUNTY, VA.

Section 733.401 is amended to include political activity privileges to employee residents of Prince William County, Va. Section 733.301(b) is amended by the addition of "Prince William County (Feb. 14, 1967)" under the heading "In Virginia".

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-3017; Filed, Mar. 17, 1967; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, the following counties have been designated for wheat crop insurance for the 1968 crop year.

CALIFORNIA

Kern.
Modoc.
San Luis Obispo.
Tulare.

COLORADO

Adams.
Arapahoe.
Boulder.
Cheyenne.
Elbert.
Kit Carson.
Larimer.
Lincoln.
Logan.
Morgan.
Phillips.
Sedgwick.
Washington.
Weld.
Yuma.

IDAHO

Bannock.
Benewah.
Bingham.
Bonneville.
Camas.
Canyon.
Caribou.
Cassia.
Franklin.
Fremont.
Gooding.
Idaho.
Jefferson.
Jerome.
Kootenai.
Latah.
Lewis.
Lincoln.
Madison.
Minidoka.
Nez Perce.
Oneida.
Owyhee.
Power.
Teton.
Twin Falls.

ILLINOIS

Adams.
Bond.
Brown.
Cass.
Champaign.
Christian.
Clark.
Clinton.
Coles.
Crawford.
Cumberland.
De Witt.
Douglas.
Edgar.
Effingham.
Fayette.
Fulton.
Greene.
Hancock.
Iroquois.
Jasper.
Jefferson.
Jersey.
Logan.
McDonough.
McLean.
Macon.
Macoupin.
Madison.
Mason.
Menard.
Monroe.
Montgomery.
Morgan.
Moultrie.
Piatt.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Tazewell.
Vermilion.
Washington.
Wayne.

INDIANA

Adams.
Allen.
Bartholomew.
Benton.
Blackford.
Boone.
Carroll.
Cass.
Clay.
Clinton.
Decatur.
De Kalb.
Delaware.
Elkhart.
Fountain.
Fulton.
Gibson.
Grant.
Hamilton.
Hancock.
Hendricks.
Henry.
Howard.
Huntington.
Jackson.
Jasper.
Jay.
Johnson.
Knox.
Kosciusko.
Madison.
Marion.
Marshall.
Miami.
Montgomery.
Morgan.
Newton.
Noble.
Parke.
Pulaski.
Putnam.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Tippecanoe.
Tipton.
Vigo.
Wabash.
Warren.
Wayne.
Wells.
White.
Whitley.

KANSAS

Allen.
Anderson.
Atchison.
Barber.
Barton.
Bourbon.
Brown.
Butler.
Chase.
Chautauqua.
Cherokee.
Cheyenne.
Clark.
Clay.
Cloud.
Coffey.
Cowley.
Crawford.
Decatur.
Dickinson.
Doniphan.
Douglas.
Edwards.
Elk.
Ellis.
Ellsworth.
Finney.
Ford.
Franklin.
Geary.
Gove.
Graham.
Grant.
Gray.
Greeley.
Greenwood.
Hamilton.
Harper.
Harvey.
Haskell.
Hodgeman.
Jackson.
Jefferson.
Jewell.
Johnson.
Kearny.
Kingman.
Kiowa.
Labette.
Lane.
Lincoln.
Linn.
Logan.
Lyon.
McPherson.
Marion.
Marshall.
Meade.
Miami.
Mitchell.
Montgomery.
Morris.
Nemaha.
Neosho.
Ness.
Norton.
Osage.
Osborne.
Ottawa.
Pawnee.
Phillips.
Pottawatomie.
Pratt.
Rawlins.
Reno.
Republic.
Rice.
Riley.
Rooks.
Rush.
Russell.
Saline.
Scott.
Sedgwick.
Seward.
Shawnee.
Sheridan.
Sherman.
Smith.
Stafford.
Stanton.
Stevens.
Sumner.
Thomas.
Trego.
Wabaunsee.
Wallace.
Washington.
Wichita.
Wilson.
Woodson.

KENTUCKY

Christian.

MARYLAND

Caroline.
Kent.
Queen Annes.

MICHIGAN

Bay.
Branch.
Calhoun.
Cass.
Clinton.
Eaton.
Gratiot.
Hillsdale.
Huron.
Ingham.
Ionia.
Jackson.
Kalamazoo.
Lenawee.
Livingston.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Sanilac.
Shiawassee.
Tuscola.
Washtenaw.

MINNESOTA

Becker.
Big Stone.
Blue Earth.
Chippewa.
Clay.
Dakota.
Faribault.
Freeborn.
Grant.
Kandiyohi.
Kittson.
Lac qui Parle.
Le Sueur.
Mahnomen.
Marshall.
Norman.
Otter Tail.
Pennington.
Polk.
Red Lake.
Redwood.
Renville.
Roseau.
Stevens.
Swift.
Traverse.
Waseca.
Wilkin.
Yellow Medicine.

MISSOURI

Adair.
Andrew.
Audrain.
Barton.
Bates.
Boone.
Buchanan.
Caldwell.
Callaway.
Cape Girardeau.
Carroll.
Cass.
Chariton.
Clark.
Clinton.
Cooper.
Daviess.
De Kalb.
Dunklin.
Franklin.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jasper.
Johnson.
Knox.
Lafayette.
Lawrence.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Mississippi.
Monroe.
Montgomery.
New Madrid.
Nodaway.
Pemiscot.
Pettis.
Pike.
Platte.
Ralls.
Randolph.
Ray.
St. Charles.
Saline.
Scotland.
Scott.
Shelby.
Stoddard.
Sullivan.
Vernon.

MONTANA

Big Horn.
Blaine.
Carbon.
Cascade.
Chouteau.
Custer.
Daniels.
Dawson.
Fallon.
Fergus.
Glacier.
Golden Valley.
Hill.
Judith Basin.
Liberty.
McCone.
Musselshell.
Petroleum.
Phillips.
Pondera.
Prairie.
Richland.
Roosevelt.
Rosebud.
Sheridan.
Stillwater.
Teton.
Toole.
Valley.
Wibaux.
Yellowstone.

NEBRASKA

Adams.
Banner.
Box Butte.
Butler.
Cass.
Chase.
Cheyenne.
Clay.
Dawes.
Deuel.
Dodge.
Fillmore.
Franklin.
Frontier.
Furnas.
Gage.
Garden.
Gosper.
Hall.
Hamilton.
Harlan.
Hayes.
Hitchcock.
Jefferson.
Johnson.
Kearney.
Keith.
Kimball.
Lancaster.
Lincoln.
Morrill.
Nance.
Nemaha.
Nuckolls.
Otoe.
Pawnee.
Perkins.
Phelps.
Polk.
Red Willow.
Richardson.
Saline.
Saunders.
Scotts Bluff.
Seward.
Sheridan.
Thayer.
Washington.
Webster.
York.

NEW MEXICO

Curry.

NORTH DAKOTA

Adams.
Barnes.
Benson.
Bottineau.
Bowman.
Burke.
Burleigh.
Cass.
Cavalier.
Dickey.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grand Forks.
Grant.
Griggs.
Hettinger.
Kidder.
La Moure.
Logan.
McHenry.
McIntosh.
McKenzie.
McLean.
Mercer.
Morton.
Mountrail.
Nelson.
Oliver.
Pembina.
Pierce.
Ramsey.
Ransom.
Renville.
Richland.
Rolette.
Sargent.
Sheridan.
Sioux.
Slope.
Stark.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.

OHIO

Allen.
Ashland.
Auglaize.
Champaign.
Clark.
Clinton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fairfield.
Fayette.
Franklin.
Fulton.
Greene.
Hancock.
Hardin.
Henry.
Highland.
Huron.
Knox.
Licking.
Logan.
Lucas.
Madison.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morrow.
Ottawa.
Paulding.
Pickaway.
Preble.
Putnam.
Richland.
Sandusky.
Seneca.
Shelby.
Stark.
Tuscarawas.
Union.
Van Wert.
Wayne.
Williams.
Wood.
Wyandot.

OKLAHOMA

Alfalfa.
Beaver.
Beckham.
Blaine.
Caddo.
Canadian.
Comanche.
Cotton.
Craig.
Custer.
Delaware.
Dewey.
Ellis.
Garfield.
Grady.
Grant.
Greer.
Harmon.
Harper.
Jackson.
Kay.
Kingfisher.
Kiowa.
Logan.
Major.
Mayes.
Noble.
Nowata.
Osage.
Ottawa.
Pawnee.
Payne.
Texas.
Tillman.
Washington.
Washita.
Woods.
Woodward.

OREGON

Baker.
Gilliam.
Jefferson.
Klamath.
Linn.
Malheur.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.

PENNSYLVANIA

Adams.
Chester.
Cumberland.
Dauphin.
Franklin.
Lancaster.
Lebanon.
York.

SOUTH DAKOTA

Aurora.
Beadle.
Bennett.
Bon Homme.
Brown.
Campbell.
Clark.
Codington.
Corson.
Day.
Deuel.
Dewey.
Douglas.
Edmunds.
Faulk.
Grant.
Haakon.
Hamlin.
Hand.
Hughes.
Hutchinson.
Hyde.
Jones.
Kingsbury.
Lyman.
McPherson.
Marshall.
Mellette.
Miner.
Perkins.
Potter.
Roberts.
Spink.
Stanley.
Sully.
Tripp.
Walworth.

TENNESSEE

Obion.
Robertson.

TEXAS

Baylor.
Castro.
Collin.
Cooke.
Deaf Smith.
Denton.
Floyd.
Foard.
Gray.
Grayson.
Hale.
Jones.
Knox.
Lipscomb.
Parmer.
Randall.
Swisher.
Wilbarger.

UTAH

Box Elder.
Cache.
Salt Lake.
Utah.

WASHINGTON

Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Garfield.
Grant.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.
Yakima.

WYOMING

Goshen.
Laramie.
Platte.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JACK H. MORRISON,
Acting Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3018; Filed, Mar. 17, 1967; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, the following counties have been designated for barley crop insurance for the 1968 crop year.

ARIZONA

Maricopa.
Pinal.
Yuma.

CALIFORNIA

Kern.
Modoc.
San Luis Obispo.
Tulare.

COLORADO

Boulder.
Larimer.
Logan.
Morgan.
Sedgwick.
Washington.
Weld.

IDAHO

Bannock.
Benewah.
Bingham.
Bonneville.
Camas.
Canyon.
Caribou.
Cassia.
Franklin.
Fremont.
Gooding.
Idaho.
Jefferson.
Jerome.
Kootenai.
Latah.
Lewis.
Lincoln.
Madison.
Minidoka.
Nez Perce.
Oneida.
Owyhee.
Power.
Teton.
Twin Falls.

MARYLAND

Caroline.
Kent.
Queen Annes.

MINNESOTA

Becker.
Chippewa.
Clay.
Grant.
Kandiyohi.
Kittson.
Mahnomen.
Marshall.
Norman.
Otter Tail.
Pennington.
Polk.
Pope.
Red Lake.
Roseau.
Stearns.
Stevens.
Swift.
Traverse.
Wilkin.

MONTANA

Big Horn.
Blaine.
Carbon.
Cascade.
Chouteau.
Daniels.
Fallon.
Fergus.
Glacier.
Hill.
Judith Basin.
Liberty.
Pondera.
Prairie.
Richland.
Roosevelt.
Rosebud.
Sheridan.
Stillwater.
Teton.
Toole.
Valley.
Yellowstone.

NORTH DAKOTA

Barnes.
Benson.
Bottineau.
Burke.
Burleigh.
Cass.
Cavalier.
Dickey.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grand Forks.
Grant.
Griggs.
Hettinger.
Kidder.
La Moure.
Logan.
McKenzie.
McHenry.
McLean.
Mercer.
Mountrail.
Nelson.
Oliver.
Pembina.
Ramsey.
Ransom.
Renville.
Richland.
Rolette.
Sargent.
Sheridan.
Stark.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.

OREGON

Gilliam.
Jefferson.
Klamath.
Linn.
Malheur.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.

PENNSYLVANIA

Adams.
Chester.
Cumberland.
Dauphin.
Franklin.
Lebanon.
York.

SOUTH DAKOTA

Beadle.
Brookings.
Brown.
Clark.
Codington.
Day.
Deuel.
Edmunds.
Faulk.
Grant.
Hamlin.
Kingsbury.
McPherson.
Marshall.
Miner.
Roberts.
Spink.

UTAH

Cache.
Salt Lake.
Utah.

WASHINGTON

Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Garfield.
Grant.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.
Yakima.

WYOMING

Big Horn.
Goshen.
Park.
Washakie.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JACK H. MORRISON,
Acting Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3019; Filed, Mar. 17, 1967; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 130]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.430 Navel Orange Regulation 130.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effecuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 16, 1967.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 19, 1967, and ending at 12:01 a.m., P.s.t., March 26, 1967, are hereby fixed as follows:

(i) District 1: 900,000 cartons;
(ii) District 2: 575,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 17, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3096; Filed, Mar. 17, 1967; 11:29 a.m.]

[Valencia Orange Reg. 191]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.491 Valencia Orange Regulation 191.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 16, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 19, 1967, and ending at 12:01 a.m., P.s.t., March 26, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 125,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 17, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3097; Filed, Mar. 17, 1967; 11:29 a.m.]

[Lemon Reg. 259]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.559 Lemon Regulation 259.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 14, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 19, 1967, and ending at 12:01 a.m., P.s.t., March 26, 1967, are hereby fixed as follows:

(i) District 1: 11,160 cartons;
(ii) District 2: 202,740 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 16, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3045; Filed, Mar. 17, 1967; 8:50 a.m.]

[Grapefruit Reg. 39]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.339 Grapefruit Regulation 39.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 16, 1967.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., March 20, 1967, and ending at 12:01 a.m., e.s.t., March 27, 1967, is hereby fixed at 250,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 16, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3073; Filed, Mar. 17, 1967; 8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Miscellaneous Amendments

In Part 221 in the Table of Contents a new § 221.60 preceded by a new center heading, and new §§ 221.254, 221.256, 221.519a, and 221.546a are added to read as follows:

LOW INCOME REHABILITATION—SECTION 221(h) OF THE ACT

Sec.
221.60 Eligibility requirements for low income purchasers.
221.254 Mortgage insurance premiums, adjusted mortgage insurance premiums and voluntary termination charges.
221.256 Interest rate increase and payment of mortgage insurance premiums on mortgages under § 221.60.
221.519a Mortgage release provisions.
221.546a Neighborhood characteristics.

Subpart A—Eligibility Requirements—Low Cost Homes

In Part 221 a new § 221.60 preceded by a new center heading is added to read as follows:

LOW INCOME REHABILITATION—SECTION 221(h) OF THE ACT

§ 221.60 Eligibility requirements for low income purchasers.

(a) Except as provided in this section, all of the provisions of this subpart shall apply to the insurance of a mortgage under section 221(h) of the National Housing Act covering the purchase of a rehabilitated single family dwelling by a low income person from a nonprofit mortgagor.

(b) To qualify as a mortgagor, the purchaser shall be approved by the Commissioner as having an income which would make him eligible to receive rent supplement payments pursuant to §§ 5.1 et seq. of this title.

(c) The mortgage shall comply with each of the following requirements:

(1) It shall involve a principal obligation in an amount not exceeding that portion of the unpaid balance of the project mortgage which is allocable to the dwelling being purchased.

(2) It shall bear interest at the same rate as the project mortgage.

(3) It shall be limited to a term not exceeding the term of the project mortgage remaining at the time of the purchase nor exceeding the Commissioner's estimate of the economic life of the improvements or such lesser period as may be established by the Commissioner.

(4) It shall provide that if the low income purchaser does not continue to occupy the property, the interest rate shall increase to the maximum rate in effect under § 203.20 of this chapter at the time the commitment for insurance was issued on the project mortgage, except that the increase in interest rate shall not be applicable if the property is sold to one of the following purchasers:

(i) The nonprofit organization which executed the project mortgage.

(ii) A public housing agency under the U.S. Housing Act of 1937 having jurisdiction over the area where the dwelling is located.

(iii) A low income purchaser meeting the requirements of paragraph (b) of this section.

(d) At the time the mortgage is insured, the mortgagor shall have paid on account of the property not less than $200, all or any part of which may be applied in payment of settlement costs.

Subpart B—Contract Rights and Obligations—Low Cost Homes

In § 221.251 paragraph (a) is amended by adding to the listed exceptions the following:

§ 221.251 Incorporation by reference.

(a) • • •

Sec.
203.260 Method of payment of MIP.
203.261 Calculation of MIP.
203.265 Amount of initial MIP.
203.266 Due date of initial MIP.
203.267 Period covered by initial MIP.
203.268 Adjustment of initial MIP.
203.269 Pro rata payment of initial MIP.
203.275 Amount of annual MIP.
203.276 Due date of annual MIP.
203.277 Duration of annual MIP.
203.278 Pro rata payment of annual MIP.
203.285 Computation of adjusted premium.
203.286 Maximum adjusted MIP.
203.287 Prepayments excepted from adjusted premium charge.
203.295 Voluntary termination of insurance.
203.296 Computation of voluntary termination charge.
203.297 Maximum voluntary termination charge.
203.298 Exception from voluntary termination charge.

• • • • • •

In Part 221 new §§ 221.254 and 221.256 are added to read as follows:

§ 221.254 Mortgage insurance premiums, adjusted mortgage insurance premiums and voluntary termination charges.

(a) All of the provisions of §§ 203.260 through 203.298 of this chapter relating to mortgage insurance premiums, adjusted mortgage insurance premiums and voluntary termination charges shall apply to mortgages insured under this subpart, except that such provisions shall not be applicable to mortgages meeting the special requirements of § 221.60.

(b) Whenever the interest rate on a mortgage, insured under this subpart as having met the special requirements of § 221.60, shall have been increased to the maximum rate in accordance with the mortgage provisions required by § 221.60(c)(4), the provisions of §§ 203.260 through 203.298 of this chapter relating to mortgage insurance premiums, adjusted mortgage insurance premiums and voluntary termination charges shall apply, except that references therein to the date of the beginning of amortization shall be construed to refer to the date of the change in interest rate required under the mortgage.

§ 221.256 Interest rate increase and payment of mortgage insurance premiums on mortgages under § 221.60.

(a) Where a mortgage meets the special requirements of § 221.60, the mortgagee shall determine, at least annually, whether the mortgagor has continued to occupy the property securing the mortgage. If the mortgagee determines that the mortgagor is not occupying the property or that the mortgagor has sold the property subject to the mortgage to a purchaser determined by the Commissioner to be ineligible for an interest rate established pursuant to § 221.518(b), interest on such mortgage shall thereafter be computed by the mortgagee at the highest rate permissible under the mortgage from the first day of the month following the month in which the mortgagee determines the right to collect interest at the increased rate first accrued.

(b) The mortgagee shall notify the Commissioner, on a form prescribed by

the Commissioner, within 30 days of making the determination of the right to compute interest at the higher rate, as provided in paragraph (a) of this section, of:

(1) The date on which such right first accrued, and

(2) The outstanding principal balance of the mortgage on the first day of the month following the date on which such right first accrued.

(c) The liability for payment of mortgage insurance premiums, adjusted mortgage insurance premiums, and voluntary termination charges, if any, shall begin on and be computed from the first day of the month following the date on which the right to compute interest at the higher rate shall have first accrued.

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.501 paragraph (b) is amended to read as follows:

§ 221.501 Certificate by Secretary to Commissioner.

* * * * *

(b) The provisions of paragraph (a) of this section shall not be applicable in the following instances:

(1) Where the mortgagor qualifies as a rehabilitation sales mortgagor under the provisions of § 221.510(a)(3).

(2) Where the mortgagor is approved by the Commissioner to receive rent supplement payments pursuant to the provisions of §§ 5.1 et seq. of this title, in which case the provisions of § 5.15(c) of this title shall govern.

In § 221.510 the heading of paragraph (a) is amended and a new subparagraph (3) is added to read as follows:

§ 221.510 Eligible mortgagors.

* * * * *

(a) *Nonprofit, builder-seller, and rehabilitation sales mortgagors.* * * *

(3) The rehabilitation sales mortgagor shall be a special type of nonprofit mortgagor which shall:

(i) Meet the qualifications of subparagraph (1) of this paragraph.

(ii) Undertake to purchase and rehabilitate deteriorating or substandard housing.

(iii) Under an agreement with the Commissioner, undertake to sell the rehabilitated housing to individuals or families meeting the income criteria for receiving rent supplement payments.

* * * * *

In § 221.514 paragraph (a)(1) is amended by adding a new subdivision (iii) to read as follows:

§ 221.514 Maximum mortgage amounts.

(a) *Principal obligation.* * * *

(1) *Dollar limitations.* * * *

(iii) Subdivision (ii) of this subparagraph shall not be applicable where the mortgagor qualifies as a rehabilitation sales mortgagor under the provisions of § 221.510(a)(3).

* * * * *

In § 221.515 paragraphs (b) (1) and (2) and (c) (1) and (2)(ii) are amended to read as follows:

§ 221.515 Adjusted mortgage amount—rehabilitation projects.

* * * * *

(b) *Property subject to existing mortgage.* * * *

(1) *Nonprofit, public, cooperative, or investor sponsor mortgagor.* If the mortgagor is a nonprofit, public, cooperative, or investor sponsor mortgagor, the Commissioner's estimate of the cost of the repair or rehabilitation plus such portion of the outstanding indebtedness as does not exceed the Commissioner's estimate of the value of such land and improvements prior to the repair or rehabilitation.

(2) *General or limited distribution mortgagor.* If the mortgagor is a general or limited distribution mortgagor, the Commissioner's estimate of the cost of repair or rehabilitation plus such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the value of such land and improvements prior to the repair or rehabilitation.

(c) *Property to be acquired.* * * *

(1) *Nonprofit, public, cooperative, investor sponsor, or rehabilitation sales mortgagor.* If the mortgagor is a nonprofit, public, cooperative, investor sponsor, or rehabilitation sales mortgagor, the Commissioner's estimate of the cost of the proposed repair or rehabilitation plus the lesser of either of the following:

(i) The actual purchase price of the land and improvements.

(ii) The Commissioner's estimate of the value of such land and improvements prior to the repair or rehabilitation.

(2) *General or limited distribution mortgagor.* * * *

(ii) 90 percent of the actual price of the land and improvements, or the Commissioner's estimate of the value of such land and improvements prior to the repair or rehabilitation, whichever is the lesser as provided in this subdivision (ii).

Part 221 is amended by adding a new § 221.519a to read as follows:

§ 221.519a Mortgage release provisions.

A mortgage executed by a rehabilitation sales mortgagor shall provide that at any time after final endorsement, the property covered by the mortgage may be released, in whole or in part, upon payment of the unpaid balance of the blanket mortgage allocable to the property released.

In § 221.538 paragraph (b) is amended to read as follows:

§ 221.538 Applicability of prevailing wage requirements.

* * * * *

(b) *Expected transactions.* The requirements of paragraph (a) of this section shall not be applicable in either of the following instances:

(1) Where the mortgage is executed by a rehabilitation sales mortgagor meeting the requirements of § 221.510(a)(3) and covers property on which there are located eight or fewer single family dwellings.

(2) Where, in connection with the construction of a project involving a cooperative, investor-sponsor, or rehabilitation sales mortgagor, the Commissioner has waived the requirements and each of the following circumstances occur:

(i) Where the laborers or mechanics not otherwise employed in the construction of such project (or the prospective owners of the individual dwellings, in the case of a rehabilitation sales mortgagor) are to voluntarily donate their services without compensation for the purpose of lowering their housing costs in the project.

(ii) Where the mortgagor establishes to the satisfaction of the Commissioner that amounts saved by the donated services will be credited to the account of the mortgagor.

Section 221.542a is amended to read as follows:

§ 221.542a Accounting for net income.

All net income received by a nonprofit, builder-seller, investor-sponsor, or rehabilitation sales mortgagor shall be accounted for to the Commissioner and shall not be distributed without the prior approval of the Commissioner.

In § 221.543 paragraph (b)(1) is amended to read as follows:

§ 221.543 Advance amortization.

* * * * *

(b) * * *

(1) Investor-sponsor, builder-seller, nonprofit, or rehabilitation sales mortgagor (the distribution of net income by such mortgagors is controlled by § 221.542a).

* * * * *

In § 221.545 paragraphs (a) and (b) are amended to read as follows:

§ 221.545 Development of property.

(a) *Obligation of mortgagor.* The mortgagor shall be obligated to develop the property as follows:

(1) A mortgagor, other than a rehabilitation sales mortgagor meeting the requirements of § 221.510(a)(3), shall be obligated to either construct and complete new housing accommodations on the mortgaged property or rehabilitate existing housing accommodations designed principally for residential use.

(2) A rehabilitation sales mortgagor meeting the requirements of § 221.510(a)(3) shall be oligated to purchase and rehabilitate existing housing.

(b) *Minimum number of units.* (1) A project, other than a project to be rehabilitated by a rehabilitation sales mortgagor meeting the requirements of § 221.510(a)(3), shall consist of not less than five dwelling units and may be detached, semidetached, or row houses, or multifamily structures.

(2) A project, where the mortgagor is a rehabilitation sales mortgagor meeting the requirements of § 221.510(a)(3), shall consist of not less than five single-family dwellings which may be detached, semidetached, or row houses.

* * * * *

Section 221.546 is amended by adding a new paragraph (c) to read as follows:

§ 221.546 Commercial and community facilities.

* * * * *

(c) *Rehabilitation sales projects.* Commercial and community facilities shall not be included in a project involving a mortgage meeting the requirements of § 221.510(a)(3).

In Part 221 a new § 221.546a is added to read as follows:

§ 221.546a Neighborhood characteristics.

In a case involving a mortgagor meeting the requirements of § 221.510(a)(3), the mortgagor shall establish to the satisfaction of the Commissioner either of the following:

(a) That the property to be rehabilitated is located in a neighborhood which is sufficiently stable and contains sufficient public facilities and amenities to support long-term values.

(b) That the rehabilitation to be carried out by the mortgagor plus its related activities and the activities of other owners of housing in the neighborhood, together with actions to be taken by public authorities, will be of such scope and quality as to give reasonable promise that a stable environment will be created in the neighborhood.

In § 221.550a paragraph (a) is amended and a new paragraph (d) is added to read as follows:

§ 221.550a Certificate of actual cost—builder's and sponsor's profit and risk allowance.

(a) *In general.* The mortgagor's certificate of actual cost shall include (except in a case involving a rehabilitation sales mortgagor meeting the requirements of § 221.510(a)(3)) an allowance for builder's and sponsor's profit and risk. The amounts of the allowance shall be dependent upon a determination by the Commissioner as to whether or not there exists an identity of interest between the mortgagor or any of its officers, directors, stockholders, or partners and the general contractor.

* * * * *

(d) *Nonapplicability to rehabilitation sales mortgagors.* The provisions of paragraphs (a) through (c) of this section shall not be applicable to a project involving a rehabilitation sales mortgagor meeting the requirements of § 221.510(a)(3).

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

Issued at Washington, D.C., March 15, 1967.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-2993; Filed, Mar. 17, 1967; 8:46 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER E—EMPLOYMENT AND COMPENSATION IN THE CANAL ZONE

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, Part 253 of Title 35, Code of Federal Regulations, is amended as follows:

1. In § 253.2, subparagraph (2) of paragraph (k) and paragraphs (l) and (n) are revised to read as follows:

§ 253.2 Definitions.

* * * * *

(k) * * *

(2) which are performed in the Republic of Panama by individuals excluded from Chapter 51 of Title 5, U.S. Code, by action taken pursuant to 5 U.S.C. 5102(c)(12)(B).

* * * * *

(l) "Security position" means a position which must be filled by U.S. citizens only, by action in 2 C.Z.C. section 147, 76A Stat. 17, and the regulations in this subchapter.

* * * * *

(n) "Veteran" means a person entitled to preference as a "preference eligible" as that term is defined by 5 U.S.C. 2108(3).

§ 253.3 [Amended]

2. The first line of § 253.3 is amended by striking the words "Subchapter E" and inserting in lieu thereof the words "Subchapter III".

§ 253.8 [Amended]

3. The sixth line of § 253.8 *Exclusions*, paragraph (a) is amended by striking the words "Subchapter E" and inserting in lieu thereof the words "Subchapter III".

4. In § 253.8, subparagraphs (6) and (7) of paragraph (b) and subparagraph (6) of paragraph (d) are revised to read as follows:

(b) * * *

(6) Consultants and experts when employed under the provisions of 5 U.S.C. 3109 or other statutory authority.

(7) Any employee excluded by 5 U.S.C. § 2105(c) from coverage under laws administered by the Civil Service Commission.

(d) * * *

(6) The Panama Canal Information Officer.

5. The first line of § 253.8(e) is amended by striking the word "position" and inserting in lieu thereof the word "positions".

6. The seventh and eighth lines of § 253.8(f) are amended by striking the words "Subchapter E" and inserting in lieu thereof the words "Subchapter III".

7. The last sentence of § 253.38 is revised to read as follows:

§ 253.38 Rating competitors.

* * * In rating competitors the Board shall, in the case of preference eligibles, provide for waiver of the physical standards and requirements in accordance with 5 U.S.C. 3312.

8. The last sentence of § 253.112 is revised to read as follows:

§ 253.112 Nonmanual category.

* * * This includes positions covered by the Classification Act of 1949, as amended, 5 U.S.C. 1071–1153 (1964 ed.), on February 22, 1959, except for those which are specifically covered in the Special Category.

§ 253.134 [Amended]

9. The last sentence of § 253.134 is amended by inserting the word "salary" after the words "the revised base"

10. Section 253.135(d) is revised to read as follows:

§ 253.135 Tropical differential.

* * * * *

(d) An employee may be paid tropical differential under this section only to the extent that such payment, when combined with his aggregate compensation established under §§ 253.133 and 253.134, does not exceed the current rate of step 5, GS–17, of the General Schedule set out in 5 U.S.C. 5332(a).

11. Section 253.241 is revised to read as follows:

§ 253.241 Applicability of existing law and Civil Service regulations.

(a) The provisions of 5 U.S.C. 5591 and 7501 are applicable to the removal or suspension of those employees to whom such provisions were applicable immediately prior to January 19, 1959.

(b) The provisions of 5 CFR Parts 752 and 772, and 5 U.S.C. 5592, are applicable to preference eligibles to the extent and in the manner specified therein.

(c) The provisions of 5 CFR Part 351, as they apply in the competitive civil service, and the provisions of 5 U.S.C. 5593, are applicable to all reduction in force actions. However, 5 CFR 351.603 shall not be construed as requiring the assignment of a non-U.S. citizen to a security position.

(d) The provisions of 5 U.S.C. 5591 shall be applicable to any person whose removal or suspension under a department's system established by § 253.262 is determined to have been unjustified or unwarranted after review in accordance with procedures of the employing department.

(2 C.Z.C. 142(b), 155, 76A Stat. 16, 19; 35 CFR 251.2)

Dated: March 10, 1967.

STANLEY R. RESOR,
Secretary of the Army.

[F.R. Doc. 67-2988; Filed, Mar. 17, 1967; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4178]

[Nevada 054531 etc.]

NEVADA

Powersite Restoration No. 637; Revocation of Powersite Reserves

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, it is ordered as follows:

1. The Executive orders of April 21, 1913, February 27, 1914, August 17, 1915, and May 4, 1919, creating Powersite Reserves Nos. 354, 423, 501, and 716, respectively, for transmission lines, and the Executive order of May 22, 1917, creating Powersite Reserve No. 628, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

POWERSITE RESERVE NO. 354

"All lands of the United States under the jurisdiction of the Department of the Interior for the purposes of the act of Congress approved February 15, 1901 (31 Stat., 790), within 50 feet on either side of the centerline of the right-of-way for which application under said act (Carson City 07145) was heretofore made * * *.":

T. 18 N., R. 20 E.,
Sec. 25, S½NE¼.
T. 16 N., R. 21 E.,
Sec. 30, NW¼SW¼NW¼, E½SE¼NW¼, and NW¼SE¼.

POWERSITE RESERVE NO. 423

"All lands of the United States, under the jurisdiction of the Department of the Interior for the purposes of the act of Congress approved February 15, 1901 (31 Stat., 790), within 50 feet of the center line of the right-of-way shown on the map in four sheets filed on January 14, 1914, as part of the application (Elko 01271) of the Buckhorn Mines Co., and designated 'Map of Final Location of Powerline from Beowawe to Buckhorn, Nev.':

T. 27 N., R. 49 E. (unsurveyed), portions of what will be when surveyed:
Sections 4, 9, 10, 15, 16, 21, 28, and 29.
T. 28 N., R. 49 E.,
Sec. 6, NE¼, and E½SE¼;
Sec. 18, E½E½;
Sec. 20, W½W½;
Sec. 29, W½NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 32, W½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 33, N½SW¼, and SE¼SW¼.
T. 29 N., R. 49 E.,
Sec. 6, E½W½;
Sec. 18, E½W½;
Sec. 30, W½E½.
T. 30 N., R. 49 E.,
Sec. 8, W½W½;
Sec. 18, E½E½;
Sec. 30, NE¼NE¼, and W½E½.
T. 31 N., R. 49 E.,
Sec. 8, E½SW¼;
Sec. 20, W½W½;
Sec. 30, E½E½.

POWERSITE RESERVE NO. 501

"All portions of the following described lands lying within 50 feet of the centerline of the right-of-way shown on a map in two sheets filed on October 3, 1913, as part of the application (Carson City 08241) of the Elko Lamoille Power Co. * * *.":

T. 34 N., R. 55 E.,
Sec. 14, SW¼SE¼;
Sec. 24, S½NW¼, N½SW¼, W½SE¼, and SE¼SE¼.
T. 33 N., R. 56 E.,
Sec. 2, SW¼NW¼, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 12, W½NE¼, SE¼NE¼, N½NW¼, and NE¼SE¼.
T. 34 N., R. 56 E.,
Sec. 29, W½SW¼, and SE¼SW¼;
Sec. 30, SW¼NE¼, W½NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 32, N½NE¼, SE¼NE¼, and NE¼NW¼;
Sec. 34, S½SW¼.
T. 33 N., R. 57 E.,
Sec. 22, SW¼NE¼, NW¼, and N½SE¼.

POWERSITE RESERVE NO. 628

T. 31 N., R. 57 E.,
Sec. 10, SE¼NE¼, and NE¼SE¼.

POWERSITE RESERVE NO. 716

"All portions of the following described lands lying within 50 feet of the centerline of the right-of-way shown on a detailed map in five sheets, the sheets being designated Exhibit J–1, Exhibit J–2, Exhibit J–3, Exhibit J–4, and Exhibit J–5, and a general map in one sheet designated Exhibit J–6, each sheet of the detailed map and the general map being entitled 'Map of the constructed Electrical Transmission Line of the Nevada Valleys Power Co. in Humboldt County, Nev.' * * *." (Carson City 010937):

T. 28 N., R. 33 E.,
Sec. 4, lot 1.
T. 29 N., R. 33 E.,
Sec. 4, W½ lot 2 in NE¼, and W½SE¼;
Sec. 16, W½E½;
Sec. 28, E½E½.
T. 30 N., R. 33 E.,
Sec. 4, E½ lots 1 and 2 in NE¼, and E½ SE¼.
T. 31 N., R. 33 E.,
Sec. 10, NE¼NW¼, S½NW¼, and W½ SW¼;
Sec. 16, SE¼SE¼;
Sec. 28, E½E½.
T. 32 N., R. 33 E.,
Sec. 12, NE¼SE¼, and S½SE¼;
Sec. 24, W½NW¼;
Sec. 26, NW¼NE¼, E½NW¼, N½SW¼, and SW¼SW¼;
Sec. 34, E½NE¼, N½SE¼, and SW¼SE¼.
T. 32 N., R. 34 E.,
Sec. 6, E½ lot 1 in NE¼, and SE¼.
T. 33 N., R. 34 E.,
Sec. 2, lot 1 in NW¼, W½ lot 2 in NW¼, E½SW¼, and SW¼SE¼;
Sec. 3, lot 1;
Sec. 14, NW¼NW¼;
Sec. 22, N½NW¼, SW¼NW¼, and NW¼ SW¼;
Sec. 28, W½NE¼;
Sec. 32, SE¼SW¼, and W½SE¼.

The areas described aggregate approximately 516 acres.

2. At 10 a.m. on April 18, 1967, the lands described in section 10, T. 31 N., R. 57 E., M.D.M., shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and procedures, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 18, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws, subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

The State of Nevada has waived its preference right of application under section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

The lands in transmission lines have been open to disposition under the public land laws subject to the general determination of the Federal Power Commission dated April 17, 1922.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 13, 1967.

[F.R. Doc. 67-2987; Filed, Mar. 17, 1967; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Wind River Indian Irrigation Project, Wyoming

On page 613 of the FEDERAL REGISTER of January 19, 1967, there was published a notice of intention to amend § 221.95, Charges, of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Wind River Indian Irrigation Project, Wyoming. The purpose of the amendment is to establish the assessment rate for 1967 and thereafter until further notice.

A 30-day period was prescribed for the public to have the opportunity to participate in the rule making process and submit written comments, suggestions, or objections. On page 3469 of the FEDERAL REGISTER of March 2, 1967, there was published a notice of extension of 22 days correcting the 30-day period to 52 days. We have reviewed and considered all submitted protests and comments. Information does not indicate facts which would materially change the recommended charges. The proposed amendment is hereby adopted without change as set forth below.

Section 221.95 is amended to read as follows:

§ 221.95 Charges.

In compliance with the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387), the operation and maintenance charges for the lands under the Wind River Irrigation Project, Wyoming, for the calendar year 1967 and subsequent years until further notice, are hereby fixed at $3.90 per acre for the assessable area under the constructed works on the diminished Wind River Project and at $3.20 per acre on the Ceded Wind River Project; except in the case of all irrigable trust patent Indian land which lies within the Ceded Reservation and which is benefited by the Big Bend Drainage District where an additional assessment of $0.45 (45 cents) per acre is hereby fixed.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 67-2994; Filed, Mar. 17, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

CONSENT FOR USE OF INVESTIGATIONAL NEW DRUGS ON HUMANS

Proposed Revision of Statement of Policy

Correction

In F.R. Doc. 67-2788, appearing at page 3994 of the issue for Saturday, March 11, 1967, paragraph (f) of § 130.37 should be corrected to read as follows:

(f) "Not feasible" is limited to cases where the investigator is not capable of obtaining consent because of inability to communicate with the patient or his representative; for example, where the patient is in a coma or is otherwise incapable of giving informed consent, his representative cannot be reached, and it is imperative to administer the drug without delay.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17253; RM-1060]

TV BROADCAST STATIONS

Prediction of Coverage; Correction

In the matter of amendment of § 73.684(c) of Part 73, prediction of coverage of TV broadcast stations.

The notice of proposed rule making, FCC 67-271, in the above matter, adopted March 1, 1967, and published in the FEDERAL REGISTER on March 8, 1967, 32 F.R. 3835, is corrected to indicate "Commissioner Bartley dissenting; Commissioner Wadsworth absent" after the phrase "By the Commission:" on page 1.

Released: March 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3005; Filed, Mar. 17, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 68]

PRINCIPAL U.S. DIPLOMATIC OFFICER IN INDONESIA

Revocation of Delegation of Authority Regarding Administration of AID Program in Indonesia

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1967 (26 F.R. 10608), as amended, I hereby revoke the authority delegated to the principal diplomatic officer of the United States in Indonesia by Delegation of Authority No. 62, effective July 1, 1965, with respect to the administration of the AID program in Indonesia.

Contracts, grants, or agreements currently in effect shall continue according to their terms unless modified, revoked, or rescinded by the AID Representative to Indonesia.

The revocation of this authority shall be effective on March 3, 1967.

WILLIAM S. GAUD,
Administrator.

MARCH 7, 1967.

[F.R. Doc. 67-2989; Filed, Mar. 17, 1967; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR PROGRAM COORDINATION AND SERVICES; REGION III (ATLANTA)

Designation

A. Frederick Smith, Region III (Atlanta), is hereby designated to serve as Acting Assistant Regional Administrator for Program Coordination and Services, Region III, during the present vacancy in the position of Assistant Regional Administrator for Program Coordination and Services, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Program Coordination and Services, Region III.

(Secretary's delegation effective Nov. 16, 1966)

Effective as of the 20th day of February 1967.

DWIGHT A. INK,
Assistant Secretary for Administration, Office of the Secretary.

[F.R. Doc. 67-2973; Filed, Mar. 17, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-261]

CAROLINA POWER & LIGHT CO.

Order Changing Location of Hearing

In the matter of Carolina Power & Light Co. (H. B. Robinson Unit No. 2).

On February 20, 1967, the Atomic Energy Commission issued a notice of hearing to consider the issuance of a provisional construction permit in the captioned proceeding to Carolina Power & Light Co. at a hearing before this Atomic Safety and Licensing Board to be held at 10 a.m., local time, on March 28, 1967, at the County Courthouse, Public Square, Darlington, S.C. This notice was published in 32 F.R. 3235 on February 24, 1967.

At the prehearing conference held in Darlington, S.C., on March 10, 1967, it was noted that the space available in the room provided might be inadequate to accommodate all of the participants and members of the public who might wish to attend the hearing. In order to provide additional space which would permit greater public attendance: *It is hereby ordered,* That the hearing shall be convened in the Courtroom, Darlington City Hall, 400 Pearl Street, Darlington, S.C., at 10 a.m., local time, on Tuesday, March 28, 1967.

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

Issued March 16, 1967, Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
VALENTINE B. DEALE,
Chairman.

[F.R. Doc. 67-3020; Filed, Mar. 17, 1967; 8:50 a.m.]

[Docket No. 115-5]

ALLIS-CHALMERS MANUFACTURING CO.

Proposed Issuance of Provisional Operating Authorization for La Crosse Boiling Water Reactor

Notice is hereby given that the Atomic Energy Commission (the Commission) is considering the issuance of a provisional operating authorization, as set forth below, which would authorize Allis-Chalmers Manufacturing Co. to use and operate the La Crosse Boiling Water Reactor (LACBWR) at powers up to 165 thermal megawatts. Initial operation would be limited by the Technical Specifications to 1 thermal megawatt until (1) completion of construction of certain pieces of equipment which are not essential to safe operation at 1 thermal megawatt, (2) installation and testing of these items, and (3) the Commission has made a final inspection of the facility and determined that the reactor has been completed in accordance with the application, as amended, and the provisions of Construction Authorization No. CAPR-5.

The La Crosse Boiling Water Reactor is located approximately 1 mile south of Genoa and 19 miles south of the city of La Crosse, in Vernon County, Wis. The reactor was constructed by Allis-Chalmers Manufacturing Co. for the Atomic Energy Commission pursuant to a provisional construction authorization.

The operating authorization was requested by Allis-Chalmers Manufacturing Co. in its application dated August 3, 1965, and in application amendments No. 12 through 33, received at intervals between December 8, 1965, and March 8, 1967. The provisional operating authorization would be issued upon the Commission's making the findings set forth in the proposed authorization. Prior to issuance of the provisional operating authorization, the facility will be inspected by representatives of the Commission to determine whether, except for the items referred to above, it has been constructed in accordance with the provisions of Construction Authorization No. CAPR-5.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed issuance, see (1) the application and amendments thereto filed by Allis-Chalmers Manufacturing Co., (2) the report of the Advisory Committee on Reactor Safeguards (ACRS), dated November 17, 1966, (3) a related safety analysis prepared by the Division of Reactor Licensing, and (4) the Technical Specifications, designated as Appendix A to the authorization, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 16th day of March 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director
Division of Reactor Licensing.

PROPOSED PROVISIONAL OPERATING AUTHORIZATION

The U.S. Atomic Energy Commission having found that:

a. The application for this provisional operating authorization, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. Construction of the facility has proceeded, and there is reasonable assurance that the facility will be completed in conformity with Construction Authorization No. CAPR-5, the application, the provisions of the Act, and the rules and regulations of the Commission;

c. There are involved features, characteristics, and components as to which it is desirable to obtain actual operating experience before the issuance of a full term operating authorization;

d. There is reasonable assurance (i) that the facility can be operated at power levels not in excess of 165 megawatts thermal in accordance with this operating authorization without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

e. Allis-Chalmers Manufacturing Co. is technically qualified to engage in the activities authorized by this provisional operating authorization, in accordance with the rules and regulations of the Commission; and

f. The issuance of this provisional operating authorization will not be inimical to the common defense and security or to the health and safety of the public;

Provisional Operating Authorization No. ------ is hereby issued, effective as of the date of issuance, to read as follows:

1. This Provisional Operating Authorization applies to the La Crosse Boiling Water Reactor (the reactor) owned by the U.S. Atomic Energy Commission (the Commission) and to be operated by Allis-Chalmers Manufacturing Co. (Allis-Chalmers) under contract with the Commission. The reactor is located at a site along the east bank of the Mississippi River, approximately 1 mile south of Genoa and 19 miles south of La Crosse, in Vernon, Wis., and is described in the Safeguards Report for Operating Authorization, and in previously submitted amendments incorporated therein.

2. Subject to the conditions and requirements incorporated herein, including the Technical Specifications hereto, the Commission hereby authorizes Allis-Chalmers, pursuant to the Atomic Energy Act of 1954, as amended (the Act) and Title 10, CFR, Chapter 1, Part 115, "Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements," to use and operate the La Crosse Boiling Water Reactor.

3. This authorization shall be deemed to contain and is subject to the conditions specified in §§ 115.42 and 115.47 of Part 115 and is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. Allis-Chalmers is authorized to operate the reactor at steady state power levels up to 165 megawatts thermal.

B. Technical Specifications: The Technical Specifications contained in Appendix A[1] hereto are hereby incorporated into this provisional operating authorization. Except as hereinafter provided, Allis-Chalmers shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in section 115.47 of Part 115.

C. Records: In addition to those otherwise required under this authorization and applicable regulations, Allis-Chalmers shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing the radioactivity released or discharged into the air or water beyond the effective control of Allis-Chalmers as measured at or prior to the point of such release or discharge.

(3) Records of radioactivity levels at both on-site monitoring stations and off-site sampling stations.

(4) Records of emergency shutdowns and inadvertent scrams, including reasons therefor.

(5) Records of principal maintenance operations involving substitution or replacement or reactor equipment or components and the reasons therefor.

(6) Records of facility tests and measurements performed pursuant to the requirements of the Technical Specifications.

D. Reports: In addition to reports otherwise required under this authorization and applicable regulations of the Commission:

(1) Allis-Chalmers shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety functions as described in the Technical Specifications. For each such occurrence, Allis-Chalmers shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20, and shall submit within 10 days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

(2) Allis-Chalmers shall report to the Commission in writing within 30 days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the Technical Specifications.

(3) Allis-Chalmers shall make a report in writing to the Division of Reactor Licensing at the end of each monthly period which summarizes the following:

(a) Total number of hours of operation and total energy generated by the reactor.

(b) Number of shutdowns of the reactor with a brief explanation of the cause of each shutdown.

(c) Operating experience including a summary of the number of malfunctions in the control and safety systems with brief explanation of each.

(d) Measurements and tests performed on the nuclear systems and results thereof.

(e) Principal maintenance performed and replacements made in the reactor and associated systems including a report on various tests performed on components of the reactor and associated systems.

(f) A description of the tests performed to demonstrate that the leak rates meet the Technical Specifications, the results of such tests, and a description of any necessary corrective measures taken to meet the requirements of the Technical Specifications.

(g) Changes made in the facility design and operating procedures pursuant to § 115.47 of Part 115.

(h) Significant changes in plant organization and transient or accident analyses as described in the Safeguards Report for Operating Authorization, and in previously submitted amendments incorporated therein.

(i) The kind and quantity of radioactive material released to the environment as recorded at both on-site monitoring stations and off-site sampling stations.

4. This authorization shall be effective as of the date of issuance and shall expire eighteen (18) months from said date, unless extended for good cause shown, or upon the earlier issuance of a superseding operating authorization; provided, however, that this authorization shall expire in any event upon termination of the contract between Allis-Chalmers and the Commission for operation of the reactor.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-3080; Filed, Mar. 17, 1967; 10:05 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

DEPARTMENT OF COMMERCE

Office of the Secretary

RICHARD P. STEINER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions: None.
B. Additions: None.

This statement is made as of February 21, 1967.

RICHARD P. STEINER.

FEBRUARY 21, 1967.

[F.R. Doc. 67-2992; Filed, Mar. 17, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17914]

DENVER-GRAND JUNCTION-LAS VEGAS SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 30, 1967, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., March 15, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-3002; Filed, Mar. 17, 1967; 8:48 a.m.]

[Docket No. 18226]

AIR KOREA

Notice of Prehearing Conference

Application by Han Jin Transportation Co., Ltd., doing business as Air Korea for authority to engage in the plane-load charter and split charter foreign air transportation with respect to property, including mail, between the United States on the one hand and the Republic of Korea or other points in the Orient, which is defined as Japan, Taiwan, Philippines, Viet Nam, Thailand, Hong Kong, and Okinawa, on the other hand.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 30, 1967, at 10 a.m., e.s.t., in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., March 15, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-3003; Filed, Mar. 17, 1967; 8:48 a.m.]

[Docket No. 17727]

W.A.A.C. (NIGERIA), LTD.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding now assigned to be held April 14, 1967, is postponed to July 17, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., March 14, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-3004; Filed, Mar. 17, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17231-17233; FCC 67-242]

ASSOCIATED TELEPHONE ANSWERING SERVICE AND LIBERTY COMMUNICATIONS, INC.

Designating Applications for Consolidated Hearing on Stated Issues

In re applications of John R. Hagan, doing business as Associated Telephone Answering Service, Docket No. 17231, File No. 4885-C2-P-65; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Bridgeport, Conn.; Liberty Communications, Inc., Docket No. 17232, File No. 2979-C2-R-66, File No. 1065-C2-R-66; Docket No. 17233, File No. 6893-C2-P-65; for renewal of licenses for Stations KCC485 and KCC796 in the Domestic Public Land Mobile Radio Service at Trumbull and Devon, Conn.; for a construction permit to modify the facilities of Station KCC485 in the Domestic Public Land Mobile Radio Service at Trumbull, Conn.

1. The Commission has before it for consideration (a) an application filed March 16, 1965, by John R. Hagan, doing business as Associated Telephone Answering Service (hereinafter Hagan) for a construction permit to establish new two-way and one-way communications services in the Domestic Public Land Mobile Radio Service at Bridgeport, Conn., using the frequencies 454.10 Mc/s (base) and 459.10 Mc/s (mobile);[1] (b) a petition to deny application filed May 18, 1965, by Liberty Communications, Inc. (hereinafter Liberty), licensee of Station KCC485 (two-way and one-way communications) and Station KCC796 (dispatch) in the Domestic Public Land Mobile Radio Service at Trumbull and Devon, Conn., respectively; (c) an opposition to deny petition filed June 15, 1965, by Hagan;[2] (d) a reply to said opposition filed June 23, 1965, by Liberty; (e) applications filed February 21, 1966, by Liberty for renewal of licenses for Stations KCC485 and KCC796; and (f) an application filed June 2, 1965, by Liberty for a construction permit to modify the facilities of Station KCC485.

2. Liberty, as licensee of Station KCC 485 at Trumbull, Conn., offers two-way and one-way communications common carrier services to mobile units and vessels[3] in the Bridgeport area on three channels, two in the VHF band and one in the UHF band.[4] Liberty is also authorized to provide a dispatch station service in Devon, Conn. (Station KCC 796) for one of his subscribers to Station KCC485.[5] License renewals for these stations are being sought. In its application for construction permit (File No. 6893-C2-P-65), Liberty also seeks to modify the facilities of Station KCC485 by replacing the transmitter at one of its two transmitter locations with one of a higher output power.

3. In its petition to deny, Liberty alleges that Hagan has failed to show a need for an additional common carrier facility in the Bridgeport area; that Hagan's proposed station would be in direct competition with Liberty's station and both would depend on the same market potential for customers; that although Liberty's station has been growing from year to year, it has yet to make a profit; and, that Liberty's station has substantial excess capacity which would provide the means of satisfying such need as now exists and may reasonably be expected to arise in the foreseeable future. Hagan's opposition to said petition alleges that the petition does not contain sufficient specific allegations of fact to show that Liberty will be injured by his proposed facilities or that a grant of the application would be prima facie inconsistent with section 309(d) of the Communications Act of 1934, as amended; that Hagan would offer an improved service to the public which Liberty does not offer; and, that Liberty's inability to fully develop its service suggests the probability of inefficient operation and dissatisfied subscribers. Liberty's reply denies the material allegations of Hagan's opposition and states that it is Hagan who has neither in his application nor opposition demonstrated any specific need for his proposed services, nor shown that the excess capacity of Liberty's station would be inadequate. In addition, Liberty claims that after the petition to deny was filed, it received the latest issue of the telephone directory for the Bridgeport area, on or about June 17, 1965, which contains in the Yellow Pages, prominent advertising displays advising the public that Associated Answering Service, the telephone answering service operated by Hagan, offers two-way mobile service.[6] Liberty concludes that since Hagan is not authorized to provide mobile radio service, these advertisements constitute knowingly misleading and inaccurate representations to the public; and that the use of such misleading representations raises a serious question as to Hagan's fitness and character qualifications to be a licensee in a service in which the public and the Commission must, of necessity, rely on statements made by an applicant.

4. Liberty is an established radio common carrier providing services similar to those proposed by Hagan and operating in the same general area. Liberty's allegations that the proposed facilities will be in direct competition with its existing operations and that such competition will result in serious economic injury, give Liberty standing to protest Hagan's application. Liberty's allegation that there is insufficient public demand to support the operation of an additional carrier in the Bridgeport area, coupled with the failure of Hagan to show that the presently existing facilities cannot satisfy current demands for new service, are sufficient to raise an issue as to whether a grant of the instant application will result in a wasteful duplication of common carrier facilities. Furthermore, Liberty's unrefuted allegation that Hagan has knowingly misrepresented his authority to offer two-way mobile radio service, before the public, raises a question as to whether Hagan

[1] The application originally requested the frequency pair 152.03/158.49 Mc/s and the associated mobile frequencies but was amended on April 6, 1965, to request the frequency pair specified above.

[2] Hagan requested and was granted an extension of time to June 15, 1965, to file his opposition pleading.

[3] Service to vessels is offered pursuant to the provisions of § 21.509(b) of the rules.

[4] Station KCC485 was first granted a developmental license Aug. 13, 1959, to operate on the frequencies, 152.18/158.64 Mc/s. Regular operation commenced on Mar. 19, 1962. A second channel, 152.03/158.49 Mc/s, was authorized on Dec. 18, 1963, and a third channel, 454.05/459.05 Mc/s, was authorized on May 13, 1965.

[5] The license for Station KCC796 was granted Aug. 31, 1962. This station is authorized under § 21.519 of the rules to use the mobile station frequency, 158.64 Mc/s, paired with 152.18 Mc/s, one of the base station frequencies of Station KCC485.

[6] Copies of two advertisements were attached to the reply pleading.

possesses the requisite qualifications to be a Commission licensee. Also, if the evidence shows there is no need for an additional facility in the Bridgeport area, then to the extent that the needs of the Bridgeport area may be determined to be insufficient to support two common carrier operations, Liberty's applications appear to be economically mutually exclusive with Hagan's application.

5. Section 21.504 of our rules prescribes median field strength contours of 37 and 43 decibels above 1 microvolt per meter (dbu) as the respective limits of reliable service area for stations engaged in two-way communications service and one-way signaling service. It appears that the Commission's Report T.R.R. 4.3.8 entitled A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band and the procedures and propagation data set forth therein are a proper basis for establishing the location of such service (F50,50) contours of the stations in the 150 Mc/s band in this proceeding; and that the F50,50 radio wave propagation curves for TV Channels 2 to 6, 14 to 83 which are contained in Part 73 of the Commission's rules, with the provision that the field strengths shown in said curves shall be reduced by 6 decibels to reflect the approximate 6-foot receiving antenna height used in this service, in lieu of the 30-foot receiving antenna height for which the curves were drawn, are a proper basis for establishing the location of such service (F50,50) contours of the 450 Mc/s band stations in this proceeding.

6. Additionally, we find that except for the issues herein designated, both applicants are legally, technically, financially, and otherwise qualified to render the services they have proposed.

7. Accordingly, in view of our conclusions above: *It is ordered*, That, to the extent hereinafter provided, the "Petition to Deny Application" is granted, and in all other respects, the said Petition is denied.

8. *It is further ordered*, That pursuant to sections 309 (d) and (e) of the Communications Act of 1934, as amended, the captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereafter specified on the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services proposed by Hagan and Liberty and the nature and extent of the services currently offered by Liberty, including the rates, charges, practices, personnel, classifications, regulations, and facilities pertaining thereto.

(b) To determine, on a comparative basis, the areas and the populations therein, that Hagan and Liberty propose to serve within their respective 37 dbu (two-way) and 43 dbu (one-way) contours, based upon the standards set forth in paragraph 5 above; and to determine the need for the proposed services in the said areas.

(c) To determine the present uses and demands for the services of Station KCC 485 in the areas as determined in accordance with issue (b); and to determine the capacity of said station.

(d) To determine whether Hagan has misrepresented to the public his authority to provide two-way mobile radio service and if so to determine the circumstances surrounding such misrepresentation.

(e) To determine, in light of the evidence adduced on issue (d), whether Hagan possesses the requisite qualifications to be a Commission licensee.

(f) To determine, in light of the evidence adduced on all of the foregoing issues, whether or not the public interest, convenience, or necessity will be served by a grant of any or all of the captioned applications, and the terms or conditions which should be attached thereto, if any.

9. *It is further ordered*, That the burden of proof on issues (a), (b), and (f) is placed on Hagan and Liberty, insofar as such relates to their respective proposals and facilities; the burden of proof on issues (c) and (d) is placed on Liberty; and, the burden of proof on issue (e) is placed on Hagan.

10. *It is further ordered*, That the parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: March 1, 1967.

Released: March 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3006; Filed, Mar. 17, 1967; 8:48 a.m.]

[Docket Nos. 17234-17241; FCC 67-248]

CATV OF ROCKFORD, INC., ET AL.

Designating Applications for Consolidated Hearing on Stated Issues

In re petitions by CATV of Rockford, Inc., Rockford, Ill., Docket No. 17234, File Nos. CATV 100-23, 100-39; Rockford Community Television, Inc., Loves Park, Ill., Docket No. 17235, File No. CATV 100-68; TV Cable Company of Stephenson County, Freeport, Ill., Docket No. 17236, File No. CATV 100-105; Beloit Community Television Services, Inc., Beloit, Wis., Docket No. 17237, File No. CATV 100-92; Television Wisconsin, Inc., Whitewater, Wis., Docket No. 17238, File No. CATV 100-26; Whitewater Cable Corp., Whitewater, Wis., Docket No. 17239, File No. CATV 100-37; Jefferson Cable Corp., Jefferson, Wis., Docket No. 17240, File No. CATV 100-51; Total TV, Inc., Janesville, Wis., Docket No. 17241, File No. CATV 100-13; for authority pursuant to § 74.1107 to serve and operate CATV systems in the Milwaukee, Wis., market (24), Madison, Wis., market (80), and Rockford, Ill., market (99); Total TV, Inc., Janesville, Wis., for waiver of the provisions of § 74.1103 of the Commission's rules.

1. The following proposals in the Milwaukee television market, ranked 24th, the Madison television market, ranked 80th, and the Rockford television market, ranked 99th, are before us for consideration: (a) CATV of Rockford, Inc., intends to operate a CATV system in Rockford, Ill., and to carry in addition to the Rockford and Freeport channels and Channels 3 and 15 from Madison, Wis., the distant signals of three independent and three network stations in Chicago; (b) Rockford Community Television, Inc., would operate a CATV system in Loves Park, Ill., and carry the Rockford-Freeport stations, Channels 3 and 15 from Madison, and distant signals of three independent and two educational stations from Chicago; (c) TV Cable Co. of Stephenson County intends to operate a CATV system in Freeport, Ill., and to carry the Rockford-Freeport stations, Madison Channels 3 and 15, and distant signals of three independent and two educational Chicago stations, one Madison educational station, one Moline network station, and one Rock Island network station (d) Beloit Community Television Services, Inc., plans to operate a CATV system in Beloit, Wis., and to Madison Channels 3, 15, and 27, Milwaukee Channels 4, 6, and 18, and the distant signals of two Chicago independent stations and one Milwaukee educational station; (e) Total TV, Inc., proposes to operate in Janesville, Wis., and would carry the Rockford-Freeport and Madison stations, and distant Milwaukee Channel 18, and two distant Chicago independent stations; (f) Television Wisconsin, Inc., would initiate a CATV system in Whitewater, Wis., and carry the Madison stations, Milwaukee Channels 4, 6, 10, distant Milwaukee Channels 18 and 36, and three distant Chicago independent stations; (g) Whitewater Cable Corp. would operate a CATV system in Whitewater, Wis., and proposes to carry Madison Channels 3, 15, and 21, Milwaukee Channels 4, 6, 12, and distant Milwaukee Channels 10 and 18, Rockford Channel 13, and two distant Chicago independent stations; (h) Jefferson Cable Corp. would operate in Jefferson, Wis., and proposes to carry Madison Channels 3, 15, and 21, Milwaukee Channels 4, 6, 12, and distant Milwaukee Channels 10 and 18, Rockford Channel 13, and two distant independent Chicago stations. The petitioners (Total TV filed on Apr. 8, 1966; CATV of Rockford on May 3, 1966, and May 27, 1966; Television Wisconsin on May 10, 1966; Whitewater Cable on May 26, 1966; Jefferson Cable on June 15, 1966; Rockford Community on July 12, 1966; Beloit Community on Aug. 15, 1966; TV Cable Company of Stephenson County on Sept. 9, 1966) request waiver of the rules to implement their proposals.

2. The Milwaukee market has a total net weekly circulation of 570,600. The Madison market has a total net weekly circulation of 230,400, and the Rockford market has a total net weekly circulation of 184,700. Rockford has Channels 13, 17, and 39 assigned to it. Stations are operating on Channels 13 and 39, and the licensee of 39 has been issued a construction permit for Channel 17. Freeport has Channels 23 and *65 assigned to it; a station is operating on Channel 23, and Channel *65 is vacant and not applied for. De Kalb, about 30 miles from Rockford but within the predicted Grade A contour, has Channel *48 assigned to it which has not been applied for. Madison has Channels 3, 15, *21, 27, and 47 assigned to it. Stations are operating Channels 3, 15, *21 and 27; 47 has not been applied for. Janesville, about 30 miles from Madison and about 30 miles from Rockford, but within the predicted Grade A contour of Rockford and Madison, has been assigned Channel 57 for which application has been made. Milwaukee has been assigned Channels 4, 6, *10, 12, 18, 24, 30, and *36. Stations are operating on Channels 4, 6, *10, 12, 18, and *36; a construction permit has been issued for Channel 24, and Channel 30 remains vacant and not applied for. Racine, about 25 miles from Milwaukee but within the predicted Grade A contour, has been assigned Channel 49 for which two applications are pending. The Commission, by notice of proposed rule making in Docket No. 17112 RM-1053 (FCC 67-96) released on January 20, 1967, proposes to amend section 74.606 (b) of the Commission's rules, to assign Channel 55 to Kenosha, Wis., about 35 miles from Milwaukee. None of the Wisconsin communities are within census areas of any market city. Loves Park, a city of 9,086, is a suburb of Rockford, population 126,706, lying within the Rockford urbanized area (171,681) and standard metropolitan statistical area (209,765) in Winnebago County, which comprises the Rockford standard metropolitan statistical area. In adjacent Stephenson County (46,207) to the west, about 30 miles from Rockford lies Freeport (26,802). In Rock County, Wis. (113,913) adjoining Winnebago County on the north, is Beloit (32,846) about 20 air miles from Rockford and 45 air miles from Madison, and Janesville (35,164) about 12 miles north of Beloit. Beloit and Janesville are within the predicted Grade A contours of stations in the Rockford and Madison markets. Immediately to the east of Rock County is Walworth County (52,368) in the extreme northwest corner of which lies Whitewater (10,500) about 35 air miles from Madison and 45 air miles from Milwaukee. To the north of Rock and Walworth Counties lies Jefferson County (50,094) in the center of which is Jefferson (5,500), about 30 air miles from Madison, and 45 miles from Milwaukee. Whitewater and Jefferson are within the predicted Grade A contours of stations in the Madison and Milwaukee markets. Adjoining Jefferson County on the west is Dane County (222,095) containing Madison (126,796), and adjoining it to the east is Waukesha County (158,249) immediately east of which is Milwaukee County (1,036,041).

3. Generally, the petitioners support their proposals by such contentions as improved consistent high quality reception particularly of UHF signals, diversity of viewing, the small size of the communities in fragmented intermixed markets, minimal impact upon UHF television, the economic necessity of the carriage of distant signals, that some communities are on the fringe of the predicted Grade A contour of their respective markets, and that great weight should attach to the granting of a franchise by the local government as a finding of public interest considerations. Opponents conclude that grant of waiver will cumulatively fragment the markets adversely affecting the health and growth of UHF television in the area, particularly when there is presently an adequate variety of programing and there is no engineering showing that the programs are not being received.

4. Freeport lies within the predicted Grade B contour of two Madison network affiliates, and the proposed system has requested waiver of hearing requirements of § 74.1107 of the rules to carry the distant signals of the Madison, Wis., and Chicago educational stations. The proposed system in Loves Park has requested such a waiver to carry the distant signals of the Chicago educational stations. The public interest in wider dissemination of educational programing would be served by permitting carriage of educational Channel 21 from Madison on the Freeport system, and by permitting carriage of Channels 11 and 20 from Chicago on the Freeport and Loves Park systems until activation of Channel *48 in De Kalb or Channel *65 in Freeport, Ill. The prospects for increased diversification of the public's viewing in these three markets have appeal, but considering that Rockford, Loves Park, and Freeport, Ill., are in the heart of the Rockford market, where there is no CATV activity, and there is undeveloped potential for independent and educational UHF television broadcast stations, except as they pertain to distant educational stations, we cannot accept petitioners' assurances without additional information to be developed in an evidentiary hearing. However, the proposals with respect to the Wisconsin cities of Beloit, Janesville, Jefferson, and Whitewater, are of a somewhat different character. These Wisconsin cities are removed from the viewing center of the markets, and insofar as Milwaukee distant signals are concerned, the public interest would be served by equalization of UHF-VHF competition in the Milwaukee market, by the carriage of homestate television which is already in the market, and by the opportunity to receive independent and educational signals from Wisconsin's largest city. Conversely, it must be shown to us in an evidentiary hearing that carriage of distant Chicago signals would serve the public interest when they originate in another State, and are not in the market. Waiver of the distant signal rule would not appear to adversely affect the growth of UHF television in Janesville, and Racine (or Kenosha, should a channel be assigned to that community) because of the present keen competition in the area both UHF and VHF.

5. In considering the request of Total TV, Inc., for waiver of the carriage and program exclusivity rules as they apply to the three Milwaukee network VHF stations, the petitioner has failed to show how the public's viewing habits would be changed or in what manner petitioner will be harmed by not granting such a waiver. Additionally, the request is premature because permission to carry distant signals has not yet been implemented. This request must therefore be denied.

6. Forward Television, Inc., licensee of WMTV, Channel 15, Madison, Wis., and Winnebago Television Corp., licensee of WTVO, Channel 39, Rockford, Ill., have moved to consolidate hearings on the applications before us, and opposition has been made by Rockford Community Television, Inc. Because the issues are similar, and the proposals' cumulative effect must be ascertained, the motion of Forward Television and Winnebago Television will be granted and the opposition of Rockford Community Television, Inc., will be denied.

7. *Accordingly, it is ordered*, That the provisions of § 74.1107 of the rules are waived in order to permit the Beloit, Janesville, Jefferson, and Whitewater CATV systems to carry the distant Milwaukee stations, the Freeport CATV system to carry the distant Madison and Chicago educational stations, and the Loves Park CATV system to carry the distant Chicago educational stations, as conditioned herein.

It is further ordered, This 1st day of March 1967, pursuant to sections 4(i), 303, 309(b) of the Communications Act and § 74.1107 and 74.1109 of the Commission's rules, that the petition of CATV of Rockford, Inc., is denied, and the petitions of Beloit Community Television Services, Inc., Television Wisconsin, Inc., Whitewater Cable Corp., Jefferson Cable Corp. and Total TV, Inc., except as they propose carriage of distant signals from Milwaukee Wis., TV Cable Company of Stephenson County except as it proposes carriage of distant signals from Madison, Wis., and distant signals of Chicago educational stations, and Rockford Community Television, Inc., except as it proposes carriage of distant signals of Chicago educational stations are denied and the motions of Forward Television, Inc., and Winnebago Television Corp. for consolidation of hearings on the applications herein is granted and the opposition to said motions by Rockford Community Television, Inc., is denied, and that a consolidated hearing is ordered on the following issues:

(1) To determine the present and proposed penetration and extent of CATV service in the Madison-Milwaukee-Rockford Television markets.

(2) To determine the effects of current and proposed CATV service in the Madison-Milwaukee-Rockford markets upon existing, proposed, and potential television broadcast stations in the market.

(3) To determine (1) the present policy and proposed future plans of petitioners with respect to the furnishing of any service other than the relay of

[1] Commissioner Wadsworth absent.

the signals of broadcast stations; (2) the potential for such services; and (3) the impact of such services upon television broadcast stations in the market.

(4) To determine whether the proposals are consistent with the public interest.

Jefferson Cable Corp., CATV of Rockford, Inc., Rockford Community Television, Inc., TV Cable Co. of Stephenson County, Beloit Community Television Services, Inc., Television Wisconsin, Inc., Whitewater Cable Corp., Total TV, Inc., Forward Television, Inc., Winnebago Television Corp., The Hearst Corp., Midcontinent Broadcasting Co. of Wisconsin, Inc., Storer Broadcasting Co., WBEJ, Inc., and Rock River Television Corp., are made parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proof is upon the petitioners. A time and place for the hearing will be specified in another order.

Released: March 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3007; Filed, Mar. 17, 1967, 8:48 a.m.]

[Docket Nos. 10756, 10757; FCC 67M-423]

COSMOS CABLEVISION CORP., AND AIKEN CABLEVISION, INC.

Order Continuing Hearing

In re petitions by Cosmos Cablevision Corp., North Augusta, S.C., Docket No. 17056, File No. CATV 100-1; Aiken Cablevision, Inc., Aiken, S.C., Docket No. 17057, File No. CATV 100-19; for authority pursuant to § 74.1107 to operate CATV systems in North Augusta and Aiken.

Upon motion of the CATV petitioners, made during the prehearing conference in the above-entitled proceeding on March 13, 1967, all parties (intervenors, respondents, and the Commission's Broadcast Bureau) having concurred: *It is ordered*, This 14th day of March 1967, that a further prehearing conference herein is hereby scheduled and will convene at 10 a.m., Monday, June 12, 1967, at the Commission's offices, Washington, D.C.; and

It is ordered further, That the hearing herein is hereby continued indefinitely, to be rescheduled during the June 12 further prehearing conference.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3008; Filed, Mar. 17, 1967; 8:48 a.m.]

[1] Commissioner Bartley concurring in part and dissenting in part, Commissioner Loevinger concurring in the result, and Commissioner Wadsworth absent.

[Docket Nos. 17258-17260; FCC 67M-428]

GAMMA TELEVISION CORP. ET AL.

Order Scheduling Hearing

In re applications of Gamma Television Corp., Memphis, Tenn., Docket No. 17258, File No. BPCT-3599; John McLendon, trading as Tele/Mac of Memphis, Memphis, Tenn., Docket No. 17259, File No. BPCT-3762; Victor Muscat and Cliff Ford, doing business as Memphis Broadcasting Associates, Memphis, Tenn., Docket No. 17260, File No. BPCT-3787; for construction permit for new television broadcast station (Channel 24).

It is ordered, This 7th day of March 1967, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 8, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 29, 1967, commencing at 10 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: March 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3009; Filed, Mar. 17, 1967; 8:49 a.m.]

[Docket No. 17255; FCC 67M-426]

HARRIMAN BROADCASTING CO. (WXXL)

Order Continuing Hearing

In re application of F. L. Crowder, trading as Harriman Broadcasting Co. (WXXL), Harriman, Tenn., Docket No. 17255, File No. BP-15122; for construction permit.

It is ordered, This 14th day of March 1967, pursuant to agreements reached during prehearing conference in the above-entitled proceeding, that the hearing herein is continued from April 3 to April 18, 1967, at 10 a.m., and that a further prehearing conference will be held on April 11, 1967, commencing at 1:30 p.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: March 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3010; Filed, Mar. 17, 1967; 8:49 a.m.]

[Docket No. 16663; FCC 67M-424]

LAMAR LIFE INSURANCE CO.

Order Continuing Hearing

In re application of Lamar Life Insurance Co., Docket No. 16663, File No. BRCT-326; for renewal of license of Television Station WLBT and auxiliary services, Jackson, Miss.

The Hearing Examiner having under consideration (1) motion filed March 2, 1967, on behalf of the Office of Communication of the United Church of Christ et al., intervenors herein, requesting that the date for the evidentiary hearing now scheduled for April 18, be rescheduled for May 1, 1967; (2) an opposition to said motion filed March 2, 1967, on behalf of the applicant; (3) comments filed by the Broadcast Bureau on March 6, 1967, and (4) reply to applicant's opposition filed March 7, 1967, on behalf of the intervenors;

It appearing, from said motion that Everett C. Parker, Executive Director of the Office of Communication of the United Church of Christ, will be in attendance during the week of April 18 at a meeting of the World Association of Christian Broadcasters in London, England, and that said Parker is Chairman of its Executive Committee;

It further appearing, that during the week of April 25 Parker is scheduled to be in California at a conference which has been instigated by the Office of Communication of the United Church of Christ;

It further appearing that from intervenors' pleading said Parker is familiar with the facts and background of the case since before the intervenors' original monitoring studies of Station WLBT were made in March 1964 and further, intervenors allege that it is of major importance for the presentation of their case that said Parker be present during the hearing and the examination of witnesses for said intervenors;

It further appearing, that good cause exists why said motion should be granted;

According, it is ordered, This 13th day of March 1967, that the motion is granted, and the evidentiary hearing now scheduled for April 18, be and the same is hereby rescheduled for May 1, 1967, 10 a.m., in Jackson, Miss., at a place to be hereinafter announced; and

It is further ordered, That the phase of the hearing relating to the testimony of witnesses from Jackson, or any other city in the State of Mississippi, when the hearing convenes on May 1, 1967, in Jackson, Miss., will be continuous until all of the parties have submitted all evidence respecting all issues to be adduced from witnesses in said area. This includes complete direct, cross-examination, and rebuttal testimony of these particular witnesses which will be completed at one sitting in Jackson, Miss., commencing May 1, 1967, as mentioned above.

It is further ordered, That when the hearing recesses in Jackson, Miss., that it shall be reconvened in Washington, D.C., at a date to be hereinafter determined.

Released: March 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3011; Filed Mar. 17, 1967; 8:49 a.m.]

[Docket No. 15835 etc.; FCC 67M-416]

LEBANON VALLEY RADIO ET AL.

Order Continuing Hearing

In re applications of Arthur K. Greiner, Glenn W. Winter, William W. Rakow, Robert M. Lesher, doing business as Lebanon Valley Radio, Lebanon, Pa., Docket No. 15835, File No. BP-16098; John E. Hewitt, Thomas A. Ehrgood, Clifford A. Minnich and Fitzgerald C. Smith, doing business as Cedar Broadcasters, Lebanon, Pa., Docket No. 15836, File No. BP-16103; Catonsville Broadcasting Co., Catonsville, Md., Docket No. 15838, File No. BP-16105; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP-16106; for construction permits.

The Hearing Examiner having under consideration a "Petition For Continuance" filed by Cedar Broadcasters on March 9, 1967;

It appearing, that a principal in Cedar Broadcasters has suffered a heart attack which requires his absence from further preparation for hearing; and

It further appearing, that no other parties have objected to the continuance;

It is ordered, This 14th day of March 1967, that the aforesaid petition for continuance is granted and that the hearing scheduled for March 15, 1967, is continued to April 17, 1967, at 10 a.m.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3012; Filed, Mar. 17, 1967; 8:49 a.m.]

[Docket Nos. 16509-16519; FCC 67M-413]

MICROWAVE COMMUNICATIONS, INC., ET AL.

Order Continuing Hearing

In re applications of Microwave Communications, Inc., et al., Docket No. 16509, File No. 4615-C1-P-64; Docket Nos. 16510, 16511, 16512, 16513, 16514, 16515, 16516, 16517, 16518, 16519; for construction permits to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Chicago, Ill., St. Louis, Mo., and intermediate points.

It is ordered, This 14th day of March 1967, on the unopposed oral request of counsel for Western Union, that the hearing is rescheduled from March 14, to March 27, 1967, at 10 a.m.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3013; Filed, Mar. 17, 1967; 8:49 a.m.]

[Docket No. 16043; FCC 67M-415]

SPORTS NETWORK, INC., AND AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Further Prehearing Conference

Sports Network, Inc., New York, N.Y., complainant, vs. American Telephone and Telegraph Co., New York, N.Y., defendant; Docket No. 16043.

It is ordered, This 13th day of March 1967, on the unopposed oral request of counsel for A.T. & T., that the further hearing is rescheduled from April 4 to April 25, 1967.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3014; Filed, Mar. 17, 1967; 8:49 a.m.]

[Docket No. 17051; FCC 67M-419]

WLCY-TV, INC. (WLCY-TV)

Order Continuing Hearing

In re application of WLCY-TV, Inc. (WLCY-TV), Largo, Fla., Docket No. 17051, File No. BPCT-3700; for construction permit.

Because of a conflict in the Hearing Examiner's hearing schedule: *It is ordered*, This 13th day of March 1967, that the hearing herein now scheduled for May 22, 1967, be and the same is hereby rescheduled for June 13, 1967, 10 a.m., in the Commission's offices, Washington, D.C.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3015; Filed, Mar. 17, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

LYKES BROS. STEAMSHIP CO., INC. AND SHUN CHEONG STEAM NAVIGATION CO., LTD.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. H. G. Blocklin, General Agent, Lykes Bros. Steamship Co., Inc., 1741 De Sales Street NW., Washington, D.C. 20036.

Agreement 9624 between Lykes Bros. Steamship Co., Inc. (Lykes) and Shun Cheong Steam Navigation Co., Ltd., (Shun Cheong) covers and is restricted to the transportation of cargo under through bills of lading from U.S. Gulf coast ports served by Lykes, to ports in South Viet Nam served by Shun Cheong with transshipment at Hong Kong under terms and conditions as set forth in the agreement.

Dated: March 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67-3050; Filed, Mar. 17, 1967; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI67-316 etc.]

SINCLAIR OIL & GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 9, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regula-

[1] Does not consolidate for hearing or dispose of the several matters herein.

tions pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8, 1.37(f)) on or before April 26, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in Effect Subject to refund in docket Nos.
RI67-316	Sinclair Oil & Gas Co. (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102.	350	3	Cities Service Gas Co. (South Bishop Field, Roger Mills County, Okla.) (Oklahoma "Other" Area).	$4,103	2-17-67	[2] 3-20-67	8-20-67	[5] 15.0	[3 4 5] 17.0	
	do	204	[3] 33	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey and Major Counties, Okla.) (Oklahoma "Other" Area).	250,001	2-17-67	[2] 3-20-67	8-20-67	[2 5] 15.0	[4 6 7] 17.9	
RI67-317	Sinclair Oil & Gas Co.	233	[10] 5	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	5,209	2-17-65	[2] 3-20-67	8-20-67	[7 10 12] 16.515	[6 9 10 11 12] 18.717	
RI67-318	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	14	5	Panhandle Eastern Pipe Line Co. (Bernstein Area, Hansford County, Tex.) (RR. District No. 10).	3,750	2-16-67	[2] 3-19-67	8-19-67	17.0	[3 4] 18.0	RI62-376.
RI67-319	Texaco, Inc. (Operator), et al., Post Office Box 430, Bellaire, Tex. 77401.	93	[14 15] 8	Natural Gas Pipeline Co. of America. (La Gloria Field, Jim Wells County, Tex.) (RR. District No. 4).	2,300	2-13-67	[2] 3-16-67	8-16-67	10.81980	[13] 15.51331	

[2] The stated effective date is the effective date proposed by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] "Fractured" rate increase. Contractual due rate is 19.5 cents per Mcf.
[7] Subject to an upward and downward B.t.u. adjustment.
[8] Permanently certificated rate applicable to production from Oklahoma "Other" Area.
[9] Applicable only to production from Oklahoma "Other" Area. Production from the Oklahoma Panhandle Area is to continue to be sold at the permanently certificate rate of 17.0 cents per Mcf.
[10] For interest acquired from Earl Wakefield.
[11] Filing from certificated rate to initial contract rate including B.t.u. adjustment.
[12] Includes base rate of 15.0 cents plus 1.515 cents upward B.t.u. adjustment before increase and 17.0 cents base rate plus 1.717 cents upward B.t.u. adjustment after increase. B.t.u. content is 1101.
[13] Renegotiated rate increase.
[14] Includes letter agreement dated Jan. 16, 1967, which is the basis for the proposed increased rate.
[15] Filing only covers the interest of Texaco, Inc. The "et al" parties' interest to continue to be sold at the effective rate of 10.8198 cents currently being collected.

The proposed rate increase filed by Texaco, Inc. (Operator), et al., applies only to the working interest of Texaco, Inc. The gas applicable to the interest of the "et al" parties is to continue to be sold at the presently effective rate currently being collected, i.e., 10.8198 cents per Mcf.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, sec. 2.56).

[F.R. Doc. 67-2955; Filed, Mar. 17, 1967; 8:45 a.m.]

[Docket No. CS67-28]

LESH CO. ET AL.

Findings and Order

MARCH 13, 1967.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, terminating certificates, canceling FPC gas rate schedules, accepting FPC gas rate schedule for filing, terminating and severing proceeding, substituting respondent, redesignating proceeding, making rate effective subject to refund, and accepting agreement and undertaking for filing.

Each Applicant herein, except in Docket No. CI67-928, has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications and in the Appendix hereto.

The small producer certificates issued herein to Applicants who have heretofore been authorized to sell natural gas from the Permian Basin area will be effective on the date of this order and the certificates heretofore issued to said Applicants will be terminated and the related rate schedules will be canceled except as noted below. The small producer certificates issued herein to Applicants who have not heretofore been authorized to sell natural gas from the Permian Basin area will be effective on the date of initial delivery.

By letter dated January 23, 1967, Applicant in Docket No. CS67-41 requests that its small producer certificate exclude authorization to sell natural gas presently authorized in Docket No. CI62-1244 to be made pursuant to its FPC Gas Rate Schedule No. 2. By letter dated February 2, 1967, Applicant in Docket No. CS67-43 requests that his small producer certificate exclude authorization to sell natural gas presently authorized in Docket No. CI61-54 to be made pursuant to his FPC Gas Rate Schedule No. 1. The certificate issued in Docket No. CI62-100 to Applicant in Docket No. CS67-41 and the related FPC Gas Rate Schedule No. 1 includes sales from interests of a large producer whose interest exceeds 12½ percent. Therefore, these certificates will not be terminated and the related rate schedules will not be canceled.

Applicant in Docket No. CS67-37 has heretofore filed a notice of change in rate under its FPC Gas Rate Schedule No. 2. The increased rate is suspended in Docket No. RI60-454.[1] Therefore, the proceeding pending in Docket No. RI60-454 will be severed from the proceeding in Docket No. AR61-1 et al., and terminated.

On January 19, 1967, Sinclair Oil & Gas Co. filed in Docket No. CI67-928 an application pursuant to section 7(c) of the Natural Gas Act and § 157.23 of the regulations thereunder for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas to El Paso Natural Gas Co. from the Sonora Gas Field, Sutton County, Tex., at a total initial rate of 16.6584 cents per Mcf at 14.65 p.s.i.a. effective subject to refund in Docket No. RI65-319, all as more fully set forth in the application. Applicant proposes to sell approximately 1,900 Mcf of natural gas per month.

Applicant in Docket No. CI67-928 proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI64-1318 to be made by Applicant in Docket No. CS67-36 pursuant to the latter's FPC Gas Rate Schedule No. 1. Applicant in Docket No. CI67-928 has submitted for filing as its FPC gas rate schedule an instrument of ratification of the contract comprising the rate schedule of its former operator, Texas American Oil Corp. On October 21, 1964,

[1] Consolidated with the initial proceeding in Docket No. AR61-1 et al.

Texas American Oil Corp filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 1. By order issued November 17, 1964, in Docket No. RI65-300 et al., the Commission suspended the proposed change in Docket No. RI65-319[1] until April 21, 1965, and thereafter until made effective. The notice of change in rate was designated as Supplement No. 1 to Texas American Oil Corp FPC Gas Rate Schedule No. 1. On January 19, 1967, Applicant in Docket No. CI67-928 filed a motion in Docket No. RI65-319 to be substituted as respondent and to make the increased rate effective subject to refund concurrently with the issuance of the certificate in Docket No. CI67-928. The motion is accompanied by an agreement and undertaking to assure the refund of any amount collected by Applicant in Docket No. CI67-928 in excess of the amount determined to be just and reasonable in Docket No. RI65-319. Therefore, Applicant will be substituted in lieu of Texas American Oil Corp. as respondent, the proceeding will be redesignated accordingly, the change in rate will be made effective on the date of this order, and the agreement and undertaking will be accepted for filing.

After due notice no petition to intervene, notice of intervention or protest to the granting of the applications has been received.

At a hearing held on March 9, 1967, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is or will be engaged in the sale of natural gas in interstate commerce subject to the jurisdiction of the Commission and each Applicant is or upon commencement of service will be a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein and in the Appendix hereto, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) Small producer Applicants herein are or will be independent producers of natural gas who are not affiliated with natural gas pipeline companies and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificates heretofore issued to Applicants herein for sales from the Permian Basin area should be terminated and the related rate schedules should be canceled, all as hereinbefore described and as more fully described in the Appendix hereto.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedule submitted by Applicant in Docket No. CI67-928 should be accepted for filing.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding Docket No. RI60-454 should be severed from the proceeding pending in Docket No. AR61-1 et al., and terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sinclair Oil & Gas Co. should be substituted in lieu of Texas American Oil Corp. as respondent in the proceeding pending in Docket No. RI65-319; that said proceeding should be redesignated accordingly; that the rates, charges, and classifications set forth in Supplement No. 1 to Texas American Oil Corp. FPC Gas Rate Schedule No. 1 should be effective subject to refund in said proceeding as of the date of this order; and that the agreement and undertaking submitted by Texas American Oil Corp. in said proceeding should be accepted for filing.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Applicants from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the appendix hereto and in the applications in this proceeding.

(B) The small producer certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission, and particularly,

(a) The subject certificates shall be applicable only to all previous and all future "small producer sales," as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act, from the Permian Basin area; except that sales heretofore authorized to be made in Docket Nos. CI61-54 and CI62-1244 by Applicants in Docket Nos. CS67-43 and CS67-41, respectively, shall not be continued pursuant to small producer certificates;

(b) Sales shall not be at rates in excess of those set forth in § 157.40(b)(1) of the regulations under the Natural Gas Act; however, Applicants may file notices of changes in rate for any contractually authorized rates in excess of the ceiling rates, which increased rates shall be subject to suspension pursuant to section 4(e) of the Natural Gas Act and subsequently may be rejected as of the date of filing, as provided by the order granting relief issued February 6, 1967, in Docket No. CS66-48 et al.; and

(c) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because Applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination Applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms and conditions of this order is observed, the small producer certificates will still be effective as to those sales already included thereunder.

(D) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's regulations thereunder, and its without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The certificates issued in Docket Nos. CS67-28, CS67-31, CS67-36, CS67-37, CS67-41, and CS67-43 shall be effective on the date of this order. The certificates issued in Docket Nos. CS67-32, CS67-38, CS67-39, CS67-40, CS67-42, CS67-44, and CS67-46 shall be effective on the date of initial delivery.

[1] Consolidated with the initial proceeding in Docket No. AR61-1 et al.

(F) The certificates of public convenience and necessity heretofore issued to the small producer Applicants herein for sales from the Permian Basin area are terminated and the related rate schedules are canceled, all as hereinbefore described and as more fully described in the Appendix hereto.

(G) The proceeding pending in Docket No. RI60–454 is severed from the proceeding in Docket No. AR61–1 et al., and terminated.

(H) A certificate of public convenience and necessity is issued in Docket No. CI67–928 to Sinclair Oil & Gas Co. upon the terms and conditions of this order authorizing the sale by Applicant of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application in this proceeding.

(I) The certificate granted in paragraph (H) above is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(J) The grant of the certificate issued in paragraph (H) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contract herein involved. Nor shall the grant of the certificate aforesaid for service to the particular customer involved imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificate aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of the sale of natural gas subject to said certificate.

(K) The instrument of ratification dated June 12, 1964, by Sinclair Oil & Gas Co. of the contract dated April 22, 1964, between Texas American Oil Corp. and El Paso Natural Gas Co. is accepted for filing effective the date of this order and is designated as Sinclair Oil & Gas Co. FPC Gas Rate Schedule No. 372. The contract is accepted for filing and is designated as Supplement No. 1 to said rate schedule. Within 30 days from the date of this order Sinclair Oil & Gas Co. shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A, 34 FPC 1068.

(L) Sinclair Oil & Gas Co. is substituted in lieu of Texas American Oil Corp. as respondent in the proceeding pending in Docket No. RI65–319, and said proceeding is redesignated accordingly.[2]

(M) The rates, charges and classifications set forth in Supplement No. 1 to Texas American Oil Corp. FPC Gas Rate Schedule No. 1 shall be effective subject to refund on the date of this order; and said effective rate shall be charged and collected by Sinclair Oil & Gas Co. pursuant to its FPC Gas Rate Schedule No. 372 as of the effective date, subject to any future orders of the Commission in Docket No. RI65–319. The agreement and undertaking submitted by Sinclair Oil & Gas Co. in Docket No. RI65–319 is accepted for filing.

(N) Sinclair Oil & Gas Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed in Docket No. RI65–319 shall remain in full force and effect until discharged by the Commission.

(O) J. S. Hill (Operator) et al., is substituted in lieu of Hill & Meeker as temporary certificate holder and Applicant in Docket No. CI66–783 and Hill & Meeker (Operator) et al., FPC Gas Rate Schedule No. 2 is redesignated as J. S. Hill (Operator) et al., FPC Gas Rate Schedule No. 2.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX

SMALL PRODUCER CERTIFICATES

Docket No. and filing date	Applicant	Canceled FPC Gas rate schedule	Terminated certificate docket No.
CS67–28 12–14–66	Lesh Co.	1	CI62–319.
CS67–31 12–15–66	A. L. Ares (Operator) et al.[1]	[2] 1	G–19073.[3]
CS67–32 1–3–67	Edward R. Hudson Jr., and William A. Hudson II et al.		
CS67–36 1–13–67	Texas American Oil Corp. (Operator) et al.	1 2 3 4	CI64–1318. CI65–354. CI65–872. CI66–471.
CS67–37 1–16–67	Tri-Service Drilling Co. (Operator).	2 3	CI60–254. CI66–413.[4]
CS67–38 1–16–67	M. W. Branum		
CS67–39 1–16–67	Greenbrier 64, Ltd.		
CS67–40 1–16–67	Louis Polk		
CS67–41 1–16–67	Chambers and Kennedy.	[3]	CI64–1202.[5]
CS67–42 1–16–67	John G. Searle		
CS67–43 1–16–67	W. W. Meeker	(6)	(6)
CS67–44 1–20–67	Howard Olsen		
CS67–46 2–1–67	L & N Production Co.		

[1] Successor to J. W. Starr (Operator) et al.
[2] J. W. Starr (Operator) et al., FPC Gas Rate Schedule No. 1.
[3] Certificate issued to J. W. Starr (Operator) et al.
[4] Temporary certificate.
[5] The certificate heretofore issued in Docket No. CI62–100 and Applicant's FPC Gas Rate Schedule No. 1 include sales from interests of nonsignatory coowners. The certificate will not be terminated and the rate schedule will not be canceled.
[6] Applicant proposes to sell gas from his own interests from which sales are presently authorized in a temporary certificate issued in Docket No. CI67–783 to be made pursuant to Hill & Meeker (Operator) et al., FPC Gas Rate Schedule No. 2.

[F.R. Doc. 67–2982; Filed, Mar. 17, 1967; 8:45 a.m.]

[2] Sinclair Oil & Gas Co.

[Docket No. RI63–14]

VEEDER SUPPLY AND DEVELOPMENT CO. ET AL.

Order Accepting Notice of Change in Rate, and Terminating Proceeding

MARCH 13, 1967.

The Veeder Supply and Development Co. (Operator) et al., filed on February 10, 1967, a notice of change in rate providing for a 12.5 cents per Mcf rate at 14.65 p.s.i.a., subject to a downward B.t.u. adjustment, for a sale of natural gas to Cities Service Gas Co. (Cities) in the Kansas Hugoton Field.[1] The sale is made pursuant to the terms and conditions of Pan American Petroleum Corp.'s FPC Gas Rate Schedule No. 84 because Veeder as an assignee from Pan American has that basic contract on file as its own contract.

On April 13, 1966, we issued an order in Pan American Petroleum Corp., Docket Nos. G–9279, et al., approving a company-wide settlement proposal filed by Pan American, which inter alia, included a settlement rate of 12.5 cents per Mcf of natural gas at 14.65 p.s.i.a. for the sale by Pan American under its FPC Gas Rate Schedule No. 84. Pan American also proposed to amend its contract with Cities to eliminate the price redetermination provision therefrom for 25 years and to provide for a definite price escalation of 1 cent per Mcf every 5 years commencing June 23, 1971.

Veeder here seeks the same settlement terms as we approved for Pan American's sale to Cities. Veeder has filed for a 12.5-cent rate and has tendered an executed amendatory agreement which conforms its contract to the provisions of the Pan American settlement.

Veeder previously filed for an increased rate of 14.5 cents per Mcf of natural gas which were suspended by order of the Commission in Docket No. RI63–14. Veeder did not file a motion in accordance with section 4 of the Natural Gas Act to place the suspended increased rates in effect. Consequently, acceptance of the subject filings makes termination of this proceeding proper.

For the reasons set forth in an order issued October 31, 1966, in Northern Pump Co. (Operator) et al., Docket No. RI63–9, et al., we think it appropriate to accept the notice of change filed herein. Good cause, however, has not been shown for allowing such rate to become effective as of December 13, 1962, the contractual effective date. Our action should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedule in accordance with any reservation contained therein of the right to file increases under the subject rate schedule, and is without prejudice to any findings or orders of the Commission in any future rate proceedings, including area rate proceedings, or similar proceedings, involving Veeder rate and rate schedule.

The Commission orders:

(A) The notice of change in rate, including the contract amendment, filed by Veeder to 12.5 cents per Mcf of natural gas at 14.65 p.s.i.a. for the subject sale to Cities is accepted and made effective as of the date of issuance of this order.

(B) The proceeding in Docket No. RI63–14 is severed from the Area Rate Proceeding, Docket No. AR64–1, and terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–2985; Filed, Mar. 17, 1967; 8:45 a.m.]

[1] The filing is designated as Supplement 5 to Veeder FPC Gas Rate Schedule No. 2. Such filing also includes an executed contract amendment.

[Docket Nos. RI67–291 etc.]

AUSTRAL OIL CO., INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

FEBRUARY 24, 1967.

Austral Oil Co., Inc., et al., Docket Nos. RI67–291 etc.; Ashland Oil & Refining Co., Docket No. RI67–292.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued February 10, 1967 and published in the FEDERAL REGISTER February 18, 1967 (F.R. Doc. 67–1888, 32 F.R. 3074), correct the date in last line of Appendix A to read "January 12, 1967" in lieu of February 12, 1967.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–2981; Filed, Mar. 17, 1967; 8:45 a.m.]

[Docket Nos. RI66–349 etc.]

PINEY POINT PETROLEUMS ET AL.

Order Accepting Proposed Contract Ratifications and Related Supplements, Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 9, 1967.

Piney Point Petroleums et al., Docket Nos. RI66–349 etc.; Harley E. Venters, Docket No. RI66–356.

In the order accepting proposed contract ratifications and related supplements, providing for hearings on and suspension of proposed changes in rates, issued April 29, 1966 and published in the FEDERAL REGISTER May 10, 1966 (F.R. Doc. 66–5011, 31 F.R. 6879), in chart under "Respondent" change "Harry E. Venters" to read "Harley E. Venters". In the first paragraph after the chart change "Harry" to read "Harley".

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–2983; Filed, Mar. 17, 1967; 8:45 a.m.]

[Docket Nos. RI67–263 etc.]

PETROLEUM INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 24, 1967.

Petroleum Inc. (Operator), et al., Docket Nos. RI67–263 etc.; Seneca Oil Co., Docket No. RI67–264.

In the order providing for hearings on and suspension of proposed changes in rates, issued January 26, 1967 and published in the FEDERAL REGISTER February 3, 1967 (F.R. Doc. 67–1261, 32 F.R. 2396), in the chart after Docket No. RI67–264 change the "Rate in Effect" to read "17.5¢" and the "Proposed Increase Rate" to read "18.5¢" in lieu of "16.5 and 17.5¢" respectively.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–2984; Filed, Mar. 17, 1967; 8:45 a.m.]

[Docket Nos. G–3244 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

MARCH 9, 1967.

Phillips Petroleum Co. et al., Docket Nos. G–3244 etc.; Westmore Drilling Co., Inc. (Operator), et al., Docket No. CI67–1045; Pan American Petroleum Corp., Docket No. CI67–1046.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued February 23, 1967, and published in the FEDERAL REGISTER March 8, 1967 (F.R. Doc. 67–2493, 32 F.R. 3853), in the chart after Docket No. CI67–1045 change purchaser's name to read "Cities Service Gas Co." in lieu of "Colorado Interstate Gas Co."

After Docket No. CI67–1046 delete "Docket No. CI61–478" and change Filing Code "F" to "A".

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–2986; Filed, Mar. 17, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

JOHN V. LAWRENCE

Statement of Changes in Financial Interests

Pursuant to subsection 302(e), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9545, 28 F.R. 4117, 28 F.R. 10468, 29 F.R. 5579, 29 F.R. 14977, 30 F.R. 8962, 30 F.R. 12309, 31 F.R. 4824, and 31 F.R. 13369) during the 6 months' period ended March 14, 1967.

No change.

Dated: March 9, 1967.

JOHN V. LAWRENCE.

[F.R. Doc. 67–2995; Filed, Mar. 17, 1967; 8:46 a.m.]

ALEXANDER W. WUERKER

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9469, 28 F.R. 4269, 28 F.R 10468, 29 F.R. 5579, 29 F.R. 12992, 30 F.R. 5888, 30 F.R. 12310, 31 F.R. 4857 and 31 F.R. 13268) during the 6 months' period ended March 14, 1966.

No change.

Dated: March 14, 1967.

ALEXANDER W. WUERKER.

[F.R. Doc. 67–2996; Filed, Mar. 17, 1967; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 15, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40944—*Sugar from Hereford, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8956), for interested rail carriers. Rates on sugar, beet, or cane, in carloads, from Hereford, Tex., to Burlington, Wis.

Grounds for relief—Market competition.

Tariff—Supplement 67 to Southwestern Freight Bureau, agent, tariff ICC 4514.

FSA No. 40945—*Livestock between points in Montana and Western trunkline territory.* Filed by Trans-Continental Freight Bureau, agent (No. 443), for interested rail carriers. Rates on feeder or stocker livestock, in carloads, between points in Montana, on the one hand, and points in western trunkline territory, on the other.

Grounds for relief—Modified short-line distance formula and grouping.

Tariff—Supplement 47 to Trans-Continental Freight Bureau, agent, tariff ICC 1708.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2997; Filed, Mar. 17, 1967; 8:46 a.m.]

[Notice 352]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 15, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2401 (Sub-No. 36 TA), filed March 10, 1967. Applicant: MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Post Office Box 2057, Terre Haute, Ind. 47802. Applicant's representative: J. Max Harding, NSEA Building, Third Floor, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, livestock, sand, gravel, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between St. Louis, Mo., and Omaha, Nebr.: From St. Louis over Interstate Highway 70 to Kansas City, thence over Interstate Highway 29 to St. Joseph, Mo., thence over U.S. Highway 71 to Clarinda, Iowa, thence over Iowa Highway 2 to Shenandoah, Iowa, thence over U.S. Highway 59 to junction Iowa Highway 92, thence over Iowa Highway 92 to Council Bluffs, Iowa, thence over city streets to Omaha, Nebr., and return over the same route, serving the intermediate or off-route points, as an alternate route for operating convenience only; (2) between St. Louis, Mo., and Omaha, Nebr.: From St. Louis over Interstate Highway 70 to Kansas City, thence over Interstate Highway 29 to St. Joseph, Mo., thence over U.S. 71 to junction U.S. Highways 71 and 59 (approximately 3 miles northwest of Savannah, Mo.), and thence over U.S. Highway 59 to junction Iowa Highway 92, and thence over Iowa Highway 92 to Council Bluffs, Iowa, thence over city streets to Omaha, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, for 180 days. Supporting shippers: There are approximately 100 supporting statements attached to the application which may be examined here at the Interstate Commerce Commission, Washington, D.C. Send protests to: District Supervisor R. M. Hagarty, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 4883 (Sub-No. 35 TA), filed March 10, 1967. Applicant: THE GUYOTT COMPANY, 176 Forbes Avenue, New Haven, Conn. Applicant's representative: Paul J. Goldstein, 109 Church Street, New Haven, Conn. 06510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank or hopper type vehicles, from Devon, Conn., to Brooklyn, Flushing, Kings Park, and Monsey, N.Y.; and Neptune, North Bergen, Paramus, Pompton Plains, Ridgefield, Saddlebrook, Newton, Bayonne, Port Reading, Lyndhurst, and Riverdale, N.J., for 180 days. Supporting shipper: Pozament Corp., Box 264, Devon Station, Milford, Conn. Send protests to: David J. Kiernan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 83217 (Sub-No. 29 TA), filed March 10, 1967. Applicant: DAKOTA EXPRESS, INC., 110 North Reid Street, Post Office Box 1252, Sioux Falls, S. Dak. 57101. Applicant's representative: Henry J. Schuette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, from Waterloo, Iowa, to points in North Dakota for 150 days. Supporting shipper: The Rath Packing Co., Post Office Box 330, Waterloo, Iowa. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 107456 (Sub-No. 13 TA), filed March 10, 1967. Applicant: HARRY L. YOUNG & SONS, INC., 542 West 600 South Street, Post Office Box 1104, Salt Lake City, Utah 84101. Applicant's representative: Keith E. Taylor, Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles* in "truck-away" service, between Salt Lake City, Utah, on the one hand, and, on the other, points in Arizona, Idaho, Montana, Nevada, and California, for 180 days. Supporting shippers: Utah Power & Light Co., 1407 West North Temple, Salt Lake City, Utah; Howard P. Foley Co., 510 West First North Street, Salt Lake City, Utah; Atlas Equipment Co., 2525 South 300 West Street, Salt Lake City, Utah; Rocky Mountain Machinery Co., 1485 South Second West Street, Salt Lake City, Utah; Wasatch Electric Co., 1574 South West Temple Street, Salt Lake City, Utah; Utah Sprocket & Machinery Co., 717 South 500 West Street, Salt Lake City, Utah; Jelco, Inc., 1919 West North Temple Street, Salt Lake City, Utah; Interstate Electric Co., Inc., 550 West Seventh South Street, Salt Lake City, Utah; Kimball Equipment Co., 1846 South 200 West Street, Salt Lake City, Utah. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 109236 (Sub-No. 18 TA), filed March 10, 1967. Applicant: GEORGE A. SIMS, G. GRANT SIMS, AND TRACY-COLLINS BANK & TRUST CO., CO-GUARDIANS, M. K. SIMS, GEORGE MILTON SIMS, ELMER L. SIMS, AND BEVERLY SIMS CANDLAND, EXECUTORS, ELMER L. SIMS AND G. GRANT SIMS, a partnership, doing business as SALT LAKE TRANSFER COMPANY, 35 South 500 West Street, Salt Lake City, Utah 84101. Applicant's representative: Keith E. Taylor, Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles in "truck-away" service*, between points in Utah, Wyoming, Idaho, Montana, Arizona, and those in Nevada other than Mineral County; and between points in Utah, on the one hand, and, on the other, points in New Mexico, traversing Colorado for operating convenience only, for 180 days. Supporting shippers: Utah Power & Light Co., 1407 West North Temple, Salt Lake City, Utah; Howard P. Foley Co., 510 West First North Street, Salt Lake City, Utah; Atlas Equipment Co., 2525 South 300 West Street, Salt Lake City, Utah; Rocky Mountain Machinery Co., 1485 South Second West Street, Salt Lake City, Utah; Wasatch Electric Co., 1574 South West Temple Street, Salt Lake City, Utah; Utah Sprocket & Machinery Co., 717 South 500 West Street, Salt Lake City, Utah; Jelco, Inc., 1919 West North Temple Street, Salt Lake City, Utah; Interstate Electric Co., Inc., 550 West Seventh South Street, Salt Lake City, Utah; Kimball Equipment Co., 1846 South 200 West Street, Salt Lake City, Utah. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 124692 (Sub-No. 33 TA), filed March 10, 1967. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *precut buildings* (not prefabricated), *component parts thereof, and equipment, materials, and supplies* used in the installation, construction, or erection thereof, from Des Moines, Iowa, to points in Wyoming, Colorado, and Utah, for 180 days. Supporting shipper: M. Capp Manufacturing Co., 4721 East 14th Street, Des Moines, Iowa 59101. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

MOTOR CARRIERS OF PASSENGERS

No. MC 124927 (Sub-No. 2 TA), filed March 10, 1967. Applicant: EMILIO F. CANZANO, doing business as AAAA LIMOUSINE SERVICE, 15 Holland Road, Worcester, Mass. 01603. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in nonscheduled door to door service, limited to the transportation of not more than 17 passengers in one vehicle (not including the driver thereof), in round-trip special operations, beginning and ending at Worcester, Mass., and points within 10 miles of Worcester, and extending to Pawtucket, Providence, and Central Falls, R.I., Nashua, Derry, and Hudson, N.H., restricted to the transportation of passengers who are traveling for the purpose of participating in beano or bingo games, for 180 days. Supporting shippers: Attached to and made a part of the application are certified statements signed by 15 persons who are desirous of using the services of applicant, as sought herein. The statements are on file at the Springfield, Mass., and the Washington, D.C., offices of this Commission where they may be examined by interested parties. Send protests to: Joseph W. Balin, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 338 Federal Building, Springfield, Mass. 01103.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-2998; Filed, Mar. 17, 1967; 8:46 a.m.]

[Notice 1492]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 15, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69395. By order of March 7, 1967, the Transfer Board approved the transfer to Paul La Buda, Hazleton, Pa., of certificate in No. MC-37319, issued May 31, 1941, to Andrew Soltis Freeland, Pa., authorizing the transportation of: Household goods, between Freeland, Pa., and points within 10 miles thereof on the one hand, and, on the other, points in New Jersey and New York. Bartel, E. Ecker, 605 Traders Bank Building, Hazleton, Pa. 18201; attorney for applicants.

No. MC-FC-69413. By order of March 9, 1967, the Transfer Board approved the transfer to Perchak Trucking, Inc., Hazleton, Pa., of the operating rights in certificates Nos. MC-112539, MC-112539 (Sub-No. 1), MC-112539 (Sub-No. 2), and MC-112539 (Sub-No. 3), issued March 7, 1952, August 25, 1958, June 27, 1962, and February 28, 1966, respectively, to Stephen F. Perchak, Hazleton, Pa., authorizing the transportation, over irregular routes, of coal from specified points in Pennsylvania to specified points in New Jersey; concrete and cinder blocks from Hazleton, Pa., and points within 5 miles thereof, to points in 17 specified counties in New Jersey and New York; scrap metals from points in 23 specified counties in Pennsylvania, New York, New Jersey, and Maryland, and Baltimore, Md., to points in 37 specified counties in Pennsylvania, New York, New Jersey, Ohio, and Delaware; and brick, in packages, from Hazleton, Pa., to points in Delaware, Connecticut, and New Jersey, and points in 40 specified counties in New York, Stephen F. Perchak, Post Office Box 245, Hazle Village, Hazleton, Pa., representative for applicants.

No. MC-FC-69430. By order of March 9, 1967, the Transfer Board approved the transfer to 1024 Corp., doing business as G. M. Trucking Service, Lafayette, Calif., of the operating rights of Frank Marcellini, doing business as G. M. Trucking Service, Lafayette, Calif., in certificate No. MC-43465, issued May 29, 1957, authorizing the transportation, over irregular routes, of such merchandise, as is dealt in by wholesale, retail, and general grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business; general commodities, excluding household goods, commodities in bulk, and other specified commodities, wine and wine barrels; and carbide, from, to, and between specified points in California, varying with the commodities transported. Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-69487. By order of March 8, 1967, the Transfer Board approved the transfer to Lewis E. Johnson, White Pine, Mich., of certificate No. MC-120345 (Sub-No. 1), issued November 20, 1964, to Sherman W. Gingrich, Baraga, Mich., authorizing the transportation of general commodities, moving in express service, over a regular route, between Baraga, Mich., and White Pine, Mich., and return, serving all intermediate points. Sherman W. Gingrich, Box 43, Baraga, Mich. 49908, representative for applicants.

No. MC-FC-69489. By order of March 8, 1967, the Transfer Board approved the transfer to Arlington Truck Co., a corporation, Toledo, Ohio, of the operating rights in certificate Nos. MC-60253, MC-60253 (Sub-No. 2), MC-60253 (Sub-No. 7), MC-60253 (Sub-No. 8), MC-60253 (Sub-No. 11), MC-60253 (Sub-No. 13), MC-60253 (Sub-No. 15), and MC-60253 (Sub-No. 17), thereunder, issued June 8, 1942, July 25, 1956, October 19, 1951, January 24, 1951, February 7, 1955, June 29, 1954, May 18, 1955, and August 16, 1955, respectively, to Agnes Metz, doing business as Arlington Truck Co., Toledo, Ohio, authorizing the transportation of: Various types of glass, and materials and supplies used in connection therewith, between points in Ohio, Illinois, New York, Michigan, Indiana, Iowa, West Virginia, Wisconsin, Kentucky, and Missouri. Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604, attorney for applicants.

No. MC-FC-69488. By order of March 9, 1967, the Transfer Board approved the transfer to Thomas Welsh, Jr., Philadelphia, Pa., of certificates Nos. MC-3117, MC-3117 (Sub-No. 1), and MC-3117 (Sub-No. 2), issued February 23, 1951, February 23, 1951, and April 20, 1960, to Nixon Moving Co., Inc., Philadelphia, Pa., authorizing the transportation of household goods as defined in 17 M.C.C. 467, and office furniture, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, and parts of New York, including Long Island; household goods, as defined in 17 M.C.C. 467, between Philadelphia, Pa., on the one hand, and, on the other, points in Virginia and the District of Columbia, and household goods, as defined in 17 M.C.C. 467, and plants and flowers, between points in Philadelphia, Montgomery, Bucks, Delaware, Lancaster, and Chester Counties, Pa., on the one hand, and, on the other, points in New York, Connecticut, and Massachusetts. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

No. MC-FC-69490. By order of March 8, 1967, the Transfer Board approved the transfer to Robert W. Robinson, doing business as Robinson-Ogilvie Moving & Storage Co., Pittsburgh, Pa., of the operating rights in certificate No. MC-127882, issued April 27, 1966, to Robert W. Robinson and Terrence J. Woods, a partnership, doing business as Robinson-Ogilvie Moving & Storage Co., Pittsburgh, Pa., authorizing the transportation of: Household goods, between points in Allegheny County, Pa., on the one hand, and, on the other, points in New York, New Jersey, Ohio, and West Virginia. Robert W. Smiley, Grant Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC-FC-69492. By order of March 9, 1967, the Transfer Board approved the transfer to Daufeldt Transport, Inc., Muscatine, Iowa, of certificate of registration No. MC-121509 issued March 31, 1964, to Harvey Daufeldt, doing business as Daufeldt Transfer, Muscatine, Iowa, evidencing a right to engage in interstate or foreign commerce within the State of Iowa. William A. Landau, 1307 East Walnut Street, Post Office Box 1634, Des Moines, Iowa 50306, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-2999; Filed, Mar. 17, 1967; 8:47 a.m.]

[3d Rev. S.O. 562; Pfahler's ICC Order 220]

SOUTHERN INDUSTRIAL RAILROAD, INC.

Diversion or Rerouting of Traffic

In the opinion of R. D. Pfahler, agent, the Southern Industrial Railroad Inc., is unable to transport traffic routed over its line via Moravia and Trask, Iowa, because of track conditions.

It is ordered, That:

(a) Rerouting traffic: The Southern Industrial Railroad, Inc., and its connections, being unable to transport traffic routed over its line via Moravia and Trask, Iowa, because of track conditions, are hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4 p.m., March 13, 1967.

(g) Expiration date: This order shall expire at 11:59 p.m., May 31, 1967, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 13, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 67-3000; Filed, Mar. 17, 1967; 8:47 a.m.]

[3d Rev. S.O. 562; ICC Order 219]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

Diversion or Rerouting of Traffic

Because of fire damage to a trestle on its line at milepost 399.2 between Parsons, Kans., and West Mineral, Kans., the Missouri-Kansas-Texas Railroad Co. is unable to transport traffic between those points on its Joplin Subdivision.

It is ordered, That:

(a) Rerouting traffic: Because of fire damage to a trestle on its line at milepost 399.2, between Parsons, Kans., and West Mineral, Kans., the Missouri-Kansas-Texas Railroad Co. is unable to transport traffic between those points on its Joplin Subdivision. The Missouri-Kansas-Texas Railroad Co. and its connections are hereby authorized to reroute or divert such traffic via any available route. The billing covering each car so rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The Missouri-Kansas-Texas Railroad Co. shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: The Missouri-Kansas-Texas Railroad Co. and its connections shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the direction of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rate of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3 p.m., March 13, 1967.

(g) Expiration date: This order shall expire at 11:59 p.m., March 19, 1967, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 13, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 67-3001; Filed, Mar. 17, 1967; 8:48 a.m.]

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Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
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Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55), AND MARYLAND TOBACCO

Proclamation of the Results of Maryland Tobacco Marketing Quota Referendum

Basis and purpose. The purpose of this proclamation is to add a § 724.36q to announce the results of the Maryland tobacco marketing quota referendum for the three marketing years beginning October 1, 1967, October 1, 1968, and October 1, 1969. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed national marketing quotas for Maryland tobacco for the 1967–68, 1968–69 and 1969–70 marketing years, and announced the amount of the national marketing quota for Maryland tobacco for the 1967–68 marketing year (32 F.R. 1124). The Secretary announced (32 F.R. 1139) that a referendum by mail ballot would be held during the period February 20 to 24, 1967, each inclusive, to determine whether Maryland tobacco producers were in favor of or opposed to marketing quotas for the 3 marketing years beginning October 1, 1967, October 1, 1968, and October 1, 1969. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that with respect to this proclamation, compliance with the notice, public procedure, and effective date provisions of 5 U.S.C. 553 is unnecessary.

§ 724.36q Proclamation of the results of the Maryland tobacco marketing quota referendum for the 3-year period beginning October 1, 1967.

In a referendum of farmers engaged in the production of 1966 crop of Maryland tobacco held by mail ballot during the period February 20 to 24, 1967, each inclusive, 6,375 farmers voted. Of those voting, 3,891 or 61 percent, favored quotas for a period of 3 years beginning October 1, 1967; 2,484 or 39 percent were opposed to quotas. Since more than one third of the farmers voting were opposed to quotas, the national marketing quota of 34.6 million pounds proclaimed January 30, 1967 (32 F.R. 1124) for Maryland tobacco for the 1967–68 marketing year will not be in effect for such year, and marketing quotas on Maryland tobacco will not be in effect for the 3 marketing years beginning October 1, 1967, October 1, 1968, and October 1, 1969, except that Maryland tobacco growers will vote in a referendum to be held in late 1967 or early 1968 on whether they favor or oppose quotas on Maryland tobacco for the 1968–69, 1969–70 and 1970–1971 marketing years; if quotas for the 1968–69, 1969–70 and 1970–71 marketing years are disapproved in such referendum, Maryland tobacco growers will not vote in another tobacco marketing quota referendum for Maryland tobacco until they vote in a referendum to be held in late 1970 or early 1971 on whether they favor or oppose quotas for the 1971–72, 1972–73 and 1973–74 marketing years, unless an earlier referendum is petitioned for by growers pursuant to regulations and is announced by the Secretary.

(Secs. 312, 375; 52 Stat. 46, as amended, 66; 7 U.S.C. 1312, 1375)

Done at Washington, D.C. on this 15th day of March 1967.

ROLAND F. BALLOU,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-3046; Filed, Mar. 20, 1967; 8:47 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Interpretation

The following interpretation of § 777.13(a) and paragraph 13, Appendix II, of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502) is issued. The question has been raised by a person processing wheat into cereal products as to whether he may make certain deductions in computing his certificate liability under the regulations. The processor is computing his liability on the weight of wheat basis under § 777.13 of the regulations and has requested permission to make deductions for the weight of small kernels which are separated from the wheat used in his processing operation and then removed from the plant for use as animal feed.

The cereal manufacturer has stated that the operation is carried on as follows: After the wheat received in the cereal plant is cleaned, the kernels are sized by use of special screens. The small kernels separated from the remainder of the wheat are weighed and then transferred from the processing plant to another plant where it is used in the manufacture of animal feed. The question is presented whether the weights so obtained supported by scale tickets or other documentary evidence may be deducted on Form CCC–160, Processing Report—Weight of Wheat Basis, in computing the weight of wheat subject to certificate liability.

It has been concluded that the processor may make a deduction from the weight of wheat subject to certificate liability for the weight of the small kernels obtained in the operation described above and transferred from the plant for use in animal feed. Section 777.13(a) provides:

General. Food processors reporting the quantity of wheat processed into food products on the basis of the weight of wheat processed, shall complete Form CCC–160, Processing Report—Weight of Wheat Basis, for each reporting period in accordance with detailed instructions set forth in Appendix II of this part. Determinations of the weight of wheat processed into food products shall be made in the manner prescribed in Appendix II. No deductions may be made for any byproducts of a food product obtained in the processing of the wheat.

Appendix II provides in paragraph (13) for the processor to enter in Item 5G of Form CCC–160, the weight of all wheat removed from the processing plant (and from any elevator operated by the processor at the processing plant location servicing the plant) for shipment, sale, delivery to the owner, transfer to other plants, or other dispositions as wheat. It further states: "Do not include the weight of any byproducts of food products or the weight of any screenings or other residue from cleaning wheat used or to be used by the food processor for processing into food products."

Our conclusion is based upon the following considerations which apply to the processor's operation: (1) The small kernels comply with the definition of wheat which appears in § 777.3(a), i.e., they are wheat as defined in the Official Grain Standards of the United States; (2) the foreign material, damaged kernels and other defects in the small kernels, are not greater than such defects in the wheat from which such small kernels were removed; and (3) the small kernels can be used commercially in the manufacture of flour and other food products. The small kernels are separated from the wheat used to make cereal because they are not as suitable for the type of cereal product manufactured by the food processor as the remainder of the wheat which was used in the processing operation. Accordingly, from the evidence supplied, it has been determined that the small kernels are not byproducts or screenings or other residues obtained in the cleaning of wheat used in the processing operation. If such kernels were within that category, they would not be eligible to serve as a deduction from the certificate liability of the cereal manufacturer.

Signed at Washington, D.C., on March 15, 1967.

ROLAND F. BALLOU,
Acting Administrator Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-3074; Filed, Mar. 20, 1967; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 312—CARCASSES OF ANIMALS SLAUGHTERED WITHOUT ANTE-MORTEM INSPECTION

Deletion

On February 8, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 2484) stating that the Department of Agriculture pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71-96), and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306) proposed to amend the Meat Inspection Regulations by deleting Part 312 (9 CFR Part 312) in its entirety.

Interested persons were afforded an opportunity to comment on the proposed amendment.

Statement of considerations. In response to the notice, comments were submitted by numerous individuals and groups. Although Part 312 of the regulations covers all species of animals subject to the Meat Inspection Act and is nationwide in scope, the comments submitted on the proposal to delete it were received almost exclusively from the northeastern United States, and only those people interested in hothouse lamb production showed an interest in the proposal.

The adverse comments received indicated concern as to the economic impact of the amendment on the lamb producers and others involved, and to some extent reflected a misunderstanding as to the effect of the amendment.

This amendment would eliminate provisions (Part 312) under which carcasses of animals slaughtered by a farmer on his farm, without Federal ante-mortem inspection, are allowed to enter federally inspected establishments for preparation as federally inspected articles bearing marks of Federal meat inspection. This amendment would not affect in any way the provisions of the Act and the regulations (21 U.S.C. 91; 9 CFR Part 304) which, in general, permit the distribution in interstate or foreign commerce of wholesome meat and meat food products prepared by any farmer (as defined in the Act) on his farm, from cattle, sheep, swine, or goats slaughtered by him on such farm, without Federal inspection. (Products shipped under the latter provisions do not bear marks of Federal inspection.)

Present livestock husbandry practices can result in drug, pesticide, and other chemical residues in the meat of the livestock which are not easily detectable on post-mortem examination; and central nervous system disorders also could affect the disposition of a carcass with no gross post-mortem lesions present. The continuation in effect of Part 312 could provide an avenue for disposal of animals which died otherwise than by slaughter. For these reasons, this Department believes strongly that all carcasses to be processed at federally inspected establishments into articles bearing Federal inspection marks should be derived from animals that receive Federal ante-mortem inspection at the time of slaughter. At present, only one federally inspected establishment is engaged in receiving from farmers hothouse lambs slaughtered without Federal ante-mortem inspection. It should be noted that Part 312 is not intended to permit the entry into federally inspected plants of carcasses of animals slaughtered off the farm by "fee slaughterers" not actually engaged in the raising of the animals involved, and even if Part 312 were to remain in effect, such carcasses could not enter federally inspected plants.

In order to minimize the impact of the deletion of Part 312 on affected persons, chiefly hothouse lamb producers who have been delivering to a federally inspected plant, hothouse lambs slaughtered without Federal ante-mortem inspection, pursuant to Part 312, the Livestock Slaughter Inspection Division set out to develop procedures that would permit such ante-mortem inspection to be made of the producers' lambs with a minimum of interference with the existing legitimate business of such producers. Livestock Slaughter Inspection Division staff members and Meat Inspection Program field representatives visited lamb producers, "fee slaughterers," State Livestock Extension Specialists in Pennsylvania, Massachusetts, and federally inspected packers. The purpose of such visits was to explain the proposal and problems and seek facilities presently operating under Federal inspection or willing to qualify for this service where hothouse lambs could be given ante-mortem and post-mortem examination. Federal inspection is provided at establishments slaughtering lambs and certain other livestock or preparing products thereof for interstate or foreign commerce, without cost to the establishment operators except for overtime and holiday service.

A federally inspected plant in north-central Connecticut has indicated willingness to slaughter hothouse lambs for approximately the same price charged by the "fee slaughterers." Two of the "fee slaughterers," one in northeastern Pennsylvania, the other in southeastern Pennsylvania, agreed to provide lamb slaughtering facilities which would qualify for Federal inspection and will be completed in the summer of 1967. These three facilities are located conveniently to most of the lamb producers in the northeastern United States with the possible exception of a few farmers in New York State. If sufficient interest is shown by New York State producers, the Livestock Slaughter Inspection Division will assist in finding a suitable federally inspected facility in that area.

Therefore it appears that acceptable procedures will be available under which the hothouse lambs can be slaughtered, with ante-mortem as well as post-mortem inspection, at a reasonable cost to the producers concerned and without seriously interfering with the marketing of such animals. Accordingly, in consideration of the foregoing, Part 312 is deleted effectively July 1, 1967.

(34 Stat. 1264, 21 U.S.C. 89, sec. 306, 46 Stat. 689, as amended, 19 U.S.C. 1306; 29 F.R. 16210, as amended; 31 F.R. 13249)

Done at Washington, D.C., this 15th day of March 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 67-3075; Filed, Mar. 20, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7841; Amdt. 39-371]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744 and 745D Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require the inspection of the horizontal stabilizer top spar root joint fittings for cracks on Vickers Viscount Models 744 and 745D Series airplanes that have completed 11,500 landings was published in 32 F.R. 55.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Models 744 and 745D Series airplanes.

Compliance required as indicated, unless already accomplished.

To prevent fatigue damage to the horizontal stabilizer top spar root joint fittings, accomplish the following:

(a) Within the next 500 landings after the effective date of this AD, on airplanes which have completed 11,500 landings, inspect the horizontal stabilizer top spar root joint fittings for cracks in accordance with British Aircraft Corp. (BAC) Preliminary Technical Leaflet No. 264 Issue 1 (700 Series), Addendum No. 1 to Issue 1, and Corrigendum No. 1 to Issue 1, or later ARB-approved issue, or an FAA-approved equivalent.

(b) Before further flight, replace all cracked fittings with new parts.

(c) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

This amendment becomes effective April 20, 1967.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 14, 1967.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-3026; Filed, Mar. 20, 1967; 8:45 a.m.]

[Docket No. 7810; Amdt. 39-372]

PART 39—AIRWORTHINESS DIRECTIVES

BAC 1-11 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require inspection of BAC 1-11 400 Series airplanes for interference between the nut stop on the flap jack screw and the lower rollers on the aft flap carriage was published in 31 F.R. 16368.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1-11 400 Series airplanes.

Compliance required as indicated.

To prevent interference between the flap jack screw and flap carriage assembly, accomplish the following:

(a) Within the next 500 hours' time in service after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 1,000 hours' time in service, measure the clearance between the head of the nut stop on flap screwjack P/N CH526-010 and the inside faces of the lower rollers on the aft flap carriages P/N AK09 A1263 and AK09 A1265 and AK09 A1266 at all eight screwjack positions in accordance with BAC Alert Service Bulletin 27-A-PM2469 or later ARB-approved issue. If clearance is less than 0.025 inch, rework the nut stop head radius in accordance with BAC Service Bulletin No. 27-A-PM2469 or later ARB-approved issue.

(b) The repetitive inspections required in paragraph (a) may be discontinued if the airplanes are modified in accordance with BAC Service Bulletin 27-A-PM2469 paragraph (a) or (b) and PM2469 paragraph (c) and PM2469 paragraph (d) or (e) and PM2469 paragraph (f) or (g) or later ARB-approved issue.

This amendment becomes effective April 20, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 14, 1967.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-3027; Filed, Mar. 20, 1967; 8:45 a.m.]

[Docket No. 7813; Amdt. 39-373]

PART 39—AIRWORTHINESS DIRECTIVES

Brantly B-2 Series Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the replacement of the open upper main rotor mast bearing by a prepacked and sealed bearing on Brantly B-2 Series helicopters was published in 31 F.R. 16469.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRANTLY. Applies to Model B-2, B-2A, and B-2B Model helicopters with P/N B2-324 transmission serial numbers prior to S/N 307.

Compliance required as indicated.

To improve the service life and reliability of the upper main rotor mast bearing, within the next 100 hours' time in service after the effective date of this AD, remove the Fafnir P/N 212K bearing presently installed and replace it with an Indiana Gear Works P/N 4524A56, Revision E, sealed bearing. This substitution is to be accomplished as prescribed by Brantly Helicopter Co. Service Bulletin No. 21 and applicable sections of the Model B-2 series helicopter maintenance manuals.

This amendment becomes effective April 20, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 14, 1967.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-3028; Filed, Mar. 20, 1967; 8:45 a.m.]

[Airspace Docket No. 67-SO-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Savannah, Ga., control zone and transition area.

The Savannah control zone is described in § 71.171 (32 F.R. 2071).

The Savannah transition area is described in § 71.181 (32 F.R. 2148).

A portion of the control zone is predicated upon Hunter AFB and the Hunter AFB TACAN 264° radial and a portion of the transition area with a floor of 700 feet is designated within an 8-mile radius of Hunter AFB.

Because of the decommissioning of the Hunter AFB TACAN, the U.S. Army extending its training activities into Hunter AFB, a change in the classification of the airport from Category III to Category II, and a change in the name of the airport from Hunter AFB to Hunter AAF, it is necessary to alter the control zone and transition area accordingly.

Since these amendments are editorial in nature or lessen the burden on the public by reducing the controlled airspace for the Savannah terminal area, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 1, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Savannah, Ga., control zone is amended by deleting "• • • within 2 miles each side of the Hunter AFB TACAN 264° radial, extending from the 5-mile radius zone to 7 miles W of the TACAN • • •" and deleting "• • • AFB • • •" wherever it appears and substituting "• • • AAF • • •" therefor.

In § 71.181 (32 F.R. 2148) the Savannah, Ga., transition area is amended by deleting "• • • within an 8-mile radius of Hunter AFB • • • and substituting "• • • within a 6-mile radius of Hunter AAF • • •" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on March 10, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-3029; Filed, Mar. 20, 1967; 8:45 a.m.]

[Airspace Docket No. 67-WA-9]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route

Jet Route No. J-82 is presently designated in part from Fort Dodge, Iowa, via the INT of Fort Dodge 096° and Northbrook, Ill., 274° radials; INT of Northbrook 274° and Joliet, Ill., 316° radials; to Joliet. It was intended that the portion of this segment extending northwestward from Joliet would coincide with a direct line extending between Joliet, and Nodine, Minn. Precise cartographic measurements attendant to the production of aeronautical charts have revealed that to accomplish this purpose the Joliet 317° radial instead of the 316° radial should have been used. Such action is taken herein.

Since this alteration is minor in nature in that the 1 degree correction involves only a small amount of airspace lying entirely within the continental control area, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

Section 75.100 (32 F.R. 2341) is amended as follows: In Jet Route No. 82 "Joliet, Ill., 316° radials" is deleted and "Joliet, Ill., 317° radials" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 14, 1967.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-3031; Filed, Mar. 20, 1967; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Misrepresentation of Hand Cream

§ 15.117 Misrepresentation of hand cream.

(a) The Federal Trade Commission advised a marketer of hand cream that it would be improper and a violation of Commission administered law to represent, contrary to fact, that the product had been "medically prescribed."

(b) There are many precedents for the proposition that it is an unfair trade practice to misrepresent approval or endorsement of products by medical associations, doctors, dentists, and related professional groups.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: March 20, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-3037; Filed, Mar. 20, 1967; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-78]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Additional Invoice Requirements of Spruce and Pine Lumber

For the purpose of eliminating difficulties in identification and classification of shipments of commingled spruce and pine lumber provided for under items 202.03 and 202.09, Tariff Schedules of the United States (19 U.S.C. 1202 (items 202.03, 202.09)), it has been determined to require under the authority of section 481(a)(10) of the Tariff Act of 1930, as amended (19 U.S.C. 1481(a)(10)) that invoices for such shipments contain, in addition to all the other information required by law or regulations, a declaration by the shipper or other person having actual knowledge of the facts, as to the amount of each species of the lumber.

Accordingly, § 8.13(h) of the Customs Regulations is amended by inserting in the listing of classes of merchandise, in proper alphabetic order, the following:

Lumber, spruce (also termed Western white spruce) (Picea) and pine classifiable respectively under item 202.03 and item 202.09, Tariff Schedules of the United States.

(1) A declaration in the following form signed by the shipper or other person having actual knowledge of the pertinent facts:

I hereby declare that to the best of my knowledge and belief the composition of the lumber in ---------- is ------
(describe shipment)
board feet, spruce (item 202.03) and ------ board feet, pine (item 202.09).

(Secs. 481, 624, 46 Stat. 719, 759; 19 U.S.C. 1481, 1624)

Notice of the proposal to require additional information on invoices for shipments of commingled spruce and pine lumber entered under items 202.03 and 202.09, Tariff Schedules of the United States, was published in the FEDERAL REGISTER of November 22, 1966 (31 F.R. 14787). All data, views, and arguments which were received in response thereto have been considered.

This amendment shall be effective with respect to shipments of commingled spruce and pine lumber arriving in the United States 60 days after publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON, *Commissioner of Customs.*

Approved: March 13, 1967.

TRUE DAVIS, *Assistant Secretary of the Treasury.*

[F.R. Doc. 67-3070; Filed, Mar. 20, 1967; 8:49 a.m.]

[T.D. 67-79]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

Free Entry of Personal and Household Effects of Persons in Service of United States

Public Law 89-436, approved May 31, 1966, effective July 1, 1966, struck out headnote 2 and Item 915.20 of subpart B, part 1, appendix to the Tariff Schedules of the United States, and amended subpart B, part 2, of schedule 8, Tariff Schedules of the United States, to include as permanent legislation Item 817.00 which is identical with the lapsed Item 915.20.

In view of the change of the law to permanent legislation, it is necessary to delete § 54.2 of the Customs Regulations and to add a new § 10.26a, including changes to reflect the change of law and the elimination of the positions of collectors of customs. At the same time it is deemed advisable to include explicit language concerning the need for a claimant to have had personal possession of an article while abroad in order for it to be a "personal" or "household" effect, and to be returning upon the termination of an assignment to extended duty at a post or station outside the customs territory of the United States.

To give effect to the foregoing, the Customs Regulations are amended as follows:

Part 10 is amended by adding a new § 10.26a and footnote 31a to read as follows:

§ 10.26a Free entry of personal and household effects of certain classes of persons in the service of the United States, or of their families, and of evacuees.

(a) Under Item 817.00 of the Tariff Schedules of the United States,[31a] free entry may be accorded to the personal and household effects (with the limitation on alcoholic beverages and tobacco products prescribed by paragraph (c) of this section), entered or withdrawn from warehouse for consumption, of any person in the service of the United States who returns to the United States upon the termination of assignment to extended duty at a post or station outside the customs territory of the United States, or of returning members of his family who have resided with him at such post or station, or of any person evacuated to the United States under Government orders or instructions.

(b) The privilege does not apply to articles imported for sale, or for the account of any person not specified in Item 817.00, but the term "personal effects" as used therein is not confined to that class of articles described in Item 812.10, Tariff Schedules of the United States; nor is any period of use, such as is prescribed by Item 810.10, Tariff Schedules of the United States, applicable to household effects entered under Item 817.00. Further the privilege does not apply to articles which have not been in the direct personal possession of the claimant (or a member of his household) while abroad.

(c) A total of not more than 1 wine gallon of alcoholic beverages and not more than 100 cigars shall be accorded free entry under Item 817.00 subject to the limitations that:

(1) The articles accompany the person making the claim for free entry upon his arrival in the United States;

(2) Not more than 1 quart of any such alcoholic beverages shall have been distilled or otherwise manufactured and bottled in any place other than the United States or its possessions;

(3) Such individual has not concurrently claimed exemption as a returning resident under Items 813.30 and 813.31, Tariff Schedules of the United States, and

(4) Such person, if other than one in the service of the United States, shall have attained the age of 21.

(d) District directors of customs shall be satisfied in all cases that the effects imported free of duty under Item 817.00 are the personal and household effects of the importer, particularly in those cases where the quantity of effects imported may appear to be an unreasonable quantity for personal or household use.

(e) Except as it may otherwise be deemed proper in accordance with the provisions of paragraph (f) or (g) of this section, no person, or member of his family, shall be allowed free entry of personal or household effects under Item 817.00 where the person returns to the United States pursuant to Government orders or instructions which authorized him initially to proceed to a foreign post or station and return to the United States upon termination of temporary duty.

(f) (1) The requirement of Item 817.00 that the person "returns to the United States upon the termination of assignment to extended duty" shall be considered met upon the necessary proof being submitted that any one of the following cases is applicable:

(i) The person is returning upon the termination of a tour of duty outside the customs territory of the United States of at least 140 days' duration.

(ii) The person is returning after the termination of an assignment under permanent change of station orders to duty at a post or station outside the customs territory of the United States, regardless of the duration of the duty.

(iii) The person returns to the United States upon the termination of a tour of duty at any time after leaving the United States for duty of not less than 140 days outside the customs territory of the United States.

(iv) The person, although not returning to the United States, is ordered by the Government agency involved from duty at a post or station outside the customs territory of the United States to duty at another post or station outside the customs territory of the United States necessitating the return to the United States of his personal and household effects.

(2) A person returning on leave or otherwise returning before the termination of an assignment to extended duty outside the customs territory of the United States, with or without orders covering the return, is not eligible for an exemption under Item 817.00, Tariff Schedules of the United States. An individual returning to the United States under orders on a temporary duty assignment at the termination of which he is returned to his duty station abroad to resume his regular duties is not regarded as returning to the United States at the termination of an assignment to extended duty outside the customs territory of the United States. However, a person returning on reemployment leave at the termination of assignment to extended duty as defined in subparagraph (1) of this paragraph, is eligible for an exemption under Item 817.00, Tariff Schedules of the United States.

(g) In any case where the limitation on the quantity of alcoholic beverages and tobacco products which may be exempted from duty and tax under paragraph (c) of this section, or the failure of the person to meet the requirement that he be returning upon the termination of assignment to "extended duty," as explained in paragraph (f) of this section will cause undue hardship to the person through no fault of his own, but rather because of the nature of his assignment or other hardship circumstances, the Commissioner of Customs, upon receipt of a request from the Government agency involved, may waive the limitation or the requirement, as the case may be, if he deems such waiver warranted by the facts.

(h) All articles for which free entry is claimed under Item 817.00 shall be entered or withdrawn in accordance with the requirements prescribed by the Tariff Act of 1930, as amended. District directors of customs shall accord free entry under Item 817.00 upon the production of satisfactory proof that the articles are entitled to the benefits thereof. Customs Form 6061 may be used as a declaration and entry for articles granted exemption from duty and tax under Item 817.00 when entry is made in the name of the person who is entitled to the benefits of the statute. Such declaration and entry shall be verified by the customs officer by an inspection of the owner's travel orders, unless other evidence is furnished which satisfies the director that the effects were brought into the United States in connection with the person's return to the United States upon the termination of assignment to extended duty, as explained in paragraph (f) of this section, or in connection with the return of members of his family who have resided with him at such post or station, or in connection with the evacuation of a person to the United States under Government orders or instructions. If the director accepts an inspection of the owner's travel orders as evidence that the effects were brought into the United States within the requirements of Item 817.00, the owner's travel orders shall be identified on the entry, which shall be handled like a free baggage declaration. The date of the person's last departure from the United States shall be indicated on the declaration and entry. The inward foreign manifest covering a shipment entered on customs Form 6061 shall be liquidated by noting thereon "Free on c.F. 6061, C.R. 10.26a."

(i) No invoice shall be required for articles accorded free entry under Item 817.00, Tariff Schedules of the United States.

(80 Stat. 189, secs. 481, 484, 498, 46 Stat. 719, 722, as amended, 728, as amended; 19 U.S.C. 1202 (Item 817.00), 1484, 1498)

(R.S. 251, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (Gen. Hdnote 11), 1624)

§ 54.2 [Deleted]

Section 54.2 is deleted.

(77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 1202 (Gen. Hdnote 11), 1624)

[SEAL] LESTER D. JOHNSON, *Commissioner of Customs.*

Approved: March 14, 1967.

TRUE DAVIS, *Assistant Secretary of the Treasury.*

[F.R. Doc. 67-3071; Filed, Mar. 20, 1967; 8:49 a.m.]

[31a] The personal and household effects (with such limitation on the importation of alcoholic beverages and tobacco products as the Secretary of the Treasury may prescribe) of any person in the service of the United States who returns to the United States upon the termination of assignment to extended duty (as defined in regulations issued in connection with this provision) at a post or station outside the customs territory of the United States, or of returning members of his family who have resided with him at such post or station, or of any person evacuated to the United States under Government orders or instructions • • • (Item 817.00, Tariff Schedules of the United States.)

Any article exempted under this part from the payment of duty shall be exempt also from the payment of any internal-revenue tax imposed upon or by reason of importation. (Schedule 8, part 2, headnote 1, Tariff Schedules of the United States.)

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 505—LABOR STANDARDS ON PROJECTS OR PRODUCTIONS ASSISTED BY GRANTS FROM NATIONAL ENDOWMENT FOR THE ARTS

On November 5, 1966, a notice was published in the FEDERAL REGISTER (31 F.R 14314) proposing to amend Chapter V of Title 29 of the Code of Federal Regulations by adding a new Part 505: After consideration of all such relevant matter as was presented by interested persons, the amendment as so proposed is hereby adopted, subject to the following changes:

1. Paragraph (e) of § 505.2 is changed by adding two sentences at the end.

2. All references to "USDL Form No. 1" are changed to read "USDL Form No. 1-297."

3. In the first sentence of paragraph (a) of § 505.5, the clause "his initial assurances shall be filled out and executed, in the same manner as the application for the grant is executed, on USDL Form No. 1" is changed to read "execution of USDL Form No. 1-297 will constitute his initial assurances."

4. The first sentence of § 505.7 is changed by inserting the words "to comply" after the word "failure", and by changing the word "is" to the word "are".

5. Statutory citations have been corrected.

This part shall become effective upon publication in the FEDERAL REGISTER.

The delayed effective date provided in section 4 of the Administrative Procedure Act does not apply because 29 CFR Part 505 relates only to public grants. I do not believe such delay serves a useful purpose here.

Signed at Washington, D.C., this 15th day of March 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions.

NELSON M. BORTZ,
Director,
Bureau of Labor Standards.

Sec.
505.1 Purpose and scope.
505.2 Definitions.
505.3 Prevailing minimum compensation.
505.4 Receipt of grant funds.
505.5 Adequate assurances.
505.6 Safety and health standards.
505.7 Failure to comply.

AUTHORITY: The provisions of this Part 505 issued under sec. 5(j), 79 Stat. 848; 20 U.S.C. 954(j), and Secretary's Order 1-66 (31 F.R. 1274) and Secretary's Order 12-66 (31 F.R. 12620).

§ 505.1 Purpose and scope.

(a) The regulations contained in this part set forth the procedures which are deemed necessary and appropriate to carry out the provisions of section 5(j) of the National Foundation on the Arts and Humanities Act of 1965, 79 Stat. 848; 20 U.S.C. 954(j); relating to labor standards requirements on projects or productions assisted by grants from the National Endowment for the Arts.

(b) Regulations and procedures relating to wages on construction projects as provided in section 5(k) of the National Foundation on the Arts and Humanities Act of 1965 may be found in Parts 3 and 5 of this title.

(c) Standards of overtime compensation for laborers or mechanics may be found in the Contract Work Hours Standards Act, 76 Stat. 357, 40 U.S.C. 327.

§ 505.2 Definitions.

(a) The term "Act", means the National Foundation on the Arts and the Humanities Act of 1965, 79 Stat. 848, 20 U.S.C. 954(j).

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "Administrator" means the Administrator of the Wage and Hour and Public Contracts Divisions, who exercises responsibilities for the Secretary over the requirements pertaining to wages.

(d) The term "Director" means the Director of the Bureau of Labor Standards, U.S. Department of Labor, who exercises responsibilities for the Secretary over the requirements pertaining to safety and health.

(e) "Professional" in the phrase "professional performer and related or supporting professional personnel" shall include all those who work for compensation on a project or production which is assisted by a grant from the National Endowment for the Arts regardless of whether paid out of grant funds. It shall not include those whose status is "amateur" because their engagement for performance or supporting work contemplates no compensation. The words "related or supporting * * * personnel" in the same phrase shall include all those whose work is related to the particular project or production such as musicians, stage hands, scenery designers, technicians, electricians and moving picture machine operators, as distinguished from those who operate a place for receiving an audience without reference to the particular project or production being exhibited, such as ushers, janitors, and those who sell and collect tickets. The phrase shall not include laborers and mechanics employed by contractors or subcontractors on construction projects, but their compensation is regulated under section 5(k) of the Act. The phrase "professional performers and related or supporting professional personnel" shall not include persons employed as regular faculty or staff of an educational institution performing primary duties commonly associated with the teaching process. It shall include persons employed by educational institutions primarily to engage in activities customarily performed by the performing artist or by those who assist in the presentation of the performing arts.

§ 505.3 Prevailing minimum compensation.

(a) *Generally.* Investigation has revealed that nearly all of the persons employed in activities similar to those which will be performed by professional performers and related or supporting professional personnel do so pursuant to contracts between their employers and the following national or international labor organizations or local labor organizations which are affiliated with one of them:

Actors' Equity Association.
Screen Actors Guild, Inc.
Screen Extras Guild, Inc.
American Guild of Musical Artists, Inc.
International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators.
American Federation of Musicians.
National Association of Broadcast Employees and Technicians.
American Federation of Television and Radio Artists.
International Brotherhood of Electrical Workers.
American Guild of Variety Artists.

These contracts provide the minimum compensation (including fringe benefits) to be paid such professional performers and related or supporting professional personnel. The compensation provided in each of these contracts is hereby determined to be the prevailing minimum compensation for each of the professional performers and related or supporting professional personnel to which it applies or would apply if he were a member of the appropriate one of the abovementioned labor organizations. Such determination shall be subject to variation, however, on behalf of any adversely affected professional worker or grantee as provided in paragraph (b) of this section.

(b) *Variations*—(1) *On behalf of professional workers.* Any professional performer or related or supporting professional personnel desiring employment on any such project or production and any labor organization representing any one of them may protest the determination made in paragraph (a) of this section. Such protest shall be in writing, shall be directed to the Administrator, shall identify the locality or localities and the class or classes of professional performers and related or supporting professional personnel to whom it relates, shall specify the minimum compensation which actually prevails in each such locality for each such class and shall present all of the evidence available touching on the issue. The Administrator will make a determination concerning each such protest to the extent necessary to resolve the issue for any approved grant application.

(2) *On behalf of grantees.* Any grant applicant who proposes to compensate any professional performer or related or supporting professional personnel in an amount less than the prevailing minimum compensation determined in paragraph (a) of this section shall specify the lower minimum compensation he proposes to pay and present such evidence as he may have that the prevailing minimum compensation is not more than he proposes to pay. If such grant application is otherwise approved, such issue will be resolved by the Administrator.

§ 505.4 Receipt of grant funds.

(a) The grantee shall not receive funds authorized by section 5 of the Act until adequate initial assurances pursuant to section 5(j) (1) and (2) of the Act as provided in §§ 505.5(a) and 505.6 have been filed with the Chairman of the National Endowment of the Arts. Neither shall he receive any such funds if and after the Chairman of the National Endowment of the Arts is advised by the Secretary that continuing assurances as provided in § 505.5(b) are inadequate or that labor standards contemplated by section 5(j) (1) and (2) of the Act have not been observed.

(b) In order to facilitate such assurance so that the grantee may receive the grant funds promptly, the Chairman of the National Endowment of the Arts will transmit to each grantee of a grant under section 5 of the National Foundation on the Arts and Humanities Act of 1965 with the grant letter a copy of these regulations together with two copies of USDL Form No. 1-297. He will advise the grantee that before the grant may be received, the grantee must give assurances that all professional performers and related or supporting professional personnel (other than laborers or mechanics with respect to whom labor standards are prescribed in subsection 5(k) of the Act), will be paid, without subsequent deduction or rebate on any account, not less than the minimum compensation determined in § 505.3(a) unless a variation is obtained under § 505.3 (b) and that the safety and health requirements under § 505.6 are met. The Chairman will furnish the Secretary the original signed Form USDL No. 1-297 and two copies of the grant letter together with any supplementary documents needed to give a description of the project or production to be financed in whole or part under the grant.

§ 505.5 Adequate assurances.

(a) *Initial assurances.* Unless the grantee seeks variation of the determination of prevailing minimum compensation contained in § 505.3, or variation of the safety and health standards contained in § 505.6, execution of USDL Form No. 1-297 will constitute his initial assurances. If variation of the prevailing minimum compensation provided in § 505.3(a) is sought under § 505.3(b) the information called for by § 505.3(b) shall be furnished in lieu of assurances on USDL Form No. 1-297 and appropriate assurances will be drafted by the Administrator for the grantee upon resolution of the application for variation.

(b) *Continuing assurances.* (1) The grantee shall maintain and preserve sufficient records as an assurance of compliance with section 5(j) (1) and (2) of the Act and shall make such reports therefrom to the Secretary as necessary or appropriate to assure the adequacy of the assurances given. These records shall include the following information relating to each performer and related or supporting personnel for whom a prevailing minimum compensation determination has been made pursuant to § 505.3. In addition the record required in subdivision (vii) of this subparagraph shall be kept for all employees engaged in the project or production assisted by the grant.

(i) Name,

(ii) Home address,

(iii) Occupation,

(iv) Basic unit of compensation (such as the amount of a weekly or monthly salary, talent or performance fee, hourly rate or other basis on which compensation is computed), including fringe benefits or amounts paid in lieu thereof,

(v) Work performed for each pay period expressed in terms of the total units of compensation fully and partially completed,

(vi) Total compensation paid each pay period, deductions made, and date of payment, including amounts paid for fringe benefits and the person to whom they were paid, and

(vii) Brief description of any injury incurred while performing under the grant and the dates and duration of disability.

Such records shall be kept for a period of 2 years after completion of the project or production to which they pertain.

(2) The grantee shall permit the Administrator and the Director or their representatives to investigate and gather data regarding the wages, hours, safety, health, and other conditions and practices of employment related to the project or production, and to enter and inspect such project or production and such records (and make such transcriptions thereof), question such employees and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether the grantee has violated the labor standards contemplated by section 5(j) of the Act, or which may aid in the enforcement of such standards.

(c) *Determination of adequacy.* The Administrator and Director shall determine the adequacy of assurances within each of their respective areas of responsibilities, given pursuant to paragraphs (a) and (b) of this section and may revise their determination at any time.

§ 505.6 Safety and health standards.

(a) *Standards.* (1) In order to avoid any undue hardship on the part of the grantee and until such time that the Secretary has the opportunity to study in depth the production of the arts and related projects in light of the safety and hazards related thereto, and subsequently identify the need to develop more definitive regulations, compliance with applicable standards, specifications and codes of the U.S. Government and those standards and codes, developed, utilized, referred to, or adopted by nationally recognized professional engineering, scientific and technical societies will be accepted by the Secretary as prima facie evidence of compliance with the safety and health requirements pursuant to subsection 5(j)(2) of the Act.

(2) The National Bureau of Standards, United States of America Standards Institute, National Fire Protection Association, American Society of Mechanical Engineers, and the American Society for Testing and Materials are among those referred to above as nationally recognized.

(b) *Amendments.* The Secretary shall, as the need dictates, expand, contract or withdraw any of the standards or codes referred to in paragraph (a) of this section and develop more definitive criteria in standards and code areas requiring clarification and/or interpretation. When such changes are made and proposed, interested parties shall be advised by public notice or public hearing and shall be afforded the opportunity to respond with their views and comments in the manner prescribed under the administrative procedures.

(c) *Assurances.* Unless the grantee seeks variation from complying with the prescribed standards and procedures set forth in this Part 505 and specifically those safety and health standards set forth in this section, initial assurances of compliance shall be executed on USDL Form No. 1-297.

(d) *Variations.* (1) If variations from prescribed safety and health standards are sought because of practical difficulties or unnecessary hardships, the Secretary in his discretion may make variations from the requirements of this section and permit the use of other or alternate means if the safety and health of performers and those related to the production will be equally secure thereby.

(2) Any person or organization affected by the requirements of this section may request the Secretary to grant such variation, stating in writing the grounds on which his request is based. He must also identify the specific standard. It is incumbent upon the person or organization to present valid, technical and competent proof that his alternate proposal will meet the criteria and intent of the standard sought to be varied. Any requests for safety variation shall be sent to the Director, Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210.

(3) Any authorization by the Secretary of the variation shall be in writing and shall describe the conditions under which the variation shall be permitted. An index record of all variations shall be kept in the Office of the Director and shall be open to public inspection.

§ 505.7 Failure to comply.

The Secretary's representatives shall maintain a list of those grantees who are considered to be responsible for instances of failure to comply with the obligation of the grantees specified in section 5(j) (1) and (2) of the Act, which are considered to have been willful or of such nature as to cast doubt on the reliability of formal assurances subsequently given and there shall be maintained a similar list where adjustment of the violations satisfactory to the Secretary was not properly made. Assurances from persons or organizations on either such list or any organization in which they have a substantial interest shall be considered inadequate until such time as they may, by appropriate application to the Secretary, achieve their removal from such lists.

[F.R. Doc. 67-3056; Filed, Mar. 20, 1967; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-12—LABOR

Application of Contract Work Hours Standards Act

This amendment changes Subparts 1-12.3 and 1-12.4 of the Federal Procurement Regulations. It reflects the revision of 29 CFR 5.14 by the Department of Labor (see 32 F.R. 1087, Jan. 31, 1967), which provides for the inclusion of Eniwetok Atoll, Kwajalein Atoll, and Johnston Island within the geographic areas subject to the Contract Work Hours Standards Act (40 U.S.C. 327 et seq.), prescribes a tolerance granted by the Department for use in administering the overtime provisions of the Act within those areas, and provides specifically that the Act applies to construction contracts with States and political subdivisions thereof.

Subpart 1–12.3—Contract Work Hours Standards Act (Other Than Construction Contracts)

1. Section 1–12.302 is amended to prescribe a revision of paragraph (d) which reads as follows:

§ 1–12.302 Applicability.

* * * * *

(d) Contracts under which work is to be performed solely within a foreign country or within a territory under the jurisdiction of the United States other than a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331), American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, Johnston Island, and the Canal Zone. (See § 1–12.304(b) for applicable tolerances.)

* * * * *

2. Section 1–12.303 is amended as follows:

§ 1–12.303 Contract clause.

The contract clause set forth in this § 1–12.303 shall be included in contracts in accordance with the provisions of §§ 1–12.301 and 1–12.302. The clause may be modified as necessary in order to comply with the provisions of § 1–12.304(b).

* * * * *

3. Section 1–12.304 is revised to read as follows:

§ 1–12.304 Variations and tolerances.

(a) *General.* Variations and tolerances from the provisions of this subpart which are granted under section 105 of the Contract Work Hours Standards Act by the Secretary of Labor in the case of any contract work for which such variations and tolerances have been provided (29 CFR 5.14) shall be deemed to satisfy the requirements of § 1–1.009 of this chapter.

(b) *Overtime compensation on Eniwetok Atoll, Kwajalein Atoll, and Johnston Island.* Beginning February 1, 1967, and ending January 31, 1969, the employment in excess of 40 hours per week of laborers and mechanics engaged in work on contracts subject to the Contract Work Hours Standards Act on Eniwetok Atoll, Kwajalein Atoll, and Johnston Island shall not be deemed to result in any liability for unpaid overtime wages or liquidated damages under the Contract Work Hours Standards Act on the part of any contractor or subcontractor employing such employees, so long as such employees at work in such locations are paid overtime wages at the required rates for all hours worked on such contracts in any workweek in excess of 8 in any workday or in excess of 44 in the workweek during the period from February 1, 1967, through January 31, 1968, inclusive, and in excess of 8 in any workday or in excess of 42 in any workweek during the period beginning February 1, 1968, and ending January 31, 1969, and provided such employees are paid overtime compensation as may be required by any other applicable law or collective bargaining agreement.

Subpart 1–12.4—Labor Standards in Construction Contracts

Section 1–12.403–3 is revised to read as follows:

§ 1–12.403–3 Contracts with a State or political subdivision.

In the case of construction contracts in excess of $2,000 with a State or political subdivision thereof, the contract clauses required by § 1–12.403–1 shall be inserted therein but shall be prefaced by the following provision:

The Contractor agrees to comply with the requirements of the following clauses regarding the Contract Work Hours Standards Act, to provide for similar compliance in subcontracts with States or political subdivisions thereof, and to insert the following clauses in all subcontracts hereunder with private persons or firms.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: March 15, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67–3057; Filed, Mar. 20, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1012, 1013]

[Docket Nos. AO 347–A6, AO 286–A13]

MILK IN TAMPA BAY AND SOUTHEASTERN FLORIDA MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held on April 6, 1967, at the International Inn, Corner of West Shore and Kennedy Boulevard, Tampa, Fla., beginning at 10 a.m., and on April 7, 1967, at the Everglades Hotel, 244 Biscayne Boulevard, Miami, Fla., beginning at 9 a.m., with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Tampa Bay and Southeastern Florida marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Independent Dairy Farmers' Association, Inc.:

Proposal No. 1. Delete the last sentence of § 1013.50 which defines the basic formula price and substitute the following: "However, for the purpose of computing the Class I price for the month of July 1967, the basic formula price shall not be less than $4.05."

Proposal No. 2. Amend § 1013.51(a) to read as follows:

§ 1013.51 Class price.

* * * * *

(a) *Class I Price.* Subject to the provisions of subparagraphs (1) and (2) of this paragraph, the Class I price for the months of July 1967 through June 1968 shall be the basic formula price for the preceding month plus $3.20.

(1) Adjust the price computed in accordance with this paragraph (a) to reflect supply-demand conditions, by the following procedure:

(i) From the percentage representing the ratio of producer receipts to gross Class I disposition during each of the three months ended with the second preceding month, as reported by the market administrator, for Southeastern Florida, Tampa Bay, and Upper Florida, respectively, subtract the seasonal adjustment factors listed below:

Month	Seasonal adjustment factor
January	−1.8
February	−5.4
March	−1.7
April	1.8
May	6.3
June	10.2
July	4.6
August	.4
September	−5.5
October	−3.6
November	−2.5
December	−2.4

(ii) Compute a simple average of the adjusted supply-demand ratios for each of the three markets for the 3 months ended with the second preceding month.

(iii) Combine the 3-month average ratios determined in accordance with subdivision (ii) of this subparagraph into a weighted average for the three markets, giving the ratio for Southeastern Florida a weight of two and the ratios for Tampa Bay and Upper Florida each a weight of one. The result is the supply-demand adjustment ratio for the month.

(iv) In accordance with the supply-demand adjustment schedule given below, determine the amount of adjustment to be applied to the Class I formula price as computed under this paragraph.

SUPPLY-DEMAND ADJUSTMENT SCHEDULE

Supply-demand adjustment ratio	Class I price adjustment (cents)
Less than 106.5	Plus 30.
106.5–110.4	Plus 20.
110.5–112.4	Plus 10.
112.5–115.4	None.
115.5–117.4	Minus 10.
117.5–119.4	Minus 20.
119.5 and over	Minus 30.

(2) The price calculated by adding or subtracting the amount determined in accordance with subparagraph (1) of this paragraph, shall be further adjusted, whenever necessary, to conform to the following restrictions:

(i) The prices for April, May, and June shall not be higher than the average of the prices effective for the preceding months of January, February, and March.

(ii) The prices for August, September, October, and November shall not be lower than the average of the prices effective for the preceding months of May, June, and July.

* * * * *

Proposal No. 3. Amend § 1013.41(c)(5) to read as follows:

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1013.16) but not in excess of:

(i) 2 percent of producer milk purchased on the basis of farm weights;

(ii) Plus 1.5 percent of producer milk purchased on other than farm weights including producer milk received from a handler pursuant to § 1013.13(d): *Provided,* That if the handler receiving milk from a handler pursuant to § 1013.13(d) files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler; and

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

Proposal No. 4. Amend § 1013.44(c)(1) to read as follows:

(1) The transferring or diverting handler claims classification in Class II, Class III, or Class IV in his report submitted to the market adminstrator pursuant to § 1013.30.

Proposal No. 5. Amend § 1013.44(c)(3)(iv) to read as follows:

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified, to the extent available, as Class IV milk, then Class III milk, and any remainder as Class II milk.

Proposal No. 6. Amend § 1012.50 by deleting the last sentence and substituting the following:

For the purpose of computing the Class I price for July 1967 the basic formula price shall not be less than $4.05.

Proposal No. 7. Amend § 1012.51(a) to read as follows:

§ 1012.51 Class prices.

* * * * *

(a) *Class I Price.* Subject to the provisions of subparagraphs (1) and (2) of this paragraph, the Class I price for the months of July 1967 through June 1968 shall be the basic formula price plus $3.

(1) Adjust the price computed in accordance with this paragraph (a) to reflect supply-demand conditions, by the following procedure:

(i) From the percentage representing the ratio of producer receipts to gross Class I disposition during each of the 3 months ended with the second preceding

month, as reported by the market administrator, for Southeastern Florida, Tampa Bay and Upper Florida, respectively, subtract the seasonal adjustment factors listed below:

Month	Seasonal adjustment factors
January	−1.8
February	−5.4
March	−1.7
April	1.8
May	6.3
June	10.2
July	4.8
August	.4
September	−5.5
October	−3.8
November	−2.5
December	−2.4

(ii) Compute a simple average of the adjusted supply-demand ratios for each of the three markets for the 3 months ended with the second preceding month.

(iii) Combine the 3-month average ratios determined in accordance with subdivision (ii) of this subparagraph into a weighted average for the three markets, giving the ratio for Tampa Bay a weight of two and the ratios for Southeastern Florida and Upper Florida each a weight of one. The result is the supply-demand adjustment ratio for the month.

(iv) In accordance with the supply-demand adjustment schedule given below, determine the amount of adjustment to be applied to the Class I formula price as computed under this paragraph (a).

SUPPLY-DEMAND ADJUSTMENT SCHEDULE

Supply-demand adjustment ratio	Class I price Adjustment (cents)
Less than 106.5	Plus 30.
106.5–110.4	Plus 20.
110.5–112.4	Plus 10.
112.5–115.4	None.
115.5–117.4	Minus 10.
117.5–119.4	Minus 20.
119.5 and over	Minus 30.

(2) The price calculated by adding or subtracting the amount determined in accordance with subparagraph (1) of this paragraph, shall be further adjusted, whenever necessary, to conform to the following restrictions:

(i) The prices for April, May, and June shall not be higher than the average of the prices effective for the preceding months of January, February, and March.

(ii) The prices for August, September, October, and November shall not be lower than the average of the prices effective for the preceding months of May, June, and July.

Proposal No. 8. Amend § 1012.41(c)(5) to read as follows:

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1012.16) but not in excess of:

(i) 2 percent of producer milk purchased on the basis of farm weights;

(ii) Plus 1.5 percent of producer milk purchased on other than farm weights including producer milk received from a handler pursuant to § 1012.13(d): *Provided*, That if the handler receiving milk from a handler pursuant to § 1012.13(d) files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II and Class III utilization was requested by the handler; and

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 9. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, John D. Nord, Post Office Box 4886, Room 113, Professional Building, Sunrise Center, Fort Lauderdale, Fla. 33304; or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on March 15, 1967.

CLARENCE H. GIRARD,
Deputy Administrator
Regulatory Programs.

[F.R. Doc. 67-3048; Filed, Mar. 20, 1967; 8:47 a.m.]

[7 CFR Part 1201]

HANDLING OF TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Expenses and Fixing of Rate of Assessment for 1967–68

Consideration is being given to the following proposals submitted by the Control Committee, established under the amended marketing agreement and Amended Order No. 195 (7 CFR Part 1201), regulating the handling of type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) Expenses in the amount of $8,500 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1968.

(b) The following rate of assessment which each handler who first handles tobacco shall pay, in accordance with the applicable provisions of the said amended marketing agreement and amended order, is hereby fixed as such handler's pro rata share of the aforesaid expenses: $1.25 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1968.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business.

Done at Washington, D.C., this 9th day of March 1967.

STEPHEN E. WRATHER,
Director, Tobacco Division,
Consumer and Marketing Service.

[F.R. Doc. 67-3049; Filed, Mar. 20, 1967; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 8035]

AIRWORTHINESS DIRECTIVES

Rolls-Royce Spey Model 506–14 Engines

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Rolls-Royce Spey Model 506–14 engines. There have been instances of failure of the C.A.S.C. 105 Lucas fuel flow control due to wear of the splines on the input drive assembly. Since this condition is likely to exist or develop in other engines of the same design, the proposed AD would require inspections of the input drive assembly at intervals not to exceed 800 hours' time in service and, if an inspection discloses wear, the incorporation of Rolls-Royce Modification 3258.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before April 20, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

ROLLS ROYCE. Applies to Spey Model 506–14 engines.

Compliance required as indicated, unless already accomplished.

To prevent failure of the C.A.S.C. 105 Lucas fuel flow control installed on Spey Model 506–14 engines due to wear of the splines on the input drive assembly, accomplish the following:

(a) For fuel flow controls with 700 or more hours' total time in service on the effective date of this AD and that have not been overhauled, comply with paragraph (e) within the next 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 800 hours' time in service from the last inspection.

(b) For fuel flow controls with less than 700 hours' total time in service on the effective date of this AD and that have not been overhauled, comply with paragraph (e) before the accumulation of 800 hours' total time in service, and thereafter at intervals not to exceed 800 hours' time in service from the last inspection.

(c) For fuel flow controls that have been overhauled and that on the effective date of this AD, have 700 or more hours' time in service since overhaul, comply with paragraph (e) within the next 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 800 hours' time in service from the last inspection.

(d) For fuel flow controls that have been overhauled and that on the effective date of this AD have less than 700 hours' time in service since overhaul, comply with paragraph (e) before the accumulation of 800 hours' time in service since overhaul, and thereafter at intervals not to exceed 800 hours' time in service from the last inspection.

(e) Inspect the input drive assembly, in accordance with Rolls-Royce Service Bulletin Number SP 73–A109 dated February 2, 1967, or later ARB-approved issue. If wear is found, incorporate Rolls-Royce Modification 3258 before further flight.

(f) The repetitive inspection required by paragraphs (a) through (d) may be discontinued upon incorporation of Modification 3258.

Issued in Washington, D.C., on March 14, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-3025; Filed, Mar. 20, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-17]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-210 from Carrolltown, Pa., via the intersection of Carrolltown 091° True (097° Mag.) and Harrisburg, Pa., 292° True (300° Mag.) radials, to Harrisburg. This segment of V-210 is presently designated from Carrolltown via the intersection of Carrolltown 114° True and Harrisburg 274° True radials to Harrisburg.

This action would provide lateral separation from V-12 west of Harrisburg for westbound departures from Harrisburg-York State Airport and Olmsted Air Force Base.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communication should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This action is proposed in accordance with section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 14, 1967.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 67-3032; Filed, Mar. 20, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-5]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a west alternate to VOR Federal airway No. 187.

On June 22, 1967, a VOR will be commissioned in the vicinity of Cody, Wyo., at approximately latitude 44°37'15" N., longitude 108°57'53" W. It is proposed to designate a W alternate to V-187 from Boysen Reservoir, Wyo., 9 miles, 1,200 feet AGL, 56 miles, 9,100 feet MSL, 1,200 feet AGL via Cody, 1,200 feet AGL to Billings, Mont. The airspace between the main and this W alternate would be excluded.

Designation of the proposed W alternate airway would provide controlled airspace within which air traffic control service can be provided to scheduled air carrier aircraft operating between Boysen Reservoir, Cody, and Billings. The 1,200 feet AGL floors are required for climb from the surface to minimum en route altitudes and for aeronautical chart legibility.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments at they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 14, 1967.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 67-3033; Filed, Mar. 20, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-SW-57]

CONTROL ZONE

Withdrawal of Notice of Proposed Rule Making

On January 19, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 615) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Houston, Tex., terminal area.

Subsequent to the publication of the notice, an analysis was made of the two instrument approach procedures which prompted the proposed alteration of controlled airspace, i.e., AL-198-VOR/DME-2, and AL-198-VOR/DME-3. It was found that by specifying a minimum crossing altitude over the final approach fix in these two instrument approach procedures, the proposed control zone extensions would be unnecessary. This action was taken accordingly to eliminate the need for additional controlled airspace.

In consideration of the foregoing, Airspace Docket No. 66-SW-57 and the proposal set forth therein are hereby withdrawn.

This withdrawal of notice of proposed rule making is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on March 9, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-3030; Filed, Mar. 20, 1967; 8:45 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 67-EA-11]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Agency (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations which would establish a restricted area near Cedar Point, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Navy has submitted a request for the designation of restricted airspace at Cedar Point, Ohio, to contain bombing and rocket firing exercises. These exercises are conducted by naval aircraft out of the U.S. Naval Air Station Grosse Ile, Mich., in maintaining combat readiness. These Navy activities are now conducted in Restricted Area R-5502 Lacarne, Ohio. R-5502 is an Army restricted area and at the request of the Army this area is being reduced in size. The modified R-5502 will no longer meet Navy requirements. A portion of the proposed Navy restricted area is in airspace previously included in R-5502. The FAA has determined that the requested airspace would not interfere with any airways.

If this proposal is adopted, the following would be added to Part 73 of the Federal Aviation Regulations.

R-5505 CEDAR POINT, OHIO

Boundaries: A circle with a 5-nautical-mile radius centered at latitude 41°46'40" N., longitude 83°13'00" W.

Designated altitudes: Surface to 3,000 feet.

Time of designation: Saturdays and Sundays, May through November, sunrise to sunset; other dates and times during these months by NOTAM 48 hours in advance.

Controlling agency: Federal Aviation Agency, Toledo CS/T.

Using agency: Commanding Officer, U.S. Naval Air Station, Grosse Ile, Mich.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 13, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-3034; Filed, Mar. 20, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 206]

[Reg. F]

SECURITIES OF MEMBER STATE BANKS

Proposed Form for Registration of Certain Securities

The Board of Governors is considering the adoption of a new form F-10 [1] for use by a member State bank in registering additional classes of securities under the Securities Exchange Act of 1934. The proposed form would be used either (a) for registration pursuant to section 12(g) of the Act of any class of securities of a bank which has one or more other classes of securities registered pursuant to either section 12 (b) or (g) of the Act, or (b) for registration on a national securities exchange pursuant to section 12(b) of the Act of any class of securities of a bank which has one or more other classes of securities so registered on the same securities exchange. Since in these situations information concerning the member State banks is already publicly available, the proposed registration form would require less information than would be required to be contained in an original registration statement filed on Federal Reserve Form F-1.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and section 1(b) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.1(b)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than 15 days from publication of this notice in the FEDERAL REGISTER.

Dated at Washington, D.C., this 14th day of March 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-3036; Filed, Mar. 20, 1967; 8:46 a.m.]

[1] Filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[I-841]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MARCH 14, 1967.

Notice of an application Serial No. I-841, for withdrawal and reservation of lands was published as F.R. Doc. No. 67-1770 on page 2979 of the issue for February 16, 1967. The Bureau of Reclamation has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2311, such lands will be at 10 a.m., on March 29, 1967, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 11 S., R. 16 E.,
Sec. 22, NE¼SW¼, NW¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼, SE¼SE¼.
T. 12 S., R. 17 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 7, lots 3, 4, E½SW¼, SW¼SE¼;
Sec. 9, SW¼SW¼;
Sec. 10, S½N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 12, NW¼NW¼;
Sec. 15, NW¼NE¼, N½NW¼.
T. 12 S., R. 18 E.,
Sec. 6, E½SW¼, N½SE¼, SW¼SE¼.
T. 11 S., R. 19 E.,
Sec. 6, SW¼SE¼.

The areas described aggregate 1,787.72 acres.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 67-3038; Filed, Mar. 20, 1967; 8:46 a.m.]

[I-833]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 14, 1967.

The Department of Agriculture has filed an application, Serial Number I-833, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes for five administrative sites, eight recreation sites, a seed orchard, one historical trail and three historical trail sites in the Payette and Salmon National Forests.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicants, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

PAYETTE NATIONAL FOREST

Cougar Basin Recreation Area

T. 14 N., R. 2 E.,
Sec. 5, S½SW¼NE¼SW¼, NW¼SE¼SW¼, and N½SW¼SE¼SW¼.
Totaling 20 acres.

Boulder Creek Seed Orchard

T. 21 N., R. 1 E.,
Sec. 17, S½SW¼SW¼NE¼, E½SE¼SE¼NW¼, E½NE¼SW¼, S½NW¼NE¼SW¼, SW¼NE¼SW¼, NW¼NW¼SE¼, and N½SW¼NW¼SE¼.
Totaling 60 acres.

Nelson Point Lookout Administrative Site

T. 23 N., R. 7 E., unsurveyed,
Sec. 10, SW¼NE¼, more particularly described as beginning at a point which is N. 56° E., 3.5 chains from northeast corner of the lookout tower; thence S., 6 chains; thence W., 8 chains; thence N., 6 chains; thence E. 8 chains to the point of beginning.
Totaling 4.8 acres.

Pilot Peak Lookout Administrative Site

T. 21 N., R. 8 E., unsurveyed,
Sec. 7, NE¼SE¼, more particularly described as beginning at a point which is N. 67° W., 3.62 chains from the northwest corner of the lookout tower; thence E., 8 chains; thence S., 6 chains; thence W., 8 chains; thence N., 6 chains to the point of beginning.
Totaling 4.8 acres.

Hays Station Administrative Site

T. 22 N., R. 7 E., unsurveyed,
Sec. 26, SW¼NW¼, more particularly described as beginning at a point where the Hettinger Ranch Road crosses China Creek; thence E. 9.5 chains; thence S., 17 chains; thence W., 23 chains; thence N., 17 chains; thence E., 13.5 chains to the place of beginning.
Totaling 39.1 acres.

War Eagle Lookout Administrative Site

T. 23 N., R. 5 E.,
Sec. 24, N½NE¼SW¼NW¼.
Totaling 5 acres.

Pine Flat Recreation Area

T. 24 N., R. 4 E.,
Sec. 9, SW¼SE¼NW¼, located at the mouth of a small unnamed creek which enters the south side of Salmon River about one-half mile upstream from Fall Creek, more particularly described as: Beginning where the unnamed creek enters Salmon River; thence southerly along the high water line 330 feet; thence E. 495 feet; thence N. approximately 495 feet to the south bank of Salmon River; thence southwesterly along the high water line of the river approximately 462 feet to the point of beginning.
Totaling 4.2 acres, more or less.

SALMON NATIONAL FOREST

Twelve Mile Creek Recreation Area

T. 20 N., R. 22 E.,
Sec. 31, S½ of lot 6.
T. 19 N., R. 22 E.,
Sec. 6, N½ of lot 1 and N½ of lot 2.
Totaling 40.73 acres.

Sheephorn Lookout Administrative Site

T. 18 N., R. 20 E.,
Sec. 15, SE¼SW¼SW¼ and SW¼SE¼SW¼.
Totaling 20 acres.

Wallace Lake Recreation Area

T. 22 N., R. 21 E.,
Sec. 8, E½SE¼SW¼ and W½SW¼SE¼.
Totaling 40 acres.

Lake Creek Recreation Area

T. 20 N., R. 21 E.,
Sec. 33, NW¼SW¼.
Totaling 40 acres.

U.P. Lake Recreation Area

T. 22 N., R. 21 E.,
Sec. 17, W½ of lot 6.
Totaling 21.69 acres, more or less.

Horse Creek Hot Springs Recreation Area

T. 25 N., R. 17 E., unsurveyed, which will probably be when surveyed:
Sec. 3, NW¼ more particularly described as:

Beginning at a Forest Service Monument, being a brass cap 3 inches in diameter marked U.S. Department of Agriculture, Forest Service, H–1, 1965, set in a granite boulder 5' x 11' x 3½' above ground, said point bearing S. 65° E., 41.7 feet from a 12-inch d.b.h. lodgepole pine blazed and scribed W on SE face H1, brass cap bearing N. 28 E., 160 feet from point where Hot Springs enter Horse Creek; thence N. 49° E., 1,157.6 feet along the slope crossing the Horse Creek Road at 562.8 feet; thence S. 49° E., 550.8 feet parallel to Horse Creek crossing mouth of small stream entering Horse Creek at 51 feet; thence S. 69° E., 412.2 feet along stream; thence S. 21° W., 310.8 feet across stream and up steep slope to ridgetop crossing Horse Creek at 28 feet; thence S. 85° W., 695.2 feet down small ridge to flat, crossing small stream at 521.5 feet; thence S. 49° W., 705.8 feet along toe of slope to spruce bog; thence S. 80° W., 477 feet across spruce bog to wet meadow; thence N. 3° W., 317 feet across wet meadow crossing Horse Creek at 221 feet to large rock outcrop crossing road at 300 feet; thence N. 58° E., 133 feet to point of beginning.

Totaling approximately 23.8 acres.

Spring Creek Recreation Area

T. 24 N., R. 19 E., unsurveyed, which probably will be when surveyed:
Sec. 20, NE¼, more particularly described as:

Beginning at a point being corner No. 1 of HES No. 280, an iron pipe 2 inches in diameter set in the ground and in a pile of rock, said point bearing S. 57° E., 265 feet from a brass cap 3" in diameter marked U.S. S1 with BR in center and dated 1965, set in a granite rock outcrop 7' x 11' x 10' above ground (lower face) on north side of Salmon River Road; thence S. 15° E., 300.5 feet across wet meadow, crossing slough at 200 feet, to north bank of Salmon River; thence N. 89° E., 203.7 feet along north bank of Salmon River; thence N. 68° E., 276.75 feet; thence N. 70° E., 474.7 feet; thence N. 21° E., 362.3 feet along edge of pine trees and willows; thence N. 41° W., 264 feet across flat to shoulder of the Salmon River Road; thence S. 39° W., 304 feet along edge of road; thence S. 46° W., 402.2 feet along road edge; thence S. 81° W., 199 feet; thence S. 83° W., 286.5 feet to point of beginning.

Totaling approximately 7.9 acres.

Lewis and Clark Historical Trail

T. 19 N., R. 25 E.,
Sec. 9, NW¼SW¼NW¼ and S½SW¼NW¼;
Sec. 10, S½SW¼SE¼;
Sec. 14, S½ of lot 2, Lots 3 and 8, NW¼SW¼NE¼, S½SW¼NE¼, N½SW¼NW¼, N½SE¼NW¼, N½NW¼SE¼;
Sec. 15, N½NW¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, N½SE¼NE¼, NE¼NE¼NW¼.
Totaling 284.95 acres.

Chief Joseph Historical Trail Sites

Area No. 1

T. 17 N., R. 27 E.,
Sec. 8, Lot 4.
Totaling 43.51 acres.

Area No. 2

T. 16 N., R. 27 E.,
Sec. 5, SW¼SW¼SW¼;
Sec. 6, SE¼SE¼SE¼;
Sec. 7, E½NE¼NE¼, NE¼SE¼NE¼;
Sec. 8, W½NW¼NW¼.
Totaling 70 acres.

Area No. 3

T. 14 N., R. 26 E.,
Sec. 22, S½SW¼SW¼.
Totaling 20 acres.

The areas described aggregate 750.48 acres, more or less, in Adams, Idaho, Lemhi, and Valley Counties, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 67–3039; Filed, Mar. 20, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

AGREEMENT WITH MOHAIR COUNCIL OF AMERICA, INC.

Determination of Producers' Approval in Referendum

Pursuant to section 708 of the National Wool Act of 1954, as amended (68 Stat. 912; 7 U.S.C. 1787), a referendum was held among producers of mohair in the United States to determine whether they approved a proposed agreement by the Secretary of Agriculture with the Mohair Council of America, Inc., for developing and conducting mohair advertising and sales promotion programs and for deductions from payments to such producers to be made pursuant to the Act for the marketing years 1966, 1967, 1968, and 1969. Notice of the referendum (32 F.R. 152) published January 7, 1967, included the text of the proposed agreement.

In the referendum held pursuant to the notice, 80.3 percent of the voting producers who were engaged in the production of mohair for market (i.e., anyone who owned Angora goats, 6 months of age or older, located in the United States, continuously during a single period of at least 30 days during the calendar year 1966) voted in favor of the agreement, and the producers voting in favor owned 78.9 percent of the Angora goats owned by all the voting producers. The 1966 calendar year is a representative period of production.

Accordingly, I hereby determine that the agreement has the approval of the number of producers required by the National Wool Act of 1954 since, in the referendum, more than two-thirds of the total number of producers, and producers of more than two-thirds of the total volume of production, represented in the referendum, indicated approval of the agreement.

I have this day signed the agreement and it became effective upon my signature.

(Sec. 708, 68 Stat. 912; 7 U.S.C. 1787)

Signed at Washington, D.C., on March 15, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67–3047; Filed, Mar. 20, 1967; 8:47 a.m.]

Consumer and Marketing Service

[Docket No. AO 362]

FROZEN CONCENTRATED ORANGE JUICE IN FLORIDA

Determination Relative to Proposed Marketing Agreement

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Lakeland, Fla., on December 19–20, 1966, after notice thereof published in the FEDERAL REGISTER (31 F.R. 15594) upon a proposed marketing agreement regulating the handling of frozen concentrated orange juice in Florida. The decision of the Assistant Secretary setting forth the proposed marketing agreement was published in the FEDERAL REGISTER on January 20, 1967 (32 F.R. 680); and handlers were afforded opportunity to enter into this agreement.

It is hereby determined that the issuance of the proposed marketing agreement regulating the handling of frozen concentrated orange juice in Florida has not been executed by handlers of the requisite quantity of concentrate produced in Florida during the 1965–66 season.

It is hereby further determined that the proposed marketing agreement as set forth in the Assistant Secretary's decision of January 16, 1967 (32 F.R. 680), will not be entered into.

Done at Washington, D.C., this 16th day of March 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67–3076; Filed, Mar. 20, 1967; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of the Mint

ASSISTANT DIRECTOR ET AL.

Order of Succession of Persons To Act as Director

MARCH 9, 1967.

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, it is hereby ordered that the following officers in the Bureau of the Mint, in the order of succession listed, shall act as Director during the absence or disability of that officer:

Assistant Director.
Management Analysis Officer.
Chief Accountant.
Chief, Coin Management, and Public Relations.
Technical Consultant.
Superintendent, Philadelphia Mint.

In the event of an enemy attack on the continental United States and in the absence of the Director of the Mint, the senior officer present at the site at which the Director's operations are performed, in descending order in the following line of succession, shall act as Director.

Assistant Director.
Management Analysis Officer.
Chief Accountant.
Chief, Coin Management, and Public Relations.
Technical Consultant.
Superintendent, Philadelphia Mint.

In the event of an enemy attack on the continental United States and in the occurrence of a vacancy in the office of the Director of the Mint, the Director's functions shall be deemed to have been transferred, pursuant to the above-mentioned Treasury Department Order, to the senior officer present at the site at which the Director's operations are performed, in the descending order in the line of succession listed in paragraph 2 above.

This order of succession modifies all previous delegations.

[SEAL] EVA ADAMS,
Director of the Mint.

[F.R. Doc. 67–3072; Filed, Mar. 20, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

TRUCK INVENTORY AND USE SURVEY

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct a Truck Inventory and Use Survey in advance of the 1967 Census of Transportation. A similar survey was conducted in advance of the 1963 Census of Transportation. Authority for the Survey is contained in Title 13, U.S.C. 131, 181, 224, and 225, as amended.

The Survey will be based on a sample of about 100,000 trucks drawn on a probability basis from State truck license registrations. The information will be obtained by mail questionnaire to owners of the trucks drawn in the sample.

Data will be obtained on the inventory and use of private and for-hire trucks, such as on the number of trucks by body type, number of axles, type of fuel, area of use, major occupational use, annual vehicle miles, driver man-hours per week, and size of operating fleet, as of a specified inventory date. The inventory date for each State will be either April 1 or July 1, depending on reregistration requirements. On the basis of information and recommendations received by the Bureau of the Census, these data will have significant application to the needs of the public and governmental agencies and are not publicly available from other governmental or nongovernmental sources.

Information from the Survey will help to implement a comprehensive public policy on transportation, fill voids in data on highway freight vehicles and their use, and provide data for an inventory of transportation resources needed for preparedness in event of a civil defense emergency. Copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

The Survey, if conducted, shall begin not earlier than 30 days after the date of this publication in the FEDERAL REGISTER.

Any suggestions or recommendations concerning the subject matter of the Survey submitted in writing to the Director within 30 days after this publication will receive consideration.

Dated: March 10, 1967.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 67–3021; Filed, Mar. 20, 1967; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, REGION III (ATLANTA)

Designation

The officers appointed to the following listed positions in Region III (Atlanta) are hereby designated to serve as Acting Assistant Regional Administrator for Metropolitan Development, Region III, during the absence of the Assistant Regional Administrator for Metropolitan Development, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Metropolitan Development: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Metropolitan Development unless all other officers whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Assistant Regional Administrator.
2. Director, Program Field Service Division.
3. Chief, Finance Branch.
4. Chief, Engineering Branch.

(Authority delegated effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 21st day of March 1967.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 67–3067; Filed, Mar. 20, 1967; 8:49 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Housing Assistance, Region VI (San Francisco), during the absence of the Assistant Regional Administrator for Housing Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Housing Assistance, provided that no officer is authorized to serve as Acting Assistant Regional Administrator for Housing Assistance unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Housing Assistance.
2. Director, Housing Management Division.
3. Director, Housing Development Division.

Effective as of the 25th day of January 1967.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 67–3068; Filed, Mar. 20, 1967; 8:49 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Renewal Assistance, Region VI (San Francisco), during the absence of the Assistant Regional Administrator for Renewal Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Renewal Assistance: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Renewal Assistance unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Renewal Assistance.
2. Director, Field Service Division.
3. Chief, Project Planning and Engineering Branch.

The designation effective August 23, 1962 (27 F.R. 8466, Aug. 23, 1962), is hereby revoked.

Effective as of the 25th day of January 1967.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 67–3069; Filed, Mar. 20, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order E–24855]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of March 1967.

Agreement adopted by Joint Conferences 1–2, 3–1, and 1–2–3 of the International Air Transport Association relating to specific commodity rates; Docket 16236, Agreement CAB 19276, R–11 through R–16.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1–2, 3–1, and 1–2–3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated February 17, and March 1, 1967,[1a] as set forth in the attachment hereto,[1b] (1) names rates under new commodity descriptions, and (2) names additional rates under existing commodity descriptions. Additionally, the agreement amends the description for Commodity Item 1208, applicable via the North Atlantic, to read: "Hides and Skins N.E.S.—Excluding Furs, Astrakhan and Pelts".[2] The new rates reflect reductions ranging from 10.1 to 74.5 percent and are consistent with the present level of specific commodity rates within the applicable areas.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act: *Provided*, That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement CAB 19276, R–11 through R–16, be approved provided approval shall not constitute approval of the specific commodity description contained there for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67–3053; Filed, Mar. 20, 1967; 8:47 a.m.]

[1a] Received in the Board Feb. 20, and Mar. 3, 1967, respectively.

[1b] Attachment filed as part of original document.

[2] R–16.

[Docket No. 18248]

LINEA AEREA NACIONAL—CHILE (LAN)

Notice of Prehearing Conference

Application for amendment of foreign air carrier permit to designate Jamaica, West Indies as an intermediate point on the following route: "Between a point or points in Chile, the intermediate points Lima, Peru, Guayaquil, Ecuador, and Panama City, Panama, and the coterminal points Miami, Fla., and New York, N.Y."

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 29, 1967, at 10 a.m., e.s.t., in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., March 15, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67–3054; Filed, Mar. 20, 1967; 8:47 a.m.]

[Docket No. 17622]

AIRLIFT INTERNATIONAL, INC., AND SLICK CORP.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 11, 1967, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

In order to facilitate the conduct of the conference, interested parties are instructed to submit on or before April 5, 1967, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., March 16, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67–3077; Filed, Mar. 20, 1967; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17231–17233; FCC 67M–437]

ASSOCIATED TELEPHONE ANSWERING SERVICE AND LIBERTY COMMUNICATIONS, INC.

Order Scheduling Hearing

In re applications of John R. Hagan, doing business as Associated Telephone Answering Service, Docket No. 17231, File No. 4885–C2–P–65; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Bridgeport, Conn.; Liberty Communications, Inc., for renewal of licenses for Stations KCC485 and KCC796 in the Domestic Public Land Mobile Radio Service at Trumbull and Devon, Conn.; Docket No. 17232, File No. 2979–C2–R–66, File No. 1065–C2–R–66; for a construction permit to modify the facilities of Station KCC485 in the Domestic Public Land Mobile Radio Service at Trumbull, Conn., Docket No. 17233, File No. 6893–C2–P–65.

It is ordered, This 7th day of March 1967 that Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 15, 1967, at 10 a.m.; and that a prehearing conference shall be held on April 4, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: March 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–3058; Filed, Mar. 20, 1967; 8:48 a.m.]

[Docket Nos. 17234–17241; FCC 67M–434]

CATV OF ROCKFORD, INC., ET AL.

Order Scheduling Hearing

In re petitions by CATV of Rockford, Inc., Rockford, Ill., Docket No. 17234, File Nos. CATV 100–23, 100–39; Rockford Community Television, Inc., Loves Park, Ill., Docket No. 17235, File No. CATV 100–68; TV Cable Company of Stephenson County, Freeport, Ill., Docket No. 17236, File No. CATV 100–105; Beloit Community Television Services, Inc., Beloit, Wis., Docket No. 17237, File No. CATV 100–92; Television Wisconsin, Inc., Whitewater, Wis., Docket No. 17238, File No. CATV 100–26; Whitewater Cable Corp., Whitewater, Wis., Docket No. 17239, File No. CATV 100–37; Jefferson Cable Corp., Jefferson, Wis., Docket No. 17240, File No. CATV 100–51; Total TV, Inc., Janesville, Wis., Docket No. 17241, File No. CATV 100–13; for authority pursuant to § 74.1107 to serve and operate CATV systems in the Milwaukee, Wis., Market (24), Madison, Wis., Market (80), and Rockford, Ill., Market (99).

It is ordered, This 7th day of March 1967, that Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 24, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 28, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: March 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–3059; Filed, Mar. 20, 1967; 8:48 a.m.]

[Docket Nos. 16589, 16848; FCC 67M–431]

COLUMBIA BROADCASTING SYSTEM, INC. (WCAU) AND PLAINS BROADCASTING CO. (KGYN)

Order Continuing Hearing

In re applications Columbia Broadcasting System, Inc. (WCAU), Philadelphia, Pa., Docket No. 16589, File No. BP–15446; The Plains Broadcasting Co. (KGYN), Guymon, Okla., Docket No. 16848, File No. BP–17192; for construction permits.

It is ordered, This 15th day of March 1967, that the consent motion for extension of time filed by counsel for Columbia Broadcasting System, Inc. (WCAU) on March 15, 1967, is granted, and (a) the time for the preliminary exchange of applicants' exhibits is extended from March 15, to March 31, 1967, and (b) the hearing is rescheduled from March 27, to April 12, 1967, at 10 a.m.

Released: March 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–3060; Filed, Mar. 20, 1967; 8:48 a.m.]

[Docket Nos. 17200–17208; FCC 67M–444]

FETZER CABLE VISION ET AL.

Order Continuing Hearing

In re petitions by Fetzer Cable Vision, Kalamazoo, Mich., Docket No. 17200, File No. CATV 100–12; Booth American Co., North Muskegon, Muskegon, Muskegon Township, Muskegon Heights, Norton Township, and Roosevelt Park, Mich., Docket No. 17201, File No. CATV 100–45; Allegan Tele-Ception, Inc., Allegan, Mich., Docket No. 17202, File No. CATV 100–116; for authority pursuant to § 74.–1107 of the rules to operate CATV systems in the Gand Rapids-Kalamazoo Market (ARB–36); and in re petitions by Jackson TV Cable Co., Jackson and Blackman Township, Mich., Docket No. 17203, File No. CATV 100–83; Coldwater Cablevision Inc., Coldwater, Mich., Docket No. 17204, File No. CATV 100–111; Calhoun Telephone Cable Television Co., Homer, Mich., Docket No. 17205, File No. CATV 100–126; Gross Telecasting, Inc., Lansing, Mich., Docket No. 17206, File No. CATV 100–131; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Lansing Television Market (ARB–48); and in re petitions by Triad Cablevision, Inc., Albion, Marshall, Battle Creek, Battle Creek Township, Emmett Township, Bedford Township, Pennfield Township, and Springfield, Mich., Docket No. 17207, File No. CATV 100–14; Wolverine Cable Vision, Inc., Albion, Marshall, Battle Creek, Battle Creek Township, and Springfield Mich., Docket No. 17208, File No. CATV 100–49; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Grand Rapids-Kalamazoo and Lansing Television Markets.

Pursuant to a hearing conference as of this date: *It is ordered*, This 15th day of March 1967, that the hearing herein now scheduled for April 25, 1967, be and the same is continued without date: *And, it is further ordered*, That there will be a further hearing conference on April 25, 1967, 9 a.m., in the Commission's offices, Washington, D.C.

Released: March 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–3061; Filed, Mar. 20, 1967; 8:48 a.m.]

[Docket Nos. 17070–17072; FCC 67R–90]

KLRA, INC. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of KLRA, Inc., Little Rock, Ark., Docket No. 17070, File No. BPH–4707; KAAY, Inc., Little Rock, Ark., Docket No. 17071, File No. BPH–5250; The Valley Corp., Little Rock, Ark., Docket No. 17072, File No. BPH–5403; for construction permits.

1. Each of the above listed applicants seeks authority to construct a new FM station utilizing 98.5 mc/s, Ch. 253, at Little Rock, Ark. KLRA, Inc. (KLRA), and KAAY, Inc. (KAAY), are each the licensee of a standard broadcast station in Little Rock, and The Valley Corp. (Valley) is the licensee of KMAG FM at Forth Smith, Ark. The above described mutually exclusive applications were designated for hearing by Commission Order, FCC 66–1193, on a financial qualifications issue as to Valley and a standard comparative issue. KAAY, Inc. (KAAY), has now petitioned the Board to add a staffing and financial issues as to KLRA and a 1 mv/m overlap issue as to Valley.[1]

2. To support its request for the added issues as to KLRA, KAAY points out that the original KLRA FM proposal would be 100 percent duplication of the standard broadcast station programing. KLRA subsequently amended its application to indicate that only 40 percent of its FM programing would duplicate the AM programing. KAAY contends that there is uncertainty whether the seven employees listed in response to question 31 of section IV A of the application, as amended, were for the FM station or the combined AM-FM operation. Furthermore, KAAY points out that the balance sheet relied upon by KLRA shows liquid assets of only $5,899 more than cash outlay for equipment the first year. This, KAAY argues, is not sufficient to pay the pre-air and installation cost plus the added first year's operational costs which will inevitably result from originating 76 hours of programing each week. KAAY therefore urges that issues concerning KLRA staffing proposal and its financial qualifications be included in the hearing.

3. The Board does not find any ambiguity or uncertainty as to KLRA's staffing proposal. KLRA noted in the amendment to its application that it would staff its proposed FM station with seven employees. This is quite clear to the Board.[2] The staffing issue will therefore be denied. There are however a number of uncertainties and ambiguities with respect to the KLRA financial proposal which warrant the inclusion of issues concerning that aspect of the proposal. The Balance Sheet relied upon by KLRA was not current as of the date the application was filed and it is now 4 years old. In these circumstances we cannot ascertain with sufficient certainty the current financial condition of KLRA.[3] Furthermore, KLRA made no estimate as to annual operating costs for its proposed FM station, stating "• • • since the service to be provided by applicant's new FM station will be a duplicated operation with KLRA". Nor did it include such an estimate at the time it amended its application to reflect its changed programing proposal. As amended the proposed station would originate 76 hours of programing each week. It is inevitable that such an operation will result in substantial costs. In view of these circumstances appropriate issues concerning KLRA's financial proposal will be included in this proceeding.

4. KAAY has also pointed out that Valley is the licensee of KMAG FM, Fort Smith, Ark., and that the 1 mv/m contour of Valley's proposed FM station at Little Rock would overlap the 1 mv/m contour of KMAG FM, Fort Smith. These allegations are supported by an engineering study attached to the KAAY petition. Since such overlap is prohibited by the Commission's rules (see § 73.240 (a)(1)), an issue concerning the overlap will be included.

It is ordered, This 15th day of March 1967, That the Petition for Addition of Issues, filed January 23, 1967, by KAAY, Inc., is granted to the extent indicated herein and denied in all other respects.

It is further ordered, That the issues in the above captioned proceeding are enlarged as follows:

(a) To determine as to the applicant, KLRA, Inc., the basis of (1) estimated construction costs and (2) estimated operating expenses for the first year of operation; and

(b) To determine whether KLRA, Inc., has available to it funds in the amount necessary to construct and operate the proposed station for a period of 1 year; and

(c) In the event that the applicant, KLRA, Inc., will depend upon operating revenues during the first year of opera-

[1] The following pleadings are before the Board for consideration: Petition for Addition of Issues, filed Jan. 23, 1967, by KAAY, Inc.; Broadcast Bureau's Comments on Petition to Enlarge Issues, filed Feb. 7, 1967.

[2] The Bureau in its comments states that KLRA's latest renewal application listed a staff of 14 for its AM operation.

[3] KLRA in a letter dated Sept. 27, 1965, stated: "Our audited financial statement at the close of business Dec. 31, 1964, shows we had $57,374.44 cash on hand. The application was not, however, amended to reflect KLRA's current financial data nor was the financial statement submitted.

tion to meet fixed costs and expenses, to determine the basis of such applicant's estimated revenues for the first year of operation.

(d) To determine whether, in light of the evidence adduced, the applicant, KLRA, Inc., has demonstrated a reasonable likelihood of construction and continued operation of its proposed station in the public interest.

(e) To determine the extent to which the 1 mv/m contour of The Valley Corp.'s proposed FM station at Little Rock will overlap the 1 mv/m contour of KMAG FM, Fort Smith, and in view of such determination, whether The Valley Corp. is technically qualified, with particular reference to § 73.240(a) (1) of the Commission's rules.

Released: March 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3062; Filed, Mar. 20, 1967; 8:48 a.m.]

[Docket 17243-17250; FCC 67-256]

KITTYHAWK BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Kittyhawk Broadcasting Corp., Kettering, Ohio, Docket No. 17243, File No. BP-16603; Requests: 1140 kc, 1 kw, DA-Day; The Gem City Broadcasting Co., Kettering, Ohio, Docket No. 17244, File No. BP-16677; Requests: 1140 kc, 5 kw 1 kw(CH), DA-2, Day; Western Ohio Broadcasting Service, Inc., Eaton, Ohio, Docket No. 17245, File No. BP-16816; Requests: 1130 kc, 250 w, DA, Day; Treaty City Radio, Inc., Greenville, Ohio, Docket No. 17246, File No. BP-16881; Requests: 1130, 250 w., DA, Day; James L. Schmalz, Phyliss Ann Schmalz, James I. Toy, Jr., and Thomas A. Gallmeyer doing business as Bloomington Broadcasting Co., Bloomington, Ind., Docket No. 17247, File No. BP-16876; Requests: 1130 kc, 1 kw, Day; Voice of the Ohio Valley, Inc., Louisville, Ky., Docket No. 17248, File No. BP-16878; Requests: 1130 kc, 10 kw, DA-Day; W. V. Ramsey and Lewis Young doing business as Shively Broadcasting Co., Shively, Ky., Docket No. 17249, File No. BP-16738; Requests: 1130 kc, 500 w, Day; Albert S. Tedesco (WWCM), Brazil, Ind., Docket No. 17250, File No. BP-16669; Has: 1380 kc, 500 w, DA-Day, Requests: 1130 kc, 500 w, Day; Cook, Inc., Ellettsville, Ind.; Requests: 1110 kc, 250 w, Day; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned applications; (b) a motion to dismiss the application of Cook, Inc., filed by Bloomington Broadcasting Co. (BP-16876) on October 4, 1965; and (c) pleadings in opposition and reply thereto.

[1] Board member Kessler absent.

2. In its motion to dismiss, Bloomington Broadcasting Co. requests dismissal of the proposal of Cook, Inc., on the grounds that its application was not timely filed pursuant to section 1.571(c) of the Commission's rules (the "cut-off" rule) and is thus not entitled to consolidation with the applications in this group. Bloomington points out that the lead application (Kittyhawk Broadcasting Corp., BP-16603) was listed on the Commission's public notice of July 8, 1965 (FCC 65-610). The notice stated that, in order to be considered with any listed application or with any other application conflicting with one on the list, an application had to be filed by the close of business on August 17, 1965. Prior to that date, there were no applications on file which would have conflicted, directly or indirectly, with the Cook proposal. However, on August 17, 1965, Bloomington filed its application and, because of an interlinking chain of interference, became joined in engineering conflict with Kittyhawk. For that reason, under the terms of the public notice of July 8, 1965, Bloomington's effective "cut-off" date became August 17, 1965, and no applications conflicting with Bloomington could be timely tendered after that date. On September 9, 1965, Cook tendered its application for filing. This proposal and that of Bloomington involve mutually destructive interference.

3. Cook, in opposing the motion to dismiss, states that preparation of its application began during the first week in August of 1965; that it was physically impossible to complete the application by August 17; that, until Bloomington filed, it had no reason to believe that it (Cook) would be bound by the August 17 "cut-off" date; and that since Bloomington did not file until August 17, it (Cook) did not receive adequate notice of the "cut-off" date. Cook cites Ridge Radio Corp. v. F.C.C., 110 U.S. App. D.C. 277 (1961) in support of its position. Alternatively, in the event of an adverse finding as to timeliness, Cook asserts that the above sequence constitutes good grounds for a waiver of the rule.

4. The Commission finds that Cook's reliance on Ridge Radio, supra, is misplaced. In that case the court found that the Commission's public notice "as phrased * * * was not fair warning * * *." Following Ridge Radio, however, the Commission reworded its notice in such a fashion as to afford specific warning to prospective applicants that they could be "cut-off" by the filing of unlisted applications which involved conflict with listed proposals.[1] However, even prior to Ridge Radio, supra, the Commission refused consolidation to late-filed applications which involved, through unlisted applications, indirect interlinking conflict with proposals appearing on "cut-off" lists.[2] The Commission's interpretation of the "cut-off" rule has remained constant since its inception. The only thing that has changed has been the wording of the public notices. For these reasons we believe that Cook knew or should have known that an intervening proposal filed on the last possible day could act to deny him consolidation. To illustrate: If proposals A and B conflict and A has a published "cut-off" date, a prospective applicant, D, knows or should know that he must be ready to file by A's "cut-off" date even though his proposal does not involve direct conflict with A or B because an unlisted applicant (C) might file—perhaps for tactical reasons—on the last day allowed. D knows that if C should file in this fashion and conflicts with either A or B that he (D) will not be entitled to file an application in conflict with C. Any other interpretation of the rule would result in its destruction because if D were accepted for filing, any applications filed subsequent thereto and in conflict with D would be entitled to consolidation in the ABCD group. In theory at least, the chain might never end, and any attempt to establish "cut-off" dates would be nugatory. In the case at hand, the fact that no later-filed application conflicts with the Cook proposal is purely fortuitous and that fact cannot be relied upon by Cook as grounds for waiver. Since Cook has not set forth any compelling reasons to warrant extraordinary action,[3] by the Commission, its request for waiver will be denied and the application returned as untimely pursuant to § 1.227(b).

5. The Commission, after examination of the above-captioned applications, finds that the following deficiencies exist:

(a) In re application of Kittyhawk Broadcasting Corporation:

(1) The proposed 5 mv/m contour would penetrate the geographic boundaries of Dayton, Ohio. Since the population of Dayton (population 262,332) exceeds 50,000, and is more than twice that of Kettering, Ohio (population 54,462) a rebuttable presumption that the applicant realistically proposes to serve the larger community arises under the Commission's Policy Statement on Section 307(b) Considerations For Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901, adopted December 22, 1965. By amendment of November 21, 1966, the applicant submitted data in attempting to rebut the presumption that it realistically proposes to serve Dayton. However, after examination of this material, the Commission finds that the applicant has failed to rebut the presumption and that an evidentiary hearing must be held to explore that matter further.

(2) The proposed towers have not yet obtained clearance from the Federal Aviation Agency. Thus, an air menace issue will be specified.

(b) In re application of The Gem City Broadcasting Co.:

(1) The proposed 5 mv/m contour would penetrate the geographic boundaries of Dayton, Ohio (population 262,332). Since the population of Dayton exceeds 50,000 and is more than twice that of Kettering, Ohio (population 54,462) a rebuttable presumption that the applicant realistically proposes to serve the larger community arises under the Commission's December 22, 1965 Policy Statement Involving Suburban Communities, supra. By amendment of November 28, 1966, the applicant submitted data in an attempt to rebut the aforementioned presumption. However, after examination of this material, the Commission finds that the applicant has failed to rebut the presumption and an issue with respect thereto will be included.

(c) In re application of Western Ohio Broadcasting Service, Inc.:

(1) It appears, from the applicant's data, that the antenna parameters specified in the application do not accurately depict the proposed radiation pattern. Accordingly, an issue will be designated to determine whether the proposed antenna parameters accurately depict the proposed directional antenna radiation pattern.

(d) In re application of Treaty City Radio, Inc.:

(1) Based on applicant's data it appears that cash in the amount of approximately $75,000 (construction cost, $25,000; working capital, $50,000) will be required for the construction and operation of the proposed station for 1 year. To meet these requirements, the applicant relies upon $10,000 cash in a bank account, a bank loan of $25,000, new capital of $5,000 and $60,000 in projected revenues for the first year. However, the applicant has failed to submit data in support of his predicted revenues. Furthermore no balance sheets have been submitted purporting to establish the ability of the potential stockholders to meet their financial obligations. In addition, the letter submitted pledging the bank loan is more than a year old and as such is unacceptable. Assuming, arguendo, the aforesaid bank letter is acceptable, the applicant would still require $40,000 to meet its capital requirements. Accordingly, a financial issue will be included.

(2) The site photographs do not show sufficient detail within the immediate vicinity of the proposed antenna site. Accordingly, an issue wil be designated to determine if the antenna site is suitable for the proposed operation.

(e) In re application of Bloomington Broadcasting Co.:

(1) It appears from the applicant's data that $169,386 (downpayment on equipment, $6,386; land, $30,000; building, $30,000; miscellaneous, $19,000; operation expenses for first year, $84,000) will be required to construct and operate the proposal for one year. To meet this expense the applicant has available a $150,000 loan from James I. Toy, a minority partner and $6,000 in capital contributed by Toy and Thomas A. Gallmeyer (the remaining minority partner). In addition, James and Phyliss Schmalz (majority partners—76 percent ownership) are committed to contribute $19,000 to capital, however, their balance sheet indicates that they lack sufficient liquid assets to meet this obligation. Furthermore, Bloomington relies on predicted revenue of $90,000 to help defray its initial expenses, but the applicant has failed to establish that this revenue is available.

(2) In view of the Schmalz's inability to meet their commitment and the lack of evidence showing the availability of revenue, the Commission finds that the applicant requires $13,386, in addition to the $156,000 available, to meet their first year expenses. Accordingly, a financial issue will be included.

(3) Since the applicant has not obtained clearance from the Federal Aviation Agency, an issue will be included to determine whether the proposed antenna would constitute a menace to air navigation.

(f) In re application of Voice of the Ohio Valley, Inc.:

(1) Based on the applicant's data, $113,697 (downpayment on equipment, $20,505, first year payments on equipment, with interest, $24,192; building, $10,000; miscellaneous, $4,000; working capital for 1 year, $55,000) will be required to meet the cost of construction and operation for the first year. To defray these expenditures the applicant relies on stock subscriptions of $110,000 by John O. Bland, Jr. ($99,000) and Jack Gibson ($11,000) and predicted revenue of $20,000. Examination of the subscribers' balance sheets indicate that neither has sufficient liquid assets to meet his stock purchase commitments. In addition, the applicant has failed to submit data which would indicate the availability of the predicted revenue. Accordingly, a financial issue will be specified.

(2) It further appears that the applicant proposes to operate daytime with 10 kilowatts of power utilizing a six element directional antenna system to suppress that radiation over a wide arc; that the theoretical calculated radiation pattern exhibits essentially zero radiation in the null areas and maximum expected operating values (MEOV's) as low as 16 mv/m are proposed; that the site photographs submitted are inadequate and in fact, it appears that the proposed site is located in an area where man-made structures may exist, and as a result problems of reradiation may occur; and in view of these considerations an issue will be included to determine whether the applicant will be able to adjust and maintain the proposed directional antenna system within the maximum expected operating values of radiation, as proposed.

(g) In re application of Shively Broadcasting Co.:

(1) Applicant's data indicate that $63,242 will be required to construct ($23,370) and operate ($39,872) the proposed station for 1 year. The partnership agreement provides that the partners will contribute sufficient funds to meet the cost of construction and operation. The applicant has not submitted an acceptable manufacturer's letter of credit and furthermore it has submitted no evidence to support its prediction of revenue.

(2) It appears from the partner's individual balance sheets that neither has sufficient liquid assets to meet his commitment. Thus, a financial issue will be specified.

(3) The proposed 5 mv/m contour would penetrate the geographic boundaries of Louisville, Ky. Since the population of Louisville (population 390,639) exceeds 50,000, and is more than twice that of Shively, Ky. (population 15,155), a rebuttal presumption that the applicant realistically proposes to serve the larger community arises under the Commission's aforementioned policy statement of December 22, 1965, on suburban communities. By amendment the applicant submitted data in an attempt to rebut the presumption that it is realistically proposing to serve Louisville. However, after examination of this material, the Commission finds that the applicant has failed to effectively rebut the aforesaid presumption and an issue will be designated with respect thereto.

6. Except as indicated by the issues specified below, each of the applicants is qualified to construct, own and operate as proposed, but since the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications with the exception of Cook, Incorporated are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the above-captioned applications, with the exception of the WWCM application, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WWCM, and the availability of other primary service to such areas and populations.

3. To determine whether the proposal of Kittyhawk Broadcasting Corp. will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

[1] The words added were "* * * or with any other application on file by the close of business on (a given date) which involves a conflict of necessitating a hearing with an application on this list * * *."

[2] Fredericksburg Broadcasting Corp., 19 RR 900 (1960); Mid-American Broadcasting System, Inc., 19 RR 920 (1960).

[3] Mid-America Broadcasting System, Inc., supra.

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programing needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

4. To determine, in the event that it is concluded pursuant to the foregoing issue (a) that the proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely Dayton, Ohio.

5. To determine whether the proposal of The Gem City Broadcasting Co. will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programing needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

6. To determine, in the event that it is concluded pursuant to the foregoing issue (a) -that the proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely Dayton, Ohio.

7. To determine whether the antenna parameters proposed by Western Ohio Broadcasting Service, Inc., accurately depicts the proposed directional antenna radiation pattern.

8. To determine with respect to the application of Treaty City Radio, Inc.:

(a) The availability to the applicant of a $25,000 bank loan from The Citizens State Bank of Greenville, Ohio.

(b) To determine the financial ability of Clarence E., Anna Lou, and Craig E. Plessigner to meet their commitments to purchase stock of the Treaty City Radio, Inc.

(c) To determine the basis for the applicant's estimate of revenue in its first year of operation, whether such estimate is reasonable, and the extent to which revenues may be relied upon to yield necessary funds for the operation of the proposed station for the first year.

(d) In light of the evidence adduced pursuant to the above issues whether Treaty City Radio, Inc., is financially qualified to construct and operate its proposed station.

9. To determine whether the transmitter site proposed by Treaty City Radio, Inc. is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would preclude adjustment and maintenance of the proposed directional antenna system.

10. To determine, with respect to the application of Bloomington Broadcasting Co.:

(a) The ability of James and Phyliss Schmalz to meet their commitments to contribute $19,000 in capital to the partnership.

(b) The basis for the applicant's basis of revenue in its first year of operation, whether such estimate is reasonable, and the extent to which such revenues may be relied upon to yield necessary funds for the operation of the proposed station for the first year.

(c) Whether, in light of the evidence adduced pursuant to the above issues, whether the applicant is financially qualified to construct and operate its proposed station.

11. To determine whether there is a reasonable possibility that the tower height and location proposed by Bloomington would constitute a menace to air navigation.

12. To determine whether there is a reasonable possibility that the tower height and location proposed by Kittyhawk Broadcasting Corp. would constitute a menace to air navigation.

13. To determine, with respect to the application of Voice of the Ohio Valley, Inc.:

(a) The ability of Jack L. Gibson and John O. Bland, Jr. to meet their commitments to purchase stock in the Voice of Ohio Valley, Inc.

(b) The basis for the applicant's estimate of revenue in its first year of operation, whether such estimate is reasonable and the extent to which revenues may be relied upon to yield necessary funds for the operation of the proposed station for the first year.

(c) To determine, in the light of the evidence adduced pursuant to the aforesaid issue, whether the applicant is financially qualified to construct and operate its proposed station.

14. To determine whether Voice of the Ohio Valley, Inc. will be able to adjust and maintain the proposed directional antenna system within the maximum expected operating values of radiation, as proposed.

15. To determine, with respect to the application of Shively Broadcasting Co.:

(a) The ability of W. V. Ramsey and Louis Young to meet their financial commitments to contribute sufficient capital which would enable them to construct and operate a standard station, as proposed.

(b) The basis for the applicant's estimate of revenue in its first year of operation, whether such estimate is reasonable and the extent to which revenues may be relied upon to yield necessary funds for the operation of the proposed station for the first year.

(c) Whether the deferred credit of Collins Radio Co. is available.

(d) Whether, in light of the evidence adduced pursuant to the foregoing issue, whether the applicant is financially qualified to construct and operate its proposed station.

16. Whether the proposal of Shively Broadcasting Co. will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programing needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

17. To determine, in the event that it is concluded pursuant to the foregoing issue (a) that the proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules, for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely Louisville, Ky.

18. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

19. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest.

20. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

It is further ordered, That in view of the engineering showings contained in BP-16878, BP-16877, BP-16876, BP-16881, and BP-16816, the provisions of § 1.569(b)(2) are waived with respect to these applications.

It is further ordered, That Bloomington Broadcasting Co.'s motion to dismiss the application of Cook, Inc., is granted, and the Cook application is returned as unacceptable for filing.

It is further ordered, That the Federal Aviation Agency is made a party to this proceeding.

It is further ordered, That in the event of a grant of any of the above-captioned applications, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event of a grant of the application of Voice of the Ohio Valley, Inc., the permittee shall assume responsibility for the elimination of interference due to external cross-modulation and for the installation and adjustment of filter circuits or other equipment in the antenna system of the proposed operation and of Station WXVW, or any other stations which may be necessary to prevent adverse effects due to reradiation. In addition, field observations shall be made to determine whether spurious emissions exist, and any objectionable interference problems resulting therefrom shall be eliminated.

It is further ordered, That, in the event of a grant of the application of Albert S. Tedesco, the construction permit shall contain a condition that, prior to program tests being authorized the permittee shall dismantle the unused antenna towers located on the WWCM antenna site or, in the alternative, submit satisfactory evidence that they have been detuned in a manner which would eliminate any problems of reradiation.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 1, 1967.

Released: March 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3063; Filed, Mar. 20, 1967; 8:48 a.m.]

[4] Commissioner Wadsworth absent.

[Docket Nos. 17243-17250; FCC 67M-438]

KITTYHAWK BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of Kittyhawk Broadcasting Corp., Kettering, Ohio, Docket No. 17243, File No. BP-16603; The Gem City Broadcasting Co., Kettering, Ohio, Docket No. 17244, File No. BP-16877; Western Ohio Broadcasting Service, Inc., Eaton, Ohio, Docket No. 17245, File No. BP-16816; Treaty City Radio, Inc., Greenville, Ohio, Docket No. 17246, File No. BP-16881; James L. Schmalz, Phyliss Ann Schmalz, James I. Toy, Jr., and Thomas A. Gallmeyer doing business as Bloomington Broadcasting Co., Bloomington, Ind., Docket No. 17247, File No. BP-16876; Voice of the Ohio Valley, Inc., Louisville, Ky., Docket No. 17248, File No. BP-16878; W. V. Ramsey and Lewis Young doing business as Shively Broadcasting Co., Shively, Ky., Docket No. 17249, File No. BP-16738; Albert S. Tedesco (WWCM), Brazil, Ind., Docket No. 17250, File No. BP-16669; for construction permits.

It is ordered, This 7th day of March 1967, that H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 15, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 24, 1967, commencing at 10 a.m.; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: March 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3064; Filed, Mar. 20, 1967; 8:48 a.m.]

[Docket Nos. 16944, 16945; FCC 67M-442]

PRAIRIELAND BROADCASTERS AND RICHARD P. LAMOREAUX

Order Scheduling Further Prehearing Conference

In re applications of Stephen P. Bellinger, Joel W. Townsend, Ben H. Townsend, Morris E. Kemper, and James A. Mudd, doing business as Prairieland Broadcasters, Monmouth, Ill., Docket No. 16944, File No. BPH-5296; Richard P. Lamoreaux, Monmouth, Ill., Docket No. 16945, File No. BPH-5441; for construction permits.

To formalize a ruling made on the record at a prehearing conference in the above-entitled matter held on March 15, 1967; *It is ordered*, This 15th day of March 1967, that the hearing presently scheduled for March 20, 1967, be, and the same is, hereby canceled; and that a further prehearing conference is hereby scheduled for April 18, 1967, at 9:30 a.m.

Released: March 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3065; Filed, Mar. 20, 1967; 8:48 a.m.]

[Docket No. 17143; FCC 67M-445]

STOKES COUNTY BROADCASTING CO. (WKTE)

Memorandum Opinion and Order Rescheduling Hearing Conference

In re application of Stokes County Broadcasting Co. (WKTE), King, N.C., Docket No. 17143, File No. BP-16610; for construction permit.

1. The applicant on March 6, 1967, filed with the Commission a petition for reconsideration. In said petition the applicant, inter alia, urged the Commission to grant its application without holding a hearing.

2. A further conference in this matter is scheduled for March 28, 1967. In view, however, of the instant petition for reconsideration it is deemed appropriate that the further hearing conference should be rescheduled.

Accordingly, it is ordered, This 16th day of March 1967, that the hearing conference now scheduled for March 28, 1967, be and the same is hereby rescheduled for April 28, 1967, 9 a.m., in the offices of the Commission, Washington, D.C.

Released: March 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3066; Filed, Mar. 20, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

UNITED STATES GREAT LAKES/SOUTH AND EAST AFRICA RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be

submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. James C. Pendleton, Secretary, United States Great Lakes/South and East Africa Rate Agreement, 25 Broadway, New York, N.Y. 10004.

Agreement 9509-3, among the member lines to the United States Great Lakes/South and East Africa Rate Agreement, amends Article 3 of the basic agreement by providing that any member line may alter for itself any rate, charge, classification, or related tariff matter previously agreed upon or in force which would result in a decreased cost to a shipper upon first giving the other members at least 48 hours advance notice thereof. Any such altered rate, etc. shall not become effective prior to publication and filing with the Federal Maritime Commission.

Dated: March 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-3051; Filed, Mar. 20, 1967; 8:47 a.m.]

UNITED KINGDOM/UNITED STATES PACIFIC FREIGHT ASSOCIATION

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. S. Collins, Secretary, United Kingdom/United States Pacific Freight Association, 56 Leadenhall Street, London, E.C. 3, England.

Agreement 3357-5, between the members of the United Kingdom/United States Pacific Freight Association, (1) revises Article 9 of the basic agreement relating to the admission, withdrawal and expulsion of members; (2) requests deletion of Articles 11 and 13, and (3) requests that Articles 12, 14, 15, 16, and 17 be renumbered 11, 12, 13, 14, and 15 respectively.

Dated: March 15, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-3052; Filed, Mar. 20, 1967; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

DOMINION BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956, as amended by Public Law 89-485, by Dominion Bankshares Corp., Roanoke, Va., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 50 percent or more of the voting shares of each of the following banks: The First National Exchange Bank of Virginia, Roanoke, Va., and Metropolitan National Bank, Richmond, Va.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 14th day of March 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-3035; Filed, Mar. 20, 1967; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

WEST VIRGINIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated March 13, 1967, reading in part as follows:

I have determined that the damage in various areas of the State of West Virginia, adversely affected by flooding beginning on or about March 6, 1967, is of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of West Virginia to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 13, 1967:

The counties of:

Barbour.	Marion.
Boone.	Mason.
Braxton.	Mercer.
Cabell.	Mineral.
Calhoun.	Mingo.
Doddridge.	Monroe.
Gilmer.	Pocahontas.
Greenbrier.	Putnam.
Hampshire.	Summers.
Hardy.	Upshur.
Harrison.	Wayne.
Jackson.	Wirt.
Lewis.	Wood.
Lincoln.	Wyoming.
Logan.	

Dated: March 14, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-3024; Filed, Mar. 20, 1967; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-4831, etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 9, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 31, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4831 (G-11743) C 2-23-67 [2]	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Old Ocean Field, Brazoria and Matagorda Counties, Tex.	11.48836	14.65
G-18142 D 6-7-63	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Transwestern Pipeline Co., acreage in Beaver County, Okla.	(3)	-------
G-19293 E 2-23-67	Horizon Oil & Gas Co. of Texas, (successor to Andrew A. Bradford et al.), 1216 Hartford Bldg., Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., acreage in Hansford County, Tex.	16.0	14.65
CI60-153 C 2-27-67	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065.	Cities Service Gas Co., Hugoton Field, Seward County, Kans.	17.0	14.65
CI61-1711 D 2-27-67	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	(3)	-------
CI63-215 C 3-1-67	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	15.0	14.65
CI63-826 E 2-16-67	J. Lee Youngblood (successor to L. S. Youngblood (Operator) et al.), Post Office Box 1865, Dallas, Tex. 75221.	Cities Service Gas Co., Eureka Field, Grant County, Okla.	[4] 14.0	14.65
CI65-333 C 2-27-67	Lubell Oil Co., 1033 Mayo Bldg., Tulsa, Okla. 74103.	Arkansas Louisiana Gas Co., Arpelar Area (South Pine Hollow), Pittsburg County, Okla.	15.0	14.65
CI66-939 C 2-20-67	D. R. Lauck Oil Co., Inc., (Operator) et al., 301 South Broadway, Wichita, Kans. 67202.	Northern Natural Gas Co., Wil Field, Edwards County, Kans.	16.0	14.65
CI67-1000 B 2-6-67	William K. Davis (Operator) et al., 400 Texas National Bank Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Southeast Rhode Ranch Field, McMullen County, Tex.	(3)	-------
CI67-1023 A 2-10-67	Paul E. Shaffer Co., c/o R. B. Robertson, partner, New Bethlehem, Pa. 16242.	The Manufacturers Light & Heat Co., acreage in Clarion and Armstrong Counties, Pa.	25.0	15.325
CI67-1024 (CI66-565) [5] F 2-6-67	Lyons Petroleum (successor to Shell Oil Co.), 1500 Beck Bldg., Shreveport, La. 71101.	Michigan Wisconsin Pipe Line Co., Southwest Lake Arthur Field, Cameron Parish, La.	20.625	15.025
CI67-1025 B 2-10-67	Trigood Oil Co., Post Office Box 1689, Casper, Wyo. 82601.	Colorado-Wyoming Gas Co., Berthoud Field, Larimer County, Colo.	(3)	-------
CI67-1063 A 2-16-67	Mrs. Martha Fordyce, Rural Delivery No. 4, Washington, Pa. 15301.	The Manufacturers Light & Heat Co., South Franklin Township, Washington County, Pa.	22.5	15.325
CI67-1065 A 2-16-67	Helen M. Perry, agent, 246 North Ave., Washington, Pa. 15301.	The Manufacturers Light & Heat Co., North Strabane Township, Washington County, Pa.	20.0	15.325
CI67-1066 A 2-16-67	Dunn-Mar Oil & Gas Co., 27 South College St., Washington, Pa. 15301.	The Manufacturers Light & Heat Co., Center Township, Greene County, Pa.	21.5	15.325
CI67-1067 A 2-16-67	do	The Manufacturers Light & Heat Co., Cumberland Township, Greene County, Pa.	25.0	15.325
CI67-1068 A 2-16-67	do	The Manufacturers Light & Heat Co., Morris Township, Greene County, Pa.	21.5	15.325
CI67-1069 A 2-16-67	do	The Manufacturers Light & Heat Co., Grey Township, Greene County, Pa.	21.5	15.325
CI67-1070 A 2-16-67	do	The Manufacturers Light & Heat Co., Aleppo and Richhill Townships, Greene County, Pa. and Cameron District, Marshall County, W. Va.	21.5	15.325
CI67-1072 A 2-16-67	Sydney Spofforth, Oil, 339 West Jefferson St., Joliet, Ill. 60435.	Equitable Gas Co., West Union District, Doddridge County, W. Va.	25.0	15.325
CI67-1078 A 2-17-67	A. C. Renner, 411 Bryn Mawr Island, Bayshore Gardens, Bradenton, Fla. 33505.	The Manufacturers Light & Heat Co., acreage in Washington County, Pa.	21.5	15.325
CI67-1087 A 2-8-67	Louden Production Co., Post Office Box 110, Kittanning, Pa. 16201.	The Manufacturers Light & Heat Co., Red Bank Field, Armstrong County, Pa.	22.5	15.325
CI67-1089 A 2-16-67	General Petroleum Corp., 1700 Broadway, Denver, Colo. 80202.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI67-1092 A 2-20-67	Lyle K. Baker, agent, 213 Cheuvorant Ave., West Union, W. Va. 26456.	Equitable Gas Co., acreage in Tyler County, W. Va.	25.0	15.325
CI67-1103 (G-4831) F 2-16-67	Sue Trammell Whitfield and W. B. Trammell, Jr. (successor to Pan American Petroleum Corp.), c/o J. Evans Attwell, attorney, Vinson, Elkins, Weems & Searls 2100 First City National Bank Bldg., Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Old Ocean Field, Brazoria and Matagorda Counties, Tex.	11.4	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-1137 A 2-16-67	do	Cabot Corp., Center District, Calhoun County, W. Va.	(2)	------
C167-1138 B 2-16-67	do	Cabot Corp., Sheridan District, Calhoun County, W. Va.	(2)	------
C167-1139 B 2-16-67	Francis Cain d.b.a. Rose Everson Gas Co.	Cabot Corp., Lee District, Calhoun County, W. Va.	(2)	------
C167-1140 B 2-16-67	Philip Lemon, agent for Franz Nickel et al.	Cabot Corp., Murphy District, Ritchie County, W. Va.	(2)	------
C167-1141 B 2-16-67	Great Bowles Oil & Gas Co., Bell Ltelts Trust, Post Office Box 466, Rochester, Pa. 15074.	Cabot Corp., Sherman District, Calhoun County, W. Va.	(2)	------
C167-1142 B 2-16-67	Paul Fleming et al. d.b.a. Fleming Oil & Gas Co.	Cabot Corp., Washington District, Calhoun County, W. Va.	(2)	------
C167-1143 B 2-16-67	Arnoldsburg, W. Va. 25234. Sun Oil Co., 500 Kanawha Valley Bldg., Charleston, W. Va. 25301.	Cabot Corp., Sherman District, Calhoun County, W. Va.	(2)	------
C167-1144 B 2-16-67	Francis E. Cain	Cabot Corp., Center District, Calhoun County, W. Va.	(2)	------
C167-1145 B 2-16-67	O. D. Smith Gas Co.	do	(2)	------
C167-1146 B 2-16-67	do	Cabot Corp., acreage in Wirt and Calhoun Counties, W. Va.	(2)	------
C167-1147 B 2-16-67	P. P. Gunn et al., Grantsville, W. Va. 26147.	Cabot Corp., Lee District, Calhoun County, W. Va.	(2)	------
C167-1148 B 2-16-67	Francis E. Cain	Cabot Corp., Center District, Calhoun County, W. Va.	(2)	------
C167-1149 B 2-16-67	Clarence Maze, Mundy, W. Va.	Cabot Corp., Sherman District, Calhoun County, W. Va.	(2)	------
C167-1150 B 2-16-67	C. W. Beecher, agent for Graham Stutler Gas Co., 6920 North 16th St., Omaha, Nebr. 68112.	Cabot Corp., Lee District, Calhoun County, W. Va.	(2)	------
C167-1151 B 2-16-67	Smith & Barker Oil & Gas Co., Grantsville, W. Va. 26147.	do	(2)	------
C167-1152 A 2-21-67	Houston Royalty Co. (Operator) et al., 3057 Humble Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., East Pfeifer and West Weesatche Fields, Goliad County, Tex.	14.0	14.65
C167-1153 A 2-24-67	Charles F. Burnett, Burnett Dr., No. 1, Claysville, Pa. 15323.	The Manufacturers Light & Heat Co., North Strabane Field, Washington County, Pa.	22.5	15.325
C167-1155 A 2-24-67	United States Smelting Refining & Mining Co., Post Office Box 1960, Salt Lake City, Utah 84110.	Mountain Fuel Supply Co., North Craig Field, Moffat County, Colo.	15.0	15.025
C167-1156 A 2-23-67	First National, Inc., Petroleum Bldg., National Bank of Tulsa Bldg., Tulsa, Okla. 74103.	Northern Natural Gas Co., acreage in Woodward County, Okla.	17.0	14.65
C167-1157 A 2-24-67	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Trunkline Gas Co., Bayou Sale Field, St. Mary Parish, La.	21.25	15.025
C167-1158 A 2-24-67	Mobil Oil Corp., Post Office Box 900, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., acreage in Major County, Okla.	15.0	14.65
C167-1159 A 2-27-67	Columbian Fuel Corp., 401 Dewey Ave., Bartlesville, Okla. 74003.	Michigan Wisconsin Pipe Line Co., Lawson Field, Acadia Parish, La.	20.625	15.025
C167-1161 A 2-24-67	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Michigan Wisconsin Pipe Line Co., South Jennings Field, Jefferson Davis Parish, La.	20.0	15.025
C167-1162 B 2-27-67	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Chalk Hill Field, Rusk County, Tex.	(7)	------
C167-1163 A 2-27-67	Allegheny Land & Mineral Co., 318 Professional Bldg., Morgantown, W. Va. 26501.	Consolidated Gas Supply Corp., Murphy and Grant Districts, Ritchie County, W. Va.	9 27.0	15.325
C167-1164 A 2-27-67	Tolar Coal & Petroleum Corp., Clark Bldg., Indiana, Pa. 15701.	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	25.0	15.325
C167-1165 B 2-27-67	Gulf Oil Corp.	Kansas-Nebraska Natural Gas Co., Inc., Dalis Hill Field, Fremont County, Wyo.	(10)	------
C167-1166 A 2-27-67	Haas Brothers, Post Office Box 519, Corpus Christi, Tex. 78403.	United Gas Pipe Line Co., Blanconia Field, Bee County, Tex.	14.0	14.65
C167-1167 A 2-27-67	Royis Ward, Suite 212, 3407 Montrose Blvd., Houston, Tex. 77002.	Almos Gas Gathering Co., North Mathis Field, San Patricio County, Tex.	11 10.0	14.65
C167-1168 A 2-27-67	An-Son Corp., 3814 North Santa Fe, Oklahoma City, Okla. 73118.	Northern Natural Gas Co., Northeast Holland Field, Beaver County, Okla.	12 17.0	14.65
C167-1169 B 2-27-67	Cities Service Oil Co. (Operator) et al.	Warren Petroleum Corp., acreage in Wheeler County, Tex.	(13)	------
C167-1170 A 2-27-67	Pan American Petroleum Corp.[4]	El Paso Natural Gas Co., Sonora Field, Sutton County, Tex.	16.5	14.65
C167-1171 A 2-27-67	Allegheny Land & Mineral Co.	Consolidated Gas Supply Corp., Mannington District, Marion County, W. Va.	25.0	15.325
C167-1172 A 2-28-67	Midterra Associates, Inc., Suite 1605 South, 310 East Fourth St., New York, N. Y. 10017.	Lake Shore Pipe Line Co., Bushnell (Pennsylvania) Field Erie County, Pa.	27.0	15.025
C167-1173 B 2-28-67	Global Oils, Inc., Operator, 2010 Republic National Bank Bldg., Dallas, Tex. 75221.	Natural Gas Pipeline Co. of America, Southeast Woodward Field, Woodward County, Okla.	(7)	------
C167-1174 B 2-28-67	Gulf Oil Corp.	Northern Natural Gas Co., Killebrew (Upper Morrow) Field, Roberts County, Tex.	12 18.275	14.65
C167-1175 B 2-27-67	Pan American Petroleum Corp.	Texas Eastern Transmission Corp., West Puerto Bay Field, San Patricio County, Tex.	(7)	------
C167-1176 A 2-28-67	Estate of G. S. Coon, 730 Northeast 15th St., Homestead, Fla. 33030.	Consolidated Gas Supply Corp., Sherman District, Boone County, W. Va.	20.0	15.325
C167-1178 B 2-28-67	Texas Oil & Gas Corp., c/o Sherman S. Poland, attorney, Ross, Marsh and Foster, 725 15th St., NW., Washington, D.C. 20005.	Texas Eastern Transmission Corp., Garwood Field, Colorado County, Tex.	(7)	------
C167-1180 A 2-27-67	Hanlon Oil Co., Sistersville, W. Va. 26175.	Consolidated Gas Supply Corp., Union and Murphy Districts, Ritchie County, W. Va.	25.0	15.325
C167-1181 A 2-28-67	J. K. Gregg, 2235 Route 286 South, Indiana, Pa. 15701.	The Manufacturers Light & Heat Co., Mahoning Township, Armstrong County, Pa.	25.0	15.325
C167-1182 A 2-27-67	Chandler-Simpson, Inc., et al., 1401 Denver Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Mickelson Creek Unit, Sublette County, Wyo.	14.0	15.025
C167-1187 A 3-1-67	Wardie Barnett, Post Office Box 601, Pikeville, Ky. 41501.	United Fuel Gas Co., acreage in Pike County, Ky.	23.0	15.325
C167-1188 A 3-1-67	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	United Gas Pipe Line Co., North Greta Field, Refugio County, Tex.	15.27	14.65

[1] Adds acreage acquired from Shell Oil Co., Docket No. G-11743.
[2] Deletes from contract certain leases from which service has never been rendered.
[3] Reserves attributable to the Franz Unit are insufficient to justify expense of connecting well.
[4] Rate in effect subject to refund in Docket No. R165-570.
[5] Reservoir is exhausted and unable to produce gas of sufficient pressure to economically justify continued production.
[6] Sale being rendered pursuant to conditioned temporary certificate.
[7] Source of gas depleted.
[8] Gas will no longer be sold in interstate commerce.
[9] Includes 2.0 cents gathering and transportation charge.
[10] Well has ceased to produce in commercial quantities.
[11] Price shall be 11.0 cents for all gas in excess of 500,000 Mcf.
[12] Subject to upward and downward B.t.u. adjustment.
[13] Applicant assigned the only well covered by subject contract to Beverly M. Axelrod.
[14] Applicant states its willingness to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[15] Includes 1.275 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 67-2952; Filed, Mar. 20, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-1407]

FIRST ATLANTIC FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 15, 1967.

Notice is hereby given that First Atlantic Fund, Inc. ("First Atlantic"), 1 Atlantic Street, Stamford, Conn. 06901, a Maryland corporation and an open-end, diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that it has ceased to be an investment company. All persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

First Atlantic, which was incorporated under the laws of Maryland on July 6, 1966, was organized by R. S. Dickson & Co. for the purpose of establishing a so-called "tax-free exchange fund" concentrating on investments in the securities of insurance and banking institutions. For business reasons, however, First Atlantic has now decided not to proceed with the public offering of its shares. First Atlantic has not heretofore engaged in any business and has no present intention of engaging in any business in the future. All its known liabilities have been paid and First Atlantic has no assets. At its organizational meeting on July 7, 1966, the Board of Directors of First Atlantic authorized the sale of 20 shares of First Atlantic's capital stock to R. S. Dickson & Co. at a price of $25 per share. Such shares were never formally issued and neither have any other shares of First Atlantic been issued. First Atlantic has no present intention of issuing or making a public offering of any of its shares in the future.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 8, 1967 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service by affidavit (or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3040; Filed, Mar. 20, 1967; 8:46 a.m.]

[812-2003]

GLEN ALDEN-DELAWARE, INC.

Notice of Filing of Application for Order Exempting Company

MARCH 15, 1967.

Notice is hereby given that Glen Alden-Delaware, Inc. ("Applicant"), 711 Fifth Avenue, New York, N.Y. 10022, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant from all provisions of the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

McCrory Corp. ("McCrory") organized Applicant to effectuate through Applicant, as a temporary holding company, the acquisition of a controlling interest in the B.V.D. Co., Inc. ("BVD"). When Applicant was established McCrory transferred to Applicant its entire holding of 2,388,230 shares of common stock of Glen Alden Corp. ("Glen Alden") in exchange for an identical number of shares of Applicant's common stock. As a part of the same arrangement, Applicant acquired from Mr. Sol Kittay, president and chairman of the board of BVD, and his wife an aggregate of 1,000,002 shares of common stock of BVD. In exchange for the BVD stock, Applicant issued shares of its preference stock in the ratio of one share of preference stock for each three shares of BVD common stock. As a result of the foregoing, all of Applicant's outstanding common stock is owned by McCrory and all of Applicant's outstanding preference stock is owned by Mr. Kittay and his wife.

The Glen Alden stock represents 79 percent of Applicant's assets and the BVD stock, 21 percent. The Glen Alden and BVD stock held by Applicant represents, respectively, 49.7 percent and 28.6 percent of the outstanding shares of the common stock of those corporations. Glen Alden, at the present time, is engaged largely in the business of manufacturing textiles and operating motion picture theaters. BVD is engaged in a number of related activities including the spinning of cotton yarn, the manufacturing and marketing of men's, women's, and children's wear and furnishings, and the operation of retail apparel stores.

As a result of negotiations among Applicant, McCrory (as sole common stockholder of Applicant), Glen Alden, Mr. and Mrs. Kittay and BVD, agreements have been entered into which provide, among other things, for the merger of Glen Alden and Applicant into a new Delaware corporation which will adopt the name Glen Alden, and for the acquisition by a wholly owned subsidiary of the new Glen Alden of substantially all the assets of BVD, subject to substantially all of the liabilities thereof, in exchange for preferred stock of the new Glen Alden. At the conclusion of these transactions McCrory will hold 49.7 percent of the common stock of the new Glen Alden, Mr. and Mrs. Kittay will hold preferred stock of the new Glen Alden and the separate existence of the Applicant will cease.

Applicant does not propose to issue any other securities, nor will it have other assets. Applicant presently has no direct operations, and it is not contemplated that it will have any.

It appears that Applicant is an "investment company" as defined in section 3(a)(3) of the Act. Section 3(b)(3) of the Act, generally speaking, excepts from the definition of investment company any issuer all of the outstanding securities of which (other than short-term paper and directors' qualifying shares) are owned by a company primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities. As stated hereinabove, all of the outstanding securities of Applicant are now owned by McCrory except for its preference stock all of which is owned by Mr. and Mrs. Kittay. Also as noted hereinabove, Applicant is a temporary vehicle for the merger of the Glen Alden and BVD interests, and Applicant has stated that it will not issue any other securities. Therefore, it appears that Applicant would be entitled to an exception under section 3(b)(3) of the Act except for the fact that its preference stock is owned by Mr. and Mrs. Kittay rather than by McCrory.

Section 6(c) of the Act provides that the Commission may, conditionally or unconditionally, exempt any persons, securities, or transactions from any provision of the Act or of any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has agreed, in the event the Commission grants the application, that the Commission's order may be issued subject to the following conditions:

1. Applicant shall—

(a) File with the Commssion, within 90 days after the close of each fiscal year of the Applicant, the data required by Items 1.08 (except with respect to information relating to persons under common control with Applicant), 1.09, 1.10, and 1.11(a) (with respect only to directors and officers of the Applicant) of Form N-1R adopted by the Commission pursuant to section 30 of the Act;

(b) File with the Commission, within 120 days after the close of each fiscal year of the Applicant, a balance sheet as of the close of such fiscal year, a statement of income and expense for such fiscal year, and a statement of surplus and a schedule of investments as of the close of such fiscal year;

(c) File with the Commission, within 30 days after the happening of any of the following events, information as to (1) any request to transfer any of its securities, and (2) any transfer of any of its securities and the name and address of each transferee, to the extent that such information shall be available to, or can reasonably be obtained by, the Applicant; and

(d) Not issue any securities (other than short term paper as defined in section 2(a)(36) of the Act) except to (i) McCrory or (ii) Mr. Sol Kittay and his wife, unless this order is modified expressly by another order of this Commission to permit such transaction.

2. No person other than McCrory or Mr. Sol Kittay and his wife shall at any time own any outstanding security of Applicant (other than short-term paper).

Notice is further given that any interested person may, not later than April 5, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3041; Filed, Mar. 20, 1967; 8:46 a.m.]

[811-1046]

ST. LOUIS CAPITAL, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

MARCH 15, 1967.

Notice is hereby given that St. Louis Capital, Inc. ("Applicant"), 1010 Second Avenue, Suite 1200, San Diego, Calif. 92101, a Missouri corporation licensed as a small business investment company under the Small Business Investment Act of 1958 and registered as a closed-end nondiversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Applicant represents that its shareholders, at a regularly scheduled annual meeting held on June 8, 1965, adopted a plan of liquidation and dissolution; that on June 18, 1965, Articles of Dissolution were filed by the Secretary of State; and that it is now fully and finally liquidated and dissolved, its total assets being distributed pro rata to its shareholders.

Section 8(f) of the Act provides in pertinent part that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 6, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Deputy Administrator for Investments, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3042; Filed, Mar. 20, 1967; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 New York Amendment 1]

LOAN OFFICER (ECONOMIC DEVELOPMENT)

Delegation of Authority To Conduct Program Activities in New York Area

Pursuant to the authority delegated to the area administrators by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, Delegation of Authority No. 30, New York, 32 F.R. 3032 is hereby amended by adding new item I.C. as follows and relettering items I.C., I.D., I.E., I.F., and I.G. to read I.D., I.E., I.F., I.G., and I.H., respectively:

I. * * *

C. *Loan Officer (Economic Development).* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and 40 percent First Mortgage Plan—501 and 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

* * * * * *

Effective date: September 1, 1966.

CHARLES H. KRIGER, *Area Administrator.*

[F.R. Doc. 67-3043; Filed, Mar. 20, 1967; 8:46 a.m.]

[Declaration of Disaster Area 604]

KENTUCKY

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Whitley County in the State of Kentucky;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from windstorm and accompanying conditions occurring on or about March 12, 1967.

OFFICE

Small Business Administration Regional Office, Fourth and Broadway, Louisville, Ky. 40202.

2. A temporary office will be located in Pleasant View, Ky., address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1967.

Dated: March 14, 1967.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 67-3044; Filed, Mar. 20, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 16, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40946—*Roofing and building materials to Carriere, Miss.* Filed by Southwestern Freight Bureau, agent (No. B-8967), for interested rail carriers. Rates on roofing and building material, in carloads, from points in Arkansas, Louisiana, Oklahoma and Texas, to Carriere, Miss.

Grounds for relief—Market competition.

Tariff—Supplement 1 to Southwestern Freight Bureau, agent, tariff ICC 4717.

FSA No. 40947—*Asphalt from Ponca City, Okla.* Filed by Southwestern Freight Bureau, agent (No. B-8960), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain or varnish), in tank carloads, from Ponca City, Okla., to points in Illinois Freight Association, southwestern, western trunkline territories, also Mississippi River crossings, Memphis, Tenn., and south.

Grounds for relief—Market competition.

Tariffs—Supplement 6 to Southwestern Freight Bureau, agent, tariff ICC 4714, and 7 other tariffs named in the application.

FSA No. 40948—*Liquefied petroleum gas from Mangum, Okla.* Filed by Southwestern Freight Bureau, agent (No. B-8961), for interested rail carriers. Rates on liquefied petroleum gas, in tank carloads, from Mangum, Okla., to points in Illinois Freight Association and western trunkline territories.

Grounds for relief—Market competition.

Tariff—Supplement 448 to Southwestern Freight Bureau, agent, tariff ICC 4279.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3078; Filed, Mar. 20, 1967; 8:50 a.m.]

[Notice 353]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 16, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 16334 (Sub-No. 5 TA), filed March 14, 1967. Applicant: ARNOLD E. DEBRICK, doing business as DEBRICK TRUCK LINE, Route 2, Paola, Kans. 66071. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products, fittings and jointing materials*, in specialized trailers and trucks, equipped with booms, from Pittsburg, Kans., to Omaha, Nebr., and return of *dunnage and broken or rejected shipments*, for 150 days. Supporting shipper: W. S. Dickey Clay Manufacturing, Post Office Box 13125, Kansas City, Mo. 64199. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 22316 (Sub-No. 3 TA), filed March 14, 1967. Applicant: J. A. FINN, INC., 26 Church Street, Boston, Mass. 02116. Applicant's representative: Mary Kelley, 10 Tremont Street, Boston, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business forms and letters for processing purposes*, between Boston, Somerville, Palmer, and Chicopee, Mass., Hartford, Hamden, and Fairfield, Conn., on the one hand, and, on the other, Paterson, N.J., for 180 days. Supporting Shipper: The Reynolds & Reynolds Co., Somerville, Mass., and Dayton, Ohio. Send protests to: Richard D. Mansfield, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 59856 (Sub-No. 23 TA), filed March 13, 1967. Applicant: SALT CREEK FREIGHTWAYS, Post Office Box 1411, 408 Industrial Avenue, Casper, Wyo. 82601. Applicant's representative: Ward A. White, Post Office Box 568, 1600 Van Lennen Avenue, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), between Cheyenne, Wyo., and the Utah-Wyoming State boundary at its intersection with Interstate Highway 80, as follows: From Cheyenne over U.S. Highway 30 and Interstate Highway 80 to Little America, thence over U.S. Highway 30S and Interstate Highway 8p to the Utah-Wyoming State boundary line, and return over the same routes, serving all intermediate points, and the sites of the Allied Chemical Co. plant, Stauffer Chemical Co. plant, FMC Corp. plant and Church & Dwight Co. plant, all near Westvaco, Wyo., as off-route points; between Rawlins, Wyo., and Casper, Wyo., as follows: From Rawlins over U.S. Highway 287 to Muddy Gap, Wyo., thence over Wyoming Highway 220 to Casper, and return over the same routes, serving all intermediate points and the off-route point of Bairoil, Wyo.; between Muddy Gap, Wyo., and Fort Washakie, Wyo., as follows: From Muddy Gap over U.S. Highway 287 to Fort Washakie and return over the same route, serving all intermediate points and the off-route point of Ethete, Wyo. Restriction: All service authorized is to be restricted to movement of traffic destined to or originating at points in Wyoming, for 180 days. Supporting shippers: Burke Moving & Storage, 2116 Ames Avenue, Cheyenne, Wyo. 82001; Arrow Moving & Storage Co., Inc., 1509 Bent Avenue, Cheyenne, Wyo. 82001; Aavon Moving & Storage, 902 West 22d Street, Cheyenne, Wyo. 82001; Universal Carloading & Distributing Co., Inc., 19th and Chestnut Place, Denver, Colo. 80217; Acme Fast Freight, Inc., Post Office Box 5347, Denver, Colo. 80217. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations and Compliance, D & S Building, 255 North Center Street, Casper, Wyo. 82601.

No. MC 64932 (Sub-No. 427 TA), filed March 13, 1967. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Marseilles, Ill., and points within 5 miles thereof, to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shippers: The Borden Chemical Co., Smith-Douglass Division, Post Office Box 419, 5100 Virginia Beach Boulevard, Norfolk, Va. 23501 and F. S. Royster Guano Co., Norfolk, Va. Send protests to: Charles J. Kudelka, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 64932 (Sub-No. 428 TA), filed March 13, 1967. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, in tank or hopper vehicles, from Henry, Ill., to points in Indiana, Ohio, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Supporting shipper: W. R. Grace & Co., Agricultural Products Division, Post Office Box 277, 147 Jefferson Avenue, Memphis, Tenn. 38101. Send protests to: Charles J. Kudelka, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 107403 (Sub-No. 707 TA), filed March 13, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastic resins*, dry in bulk, from Pataskala, Ohio, to Aurora, Ohio, for 150 days. Supporting shipper: Diamond Alkali Co., Union Commerce Building, Cleveland, Ohio 44115. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations and Compliance, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 540 TA), filed March 14, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Savage, Minn., to points in Iowa, the Upper Peninsula of Michigan, and points in Wisconsin, for 120 days. Supporting shipper: Occidental Agricultural Chemicals Corp., 1301 Avenue of the Americas, New York, N.Y. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 114067 (Sub-No. 24 TA), filed March 14, 1967. Applicant: FORE TRUCKING CO., INC., Foot of Paru Street, Encinal Terminal, Alameda, Calif. 94501. Applicant's representative: Connella, Sherburne and Myers, 1700 Central Tower Building, San Francisco, Calif. 94103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from Redmond, Oreg., to Modesto, Calif., for 120 days. Supporting shipper: Redmond Rendering Co., Redmond, Oreg. 97756; and, Modesto Tallow Co., Post Office Box 1036, Modesto, Calif. 95353. Send protests to: H. O. Gaston, District Supervisor, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 118196 (Sub-No. 91 TA), filed March 13, 1967. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, Highway 71 North, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Slater, Iowa, to Green Bay, Wis., for 180 days. Supporting shipper: L. D. Schreiber Cheese Co., Inc., 1607 Main Street, Post Office Box 610, Green Bay, Wis. 54305. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 118535 (Sub-No. 28 TA), filed March 13, 1967. Applicant: JIM TIONA, JR., 803 West Ohio Street, Butler, Mo. 64730. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and fertilizers*, from the industrial complex area of Terra Chemicals International, Inc., at or near Port Neal and Sergent Bluff, Woodbury County, Iowa, to points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming for 180 days. Supporting shipper: Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, Iowa 51101. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64601.

No. MC 119399 (Sub-No. 16 TA), filed March 15, 1967. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, and fertilizer materials*, from Atlas, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Nebraska, Oklahoma, and Texas (except that no authority is sought to transport dry manufactured fertilizer, in bags, from the plantsite of Davison Chemical Co. at Atlas, Mo., to points in Kansas and Oklahoma), for 180 days. Supporting shipper: W. R. Grace & Co., Agricultural Products Division, Post Office Box 1406, Joplin, Mo. 64801. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 120800 (Sub-No. 6 TA), filed March 13, 1967. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium gas*, in bulk, in specially designed tube type trailers, from Glendale, Calif., and the Kerr-McGee Oil Co. producing facility, located at or near Navajo, Ariz., to Seattle, Spokane, Tacoma, and Kennewick, Wash.; Boise and Pocatello, Idaho; Missoula and Great Falls, Mont.; and from Industrial Air Products Co. plantsite, located at Portland, Oreg., to Seattle, Spokane, Tacoma, Yakima, and Kennewick, Wash.; Boise and Pocatello, Idaho; Missoula and Great Falls, Mont., for 180 days. Supporting shipper: Industrial Air Products Co., 3200 Northwest Yeon Avenue, Portland, Oreg. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 123245 (Sub-No. 2 TA), filed March 13, 1967. Applicant: LEESER & STAUFFER TRUCK SERVICE, INC., Taylor, Mo. 63471. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant of American Cyanamid Co. at South River, Mo., in Marion County, Mo., to points in Illinois, Indiana, Iowa, Minnesota, and Nebraska, for 180 days. Supporting shipper: American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123819 (Sub-No. 9 TA), filed March 13, 1967. Applicant: ACE FREIGHT LINE, INC., 261 East Webster, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags*, from New Orleans, La., to Tampa, Fla., for 150 days. Supporting shipper: Werthan Bag Corp., Nashville, Tenn. 37202. Send protests to: William W. Garland, District Supervisor, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 124073 (Sub-No. 2 TA), filed March 13, 1967. Applicant: ROY S. SARGEANT, INC., Barkers Mill Road, Vienna, N.J. 07880. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen meat*, from the plantsite of Polarized Meat Division, Durkee Famous Foods, The Glidden Co., Moosic, Pa., to Manchester and Nashua, N.H., Burlington, Vt., Milton, Ithaca, Newark, Newburgh, Rome, and Utica, N.Y., Meriden, Waterbury, Hartford, Hamden, New Haven, Norwich, Wallingford, and Danbury, Conn., Pawtucket and Providence, R.I., and Ludlow, Fall River, Southboro, and Worcester, Mass.; (2) (a) *frozen poultry*, cooked or breaded; (b) *frozen poultry, breaded and/or uncooked* (when transported in the same vehicle with frozen meat or with frozen poultry, cooked or breaded, or with frozen hors-d'oeuvres, frozen prepared dough, or frozen bakery products), from the plantsite of Empire Chicken Industries Division, Durkee Famous Foods, The Glidden Co., Moosic, Pa., to Nashua and Manchester, N.H., Burlington, Vt., Buffalo, Jamestown, Rochester, Newark, Newburgh, Olean, Norwich, Syracuse, Schenectady, Albany, Troy, Kingston, Monticello, Utica, Milton, Ithaca, and Rome, N.Y., Newark and Paterson, N.J., Waterbury, Hartford, Hamden, New Haven, Stamford, Bridgeport, Norwich, Meriden, Wallingford, and Danbury, Conn., Woonsocket, Pawtucket, and Providence, R.I., and Springfield, Pittsfield, Boston, Worcester, Southboro, Fall River, and Ludlow, Mass.

(3) (a) *Frozen hors-d'oeuvres, frozen prepared dough, and frozen bakery products*, from the plantsite of Polarized Meat Division, Durkee Famous Foods, The Glidden Co., Moosic, Pa., to Nashua and Manchester, N.H., Burlington, Vt., Buffalo, Jamestown, Newark, Rochester, Newburgh, Olean, Norwich, Syracuse, Schenectady, Albany, Troy, Kingston, Monticello, Utica, Milton, Ithaca, and Rome, N.Y., Newark and Paterson, N.J., Waterbury, Hartford, Hamden, New Haven, Stamford, Bridgeport, Norwich, Meriden, Wallingford, and Danbury, Conn., Woonsocket, Pawtucket, and Providence, R.I., and Springfield, Pittsfield, Boston, Worcester, Southboro, Fall River and Ludlow, Mass.; (b) *frozen hors-d'oeuvres, frozen prepared dough, and frozen bakery products*, from the plantsite of Gretchen Grant Kitchens Division, Durkee Famous Foods, The Glidden Co., Maplewood, N.J., or its warehouse at Jersey City, N.J., to the plantsite of Polarized Meat Division, Durkee Famous Foods, The Glidden Co., Moosic, Pa. Restriction: The above service in Paragraphs (1), (2)(a), (2)(b), (3)(a), and (3)(b) is restricted to service under contract with The Glidden Co.; (4) *Frozen pizza pies*, from Scranton, Pa., to Buffalo, Fulton, Syracuse, and Troy, N.Y., New Brunswick, Newark, Jersey City, and Paterson, N.J., Bridgeport and Hamden, Conn., Woonsocket and Pawtucket, R.I., and Springfield, Pittsfield, and Boston, Mass., for 180 days. Restriction: The above service in Paragraph (4) is restricted to service under contract with Profera's Pizza, Inc., Scranton, Pa. Supporting shipper: (1) The Glidden Co., 900 Union Commerce

Building, Cleveland, Ohio 44115 (Gretchen Grant Kitchens Division, Maplewood, N.J.; Polarized Meat Division, Moosic, Pa.; Empire Chicken Industries, Moosic, Pa.) and, (2) Profera's Pizza Bakery, Inc., 1130 Moosic Street, Scranton, Pa. 18505. Send protests to: Joel Morrows, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 126881 (Sub-No. 6 TA), filed March 14, 1967. Applicant: RICHARD B. RUDY, INC., 203 Linden Avenue, Frederick, Md. 21701. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and preparations*, requiring refrigeration, other than in bulk, from Frederick, Md., to points in New York (except points in the New York, N.Y., commercial zone) and Virginia (except Fredericksburg, Richmond, Petersburg and Norfolk) for the account of Capitol Milk Producers Cooperative, Inc., for 180 days. Supporting shipper: Capitol Milk Producers Cooperative, Inc., 428 East Patrick Street, Frederick, Md. 21701. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Room 1220, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 128597 (Sub-No. 4 TA), filed March 13, 1967. Applicant: WALTER TABER, doing business as WALT'S POULTRY AND BEEF CO., 1920 Wadsworth Boulevard, Lakewood, Colo. 80215. Applicant's representative: Bert L. Penn, 30 South Emerson Street, Denver, Colo. 80209. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in Part A of Appendix 1 to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), (1) from Clovis, N. Mex., Guymon, Okla., and Sioux City, Iowa, to Alamosa, Basalt, Broomfield, Buena Vista, Canon City, Colorado Springs, Cortez, Delta, Denver, Durango, Fort Collins, Fort Morgan, Fowler, Glenwood Springs, Grand Junction, Greeley, Gunnison, La Junta, Leadville, Longmont, Las Animas, Loveland, Mancos, Monte Vista, Montrose, Pagosa Springs, Pueblo, Rifle, Rocky Ford, Salida, Sterling, Telluride, and Trinidad, Colo., Cheyenne and Laramie, Wyo., and Moab, Utah, and (2) from Guymon, Okla., and Sioux City, Iowa, to Aztec, Farmington, and Raton, N. Mex., for 180 days. Supporting shipper: Swift & Co., Terminal Annex Station, Denver, Colo. 80217. Send protests to: Luther H. Oldham, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 128931 TA, filed March 13, 1967. Applicant: GARY F. GOLLOTT, doing business as G & G MOVING & STORAGE OF BILOXI, MISSISSIPPI, 1256 Couaves Street, Biloxi, Miss. 39530. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Mississippi, and (b) between points in Mississippi on the one hand, and, on the other, the ports of New Orleans, La., and Mobile, Ala., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shippers: Royal Household Goods Shipping Co., Inc., 95 Broad Street, New York, N.Y.; Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif. 94802; Convan Corp., 50 Broad Street, New York, N.Y. 10004; CTI-Container Transport International, Inc., 17 Battery Place, New York, N.Y. 10004. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 312–A U.S. Post Office Building, Jackson, Miss. 39201.

Motor Carriers of Passengers

No. MC 172 (Sub-No. 4 TA), filed March 14, 1967. Applicant: ARNOLD E. WADE, 1312 Helderberg Avenue, Schenectady, N.Y. 12306. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, restricted to traffic originating in the territory indicated, in special or charter operations, beginning and ending at points in that part of New York bounded by a line beginning at Windham, N.Y., and extending through Gilboa to Cooperstown, thence through Sharon Springs to Amsterdam, thence through Hoffmans to Schenectady, and thence through South Berne to point of beginning and extending to ports of entry on the international boundary line between the United States and Canada in the State of New York. Restriction: The transportation performed under this authority shall be restricted to traffic moving to and from points in Canada in connection with EXPO 67 during its term commencing April 28, 1967, and expiring with October 27, 1967, for 180 days. Supporting shippers: None. But application is accompanied by statement from applicant. Send protests to: Wilmot E. James, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 518 Federal Building, Albany, N.Y.

No. MC 116981 (Sub-No. 2 TA), filed March 13, 1967. Applicant: SARATOGA BUS SERVICE, INC., Excelsior Avenue, Saratoga Springs, N.Y. 12866. Applicant's representative: George F. Perkins, 444 Broadway, Saratoga Springs, N.Y. 12866. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, beginning and ending at points in Saratoga and Washington Counties, N.Y., and extending to the international boundary line between the United States and Canada, at or near Champlain, N.Y., destined to Montreal, Quebec, Canada, for 180 days. Supporting shippers: Lilliam Worth, Wilton, N.Y., and Bernice Searles, Middle Falls, N.Y. Send protests to: Wilmot E. James, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 518 Federal Building, Albany, N.Y. 12207.

No. MC 127669 (Sub-No. 3 TA), filed March 13, 1967. Applicant: CHERRY HILL TRANSIT, a corporation, 109 Brick Road, Marlton, N.J. 08053. Applicant's representative: Raymond A. Thistle, Jr., Suite 1408–09, 1500 Walnut Street, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passenger* and the baggage of passengers in the same vehicle with passengers, between Cherry Hill Mall, Cherry Hill, N.J. and Philadelphia, Pa., serving all intermediate points, from Cherry Hill over Haddonfield Road to New Jersey Highway 73, in Pennsauken, N.J., and Palmyra, N.J., thence across Tacony-Palmyra Bridge to State Road, Philadelphia, thence over State Road, Tacony Street, and Bridge Street, to intersection of Frankford Avenue, Philadelphia, Pa., and return over the same route, for 150 days. Supporting shippers: There are statements attached which have been signed by many potential passengers which may be examined here in Washington, D.C., or at the field office named below. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67–3079; Filed, Mar. 20, 1967; 8:50 a.m.]

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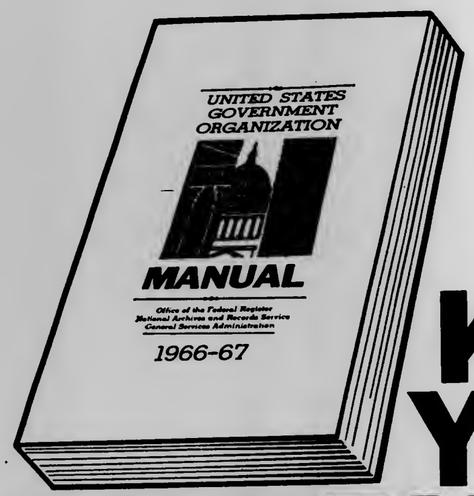
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Advisory Commission on Parcel Distribution Services

Section 213.3194 is added to show that positions on the staff of the Advisory Commission on Parcel Distribution Services are in Schedule A until January 31, 1969. Effective on publication in the FEDERAL REGISTER, § 213.3194 is added as set out below.

§ 213.3194 **Advisory Commission on Parcel Distribution Services.**

(a) Until January 31, 1969, all positions on the Commission's staff.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–3143; Filed, Mar. 21, 1967; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3311 is amended to show that one additional position of Assistant to the Executive Assistant to the Postmaster General is in Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (a) of § 213.3311 is amended as set out below.

§ 213.3311 **Post Office Department.**

(a) *Office of the Postmaster General.*
• • •

(4) Four Assistants to the Executive Assistant to the Postmaster General.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–3145; Filed, Mar. 21, 1967; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that the position of Deputy Manpower Administrator is in Schedule C and that the position of Director, Office of Manpower, Automation, and Training is now titled Associate Manpower Administrator for Policy, Evaluation, and Research. Effective on publication in the FEDERAL REGISTER, subparagraph (22) is amended and subparagraph (26) is added to paragraph (a) of § 213.3315 as set out below.

§ 213.3315 **Department of Labor.**

(a) *Office of the Secretary.* • • •

(22) Associate Manpower Administrator for Policy, Evaluation, and Research.

• • • • • •

(26) One Deputy Manpower Administrator.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–3144; Filed, Mar. 21, 1967; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

[Amdt. 3]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Needy Schools

Paragraph (m) of § 215.2 of the regulations for the operation of the Special Milk Program for Children (30 F.R. 14910) as amended (31 F.R. 11743, 31 F.R. 14925) is hereby amended as follows:

§ 215.2 **Definitions.**

• • • • • •

(m) "Needy schools" means schools which, because of poor local economic conditions, are determined by State Agencies, or Consumer Food Programs District Offices, C&MS, where applicable, to be in need of special assistance in order to serve milk without charge to needy children, and which either (1) are participating in the National School Lunch Program at assigned reimbursement rates averaging more than 9 cents per Type A lunch, from Federal funds, or (2) have no noon food service.

• • • • • •

This amendment shall be effective upon publication.

Approved: March 16, 1967.

[SEAL] GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67–3098; Filed, Mar. 21, 1967; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

Adjustment of Status of Conditional Entrant

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Paragraph (a) *General* of § 245.1 *Eligibility* is amended by adding the following sentence at the end thereof: "An alien who has been allocated an immigrant visa number and who entered the United States conditionally pursuant to section 203(a)(7) of the Act is not eligible for the benefits of section 245 of the Act unless he qualifies as an immediate relative pursuant to section 201(b) of the Act on the basis of a visa petition approved in his behalf or as a special immigrant within the meaning of section 101(a)(27) of the Act."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order is interpretative in nature.

Dated: March 14, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67–3091; Filed, Mar. 21, 1967; 8:46 a.m.]

PART 253—PAROLE OF ALIEN CREWMEN

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Section 253.1 is amended in the following respects: a new paragraph (a) is added; existing paragraphs (a), (b), (c), (d), (e), and (f) are redesignated as paragraphs (b), (c), (d), (e), (f), and (g), respectively; and redesignated paragraphs (f) and (g) are amended. The new paragraph (a) and amended paragraphs (f) and (g) read as follows:

§ 253.1 **Parole.**

(a) *General.* When a crewman is paroled into the United States pursuant

to the provisions of this part under the provisions of section 212(d)(5) of the Act, he shall be given Form I–94, reflecting the terms of parole. A notice on Form I–259 shall be served upon the agent, and, if available, upon the owner and master or commanding officer of the vessel or aircraft, which shall specify the purpose of the parole and the conditions under which the alien crewman is paroled into the United States. The Form I-259 shall also specify the Service office to which the alien crewman is to be presented for inspection upon termination of the parole.

* * * * *

(f) *Crewmen alleging persecution.* Any alien crewman refused a conditional landing permit or whose conditional landing permit has been revoked who alleges that he cannot return to a Communist, Communist-dominated or Communist-occupied country because of fear of persecution in that country on account of race, religion, or political opinion shall be removed from the vessel or aircraft for interrogation. Following the interrogation, the district director having jurisdiction over the area where the alien crewman is located may in his discretion authorize parole of the alien crewman into the United States under the provisions of section 212(d)(5) of the Act. If parole is not authorized, the crewman shall be returned to the vessel or aircraft on which he arrived in the United States.

(g) *Other crewmen.* In the discretion of the district director, any alien crewman not within the purview of paragraphs (b) through (f) of this section may for other emergent reasons or for reasons deemed strictly in the public interest be paroled into the United States under the provisions of section 212(d)(5) of the Act for the period of time and under the conditions set by the district director having jurisdiction over the area where the alien crewman is located.

2. Section 253.2 is amended to read as follows:

§ 253.2 Termination of parole.

(a) *General.* At the expiration of the period of parole authorized by the district director, or when the purpose of the parole has been served, whichever is earlier, the agent upon whom the relating Form I–259 was served, as provided in § 253.1, shall present the alien crewman for inspection to an immigration officer at the Service office specified in the Form I–259. If the agent cannot present the alien crewman, the agent shall immediately submit a report of the reasons therefor to the district director. The district director shall take such further action as the circumstances may require. If the vessel or aircraft on which the alien crewman arrived in the United States is still in the United States when he is presented for inspection, he shall be treated as an applicant for a conditional landing permit and his case shall be dealt with in the same manner as any other applicant for a conditional landing permit. If the vessel or aircraft on which the alien crewman arrived in the United States departed before he was presented for inspection, the agent shall be directed by means of written notice on Form I–259 to arrange for the removal of the alien crewman from the United States, and if such alien crewman thereafter departs voluntarily from the United States within the time specified by the district director, such departure shall not be considered a deportation within the meaning of this section.

(b) *Revocation of parole.* When an immigration officer has reason to believe that an alien crewman paroled into the United States pursuant to the provisions of § 253.1 has violated the conditions of parole, the immigration officer may take such alien crewman into custody without a warrant of arrest. Following such action, the alien crewman shall be accorded, without undue delay, an examination by another immigration officer. If it is determined on the basis of such examination that the individual detained is an alien crewman who was paroled into the United States pursuant to the provisions of § 253.1 and that he has violated the conditions of the parole or has remained in the United States beyond the period authorized by the district director, the district director shall cause to be served upon the alien crewman a written notice that his parole has been revoked, setting forth the reasons for such action. If the vessel or aircraft upon which the alien crewman arrived in the United States is still in the United States, the alien crewman shall be delivered to that vessel or aircraft and Form I–259 shall be served upon the master or commanding officer of the vessel or aircraft directing that the alien crewman be detained on board the vessel or aircraft and deported from the United States. A copy of Form I–259 shall also be served on the agent for the vessel or aircraft. If the vessel or aircraft upon which the alien crewman arrived in the United States has departed from the United States, the agent or owner of the vessel or aircraft shall be directed by means of a notice on Form I–259 to effect the deportation of the alien crewman from the United States. Pending deportation, the alien crewman shall be continued in custody, unless the district director authorizes his release on parole under such conditions, including the posting of a suitable bond, as the district director may prescribe.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order confer benefits upon persons affected thereby.

Dated: March 13, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67–3092; Filed, Mar. 21, 1967; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Indiana School Building Corporations

§ 1.183 Indiana School Building Corporations.

(a) *Request.* The Comptroller of the Currency has been requested to consider whether the ruling of October 14, 1964 (§ 1.157), relating to the eligibility for purchase, dealing in, underwriting, and unlimited holding of the First Mortgage Bonds of the Elkhart High School Building Corp. is now applicable to such bonds and similar Indiana school building corporation bonds.

(b) *Opinion.* (1) The State of Indiana has by statute authorized school corporations, which are governmental entities possessing general powers of taxation including property taxation, to enter into long-term lease rental agreements with nonprofit school building corporations for the purpose of financing the construction of school buildings. The school building corporations are formed, in accordance with the requirements of the statute, solely for the purpose of providing school facilities and are thus instrumentalities chosen by the State for this purpose.

(2) Bonds issued by the building corporations are paid from lease rental payments made by the school corporations. Indiana law requires the school corporations to levy a tax sufficient to produce in each year the funds necessary to pay the agreed lease rental. These payments, which are required by law to be used only to pay the principal and interest on the bonds as they become due and for related expenses, are in an amount sufficient for such purposes. The bonds are thus appropriately supported by the promise of a governmental entity possessing general powers of taxation.

(c) *Ruling.* It is our conclusion, therefore, that bonds issued by Indiana school building corporations in accordance with the provisions of the Indiana school law are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C 24, and accordingly, eligible for purchase, dealing in, underwriting, and unlimited holding by national banks.

Dated: March 17, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67–3102; Filed, Mar. 21, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR–101]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Subpart A—Rules of General Applicability

PETITIONS FOR RULE MAKING

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of March 1967.

The following amendments to Rule 38 of the Board's rules of practice (14 CFR 302.38) are adopted herein:

1. Rule 38, which sets forth the procedures for rule making proceedings, authorizes interested parties to file petitions for rule making, but does not specifically authorize the filing of answers to petitions. Indeed, such answers have generally been accepted as a matter of practice. The amendment adopted herein will permit, but not require, the filing of such answers.

The Board believes that interested persons should be permitted to file answers to rule making petitions, in order to assist the Board in determining whether a rule making proceeding should be initiated. Since petitions are not required to be served on other persons, no fixed time limit will be placed on the filing of answers.

2. Rule 38, at present, applies to petitions for rule making only in connection with economic regulations. In practice, the procedures in Rule 38 are generally followed as to all types of Board regulations. The rule is hereby amended to extend its coverage generally.

Since this amendment is a rule of practice and procedure, notice and public procedure thereon are not required, and the rule may become effective upon less than 30 days' notice.

In consideration of the foregoing, the Board hereby amends § 302.38 of Part 302 of the Procedural Regulations (14 CFR 302.38) effective, March 22, 1967, by amending paragraphs (a), (b), and (c) to read as follows:

§ 302.38 Petitions for rule making.

(a) *Scope.* Any interested person may petition the Board for the issuance, amendment, modification, or repeal of any regulation. For purposes of this section, such proposed action will be termed rule making. Any interested person may file an answer to the petition at any time prior to the institution of a proceeding thereon or prior to denial thereof, as the case may be. Such answer shall be served upon the petitioner. The right to file an answer is purely permissive, and failure to file an answer shall not prejudice any interested person in any rule making proceeding which may be instituted on the petition. The procedures set forth in this section shall not apply to recommendations for rule making submitted by other agencies of the Government.

(b) *Form and contents.* Petitions for rule making, and answers thereto, shall conform to the requirements of §§ 302.3 and 302.4; and a petition or answer which does not conform to such requirement will not be considered by the Board.

(c) *Procedure.* Petitions for rule making will be given a docket number and will, together with any answers thereto, become matters of public record upon filing. No public hearing, oral argument, or other form of proceedings will be held directly on any such petition, but if the Board determines that the petition discloses sufficient reasons in support of the relief requested to justify the institution of public rule making procedures, an appropriate notice of proposed rule making will be issued. Thereafter, the procedures to be followed will be as required in the Administrative Procedure Act. Where the Board determines that the petition does not disclose sufficient reasons to justify the institution of public rule making procedures, petitioner, as well as persons filing answers, will be so notified together with the grounds for such denial. The provisions of this section shall not operate to prevent the Board, on its own motion, from acting on any matter disclosed in any petition.

* * * * *

(Secs. 3, 4, Administrative Procedure Act, 80 Stat. 383, 384; 5 U.S.C. 552, 553; sec. 204 (a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67–3130; Filed, Mar. 21, 1967; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 26]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 370, 371, 372, 373, 374, 376, 377, 380, and 399 of Title 15 of the Code of Federal Regulations are amended as set forth below:

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

Effective date: November 14, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

I. *New format of the Commodity Control List (§ 399.1).* Purpose and effect: The new Commodity Control List has been revised in format to incorporate additional information regarding the Export Regulations applicable to each commodity entry. This will make it possible for users of the list to determine more easily which regulations apply to a particular proposed export. The new informational features added to the Commodity Control List are described below:

1. *Country Group "S."* A new Country Group designated by the symbol "S" has been established to aid in pointing out when a validated export license is required for a destination in that Country Group. At present, only Southern Rhodesia is included in Country Group "S." Therefore, if the symbol "S" does not appear for any commodity entry in the column headed "Validated License Required for Country Group Shown Below," the commodity may be exported to Southern Rhodesia under the provisions of General License G-DEST. This procedure replaces the restriction on exports to Southern Rhodesia previously set forth in the provisions of General License G–DEST.

A new column for Country Group "S" is also added to the Commodity Control List under the heading "GLV $ Value Limits for Shipment to Country Groups." If a dollar value limitation is shown for Country Group "S" under this column, the commodity may be exported to Southern Rhodesia under the provisions of General License GLV, provided that the value of the shipment does not exceed the limitation shown.

2. *Project License.* A new symbol "F" has been established to indicate that certain commodities may not be exported under the provisions of a Project License. If the symbol "F" appears in the last column of the Commodity Control List, the commodity covered by that entry may not be exported under a Project License and an individual validated export license is required. (Other restrictions on the use of the Project License are set forth in the Export Regulations. See § 374.2.)

3. *Time Limit License.* A new symbol "G" has been established to indicate that certain commodities may not be exported under the provisions of a Time Limit (TL) License. If the symbol "G" appears in the last column of the Commodity Control List, the commodity covered by that entry may not be exported under a Time Limit (TL) License, and an individual validated license is required. (Other restrictions on the use of the Time Limit (TL) License are set forth in the Export Regulations. See § 377.2.)

Effective date of action: November 14, 1966.

Accordingly, §§ 370.1(g), 371.10(a), 371.25(b), 372.12(c) (2) and (3), 373.3 (a) and (b), 373.4 (a), (b), (c), and (f), 380.2(f) (3) and (4), 374.2 and 377.2, are revised to read as set forth below.

II. *Replacement of Processing Code Symbols by Processing Numbers.* Purpose and effect: A four letter symbol followed by a number formerly was shown in the column headed "Processing

Code and Related Commodity Group Number" for each entry on the Commodity Control List. This symbol was used to expedite the processing of various export control actions.

Effective November 14, 1966, a single three digit Processing Number will replace both the processing code and the related commodity group number. For example, entries bearing the old processing codes and related commodity group numbers TRAN 2, ELME 1, and RARA 8 now bear the Processing Numbers 432, 601, and 618, respectively. Processing Numbers are listed for each commodity in the Commodity Control List (§ 399.1).

The Processing Number shall be entered on Form FC–419, "Application for Export License" in Item 7(c) which bears the heading "Export Control Commodity No. Processing Code, Related Commodity Group No." All entries having the same Processing Numbers may be entered on a single application. Unless otherwise specifically provided in the Export Regulations (e.g.; applications submitted under the Form FC–243 Procedure, applications covering shipments of Commodities for relief or charity, and applications for licenses to export aircraft and accompanying spare parts), entries having different Processing Numbers must be shown on separate applications.

The Processing Number shall also be entered on all other forms, in addition to the license application, whenever a space is provided for a "Processing Code." This Processing Number is also required on Form FC–420, "Application Processing Card"; Form IA–763, "Request for and Notice of Amendment Action"; Form IT 743–A, "Status Request on Export License Application"; and Form IT–917, "Request for and Notice of Approval for Reexportation."

Accordingly, §§ 372.5(e)(1), 373.48(a), 374.3(a)(2), 376.4(a)(1), 399.1(d), 373.35, 373.42, 373.48, 373.47(a), 373.56, and 373.63 are revised to read as set forth below.

III. *Revision of Commodity Interpretation 8: Alloy Steel, Special Types Class 1A and Class1B.* Purpose and effect: Interpretation 8 sets forth the definition of the term "special types Class 1" as applied to certain forms of alloy steel on the Commodity Control List which are subject to the Import Certificate/Delivery Verification procedure (see § 373.2).

This interpretation is revised by substituting the terms "Special Types Class 1A" and "Special Types Class 1B" for "Special Types Class 1."

The term "special types Class 1A" sets forth the types of alloy steel which are subject to the Import Certificate/Delivery Verification requirement and the term "special types Class 1B" sets forth the types of alloy steel which are not subject to the Import Certificate/Delivery Verification requirement but require a validated license to all country group destinations.

The following Export Control Commodity Numbers are affected by this revision:

67243	67353	67920
67273	67443	67930
67290	67480	69110
67313	67503	69887
67323	67703	
67343	67860	

Effective date of action: November 14, 1966.

Accordingly, Interpretation 8, § 399.2, is revised to read as set forth below.

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

§ 370.1 Definitions.

* * * * *

(g) *Commodity Control List; country groups.* (1) "Commodity Control List" means the list of commodities incorporated in § 399.1. See § 399.1 for explanation of material included on, and makeup of Commodity Control List.

(2) "Country Groups". For export control purposes foreign countries are separated into seven country groups designated by the symbols "S", "T", "V", "W", "X", "Y", or "Z". Listed below are the countries included in each country group. Canada is not included in any country group and will be referred to by name.

(i) Country Group S:
Southern Rhodesia.
(ii) Country Group T:

NORTH AMERICA

Northern Area:
Greenland.
Miquelon and St. Pierre Islands.
Southern Area:
Mexico (including Cozumel and Revilla Gigedo Islands).
Central America:
Guatemala.
British Honduras.
El Salvador.
Honduras (including the Bay Islands).
Nicaragua.
Costa Rica.
Panama, Republic of.
Bermuda and Caribbean:
Bermuda.
Bahamas.
Jamaica.
Haiti (including Gonave and Tortuga Islands).
Dominican Republic.
Leeward and Windward Islands.
Barbados.
Trinidad and Tobago.
Netherlands Antilles (formerly Curacao, N.W.I.).
French West Indies.

SOUTH AMERICA

Northern Area:
Colombia.
Venezuela.
Guyana (formerly British Guiana).
Surinam (Netherlands Guiana).
French Guiana (including Inini).
Western Area:
Ecuador (including the Galapagos Islands).
Peru.
Bolivia.
Chile (including the islands Sala-y-Gomez, Juan Fernandes, San Felix, San Abrosio, and Easter Island).
Eastern Area:
Brazil (including the islands St. Paul, Fernando Noronha, and Trinidad (in South Atlantic)).
Uruguay.
Paraguay.
Argentina.
Falkland Islands.
(iii) Country Group V:
All countries not included in any other country group (except Canada).
(iv) Country Group W:
Poland (including Danzig).
Rumania.
(v) Country Group X:
Hong Kong.
Macao.
(vi) Country Group Y:
Albania.
Bulgaria.
Czechoslovakia.
East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
Outer Mongolia.
Union of Soviet Socialist Republics.
(vii) Country Group Z:
China, including Inner Mongolia; the provinces of Tsinghai and Sikang; Sinkiang; Tibet; and Manchuria (includes the former Kwantung Leased Territory, the present Port Arthur Naval Base Area, and Liaiong Province); but excluding Taiwan (Formosa) and Outer Mongolia.
North Korea.
Communist-controlled area of Vietnam.
Cuba.

* * * * *

PART 371—GENERAL LICENSES

§ 371.10 General License GLV; shipments of limited value.

(a) *Scope.* A general license designated GLV is hereby established, subject to the other provisions of this § 371.10, authorizing the export in a single shipment of any commodity on the Commodity Control List to Country Group S, T, V, or X: *Provided,* That:

(1) The net value of the commodity included in a single entry does not exceed the GLV dollar-value limit specified for the appropriate Country Group S,[1] T, V, or X in the column headed "GLV $ Value Limits for Shipment to Country Groups S,[1] T, V, or X"; and

(2) The commodity is not related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 373.7(b) of this chapter.

* * * * *

§ 371.25 General License GATS; aircraft on temporary sojourn.

* * * * *

(b) *U.S. registered aircraft.* An operating civil aircraft of U.S. registry may depart from the United States under its own power for a temporary sojourn abroad under the conditions set forth in paragraphs (1) and (2) of this paragraph:

(1) A U.S. operating civil aircraft may depart from the United States under its own power for any destination except

[1] For shipments to Southern Rhodesia see § 373.69 of this chapter.

Country Group S, W, Y, or Z: *Provided,* That:

(i) The aircraft does not carry from the United States any commodity for which export authorization has not been granted by the appropriate U.S. Government agency;

(ii) The aircraft is not to be used in any military activity while abroad;

(iii) The aircraft is to be operated only by a U.S. licensed pilot (except on demonstration flights) while abroad;

(iv) The aircraft, or its equipment, parts, accessories, or components will not be disposed of in any foreign country without prior authorization from the Office of Export Control; and

(v) The aircraft's U.S. registration will not be changed while abroad.

(2) (i) Where it is decided that the aircraft or any of its equipment, parts, accessories, or components will be sold or leased abroad, or is not to be returned to the United States for any other reason, request shall be made to the U.S. Department of Commerce, Office of Export Control, Washington, D.C. 20230, for authorization of such disposition.

(ii) The request shall be by letter, in original and one copy, setting forth, where applicable, the date on which the aircraft last departed from the United States, the reason for nonreturn to the United States, the country in which the aircraft will be registered, the commodity description, Export Control Commodity Number of the commodity, value and quantity, as well as the name and address and identity of each party to the proposed transaction. In addition the request shall be accompanied by all documents which would be required in support of an application for export license for shipment of the same commodity directly from the United States to the proposed destination.

(iii) If the request for authorization of nonreturn of the aircraft is approved, the Office of Export Control will stamp the letter of request with the validation stamp of the U.S. Department of Commerce and return one validated copy to the applicant. Where the request is not approved by the Office of Export Control, the applicant will be advised by letter.

NOTE: 1. *Declaration not required on departure.* A Shipper's Export Declaration form need not be submitted to the Customs Officer when an operating civil aircraft departs from the United States under the provisions of General License GATS.

2. *Declaration required on nonreturn to the United States.* Where the Office of Export Control approves the nonreturn to the United States of a U.S. registered aircraft and the aircraft is disposed of abroad, the required Shipper's Export Declaration shall be submitted to a Customs Officer located at any port in the Customs District from which the aircraft departed.

3. *Aircraft licensed by the U.S. Department of State.* The provisions of General License GATS do not apply to aircraft under export licensing authority of the U.S. Department of State. These aircraft are described on the U.S. Munitions List. The departure of such aircraft must in all cases comply with the export regulations of the Department of State.

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

§ 372.5 How to file an application for a validated license.

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(e) *Inclusion of related commodities on a single application*—(1) *Description of related commodities.* For each entry on the Commodity Control List (§ 399.1) there appears in the column headed "Processing Number" a three digit number which is the processing number for that entry. Any entries on the Commodity Control List which have the same Processing Number may be included on a single license application. (See §§ 373.4(f)(2) and 373.48(a)(1) of this chapter for exceptions.) Shipments of commodities for relief or charity may be included on a single license application regardless of the Processing Number.

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§ 372.12 Reexportation.

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(c) *Reexportation request subsequent to submission of license application.* * * *

(2) *Additional special requirements.* In addition to the provisions of subparagraph (1) of this paragraph, the request for authority to reexport shall include the following:

(i) If the export was made, or will be made, from the United States to Switzerland or Liechtenstein under a validated export license, and the commodity(ies) or technical data covered is to be reexported from Switzerland or Liechtenstein, the request shall include the name and address of each person or firm to whom reexport will be made, the quantity and value of the commodities to be reexported to each such person or firm, and the number and date of the Swiss Blue Import Certificate(s) which was submitted in support of the application for license to export the commodities from the United States.

(ii) If the reexport is to be made to a destination specified in (*a*) of this subdivision (ii), regardless of the country to which the commodities or technical data were originally shipped from the United States, additional information shall be furnished as set forth in (*b*) and (*c*) of this subdivision (ii).

(*a*) Cambodia, Indonesia, Laos, Lebanon, Liechtenstein, Malaysia, South Africa (Republic of), Switzerland, Thailand, Vietnam (Republic of), Yugoslavia; or any destination in Country Group S, W, X, Y, or Z (see § 370.1(g) of this chapter).

(*b*) The name and address of each person or firm to whom reexport will be made, and the commodity description, quantity, and value of the commodities which will be reexported to each such person or firm, and

(*c*) Consignee/purchaser statement or other documentation from the new ultimate consignee which would be required by Part 373 of this chapter if the reexport were a direct export from the United States to the new country. Where this document is a Yugoslav End Use Certificate or a Swiss Blue Import Certificate, and the same document must be furnished to the export control authorities of the country from which reexport will be made, the Office of Export Control will accept a reproduced copy of the document being furnished to the country of reexport.

(3) *Notice to consignee.* Where the Office of Export Control has authorized a type of reexport described in subparagraph (2) (i) or (ii) of this paragraph, the United States exporter shall advise his foreign consignee of the amount of reexport and name of person or firm to whom the reexport has been approved.

(i) Any authorization to reexport or redistribute commodities or technical data to Country Group W, Y, or Z whether authorized on the validated export license or separately pursuant to this paragraph (c), expires on the last day of the sixth month following the month in which the reexport is authorized unless otherwise specified. The U.S. exporter shall, in connection with each such authorization, furnish written notification to the ultimate consignee of this limitation on the validity period of the reexport authorization.

(ii) A request for an extension of the validity period of a reexport or redistribution authorization shall be submitted in the same manner as a request for the reexport authorization (see subparagraphs (1) and (2) of this paragraph), except that the documentation required by subparagraph (2)(ii)(b) of this paragraph need not be resubmitted if the original documents remain valid. The request for extension shall, in addition to the other information required, include information identifying the original authorization, the date of the authorization, the name of the countries covered, the commodities and quantities originally authorized for reexport, and the commodities and quantities remaining to be reexported.

(iii) The document authorizing reexport shall be kept and made available for inspection in accordance with the provisions of § 381.11 of this chapter.

(The Export Regulations contain further recordkeeping requirements. See § 381.11 of this chapter.)

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PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

§ 373.3 Statement by foreign importer of aircraft or vessel repair parts.

(a) *Definitions*—(1) *Foreign importer of aircraft or vessel repair parts.* As used in this § 373.3, the term "Foreign Importer of Aircraft or Vessel Repair Parts" means a person or firm which is located in any foreign country except Country Group S, W, Y, or Z (see § 370.1(g) of this chapter for country groups), and which is either:

(i) Engaged in the repair, maintenance, or servicing of aircraft or vessels, either exclusively or as part of a related business; or

(ii) Engaged in supplying U.S.-origin parts, accessories, equipment, or components directly to aircraft or vessels for use or such aircraft or vessels, either

exclusively or as part of a related business. Such foreign person or firm need not maintain an aircraft repair hangar or ship repair yard provided that he is engaged in one of the activities set forth in this procedure.

(2) *Station Number.* As used in this § 373.3, a Station Number is that number assigned by the Office of Export Control on Form FC–43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts, to an approved foreign importer of aircraft or vessel repair parts.

NOTE: 1. *Examples of Qualifying Foreign Businesses.* The following examples illustrate the types of foreign businesses which may qualify under the procedure set forth in this § 373.3: (a) the foreign importer may be in the business of repairing vessels or aircraft and, as part of this business, he usea U.S.-origin parts to accomplish the repair, or (b) the foreign importer may be in the business of repairing vessels or aircraft, and, in addition to using U.S.-origin parts in such repair, he also sells U.S.-origin parts directly to vessels or aircraft for use as spares or standby equipment on such vessels or aircraft, or (c) the foreign importer may not be in the vessel or aircraft repair business but does sell U.S.-origin parts directly to vessels or aircraft for use as spares or standby equipment on such vessels or aircraft.

2. *Examples of Nonqualifying Foreign Businesses.* The procedure set forth in this § 373.3 does not apply to a foreign importer who importa U.S.-origin commodities for general resale (including resale to repairmen) or for reexportation of the commodities in the form received; nor does it apply to a foreign importer whose normal business is the repair of components for aircraft or vessels, e.g., engines, radar, etc., unless the foreign importer installs the components on or returns them to the vessel or aircraft for use on auch vessel or aircraft.

3. *Foreign Importers Engaged in Both Qualifying and Nonqualifying Types of Businesses.* In some instances a foreign importer may be engaged in several types of businesses but not all of them may qualify under the procedure set forth in this § 373.3. For example, the importer may be engaged in repairing aircraft or vessels, as well as in selling commodities to other repairmen, or in reexporting the commodities to other countries. The fact that the importer is engaged in these several types of businesses does not preclude him from qualifying under this procedure with respect to U.S.-origin commodities which are used by him in the repair, maintenance or servicing of vesaels or aircraft. However, with respect to commodities which the improper purchases in the United States for end uses not authorized under this procedure, both the importer and the exporter must meet the standard documentation and reexport provisions of the Export Regulations.

(b) *General.* (1) Sections 373.2, 373.65, 373.67, and 373.70 require, under specified circumstances, the foreign consignee to send his U.S. exporter an Import Certificate, a Hong Kong Import License, a consignee/purchaser statement, a Swiss Blue Import Certificate, or a Yugoslav End Use Certificate for use in connection with the submission of an application for an export license to the Office of Export Control. In addition, before U.S.-origin parts, accessories, equipment, or components may be used abroad in the repair, maintenance or servicing of a vessel or aircraft, authorization must be obtained from the Office of Export Control, either on the validated license or by other type of Office of Export Control authorization. As an alternative to these requirements, a foreign importer may submit Form FC–43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts (see Supplement S–23 for facsimile of Form FC–43), for approval to the Office of Export Control in accordance with the procedure described in this § 373.3.

(2) A foreign importer qualifying under this procedure will not be required to submit to his U.S. exporter any of the documents set forth in subparagraph (1) of this paragraph; nor will his U.S. exporter be required to submit these documents to the Office of Export Control.

(3) A foreign importer qualifying under this procedure is authorized to use the U.S.-origin parts in the repair, maintenance or servicing of any vessel or aircraft, provided the vessel or aircraft is not registered in, or not owned or controlled by, or not chartered or leased to a Country Group S, W, Y, or Z country or a national of any of these countries. (See § 370.1(g) of this chapter for Country Groups.)

NOTE: Any undertaking made prior to January 29, 1962, that commodities imported will not be used in the repair, maintenance, or servicing of vessels or aircraft owned or operated by, or chartered or leased to, the Armed Forces of the Dominican Republic is no longer binding and the person entering this undertaking is released therefrom.

(4) Unless otherwise authorized by the Export Regulations, a foreign importer may not reexport the U.S. origin commodities in the form received, or otherwise dispose of the commodities in any manner without the prior approval of the Office of Export Control. The permissive reexport provisions of §§ 371.4(b) and 372.12(d)(5) of the Export Regulations relating to the reexport of certain commodities within the GLV dollar value limitation shown on the Commodity Control List (§ 399.1) do not apply to commodities exported from the United States under the provisions of this § 373.3.

* * * * *

§ 373.4 Distribution of U.S. commodities by foreign-based subsidiary, affiliate, or branch.

(a) *Definitions.* As used in this § 373.4 (and in the related forms), the following terms are defined in subparagraphs (1) through (4) of this paragraph:

(1) *Form FC–243 Procedure.*[1] The provisions for the distribution of U.S. commodities by the U.S. exporter or his subsidiary, affiliate, or branch set forth in this § 373.4 are referred to as the "Form FC–243 procedure."

(2) *Foreign-based stock.* The term "foreign-based stock" is a stock of U.S.-origin commodities, not identified by the symbol "B" in the last column of the Commodity Control List (see § 399.1), which has been duly licensed by the Office of Export Control for stocking outside the United States by a U.S. exporter, his subsidiary, affiliate, or branch for the purpose of distribution in one or more countries to customers approved by the Office of Export Control.

(3) *Distributor.* The term "distributor," as used in this section, refers to, and is limited to, a subsidiary, affiliate, or branch of the U.S. exporter wherein:

(i) The subsidiary, affiliate, or branch is under the full and active control of the U.S. exporter;

(ii) The U.S. exporter owns a majority of any existing voting stock in the subsidiary, affiliate, or branch;

(iii) The subsidiary, affiliate, or branch distributes or sells U.S. commodities covered by a validated Form FC–243 exclusively to customers approved by the Office of Export Control under this Form FC–243 procedure[2] for: (*a*) Delivery from foreign-based stocks, or (*b*) shipment directly from the United States, pursuant to instructions[3] of the subsidiary, affiliate, or branch to fill an urgent need or a specialized requirement for a commodity covered by this Form FC–243 procedure but not available for shipment through the foreign-based stock, or (c) shipment directly from the United States to an approved customer of commodities to be used in equipment originally manufactured by the U.S. exporter;

(iv) The subsidiary, affiliate, or branch is located in a country other than Country Group S, W, Y, or Z.

(4) *Customer.* The term "customer" as used in this section, means a person or firm in a country other than Country Group S, W, Y, or Z, who is supplied U.S.-origin commodities through a distributor as defined in subparagraph (3) of this paragraph.

(b) *Establishment of alternative procedure for the distribution of U.S. commodities by a subsidiary, affiliate, or branch of U.S. exporter.* (1) A U.S. exporter is required, under specified circumstances, to obtain and submit to the Office of Export Control certain documentation in support of his application for an export license. (See §§ 373.2, 373.65, 373.67, and 373.70.) In addition, a reexport to a third country must be authorized by means of a specific individual authorization. (See §§ 371.4 and 372.12 of this chapter.)

(2) An alternative to these provisions is hereby established as described below, permitting a U.S. exporter either to stock U.S. commodities abroad at a central location for distribution to customers in the country where the stock is located or in other countries; or, when necessary to fill an urgent need or a specialized requirement which cannot be filled from the foreign-based stock, to ship the commodities directly to these customers from his U.S. stocks.

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[1] Copies of Form FC–243 may be obtained at all U.S. Department of Commerce field offices listed on page 1 and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C. 20230.

[2] See § 373.4(c)(4) regarding use of other procedures.

[3] The instruction from the distributor to ship directly from the United States to his approved customer, together with the related export order shall be retained by the U.S. exporter, as provided by § 372.4 (f)(4) and (h) of this chapter.

(c) *Exports, reexports, and distributions under the Form FC–243 procedure.* (1) A U.S. exporter who qualifies under the provisions of paragraph (d) of this section may apply for and obtain licenses for exports to an approved destination for the purpose of maintaining a foreign-based stock covering any commodity not identified by the symbol "B" in the last column of the Commodity Control List, except the following commodities:

Export Control Commodity No.	Commodity Description
71420	Electronic computers.
72620	X-ray machines, and specially designed parts therefor, and flash discharge type X-ray tubes.
72952	Vibration testing equipment.
72952 and 66198	Mass spectrometers.
72970	Neutron generators and specially designed parts therefor, and neutron generator tubes.

In addition, the U.S. exporter may apply for an export license to ship directly to his distributor's customer either:

(i) Upon instructions from his distributor, when shipment directly from the United States is necessary to supply promptly an urgent need or specialized requirement for commodities which are covered by this Form FC–243 procedure but are not available from the foreign-based stock, or

(ii) For shipment to an approved customer of parts and components to be used in repairing equipment originally manufactured by the U.S. exporter.

These exports may be made without obtaining or submitting documents otherwise required by the Export Regulations and referred to in paragraph (b) of this section.

(2) The Form FC–243 procedure also permits the distributor, until the expiration of revocation of his validated Form FC–143, Request for Authorization to Distribute U.S.-Origin Commodities Stocked Abroad to Approved Customers,[1] to distribute or reexport the commodities stocked abroad, without obtaining prior Office of Export Control approval for each separate individual transaction, to any customer who has been approved by the Office of Export Control in accordance with the provisions of paragraph (e) of this section, whether such customer is in the country where the foreign-based stock is located or in any other country.

(3) Only a distributor, as defined in paragraph (a)(3) of this section, will be qualified under the Form FC–243 procedure.

(4) Where a commodity, customer, distributor, or desination is not approved under the Form FC–243 procedure, the exporter is not precluded from using any other applicable export procedure, authorization, or provision. Persons or firms located in Country Group S, W, Y, or Z will not be approved as distributors under the Form FC–243 procedure. Customers in Country Group S, W, Y, or Z may be approved only on an individual transaction basis with the prior written approval of the Office of Export Control for each shipment from the foreign-based stock.

(5) Except as provided in paragraph (e)(4) of this section, in no case may an export, reexport, distribution, or resale be made under the Form FC–243 procedure to any person or firm until the exporter has received a validated Form FC–243 showing the Office of Export Control approval of that person or firm as a customer.

(6) The permissive reexport provisions of the Export Regulations relating to the reexport of commodities within the established GLV dollar value limits (see §§ 371.4(b) and 372.12(d) of this chapter) shall not apply to exports, reexports, or distributions under this procedure.

* * * * *

(f) *Application for export license—*(1) *Types of applications.* A U.S. exporter who has received a validated Form FC–143 may apply for three different types of export licenses under this procedure:

(i) A license to export commodities to his distributor for subsequent distribution, as set forth in paragraph (c)(2) of this section.

(ii) A license to export directly to his distributor's approved customer commodities which are not available from the foreign based stock but for which shipment directly from the United States is necessary to meet an urgent need or a specialized requirement of the distributor's customer.

(iii) A license to export directly to his distributor's approved customer parts and components which are not stocked by the distributor and which are to be used in the repair of equipment originally manufactured by the U.S. exporter, in an amount based on the U.S. exporter's estimate of the quantity which he expects to ship during the next 6 calendar months.

(2) *General provisions.* An application for export license described in subparagraph (1) of this paragraph shall be completed in accordance with the provisions of § 372.5 except as modified by this subparagraph (2) or by subparagraphs (3), (4), or (5) of this paragraph. Any commodities may be included on a single application if the first two digits of the Processing Number for each commodity are the same.[1] (For example: commodities bearing the Processing Numbers 611, 612, and 618 may be included on a single application since the first two digits are the same in each case.) Commodity Control List descriptions and Export Control Commodity numbers, however, must be shown for each commodity in accordance with the provisions of § 372.5. In submitting an application, the applicant is not required to provide the Office of Export Control with an Import Certificate, Statement by Consignee and Purchaser or any other supporting document other than Form FC–143 or Form FC–243.

(3) *Shipment to distributor.* An application covering shipments to the distributor of commodities set forth on the validated Form FC–143 (see subparagraph (1)(i) of this paragraph) must be received in the Office of Export Control prior to the expiration date shown on the validated Form FC–143 or on an extension thereof. In completing the application, the applicant shall enter the following statement in the space entitled "Additional Information" or on an attachment thereto:

The ultimate consignee named in this application is an approved distributor of U.S. commodities stocked abroad and has been assigned validation number (insert Form FC–143 validation number).

(4) *Urgent direct shipment to distributor's customer.* This type of license application (see subparagraph (1)(ii) of this paragraph) may be submitted where the United States exporter is advised by his distributor that an order has been received from an approved customer for a commodity which has been approved on the customer's validated Form FC–243 but which is not in the distributor's foreign-based stock and for which the customer has an urgent need or a specialized requirement. The license application must be received in the Office of Export Control prior to the expiration date shown on the validated Form FC–243 or an extension thereof. In addition, the application shall include the following statement in the space entitled, "Additional Information" or on an attachment thereto:

The ultimate consignee named in this application is an approved customer of our foreign distributor. Our distributor (insert Form FC–143 validation number) requests that shipment be made directly from the United States to fill an urgent need or specialized requirement.

(5) *Shipments of parts and components direct to distributor's customer.* This type of license application (see subparagraph (1)(iii) of this paragraph) may be submitted where all of the following conditions are met:

(i) The license application is received in the Office of Export Control prior to the expiration date shown on the customer's validated Form FC–243 or an extension thereof.

(ii) The commodities described on the license application represent parts and components which will be used by the distributor's customer in repairing equipment originally manufactured by the U.S. exporter or which will be supplied by the distributor's customer to another party exclusively for this purpose. If the parts and components are reexported for this purpose, the reexportation will be made only to the countries specified

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[1] Copies of Forms FC–143 and FC–243 may be obtained at all U.S. Department of Commerce Field offices listed on page 1 and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C. 20230.

Late revisions of Form FC–143 refer in item 7.b to Country Groups W, Y, and Z. If an earlier issuance of Form FC–143 is used, the list of destinations in item 7.b shall be revised accordingly.

[1] For license applications covering aircraft and equipment, parts, accessories, and components therefor, see § 373.48.

on the customer's validated Form FC–243. In addition, the parts and components will not be used in repairing equipment owned or controlled by, or leased or chartered to a country in Country Group S, W, Y, or Z, or a national of any of these countries.

(iii) Each order received from the distributor's customer should, whenever possible, include a certification from the customer that he will comply with all the provisions of subdivision (ii) of this subparagraph. Regardless of whether the certification appears on the order, the U.S. exporter will, at the time of filling the order, transmit a written notification to the customer setting forth these restrictions.

(iv) The commodities set forth on the license application are included on the customer's validated Form FC–243 and are in a quantity which the exporter expects to ship to the customer during the next 6 calendar months for use in repairing equipment originally manufactured by the exporter's firm.

(v) The license application includes the following statement in the space entitled "Additional Information" or on an attachment thereto:

The ultimate consignee named in this application is an approved customer of our foreign distributor (insert Form FC–143 validation number). Before making any shipment under this license, if granted, I(we) shall: (1) obtain an export order from the ultimate consignee, (2) wherever possible, obtain a written certification from the ultimate consignee on the export order with regard to the restrictions set forth in § 373.4(f)(5)(ii) of the Comprehensive Export Schedule, and (3) for each shipment notify the ultimate consignee, in writing, of these restrictions.

If the quantity licensed under this procedure proves insufficient to meet the requirements of a particular customer, a request for an amendment to increase the quantity authorized for export may be submitted in accordance with the provisions of Part 380. However, no amendment will be granted to extend the validity period of such a license. Instead, the exporter should submit a new application for license 30 days prior to the expiration date of an outstanding license. The new application shall be accompanied, in addition to the requirement set forth in subdivision (v) of this subparagraph, by a statement from the applicant setting forth the total quantity and value of each commodity shipped under the previous license, as of the date of the new application.

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§ 373.35 Machinery equipment and parts.

Applications for licenses to export machinery, equipment, and parts for machinery and equipment must include the following identifying information in addition to the requirements of § 372.4(e) of this chapter.

(a) A copy of manufacturer's current catalog or bulletin or pertinent pages therefrom describing the commodity, unless previously furnished.

(b) For commodities having a rated capacity, show maximum rating.

(c) For machinery, equipment, or parts, if production and export cannot be completed within 6 months, the Office of Export Control will consider the issuance of a license with a validity period of 1 year. In these instances, the exporter shall enter this request on the application in the space entitled "Additional Information," or on an attachment thereto explaining the circumstances upon which the request is based, and giving the approximate date of availability for export.

§ 373.42 Iron and steel.

Any iron and steel products not identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1) are subject to the special provisions set forth in § 373.19.

§ 373.46 Iron and steel.

Any iron and steel products not identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1) are subject to the special provisions set forth in § 373.19.

§ 373.47 Machinery, equipment, and parts.[2]

Applications for licenses to export machinery, equipment, and parts for machinery and equipment identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1), must include the following identifying information in addition to the requirements of § 372.4(e) of this chapter:

(a) A copy of manufacturer's current catalog or bulletin, or pertinent pages therefrom describing the commodity, unless previously furnished.

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§ 373.48 Aircraft and equipment, parts, accessories, and components therefor.

(a) *Spare parts accompanying aircraft.* (1) Notwithstanding the provisions of § 372.5 (a), (d), and (e) of this chapter, where the applicant intends to export aircraft and accompanying spare parts for such aircraft to any destination except Country Group W, Y, or Z (See § 370.1(g) of this chapter), the applicant may: (i) Include both the aircraft and the accompanying spare parts on a single application, even though these commodities may not have the same Processing Numbers; and (ii) show on the application the total value of all the accompanying spare parts without the necessity for indicating the value of each Commodity Control List entry shown on the application, if at the time of submitting the application the applicant is unable to determine the value of the parts for each Export Control Commodity number.

(2) The provisions of this § 373.48 do not relieve the applicant from classifying the commodities shown on the application in accordance with Commodity Control List entries, or from describing the commodities in accordance with the commodity description terminology shown on the Commodity Control List.

* * * * *

§ 373.56 Machinery, equipment, and parts.[1]

Applications for licenses to export machinery, equipment, and parts for machinery and equipment must include the following identifying information in addition to the requirements of § 372.4(e) of this chapter:

(a) A copy of manufacturer's current catalog or bulletin, or pertinent pages therefrom describing the commodity, unless previously furnished;

(b) For commodities having a rated capacity, show maximum rating; and

(c) For machinery, equipment, or parts, if production and export can not be completed within 6 months, the Office of Export Control will consider the issuance of a license with a validity period of 1 year. In these instances, the exporter shall enter this request on the application in the space entitled "Additional Information," or on an attachment thereto explaining the circumstances upon which the request is based, and giving the approximate date of availability for export.

§ 373.63 Iron and steel.

Any iron and steel products not identified by the symbol "B" in the last column of the Commodity Control List are subject to the special provisions set forth in § 373.19.

PART 374—PROJECT LICENSE

§ 374.2 Commodities and technical data subject to project license.

The project licensing procedure is applicable to all commodities and technical data which require a validated license for export as well as commodities which may be exported under General License GLV except:

(a) Commodities identified by the symbol "F" in the last column of the Commodity Control List;

(b) Commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 373.7(b) of this chapter; and

(c) Unpublished technical data related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 385.2(c)(3)(vi) of this chapter.

(d) Commodities destined directly or indirectly to Country Group S which are listed in § 373.69(a)(1) of this chapter.

§ 374.3 Basis for consideration of license applications.

* * * * *

(a) *Volume of validated license shipments.* * * *

[2] Parts, accessories, and equipment which are to be scrapped are classified as scrap e.g., Export Control Commodity Nos. 28200, 28402, 28403, 28404, etc. See § 399.2, Interpretation 10.

[1] Parts, accessories, and equipment which are to be scrapped are classified as scrap e.g., Export Control Commodity Nos. 28200, 28402, 28403, 28404, etc. See § 399.2, Interpretation 10.

(2) The commodities to be exported are covered by entries in the Commodity Control List (§ 399.1) showing at least four commodity Processing Numbers in which the first two digits of each such Processing Number are different. For example, Processing Numbers 411, 421, 612, and 621 would meet this requirement for approval, since the first two digits in each case are different, i.e.; 41, 42, 61, and 62, respectively. On the other hand, Processing Numbers 411, 412, 413, and 418 would not meet this requirement for approval, because the first two digits in each Processing Number are the same.

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PART 376—PERIODIC REQUIREMENTS (PRL) LICENSE

§ 376.4 Application requirements.

(a) *How to prepare a PRL License application.* An application for a PRL License shall be prepared and submitted on Form FC–419, Application for Export License (rev. Jan. 1966), with Form FC–420, Application Processing Card,[1] attached, in accordance with instructions contained in § 372.5 of this chapter, and with the following specific modifications:

(1) *General.* An application for a PRL License shall include only one country of ultimate destination. More than one commodity may be included on a single application, provided the commodities are listed on the Commodity Control List (§ 399.1) with the same Processing Number (see § 372.5(e) of this chapter). Exports to more than one consignee within the same country of destination may also be included on a single application. If more than one consignee is included on the application, the applicant shall attach a list, in duplicate, of the names and addresses of the proposed consignees, and insert "See attached list of consignees," on the application in the space entitled "Ultimate Consignee In Foreign Country;"

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PART 377—TIME LIMIT (TL) LICENSE

§ 377.2 Commodities subject to TL License.

The commodities which may be exported under the time limit licensing procedure are all commodities listed on the Commodity Control List (§ 399.1) for which a validated license is required for exports to Country Group T by the information set forth in the column headed "Validated License Required for Country Groups Shown Below," except:

(a) Commodities identified by the symbol "G" in the last column of the Commodity Control List; and

(b) Commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing as described in § 373.7(b) of this chapter.

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

§ 380.2 Amendments or alterations of licenses.

* * * * *

(f) *Where to file.* * * *

(3) *Amendment requests on which field offices may not take action.* The Department of Commerce field offices are not authorized to take action on requests for amendments to licenses under the conditions described below. All such requests shall be filed with the U.S. Department of Commerce, Office of Export Control, Operations Division (Attention: 852) Washington, D.C. 20230.

(i) Request for amendment or extension of a license covering an export to Country Group S, Y, or Z, unless the amendment involves no more than a correction of obvious error(s) in the license, such as a mistake in typing.

(ii) Request for amendment of a license where the intended port of exit is not known to the licensee.

(iii) Request for amendment or extension of a license for a shipment which has already been laden aboard the exporting carrier or exported (see paragraph (1)(2) of this section).

(iv) Request for amendment or extension of a Project License.

(v) Request for amendment or extension of a license for export of any commodity listed in § 374.2(c) of this chapter other than the commodities listed under Export Control Commodity Nos. 71420, 72620, 72952, 72970, and 86198.

(vi) Request for amendment or extension of a Technical Data License.

(vii) Request for amendment or extension of a license for export of commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 373.7(b) of this chapter.

(viii) Request for amendment or extension of a license covering the export of any commodity listed in § 373.18(a) of this chapter.

(4) *Duplicate request covering same license.* A request for amendment shall not be submitted to or acted upon by any field office of the U.S. Department of Commerce if an amendment request covering the same license is currently pending action or has been previously denied by the Office of Export Control, or by any other field office.

* * * * *

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

§ 399.1 Commodity Control List.

GENERAL NOTES TO COMMODITY CONTROL LIST

* * * * *

(d) *Processing Numbers.* For each entry on the Commodity Control List a three digit number (e.g., 411, 418, or 601) appears in the "Processing Number" column. These Processing Numbers must be shown on the application for export license since they are used to facilitate the routing and processing of export license applications within the Office of Export Control. Only those entries on the Commodity Control List that have the same Processing Number may be entered on a single application for export license. (For complete information on the inclusion of related commodities on a single application, see 372.5(e) of this chapter.)

Commodity Processing Numbers, grouped according to the three licensing divisions in the Office of Export Control that license the commodities included in each group, are shown in § 399.4.

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§ 399.2 Commodity interpretations.

* * * * *

INTERPRETATION 8: ALLOY STEEL, SPECIAL TYPES CLASS 1A AND CLASS 1B

SPECIAL TYPES CLASS 1A

The term "special types Class 1A" is used in the Commodity Control List to designate certain alloy steels which are subject to the Import Certificate/Delivery Verification procedure (§ 373.2 of this chapter). For export control purposes "special types Class 1A" of stainless and other alloy steel includes steels produced by a vacuum melting process which have a total content of alloying elements of more than 10 percent and a carbon content not exceeding 0.2 percent and which have been or are capable of being heat treated to give a yield strength of 180,000 p.s.i. or higher. Yield strength is the standard 0.2 percent offset yield strength.

SPECIAL TYPES CLASS 1B

The term "special types Class 1B" is used in the Commodity Control List to designate certain alloy steels which are not subject to the Import Certificate/Delivery Verification procedure but require a validated license to all country group destinations. For export control purposes "special types Class 1B" of stainless and other alloy steel includes steels not specified in "Special Types Class 1A" above but which contain any of the following characteristics:

(a) Alloys with 10 percent or more molybdenum;

(b) Alloys with 5 percent or more molybdenum and more than 14 percent chromium;

(c) Alloys with 1.5 percent or more columbium and/or tantalum;

(d) Nickel-bearing stabilized steel, n.e.c., having a total of 38 percent or more alloying elements and having either 0.4 percent or more titanium or 0.8 percent or more columbium-tantalum; or

(e) Precipitation hardening steels containing 4 percent or more nickel.

* * * * *

[F.R. Doc. 67–3112; Filed, Mar. 21, 1967; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 1—GENERAL PROVISIONS

PART 2—MEASUREMENT OF VESSELS

PART 3—DOCUMENTATION OF VESSELS

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

Notice of Continuation of Certain Functions

CROSS REFERENCE: For a document affecting certain Customs Bureau functions, see F.R. Doc. 67–3101, Department of the Treasury, Coast Guard, in the Notices section of this issue, *infra*.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Oral Prenatal Drugs Containing Fluorides for Human Use

A statement of policy, § 3.53, concerning human-use oral prenatal drugs containing fluorides, was published in the FEDERAL REGISTER of October 20, 1966 (31 F.R. 13537), and stated that regulatory proceedings might be initiated with respect to drug preparations labeled contrary to the statement and shipped after 60 days from October 20, 1966. Subsequently, to allow time for the submission of documentary evidence that might justify reconsideration of the policy statement, § 3.53 was amended by an order published December 20, 1966 (31 F.R. 16266), and specified that such regulatory proceedings would not be initiated before February 17, 1967.

The evidence submitted in response to that order has been reviewed, and questions from interested persons as to whether § 3.53 permits the labeling of the subject drugs to bear claims for the prevention of caries in pregnant women and whether it is permissible for such preparations to contain fluorides without labeling claims with respect to such fluoride content have been considered.

Based on the evidence submitted in response to the order of December 20, 1966, other available evidence, and consideration given the questions raised regarding § 3.53, the Commissioner of Food and Drugs concludes that the statement of policy should be revised as set forth below.

Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502 (a), (f), 505, 701(a), 52 Stat. 1050, 1051, 1052, as amended, 1055; 21 U.S.C. 352 (a), (f), 355, 371(a)) and delegated by him to the Commissioner (21 CFR 2.120), § 3.53 is revised to read as follows:

§ 3.53 Oral prenatal drugs containing fluorides intended for human use.

(a) The Food and Drug Administration finds that there is neither substantial evidence of effectiveness nor a general recognition by qualified experts that prenatal drug preparations containing fluorides promote tooth development in the fetus, prevent dental caries in the offspring, or prevent dental caries in pregnant women.

(b) Any such drug preparation that is so labeled, represented, or advertised will be regarded as misbranded and subject to regulatory proceedings unless such recommendations are covered by a new-drug application, including substantial evidence of effectiveness, approved pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act. Any such drug preparation that is labeled, represented, or advertised as containing fluorides as an active ingredient of the drug for prenatal use will similarly be regarded as misbranded and subject to regulatory proceedings.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug," Form FD-1571 set forth in § 130.3 of this chapter, must be submitted to cover clinical investigations designed to obtain evidence that such preparations are effective for such uses.

(d) Regulatory proceedings may be initiated with respect to drug preparations shipped within the jurisdiction of the act that are contrary to provisions of this statement after 30 days from the date of publication of this statement in the FEDERAL REGISTER.

(Secs. 502(a), (f), 505, 701(a), 52 Stat. 1050, 1051, 1052, as amended, 1055; 21 U.S.C. 352 (a), (f), 355, 371(a))

Dated: March 14, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-3113; Filed, Mar. 21, 1967; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Certain Cheeses; Confirmation of Effective Date of Order To Permit Use of Additional Safe and Suitable Milk-Clotting Enzymes

In the matter of amending the standards of identity for cheddar, washed curd, colby, granular, and swiss cheese (21 CFR 19.500, 19.505, 19.510, 19.535, and 19.540) to permit use of safe and suitable milk-clotting enzymes, other than the presently permitted rennet, in cheesemaking:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of January 14, 1967 (32 F.R. 410). Accordingly, the amendments promulgated by that order will become effective March 15, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 14, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3114; Filed, Mar. 21, 1967; 8:47 a.m.]

PART 31—NONALCOHOLIC BEVERAGES

Canned Soda Water, Identity Standard; Confirmation of Effective Date of Order Listing Stannous Chloride as Optional Chemical Preservative

In the matter of amending the standard of identity for soda water (21 CFR 31.1) by listing stannous chloride as an optional chemical preservative in canned soda water:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of January 17, 1967 (32 F.R. 449). Accordingly, the amendment promulgated by that order will become effective March 18, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 16, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3115; Filed, Mar. 21, 1967; 8:47 a.m.]

PART 53—TOMATO PRODUCTS

Canned Tomatoes, Identity Standard; Confirmation of Effective Date of Order Ruling on "Solid Pack" Labeling Provision

In the matter of amending the standard of identity for canned tomatoes (21 CFR 53.40) to establish a definition for solid pack canned tomatoes and thereby ruling on the "solid pack" provision of the proposal of January 28, 1966 (31 F.R. 1154).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commisisoner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of December 20, 1966 (31 F.R. 16266). Accordingly, the amendment promulgated by that order became effective February 18, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 16, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3116; Filed, Mar. 21, 1967; 8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Aldrin and Dieldrin

A notice was published in the FEDERAL REGISTER of May 29, 1965 (30 F.R. 7249), proposing that the pesticide regulations be amended to change certain tolerances for residues of the insecticides aldrin and dieldrin. Based on recommendations of an advisory committee, and available data, it was proposed that:

1. The tolerances for aldrin and dieldrin established at 0.75 and 0.25 part per million for specified commodities be reduced to zero; and

2. The tolerances for these insecticides on small grains, sugarbeets, and sugarbeet tops be reduced from 0.1 part per million to zero because data indicate that residues of aldrin at the tolerance level in sugarbeet tops and of aldrin and dieldrin at the tolerance level in grains (and in grain straw) will result in dieldrin residues in milk and meat when these items are consumed by livestock, and residues in sugarbeet pulp and in dried citrus pulp from treated sugarbeet roots and treated citrus, respectively, will transfer from these feeds to milk and meat. (There are no tolerances for residues of aldrin or dieldrin in milk and meat.)

The Shell Chemical Co., New York, N.Y., filed pesticide petitions (PP 5F0449, 5F0450) requesting that the decrease for residues of aldrin and dieldrin, respectively, on some of the crops be from 0.75 or 0.25 part per million to 0.1 part per million rather than to zero as proposed. The petitioner did not dispute the finding that data are inadequate to support tolerances above zero for residues of aldrin in or on apples, apricots, carrots, garlic, leeks, onions, peanuts, pears, quinces, radishes, and above zero for residues of dieldrin in or on rice grain and straw and turnips. Subsequently, garden beets, garden beet tops, rutabagas, turnips, and turnip tops were withdrawn from the aldrin petition and garden beets, garden beet tops, pineapples, and rutabagas were withdrawn from the dieldrin petition. Also, the tolerance levels requested in said petitions for aldrin and dieldrin were reduced by the petitioner to 0.05 part per million in or on citrus fruits and to 0.02 part per million in or on the grains of barley, oats, rye, and wheat; and the tolerance level requested for aldrin in or on rice grain was reduced to 0.05 part per million.

Tolerances are established in this order for residues of aldrin at 0.1 part per million in or on broccoli, brussels sprouts, cabbage, cauliflower, cucumbers, lettuce, and summer squash and for residues of dieldrin at 0.1 part per million in or on apples, bananas, broccoli, brussels sprouts, cabbage, cauliflower, cherries, cucumbers, lettuce, pears, quinces, and summer squash.

Revised tolerances are established on an interim basis for residues of aldrin and dieldrin at the reduced levels requested by the petitioner on the citrus fruits (grapefruit, lemons, limes, oranges, and tangerines) and the grain and straw of barley, oats, rye, and wheat, and for residues of aldrin on rice. The request for these revised tolerances on these commodities is being referred to a scientific advisory committee, as requested by the petitioner, and further action will be taken after receipt of the report of the advisory committee.

The Secretary of Agriculture has certified that these pesticide chemicals are useful for the purposes for which tolerances are being established.

Data in the petition and elsewhere available show that residues of dieldrin, the epoxidation product of aldrin, appear when aldrin is applied to raw agricultural commodities. Pesticide Petition No. 5F0449 has been amended to reflect this change. The tolerances for aldrin therefore are modified to include its epoxidation product, dieldrin. Where a finite tolerance is established for the use of aldrin on a commodity, and there is a zero tolerance for dieldrin, this zero tolerance is deleted.

After consideration of the data available, it is concluded that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (d), (e), 68 Stat. 511, 512, 514; 21 U.S.C. 346a (b), (d), (e)) and delegated by the Secretary to the Commissioner of Food and Drugs (21 CFR 2.120), §§ 120.135 and 120.137 are revised to read as follows:

§ 120.135 Aldrin; tolerances for residues.

Tolerances for total residues of the insecticide aldrin and its epoxidation product dieldrin, resulting from application of aldrin, in or on raw agricultural commodities are established as follows:

0.1 part per million in or on asparagus, broccoli, brussels sprouts, cabbage, cantaloups, cauliflower, celery, cherries, cranberries, cucumbers, eggplant, grapes, lettuce, mangoes, muskmelons, nectarines, peaches, peppers, pimentos, pineapple, plums (fresh prunes), potatoes, pumpkins, strawberries, summer squash, sweet potatoes, tomatoes, watermelons, winter squash.

Zero in or on alfalfa, apples, apricots, beans, black-eyed peas, carrots, clover, collards, corn forage, corn grain, cowpeas, cowpea hay, endive (escarole), garden beets, garden beet tops, garlic, grain sorghum, grain sorghum forage, horse radish, kale, kohlrabi, leeks, lespedeza, mustard greens, onions, parsnips, peanuts, peanut hay, pears, peas, pea hay, popcorn, quinces, radishes, rutabagas, salsify tops, salsify roots, shallots, soybeans, soybean hay, spinach, sugarbeets, sugarbeet tops, Swiss chard, turnips, turnip tops.

Additional tolerances for total residues of aldrin are established, on an interim basis pending referral to an advisory committee, at 0.1 part per million in or on straws of barley, oats, rice, rye, and wheat; at 0.05 part per million in or on grapefruit, lemons, limes, oranges, rice grain, and tangerines; at 0.02 part per million in or on the grains of barley, oats, rye, and wheat.

§ 120.137 Dieldrin; tolerances for residues.

Tolerances for residues of the insecticide dialdrin in or on raw agricultural commodities are established as follows:

0.1 parts per million in or on apples, apricots, asparagus, bananas, broccoli, brussels sprouts, cabbage, carrots, cauliflower, cherries, cranberries, cucumbers, eggplant, grapes, horse radish, lettuce, mangoes, nectarines, onions, parsnips, peaches, pears, peppers, pimentos, plums (fresh prunes), potatoes, quinces, radishes, radish tops, salsify roots, strawberries, summer squash, sweet potatoes, tomatoes.

Zero in or on alfalfa, beans, black-eyed peas, cantaloups, clover, collards, corn grain, corn forage, cowpeas, cowpea hay, endive (escarole), garden beets, garden beet tops, grain sorghum forage, kale, kohlrabi, lespedeza, mustard greens, peas, pea hay, popcorn, rutabagas, salsify tops, spinach, soybeans, soybean hay, Swiss chard, turnips, turnip tops.

Additional tolerances for residues of dieldrin are established, on an interim basis pending referral to an advisory committee, at 0.1 part per million in or on the straws of barley, oats, rye, and wheat; at 0.05 part per million in or on grapefruit, lemons, limes, oranges, and tangerines; at 0.02 part per million in or on the grains of barley, oats, rye, and wheat.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408 (b), (d), (e), 68 Stat. 511, 512, 514; 21 U.S.C. 346a (b), (d), (e))

Dated: March 13, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-3117; Filed, Mar. 21, 1967; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Terbacil

A petition (PP 6F0510) was filed with the Food and Drug Administration by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing the establishment of a tolerance of 0.2 part per million for residues of the herbicide terbacil (3-*tert*-butyl-5-chloro-6-methyluracil) in or on the raw agricultural commodities apples, citrus fruits, peaches, pears, and sugarcane. The petitioner subsequently reduced the proposed tolerance to 0.1 part per million.

The Secretary of Agriculture has certified that this herbicide is useful for the purposes for which the tolerances are being established.

After consideration of the data submitted in the petition and other relevant material, it is concluded that the tolerances established in this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Part 120 is amended by adding to Subpart C a new section, as follows:

§ 120.209 Terbacil; tolerances for residues.

A tolerance of 0.1 part per million is established for residues of the herbicide terbacil (3-*tert*-butyl-5-chloro-6-methyluracil) in or on apples, citrus fruits, peaches, pears, and sugarcane.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 13, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3119; Filed, Mar. 21, 1967; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Bromacil

A petition (PP 6F0499) was filed with the Food and Drug Administration by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing the establishment of a tolerance of 1 part per million for residues of the herbicide bromacil in or on the raw agricultural commodities citrus fruits and pineapples. The petitioner subsequently reduced the tolerance level requested to 0.1 part per million.

The Secretary of Agriculture has certified that this herbicide is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material, it is concluded that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.210 Bromacil; tolerances for residues.

A tolerance of 0.1 part per million is established for residues of the herbicide bromacil (5-bromo-3-*sec*-butyl-6-methyluracil) in or on citrus fruits and pineapples.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 10, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3118; Filed, Mar. 21, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

THIABENDAZOLE

No comments were received in response to the notice published in the FEDERAL REGISTER of January 18, 1967 (32 F.R. 578), proposing on the initiative of the Commissioner of Food and Drugs that § 121.260 of the food additive regulations be amended to provide that animal feeds containing thiabendazole not contain bentonite. Accordingly, it is concluded that the amendment should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.260 is amended by revising the introduction to paragraph (c) to read as follows:

§ 121.260 Thiabendazole.

* * * * *

(c) The additive is used or intended for use in feeds that do not contain bentonite and as otherwise described, as follows:

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: March 14, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3120; Filed, Mar. 21, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

OXIDIZED POLYETHYLENE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6A1938) filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37660, and other relevant material, has concluded that a food additive regulation should be issued to provide for the safe use of oxidized polyethylene as a protective coating or component of coatings for certain fresh fruits and vegetables, as set forth below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart D a new section, as follows:

§ 121.1142 Polyethylene, oxidized.

Oxidized polyethylene may be safely used as a component of food, subject to the following restrictions:

(a) Oxidized polyethylene is the basic resin produced by the mild air oxidation of polyethylene. The polyethylene used in the oxidation process conforms to the density, maximum *n*-hexane extractable fraction, and maximum xylene soluble fraction specifications prescribed in item 2.3 of the table in § 121.2501(c). The oxidized polyethylene has a minimum number average molecular weight of 1,200, as determined by high temperature vapor pressure osmometry; contains a maximum of 5 percent by weight of total oxygen; and has an acid value of 9 to 19.

(b) The additive is used or intended for use as a protective coating or component of protective coatings for fresh grapefruit, lemons, limes, muskmelons, oranges, sweet potatoes, and tangerines.

(c) The additive is used in accordance with good manufacturing practice and in an amount not to exceed that required to produce the intended effect.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 14, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3123; Filed, Mar. 21, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COATINGS ON FRESH CITRUS FRUIT

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7A2122) filed by the Microbiological and Biochemical Center, Syracuse University Research Corp., 1075 Comstock Avenue, Syracuse, N.Y. 13210, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of additional substances in the formulation of coatings for fresh citrus fruit. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1179(b) is amended by revising the item "Pentaerythritol ester * * *" in the list of components in subparagraph (2) to read as follows and by adding alphabetically a new item to that list, as follows:

§ 121.1179 Coatings on fresh citrus fruit.

* * * * * *

(b) * * *

(2) * * *

Component	*Limitations*
* * *	* * *
Pentaerythritol ester of maleic anhydride-modified wood rosin.	Acid number of 134–145; drop-softening point of 127° C.–137° C.; saponification number of less than 280; and a color of M or paler.
Do	Acid number of 176–186; drop-softening point of 110° C.–118° C.; saponification number of less than 280; and a color of M or paler.
Polyethylene glycol 400	As a defoamer.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date if its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 14, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3121; Filed, Mar. 21, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COATINGS ON FRESH CITRUS FRUIT; PETROLEUM NAPHTHA

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 3A1182) filed by FMC Corp., Fairway Avenue, Box 1708, Lakeland, Fla. 33802, and other relevant material, has concluded that § 121.1179 of the food additive regulations should be amended to provide for the safe use of a calcium salt of partially dimerized rosin as a protective coating on citrus fruit and that a new regulation should be issued to prescribe the safe use of petroleum naphtha as a solvent in such coating. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.1179(b) is amended by revising the introduction to subparagraph (3) and by adding a new subparagraph (4), as follows:

§ 121.1179 Coatings on fresh citrus fruit.

* * * * * *

(b) * * *

(3) In lieu of the components listed in subparagraphs (2) and (4) of this paragraph, the following copolymer and one or more of the listed adjuvants:

* * * * *

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(4) In lieu of the components listed in subparagraphs (2) and (3) of this paragraph, the following rosin derivative and either or both of the listed adjuvants:

Component	Limitations
Calcium salt of partially dimerized rosin.	Having a maximum drop-softening point of 197° C. and a color of H or paler. It is prepared by reaction with not more than 7 parts hydrated lime per 100 parts of partially dimerized rosin. The partially dimerized rosin is rosin that has been dimerized by sulfuric acid catalyst to a drop-softening point of 95° C. to 105° C. and a color of WG or paler.
Petroleum naphtha	As adjuvant. Complying with § 121.1203.
Sperm oil	As adjuvant.

2. The following new section is added to Subpart D:

§ 121.1203 Petroleum naphtha.

Petroleum naphtha may be safely used in food in accordance with the following conditions:

(a) The additive is a mixture of liquid hydrocarbons, essentially paraffinic and naphthenic in nature, obtained from petroleum.

(b) The additive is refined to meet the following specifications when subjected to the procedures described in this paragraph.

(1) Boiling-point range: 175° F.–300° F.

(2) Nonvolatile residue: 0.002 gram per 100 milliliters maximum.

(3) Ultraviolet absorbance limits, as follows:

Wavelength (millimicrons)	Maximum absorbance per centimeter optical pathlength
280–289	0.15
290–299	.13
300–359	.08
360–400	.02

ANALYTICAL SPECIFICATION FOR PETROLEUM NAPHTHA

GENERAL INSTRUCTIONS

All glassware should be scrupulously cleaned to remove all organic matter such as oil, grease, detergent residues, etc. Examine all glassware, including stoppers and stopcocks, under ultraviolet light to detect any residual fluorescent contamination. As a precautionary measure, it is recommended practice to rinse all glassware with purified isooctane immediately before use. No grease is to be used on stopcocks or joints. Great care to avoid contamination of petroleum naphtha samples in handling and to assure absence of any extraneous material arising from inadequate packaging is essential. Because some of the polynuclear hydrocarbons sought in this test are very susceptible to photo-oxidation, the entire procedure is to be carried out under subdued light.

APPARATUS

Separatory funnels. 250-milliliter, and 2,000-milliliter capacity, equipped with tetrafluoroethylene polymer stopcocks.

Erlenmeyer flask. 125-milliliter with 24/40 standard taper neck.

Evaporation flask. 250-milliliter capacity all-glass flask equipped with 24/40 standard taper stopper having inlet and outlet tubes to permit passage of nitrogen across the surface of the contained liquid to be evaporated.

Condenser. 24/40 joints, fitted with drying tube, length optional.

Spectrophotometric cells. Fused quartz cells, optical path length in the range of 5.000 centimeters ±0.005 centimeter; also for checking spectrophotometer performance only, optical path length in the range 1.000 centimeter ±0.005 centimeter. With distilled water in the cells, determine any absorbance difference.

Spectrophotometer. Spectral range 250–400 mμ with spectral slit width of 2 mμ or less; under instrument operating conditions for these absorbance measurements, the spectrophotometer shall also meet the following performance requirement:

Absorbance repeatability, ±0.01 at 0.4 absorbance.
Absorbance accuracy,[1] ±0.05 at 0.4 absorbance.
Wavelength repeatability, ±0.2 millimicron.
Wavelength accuracy, ±1.0 millimicron.

Ultraviolet lamp. Long wavelength (3400–3800A°).

REAGENTS

Isooctane (2,2,4-trimethylpentane). Use 180 milliliters in a 250-milliliter Erlenmyer flask, add 1 milliliter of purified *n*-hexadecane, insert the head assembly, allow nitrogen gas to flow into the inlet tube and connect the outlet tube to a solvent trap and vacuum line in such a way as to prevent any back flow of condensate into the flask. The contents of the flask are evaporated on a steam bath until 1 milliliter of residue remains. Dissolve the 1 milliliter of hexadecane residue in isooctane and make up to 25 milliliters. Determine the absorbance in a 5-centimeter path length cell compared to isooctane as reference. The absorbance should not exceed 0.01 per centimeter path length between 280–400 mμ. If necessary, isooctane may be purified by passage through a column of activated silica gel (Grade 12, Davidson Chemical Co., Baltimore, Md., or equivalent) or by distillation.

Methyl alcohol, A.C.S. reagent grade. Use 10 milliliters and proceed as with isooctane. The absorbance per centimeter of path length should be 0.00 between 280–400 mμ. Methyl alcohol may be purified by simple distillation or by refluxing in the presence of potassium hydroxide (10 grams/2 liters) and zinc dust (25 grams/2 liters) for 3 hours followed by distillation.

n-Hexadecane, 99 percent olefin-free. Dilute 1.0 milliliter of *n*-hexadecane to 25 milliliters with isooctane and determine the absorbance in a 5-centimeter cell compared to isooctane as reference between 280–400 mμ. The absorbance per centimeter path length shall not exceed 0.00 in this range. Purify, if necessary, by percolation through activated silica gel or by distillation.

Sodium borohydride. 98 percent.

Water. All distilled water must be extracted with isooctane before use. A series of three successive extracts of 1.5 liters of distilled water with 100-milliliter portions of isooctane is satisfactory.

PROCEDURE

Determination of ultraviolet absorbance. Add a 25-milliliter aliquot of the hydrocarbon solvent together with 1 milliliter of hexadecane to the 125-milliliter Erlenmeyer flask. While flushing with nitrogen, evaporate to 1 milliliter on a steam bath. Nitrogen is admitted through a 8±1-millimeter outer-diameter tube, drawn out into a 2±1-centimeter long and 1±0.5-millimeter inner-diameter capillary tip. This is positioned so that the capillary tip extends 4 centimeters into the flask. The nitrogen flow rate is such that the surface of the liquid is barely disturbed. After the volume is reduced to that of the 1 milliliter of hexadecane, the flask is left on the steam bath for 10 more minutes before removing. Add 10 milliliters of purified isooctane to the flask and reevaporate the solution to a 1-milliliter volume in the same manner as described above, except do not heat for an added 10 minutes. Repeat this operation twice more. Let the flask cool.

Add 10 milliliters of methyl alcohol and about 0.3 gram of sodium borohydride. (Minimize exposure of the borohydride to the atmosphere; a measuring dipper may be used.) Immediately fit a water-cooled condenser equipped with a 24/40 joint and with a drying tube into the flask, mix until the sodium borohydride is dissolved, and allow to stand for 30 minutes at room temperature, with intermittent swirling. At the end of this time, disconnect the flask and evaporate the methyl alcohol on the steam bath under nitrogen until sodium borohydride begins to drop out of solution. Remove the flask and let it cool.

Add 6 milliliters of isooctane to the flask and swirl to wash the crystalline slurry. Carefully transfer the isooctane extract to a 250-milliliter separatory funnel. Dissolve the crystals in the flask with about 25 milliliters of distilled water and pour this also into the separatory funnel. Adjust the water volume in the separatory funnel to about 100 milliliters and shake for 1 minute. After separation of the layers, draw off the aqueous layer into a second 250-milliliter separatory funnel. Transfer the hydrocarbon layer in the first funnel to a 25-milliliter volumetric flask.

Carefully wash the Erlenmeyer flask with an additional 6 milliliters of isooctane, swirl, and transfer to the second separatory funnel. Shake the funnel for 1 minute. After separation of the layers, draw off the aqueous layer into the first separatory funnel. Transfer the isooctane in the second funnel to the volumetric flask. Again wash the Erlenmeyer flask with an additional 6 milliliters of isooctane, swirl, and transfer to the first separatory funnel. Shake the funnel for 1 minute. After separation of the layers, draw off the aqueous layer and discard. Transfer the isooctane layer to the volumetric flask and adjust the volume to 25 milliliters of isooctane. Mix the contents well, then transfer to the first separatory funnel and wash twice with 50-milliliter portions of distilled water. Discard the aqueous layers after each wash.

Determine the ultraviolet absorbance of the isooctane extract in 5-centimeter path length cells compared to isooctane as reference between 280–400 mμ. Determine a reagent blank concurrently with the sample, using 25 milliliters of purified isooctane instead of a solvent sample and measuring the ultraviolet absorbance of the blank between 280–400 mμ.

[1] As determined by procedure using potassium chromate for reference standard and described in National Bureau of Standards Circular 484, Spectrophotometry, U.S. Department of Commerce, 1949. The accuracy is to be determined by comparison with the standard values at 290, 345, and 400 millimicrons.

The reagent blank absorbance should not exceed 0.04 per centimeter path length between 280–289 mμ; 0.020 between 290–359 mμ; and 0.010 between 360–400 mμ.

Determination of boiling-point range. Use ASTM Method D–86.

Determination of nonvolatile residue. For hydrocarbons boiling below 250° F., determine the nonvolatile residue by ASTM Method D–1353; for those boiling above 250° F., use ASTM Method D–381.

(c) Petroleum naphtha containing antioxidants shall meet the specified ultraviolet absorbance limits after correction for any absorbance due to the antioxidants. Petroleum naphtha may contain antioxidants authorized for use in food in an amount not to exceed that reasonably required to accomplish the intended effect nor to exceed any prescribed limitations.

(d) Petroleum naphtha is used or intended for use as a solvent in protective coatings on fresh citrus fruit in compliance with § 121.1179.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 14, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3122; Filed, Mar. 21, 1967; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 148e—ERYTHROMYCIN

Erythromycin Estolate Oral Suspension

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 148e is amended by adding thereto the following new section to provide for the certification of the subject antibiotic drug:

§ 148e.34 Erythromycin estolate oral suspension.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Erythromycin estolate oral suspension is erythromycin estolate, with suitable and harmless buffer substances, dispersing agents, diluents, colorings, and flavorings. It contains the equivalent of 25 milligrams of erythromycin per milliliter. Its pH is not less than 3.5 and not more than 6.5. The erythromycin estolate used conforms to the standards prescribed by § 148e.5(a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* In addition to conforming with the requirements of § 148.3 of this chapter, each package shall bear on its outside wrapper or container and the immediate container the statement "Refrigerate" or "Keep under refrigeration." Its expiration date is 12 months.

(3) *Request for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin estolate used in making the batch for potency, toxicity, moisture, pH, crystallinity, and identity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The erythromycin estolate used in making the batch: 10 containers, each having not less than 300 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each, containing not less than 5 grams.

(4) *Fees.* $4 for each container submitted in accordance with subparagraph (3)(ii) of this paragraph.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 148e.5(b)(1), except prepare the sample in the following manner: Place an accurately measured aliquot (usually a single dose) of the well-shaken suspension in a 100-milliliter volumetric flask and dissolve with 40 milliliters of reagent-grade methyl alcohol. Bring to volume with 0.1*M* potassium phosphate buffer, pH 8.0, and mix well. Hydrolyze at 60° C. for 2 hours or at room temperature for 16 to 18 hours. The erythromycin estolate content is satisfactory if it is not less than 90 percent nor more than 115 percent of the number of milligrams of erythromycin that it is represented to contain.

(2) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the drug as it is prepared for dispensing.

Notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation, and I so find, since the basic requirements of the statute have been complied with, the regulation is noncontroversial in nature, and it is in the public interest not to delay in providing for certification of the subject antibiotic drug.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 14, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3124; Filed, Mar. 21, 1967; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 518—RECORDS AND REPORTS

Unofficial Research in Department of the Army Files

A new subparagraph (5) is added to § 518.5(d), as follows:

§ 518.5 Unofficial research in Department of the Army files by U.S. citizens.

* * * * * * *

(d) *Use of classified files.* * * *

(5) *Research operations, notes, and manuscripts—(i) Security review of classified documents.* In order to facilitate the use of classified records, authorized researchers will be required to select the classified documents which are to be used. After the documents have been selected and before any notes are made from the documents, The Adjutant General will arrange with the custodian of the records for a review of the documents for possible declassification. Any documents which are declassified will be made available to the researcher.

(ii) *Use of classified documents.* An authorized researcher also may be permitted to examine documents which are not declassified pursuant to the review under subdivision (i) of this subparagraph. This examination will be limited to a review for background purposes, and notes will not be made from the documents. An exception may be granted to permit the making of a limited number of notes when the researcher can restrict the documents to only a few which are vital to his research project. Notes taken from these documents will be handled as provided below.

(iii) *Format of classified notes.* To facilitate the review and clearance of notes made from classified records, as required in subdivision (v) of this subparagraph, researchers will be required to:

(*a*) Type notes on letter size paper (8" x 10½") using only one side of sheet. Each sheet of notes will pertain to not more than one document.

(*b*) Indicate at the top of each note made from a classified document the origin of the document used, its date, subject, folder number or identification, file location, and security classification.

(c) Number each sheet of notes consecutively.

(d) Leave the last 3 inches on the bottom of each sheet of notes blank for use by reviewing authorities.

(e) Prepare and maintain classified notes separately from unclassified notes.

(iv) *Safeguarding classified notes.* The Adjutant General will arrange with custodians of classified records to insure that notes made from classified records are not removed by researchers. Such notes will be safeguarded as defense information until declassified.

(v) *Review and clearance of classified research notes.* (a) The Adjutant General will arrange with the custodian for classified notes made from Army records to be forwarded to him. The Adjutant General will refer the notes for a security review to the appropriate Headquarters, Department of the Army offices having primary interest in the subject matter. The offices concerned will return the notes with recommendations on declassification to The Adjutant General, Attention: AGAR–S, for declassification action.

(b) When the security review has been completed, notes which have been declassified will be returned to the researcher by The Adjutant General. Notes or portions thereof which cannot be declassified will be retained by The Adjutant General.

(vi) *Review of manuscript.* Researchers who are permitted access to classified records for unofficial research will submit their final manuscripts for clearance to the Chief of Public Information, Attention: Office for the Freedom of Information, Office of the Secretary of the Army, Washington, D.C. 20310. On completion of clearance action, the Chief of Public Information will return the manuscript to the researcher.

* * * * *

[DA Memo 345–3, Jan. 14, 1966] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67–3083; Filed, Mar. 21, 1967; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 902—USAF OFFICER TRAINING SCHOOL (OTS)

Miscellaneous Amendments

In Part 902, § 902.1 is revised; paragraph (j) of § 902.2 is revised; paragraphs (a) and (e) of § 902.4 are revised; paragraph (f) of § 902.5 is added; in § 902.6, Tables 1, 2, 4, 5, and 6 are revised and the note in Table 3 is revised; in § 902.7, Tables 7, 8, and 10 are revised; in § 902.10, Table 11 is revised; and in § 902.12, subparagraphs (1) and (2) of paragraph (b) are revised. These sections now read as follows:

§ 902.1 Purpose.

This part tells how to apply for OTS, process applications, and dispose of OTS eliminees and graduates. It applies to all applicants and all commands and activities that process OTS applications, including AFRes and ANG activities.

§ 902.2 Definitions.

* * * * *

(j) *Officer candidate-type training program.* Any portion of training received in OCS, Aviation Cadet, OTS, Army OCS, advanced course of the Army or Navy ROTC, Financial Assistance Program, or Professional Officer Course of the AFROTC, the Marine Platoon Leaders School, the Coast Guard Academy, or any training received at any of the service academies (including service academy preparatory schools).

§ 902.4 Responsibilities for OTS program.

(a) *USAFMPC (AFPMRDC).* Provides OTS production quotas and EAD schedules to ATC for USAF candidates and production quotas to the Chief, NGB (NG-AF); CAC; and ATC for ANG and AFRes candidates.

* * * * *

(e) *The Chief, National Guard Bureau (NG-AF).* Selects individuals to attend OTS within established quotas and eligibility criteria.

* * * * *

§ 902.5 Sources of information.

* * * * *

(f) Base Education Services Centers.

§ 902.6 Eligibility requirements.

* * * * *

TABLE 1—EDUCATIONAL QUALIFICATIONS

Rule	A If the applicant—	B Then he must—	C And he is—	D Go to table—
1	Does not have a baccalaureate or higher degree from a college or university (see note 1), or is not enrolled in the senior year of college.	Take no further action	Not qualified	
2	Has a baccalaureate or higher degree from a college or university (see note 1).	Attach to his application one copy of official transcript of college credits indicating the undergraduate or graduate degree awarded, major subject(s), and grades received.	Qualified	2
3	Holds a degree from an American or foreign college not listed in the directory (see note 1).	Comply with rule 2B and submit evidence that his college credits are acceptable for graduate work by one U.S.-accredited institution.		
4	Is enrolled in his senior year of college and is within 150 days of graduation (see note 2).	Attach to his application a copy of an official college transcript indicating all courses he has completed and is presently undertaking and a statement from the office of the Registrar certifying his scheduled graduation date, degree to be awarded, major subject(s), and grade point average, and at time of enlistment, must present either a complete transcript evidencing award of degree or documentary evidence that a degree has been awarded.		

NOTES: 1. College or university listed in the latest issue of part 3, "Higher Education," of the Education Directory published by the Department of Health, Education, and Welfare.

2. College seniors may apply as early as 150 calendar days before graduation provided their availability date for OTS coincides with the application schedule available at USAF Recruiting Service offices. For example, a June 1967 graduate may apply as early as January 1967 if he will be available to enter the first OTS class beginning after the June 1967 graduation date.

TABLE 2—INELIGIBILITY FACTORS

Rule	A If the applicant qualified under § 902.6(a) and Table 1, and he is—	B Then he is considered—	C Go to table—
1	Not eligible for enlistment or reenlistment in the Air Force under AFMs 33–3 (Enlistment in the Regular Air Force) and 39–9 (Reenlistment in the Regular Air Force), or ANGR 39–09 (Enlisted Personnel) for ANG applicants, AFR 45–47 (Enlistment and Reenlistment in the AF Reserve) for AFRes applicants, except for dependency and grade restrictions.	Not qualified	
2	Being considered for separation for unsuitability, unfitness, or misconduct, or has had a personnel security clearance denied or revoked.		
3	A person whose entry into or retention in the Air Force may not be clearly consistent with the interests of national security (see AFR 35–62 (Security Program)).		
4	Holding or has held a commission in any of the U.S. Armed Forces.		
5	Holding a certificate of completion of a course leading to a commission in any of the U.S. Armed Forces, and the commission is to be granted at a later date.		
6	A conscientious objector.		
7	A Selective Service System registrant who has been ordered to report for active military service with any of the Armed Forces.		
8	An applicant who previously applied for OTS and less than 6 months have elapsed since nonselection by the OTS Selection Board (see note).		
9	Not in any of the categories contained in Rules 1 through 8, above	Qualified	3

NOTE: Exception to this rule applies to nonselected NPS USAF applicants who desire to apply for OTS under the ANG or AFRes quota.

TABLE 3—PROCESSING, WAIVER AND SELECTION RESPONSIBILITIES

Rule	A If the applicant is—	B Then preliminary processing (see table 8) is the responsibility of—	C And authorization to grant or deny waivers of minor offenses or violations is delegated to (see note, table 4)—	D And applications are forwarded for final processing and selection (see table 9) to—
1	An ANG applicant	CBPO	The State adjutant general.	Chief, National Guard Bureau.
2	An AFRes applicant	The applicant's unit administration.	Hq CAC (authority may be delegated to numbered region).	Hq CAC.
3	A USAF civilian applicant.	The USAF Recruiting Detachment.	USAF Recruiting Service.	Lackland Military Training Center (LMTC).

TABLE 8—PRELIMINARY PROCESSING OF APPLICATION

Line	When accomplishing preliminary processing of an applicant eligible under tables 1 through 6 who is—	Rule 1	Rule 2	Rule 3
A	An AFRes applicant	X		
B	An ANG applicant		X	
C	A civilian applicant			X
D	Prepare AF Form 56 in duplicate (qualified and medically disqualified applicants only) (see note 1);			X
E	Prepare AF Form 56 in triplicate (qualified and medically disqualified applicants only) (see note 1);	X	X	
F	Attach copy of transcript of college credits (table 1)	X	X	X
G	Attach statement of acceptability of college credits, if appropriate (table 1)	X	X	X
H	Attach certificate of impending graduation, if appropriate (table 1)	X		
I	Attach conditional release, when appropriate (table 3)		X	X
J	Attach DD Form 785, when appropriate (note to table 3)		X	X
K	Attach SF Form 88 (6 copies) and SF 89 (2 copies)		X	X
L	Attach enlistment agreement, as required (table 6)		X	
M	Attach statement of AFRes agreement (see note 3)			X
N	Attach approved waivers, when appropriate (tables 4 and 7)		X	X
O	Determine requirement for background investigation and notify LMTC at time application is forwarded.		X	X
P	Review application and attached documents for accuracy and completeness (including all required signatures) and send, within 10 days, to final processing activity (see table 7).	X	X	X
Q				
R				

NOTES: 1. Enter the reason(s) for physical disqualification for applicants found medically disqualified at time of application. For applicants who meet basic eligibility prerequisites, enter under "Remarks" the following additional statements:

a. I will be available for OTS training (day, month, and year).

b. My utilization field choices are (1) ..... (2) ..... (3) .....

c. I understand the active duty service obligations and commitments prescribed in AFR 53–27 (USAF Officer Training School (OTS)) and AFR 36–51 (Career Reserve Status for Reserve Officers and Active Duty Service Commitments for Officers and Warrant Officers).

2. Line out all references to "Career Reserve" preprinted on AF Form 56, and attach a copy of the following statement to each copy of the application (original to original, etc.): I desire to enter the Officer Training School under the Air National Guard quota. I agree to accept an appointment as an officer in the Air Force, if tendered, as an appointment in the Federally recognized Air National Guard upon graduation from the Air Force Reserve unit as directed commissioned officer of a Federally recognized Air National Guard unit or other Air Force Reserve unit as directed by competent authority. I understand that failure to satisfy my military service obligation, whichever is greater. I understand that failure to participate for reasons within my control may result in discharge action under ANGR 39–10 (Enlisted Personnel—Discharge).

3. Line out all references to "Career Reserve" preprinted on AF Form 56, and attach a copy of the following statement to each copy of the application (original to original, etc.): I desire to enter the Officer Training School under the Air Force Reserve quota. I agree to accept an appointment as an officer in the Air Force Reserve, if tendered, to meet training requirements of the Ready Reserve section to which I am assigned. I understand that failure to satisfy my military service obligation, whichever is greater, may result in discharge action under AFR 45–41 (Administrative Separation of Officer Members of the AF Reserve).

TABLE 4—MORAL CHARACTER QUALIFICATIONS

NOTE: The DD Form 785 (used by the military services to exchange information on a person whose membership in an officer training program has been discontinued and who later applies for another such program) will become a part of and be forwarded with the application. Only the Coast Guard and service academy (including service academy preparatory schools) and disenrollees from ROTC for willful violation (see Part 879, Subchapter H of this chapter).

Rule	A If the applicant qualified under § 902.6(a) and Tables 1, 2, and 3 and is—	B Then the documentary evidence required to support the application is—	C And he is considered—	D Go to table—
1	An ANG, AFRes, or civilian applicant and is of high moral character.	Recruiting Service Form 3 for civilian applicants and approved waivers (see note) and DD Forms 785 when applicable.	Qualified	5
2	Any applicant having a record of conviction by court-martial or civil court (except minor traffic violations) (see note).		Not qualified	
3	Any applicant not of high moral character for reasons other than those in Rule 2.			

NOTE: When appropriate, a waiver of a minor offense may be requested under Table 7. If it is approved, applicant will be processed. Conviction under Article 15, UCMJ, is nonjudicial punishment, not a conviction by court-martial. Paragraph 128b, Manual for Courts-Martial, 1951, contains a general guide to whether an offense is minor. A waiver will not be granted for an offense that involves moral turpitude.

TABLE 5—MENTAL AND MEDICAL QUALIFICATIONS

Rule	A If the applicant qualified under § 902.6(a) and Tables 1, 2, 3, and 4 and—	B And he—	C Then the applicant is considered—
1	Did not achieve a minimum qualifying score on the AFOQT.	(Does not meet the medical standards prescribed in AFM 160–1. (Medical Examination and Medical Standards) for the training he desires or is selected for.	Not qualified.
2		Meets the medical standards prescribed in AFM 160–1 for the training he desires or is selected for.	Qualified.
3	Achieved a minimum qualifying score on the AFOQT (see note).		

NOTE: Flying applicants who obtain a qualifying score on only the pilot or the navigator/technical composite will be considered for selection after all applicants who have qualified on both composites.

TABLE 6—AFRES AND ANG REQUIREMENTS

Rule	A If an applicant—	B Then he must be—	C And if selected he must—
1	Has no prior service and is under 26 years of age.	Qualified, available and scheduled for assignment upon graduation to a lieutenant or captain vacancy which exists or is projected at the time of his application, in a unit authorized 48 drill pay periods a year.	Enlist for a period of 6 years to coincide with the incurred military obligation.
2	Has no prior service and is over 26 years of age.		Enlist for a period of 1 year.
3	Without military status has prior service and no remaining military obligations.		

§ 902.7 Processing and assigning applicants.

* * * * *

TABLE 10—ASSIGNMENT OF SELECTED APPLICANTS

Rule	A When the applicant has been selected—	B And it will be accomplished—
1	Enlist the applicant	By the initial processing activity (see table 7).
2	Assign the applicant to OTS	
3	Appoint applicant an officer trainee	Upon arrival at OTS.
4	Promote applicant to pay grade (E–5) staff sergeant	When he enters training.

NOTE: Male citizens with statute-directed military obligations will be advised and must agree in writing that, if eliminated from OTS for other than medical reasons, they must complete the 2-year enlistment.

§ 902.10 Elimination from training.

* * * * * * *

TABLE 11—DISPOSITION OF ELIMINATED OR DISQUALIFIED USAF TRAINEES

Line	If USAF applicant was eliminated—	Rule 1	Rule 2	Rule 3	Rule 4
A	For medical reasons or unsuitability	Yes	No	No	No
B	And is male	Yes	Yes	Yes	No
C	And was specifically enlisted for OTS	Yes	Yes	Yes	Yes
D	And has completed an active service tour of 4 months or more		No	Yes	
E	He will not be required to complete his enlistment contract on AD	X			
F	He will be required to complete his enlistment contract on AD		X		
G	He will be permitted to elect, in writing, to complete his contract on AD or to be immediately separated IAW AFM 39–10 (Separation Upon Expiration of Term of Service, for the Convenience of the Government, Minority, Dependency and Hardship).			X	X
H	His election will be recorded in the "Remarks" section of AF Form 7			X	X
I	Go to Table 12			X	X

* * * * * *

§ 902.12 Disposition of graduates.

* * * * *

(b) * * *

(1) Graduates assigned to training: LMTC will determine the type of additional training these graduates will pursue, compatible with quotas established by Hq USAF. Each officer who undergoes training after commissioning will incur an active duty service commitment for training as prescribed in AFR 36–51 (Career Reserve Status for Reserve Officers and Active Duty Service Commitments for Officers and Warrant Officers) and a directed duty assignment as prescribed in AFM 36–11 (Officers' Assignment Manual).

(2) Graduates assigned direct to duty: Officers assigned direct to duty will incur a directed duty in the utilization field containing the AFS in which they were initially assigned upon graduation from OTS. The directed duty assignment incurred will be for the period prescribed in AFM 36–11.

(Sec. 8012, 70A Stat. 488; sec. 9411, 70A Stat. 571; 10 U.S.C. 8012 and 9411) [AFR 53–27, Feb. 6, 1967]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67–3023; Filed, Mar. 21, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67–322]

PART 1—PRACTICE AND PROCEDURE

CATV Task Force

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1967:

1. The recently-created CATV Task Force is responsible, with the Common Carrier Bureau, for participation in restricted rule making proceedings involving service by common carriers to community antenna television systems. When the Task Force does participate in such proceedings, it is desirable for its status therein to be the same as those of the Bureau. We are therefore amending §§ 1.1209 and 1.1227(b) of the rules of practice and procedure to reflect the status of the Ttask Force as decision-making personnel when participating in such restricted rule making proceedings.

2. Authority for this amendment is contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended. The amendment is procedural in nature, and the notice and effective date provisions of section 4 of the Administrative Procedure Act are therefore inapplicable.

In view of the foregoing: *It is ordered*, Effective March 22, 1967, That §§ 1.1209 and 1.1227(b) of the rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 308, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: March 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.1209(g) is added, and § 1.1227(b) is revised, to read as follows:

§ 1.1209 Decision-making Commission personnel (restricted rule making proceedings).

* * * * *

(g) The Chief of the CATV Task Force and his staff when participating in proceedings involving service by common carriers to community antenna television systems.

§ 1.1227 Permissible ex parte communications.

* * * * * *

(b) Such ex parte communications initiated by the staff of the Common Carrier Bureau or the CATV Task Force as may be necessary for the adduction of record evidence in restricted rule making proceedings.

* * * * * *

[F.R. Doc. 67–3131; Filed, Mar. 21, 1967; 8:49 a.m.]

[Docket No. 16987; FCC 67–340]

PART 73—RADIO BROADCAST SERVICES

Remote Control Authorization; Report and Order

In the matter of amendment of §§ 73.66, 73.274, and 73.572 of the Commission's rules and regulations pertaining to remote control authorizations for standard, FM, and noncommercial educational FM broadcast stations, with respect to reliability showings for transmitters with power in excess of 10 kilowatts; Docket No. 16987, RM–1004.

1. On November 18, 1966, the Commission issued a notice of proposed rulemaking in the above-entitled matter (FCC 66–1029) proposing to amend the rules relating to remote control operation of aural broadcast stations (standard, FM and noncommercial educational FM broadcast stations) insofar as they require a transmitter reliability showing based on 12 months of operation with the operator in attendance at the transmitter, for stations operating with power in excess of 10 kilowatts, before remote control operation will be authorized. This proceeding was instituted pursuant to a petition by the National Association of Broadcasters (NAB), and comments were invited from interested parties on or before December 27, 1966, and reply comments on or before January 6, 1967. The requested amendment was based on

claims by the petitioner that the design of present-day high powered AM and FM transmitters assures the necessary stability and reliability and the 12 months observation period is not necessary.

2. Comments were received from Radiohio, Inc., National Association of Broadcasters (NAB), WGBH Educational Foundation, Post-Newsweek Stations, Metromedia, Inc., Kear and Kennedy, National Association of Broadcast Employees and Technicians AFL–CIO (NABET), National Association of FM Broadcasters (NAFMB), WAVI Broadcasting Corp., Storer Broadcasting Co., Association of Federal Communications Consulting Engineers (AFCCE), A Earl Cullum, Jr., J. G. Rountree, Associated Broadcasters, Inc., Station KBBX–FM and American Broadcasting Co., Inc. (ABC). Golden West Broadcasters, Golden West Broadcasters, Inc., and Golden West Broadcasters, Inc., filed joint reply comments. Post-Newsweek Stations and WGBH Educational Foundation also filed joint reply comments.

3. Comments from the broadcasting industry generally favored adoption of the proposed amendments. Some suggested language changes and others recommended additional changes in the rules beyond the scope of this proceeding. Arguments for adoption of the rule changes proposed were based on the deterrent effect of the requirement for the present 12-month showing, which discourages the use of high power by FM broadcast stations and thus results in less service to the public than it might otherwise have. The requirement was said to be an economic deterrent to high power because of the additional operator costs involved for a year, and to preclude it where transmitter locations are unsuitable for operation with an operator in attendance. Some parties allege that qualified operators are difficult to find. It was stated that present design of high-power transmitters provides sufficient stability and reliability to permit remote control, and that they are as stable and reliable as transmitters of lesser power to which the requirement does not apply. Opposition came from NABET, a union representing radio operators, which referred to NAB's petition as part of that organization's effort to automate the industry, and asserted that the cumulative effect of actions already taken to permit remote control has been to lower operating standards and increase the number of technical rule violations.

4. We agree with the majority of the commenting parties, and conclude that the requirement of a 1-year showing, which does have a restrictive effect, serves no useful purpose and should be eliminated. All of the showings which have been made under the present requirement have been satisfactory, and our experience indicates that transmitters of more than 10 kw. power are as stable and reliable as those having less. NABET's argument is, of course, simply one directed against remote control generally and against any action which would encourage its use in more situations. While we have noted a number of instances of improper operation by remotely controlled stations (and a somewhat higher instance of violations than with directly controlled stations), we do not believe there is a warrant for restricting remote control by a requirement which is no longer necessary and which has nothing to do with problems of improper operation. Permitting remote control without an extensive advance showing in some instances while refusing to do so in others, on the basis of a distinction which has become an arbitrary one, is not appropriate. However, we emphasize that licensees have an obligation to see that their stations are operated properly and in conformity with the rules, and to employ sufficient qualified personnel to keep them so. Compliance with this obligation is expected and will be enforced.[1]

5. One party suggested that it be made clear that the rule applies to noncommercial educational FM, as well as other FM and AM, stations. Section 73.572, as proposed in the notice and adopted herein, does so. It was also suggested that the language of the three sections be clarified to indicate that requests for remote control may be as a part of any formal application for a new station or change of facilities of an existing station. This is the present practice, and the Commission in the near future will revise its rules accordingly. FCC Form 301–A will continue to be used only in situations in which an existing station desires to establish or delete a remote control point; or where a directional antenna system is involved. It was also requested that Question 12 of that form, which specifies the 12-month showing, be eliminated. It will be when the form is revised in the near future; until then applicants may answer it "Not Applicable". As to the requests for other changes outside of the scope of this proceeding, these need not be considered here.[2] In the notice we also invited comments on two NAB suggestions advanced as alternatives to the present requirements, that a reliability showing be included a part of type acceptance requirements, and that a block diagram of the proposed remote control system be required. We indicated doubt as to the necessity for these measures. NAB and other parties assert that they are not necessary and we are not adopting them.

6. After careful consideration of all comments and data submitted in this proceeding, we believe that the public interest would best be served by adopting the rule amendments as proposed in the notice of proposed rule making without modification. The inducement to operate at higher power by remote control should result in additional coverage and contribute especially to further development of the FM service.

7. Authority for the adoption of the amendments herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. Since the action taken herein is a relaxation of existing restrictions, the customary 30-day waiting period specified in section 4 of the Administrative Procedure Act does not apply. In order to bring improved service expeditiously, it is appropriate to make the new rule effective as quickly as possible. In view of the foregoing: *It is ordered*, That, effective March 22, 1967, Part 73 of the Commission's rules and regulations is amended as set forth below.

9. *It is further ordered*, That, this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: March 15, 1967.

Released: March 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 73.66 paragraphs (a) and (c) are amended as follows:

§ 73.66 Remote control authorization.

(a) Application to operate a station by remote control may be made as a part of the application for construction permit for a new station, provided that the proposal is for nondirectional operation.

* * * * * *

(c) An authorization for remote control will be issued only after a satisfactory showing has been made in regard to the following, among others:

(1) The location of the remote control point(s);

(2) The directional antenna system, if such is authorized, is in proper adjustment and is stable.

2. Section 73.274(b) is amended to read as follows:

§ 73.274 Remote control authorization.

* * * * * *

(b) An authorization for remote control will be issued only after a satisfactory showing has been made including, among other things, the location of the remote control point(s).

3. Section 73.572(b) is amended to read as follows:

§ 73.572 Remote control authorization.

* * * * * *

[1] The action taken herein does not, of course, change the requirement of the rules §§ 73.93, 73.265, and 73.565) that standard broadcast stations operating with more than 10 kw. power, and FM and noncommercial educational FM stations with transmitter power output of more than 25 kw., shall have a first-class operator on duty at all times when the transmitter is in operation.

[2] One suggestion was that automatic logging and alarm systems should be required for all remote control operations regardless of transmitter power. Another was relaxation of the requirement for daily inspection of directionalized AM antenna arrays. The latter request, while it does not now appear appropriate, will be considered in connection with a recent NAB petition to the same effect (RM–1098).

[3] Commissioners Lee and Johnson absent.

(b) An authorization for remote control will be issued only after a satisfactory showing has been made, including, among other things, the location of the remote control point(s).

[F.R. Doc. 67-3132; Filed, Mar. 21, 1967; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 3666; Order No. 50]

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart F—Regulations Applying to Transportation of Explosives and Other Dangerous Articles by Private Motor Carriers

DENIAL OF PETITION FOR MODIFICATION OF EFFECTIVE DATE

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., this 3d day of March 1967.

Upon consideration of the record in the above-entitled proceedings, the petition, filed February 15, 1967, of the Private Carrier Conference of the American Trucking Associations, Inc., for modification of the effective date of §§ 77.875 and 77.876 of Subpart F—Regulations Applying to Transportation of Explosives and other Dangerous Articles by Private Motor Carriers, as provided in the order accompanying the report of the Commission on reconsideration, dated January 12, 1967 (32 F.R. 2818):

It is ordered, That the petition for modification of the effective date be, and it is hereby, denied for the reason that sufficient grounds have not been presented to warrant granting the action sought.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3103; Filed, Mar. 21, 1967; 8:47 a.m.]

[Ex Parte No. 243]

PART 91—LOCOMOTIVE INSPECTION

Subpart C—Other Than Steam Locomotives and Appurtenances

MISCELLANEOUS AMENDMENTS; CORRECTION

Decision and order. At a session of the Interstate Commerce Commission, Division 3, Commissioners Tuggle, Brown, and Deason, held at its office in Washington, D.C., on the 6th day of March 1967.

Upon consideration of the record in the above-entitled proceeding, including the recommended report and order of the hearing examiner, the exceptions filed thereto by the Association of American Railroads, railway labor organizations, the Bureau of Railroad Safety and Service of this Commission, and replies thereto; and

It appearing, that the appendix to the hearing examiner's recommended report was intended to embrace all rules that he recommended be adopted but contains certain omissions and typographical errors, and inadvertently included deletion of a specific rule, the modification and correction of which are essential to a proper understanding of the report, of which the appendix is a part;

And if further appearing, that no good purpose will be served by renumbering the present rules as set forth in the appendix to the report and may cause confusion in the compliance with and administration of the said rules; therefore:

It is ordered, That the regulations set forth below be, and they are hereby, substituted for the appendix attached to the hearing examiner's report (31 F.R. 11179); and

It is further ordered, That certain typographical errors be corrected, to wit: On page 6, line 6 of the hearing examiner's report the words "Association of Mechanical Enginemen" be, and they are hereby changed to "American Society of Mechanical Engineers"; that on page 21, lines 18 and 19, the words "under present Rule 208 and at 12- or 24-month intervals" be, and they are hereby, stricken; that on page 22 after the words "Even if" on line 16 of the first full paragraph insert the word "it"; on page 23, last line, change "lives" to "lines"; on page 27, line 9 of third full paragraph under the heading "Rule 247(b)" change the word "on" after "Photographs" to "of"; on page 31 on line 23 of the paragraph beginning "In support of", change the figure 15 to "10"; on page 34, paragraph 3, line 15, change "19,240" to "19,420"; and on page 41, first line in column 3 of the table after "Accident Rate Per" add the word "Hundred";

It appearing, that the exceptions otherwise do not show any material errors in the examiner's statement and evaluation of the facts, his conclusions of law or findings, nor do they raise any material matters of fact or law not adequately considered and properly disposed of by the examiner in his report, and are not of such nature as to require the issuance of a report by Division 3 discussing the evidence in the light of such exceptions;

Wherefore, and good cause appearing therefor:

We find, that the evidence considered in the light of the exceptions and replies thereto does not warrant a result different from that reached by the examiner, and that, except as corrected herein, the statement of facts, conclusions and findings of the examiner, including the regulations set forth below, being proper and correct in all material respects, should be, and they are hereby, affirmed and adopted as our own with the corrections noted herein.

It is further ordered, That the effective date of this order shall be 60 days from the date of service thereof; and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of this Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

§ 91.201 Locomotive unit.

* * * * *

(b) *Marking front.* The letter "F" shall be legibly shown on each side of every locomotive unit near the end, which, for identification purposes, will be known as the front end. The unit number shall be legibly shown on each side of every locomotive unit and shall be shown on the specification card, Form No. 4-A.

* * * * *

BRAKE EQUIPMENT; AIR BRAKES

§ 91.206 Main Reservoir tests.

* * * * *

(c) *Telltale holes.* Each main reservoir of the type described in the note below, hereafter put into service may be drilled over its entire surface with telltale holes, made by a standard 3/16-inch drill, which holes shall be spaced not more than 12 inches apart, measured both longitudinally and circumferentially, and drilled from the outer surface to an extreme depth determined by the formula

$$D = \frac{0.6PR}{S - 0.6P}$$

where D=extreme depth of telltale holes in inches but in no case less than 1/16 inch; P=certified working pressure in pounds per square inch; S=1/5 of the minimum specified tensile strength of the material in pounds per square inch; and R=inside radius of the reservoir in inches. One row of holes shall be drilled lengthwise of the reservoir on a line intersecting the drain opening. No reservoir so drilled needs to be subjected to the requirement of paragraph (a) or (b) of this section, except the requirement for a hydrostatic test before being put in service. Whenever any such telltale hole shall have penetrated the interior of any such reservoir, the reservoir shall be permanently withdrawn from service. At the option of the carrier, such drilling may be applied to any reservoir now in service, in lieu of the tests provided for by paragraphs (a) and (b) of this section, but not without the said hydrostatic test after first being drilled.

NOTE: Paragraph (c) applies only to welded reservoirs originally constructed to withstand at least five times the maximum working pressure fixed by the chief mechanical officer of the railroad desiring to come within the terms of such paragraph, as evidenced by a manufacturer's certificate to that effect filed with the Commission.

§ 91.208 Cleaning.

(a) The filtering devices or dirt collectors located in the main reservoir supply line to the air brake system must be cleaned, repaired, or replaced as often as conditions require to maintain them properly in a safe and suitable condition for service, and not less frequently than once each 6-month period.

(b) Brake cylinder relay valve portions, main reservoir safety valves, brake pipe vent valve portions, and feed and reducing valve portions in the air brake system (including related dirt collectors and filters) must be cleaned, repaired, and tested as often as conditions require to maintain them properly in a safe and suitable condition for service, and not less frequently than once each 12-month period.

(c) All other valves and valve portions in the air brake system (including related dirt collectors and filters) the function of which is to apply or release the air brakes, must be cleaned, repaired, and tested as often as conditions require to maintain them properly in a safe and suitable condition for service, and not less frequently than once each 24-month period.

(d) The date of testing or cleaning, and the initials of the shop or station at which the work is done, shall be legibly stenciled in a conspicuous place on the parts, or placed on a card displayed under transparent cover in the cab of each locomotive unit.

DRAWGEAR BETWEEN LOCOMOTIVE UNITS, CONNECTIONS BETWEEN TRUCKS AND DRAFTGEAR

§ 91.212 General provisions.

* * * * *

(c) *Removal of drawbars and pins.* Lost motion in drawbars and pins when used between units or trucks shall not exceed one-half inch at each pin, and shall be checked by tramming.

(d) *Removal of drawbars and pins.* Lost motion in articulated connections when used between units or trucks shall not exceed one-half inch at each pin, and shall be checked by tramming.

* * * * *

ELECTRICAL EQUIPMENT

§ 91.247 Jumpers; cable connections.

* * * * *

(b) *Tests; record.* Cable connections between units and jumpers that carry current having a potential of 600 volts or more shall be thoroughly cleaned, inspected, and tested as often as conditions require to maintain them in safe and suitable condition for service, but not less frequently than every 3 months, by immersing the cable portion in water and subjecting each conductor with another, and with the water, to a difference in potential of not less than 1¾ times the normal working voltages for not less than 1 minute. Date and place of inspection and test shall be legibly marked on the jumper or cable or on a tag securely attached thereto.

* * * * *

PERIODICAL REPORTS

§ 91.331 Monthly locomotive unit inspection and report.

(a) *30-day locomotive unit inspection and report.* Not less than once every 30 days a report shall be made on Form 1-A, covering each locomotive unit in use, which shall show the condition of the unit as determined by an inspection made in accordance with the law and these rules and instructions. The railroad may perform the inspection required by this rule within the 5 days next following the expiration of the 30-day period, if conditions beyond the control of the railroad render such additional time necessary; and in that event proper notation shall be made on the reverse of the report on Form 1-A. The report shall be prepared on a good grade of pale blue paper, size 6 by 9 inches, and subscribed and sworn to, before an officer authorized to administer oaths, by the inspectors who made the inspection, and by the officer in charge. A duplicate copy of this report shall be filed in the office of the mechanical officer having charge of the locomotive and within 10 days after each inspection one copy shall be transmitted to the U.S. District Inspector.

(b) *Cab report.* A copy of the last inspection report shall be displayed under transparent cover in a conspicuous place in the cab of each unit. This copy must be a duplicate in all ways of the report filed with the district inspector, except it need not be sworn to, and in the event this copy is destroyed or becomes lost or illegible it may be replaced by a conformed copy.

(c) *Out of service report.* When a locomotive is withheld from service for 30 or more consecutive days or was out of service when it would otherwise be due for inspection, an out-of-service report covering such unit shall be made on the reverse of Form 1-A. The out-of-service time shall be totaled and recorded on the reverse of Form 1-A and the interval prescribed for any particular test or inspection required by these rules may then be extended by the number of such consecutive out-of-service days recorded since the date of the last previous test or inspection, except as provided in paragraph (d) of this section. The report shall be made on each date on which an inspection or test would have been due except for the extension and shall show the name of the railroad, the place where made, the initials and number of the unit, the place where unit is out of service, and the reason for being out of service.

(d) *Out-of-service report when filed.* The out-of-service report shall be transmitted to the U.S. District Inspector in charge within 10 days after the 30-day inspection period for which it is to cover. One copy of the report will be retained in the office of the mechanical officer having charge of the locomotive. It need not be sworn to, but must be signed by the officer in charge of the locomotive unit. When out-of-service report has been filed, an inspection must be made and report made on Form 1-A before the unit is again returned to service.

§ 91.334 Extensions.

(a) *Automatic extensions for time out of service.* The time for making inspections and tests on units and boilers which are out of service for 30 or more consecutive days may be extended without application as hereinafter provided. Time out of service shall be properly accounted for by out-of-service reports and notations made on the back of each subsequent inspection report and cab card for time claimed out of service. Less than 30 days out of service will not be counted toward extensions.

(b) [Deleted]

(c) [Deleted]

(d) [Deleted]

(e) [Deleted]

(f) [Deleted]

* * * * *

[F.R. Doc. 67-3104; Filed, Mar. 21, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1137]

[Docket No. AO 326-A11]

MILK IN EASTERN COLORADO MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Eastern Colorado marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Denver, Colo., on February 1, 1967, pursuant to notice thereof which was issued December 30, 1966 (32 F.R. 56), and January 10, 1967 (32 F.R. 328).

The single issue considered at the hearing concerned marketing conditions which jeopardize the pool status of a pool distributing plant, and alternative order amendments which would maintain such status.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The route definition of the order should be amended to provide that packaged fluid milk products transferred to a pool distributing plant from a plant with route disposition in the marketing area, and which are classified as Class I, shall be considered as a route disposition from the transferor plant for the single purpose of qualifying the transferor plant for distributing pool plant status.

The need for such amendment was established by the operator of a pool distributing plant. His plant bottles about 85 percent of its producer milk receipts. Nevertheless, the pool status of the plant is jeopardized by a recent change in the operations of the firm.

Until recently, the firm operated both wholesale and retail routes. As of September 1966, it divested itself of the retail routes but continues to supply wholesale routes. In this connection, the firm sells packaged fluid milk products to schools, and supplies government contracts.

Cambridge Dairy also packages fluid milk products for another pool handler. This business now represents about 25 percent of the firm's Class I sales. The raw milk is delivered to proponent's plant where it is processed and packaged. Then it is picked up by another pool handler who takes it to his plant for route delivery next day.

Under present order provisions, the milk disposed of in this way is not counted as a route disposition from proponent's plant. Instead, it is appropriately treated as an interhandler transfer and as a route disposition from the other pool plant. Thus, each transaction is properly identified and is specifically reported as such to the market administrator. This facilitates order operations and avoids ambiguous or dual reports.

The amendment provided herein will not change that treatment, as a general application of the order. It provides only that such transfers, which are classified as Class I, and emanate from a plant with route disposition in the marketing area, shall be considered as a route disposition from the transferor plant, rather than from the transferee plant, for the single purpose of qualifying the transferor plant as a pool distributing plant under § 1137.7(a)(1).

With no retail route disposition, it is increasingly difficult for proponent to meet the route disposition requirement of the order for pool distributing plants solely on the basis of wholesale route disposition. The applicable provision requires that a pool distributing plant must dispose of an amount equal to 50 percent or more of its total receipts of Grade A milk as fluid milk products on routes.

A situation developed last December which demonstrates how proponent's pool plant status is jeopardized. During that month schools were closed for about ten days. Between September and December 1966, proponent relied on wholesale route disposition as a means of qualifying his plant under the pooling provisions for pool distributing plants. When the schools closed, and this wholesale outlet was terminated temporarily, the plant was unable to meet the 50 percent route disposition factor. Suspension of this provision by the Department was necessary to maintain the pool status of the plant for that month (31 F.R. 15087).

School milk business represents a substantial portion of proponent's wholesale route disposition. Proponent anticipates that when sales to schools terminate during the coming summer, the plant is unlikely to qualify for pooling beginning in June. This would happen even though the major portion of proponent's producer receipts are processed and packaged as fluid milk products.

Prior to September 1966, proponent's plant was pooled on the basis of a combination of wholesale and retail route disposition. No problem emerged so long as the plant qualified for pooling on this basis.

Packaged milk that moves to a pool plant is treated as an interhandler transfer and not as a route disposition, and we believe that this treatment is generally appropriate. Nevertheless, pool plant status should not be denied proponent's plant, whose Class I utilization is 85 percent of producer receipts and whose major fluid milk disposition is in the market. There was no opposition to the continued pooling of the plant.

Should the plant fail to qualify as a pool distributing plant, disorderly marketing conditions would result. Producers supplying the plant would be deprived of the assurance that their milk is priced according to its use. Regulated handlers would be confronted with an unregulated handler who is an important competitive factor in the market. They would be deprived of the assurance of uniform costs of milk for major competitors in the market. Producer-handlers who buy supplemental bulk milk from proponent would need to find other pool sources of milk or lose their exempt status. In short, customary marketing arrangements would be disrupted, and needlessly so.

An appropriate solution to the problem is to amend the route definition of the order to provide that packaged fluid milk products transferred to a distributing pool plant from a plant with route disposition in the marketing area, and classified as Class I, shall be considered as a route disposition from the transferor plant rather than from the transferee plant, for the single purpose of qualifying such plant as a pool distributing plant under § 1137.7(a)(1). This treatment will afford the proponent the flexibility of packaging milk for the other handler from receipts of producer milk at his plant, or from bulk receipts from other pool plants.

An alternative proposal was presented by the witness for the principal cooperative association in the market. It would have provided that bulk milk received from other distributing plants be subtracted from the total receipts of Grade A milk at proponent's plant before the 50 percent pool plant requirement would apply to the balance of the Grade A receipts at the plant. The objective of this alternative is to preserve the pool plant status of Cambridge Dairy without changing the present route disposition factors provided in the pool plant definition. However, the adoption of the cooperative association's proposal was predicated on the revision of other provisions of the order, the consideration of which was outside the scope of the hearing notice.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Eastern Colorado marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Section 1137.15 is revised as follows:

§ 1137.15 Route.

"Route" means any delivery to retail or wholesale outlets (including a delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or a nonpool plant: *Provided*, That packaged fluid milk products that are transferred to a distributing pool plant from a plant with route disposition in the marketing area, and which are classified as Class I under § 1137.44(a), shall be considered as a route disposition from the transferor plant, rather than from the transferee plant, for the single purpose of qualifying it as a pool distributing plant under § 1137.7(a)(1).

Signed at Washington, D. C., on March 16, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3146; Filed, Mar. 21, 1967; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

LABELS OF FOODS, DRUGS, DEVICES AND COSMETICS

Proposal Regarding Required Statements

Correction

In F.R. Doc. 67-2991, appearing at page 4172 of the issue for Friday, March 17, 1967, the following corrections are made in paragraph (o) of the proposed new § 1.8b:

1. Immediately preceding the proviso, the words reading "net quantity of contests" should read "net quantity of contents".

2. The closing words of the paragraph, following the semicolon, now reading "for example, 'jumbo quart' and full 'gallon'." should read "for example, 'jumbo quart' and 'full gallon'."

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17296; FCC 67-332]

UHF TV BROADCAST CHANNELS, HAWAII

Notice of Proposed Rule Making

In the matter of amendment of the Table of Assignments in § 73.606(b) of the Commission rules and regulations to provide UHF television broadcast channels in the State of Hawaii; Docket No. 17296, RM-1010, RM-1022.

1. The Commission has received two petitions requesting the assignment of UHF television broadcast channels to specified cities in Hawaii; RM-1010, filed August 3, 1966, by S & G Television, Inc. and RM-1022, filed August 25, 1966, by James A. Chase and E. Harold Munn, Jr.

2. In support of its petition, S & G Television, Inc., notes that the four VHF channels assigned to Honolulu are in use and that the remainder of the VHF channels assigned to Hawaii are operating as satellites of the Honolulu TV stations. It recites certain statistics regarding the growing population of Honolulu and Hawaii and increasing retail sales and states that it is ready, willing and able to make application for and operate a new UHF television broadcast station in Honolulu if authorized to do so.

3. Chase and Munn, in their petition, argue that there is a need for UHF channel assignments in Hawaii for the following reasons:

1. Absentee ownership of existing television station facilities.

2. Unavailability of a variety of services.

3. Inadequate channels available.

Elaborating on these points, the petitioners note that if the Commission approves the recent sale of the Honolulu independent television station, all existing stations in that city will be owned by mainland interests; that three of the stations carry programs of the national networks and the independent relies heavily on mainland film products; that programs with a unique local orientation, based on Island culture and fitted to Hawaiian needs are necessarily at a minimum; and that under the present assignments, there are no channels available for special programing such as ethnic, sports, fine arts, subscription television, and other approaches. They propose the assignment of Channel 15 to Honolulu and Channel 17 to Wailuku. The petitioners do not indicate that they will apply for stations on the assigned channels but merely state that an application for a new UHF television broadcast station in Hawaii may be expected as the result of the rule making.

4. The present Table of Assignments for television broadcast channels contains no UHF channel assignments in Hawaii. The subject petitions indicate a developing interest and the Commission is of the view that such assignments should now be made; not on a case-by-case basis but in the form of an assignment plan for the entire State. Although there are only four cities of sufficient size to warrant inclusion in the Table of Assignments at this time, the plan has been developed around the whole island complex using the efficiency criteria employed in developing the recently revised UHF assignment plan for the conterminous United States. We have not proposed UHF channels reserved for educational use because we

have no information as to future plans for utilization of UHF channels for educational TV broadcasting in the State of Hawaii. VHF Channels 4, 11, 8, and 10 are currently reserved for educational use in Hilo, Honolulu, Lihue, and Wailuku, respectively. The University of Hawaii has authorized stations on Channel 11 in Honolulu and Channel 10 in Wailuku. We anticipate no problem in providing additional assignments on UHF channels, if needed.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission rules by assigning UHF television broadcast channels in the State of Hawaii as follows:

City	*Channels*
Hilo, Hawaii	14+, 20+, 26+
Honolulu, Oahu	14, 20, 26, 36
Lihue, Kauai	16
Wailuku, Maui	22+, 28+

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before April 24, 1967, and reply comments on or before May 3, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: March 15, 1967.

Released: March 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3133; Filed, Mar. 21, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 67-16]

CERTAIN FUNCTIONS PERFORMED BY BUREAU OF CUSTOMS

Notice of Continuation of Orders, Rules, Regulations, Policies, Procedures, Privileges, Waivers, and Other Actions

Effective on February 24, 1967, the Coast Guard assumed responsibility for the performance of certain functions heretofore performed by the Bureau of Customs. These functions are those concerned with admeasurement; documentation; publication of the register of merchant vessels of the United States; registration of private signals, funnel marks and house flags; recording of vessel mortgages and conveyances; and port security. Pursuant to the authority delegated to the Commandant of the Coast Guard by Treasury Department Order No. 167-81, all orders, determinations, rules, regulations, directives, requirements, standards, statements of policy, notices, interpretations, procedures, documents, registers, licenses, enrollments, certifications, permits, privileges, exemptions, waivers, and all other actions which have been issued, made, granted, or allowed to become effective prior to February 24, 1967, under the provisions of law or regulation listed below are hereby adopted and affirmed and shall continue in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority:

(1) Sections 2-4, 7, 8, 11-41, 43-47, 49-56, 58-63, 71-83k, 103, 105, 109, 151-163, 221, 227, 236-238, 251(a), 252-277, 278-280, 292, 320-328, 331-336, 404a, 496, 724, 725, 801, 802, 808, 838, 840, 881, 883, 883a, 883b, 883-1, 911-927, 941 (b) and (c), 981-984, 1011-1013 of Title 46, United States Code, insofar as they relate to the functions of admeasurement; documentation; publication of the register of merchant vessels of the United States; registration of private signals, funnel marks, and house flags; and recording of vessel mortgages, and conveyances;

(2) Section 1.1 of Title 19, Code of Federal Regulations, insofar as it relates to ports where marine documents may be issued;

(3) Parts 2 and 3 of Title 19, Code of Federal Regulations, relating to measurement and documentation of vessels;

(4) Part 23 of Title 19, Code of Federal Regulations, insofar as it relates to the enforcement of the laws listed in item (1).

(5) Section 191 of Title 50, United States Code insofar as it relates to port security functions recently administered by the Bureau of Customs, that are now combined with existing Coast Guard administered port security functions.

Communications dealing with the functions of admeasurement should be addressed to the appropriate Officer in Charge, U.S. Coast Guard Marine Inspection; Coast Guard District Commander, or Commandant (MMT), U.S. Coast Guard Headquarters, 1300 E Street NW., Washington, D.C. 20226.

Communications dealing with the Registration of Stack Insignia or with the publication of the Merchant Vessel Register should be addressed to the Commandant (MVD), U.S. Coast Guard Headquarters, 130 E Street NW., Washington, D.C. 20226.

Communications dealing with the function of vessel documentation should be addressed to the appropriate Officer in Charge, U.S. Coast Guard Marine Inspection; Coast Guard District Commander, or Commandant (MVD), U.S. Coast Guard Headquarters, 1300 E Street NW., Washington, D.C. 20226.

Applications and other routine transactions made in person will continue to be handled at the same locations until further notice.

List of Officers in Charge, U.S. Coast Guard Marine Inspection:

427 Commercial Street, Boston, Mass. 02109.
Post Office Box 108, Pearl Street Station, Portland, Maine 04112.
409 Federal Building, Providence, R.I. 02903.
Post Office Box 391, Cairo, Ill. 62914.
Room 8413, Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202.
Box 695, Dubuque, Iowa 52001.
326 Post Office and Federal Courthouse Building, Fifth Avenue and Ninth Street, Huntington, W. Va. 25701.
254 Francis Building, Fourth and Chestnut Streets, Louisville, Ky. 40202.
856 Federal Building, 167 North Main Street, Memphis, Tenn. 38103.
670 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.
U.S. Post Office and Courthouse Building, Room 1032, Pittsburgh, Pa. 15219.
Federal Building, 1520 Market Street, St. Louis, Mo. 63103.
Room 313, Federal Building, Albany, N.Y. 12207.
Room 302, Post Office Building, New London, Conn. 06321.
Battery Park Building, New York, N.Y. 10004.
Customhouse, Philadelphia, Pa. 19106.
Customhouse, Baltimore, Md. 21202.
Federal Building, Room 200, Portsmouth, Va. 23705.
Room 101-105, Customhouse, Wilmington, N.C. 28401.
Room 625, Federal Building, 334 Meeting Street, Charleston, S.C. 29403.
Room 210, Federal Building, Post Office Box 4968, Jacksonville, Fla. 32201.
Room 1202, Federal Building, 51 Southwest First Avenue, Miami, Fla. 33130.
Room 302, Federal Building, Post Office Box 3666, San Juan, P.R. 00904.
Post Office Box 191, Savannah, Ga. 31402.
Room 210, 500 Zack Street, Post Office Box 3172, Tampa, Fla. 33601.
Room 101, Federal Building, Corpus Christi, Tex. 78401.
Room 232, Customhouse, Galveston, Tex., 77550.
7300 Wingate Street, Houston, Tex. 77011.
Room 563, Federal Building, Mobile, Ala. 36602.
310 Customhouse, New Orleans, La. 70130.
1601 Proctor Street, Port Arthur, Tex. 77640.
Room 440, Federal Building, 121 Ellicott Street, Buffalo, N.Y. 14203.
10101 South Ewing Avenue, Chicago, Ill. 60617.
1055 East Ninth Street, Cleveland, Ohio 44114.
Federal Building Room 424, Detroit, Mich. 48226.
Federal Building, Room 311, Duluth, Minn. 55802.
Post Office Box 308, Ludington, Mich. 49431.
Room 400, 135 West Wells Street, Milwaukee, Wis. 53203.
Room 205, Federal Building, Oswego, N.Y. 13126.
Municipal Building, St. Ignace, Mich. 49781.
Federal Building, Room 5101, 234 Summit Street, Toledo, Ohio 43604.
(Los Angeles-Long Beach), Center Building, 750 North Broad Avenue, Wilmington, Calif. 90744.
Station B, Box 2029, San Francisco, Calif. 94126.
Room 12A, Broadway Pier, San Diego, Calif. 92101.
Room 202, Lincoln Building, 208 Southwest Fifth Avenue, Portland, Oreg. 79204.
618 Second Avenue, Seattle, Wash. 98104.
610 Fort Street, Honolulu, Hawaii 96813.
Post Office Box 1286, Anchorage, Alaska 99501.
Post Office Box 3-5000, Juneau, Alaska 99801.

Dated: March 15, 1967.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant, U.S. Coast Guard.

[F.R. Doc. 67-3101; Filed, Mar. 21, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

MARCH 13, 1967.

1. The Plat of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nevada, effective 10 a.m. on April 19, 1967.

MOUNT DIABLO MERIDIAN, NEVADA

T. 42 N., R. 35 E. (Group 428).

2. The surveyed area of the described land aggregates 23,718.39 acres. The plat was accepted February 1, 1967. The land varies from high rolling in the eastern portion to mountainous in the central western portion, to nearly level in the western part. Elevation ranges from about 4,100 to 5,900 feet above sea level. The soil varies from sandy to sandy loam, but is rocky in the higher elevations.

Vegetation consists of sagebrush, shadscale, greasewood, and sparse native grasses. The southwest portion of the township is drained by the Quinn River. The northwest portion drains northerly, and the eastern portion drains to the east. Principal users of the area are cattlemen, and access is provided by desert roads.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following: Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., April 19, 1967, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

DANIEL P. BAKER,
Manager, Nevada Land Office.

[F.R. Doc. 67-3090; Filed, Mar. 21, 1967; 8:45 a.m.]

National Park Service

[Order 3]

ADMINISTRATIVE ASSISTANT AND MANAGEMENT ASSISTANT, PRINCE WILLIAM FOREST PARK AND GEORGE WASHINGTON MEMORIAL PARKWAY

Delegation of Authority

Order No. 2 (dated Aug. 17, 1966), Prince William Forest Park and George Washington Memorial Parkway, is completely revoked and is replaced by the following:

SECTION 1. *Administrative Assistant.* The Administrative Assistant, Prince William Forest Park and George Washington Memorial Parkway, may issue purchase orders not in excess of $2,500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 2. *Management Assistant.* The Management Assistant, Prince William Forest Park, may issue purchase orders not in excess of $2,500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order 34 (31 F.R. 4255); 39 Stat. 535, 16 U.S.C., sec. 2; National Capital Region Order 3 (31 F.R. 8500))

Dated: December 22, 1966.

FLOYD B. TAYLOR,
Superintendent.

[F.R. Doc. 67-3140; Filed, Mar. 21, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF SOUTHERN CALIFORNIA AND NEW YORK UNIVERSITY

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

Docket No.: 67-00006-60-46040. Applicant: University of Southern California, Los Angeles, Calif. 90026. Article: Electron microscope, model HU-125 with automatic tilting, rotating and heating stage, type HK-2-BM; universal diffraction stage, type HE-1; narrow angle charge neutralizer, type SG-B; specimen cooling stage, type HC-2; magnetic domain attachment, type HMD-1; and specimen tensile stage, type HD-1. Manufacturer: Hitachi, Ltd., Tokyo, Japan. Intended use of article: Research and teaching on graduate level in materials science with investigations of metals, ceramics and semiconductors. Application received by Commissioner of Customs: March 9, 1967.

Docket No.: 67-00009-33-09000. Applicant: New York University, New York, N.Y. 10003. Article: Cathetometer with microscope, custom built to following specifications: 3-inch lens with 1.7 power; ocular with 10 power; lowest-reading-height over table plate, 230 mm; highest reading-height over table plate, 370 mm; gross movement, 110 mm; fine movement, 30 mm; reading accuracy, 0.005 mm. Manufacturer: Ole Dich Instrument Makers, Denmark. Intended use of article: Research with Cartesian diver apparatus made by Ole Dich, in the Department of Biology. Application received by Commissioner of Customs: March 8, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-3062; Filed, Mar. 21, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing amendments to the food additive regulations to provide for the safe use in chicken feed of aklomide and sulfanitran combined with chlortetracycline with or without sodium sulfate, for the prevention of coccidiosis and for the prevention or treatment of certain conditions in chickens in the amounts and for the purposes specified in § 121.208 *Chlortetracycline*.

Dated: March 13, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3125; Filed, Mar. 21, 1967; 8:48 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing amendments to the food additive regulations to provide for the safe use in chicken feed of amprolium, ethopabate, and arsanilic acid for the prevention of coccidiosis, for growth promotion and feed efficiency, and for improving pigmentation, plus these combined with chlortetracycline with or without sodium sulfate for the prevention or treatment of certain conditions in chickens in the amounts and for the purposes specified in § 121.208 *Chlortetracycline*.

Dated: March 14, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3126; Filed, Mar. 21, 1967; 8:48 a.m.]

NATIONAL STARCH AND CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7A2154) has been filed by National Starch and Chemical Corp., 1700 West Front Street, Plainfield, N.J. 07063, proposing that paragraph (d) of § 121.1031 *Food starch-modified* be amended to provide for the safe use of a food starch esterified by treatment with monosodium orthophosphate, whereby the residual phosphate (calculated as phosphorus) in the food starch-modified does not exceed 0.4 percent.

Dated: March 13, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3127; Filed, Mar. 21, 1967; 8:48 a.m.]

Office of the Secretary

OFFICE OF EDUCATION

Statement of Organization and Delegations of Authority

Part 6 of the Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare (31 F.R. 8089, dated June 8, 1966) is hereby amended to read as follows:

PART 6—OFFICE OF EDUCATION

SEC. 6.00 *Mission.* The Office of Education is responsible for providing professional and financial assistance to strengthen education in the United States in accordance with Federal laws and regulations.

SEC. 6.10 *Organization.* (a) The Office of Education, which is under the supervision and direction of the Commissioner of Education, consists of the following:

OFFICE OF THE COMMISSIONER

Commissioner.
Deputy Commissioner.
Associate Commissioner for Federal-State Relations.
Associate Commissioner for International Education.
Associate Commissioner for Field Services.
Office of Administration.
Office of Information.
Office of Legislation.
Office of Program Planning and Evaluation.
  Division of Program Planning.
  Division of Program Evaluation.
Office of Equal Educational Opportunities.
Office of Programs for the Disadvantaged.
Office of Construction Service.
National Center for Educational Statistics:
  Office of the Assistant Commissioner.
  Division of Data Sources and Standards.
  Division of Data Processing and Data Analysis.
  Division of Statistical Analysis.
  Division of Operations Analysis.

BUREAU OF ELEMENTARY AND SECONDARY EDUCATION

Office of the Associate Commissioner.
Division of Plans and Supplementary Centers.
Division of Compensatory Education.
Division of State Agency Cooperation.
Division of School Assistance in Federally Affected Areas.
Division of Educational Personnel Training.
The Teacher Corps.

BUREAU OF ADULT AND VOCATIONAL EDUCATION

Office of the Associate Commissioner.
Division of Vocational and Technical Education.
Division of Library Services and Educational Facilities.
Division of Adult Education Programs.
Division of Manpower Development and Training.

BUREAU OF HIGHER EDUCATION

Office of the Associate Commissioner:
  Division of Student Financial Aid.
  Division of Foreign Studies.
  Division of Graduate Programs.
  Division of College Facilities.
  Division of College Support.

BUREAU OF RESEARCH

Office of the Associate Commissioner:
  Division of Elementary and Secondary Research.
  Division of Adult and Vocational Research.
  Division of Higher Education Research.
  Division of Laboratories and Research Development.
  Division of Research Training and Dissemination.

BUREAU OF EDUCATION FOR THE HANDICAPPED

Office of the Associate Commissioner:
  Division of Research.
  Division of Training Programs.
  Division of Educational Services.

* * * * *

SEC. 6.20 *Functions.* (a) Except as provided in Part 2 (Office of the Secretary) and section 6.30 of this part (Reservation of Authority), the Commissioner of Education shall exercise the functions vested in or delegated to the Secretary, the Department of Health, Education, and Welfare, the Commissioner, or the Office of Education by or under the following:

* * * * *

(30) Manpower Development and Training Act of 1962 except that responsibility for overall policy direction of the program and for coordination of program policy with those of related programs within the Department and with other departments and agencies, and the approval of rules and regulations authorized by section 232, and authority to submit reports to Congress required by section 233 are reserved to the Secretary (P.L. 87-415 approved March 15, 1962, 76 Stat. 23, as amended, 42 U.S.C. 2571-2620).

* * * * *

Dated: March 16, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67-3128; Filed, Mar. 21, 1967; 8:49 a.m.]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization and Delegations of Authority

Sections 8.20, 8.30, and 8.40 of Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050), as amended, are amended to read as follows:

SEC. 8.20 *Functions.* (a) Except as provided in paragraph (b) of this section and sections 2.30 and 8.30 of this statement, the Commissioner of Social Security shall exercise:

(1) The functions vested in the Secretary under Title II of the Social Security Act, as amended (42 U.S.C. 401-427); under Titles VII and XI of the Act, as amended (42 U.S.C. 902-907, 1301-1318), except insofar as the provisions of such titles pertain to the Mission of the Welfare Administration as described in section 9.00 of this statement; under Title XVIII of the Act (42 U.S.C. 1395-1395*ll*), with appropriate advice from and consultation with the Public Health Service and Welfare Administration; section 1110 of the the Social Security Act, as amended (42 U.S.C. 1310), insofar as such section pertains to the Mission of the Social Security Administration as described in section 8.00 of this statement; and under sections 1402(h), and 3121 (k) and (l) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 1402(h), 3121 (k) and (l)).

(2) The functions vested in the Secretary relating to the Mission of the Social Security Administration, as described in section 8.00 of this statement, under the Social Security Act which are not contained in the Act but which are contained in the Acts cited in Exhibit X8.00.1.

(3) The functions vested in the Secretary by section 5(k)(2) of the Railroad Retirement Act as amended (45 U.S.C. 228e), having to do with the determination and certification for the transfer of funds between the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Railroad Retirement Account.

(4) Authority vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of programs under section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended, insofar as this authority pertains to the Mission of the Social Security Administration as described in section 8.00 of this statement: *Provided*, That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

(5) Authority vested in the Secretary by section 4 of Public Law 86–610, approved July 12, 1960 (74 Stat. 364), with respect to responsibilities relating to the Mission of the Social Security Administration as described in secton 8.00 of this statement: *Provided*, That this authority shall be exercised in accordance with applicable policies and procedures by appropriate authorities to ensure consistency with basic foreign policy and with related Federal Programs.

(b) In accordance with applicable rules and regulations, the Appeals Council, its members, and Hearing Examiners in the Bureau of Hearings and Appeals, shall exercise all duties, powers, and functions of the Secretary relating to the holding of hearings, the administration of oaths and affirmations, the issuance of subpoenas, the examination of witnesses, the receipt of evidence, the rendition of decisions, and the review of decisions in connection with administrative appeals: (1) By individuals from determinations made under Title II of the Social Security Act, as amended, and affecting their rights to benefits, lump sum payments, earnings credited to accounts, and disability determinations; (2) by individuals from determinations made under Title XVIII of the Social Security Act and affecting their rights to, and amounts of, benefits; and (3) by institutions or agencies from determinations described in section 1869(c) of the Social Security Act.

(c) The functions, powers, and duties of the Bureau of Federal Credit Unions under the Federal Credit Union Act, as amended (Public Law 86–354; 12 U.S.C. 1751–1772), shall be exercised by the Director of the Bureau of Federal Credit Unions under the general direction and supervision of the Commissioner of Social Security.

SEC. 8.30 *Limitations on authority.* (a) The Secretary shall serve as a member of the Board of Trustees of the (1) Federal Old-Age and Survivors Insurance Trust Fund, (2) Federal Disability Insurance Trust Fund, (3) Federal Hospital Insurance Trust Fund, and (4) Federal Supplementary Medical Insurance Trust Fund. During the absence of the Secretary, the Under Secretary or the Assistant Secretary for Legislation shall serve. During the absence or disability of the Secretary and the Under Secretary, and Assistant Secretary for Legislation, the Commissioner of Social Security shall represent the Secretary.

(b) Authority conferred by sections 218(j), 706, 1813(b)(2), 1839(b)(2), 1867 and 1868 of the Social Security Act, as amended, shall be exercised only by the Secretary.

(c) Authority to terminate agreements with States entered into pursuant to section 1864 of the Social Security Act, as amended, shall be exercised only by the Secretary.

SEC. 8.40 *Redelegation of Authority.* Authority contained in paragraph 8.20(a) of this statement may be redelegated by the Commissioner to such officers and employees of the Social Security Administration as he may deem appropriate, except that:

(a) Authority contained in paragraph 8.20(a)(3) of this statement may be redelegated only to the Deputy Commissioner of Social Security.

(b) Agreements and modifications of agreements under sections 218, 221(b), 1816(a), 1842(a), 1843(a), 1864(a), 1866(a), or 1874 of the Social Security Act, as amended, shall be reviewed by the Office of the General Counsel for legal form and substance.

(c) Authority conferred by section 218(g)(2) of the Social Security Act, as amended, shall be exercised only by the Commissioner and the Deputy Commissioner of Social Security. Notwithstanding such limitation, the Commissioner may redelegate the authority to terminate an agreement with respect to one or more coverage groups in any case where a State waives the required notice and hearing provided in section 218(g)(2) of the Act, as amended, and consents to the removal of a group or groups from the agreement because the group(s) is dissolved, or is no longer legally able to function although not legally dissolved.

(d) Authority conferred by section 218(s) of the Social Security Act, as amended, shall be exercised only by the Commissioner of Social Security. Notwithstanding such limitation, the Commissioner may redelegate the authority to grant, upon application by a State and for "good cause" shown, extensions of the time allowed for filing additional information or argument in connection with a request for review filed pursuant to section 218(s).

(e) Authority conferred by section 1866(d) of the Social Security Act, as amended, to withhold payment for inpatient hospital services or for posthospital extended care services for failure to make timely utilization reviews, shall be exercised only by the Commissioner and Deputy Commissioner of Social Security.

(f) Authority conferred by sections 1816(b) and 1842(b)(2) of the Social Security Act, as amended, where the determination is that an agency, organization, or carrier will be unable to carry out the terms of an agreement (contract), shall be exercised only by the Commissioner of Social Security.

(g) Authority conferred by sections 1816(e)(2) and 1842(b)(4) to terminate an agreement (contract) with an agency, organization, or carrier shall be exercised only by the Commissioner of Social Security: *Provided further*, That he shall exercise such authority only after (1) such agency, organization, or carrier has been given an opportunity to request (within such time as is provided for by regulations) the Secretary to review the Commissioner's conclusions and findings and, where such request is made (2) the Secretary has declined to review or has concurred in the Commissioner's proposal to terminate such agreement (contract).

(Sec. 6, Reorganization Plan No. 1 of 1953)

Approved: March 14, 1967.

[SEAL] WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67–3129; Filed, Mar. 21, 1967; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING REGIONAL COUNSEL, REGION III (ATLANTA)

Designation

The officers appointed to the following listed positions in Region III (Atlanta) are hereby designated to serve as Acting Regional Counsel, Region III, during the absence of the Regional Counsel, with all the powers, functions, and duties redelegated or assigned to the Regional Counsel: *Provided*, That no officer is authorized to serve as Acting Regional Counsel unless all other officers whose titles precede his in this designation are unable to serve by reason of absence:

1. Assistant Regional Counsel for Metropolitan Development.
2. Assistant Regional Counsel for Housing Assistance.

(Authority delegated effective May 4, 1962. 27 F.R. 4319, May 4, 1962; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 22d day of March 1967.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 67–3099; Filed, Mar. 21, 1967; 8:46 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR PROGRAM COORDINATION AND SERVICES, REGION III (ATLANTA)

Designation

The officers appointed to the following listed positions in Region III (Atlanta) are hereby designated to serve as Acting Assistant Regional Administrator for Program Coordination and Services, Region III, during the absence of the Assistant Regional Administrator for Program Coordination and Services, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Program Coordination and Services: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Program Coordination and Services unless all other officers whose titles precede his in this designation are unable to serve by reason of absence:

1. Director, Planning Branch.
2. Director, Economic and Market Analysis Branch.
3. Director, Relocation Branch.
4. Director, Workable Programs Branch.

(Authority delegated effective May 4, 1962, 27 F.R. 4319, May 4, 1962; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 22d day of March 1967.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 67–3100; Filed, Mar. 21, 1967; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–255]

CONSUMERS POWER CO. (PALISADES PLANT)

Notice of Issuance of Provisional Construction Permit

Please take notice that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated March 13, 1967, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR–25 to Consumers Power Co. for the construction of a pressurized water reactor, designed to operate initially at power levels up to 2,200 megawatts (thermal) and designated as the Palisades Plant, to be located at the company's site in Covert Township, Van Buren County, Mich., approximately 4½ miles south of South Haven, Mich.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th day of March 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 67–3081; Filed, Mar. 21, 1967; 8:45 a.m.]

DELAWARE RIVER BASIN COMMISSION

WATER QUALITY STANDARDS

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, March 30, 1967, on proposed water quality standards for all surface waters in the Delaware River Basin exclusive of the Delaware River Estuary and the tidal sections of streams tributary thereto. The hearing will be held in the auditorium of the East Stroudsburg Area Joint High School, North Courtland Street, East Stroudsburg, Pa., beginning at 9:30 a.m.

The hearing will be held for the purposes required by Articles 5 and 13 of the Delaware River Basin Compact and section 10 of the Federal Water Pollution Control Act, as amended (P.L. 89–753). For the purposes of the Federal Water Pollution Control Act, as amended, the Commission will conduct the hearing for itself and on behalf of the New Jersey Department of Health.

The proposed standards would replace existing interstate water quality standards relating to Zone 1 which appear in Addendum No. 1, section VII, of the Comprehensive Plan, and also would replace section XII (Primary Treatment) as added to the Comprehensive Plan by Resolution No. 65–3.

Article I of the attached standards would apply to all streams in Delaware River Basin. Article II would apply only to Interstate Waters. The hearing will include:

1. *Interstate waters.*

Main stem of the Interstate Delaware River from Hancock, N.Y., to Trenton, N.J.

East and West Branches Delaware River and their tributaries in New York and Pennsylvania.

Sand Pond Creek and its tributaries in Pennsylvania and New York.

Neversink River-Clove Brook in New Jersey and New York.

Brandywine, Red Clay and White Clay Creeks and their tributaries in Pennsylvania and Delaware.

Christina River and its tributaries in Pennsylvania, Delaware and Maryland.

Naaman Creek in Pennsylvania and Delaware.

2. *State of New York.* All streams that drain directly or indirectly into the Delaware River, including (for example) the Mongaup and Neversink Rivers and their tributaries.

3. *State of New Jersey.* All streams that drain directly or indirectly into the Delaware River, Estuary or Bay, including (for example) Paulins Kill, Pequest, Pohatcong, and Musconetcong Rivers and their tributaries; Assunpink, Crosswicks, Rancocas, and Alloways Creeks and their tributaries; Cooper, Cohansey, and Maurice Rivers and their tributaries.

4. *Commonwealth of Pennsylvania.* All streams that drain directly or indirectly into the Delaware River or Estuary, including (for example) Lackawaxen, Lehigh, and Schuylkill Rivers and their tributaries; Equinunk, Brodhead, Neshaminy, Darby, and Chester Creeks and their tributaries.

5. *State of Delaware.* All streams that drain directly or indirectly into the Delaware River Estuary or Bay, including (for example) Smyrna, St. Jones, Murderkill, and Mispillion Rivers and their tributaries; Broadkill Creek and its tributaries.

Any individual or organization may be heard regardless of any previous hearing in the States of New York, New Jersey, Pennsylvania, or Delaware. Those wishing to testify are requested to register with the Secretary to the Commission either by mail or telephone (609–883–9500) not later than 5 p.m. on March 28. Written statements from those who cannot attend will be made a part of the record if mailed or delivered before the hearing is adjourned.

W. BRINTON WHITALL,
Secretary.

MARCH 14, 1967.

WATER QUALITY STANDARDS FOR THE DELAWARE RIVER BASIN

ARTICLE I

Basinwide

Water uses:

Uses paramount. Water uses shall be paramount in determining stream quality objectives which, in turn, shall be the basis for determining effluent quality requirements.

Uses to be protected. The quality of Basin waters shall be maintained in a safe and satisfactory condition for the following uses: (a) agricultural, industrial, and public water supplies after reasonable treatment, except where natural salinity precludes such uses; (b) wildlife, fish and other aquatic life; (c) recreation; (d) navigation; (e) controlled and regulated waste assimilation in reasonable compatability with other uses; and (f) such other uses as may be provided by the Comprehensive Plan.

Stream quality objectives:

Limits. The waters of the Basin shall not contain substances attributable to municipal, industrial, or other discharges in concentrations or amounts sufficient to preclude the specified water uses to be protected. Within this requirement, the waters shall be substantially free from unsightly or malodorous nuisances due to floating solids, sludge deposits, debris, oil, scum, substances in concentrations or combinations which are toxic or harmful to human, animal, plant, or aquatic life, or that produce color, taste, odor, or taint fish or shellfish flesh. Limiting concentrations of arsenic, barium, cadmium, chromium, cyanide, fluoride, lead, selenium, and silver shall not exceed the values given for rejection of drinking water supplies in the USPHS Drinking Water Standards.

Effluent quality requirements:

Minimum treatment. Wastes shall receive a minimum of secondary treatment except where provided otherwise by the Commission.

Disinfection. Wastes (exclusive of stormwater bypass) containing human excreta shall be effectively disinfected before being discharged into surface bodies of water.

Public safety. Effluents shall not create a menace to public health or safety at the point of discharge.

Limits. Discharges shall not contain more than negligible amounts of debris, oil, scum or other floating materials, suspended matter which will settle to form sludge, toxic substances or substances that produce color, taste, odor, or taint fish or shellfish flesh.

Other considerations:

Combined sewers. Any new facility or project combining sanitary or industrial waste with stormwater drainage which would have a substantial effect on the quality of waters of the Basin shall not be permitted, whether or not any such project or facility discharges into an existing combined system.

Access and reports. The Commission, or its duly authorized representatives, shall have access, at reasonable hours, to observe and inspect waste treatment facilities and to collect samples for analyses. Upon written request, operation reports shall be submitted to the Commission.

Zones. The Delaware River and Bay and their tributaries may be divided into zones which will facilitate the management of surface and underground water quality. The required percentage reduction of biochemical oxygen demand of all wastes will be uniform within zones.

Streamflow. Numerical stream quality objectives are based on minimum 7-day flow with a 10-year recurrence interval.

Definitions:

Biochemical oxygen demand. Biochemical oxygen demand as determined under standard laboratory procedures for 5 days at 20° C.

Carbonaceous oxygen demand. That part of the ultimate oxygen demand associated with biochemical oxidation of carbonaceous, as distinct from nitrogenous, material.

Effective disinfection. The destruction of pathogenic organisms in such manner and under such controls as shall be prescribed by Commission regulations.

Secondary treatment. The removal of practically all suspended solids and the reduction of the biochemical oxygen demand by at least 85 percent.

River mile. The distance, in statute miles, of a location or item measured from "mile zero."

Delaware Bay and River. Mile zero is located at the intersection of the centerline of the navigation channel and a line between the Cape May Light and the tip of Cape Henlopen. Distances from mile zero are measured essentially along the centerline of the navigation channel up to the Trenton-Morrisville Toll Bridge (R.M. 133.4) and above that point along the State boundary line as shown on published quadrangle maps of the U.S. Geological Survey.

Tributaries. Mile zero is located at the intersection of the centerline of the tributary and a line joining the opposite banks at its mouth. Distances from mile zero are measured along the centerline of the tributary.

ARTICLE II

Interstate Streams—Nontidal

Zones:

1A. That part of the Delaware River extending from the confluence of the East and West Branches of the Delaware River at Hancock, N.Y., R.M. (River Mile) 330.7, to the U.S. Route 106 bridge at Narrowsburg, N.Y., R.M. 289.9.

1B. That part of the Delaware River extending from the U.S. Route 106 bridge at Narrowsburg, N.Y., R.M. 289.9, to the U.S. Routes 6 and 209 bridge at Port Jervis, N.Y., R.M. 254.75.

1C. That part of the Delaware River extending from the U.S. Routes 6 and 209 bridge at Port Jervis, N.Y., R.M. 254.75, to Tocks Island Dam, R.M. 217.0 (proposed axis of dam).

1D. That part of the Delaware River extending from Tocks Island Dam, R.M. 217.0 (proposed axis of dam), to R.M. 185.0, above Easton, Pa.

1E. That part of the Delaware River extending from R.M. 185.0, above Easton, Pa., to the head of tidewater at Trenton, N.J., R.M. 133.4 (Trenton-Morrisville Toll Bridge).

E. All of the East Branch Delaware River extending from its source in the town of Roxbury, Delaware County, N.Y., to its mouth at Hancock, N.Y., at R.M. 330.7 on the Delaware River.

W1. All of the West Branch Delaware River extending from its source in the town of Jefferson, Schoharie County, N.Y., to its mouth at Hancock, N.Y., at R.M. 330.71 on the Delaware River.

W2. All of Sand Pond Creek extending from R.M. 1.8 at the confluence of Sherman Creek and Starboard Creek in Pennsylvania to its mouth in New York at R.M. 10.45 on the West Branch Delaware River; all of Cat Hollow Brook extending from its source in New York to its mouth in Pennsylvania at R.M. 1.05 on Sand Pond Creek; all of Sherman Creek in Pennsylvania extending from its source to its mouth at R.M. 1.8 on Sand Pond Creek; all of an unnamed tributary of Sherman Creek extending from its source in New York to its mouth in Pennsylvania at R.M. 1.6 on Sherman Creek; and all of Starboard Creek extending from its source in Lake Oquaga in New York to its mouth in Pennsylvania at R.M. 2.01 on Sand Pond Creek.

N1. That part of the Neversink River extending from R.M. 0.5 at its confluence with Clove Brook to its mouth on the Delaware River at R.M. 253.64.

N2. All of Clove Brook extending from its source in Steeny Kill Lake in New Jersey to its mouth in New York at R.M. 0.5 on the Neversink River; all of an unnamed tributary of Clove Brook extending from its source in New York to its mouth in New Jersey at R.M. 1.0 on Clove Brook; and all of an unnamed tributary to the above unnamed tributary of Clove Brook extending from its source in New York to its mouth in New Jersey at R.M. 0.7 on the unnamed tributary of Clove Brook.

C1. That part of the Christina River extending from its source in Pennsylvania to the head of tide at R.M. 16.3 at the outlet of Smalley's Pond in Delaware.

C2. All of the West Branch Christina River extending from its source in Maryland to its mouth on the Christina River in Delaware at R.M. 25.7; all of Persimmon Run extending from its source in Maryland to its mouth on the West Branch Christina River in Delaware at R.M. 0.8; and all of the East Branch Christina River extending from its source in Pennsylvania to its mouth on the Christina River in Delaware at R.M. 30.2.

C3. That part of White Clay Creek extending from the confluence of the East and West Branches of White Clay Creek in Pennsylvania at R.M. 15.9 to R.M. 14.7 at the Pennsylvania-Delaware State line and all of the East Branch White Clay Creek extending from its source to its mouth on White Clay Creek at R.M. 15.9.

C4. That part of White Clay Creek extending from R.M. 14.7 at the Pennsylvania-Delaware State line to its mouth on the Christina River in Delaware at R.M. 10.0.

C5. That part of Red Clay Creek extending from the confluence of the East and West Branches of Red Clay Creek in Pennsylvania at R.M. 13.4 to R.M. 12.6 at the Pennsylvania-Delaware State line and all of West Branch Red Clay Creek extending from its source to its mouth on Red Clay Creek at R.M. 13.4.

C6. That part of Red Clay Creek extending from R.M. 12.6 at the Pennsylvania-Delaware State line to its mouth on White Clay Creek in Delaware at R.M. 2.6.

C7. That part of Brandywine Creek extending from the confluence of the East and West Branches of Brandywine Creek in Pennsylvania at R.M. 20.0 to the head of tide at R.M. 2.0 at the Market Street Bridge in Wilmington, Delaware, and all of West Branch Brandywine Creek extending from its source to its mouth on Brandywine Creek at R.M. 20.0.

C8. All of Naaman Creek extending from its source in Pennsylvania to its mouth on the Delaware River in Delaware at R.M. 77.65.

SUMMARY OF PROPOSED STANDARDS

Zone		Water uses	Stream quality objectives	Effluent quality requirements
	(1)	(2)	(3)	(4)
1A	Delaware River, Hancock to Narrowsburg	ABCDF	A1, B1, C1, D, E, F	A
1B	Delaware River, Narrowsburg to Port Jervis	ABDEF	A2, B3, C1, D, E, F	A
1C	Delaware River, Port Jervis to Tocks Island	ABDEF	A2, B3, C1, D, E, F	A
1D	Delaware River, Tocks Island to Easton	ABDEF	A2, B3, C1, D, E, F	A
1E	Delaware River, Easton to Trenton	ABDEF	A2, B4, C1, D, E, F, H	A
E	East Branch Delaware River	ABCF	A1, B1, C1, D, E, F	A
W1	West Branch Delaware River	ABCF	A1, B1, C1, D, E, F	A
W2	Sand Pond Creek, Cat Hollow Brook, Sherman Creek, Starboard Creek.	ABCF	A1, B1, C1, D, E, F	A
N1	Neversink River, R.M. 0.0 to 0.5	ABF	A2, B3, C2, D, E, F	A
N2	Clove Brook and its interstate tributaries	ABCF	A1, B1, C2, D, E, F	A
C1	Christina River above Smalley's Pond	ABF	A2, B4, C1, D, E, F	A
C2	East and West Branches Christina River, Persimmon Run.	ABF	A2, B4, C1, D, E, F	A
C3	White Clay Creek in Pennsylvania and East Branch White Clay Creek.	ABCF	A1, B1, C1, D, E, F	A
C4	White Clay Creek in Delaware	ABF	A2, B4, C1, D, E, F	A
C5	Red Clay Creek in Pennsylvania and West Branch Red Clay Creek.	ABCF	A1, B1, C1, D, E, F	A
C6	Red Clay Creek in Delaware	ABF	A2, B4, C1, D, E, F	A
C7	Brandywine Creek and West Branch Brandywine Creek.	ABDF	A2, B2, C1, D, E, F, G	A
C8	Naaman Creek	ABF	A2, B4, C1, D, E, F	A

Classification Footnotes

Water uses:

A. Agricultural, industrial, and public water supplies after reasonable treatment.

B. Wildlife, maintenance and propagation of resident game fish and other aquatic life.

C. Maintenance and propagation of trout.

D. Spawning and nursery habitat for anadromous fish.

E. Passage of anadromous fish.

F. Recreation.

Stream quality objectives:

A. Dissolved oxygen:

1. Not less than 5.0 mg/l.
2. Not less than 4.0 mg/l.

B. Temperature:

1. Not to exceed 5° F. rise above natural temperature when stream temperature is below 70° F.; natural temperature will prevail above 70° F.
2. Not to exceed 5° F. rise above natural temperature or a maximum of 85° F., whichever is less.
3. Not to exceed 5° F. rise above natural temperature or a maximum of 87° F., whichever is less.
4. Not to exceed 5° F. rise above natural temperature or a maximum of 93° F., whichever is less.

C. pH:

1. Between 6.0 and 8.5.
2. Between 6.5 and 8.5.

D. Phenols—not to exceed 0.005 mg/l.

E. Threshold odor number—not to exceed 24 at 60° C.

F. Synthetic detergents (M.B.A.S.)—not to exceed 0.5 mg/l.

G. Fluorides—not to exceed 1.0 mg/l.

H. Alkalinity—not less than 20 mg/l.

Effluent quality requirements:

A. All discharges shall meet the effluent quality requirements of Article I. The biochemical oxygen demand shall be reduced at all times by at least 85 percent. The carbonaceous oxygen demand from any outfalls (exclusive of stormwater bypass) shall not exceed such amounts as may be assigned by the Commission.

[F.R. Doc. 67-3084; Filed, Mar. 21, 1967; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

T. J. HANSON, INC., ET AL.

Notice of Agreements Filed for Approval and Cancellation

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H. Street NW., Room 609. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working agreements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

T. J. Hanson, Inc., Beaumont, Tex., and J. W. Allen & Co., Inc., New Orleans, La---------- FF-3282

Norman G. Jensen, Inc., Minneapolis, Minn., and Norton & Ellis, Inc., Norfolk, Va---------- FF-3283

Rohner, Gehrig & Co., Inc., New York, N.Y., and Admiral Shipping Corp., Houston, Tex---------- FF-3284

Lep Transport, Inc., New York, N.Y., and V. G. Nahrgang Co., Detroit, Mich---------- FF-3285

J. T. Steeb & Co., Inc., Portland, Oreg., and Evans International, New York, N.Y---------- FF-3286

Foreign Forwarding of Milwaukee, Milwaukee, Wis., and Norton & Ellis, Inc., Norfolk, Va---------- FF-3287

John S. Connor, Inc., Baltimore, Md., and Argus Shipping Co., Inc., New York, N.Y---------- FF-3289

Wilmington Shipping Co., Wilmington, N.C., and Heemsoth-Kerner Corp., New York, N.Y---------- FF-3290

Rohner, Gehrig & Co., Inc., New York, N.Y., and Charleston Overseas Forwarders, Inc., Charleston, S.C---------- FF-3291

American Express Co., New York, N.Y., and Grieve & Mitchel Shipping, Inc., New Orleans, La---------- FF-3292

L. A. Fern Co., Inc., New York, N.Y., and Norton & Ellis, Inc., Norfolk, Va---------- FF-3293

American Union Transport Forwarding, Inc., New York, N.Y., and Waters Shipping Co., Wilmington, N.C---------- FF-3294

Notice of Agreement Subject to Cancellation

Notice is hereby given that the following independent ocean freight forwarder cooperative working agreements approved by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) is scheduled for cancellation inasmuch as in accordance with the terms therein the parties to the agreement have requested in writing that the agreement be terminated.

George M. Leininger Co., Inc., New Orleans, La., and Presto Shipping Agency, Inc., New York, N.Y----- FF-1636

Dated: March 17, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-3141; Filed, Mar. 21, 1967; 8:50 a.m.]

PORT OF SEATTLE AND OLYMPIC STEAMSHIP CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by

Mr. T. P. McCutchan, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T-2026 between the Port of Seattle (Port) and Olympic Steamship Co. (Olympic) provides for the lease of a transit shed on Pier 25, and preferential use of the South Dock apron at a fixed monthly rental. Port reserves the right to assign the dock apron and berth area for other users provided such use does not unreasonably interfere with Olympic's operations. Port will collect dockage fees from all vessels using the berth.

Dated: March 17, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-3142; Filed, Mar. 21, 1967; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 67-331]

STANDARD BROADCAST STATIONS

Operating Hours

MARCH 17, 1967.

The Commission is receiving a considerable number of inquiries from AM broadcast stations concerning the enactment of the Uniform Time Act of 1966 and its effect on their hours of operation.

As in the past, the operation of AM broadcast stations will, as expressly provided in their licenses, be geared to local standard time throughout the year.

The Uniform Time Act (Public Law 89-387, approved April 13, 1966) specifies 2 a.m. on the last Sunday in April through 2 a.m. on the last Sunday of October as the period for the observance of daylight saving time within those jurisdictions electing to adopt it. However, as noted in the accompanying Committee Report (Rept. No. 268 on S. 1404, 89th Cong., 1st sess.), the new legislation is not intended to affect operating hours of AM broadcast stations.

By way of explanation, skywave interference problems occurring at night and during transitional hours are a function of the degree of light or darkness along transmission paths. Hence, the Commission's calculations of sunrise and sunset times must reflect actual "sun time" averages at given locations for each month of the year. For convenience, "sun time" is expressed in local standard time. Since "sun time" is not influenced by arbitrary clock settings, the local or statewide adoption of daylight saving time cannot serve to change prescribed hours of sign-on, sign-off, or shifts in modes of operation as set forth in license documents issued by the Commission.

The Commission is aware that the listening habits of communities are affected by the adoption of daylight saving time, often to the detriment of daytime-only stations attempting to reach the early morning audience. As indicated above, however, this cannot be properly taken into account by the Commission for standard broadcast allocation purposes. By the same token, existing presunrise operating privileges and share time arrangements remain unaffected by the new legislation.

Adopted: March 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3134; Filed, Mar. 21, 1967; 8:49 a.m.]

[Canadian Change List 223]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

MARCH 3, 1967.

Notification under the provision of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignment of Canadian broadcast stations modifying appendix containing assignments of Canadian stations (Mimeograph No. 47214–3) attached to the recommendation of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
CHFI (change in daytime pattern).	Toronto, Ontario	*680 kilocycles* 1 kwD/10 kwN	*DA-2*	U	II	E.I.O. 8-1-67.
CHFI (increase nighttime power).	Toronto, Ontario	*680 kilocycles* 1 kwD/25 kwN	*DA-2*	U	II	E.I.O. 3-1-68.
New (change in site and mode of operation from that notified in list No. 172).	Ottawa, Ontario	*1150 kilocycles* 10 kwD/5 kwN	*DA-2*	U	III	E.I.O. 3-1-68.
CFLK (now in operation).	Kapuskasing, Ontario	*1230 kilocycles* 0.10 kw	ND	U	IV	
New	Wabush, Labrador-Newfoundland.	*1340 kilocycles* 0.25 kw	ND	U	IV	E.I.O. 3-1-68.
New (change in nighttime pattern from that notified in list No. 215).	Sherbrooke, Quebec	*1510 kilocycles* 10 kw	*DA-2*	U	II	E.I.O. 8-1-67.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3135; Filed, Mar. 21, 1967; 8:49 a.m.]

[Docket No. 16826; FCC 67-342]

AMERICAN BROADCASTING COMPANIES, INC.

Further Order on Petition for Reconsideration Designating Matter for Hearing

In the matter of applications by American Broadcasting Companies, Inc.; For assignment of licenses of stations: WABC, WABC-FM, WABC-TV, New York, N.Y., WLS-FM, WBKB, Chicago, Ill., KGO, KGO-FM, KGO-TV, San Francisco, Calif., KABC, KABC-FM, KABC-TV, Los Angeles, Calif. ;for transfer of control of stations: WLS, Chicago, Ill., KQV and KQV-FM, Pittsburgh, Pa., WXYZ, WXYZ-FM, WXYZ-TV, Detroit, Mich.; and for assignments and transfer of ancillary radio facilities; Docket No. 16828.

1. The Commission has before it for consideration: The petition of the Department of Justice for reconsideration of the memorandum opinion and order (FCC 66-1186) issued on December 21, 1966, in this proceeding; the opposition of ABC and ITT to the petition for reconsideration; the reply by the Department to the opposition; the material filed by the Department and the applicants pursuant to the Commission's order on petition for reconsideration (FCC 67-175) issued on February 1, 1967; a petition for reconsideration and leave to intervene filed on February 2, 1967, by the American Civil Liberties Union, Inc. (ACLU); a corrected petition of the ACLU filed on February 20, 1967; a request by Gerald Gottlieb for leave to appear as amicus curiae; oppositions of ABC and ITT to the ACLU and Gottlieb pleadings; and the entire record herein. The pertinent background and procedural posture of the proceeding are set forth in the order of February 1, 1967 (FCC 67-165).

2. Both in the decision of December 21, 1966, and in the order of February 1, 1967, the Commission stressed the importance of this proceeding and its desire to secure all possible assistance and information in resolving the issues. We particularly emphasized our desire to know and consider what evidence the Department of Justice has relating to this matter, and therefore provided an opportunity for disclosure of the Department's evidence prior to ruling on its petition for reconsideration.

3. In line with our February 1, 1967, order, we shall afford the Department the opportunity to adduce evidence on the matters specified in its filings. Such evidence will be adduced under broad issues to insure a full record (see par. 8(ii) within), but we emphasize that the specific matters at issue have been very substantially narrowed by the filings of the Department and the applicants in response to the February 1, 1967, order. The existing record, including all of the evidence, statements and material filed pursuant to our order of February 1, 1967, will, of course, be incorporated with the record of the further hearing. It will thus not be necessary for any of the parties to repeat any presentation previously made to the Commission.

4. Counsel for the Broadcast Bureau will also participate to insure that the record, as supplemented, is complete. At this posture, we think it appropriate that the Department of Justice and Bureau counsel proceed initially with the introduction of evidence on the issues. After such evidence has been adduced, the burden will be upon the applicants to proceed; the ultimate burden of proof on the applications remains, of course, on the applicants. The Department and Bureau counsel will be afforded appropriate opportunity for rebuttal.

5. The public interest requires that the supplemental proceeding be conducted as expeditiously as possible without prejudice to the compilation of a full record. This important matter has been before us for a considerable period of time and has been the subject of a final decision. The present posture of this proceeding is highly unsettling and affects planning in the vital national network area of the broadcasting industry. Considering the history of this matter before the Commission, the policy implications of the issues, and, particularly, the public interest in a prompt settlement of the present uncertainty, we think that expedition is required. Accordingly, the Commission finds that due and timely execution of its functions in this matter imperatively and unavoidably requires that the Examiner certify the record as supplemented, upon its closing, immediately to the Commission for final decision. Pursuant to the February 1, order, the Department and the applicants have already exchanged and filed with the Commission copies of the exhibits and documentary evidence upon which they intend to rely and have identified, and summarized the testimony of, witnesses they are prepared to call. Thus, no extensive prehearing procedure or further period of preparation for the supplementary hearing is necessary. We also direct the Examiner (i) to exclude irrelevant, immaterial or unduly repetitious evidence, and (ii) to limit examination or cross-examination of witnesses, where he deems that the matter is carried beyond any useful purpose. Expedition also requires that the parties adhere to the prescribed time schedules for the conduct of the hearing and the filing of pleadings. These instructions will facilitate expedition in the hearing process, without in any way derogating from the full record we seek.

6. We will by this order schedule a prehearing conference on March 23, 1967, and the hearing will commence on March 27, 1967, with a daily transcript delivered to each Commissioner. The parties may file proposed findings of fact and conclusions of law within 5 business days after the date that the record is closed. Oral argument will be held 15 days (or as soon thereafter as possible) after the date the record is closed. Thereafter, the Commission will promptly issue a decision determining whether the memorandum opinion and order of December 21, 1966, should be affirmed, modified or set aside. Pending that determination we will stay the effectiveness of the memorandum opinion and order.

7. The ACLU petition for reconsideration and leave to intervene will be denied. This petition, first filed on February 2, 1967, is untimely in seeking reconsideration of the December 21, 1966, decision, does not show good reason for failure to participate at an earlier stage of the proceedings, and is insufficient in other respects. We have not been shown that participation by the ACLU as a party would serve any useful purpose. We note that the only witness proposed by the ACLU, Mr. Sidney W. Dean, is being offered by the Department of Justice and that the arguments of the ACLU are not materially different from those of the Department. However, we invite the ACLU to tender a statement as amicus curiae within 10 days of the close of the supplemented record, including in such statement a showing how ACLU's participation as amicus curiae would serve a useful purpose. We will then rule whether such participation by ACLU will be permitted.[1]

8. Accordingly, the Commission orders this 16th day of March 1967,

(i) That the petition of the Department of Justice for stay of the Commission's memorandum opinion and order of December 21, 1966, in Docket No. 16828 is granted and the effectiveness of that order is stayed pending further order of the Commission.

(ii) That the record in Docket No. 16828 is reopened for purpose of adducing supplementary evidence[2] and the matter is designated for hearing before Chief Hearing Examiner James D. Cunningham, to commence at 9 a.m., March 27, 1967, in Room 7134, New Post Office Building, Washington, D.C., upon the following issues:

(1) To determine the benefits to the public interest from the proposed merger;

(2) To determine the detriments to the public interest from the proposed merger; and

(3) To determine, in light of the evidence adduced on the above issues and the entire record, whether the public interest will be served by a grant of the applications.

(iii) That the record heretofore compiled in this proceeding shall be incorporated in the supplementary hearing.

(iv) That the Commission's Broadcast Bureau is made a party to the proceeding.

(v) That a prehearing conference will be held on March 23, 1967.

(vi) That the Department of Justice and Bureau counsel shall proceed initially with the introduction of evidence on the issues; that the burden of proceeding with the introduction of evidence on the issues shall then be upon the applicants, with the Department and Bureau counsel thereafter given appropriate opportunity for rebuttal; and that the ultimate burden of proof on the aplpications shall be upon the applicants.

(vii) That upon the closing of the supplemented record it shall be certified immediately to the Commission for a final decision affirming, modifying or setting aside the memorandum opinion and order of December 21, 1966.

(viii) That the parties shall file proposed findings of fact and conclusions of law within 5 business days after the date the supplemented record is closed and that oral argument thereon shall be specified by further order of the Commission, at a time 15 days after the date the record is closed, or as soon thereafter as possible.

(ix) That the petitions of the American Civil Liberties Union, Inc., for reconsideration and leave to intervene and the request of Gerald Gottleib for leave to appear as amicus curiae are denied: *Provided, however,* That the American Civil Liberties Union, Inc., may tender a statement as amicus curiae within 10 days after the closing of the supplemented record, with the ruling on acceptance of such tender to be made at a later date.

Released: March 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3136; Filed, Mar. 21, 1967; 8:49 a.m.]

[1] We deny the request of Mr. Gerald Gottleib to participate as amicus curiae, since such participation would not serve any useful purpose.

[2] For ease in studying the record, all documentary evidence should be given an identification consistent with the identification sequence applied to evidence previously submitted.

[3] Joint abstaining statement of Commissioners Lee, Loevinger, and Wadsworth filed as part of original document.

[Docket No. 16110 etc.; FCC 67-318]

CIRCLE L, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Circle L, Inc., Reno, Nev., Docket No. 16110, File No. BP-15413; Southwestern Broadcasting Co. (KORK), Las Vegas, Nev., Docket No. 16111, File No. BP-15441; 780, Inc., Las Vegas, Nev., Docket No. 16113, File No. BP-16273; Albert John Williams and Jack M. Reeder, doing business as Radio Nevada, Las Vegas, Nev., Docket No. 16115, File No. BP-16524; for construction permits.

1. WGN Continental Broadcasting Co., licensee of Class I-A Clear Channel standard broadcast station WGN in Chicago, Ill., seeks review of a Review Board memorandum opinion and order[1] which added a limited financial issue concerning the financial qualifications of Albert John Williams and Jack M. Reeder, doing business as Radio Nevada. Radio Nevada is an applicant for a construction permit for a Class II-A station on 780 kc in Las Vegas, Nev., which was originally designated for hearing along with seven other mutually exclusive applications.[2]

2. WGN requested the Review Board to add a financial issue to permit complete inquiry into all aspects of Radio Nevada's financial proposal after Radio Nevada filed a petition to amend its application. That amendment reflects the filing of an application by Tel-America Corp. (a wholly owned subsidiary of Trans-America Broadcasting Corp., which, in turn, is wholly owned by one of the partners of Radio Nevada, Albert John Williams) for assignment of license and construction permit of Station KAIL-TV, a UHF television station in Fresno, Calif.

3. The Review Board determined that a cash outlay of $542,656 was needed to finance the Las Vegas and Fresno proposals. This amount was based upon estimates submitted by Reeder and Williams of $258,375 for Las Vegas and of $284,281 for Fresno. To meet this requirement Reeder committed $58,106, Williams committed $279,047, and they have obtained bank loans of $109,333 for a total of $446,486. Therefore, the Board concluded that $96,170 would be required to make up the difference between anticipated first year cash requirements and funds already committed to these proposals. WGN argued before the Board that Radio Nevada had not demonstrated the accuracy of its estimate of first year cash requirements, its cost estimates for the first year of operation, and the availability of funds allegedly committed. The Board granted WGN's motion in part and enlarged the issues to determine whether the Las Vegas and the Fresno proposals may reasonably expect combined first year operating revenues of $96,170, and if not, whether Radio Nevada has other funds available to make up the deficiency. However, the Board refused to add a financial issue concerning the other aspects of Radio Nevada's proposal because the Board believed that the matters raised by WGN were entirely speculative and involved only minor details in the overall proposal.

4. Board Member Slone dissented to the limited financial issue because he felt that a substantial question was raised as to whether the funds committed by Radio Nevada would in fact be available. He questioned Reeder's ability to provide his commitment of $58,106, noting that this would exhaust his net worth of $58,106.24. Furthermore, he noted that Reeder relies upon stocks which had a market value of $12,262.50, but which have depreciated substantially since he filed his financial statement. As to Williams, Board Member Slone pointed out that the Fresno application contains two separate and inconsistent balance sheets listing $248,699 of Williams' assets, which are described as cash and stocks in one balance sheet and as bank and savings and loan accounts in the other. For this reason, and because Williams has sworn that the Fresno proposal will have first

[1] FCC 65-630, released July 21, 1965.

call over the Las Vegas proposal upon the total assets, Slone concluded that the issue should be broadened so that Williams' assets would be substantiated with more detail and so that the true amount available for the Las Vegas proposal could be ascertained.

5. WGN submits that the Board erred in adopting a limited financial issue which will determine only whether Radio Nevada may reasonably expect combined first year revenues or will have available additional funds of $96,170 to make up the difference between anticipated first year cash requirements and funds already committed to these proposals. WGN argues first that Radio Nevada has not established the accuracy of its estimate of first year cost requirements. Although WGN concedes that the Board correctly combined the funds required for both the Las Vegas and Fresno proposals, WGN claims that the estimated construction and operating costs of both projects for the first year contain numerous ambiguities. WGN argues that, since Reeder will be deeply involved in the Las Vegas radio station and the Fresno UHF station, it is apparent that substantial transportation expenses must be borne or additional personnel must be hired at one or both stations. WGN then charges that the Board's decision entirely ignored the failure of Radio Nevada's revised cost estimate to explain: (a) The deferral of certain costs for professional services and (b) its reliance on reduced estimates of equipment costs. WGN argues that, since the Board has determined that an issue exists concerning the applicant's financial qualifications and since the applicant's itemization of costs has been challenged as inaccurate, incomplete, and unsubstantiated, a narrow issue is inappropriate. Applicant claims that under Ultravision, 1 FCC 2d 544 (1965), a realistic determination of the financial issue depends upon a valid cost estimate. Therefore, WGN concludes, an applicant whose cost estimate has been questioned should be required to justify this estimate through the processes of an evidentiary hearing.

6. WGN then argues that a substantial question exists concerning the availability of funds committed to Radio Nevada's radio and television proposals. WGN adverts to the breakdown of Reeder's and Williams' net liquid assets relied upon by the Board and argues that such reliance ignores reality as presented by Board Member Slone in his dissent. WGN points out that: (a) Reeder's securities listed as $12,262.50 have depreciated to less than $10,000; (b) his commitment of $58,106 all but exhausts his net liquid worth; and (c) there is no cushion between Reeder's net worth and his commitment. Moreover, WGN argues that Reeder relies on $27,498 allegedly available from refinancing his home. Since this figure is not based on an appraisal from a lending institution, but rather from a real estate broker, WGN argues that the Board erred in accepting this figure.

7. Similarly, WGN asserts that the Board erred in accepting a real estate broker's appraisal as the basis of Williams' refinancing his personal residence and his mother's apartment properties. WGN then characterizes Williams' assets listed under "cash and listed stocks" and "cash in banks and savings and loan accounts" as meaningless since there is no further breakdown. This is especially true because of the fluctuation in market value of any securities included in this asset. Furthermore, WGN notes that, since $52,815 of $248,669 attributed to Williams is listed as an asset of Trans-America Broadcasting, a question exists as to whether this amount will actually be available to finance Radio Nevada in light of Williams' statement that the Fresno operation "will have first call over the Radio Nevada proposal upon the total assets of Williams and Trans-America, even if more than $130,000 should be needed." For these reasons, WGN urges the Commission to add issues to determine whether Radio Nevada has prudently estimated its cash requirements and to determine whether it can reasonably rely on its proposed capital contributions so that a determination can be made on whether Radio Nevada is financially qualified to be a licensee.

8. The Broadcast Bureau opposes WGN's application for review and supports the Board's decision, since the Board has decided that WGN had not justified inquiry into these matters and has specifically rejected WGN's argument that additional money would be needed for staffing because of the multiple duties of the principals. The Bureau urges that the Board correctly found that WGN's views are based entirely upon speculation and that they question only minor details in implementing Radio Nevada's overall proposal. The Bureau states that it can find no justification for substituting WGN's views for the reasoned determination of the Board, particularly when the Board did not reject in toto WGN's request for enlargement of the issues.

9. Radio Nevada's opposition[3] charges that WGN is now merely reiterating its previous contention that some of Radio Nevada's cost estimates are so questionable as to require an evidentiary hearing thereon. Radio Nevada asserts that its cost estimates were attacked by WGN without any evidence that the figures were wrong or unrealistic. Radio Nevada then notes that WGN has questioned its cost estimate for the Las Vegas proposal which has now been reduced from $200,000 to $127,000 by an amendment which is attached to its opposition.[4] Radio Nevada states that the amendment contains new credit arrangements and includes a detailed showing to substantiate the availability of expected profits from the commonly owned station KTYM, Inglewood, Calif., which profits are available to Radio Nevada, if necessary. Although the Board refused to consider expected profits of $60,000 per year from KTYM because "no evidence was submitted to support this figure nor was there a specific indication that it would be available to Radio Nevada." Radio Nevada contends that the new amendment eliminates these objections, thus providing an excess of financial resources. Radio Nevada requests the Commission to affirm the action of the Review Board.

10. In reply to the Bureau's opposition, WGN claims that the Board entirely ignored its specific challenges to Radio Nevada's cost estimates. WGN argues that no reference was made to Radio Nevada's inadequate estimate of $1,200 for professional fees, to the cost estimate of the Fresno proposal and to the availability of funds from KTYM. WGN contends that the Board's failure to examine carefully these points as they relate to Radio Nevada's first year estimates ignores the mandate of Ultravision, supra. Turning to Radio Nevada's opposition, WGN points out that the financial portion of Radio Nevada's application, which was filed on July 10, 1964, was amended by financial amendments submitted on October 20, 1964, November 3, 1964, December 30, 1964, and January 21, 1965. After this proceeding was designated for hearing, WGN notes that petitions for leave to amend the financial portion of Radio Nevada's application were granted on October 26, 1965 (FCC 65M–1388), November 30, 1965 (FCC 65M–1545), November 8, 1966 (FCC 66M–1499), and finally January 27, 1967 (FCC 67M–144). WGN argues that these amendments are each part of Radio Nevada's continuing attempt to bridge the substantial gap between the resources available to it for financing its proposals and its prior estimates of its first year's costs. Since Radio Nevada's most recent financial amendment was not before the Board, WGN claims that it cannot be used by Radio Nevada as a basis for opposing this application for review, citing Community Broadcasting Service, Inc., 4 FCC 2d 379, 8 RR 2d 168 (1966). Even if the amendment were considered, WGN contends that it raises more questions than it answers, because it substantiates dissenting Board Member Slone's view that the market value of Reeder's securities has depreciated.[5]

11. Under the circumstances of this proceeding, we are persuaded that serious questions have been raised concerning the validity of Radio Nevada's cost estimates and its ability to provide the required capital to construct and operate its proposals for 1 year. Although Radio Nevada relies upon its most recent amendment to answer WGN's application for review, we agree with WGN that its amendment is not entitled to consideration at this juncture because the Board was not afforded an opportunity

[3] On Jan. 16, 1967, Radio Nevada filed a motion to accept its late filed opposition. Since no party has objected to Radio Nevada's request, it may be granted.

[4] The petition to amend the application was granted by Examiner Honig on Jan. 27, 1967, FCC 67M–144. The Examiner accepted the amendment subject to the deletion of all references to reduction of expenses based on the elimination of three salesmen and one bookkeeper.

[5] The amendment lists their value at $9,275, a depreciation of $2,987.50.

to consider it as required by section 5(d)(5) of the Communications Act and § 1.115(c) of our rules. More importantly, however, Radio Nevada's attempted reliance upon this financial amendment may constitute some indication of its repeated endeavors to shore up its financial proposals throughout the course of this proceeding. Radio Nevada has revised its financial proposal in this proceeding no less than eight times in its attempt to satisfy our financial requirements. At the same time, Williams has cast serious doubt upon his ability to meet his financial commitment for the Radio Nevada application by his conflicting descriptions of the same assets in his Fresno and Las Vegas applications and by his affidavit in this proceeding which states that the Fresno proposal "will have first call over the Radio Nevada proposal upon the total assets of Williams and Trans-America even if more than $130,000 should be needed."

12. We agree with WGN that a realistic determination of Radio Nevada's financial qualifications depends upon a valid cost estimate for its proposals and upon a stable and precise showing of personal resources to meet those costs. It is apparent from the discussion in the preceding paragraph that Radio Nevada's application does not presently meet those requirements, and the limited issue specified by the Review Board will not permit a determination to be made of these important elements reflecting upon Radio Nevada's financial qualifications. For these reasons, we are convinced that the Review Board's memorandum opinion and order should be set aside and that the issues herein should be enlarged to permit a full evidentiary hearing upon all aspects of Radio Nevada's financial proposal.

13. *Accordingly, it is ordered,* This 15th day of March 1967:

(a) That the motion to accept late filed opposition, filed on January 16, 1967, by Albert John Williams and Jack M. Reeder, doing business as Radio Nevada is granted;

(b) That the application for review, filed January 3, 1967, by WGN Continental Broadcasting Co., is granted to the extent reflected in this memorandum opinion and order;

(c) That the memorandum opinion and order (FCC 66R–501) released, as corrected, on December 22, 1966, by the Review Board is hereby set aside; and

(d) That the issues in this proceeding are hereby enlarged as follows:

To determine, with respect to Radio Nevada's financial proposal:

(a) The basis of Radio Nevada's—

(1) Estimate of construction costs, and

(2) Estimated operating expenses for the first year of operation;

(b) Radio Nevada's current financial position and whether sufficient funds are available to meet the cost of construction and one year's operation of the proposed station;

(c) The basis for Radio Nevada's estimate of revenues in its first year of operation, whether such estimate is reasonable, the extent to which net operating revenues may be relied upon to yield necessary funds for the initial construction and one year's operating cost;

(d) Whether, in the light of the evidence adduced pursuant to items a, b, and c, Radio Nevada is financially qualified.

Released: March 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–3137; Filed, Mar. 21, 1967; 8:49 a.m.]

[Docket Nos. 17258–17260; FCC 67M–447]

GAMMA TELEVISION CORP. ET AL.

Order Continuing Prehearing Conference

In re applications of Gamma Television Corp., Memphis, Tenn., Docket No. 17258, File No. BPCT–3599; John McLendon, trading as Tele/Mac of Memphis, Memphis, Tenn., Docket No. 17259, File No. BPCT–3762; Victor Muscat and Cliff Ford, doing business as Memphis Broadcasting Associates, Memphis, Tenn., Docket No. 17260, File No. BPCT–3787; for construction permit for new television broadcast station (Channel 24).

In order to accommodate a conflict in the Hearing Examiner's schedule:

It is ordered, This 16th day of March 1967, that the prehearing conference now scheduled for March 29, 1967, at 10 a.m., is continued to April 4, 1967, at 9 a.m. in the offices of the Commission at Washington, D.C.

Released: March 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–3136; Filed, Mar. 21, 1967; 8:49 a.m.]

[Docket No. 17198; FCC 67M–440]

SAN FERNANDO BROADCASTING CO. (KSFV)

Order Changing Place of Hearing

In re application of Joseph M. Arnoff and Maurice H. Gresham doing business as San Fernando Broadcasting Co. (KSFV), Docket No. 17198, File No. BLH–2397; for license to cover construction permit authorizing a new FM broadcast station at San Fernando, Calif.

The Chief Hearing Examiner having under consideration a petition in behalf of the Commission's Broadcast Bureau, filed March 13, 1967, requesting a field hearing in the above-entitled proceeding;

It appearing, that, in its order of hearing designation herein, the Commission has placed upon the petitioner the burden of proceeding with the introduction of evidence under the primary issues in the case, which will entail the testimony of a number of persons who are residents of the San Fernando area;

It appearing further, that the petition is not opposed by the applicant, the only other party to the proceeding; and that, as contended by the Bureau, "although an application for initial license is involved, the proceeding partakes of the nature of a renewal or revocation proceeding which, under Commission policy, is normally held in the community in which the station is located, particularly when this has been requested by one of the parties";

It appearing further, that petitioner shows good and sufficient cause for a grant of the relief sought:

It is ordered, This 16th day of March 1967, that the petition is granted and that the place of hearing in this proceeding is changed from Washington, D.C., to San Fernando, Calif.

Released: March 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–3139; Filed, Mar. 21, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–585 etc.]

ALABAMA-TENNESSEE NATURAL GAS CO.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity and Substituting Party in Pending Proceedings

MARCH 14, 1967.

On December 28, 1966, Alabama-Tennessee Natural Gas Co. (Petitioner) filed in Docket No. G–585 et al., a petition to amend the orders issuing it certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to continue the sales and transportation of natural gas authorized therein as an Alabama corporation in lieu of as a Delaware corporation, all as more fully set forth in the petition. Petitioner also requests that the Alabama corporation be substituted in lieu of the Delaware corporation as party in all pending proceedings.

Petitioner has changed the state of its incorporation on January 1, 1967, from Delaware to Alabama without change in operations or corporate activity. The Alabama corporation proposes to adopt the tariff of the Delaware corporation.

After due notice no petition to intervene, notice of intervention or protest to the granting of the petition to amend has been received.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Alabama-Tennessee Natural Gas Co., a Delaware corporation, are amended by authorizing the continuation of the sales and transportation of natural gas by

Alabama-Tennessee Natural Gas Co., an Alabama corporation; and in all other respects said orders shall remain in full force and effect.

(B) Alabama-Tennessee Natural Gas Co., an Alabama corporation, is substituted in lieu of Alabama-Tennessee Natural Gas Co., a Delaware corporation, in all proceedings pending before the Commission.

(C) This order shall be effective as of January 1, 1967, upon the submission by Petitioner of a certified copy of its certificate of incorporation in the State of Alabama on January 1, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-3085; Filed, Mar. 21, 1967; 8:45 a.m.]

[Docket No. CP67-254]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MARCH 14, 1967.

Take notice that on March 7, 1967, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP67-254 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas storage facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes the construction and operation of an additional 4,000 horsepower engine and related equipment in order to increase the deliverability of its Fink-Kennedy Storage Pools located in Harrison and Lewis Counties, W. Va. Applicant states that the increased deliverability will be used to meet normal growth in its market requirements. No new sales or service is proposed in this application.

Applicant estimates the cost of the proposed construction at approximately $1,051,625, said cost to be financed by funds on hand and funds to be obtained from Applicant's parent corporation, Consolidated Natural Gas Co.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 12, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-3086; Filed, Mar. 21, 1967; 8:45 a.m.]

COLORADO

Order Vacating Withdrawal of Lands in Project No. 979

MARCH 14, 1967.

Application was filed by the U.S. Forest Service, Department of Agriculture, for vacation of the power withdrawal pertaining to the following described lands of the United States located within the San Isabel National Forest:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 46 N., R. 11 E.,
Sec. 11, SE¼NE¼, E½SE¼.

The lands, comprising 120 acres, are located on or near North Lake Creek in the vicinity of Rainbow Lake in Custer County, Colo., and are withdrawn pursuant to the filing on April 11, 1929 of an application for license for Project No. 979. By letter dated April 30, 1929, the Commission gave notice of the power withdrawal of the lands to the then General Land Office, Department of the Interior.

The project structures originally consisted of a concrete diversion dam, a wood and steel penstock, a powerhouse containing less than 100 horsepower, and a transmission line about 2,600 feet long. Power generated by the project was used by the licensee for mining operations. By letter dated February 21, 1953, the last licensee of record for the project, informed the Commission that an insufficient supply of water had rendered operation of the project impractical. The license for the project expired in 1959.

The Commission finds: Inasmuch as the subject lands no longer have power value, and the power withdrawal of the lands serves no useful purpose, it should be vacated.

The Commission orders: The withdrawal of the subject lands pursuant to the application for Project No. 979 is hereby vacated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-3087; Filed, Mar. 21, 1967; 8:45 a.m.]

[Docket No. CP67-250]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 14, 1967.

Take notice that on March 6, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-250 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a 7,250 horsepower compressor unit at its Beaver, Okla. Compressor Station to compress volumes of natural gas from existing gathering systems presently connected to Applicant's system. Applicant states that it is necessary to compress the gas from these gathering systems due to gas purchase obligations under contracts with Producers.

Applicant estimates the cost of the proposed construction at approximately $2,423,600, said cost to be financed out of internal sources.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 10, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-3088; Filed, Mar. 21, 1967; 8:45 a.m.]

[Docket No. CP66-180]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

MARCH 14, 1967.

Take notice that on March 7, 1967, Tennessee Gas Pipeline Co. (Petitioner), a division of Tenneco Inc., Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP66-180 a petition to amend the order issued by the Commission May 10, 1966, as amended December 28, 1966, by changing the ordering paragraphs (G) and (H), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner requests that the Commission amend pargraphs (G) and (H) to read as follows:

(G) Without specific permission from the Commission, Tennessee shall make no sales under Rate Schedules R, SR, TWS, ERS, or excess withdrawal provisions of Rate Schedules SS-5 and SS-E during the months of April through October 1967: *Provided, however,* That sales under such rate schedules may be made if Tennessee has had the following volumes of gas in top storage at the end of the immediately preceding month:

	MMcf
March, 1967	0
April, 1967	1,917
May, 1967	4,921
June, 1967	7,519
July, 1967	10,934
August, 1967	14,545
September, 1967	17,477
October, 1967	20,078

And provided further, That additional sales under such rate schedules may be made of such amounts of gas which Tennessee is reasonably convinced cannot be moved beyond its Compressor Station No. 200.

(H) During the period November 1, 1967, through March 31, 1968, Tennessee shall be permitted to make sales under such rate schedules of 1,300 MMcf each month plus or minus the amount of excess or deficiency, as the case may be, in top storage inventory based on the top storage inventory for the month ending prior to such sales as shown below:

	MMcf
October, 1967	20,078
November, 1967	18,751
December, 1967	13,504
January, 1968	7,545
February, 1968	2,211
March, 1968	0

Any sales of gas under such rate schedules as contemplated above shall be made so as to be consistent with the maintenance of the specified storage inventories for the end of the then current month.

Petitioner states that in view of the fact that it will have excess volumes of natural gas available, during the months above-listed, due to the facilities authorized in Docket No. CP66-303 and that the revised requirements of its customers require smaller top storage inventories than set forth in the original ordering paragraphs (G) and (H), it is justified in requesting the Commission to amend the above-mentioned ordering paragraphs as set forth.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 10, 1967.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-3089; Filed, Mar. 21, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2064]

ANDERSON NEW ENGLAND CAPITAL CORP.

Notice of Filing of Application for Order

MARCH 16, 1967.

Notice is hereby given that Anderson New England Capital Corp. ("Anderson"), 150 Causeway Street, Boston, Mass., a Massachusetts corporation registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 ("Act") and licensed under the Small Business Investment Act of 1958, has filed an application pursuant to sections 10(f), 17(d) and Rule 17d-1 of the Act requesting an order of the Commission permitting Anderson to purchase certain securities of Chester Electronic Laboratories, Inc. ("Chester"). All interested persons are referred to the application for a statement of Anderson's representations which are summarized below.

Anderson proposes to purchase 500 units out of a total of 4,500 units of Chester registered under the Securities Act of 1933 pursuant to an effective registration statement. Putnam Coffin & Burr ("Putnam") is the underwriter of this issue. Chester's registration statement reserved the 500 units exclusively for sale to Anderson, at its option, until March 31, 1967. Mr. Warren Heidel, a director of Anderson, is a partner of Putnam.

Each unit is to be sold at a price of $100 and consists of one $100 face amount Debenture and warrants to purchase six shares of common stock. The Debentures are due September 1, 1981, and bear interest at the rate of 7¼ percent per annum. The warrants expire on December 31, 1971, and enable the holder to purchase the common stock of Chester at $6.75 per share through December 31, 1969, and thereafter at $7.50 per share until the warrants' expiration.

Chester has agreed to pay Anderson's legal and other out-of-pocket expenses not exceeding $1,000, plus a fee of $500 to Putnam for services in connection with the proposed purchase by Anderson.

Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security if a director of the registered investment company is an affiliate of a principal underwriter of such security. Since one of Anderson's directors is an affiliated person of Putnam, the principal underwriter offering the units, the proposed purchase of the units by Anderson is prohibited. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

In support of its application, Anderson asserts that the proposed purchase of the units is consistent with its investment objectives and policies, that the transaction was made at arm's length and that an order of exemption is appropriate in this case. Anderson further represents that the proposed purchase is not made for the purpose of relieving the underwriter of otherwise unmarketable securities.

Putnam acted as managing underwriter to a public distribution of Chester stock in 1962. Putnam presently holds, in its investment portfolio, 5,776 shares of Chester stock. In addition, shares are held by Putnam in its trading account, the number of which vary, but which has not exceeded 2,600 over the last 12 months.

Section 17(d) and Rule 17d-1 of the Act prohibit any affiliated person of a registered investment company acting as principal to effect any transaction in connection with any joint arrangement in which such registered company is a participant unless an application regarding such joint arrangement has been granted by the Commission. Rule 17d-1 provides that in passing upon an application, the Commission will consider whether the participation of the registered company in the joint enterprise on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than March 30, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Anderson at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3093; Filed, Mar. 21, 1967; 8:46 a.m.]

[70-4468]

CONNECTICUT LIGHT AND POWER CO.

Notice of Proposed Modification of Indenture

MARCH 16, 1967.

Notice is hereby given that the Connecticut Light and Power Co. ("CL&P"), 107 Selden Street, Berlin, Conn. 06037, a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), proposing the modification of its indenture governing the terms of its first mortgage bonds. CL&P has designated sections 6(a) and 7 of the Act as applicable to the proposal. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed modifications.

In order to conform to the requirements of this Commission's statement of policy with respect to first Mortgage bonds issued under the Act, as set forth in Holding Company Act Release No. 13105, and to effect other modifications, CL&P proposes to amend its first mortgage indenture and deed of trust, dated as of May 1, 1921, to Bankers Trust Co., as trustee, so as, among other things, to reduce the percentage of property additions governing the issuance of additional bonds, to provide a replacement fund requirement and accountability therefor in computing property additions available for the issuance of additional bonds, to modify the computation of earnings required for the issuance of additional bonds, to provide for a sinking and improvement fund and dividend restriction on common stock. The declaration states that the consent of bondholders is not required for the proposed amendment.

The fees and expenses incurred and to be incurred in connection with the proposed modification are to be filed by amendment. The declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed amendment.

Notice is further given that any interested persons may, not later than April 13, 1967, request in writing that a hearing be held with respect to the proposed modification of the indenture, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3094; Filed, Mar. 21, 1967; 8:46 a.m.]

[70-4466]

MICHIGAN WISCONSIN PIPE LINE CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Issue and Sale of Mortgage Bonds at Competitive Bidding, Increase in Authorized Capital Stock, and Issue and Sale, and Acquisition of Common Stock

MARCH 16, 1967.

Notice is hereby given that American Natural Gas Co. ("American Natural"), Suite 4950, 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and its subsidiary company, Michigan Wisconsin Pipe Line Co. ("Michigan Wisconsin"), 1 Woodward Avenue, Detroit, Mich. 48266, have filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9, 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan Wisconsin proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $45 million principal amount of first mortgage pipe line bonds, ____ percent series, due May 1, 1987. The bonds are to be issued under a mortgage and deed of trust, dated as of September 1, 1948, between Michigan Wisconsin and First National City Bank (formerly City Bank Farmers Trust Co.) and Christopher C. Arvani, as trustees, as heretofore supplemented and as to be further supplemented by an 18th supplemental indenture to be dated as of May 1, 1967. The interest rate (which will be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest (which will not be less than 100 percent nor more than 102¾ percent of the principal amount), will be determined by the competitive bidding.

Michigan Wisconsin also proposes (a) to amend its articles of incorporation so as to increase the number of its authorized shares of common stock, par value $100 per share, from 885,000 shares to 985,000 shares, and (b) to issue and sell 100,000 shares of such common stock to American Natural for a cash consideration of $10 million. American Natural, which owns all of Michigan Wisconsin's outstanding common stock, proposes to acquire the 100,000 shares, and in payment therefor to use $7,500,000 of funds on hand and $2,500,000 in cash to be received as a special dividend to be paid by Michigan Wisconsin on its common stock.

Michigan Wisconsin will use the net proceeds from the proposed issue and sale of bonds to prepay, without penalty, part of its promissory notes due banks which are presently outstanding in the amount of $60 million maturing September 30, 1967. The proceeds from the proposed issue and sale of common stock will be used by Michigan Wisconsin to finance, in part, its 1967 expansion program estimated to cost $65 million. It is stated that such additional funds as may be required to finance this expansion program will be obtained by Michigan Wisconsin from internal sources and borrowings from banks which will be the subject of a future filing with this Commission.

The fees and expenses to be paid by Michigan Wisconsin in connection with the issue and sale of the bonds are estimated at $155,000, including counsel fees of $50,000 and accountant's fees of $8,000; and in connection with the issue and sale of the common stock are estimated at $3,000, including counsel fees of $500. The fees of counsel for the bond underwriters, estimated at $16,000, are to be paid by the successful bidders.

It is stated that the issuance and sale of the bonds and common stock by Michigan Wisconsin is subject to authorization by the Michigan Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 14, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing)

upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3095; Filed, Mar. 21, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 17, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40949—*Iron and steel articles from Indian Oaks, Ill.* Filed by Illinois Freight Association, agent (No. 323), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, minimum 100,000 pounds, from Indian Oaks, Ill., to Greenville and Vicksburg, Miss.

Grounds for relief—Market competition.

Tariff—Supplement 34 to Illinois Freight Association, agent, tariff ICC 1085.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3105; Filed, Mar. 21, 1967; 8:47 a.m.]

[Notice 438]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 17, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Deviation No. 12), RISS & COMPANY, INC., Post Office Box 2809, Kansas City, Mo. 64142, filed March 7, 1967. Carrier's representative: Ivan E. Moody, 903 Grand Avenue, Kansas City, Mo. 64106. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, near Joliet, Ill., thence over Interstate Highway 80 to junction Interstate Highway 80S, near Big Springs, Nebr., thence over Interstate Highway 80S to Denver, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to Joliet, Ill., thence over U.S. Highway 6 to Denver, Colo., and (2) from Chicago, Ill., over Alternate U.S. Highway 30 to Sterling, Ill., thence over U.S. Highway 30 to junction U.S. Highway 138, at Big Springs, Nebr., thence over U.S. Highway 138 to junction U.S. Highway 6 at Sterling, Colo., thence over U.S. Highway 6 to Denver, Colo., and return over the same routes.

No. MC 21170 (Deviation No. 6), BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50518, filed March 9, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 90 to junction Interstate Highway 94, near Madison, Wis., thence over Interstate Highway 94 to St. Paul, Minn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Kansas City, Kans., over city streets to Kansas City, Mo., thence over Alternate U.S. Highway 69 to junction U.S. Highway 69, thence over U.S. Highway 69 via Cameron, Mo., to Ames, Iowa, thence over U.S. Highway 30 via Colo., Iowa, to junction Iowa Highway 330 (formerly U.S. Highway 30), thence over Iowa Highway 330 to Marshalltown, Iowa, thence over Iowa Highway 14 to junction Iowa Highway 57, thence over Iowa Highway 57 to junction U.S. Highway 65, thence over U.S. Highway 65, via Owatonna, Minn., to Minneapolis, Minn., thence over city streets, to St. Paul, Minn.; also from Kansas City, Kans., to Marshalltown, Iowa, as specified above, thence over unnumbered highway (formerly U.S. Highway 30) to junction U.S. Highway 30, thence over U.S. Highway 30 to Tama, Iowa, thence over U.S. Highway 63 to Waterloo, Iowa, thence over U.S. Highway 218 to Owatonna, Minn., thence to St. Paul as specified above; also from Kansas City, Kans., to Tama, Iowa, as specified above, thence over U.S. Highway 30 to junction U.S. Highway 218, thence over U.S. Highway 218 to Waterloo, Iowa, thence to St. Paul, Minn., as specified above, and (2) from Chicago, Ill., over Illinois Highway 64 to St. Charles, Ill., thence over Illinois Highway 31 to Geneva, Ill., thence over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 131, thence over Iowa Highway 131 to Belle Plaine, Iowa, thence over Iowa Highway 212 to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, and return over the same routes.

No. MC 56679 (Sub-No. 2) (Deviation No. 1), BROWN TRANSPORT CORP., 142 Milton Avenue, Post Office Box 6985, Atlanta, Ga. 30315, filed March 3, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cartersville, Ga., over U.S. Highway 41 to Dalton, Ga., thence over Georgia Highway 71 to the Georgia-Tennessee State line, thence over Tennessee Highway 60 to Cleveland, Tenn., thence over U.S. Highway 11 to Knoxville, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cartersville, Ga., over U.S. Highway 411 to junction U.S. Highway 129, thence over U.S. Highway 129 to Knoxville, Tenn., and return over the same route.

No. MC 56679 (Sub-No. 2) (Deviation No. 2), BROWN TRANSPORT CORP., 142 Milton Avenue, Post Office Box 6985, Atlanta, Ga. 30315, filed March 3, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Atlanta, Ga., over Interstate Highway 75 to Macon, Ga., (2) from Atlanta, Ga., over Interstate Highway 20 to Augusta, Ga., and (3) from Macon, Ga., over Interstate Highway 16 to Savannah, Ga., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Atlanta, Ga., over U.S. Highway 23 to junction Georgia Highway 87, thence over Georgia Highway 87 to Macon, Ga., (2) from Atlanta, Ga., over U.S. Highway 278 to Augusta, Ga., and (3) from Macon, Ga.,

over Georgia Highway 22 to junction Georgia Highway 24, thence over Georgia Highway 24 to junction Georgia Highway 17, thence over Georgia Highway 17 to Savannah, Ga., and return over the same routes.

No. MC 103435 (Deviation No. 17), UNITED BUCKINGHAM FREIGHT LINES, Post Office Box 1631, Rapid City, S. Dak. 57701, filed March 7, 1967. Carrier's representative: Maurice Andren (same address as above). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Duluth, Minn., and the Kansas City, Mo.-Kans., commercial zone, over Interstate Highway 35, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From South St. Paul, Minn., over city streets to St. Paul, Minn., thence over U.S. Highway 61 to Duluth, Minn., thence over U.S. Highway 2 to Erskine, Minn., (2) from Des Moines, Iowa, over U.S. Highway 69 to junction Iowa Highway 3, thence over Iowa Highway 3 to Clarion, Iowa, (3) from Des Moines, Iowa, over U.S. Highway 69 to Garner, Iowa, thence over U.S. Highway 18 to Mason City, Iowa, thence over U.S. Highway 65 to Owatonna, Minn., thence over Minnesota Highway 218 via Rosemount to St. Paul, Minn., (4) from Des Moines, Iowa, to Rosemount, Minn., as specified in (3); thence over Minnesota Highway 218 to junction Minnesota Highway 55, thence over Minnesota Highway 55 to Minneapolis, Minn., (5) from Des Moines, Iowa, over U.S. Highway 69 to junction Iowa Highway 175, thence over Iowa Highway 175 to junction Iowa Highway 60, thence over Iowa Highway 60 to Webster City, Iowa, thence over unnumbered highways to Woolstock, Iowa, thence over Iowa Highway 323 to junction Iowa Highway 60, thence over Iowa Highway 60 to Eagle Grove, Iowa (also from Des Moines over U.S. Highway 69 to junction U.S. Highway 20, thence over U.S. Highway 20 to Webster City, thence as specified above to Eagle Grove), and (6) from Omaha, Nebr., over U.S. Highway 6 to Des Moines, Iowa, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 364) (Cancels Deviation No. 227), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed March 8, 1967. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Seattle, Wash., over Interstate Highway 5 to Tacoma, Wash., (2) from Tacoma, Wash., over Interstate Highway 5 to junction unnumbered highway (Gravelly Lake Junction), (3) from junction U.S. Highway 99 and Interstate Highway 5 (North Olympia Junction), over Interstate Highway 5 to Olympia, Wash., (4) from Olympia, Wash., over Interstate Highway 5 to Tumwater, Wash., and (5) from junction unnumbered highway and Interstate Highway 5 (North Salmon Creek Junction), over Interstate Highway 5 to junction unnumbered highway (North Vancouver Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Seattle, Wash., over unnumbered highway via Tacoma to junction Interstate Highway 5 (Gravelly-Lake Junction), thence over Interstate Highway 5 to junction U.S. Highway 99 (Nisqually Junction), thence over U.S. Highway 99 to junction Business Route Interstate Highway 5 (North Olympia Junction), thence over Business Route Interstate Highway 5 via Olympia to junction Interstate Highway 5 (Tumwater), thence over Interstate Highway 5 to junction unnumbered highway (North Salmon Creek Junction), thence over unnumbered highway to junction Interstate Highway 5 (North Vancouver Junction), thence over Interstate Highway 5 to the Washington-Oregon State line (connects with Oregon Route 26), and return over the same route.

No. MC 59238 (Deviation No. 6), VIRGINIA STAGES LINES, INCORPORATED, Fourth and Water Streets, Charlottesville, Va. 22902, filed March 9, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 495 and U.S. Highway 50 over Interstate Highway 495 to junction Interstate Highway 66, thence over Interstate Highway 66 to junction U.S. Highway 29 (near Centreville, Va.), and (2) from junction Interstate Highway 495 and U.S. Highway 50 over Interstate Highway 495 to junction Interstate Highway 66, thence over Interstate Highway 66 to junction Virginia Highway 123, thence over Virginia Highway 123 to Fairfax, Va., thence return over Virginia Highway 123 to junction Interstate Highway 66, thence over Interstate Highway 66 to junction Virginia Highway 28, thence over Virginia Highway 28 to junction U.S. Highway 29 (near Centreville, Va.), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction Interstate Highway 495 and U.S. Highway 50 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction Interstate Highway 66 (near Centreville, Va.), and return over the same route.

No. MC 8500 (Deviation No. 11), TENNESSEE TRAILWAYS, INC., 710 Sevier Avenue, Knoxville, Tenn. 37920, filed March 7, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Marietta, Ga., over Georgia Highway 120 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Franklin Road, thence over Franklin Road to junction Interstate Highway 75, thence over Interstate Highway 75 to Atlanta, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and same property, over a pertinent service route as follows: From Marietta, Ga., over Georgia Highway 120 to junction U.S. Highway 41 (formerly portion Georgia Highway 3E), thence over U.S. Highway 41 to Altanta, Ga. (also from junction U.S. Highway 41 and Georgia Highway 3 formerly portion Georgia Highway 3E), over Georgia Highway 3 to junction Georgia Highway 120), and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3106; Filed, Mar. 21, 1967; 8:47 a.m.]

[Notice 1038]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 17, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 12731 (Sub-No. 1) (Republication), filed May 2, 1966, published FEDERAL REGISTER issue of June 3, 1966, and republished this issue. Applicant: TEENS N' TOURS, INC., 1004 White Birch Lane, Post Office Box A-7, Wantagh, Long Island, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York, N.Y. By application filed May 2, 1966, applicant seeks a license authorizing operation in interstate or foreign commerce, as a broker at Massapequa, Long Island, N.Y., in arranging for the transportation of passengers and their baggage, in all-expense tours, as individuals and groups, in charter operations, between Merrick, Long Island, N.Y., and points in Nassau and Suffolk Counties, N.Y., within 35 miles of Merrick, on the one hand, and, on the other, points in the United States, including Alaska and Hawaii. An order of the Commission, Operating Rights Board No. 1, dated February 13, 1967, and served March 10, 1967, finds that operation by applicant at Massapequa, Long Island, N.Y., as a broker in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in all-expense, round-trip tours, in special and charter operations, beginning and ending at Merrick, Long Island, and at points in Nassau and Suffolk Counties, N.Y., west of New York Highway 112 and extending to points in the United States (including Alaska and excluding Hawaii) will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that a license authorizing such operations should be issued, subject to the right of the Commission, which is hereby expressly reserved, to impose, after final determination of the proceeding in Ex Parte No. MC-29 (Sub-No. 2), such terms and conditions, if any, as may be deemed necessary to insure that the operations of applicant are limited to bona fide operations, as a broker of transportation by motor vehicle of passengers and their baggage, in all-expense, round-trip tours, in special and charter operations, conditioned upon the receipt of a request in writing from applicant for the coincidental cancellation of its license No. MC-12731. Because it is possible that other parties, who have relied upon the notice of the application as so published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 19781 (Sub-No. 4) (Republication), filed July 21, 1966, published FEDERAL REGISTER issue of August 18, 1966, and republished this issue. Applicant: RITZ TRUCKING COMPANY, INC., Port of Albany, Post Office Box 1166, Albany, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. By application filed July 21, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of lumber, on platform dump trucks, from Albany and Rensselaer, N.Y., to points in Vermont. An order of the Commission, Operating Rights Board No. 1, dated February 13, 1967, and served March 10, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *lumber*, from Albany and Rensselaer, N.Y., to points in Vermont; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petiton for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 26088 (Sub-No. 8) (Republication), filed October 14, 1966, published FEDERAL REGISTER issue of November 3, 1966, and republished this issue. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., 301 North, Allendale, S.C. Applicant's representative: William Addams, Room 406, 1776 Peachtree Street NW., Atlanta, Ga. 30309. By application filed October 14, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of concrete building blocks, hollow or briquette, slag or cinders and Portland cement combined, from Augusta, Ga., to points in South Carolina. An order of the Commission, Operating Rights Board No. 1, dated February 13, 1967, and served March 14, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *concrete building blocks*, from Augusta, Ga., to points in South Carolina; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 59367 (Sub-No. 48) (Republication), filed July 21, 1966, published FEDERAL REGISTER issue of August 18, 1966, and republished this issue. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. By application filed July 21, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Storm Lake and Postville, Iowa, and Omaha, Nebr., to points in Wisconsin, with service from Postville restricted to traffic originating at Omaha, Nebr., or Storm Lake, Iowa, and stopped at Postville to complete loading. An order of the Commission, Operating Rights Board No. 1, dated February 28, 1967, and served March 15, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and except commodities in bulk), from Storm Lake and Postville, Iowa, to points in Wisconsin, restricted to the transportation of traffic originating at the plantsites of Hygrade Food Products Corp. at Storm Lake and Postville; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 104589 (Sub-No. 21) (Republication), filed July 21, 1966, published FEDERAL REGISTER issue of August 18, 1966, and republished this issue. Applicant: J. L. LAWHON, 2941 Main Street, East Point, Ga. 30044. Applicant's representative: Jacob P. Billig, 1825 Jefferson Place NW. Washington, D.C. By application filed July 21, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as

a contract carrier by motor vehicle, over irregular routes, of heat processed citrus juice in hermetically sealed containers when moving with fresh citrus fruits in containers, and fresh fruit sections and salads packed in glass, except frozen citrus products, from Plymouth, Fla., to points in Alabama, Mississippi, Louisiana, North Carolina, Georgia, Tennessee, and South Carolina, and (2) fresh citrus fruits in containers, and fresh fruit sections and salads packed in glass, except frozen citrus products, from points in Alachua, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Manatee, Marion, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, and Volusia Counties, Fla., to points in the destination States enumerated in (1) above, limited to a transportation service to be performed under a continuing contract, or contracts, with Seald-Sweet Sales, Inc. of Tampa, Fla. An order of the Commission, Operating Rights Board No. 1, dated February 13, 1967, and served March 10, 1967, as amended, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) *canned citrus juice*, when transported at the same time and in the same vehicle with the commodities authorized in (2) below, from the plantsite or facilities used by the Plymouth Citrus Products Cooperative at Plymouth, Fla., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to the transportation of traffic originating at the said plantsite or facilities, and

(2) *Citrus fruits, and fruit sections and salads* (not canned and not frozen) in containers, when transported at the same time and in the same vehicle with the canned citrus juice in (1) above, from points in Alachua, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake Lee, Levy, Manatee, Marion, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, and Volusia Counties, Fla., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, under a continuing contract with Seald-Sweet Sales, Inc. of Tampa, Fla., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 109595 (Sub-No. 8) (Republication), filed June 20, 1966, published FEDERAL REGISTER issue of June 30, 1966, and republished this issue. Applicant: REX TRANSPORTATION CO., a corporation, 34350 Goodard Road, Rumulus, Mich. 48174. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. By application filed June 20, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of constructional materials in bulk, from the Flexiflo Rail Motor Interchange facilities on the lines of the New York Central Railroad located in Avon, Ind. (exclusive of team tracks and other public facilities) to points in Indiana, Illinois, Kentucky, and Ohio, west of U.S. Highway 21, restricted to shipments having a prior rail movement. An order of the Commission, Operating Rights Board No. 1, dated February 28, 1967, and served March 15, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *cement*, in bulk, from Avon, Ind., to points in Indiana, restricted to the transportation of traffic having a prior movement by rail from Fultonham, Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112627 (Sub-No. 10) (Republication), filed July 19, 1966, published FEDERAL REGISTER issue of August 25, 1966, and republished, this issue. Applicant: OWEN BROS., INC., Post Office Box 247, Dansville, N.Y. 14437. Applicant's representative Raymond A. Richard's 25 Curtice Park, Webster, N.Y. 14580. By application filed July 19, 1966, applicant seeks a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of (1) Brandy, in mixed shipments with wine (presently authorized), from Hammondsport, N.Y., to points in Connecticut, Delaware, Indiana, Illinois, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, Rhode Island, and Wisconsin, and Charleston, W. Va., Detroit, Mich., Naples, N.Y., Richmond, Va., and St. Louis, Mo., and (2) *commodities* the transportation of which is partially exempt under the provisions of section 203 (b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving the same vehicle at the same time with the commodities in (1) above, (a) from Hammondsport and Naples, N.Y., to Charleston, W. Va., Detroit, Mich., New York, N.Y., Richmond, Va., St. Louis, Mo., and points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, Rhode Island, Wisconsin, and the District of Columbia.

(b) Between Hammondsport and Naples, N.Y., (c) from New York, N.Y., Detroit, Mich., and points in Ohio, Pennsylvania, New Jersey, Delaware, Maryland, Massachusetts, Connecticut, Rhode Island, and the District of Columbia, to Hammondsport and Naples, N.Y., (d) between points in Livingston County, N.Y., on the one hand, and, on the other, points in Maryland, Ohio, and Pennsylvania, (e) between Carteret, N.J., on the one hand, and, on the other, points in Allegany, Chemung, Livingston, and Steuben Counties, N.Y., (f) from North Claymont, Del., to points in New York on and west of New York Highway 14, extending through Geneva and Elmira, N.Y., (g) between Baltimore, Md., and Philadelphia, Pa., and points in Livingston and Steuben Counties, N.Y., (h) from Richmond, Va., and Chicago, Ill., to Hammondsport and Naples, N.Y., and (i) between New York, N.Y., on the one hand, and, on the other, points in New York. A supplemental order of the Commission, Operating Rights Board No. 1, dated February 13, 1967, and served March 9, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) brandy (except in bulk), in mixed loads with *wine* (presently authorized), from Hammondsport, N.Y., to points in Connecticut, Delaware, Indiana, Illinois, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, Rhode Island, and Wisconsin, and to Charleston, W. Va., Detroit, Mich., Naples, N.Y., Richmond, Va., and St. Louis, Mo., and

(2) *Agricultural commodities* (except in bulk), the transportation of which would otherwise be partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act when moving in the same vehicle at the same time with brandy or wine (otherwise authorized), between points in New York and Pennsylvania, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Illinois, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, and Charleston, W. Va., Detroit, Mich., Richmond, Va., and St. Louis, Mo.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112750 (Sub-No. 152) (Republication), filed July 1, 1963, published FEDERAL REGISTER issue of July 17, 1963, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. (Retitled), AMERCIAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. By application filed July 1, 1963, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) business papers, records, and documents (excluding plant removals) between Canton, Ohio, on the one hand, and, on the other, Boyers, Pa., and (2) charge sales tickets, cash sales tickets, charge credit sales tickets, refund slips, cash register tapes, and accompanying documents, between Braintree, Mass., on the one hand, and, on the other, Branford, Manchester, and Wallingford, Conn., Laconia, Plymouth, Portsmouth, and Salem, N.H., and North Kingstown and Woonsocket, R.I. NOTE: The proposed service in (1) above will be for the account of the Timken Roller Bearing Co. of Canton, Ohio, and in (2) above, for the account of L. Grossman Sons, Inc., of Braintree, Mass. A supplemental order of the Commission, Operating Rights Board No. 1, dated January 24, 1967, and served March 9, 1967, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *business papers, records, and documents* (except cash letters), between Canton, Ohio, on the one hand, and, on the other, Boyers, Pa., and

(2) *Charge sales tickets, cash sales tickets, charge credit sales tickets, refund slips, cash register tapes and accompanying documents* (except cash letters) between Braintree, Mass., on the one hand, and on the other, Branford, Manchester, and Wallingford, Conn., Laconia, Plymouth, Portsmouth, and Salem, N.H., and North Kingston and Woonsocket, R.I.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. MC 112750, MC 123486, and MC 123304 and subs thereunder, following the issuance of the certificate authorized to be issued in Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), and MC 127431 (Sub-No. 8), will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112750 (Sub-No. 159) (Republication), filed August 19, 1963, published FEDERAL REGISTER issue of September 5, 1963, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. (Retitled), AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. By application filed August 19, 1963, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) checks, audit, and accounting media, magnetic tape, punch paper tape, and business papers and records (excluding plant removals) for the account of the Wingate Computing Center of Hartford, Conn., between Providence, R.I., on the one hand, and, on the other, points in Connecticut, points in Bristol and Worcester Counties, Mass., and points in Albany, Broome, Nassau, Onondaga, and Westchester Counties, N.Y., and (2) invoices, inventory control documents and business records pertaining to general accounting and auditing of chain grocery stores, for the account of Stop & Shop, Inc., between Boston, Mass., on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, and Rhode Island.

NOTE: Common control may be involved. A supplemental order of the Commission, Operating Rights Board No. 1, dated January 24, 1967, and served March 9, 1967, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *checks, audit, and accounting media, magnetic tape, punch paper tape, and business papers and records* (except cash letters), between Providence, R.I., on the one hand, and, on the other, points in Connecticut, points in Bristol and Worcester Counties, Mass., and points in Albany, Broome, Nassau, Onondaga, and Westchester Counties, N.Y., and (2) *invoices, inventory control documents and business records* pertaining to general accounting and auditing of chain grocery stores (except cash letters) between Boston, Mass., on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, and Rhode Island; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. MC 112750, MC 123486, and MC 123304 and subs thereunder, following the issuance of the certificate authorized to be issued in Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), and MC 127431 (Sub-No. 8), will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 118288 (Sub-No. 8) (Republication), filed February 1, 1966, published FEDERAL REGISTER issue of February 25, 1966, and republished this issue. Applicant: STEPHEN F. FROST, 14750 Boyle Avenue., Fontana, Calif. By application filed February 1, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of bananas, and fresh fruits, fresh vegetables and fresh berries, when moving in the same vehicle with bananas, from points in California, to points in Idaho north of a line running due east and west through Moscow, Idaho, and including Moscow, Idaho. NOTE: Applicant states he proposes to transport exempt commodities, on return. An order of the Commission, Operating Rights Board No. 1, dated February 21, 1967, and served March 15, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier

by motor vehicle, over irregular routes, of (1) *bananas*, and (2) *fresh fruits, fresh vegetables and fresh berries*, in mixed loads with bananas, from points in California, to points in that part of Idaho north of U.S. Highway 12; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 123631 (Sub-No. 1) (Republication), filed July 19, 1966, published FEDERAL REGISTER issue of August 18, 1966, and republished this issue. Applicant: GERALD DUIDO, doing business as G & G FREIGHT LINES, 754 North James Street, Hazleton, Pa. 18201. Applicant's representative: John W. Frame, Post Office Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. By application filed July 19, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) games, toys, playground apparatus and equipment, athletic and sporting equipment, transmitting and receiving sets, electric phonographs, amusement outfits, mechanical devices, including parts, and tools and accessories necessary for the installation thereof, (2) materials, supplies and equipment used in connection wth the manufacture, sale and distribution of games, toys, playground apparatus and equipment, athletic and sporting equipment, transmitting and receiving sets, electric phonographs, amusement outfits, and mechanical devices (except commodities in bulk, in tank vehicles), between points in Luzerne and Lackawanna Counties, Pa., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana (on and west of U.S. Highway 171), Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. An order of the Commission, Operating Rights Board No. 1, dated February 21, 1967, and served March 15, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *games, toys, playground and athletic equipment, radio and television transmitting and receiving sets, antennas, electrical testing equipment, electric phonographs, sportswear, car washing equipment, and supplies, vacuum cleaners and household appliances*, (2) *parts, tools, and accessories* used in the installation of the commodities in (1) above, and

(3) *Materials, supplies, and equipment* (except commodities in bulk), used in the manufacture, sale and distribution of the commodities in (1) above, between points in Luzerne and Lackawanna Counties, Pa., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, and those points in that part of Louisiana on and west of U.S. Highway 171; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127050 (Sub-No. 2) (Republication), filed October 13, 1966, published FEDERAL REGISTER issue of November 3, 1966, and republished this issue. Applicant: CUSTOMER DELIVERY SERVICE, INC., Rural Delivery No. 1, Montgomery, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. By application filed October 13, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of building materials, uncrated, transported in flatbed dump vehicles, (1) from Middletown, Orange County, N.Y., to points in Wayne and Pike Counties, Pa., Sussex, Passaic, Bergen, Morris, Essex, Somerset, Union, and Middlesex Counties, N.J., and Litchfield and Fairfield Counties, Conn., and (2) in interplant operations, between the plantsites of Wickes Lumber & Building Supply Co., located in the town of Montgomery and Middletown, N.Y., on the one hand, and, on the other, plants located at Southington, Conn., and Succasunna and Phillipsburg, N.J., under a contract with Wickes Lumber & Building Supply Co., Division of Wickes Corp. of Saginaw, Mich.

An order of the Commission, Operating Rights Board No. 1, dated February 13, 1967, and served March 10, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *building materials*, uncrated, from Middletown (Orange County), N.Y., to points in Wayne and Pike Counties, Pa., Sussex, Passaic, Bergen, Morris, Essex, Somerset, Union, and Middlesex Counties, N.J., and Litchfield and Fairfield Counties, Conn., under a continuing contract with Wickes Lumber & Building Supplies, a division of the Wickes Corp., of Saginaw, Mich., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127811 (Republication), filed December 20, 1965, published FEDERAL REGISTER issue of January 20, 1966, and republished this issue. Applicant: BRYNWOOD TRANSFER COMPANY, INC., 331 Ulysses Street NE., Minneapolis, Minn. 54418. Applicant's representative: Robert A. Minish, 900 Farmers & Merchants Bank Building, Minneapolis, Minn. 55402. In the above-specified proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of bulk storage tank and smokestacks, which because of unusual size or weight require special handling and the use of special equipment, and (2) related parts and equipment when transported in the same vehicle at the same time with the commodities described in (1) above, from the plantsites of Brown Steel Tank Co., Arrow Tank & Engineering, Wheeler Tank & Manufacturing Co., and Minneapolis Tank & Manufacturing Co., all located in the Minneapolis-St. Paul, Minn., commercial zone, to points in Iowa, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan. A decision and order of the Commission, Operating Rights Review Board Number 3, dated February 28, 1967, and served March 10, 1967, find that operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *bulk storage tanks and smokestacks*, which because of unusual size or weight require special handling and the use of special equipment, and (2) *related parts and equipment* when transported in the same vehicle at the same time with the commodities described in (1) above, from the plantsites of Brown Steel Tank Co., Arrow Tank & Engineering, Wheeler Tank & Manufacturing Co., and Minneapolis Tank & Manufacturing Co., all located in the Minneapolis-St. Paul Minn., commercial zone, to points in Iowa, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. A notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest, who may have relied upon the notice of the application as originally published and would be prejudiced by lack of proper notice of the authority actually granted herein, may file an appropriate pleading.

No. MC 128224 (Republication), filed May 19, 1966, published FEDERAL REGISTER issue of June 9, 1966, and republished this issue. Applicant: GEORGE F. JOHNSON, Rural Delivery No. 1, New Stanton, Pa. Applicant's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. By application filed May 19, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of plastic mold steel and component parts thereof, between the Borough of Youngwood, Westmoreland County, Pa., on the one hand, and, on the other, Hillside, N.J., Detroit, Mich., Chicago, Ill., and Cleveland, Ohio. NOTE: Applicant states that the above-proposed operation will be restricted to a service to be performed under a continuing contract or contracts with D-M-E Corp. A supplemental order of the Commission, Operating Rights Board No. 1, dated March 8, 1967, and served March 14, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *semifinished steel* used in the manufacture of steel molds for the casting of plastics, between Youngwood (Westmoreland County), Pa., on the one hand, and, on the other, Hillside, N.J., Detroit, Mich., Chicago, Ill., and Cleveland, Ohio, under a continuing contract with D-M-E Corp., of Detroit, Mich., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 130019 (Republication), filed October 6, 1966, published FEDERAL REGISTER issue of November 3, 1966, and republished this issue. Applicant: CONLON TRAVEL, INC., doing business as CONLON TRAVEL, 163 North Mechanic Street, Cumberland, Md. 21502. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. By application filed October 6, 1966, applicant seeks a license to engage in operations as a broker at Cumberland, Md., in arranging for transportation, in interstate or foreign commerce, of passengers and their baggage, in groups, destined for the same destination, in round-trip all inclusive pleasure or vacation type tours, beginning and ending at Cumberland, Md., and extending to points in the United States. An order of the Commission, Operating Rights Board No. 1, dated February 21, 1967, and served March 14, 1967, finds that operation by applicant at Cumberland, Md., as a broker in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and* ice and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations there *their baggage*, in round-trip tours, in special and charter operations, beginning and ending at Cumberland, Md., and extending to points in the United States (including Alaska but excluding Hawaii) will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that a license authorizing such operations should be issued, subject to the right of the Commission which is hereby expressly reserved, to impose, after final determination of the proceeding in Ex Parte No. MC-29 (Sub-No. 2), such terms and conditions, if any, as may be deemed necessary to insure that the operations of applicant are limited to bona fide operations, as a broker of transportation by motor vehicle of passengers and their baggage, in special and charter operations, in round-trip tours. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding, setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 116316 (Sub-No. 2) (Notice of Filing of Petition to Add an Additional Shipper to its Contract Carrier Permit), filed March 6, 1967. Petitioner: ARMORED MOTOR SERVICE OF ARIZONA, INC., Post Office Box 721, Phoenix, Ariz. 85001. Petitioner's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Petitioner holds a Permit in No. MC 116316 (Sub-No. 2) to conduct operations as a contract carrier, by motor vehicle, over irregular routes, transporting: Coin, currency, and securities, between Los Angeles, Calif., on the one hand, and, on the other, points in Arizona, limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: First National Bank of Arizona, of Phoenix, Ariz., Valley National Bank of Phoenix, Phoenix, Ariz., The Continental National Bank of Phoenix, Ariz., and First Navajo National Bank of Winslow, Ariz. By the instant petition, petitioner requests the Commission to enter an order modifying the restriction in its permit so as to authorize service to an additional shipper: The Southern Arizona Bank. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 7573 (Sub-No. 4), filed March 5, 1967. Applicant: LEHMAN CARTAGE INC., 1821 Middle Avenue, Elyria, Ohio 44035. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular and regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), regular routes: (1) Between Cleveland and Elyria, Ohio, over U.S. Highway 20, serving all intermediate points, (2) between Elyria and Lorain, Ohio, over Elyria-Lorain Road (also over Ohio Highway 57), serving all intermediate points, (3) between Lorain and junction Ohio Highways 254 and 611 over Ohio Highway 611, serving all intermediate points, (4) between junction Ohio Highways 254 and 57 and Cleveland, Ohio, over Ohio Highway 254, serving all intermediate points, (5) between Elyria, Ohio, and junction Ohio Highway 254 and unnumbered county highway (known as Abbe Road) over unnumbered county highway, serving all intermediate points, (6) between Lorain and junction Ohio Highway 254 and unnumbered county highway (known as Pearl Avenue) over unnumbered county highway, serving all intermediate points, (7) between Lorain, Ohio, and

junction Ohio Highway 57 and unnumbered county highway (known as Elyria Avenue) over unnumbered county highway, serving all intermediate points, (8) between Cleveland and North Olmsted, Ohio, over Ohio Highway 10, serving all intermediate points, (9) between North Olmsted, Ohio, and junction Ohio Highways 254 and 252 over Ohio Highway 252, serving all intermediate points, (10) between junction U.S. Highway 20 and Ohio Highway 17 and Independence, Ohio over Ohio Highway 17, serving all intermediate points, (11) between North Olmsted, Ohio, and junction U.S. Highway 20 and unnumbered county highway (known as Barton Road) over unnumbered county highway, serving all intermediate points, restricted against service at North Olmsted, Avon, and Bay Village, Ohio, also restricted at Independence to service at locations on and north of Ohio Highway 17 (known also as Schaaf Road), including locations abutting the south side thereof, and (12) between Cleveland, Ohio, and junction U.S. Highway 21 and Ohio Highway 18 over U.S. Highway 21, serving no intermediate points, for purposes of joinder only. Irregular route: Between Elyria, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states it intends to join or tack this proposed authority at points in Lorain County, Ohio, with presently held authorized authority to serve points in Indiana, Michigan, New York, Pennsylvania, and West Virginia. This application is a matter directly related to Docket No. MC–F–9690, published FEDERAL REGISTER issue of March 15, 1967. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 28536 (Sub-No. 13), filed February 24, 1967. Applicant: FOX & GINN, INC., 12 Howard Lane, Bangor, Maine 04402. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass, 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, new furniture, uncrated, commodities in bulk, and those requiring special equipment); regular routes: (1) Between Worcester and Boston, Mass., from Worcester over Massachusetts Highway 9 to Boston (also from Worcester over Massachusetts Highway 9 to junction U.S. Highway 20, thence over U.S. Highway 20 to Boston), and return over the same routes, serving the intermediate and off-route points of Shrewsbury, Northboro, Marlboro, Framingham, Sudbury, Weyland, Weston, Waltham, Watertown, Cambridge, Westboro, Hopkinton, Ashland, Natick, Wellesley, and Newton, Mass., (2) between Worcester and Oxford, Mass., from Worcester over Massachusetts Highway 9 to Leicester, and thence over Massachusetts Highway 56 to junction Massachusetts Highway 12, and thence over Massachusetts Highway 12 to Oxford, and return over the same route, serving the intermediate point of Leicester, and (3) between Worcester and Charlton, Mass., from Worcester over Massachusetts Highway 12 to Auburn, thence over U.S. Highway 20 to Charlton, and return over the same route, serving the intermediate and off-route points of Auburn and Oxford, and irregular routes: between points in Massachusetts. NOTE: Applicant states it intends to tack at Boston, Mass., and points within 15 miles of Boston, and also at intermediate points on U.S. Highway 1 between Boston, Mass., and the Massachusetts-New Hampshire State line. This application is directly related to MC–F 9683, published FEDERAL REGISTER issue of March 8, 1967. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 21a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–9483 (Amendment) (CHEMICAL LEAMAN TANK LINES, INC.)—Purchase (Portion)—RYDER TRUCK LINES, INC. (TANK LINE DIVISION), published in the July 27, 1967, issue of the FEDERAL REGISTER, on page 10166. Amendment filed March 7, 1967. Applicant seeks to (1) acquire *control* of RYDER TRUCK LINES, INC., through purchase of capital stock, *and* (2) *purchase* operating rights and physical assets of Tank Line Division of RYDER TRUCK LINES, INC., in lieu of purchase originally proposed. Amended application has been filed for temporary authority under section 210a(b).

No. MC–F–9692 (Correction) (BENNY DEFAZIO)—Purchase (Portion)—M. H. MUMMEL, filed in the March 15, 1967, issue of the FEDERAL REGISTER, on page 4102. Applicant seeks to purchase and temporarily lease *the entire* operating rights and property of M. H. HUMMEL, doing business as HUMMEL TRUCKING COMPANY, in lieu of a portion as inadvertently stated in the prior notice.

No. MC–F–9693. Authority sought for purchase by OREGON-NEVADA-CALIFORNIA FAST FREIGHT, INC., 2800 West Bayshore Road, Palo Alto, Calif. 94303, of a portion of the operating rights and certain property of LYNDEN TRANSFER, INC., Post Office Box 433, Lynden, Wash. 98264, and for acquisition by CARROLL J. ROUSH, D. P. ROUSH, and G. JON ROUSH all also of Palo Alto, Calif., of control of such rights and property through the purchase. Applicants' attorneys: John R. Turney, 342 West Vista Avenue, Phoenix, Ariz. 85021, and Turney, Major, Sherfy & Sage, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, excepting, among others household goods and commodities in bulk, as a *common carrier* over regular routes, between Lynden, Wash., and Seattle, Wash., serving the intermediate and off-route points of Stanwood, Burlington, and Silvana, Wash., and those in Washington within 5 miles of Lynden, unrestricted, and serving the intermediate point of Bellingham, Wash., for joinder only; between Bellingham, Wash., and the United States-Canada boundary line at the port of entry at or near Blaine, Wash., between Bellingham, Wash., and the United States-Canada boundary line at the port of entry at or near Sumas, Wash., serving no intermediate points, and serving Bellingham for joinder only; between Everett, Wash., and the United States-Canada boundary line at the port of entry approximately 8 miles north of Oroville, Wash., serving no intermediate points, between the junction of U.S. Highways 2 and 97 (north of Wenatchee, Wash.), and Spokane, Wash., serving no intermediate points, and serving the termini for purpose of joinder only, between Seattle, Wash., and the United States-Canada boundary line at the port of entry at or near Eastport, Idaho, serving no intermediate points, between Spokane, Wash., and junction U.S. Highways 195 and 95 at or near Sandpoint, Idaho, serving no intermediate points, and serving the termini for purpose of joinder only, between Seattle, Wash., and Tacoma, Wash., serving no intermediate points, and with service restricted to the transportation of traffic moving to or from Alaska, between Lynden, Wash., and Bellingham, Wash., serving all intermediate points; *ground peat*, over irregular routes, from the port of entry at or near Blaine, Wash., on the United States-Canada boundary line to points in Pierce and Thurston Counties, Wash., from the port of entry at or near Blaine, Wash., on the United States-Canada boundary line to points in Whatcom, Skagit, Snohomish, King, and Pierce Counties, Wash.; *berries*, fresh and frozen, processed and unprocessed, in containers, in seasonal operations between May 15 and October 1, of each year, from Sumas and Lynden, Wash., and points in Washington within 5 miles of Lynden, to points in Whatcom, Skagit, Snohomish, King, and Pierce Counties, Wash., and *pyrite cinders*, from the port of entry on the United States-Canada boundary line at or near Blaine, Wash., to Bellingham, Wash. Vendee is authorized to operate as a *common carrier* in Oregon, California, Nevada, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9694. Authority sought for purchase by JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 46323, of the operating rights of HERMAN C. JENKINS, doing business as J. & H. TRUCKING CO., 4010 West Fourth Avenue, Gary, Ind. 46406, and for acquisition by JOHN S. GRAY, JR., also of Hammond, Ind., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *Slag*, in

bulk, in dump trucks, as a *common carrier*, over irregular routes, from Gary, Ind., to certain specified points in Illinois and Wisconsin; *gravel, crushed limestone*, and *sand*, in bulk, in dump trucks, from points in Waukesha County, Wis., to certain specified points in Illinois, from points in Racine County, Wis., to points in Du Page County, Ill.; *gravel* and *sand*, in bulk, in dump trucks, from South Beloit, Ill., to points in Rock County, Wis.; and *materialite*, in bulk, in dump trucks, from points in La Salle County, Ill., to certain specified points in Wisconsin. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Iowa, Missouri, Michigan, Minnesota, Wisconsin, Ohio, Kentucky, Pennsylvania, West Virginia, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9695. Authority sought for purchase by H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, Okla. 73109, of a portion of the operating rights of SYKES TRANSPORT COMPANY, Post Office Box L, Madisonville, Ky. 42431, and for acquisition by H. J. JEFFRIES, also of Oklahoma City, Okla., of control of such rights through the purchase. Applicants' attorneys: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224, and Robert M. Pearce, 1033 State Street, Bowling Green, Ky. 42101. Operating rights sought to be transferred: *Lumber*, as a *common carrier*, over irregular routes, from points in New Mexico, to St. Louis, Mo., points in Kentucky, Tennessee, Wisconsin, Illinois, and Indiana (except from Albuquerque and Santa Fe, N. Mex., to Chicago, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission). Vendee is authorized to operate as a *common carrier* in Oklahoma, Illinois, Kansas, Texas, Arkansas, Missouri, New Mexico, Indiana, Louisiana, Iowa, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nevada, Tennessee, Nebraska, Ohio, Alaska, Montana, and Utah. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9696. Authority sought for purchase by CHECKER EXPRESS CO., 960 West Montana Street, Milwaukee, Wis. 53215, of the operating rights and property of MEY TRANSFER, INC., Post Office Box 26, Newburg, Wis., and for acquisition by HYMAN J. LEWENSOHN, also of Milwaukee, Wis., of control of such rights and property through the purchase. Applicants' representative: Richard A. Rebholz, 960 West Montana Street, Milwaukee, Wis. 53215. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–104876 Sub-2, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Wisconsin. Vendee is authorized to operate as a *common carrier* in Wisconsin, Illinois, Iowa, Minnesota, and Indiana. NOTE: MC–68980 Sub-No. 11 is a matter directly related.

No. MC–F–9697. Authority sought for purchase by INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577, of a portion of the operating rights of CONVOY COMPANY, 3900 Northwest Yeon Avenue, Portland, Oreg. 97210, and for acquisition by R. H. BERRY, also of San Leandro, Calif., of control of such rights through the purchase. Applicants' attorneys: Marvin Handler, 405 Montgomery Street, San Francisco, Calif. 94104, and John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Operating rights sought to be transferred: *Trucks, truck chassis, and truck-tractors, and parts and accessories* of the described vehicles which are moving at the same time and with the vehicle of which they are a part and on which they are to be installed, in initial movements by the driveaway method, as a *common carrier*, over irregular routes, from Portland, Oreg., to points in the United States, west of a line commencing at the Gulf of Mexico and extending along the Mississippi River to the point of intersection of the eastern and southern boundaries of the State of Minnesota, thence along the eastern boundary of the State of Minnesota to the international boundary between the United States and Canada. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9698. Authority sought for purchase by TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101, of a portion of the operating rights of CLEXTEX TRUCKING, INC., Cleburne, Tex., and for acquisition by ROBERT B. SCHILLI, 1931 North Geyer Road, St. Louis, Mo., of control of such rights through the purchase. Applicants' attorney: Thomas F. Kilroy, 1341 G Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *Lime*, in bulk (except lime used for agricultural purposes), as a *common carrier*, over irregular routes, from Limedale, Ark., to points in Oklahoma, Missouri, Illinois, Kentucky, Tennessee, Mississippi, Louisiana, Alabama, and Texas, except Houston and points in Texas within 50 miles thereof; and *lime*, in bulk, from Limedale, Ark., to points in Colorado, Kansas, Arizona, and New Mexico. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–9699. Authority sought for control and merger by McLEOD TRUCKING, INC., Post Office Box 366, Reno, Nev., of the operating rights and property of CARSON VALLEY FREIGHT LINES, INC., Post Office Box 112, Reno, Nev., and for acquisition by JOHN TOM ROSS, 1289 East Fifth Street, Reno, Nev., of control of such rights and property through the transaction. Applicants' attorneys and representative: Silver, Rosen & Kerr, Attention: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif., and James J. Halley, First National Bank Building, Reno, Nev. Operating rights sought to be controlled and merged: Under a certificate of registration, in Docket No. MC–98677 Sub-1, covering the transportation of commodities generally, as a common carrier in intrastate commerce, within the State of Nevada. McLEOD TRUCKING, INC., is authorized to operate as a *common carrier* in California and Nevada. Application has been filed for temporary authority under section 210a(b). NOTE: MC–45057 Sub-18 is a matter directly related.

No. MC–F–9700. Authority sought for purchase by BRANSON TRUCK LINE, INC., 1309 Highway 56 East, Lyons, Kans., of the operating rights and certain property of FEASTER TRUCKING SERVICE, INC., Claflin, Kans., and for acquisition by A. L. BRANSON, ARLEEN R. BRANSON, both also of Lyons, Kans., and LAVONDA F. ODELL, 1510 Pleasant Street, Hutchinson, Kans., of control of such rights and property through the purchase. Applicants' attorneys: John E. Jandera, 641 Harrison, Topeka, Kans., and Leland M. Spurgeon, Casson Building, Topeka, Kans. Operating rights sought to be transferred: *Clay products*, as a *common carrier*, over irregular routes, from certain specified points in Kansas, to points in Nebraska, Iowa, Oklahoma, New Mexico, Colorado, Wyoming, Missouri, except points in the St. Louis, Mo., and Springfield, Mo., commercial zones, as defined by the Commission, and certain specified points in Texas, from certain specified points in Oklahoma, to points in Kansas, Nebraska, Iowa, New Mexico, Colorado, Wyoming, Missouri (except St. Louis, St. Charles, and Springfield, Mo.), and certain specified points in Texas, from the plantsites of Adel Clay Products Co. located at Redfield and Centerville, Iowa, to points in Kansas, Missouri, and Oklahoma, and that part of Nebraska west of U.S. Highway 281, from Denver, Colo., to points in Iowa, Kansas, Missouri, Nebraska, Oklahoma, Texas, Wyoming, and certain specified points in New Mexico, from the plantsite of Cloud Ceramics Co., located near Concordia, Kans., to points in Iowa, Nebraska, Wyoming, Missouri (except points in the St. Louis, Mo., commercial zone, as defined by the Commission), and that part of Colorado on and east of U.S. Highway 87, from Fredonia, Kans., to points in Nebraska, from Nebraska City, Nebr., to points in Kansas, Iowa, Missouri, and Oklahoma; and in pending Docket No. MC–117651, Sub–9, seeking a certificate of public convenience and necessity, covering the transportation of clay products, as a common carrier, over irregular routes, from Mason City, Iowa, and points within 10 miles thereof to points in Missouri, Kansas, Nebraska, and Oklahoma. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska, Hawaii, and the District of Columbia). Application has been filed for temporary authority under section 210a(b).

No. MC–F–9701. Authority sought for purchase by DANCE FREIGHT LINES, INC., 254 New Circle Road NE., Lexington, Ky., of a portion of the operating rights and certain property of ED-

WARD POOL, doing business as POOL FREIGHT LINE, 103 East Avenue, Greenville, S.C., and for acquisition by R. L. Dance, 920 Dance Court, Cincinnati, Ohio, of control of such rights and property through the purchase. Applicants' attorneys: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201, and George, Greek, King & McMahon, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be transferred: A portion under a certificate of registration in No. MC-98138, Sub-1, covering the transportation of commodities in general, as a common carrier in intrastate commerce, within the State of South Carolina. Vendee is authorized to operate as a *common carrier* in Ohio, Georgia, Kentucky, Tennessee, South Carolina, North Carolina, Illinois, Indiana, and Alabama. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-107475, Sub-62 is a matter directly related.

No. MC-F-9702. Authority sought for control and merger by ESTES EXPRESS LINES, 1405 Gordon Avenue, Richmond, Va., of the operating rights and property of CAROLINA-NORFOLK TRUCK LINE, INC., 2412 Virginia Beach Boulevard, Norfolk, Va., and for acquisition by WEBB W. ESTES, 585 Boyd Street, Chase City, Va., of control of such rights and property through the transaction. Applicants' attorney: Francis W. McInerny, Suite 502, 1000 16th Street NW., Washington, D.C. 20036. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Norfolk, Va., and Wilmington, N.C., serving the plantsite of the Texas Gulf Sulphur Co., approximately 8 miles from Aurora, N.C., as an off-route point, between Norfolk, Va., and Goldsboro, N.C., between Norfolk, Va., and Fayetteville, N.C., between Norfolk, Va., and Charlotte, N.C.; between Norfolk, Va., and High Point, N.C., serving the off-route points of Roanoke Rapids and Thomasville, N.C.; between Norfolk, Va., and Raleigh, N.C., serving certain off-route points; between Norfolk, Va., and Salisbury, N.C., serving the intermediate points of Franklin, Va., and those on U.S. Highway 58 between Franklin and Norfolk, Va., restricted to delivery on eastbound shipments, and pickup on westbound shipments; and all other intermediate points on the above-specified routes without restriction; between Salisbury, N.C., and Charlotte, N.C., not serving between the terminal or to or from intermediate points; *petroleum products, roofing and roofing materials, lard, lard substitutes, and cooking and salad oils*, over irregular routes, from Norfolk, Va., to points in North Carolina; *General commodities*, with exceptions as specified above, between Richmond, Va., on the one hand, and, on the other, Ahoskie, N.C., and points in that part of North Carolina within 55 miles of Ahoskie, between points in South Carolina, on the one hand, and, on the other, Norfolk, Va., from Baltimore, Md., and places in Virginia, on and east of U.S. Highway 1 to points in North Carolina on and east of U.S. Highway 15. ESTES EXPRESS LINES is authorized to operate under certificates of registration within the State of Virginia. Additional authority was granted by order dated October 19, 1966, as modified by order dated January 5, 1967, by the Commission, Finance Board No. 1, in MC-F-9292. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3107; Filed, Mar. 21, 1967; 8:47 a.m.]

[Notice 1040]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 17, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 2900 (Sub-No. 150) (Amendment), filed October 3, 1966, published in FEDERAL REGISTER issue of October 27, 1966, amended March 3, 1967, and republished as amended, this issue. Applicant: RYDER TRUCK LINES, INC., Post Office Box 8418, Greensboro, N.C. 27410. Applicant's representatives: Reagan Sayers and Clayte Binion, Post Office Drawer 17007, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, petroleum, and petroleum products*, in bulk, in tank vehicles, from the plantsite of Monsanto Co. at or near Luling, La., to points in the United States (except Alaska and Hawaii). Restriction: The authority sought herein is restricted to traffic originating at Luling, La., and destined to the States named. NOTE: (1) The purpose of this republication is to redescribe the commodity description, (2) to add the restriction, and (3) to omit the tacking information as previously published, and (4) to reflect the hearing information.

HEARING: April 17, 1967, in Room 13003, Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James J. Carr.

No. MC 107002 (Sub-No. 325) (Amendment), filed July 21, 1966, published FEDERAL REGISTER issue of August 18, 1966, amended March 7, 1967, and republished as amended, this issue. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Miss. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, including anhydrous ammonia, and petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsite of Monsanto Chemical Co. at or near Luling, La., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Luling, La. NOTE: Applicant states this proposed authority could be tacked at Luling, La., with other presently held authorized authority. The purpose of this republication is to change the commodity description, and add the hearing information.

HEARING: April 17, 1967, in Room 13003, Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James I. Carr.

No. MC 111401 (Sub-No. 218) (Republication), filed February 21, 1967, published in the FEDERAL REGISTER of March 9, 1967, and republished this issue. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, petroleum, and petroleum products*, from Luling, La., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states it intends to tack Luling, La. with its present authority. The purpose of this republication to reflect the hearing information.

HEARING: April 17, 1967, in Room 13003, Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James I. Carr.

No. MC 116077 (Sub-No. 203) (Amendment), filed July 21, 1966, published in the FEDERAL REGISTER issue of August 18, 1966, amended February 15, 1967, and republished this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: Thomas E. James, 721 Brown Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, including anhydrous ammonia and petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsite of Monsanto Co. at or near Luling, La., to points in the United States except Alaska and Hawaii. Restriction: The authority is restricted to traffic originating at Luling, La., and destined to the states named. NOTE: The purpose of this republication is to change the scope of the application, and add hearing information.

HEARING: April 17, 1967, in Room 13003, Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James I. Carr.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3108; Filed, Mar. 21, 1967; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 17, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or, other proceedings, any subsequent changes therein, and any other related matter shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 993 Sub 1, filed March 6, 1967. Applicant: MT. PLEASANT TRANSFER, INC., Mt. Pleasant, Tenn. 38474. Applicant's representative: Clarence Evans, 710 Third National Bank Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a property service as follows: Transportation of *general commodities* between Nashville and Columbia, Tenn., via Tennessee Highway 6 (U.S. Highway 31), serving no intermediate points, with this authority to be used in conjunction with applicant's existing authority, applicant seeks no duplicating authority, and the issuance of the above authority may be accomplished by amending applicant's present intrastate certificate, by changing the limitations thereon from reading "does not authorize the transportation of local freight between Columbia and Nashville and intermediate points "to read" does not authorize and service at any point between Nashville and Columbia, but not including Nashville or Columbia. Applicant also seeks authority between Nashville and Columbia over the following described alternate route. From Nashville via Interstate Highway 65 to its junction with Tennessee Highway 99, and thence via Tennessee Highway 99 to Columbia, and return over the same route. No service would be authorized at any intermediate point on this route. Both intrastate and interstate authority sought.

HEARING: Wednesday, May 10, 1967, at the Commission's Court Room C-1, Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. CC-6995, filed January 3, 1967. Applicant: JAMES BENTON MOORE, Trading As J. B. MOORE, 525 Alleghany Avenue, Lynchburg, Va. Applicant's representative: William B. Smith, 903 Court Street, Lynchburg, Va. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *property*, having a prior or subsequent movement by air between Lynchburg Municipal Airport (Preston Glenn Airport) in Campbell County, Va., and the following places over routes as described: Lynchburg via U.S. Route 29, and return, Bedford via State Route 297 or U.S. Route 460, and return, Hurt via U.S. Route 29, and return, Altavista via U.S. Route 29, and return, Big Island via U.S. Routes 29 and 501, and return, Appomattox via U.S. Routes 29 and 460, and return, Glasgow via U.S. Routes 29 and 501, and return, Buena Vista via U.S. Routes 29 and 501, and return, Lexington via U.S. Routes 29, 501, and 60, and return, Piney River via U.S. Route 29 and State Route 151, and return, Amherst via U.S. Route 29, and return, Gretna via U.S. Route 29, and return, Brookneal via U.S. Routes 29 and 501, and return, Dulles International Airport (Emergency Route) via U.S. Route 29, State Route 28, and U.S. Route 50, and return, National Airport, Alexandria, Va. (Emergency Route) via U.S. Route 29, and return. Both intrastate and interstate authority sought.

HEARING: Monday, April 17, 1967, at 10 a.m., Virginia State Corporation Commission, Courtroom, Blanton Building, Richmond, Va. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Commonwealth of Virginia, State Corporation Commission, Post Office Box 1158, Richmond, Va., 23209, and should not be directed to the Interstate Commerce Commission.

State Docket No. 10001, filed March 3, 1967. Applicant: ASWELL P. PITRE AND RONALD F. STORY, a partnership, doing business as SOUTHEASTERN MOTOR FREIGHT, 4320 Hessmer Street, Post Office Box 786, Metairie, La. 70004. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between New Orleans, La., and the intersection of Louisiana Highway 48 with U.S. Highway 61, near Norco, La., as follows: From New Orleans, La., over Louisiana Highway 48 to its intersection with U.S. Highway 61, near Norco, La., in both directions, serving all intermediate points, (2) between the intersection of Louisiana Highway 628 with the intersection of U.S. Highway 61 at or near the Bonnet Carre Spillway, and Laplace, La., as follows: From the intersection of Louisiana Highway 628 with U.S. Highway 61 at or near the Bonnet Carre Spillway, over Louisiana Highway 628 to its intersection with Louisiana Highway 44, at or near Laplace, La., thence over Louisiana Highway 44 to Burnside, La., thence over Louisiana Highway 142 to its intersection with Louisiana Highway 22 to Sorrento, La., thence over U.S. Highway 61 to Laplace, La., in both directions, serving all intermediate points, (3) between Union, La., and Sorrento, La., over Louisiana Highway 22, in both directions, serving all intermediate points, and (4) between New Orleans, La., and a point on Louisiana Highway 18, 5 miles beyond Taft, La., as follows: From New Orleans, La. over U.S. Highway 90, to Boutte, La., thence over Louisiana Highway 52 to Luling, La., thence over Louisiana Highway 18 to a point 5 miles beyond Taft, La., in both directions, serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Not known at this time. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Louisiana Public Service Commission, Baton Rouge, La., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3109; Filed, Mar. 21, 1967; 8:47 a.m.]

[Notice 1493]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 17, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69397. By order of March 9, 1967, the Transfer Board approved the transfer to Glenwood Transit Line, Inc., 403 North Chestnut Street, Glenwood, Iowa 51534; of certificates in Nos. MC–2729 and MC–2729 (Sub-No. 1), issued July 19, 1960, and December 19, 1963, respectively, to Clarence Boles, Sr. and Clarence Boles, Jr., a partnership, doing business as Glenwood Transit Line, 403 North Chestnut Street, Glenwood, Iowa; authorizing the transportation of: General commodities, with the usual exceptions, between Glenwood, Iowa; and Omaha, Nebr., and, from Omaha, Nebr., to Tabor, Iowa; and milk and cream from Tabor, Iowa to Omaha, Nebr.

No. MC–FC–69415. By order of March 16, 1967, the Transfer Board approved the transfer to Raymond David Meiggs, Murfreesboro, N.C., of the operating rights in certificate No. MC–23473, issued May 10, 1956, to Junius Elias Flythe, doing business as Flythe's Truck Line, Conway, N.C., authorizing the transportation, over irregular routes, of cotton from points in Northampton County, N.C., to Danville and Norfolk, Va.; fruit and vegetable packages from points in Northampton County, N.C., to points in Maryland and Delaware; agricultural commodities and livestock from Woodland, N.C., and points in North Carolina within 75 miles of Woodland, to specified points in Virginia, and Washington, D.C., and Baltimore, Md.; and caskets and empty casket containers between Woodland, N.C., and points within 10 miles thereof, on the one hand, and, on the other, points in 11 eastern States and the District of Columbia. Robert M. Martin, North Carolina National Bank Building, Post Office Box 569, High Point, N.C., attorney for applicants.

No. MC–FC–69447. By order of March 14, 1967, the Transfer Board approved the transfer to Andrew Lella and Frank Lella, a partnership, doing business as Lella Bros., Brooklyn, N.Y., of the operating rights in certificate No. MC–112324, issued November 25, 1960, to Rex Moving Van Service, Inc., Brooklyn, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, from points in the New York, N.Y., commercial zone, to points in Connecticut, New Jersey, New York, and Pennsylvania, which are within 100 miles of New York, N.Y. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicants.

No. MC–FC–69463. By order of March 13, 1967, the Transfer Board approved the transfer to Arlen W. Rude, doing business as Rude Transportation Co., 416 East Second Street, Redfield, S. Dak. 57469, of the operating rights in certificate No. MC–64732 and certificate of registration No. MC–64732 (Sub-No. 4), issued May 26, 1955, and May 5, 1965, respectively to Agnes H. Rude, Arlen W. Rude, and Freeman B. Rude, Jr., a minor, Agnes H. Rude, guardian, a partnership, doing business as Rude Transportation Co., 416 East Second Street, Redfield, S. Dak. 57469, covering the transportation of general commodities, with exceptions, between specified points in South Dakota.

No. MC–FC–69484. By order of March 16, 1967, the Transfer Board approved the transfer to George O. Slater, Inc., Stoughton, Mass., of certificate No. MC–91997, issued November 30, 1949, to Pepin Moving & Storage Co., a corporation, Sharon, Mass., authorizing the transportation of household goods, over irregular routes, between points and places in Massachusetts, on the one hand, and, on the other, points and places in Connecticut, Delaware, Maryland, New Hampshire, New Jersey, New York, Maine, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, attorney for transferee; and Albert Pepin, 8 Beach Road, Sharon, Mass. 02067, representative for transferor.

No. MC–FC–69500. By order of March 14, 1967, the Transfer Board approved the transfer to Tennyson Transfer & Storage, Inc., Boise, Idaho, of the operating rights in certificate No. MC–105334 (Sub-No. 1), issued December 27, 1963, and authority to engage as a broker in License No. MC–12376, issued May 28, 1948, to Howard Tennyson, doing business as Tennyson Transfer & Storage Co., Boise, Idaho, covering the transportation of: General commodities, including household good, excluding classes A and B explosives, and livestock, between points in Idaho, and hay, baled, between points in Oregon and Idaho, and arranging for the transportation of: Household goods, as defined by the Commission, between points in Idaho and Oregon, on the one hand, and on the other, points in the United States. Maurice H. Greene, 334 First Security Bank Building, Boise, Idaho, attorney for applicants.

No. MC–FC–69504. By order of March 16, 1967, the Transfer Board approved the transfer to City Delivery Service, Inc., Wilkes-Barre, Pa., of certificates Nos. MC–90315, MC–90315 (Sub-No. 1), and MC–90315 (Sub-No. 4), issued March 22, 1949, August 23, 1946, and March 10, 1950, respectively, to Anthony Caruso, Wilkes-Barre, Pa., and authorizing the transportation over irregular routes of household goods, between Wilkes-Barre and Kingston, Pa., on the one hand, and, on the other, points and places in New York and New Jersey; second-hand furniture, except household goods, between Wilkes-Barre and Kingston, Pa., on the one hand, and, on the other, points and places in New York and New Jersey; and household goods, between Wilkes-Barre and points within 10 miles thereof, on the one hand, and, on the other, points in Connecticut, New York, New Jersey, Delaware, Maryland, Ohio, Indiana, and the District of Columbia. Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–3110; Filed, Mar. 21, 1967; 8:47 a.m.]

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Consumer and Marketing Service
Engineers Corps
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Federal Communications Commission
Federal Crop Insurance Corporation
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Spinach [1]

MISCELLANEOUS AMENDMENTS

Notice of a proposal by the Department to revise the U.S. Standards for Grades of Canned Spinach (7 CFR 52.1901–52.1911) was published in the FEDERAL REGISTER of March 1, 1966 (31 F.R. 3253), with opportunity until January 1, 1967, for the submission of written data, views, or arguments for consideration in connection with the proposal.

Statement of consideration leading to the amendment of the standards. Written data, views, and arguments were submitted by interested parties concerning the Department's proposal and have been carefully considered. Based on these comments and suggestions, and other information available to the Department, there appears to be strong justification for promptly amending the current standards in certain respects only. With respect to final action on the remainder of the proposal, the Department is of the view that further study is needed by both the Department and the canning industry. The provisions of the proposal not involved in the amendment have to do with a proposed new concept in USDA grade standards, and a revised format of the standards.

This amendment changes the current standards by:

(1) Providing definitions for two styles of canned spinach as follows: "whole leaf" and "cutleaf" or "sliced."

(2) Revising the method for ascertaining the drained weight of canned spinach.

(3) Providing a revised table of recommended minimum drained weights.

Slight changes from the notice have been made for purposes of clarification and to correct mathematical inaccuracies in the proposed table of drained weight recommendations. Minimum drained weight recommendations in the amended table are now all slightly lower than in the current grade standards.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

After consideration of all relevant matters presented, including the proposal, set forth in the aforesaid notice, the following amendment of the U.S. Standards for Grades of Canned Spinach (7 CFR 52.1901–52.1911) is hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, 7 U.S.C 1621–1627):

1. A new section (§ 52.1901a) is inserted as follows:

§ 52.1901a Styles of canned spinach.

(a) "Whole leaf" consists of leaves and any attached portions of stem.

(b) "Cutleaf" or "Sliced" consists of leaves and any attached portions of stem that have been cut predominantly into large pieces or into strips.

2. Section 52.1903 is deleted in its entirety and the following revised § 52.1903 is substituted therefor:

§ 52.1903 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. The recommended fill of container for canned spinach is the maximum amount of spinach that can be sealed in a container and processed by heat without impairment of quality. It is recommended that the product and packing medium occupy not less than 90 percent of the water capacity of the container.

3. In § 52.1904, paragraph (b) is revised to read as follows:

§ 52.1904 Recommended drained weight.

* * * * *

(b) The drained weight of canned spinach is determined when the product is at approximately room temperature (68° F.). The contents of each container is emptied upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937 inch, ±3 percent, square openings). With the sieve resting flat on a tray, the container of spinach with one end completely removed is placed open end down in the sieve in an upright position. The container is carefully lifted vertically so as not to spread the product on the sieve. The product is allowed to drain for exactly 2 minutes. The weight of the spinach remaining on the sieve and the sieve, minus the weight of the dry sieve, is the drained weight of the spinach.

(c) A sieve 8 inches in diameter is used for a No. 3 size can (404 x 700), or its equivalent, and smaller; and a sieve 12 inches in diameter is used for containers larger than the No. 3 size can.

TABLE I.—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED SPINACH

Container designation (metal, unless otherwise stated)	Container size overall dimensions		Capacity weight H_2O at 68° F.—ounces (avoirdupois)	Minimum drained weight—ounces (avoirdupois)	
	Diameter (inches)	Height (inches)		*LL.*[1]	*Avg.*[2]
8Z tall	$2\frac{1}{16}$	$3\frac{4}{16}$	8.65	4.8	5.2
No. 1 picnic	$2\frac{1}{16}$	4	10.90	6.3	6.8
No. 300	3	$4\frac{7}{16}$	15.20	8.6	9.1
No. 1 tall	$3\frac{1}{16}$	$4\frac{13}{16}$	16.60	9.4	10.0
No. 303	$3\frac{3}{16}$	$4\frac{9}{16}$	16.85	9.6	10.2
No. 303 glass			17.70	9.4	10.0
No. 2	$3\frac{7}{16}$	$4\frac{9}{16}$	20.50	11.9	12.6
No. $2\frac{1}{2}$	$4\frac{1}{16}$	$4\frac{13}{16}$	29.75	17.6	18.6
No. $2\frac{1}{2}$ glass			29.50	15.8	16.6
No. 10	$6\frac{3}{16}$	7	109.45	54.7	58.4

[1] LL. Lower limit for an individual drained weight. [2] Avg. Minimum sample average drained weight.

It is hereby found that good cause exists for not postponing the effective date of this amendatory action beyond that herein specified in that:

(1) The processing season for canned spinach in California is imminent. To prevent confusion and to have uniformity throughout the packing season the amendment should become effective promptly.

(2) The processors of canned spinach have been aware of the proposal for nearly a year.

(3) No changes in the packing of canned spinach are required which cannot be effectuated immediately.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

This notice shall be effective upon publication in the FEDERAL REGISTER.

Dated: March 20, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67–3214; Filed, Mar. 22, 1967; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 991—HOPS OF DOMESTIC PRODUCTION

Salable Quantity and Allotment Percentage for 1967–68 Marketing Year

Notice was published in the March 1, 1967, issue of the FEDERAL REGISTER (32 F.R. 3399) regarding a proposal to establish a salable quantity and allotment percentage applicable to hops produced in Washington, Oregon, Idaho, and California for the 1967–68 marketing year beginning August 1, 1967. The percentage herein established is based on the unanimous recommendation of the Hop Administrative Committee and other available information in accordance with the applicable provisions of Marketing Order No. 991 (7 CFR Part 991; 31 F.R. 9713, 10072) regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written views, data, or arguments with respect to the proposal. None were submitted.

After consideration of all relevant matter presented, including that in the notice, the information and unanimous recommendation submitted by the committee, the applicable provisions of the marketing order, and other available information, it is found that: (1) The recommended salable quantity of 48,500,000 pounds, divided by the total of all producer allotment bases, results in an allotment percentage of approximately 82 percent. However, order provisions require that for the 1967 crop, the allotment percentage shall be not less than 93 percent. Hence, in order to provide for the total quantity of salable hops that may be released for handling during such marketing year, a salable quantity is determined by applying the required allotment percentage of 93 percent to the total of all producer allotment bases; (2) the establishment of a higher percentage for the crop would result in there being available hops that may be freely marketed in such an amount as would not tend to effectuate the declared policy of the act; and (3) to establish a salable quantity and allotment percentage as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable quantity and allotment percentage to be applicable to the 1967–68 marketing year (August 1, 1967–July 31, 1968) are established as follows:

§ 991.203 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1967.

The allotment percentage during the marketing year beginning August 1, 1967, shall be 93 percent, and the salable quantity shall be in an amount of 48,500,000 pounds or an amount equal to the quantity resulting from multiplying the total of all producer allotment bases by the allotment percentage, whichever is higher.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 20, 1967, to become effective May 1, 1967.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 67-3216; Filed, Mar. 22, 1967; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 304—APPLICATIONS FOR INSPECTION OR EXEMPTION; RETAIL BUTCHERS, RETAIL DEALERS, AND FARMERS

Time for Submission of Drawings and Plot Plans

Pursuant to the Meat Inspection Act, as amended (21 U.S.C. 71–91), § 304.2(a) of the Federal Meat Inspection Regulations (9 CFR 304.2(a)) is hereby amended by substituting the words "18 months" for the words "one year" in the proviso. (34 Stat. 1264, 21 U.S.C. 89; 29 F.R. 16210, as amended; 31 F.R. 13249.)

Statement of considerations. This amendment allows an additional 6 months for submission of drawings and plot plans, as required by § 304.2, by retail butchers and retail dealers applying for Federal meat inspection who immediately prior thereto held certificates of exemption from such inspection. This amendment is necessary since many of such operators, for reasons beyond their control, have difficulty in complying with the requirement for submission of drawings and plot plans within the 1-year period now allowed.

Consumer protection will not be adversely affected by this amendment since the affected establishments are now operating under direct inspection of Meat Inspection Program personnel with sufficient controls to assure that only wholesome product is marked or labeled with the Federal meat inspection legend.

This amendment must be made effective promptly in order to be of maximum benefit to affected operators, and it does not appear that notice and other public rule-making procedure with respect to it would make additional information available to this Department. Therefore under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary, and since the amendment relieves restrictions, it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of March 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 67-3215; Filed, Mar. 22, 1967; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. K]

PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

Miscellaneous Amendments

1. Effective March 15, 1967, Part 211 is amended as follows:

(a) Section 211.8(c)(2) is amended to read as follows:

§ 211.8 Investments in shares of other corporations.

* * * * *

(c) *Conditions.* * * *

(2) In computing the amount which may be invested in the shares of any corporation under section 25(a) of the Act or paragraph (a) of this section, there shall be included any such investments in other corporations controlled by such corporation. Unless otherwise specified, "shares" in this section include any rights to acquire shares, except that prior Board consent is not required for the acquisition and exercise of stock rights in lieu of dividends which are declared on shares already held by a corporation and which do not result in an increase in percentage ownership of the corporation.

* * * * *

§ 211.9 [Amended]

(b) Delete § 211.9(d).

(c) Delete the third sentence in § 211.9(g). As amended paragraph (g) reads as follows:

(g) *Examinations.* Examiners appointed by the Board will examine each Corporation at least once a year. Each Corporation shall obtain and make available to such examiners, among other things, information as to the earnings, finances, management, and other relevant aspects of any organization whose shares it holds. The cost of examinations shall be fixed by the Board and paid by the Corporation.

(d) Change the designations of § 211.9 (e), (f), and (g) to 211.9 (d), (e), and (f), respectively.

2a. The purpose of these amendments is to conform this part to the provisions of Part 213, "Foreign Activities of National Banks", which has been revised effective March 15, 1967. The language added to § 211.8(c)(2) is the same as that added to Part 213. The provisions deleted from this part concern loans to and examinations of foreign institutions.

b. The notice and public participation procedure described in section 553 of Title 5, United States Code, is unnecessary in connection with these amendments for the reasons and good cause found by the Board, namely, because these amendments operate to relieve restrictions otherwise applicable, and such procedure would not aid the persons affected or otherwise serve any useful purpose and would prevent the amendments from becoming effective as promptly as desirable for the convenience of the institutions affected.

Dated at Washington, D.C., this 15th day of March 1967.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-3171; Filed, Mar. 22, 1967; 8:46 a.m.]

[Reg. M]

PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS [1]

1. Effective March 15, 1967, Part 213 is revised to read as follows:

Sec.
213.1 Authority and scope.
213.2 Definitions.
213.3 Foreign branches.
213.4 Acquisition and holding of stock in foreign banks.
213.5 Loans or extensions of credit to foreign banks.
213.6 Conditions.

AUTHORITY: The provisions of this Part 213 issued under sec. 25, Federal Reserve Act, as amended; 12 U.S.C. 601–604a.

§ 213.1 Authority and scope.[1a]

Pursuant to authority conferred upon it by section 25 of the Federal Reserve Act [2] (the "Act"), as amended (12 U.S.C. 601–604a), the Board of Governors of the Federal Reserve System (the "Board") prescribes the following regulations relating to (a) foreign branches of national banks, (b) the acquisition and holding of stock in foreign banks by national banks, and (c) loans or extensions of credit to or for the account of such foreign banks by national banks.

§ 213.2 Definitions.

For the purposes of this part—

(a) "Foreign branch" means any branch established by a national bank pursuant to section 25 of the Act.

(b) "Foreign country" or "country" means any foreign nation or colony, dependency, or possession thereof, any overseas territory, dependency, or insular possession of the United States, or the Commonwealth of Puerto Rico.

(c) "Foreign bank" means a bank organized under the law of a foreign country and not engaged, directly or indirectly, in any activity in the United States except as, in the judgment of the Board of Governors of the Federal Reserve System, shall be incidental to the international or foreign business of such foreign bank.

§ 213.3 Foreign branches.

(a) *Establishing foreign branches.* A foreign branch may be established with prior Board permission. If a national bank has established a branch in a foreign country, it may, unless otherwise advised by the Board, establish other branches in that country after thirty days' notice to the Board with respect to each such branch.

(b) *Further powers of foreign branches.* In addition to its other powers, a foreign branch may, subject to paragraph (c) of this section and § 213.6 and so far as usual in connection with the transaction of the business of banking in the places where it shall transact business:

(1) Guarantee customers' debts or otherwise agree for their benefit to make payments on the occurrance of readily ascertainable events,[3] if the guarantee or agreement specifies its maximum monetary liability thereunder; but, except to the extent secured with respect thereto, no national bank may have such liabilities outstanding (i) in an aggregate amount exceeding 50 percent of its capital and surplus or (ii) for any customer in excess of the amount by which 10 percent of its capital and surplus exceeds the aggregate of such customer's "obligations" to it which are subject to any limitation under section 5200 of the Revised Statutes (12 U.S.C. 84);

(2) Accept drafts or bills of exchange drawn upon it, which shall be treated as "commercial drafts or bills" for the purposes of paragraphs (c), (d), and (e) of § 203.1 of Part 203 (Reg. C);

(3) Acquire and hold securities (including certificates or other evidences of ownership or participation) of the central bank, clearinghouses, governmental entities, and development banks of the country in which it is located, unless after such an acquisition the aggregate amount invested by the branch in such securities (exclusive of securities held as required by the law of that country or as authorized under section 5136 of the Revised Statutes (12 U.S.C. 24)) would exceed 1 percent of its total deposits on the preceding yearend call report date (or on the date of such acquisition in the case of a newly established branch which has not so reported);

(4) Underwrite, distribute, buy, and sell obligations of the national government of the country in which it is located; [4] but no bank may hold, or be under commitment with respect to, obligations of such a government as a result of underwriting, dealing in, or purchasing for its own account in an aggregate amount exceeding 10 percent of its capital and surplus;

(5) Take liens or other encumbrances on foreign real estate in connection with its extensions of credit, whether or not of first priority and whether or not such real estate is improved or has been appraised, and without regard to the maturity or amount limitations or amortization requirements of section 24 of the Act (12 U.S.C. 371);

(6) Extend credit to an executive officer of the branch in an amount not to exceed $50,000 or its equivalent in order to finance the acquisition or construction of living quarters to be used as his residence abroad, provided each such credit extension is promptly reported to its home office;

(7) Pay to any officer or employee of the branch a greater rate of interest on deposits than that paid to other depositors on similar deposits with the branch.

(c) *Limitations.* Nothing in paragraph (b) of this section shall authorize a foreign branch to engage in the general business of producing, distributing, buying, or selling goods, wares, or merchandise, or, except as permitted by paragraph (b)(4) of this section, to engage or participate, directly or indirectly, in the business of underwriting, selling, or distributing securities.

(d) *Suspending operations during disturbed conditions.* The officer in charge of a foreign branch may suspend its operations during disturbed conditions which, in his judgment, make conduct of such operations impracticable; but every effort shall be made before and during such suspension to serve its depositors and customers. Full information concerning any such suspension shall be promptly reported to the branch's home office, which shall immediately send a copy thereof to the Board through the Federal Reserve Bank of its district.

§ 213.4 Acquisition and holding of stock in foreign banks.

(a) *General.* With the prior consent of the Board, and subject to the provisions of section 25 of the Act and this part, a national bank may acquire and hold directly or indirectly [5] the stock or other evidences of ownership in one or more foreign banks: *Provided*, That the aggregate amount invested directly or indirectly (other than through a corporation operating under section 25 of the Act or organized under section 25(a) of the Act) in the stock or other evidences of ownership of all foreign banks, taken together with investments by the national bank in the shares of corporations operating under section 25 of the Act

[1] The text corresponds to the Code of Federal Regulations, Title 12, Chapter II, Part 213; cited as 12 CFR Part 213. The subject matter of this part is in addition to that contained in 12 CFR Part 211 (Reg. K).

[1a] Insofar as provisions of Federal law are concerned, the provisions of this part apply to State member banks of the Federal Reserve System as well as to national banks.

[2] Pertinent portions of this section are printed in the appendix.

[3] Including, but not limited to, such types of events as nonpayment of taxes, rentals, customs duties, or costs of transport and loss or nonconformance of shipping documents.

[4] Including obligations issued by any agency or instrumentality, and supported by the full faith and credit, of such government.

[5] However, prior consent of the Board is not required hereunder for indirect acquisitions in the stock of foreign banks made pursuant to the general consent provisions of Part 211.8 (Reg. K).

or organized under section 25(a) of the Act, shall not exceed 25 percent of the national bank's capital and surplus. Nothing contained in this part shall prevent the acquisition and holding of stock or other evidences of ownership in a foreign bank where such acquisition is necessary to prevent a loss upon a debt previously contracted in good faith; but such stock or other evidences of ownership shall be disposed of within 12 months from the date of acquisition unless such time is extended by the Board.

(b) *Limitations.* Stock or other evidences of ownership in a foreign bank shall be disposed of as promptly as practicable if (1) such bank should engage in the business of underwriting, selling, or distributing securities in the United States or (2) the national bank is advised by the Board that its holding is inappropriate under section 25 of the Act or this part. The terms "stock," "shares," and "evidences of ownership" in this section include any right to acquire stock, shares, or evidences of ownership, except that prior Board consent is not required for the acquisition and exercise of stock rights in lieu of dividends which are declared on shares already held by a national bank and which do not result in an increase in percentage ownership of the foreign bank.

(c) *Required information.* A national bank applying for the consent of the Board to acquire and hold stock or other evidences of ownership in a foreign bank pursuant to this section shall furnish full information concerning such foreign bank including (unless previously furnished): (1) The cost, number, and class of shares to be acquired, and the proposed carrying value of such shares on the books of the national bank; (2) recent balance sheet and income statement of the foreign bank; (3) brief description of the foreign bank's business (including full information concerning any direct or indirect business transacted in the United States); (4) lists of directors and principal officers (with address and principal business affiliation of each) and of all shareholders known to the issuing bank holding 10 percent or more of any class of the foreign bank's stock or other evidences of ownership, and the amount held by each; and (5) information concerning the rights and privileges of the various classes of shares outstanding.

(d) *Reports.* A national bank shall immediately inform the Board through the Federal Reserve Bank of its district with respect to any acquisition or disposition of stock in a foreign bank including the cost and number of shares acquired pursuant to this section.

§ 213.5 Loans or extensions of credit to foreign banks.

(a) A national bank which holds directly or indirectly * stock or other evidences of ownership in a foreign bank may make loans or extensions of credit to or for the account of such foreign bank without regard to the provisions of section 23A of the Act.

§ 213.6 Conditions.

(a) The continued or prospective exercise of any power under this part shall be subject to any notice interpreting or applying it that a national bank may receive from the Board, and such bank shall immediately comply therewith.

(b) The Board may from time to time require a national bank to make reports at such time and in such forms as the Board may prescribe regarding the exercise of any power hereunder and to submit information regarding compliance with this part.

2a. The principal purpose of the revision is to add to this part two new sections covering the purchase by national banks of stock of foreign banks and loans to such banks by the national banks.

The two new sections added by the revision implement an amendment to section 25 of the Federal Reserve Act (12 U.S.C. 601–604a) that was approved July 1, 1966 (Public Law 89–485, sec. 12(b). Under the amended law, any national bank having a capital and surplus of $1 million or more, with the permission of the Board and pursuant to its regulations, may invest directly or indirectly in the stock of foreign banks and make loans or extensions of credit to such banks without regard to section 23A of the Federal Reserve Act (12 U.S.C. 371c). Under applicable law, the regulation generally applies also to State-chartered banks that are members of the Federal Reserve System.

The revision authorizes national banks that have obtained the permission of the Board to acquire stock of foreign banks, but limits the total amount of these foreign bank investments to not more than 25 percent of the capital and surplus of the investing U.S. bank taken together with its capital investments, if any, in so-called Edge and Agreement corporations operating pursuant to sections 25 and 25(a) of the Federal Reserve Act (12 U.S.C. 611–631). The revision also authorizes national banks which have a direct or indirect stock investment in foreign banks to make loans or extensions of credit to such foreign banks without regard to the provisions of section 23A of the Federal Reserve Act.

The revision also amends this part to increase to $50,000 from $20,000 the amount of credit which may be extended by a foreign branch of a national bank to one of its executive officers for the purpose of acquiring or constructing living quarters for his use abroad.

b. This part was the subject of notices of proposed rule making published in the FEDERAL REGISTER (31 F.R. 10895, Aug. 16, 1966; 32 F.R. 874, Jan. 25, 1967), and was adopted by the Board after consideration of all relevant material, including responses received from interested persons pursuant to said notices. The required publication described in section 553(d) of Title 5, United States Code, is unnecessary in connection with this part for the reasons and good cause found by the Board, and especially because such publication would not aid the persons affected or otherwise serve any useful purpose and would prevent this part from becoming effective as promptly as desirable for the convenience of the institutions affected.

Dated at Washington, D.C., this 15th day of March 1967.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-3172; Filed, Mar. 22, 1967; 8:47 a.m.]

* Whether through a corporation operating under sec. 25 of the Act or organized under sec. 25(a) of the Act, or otherwise.

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 20,515]

PART 531—STATEMENTS OF POLICY

Interest Rates on Advances

MARCH 17, 1967.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 531.9 of the regulations for the Federal Home Loan Bank System (12 CFR 531.9) to decrease the minimum interest rate on advances made in excess of the amount outstanding on February 28, 1967, hereby amends paragraph (e) of § 531.9 of the regulations for the Federal Home Loan Bank System (12 CFR Part 531.9) to read as follows:

§ 531.9 Interest rates on advances.

* * * * *

(e) Interest shall be collected by such banks on all advances made or outstanding on and after January 15, 1967, at a rate not less than 5¾ percent per annum. However, each Bank may charge a rate of 5½ percent on advances exceeding the amount of advances outstanding on February 28, 1967, less mandatory repayments as made. Rollovers of maturing advances do not constitute mandatory repayments for purposes of this provision and the February 28, 1967, base will be considered reduced only to the extent that the source of funds used to repay advances results from the internal or normal operations of a member. Prepayments on advances shall be applied first to a reduction of advances subject to the lower rate. Until further notice, the increase feature of the escalator clause contained in notes evidencing advances made at 5½ percent after February 28, 1967, will not be utilized until February 29, 1968.

* * * * *

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and 5 U.S.C. 555.3(b) since such notice and public procedure would prevent the action from becoming effective as promptly as necessary in the public interest, would unreasonably interfere with necessary actions of the Board and would otherwise serve no useful purpose and, for the same reasons, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 555.3(d) is contrary to the public interest and the Board hereby provides that the aforesaid amendment shall be effective upon publication in the FEDERAL REGISTER.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 67-3222; Filed, Mar. 22, 1967; 8:51 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 20,507]

PART 556—STATEMENTS OF POLICY

Mergers

MARCH 9, 1967.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of adopting and codifying a statement of policy relating to criteria which the Board applies in acting upon mergers, consolidations and bulk purchases of assets in exchange for assumption of savings account liabilities, and for the purpose of effecting such adoption and codification, hereby amends Part 556 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 556) by adding, immediately after § 556.1, a new section, § 556.2, to read as follows:

§ 556.2 Mergers.

(a) *Purpose.* The Federal Home Loan Bank Board has a fundamental responsibility to the public in its actions relating to mergers of institutions of the savings and loan type. The Board's general policy as to the criteria which the Board applies when it acts on merger matters, other than mergers involving financial assistance from the Insurance Corporation which present a number of special considerations, is set forth in this statement. It is issued for the information of the public and for the guidance of the owners and managers of such institutions in assessing the probability of favorable consideration by the Board of a particular merger plan. For brevity, the term "merger" will include consolidations and bulk purchases of assets in exchange for assumption of savings accounts liabilities.

(b) *Bases of the Board's functions.* The Home Owners' Loan Act of 1933, as amended, authorizes the Board to provide for the organization, incorporation, examination, operation, and regulation of Federal savings and loan associations. The National Housing Act, as amended, places upon the Federal Savings and Loan Insurance Corporation, of which the Board is the operating head, the responsibility of insuring savings accounts in all Federal savings and loan associations and in State-chartered institutions that qualify for insurance by the Corporation. Subsection (c) of section 408 of the same statute authorizes the Board to approve the acquisition of control of an insured institution by a holding company which controls another insured institution if the Board determines that the transaction is advisable to assist in avoiding the involuntary liquidation of the institution to be acquired.

(c) *Legal considerations*—(1) *General.* (i) The legality of a proposed merger is a precondition to further consideration by the Board.

(ii) To obtain approval by the Board, each application for a merger must comply with applicable laws and regulations, such as the Federal antitrust laws (the Clayton and Sherman Acts), section 408 (Regulation of Holding Companies) of the National Housing Act, applicable State law, and the Board's own regulations.

(2) *Antitrust developments.* (i) Since 1964, court decisions with respect to horizontal mergers have made it increasingly necessary to consider the antitrust laws in passing upon proposed mergers of savings and loan institutions. Cf. United States v. Philadelphia National Bank, 371 U.S. 321 (1962); United States v. First National Bank and Trust Co., 376 U.S. 665 (1964).

(ii) The Clayton Act prohibits mergers which have the effect of substantially lessening competition and the Sherman Act prohibits mergers which are in restraint of trade. In evaluating a proposed merger with respect to the provisions of both statutes, the Board considers the degree of concentration of the savings and loan business, including both mortgages and savings accounts, in the relevant market (generally a Standard Metropolitan Statistical Area or a county), the share of each of the institutions in such business, facts respecting the trend of concentration and merger activity in the relevant market, the degree of concentration which would result, and the amount of competition which would be eliminated.

(iii) The Supreme Court's application of the statutes, especially the Clayton Act, has become increasingly stringent. The Court has not drawn a line as to the degree of concentration or elimination of competition which will be permitted. Although the degree of concentration in the Philadelphia bank merger, which was declared illegal in 1964, was 36 percent, recent decisions in mergers in other industries which have involved much smaller percentages of concentration, have been held to be in violation of the Act.[1]

(3) *Legal evaluation of factors with antitrust impact.* To enable the Board and its staff to evaluate the possible anticompetitive impact of proposed mergers, applicant institutions are required to submit certain detailed information. Such data shall conform to schedules prescribed by the Board, which may be obtained from the appropriate Federal Home Loan Bank. In the case of a prospective merger between an institution which neither is nor would be as a result of the merger in a dominant competitive position in the relevant market area and a failing one which no longer can be a vital competitive factor, the antitrust evaluation may be dispensed with. In such a case, and in any case in which the Board's agent in the Federal Home Loan Bank thinks it clear that no antitrust or competitive problem could exist, a merger proposal may be submitted with relevant partial information short of the complete data called for by the schedules. However, if a need for further information is indicated upon analysis by the Board's staff, the applicants will be requested to furnish it through the Bank.

(4) *Section 408(c) of the National Housing Act.* The Board will not make a determination that the acquisition of control by a holding company of another institution "is advisable to assist in preventing * * * involuntary liquidation * * *" in the absence of clear evidence upon which to make such a determination. The evidence would necessarily be such as to mark the institution as a serious problem case. It would consist of facts relating to the institution's performance, condition, or both, with respect to such specific matters as its earning trend, scheduled items, ability to pay dividends or interest on a competitive basis, ability to meet requests for withdrawals, and impairment of capital.

(d) *Overall competitive and other economic considerations*—(1) *General.* A major keystone of Board policy on mergers is the criteria to be applied in evaluating economic impact. The Board will give careful consideration to the economic impact of the proposed merger on the market structure, on the allocation of mortgage funds, and on the operating efficiency of the resulting institution.

(2) B. *Evaluation of economic factors.* (i) The Board will examine the extent to which the merger affects adversely the competitive structure of the savings and mortgage markets and of the thrift institutions. For this purpose the Board will take into account adverse competitive factors and trends that do not necessarily raise issues of illegality under the antitrust laws. In addition, aside from the impact of the proposed merger on competitive structure, the Board will examine the effect of the merger on the size of the resulting institution.

[1] United States v. Von's Grocery Co., 384 U.S. 270 (1966); United States v. Pabst Brewing Co., 384 U.S. 546 (1966).

As a general principle, the Board does not favor the creation by merger of institutions that are unduly large relative to the size of the market. (This determination will be based on the same type of evaluation referred to in (c) (2) above.)

(ii) Consideration will also be given to the number of institutions in the market area in relation ot population, savings, and the demand for mortgages and with respect to impact on the efficient operation of the institutions and convenience to the public. Mergers which eliminate institutions that are demonstrably not of efficient size or which reduce the number of weak institutions in a market which is overpopulated, without reinforcing or contributing to undue concentration, will be regarded favorably insofar as the number of institutions in relation to the market is concerned.

(iii) The Board will examine the extent to which the merger will affect the ability of the resulting institution to provide mortgage financing in volume and of the type necessary to meet the needs of the area. In the latter respect there is evidence that a moderate-size institution is normally capable of providing an adequate range of financing services. If mortgage financing is not available in volume and of the type necessary to meet the needs of the market area, the parties to the proposed merger should demonstrate the lack of such availability and should establish that a merger is the best means to provide the funds for mortgage financing.

(iv) The Board will not automatically accept an assertion that the merger will improve operating efficiency because of the increase in size of the resulting institution. There is evidence that operating efficiency does not necessarily increase significantly as the scale of operations expands beyond a certain point. As a result, the applicant institution should document any assertion that the merger will result in greater operating efficiency.

(c) *Financial and managerial aspects*—(1) *Performance of the acquiring institution.* The Board's favorable disposition toward a merger plan from the standpoint of the financial and management aspects is based principally on the following factors with respect to that institution (acquiring institution) the ownership and management of which will be predominant in the resulting association:

(i) *Soundness of operation.* The ratio of scheduled items to total assets and the ratio of foreclosures to mortgage loans outstanding, prior to the merger, of the acquiring institution should compare favorably with the averages for such ratios for the United States as a whole or for the State in which the institution is located.

(ii) *Economy of operation.* The ratio of operating expenses to average total assets of the acquiring institution should compare favorably, after allowance for size and age of the institution, with the national average or with the average for the State in which the institution is located. Such institution also should have demonstrated the ability to pay competitive dividend rates and comply with the requirements of the reserve regulations.

(iii) *Management and organization.* The persons who are or are to be in control of the resulting institution (directors, officers, or others) must have the character and the experience, based on their performance record, to indicate their ability to eliminate the problems, if any, that might be acquired from the disappearing institution and to operate the enlarged institution essentially without supervisory concern.

(iv) *Other considerations.* The factors enumerated above are determinative in the Board's consideration whether to view favorably a proposed merger, including a merger to be effected for supervisory reasons. In the Board's evaluation, the Board will take cognizance of the danger signals, as shown by recent reports of examination, that as yet may not have had an appreciable effect on the institution's balance sheet or income or expenses but, based on the Board's experience, may be expected to have an effect on the factors listed above, separately or in context with other factors. These danger signals include, but are not limited to, such practices as heavy promotional activities resulting in rapid growth; inadequate credit investigations; unsound appraisals; pursuit of high interest-high fee loans; concentration in loans to one or a few borrowers; excessive volume of loans to speculative builders; loans to borrowers with little or no equity in the security property; laxity in collection practices; and departures from generally accepted sound industry and business practices in other respects.

(2) *Pro-Forma resulting institution*—(i) *General.* The Board will not approve a merger plan that will continue an existing problem, change any existing problem into a different type of problem, or create a new problem where none existed. The Board likewise will not approve a plan if the resulting association will not be able to meet competition in its area effectively, to pay a competition dividend, to meet its reserve requirements, or to operate essentially without supervisory concern.

(ii) *Impact of merger on reserves, net worth, and earnings.* Since the provisions of a merger plan may affect the resulting institution's reserves or ability to generate income commensurate with that normally expected in comparable institutions, the Board considers the impact of the proposal on reserves, net worth, and earnings. Any decrease in net worth of the disappearing institution prior to the merger will be carefully examined; any decrease in net worth proposed by the merger terms will receive thorough attention and, except where fully justified, will be looked upon unfavorably.

(iii) *Quality of assets.* The resulting institution should establish, if the merging parties have not done so theretofore, valuation reserves (preferably established on the basis of independent appraisals) to offset the probable losses, if any, on the disposition of the non-income-producing, low-income-producing, or other substandard assets. The quality of the remaining assets should be such that the earnings therefrom will support the institution's operations (including the maintenance, carrying, and disposition of the substandard assets), enable the reserve requirements to be met, and permit the payment of competitive dividends.

(iv) *Adequacy of reserves.* The resulting institution should have reserves for losses, exclusive of the valuation reserves, if any, at the level required by the reserve regulations.

(f) *Factors relating to fairness of the plan.* Although the Board reviews merger plans in all their aspects, a determination of "fairness" of the terms or merger when the viability of the resulting institution is not thereby affected is primarily a matter for the judgment of the equity owners. If the members of mutual institutions or the stockholders of permanent stock institutions have been afforded the opportunity of reviewing the complete merger plan and have given their approval, the Board will give considerable weight to their judgment. If the plan has not been submitted to the equity owners on the basis of full and complete disclosure and received their specific approval, the Board will review the fairness of the proposal. In this evaluation, the factors described below will receive consideration.

(1) *General.* The Board will expect that the plan of proposed merger, to receive favorable consideration, must provide equitable treatment of all concerned. The merger plan should clearly show by its terms that it was developed by the parties on a basis of "arm's-length bargaining," that the interests of savers and creditors will be preserved, and that the equity owners will receive fair value for their interests. The Board expects that the directors of the institutions who have developed the merger plan will have observed this principle.

(2) *Considerations to directors and officers.* In evaluating mergers, the Board will look into the considerations to be given by the resulting institution to the officers and directors of the disappearing institution and particularly to those who are to be retained as officers, directors, or members of an advisory committee. The retention of officers and directors must be consistent with the size and functions of the resulting institution and its earning capacity. The retention of directors or officers who have had an executive role in a disappearing institution with clearly less-than-average performance will be looked upon with disfavor. Any compensation to directors, officers, attorneys, and employees of the disappearing institution, who are retained by the resulting institution, must be commensurate with the duties performed and in line with its compensation schedule.

(3) *Reasonableness of merger expenses.* Actual and estimated expenses incurred in connection with the merger should be reasonable. Other financial considerations, whether involving a sale of an office building, the disposal of a

related business, or other transaction, must be supported by proof that the proposed price represents fair value and that the transaction does not involve a possible conflict of interest.

(g) *Alternatives to merger.* If the evaluation of the considerations described in the above parts does not provide a clear basis for a determination by the Board on the merits of the proposed merger, the Board will review the record of the steps, short of merger, that have been explored by the disappearing institution to obtain the benefits it is seeking through merger. These will be considered in terms of the reasons for the proposed merger and the problems, if any, it is expected to cure. Included among possible alternative solutions are the following:

(1) Adopting a program to improve management through strengthening the directorate, training understudies, and hiring competent replacements.

(2) Adopting policies and procedures to increase the institution's ability to provide a more acceptable service to its community.

(3) Broadening the capital base through an increase in withdrawable accounts or a sale of additional permanent stock.

(4) Providing a larger cushion for operating deficits or losses through a pledge of savings accounts by directors and other members of a mutual institution or a contribution to paid-in surplus by stockholders of a permanent stock institution.

(5) Overcoming a competitive disadvantage through a move of an institution's office to another location within the same general area.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 67-3223; Filed, Mar. 22, 1967; 8:51 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-3,032]

PART 571—STATEMENTS OF POLICY

Mergers

MARCH 9, 1967.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of adopting and codifying a statement of policy relating to the criteria which the Board applies in acting upon mergers, consolidations, and bulk purchases of assets in exchange for assumption of savings account liabilities, and for the purpose of effecting such adoption and such codification, hereby amends Part 571 of the rules and regulations for Insurance of Accounts (12 CFR Part 571) by adding, immediately after § 571.4, a new section, § 571.5, to read as follows:

§ 571.5 Mergers.

(a) *Purpose.* The Federal Home Loan Bank Board has a fundamental responsibility to the public in its actions relating to mergers of institutions of the savings and loan type. The Board's general policy as to the criteria which the Board applies when it acts on merger matters, other than mergers involving financial assistance from the Insurance Corporation which presents a number of special considerations, is set forth in this statement. It is issued for the information of the public and for the guidance of the owners and managers of such institutions in assessing the probability of favorable consideration by the Board of a particular merger plan. For brevity, the term "merger" will include consolidations and bulk purchases of assets in exchange for assumption of savings account liabilities.

(b) *Bases of the Board's functions.* The Home Owners' Loan Act of 1933, as amended, authorizes the Board to provide for the organization, incorporation, examination, operation, and regulation of Federal savings and loan associations. The National Housing Act, as amended, places upon the Federal Savings and Loan Insurance Corporation, of which the Board is the operating head, the responsibility of insuring savings accounts in all Federal savings and loan associations and in State-chartered institutions that qualify for insurance by the Corporation. Subsection (c) of section 408 of the same statute authorizes the Board to approve the acquisition of control of an insured institution by a holding company which controls another insured institution if the Board determines that the transaction is advisable to assist in avoiding the involuntary liquidation of the institution to be acquired.

(c) *Legal considerations*—(1) *General.* (i) The legality of a proposed merger is a precondition to further consideration by the Board.

(ii) To obtain approval by the Board, each application for a merger must comply with applicable laws and regulations, such as the Federal antitrust laws (the Clayton and Sherman Acts), section 408 (Regulation of Holding Companies) of the National Housing Act, applicable State law, and the Board's own regulations.

(2) *Antitrust developments.* (i) Since 1964, court decisions with respect to horizontal mergers have made it increasingly necessary to consider the antitrust laws in passing upon proposed mergers of savings and loan institutions. Cf. United States v. Philadelphia National Bank, 371 U.S. 321 (1962); United States v. First National Bank and Trust Co., 376 U.S. 665 (1964).

(ii) The Clayton Act prohibits mergers which have the effect of substantially lessening competition and the Sherman Act prohibits mergers which are in restraint of trade. In evaluating a proposed merger with respect to the provisions of both statutes, the Board considers the degree of concentration of the savings and loan business, including both mortgages and savings accounts, in the relevant market (generally a Standard Metropolitan Statistical Area or a county), the share of each of the institutions in such business, facts respecting the trend of concentration and merger activity in the relevant market, the degree of concentration which would result, and the amount of competition which would be eliminated.

(iii) The Supreme Court's application of the statutes, especially the Clayton Act, has become increasingly stringent. The Court has not drawn a line as to the degree of concentration or elimination of competition which will be permitted. Although the degree of concentration in the Philadelphia bank merger, which was declared illegal in 1964, was 36 percent, recent decisions in mergers in other industries which have involved much smaller percentages of concentration, have been held to be in violation of the Act.[1]

(3) *Legal evaluation of factors with antitrust impact.* To enable the Board and its staff to evaluate the possible anticompetitive impact of proposed mergers, applicant institutions are required to submit certain detailed information. Such data shall conform to schedules prescribed by the Board, which may be obtained from the appropriate Federal Home Loan Bank. In the case of a prospective merger between an institution which neither is nor would be as a result of the merger in a dominant competitive position in the relevant market area and a failing one which no longer can be a vital competitive factor, the antitrust evaluation may be dispensed with. In such a case, and in any case in which the Board's agent in the Federal Home Loan Bank thinks it clear that no antitrust or competitive problem could exist, a merger proposal may be submitted with relevant partial information short of the complete data called for by the schedules. However, if a need for further information is indicated upon analysis by the Board's staff, the applicants will be requested to furnish it through the Bank.

(4) *Section 408(c) of the National Housing Act.* The Board will not make a determinaton that the acquisition of control by a holding company of another institution "is advisable to assist in preventing • • • involuntary liquidation • • •" in the absence of clear evidence upon which to make such a determination. The evidence would necessarily be such as to mark the institution as a serious problem case. It would consist of facts relating to the institution's performance, condition, or both, with respect to such specific matters as its earning trend, scheduled items, ability to pay dividends or interest on a competitive basis, ability to meet requests for withdrawals, and impairment of capital.

(d) *Overall competitive and other economic considerations*—(1) *General.* A major keystone of Board policy on mergers is the criteria to be applied in evaluating economic impact. The Board will give careful consideration to the economic impact of the proposed merger

[1] United States v. Von's Grocery Co., 384 U.S. 270 (1966); United States v. Pabst Brewing Co., 384 U.S. 546 (1966).

on the market structure, on the allocation of mortgage funds, and on the operating efficiency of the resulting institution.

(2) *Evaluation of economic factors.* (i) The Board will examine the extent to which the merger affects adversely the competitive structure of the savings and mortgage markets and of the thrift institutions. For this purpose the Board will take into account adverse competitive factors and trends that do not necessarily raise issues of illegality under the antitrust laws. In addition, aside from the impact of the proposed merger on competitive structure, the Board will examine the effect of the merger on the size of the resulting institution. As a general principle, the Board does not favor the creation by merger of institutions that are unduly large relative to the size of the market. (This determination will be based on the same type of evaluation referred to in (c)(2) above.)

(ii) Consideration will also be given to the number of institutions in the market area in relation to population, savings, and the demand for mortgages and with respect to impact on the efficient operation of the institutions and convenience to the public. Mergers which eliminate institutions that are demonstrably not of efficient size or which reduce the number of weak institutions in a market which is overpopulated, without reinforcing or contributing to undue concentration, will be regarded favorably insofar as the number of institutions in relation to the market is concerned.

(iii) The Board will examine the extent to which the merger will affect the ability of the resulting institution to provide mortgage financing in volume and of the type necessary to meet the needs of the area. In the latter respect there is evidence that a moderate-sized institution is normally capable of providing an adequate range of financing services. If mortgage financing is not available in volume and of the type necessary to meet the needs of the market area, the parties to the proposed merger should demonstrate the lack of such availability and should establish that a merger is the best means to provide the funds for mortgage financing.

(iv) The Board will not automatically accept an assertion that the merger will improve operating efficiency because of the increase in size of the resulting institution. There is evidence that operating efficiency does not necessarily increase significantly as the scale of operations expands beyond a certain point. As a result, the applicant institution should document any assertion that the merger will result in greater operating efficiency.

(e) *Financial and managerial aspects*—(1) *Performance of the acquiring institution.* The Board's favorable disposition toward a merger plan from the standpoint of the financial and management aspects is based principally on the following factors with respect to that institution (acquiring institution) the ownership and management of which will be predominant in the resulting association:

(i) *Soundness of operation.* The ratio of scheduled items to total assets and the ratio of foreclosures to mortgage loans outstanding, prior to the merger, of the acquiring institution should compare favorably with the averages for such ratios for the United States as a whole or for the State in which the institution is located.

(ii) *Economy of operation.* The ratio of operating expenses to average total assets of the acquiring institution should compare favorably, after allowance for size and age of the institution, with the national average or with the average for the State in which the institution is located. Such institution also should have demonstrated the ability to pay competitive dividend rates and comply with the requirements of the reserve regulations.

(iii) *Management and organization.* The persons who are or are to be in control of the resulting institution (directors, officers, or others) must have the character and the experience, based on their performance record, to indicate their ability to eliminate the problems, if any, that might be acquired from the disappearing institution and to operate the enlarged institution essentially without supervisory concern.

(iv) *Other considerations.* The factors enumerated above are determinative in the Board's consideration whether to view favorably a proposed merger, including a merger to be effected for supervisory reasons. In the Board's evaluation, the Board will take cognizance of the danger signals, as shown by recent reports of examination, that as yet may not have had an appreciable effect on the institution's balance sheet or income or expenses but, based on the Board's experience, may be expected to have an effect on the factors listed above, separately or in context with other factors. These danger signals include, but are not limited to, such practices as heavy promotional activities resulting in rapid growth; inadequate credit investigations; unsound appraisals; pursuit of high interest-high fee loans; concentration in loans to one or a few borrowers; excessive volume of loans to speculative builders; loans to borrowers with little or no equity in the security property; laxity in collection practices; and departures from generally accepted sound industry and business practices in other respects.

(2) *Pro-Forma resulting institution*—(i) *General.* The Board will not approve a merger plan that will continue an existing problem, change any existing problem into a different type of problem or create a new problem where none existed. The Board likewise will not approve a plan if the resulting association will not be able to meet competition in its area effectively, to pay a competitive dividend, to meet its reserve requirements, or to operate essentially without supervisory concern.

(ii) *Impact of merger on reserves, net worth, and earnings.* Since the provisions of a merger plan may affect the resulting institution's reserves or ability to generate income commensurate with that normally expected in comparable institutions, the Board considers the impact of the proposal on reserves, net worth, and earnings. Any decrease in net worth of the disappearing institution prior to the merger will be carefully examined; any decrease in net worth proposed by the merger terms will receive thorough attention and, except where fully justified, will be looked upon unfavorably.

(iii) *Quality of assets.* The resulting institution should establish, if the merging parties have not done so theretofore, valuation reserves (preferably established on the basis of independent appraisals) to offset the probable losses, if any, on the disposition of the non-income-producing, low-income-producing, or other substandard assets. The quality of the remaining assets should be such that the earnings therefrom will support the institution's operations (including the maintenance, carrying, and disposition of the substandard assets), enable the reserve requirements to be met, and permit the payment of competitive dividends.

(iv) *Adequacy of reserves.* The resulting institution should have reserves for losses, exclusive of the valuation reserves, if any, at the level required by the reserve regulations.

(f) *Factors relating to fairness of the plan.* Although the Board reviews merger plans in all their aspects, a determination of "fairness" of the terms of merger when the viability of the resulting institution is not thereby affected is primarily a matter for the judgment of the equity owners. If the members of mutual institutions or the stockholders of permanent stock institutions have been afforded the opportunity of reviewing the complete merger plan and have given their approval, the Board will give considerable weight to their judgment. If the plan has not been submitted to the equity owners on the basis of full and complete disclosure and received their specific approval, the Board will review the fairness of the proposal. In this evaluation, the factors described below will receive consideration.

(1) *General.* The Board will expect that the plan of proposed merger, to receive favorable consideration, must provide equitable treatment of all concerned. The merger plan should clearly show by its terms that it was developed by the parties on a basis of "arm's-length bargaining," that the interests of savers and creditors will be preserved, and that the equity owners will receive fair value for their interests. The Board expects that the directors of the institutions who have developed the merger plan will have observed this principle.

(2) *Considerations to directors and officers.* In evaluating mergers, the Board will look into the considerations to be given by the resulting institution to the officers and directors of the disappearing institution and particularly to those who are to be retained as officers, directors, or members of an advisory committee. The retention of officers and directors must be consistent with the size and functions of the resulting institution and its earning capacity. The retention of directors or officers who have had an executive role in a disappearing institution with clearly less-than-average performance will be looked upon with disfavor. Any compensation to directors, officers, attorneys, and employees of the disappearing institution, who are retained by the resulting institution, must be commensurate with the duties performed and in line with its compensation schedule.

(3) *Reasonableness of merger expenses.* Actual and estimated expenses incurred in connection with the merger should be reasonable. Other financial considerations, whether involving a sale of an office building, the disposal of a related business, or other transaction, must be supported by proof that the proposed price represents fair value and that the transaction does not involve a possible conflict of interest.

(g) *Alternatives to merger.* If the evaluation of the considerations described in the above parts does not provide a clear basis for a determination by the Board on the merits of the proposed merger, the Board will review the record of the steps, short of merger, that have been explored by the disappearing institution to obtain the benefits it is seeking through merger. These will be considered in terms of the reasons for the proposed merger and the problems, if any, it is expected to cure. Included among possible alternative solutions are the following:

(1) Adopting a program to improve management through strengthening the directorate, training understudies, and hiring competent replacements.

(2) Adopting policies and procedures to increase the institution's ability to provide a more acceptable service to its community.

(3) Broadening the capital base through an increase in withdrawable accounts or a sale of additional permanent stock.

(4) Providing a larger cushion for operating deficits or losses through a pledge of savings accounts by directors and other members of a mutual institution or a contribution to paid-in surplus by stockholders of a permanent stock institution.

(5) Overcoming a competitive disadvantage through a move of an institution's office to another location within the same general area.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 67-3224; Filed, Mar. 22, 1967; 8:51 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 2, Amdt. 3]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Definitions and Participation by Development Companies

Part 108 of Title 13 of the Code of Federal Regulations, as amended (30 F.R. 11024, 31 F.R. 9270 and 14516), is hereby further amended by

1. Revising subparagraph (2) of paragraph (d) of § 108.2 to read as follows:

§ 108.2 Definitions.

* * * * *

(d) * * *

(2) A local development company shall be principally composed of and controlled by persons residing or doing business in the community; such local persons shall ordinarily constitute not less than 75 percent of the voting control of the development company. A local development company whose area of operation consists of a community of 2,500 persons or less must be composed of 25 members or more, all of whom must be legal residents of the community. No shareholder or member of the development company may own in excess of 25 percent of the voting control in the development company if he and his affiliated interest have a direct pecuniary interest in the project involving the section 502 loan or in the small-business concern which is to be assisted. The primary objective of the development company must be of benefit to the community as measured by increased employment, payroll, business volume, and corresponding factors rather than monetary profits to its shareholders or members; any monetary profits or other benefits which flow to the shareholders or members of the local development company must be merely incidental thereto.

* * * * *

2. Revising paragraph (e) of § 108.502–1 to read as follows:

§ 108.502–1 Section 502 loans.

* * * * *

(e) *Participation by the development company.* A development company may be required to furnish a reasonable part, as determined by SBA, of the funds necessary to accomplish the plant construction, conversion, or expansion, or the acquisition of land. For the purposes of this paragraph, the furnishing of not less than 20 percent of the necessary funds shall generally be considered a reasonable part. However, in communities containing a population of 2,500 or less, the furnishing of not less than 10 percent of the necessary funds shall be considered a reasonable part. SBA may require that the funds to be furnished by the development company be derived from paid-in capital or surplus of the development company as well as from other sources. The amount of paid-in capital to be required will depend in part upon the amount of the loan, the maturity of the loan, the extent to which other borrowings of the development company may be subordinated to the SBA loan and such other factors as the SBA may consider appropriate to the individual case. For the purposes of this section "paid-in capital" is cash and property actually received in exchange for shares of stock issued by the development company or cash and property contributed to the development company without obligation therefor.

* * * * *

Effective date: March 17, 1967.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 67-3183; Filed, Mar. 22, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 67-CE-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Rantoul, Ill., control zone.

The Rantoul, Ill., control zone is presently designated as follows:

Within a 5-mile radius of Chanute AFB, Rantoul, Ill. (latitude 40°17'40" N., longitude 88°08'20" W.), and within 2 miles each side of the Chanute VOR 270° radial, extending from the 5-mile radius zone to the VOR, from 0600 to 2400 hours, local time daily.

The Chanute AFB provides communications for the Rantoul, Ill., control zone and must be in operation during the times the control zone is effective. The Department of the Air Force has advised that they desire to operate the Chanute AFB control tower from 0700 to 2300 hours, local time daily. To make the new hours of operation of the Rantoul, Ill., control tower effective and to eliminate rule making action for each requested future change in the control tower operation, a minor modification in the designation of the Rantoul, Ill., control zone is necessary; therefore, action is taken herein to effect this change.

Since this modification is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 30, 1967, as hereinafter set forth:

In § 71.171 (32 F.R. 2071), the Rantoul, Ill., control zone is amended to read:

RANTOUL, ILL.

Within a 5-mile radius of Chanute AFB, Rantoul, Ill. (latitude 40°17'40" N., longitude 88°08'20" W), and within 2 miles each side of the Chanute VOR 270° radial, extending from the 5-mile radius zone to the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on March 9, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-3151; Filed, Mar. 22, 1967; 8:45 a.m.]

[Airspace Docket No. 66-WE-55]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On December 17, 1966, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (31 F.R. 16209) stating that the Federal Aviation Agency was considering an amendment to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-4806 near Las Vegas, Nev.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

The management of McCarran Airport at Las Vegas, objected to the designation of additional restricted airspace for the Air Force in that location, stating that increased general aviation and commercial air traffic in and out of the Las Vegas area requires more airspace for safe movements to and from Reno, Salt Lake City, and San Francisco, and questioned the need of the Air Force for additional restricted areas.

The need for this airspace is described in the notice. The proposed restricted area is 30 miles from McCarran Airport and is partially surrounded by existing restricted areas. No airway, jet route, terminal procedure, or VFR flyway approaches this area. It does not lie on the direct routes to either Salt Lake City or San Francisco, and the most direct course from Las Vegas to Reno presently requires a deviation to circumnavigate R-4808, which will not be affected by this alteration of R-4806.

In consideration of the foregoing, the Federal Aviation Agency has determined that the designation of the additional restricted airspace is fully justified by the military requirements stated in the NPRM and the effect of such designation on other airspace users would be negligible.

Therefore, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

In § 73.48 (32 F.R. 2317) R-4806 Las Vegas, Nev., is amended to read as follows:

R-4806 LAS VEGAS, NEV.

Boundaries: Beginning at latitude 37°17'-00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°23'00" W.; to latitude 36°35'00" N., longitude 115°-37'00" W.; to latitude 36°35'00" N., longitude 115°53'00" W.; to latitude 36°36'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°17'00" N., longitude 115°-35'00" W.; to point of beginning.

Designated altitudes: Surface to unlimited, Monday through Saturday; Sunday from 13,000 feet MSL to unlimited.

Time of designation: Continuous.

Controlling agency: Federal Aviation Agency, Los Angeles ARTC Center.

Using agency: Commander, Nellis AFB, Nev.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 15, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-3152; Filed, Mar. 22, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Exemption of Combination Drugs

An order was published in the FEDERAL REGISTER of January 10, 1967 (32 F.R. 197), that promulgated § 166.8 and by which the Commissioner of Food and Drugs exempted certain prescription and over-the-counter depressant and stimulant drugs in combination with other drugs from the requirements of section 511 of the Federal Food, Drug, and Cosmetic Act. Since publication of that order, on the basis of further study, the Commissioner of Food and Drugs finds that under the provisions of section 511 (f) of the Federal Food, Drug, and Cosmetic Act, and consistent with the purposes of the Drug Abuse Control Amendments of 1965 and the provisions of § 1.106 (21 CFR 1.106) of the regulations under section 502(f) of the act, the previous exempting order should be amended as follows:

Those drugs sold over-the-counter without prescription should be exempted solely from the provisions of section 511 (b), (c), and (e) and the recordkeeping requirements of section 511(d)(1) of the act. The exemption for prescription drugs should relate solely to the provisions of section 511 (c) and (e) and the recordkeeping requirements of section 511(d)(1) of the act. Such an amendment requires a corresponding amendment of § 166.18(a) of the regulations.

Further, it appears that there may be insufficient pharmacological data to support the exemption of prescription drugs on a finding that the other drugs contained in the exempted combination products are present therein in sufficient quantity, proportion, or concentration to prevent such combinations from being habit-forming or from having a potential for abuse. However, on the basis of current experience with such combination drugs, it may be concluded that the requirements of section 511 (c) and (e) and the recordkeeping requirements of section 511(d)(1) of the act are not necessary for the protection of the public health.

The order published in the FEDERAL REGISTER of January 10, 1967, stated that as other combination drugs, both those which may be lawfully sold over-the-counter and those restricted to prescription dispensing, come to the Commissioner's attention, he will determine whether they also may be exempted by regulation in accordance with the act. Additional requests for exemptions of specific combinations have been received and continue to be received by the Food and Drug Administration. From data contained in them and from other available information, the Commissioner has determined that the combination drugs designated in § 166.8 of the regulations as amended below, including the correction of errors in the prior listings, shall be exempted from the specified requirements of section 511 of the act.

The Commissioner will cause to be prepared, disseminated, and made available to interested persons on request, from time to time, lists of combination drugs designated by proprietary name and/or statements of composition which are exempted under the provisions of § 166.8 of the regulations and lists of drugs designated by proprietary name and/or statements of composition that are not exempted from the requirements of section 511 of the act. Requests for such lists may be directed to the Bureau of Drug Abuse Control or the Press Relations Staff, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 511(f), 701(a), 52 Stat. 1055, 79 Stat. 230; 21 U.S.C. 360a(f), 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 166 is amended as follows:

1. Section 166.8 is amended:

a. By revising the section heading, the introduction to the section, and the introduction to paragraph (a) to read as follows:

§ 166.8 Combination drugs; exemptions from certain requirements of section 511 of the act.

The following combination drugs are exempt from specified requirements of section 511 of the act:

(a) The following drugs in unit dosage form, and any other drug of the quantitative composition shown below for one of the following drugs or which is the same except that it contains a lesser quantity of controlled substances, and which may be lawfully sold over-the-counter without a prescription, are exempt from the requirements of section 511 (b), (c), and (e) and the recordkeeping requirements of section 511(d)(1) of the act:

b. By adding alphabetically to the list of exempted over-the-counter drugs in paragraph (a) the following new items:

EXEMPTED OVER-THE-COUNTER DRUGS

Trade name or other designation	Composition	Manufacturer or supplier
• • •	• • •	• • •
Tedral anti-H	Tablet: Phenobarbital, 8 mg.; chlorpheniramine maleate, 2 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Warner-Chilcott Laboratories.
• • •	• • •	• • •
Tedral suppositories double strength.	Suppository: Phenobarbital, 16 mg.; theophylline, 260 mg.; ephedrine hydrochloride, 48 mg.	Warner-Chilcott Laboratories.
Tedral suppositories regular strength.	Suppository: Phenobarbital, 8 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Do.
• • •	• • •	• • •

c. By revising the introduction to paragraph (b) to read as follows:

(b) The following drugs in unit dosage form, and any other drug of the quantitative composition shown below for one of the following drugs or which is the same except that it contains a lesser quantity of controlled substances, and which are restricted by law to dispensing on prescription, are exempt from the requirements of section 511 (c) and (e) and the recordkeeping requirements of section 511(d)(1) of the act:

d. By deleting entirely from the list of exempted prescription drugs in paragraph (b) the following items: Eskatrol, Phenobarbital and belladonna (tablets 1690), Tedral Anti-H, Tedral Suppositories Double Strength, and Tedral Suppositories Regular Strength.

2. In § 166.18(a), the first sentence is revised to read as follows:

§ 166.18 Label symbol.

(a) All depressant and stimulant drugs within the meaning of section 201(v) of the act, which have not been exempted by the Commissioner from the requirements of section 511 (c) and (e) and the recordkeeping requirements of section 511(d)(1) of the act, shall bear the following symbol or modification:

* * * * *

I find that notice and public procedure are unnecessary prerequisites to the promulgation of this order regarding the exemption of certain drugs from certain requirements of section 511 of the Federal Food, Drug, and Cosmetic Act.

Effective date. This order shall become effective April 1, 1967.

(Secs. 511(f), 701(a), 52 Stat. 1055, 79 Stat. 230; 21 U.S.C. 360a(f), 371(a))

Dated: March 17, 1967.

WINTON B. RANKIN,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 67-3193; Filed, Mar. 22, 1967; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 608—HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO

Wage Rates

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208), and by means of Administrative Order No. 598 (32 F.R. 2648), the Secretary of Labor appointed and convened Review Committee No. 9, referred to it the question of the minimum wage rate or rates to be paid under section 6(c)(2)(C) of the Act, in lieu of those provided by section 6(c)(2)(A) of the Act, to employees in the handkerchief, scarf, and art linen industry in Puerto Rico, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 6(c)(2)(C) and section 8 of the Act, as amended, Reorganization Plan No. 6 of 1950 (3 CFR 1949—59 Comp., p. 1004), and General Order No. 45-A of Secretary of Labor (15 F.R. 3290), the recommendations of Review Committee No. 9 are hereby published in this order. Section 608.2 of 29 CFR Part 608 is revised, effective April 8, 1967, to read as follows:

§ 608.2 Wage rates.

The handkerchief, scarf, and art linen industry in Puerto Rico is divided into five classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, as those terms are defined in section 3 of the Act.

(a) *Previously covered classifications.* The classifications in this paragraph (a) include only such work in the handkerchief, scarf, and art linen industry in Puerto Rico as is performed by employees engaged in commerce or in the production of goods for commerce, as those terms are defined in section 3 of the Act.

(1) *Hand-sewing on oblong scarves classification.* (i) The minimum wage for this classification is $0.86 an hour.

(ii) This classification is defined as hand-sewing, hand-embroidering, hand-embellishing, ornamental stitching, and similar decorative operations on oblong scarves in the handkerchief, scarf, and art linen industry in Puerto Rico: *Provided, however,* That mending, repairing, sewing of labels, tacking, and similar operations in such industry on articles which are otherwise wholly machine sewn shall not be included.

(2) *Other operations on oblong scarves classification.* (i) The minimum wage for this classification is $1.04 an hour.

(ii) This classification is defined as all work in the handkerchief, scarf, and art linen industry in Puerto Rico on oblong scarves except work within the hand-sewing on oblong scarves classification.

(3) *Hand-sewing classification.* (i) The minimum wage for this classification is $0.38 an hour.

(ii) This classification is defined as hand-sewing, hand-embroidering, hand-embellishing, ornamental stitching, and similar decorative operations on all products of the handkerchief, scarf, and art linen industry in Puerto Rico, except oblong scarves: *Provided, however,* That mending, repairing, sewing of labels, tacking, and similar operations in the industry on articles which are otherwise wholly machine sewn shall not be included.

(4) *Other operations classification.* (i) The minimum wage for this classification is $0.625 an hour.

(ii) This classification is defined as all work in the handkerchief, scarf, and art linen industry in Puerto Rico, other than work described in the other classifications of this industry.

(b) *1961 enterprise coverage classification.* (1) The minimum wage for this classification is $1.04 an hour.

(2) This classification includes the activities of employees who are not engaged in commerce or in the production of goods for commerce, but who are employed by an establishment of an enterprise in such industry, which establishment has some employees engaged in commerce or in the production of goods for commerce, including employees handling, selling or otherwise working on goods that have been moved in or produced for commerce by any person, if the annual gross volume of sales of such enterprise is not less than $1 million.

(Secs. 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 206, 208)

Signed at Washington, D.C., this 18th day of March 1967.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 67-3220; Filed, Mar. 22, 1967; 8:50 a.m.]

WAGE RATES FOR PUERTO RICO AND THE VIRGIN ISLANDS

Miscellaneous Amendments to Chapter

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208), and by means of Administrative Order No. 596 (32 F.R. 2830), Administrative Order No. 597 (32 F.R. 2953) and Administrative Order No. 598 (32 F.R. 2648), the Secretary of Labor appointed and convened Special Industry Committee No. VI-10 for the Virgin Islands, Industry Committee No. NC-5A for the Retail Trade Industry in Puerto Rico, Industry Committee No. NC-5B for the Local Transit Industry in Puerto Rico, Industry Committee No. NC-5C for the Laundry and Cleaning Industry in Puerto Rico, and Review Committee No. 10 for the Sugar Manufacturing Industry in Puerto Rico, referred to them the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the respective industries of the committees, and gave notice of a hearing to be held by each of the committees.

Subsequent to an investigation and a hearing conducted pursuant to the notice, each of the committees has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by subsections (c)(2)(C) and (c)(3) of section 6 and by section 8 of the Act, Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of Special Industry Committee VI-10, Industry Committee No. NC-5A, Industry Committee No. NC-5B, Industry Committee No. NC-5C and Review Committee No. 10 are hereby published in this order amending 29 CFR Chapter V, effective April 8, 1967, by revising § 694.2 of 29 CFR Part 694 and §§ 689.1 and 689.2 of 29 CFR Part 689, and by adding new Parts 721, 722, and 723, as set forth below.

PART 689—SUGAR MANUFACTURING INDUSTRY IN PUERTO RICO

1. Sections 689.1 and 689.2 of 29 CFR Part 689 are revised to read as follows:

§ 689.1 Definition.

The sugar manufacturing industry in Puerto Rico is defined as follows: The production of raw sugar, cane juice, molasses and refined sugar, and incidental byproducts; all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer) where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry; and any transportation activities by truck, vessel, or other vehicle performed by a producer of products of the industry in connection with the production or shipment of such products by such producer: *Provided, however,* That the industry shall not include any transportation activity covered by the wage order for the communications, utilities, and transportation industry in Puerto Rico (Part 671 of this chapter), or any transportation activity to which the agricultural exemption contained in section 13(a) of the Act was applicable prior to February 1, 1967.

§ 689.2 Wage rates.

Wages at a rate of not less than $1.24 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the sugar manufacturing industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(Secs. 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 206, 208)

PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS

2. Section 694.2 is revised to read as follows:

§ 694.2 Minimum wage rates.

Every employer shall pay to each of his employees in the Virgin Islands, who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in any enterprise engaged in commerce or in the production of goods for commerce (as those terms are defined in sec. 3 of the Act), wages at a rate not less than the minimum rate or rates of wages prescribed in this section for the industries and classifications in which such employee is engaged.

(a) *Previously covered classifications.* The classifications in this paragraph (a) include only such activities of employees in the Virgin Islands which would have been within the purview of section 6 of the Act if they had been performed prior to the effective date of the Fair Labor Standards Amendments of 1966.

(1) *Alcoholic beverages and industrial alcohol industry.* The minimum wage for this industry is $1.345 an hour.

(2) *The seamen classification of the shipping, marine transportation, and ship and boat building industry.* The minimum wage for this classification is $1.29 an hour.

(3) *The wool yarn classification of the miscellaneous industry.* The minimum wage for this classification is $1.175 an hour.

(4) *Other industries and classifications in the Virgin Islands.* The minimum wage for all industries and classifications in the Virgin Islands except those named in subparagraphs (1), (2), and (3) of this paragraph is $1.40 an hour.

(b) *1966 coverage.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification includes all activities of employees in the Virgin Islands which were brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(Secs. 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 206, 208)

PART 721—RETAIL TRADE INDUSTRY IN PUERTO RICO

3. A new Part 721 is established, to read as follows:

Sec.
721.1 Definitions.
721.2 Wage rates.
721.3 Notices.

AUTHORITY: The provisions of this Part 721 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 721.1 Definitions.

(a) The retail trade industry in Puerto Rico, to which this part shall apply, is defined as follows: The selling at retail, and incidental activities performed by employees of an establishment so engaged including services on the goods sold and food service in such establishments: *Provided, however,* That the industry shall not include the activities of employees who are engaged in wholesaling, warehousing and other distribution of products manufactured by their employer in Puerto Rico, or any activities included in the definitions of the Communications, Utilities, and Transportation Industry in Puerto Rico (Part 671 of this chapter), the Hotel and Motel Industry in Puerto Rico, or the Restaurant and Food Service Industry in Puerto Rico, or any activities to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(b) "Supermarket," as used in this part, means any establishment primarily engaged in the retail sale of foodstuffs, which operates either as part of a chain enterprise or as an independent store under a self-service system and which occupies 3,000 or more square feet of selling area.

(c) "Department store," as used in this part, means any establishment which sells articles such as men's or women's apparel, fabrics, furniture, home furnishings, household appliances, housewares, or similar articles where these articles are arranged in sections or departments primarily tended by sales clerks and which occupies 3,000 or more square feet of selling area, and any branch store which is operated by a department store and sells any of the articles sold by the main store, even though the selling area of such branch store is less than 3,000 square feet.

(d) "Variety or discount store," as used in this part, means any establishment which operates wholly or primarily under a self-service system, occupies a selling area of 3,000 or more square feet, has the merchandise arranged in sections and engages in the sale of articles such as, but not limited to, men's or women's apparel, fabrics, furniture, household articles, ethical or proprietary drugs, or similar articles, and any branch store which is part of a variety or discount chain enterprise and which sells any of the articles sold by the main store, even though the selling area of such branch store is less than 3,000 square feet.

§ 721.2 Wage rates.

Wages at rates no less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the retail trade industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or the production of goods for commerce, as these terms are defined in section 3 of the Act.

(a) *Grocery stores, general dry goooods stores, apparel stores, accessories stores, and drug stores classification.* (1) The minimum wage for this classification is $0.90 an hour for the period ending January 31, 1968, and $1.05 an hour thereafter.

(2) This classification is defined as all activities in the retail trade industry in Puerto Rico of employees, including food service employees, in grocery stores and drug stores, general dry goods stores, apparel stores, and accessories stores: *Provided, however,* That this classification shall not include the activities of employees in department stores, supermarkets, and variety or discount stores, even though such supermarkets or stores engage in the sale of the aforementioned articles.

(b) *Other retail establishments classifications.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the retail trade industry in Puerto Rico of employees, including food service employees, except those activities within the grocery stores, general dry goods stores, apparel stores, accessories stores, and drug stores classification.

§ 721.3 Notices.

Every employer subject to the provisions of § 721.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 721.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

PART 722—LOCAL TRANSIT INDUSTRY IN PUERTO RICO

4. A new Part 722 is established, reading as follows:

Sec.
722.1 Definition.
722.2 Wage rates.
722.3 Notices.

AUTHORITY: The provisions of this Part 722 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 722.1 Definition.

The local transit industry in Puerto Rico, to which this part shall apply, is defined as follows: The operation of a street, suburban, or interurban electric railway, or local trolley or motorbus carrier, if the rates and services of such railway or carrier are subject to regulation by governmental authority, regardless of whether or not such railway or carrier is public or private or operated for profit or not for profit, and the business of operating taxicabs: *Provided, however,* That the industry shall not include any activities to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

§ 722.2 Wage rates.

Wages at the rate of not less than $1.00 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in any activity in the local transit industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

§ 722.3 Notices.

Every employer subject to the provisions of § 722.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 722.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

PART 723—LAUNDRY AND CLEANING INDUSTRY IN PUERTO RICO

5. A new Part 723 is established, reading as follows:

Sec.
723.1 Definition.
723.2 Wage rates.
723.3 Notices.

AUTHORITY: The provisions of this Part 723 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 723.1 Definition.

The laundry and cleaning industry in Puerto Rico, to which this part shall apply, is defined as follows: Laundering, dry cleaning, and incidental work such as repair of clothing and fabrics on which such work is done and the work done in family and commercial power laundries, linen supply and industrial launderers, diaper services, self-service laundries, hand laundries, cleaning and dyeing plants, and rug cleaning and repairing plants: *Provided, however,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

§ 723.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the laundry and cleaning industry in Puerto Rico who in any workweek is engaged in an activity brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(a) *Driver classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as the operation of motor vehicles in connection with the laundry and cleaning business, and the performance of such other miscellaneous duties as may be assigned to the operator of such vehicles.

(b) *Other activities classification.* (1) The minimum wage for this classification is $0.76 an hour for the period ending January 31, 1968, and $0.89 an hour thereafter.

(2) This classification is defined as all activities in the laundry and cleaning industry in Puerto Rico except those within the driver classification.

§ 723.3 Notices.

Every employer subject to the provisions of § 723.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 723.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 18th day of March 1967.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 67-3221; Filed, Mar. 22, 1967; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Key West Harbor, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.189a is hereby prescribed to govern the use and navigation of an explosive anchorage area in Key West Harbor, Key West, Fla., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.189a Key West Harbor, Key West, Fla.; naval explosives anchorage area.

(a) *The anchorage ground.* A circular area with its center at latitude 24°-30'50.6", longitude 81°50'31.8" with a radius of 300 yards, for use for ammunition exceeding the prescribed limits for pier-side handling.

(b) *The regulations.* (1) When occupied by a vessel handling explosives, no other vessel may enter the area unless authorized by the enforcing agency.

(2) Only one vessel handling explosives may anchor in the area at one time.

(3) No more than 300,000 pounds net of high explosives or equivalent may be handled in the area at any one time.

(4) The regulations in this section shall be enforced by the Commander, U.S. Naval Base, Key West, Fla., and any other agencies he may designate.

[Regs., Mar. 8, 1967, 1507-32 (Key West Harbor, Fla.)-ENGCW-ON] (Sec. 7, 38 Stat. 1053; 10 U.S.C. 471)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-3148; Filed, Mar. 22, 1967; 8:45 a.m.]

PART 204—DANGER ZONE REGULATIONS

Atlantic Ocean, New Jersey

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.20 is hereby amended with respect to paragraph (a) redesignating the boundaries of a danger zone in the Atlantic Ocean at Sea Girt, N.J., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.20 Waters of Atlantic Ocean; Sea Girt Military Reservation, Sea Girt, N.J.

(a) *The danger zone.* (1) Beginning at a point along the (east) shore of the Sea Girt Military Reservation at latitude 40°07'20"; thence northeasterly to latitude 40°07'38", longitude 74°01'29"; thence easterly to latitude 40°07'40", longitude 74°00'41"; thence southeasterly to latitude 40°07'10", longitude 73°59'04"; thence southerly to latitude 40°06'18", longitude 73°59'21"; thence in a generally westerly direction to latitude 40°06'25", longitude 74°01'05"; thence in a northwesterly direction to latitude 40°06'44", longitude 74°01'46"; and thence northwesterly to a point on shore at latitude 40°07'07".

(2) The area described in subparagraph (1) of this paragraph will be marked by spar buoys located at the corners of the danger zone to be placed and maintained by the Superintendent, National Guard Training Center, State of New Jersey, Department of Defense, Sea Girt, N.J.

* * * * *

[Regs., Mar. 7, 1967, 1507-32 (Atlantic Ocean, N.J.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-3149; Filed, Mar. 22, 1967; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 19—BOARD OF VETERANS APPEALS

Subpart B—Appeals—Rules of Practice

MISCELLANEOUS AMENDMENTS

1. In § 19.111, paragraphs (a) and (c) are amended to read as follows:

§ 19.111 Rule 11; who can file an appeal.

(a) *Claimant, authorized representative, attorney, or agent.* A notice of disagreement and a substantive appeal may be filed by a claimant personally or by an accredited representative of a recognized service organization, attorney, or agent, provided a proper power of attorney or declaration of representation, as applicable, has been filed. As to filing a power of attorney or declaration of representation, see Rules 29 and 30 (§§ 19.129 and 19.130). Where contesting claimants are involved, see Rule 17 (§ 19.117).

* * * * *

(c) *Attorneys and agents for fee or expenses.* An attorney or agent may file an appeal for a fee or expenses incurred in the prosecution of a claim wherein a fee or expenses has been denied or he is not satisfied with the determination as to the amount of the fee or expenses allowed.

2. Section 19.119 is revised to read as follows:

§ 19.119 Rule 19; adequacy or timely filing of appeals questioned.

The Board of Veterans Appeals will make a final determination of appellate jurisdiction (a) when the agency of original jurisdiction has a question as to whether a notice of disagreement is adequate or timely filed or a substantive appeal is timely filed, and (b) when a claimant or his representative protests an adverse determination made by the agency of original jurisdiction thereon. A determination as to the adequacy of allegations of error of fact or law in a substantive appeal will be made by the Board of Veterans Appeals.

3. In § 19.121(b), subparagraphs (1) and (2) are amended to read as follows:

§ 19.121 Rule 21; termination of appeals.

* * * * *

(b) *Withdrawal*—(1) *Notice of disagreement.* A notice of disagreement may be withdrawn in writing at any time before a timely substantive appeal is filed or expiration of the time allowed for such action. The agency of original jurisdiction may not withdraw a notice of disagreement for failure to cooperate in reporting for an examination or in furnishing evidence requested.

(2) *Substantive appeal.* A substantive appeal may be withdrawn in writing at any time before the Board enters a decision, except where withdrawal would be detrimental to the appellant or the Government. The agency of original jurisdiction may not withdraw a substantive appeal for failure to cooperate in reporting for an examination or in furnishing evidence requested or on the basis of deficiency in allegations of error of fact or law. As to determinations on adequacy or timeliness of substantive appeals, see Rule 19 (§ 19.119).

* * * * *

4. In § 19.129, paragraph (b) is amended to read as follows:

§ 19.129 Rule 29; service organizations.

* * * * *

(b) *Revocation or change of power of attorney.* A claimant shall be permitted to revoke a power of attorney to a service organization whenever he so desires, irrespective of whether he concurrently designates another representative.

5. Section 19.130 is revised to read as follows:

§ 19.130 Rule 30; attorneys and agents.

(a) *Attorneys.* A written declaration of representation by an attorney stating that he is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia and that he is authorized to represent a claimant in whose behalf he acts will, in the absence of evidence to the contrary, qualify him to represent the claimant. (§ 14.629(b) of this chapter.)

(b) *Agents*—(1) *Designation.* The designation of an agent will be by duly executed VA Form 2-22a, Power of Attorney, or its equivalent. (§ 14.640 of this chapter) The designation should be an individual agent, rather than a firm or partnership.

(2) *Admission to practice.* The provisions of 38 U.S.C. 3404 and § 14.629 (a) of this chapter are applicable to admission of agents to practice before the Veterans Administration. Admissions to practice are under the control of the General Counsel of the Veterans Administration and any questions concerning admissions should be addressed to him.

(c) *Revocation or change of representation by an attorney or agent.* A claimant may revoke a declaration of representation by an attorney or a power of attorney to an agent at any time, but such revocation shall not be effective as to the Veterans Administration until notice of such action is received by the Veterans Administration (§ 14.644 of this chapter).

(d) *Fee or expenses.* Entitlement of an attorney or agent to a fee or expenses in connection with a claim for Veterans Administration benefits is controlled by §§ 14.650 through 14.658 of this chapter. As to an appeal to the Board of Veterans Appeals, see Rule 11 (§ 19.111).

6. In § 19.131, paragraph (a) is amended to read as follows:

§ 19.131 Rule 31; other persons as representative.

(a) *Recognition for a particular claim.* Any competent person, who is a citizen of the United States or a resident of the United States or one of the possessions, may be recognized as a representative for a particular claim, unless that person has been barred from practice before the Veterans Administration. (38 U.S.C. 3403)

* * * * *

7. Sections 19.132, 19.141, and 19.152 are revised to read as follows:

§ 19.132 Rule 32; general.

(a) *One representative.* Only one attorney, agent, or service organization shall be recognized at any one time in the prosecution of a specific claim. (38 U.S.C. 4005(b)(2)).

(b) *Change of status from wife to widow.* A power of attorney or designation of representation submitted by the wife of a veteran may continue in effect after she becomes a widow.

(c) *Recognition of representative after death of veteran.* A service organization, attorney, agent, or person properly designated to represent a veteran may, in the event of death of the veteran, be recognized for a reasonable period thereafter, but not as representative of a survivor claimant who has appointed another representative (§§ 1.525(d), 14.628(a) of this chapter).

§ 19.141 Rule 41; submission of additional evidence in support of appeal.

A claimant may submit additional evidence or information as to the availability of additional evidence after initiating an appeal. As to failure to submit evidence requested by an agency of original jurisdiction after initiation of an appeal, see Rule 21 (§ 19.121).

§ 19.152 Rule 52; members to consider allegations of error.

When a decision of the Board is to be reconsidered, the Chairman may assign one or more additional sections to participate with the members signatory to the decision being reconsidered. Any decision which is not unanimous will require concurrence of the Chairman of the Board. If the members are equally divided, the Chairman will participate in the determination.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: March 16, 1967.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 67-3194; Filed, Mar. 22, 1967; 8:48 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

EDUCATION; LAW COURSES; MEASUREMENT

1. In § 21.4272, paragraph (g) is amended to read as follows:

§ 21.4272 Collegiate undergraduate; credit-hour basis.

* * * * *

(g) Noncredit courses; clock-hour basis: Courses for which credit is not given toward a standard college degree will be evaluated on a clock-hour basis. See § 21.4271(b).

2. In § 21.4273, paragraph (a) is amended to read as follows and paragraph (d) is revoked:

§ 21.4273 Collegiate graduate.

(a) *In residence.* An accredited graduate or advanced professional course, including law as specified in § 21.4274, pursued in residence at an institution of higher learning will be assessed in accordance with § 21.4272 unless it is the established policy of the school to consider less than 14 semester hours or the equivalent as full-time enrollment, or the course includes research, thesis preparation, or a comparable prescribed activity beyond that normally required for the preparation of ordinary classroom assignments. In either case a responsible official of the school will certify that the veteran or eligible person is pursuing the course full, three-fourths, one-half, less than one-half but more than one-quarter, or one-quarter or less time.

* * * * *

(d) [Revoked]

3. Section 21.4274 is revised to read as follows:

§ 21.4274 Law courses.

(a) *Accredited.* (1) A daytime law course leading to a standard professional law degree pursued in an accredited law school will be assessed on the basis of credit hours as provided in § 21.4273(a).

(2) An evening law course will be assessed under § 21.4273(a), but in no event will the course be measured as more than three-fourths time.

(b) *Nonaccredited.* (1) A daytime law course leading to a standard professional law degree pursued in a nonaccredited law school will be assessed on the basis of 12 class sessions per week for full-time attendance if the school requires for admission to the law course at least 60 standard semester units of credit, or the equivalent in quarter units of credit, and completion of the course will fulfill State educational requirements for admission to legal practice. If the course does not meet these requirements, it will be assessed on the basis of clock-hours of attendance per week.

(2) An evening law course will be assessed as provided in subparagraph (1) of this paragraph, but in no event will the course be measured as more than three-fourths time.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: March 16, 1967.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 67-3195; Filed, Mar. 22, 1967; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER G—SPECIAL REGULATIONS

PART 614—VENDING STANDS AND VENDING MACHINES

Part 614 is completely revised to show the following changes:

1. Section 614.2(b)(3) now specifies that on violations concerning vending machines operated by postal employee committees, or involving postal employees, the director, engineering and facilities division will coordinate the matter with the regional special assistant for employee relations.

2. Sections 614.6, 614.7, and 614.8 are deleted as these regulations do not affect the public, but rather postal employees. The regulations contained in § 614.7 specifying assignment of profits to blind persons derived from vending machines operated by employee welfare committees have been placed in a new Part 743 of this chapter.

As the revisions set out above do not affect substantive rights and relate to a proprietary function of the Government, public rule making procedures as well as advance notice and a delayed effective date are unnecessary.

Accordingly, Part 614 now reads:

Sec.
614.1 Authorizations.
614.2 Installation, maintenance, and operation.

Sec.
614.3 Modification, relocation, or removal.
614.4 Articles to be sold or vended.
614.5 Survey of vending stand opportunities.

AUTHORITY: The provisions of this Part 614 issued under 5 U.S.C. 301, 39 U.S,C. 501.

§ 614.1 Authorizations.

(a) *To certified blind persons.* Blind persons, when available and duly certified by a State licensing agency, designated by the Department of Health, Education, and Welfare, shall be authorized and have preference in the installation and operation of vending stands on property operated, maintained, and protected by the Post Office Department: *Provided*, That in the judgment of the Post Office Department, the installation and operation of the stands are considered practicable and will not unduly inconvenience the Post Office Department or adversely affect the interests of the United States.

(b) *Preparation and submission of applications.* Applications for installation and operation of vending stands, including vending machines operated in connection with the stands, to be operated by licensed blind persons in post office lobbies or other public areas, shall be submitted by the State licensing agency in quadruplicate on the form provided by the Department of Health, Education, and Welfare to the postal official in charge of the building involved for his recommendation for approval or disapproval. If the official in charge recommends approval he shall sign all four copies on the line designated "Officer in charge of building" and transmit all copies to the director, engineering and facilities division for the region in which the building is located for approval or disapproval. If an application by a State licensing agency for a permit to establish a vending stand under the Randolph-Sheppard Vending Stand Act is not recommended for approval by the official in charge, the transmittal shall show reasons for the disapproval. Applications submitted by postal officials will be reviewed by the director, engineering and facilities division. If approved by him, he will sign all four copies of the form on the line designated "Official of U.S. Department having jurisdiction over building" and will retain one copy. Three copies, including the action taken, will be returned to the official concerned. He shall retain one copy in his files and transmit the others to the State licensing agency making application. If the director, engineering and facilities division, disapproves the application he shall advise the postmaster and applicant of the reasons.

(c) *Reports.* At the end of each fiscal year the director, engineering and facilities division shall report to the Director, Realty Division, Bureau of Facilities, the number of applications for vending stand permits received during the fiscal year, number accepted, number denied, and number still pending in his region.

(d) *Appeals—(1) Installation, maintenance and operation.* If an application by a State licensing agency for a permit to install and operate a vending stand is not approved by the director, engineering and facilities division, the agency may appeal his decision. The appeal shall be made within 10 days to the Assistant Postmaster General, Bureau of Facilities through the Regional Director in the region denying the application. Upon appeal the Regional Director will direct a full investigation obtaining a report from the director, engineering and facilities division and from the State licensing agency. The Regional Director will report his findings and make recommendation within 20 days after receipt of the appeal to the Assistant Postmaster General, Bureau of Facilities, who will render a final decision for the Post Office Department within 90 days of filing of the appeal. The appellate procedure is also available when the State licensing agency and the local installation's manager or the director, engineering and facilities division, fail to reach agreement concerning revocation or modification of a permit, suitability of a stand location, or method of operation of the stand. After a review of the findings, if in the judgment of the Regional Director the appeal should be allowed, he shall notify the State licensing agency without forwarding the case to the Assistant Postmaster General, Bureau of Facilities. If he determines the decision of the director, engineering and facilities division, or the local installations manager should be upheld, he must notify the Assistant Postmaster General, Bureau of Facilities, who will make the final decision.

(2) *Services and assignment of proceeds.* If the local installation's manager and the State licensing agency fail to reach agreement concerning the assignment of proceeds or services to be rendered by the vending stand operator (including articles which may be sold) a State licensing agency may appeal the decision. The appeal shall be made within 10 days to the Assistant Postmaster General, Bureau of Personnel, through the Regional Director in the region denying the application. Upon appeal the Regional Director will direct a full investigation obtaining a report from the special assistant for employee relations and from the State licensing agency. The Regional Director will report his findings and make recommendation within 20 days after receipt of the appeal to the Assistant Postmaster General, Bureau of Personnel, who will render a final decision for the Post Office Department within 90 days of filing the appeal. After a review of the findings, if in the judgment of the Regional Director the appeal should be allowed, he shall notify the State licensing agency without forwarding the case to the Assistant Postmaster General, Bureau of Personnel. If he determines the decision of the special assistant for employee relations or local installation's manager should be upheld, he must notify the Assistant Postmaster General, Bureau of Personnel, who will make final decision.

(e) *Approval of equipment plans.* Vending equipment shall be designed, arranged, and installed in a manner to facilitate sanitary operation. Plans of proposed vending stand equipment shall be submitted by the State licensing agency to the official in charge of the postal installation for approval prior to installation.

§ 614.2 Installation, maintenance, and operation.

(a) *Installation and maintenance.* Installation, maintenance, repair, replacement, servicing, or removal of vending stand equipment or vending machines operated in connection with vending stands shall be without expense to the Post Office Department except that the cost of utilities required to operate vending stands and vending machines under the control of blind persons authorized to operate such stands and machines will be borne by the Post Office Department. In the case of vending machines operated by employees' committees, the Department shall be reimbursed for utilities.

(b) *Operation—(1) Sanitation standards.* Vending stands shall be operated in compliance with local health and sanitation standards and codes.

(2) *Cleaning and janitor service.* The operator shall arrange for cleaning and janitor service sufficient to maintain vending areas at stands and machines in a clean and orderly condition.

(3) *Violations.* Authorization for establishing a vending stand, with the regulations and policies established by the Post Office Department and State licensing agency, shall govern the operation of each vending stand. Ordinarily, day-by-day matters concerning the operation of the stand can best be resolved on a local basis with the blind operator. Officials in charge should not confer with attorneys or others claiming to represent blind operators. Violations of regulations or policy, and other unresolved relevant matters, must be reported to the State licensing agency. If appropriate corrective action is not taken, the installation head shall notify the director, engineering and facilities division who will resolve the matter or submit it to the Department with all facts so that it can in turn be resolved by the Department with the Department of Health, Education, and Welfare. If the matter concerns vending machines operated by postal employee committees, or otherwise concerns postal employees, the director, engineering and facilities division will coordinate with the regional special assistant for employee relations in resolving the issues.

§ 614.3 Modification, relocation, or removal.

The Post Office Department reserves the right to require State licensing agencies to arrange for modification, removal, or relocation of vending stands established under the Randolph-Shepherd Vending Stand Act (20 U.S.C. 107–107f) when necessary because of changes in building operations or space requirements.

§ 614.4 Articles to be sold or vended.

(a) *Approved articles.* Vending of the following at vending stands operated by licensed blind persons is approved: Newspapers, periodicals, confections, tobacco products, articles in individual containers or wrappers in which they are placed before receipt by the vending stand operator, and such other suitable articles as may be approved for each location by the postal official in charge and State licensing agency. These articles also may be vended through vending machines operated in connection with vending stands.

(b) *Objectionable publications.* Licensed vending stand operators and State licensing agencies shall use diligence and good judgment and cooperate with postal authorities in preventing the keeping on the premises, for disposal to the public by sale or otherwise, of any so-called comic books or any other printed or written matter of an objectionable, subversive, or controversial nature which may subject the Post Office Department to public criticism. Violations of this section shall be reported to the Assistant Postmaster General, Bureau of Operations, Classification and Special Services Division, with a copy of the objectionable matter.

§ 614.5 Survey of vending stand opportunities.

Postal officials shall cooperate with State licensing agencies in making surveys of vending stand opportunities for blind persons on properties under their control and in selecting locations, for such stands and the types of stands to be provided.

TIMOTHY J. MAY,
General Counsel.

MARCH 20, 1967.

[F.R. Doc. 67-3188; Filed, Mar. 22, 1967; 8:48 a.m.]

SUBCHAPTER I—CODE OF ETHICAL CONDUCT

PART 743—EMPLOYEE SERVICES

A new Part 743 is added to Title 39, Code of Federal Regulations, to show the assignment of profits to blind persons derived from vending machines operated by Employee Welfare Committees. These regulations were formerly contained in § 614.7(a) of this chapter.

As the redesignation of these regulations under a new Part 743 does not affect substantive rights, no public rule making procedures are required as well as a delayed effective date. Accordingly, new Part 743 reads as follows:

§ 743.5 Vending machines operated by employee committees; assignment of profits to blind persons.

Profits from all vending machines presently operated by a licensed blind operator of a lobby stand, either in conjunction with his stand or in other areas of the same building under control of the Post Office Department shall be assigned to the blind operator. When machines are being operated by an employees' committee in proximity to a stand or machines operated by a blind person and are in competition therewith, and a blind operator is not receiving an adequate income, consideration shall be given to assigning him all or part of the profits from other vending machines in the same building, regardless of location. (Adequate income is construed as being the equivalent of the average income of the average employee at the installation.) Reassignment of profits shall be considered only upon request from a State licensing agency to a postmaster or other postal official in charge of an installation. Assignment of profits to the blind operator from other vending machines shall be determined by the postal official in charge and the State licensing agency on the basis of the following:

(a) Proximity to and competition with the vending stand;

(b) Income which accrues to the operator from stand operation; and

(c) Profits from vending machines not operated in connection with the stand.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

MARCH 20, 1967.

[F.R. Doc. 67-3189; Filed, Mar. 22, 1967; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–25—GENERAL

Proper Use of Consumable or Low Cost Items

Guidelines are provided for all Federal agencies in connection with the control and proper use of consumable or low cost items that have been or will be issued to individuals.

The table of contents of Part 101–25 is amended by adding an entry for § 101–25.107, as follows:

Sec.
101–25.107 Guidelines for requisitioning and proper use of consumable or low cost items.

Subpart 101–25.1—General Policies

Section 101–25.107 is added to read as follows:

§ 101–25.107 Guidelines for requisitioning and proper use of consumable or low cost items.

Consumable and low value items in inventory (cupboard stocks are not considered inventory) are subject to accounting and inventory record controls in accordance with applicable provisions of law and the principles and standards prescribed by the General Accounting Office, 2 GAO 12.5. Normally, however, the systems of control for such property cease at the time of issuance from a warehouse or storeroom to the consumer.

(a) The guidelines set forth in this § 101–25.107 are considered minimum to assure proper use of consumable or low cost items by individuals, subsequent to issue from accountable records and termination of formal accountability. Consumable items, for the purpose of this section, are considered to include those items actually consumed in use (e.g., pads and pencils) and those items required in performance of duties but for which, primarily by reason of the low value involved, no formal accountability is maintained after issue, and are generally referred to as "expendable."

(b) Approval of requisitions for replenishment of cupboard storeroom stocks should be restricted to officials at a responsible supervisory level to insure that supply requirements are justified on the basis of essentiality and quantity. Where requisitions are not required, such as in procuring items from GSA self-service stores, informal "shopping lists" should be approved at the same level.

(c) Adequate safeguards and controls should be established to assure that issues of expendable supplies are made for official use only. In appropriate situations, this will include identification of individuals to whom expendable supplies have been issued. Experience has indicated, also, that certain items of expendables should not be displayed either at seasonal periods of the year or on a permanent basis.

(d) Agencies should give special attention to the items listed below (which from experience have proven personally attractive and susceptible of being used for other than official duties) and to add to this list when withdrawals are excessive when compared to program requirements for any specific item:

Attache cases.
Ball point pens.
Ball point pen refills.
Brief cases.
Binders.
Carbon paper.
Dictionaries.
Felt tip markers.
File folders.
Letterex.
Letter openers.
Pads (paper).
Paper clips.
Pencils.
Pencil sharpeners.
Portfolios (leather, plastic, and writing pads).
Rubber bands.
Rulers.
Scissors.
Spray paint and lacquer.
Stapler.
Staples.
Staple removers.
Tape dispensers.
Transparent tape.
Typwriter ribbons.

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: March 17, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67-3197; Filed, Mar. 22, 1967; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular No. 2224]

PART 2230—SPECIAL USES

Subpart 2234—Rights-of-Way

TIMBER SALE ROADS

Basis and purpose. Notice is hereby given that pursuant to authority in the Secretary of the Interior by the Act of August 28, 1937 (50 Stat. 874) and the Act of July 31, 1947 (61 Stat. 681), 43 CFR 2234.2–3 is amended as set forth below.

The purpose of this amendment is to clarify the status of timber sale roads. Although it is customary for the Department of the Interior to publish its rules in proposed form, the public interest suggests that this regulation become effective immediately upon publication in the FEDERAL REGISTER.

Paragraph (b)(16)(ii) of § 2234.2–3 is amended to read as follows:

§ 2234.2–3 For tramroads and logging roads.

* * * * * *

(b) *Over O&C and Coos Bay revested lands*—(1) * * *

(16) *Payment to the United States for road use.* * * *

(ii) Where the permittee receives a right to use a road constructed or acquired by the United States, which road is under the administrative jurisdiction of the Bureau of Land Management, the permittee will be required to pay to the United States a fee to be determined by the authorized officer who may also fix the rate at which payments shall be made by the permittee during his use of the road. The authorized officer shall base his determination upon the amortization of the replacement costs for a road of the type involved, together with a reasonable interest allowance on such costs plus costs of maintenance if furnished by the United States and any extraordinary costs peculiar to the construction or acquisition of the particular road. In the case of federally acquired or constructed access roads, an allowance representing a reasonable allocation for recreational or other authorized uses shall be deducted from the replacement costs of the road before the amortization item is computed. A similar allowance and deduction shall be made in cases involving roads constructed as a part of a timber sale contract when, and if, subsequent to completion of such contract any such road becomes subject to recreational or other authorized uses. In arriving at the amortization item, the authorized officer shall take into account the probable period of time, past and present, during which such road may be in existence, and the volume of timber which has been moved, and the volume of timber currently merchantable which probably will be moved from all sources over such road: *Provided, however,* That this subdivision shall not apply where the permittee transports forest products purchased from the United States through the Bureau of Land Management, or where payment for such road use to another permittee is required under this § 2234.2–3(b): *Provided further,* That where the United States is entitled to charge a fee for the use of a road, the authorized officer may waive such fee if the permittee grants to the United States and its licensees the right to use, without charge, permittee's roads of approximately equal value as determined under the methods provided in this subdivision and subparagraph (11)(ii) of this paragraph, as may be applicable.

* * * * * *

STEWART L. UDALL,
Secretary of the Interior.

MARCH 16, 1967.

[F.R. Doc. 67–3198; Filed, Mar. 22, 1967; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 28—PUBLIC ACCESS, USE, AND RECREATION

De Soto National Wildlife Refuge, Iowa and Nebraska

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

IOWA-NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public recreational activities are permitted on the De Soto National Wildlife Refuge subject to the following special conditions:

(1) *Authorized activities.* Public recreational activities are limited to fishing, picnicking, swimming, boating, water skiing, sightseeing, mushroom picking, and nature observation.

(2) *Open season.* The open season for general public recreational use is from April 30, 1967, through September 15, 1967. During this period the public recreational use area is open daily between the hours of 4:30 a.m., and 10 p.m., c.d.s.t. Two separate mushroom picking areas are open daily to the public from April 30 through May 31; hours of use are the same as for the general use area.

(3) *Open area.* The area open for general public use comprises approximately 2,000 acres and the special mushroom areas comprise approximately 1,100 acres. These areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Maps of the open areas are also posted or available for handout at entrance points and at concession buildings on the area.

(4) *Access.* Entry to the open area is permitted only at gates or points of entry specifically posted for this purpose.

(5) *Entrance fees.* Entry to the public use area shall be subject to fee charging for an entrance permit, as required for all designated areas under the Land and Water Conservation Fund Act of 1965. The types of entry permits available and the fees therefor shall be as determined by the Secretary. Permits will be available at refuge headquarters and at fee collection stations located at two entrance points.

(6) *Other provisions.* (a) The use of air mattresses, innertubes, beach balls and all other flotation devices, other than life preservers, is prohibited on refuge waters.

(b) The possession of bottles or cans is prohibited on the designated swimming beach.

(c) The use of fire is permitted in grills only.

(d) Access to refuge waters with airboats or houseboats is prohibited.

(e) Access to refuge waters with boats that have toilets that flush directly into the water is prohibited, unless such toilets are sealed from use.

(f) The possession of open alcoholic beverages is prohibited on any boat propelled by mechanical power while the craft is in operation.

(g) The lake being long and narrow requires that all boaters keep to the right and maintain a highway-type traffic pattern. Turns shall always be made to the operator's left, except when beaching or docking a boat.

(h) A portion of the refuge lake is posted as a "No Wake Zone". Boaters using this area shall travel at an idling speed sufficiently slow to prevent a wake that would rock another boat.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on Wildlife Refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through September 15, 1967.

KERMIT D. DYBSETTER,
Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

MARCH 17, 1967.

[F.R. Doc. 67–3174; Filed, Mar. 22, 1967; 8:47 a.m.]

PART 32—HUNTING

Mingo National Wildlife Refuge, Mo.

On page 1132 of the FEDERAL REGISTER of February 1, 1967, there was published a notice of a proposed amendment to § 32.31 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public hunting of big game on Mingo National Wildlife Refuge, Mo., as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER. (Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i; and sec. 4, 80 Stat. 926.)

1. Section 32.31 is amended by the addition of the following area as one where hunting of big game is authorized:

§ 32.31 List of open areas; big game.

* * * * * *

MISSOURI

Mingo National Wildlife Refuge.

* * * * * *

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

MARCH 17, 1967.

[F.R. Doc. 67-3175; Filed, Mar. 22, 1967; 8:47 a.m.]

PART 33—SPORT FISHING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Sport fishing on the Seney National Wildlife Refuge, Seney, Mich., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 790 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations including the requirement that a current State fishing license be in the possession of the fisherman and shall be subject to the following special conditions:

(1) The open season for sport fishing on the refuge during daylight hours only extends from April 29, 1967, through September 4, 1967, in the Walsh Creek and Driggs River; April 29, 1967, through December 31, 1967, on the Manistique River; May 30, 1967, through September 4, 1967, on the Show Pools; and from July 1, 1967, through September 4, 1967, on C–3 Pool.

(2) Boating and the use of minnows for bait is prohibited except on the Manistique River.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

JOHN B. HAKALA,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

MARCH 17, 1967.

[F.R. Doc. 67–3176; Filed, Mar. 22, 1967; 8:47 a.m.]

PART 33—SPORT FISHING

Lake Woodruff National Wildlife Refuge, Fla.; Correction

In F.R. Doc. 67–2072, appearing at page 3217 of the issue for February 24, 1967, subparagraph (1) should read as follows:

(1) The open season extends from date of this publication to October 15, 1967, in refuge waters east of the Norris Dead River, Lake Woodruff, and Spring Garden Creek.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 67–3173; Filed, Mar. 22, 1967; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION AND LICENSING

PART 76—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION FROM FEDERAL GOVERNMENT ACTIVITIES: PERFORMANCE STANDARDS AND TECHNIQUES OF MEASUREMENT

Ringelmann Scale and Sulfur Oxides Emission Limits and Control Measures

On November 22, 1966, notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 14785) setting out the text of a proposed revision of this part which, among other things, would establish limits on the emissions of sulfur oxides and prescribe control measures for Federal facilities located in the New York and Chicago Standard Consolidated Areas and in the Philadelphia Standard Metropolitan Statistical Area. The period of public participation was thereafter extended to February 10, 1967, by notice published in the FEDERAL REGISTER on December 29, 1966 (31 F.R. 16628).

Due consideration has been given to all relevant material presented by written comments and in consultations with a number of affected parties.

The air quality criterion upon which the emission limitations are based represents conclusions drawn from studies of the adverse health effects of sulfur oxides at various time-concentration levels, which support the finding that 24-hour average levels of sulfur dioxide should not exceed 0.1 part per million more than 1 percent of the time annually. Based on these studies, the necessary reductions and the maximum emissions were derived individually for each area.

This criterion of sulfur dioxide concentrations represents a desirable objective for communities with sulfur oxide pollution problems. It should be recognized, however, that the objective cannot be realized immediately by all combustion sources in every area under present technology and with available low sulfur fuel supplies. This emphasizes the need and urgency for acceleration of research into the removal of sulfur from fuels and stack gases and for the prompt application of knowledge as it accrues.

The limited number of Federal facilities, however, makes compliance with the emission limitations practicable by such facilities by October 1, 1968, a step which will assure that emissions of sulfur oxides from Federal facilities in the designated areas are minimized to the extent practicable, as required by section 4(c) of Executive Order 11282.

Accordingly, the revisions to Part 76, as set out below are hereby adopted effective on publication in the FEDERAL REGISTER.

Part 76 is revised as follows:

1. Section 76.1(c) is amended to read:

§ 76.1 Definitions.

* * * * * *

(c) "Ringelmann Scale" means the Ringelmann Scale as published in the U.S. Bureau of Mines Information Circular 7718.

* * * * * *

2. Section 76.5(c) is amended to read:

§ 76.5 Sulfur oxides.

* * * * * *

(c) (1) Effective October 1, 1968, combustion units of all Federal facilities or buildings located in the following areas shall comply with the applicable emission limitations and control measures set out below:

(i) In the New York Standard Consolidated Area, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed a maximum emission rate of 0.35 pounds per million B.t.u. (gross value) heat input.

(ii) In the Chicago Standard Consolidated Area and in the Philadelphia Standard Metropolitan Statistical Area, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combusion units shall not exceed a maximum emission rate of 0.65 pounds per million B.t.u. (gross value) heat input.

(2) If compliance with the above emission standard is to be accomplished by means of controlled fuel quality, the agency responsible for each Federal facility in the designated areas shall establish appropriate fuel specifications to insure that the above emission limitations are met and shall provide for ade-

quate tests to ascertain that delivered fuel meets the applicable specifications. If removal of sulfur oxides from flue gases is used to control emissions, the facility shall provide for continuous monitoring and recording of the sulfur oxide content of flue gases emitted. The sulfur content of fuels shall be determined in accordance with current recognized testing procedures of the American Society for Testing and Materials. The sulfur content of the flue gases shall be determined in accordance with current recognized testing procedures of the American Society of Mechanical Engineers.

(3) The limitations and measures established in subparagrah (1) of this paragraph shall be revised or amended only after consultation with appropriate Federal, State, and local officials and affected parties. Not less than 30 days prior to prescribing such revised or amended limits or measures, the Secretary will publish in the FEDERAL REGISTER notice of his intention to adopt such limits or measures, and will thereafter publish in the FEDERAL REGISTER the limits or measures established. The Secretary may at any time designate other urban areas which suffer from extremely high air pollution levels, and after similar consultation, and publication in the FEDERAL REGISTER, prescribe such limits or measures as he determines are necessary to carry out the intent of Executive Order 11282.

* * * * *

Dated: March 17, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67-3206; Filed, Mar. 21, 1967; 12:59 p.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 987]

[Docket No. AO 269-A4]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Notice of Hearing With Respect to Proposed Amendment of the Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Indio Chamber of Commerce Building, Corner of Arabia and Highway 111, Indio, Calif., beginning at 9:30 a.m., P.s.t., April 12, 1967, with respect to a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions which relate to the proposed amendment, hereinafter set forth, and to any appropriate modifications thereof.

The Date Administrative Committee, the administrative agency established pursuant to the amended marketing agreement and order, submitted the following amendatory proposals and requested a hearing thereon:

DEFINITIONS

1. Revise § 987.8 to read:

§ 987.8 Handler.

"Handler" means any person handling dates which have not been inspected and certified for handling in the hands of a previous holder and any person handling dates who is a repacker of dates which have been so inspected and certified: *Provided,* That for the purposes of §§ 987.22 and 987.24 a person shall qualify as a handler only if he has acquired the dates directly from producers.

2. Add a new section, § 987.8a, as follows:

§ 987.8a Repacker.

"Repacker" means any wholesaler, jobber, or other person who packages dates in containers other than those in which he receives them.

DATE ADMINISTRATIVE COMMITTEE

3. Revise §§ 987.21 and 987.22 to read:

§ 987.21 Establishment of Date Administrative Committee.

A Date Administrative Committee composed of seven members is hereby established to administer the terms and conditions of this part: *Provided,* That the number of members may be changed pursuant to § 987.22 (b) and (c). For each member there shall be an alternate member, and the provisions of this part applicable to the number, nomination, and selection of members shall also apply to the number, nomination, and selection of alternate members.

§ 987.22 Membership representation.

(a) Members shall be selected by the Secretary from the following groups:

(1) The group comprised of (i) handlers each of whom produced during the then current crop year through February at least 51 percent of all the dates handled by him during such period, and (ii) producers each of whom delivered to such handlers during such period at least 50 percent of his deliveries to all handlers during the period.

(2) The group comprised of cooperative marketing associations.

(3) The group comprised of all other handlers and producers.

(b) Each such group shall have, for each term of office, one member for each 14.28 percent of the tonnage it handled of the total tonnage handled by all such groups through February of the crop year in which the selection occurs: *Provided,* That each group shall have at least one member. In computing the number of members for a group, the group may have, in addition to one member for each full 14.28 percent, one member for any remaining fractional part more than one-half of the basic 14.28 percent. To provide for a member for any such fractional part and at least one member for each group, the Secretary may increase the total number of members of the Committee beyond seven. When either group specified in paragraphs (a) (1) and (3) of this section is entitled to an even number of members, one-half of the members shall be handler members and one-half shall be producer members. When any group is entitled to an odd number of members other than one, there shall be one more producer member than handler members. At least one of the members for the group specified in paragraph (a) (2) of this section shall be an employee of a cooperative marketing association in such group and serve as a handler member, and the remainder of the members for the group shall be producer members of such associations.

(c) The members of the Committee serving on the effective date of this amended subpart shall, subject to the limitations in § 987.25, continue to serve during the remainder of the term of office ending May 14, 1968, and as provided in § 987.23. The number of members provided for each of the various groups on such effective date (i.e., one member for the group specified in paragraph (a) (1) of this section, five members for the group specified in paragraph (a) (2) of this section, and one member for the group specified in paragraph (a) (3) of this section) shall continue applicable so long as such numbers meet the requirements prescribed in paragraph (b) of this section. Whenever a change of representation is required for the ensuing term of office, the Secretary shall, on the basis of information submitted by the Committee and other available information, revise the representation consistent with the provisions of paragraph (b) of this section.

4. Revise § 987.24 to read:

§ 987.24 Nomination and selection.

(a) Each group specified in § 987.22(a) may nominate, at a nomination meeting or meetings held during each crop year on or before April 15, nominees for members to represent the group during the ensuing term of office. For any group specified in § 987.22(a) (1) and (3) entitled to more than one member, separate meetings of producers and of handlers shall be held. For any such group not entitled to more than one member, joint meetings of producers and handlers shall be held. In any of such meetings each producer and each handler shall be entitled to one vote for each position to be filled, and the individual receiving the highest number of votes for the position shall be the nominee. Whenever there is more than one cooperative marketing association in the group specified in § 987.22(a) (2), the associations shall jointly select their nominees and in case of lack of agreement the vote for each position shall be weighted by the tonnage of dates each cooperative acquired from producers and had certified for handling or for further processing during the then current crop year through February.

(b) Immediately after the completion of the meetings covered by this section, the Committee shall report to the Secretary the nominees for each position together with a certificate of all necessary tonnage data and other information deemed by the Committee to be pertinent or which is requested by the Secretary. The Secretary shall select, in his discretion, members and alternates from such nominees or from other qualified persons; but any such selection shall be from the groups, and on the basis, prescribed in § 987.22. However, the Sec-

retary shall allow a reasonable time for nominations to be received before proceeding with any selection without regard to nominations.

MARKET DEVELOPMENT

5. Revise § 987.33 to read:

§ 987.33 Research and promotion.

(a) Prior to September 1 of each crop year, the Committee may establish, with the approval of the Secretary, such marketing research and development program, including paid advertising, to be paid from funds collected pursuant to § 987.72, as it concludes will tend to carry out the objectives of the Act. In so concluding, the Committee shall give consideration to at least the following factors:

(1) Whether the indicated supply exceeds demand for dates in whole or pitted form and in product outlets and the activity needed to increase disappearance in one or more outlets;

(2) The threat of competitive supplies and whether activity is needed to retain existing outlets;

(3) In view of producer return objectives and the promotion levy being on handlers, the ability (i) to increase market prices or (ii) to so increase income from an outlet, or the volume sold therein, as to offset costs charged against producers;

(4) The ability of the Committee to supplement the brand promotion of handlers;

(5) The need for marketing research on which to base any market development activity; and

(6) The need for a coordinated effort with USDA's Plentiful Foods Program.

(b) If the Committee should conclude that a program of marketing research or development should be undertaken, or continued, in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendation as to the funds to be obtained pursuant to § 987.72;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

GRADE REGULATION

6. Insert before the period at the end of the first sentence of § 987.39: "for any variety of dates".

QUALIFICATIONS TO REGULATION

7. Revise § 987.51 to read:

§ 987.51 Interhandler transfers.

Transfers of dates may be made from one handler to another, and each handler who so transfers any dates shall immediately upon completion of the particular transfer notify the Committee of the transfer, specifying the date of the transfer, the category of certification of the dates, the pack (container size), the quantity, and variety of the dates involved, and the name of the receiving handler. If the transfer is wholly within the area of production and the dates are certified for handling, the assessment and withholding obligations shall be on the handler transferring the dates; if the dates are not so certified, such obligations shall be on the handler agreeing to assume them: *Provided*, That in the absence of the Committee receiving notice of a specific agreement on any such obligation, the receiving handler shall be held accountable. If the transfer is from within the area of production to any point outside thereof, the assessment and withholding obligations shall be met by the handler within the area of production. Reinspection of free dates certified for handling shall be waived following any repacking by a repacker except when such certified dates are pitted or otherwise processed prior to such repacking. The repacker shall comply with the identification, container, and reporting requirements applicable to the handling of packed dates: *Provided*, That, with respect to dates certified for handling, the Committee may, with the approval of the Secretary, waive any such requirements for repackers located outside of the production area.

8. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to the amendment which may result from this hearing.

Copies of this notice may be obtained from the Date Administrative Committee, 81–855 Highway 111, Room 2–G, Indio, Calif. 92201, or the Los Angeles Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, 1031 South Broadway, Los Angeles, Calif. 90015.

Dated: March 20, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3219; Filed, Mar. 22, 1967; 8:50 a.m.]

[7 CFR Part 1047]

[Docket No. AO 33–A35]

MILK IN FORT WAYNE, IND., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fort Wayne, Indiana, on February 9, 1967, pursuant to notice thereof issued on January 27, 1967 (32 F.R. 1132).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs on March 7, 1967 (32 F.R. 3992; F.R. Doc. 67–2719), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing relates to a proposed reduction in the rate of "take-out" prescribed in the "Louisville plan" of seasonal pricing.

Findings and conclusions. The Louisville seasonal pricing plan "take-out" rate should be reduced to 20 cents per hundredweight of producer milk in April and 25 cents for each of the months of May and June.

The order presently provides for the withholding from the computation of the uniform price for each of the months of April, May, and June an amount equal to eight percent of the Class I price multiplied by the total hundredweight of producer milk. One-third of the total amount withheld is then added in computing uniform prices for each of the months of September, October, and November for "pay-back" to producers delivering milk to regulated plants in these months. The purpose of the seasonal incentive price plan is to induce dairy farmers on the market to increase fall production in relation to spring production, thus encouraging a more even pattern of milk deliveries throughout the year.

Two cooperative associations, representing a large majority of the producers on the market, proposed the reduction in the rate of "take-out" during the months of April, May, and June adopted herein. Proponents stated it is imperative that the seasonal price differences between this market and other Federal order markets in Ohio be reduced by changing the rate of withholding under the seasonal incentive plan. Proponents of the reduced rate of "take-out," however, proposed no change in the division of the accumulated funds over the three "pay-back" months.

Proponents pointed out that producers leave, or may be removed from, the market in April, May, and June to avoid the high rate of "take-out" and return to the market during the "pay-back" months of September, October, and November. This shifting is possible, in part, because one of the cooperatives has producer members shipping to at least three Federal order markets. It was proponents' position that unless the rate is reduced the unsettling disturbances to market supplies caused during the past year by the shifting of producers from market to market would continue.

Proponents object to continuing the rate of "take-out" as a percentage of the Class I price because the Class I price has increased in recent periods, thus increasing the "take-out," and because of the uncertainty of the amount to be involved. It was their position that sufficient improvement in the seasonal production of milk has been accomplished to warrant some reduction in the rate of "take-out." In addition, they contended that there would be added price stability from fixing a definite amount to be deducted from producers' blend prices in the three "take-out" months, thus aiding producers in future production plans. They pointed out also that the proposed rate is similar to that under the Louisville plans for the Dayton-Springfield and Greater Cincinnati markets and that the reduced rate proposed would result in improved price relationships with these and other neighboring markets.

The cooperatives' proposed rate of "take-out" of 20 cents per hundredweight of producer milk in April and 25 cents in May and June should be adopted.

The 13 Indiana counties of the Fort Wayne supply area are a common milk supply area for at least eight Federal order markets. Thus, there is considerable overlapping of the Fort Wayne supply area with those of other markets. Eleven of the same 13 counties also are part of the Fort Wayne marketing area. The rather uniform health requirements in these competing markets, together with improved roads and transportation facilities for moving milk over greater distances, have made it readily possible for dairy farmers to shift, or be shifted, among these markets, often on a temporary basis, to obtain the highest price for their milk.

During the five-year period (1961–65) the rate of "take-out" approximated 35 cents per hundredweight of milk for each of the months of April, May, and June. The rate of "take-out" in May and June 1966 averaged about 39 cents, and at present Class I price levels could reach 44 cents in April, May, and June 1967. It is apparent that these relatively high rates of "take-out" contribute to substantial differences in blend prices among the several markets not strictly related to differences in market utilization or the relative needs of the markets for milk supplies. They constitute an inducement to the Fort Wayne producer or his organization to shift milk among markets on a month-to-month basis in an effort to maximize returns. There is reason to believe also that, to some extent at least, the higher rate of withholding in Fort Wayne has provided a significant procurement advantage for Northeastern Ohio and Greater Cincinnati order handlers in the "take-out" months.

While the major objective of the Louisville plan is not to establish intermarket alinement of blend prices, it should not be permitted to cause such misalinement of blend prices that uneconomic movements will take place or that it will tend to diminish needed market supplies. Reduction of the "take-out" rate will better enable this market to retain the necessary year-round supplies of milk. At the present time, supplies and sales are reasonably related, as indicated by the average utilization of producer milk in Class I milk of 73 percent for 1966. (Official notice is taken of the Market Administrator's statistical announcement for December 1966.)

The blend prices resulting from more uniform amounts of seasonal price changes provided under the several orders in this area also will give producers in the overlapping supply areas a clearer guide as to the market where the need for milk is greatest. Thus, orderly marketing conditions will be promoted.

Had the proposed rate of "take-out" been effective, the average blend price for April, May, and June 1966 would have been $4.35 as compared to the Northeastern Ohio blend price of $4.53, Dayton-Springfield $4.37, Greater Cincinnati $4.29, and Northwestern Ohio $4.65. Under normal operation of present order provisions, the Fort Wayne blend price would have averaged $4.19 in April–June 1966. However, the blend price actually averaged $4.32 for such 3 months in 1966 because the "take-out" was suspended for the month of April in 1966 thus increasing the price in such months. While hauling rates to these various markets from the Fort Wayne area differ somewhat, it can be expected that the resulting blend prices will result in a more stable supply situation in the Fort Wayne market.

Very similar blend price relationships among these markets would have prevailed for the corresponding three months of 1965, under the same conditions. Under the amendment adopted herein the Fort Wayne blend price would have averaged $3.83 as compared to the Northeastern Ohio blend price of $3.95, Dayton-Springfield $3.98, Greater Cincinnati $3.79, and Northwestern Ohio $3.99. The announced Fort Wayne blend prices for such months averaged $3.71. Thus, the proposed lesser "take-out" rate would have brought the Fort Wayne blend into closer relationship to the other markets.

Since the recommended rate of "take-out" will result in a reduction in accumulated funds during the spring "take-out" period, it will result in a lesser amount paid back during the fall months. Under the amendment adopted the rate of "pay-back" per hundredweight of producer milk for the months of September, October and November 1966 would have closely approximated the actual average of 24 cents per hundredweight paid to producers for such months inasmuch as the "take-out" period was limited to May and June 1966, through suspension of this provision for April 1966.

If the proposed amendments had been effective during the three "pay-back" months of September, October, and November, 1966, the average blend price would have been $5.49 as compared to the Northeastern Ohio blend price of $5.43, Dayton-Springfield $5.77, Greater Cincinnati $5.61, and the Northwestern Ohio $5.38. Under the present order provisions and in the absence of the suspension of the "take-out" in April 1966, the blend price would have averaged $5.62.

For the same three months of 1965, the Fort Wayne blend price would have averaged about $4.56, as compared to the Northeastern Ohio blend price of $4.49, Dayton-Springfield $4.79, Greater Cincinnati $4.81, and Northwestern Ohio $4.47.

There were no proposals to maintain the present rate of deduction under the Louisville plan. However, one dairy farmer shipping milk from one farm to a plant regulated by the Northwestern Indiana order and from a second farm to a plant regulated by the Fort Wayne order recommended elimination of the Louisville plan. In support of his proposal, he compared seasonal production changes and producer numbers on the Southern Michigan market to those of the Fort Wayne market.

There was no evidence that any substantial number of producers in the Fort Wayne production area ship to plants regulated by the Southern Michigan order or that the two markets strongly compete for supplies. Moreover, the situation in the Southern Michigan market is significantly different from the Fort Wayne market since for many years the Southern Michigan market has employed a base-excess plan of payment to producers to accomplish evenness of producer deliveries throughout the year. This comparison of markets using different seasonal pricing plans does not provide sufficient indication that the Louisville plan is no longer a necessary feature of pricing in the Fort Wayne market. The proposal to eliminate the plan, therefore, is denied.

Proponent cooperatives proposed that the reduced rate of "take-out" should apply also for those dairy farmers delivering milk to any partially regulated handler who elects, as provided by the order, to pay such dairy farmers the full classified use value of his milk.

The cooperatives' representative stated that there has been no change in the basis for applying the Louisville plan in such instances as set forth in the Assistant Secretary's April 30, 1962, decision (27 F.R. 4282), official notice of which is taken. This decision adopted identical rates of "take-out" for dairy farmers delivering milk to both partially regulated and fully regulated handlers. It was the cooperatives' position that this situation warrants continuation of similar treatment even though the rate of "take-out" is reduced. It is concluded, therefore, that the rate of "take-out" as proposed by the proponent cooperatives should apply also for the partially regulated handler.

Rulings on proposed findings and conclusions. The period from the close of the hearing through February 20, 1967, was allowed for the filing of briefs. None were filed.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum

prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions were filed on behalf of interested parties.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Fort Wayne, Ind., Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Fort Wayne, Ind., Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of December 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Fort Wayne, Ind., marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on March 20, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Fort Wayne, Ind., Marketing Area

§ 1047.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Ind., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Fort Wayne, Ind., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on March 7, 1967, and published in the FEDERAL REGISTER on March 11, 1967 (32 F.R. 3992; F.R. Doc. 67-2719), shall be and are the terms and provisions of this order, and are set forth in full herein.

1. In § 1047.62(b)(1), the first proviso of subdivision (i) (b) is changed and paragraph (b)(2) is changed to read as follows:

§ 1047.62 Obligations of handler operating a partially regulated distributing plant.

* * * * * * *

(b) * * *
(1) * * *
(i) * * *
(b) * * *

Provided, That for each of the months of April, May, and June an amount computed by multiplying the total hundredweight of milk received from dairy farmers at such plant by the following amounts: 20 cents in April and 25 cents in May and June, shall be subtracted from the amount computed pursuant to this subdivision:

* * * * * * *

(2) On or before the 17th day after the end of each of the months of April, May, and June for the producer-settlement fund an amount computed by multiplying the total hundredweight of milk received from dairy farmers at such plant by the following amounts: 20 cents in April and 25 cents in May and June;

* * * * * * *

2. In § 1047.71, paragraph (h) is changed to read as follows:

§ 1047.71 Computation of uniform prices.

* * * * * * *

(h) Subtract from the remainder for each of the months of April, May, and June an amount computed by multiplying the total hundredweight of producer milk for such month by the following amounts: 20 cents in April and 25 cents in May and June;

* * * * * * *

[F.R. Doc. 67-3185; Filed, Mar. 22, 1967; 8:48 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

POST OFFICE DEPARTMENT

[39 CFR Part 143]

METERED STAMPS

Manufacture and Distribution of Postage Meters

Notice is hereby given of proposed rule making consisting of a revision of paragraph (c) in § 143.8 of Title 39, Code of Federal Regulations. The proposed revision to paragraph (c) would include specific requirements for the security examination and endurance testing of each model meter proposed for manufacture.

Although the procedures in 39 CFR Part 143 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C 553) in order that patrons of the Postal Service may have an opportunity to submit written data, views, and arguments concerning the proposed revisions. Such written comments may be submitted to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260 at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, it is proposed that paragraph (c) of § 143.8 read as follows:

§ 143.8 Manufacture and distribution of postage meters.

* * * * * * *

(c) *Testing and approval.*—(1) *Submission of each model.* Each model meter proposed for manufacture must be approved by the Bureau of Operations, Post Office Department, after being tested by the National Bureau of Standards, or the Post Office Department Laboratory, at the expense of the manufacturer. A preliminary working model which meets the specifications in paragraph (b) of this section may be submitted for tentative approval. No meters of any model may be distributed or used for payment of postage until a complete unit made to production drawings and specifications has been submitted, tested, and approved, except as may be specifically authorized for preliminary field testing.

(2) *Security examination.* Each model meter proposed for manufacture will be examined to see that it incorporates all the mechanical features and safeguards required by paragraph (b) of this section and that it amply protects the Post Office Department against loss of revenue.

(3) *Endurance test.* Each model of meter proposed for manufacture must pass without error or breakdown the following-described printing cycle endurance test which includes operation of the printing mechanism with proper registration of the selected postage value in both the ascending and descending registers:

(i) (a) For meters that operate at 100 or more printing cycles per minute—4 million cycles.

(b) For meters that operate at less than 100 printing cycles per minute (and cannot be used interchangeably on power base machines that operate at 100 or more printing cycles per minute)—2 million cycles.

(ii) For multi- and omni-denomination meters, postage value selection elements shall be tested for one-half million operations. A complete operation includes selection of a value and return to zero.

(iii) Balance register lockout operation shall be performed at the start of, at intervals during, and at the end of the printing cycle test.

(4) *Approval.* The Department reserves the right before approval to require additional examination and testing as necessary to resolve any areas of doubt regarding the security or endurance characteristics of any meter which is proposed for manufacture.

(5) *Deposit of specimen meter.* One production model of each meter approved must be deposited with the Bureau of Operations, Post Office Department, and no changes affecting the basic features or safeguards may be made thereafter without departmental approval.

(6) *Tests after approval.* Additional meters from current manufacture must be submitted to the National Bureau of Standards, or the Post Office Department Laboratory, for test, at the expense of the manufacturer, as may be requested by the Bureau of Operations, Post Office Department.

* * * * * * *

NOTE: The corresponding Postal Manual section is 143.83. (5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

MARCH 20, 1967.

[F.R. Doc. 67-3192; Filed, Mar. 22, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18273]

[14 CFR Parts 288, 399]

EXEMPTION OF AIR CARRIERS FOR MILITARY CHARTERS AND SUBSTITUTE SERVICE

Notice of Proposed Rule Making

MARCH 15, 1967.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Parts 288 and 399 of the regulations to set new minimum rates for military transportation, to provide a blanket exemption for the performance of military charter services, and to incorporate minimum rates for Logair and Quicktrans charters (now in Part 399) in Part 288. The principal features of the proposed amendments are explained in the attached Explanatory Statement, and the text of the proposed amendments is also attached. The amendments are proposed under authority of sections 204, 403, 404, 416, and 1002 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, 760, 771, 788, as amended; 49 U.S.C. 1324, 1373, 1374, 1386, 1482), and 5 U.S.C. 552 (80 Stat. 383).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addresed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before April 7, 1967, will be considered by the Board before taking action. In view of the importance of establishing new minimum rates for military charters before the award of the fiscal year 1968 contracts by the Department of Defense, the Board does not anticipate granting requests for extenisons of time for submitting comments. Copies of communications will be available for examination by interested persons upon receipt in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. The Board is herein proposing changes in the minimum rates for the air transportation of military traffic. As in previous reviews of these minimum rates, the air carriers having contracts for such service have submitted cost data and they and the Department of Defense (DOD) have made recommendations as to the appropriate minimum-rate levels applicable to each type of service. The proposals herein are based upon our analysis of these submissions.

The Board's regulations concerning exemptions for the performance of charter services for the Department of Defense are set forth in Part 288 of the Economic Regulations and in § 399.16 of the Statements of General Policy. In the case of charters called for on short notice and involving stops outside the 48 contiguous States, a blanket exemption conditioned upon the observance of a schedule of minimum rates is stated in Part 288. However, the great bulk of foreign and overseas charters, or so-called "Category B services," are not performed under short-notice contracts but rather under contracts negotiated annually covering all services to be performed during the ensuing fiscal year. Generally speaking, exemptions to perform these military contracts have been granted annually upon application of individual air carriers, and the exemptions are conditioned upon observance of the minimum rates prescribed in Part 288. Similar exemptions for the performance of Logair and Quicktrans domestic cargo charters are conditioned upon observance of the minimum rates for these services set forth in § 399.16(c).

In addition to the changes in the minimum rates proposed herein, we also propose to incorporate all these exemption and minimum-rate provisions in Part 288 and to grant a blanket exemption from section 403 of the Act for all military charter services presently covered by the minimum-rate conditions of Part 288 and §§ 399.16 (b) and (c).[1] The proposed blanket exemption would relieve the carriers from the present requirements for filing individual applications for exemptions to perform military charter services under contract with DOD for which minimum rates have been prescribed by the Board.[2]

With respect to the minimum rates, changes are proposed not only in the charter rates but also in the minimum rates for the transportation of Category A and Z individually ticketed and waybilled military traffic on scheduled flights (§ 399.16(e)).

[1] The proposed reissued Part 288 would also delete obsolete provisions and incorporate minor technical amendments. For example, the definition of "supplemental air carrier" has been deleted, other definitions have been added, and "substitute service" has been expanded to cover all the exempted services. Likewise, the scope of the exemption has been broadened to cover the added services. The title of Part 288 is changed, and §§ 399.16 (b) and (c) are proposed to be deleted. The sections have also been renumbered in Part 288 and clarifying amendments made.

[2] Individual applications for exemption from section 401 and/or section 403 of the Act would continue to be accepted for the performance of services for the Department of Defense that are not covered by the reissued Part 288.

Category B forecast costs. The bases used for costing international military charter services in this review are the same as those used in past reviews. Each significant contractor in fiscal year 1966 which was party to a contract covering fiscal year 1967 responded to a request to supply its reported experience for the 12 months ending June 30, 1966, and forecast costs for each aircraft type it proposed to commit to DOD service in fiscal year 1968. For types not operated in fiscal 1966, forecasts were prepared predicated on the best available information. The reported data were adjusted by the carriers themselves, first to take account of out-of-period items and accounting revisions, to eliminate flight-equipment rentals and substitute constructive ownership for leased aircraft, and to reflect (with exceptions) Board service lives and residuals. Secondly, the costs were adjusted to take account of the peculiar conditions of DOD service affecting cost, and finally to project costs for fiscal 1968 by annualizing cost increases that have occurred since June 30, 1966, and reflecting known future cost increases and estimated utilization changes which will have an impact on fiscal year 1968 DOD operations.

DOD has submitted an extensive analysis of the individual carrier submissions and proposed a substantial number of adjustments in the carrier cost submissions. It alleges that the adjustments recommended by it are, for the most part, consistent with costing policies established by the Board in past minimum rate reviews. However, of major significance is the fact that DOD is urging, as it did last year, that the Board analyze indirect cost accounts[3] and make a determination that the bulk of such costs are fixed and only the remainder are responsive to changes in the scale of operation. It argues that, to the extent that expanded DOD operations are projected for next year, economies in the aircraft and traffic servicing and burden functional accounts should be assumed in proportion to the extent to which such accounts are determined not to be responsive to an increased scale of operation.

The Board has subjected the submissions of both DOD and the carriers to an independent analysis. For Category B services, the adjustments which it has made to the carrier data are reflected in detail in Appendixes A and B. As previously indicated, the costing principles employed here are consistent with those enunciated in past rate reviews.

Aircraft utilization has been based on either the carriers' forecasts or their system experience for fiscal 1966, whichever is higher. In some cases utilization reported in Form 41 has been adjusted to reflect DOD noncommercial backhauls as having been put to revenue use, thereby showing utilization in excess of that reported in Form 41. The weighted average daily utilization used herein is 11.86 hours for passenger services, 11.89 for jet cargo services, and 11.69 for turboprop cargo services.

Depreciation expense has been uniformly based on service lives of 12 years with a 15-percent residual in the case of turbojets, and 10 years and 15 percent in the case of turboprop aircraft. A uniform return element of 9 percent on investment after income taxes has been allowed and interest expense reflected as a tax deduction.

General and administrative expense has been allowed either on the basis of the carriers' forecast or the historical system ratio to other cash costs, whichever is lower. The Board has not divided indirect costs into fixed and variable portions as urged by DOD. DOD has supported its allegation that a portion of these costs is fixed in nature only with subjective argument. It has not set forth any data of an objective nature supporting its contention that such costs are not responsive to an increased scale of operation. In such circumstances, a departure from a long-established policy is not justified.

Many of the Board's adjustments represent disallowance of carrier allegations that DOD operations are more expensive in some respects than system average costs would indicate and disallowance of alleged future cost increases. Higher than system average costs for DOD services have been allowed only where of material significance and the reasons for and exact extent of such higher costs have been proven by a representative cross-section of carriers. All projected cost increases of an anticipatory nature have been eliminated, and only those which have been definitely substantiated have been allowed.

Category B rates for turbine aircraft. In establishing previous minimum rates, we have obtained average costs by simple averaging and weighting each carrier's costs by the number of aircraft committed to DOD and by the number of Category B passengers or tons of Category B cargo carried, in order that the minimum rates reflect the participation of the carriers in MAC charter operations. DOD suggests a new weighting method for this review which should accomplish that purpose. It has computed passenger and cargo contract award points based upon weighted column I aircraft mobilization and a cost incentive index. Since, according to DOD, the award points for each carrier will represent participation of each carrier in MAC charter contracts, we will accept the proposed weighting for purposes of this notice. For ease of application, we have converted the award points to percentages of total points for turbojet and turboprop aircraft.

The award points and percentages for each carrier and aircraft in passenger and cargo service are as follows:

Carrier and aircraft	DOD award points		Percent distribution	
	Passenger	Cargo	Passenger	Cargo
Airlift:				
DC-8F	17.90	1.75	2.68	0.51
CL-44	------	17.80	------	20.13
Alaska: L-382	------	5.52	------	6.24
Braniff: B-707-300C	58.51	20.66	8.75	6.02
Capitol: DC-8F	25.18	5.20	3.77	1.52
Continental:				
B-707-320C	80.88	39.12	12.10	11.40
Flying Tiger:				
B-707-320C	13.94	36.04	2.09	10.50
CL-44	------	52.42	------	59.30
Northwest:				
B-707-320B/C	83.10	20.99	12.43	6.12
Pan Am:				
B-707-300	41.86	------	6.26	------
B-707-300B/C	63.35	------	9.48	------
B-707-300C	------	126.38	------	36.84
Saturn: DC-8F-61	12.40	8.36	1.86	2.44
Seaboard:				
DC-8F	7.54	57.23	1.13	16.68
CL-44	------	12.67	------	14.33
TCA:				
DC-8F	30.25	------	4.53	------
DC-8F-61	34.60	------	5.18	------
TIA:				
DC-8F	20.73	.22	3.10	.06
DC-8F-61	37.66	.40	5.63	.12
TWA:				
B-707-331B/C	74.73	------	11.18	------
B-707-300C	------	16.74	------	4.88
World: B-707-320C	65.73	9.99	9.83	2.91
Totals:				
Turbojets	668.36	343.08	100.00	100.00
Turboprops	------	88.41	------	100.00

DOD also proposes separate minimum rates for conventional jet, turboprop, and stretched DC-8 aircraft, as well as separate rates for the two types of turboprops (CL-44 and L-382). DOD contends that separate minimum rates are necessary, because allowing the diverse costs of these different aircraft to determine a single rate would provide windfall profits to the operators of the larger jets and allow less than a fully compensatory rate to the turboprop operators.

It has been the Board's policy to maintain rate parity among the various large turbine aircraft in order not to create a competitive imbalance among contractors and equipment. On the other hand, we have previously recognized the difficulty in establishing uniform cargo minimum rates caused by the disparity between the unit costs of turboprop and turbojet aircraft. In addition, higher minimum rates would be justified looking only at turboprop costs, and averaging of turbojet and turboprop costs in fixing the cargo minimum rates would result in reduced returns to the turboprop operators. Further, in the present world situation the turboprops, like the piston aircraft, will continue to be used even at rates higher than those applicable to turbojets. Although we are not completely convinced by the data before us that we should depart from our previous policy with respect to the turboprops, in view of the foregoing considerations we will propose separate uniform cargo minimum rates for the turboprop CL-44 and L-382 aircraft, which have similar cost characteristics.

As to the stretched versions of DC-8 aircraft, which apparently produce somewhat lower unit costs than the conventional jets, the stretched jets will compete with those jets already in service for similar passenger and cargo traffic in the same geographical areas. It has not been our practice to give new versions of jet aircraft a rate advantage over conventional jets already in use. It is recognized that uniform rates result in unequal returns for the various carriers, not only because of differences in their fleets but also because of differences in individual carrier costs for the same type of aircraft. However, the uniform minimum rates for jet aircraft reflect a weighting of costs based upon the participation of each aircraft in passenger and cargo charter service. In the absence of further justification from DOD or the carriers, we are not prepared for purposes of this notice to depart from our previous policy of uniformity of competitive minimum rates for large turbojet aircraft in international military passenger or cargo charter service. Nevertheless, we recognize that there have been significant changes in the financial health of all segments of the industry, and it may well be that the time has come when a differentiated minimum rate structure should be adopted that would achieve better correlation between costs and rates without destructive impact on the carriers involved. In these circumstances, we will give thorough consideration to data and arguments on the question of separate minimum rates for stretched jets before we make our final determination on this issue.

Round-trip passenger charters. Based upon the passenger costs of each carrier set forth in Appendix A [3a] it appears that a reduction in the minimum rates for passenger charters is warranted. The adjusted forecast turbojet round-trip passenger charter costs per passenger-mile of the carriers for fiscal year 1968 are as follows:

Carrier and aircraft	Operating expenses	Return and taxes	Total cost recognized
	Cents	*Cents*	*Cents*
Airlift: DC-8F	1.51	0.32	1.83
Braniff: B-707-300C	1.43	.30	1.73
Capitol: DC-8F	1.56	.45	2.01
Continental: B-707-320C	1.25	.24	1.49
Flying Tiger: B-707-320C	1.46	.37	1.83
Northwest: B-707-320B/C	1.43	.37	1.80
Pan Am:			
B-707-300	1.92	.21	2.13
B-707-300B/C	1.65	.36	2.01
Saturn: DC-8F-61	1.39	.35	1.74
Seaboard: DC-8F	1.61	.32	1.93
TCA:			
DC-8F	1.49	.30	1.79
DC-8F-61	1.24	.26	1.50
TIA:			
DC-8F	1.36	.23	1.59
DC-8F-61	1.17	.29	1.46
TWA: B-707-331B/C	1.57	.30	1.87
World: B-707-320C	1.29	.29	1.58

Weighting each carrier's costs by the DOD passenger award percentages for each aircraft results in an average cost of 1.75 cents per passenger-mile. We therefore propose a minimum turbojet round-trip passenger charter rate of 1.75 cents per passenger-mile, a reduction of 12.5 percent from the present minimum rate of 2 cents per passenger-mile.

[3] Except flight-equipment indirect maintenance.

[3a] Filed as part of original document.

There is no current experience in passenger charters with turboprop aircraft. Taking account of the significantly higher unit costs at which such aircraft operate compared with turbojet unit costs, the Board is aware of no basis for proposing any change in the existing minimum rates applicable to turboprop passenger charters. We therefore propose to retain the current minimum rate for any passenger charters that may be performed with turboprop aircraft.

Round-trip cargo charters. The carriers' adjusted forecast fiscal year 1968 round-trip cargo costs per ton-mile are summarized below from Appendix B:

Carrier and aircraft	Operating expenses	Return and taxes	Total cost recognized
	Cents	*Cents*	*Cents*
Turbojets:			
Airlift: DC-8F	5.59	1.40	6.99
Braniff: B-707-300C	5.24	1.33	6.57
Capitol: DC-8F	5.80	1.98	7.78
Continental: B-707-320C	4.57	1.08	5.65
Flying Tiger: B-707-320C	5.21	1.67	6.88
Northwest: B-707-320B/C	5.09	1.68	6.77
Pam Am: B-707-300C	5.60	1.69	7.29
Saturn: DC-8F-61	5.12	1.68	6.80
Seaboard: DC-8F	5.59	1.42	7.01
TIA:			
DC-8F	5.21	1.04	6.25
DC-8F-61	4.70	1.38	6.08
TWA: B-707-300C	6.75	1.26	8.01
World: B-707-320C	4.77	1.27	6.04
Turboprops:			
Airlift: CL-44	6.84	1.18	8.02
Alaska: L-382	7.20	1.60	8.80
Flying Tiger: CL-44	7.49	1.74	9.23
Seaboard: CL-44	8.17	1.00	9.17

Weighting each carrier's costs by the DOD cargo award percentages for each turbojet aircraft results in an average cost of 6.93 cents per ton-mile for the turbojets. We therefore propose a turbojet minimum round-trip cargo charter rate of 7 cents per ton-mile, a reduction of 22.2 percent from the current minimum rate of 9 cents per ton-mile.

Weighting the turboprop costs by the DOD award percentages results in an average cost of 8.95 cents per ton-mile. We therefore propose to retain the current minimum rate of 9 cents per ton-mile for round-trip cargo charters operated with turboprop aircraft. As noted previously, we are proposing separate rates for the turbojet and turboprop charters which reflect the costs of the two types of aircraft. We will therefore not propose the addition of a differential for operations via a North Pacific routing, since the differential has been applicable to turboprop operations and the turboprop costs include the costs of operating over that routing. Elimination of the differential and retention of the current minimum rate produce about a 3-percent reduction in the round-trip minimum rate for cargo charters performed with turboprop aircraft.

One-way charters. DOD proposes continuation of the 11- and 5-percent cost-saving factors for return empty backhauls for passenger and cargo charters, respectively. Based upon available fiscal year 1966 results, DOD also proposes use of a 7.1-percent factor for one-way passenger commercial revenue backhauls rather than the 10 percent used last year; and 1.2- and 16.4-percent factors for one-way cargo commercial revenue backhauls for turbojet and turboprop aircraft, respectively, rather than the 7-percent factor used last year for cargo.

Attributing an 11-percent cost savings to the backhaul of turbojet one-way passenger charters, and a revenue backhaul factor of 7.1 percent for such charters, as advocated by DOD, appears reasonable, and points to a minimum one-way passenger charter rate of 3.20 cents per passenger-mile, which is proposed herein. DOD's proposed 5-percent backhaul cost savings and 1.2-percent revenue backhaul use for one-way cargo charters with turbojet aircraft also appear reasonable, and produce an average cost for such charters of 13.57 cents per ton-mile, which is proposed herein as the minimum rate. These proposed new minimum rates for turbojet equipment would effect 11- and 20-percent reductions in existing minimum rates applicable to one-way passenger and cargo charters, respectively.

As indicated previously, the Board is aware of no basis for changing the existing minimum rates for passenger charters, either round-trip or one-way, as they apply to turboprop aircraft. We therefore propose to keep the rates for one-way passenger charters using turboprop aircraft at the existing level of 3.60 cents per passenger-mile. In the case of one-way cargo charters with turboprop aircraft, the 16.4-percent revenue backhaul factor advocated by DOD appears to be substantiated by the most recent experience. However, turboprop aircraft are currently operated only for one-way cargo charters, and the experienced costs therefore reflect any cost savings attributable to the ferry backhaul. There appears to be no basis, then, for applying the 5-percent backhaul cost savings advocated by DOD. The indicated cost for turboprop one-way cargo charters on this basis is 16.524 cents per ton-mile. The Board does not, therefore, propose to reduce the existing minimum rate applicable to one-way turboprop cargo charters of 16.95 cents per ton-mile. As explained elsewhere, however, it is proposing elimination of the North Pacific differential, which results in approximately a 3-percent rate reduction, since most, if not all, turboprop charters are operated under such a routing.

Convertible and mixed charters. Convertible and mixed charter minimum rates have been computed on the same basis as used in previous rate reviews. The resulting proposed minimum rates are set forth in the proposed rule.

Charters with small turbine aircraft. In the rate review conducted last year, we established separate minimum rates applicable to the B-727 and CV-880 small turbine aircraft, based upon the substantially smaller capacity and higher unit cost of these aircraft, as well as the expectation that they would normally be used in areas where large turbine air-

craft would not be used.[4] Since these considerations continue to exist, we shall again propose separate minimum rates for these aircraft.[5]

The carriers' adjusted forecast costs per passenger-mile and per ton-mile for B–727 round-trip passenger and cargo charters, as set forth in Appendixes A and B,[5a] are summarized as follows:

Carrier	Total cost recognized	
	Passenger	Cargo
	Cents	*Cents*
Alaska	2.47	11.12
Braniff	2.53	12.62
Southern	2.38	11.70

DOD proposes that separate minimum rates be established for the small turbine aircraft in intra-Alaska service, based upon differences in the costs of service. We will not adopt the proposal, since the adjusted cost data do not support higher rates for B–727 intra-Alaska operations.

DOD has not supplied award points for the B–727 and proposes weighting by the number of aircraft committed to MAC. The simple averages of passenger and cargo costs are 2.46 cents per passenger-mile and 11.81 cents per ton-mile, respectively. Weighting by number of aircraft results in costs of 2.47 cents per passenger-mile and 12.04 cents per cargo ton-mile. These average costs are very near the levels of the current minimum round-trip passenger and cargo charter rates of 2.45 cents per passenger-mile and 11.9 cents per cargo ton-mile, respectively. We therefore propose no changes in minimum rates for charters performed with the B–727 and CV–880 aircraft.

Minimum aircraft loads. DOD recommends minimum aircraft loads of 20.7 tons for the L–382 turboprop; and 219 passengers, 45 tons all-cargo, and 42.5 tons convertible for the DC–8F–61 and DC–8F–63 turbojets. We have previously adopted the 219-passenger/45-ton ACL's for the DC–8F–61, and we propose herein to adopt the other ACL's recommended by DOD.

Category B rates for piston aircraft. DOD recommends that no change be made in the current minimum rates for international charters performed with piston aircraft. Although one carrier proposes minimum rates higher than those presently in effect, the carriers' costs do not appear to have changed significantly since last year, and we will not propose any change in these minimum rates from those established in ER–456.

Standard mileage. DOD recommends that Clark Air Base be deleted from standard transpacific routings 5, 12, and 15 in Schedule A of § 288.7(d)(2) (proposed § 288.10(b)) and that routings 3, 4, 5, and 15 be revised to specify Yokota rather than Tachikawa. DOD states the Clark stop on the North Pacific routing to South Viet-Nam and Thailand should be deleted because the stop was originally established for piston aircraft, is not necessary for jet aircraft where a stop has been made at Japan or Okinawa, and in fact is not being made by jet aircraft. DOD proposes that Yokota replace Tachikawa as the standard routing point in Japan because Tachikawa is not used by long-range jet aircraft and Yokota is more centrally located to the three primary transit points of Tachikawa, Yokota, and Tokyo International Airport.

We shall adopt the DOD proposal, subject to further consideration upon receiving carrier comments. The proposal would result in the elimination of routings 5, 12, and 15, since these routings would be the same as proposed routings 4, 1, and 3, respectively. The remaining routings are also renumbered in the proposed schedule.

Category A and Z rates. The Board has generally maintained parity between individually ticketed (Category A and Z) and one-way charter (Category B) minimum rates for military passengers.[6] Minimum rates for Category A cargo, on the other hand, have generally been somewhat below the Category B one-way charter rate. The last major reduction in the Category A cargo rate was accomplished in 1965, at which time the two-part minimum rate was adopted. In the peak direction a relatively low rate of 12 cents per ton-mile was established for only the first four pallets per flight. The four-pallet limitation was meant to assure that such low-rated traffic would not ordinarily occupy space that might frequently be required to accommodate higher-rated traffic. Pallets in excess of four per flight were rated at the same level as cargo moving on one-way Category B charters.[7] In the review conducted last year no change was made in the 12-cent rate applying to the first four pallets, but the rate applicable to pallets in excess of four was reduced to coincide with the new lower one-way Category B rate established. Thus, the tendency in recent years has been to relate the Category A cargo rate in part to the Category B one-way cargo charter rate.

DOD proposes that no separate minimum rates be set for Category A or Z traffic but that the Category B rates apply. Since it is not clear what Category B rates would be applied or how the DOD proposal would be administered, we will not adopt the proposal.

On the basis of the foregoing, the Board proposes that the minimum rate for Category A and Z military passengers continue to be equated with the rate applying on one-way Category B passenger charters. Thus, the current rate of 3.60 cents per passenger-mile would be reduced by 11 percent to 3.20 cents per passenger-mile.[8]

Adherence to past practice in the case of the Category A cargo would point to an outbound minimum rate below the present 12 cents per ton-mile for the first four pallets per flight and a rate of 13.57 cents per ton-mile, the proposed one-way Category B cargo minimum, for pallets in excess of four. However, the dual-element Category A rate structure has resulted in administrative and tariff complexities; and, if there is no economic basis for its retention, we believe it should be abandoned. Considering the fact that almost all outbound Category A cargo in the Atlantic is now rated at the 12-cent-per-ton-mile four-pallet rate, as well as the demand for outbound cargo capacity in the Pacific and the recent improvement in unit costs of turbojet charters, we have determined to propose uniform minimum rates of 12 cents per ton-mile for all outbound Category A cargo and 10 cents per ton-mile on all inbound Category A cargo.

Logair and Quicktrans charter rates. Six carriers have submitted cost forecasts for Logair and Quicktrans domestic cargo charters.[9] In addition to the aircraft that will continue in these operations in fiscal year 1968 (AW–650, C–46, DC–6A, DC–7BF, and L–1049H), three new types of turbine aircraft (B–727–100C, DC–9–30, and L–100/L–382B) may be used; and use of the CL–44 turboprop will be discontinued. The carrier forecasts and adjustments made by the Board are given in Appendix C. Insufficiently supported anticipatory cost increases have been disallowed, and some adjustments have been made in utilization, depreciation, investment base, and earnings element to conform with previously adopted Board policies, as explained in the footnotes.

For Logair and Quicktrans services performed by DC–6A and AW–650 aircraft, there is currently in effect a uniform minimum rate which was based on the average cost indicated for the services performed by such aircraft. The rate is multielement in structure, consisting of a stop charge of $100 per directed landing and a linehaul rate of $1.1765 per course-flown mile. This rate was estimated to produce an average yield of $1.45 per course-flown mile when established last year.[10] The minimum rates for all other aircraft are stated in the form of single-element plane-mile minimum rates.

Because of the wide variance in the lengths of haul prevailing on the various Logair and Quicktrans route patterns, the Board has determined to propose multielement rates for all aircraft proposed for use in this service and to discontinue equating AW–650 and DC–6A minimum rates by averaging their indicated costs.

The multielement rates for the DC–6A and AW–650 have been based on a stop charge of $100 per directed landing, which was established last year, and which has not been shown to be unreasonable in this review. The linehaul element has been set at a level which will, in conjunction with the $100 stop charge, produce the average cost for each of these types of equipment as shown in Appendix C at their contract stage lengths for fiscal 1967.

In the case of aircraft larger or smaller than the DC–6A and AW–650, the stop charge has been determined by capacity comparisons. The DC–7BF, L–1049H, L–100, and L–382B, each having capacity approximately 160 percent that of the DC–6A or AW–650, have been assigned multielement rates based on a charge of $160 per directed landing. In the same fashion, the rate for the C–46 has been based on a stop charge of $50 per directed landing, and the rates for the DC–9–30 and B–727–100C on stop charges of $150 per directed landing.

The proposed linehaul rates have in all cases been fixed at a level that will produce the weighted average indicated cost for each type of aircraft, as shown in Appendix C,[10a] at the stage lengths indicated when used in conjunction with the stop-charge elements proposed.

The proposed minimum rates for each aircraft are shown below:

Equipment	ACL, tons	Multielement rate—		Average stage length, miles	Yield per mile
		Per landing	Per mile		
DC–6A	12.5	$100	$1.1614	394.3	$1.415
AW–650	12.5	100	1.2702	267.5	1.644
DC–7BF	20.0	160	1.5254	582.7	1.800
L–1049H	20.0	160	1.5254	582.7	1.800
L–100	20.7	160	1.6397	854.0	1.827
L–382B	20.7	160	1.6397	854.0	1.827
DC–9–30	17.5	150	1.5006	444.3	1.839
B–727–100C	18.0	150	1.9021	777.7	2.095
C–46	6.0	50	.7703	286.3	.945

The proposed minimums for the C–46 and AW–650 are significantly higher than those presently in effect. On the other hand, the proposals for the DC–7BF, L–1049H, and DC–6A represent modest reductions in the current minimum rates applicable to those aircraft.

Effective date. The minimum rates currently in effect were established by ER–456 and PS–30, adopted March 29, 1966. The changes effected in Category B charter rates and in rates for individual transportation were made effective April 1, 1966; and those for Logair and Quicktrans became effective July 1, 1966.

We again propose an early effective date for the proposed reduction in minimum rates for Category B and individual military transportation. In view of the magnitude of the reductions proposed and the amount of Government expenditure involved, it would be inequitable to leave these minimum rates at their present level for the remainder of the fiscal year. Even with the reductions in most Category B minimum rates established last year, the carriers have continued to achieve a level of earnings in excess of the rate-of-return standard, principally because of the unforeseen decreases in unit costs achieved by the carriers. These developments materially affect the nature and costs of the services and necessitate reduction of the Category B minimum rates for large turbine aircraft at an early date.

We noted last year that it is desirable, as a general rule, that adjustments of minimum rates not be made effective before final adoption except in the most unusual circumstances. We therefore made the Category B minimum-rate changes effective after the date of the final rule adopted last March. This year, however, considering the continuing prosperity of the carriers and the public interest in reducing defense costs, the Board will consider making the minimum Category A, B, X, and Z rates finally adopted in this proceeding effective as of the date of this notice.

The foregoing considerations do not apply to minimum rates for domestic military charters (Logair and Quicktrans), and we propose that the current minimum rates for these services continue in effect for the remainder of fiscal year 1967 and that the proposed new rates be made effective July 1, 1967.

Proposed rules. It is proposed to amend and reissue Part 288 of the Economic Regulations (14 CFR Part 288) and to amend Part 399, Statements of General Policy (14 CFR Part 399), as follows:

1. Amend and reissue Part 288 to read as follows:

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY CHARTERS AND SUBSTITUTE SERVICE

Subpart A—General

Sec.
288.1 Definitions.
288.2 Applicability.

Subpart B—Exemption, Conditions, and Requirements

288.5 Exemption.
288.6 Scope of exemption.
288.7 Reasonable level of compensation.
288.8 Minimum aircraft loads.
288.9 Round-trip services.
288.10 Computation of passenger-miles and cargo ton-miles.
288.11 On-loading and off-loading of traffic.
288.12 Application for other relief.

Subpart C—Enforcement

288.15 Violations.

Subpart D—Duration

288.18 Expiration.

Subpart A—General

§ 288.1 Definitions.

As used in this part:

"Act" means the Federal Aviation Act of 1958, as amended.

"Air carrier" means a citizen of the United States holding economic operating authority to engage in air transportation as a direct air carrier with large aircraft, other than the authority conferred by this part.

"Charter service" means air transportation in planeload lots of persons and/or property pursuant to contracts with DOD, and includes Logair and Quicktrans services.

"DOD" means the Department of Defense.

"Large aircraft" means an aircraft of more than 12,500 pounds certified maximum takeoff weight.

"Logair" means all-cargo charter service over interstate routes principally between Air Force installations pursuant to contracts with DOD.

"North Pacific routing" means a route between a point in the 48 contiguous States and Japan via Alaska.

"Quicktrans" means all-cargo charter service over interstate routes principally between Navy installations pursuant to contracts with DOD.

"Substitute service" means the performance by an air carrier of air transportation in planeload lots pursuant to an agreement with another air carrier to fulfill such other air carrier's contractual obligation to perform such air transportation for DOD and when the performance of such air transportation is not to take place during a period longer than 3 weeks. All terms defined in the Act and not otherwise defined in this part are used in the sense of their statutory definitions.

§ 288.2 Applicability.

This part applies to charter service and substitute service by air carriers holding economic authority from the Board to provide air transportation of persons and/or property by the use of large aircraft and which have contract-

[4] ER–456, Mar. 29, 1966.

[5] Although no carrier has proposed to use the CV–880 in MAC charter service in the coming fiscal year, we propose that the B–727 minimum rates continue to be applied to this similar aircraft.

[5a] Filed as part of original document.

[6] Individually ticketed military passengers are classified as either Category A or Z. The distinction between Category A and Z has significance mainly in terms of the internal traffic management functions within DOD. Category A traffic is managed and controlled by MAC, while in the case of Category Z these functions are performed by individual defense agencies. Cargo is classified only as Category A; i.e., military cargo traffic is entirely managed and controlled by MAC.

[7] In the offpeak (inbound) direction, a rate of 10 cents per ton-mile was established for the first four pallets and all pallets in excess of four were rated at the same level as one-way charter cargo. In the review accomplished last year, the four-pallet-per-flight limitation on the 10-cent rate was eliminated in the case of cargo moving in the offpeak direction transpacific.

[8] So-called "Category X" passengers, that is, passengers moving in the opposite direction from Category A cargo and in direct proportion to the volume of such cargo, now may be transported at the round-trip charter rate provided they are moved in planeload lots. The Board proposes no change in this policy.

[9] Airlift International, Alaska Airlines, Overseas National Airways, Saturn Airways, Universal Airlines (formerly Zantop Air Transport), and World Airways.

[10] PS–30 (Mar. 29, 1966).

[10a] Filed as part of original document.

ually committed their CRAF aircraft to DOD.

Subpart B—Exemption, Conditions, and Requirements

§ 288.5 Exemption.

Subject to the provisions of this part and the conditions imposed, air carriers which have contractually committed their CRAF aircraft to DOD are hereby exempted from section 403 of the Act and Part 221, § 207.4, § 208.32, and § 295.13 of the Board's Economic Regulations.

§ 288.6 Scope of exemption.

The exemption granted in § 288.5 extends only to transportation of persons and/or property under agreements with DOD for charter service for which minimum rate conditions are prescribed in this part and to substitute service. This authority is in addition to all other authority to engage in air transportation issued by the Board to any air carrier and will not be construed as in any manner limiting such other authority.

§ 288.7 Reasonable level of compensation.

It shall be a condition on the exemption granted by this part that the level of compensation for transportation provided shall not be uneconomically low. In the absence of specific Board approval, the compensation for such services shall not be less than the following:

(a) For foreign and overseas transportation, for transportation between the 48 contiguous States on the one hand and Hawaii or Alaska on the other hand, and for transportation within Alaska, other than specified in paragraph (c) of this section:

(1) Performed with turbine-powered aircraft:

Type of service	Rates for B-727 and CV-880 aircraft	Turbine aircraft other than B-727 and CV-880	
		Turbojets	Turboprops
	Cents	*Cents*	*Cents*
Passenger, per passenger-mile:			
Round trip	2.45	1.75	2.00
One way	4.41	3.20	3.60
Cargo, per ton-mile:			
Round trip	11.90	7.00	9.00
One way	22.40	13.57	16.95
Convertible:			
Passenger leg, per passenger-mile	2.60	1.90	2.15
Cargo leg, per ton-mile	13.70	8.24	10.46
Mixed passenger-cargo, per revenue plane-mile for following number of passengers and pallets:			
Round trip, variable:			
165 and 0		$3.14	
117 and 3		3.03	
105 and 4		3.01	
93 and 5		2.98	
81 and 6		2.95	
63 and 7		2.91	
51 and 8		2.89	
0 and 12		2.78	
Round trip, fixed:			
165 and 0		2.89	
117 and 3		2.79	
105 and 4		2.77	
93 and 5		2.74	
81 and 6		2.72	
63 and 7		2.68	
51 and 8		2.66	
0 and 12		2.56	
One way, variable:			
165 and 0		5.53	
117 and 3		5.43	
105 and 4		5.40	
93 and 5		5.37	
81 and 6		5.35	
63 and 7		5.31	
51 and 8		5.29	
0 and 12		5.18	
One way, fixed:			
165 and 0		5.28	
117 and 3		5.19	
105 and 4		5.16	
93 and 5		5.14	
81 and 6		5.11	
63 and 7		5.08	
51 and 8		5.05	
0 and 12		4.95	
B-727, round trip, variable:			
105 and 0	$2.73		
61 and 2	2.53		
50 and 3	2.48		
46 and 4	2.47		
0 and 7	2.26		
B-727, round trip, fixed:			
105 and 0	2.57		
61 and 2	2.39		
50 and 3	2.35		
46 and 4	2.33		
0 and 7	2.14		
B-727, one way, variable:			
105 and 0	4.79		
61 and 2	4.52		
50 and 3	4.45		
46 and 4	4.42		
0 and 7	4.14		
B-727, one way, fixed:			
105 and 0	4.63		
61 and 2	4.38		
50 and 3	4.32		
46 and 4	4.29		
0 and 7	4.03		
DC-8F-61, -63, round trip, variable:			
219 and 0		4.16	
159 and 5		3.97	
65 and 12		3.66	
47 and 13		3.60	
0 and 18		3.45	
DC-8F-61, -63, round trip, fixed:			
219 and 0		3.83	
159 and 5		3.65	
65 and 12		3.35	
47 and 13		3.30	
0 and 18		3.15	
DC-8F-61, -63, one way, variable:			
219 and 0		7.34	
159 and 5		7.08	
65 and 12		6.67	
47 and 13		6.59	
0 and 18		6.39	
DC-8F-61, -63, one way, fixed:			
219 and 0		7.01	
159 and 5		6.76	
65 and 12		6.37	
47 and 13		6.30	
0 and 18		6.11	

(2) Performed with piston aircraft:

Type of service	Operations in all areas except within Alaska		Rates within Alaska
	Regular rates	Rates for North Pacific routing	
	Cents	*Cents*	*Cents*
Passenger, per passenger-mile:			
Round trip	2.75	2.75	2.89
One way	5.20	5.20	5.46
Cargo, per ton-mile:			
Round trip	12.50	13.00	13.10
One way	25.00	26.00	26.20
Convertible:			
Passenger leg, per passenger-mile	2.75	2.75	2.89
Cargo leg, per ton-mile	15.00	16.00	15.80
Mixed passenger-cargo:			
Round trip, per revenue plane-mile, for following aircraft and number of seats installed at request of DOD:			
DC-6A/B:			
0-2	[1] $1.625		
1-44	[2] 1.96		
45-54	2.01		
55-64	2.11		
65-74	2.22		
75-87	2.35		
88	2.42		
DC-7CF, L-1049/C/E/G/H, L-1649 A/F:			
0-2	[1] 2.25		[1] $2.36
1-47	[2] 2.43		[2] 2.55
48-59	2.45		2.57
60-71	2.50		2.63
72-85	2.55		2.68
86-92	2.59		2.72
93 and over	2.6125		2.74

[1] All-cargo rate applicable on flights designated as all-cargo where limited services for the personnel who may be carried are required under the DOD contract.
[2] Rate applicable on flights designated as mixed where full passenger services are required under the DOD contract.

Provided, That, subject to the provisions of § 288.8, the minimum rates specified in subparagraphs (1) and (2) of this paragraph shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for DOD to supply and the carrier to provide space.

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section, on and after July 1, 1967:

Aircraft type	Linehaul rate per course-flown statute mile	Rate per directed landing
C-46	$0.7703	$50
DC-6A	1.1614	100
AW-650	1.2702	100
DC-7BF/L-1049H	1.5254	160
L-100/L-382B	1.6307	150
DC-9-30	1.6006	150
B-727-100C	1.9021	

(c) The compensation for substitute service shall not be less than that which the prime contractor would have received under his contract with DOD.

§ 288.8 Minimum aircraft loads.

The minimum charges established by § 288.7(a) shall be deemed economic only when the resulting revenues are at least the equivalent of such charges applied to the following minimum loads:

Aircraft type	Number of passengers	Tons of cargo	
	All-passenger and convertible flights	All-cargo flights	Convertible flights
B-707-320-B/C	165	36.5	33.7
B-707-300 series	159		
B-707-100 series	149		
DC-8F-61, -63	219	45	42.5
DC-8F	165	36.5	33.7
DC-8 (50 series)	149		
DC-8 (other)	147		
B-727	105	18	16.5
CV-880	110	18	16.5
CL-44	148	29.35	28
L-382		20.7	
L-1649A	95	18	15
L-1049-C/F/G/H	95	18	15
DC-7-B/C/CF/F	95	18	15
L-1049A	88	15	12
DC-7	88	15	12
DC-6-A/B/C	83	13	12
DC-4	60	8	6

Provided, That, for the purpose of this section, compensation equal to the minimum rate applied to the load that actually can be accommodated shall be considered economic whenever a carrier is prevented from accommodating a load equal to the minimum specified above, for reasons other than adverse weather, off-loading by DOD, or the bulk of the cargo supplied by DOD, but in no event less than 90 percent of the above minimum loads. For purposes of this proviso, failure by the carrier to accommodate more than 12 loaded pallets on the B-707-320B/C and DC-8F aircraft, or 10 loaded pallets on the CL-44 aircraft, irrespective of the total weight thereof, on the all-cargo segment of any convertible charter flight, due to the presence of galley equipment and/or crew facilities on the main deck of the aircraft for use on that convertible charter flight, is deemed to be due to the bulk of the cargo supplied by DOD.

§ 288.9 Round-trip services.

For purposes of this part, round-trip services mean charter services other than Logair and Quicktrans services where: (a) Passengers and/or cargo are transported on two or more successive revenue flights and the last revenue flight terminates within 250 statute miles of the point of origin of the first revenue flight or, by mutual consent of DOD and the carrier, at a point within 250 statute miles of the carrier's principal operating base; (b) the scheduling permits departure within 4 hours after arrival at each point to be served except at one point where the aircraft may be scheduled for departure within 72 hours after arrival: *Provided*, That, on flights serving more than one U.S. departure point, by mutual consent, DOD and the carrier may agree on not more than three points where the aircraft may be scheduled for departure within 72 hours after arrival; and (c) the air carrier operates en route not more than one ferry flight not exceeding 50 statute miles without compensation and not more than one ferry flight not exceeding 1,500 statute miles for compensation equal to not less than 75 per cent of the round-trip cargo rate specified in §§ 288.7 and 288.8 where only cargo is carried on the other portions of the whole trip and for compensation equal to not less than 75 percent of the round-trip all-passenger rate specified in §§ 288.7 and 288.8 in all cases where passengers are carried on any other part of the whole trip.

§ 288.10 Computation of passenger-miles and cargo ton-miles.

(a) *General rule.* For the purpose of this part, the computation of passenger-miles and cargo ton-miles for charter service other than Logair and Quicktrans shall be based on no lesser mileage than the nonstop airport-to-airport distance, in terms of statute miles from the point of origin of the revenue flight to the point of destination of such flight, via such intermediate points as are required to be served by the terms of the DOD contract.

(b) *Transpacific services.* In the case of transpacific services between the 48 contiguous States and points beyond Alaska or Hawaii, the general rule shall not apply but the mileage shall be computed as prescribed in Schedule A incorporated in this paragraph, as follows:

SCHEDULE A—TRANSPACIFIC ROUTINGS

Between	And										
	Thailand	South Viet-Nam	Philippine Islands	Guam	Wake	Hawaii	Formosa	Okinawa	Japan [2]	Alaska
U.S. west coast [1]	7 or 4	7 or 4	6 or 4	6	5	1	12 or 4	6 or 4	6 or 2	1
Alaska	3	3	3				3	3	1	
Japan	1	1	1	1	1	8	1	1		
Okinawa	1	1	1	1	1	8	1			
Formosa	1	1	1	1	10	9				
Hawaii	11	11	8	8	1					
Wake	1	1	1	1						
Guam	1	1	1							
Philippine Islands	1	1								
South Viet-Nam	1	1								

Routings

1. Direct.
2. Via Anchorage.
3. Via Yokota.
4. Via Anchorage—Yokota.
5. Via Honolulu.
6. Via Honolulu-Wake.
7. Via Honolulu-Wake-Clark.
8. Via Wake.
9. Via Wake-Guam.
10. Via Guam.
11. Via Wake-Clark.
12. Via Honolulu-Wake-Guam.

NOTE: Alternative routings 6, 7, and 12 are to be used for calculation of the mileage if DOD requires that an intermediate point along the mid-Pacific route be served.

[1] Any place in the State of California, Oregon, or Washington.
[2] For services to and from Japan, compute mileage to and from Yokota Air Base.

(c) *Transatlantic services.* In the case of transatlantic services, when the nonstop airport-to-airport distance between origin and destination of the flight is 4,000 miles or more and no intermediate points are specified by the terms of the DOD contract, the mileage shall be no less than as computed via Shannon, Ireland, or via Lajes/Santa Maria, Azores, whichever routing yields a lower mileage.

§ 288.11 On-loading and off-loading of traffic.

It shall not be deemed a violation of the provisions of this part for an air carrier operating a charter flight to permit DOD to on-load and/or off-load traffic (passenger or cargo) at any operational stops en route made for the carrier's convenience, to the extent that it does not interfere with the carrier's scheduled ground operation: *Provided*, That the carrier receives minimum compensation consistent with the provisions of this part for resulting load carried on any flight stage which is in excess of the load paid for under the contract.

§ 288.12 Application for other relief.

Air carriers may make timely applications for authority to engage in air transportation for the military establishment not covered by this part, including relief from any limitation or requirement imposed by this part. Such applications shall be governed by the provisions contained in Part 302, Subparts A and D of this chapter.

Subpart C—Enforcement

§ 288.15 Violations.

Operations by any carrier for the military establishment which are not within the scope of such carrier's basic authority or of this part or of other authority granted by the Board prior to the time such operations are undertaken, or noncompliance with any applicable requirements, conditions, or limitations in this part constitute violations of the Federal Aviation Act of 1958 and will render the offending air carrier subject to imposition of lawful sanction, including in proper cases criminal prosecution under section 902(a) of the Act.

Subpart D—Duration

§ 288.18 Expiration.

(a) This part shall expire June 30, 1968, unless rescinded by the Board at an earlier date. The Board reserves the right to rescind this part or any pro-

vision thereof at any time, with or without notice or hearing, as the public interest may require.

(b) The transportation services performed pursuant to the authorization granted in this part do not constitute an activity of a continuing nature within the meaning of 5 U.S.C. section 558(c).

2. In Part 399, amend § 399.16 to read as follows:

§ 399.16 Military exemptions.

* * * * *

(b) [Deleted]

(c) [Deleted]

(d) The minimum charges considered fair and reasonable for the transportation of Category X passengers carried pursuant to the option provisions of MAC contracts in the direction opposite to individually waybilled cargo (Category A) will be 1.75 cents per passenger-mile: *Provided*, That such passengers shall be carried only in planeloads.

(e) The minimum charges considered fair and reasonable for the transportation of individually ticketed passengers (Categories A and Z) and individually waybilled cargo (Category A) in foreign and overseas air transportation and in air transportation between the 48 contiguous States on the one hand and Hawaii or Alaska on the other hand will be as follows:

(1) Passengers, 3.20 cents per passenger-mile.

(2) Cargo:

Outbound, 12 cents per ton-mile.
Inbound, 10 cents per ton-mile.

* * * * *

[F.R. Doc. 67-3055; Filed, Mar. 22, 1967; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Airworthiness Directive No. 67-WE-9-AD]

AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 707 and 720 Series airplanes. There have been reports of water seepage from the water connections to the electrical connections in the water and electrical galley supply boxes on Boeing Model 707 and 720 Series airplanes that have resulted in fires. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require periodic inspection of the water and electrical galley supply boxes thereof until permanent modifications could be accomplished on Boeing Model 707 and 720 Series airplanes within a period of time specified in the AD.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Airworthiness Directive Number and be submitted in duplicate to the Director, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new Airworthiness Directive:

BOEING. Applies to Boeing Model 707 and 720 Series airplanes.

Compliance required as indicated.

To prevent fires in the water and electrical galley supply boxes due to water seepage, accomplish the following:

a. Within the next 300 hours' time in service after the effective date of this AD and thereafter, within periods not to exceed 300 hours' time in service from the last inspection, visually inspect each water and electrical galley supply box for water entrapment at the electrical connectors located therein.

b. If water is found trapped at an electrical connector, water traps, including but not limited to tubing, clamps, bushings or boots, must be removed or modified in accordance with a method approved by an FAA Air Carrier Maintenance Inspector.

c. Within the next 3,000 hours' time in service after the effective date of this AD, unless already accomplished, modify the water and electrical galley supply box in accordance with the "Accomplishment Instructions" of Boeing Service Bulletin 2428 or FAA-approved revision, or in accordance with a method approved by the Chief, Aircraft Engineering Division, Federal Aviation Agency, Western Region.

d. The inspections required by paragraph (a) may be discontinued when the modification required by paragraph (c) is accomplished.

e. Upon request of the operator, and FAA Air Carrier Maintenance Inspector, subject to prior approval of the Regional Director, FAA, Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

Issued in Los Angeles, Calif., on March 10, 1967.

JOSEPH H. TIPPETS,
Regional Director,
FAA Western Region.

[F.R. Doc. 67-3150; Filed, Mar. 22, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-30]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Peru, Ind., terminal area.

The Peru, Ind., transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface within a 15-mile radius of Bunker Hill AFB, Peru, Ind.; within 8 miles southeast of the Kokomo, Ind., VOR 040° radial extending from the VOR to 12 miles northeast of the VOR; within 5 miles southwest and 8 miles northeast of the Kokomo VOR 131° radial extending from the VOR to 12 miles southeast of the VOR, excluding that airspace within a 12-mile radius of the Marion Municipal Airport, Marion, Ind.; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40°07'00'' N., longitude 86°00'00'' W.; to latitude 40°07'00'' N., longitude 86°33'00'' W., to latitude 41°00'00'' N., longitude 86°33'00'' W.; to latitude 41°00'00'' W., longitude 85°50'00'' W.; to latitude 40°30'00'' N., longitude 85°50'00'' W.; thence to point of beginning, excluding the airspace within a 12-mile radius of the Marion Municipal Airport, Marion, Ind.

A new public-use instrument approach procedure has been developed for the Logansport, Ind., Municipal Airport, utilizing the Kokomo, Ind., VORTAC as a navigational aid. The Kokomo VORTAC is located 18.3 nautical miles SE of the Logansport Municipal Airport. As a result, and having completed a comprehensive review of airspace structural requirements at Peru, Ind., the Federal Aviation Agency proposes to take the following airspace action:

Redesignate the Peru, Ind., transition area as that airspace extending upward from 700 feet above the surface within a 15-mile radius of Bunker Hill AFB, Peru, Ind. (latitude 40°39'38'' N., longitude 86°08'31'' W.); within 8 miles southeast of the Kokomo, Ind., VORTAC 040° radial extending from the VORTAC to 12 miles northeast of the VORTAC; within 5 miles southwest and 8 miles northeast of the Kokomo VORTAC 131° radial extending from the VORTAC to 12 miles southeast of the VORTAC; within a 5-mile radius of Logansport, Ind., Municipal Airport (latitude 40°42'40'' N., longitude 86°22'35'' W.); and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40°07'00'' N., longitude 86°00'00'' W.; to latitude 40°07'00'' N., longitude 86°33'00'' W.; to latitude 41°00'00'' N., longitude 86°33'00'' W.; to latitude 41°00'00'' W., longitude 85°50'00'' W.; to latitude 40°30'00'' N., longitude 85°50'00'' W.; thence to point of beginning, excluding the portion that coincides with the Marion, Ind., transition area.

The proposed 700-foot floor transition area will provide controlled airspace protection for departing and arriving aircraft executing the prescribed instrument approach procedure from and to Logansport Municipal Airport during climb from 700 to 1,200 feet above the surface and during descent from 1,500 to 700 feet above the surface. This proposal will not affect controlled airspace protection that presently exists for departing and arriving aircraft executing prescribed instrument approach procedures from and to Bunker Hill Air Force Base, Ind., and the Kokomo, Ind., Municipal Airport during climb to 1,200 feet above the surface and during descent from 1,500 feet above the surface.

There will be no change in the 1,200-foot floor transition area as presently designated. That portion of the prescribed instrument approach procedure to Logansport Municipal Airport conducted at or above 1,500 feet above the surface will be contained in existing 1,200-foot floor transition area.

The floors of the airways that traverse the proposed transition areas will automatically coincide with the floor of the transition area.

Since a new approach procedure is being established to serve Logansport Municipal Airport, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details of this proposal and the instrument approach procedure which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on March 7, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-3153; Filed, Mar. 22, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-22]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Clintonville, Wis., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Clintonville, Wis., terminal area as a result of the development of a public-use instrument approach procedure to serve the Clintonville, Wis. Municipal Airport, utilizing a city-owned "L/MF" radio beacon as a navigational aid, proposes the following airspace action:

Designate the Clintonville, Wis., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Clintonville Municipal Airport (latitude, 44°36'50'' N., longitude 88°43'50'' W.) and within 2 miles each side of the 145° bearing from Clintonville Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport.

The proposed transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. It will also provide controlled airspace protection for departing aircraft during climb from 700 to 1,200 feet above the surface. That portion of the instrument approach procedure executed at and above 1,500 feet above the surface and the holding pattern area beyond that included in the proposed 700-foot floor transition area are protected by a presently designated 1,200-foot floor transition area.

The floors of the airways which traverse the transition area proposed herein will automatically coincide with the floor of the transition area.

Since a new approach procedure is being established, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details concerning this proposal and the approach procedure which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on March 7, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-3154; Filed, Mar. 22, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-23]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Tri-City, Tenn., and the Hickory and Asheville, N.C., transition areas.

The Tri-City, Hickory, and Asheville transition areas are described in § 71.181 (32 F.R. 2148) and would be altered and/or redescribed as follows:

Tri-City, Tenn. (1,200-foot portion): Add "* * * within the area E of the 30-mile radius circle bounded on the S by V-310, on the E by longitude 81°30'00'' W., and on the NW by V-16; and within the area SE of the 30-mile radius circle, bounded on the W by V-35, on the S by latitude 35°54'00'' N., and on the NE by V-259 * * *."

HICKORY, N.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Hickory Municipal Airport (latitude 35°44'24'' N., longitude 81°23'30'' W.); within 2 miles each side of the Hickory VOR 223° and 058° radials, extending from the 8-mile radius area to 8 miles NE of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the N by V-310, on the E by V-37, on the SE by V-20 and on the SW by V-259, excluding the portion that coincides with the Tri-City transition area.

ASHEVILLE, N.C. (1,200-FOOT PORTION)

And that airspace extending upward from 1,200 feet above the surface bounded by a

line beginning at the intersection of a 25-mile arc centered at Asheville Airport (latitude 35°26'00" N., longitude 82°32'25" W.) and a line 10 miles SW of and parallel to the centerline of V-185, extending clockwise along this arc to a line 7 miles NW of and parallel to the centerline of V-222, thence NE along this line to a line 7 miles SW of and parallel to the centerline of V-259, thence NW along this line to latitude 35°54'00" N., thence E along latitude 35°54'00" N. to the SW boundary of V-259, thence SE along the SW boundary of V-259 to the NW boundary of V-20, thence SW along the NW boundary of V-20 to the N boundary of V-296, thence W along the N boundary of V-296 to the SE boundary of V-222, thence SW along the SE boundary of V-222 to a line 6 miles W of and parallel to the 160° and 340° bearings from the Broad River RBN, thence N along a line 6 miles W of and parallel to the 160° and 340° bearings from the Broad River RBN to a line 10 miles SW of and parallel to the centerline of V-185, thence NW along this line to the point of beginning.

Because of the pending revocation of V-259E Alternate between Fort Mill, S.C., and Holston Mountain, Tenn., V-37W Alternate between Fort Mill, S.C., and Pulaski, Va., and V-35E Alternate between Asheville, N.C., and Holston Mountain, Tenn., it is necessary to alter the above-named transition areas to provide the required controlled airspace for IFR aircraft transitioning and holding in the respective areas.

The floor of V-222 that is being incorporated into the Asheville 1,200-foot transition area is designated 1,200 feet AGL.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on March 13, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-3155; Filed, Mar. 22, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-26]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Holland, Mich., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Holland, Mich., terminal area as a result of the development of a public-use instrument approach procedure at the Holland, Mich., Park Township Airport, utilizing the Pullman, Mich., VORTAC as a navigational aid, proposes the following airspace action:

Designate the Holland, Mich., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Holland, Mich., Park Township Airport (latitude 42°48'00" N, longitude 86°10'00" W).

The proposed transition area will provide controlled airspace protection for aircraft arriving and departing Park Township Airport during descent from 1,500 to 700 feet above the surface and during climb from 700 to 1,200 feet above the surface.

The portions of the arrival and departure procedures for Park Township Airport executed at and above 1,500 feet above the surface are contained within presently designated 1,200-foot floor transition area.

The floors of the airways which traverse the transition area proposed herein will automatically coincide with the floor of the transition area.

Since the action proposed herein was developed to provide controlled airspace for a new approach procedure, no procedural changes will be effected by the proposal contained herein.

Specific details regarding this proposal and the approach procedure which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on March 7, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-3156; Filed, Mar. 22, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-27]

TRANSITION AREAS

Proposed Alteration and Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Saginaw, Mich., terminal area and designate controlled airspace in the Midland, Mich., terminal area.

The Saginaw, Mich., transition area is presently designated as follows:

That airspace extending upward from 1,200 feet above the surface, within a 14-mile radius of Tri-City Airport (latitude 43°31'54" N., longitude 84°04'54" W.), within 10 miles SW and 6 miles NE of the Saginaw VOR 317° radial, extending from the 14-mile radius area to 37 miles NW of the VOR, and within the area bounded on the N by latitude 43°36'00" N., and the 14-mile radius area, on the NE by the NE boundary of V-216, on the E by longitude 83°30'00" W., on the S by latitude 43°16'00" N., and on the W by longitude 84°25'00" W.

A public-use instrument approach procedure has been developed for the Midland, Mich., Jack Barstow Airport, utilizing the Saginaw, Mich., VORTAC as a navigational aid. The Saginaw VORTAC is located 13 statute miles SE of Jack Barstow Airport. The new instrument approach procedure will also require modification of the 1,200-foot floor transition area at Saginaw, Mich.

In consideration of the foregoing, and as a result of a comprehensive review of the airspace structural requirements at Midland and Saginaw, Mich., the Federal Aviation Agency proposes to take the following airspace actions:

(1) Designate the Midland, Mich., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Midland, Mich., Jack Barstow Airport (latitude 43°39'45" N., longitude 84°15'45" W.).

(2) Redesignate the Saginaw, Mich., transition area as that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 43°16'00" N., longitude 83°30'00" W., W along latitude 43°16'00" N., to and N along longitude 84°25'00" W., to and NW along a line 10 miles SW of and parallel to the Saginaw, Mich., VORTAC 317° radial, to and clockwise along the arc of a 31-mile radius circle centered on the Saginaw VORTAC, to and S along a line 5 miles E of and parallel to the Saginaw VORTAC 013° radial, to and clockwise along the arc of a 14-mile radius circle centered on the Tri-City Airport (latitude 43°31'54" N., longitude 84°04'54" W.), to and E along the N boundary of V-216, to and S along longitude 83°30'00" W. to the point of beginning, and within 10 miles SW and 7 miles NE of the Saginaw VORTAC 317° radial, extending from the 31-mile radius area to 37 miles NW of the VORTAC.

The proposed 700-foot floor transition area at Midland, Mich., will provide controlled airspace protection for aircraft departing Jack Barstow Airport during climb from 700 to 1,200 feet above the surface. It will also provide this protection for aircraft executing the prescribed instrument approach procedure at this airport during descent from 1,500 to 700 feet above the surface.

The proposed alteration to the 1,200-foot floor transition area at Saginaw, Mich., will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures at Jack Barstow Airport during the portion of those procedures executed at or above 1,500 feet above the surface, including the DME arc transitions.

The floors of the airways which traverse the transition areas proposed herein will automatically coincide with the floors of the transition areas.

Since the action proposed herein was developed to provide controlled airspace for a new approach procedure, no procedural changes will be effected by the proposal contained herein.

Specific details of this proposal and the approach procedure which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on March 7, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-3157; Filed, Mar. 22, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-28]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Billings, Mont., terminal area.

The following controlled airspace is presently designated in the Billings, Mont., terminal area:

(1) The Billings, Mont., control zone is designated as that airspace within a 5-mile radius of Logan Field, Billings, Mont. (latitude 45°48'23" N., longitude 108°31'54" W.); and within 2 miles each side of the Billings ILS localizer W course extending from the 5-mile radius zone to 8 miles W of the OM and within 2 miles each side of the Billings VORTAC 095° and 267° radials extending from 12 miles E to 8 miles W of the VORTAC.

(2) The Billings, Mont., transition area is designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Logan Field, Billings, Mont. (latitude 45°48'23" N., longitude 108°31'54" W.); and within 2 miles each side of the 071° bearing from the Billings RBN extending from the 8-mile radius area to 8 miles E of the RBN; and within 5 miles N and 8 miles S of the Billings VORTAC 267° radial extending from the 8-mile radius area to 12 miles W of the VORTAC 301° radial extending from 20 miles S of the Billings ILS localizer W course extending from the 8-mile radius area to 12 miles W of the OM; and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Billings VORTAC extending clockwise from V-2 W of Billings to V-19 SE of Billings; and within 10 miles SW and 7 miles NE of the Billings VORTAC 301° radial extending from 20 miles NW of the VORTAC to 49 miles NW of the VORTAC; and within 10 miles SW and 7 miles NE of the Billings VORTAC 317° radial extending from the 21-mile radius area to 45 miles NW of the VORTAC; and within 10 miles W and 7 miles E of the Billings VORTAC 347° radial extending from the 21-mile radius area to 42 miles N of the VORTAC; and that airspace extending upward from 7,700 feet MSL within 8 miles each side of the Billings VORTAC 096° radial extending from 38 miles to 99 miles E of the VORTAC.

The Billings, Mont., radio beacon is being relocated to provide a marker for a new back course ILS approach procedure at Logan Field, Billings, Mont. The ADF approach procedure at Logan Field, predicated on the Billings radio beacon prior to its relocation, will be canceled.

In consideration of the foregoing, and as a result of a comprehensive review of the airspace requirements at Billings, Mont., the Federal Aviation Agency proposes to alter the control zone and transition area at Billings, Mont., as follows:

(1) Redesignate the Billings, Mont., control zone as that airspace within a 5-mile radius of Logan Field (latitude 45°48'23" N., longitude 108°31'54" W.); within 2 miles each side of the Billings ILS W and E courses, extending from the 5-mile radius zone to 8 miles W of the OM on the W and to the RBN on the E; and within 2 miles each side of the Billings VORTAC 095° and 267° radials, extending from the 5-mile radius zone to 8 miles W and 12 miles E of the VORTAC.

(2) Redesignate the Billings, Mont., transition area as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Logan Field (latitude 45°48'23" N., longitude 108°31'54" W.); within a 12-mile radius of Billings VORTAC, extending from a line 5 miles SE of and parallel to the Billings VORTAC 212° radial clockwise to the Billings 347° radial; and within 2 miles each side of the Billings ILS localizer E course, extending from the 8-mile radius area to 8 miles E of the Billings RBN; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Billings VORTAC, extending from the S edge of V-2 W of Billings clockwise to the SW edge of V-19 SE of Billings; within 10 miles SW and 7 miles NE of Billings VORTAC 301° radial, extending from the 25-mile radius area to 49 miles NW of the VORTAC; within 10 miles SW and 7 miles NE of the Billings VORTAC 317° radial, extending from the 25-mile radius area to 45 miles NE of the VORTAC; within 10 miles W and 7 miles E of the Billings VORTAC 347° radial, extending from the 25-mile radius area to 42 miles N of the VORTAC; and within 10 miles N and 8 miles S of the Billings VORTAC 096° radial, extending from the 25-mile radius area to 38 miles E of the VORTAC; and that airspace extending upward from 7,700 feet MSL within 8 miles each side of the Billings VORTAC 096° radial, extending from 38 to 99 miles E of the VORTAC.

The proposed control zone will provide controlled airspace protection for aircraft executing prescribed instrument arrival and departure procedures to and from Logan Field, Billings, Mont., during descent below 1,000 feet above the surface

and during climb to 700 feet above the surface.

The proposed 700-foot floor transition area will provide controlled airspace protection for aircraft executing the prescribed instrument arrival and departure procedures to and from Logan Field during descent from 1,500 to 1,000 feet above the surface and during climb from 700 to 1,200 feet above the surface.

The proposed 1,200-foot floor transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures for Logan Field during the portions of these procedures executed at and above 1,500 feet above the surface, and for aircraft holding in the Billings, Mont., terminal area.

The Billings transition area with a 7,700-foot MSL floor is not being modified by this proposal, since it is still necessary to provide controlled airspace protection for aircraft transitioning to and from the high altitude route structure.

The floors of the airways that traverse the transition areas proposed herein will automatically coincide with the floors of the transition areas.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on March 8, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-3158; Filed, Mar. 22, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-29]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Greenville, Ill., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Greenville, Ill., terminal area, proposes the following airspace action:

Designate the Greenville, Ill., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Greenville, Ill., Airport latitude 38°50'10" N., longitude 89°22'40" W.) and within 2 miles each side of the 348° bearing from Greenville Airport, extending from the 5-mile radius area to 8 miles N of the airport.

The proposed transition area is being developed for the protection of aircraft executing a new public-use approach procedure to serve the Greenville, Ill., Airport, utilizing an "MH" facility as a navigational aid which the Greenville, Ill., Airport Authority proposes to install.

The proposed transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. It will also provide controlled airspace protection for departing aircraft during their climb from 700 to 1,200 feet above the surface. The controlled airspace proposed herein will underlie existing 1,200-foot floor transition area.

The floors of the airways that traverse the proposed transition area will automatically coincide with the floors of the transition area.

Since a new approach procedure is to be established, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on March 7, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-3159; Filed, Mar. 22, 1967; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Manufacturer for Bidding on Government Procurements for Products Classified in SIC Industry 2011, Meatpacking Plants

(Rev. 6)

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the Small Business Size Standards Regulation (Revision 6) by establishing a new definition for a small business manufacturer for the purpose of bidding on Government procurements for products classified in SIC Industry 2011, Meatpacking plants.

The present definition of a small business manufacturer for the purpose of bidding on Government procurements for products classified in SIC Industry 2011, Meatpacking plants, is a concern which is independently owned and operated, is not dominant in the field of operation in which it is bidding and, together with its affiliates, employs no more than 500 persons.

It has been suggested to the Small Business Administration that, because federally inspected meatpacking concerns are relatively larger than those which are not federally inspected, and because, under the present 500 employee standard there are only about 20 active bidders on procurements of fresh or frozen beef, the size standard for the purpose of Government procurements of the products of such concerns should be increased from 500 employees to 750 employees. Therefore, in order to obtain the views of interested persons concerning the above suggestion, the Small Business Administration proposes to establish a 750 employee size standard for the purpose of Government procurements of products in SIC Industry 2011, Meatpacking plants.

Interested persons may file with the Small Business Administration, within 30 days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the proposal.

All correspondence shall be addressed to: Associate Administrator for Procurement, and Management Assistance, Small Business Administration, 811 Vermont Avenue, NW., Washington, D.C. 20416, Attention: Size Standards Staff.

It is proposed to amend the Regulation as follows:

The Small Business Size Standards Regulation (Revision 6) (31 F.R. 9721), as amended (31 F.R. 10114, 11651, 11973, 12479, 12572, 14311, 14351, 14516, 14544, 14737 as corrected 15737, 15145, 16763, 32 F.R. 2564) is hereby further amended by adding to Schedule B of § 121.3-8, the following industry size standard:

Census classification code	Industry	Employment size standard (number of employees)
2011	Meatpacking plants.....	750

Dated: March 17, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-3167; Filed, Mar. 22, 1967; 8:48 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice 1039]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 17, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1872 (Sub-No. 63), filed March 7, 1967. Applicant: ASHWORTH TRANSFER, INC., 1526 South 600 West, Salt Lake City, Utah 84104. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles in truckaway service; and articles weighing 15,000 pounds or more in driveaway service;* between points in Utah, Nevada, Idaho, Montana, Wyoming, Colorado, and Arizona; and between points in Utah, on the one hand, and, on the other, points in New Mexico. NOTE: Applicant states this is the territory now served under its existing "size and weight authority." Applicant indicates tacking possibilities with its Sub 55 and the States involved herein, to provide service to the additional States of Nebraska, Kansas, Missouri, Iowa, South Dakota, Colorado, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah; Boise, Idaho; Denver, Colo., or San Francisco, Calif.

No. MC 2368 (Sub-No. 11), filed March 8, 1967. Applicant: BRALLEY-WILLETT TANK LINES, INC., 200 Stockton Street, Richmond, Va. Applicant's representative: Frank B. Hand, Jr., 921 17th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petro acids and chemicals and asphalt and asphalt products), in bulk, in tank vehicles, from the terminal of the Humble Oil & Refining Co. off the Plantation pipeline in Roanoke, Va., to points in Greenbrier, Monroe, Mingo, Lincoln, Boone, Kanawha, Logan, Fayette, Summers, Clay, Nicholas, Webster, Upshur, Randolph, Pendelton, Pocahontas, Raleigh, and Tucker Counties, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2401 (Sub-No. 34), filed February 17, 1967. Applicant: MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Post Office Box 2057, Idaho Station, Terre Haute, Ind. 47802. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, livestock, sand, gravel, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between St. Louis, Mo., and Omaha, Nebr., from St. Louis, via Interstate Highway 70 to Kansas City, Mo., thence via Interstate Highway 29 to St. Joseph, Mo., thence via U.S. Highway 71 to Clarinda, Iowa, thence via Iowa Highway 2 to Shenandoah, Iowa, thence via U.S. Highway 59 to junction with Iowa Highway 92, thence via Iowa Highway 92 to Council Bluffs, Iowa, thence via city streets to Omaha, Nebr., and return via the same route; (2) between St. Louis, Mo., and Omaha, Nebr., from St. Louis, via Interstate Highway 70 to Kansas City, thence via Interstate Highway 29 to St. Joseph, Mo., thence via U.S. Highway 71 to junction U.S. Highways 71 and 59 (approximately 3 miles northwest of Savannah, Mo.), and thence over U.S. Highway 59 to junction Iowa Highway 92, and thence via Iowa Highway 92 to Council Bluffs, Iowa, thence via city streets to Omaha, Nebr., and return via the same route, serving no intermediate or off-route points, as alternate routes for operating convenience only in (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or St. Louis, Mo.

No. MC 2401 (Sub-No. 35), filed February 27, 1967. Applicant: MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. 47802. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Vincennes, Ind., and Lexington, Ky., in connection with carrier's presently authorized regular-route operations (other than as restricted below) serving the intermediate point of Louisville, Ky. (a presently authorized service point), and serving the junction of Indiana Highway 57 and U.S. Highway 50 for purpose of joinder only; from Vincennes, Ind., over U.S. Highway 50 to junction U.S. Highway 150 (at or near Shoals, Ind.), thence over U.S. Highway 150 to Louisville, Ky., thence over U.S. Highway 60 to junction Interstate Highway 64, thence over Interstate Highway 64 to junction U.S. Highway 60, and thence over U.S. Highway 60 to Lexington, Ky (also from junction Interstate Highway 64 and U.S. Highway 60, over U.S. Highway 60 to junction U.S. Highway 421, and thence over U.S. Highway 421 to Lexington, Ky.), and return over the same routes. Restricted against the use of this route on shipments (including shipments received from or transferred to connecting lines) moving between St. Louis, Mo., and Vincennes, Ind., and intermediate points located on U.S. Highway 50 between St. Louis, Mo., and Vincennes, Ind., on the one hand, and, on the other, Louisville, Ky.

Further restricted against the use of this route on shipments (including shipments received from or transferred to connecting lines) moving between Louisville, Ky., on the one hand, and, on the other, Lexington, Ky., (2) between Chicago, Ill., and St. Louis, Mo., as an alternate route for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points; from Chicago, Ill., over U.S. Highway 66 (portions of which are designated as Interstate Highway 55) and Interstate Highway 55 to St. Louis, Mo., and return over the same route, (3) between East St. Louis, Ill., and Evansville, Ind., as an alternate route for operating convenience only, in connection with carrier's presently authorized regular-route operations, serving no intermediate points; from East St. Louis, Ill., over U.S. Highway 460 to Evansville, Ind., and return over the same route, and (4) between the junction of Illinois Highway 1 and Illinois Highway 33 and the junction of Illinois Highway 33 and Illinois Highway 49, as an alternate route for operating convenience only, in connection with carrier's presently authorized regular-route operations, over Illinois Highway 33, serving no intermediate points and serving the junction of Illinois Highway 33 and Illinois Highway 49 for purpose of joinder only, and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 5470 (Sub-No. 24), filed March 2, 1967. Applicant: ERSKINE & SONS, INC., Rural Delivery No. 5, Mercer, Pa. 16137. Applicant's representative: Theodore Polydoroff, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Graphite scrap*, in bulk, in dump vehicles, from Falconer, N.Y., to Hickman, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10761 (Sub-No. 207), filed March 7, 1967. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representatives: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004, and L. G. Naidow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving the plantsite of Art Metal, Inc., located at Busti, N.Y., as an off-route point in connection with present authority in MC 10761 (Sub-No. 1). NOTE: Applicant states it intends to tack at New Britain, Conn., to and from points authorized under MC 10761 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Jamestown or Buffalo, N.Y.

No. MC 15640 (Sub-No. 13) (Amendment), filed August 8, 1966, published FEDERAL REGISTER issue of September 1, 1966, amended March 7, 1967, and republished as amended this issue. Applicant: DeBOLT TRANSFER, INC., 335 East Seventh Avenue, Homestead, Pa. Applicant's representative: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies*, used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone as defined by the Commission, and Portage, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to add Portage, Ind., as an origin point. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 16334 (Sub-No. 4), filed March 6, 1967. Applicant: ARNOLD E. DEBRICK, doing business as DEBRICK TRUCK LINE, R.F.D. No. 2, Paola, Kans. Applicant's representative: Erle W. Francis, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay products, fittings, and jointing materials*, for use on clay products in regular equipment and in specialized trailers and trucks, equipped with booms, from Pittsburg, Kans., to points in Nebraska and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 19227 (Sub-No. 116), filed February 27, 1967. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Post Office Box 52-602, Biscayne Annex, Miami, Fla. 33152. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Applicant states it intends to tack or join this proposed authority with presently held authorized authority to serve points in Florida. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 30059 (Sub-No. 4), filed January 27, 1967. Applicant: PRENTICE TRUCK LINE, INC., 120 South Broadway, Stigler, Okla. 74462. Applicant's representative: Hershel M. Prentice (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Stigler, Okla., and Fort Smith, Ark., from Stigler over Oklahoma Highway 9 east 3½ miles, then on unnumbered county road to a point approximately 5 miles south to site of Kerr-McGee Corp., coking and mining operation, and return over the same route to Highway 9, thence east to junction U.S. Highway 271, thence over U.S. Highway 271 to junction unnumbered highway, thence over unnumbered highway via Peno and Arkoma, Okla., to Fort Smith, Ark., and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Oklahoma City, Okla.

No. MC 30237 (Sub-No. 12), filed March 6, 1967. Applicant: YEATTS TRANSFER COMPANY, a corporation, Post Office Box 666, Altavista, Va. 24517. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as described in appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Bridgewater, Va., to points in Delaware, Maryland, West Virginia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, District of Columbia, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 30311 (Sub-No. 22), filed March 9, 1967. Applicant: A.C.E.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FREIGHT, INC., 210 East Twinsburg Road, Northfield, Ohio 44067. Applicant's representative: F. T. Greer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Portage, Ind., to points in Connecticut, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island, restricted to traffic originating at the Midwest Steel Division, National Steel Corp., near Portage, Ind. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30798 (Sub-No. 3), filed February 27, 1967. Applicant: MILLER BROTHERS TRUCK LINE, INC., 901 North East 28th Street, Fort Worth, Tex. 76106. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas and Oklahoma; and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 32528 (Sub-No. 32), filed February 27, 1967. Applicant: CECIL E. VALLEE, E. H. VALLEE, EFFIE VALLEE ALBAUGH, AND HELEN VALLEE WITHERS, doing business as UNION CITY TRANSFER, 1295 Railroad Avenue, Beaumont, Tex. 77702. Applicant's representative: John H. Benckenstein, 1350 Petroleum Building, Post Office Box 551, Beaumont, Tex. 77704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales or bundles weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe*, from Baytown, Beaumont, Brownsville, Corpus Christi, Eagle Pass, Galveston, Houston, Hidalgo, Laredo, Orange, Port Arthur, Port Isabel, Presidio, and Victoria, Tex., all which are ports of entry to points in Louisiana and Texas, and (2) *iron and steel articles*, weighing 2,000 pounds or more, which require the use of special equipment: *Sheets, beams, plates and coils*, from Baytown, Beaumont, Brownsville, Corpus Christi, Eagle Pass, Galveston, Houston, Hidalgo, Laredo, Orange, Port Arthur, Port Isabel, Presidio, and Victoria, Tex., all of which are ports of entry to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Beaumont, or Corpus Christi, Tex.

No. MC 36556 (Sub-No. 10), filed March 8, 1967. Applicant: HOWARD E. BLACKMON, doing business as HOWARD BLACKMON TRUCK SERVICE, Post Office Box 186, Somers, Wis. 53171, also 1111 190th Avenue, Somers, Wis. Applicant's representative: Earle Munger, 520 58th Street, Kenosha, Wis. 53140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products and supplies*, between plants at Kenosha Packing Co., Inc., at Hebron, Ill., on the one hand, and, on the other, plants of Kenosha Packing Co., Inc., at Paris and Kenosha, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 43654 (Sub-No. 70), filed March 1, 1967. Applicant: DIXIE OHIO EXPRESS, INC., 237 Fountain Street, Post Office Box 750, Akron, Ohio 44309. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Louisville, Ky. and Detroit, Mich.: (a) From Louisville over U.S. Highway 31 to Indianapolis, Ind., thence over Indiana Highway 37 to Fort Wayne, Ind., thence over U.S. Highway 24 to Toledo, Ohio, thence over U.S. Highway 25 (or Interstate Highway 75) to Detroit, and return over the same route, (b) from Louisville over Interstate Highway 65 to junction Interstate Highway 465, thence over Interstate Highway 465 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction Indiana Highway 37, thence over Indiana Highway 37 to Fort Wayne, Ind., thence over U.S. Highway 24 to Toledo, Ohio, thence over U.S. Highway 25 (or Interstate Highway 75) to Detroit; and return over the same route, and

(c) From Louisville over Interstate Highway 65 or U.S. Highway 31 to junction Interstate Highway 465, thence over Interstate Highway 465 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction U.S. Highway 24, thence over U.S. Highway 24 to Toledo, Ohio, thence over U.S. Highway 25 (or Interstate Highway 75) to Detroit, and return over the same route, serving the intermediate point of Monroe, Mich., the off-route points of Ann Arbor and Flint, Mich., and intermediate and off-route points within 25 miles of Detroit, and serving Louisville for purposes of joinder only, in (a), (b), and (c) above, (2) between Dayton, Ohio, and Detroit, Mich.: From Dayton over U.S. Highway 25 (or Interstate Highway 75) to Toledo, Ohio, thence over U.S. Highway 25 (or Interstate Highway 75) to Detroit, and return over the same route, serving the intermediate point of Monroe, Mich., the off-route points of Ann Arbor and Flint, Mich., and intermediate and off-route points within 25 miles of Detroit, and serving Dayton for purposes of joinder only, and (3) between Delaware, Ohio, and Detroit, Mich.:

(a) From Delaware over U.S. Highway 23 to Perrysburg, Ohio, thence over U.S. Highway 25 to Toledo, Ohio, thence over U.S. Highway 25 (or Interstate Highway 75) to Detroit, and return over the same route, and (b) from Delaware over U.S. Highway 23 to junction Ohio Highway 15, thence over Ohio Highway 15 to Findlay, Ohio, thence over U.S. Highway 25 (or Interstate Highway 75) to Detroit, and return over the same route, serving the intermediate point of Monroe, Mich., the off-route points of Ann Arbor and Flint, Mich., and intermediate and off-route points within 25 miles of Detroit, and serving Delaware for purposes of joinder only, in (3) (a) and (b) above. NOTE: Applicant states the authority sought in all proposed routes is restricted to traffic originated at, destined to, or interchanged at applicant's authorized points in Alabama, Georgia, Tennessee, and Kentucky (except Louisville, Ky., and its commercial zone and the Cincinnai, Ohio, commercial zone). Applicant further states that simultaneous with the acceptance of the subject application it is requested that the Commission dismiss the previous application in MC 43654 (Sub-No. 65). If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 44605 (Sub-No. 30), filed March 10, 1967. Applicant: MILNE TRUCK LINES, INC., 2200 South Third West Street, Salt Lake City, Utah 84115. Applicant's representative: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those contaminating or injurious to other lading), between Salt Lake City, Utah, and Evanston, Wyo., from Salt Lake City over U.S. Highway 91 to Ogden, Utah, thence over U.S. Highway 30 South to Evanston, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. 46280 (Sub-No. 63), filed February 6, 1967. Applicant: DARLING FREIGHT, INC., 4000 Division Avenue South, Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and facilities of the Michigan Lloyd J. Harriss Pie Co., Inc., Saugatuck, Mich., to points in Ohio, Kentucky, points in Illinois south of U.S. Highway 36 from the Indiana-Illinois State line to Springfield, Ill., thence along Illinois Highway 125 to junction U.S. Highway 36, thence along U.S. Highway 67 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U.S. Highway 24 and thence along U.S. Highway 24 to the Illinois-Missouri State line and points in Indiana, south of U.S. Highway 40. NOTE: If a hearing is deemed necessary applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 55236 (Sub-No. 149), filed February 27, 1967. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Post Office Box 1187, Green Bay, Wis. 54306. Applicant's representative: K. L. Laird (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper-type vehicles, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states that it intends to tack at Clinton, Iowa, Waukegan, Ill., and Sheboygan, Wis., serving the territory under this application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 58152 (Sub-No. 16), filed February 23, 1967. Applicant: OGDEN & MOFFETT COMPANY, a corporation, 3565 24th Street, Port Huron, Mich. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving the plantsite of the Ford Motor Co. Tractor Division—Romeo Equipment Plant at 701 East 32-Mile Road, Romeo, Mich., as an off-route point in connection with authorized regular route service. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 58311 (Sub-No. 15), filed February 27, 1967. Applicant: BALL BROS. TRUCKING COMPANY, INC., 2330 East Main Street, Grand Prairie, Tex. 75050. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment, *plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*; from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, and Lea County, N. Mex., and (2) *Iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment, *sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Applicant states that the proposed authority will duplicate, to a minor extent, that presently held by applicant in MC-58311. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 58813 (Sub-No. 88) (Correction), filed January 18, 1967, published FEDERAL REGISTER issue of February 9, 1967, and republished as corrected, this issue. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. 10001. Applicant's representative: Solomon Granett, 1350 Avenue of the Americas, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, (1) between Atlanta, Ga., and Jacksonville, Fla., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Tennessee, Georgia, and Florida, and, (2) between Atlanta, Ga., and Jacksonville, Fla., on the one hand, and, on the other, Spartanburg, S.C., restricted to interline with other carriers at Spartanburg, S.C., on movements consigned to or originating in points in Virginia, North Carolina, South Carolina, Tennessee, Georgia, and Florida. NOTE: The purpose of this republication is to correctly set forth the restriction. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 59135 (Sub-No. 20), filed March 7, 1967. Applicant: RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, 24–50 Wright Avenue, Auburn, N.Y. Applicant's representatives: Leonard A. Jaskiewicz and J. William Cain, Jr., 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from the plantsite of Art Metal, Inc., located in the town of Busto, Chautauqua County, N.Y., as an off-route point in connection with its regular operation from and to Jamestown, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo or Syracuse, N.Y.

No. MC 61396 (Sub-No. 184), filed March 6, 1967. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Post Office Box 189 Downtown Station, Omaha, Nebr. 68102. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102, and Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, in tank vehicles, from the plantsite of United Mineral Products in or near Weeping Water, Nebr., to points in Iowa, Minnesota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr., or Des Moines, Iowa.

No. MC 61440 (Sub-No. 108), filed February 27, 1967. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno Street, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, Post Office Box 32488, Exchange Branch, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction U.S. Highways 66 and 69 approximately 4 miles west of Vinita, Okla., and junction U.S. Highways 69 and 75, at Atoka, Okla., from junction U.S. Highways 66 and 69 approximately 4 miles west of Vinita, Okla., over U.S. Highway 69 to junction U.S. Highway 75 at Atoka, Okla., and return over the same route, in connection with carrier's authorized regular route operations, serving no intermediate points, and serving the junction of U.S. Highways 69 and 75 for the purpose of joinder only. NOTE: Applicant presently operates over this alternate route by virtue of MC 61440 Sub 79. The purpose of this application is to remove the restriction from or to St. Louis, Mo., and points beyond St. Louis, and to or from Dallas, Tex., and points beyond Dallas. Common control may be involved. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 61506 (Sub-No. 27) (Amendment), filed April 25, 1966, published FEDERAL REGISTER, issue of May 12, 1966, amended at hearing on October 13, 1966, and republished as amended, this issue. Applicant: RUSSELL TRANSFER COMPANY, INC., Athens-Augusta Highway, Post Office Box 92, Washington, Ga. Applicant's representative: Theodore M. Forbes, Jr., Suite 825, The Citizens & Southern National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Petroleum and petroleum products*, as defined in appendix XIII to ex parte No. 45, *Descriptions in Motor Carrier Certificates*, including naphthas (but excluding all other acids and chemicals as defined in appendix XV to ex parte 45), from Charleston, S.C., to points in Alabama and Tennessee, and *rejected shipments*, on return; and (B) *petroleum and petroleum products* as defined in appendix XIII to ex parte No. 45, *Descriptions in Motor Carrier Certificates*, from Doraville, Ga., to points in Alabama and Tennessee, and *rejected shipments*, on return. The above transportation to be under continuing contract or contracts with Hess Oil & Chemical Corp. An order of the Commission, dated March 1, 1967, served March 9, 1967, orders that the said proceeding be reopened for rehearing at

a place and time to be hereafter fixed; and that notice of such action taken, be published in the FEDERAL REGISTER.

No. MC 63792 (Sub-No. 12), filed February 27, 1967. Applicant: TOM HICKS TRANSFER COMPANY, INC., Post Office Box 283, Harvey, La. 70058. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Texas., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico; and (2) *Iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo and Presidio, Tex., to points in Texas. NOTE: Common control may be involved. Applicant states that it intends to tack with present authority to perform service to points in Mississippi. Applicant states that insofar as the involved commodities could move under Mercer or size and weight authority, this application duplicates authority held by applicant within the involved territory. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 65697 (Sub-No. 37), filed January 23, 1967. Applicant: THEATRES SERVICE COMPANY, a corporation, Post Office Box 1695, 830 Willoughby Way NE., Atlanta, Ga. Applicant's representative: William Addams, Room 406, 1776 Peachtree Street, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, and except dangerous explosives, livestock, corpses, commodities in bulk, commodities requiring special equipment, and those injurious to other lading, (1) between Nashville, Tenn., and Birmingham, Ala., over Interstate Highway 65 and U.S. Highway 31 (serving no points not now authorized) via Ardmore, Ala.-Tenn., and Decatur, Ala., as an alternate route for operating convenience, using such highways as are necessary for ingress and egress of Interstate Highway 65 (now under construction), and (2) between Ardmore, Ala.-Tenn., and Decatur, Ala., as follows, from Ardmore over Alabama Highway 53 to Huntsville, Ala., thence over U.S. Highway 72A to Decatur, serving Huntsville, Ala. (not authorized) as an intermediate point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Birmingham, Ala., or Nashville, Tenn.

No. MC 70272 (Sub-No. 27) (Correction), filed February 21, 1967, published in the FEDERAL REGISTER of March 9, 1967, corrected and republished as corrected this issue. Applicant: KING VAN LINES, INC., Post Office Box 18268, Wichita, Kans. 67218. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric signs*, from Lima, Ohio, and South Milwaukee, Wis., to points in the United States (except Alaska and Hawaii), and *rejected and returned shipments*, on return. NOTE: Applicant states that no duplicating authority is sought. The purpose of this republication is to show correct sub number as No. 27 in lieu of Sub No. 217, as erroneously published. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 73165 (Sub-No. 231), filed February 27, 1967. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) The following *iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, and Arkansas, and (2) the following *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Houston, Tex.

No. MC 74321 (Sub-No. 30), filed February 27, 1967. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, and New Mexico; and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 76065 (Sub-No. 16), filed March 6, 1967. Applicant: EHRLICH-NEWMARK TRUCKING CO., INC., 248 West 35th Street, New York, N.Y. 10001. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, and materials and supplies used in the manufacture of wearing apparel, between New York, N.Y.; Trenton, N.J.; Philadelphia and Harrisburg, Pa.; Wilmington, Del.; Baltimore, Md.; and Washington, D.C.; and the commercial zones or each of said seven cities, as defined by the Commission, on the one hand, and, on the other, points in Roanoke, Appomatox, Henrico, Norfolk, Shenandoah, Warwick, and Lancaster Counties, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 83835 (Sub-No. 54), filed February 27, 1967. Applicant: WALES TRUCKING COMPANY, a corporation, Post Office Box 6186, Dallas, Tex. 75222, also 905 Myers Road, Grand Prairie, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment, *plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico; and (2) *Iron or steel articles*, weighing 2,000 pounds or more each, requiring the use of special equipment, *sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Applicant states that the proposed authority will duplicate, to a large extent, that presently held by applicant in MC-83835. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 89723 (Sub-No. 47), filed March 6, 1967. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robert S. Davis, 2108 Missouri Pacific Building, St. Louis, Mo. 63103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General or specialized motor vehicle*, in bulk or otherwise of *ores, concentrates and all byproducts and finished products of ores and concentrates, machinery, equipment, materials, and supplies* which will be used in the prospecting, construction and development of mines and the construction, maintenance and operations of mines, mills, smelters, and all buildings in connection therewith and the furnishings and appurtenances thereto, between points in Washington, Crawford, Perry, St. Francois, Madison, Bollinger, Iron, Reynolds, Shannon, Dent, Phelps, Wayne, Carter, Butler, Howell, and Oregon Counties, Mo. NOTE: Applicant states it would tack the proposed authority with its regular route to coordinate the two authorities to provide a joint through service between points in the irregular route area on the one hand, and, rail stations on its regular route authority on the other hand. Applicant also states that no change is sought in the present substitute-truck-for-rail authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Poplar Bluff, Mo.

No. MC 93318 (Sub-No. 15), filed March 2, 1967. Applicant: JOE D. HUGHES, INC., Post Office Box 2143, Houston, Tex. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex. to points in Texas, Louisiana, Oklahoma, and New Mexico; and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *sheets, beams, plates and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 93980 (Sub-No. 45), filed February 23, 1967. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, Post Office Box 1119, Henderson, N.C. 27536. Applicant's representative: N. P. Strause (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement conduits, cement couplings, cement pipe all containing asbestos fiber and accessories used in the installation thereof*, and on return, (2) *damaged or rejected shipments, and dunnage*, from Ambler, Pa., to points in Kentucky, Ohio, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 94350 (Sub-No. 175), filed March 9, 1967. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial and secondary movements, in truckaway service, between points in Indiana and points in Kentucky, Illinois, Michigan, and Ohio. NOTE: Common control may be involved. NOTE: Applicant states that it intends to tack in the four named and neighboring States to connect with points in the United States (including Alaska, but excluding Hawaii). If a hearing is deemed necessary, applicant requests it be held at Ft. Wayne, Ind., or Indianapolis, Ind.

No. MC 94430 (Sub-No. 30) (Correction), filed February 17, 1967, published in FEDERAL REGISTER issue March 9, 1967, and republished as corrected this issue. Applicant: WEISS TRUCKING COMPANY, INC., Mongo, Ind. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Schoolcraft, Mich., to points in Indiana. NOTE: The purpose of this republication is to show the correct sub number as MC-94430 Sub-30, in lieu of MC-94430 Sub-34 as erroneously published. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Columbus, Ohio.

No. MC 96466 (Sub-No. 2), filed March 7, 1967. Applicant: KATHERINE E. CHILSON, doing business as HARVARD TRANSFER COMPANY, R.F.D. No. 3, Harvard, Ill. Applicant's representative: Themis N. Anastos, 120 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Television components, printed circular boards, radio and television tubes, miscellaneous radio and television parts, radio and television condensors, resistors and coils*, (1) between Harvard, Ill., and the plantsite of Admiral Corp. at Sun Prairie, Wis., and (2) between the plantsite of Admiral Corp. at Sun Prairie, Wis., and Rockford, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 96719 (Sub-No. 2), filed February 27, 1967. Applicant: THRASHER TRUCKING COMPANY, a corporation, Post Office Box 116, Monahans, Tex. 79756. Applicant's representative: Benton Coopwood, 904 Lavaca, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment, *plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment, *sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to all points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 97068 (Sub-No. 6), filed February 27, 1967. Applicant: H. S. ANDERSON TRUCKING COMPANY, a corporation, Highway 69, Post Office Box 3656, Port Arthur, Tex. 77640. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas and Louisiana; and (2) *iron or steel* articles weighing 2,000 pounds or more each, requiring the use of special equipment: *sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 98649 (Sub-No. 4), filed February 27, 1967. Applicant: BUCKALOO TRUCKING COMPANY, a corporation, Post Office Box 570, Kenedy, Tex. 78119. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales and bundles weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, and (2) *iron and steel articles*, weighing 2,000 pounds or more each, which require the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 102567 (Sub-No. 119), filed February 27, 1967. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 641 Bettes Building, Houston, Tex. 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, including anhydrous ammonia, and petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsite of Monsanto Co., at or near Luling, La., to points in the United States (excluding Alaska and Hawaii). Except: (1) Petroleum and petroleum products (not including anhydrous ammonia), to points in Utah, Arizona, Wyoming, Colorado, New Mexico, Oklahoma, Texas, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Ohio, Alabama, Georgia, West Virginia, North Carolina, South Carolina, Florida, and Virginia; and (2) acids and chemicals to points in Texas. NOTE: Applicant states that the above proposed operations will be restricted to traffic originating at plantsite of Monsanto Co. at or near Luling, La., and destined to points in the United States (excluding Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Shreveport, La.

No. MC 102616 (Sub-No. 815) (Correction), filed February 17, 1967, published in FEDERAL REGISTER issue of March 9, 1967, and republished as corrected, this issue. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17405. Applicant's representative: Samuel E. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid toluene, di isocyanate, and liquid resins*, in bulk, in tank vehicles, from the plantsite of the Mobay Chemical Co., at or near Natrium, W. Va., to points in Massachusetts and Connecticut, restricted to traffic originating at the origin named herein and destined to the territory named herein. NOTE: The purpose of this republication is to change the commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 102616 (Sub-No. 816), filed February 27, 1967. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17405. Applicant's representative: Samuel E. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Chesapeake, Va., to points in Delaware, Maryland, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Norfolk, Va.

No. MC 103066 (Sub-No. 24), filed February 27, 1967. Applicant: STONE TRUCKING COMPANY, a corporation, Post Office Box 2014, Tulsa, Okla. 74101. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales and bundles weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Oklahoma, Louisiana, Arkansas, and New Mexico, and (2) *iron and steel articles*, weighing 2,000 pounds or more, which require the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas. Tex.

No. MC 103880 (Sub-No. 382), filed February 27, 1967. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Louisiana, Mo., to points in Illinois, Iowa, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 105984 (Sub-No. 8), filed February 27, 1967. Applicant: JOHN B. BARBOUR, JR., doing business as JOHN B. BARBOUR TRUCKING COMPANY, Post Office Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Oklahoma, Louisiana, Arkansas, and New Mexico, and (2) *iron and steel articles*, weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 106398 (Sub-No. 345), filed March 6, 1967. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Richard O. Battles (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger vehicles, in initial movements, in truckaway service, from points in Marathon and Wood Counties, Wis.; Poweshiek, Bremer, and Polk Counties, Iowa; Vance County, N.C.; Multnomah County, Oreg.; and Campbell County, Tenn.; to points in the United States (except Alaska and Hawaii), and (2) *trailers*, designed to be drawn by passenger vehicles, in initial movements, in truckaway service, and *portable or prefabricated buildings*, from points in Lee County, Miss., to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106401 (Sub-No. 25), filed February 27, 1967. Applicant: JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte, N.C. 28201, also Post Office Box 10877, Charlotte, N.C. Applicant's representative: Donald E. Cross, 917 Munsey Building, 1329 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Union Camp Corp. located in the county of Autauga, near Montgomery, Ala., as an off-route point in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 106407 (Sub-No. 23), filed February 27, 1967. Applicant: T. E. MERCER TRUCKING CO., a corporation, Post Office Box 1809, Fort Worth, Tex. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Drawer 17007, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 106509 (Sub-No. 20), filed March 2, 1967. Applicant: YOUNGER TRANSPORTATION, INC., Post Office Box 14066, Houston, Tex. 77021. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales and bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, and New Mexico, and (2) *iron and steel articles*, weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 106775 (Sub-No. 22) (Correction), filed February 27, 1967, published FEDERAL REGISTER, issue of March 16, 1967, and republished as corrected this issue. Applicant: ATLAS TRUCK LINE, INC., Post Office Box 9848, Houston, Tex. 77015. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales and bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, and New Mexico, and (2) *iron and steel articles*, weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: The purpose of this republication is to show the correct name and address of applicant inadvertently shown as SUPERIOR TRUCKING COMPANY, INC., Atlanta, Ga. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 106941 (Sub-No. 4), filed February 27, 1967. Applicant: WILLIAM H. OTT, doing business as TEXAS HOT SHOT COMPANY, 3815 Irvington Boulevard, Post Office Box 8587, Houston, Tex. 77009. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, and Oklahoma; and, (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Applicant states it intends to tack the above-proposed authority with its present authority, serving points in Texas, Oklahoma, and Louisiana. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107295 (Sub-No. 102), filed March 7, 1967. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, complete, knocked down, and in sections including all component parts, materials, supplies, and fixtures*, and when shipped with such buildings, *accessories*, used in the erection, construction, and completion thereof, from Washington Court House, Ohio, to points in Colorado, New Mexico, Utah, Nevada, Idaho, Montana, North Dakota, South Dakota, and Wyoming. NOTE: Applicant states it now holds the authority sought herein by utilizing the gateway at Wapello County, Iowa, and the purpose of the instant application is to eliminate this gateway. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 107403 (Sub-No. 706), filed March 6, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except liquid hydrogen, liquid nitrogen, and liquid oxygen), in bulk, in tank vehicles, from Taft, La. (except from the plantsites of Hooker Chemical Corp. and Union Carbide Corp.), to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 537), filed March 3, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and sand with additives*, in containers, (1) from Bridgman, Mich., to points in Illinois, Wisconsin, Indiana, Iowa, Kentucky, Pennsylvania, New York, Massachusetts, Mississippi, Tennessee, and West Virginia, and (2) from Troy Grove, Ill., to points in Indiana, Ohio, Kentucky, Michigan, Wisconsin, Iowa, Nebraska, Missouri, Kansas, Pennsylvania, New York, Oklahoma, Massachusetts, Mississippi, Tennessee, and West Virginia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 538), filed March 6, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish, oils, fish protein meals, fish flours, and blends thereof*, in bulk, from Menominee, Mich., to points in Illinois, New Jersey, Pennsylvania, Virginia, West Virginia, Kentucky, North Carolina, Michigan, Tennessee, New York, Iowa, Missouri, Minnesota, South Dakota, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 107496 (Sub-No. 539), filed March 6, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products*, in bulk, from Cedar Rapids, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Cedar Rapids or Des Moines, Iowa, or Chicago, Ill.

No. MC 107515 (Sub-No. 564), filed March 8, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay* in packages, from Wrens, Ga., to points in Michigan. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Atlanta, Ga.

No. MC 107740 (Sub-No. 6), filed March 8, 1967. Applicant: HAROLD PAUL LAWRENCE, doing business as LAWRENCE FURNITURE DELIVERY SERVICE, 367 East Tusculum Street, Philadelphia, Pa. 19134. Applicant's representative: Richard V. Zug, 1418

Packard Building, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Uncrated furniture and appliances*, from Fallsington and King of Prussia, Pa., to points in New Jersey, Delaware, and that portion of Maryland east of Susquehanna River and the Chesapeake Bay, and (2) *returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 108651 (Sub-No. 17), filed March 7, 1967. Applicant: ROY B. MOORE, INC., Post Office Box 628, Kingsport, Tenn.. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from Westfield, N.Y., and North East and Erie, Pa., to points in Virginia, and (2) *foodstuffs and carbonated beverages*, in cans and bottles, from Bergen, Oakfield, Leroy, Mount Morris, Alton, South Dayton, Phelps, Gorham, and Shortsville, N.Y., to points in Virginia. Restriction: The transportation to be performed under the authority sought in paragraphs 1 and 2 above is restricted to traffic originating at the named origin points and destined to the named destination territory. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 109064 (Sub-No. 16), filed February 27, 1967. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., Post Office Box 8367, 3301 Southeast Loop 820, Forth Worth, Tex. 76112. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Drawer 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hildalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico; and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 109236 (Sub-No. 17), filed March 7, 1967. Applicant: GEORGE A. SIMS, G. GRANT SIMS, AND TRACY-COLLINS BANK & TRUST CO., CO-GUARDIANS, M. K. SIMS, GEORGE MILTON SIMS, ELMER L. SIMS, AND BEVERLY SIMS CANDLAND, EXECUTORS, ELMER L. SIMS AND G. GRANT SIMS, a partnership, doing business as SALT LAKE TRANSFER COMPANY, 35 South 500 West, Salt Lake City, Utah 84101. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles in "truckaway" service;* and *articles weighing 15,000 pounds or more in "driveaway" service;* between points in Utah, Wyoming, Idaho, Montana, Arizona, and those in Nevada other than Mineral County; and between points in Utah, on the one hand, and, on the other, points in New Mexico, traversing Colorado for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah; Boise, Idaho; Denver, Colo.; or San Francisco, Calif.

No. MC 110191 (Sub-No. 20), filed March 6, 1967. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Avenue, Norfolk, Va. 23501. Applicant's representative: James Lawson, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mechanically refrigerated vehicles, from Norfolk, Va., to Charleston, Clarksburg, Fairmont, Flemington, Huntington, Parkersburg, Princeton, and Morgantown, W. Va. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 110525 (Sub-No. 819), filed March 7, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005, also Edwin H. vanDeusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, (1) from New York and Peekskill, N.Y., to points in New Jersey, Delaware, Maryland, and Pennsylvania, and (2) from Peekskill, N.Y., to Hartford, Melrose, Meriden, North Haven, New Haven, Portland, Salisbury, and Seymour, Conn.; Westerly, R.I.; Adams, Boston, Littleton, South Deerfield, and Sterling, Mass.; Brunswick, Eastport, South Paris, and Buckfield, Maine; and Greenville, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110817 (Sub-No. 13), filed February 27, 1967. Applicant: E. L. FARMER & COMPANY, a corporation, 300 South Grant, Post Office Box 3512, Odessa, Tex. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and (2) *iron or steel articles*, weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 110981 (Sub-No. 6), filed March 9, 1967. Applicant: ALFRED BERGMAN AND MELVIN BERGMAN, a partnership, doing business as A & A BERGMAN, 7375 Nitz Street, Pigeon, Mich. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Decatur, Ind., and Fostoria, Ohio, to points in that part of Michigan bounded by a line beginning at the Michigan-Indiana State line and extending north along U.S. Highway 31 to Ludington, thence along U.S. Highway 10 to Bay City, thence along Michigan Highway 25 to Michigan-Ohio line, thence along State line to point of beginning for the account of Farm Bureau Services, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 111069 (Sub-No. 41), filed March 8, 1967. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131, also State Highway No. 131, Clarksville, Ind. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats* in vehicles equipped with mechanical refrigeration, from Union City and Memphis, Tenn. to New York City and the New York, N.Y., commercial zone, under contract with W. M. Tynan & Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 111412 (Sub-No. 6), filed February 27, 1967. Applicant: J. I. HAILEY, INC., Navigation Boulevard, Post Office Box 1919, Corpus Christi, Tex. 78403. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales and bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and (2) *iron and steel articles*, weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 112801 (Sub-No. 66), filed March 8, 1967. Applicant: TRANSPORT SERVICE, INC., 5100 West 41st Street, Chicago, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from the plantsite of W. R. Grace & Co., Henry, Ill., to points in Minnesota, Wisconsin, Iowa, Missouri, Indiana, Kentucky, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113287 (Sub-No. 1), filed January 19, 1967. Applicant: ROBERT E. PAUP, 660 West College Avenue, York, Pa. 17404. Applicant's representative: Russell F. Griest, 128 East King Street, York, Pa. 17403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chopped, combed, and bailed cotton fibers, wastes, or scraps*, from North Bergen, N.J., to Hanover and York, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 113362 (Sub-No. 131), filed March 6, 1967. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities used by Wilson & Co., at Cedar Rapids, Iowa, to points in Connecticut, Delaware, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia restricted to traffic originating at the named plant and/or storage facilities. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Omaha, Nebr., or Des Moines, Iowa.

No. MC 113388 (Sub-No. 80) (Correction), filed February 9, 1967, published in FEDERAL REGISTER issue of March 2, 1967, corrected March 10, 1967, and republished as corrected, this issue. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Post Office Box 248, Bridgeville, Del. 19933. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk, in tank vehicles), from the plantsite and warehouse facilities of The Pillsbury Co. at/or near East Greenville, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, Vermont, and the District of Columbia. NOTE: Applicant states that no duplicating authority is being sought. The purpose of this republication is to show East Greenville, Pa., in lieu of Greenville, Pa., as previously published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113459 (Sub-No. 40), filed February 27, 1967. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Drawer 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales and bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, (2) *iron and steel articles*, weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 114045 (Sub-No. 267), filed March 6, 1967. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from points in Georgia and South Carolina, to Allentown, Pa., and Boston, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 114364 (Sub-No. 135), filed March 2, 1967. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, caps, covers, tops, stoppers, boxes, cartons, plasticware, plastic containers*, (1) from Muskogee, Okla., to points in Arizona, New Mexico, and points in Texas, on and north of U.S. Highway 62, and (2) from Ada, Okla., to points in Arizona, Colorado, New Mexico, and points in Texas, on and north of U.S. Highway 62. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 114364 (Sub-No. 137), filed March 6, 1967. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and frozen fruits and vegetables*, from Stilwell, Okla., to points in Arizona, Colorado, Kansas, Nebraska, and New Mexico. NOTE: Applicant states it could tack with authorized authority from origins in Colorado to points in California, Idaho, Montana, Oregon, Washington, Wyoming, Texas, Oklahoma, Kansas, and Nebraska. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 114965 (Sub-No. 28), filed February 27, 1967. Applicant: CYRUS TRUCK LINES, INC., R.F.D. No. 1, Post Office Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, Post Office Box 328, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Leavenworth, Kans., to points in Nebraska, Iowa, Missouri, Oklahoma, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 115186 (Sub-No. 6), filed February 27, 1967. Applicant: RAY E. RAMSEY, doing business as RAMSEY TRUCKING COMPANY, 1273 Sheffield, Post Office Box 9631, Houston, Tex. 77015. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh and pipe;* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas; and (2) *iron or steel articles*, weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo,

Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 115826 (Sub-No. 173), filed March 6, 1967. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. 80217. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Maricopa and Pinal Counties, Ariz., to points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 116273 (Sub-No. 89), filed March 10, 1967. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, in tank and hopper-type vehicles, from the plantsite of W. R. Grace & Co., Henry, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 111) (Amendment), filed February 20, 1967, published in FEDERAL REGISTER issue of March 9, 1967, amended March 9, 1967, and republished as amended this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380 and 906 Magnolia Avenue, Auburndale, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay tile and related items*, from Lake Wales, Lakeland, and Tampa, Fla., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, west of Interstate Highway 81, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin, and on return transport *empty pallets, materials, supplies, and items*, used in and/or for the manufacturing and processing of clay tile. The purpose of this republication is to add "and on return of commodities specified above." Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 11712 (Sub-No. 3), filed January 29, 1967. Applicant: UNITED STATES TRUCKING CORPORATION, 66 Murray Street, New York, N.Y. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry sugar* in bulk, *including blends with other sweetners*, in specialized equipment, between Brooklyn, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J., and Westchester, Rockland, Orange, Putnam, Nassau, and Suffolk Counties, N.Y., restricted to shipments originating at the plantsite of American Sugar Co., at Brooklyn, N.Y. NOTE: Applicant holds temporary contract carrier authority under MC 83885 Sub-Nos. 3 and 5, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117303 (Sub-No. 5) (Correction), filed February 17, 1967, published FEDERAL REGISTER, issue of March 9, 1967, and republished as corrected this issue. Applicant: HUDSON VALLEY CEMENT LINES, INC., Box 203, Claverack, N.Y. 12513. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the town of Greenport (Columbia County), N.Y., to New York, N.Y., and points in Nassau and Suffolk, Counties, N.Y., through New Jersey. NOTE: Applicant states that New York Public Service Commission Certificate No. 2320, authorizes it to perform the described operation over New York highways. By this application, authority is sought to use New Jersey highways in operating from and to the same points it is presently authorized to serve. No new or additional commodity, origin, or destination point is involved. The purpose of this republication is to show that the town of Greenport, N.Y., is located in Columbia County and not Columbus County. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 117651 (Sub-No. 9), filed March 6, 1967. Applicant: FEASTER TRUCKING SERVICE, INC., Claflin, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Mason City, Iowa, and points within 10 miles thereof, to points in Missouri, Kansas, Nebraska, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 117765 (Sub-No. 57), filed March 6, 1967. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern, Oklahoma City, Okla. 73111. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bag, containers, and bulk, from Edith, Okla., to points in Arkansas, Colorado, Kansas, Louisiana Missouri, New Mexico, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118142 (Sub-No. 26), filed March 8, 1967. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, Kans. Applicant's representative: J. F. Miller, 7501 Mission Road, Shawnee Mission, Kans. 66208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined by the Commission in 61 M.C.C. 209 and 766, except in bulk, in tank vehicles, from the plantsite of the Mankato Packing Co. near Mankato, Kans., to points in Louisiana, Texas, New Mexico, Arizona, California, Utah, Colorado, Oregon, and Washington, and the plantsite and storage facilities of the Rothschild Packing Co. at Omaha, Nebr. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 118196 (Sub-No. 90), filed March 6, 1967. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Slater, Waterloo, and Cedar Rapids, Iowa, to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 119547 (Sub-No. 16), filed March 3, 1967. Applicant: EDGAR W. LONG, Route 4, Zanesville, Ohio. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *advertising matter* from Columbus, Ohio, to points in West Virginia, that part of Indiana, on and east of U.S. Highway 31 and that part of Pennsylvania, on and west of a line beginning at the Pennsylvania-New York State line, thence via U.S. Highway 219 to junction U.S. Highway 119, thence via U.S. Highway 119 to the Pennsylvania-West Virginia State line, (2) *empty used malt beverages containers*, on return, (3) *clay products*, including tile or tiling, facing or flooring, or face cove or molding, clay or earthenware, glazed or not glazed, with or without backing and *materials and items* used in the installation of such items from Houston, Miss., to points in Ohio, Kentucky, Tennessee, Indiana, Illinois, West Virginia, Virginia, Oklahoma, Pennsylvania, Arkansas, North Carolina, South Carolina, Georgia, New Jersey, Alabama, New York, Maryland, District of Columbia, Florida, and Louisiana, and (4) *materials* used in the manufacture of clay products on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119700 (Sub-No. 12), filed March 1, 1967. Applicant: STEEL HAULERS, INC., 306 Ewing, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between Kansas City, Mo., on the one hand, and, on the other, points in Indiana, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Louisiana, points in Colorado on and east of U.S. Highways 85 and 87, and the Lower Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119774 (Sub-No. 8), filed February 27, 1967. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS, JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, Tex. 75662. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, and Arkansas; and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *sheets, beams, plates and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Applicant states it presently holds oilfield authority in the area involved in the above proposed operations. The proposed authority will duplicate, to a minor extent, the authority presently held by applicant in MC 119774. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 119777 (Sub-No. 74), filed March 9, 1967. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigeration equipment, walk-in type refrigeration units, and parts, accessories and assemblies* for walk-in type refrigeration units, from Laurel, Miss., to points in Colorado, Nebraska, New Mexico, North Dakota, South Dakota, Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 119934 (Sub-No. 136), filed March 8, 1967. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46204. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk vehicles, from Depue, Ill., to points in the States of Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 120257 (Sub-No. 7), filed February 27, 1967. Applicant: K. L. BREEDEN & SONS, INC., 410 Alamo Street, Terrell, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles; weighing 2,000 pounds or more each, which require the use of special equipment, *plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Oklahoma and Texas, and (2) *Iron or steel articles*, weighing 2,000 pounds or more each, requiring the use of special equipment, *sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 120397 (Sub-No. 1), filed March 9, 1967. Applicant: CAROLINA DISPATCH SERVICE, INC., King Street at Heriot, Post Office Box 552, Charleston, S.C. 29402. Applicant's representative: J. J. Meeks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects* in providing local pickup and delivery service for Exempt Forwarders, between points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston or Columbia, S.C.

No. MC 120634 (Sub-No. 13), filed February 28, 1967. Applicant: JOE HODGES TRANSPORTATION CORPORATION, Post Office Box 82397, Oklahoma City, Okla. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *general commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Duncan, Okla., and Junction Oklahoma Highways 53 and 76: From Duncan over Oklahoma Highway 7 to junction Oklahoma Highway 76, at Ratliff City, Okla., thence over Oklahoma Highway 76 to junction Oklahoma Highway 53, about 4 miles south of Fox, Okla., and return over the same route, serving all intermediate points, and off-route points within 8 miles of Velma, Okla., within 5 miles of County Line, Okla., within 3 miles of Ratliff City, Okla., and within 4 miles of Fox, Okla., (2) between Springer, Okla., and junction Oklahoma Highways 53 and 76: From Springer over Oklahoma Highway 53 to junction Oklahoma Highway 76 about 1 mile south of Fox, Okla., and return over the same route, serving all intermediate points.

(3) Between Comanche and Ardmore, Okla.: From Comanche over Oklahoma Highway 53 to junction Oklahoma Highway 76, about 4 miles south of Fox, Okla., thence over Oklahoma Highway 76 to junction U.S. Highway 70 about 4 miles west of Wilson, Okla., thence over U.S. Highway 70 to Ardmore, and return over the same route, serving all intermediate points (4) between Comanche, Okla., and junction Oklahoma Highways 53 and 76 over Oklahoma Highway 53, serving all intermediate points, including said junction, and serving off-route points within 5 miles of Oklahoma Highway 53 between Comanche and Loco, Okla., (5) between Comanche, Okla., and the Oklahoma-Texas State line about 2 miles south of Terral, Okla., over U.S. Highway 81, serving all intermediate points, and serving the off-route points of the site of the shipping and receiving facilities of Oscar, Okla., Oil Fields about 13 miles east and south of Ryan, Okla., (6) between Walters and Waurika, Okla., over Oklahoma Highway 5, serving all intermediate points, and serving the intermediate or off-route points of the sites of the shipping and receiving facilities of Continental Oil Co., about 4 miles west of Agawam, Okla., Magnolia Petroleum Co. (Chitwood Plant) about 12 miles east and north of Rush Springs, Okla., and Cameron Oil Co., about 8 miles of Marlow, Okla., in connection with (1), (2), (3), (4), (5), and (6) above.

(7) Between Temple, Okla., and junction Oklahoma Highways 53 and 65, about 6 miles north of Temple, Okla., over Oklahoma Highway 65, serving all intermediate points. The service authorized in (1) through (7) above, is subject to the following restriction: That applicant's service at Springer and Ardmore, Okla., is restricted to traffic (1) interchanged or interlined with connecting carriers at those points, or (2) tacked to operating authority otherwise held by applicant at those points. That applicant's service is restricted to preclude the transportation of any traffic moving between Wichita Falls, Tex., and points within 25 miles of Wichita Falls, on the one hand, and, on the other, points in

Texas, via Springer or Ardmore, Okla., (8) between Oklahoma City and Frederick, Okla.: From Oklahoma City over U.S. Highway 277 to junction Oklahoma Highway 37, thence over Oklahoma Highway 37 to Tuttle, Okla., thence over unnumbered highway to Chickasha, Okla., thence over U.S. Highway 81 to Comanche, Okla., thence over Oklahoma Highway 53 to Walters, Okla., thence over Oklahoma Highway 5 to Frederick, and return over the same route, serving all intermediate points, (9) between Frederick and Hobart, Okla.: From Frederick over U.S. Highway 183 to junction Oklahoma Highway 9, thence over Oklahoma Highway 9 to Hobart, and return over the same route, serving all intermediate points.

(10) Between Frederick, Okla., and junction Oklahoma Highway 36 and U.S. Highway 277: From Frederick over Oklahoma Highway 5 to junction Oklahoma Highway 36, thence over Oklahoma Highway 36 to junction U.S. Highway 277, and return over the same route, serving all intermediate points, (11) between Hollis, Okla., and junction Oklahoma Highway 7 and U.S. Highway 81; from Hollis over U.S. Highway 62 to junction U.S. Highway 277, thence over U.S. Highway 277 to Lawton, Okla., thence over Oklahoma Highway 7 to junction U.S. Highway 81, and return over the same route, serving all intermediate points, (12) between Altus and Granfield, Okla.: From Altus over U.S. Highway 283 to junction Oklahoma Highway 5, thence over Oklahoma Highway 5 to Frederick, Okla.; thence over unnumbered highway through Hollister and Loveland, Okla., to junction Oklahoma Highway 36, thence over Oklahoma Highway 36 to Granfield, and return over the same route, serving all intermediate points, (13) between Davidson, Okla., and junction unnumbered highway and U.S. Highway 277: From Davidson over U.S. Highway 70 to junction unnumbered highway (west of Randlett, Okla.), thence south over unnumbered highway to junction U.S. Highway 277, and return over the same route, serving all intermediate points, (14) between Hinton and Geary, Okla., over U.S. Highway 281, serving all intermediate points.

(15) Between Taloga and Clinton, Okla., over U.S. Highway 183, serving all intermediate points, (16) between Rocky, Okla., and junction U.S. Highway 183 and Oklahoma Highway 9 over U.S. Highway 183, serving all intermediate points, (17) between Elk City, Okla., and junction Oklahoma Highway 47 and U.S. Highway 183: From Elk City over Oklahoma Highway 34 to Leedey, Okla., thence over Oklahoma Highway 47 to junction U.S. Highway 183, and return over the same route, serving all intermediate points, (18) between Altus, Okla., and junction Oklahoma Highway 44 and U.S. Highway 66 over Oklahoma Highway 44, serving all intermediate points, (19) between Sentinel and Rocky, Okla., over Oklahoma Highway 55, serving all intermediate points, (20) between Granite and Hobart, Okla., over Oklahoma Highway 9, serving all intermediate points, (21) between Roosevelt and Cooperton, Okla., over Oklahoma Highway 19 (formerly unnumbered highway), serving all intermediate points, (22) between Chickasha and Hobart, Okla.: From Chickasha over U.S. Highway 62 to junction Oklahoma Highway 9, thence over Oklahoma 9 to Hobart, and return over the same route, serving all intermediate points, and (23) between Granite and Mangum, Okla., over Oklahoma Highway 9, serving all intermediate points.

(B) *General commodities* (except explosives), between Lawton and Chickasha, Okla., over U.S. Highway 62, serving all intermediate points, (C) *general commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Oklahoma City and Sayre, Okla., over Oklahoma Highway 152 (formerly Oklahoma Highway 31), serving all intermediate points, (2) between Hinton and Gracemont, Okla., over U.S. Highway 281, serving all intermediate points, (3) between Clinton and Rocky, Okla., over U.S. Highway 183, serving all intermediate points, (4) between Carter, Okla., and junction Oklahoma Highway 34 and U.S. Highway 66, near Merritt, Okla., over Oklahoma Highway 34, serving all intermediate points, (5) between Oklahoma City and the Texas-Oklahoma State line approximately 1 mile west of Texola over U.S. Highway 66 (Interstate Highway 40), serving all intermediate points, (6) between Clinton and Cheyenne, Okla.: From Clinton over U.S. Highway 183 to junction Oklahoma Highway 33, through Butler and Hammon, Okla., thence over Oklahoma Highway 33 to junction U.S. Highway 283, thence over U.S. Highway 283 to Cheyenne, and return over the same route, serving all intermediate points, (7) between Clinton and Thomas, Okla.: From Clinton over U.S. Highway 183 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to Thomas, and return over the same route, serving all intermediate points.

(8) Between Weatherford and Thomas, Okla.: From Weatherford over Oklahoma Highway 54 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to Thomas, serving all intermediate points, and serving the off-route points of Delhi, Minco, Albert, Alfalfa, Swan Lake, Lake Valley, Cloud Chief, Cowden Colony, Corn, Sentinel, Dill, and Retrop, Okla., in connection with (C), (5), (6), (7), (8) above, (9) between Sayre and Cheyenne, Okla.: From Sayre over Oklahoma Highway 152 to junction Oklahoma Highway 6, thence over Oklahoma Highway 6 to junction U.S. Highway 283, thence over U.S. Highway 283 to Cheyenne, and return over the same route serving all intermediate points and the off-route points of Strong City and Sweetwater, Okla., (10) between Waurika, Okla., and junction Oklahoma Highway 70 and U.S. Highway 277 over Oklahoma Highway 70, serving all intermediate points, (11) between Lawton and Walters, Okla.: From Lawton over U.S. Highway 277 to junction Oklahoma Highway 5, thence over Oklahoma Highway 5 to Walters, and return over the same route, serving all intermediate points.

(12) Between Hammon and Elk City, Okla., over Oklahoma Highway 34, serving all intermediate points, and especially including Aledo, Altus, Anadarko, Apache, Arapaho, Bessie, Bethany, Binger, Blanchard, Bridgeport, Burns Flat, Butler, Cache, Canute, Carter, Carpenter, Cement, Chattanooga, Cheyenne, Chickasha, Clinton, Cloud Chief, Comanche, Cordell, Corn, Cowden, Custer City, Cyril, Davidson, Dill City, Duke, Duncan, Eakley, Elgin, Elk City, El Reno, Fort Sill, Faxon, Fay, Fletcher, Foss, Frederick, Geary, Gould, Gracemont, Granite, Grandfield, Greenfield, Hammon, Headrick, Hobart, Hollis, Hollister, Hinton, Hydro, Indiahoma, Lawton, Leedy, Lonewolf, Lookeba, Loveland, Lugert, Mangum, Marlow, McQueen, Middleburg, Minco, Moorewood, Mountain Park, Mustang, Ninnekah, Oklahoma City, Putnam, Randlett, Rhea, Rocky, Roosevelt, Rush Springs, Sayre, Sentinel, Snyder, Strong City, Tabler, Tipton, Thomas, Union, Verden, Walters, Wheatland, and Weatherford, Okla., in connection with all routes described above. Alternate routes: (1) Between Elk City and Granite, Okla.: From Elk City over Oklahoma Highway 6 to junction Oklahoma Highway 152, thence over Oklahoma Highway 6 to Granite, and return over the same route serving no intermediate points, and serving junction Oklahoma Highways 6 and 152 for purposes of joinder only, (2) between junction U.S. Highways 81 and 66 south of El Reno, Okla., and junction U.S. Highway 81 and Oklahoma Highway 152 east of Union City, Okla., over U.S. Highway 81, serving no intermediate points and serving junction U.S. Highways 81 and 66 and junction U.S. Highway 81 and Oklahoma Highway 152 for purposes of joinder only.

(3) Between junction U.S. Highway 81 and Oklahoma Highway 152, 2 miles north of Minco, Okla., and junction U.S. Highways 81 and 62 approximately one mile north of Chickasha, Okla., over U.S. Highway 81, serving no intermediate points, and serving junction U.S. Highway 81 and Oklahoma Highway 152 and junction U.S. Highways 81 and 62 for purposes of joinder only, (4) between junction Oklahoma Highways 54 and 152, 8 miles east of Cordell, and Gotebo, Okla., over Oklahoma Highway 54, serving no intermediate points and serving junction Oklahoma Highways 54 and 152 for purposes of joinder only, (5) between Gotebo, Okla., and junction Oklahoma Highway 54 and U.S. Highway 62 over Oklahoma Highway 54, serving no intermediate points and serving junction Oklahoma Highway 54 and U.S. Highway 62 for purposes of joinder only, (6) between Blair, Okla., and junction Oklahoma Highway 19 and U.S. Highway 183 north of Roosevelt, Okla., over Oklahoma Highway 19, serving no intermediate points, and serving junction Oklahoma Highway 19 and U.S. Highway 183 for purposes of joinder only, (7) between Mangum, Okla., and junction Oklahoma Highway 34 and U.S. Highway 62 east of Duke, Okla., over Oklahoma Highway 34, serving no intermediate points, and serving junction Oklahoma Highway 34 and U.S. Highway 62 for purposes of joinder only.

(8) Between Carter, Okla., and junction U.S. Highway 283 and Oklahoma Highway 9: From Carter over Oklahoma Highway 34 to junction U.S. Highway 283, thence over U.S. Highway 283 to junction Oklahoma 9, 6 miles north of Mangum, Okla., and return over the same route, serving no intermediate points, and serving junction U.S. Highway 283 and Oklahoma Highway 9 for purposes of joinder only, and (9) between junction U.S. Highways 66 and 283 south of Sayre, Okla., and junction U.S. Highway 283 and Oklahoma Highway 34 over U.S. Highway 283, serving no intermediate points, and serving junction U.S. Highways 66 and 283 and junction U.S. Highway 283 and Oklahoma Highway 34 for purposes of joinder only. NOTE: Applicant states although some highways and points are duplicated, there are important intermediate point differences. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 121424 (Sub-No. 2), filed February 27, 1967. Applicant: DAL-HAR DISTRIBUTING COMPANY, INC., 1517 Briarcrest, Dallas, Tex. 75224. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) The following *iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* from Houston, Beaumont, Port Arthur, Galveston, Orange, and Bayton, Tex., to points in Texas on and east of a line beginning at the Texas-Oklahoma-State line near Gainesville, Tex., and extending along U.S. Highway 77 to Dallas, Tex.; thence over U.S. Highway 67 to Midlothian, Tex.; thence over U.S. Highway 87 to its intersection with U.S. Highway 77; thence along U.S. Highway 77 to Victoria, Texa.; thence over U.S. Highway 87 to the Gulf of Mexico. (2) The following *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Galveston, Orange, and Baytown, Tex., to points in Texas, on and east of a line beginning at the Texas-Oklahoma State line near Gainesville, Tex., and extending along U.S. Highway 77 to Dallas, Tex.; thence over U.S. Highway 67 to Midlothian, Tex.; thence over U.S. Highway 287 to its intersection with U.S. Highway 77; thence along U.S. Highway 77 to Victoria, Tex.; thence over U.S. Highway 87 to the Gulf of Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. 123812 (Sub-No. 2), filed March 3, 1967. Applicant: SULLIVAN FREIGHT LINES, INC., U.S. 11 Bypass, Box 276, Athens, Tenn. 37303. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Land clearing, agricultural, and industrial machinery* designed for use in front of or behind crawler tractors and large wheel-type tractors and parts and attachments for the above-named commodities, from Cedartown, Ga., to points in the United States (except Alaska and Hawaii). NOTE: Applicant indicates that it intends to tack with its presently authorized authority in MC 123812 at Cedartown, Ga., wherein it is authorized in the transportation of farm implements, accessories, and parts. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Atlanta, Ga., or Birmingham, Ala.

No. MC 124796 (Sub-No. 26) (Amendment), filed February 3, 1967, published in FEDERAL REGISTER issue of February 24, 1967, amended and republished as amended this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 7236 East Slauson Avenue, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, NSEA Building, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive parts and accessories, automotive jacks and cranes* (not self-propelled), *hand, electric, and pneumatic tools, and advertising material, premiums, racks, display cases, and signs*, from Racine, Wis., Jackson, Mich., Batavia, Ill., Aberdeen, Holly Springs, and Prairie Junction, Miss., Mason City and Lake Mills, Iowa, and Harrisonburg, Va., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, and (2) *raw materials and supplies, component parts and merchandise* used in the sale and manufacturing of automotive parts and accessories, automotive jacks and cranes, hand, electric, and pneumatic tools; *advertising material, premiums, racks, display cases, and signs* on return, under contract with Walker Manufacturing Co. of Racine, Wis. Restrictions: (1) Service shall be limited to the transportation of shipments originating or terminating at the plants and warehouse sites of the Walker Manufacturing Co., and (2) no service may be performed in the transportation of articles which because of size, shape, weight or inherent nature require the use of special equipment or special handling. NOTE: The purpose of this republication is to add the origin point of Prairie Junction, Miss. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 126497 (Sub-No. 2) (Correction), filed February 20, 1967, published in the FEDERAL REGISTER issue of March 9, 1967, corrected and republished as corrected, this issue. Applicant: TIGER EXPRESS, INC., Main and Nelson Streets, Goshen, N.Y. 10924. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than in bulk, in tank vehicles), from Hamlin and Holley, N.Y., to points in the New York, N.Y., Commercial Zone. NOTE: Common control may be involved. The purpose of this republication is to correct the address of the applicant. If a hearing is deemed necessary, applicant requests it be held at Rochester or New York, N.Y.

No. MC 126514 (Sub-No. 7), filed February 27, 1967. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, Post Office Box 392, Phoenix, Ariz. 85001, also 5200 West Bethany Home Road, Glendale, Ariz. 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures, equipment, materials, and supplies* used or useful in the sale or manufacture of lighting fixtures, *curtains, and plastic and plastic articles*, between points in Arizona and California on the one hand, and, on the other, points in Connecticut, Illinois, New Jersey, New York, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 126965 (Sub-No. 4), filed March 6, 1967. Applicant: CLIFFORD B. FINKLE, JR., 800 Bloomfield Avenue, Clifton, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Noodles*, in tote bins, from Fair Lawn, N.J., to Albion, N.Y., and *empty tote bins*, on return, under contract with A. Zarega's Sons, Inc., Fair Lawn, N.J. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127215 (Sub-No. 27) (Correction), filed January 16, 1967, published FEDERAL REGISTER issue of February 2, 1967, corrected February 28, 1967, and republished as corrected this issue. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. 62881. Applicant's representative: W. C. Kendrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *liquid fertilizer materials*, in bulk, in tank vehicles, from Vigo County,

Ind., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: The purpose of this republication is to include Anhydrous ammonia in the commodity description, which was inadvertently omitted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127705 (Sub-No. 8), filed March 6, 1967. Applicant: KREVDA BROS. EXPRESS, INC., 501 Broadway, Gas City, Ind. 46953. Applicant's representative: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sweet cider*, from Belding, Mich., to points in Illinois, Indiana, Ohio, and Pennsylvania. NOTE: Applicant holds contract authority under MC-123934 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Detroit, Mich.

No. MC 127898 (Sub-No. 1), filed March 6, 1967. Applicant: DIRECT AIR FREIGHT CORPORATION, Bradley International Airport, Windsor Locks, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Bradley International Airport, Windsor Locks, Conn., on the one hand, and, on the other, North Adams and Williamstown, Mass., and Pownal, Vt., restricted to traffic having an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Albany, N.Y.

No. MC 128656 (Sub-No. 1), filed March 7, 1967. Applicant: CASKET TRANSPORT CO., INC., 1610 Southwest Evans Street, Des Moines, Iowa 50315. Applicant's representative: Elmer F. Streib, 715 Executive Building, 35 East Seventh Street, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, casket parts, and burial vaults*, (1) between Arthur, Ill., on the one hand, and, on the other, Fort Worth, Tex.; Little Rock, Ark.; Omaha, Nebr.; and, Ottumwa, Iowa; (2) between Little Rock, Ark., on the one hand, and, on the other, Fort Worth, Tex.; Omaha, Nebr.; and Ottumwa, Iowa; (3) between Ottumwa, Iowa, and Omaha, Nebr.; and, (4) from Omaha, Nebr., to points in that part of Iowa, on and west of U.S. Highway 63 and on and south of Interstate Highway 80, under Progress Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128697 (Sub-No. 1), filed March 10, 1967. Applicant: B & M MOVING & STORAGE, INC., Post Office Box 3745, North Farmers Market Road, Fort Pierce, Fla. 33450. Applicant's representative: Bernard W. Varley, 2208 Cortez Boulevard, Fort Pierce, Fla. 33450. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies*, having a prior or subsequent movement in interstate commerce, from Fort Pierce, Fla., to points in St. Lucie, Indian River, Okeechobee, and Martin Counties, Fla., and return, under contract with Western Electric Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Pierce or Miami, Fla.

No. MC 128796 (Sub-No. 1), filed February 24, 1967. Applicant: OTTO NELSON & SONS, INC., 2726 63d Street, Kenosha, Wis. 53140. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated vending machines and parts thereof*, from Kenosha, Wis., to points in Boone, Cook, Lake, McHenry, and Winnebago Counties, Ill., and *returned vending machines and parts thereof*, on return, under contract with Automatic Retailers of America, Inc. NOTE: Applicant holds common carrier authority in MC 55794, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 128821, filed January 17, 1967. Applicant: TOY LOONEY, Breaks, Va. 24607. Applicant's representative: W. Clyde Dennis, Drawer D, Grundy, Va. 24614. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Bituminous coal*, between the site of coal tipple located on Virginia County Highway 609 between Harmon and Breaks, Va., and Elkhorn City, Ky., from the site of coal tipple located on Virginia County Highway 609 over County Highway 609 to junction Virginia Highway 80, thence over Virginia Highway 80 to the Virginia-Kentucky State line, thence over Kentucky Highway 80 to Elkhorn City, and return over the same route serving no intermediate points, under contract with Bear Branch Coal Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Abingdon or Roanoke, Va.

No. MC 128898 (Sub-No. 1), filed March 9, 1967. Applicant: STANDARD TRANSPORTATION, INC., 2450 Wall Avenue, Ogden, Utah. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wholesale plumbing supplies and related equipment, industrial and water works supplies and related equipment, and those items dealt in and sold by Standard Plumbing Supply Co.*, between points in the States of Utah, Idaho, Nevada, California, Oregon, and Washington, under continuing contract with Standard Plumbing Supply Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 128902, filed February 17, 1967. Applicant: SCHOENEGGE, INC., Route 20 East, Post Office Box 525, Norwalk, Ohio 44857. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck cab assemblies*, from Norwalk, Ohio, to Allentown, Pa., Port Newark, N.J. and the ports of entry on the international boundary line between the United States and Canada, located at Detroit, Mich., Buffalo, N.Y., and Niagara Falls, N.Y.; (2) *stampings and parts for truck cab assemblies*, from Scranton and York, Pa., to Norwalk, Ohio; (3) *stampings*, from Buffalo, N.Y., to Norwalk, Ohio; (4) *flat face-cowls*, from Norwalk, Ohio, to Pontiac, Mich.; and (5) *empty racks for shipping flat face-cowls*, on return from Pontiac, Mich., to Norwalk, Ohio, all under contract with Superior Coach Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128908, filed February 27, 1967. Applicant: WALTER PITTS, INC., Post Office Box 14534, San Antonio, Tex. Applicant's representative: Albert G. Walker, 304 Capital National Bank Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales and bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, and (2) *iron and steel articles*, weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 128909 (Sub-No. 1), filed March 2, 1967. Applicant: COMMODORE CONTRACT CARRIER, INC., 2410 Dodge Street, Omaha, Nebr. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Mobile homes, house trailers* designed to be drawn by passenger autos, and *homes* designed to be drawn by motor vehicle only when partially disassembled, in initial and secondary movement, in towaway and truckaway service: (1) Between Falls City and North Bend, Nebr.; Arlington (Shelby County), Tenn.; Hamilton, Haleyville, and Red Bay, Ala.; Danville, Va.; and Roseburg, Oreg. (2) Between Falls City, Nebr., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wyoming, and Wisconsin, and ports of entry on the international boundary line between the United States and Canada, located in Minnesota, North Dakota, Montana, and Washington.

(3) Between North Bend, Nebr., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, South Dakota, Oklahoma, Oregon, Utah, Tennessee, Texas, Wyoming, Washington, and Wisconsin, and ports of entry on the international boundary line between the United States and Canada located in Minnesota, North Dakota, and Montana. (4) Between Haleyville and Red Bay, Ala.; and Arlington (Shelby County), Tenn.; on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. (5) Between Danville, Va., on the one hand, and on the other, points in Delaware, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia. (6) Between Roseburg, Oreg., on the one hand, and, on the other, points in Washington, California, Nevada, Arizona, New Mexico, Colorado, Utah, Idaho, Montana, and Wyoming, and ports of entry on the international boundary line between the United States and Canada located in Washington and Montana.

(B) *Wheels, axles, and hitches*, between points in the United States (except Alaska and Hawaii), on the one hand, and, on the other, Falls City and North Bend, Nebr.; Arlington (Shelby County), Tenn.; Hamilton, Haleyville, and Red Bay, Ala.; Danville, Va.; and Roseburg, Oreg. Restriction: All service included herein is to be performed under continuing contracts with The Commodore Corp., Omaha, Nebr., its wholly owned subsidiaries and its divisions, having plants at the specific named points set out in Parts A and B above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 128911, filed March 1, 1967. Applicant: JAY'S DELIVERY SERVICE, INC., 1154 Flushing Avenue, Brooklyn, N.Y. 11237. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Cut goods, piece goods, and trimmings* used in the manufacture of ladies wearing apparel, and ladies wearing apparel on hangers and/or boxed in cartons, between Latest Trends, Inc., plantsite at Rutherford, N.J., and the plantsite of shipper or its affiliates at New York, N.Y., from Rutherford, N.J., via New Jersey Highway 3 to the Lincoln Tunnel, through the Lincoln Tunnel to New York, N.Y., and *returned shipments*, on return, under contract with Latest Trends, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 128913, filed March 3, 1967. Applicant: ECKERT & SONS, INC., 400 North Santa Fe Avenue, Vista, Calif. 92083. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized household goods shipments*, between San Diego, San Clemente, Oceanside, Marine Corps Base, Camp Pendleton, Vista, Fallbrook, Escondido, and Long Beach, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, San Diego, or San Francisco, Calif.

No. MC 128924, filed March 9, 1967. Applicant: OTWELL TRUCKING COMPANY, INC., Post Office Box No. 68, Otwell, Ind. Applicant's representative: W. L. Jordan, 201 Merchants Savings Building, Terre Haute, Ind. 47801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phonograph, stereo, and television cabinets and parts therefor*, between points in Perry County, Ind., and Macon County, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Springfield, Ill.

No. MC 128927, filed March 6, 1967. Applicant: ALLAN L. MARTIN AND NORMAN V. MARTIN doing business as VERN A. MARTIN & SONS, Wilton, Wis. 54670. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pallets*, moving on flat bed semitrailers, from Kendall, Wis., to points in Michigan, Illinois, Iowa, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 128930, filed March 10, 1967. Applicant: HEENAN TRUCKING COMPANY, 9 Second Street, Tidioute, Pa. 16351. Applicant's representative: Joseph V. Heenan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel* (except in bulk), between points in Pennsylvania, Ohio, New York, West Virginia, Indiana, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

MOTOR CARRIERS OF PASSENGERS

No. MC 13027 (Sub-No. 24), filed February 1, 1967. Applicant: SHORT WAY LINES, INC., 49 North Erie Street, Toledo, Ohio 43624. Applicant's representative: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers express mail, newspapers, and/or baggage of passengers* in the same vehicle with passengers, (A) between junction of Interstate Highway 94 and Belleville Road, Mich. (a point on present certificated route), and the junction of Main Street, Huron River Road, and Sumpter Road in Belleville, Mich. (a point on route applied for in MC-13027, Sub 23), via Belleville Road (becomes Main Street in Belleville) from junction of Interstate Highway 94 and Belleville Road to junction Belleville Road (Main Street), Huron River Road, and Sumpter Road in Belleville, Mich., (B) between junction Michigan Highway 52 and Valley Road at Birdsall, Mich. (a point on present certificated route), and Tecumseh, Mich. (a point on present certificated route), via Valley Road, Occidental Highway, Russell Road, and Adrian Street, to junction Adrian Street and Chicago Street in Tecumseh, Mich., (C) between junction U.S. Highway 127 and Interstate Highway 94, Michigan (a point on present certificated route), and junction Interstate Highway 94 and Michigan Highway 52, Michigan (a point on present certificated route).

Restrictions eastbound: No passengers would be originated at Jackson whose destination is Chelsea or points between Jackson and Chelsea. Further, no passengers will be originated at Jackson who would be disembarking at Ann Arbor, Ypsilanti, or Detroit, Mich. Restrictions westbound: No passengers will be originated at Detroit, Ypsilanti, Ann Arbor, or Chelsea, Mich., whose destination is between Chelsea and Jackson, or Jackson, or west or southwest of Jackson, Mich. Route is via Interstate Highway 94 between junction U.S. Highway 127 and Interstate Highway 94 and junction Interstate 94 and Michigan Highway 52, (D) Ann Arbor North-South Bypass on U.S. Highway 23 between junction U.S. Highway 23 and Washtenaw Road, Mich. (point on present certificated route), and junction U.S. Highway 23 and BR23 (North of Ann Arbor, Mich., a point on present certificated route), via U.S. Highway 23 Bypass around Ann Arbor between junction of U.S. Highway 23 and Michigan Highway 17 and junction U.S. Highway 23 and BR23, (E) Ann Arbor East-West Bypass on Interstate Highway 94 between junction Interstate Highway 94 and BRI94, Mich. (a point on present certificated route), and junction Interstate Highway 94 and U.S. Highway 23, Mich. (a point on present certificated route), via Interstate Highway 94 Bypass around Ann Arbor between junction Interstate Highway 94 and BRI94 west of Ann Arbor and junction Interstate Highway 94 and U.S. Highway 23, southeasterly of Ann Arbor.

(F) Between the junction Interstate Highway 69 and U.S. Highway 27 near the Michigan-Indiana State line (a point on the present certificated route), and the junction Interstate Highway 69 and U.S. Highway 27 near the northern limits of Fort Wayne, Ind. (a point on

the present certificated route), via Interstate Highway 69 between the junction Interstate Highway 69 and U.S. Highway 27 near the Michigan-Indiana State line and junction Interstate Highway 69 and U.S. Highway 27 near the northern limits of Fort Wayne, Ind., including entrance and exit ramps at said junctions named and at the intersection of Interstate Highway 69 and U.S. Highway 20 near Angola, Ind., and at intersection of Interstate Highway 69 and U.S. Highway 27 near Auburn, Ind., (G) between Auburn, and Garrett, Ind., over alternate route via city streets in Auburn to De Kalb County Road Number 48, on De Kalb County Road Number 48 to city streets of Garrett, Ind., (H) between junction of Goddard Road and Wayne Road in Romulus, Mich., and the junction of Goddard Road and Airport Drive, Mich., via Goddard Road. Service is requested to and from all intermediate points on routes except as restricted above. Return over these routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 61016 (Sub-No. 31), filed March 2, 1967. Applicant: PETER PAN BUS LINES, INC., 144 Bridge Street, Springfield, Mass. 01103. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Northampton and Easthampton, Mass., and extending to points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield or Amherst, Mass.

No. MC 66582 (Sub-No. 30), filed March 6, 1967. Applicant: ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in special operations, between Fort Lee, N.J., and Yankee Stadium, Bronx, N.Y., and/or Shea Stadium, Flushing, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 66582 (Sub-No. 31), filed March 9, 1967. Applicant: ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle as passengers, between points in Fort Lee, N.J., as follows, from junction Marginal Highway and Fletcher Avenue in Fort Lee, N.J., over Fletcher Avenue to junction Main Street, thence over Main Street, to junction Anderson Avenue, in Fort Lee, N.J., and on return from junction of Center Avenue and Main Street in Fort Lee, N.J., over Main Street to junction Fletcher Avenue, thence over Fletcher Avenue to junction Cross Street serving all intermediate points in Fort Lee, N.J. NOTE: Applicant states it proposes to join the above route to its existing regular route service as authorized in Docket MC 66582 in order to provide service between Fort Lee, N.J., and New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 109380 (Sub-No. 1), filed March 3, 1967. Applicant: WESTERN KENTUCKY STAGES, INCORPORATED, doing business as WESTERN KENTUCKY STAGES, INC., 955 West Pine Street, Lexington, Ky. 40508. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Murray and Mayfield, Ky., from Murray over Kentucky Highway 121 to Mayfield and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 111143 (Sub-No. 7), filed March 8, 1967. Applicant: J. I. DENURE (CHATHAM) LIMITED, doing business as CHATHAM COACH LINES, 165 King Street East, Chatham Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, from ports of entry on the international boundary line between the United States and Canada, to points in the United States, except Alaska and Hawaii, and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 123480 (Sub-No. 2), filed March 8, 1967. Applicant: SKINNER SCHOOL BUS LINES (ST. THOMAS) LIMITED, Post Office Box 4422, Postal Station C, 1901 Oxford Street East, London, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, from ports of entry on the international boundary lines between the United States and Canada located in points in the United States, except Alaska and Hawaii, and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 128818 (Amendment), filed January 18, 1967, published in the FEDERAL REGISTER issue of February 16, 1967, amended March 8, 1967 and republished as amended this issue. Applicant: SANDOW TOURS, INC., 28 Heathcote Road, Elmont, Long Island, N.Y. Applicant's representative: J. Arthur Robbins, 26 Court Street, Brooklyn, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in vehicles with a capacity not exceeding 15 passengers and *baggage and camping equipment* in the same vehicle in personally conducted all expense round-trip special or charter operations limited to camping from the period June 15th to September 7th of each year beginning and ending in New York, N.Y., and points in Nassau County, N.Y., and extending to points in the United States. NOTE: The purpose of this republication is to clearly set forth the authority sought. Applicant has also filed an application for a brokerage license, assigned No. MC 130026. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128887 (Sub-No. 1), filed February 15, 1967. Applicant: TRANSPORTES DEL NORESTE, S.A.C.V., a corporation, Colegio Civil Norte 1264, Monterrey, Nuevo Leon, Mexico. Applicant's representative: Albert G. Walker, Jr., 304 Capital National Bank Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express newspapers, and mail*, in the same vehicle, between the port of entry on the international boundary line between the United States and Mexico, located south of Rio Grande City, Tex., and Rio Grande City, Tex.: From the port of entry, over Bridge Road (known as Farm or Ranch Road 755), to junction U.S. Highway 83, thence over U.S. Highway 83 to Rio Grande City, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at McAllen, Laredo, San Antonio, or Austin, Tex.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130026, (Amendment), filed January 18, 1967, published FEDERAL REGISTER issue of February 9, 1967 amended March 6, 1967 and republished as amended this issue. Applicant: SANDOW TOURS, INC., 28 Heathcot Road, Elmont, Long Island, N.Y. Applicant's representative: J. Arthur Robbins, 26 Court Street, Brooklyn, N.Y. 11201. For a license (BMC 5) to engage in operations as a *broker* at Elmont, Long Island, N.Y., in arranging for the transportation in interstate or foreign commerce of *passengers* in vehicles with a capacity not exceeding 15 passengers and baggage and camping equipment in the same vehicle, in personally conducted all expense round-trip special or charter operations limited to camping from the period June 15th to September 7th of each year beginning and ending at New York, N.Y., and points in Nassau County, N.Y., and extending to points in the United States. NOTE: Applicant has also filed an application to conduct operations as a motor common carrier, assigned No. MC 128818. The purpose of this republication is to amend the authority requested.

No. MC 130029, filed January 31, 1967. Applicant: LAWTON-JOHNSON TRAVEL AGENCY, INC., 2286 Seventh Avenue, New York, N.Y. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. For a license (BMC 5) to operate as a *broker* at New York, N.Y., in arranging for the transportation of passengers and their baggage, both as individuals, and in groups, between New York, N.Y., and points in the United States.

APPLICATIONS FOR WATER CARRIERS

No. W-1161 (Sub-No. 1) (McGRATH & KUSKOKWIM FREIGHT SERVICE, INC.—Extension—Kuskokwim Bay), filed February 20, 1967. Applicant: McGRATH & KUSKOKWIM FREIGHT SERVICE, INC., Box 127, McGrath, Alaska. Applicant's representative: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland, Oreg. 97201. Application of McGrath & Kuskokwim Freight Service, Inc., filed February 20, 1967, for a revised certificate authorizing extension of its operations to include operation as a *common carrier* by water in interstate or foreign commerce, in seasonal operations between May 1, and October 30, of each year in the transportation of *general commodities* (except classes A and B explosives), between Bethel, Oscarville, Napaskiak, Napakiak, Tuntalulia, Eek, Nunapitchuck, Kasigluk, Moravian, and Orphanage, Alaska.

No. W-1230, KUTCHIN COUNTRY GUIDE & OUTFITTER SERVICE, INC., COMMON CARRIER APPLICATION, filed March 3, 1967. Applicant: KUTCHIN COUNTRY GUIDE & OUTFITTER SERVICE, INC., Box 3187, Fairbanks, Alaska. Application filed March 3, 1967, for certificate authorizing operation as a common carrier by water, covering a new operation in interstate or foreign commerce under Part III of the Interstate Commerce Act, in seasonal operation between May and September, in the transportation of *passengers and their baggage, automobiles, and general commodities*, from the international boundary line between Canada and Alaska, to Eagle, Circle, Fort Yukon, Chalkyitsik, and Canyon Village, Alaska.

APPLICATIONS OF FREIGHT FORWARDERS

No. FF-164 (Sub-No. 3), ARROW-LIFSCHULTZ FREIGHT FORWARDERS—Extension—D.C. and Vermont, filed March 7, 1967. Applicant: ARROW-LIFSCHULTZ FREIGHT FORWARDERS, a corporation, 386 Park Avenue South, New York, N.Y. 10016. Applicant's representative: Nova & Seymour, 120 Broadway, New York, N.Y. 10005. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a *freight forwarder* in interstate or foreign commerce, through use of the facilities of common carriers by railroad, water, air, and motor vehicle in the transportation of *general commodities*, between points in California on the one hand, and, on the other, points in Washington, D.C., and Vermont.

No. FF-267 (Sub-No. 1), HONOLULU FREIGHT SERVICE—Extension—SAN FRANCISCO, ETC., filed February 20, 1967. Applicant: HONOLULU FREIGHT SERVICE, a corporation, 2425 Porter Street, Los Angeles, Calif. 90021. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a freight forwarder in interstate or foreign commerce, through the facilities of common carriers by water and motor vehicle in the transportation of *general commodities* (except household goods as defined by the Interstate Commerce Commission), between points in Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties, California, and points in Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Honolulu, Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 83539 (Sub-No. 205), filed February 24, 1967. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Asbestos cement pipe, conduit, and couplings and accessories necessary for installation*, thereof when moving in connection therewith, from Riverside, Calif., and points within 3 miles thereof, to points in New Mexico and Texas.

No. MC 116063 (Sub-No. 99), filed March 6, 1967. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk, from Fort Worth, Tex., to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, and Oklahoma.

By the Commission.

H. NEIL GARSON,
Secretary.

[SEAL]

[F.R. Doc. 67-3111; Filed, Mar. 22, 1967; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 20, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40950—*Chlorine to Henderson, Ky.* Filed by O. W. South, Jr., agent (No. A5001), for interested rail carriers. Rates on chlorine, in tank carloads, from Brunswick, Ga., and Acme, N.C., to Henderson, Ky.

Grounds for relief—Market competition.

Tariffs—Supplements 61 and 78 to Southern Freight Association, agent, tariffs ICC S-600 and S-517, respectively.

FSA No. 40951—*Chlorine from Acme, N.C.* Filed by O. W. South, Jr., agent (No. A5006), for interested rail carriers. Rates on chlorine, in tank carloads, from Acme, N.C., to Catawba, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 79 to Southern Freight Association, agent, tariff ICC S-517.

By the Commission.

H. NEIL GARSON,
Secretary.

[SEAL]

[F.R. Doc. 67-3212; Filed, Mar. 22, 1967; 8:50 a.m.]

[Notice 1494]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 20, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69101. By order of March 14, 1967, Division 3, acting as an Appellate Division, approved the transfer to Joyce Motor Freight, Inc., Dumont, N.J., of the operating rights in certificate No. MC-116840, issued March 25, 1958, to Orient Express, Inc., Lyndhurst, N.J., authorizing the transportation, over irregular routes, of general commodities, with exceptions, between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y. James J. Farrell, 201 Montague Place, South Orange, N.J. 07079, representative for transferor. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, representative for transferee.

H. NEIL GARSON,
Secretary.

[SEAL]

[F.R. Doc. 67-3213; Filed, Mar. 22, 1967; 8:50 a.m.]

[3d Rev. S.O. 562; ICC Order No. 221]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting and Diversion of Traffic

In the opinion of H. R. Longhurst, Agent, the Chicago, Rock Island and Pacific Railroad Co. is unable to transport traffic routed over its line between

Shumaker, Ark., and Shumaker Ordnance Plant, Ark., because of track conditions.

It is ordered, That:

(a) Rerouting traffic: The Chicago, Rock Island and Pacific Railroad Co. is unable to transport traffic routed over its line between Shumaker, Ark., and Shumaker Ordnance Plant, Ark., because of track conditions. This carrier and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11 a.m., March 16, 1967.

(g) Expiration date: This order shall expire at 11:59 p.m., June 30, 1967, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 16, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] H. R. LONGHURST,
Agent.

[F.R. Doc. 67-3211; Filed, Mar. 22, 1967; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 67-337]

DESERT BROADCASTING CO., INC.

Notice of Acceptance of Applications for Filing for Construction Permit for New Television Broadcast Station

MARCH 20, 1967.

The Commission's decision (1 FCC 2d 91, 5 RR 2d 811); which denied the application of Harry Wallerstein, Receiver, Television Co. of America, Inc., licensee of Television Station KSHO-TV, Channel 13, Las Vegas, Nev., for renewal of license and dismissed the applications for consent to assign the license and transfer control of the licensee is expected to become final within a short period of time. Therefore, notice is hereby given that on the 15th day of March 1967, the Commission, on its own motion waived § 1.516(c) of the Commission's rules, and accepted for filing the following commercial television applications.

Desert Broadcasting Co., Inc., Las Vegas, Nev. (Postoffice: c/o Ralph L. Denton, Secretary-Treasurer, 880 East Sahara Avenue, Las Vegas, Nev. 89105).
New, CH. 13, 210-216 Mcs.
ERP: Visual, 116 kw, aural, 23.2 kw.
Unlimited hours.
AH: 362 feet.
Application for interim operating authority on Channel 13, Las Vegas, Nev., filed simultaneously.

Notice is also given that the frequency is available for application by any interested party. The Commission will also consider requests for interim operating authority. In order to promote the orderly conduct of the Commission's business, the Commission has determined to fix a date certain after which no new applications for Channel 13, Las Vegas, Nev., will be accepted for filing. Therefore, notice is hereby given that, in order to be entitled to a comparative consideration, any application for a construction permit for a new television broadcast station to operate on Channel 13, Las Vegas, Nev., and any application for interim operating authority, must be substantially complete and tendered for filing no later than the close of business May 1, 1967.

Adopted: March 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3207; Filed, Mar. 22, 1967; 8:49 a.m.]

[1] Commissioner Bartley dissenting to the provision for interim operating authority; Commissioner Cox not participating; Commissioner Johnson absent.

[Docket Nos. 16258, 15011; FCC 67-341]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order

In the matter of American Telephone and Telegraph Co. and the Associated Bell System Cos., charges for interstate and foreign communication service, Docket No. 16258; and in the matter of American Telephone and Telegraph Co., charges, practices, classifications, and regulations for and in connection with teletypewriter exchange service, Docket No. 15011.

1. The hearings on the initial issues in this investigation, as provided in our memorandum opinion and order released December 9, 1966 (FCC 66-1136), and prior orders, were completed February 16, 1967. Thus, the record will permit a decision to be made on the issues involving the proper rate of return to be allowed, jurisdictional separations and related issues. At a later date hearings will be scheduled on the remaining issue of Phase I of this proceeding relating to rate structure principles.

2. All parties have been directed to file proposed findings and conclusions on or before March 20, 1967, and any party may file a brief in support thereof. No replies to these filings will be permitted.

3. It is appropriate that we now fix dates for oral argument on the foregoing issues. Because of their complexity and importance, we are assigning 2 full days for oral argument. The first day will be devoted exclusively to the subject of jurisdictional separations and the second day to rate of return and the other related issues.

4. The panel of cooperating State commissioners is invited to file with the Commission comments and recommendations on all of the relevant issues by May 2, 1967. Such comments and recommendations will be served upon the parties by the Commission. Any party desiring to file views upon such comments or recommendations may do so within 14 days after the service date of the document.

Accordingly, it is ordered, That this matter is assigned for oral argument before the Commission en banc, and the panel of cooperating State commissioners, on the subject of jurisdictional separations on April 14, 1967, and on April 18, 1967, for the remaining issues of Phase I. Each session is to begin at 10 a.m. and is to be held in either Hearing Room A or B, ICC Building, Washington, D.C.

It is further ordered, That each party desiring to participate in oral argument before the Commission shall advise the Commission no later than March 28, 1967 of its intention to do so and set forth the amount of time desired separately for the jurisdictional separations and for all remaining issues. A schedule setting forth the order of argument, specific time allotments and specific questions to which the Commission will wish argument to be directed, will be issued hereafter.

Adopted: March 15, 1967.

Released: March 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3208; Filed, Mar. 22, 1967; 8:49 a.m.]

[Docket Nos. 16942, 17073; FCC 67M-450]

THOMAS F. CARTER ET AL.

Order Scheduling Hearing

In the matter of use of the carterphone device in message toll telephone service, Docket No. 16942; in the matter of Thomas F. Carter and Carter Electronics Corp., Dallas, Tex., complainants, v. American Telephone and Telegraph Co. Associated Bell System Cos., Southwestern Bell Telephone Co., and General Telephone Co. of the Southwest, defendants, Docket No. 17073.

A prehearing conference having been held on March 16, 1967, at which certain agreements were reached and certain rulings were made:

It is ordered, This 16th day of March 1967, that:

1. The parties' direct cases on the issues identified at the said prehearing conference may be presented either orally or, in whole or in part, in the form of sworn, written exhibits;

2. Those parties specified as having a burden of proceeding with the introduction of evidence shall exchange copies of their said exhibits on or before April 3, 1967, at which time they shall also exchange a list of their witnesses to be presented orally together with a brief statement as to the scope of each witness' testimony;

3. Any party wishing to call for cross-examination the sponsor of any other parties' exhibit shall give notification thereof on or before April 7, 1967;

4. Hearing limited to the parties' direct, affirmative cases on the issues identified at the prehearing conference shall commence on April 12, 1967, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: March 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3209; Filed, Mar. 22, 1967; 8:50 a.m.]

POST OFFICE DEPARTMENT

PARCEL POST SERVICE TO MALDIVE ISLANDS

Notice of Establishment

Effective April 1, 1967, surface parcel post service will be established to Maldive Islands. The weight limit is 22 pounds, and the maximum size limit 3½ feet in length, and 6 feet in length and girth combined. One customs declaration (Form 2966) and one parcel post sticker (Form 2922) must be completed and attached to each parcel.

The postage rates are 90 cents for the first 2 pounds ($1.10 on and after May 1) and 35 cents for each additional pound or fraction.

Service is limited to ordinary (unregistered and uninsured) parcels. Articles that are generally prohibited or restricted by parcel post (see § 231.2 of Title 39, Code of Federal Regulations) must not be accepted for mailing to Maldive Islands.

The appendix of Subchapter C of Title 39, Code of Federal Regulations will be appropriately amended as soon as practicable.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

MARCH 20, 1967.

[F.R. Doc. 67-3190; Filed, Mar. 22, 1967; 8:48 a.m.]

REGISTERED POSTAL UNION ARTICLES EXCHANGED WITH CERTAIN COUNTRIES

Notice of Indemnification Increase

The maximum indemnity payable on registered articles exchanged with countries of the Postal Union of the Americas and Spain (except Canada) listed in § 211.2 of Title 39, Code of Federal Regulations, has been increased to $8.17 effective March 1, 1967. This increase in the limit of indemnity applies to registered articles mailed on or after March 1, 1967.

Section 272.2(a) and the appendix of Subchapter C, of Title 39, Code of Federal Regulations will be appropriately amended as soon as practicable.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

MARCH 20, 1967.

[F.R. Doc. 67-3191; Filed, Mar. 22, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Filing of Plats of Survey

1. Plats of survey of the lands described below will be officially filed in the Land Office, Denver, Colo., effective at 10 a.m. on April 3, 1967:

SIXTH PRINCIPAL MERIDIAN

T. 7 S., R. 78 W.,
Tract 37.

T. 7 S., R. 79 W.,
Sec. 13, Lots 1 through 19, SE¼NE¼, E½SE¼;
Sec. 14, Lots 1 through 32, N½N½;
Sec. 23, Lots 1 through 13;
Sec. 24, Lots 1 through 17, E½NE¼;
Sec. 25, Lots 1 through 12, NE¼NE¼, S½NE¼, NE¼SE¼, S½S½, E½NW¼SE¼;
Sec. 26, Lots 1 through 4, NE¼SE¼SE¼, S½SE¼SE¼;
Sec. 27, Lots 1 through 54;
Sec. 28, Lots 1 through 14, SW¼SE¼, W½;
Sec. 29;
Sec. 32, Lots 1 through 4, N½S½, N½;
Sec. 33, Lots 1 through 8, NW¼NE¼, NE¼NW¼, W½NW¼, NW¼SW¼;
Sec. 34, Lots 1 through 7;
Sec. 35, Lots 1 through 9, NE¼NE¼, S½NE¼, E½NW¼NE¼;
Sec. 36, Lots 1 through 6, NE¼NE¼, W½NE¼, NW¼, N½SW¼, NW¼SE¼, W½SE¼NE¼.

The lands described aggregate 5,304.40 acres.

2. All of the above-described lands are embraced in the Arapaho or White River National Forests. Since the lands are withdrawn for the Arapaho and White River National Forests, the described lands will not be subject to disposition under the general public land laws by reason of the official filing of the plats.

J. ELLIOTT HALL,
Manager,
Colorado Land Office, Denver.

MARCH 17, 1967.

[F.R. Doc. 67-3199; Filed, Mar. 22, 1967; 8:49 a.m.]

[F-460]

ALASKA

Notice of Proposed Classification of Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR 2410 and 2411, it is proposed to classify for multiple use management the public lands within the areas described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating lands from appropriation only under the settlement laws (48 U.S.C. 371-380a, 48 U.S.C. 461, 48 U.S.C. 357) and from location under the mining law (30 U.S.C. 21), and the lands shall remain open to all other applicable forms of appropriation, including the mineral leasing laws.

2. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Fairbanks District Manager, Bureau of Land Management.

3. A public hearing on the proposed classification will be held on May 10, 1967 at 10 a.m. in the Chamber of Commerce Building, 550 First Avenue, Fairbanks, Alaska.

4. The lands proposed to be classified are shown on maps on file in the Fair-

banks District and Land Office, 516 Second Avenue, Fairbanks, Alaska, and the State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska.

The lands are described as follows:

TRACT A

Beginning at a point southwest of Livengood, Alaska, at latitude 65°30'45'' N. and longitude 148°34'36'' W., thence: N. 76°59' W., 1 mile; N. 13°01' E., 5.70 miles; N. 31°21' W., 6.50 miles; N. 70°50' W., 40.50 miles; north 9.30 miles to latitude 66°00' N., longitude 150°00' W.; east 9.90 miles on latitude 66°00' N.; S. 70°50' E., 26.30 miles; S. 31°21' E., 18.60 miles; S. 13°01' W., 9.50 miles; N. 76°59' W., 1 mile to the point of beginning; containing approximately 325,648 acres.

TRACT B

Beginning at a point found at latitude 65°52'03'' N., longitude 150°00' W., thence: N. 70°50' W., 6.80 miles; N. 23°41' W., 7.80 miles to latitude 66°00' N.; east 9.50 miles; south 9.30 miles; to the point of beginning; containing approximately 11,008 acres.

TRACT C

Beginning at a point found at latitude 66°00'00'' N., longitude 149°39'10'' W., thence: N. 70°50' W., 10.50 miles; south 3.40 miles; east 9.92 miles to the point of beginning; containing approximately 7,494 acres.

TRACT D

Beginning at a point found at latitude 66°00'00'' N., longitude 150°20'10'' W., thence: N. 23°41' W., 22 miles; N. 66°06' E., 3 miles; N. 23°54' W., 13.90 miles; N. 53°33' W., 12.30 miles; N. 17°32' W., 17.20 miles; N. 69°30' W., 24.80 miles to latitude 67°00' N.; east 17.70 miles on latitude 67°00' N.; S. 16°19' E., 1.25 miles; S. 69°30' E., 11.60 miles; S. 17°32' E., 24.40 miles; S. 53°33' E., 5.40 miles; S. 23°54' E., 14.90 miles; N. 66°06' E., 3 miles; S. 23°41' E., 22.70 miles to a point at longitude 150°00' W.; south 3.20 miles along longitude 150°00' W. to latitude 66°00' N.; west 9.30 miles to the point of beginning; containing approximately 311,725 acres.

TRACT E

Beginning at a point found at latitude 67°00'00'' N., longitude 152°04'24'' W., thence: N. 69°30' W., 1.70 miles; N. 16°19' W., 11.50 miles; N. 73°41' E., 6 miles; N. 12°05' W., 17.20 miles; N. 77°55' E., 1.50 miles; N. 23°50' W., 24.55 miles; N. 25°26' E., 18.91 miles to latitude 68°00' N.; east 3.21 miles on latitude 68°00' N.; S. 25°26' W., 18.85 miles; S. 23°50' E., 23.90 miles; N. 77°65' E., 1.50 miles; S. 12°05' E., 16.70 miles; N. 73°41' E., 6 miles; S. 16°19' E., 17.60 miles to latitude 67°00' N.; west 17.74 miles to the point of beginning; containing approximately 317,181 acres.

TRACT F

Beginning at a point found at latitude 68°-00'00'' N., longitude 152°11'21'' W., thence: N. 25°26' E., 5.60 miles; N. 65°12' E., 13 miles; N. 16°47' E., 8.60 miles; N. 82°36' W., 2 miles; N. 07°24' E., 23.45 miles; N. 33°53' W., 20.80 miles; N. 04°37' E., 8.70 miles to latitude 69°00' N.; east 4 miles on latitude 69°00' N.; S. 04°37' W., 5.70 miles; S. 33°53' E., 34 miles; N. 41°03' E., 18.40 miles; N. 79°44' E., 16 miles to a point on longitude 150°00' W.; south 8 miles on longitude 150°00' W.; S. 79°44' W., 15.45 miles; S. 41°03' W., 33.50 miles; S. 16°47' W., 5.90 miles; S. 65°12' W., 14.80 miles; S. 25°26' W., 3.30 miles to a point on latitude 68°00' N.; west 3.40 miles to the point of beginning; containing approximately 302,112 acres.

TRACT G

Beginning at a point found at latitude 69°-00'00'' N., longitude 152°00'32'' W., thence: N. 04°37' E., 2.70 miles; N. 57°44' W., 8.70 miles; N. 11°49' E., 19.10 miles; N. 71°00' E., 20.80 miles; S. 24°14' E., 2 miles to a point at latitude 69°26'32'' N., longitude 151°19'-45'' W.; S. 24°14' E., 2 miles; S. 71°00' W., 16.10 miles; S. 11°49' W., 14 miles; S. 57°44' E., 7.25 miles; S. 04°37' W., 2.70 miles to a point on latitude 69°00' N.; west 4 miles, latitude 69°00' N. to point of beginning; containing approximately 96,211 acres.

TRACT H

Beginning at a point found at latitude 68°46'20'' N., longitude 150°00'00'' W., thence: N. 26°13' E., 12.10 miles; N. 68°24' E., 4.60 miles; N. 08°09' E., 3.55 miles; to a point at latitude 69°00' N.; east 20.50 miles on latitude 69°00' N., S. 08°09' W., 6.70 miles; S. 68°24' W., 18.20 miles; S. 26°13' W., 12.70 miles; S. 79°44' W., 7.20 miles to a point at longitude 150°00' W.; north 9.65 miles on longitude 150°00' W.; to the point of beginning; containing approximately 243,200 acres.

TRACT I

Beginning at a point found at latitude 69°00'00'' N., longitude 149°35'48'' W., thence: N. 12°10' E., 41.30 miles; S. 77°50' E., 10 miles to USC&GS Station Susie; S. 77°50' E., 10 miles; S. 12°10' W., 37 miles to a point at latitude 69°00' N.; west 20.50 miles on latitude 69°00' N. to point of beginning; containing approximately 504,102 acres.

The lands proposed for classification aggregate approximately 2,436,400 acres.

BURTON W. SILCOCK,
State Director.

MARCH 14, 1967.

[F.R. Doc. 67-3177; Filed, Mar. 22, 1967; 8:47 a.m.]

IDAHO

Delegation of Authority Regarding Contracts and Leases

MARCH 16, 1967.

Pursuant to the authority contained in Bureau of Land Management Order No. 698 as amended, the following classes of employees are authorized to enter into contracts of construction up to $2,000 and to make open-market purchases for supplies, equipment, and services not to exceed $2,500 per transaction pursuant to section 302(c)(3) of the Federal Property Administrative Services Act of 1949 as amended: *Provided*, That the supplies and services are not available from established sources. They are also authorized to issue orders, regardless of the amount, for equipment, supplies, and services obtainable from GSA Store Stock and Federal Supply Schedules:

Chief, Division of Administration.
District Managers.
Administrative Assistants.

District Managers are authorized to enter into contracts exceeding $2,500 without advertising pursuant to section 302(c)(2) of the Federal Property and Administrative Services Act of 1959 as amended, for rental of equipment and air craft, and for purchases of supplies, and services and equipment (excluding vehicles) necessary for emergency fire suppression. Any order exceeding $2,500 must include a statement that it is an "emergency procurement negotiated in accordance with section 302(c)(2) of the FPAS Act of 1949, as amended" and include the name and number of the fire.

The District Managers may, in writing, redelegate to any qualified employee under their jurisdiction, the authority delegated to them. Each redelegation, except redelegations for procurement by means of SF-44 Purchase Order—Invoice—Voucher, shall be published in the FEDERAL REGISTER. This order rescinds F.R. Doc. 61-7044 published on page 6742 of the issue for July 27, 1961.

JOE T. FALLINI,
State Director.

[F.R. Doc. 67-3178; Filed, Mar. 22, 1967; 8:47 a.m.]

[I-916]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 17, 1967.

The Department of Agriculture has filed an application, Serial Number I-916, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes for two recreation areas and a natural area in the Kaniksu National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

KANIKSU NATIONAL FOREST

Meadow Creek Campground

T. 63 N., R. 2 E.,
Sec. 12, SE¼SW¼SW¼ and SE¼SW¼;
Sec. 13, N½NE¼NW¼ and NE¼NW¼NW¼.
Totaling 80 acres.

Copper Creek Campground

T. 65 N., R. 2 E.,
Sec. 14, N½NE¼SW¼.
Totaling 20 acres.

Moore Creek Natural Area

T. 58 N., R. 5 W.,
Sec. 28, NW¼NW¼.
Totaling 40 acres.

The areas described aggregate 140 acres in Boundary and Bonner Counties, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 67-3179; Filed, Mar. 22, 1967; 8:47 a.m.]

[Montana 1567]

MONTANA

Proposed Classification of Public Lands for Multiple Use Management

MARCH 17, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within Petroleum County, Mont., exclusive of the area within the exterior boundaries of the Charles M. Russell National Wildlife Refuge and other reserved public lands. This proposed classification includes any lands within Petroleum County but outside the National Wildlife Refuge which may become public lands in the future. Publication of this notice has the effect of segregating the described lands for appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171), except for limited Bureau Motion offerings of isolated tracts as may become necessary for management improvement purposes, and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. For a period of sixty (60) days from the date of publication of the notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Post Office Box 699, Lewistown, Mont. 59457.

3. A public hearing on the proposed classification will he held on May 4, 1967, at 1 p.m., in the Bureau of Land Management District Office, Bank Electric Building, Lewistown, Mont.

4. The public lands proposed for classification are located within Petroleum County, Mont., and are shown on maps on file in the Lewistown District Office, Bureau of Land Management, Lewistown, Mont., and the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

5. The public lands in the area described aggregate approximately 175,922 acres.

HAROLD TYSK,
State Director.

[F.R. Doc. 67-3180; Filed, Mar. 22, 1967; 8:47 a.m.]

[OR1329]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

MARCH 14, 1967.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number OR1329, for the withdrawal of the public lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2) but not from leasing under the mineral leasing laws.

The applicant desires the land in order to protect the Frazier Guard Station Administrative Site for public and administrative use and to safeguard the existing Government investments thereon.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

UMATILLA NATIONAL FOREST

Frazier Guard Station Administrative Site

T. 5 S., R. 33½ E.,
Sec. 2, SE¼SW¼SE¼.

The area described aggregates 10 acres.

ERLING A. OLSON,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-3181; Filed, Mar. 22, 1967; 8:47 a.m.]

[OR657]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

MARCH 14, 1967.

The Corps of Engineers, U.S. Department of the Army, has filed an application, Serial Number OR657, for the withdrawal of the public lands described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2) and the mineral leasing laws, subject to valid existing rights.

The applicant desires the land in connection with construction, operation, and maintenance of the Blue River Reservoir Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of the Army.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

WILLAMETTE NATIONAL FOREST

Blue River Reservoir Project

T. 16 S., R. 4 E.,
Sec. 1, E½ lot 1 and E½E½SE¼;
Sec. 11, S½NE¼SE¼;
Sec. 12, E½NE¼NE¼, SE¼SW¼NE¼, and N½SE¼SW¼;
Sec. 13, NW¼NE¼NE¼;
Sec. 14, lots 1, 2, 3, and 4, SE¼NE¼, NE¼SW¼, and NW¼SE¼;
Sec. 22, NW¼NW¼, S½NE¼NW¼, and NW¼NW¼NE¼.

The area described aggregates 430.06 acres.

ERLING A. OLSON,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-3182; Filed, Mar. 22, 1967; 8:47 a.m.]

[Idaho 015614]

IDAHO

Notice of Hearing on Proposed Withdrawal of Public Lands

MARCH 17, 1967.

Notice is hereby given that a public hearing will be held at 10 a.m., Tuesday, May 23, 1967, in the State Capitol Building, Room 420, Boise, Idaho, pertaining to the request of the Bureau of Land Management, Department of the Interior (Idaho 015614), for the withdrawal from all forms of appropriation and location under the Public Land Laws and the General Mining Laws, except the Mineral Leasing Laws, of the public lands described hereafter for use by the Bureau of Land Management for an experimental range pasture research area, as set forth in the notice of proposed withdrawal and reservation of lands published in the FEDERAL REGISTER on August 20, 1964, on page 11932 as F.R. Doc. No. 64-8436.

The lands are described as follows:

BOISE MERIDIAN, IDAHO

T. 6 S., R. 9 E.,
Sec. 17;
Sec. 18, E½;
Sec. 19, E½;
Sec. 20;
Sec. 21;
Sec. 22, W½E½, W½;
Sec. 27, W½NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 28, N½, N½S½;
Sec. 29, N½.

The area described aggregates 4,200 acres, more or less, in Elmore County, Idaho.

The hearing will be open to attendance of opponents to the withdrawal who may state their views and to the proponents of the withdrawal who may explain its purpose, intent, and extent, and to all interested parties who desire to be heard on the subject. Those who desire to be heard in person at the hearing and those who desire to submit written statements should file notice thereof not later than May 15, 1967, with the State Director, Bureau of Land Management, Post Office Box 2237, Boise, Idaho 83701.

JOE T. FALLINI,
State Director.

[F.R. Doc. 67-3184; Filed, Mar. 22, 1967; 8:48 a.m.]

National Park Service

PETRIFIED FOREST NATIONAL PARK, ARIZ.

Proposed Wilderness Establishment; Hearing

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held for Petrified Forest National Park beginning at 9 a.m. on May 23, 1967, in the Community Room, Valley National Bank, 156 West Hopi Drive, Holbrook, Ariz., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of a wilderness area comprising about 43,020 acres within the Petrified Forest National Park. The proposed wilderness area is located in Apache and Navajo Counties, Ariz.

A packet containing a map depicting the preliminary boundaries of the proposed wilderness area and providing additional information about the proposal may be obtained from the Superintendent, Petrified Forest National Park, Holbrook, Ariz. 86025, or the Regional Director, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, N. Mex. 87501.

A description of the preliminary boundaries and a larger map of the area proposed for establishment as wilderness are available for review in the above offices, and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C. The master plan for this park, likewise, may be inspected at these three locations.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the hearing officer in care of the Superintendent, Petrified Forest National Park, Holbrook, Ariz. 86025, by May 19, 1967. Those not wishing to appear in person may submit written statements on the wilderness proposal to the hearing officer at that address for inclusion in the official record concerning the proposal which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An abbreviated oral statement may, however, be supplemented by a more complete written statement which should be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the hearing officer will give others present an opportunity to be heard.

After an explanation of the proposals by a representative of the National Park Service, the hearing officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed wilderness area is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

A. C. STRATTON,
Acting Director, National Park Service.

MARCH 7, 1967.

[F.R. Doc. 67-3147; Filed, Mar. 22, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

COMMERCIAL BANCORP, INC.

Order Extending Period of Time Prescribed by Proviso in Order of Approval

In the Matter of the application of Commercial Bancorp, Inc., Miami, Fla., for approval of the acquisition of voting shares of Bank of Palm Beach and Trust Co., Palm Beach, Fla.

Whereas, by order dated December 29, 1966, the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a), as amended by Public Law 89-485), and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), approved an application on behalf of Commercial Bancorp, Inc., Miami, Fla., a registered bank holding company, for approval of the acquisition of a minimum of 80 percent of the outstanding voting shares of Bank of Palm Beach and Trust Co., Palm Beach, Fla.; and said order was made subject to the proviso "that the acquisition so approved shall not be consummated * * * (b) later than 3 months after the date of the order" and

Whereas, Commercial Bancorp, Inc., has applied to the Board for an extension of time within which the approved acquisition shall be consummated, and it appearing to the Board that reasonable cause has been shown for the extension of time requested, and that such extension would not be inconsistent with the public interest;

It is hereby ordered, That the Board's order of December 29, 1966, as published in the FEDERAL REGISTER on January 6, 1967 (32 F.R. 102), be, and it hereby is, amended so that the proviso relating to the date by which the acquisition approved shall be consummated shall read "(b) later than May 29, 1967."

Dated at Washington, D.C., this 14th day of March 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-3170; Filed, Mar. 22, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

REVISED LIST OF WAREHOUSES AND WAREHOUSEMEN LICENSED UNDER THE U.S. WAREHOUSE ACT

Pursuant to section 26 of the United States Warehouse Act (7 U.S.C. 266), notice is hereby given as follows: As of December 31, 1966, the following warehouses and warehousemen were licensed and bonded under the United States Warehouse Act.

A. For the storage of cotton:

ALABAMA

Town, Warehouse, and Warehouseman

Anniston; Farmers Union Warehouse; Farmers Union Warehouse Co. of Calhoun County.
Anniston; Robinson Brothers Warehouse; Robinson Brothers Compress & Warehouse Co., Inc.
Athens; Limestone Bonded Warehouse; Garth-Lovvorn, Inc.
Athens; Cotton Mill Warehouse; Harold N. Lovvorn, an individual, trading as Cotton Mill Warehouse.
Atmore; Farmers and Merchants Warehouse; Dan A. Currie, Jack A. Currie and J. Floyd Currie, copartners trading as Atmore Milling and Elevator Company.
Attalla; North Alabama Warehouse; North Alabama Warehouse Co.
Birmingham; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.
Cullman; Ponder's Bonded Warehouse; Elbert E. Ponder and George W. Ponder, Jr., Trustees of Trust Estate B, under the Last Will of the late George W. Ponder.
Decatur; State Bonded Warehouse; State Bonded Warehouse & Storage Co.
Decatur; Union Compress Warehouse; Union Compress & Warehouse Co.
Fort Deposit; Norman Bonded Warehouse; R. R. Norman, Sr., R. R. Norman, Jr., W. A. Norman, D. W. Norman and S. M. Norman, copartners, trading as Norman Trading & Milling Co.
Geraldine; Geraldine Warehouse; Geraldine Warehouse & Storage Co., Inc.
Greenbrier; Elliott Bonded Warehouse; J. D. Elliott and George R. Elliott, copartners, trading as J. D. Elliott and Son.
Guntersville; Guntersville Warehouse & Storage Co.; J. H. Alford and B. A. Alford, copartners, trading as Guntersville Warehouse & Storage Co.
Haleyville; Haleyville Cotton Warehouse; Haleyville Mill and Gin Co.
Huntsville; Cummings Bonded Warehouse; Charles H. Cummings.
Huntsville; Huntsville Warehouse; Huntsville Warehouse Co.
Huntsville; Madison Bonded Warehouse; Madison Bonded Warehouse, Inc.
Huntsville; Planters Warehouse; Planters Warehouse and Storage Co.
McCullough; McCullough Bonded Warehouse; Frank P. Currie.
Mobile; Alabama State Docks Bonded Warehouse; Alabama State Docks Department.
Monroeville; Monroe Bonded Warehouse; Monroe Bond and Mortgage Co.
Montgomery; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.
Panola; Panola Bonded Warehouse; W. O. Parker and E. A. Parker, copartners, trading as Panola Bonded Warehouse.
Scottsboro; Gladish Bonded Warehouse; W. L. Gladish, Jr.
Selma; Dallas Bonded Warehouse; Dallas Compress Co.
Selma; Selma Compress Warehouse; Selma Compress Co.
Sylacauga; Sylacauga Bonded Warehouse; Parker Fertilizer Co., Inc.
Talladega; Parker Bonded Warehouse; Parker Fertilizer Co., Inc.
Talladega; Robinson Brothers Warehouse; Robinson Brothers Compress & Warehouse Co., Inc.
Troy; Alabama Warehouse; Alabama Warehouse Co.
Troy; Thompson Company Warehouse; Thompson Co., Inc.

ARIZONA

Phoenix; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Picacho; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Yuma; Federal Compress Warehouse; Federal Compress & Warehouse Co.

ARKANSAS

Arkadelphia; Golden Cotton Warehouse; Benton Taylor.
Ashdown; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Batesville; Batesville Compress Warehouse; Southern Warehouse Co.
Blytheville; Blytheville Compress Warehouse; Blytheville Compress Co.
Blytheville; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Bradley; Bradley Bonded Warehouse; Bradley Warehouse, Inc.
Brinkley; Southern Compress Warehouse; Southern Compress Co.
Clarendon; Clarendon Warehouse; Southern Compress Co.
Conway; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Cotton Plant; Cotton Plant Warehouse; Cotton Plant Warehouse Co.
Dardanelle; Dardanelle Compress Warehouse; Planters Compress Co.
Dell; Dell Compress Warehouse; Dell Compress Co. of Dell, Ark.
Dumas; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Earle; Federal Compress Warehouse; Federal Compress & Warehouse Co.
England; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Eudora; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Evadale (P.O. Wilson); Wilson Compress Warehouse; Memphis Compress & Storage Co.
Forrest City; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Fort Smith; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Helena; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Helena; Helena Compress Warehouse; Helena Compress Co.
Hope; Taylor Warehouse; Benton Taylor.
Hope; Union Compress Warehouse; Union Compress & Warehouse Co.
Hughes; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Jonesboro; Jonesboro Compress Co.'s Warehouse; Jonesboro Compress Co.
Leachville; Arkansas Compress Warehouse; Arkansas Compress Co., Inc.
Lepanto; Lepanto Compress Warehouse; Marked Tree Compress & Warehouse Co., Inc.
Lonoke; Lonoke Bonded Warehouse; Southern Compress Co.
Magnolia; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Malvern; Clem Mill & Gin Warehouse; Adolph Fite and Elwood Fite, copartners, trading as Fite Brothers.
Marianna; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Marked Tree; Marked Tree Compress Warehouse; Marked Tree Compress & Warehouse Co., Inc.
Marvell; Federal Compress Warehouse; Federal Compress & Warehouse Co.
McCrory; Federal Compress Warehouse; Federal Compress & Warehouse Co.
McGehee; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Morrilton; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Newport; Federal Compress Warehouse; Federal Compress & Warehouse Co.
North Little Rock; Federal Compress Warehouse; Federal Compress & Warehouse Co.
North Little Rock; Southern Compress Warehouse; Southern Warehouse Co.
Osceola; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Pine Bluff; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Portland; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Prescott; Pittman Cotton Warehouse; May Pittman, Lil P. Bemis, Pauline Pittman and Dan Pittman, copartners trading as Prescott Hardware Co.
Russellville; Cook & Satterfield Warehouse; G. M. Cook and Leon Satterfield, trading as Cook and Satterfield Warehouse Co.
Searcy; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Shumaker Base (P.O. Camden); Ordnance Plant Warehouse; Benton Taylor.
Sparkman; P. H. Taylor Cotton Warehouse; Benton Taylor.
Trumann; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Waldo; Waldo Bonded Warehouse; Waldo Bonded Warehouse Co.
Walnut Ridge; Federal Compress Warehouse; Federal Compress & Warehouse Co.
West Memphis; Federal Compress Warehouse; Federal Compress & Warehouse Co.
West Memphis; Planters Compress Warehouse; Planters Compress Co., Inc.
Wynne; Federal Compress Warehouse; Federal Compress & Warehouse Co.

CALIFORNIA

Fresno; Allen Warehouse; Allen Warehouse Co. of California.
Fresno; Fresno Warehouse; Bayside Warehouse Co.

GEORGIA

Albany; Albany Warehouse; Albany Warehouse Co.
Americus; Farmers Bonded Warehouse; Farmers Bonded Warehouse of Sumter, Inc.
Arlington; Ward's Bonded Warehouse; Mrs. Carol Clements Ward.
Ashburn; Strickland's Bonded Warehouse; Strickland's Warehouse Co., Inc.
Athens; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.
Atlanta; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.
Atlanta; Palmer and Gibbons Bonded Warehouse; Erma W. Palmer and Mary P. Gibbons, copartners, trading as Palmer and Gibbons Bonded Warehouse Co.
Atlanta; FGG Bonded Warehouse; FGG Bonded Warehouse, Inc.
Atlanta; Exposition Warehouse; The Black Hawk Corporation.
Augusta; S. M. Whitney Warehouse; S. M. Whitney Co., Inc.
Augusta; Georgia-Carolina Warehouse; Georgia-Carolina Warehouse & Compress Co.
Augusta; Wienges & Co. Warehouse; Wienges & Co.
Augusta; Pope & Fleming Bonded Warehouse; Pope & Fleming, Inc.
Augusta; Lyon & Lyon Cotton Warehouse; Lyon, Lyon & Co., Inc.
Augusta; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.
Bartow; Bryant's Bonded Warehouse; Bryant's Inc.
Blakely; Farmers Warehouse; The Maddox Corp.

Brooklet; Farmers' Bonded Warehouse; Farmers Bonded Warehouse, Inc.
Cairo; Graco Bonded Warehouse; Graco Supply Co., Inc.
Camilla; Camilla Cotton Oil Co. Bonded Warehouse; Camilla Cotton Oil Co.
Camilla; Walker Gin Bonded Warehouse; Walkers, Inc.
Carrollton; Martin Bonded Warehouse; J. E. Martin & Son, Inc.
Cedartown; Cedartown Bonded Warehouse; Cedartown Cotton Warehouse Co.
Cochran; Cochran Bonded Warehouse; B. F. Meadows and W. A. Meadows, copartners trading as Cochran Warehouse.
Columbus; W. C. Bradley Co. Warehouse; W. C. Bradley Co.
Conyers; Ellington's Bonded Warehouse; V. C. Ellington, Sr., an individual trading as V. C. Ellington Gin Warehouse & Lumber Co.
Cordele; Nesbitt Bonded Warehouse; Nesbitt Bonded Warehouse, Inc.
Cordele; McCay Bonded Warehouse, McCay Gin and Warehouse Company, Inc.
Covington; N. S. Turner Warehouse; N. S. Turner Warehouse, Inc.
Cuthbert; Walker & Daniel Bonded Warehouse; N. M. Walker and G. A. Daniel trading as Walker & Daniel.
Davisboro; Taylor Bonded Warehouse; Taylor Bonded Warehouse, Inc.
Dawson; Dawson Compress Bonded Warehouse; Dawson Compress and Storage Co.
Dawson; Terrell County Bonded Warehouse; Stevens Industries, Inc.
DeSoto; DeSoto Bonded Warehouse; DeSoto Gin and Peanut Co.
Doerun; Taylor's Bonded Cotton Warehouse; Floyd M. Taylor.
Donalsonville; Planters Products Co.'s Warehouse; Planters Products Co.
Dublin; Dublin Bonded Warehouse; Cecil E. Carroll.
Dublin; Lovett and Brinson Bonded Warehouse; Lovett and Brinson, Inc.
Dudley; Farmers Warehouse; Mrs. Effie B. Chappell, Roy James Chappell and, John Warthen Chappell, Executors of the last Will and Testament of Warthen T. Chappell, deceased, and The First National Bank & Trust Co. in Macon and Gladys Combs Hogan, as Executors of the last Will and Testament of Rupert L. Hogan deceased, partners, d.b.a. Chappell and Hogan.
Eastman; Studstill Bonded Warehouse; S. W. Studstill.
Elberton; Elberton Compress Warehouse; Mrs. Emily Elizabeth Asbury Jordan, James Stewart Asbury, Sr., and Maurice Beverly Asbury, Executors of the Last Will of the late J. E. Asbury, and Miss Mamie Jones and M. B. Asbury, copartners trading as Elberton Compress Co., Warehouse Division.
Fitzgerald; Ben Hill Bonded Warehouse; Fitzgerald Oil & Fertilizer Co.
Fitzgerald; Planters Warehouse and Loan Co.'s Warehouse; Planters Warehouse and Loan Co.
Franklinton; Palmer and Gibbons Bonded Warehouse; Erma W. Palmer and Mary P. Gibbons, copartners, trading as Palmer and Gibbons Bonded Warehouse Co.
Gay; Gay Bonded Warehouse; Arthur G. Estes, Jr.
Glennville; Glennville Bonded Warehouse; Durrence-Kicklighter Warehouse Co.
Glennville; Tattnall Bonded Warehouse; Tattnall Bonded Warehouse, Inc.
Hawkinsville; Hawkinsville Bonded Warehouse; L. H. Blount.
Hawkinsville; Planters Bonded Warehouse; R. Thomas Bembry and Roger Coleman, copartners, trading as Planters Bonded Warehouse.
Hogansville; Hogansville Warehouse; The Hogansville Warehouse Co.
Jefferson; Carter's Bonded Warehouse; James L. Carter, Executor of last will and testament of J. Z. Carter.
Jefferson; Jefferson Bonded Warehouse; James L. Carter and Vernon Carter, copartners trading as Carter's Warehouse and Fertilizer Co.
Kelly; Perry Bonded Warehouse; E. P. Perry & Sons, Inc.
Kingston; Kingston Bonded Warehouse; J. W. Martin.
Lawrenceville; W. O. Cooper Bonded Warehouse; John R. Cooper and H. L. Cooper, copartners trading as W. O. Cooper Cotton Warehouse.
Leslie; Sumter-Lee Warehouse; Leslie Peanut & Gin Co., Inc.
Locust Grove; Brown Bonded Warehouse; M. M. Brown.
Loganville; Byrd Bonded Warehouse; J. T. Byrd.
Louisville; Planters Bonded Warehouse; Hardeman Seed Co., Inc.
Lyons; Stanley and Pughsley Bonded Warehouse; Stanley & Pughsley Gin and Warehouse Company, Incorporated.
Madison; Farmers Trading Co. Bonded Warehouse; Farmers Trading Co., Madison, Ga.
Madison; Godfrey Bonded Warehouse; Godfrey's Warehouse, Inc.
Madison; Pennington Bonded Warehouse; The Pennington Company, Inc.
McDonough; The Planters Warehouse; The Planters Warehouse and Lumber Co.
Meigs; Meigs Bonded Warehouse; B & J Company, Inc.
Metter; Farmers Union Warehouse; Farmers Union Warehouse of Metter.
Midville; Midville Bonded Warehouse; Midville Cotton Warehouse Co.
Milledgeville; Harrington's Bonded Warehouse; G. T. Harrington.
Millen; Millen Warehouse; The Millen Warehouse Co., Inc.
Monroe; Wright Bonded Warehouse; Wright Gin and Trading Co.
Monroe; Launius Bonded Warehouse; P. N. Briscoe, J. William Dickinson and Dan M. Briscoe, copartners, trading as Launius Bonded Warehouse Co.
Moultrie; C. O. Smith Warehouse; C. O. Smith Guano Co.
Moultrie; Taylor's Bonded Cotton Warehouse; Floyd M. Taylor.
Ocilla; Murray Bonded Warehouse; Guy Murray.
Ocilla; Planters Bonded Warehouse; A. G. Shiver.
Parrott; W. M. Dunn's Warehouse; W. G. Dunn.
Pineview; Pineview Bonded Warehouse; C. R. McLeod and Sons, Inc.
Pitts; Shell's Bonded Warehouse; A. C. Shell, Jr.
Plains; Carter's Bonded Warehouse; James E. Carter, Jr. and Mrs. Lillian G. Carter, copartners, trading as Carter's Warehouse.
Portal; Planters Bonded Warehouse; Planters Cotton Warehouse Co.
Rockmart; J. L. Lester & Son Bonded Warehouse; Raymond Lester, trading as J. L. Lester & Son.
Rome; Georgia and Alabama Warehouse; Georgia and Alabama Warehouse Co.
Rome; Floyd County Bonded Warehouse; Floyd County Bonded Warehouse, Inc.
Rome; Rome Warehouse; Ledbetter Trucks, Inc.
Royston; Royston Bonded Warehouse; McConnell Warehouse Co. Inc.
Rutledge; Hollis Bonded Warehouse; J. W. Hollis.
Sanderaville; Tarbutton Bonded Warehouse; Tarbutton Realty Co., Inc.
Sandersville; Gilmore's Bonded Warehouse; Winifred R. Gilmore and Thomas W. Gilmore, Jr., copartners, trading as Gilmore Brothers.
Savannah; FGG Bonded Warehouse; FGG Bonded Warehouse, Inc.
Senoia; Daniel's Bonded Warehouse; Arthur G. Estes, Jr.
Senoia; The Brick Bonded Warehouse; Paul R. McKnight, Sr. and Paul R. McKnight, Jr., copartners, trading as P. R. McKnight & Son.
Shady Dale; Banks-Kelly Bonded Warehouse; Banks-Kelly Co., Inc.
Social Circle; Social Circle Bonded Warehouse; Duval and Co.
Social Circle; Malcom's Bonded Warehouse; B. A. Malcom.
Soperton; Fowler Bonded Warehouse; Treutlen Gin and Seed Co., Inc.
Soperton; Waller's Bonded Warehouse; J. Treutlen Waller.
Sparta; Moate's Bonded Warehouse; Marvin E. Moate.
Statesboro; Farmers' Union Warehouse; Smith Trading Co.
Statesboro; Planters Cotton Warehouse; Planters Bonded Cotton Warehouse, Inc.
Sylvania; Farmers Bonded Warehouse; J. P. Evans, David W. Reed and H. A. Williams, Jr., copartners trading as Evans, Reed & Williams.
Sylvania; Sylvania Bonded Warehouse; Screven Oil Mill.
Sylvester; Houston Bonded Warehouse; Houston Gin & Warehouse Co.
Tennille; Planters Bonded Warehouse; W. B. Smith.
Tennille; Tennille Bonded Warehouse; Washington Ginning Co.
Thomaston; Upson Alliance Warehouse; Upson Alliance Warehouse Co.
Thomaston; Reeves Bonded Warehouse; J. F. Reeves.
Thomson; McDuffie Oil and Fertilizer Warehouse; McDuffie Oil and Fertilizer Co.
Twin City; Twin City Bonded Warehouse; Twin City Gin Co.
Vienna; J. A. Whitehead & Co. Bonded Warehouse; J. A. Whitehead.
Warrenton; Warrenton Bonded Warehouse; B. D. O'Neal.
Warrenton; Johnson Cotton Warehouse; W. D. Johnson, an individual, trading as Johnson Cotton Warehouse.
Waynesboro; Planters Warehouse; Planters Warehouse Co. of Waynesboro.
Waynesboro; Neely Bonded Cotton Warehouse; Neely Bonded Cotton Warehouse, Inc.
Waynesboro; Burke County Bonded Warehouse; Burke County Gin & Fertilizer Co.
Winder; Smith Bonded Warehouse; Smith Bonded Warehouse, Inc.
Woodbury; Woodbury Bonded Warehouse; Woodbury Gin and Fertilizer Co.
Wrightsville; City Warehouse; T. L. Lovett and L. L. Lovett, Executors of the estate of Mrs. E. A. Lovett, deceased, and H. G. Hatcher, Mrs. H. G. Hatcher, W. H. Lovett, W. E. Lovett and L. L. Lovett, partners, d.b.a. City Warehouse.
Wrightsville; Union Warehouse; J. F. Jordan.
Wrightsville; Lovett's Bonded Warehouse; Lovett & Co., Inc.
Wrightsville; Rowland's Bonded Warehouse; Rowland's Gin and Bonded Warehouse of Wrightsville, Georgia, Inc.
Youth; Byrd Bonded Warehouse; J. T. Byrd.

LOUISIANA

Alexandria; American Compress Warehouse; Frost-Whited Co., Inc.
Bernice; Lindsey Bonded Warehouse; James D. Lindsey, Mrs. Rosalind Lindsey Albritton, et al., copartners, trading as Lindsey Bonded Warehouse Co.
Delhi; Union Compress Warehouse; Union Compress & Warehouse Co.
Ferriday; Union Compress Warehouse; Union Compress & Warehouse Co.
Franklinton; Pearl River Warehouse; Willie S. Pettit.
Haynesville; Haynesville Cotton Warehouse; Haynesville Cotton Warehouse Co., Inc.
Homer; The Peoples Cotton Warehouse; C. G. Dowies.

Lake Providence; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Mansfield; Mansfield Bonded Warehouse; L. D. Morgan.
Monroe; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Natchitoches; American Compress Warehouse; Frost-Whited Co., Inc.
Newellton; Federal Compress Warehouse; Federal Compress & Warehouse Co.
New Orleans; Magnolia Compress Warehouse; Magnolia Compress & Warehouse Co., Inc.
Oak Grove; Union Compress Warehouse; Union Compress & Warehouse Co.
Opelousas; American Compress Warehouse; Frost-Whited Co., Inc.
Rayville; Union Compress Warehouse; Union Compress & Warehouse Co.
Shreveport; American Compress Warehouse; Frost-Whited Co., Inc.
Southport; Shippers Compress Warehouse; Meta Davis Atkinson, Clifford Atkinson, Jr., and Eugene Atkinson, Jr., trading as Atkinson and Company.
Tallulah; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Winnsboro; Union Compress Warehouse; Union Compress & Warehouse Co.

MISSISSIPPI

Aberdeen; Monroe County Compress Warehouse; Monroe County Compress and Storage Co., Inc.
Amory; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Batesville; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Belmont; Belmont Warehouse; J. H. Alford, Sr. and B. A. Alford, copartners trading as Belmont Warehouse.
Belzoni; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Booneville; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Brookhaven; Brookhaven Compress Warehouse; Mississippi Federated Cooperatives (AAL).
Canton; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Carthage; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Clarksdale; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Clarksdale; North Delta Compress Warehouse; North Delta Compress & Warehouse Co.
Cleveland; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Columbia; Columbia Compress Warehouse; Hattiesburg Compress Co.
Columbus; Columbus Compress Warehouse; Columbus Compress & Warehouse Co.
Como; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Corinth; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Drew; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Drew; National Compress Warehouse; Mississippi Federated Cooperatives (AAL).
Durant; Durant Bonded Warehouse; Claud C. Wilkes.
Flora (Kearney Park); Flora Compress Warehouse; Flora Compress and Warehouse Co., Inc.
Forest; Forest Compress Warehouse; Forest Compress & Ice Co.
Greenville; Delta Cooperative Compress Warehouse; Delta Cooperative Compress.
Greenville; Greenville Compress Warehouse; Greenville Compress Co.
Greenville; Paxton Bonded Warehouse; Paxton Bonded Warehouse, Inc.
Greenwood; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Greenwood; Staplservice Compress Warehouse; Staple Cotton Servicea Association (A.A.L.).
Greenwood; Union Compress Warehouse; Staple Cotton Services Association (A.A.L.).
Grenada; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Gulfport; Mississippi Gulfport Warehouses; Mississippi-Gulfport Compress & Warehouses, Inc.
Hattiesburg; Hattiesburg Compress Warehouse; Hattiesburg Compress Co.
Hollandale; Deer Creek Compress Warehouse; Deer Creek Compress Co.
Holly Springs; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Houston; Houston Compress Warehouse; Houston Compress Co., Inc.
Indianola; Sunflower Compress Warehouse; The Sunflower Compress Co.
Inverness; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Itta Bena; Itta Bena Cooperative Warehouse; Itta Bena Cooperative Compress Co.
Jackson; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Kosciusko; United Warehouse; United Warehouses, Inc.
Laurel; Laurel Compress Warehouse; Laurel Compress Co.
Leland; Leland Compress Warehouse; Leland Compress Co.
Lexington; Lexington Compress Warehouse; The Lexington Compress Co.
Macon; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Magee; Cooperative Cotton Warehouse; Magee Cooperative (AAL).
Magnolia; Magnolia Compress Warehouse; Hattiesburg Compress Co.
Marks; Federal Compress Warehouse; Federal Compress & Warehouse Co.
McComb; Federal Cotton Warehouse; The Kramertown Co., Inc.
Meridian; Meridian Compress Warehouse; Interstate Compress & Warehouse Co.
New Albany; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Newton; Newton Bonded Warehouse; Compress of Union.
Okolona; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Philadelphia; The Philadelphia Compress Warehouse; Compress of Union.
Pontotoc; Pontotoc Compress Warehouse; Pontotoc Warehouse Co.
Prentiss; Prentiss Bonded Warehouse; Mississippi Federated Cooperatives (AAL).
Quitman; Quitman Bonded Warehouse; Robert Bonney.
Ripley; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Rolling Fork; Rolling Fork Compress Warehouse; Deer Creek Compress Co.
Rosedale; Union Compress Warehouse; Union Compress & Warehouse Co.
Ruleville; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Shaw; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Shelby; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Shuqualak; Shuqualck Bonded Warehouse; Harrison Evans, trading as E. F. Nunn & Co.
Sledge; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Summit; Federal Champion Cotton Warehouse; Federal Champion Cotton Warehouse, Inc.
Tunica; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Tupelo; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Tutwiler; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Tylertown; Tylertown Compress Warehouse; The Kramertown Co., Inc.
Union; Union Bonded Warehouse; Compress of Union.
Vicksburg; Union Compress Warehouse; Union Compress & Warehouse Co.
West Point; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Yazoo City; Federal Compress Warehouse; Federal Compress & Warehouse Co.

MISSOURI

Arbyrd; Arbyrd Compress Warehouse; Arbyrd Compress Co.
Caruthersville; Caruthersville Compress Warehouse; Southeast Missouri Compress Co.
Charleston; National Compress Warehouse; National Compress & Warehouse Co.
Gideon; Gideon Compress Warehouse; Regenold & Earls Co.
Hayti; Hayti Compress Warehouse; Southeast Missouri Compress Co.
Kennett; Dunklin County Compress Warehouse; Dunklin County Compress and Warehouse Co.
Lilbourn; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Malden; Dunklin County Compress Warehouse; Dunklin County Compress and Warehouse Co.
Portageville; Federal Compress Warehouse; Federal Compress & Warehouse Co.
Sikeston; Sikeston Compress Warehouse; Sikeston Compress & Warehouse Co.

NEW MEXICO

Artesia; Artesia Compress Warehouse; Alma Sanders Francis, Leslie Paul Francis, William Kavanaugh Francis and Christine Francis Jones, copartners, trading as Artesia Compress Co.

NORTH CAROLINA

Charlotte; Charlotte Bonded Warehouse; Charlotte Bonded Warehouse Co.
Charlotte; Standard Warehouse; Standard Warehouse, Inc.
Charlotte; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.
Charlotte; Merchants Bonded Warehouse; Merchants Bonded Warehouse Co.
Charlotte; Standard Bonded Warehouse; Standard Bonded Warehouse Co.
Elizabeth City; Elizabeth City Bonded Warehouse; Robinson Manufacturing Co.
Gastonia; Gastonia Bonded Warehouse; Gastonia Bonded Warehouse, Inc.
Gastonia; Avon Bonded Warehouse; Avon Bonded Warehouse, Inc.
Gastonia; Peoples Bonded Warehouse; Peoples Bonded Warehouse, Inc.
Gastonia; Broad Street Bonded Warehouse; Broad Street Bonded Warehouse, Inc.
Gastonia; Central Bonded Warehouse Division of Bayside Warehouse Co.; Bayside Warehouse Co.
Shelby; Planters and Merchants Warehouse; Planters and Merchants Warehouse Co.
Battleboro; Braswell Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Bethel; Bethel Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Bladenboro; Bridger Corporation Warehouse; Warehouse Superintendent of the State of North Carolina.
Butner; Hancock Bonded Warehouse—Butner Unit; Warehouse Superintendent of the State of North Carolina.
Candor; Candor Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Cherryville; Gaston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Clayton; Central Oil & Milling Co.'s Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Clayton; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Clayton; Cooper Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Clinton; Sampson Cotton Storage Warehouse; Warehouse Superintendent of the State of North Carolina.

Concord; Piedmont Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Conway; Conway Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Dunn; Dunn Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Dunn; General Utility Co.'s Warehouse; Warehouse Superintendent of the State of North Carolina.

Dunn; Tart Estate Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Durham; Central Carolina Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Edenton; Edenton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Enfield; Enfield Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Enfield; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Farmville; Farmville Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Farmville; Morgan Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Fayetteville; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Fayetteville; Tolar-Hart Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Franklinton; Rose Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Gibson; Gibson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Gibson; Southern Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Goldsboro; Southern Cotton Warehouse; Warehouse Superintendent of the State of North Carolina.

Goldsboro; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Goldsboro; Goldsboro Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Greenville; Person-Garrett Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Greensboro; Greensboro Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Henderson; Greenway Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Jackson; Northampton Warehouse; Warehouse Superintendent of the State of North Carolina.

Kings Mountain; Kings Mountain Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Laurel Hill; Laurel Hill Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Laurinburg; Laurinburg Cotton Warehouse; Warehouse Superintendent of the State of North Carolina.

Laurinburg; Dickson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Lewiston; Lewiston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Lincolnton; Lincoln Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Littleton; Littleton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Louisburg; J. S. Howell Warehouse; Warehouse Superintendent of the State of North Carolina.

Louisburg; L. H. Dickens Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Lumberton; National Warehouse; Warehouse Superintendent of the State of North Carolina.

Lumberton; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Maxton; Maxton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Monroe; Southern Cotton Warehouse; Warehouse Superintendent of the State of North Carolina.

Monroe; Union County Warehouse; Warehouse Superintendent of the State of North Carolina.

Mooresville; Iredell Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Morven; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Mt. Gilead; Andrews Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Mt. Olive; English and Oliver Cotton Storage Warehouse; Warehouse Superintendent of the State of North Carolina.

Mt. Olive; Mt. Olive Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Mt. Olive; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Murfreesboro; Revelle Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Nashville; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Newton; Newton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Parkton; Parkton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Parkton; Robeson Cotton Warehouse; Warehouse Superintendent of the State of North Carolina.

Pembroke; Pembroke Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Pinetops; Pinetops Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Raeford; Hoke Cotton Warehouse and Storage Co.'s Warehouse; Warehouse Superintendent of the State of North Carolina.

Raleigh; Capital Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Raleigh; Raleigh Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Red Springs; Red Springs Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Red Springs; Liberty Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Rich Square; Rich Square Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Roanoke Rapids; Farmers Warehouse of Roanoke Rapids; Warehouse Superintendent of the State of North Carolina.

Roanoke Rapids; Rosemary Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Rockingham; Rockingham Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Rocky Mount; Champion Warehouse; Warehouse Superintendent of the State of North Carolina.

Rowland; Barrow Warehouse; Warehouse Superintendent of the State of North Carolina.

Rowland; Rowland Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Salisbury; Salisbury Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Sanford; W. S. W. Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Sanford; Liles Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Scotland Neck; Edwards Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Scotland Neck; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Seaboard; Seaboard Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Selma; Price Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Severn; Meherrin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Shelby; Shelby Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Smithfield; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Smithfield; Farmers Cotton Warehouse; Warehouse Superintendent of the State of North Carolina.

Southern Pines; Sandhills Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Stantonsburg; Stantonsburg Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Statesville; Statesville Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

St. Pauls; T. J. Smith Cotton Warehouse; Warehouse Superintendent of the State of North Carolina.

Tarboro; Edgecombe Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Tarboro; Fountain Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Wagram; Farmers Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Wake Forest; Wake Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Warrenton; Warrenton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Washington; Beaufort County Warehouse; Warehouse Superintendent of the State of North Carolina.

Weldon; Long Cotton Warehouse; Warehouse Superintendent of the State of North Carolina.

Weldon; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Weldon; Jenkins Warehouse; Warehouse Superintendent of the State of North Carolina.

Williamston; Martin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Wilson; Wilson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Woodland; Woodland Cooperative Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

SOUTH CAROLINA

Abbeville; The Farmers Warehouse; The Farmers Warehouse.

Anderson; The Standard Warehouse; Standard Corporation.

Bennettsville; Marlboro Warehouses; Marlboro Warehouse Co.

Bishopville; Cotton Growers Warehouses; Cotton Growers Warehouses, Inc.

Bishopville; Farmers Bonded Warehouse; Wiley B. King.

Bishopville; King and Jordan Bonded Warehouse; W. Brent King and B. P. Jordan, copartners trading as King and Jordan Bonded Warehouse.

Branchville; Judy-Moorer Bonded Warehouse; Judy-Moorer Warehouse, Inc.

Clinton; Clinton Bonded Warehouse; The Clinton Bonded Warehouse Co.

Clio; Clio Bonded Warehouse; B. H. Martin.

Columbia; Palmetto Compress Warehouse; Palmetto Compress and Warehouse Co.

Columbia; The Standard Warehouse; Standard Corporation.

Denmark; Denmark Bonded Warehouse; John W. Williamson.

Edgefield; Hart Bonded Warehouse; John Rainsford, Jr.

Greenville; Merchants Cotton Warehouse; W. A. Austin.

Greenville; Black Hawk Warehouse; The Black Hawk Corp.

Greenville; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Greenville; Commodity Warehouse; Commodity Warehouse Co., Inc.

Greenville; Industrial Storage Corp. Warehouse; Industrial Storage Corp.

Greenwood; Alliance Warehouse; Alliance Warehouse Co., Inc.

Greenwood; Textile Bonded Storage; Textile Bonded Storage, Inc.

Hartsville; Hartsville Bonded Warehouse; G. S. Jones.

Laurens; Merchants and Farmers Bonded Warehouse; Merchants and Farmers Bonded Warehouse.

Lynchburg; Lee Bonded Warehouse; Lee Bonded Warehouse, Inc.

Manning; United Bonded Warehouse; United Bonded Warehouse, Inc.

Newberry; Farmers Bonded Warehouse; Evelyn M. Brooks, d.b.a. Farmers Bonded Warehouse.

Newberry; The Standard Warehouse; Standard Corporation.

North Charleston; Oakdene Compress Warehouse; Oakdene Compress and Warehouse Co.

Norway; Norway Bonded Warehouse; John W. Williamson.

Orangeburg; The Standard Warehouse; Standard Corporation.

Rock Hill; Anderson Cotton Warehouse; J. W. Anderson, Jr.

Seneca; Seneca Bonded Warehouse; The Seneca Cotton Warehouse Co.

Spartanburg; Carolina Warehouse; Carolina Warehouse Co., Inc.

Spartanburg; Spartanburg Bonded Warehouses; Spartanburg Bonded Warehouses, Inc.

Summerton; Sumter Bonded Warehouse No. 2; Sumter Storage Co., Inc.

Sumter; Rowland Warehouse; Rowland Warehouse Co.

Sumter; Sumter Bonded Warehouse No. 1, Sumter Storage Company, Inc.

Turbeville; East Clarendon Bonded Warehouse; East Clarendon Storage Co.

Union; Farmers Bonded Warehouse; Mrs. Louisa D. Eaves.

Union; Union Bonded Warehouse; H. B. Richardson, Jr.

TENNESSEE

Brownsville; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Chattanooga; The Cotton Warehouse; Alford Warehouse & Storage Co., Inc.

Covington; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Dyersburg; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Dyersburg; Associated W'H'SE; Associated W'H'SE Co.

Five Points; Hammond Bonded Warehouse; Laura Mae Hammond.

Henderson; Henderson Compress Warehouse; Henderson Compress Co., Inc.

Jackson; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Jackson; Public Compress Bonded Warehouse; Public Compress Co.

Lawrenceburg; Gladish Bonded Warehouse; Martha E. Gladish.

Lawrenceburg; Augustin Bonded Warehouse; J. B. Augustin.

Memphis; Gulf Atlantic Warehouse (Tri-State Plant); Gulf Atlantic Warehouse Co.

Memphis; Memphis Compress Warehouse; Memphis Compress & Storage Co.

Memphis; Navy Yard Compress, Division of the Bayside Warehouse Co.; Bayside Warehouse Co.

Memphis; Federal Compress Warehouse (Bodley Avenue Plant); Federal Compress & Warehouse Co.

Memphis; Federal Compress Warehouse (South Memphis Plant); Federal Compress & Warehouse Co.

Memphis; Federal Compress Warehouse (Riverside Plant); Federal Compress & Warehouse Co.

Memphis; Producers Warehouse; Producers Warehouse & Compress Co.

Milan; Milan Compress Warehouse; Milan Compress Co.

Ripley; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Tiptonville; Federal Compress Warehouse; Federal Compress & Warehouse Co.

TEXAS

Abilene; Abilene Cotton Warehouse; National-Western Compress & Warehouse Co.

Ballinger; Ballinger Compress Warehouse; Ballinger Compress & Warehouse Co.

Brady; Brady Cotton Warehouse; Central Texas Compress Co.

Brenham; Seidel Bros. Warehouse; Grace G. Seidel, Fred Wm. Seidel, Lathel S. Schroeder and Dorothy S. Meacham, copartners, trading as Seidel Bros.

Brownsville; Gulfside Warehouse; Bayside Warehouse Co.

Brownwood; Brownwood Compress Warehouse; Brownwood Compress & Warehouse Co.

Bryan; Bryan Compress Warehouse; Bryan Compress & Warehouse Co.

Cameron; Cameron Compress Warehouse; Cameron Compress Co.

Corsicana; Corsicana Compress Warehouse; Exporters & Traders Compress & Warehouse Co.

Ennis; Ennis Compress & Warehouse Co.'s Warehouse; Ennis Compress & Warehouse Co.

Fort Stockton; Comanche Warehouse; Comanche Warehouse, Inc.

Hamlin; Hamlin Compress Warehouse; Hamlin Farmers Compress Co.

Hearne; Hearne Cotton Warehouse; Hearne Cotton Compress Co., Inc.

Hillsboro; Exporters & Traders Compress & Warehouse Co.'s Warehouse; Exporters & Traders Compress & Warehouse Co.

Houston; Ship Channel Compress Warehouse; Petty Terminal Corp.

Houston; Turning Basin Compress Warehouse; Turning Basin Compress Co.

Hubbard; Hubbard Compress Warehouse; Exporters & Traders Compress & Warehouse Co.

Knox City; Knox City Cotton Warehouse; Farmers Compress Co.

Marfa; Fort Russell Ranch Co. Warehouses; Fort Russell Ranch Co., Inc.

Marlin; Exporters & Traders Compress & Warehouse Co.'s Warehouse; Exporters & Traders Compress & Warehouse Co.

Mart; Exporters & Traders Compress & Warehouse Co.'s Warehouse; Exporters & Traders Compress & Warehouse Co.

Mexia; Mexia Cotton Warehouse; Exporters & Traders Compress & Warehouse Co.

O'Brien; O'Brien Cotton Warehouse; Farmers Compress Co.

Rosebud; Rosebud Cotton Warehouse; Cameron Compress Co.

Rule; Rule Compress Warehouse; Farmers Compress Co.

San Angelo; Angelo Compress Warehouse; Ballinger Compress & Warehouse Co.

Snyder; Snyder Cotton Warehouse; National-Western Compress & Warehouse Co.

Sweetwater; Sweetwater Compress Warehouse; National-Western Compress & Warehouse Co.

Temple; Temple Compress Warehouse; Central Texas Compress Co.

Texarkana; Federal Compress Warehouse; Federal Compress & Warehouse Co.

Waco; Exporters & Traders Compress & Warehouse Co.'s Warehouse; Exporters & Traders Compress & Warehouse Co.

Waxahachie; Waxahachie Compress Warehouse; Waxahachie Compress Warehouse Co.

VIRGINIA

Boykins; Meherrin Bonded Warehouse; Meherrin Agricultural & Chemical Co.

B. For the storage of grain:

ALABAMA

Town, Warehouse, and Warehouseman

Decatur; Decatur Grain Elevator; Illinois Grain Corporation (Decatur Grain Elevator, Division).

Decatur; Alabama Flour Mills Elevator; Nebraska Consolidated Mills Co.

Guntersville; Cargill Guntersville Elevator; Cargill, Inc.

ARKANSAS

Altheimer; Altheimer Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

Augusta; Lockhart-Thompson Elevator; Murray L. Lockhart, d.b.a. Murray L. Lockhart Warehouse Co.

Barfield Landing (P.O. Blytheville); Fasco Elevator; Farmers Soybean Corp.

Bradford; White County Grain Warehouse; Arkansas Grain Corporation.

Brinkley; Brinkley Warehouse; Riviana Foods, Inc.

Blytheville; Farmers Grain Elevator; Farmers Soybean Corp.

Carlisle; Carlisle Warehouse; Riviana Foods, Inc.

Corning; Corning Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Delaplaine; Delaplaine Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

Des Arc; Des Arc Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

DeWitt; Smith Rice Mill Warehouse; Smith Rice Mill, Inc.

DeWitt; Farmers Coop. Elevator; The Farmers Co-operative Elevator Co.

DeWitt; Dixie Dryer Warehouse; Dixie Dryer, Inc.

DeWitt; DeWitt Rice Warehouse; L. A. Black Rice Milling Association, Inc.

DeWitt; Growers Elevator; Growers Elevators, Inc.
DeWitt; Troy Mitchell Elevator; Troy Mitchell, DBA Troy Mitchell Elevator.
Dumas; Dumas Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Elaine; Elaine Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
England; Federal Drier; Federal Drier and Storage Co.
Eudora; Eudora Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Eudora; Pioneer Grain Elevator; Dixie Dryer, Inc.
Fair Oaks; Fair Oaks Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Gibson Switch; Craighead Rice Milling Co.'s Warehouse; Craighead Rice Milling Co.
Gillett; Gillett Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Hazen; Hazen Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Helena; Helena Grain Warehouse; Arkansas Grain Corp.
Helena; Mississippi River Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Hickory Ridge; Hickory Ridge Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Holly Grove; Holly Grove Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
Jonesboro; Joneaboro Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Jonesboro; Kiech Elevator; Earl C. Kiech Elevator Co.
Lonoke; Lonoke Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Marianna; Lee County Grain Warehouse; Arkansas Grain Corp.
Marked Tree; St. Francis Valley Grain Warehouse; E. Ritter & Co., St. Francis Valley Grain Co. Division.
Marvell; Marvell Grain Warehouse; The Arkansas Rice Growers Cooperative Association.
McCrory; McCrory Warehouse; Riviana Foods, Inc.
McGehee; McGehee Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Morrilton; Stallinga Brothers Elevator; Joe H. Stallings and Alan E. Stallings, copartners trading as Stallings Brothers Feed Mills.
Needham (P.O. Jonesboro), Kiech-Crafton Elevator; Kiech-Crafton Elevator Co.
Newport; Newport Rice Mill Warehouse; Newport Rice Mill, Inc.
North Little Rock; North Little Rock Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Osceola; Osceola Products Warehouse; Osceola Products Co.
Parkin; East Arkansas Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Patterson; Farmers Granary; Farmers Granary, Inc.
Penjur (P.O. Hughes); Hughes Granary Elevator; Hughes Grain Corporation.
Proctor; Craft Elevator; Continental Grain Co.
Rector; Rector Elevator; Rector Elevator and Dryer Co., Inc.
Stuttgart; Acme Warehouse; Riviana Foods, Inc.
Stuttgart; Bogard Elevator; Bogard Grain and Seed Co., Inc.
Stuttgart; Stuttgart Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Stuttgart; Stuttgart Grain Warehouse; Arkansas Grain Corp.
Stuttgart; Pioneer Elevator; Dixie Dryer, Inc.
Stuttgart; Hartz Elevators; Jacob Hartz Seed Co., Inc.
Stuttgart; Producers Warehouse; Producers Rice Mill, Inc.
Tichnor; Tichnor Drier; Tichnor Drier and Storage, Inc.
Tuckerman; Tuckerman Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Waldenburg; Waldenburg Warehouse; Riviana Foods, Inc.
Weiner; Weiner Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Wheatley; Wheatley Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Wilmont; Pioneer Elevator; Dixie Dryer, Inc.
Wynne; Gibbs & Harris Rice Drier; Gibbs & Harris Rice Drier, Inc.

CALIFORNIA

Berenda; Valley Grain Drier Warehouse; Valley Grain Drier, Inc.
Colton; Producers Elevator; Producers Grain Corp.
East Los Angeles; Pillsbury-Globe Elevator; The Pillsbury Co.
French Camp; Continental Elevator; Continental Grain Co.
Lemoore; Continental Elevator; Continental Grain Co.
Long Beach; Koppel Bulk Terminal; Koppel Bulk Terminal.
Long Beach; Cerritos Elevator; Koppel Bulk Terminal.
Saco Siding (P.O. Bakersfield); Continental Elevator; Continental Grain Co.
San Joaquin; San Joaquin Elevator; Cargill of California, Inc.
Stockton; Stockton Elevators; Stockton Elevators.
West Sacramento; Port of West Sacramento Grain Terminal; Cargill of California, Inc.
Woodland; Sunset Rice Dryer Warehouse; Pacific International Rice Mills, Inc.

COLORADO

Akron; Akron Co-op Elevator; Akron Co-op.
Amherst; Farmers Elevator; Amherst Cooperative Elevator, Inc.
Bethune; Equity Elevator; Equity Cooperative Exchange.
Burlington; Equity Elevator; Equity Cooperative Exchange.
Bristol; Bristol Elevator; South Eastern Colorado Coop.
Byers; Farmers Marketing Elevator; Farmers Marketing Association.
Campo; Stafford Elevator; Van Stafford.
Denver; Cargill Denver Elevator; Cargill, Inc.
Denver; CMA Denver Elevator; The Farmers Union Cooperative Marketing Association, trading as Farmers Union Cooperative Marketing Association, Inc., in the State of Colorado.
Denver; Garvey Elevator; Garvey Elevators, Inc.
Dove Creek; Dove Creek Bean & Elevator Co. Warehouse; Dove Creek Bean & Elevator Co.
Dove Creek; Romer Warehouse; David L. Corlett and Jean R. Corlett, copartners trading as Romer Mercantile and Grain Co.
Flagler; Flagler Equity Elevator; The Flagler Equity Co-Operative Co.
Holly; Southeastern Colorado Co-Op Elevator; South Eastern Colorado Coop.
Holyoke; Holyoke Cooperative Elevator; Holyoke Cooperative Association.
Hyde (P.O. Otis); Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-Operative Co. of Yuma, Colo.
Lamar; Southeastern Colorado Co-op Elevator; South Eastern Colorado Coop.
Limon; Limon Co-op Elevator; Limon Co-operative Exchange, Inc.
Milliken; Dannen Mills Division Elevator; The Farmers Union Cooperative Marketing Association.
Otis; Washington County Grain Co. Division Elevator; Rickel, Inc.
Peetz; Farmers Co-op. Elevators; The Peetz Farmers Co-operative Co.
Pleasant View; San Juan Warehouses; San Juan Bean Growers, Inc.
Pritchett; Pritchett Co-op Elevator; The Springfield Co-Operative Sales Co.
Roggen; Roggen Farmer's Elevator; Roggen Farmer's Elevator Association.
Schramm (P.O. Yuma); Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-Operative Co. of Yuma, Colo.
Seibert; Co-Op Elevator; The Seibert Equity Co-operative Association.
Springfield; Co-Op Elevator; The Springfield Co-operative Sales Co.
Stratton; Co-Op Elevator; The Stratton Equity Cooperative Co.
Vilas; Vilas Elevator; Vilas Grain Co.
Wray; Farmers Union Elevator; The Farmers Union Cooperative Elevator Co.
Wray; Wray Elevator; Wray Grain Co.
Yuma; Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-Operative Co. of Yuma, Colo.

DELAWARE

Seaford; Cargill Seaford Elevator; Cargill, Inc.

GEORGIA

Gainesville; Cargill Gainesville Elevator; Cargill, Inc.

IDAHO

American Falls; Power County Grain Growers Warehouse; Power County Grain Growers, Inc.
Bancroft; Grain Growers Warehouse; Bancroft Grain Growers, Inc.
Buhl; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, d.b.a. "Shields".
Corral; Grain Growers Warehouse; Camas Prairie Grain Growers, Inc.
Cottonwood; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Craigmont; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Deary; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Downey; Grain Growers Warehouse; Farmers Grain Cooperative.
Drummond; Grain Growers Warehouse; Farmers Grain Cooperative.
Estes; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Fairfield; Grain Growers Warehouse; Camas Prairie Grain Growers, Inc.
Fenn; Union Warehouse & Supply Co.'s Warehouse; Union Warehouse & Supply Co.
Ferdinand; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Grace; Grain Growers Warehouse; Farmers Grain Cooperative.
Grangeville; Union Warehouse & Supply Co.'s Warehouse; Union Warehouse & Supply Co.
Greer; Nezperce Rochdale Warehouse; Nezperce Rochdale Co.
Harris Siding; Nezperce Rochdale Warehouse; Nezperce Rochdale Co.
Hill City; Grain Growers Warehouse; Camas Prairie Grain Growers, Inc.
Jerome; Marshall Warehouse; Marshall Warehouses, Inc.
Joel; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Kendrick; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Kennedy Ford; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Lamont; Grain Growers Warehouse; Farmers Grain Cooperative.

Lapwai; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Lewiston; Lewiston Grain Growers Warehouse No. 2; Lewiston Grain Growers, Inc.
Lewiston; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
McCammon; Grain Growers Warehouse; Farmers Grain Cooperative.
Malad; Grain Growers Warehouse; Oneida County Grain Growers, Inc.
Michaud; Power County Grain Growers Warehouse; Power County Grain Growers, Inc.
Moreland; Shields of Blackfoot Warehouse; Shields of Blackfoot, Inc.
Moscow; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Moscow; Dumas Seed Co. Warehouse; Dumas Seed Co.
Nampa; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, d.b.a. "Shields".
Nezperce; Nezperce Rochdale Warehouse; Nezperce Rochdale Co.
Nezperce; Nezperce Grain & Processing Warehouse; Nezperce Processing Co.
Nezperce; Nezperce Storage Co.; Nezperce Storage Co.
Peck; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Rands; Grain Growers Warehouse; Camas Prairie Grain Growers, Inc.
Reubens; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Ririe; Grain Growers Warehouse; Ririe Grain and Feed Cooperative, Inc.
Setters; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.
Soda Springs; Soda Springs Elevator; Soda Springs Elevator, Inc.
Soda Springs; Grain Growers Warehouse; Farmers Grain Cooperative.
Swan Lake; Grain Growers Warehouse; Farmers Grain Cooperative.
Talmage; Grain Growers Warehouse; Farmers Grain Cooperative.
Tetonia; Grain Growers Warehouse; Farmers Grain Cooperative.
Troy; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Viola; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Weston; Grain Growers Warehouse; Farmers Grain Cooperative.
Worley; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.

ILLINOIS

Alhambra; Alhambra & Marine Elevators; Madison Service Co.
Alton; Terminal Operations; Peavey Co.
Adrian; Adrian Elevator; Hancock Grain Co.
Alvin; Alvin Elevator; Jack Conard, trading as Conard Grain Co.
Amenia Siding (P.O. Monticello); Amenia Elevator; Monticello Grain Co.
Anchor; Anchor Elevator; Anchor Grain Co.
Andres (P.O. Peotone); Andres Elevator; Andres & Wilton Farmers Grain & Supply Co.
Argenta; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Ashland; Ashland Elevator; Ashland Farmers Elevator Co.
Ashmore; Rule Elevator; T. Kinahan Rule, doing business as Rule Grain Co.
Assumption; Assumption Elevators; Assumption Cooperative Grain Co.
Atkinson; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Atlanta; Atlanta Elevator; Forrest L. Douglas, trading as Douglas Co.
Atwood; Atwood Elevator; Atwood Grain and Supply Co.
Ballard Station; Ballard Elevator; Leonard Grain Co., Inc.
Barr Station (P.O. Athens); Amac Barr Elevator; Amac, Inc.
Bartonville; Allied Mills Peoria Elevator; Allied Mills, Inc.
Beardstown; Farmers Terminal Elevator; Farmers Terminal Grain Co.
Bellflower; Bellflower Elevator; Foosland Grain Co.
Bement; Farmers Elevator; Bement Grain Co.
Bethany; The Bethany Grain Co. Elevator; The Bethany Grain Co.
Birkbeck; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Bloomington; Hasenwinkle Wallace Elevator; Ralph Hasenwinkle, Earle Hasenwinkle, Elna Hafer, Constance H. Anderson and Paul Anderson, Jr., copartners trading as Hasenwinkle Wallace Co.
Bondville; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Bourbon; Ulrich Grain Co. Elevator; Harvey C. Ulrich, trading as Ulrich Grain Co.
Bradbury (R.R. No. 3, Toledo); Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Brownwood (P.O. Delavan); Brownwood Elevator; Delavan Cooperative Elevator Co.
Broughton; L. S. Harper Grain Co. Elevator; B. C. Christopher & Co., a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welsh, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrum, Leslie H. Pihlblad, and Robert F. Wilson, General Partners.
Buffalo Hart; Young Elevator; Lloyd W. Young, trading as Lloyd W. Young Grain.
Bushnell; O. K. Grain & Feed Co.; Bushnell O.K. Grain and Feed Co.
Cayuga (R.R. No. 3, Pontiac); Cayuga Elevator; Jacobson Grain Co.
Centerville Township; Cargill E. St. Louis Elevator "R"; Cargill, Inc.
Chatsworth; Chatsworth and Stoddard Siding Warehouses; The Livingston of Chatsworth, Inc.
Chebanse; Hanson Bros. Grain Elevator; Arthur L. Hansen, Orval Hansen, Louie V. Hansen, Vincent Hansen, Laverne Hansen, and Virgil Hansen, Copartners, trading as Clifton Grain Co. at Clifton, Ill., and Hansen Bros. Grain Elevator at Chebanse, Ill.
Chenoa; Chenoa Elevator; Leonard Grain Co., Inc.
Cheneyville; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Chesterville; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Chestnut; Chestnut Elevator; The Farmers Grain Company of Chestnut.
Chicago; Belt Elevator B; Carey Grain Corp.
Chicago; The Cargill Elevator; Cargill, Inc.
Chicago; Continental Elevator C; Continental Grain Company.
Chicago; Continental Elevators; Continental Grain Co.
Chicago; Rialto Elevator; General Mills, Inc.
Chicago; Calumet Elevators; Archer-Daniels-Midland Co.
Chicago; Garvey Elevator; Garvey Grain, Inc.
Chicago; Belt Elevator; Carey Grain Corp.
Chicago; Gateway Elevator; Illinois Grain Corp.
Chicago; Erie Elevator; Interstate Elevator Corp.
Chicago; Kensington Elevator; Garvey Grain, Inc.
Chicago; Santa Fe Elevator; Garvey Grain, Inc.
Chrisman; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Cisco; Cisco Grain Elevator; Cisco Co-operative Grain Co.
Clifton; Clifton Grain Elevator; Arthur L. Hansen, Orval Hansen, Louie V. Hansen, Vincent Hansen, Laverne Hansen, and Virgil Hansen, Copartners, trading as Clifton Grain Co. at Clifton, Ill., and Hansen Bros. Grain Elevator at Chebanse, Ill.
Colfax; Colfax Elevator; Anchor Grain Co.
Collinsville; Tiedemann Elevator; Charles Tiedemann Mills, Inc.
Compton; Torri Grain Company Elevator; A. J. Torri, Joseph A. Torri, and Q. J. Torri, copartners, trading as Torri Grain Company.
Creve Coeur; Illinois Grain Corp. Creve Coeur Elevator; Illinois Grain Corp.
Cropsey; Farmers Elevator; Cropsey Co-operative Grain Co.
Cruger (R.R. 1, Eureka); Farmers Elevators; Farmers Grain Cooperative of Eureka.
Culver Station (P.O. Athens); Culver Elevator; Culver-Fancy Prairie Cooperative Co.
Dallas City; Illinois Grain Corporation, Dallas City Elevator; Illinois Grain Corporation.
Dalton City; Farmers Co-op Grain Co. Elevator; Farmers Co-operative Grain Co. of Dalton City.
Danville; Lauhoff Elevator; Lauhoff Grain Co.
Darrow (P. O. Sheldon); Darrow Elevator; Darrow Farmers Co-operative Grain Co.
Deer Grove (R.R. No. 1); Hahnaman Station Elevator; Hahnaman Elevator, Inc.
DeLand; DeLand Farmer's Elevators; DeLand Farmer's Cooperative Grain Co.
Delavan; Delavan Elevator; Delavan Co-operative Elevator Co.
De Soto; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
DeWitt; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Dorans (P.O. Mattoon); Dorans Elevator; Farmers Grain Co. of Dorans.
Downs; Hasenwinkle Wallace Elevator; Ralph Hasenwinkle, Earle Hasenwinkle, Elna Hafer, Constance H. Anderson and Paul Anderson, Jr., copartners trading as Hasenwinkle Wallace Co.
Dwight Township (P.O. Dwight); Jacobson Terminal; Jacobson Seaway Grain Terminal Co.
Earlville; Earlville Farmers' Co-operative Elevator; Earlville Farmers' Co-operative Elevator Co.
East Peoria; East Peoria Elevator, Tabor & Co.; Tabor & Co.
East St. Louis; Continental Elevator; Continental Grain Co.
East St. Louis; National Oats Elevator; National Oats Co.
Edinburg; Edinburg Grain Elevator; Edinburg Grain, Inc.
Edinburg; Rink & Scheib Elevator; Rink & Scheib, Inc.
Edwardsville; Edwardsville Elevator; Madison Service Co.
Edwardsville; Dippold Elevator; H. B. Stubbs, trading as Dippold Bros.
Emery (P.O. Marcs); Emery Elevator; Dewein Grain Co.
Esmond; Esmond Elevator; Farmers' Grain Co. of Esmond.
Fairbury; Farmers Grain Elevator; Farmers Grain Co. of Fairbury.
Fancy Prairie; Fancy Prairie Elevator; Culver-Fancy Prairie Cooperative Co.
Farmer City; Mitsui Elevator; Pacific Grain Co.
Piatt; Piatt Elevator; Fulton Co. Grain Terminal Co.
Fithian; Fithian Elevator; Harold P. Izard, Kenneth W. Stotler and Howard A. Stotler, copartners, trading as Fithian Grain Co.
Florence (P.O. Pittsfield); Pillsbury Florence Elevator; The Pillsbury Co.
Foosland; Foosland Elevator; Foosland Grain Co.

Forrest Township (P.O. Forrest); Midwest Warehouses; Midweat Grain Storage Co.
Georgetown; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Gibson City; Farmers Elevator; The Farmers Grain Co. of Gibson City.
Gibson City; Moody Elevator; J. R. Moody, Jr., trading as Moody Feed & Farm Supply.
Gilman; Continental Elevator; Continental Grain Co.
Glenavon (P.O. Bellflower); Glenavon Elevator; Weedman Grain and Coal Co.
Goodfield; Lawrence Warehouse Co. Goodfield Elevators; Lawrence Warehouse Co.
Granite City; Cargill E. St. Louis Elevator "Q"; Cargill, Inc.
Gridley; Gridley Elevator; Garvey Grain, Inc.
Hammond; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Hardin; Hardin Elevator; Jersey County Grain Co.
Harmon; Albrecht Elevator; Floyd Albrecht, trading as Albrecht Grain Co.
Harpster (P.O. Foosland); Harpster Elevator; Harpster Grain Co.
Havana; Illinois Grain Corporation Havana Elevator; Illinois Grain Corporation.
Henkel (P.O. Mendota); Henkel Grain Co.; Henkel Grain Co., Inc.
Hennepin; Illinois Grain Corporation Hennepin Elevator; Illinois Grain Corporation.
Heyworth; Hasenwinkle Wallace Elevator; Ralph Hasenwinkle, Earle Hasenwinkle, Elna Hafer, Constance H. Anderson and Paul Anderson, Jr., copartners, trading as Hasenwinkle Wallace Co.
Homer; Homer Elevators; Homer Grain Co.
Honegger (P.O. Fairbury); Fairbury Elevator; Honeggers' & Co., Inc.
Illiopolis; Mansfield-Ford Illiopolis Elevator; Mansfield-Ford Grain Co.
Illiopolis; Illiopolis Grain Co. Elevator; Illiopolis Grain Co.
Indianola; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Iroquois; Iroquois Farmers Elevator; Iroquois Farmers Elevator.
Jamaica (R.R. 1, Fairmount); Farmers Elevator; Farmers Elevator Company of Jamaica, Illinois.
Jerseyville; Jerseyville Elevators; Jersey County Grain Co.
Kane; Kane Elevator; Jersey County Grain Co.
Kaneville; Kaneville Elevator; Kaneville Grain and Supply Co.
Kankakee; Kankakee Elevator; A. L. Book, trading as A. L. Book & Co.
Kansas; Rardin Elevator; Rardin Grain Co.
Kenney; Kenney Elevator; Forrest L. Douglas; trading as Douglas Co.
Lacon; Illinois Grain Corp. Lacon Elevator; Illinois Grain Corp.
Lanesville; Mansfield-Ford Lanesville Elevator; Mansfield-Ford Grain Co.
Lark Siding (P.O. Monticello); Lark Siding Elevator; Monticello Grain Co.
LaRose; LaRose Elevator; Bartlett and Co. Grain.
Lee; Schaefer Elevator; H. R. Schaefer Grain Co., Inc.
LeRoy; Hasenwinkle Wallace Elevator; Ralph Hasenwinkle, Earle Hasenwinkle, Elna Hafer, Constance H. Anderson and Paul Anderson, Jr., copartners trading as Hasenwinkle Wallace Co.
LeRoy; LeRoy Elevator; LeRoy Elevator Co., Inc.
Leverett (R.R. 4 Champaign) Leverett Elevator; Lewis P. Burtis, Kenneth W. Stotler, each individually, and Sue Stotler and Kenneth W. Stotler as trustees of the Estate of Howard A. Stotler, copartners, trading as Leverett Grain Company.
Lexington; Kemp Elevator; Kemp Grain Co.
Lexington; Peine Grain Elevator; Peine Grain Co.
Lisbon Center (P.O. Newark); Lisbon Center Elevator; Farmers Cooperative Grain & Supply Co. of Lisbon Center.
Litchfield; Central States Elevator; Central States Grain Co.
Loami; Loami Elevator; Loami Grain Co., Inc.
Ludlow; Ludlow Elevators; Ludlow Cooperative Elevator Co.
Macon; Macon Elevator; Macon Grain Co.
Mahomet; James F. Parker Co. Elevator; James F. Parker Co.
Mansfield; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Manteno; Farmera Elevator; Farmers Elevator Company of Manteno.
Marengo; Standish Elevator; Standish Grain Co.
Mattoon; Mattoon Elevator; Farmers Grain Co. of Dorans.
Mattoon (R.R. No. 3); Jones Switch Elevator; Dayrel Duzan, trading as Duzan Grain Co.
McNabb; McNabb Elevator; McNabb Grain Co.
McNulta (P.O. Foosland); McNulta Elevator; Foosland Grain Co.
Mechanicsburg; Mechanicsburg Elevator; Mechanicsburg Farmers Grain Co.
Mendota; Fasco Elevator; Fasco Mills Company.
Milmine; Milmine Farmers Elevator; Milmine Grain Company.
Minier; Minier Cooperative Elevator; Minier Cooperative Grain Co.
Monticello; Monticello Elevator; Monticello Grain Co.
Moweaqua; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Mulkeytown; Southern Grain Co.; B. C. Christopher & Co., a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welsh, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrum, Leslie H. Pihlblad and Robert F. Wilson, General Partners.
Myra (P.O. Urbana); Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Mt. Vernon; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Newman; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Niantic; Niantic Farmers Elevatora; Niantic Farmers Grain Co.
Oakland; Miller Grain Co. Elevator; Miller Grain Co.
Ogden; Ogden Grain Co. Elevator; E. Z. Spread Fertilizer Company, trading as Ogden Grain Company.
Olive Branch; B. C. Christopher & Co. Elevator; B. C. Christopher & Co., a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welsh, Lawrence P. Hogan, Norman Supper, Ludwell G. Gainea III, Philipp Kuhn, Lowell H. Listrum, Leslie H. Pihlblad and Robert F. Wilson, General Partners.
Oreana; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Ottawa; Ottawa Coop Elevator; Ottawa Cooperative Grain Co.
Paris; Paris Elevator; Illinois Cereal Mills, Inc.
Paris; Paris Grain Warehouses; Paris Warehouses, Inc.
Parnell (Farmer City Route 2); Walsh Grain Elevator; Robert E. Walsh and Elizabeth Walsh, copartners trading as Walsh Grain Elevator.
Paxton; Charles Shelby Elevator; R. L. Yancey, trading as Charles Shelby Grain Co.
Peoria; Burlington Elevator; Archer-Daniels-Midland Co.
Peoria; Riverside Elevator; Riverside Elevator Co.
Perdueville (P.O. Paxton); Perdue Elevator; The Perdue Elevator Co.
Pesotum; Pesotum Elevator; Pesotum Grain Company, Inc.
Petersburg; Amac Petersburg Elevator; Amac, Inc.
Pinckneyville; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Pittsfield; King Elevator; M. D. King Milling Co.
Pontiac; Pontiac Elevator; Jacobson Grain Co.
Poplar Grove; McLay Elevator; McLay Grain Company.
Radford; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Rantoul; Rantoul Elevators; Ludlow Cooperative Elevator Co.
Ridge Farm; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Roberts; Hicks Grain Terminals; Hicks Grain Terminals, Inc.
Rowe (R.R. No. 3, Pontiac); Rowe-Cornell Elevator; Jacobson Grain Co.
Sadorus; Sadorus Co-op Elevators; Sadorus Co-operative Elevator Co.
St. Jacob; St. Jacob Elevator; Toberman Grain Co.
Savoy; Savoy Elevator; Savoy Grain Co.
Serena; Serena Elevator; La Salle County Farm Supply Co.
Seymour; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Shawneetown; T. Y. Williams Grain & Seed Co. Elevator; B. C. Christopher & Co., a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welsh, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrum, Leslie H. Pihlblad and Robert F. Wilson, General Partners.
Sheldon; Sheldon Elevator; Archer-Daniels-Midland Co.
Shipman; Shipman Elevator; Shipman Elevator Co.
Sibley; Sibley Grain Co. Elevator; The Sibley Grain Co.
Sidell; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Sterling; Galt Site Elevator; Sterling-Rock Falls Co-operative Marketing Association.
State Line; [1] State Line Elevator; State Line Elevator, Inc.
Stockland; Stockland Elevator; Stockland Grain Company, Inc.
Stonington; Stonington Cooperative Grain Co. Elevator; Stoington Cooperative Grain Co.
Strawn; Strawn Warehouses; The Livingston of Chatsworth, Inc.
Sullivan; Sullivan Elevator; Sullivan Grain Co.
Symerton (P.O. Wilmington) Symerton Elevator; Will-DuPage Service Company.
Taylorville; Allied Mills Taylorville Elevator; Allied Mills, Inc.
Tolono; Apex Terminal Warehouses; Apex Terminal Warehouses, Inc.
Tolono; Tolono Elevator; Savoy Grain Co.
Township 15 (P.O. Naples); Illinois Grain Corporation Naples Elevator; Illinois Grain Corporation.
Tomlinson (P.O. Rantoul); Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Trenton; Trenton Farmera Elevator; Trenton Cooperative Equity Exchange.
Union (P.O. Emden); Union Elevator; Forrest L. Douglas, trading as Douglas Co.
Ursa; Ursa Elevator; Ursa Farmers Co-operative Co.
Voorhies (R.R. 1, Bement); Voorhies Elevator; Voorhies Cooperative Grain Co.
Walton (R.R. 4, Dixon); Walton Elevator; Walton Elevator Co.
Ware; Ware Elevator; B. C. Christopher & Co., a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welsh, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrum, Leslie H. Pihlblad and Robert F. Wilson, General Partners.
Warsaw; Warsaw Elevator; Hancock Grain Co.
Wapella; Hasenwinkle Wallace Elevator; Ralph Hasenwinkle, Elna Hafer, Earle Hasenwinkle, Constance H. Anderson and Paul Anderson, Jr., copartners trading as Hasenwinkle Wallace Co.
Washburn; Washburn Elevator; Bartlett and Co. Grain.
Watkins (P.O. Farmer City); Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Waynesville; Martin Grain Company Elevator; Martin Grain Co.
Weedman (R.R. 1, Farmer City); Weedman Elevator; Weedman Grain and Coal Co.
Weldon; Weldon Grain Co. Elevator; Weldon Co-operative Grain Co.
West Brooklyn; West Brooklyn Elevator; West Brooklyn Farmera Co-operative Co.
White Heath; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Wilton; Wilton Elevator (P.O. Manhattan); Andres & Wilton Farmers Grain & Supply Co.
Windsor; Neal-Cooper Grain Co. Elevator; Neal-Cooper Grain Co.
Wyanet; Wyanet Elevator; Carl Lavern Barker, trading as Barker Milling and Grain Co.

[1] In Illinois and Indiana.

INDIANA

Ambia; Federal-North Iowa Elevator; Federal-North Iowa Grain Co.
Bicknell; Barr Elevator; O. L. Barr Grain Co., Inc.
Burnettsville; Burnettsville Elevator; Allison, Steinhart & Zook, Inc.
Camden; Camden Elevator; Allison, Steinhart & Zook, Inc.
Converse; General Grain Elevator; General Grain, Inc.
Cyclone (P.O. Frankfort); General Grain Elevator; General Grain, Inc.
Dunn (R.R. No. 2 Fowler); Dunn Grain Elevator; Dunn Grain Elevators, Inc.
Earl Park; General Grain Elevator; General Grain, Inc.
East Chicago; The New York Central Elevator; Farmera Grain Dealers Association of Iowa (Cooperative).
Edinburg (R.R. No. 1); Durham Road Elevator; Community Grain, Inc.
Emporia (R.R. 1, Markleville); Emporia Elevator; Edwin O. Pasko and Elmer G. Pasko, copartners trading as Emporia Elevator Co.
Falmouth; Falmouth Elevator; Falmouth Farm Supply, Inc.
Farmland; General Grain Elevator; General Grain, Inc.
Flora; Flora Elevator; Allison, Steinhart & Zook, Inc.
Fowler; Lochiel Elevator; Lochiel Elevator Co., Inc.
Free (R.R. 2, Fowler); Free Grain Elevator; Watland Farms, Inc., trading as Free Grain Co.
Gaston; General Grain Elevator; General Grain, Inc.
Graham Siding (R.D. No. 1, Washington); Graham Elevator; Graham Brothers, Inc.
Hedrick; Hedrick Elevator; Jack Conard, trading as Conard Grain Co.
Indianapolis; Beech Grove Elevator; The Early and Daniel Co.
Indianapolis; Acme-Evans Elevator; General Grain, Inc.
Indianapolis; General Grain Elevator; General Grain, Inc.
Judyville; Judyville Elevator; Judyville Grain Company, Inc.
Kokomo; Kokomo Elevator; Kokomo Grain and Feed Co., Inc.
LaFayette; LaFayette Warehouse Div.; Apex Terminal Warehouses Inc.
Ligonier; Lyon & Greenleaf Elevator; Lyon and Greenleaf Co., Inc.
Manson (P.O. Frankfort); General Grain Elevator; General Grain, Inc.
Marshfield; Marshfield Elevator; Jack Conard, trading as Conard Grain Co.
Martinsville (R.R. 6); Coleman Elevator; James K. Coleman, trading as Coleman Farm Service.
Michigantown; Michigantown Elevator; Allison, Steinhart & Zook, Inc.
Millersburg; Millersburg Elevator; Lyon and Greenleaf Company, Inc.
Mohawk; General Grain Elevator; General Grain, Inc.
Morristown; Morristown Elevator; Morristown Elevator Co., Inc.
Mount Ayr; Grow Elevator; Grow Farms Grain Corp.
New Market; Layne & Myers Elevator; Priscilla Opal Layne, Leland Eugene Layne, Minnie L. Layne, David L. Myers and Lorinda Jane Myers, Copartners, trading as Layne & Myers Grain Co.
New Ross; New Ross Elevator; Walter S. Whitecotton and G. Dorman Harris, copartners trading as The New Ross Grain Co.
Noblesville; General Grain Elevator; General Grain, Inc.
Onward; General Grain Elevator; General Grain, Inc.
Orleans; General Grain Elevator; General Grain, Inc.
Orleans; Orleans Grain Elevator; Orleans Grain, Inc.
Pence; Pence Elevator; Pence Grain Company, Inc.
Peru; Canal Elevator; Allison, Steinhart & Zook, Inc.
Portland; Haynes Soy Elevator; Haynes Milling Co., Inc.
Raub; Raub Elevator; Raub Grain, Inc.
Reagan (P.O. Frankfort); General Grain Elevator; General Grain, Inc.
Reynolds; Reynolds Elevator; National Grain Storage, Inc.
Schneider; Schneider Elevator; Peavey Co.
Scottsburg; General Grain Elevator; General Grain, Inc.
Seymour; Bliah Milling Co. Elevator; General Grain, Inc.
State Line; [1] State Line Elevator; State Line Elevator, Inc.
Sullivan; Johnson Mill & Elevator; Sherell W. Johnson, Sr. and Sherell W. Johnson, Jr., copartners, trading as Johnson Feed & Supply Company.
Summitville; General Grain Elevator; General Grain, Inc.
Sweetser; General Grain Elevator; General Grain, Inc.
Tab (P.O. Ambia); Tab Elevator; Tab Grain Co., Inc.
Thorntown; Sugar Creek Elevator; Allison, Steinhart & Zook, Inc.
Westport; General Grain Elevator; General Grain, Inc.
Winchester; General Grain Elevator; General Grain, Inc.

IOWA

Algona; Cargill Algona Elevator; Cargill, Inc.
Alta; Alta Cooperative Elevator; Alta Cooperative Elevator.
Altoona; Farmers Elevator; Farmers Elevator Co.
Bagley; Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co.
Biencoe; Farmers Elevators; Biencoe Cooperative Co.
Blockton; M. F. A. Elevator; M. F. A. Central Cooperative.
Bondurant; Farmers Elevator "B"; Farmers Elevator Company.
Burlington; Burlington & Mississippi Elevator; Archer-Daniels-Midland Co.
California Junction (P.O. Missouri Valley); Loveland Elevator; B. C. Christopher & Co., a limited partnership under the laws of Missouri with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welch, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrom, Leslie H. Pihlblad and Robert F. Wilson, general partners.
Cedar Rapids; Cargill Cedar Rapids Elevator; Cargill, Inc.
Chariton; Farmers Elevator; Farmers Cooperative Association.
Clarion; Farmers Elevators; Clarion Farmers Elevator Cooperative.
Clearfield; M. F. A. Elevator; M. F. A. Central Cooperative.
Cooper; Milligan Elevators; Milligan Bros. Grain Co.
Council Bluffs; Kansas Grain Co. Elevator; Flour Mills of America, Inc.
Council Bluffs; Scoular-Bishop Elevator; Scoular-Bishop Grain Co.
Council Bluffs; Bartlett Elevator; Bartlett and Co. Grain.
Council Bluffs; Pillsbury Co. Elevator; The Pillsbury Co.
Council Bluffs; Peavey Elevator; Peavey Co.
Cushing; Continental Elevator; Continental Grain Co.
Davenport; Pillsbury Davenport Elevator; The Pillsbury Co.
Dedham; Farmers Elevators; Dedham Cooperative Association.
Des Moines; F-G-D-A Des Moines Terminal; Farmers Grain Dealers Association of Iowa (Cooperative).
Des Moines; Cargill Des Moines Elevator; Cargill, Inc.
Dike; Farmers Cooperative Elevator; Farmers Cooperative Co.
Duncan (P.O. Britt); Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co.
Fernald (P.O. Nevada); Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co.
Fort Dodge; Cargill Fort Dodge Elevator; Cargill, Inc.
Glidden; Farmers Elevator; Farmers Cooperative Co.
Gray; Conklin Elevator; Edith Conklin, trading as Conklin Grain Co.
Harlan; Squealer Grain Elevator; Squealer Grain Co.
Hayfield; Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co.
Jefferson; Milligan Elevators; Milligan Bros. Grain Co.
Jefferson; Farmers Elevator; Farmers Cooperative Association.
Jordan (P.O. Boone); Peavey Producer Service Elevator; Peavey Company.
Kanawha; Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co.
Kingsley; Farmers Elevators; The Farmers Elevator Co.
Lake City; Adams Elevator; Robert P. Adams (General Partner) trading as The Adams Elevator of Lake City, Iowa.
Lanesboro; Farmers Elevator; Farmers Cooperative Co.
Lidderdale; Farmers Elevator; Farmers Cooperative Co.
Loveland; Loveland Elevator; B. C. Christopher & Co., a limited partnership under the laws of Missouri with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welch, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrom, Leslie H. Pihlblad and Robert F. Wilson, general partners.
Mallard; Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co.
McGregor; Mississippi River Terminal No. 2; Farmers Grain Dealers Association of Iowa (Cooperative).
Meekers Landing (Rt. 2, Burlington); Mississippi River Terminal; Farmers Grain Dealers Association of Iowa (Cooperative).

[1] In Illinois and Indiana.

Miller; Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co.

Missouri Valley; Loveland Elevator; B. C. Christopher & Co., a limited partnership under the laws of Missouri with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welch, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrom, Leslie H. Pihlblad and Robert F. Wilson, general partners.

Modale; Farmers Elevators; Modale Cooperative Association.

Modale; Loveland Elevator; B. C. Christopher & Co., a limited partnership under the laws of Missouri with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welch, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrom, Leslie H. Pihlblad and Robert F. Wilson, general partners.

Mondamin; Farmers Elevators; Farmers Co-operative Co.

New Hartford; Farmers Cooperative Elevator; Farmers Cooperative Co.

Palmer; Farmers Elevator; Farmers Co-operative Co.

Radcliffe; Farmers Cooperative Elevator; Farmers Cooperative Elevator Co.

Ralston; Farmers Elevators; Farmers Co-operative Association.

Redfield; Cargill Redfield Elevator; Cargill, Incorporated.

River Sioux; Farmers Elevator; Farmers Co-operative Co.

Sexton; Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co.

Shelby; Shelby Elevator; Farmers Elevator.

Sheldon; Big 4 Elevator; Big 4 Cooperative Processing Ass'n.

Sheldon; Farmers Elevators; Farmers Co-operative Elevator Association of Sheldon, Iowa.

Sherman; Farmers Cooperative Elevator; Farmers Cooperative Elevator Co.

Sioux City; Bartlett Elevator; Bartlett and Co. Grain.

Sioux City; Cargill Sioux City Elevator "A"; Cargill, Inc.

Sioux City; Farmers Union Elevator; Farmers Union Grain Terminal Association.

Sioux City; Terminal Grain Corp. Elevator; Terminal Grain Corp.

Sioux City; Elevator "B"; Harley G. Hall, trading as Hall Grain Co.

Sloan; Farmers Elevator; Farmers Cereal Co. (Cooperative).

Templeton; Farmers Elevator; Farmers Cooperative Co.

Walnut; Continental Elevator; Continental Grain Co.

Washington; Cargill Washington Elevator; Cargill, Inc.

Waverly; Waverly Elevator Co. Elevator; Waverly Elevator Co.

Webb; Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co.

Westfield; Mullaney Elevator; J. J. Mullaney Co.

Whitten; Federal-North Iowa Grain Co. Elevator; Federal-North Iowa Grain Co.

Wightman (P.O. Lohrville); Farmers Elevator; Farmers Cooperative Co.

Williams; Farmers Cooperative Elevator; Farmers Cooperative Elevator Co.

KANSAS

Abbyville; Abbyville Coop Elevator; The Farmers Cooperative Grain Co.

Akron (P.O. Rock); Akron Elevator; H. E. McDaniel.

Alamota; Alamota Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.

Alden; Alden Elevator; The Farmers Co-operative Union.

Amy; Amy Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.

Andale; Farmers Elevator; The Andale Farmers Cooperative Co.

Anthony; Farmers Cooperative Elevator; Anthony Farmer's Cooperative Elevator Co.

Argonia; Danville Coop. Elevator; Danville Cooperative Association.

Arkansas City; Ark City Elevator; Dixie Portland Flour Mills, Inc.

Arkansas City; New Era Mill; The New Era Milling Co.

Atlanta; Atlanta Co-op Elevator; The Atlanta Cooperative Association.

Atwood; Equity Elevator; The Atwood Equity Co-Operative Exchange.

Baileyville; Coop Elevator; The Nemaha County Cooperative Association.

Bavaria; Farmers Elevator; The Farmers Elevator Cooperative Co.

Bazine; Co-op Elevator; The Co-operative Grain & Supply Co.

Beaver; Beaver Grain Elevator; Beaver Grain Corp., Inc.

Beeler; Beeler Coop; The Beeler Cooperative Exchange.

Belpre; Farmers Elevator; The Pawnee County Cooperative Association.

Bosse Siding (P.O. Jetmore); Bosse Elevator; Bosse Grains, Inc.

Brewster; Coffey Elevator; The Coffey Grain Co., Inc.

Brewster; Coop Elevator; Farmers Co-operative Association.

Bucklin; Bucklin Grain Co.; Bucklin Grain Co., Inc.

Bucklin; The Bucklin Co-op Exchange Elevator; The Bucklin Cooperative Exchange.

Cambridge; Holt Grain Co. Elevator; E. H. Holt, d.b.a. Holt Grain Co.

Castleton; Farmers Grain Co. Castleton Elevator; The Farmers Cooperative Grain Co.

Charleston (P.O. Ingalls); Farmers Elevators; The Garden City Co-Operative Equity Exchange.

Chase; Chase Co-operative Elevator; The Chase Co-operative Elevator, Mill and Mercantile Union.

Cheney; Cheney Co-op Elevator; The Cheney Co-operative Elevator Ass'n.

Cimarron; The Cimarron Co-operative Elevators; The Cimarron Co-operative Equity Exchange.

Cimarron; Southwestern Grain Elevator; Southwestern Grain, Inc.

Claflin; Coop Elevator; The Claflin Cooperative Association.

Clearwater; Clearwater Coop Elevator; Clearwater Cooperative Association.

Colby; Cooper Terminal; Cooper Grain, Inc.

Colby; Hi-Plains; Co-op Elevator; The Hi-Plains Co-operative Association.

Coldwater; Farmers Elevator; The Protection Cooperative Supply Co.

Collyer; Coop Elevator; Collyer Cooperative Association, Inc.

Colwich; Farmers Elevator; The Andale Farmers Cooperative Co.

Concordia; Concordia Mill Elevator; W. Bennett, Jr. and J. D. Bennett, copartners, trading as Concordia Milling Co.

Conway Springs; Conway Spring Elevator; Charles P. Garretson, trading as Garretson Grain Co.

Conway Springs; The Farmers Cooperative Grain Association Elevator; The Farmers Co-operative Grain Association.

Coolidge; Coolidge Coop Elevator; South Eastern Colorado Co-op.

Coolidge; Sullivan Inc. Elevator; Sullivan, Inc.

Corning; Coop Elevator; The Nemaha County Co-operative Association.

Corwin; Farmers Co-operative Elevators; The Farmers Co-operative Business Association.

Culver; Culver Coop Elevator; Cooperative Sales and Services, Inc.

Danville; Danville Coop Elevator; Danville Cooperative Association.

Deerfield; Farmers Elevators; The Garden City Co-operative Equity Exchange.

Delphos; Delphos Coop Elevator; The Delphos Cooperative Association.

Dighton; Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.

Dillwyn (P.O. Macksville); Coop Elevator; The Dillwyn Grain and Supply Co.

Dodge City; Dodge City Terminal Elevator; The Dodge City Terminal Elevator Co.

Dodge City; Casterline Elevator; Casterline Grain & Seed, Inc.

Dodge City; Grain Products Terminal Elevator; Grain Products Terminal Elevator, Inc.

Douglass; Douglass Grain Co. Elevator; James L. Taylor, trading as Douglass Grain Co.

Edgerton; Coop Elevator; Johnson County Cooperative.

El Dorado; Taylor Elevator; James L. Taylor, trading as Douglass Grain Co.

Ellsworth; Salina Terminal Elevators; The Salina Terminal Elevator Co.

Feterita (P.O. Hugoton); Feterita Co-op-Elevator; The Farmers Co-Operative Grain and Supply Co.

Florence; Soop Elevator; The Burns Farmers Co-operative Union.

Fowler; Fowler Equity Elevator "B"; The Fowler Equity Exchange.

Furley (P.O. Valley Center); Furley Grain Elevator; The Furley Grain, Incorporated.

Galva; Galva Grain Elevator; Western Grain, Inc.

Garden City; Farmers Elevators; The Garden City Co-Operative Equity Exchange.

Garden City; Lawrence Warehouse No. 8; Lawrence Warehouse Co.

Garden Plain; Farmers Cooperative Elevator; The Farmers Cooperative Elevator Co.

Garfield; Garfield Co-operative Elevator; The Garfield Co-operative Co.

Garnett; Garnett Elevator; Western Grain, Inc.

Goodland; Coffey-Ried Elevator; Coffey-Reid Grain, Inc.

Goodland; Monfort Elevator; Monfort Feed Lots, Inc.

Grainfield; Farmers Elevator; The Gove County Cooperative Association.

Great Bend; Great Bend Elevators; The Great Bend Cooperative Association.

Green; Lippert Elevator; Maxine Lippert Friederick as an Individual and Executrix of the Estate of Warren R. Lippert, trading as Lippert Grain Co.

Greensburg; Farmers Grain and Supply Elevator; The Farmers Grain and Supply Co. of Kiowa County, Kans.

Gypsum; Moore Elevator; Kenneth Moore and Lorene Moore, copartners, trading as Moore Grain and Feed Co.

Hardtner; O. K. Elevators; The O. K. Co-operative Grain & Mercantile Co.

Harper; Farmers Cooperative Elevator; Anthony Farmer's Cooperative Elevator Co.

Haven; Farmers Grain Co.; The Farmers Co-operative Grain Co.

Hazelton; Farmers Co-operative Elevators; The Farmers Co-operative Business Association.

Hickok (P.O. Ulysses); Sullivan, Inc., Elevator; Sullivan, Inc.

Hickok (P.O. Ulysses); Co-Op Elevator; The Ulysses Co-Operative Oil and Supply Co.

Hoxie; Cooper Terminal; Cooper Grain, Inc.

Hugoton; Parker Elevator; Earl Bryan, trading as Parker Grain Co.

Hugoton; Hugoton Co-op Elevator; The Farmers Co-Operative Grain and Supply Co.

Hutchinson; Kelly Elevator; The William Kelly Milling Co.

Hutchinson; Continental Elevator; Continental Grain Co.

Hutchinson; Grain Belt Elevator; The Salina Terminal Elevator Co.

Ingalls; Ingalls Grain Elevator; Ingalls Cooperative.

Inman; Chase Elevator; The Chase Grain Co., Inc.

Joy; Farmers Grain and Supply Elevator; The Farmers Grain and Supply Co. of Kiowa County, Kans.

Junction City; Mid-Continent Elevator; Western Grain, Inc.

Kalvesta; Bosse Elevator; Bosse Grains, Inc.

Kanco (P.O. Tribune); Greeley County Coop Elevator; The Greeley County Cooperative Association.

Kanorado; Coffey Elevator; Coffey-Reid, Inc.

Kanorado; Kanorado Co-op Elevator; The Kanorado Co-operative Association.

Kansas City; Turnpike Elevator; Seaboard Allied Milling Corp.

Kansas City; Bunge Elevator; Bunge Corp.

Kansas City; Farmers Union Fairfax Elevator; The Farmers Union Cooperative Marketing Association.

Kansas City; River-Rail Elevator; Bartlett and Co. Grain.

Kellogg (Route 2, Winfield); Kellogg Coop Elevator; Kellogg Farmers Union Cooperative Association.

Kensington; Kensington Coop Elevators; The Kensington Cooperative Association.

Kiowa; O. K. Elevators; The O. K. Co-operative Grain & Mercantile Co.

Kismet; Equity Elevator; The Plains Equity Exchange and Co-Operative Union.

LaCygne; Farmers Coop Elevator; The Linn County Farmers Cooperative Association.

Larned; Pawnee Elevators; The Pawnee County Cooperative Association.

Lawrence; Concrete Elevator; The Bowersock Mills & Power Co.

Lawrence; Farmers Coop Elevator; The Farmers Cooperative Association.

Lowe (P.O. Holcomb); Farmers Elevators; The Garden City Co-operative Equity Exchange.

Lyons; Central Kansas Elevator; The Salina Terminal Elevator Co.

Lyons; Lyons Co-op Elevator; Lyons Co-operative Association.

Macksville; English Bros. Elevator; Robert H. English and William T. English, copartners, trading as English Grain Co.

Macksville; Farmers Co-op Assn. Elevator; Farmers Co-operative Association.

Maize; Maize Mills Elevator; Maize Mills, Inc.

Marienthal; West Plains Elevator; West Plains Grain, Inc.

Mayfield; Farmers' Co-op Elevator; Farmers' Cooperative Grain Association of Wellington, Kans.

McPherson; Chase Elevator; The Chase Grain Co., Inc.

Meade; The Co-operative Elevators; The Co-Operative Elevator and Supply Co.

Milepost (P.O. Ulysses); Co-Op Elevator; The Ulysses Co-Operative Oil and Supply Co.

Milton; Garretson Elevator; Charles P. Garretson, trading as Garretson Grain Co.

Moscow; Thurow Elevator; Milton M. Thurow, Ralph V. Thurow and Orville W. Thurow, copartners, trading as Carl G. Thurow & Sons.

Moscow; Brollier's C & D Elevator; C & D Grain, Inc.

Moscow; Moscow Elevator; Moscow Elevator Co., E. L. Gaskill, Inc.

Moscow; Moscow Co-op Elevator; The Farmers Co-Operative Grain and Supply Co.

Mullinville; Equity Exchange Elevator; The Equity Grain and General Merchandise Exchange.

Mulvane; Mulvane Co-op Elevator; The Mulvane Cooperative Union.

Nashville; Farmers Co-op Elevator; The Zenda Grain and Supply Co.

Neodesha; Neodesha Co-op Elevator; The Neodesha Cooperative Association.

Ness City; Co-op Elevator; The Right Cooperative Association.

Newton; Ross Elevator; Ross Industries, Inc.

Oberlin; Decatur Coop Elevator; The Decatur Cooperative Association.

Ottawa; Ottawa Co-op Elevator; The Ottawa Cooperative Association.

Overbrook; Overbrook Farmers Co-Op Elevator; The Overbrook Farmer's Union Co-Operative Association.

Oxford; Parity Elevator; Parity Mills, Inc.

Park; Farmers Elevator; The Gove County Cooperative Association.

Peabody; Peabody; Co-op Elevator; The Peabody Cooperative Equity Exchange.

Pierceville; Farmers Elevators; The Garden City Co-Operative Equity Exchange.

Pierceville; Christensen Elevator; Christensen Grain, Inc.

Plains; Equity Elevator; The Plains Equity Exchange and Co-operative Union.

Pleasanton; Pleasanton Mill Elevator; Pleasanton Mill & Elevator Co., Inc.

Preston; Farmers Elevator; The Preston Grain & Mercantile Co.

Protection; Farmers Elevator; The Protection Cooperative Supply Co.

Putnam (P.O. Sedgwick); Galmeister Elevators; Frank Galmeister, trading as Galmeister Grain & Elevator.

Rock; Rock Elevator; H. E. McDaniel.

Rome (P.O. Wellington); Rome Elevator; McDaniel-Waples, Inc.

Roxbury; Moore Elevator; Kenneth Moore and Lorene Moore, copartners, trading as Moore Grain and Feed Co.

St. Francis; Equity Elevator; The St. Francis Mercantile Equity Exchange.

Salina; International Milling Co. Elevator; International Milling Co., Inc.

Satanta; Satanta Coop Elevator; The Satanta Cooperative Grain Co.

Scott City; Coop Elevator; The Scott Co-operative Association.

Scott City; Scott City Elevator; The Scott City Grain Co., Inc.

Sedgwick; Farmers Elevator; The Andale Farmers Cooperative Co.

Sedgwick; The Sedgwick Alfalfa Mills; Sedgwick Alfalfa Mills, Inc.

Selkirk; Greeley County Coop Elevator; The Greeley County Cooperative Association.

Sharon; Farmers Co-operative Elevators; The Farmers Co-operative Business Association.

Sharon Springs; Sharon Elevator; The Wallace County Co-operative Equity Exchange.

Shields; Shields Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.

Shook (P.O. Anthony); Farmers Cooperative Elevators; Anthony Farmer's Cooperative Elevator Co.

South Haven; The Howell Elevator; Ray E. Howell, d.b.a. Howell Grain & Insurance.

St. John; Coop Elevator; The Dillwyn Grain and Supply Company.

Stafford; Independent Coop Elevator; The Independent Co-operative Grain & Mercantile Co.

Stafford; The Stafford Grain and Supply Co. Elevator; The Stafford Grain and Supply Co.

Sterling; Farmers Elevator; The Farmers Cooperative Union.

Sublette; Haskell County Elevator; Haskell County Grain Company, Inc.

Sublette; Sublette Coop Elevator; The Co-operative Grain Dealers Union.

Syracuse; Jackson Elevator; Jackson Grain Co., Inc.

Tennis (P.O. Friend); Farmers Elevators; The Garden City Co-Operative Equity Exchange.

Timken; Timken Coop Elevator; The Timken Cooperative Association.

Tribune; Greeley County Coop Elevator; The Greeley County Cooperative Association.

Topeka; Farmers Union Terminal Elevator; The Farmers Union Cooperative Marketing Association.

Turon; Farmers Elevator; The Preston Grain & Mercantile Co.

Ulysses; Co-Op Elevator; The Ulysses Co-Operative Oil and Supply Co.

Ulysses; Sullivan Inc. Elevator; Sullivan, Inc.

Valley Center; Farmers Elevator; E. Carl Jones and Lesta V. Jones, copartners, d.b.a. Valley Center Farmers Elevator.

Wallace; Wallace Elevator; The Wallace County Cooperative Equity Exchange.

Wellington; Farmers' Co-op Elevator; Farmers' Cooperative Grain Association of Wellington, Kans.

Wellington; Hunter Elevators; Ross Industries, Inc.

Weskan; Weskan Elevator; The Wallace County Cooperative Equity Exchange.

White City; Mor-Kan Elevator; Western Grain, Inc.

White Cloud; White Cloud Elevator; The White Cloud Grain Co., Inc.

Whitewater; Whitewater Elevator; The Whitewater Flour Mills Co.

Wichita; Public Terminal Elevator; Sam P. Wallingford, Inc.

Wichita; Western Grain Elevator; Western Grain, Inc.

Wilmore; Wilmore Elevator; The Bowersock Mills & Power Co.

Wilroads; Co-op Elevator; The Right Cooperative Association.

Wilson; Kyner Elevator; Kyner Elevators, Inc.

Wilson; Soukup Elevator; Arthur C. Soukup, trading as Soukup Grain Co.

Wolf; Farmers Elevators; The Garden City Co-Operative Equity Exchange.

Wright; Co-op Elevators; The Right Cooperative Association.

Zenda; Farmers Co-op Elevator; The Zenda Grain and Supply Co.

Zenith; Farmers Elevator; Zenith Cooperative Grain Co.

KENTUCKY

Louisville; Kentucky Public Elevator; The Early and Daniel Co.

Louisville; Cargill Louisville Elevator; Cargill, Inc.

Louisville; Gold Proof Elevator; Indiana Farm Bureau Cooperative Association, Inc.

Louisville; Distillers' Grain Co. Elevator; Distillers' Grain Co., Inc.

LOUISIANA

Abbeville; Planters Warehouse; Riviana Foods, Inc.

Crowley; Acadia Warehouse; Riviana Foods, Inc.

Crowley; Farmers' Warehouse; Mississippi Federated Cooperatives (AAL).

Destrehan; Bunge Corporation Elevator; Bunge Corporation.

Destrehan; St. Charles Grain Elevator; Archer-Daniels-Midland Company, a corporation, and Garnac Grain Co., Inc., a joint venture, trading and doing business under the firm name and style of The St. Charles Grain Elevator Co.

Egan; Egan Warehouse; Riviana Foods, Inc.

Eunice; St. Landry Warehouse; Riviana Foods, Inc.

Gueydan; Gueydan Warehouse; Riviana Foods, Inc.

Kaplan; Agnes Warehouse; Riviana Foods, Inc.

Jennings; Northern Warehouse; Riviana Foods, Inc.

Lake Charles; Lake Charles Warehouse; Riviana Foods, Inc.

New Orleans; Public Grain Elevator of New Orleans; Public Grain Elevator of New Orleans, Inc.

Port Allen; Port of Baton Rouge Grain Elevator; Cargill, Inc.

Rayne; Rayne Warehouse; Riviana Foods, Inc.

Westwego; Continental Grain Elevator, Port of New Orleans; Continental Grain Co.

MARYLAND

Cambridge; Thomas Elevator; Carroll W. Thomas & Sons, Inc.

Williamsburg; Whiteley Elevator; W. O. Whiteley & Son, Inc.

MICHIGAN

Adrian; Adrian Elevator; Adrian Grain Co.

Augusta; Knappen Elevator; Knappen Milling Co.

Dowagiac; Dowagiac Milling Co. Elevator; The Dowagiac Milling Co.

Hillsdale; Stock Elevator; DCA Food Industries, Inc.

Lowell; King Milling Co. Elevator; King Milling Co.

MINNESOTA

Breckenridge; Cargill Elevator; Cargill, Inc.

Columbia Heights; Cargill Minneapolis Flax Plant; Cargill, Inc.

Crookston; Cargill Elevator; Cargill, Inc.

Duluth; Cargill Duluth EHI Elevator; Cargill, Inc.

Jeffers; Terminal Grain Elevator; Terminal Grain Corporation.

Marshall; Cargill Elevator; Cargill, Inc.

Minneapolis; Belco Elevator; Burdick Grain Co.

Minneapolis; Walsh Minneapolis Elevator; Walsh Grain Company.

New Ulm; Burdick Elevator; Burdick Grain Co.

New Ulm; Valley Grain Co. Division Elevator; Fraser-Smith Co.

Port Cargill (P.O. Savage); Port Cargill Elevator C; Cargill, Inc.

Red Wing; Central Elevator; Central Soya of Minnesota.

Savage; Port Cargill Elevator "A"; Cargill, Inc.

Sleepy Eye; Cargill Elevator; Cargill, Inc.

St. Paul; Capital B Elevator; International Milling Co., Inc.

St. Paul; Walsh River Terminal; Walsh Grain Co.

Storden; Terminal Grain Elevator; Terminal Grain Corporation.

Wesota (P.O. Gluek); Cargill Elevator; Cargill, Inc.

Winona; Peavey Company Terminal Operations—Winona; Peavey Co.

MISSISSIPPI

Greenville; Greenville Warehouse; Riviana Foods, Inc.

Natchez; Cargill Natchez Elevator; Cargill, Inc.

Pascagoula; Jackson County Terminal Elevator; Louis Dreyfus Corporation.

MISSOURI

Advance; Advance M.F.A. Elevator; M.F.A. Central Cooperative.

Albany; M.F.A. Elevator; M.F.A. Central Cooperative.

Bernie; Bernie M.F.A. Elevators; M.F.A. Central Cooperative.

Bethany; M.F.A. Elevator; M.F.A. Central Cooperative.

Boonville; Boonville M.F.A. Elevator; M.F.A. Central Cooperative.

Brunswick; M.F.A. Central Cooperative Elevator; M.F.A. Central Cooperative.

Callao; Callao Elevator; B. C. Christopher & Co., a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welsh, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrum, Leslie H. Pihlblad and Robert F. Wilson, general partners.

Carrollton; Dannen Mills Division Elevator; the Farmers Union Cooperative Marketing Association.

Carrolton; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.

Caruthersville; M.F.A. Elevator; Missouri Farmers Association, Inc.

Center; Slater & Fowles Center Elevator; Slater and Fowles, Inc.

Centralia; M.F.A. Elevator; M.F.A. Central Cooperative.

Clinton; Larabee Elevator; Archer-Daniels-Midland Co.

Columbia; Boone County M.F.A. Elevator; M.F.A. Central Cooperative.

Corning; Corning Elevator; Rickel, Inc.

Craig; Community Elevator; Rickel, Inc.

Dalton; Dalton Elevator; B. C. Christopher & Co., a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welsh, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrum, Leslie H. Pihlblad and Robert F. Wilson, general partners.

Dearborn; Halferty Bros. Elevator; J. B. Halferty and Carl Halferty, copartners, doing business as Halferty Brothers.

Diehlstadt; Diehlstadt Elevator; Semo Farmers' Grain Co.

Dudley; Dudley Grain Warehouse; The Arkansas Rice Growers Cooperative Association trading as The Arkansas Rice Growers Cooperative Association, Inc., in the State of Missouri.

Essex; Essex M.F.A. Elevator; M.F.A. Central Cooperative.

Fortescue; Fortescue Elevator; Fortescue Grain Co., Inc.

Forest City; Coffman Elevator; Coffman Grain Co., Inc.

Gallatin; Gallatin M.F.A. Elevator; M.F.A. Central Cooperative.

Gregory (P.O. Canton); Gregory Elevator; Gabe Logsdon & Sons, Inc.

Hamilton; Farmers Elevator; Farmers Produce and Grain Co.

Hannibal; Hannibal Terminal Elevator; Hannibal Grain Terminal, Inc.

Hardin; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.

Hayti; M.F.A. Elevator; Missouri Farmers Association, Inc.

Heagy (P.O. Bell City); Bell City Elevator; Semo Farmers' Grain Co.

Higginsville; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.

Kansas City; Cargill Milwaukee Elevator; Cargill, Incorporated.

Kansas City; Chouteau Elevator; Simonds-Shields-Theis Grain Co.

Kansas City; Boulevard Elevator; Seaboard Allied Milling Corp.

Kansas City; K.C.T. Elevator; Kansas City Terminal Elevator Co.

Kennett; Kennett Soybean Elevator; E. M. Regenold d.b.a. Kennett Soybean Co.

Knob Noster; Knob Noster Elevator; W. J. Carr, Louis P. Lay and B. E. Carr, trading as Knob Noster Elevator Co.

La Belle; M.F.A. Elevator; M.F.A. Central Cooperative.

Laddonia; M.F.A. Elevator, M.F.A. Central Cooperative.

Laddonia; Slater & Fowles Laddonia Elevator; Slater and Fowles, Inc.

Lamar; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.

Lexington; M.F.A. Elevator; M.F.A. Central Cooperative.

Linneus; M.F.A. Central Cooperative Elevator; M.F.A. Central Cooperative.

Louisiana; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.

Macon; Macon Elevator; B. C. Christopher & Co., a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welsh, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrum, Leslie H. Pihlblad and Robert F. Wilson, general partners.

Marshall; M.F.A. Elevator; M.F.A. Central Cooperative.

Marston; E. B. Gee Cotton & Grain Co. Warehouse; E. B. Gee Cotton & Grain Co., Inc.

Maryville; M.F.A. Central Cooperative Elevator; Missouri Farmers Association, Inc.

Mexico; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.

Mexico; M-F-A Exchange Elevator; Missouri Farmers Association, Inc.

Moberly; M.F.A. Elevator; M.F.A. Central Cooperative.

Morley; Morley Elevator; Semo Farmers' Grain Co.

Netherlands; MFA Elevator; Missouri Farmers Association, Inc.

New Franklin; New Franklin M.F.A. Elevator; M.F.A. Central Cooperative.

Norborne; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.

North Kansas City; Monarch Elevator; Archer-Daniels-Midland Co.

North Kansas City; Checkerboard Elevator; Ralston Purina Company, trading as Checkerboard Grain Company.

North Kansas City; F.M.A. Elevator; Flour Mills of America, Inc.

North Kansas City; International Milling Company Elevator; International Milling Co., Inc.

Orrick; M.F.A. Elevator; M.F.A. Central Cooperative.

Pattonsburg; Pattonsburg M.F.A. Elevator; M.F.A. Central Cooperative.

Poplar Bluff; Butler County Grain Warehouse; The Arkansas Rice Growers Cooperative Association, trading as The Arkansas Rice Growers Cooperative Association, Inc., in the State of Missouri.

Osage City; Osage City Elevator; W. A. Rootes and Co.

Portageville; Cypress Supply Company Elevator; Cypress Supply Company.

Rea; Rea Elevator; Rea Grain & Feed Co.

Richmond; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.

Salisbury; M.F.A. Elevator; M.F.A. Central Cooperative.

Senath; Senath Grain Elevator; B. C. Christopher & Co., a limited partnership with Herne Christopher, John H. Collett, Edward G. Mader, Gus D. Welsh, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrum, Leslie H. Pihlblad and Robert Wilson, general partners.

Sedalia; M.F.A. Elevator; M.F.A. Central Cooperative.

Shelbina; M.F.A. Elevator; M.F.A. Central Cooperative.

Sheridan; M.F.A. Elevator; M.F.A. Central Cooperative.

St. Joseph; St. Joseph Division Elevator; The Farmers Union Cooperative Marketing Association.

St. Joseph; Bartlett Elevator; Bartlett and Co. Grain.

St. Joseph; Krause St. Joseph Elevator; Krause Milling Company.

St. Joseph; Mo-Kan Elevator; Mo-Kan Grain, Inc.

St. Joseph; Northwest Elevator; Northwest Grain Storage Corp.

St. Joseph; Burlington Elevator; The Pillsbury Co.

St. Joseph; B. & E. Elevator; the B. & E. Grain Co.

St. Louis; Checkerboard Elevator A; Ralston Purina Co., trading as Checkerboard Grain Co.

St. Louis; Missouri Pacific Elevator; Continental Grain Co.

St. Louis; St. Louis Grain Corp. Elevator; St. Louis Grain Corp.

St. Louis; St. Louis Flour Mills; The Colorado Milling & Elevator Co., trading as St. Louis Flour Mills.

St. Marys; M.F.A. Elevator; M.F.A. Central Cooperative.

Sumner; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.

Tebbetts; Rootes Elevator; W. A. Rootes and Co.

Triplett; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.

Vanduser; Vanduser Elevator; Semo Farmers' Grain Co.

Wakenda; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.

Wayland; Logsdon's Elevator; Gabe Logsdon & Sons, Inc.

Wolf Island; Wolf Island Farmers Elevator; A. L. Story, DBA Wolf Island Farms.

NEBRASKA

Ashland; Kuhl-Reece Company's Elevator; Kuhl-Reece Co.

Aurora; Dowd Elevator; Dowd Grain Co., Inc.

Bancroft; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Beatrice; Farmers Cooperative Elevator; Farmers Cooperative Elevator Co.

Beaver Crossing; Farmers Elevators; Farmers Cooperative Co.

Beemer; Continental Elevator; Continental Grain Co.

Bellwood; Farmers Elevator; Farmers Cooperative Grain Co.

Benedict; Farmers Grain Association Elevator; Farmers Co-Operative Grain Association of Benedict, Nebr.

Benkelman; Benkelman Elevators; Independent Elevators, Inc.

Berea (P.O. Alliance); Deaver Elevator; Deaver Grain Co., Inc.

Bertrand; Bertrand Elevator; B. C. Christopher & Co., a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welsh, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrum, Leslie H. Pihlblad and Robert F. Wilson, general partners.

Bixby; Bixby Cooperative Elevator; Bixby Cooperative Co.

Blair; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Bloomfield; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Brownville; Continental Elevator; Continental Grain Co.

Cambridge; Uriling Elevator; B. C. Christopher & Co., a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welsh, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrum, Leslie H. Pihlblad and Robert F. Wilson, general partners.

Cedar Bluffs; Farmers Elevators; The Farmers Union Co-Operative Association of Cedar Bluffs, Nebr.

Central City; Levitt Elevator; Merrick County Grain Co.

Chappell; Farmers Elevators; Farmers Elevator Company, A Cooperative.

Coleridge; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Columbus; Farmers Grain Terminal; Foreman-Gammel Grain Co., Inc.

Cornlea; Continental Elevator; Continental Grain Co.

Craig; Farmers Union Elevator; Farmers Union Co-Operative Association.

Craig; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Crete; Crete Mills Division Elevator; Lauhoff Grain Co.

Doane; Doane Elevators; Independent Elevators, Inc.

Dorchester; Farmers' Elevators; The Dorchester Farmers Cooperative Grain and Livestock Co.

Durant (P.O. Stromsburg); Richters Elevator; Elmer H. Richters, trading as Durant Grain Co.

Elmwood; Farmers Elevator; Farmers Cooperative Association of Elmwood, Nebr.

Elsie; Cooperative Elevator; Elsie Equity Cooperative Exchange.

Elsie; Kellog Elevator; O. M. Kellogg Grain Co.

Fairbury; Farmers Union Co-op Elevator; Farmers Union Co-operative Association of Fairbury, Nebr.

Fremont; Elevator "B"; Westcentral Cooperative Grain Co.

Fremont; Nebraska Consolidated Mills Elevator; Nebraska Consolidated Mills Co.

Friend; Friend Elevator; B. C. Christopher & Co., a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welsh, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrum, Leslie H. Pihlblad and Robert F. Wilson, general partners.

Geneva; Koehler Elevator; A. Koehler Co.

Grand Island; Nebraska Consolidated Mills Elevator; Nebraska Consolidated Mills Co.

Grant; Co-Operative Elevator; The Grant Co-Operative Exchange.

Grant; Producers Elevator; Producers Grain Company, Inc.

Grant; Continental Elevator; Continental Grain Co.

Hartington; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Hartington; Hartington Elevator; Hartington Elevator Co.

Harvard; Farmers Elevators; The Farmers Union Co-operative Elevator Co.

Hastings; Garvey Elevator; Garvey Elevators, Inc.

Hemingford; Farmers Co-Operative Elevator; Farmers Co-operative Elevator Co.

Herman; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Imperial; Farmers Elevator; The Imperial Co-operative Equity Exchange.

Indianola; Uriling Elevator; B. C. Christopher & Co., a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welsh, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrum, Leslie H. Pihlblad and Robert F. Wilson, general partners.

Jacinto (P.O. Dix); Point of Rocks Elevator; Point of Rocks Elevators, Inc.

Laurel; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Lincoln; Lincoln Grain, Inc. Elevator; Lincoln Grain, Inc.

Lincoln; Fairchild Division Elevator; Honeggers' & Co., Inc.

Lincoln; Elevator "D"; Westcentral Cooperative Grain Co.

Lincoln; Gooch Mill Elevators; Gooch Milling & Elevator Co.

Lincoln; ADM Elevator; Archer-Daniels-Midland Co.

Lindsay; Continental Elevator; Continental Grain Co.

Lyons; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Madrid; Madrid Elevator; Rickel, Inc.

Maywood; Farmers Elevators; Maywood Cooperative Association.

Meadow Grove; Continental Elevator; Continental Grain Co.

Nebraska City; Bartlett Elevator; Bartlett and Co. Grain.

North Bend; North Bend Elevator; North Bend Grain Co., Inc.

Oakdale; Oakdale Elevator; Holmquist Elevator Co.

Oakland; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Ogallala; Cogil Elevators; Ogallala Grain, Inc.

Omaha; Allied Mills Elevator; Allied Mills, Inc.

Omaha; Milwaukee Elevator "A"; J. Leroy Welsh, trading as Butler-Welsh Grain Co.

Omaha; Missouri Pacific Elevator; Continental Grain Co.

Omaha; Nebraska-Iowa Elevator; The Pillsbury Co.

Omaha; CMA-Omaha Elevator; The Farmers Union Cooperative Marketing Association.

Omaha; Illinois Central Elevator; Archer-Daniels-Midland Co.

Omaha; Nebraska Consolidated Mills Elevator; Nebraska Consolidated Mills Co.

Omaha; Elevator "A"; Westcentral Cooperative Grain Co.

Osceola; Farmers Grain Elevator; Farmers Cooperative Grain Co.

Osceola; Smith Elevator; Smith Grain Co.

Parks; Parks Elevator; Independent Elevators, Inc.

Potter; Point of Rocks Elevator; Point of Rocks Elevators, Inc.

Potter; Farmers Elevators; Potter Cooperative Grain Co.

Ranch Spur (P.O. Herman); Ranch Spur Elevator; H. C. Fankhouser and V. R. Fankhouser, copartners trading as Fankhouser Bros.

Red Willow; Urling Elevator; B. C. Christopher & Co., a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Gus D. Welsh, Lawrence P. Hogan, Norman Supper, Ludwell G. Gaines III, Philipp Kuhn, Lowell H. Listrum, Leslie H. Pihlblad and Robert F. Wilson, general partners.

Rogers; Golden West Grain Co.'s Rogers Elevator; Golden West Grain Co.

Rosalie; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Roscoe; Hull Elevator; C. L. Hull, trading as Hull Grain Co.

Schuyler; Golden West Grain Company's Elevator; Golden West Grain Co.

Scribner; Farmers Elevator; Farmers Cooperative Mercantile Co., Non-Stock.

Scribner; Scribner Elevator; Scribner Grain & Lumber Co.

Seward; Continental Elevator; Continental Grain Co.

Shelton; Continental Elevator; Continental Grain Co.

Staplehurst; Continental Elevator; Continental Grain Co.

Strang; Strang Grain Elevator; Strang Lumber and Grain Co.

Stromsburg; Farmers Elevators; Farmers Cooperative Grain Association of Stromsburg.

Superior; Scoular-Bishop Elevator; Scoular-Bishop Grain Co.

Tekamah; Farmers Elevator; Farmers Non-Stock Cooperative Grain Association.

Tekamah; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Thurston; Merry Elevator; Alvin Merry, trading as Merry Grain & Lumber Co.

Ulysses; Farmers Cooperative Elevators; Farmers Cooperative Grain & Supply Co.

Utica; Utica Co-operative Grain Company's Elevators; Utica Co-operative Grain Company.

Venango; Dudden Elevator; Dudden Elevator, Inc.

Venango; Farmers' Elevators; Farmers Union Cooperative Grain Co. of Venango, Nebr.

Verdel; Continental Elevator; Continental Grain Co.

Wallace; Kellogg Elevator; O. M. Kellogg Grain Co.

Walthill; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Wauneta; Farmers Elevator; Farmers Cooperative Exchange.
Winnebago; Holmquist Elevator; The Holmquist Grain and Lumber Co.
Winnebago; Merry Grain Company Elevator; Holmquist Elevator Co.
Winnetoon; Continental Elevator; Continental Grain Co.

NEVADA

Carlin; Nevada Freeport Storage; Nevada Freeport Storage Co.

NEW MEXICO

Clovis; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.
Clovis; New Mexico Mill Elevator; New Mexico Mill & Elevator Co. (no stockholders' liability).
Clovis; Worley Mills Elevator; Worley Mills, Inc. (no stockholders' liability).
Grier; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.
Melrose; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.
Melrose; Melrose Elevator; Melrose Grain & Elevator Co., Inc.
Portales; Worley Mills Elevator; Worley Mills, Inc. (no stockholders' liability).
Texico; New Mexico Mill Elevator; New Mexico Mill & Elevator Co. (no stockholders' liability).
Texico; State Line Elevator; State Line Grain, Inc.
Tucumcari; Farmers Elevator; Farmers Cooperative Association.

NEW YORK

Albany; Port of Albany Elevator No. 1; Cargill, Inc.
Buffalo; Cargill Electric Elevator; Cargill, Inc.
Buffalo; Cargill Superior Elevator; Cargill, Inc.
Buffalo; Cargill Pool Elevator; Cargill, Inc.
Buffalo; Continental Concrete Central Elevator; Continental Grain Co.
Buffalo; Standard Elevator; Standard Milling Co., d.b.a. Standard Milling Co., Inc., in New York State.

NORTH CAROLINA

Belcross; Tom Sawyer & Son Grain Elevator; Warehouse Superintendent of the State of North Carolina.
Camden; Wood Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Elizabeth City; Wood Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Engelhard; R. L. Gibbs and Co. Grain Elevator; Warehouse Superintendent of the State of North Carolina.
Greenville; Fred Webb Elevator; James Fred Webb.
Monroe; Producers Feed Mill Warehouse; Warehouse Superintendent of the State of North Carolina.
Mooresville; Mooresville Grain Elevator; Warehouse Superintendent of the State of North Carolina.
Newton Grove; House Grain Elevators; Warehouse Superintendent of the State of North Carolina.
Norwood; Norwood Grain Elevator; Lee Milling Co., Inc.
Selma; Gurley Milling Co. Grain Elevator; Warehouse Superintendent of the State of North Carolina.
Snow Hill; Snow Hill Milling Elevator; Warehouse Superintendent of the State of North Carolina.
Warsaw; Farmers Grain Elevator; Warehouse Superintendent of the State of North Carolina.
Washington; Cargill Washington, N.C. Elevator; Cargill, Inc.
Wilson; Cargill Elevator; Cargill, Inc.

NORTH DAKOTA

Grand Forks; G-F Elevator; G-F Grain Co.
Jamestown; Garvey Elevator; Garvey Elevators, Inc.

OHIO

Arcanum; Continental Elevator; Continental Grain Company.
Chillicothe; Standard Elevator; The Standard Elevator and Supply Co.
Cincinnati; Fairmount and Riverside Elevators; The Early and Daniel Co.
Columbus; Farm Bureau Columbus Elevator; The Farm Bureau Cooperative Association, Inc.
Columbus; Continental Elevator; Continental Grain Co.
Columbus; Eshelman Grain Company Elevator; International Milling Co., Inc.
Coshocton; Coshocton Elevator; Coshocton Grain Co.
Dover; Dover Mill; The Dover Milling Co.
Fletcher; Fletcher Elevator; Shepard Grain Company, Inc.
Fostoria; Fostoria Elevator; The Ohio Farmers' Grain Corp.
Fostoria; Mennel Elevator; The Mennel Milling Co.
Glandorf; Glandorf Elevator; Glandorf Feed Company.
Green Camp; Green Camp Co-operative Elevator; The Green Camp Co-operative Elevator Company.
Harrison; J. A. Cornelius Grain Elevator; J. A. Cornelius
Hume (R.R. No. 4, Lima); Hume Elevator; The Welker Grain Company.
Kileville (P.O. R.R. No. 3 Plain City); Kileville Elevator; The Ohio Grain Company.
Lima; Cargill Lima Elevator; Cargill, Incorporated.
Logan; Keynes Bros. Mill; Robert W. Keynes, trading as Keynes Bros.
Mansfield; General Grain Elevator; General Grain, Inc.
Marysville; Marysville Elevator; The Ohio Grain Co.
Maumee; Cargill Toledo Elevator; Cargill, Inc.
Mechanicsburg; Mechanicsburg Elevator; The Ohio Grain Co.
Shelby; Shelby Equity Elevator; The Shelby Equity Exchange Co.
Spencerville; Farmers Union Co. Elevator; The Spencerville Farmers Union Co.
Thackery; Thackery Elevator; Shepard Grain Company, Inc.
Toledo; Cargill East Side Elevator; Cargill, Inc.
Troy; Troy Elevator; The Early and Daniel Company.
Van Wert; Welker Elevator; The Welker Grain Co.
Wooster; Wooster Elevator; The Dover Milling Co.

OKLAHOMA

Afton; Afton Co-op Elevator; Afton Co-operative Association.
Alva; Alva Public Terminal Elevator; Flour Mills of America, Inc.
Apache; Apache Farmers Co-operative; Apache Farmers Co-operative.
Baker; Riffe, Gilmore Elevator; Paul L. Wright, H. G. Riffe, George D. Riffe and Gerald L. Riffe, trading as Riffe, Gilmore and Co.
Beaver; Perryton Equity Elevator; Perryton Equity Exchange.
Bison; Farmers Elevator; Bison Cooperative Association.
Boise City; Consumer Elevators; Boise City Farmers Cooperative.
Broken Arrow; Farmers Co-op Elevator; Farmers Cooperative.
Buffalo; Buffalo Farmers Elevator; The Buffalo Farmers' Co-Operative Elevator Co.
Cashion; Farmers Exchange Elevator; Farmers Exchange of Cashion.
Cherokee; Cherokee Mills Elevator; Flour Mills of America, Inc.
Cherokee; Farmers Elevator; Farmers Co-operative Elevator Association.
Clinton; Farmers Elevator; Farmers Co-operative Association.
Clyde; Clyde Elevator; Clyde Co-operative Association.
Cordell; Farmers Elevator; Farmers Co-operative Association.
Crescent; Crescent Cooperative Elevator; Crescent Cooperative Association.
Custer City; Farmers Elevator; Custer City Farmers Cooperative Exchange.
Deer Creek; Deer Creek Elevator; Clyde Co-operative Association.
Douglas; Farmers Elevators; Farmers Co-Operative Elevator Co. of Douglas.
Enid; Continental Elevator; Continental Grain Co.
Enid; Union Equity Co-operative Exchange Elevator; Union Equity Co-operative Exchange.
Enid; Enid Terminal Elevators; Interstate Grain Corp.
Fairview; Sooner Co-op Elevator; Sooner Cooperative, Inc.
Fargo; Farmers Elevator; Farmers Co-Operative Association.
Garber; Cooperative Elevator; Garber Co-operative Association.
Gibbon (P.O. Wakita); Farmers Co-operative Elevator; Farmers Co-operative Elevator Co. of Wakita.
Goodwell; Farmers Elevator; Farmers Elevator of Goodwell, Oklahoma, Inc.
Grandfield; Union Equity Elevator; Union Equity Co-operative Exchange.
Guymon; Knutson Elevator; Knutson Elevators, Inc.
Hardesty; Perryton Equity Elevator; Perryton Equity Exchange.
Helena; Farmers Elevator; Farmers Cooperative Association.
Hennessey; Farmers Co-operative Elevator; Farmers Elevator and Co-operative Association.
Hitchcock; Sooner Co-op Elevator; Sooner Cooperative, Inc.
Homestead; Sooner Co-op Elevator; Sooner Cooperative, Inc.
Hominy; Sooner Terminal Elevator; C. R. Scott, Trustee of Michael Bruce McNeill Trusts A1 to A4, Donald Clyde McNeill Trusts A1 to A4, and Phillip Andrew McNeill Trusts A1 to A4, d.b.a. Sooner Terminal Elevator.
Hooker; Equity Exchange Elevator; The Hooker Equity Exchange.
Hough (P.O. Guymon); Hough Elevator; Knutson Elevators, Inc.
Hough; Riffe, Gilmore Elevator; Paul L. Wright, H. G. Riffe, George D. Riffe and Gerald L. Riffe, trading as Riffe, Gilmore and Co.
Hunter; Hunter Farmers Elevator; Farmers Grain Company.
Hydro; Farmers Elevator; Hydro Cooperative Association.
Imo; Imo Farmers Elevators; Farmers Cooperative Elevator Co.
Kingfisher; Kingfisher Cooperative Elevator; Kingfisher Cooperative Elevator Association.
Knowles; Perryton Equity Elevator; Perryton Equity Exchange.
Kremlin; Farmers Elevator; Farmers Grain Co.
Lamont; Lamont Elevator; Clyde Co-operative Association.
Lawton; Cooperative Elevator A; Lawton Cooperative Association.
Marshall; Farmers Cooperative Elevator; Farmers Cooperative Elevator Co.
May; May Elevator; Woodward Cooperative Elevator Association.
McWillie (P.O. Helena); Farmers Elevator; Farmers Co-operative Association.

Medford; Medford Elevator; Clyde Co-operative Association.
Miami; Miami Co-op Elevator; The Miami Cooperative Association.
Midway (P.O. Hooker); Midway Elevator; Knutson Elevators, Inc.
Mooreland; Farmers Co-Op Elevator; Farmers Co-operative Trading Co.
Mouser; Riffe, Gilmore Elevator; Paul L. Wright, H. G. Riffe, George D. Riffe and Gerald L. Riffe, trading as Riffe, Gilmore & Co.
Nardin; Cooperative Elevator; Clyde Co-operative Association.
Okeene; Sooner Co-op Elevator; Sooner Cooperative, Inc.
Oklahoma City; Garrison Elevator; Garrison Milling Company, Inc.
Perry; Farmers Cooperative Elevator; Farmers Cooperative Exchange.
Pond Creek; Farmers Elevator; Farmers Grain Co.
Ranch Drive (P.O. Ponca City); Ranch Drive Elevator; Farmers Cooperative Association.
Red Rock; Farmers Co-Op. Elevator; Red Rock Farmers Co-Operative.
Renfrow; Renfrow Elevator; Clyde Co-operative Association.
Saltfork; Saltfork Elevator; Clyde Co-operative Association.
Selman; Selman Farmers Elevator; The Buffalo Farmers' Co-Operative Elevator Co.
Shawnee; Shawnee Elevator; Shawnee Milling Co.
Tonkawa; Tonkawa Elevator; Farmers Co-operative Association.
Tuttle; MFC Elevator; Mid-Continent Farmers Co-op.
Vici; Farmer's Co-op. Ass'n Elevator; Farmers Cooperative Association of Vici.
Wakita; Farmers Co-operative Elevators; Farmers Co-operative Elevator Co. of Wakita.
Weatherford; Co-Op. Elevator; Farmers Co-operative Exchange.
Woodward; Woodward Elevator; Woodward Cooperative Elevator Association.
Yukon; MFC Elevator; Mid-Continent Farmers Co-op.

OREGON

Adams; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Alicel; Grande Ronde Grain Warehouse; Grande Ronde Grain Co.
Athena; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Barrett; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Biggs; Sherman Co-operative Grain Growers Warehouse; Sherman Co-operative Grain Growers.
Biggs; Moro Grain Growers Warehouse; Moro Grain Growers Association.
Bourbon; Grass Valley Grain Growers Warehouse; Grass Valley Grain Growers, Inc.
Cold Springs; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Condon; Condon Grain Growers Warehouse; Condon Grain Growers, Inc.
DeMoss; Moro Grain Growers Warehouse; Moro Grain Growers Association.
Downing; Weston Grain Growers Warehouse; Weston Grain Growers, Inc.
Dufur; Dufur Elevator; Dufur Elevator Co.
Eakin's Siding; Eakin Elevator; Eakin Co-operative Grain Growers.
Echo; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Elgin; The Elgin Flouring Mill Warehouse; The Elgin Flouring Mill Co.
Enterprise; Wallowa County Grain Growers Warehouse; Wallowa County Grain Growers.
Erskine; Moro Grain Growers Warehouse; Moro Grain Growers Association.
Fulton; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Grass Valley; Grass Valley Grain Growers Warehouse; Grass Valley Grain Growers, Inc.
Haines; Haines Elevator; Haines Grain and Feed Co., Inc.
Hay Canyon; Moro Grain Growers Warehouse; Moro Grain Growers Association.
Helix; Farmers Mutual Warehouse Co-op; Farmers Mutual Warehouse Cooperative.
Heppner; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Hogue-Warner; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Holdman; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Imbler; Grande Ronde Grain Warehouse; Grande Ronde Grain Co.
Ione; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Island City; Pioneer Flouring Mill Warehouse; Pioneer Flouring Mill Co.
Jordan; Jordan Elevator Company's Warehouse; Jordan Elevator Co.
Joseph; Wallowa County Grain Growers Warehouse; Wallowa County Grain Growers.
Juniper; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Kent; Grass Valley Grain Growers Warehouse; Grass Valley Grain Growers, Inc.
Klondike; Sherman Co-operative Grain Growers Warehouse; Sherman Co-operative Grain Growers.
LaGrande; LaGrande Milling Warehouse; LaGrande Milling Co.
Lakeview; Interstate Cooperative Elevator; Interstate Cooperative.
Lexington; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Lostine; Wallowa County Grain Growers Warehouse; Wallowa County Grain Growers.
Maupin; Blue Line Exchange Warehouse; Blue Line Exchange.
McNab; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Midway (P.O. Pendleton); Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Mikkalo; Condon Grain Growers Warehouse; Condon Grain Growers, Inc.
Milton-Freewater; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Mission; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Morgan; Morgan Elevator; John Eubanks.
Moro; Moro Grain Growers Warehouse; Moro Grain Growers Association.
Myrick; Farmers Mutual Warehouse Co-op; Farmers Mutual Warehouse Cooperative.
North Lexington; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
North Powder; North Powder Milling and Mercantile Company's Warehouse; North Powder Milling and Mercantile Co.
Pendleton; Pendleton Grain Growers Warehouse No. 2; Pendleton Grain Growers, Inc.
Pilot Rock; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Portland; Blue Line Exchange Warehouse; Blue Line Exchange.
Rew; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Rufus; Sherman Co-operative Grain Growers Warehouse; Sherman Co-operative Grain Growers.
Ruggs; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Shaniko; Blue Line Exchange Warehouse; Blue Line Exchange.
Sparks; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Stanton; Farmers Mutual Warehouse Co-op; Farmers Mutual Warehouse Cooperative.
Umatilla; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Union; The Union Flouring Mill Warehouse; The Union Flouring Mill Co.
Vansycle; Farmers Mutual Warehouse Co-op; Farmers Mutual Warehouse Cooperative.
Wallowa; Wallowa County Grain Growers Warehouse; Wallowa County Grain Growers.
Wasco; Sherman Co-operative Grain Growers Warehouse; Sherman Co-operative Grain Growers.
Weston; Weston Grain Growers Warehouse; Weston Grain Growers, Inc.

PENNSYLVANIA

High Spire; Highspire Flour Mills Elevator; Standard Milling Co.
Philadelphia; Girard Point Elevator; Tidewater Grain Co.

SOUTH CAROLINA

Anderson; CPA Anderson Grain Elevator; The Cotton Producers Association.
North Charleston; S.C. Farm Bureau Elevator; South Carolina Farm Bureau Marketing Association.

SOUTH DAKOTA

Beardsley; Terminal Grain Elevator; Terminal Grain Corporation.
Cavour; Farmers Co-operative Elevator; Farmers Co-operative Elevator Co., of Cavour.
Centerville; Centerville Grain Elevator; McMaster Grain Co.
Cresbard; Eichinger Elevator; Cresbard Grain Co.
Dallas; Farmers Elevator; Farmers Co-operative Association of Dallas, S. Dak.
Frankfort; Frankfort Elevator; Roscoe Grain and Feed Co., Inc.
Lane; Lane Elevator; Roscoe Grain and Feed Co., Inc.
Marion; Terminal Grain Elevator; Terminal Grain Corporation.
Monroe; Terminal Grain Elevator; Terminal Grain Corporation.
Onida; Oahe Elevator; Oahe Grain Corp.
Parker; Terminal Grain Elevator; Terminal Grain Corporation.
Redfield; Western Grain Elevator; Western Grain, Inc.
Roscoe; Roscoe Grain and Feed Co. Elevator; Roscoe Grain and Feed Co., Inc.
St. Charles; Continental Elevator; Continental Grain Co.
Wagner; Terminal Grain Elevator; Terminal Grain Corporation.
Wentworth; Cotton & Co. Elevator; Cotton & Co.
Winner; Deaver-Meyer Elevator; Deaver-Meyer Grain Co.
Woonsocket; Woonsocket Elevator; Roscoe Grain and Feed Co., Inc.

TENNESSEE

Chattanooga; Cargill Chattanooga Elevator; Cargill, Inc.
Franklin; Lillie Mills Elevator; Lillie Mills Elevators, Inc.
Memphis; Riverside Elevator, No. 1; Bayside Warehouse Co.
Memphis; Port of Memphis Grain Elevator; Cargill, Inc.
Memphis; Cargill President Island Oil Plant; Cargill, Inc.
Memphis; Continental Memphis Elevator; Continental Grain Co.
Memphis; A.D.M. Elevator; Archer-Daniels-Midland Co.
Nashville; Continental Elevators; Continental Grain Co.
Union City; Warterfield Elevator; Warterfield Grain Co.

TEXAS

Adrian; Wheat Growers Elevator; Adrian Wheat Growers, Inc.
Allison; Allison Elevator; Allison Producers Corp. of Allison, Tex.
Amarillo; Interstate Grain Co. Warehouse; The Kearns Grain & Seed Co., Inc.
Amarillo; Interstate Elevators; The Kearns Grain & Seed Co., Inc.
Amarillo; Producers Elevator; Producers Grain Corp.
Anna; Sherley Elevator; Norman E. Jones, trading as N. E. Jones Grain.
Beaumont; Beaumont Elevator; Continental Grain Co.
Black; Black Grain Co. Elevator; Black Grain Co., Inc.
Black; Tri-County Elevator; Tri-County Elevator Co., Inc.
Booker; Booker Equity Elevator; Booker Equity Union Exchange.
Bovina; Wheat Growers Elevator; Bovina Wheat Growers, Inc.
Bovina; Sherley Elevator; Sherley Grain Co.
Burris Switch (P.O. Lubbock); Indian Head Elevator; Indian Head Grain Co.
Bushland; Neely Elevator; H. T. Neely and Wm. K. Irwin, copartners, doing business as Neely Elevator.
Canadian; Co-op Elevator; Canadian Grain Co-op.
Chillicothe; Chillicothe Elevator; Violet Elaine Parks, Clara Miller, and Bess Stewart, each individually, Violet Elaine Parks as trustee for Charles E. Robinson, Jr., and Holland Metcalf, doing business as Chillicothe Elevator.
Comyn (P.O. Dublin); Harvest Queen Elevators; L. R. Stringer.
Conway; Coop Elevator; Conway Wheat Growers Inc.
Dalhart; Consumers Elevator; Dalhart Consumers Fuel Association, Inc.
Dalhart; Welch Elevator; T. I. Welch and Thompson Irwin Welch, copartners, trading as Welch Grain Co.
Darrouzett; Farmers Elevators; Darrouzett Cooperative Association.
Dawn; Dawn Co-op Elevator; Dawn Co-op.
Deer Park; Equity Export Elevator; Equity Export Corp., Inc.
Dimmitt; Farmers Elevator; Dimmitt Wheat Growers, Inc.
Dimmitt; Castro County Elevator; Bill R. Gregory d.b.a. Castro County Grain Co.
Dumas; Co-op Elevator; Dumas Co-op.
Edmonson; Wheat Growers Elevator; Edmonson Wheat Growers, Inc.
Etter (P.O. Dumas); Etter Grain Company Elevator; Etter Grain Co., Inc.
Farnsworth; Batman Elevator; Batman Grain, Inc.
Farnsworth; Perryton Equity Elevator; Perryton Equity Exchange.
Farwell; Worley Grain Company Elevator; Worley Grain Co. (no stockholder's liability).
Farwell; Sherley-Anderson-Pitman Elevator; Sherley-Anderson-Pitman, Inc.
Follett; Farmers Grain & Supply Co. Elevator; Farmers Grain and Supply Co. of Follett.
Fort Worth; Continental Elevator; Continental Grain Co.
Fort Worth; Katy Elevator; Bunge Corporation.
Fort Worth; Producers Elevator Section B; Producers Grain Corp.
Fort Worth; Boys Town of the Desert Elevator; Boys Town of the Desert.
Friona; Sante Fe Elevator; Continental Grain Co.
Friona; Farmers Cooperative Elevator; Friona Wheat Growers, Inc.
Frisco; Frisco Elevator; Continental Grain Co.
Galveston; Galveston "B" Elevator; Port Richmond Elevator Company, Inc.
Groom; Wheat Growers Elevator; Groom Wheat Growers, Inc.
Groom; Wheeler-Evans Elevator; Wheeler-Evans Grain, Inc.
Hale Center; Wheat Growers Elevator; Hale Center Wheat Growers, Inc.
Hamlin; Moore Elevator; Fred B. Moore, Sr. and F. Barry Moore III, Independent Executors of the Estate of Fred B. Moore, Jr., deceased, trading as Moore Elevator.
Hart; Farmers Grain Elevator; The Farmers Grain Co., of Hart, Tex.
Hart; Hart Grain Co. Elevator; Hart Grain Co., Inc.
Hartley; Farmers Supply Company Elevators; Farmers Supply Company of Hartley, Tex.
Happy; Wheat Growers Elevator; Happy Wheat Growers, Inc.
Hereford; Farmers Co-op Elevator; Hereford Grain Corp.
Hereford; Pitman Elevator; Pitman Grain Co.
Hereford; Hereford Elevator; Continental Grain Co.
Higgins; Wheat Growers Elevator; Higgins Wheat Growers, Inc.
Holden Spur (P.O. Mexia); Harvest Queen Elevators; L. R. Stringer.
Huntoon; Perryton Equity Elevator; Perryton Equity Exchange.
Kaffir (P.O. Tulia); Wheat Growers Elevator; Tulia Wheat Growers, Inc.
Kress; Kress Farmers Elevator; Kress Farmers Elevator Co. of Kress, Tex.
Kress; Hipp Elevator; Geo. D. Hipp, Harold D. Hipp, Joe F. Hipp and James P. Hipp, Copartners, trading as Hipp Grain Company.
Lariat; Sherley-Anderson Elevator; Sherley-Anderson Grain Co.
Lockney; Patterson Elevator; Patterson Grain Co., Inc.
Lockney; Lockney Co-op Elevator; Lockney Cooperative Gin.
Lubbock; Producers Elevator; Producers Grain Corp.
Lubbock; Lubbock Feed Lots (Grain) Elevator; Lubbock Feed Lots (Grain).
Mathis; Mathis Elevator; Mathis Grain & Elevator Corp.
McKibben (P.O. Spearman); Perryton Equity Elevator; Perryton Equity Exchange.
Morse; Perryton Equity Elevator; Perryton Equity Exchange.
Muleshoe; Muleshoe Elevator; The Kearns Grain & Seed Co., Inc.
Muleshoe; Farmers Cooperative Elevator; Farmers Cooperative Elevator of Muleshoe, Tex.
O'Donnell; Farmers Co-Op Elevator; Farmers Co-Operative Association of O'Donnell, Tex.
Perryton; Perryton Equity Elevators; Perryton Equity Exchange.
Petersburg; Co-op Elevator; Petersburg Co-op Grain Co.
Plainview; Harvest Queen Elevator; L. R. Stringer.
Plainview; Plainsman Elevator; Plainsman Elevators, Inc.
Plainview; Producers Elevator; Producers Grain Corp.
Plainview; Wes-Tex Elevator; Continental Grain Co.
Plainview; Cargill Plainview Elevator; Cargill, Inc.
Port Arthur; Cargill Port Arthur Elevator; Cargill, Inc.
Saginaw; Union Equity Ft. Worth Elevator; Union Equity Co-operative Exchange.
Silverton; Silverton Elevator; Silverton Elevators, Inc.
South Plains; South Plains Co-op Elevator; South Plains Cooperative Gin.
Spearman; Perryton Equity Elevator; Perryton Equity Exchange.
Sterley; Sterley Co-Op Elevator; Lockney Cooperative Gin.
Sudan; Feeders Elevator; Feeders Grain, Inc.
Suman Switch (P.O. Hearne); Harvest Queen Elevators; L. R. Stringer.
Summerfield; Pitman Grain Co., Summerfield Elev.; Pittman Grain Co., Summerfield Elev.
Sunray; Sunray Co-Op Elevator; Sunray Co-Op.
Texarkana; Farmers Grain Elevator; Dixie Dryer, Inc.
Texhoma; Concrete Elevator "A"; Riffe Bros., Inc.
Texhoma; Wheat Growers Elevator; Texhoma Wheat Growers, Inc.
Texline; Texline Elevator; The Kearns Grain & Seed Co., Inc.
Tulia; Wheat Growers Elevator; Tulia Wheat Growers, Inc.
Tulia; Farmers Elevator; The Farmers Grain Co. of Tulia, Tex.
Tulia; Star Grain Co. Elevator; The Star Grain Co. of Tulia, Tex.
Tulia; Harvest Queen Elevators; L. R. Stringer.
Twitchell; Perryton Equity Elevator; Perryton Equity Exchange.
Vernon; Wilbarger Elevators; Wilbarger Elevators, Inc.
Waka; Perryton Equity Elevator; Perryton Equity Exchange.
Wichita Falls; Berend Bros. Elevator, Berend Brothers Feed Stores, Inc.
Wildorado; Wildorado Producers Elevator; Wildorado Producers Association.

UTAH

Cache Junction; West Cache Growers Warehouse; West Cache Growers, Inc.
Murray; Brookfield Elevator; Brookfield Products, Inc.
Richmond; Gilt Edge Flour Mills Warehouse; Gilt Edge Flour Mills, Inc.

VIRGINIA

Chesapeake; Cargill Norfolk Elevator; Cargill, Inc.
Luray; Luray Elevator; The Page Milling Co.
Norfolk; N. & W. Grain Elevator; Continental Grain Co.
Roanoke; City Mills Elevator; Roanoke City Mills, Inc.

WASHINGTON

Albion; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.
Alto; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Asotin; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Belmont; Oakesdale Grain Growers Warehouse; Oakesdale Grain Growers, Inc.
Bolles; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.
Busby; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.
Canby; Edwall Grain Growers Warehouse; Edwall Grain Growers, Inc.
Cashup; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
Centerville; Grain Growers Warehouse; Klickitat Valley Grain Growers, Inc.
Chambers; Johnson Union Warehouse; Johnson Union Warehouse Co.
Chambers; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.
Colfax; Cochran and Sons Elevator; Roy E. Cochran, doing business as Cochran and Sons Elevator.
Colfax; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
Colton; Johnson Union Warehouse; Johnson Union Warehouse Co.
Connell; Connell Grain Growers Warehouse; Connell Grain Growers, Inc.

Coppei; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.
Dayton; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Delaney; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Dodge; Pomeroy Grain Growers Warehouse; Pomeroy Grain Growers, Inc.
Edens (P.O. Sprague); Edwall Grain Growers Warehouse; Edwall Grain Growers, Inc.
Edwall; Edwall Grain Growers Warehouse; Edwall Grain Growers, Inc.
Eltopia; Connell Grain Growers Warehouse; Connell Grain Growers, Inc.
Endicott; Wheat Growers of Endicott Warehouse; Wheat Growers of Endicott, Inc.
Fairbanks; Oakesdale Grain Growers Warehouse; Oakesdale Grain Growers, Inc.
Fallon; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.
Freeman; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.
Frischnecht; Connell Grain Growers Warehouse; Connell Grain Growers, Inc.
Glenwood; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
Goldendale; Grain Growers Warehouse; Klickitat Valley Grain Growers, Inc.
Harsha; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.
Hatton; Connell Grain Growers Warehouse; Connell Grain Growers, Inc.
Houser; Pomeroy Grain Growers Warehouse; Pomeroy Grain Growers, Inc.
Huntsville; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Johnson; Johnson Union Warehouse; Johnson Union Warehouse Co.
Kahlotus; Kahlotus Cooperative Elevator; Kahlotus Cooperative Elevator Co.
Leon; Uniontown Co-Operative Warehouse; Uniontown Co-Operative Association.
Longs; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Manning; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
McKay; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.
Mead; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.
Menoken; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.
Mesa; Connell Grain Growers Warehouse; Connell Grain Growers, Inc.
Mockonema; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
Mount Hope; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.
Oakesdale; Oakesdale Grain Growers Warehouse; Oakesdale Grain Growers, Inc.
Parvin; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.
Penawawa; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
Peyton; Pomeroy Grain Growers Warehouse; Pomeroy Grain Growers, Inc.
Pomeroy; Pomeroy Grain Growers Warehouse; Pomeroy Grain Growers, Inc.
Powers; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Prescott; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.
Pullman; Dumas Seed Company Warehouse; Dumas Seed Co.
Pullman; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.
Relief; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Rockford; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.
Ronan; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Roosevelt; Farmers Warehouse & Commission Co.; Farmers Warehouse & Commission Co.
Seabury; Oakesdale Grain Growers Warehouse; Oakesdale Grain Growers, Inc.
Shawnee; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.
Sperry; Washtucna Grain Growers Warehouse; Washtucna Grain Growers, Inc.
Sprague; Edwall Grain Growers Warehouse; Edwall Grain Growers, Inc.
Starbuck; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Steptoe; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
Sulphur; Connell Grain Growers Warehouse; Connell Grain Growers, Inc.
Thornton; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
Turner; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Uniontown; Uniontown Co-Operative Warehouse; Uniontown Co-Operative Association.
Waitsburg; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.
Warner; Oakesdale Grain Growers Warehouse; Oakesdale Grain Growers, Inc.
Washtucna; Washtucna Grain Growers Warehouse; Washtucna Grain Growers, Inc.
Waukon; Edwall Grain Growers Warehouse; Edwall Grain Growers, Inc.
Whelan; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.
Whetstone; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Zumwalt; Pomeroy Grain Growers Warehouse; Pomeroy Grain Growers, Inc.

WISCONSIN

Green Bay; Strid Grain Company Elevator; T. A. Strid and Roland G. Strid, copartners trading as Strid Grain Company.
La Crosse; Cargill La Crosse Elevator; Cargill, Inc.

WYOMING

Egbert; Point of Rocks Elevator; Point of Rocks Elevators, Inc.

C. For the storage of beans:

COLORADO

Town, Warehouse, and Warehouseman

Denver; Outwest Bean Warehouse; Outwest Bean, Inc.
Dove Creek; Romer Warehouse; David L. Corlett and Jean R. Corlett, copartners, trading as Romer Mercantile and Grain Co.
Dove Creek; Dove Creek Bean & Elevator Co. Warehouse; Dove Creek Bean & Elevator Co.
Eaton; Co-Op Bean Warehouse; The Potato Growers Co-operative Co.
Fowler; Fowler Warehouse; Fowler Cooperative Association.
Milliken; Dannen Mills Division Elevator; The Farmers Union Cooperative Marketing Association.
Olathe; Co-op Warehouse; The Olathe Potato Growers Cooperative Association.
Pleasant View; San Juan Warehouses; San Juan Bean Growers, Inc.
Roggen; Roggen Farmer's Bean Warehouse; Roggen Farmer's Elevator Association.

IDAHO

Buhl; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, d.b.a. "Shields".
Filer; Idaho Bean and Elevator Warehouse; Idaho Bean & Elevator Co. of Twin Falls.
Hansen; L. W. Moore Warehouse; L. W. Moore.
Jerome; Marshall Warehouse; Marshall Warehouses, Inc.
Kendrick; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Nampa; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, d.b.a. "Shields".
Twin Falls; Idaho Bean and Elevator Warehouse; Idaho Bean & Elevator Co. of Twin Falls.

TEXAS

Texline; Texline Elevator; The Kearns Grain & Seed Co., Inc.

D. For the storage of broomcorn:

KANSAS

Town, Warehouse, and Warehouseman

Wichita; Denning Warehouse; John L. Denning & Co., Inc.

E. For the storage of sirup:

CALIFORNIA

Town, Warehouse, and Warehouseman

Anaheim; Anaheim Warehouse; Sioux Honey Association, Cooperative.

FLORIDA

Sunset Harbor (P.O. Summerfield); Sunset Harbor Warehouse; Sioux Honey Association, Cooperative.
Umatilla; Umatilla Warehouse; Sioux Honey Association, Cooperative.

GEORGIA

Waycross; Waycross Warehouse; Sioux Honey Association, Cooperative.

IDAHO

Wendell; Sioux Honey Association Warehouse; Sioux Honey Association, Cooperative.

IOWA

Sioux City; Sioux Honey Association Warehouse; Sioux Honey Association, Cooperative.

OHIO

Lima; Lima Warehouse; Sioux Honey Association, Cooperative.

TEXAS

Temple; Temple Honey Warehouse, Sioux Honey Association, Cooperative.

F. For the storage of tobacco:

LOUISIANA

Town, Warehouse, and Warehouseman

Paulina; Louisiana Perique Tobacco Co. Warehouse; Ferrell J. Roussel, trading as Louisiana Perique Tobacco Co.

G. For the storage of wool:

IDAHO

Town, Warehouse, and Warehouseman

Lewiston; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Nampa; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, d.b.a. "SHIELDS".

MISSOURI

Kansas City; Midwest Wool Warehouse; Midwest Wool Marketing Cooperative.

OHIO

Columbus; Ohio Wool Warehouse; The Ohio Wool Growers Cooperative Association.

OREGON

Pilot Rock; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Portland; Pacific Wool Warehouse; Colonial Warehouse & Transfer Co.

H. For the storage of cottonseed:

ARKANSAS

Town, Warehouse, and Warehouseman

Evadale (P.O. Wilson); Delta Products Warehouse; Delta Products Co.

Forrest City; Forrest City Cotton Oil Mill Warehouse; Forrest City Cotton Oil Mill, Inc.

Helena; Helena Cotton Oil Co.'s Warehouse; Helena Cotton Oil Co., Inc.

Osceola; Osceola Products Warehouse; Osceola Products Co.

I. For the storage of nuts:

NORTH CAROLINA

Town, Warehouse, and Warehouseman

Lewiston; Lewiston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Murfreesboro; Revelle Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Tarboro; Edgecombe Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Williamston; Martin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

This list of warehouses and warehousemen licensed and bonded under the United States Warehouse Act (7 U.S.C. 241 et seq.) supersedes the list published in the FEDERAL REGISTER of April 21, 1966 (31 F.R. 6123).

During the calendar year 1966 the licenses of the following warehouses and warehousemen were terminated:

A. For the storage of cotton:

GEORGIA

Town, Warehouse, and Warehouseman

Athens; Rowe Warehouse; Mrs. Mary Louise Rowe Birchmore and Malcolm A. Rowe, copartners trading as Rowe Warehouse & Fertilizer Co. Terminated, death of partner.

Atlanta; FGG Bonded Warehouse; Irwin Franklin, Morton A. Gregg and Harry M. Gibbons, copartners trading as Franklin, Gregg and Gibbons Bonded Warehouse Co. Terminated, court order dissolution partnership.

Cordele; McCay Bonded Warehouse; G. E. McCay. Canceled at warehouseman's request.

Monroe; Parker Bonded Warehouse; Parker Gin and Warehouse, Inc. Terminated, failure furnish bond.

Perry; Perry Bonded Warehouse; C. E. Darsey. Terminated, warehouseman elected not to furnish bond.

Savannah; FGG Bonded Warehouse; Irwin Franklin, Morton A. Gregg and Harry M. Gibbons, copartners trading as Franklin, Gregg and Gibbons Bonded Warehouse Company. Terminated, court order dissolution partnership.

Williamson; Farmers Bonded Warehouse; P. W. Vaughn. Canceled at warehouseman's request.

LOUISIANA

Lake Charles; Cotton Compress and Warehouse Department; Board of Commissioners of the Lake Charles Harbor and Terminal District. Terminated, warehouseman elected not to furnish bond.

New Orleans; Cotton Trade Warehouse Division of Bayside Warehouse Co.; Bayside Warehouse Co. Canceled at warehouseman's request.

MISSISSIPPI

Meridian; Mississippi Cotton Warehouse; W. V. McLemore. Terminated, failure to furnish bond.

SOUTH CAROLINA

Greenwood; Textile Bonded Storage; Toxaway Corp. Canceled at warehouseman's request.

TEXAS

Waxahachie; Waxahachie Compress Warehouse; National Compress & Warehouse Co. Canceled at warehouseman's request.

VIRGINIA

Brodnax; Dugger and Dugger Cotton Storage; R. H. Dugger, Sr., and Richmond H. Dugger, Jr., trading as Dugger and Dugger Cotton Co. Terminated, death of partner.

B. For the storage of nuts:

TEXAS

Town, Warehouse, and Warehouseman

Giddings; Lee County Peanut Warehouse; Dorman D. Sell, trading as Lee County Peanut Co. Terminated, failure to furnish bond.

C. For the storage of grain:

CALIFORNIA

Town, Warehouse, and Warehouseman

Long Beach; Long Beach Elevators; Pacific Vegetable Oil Corp. Canceled at warehouseman's request. Sold to Koppel Bulk Terminal.

COLORADO

Denver; Garvey Elevator; Garvey Elevators, Inc. Canceled at warehouseman's request. Relicensed for new corporation.

IDAHO

Culdesac; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc. Included under License 3-2173, Lapwai, Idaho as Section C.

Jerome; Growers Warehouse; Growers Warehouse Co., Inc. Canceled at warehouseman's request. Disposed of warehouse.

Juliaetta; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc. Included under License 1-94 (Combination) Kendrick, Idaho.

Sweetwater; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc. Included under License 3-2173, Lapwai, Idaho as Section B.

Wendell; Marshall Warehouse; Marshall Warehouses, Inc. Canceled at warehouseman's request.

ILLINOIS

Blue Mound; Blue Mound Elevators; Blue Mound Grain and Fertilizer Co., Inc. Canceled at Warehouseman's request. Gave up lease.

Champaign; Federal-North Iowa Elevator; Federal-North Iowa Grain Co. Canceled at warehouseman's request. Gave up lease.

Cherry Valley; Cherry Valley Elevator; Dean W. Reid, an individual trading as Cherry Valley Grain & Feed. Canceled at warehouseman's request.

Chicago; Continental Elevator "D"; Continental Grain Co. Canceled at warehouseman's request. Terminated lease.

Chicago; Eckhart Elevator; Eckhart Milling Co. Canceled at warehouseman's request.

Chicago; Garvey Elevator; Garvey Grain, Inc. Canceled at warehouseman's request. Relicensed for new corporation.

Chicago; Irondale Elevator; Louis Dreyfus Corp. Elevator being razed.

Chicago; Kensington Elevator; Templeton Santa Fe Elevator Corp. Canceled at warehouseman's request.

Chicago; Santa Fe Elevator; Templeton Santa Fe Elevator Corp. Canceled at warehouseman's request.

Dixon; Honeggers' & Co. Elevator; Honeggers' & Co., Inc. Canceled at warehouseman's request. T.S. December 17, 1965, due to unsafe condition of warehouse. Not on list.

Dwight; Farmers Co-op Elevator; Farmers Cooperative Elevator Company of Dwight. Canceled at warehouseman's request. Discontinued operations.

Empire; Federal-North Iowa Elevator; Federal-North Iowa Grain Co. Included as Section C to Watkins (P.O. Farmer City), Ill., License No. 3-3755.

Farmer City; Federal-North Iowa Elevator; Federal-North Iowa Grain Co. Canceled at warehouseman's request.

Farmer City; Mitsui Elevator; Pacific Grain Co. Canceled and reissued. Change of surety.

Green's Switch (R.R. No. 7 Decatur); Federal-North Iowa Elevator; Federal-North Iowa Grain Co. Facilities leased to another party.

Greenup; Federal-North Iowa Elevator; Federal-North Iowa Grain Co. Gave up lease.

Hampshire; Hampshire Elevator; Gerstenberg and Tucker, Inc. Lack of need for public grain warehouse in area, canceled at warehouseman's request.

Havana; Havana Elevator; Continental Grain Co. Discontinued operation of public warehouse.

Kenney; Kenney Elevator; Garvey Grain, Inc. Canceled effective January 4, 1966, and relicensed for new corporation. New license canceled July 6, 1966. Warehouse sold.

Manhattan; Federal-North Iowa Elevator; Federal-North Iowa Grain Co. Canceled at warehouseman's request. Canceled lease.

Meredosia; Meredosia Elevator; Central Soya Co., Inc. Canceled at warehouseman's request.

Morris; Square Deal Elevator; Farmers' Square Deal Grain Co. Bond expired.

Seneca; Seneca Farmers Elevator; Farmers' Square Deal Grain Co. Bond expired.

Steward; Steward Elevators; Lee County Grain Association. Could no longer comply with U.S. Warehouse Act weighing requirements, canceled at warehouseman's request.

Ware (P.O. R.R. No. 2, Jonesboro); Federal-North Iowa Elevator; Federal-North Iowa Grain Co. Gave up lease.

INDIANA

Bunker Hill; Obermeyer Elevator; Obermeyer Bunker Hill Grain, Inc. Bond expired. Terminated.

Colfax; Colfax Grain Co. Elevator; Harold E. Miller and Clinton County Bank and Trust Company, as personal representative of the Estate of Lawrence E. Lake, deceased, Samuel E. Sherfey, Phillip L. Brige, Cloyse Street, Roger Mullendore, Paul H. Shaw, Larry K. Bowen, Lester Reynolds and Robert G. Fausett, copartners, trading as Colfax Grain Company. Terminated. Death of partner (Sherfey).

Free (R.R. 2, Fowler); Free Grain Elevator; Free Grain Co., Inc. Sold warehouse.

Greensburg; Lowe's Elevator; Lowe's Pellets and Grain, Inc. Canceled at warehouseman's request, T.S. November 16, 1965. Not on list.

Kokomo (R.R. 4); Obermeyer Elevator; D n D Grain Corp. Bond expired. Terminated.

La Fontaine; Co-Op Elevator; The Farmers' Co-operative Co. of La Fontaine, Indiana. Canceled at warehouseman's request.

Logan Township (P.O. Attica); Knowles Grain Elevator; Reed L. Knowles, trading as Knowles Grain Co. Closed warehouse.

Pendleton; General Grain Elevator; General Grain, Inc. Warehouse sold.

IOWA

Blockton; Dannen Mills Division Elevator; The Farmers Union Cooperative Marketing Association. Sold to M.F.A. Central Cooperative.

Clearfield; Dannen Mills Division Elevator; The Farmers Union Cooperative Marketing Association. Sold to M.F.A. Central Cooperative.

Council Bluffs; A.D.M. Elevator, Archer-Daniels-Midland Co. Sold to Pillsbury Co.

Council Bluffs; Peavey Elevator; Peavey Company of Omaha. Merged with Peavey Co.

Gilmore City; Scroggs Elevator; Scroggs Feed and Grain Co. Gave up lease on warehouse.

Lanesboro; Moorhouse Elevators; A. Moorhouse Co. Disposed of warehouse.

Oto; Continental Elevator; Continental Grain Co. Canceled at warehouseman's request.

Sioux City; Cargill Sioux City Elevator "B"; Cargill, Inc. Warehouse sold.

Templeton; Conklin Elevators; Edith Conklin, trading as Conklin Grain Co. Sold warehouse to Farmers Coop. Company of Halbur, Iowa.

Wightman (P.O. Lohrville); Moorhouse Elevator; A. Moorhouse Co. Disposed of warehouse.

KANSAS

Big Bow; Cogburn Big Bow Elevator; C. V. Cogburn, trading as Cogburn Grain Co. Terminated. Bond expired.

Bluff City; Sam Croft Elevator; Sam Croft, d.b.a. Sam Croft Grain Co. Terminated. Bond expired.

Copeland; Country Elevator; C&D Grain, Inc. Canceled at warehouseman's request. Leased warehouse.

Copeland; Riffe Bros. Elevator; Riffe Bros. Co., Inc. Terminated. Bond expired.

Corbin; Hunter Elevator; L. Gamelson, Administrator of the Estate of Harry H. Hunter, deceased, d.b.a. H. H. Hunter Grain, Feed & Fertilizer. Terminated. Bond expired.

Coronado (P.O. Marienthal); Coronado Elevator; Corn, Inc. Leased to Garvey Elevators, Inc.

Elkhart; Addington Elevator; W. H. Addington, trading as Addington Grain Co. Terminated. Bond expired.

Great Bend; Great Bend Milling Co. Elevator; Flour Mills of America, Inc. Sold to Great Bend Cooperative Association.

Hutchinson; C. D. Jennings Elevator; The C. D. Jennings Grain Co. Sold to Continental Grain Co.

Johnson; Cogburn Johnson Elevator; C. V. Cogburn, trading as Cogburn Grain Co. Terminated. Bond expired.

Lehigh; Farmers Elevator; The Farmers Co-Operative Grain and Mercantile Co. Terminated. Bond expired.

Perth; Hunter Elevator; L. Gamelson, Administrator of the Estate of Harry H. Hunter, deceased d.b.a. H. H. Hunter Grain, Feed & Fertilizer. Terminated. Bond expired.

Richfield; Cogburn Richfield Elevator; C. V. Cogburn, trading as Cogburn Grain Co. Terminated. Bond expired.

Sublette; Riffe Bros. Elevator; Riffe Bros. Co., Inc. Terminated. Bond expired.

Wellington; ADM Elevator; Archer-Daniels-Midland Co. No longer used as a public grain warehouse.

Wichita; Hunter Elevator; L. Gamelson, Administrator of the Estate of Harry H. Hunter, deceased, d.b.a. H. H. Hunter Grain, Feed & Fertilizer. Terminated. Bond expired.

KENTUCKY

Lexington; Lexington Roller Mills Elevator; Lexington Roller Mills, Inc. Canceled at warehouseman's request.

LOUISIANA

Shreveport (Moore Station); Cargill Shreveport Elevator; Cargill, Inc. Canceled at warehouseman's request. Discontinued operations.

MICHIGAN

Chelsea; Chelsea Mill Elevator; Chelsea Milling Co. Canceled at warehouseman's request. Discontinued as public storage warehouse.

MISSOURI

Caruthersville; River Elevator; Missouri Grain Co. Canceled at warehouseman's request.

Hayti; Hayti Elevator; Missouri Grain Co. Canceled at warehouseman's request.

Higginsville; Higginsville Flour Mill Warehouse; Dixie-Portland Flour Co. Sold to Missouri Farmers Association, Inc.

Kansas City; K.C.S. Elevator; Archer-Daniels-Midland Co. Canceled at warehouseman's request. Gave up lease.

La Monte; La Monte Elevator; La Monte Elevator, Inc. Canceled at warehouseman's request.

Maryville; Dannen Mills Division Elevator; The Farmers Union Cooperative Marketing Association. Sold warehouse to Missouri Farmers Association, Inc.

St. Joseph; Krause St. Joseph Elevator; Krause Milling Co., Inc. Canceled at warehouseman's request. Change in operation.

St. Louis; ADM Elevator "A"; Archer-Daniels-Midland Co. Leased warehouse to a chemical company for storage of fertilizer material.

Wolf Island (P.O. East Prairie); Wolf Island Elevator; Story Feed and Seed Co. Canceled at warehouseman's request. Change in operation.

NEBRASKA

Grant; Kellogg Elevator; O.M. Kellogg Grain Co. Leased to Continental Grain Co.

Hastings; Garvey Elevator; Garvey Elevators, Inc. Canceled at warehouseman's request. Licensed for new corporation.

Kearney; Elevator "C"; Westcentral Cooperative Grain Co. Sold to Central Nebraska Cooperative.

Lincoln; Lincoln Grain, Inc. Elevator; Lincoln Grain, Inc. Canceled at Warehouseman's request. Licensed for new corporation.

Nebraska City; Nebraska City Elevator; The Nebraska City Grain Co. Canceled at warehouseman's request. Disposed of warehouse.

NEVADA

Elko; Nevada Freeport Storage; Nevada Freeport Storage Co. Terminated. Bond expired.

NORTH DAKOTA

Jamestown; Garvey Elevator; Garvey Elevators, Inc. Canceled at warehouseman's request. Licensed for new corporation.

OKLAHOMA

Fairview, Fairview Elevator; Farmers Cooperative Elevator Association. Canceled at warehouseman's request. Change in operation.

Homestead; Homestead Elevator; Farmers Cooperative Elevator Association. Canceled at warehouseman's request. Change in operation.

Oklahoma City; Garrison Elevator; Garrison Milling Co., Inc. Canceled and reissued. Change of surety.

Yale; Dannen Mills Division Elevator; The Farmers Union Cooperative Marketing Association. Terminated. Bond expired.

OREGON

Blakeley; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc. Sold to Western Farmers Association.

Waterman; McIntyre Elevator; R & T Ranches, a partnership consisting of James R. Rice and Tillman D. Taylor, d.b.a. A. H. McIntyre Grain Elevator Co. Leased out warehouses.

Wayland; McIntyre Elevator; R & T Ranches, a partnership consisting of James R. Rice and Tillman D. Taylor, d.b.a. A. H. McIntyre Grain Elevator Co. Canceled at warehouseman's request.

PENNSYLVANIA

Philadelphia; 20th Street Elevator; Tidewater Grain Co. Canceled at warehouseman's request. Discontinued operation.

SOUTH DAKOTA

Sherman; Farmers Cooperative Association Elevator; Farmers Cooperative Association, Sherman, S. Dak. Canceled at warehouseman's request.

TEXAS

For Worth; Cargill Fort Worth Elevator; Cargill, Inc. Canceled at warehouseman's request.

For Worth; Bewley Mills Elevator; Flour Mills of America, Inc. Canceled at warehouseman's request. Closing warehouse.

Holden Spur (P.O. Mexia); Cargill Mexia Elevator; Cargill, Inc. Canceled at warehouseman's request.

Lubbock; Lubbock Grain Co. Elevator; Lubbock Grain Co., Inc. Warehouse sold to Lubbock Feed Lots (a partnership).

Saginaw; Interstate Elevator; Interstate Grain Corp. Leased warehouse to Continental Grain Co.

Silverton; Harvest Queen Elevator; L. R. Stringer. Canceled at warehouseman's request. Relinquished lease.

Vernon; Wilbarger Elevators; W. E. Stringer, d.b.a. Wilbarger Elevators. Canceled at warehouseman's request. Sold warehouse.

Whiteley; Harvest Queen Elevator; L. R. Stringer. Canceled at warehouseman's request. Relinquished lease.

VIRGINIA

Wicomico Church; Chesspeake Elevator; Chesapeake Feed & Grain Corp. Canceled November 9, 1965. Warehouseman's request.

WASHINGTON

Colton; Colton Flour Mills' Warehouse; Albert C. Grams, d.b.a. Colton Flour Mills. Sold to Johnson Union Warehouse Co.

Ewartsville; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc. Included under License 3-1882, Pullman, Wash.

Thera; Wheat Growers of Endicott Warehouse; Wheat Growers of Endicott, Inc. Include under License 3-2691, Endicott, Wash.

Union Center; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc. Included under License 3-2190, Colfax, Wash.

Winona; Wheat Growers of Endicott Warehouse; Wheat Growers of Endicott, Inc. Included under License 3-2691, Endicott, Wash.

WISCONSIN

Superior; Farmers Union Elevator; Farmers Union Grain Terminal Association. Canceled at warehouseman's request.

D. For the storage of beans:

IDAHO

Town, Warehouse, and Warehouseman

Jerome; Growers Warehouse; Growers Warehouse Co., Inc. Canceled at warehouseman's request. Disposed of warehouse.

Wendell; Marshall Warehouse; Marshall Warehouses, Inc. Canceled at warehouseman's request.

E. For the storage of wool:

MICHIGAN

Town, Warehouse, and Warehouseman

Saginaw; Danin Bonded Warehouse; Joe Danin. Terminated. Death of Mr. Danin.

Done at Washington, D.C., this 20th day of March 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs, Consumer and Marketing Service.

[F.R. Doc. 67-3218; Filed, Mar. 22, 1967; 8:50 a.m.]

BEIL'S CART AND TACK CO. ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Beil's Cart and Tack Company, Mechanicsburg, Pa.
Tennessee Producers Livestock Marketing Ass'n., Woodbury, Tenn.
Amarillo Horse Auction, Amarillo, Tex.
Brazoria County Livestock Commission, Inc., Pearland, Tex.
Grapevine Auction Company, Grapevine, Tex.
Palestine Commission Company, Palestine, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 17th day of March 1967.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 67-3217; Filed, Mar. 22, 1967; 8:50 a.m.]

Federal Crop Insurance Corporation

[Notice No. 7]

TOBACCO

Type 14; Extension of Closing Date for Filing of Applications for Insurance for 1967

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for tobacco crop insurance for the 1967 crop year on type 14 tobacco where such insurance is otherwise authorized to be offerd is hereby extended until the close of business on April 10, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JACK H. MORRISON,
Acting Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 67-3186; Filed, Mar. 22, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-67]

CITIES SERVICE GAS CO.

Notice of Amendment to Application

MARCH 15, 1967.

On March 10, 1967, Cities Service Gas Co., Oklahoma City, Okla. 73125, filed with the Federal Power Commission an amendment to its application in Docket No. CP67-67. Notice of the original application was issued September 27, 1966 (31 F.R. 12975).

In its amended application, Cities Service requests a certificate of public convenience and necessity authorizing it to tap its existing 16-inch gas transmission line in the northeast quarter (NE¼) of section 22, T. 28 N., R. 23 W., Greene County, Mo.; to install and operate regulating facilities at the tap location; to construct and operate a 4-inch pipeline extending 7.07 miles north from the location of the tap to the northeast quarter (NE¼) of section 15, T. 29 N., R. 23 W.; and there to construct metering and regulating facilities and to sell and deliver gas to The Gas Service Co., 700 Scarritt Building, Kansas City, Mo. 64142, for resale and distribution by it to consumers in and about the cities of Ash Grove, Walnut Grove, and Willard, Mo.

The estimated third year peak day and annual natural gas requirements are 1,387 Mcf and 108,500 Mcf at 14.73 p.s.i.a., respectively. The proposed sale for resale will be made under the applicant's F-2, C-2, and I-2 FPC Gas Rate Schedules. The estimated cost of the proposed facilities is $120,000, which will be financed from cash on hand.

The effect of this amendment is: (1) To apply Applicant's lateral line policy as stated in its FPC Gas Tariff, Second Revised Volume No. 1, Third Revised Sheet No. 37 and Original Sheet No. 37A, to the proposals in the original application; (2) to reduce the size of the proposed pipeline from 6 inches to 4 inches; and (3) to reduce Cities Service investment in the proposed facilities from $469,400 to $120,000.

Notices of intervention, petitions to intervene and protests may be filed with the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before April 24, 1967.

Permission to intervene in the proceedings on the original application was granted to three petitioners for leave to intervene. Cities Service's amended application differs materially from its original application in this proceeding, however, and, therefore, intervention in the proceedings on the original application will not be carried over to the amended application. If any of the petitioners to whom permission was granted to intervene under the original application desire to intervene under the amended application they should file new petitions for leave to intervene.

If the Commission upon review of this matter finds that the authorization requested is required by the public convenience and necessity, and if no protest or petition for leave to intervene in opposition to the application is filed within the time stated herein, a hearing on the amended application will be held before the Commission without further notice in accordance with the procedure prescribed in § 1.32 of the Commission's rules of practice and procedure. It will not be necessary for the applicant to appear or be represented at such hearing unless advised otherwise. If a protest or a petition for leave to intervene opposing the application is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be given.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 67-3160; Filed, Mar. 22, 1967; 8:46 a.m.]

[Docket No. CP67-249]

CITY OF VIENNA, GA., AND SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

MARCH 15, 1967.

Take notice that on March 3, 1967, the city of Vienna, Ga. (Applicant), filed in Docket No. CP67-249 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing South Georgia Natural Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution within the city of Vienna, Ga., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a municipal distribution system within its borders for resale of natural gas it proposes to purchase from Respondent. Applicant proposes to construct a line from a point approximately 1 mile from the city limits, where it will join the proposed transmission line to be built by Respondent, to its distribution system. Applicant also proposes to serve customers along the transmission line.

Applicant estimates its natural gas requirements as follows:

Year	Maximum daily firm requirements (Mcf)	Annual requirements (Mcf)
First	439	57,984
Second	571	69,829
Third	701	82,060

Applicant proposes that Respondent construct and operate a 3½ inch O.D. high pressure transmission line from a point on Respondent's existing 4½ inch transmission line to a point approximately 1 mile from Applicant's city limits where it will join Applicant's proposed distribution facilities.

Applicant estimates the cost of its proposed construction at approximately $121,766, said cost to be financed with a bond issue. The estimated cost of construction for the facilities proposed to be constructed by Respondent is approximately $117,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 10, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3161; Filed, Mar. 22, 1967; 8:46 a.m.]

[Docket No. RI67-320, etc.]

MIDWEST OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 15, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 3, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Norval Ballard (Operator) et al. (Ballard), request that their proposed rate increase be permitted to become effective on March 22, 1967. Blake Hamman (Operator) et al. (Hamman), request a retroactive effective date of December 27, 1966, for their proposed rate filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Ballard and Hamman's rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 67-3167; Filed, Mar. 22, 1967; 8:46 a.m.]

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-320	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	25	2	Cities Service Gas Co. (Cameron-Meade No. 1 Unit, Comanche County, Okla.) (Oklahoma "Other" Area).	$87	2-20-67	[1] 4-1-67	9-1-67	[2] 15.0	[3] [4] 16.0	
RI67-321	Norval Ballard (Operator) et al., 1304 Brighton Ave., Oklahoma City, Okla. 73120.	2	2	Panhandle Eastern Pipe Line Co. (Hugoton Field, Stevens County, Kans.).	3,600	2-20-67	[2] 3-23-67	8-23-67	11.0	[3] 12.0	
RI67-322	Blake Hamman (Operator) et al., Continental Life Bldg., Fort Worth, Tex. 76102.	1	3	Natural Gas Pipeline Co. of America (Boonesville Bend Conglomerate Field, Jack, Parker and Wise Counties, Tex.) (R.R. District Nos. 9 and 7-b).	2,759	2-20-67	[2] 3-23-67	8-23-67	[7] 15.0	[3] [6] 16.0	RI64-710.

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] The stated effective date is the first day after expiration of the statutory notice.
[6] Subject to an upward and downward B.t.u. adjustment.

[Docket No. CP67-255]

DELTA GAS, INC.

Notice of Application

MARCH 15, 1967.

Take notice that on March 8, 1967, Delta Gas, Inc. (Applicant), Highway 31, Buras, La. 70041, filed in Docket No. CP67-255 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for and on account of Placquemines Oil and Gas Co., Inc. (Placquemines), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to transport, for and on account of Placquemines, natural gas produced in the Potash Field, Placquemines Parish, La., through Applicant's local distribution facilities to Nairn, also in Placquemines Parish, La., where such natural gas is sold to Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. Said transportation is accomplished pursuant to the terms of a contract between Applicant and Placquemines dated February 17, 1965.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 12, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds

that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3162; Filed, Mar. 22, 1967; 8:46 a.m.]

[Docket No. CP67-251]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MARCH 15, 1967.

Take notice that on March 6, 1967, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP67-251 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon by sale to Indiana Gas and Water Co., Inc. (Indiana), approximately 3.968 miles of 4-inch pipeline, together with Applicant's right, title and interest in and to certain agreements of right of way and permits, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon by sale approximately 3.968 miles of 4-inch pipeline located in Putnam County, Ind., said pipeline commencing at Applicant's Greencastle Check Meter Station and running generally northwest to its Greencastle Sales Meter Station near the south city limits of Greencastle, Putnam County, Ind. Applicant states that said pipeline is used exclusively to serve Indiana and Indiana wants to purchase said pipeline for incorporation into its own system.

Applicant states that it has agreed to sell and Indiana has agreed to buy said facilities for $23,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 10, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3163; Filed, Mar. 22, 1967; 8:46 a.m.]

[Docket No. CP67-252]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MARCH 15, 1967.

Take notice that on March 6, 1967, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP67-252 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the construction and operation of field facilities to enable it to take into its certificated main pipeline system natural gas which will be purchased from producers in the general area of its transmission system from time to time during the 12-month period commencing May 30, 1967. Applicant states that the purpose of this application is to enable Applicant to act with reasonable dispatch in securing by contract and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

Applicant states that the total cost of the proposed construction will not exceed $2 million, with no single project to exceed a cost of $500,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 10, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3164; Filed, Mar. 22, 1967; 8:46 a.m.]

[Docket No. CP67-253]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MARCH 15, 1967.

Take notice that on March 6, 1967, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP67-253 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon by sale certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks the permission and approval of the Commission to abandon by sale to Arkansas Louisiana Gas Co. (Arkansas) approximately 20.5 miles of 6-inch pipeline, four sales meter stations, and one regulator station. Applicant states that the facilities to be sold are presently being used solely for service to Arkansas and that Arkansas desires to acquire them for integration into its system.

Applicant has agreed to sell and Arkansas has agreed to buy the above listed facilities, located in Chicot County, Ark., for the sum of $70,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 13, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3166; Filed, Mar. 22, 1967; 8:46 a.m.]

[Docket No. RI67-323]

TIDEWATER OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 15, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 3, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
R167-323	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001, Attn: Mr. A. M. Mouser.	[1] 111	2	Texas Eastern Transmission Corp. (Mercedes Field, Hidalgo County, Tex.) (R.R. District No. 4).	$191	2-20-67	[2] 3-23-67	[3] 3-24-67	15.0	[4] [5] 15.6	

[1] Contract executed after Sept. 28, 1960, the date of issuance of Statement of General Policy No. 61-1.
[2] The stated effective date is the effective date proposed by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.

The contract related to the rate filing proposed by Tidewater Oil Co. (Tidewater) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, Tidewater's rate filing should be suspended for one day from March 23, 1967, the proposed effective date.

[F.R. Doc. 67-3169; Filed, Mar. 22, 1967; 8:46 a.m.]

[Docket No. CP61-299]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

MARCH 15, 1967.

Take notice that on March 8, 1967, Transwestern Pipeline Co. (Petitioner), First City National Bank Building, Houston, Tex. 77002, filed in Docket No. CP61-299 a petition to amend the order issued by the Commission January 11, 1965, as amended February 21, 1966, by authorizing Petitioner to construct and operate certain natural gas facilities and exchange additional volumes of natural gas with El Paso Natural Gas Co. (El Paso), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The above-mentioned order, as amended, authorized Petitioner to construct and operate certain natural gas facilities and to deliver natural gas to El Paso on an exchange basis. The exchange agreement relates to gas that is available to Petitioner and El Paso from wells situated in the Texas-Oklahoma Panhandle that are connected to the gathering system of either Petitioner or El Paso.

Petitioner states that El Paso has acquired an additional natural gas well, known as the Sunset International Buzzard No. 1-75 Well, located in Ochiltree County, Tex., and that pursuant to the agreement between Petitioner and El Paso, El Paso will construct and own the facilities necessary to connect the well to Petitioner's gathering system and Petitioner will, as the designated gathering party, operate these facilities.

Petitioner, therefore, seeks authorization to construct and operate a tap and valve to interconnect its existing gathering system with El Paso's proposed facilities. Petitioner also seeks authorization to receive from El Paso, on an exchange basis, natural gas produced from said well and to operate the proposed facilities to be constructed by El Paso.

Petitioner estimates the cost of the tap and valve at approximately $1,280.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 10, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3165; Filed, Mar. 22, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2042]

AMK CORP.

Notice of Filing of Application for Order Declaring That Company Is Not an Investment Company

MARCH 17, 1967.

Notice is hereby given that AMK Corp. ("Applicant"), 122 East 42d Street, New York, N.Y. 10017, a Delaware corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring it to be primarily engaged in, directly and through the majority-owned subsidiaries and controlled companies, in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities. All interested persons are referred to the application on

file with the Commission for a statement of representations therein, which are summarized below.

The application states that Applicant's activities were carried on (1) through two operating divisions engaged in a variety of operations including the manufacture of paper products and automotive parts; (2) through a majority-owned subsidiary, NRM Corp. ("NRM"); and (3) through a controlled subsidiary, John Morrell & Co. ("Morrell"). Exclusive of cash items and Government securities, these holdings comprise approximately 95 percent of Applicant's assets.

Applicant asserts that it owns 50.58 percent of the voting securities of NRM, which is engaged in the manufacturing and marketing of machinery used in the rubber and plastics processing industry. Five directors of applicant are members of the NRM Board of Directors, which is composed of 11 members. Applicant represents that it has taken an active role in the operation of NRM.

Applicant acquired 300,000 of its total holding of 413,692 shares of capital stock of Morrell as the result of a tender offer concluded November 30, 1966. Morrell is engaged in the business of preparing, processing, and selling meat and meat products. Applicant's holdings of Morrell represent approximately 33 percent of the outstanding shares of capital stock of Morrell. No other shareholder of Morrell owns as much as 10 percent of its outstanding voting securities. Seven of Applicant's directors, including its president and vice president, are members of Morrell's Board of Directors, which is composed of 15 members. Applicant proposes to take an active role in the management and operating activities of Morrell.

Applicant states that its ownership in NRM and Morrell are its only significant investments, and that it has not sold, nor does it have any present intention to sell, any NRM or Morrell stock. Applicant also states that it is and always has been its expressed policy to engage in the manufacturing business, and it has never held itself out as an investment company, in the sense of maintaining or managing a security portfolio.

Applicant admits, for purposes of the application, that it is an investment company as defined in section 3(a)(3) of the Act because 46 percent of its total assets (exclusive of cash items and Government securities) at December 31, 1966, were represented by its holdings of Morrell stock. Applicant contends, however, that its ownership in, and control of Morrell entitle Applicant to a declaration and finding by the Commission pursuant to section 3(b)(2) of the Act.

The Commission, pursuant to section 3(b)(2), may, upon application, find and by order declare an issuer to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of business.

Notice is further given that any interested person may, not later than March 30, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-3200; Filed, Mar. 22, 1967; 8:49 a.m.]

[File Nos. 7-2674—7-2681]

BAXTER LABORATORIES, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 17, 1967.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Baxter Laboratories, Inc	7-2674
Brown Co	7-2675
Container Corporation of America	7-2676
Ginn & Co	7-2677
Great Western Financial Corp	7-2678
Pennsalt Chemical Corp	7-2679
Seaboard World Airlines, Inc	7-2680
Sprague Electric Co	7-2681

Upon receipt of a request, on or before April 3, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-3201; Filed, Mar. 22, 1967; 8:49 a.m.]

[File Nos. 7-2664—7-2668]

BECTON, DICKINSON & CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 17, 1967.

In the matter of applications of the Philadelphia-Baltimore Washington-Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Becton, Dickinson & Co	7-2664
Day Mines, Inc	7-2665
Piper Aircraft Corp	7-2666
Cessna Aircraft Co	7-2667
E G & G Inc	7-2668

Upon receipt of a request, on or before April 3, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-3202; Filed, Mar. 22, 1967; 8:49 a.m.]

[File Nos. 7-2669—7-2673]

CONE MILLS CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 17, 1967.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Cone Mills Corp	7-2669
Ideal Cement Co	7-2670
Barter Laboratories, Inc	7-2671
Sanders Associates, Inc	7-2672
American Air Filter Co., Inc	7-2673

Upon receipt of a request, on or before April 3, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-3203; Filed, Mar. 22, 1967; 8:49 a.m.]

[File No. 7-2662]

GULF & WESTERN INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 17, 1967.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Gulf & Western Industries, Inc., File No. 7-2662.

Upon receipt of a request, on or before April 3, 1967, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-3204; Filed, Mar. 22, 1967; 8:49 a.m.]

[File No. 7-2663]

KENNAMETAL, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 17, 1967.

In the matter of application of the Pittsburgh Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Kennametal, Inc., File No. 7-2663.

Upon receipt of a request, on or before April 3, 1967, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-3205; Filed, Mar. 22, 1967; 8:49 a.m.]

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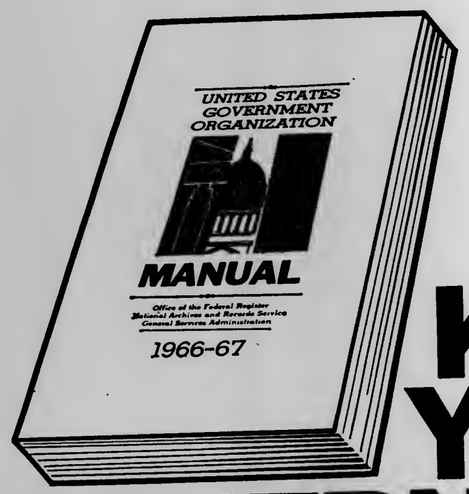
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Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Foreign Assets Control Office
Forest Service
Housing and Urban Development Department
Interior Department
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
National Bureau of Standards
Securities and Exchange Commission

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Title 3—THE PRESIDENT

Executive Order 11336

DELEGATING TO THE SECRETARY OF AGRICULTURE CERTAIN AUTHORITY RELATING TO EMERGENCY LIVESTOCK FEED

By virtue of the authority vested in me by section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. (a) The Secretary of Agriculture is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by clause (1) of the fifth sentence of section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), to the extent prescribed in subsection (b) of this section.

(b) Whenever the Secretary of Agriculture determines that the chronic economic distress of the needy members of an Indian tribe is materially increased by severe drought, flood, hurricane, blizzard, or other uncontrollable catastrophe affecting any reservation or other land designated for Indian use which is utilized by members of such tribe for grazing livestock, he may, under subsection (a) of this section, declare such reservation or other land to be an acute distress area because of unemployment or other economic reasons if he finds that the use of farm commodities or the products thereof made available by the Commodity Credit Corporation for livestock feed in that area will not displace or interfere with normal marketing of agricultural commodities.

SEC. 2. Federal assistance in relieving distress, extended as a result of action by the Secretary of Agriculture under the authority delegated by section 1 of this order, shall terminate in each instance upon notice by the Secretary of Agriculture.

SEC. 3. In carrying out the provisions of this order the Secretary of Agriculture shall maintain liaison with the Secretary of the Interior and shall consult with the latter as may be appropriate.

SEC. 4. The declaration contained in the letter of the President to the Secretary of Agriculture, dated February 1, 1965, that reservation lands in Arizona, Utah and New Mexico, which are grazed in common by Indian tribes, are an acute distress area shall continue in effect until January 1, 1968, or until such earlier date as may be fixed by notice of the Secretary of Agriculture published in the FEDERAL REGISTER.



THE WHITE HOUSE,
March 22, 1967.

[F.R. Doc. 67-3312; Filed, Mar. 23, 1967; 10:01 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that in the Community Relations Service, the positions of Chief, Program Evaluation and Development Division, and Assistant Director for Community Action are excepted under Schedule C; that the positions of Assistant Director for Media Relations, Associate Director for Conciliation and Field Services, and Private Secretary to the Associate Director for Conciliation and Field Services are excepted under Schedule C in lieu of the positions of Assistant for Program Development, Associate Director for Conciliation, and Private Secretary to the Associate Director for Conciliation; and that the positions of the Legal Adviser, his Private Secretary, the Government Services Liaison Officer, and the Volunteer Group Liaison Officer are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (r) of § 213.3310 is amended as set out below.

§ 213.3310 **Department of Justice.**

* * * * *

(r) *Community Relations Service.* * * *

(2) [Revoked]

(3) One Associate Director for Conciliation and Field Services.

* * * * *

(5) One Assistant Director for Media Relations.

(6) [Revoked]

(7) [Revoked]

* * * * *

(10) One Private Secretary to the Associate Director for Conciliation and Field Services.

(11) [Revoked]

* * * * *

(13) One Chief, Program Evaluation and Development Division.

(14) One Assistant Director for Community Action.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-3247; Filed, Mar. 23, 1967; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. 2; Amdt. 2]

PART 1490—PAYMENTS ON EXPORTS OF CERTAIN KINDS OF TOBACCO

Subpart—Tobacco Export Program

DEFINITIONS OF UNSTEMMED TOBACCO AND SCRAP

The regulations issued by Commodity Credit Corporation, published in 31 F.R. 12997 (Oct. 6, 1966), as amended 31 F.R. 14826 (Nov. 23, 1966), which contain the terms and conditions of payments on exports of certain kinds of tobacco, are herein further amended to define scrap and to exclude scrap, as defined, from the definition of "unstemmed tobacco."

Accordingly, in § 1490.2, paragraph (f) is amended and a new paragraph (i) is added, as follows:

§ 1490.2 **Definitions.**

* * * * *

(f) The term "unstemmed tobacco" means any packed tobacco which (1) is not stemmed tobacco, scrap or blackfat as defined in this section and (2) does not include butt ends or stems removed from tobacco. If tobacco has been tipped and butted, the butt ends shall be considered removed from tobacco unless tip ends in the proportion produced in the tipping process are exported under this program as unstemmed tobacco.

* * * * *

(i) The term "scrap" means tobacco leaf particles which by any process other than threshing, tipping and threshing, stemming or cutting have been reduced to sizes generally less than one-fifth of the size of the leaf and which have not been screened or which in a screening process did not stay on top of a screen having not more than 8 openings per linear inch or 64 openings per square inch.

Effective date: Date of filing with Office of Federal Register.

Signed at Washington, D.C., on March 21, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-3260; Filed, Mar. 23, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7272; Amdt. 39-374]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman Models G–164 and G–164A

Amendment 39-219 (31 F.R. 5482) requires installing a tension spring and two "S" hooks in accordance with Grumman Aircraft Engineering Corp. drawing A1521, Revision B, Sheet 2, on Grumman Model G–164 airplanes. After issuing Amendment 39-219 the Agency determined that application of the extreme right rudder while depressing the brake toe pedal could activate the right-hand brake lock mechanism. Therefore, the AD is being superseded by a new AD which requires relocation of the "S" hook to the thimble end of the brake locking cable assembly.

Since a situation exists that requires immediate adoption of this Amendment, it is found that notice and public procedure thereon are impracticable and good cause exists for making this Amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

GRUMMAN. Applies to Model G–164 and G–164A restricted category airplanes, Serial Numbers 301 through 450, and Serial Numbers below 301 which have been modified to incorporate Parking Brake installation and Stick Control Lock Kit P/N A1521–301K.

Compliance required as indicated unless already accomplished.

To prevent fouling of the control stick by the surface control lock and inadvertent locking of the right toe brake master cylinder during flight maneuvering, accomplish the following:

(a) On Model G–164 airplanes, Serial Numbers 301 through 400: Within the next 25 hours' time in service after April 7, 1966, install a tension spring and two "S" hooks in accordance with Grumman Aircraft Engineering Corp. drawing A1521, Revision B, Sheet 2 or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) On all airplanes listed in the applicability statement above: Within the next 25 hours' time in service after the effective date of this AD, modify the Parking Brake and Stick Control Lock installation in ac-

cordance with Grumman Aircraft Engineering Corp. AG-CAT Service Bulletin No. 39, February 15, 1967, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) Compliance time specified in paragraph (b) may be increased upon approval by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, of the appropriate request with substantiating data submitted to an FAA Maintenance Inspector.

This supersedes Amendment No. 39-219 (31 F.R. 5482), AD 66-10-2.

This Amendment becomes effective upon publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423)

Issued in Jamaica, N.Y., on March 15, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-3227; Filed, Mar. 23, 1967; 8:45 a.m.]

SUBCHAPTER D—AIRMEN

[Regulatory Docket No. 7679; Amdt. 61-29]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Prerequisites for Flight Tests

The purpose of these amendments to Part 61 of the Federal Aviation Regulations is to allow applicants for private or commercial pilot certificates or instrument ratings to credit certain flight instruction received from flight instructors who are not certificated by the FAA; provide certain exceptions from the requirement for a flight instructor's statement before the flight test; and require at least 20 hours of flight instruction for a commercial pilot certificate (airplane). The changes were proposed in Notice No. 66-37 issued on October 13, 1966 (31 F.R. 13554).

Several comments concurred generally with the proposals. Several other comments expressed opposition to crediting flight instruction (toward private or commercial pilot certificates or instrument ratings) that might be given to a civilian by a U.S. Armed Force pilot who does not hold a flight instructor certificate issued by the FAA. As proposed, the new § 61.22 would have allowed the crediting of flight instruction from, among others, a flight instructor who is authorized to give that flight instruction by "an Armed Force of the United States". The opposing comments expressed concern that this language might include flight instruction given to civilians as well as to military personnel. It was contended that many military pilots lack knowledge of all aspects of civilian aviation, and that the military instructors may or may not have flown civil aircraft. However, it must be pointed out that an applicant is tested on his aeronautical knowledge; if thereupon he is eligible for the flight test, he has shown that he is not one of those who lack knowledge of civil aviation. Furthermore, as stated in the notice, the proposed action does not reduce the amount of instruction required by the regulations for the several kinds of pilot certificates and ratings, nor does it eliminate the need to take the flight test, that would reveal any areas of pilot skill in which the flight instruction may have been inadequate.

The effect of crediting flight instruction given by military pilots to civilians was not intended. Therefore, the provision is clarified by using language in new § 61.22 that in terms limits the credited flight instruction received from an Armed Force, of either the United States or a foreign ICAO member state, to instruction received in a program for training military pilots. Similar language change has been made, in these amendments, of the provisions on retesting after failure of the flight test, in §§ 61.27 (b) and (d)(2)(i), to achieve the same limited content. Similar change also has been made in the reference in § 61.21(a)(4)(ii) to an official military flight test passed by a member of an Armed Force of the United States applying for an airline transport pilot certificate, who now will not need a flight instructor's statement before taking the FAA flight test. As thus changed, these amendments are being issued for the reasons stated in Notice No. 66-37, namely, to save time and expense for the applicants affected, as well as for the Agency, by removing the burden of complying with the requirement that their instruction must be received from FAA certificated instructors. As an exceptional situation, these amendments, as proposed, provide in § 61.157 (a)(2) and (c)(2) that flight instruction must be received from an FAA certificated flight instructor, since in this situation (when the holder of an airplane transport pilot certificate, airplane or VFR rotorcraft rating, applies for the other of these two ratings) this kind of flight instruction is considered necessary.

These amendments also include the proposed addition to §§ 61.85, 61.115, 61.119, and 61.123 of a provision that the required flight instruction for private and commercial pilot certificate applicants must be in procedures and maneuvers required for the applicable flight test. These amendments further include the related proposed changes removing the requirement of §§ 61.85, 61.89, and 61.93 that an applicant for a private pilot certificate must hold a student pilot certificate endorsed for solo and cross-country flights, and with this the requirement of § 61.111(e) that an applicant for a commercial pilot certificate, free balloon class rating, must hold a student pilot certificate.

These amendments also implement the changes proposed by Notice No. 66-37 for § 61.21(a)(4), that requires an applicant for a flight test ordinarily to have a statement from a flight instructor certifying he has given the applicant flight instruction in preparation for the flight test and considers him ready for the test. First, the essential rating needed by the flight instructor is designated (the category or instrument rating on his flight instructor certificate that is sought by the applicant). Second, the flight instructor's statement must have been made within 60 days. As a correlative action, the 6-month recency requirement previously provided in § 61.115(a)(3) is deleted since it no longer is needed in view of the revised provisions of § 61.21(a)(4). Third, excepted from the requirement of a written statement is an applicant who holds a foreign pilot license issued by a foreign contracting ICAO member state authorizing at least the pilot privileges of the airman certificate now sought by him, and an applicant who is a member of a U.S. Armed Force applying for an airline transport pilot certificate and who, in a program for training military pilots, has passed an official military flight test as pilot in command of the type of aircraft to be used in the flight test. One comment on Notice No. 66-37 felt that a statement from an FAA certificated flight instructor should be required in all cases. However, as stated in the notice, in each of these two situations the applicant can offer an equivalent to the instructor's recommendation as a means of assuring that adequate and effective flight instruction has been received.

These amendments also change § 61.115(a), as proposed in Notice No. 66-37, to provide that the required aeronautical experience for an applicant for a commercial pilot certificate (airplane) must include, in the flight time, at least 20 hours of flight instruction including at least 10 hours in operating an airplane by referring solely to flight instruments, and 10 hours in operating an airplane in other procedures and maneuvers required for the commercial pilot flight test, in addition to any flight instruction received before his private pilot certificate was issued to him.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

In consideration of the foregoing, Part 61 of the Federal Aviation Regulations is amended, effective April 23, 1967, as follows:

1. By amending paragraph (a)(4) of § 61.21 to read as follows:

§ 61.21 Prerequisites for flight tests.

(a) * * *

(4) Have a written statement made not more than 60 days before applying for the flight test, from a flight instructor whose flight instructor certificate bears the category rating of the aircraft to be used in the flight test (or an instrument rating if that rating is sought), certifying that he has given the applicant flight instruction in preparation for the flight test and considers him ready to take the test. However, an applicant need not have this written statement if he—

(i) Holds a foreign pilot license issued by a contracting state to the Convention on International Civil Aviation, that authorizes at least the pilot privileges of the airman certificate sought by him;

(ii) Is a member of an Armed Force of the United States applying for an airline transport pilot certificate, and in a program for training military pilots has passed an official military flight test (including instrument flight test) as pilot in command of the type of aircraft to be used in the flight test; or

(iii) Is applying for a type rating only.

* * * * *

2. By inserting a new § 61.22 to read as follows:

§ 61.22 Flight instruction received from flight instructors not certificated by FAA.

Flight instruction received to satisfy the requirements for the certificate or rating sought by the applicant may be credited toward a pilot certificate or rating under §§ 61.17 (b) or (c), 61.35(c), 61.85(a), 61.89(a), 61.93 (a) or (b), 61.115(a), 61.119(a), or 61.123(b) if it is received from—

(a) An Armed Force of either the United States or a foreign contracting state to the Convention on International Civil Aviation in a program for training military pilots; or

(b) A flight instructor who is authorized to give that flight instruction by the licensing authority of a foreign contracting state to the Convention on International Civil Aviation, and the flight instruction is given outside the United States.

3. By amending § 61.27 as follows:

By adding the following new sentence at the end of paragraph (b) and by amending paragraph (d) to read as follows:

§ 61.27 Retesting after failure.

* * * * *

(b) *Flight test.* * * * However, an applicant who qualified for flight testing under § 61.21(a)(4)(i) need not present this statement if he shows that he has received at least 5 additional hours of flight instruction in procedures and maneuvers required for the flight test from an Armed Force of either the United States or a foreign contracting state to the Convention on International Civil Aviation in a program for training military pilots, or from a flight instructor who is authorized to give that flight instruction by the licensing authority of such a foreign contracting state and that flight instruction was given outside the United States.

* * * * *

(d) *Airline transport; flight test.* An applicant for an airline transport pilot certificate or associated rating who fails a flight test under this part may apply for retesting in the following manner:

(1) If he qualified for flight testing other than under § 61.21(a)(4)(ii), he may apply upon presenting a statement from his instructor (as to required instruction) certifying that he has given the additional instruction to the applicant and considers the applicant ready for retesting, and presenting satisfactory evidence that he has—

(i) Logged at least 5 additional hours of flying solely by instruments and at least 5 additional hours of flight instruction from an appropriately rated flight instructor or an airline transport pilot; or

(ii) Received additional practice or instruction (flight, synthetic trainer, or ground training, or any combination thereof) that is necessary, in the opinion of the Administrator or the applicant's instructor (if the Administrator has authorized him to determine the additional instruction necessary) to prepare the applicant for retesting.

(2) If he qualified for flight testing under § 61.21(a)(4)(ii), he may apply either upon presenting the statement and evidence described in subparagraph (1) of this paragraph, or upon presenting satisfactory evidence that he has—

(i) Logged at least 5 additional hours of flying solely by instruments and at least 5 additional hours of flight instruction from an Armed Force of the United States in a program for training military pilots; or

(ii) Received additional practice or instruction (flight, synthetic trainer, or ground training, or any combination thereof) that is necessary, in the opinion of the Administrator, to prepare the applicant for retesting.

In retesting, the maneuvers failed, and any other maneuvers the FAA inspector or designated examiner finds to be necessary to determine the competency of the applicant, must be repeated. An applicant who meets the requirements of subparagraph (1) or (2) of this paragraph is considered to meet the 5-hour flight time requirements of § 61.145(b)(2)(i).

* * * * *

4. By amending § 61.85 as follows:

a. By amending the introductory language of paragraph (a) to read as follows:

§ 61.85 Airplane rating: Aeronautical experience.

(a) An applicant for a private pilot certificate (airplane) must have had—

* * * * *

b. By striking out the words "in preparation for the private pilot flight test" in paragraph (a)(4), and inserting the words "in procedures and maneuvers required for the private pilot flight test" in place thereof.

5. By amending the introductory language of paragraph (a) of § 61.89 to read as follows:

§ 61.89 Rotorcraft rating: Aeronautical experience.

(a) An applicant for a private pilot certificate (rotorcraft) must have had at least—

* * * * *

6. By amending the introductory language of § 61.93 to read as follows:

§ 61.93 Glider rating: Aeronautical experience.

An applicant for a private pilot certificate (glider) must have had at least—

* * * * *

§ 61.111 [Amended]

7. By striking out the words "a student pilot certificate and" in paragraph (e) of § 61.111.

8. By amending § 61.115 as follows:

a. By striking out paragraph (a)(4), and amending paragraph (a)(3) to read as follows:

§ 61.115 Airplane rating: Aeronautical experience.

(a) * * *

(3) 20 hours of flight instruction in airplanes, including at least—

(i) 10 hours of flight instruction in operating an airplane by referring solely to flight instruments, including at least 5 hours of flight instruction from a flight instructor with an instrument rating on his flight instructor certificate, and the remaining hours, if any, from a flight instructor with an airplane rating on his flight instructor certificate; and

(ii) 10 hours of flight instruction from a flight instructor with an airplane rating on his flight instructor certificate in operating an airplane in other procedures and maneuvers required for the commercial pilot flight test, in addition to any flight instruction received before his private pilot certificate was issued to him.

(4) [Deleted]

* * * * *

b. By striking out the figure "(4)" in the flush paragraph at the end of paragraph (a), and inserting the figures "(3)(i)" in place thereof.

§ 61.119 [Amended]

9. By striking out the words "preparing for the commercial pilot flight test" in paragraph (a)(3) of § 61.119, and inserting the words "in procedures and maneuvers required for the commercial pilot flight test" in place thereof.

§ 61.123 [Amended]

10. By striking out the words "preparing for the commercial pilot flight test" in paragraph (b) of § 61.123, and inserting the words "in procedures and maneuvers required for the commercial pilot flight test" in place thereof.

§ 61.157 [Amended]

11. By amending § 61.157 as follows:

a. By adding the words "FAA certificated" after the words "appropriately rated" and before the words "flight instructor" in paragraph (a)(2).

b. By adding the words "FAA certificated" after the words "appropriately rated" and before the words "flight instructor" in paragraph (c)(2).

(Secs. 313(a), 601, and 602 of the Federal Aviation Act of 1958, 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on March 17, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-3230; Filed, Mar. 23, 1967; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8019; Amdt. 528]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Providence VOR	Fall River RBn	Direct	1900	T-dn	300–1	300–1	NA
Whitman VOR	Fall River RBn	Direct	1900	C-dn	500–1	500–1	NA
				S-dn-24	500–1	500–1	NA
				A-dn	NA	NA	NA

Radar available.
Procedure turn N side of crs, 065° Outbnd, 245° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 692′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing FLR RBn, make a right-climbing turn to 1900′, direct to FLR RBn. Hold NE of FLR RBn, 245° Inbnd, 1-minute right turns.
NOTES: (1) State-owned facility must be monitored aurally during the approach. (2) Use Providence altimeter setting. (3) Approach from a holding pattern not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°–180°—1600′; 180°–360°—2200′.

City, Fall River; State, Mass.; Airport name, Fall River Municipal; Elev., 192′; Fac. Class., MHW; Ident., FLR; Procedure No. NDB (ADF) Runway 24, Amdt. 3; Eff. date, 15 Apr. 67; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 11 Mar. 67

PKB Temp Int	PKB MHW	Direct	3000	T-dn	300–1	300–1	200–½
AIR VOR 221	PKB MHW	Direct	3000	C-dn	700–1	700–1	700–1½
CTW VOR 177	PKB MHW	Direct	3000	S-dn-21	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2
				Marker beacon minimums:			
				S-dn-21	400–1	400–1	400–1

Procedure turn N side of crs, 019° Outbnd, 199° Inbnd, 2500′ within 10 miles.
Minimum altitude over marker beacon, 1558′; marker beacon to airport, 2 miles.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 0 mile of PKB MH, climb straight ahead to 2500′, make left turn and return to PKB MH. Hold N, 1-minute right turns, 199° Inbnd.
MSA within 25 miles of facility: 000°–360°—2500′.

City, Parkersburg; State, W. Va.; Airport name, Wood County; Elev., 858′; Fac. Class., BHW; Ident., PKB; Procedure No. NDB (ADF) Runway 21, Amdt. Orig.; Eff. date, 18 Apr. 67 or upon shutdown of PKB VORTAC

RIC VORTAC	RIC RBn (NDB)	Direct	2000	T-dn	300–1	300–1	200–½
FAK VORTAC	RIC RBn (NDB)	Direct	2000	C-dn	400–1	500–1	500–1½
HHW VORTAC	RIC RBn (NDB)	Direct	2000	S-dn			
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 218° Outbnd, 038° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 018°—1.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing RIC RBn, make left-climbing turn to 2000′, then proceed direct to RIC RBn. Hold SW, 038° Inbnd, 1-minute right turns.
MSA within 25 miles of facility: 000°–090°—1600′; 090°–360°—2100′.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., SBH; Ident., RIC; Procedure No. NDB (ADF) Runway 2, Amdt. 4; Eff. date, 15 Apr. 67; Sup. Amdt. No. ADF 2, Amdt. 3; Dated, 8 May 65

PROCEDURE CANCELED, EFFECTIVE 15 APR. 1967.

City, Wake Island; Airport name, Wake Airport; Elev., 12′; Fac. Class., HHW; Ident., AWK; Procedure No. 1, Amdt. 5; Eff. date, 23 Apr. 58; Sup. Amdt. No. 4; Dated, 22 Apr. 58

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Wolflake VOR	Highway Int (final)	Direct	2500	T-d	300–1	300–1	300–1
				C-d	700–1	700–1	700–1½
				C-n	NA	NA	NA
				A-dn	NA	NA	NA

Radar available.
Procedure turn N side of crs, 292° Outbnd, 112° Inbnd, 2500′ within 10 miles of Highway Int.
Minimum altitude over Highway Int on final approach crs, 2500′.
Crs and distance, Highway Int to airport, 112°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Highway Int, make left-climbing turn to 2500′ and proceed to OLK VOR via R 112°.
NOTES: (1) Use Fort Wayne altimeter setting. (2) Dual VOR receivers or radar required. (3) No runway lights.
MSA within 25 miles of facility: 000°–360°—2700′.

City, Fort Wayne; State, Ind.; Airport name, Smith Field; Elev., 833′; Fac. Class., L-BVOR; Ident., OLE; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 15 Apr. 67

Jacksonville RBn	JAX VOR	Direct	2000	T-dn	300–1	300–1	200–½
R 274° clockwise	R 010°	Via 8-mile DME Arc.	2000	C-dn	600–1	600–1	600–1½
				A-dn	NA	NA	NA
R 028° counterclockwise	R 010°	Via 8-mile DME Arc.	2000	DME/Radar minimums:			
8-mile DME Fix	JAX VOR (final)	Via R 010°	1600	C-dn	400–1	500–1	500–1½

Radar available.
Procedure turn E side of crs, 010° Outbnd, 190° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′; over 5.5 miles DME Radar Fix, 641′.
Crs and distance, facility to airport, 160°—6.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing JAX VORTAC, climb to 1600′ on R 159° within 15 miles.
NOTES: (1) Use Jacksonville (Imeson) altimeter setting. (2) No weather reporting facilities available.
CAUTION: 2 towers, 319′ at 30–24–38/81–32–29 and 30–24–51/81–32–41.
MSA within 25 miles of facility: 000°–090°—1400′; 090°–180°—1600′; 180°–270°—2100′; 270°–360°—1400′.

City, Jacksonville; State, Fla.; Airport name, Craig Municipal; Elev., 41′; Fac. Class., H-VORTAC; Ident., JAX; Procedure No. VOR-1, Amdt. 2; Eff. date, 15 Apr. 67; Sup. Amdt. No. VOR/DME No. 1, Amdt. 1; Dated, 30 Oct. 65

Kokomo VOR	Walton Int (final)	Direct	3000	T-dn	300–1	300–1	300–1
				C-dn	500–1	500–1	500–1½
				A-dn	NA	NA	NA

Procedure turn not authorized.
Minimum altitude over Walton Int on final approach crs, 3000′.
Crs and distance, Walton Int to airport, 307°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing Walton Int, make left turn, climbing to 3000′ and proceed to OKK VOR via R 307°.
NOTES: (1) Use Bunker Hill AFB altimeter setting. (2) VOR/DME or radar required.
MSA within 25 miles of facility: 000°–360°—2300′.

City, Logansport; State, Ind.; Airport name, Logansport; Elev., 736′; Fac. Class., L-BVORTAC; Ident., OKK; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 15 Apr. 67

Flat Rock VORTAC	Biltmore Int	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-15	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				If Biltmore Int or 5-mile DME or Radar Fix received, the following minimums apply:			
				C-dn	500–1	500–1	500–1½
				S-dn-15[1]	400–1	400–1	400–1

Radar available.
Procedure turn N side of crs, 347° Outbnd, 167° Inbnd, 1700′ within 10 miles.
Minimum altitude over Biltmore Int/5-mile DME/or Radar Fix on final approach crs, 767′.
Crs and distance, breakoff point to approach end of runway, 154°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of RIC VORTAC, climb to 2000′ on R 167°, RIC VORTAC within 10 miles, return to RIC VORTAC. Hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turns.
[1]400–¾ authorized with operative high-intensity runway lights except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—1600′; 090°–360°—2100′.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., H-BVORTAC; Ident., RIC; Procedure No. VOR Runway 15, Amdt. 17; Eff. date, 15 Apr. 67; Sup. Amdt. No. TerVOR-15, Amdt. 16; Dated, 3 Dec. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Flat Rock VORTAC	RIC VORTAC	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-20	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
Hopewell VORTAC	RIC VORTAC	Direct	1700	If 5-mile DME/Radar or HPW, R 334° received the following minimums apply:			
				C-dn	500–1	500–1	500–1½
				S-dn-20	400–1	400–1	400–1

Radar available.
Procedure turn E side of crs, 005° Outbnd, 185° Inbnd, 1700′ within 10 miles.
Minimum altitude over 5-mile DME/Radar Fix or HPW VORTAC, R 334° on final approach crs, 767′.
Facility on field, breakoff point to runway, 200°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of RIC VORTAC, climb to 2000′ on RIC VORTAC, R 185° within 10 miles, return to RIC VORTAC. Hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turns.
MSA within 25 miles of facility: 000°–090°—1600′; 090°–360°—2100′.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., H-BVORTAC; Ident., RIC; Procedure No. VOR Runway 20, Amdt. 1; Eff. date, 15 Apr. 67; Sup. Amdt. No. TerVOR-20, Orig.; Dated, 15 Oct. 66

Flat Rock VORTAC	RIC VORTAC	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-33	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				If 5-mile DME or Radar Fix received, the following minimums apply:			
				C-dn	500–1	500–1	500–1½
				S-dn-33#	400–1	400–1	400–1

Radar available.
Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 1700′ within 10 miles.
Minimum altitude over 5-mile Radar Fix or 5-mile DME Fix on final approach crs, 767′.
Crs and distance, breakoff point to approach end of runway, 334°—0.8 mile.
If visual contact not established upon descent to authorized landing minimum or if landing not accomplished within 0 mile of RIC VORTAC, climb to 2000′ on R 320° of RIC VORTAC within 10 miles, return to RIC VORTAC.
Hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turns.
#400–¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—1600′; 090°–360°—2100′.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class, H-BVORTAC; Ident., RIC; Procedure No. VOR Runway 33, Amdt. 12; Eff. date, 15 Apr. 67; Sup. Amdt. No. TerVOR-33, Amdt. 11; Dated, 15 Oct. 66

				T-dn*	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-14	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn S side of crs, 311° Outbnd, 131° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 131°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing SYR VOR, make left-climbing turn to 3000′ on SYR VOR, R 111° to Lakeport Int. Hold E of Lakeport Int, 1-minute right turns, 291° Inbnd.
AIR CARRIER NOTE: Neither sliding scale nor reduction in minimums authorized for takeoffs to the SE.
CAUTION: 836′ antenna, 1.1 miles S of approach end of Runway 28; 2549′ antenna, 10.4 miles S of airport.
*600–1 required for takeoff on Runway 14.
MSA with 25 miles of the facility: 000°–090°—2500′; 090°–180°—4000′; 180°–270°—3000′; 270°–360°—2000′.

City, Syracuse; State, N.Y.; Airport name, Clarence E. Hancock; Elev., 421′; Fac. Class., H-BVORTAC; Ident., SYR; Procedure No. VOR Runway 14, Amdt. 12; Eff. date, 15 Apr. 67; Sup. Amdt. No. VOR-1, Amdt. 11; Dated, 8 May 65

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Alma VORTAC	6-mile DME Fix	342°—6 miles	2000	T-dn	300–1	300–1	
6-mile DME Fix	16-mile DME Fix (final)	342°—10 miles	1200	C-dn	800–1	800–1	
				S-dn-32	800–1	800–1	
				A-dn	NA	NA	

Final approach crs, 342° Outbnd from 16-mile DME Fix.
Minimum altitude over airport on final approach crs, 1056′.
Crs and distance, facility to airport, 342°—21.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 21.7 miles after passing Alma VORTAC, turn left, climb to 2000′ intercept Alma, R 332°, returning to Alma VORTAC.
NOTES: (1) No weather service available on field. (2) Use Alma, Ga., altimeter setting. (3) This procedure usable only between the hours of 0600 and 2200 when Alma FSS is in operation. (4) IFR flight plan must be closed with Alma FSS when reaching VFR conditions or immediately after landing.
CAUTION: Tower, 677′—3 miles SE of airport.
MSA within 25 miles of facility: 000°–090°—1700′; 09°–270°—2300′; 270°–360°—1800′.

City, Hazlehurst; State, Ga.; Airport name, Hazlehurst; Elev., 256′; Fac. Class., H-BVORTAC; Ident., AMG; Procedure No. VOR/DME Runway 32, Amdt. Orig.; Eff. date, 15 Apr. 67

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Akron VOR	CA LOM	Direct	2800	T-dn*	300–1	300–1	200–½
Briggs VOR	CA LOM (final)	Direct	2500	C-dn	400–1	500–1	500–1½
				S-dn-1**	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2
				When glide slope not utilized:			
				S-dn-1***	400–¾	400–¾	400–¾

Radar available.
Procedure turn E side S crs, 186° Outbnd, 006° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception, Inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM, 2415′—3.7 miles; at MM, 1450′—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing CA LOM, climb to 3000′ on heading of 006°. Proceed direct to ACO VOR. Hold E, 1-minute right turns, 276° Inbnd.
*RVR 2400′ authorized Runway 1.
**RVR 2400′. Descent below 1428′ not authorized unless approach lights visible.
***400–½ authorized with operative ALS except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–360°—2600′

City, Akron; State, Ohio; Airport name, Akron-Canton; Elev., 1228′; Fac. Class., ILS; Ident., I-CAK; Procedure No. ILS Runway 1, Amdt. 20; Eff. date, 15 Apr. 67; Sup. Amdt. No. ILS-1, Amdt. 19; Dated, 31 Dec. 66

Bland Int	Int, W crs, ILS/FAT, R 241°/9.3-mile Radar Fix (final).	Via FAT, R 241°	2000	T-dn%	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
Berenda Int	Int, W crs, ILS/FAT, R 241°/9.3-mile Radar Fix (final).	Via DR crs, 159° and W crs, ILS.	2000	S-dn-11L#	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn not authorized.
Minimum altitude over W crs, ILS and FAT, R 241°/9.3-mile Radar Fix on final approach crs, 2000′; FRA, R 191°/3.4-mile Radar Fix, 1500′.
Crs and distance, FRA, R 191°/3.4-mile Radar Fix to airport, 109°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing FRA R 191°/3.4-mile Radar Fix, climb on E crs of localizer to 2200′ within 10 miles E of LOM/OM.
%RVR 2400′ authorized Runway 29R.
#400–¼ authorized with operative high-intensity runway lights, except for 4-engine turbojets.

City, Fresno; State, Calif.; Airport name, Fresno Air Terminal; Elev., 332′; Fac. Class., ILS; Ident., I-FAT; Procedure No. LOC(BC), Runway 11L, Amdt. Orig.; Eff. date, 15 Apr. 67

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
AWK RBn	AWK VORTAC	Direct	1500	T-dn	300–1	300–1	200–½
AWK VORTAC	Carter Int	Direct	1500	C-dn	500–1	500–1	500–1½
12-mile DME Arc, AWK VORTAC, radials 180° clockwise 360°.	W crs, ILS	Via 12-mile DME Arc.	1500	S-dn-10	#300–1	#300–1	#300–1
12-mile DME Arc and W crs, ILS	Glide slope interception (final)	Via W crs	1500	A-dn	600–2	600–2	600–2

¹Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 1500′ within 10 miles of Carter Int.
Minimum altitude at glide slope interception, Inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at glide slope interception, 1500′—4.9 miles; at Carter Int, 801′—2.5 miles; at AXX RBn, 132′—0.2 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 1500′ on E crs of ILS within 20 miles.
NOTE: No marker beacons. No approach lights.
CAUTION: #(1) When tower advisories report ocean vessel at mooring buoys and glide slope is inoperative, minimums become 400–1. (2) Circling N side of airport not authorized due to 405′ tower, 1.5 miles N.
MSA within 25 miles of facility: 000°–360°—1400′.

City, Wake Island; Airport name, Wake Island; Elev., 14′; Fac. Class., ILS; Ident., I-AWK; Procedure No. ILS Runway 10, Amdt. 4; Eff. date, 15 Apr. 67 or upon commissioning of glide slope; Sup. Amdt. No. 1LS–10, Amdt. 3; Dated, 15 May 65

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:		Precision approach			
000°	360°	17–20 miles	3000	T-dn	300–1	300–1	200–½
000°	360°	7–17 miles	2200	C-dn	600–1	600–1	600–1½
000°	360°	0–7 miles	2000	S-d-2-14	300–¾	300–¾	300–¾
				S-n-2-14	400–1	400–1	400–1
				S-d-20	400–¾	400–¾	400–¾
				S-n-20	400–1½	400–1½	400–1½
				S-dn-32	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2
				Surveillance approach			
				S-dn-2-14-20°	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

All bearings and distances are from Radar antenna site with sector azimuths progressing clockwise. Radar control must provide 3 miles or 1000′ vertical separation from following tower, 2249′—10.8 miles E.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 2—Turn left, climb to 2000′ on 202° crs from AWS RBn within 15 miles. Runway 14—Immediate right turn, climb to 2000′ on 202° crs from AWS RBn within 15 miles. Runway 20—Climb to 2000′ on 202° crs from AWS RBn within 15 miles. Runway 32—Turn left climb to 2000′ on 202° crs from AWS RBn within 15 miles.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: Jump towers, 580′—1½ miles NE, R–3002, E and SE of Lawson AAF.
*Reduction not authorized.

City, Fort Benning; State, Ga.; Airport name, Lawson AAF; Elev., 232′; Fac. Class., Lawson AAF Radar; Procedure No. 1, Amdt. 3; Eff. date, 15 Apr. 67; Sup. Amdt. No. 1, Amdt. 2; Dated, 18 Jan. 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on March 8, 1967.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 67–2729; Filed, Mar. 23, 1967; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 67–5]

PART 171—STANDARDS FOR NUMBERING

Subpart 171.10—Application for Number

Subpart 171.15—Certificate of Number

PUERTO RICO SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167–32, dated September 23, 1958 (23 F.R. 7603), the Commandant, U.S. Coast Guard, on March 20, 1967, approved the Puerto Rico system for numbering of undocumented mechanically propelled vessels.

As provided in this approval, the Puerto Rico system shall be operative on and after April 1, 1967. On that date the authority to number undocumented vessels propelled by machinery which are principally used in the Commonwealth of Puerto Rico passes to the Commonwealth of Puerto Rico and simultaneously the Coast Guard discontinues to number such vessels. Coast Guard issued Certificates of Number continue to be valid until date of expiration contained thereon or until April 1, 1968, which ever occurs first, or until ownership or State of principal use changes or other cause voids such Certificates. The Ports Authority, Commonwealth of Puerto Rico, San Juan, P.R., is the agency which will administer the program for the numbering of undocumented mechanically propelled vessels in the Commonwealth of Puerto Rico. On and after April 1, 1967, the "reports of boating accidents," which involve vessels numbered in the Commonwealth of Puerto Rico will be reported to the Ports Authority, San Juan, P.R., pursuant to Motorboat Numbering Act of Puerto Rico, Act No. 19, of June 14, 1965 and the implementing regulations adopted by the Ports Authority, Commonwealth of Puerto Rico.

Because the amendments to § 171.10–1 (a)(2) and (b), 171.10–3, 171.10–25, and 171.15–20 as set forth in this document, are informative rules about official acts performed by the Commandant, it is hereby found that compliance with the Administrative Procedures Act (respecting notice of proposed rule making procedure thereon, and effective date requirements thereto) is unnecessary.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and order 167.17 dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statute cited, the following amendments are prescribed:

1. In § 171.10–1 *To whom made*, paragraph (a)(2) is amended by deleting from the list of States the name "Commonwealth of Puerto Rico" and paragraph (b) is amended by inserting in the list of states having an approved numbering system the name "Puerto Rico" to follow after the State of "Pennsylvania."

2. In § 171.10–3 *Procedures for making application to the Coast Guard directly*, paragraph (a) is amended by deleting the following: "Puerto Rico: U.S. Coast Guard, Marine Inspection Office, San Juan."

3. In § 171.10–25 *Lost or destroyed certificate of number for vessels numbered in States listed in § 171.10–1(a)(1)*, paragraph (a) is amended by changing the identification symbol in parentheses from "Commandant (ORB)" to "Commandant (OLE–3)."

4. In § 171.15–20 *Notification of changes required by owners of vessels numbered in states listed in § 171.10–1(a)(1)*, paragraphs (b) and (c) (three places), are amended by changing the identification symbol in parentheses from "Commandant (ORB)" to "Commandant (OLE–3)".

(Sec. 3, 60 Stat. 238, sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: March 20, 1967.

[SEAL] W. J. SMITH,
Admiral U.S. Coast Guard, Commandant.

[F.R. Doc. 67–3251; Filed, Mar. 23, 1967; 8:47 a.m.]

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Appendix; Foreign Transfer Policy, Amdt. 1]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF SHIPS

Miscellaneous Amendments

Effective as of the date of publication in the FEDERAL REGISTER, Part II, A(3) of the appendix to this part is amended (1) by deleting the word "and" at the end of paragraph (b) and (2) by changing the text of paragraph (c) and adding a new paragraph (d) to read as follows:

II. CONDITIONS OF APPROVAL

A. Transfer of vessels of 3,000 gross tons and over to either foreign ownership or registry or both, and new ship construction for foreign-flag ownership and registry.

* * * * * *

(3) *Trade.* * * *

(c) The vessel shall not be chartered to aliens for carriage of cargoes of any kind to or from the Soviet Union, Latvia, Lithuania, Estonia, Czechoslovakia, Hungary, Bulgaria, Albania, North Korea, the Soviet Zone of Germany, Manchuria, Communist China, the Communist-controlled area of Vietnam, Cuba, or Southern Rhodesia, without the prior approval of the Maritime Administration; and

(d) The vessel shall not engage in trade prohibited to U.S.-flag vessels under Executive Order 11322 (32 F.R. 119, Jan. 7, 1967) and Secretary of Commerce Order (Title 15, Code of Federal Regulation, Subtitle A, Part 11, 32 F.R. 1126, Jan. 26, 1967), relating to trade and other transactions involving Southern Rhodesia.

Dated: March 13, 1967.

CARL C. DAVIS,
Acting Maritime Administrator.

[F.R. Doc. 67–3261; Filed, Mar. 23, 1967; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 988; Amdt. 1]

PART 95—CAR SERVICE

Union Pacific Railroad Co. Authorized To Operate Over Trackage of Southern Pacific Co.

At a Session of the Interstate Commerce Commission, Railroad Safety and Service Board, held in Washington, D.C., on the 17th day of March A.D. 1967.

Upon further consideration of Service Order No. 988 (31 F.R. 15488) and good cause appearing therefor:

It is ordered, That § 95.988 *Service Order No. 988* (Union Pacific Railroad Co. authorized to operate over trackage of Southern Pacific Co.) be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1967, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1967.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10–17), 15(4), 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Safety and Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–3253; Filed, Mar. 23, 1967; 8:47 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 135]

[Docket No. 8041; Notice No. 67-9]

OPERATIONS FOR COMPENSATION OR HIRE WITH SMALL AIRCRAFT

Notice of Proposed Rule Making

The Federal Aviation Agency is considering rule-making action that would affect to some extent all operations of small aircraft for compensation or hire under Part 135 of the Federal Aviation Regulations, and affect to a greater extent those operations conducted either on a regularly scheduled basis or involving interline agreements with scheduled air carriers operating under Part 121 of the Federal Aviation Regulations.

This advance notice of proposed rule making is being issued in accordance with the Agency's policy for the early institution of public rule-making proceedings. An "advance" notice is issued by the Agency where it would be helpful to invite public participation in the identification and selection of a course or alternate courses of action with respect to a particular rule-making problem.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before June 30, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. If it is determined to be in the public interest to proceed further, after consideration of the available data and comments received in response to this notice, a notice of proposed rule making will be issued.

Before the Civil Aeronautics Board took action in 1952 to identify them as "air taxi" operators, the vast majority of those carriers operating small aircraft (12,500 lbs. or under maximum certificated takeoff weight) were called "small irregular carriers." "Small irregular carriers" were defined as those not using aircraft units having a maximum certificated takeoff weight in excess of 12,500 pounds for any one unit or of 25,000 pounds for the total of such units, disregarding units of 6,000 pounds or less. In reaching its determination at that time, as to both the economic and safety requirements that should apply to this class of operations, the CAB reviewed the typical type of operation being conducted and reached certain conclusions (17 F.R. 636–37), including the following:

> Reports from these carriers over the 3-year period during which such reports have been required indicate that their aircraft are operated to serve off-line points for the convenience of individual passengers, to provide air service in emergencies, and generally as an incident to some other means of livelihood of the operator * * *. The proper place for the operator of small aircraft in the domestic aviation picture the Board believes is to provide connecting air services to off-route points or "jitney" services of a kind not offered by other air carriers * * *. The Board has taken account of the fact that, since small aircraft have a higher seat-mile cost and are slower, less comfortable and, where all-weather operations are concerned, less reliable than large aircraft, it is probable that a person would utilize the transportation offered by small aircraft only where large aircraft are not available or where some particular convenience or specialized service is desired. The Board therefore concludes, that small aircraft cannot for practical purposes be regarded as competitive with large aircraft.

It should not require any detailed discussion or recitation of statistics to show that many of the above-quoted conclusions are no longer valid for a significant number of the operations that are still technically classified by both the CAB and the FAA as "air taxi" operations. For example, in connection with the establishment of the "air taxi" classification in 1952, the CAB pointed out that of the airplanes then being operated by the more than 2,000 small irregular air carriers only 177 had a maximum certificated takeoff weight in excess of 6,000 pounds. At the present time while there are more than 3,500 air taxi operators, the 116 air taxi operators providing regularly scheduled service alone operate over 150 aircraft in the over 6,000 pound category. Moreover, the volume of the "air taxi" operations with small aircraft can no longer be considered as "jitney" operations. This activity is growing rapidly and the growth can only be spurred by the recent or imminent introduction of "small" airplanes capable of carrying as many as 20 persons. With the increased availability of these airplanes, many air taxi operators will be capable of providing service of the kind that previously could have been provided only by a Part 121 air carrier with large aircraft. Therefore, to maintain the level of safety required by the Federal Aviation Act, the Agency believes that Part 135 of the Federal Aviation Regulations should be amended to recognize the differences in the types of operations that are now and, even more important, will in the future be conducted by the various Part 135 operators under its provisions. While it is hoped that this advance notice will evoke comments and suggestions over the entire range of relevant regulatory requirements, the Agency is expressly interested in opinions as to the desirability of specific regulatory action in the following areas:

I. *Scheduled air taxi services.* One way to create a class of service to which additional requirements would apply would be to define those operations that are in no sense "jitney" operations but are actually "scheduled" operations. The standard presently prescribed in Federal Aviation Regulation section 121.7 in connection with intrastate commercial operations could be used as a minimum to define those operations that are "scheduled." This standard is: Two flights, or one round trip a week on the same day or days of the week for 8 or more weeks in any 90 consecutive days between two points or a total of 36 or more flights or 18 or more round trips in any 90 consecutive days between two points. In addition, the definition could specifically include any operation involving an interline agreement with a scheduled air carrier operating under Part 121, if such an operation does not otherwise fall within the described standard.

Under the enabling provisions of § 135.13 the Agency has, on a case-by-case basis, issued operations specifications to Part 135 operators conducting regularly scheduled service that have in most cases contained specific additional requirements in most of the areas discussed below.

1. *Manuals.* In view of the size, frequency, and complexity of regularly scheduled operations, should company operations manuals be required, so that all managerial and operational duties and responsibilities are clearly set forth and understood by all of the persons concerned with the safety of the operation?

2. *Training programs.* Should training programs, approved by the FAA, be required for all flight crewmembers? For some categories of ground support personnel? Should these programs cover initial and recurrent ground and flight training? Emergency procedures?

3. *Administrative controls.* Should records, such as pilot trip reports, manifest and dispatch release documents, weight and balance records and training records be required (i.e., preparation and retention) for scheduled operations?

4. *Flight and duty time limitations.* Should flight and duty time limitations be prescribed for all flight crewmembers to prevent unsafe situations from arising as a result of excess duty time that could result from the necessity to have both pilots and aircraft available to meet regularly scheduled flights? How extensive should these requirements be?

5. *Crew complement.* In view of the almost automatic requirement for full IFR capability resulting from the necessity to meet schedules and the high air traffic density of the areas that most scheduled operations serve, should a minimum crew of two pilots be required for all scheduled operations? Should one pilot and an autopilot be permitted for certain operations (e.g., VFR operations, IFR operations in low traffic density areas). Should the pilot in command be required to have minimum flight time in excess of that currently required? Should pilots be precluded from serving in scheduled operations after age 60? Should the pilot in command be required to hold an airline transport pilot certificate?

6. *Aircraft proving flights.* Should the operator be required before introducing a new aircraft type into service, to conduct proving tests under the Administrator's supervision to show that it can operate the aircraft safely in the planned operation?

7. *Emergency evacuation procedures.* Should additional requirements relating to emergency evacuation be prescribed? Should these requirements include evacuation demonstrations? Exit and marking requirements? Emergency equipment?

8. *Cabin attendants.* Should cabin attendants be required? If so, at what occupancy level should the requirement be placed?

9. *Operational control.* Should some form of dispatch or flight following system be required for scheduled operations?

10. *Miscellaneous operating requirements.* Should additional operating requirements such as briefing of passengers with respect to emergency evacuation and control and service of alcoholic beverages be imposed on scheduled Part 135 operations? What other operating requirements should be considered?

II. *Nonscheduled Part 135 operations.* While the questions raised in Item I above specifically relate in each case to scheduled operations (and interline arrangements) under Part 135, the Agency does not intend to limit comment thereon to those operations. The Agency also solicits comment as to whether any or all of the listed items, or any others not listed, should be applied to other operations conducted under Part 135. For example, should some requirements (i.e., ATR for pilot in command) be required for all operations with relatively high seating density small aircraft?

III. *Part 135 Air taxi operations with large aircraft.* Part 135 was designed to apply to operations with small aircraft. However, the Civil Aeronautics Board has on occasion, granted authority to specific air taxi operators to conduct certain operations with "large" aircraft. In each such case, the FAA has, through the operator's operations specifications, required compliance with requirements that are substantially those applicable to certificated supplemental air carriers and commercial operators of large aircraft. The Agency proposes to incorporate in Part 135 a specific requirement to accomplish this result and avoid the necessity of issuing separate operations specifications in each case.

IV. *Operations for compensation or hire with small aircraft of "high-seating capacity".* As stated above, Part 135 and its predecessor regulations were originally designed for the operation of small aircraft with a typical seating capacity of two to six persons. A similar situation existed with respect to the airworthiness standards for type certification in Part 23 of the Federal Aviation Regulations and its predecessor regulations. The Agency is aware of the development of a number of small airplanes capable of carrying as many as 20 persons. In the light of this development, the Agency will, in the near future, issue a separate NPRM proposing additional airworthiness standards for all small airplanes capable of carrying more than 10 persons, to be used for compensation or hire operations.

The Agency realizes that comments on this notice could conceivably take the form of a list of yes or no answers. However, since the purpose of an advance notice is to obtain public participation in the identification and selection of a course or courses of action, it is obvious that comments in such a form would be of little value to the Agency in determining proper future courses of action. Therefore, the Agency asks that comments contain supporting statements and data, where available, to justify all recommendations and conclusions.

This advance notice of proposed rule making is issued under the authority of sections 313(a), and 601 through 610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421 through 1430).

Issued in Washington, D.C., on March 17, 1967.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 67-3229; Filed, Mar. 23, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83]

[Docket No. 17295; FCC 67-320]

MARITIME MOBILE SERVICE FOR VHF RADIOTELEPHONY

Notice of Proposed Rule Making

In the matter of amendment of Parts 2, 81, and 83—Reduction of channel spacing to 25 kc/s, allotment of channels, establishment of revised technical criteria and categories of communication in the maritime mobile service band 156–162 Mc/s for VHF radiotelephony.

1. Notice of proposed rule making in the aboye-entitled matter is hereby given.

2. There are in the United States in excess of 4 million registered craft for noncommercial or pleasure purposes, of which perhaps 10 percent (over 400,000 [1]) may wish to use radio. Although the communications are of short-distance nature, the needs for and use of frequencies by these craft differ in substance from the needs and use of frequencies by commercial vessels. Approximately 125,000 vessels of all classes are currently authorized to operate on very high frequencies (VHF) and/or on frequencies at 2 Mc/s. Of this number, it is estimated that approximately 90,000 are recreational or pleasure craft involved in noncommercial activities. The current number of frequencies at VHF and at 2 Mc/s will not accommodate an increase in the number of vessels of this magnitude.

3. The Commission has given thorough and extended consideration to known practical measures to meet the need of these vessels for short-distance communications in U.S. waters and to various means for reducing the long-standing congestion on frequencies at 2 Mc/s. The alleviation of congestion at 2 Mc/s has not been possible due in major part to the absence of additional 2 Mc/s frequencies which could be used and to the lack of available channels in radio equipment aboard many of the vessels. This situation has changed and is continuing to change by availability of large numbers of VHF stations, increasing quantities of multichannel VHF equipments and the forthcoming availability of single sideband equipments.

4. The rule amendments set forth hereinafter represent the larger part of a two part Commission program to effect improvements in radiotelephony communications in the maritime mobile service on VHF. In a subsequent proceeding, the Commission will set forth a program for the conversion from double sideband to single sideband on frequencies at 2 Mc/s.

5. While the conversion from double sideband to single sideband emission at 2 Mc/s will increase the number of channels available, that increase will not be sufficient to effectively reduce the current and long-standing congestion on 2 Mc/s frequencies. Since much of the short-distance communications in U.S. waters by commercial and noncommercial vessels can be accommodated on VHF, and since the use of VHF would effectively reduce this congestion, the Commission is proposing, herein, that the needs of these vessels be fulfilled, in the majority, through use of VHF. Use of VHF, coupled with the proposed conversion to single sideband and the consequential increase in number of available frequencies, is expected to substantially reduce the congestion at 2 Mc/s. In addition to relieving congestion, these measures are expected to improve communications of both commercial and noncommercial vessels.

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[1] This corresponds to the current number of numbered vessels in Classes 1, 2, and S, which covers motorboats between 16 and 65 feet in length.

6. In order to increase the number of available VHF frequencies, it is proposed that the spacing between channels be reduced from 50 kc/s to 25 kc/s. This will increase the number of available frequencies from twenty-four (24) to forty-eight (48).

7. With regard to the date(s) on which VHF equipment shall be capable of operating in a channel spacing environment of 25 kc/s, it is axiomatic that the more distant the effective date, the larger will be the number of VHF equipments which will not be capable of 25 kc/s operation and, thus, the larger will be the number of VHF equipments which will have to be modified. The Commission, on the one hand, is desirous of providing a reasonably long period for current users to convert existing equipment for 25 kc/s channel spacing and, on the other hand, of minimizing the number of new equipments which, later, will have to be converted to 25 kc/s channel spacing. To these ends, the dates set forth herein are proposed as a practical compromise.

8. The additions to and revisions of allotments in the 156–162 Mc/s band are discussed below under the section headed "Allotment of Channels", paragraphs 12 through 31. These allotments are tabulated in Appendix 1,[2] in the "Table of Proposed Allotments", to which clarification is provided in the "Explanatory Footnotes".[2]

9. The procedure which the Commission proposes to use in assigning these channels and the applicable dates are set forth under the section headed "Assignment of Channels," paragraphs 32 through 33.

10. The technical criteria, and associated dates of applicability, are set forth in the sections headed "Frequency Deviation," "Frequency Tolerance," and "Post-Limiter Audio Roll-Off Filter," paragraphs 34 through 38. It would be expected that the reduction of frequency deviation of the transmitter and modification to improve selectivity of the receiver for 25 kc/s operation would be made in accordance with the advice and recommendations of the manufacturer of the transmitter and receiver.

11. Although the receiving equipment is an integral part of the conversion in channel spacing from 50 kc/s to 25 kc/s, that equipment is not a part of this rule making proceeding. Thus a decision to modify receiving equipment is at the option of the licensee. Nonetheless, some discussion of receiving equipment is deemed essential and, accordingly, has been included in the section headed "VHF Radio Receiving Equipment," paragraphs 39 through 44.

Allotment of Channels

12. It is proposed to amend Parts 81 and 83 to include therein provisions for assignment of the newly created channels, referred to herein as 25 kc/s channels. The proposed allotment of these channels and of current channels, referred to herein as 50 kc/s channels, is set forth in Appendix 1. Various amendments to existing services are proposed, some of which are new, others are revised, while others are expanded.

13. Environmental communications: To facilitate the expanding weather broadcast service on VHF, based on the request of Environmental Science Services Administration, it is proposed that current VHF weather broadcasts be within the 156–162 Mc/s band, i.e. 156.75 Mc/s. This frequency would be available for assignment to Government and non-Government coast stations, in accord with an agreed program, for the broadcast of information concerning the environmental conditions in which vessels operate, i.e., current and forecast weather, sea conditions, time signals of a grade adequate for practical navigation, notices to mariners, hazards to navigation, etc.

14. Communications with U.S. Coast Guard: Ship stations presently call U.S. Coast Guard stations both to request marine or meteorological information and to report navigational deficiencies. The only frequency now available is 156.80 Mc/s, which must be used for both calling and these types of working purposes. To alleviate the burden on 156.80 Mc/s for calling and to make it available for distress or emergency use, it is proposed that one channel (156.85 Mc/s), as set forth in Appendix 1, be allotted for ship stations working with U.S. Coast Guard stations.

15. Under current definitions (see §§ 81.7 and 83.6), there is overlap between "Operational Communications," "Business Communications," and "Port Operations." This overlap in definition has been deemed desirable and necessary, and it continues to be so construed where the number of available frequencies is limited, for example, in the medium frequency band between 2 and 3 Mc/s.

16. At VHF, where this limitation does not apply, a broad overlap in the definitions of "Operational," "Business," and "Port Operations" serves to defeat the allotment of frequencies for separate purposes. The continuation, by definition applicable to VHF, of distinction between, on the one hand, "Port Operations," and on the other hand, "Business" and "Operational" communications, is believed to be desirable. No useful purpose, however, would appear to be served by a further distinction, by definition applicable to VHF, between "Business" and "Operational" communications.

17. Commercial communications: It is proposed, therefore, to redefine these communications, which would be limited to commercial transport vessels and associated coast stations, to include therein those communications currently embodied in "Business Communications" and "Operational Communications," but excluding the current overlap with "Port Operations." The proposed definition of "Commercial Communications" is:

Commercial communications. Radiocommunication, other than Port Operations, on very high frequencies (VHF) between coast stations and ship stations aboard commercial transport vessels, or between ship stations aboard commercial transport vessels, in which messages are limited to those pertaining to commercial, operational, or economic matters related directly to the purposes for which the ship is used, including the piloting of vessels, movements of vessels, obtaining of vessel supplies to meet immediate needs, scheduling of repairs, or modification of vessels of immediate need.

18. It is proposed that the following newly created (25 kc/s) channels, as set forth in Appendix 1, be allotted for "Commercial Communications":

Ship and Coast: 156.275, 156.325, 156.675, 156.725, 156.975, 157.025;
Intership: 156.375, 156.925; and
Intership, commercial fishing vessels: 157.425.

19. Noncommercial communications: The proposed definition of "Noncommercial Communications" is:

Noncommercial communications. Radiocommunication, other than port operations, on very high frequencies (VHF) between coast stations and ship stations aboard vessels other than commercial transport vessels, or between ship stations aboard vessels other than commercial transport vessels, in which messages are limited to those pertaining to the purposes for which the ship is used, for example, during rendezvous, maneuvers during cruise, piloting of vessels, movements of vessels, obtaining of vessel supplies to meet immediate needs, scheduling of repairs, berthing, and accommodations.

20. This new category of communications would be limited to ship stations, and associated coast stations, aboard vessels of the pleasure, recreational, or small boat type, other than those aboard commercial transport vessels. The frequencies proposed to be allotted are divided into three categories, to wit, intership, coast and ship and a "general purpose" frequency. The "general purpose" frequency is intended to fulfill many of the wide scope of needs of the smaller type of boats, such as the Class 1 and Class 2 boats, where, for practical reasons, the number of channels, output power and investment in radio equipment would be at a minimum and, with no primary power available, battery operation could or would be employed. The "general purpose" frequency would, however, be available to all pleasure or recreational vessels. It is not intended that this frequency replace or be used in lieu of frequencies allotted for port operations, public correspondence, etc.

21. It is proposed that the following newly created (25 kc/s) channels as set forth in Appendix 1, be allotted for "Noncommercial Communications":

Ship and Coast, general purpose: 156.425;
Ship and Coast: 156.475, 156.575, 156.875; and
Intership: 156.525, 156.625.

22. Public correspondence: It is proposed to allot to public correspondence those newly created (25 kc/s) channels which fall between the currently allotted (50 kc/s) channels, as follows:

Ship	*Coast*
157.225	161.825 Mc/s
157.275	161.875 Mc/s
157.325	161.925 Mc/s
157.375	161.975 Mc/s

[2] Filed as part of the original document.

23. Distress, safety and calling: There will be many vessels which, with only VHF aboard, will be able to communicate on VHF, but which will be unable to employ 500 kc/s or 2182 kc/s, the radiotelegraph and radiotelephone distress frequencies, respectively. No VHF frequency in the band 156–162 Mc/s is currently designated by the rules for distress purposes, although provision is included, on a permissive basis, for the use of 156.80 Mc/s for the handling of distress messages. The large number of VHF facilities which have been, and are continuing to be, installed by the U.S. Coast Guard, the U.S. Army Corps of Engineers, and by others, all of which guard 156.80 Mc/s, permits the designation of 156.80 Mc/s for this purpose. Accordingly, it is proposed that 156.80 Mc/s be designated, as set forth in Appendix 1, for "Distress, Safety and Calling."

24. If the multiple, individual, and separate VHF communication systems, which serve the various different interests, are to be utilized to provide a communications means for vessels, operating in a community of interest, to transmit distress messages and to request assistance in emergency circumstances, it will continue to be necessary to provide for the guard and/or availability of 156.80 Mc/s at coast and ship stations.

25. With regard to ship stations, it is clear that the development and successful functioning of the VHF maritime radio distress system on 156.80 Mc/s is dependent upon a capability to establish communication and, once established, to intercommunicate between ship stations and between ship and coast stations. Ship stations which do not guard a distress frequency will not hear distress calls on that frequency. These ships, moving in an environment common to other ships, will be unaware of distress, urgency and safety messages of those ships and, thus, will be unable to communicate with, to receive, or to render assistance.

26. The optimum arrangement would be for ship stations, during their working hours, (a) to maintain a continuous watch on and to have transmit capability on 156.80 Mc/s; (b) to have transmit/receive capability on the intership safety frequency, 156.30 Mc/s; and (c) to have transmit/receive capability on other frequencies necessary for their services. This arrangement, generally, would require sumultaneous watch on two or more frequencies, the number of which would vary depending upon the area and circumstances of operation.

27. Practical and economic considerations, however, are believed to support an arrangement which is less than optimum. For example, ship stations authorized to use VHF shall be capable of operation on the VHF distress, safety and calling frequency, 156.80 Mc/s and the intership safety frequency, 156.30 Mc/s, in addition to other frequencies necessary for their service, however, the capability for a simultaneous watch on two or more frequencies will not be required. This arrangement is in accord with the provisions of the ITU Radio Regulations, Geneva—1959, and the views expressed by the Commission in its report and order in Docket No. 16082, released July 12, 1966. As set forth in its report and order in Docket No. 16081, released July 1, 1966, the Commission will continue to authorize single channel equipment for special purpose use.

28. Port operations: No change is proposed in the definition of port operations. With the redefinition and merging, on very high frequencies, of "Business" and "Operational" communications into the revised category "Commercial Communications" and the increase in number of frequencies available for "Commercial Communications," it is proposed to shift business and operational communications, currently on 156.35, 156.45, 156.50, and 156.55 Mc/s, to frequencies allotted to "Commercial Communications" (156.275, 156.325, 156.675, and 156.725 Mc/s, respectively) and to limit the frequencies 156.35, 156.45, 156.50, and 156.55 Mc/s to port operations, to bring those allotments more closely into accord with Appendix 18 to the ITU Radio Regulations, Geneva—1959. The frequencies which would then be available for port operations are as follows:

Single frequency: 156.35, 156.45, 156.50, 156.55, and 156.70; and
Two frequency: 157.00 (ship)—161.60 (coast) Mc/s.

29. Navigational communications: Widespread use is currently being made of 156.65 Mc/s for the exchange of navigational information, as provided by Part 83, § 83.359. In taking account of the eventual objective sought to be accomplished through such use of 156.65 Mc/s, it is deemed desirable that provision be included in the rules looking to near-future conversion of 156.65 Mc/s exclusively for navigational communications. It is, therefore, proposed that a definition of "Navigational Communications" be included in the rules, as follows:

Navigational communications. Safety communications in the maritime mobile service pertaining to the maneuvering of vessels or the directing of vessel movements. Such communications are primarily for the exchange of information between ship stations and secondarily between ship stations and coast stations.

30. Further, as an interim measure, it is proposed that the table of § 83.359 be amended by the addition of the term "Navigational" opposite 156.65 Mc/s, under the column headed "Authorized communications", as follows:

Channel designator	Frequency Mc/s		Points of communications	Authorized communications
	Ship	Coast		
13	156.65	156.65	Intership and ship to coast.	Navigational (1).

31. Safety—156.30 Mc/s: No change is proposed in regard to allotment or availability for assignment of the intership safety channel 156.30 Mc/s.

Assignment of Channels

32. In regard to the relative status of assignments on current channels, referred to herein as 50 kc/s channels, and those on the newly created channels, referred to herein as 25 kc/s channels, it is proposed:

(a) Operations on presently available VHF radiotelephony (50 kc/s) channels be protected from interference from the 25 kc/s channels until January 1, 1969. In authorizing use of the 25 kc/s channels prior to January 1, 1969, the Commission will limit its approval of applications received to those which provide a minimum of 20 miles geographic separation between the applied-for coast station, on a 25 kc/s channel, and coast station licenses then outstanding on 50 kc/s channels.

(b) During the period between January 1, 1969 and January 1, 1971, the Commission proposes to authorize use of the 25 kc/s channels and will process reports of interference by licensees on 50 kc/s channels on the basis of the facts then existing, with particular attention to the technical measures applied by the respective licensees in cooperation with this Commission program to reduce the channel spacing from 50 kc/s to 25 kc/s.

(c) Effective January 1, 1971, the status of 25 kc/s and 50 kc/s channels will be the same and will be assigned by the Commission on that basis.

33. There now exists the matter of treatment to be accorded use of 25 kc/s channels in geographic areas where VHF is not presently authorized, and where such use is not an extension of an existing system. In such areas, the Commission desires to avoid the circumstance where, unknowingly, a penalty is imposed upon new licensees who purchase new (50 kc/s) VHF equipment, only to discover that that equipment must be modified in one, two, or a few years for the reduced (25 kc/s) channel spacing. The Commission proposes, therefore, under these circumstances, to authorize the use of the 25 kc/s channels, and equipment having only 25 kc/s channel spacing capability, concurrent with availability of the 25 kc/s channels.

Frequency Deviation

34. It is proposed to amend Parts 81 and 83 to provide for the reduction of transmitter (modulation) frequency deviation from ±15 kc/s to ±5 kc/s. Inasmuch as:

Many vessels do not operate for a period during midwinter;
A relatively simple adjustment of the transmitter is required to decrease the frequency deviation to ±5 kc/s; and
The audio gain of VHF receiving equipment is, generally, adequate to compensate for the decrease in detector output (between 9 and 10 decibels) associated with and resulting from a reduction of frequency deviation from ±5 kc/s to ±5 kc/s;

it is proposed that effective January 1, 1968, all VHF radiotelephony transmitters, operated in the 156–162 Mc/s band in the maritime mobile service employ a frequency deviation of ±5 kc/s.

FREQUENCY TOLERANCE

35. It is proposed to amend Parts 81 and 83 to provide for the reduction of frequency tolerance applicable to transmitters, operated in the band 156–162 Mc/s, (a) aboard ship stations, from 20 parts in 10^6 (0.002 percent) to 10 parts in 10^6 (0.001 percent); and (b) at coast stations, from 20 parts in 10^6 (0.002 percent) to 2.5 parts in 10^6 (0.00025 percent). Inasmuch as:

VHF maritime mobile radiotelephony equipment in current use, current models on distributors' shelves, and new models now in production, were or have been type accepted for a frequency tolerance of 20 parts in 10^6;

On a statistical basis, many of the ship station VHF transmitting equipments in current use will operate within a frequency tolerance of 10 parts in 10^6;

A lead time of 1½ to 2 years is required by manufacturers if the change in frequency tolerance is to be incorporated into new models of ship station transmitting equipment on an orderly basis;

A somewhat longer period of time should be provided in order to effect modification of ship station VHF transmitters (a) in current use and (b) of current models on distributors' shelves;

The proposed frequency tolerance applicable to coast station transmitters is readily attainable; coast station transmitters may be installed in an operating environment to minimize the range of applicable climatic variation; coast station transmitters are readily accessible to radioservicing personnel; and

The proposed coast station frequency tolerance can simplify the setting of ship station frequency by use of coast station as a sufficiently accurate reference; and

From an operational point of view, there is benefit with small or no penalty to the coast station licensee to implementing the reduced frequency tolerance at coast stations on a date earlier than aboard ship stations;

it is proposed that the frequency tolerances applicable to all VHF radiotelephony transmitters, operated in the 156–162 Mc/s band in the maritime mobile service, be effective on the following dates:

Class of station	*Frequency tolerance (parts in 10^6)*
Ship	[1] 10
Coast	[2] 2.5

[1] The tolerance shown in the table is applicable to types of transmitters first licensed after Jan. 1, 1969, and to all transmitters after Jan. 1, 1971. The tolerance of 20 parts in 10^6 is applicable until Jan. 1, 1971, to types of transmitters licensed before Jan. 1, 1969.

[2] The tolerance shown in the table is applicable to all transmitters after Jan. 1, 1969. A tolerance of 20 parts in 10^6 is applicable until Jan. 1, 1969.

POST-LIMITER AUDIO ROLL-OFF FILTER

36. It is proposed to amend Parts 81 and 83 to provide for the inclusion in all VHF radiotelephony transmitters, operated in the 156–162 Mc/s band in the maritime mobile service, of a post-limiter audio roll-off filter in accordance with the following:

An audio low-pass filter shall be installed between the modulation limiter and the modulated (radiofrequency) stage and, at audiofrequencies between 3 kc/s and 20 kc/s, shall have an attenuation greater than the attenuation at 1 kc/s by at least 60 $\log_{10}(f/3)$ decibels, where "f" is the audiofrequency in kc/s. At audiofrequencies above 20 kc/s the attenuation shall be at least 50 decibels greater than the attenuation at 1 kc/s.

37. On the basis of tests conducted in the land mobile service during the first half of 1966, it is clear that the addition to VHF maritime mobile service radiotelephony transmitters of the post-limiter audio roll-off filter, having characteristics set forth above, will substantially reduce the noise spectra (splatter) radiation of FM transmitters. The reduction in noise spectra radiated is particularly desirable in a 25 kc/s channel spacing environment. On the basis of these tests, the benefits obtained are more than proportionate to the modest cost of the audio filter necessary to obtain that reduction.

38. It is proposed, therefore, that effective January 1, 1971, all VHF radiotelephony transmitters, operated in the 156–162 Mc/s band in the maritime mobile service, be equipped with a post-limiter audio roll-off filter as described above.

VHF RADIO RECEIVING EQUIPMENT

39. On January 1, 1969, under the proposals of this notice, all VHF radiotelephony transmitters, including ship station transmitters operating with a frequency tolerance of 20 parts in 10^6, will radiate signals which are contained within a channel width of 25 kc/s. The VHF radio receivers associated with those transmitters, prior to modification to improve the selectivity, will continue to provide "readable" signals from transmitters using ±5 kc/s frequency deviation. Such receivers, in addition, will accept transmitted signals within a channel width which is greater than 25 kc/s, and possibly within a channel width of 50 kc/s.

40. There is adequate technical basis to anticipate that there will be an operational penalty to continued operation of these unmodified or "wide band" receivers. This penalty will accrue from unwanted and undesired signals by stations on the adjacent 25 kc/s channels, when those channels are implemented. The modification necessary to "narrow band" the selectivity, of reasonably modern equipment, for a channel spacing of 25 kc/s is, generally, limited to the addition of a band pass filter(s) in the intermediate frequency stages of the receiver. This modification can be made concurrently with adjustment or retuning of the detector for operation with a frequency deviation of ±5 kc/s.

41. The presence or absence of transmissions on the adjacent 25 kc/s channels will be largely dependent upon the density of marine operations in that area, a situation which will vary from area to area. In some areas there will be a pressing need to modify receivers for "narrow band" operation, while in other areas there may be less need. As between two licensees, one may decide to accept the adjacent channel signals and not to modify his receiver for 25 kc/s operation. The second licensee, however, may decide not to accept the adjacent channel transmissions and to modify his receiving equipment.

42. In the view of the Commission, it will be desirable for the licensees to modify their VHF receiving equipment for "narrow band" operation. The decision to modify receiving equipment is at the option of the licensee. However, it must be recognized that failure to modify could result in the reception of unwanted signals on the adjacent 25 kc/s channels, when implemented in the area of concern.

43. Turning now to vessels operating internationally, in regard to environments where transmitter frequency deviations of both ±5 kc/s and ±15 kc/s are employed, there will be a difference in receiver audio output level of 9 to 10 decibels, respectively, between the two deviations. In general, this difference may be compensated by adjustment of the receiver "volume" control.

44. In regard to receivers, the receiver with ±15 kc/s detector will satisfactorily demodulate both ±5 kc/s and ±15 kc/s deviations, with audio output levels as stated above. The receiver with ±5 kc/s detector will satisfactorily demodulate the ±5 kc/s deviation, but will not satisfactorily demodulate the ±15 kc/s deviation. For this reason it is expected that those vessels which operate internationally, where both deviations are employed, would postpone modification of receivers for ±5 kc/s until a unified international program is agreed, or would install receivers for both ±15 kc/s and ±5 kc/s frequency deviation.

45. To bring Part 2 into conformity with the foregoing, it is proposed to amend § 2.106, the Table of Frequency Allocations, in regard to the VHF radiotelephony maritime mobile service band 156–162 Mc/s, to include therein: The new 25 kc/s channels; deletion of footnote NG34; allotment of certain of the band-edge frequencies; to redesignate 156.80 Mc/s for "Distress, Safety, and Calling"; and to add a new footnote US ____ regarding availability and use of 156.75 Mc/s. These amendments are set forth below.

46. The proposed amendments to the rules are issued pursuant to the authority contained in sections 4(i) and 303 (a), (b), (c), (e), (f), (g), and (r) of the Communications Act of 1934, as amended.

47. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 24, 1967, and reply comments on or before May 8, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

48. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: March 15, 1967.

Released: March 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

In § 2.106, the Table of Frequency Allocations is amended in respect to the bands 156.25–157.45 and 161.775–162.0 Mc/s to read as follows in columns 7 through 11, and a new footnote US_____, is added in appropriate numerical sequence.

Federal Communications Commission

Band (Mc/s) 7	Service 8	Class of station 9	Frequency (Mc/s) 10	Nature (OF SERVICES (of stations 11
• • •	• • •	• • •	• • •	• • •
156.250–157.450 (287) (US9) (US77)	MARITIME MOBILE. (NG5)	Coast. Ship.	156.275	MARITIME MOBILE.
			156.300	Do.
			156.325	Do.
			156.350	MARITIME MOBILE. (NG24)
			156.375	MARITIME MOBILE.
			156.400	Do.
			156.425	Do.
			156.450	MARITIME MOBILE. (NG24)
			156.475	MARITIME MOBILE.
			156.500	Do.
			156.525	Do.
			156.550	MARITIME MOBILE. (NG24)
			156.575	MARITIME MOBILE.
			156.600	Do.
			156.625	Do.
			156.650	Do.
			156.675	Do.
			156.700	Do.
			156.725	Do.
			156.750	MARITIME MOBILE. (US_____)
			156.800	MARITIME MOBILE. (distress, safety and calling)
			156.850	MARITIME MOBILE.
			156.875	Do.
			156.900	Do.
			156.925	Do.
			156.950	Do.
			156.975	Do.
			157.000	Do.
			157.025	Do.
			157.050	GOVERNMENT.
			157.075	Do.
			157.100	Do.
			157.125	Do.
			157.150	Do.
			157.175	Do.
		Ships.	157.200	MARITIME MOBILE.
			157.225	Do.
			157.250	Do.
			157.275	Do.
			157.300	Do.
			157.325	Do.
			157.350	Do.
			157.375	Do.
			157.400	Do.
			157.425	Do.
• • •	• • •	• • •	• • •	• • •
161.775–162.000	MARITIME MOBILE. (NG5)	Coast.	161.800	Coast (NG26).
			161.825	Do.
			161.850	Do.
			161.875	Do.
			161.900	Coast.
			161.925	Do.
			161.950	Do.
			161.975	Do.
			162.000	Do.
• • •	• • •	• • •	• • •	• • •

US_____ The frequency 156.75 Mc/s is available for assignment to non-Government and Government stations, in accordance with an agreed plan, for the broadcasting of information of immediate concern to mariners, including current and forecast weather conditions, time signals, sea conditions, notices to mariners, and hazards to navigation.

[F.R. Doc. 67-3210; Filed, Mar. 23, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

CANNED MUSHROOMS

Importation Directly From Republic of Korea; Available Certifications by Government

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Korea of the following additional commodity:

Mushrooms, canned.

[SEAL] MARGARET W. SCHWARTZ
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-3252; Filed, Mar. 23, 1967; 8:47 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SUPPORT OF HEADQUARTERS OF UNIFIED, SPECIFIED AND SUBORDINATE UNIFIED COMMANDS

Responsibility of Military Departments

The Deputy Secretary of Defense approved the following on March 16, 1967:

1. Pursuant to the authority vested in the Secretary of Defense by 10 U.S.C. 124, the military departments indicated below shall be responsible for providing or arranging for the administrative and logistic support of the headquarters of the corresponding unified or specified command:

Unified command	Military department	Effective date
U.S. European	Army	Sept. 15, 1958
Alaskan	Air Force	Dec. 1, 1958
U.S. Southern	Army	Do.
Atlantic	Navy	Jan. 1, 1959
Continental Air Defense	Air Force	Do.
Pacific	Navy	Do.
U.S. Strike	Air Force	Oct. 17, 1961
SPECIFIED COMMAND		
Strategic Air	Air Force	Jan. 1, 1959

2. The same departmental support responsibility for the headquarters of a unified command extends to the headquarters of all subordinate unified commands established within a unified command.

3. Inter-Service support arrangements currently in effect may be continued, or new arrangements made, as mutually agreeable to commanders and Services involved; the supporting military department will be kept advised of these arrangements, and the approval by the supporting military department will be required for new arrangements.

4. DoD Directive 3100.3, dated February 21, 1964 is canceled.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

MARCH 17, 1967.

[F.R. Doc. 67-3226; Filed, Mar. 23, 1967; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, DIVISION OF BASE OPERATIONS, BOISE INTERAGENCY FIRE CENTER

Redelegation of Authority Regarding Contracts and Leases

SECTION 1. *Authority.* Pursuant to the authority contained in section 2 of Order No. 698, Amendment No. 12, dated August 22, 1966, of the Bureau of Land Management, the Chief, Division of Base Operations, Boise Interagency Fire Center, is hereby redelegated the authority contained in section 1(b)(6) of said order.

The above delegation is effective March 16, 1967, and may not be redelegated.

ROGER R. ROBINSON,
Director,
Boise Interagency Fire Center.

MARCH 21, 1967.

[F.R. Doc. 67-3243; Filed, Mar. 23, 1967; 8:46 a.m.]

ALL PUBLIC LAND STATES

Revised Notice of Proposed Withdrawal and Reservation of Lands

MARCH 21, 1967.

The Bureau of Land Management has revised its application for withdrawal, notice of which was published in the FEDERAL REGISTER on page 2588 of the issue for February 7, 1967, and amended by notice published on page 4030 of the issue of March 14, 1967.

The foregoing application requested withdrawal of all public lands which are valuable or prospectively valuable for geothermal steam, from all appropriations under the public land laws, including without limitation, the mining laws and the mineral leasing laws.

The foregoing application has been superseded by a revised application which:

(1) Requests the immediate withdrawal of the public and acquired lands described herein as valuable for geothermal resource development because they are lands in which there are favorable exploratory wells or favorable surface indications of geothermal anomaly, such as geysers, fumaroles, or thermal springs of high temperature, or geophysically favorable extensions thereof; and

(2) Provides for the future withdrawal of the public and acquired lands hereafter determined to be potentially valuable for geothermal resource development.

Lands which would be withdrawn in accordance with the revised application, either immediately or in the future, would be withdrawn from all forms of settlement, location, sale, selection, entry, lease, appropriation, and other forms of disposal except under (a) the laws governing the use of lands under lease, license or permit, or (b) the laws governing the disposal of mineral or vegetative resources by lease, license or permit: *Provided,* That leases, licenses, or permits will be issued only if the Secretary of the Interior finds that the proposed use of the lands will not adversely affect the geothermal resource nor hinder its development and utilization.

The lands which the revised application requests be immediately withdrawn by reason of their being valuable for geothermal resource development are the available public domain and acquired lands within the areas described as follows:

CALIFORNIA

CALISTOGA GEOTHERMAL AREA

T. 8 N., R. 6 W., MDM,
Secs. 5, 6.
T. 9 N., R. 6 W.,
Secs. 31, 32.
T. 8 N., R. 7 W.,
Sec. 11.
T. 9 N., R. 7 W.,
Secs. 25, 36.

LAKE CITY GEOTHERMAL AREA

T. 43 N., R. 15 E., MDM,
Secs. 1, 12.
T. 44 N., R. 15 E.,
Secs. 11 through 14, 23 through 26, 35, 36.
T. 43 N., R. 16 E.,
Secs. 1 through 24.
T. 44 N., R. 16 E.,
Secs. 7, 8, 15 through 22, 26 through 35.
T. 43 N., R. 17 E.,
Secs. 7, 18.

LASSEN GEOTHERMAL AREA

T. 29 N., R. 4 E., MDM,
Secs. 1 through 36.
T. 30 N., R. 4 E.,
Secs. 31 through 36.
T. 29 N., R. 5 E.,
Secs. 1 through 36.
T. 30 N., R. 5 E.,
Secs. 31, 32.
T. 29 N., R. 6 E.,
Secs. 1 through 36.
T. 30 N., R. 16 E.,
Secs. 29 through 36.

MONO—LONG VALLEY GEOTHERMAL AREA

T. 1 N., R. 26 E., MDM,
Secs. 1 through 18, 20 through 29, 32 through 36.
T. 2 N., R. 26 E.,
Secs. 1 through 4, 8 through 36.
T. 3 N., R. 26 E.,
Secs. 25, 35, 36.
T. 1 N., R. 27 E.,
Secs. 1 through 36.
T. 2 N., R. 27 E.,
Secs. 1 through 36.
T. 3 N., R. 27 E.,
Secs. 13 through 15, 19 through 36.
T. 1 N., R. 28 E.,
Secs. 1 through 36.
T. 2 N., R. 28 E.,
Secs. 3 through 10, 14 through 36.
T. 3 N., R. 28 E.,
Secs. 19, 29 through 33.
T. 1 N., R. 29 E.,
Secs. 6, 7, 17 through 20, 29 through 33.
T. 2 N., R. 29 E.,
Sec. 31.
T. 1 S., R. 26 E.,
Secs. 1 through 5, 8 through 16, 21 through 28, 33 through 36.
T. 2 S., R. 26 E.,
Secs. 1 through 4, 9 through 16, 22 through 27, 34 through 36.
T. 3 S., R. 26 E.,
Secs. 1 through 3, 10 through 15, 23 through 26, 35, 36.
T. 4 S., R. 26 E.,
Secs. 1, 12.
T. 1 S., R. 27 E.,
Secs. 1 through 36.
T. 2 S., R. 27 E.,
Secs. 1 through 36.
T. 3 S., R. 27 E.,
Secs. 1 through 36.
T. 4 S., R. 27 E., MDM,
Secs. 1 through 29.
T. 1 S., R. 28 E.,
Secs. 1 through 36.
T. 2 S., R. 28 E.,
Secs. 1 through 36.
T. 3 S., R. 28 E.,
Secs. 1 through 36.
T. 4 S., R. 28 E.,
Secs. 1 through 36.
T. 1 S., R. 29 E.,
Secs. 4 through 9, 15 through 22, 26 through 35.
T. 2 S., R. 29 E.,
Secs. 1 through 36.
T. 3 S., R. 29 E.,
Secs. 1 through 36.
T. 4 S., R. 29 E.,
Secs. 1 through 34.
T. 2 S., R. 30 E.,
Secs. 18, 19, 30 through 32.
T. 3 S., R. 30 E.,
Secs. 5 through 9, 16 through 21, 28 through 33.
T. 4 S., R. 30 E.,
Secs. 5 through 8, 17 through 19.

SALTON SEA GEOTHERMAL AREA

T. 10 S., R. 12 E., SBM,
Secs. 13 through 16, 21 through 28, 33 through 36.
T. 11 S., R. 12 E.,
Secs. 1 through 3, 10 through 14, 23 through 25, 36.
T. 10 S., R. 13 E.,
Secs. 13 through 36.
T. 11 S., R. 13 E.,
Secs. 1 through 36.
T. 12 S., R. 13 E.,
Secs. 1 through 12.
T. 11 S., R. 14 E.,
Secs. 7, 18, 19, 29 through 32.
T. 12 S., R. 14 E.,
Secs. 5 through 8, 17, 18.

GEYSERS—SULPHUR BANK GEOTHERMAL AREA

T. 11 N., R. 7 W., MDM,
Secs. 5 through 7, 18.
T. 12 N., R. 7 W.,
Secs. 1 through 11, 14 through 23, 27 through 33.
T. 13 N., R. 7 W.,
Secs. 4 through 10, 15 through 23, 26 through 36.
T. 14 N., R. 7 W.,
Secs. 31, 32.
T. 11 N., R. 8 W.,
Secs. 1through 24, 26 through 34.
T. 12 N., R. 8 W.,
Secs. 1 through 36.
T. 13 N., R. 8 W.,
Secs. 1 through 36.
T. 14 N., R. 8 W.,
Secs. 31 through 36.
T. 11 N., R. 9 W.,
Secs. 1 through 3, 10 through 15, 23 through 25.
T. 12 N., R. 9 W.,
Secs. 1 through 4, 9 through 16, 21 through 28, 33 through 36.
T. 13 N., R. 9 W.,
Secs. 1, 10 through 15, 21 through 28, 33 through 36.

WENDEL—AMEDEE GEOTHERMAL AREA

T. 28 N., R. 15 E., MDM,
Sec. 1.
T. 29 N., R. 15 E.,
Secs. 13, 14, 22 through 27, 36.
T. 28 N., R. 16 E.,
Secs. 4 through 9, 17, 18.
T. 28½ N., R. 16 E.,
Secs. 31 through 33.
T. 29 N., R. 16 E.,
Secs. 18 through 20, 29 through 33.
Total acreage in California—838,400.

NEVADA

STEAMBOAT SPRINGS GEOTHERMAL AREA

T. 17 N., R. 20 E., MDM,
Secs. 4, 5.
T. 18 N., R. 20 E.,
Secs. 20, 21, 27 through 29, 32 through 34.

BEOWAWE GEOTHERMAL AREA

T. 31 N., R. 47 E., MDM,
Secs. 13, 24.
T. 31 N., R. 48 E.,
Secs. 1 through 5, 7 through 12, 15 through 20.
T. 31 N., R. 49 E.,
Sec. 6.

BRADY SPRINGS GEOTHERMAL AREA

T. 22 N., R. 26 E., MDM,
Secs. 1 through 4, 9 through 16, 21 through 27.
T. 23 N., R. 26 E.,
Secs. 34 through 36.
T. 22 N., R. 27 E.,
Secs. 6 through 8, 17 through 19, 30.
T. 23 N., R. 27 E.,
Sec. 31.
Total acreage in Nevada—38,400.

IDAHO

YELLOWSTONE GEOTHERMAL AREA

T. 12 N., R. 45 E., Boise M.,
Secs. 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34, 35.
T. 13 N., R. 45 E., Boise M.,
Secs. 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34, 35.
T. 14 N., R. 45 E., Boise M.,
Sec. 34.
Total acreage in Idaho—16,000.

MONTANA

YELLOWSTONE GEOTHERMAL AREA

T. 14 S., R. 5 E., P.M.,
Secs. 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 33, 34.
T. 15 S., R. 5 E., P.M.,
Secs. 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 34.
T. 9 S., R. 8 E., P.M.,
Secs. 22, 23, 24.
T. 9 S., R. 9 E., P.M.,
Secs. 19, 20, 21.
Total acreage in Montana—17,920.

NEW MEXICO

BACA LOCATION NO. 1 GEOTHERMAL AREA

T. 18 N., R. 3 E., NMPM, N½.
T. 19 N., R. 3 E.,
All.
T. 20 N., R. 3 E.,
Secs. 4, 8, 9, 16, 17, 19 through 21, 28 through 33.
T. 18 N., R. 4 E.,
Secs. 2 through 10, 17, 18.
T. 21 N., R. 4 E.,
Secs. 25, 35, 36.
T. 21 N., R. 5 E.,
Secs. 29 through 33.
All of the Baca Location No. 1 Land Grant lying in Tps. 19, 20, and 21 N., Rs. 3, 4, and 5 E., NMPM unsurveyed.
All of the Canyon De San Diego Land Grant lying in T. 19 N., R. 3 E., NMPM.
Total acreage in New Mexico—140,180.

The foregoing lands are temporarily segregated in accordance with 43 CFR 2311.1–2(a).

Lands potentially valuable for geothermal resource development are those areas that may be considered within current knowledge to have relatively high potential for economic development of geothermal resources. Lands which in the future are determined to be potentially valuable for geothermal resource development will be deemed to be temporarily segregated as of the time a notation is made on the tract books that the lands have been classified as potentially valuable for geothermal resource development by the Geological Survey and will be deemed to be withdrawn when a notice of such notation is filed with the FEDERAL REGISTER.

Until April 30, 1967, all persons who wish to submit comments, suggestions, or objections in connection with the revised application may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Washington, D.C. 20240.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the revised application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are all public and acquired lands which are valuable or potentially valuable for geothermal resources.

JOHN O. CROW,
Acting Director.

[F.R. Doc. 67-3244; Filed, Mar. 23, 1967; 8:46 a.m.]

ALL PUBLIC LAND STATES

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application dated February 3, 1967, for withdrawal and reservation of lands was published as F.R. Doc. No. 67-1461 on page 2588 of the issue for February 7, 1967. The applicant agency amended its application on March 21, 1967. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2311, at 10 a.m., on March 24, the segregative effect of the February 3, 1967, application will be terminated except to the extent it was continued in the amendment of March 21, 1967.

JOHN O. CROW,
Acting Director.

MARCH 21, 1967.

[F.R. Doc. 67-3248; Filed, Mar. 23, 1967; 8:47 a.m.]

STANLEY MILTON SWANSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 14, 1967.

Dated: March 14, 1967.

S. M. SWANSON.

[F.R. Doc. 67-3237; Filed, Mar. 23, 1967; 8:46 a.m.]

OIL

Puerto Rico and Virgin Islands; Imports and Exports; Hearing

Notice of public hearing imports of crude oil, unfinished oils, and finished products into Puerto Rico and shipments of unfinished oils and finished products from Puerto Rico and the Virgin Islands.

There are presently pending in the Department several applications for allocations of imports of crude oil and unfinished oils into Puerto Rico to be utilized as feedstocks for both established and proposed petrochemical facilities and for a proposed refinery. There is also pending an application for an allocation to import finished products into Districts I–IV from a refinery located in the Virgin Islands.

In view of these applications and the representations by the Commonwealth of Puerto Rico and the Government of the Virgin Islands of their objectives for the immediate future as they relate to petroleum refining and petrochemicals production, the Department has decided to hold a public hearing in order to receive comments and testimony on all phases of the mandatory oil import program relating to imports into Puerto Rico of crude oil, unfinished oils, and finished products and of the impact on Districts I–IV and V of shipments of petroleum products from Puerto Rico and the Virgin Islands.

The hearing will be held on Thursday, April 20, 1967, beginning at 10 a.m. e.s.t., in the auditorium of the Interior Building, 19th and C Streets NW., Washington, D.C. Elmer L. Hoehn, Administrator, Oil Import Administration, will preside at the hearing.

Persons desiring to testify at the hearing should by Monday, April 17, 1967, notify the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240.

Written comments and statements in copies of five (5) also may be submitted to the Administrator.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 21, 1967.

[F.R. Doc. 67-3295; Filed, Mar. 23, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

DESOLATION VALLEY

Proposal and Hearing Announcement

Notice is hereby given in accordance with the provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m., on April 26, 1967, in County Planning Commission Room, County Office Center, 2850 Cold Spring Road, Placerville, Calif., on a proposal for a recommendation to be made by the Secretary of Agriculture to the President of the United States that a recommendation be submitted to Congress for the establishment of the Desolation Valley Wilderness, comprising about 64,097 acres, including most of the Desolation Valley Primitive Area, and six contiguous areas. The proposed Desolation Valley Wilderness is located within the Eldorado National Forest, El Dorado County, State of California.

A brochure containing a map and information about the proposed Wilderness may be obtained from the Forest Supervisor, Eldorado National Forest, Placerville, Calif. 95667, or the Regional Forester, Appraiser's Building, 630 Sansome Street, San Francisco, Calif. 94111.

Individuals and organizations are invited to express their views by appearing at the hearing or may submit written comments for inclusion in the official record to Regional Forester, Appraiser's Building, 630 Sansome Street, San Francisco, Calif. 94111, by May 26, 1967.

A. W. GREELEY,
Associate Chief, Forest Service.

[F.R. Doc. 67-3241; Filed, Mar. 23, 1967; 8:46 a.m.]

Office of the Secretary

GREAT PLAINS CONSERVATION PROGRAM

Applicability in Jackson County, Okla.

Designation of county within the Great Plains area of the 10 Great Plains States where the Great Plains Conservation Program is specifically applicable.

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p(b)), as amended, the following county in the following State is designated as susceptible to serious wind erosion by reason of its soil types, terrain, and climatic and other factors.

OKLAHOMA

Jackson.

Done at Washington, D.C., this 21st day of March 1967.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 67-3242; Filed, Mar. 23, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

ELECTROMAGNETIC MEASUREMENTS AND STANDARDS

Notice of Offering of Course

A 2-week course in Electromagnetic Measurements and Standards will be offered at Boulder, Colo., August 7–18, 1967, by the Radio Standards Laboratory of the National Bureau of Standards Institute for Basic Standards in association with the Bureau of Continuation Education of the University of Colorado.

The course is intended for professional staff members of industry, university, military, and other government facilities whose responsibilities include precision measurements, standards, quality assurance, and control, etc. Topics will include: (1) A review of basic electromagnetic and circuit theory; and (2) the specification of fundamental electromagnetic standards (such as power, pulse quantities, attenuation, and noise), their operational realization, and their use. Emphasis will be placed on instruments and measurements used by leading standards laboratories to obtain the highest precision and accuracy. Sufficient theory of measurements and errors will be included so that the students may understand the concepts as applied in the course and may use these concepts to analyze other instruments and measurements.

The prerequisites are education equivalent to a B.S. degree in electrical engineering or engineering physics, and a year or more of actual working experience. Tuition is $200.

Registration will be limited and early application should be made to insure consideration. Registration will be closed July 15, 1967. Further details and registration forms will be available March 15, 1967, from: The Bureau of Continuation Education, Room 328, University Memorial Center, University of Colorado, Boulder, Colo.

Dated: March 13, 1967.

A. V. ASTIN,
Director.

[F.R. Doc. 67-3225; Filed, Mar. 23, 1967; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ADMINISTRATOR, SMALL BUSINESS ADMINISTRATION

Delegation of Authority

The Administrator, Small Business Administration, is hereby authorized to:

1. Exercise the power and authority of the Secretary of Housing and Urban Development to make and administer loans to finance rehabilitation under section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), to owners or tenants of nonresidential property in an urban renewal area or an area in which a program of concentrated code enforcement activities is being carried out pursuant to section 117 of the Housing Act of 1949, as amended (42 U.S.C. 1468).

2. Redelegate any of the power and authority herein delegated to officers of the Small Business Administration.

(Sec. 312(f), Housing Act of 1964, as amended, 42 U.S.C. 1452b(f))

Effective date. This delegation of authority shall be effective as of March 20, 1967.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 67-3259; Filed, Mar. 23, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17810, etc.; Order E-24671]

ALLENTOWN-BETHLEHEM-EASTON AND TRANS WORLD AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of March 1967.

Application of Allentown-Bethlehem-Easton, Docket 17810, pursuant to section 401 of the Federal Aviation Act of 1958, as amended; petition of Allentown-Bethlehem-Easton, Docket 17811, for an order to show cause, or, in the alternative, an expedited hearing; and application of Trans World Airlines, Inc., Docket 17861, to delete Allentown-Bethlehem-Easton, Pa., as an intermediate point on Route 2.

On October 12, 1966, the Lehigh-Northampton Airport Authority, representing the cities of Allentown, Bethlehem, and Easton, and the counties of Lehigh and Northampton, Pa. (ABE), filed an application in Docket 17810 requesting that the Board terminate TWA's authority at ABE[1] and substitute Allegheny's service for TWA's by certificating ABE as an intermediate point on segments 3 and 6 of Allegheny's Route 97. Concurrently, ABE filed a petition in Docket 17811 requesting the Board to issue an order to show cause why Allegheny's service should not be substituted for TWA's service at ABE which would, among other things, provide ABE with "direct single-plane service to Boston." In the alternative, ABE requested an expeditious hearing on its application in Docket 17810.

On October 21, 1966, TWA filed an application requesting termination of its authority to serve ABE as an intermediate point on Route 2.

In support of its application and petition, ABE stresses the need for direct air service to Pittsburgh and Boston and its willingness to permit deletion of trunkline service without "extensive and time-consuming litigation" in order to get improved air service without waiting for a final Board decision in the Allegheny Airlines Route 97 Investigation, Docket 17436.[2]

Allegheny and TWA support ABE's application and its petition for a show cause order while United opposes ABE's petition.

Allegheny, in substance, states that the issues raised by ABE are relatively simple and noncontroversial and can be heard in a separate, expedited proceeding without detracting from the basic objectives of the Route 97 Investigation as they relate to ABE. TWA contends that the question of substituting Allegheny's service for TWA at ABE is not an integral part of the Route 97 Investigation and could be heard separately in an uncomplicated proceeding.

United objects to the issuance of a show cause order because the questions raised by ABE's proposal are "too complex" to be disposed of without a full evidentiary hearing. According to United, it has the "sole responsibility" for servicing the ABE-Pittsburgh and ABE-New York markets because TWA is not a factor in either market and the available traffic volume is not sufficient to support operations by two "active" carriers. United believes that the deletion-substitution issue should be heard in the Route 97 Investigation.

After full consideration of the issues raised by ABE's application and petition, TWA's application and the responsive pleadings filed, the Board tentatively finds and concludes that Allegheny's certificate for Route 97 should be amended to add ABE as an intermediate point on Segments 3 and 6, that TWA's certificate for Route 2 should be amended to delete therefrom ABE as an intermediate point,[3] and that those portions of Allegheny flights between the point served immediately before ABE and the point served immediately after ABE shall be ineligible for subsidy. Interested persons will be given 20 days from the date of service of this order to show cause why the tentative findings and conclusions reached herein should not be made final.

Although neither Allegheny nor TWA submitted economic data to support the request that ABE service be provided by Allegheny instead of TWA, the Board's independent analysis indicates that service to ABE by Allegheny would not increase the carrier's subsidy need and would probably result in an appreciable reduction in its system subsidy requirement. We also believe that substitution of Allegheny for TWA at ABE will result in significantly improved service benefits for ABE passengers in key markets without any seriously adverse financial or competitive impact on another carrier.

At the present time ABE is served by three trunkline carriers. Eastern provides north-south service and TWA and United provide east-west service.[4] Both TWA and United provide ABE with service to New York and Pittsburgh. United provides through-plane service beyond Pittsburgh to Cleveland, Chicago, and Salt Lake City while TWA provides a one round trip turnaround service between New York and Pittsburgh through Harrisburg.[5] United uses B-727, Viscount and DC-6B aircraft and TWA's service is with Constellation aircraft.

By adding ABE as a common point on Allegheny's Segments 3 and 6 and assuming that Allegheny will route two existing flights now operated in Pittsburgh-New York/New England markets through ABE, it is estimated that Allegheny will carry an additional 27,806 passengers annually and provide markedly improved services for ABE in these markets (Appendices B and C).[5a,6] The volume of traffic which we expect Allegheny's service at ABE to generate will produce $448,593 in total commercial revenues and operating expenses of $343,682[7] for an operating gain of $104,911 (Appendix D).[5a] After computation for return and taxes, the net financial gain for Allegheny is estimated at $90,195 (Appendix D).[5a] Of course, in the absence of a

[1] ABE is an intermediate point on TWA's Route 2.

[2] In the Route 97 Investigation, the Board has placed in issue the question of whether ABE should be added to Allegheny's Route 97 in such a manner as to provide for single-plane service between ABE and Boston, Buffalo, Cleveland, and Detroit. Order E-23856, June 23, 1966.

[3] Termination of TWA's authority to serve ABE will not be made final until Allegheny is authorized to serve ABE.

[4] ABE is the only city in Pennsylvania now receiving certificated air service which is not served by Allegheny.

[5] OAG, January 1967.

[5a] Appendices A, B, C, and D filed as part of original document.

[6] It appears that the flights selected to serve ABE (App. B)[5a] have sufficient available space to accommodate this traffic in addition to traffic now being carried.

[7] Allegheny's aircraft operating expenses were computed on a circuity mileage basis and not total mileage operated because of the assumption that ABE will be served on existing flights.

service proposal, traffic forecast, and costing analysis by Allegheny, the Board was forced to base its projections on its own assumptions as to how Allegheny would provide the new service. Hence, the Board's calculations are not as reliable as they might have been had Allegheny submitted an operating proposal. While Allegheny may not realize the full $90,000 subsidy reduction, we believe that the Board study is accurate enough to indicate that the ABE operations will probably decrease the carrier's subsidy need.

Aside from subsidy implications, the proposed service has the potential for a significant improvement in public benefits. An important city in eastern Pennsylvania will receive for the first time in 6 years single-plane service to major New England cities[8] without any impairment of service to its other principal communities of interest, and over 20,000 passengers will receive one additional round-trip service in the important New York and Pittsburgh markets and either single-plane or single-carrier service in other Allegheny markets without any significant diversionary impact on any other carrier.[9] Moreover, the deletion of TWA's service at ABE will not result in any appreciable passenger inconvenience. The local passengers now carried by TWA in the ABE-New York/Pittsburgh markets will be accommodated without difficulty on Allegheny's services. Less than 1,400 on-line, connecting passengers now carried on TWA's ABE services will be inconvenienced and then only to the extent that these beyond passengers will be interline rather than on-line connecting passengers at the Pittsburgh and New York gateways. The important point is that TWA's turnaround service in the ABE-New York/Pittsburgh markets is actually a local service which will be replaced on a point to point basis by Allegheny. Further, after ABE is deleted from TWA's Route 2, TWA will be able to focus its energies on the continuing development of traffic in its long haul markets unimpeded by service obligations in ABE's relatively short haul markets in which Allegheny can be expected to offer services tailored to the specific needs of the short haul passenger.

We are not persuaded by United's contention that traffic in the ABE east-west markets is not sufficient for two "active" carriers. The ABE east-west markets generated a total of 87,000 passengers in 1965 and, by 1967, it is anticipated that these markets will generate over 100,000 passengers without any service improvements. Moreover, substitution of the services of Allegheny, a regionally oriented carrier, for those of TWA, a long haul trunkline, should provide a competitive spur in the markets affected for the benefit of the public.

The action which we propose to take herein is in harmony with our policy to act affirmatively in situations which hold promise for route strengthening for local service carriers where it appears that the public will benefit substantially."[10] Since our independent analysis indicates that Allegheny's ABE operations will result in a financial gain for the carrier, we will impose a condition in Allegheny's certificate which will provide that the services operated at ABE be on a subsidy free basis."

In granting interested persons the opportunity to show cause why our tentative findings and conclusions should not be adopted, we expect such persons to support their objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law supported by legal precedent or detailed economic analysis.

Accordingly, it is ordered, That:

1. A proceeding be, and hereby is, instituted in Docket 17811 pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require, and the Board should order, the amendment of the certificates of public convenience and necessity now held by Allegheny and TWA so as to authorize the following:

(a) A new segment 3 on Route 97 to read as follows:

Between the terminal point Pittsburgh, Pa., the intermediate points Johnstown, Altoona, and Harrisburg-York, Pa., and (a) beyond Harrisburg-York, the intermediate point Hazleton, Pa., and the terminal point Scranton-Wilkes-Barre, Pa., and (b) beyond Harrisburg-York, the coterminal points Washington, D.C., and Baltimore, Md., (c) beyond Harrisburg-York the intermediate point Allentown-Bethlehem-Easton, Pa., and the coterminal points New York, N.Y., Newark, N.J., and (d) beyond Harrisburg-York, the intermediate points Lancaster, Pa., Philadelphia, Pa.-Camden, N.J., and (i) beyond Philadelphia, Pa.-Camden, N.J., the coterminal points New York, N.Y. and Newark, N.J. and (ii) beyond Philadelphia, Pa.-Camden, N.J. the terminal point Atlantic City, N.J.

(b) A new segment 6 on Route 97 to read as follows:

Between the terminal point Pittsburgh, Pa., the intermediate point Johnstown, Altoona, Clearfield-DuBois-Phillipsburg, Bellefonte-State College, Williamsport, Hazelton, Scranton-Wilkes-Barre, Pa., Allentown-Bethlehem-Easton, Pa., and (a) beyond Allentown-Bethlehem-Easton, the coterminal points Newark, N.J., and New York, N.Y., and (b) beyond Allentown-Bethlehem-Easton, the intermediate points Bridgeport, and New Haven, Conn., Hartford, Conn.-Springfield, Mass., New London, Conn., and Providence, R.I., and the terminal points Boston, Mass.

(c) A Condition (10) should be added to Allegheny's certificate to read as follows:

Services performed over Segments 3 and 6 to and from Allentown-Bethlehem-Easton, Pa., shall be ineligible for subsidy to the extent that, first, in determining subsidy payments for Allegheny, Allentown-Bethlehem-Easton, Pa., shall not be deemed a "station" or "airport" and second, those portions of flights serving Allentown-Bethlehem-Easton, Pa., between the point served immediately prior to and immediately after Allentown-Bethlehem-Easton, Pa., shall be ineligible for subsidy and the operating statistics related to such portions of flights shall not be considered in any subsidy computation.

(d) The deletion or suspension of Allentown-Bethlehem-Easton, Pa., as an intermediate point on TWA's Route 2.

2. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue to Allegheny and TWA certificates of public convenience and necessity amended in the manner set forth in ordering paragraph 1 above;

3. Any interested persons having objection to issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;[12]

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

6. A copy of this order shall be served upon the following persons who are hereby made parties to this proceeding: Allegheny Airlines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., the cities of Allentown, Bethlehem, and Easton, Pa., the counties of Lehigh and Northampton, Pa., and the Lehigh-Northampton Airport Authority.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-3249; Filed, Mar. 23, 1967; 8:47 a.m.]

[8] ABE does not now receive through-plane service beyond New York to New England points. Although United has authority to provide single-plane service between ABE and Hartford, Providence, or Boston, it has not provided this service since 1961.

[9] While Allegheny's service will divert some revenue from United, this will more than likely be offset by anticipated market growth within a year. Although under the ABE authority proposed, Allegheny could provide service in the ABE-Washington and ABE-Scranton-Wilkes-Barre markets, this does not present a significant competitive threat to Eastern because Eastern has nonstop authority in the major ABE-Washington market while Allegheny would have a mandatory stop at Harrisburg and the traffic generated in the ABE-Scranton-Wilkes-Barre market is minimal.

[10] See orders E-23897, July 5, 1966, and E-23957, July 15, 1966.

[11] Class Rate III-A was reopened as of Jan. 1, 1967 (Order E-24562, Dec. 27, 1966), and as of this date Class Rate IV has not been promulgated. Should the final order in the instant case issue subsequent to promulgation of Class Rate IV, any awards granted in accordance with the tentative findings made herein would, of course, be subject to such ad hoc provisions as are contained in the Class Rate IV order.

[12] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained. Nor shall the filing of any such motions, requests, or petitions for reconsideration operate to stay the effectiveness of paragraph 3.

[Docket No. 16766]

NORTH CENTRAL AIRLINES, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 6, 1967, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., March 20, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-3250; Filed, Mar. 23, 1967; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

FAR EAST CONFERENCE AND PACIFIC WESTBOUND CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Elkan Turk, Jr., Esquire, Burlingham, Underwood, Barron Wright and White, 25 Broadway, New York, N.Y. 10004.

Agreement 8200-2, between the member lines of the Far East Conference (FEC) and the Pacific Westbound Conference (PWC), is a result of the Federal Maritime Commission's decision of July 28, 1965, in Docket 872: "Joint Agreement Between * * * the Far East Conference and * * * the Pacific Westbound Conference," 8 PMC 553 (1965), wherein member lines of both Conferences were directed to cease and desist from carrying out certain agreements supplementary to Agreement 8200 until such time as appropriate modifications had been filed with, and approved by, the Commission.

The purpose of Agreement 8200-2 is to describe the nature and extent of the cooperative rate making action to be pursued by the two Conferences upon approval, and to detail the procedures by which such action will be taken.

By virtue of approved Agreement 17, the FEC is authorized to establish the rates, rules, and regulations pertaining to the carriage of cargo from Atlantic and Gulf ports of the United States to Japan, Korea, Okinawa, Philippines, Hong Kong, Formosa, and South Viet Nam. By substantially similar authority in the form of Agreement 57, the PWC enjoys the same prerogatives with respect to cargo moving from Pacific Coast ports to the same destinations.

In addition to outlining the procedures for the conduct of joint meetings between the two conferences, Agreement 8200 details how the business of the two conferences is to be conducted between meetings; what information is to be transmitted between each; what rate actions each may take in response to rate actions of the other; and an understanding as to the freight rate differentials between Atlantic and Gulf ports and Pacific Coast ports that each Conference will maintain.

Dated: March 21, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-3257; Filed, Mar. 23, 1967; 8:47 a.m.]

[Independent Ocean Freight Forwarder License 527]

PATTERSON, WYLDE & CO.

Notice of Compliance With Order To Show Cause

Notice is hereby given that Patterson, Wylde & Co., 156 State Street, Boston, Mass. 02109, has complied with the Commission's Order To Show Cause dated March 9, 1967, and published in the FEDERAL REGISTER (32 F.R. 4144), by filing an effective surety bond with the Commission.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-3258; Filed, Mar. 23, 1967; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

WACHOVIA BANK AND TRUST CO.

Order Approving Merger of Banks

In the Matter of the application of Wachovia Bank and Trust Co., Winston-Salem, N.C., for approval of merger with First National Bank of Morganton.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89-356), an application by Wachovia Bank and Trust Co., Winston-Salem, N.C., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and First National Bank of Morganton, Morganton, N.C., under the charter and title of Wachovia Bank and Trust Co. As an incident to the merger, the four offices of First National Bank of Morganton would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all revelant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided,* That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order.

Dated at Washington, D.C., this 16th day of March 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-3235; Filed, Mar. 23, 1967; 8:45 a.m.]

BANK OF SUSSEX COUNTY

Order Denying Application for Approval of Merger of Banks

In the Matter of the application of The Bank of Sussex County, Franklin, N.J., for approval of merger with The Hardyston National Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C 1828(c), Public Law 89-356), an application by The Bank of Sussex County, Franklin, N.J., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Hardyston National Bank, Hamburg, N.J., under the charter and title of The Bank of Sussex County. As an incident to the merger, the three offices of The Hardyston National Bank would become branches of the resulting bank. Notice of the proposed merger, in form

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Chairman Martin, and Governors Shepardson, Mitchell, Daane, Maisel, and Brimmer. Voting against this action: Governor Robertson.

approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is denied.

Dated at Washington, D.C., this 16th day of March 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-3236; Filed, Mar. 23, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3992 etc.]

BELVA H. MULLAN ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1a]

MARCH 15, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 6, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant[9] indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3992 2-3-67 [1]	Belva H. Mullan, agent (formerly Marrowbone Gas Co.), Post Office Box 246, Catlettsburg, Ky. 41129.	United Fuel Gas Co., Marrowbone Creek, Mingo County, W. Va.	16.0	15.325
G-6304 E 1-9-67	D. E. & R. J. Whelan, Inc. (successor to D. E. & R. J. Whelan, a partnership), c/o Elmon W. Holmes, attorney, Post Office Box 1574, Shreveport, La. 71102.	Texas Eastern Transmission Corp., Whelan Field, Harrison County, Tex.	[2] 13.0575	14.65
G-9426 C 2-1-67	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al., Box 2120, Houston, Tex. 77001.	Wunderlich Development Co., acreage in Kay County, Okla.	7.2	14.65
G-10122 C 3-6-67	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., West Delta Area, Offshore La.	19.5	15.025
G-19838 C 3-6-67	do	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Grand Isle Area, Offshore La.	19.5	15.025
C160-738 C 3-6-67	Ashland Oil & Refining Co.,[3] Post Office Box 18695, Oklahoma City, Okla. 73118.	Panhandle Eastern Pipe Line Co., acreage in Major and Dewey Counties, Okla.	15.0	14.65
C161-1640 C 3-2-67	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., Vermilion Block 131 Field, Offshore La.	19.0	15.025
C163-749 E 3-6-67	Pan American Petroleum Corp. (successor to Barnwell, Inc.), Post Office Box 591, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Chenière Field, Ouachita Parish, La.	[4] 18.33	15.025
C163-1286 E 2-2-67 [5]	Sunray DX Oil Co. (Operator) et al. (formerly Salem Oil Corp. (Operator) et al.), Post Office Box 2039, Tulsa, Okla. 74102.	Valley Gas Transmission, Inc., Rio John and West Maetze Fields, Goliad County, Tex.	12.25	14.65
C164-708 1-26-67 [6]	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Worsham Field, Reeves County, Tex.	16.5	14.65
C165-997 C 3-6-67	Continental Oil Co	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	13.0	15.025
C165-1159 C 3-6-67	Tenneco Oil Co. et al., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	13.0	15.025
C167-301 C 2-13-67 [7]	Horizon Oil & Gas Co. of Texas (Operator) et al., Hartford Bldg., Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., Hallock Block, Meade County, Kans.	[8] 16.0	14.65
C167-332 3-3-67 [9]	Continental Oil Co. (Operator) et al.	Arkansas Louisiana Gas Co., Kinta Field (Moffat Area), Sequoyah County, Okla.	15.0	14.65
C167-959 B 1-25-67	Dean Wells et al., Ellinwood, Kans. 67526.	Panhandle Eastern Pipe Line Co., acreage in Edwards County, Kans.	Depleted	-------
C167-1189 A 3-1-67	Beeksy Co., Inc., 405 Oak Plaza Bldg., 3707 Rawlins St., Dallas, Tex. 75219.	Lone Star Gas Co., acreage in Panola County, Tex.	15.0	14.65
C167-1190 A 3-1-67	Caroline Hunt Sands and Loyd B. Sands, 1401 Elm St., Dallas, Tex. 75202.	United Gas Pipe Line Co., Port Barre Area, St. Landry Parish, La.	20.0	15.025
C167-1191 B 3-1-67	Robert Mosbacher, c/o W. H. Drushel, Jr., attorney, Vinson, Elkins, Weems & Searls, 2100 First City National Bank Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., East Poehler Field, Goliad County, Tex.	[10]	-------
C167-1192 B 3-2-67	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Englehart Field, Colorado County, Tex.	[10]	-------
C167-1193 A 3-3-67	Hartley May No. 1, c/o Lendol Rogers, agent, Arnoldsburg, W. Va. 25234.	Cabot Corp., Washington District, Calhoun County, W. Va.	12.8	15.325
C167-1194 A 3-2-67	Gulf Oil Corp.	Lone Star Gas Co., Danville Field, Gregg County, Tex.	[11] 16.56	14.65
C167-1195 B 3-3-67	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex. 76107.	Panhandle Eastern Pipe Line Co., Lerado Field, Reno and Kingman Counties, Kans.	Depleted	-------
C167-1196 A 3-3-67	Lock 3 Oil, Coal & Dock Co. et al., 415 Porter Bldg., Pittsburgh, Pa. 15219.	Consolidated Gas Supply Corp., Warren District, Upshur County, W. Va.	25.0	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Mitchell, Daane, Maisel, and Brimmer.

[1a] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-1197 A 3-3-67	Arco Petroleum Co., 8300 Santa Monica Blvd., Los Angeles, Calif. 90069.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
C167-1198 (CS66-62) F 3-1-67	Sunset International Petroleum Corp. (successor to Wolfson Oil Co.), 8920 Wilshire Blvd., Beverly Hills, Calif. 90211.	El Paso Natural Gas Co., Langlie Mattix Field, Lea County, N. Mex.	10.0	14.65
C167-1199 B 3-3-67	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., Willow Springs Field, Gregg County, Tex.	Depleted	-------
C167-1200 A 3-3-67	Lock 3 Oil, Coal & Dock Co. et al.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	25.0	15.325
C167-1201 B 3-3-67	George Mitchell & Associates, Inc., agent for Mitchell & Mitchell Gas & Oil Corp. et al., 12th Floor, Houston Club Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Buttermilk (Slough) Field, Matagorda County, Tex.	Depleted	-------
C167-1202 A 3-2-67	MPS Production Co. (Operator) et al., 1410 Bank of the Southwest Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Anna Barre Field, DeWitt County, Tex.	15.0	14.65
C167-1203 A 3-1-67	Lamar Hunt, 1401 Elm St., Dallas, Tex. 75202.	United Gas Pipe Line Co., Port Barre Area, St. Landry Parish, La.	20.0	15.025
C167-1204 A 3-2-67	Don D. Montgomery and Gilbert Montgomery, Post Office Box 747, El Dorado, Ark. 71730.	Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla.	[11] 14.0	14.65
C167-1206 A 3-2-67	Union Texas Petroleum, a division of Allied Chemical Corp. et al.	Southern Union Gathering Co., Basin Dakota Field, San Juan County, N. Mex.	14.0	14.65
C167-1207 A 3-2-67	do	Lone Star Gas Co., North Durant Field, Bryan County, Okla.	[12] 15.0	14.65
C167-1208 A 3-3-67	Atlantic Richfield Co	United Gas Pipe Line Co., East Franklin Field, St. Mary Parish, La.	21.25	15.025
C167-1209 A 3-3-67	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	Trunkline Gas Co., South Thornwell and Southwest Lake Arthur Fields, Cameron Parish, La.	21.25	15.025
C167-1210 A 3-6-67	McCullough Oil & Gas Co., Inc., et al., Post Office Box 625, Parkersburg, W. Va. 26102.	Consolidated Gas Supply Corp., Parkersburg District, Wood County, W. Va.	25.0	15.325
C167-1211 A 3-6-67	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., McCurtain North Field, Le Flore County, Okla.	[13] 15.0	14.65
C167-1212 A 3-6-67	Stydahar Oil & Gas Co., c/o L. L. Crawford, partner, 116 South Fifth St., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	25.0	15.325
C167-1213 A 3-6-67	Kirby Royalties, Inc., et al., Post Office Box 1745, Houston, Tex. 77001.	Mountain Fuel Supply Co. West Side Canal Area, Moffat County, Colo.	15.0	15.025
C167-1214 A 3-6-67	Arnold Petroleum, Inc. (Operator), et al., 700 United Founders Tower, Oklahoma City, Okla. 73102.	Oklahoma Natural Gas Gathering Corp. & National Fuels Corp., Ringwood Field, Major County, Okla.	12.0	14.65
C167-1215 A 3-6-67	Woods Petroleum Corp., 4900 North Santa Fe, Oklahoma City, Okla. 73118.	Panhandle Eastern Pipe Line Co., Southeast Arnett Field, Ellis County, Okla.	17.0	14.65
C167-1216 (G-7508) F 3-3-67	Mobil Oil Corp. (successor to Little Nick Oil Co.).	Arkansas Louisiana Gas Co., South Cement Field, Caddo County, Okla.	12.0	14.65
C167-1217 A 2-27-67	Dugan Production Corp., Post Office Box 234, Farmington, N. Mex. 87401.	El Paso Natural Gas Co., Dakota Formation, Rio Arriba County, N. Mex.	[14] 14.053625	15.025
C167-1218 A 2-28-67	Kalb and Kalb, 125 East King St., South Zanesville, Ohio 43701.	The Manufacturers Light & Heat Co., Warsaw Township, Jefferson County, Pa.	20.0	15.325
C167-1219 A 3-1-67	do	do	20.0	15.325
C167-1220 A 3-1-67	do	do	20.0	15.325
C167-1221 A 2-28-67	do	do	20.0	15.325
C167-1222 A 3-6-67	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Panhandle Eastern Pipe Line Co., South Bishop Field, Ellis County, Okla.	[8] 17.0	14.65
C167-1223 A 3-8-67	Sesco Production Co., Operator, c/o Paul E. French, counsel, Post Office Box 309, Longview, Tex. 75601.	Lone Star Gas Co., Henderson South Travis Peak and Henderson South Travis Peak "A" Fields, Rusk County, Tex.	14.99	14.65
C167-1224 A 3-7-67	Joe N. Champlin, 700 First National Bank Bldg., Enid, Okla. 73701.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[8] 17.0	14.65
C167-1225 A 3-8-67	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Cities Service Gas Co., Bishop Area, Ellis County, Okla.	17.0	14.65

[1] Application to amend certificate issued to Marrowbone Gas Co. to reflect Belva H. Mullan, agent, as certificate holder in lieu of Marrowbone Gas Co.

[2] Rate increase to 14.0575 cents suspended in Docket No. RI62-39.

[3] Applicant states its willingness to accept permanent authorization for the additional acreage conditioned as Opinion No. 350.

[4] Includes 1.33 cents per Mcf tax reimbursement.

[5] Applicant is filing as successor in interest to B. E. Oil, Inc., an "et al" party under the certificate issued to Salem Oil Corp. (Operator) et al., and to succeed Salem as Operator of said properties.

[6] Amendment to the certificate filed to add interest of nonsignatory coowners.

[7] Adds interest of coowners.

[8] Subject to upward and downward B.t.u. adjustment.

[9] Well ceased to produce.

[10] Includes 0.56 cent per Mcf tax reimbursement.

[11] Subject to reduction for dehydration and compression charges.

[12] Subject to 0.5 cent per Mcf deduction for dehydration and 2 cents per Mcf deduction until Buyer has recovered a total amount of $15,000 for line investment.

[13] Subject to deduction for compression.

[14] Includes 0.053625 cent per Mcf tax reimbursement and 1 cent per Mcf minimum guarantee for liquid products.

[F.R. Doc. 67-3168; Filed, Mar. 23, 1967; 8:45 a.m.]

[Docket No. CP67-257]

GREAT RIVER GAS CO., AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

MARCH 16, 1967.

Take notice that on March 9, 1967, Great River Gas Co. (Applicant), Post Office Box 367, Aurora, Ill. 60507, filed in Docket No. CP67-257 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver natural gas to Applicant for distribution and resale to the public in and around the municipalities of Memphis, Arbela, and Granger in Scotland County, the municipalities of Luray, Kahoka, Wayland, and Alexandria, and the unincorporated communities of Ashton and Medill in Clark County, the municipalities of Edina and Knox City in Knox County, the municipalities of La Belle, Lewistown, Monticello, Canton, and La Grange in Lewis County and the unincorporated communities of West Quincy and Taylor in Marion County, all in the State of Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate gas distribution facilities consisting of approximately 29 miles of 10-inch, 71 miles of 6-inch, 32 miles of 4-inch, 43 miles of 2-inch and 64 miles of 1-inch coated and wrapped steel gas main, with welded joints, and related appurtenances, services, meters, and regulators.

Applicant also proposes to construct and operate an odorizing and regulating station at which it would purchase and receive natural gas from Respondent.

Applicant states that Respondent has advised that it is willing to construct the facilities and make the sale requested by Applicant upon the securing by Applicant of the appropriate authorization from the Commission.

Applicant estimates the requirements of its customers for the first 3 calendar years as follows:

Year	Maximum daily requirements (Mcf)	Maximum annual requirements (Mcf)
First	7,460	999,400
Second	8,190	1,116,700
Third	8,400	1,143,200

Applicant estimates the cost of its proposed construction at approximately $3,572,500 and the cost of Respondent's proposed facilities at approximately $30,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and

procedure (18 CFR 1.8 or 1.10) on or before April 17, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3231; Filed, Mar. 23, 1967; 8:45 a.m.]

[Docket No. CP67-256]

PLAQUEMINES OIL AND GAS CO., INC.

Notice of Application

MARCH 16, 1967.

Take notice that on March 8, 1967, Plaquemines Oil and Gas Co., Inc. (Applicant), Highway 31, Buras, La. 70041, filed in Docket No. CP67-256 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell volumes of natural gas to Tennessee for use as compressor fuel pursuant to a gas sales contract between Applicant and Tennessee dated June 14, 1956, as amended. Applicant obtains the gas sold to Tennessee by purchase from Woods Oil and Gas Co. (Operator) et al. (Woods), pursuant to a contract dated September 7, 1956, as amended, and from Humble Oil & Refining Co. (Humble), pursuant to a contract dated March 1, 1966, as amended, from wells in the Potash Field, Plaquemines Paris, La. Said natural gas is transported by Delta Gas Inc. (Delta) from delivery points at the wellheads through Delta's facilities to Nairn, La., where such gas is compressed and delivered to Tennessee at a point adjacent to Delta's pipeline. Some of the gas purchased by Applicant from Woods and Humble is sold to Delta for use by Delta in its local distribution operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 17, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3232; Filed, Mar. 23, 1967; 8:45 a.m.]

[Docket No. CP66-346]

SOUTH TEXAS NATURAL GAS GATHERING CO., AND TRUNKLINE GAS CO.

Notice of Petition To Amend

MARCH 16, 1967.

Take notice that on March 9, 1967, South Texas Natural Gas Gathering Co. (South Texas), Post Office Drawer 521, Corpus Christi, Tex. 78403, and Trunkline Gas (Trunkline), Post Office Box 1642, Houston, Tex. 77001 (Petitioners), filed in docket No. CP66-346 a petition to amend the order issued by the Commission August 19, 1966, by authorizing the establishment of a new delivery point for the exchange of natural gas between Petitioners, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioners have agreed, by amendment dated February 13, 1967, on an additional delivery point in Beauregard Parish, La. South Texas has entered into a gas purchase agreement dated July 25, 1966, with Bradco Oil and Gas Co. et al., for the purchase of gas in the North Starks Field, Calcasieu Parish, La., and South Texas intends to use such gas in the exchange with Trunkline at the new point of redelivery in Beauregard Parish, La.

Trunkline will construct the necessary measuring equipment at the additional redelivery point in Beauregard Parish, La. South Texas will not construct any facilities.

Trunkline estimates the cost of the proposed facilities at approximately $9,000, said cost to be financed by funds on hand. South Texas will, except for the cost of the meter run manifold, reimburse Trunkline for all cost and expenses incurred.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 17, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3233; Filed, Mar. 23, 1967; 8:45 a.m.]

[Docket No. CP67-258]

TENNESSEE GAS PIPELINE CO.

Notice of Application

MARCH 16, 1967.

Take notice that on March 9, 1967, Tennessee Gas Pipeline Co. (Applicant), a division of Tenneco Inc., Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP67-258 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas purchase facilities during the calendar year 1967, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate field facilities to enable it to take into its certificated main pipeline system natural gas which will be purchased from producers thereof. Applicant states that the purpose of this application is to enable it to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of proposed facilities will not exceed a maximum of $2,500,000. The total cost of any single offshore purchase facility will not exceed $750,000 and the total cost of any single onshore facility will not exceed $500,000. Applicant requests a waiver of the provisions of § 2.58(a)(2) of the Commission's rules of practice and procedure, wherein "budget-type" authorization is limited to a single project total cost of $500,000, and bases its request on the grounds that offshore locations require higher costs and therefore should have a higher single project limitation.

Applicant states that the proposed facilities will be financed from general funds or revolving credit.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 17, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3234; Filed, Mar. 23, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4467]

COLUMBIA GAS SYSTEM, INC., ET AL.

Notice of Proposed Issue and Sale of Installment Notes and Common Stock by Subsidiary Companies to Holding Company and Open Account Advances by Holding Company to Subsidiary Companies

MARCH 20, 1967.

In the matter of the Columbia Gas System, Inc., 120 East 41st Street, New York, N.Y. 10017, United Fuel Gas Co., Atlantic Seaboard Corp., Columbia Gas of Kentucky, Inc., Virginia Gas Distribution Corp., Kentucky Gas Transmission Corp., Blue Ridge Gas Co., Columbia Gas of Ohio, Inc., The Ohio Fuel Gas Co., The Ohio Valley Gas Co., The Preston Oil Co., Columbia Gas of Pennsylvania, Inc., The Manufacturers Light and Heat Co., Home Gas Co., Columbia Gas of New York, Inc., Columbia Gas of Maryland, Inc., Cumberland and Allegheny Gas Co., Columbia Gulf Transmission Co.; 70-4467.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its above-named wholly owned subsidiary companies (hereinafter referred to collectively as the "subsidiary companies", and individually as "United Fuel," "Seaboard," "Columbia of Ky.," "Distribution," "Kentucky Gas," "Blue Ridge," "Columbia of Ohio," "Ohio Fuel," "Ohio Valley," "Preston," "Columbia of Pa.," "Manufacturers," "Home," "Columbia of N.Y.," "Columbia of Md.," "Cumberland," and "Columbia Gulf") have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The subsidiary companies propose to issue and sell, and Columbia proposes to acquire, on or before March 31, 1968, (a) unsecured installment notes not in excess of the respective amounts set forth below and (b) common stock, at the par value, in the respective amounts set forth below. Columbia also proposes to advance on open account to certain of the subsidiary companies, from time to time during 1967, up to the respective amounts set forth below.

	Common stock	Installment notes	Advances
United Fuel		$14,125,000	$14,800,000
Seaboard	$5,350,000	8,050,000	5,500,000
Columbia of Kentucky	1,150,000	1,650,000	525,000
Distribution	150,000	750,000	300,000
Kentucky Gas		500,000	1,350,000
Blue Ridge	275,000	150,000	25,000
Columbia of Ohio	3,000,000	10,500,000	4,000,000
Ohio Fuel		10,000,000	33,000,000
Ohio Valley		1,200,000	700,000
Preston	5,500,000	9,300,000	
Columbia of Pennsylvania	1,000,000	6,000,000	2,000,000
Manufacturers		10,000,000	10,000,000
Home		400,000	2,500,000
Columbia of New York	250,000	750,000	175,000
Columbia of Maryland		300,000	
Cumberland		1,000,000	125,000
Columbia Gulf	8,000,000	22,000,000	
Totals	24,675,000	96,675,000	75,000,000

The subsidiary companies will use the proceeds from the issue and sale of their notes and common stock to finance a part of their respective construction programs, which, in the aggregate, are estimated for 1967 to require expenditures of $138,348,500. The proceeds of the open account advances will be used by the subsidiaries to purchase natural gas for inventory and for the prepayment of winter service gas.

The installment notes will be dated when issued, will be payable in 25 equal annual installments on January 15 of each of the years 1969-93, inclusive, and may be prepaid at any time, in whole or in part, without premium. Interest will accrue from the date of issue and is to be paid semiannually on the unpaid principal balance. The open account advances will be made from time to time during 1967 and will be paid by the subsidiary companies in three equal installments on February 26, March 25, and April 25, 1968.

The interest rate on all notes issued prior to the next sale by Columbia of its senior debentures will be 6.3 percent, being the cost of money (adjusted to the next lower one-tenth of 1 percent) to Columbia of its last-sold debentures. After the next sale of senior debentures, the interest rate on all notes herein authorized, whether issued prior to or after such sale, will bear interest equal to the cost of money (adjusted as above) to Columbia of such senior debentures. The interest rate on the proposed open account advances will be identical with the interest rate to be paid by Columbia on borrowings from banks which Columbia expects to make to provide the funds for such advances, and will be the prime rate in effect at the time the bank borrowings are negotiated. The issue and sale by Columbia of its senior debentures and the proposed bank borrowings will be the subject of future filings with the Commission.

The expenses to be paid by Columbia and by the subsidiary companies in connection with the proposed transactions are estimated at $300 and $3,600, respectively.

The application-declaration states that the following State commissions have jurisdiction over certain of the proposed transactions: Pennsylvania Public Utility Commission, Public Service Commission of West Virginia, Public Utilities Commission of Ohio, State Corporation Commission of Virginia, Kentucky Public Service Commission, and New York Public Service Commission. It is also stated that the orders of said Commissions will be filed with this Commission by amendment and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 3, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-3238; Filed, Mar. 23, 1967; 8:46 a.m.]

[70-4469]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Short-Term Promissory Notes

MARCH 20, 1967.

Notice is hereby given that Jersey Central Power & Light Co. ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered

holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

JCP&L requests that, for the period commencing on the granting of this application and ending on March 31, 1968, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act relating to the issue and sale of short-term notes be increased from 5 percent to 10 percent of the principal amount and par value of other securities of JCP&L at the time outstanding. Based upon the securities of JCP&L outstanding at February 28, 1967, the proposed increase in such exempt borrowing authority would permit JCP&L to have outstanding at any one time an aggregate of $30,900,000 of short-term notes to banks. The filing states that JCP&L had $4,300,000 principal amount of such notes outstanding at the date of this application.

The new notes will bear interest at the prime rate for commercial borrowings at the date of issue of the note from the bank from which such borrowing is made, will mature not later than 9 months from the date of issue, will be prepayable at any time without premium, and will not be issued as a part of a public offering.

Although no commitments or agreements for such borrowings have been made, if this application is granted by the Commission, JCP&L expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks, the maximum to be borrowed and outstanding from each such bank being as follows:

Banks	*Amounts*
Chemical Bank New York Trust Co., New York, N.Y.	5,000,000
The Chase Manhattan Bank (N.A.), New York, N.Y.	4,000,000
Bankers Trust Co., New York, N.Y.	3,000,000
Fidelity Union Trust Co., Newark, N.J.	4,000,000
First National State Bank of New Jersey, Newark, N.J.	1,000,000
National Newark & Essex Bank, Newark, N.J.	1,000,000
The Monmouth County National Bank, Red Bank, N.J.	700,000
Trust Company National Bank, Morristown, N.J.	700,000
First Merchants National Bank, Asbury Park, N.J.	500,000
New Jersey National Bank & Trust Co., Asbury Park, N.J.	600,000
The First National Iron Bank of New Jersey, Morristown, N.J.	500,000
The National State Bank, Elizabeth, N.J.	400,000
The First National Bank of Jersey City, N.J.	600,000
Summit and Elizabeth Trust Co., Summit, N.J.	600,000
The National Union Bank of Dover, Del.	300,000
Total	30,900,000

JCP&L proposes to utilize the proceeds of the contemplated borrowings for the purpose of financing its business as a public-utility company, including provisions for construction expenditures, repayment of other short-term borrowings, and the temporary reimbursement of its treasury for construction expenditures provided therefrom. JCP&L's construction program for 1967 contemplates gross construction costs of approximately $70 million. JCP&L will apply the net proceeds from any permanent debt financing effected prior to the maturity of all notes issued and outstanding under this application in reduction of, or in total payment of, such outstanding notes, and the maximum amount of indebtedness which may be incurred by JCP&L under this application will be reduced by the amount of the net proceeds of any such permanent debt financing.

The application states that JCP&L's expenses incident to the proposed issuance of notes will be approximately $3,000, including legal fees of $2,650; and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. However, it is also stated that approval by the Board of Public Utility Commissioners of the State of New Jersey will be required for a renewal, extension, or replacement of any notes issued by JCP&L, if, as a result thereof, the loan evidenced thereby is not repaid within 12 months of the original date of the note or notes.

Notice is further given that any interested person may, not later than April 18, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority.)

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3239; Filed, Mar. 23, 1967; 8:46 a.m.]

RAND DEVELOPMENT CORP.

Order Suspending Trading

MARCH 20, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 5 cents par value, of Rand Development Corp., Cleveland, Ohio, and the Class B Common Stock, 5 cents par value, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 21, 1967, through March 30, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3240; Filed, Mar. 23, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 21, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40952—*Sulphuric acid to Mobile, Ala.* Filed by O. W. South, Jr., agent (No. A5002), for interested rail carriers. Rates on sulphuric acid, in tank carloads, and in tank carloads, subject to minimum shipment of five tank carloads, from Baton Rouge, La., to Mobile, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 14 to Southern Freight Association, agent, tariff ICC S-671.

FSA No. 40953—*Sulphuric acid to Jackson, Miss.* Filed by O. W. South, Jr., agent (No. A5003), for interested rail carriers. Rates on sulphuric acid, in tank carloads, from Le Moyne, Ala., to Jackson, Miss.

Grounds for relief—Market competition.

Tariff—Supplement 14 to Southern Freight Association, agent, tariff ICC S-671.

FSA No. 40954—*Sulphuric acid to Cedar Springs, Ga.* Filed by O. W. South, Jr., agent (No. A5004) for interested rail carriers. Rates on sulphuric acid, in tank carloads, subject to minimum shipment of five tank carloads, from Baton Rouge, La., to Cedar Springs, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 14 to Southern Freight Association, agent, tariff ICC S-671.

FSA No. 40955—*Sulphuric acid to Panama City, Fla.* Filed by O. W. South, Jr., agent (No. A5005), for interested rail carriers. Rates on sulphuric acid, in tank carloads, from Copperhill, Tenn., to Panama City, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 14 to Southern Freight Association, agent, tariff ICC S-671.

FSA No. 40956—*Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 380), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in middlewest and Canadian territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 13 to Middlewest Motor Freight Bureau, agent, tariff MF-ICC 498.

FSA No. 40957—*Substituted service—Atlantic Coast Line, et al., for United Parcel Service, Inc.* Filed by United Parcel Service, Inc., for itself and interested rail carriers. Rates on property moving in trailers and transported on railroad flatcars, between Chicago, Ill., Cincinnati, Ohio, New York, N.Y., and Alexandria, Va., on the one hand, and Atlanta, Ga., on the other; between Chicago, Ill., New York, N.Y., and Alexandria, Va., on the one hand, and Jacksonville, Fla., on the other; also between Chicago, Ill., on the one hand, and Miami, Fla., and Nashville, Tenn., on the other.

Grounds for relief—Motortruck competition.

FSA No. 40958—*Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 381), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory; between points in middlewest territory, on the one hand, and points in Central States, southwestern, Alaskan, and Canadian territories, on the other, also between points in southwestern territory, on the one hand, and points in Central States, Alaskan, and Canadian territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 13 to Middlewest Motor Freight Bureau, agent, tariff MF-ICC 498.

FSA No. 40959—*Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 382), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory; on the one hand, and points in Central States, southwestern, and Canadian territories, on the other; between points in Central States territory, on the one hand, and points in southwestern and Canadian territories, on the other; also between points in southwestern territory and Canadian territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 13 to Middlewest Motor Freight Bureau, agent, tariff MF-ICC 498.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3254; Filed, Mar. 23, 1967; 8:47 a.m.]

[Notice 354]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 21, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4883 (Sub-No. 36 TA), filed March 17, 1967. Applicant: THE GUYOTT COMPANY, a corporation, 176 Forbes Avenue, New Haven, Conn. 06108. Applicant's representative: Sidney Goldstein, 109 Church Street, New Haven, Conn. 06510. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank or hopper type vehicles, from North Haven, Conn., to Framingham, Mass., and *rejected shipments*, on return, for 180 days. Supporting shipper: Keystone Portland Cement Co., 1400 South Penn Square, Philadelphia, Pa. 19102. Send protests to: David J. Kiernan, District Supervisor, Bureau of Operations and Compliance, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 30605 (Sub-No. 139 TA) (Republication), filed August 18, 1966, published FEDERAL REGISTER, issue of August 25, 1966, and republished, this issue. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman, Post Office Box 56, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Marietta, Okla., and Dallas, Tex.: From Marietta over U.S. Highway 77 (Interstate 35) to Dallas, and return over the same route, serving no intermediate points, for 180 days. An Order of the Commission, Division 1, acting as an Appellate Division, dated March 7, 1967, served March 10, 1967, orders, among other things, that notice of the filing of the temporary authority application, including advice that the applicant proposes to join and combine operations at Marietta, Okla., and interline at Dallas, Tex., shall be given by publication of a summary of the authority sought in the FEDERAL REGISTER, and that any interested persons who can and will provide all or any part of the proposed service may protest such application within 15 days after republication of the summary. Supporting shippers: There are approximately 138 statements from supporting shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 52858 (Sub-No. 107 TA), filed March 17, 1967. Applicant: CONVOY COMPANY, a corporation, 3900 Northwest Yeon Avenue, Portland, Oreg. 97210. Applicant's representative: John C. Youell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, from the plantsite of Thiokol Chemical Corp. at Logan, Utah, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and Alaska, for 150 days. Supporting shipper: Thiokol Chemical Corp., Post Office Box 407, Logan, Utah 84321. Send protests to: S. F. Martin, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 52869 (Sub-No. 86 TA), filed March 15, 1967. Applicant: NORTHERN TANK LINE, Post Office Box 990, 511 Pleasant Street, Miles City, Mont. 59301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Billings, Mont., to points in Park, Washakie, Big Horn, and Hot Springs Counties, Wyo., for 180 days. Support-

ing shipper: Y–V Fertilizer Corp., Northern Pacific Industrial Site, Post Office Box 2091, Billings, Mont. 59101. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 64932 (Sub-No. 429 TA), filed March 15, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydraulic oil*, in bulk, in tank vehicles, from Bedford, Ind., to St. Charles, Mo., for 180 days. Supporting shipper: Findett Service Co., Rural Route No. 1, Box 13–C, St. Charles, Mo. 63301. Send protests to: District Supervisor Charles J. Kudelka, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 107403 (Sub-No. 710 TA), filed March 16, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch emulsion*, liquid in bulk, in tank vehicles, from Toledo, Ohio, to Detroit, Mich.; Brookfield, Ill.; St. Louis and North Kansas City, Mo.; and Buffalo, N.Y., for 180 days. Supporting shipper: Maintenance, Inc., Wooster, Ohio 44691. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 542 TA), filed March 16, 1967. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products*, in bulk, from Cedar Rapids, Iowa, to Chicago, Ill.; Denver, Colo.; Omaha, Nebr.; Buffalo, N.Y.; and Toledo, Ohio, for 180 days. Supporting shipper: National Oats Co., Cedar Rapids, Iowa 52402. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC–110525 (Sub-No. 820 TA), filed March 15, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, (1) from New York and Peekskill, N.Y., to points in New Jersey, Delaware, Maryland, and Pennsylvania, and (2) from Peekskill, N.Y., to Hartford, Melrose, Meriden, North Haven, Portland, Salisbury, and Seymour, Conn.; Westerly, R.I.; Adams, Boston, Littleton, South Deerfield, and Sterling, Mass.; Brunswick, Eastport, South Paris, and Buckfield, Maine; and Greenville, N.H., for 180 days. Supporting shipper: Standard Brands Inc., Standard Brands Building, 625 Madison Avenue, New York, N.Y. 10022. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations and Compliance, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 124796 (Sub-No. 28 TA), filed March 15, 1967. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 7236 East Slauson Avenue, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, 605 South 14th, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buffing, polishing, cleaning, and scouring compounds; liquid starch and solvents* in containers; *sponges and advertising materials and displays* moving therewith from Kankakee, Ill., to Detroit, Mich., for 180 days. Supporting shipper: Simoniz Co., 110 North Wacker Drive, Chicago, Ill. 60606. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 124813 (Sub-No. 37 TA), filed March 16, 1967. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (other than liquid), from Muscatine, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, and South Dakota, for 180 days. Supporting shipper: Farmland Industries, Inc., Post Office Box 7305, Kansas City, Mo. 64116. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 126045 (Sub-No. 6 TA), filed March 17, 1967. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 2333 Rockingham Road, Post Office Box 3122, Davenport, Iowa 52802. Applicant's representative: Eugene D. Anderson, 135 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk or in packages, from Muscatine, Iowa, specifically the Farmland Industries, Inc., plant near Muscatine, Iowa, to points in Illinois, Minnesota, Missouri, and South Dakota, for 180 days. Supporting shipper: Farmland Industries, Inc., Post Office Box 7305, Kansas City, Mo. 64116. Send protests to: Chas C. Biggers, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 332 Federal Building, Davenport, Iowa 52801.

No. MC 126145 (Sub-No. 9 TA), filed March 15, 1967. Applicant: PHILLIPS TRUCKING, 20299 Valley Boulevard, Rialto, Calif. 92376. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregates* (except cement used in the manufacture of concrete or concrete products), in bulk, in dump or hopper-type equipment, from points in San Bernardino and Ventura Counties, Calif., to points in Nevada, and *aggregates* (except cement, used in the manufacture of concrete and concrete products), in bag and in bulk, in dump or hopper or flat rack equipment, from points in Riverside County, Calif., to points in Nevada for 180 days. Supporting shippers: Pulverized Sand of California, Inc., 2100 Avalon, Post Office Box 3215, Riverside, Calif., Ridgelite Products, 650 South Grand Avenue, Los Angeles, Calif. 90017. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 126311 (Sub-No. 5 TA), filed March 15, 1967. Applicant: CHARLES L. PARKS, R.F.D. 2, Ashland, Nebr. 68003. Applicant's representative: Charles J. Kimball, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, *liquid fertilizer*, in bulk, in tank vehicles from Lawrence, Kans., to points in Cass, Butler, Colfax, Dodge, Douglas, Lancaster, Saunders, Seward, and Washington Counties, Nebr., pursuant to continuing contracts with Farmers Union Co-op Oil Association of Wahoo, Nebr., and Nehawka Farmer's Cooperative, Nehawka, Nebr., for 180 days. Supporting shippers: Farmers Union Co-op Oil Association, Wahoo, Nebr., Nehawka Farmers Cooperative, Nehawka, Nebr. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 126835 (Sub-No. 12 TA), filed March 15, 1967. Applicant: EDGAR BISCHOFF, doing business as CASKET DISTRIBUTORS, Atlas Bank Building, Cincinnati, Ohio 45202. Applicant's representative: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, casket displays, and funeral supplies* when moving with caskets being transported from Boston and Cambridge, Mass., and Pittsburgh, Pa., to Albany, Buffalo, Brooklyn, Long Island City, New York City, Rochester, and Syracuse, N.Y.; Cleveland, Ohio; Chicago, Ill.; Philadelphia and Pittsburgh, Pa.; Boston and Cambridge, Mass.; Baltimore, Md.; Washington, D.C.; Newark, N.J.; Norfolk, Va.; Providence, R.I.; Portland, Maine; and Lancaster, Ky., with return of *rejected and returned commodities* above described from the above-named destinations to the above-named origins, for 180 days. Supporting shipper:

National Casket Co., Inc., 60 Massachusetts Avenue, Boston, Mass. 02115. Send protests to: District Supervisor R. M. Hagarty, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 128836 (Sub-No. 1 TA), filed March 15, 1967. Applicant: BULK COMMODITIES, INC., 1324 South St. Aubin Street, Sioux City, Iowa 51106. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Sioux City, Iowa, to points in Nebraska, South Dakota, Minnesota, and Iowa, under continuing contract with Morton Salt Co., for 150 days. Supporting shipper: Morton Salt Co., R. W. Euting, Traffic Manager, Western Territory, 6175 The Paseo, Kansas City, Mo. 64110. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 127869 (Sub-No. 3), filed March 17, 1967. Applicant: CLIFFORD BROMAN & SON, INC., 77 Powell Place, Farmingdale, N.Y. 11735. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seed*, when moving on the same vehicle with fertilizer, from points in New Jersey to New York City and points in Nassau and Suffolk Counties, N.Y., for 180 days. Supporting shipper: Agway, Inc., Box 216, 174 Miller Place, Hicksville, N.Y. 11802. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 128202 (Sub-No. 2 TA), filed March 14, 1967. Applicant: HARBOR SEAFOODS COMPANY, INC., Box 191, Wrangell, Alaska 99929. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from Seattle and Tacoma, Wash., to Wrangell, Alaska, for account of Wrangell Lumber Co., for 180 days. Supporting shipper: Wrangell Lumber Co., Box 621, Wrangell, Alaska 99929. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 128759 (Sub-No. 1 TA), filed March 16, 1967. Applicant: RICHARDS MOTOR SERVICE, INC., 5040 West 39th Street, Stickney, Ill. 60402. Applicant's representative: Philip A. Lee, 5824 South Harlem Avenue, Summit, Ill. 60503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and liquid fertilizer materials*, from Marseilles, Ill., and points within a 5-mile radius thereof, to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: F. S. Royster Guano Co., Norfolk, Va., the Borden Chemical Co., Smith Douglass Division, Post Office Box 419, 5100 Virginia Beach Boulevard, Norfolk, Va. 23501. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128924 (Sub-No. 1 TA), filed March 16, 1967. Applicant: OTWELL TRUCKING COMPANY, INC., Post Office Box 68, Otwell, Ind. 47564. Applicant's representative: W. L. Jordan, 201 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind. 47801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phonograph, stereo and/or television cabinets and parts therefor*, between points in Perry County, Ind., and points in Macon County, Ill., for 180 days. Supporting shipper: William Tell Woodcrafters, Inc., and Swiss Plywood Corp., Tell City, Ind. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations and Compliance, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 128937 TA, filed March 16, 1967. Applicant: ROBERT L. GORDON, doing business as AVON MACHINERY COMPANY, 5720 Side Avenue, Cleveland, Ohio 44102. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New and used industrial machinery*, from Ecorse, Mich., and points in New Jersey to points in Illinois, Indiana, Iowa, Connecticut, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin, for 180 days. Supporting shippers: Elastic Stop Nut Corp. of America, 2330 Vauhall Road, Union, N.J., and Ecorse Machinery Sales, Inc., 75 Southfield, Ecorse, Mich. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 435 Federal Building, Cleveland, Ohio 44114.

No. MC 128936 TA, filed March 16, 1967. Applicant: JOHN DAVIS AND RICHARD SELLAND, a partnership, doing business as AUTO TRANSPORT, 24223 Pacific Avenue South, Kent, Wash. 98031. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used passenger cars*, between points in Washington, Oregon, Montana, and Idaho for 180 days. Supporting shippers: American Lease Co., 1112 Howell Street, Seattle, Wash. 98101, Nissan Motor Corp. (Datsun), 4832 Southwest Scholls Ferry Road, Portland, Oreg. 97225. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 128938 TA, filed March 16, 1967. Applicant: MERLIN C. HARNACK, 206 Boody Street, Postville, Iowa 52162. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, feed ingredients, fertilizer, binder twine, and seed*, from Postville, Iowa, to points in Dodge, Fillmore, Freeborn, Houston, Mower, Olmsted, Wabasha, and Winona Counties, Minn., and points in that part of Wisconsin on and west of U.S. Highway 12, for 180 days. Supporting shipper: Hall Roberts' Son, Inc., Postville, Iowa 52162. Send protests to: Chas. C. Biggers, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 332 Federal Building, Davenport, Iowa 52801.

No. MC 128940 TA, filed March 17, 1967. Applicant: RICHARD A. CRAWFORD, doing business as CRAWFORD TRUCKING SERVICE, Post Office Box 722, Adelphi, Md. 20783. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, from Milwaukee, Wis., to Washington, D.C., and Baltimore, Md., for the account of Standard Meat Co., Inc., Washington, D.C., for 180 days. Supporting shipper: Standard Meat Co., Inc., 1339 Fourth Street NE., Washington, D.C. 20002. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 128941 TA, filed March 17, 1967. Applicant: KATHLEEN ROBINS, doing business as ROBINS TRANSFER COMPANY, Post Office Box 239, Lawrenceburg, Tenn. 38464. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Franklin, Limestone, and Morgan Counties, Ala., to points in Giles and Lawrence Counties, Tenn., for 180 days. Supporting shipper: B & S Concrete Supply, Inc., Box 209, Lawrenceburg, Tenn. 38464. Send protests to: J. E. Gamble, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 128942 TA, filed March 17, 1967. Applicant: TUCKER VAN & STORAGE, INC., Post Office Box 202, Monterey, Calif. 93940, 1676 Contra Costa, Sand City, Calif. 93955. Applicant's representative: James G. Tucker, Post Office Box 202, Monterey, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Monterey and Santa Cruz Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points and fur-

ther restricted to pickup and delivery service incidental to, and in connection with, packing, crating, and containerization and unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shipper: Jet Forwarding, Inc., 2945 Columbia Street, Torrance, Calif. 90503. Send protests to: Wm. R. Murdoch, District Supervisor, Bureau of Operations and Compliance, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3255; Filed, Mar. 23, 1967; 8:47 a.m.]

[Notice 1495]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 21, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69418. By order of March 16, 1967, the Transfer Board approved the transfer to C-Line Express, a corporation, 525 Silverado Trail, Napa, Calif. 94558, of certificate of registration No. MC-99884 (Sub-No. 1) issued February 10, 1964, to Ray F. Maher, doing business as East Bay Delivery Co., 2619 Chestnut Street, Oakland, Calif. 94607, covering the transportation of commodities in interstate or foreign commerce, within the State of California.

No. MC-FC-69456. By order of March 16, 1967, the Transfer Board approved the transfer to Pacific Inland Transportation Co., a corporation, Albuquerque, N. Mex., of permit No. MC-34227, issued August 27, 1943, to E. L. Northcutt, Albuquerque, N. Mex., authorizing the transportation of: Onions, carrots, and potatoes, from Duncan, Ariz., to Albuquerque, N. Mex.; agricultural commodities and canned goods, from Denver, Colo., to Albuquerque, N. Mex.; potatoes, lettuce, peas, broccoli, and cauliflower, from Alamosa, Colo., to Albuquerque, N. Mex.; and from Del Norte, Colo., to Albuquerque, N. Mex.; canned grapefruit juice, grapefruit, oranges, and agricultural commodities, from Brownsville, Tex., to Albuquerque, N. Mex.; such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, from Los Angeles, Calif., to Albuquerque, N. Mex., and from Albuquerque, N. Mex., to Gallup, N. Mex.; and, grapefruit, oranges, bananas, pineapples, lemons, potatoes, onions, and peppers, from El Paso, Tex., to Albuquerque, N. Mex., all over specified regular routes. Don Wilson, Post Office Box 4243, 1401 University Boulevard NE., Albuquerque, N. Mex. 87106, attorney for applicants.

No. MC-FC-69506. By order of March 16, 1967, the Transfer Board approved the transfer to Eddie L. Jones Trucking Co., Inc., Ivanhoe, N.C., of permit No. MC-124996, issued November 19, 1963, to Eddie L. Jones, doing business as Eddie L. Jones Trucking Co., Ivanhoe, N.C., authorizing the transportation of lumber, except plywood and veneer, over irregular routes, from Ivanhoe, N.C., to points in Florida, Georgia, South Carolina, Tennessee, Virginia, West Virginia, Ohio, Indiana, Pennsylvania, New Jersey, Delaware, Massachusetts, Connecticut, Rhode Island, Maryland, the District of Columbia, and specified areas of Kentucky and New York. W. Dortch Langston, Jr., Post Office Box 1104, Goldsboro, N.C. 27530, attorney for applicants.

No. MC-FC-69320. Corrected number*.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3256; Filed, Mar. 23, 1967; 8:47 a.m.]

*On Page 4102 in FEDERAL REGISTER dated March 15, 1967, the MC-FC-number was inadvertently shown as MC-FC-6932.

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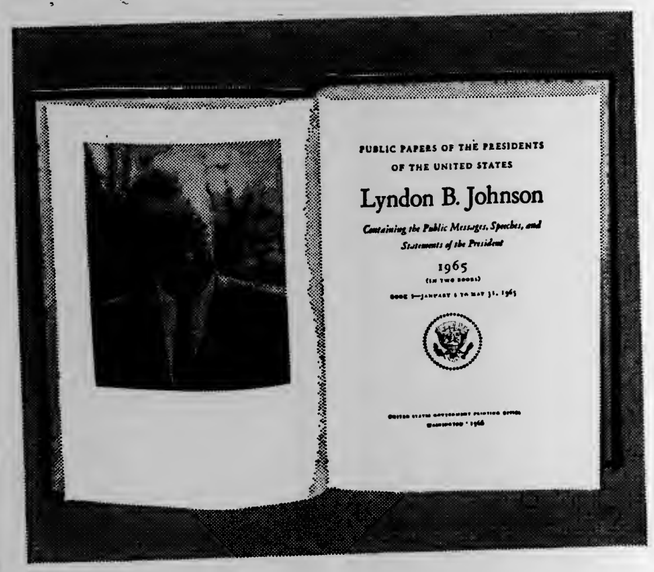
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Consumer and Marketing Service
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January–February 1967

(Codification Guide)

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Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 131]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.431 Navel Orange Regulation 131.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 1967.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 26, 1967, and ending at 12:01 a.m., P.s.t., April 2, 1967, are hereby fixed as follows:

(i) District 1: 850,000 cartons;
(ii) District 2: 650,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 24, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3393; Filed, Mar. 24, 1967; 11:35 a.m.]

[Valencia Orange Reg. 192]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.492 Valencia Orange Regulation 192.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 908, as amended), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting last week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 16, 1967.

(b) *Order.* (1) Valencia Orange Regulation 186 (32 F.R. 2999) is hereby terminated at 12:01 a.m., P.s.t., March 26, 1967.

(2) During the period beginning at 12:01 a.m., P.s.t., March 26, 1967, and ending at 12:01 a.m., P.s.t., January 31, 1968, no handler shall handle:

(i) Any Valencia oranges grown in District 1 or in District 3 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.20 inches in diameter; or

(ii) Any Valencia oranges grown in District 1 or in District 3 which are of a size larger than 3.41 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 3.41 inches in diameter.

(3) As used in this section, "handle," "handler," "District 1," and "District 3"

shall have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 22, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3279; Filed, Mar. 24, 1967; 8:46 a.m.]

[Valencia Orange Reg. 193]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.493 Valencia Orange Regulation 193.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 26, 1967, and ending at 12:01 a.m., P.s.t., April 2, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 150,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 24, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3394; Filed, Mar. 24, 1967; 11:35 a.m.]

[Lemon Reg. 260]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.560 Lemon Regulation 260.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 21, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 26, 1967, and ending at 12:01 a.m., P.s.t., April 2, 1967, are hereby fixed as follows:

(i) District 1: 10,230 cartons;
(ii) District 2: 194,370 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 23, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3326; Filed, Mar. 24, 1967; 8:49 a.m.]

[Grapefruit Reg. 40]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.340 Grapefruit Regulation 40.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553(1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 1967.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., March 27, 1967, and ending at 12:01 a.m., e.s.t., April 3, 1967, is hereby fixed at 200,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 23, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3343; Filed, Mar. 24, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 8015; Amdt. 39-376]

PART 39—AIRWORTHINESS DIRECTIVES

Allison-Aero Products Models A6441 FN–606, A6441FN–606A Propellers

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on March 18, 1967, and made effective immediately as to all known operators of Allison-Aero Products Models A6441FN–606 and A6441FN–606A propellers installed on Convair Model 340/440 airplanes modified in accordance with STC SA 4–1100 and Lockheed Model 188 Series airplanes. In order to determine if an unairworthy condition exists in the propeller pitch lock system, the directive requires a check of the propeller pitch lock in accordance with the procedures set forth in the appropriate Airplane Flight Manual and the correction of any unsatisfactory condition found as a result of the check.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of the propellers by individual telegrams dated March 18, 1967. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, § 39.13 of Part 39 is amended by adding the following airworthiness directive:

AERO-PRODUCTS. Applies to Models A6441FN–606 and A6441FN–606A propellers installed on Convair Model 340/440 airplanes modified in accordance with STC SA 4–1100 and Lockheed Model 188 Series airplanes

(a) Within the next 10 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours' time in service from the last check, have properly trained and qualified personnel perform a propeller pitch lock check as prescribed in Airplane Flight Manual L–188A, Normal Procedure Section 3, Page 17, revised May 17, 1966; Airplane Flight Manual L–188C, Normal Procedure Section 3, Page 19, revised May 17, 1966; or Airplane Flight Manual Allison Convair 340/440, Normal Procedure Section 3–32, Pages 3–28 and 3–29, revised March 7, 1966; as appropriate. Correct any unsatisfactory condition found as a result of the check.

(NOTE: Perform all checks in accordance with all limitations in the Airplane Flight Manual.)

(b) Flight crews must be advised to feather the propeller immediately when abnormal roughness occurs and report the condition for corrective action.

(c) Each operator who finds an unsatisfactory condition or has a propeller feathered as a result of this airworthiness directive shall immediately send a report thereon by telephone or telegram to the Engineering and Manufacturing Branch CE–210, Federal Aviation Agency, Central Region.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective by telegram dated March 18, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 22, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-3280; Filed, Mar. 24, 1967; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66–SW–55]

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Area

On January 18, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 579) stating that the Federal Aviation Agency was considering amendments to Part 73 of the Federal Aviation Regulations which would designate temporary restricted airspace from April 27, 1967, through October 15, 1967, extending from the vicinity of Mountain Home, Ark., into southwestern Arkansas and southeastern Oklahoma.

The designation of restricted airspace was requested by Joint Task Force Two (JTF–2) to contain the flight of various types of aircraft normally at 500 feet or less above the ground at speeds ranging from 175 to 600 knots. No live ordnance will be carried and all flights will be at subsonic speeds.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. Further, the proposal was discussed and comments solicited at Memphis and Fort Worth ARTCC Advisory Committee Meetings. No adverse comments were received.

In consideration of the foregoing Part 73 of the Federal Aviation Regulations is amended effective 0001 e.s.t. April 27, 1967, as hereinafter set forth.

1. In § 73.24 (32 F.R. 2296) the following is added:

R–2404 MOUNTAIN HOME, ARKANSAS (TEMPORARY)

Boundaries: The airspace 4.6 statute miles on each side of two courses defined by coordinates as follows:

NAVIGATIONAL COURSE NO. 1

Beginning at latitude 36°15'00" N., longitude 92°15'00" W.; thence to latitude 35°40'15" N., longitude 92°51'35" W.; thence to latitude 35°21'00" N., longitude 93°19'45" W.; thence to latitude 34°44'00" N., longitude 93°39'00" W.; thence to latitude 34°-

23°25'' N., longitude 94°02'30'' W.; thence to latitude 34°02'00'' N., longitude 94°34'25'' W.

NAVIGATIONAL COURSE NO. 2

Beginning at latitude 36°15'00'' N., longitude 92°15'00'' W.; thence to latitude 35°-39'50'' N., longitude 93°04'00'' W.; thence to latitude 35°09'54'' N., longitude 93°40'24'' W.; thence to latitude 34°58'40'' N., longitude 93°46'30'' W.; thence to latitude 34°-40'30'' N., longitude 94°19'40'' W.; thence to latitude 34°20'20'' N., longitude 94°39'25'' W.; excluding the airspace within 3 statute miles of the Clarksville, Ark., Airport.

Designated altitudes: Surface to 2,500 feet MSL from point of beginning to a line drawn from latitude 36°00'15'' N., longitude 92°44'-00'' W. to latitude 35°49'45'' N., longitude 92°35'00'' W.; thence surface to 3,600 feet MSL to the south edge of V-74 north alternate; thence surface to 4,000 feet MSL to the ends of both courses.

Time of designation: Continuous, Monday through Saturday, April 27, 1967, through October 15, 1967. Maximum daily use, 9½ hours.

Controlling agency: FAA, Memphis ARTCC.

Using agency: Joint Task Force Two, Sandia Base, N. Mex.

2. In § 73.56 (32 F.R. 2328) the following are added:

R-5603A McALISTER, OKLAHOMA (TEMPORARY)

Boundaries: The airspace 4.6 statute miles on each side of the course defined by coordinates as follows:

Beginning at latitude 34°23'10'' N., longitude 94°57'05'' W.; thence to latitude 34°39'-30'' N., longitude 96°00'45'' W.; thence describing an arc 3.6 statute miles in radius centered at latitude 34°36'30'' N., longitude 96°00'45'' W.; to latitude 34°33'30'' N., longitude 96°00'45'' W.; thence to latitude 34°-19'15'' N., longitude 95°04'00'' W.

Designated altitudes: Surface to 3,300 feet MSL east of, and surface to 2,500 feet MSL west of a line from latitude 34°39'00'' N., longitude 95°37'30'' W. to latitude 34°24'00'' N., longitude 95°42'30'' W.

Time of designation: Continuous, Monday through Saturday, April 27, 1967, through October 15, 1967. Maximum daily use, 9½ hours.

Controlling agency: FAA, Memphis ARTCC.

Using agency: Joint Task Force Two, Sandia Base, N. Mex.

R-5603B HUGO, OKLAHOMA (TEMPORARY)

Boundaries: The airspace 2 statute miles on each side of a course defined as follows:

Beginning at latitude 34°02'45'' N., longitude 94°47'30'' W.; thence NW along Oklahoma State Highway No. 3 to the arc of a 3 statute mile circle centered at latitude 34°13'35'' N., longitude 95°36'50'' W.; thence clockwise along this arc to Oklahoma State Highway No. 3; thence W along Oklahoma State Highway No. 3 to latitude 34°15'05'' N., longitude 95°49'00'' W.; thence to latitude 34°07'35'' N., longitude 95°49'05'' W.; thence to latitude 34°07'35'' N., longitude 95°37'10'' W.; thence to latitude 34°06'10'' N., longitude 95°37'10'' W.; thence to latitude 34°05'00'' N., longitude 95°32'15'' W.; thence to latitude 34°04'45'' N., longitude 95°28'15'' W.; thence to latitude 34°00'30'' N., longitude 95°22'25'' W.; thence along U.S. Highway No. 70 to latitude 33°56'00'' N., longitude 94°53'00'' W.

Designated altitudes: Surface to 2,000 feet MSL.

Time of designation: Continuous, Monday through Saturday, April 27, 1967, through October 15, 1967. Maximum daily use, 9½ hours.

Controlling agency: FAA, Memphis ARTCC.

Using agency: Joint Task Force 2, Sandia Base, N. Mex.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 21, 1967.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 67-3262; Filed, Mar. 24, 1967; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8036; Amdt. 95-152]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective April 27, 1967, as follows:

1. By amending Subpart C as follows:

From, to, MEA

Section 95.1001 *Direct routes—United States,* is amended to delete:

Dunlap INT, N. Mex.; Walker, N. Mex., TVOR; 6,000.
Hondo INT, N. Mex.; Walker, N. Mex., TVOR; 6,000.
Nelson INT, N. Mex.; Walker, N. Mex., TVOR; 5,000.
Walker, N. Mex., TVOR; Ranch INT, N. Mex., eastbound, 7,000; westbound, 5,000.
Walker, N. Mex., TVOR; *Hagerman INT, N. Mex., southeastbound, 6,000; northwestbound, 5,000. *6,500—MRA.
Hattiesburg, Miss., VOR; Laurel, Miss., VOR; *2,000. *1,800—MOCA.
Valdosta, Ga., VOR; Quitman INT, Ga.; *1,800. *1,600—MOCA.
Moultrie, Ga., VOR; Tallahassee, Fla., VOR; *1,800. *1,400—MOCA.

Section 95.1001 *Direct routes—United States,* is amended by adding:

Miami, Fla., VOR; Guppy INT, Fla.; *3,000. *2,000—MOCA.
Guppy INT, Fla.; Isaac INT, Bahama; *8,000. *1,000—MOCA.
Tallahassee, Fla., LF/RBN; Moultrie, Ga., VOR; *2,000. *1,700—MOCA.

From, to, MEA

Section 95.1001 *Direct routes—United States,* is amended to read in part:

Pawling, N.Y., VOR; *Red Hook INT, N.Y.; 3,000. *4,000—MCA Red Hook INT, northwestbound.

Section 95.6004 *VOR Federal Airway 4* is amended to read in part:

Evansville, Ind., VOR; Lamar INT, Ind.; *2,500. *2,000—MOCA.
Lamar INT, Ind.; Apalona INT, Ind.; *3,000. *1,700—MOCA.
Holland INT, Ind., via N alter.; St. Marks INT, Ind., via N alter.; *3,000. *1,700—MOCA.
St. Marks INT, Ind.; via N alter.; Louisville, Ind., VOR via N alter.; 2,500.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Sidney, Nebr., VOR; North Platte, Nebr., VOR; *6,000. *5,800—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Farmington, Mo., VOR via W alter.; St. Louis, Mo., VOR via W alter.; *3,000. *2,400—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Gage, Okla., VOR via N alter.; *Salt INT, Kans., via N alter.; **6,600. *4,000—MRA. **3,600—MOCA.
Appleton, Ohio, VOR; Newcomerstown, Ohio, VOR; 3,000.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

Holland INT, Ind.; St. Marks INT, Ind.; *3,000. *1,700—MOCA.
St. Marks INT, Ind. Nabb, Ind., VOR; *3,000. *2,200—MOCA.

Section 95.6047 *VOR Federal airway 47* is amended by adding:

Salem, Mich., VOR; Dennis INT, Mich.; *2,900. *2,300—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

*Valley INT, Ark., via W alter.; Rover INT, Ark., via W alter.; **5,500. *4,500—MCA Valley INT, northbound. **2,500—MOCA.
Rover INT, Ark., via W alter.; *Danville INT, Ark., via W alter.; **7,500. *7,500—MCA Danville INT, northbound. **2,500—MOCA.
New Market INT, Mo.; Pawnee City, Nebr., VOR; *3,000. *2,600—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

Dodge City, Kans., VOR; *Salt INT, Kans.; **4,300. *4,000—MRA. **3,600—MOCA.

Section 95.6083 *VOR Federal airway 83* is amended to read in part:

Roswell, N. Mex., VOR; Hondo DME Fix, N. Mex.; *6,000. *5,300—MOCA.
Roswell, N. Mex., VOR, via E alter.; Dunlap DME Fix, N. Mex., via E alter.; *6,000. *5,300—MOCA.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

Imperial, Pa., VOR; Freeport INT, Pa.; 3,000.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Bluefield, W. Va., VOR; Montebello, Va., VOR; 6,000.

From, to, and MEA

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

*Sanford INT, Fla.; **Lake Helen INT, Fla.; ***2,000. *2,500—MRA. **2,500—MRA. ***1,400—MOCA.

Section 95.6160 *VOR Federal airway 160* is amended to read:

Denver, Colo., VOR; Roggen INT, Colo.; 7,100.
Roggen INT, Colo.; Sidney, Nebr.; VOR; 7,000.

Section 95.6178 *VOR Federal airway 178* is amended to read in part:

Farmington, Mo., VOR; Paducah, Ky., VOR; *3,000. *2,800—MOCA.
Farmington, Mo., VOR via S alter.; River INT, Ill., via S alter.; *3,000. *2,400—MOCA.

Section 95.6206 *VOR Federal airway 206* is amended to read in part:

Tina INT, Mo.; Kirksville, Mo., VOR; *3,000. *2,200—MOCA.

Section 95.6207 *VOR Federal airway 207* is amended to read in part:

Pine Bluff INT, Colo.; Scottebluff, Nebr., VOR; 7,100.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

Kilgore INT, Ohio; Imperial, Pa., VOR; 3,000.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

Columbus, Ohio, ILS localizer; Hanover INT, Ohio; 2,700. MAA—4,000.
Hanover INT, Ohio; Zanesville, Ohio, VOR; 2,700.

Section 95.6230 *VOR Federal airway 230* is amended to read in part:

*Salinas, Calif., VOR; San Benito INT, Calif.; **6,000. *5,000—MCA Salinas VOR, eastbound. **5,500—MOCA.
San Benito INT, Calif.; *Panoche INT, Calif.; **7,000. *8,000—MCA Panoche INT, eastbound. **5,500—MOCA.

Section 95.6232 *VOR Federal airway 232* is amended to read in part:

Chardon, Ohio, VOR; Franklin, Pa., VOR; 3,000.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Apalona INT, Ind.; St. Marks INT, Ind.; *2,500. *1,800—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

*Sanford INT, Fla., via E alter.; **Lake Helen INT, Fla., via E alter.; ***2,000. *2,500—MRA. **2,500—MRA. ***1,400—MOCA.

Section 95.6280 *VOR Federal airway 280* is amended to read in part:

Gage, Okla., VOR; *Salt INT, Kans.; **6,600. *4,000—MRA. **3,600—MOCA.
Salt INT, Kans.; Hutchinson, Kans., VOR; *4,000. *3,000—MOCA.

Section 95.6290 *VOR Federal airway 290* is amended to read in part:

Montebello, Va., VOR; Rockfish INT, Va.; 6,000.

From, to, and MEA

Section 95.6303 *VOR Federal airway 303* is amended to read in part:

Hot Springs, Ark., VOR; *Avant INT, Ark.; **2,500. *2,900—MRA. **2,400—MOCA.

Section 95.6317 *VOR Federal airway 317* is amended to read in part:

Level Island, Alaska, VOR; Hood Bay INT, Alaska; *9,000. *6,600—MOCA.
Hood Bay INT, Alaska; Sisters Island, Alaska, VOR; *7,000. *6,600—MOCA.

Section 95.6332 *VOR Federal airway 332* is amended by adding:

Moline, Ill., VOR; Bradford, Ill., VOR; 2,600.

Section 95.6403 *Hawaii VOR Federal airway 3* is amended to read in part:

Myah INT, Hawaii; *Jacksons INT, Hawaii; 3,500. *5,000—MCA Jacksons INT, northeastbound.
Jacksons INT, Hawaii; Kamuela, Hawaii, VOR; 6,500.

Section 95.6416 *Hawaii VOR Federal airway 16* is amended to read in part:

*Southgate INT, Hawaii; Sampan INT, Hawaii; **3,000. *3,000—MCA Southgate INT, eastbound. **1,000—MOCA.

Section 95.6444 *VOR Federal airway 444* is amended to read in part:

Bettles, Alaska, VOR; Hess Creek INT, Alaska; *9,000. *5,200—MOCA.

Section 95.6493 *VOR Federal airway 493* is amended by adding:

Carleton, Mich., VOR; Flint, Mich., VOR; *2,800. *2,200—MOCA.

Section 95.7013 *Jet Route No. 13* is amended to read in part:

From, to, MEA, and MAA

Albuquerque, N.Mex., VORTAC; Alamosa, Colo., VORTAC; 18,000; 45,000.
Alamosa, Colo., VORTAC; Denver, Colo., VORTAC; 18,000; 45,000.

Section 95.7104 *Jet Route No. 104* is amended by adding:

Las Vegas, N. Mex., VORTAC; Pueblo, Colo., VORTAC; 18,000; 45,000.
Pueblo, Colo., VORTAC; Denver, Colo., VORTAC; 18,000; 45,000.

2. By amending subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From, to—Changeover point: Distance; from

V-444 is amended by adding:

Bettles, Alaska, VOR; Fairbanks, Alaska, VOR; 65; Fairbanks.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on March 14, 1967.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-3228; Filed, Mar. 24, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Listing of Azodicarbonamide as Optional Ingredient

In the matter of amending the standard of identity for bread (21 CFR 17.1) by listing azodicarbonamide as an optional ingredient for addition to bread dough at levels not exceeding 45 parts per million by weight of the flour used:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of December 1, 1966 (31 F.R. 15095), based on a petition submitted by Wallace & Tiernan, Inc., 25 Main Street, Belleville, N.J. 07109.

Upon consideration of the comments filed in response to the notice, the information furnished by the petitioner, and other available information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered,* That § 17.1(a)(12) be revised to read as follows:

§ 17.1 **Bread, white bread, and rolls, white rolls, or buns, white buns: identity; label statement of optional ingredients.**

(a) * * *

(12) (i) Potassium bromate, calcium bromate, potassium iodate, calcium iodate, calcium peroxide, or any combination of two or more of these; but the total quantity thereof (including the potassium bromate in any bromated flour used) is not more than 0.0075 part for each 100 parts by weight of flour used.

(ii) Azodicarbonamide, complying with the requirements of § 121.1085 of this chapter, in a carrier consisting of starch (as permitted by and complying with the limitations prescribed in subparagraph (9) of this paragraph) to which tricalcium phosphate may be added as an anticaking agent; but the total quantity of azodicarbonamide, including any quantity in the flour used, is not more than 0.0045 part for each 100 parts by weight of flour used.

* * * * * *

Due to cross-references, this amendment to the standard for bread (§ 17.1) has the effect of making azodicarbonamide a permitted ingredient of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2–17.5).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto.

Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 17, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3273; Filed, Mar. 24, 1967; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

AZODICARBONAMIDE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6J2041) filed by Wallace & Tiernan, Inc., 25 Main Street, Belleville, N.J. 07109, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of azodicarbonamide as a dough conditioner in bread baking. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1085 is revised to read as follows:

§ 121.1085 Azodicarbonamide.

The food additive azodicarbonamide may be safely used in food in accordance with the following prescribed conditions:

(a) It is used or intended for use:

(1) As an aging and bleaching ingredient in cereal flour in an amount not to exceed 2.05 grams per 100 pounds of flour (0.0045 percent; 45 parts per million).

(2) As a dough conditioner in bread baking in a total amount not to exceed 0.0045 percent (45 parts per million) by weight of the flour used, including any quantity of azodicarbonamide added to flour in accordance with subparagraph (1) of this paragraph.

(b) To assure safe use of the additive:

(1) The label and labeling of the additive and any intermediate premix prepared therefrom shall bear, in addition to the other information required by the act, the following:

(i) The name of the additive.

(ii) A statement of the concentration or the strength of the additive in any intermediate premixes.

(2) The label or labeling of the food additive shall also bear adequate directions for use.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 17, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3274; Filed, Mar. 24, 1967; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-343]

PART 73—RADIO BROADCAST SERVICES

Type Approval of Stereophonic Modulation Monitors

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of March 1967;

1. On May 25, 1966, the Commission adopted a report and order in Docket 15404 amending its rules to require FM broadcast stations engaging in stereophonic programing or SCA operation to install type approved modulation monitors capable of monitoring subcarrier operation, and adopting rules setting forth the requirements for type approval of such monitors.

2. In the specifications for stereophonic modulation monitors, our rules require in § 73.332(d)(6) that the monitor provide: "A means for accurately indicating cross talk from the main channel and SCA operation into the subchannel * * *." In our examination of several monitors now in our laboratory, questions have arisen as to whether the means included do, in practice, provide accurate indications of cross talk, since they actually respond to all signals in the channel being measured whether these signals arise from cross talk or not. Further, neither a precise definition nor a method of measurement of stereophonic cross talk is included in our rules; nor are they the subject of general agreement.

3. We do not believe that the public interest would be served by delay of approval of otherwise satisfactory monitors pending consideration of this question. We find that the matter can be deferred for the time being by inserting a "Note" to § 73.332(d)(6) pending further rule making to clarify the rule. We do this, however, with the expectation that the instruction manual provided with a type approved stereophonic modulation monitor will contain explicit instructions as to the necessary transmitter adjustments and other steps required to obtain an accurate indication of apparent cross talk.

4. We find that rule making is unnecessary in this matter which is a relaxation of existing restrictions; and it would unnecessarily delay the approval of otherwise satisfactory monitoring equipment. For the same reason the effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) do not apply. Authority for the adoption of this amendment is contained in sections 4(i), 303 (e) and (r) of the Communications Act of 1934, as amended.

5. *Accordingly, it is ordered,* That, effective March 22, 1967, § 73.332(d)(6) of the Commission rules and regulations is amended, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: March 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Section 73.332(d)(6) is amended by the addition of a Note as follows:

§ 73.332 Requirements for type approval of modulation monitors.

* * * * *

(d) * * *

(6) * * *

Note: The meaning of "accurately" appropriate for application of this subparagraph is a matter for future consideration.

* * * * *

[F.R. Doc. 67-3299; Filed, Mar. 24, 1967; 8:48 a.m.]

[1] Commissioner Wadsworth absent.

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

§ 2.68 [Revoked]

In Part 2, § 2.68 is revoked and § 2.68a is revised to read as follows:

§ 2.68a Director, Compensation, Pension and Education Service and personnel of that Service designated by him authorized to determine whether claimant or payee has forfeited right to gratuitous benefits pursuant to provisions of 38 U.S.C. 3503 or 3504.

This delegation of authority is identical to § 3.100(c) of this chapter.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 67-3291; Filed, Mar. 24, 1967; 8:47 a.m.]

PART 3—ADJUDICATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Waiver of Overpayments and Compromise of Indebtedness

1. In § 3.100, paragraph (c) is revoked and paragraph (d) is redesignated (c) so that the redesignated (c) reads as follows:

§ 3.100 Delegations of authority.

* * * * *

(c) Authority is delegated to the Director, Compensation, Pension and Education Service, and to personnel of that service designated by him to determine whether a claimant or payee has forfeited the right to gratuitous benefits pursuant to the provisions of 38 U.S.C. 3503 or 3504. See § 3.905 (38 U.S.C. 212(a)).

§§ 3.1900, 3.1901, 3.1902, 3.1903, 3.1904, 3.1905, 3.1906, 3.1907, 3.1908 [Revoked]

2. Sections 3.1900, 3.1901, 3.1902, 3.1903, 3.1904, 3.1905, 3.1906, 3.1907, and 3.1908 are revoked.

3. In § 21.4008, paragraphs (a) and (b) are amended to read as follows:

§ 21.4008 Overpayments.

(a) *Denial of further benefits.* Where an overpayment of educational assistance or special training allowance or other gratuitous benefit has been made to or on behalf of a veteran or eligible person, no further payments of educational assistance allowance or special training allowance will be made to the veteran or eligible person until the overpayment has been collected or arrangements have been made for repayment, unless recovery has been waived or a compromise offer has been accepted.

(b) *Resumptions.* Where payments of educational assistance allowance or special restorative training allowance have not been authorized because of an outstanding overpayment, subsequent payments of such benefits may be made if recovery of the overpayment is waived or, if not waived, if the overpayment is liquidated or arrangements to liquidate have been made, or a compromise offer has been accepted. The effective date of payments will be determined in accordance with the date of entrance or reentrance as provided under § 21.4131 for educational assistance allowance, or § 21.3331 for special restorative training allowance for eligible persons.

* * * * *

4. Section 21.4009 and the cross reference are revised to read as follows:

§ 21.4009 Overpayments; waiver or recovery.

(a) *General.* The amount of an overpayment of educational assistance allowance or special training allowance on behalf of a veteran or eligible person constitutes a liability of the school if it is determined that the overpayment was made as the result of (1) willful or negligent failure of the school to report, as required by §§ 21.4203 and 21.4204, excessive absences from a course, or discontinuance or interruption of a course by the veteran or eligible person, or (2) false certification by the school. The amount of the overpayment may be recovered from the school in the same manner as any other debt due the United States. Any amount so collected from the school will be reimbursed if the overpayment is recovered from the veteran or eligible person. This provision does not preclude the imposition of any civil or criminal liability under this or any other law (38 U.S.C. 1785).

(b) *Reporting.* If a school is required to make periodic or other certifications, failure to report facts which resulted in an overpayment will be considered prima facie evidence of willfulness or negligence. Similarly, the submission of an incorrect certification as to fact will be considered prima facie evidence of a false certification. In either instance the prima facie showing is subject to rebuttal.

(c) *Evidence.* A determination will be made whether there is prima facie evidence that an overpayment is the result of a false certification. When the decision is in the affirmative the school will be notified in writing of the Veterans Administration's intent to apply the liability provisions of paragraph (a) of this section. The notice will also state that unless a written request for a hearing is filed within 30 days of the receipt of such notice, a determination of liability will be made on the evidence of record. The case will then be referred to the Committee on Waivers and Compromises for the field station having jurisdiction where the school is located.

(d) *Committees on Waivers and Compromises.* Unless jurisdiction is assumed by the Central Office Board on Waivers and Compromises, the regional committee having jurisdiction over the area in which the school is located is authorized to find:

(1) Whether recovery may be waived as to the veteran or eligible person.

(2) If the overpayment is $2,500 or less, liability of the school or liability of both the school and the veteran or eligible person.

(e) *Extent of liability.* Waiver of collection of an overpayment as to a veteran or eligible person will not relieve the school of liability for the overpayment. Recovery in whole or in part from the veteran or eligible person will limit such liability accordingly. If an overpayment has been recovered from the school and the veteran or eligible person subsequently repays the amount in whole or in part, the amount repaid will be reimbursed to the school.

(f) *Notice to school.* If the school is found liable for an overpayment, the school will be notified of the decision and the right to request an administrative review of the decision within 60 days from the date notice of the decision is mailed to the school. The 60-day time limit may be extended to 90 days at the discretion of the Central Office Board on Waivers and Compromises. The request must be in writing, setting forth fully all of the contentions and errors assigned.

(g) *Administrative reviews.* Administrative review will be conducted by the Central Office Board on Waivers and Compromises, whose decisions will serve as authority for instituting collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of the regional committee in any case where the Central Office Board reverses a finding made by the regional committee that the school is liable.

(h) *Review and modification.* The Central Office Board may review and modify its decision upon submission of new and material evidence. The regional committee will forward such evidence with its recommendation.

(i) *Finality of decisions.* The Central Office Board has authority to act for the Administrator in making administrative reviews of determinations that a school is or is not liable for an overpayment to a veteran or an eligible person. There is no right of appeal.

CROSS REFERENCE: Waiver; educational benefits. See § 13.214 of this chapter.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective January 15, 1967.

Approved: March 8, 1967.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 67-3292; Filed, Mar. 24, 1967; 8:47 a.m.]

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Miscellaneous Amendments

In Part 13, §§ 13.200 through 13.217 are added to read as follows:

§ 13.200 Central Office Board on Waivers and Compromises; field station committees.

(a) *Establishment.* There are established in Central Office a Board of Waivers and Compromises and in each field station a Committee on Waivers and Compromises to perform the duties and assume the responsibilities delegated by §§ 13.201 and 13.202. All determinations with respect to waivers made pursuant to §§ 3.1900 through 3.1908, and all determinations with respect to compromises or waivers relating to loan guaranty matters made pursuant to §§ 36.4380 through 36.4389, prior to the activation of the Central Office Board and the field station Committees established by this section shall be deemed valid and binding on all parties concerned.

(b) *Board on Waivers and Compromises*—(1) *Composition.* The Board shall consist of a Chairman and five members. Members shall be selected so that in each of the debt claims activities of compensation, pension and education, insurance, loan guaranty, and finance, there is at least one member with special competence. An alternate Chairman and alternate members shall be designated to act in the absence of the principals.

(2) *Selection.* The Chairman, members of the Board and alternates shall be appointed by the Chief Benefits Director. Service on the Board shall be duty in addition to regular assignments at the call of the Chairman.

(3) *Administrative control and staff.* The professional and clerical staff of the Board will function under the supervision and administrative control of the Director, Guardianship Service.

(c) *Committee on Waivers and Compromises*—(1) *Composition.* The Committee shall consist of a Chairman and five members at stations having loan guaranty activities or four members at other stations. Members shall be selected so that in each of the debt claims activities of compensation, pension and education; insurance; loan guaranty (at station having such activities); and finance, there is at least one member with special competence. An alternate Chairman and alternate members may be designated to act in the absence of their principals at stations, when needed.

(2) *Selection.* The Manager or Center Director shall designate the employees to serve as Chairman, members and alternates. Except upon specific authorization of the Chief Benefits Director, when work load warrants a full-time committee, such designation will be part-time additional duty upon call of the Chairman.

(3) *Administrative control and staff.* The Committee and professional and clerical staff shall function under the administrative control of the Chief Attorney.

(d) *Panels.* When a claim is properly referred to the Board or Committee, the Chairman shall designate a panel of three (of whom the Chairman may be one, and one other shall be specially qualified in the program field from which the debt arose), who shall consider and determine the action to be taken. If their decision is unanimous, it will be the Board or Committee decision. Otherwise, the case will be considered by the entire membership of the Board or Committee and a majority shall determine the decision. In such cases the Chairman shall not vote except when necessary on four-member committees to break a tie.

§ 13.201 Jurisdiction.

The Central Office Board and field station Committees are authorized, except as to determinations under § 2.6(d)(2) of this chapter where applicable, to consider and determine as limited in §§ 13.200 through 13.217, questions of school liability, compromise, waiver and suspension or termination of collection action concerning the following debts and overpayments:

(a) Arising out of operations of the Department of Veterans Benefits:

(1) Overpayments or erroneous payments of pension, compensation, dependency and indemnity compensation, burial allowance, subsistence allowance, education or insurance benefits.

(2) Debts arising out of the loan program under 38 U.S.C. Ch. 37 after liquidation of security, if any.

(3) Such other debts as may be specifically assigned by the Chief Benefits Director.

(b) Resulting from services erroneously furnished.

§ 13.202 Board and Committee authority.

(a) *Central Office Board.* On matters covered in § 13.201, the Central Office Board is authorized to determine the following issues:

(1) *Compromise.* Where approval of a compromise is recommended by the field station Committee, and the debt or overpayment exceeds $2,500, but not $20,000 exclusive of interest (except in loan guaranty matters, which, under 38 U.S.C. Ch. 37, are unlimited as to amount).

(2) *Termination of collection action.* When approval of termination of collection action is recommended by the field station Committee, and the debt or overpayment exceeds $2,500 but not $20,000 exclusive of interest.

(3) *School liability.* Where a field station Committee makes a recommendation concerning liability of a school, or liability of both the school and the veteran or eligible person, and the debt or overpayment exceeds $2,500, or, regardless of the amount, the school requests administrative review of its liability pursuant to the § 13.214.

(4) *Jurisdiction assumed.* Where jurisdiction within § 13.201 is otherwise assumed.

(b) *Field Station Committee*—(1) *Decisions.* On matters covered in § 13.201, the field station Committee is authorized to determine the following issues:

(i) *Waivers.* A decision may be rendered to approve or deny waiver.

(ii) *Compromises.* A decision may be rendered where a compromise offer is rejected, or, if the debt or overpayment is $2,500 or less, to accept a compromise offer.

(iii) *School liability.* A decision may be rendered as to school liability as provided in § 13.214, where the debt or overpayment is $2,500 or less.

(iv) *Suspension of collection action.* A decision may be rendered to approve or disapprove suspension of collection action where the debt or overpayment is $20,000 or less.

(v) *Termination of collection action.* A decision may be rendered to disapprove termination of collection action where the debt or overpayment is $20,000 or less, or, if the debt or overpayment is $2,500 or less, to approve termination of collection action.

(2) *Tentative decision.* When the Committee is not authorized to render a decision, a tentative decision will be prepared for approval by the Central Office Board.

§ 13.203 Finality of decisions.

A decision by the Central Office Board or a field station Committee operating within the scope of its authority, denying waiver of all or a part of an overpayment is subject to appeal. There is no right of appeal from a decision rejecting a compromise offer or that a school is liable for the amount of an overpayment.

§ 13.204 Records and certificates.

The Chairman of the Board or Committee shall execute or certify any documents pertaining to its proceedings. He will be responsible for maintaining needed records of the transactions of his Board or Committee and preparation of any administrative or other reports which may be required.

§ 13.205 Legal and technical assistance.

Legal questions involving a determination under § 2.6(d)(2) of this chapter will be referred to the Chief Attorney for action in accordance with delegations of the General Counsel, unless there is in existence a General Counsel's opinion or an approved Chief Attorney's opinion dispositive of the controlling legal principle. As to matters not controlled by § 2.6(d)(2) of this chapter, the chairman of the field station Committee or at his instance, a member, may seek and obtain advice from the Chief Attorney on legal matters within his jurisdiction and from other division chiefs in their areas of responsibility, on any matter properly before the Committee. Guidance may also be requested from the Central Office Board.

§ 13.206 Releases.

On matters within its jurisdiction, the Board or Committee may authorize the release of any right, title, claim, lien or demand, however acquired, against any person obligated on a loan guaranteed, insured, or made by the Veterans Administration under the provisions of 38 U.S.C. Ch. 37, or on an acquired loan, or on a vendee account.

§ 13.207 Waiver—overpayments.

The term means payments made and determined to be erroneous, indebtedness resulting from services erroneously furnished and indebtedness of a veteran-borrower who used his entitlement under the loan guaranty program or the indebtedness of his spouse, under laws administered by the Veterans Administration.

(a) Benefits subject to waiver include indebtedness due the Veterans Administration because of or in connection with hospitalization, domiciliary care, or treatment of a veteran, a person who claimed he was a veteran, or a person to whom such benefits were granted on the assumption that he was an eligible veteran.

(b) The following debts or overpayments are excluded from waiver under this section:

(1) Pension, compensation, or retirement pay because of a return to active duty.

(2) World War I adjusted compensation.

(3) National Service Life Insurance resulting from an authorized change in option.

(4) Overpayment to an insured from an insurance contract which is secured by a U.S. Government Life Insurance or National Service Life Insurance contract either in force or subject to being placed in force may not be waived as to moneys that become payable on account of such contract; however, in appropriate cases, the collection of such an overpayment from benefits other than insurance may be waived. (See § 13.212(b).)

(5) Servicemen's indemnity.

(6) Overpayments due to forfeiture of benefits, except that where forfeiture was based on fraud, any portion of the overpayment which was not due to fraud may be waived.

(7) Improperly negotiated checks issued after the death of a payee.

(8) Amounts equal to amounts which have been recovered by the Veterans Administration prior to the date of receipt of the request for waiver. (See § 13.213.)

(9) The indebtedness of an obligor under the loan guaranty program, other than the veteran-borrower who used his entitlement or the indebtedness of the veteran-borrower's spouse.

§ 13.208 Waiver; other than loan guaranty.

(a) *General.* Recovery of overpayments of any benefits (other than servicemen's indemnity and other benefits excluded under § 13.207(b)) made under laws administered by the Veterans Administration shall be waived if the person who received such overpayment was without fault, and recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience (38 U.S.C. 3102(a)).

(b) *Application.* Request for waiver of an overpayment will be considered only if received within 1 year following the date of notice to the payee; otherwise, an application will be considered only if it is supported by new and material evidence.

(c) *Third persons.* Waiver of recovery may be authorized, if warranted, where Veterans Administration payments have come into the possession of a person other than the person entitled.

§ 13.209 Waiver; loan guaranty.

(a) *General.* An indebtedness of a veteran-borrower who used his entitlement, or the indebtedness of his spouse, may be waived in whole or in part only when all of the following factors are determined to exist:

(1) There was a loss of the property which constituted security for the guaranteed or insured or direct loan; and

(2) The default which resulted in the indebtedness arose out of compelling reasons, without fault on the part of the veteran; and

(3) Collection of the indebtedness would work a severe hardship upon the veteran, or his family. However, waiver of the indebtedness of the veteran, or his spouse, may be granted where the indebtedness arose by reason of some fault on the part of the Veterans Administration in the origination of the loan and without fault on the part of the veteran, irrespective of the veteran's ability to pay.

(b) *Spouse.* The waiver of a veteran's indebtedness shall inure to the spouse of such veteran insofar as concerns said indebtedness, unless the obligation of the spouse is specifically excepted. However, the waiver of the indebtedness of the veteran's spouse shall not inure to the benefit of the veteran unless specifically provided for in the waiver decision.

(c) *Widow.* A widow of a veteran-borrower may be granted a waiver of her indebtedness even though she may have a limited ability to repay the indebtedness without severe hardship provided that the income of the veteran-borrower, exclusive of his wife's income, was sufficient to qualify him for the original loan and no portion of her entitlement was used in obtaining the loan and, provided further, that the requirements of paragraph (a) (1) and (2) of this section are met.

(d) *Preservation of Government rights.* In cases in which it is determined that waiver may be granted, the action will take such form (covenant not to sue, or otherwise) as will preserve the rights of the Government against obligors other than the veteran or his spouse.

(e) *Application.* There is no time limit for filing an application for waiver of indebtedness.

§ 13.210 Standards for waiver; other than loan guaranty.

Waiver of recovery of an overpayment may not be authorized unless it is established that the overpayment was not due to any fault on the part of the payee and, in addition, that recovery would defeat the purpose of the benefits otherwise payable or that recovery would be contrary to the principles of equity and good conscience. Determinations will be based on the facts in the individual case.

(a) *Fault.* The payee will be considered to have been at fault where he knew, or by the exercise of reasonable care could have learned, that he was not entitled to the erroneous payment or payments. The fact that the overpayment may have been due in part to Veterans Administration error will not serve to mitigate the payee's responsibility. While there can be no balancing of faults, if there is reasonable doubt as to the fault of the payee, such doubt will be resolved in his favor.

(b) *Defeat the purpose.* The purpose of the benefits program must be measured against the need of the payee. Generally, recovery may not be waived if this would result in a duplication of payments. The fact that recovery would require a temporary discontinuance of benefits does not in itself defeat the purpose of the benefit which would otherwise be payable.

(c) *Equity and good conscience.* The generally accepted principles of equity will be applied. This includes protection against recovery of money mistakenly paid to a person who had an equitable but not a legal right, and impairment of position by reason of having received the payment. Inability to repay solely because the amount received has been expended is not in itself a ground for holding that recovery would violate equity and good conscience.

§ 13.211 Standards for waiver; loan guaranty.

In order to determine that collection would work a severe hardship on the veteran or his family, it must be found that a severe hardship would result from both present and future collection by any means. In making this determination, consideration will be given to the present and anticipated income, general financial worth, and shelter and necessary household expenses of the veteran and his spouse.

§ 13.212 Scope of waiver decisions.

(a) Decisions will be based on the evidence of record. A hearing may be held at the request of the claimant or his representative. No expenses incurred by a claimant, his representative, or any witness incident to a hearing will be paid by the Veterans Administration.

(b) A field station Committee or Central Office Board may:

(1) Waive recovery as to certain persons and decline to waive as to other persons whose claims are based on the same veteran's service.

(2) Waive or decline to waive recovery from specific benefits or sources, except that:

(i) There shall be no waiver of recovery out of insurance of an indebtedness secured thereby; i.e., an insurance overpayment to an insured. However, recovery may be waived of any or all of such indebtedness out of benefits other than insurance then or thereafter payable to the insured. See § 13.207(b)(4).

(ii) There shall be no recovery, by withholding or setoff against benefits payable under laws administered by the Veterans Administration, of an indebtedness arising out of any loan under the loan guaranty program made to, assumed by, or guaranteed or insured on account of the debtor, unless the written consent of the debtor is first obtained.

§ 13.213 Refunds.

(a) Voluntary payments and offsets made from Veterans Administration benefits on or after the date of receipt by the Veterans Administration of a request for waiver will be refunded if waiver is granted, except as provided in paragraph (b) of this section.

(b) Refund of payments made on a loan guaranty indebtedness will not be made when only a part of the debt is waived or when collection of the balance of the indebtedness by the Veterans Administration from obligors, other than the husband or wife of the person requesting waiver, will be adversely affected.

(c) Voluntary payments and offsets from Veterans Administration benefits made prior to the date of receipt by the Veterans Administration of a request for waiver will not be refunded and will be excluded from waiver.

§ 13.214 Educational benefits.

(a) *General.* The amount of an overpayment of educational assistance allowance or special training allowance on behalf of a veteran or eligible person constitutes a liability of the school if it is determined that the overpayment was made as the result of (1) willful or negligent failure of the school to report, as required by § 21.4203 or § 21.4204 of this chapter, excessive absences from a course, or discontinuance or interruption of a course by the veteran or eligible person, or (2) false certification by the school. The amount of the overpayment may be recovered from the school in the same manner as any other debt due the United States. Any amount so collected from the school will be reimbursed if the overpayment is recovered from the veteran or eligible person. This provision does not preclude the imposition of any civil or criminal liability under this or any other law (38 U.S.C. 1785).

(b) *Reporting.* If a school is required to make periodic or other certifications, failure to report facts which resulted in an overpayment will be considered prima facie evidence of willfulness or negligence. Similarly, the submission of an incorrect certification as to fact will be considered prima facie evidence of a false certification. In either instance the prima facie showing is subject to rebuttal.

(c) *Field station Committees.* Unless jurisdiction is assumed by the Central Office Board, the field station Committee in the field station having jurisdiction over the area in which the school is located is authorized to find:

(1) Whether recovery may be waived as to the veteran or eligible person.

(2) If the overpayment is $2,500 or less, liability of the school, or liability of both the school and the veteran or eligible person.

(d) *Extent of liability.* Waiver of collection of an overpayment as to a veteran or eligible person will not relieve the school of liability for the overpayment. Recovery in whole or in part from the veteran or eligible person will limit such liability accordingly. If an overpayment has been recovered from the school and the veteran or eligible person subsequently repays the amount in whole or in part, the amount repaid will be reimbursed to the school.

(e) *Notice to school.* If the school is found liable for an overpayment, the school will be notified of the decision and the right to request an administrative review of the decision within 60 days from the date notice of the decision is mailed to the school. The 60-day time limit may be extended to 90 days at the discretion of the Central Office Board. The request must be in writing, setting forth fully all of the contentions and errors assigned.

(f) *Administrative reviews.* Administrative reviews will be conducted by the Central Office Board, whose decisions will serve as authority for instituting collection proceedings, if appropriate, or for discontinuing collection proceedings instituted on the basis of the original decision of the field station Committee in any case where the Central Office Board reverses a finding made by the field station Committee that the school is liable.

(g) *Review and modification.* The Central Office Board may review and modify its decision upon submission of new and material evidence. The field station Committee will forward such evidence with its recommendation.

(h) *Finality of decisions.* The Central Office Board has authority to act for the Administrator in making administrative reviews of determinations that a school is or is not liable for an overpayment to a veteran or an eligible person. There is no right of appeal to the Board of Veterans Appeals.

§ 13.215 Revision of decisions; waiver and school liability.

(a) *Jurisdiction.* (1) A decision involving waiver or school liability may be reversed or modified on the basis of new and material evidence, fraud, a change in law or interpretation of law specifically stated in a Veterans Administration issue, or clear and unmistakable error shown by the evidence in file at the time the prior decision was rendered:

(i) By the same or any other field station Committee if the decision was rendered by a field station Committee;

(ii) By the Central Office Board if the decision was rendered or approved by that Board.

(2) Decisions made prior to the creation of the Board and Committees by §§ 13.200 through 13.217, may be reconsidered in accordance with subparagraph (1) of this paragraph by the present Board or Committee which would have jurisdiction if the matter was now for initial consideration.

(b) *Finality of decisions.* Except as provided in paragraph (a) (1) of this section, a decision involving waiver or school liability rendered by the Committee or Board having jurisdiction is final, subject to the provisions of:

(1) Sections 3.104(a), 19.153, and 19.154 of this chapter as to finality of decisions except as provided in § 13.214 (h);

(2) Sections 3.105 (a) and (b) of this chapter as to revision of decisions, except that the Central Office Board may postaudit or make an administrative review of any decision of a field station Committee;

(3) Sections 3.103, 19.113, and 19.114 of this chapter as to notice of disagreement and the right of appeal, except as provided in § 13.214(h);

(4) Section 19.124 of this chapter as to the filing of administrative appeals and the time limits for filing such appeals.

(c) *Difference of opinion.* Where reversal or amendment of a decision involving waiver is authorized by the Central Office Board under § 3.105(b) of this chapter because of a difference of opinion, the effective date of waiver will be governed by the principle contained in § 3.400(h) of this chapter.

§ 13.216 Administrative reviews; Central Office Board.

Any decision of a field station Committee may be administratively reviewed at the request of the station head, or on the initiative of the Central Office Board. The request for review from a station head should be presented within 90 days from the date of the Committee's decision. The 90-day time limit may be extended at the discretion of the Central Office Board.

§ 13.217 Standards for compromise, and suspension or termination of collection action.

Decisions of the Board or Committee respecting acceptance or rejection of a compromise offer, or grant or denial of suspension or termination of collection action shall be in conformity with the standards in § 1.900 et seq. of this chapter relative to compromise, suspension or termination of collection. In loan guaranty cases the offer of a veteran or other obligor to effect a compromise must relate to an indebtednes established after the liquidation of the security, if any, and shall be reviewed by the Committee or Board within its respective authority. An offer to effect a compromise may be accepted if it is deemed advantageous to the Government.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective January 15, 1967.

Approved: March 8, 1967.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 67-3293; Filed, Mar. 24, 1967; 8:47 a.m.]

PART 36—LOAN GUARANTY

Waivers and Compromises

In Part 36, §§ 36.4380, 36.4381, 36.4382, 36.4383, 36.4384, 36.4385, 36.4386, 36.4387, 36.4388, and 36.4389 are revoked.

(72 Stat. 1114; 38 U.S.C. 210)

These revocations are effective January 15, 1967.

Approved: March 8, 1967.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 67-3294; Filed, Mar. 24, 1967; 8:47 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 15]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

Part 308 is hereby amended to reflect the following changes:

Amend § 308.6 *Period of interim binders and renewal proceedure,* § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement,* § 308.206 *Standard form of war risk protection and indemnity insurance interim binder,* and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder,* by changing the expiration dates contained therein to read "midnight, September 7, 1967, G.m.t.".

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Acting Maritime Administrator.

Dated: March 21, 1967.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 67-3281; Filed, Mar. 24, 1967; 8:46 a.m.]

SUBCHAPTER H—TRAINING

[General Order 87, Rev.]

PART 310—MERCHANT MARINE TRAINING

Subpart A—Regulations and Minimum Standards for State Maritime Academies and Colleges

Subpart A of this part is hereby revised to read as follows:

Subpart A—Regulations and Minimum Standards for State Maritime Academies and Colleges

Sec.
310.1 Definitions.
310.2 Federal assistance.
310.3 Schools and courses.
310.4 Training vessel.
310.5 Personnel.
310.6 Entrance requirements.
310.7 Enrollment and uniform, textbook and subsistence allowance.
310.8 Leave.
310.9 Medical attention and injury claims.
310.10 Discipline and dismissal.
310.11 Scope and effect.
310.12 Form of agreement.

AUTHORITY: The provisions of this Subpart A issued under sec. 101 (49 Stat. 1985; 46 U.S.C. 1101) and Public Law 85-672 (72 Stat. 622; 46 U.S.C. 1381).

§ 310.1 Definitions.

For the purposes of §§ 310.1 and 310.12, inclusive:

(a) "Administration" means the U.S. Maritime Administration, U.S. Department of Commerce.

(b) "Administrator" means the Maritime Administrator, U.S. Maritime Administration.

(c) "Deputy" means the Deputy Maritime Administrator, U.S. Maritime Administration.

(d) "Superintendent" means the Superintendent of the State Maritime Academy or the President of a Maritime College and "Commanding Officer" means the Commanding Officer of the training vessel.

(e) "Officers" means all officers and faculty connected with the State Maritime Academy or College or the training vessel, except part-time instructors.

(f) "Maritime Service" means the U.S. Maritime Service.

(g) "Supervisor" means the member of the Maritime Administrator's Office designated to supervise the Federal Government's interest in the State Maritime Academies or Colleges under the provisions of this subpart and applicable Public Laws.

(h) "Act" means Maritime Academy Act of 1958 P.L. 85-672.

(i) "School" means State Maritime Academy or College.

(j) "Agreement" means agreements between Schools and the Maritime Administrator.

(k) "Secretary" means Secretary of Commerce.

§ 310.2 Federal assistance.

(a) The Maritime Administrator under the authority delegated to him by the Secretary of Commerce (Department of Commerce Order No. 117-A, section 3, effective May 20, 1966), may enter into agreements with the present or later established Maritime Academies or Colleges meeting the requirements of the "Maritime Academy Act of 1958," to make annual payments to such Academies or Colleges for not in excess of 4 years in the case of each such agreement, to be used for the maintenance and support of such Academies or Colleges. Such payments for any year to any Maritime Academies or Colleges shall be an amount equal to the amount furnished to such Academies or Colleges for their maintenance and support by the State in which the Academy or College is located, except that such payment to any Academy or College for any year shall not exceed $75,000, or $25,000 if such Academy or College does not meet the requirements of section 5(b) of the "Maritime Academy Act of 1958."

(b) The Secretary may under the provisions of section 3 of said Act furnish any suitable vessel under his jurisdiction or obtain from any department or agency of the United States, or construct and furnish a suitable vessel, if such is not available to the State of Maine, the State of Massachusetts, the State of New York, the State of California, the State of Texas, and any other State or Territory of the United States for use as a training vessel for a Maritime Academy or College meeting the requirements of the Act.

(c) As a condition to receiving any payments or the use of any vessel under the provisions of said Act, an Academy or College shall comply with the provisions of section 5(a) of said Act and shall agree in writing to conform to such standards as provided for under section 5(a)(2) of said Act. Said standards to be so agreed upon are set forth here in this subpart.

(d) As a further condition to receiving any payments, each school shall agree that it will comply with the provisions of Title VI of the Civil Rights Act of 1964, Public Law 88-352, 42 USC 2000d, and the requirements imposed by or pursuant to the Regulations of the Department of Commerce and/or the Maritime Administration issued pursuant to the aforesaid Title VI; and each schoool shall give assurance that it will take any and all measures to effectuate compliance as set forth in Article 3(c) of the Agreement contained in § 310.12.

§ 310.3 Schools and courses.

(a) *State Maritime Schools operating with Federal aid.* The following State Maritime Schools are presently operated with Federal aid under said Act:

California Maritime Academy.
Maine Maritime Academy.
Massachusetts Maritime College.
State University of New York State Maritime College.
The Texas Maritime Academy of the Texas A. & M. University.

(b) *General rules for operation of academies and colleges.* (1) The State Maritime Academies and Colleges, hereinafter called the "Schools" shall maintain adequate berthing, messing, and classroom instruction facilities ashore, or have in preparation such plans and intention to establish same at the earliest possible time, unless prevented from doing so by acts of war, acts of God, fire, force majeure, or conditions beyond the control of the school: *Provided, however,* In such case the school shall be conducted on the training vessel.

(2) As a condition to receiving payments of any amount of $75,000 as provided by the Act in excess of $25,000 for any year; such School shall agree to admit to the School, students resident of other States to the extent of at least 10 percent of the School's student capacity: *Provided, however,* That such out-of-State students apply for such admission and are qualified for such admission.

(3) Upon the request of the Administration, the Schools shall furnish such reports and estimates as may be required

in the preparation of Federal Budget estimates for the State Marine Schools.

(4) Rules and regulations for the internal organization and administration of each School will be determined under the direction of the State authority.

(5) The Administration shall have the right to inspect shore base facilities at all reasonable times.

(6) Records pertaining to the Schools, its officers, faculty, crew, cadets, the training vessel, and shore base, shall be maintained by each School, and shall be available to the Supervisor upon request. A detailed record of cadet enrollments, reenrollments, absences, with or without leave, hospitalizations, disenrollments, graduations, and other analogous data shall be kept by each School. Copies of these records shall be furnished to the Supervisor upon request.

(7) The Administration may include in any pamphlets, brochures, or other public information materials distributed with respect to any Federal Maritime School or with respect to maritime training an adequate description of each school so that information will be imparted giving the reader knowledge of the existence of the School, its purposes and where to obtain information concerning the same.

(c) *Curriculum.* (1) The minimum period of training shall be 3 years, at least 6 months of which must be aboard a training vessel in a cruise status. Should any School extend the minimum period of training beyond 3 years, such School shall notify the Administrator.

(2) The State authorities shall prescribe and be responsible for the courses of instruction and general system of training subject to approval by the Administrator and with the addition of such reasonable maritime courses as may be prescribed by Federal authorities. Courses in atomic or nuclear propulsion shall be established as soon as practical and possible.

(d) *Board of Visitors.* It is recommended that a board of visitors, acting in an advisory capacity only and meeting at least once a year, be appointed by the State for its School. As a general guide it is suggested that it be composed of at least eight members including the following:

One from the shipping industry;
One from the shipbuilding or ship repair industry;
One from the Alumni of the Academy or College;
One merchant marine master mariner possessing an active license;
One merchant marine chief engineer possessing an active license;
One officer of the U.S. Navy, active or retired, designated by the Commandant of the Naval District in which the School is located; or U.S. Coast Guard, active or retired, designated by the Commandant, U.S. Coast Guard;
One from the State Board of Education or other similar State bureaus;
One representative of the Administration designated by the Administrator.

§ 310.4 Training vessel.

The Administration may furnish a training vessel, if such is available, to each of the schools. If such a vessel is not available, adequate cruising facilities will be furnished if possible. The furnishing of the training vessel shall be subject to the following terms and conditions:

(a) *General provisions.* (1) The States shall exercise reasonable care to safeguard the interests of the Administration and to avoid loss and damage of every nature with respect to said vessel.

(2) Excerpts from log books and reports shall be submitted as directed by the Supervisor.

(3) Initial telegraphic or telephonic reports shall be made promptly to the Supervisor and the appropriate U.S. Maritime Administration Coast Director concerned in the event of accident causing damage to the training vessel, equipment, or machinery, or damage inflicted by the training vessel or any other ship or property; such reports to be followed by written details of the occurrence.

(4) The Supervisor shall determine whether or not the berth of the training vessel at the base in its home port is suitable, from the standpoint of safe mooring. When the vessel is not on cruise, the Commanding Officer or Superintendent shall keep the Supervisor informed of the location of the vessel and any contemplated change of berth. The supervisor finds that all present berths of the training vessels at each School are suitable for safe mooring of such vessel.

(5) The following notice shall be posted conspicuously on board a training vessel furnished to the State:

> This training vessel is the property of the United States of America. It is furnished to the State of ---------- by the Department of Commerce, Maritime Administration for the purpose of training young men to become officers in the merchant marine of the United States. Neither the State, the Commanding Officer, nor any other person has any right, power, or authority to create, incur, or permit to be imposed upon this vessel, any lien whatever.

(6) No structural changes shall be be made to the training vessel, her machinery, or boilers without the written approval of the Administration.

(7) In the event of the termination of the use of said training vessel by the State or by the Administrator, the State shall return, in the State base port, the vessel and all property whatsoever owned by the Administration. Title to all additions, replacements, and renewals made by the State shall vest in the Administration without charge therefor.

(b) *Termination of use.* The Administrator may terminate the use of a vessel upon such reasonable notice to the State as the circumstances may permit:

(1) By substituting another vessel therefor.

(2) If the vessel is required by the governmental agency which furnished the same to the Department of Commerce; in which case the Administrator, as soon as practicable, will return the vessel to said agency and provide another to the School.

(3) If the vessel is not used in accordance with sound maritime practices, in which case the Administrator shall so notify the State and shall give the State a reasonable time in which to remedy the conditions complained of.

(c) *Property aboard vessel.* The State shall have the use of all equipment, appliances, apparel, spare and replacement parts on board a training vessel, subject to the following terms and conditions:

(1) The same or their substantial equivalent shall be returned to the Administration, excepting therefrom spare and replacement parts; ordinary wear and tear, unavoidable accident, and perils of the sea excepted; and any such items otherwise lost or destroyed shall be replaced at the expense of the State.

(2) Administration property shall not be permanently removed from the training vessel to shore base without the written approval of the Supervisor.

(3) The Administration shall take inventories of State and Federal property on board the vessel at such times as it deems necessary for this purpose. The School shall furnish such assistance as may be necessary for this purpose.

(d) *Condition surveys.* Before a vessel is released to a School and manned by State officers under State control, a condition survey will be made by duly authorized representatives of the School and the Administration. If the vessel is found in order, the School representative shall sign a receipt for the vessel. Subsequently, after due notice to the State authorities, a condition survey may be made of the vessel whenever deemed advisable by the Administration, and, in any event, upon redelivery of the vessel by the State to the Administration.

(e) *Maintenance and repairs.* (1) The vessels shall be maintained in good repair by the Secretary of Commerce as provided by the Act. Expenses for repairs to the vessel, changes, and alterations, repairs to equipage, and replacements of equipage in accordance with the Administration's approved allowance lists of the vessel, will be borne by the Administration under the following terms and conditions:

(i) Except for emergencies or while the vessel is on foreign cruise, repairs shall not be made without the prior written approval thereof by the Supervisor.

(ii) When it is necessary to repair or drydock the training vessel because of damage or other reasons (except in an emergency, when the vessel is on foreign cruise), the Commanding Officer or Superintendent shall notify the Supervisor and appropriate Coast Director by telephone or telegraph in order to enable a representative of the Maritime Administration Coast Director's office, if available, to be present, when the survey of the damage is made.

(iii) To further training and for the purpose of reducing expenses, repairs which need not be carried out during the annual overhaul period shall be made by the cadets if possible, under the supervision of the ship's officers. When repair material is required for this purpose, the Commanding Officer or Superintendent shall forward to the Supervisor a list of such material and estimated costs, and a description of the repairs to be carried out by the Cadets. The Supervisor shall promptly advise the Commanding Officer or Superintendent whether or not such work comes under the heading of repairs, and if acquirement of the material is authorized.

(iv) Requisitions covering repairs, renewals, and betterments shall be prepared in quintuplicate by the heads of departments of the training vessel and submitted by the Commanding Officer or Superintendent to the Supervisor at least 45 days before the date of the annual overhaul, with one copy to the appropriate Coast Director's office.

(v) The State is authorized to expend not to exceed $5,000 for repairs which become necessary while the vessel is on foreign cruise and will be reimbursed by the Administration therefor upon submission of vouchers to, and approval thereof by, the Administrator after termination of such cruise. To obtain reimbursement for repairs estimated to cost in excess of $5,000, authority must be obtained by the State from the Supervisor prior to undertaking such repairs.

(2) To be borne by the State: Except as otherwise provided in this section, the State shall, at its own expense, accomplish the following:

(i) Undertake usual preventive maintenance of the training vessel and shall keep it above the water line clean and painted according to good maritime practices.

(ii) Cause the training vessel to be fumigated if required by the Administration and shall forward to the Supervisor, after each such fumigation a copy of the fumigation certificate.

(iii) Pay for all consumable stores, fresh water, fuel, and costs incidental to the operation of the training vessel, such payment of operating expenses being subject to approval by the Superintendent of the School or the Commanding Officer of the training vessel.

(f) *Cruises.* The cruise itinerary of the training vessel including a listing of foreign ports to be visited must have the approval of the Supervisor and shall be submitted to him by the Superintendent, if possible, at least 30 days in advance of the date such cruise is scheduled to begin. The Supervisor will arrange with the Department of State for clearance of the vessel to visit foreign ports. While on cruise the Commanding Officer shall advise the Supervisor by dispatch of the date of arrival at each port visited and of the date of departure if the latter is at variance with the approved itinerary. Permission for the training vessel to visit the U.S. Naval stations or Naval bases shall be arranged by the Supervisor.

(g) *Hospitalization and repatriation.* The school shall be responsible for hospitalization, if required, and the return to the home port of the training vessel, at the expense of other than the U.S. Government of all personnel and others including Cadets, originally embarked on the cruise from a Continental U.S. port, that are left behind, after the departure of the training vessel from a foreign port. The School shall also be responsible for the return to the training vessel's home port of those left behind in Alaska, Hawaii, Puerto Rico, Canal Zone, and other U.S. possessions. In the latter instance, U.S. Public Health Service care, if available, may be provided.

§ 310.5 Personnel.

(a) *Selection and appointment by State Authorities.* (1) The Superintendent of a State Maritime Academy shall be selected and appointed by the State in accordance with qualifications established by appropriate State authorities. The Maritime Administrator shall be notified whenever a new Superintendent is appointed and furnished with appropriate background information on the appointee for informational purposes.

(2) Faculty members shall be appointed on the basis of the same criteria used in the employment of such personnel in State-supported colleges and universities throughout the State. Instructors in engineering and navigation courses, including steam and diesel propulsion and courses in nuclear propulsion, must meet appropriate academic and practical experience standards recommended by the State Maritime Academies and approved by the Maritime Administration.

(b) *Commanding officer of training vessel.* The Commanding Officer shall hold a valid Master's Ocean, unlimited license, issued by the U.S. Coast Guard and have served at least 2 years as Master, Chief Officer, Commanding Officer, or Executive Officer, in case of a training vessel, on ocean-going vessels or training vessels of no less in approximate size than the one used as a training vessel of that particular School.

(c) *Chief Engineer.* The Chief Engineers assigned after July 1, 1959, must hold a valid Chief Engineer's (Steam) Ocean, unlimited license, issued by the U.S. Coast Guard and have served as Chief Engineer of an ocean-going steamship or a School training vessel of comparable horsepower to that of the training vessel used by that particular School.

(d) *Watch Officers.* Both Deck and Engineer Watch Officers in charge of a watch, underway, appointed after July 1, 1959, shall hold valid Ocean, unlimited licenses, issued by the U.S. Coast Guard, in their particular field.

(e) *Radio Officers.* During the cruise period each training vessel will be required to have assigned one or more radio officers, currently licensed by the U.S. Coast Guard, in accordance with their regulations.

(f) *Licensed Engineer.* When the training vessel boiler or boilers are in operation, there shall be a Licensed Engineer aboard at all times.

(g) *Insignia for officers and instructors.* The insignia for officers and instructors other than officers of the U.S. Navy, Naval Reserve, U.S. Maritime Service and U.S. Coast Guard, will be that prescribed by the State. All officers of the U.S. Navy or Naval Reserve in inactive status are authorized to wear merchant marine reserve insignia as prescribed by the Bureau of Naval Personnel, or of the U.S. Maritime Service, as prescribed by the Administrator.

§ 310.6 Entrance requirements.

(a) Effective July 1, 1966, a candidate for admission to a School (other than a foreign national admitted in accordance with State regulations) must:

(1) Be a male citizen of the United States.

(2) Agree in writing to apply, at an appropriate time before graduation, for a commission as Ensign in the U.S. Naval Reserve and to accept such a commission if offered.

(3) Meet the physical standards specified by the U.S. Coast Guard for original licensing as a merchant marine officer. The written certification of the Superintendent or President of the school, based on a physical examination by a doctor the results of which are on record at the school, that a candidate meets these requirements will be acceptable to the Maritime Administration.

(4) Be not less than 17 years of age and not have reached his 22d birthday in the year appointed to the School. The Schools may admit students outside these age limits but such students will not be entitled to the Federal subsistence, uniform and textbook allowance.

(5) Not be married at the time of admission to the School or married while enrolled in the School.

(6) Possess a secondary school education or equivalent, satisfactory for admission as an undergraduate, to colleges or universities under control of the State in which the School is located.

(7) Meet requirements established by the School in regard to such criteria as the individual's secondary school grades, rank in graduating class, aptitude, and achievement as measured by an objective examination, character, personality, and qualities of leadership.

§ 310.7 Enrollment and uniform, textbook and subsistence allowance.

(a) Each cadet who has been admitted to a School, who has met the requirements set forth in § 310.6, and who has applied for and has been enrolled in the U.S. Maritime Service shall be entitled to be granted a uniform, textbook, and subsistence allowance at the rate and under the conditions stated in P.L. 85–672, section (6), provided that Congress has appropriated necessary funds for this purpose. Upon enrollment in the U.S. Maritime Service, each Cadet shall be required to take an oath or affirmation of allegiance to the United States of America and execute a Nonsubversive Activities and No-Strike Affidavit, Form MA–527.

(b) The uniform, textbook, and subsistence allowance will be paid monthly and will be paid directly to the School concerned, upon the presentation of a statement containing the names of the Cadets and showing the number of days each was present during the month, or absent, under the provisions of § 310.8. For new Cadets admitted to the Schools the statement supporting the first voucher for payment shall certify that the Cadets have met the Entrance Re-

quirements in § 310.6. The statement shall also contain such other information as may be required by the Administrator. The voucher submitted for the payments of this allowance shall contain a certification by the Superintendent of the respective School that payment of the voucher will be used to assist in defraying the cost of the uniform, textbook, and subsistence of each student on the basis of the amount entitled as reflected by attached Daily Attendance Report. No Cadet will be granted a uniform, textbook, and subsistence allowance for any time during which he is absent without leave or for absence due to a condition not in line of duty.

(c) For the fiscal year commencing July 1, 1966, and subsequent fiscal years, if it appears that the amount of money appropriated by Congress under 6(a) of the Act for said year shall not be sufficient to make payments at the maximum rate, not in excess of $600 per academic year per student, then the Administrator, after consultation with the Schools, may determine the exact rate to be paid at each school for the remainder of the fiscal year.

§ 310.8 Leave.

Leave with allowance from the Government for Cadets, the specific periods of which shall be at the discretion of the Superintendents, shall be as follows:

(a) If transferred to a hospital, or sick at home, or in the sick bay, not to exceed 4 months.

(b) For an emergency due to the serious illness, injury or death of a very near relative, not to exceed 7 days.

(c) Annual leave not to exceed 30 days.

(d) Christmas and Easter not to exceed a total of 12 days. All Legal Holidays—Federal and State.

(e) Leave with allowance, in addition to that provided in paragraphs (a), (b), (c), and (d) of this section, may be granted only if approved by the Supervisor upon direct request by the Superintendent.

§ 310.9 Medical attention and injury claims.

(a) *Medical attention and hospitalization for cadets.* Cadets shall be entitled to receive U.S. Public Health Service hospitalization and medical and dental attention. A medical officer shall be attached or on call to the school. During the cruise, a medical officer shall be assigned to the training vessel.

(b) *Compensation claims of cadets.* Compensation claims for personal injuries or death sustained by a cadet enrolled in the U.S. Maritime Service in performance of duty shall be forwarded via the Supervisor to the Administration for transmission to the Bureau of Employees' Compensation; necessary forms to be furnished by the Supervisor.

(c) *Medical care and compensation for personnel.* Officers, instructors, and crew members may avail themselves of any medical facilities furnished by the State or Federal Government. During illness or while recovering from injury, officers and instructors who are not on the Federal payroll, shall receive pay and allowances as authorized by the State. The Superintendent, Commanding Officer, officers and instructors, left in other than the vessel's home port by reason of illness or injury while assigned to the training vessel, shall be furnished suitable transportation to the home port unless contrary to State law.

§ 310.10 Discipline and dismissal.

(a) In the event it is determined that a Cadet was married at the time of admission to the School or if he marries while in attendance at the School, he shall be dismissed if he does not resign.

(b) Each school shall establish a demerit system for Cadet infractions of the Schools' Rules and Regulations.

§ 310.11 Scope and effect.

(a) If any provisions of this subpart conflict with laws and regulations of the State, the appropriate State authorities shall notify the Administrator in writing of such conflict and pertinent circumstances.

(b) The Administrator may, after consultation with the appropriate State authorities, issue instructions supplementing this subpart.

§ 310.12 Form of agreement.

The form of agreement for assistance and subsistence payments under the "Maritime Academy Act of 1958" is set forth below:

Form MA-208
(4-66)

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION

STATE MARITIME ACADEMY OR COLLEGE AGREEMENT

This agreement, entered into as of the ------ day of ----------, 19--, by and between the United States of America, acting through the Department of Commerce, Maritime Administration (hereinafter called the "Administration") and the State of ---------- (hereinafter called the "State"), acting through the ---------- Maritime Academy or College (hereinafter called the "School").

Witnesseth, Whereas:

1. "The Maritime Academy Act of 1958", Public Law 85-672 (hereinafter called the "Act"), provides for payments to State and Territory Maritime Academies and Colleges (hereinafter called the "School") for the maintenance and support of such Schools and for students in attendance at such Schools;

2. The Act further provides for certain requirements regarding courses of instruction and educational standards which any such School must meet in order to receive said payments referred to in paragraph 1 above;

3. The Administration has determined that the School has met or by virtue of this Agreement does meet all the requirements referred to in paragraph 2 above.

Now, therefore, in consideration of the premises and of the mutual promises hereinafter set forth, the parties hereto agree as follows:

ARTICLE 1. *Assistance payments.* The Administration, subject to the provisions of Article 3, agrees to make annual payments to the School for not in excess of 4 years for schools having a 4-year course and not in excess of 3 years for schools having a 3-year course under this Agreement to be used for the maintenance and support of the School. As a further condition to receiving such payment, the State shall appropriate each year for the purpose of maintenance and support of the School, an amount not less than that received from the Federal Government for such year for the same purpose. Such payments to the School for any year shall not exceed $75,000, or $25,000 if the School does not meet the requirements of Article 3(b) of this Agreement.

ART. 2. *Subsistence payments.* The Administration, subject to the provisions of Article 3, agrees to make payments, at a rate not in excess of $600 per academic year per student, to the School for the account of the student with respect to each student attending the School. The School agrees that the payments provided for in this Article 2 shall be used by the student to assist in defraying the cost of uniforms, textbooks, and subsistence for such student. It is further agreed that the payments provided for in this Article 2 shall commence to accrue on the day such student begins his first term of work at the School and that such payments shall be paid to the School in such installments as the Administration shall prescribe while such student is in attendance and until the completion of his course of instruction, but in no event for more than the normal period required, by the School, to complete the prescribed course for any one student.

ART. 3. *Requirements.* (a) In consideration of the payments to be made to the School pursuant to the provisions of Articles 1 and 2 above, the School shall, as a condition to receiving any payments under this Agreement,

(1) Provide courses of instruction to youths in navigation and marine engineering, including steam and diesel propulsion, and courses in atomic or nuclear propulsion as soon as practical and possible; and

(2) Conform to such standards in such course, in training facilities, in entrance requirements, and in instructors, as are established by the Administration after consultation with Superintendents of Schools in the United States.

(b) In addition to the condition provided in paragraph (a) above, as a condition to receiving payment of any amount in excess of $25,000 for any year under Article 1 of this Agreement, the School hereby agrees to admit to its courses of instruction students resident in other States in such numbers as the Administration shall prescribe, except that the number of such students prescribed for the School shall not, at any time, exceed one-third of the student capacity of the School.

(c) (1) The school agrees that with respect to the training program for merchant marine officers under the Merchant Marine Academy Act of 1958 for which it is a recipient of Federal financial assistance from the Department of Commerce, it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and the requirements imposed by or pursuant to the Regulations of the Department of Commerce (30 F.R. 305; 30 F.R. 616) issued pursuant to that title; and hereby assures that it will immediately take any measures necessary to effectuate this agreement.

(2) In accord with such assurances, the school further agrees that it will not participate directly or indirectly in any manner in any discriminatory act or course of conduct prohibited by section 8.4 of the Department's Regulations in the selection of persons to be trained or in their treatment by the school in any aspect of the educational process and discipline during their training, or in the availability to or use by them of any academic, housing, eating, recreational,

or other facilities and services, or in financial assistance to students furnished or controlled by the school or incidental to the program. The school also agrees that in any case where selection of trainees is made from a predetermined group, such as the students in an institution or area, the group will be selected by the school without discrimination on the basis of race, color, or national origin. The school further recognizes that its assurances are specifically subject to the provisions of section 8.5(b)(9) of the Department's Regulations.

(3) These assurances shall obligate the school and be in effect where the Federal financial assistance to the program consists of: (a) Real property or structures thereon or interests therein, for the period during which the real property or structures are used for a purpose for which the assistance is extended or for another purpose involving the provision of similar services or benefits; (b) personal property, for so long as the school retains ownership or possession of the property; and (c) any other type or form of assistance, for the duration of the period during which assistance is extended to the program.

(4) It is agreed that these assurances are given in consideration of and for the purpose of obtaining and continuing in effect any financial assistance extended after the date hereof to the school by the Department for the program, including any payments or other assistance to be rendered pursuant to agreements extending financial assistance which were approved prior to such date, and any violation by the school of any of the provisions of this assurance of nondiscrimination shall constitute a breach of each of said agreements.

(5) The school further recognizes and agrees that such financial assistance will be extended by the Department in reliance upon the representations and agreements made in this assurance of nondiscrimination, and that the United States shall have the right (in addition to any of its other rights under its agreements with the school) to seek judicial enforcement of these assurances. These assurances are binding on the school, its principals, officers, employees, agents, successors, transferees, and assignees.

ART. 4. *Method of payment—assistance and subsistance.* (a) The School shall submit annually a voucher, in form approved by the Administration, to the Administration for the assistance payments provided for in Article 1. A voucher with respect to an assistance payment under the requirements of section 5(b) of the Act shall be supported by certified statements regarding operating expenses for the preceding year and an estimate of operating expenses for the year with respect to which the voucher is submitted, amounts furnished by the State to the School for maintenance and support and evidence of compliance with the requirements of section 5(b) of the Act as required by the Administration. A voucher submitted for an assistance payment not under the requirements of section 5(b) of the Act, shall be supported by certified statements regarding operating expenses for the preceding year and an estimate of operating expenses for the year, with respect to which the voucher is submitted and amounts furnished by the State to the School for maintenance and support. Upon approval by the Administration of the vouchers referred to above, payment shall be made by the Administration to the School. All vouchers and payments hereunder are subject to Administration General Order 87.

(b) The School shall submit a voucher monthly, in form approved by the Administration, for the subsistence payments provided for in Article 2. Said voucher shall be supported by a certified Daily Attendance Report listing the names of all students and the number of days each is entitled to payments as stated on such voucher. Upon approval of the voucher referred to above in this paragraph (b) by the Administration, payment shall be made by the Administration to the School. All vouchers and payments hereunder are subject to Administration General Order 87.

ART. 5. *Public information.* It is understood that the School shall include in its curriculum catalogue, student information pamphlets, brochures, or other public information materials distributed, an adequate description of the financial assistance afforded the School and its students under the Act and this Agreement.

ART. 6. *Regulations.* This Agreement is subject to all the provisions of Administration General Order 87. The School shall conform to said General Order with respect to visitation rights of the Administration, reports and any other matters arising under this Agreement.

ART. 7. *Officials not to benefit or be employed.* No Member of Congress, or Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom, except as provided in section 116 of the Act approved March 4, 1909 (35 Stat. 1109).

ART. 8. *Disputes.* Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement shall be decided by the Administrator, designated under the terms of Administration General Order 87, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the School, which decision shall be final and conclusive unless within thirty (30) days from the date of receipt of such copy, the School appeals by mailing or otherwise furnishing said Administrator, a written appeal addressed to the Secretary of Commerce. The decision of the Secretary of Commerce or his duly authorized representative for the hearing of such appeals, unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence, shall be final and conclusive. In connection with any appeal, the School shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the School shall proceed diligently with performance of the Agreement in accordance with the decision of the Administrator.

In witness whereof, the United States of America, represented as aforesaid, has caused this Agreement to be executed on its behalf in three counterparts on the day and year first written hereinabove.

UNITED STATES OF AMERICA,
DEPARTMENT OF COMMERCE,
MARITIME ADMINISTRATION.

By: ----------
Maritime Administrator

MARITIME ACADEMY OR COLLEGE

By: ----------
By: ----------

ATTEST:

Secretary

ATTEST:

Approved as to form:

General Counsel.
Maritime Administration.

The foregoing shall be effective upon publication in the FEDERAL REGISTER.

Dated: March 13, 1967.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-3245; Filed, Mar. 24, 1967; 8:45 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 67-SO-28]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Panama City and Tyndall AFB, Fla., control zones and the Panama City, Fla., transition area.

The Panama City control zone, described in § 71.171 (32 F.R. 2071), would be altered by deleting "* * * (latitude 30°12'45" N., longitude 85°40'55" W.), and within 2 miles each side of the Panama City VOR 328° and 090° radials, extending from the 5-mile radius zone to 7 miles northwest and east of the VOR, from 0600 to 2200 hours, local time, daily. The portion within the Tyndall AFB control zone is excluded * * *" and substituting "* * * (latitude 30°12'41" N., longitude 85°40'57" W.), and within 2 miles each side of the Panama City VOR 310° and 059° radials, extending from the 5-mile radius zone to 8 miles northwest and northeast of the VOR. The portion within the Tyndall AFB control zone is excluded. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual * * *" therefor.

The Tyndall AFB control zone, described in § 71.171 (32 F.R. 2071 and 786) would be altered by deleting "* * * within 2 miles each side of the Tyndall AFB TACAN 308° radial, extending from the 5-mile radius zone to 8 miles northwest of the TACAN; and within 2 miles each side of the Tyndall VOR 313° radial, extending from the 5-mile radius zone to the VOR * * *" and substituting "* * * within 2 miles each side of the Tyndall AFB TACAN 308° radial, extending from the 5-mile radius zone to 6 miles northwest of the TACAN * * *" therefor.

The Panama City transition area described in § 71.181 (32 F.R. 2148) would be altered by redesignating the 700-foot portion as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Panama City-Bay County Airport (latitude 30°12'41" N., longitude 85°40'57" W.); within an 8-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.); excluding the airspace outside of the continental limits of the United States.

The portion of the Panama City transition area extending upward from 1,200 feet above the surface would not be altered.

The geographic center of the Panama City-Bay County Airport has changed due to runway construction. The instrument approach procedures AL-695-VOR-1 and AL-695-VOR-2 are being revised to use the Panama City VOR 310° and 059° true radials. The Panama City control zone is currently effective from 0600 to 2200 hours, local time, daily. A part-time air traffic control tower to provide VFR control service is planned at Panama City in June 1967. Since the airport is located in a resort area, the peak periods of air traffic activity vary on a seasonal basis; therefore, it is necessary to provide a means for changing the effective time of the control zone to accommodate peak periods of air traffic activity. A review of IFR procedures for Tyndall AFB and Panama City-Bay County Airport, and the fact that both airports have turbojet aircraft operations, disclosed there is a need for the proposed 700-foot transition area. The proposed transition area eliminates the southeast extension to the Tyndall AFB control zone and permits a reduction from 8 to 6 miles to the northwest extension. These proposed amendments take into account all of the foregoing items and would provide the controlled airspace required for the protection of IFR operations in the Panama City and Tyndall AFB terminal areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Miami Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on March 15, 1967.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 67-3264; Filed, Mar. 24, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-32]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Miles City, Mont., terminal area.

The following controlled airspace is presently designated in the Miles City, Mont., terminal area:

(1) The Miles City, Mont., control zone is designated as that airspace within a 5-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); and within 2 miles each side of the 252° bearing from the Miles City RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN; and within 2 miles each side of the Miles City VORTAC 226° radial extending from the 5-mile radius zone to 8 miles southwest of the VORTAC.

(2) The Miles City, Mont., transition area is designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of the Miles City VORTAC south of V-120 and within a 22-mile radius of the Miles City VORTAC north of the south edge of V-120.

Instrument approach procedures for Miles City Airport have now been revised to utilize the VOR/DME capabilities of the Miles City VORTAC as a navigational aid, with the result that presently designated airspace at Miles City, Mont., does not adequately provide controlled airspace protection for the revised instrument approach procedures.

In consideration of the foregoing, and as the result of a comprehensive review of the airspace structural requirements at Miles City, Mont., the Federal Aviation Agency proposes to modify the control zone and transition area at Miles City, Mont., as follows:

(1) Redesignate the Miles City, Mont., control zone as that airspace within a 5-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 2 miles each side of the 252° bearing from the Miles City RBN, extending from the 5-mile radius zone to 8 miles west of the RBN; within 2 miles each side of the Miles City VORTAC 225° radial, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC; and within 2 miles each side of the Miles City VORTAC 057° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC.

(2) Redesignate the Miles City, Mont., transition area as that airspace extending upward from 700 feet above the surface within a 10-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Miles City VORTAC south of V-120 and within a 25-mile radius of Miles City VORTAC north of the south edge of V-120.

The proposed control zone will provide controlled airspace protection for aircraft executing prescribed arrival and departure procedures at Miles City Airport during descent from 1,000 feet above the surface and during climb to 700 feet above the surface.

The proposed 700-foot floor transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach and departure procedures during descent from 1,500 to 1,000 feet above the surface and during climb from 700 to 1,200 feet above the surface. The proposed 1,200-foot floor transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures during the portion of those procedures executed at and above 1,500 feet above the surface. It will also provide this protection for aircraft holding in the Miles City, Mont., terminal area.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floors of the transition areas.

Since the action proposed herein was developed to provide controlled airspace protection for revised instrument approach procedures, no procedural changes will be effected.

Specific details of this proposal and the procedures which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on March 10, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-3265; Filed, Mar. 24, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-25]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the South Haven, Mich., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the South Haven, Mich., terminal area, as a result of the development of a public-use instrument approach procedure at the South Haven, Mich., Municipal Airport, utilizing the Pullman, Mich., VORTAC as a navigational aid, proposes the following airspace action:

Designate the South Haven, Mich., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of South Haven, Mich., Municipal Airport (latitude 42°21'15" N., longitude 86°15'45" W.) and within 2 miles each side of the Pullman, Mich., VORTAC 226° radial extending from the 5-mile radius area to the VORTAC.

The proposed transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. It will also provide controlled airspace protection for departing aircraft during climb from 700 to 1,200 feet above the surface. The controlled airspace proposed herein will underlie existing 1,200-foot floor transition area.

The proposed instrument approach procedure will be made effective concurrently with the designation of the proposed transition area.

The floors of the airways that traverse the proposed transition area will automatically coincide with the floor of the transition area.

Since a new approach procedure is to be established, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on March 10, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-3267; Filed, Mar. 24, 1967; 8:45 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 66-SO-25]

TEMPORARY RESTRICTED AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency is considering a proposal to amend § 73.53 of the Federal Aviation Regulations which would designate a temporary restricted area in eastern North Carolina, during the Strike Command exercise, Kitty Hawk.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency has been requested by the Department of the Air Force to designate a temporary joint use restricted area to encompass air maneuvers in support of the U.S. Strike Command. Field Training exercise Kitty Hawk. The exercise will take place from August 22, 1967, through August 28, 1967, in North Carolina between Wilmington and the North Carolina-Virginia border. The Air Force has stated that tactical air activity during this exercise could present a hazard to nonparticipating aircraft using certain areas at certain times.

Kitty Hawk is a U.S. Strike Command joint amphibious/airborne exercise involving 228 Air Force aircraft, 160 Army aircraft, and 103 Navy and Marine aircraft flying a possible 795 daily sorties. The ground forces would consist of a Marine Assault Landing Brigade, two Army Airborne Divisions or Brigades, one National Guard Mechanized Infantry Brigade, one National Guard Infantry Division and Special Forces elements. Extensive airborne troop assaults are planned in support of ground forces. Air activity would involve the use of heavy troop-carriers, the employment of high speed jet fighter aircraft in numerous close air support missions and the use of high speed jet reconnaissance aircraft.

The Washington Air Route Traffic Control Center would be designated as the Controlling Agency of the restricted area and the U.S. Air Force Forces, Strike Command (USAFSTRIKE), Langley AFB, Va., as the Using Agency.

A joint-use agreement would be drawn up enabling the user to release the entire area, or portions thereof, to the Washington Center when the area is not in use for the purpose designated. The area would be divided with two subareas, A and B to facilitate joint-use.

The Using Agency plans to establish a Central Air Traffic Monitoring Facility at Seymour Johnson AFB, Goldsboro, N.C., that would have the authority to permit nonparticipating aircraft to operate within the area. Instrument flight rule traffic will be coordinated by the Washington Center. For flight in accordance with visual flight rules, the aircraft operator desiring to depart from or operate within the area may place a collect call to the Central Air Traffic Monitoring Facility to obtain clearance. The telephone numbers to be used would be made known to the flying public prior to the commencement of this exercise.

Nonparticipating VFR aircraft desiring to enter or cross the area may obtain clearance to enter the area by contacting the Fayetteville, Florence, Rocky Mount, Wilmington, New Bern, Patrick Henry, or Elizabeth City Flight Service Stations. These communication facilities will obtain necessary permission from the appropriate military authority. Those aircraft operating in the Beaufort-Morehead City area may obtain permission through Cherry Point Approach Control. USAFSTRIKE has given assurance that all flights, including industrial operations, forestry operations, etc., would be handled with minimum delay and inconvenience, commensurate with the requirements of the exercise.

Since the proposed area encompasses numerous towns, cities, highways, waterways, and much scattered housing, the final rule would not exempt the user from the minimum safe altitude requirements of § 91.79 of the Federal Aviation Regulations. This section describes the minimum safe altitudes over congested areas, persons, vessels, vehicles or structures on the surface.

In consideration of the foregoing, it is proposed to designate a temporary restricted area to read as follows:

R-5315 KITTY HAWK AREA, N.C.

Boundaries: Subarea A Beginning at latitude 35°40'00" N., longitude 76°43'00" W.; to latitude 35°10'15" N., longitude 76°49'00" W.; to latitude 35°03'00" N., longitude 76°57'00" W.; to latitude 34°44'50" N., longitude 77°14'40" W.; to latitude 34°39'10" N., longitude 77°20'50" W.; to latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°40'40" N., longitude 77°23'00" W.; to latitude 34°37'25" N., longitude 77°29'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°33'00" N., longitude 77°19'00" W.; to latitude 34°30'20" N., longitude 77°15'50" W.; thence 3 nautical miles from and parallel to the shoreline, to latitude 34°20'00" N., longitude 77°34'50" W.; to latitude 34°30'00" N., longitude 77°47'00" W.; to latitude 34°54'00" N., longitude 77°52'00" W.; to latitude 35°40'00" N., longitude 77°41'00" W.; to the point of beginning.

Subarea B Beginning at latitude 36°30'00" N., longitude 76°50'00" W.; to latitude 36°22'00" N., longitude 76°37'00" W.; to latitude 35°40'00" N., longitude 76°43'00" W.; to latitude 35°40'00" N., longitude 77°41'00" W.; to latitude 35°59'00" N., longitude 77°34'00" W.; to latitude 36°30'00" N., longitude 77°22'00" W.; to the point of beginning.

Designated altitudes:

Subarea A. Surface to 6,000 feet MSL from sunrise to sunset. Surface to 6,000 feet MSL sunset to sunrise.

Subarea B. Surface to 6,000 feet MSL.

Time of designation: Continuous 0001 e.s.t. August 22 through 2359 e.s.t. August 28, 1967.

Controlling agency: FAA, Washington Air Route Traffic Control Center, Leesburg, Va.

Using agency: U.S. Air Force Forces, Strike Command (USAFSTRIKE), Langley AFB, Va.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 20, 1967.

W. R. ANDREWS,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-3266; Filed, Mar. 24, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 495]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 20, 1967.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. R 495, for the withdrawal of lands described below from prospecting, location, entry, and purchase under the mining laws, subject to valid claims and existing withdrawals.

The applicant desires the exclusion of mining activity to permit use of such lands as an administrative site annex to the Kernville Ranger Station, which use is incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

The Department's regulations (43 CFR 2311.1-3(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

CALIFORNIA

MOUNT DIABLO MERIDIAN

T. 25 S., R. 33 E.,
Sec. 15, lot 39.

The area described contains 0.82 acre.

IRA J. PEARRY,
Acting Manager.

[F.R. Doc. 67-3275; Filed, Mar. 24, 1967; 8:46 a.m.]

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Sale

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. Sec. 1131 et seq.) and the regulations issued thereunder (43 CFR Part 3380) sealed bids addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Room T-9003 Federal Office Building, 701 Loyola Avenue, New Orleans, La., or Post Office Box 53226, New Orleans, La. 70150, will be received until 9:30 a.m., c.s.t., on June 13, 1967, for the lease of oil and gas in certain areas of the Outer Continental Shelf, adjacent to the State of Louisiana. Bids will be opened at 10 a.m., c.s.t., June 13, 1967, in the Grand Ballroom of the Sheraton-Charles Hotel, 211 St. Charles Street, New Orleans, La.

On that day bids may be delivered in person to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the Grand Ballroom in the Sheraton-Charles Hotel between 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t. No bids received by mail or in person after 9:30 a.m., c.s.t., will be accepted.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 3382.1; 3382.3; 3382.4. Each bidder must submit the certification required by 41 CFR 60-1.6(b) and Executive Order No. 11246 of September 24, 1965, on Form 1140-1, November 1966. Bids may not be modified or withdrawn unless written modifications or withdrawals are received prior to the end of the period fixed for the filing of bids. Bidders are warned against violation of section 1860 of Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders. Attention is directed to the nondiscrimination clauses in section 2(k) of the lease agreement (Form 3380-1, February 1966). Bidders must submit with each bid, one-fifth of the amount bid, in cash or by cashier's check, bank draft, certified check or money order, payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a yearly rental or minimum royalty of $3 per acre or fraction thereof. The successful bidder will be required to pay the remainder of the bid and the first year's rental of $3 per acre or fraction thereof and furnish an acceptable surety bond as required in 43 CFR 3384.1 prior to the issuance of each lease. Where applicable, the leases will be subject to the terms and conditions of the agreement of October 12, 1956, between the United States and the State of Louisiana.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than $15 per acre or fraction thereof will be considered. The U.S. Government reserves the right to reject any and all bids even though the bid may exceed the minimum referred to previously. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered.

A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, Louisiana (insert number of tract) not to be opened until 10 a.m., c.s.t., June 13, 1967."

Official leasing maps in a set of 25, which contains the maps for the areas in which the tracts being offered for lease may be located, can be purchased for $5 per set. The official leasing maps, copies of the lease form (Form 3380-1, February 1966) as well as the Compliance Report Certification (Form 1140-1, November 1966) may be obtained from the above-listed Manager or the Director, Bureau of Land Management, Washington, D.C. 20240.

The tracts offered for bid are as follows:

LOUISIANA

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5

(Approved June 8, 1954; Revised April 28, 1966)

Ship Shoal Area

Tract No.	Block	Description	Acreage
La. 1758	55	All	5,000
La. 1759	102	do	5,000
La. 1760	103	do	5,000
La. 1761	104	do	5,000
La. 1762	105	do	5,000
La. 1763	120	N½	2,500
La. 1764	134	All	5,000
La. 1765	136	do	5,000
La. 1766	146	do	5,000
La. 1767	157	do	5,000
La. 1768	170	N½	2,500
La. 1769	189	All	5,000
La. 1770	190	do	5,000
La. 1771	191	do	5,000
La. 1772	200	do	5,000
La. 1773	201	do	5,000
La. 1774	204	do	5,000
La. 1775	205	do	5,000
La. 1776	206	do	5,000
La. 1777	207	do	5,000
La. 1778	216	do	5,000
La. 1779	222	do	5,000
La. 1780	223	do	5,000
La. 1781	232	do	5,000
La. 1782	233	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5A

(Approved September 8, 1959; Revised April 28, 1966)

Ship Shoal Area—South Addition

Tract No.	Block	Description	Acreage
La. 1783	251	All	5,000
La. 1784	252	do	5,000
La. 1785	256	do	5,141.14
La. 1786	259	do	5,000
La. 1787	261	do	5,000
La. 1788	267	do	5,000
La. 1789	272	do	5,000
La. 1790	295	do	5,000
La. 1791	296	do	5,000
La. 1792	303	do	5,000
La. 1793	306	do	5,232.26
La. 1794	307	do	5,255.04
La. 1795	308	do	5,000
La. 1796	311	do	5,000
La. 1797	312	do	5,000
La. 1798	316	do	5,000
La. 1799	317	do	5,000
La. 1800	319	do	5,000
La. 1801	322	do	5,000
La. 1802	323	do	5,000
La. 1803	340	do	5,000
La. 1804	341	do	5,000
La. 1805	346	do	5,000
La. 1806	347	do	5,000
La. 1807	349	do	5,000
La. 1808	350	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6

(Approved June 8, 1954; Revised July 22, 1954; December 9, 1954; April 28, 1966)

South Timbalier Area

La. 1809	47	Portion in Zone 3 [1]	4,133
La. 1810	48	do.[1]	3,049
La. 1811	63	N½	2,500
La. 1812	69	do	3,772.18
La. 1813	70	do	5,000
La. 1814	71	do	5,000
La. 1815	73	do	5,000
La. 1816	75	do	4,845
La. 1817	76	do	5,000
La. 1818	77	do	5,000
La. 1819	85	do	5,000
La. 1820	86	S½	2,500
La. 1821	95	do	5,000
La. 1822	101	do	5,000
La. 1823	108	do	5,000
La. 1824	109	do	5,000
La. 1825	110	do	5,000
La. 1826	111	do	2,148.46
La. 1827	123	do	5,000
La. 1828	136	do	3,772.18
La. 1829	140	do	5,000
La. 1830	150	do	5,000
La. 1831	156	do	5,000
La. 1832	157	do	5,000
La. 1833	158	do	5,000
La. 1834	178	do	5,000
La. 1835	179	do	5,000
La. 1836	180	do	5,000
La. 1837	181	do	5,000
La. 1838	184	do	5,000
La. 1839	185	do	5,000
La. 1840	186	do	5,000
La. 1841	187	do	5,000
La. 1842	188	do	5,000
La. 1843	189	do	5,000
La. 1844	193	do	5,000
La. 1845	204	do	5,000
La. 1846	205	do	5,000
La. 1847	206	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6A

(Approved September 8, 1959; Revised April 28, 1966)

South Timbalier Area—South Addition

La. 1848	222	All	5,000
La. 1849	271	do	4,548.86
La. 1850	272	do	4,526.06
La. 1851	299	do	4,503.30

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 7

(Approved June 8, 1954; Revised April 28, 1966)

Grand Isle Area

Tract No.	Block	Description	Acreage
La. 1852	20 and 21	Portion in Zone 3 [1]	4,186
La. 1853	29 and 30	do.[1]	4,844
La. 1854	31	All	5,000
La. 1855	32	N½	2,500
La. 1856	44	S½	2,500
La. 1857	45	All	5,000
La. 1858	53	E½	2,500
La. 1859	70	All	5,000
La. 1860	71	do	5,000
La. 1861	77	do	5,000
La. 1862	83	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 7A

(Approved September 8, 1959; Revised March 7, 1961; April 28, 1966)

Grand Isle Area—South Addition

La. 1863	89	All	4,539.89
La. 1864	90	do	5,000
La. 1865	91	do	5,000
La. 1866	93	do	5,000
La. 1867	94	do	4,539.89

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8

(Appro ed June 8, 1954; Revised April 28, 1966)

West Delta Area

La. 1868	76	All	5,000
La. 1869	77	Portion in Zone 3 [1]	3,230
La. 1870	107	Portion more than 3 miles seaward.[2]	588.73
La. 1871	108	do.[2]	547.50

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8A

(Approved September 8, 1959; Revised November 24, 1961; April 28, 1966)

West Delta Area—South Addition

La. 1872	111	All	5,000
La. 1873	112	do	5,000
La. 1874	121	do	5,000
La. 1875	123	do	5,000
La. 1876	137	do	5,080.60
La. 1877	138	do	5,000
La. 1878	144	do	5,000
La. 1879	145	do	5,000
La. 1880	146	do	5,000
La. 1881	147	do	5,000
La. 1882	148	do	5,000
La. 1883	152	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 9

(Approved June 8, 1954; Revised July 22, 1954; April 28, 1966)

South Pass Area

La. 1884	18	Portion more than 3 miles seaward.[2]	1,895.73
La. 1885	54	All	4,999.96
La. 1886	55	Portion more than 3 miles seaward.[2]	3,904.07
La. 1887	59 and 60	Portion more than 3 miles seaward.[2]	3,510.39
La. 1888	61	All	4,999.96

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 9A

(Approved September 8, 1959; Revised April 28, 1966)

South Pass Area—South and East Addition

La. 1889	65	All	5,000
La. 1890	66	Portion more than 3 miles seaward.[2]	4,310.10
La. 1891	67	All	5,000
La. 1892	68	do	5,000
La. 1893	70	do	5,000
La. 1894	74	do	3,540.45
La. 1895	87	do	3,540.45
La. 1896	88	do	5,000
La. 1897	89	do	5,000
La. 1898	93	do	3,540.45
La. 1899	94	do	

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10

(Approved June 8, 1954; Revised July 22, 1954; April 28, 1966)

Main Pass Area

Tract No.	Block	Description	Acreage
La. 1900	7	S½S½ portion seaward.[3]	935.17
La. 1901	18	Portion more than 3 miles seaward.[3]	4,982.70
La. 1902	19	All	4,994.55
La. 1903	38	do	4,994.55
La. 1904	90	do	4,994.55
La. 1905	93	do	4,994.55
La. 1906	94	do	4,994.55
La. 1907	102	do	4,994.55
La. 1908	103	do	4,994.55
La. 1909	105	do	4,994.55
La. 1910	121	do	4,994.55
La. 1911	122	do	4,994.55
La. 1912	123	do	4,994.55
La. 1913	124	do	4,994.55
La. 1914	132	do	4,994.55
La. 1915	133	do	4,994.55
La. 1916	144	do	4,994.55
La. 1917	145	do	4,999.96
La. 1918	150	do	

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10A

(Approved September 8, 1959; Revised April 28, 1966)

Main Pass Area—South and East Addition

La. 1919	177	All	4,994.55
La. 1920	197	do	4,994.55
La. 1921	206	do	4,994.55
La. 1922	207	do	4,994.55
La. 1923	208	do	4,994.55
La. 1924	209	do	4,994.55
La. 1925	210	do	4,994.55
La. 1926	214	do	4,994.55
La. 1927	232	do	4,994.55
La. 1928	233	do	4,994.55
La. 1929	234	do	4,994.55
La. 1930	235	do	4,994.55
La. 1931	236	do	4,994.55
La. 1932	237	do	4,994.55
La. 1933	238	do	4,994.55
La. 1934	239	do	4,994.55
La. 1935	240	do	4,994.55
La. 1936	241	do	4,994.55
La. 1937	253	do	4,994.55
La. 1938	254	do	4,994.55
La. 1939	264	do	4,994.55
La. 1940	265	do	4,994.55
La. 1941	266	do	4,994.55
La. 1942	270	do	4,994.55
La. 1943	271	do	4,994.55
La. 1944	272	do	4,994.55
La. 1945	273	do	4,994.55
La. 1946	274	do	4,994.55
La. 1947	275	do	4,994.55
La. 1948	277	do	4,994.55
La. 1949	278	do	4,560.81
La. 1950	288	do	4,560.81
La. 1951	289	do	4,560.81
La. 1952	290	do	4,560.81
La. 1953	291	do	4,560.81
La. 1954	292	do	4,560.81
La. 1955	293	do	4,560.81
La. 1956	294	do	4,560.81
La. 1957	295	do	4,560.81
La. 1958	296	do	4,560.81
La. 1959	297	do	4,999.96
La. 1960	304	do	4,999.96
La. 1961	305	do	4,999.96
La. 1962	306	do	4,999.96
La. 1963	308	do	

[1] Portion in Zone 3 only, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.

[2] That portion which is more than 3 geographical miles seaward from the line described in Paragraph 1 of the Supplemental Decree of the U.S. Supreme Court entered Dec. 13, 1965, in United States v. Louisiana, No. 9, Original (382 U.S. 288).

[3] That portion seaward of the line 3 miles seaward of "Chapman Line" as defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.

Some of the tracts offered for lease may fall in fairway areas (including prolongations thereof) or anchorage areas, or both, as designated by the District Engineer, New Orleans District, Corps of Engineers, U.S. Army. For the location of these areas and for operational restrictions imposed by that Agency, the District Engineer should be consulted.

Bidders are requested to submit their bids in the following form:

Manager, Bureau of Land Management, Department of the Interior, Post Office Box 53226, T-9003 Federal Office Building, New Orleans, La. 70150.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:

Area ------ Official Leasing Map No. ------

Tract No.	*Total amount bid*
Amount per acre	*Amount submitted with bid*

(Signature)

(Signature)

Important. The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check or bank draft. A separate bid must be made for each tract.

JOHN O. CROW,
Acting Director,
Bureau of Land Management.

Approved: March 22, 1967.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 67-3330; Filed, Mar. 24, 1967; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Docket No. AO 362]

FROZEN CONCENTRATED ORANGE JUICE IN FLORIDA

Vacation of Determination Relative to Proposed Marketing Agreement

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Lakeland, Fla., on December 19–20, 1966, after notice thereof published in the FEDERAL REGISTER (31 F.R. 15594) under a proposed marketing agreement regulating the handling of frozen concentrated orange juice in Florida. The decision of the Assistant Secretary setting forth the proposed marketing agreement was published in the FEDERAL REGISTER on January 20, 1967 (32 F.R. 680); and handlers were afforded opportunity to enter into this agreement.

On March 16, 1967, a determination was made that the proposed marketing agreement would not be entered into because it had not been executed by handlers of the requisite quantity of concentrate produced in Florida during the 1965–66 season (32 F.R. 4318).

Representations have now been made to the Department that the handlers of additional quantities of concentrate wish additional time to consider executing the marketing agreement in question.

Accordingly, said determination of March 16, 1967, is hereby vacated to afford further opportunity to handlers to consider execution of the foresaid marketing agreement.

Done at Washington, D.C., this 22d day of March 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-3308; Filed, Mar. 24, 1967; 8:49 a.m.]

POST OFFICE DEPARTMENT

URUGUAY

Notice of New Prohibitions

The postal authorities of Uruguay have given notice that registered letters for that country may not contain paper money, coins, or values payable to bearer. The present prohibition of precious metals, precious stones, jewelry and other precious articles continues in effect.

The Appendix to Subchapter C of Title 39, Code of Federal Regulations, will be amended as soon as practicable.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

MARCH 21, 1967.

[F.R. Doc. 67-3276; Filed, Mar. 24, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF CALIFORNIA LAWRENCE RADIATION LABORATORY AND AGRICULTURAL RESEARCH SERVICE

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No.: 67–00005–01–46040. Applicant: University of California Lawrence Radiation Laboratory, Berkeley, Calif. 94702. Article: Electron microscope model JEM–7A with ACS–2 anticontamination trap, ABD–2 high resolution dark field (6 degree beam tilt), AD–2 high resolution diffraction accessory, and charge neutralizer for AD–2 and control box. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Tokyo, Japan. Intended use of article: Phase studies and structure determinations of actinide elements. Application received by Commissioner of Customs: March 8, 1967.

Docket No.: 67–00010–25–46040. Applicant: Agricultural Research Service, U.S. Department of Agriculture, Beltsville, Md. 20705. Article: Electron microscope, model EM–200, with PW 6507 specimen chamber cooling device, and 01913 Norelco water cooler. Manufacturer: N. V. Philips, Holland. Intended use of article: Virus research for studies of particle morphology and measurements of particle size; studies of particle ultrastructure; and cytological studies. Application received by Bureau of Customs: March 16, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-3288; Filed, Mar. 24, 1967; 8:47 a.m.]

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd.; has applied for permission for its ships operating on Line B, Round-the-World Service (Westbound) to call at U.S. South Atlantic ports.

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on April 7, 1967, notify the Secretary, Maritime Subsidy Board

in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of Practice and Procedure of the Maritime Subsidy Board/Maritime Administration.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: March 21, 1967.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.
Secretary.

[F.R. Doc. 67-3246; Filed, Mar. 24, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

B. F. GOODRICH CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), the B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318, has withdrawn its petition (FAP 6B2019), notice of which was published in the FEDERAL REGISTER of August 24, 1966 (31 F.R. 11188), proposing the issuance of a regulation to provide for the safe use of *N*-alkyl (C_{16}–C_{18})-1,3-propanediamine-*N*,*N*',*N*'-triacetic acid as an antioxidant and/or stabilizer in certain polymers for food-contact use.

Dated: March 20, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3309; Filed, Mar. 24, 1967; 8:49 a.m.]

B. F. GOODRICH CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), the B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318, has withdrawn its petition (FAP 7B2096), notice of which was published in the FEDERAL REGISTER of October 19, 1966 (31 F.R. 13484), proposing the issuance of a regulation to provide for the safe use of 2,2'-di-*tert*-butyl-4,4'-isopropylidenediphenol bis(*p*-nonylphenyl) phosphite as an antioxidant and/or stabilizer in certain polymers for food-contact use.

Dated: March 20, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3310; Filed, Mar. 24, 1967; 8:49 a.m.]

GLAND-O-LAC CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by the Gland-O-Lac Co., 19th and Leavenworth Streets, Omaha, Nebr. 86101, proposing the issuance of a food additive regulation to provide for the safe use of methyl 18-epi-reserpate methyl ether hydrochloride in drinking water of replacement chickens, as a tranquilizer.

Dated: March 20, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3311; Filed, Mar. 24, 1967; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DIRECTOR, OFFICE OF GENERAL SERVICES

Designation as Chief Officer Responsible for Procurement and Contracting Officer; Delegation of Authority; Revocation

A. The Director, Office of General Services, is hereby designated as a chief officer responsible for procurement and contracting officer and is authorized to:

1. Enter into and administer procurement contracts and make related determinations except determinations under section 302(c)(11) with respect to contracts in excess of $25,000, and under sections 302(c)(12) and 302(c)(13), of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c)(11), (12), and (13)) (hereinafter called the Act).

2. Enter into and administer agreements with other Federal agencies involving the obligation of funds.

3. Designate as a chief officer responsible for procurement one or more subordinates and redelegate to such officer the authority to make determinations under section 302(c)(11) of the Act with respect to contracts not in excess of $25,000.

4. Designate as contracting officer one or more subordinates and redelegate to such officer, and authorize successive redelegations of, any of the authority delegated herein except the authority to make determinations under section 302(c)(11) of the Act.

B. The delegation of authority to three officers in the Division of General Services to execute certain contracts, effective January 14, 1959 (24 F.R. 444, January 17, 1959), is hereby revoked.

(Sec. 7(d) of Department of HUD Act of 1965, 42 U.S.C. 3535(d))

Effective date. This designation and delegation of authority, and revocation, shall be effective as of March 25, 1967.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 67-3282; Filed, Mar. 24, 1967; 8:46 a.m.]

DIRECTOR, CONTRACTS AND AGREEMENTS DIVISION, OFFICE OF GENERAL SERVICES

Designation as a Chief Officer Responsible for Procurement and Contracting Officer; Redelegation of Authority

A. The Director, Contracts and Agreements Division, Office of General Services, is hereby designated as a chief officer responsible for procurement and contracting officer and is authorized to:

1. Enter into and administer procurement contracts and make related determinations except determinations under section 302(c)(11) with respect to contracts in excess of $25,000, and under sections 302(c)(12) and 302(c)(13), of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c)(11), (12), and (13) (hereinafter called the Act).

2. Enter into and administer agreements with other Federal agencies involving the obligation of funds.

3. Designate as contracting officer one or more subordinates and redelegate to such officer any of the authority redelegated herein except the authority to make determinations under section 302(c)(11) of the Act.

(Secretary's delegation effective Mar. 25, 1967, 32 F.R. 4548, Mar. 25, 1967)

Effective date. This designation and redelegation of authority shall be effective as of March 25, 1967.

RICHARD D. ALTHAUS,
Director,
Office of General Services.

[F.R. Doc. 67-3283; Filed, Mar. 24, 1967; 8:47 a.m.]

DIRECTOR, OFFICE OF GENERAL SERVICES

Delegation of Authority With Respect to Publication in Newspapers of Advertisements, Notices, or Proposals

A. The Director, Office of General Services, is hereby empowered to:

1. Authorize the publication in newspapers of advertisements, notices, or proposals.

2. Redelegate to one or more subordinates any of the authority delegated herein.

B. Paragraph 1 of the delegation of authority to authorize publication in newspapers of advertisements, applicable to three officers in the Division of General Services, effective January 14, 1959 (24 F.R. 443, Jan. 17, 1959), is hereby revoked.

(44 U.S.C. 324; 5 U.S.C. 302; 42 U.S.C. 3535; 7GAO 5200)

Effective date. This delegation of authority shall be effective as of March 25, 1967.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 67-3284; Filed, Mar. 24, 1967; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-259, 50-260]

TENNESSEE VALLEY AUTHORITY

Notice of Hearing on Application for Provisional Construction Permits

In the matter of Tennessee Valley Authority (Browns Ferry Nuclear Power Station Units No. 1 and No. 2); Docket Nos. 50-259 (Unit 1), 50-260 (Unit 2).

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m., local time, on April 25, 1967, in the Limestone County Courthouse, Athens, Ala., to consider the application filed under section 104b. of the Act by Tennessee Valley Authority for provisional construction permits for two boiling water reactors, each designed to operate at 3,293 megawatts (thermal) to be located at Wheeler Lake in Limestone County, Ala., approximately 10 miles southwest of Athens, Ala.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission consisting of Dr. Hugh Paxton, Los Alamos, N. Mex.; Mr. Warren E. Nyer, El Monte, Calif.; J. D. Bond, Esq., Chairman, Washington, D.C.

A prehearing conference will be held by the Board at 10 a.m., local time, on April 12, 1967, in the Limestone County Courthouse, Athens, Ala., to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Nos. 1–3 and a negative finding on Item 4 specified below as the basis for the issuance of provisional construction permits to the applicant substantially in the form proposed in Appendices A and B hereto.

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's rules of practice, 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permits proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item No. 1 through 4 above as the basis for determining whether provisional construction permits should be issued to the applicant.

As they become available, the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Analysis by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of the ACRS report and the regulatory staff's Safety Analysis may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than April 12, 1967, or in the event of a postponement of the specific hearing date, at such time as the Board may specify.

Any person who wishes to make an oral or written statement setting forth his position on the issues specified, but who does not wish to file a petition to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by April 12, 1967.

Answers to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, must be filed by the applicants on or before April 12, 1967.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, or may be filed by delivery to the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and twenty conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 22d day of March 1967.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. MCCOOL,
Secretary to the Commission.

APPENDIX A

TENNESSEE VALLEY AUTHORITY (BROWNS FERRY NUCLEAR POWER STATION UNIT NO. 1)

[Docket No. 50-259]

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. ------

1. Pursuant to § 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Tennessee Valley Authority (the applicant) for a utilization facility (the facility), described in the application and amendments thereto filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Browns Ferry Nuclear Power Station Unit No. 1, will be located at Wheeler Lake in Limestone County, Ala., about 10 miles southwest of Athens, Ala.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is February 1, 1970, and the latest date for completion of the facility is October 1, 1970.

B. The facility shall be constructed and located at the site as described in the application, as amended, at Wheeler Lake, Limestone County, Ala., about 10 miles southwest of Athens, Ala.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

———, ———.

APPENDIX B

TENNESSEE VALLEY AUTHORITY (BROWNS FERRY NUCLEAR POWER STATION UNIT NO. 2)

[Docket No. 50-260]

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. ------

1. Pursuant to § 104 b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Tennessee Valley Authority (the applicant) for a utilization facility (the facility), described in the application and amendments thereto filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Browns Ferry Nuclear Power Station Unit No. 2, will be located at Wheeler Lake in Limestone County, Ala., about 10 miles southwest of Athens, Ala.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is February 1, 1971, and the latest date for completion of the facility is October 1, 1971.

B. The facility shall be constructed and located at the site as described in the application, as amended, at Wheeler Lake, Limestone County, Ala., about 10 miles southwest of Athens, Ala.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

———, ———.

[F.R. Doc. 67-3296; Filed, Mar. 24, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18016]

MARTIN'S LUCHTVERVOER MAATSCHAPPIJ N. V. (MARTIN'S AIR CHARTER CO.)

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is postponed to be held on April 5, 1967, at 10 a.m., local time in Room 911, Universal Building, Connecticut and Florida Avenues, NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., March 20, 1967.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 67-3287; Filed, Mar. 24, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16218; FCC 67-321]

CENTRAL COMMITTEE ON COMMUNICATION FACILITIES OF AMERICAN PETROLEUM INSTITUTE

Memorandum Opinion and Order

In the matter of amendment of Parts 87, 89, 91, and 93 of the Commission's rules to permit expanded cooperative sharing of operational fixed stations, Docket No. 16218; petition of the Central Committee on Communication Facilities of the American Petroleum Institute concerning cooperative use of private microwave systems in the petroleum radio service, RM-533.

1. The Commission has before it for consideration its report and order in Docket 16218 (FCC 66-640, 4 FCC 2d 406) released July 15, 1966; petitions for reconsideration of the report and order filed by the American Telephone and Telegraph Co. (AT&T) and by the Western Union Telegraph Co. on August 15, 1966; oppositions[1] to the petitions for reconsideration filed by United Press International, Inc.; American Newspaper Publishers Association (ANPA) and the Associated Press; Dow Jones and Co., Inc.; Central Committee on Communication Facilities of the American Petroleum Institute (API); National Committee for Utilities Radio (NCUR); National Retail Merchants Association (NRMA); NAM Communications Committee (NAM); the American Trucking Association (ATA); and by the Special Industrial Radio Service Association, Inc. (SIRSA); and a reply to the oppositions filed by AT&T.

2. The petitions for reconsideration were directed against the report and order in the instant proceeding wherein the above captioned rules were amended to permit wider sharing of private microwave systems. AT&T requested that the Commission "set aside said report and order, and limit the proceeding thereafter to the issues presented in the petitions of the American Petroleum Institute (RM-533)." RM-533 had requested expanded sharing of microwave systems in the petroleum industry. Western Union submitted:

(1) That the report and order should be corrected so as to correctly reflect the position taken by Western Union; and (2) The report and order should be further corrected so as to include the same safeguards as were contained in the Commission's decision in In The Matter of Allocation of Frequencies Above 890 Mc/s * * *. (3) The report and order should be further corrected in that it fails to consider the impact of said report and order on the Telpak Tariff of AT&T and further, the effective date of the rules changes should be postponed at least until a firm Telpak rate structure is established.[2]

3. The oppositions argued that the petitions should be denied mainly because they presented no basis for setting aside the Commission's decision in that they re-argued positions previously advanced and rejected. They claimed that Western Union's argument concerning the probable effect of the Commission's decision on AT&T's Telpak tariff is inappropriate and should be made when and if AT&T proposes to change the sharing provisions in that tariff.

4. We have considered all of the arguments in the petitions for reconsideration and in the oppositions and we have found nothing to require setting aside our decision or modifying it to any significant extent.[3] Accordingly, the petitions for reconsideration will be denied, except to the extent indicated in footnote 3.

5. AT&T argues primarily that the report and order does not deal adequately with its contention that there has been "no change of circumstances sufficient to justify a change in" the Commission's policy regarding sharing of private microwave facilities. AT&T also asserted the view that an "unjustified burden of proof [was placed] on the carriers" and that any change in Commission policy required "the production of * * * record evidence by the proponents of such change." It suggests that the Commission "could have appropriately directed hearings."

6. We believe that our report and order sets forth a valid basis for the action taken and that a hearing is not required or desirable. This is a rule making proceeding in which there is no legal requirement for an evidentiary hearing. The fact that a hearing was held to aid the Commission in establishing its original basic policy in Docket No. 11866 does not, as AT&T suggests, require that procedures for subsequent, related rule changes also include provision for evidentiary hearing. It is noteworthy that AT&T has not heretofore requested that a hearing be held in this proceeding.

7. With respect to AT&T's contention that there has been "no change of circumstances" justifying a change in policy, we think the report and order clearly indicates the reasoning which led to the Commission's decision in this regard. Without repeating the details of that document, it suffices to reiterate that the accumulation by the Commission of several years of experience under a policy of permitting some sharing of private microwave facilities indicated that further permissive sharing would serve the public interest. This conclusion was not based on a failure of the carriers to meet an "unjustified burden of proof." Rather it resulted from the fact that such shared systems as had been established had worked well and the further fact that the possible undesirable consequences predicted by the carriers in Docket No. 11866 had not materialized.

8. AT&T also argued that we reached our decision on "seemingly" inconsistent grounds. It claimed that we found on one hand that there is a need for more shared microwave systems and on the other that the comments did not indicate that there will be a surge of shared systems in the immediate future. But in our report and order we pointed out that there is a need for making possible further sharing of private microwave systems which should be satisfied. We also found no ground upon which to base a finding that there "would be a proliferation of 'pseudo-common carriers' along high density, low-cost routes to the substantial detriment of the carriers and to communications users in general," as the carriers had claimed. We see no inconsistency in this.

9. The total thrust of Western Union's argument seems to be that since the sharing provisions of AT&T's Telpak tariff are patterned after the sharing provisions for private microwave systems adopted in Docket 11866, our decision to expand the sharing privileges would lead AT&T to make like changes in the Telpak tariff which would adversely affect Western Union. Therefore, Western Union apparently urges the Commission to keep in mind this aspect of the proceeding and postpone the effective date of the new rules until after the Telpak rate structure is established, and in any event not "* * * permit the discriminatory and perhaps unlawful Telpak tariff to be amended to incorporate such expanded sharing." We think that Western Union's argument is premature. Whether like sharing provisions in the Telpak tariffs would meet the statutory test of justness and reasonableness should be considered in connection with that tariff.

10. Accordingly, since neither of the petitioners have shown substantial error in law or policy in our report and order under consideration, their petitions for reconsideration are denied, except as indicated in paragraph 4, above.

[1] The time within which to file oppositions was extended to Sept. 17, 1966, by order released Aug. 29, 1966.

[2] AT&T also requested a stay of the "effectiveness of the [Commission's] order." This was denied by Commission order released Aug. 23, 1966 (FCC 66-765). The new rules became effective on Aug. 22, 1966.

[3] We agree, however, that the report and order should be modified to reflect more accurately the comment of Western Union with respect to the probable impact of expanded sharing of private microwave systems on Western Union. In its petition for reconsideration, Western Union explained that it did not argue in its comments that wider sharing would have a direct adverse impact on its revenues because "* * * it does not have any information which would sustain the conclusion that further liberalization of the Commission rules so as to permit sharing * * * would result in a loss of any business by Western Union to concerns which would substitute private microwave for existing Western Union services. It did not so argue or state in its Comments." Instead, Western Union claimed that expanded sharing would have an indirect adverse effect on its revenues, if AT&T were to expand the sharing provisions of Telpak to conform with those for private microwave. Accordingly, the first sentence of Paragraph 7 of the report and order is corrected to read "Western Union argued that shared private microwave systems would have indirect adverse effect on Western Union."

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 383, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: March 15, 1967.

Released: March 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3300; Filed, Mar. 24, 1967; 8:48 a.m.]

[Docket Nos. 16678, 16831; FCC 67M-460]

BAY BROADCASTING CO. AND REPORTER BROADCASTING CO.

Order Scheduling Further Prehearing Conference

In re applications of Bay Broadcasting Co., San Francisco, Calif., Docket No. 16678, File No. BPCT-3621; Reporter Broadcasting Co., San Francisco, Calif., Docket No: 16831, File No. BPCT-3562; for construction permit for new television broadcast station.

It is ordered, This 17th day of March 1967, by the Hearing Examiner on his own motion that, upon information informally supplied to the Hearing Examiner and counsel for the Broadcast Bureau by the applicants herein, the applicants are seriously engaged in negotiations looking toward settlement of this case, and:

(1) All procedural dates now established are canceled,

(2) A motion for continuance of hearing and exchange dates filed by Reporter Broadcasting Co. on March 15, 1967, is dismissed, and

(3) A further prehearing conference is scheduled to commence at 9 a.m., April 27, 1967, in the Commission's offices in Washington, D.C.

Released: March 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3301; Filed, Mar. 24, 1967; 8:48 a.m.]

[Docket No. 15806; FCC 67M-455]

BOCA BROADCASTERS, INC.

Order Scheduling Prehearing Conference

In re application of Boca Broadcasters, Inc., Pompano Beach, Fla., Docket No. 15806, File No. BPH-4605; for construction permit.

On the Hearing Examiner's own motion: *It is ordered,* This 17th day of March 1967, that a prehearing conference in the above-entitled matter will be held in the offices of the Commission,

[4] Concurring and dissenting statement of Commissioner Bartley filed as part of original document; Commissioner Johnson not participating.

Washington, D.C., on March 30, 1967, at 9 a.m.

Released: March 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3302; Filed, Mar. 24, 1967; 8:48 a.m.]

[Docket Nos. 17234-17241; FCC 67M-465]

CATV OF ROCKFORD, INC., ET AL.

Order Rescheduling Prehearing Conference

In re petitions by: CATV of Rockford, Inc., Rockford, Ill., Docket No. 17234, File Nos. CATV 100-23, 100-39; Rockford Community Television, Inc., Loves Park, Ill., Docket No. 17235, File No. CATV 100-68; TV Cable Co. of Stephenson County, Freeport, Ill., Docket No. 17236, File No. CATV 100-105; Beloit Community Television Services, Inc., Beloit, Wis., Docket No. 17237, File No. CATV 100-92; Television Wisconsin, Inc., Whitewater, Wis., Docket No. 17238, File No. CATV 100-26; Whitewater Cable Corp., Whitewater, Wis., Docket No. 17239, File No. CATV 100-37; Jefferson Cable Corp., Jefferson, Wis., Docket No. 17240, File No. CATV 100-51; Total TV, INC., Janesville, Wis., Docket No. 17241, File No. CATV 100-13; for authority pursuant to § 74.1107 to serve and operate CATV systems in the Milwaukee, Wis., market (24), Madison, Wis., market (80), and Rockford, Ill., market (99).

On the oral request of counsel for Television Wisconsin, Inc., the prehearing conference is rescheduled from March 28 to April 12, 1967, at 9 a.m.

Dated: March 17, 1967.

Released: March 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3303; Filed, Mar. 24, 1967; 8:48 a.m.]

[Docket Nos. 16788, 17008; FCC 67-335]

MIDWEST TELEVISION, INC. (KFMB-TV), ET AL.

Memorandum Opinion and Order Consolidating Proceedings

In the matter of the petition of Midwest Television, Inc. (KFMB-TV), San Diego, Calif., for immediate temporary and for permanent relief against extensions of service of CATV systems carrying signals of Los Angeles stations into the San Diego area, petitioner, Docket No. 16786; Mission Cable TV, Inc., El Cajon, Calif.; Southwestern Cable Co., San Diego, Calif.; Pacific Video Cable Co., Inc., El Cajon, Calif.; Trans-Video Corp., El Cajon, Calif.; Rancho Bernardo Antenna Systems, Inc., La Jolla, Calif.; Escondido Community Cable, Inc., Escondido, Calif.; Vista Cablevision, Inc., Vista, Calif.; respondents; in re application of: American Television Relay, Inc., Escondido, Calif., Docket No. 17008, File No. 725-C1-P-66, for construction permit for new point-to-point microwave radio station.

1. On December 5, 1966, Vista Cablevision, Inc., gave notification pursuant to section 74.1105 of the Commission's rules of its intention to construct a CATV system in Vista, Calif., which will supply its subscribers with the signals of the San Diego television stations (KFMB-TV; KOGO-TV; KAAR; XETV, Tijuana, Mexico),[1] and the Los Angeles VHF television stations (KNX-TV; KNBC-TV; KTLA-TV; KABC-TV; KHJ-TV; KTTV-TV; and KCOP-TV). On January 3, 1967, Midwest Television, Inc., licensee of Station KFMB-TV, filed a "Petition for Temporary and Permanent Relief Against Proposed Carriage by a CATV System of Signals of Los Angeles Stations into the San Diego Area (Vista)" directed against Vista Cablevision's proposal to carry Los Angeles signals.[2] All pleadings filed by the parties have been considered in the following discussion.

2. Midwest urges that Vista Cablevision's proposal be consolidated into the general proceeding directed to issues arising from the expansion of CATV systems throughout the San Diego market which we ordered in Midwest Television, Inc., 4 FCC 2d 612, and supports its position with arguments generally equivalent to those made in that case. Vista Cablevision does not directly take issue with these arguments but argues that Midwest has failed to meet the alleged burden of establishing that the San Diego area stations serve the specific needs and interests of Vista, and that the Los Angeles stations do not. And the City Council of Vista opposes Midwest's petition since it "considers the construction of this CATV system an important factor in the growth and development of Vista."

3. We must reject Vista Cablevision's defense since it is not relevant to our concern with the possible consequences of unfettered CATV expansion in the San Diego market area. Consequently, we believe it is necessary to consolidate the Vista Cablevision proposal into the San Diego market hearing and to delay its possible carriage of Los Angeles signals. Midwest Television, Inc., 5 FCC 2d 750. The city of Vista may participate as a party, if it wishes to, so that we may take full advantage of the information it has available on the local CATV proposal.

Accordingly, it is ordered, This 15th day of March 1967, that Vista Cablevision, Inc., is authorized to commence operation of its proposed CATV system at Vista, Calif., carrying the signals of only the following television broadcast stations: KFMB-TV, KOGO-TV, KAAR, KJOG-TV, and XETV.

It is further ordered, Pursuant to § 74.1109 of the Commission's rules, and sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended, that the Vista Cablevision, Inc., proposal shall be heard in a consolidated hearing with the proceeding in Docket No. 16786. *It is also ordered,* That the issues in Docket No. 16786 shall include the Vista CATV proposal.

It is further ordered, That Vista Cablevision, Inc., and the city of Vista are added as parties to the proceeding in Docket No. 16786, and to participate must comply with the applicable provisions of §1.221 of the Commission's rules.

It is further ordered, That Midwest Television, Inc.'s "Petition for Temporary and Permanent Relief Against Proposed Carriage by a CATV System of Signals of Los Angeles Stations into the San Diego Area (Vista)" filed January 3, 1967, is granted to the extent indicated above, and is otherwise denied.

Released: March 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3304; Filed, Mar. 24, 1967; 8:48 a.m.]

[Docket Nos. 16924-16926; FCC 67M-456]

SUNSET BROADCASTING CORP. ET AL.

Order Continuing Hearing

In re applications of: Sunset Broadcasting Corp., Yakima, Wash., Docket No. 16924, File No. BPCT-3478; Apple Valley Broadcasting, Inc., Yakima, Wash., Docket No. 16925, File No. BPCT-3648; Northwest Television & Broadcasting Co. (a joint venture), Yakima, Wash., Docket No. 16926, File No. BPCT-3672; for construction permit for new television broadcast station at Yakima, Wash.

The Hearing Examiner has for consideration a joint petition for approval of agreement filed with the Review Board by the applicants on March 14, 1967;

It appearing, that a grant of the said petition would moot the now designated issues, and that it is appropriate to defer hearing while the Board considers the matter;

It is ordered, This 17th day of March 1967, that all procedural dates, including the hearing now scheduled for April 4, 1967, are continued pending further order.

[1] In addition to the existing San Diego stations, Jack O. Gross, doing business as Gross Broadcasting Co., holds a construction permit for Station KJOG-TV, and San Diego State College has filed an application (BPET-220) for a construction permit for a new noncommercial educational television broadcast station.

[2] Vista is within the predicted Grade B contours of the Los Angeles stations. Predicted television signals are provided to Vista by the San Diego stations as follows: KFMB-TV and KOGO-TV, principal community; and XETV and KAAR, Grade B. In addition, KJOG-TV will place a predicted Grade A signal over Vista.

[1] Commissioner Bartley abstaining from voting; Commissioner Johnson absent.

Released: March 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3305; Filed, Mar. 24, 1967; 8:48 a.m.]

[Docket No. 17197; FCC 67M-462]

VIDEO VISION, INC.

Order After Prehearing Conference

In re petition by Video Vision, Inc., Lancaster, S.C., Docket No. 17197, File No. CATV 100-94; for authority pursuant to § 74.1107 to serve and operate a CATV system in the Charlotte, N.C., and Columbia, S.C., television markets.

Based upon the discussions and agreements during prehearing conference held today: *It is ordered,* This 17th day of March 1967, that petitioner Video Vision, Inc., will make available a copy of each of its direct case exhibits to other counsel and the Hearing Examiner by not later than May 1; that other counsel will notify counsel for Video Vision of the witnesses they wish to have available for cross-examination and counsel for Video Vision will advise the other parties and the Examiner of the names of any additional witnesses whose testimony he intends to present orally, by May 15; and that the hearing is hereby continued until Monday, May 22, 1967, and will be convened at 10 a.m. on that date, at the Commission's offices; Washington, D.C.

Released: March 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3306; Filed, Mar. 24, 1967; 8:48 a.m.]

[Docket Nos. 16290, 16291; FCC 67M-457]

WMGS, INC., AND OHIO RADIO, INC.

Order Scheduling Further Prehearing Conference

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097, for renewal of license; Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BP-16423; for construction permit.

In view of the Commission's recent action (FCC 67-236) released March 6, 1967, it is deemed appropriate that there should be a further prehearing conference in this proceeding;

Accordingly, it is ordered, This 17th day of March 1967, that there will be a further hearing conference in this matter on April 10, 1967, 9 a.m., in the Commission's offices, Washington, D.C.

Released: March 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3307; Filed, Mar. 24, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 413]

JOHN E. KINZIE

Order To Show Cause

On March 8, 1967, the United States Fidelity and Guaranty Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b) by John E. Kinzie, Post Office Box 1566, Brownsville, Tex. 78520, would be canceled effective 12:01 a.m., April 7, 1967.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act 1916 (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order 201.1 (revised) section 6.03:

It is ordered, That John E. Kinzie on or before March 29, 1967, either (1) submit a valid bond effective on or before April 7, 1967, or (2) show cause in writing or request a hearing to be held at 10 a.m., on April 3, 1967, in Room 505 Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916 (46 U.S.C. 841b).

It is further ordered, That License No. 413 be forthwith revoked if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulations.

[F.R. Doc. 67-3297; Filed, Mar. 24, 1967; 8:48 a.m.]

[Docket No. 1092; Agreement 8660]

LATIN AMERICA/PACIFIC COAST STEAMSHIP CONFERENCE

Proposed Contract Rate System; Order Assigning Proceeding for Hearing

On February 1, 1967, the Commission issued an order on respondent's motion for discontinuance, denying the motion and requiring respondent to submit a proffer of proof, in compliance with the requirements set forth in American Airlines v. Civil Aeronautics Board, 339 F. 2d 624 (D.C. Cir. 1966). On March 2, 1967, respondent submitted such a proffer of proof. On consideration whereof:

It is ordered, That this proceeding be assigned to the Commission's Office of Hearing Examiners for hearing and the issuance of an initial decision.

It is further ordered, That any person who desires to actively participate in this proceeding may file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by close of business, April 5, 1967, with copy to respondents.

It is further ordered, That this order and notice of hearing shall be published in the FEDERAL REGISTER, and a copy of such order and notice of hearing shall be served upon respondents.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

Finally, it is ordered, That the prior record in this proceeding be, and it hereby is, incorporated by reference in the hearing to be held in this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67-3298; Filed, Mar. 24, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. AR61-2, etc.]

AREA RATE PROCEEDING ET AL.

Order Deleting Respondent

MARCH 20, 1967.

By order issued September 16, 1964, in Docket No. C165-106, Wolfe Oil & Gas Co. (Wolfe Oil), a respondent in the above entitled proceeding, was permitted to abandon its only jurisdictional sale of natural gas in southern Louisiana. In its application seeking abandonment, Wolfe Oil stated that production terminated from the one gas well involved in this sale in November 1962, and that no increased rates had been filed for this sale which was initially certificated at 18.25 cents per Mcf.

As the said respondent does not have any jurisdictional sales of gas in the South Louisiana area which are subject to this area rate proceeding, it is determined that Wolfe Oil should be deleted as a respondent herein.

The Commission finds: It is appropriate and in the public interest that Wolfe Oil should be deleted as a respondent from Area Rate Proceeding et al., Docket Nos. AR61-2 et al.

The Commission orders: Wolfe Oil & Gas Co. is deleted as a respondent in Area Rate Proceeding et al., Docket Nos. AR61-2 et al.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3268; Filed, Mar. 24, 1967; 8:45 a.m.]

[Docket No. E-7343]

IOWA PUBLIC SERVICE CO.

Notice of Application

MARCH 21, 1967.

Take notice that on March 8, 1967, Iowa Public Service Co. (Applicant) filed an application pursuant to section 203 of the Federal Power Act seeking an order authorizing the acquisition of certain electric distribution facilities from the Farmers Electric Co. of Hudson, Iowa (Farmers Electric).

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Sioux City, Iowa, and is engaged in the electric utility business in 30 counties in northwestern and north central Iowa, three counties in Eastern South Dakota and one county in northeastern Nebraska.

Farmers Electric is a small, privately-owned electric utility operating distribution facilities near the town of Hudson in Black Hawk County, Iowa. The Applicant presently has an Electric Wholesale Agreement with Farmers Electric which is on file with the Federal Power Commission.

Applicant proposes to acquire all of the electric distribution facilities of Farmers Electric. These facilities are presently used to provide electric service to approximately 200 customers. After the acquisition the facilities will continue to be used to provide the same service. The consideration to be paid to Farmers Electric is $114,000.00.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3269; Filed, Mar. 24, 1967; 8:45 a.m.]

ARIZONA

Vacation of Withdrawals of Lands in Project No. 774

MARCH 17, 1967.

Application has been filed by the State Land Department, State of Arizona, through the Phoenix Office, Bureau of Land Management, for vacation of power withdrawals under the provisions of section 24 of the Federal Power Act. The withdrawals were effected pursuant to application for license and amendments thereto for transmission line Project No. 774. The license for the project was issued to Arizona Power Co. on May 21, 1927, for a period of 50 years, and its transfer to Arizona Power Corp. was approved by Commission order of January 3, 1936. By order issued November 16, 1951, the Commission accepted the surrender of the license for Project No. 774 (among others), effective as of December 31, 1950, upon finding the transmission lines so licensed "* * * not part of a project as the word project is defined by section 3(11) of the Federal Power Act" and therefore not subject to the licensing authority conferred upon the Commission under that Act.

The withdrawn lands herein involved, some of which are within the Prescott National Forest, consist of transmission line rights-of-way varying from 50 to 100 feet in width, comprising approximately 373.04 acres. The sections of lands affected by the withdrawals are described below.

The State of Arizona seeks to obtain title to certain school grant land sections affected by the power withdrawals for Project No. 774 by way of grants, free from any withdrawals, under section 24 of the Act of June 20, 1910 (36 Stat. 557-572). Other land parcels are included in the power withdrawals vacated hereinafter. In the aggregate they include all lands now covered by remaining power withdrawals affecting Project No. 774. See applications filed by Arizona Power Co. in connection with the project transmission line on January 8, 1927, August 8, 1930, November 7, 1932, March 29, 1934, December 12, 1935, December 31, 1935, February 11, 1936, August 10, 1937, October 28, 1938, November 30, 1938, and March 22, 1940; which filings the Commission gave notice of to the General Land Office (now Bureau of Land Management), Department of the Interior, by letters dated February 5, 1927, August 27, 1930, November 16, 1932, April 28, 1934, February 7, 1936, April 29, 1936, September 10, 1937, December 23, 1938, and November 28, 1940, respectively, as modified to conform to survey by Commission letters dated May 5, 1930, September 17, 1931, December 17, 1931, September 29, 1933, and July 14, 1936, respectively.

By order issued August 2, 1965, the Commission vacated the withdrawal of lands withdrawn pursuant to application by Arizona Power Co. on July 18, 1930. By that application the company sought authorization for amendment of its license for Project No. 774 to include therein the then proposed Bagdad line. The Bagdad line was never constructed and was eliminated from the license for the project by Commission order issued November 19, 1934. The transmission lines formerly licensed as Project No. 774 are presently operating under various permits issued by the Department of the Interior and the U.S. Forest Service.

The Commission finds: Inasmuch as the use of the subject lands for transmission line purposes is adequately protected by the aforementioned Interior and Forest Service permits, the power withdrawals pertaining thereto for Project No. 774 serve no useful purpose and should be vacated.

The Commission orders: The power withdrawals pertaining to the subject lands pursuant to the applications for Project No. 774 are hereby vacated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 2 W.,
Sections 7 and 18.
T. 8 N., R. 3 W.,
Section 5.
T. 12½ N., R. 3 W.,
Sections 19, 20, 30, and 31.
T. 13 N., R. 3 W.,
Sections 13, 14, 22, 23, 27, 28, 29, 31, and 32.
T. 8 N., R. 4 W.,
Section 1.
T. 9 N., R. 4 W.,
Sections 4 through 8, 16, 17, 21, 22, 26, 27, 35, and 36.
T. 10 N., R. 4 W.,
Sections 29, 32, and 33.
T. 11 N., R. 4 W.,
Sections 11, 12, 13, 14, 22, 23, 27, and 28.
T. 12 N., R. 4 W.,
Sections 6, 7, and 8.
T. 8 N., R. 5 W.,
Sections 3, 10, 11, 15, and 22.
T. 9 N., R. 5 W.,
Sections 12, 13, 24, 25, 26, and 35.
T. 10 N., R. 5 W.,
Sections 14, 15, 21, 22, 24, 25, 29, 30, and 36.
T. 12 N., R. 5 W.,
Sections 12 and 13.
T. 10 N., R. 6 W.,
Section 25.

[F.R. Doc. 67-3270; Filed, Mar. 24, 1967; 8:45 a.m.]

[Docket No. CP67-260]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 17, 1967.

Take notice that on March 10, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-260 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the necessary facilities to sell and transport natural gas to nine communities in the State of Iowa commencing with the 1967-68 heating season. This will be initial service in said communities. The estimated third year contract demand and annual sales for these communities are 4,004 Mcf and 596,406 Mcf, respectively.

Applicant estimates the total cost of the proposed construction at approximately $1,499,200, said cost to be financed from internal sources.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 17, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3271; Filed, Mar. 24, 1967; 8:45 a.m.]

[Docket No. CP66-198]

UNITED FUEL GAS CO.

Order Permitting Intervention and Providing for Hearing

MARCH 20, 1967.

Notice of application in the above-entitled case was issued December 28, 1965 (31 F.R. 164, Jan. 6, 1966). Notice of petition to amend the application was issued July 7, 1966 (31 F.R. 9564, July 14, 1966). The final date for filing protests, notices of intervention and petitions to intervene was August 8, 1966.

By application filed December 17, 1965, as amended by first amendment filed June 30, 1966, and first supplement filed August 18, 1966, United Fuel Gas Co., Charleston, W. Va. 25325, requested that the Federal Power Commission issue:

A. A certificate of public convenience and necessity under section 7(c) of the Natural Gas Act, as amended, authorizing the construction and operation of:

(1) One 10,500 horsepower compressor unit at Ceredo compressor station, located in Wayne County, W. Va.;

(2) Approximately seventeen (17) miles of 30-inch loop pipeline in Wayne and Cabell Counties, W. Va., immediately east of said Ceredo compressor station;

(3) One 2,000 horsepower compressor unit at Glenville compressor station, located in Gilmer County, W. Va.; and

(4) One 2,700 horsepower compressor unit at Lanham compressor station, located in Kanawha County, W. Va.

B. An order under section 7(b) of the Natural Gas Act, as amended, granting permission and approval to abandon one 1,350 horsepower high-pressure compressor unit at said Glenville compressor station.

United also requested that the Commission, in the event it is deemed appropriate to impose volumetric limitations on United's deliveries to jurisdictional customers, authorize maximum daily deliveries, under rate schedules providing for firm service to jurisdictional customers in accordance with the general terms and conditions of United's currently effective FPC Gas Tariff, as specified in attached Exhibit Z-1.

United estimated the total investment cost of the proposed transmission facilities at $3,219,700, and of the proposed compressor facilities at $3,225,000.

Petitions to intervene, alleging substantial interests in the proceeding not represented by any other party, were filed on the dates stated below by:

Transcontinental Gas Pipe Line Corp., Post Office Box 1396, Houston, Tex. 77001, January 17, 1966.

Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20005, January 19, 1966.

Commonwealth Natural Gas Corp., Post Office Box 2350, Richmond, Va. 23216, January 20, 1966.

The Commission finds: Good cause exists to allow the petitioners named above to intervene in this proceeding in order that they may establish the facts and law from which the nature and validity of their alleged rights and interest may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The petitioners named above are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation shall be limited to matters affecting rights and interests expressly asserted in the petitions to intervene; and provided further that permission to intervene shall not be construed as recognition by the Commission that any intervener might be aggrieved by any order entered in this proceeding.

(B) A prehearing conference on the issues presented by the application, as amended, in the above-entitled case will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., on April 25, 1967, at which further procedure and the date for filing evidence will be determined.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3272; Filed, Mar. 24, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ELECTRO-NUCLEONICS, INC.

Order Suspending Trading

MARCH 21, 1967.

It appearing to the Securities and Exchange Commision that the summary suspension of trading in the common stock of Electro-Nucleonics, Inc., Caldwell, N.J., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 22, 1967, through March 28, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-3277; Filed, Mar. 24, 1967; 8:46 a.m.]

[812-2015]

INVESTORS SYNDICATE OF AMERICA, INC., AND INVESTORS SYNDICATE CREDIT CORP.

Notice of Filing of Application for Order Exempting Transactions

MARCH 21, 1967.

Notice is hereby given that Investors Syndicate of America, Inc. ("ISA"), a registered face-amount certificate company, and Investors Syndicate Credit Corp. ("ISCC"), Foshay Tower, Minneapolis, Minn., a fully owned subsidiary of ISA, have filed a joint application pursuant to section 17(b) and section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting certain proposed transactions from the provisions of section 17(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

ISA is a wholly owned subsidiary of Investors Diversified Services, Inc. ("IDS") a registered face-amount certificate company. ISCC engages principally in the business of acquiring property improvement loans, both eligible and ineligible under Title I section 2 of the Federal Housing Act. ISCC sells such loans at its cost to ISA and services them for ISA. In addition, ISCC repurchases such loans from ISA upon the occurrence of certain events specified in the application. All such loans purchased by ISA are qualified investments for that face-amount certificate company under orders of the Commission issued on February 9, 1960 (Investment Company Act Release No. 2973) and March 4, 1965 (Investment Company Act Release No. 4178). At present, because ISCC is a fully owned subsidiary of ISA, an exemption order is not required to permit the sale and servicing of such loans.

ISA intends to transfer its entire holdings of ISCC capital stock to IDS by declaration and payment of a dividend in kind. Both ISCC and ISA would then be wholly owned subsidiaries of IDS and, by reason of such common control, affiliated persons of each other.

Section 17(a) of the Act, as herein relevant, states that it is unlawful for an affiliated person of a registered investment company acting as principal to knowingly sell any security or other property to such company or to knowingly purchase from such registered company or from any company con-

trolled by such company any security or other property. When the transfer takes place, ISCC will become a subsidiary of IDS and the transactions previously undertaken would be prohibited under section 17(a) unless an exemption order is granted.

Section 17(b) of the Act states that the Commission may exempt a proposed transaction from section 17(a) if the Commission finds that its terms are fair and reasonable and do not involve overreaching on the part of any person concerned, that the transaction is consistent with the policy of each registered investment company concerned and that the transaction is consistent with the general purposes of the Act. Section 6(c) states that the Commission may exempt any transactions from the provisions of the Act if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants represent that the total income to be received by ISCC from such sale and servicing of qualified loans purchased by ISA would be slightly above ISCC's cost of acquisition and servicing. Applicants contend, therefore, that the terms of such transactions would be fair and reasonable.

ISA and ISCC undertake that if the Commission grants the requested exemptive order to be effective upon the transfer of ISCC to IDS:

(1) All transactions shall be carried out in accordance with the representations made in the application for this order.

(2) ISA shall purchase only home improvement paper which will be authorized as qualified investments as set forth in Commission orders dated February 9, 1960, and March 4, 1965, Investment Company Act Releases No. 2973 and 4178.

(3) ISA will file with the Commission within 30 days after the end of each calendar quarter statements showing the transactions by and between ISA and ISCC completed during the previous quarter, in such form, manner and detail as the Commission shall from time to time require.

Notice is further given that any interested person may, not later than April 7, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3278; Filed, Mar. 24, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 355]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 22, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC-3009 (Sub-No. 74 TA), filed March 17, 1967. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Post Office Box 1569, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis, 706 East Pine Street, Post Office Box 1569, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, with the usual exceptions, between Memphis, Tenn. (except that part of the commercial zone of Memphis, Tenn., lying west of the Mississippi River), and Raleigh, Miss., serving no intermediate points: (1) From Memphis over U.S. Highway 51 to Vaiden, Miss., thence over Mississippi Highway 35 to Raleigh, and return over the same route, (2) from Memphis over Interstate Highway 55 to Vaiden, Miss., thence over Mississippi Highway 35 to Raleigh, and return over the same route. Between Vaiden, Miss., and Jackson, Miss., serving no intermediate points and serving Jackson and Vaiden for purposes of joinder only: (1) From Vaiden, Miss., to Jackson, Miss., over Interstate Highway 55 and return over the same route, (2) from Vaiden, Miss., to Jackson, Miss. over U.S. Highway 51 and return over the same route. Between Memphis, Tenn., and Meridian, Miss., serving no intermediate points: From Memphis over U.S. Highway 78 to Tupelo, Miss., thence over U.S. Highway 45W to Meridian and return over the same route.

The routes between Vaiden, Miss., and Jackson, Miss., and the route between Memphis, Tenn., and Meridian, Miss., are all alternate routes for operating convenience only in connection with the service route authority sought between Memphis, Tenn., and Raleigh, Miss., but all of the authority sought, both service and alternate routes, are to be tacked to all authority presently held under applicant's existing certificates. Restriction: The authorities sought herein will be restricted: (1) To traffic received from other common carriers by motor, rail, or water, at Memphis, Tenn., and delivered by West Brothers, Inc., to Brookhaven, Columbia, Jackson, McComb, Meridian, and Tylertown, Miss., New Orleans, La., and Mobile, Ala., and their commercial zones. (2) To traffic originated at Memphis, Tenn., by West Brothers, Inc., and interchanged to other carriers with final destinations at Brookhaven, Columbia, Jackson, McComb, Meridian, and Tylertown, Miss., New Orleans, La., and Mobile, Ala., and their commercial zones. (3) To traffic originated by West Brothers, Inc., at Brookhaven, Columbia, Jackson, McComb, Meridian, and Tylertown, Miss., New Orleans, La., and Mobile, Ala., and their commercial zones and interchanged to other connecting common carriers by motor, rail, or water at Memphis, Tenn. (4) To traffic originated at Brookhaven, Columbia, Jackson, McComb, Meridian, and Tylertown, Miss., New Orleans, La., and Mobile, Ala., and their commercial zones, by other connecting common carriers and interchange to West Brothers, Inc., for final delivery in Memphis, Tenn. (5) To traffic received from other common carriers by motor, rail, or water at Memphis, Tenn., Jackson and Meridian, Miss., New Orleans, La., and Mobile, Ala., and interchanged to other connecting common carrier by motor, rail, or water at Memphis, Tenn., Jackson and Meridian, Miss., New Orleans, La., and Mobile, Ala., for 180 days.

Supporting shippers: A & H Truck Line, Inc., 1111 Louisiana Street, Evansville, Ind.; Beard Truck Line, Box 276, Sardis, Miss.; Gay Truck Line, Falkner, Miss.; Lee American Freight System, Inc., Commerce Building, St. Louis, Mo.; Merchants Truck Line, Inc., New Albany, Miss.; Mid-South Transports, Inc., Post Office Box 2854, De Soto Station, Memphis, Tenn.; Phillips Truck Line, 773 East Street, Memphis, Tenn.; Pic-Walsh Freight Co., 731 Campbell Avenue, St. Louis, Mo.; Pulaski Highway Express, Inc., 640 Hamilton Avenue, Nashville, Tenn.; Rebel Motor Freight, Inc., Post Office Box 6106, Memphis, Tenn.; Robinson Freight Lines, Post Office Box 6027, Memphis, Tenn.; Robinson Truck Line, 240 South Orleans Street, Memphis, Tenn.; St. John Truck Lines, Byhalia, Miss.; Sartain Truck Line, Post Office Box 3777, Memphis, Tenn.; Shumpert Truck Line, Amory, Miss.; Western Gillette, Inc., 3086 Carrier, Memphis, Tenn. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, D & S Building, 255 North Center Street, Casper, Wyo. 82601.

No. MC-128932 TA, filed March 15, 1967. Applicant: ROBERT L. TORRANS, doing business as COMMERCIAL STORAGE & DISTRIBUTION CO., West 26th and Taylor Streets, Texarkana, Tex. 75501. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Household goods*, as defined by the Commision, between points within a 175-mile radius of Texarkana, Tex., and between points within a 150-mile radius of Dallas, Tex., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating and decontainerization of such shipments. NOTE: This area includes points in the counties of Milam, Bell, Lampasas, Mills, Brown, Callahan, Shackelford, Throckmorton, Baylor, Wilbarger, Wichita, Archer, Young, Stephan, Eastland, Comanche, Hamilton, Coryell, Robertson, Falls, McLennan, Bosque, Erath, Palo Pinto, Jack, Clay, Montague, Wise, Parker, Somerville, Cooke, Denton, Tarrant, Johnson, Hill, Limestone, Madison, Walker, Leon, Polk, Trinity, Houston, Freestone, Anderson, Navarro, Ellis, Dallas, Collin, Grayson, Fannin, Hunt, Lamar, Delta, Hopkins, Rockwall, Kaufman, Henderson, Van Zandt, Rains, Wood, Red River, Franklin, Titus, Morris, Bowie, Class, Upshur, Smith, Cherokee, Gregg, Marion, Harrison, Rusk, Panola, Shelby, Nacodoches, Angelina, San Augustine, Sabine, Tyler, Jasper, Newton, Camp, and Hood, Tex.; Crawford, Franklin, Johnson, Sebastian, Logan, Pope, Conway, Faulkner, Perry, Yell, Scott, Polk, Montgomery, Garland, Saline, Pulaski, Lonoke, Sevier, Howard, Pike, Clark, Hot Springs, Grant, Jefferson, Arkansas, Little River, Hempstead, Nevada, Ouachita, Dallas, Cleveland, Lincoln, Desha, Drew, Bradley, Calhoun, Miller, Lafayette, Columbia, Union, Ashley, Chicot, Ark.; Muskogee, Sequoyah, McIntosh, Hughes, Pittsburg, Haskill, Le Flore, Latimer, Pontotoc, Garvin, Stephens, Cotton, Tillman, Jefferson, Carter, Love, Marshall, Johnston, Bryan, Atoka, Choctaw, McCurtain, Pushmataha, Coal, and Murray, Okla.; Caddo, Bossier, Webster, Claiborne, Union, Morehouse, West Carroll, East Carroll, Madison, Richland, Ouachita, Lincoln, Bienville, Red River, De Soto, Sabine, Natchitoches, Winn, Franklin, Catahoula, La Salle, Grant, Vernon, Rapides, and Jackson, La., for 180 days. Supporting shippers: Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119; Home-Pack Transport, Inc., 57-48 49th Street, Maspeth 78, N.Y.; Higa Fast Pac, Inc., 465 California Street, Suite 530, San Francisco, Calif. 94104; Jet Forwarding, Inc., 2945 Columbia Street, Torrance, Calif. 90503; Trans Ocean Van Service, Post Office Box 7331, Long Beach, Calif. 90807. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3285; Filed, Mar. 24, 1967; 8:47 a.m.]

[Notice 1496]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 22, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69365. By order of March 20, 1967, the Transfer Board approved the transfer to Paris Motor Freight, Inc., Fort Smith, Ark., of the operating rights of Lawrence Fox, doing business as Fox Transfer, Paris, Ark., in certificate No. MC-120178 (Sub-No. 1), issued September 9, 1959, authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Subiaco, Ark., and Fort Smith, Ark. Jim Jones, 204 North Elm Street, Sallisaw, Okla. 74955, attorney for applicants.

No. MC-FC-69368. By order of March 20, 1967, the Transfer Board, on reconsideration, approved the transfer to Dorothy A. Malloy, doing business as F. A. Taylor Trucking Co., Bridgeport, Conn., of certificate of registration No. MC-120149 (Sub-No. 1), issued April 1, 1964, to Frank A. Taylor, doing business as F. A. Taylor Trucking Co., Bridgeport, Conn., and evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate No. C-193, dated June 29, 1953, issued by the Public Utilities Commission of Connecticut. Thomas W. Murrett, Joseloff, Murrett & Knierim, 410 Asylum Street, Hartford, Conn. 06103, attorney for applicants.

No. MC-FC-69501. By order of March 20, 1967, the Transfer Board approved the transfer to Silvey & Co., a corporation, Omaha, Nebr., of the operating rights in certificate No. MC-125951, issued June 3, 1964, to Erickson Refrigerated Transport Corp., Omaha, Nebr., authorizing the transportation, of: Butter, eggs, dressed poultry, and frozen foods, between specified points in New York, Pennsylvania, Massachusetts, and Iowa. G. Merrill Kartman, 475 Continental Building, Omaha, Nebr., Donald L. Stern, 630 National Bank Building, Omaha, Nebr., attorneys for applicants.

No. MC-FC-69505. By order of March 20, 1967, the Transfer Board approved the transfer to Del-Val Coach, Inc., Camden, N.J., of that portion of the operating rights in certificate No. MC-94774, issued September 20, 1957, to Brown's Bus Service, Inc., doing business as Penn Jersey Coachways, Gloucester City, N.J., and acquired by Willian J. Powelson, Ridley Park, Pa., pursuant to No. MC-FC-69199, and assigned No. MC-128713. Such operating rights authorize the transportation of passengers and their baggage, restricted to traffic originating at the points indicated, in charter operations, over irregular routes, from Collingswood, N.J., and points within 10 miles of Collingswood, to points in that area bounded by a line beginning at Philadelphia, Pa., and extending to Reading, Pa., thence to Baltimore, Md., thence to Washington, D.C., thence to Princess Anne, Md., thence to Ocean City, Md., thence along the shores of the Atlantic Ocean, Delaware Bay, and the Delaware River to the point of beginning, and return; and from Philadelphia, Pa., to points in New Jersey, and return. Walter S. Anderson, 130 North Broadway, Camden, N.J. 08102, attorney for applicants.

No. MC-FC-69507. By order of March 20, 1967, the Transfer Board approved the transfer to R. E. Robinson, doing business as Bowers & Son, Denver, Colo., of certificates Nos. MC-126183 and MC-126183 (Sub-No. 1), issued December 3, 1964, and June 28, 1966, respectively, to L. S. Bowers, R. L. Bowers, and R. E. Robinson, a partnership, doing business as Bowers & Sons, Denver, Colo., authorizing the transportation, over irregular routes, of uncrated store and office furnishings, fixtures, and equipment and component parts of these commodities, between Denver, Colo., and points in Denver County, Colo., on the one hand, and, on the other, points in Colorado; and, uncrated business machines, between Denver, Colo., and points in Denver County, Colo., on the one hand, and, on the other, points in Colorado. Albert Brenman, 1321 Bannock Street, Denver, Colo. 80204, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3286; Filed, Mar. 24, 1967; 8:47 a.m.]

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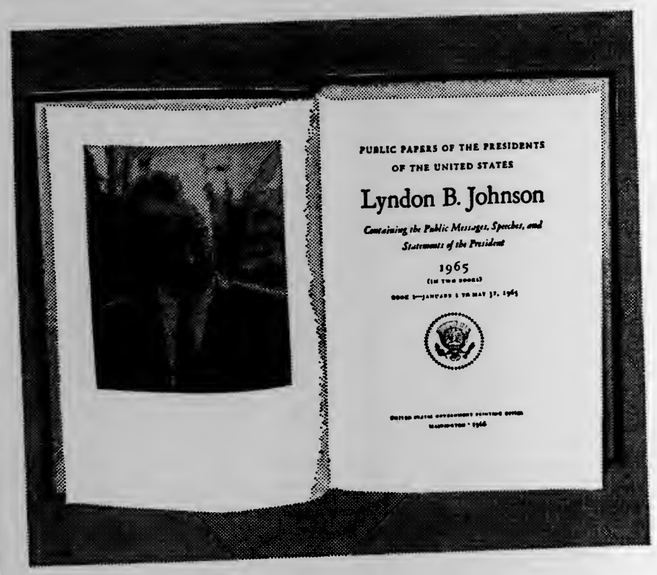
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Chapter I—Civil Service Commission

PART 630—ABSENCE AND LEAVE

Subpart G—Shore Leave

A new Subpart G is added to Part 630 to provide regulations for administration of shore leave for employees serving on oceangoing vessels. The new regulations, effective November 2, 1966, are set out below.

Subpart G—Shore Leave

Sec.
630.701 Coverage.
630.702 Definitions.
630.703 Computation of shore leave.
630.704 Granting shore leave.

AUTHORITY: The provisions of this Subpart G issued under 5 U.S.C. 6305(c).

§ 630.701 Coverage.

This subpart applies to an employee as defined in section 6301 of title 5, United States Code, who is regularly assigned to duties aboard an oceangoing vessel. An employee is considered to be regularly assigned when his continuing duties are such that all or a significant part of them require that he serve aboard an oceangoing vessel. Temporary assignments of a shore-based employee, such as for limited work projects or for training, do not constitute a regular assignment.

§ 630.702 Definitions.

(a) "Oceangoing vessel" means a vessel in use on the high seas or the Great Lakes; but does not include a vessel which operates primarily on rivers, other lakes, bays, sounds or within the 3-nautical-mile limit of the coastal area of the 48 contiguous States, except when used in mapping, charting, or surveying operations or when in or sailing to or from foreign, territorial, Hawaiian, or Alaskan waters, or waters outside its normal area of operations or outside the 3-nautical-mile limit.

(b) "Voyage" means the sailing of an oceangoing vessel from one port and its return to that port or the final port of discharge.

(c) "Extended voyage" means a voyage of not less than 7 consecutive calendar days duration.

(d) "Shore leave" means leave authorized by section 6305(c) of title 5 of the United States Code, and this subpart.

§ 630.703 Computation of shore leave.

(a) An employee earns shore leave at the rate of 1 day of shore leave for each 15 calendar days of absence on one or more extended voyages.

(b) (1) For an employee who is an officer or crewmember, a voyage begins either on the date he assumes his duties aboard an oceangoing vessel to begin preparation for a voyage or on the date he comes aboard when a voyage is in progress. The voyage terminates on the date he ceases to be an officer or crewmember of the oceangoing vessel or on the date on which he is released from assignment of his duties relating to that voyage aboard the oceangoing vessel at the port of origin or port of final discharge, whichever is earlier.

(2) For an employee other than an officer or crewmember, a voyage begins on the date of sailing and terminates on the date the oceangoing vessel returns to a port at which the employee will disembark in completion of his assignment aboard the vessel, or on the date he is released from his assignment aboard the vessel, whichever is earlier.

(c) In computing days of absence, an agency shall include (1) the beginning date of a voyage and the termination date of a voyage; (2) the days an employee spends traveling to join an oceangoing vessel to which assigned when the vessel is at a place other than the port of origin; (3) the days an employee spends traveling between oceangoing vessels when the employee is assigned from one vessel to another; (4) the period representing the number of days within which an employee is reasonably expected to return to the port of origin when his oceangoing vessel's voyage is terminated, or his employment as an officer or crewmember is terminated, at a port other than the port of origin; (5) for an employee who is an officer or crewmember, the days on which he is on sick leave when he becomes sick during a voyage (whether or not continued as a member of the crew) but not beyond the termination date of the voyage of the oceangoing vessel or his repatriation to the port of origin, whichever is earlier; (6) for an employee other than an officer or crewmember, the days on which he is carried on sick leave but not beyond the date on which he returns to the port of origin or the termination date of the voyage, whichever is earlier; and (7) the days of approved leave from a vessel (paid or unpaid) during a voyage.

§ 630.704 Granting shore leave.

(a) *Authority.* (1) An employee has an absolute right to use shore leave, subject to the right of the head of the agency to fix the time at which shore leave may be used.

(2) Shore leave may be granted during a voyage only when requested by an employee.

(3) An employee shall submit his request for shore leave in writing and whenever an employee's request for shore leave is denied, the denial shall be in writing.

(b) *Accumulation.* Shore leave is in addition to annual leave and may be accumulated for future use without limitation.

(c) *Charge for shore leave.* The minimum charge for shore leave is one day and additional charges are in multiples thereof.

(d) *Lump-sum payment.* Shore leave may not be the basis for lump-sum payment on separation from the service.

(e) *Terminal leave.* (1) Except as provided by subparagraph (2) of this paragraph, an agency shall not grant shore leave to an employee as terminal leave. For the purpose of this paragraph terminal leave is approved absence immediately before an employee's separation when an agency knows the employee will not return to duty before the date of his separation.

(2) An agency shall grant shore leave as terminal leave when the employee's inability to use shore leave was due to circumstances beyond his control and not due to his own act or omission.

(f) *Forfeiture of shore leave.* Shore leave not granted before (1) separation from the service, or (2) official assignment (other than by temporary detail) to a position in which the employee does not earn shore leave, is forfeited. When an official assignment will result in forfeiture of shore leave, the agency to the extent administratively practicable shall give an employee an opportunity to use the shore leave he has to his credit either before the reassignment or not later than 6 months after the date of his reassignment when the agency is unable to grant the shore leave before the reassignment.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-3332; Filed, Mar. 27, 1967; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTY PREVIOUSLY DESIGNATED FOR CORN CROP INSURANCE

The county listed below is hereby deleted from the list of counties published in the FEDERAL REGISTER on February 1, 1967 (32 F.R. 1123), which were designated for corn crop insurance for the 1967 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

TENNESSEE

Dyer.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3348; Filed, Mar. 27, 1967; 8:47 a.m.]

PART 411—GRAPE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR GRAPE CROP INSURANCE

Pursuant to authority contained in § 411.1 of the above-identified regulations, the following counties are hereby added to the list of counties published February 1, 1967 (32 F.R. 1124), which were designated for grape crop insurance for the 1967 crop year.

NEW YORK

Niagara.

PENNSYLVANIA

Erie.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3349; Filed, Mar. 27, 1967; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—Additional Allotments for Valencia Type Peanuts—1967–68 Marketing Year

Basis and purpose. The provisions of § 729.1804 are issued under section 358 (c)(2) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358 (c)(2)). The purpose of § 729.1804 is to make a determination on the basis of the average yield per acre of Valencia type peanuts during the 5-year period 1962–66, adjusted for trends in yields and abnormal conditions of production affecting yields, that the supply of Valencia type peanuts for the 1967–68 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by CCC. The State allotments for States producing Valencia type peanuts are increased in order to meet such demand. The latest available statistics of the Federal Government were used in making these determinations.

Notice of the proposed determinations with respect to Valencia type peanuts under section 358(c)(2) of the act was published in accordance with 5 U.S.C. 553 (80 Stat. 383) in the FEDERAL REGISTER of February 15, 1967 (32 F.R. 2896). The recommendations received in response to such notice were considered and adopted to the extent permitted by the act. In order that peanut farmers may be notified as soon as possible of any increases of farm allotments for the 1967 crop, it is essential that § 729.1804 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and § 729.1804 shall be effective upon filing of this document with the Director, Office of the Federal Register.

§ 729.1804 Additional allotments for Valencia type peanuts of the 1967 crop.

(a) The term "Valencia type peanuts" means the type of peanuts as defined in § 729.1413(c) of the Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920, as amended). It is hereby determined that the supply of Valencia type peanuts for the 1967–68 marketing year (August 1, 1967, through July 31, 1968), determined in accordance with section 358(c)(2) of the act will be insufficient to meet the estimated demand for Valencia type peanuts for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

(b) State allotment increases for 1967 crop: The State allotments for peanuts of the 1967 crop for States which produced Valencia type peanuts during any one or more of the years 1964, 1965, and 1966 shall be increased in the aggregate by 2,780 acres which is determined to be the additional acreage required to meet the estimated demand for Valencia type peanuts for cleaning and shelling purposes at the price at which CCC may sell for such purposes peanuts owned or controlled by it.

(c) Apportionment of allotment increase to States for 1967 crop: The aggregate of State allotment increases in the amount of 2,780 acres established under paragraph (b) of this section, less a national reserve of one-fourth of 1 percent (7 acres), is hereby apportioned to States on the basis of the average acreage of Valencia type peanuts in each State in 1964, 1965, and 1966. For this purpose, the term "farm allotment" means the allotment before any increase from released acreage or any additional allotment for the farm under section 358(c)(2) of the act in the 3 base years. The national reserve of 7 acres shall be used by the Deputy Administrator to adjust the State allotments of States receiving increases under this section where incomplete or inaccurate data was used in apportioning such increases. The apportionment of additional allotment under this paragraph does not increase the State allotment for any State above the 1947 harvested acreage of peanuts for such State. The following table sets forth the apportionment to States.

[Acres]

State	1947 harvested acreage of peanuts	1964–66 average acreage Valencia type peanuts	1967 increase in basic State allotment for Valencia type peanuts	1967 previous State allotment [1]	1967 revised State allotment
Alabama	463,000	32.7	11	217,525.5	217,536.5
Arizona				714.0	714.0
Arkansas	8,000			4,198.0	4,198.0
California				991.4	991.4
Florida	105,000	37.0	12	55,386.2	55,398.2
Georgia	1,124,000	25.0	8	528,835.0	528,843.0
Louisiana	4,000			1,953.0	1,953.0
Mississippi	13,000	35.7	12	7,520.0	7,532.0
Missouri				247.0	247.0
New Mexico	14,000	7,779.3	2,602	5,623.0	8,225.0
North Carolina	292,000	1.7	1	168,441.0	168,442.0
Oklahoma	325,000			138,574.8	138,574.8
South Carolina	26,000	9.7	3	13,671.0	13,674.0
Tennessee	5,000	75.3	25	3,621.3	3,646.3
Texas	836,000	295.7	99	357,299.8	357,398.8
Virginia	162,000			105,199.0	105,199.0
National reserve [2]			7		7.0
S. total	3,377,000	8,292.1	2,780	1,610,000.0	1,612,780.0

[1] Including the acreage apportioned from the reserve for new farm allotments on the basis of approved applications for new farms, as follows (acres): Alabama—23.5; California—57.4; Florida—93.2; Georgia—507.0; New Mexico—57.0; North Carolina—20.0; Oklahoma—145.8; South Carolina—2.0; Tennessee—19.3; Texas—384.8.

[2] For correcting or adjusting State allotments in error because of incomplete or inaccurate data.

Estimated production from the Valencia acreage increase: New Mexico—5,789,450 pounds; other States—174,078 pounds.

(d) No credit for future allotments: The additional allotment apportioned under this section is in addition to the national acreage allotment, the production from such acreage is in addition to the national marketing quota and such additional allotment shall not be considered in establishing future State, county, or farm acreage allotments.

(Secs. 358(c)(2), 375, 65 Stat. 29, 52 Stat. 66, as amended; 7 U.S.C. 1358(c)(2), 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 23, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-3327; Filed, Mar. 24, 1967; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 55, Amdt. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 31 F.R. 15059), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Temple and Murcott Honey oranges grown in Florida.

Order. The provisions of paragraph (a)(2) in § 905.490 (Orange Regulation 55; 31 F.R. 15189, 15584) are hereby amended in the following respects:

The provisions of (a)(2) immediately preceding subdivision (i) thereof (a)(2)(iii) and (a)(2)(v) are amended to read as follows:

§ 905.490 Orange Regulation 55.

(a) *Order.* (1) • • •

(2) During the period beginning at 12:01 a.m., e.s.t., March 24, 1967, and ending at 12:01 a.m., e.s.t., August 1, 1967, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico;

• • • • • •

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

• • • • • •

(v) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2; or

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 23, 1967, to become effective at 12:01 a.m., e.s.t., March 24, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3344; Filed, Mar. 27, 1967; 8:47 a.m.]

[Grapefruit Reg. 16]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906, 31 F.R. 10461), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on March 21, 1967; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 906.332 Grapefruit Regulation 16.

(a) *Order.* (1) During the period beginning at 12:01 a.m., c.s.t., April 1, 1967, and ending at 12:01 a.m., c.s.t., September 15, 1967, no handler shall handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. No. 1 Bronze; U.S. Combination, with not less than 60 percent, by count, of the grapefruit in each container thereof grading at least U.S. No. 1 grade; or U.S. No. 2;

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than $3\frac{3}{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than $3\frac{3}{16}$ inches in diameter; or

(iii) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(2) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (7 CFR 51.620–51.685).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 23, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3347; Filed, Mar. 27, 1967; 8:47 a.m.]

[Orange Reg. 15]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906, 31 F.R. 10461), regulating the handling of oranges and grapefruit grown

in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on March 21, 1967; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 906.333 Orange Regulation 15.

(a) *Order.* (1) During the period beginning at 12:01 a.m., c.s.t., April 1, 1967, and ending at 12:01 a.m., c.s.t., September 15, 1967, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade at least U.S. No. 3;

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than 2$\frac{2}{16}$ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2$\frac{2}{16}$ inches in diameter; or

(iii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(2) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective terms in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective terms in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680–51.712).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 23, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3346; Filed, Mar. 27, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 2]

PART 1468—MOHAIR

Subpart—Payment Program for Mohair

PAYMENT AND DEDUCTION RATES FOR 1966 MARKETING YEAR

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the payment program for mohair, as amended (31 F.R. 5817, 15234), are further amended as follows:

1. In § 1468.258 the letter "(a)" is inserted immediately after the heading of that section and the following new paragraph (b) is added at the end of the section:

§ 1468.258 Rate of payment.

* * * * *

(b) The national average price received by producers for mohair marketed during the 1966 marketing year was 53.7 cents a pound, grease basis, which was 22.1 cents a pound below the price support level of 75.8 cents announced for that year. Therefore, the rate of payment for the 1966 marketing year is 41.2 percent.

§ 1468.262 [Amended]

2. In § 1468.262, the last sentence of paragraph (a), concerning applications filed by producers located in the States of Alaska and Hawaii, is deleted.

3. In § 1468.267, the letter "(a)" is inserted immediately after the heading of that section, and the following new paragraph (b) is added at the end of the section:

§ 1468.267 Deductions for promotion.

* * * * *

(b) For the 1966 marketing year, a deduction will be made from each payment at the rate of 1½ cents a pound of mohair, grease basis. Those funds will be used to finance advertising and sales promotion programs approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306, sec. 201, 79 Stat. 1188; 15 U.S.C. 714b, 15 U.S.C. 714c, 7 U.S.C. 1781–1787, as amended)

Effective date: Date of publication.

Signed at Washington, D.C., on March 23, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-3328; Filed, Mar. 27, 1967; 8:46 a.m.]

[Amdt. 2]

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

PAYMENT RATES FOR 1966 MARKETING YEAR

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the payment program for shorn wool and unshorn lambs (pulled wool), as amended (31 F.R. 4582, 15234), are further amended as follows:

1. In § 1472.1208 the letter "(a)" is inserted immediately after the heading of that section and the following new paragraph (b) is added at the end of the section:

§ 1472.1208 Rate of payment.

* * * * *

(b) The national average price received by producers for shorn wool marketed during the 1966 marketing year was 52.1 cents a pound, grease basis, which was 12.9 cents a pound below the price support level of 65 cents announced for that year. Therefore, the rate of payment for the 1966 marketing year is 24.8 percent.

2. In § 1472.1221 the following new paragraph (c) is added at the end of the section:

§ 1472.1221 Price support payments.

* * * * *

(c) *1966 marketing year.* The rate of payment on unshorn lambs sold during the 1966 marketing year is 52 cents per hundredweight of live lambs based on a difference of 12.9 cents a pound between the announced price support level of 65 cents and the national average price of 52.1 cents a pound received by producers for shorn wool during the 1966 marketing year (§ 1472.1208(b)).

§ 1472.1241 [Amended]

3. In § 1472.1241, the last sentence of paragraph (a), concerning applications filed by producers located in the States of Alaska and Hawaii, is deleted. This has the effect of requiring producers in Alaska and Hawaii to file their applications with ASCS county officers as producers in all other States do.

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306, sec. 201, 79 Stat. 1188; 15 U.S.C. 714b, 15 U.S.C. 714c, 7 U.S.C. 1781–1787, as amended)

Effective date: Date of publication.

Signed at Washington, D.C., on March 23, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-3329; Filed, Mar. 27, 1967; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Reduced Price on Shopper's Guide Advertising for Radio Advertisers

§ 15.118 Reduced price on shopper's guide advertising for radio advertisers.

(a) The Federal Trade Commission advised a radio station that it might properly give reduced advertising rates in a printed shopper's guide which it plans to publish to those advertisers buying radio time at regular station rates.

(b) The Commission was informed that radio advertisers would not be required to buy shopper's guide space, and that shopper's guide space could be purchased at regular shopper's guide rates by those not buying radio time.

(c) Three other radio stations and two newspapers are available to advertisers within the market area in question.

(38 Stat. 717, as amended; 15 U.S.C. 41–58: 49 Stat 1526; 15 U.S.C. 1S, as amended)

Issued: March 27, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-3350; Filed, Mar. 27, 1967; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-83]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Automotive Vehicles and Articles for Use as Original Equipment in the Manufacture of Automotive Vehicles

It has been found that the requirements of § 10.84 (c) and (d), Customs Regulations, formulated under the Automotive Products Trade Act of 1965 (Public Law 89–283, approved Oct. 21, 1965), impose an administrative burden on the public without commensurate benefits to the Government in requiring that a copy of a written order, contract, or letter of intent be filed with each entry or withdrawal from warehouse of original motor-vehicle equipment and that notification be made in writing to the headquarters office of the customs district where the article is located each time it is decided to divert original motor-vehicle equipment from use in the manufacture of motor vehicles. If the written orders, contracts, or letters of intent are made available for inspection upon request by customs officials and if reports of diversion are made to the district director of customs for the district where entry was made or where the offices of the importer are located, the Government's interests will be sufficiently protected and the burdens on the public will be reduced.

Accordingly, paragraphs (c) and (d) of § 10.84 are revised to read as follows:

§ 10.84 Automotive vehicles and articles for use as original equipment in the manufacture of automotive vehicles.

* * * * *

(c) When an importer makes an entry, or withdrawal from warehouse, for consumption of articles for use as "original motor-vehicle equipment" as that term is defined in Schedule 6, Part 6, Subpart B, Headnote 2(a), Tariff Schedules of the United States, he shall file therewith his declaration that the articles are being imported for use as original equipment in the manufacture in the United States of the kinds of motor vehicles specified in the headnote and furnish the name and address of the motor vehicle manufacturer. A copy of the written order, contract, or letter of intent shall be attached to the importer's declaration except that if the district director of customs is satisfied that a copy of the written order, contract, or letter of intent will be made available by the importer or ultimate consignee for inspection by customs officials upon request during a period of 3 years from the date of such entry or withdrawal from warehouse, the production of such documents will not be required. Proof of use need not be furnished.

(d) If, after a Canadian article has been accorded the status of original motor-vehicle equipment, it is decided to divert the article from its intended use in the manufacture in the United States of motor vehicles, the importer or other person deciding to divert the article from such intended use shall give notice in writing of that decision to the district director of customs of the district where entry was made or where the offices of the importer are located and either make arrangements for its destruction or exportation under customs supervision or pay duties in accordance with Schedule 6, Part 6, Subpart B, Headnote 2(d)(ii). If such article is not destroyed or exported under customs supervision or the duties paid, the article, or its value, shall be subject to forfeiture.

(77A Stat. 11, as amended, 325, as amended; 19 U.S.C. 1202 (Gen. Hdnte. 3(d), Sch. 6, Pt. 6B, Hdnte. 2))

(77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 1202 (Gen. Hdnte. 11), 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: March 20, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-3331; Filed, Mar. 27, 1967; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 602—COOPERATION OF UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Foreign Agricultural Labor

Pursuant to notice published in the FEDERAL REGISTER on November 23, 1966 (31 F.R. 14840), both oral and written data, views, and argument have been presented concerning the question of what changes, if any, should be made in the Labor Department's regulations established pursuant to the Wagner Peyser Act (29 U.S.C. 49) and section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as implemented by 8 CFR 214.2(h) which set forth the policies that will be followed in the certification for temporary foreign labor for agricultural and logging employment in the United State (20 CFR 602.10).

After having considered all material submitted, I have decided to and do hereby amend 20 CFR Part 602 by deleting § 602.10 and establishing in its place new §§ 602.10, 602.10a, and 602.10b to be

preceded by an undesignated centerhead to read as set forth below.

As these amendments relate only to matters of agency policy and procedure, delay in their effective date is not required (5 U.S.C. 553(e)). Accordingly, they shall become effective for all certification for crop and logging activities beginning on or after April 1, 1967.

The new regulations read as follows:

CERTIFICATION AND USE OF TEMPORARY FOREIGN LABOR FOR AGRICULTURAL AND LOGGING INDUSTRY EMPLOYMENT

§ 602.10 The certification processes.

(a) Section 214.2(h)(ii) of the Immigration and Naturalization Service Regulations (8 CFR 214.2(h)(ii)) requires, in support of a petition for the admission of an alien to perform certain temporary service or labor, that

> Either a certification from the Secretary of Labor or his designated representative stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed, or a notice that such a certification cannot be made shall be attached to every nonimmigrant visa petition to accord an alien a classification under section 101(a)(15)(H)(ii) of the Act.

The criteria and procedures set forth herein prescribe (1) the conditions under which U.S. workers must be recruited for agricultural or logging industry employment (except for employment as sheepherders) before a determination of their nonavailability can be made and (2) the terms of employment for both U.S. and foreign workers which will not adversely affect the wages and working conditions of American workers similarly employed.

(b) Agricultural or logging industry employers including association employers anticipating a labor shortage may request a certification for temporary foreign labor, provided that the employer or the association and those of its members for whom the services of foreign workers are requested, prior to making such a request, have filed at the local office of the State employment service an offer of employment for U.S. workers to fill such employment needs in accordance with the provisions of this section and §§ 602.10a and 602.10b. Such offers of employment, as well as any request for certification for temporary foreign workers, should be filed at the local office in sufficient time to allow the Bureau of Employment Security 30 days to determine the availability of domestic workers, in addition to the time necessary for the employer to secure foreign workers by the date of need if the certification is approved.

(c) Request for certification shall be in writing and describe all efforts made by the employer to obtain U.S. workers to fill the employer's need.

(d) When received, the request for certification shall be forwarded by the local office of the State employment service to the appropriate Regional Administrator of the Bureau of Employment Security together with information which indicates the extent to which the requirements set forth in this section have been met and a detailed report of labor availability, recruitment efforts undertaken by and on behalf of those requesting the use of foreign workers, and any other information required by the Bureau of Employment Security. The Regional Administrator of the Bureau of Employment Security may then issue the certification if he finds:

(1) That the employment of such workers will not adversely affect the wages and working conditions of domestice workers similarly employed; and

(2) That reasonable efforts have been and will continue to be made by the Employment Service and the employers to obtain domestic workers at wage rates and conditions of employment no less favorable than those set forth in the regulations in this part, to perform the work for which the services of temporary foreign workers are requested, and for which domestic workers are not available. Reasonable efforts will include, where deemed appropriate by the Regional Administrator, full use of workers who commute on a daily basis between their residence and the place of employment, the use of the interstate clearance system, full participation in special youth recruitment programs, and the use of other recruitment measures which have produced or are expected to produce effective results.

(e) Certifications will be denied in whole or in part if the findings set forth in paragraph (d) of this section cannot be made or;

(1) Where the employer has been found to have failed without good cause to comply with employment contracts with United States or foreign agricultural or logging workers;

(2) Where the admission of the foreign workers would result in violation of policies of the U.S. Department of Labor governing the referral of workers to jobs involved in strikes or other labor disputes (see § 602.2(b));

(3) Where the employer has failed to comply with any applicable requirements of the foreign government whose nationals are involved; or has failed to abide by any applicable State or local labor, health or housing laws;

(4) Where, within the period commencing with the filing of the job offer in relation to this or any prior certification and extending so long as foreign workers are employed, the wages and working conditions provided to any foreign or U.S. workers similarly employed have been less favorable than those required to be offered to U.S. workers in accordance with §§ 602.10a and 602.10b;

(5) Where the Immigration and Naturalization Service has notified the Secretary of Labor that the employer has had in his employ any foreign worker who was not lawfully in the United States, unless the employer demonstrates that he did not know, had no reasonable grounds to suspect, or could not by reasonable inquiry have ascertained that the alien worker was not lawfully in the United States.

(f) In any case in which the Regional Administrator of the Bureau of Employment Security determines after examination of all the pertinent facts that certification cannot appropriately be issued, he shall promptly so notify the employer or association requesting the certification. Such notification shall contain a statement of the reasons on which the refusal to issue a certification is based.

§ 602.10a Job offers and contracts.

The offers to U.S. workers made in accordance with this section and § 602.10 (b) shall:

(a) Be in writing (except with regard to workers who commute on a daily basis between their residence and the place of employment) and when accepted shall take the form of a written contract. In lieu of providing individual contracts to workers housed in a labor camp, a master contract shall be posted in a conspicuous place readily accessible to the worker, and each worker shall be given a statement of the terms of employment and the period for which the three-fourths guarantee specified in paragraph (h) of this section is applicable.

(b) Provide for housing for the employees without charge in accordance with the standards issued by the Secretary of Labor as set forth in § 602.9. If the prevailing practice in the area of employment is to provide family housing, such housing must be provided;

(c) Provide, at no cost to workers for insurance covering injury and disease arising out of and in the course of the workers' employment where such workers are not covered by workmen's compensation under State law. Such insurance shall provide for the payment of benefits not less than those specified in the table of benefits set forth below:

TABLE OF BENEFITS

Death	$5,000
Permanent and total disability	3,000
Loss of—	
Both hands	5,000
Both feet	5,000
The entire sight of both eyes	5,000
One hand and one foot	5,000
One hand and the entire sight of one eye	5,000
One foot and the entire sight of one eye	5,000
One hand	2,500
One foot	2,500
The entire sight of one eye	2,500

In addition, such insurance shall provide for the payment of expenses for hospital, medicines, medical and surgical attention, and other similar services necessitated by injury and disease arising out of and in the course of the workers' employment. The employer shall be responsible for such medical expenses listed above to the extent that they exceed the amount covered by insurance;

(d) Provide for the furnishing of all tools, supplies or equipment required to perform the duties assigned without cost to the worker;

(e) Permit only the following deductions from wages: (1) Those required by law; (2) those for advance against wages; (3) payment for articles of consumption produced by the employer which the worker has purchased; (4) value of meals supplied by the employer but not to exceed amounts specified in paragraph (f) of this section; (5) overpayment of wages; (6) any loss to the employer due to a worker's refusal or negligent failure to return any property furnished to him by the employer, or due to such worker's willful destruction of such property; (7) deductions for transportation and subsistence costs paid for by the employer as provided in paragraph (g) of this section. The deductions under subparagraph (3), (5), or (6) of this paragraph in each pay period shall not exceed 10 percent of the total wages earned in that pay period. The sum of deductions under subparagraphs (2) and (7) of this paragraph in each pay period shall not exceed 50 percent of the total wages earned in that pay period. At the termination of the work contract, however, or if the worker abandons his work contract, the employer may deduct from such worker's final wage payment any outstanding balance due the employer for deductions permitted by this provision;

(f) Permit no charge by the employer in excess of $2.25 per worker for furnishing 3 meals per day except where the Administrator of the Bureau of Employment Security when evidence submitted to him supports a greater charge, has approved a charge not to exceed $3.00 per worker for furnishing 3 meals per day;

(g) Require the employer to provide or pay for transportation and subsistence en route from the place of recruitment to the place of employment in those cases where the worker completes at least 50 percent of the contract. An employer who has advanced payment to a worker for the costs of transportation and subsistence en route, may deduct such costs from earnings of the worker until the worker has completed 50 percent of the contract period. However, upon completion of 50 percent of the contract period, the worker shall be entitled to reimbursement of the amounts so deducted. If the worker completes his contract, the employer will provide or pay the cost of return transportation and subsistence en route from the place of employment to the place of recruitment, except when the worker is not returning to the place of recruitment and has subsequent employment with an employer who will bear transportation expenses. All transportation provided by the employer will be by common carrier or other transportation facilities which conform to applicable regulations of the Interstate Commerce Commission. Transportation from the worker's on-the-jobsite living quarters to the place where the work is to be performed will be provided by the employer without cost to the worker;

(h) Guarantee each worker the opportunity for employment for at least three-fourths of the workdays of the total period during which the work contract and all extensions thereof are in effect, beginning with the first workday after the worker's arrival at the place of employment and ending on the termination date specified in the work contract, or its extensions, if any. For purposes of the work contract, a workday consists of 8 hours of any day except Sunday, New Year's Day, July 4, Labor Day, Thanksgiving, or Christmas. If the worker, during such period, is afforded less employment than required under this provision, the worker shall be paid the amount which he would have earned had he, in fact, worked for the guaranteed number of days. Where wages are paid on a piece rate basis, the worker's average hourly earnings shall be used for the purpose of computing amounts due under this guarantee. In determining whether the guarantee of employment has been met, any hours which the worker fails to work during a workday when he is afforded the opportunity to do so by the employer, and all hours of work performed, shall be counted in calculating the days of employment required to meet this guarantee. If, before the expiration date specified in the work contract the services of the worker are no longer required for reasons beyond the control of the employer (due to an Act of God, such as frost, flood, drought, earthquake, hail, forest fire, or other natural calamity of such character as to make the fulfillment of the contract impossible), and this fact is determined by the Regional Administrator, the work contract may be terminated and efforts will be made to transfer the worker to other comparable employment. If such transfer is not effected, the worker shall be returned to the place of recruitment at the employer's expense. In either event deductions for transportation and subsistence en route from the place of recruitment to the place of employment made pursuant to paragraph (g) of this section shall be refunded. Whenever the contract is terminated under this provision, the employer shall be responsible for the three-fourths guarantee for the period beginning with the first workday after the worker's arrival at the place of employment and ending with the date the work contract is terminated, and the employer shall pay the worker all other amounts due under the contract;

(i) Require the employer to keep accurate and adequate records in regard to all earnings and hours of employment. Such records shall include information showing the nature of the work performed, the number of hours worked each day by each worker, the rate of pay, the amount of work performed, the earnings of each worker, and deductions made from each worker's wages. Such records shall be made available at any reasonable time for inspection by representatives of the Administrator of the Bureau of Employment Security, and by workers or their representatives. Such records shall be retained for a period of not less than 1 year following the completion of the contract. With respect to each pay period, the workers shall be furnished, at the time they are paid for such pay period, a statement which shows their total earnings for the pay period, the rate of pay, the hours worked, the units produced where piece rates are used, and an itemization of all deductions made from wages.

(j) Provide for the payment of not less than the wage rates prescribed in § 602.10b.

§ 602.10b Wage rates.

(a) (1) Except as otherwise provided in this section the following hourly wage rates (which have been found to be the rates necessary to prevent adverse effect upon U.S. workers) shall be offered to agricultural industry workers in accordance with § 602.10a(j);

State	Rate
California	$1.60
Connecticut	1.60
Florida	1.35
Maine	1.45
Massachusetts	1.50
New Hampshire	1.50
New York	1.50
Rhode Island	1.50
Vermont	1.50
Virginia	1.35
West Virginia	1.35

(2) Piece rates shall be designed to produce hourly earnings at least equivalent to the hourly rate specified in subparagraph (1) of this paragraph for the State in which the work is to be performed and no workers shall be paid less than the specified hourly rate. The computation of makeup pay shall be made on a pay period basis and makup pay shall be paid to each worker whose average hourly earnings in the pay period do not equal the specified hourly rate.

(3) If a request for certification made in accordance with § 602.10 concerns employment in a State other than one of those listed in subparagraph (1) of this paragraph, the Secretary of Labor will determine the rate necessary to prevent adverse effect upon U.S. workers in that State before the request may be approved.

(b) Where the prevailing rate for a crop activity in an area of employment is higher than the wage rate otherwise applicable under paragraph (a)(1) of this section, such higher prevailing rate shall be offered and paid.

(c) The minimum wage payment rates to be offered workers in the logging industry shall be the rates prevailing for logging activities or the rate determined by the Secretary of Labor to be necessary to prevent adverse effect upon U.S. workers, whichever is higher.

(d) Payment of wages shall be made in accordance with the prevailing practice in the area of employment, but in no event shall the worker be paid less frequently than biweekly.

(e) Until September 1, 1967, rates in accordance with the regulations applicable to the Florida citrus industry on October 19, 1966, will remain in effect in that State in lieu of the rates prescribed in paragraph (a) of this section (See 31 F.R. 13466).

(8 CFR 214.2(h))

Signed at Washington, D.C., this 20th day of March 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-3315; Filed, Mar. 27, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Aldrin and Dieldrin

Correction

In F.R. Doc 67-3117 appearing on page 4351 of the issue for Wednesday, March 22, 1967, in § 120.137, the word "cantaloups" in the third paragraph should be deleted.

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER I—PERSONNEL

AMENDMENT OF SUBCHAPTER TITLE

The title of Subchapter I is amended as set forth above.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

MARCH 21, 1967.

[F.R. Doc. 67-3317; Filed, Mar. 27, 1967; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Chesapeake and Delaware Canal

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1); § 207.100 governing the use, administration, and navigation of the Chesapeake and Delaware Canal is hereby amended with respect to paragraph (j)(4) to permit the bridge across Branch Channel at Delaware City, Del., to remain in a closed position, effective upon publication in the FEDERAL REGISTER, since the bridge has not been opened within the last 20 years, as follows:

§ 207.100 Inland waterway from Delaware River to Chesapeake Bay, Delaware and Maryland (Chesapeake and Delaware Canal); use, administration, and navigation.

* * * * *

(j) * * *

(4) The bridge crossing Branch Channel at Delaware City need not be opened for the passage of vessels.

* * * * *

[Regs., Mar. 1, 1967, 1507-32 (Chesapeake and Delaware Canal)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-3313; Filed, Mar. 27, 1967; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 13—ALLOCATION AND UTILIZATION OF SURPLUS PERSONAL PROPERTY FOR EDUCATIONAL, PUBLIC HEALTH, AND CIVIL DEFENSE PURPOSES

Part 13 of Title 45 CFR is hereby amended to read as follows:

Sec.
13.1 Definitions.
13.2 Basic policy.
13.3 Geographic scope.
13.4 Allocation of donable property.
13.5 Donations of personal property.
13.6 Certifications by State Agencies and donees.
13.7 State Agency agreements.
13.8 Certifications and agreements respecting interstate distribution.
13.9 Terms and conditions applicable to transfers or retransfers of donable property.
13.10 Terms and conditions applicable to transfers or retransfers of aircraft and vessels measuring 50 feet or more in length.
13.11 Additional terms and conditions.
13.12 Insurance.

AUTHORITY: The provisions of this Part 13 issued under sec. 203, 63 Stat. 385, as amended, 70 Stat. 493; 40 U.S.C. 484; 76 Stat. 805.

§ 13.1 Definitions.

(a) "Act" means the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended (40 U.S.C. 471 et seq.). Terms defined in the Act and not defined in this section, shall have in this part the meaning given to them in the Act.

(b) "Accredited" means approval by a recognized accrediting board or association on a regional, State, or National level such as a State Board of Education or Health, a regional or national accrediting association for universities, colleges, or secondary schools, the American Hospital Association, etc.

(c) "Approved" means recognition and approval by the State Department of Education, State Department of Health, or other appropriate authority. With respect to an educational institution, such approval must relate to academic or instructional standards. An educational institution may be considered as approved if its credits are accepted by accredited or State approved institutions, or if it meets the academic or instructional standards prescribed for public schools in the State.

(d) "Civil defense organization" means the official organization established by or pursuant to State law as being responsible for the civil defense program for such State, or political subdivisions and instrumentalities thereof. This term does not include a "State agency" as defined in paragraph (cc) of this section.

(e) "Clinic" means an approved facility organized and operated for the primary purpose of providing outpatient health services and includes the customary related facilities such as laboratories, treatment rooms, etc.

(f) "College" means an approved or accredited institution of higher learning offering organized study courses and credits leading to the baccalaureate or higher degrees.

(g) "Department" means the Department of Health, Education, and Welfare.

(h) "Donable property" means surplus equipment, materials, books, or other supplies under the control of any executive agency (including surplus property in working capital funds established pursuant to 10 U.S.C. 2208 or in similiar management-type funds) except:

(1) Such property as may be specified from time to time by the Administrator of General Services;

(2) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling in order to assist him in carrying out his responsibilities with respect to price support or stabilization;

(3) Property in trust funds.

(i) "Donated property" means equipment, materials, books and other personal property transferred to eligible institutions or organizations pursuant to the provisions of section 203(j) of the Act and implementing regulations.

(j) "Donee" means an eligible applicant who is a recipient of donable property.

(k) "Educational institution" means a tax-supported or nonprofit school system, school, college, university, school for the mentally retarded, school for the physically handicapped, radio or television station licensed by the Federal Communications Commission as an educational radio or an educational television station, and public libraries. School systems, schools, colleges, and universities must be approved or accredited.

(l) "Eligible applicant" means (1) a civil defense organization as defined in paragraph (d) of this section, (2) an approved or accredited tax-supported or nonprofit medical institution, hospital, clinic, health center, school system, school, college, or university, or (3) a tax-supported or nonprofit school for the mentally retarded, school for the physically handicapped, a radio station or a television station licensed by the Federal Communications Commission as an educational radio or an educational television station, or a public library. Nonprofit organizations must be exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(m) "Health center" means an approved facility utilized by a health unit for the provision of public health services, including related facilities such as laboratories and clinics.

(n) "Hospital" means an approved or accredited institution providing health services primarily for inpatient medical or surgical care of the sick or injured and includes related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an "integral part" of the hospital. The term "hospital" does not include institutions whose primary purpose is the furnishing of domiciliary care.

(o) "Medical institution" means an approved or accredited institution, facility, entity or organization which has for its primary function the provision of medical services, or the promotion of health through the conduct of research, investigations, experiments, training and demonstrations, relating to causes, prevention, and methods of diagnosis and treatment of diseases or injuries; the term includes hospitals, clinics, research and health centers, laboratories, medical, dental, and nursing schools, and similar institutions, but does not include those primarily engaged in domiciliary care.

(p) "Motor vehicles" means property in Federal Supply Classification Group 23.

(q) "Need" means a requirement for anything usable and necessary by eligible applicants in the conduct of educational, public health, or civil defense activities.

(r) "Nonprofit" used in connection with a medical institution, hospital, clinic health center, school, college, university, school for the mentally retarded, school for the physically handicapped, or an educational television or educational radio station licensed by the Federal Communications Commission means one which is operated by one or more nonprofit corporations or associations, no part of the net earning of which inures or may lawfully inure to the benefit of any private shareholder individual, and which has been held by the Internal Revenue Service to be tax-exempt under the provisions of section 501(c)(3) of the 1954 Internal Revenue Code.

(s) "Personal property" means surplus property of any kind or any interest therein, except: Real property, records of the Federal Government and naval vessels of the folowing categories: "Battleships, cruisers, aircraft carriers, destroyers, and submarines; and merchant vessels of 1,500 gross tons or more subject to disposal by the U.S. Maritime Commission."

(t) "Public library" means a library that serves free all residents of a community, district, State, or region, and receives its financial support in whole or in part from public funds.

(u) Radio—"Educational radio station" means a radio station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes and the licensee of which is tax-supported or nonprofit and tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1954.

(v) "Reimbursement to donees" means those costs and expenses for which the donee may recover monies from the proceeds of the sale of restricted donated items. These include (1) in such prorated amount, based on use, as may be prescribed by the Department (i) the certified costs of initially acquiring the property; (ii) the rehabilitation costs incurred in initially placing the property into operable condition; (2) the actual costs of listing and lotting property for sale; and (3) the actual costs of advertising the property when authorized by the Regional Representative to conduct the sale.

(w) "Reimbursement to State Agencies" means those costs and expenses for which the State Agency may recover monies from the proceeds of the sale of undistributed surplus property in the custody of the State Agency. These include only those costs of listing and lotting the property which are incurred subsequent to GSA authorization of the sales action, plus the actual cost of advertising in those cases where the State Agency is requested to conduct the sale.

(x) "School" (excepting schools for the "mentally retarded and schools for the physically handicapped") means an approved or accredited organizational entity devoted primarily to approved academic, vocational, or professional study and instruction, which operates primarily for educational purposes on a full-time basis for a minimum school year and employs a full-time staff of qualified instructors.

(y) "School for the mentally retarded" means a facility or institution operated primarily to provide specialized instruction to students of limited mental capacity. It must be tax-supported or nonprofit and exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954. It must operate on a full-time basis for the equivalent of a minimum school year prescribed for public school instruction of the mentally retarded, with a staff of qualified instructors, and demonstrate that the facility meets the health and safety standards of the State or local governmental body.

(z) "School for the physically handicapped" means a school organized primarily to provide specialized instruction to students whose physical handicaps necessitate individual or group instruction. The school must be tax-supported or nonprofit and exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954. Such a school must operate on a full-time basis for the equivalent of a minimum school year prescribed for public school instruction for the physically handicapped, with a staff of qualified instructors, and demonstrate that the facility meets the health and safety standards of the State or local governmental body.

(aa) "School system" means a group of approved or accredited tax-supported schools operated under one administrative organization.

(bb) "Secretary" means the Secretary of Health, Education, and Welfare.

(cc) "State agency" means the agency designated by State statute or Executive order to make the certifications concerning and distribution of donable property to eligible applicants within the State, as provided for in section 203(j) of the Act.

(dd) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a Territory or possession of the United States.

(ee) "Tax-supported" used in connection with a medical institution, hospital, clinic, health center, school, school system, college, university, school for the mentally retarded, school for the physically handicapped, or an educational television station or educational radio station licensed by the Federal Communications Commission means one which receives a major portion of its financial support from monies derived from State or local government revenues.

(ff) Television—"Educational television station" means a television station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes and the licensee of which is tax-supported or nonprofit and tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1954.

(gg) "University" means an approved or accredited institution for instruction and study in the higher branches of learning and which is empowered to confer degrees in special departments or colleges.

§ 13.2 Basic policy.

It is the policy of the Department to strengthen and encourage the development and expansion of educational and public health programs and to promote a state of civil defense operational readiness by the equitable allocation among the States of donable property for educational, public health, and civil defense purposes, and the assuring thereafter of its maximum utilization for these purposes.

§ 13.3 Geographic scope.

This part is applicable to donable personal property located, needed and usable within the continental United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

§ 13.4 Allocation of donable property.

(a) Allocation of donable property will be made on the basis of need and usability of the property. The following factors will be taken into consideration in effecting equitable allocation of property:

(1) Need and usability of property as reflected by requests from State Agencies.

(2) Areas or States in greatest need of the type of property to be allocated, where the particular important need is evidenced by a justification accompanying the expression of need.

(3) Extraordinary needs occasioned by disasters.

(4) Equity in allocations based on population percentages.

(5) The quantity of property of the type under consideration which has already been allocated or is potentially available to a State Agency.

(6) The ability or performance of State Agencies in meeting current transportation requirements.

(b) Judgment is necessary in the application of the factors and the weight that will be given each factor. However, factors other than those set forth will not be used or applied by allocators. When using factor in paragraph (a)(2) of this section, it should not be applied to commonly available items. Its use must be confined to critical or special items not normally available, or to items required by the State to maintain the interest of its donees; in such cases, State Agencies must make statements of fact as justifications.

§ 13.5 Donations of personal property.

(a) Donations of personal property are authorized by the Administrator of General Services upon determination by the Department that the property applied for is usable and necessary for educational, public health, or civil defense purposes, including research for any such purpose. Property is allocated by the Department to State Agencies on the basis of need and utilization. All applications for property shall be made by State Agencies on Standard Form 123, "Application for Donation of Surplus Personnel Property." Applications shall indicate that pickup will be made by or that shipment will be made to either a State Agency or an eligible donee. In its application, the State Agency shall make the certifications as provided in § 13.6(a) and shall agree to the terms and conditions as provided in §§ 13.7 and 13.11. When property is to be picked up by or shipped to a donee, in addition to the certifications made by the State Agency as above provided, the donee shall make the certifications as provided in § 13.6(b). The donee shall also indicate the purpose for which the property is being acquired and shall agree to the applicable terms and conditions as provided in §§ 13.9, 13.10, and 13.11. Prior to the release of property by the holding agency to a State Agency or donee, the Department must certify that the State Agency is elibigle to receive the property in accordance with the act and regulations promulgated thereunder, and that the property is usable and needed. When property is distributed by a State Agency to a donee, the donee shall make the certifications as provided in § 13.6 (b). The donee shall also indicate the purpose for which the property is being acquired, and shall agree to the applicable terms and conditions as provided in §§ 13.9, 13.10, and 13.11. The certifications and agreements of a donee shall be made through its authorized representative. The State Agency must make a finding that the donee is eligible and that the property is usable and needed by the donee.

(b) An otherwise eligible applicant, except educational radio stations and educational television stations, may, in the discretion of the Department, receive donable property prior to "approval" or "accreditation" (as elsewhere defined in this part) of its operations only where it is unable to obtain such approval or accreditation because it is newly organized or because the facilities in which the health or educational activities are to be housed are not yet constructed or are being constructed. Also, schools for the mentally retarded and physically handicapped and public libraries which establish their eligibility under the Department's regulations may receive donable property during construction. In such cases, the applicant must demonstrate to the satisfaction of the Department, that upon completion of construction the facilities will be used for an eligible health or educational purpose and that such health or educational utilization will after operations in such facilities have commenced, receive such approval or accreditation, except schools for physically handicapped, mentally retarded, and public libraries. No property shall be so donated under this paragraph except upon submission of the application to the Department and the express written approval of the Department to such donation.

(c) Donation of property other than aircraft and vessels measuring 50 feet or more in length shall be effective and title shall pass from the United States of America to the donee, upon the taking of possession of the property by the donee and the execution by an authorized representative of the donee of a State Agency for Surplus Property Distribution Document containing the same certifications, terms and conditions as are applicable and set forth in the Department's regulations. Title to aircraft and vessels measuring 50 feet or more in length shall pass from the United States of America to the donee upon execution and delivery of either an Aircraft Conditional Transfer Document or a Vessel Conditional Transfer Document, whichever is appropriate, containing the terms and conditions provided in § 13.10.

(d) Retransfers and reallocations of donable property to other donees or to other State Agencies shall be subject to the applicable provisions set forth in §§ 13.6, 13.7, 13.9, 13.10, and 13.11.

(e) No donable property will be allocated until the Secretary has determined that the State Agency has conformed to the minimum standards of operation prescribed by the Secretary for the disposal of surplus property.

(f) Donable property received in State Agency warehouses shall be distributed promptly to eligible donees within the State, or shall be reallocated to another State Agency by the Department. Property not distributed within a 12-month period shall be reported to the Department for redisposal instructions.

(g) State Agencies shall make such reports to the Department on the use, condition, and location of donated property and other pertinent matters as the Department may from time to time require.

§ 13.6 Certifications by State Agencies and donees.

(a) A State Agency, in making application for donable surplus personal property, shall make a certification as follows:

(1) The State Agency hereby certifies that:

(i) It is the agency of the State designated under State law and as such has legal authority within the meaning of section 203(j) of the Act, and the regulations of the Department to receive surplus property for distribution within the State to eligible donees within the meaning of said Act and regulations.

(ii) Such property is usable and needed for educational, public health, or civil defense purposes, including research for any such purpose, in the State.

(2) When such property is picked up by or shipped to a State Agency, the State certifies that it has available adequate funds, facilities, and personnel to effect accountability, warehousing, proper maintenance, and distribution of such property.

(3) When such property is distributed by a State Agency to a donee, or when delivery is made direct from a holding agency to a donee, the State certifies that the donee who is acquiring the property is eligible within the meaning of the Act, and the regulations of the Department, and that such property is usable and needed by the donee.

(b) A donee, when acquiring donable surplus personal property shall certify as follows:

(1) It is a tax-supported or nonprofit and tax-exempt (under section 501(c)(3) of the Internal Revenue Code of 1954, or section 101(6) of the Internal Revenue Code of 1939) school system, school, college, university, school for the mentally retarded or physically handicapped, public library, educational radio, or educational television station, medical institution, hospital, clinic or health center, or a civil defense organization designated pursuant to State law, within the meaning of the Act, and the regulations of the Department.

(2) Such property is usable and necessary in the State for either educational, public health, or civil defense purposes, including research for any such purpose, is required for its own use to fill an existing need for one of such purposes, and is not being acquired for any other use or purpose, for use outside the State, or for sale.

(3) Funds are available to pay the costs of care and handling incident to donation, including packing, preparation for shipping, loading, and transporting such property.

§ 13.7 State Agency agreements.

With respect to property picked up by or shipped to State Agencies, the State Agency shall agree to the following:

(a) The right to possession only is granted and the State agrees to make prompt State-wide distribution of the same, on the basis of educational, public health, or civil defense usability and need, to donees eligible to acquire property under section 203(j) of the Act, and regulations of the Department, after such eligible donees have properly executed the certifications and appropriate agreements.

(b) Title to such property shall remain in the United States of America although the State shall have taken possession thereof, except where State licensing laws require that title pass in order that State licensing or registration of the property may be effected. Title to the property shall pass to the eligible donees when it executes the certifications and appropriate agreements required by this part and has taken possession of the property.

(c) The State further agrees that it will pay the cost of care, handling, and shipping incident to taking possession of such property and that during the time that title remains in the United States of America it will be responsible, as a bailee for mutual benefit, for such property from the time it is released to the State or to the transportation agent designated by the State; and that in the event of any loss of, or damage to any or all of the property, it will file such claim and/or institute and prosecute to conclusion such proceedings as may be necessary to receive, for the account of the United States of America, the fair value of any such property lost or damaged.

(d) No surplus property hereafter approved for donation by the Administrator of General Services shall be available to State Agencies for their own administrative purposes unless such property is approved for such use by the Secretary and the Administrator, and the State Agency shall have entered into a Cooperative Agreement with the Department providing for such use.

§ 13.8 Certifications and agreements respecting interstate distribution.

Where an applicant State Agency is acting (under an interstate distribution agreement approved by the Department) as an agent and authorized representative of an adjacent State with which it shares a common boundary, the certifications and agreements required by §§ 13.6 and 13.7 shall also be made by such applicant State Agency respecting the donees in such adjacent State to which distribution will be made and the property to be distributed in such adjacent State, and such certifications and agreements shall constitute the certifications and agreements of the adjacent State on whose behalf and as whose authorized representative the applicant State Agency is acting.

§ 13.9 Terms and conditions applicable to transfers or retransfers of donable property.

(a) Property acquired by a donee, regardless of acquisition cost, donated for public health or educational purposes, shall be on an "as is," "where is" basis without warranty of any kind.

(b) Property having a single item acquisition cost of $2,500 or more, donated for public health or educational purposes shall be subject to the following additional terms and conditions:

(1) Such property shall be used only for the public health or educational purpose for which acquired, including research for any such purpose, and for no other purpose.

(2) Such property shall be placed in use for the purpose for which acquired no later than 12 months after acquisition thereof. In the event such property is not placed in use within 12 months of receipt, the donee, within 30 days after the expiration of the 12-month period, shall notify the Department in writing through the State Agency. Title and right to the possession of such property not so placed in use within the above mentioned period shall, at the option of the Department revert to the United States of America, and upon demand the donee shall release such property to such person as the Department or its designee shall direct.

(3) There shall be a period of restriction which will expire after such property has been used for the purpose for which acquired for a period of 4 years, except that the period of restriction on motor vehicles will expire after a period of 2 years of such use.

(4) During the period of restriction, the donee shall not sell, trade, lease, lend, bail, cannibalize or disassemble for secondary utilization purposes, encumber or otherwise dispose of such property or remove it for use outside the State without prior written approval of the Department. Any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the property, when such action is authorized by the Department shall be for the benefit and account of the United States of America and the gross proceeds thereof shall be received and held in trust for the United States of America and be transmitted promptly through the State Agency for Surplus Property promptly to the Department. Reimbursement to the donee will be made by the Department in accordance with the provisions of this part.

(5) In the event such property is sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of during the period of restriction without prior approval, all proceeds shall be deemed to have been received and held in trust for the United States and the donee shall promptly remit the same to the Department. When the fair market value of the property at the time of the unauthorized action is greater than the proceeds derived from such action, the donee shall, at the option of the Department, also be liable for and promptly remit the difference between such proceeds and the fair market value.

(6) If during the period of restriction, property is no longer suitable, usable, or further needed by the donee for the purpose for which acquired, the donee shall promptly notify the Department through the State Agency, and shall, as directed by the Department or State Agency, either return the property to the State Agency for Surplus Property, retransfer the property to another donee, a department or agency of the United States, sell or otherwise dispose of the property. Any sale shall be for the benefit and account of the United States of America and the gross proceeds thereof shall be received and held in trust for the United States of America and shall be transmitted promptly through the State Agency to the Department. Reimbursement by the Department will be made to the donee in accordance with the provisions of this part.

(7) Donee shall make reports to the State Agency on the use, condition, and location of such property and on other pertinent matters as may be required from time to time by the State Agency or the Department.

(8) At the option of the Department, the donee may abrogate the terms and conditions set forth in subparagraphs (1) through (7) of this paragraph by payment of an amount as determined by the Department.

(c) Aircraft (FSC Group 15) are a specific exception to the provisions of paragraphs (a) and (b) of this section. The special terms and conditions provided in § 13.10 shall apply to the donation of aircraft.

(d) Vessels measuring 50 feet or more in length are also a specific exception to the provisions of paragraphs (a) and (b) of this section. The special terms and conditions provided in § 13.10 shall apply to the donation of such vessels.

(e) Property donated for civil defense purposes shall be subject to the terms and conditions set forth in Title 32, Chapter XVIII, Part 1802, OCD Regulations.

(f) Butler-type storage warehouses, house trailers (without undercarriages), and quonset huts, located on nonexcess land, donated under this section, shall be subject to the terms and conditions applicable to the transfer or retransfer of donable property for public health, educational, or civil defense purposes. The State Agency and/or the donee, as applicable, shall comply with all conditions which may be required by the holding agency for the removal of such property. Whenever the holding agency requires the site upon which such property is located to be cleared after removal of such property, the State Agency shall post performance bonds, or make performance guaranty deposits, or give whatever assurances may be required by the Department or the holding agency that the site will be cleared. The State Agency in lieu of posting such performance bonds, or making such performance guaranty deposits, or giving such other assurances that the site will be cleared, may require these actions to be taken by the donee.

(g) When surplus property in the custody of a State Agency is sold, it shall be sold for the benefit and account of the United States of America, and the gross proceeds thereof will be deposited in the Federal Depository. The Department may reimburse a State Agency for its documented costs of listing and lotting the property which are incurred subsequent to the authorization of the sales action, plus the actual cost of advertising

in those cases where the State Agency is requested to conduct the sale. Listing, as used here, means preparing a list of the items of property to be advertised for sale with a description of each item. Lotting, as used here, means segregating the property to be sold and dividing the property into lots, if by such a grouping a greater return may be expected from the sale. Advertising, as used here, means any form of public announcement intended to give wide circularization and publicity to prospective purchasers.

§ 13.10 Terms and conditions applicable to transfers or retransfers of aircraft and vessels measuring 50 feet or more in length.

(a) Aircraft or vessels donated pursuant to this part, regardless of acquisition cost, shall be on an "as is," "where is" basis without warranty of any kind.

(b) Aircraft having a single item acquisition cost of $2,500 or more, or those vessels measuring 50 feet or more in length and having a single item acquisition cost of $2,500 or more, regardless of the purpose for which donated, shall be subject to the following additional terms and conditions:

(1) An Aircraft Conditional Transfer Document or Vessel Conditional Transfer Document containing the terms and conditions provided for in this section and signed by the authorized representative of the applicant must accompany the institution's or organization's application.

(2) Title to the aircraft or vessel shall pass from the United States of America to the donee when the Aircraft Conditional Transfer Document or Vessel Conditional Transfer Document is executed by the Department of Health, Education, and Welfare and is delivered to the donee.

(3) The donee of aircraft shall apply to the Federal Aviation Agency for registration of the aircraft within 30 days of the receipt of the fully executed Aircraft Conditional Transfer Document, and the donee's application for registration shall include a fully executed copy of the Aircraft Conditional Transfer Document. The donee of a vessel shall obtain documentation of the vessel under the applicable laws of the United States and the applicable laws of the several states and will at all times maintain such documentation, and shall, within 60 days of the receipt of the fully executed Vessel Conditional Transfer Document, record said document with the Collector of Customs at the port of documentation of the vessel.

(4) The aircraft or vessel, together with all engines, appurtenances, and accessories attached thereto and installed therein, hereinafter referred to in this section as the "aircraft or vessel property," shall be placed in use for the purpose stated no later than 12 months after acquisition thereof.

(5) In the event the donee of aircraft property does not apply to the Federal Aviation Agency for registration of the aircraft property, or in the event the donee of vessel property does not record the Vessel Conditional Transfer Document with the Collector of Customs at the port of documentation of the vessel property, or in the event the aircraft or vessel property is not placed in use within 12 months of receipt, the donee in the case of aircraft property, within 30 days after the date on which application for registration should have been made, or in the case of vessel property, within 30 days after the date on which the Vessel Conditional Transfer Document should have been recorded, or within 30 days after the expiration of the 12-month period, shall notify the Department of Health, Education, and Welfare, in the case of aircraft or vessel property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft or vessel property donated for civil defense purposes, in writing, through the State Agency. Title and right to the possession of the aircraft property on which application for registration has not been made within 30 days, or to the vessel property on which the Vessel Conditional Transfer Document has not been recorded within 60 days, or aircraft or vessel property which has not been placed in use within 12 months, shall at the option of the Department of Health, Education, and Welfare, in the case of aircraft or vessel property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft or vessel property donated for civil defense purposes, revert to the United States of America. Upon demand, the donee shall, as directed by the Department of Health, Education, and Welfare, or its designee, in the case of aircraft or vessel property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, or its designee, in the case of aircraft or vessel property donated for civil defense purposes, release the aircraft or vessel property to such agency or person as may be designated, sell the aircraft or vessel property, or otherwise dispose of the aircraft or vessel property. Any sale shall be for the benefit and account of the United States of America.

(6) There shall be a period of restriction which will expire after the aircraft or vessel property has been used for the purpose stated for a period of 10 years. The period of restriction for combat aircraft is perpetual.

(7) During the period of restriction the aircraft or vessel property shall be used only for the purpose stated.

(8) During the period of restriction the donee shall make reports to the State Agency on the use, condition and location of the aircraft or vessel property and on other pertinent matters as may be required from time to time by such State Agency, or the Department of Health, Education, and Welfare, in the case of aircraft or vessel property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft or vessel property donated for civil defense purposes.

(9) During the period of restriction, the donee shall not sell, trade, lease, lend, bail, cannibalize or disassemble for secondary utilization purposes, encumber, or otherwise dispose of the aircraft or vessel property, without prior written approval of the Department of Health, Education, and Welfare, in the case of aircraft or vessel property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft or vessel property donated for civil defense purposes. Any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the aircraft or vessel property, when such action is authorized by the Department of Health, Education, and Welfare, where the property was donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft or vessel property donated for civil defense purposes, shall be for the benefit and account of the United States of America.

(10) In the event, during the period of restriction the aircraft or vessel property is sold, traded, leased, loaned, bailed, cannibalized or be disassembled for secondary utilization purposes, encumbered, or otherwise disposed of without prior approval, or is used for a purpose other than the purpose stated, the donee at the option of the Department of Health, Education, and Welfare, in the case of aircraft or vessel property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft or vessel property donated for civil defense purposes, shall be liable to the United States of America for the proceeds of the disposal, the fair market value, or the fair rental value of the aircraft or vessel property at the time of such unauthorized transaction or use, as determined by the Department of Health, Education, and Welfare, in the case of aircraft or vessel property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft or vessel property donated for civil defense purposes.

(11) If, during the period of restriction, the aircraft or vessel property is no longer suitable, usable or further needed by the donee for the purpose for which acquired, the donee shall promptly notify the Department of Health, Education, and Welfare, in the case of aircraft or vessel property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft or vessel property donated for civil defense purposes, through the State Agency, and shall, as directed by the Department of Health, Education, and Welfare, in the case of aircraft or vessel property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft or vessel property donated for civil defense purposes, or the State Agency, retransfer the aircraft or vessel property to another donee, retransfer the aircraft or vessel property to a department or agency of the United States, sell the aircraft or vessel property, or otherwise dispose of the aircraft or vessel property. Any sale shall be for the benefit and account of the United States of America.

(12) At the option of the Department of Health, Education, and Welfare, in the case of aircraft or vessel property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft or vessel property donated for civil defense purposes, the donee may obtain abrogation of the terms and conditions set forth in subparagraphs (6) through (11) of this paragraph by payment of an amount as determined by the Department of Health, Education, and Welfare, in the case of aircraft or vessel property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft or vessel property donated for civil defense purposes. Abrogation of restrictions does not apply to combat aircraft.

(13) The Department of Health, Education, and Welfare, in the case of aircraft or vessel property donated for public health or educational purposes, or the Office of Civil Defense, Department of the Army, in the case of aircraft or vessel property donated for civil defense purposes, may terminate all of the above conditions and give unrestricted title to the aircraft or vessel property to the donee whenever such action is determined to be appropriate.

§ 13.11 Additional terms and conditions.

The Department may require the inclusion in the donation document of any additional terms and conditions deemed desirable and appropriate.

§ 13.12 Insurance.

(a) It is not the Department's policy to require State Agencies to carry insurance as a condition of acquiring Federal surplus personal property for distribution to eligible donees. However, where a State Agency carries insurance against damages to or loss of property due to fire or other hazards and where loss of or damage to Federal surplus personal property occurs, the Department will be entitled to reimbursement from the State Agency of the fair value of the damaged or destroyed Federal property, payable from the insurance proceeds, less the State Agency's actual cost of acquiring and rehabilitating the property prior to its damage or destruction.

(b) It is not the Department's policy to require donees to carry insurance as a condition of donation. However, where a donee carries insurance against damages to or loss of property due to fire or other hazards and where loss of or damage to donated Federal surplus personal property, with unexpired Federal restrictions, occurs, the Department will be entitled to reimbursement by the donee, from the insurance proceeds, of an amount equal to the unamortized portion of the fair value of the damaged or destroyed donated items.

Dated: March 21, 1967.

[SEAL] WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-3342; Filed, Mar. 27, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 8015; Amdt. 39-378]

PART 39—AIRWORTHINESS DIRECTIVES

Allison-Aero Products Models A6441 FN-606 and A6441FN-606A Propellers

An airworthiness directive was adopted on March 18, 1967, and made effective immediately, by telegram, as to all known operators of Aero Products Models A6441FN-606 and A6441FN-606A propellers installed on Convair Models 340/440 airplanes modification in accordance with STC SA 4-1100 and Lockheed Model 188 series airplanes. The directive was also issued on March 22, 1967, by separate action, as amendment 39-376, to make it effective as to all other persons upon publication in the FEDERAL REGISTER. Since that date the Agency has been advised that a change in the repetitive check requirement from 50 hours time in service to 60 hours would enable certain operators to obtain the pitch lock check at the times provided for certain other scheduled maintenance, and would assist in making available the best qualified and trained personnel for proper performance of pitch lock check.

Since this amendment simply changes the recurrent inspection compliance time from 50- to 60-hour intervals and does not impose a burden on any person, notice and public procedure hereon is unnecessary and good cause exists to make it effective immediately.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, AD 67-9-1, issued by telegram on March 18, 1967, and issued as Amendment 39-376 on March 22, 1967, is hereby amended by deleting the words "not to exceed 50 hours' time in service" and inserting the words "not to exceed 60 hours time in service" in place thereof.

This amendment is effective immediately.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on March 24, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-3400; Filed, Mar. 27, 1967; 8:48 a.m.]

[Airspace Docket No. 67-CE-8]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On February 21, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3103) stating that the Federal Aviation Agency was considering an amendment to Part 73 of the Federal Aviation Regulations that would increase the time of designation of Restricted Area R-3302, Savanna, Ill.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

In § 73.33 (32 F.R. 2309), Restricted Area R-3302 Savanna, Ill., is amended as follows:

"Time of designation. 0800 to 2200 c.s.t., Monday through Friday." is deleted and "Time of designation. 0800 to 2200 c.s.t." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 24, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-3404; Filed, Mar. 27, 1967; 8:48 a.m.]

[Airspace Docket No. 67-CE-9]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On February 21, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3103) stating that the Federal Aviation Agency was considering an amendment to Part 73 of the Federal Aviation Regulations that would increase the time of designation of Restricted Area R-3403, Jefferson Proving Ground, Ind.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

In § 73.34 (32 F.R. 2309), Restricted Area R-3403 Jefferson Proving Ground, Ind., is amended as follows:

"Time of designation. 0800 to 2400 e.s.t." is deleted and "Time of designation. Continuous." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 24, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-3405; Filed, Mar. 27, 1967; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Sport fishing in tidal waters from the shore and access thereto by walking is permitted on Holgate Peninsula and Little Beach Island on the Brigantine National Wildlife Refuge, N.J., through December 31, 1967, except in those areas posted as closed. The open areas, comprising 60 acres, are delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sports Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations governing fishing on wildlife refugee areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 20, 1967.

[F.R. Doc. 67-3335; Filed, Mar. 27, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 697]

[Administrative Order No. 599]

SPECIAL INDUSTRY COMMITTEE IN AMERICAN SAMOA

Appointment; Convention; Notice of Hearing

Pursuant to section 5 and section 6 (a)(3) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205, 206 (a)(3)), and to Reorganization Plan No. 6 of 1950 (3 CFR, 1949–53 Comp., P. 1004), I hereby appoint Special Industry Committee No. 7 for American Samoa. Pursuant to section 6(a)(3) and section 8 of the Act, as amended (29 U.S.C. 206(a)(3), 203) and to Reorganization Plan No. 6 of 1950, I hereby convene this committee, refer to it the question of the minimum wage rate or rates for all industry in American Samoa to be paid under section 6(a)(3) of the Act, as amended, and give notice of the hearing to be held by it.

The Committee shall meet in executive session at 9 a.m., on April 17, 1967, in the Legislative Hall, Pago Pago, American Samoa, and shall commence its hearing at 1 p.m., on the same date at the same place. The industry committee shall investigate conditions in such industry and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the Committee to perform its duties and functions under the Act.

The committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor the highest minimum rate or rates of wages for such industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in such industry, and will not give any industry in American Samoa a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa. The committee shall not, however, recommend minimum wage rates in excess of $1.40 an hour for the period ending January 31, 1968, nor in excess of $1.60 an hour thereafter, for work which would have been covered by section 6 of the Act if it had been performed prior to the effective date of the Fair Labor Standards Amendments of 1966. Nor shall the committee recommend minimum wage rates in excess of $1 an hour for the period ending January 31, 1968, nor in excess of $1.15 an hour thereafter, for work brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in such industry than may be determined for other employees in such industry, the committee shall recommend such reasonable classifications within such industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it, under the principles set forth herein, which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards.

The Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, shall prepare an economic report containing the information he has assembled pertinent to the matters referred to the committee. Copies of this report may be obtained at the Office of the Governor, Pago Pago, American Samoa, and the National Office of Wage and Hour and Public Contracts Division, U.S. Department of Labor, Washington, D.C. 20210, as soon as it is completed. The committee will take official notice of the facts stated in this report. Parties, however, shall be afforded an opportunity to refute such facts by evidence received at the hearing.

The procedure of this industry committee will be governed by the provisions of Title 29, Code of Federal Regulations, Part 511. Copies of this part of the regulations will be available at the Office of the Governor in Pago Pago, American Samoa, and at the National Office of the Wage and Hour and Public Contracts Divisions. The proceedings will be conducted in English but in the event a witness should wish to testify in Samoan, an interpreter will be provided. As a prerequisite to participation as a party, interested persons shall file nine copies of a prehearing statement at the aforementioned Office of the Governor of American Samoa and one copy at the National Office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C. 20210. Each prehearing statement shall contain the data specified in § 511.8 of the regulations and shall be filed not later than April 7, 1967. If such statements are sent by airmail between American Samoa and the mainland, such filing shall be deemed timely if postmarked within the time provided.

Signed at Washington, D.C., this 20th day of March 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-3316; Filed, Mar. 27, 1967; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 510]

[Docket No. 67-22; General Order 4]

OCEAN FREIGHT FORWARDER LICENSES

Revocation or Suspension

Notice is hereby given that the Commission is considering the promulgation of a rule which would provide for automatic revocation or suspension of an ocean freight forwarder's license for failure of a licensee to maintain a valid surety bond on file with the Commission.

Section 44(c) of the Shipping Act, 1916, provides that no independent ocean freight forwarder license "* * * shall be issued or remain in force unless such forwarder shall have furnished a bond or other security approved by the Commission * * *".

To assure that no such license remains in force according to the above-quoted provision of section 44(c) it is proposed that a procedure be adopted whereby the Commission will, upon receipt of notice of cancellation of any bond, notify the licensee in writing that his license will automatically be suspended or revoked, effective on the bond cancellation date, unless a new or reinstated bond is submitted to and approved by the Commission prior to such date.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), sections 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 841 (a), (b); 75 Stat. 522, 766), § 510.9 of Title 46 CFR is proposed to be amended by the addition of the following provisos at the end thereof:

§ 510.9 Revocation or suspension of licenses.

* * * * *

Provided, however, That no license shall remain in force unless a valid surety bond is maintained on file with the Commission. A license will be automatically suspended or revoked, without hearing or other proceeding, for failure of a licensee to maintain a valid surety bond on file. The Commission, upon receipt of notice of cancellation of any bond, will notify the licensee in writing that his license will automatically be suspended or revoked, effective on the bond cancellation date, unless a new or reinstated bond is submitted to and approved by the Commission prior to such date:

Provided further, That notice of each suspension or revocation effected pursuant to this section shall be published in the FEDERAL REGISTER.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 12, 1967, an original and 15 copies of their views or arguments pertaining to the proposed amended rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and should be supported by statements and arguments relating the proposed change to the purposes of sections 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 841(a) and 841(b)).

The Federal Maritime Commission, Bureau of Compliance, Office of Hearing Counsel shall participate in the proceeding and shall file Reply to Comments on or before April 25, 1967, by serving an original and 15 copies on the Federal Maritime Commission and one copy on each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before May 5, 1967.

By order of the Federal Maritime Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67-3334; Filed, Mar. 27, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of the Attorney General

LEE COUNTY, GA.

Certification of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89–110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th amendment to the Constitution of the United States in Lee County, Ga. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

RAMSEY CLARK,
Attorney General of the United States.

MARCH 23, 1967.

[F.R. Doc. 67-3407; Filed, Mar. 24, 1967; 3:53 p.m.]

SCREVEN COUNTY, GA.

Certification of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89–110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th amendment to the Constitution of the United States in Screven County, Ga. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

RAMSEY CLARK,
Attorney General of the United States.

MARCH 23, 1967.

[F.R. Doc. 67-3408; Filed, Mar. 24, 1967; 3:53 p.m.]

TERRELL COUNTY, GA.

Certification of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89–110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th amendment to the Constitution of the United States in Terrell County, Ga. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

RAMSEY CLARK,
Attorney General of the United States.

MARCH 23, 1967.

[F.R. Doc. 67-3409; Filed, Mar. 24, 1967; 3:53 p.m.]

BOSSIER PARISH, LA.

Certification of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89–110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th amendment to the Constitution of the United States in Bossier Parish, La. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

RAMSEY CLARK,
Attorney General of the United States.

MARCH 23, 1967.

[F.R. Doc. 67-3410; Filed, Mar. 24, 1967; 3:53 p.m.]

CADDO PARISH, LA.

Certification of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89–110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th amendment to the Constitution of the United States in Caddo Parish, La. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

RAMSEY CLARK,
Attorney General of the United States.

MARCH 23, 1967.

[F.R. Doc. 67-3411; Filed, Mar. 24, 1967; 3:53 p.m.]

DE SOTO PARISH, LA.

Certification of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89–110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th amendment to the Constitution of the United States in De Soto Parish, La. This parish is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

RAMSEY CLARK,
Attorney General of the United States.

MARCH 23, 1967.

[F.R. Doc. 67-3412; Filed, Mar. 24, 1967; 3:53 p.m.]

AMITE COUNTY, MISS.

Certification of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89–110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th amendment to the Constitution of the United States in Amite County, Miss. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

RAMSEY CLARK,
Attorney General of the United States.

MARCH 23, 1967.

[F.R. Doc. 67-3413; Filed, Mar. 24, 1967; 3:53 p.m.]

FRANKLIN COUNTY, MISS.

Certification of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89–110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th amendment to the Constitution of the United States in Franklin County, Miss. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

RAMSEY CLARK,
Attorney General of the United States.

MARCH 23, 1967.

[F.R. Doc. 67-3414; Filed, Mar. 24, 1967; 3:53 p.m.]

OKTIBBEHA COUNTY, MISS.

Certification of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89–110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th amendment of the Constitution of the United States in Oktibbeha County, Miss. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

RAMSEY CLARK,
Attorney General of the United States.

MARCH 23, 1967.

[F.R. Doc. 67-3415; Filed, Mar. 24, 1967; 3:53 p.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (31 F.R. 16724, 32 F.R. 1059, 3715) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as indicated in the following table listing species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Dallas City Packing Co.	156	(*)					
Butcher Boy Packing Co.	688	(*)					
New establishments reporting: 2.							
Armour & Co.	2AT			(*)	(*)	(*)	
West Coast Meat Co., Inc.	117			(*)			
Silver Falls Packing Co., Inc.	153					(*)	
Azalea Meats of Georgia, Inc.	348						
Fresno Meat Packing Co.	354		(*)				
Frosty Morn Meats	731		(*)				
Nat Buring Packing Co. of Arkansas	837B	(*)					
Longhorn Meat Packers, Inc.	976		(*)				
Species Added: 9.							

Done at Washington, D.C., this 23d day of March 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 67-3345; Filed, Mar. 27, 1967; 8:47 a.m.]

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD

CERTAIN WORKERS OF ROCKWELL-STANDARD CORP., LYON DIVISION, ADRIAN, MICH.

Summary of Final Determinations and Notice of Certification Regarding Petition for Determination of Eligibility To Apply for Adjustment Assistance

Determinations of the Board. Pursuant to the Automotive Products Trade Act of 1965 (Public Law 89–283; 79 Stat. 1016) the Automotive Agreement Adjustment Assistance Board determines that:

Dislocation of workers in the Rockwell-Standard Corp., Lyon Division plant, at Adrian, Mich., has occurred, or threatens to occur, since a significant number or proportion of the workers have become or will become unemployed.

The operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing, or threatening to cause, such dislocation (section 302, Act; § 501.9, Board regulations).

Certification. The Board hereby certifies that the workers of the Rockwell-Standard Corp., Lyon Division plant, at Adrian, Mich., who became or will become, unemployed or underemployed on or after November 29, 1966, are eligible to apply for adjustment assistance.

Background. A petition for a determination of eligibility to apply for adjustment assistance under the Automotive Products Trade Act of 1965 was filed with the Automotive Agreement Adjustment Assistance Board on January 10, 1967, on behalf of a group of workers employed by the Rockwell-Standard Corp. in Adrian, Mich. The hourly workers are represented by two unions—the International Association of Machinists (Local 1268) and the Metal Polishers, Buffers, Platers, and Helpers International (Local 69). The petition alleged that the actual and threatened dislocation of employees is due to pressure from Rockwell-Standard Corp.'s customers to manufacture larger quantities of wheel covers in Canada. The petitioners believe the primary factor causing, or threatening to cause, the unemployment at the Adrian plant is the existence of the United States-Canadian Automotive Agreement.

On January 16, 1967, the Automotive Assistance Committee of the Board requested the U.S. Tariff Commission to investigate and report on the facts relating to this petition (32 F.R. 833, Jan. 24, 1967). Public hearings were not requested by any interested party and none were ordered by the Commission.

The Commission submitted its report on March 7, 1967 (APTA–W–6). The Commission stated that only certain sections of the report could be made public since much of the data it contains were received in confidence (32 F.R. 3954, Mar. 10, 1967).

The Board also obtained advice from the Departments of the Treasury, Commerce, Labor, and the Small Business Administration under section 302(f)(1) of the Act.

The Rockwell-Standard Corp. and its Lyon Division. Rockwell-Standard Corp. operates 34 plants in the United States and 11 plants in Canada. In 1966, parts for automobiles, trucks, trailers, and buses accounted for 65 percent of sales.

Rockwell-Standard acquired the assets of Lyon, Inc., an independent parts producer in November 1965. Lyon produced wheel covers and hubcaps at several plants including the plant at Adrian, one at Grenada, Miss., and one at Windsor, Ontaria.

On November 29, 1966, union officials were advised that the corporation planned to close the Adrian plant. On January 7, 1967, a company letter was issued to employees informing them that the plant would be closed. At the same time a layoff schedule was promulgated. As a result, some workers quit or found other employment. In its notice to the employees, Rockwell-Standard noted that the Adrian facility was old and outmoded; savings could be realized by concentrating production in fewer plants; the company had been under constant pressure from its customers to increase production in Canada so that the customers could take advantage of the United States-Canadian Automotive Products Agreement.

Rockwell-Standard began phasing out production in February and planned to have all production terminated by the end of March 1967.

Conclusions and determinations—1. *Automotive product.* The petitioners worked in a plant of the Rockwell-Standard Corp. manufacturing automotive products, as defined by the Act: Wheel covers and hubcaps, a major part of which were for use as original equipment in the assembly of motor vehicles.

The Board, therefore, concludes that the requirements of section 302(a)(2) and 302(1)(1) of the Act are satisfied.

2. *Dislocation.* Dislocation in the case of a group of workers means actual or threatened unemployment or underemployment of a significant number or proportion of the workers of a firm or an appropriate subdivision thereof. As of February 23, 1967, at least 52 workers had been separated from the Adrian plant; the remaining employees were on notice that their employment would be terminated by May 1, 1967. All hourly workers in the plant (approximately 300 on December 31, 1966), were involved in the production of the automotive products concerned.

The Board, therefore, determines that the entire Adrian plant of the Lyon Division is the "appropriate subdivision" of the Rockwell-Standard Corp. and that the workers thereof are, or will be, dislocated (§ 501.2(i)(2), Board regulations).

3. *Role of the operation of the Agreement.* Pursuant to section 302(b)(2) and (3) of the Act, the Tariff Commission obtained data indicative of U.S. production, U.S. imports from Canada, U.S. exports to Canada, and Canadian production of wheel covers and hubcaps for use as original equipment in the assembly of motor vehicles. On the basis of these data the Board determines that recent U.S. production of wheel covers and hubcaps is greater than that of model year 1964 and therefore section 302(b)(2) of the Act is not satisfied.

Therefore, the Board considered whether the operation of the Agreement has nevertheless been the primary factor in causing or threatening to cause the dislocation of the group of workers (section 302(d), Act). The Act (section 302(1)(4)) defines the "operation of the Agreement" to include governmental or private action in the United States or Canada directly related to the conclusion or implementation of the Agreement. "Primary factor" means a factor which is greater in importance than any other single factor present in a given case, but which does not have to be greater than any combination of other factors (§ 501.2(j), Board regulations).

The Board attaches special significance to the company statement that it was under constant pressure from its customers to increase manufacturing in Canada in order to obtain the benefits of the United States-Canadian Agreement. Purchases of original auto equipment from the Windsor plant could be used by the auto manufacturers in fulfilling part of their commitments to the Canadian Government with respect to Canadian "value added."[1] The Board also attaches significance to the fact that elimination of the U.S. duty on original equipment wheel covers and hubcaps from Canada in accordance with the Agreement favorably affected the ability of Rockwell-Standard to supply some U.S. demand by exports from the Windsor plant.

In the Board's judgment these considerations were compelling in the company's decision to terminate the Adrian operation and transfer the majority of Adrian orders to the Windsor plant.

The Board, therefore, determines that the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing, or threatening to cause, the dislocation of workers from the Lyon Division of the Rockwell-Standard Corp. in Adrian, Mich.

(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1018; Executive Order 11254, 30 F.R. 13569; Automotive Agreement Adjustment Assistance Board Regs., 48 CFR Part 501, 31 F.R. 827; Board Order No. 1, 31 F.R. 853)

Attest:

EDGAR I. EATON,
Executive Secretary, Automotive Agreement Adjustment Assistance Board.

MARCH 22, 1967.

[F.R. Doc. 67-3314; Filed, Mar. 27, 1967; 8:45 a.m.]

[1] Copies of letters from the automobile manufacturers on these commitments appear, among other places, in Appendix C of House Report No. 537, Committee on Ways and Means, 89th Cong., 1st sess.

CIVIL AERONAUTICS BOARD

[Docket No. 17828; Order No. E-24884]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Regarding Reduced Fares for Passenger Sales Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22d day of March 1967.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to reduced fares for passenger sales agents; Docket 17828, Agreement CAB 19463.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB Agreement number.

The agreement accords U.S. IATA passenger sales agents, who failed to submit to the Traffic Conference Secretary a list of personnel eligible for reduced-fare transportation on a timely basis, a second opportunity to make such filings. The agreement requires that within 30 days after it is declared effective, the Traffic Conference Secretary must notify agents of their right to submit delayed filings. Agents, in turn, may submit delayed filings within 30 days from the date of notice.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Agreement CAB 19463, which incorporates IATA Resolution 100 (Mail 485) 203x, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 19463 is approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify, or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-3336; Filed, Mar. 27, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15461 etc.; FCC 67R-94]

CHAPMAN RADIO AND TELEVISION CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of William A. Chapman and George K. Chapman, doing business as Chapman Radio and Television Co., Homewood, Ala., Docket No. 15461, File No. BPCT-3282; Alabama Television, Inc., Birmingham, Ala., Docket No. 16760, File No. BPCT-3706; Birmingham Broadcasting Co., Birmingham, Ala., Docket No. 16761, File No. BPCT-3707; for construction permit for new television broadcast station; Birmingham Television Corp. (WBMG), Birmingham, Ala., Docket No. 16758, File No. BPCT-3663; for modification of construction permit.

1. The four applicants named above are each seeking permission to construct a television broadcast station on Channel 21, and the comparative cases are currently being heard by Hearing Examiner David I. Kraushaar. Now before the Review Board is a petition to enlarge issues, filed by Birmingham Television Corp (hereinafter, petitioner) on January 31, 1967. The petition seeks against

Birmingham Broadcasting Co. (hereinafter, BBC) the addition of four issues "classified generally as 'character' issues" by petitioner. A Broadcast Bureau comment of February 23, 1967, supports the greater part of the petition. An opposition to the petition was filed by BBC on February 24, 1967,[1] petitioner replying to the opposition on March 2, 1967.

2. The issues requested by petitioner read as follows:

(a) To determine the circumstances surrounding the representations by Birmingham Broadcasting Co. that A. G. Gaston, Arthur D. Shores, and James T. Montgomery are corporate directors, and whether the facts adduced reflect on that applicant to the point of requiring its disqualification or the assessment of a comparative demerit against it.

(b) To determine whether Birmingham Broadcasting Co. has failed to file ownership reports and stock agreements as required by §§ 1.613 and 1.615 of the rules, and whether the facts adduced reflect adversely on that applicant to the point requiring its disqualification or the assessment of a comparative demerit against it.

(c) To determine the circumstances surrounding the representations by Birmingham Broadcasting Co. that Jesse L. Lewis is a stockholder, and whether the facts adduced reflect adversely on that applicant to the point of requiring its disqualification or the assessment of a comparative demerit against it.

(d) To determine whether papers filed with the Commission by Birmingham Broadcasting Co. have been properly notarized or signed by the persons whose signatures they purport to contain, and whether the facts adduced reflect adversely on that applicant to the point of requiring its disqualification or the assessment of a comparative demerit against it.

3. For its first requested issue, petitioner relies upon the following: BBC is the licensee of standard broadcast station WLPH, Irondale, Ala. Its television application, signed and filed on January 24, 1966, indicated that it had three stockholders (Lang, Parker, and Hyde), each of whom were directors, and that other shares would be issued to four subscribers (Gaston, Lewis, Shores, and Montgomery), none of whom were contemplated as directors. However, in exhibits prepared for an exhibit-exchange of November 7, 1966, it was stated that Gaston, Shores, and Montgomery, as well as Lang, Parker, and Hyde, were directors. Notwithstanding those exhibits, in a proposed amendment (to BBC's application) of January 12, 1967,[2] it was indicated that Lang, Parker, and Hyde were the only directors of the corporation.

4. Although it appears to be petitioner's position that the above suggests misrepresentations by BBC at one or more stages of the proceeding, the Board views BBC's explanation as satisfactory.[3] Thus, an attachment to BBC's opposition reveals that although Gaston, Shores, and Montgomery were elected as directors on January 17, 1966, prior to the filing of the application, the affected portions of the application had already been completed by Parker. Because these directorships were disclosed in the exhibits of November 7, 1966, and because there appears no motive for concealing the new directorships in connection with either the application of January 24, 1966, or the tendered amendment of January 12, 1967, BBC's explanation that the omissions in the latter two documents were inadvertent rings true, and petitioner's first requested issue is refused. Although the factual situation involved reflects carelessness with respect to a number of BBC's filings, no case for misrepresentation has been established by petitioner.

5. BBC admits that reports revealing the changes in BBC's corporate affairs were not filed until February 23, 1967, and petitioner's second requested issue deals with BBC's lack of compliance (as licensee of WLPH) with §§ 1.613 and 1.615 of the Commission's rules.[4] Again, however, no motive for concealment appears, and an issue contemplating BBC's disqualification would be inappropriate. Nevertheless, the facts involved are relevant to the question of BBC's past broadcast record, and inquiry as to such facts—under the standard comparative issue, and without the addition of a special issue—should be allowed by the Examiner.[5]

6. In its supporting material for its third requested issue, petitioner suggests that Lewis has been falsely held out by BBC as a stock subscriber. Principally relied upon by petitioner is an attachment to BBC's petition for leave to amend of January 12, 1967, consisting of the minutes of a BBC corporate meeting of November 26, 1966. The minutes recite that "All of the Stock Holders and Directors were present," but whereas all of the other of BBC's principals signed the minutes, Lewis did not. Notwithstanding the connotations contained in petitioner's reply, the Board regards BBC's explanation of the foregoing as valid: Lang, Parker, and Hyde signed the minutes as existing stockholders and directors, and Gaston, Shores, and Montgomery as existing directors; Lewis could not sign, since he is only a stock subscriber and not a stockholder or director. Although during the course of comparative hearings, the terms "stock subscribers" and "stockholders" are sometimes used interchangeably, this cannot serve to confer on a mere stock subscriber the status of stockholder for all corporate affairs. In short, there is nothing in petitioner's pleadings casting any significant doubt on the representation that Lewis has been, from all pertinent times in the past through the present, a BBC stock subscriber.

7. As one part of its support for its fourth requested issue, petitioner points out that in two Parker affidavits of January 20, 1967, both notarized by the same District of Columbia notary public, the one is headed "City of Washington, District of Columbia" and the other "State of Alabama, City of Birmingham." Petitioner questions how the notary "could have acknowledged an oath in Birmingham on January 20, and an oath in Washington, D.C., on the same date."[6] Again, however, BBC's explanation is satisfactory: The affidavit with the Alabama heading had been prepared by Parker in Alabama in the expectation that it would be executed there; when it was actually executed in Washington, the principals to the transaction neglected to conform the heading to the venue of the notary public.

8. The other phase of petitioner's support for its fourth requested issue relates to the obvious differences between the Parker signature on the proposed amendment of January 12, 1967, and Parker's signatures on other documents submitted in this proceeding. It now appears that one of BBC's Washington communications counsel signed Parker's name to the proposed amendment, and the explanation is as follows: Parker had personally worked on the document involved but was unable to keep an appointment with counsel to sign it; accordingly, by phone, Parker instructed counsel to sign Parker's name "acting as his agent".[7] However, the explanation is inconsistent with other averments in BBC's opposition. Thus, at page 3 of the opposition, in explaining why the amendment omitted Gaston, Shores and Montgomery as directors, it is stated that "the amendment was prepared by new counsel [of the same law firm] who was not as yet familiar with the case", and that "Counsel who prepared the amendment did not handle [BBC's] affairs, initially, including the original application, the amendment to the application in November 1966, the exhibit preparation (except programing) or the actual conduct of the hearing." There is no contention in that portion of the opposition that Parker participated in the preparation of the proposed amendment; and that he did not is suggested by the probability that if he had, the omission of the three directors from the proposed amendment would not have occurred. In the latter connection, the exhibits which were prepared for the exhibit-exchange of November 7, 1966—which reveal Gaston, Shores and Montgomery as directors—were declared by BBC to have been "Prepared by or under [Parker's] direction."[8] Since the proposed amendment of January 12, 1967, consists of but one page, even a cursory examination of it by Parker would have revealed to him the omission in question. In view of the foregoing inconsistencies, the Board deems it advisable that there be inquiry as to the matter on the hearing record, and an appropriate issue is set forth below. The burden of proof with respect to the added issue shall be on BBC.

Accordingly, it is ordered, This 17th day of March 1967, That the motion for acceptance of late filing, filed by Birmingham Broadcasting Co. on February 24, 1967, is granted; that the petition to enlarge issues, filed by Birmingham Television Corp. (WBMG) on January 31, 1967, is granted to the extent indicated above and is denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following issue, the issue to be inserted ahead of the last two issues specified in the Commission's designation order herein:

To determine all of the facts and circumstances surrounding the preparation and filing of Birmingham Broadcasting Co.'s proposed amendment of January 12, 1967, whether misrepresentations in connection therewith have been made to the Commission, and whether the facts adduced bear upon that applicant's requisite or comparative qualifications in this proceeding.

Released: March 23, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[9]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3359; Filed, Mar. 27, 1967; 8:47 a.m.]

[Docket No. 16828; FCC 67-386]

AMERICAN BROADCASTING COMPANIES, INC.

Memorandum Opinion and Order Continuing Hearing

In the matter of applications by American Broadcasting Companies, Inc., for assignment of licenses of stations: WABC, WABC-FM, WABC-TV, New York, N.Y., WLS-FM, WBKB, Chicago, Ill., KGO, KGO-FM, KGO-TV, San Francisco, Calif., KABC, KABC-FM, KABC-TV, Los Angeles, Calif.; for transfer of control of stations: WLS, Chicago, Ill., KQV and KQV-FM, Pittsburgh, Pa., WXYZ, WXYZ-FM, WXYZ-TV, Detroit, Mich.; for assignments and transfer of ancillary radio facilities; Docket No. 16828.

1. The Commission has before it for consideration an "Application for Continuance of Hearing" filed by the Department of Justice on March 21, 1967, the Broadcast Bureau's statement in support of this request, and the Opposition of the American Broadcasting Cos., Inc. (ABC), and International Telephone and Telegraph Corp. (ITT).

2. By our order of March 16, 1967, we designated the above-applications for hearing to be held before Chief Hearing Examiner James D. Cunningham. In view of our finding that the public interest required this supplemental proceeding to be conducted as expeditiously as possible without prejudice to the compilation of a full record, we scheduled the hearing to commence on March 27, 1967. The Department of Justice seeks a 2-week postponement to April 10.

3. We have determined to grant this request in view of the representations of the Department of Justice that such continuance "will lead to economy of presentation and to adequacy of preparation" which, in turn, will expedite the proceeding from an overall time standpoint.

4. There is one other facet of this hearing concerning which we believe we can appropriately provide guidance at this time. Our memorandum opinion and order of December 21, 1966, which has been stayed pending our further order, granted ITT's request that certain designated portions of its filings, consisting of stockholder lists and agreements between ITT and foreign governments, be designated as not for public inspection. Subsequently, ITT has requested that certain additional documents that have been filed herein be accorded the same status. In view of the present circumstances of this proceeding, we now delegate to Chief Hearing Examiner Cunningham the authority to rule on the status of all such documents and the manner of receiving any testimony concerning them that may become necessary. ITT should accompany any motion in this respect with an appropriate showing that a serious injury to its business would result from public disclosure of this information. We thus follow the standard laid down in Federal Communications Commission v. Schreiber, 381 U.S. 279, 285 (1965).

5. *Accordingly, it is ordered*, That the application of the Department of Justice for continuance of hearing is granted and that the hearing commence at 9 a.m., April 10, 1967, in Room 7134, New Post Office Building, Washington, D.C., upon the issues previously designated.

6. *It is further ordered*, That Chief Hearing Examiner Cunningham is delegated authority to rule on any question which the parties may raise concerning public disclosure of evidence.

Adopted: March 22, 1967.

Released: March 23, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3338; Filed, Mar. 27, 1967; 8:46 a.m.]

[Docket No. 16709; FCC 67M-476]

ISLAND BROADCASTING SYSTEM (WRIV), INC.

Order Continuing Hearing

In re application of Island Broadcasting, System (WRIV), Inc., Riverhead New York, Docket No. 16709, File No. BPCT-3475; for construction permit (Channel 55).

The Hearing Examiner having under consideration the informal request for continuance of hearing filed on March 17, 1967, by Island Broadcasting System, Inc.;

It appearing, that the Broadcast Bureau, the only other party to the proceeding, has orally consented to immediate consideration and grant of the said request which is predicated on the absence of counsel for Island from Washington, D.C., on the presently scheduled date:

It is ordered, This 20th day of March 1967 that the said request is granted and

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[1] Under an extension of time allowed by the Board by order released Feb. 15, 1967 (FCC 67R-54), the opposition should have been filed on the previous day. However, the opposition was accompanied by a motion for acceptance of late filing; the motion sets forth good cause for the delay of 1 day, is unopposed, and is hereby granted.

[2] The amendment was refused by the Hearing Examiner for want of good cause by order released Jan. 24, 1967 (FCC 67M-122).

[3] BBC questions the timeliness of the petition on the basis that petitioner was alerted to the directorship matter as early as November 1966. To the extent that BBC's position here is arguable, it is so only with respect to issue-requests herein denied by the Board. Accordingly, the timeliness question need not be resolved.

[4] BBC's opposition states that the reason for the failure in this respect "is not within the knowledge of undersigned counsel, who * * * were not handling the day-to-day affairs of [BBC] at the time." This disclaimer ignores the facts that ownership reports are a matter of licensee responsibility, and that BBC included Parker in its listing of legal counsel on its application.

[5] In other words, petitioner was not required to seek an issue in order to inquire into the question as a matter of comparative qualifications.

[6] One of the Parker affidavits attests that he read an attached "Motion to Dismiss," and petitioner points out that the attached material was actually a "Motion for Disqualification of Counsel." Although it is obvious that carelessness crept into still another BBC filing, there is no question but that the signature on the affidavit is Parker's, and support is lacking for the more sinister connotations suggested by petitioner.

[7] Both Parker and counsel indicate that this is so. The opposition contends that "because Parker was unable to reach the office on time," counsel's signing of Parker's name "was a perfectly reasonable action to be taken by counsel—acting as his agent—under the circumstances delineated above." However, the procedure utilized lacked accord with § 1.513 of the Commission's rules. Paragraph (a) of that section requires that "applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by an officer, if the applicant is a corporation". Paragraph (b) of the section permits the applicant's attorney to sign the document "in case of the applicant's physical disability or of his absence from the United States", the signing attorney to "separately set forth the reason why the application is not signed by the applicant." For a Commission case involving section 1.513, see WMOZ, Inc., 36 FCC 201, 218, 1 RR 2d 801, 827 (1964).

[8] It may be noted that BBC has not yet sought to conform its application to the exhibits submitted. See section 1.65 of the rules.

[9] Board member Kessler not participating.

[1] Commissioners Loevinger and Wadsworth absent.

FEDERAL REGISTER, VOL. 32, NO. 59—TUESDAY, MARCH 28, 1967

the hearing herein presently scheduled for March 21, 1967, is continued to April 6, 1967, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: March 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3340; Filed, Mar. 27, 1967; 8:47 a.m.]

[Docket Nos. 17065, 17066; FCC 67-317]

STEPHEN VAUGHAN & ASSOCIATES AND MULTIVISION NORTHWEST, INC.

Memorandum Opinion and Order Amending Designation Document

In re petitions by Stephen Vaughan & Associates, Cleveland, Tenn., Docket No. 17065, File No. CATV 100-7; Multivision Northwest, Inc., Dalton, Ga., Docket No. 17066, File No. CATV 100-73; for authority pursuant to § 74.1107 to operate CATV systems in Cleveland and Dalton.

1. By memorandum opinion and order, FCC 66-1176, released January 5, 1967, we denied petitions, filed by the above-captioned CATV systems, for waiver of hearing and for authority pursuant to § 74.1107 of the rules to operate CATV systems in Cleveland, Tenn., and Dalton, Ga.[1] A consolidated hearing was ordered on issues to determine, inter alia: (a) Extent of present and proposed CATV service in the Chattanooga market; (b) the effects of such service upon existing, proposed, and potential television stations in the market; (c) the present policy and proposed future plans of Stephen Vaughn & Associates with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (d) and whether the CATV proposal is consistent with the public interest.

2. We now have under consideration several petitions for reconsideration of the designation order, which were filed by Vaughan, by Rust Craft Broadcasting of Tennessee, Inc. (WRCB-TV), and by Roy H. Park Broadcasting of Tennessee, Inc. (WDEF-TV).[2] The Vaughan system, which is not yet in operation, seeks permission to carry the three stations from Knoxville, Tenn., the three VHF stations from Atlanta, Ga., and the educational station from Athens, Ga. In concluding that Vaughan had not made a case for waiver of § 74.1107 so that it could carry the proposed distant television signals without a hearing, we stated that the reasons advanced in support of its petition did not "meet our concern for the public interest in the preservation of the UHF potential, particularly in view of the substantial UHF activity in this television market and the comparatively slight CATV penetration." We also concluded that it would be appropriate to grant interim relief to permit carriage by Vaughan of the Knoxville stations and the Athens educational station in view of the equities of the situation, the size of the Cleveland community, its distance from Chattanooga, and the availability of Grade B signals from Knoxville in the adjoining county.

(3) The Vaughan petition, which will be discussed first, seeks reconsideration of the designation order and grant of its request for waiver of § 74.1107 without a hearing. Vaughan now declares that "it does not intend to proceed with the evidentiary hearing, irrespective of what action the Commission may take" on the instant petition for reconsideration. Vaughan also states that based on its experience with its affiliated Athens, Tenn., CATV system, carriage of the Knoxville and Chattanooga stations alone would not support a system in Cleveland, since, like the Athens subscribers, its Cleveland customers would desire the Atlanta stations. Vaughan submits that, should the Commission desire to consider a partial waiver appropriate, it should be authorized to carry the Atlanta signals. Vaughan then asserts that if the Commission does not grant authorization for it to carry at least the Atlanta signals, "the Cleveland system will not be constructed and placed into operation."

4. Vaughan declares that its "decision not to proceed is based solely on finances and the uncertainty of the future" and that it "cannot justify substantial additional expenditures when the entire basis for them may be rendered moot in the reasonably near future." In this connection, Vaughan refers to the various court tests of the Commission's CATV rules as well as the litigation and legislative proposals involving the copyright question which, it avers, may destroy the principal foundation of the second report and order, 2 FCC 2d 725 (1966).

5. In further support of its request for waiver, Vaughan raises a question of hardship and states that it has committed or owes approximately $300,000 to $325,000 for its CATV system. Vaughan asserts that, assuming a 75 percent penetration of Cleveland's population of 16,196 and its 5,000 estimated homes, it would serve only 1.2 percent of the television homes in the Chattanooga market. In order to avoid any proliferation argument, Vaughan states that it would forego any plans to add distant signals to its affiliated CATV systems in Athens, Red Bank-White Oak, and Dayton, Tenn. Referring to its pleadings filed prior to the designation of this proceeding for hearing, Vaughan claims that a CATV system would benefit rather than harm UHF television because it plans to carry all Chattanooga UHF stations, thus making such UHF stations immediately accessible to the CATV subscribers without waiting for the desired effect of the all-channel receiver legislation. Vaughan concludes that, although the expiration of the CATV system would satisfy the Chattanooga stations, its request for a waiver should be granted since the Commission has recognized that the provision of multiple signals is in the public interest where, as here, no public detriment would result.

6. With respect to Vaughan's assertions that, no matter what disposition is made of its petition, it will not participate in this evidentiary hearing and that it will not construct its system unless waiver is granted to carry at least the Atlanta stations, these are business judgments which Vaughan itself will have to make. We can give them no weight in determining whether or not the public interest would be served by a waiver of § 74.1107 without a hearing. As to Vaughan's reliance upon its expenses and potential liabilities, this is an equitable argument, and we believe it to be incumbent upon Vaughan to establish, at the least, that the execution of its contracts could not have been postponed, that the contracts could not have been renegotiated, or that the sums had been spent prior to February 15, 1966. Vaughan has not provided such information in its petition for reconsideration or in any other pleading.[3] Under these circumstances we do not believe that Vaughan's expenditures and contractual obligations should be determinative factors in Vaughan's favor in disposing of its petition for reconsideration.

7. The remaining contentions urged by Vaughan do not contain any new facts or arguments supporting a grant of its request without hearing. Vaughan asserts, however, that these factors establish that its CATV system would have little effect upon the Chattanooga market. As noted above, the second issue in this proceeding is designed to permit a determination of that precise point. In designating this matter for hearing, we concluded that such a determination could be made only after a hearing has been held at which each of the parties will have a full opportunity to present its evidence. The matters relied upon by Vaughan were before us when we issued the designation order herein, and its present contentions have in no way impaired the considerations which prompted us to specify this hearing. For these reasons we conclude that Vaughan's request for waiver of § 74.1107 without hearing must be denied.

8. We next turn to the petitions of WRCB-TV and WDEF-TV, which request us to reconsider our grant of interim relief to Vaughan, permitting it to carry the distant Knoxville stations. With respect to these petitions, we note that Vaughan has made unequivocal representations: (a) That "it does not intend to proceed with the evidentiary hearing, irrespective of what action the Commission may take" on its petition for reconsideration; and (b) that it will not construct and place into operation the Cleveland CATV system unless it is permitted, at this time and without a hearing, to carry the Atlanta stations. The pleadings herein indicate that Vaughan had not laid its cable or erected the head end of its system at the time it filed its original petition for waiver on March 29, 1966, and that Vaughan has not yet commenced operation. Since (a) the interim operation was to last only until this proceeding is resolved; (b) Vaughan has now categorically stated that, unless its petition for reconsideration is granted, it will not proceed with the hearing nor commence operation without the Atlanta stations; and (c) we have denied herein Vaughan's petition for reconsideration, the reasons for interim authorization no longer exits. Therefore, such interim permission will be withdrawn. Under these circumstances the petitions for reconsideration filed by WRCB-TV and WDEF-TV will be dismissed as moot.

9. *Accordingly, it is ordered,* This 15th day of March 1967:

(a) That the petition for reconsideration and grant without hearing, filed by Stephen Vaughan and Associates on January 27, 1967, is denied;

(b) That paragraph 7 of the memorandum opinion and order (FCC 66-1176, released January 5, 1967, 6 FCC 2d 291) designating this proceeding for hearing is deleted and the authorization for the CATV system to be operated by Stephen Vaughan and Associates in Cleveland, Tenn., to carry the signals of the Knoxville, Tenn., television stations and the educational station in Athens, Ga., is withdrawn; and

(c) That the petition for reconsideration, filed by Rust Craft Broadcasting of Tennessee, Inc., on January 18, 1967, and the petition for reconsideration, filed by Roy H. Park Broadcasting of Tennessee, Inc., on January 23, 1967, are dismissed as moot.

Released: March 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION[4],
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3341; Filed, Mar. 27, 1967; 8:47 a.m.]

[1] Since no question has been raised at this time with respect to the Dalton, Ga., proposal, it will be excluded from our consideration in this memorandum opinion and order.

[2] The following pleadings are now before us: (1) Petition for reconsideration filed Jan. 18, 1967, by WRCB-TV; (2) Petition for reconsideration filed Jan. 23, 1967, by WDEF-TV; (3) Opposition to WRCB-TV's petition filed Jan. 25, 1967, by Vaughan; (4) Reply to Vaughan's opposition filed Jan. 30, 1967, by WRCB-TV; (5) Broadcast Bureau's comments on the petitions for reconsideration filed Feb. 1, 1967; (6) Petition for reconsideration and grant without hearing filed Jan. 27, 1967, by Vaughan; (7) Opposition to Vaughan's petition filed Feb. 8, 1967, by WRCB-TV; (8) Broadcast Bureau's comments on Vaughan's petition filed Feb. 9, 1967; (9) Opposition to Vaughan's petition filed Feb. 9, 1967, by WDEF-TV; and (10) Reply to the oppositions filed Feb. 23, 1967, by Vaughan.

[3] In addition to there being nothing in the Commission's files to indicate the dates when Vaughan's expenditures took place, we note that the contract for actual construction of its system was not entered into until Jan. 29, 1966, less than 3 weeks before the Commission's public notice of Feb. 15, 1966, concerning the CATV rules, was issued.

[4] Dissenting statement of Commissioner Bartley filed as part of original document; Commissioner Loevinger abstaining from voting.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1077]

OCEANBROKERS, INC.

Revocation of License

Whereas, by order served September 19, 1966, the Federal Maritime Commission suspended the Independent Ocean Freight Forwarder License No. 1077 of Oceanbrokers, Inc., 500 Sansome Street, San Francisco, Calif. 94111, for a period not to exceed six (6) months;

Whereas, the Commission further ordered that the Director, Bureau of Domestic Regulation forthwith revoke Independent Ocean Freight Forwarder License No. 1077 should the licensee fail within the six (6) month period allotted to (1) reactivate its forwarding business, and (2) submit a valid surety bond to the Commission.

It is ordered, Pursuant to the Commission order served September 19, 1966, the Independent Ocean Freight Forwarder License No. 1077 of Oceanbrokers, Inc., is hereby revoked effective March 23, 1967.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-3333; Filed, Mar. 27, 1967; 8:46 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order No. 72]

PORT OF NEW ORLEANS, LA.

Grant for Foreign-Trade Subzone at Taft, St. Charles Parish, La.

Resolution approving application of the Board of Commissioners of the Port of New Orleans, and order authorizing the issuance of a grant for a Foreign-Trade Subzone at Taft, St. Charles Parish, La.

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and order. Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U.S.C. 81a-81u) and the Foreign-Trade Zones Board Regulations (15 CFR 400.304), the Foreign-Trade Zones Board has adopted the following resolution and order:

The Board having considered the matter: *It is ordered:*

Upon examination, the application, dated November 6, 1964, from the Board of Commissioners of the Port of New Orleans, Grantee of Foreign-Trade Zone No. 2, New Orleans, La., for the privilege of establishing, operating, and maintaining a foreign-trade subzone at Taft, St. Charles Parish, La., at which Union Carbide Corp. would conduct certain chemical manufacturing operations, has been found to be in proper order and in compliance with the Foreign-Trade Zones Act, as amended, and the rules and regulations made thereunder. The Board has further found that the existing foreign-trade zone at New Orleans will not serve adequately the convenience of commerce with respect to the proposed purposes of such subzone. Now, therefore, said application for a subzone grant is approved; and the Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to sign and issue in favor of the Board of Commissioners of the Port of New Orleans, a grant permitting the establishment, operation, and maintenance of a foreign-trade subzone at Taft, St. Charles Parish, La., in compliance with the application on file with the Foreign-Trade Zones Board. The grant shall be issued subject to settlement locally of specifications and requirements of the Army District Engineer and the District Director of Customs according to the Board's regulations.

GRANT TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE SUBZONE AT TAFT, ST. CHARLES PARISH, LA.

Whereas, by an Act of Congress approved June 18, 1934, an Act, "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (48 Stat. 998-1003; U.S.C. Title 19, section 81a-81u), hereinafter referred to as "the Act," the Foreign-Trade Zones Board, hereinafter referred to as "the Board," is authorized and empowered to grant to corporations the privilege of establishing, operating and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States; and

Whereas, the Foreign-Trade Zones Board Regulations provide (15 CFR 400.304) that the establishment of a foreign-trade subzone in an area separate from an existing zone, for one or more of the specialized purposes of storing, manipulating, manufacturing, or exhibiting goods may be authorized if the Board finds that existing or authorized zones will not serve adequately the convenience of commerce with respect to the proposed purposes; and

Whereas, the Board of Commissioners of the Port of New Orleans, a public corporation, organized and existing under the laws of the State of Louisiana, having its office and principal place of business in the city of New Orleans, in the State of Louisiana, hereinafter referred to as "the Grantee" has made application in due and proper form to the Board for the establishment, operation, and maintenance of a foreign-trade subzone, designated on the records of the Board, as Subzone No. 2-A, at Taft, St. Charles Parish, La., as shown on the map accompanying said application, marked Exhibit No. 10; and,

Whereas, the purpose of the proposed subzone is to provide the Grantee of the existing zone with the means to permit the operation of a petrochemical manufacturing plant utilizing as raw materials imported naphtha; and,

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found the proposed plans and location are suitable for the accomplishment of the purposes of a foreign-trade subzone under the Act, and that the facilities and appurtenances which in said application it is proposed to provide are sufficient.

Now, therefore, the Board, subject to the provisions, conditions, and restrictions of the Act, as amended, and all the rules and regulations thereunder, hereby grants to the Board of Commissioners of the Port of New Orleans, Grantee, the privilege of establishing, operating, and maintaining a foreign-trade subzone, designated on the records of the Board as Subzone No. 2–A, at the specific location mentioned above and more particularly described on the map accompanying said application, marked Exhibit No. 10, said grant being subject to the provisions, conditions, and restrictions of the Act and of all of the rules and regulations made thereunder, to the same extent as though the same were fully set forth herein; and, also to the following express conditions and limitations, to wit:

The Grantee shall make no deviation from the maps, plans, specifications, drawings, and blue prints, accompanying the said application and marked Exhibits Nos. 1 to 13, inclusive, before or after completion of the structures or work involved, unless modification of such maps, plans, specifications, drawings and blue prints has previously been submitted to and has received the approval of the Board.

The work of construction under this grant shall commence immediately following the date of the grant; said work shall be prosecuted to completion and the work of construction shall be completed and operation of the subzone shall be commenced by the Grantee within a reasonable time from the date of issuance of the subzone grant. The Grantee shall notify the United States District Engineer in whose District the subzone is to be located of the date upon which work will begin and as far in advance thereof as the District Engineer may reasonably specify, and shall notify him promptly in writing of any suspension of construction for a period of more than 1 week, and of its resumption and completion.

The Grantee shall comply fully with all applicable provisions of the laws for the protection and preservation of the navigable waters of the United States, and shall secure legally required authorizations and approval for work in navigable waters of the United States. The grant herein made shall not be construed as conveying such approval.

The Grantee shall allow officers and employees of the United States of America free and unrestricted access in, to, and throughout said subzone in the performance of their official duties.

This grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States of America be liable therefor.

This grant is issued subject to settlement locally by the District Director of Customs and the District Engineer with the applicant regarding compliance with the respective requirements for the protection of the revenue of the United States and erection and installation of physical facilities of the subzone within a reasonable time after issuance of the grant.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, at Washington, D.C., this 16th day of March 1967, pursuant to order of the Board.

[SEAL] ALEXANDER B. TROWBRIDGE,
Chairman and Executive Officer,
Foreign-Trade Zones Board.

Attest:

RICHARD H. LAKE,
Executive Secretary.

CERTIFICATE BY EXECUTIVE SECRETARY

I, Richard H. Lake, Executive Secretary of the Foreign-Trade Zones Board, do hereby certify that the following is a true extract from the records of the proceedings of that portion of the minutes (memorandum) of March 16, 1967, of the Foreign-Trade Zones Board relating to the matter hereinbefore in this grant described:

Upon examination, the application, dated November 6, 1964, from the Board of Commissioners of the Port of New Orleans, Grantee of Foreign-Trade Zone No. 2, New Orleans, La., for the privilege of establishing, operating, and maintaining a foreign-trade subzone at Taft, St. Charles Parish, La., at which Union Carbide Corp. would conduct certain chemical manufacturing operations, has been found to be in proper order and in compliance with the Foreign-Trade Zones Act, as amended, and the rules and regulations made thereunder. The Board has further found that the existing foreign-trade zone at New Orleans will not serve adequately the convenience of commerce with respect to the proposed purposes of such subzone.

Now, therefore, said application for a subzone grant is approved; and the Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to sign and issue in favor of the Board of Commissioners of the Port of New Orleans, a grant permitting the establishment, operation, and maintenance of a foreign-trade subzone at Taft, St. Charles Parish, La., in compliance with the application on file with the Foreign-Trade Zones Board. The grant shall be issued subject to settlement locally of specifications and requirements of the Army District Engineer and the District Director of Customs according to the Board's regulations.

Witness my hand and the seal of the Foreign-Trade Zones Board this 16th day of March 1967, at Washington, D.C.

[SEAL] RICHARD H. LAKE,
Executive Secretary.

[F.R. Doc. 67–3337; Filed, Mar. 27, 1967; 8:46 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

SECRETARY OF LABOR

Delegation of Authorities

1. The Delegation of Authorities dated October 23, 1964, and approved by the President October 24, 1964 (29 F.R. 14764) is hereby rescinded insofar as it applies to programs under Title I, Part B, of the Economic Opportunity Act of 1964, 78 Stat. 512, as amended, 42 U.S.C. 2731–36.

2. Pursuant to section 602(d) of the Economic Opportunity Act, the powers of the Director under Title I, Part B (Work-Training Programs), Title I, Part D (Special Impact Programs), and sections 205(d) and 205(e) of the Economic Opportunity Act are hereby delegated to the Secretary of Labor. The powers of the Director under sections 208, 209(c), 602, and 610–1(c) of the Economic Opportunity Act are also delegated to the Secretary of Labor to the extent he deems necessary or appropriate for carrying out his functions in exercising the specified powers. All powers hereby delegated shall be exercised in accordance with the following paragraphs.

3. Concurrent authority under section 205(d) is retained by the Director for the purpose of assisting projects of the type known as Foster Grandparent Programs.

4. The delegated powers shall be administered by a single staff within the Department of Labor. They may be redelegated by the Secretary with or without authority for further redelegation.

5. The delegated powers shall be exercised pursuant to regulations which shall be developed by a joint task force of the Department of Labor and the Office of Economic Opportunity and which shall be prescribed jointly by the Director and the Secretary. Such regulations shall include statements of the nature and objectives of the programs, criteria for program evaluation, and other policy matters of fundamental importance. More detailed implementing policies and operating guidelines shall be developed by a joint task force and shall be issued by the Secretary.

6. In communities served by community action agencies, the community action agency shall be the prime grantee or prime contractor for all projects. Exceptions to this policy may be made for compelling program reasons after consultation between the staffs of the Office of Economic Opportunity and the Department of Labor. Disagreements shall be resolved jointly by the Director and the Secretary.

7. In communities served by community action agencies, project participants shall be selected by the community action agency or its delegate agencies, or pursuant to cooperative arrangements between the community action agency and the U.S. Employment Service.

8. In order to insure compliance with section 203 of the Act, the Director of the Office of Economic Opportunity shall retain final authority over availability of funds for particular projects under sections 205(d) and 205(e).

9. All operating information, evaluation reports, and other data concerning the programs administered under the delegated powers shall be freely exchanged between the Director and the Secretary pursuant to sections 602(d) and 611 of the Act.

Dated: March 10, 1967.

SARGENT SHRIVER,
Director,
Office of Economic Opportunity.

Approved: March 14, 1967.

LYNDON B. JOHNSON,
President of the United States.

[F.R. Doc. 67–3381; Filed, Mar. 27, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812–2065]

CONTRAFUND, INC.

Notice of Filing of Application for Order Exempting Transactions Between Affiliated Persons

MARCH 22, 1967.

Notice is hereby given that Contrafund, Inc. ("applicant") 35 Congress Street, Boston, Mass., a Massachusetts corporation and a registered open-end management investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") requesting an order of the Commission exempting from the provisions of section 17(a) of the Act a proposed redemption in kind of a portion of applicant's outstanding capital stock by Fidelity Foundation ("Foundation"). All interested persons are referred to the application which is on file with the Commission for a statement of applicant's representations, which are summarized below.

Foundation, as a result of its 30.8 percent stock ownership, is an affiliated person of applicant and the proposed redemption in kind by the Foundation is deemed a purchase within the meaning of section 17(a)(2) of the Act. The Commission pursuant to section 17(b) of the Act has authority to issue an order exempting this redemption in kind from the prohibitions of section 17(a)(2) if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned and that it is consistent with the general purposes of the Act.

The transactions which gave rise to the instant proposal involved the Foundation, Fidelity Management & Research Co. ("Adviser"), investment adviser to the applicant, and the applicant. Since June 30, 1966, when the applicant filed a registration statement under the Act, it has operated as a registered investment company. The Adviser purchased 26 shares of stock, the total number of shares outstanding as of the date of this application, for an aggregate amount of $650,000 in cash at various times between the date of organization of applicant and September 30, 1964. On December 29, 1966, and January 11, 1967, 8 of said shares, or approximately 30.8 percent of the outstanding shares, were transferred to and are now owned by the Foundation.

The management of the applicant is planning a public offering of the shares of the applicant at an initial public offering price of approximately $10 per share. Prior to said offering, the management of the applicant will convene a shareholder's meeting to change each of the shares then oustandng into a sufficient number of additional shares to enable the offering price to be established at approximately that level. Foundation has indicated its intention to redeem its shares prior to the public offering and has agreed to take payment in kind. The securities involved in the redemption in kind will be chosen by the applicant from among those having the highest unrealized appreciation at the time of the redemption.

The applicant states that the terms of the proposed transaction are reasonable and fair because they afford the applicant the opportunity of redeeming Foundation's shares without the realization of taxable gain for Federal income tax purposes whereas the sale of portfolio securities to produce cash would result in such taxable gain to the applicant. The applicant further states that this redemption is consistent with the applicant's investment policies in that it represents a valid exercise of the applicant's corporate powers in satisfying its contractual obligation to redeem its shares on demand of a shareholder.

Notice is further given that any interested person may, not later than April 10, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–3318; Filed, Mar. 27, 1967; 8:45 a.m.]

[811–235]

MUTUAL INVESTORS CO.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

MARCH 22, 1967.

Notice is hereby given that Mutual Investors Co. ("Applicant"), 735 North Water Street, Milwaukee, Wis. 53202, a Wisconsin corporation and a management closed-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company by reason of the exception afforded by section 3(c)(1) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein.

Applicant, which was organized on February 17, 1925, registered under section 8(a) of the Act by filing a notification of registration on November 1, 1940. Applicant states that its securities are owned beneficially by 79 persons, and that no company owns 10 percent or more of its outstanding voting securities. Applicant states further that it is not making and that it does not presently propose to make a public offering of its securities.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 17, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served

is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–3319; Filed, Mar. 27, 1967; 8:45 a.m.]

[812–2089]

NATIONAL AVIATION CORP.

Notice of Filing of Application for Order of Exemption To Permit Purchase of Securities During an Underwriting

MARCH 22, 1967.

Notice is hereby given that National Aviation Corp. ("Applicant"), 111 Broadway, New York, N.Y. 10006, a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f) of the Act for an order of the Commission exempting from the provisions of section 10(f) a proposed purchase by the Applicant at the public offering price of up to $2 million principal amount convertible subordinated debentures due 1992 ("the debentures") which Lockheed Aircraft Corp. ("the Issuer") proposes to issue. The proposed purchase is a portion of an offering of $125 million principal amount of debentures expected to be offered to the public as soon as the registration statement on Form S–1 of the Issuer, filed March 2, 1967, shall be made effective pursuant to section 8(a) of the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The firm of Hornblower & Weeks-Hemphill, Noyes will probably be one of the principal underwriters for the issue. Howard E. Buhse, a director of Applicant and a member of the executive committee, is a partner of that firm. Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) if a director of the registered investment company is an affiliate of a principal underwriter of such security. Since one of the Applicant's directors is an affiliated person of one of the principal underwriters offering the debentures, the purchase thereof by the Applicant is prohibited. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

The Applicant in support of its application asserts that the proposed purchase of the debentures is consistent with Applicant's investment objectives and policies and is not proposed for the purpose of stimulating the market in the debentures or for the purpose of relieving the underwriters of securities otherwise unmarketable, that it will not purchase the debentures from Hornblower & Weeks-Hemphill, Noyes, that the terms of the proposed investment, if consummated, are fair and reasonable, that the amount paid will represent 2.16 percent of the Applicant's assets as of March 2, 1967, and that the investment of the Applicant in all securities of the Issuer will represent approximately 4.68 percent of the Applicant's assets as of March 2, 1967.

Notice is further given that any interested person may, not later than April 11, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–3320; Filed, Mar. 27, 1967; 8:45 a.m.]

[811–980]

TEMPLETON, LIDDELL & SCHROEDER FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 22, 1967.

Notice is hereby given that Templeton, Liddell & Schroeder Fund, Inc. ("Applicant"), 163 Engle Street, Englewood, N.J., a New Jersey corporation and a management open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company. All persons are referred to the application on file with the Commission for a statement of the facts which are summarized below.

As of November 21, 1966, there were 11 natural persons holding outstanding shares of the Applicant and the aggregate net asset value of the Applicant was $87,100. Applicant represents that it is not presently making and does not presently propose to make a public offering of its securities.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities (other than short term paper) are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 17, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–3321; Filed, Mar. 27, 1967; 8:45 a.m.]

[811–1042, 811–1043]

UNITED VARIABLE ANNUITIES FUND, INC., AND UNITED VARIABLE ANNUITIES TRUST

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 22, 1967.

Notice is hereby given that United Variable Annuities Fund, Inc. ("Fund"), c/o Chauncey L. Waddell, 20 West Ninth Street, Kansas City, Mo., a Maryland corporation and a management open-end diversified investment company, and United Variable Annuities Trust ("Trust"), a Missouri trust and a unit investment trust (herein collectively called "Applicants") both registered under the Investment Company Act of 1940 ("Act") have filed an application pursuant to section 8(f) of the Act for an order declaring that Applicants have ceased to be investment companies. All persons are referred to the application on file with the Commission for a statement of the facts which are summarized below.

No securities of either the Fund or the Trust has ever been sold to the public or otherwise. Neither the Fund nor the Trust have had or now have any assets. Both the Fund and the Trust are not and do not hold themselves out as being primarily and do not propose to engage primarily, in the business of investing, reinvesting, or trading in securities.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 17, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–3322; Filed, Mar. 27, 1967; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 606]

KENTUCKY

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Perry County in the State of Kentucky;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about March 5 through March 10, 1967.

OFFICE

Small Business Administration Regional Office, Fourth and Broadway, Louisville, Ky. 40202.

2. A temporary office will be located at Hazard, Ky., address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1967.

Dated: March 20, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67–3323; Filed, Mar. 27, 1967; 8:46 a.m.]

[Declaration of Disaster Area 605]

WEST VIRGINIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1967, because of the effects of certain disasters, damage resulted to residences and business property in Nicholas County in the State of West Virginia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about March 14, 1967.

Small Business Administration Regional Office, 119 North Third Street, Clarksburg, W. Va. 26301.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1967.

Dated: March 20, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67–3324; Filed, Mar. 27, 1967; 8:46 a.m.]

TARIFF COMMISSION

WATCHES AND WATCH MOVEMENTS FROM INSULAR POSSESSIONS

Consumption of Watch Movements in 1966 and of Quotas for Duty-Free Entry in 1967

MARCH 22, 1967.

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tariff Schedules of the United States (TSUS), the Tariff Commission has determined that the apparent U.S. consumption of watch movements for the

calendar year 1966 was 42,237,000 units, and that the number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during the calendar year 1967 under headnote 6(b) of said Subpart E of the TSUS is as follows:

	Units
Virgin Islands	4,106,375
Guam	390,927
American Samoa	195,698

By order of the Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 67-3325; Filed, Mar. 27, 1967; 8:48 a.m.]

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PART II

Department of Commerce

Bureau of International Commerce

Revision of Commodity Control List



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Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of C.C.L. 8]

PART 399—COMMODITY CONTROL LIST

Revision of List

Part 399 of Title 15 of the Code of Federal Regulations is amended by revising the Commodity Control List in § 399.1 to read as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

Effective date: November 14, 1966.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 67-3196; Filed, Mar. 27, 1967; 8:45 a.m.]

COMMODITY SECTIONS AND SUB-SECTIONS

Export Control Commodity classifications are divided into major Sections which in turn are subdivided into Sub-Sections of related commodities. Below are the titles of the Sections and Sub-Sections appearing on the Commodity Control List, and initial page number of each Section and Sub-Section.

Section Number	Commodity Section and Sub-Section	Commodity Control List Page No.
0	**Food and Live Animals**	CCL-1
	Live animals	CCL-1
	Meat and meat preparations	CCL-1
	Dairy products and eggs	CCL-1
	Fish and fish preparations	CCL-1
	Cereals and cereal preparations	CCL-2
	Fruit and vegetables	CCL-2
	Sugar, sugar preparations, and honey	CCL-3
	Coffee, tea, cocoa, spices, and manufactures thereof	CCL-3
	Feeding-stuff for animals, excluding unmilled cereals	CCL-3
	Miscellaneous food preparations	CCL-4
1	**Beverages and Tobacco**	CCL-4
	Beverages	CCL-4
	Tobacco and tobacco manufactures	CCL-4
2	**Crude Materials, Inedible, Except Fuels**	CCL-4
	Hides, skins, and fur skins, undressed	CCL-5
	Oil-seeds, oil nuts, and oil kernels, and flour and meal of oil seeds, nuts, and kernels	CCL-5
	Crude rubber, including synthetic and reclaimed rubber	CCL-6
	Wood, lumber, and cork	CCL-7
	Pulp and waste paper	CCL-7
	Textile fibers, not manufactured into yarn, thread, or fabrics, and their waste	CCL-9
	Crude fertilizers and crude minerals, excluding coal, petroleum, and precious stones	CCL-10
	Metalliferous ores and metal scrap	CCL-12
	Crude animal and vegetable materials, n.e.c	CCL-13
3	**Mineral Fuels, Lubricants, and Related Materials**	CCL-13
	Coal, coke, and briquets	CCL-13
	Petroleum and petroleum products	CCL-17
	Gas, natural and manufactured	CCL-17
4	**Animal and Vegetable Oils and Fats**	CCL-17
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	Vegetable oils and fats, except hydrogenated	CCL-18
	Fatty acids, waxes, and specially treated fats and oils, excluding petroleum products	CCL-19
	Animal and vegetable oils and fats, n.e.c., for relief or charity	CCL-19
5	**Chemicals**	CCL-19
	Chemical elements and compounds	CCL-32
	Mineral tar, tar oils, and crude chemicals from coal, petroleum, and natural gas	CCL-32
	Dyeing, tanning, and coloring materials, natural and synthetic	CCL-34
	Medicinal and pharmaceutical products	CCL-36
	Essential oils and perfume materials; toilet, polishing, and cleansing preparations	CCL-36
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Section Number	Commodity Section and Sub-Section	Commodity Control List Page No.
6	**Manufactured Goods Classified Chiefly by Material**	CCL-45
	Leather, leather manufactures, n.e.c., and dressed fur skins	CCL-45
	Rubber manufactures, n.e.c.	CCL-46
	Wood and cork manufactures, excluding furniture	CCL-47
	Paper, paperboard, and manufactures thereof	CCL-48
	Textile yarn, fabrics, made-up articles and related products	CCL-51
	Non-metallic mineral manufactures, n.e.c.	CCL-60
	Iron and steel	CCL-66
	Non-ferrous metals	CCL-74
	Manufactures of metals, n.e.c.	CCL-81
7	**Machinery and Transport Equipment**	CCL-99
	Machinery, other than electric	CCL-99
	Electrical machinery, apparatus, and appliances	CCL-140
	Transport equipment	CCL-190
8	**Miscellaneous Manufactured Articles**	CCL-199
	Sanitary, plumbing, heating, and lighting fixtures and fittings	CCL-199
	Furniture	CCL-200
	Travel goods, handbags, and other personal goods	CCL-200
	Clothing and accessories	CCL-200
	Footwear	CCL-203
	Professional, scientific, and controlling instruments; photographic and optical goods, watches, and clocks	CCL-204
	Miscellaneous manufactured articles, n.e.c.	CCL-219
9	**Commodities and Transactions Not Classified According to Kind**	CCL-228
	Special transactions, not classified by kind	CCL-228
	Animals, n.e.c., including zoo animals	CCL-228
	Arms, military vehicles, etc.	CCL-229
	Coins, not gold, not legal tender	CCL-229

EXPLANATION OF SYMBOLS AND DESIGNATIONS ON THE COMMODITY CONTROL LIST

A validated license is required for a commodity exported to a country group listed in this column unless the shipment may be made to the indicated country group under the provisions of a general license, e.g., General License GLV. Regardless of the country group listing in this column a validated license is required for an export to any destination, including Canada, of any commodity relating to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in §373.7(b). A validated license is not required for shipments to Canada intended for consumption in Canada except as indicated above.

These columns show the dollar-value limits of shipments which may be made under General License GLV to the country group heading the column (see §371.10). No shipments may be made under General License GLV however, regardless of the entry in this column of any commodity related to nuclear weapons, nuclear explosives devices, or nuclear testing as described in §373.7(b).

Since only the symbol "Z" appears in this entry, unlimited quantities of this commodity may be exported to Country Groups S, T, V, W, X, and Y without the need for obtaining a validated license (see General License G-DEST, §371.7).

A dash (—) indicates that the commodity may not be exported under General License GLV to the country group heading the column (see §371.10). In some instances an unlimited quantity of the commodity may be exported under the provisions of General License G-DEST (§371.7).

Export Control Commodity Numbers contain either three or five digits and correspond with the initial digits of Schedule B Numbers.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
28311 Copper ores and concentrates. (See parsgraph 373.20(a)).	Cnt.lb.	272	STVWXYZ	—	—	—	—	F G
411 Animal oils and fats	Lb.	208	Z	—	—	—	—	B
57112 Oil well bullets; and jet perforators.	Lb.	402	SVWXYZ	—	—	500	—	E-12
59999 Nickel compound catalysts, and other catalysts useable in petroleum and chemical processing operations.	Lb.	228	SWXYZ	—	—	—	100	B
59999 Other compound catalysts not useable in petroleum or chemical processing operations.	Lb.	228	SXYZ	—	—	—	100	B
62102 Sponge rubber, chemically blown or foam.	Lb.	228	SYZ	—	—	—	—	B
63240 Windmill towers	.....	218	SZ *and* East Germany	500	—	—	—	B
69899 Columbium or columbium alloy castings and forgings. (Specify by name.)	Lb.	261	STVWXYZ	100	500	100	—	A E-8

*For explanation, see §399.1, pages 1, 2, and 3.

F—Not subject to Project Licensing Procedure (see §374.2).

G—Not subject to Time Limit Licensing Procedure (see §377.2).

B—Identifies commodities subject to certain provisions of the export regulations. For example: see §§370.4(c) (2); 371.11(b) (1); 371.21(a); 373.4 (a) (2).

E—Periodic Requirements Licensing Procedure is applicable (see §376.2 for PRL commodity groups).

A—Subject to Import Certificate/Delivery Verification Procedure (see §373.2).

Refers to paragraph setting forth special licensing policy and provisions for these commodities.

Where the commodity description of an entry mentions only a part of the commodities covered by an Export Control Commodity Number, only the commodity or commodities specifically mentioned in that entry are subject to the export controls for that particular entry.

Licensed in terms of total dollar value (see §372.11(b)).

Commodity Processing Number (see §372.5(e) and §399.1(d)).

The foreign countries of the world are divided into Canada and seven country groups (Country Groups S, T, V, W, X, Y, and Z). §399.1(h) lists the countries in each of the country groups.

In this instance a validated license is required for Country Groups S and Z and, in addition, for East Germany.

This commodity may be exported under the provisions of General License GLV in the amounts indicated, to the Country Group(s) listed--$100 to "S", $500 to "T", $100 to "V", and none to "X" (see §371.10).

"Specify by name" means that the license application must name each item of manufacture proposed for shipment.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
SECTION 0—FOOD AND LIVE ANIMALS								
LIVE ANIMALS								
001 Live animals. [Report zoo animals and pets in Export Control Commodity No. 941.]	.....[1]	208	Z	—	—	—	—	B
MEAT AND MEAT PREPARATIONS								
011 Meat, fresh, chilled or frozen	Lb.	208	Z	—	—	—	—	B
012 Meat, dried, salted or smoked	Lb.	208	Z	—	—	—	—	B
013 Prepared meat and poultry products and preparations, n.e.c.	Lb.	208	Z	—	—	—	—	B
DAIRY PRODUCTS AND EGGS								
022 Milk and cream	Lb.[2]	208	YZ	—	—	—	—	B
023 Butter and anhydrous milk fat	Lb.	208	YZ	—	—	—	—	B
024 Cheese and curd	Lb.	208	YZ	—	—	—	—	B
025 Eggs	Lb.[3]	208	Z	—	—	—	—	B
FISH AND FISH PREPARATIONS								
031 Fish, including shellfish, fresh, chilled, frozen, salted, dried, or smoked.	Lb.	208	Z	—	—	—	—	B
032 Fish, including shellfish, prepared or preserved, n.e.c.	Lb.	208	Z	—	—	—	—	B
CEREALS AND CEREAL PREPARATIONS								
041 Wheat, including spelt or meslin, unmilled.	Bu.	208	YZ	—	—	—	—	B
04210 Seed rice for forage crop	Lb.	208	Z	—	—	—	—	B
04210 Other rice, unmilled, including rice, husked, but not further prepared.	Lb.	208	YZ	—	—	—	—	B
04220 Rice, milled	Lb.	208	YZ	—	—	—	—	B
04300 Barley, unmilled	Bu.	208	YZ	—	—	—	—	B
04400 Inbred corn seed	Bu.	208	YZ *and* Rumania	—	—	—	—	B
04400 Other corn seed; and corn, fresh	Bu.[4]	208	Z	—	—	—	—	B
04400 Other corn, unmilled	Bu.	208	YZ	—	—	—	—	B
04510 Rye, unmilled	Bu.	208	YZ	—	—	—	—	B
04520 Oats, unmilled	Bu.	208	YZ	—	—	—	—	B
04590 Inbred grain sorghum seed	Bu.	208	YZ *and* Rumania	—	—	—	—	B
04590 Other grain sorghums and cereal grains, unmilled.	Lb.[5]	208	YZ	—	—	—	—	B
046 Wheat flour, meal, and groats	Cwt.	208	YZ	—	—	—	—	B
047 Cereal flours, meal, and groats, n.e.c.	Lb.[6]	208	YZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Report bovine cattle, sheep, lambs, goats, swine, baby chicks, turkey poults, horses, asses, mules, hinnies, rabbits, deer, and hares in "number"; and other domestic poultry in "pound."
[2] Report fresh milk and cream in "gallon."
[3] Report eggs in the shell in "dozen."
[4] Report sweet corn seed in "pound."
[5] Report grain sorghums in "bushel."
[6] Report cereal flours, corn meal, and oatmeal and groats in "hundred weight."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
04811 Breakfast cereals prepared for cooking.	Lb.	208	Z	—	—	—	—	B
04812 Breakfast cereals prepared for serving.	Lb.	208	Z	—	—	—	—	B
04820 Malt and malt flour	Lb.	208	YZ	—	—	—	—	B
04830 Macaroni, noodles, and similar products.	Lb.	208	YZ	—	—	—	—	B
04840 Fruit pies, frozen	Lb.	208	Z	—	—	—	—	B
04840 Other bakery products	Lb.	208	Z *and* East Germany	—	—	—	—	B
04881 Malt extract	Lb.	208	Z	—	—	—	—	B
04884 Pudding preparations of flour, starch, or malt extract. [Report canned baby food puddings in Export Control Commodity No. 09910.]	Lb.	208	Z	—	—	—	—	B
04884 Other preparations of flour, starch, or malt extract, n.e.c.	Lb.	208	YZ	—	—	—	—	B
FRUIT AND VEGETABLES								
051 Fruit, fresh, and nuts (not including oil nuts), fresh or dried.	Lb.	208	Z	—	—	—	—	B
052 Dried fruit, including artificially dehydrated.	Lb.	208	Z	—	—	—	—	B
05320 Glacé, candied, and crystallized fruits, fruit peel, nuts, and parts of plants.	Lb.	208	Z	—	—	—	—	B
05330 Jams, marmalades, fruit jellies, and fruit pulps, purees and pastes.	Lb.	208	Z	—	—	—	—	B
05350 Fruit juices and vegetable juices	Gal.	208	Z	—	—	—	—	B
05370 Fruit, frozen	Lb.	208	Z	—	—	—	—	B
05389 Peanuts, roasted or otherwise prepared, *except salted*. [Report peanuts, green, in Export Control Commodity No. 22110.]	Lb.	208	YZ	—	—	—	—	B
05389 Fruit, prepared or preserved, including fruit peel and baby food fruit; and salted peanuts and other prepared or preserved nuts, n.e.c. [Report dried edible nuts (other than oil nuts) in airtight containers in Export Control Commodity No. 051.]	Lb.	208	Z	—	—	—	—	B
054 Vegetables, vegetable products, roots, and tubers, fresh, frozen or dried.	Lb.	208	Z	—	—	—	—	B
055 Vegetables, dehydrated, prepared or preserved, including those in airtight containers; vegetable preparations, including flakes, granules and pickles; and flours and flakes of fruits, leguminous vegetables, roots and tubers. [Report prepared or preserved corn, including corn in airtight containers, in Export Control Commodity No. 09910.]	Lb.	208	Z	—	—	—	—	B
SUGAR, SUGAR PREPARATIONS, AND HONEY								
06130 Sugar, beet and cane, raw or refined	Lb.	208	Z *and* East Germany	—	—	—	—	B
06160 Honey, natural	Lb.	208	Z	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
06180 Sugar, invert, liquid, and powdered; lactose, crude and refined; malt sugar (maltose); maple sugar; refined milk sugar; and crude sugar of milk. [Report medicinal grades of malt sugar (maltose) in Export Control Commodity No. 51203.]	Lb.	208	Z *and* East Germany	—	—	—	—	B
06180 Other sugars, sirups and molasses, n.e.c. [Report pharmaceutical dextrose and glucose, in bulk, in Export Control Commodity No. 51203; in dosage form, put up for retail sale, or in bulk combined with other medicinals, in Export Control Commodity No. 54170.]	Lb.	208	Z	—	—	—	—	B
06201 Sugar-coated cereal foods and candied or sweetened popped corn.	Lb.	208	Z *and* East Germany	—	—	—	—	B
06201 Other confectionery, not containing cocoa, including chewing gum.	Lb.	208	Z	—	—	—	—	B
06202 Flavored or colored sugars, sirups, and molasses.	Lb.	208	Z	—	—	—	—	B
COFFEE, TEA, COCOA, SPICES, AND MANUFACTURES THEREOF								
071 Coffee	Lb.	208	Z	—	—	—	—	B
072 Cocoa beans, unsweetened powder, and paste or butter.	Lb.	208	Z	—	—	—	—	B
073 Sweetened powdered cocoa, chocolate coatings, and confectionery and other food preparations containing cocoa or chocolate, n.e.c.	Lb.	208	Z	—	—	—	—	B
074 Tea and maté	Lb.	208	Z	—	—	—	—	B
075 Spices	Lb.	208	Z	—	—	—	—	B
FEEDING-STUFF FOR ANIMALS, EXCLUDING UNMILLED CEREALS								
08110 Hay and fodder, green or dry, and vegetable products for animal feed, n.e.c.	S. ton	208	SZ	500	—	—	—	B
08120 By-products from the working of cereal grains and leguminous vegetables.	S. ton	208	SZ	500	—	—	—	B
08130 Oilseed cake, meal, and other residues, except dregs, from extraction of oil.	S. ton	208	SYZ	500	—	—	—	B
08140 Meat meal, including tankage, and fish meal, unfit for human consumption.	S. ton	208	SZ	500	—	—	—	B
08195 Food wastes, n.e.c.	.....	208	SZ	500	—	—	—	B
08199 Prepared animal feed	S. ton	208	SZ	500	—	—	—	B
MISCELLANEOUS FOOD PREPARATIONS								
09100 Prepared edible fats. [Report lard oil and lard stearin in Export Control Commodity No. 411.]	Lb.	208	Z	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
09903 Mustard flour and prepared mustard...	Lb.	208	Z	—	—	—	—	B
09904 Mayonnaise; and other salad dressings.	Lb.	208	Z *and* East Germany	—	—	—	—	B
09904 Tomato sauces, meat sauces, and other sauces, n.e.c., and mixed seasonings.	Lb.	208	Z	—	—	—	—	B
09905 Soups and broths	Lb.	208	Z	—	—	—	—	B
09906 Natural yeasts and prepared baking powder.	Lb.	208	Z	—	—	—	—	B
09907 Vinegar and vinegar substitutes	Gal.	208	Z	—	—	—	—	B
09910 Food preparations, n.e.c.	.....[1]	208	Z	—	—	—	—	B
09999 Food, donated for relief or charity by individuals or private agencies, n.e.c.	Export controls applicable to each commodity under this classification are those which apply to the commodity when exported commercially under its individual Export Control Commodity number.							
SECTION 1—BEVERAGES AND TOBACCO								
BEVERAGES								
11100 Chocolate flavored milk beverages	Gal.	208	YZ	—	—	—	—	B
11100 Bottled and canned soft drinks; mineral waters; and nonalcoholic beverages, n.e.c.	Gal.	208	Z	—	—	—	—	B
112 Alcoholic beverages	Gal.[2]	208	Z	—	—	—	—	B
TOBACCO AND TOBACCO MANUFACTURES								
121 Leaf tobacco, stemmed and unstemmed, and unmanufactured tobacco, n.e.c.	Lb.	208	SYZ	500	—	—	—	B
122 Tobacco manufactures	Lb.[3]	208	SZ	500	—	—	—	B
SECTION 2—CRUDE MATERIALS, INEDIBLE, EXCEPT FUELS								
HIDES, SKINS, AND FUR SKINS, UNDRESSED								
21110 Cattle hides and equine hides	No.	208	SZ	500	—	—	—	B
21120 Calf skins and kip skins.	No.	208	SZ	500	—	—	—	B
21140 Goat skins and kid skins	No.	208	SZ	500	—	—	—	B
21160 Sheep and lamb skins, with wool on	No.	208	SZ	500	—	—	—	B
21170 Sheep and lamb skins, without wool	No.	208	SZ	500	—	—	—	B
21180 Leather scrap and chrome shavings for fertilizer manufacture.	.....	208	SZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report flavoring extracts and beverage bases, liquid, in "gallon"; and report the following in "pound": corn, prepared or preserved, in air tight containers; flavoring sirups and flavoring agents, n.e.c., and potato chips, corn chips and similar chips and sticks.
[2] Report wines in "wine gallon" and distilled alcohol beverages in "proof gallon."
[3] Report cigars, cheroots, cigarillos, and cigarettes in "thousand."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
21180 Other waste of hides and skins; and used leather.	.....	208	SZ	500	—	—	—	B
21190 Hides and skins, n.e.c.	.....	208	SZ	500	—	—	—	B
212 Fur skins, fur skin pieces, and parts	.....[1]	208	SZ	500	—	—	—	B
OIL SEEDS, OIL NUTS, AND OIL KERNELS, AND FLOUR AND MEAL OF OIL SEEDS, NUTS, AND KERNELS								
22105 Oriental mustard seed	.....	208	SZ	500	—	—	—	B
22105 Other oil seeds, oil nuts, and oil kernels. [Report peanuts, green, in Export Control Commodity No. 22110, soybeans in No. 22140, flaxseed in No. 22150, cottonseed in No. 22160.]	.....[2]	208	SYZ	500	—	—	—	B
22110 Peanuts (groundnuts), green, shelled or unshelled.	Lb.	208	SYZ	500	—	—	—	B
22140 Soybeans	Bu.	208	SYZ	500	—	—	—	B
22150 Flaxseed (linseed)	Bu.	208	SYZ	500	—	—	—	B
22160 Cottonseed	Lb.	208	SYZ	500	—	—	—	B
22190 Flour and meal of oil seeds, oil nuts and oil kernels, non-defatted. [Report mustard flour in Export Control Commodity No. 09903; defatted flours and meals in No. 08130].	.....	208	SZ	500	—	—	—	B
CRUDE RUBBER, INCLUDING SYNTHETIC AND RECLAIMED RUBBER								
23110 Crude natural rubber, and crude allied gums.	Lb.[3]	228	SZ	—	—	—	—	B
23110 Compounds of natural rubber, balata, guttapercha and other allied gums.	Lb.	228	SZ *and* East Germany	—	—	—	—	B
23120 Alkyl polysulfide liquid polymers	Lb.	221	STVWXYZ	—	500	100	—	A
23120 Other alkyl polysulfide rubbers	Lb.	228	SWXYZ	—	—	—	100	B
23120 Carboxyl terminated polybutadiene; hydroxyl terminated polybutadiene; and cyclized 1.2–polybutadiene.	Lb.	221	STVWXYZ	—	500	—	—	A
23120 Fluorinated synthetic rubber; and fluorocarbon elastomers (polymers and copolymers). (Specify by name.) (See § 399.2, Interpretation 22.) [Report fluorinated silicone rubber in Export Control Commodity No. 58110.]	Lb.	221	STVWXYZ	—	500	100	—	A
23120 Moldable copolymers of butadiene and acrylic acid; and moldable terpolymers of butadiene, acrylonitrile, and acrylic acid or any of the homologues of acrylic acid.	Lb.	221	STVWXYZ	—	500	—	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report whole fur skins in "number."
[2] Report safflower seed in "pound."
[3] Report latex liquid in "content pound."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
23120 Silicone rubber, except fluorinated silicone rubber. [Report fluorinated silicone rubber in Export Control Commodity No. 58110.]	Lb.	228	SWXYZ	—	—	—	100	B
23120 Copolymers of methyl vinyl-pyridine and butadiene.	Lb.	228	SWXYZ	—	—	—	100	B
23120 Synthetic rubber, as follows: (a) ethylenepropylene terpolymer, and (b) cis-types (for example, cis-polyisoprene, and cis-polybutadiene).	Lb.	228	SWXYZ	—	—	—	100	B
23120 Neoprene (polymers of chloroprene) ...	Lb.	228	SZ *and* East Germany	—	—	—	—	B
23120 Other synthetic rubber and rubber substitutes, n.e.c., excluding compound, semi-processed, and manufactures.	Lb.[1]	228	SXYZ	—	—	—	100	B
23130 Reclaimed rubber, natural and synthetic.	Lb.	228	SYZ	—	—	—	—	B
23140 Waste and scrap of unhardened rubber, natural and synthetic.	Lb.	228	SYZ	—	—	—	—	B
WOOD, LUMBER, AND CORK								
241 Fuel wood, wood charcoal, and wood waste.	.....	208	SZ	500	—	—	—	B
24210 Pulpwood, except chips. [Report chips in Export Control Commodity No. 63183.]	Cord	208	SYZ	500	—	—	—	B
24221 Port Orford cedar sawlogs, veneer logs, and bolts, in the rough.	MBF	208	SYZ	500	—	—	—	B
24221 Other softwood sawlogs, veneer logs, and bolts, in the rough.	MBF	208	SZ	500	—	—	—	B
24222 Port Orford cedar sawlogs, veneer logs, and bolts, roughly squared, quartered, or halved.	MBF	208	SYZ	500	—	—	—	B
24222 Other softwood sawlogs, veneer logs, and bolts, roughly squared, quartered, or halved.	MBF	208	SZ	500	—	—	—	B
24231 Hardwood sawlogs, veneer logs, and bolts, in the rough.	MBF	208	SZ	500	—	—	—	B
24232 Hardwood sawlogs, veneer logs, and bolts, roughly squared, quartered, or halved.	MBF	208	SZ	500	—	—	—	B
24280 Poles, piling, posts, and other wood in the rough, including mine timber, hardwood stumps and burls.	MBF[2]	208	SZ	500	—	—	—	B
24310 Railway cross ties and mine ties. [Report switch and bridge ties as lumber.]	MBF	208	SYZ	500	—	—	—	B
24321 Port Orford cedar lumber, rough-sawed.	MBF	208	SZ	500	—	—	—	B
24321 Other softwood lumber, rough-sawed...	MBF	208	SYZ	500	—	—	—	B
24322 Port Orford cedar lumber, dressed, patterned, planed, tongued, grooved, or otherwise surface-worked, including flooring.	MBF	208	SZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report latex liquid in "content pound."
[2] Report piling in "linear feet"; and report utility line poles in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
24322 Other softwood lumber, dressed, patterned, planed, tongued, grooved, or otherwise surface-worked, including flooring.	MBF	208	SZ	500	—	—	—	B
24331 Hardwood lumber, rough-sawed.....	MBF	208	SZ	500	—	—	—	B
24332 Hardwood lumber, dressed, patterned, planed, tongued, grooved, or otherwise surface-worked, including small dimension stock and flooring. [Report sticks and rods suitable for shaping into tool handles and similar items in Export Control Commodity No. 63189.]	MBF	208	SZ	500	—	—	—	B
244 Cork, natural, raw and waste.....	Lb.	208	SZ	500	—	—	—	B
PULP AND WASTE PAPER								
25110 Paper, waste and old paper.....	S. ton	208	SZ	500	—	—	—	B
25130 Mechanical and semi-chemical wood pulp, including screenings and wood pulp, n.e.c.	S. ton	208	SYZ	500	—	—	—	B
25150 Cotton pulp	S. ton	208	SYZ	500	—	—	—	B
25150 Pulp, other than wood pulp and cotton pulp.	S. ton	208	SZ	500	—	—	—	B
25160 Chemical wood pulp, dissolving grades..	S. ton	208	SYZ	500	—	—	—	B
25171 Sulphate wood pulp, unbleached.....	S. ton	208	SYZ	500	—	—	—	B
25172 Sulphate wood pulp, bleached or semi-bleached, other than dissolving grades.	S. ton	208	SYZ	500	—	—	—	B
25181 Sulphite wood pulp, unbleached.....	S. ton	208	SYZ	500	—	—	—	B
25182 Sulphite wood pulp, bleached, other than dissolving grades.	S. ton	208	SYZ	500	—	—	—	B
TEXTILE FIBERS, NOT MANUFACTURED INTO YARN, THREAD, OR FABRICS, AND THEIR WASTE [Report glass fiber yarn, roving, and strand in Export Control Commodity No. 65180.]								
261 Raw silk, including cocoons and waste..	Lb.	208	SZ	500	—	—	—	B
26201 Recovered fibers, noils, and waste, n.e.c., wholly or in chief weight wool.	Lb.	208	SZ *and* East Germany	500	—	—	—	B
26201 Recovered fibers, noils, and waste, n.e.c., wholly or in chief weight of other animal hair.	Lb.	208	SZ	500	—	—	—	B
26230 Mohair and other wool-like specialty hair.	Cnt. lb.	208	SZ *and* East Germany	500	—	—	—	B
26230 Other fine animal hair, n.e.c., not carded or combed.	Cnt. lb.	208	SZ	500	—	—	—	B
26240 Sheep's and lamb's wool, not carded or combed.	Cnt. lb.	208	SZ *and* East Germany	500	—	—	—	B
26250 Animal hair, other than wool or fine hair, not carded or combed and not for brushes.	Lb.	208	SZ	500	—	—	—	B
26270 Wool or other animal hair, carded or combed, excluding tops.	Lb.	208	SZ *and* East Germany	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
26280 Tops of wool and other animal hair, except horsehair.	Lb.	208	SZ *and* East Germany	500	—	—	—	B
263 Raw cotton; cotton linters; cotton waste; and carded or combed cotton (laps, sliver, and roving).	Lb.[1]	208	SYZ	500	—	—	—	B
264 Jute, including jute cuttings and waste.	Lb.	208	SZ *and* East Germany	500	—	—	—	B
26500 Vegetable fibers and waste of sisal, henequen, manila or abaca.	Lb.	208	SZ *and* East Germany	500	—	—	—	B
26500 Other vegetable fibers and waste, except cotton and jute.	Lb.	208	SZ	500	—	—	—	B
26621 Staple, not carded or combed, wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	241	STVWXYZ	500	500	500	—	A E–3
26621 Other man-made staple fibers, noncellulosic, not carded or combed.	Lb.	208	SZ *and* East Germany	500	—	—	—	B
26622 Continuous filament tow wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	241	STVWXYZ	500	500	500	—	A E–3
26622 Other continuous filament tow, noncellulosic.	Lb.	208	SZ *and* East Germany	500	—	—	—	B
26623 Man-made fibers or waste, noncellulosic, carded or combed or otherwise processed but not spun.	Lb.	208	SZ *and* East Germany	500	—	—	—	B
26631 Acetate or rayon (viscose and cuprammonium) staple, not carded or combed.	Lb.	208	SZ *and* East Germany	500	—	—	—	B
26632 Acetate or rayon (viscose and cuprammonium) continuous filament tow.	Lb.	208	SZ *and* East Germany	500	—	—	—	B
26633 Rayon or acetate fibers or waste, carded or combed or otherwise processed but not spun.	Lb.	208	SZ	500	—	—	—	B
26633 Other man-made fibers or waste, cellulosic, carded or combed or otherwise processed but not spun.	Lb.	208	SZ *and* East Germany	500	—	—	—	B
26640 Waste of rayon or acetate fibers, not carded or combed.	Lb.	208	SZ	500	—	—	—	B
26640 Waste of other man-made fibers, not carded or combed.	Lb.	208	SZ *and* East Germany	500	—	—	—	B
26700 Used, obsolete, and reject materials bearing the design of any version of the flag of the United States of America.	Lb.	202	STVWXYZ	—	500	—	—	
26700 Used civilian clothing, other used textile articles, n.e.c., and new or used rags, wholly or in chief weight of man-made fibers, silk, or vegetable fibers, *except jute;* and used footwear of all materials.	Lb.	208	SZ	500	—	—	—	B
26700 Other used civilian clothing, used textile articles, n.e.c., and new or used rags.	Lb.	208	SZ *and* East Germany	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report raw cotton and cotton linters in both "pound" and "running bale."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
CRUDE FERTILIZERS AND CRUDE MINERALS, EXCLUDING COAL, PETROLEUM, AND PRECIOUS STONES								
27110 Natural fertilizers of mineral or vegetable origin, not chemically treated. [Report manufactured fertilizers in Export Control Commodity No. 56100.]	S. ton	248	SYZ	500	—	—	—	B
27120 Natural sodium nitrate	S. ton	248	SXYZ	500	—	—	100	B
27130 Natural phosphates, whether or not ground.	S. ton	248	SZ	500	—	—	—	B
27140 Natural potassic salt fertilizers, crude	S. ton	248	SZ	500	—	—	—	B
273 Stone, slate, gypsum, sand, and gravel	.....[1]	268	SZ	500	—	—	—	B
27410 Sulfur. [Report sublimed, precipitated or colloidal sulfur in Export Control Commodity No. 51329.]	L. ton	248	SXYZ	500	—	—	100	B
27420 Iron pyrites, unroasted	S. ton	248	SZ *and* East Germany	500	—	—	—	B
27511 Crushing bort, except dust and powder.	Carat	218	SWXYZ	500	—	—	100	B
27515 Diamonds, industrial. [Report synthetic diamonds in Export Control Commodity No. 66700.]	Carat	218	SWXYZ	500	—	—	100	B
27521 Synthetic diamond powder	Carat	218	SWXYZ	500	—	—	100	B
27521 Natural diamond powder	Carat	218	SWXYZ	500	—	—	100	B
27521 Dust and powder of other natural or synthetic precious or semi-precious stones.	Carat	218	SXYZ	500	—	—	100	B
27522 Diatomaceous earth. [Report gas chromatographic grade in Export Control Commodity No. 59999.]	S. ton	248	SZ	500	—	—	—	B
27523 Pumice, emery, natural corundum, and other natural abrasives, crude, crushed or ground.	Lb.	248	SZ	500	—	—	—	B
27610 Natural asphalt and natural bitumen, unmanufactured.	L. ton	248	SZ	500	—	—	—	B
27621 Mullite grains and pellets	S. ton	248	SZ *and* East Germany	500	—	—	—	B
27621 Other clays, including calcined, n.e.c.	S. ton	248	SZ	500	—	—	—	B
27622 Natural graphite	S. ton	248	SYZ	500	—	—	—	B
27623 Dolomite, dead burned	S. ton	248	SXYZ	500	—	—	100	B
27623 Other dolomite	S. ton	248	SZ	500	—	—	—	B
27624 Magnesium oxide, purity 97% or higher, except precipitated.	Lb.	242	STVWXYZ	500	500	500	—	E–8
27624 Other magnesite, n.e.c., including crude and caustic calcined, lump or ground.	Lb.	248	SZ	500	—	—	—	B
27630 Salt	S. ton	248	SZ	500	—	—	—	B
27640 Asbestos, unmanufactured	S. ton	248	SZ *and* East Germany	500	—	—	—	B
27652 Mica, unmanufactured	Lb.	248	SZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report gypsum, limestone flux, calcareous stone, sand, gravel, and crushed or broken stone in "short ton."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
27654 Feldspar, fluorospar, leucite, nepheline, and nepheline syenite.	Lb.	248	SZ	500	—	—	—	B
27655 Natural quartz. [Report pietzo electric quartz in Export Control Commodity No. 66700].	S. ton	248	SXYZ	500	—	—	100	B
27655 Natural cryolite; and natural chiolite..	S. ton	248	SZ *and* East Germany	500	—	—	—	B
27655 Quartzite	S. ton	248	SZ	500	—	—	—	B
27660 Mill slag	S. ton	248	SWXYZ	500	—	—	100	B
27660 Other slag, dross, and similar wastes, n.e.c.	S. ton	248	SZ	500	—	—	—	B
27695 Natural talc, soapstone, and pyrophyllite.	S. ton	248	SZ	500	—	—	—	B
27698 Natural borates and other boron materials (for example, colemanite, pandermite, kernite, priceite and ulexite). (Specify by name.)	Lb.	248	SWXYZ	500	—	—	100	B
27698 Lithium ores and concentrates (for example, ambligonite, lepidolite and petalite).	Lb.	242	STVWXYZ	25	500	25	—	E–7
27698 Arsenic bisulfide, natural; arsenic sulfide, natural; calcium silicate; kieserite, natural; magnesium chloride, natural, anhydrous; magnesium sulphate, natural; sodium sulphate, natural; soil; strontianite; strontium carbonate; and trona.	.....	248	SZ *and* East Germany	500	—	—	—	B
27698 Celestite; gallium sesquioxide; lutetium oxide; strontium sulfate, natural and mineral; cerium ores (for example, bastnasite and cerite); and other rare earth (for example, europium, gadolinium, lanthanum, praseodymium, and samarium).	.....	248	SYZ	500	—	—	—	B
27698 Other nonmetallic minerals, n.e.c. [Report synthetic or artificial zeolites in Export Control Commodity No. 51460 or 51470.]	.....	248	SZ	500	—	—	—	B
METALLIFEROUS ORES AND METAL SCRAP [1]								
28100 Iron ore mass	S. ton	268	SZ *and* East Germany	500	—	—	—	B
28100 Other iron ore and concentrates	S. ton	268	SZ	500	—	—	—	B
28200 Iron and steel scrap of magnetic materials. (See § 399.2, Interpretation 6.)	S. ton	261	STVWXYZ	100	500	100	—	A
28200 Alloy steel scrap containing *any* of the following: (a) 5 percent or more nickel by weight, (b) 5 percent or more cobalt by weight, or (c) 1 percent or more tungsten by weight. (See § 399.2, Interpretations 10 and 12.)	S. ton	262	STVWXYZ	100	500	100	—	
28200 Terne plated scrap; and tin-plated scrap which has not been detinned.	S. ton	268	SZ *and* East Germany	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(d) for ores and concentrates which require export authorization from the Atomic Energy Commission.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
28200 Other iron and steel scrap	S. ton	268	SWXYZ	500	—	—	100	B
28311 Copper ores and concentrates. (See § 373.20(a).)	Cnt. lb.	272	STVWXYZ	—	—	—	—	FG
28312 Copper matte. (See § 373.20(a).) [Report blister copper and other unrefined copper in Export Control Commodity No. 68211.]	Cnt. lb.	272	STVWXYZ	—	—	—	—	FG
28330 Bauxite and concentrates of aluminum. [Report alumina in Export Control Commodity No. 51365.]	L. ton	268	SZ	500	—	—	—	B
28370 Manganese ores and concentrates containing over 10 percent manganese.	S. ton	268	SZ	500	—	—	—	B
28380 Lead or zinc ores and concentrates	Lb.	268	SZ	500	—	—	—	B
28391 Chromium ores and concentrates	Lb.	268	SZ	500	—	—	—	B
28392 Tungsten ores and concentrates	Lb.	268	SYZ	500	—	—	—	B
28393 Tantalum ores and concentrates	Lb.	262	STVWXYZ	100	500	100	—	E–7
28393 Molybdenum ores and concentrates	Cnt. lb.	262	STVWXYZ	500	1,000	1,000	—	E–7
28393 Vanadium ores and concentrates, including vanadium pentoxide, vanadic acid, vanadium oxide and vanadates.	Cnt. lb.	268	SXYZ	500	—	—	100	B
28393 Titanium or zirconium ores and concentrates.	Lb.	268	SYZ	500	—	—	—	B
28398 Antimony or tin ores and concentrates..	Lb.	268	SZ	500	—	—	—	B
28398 Beryllium ores and concentrates	Lb.	261	STVWXYZ	500	500	500	—	A E–7
28398 Columbium or niobium ores and concentrates.	Lb.	262	STVWXYZ	100	500	100	—	E–7
28398 Cobalt or nickel ores and concentrates..	Lb.	268	SWXYZ	500	—	—	100	B
28398 Quicksilver or mercury ores and concentrates.	Lb.	262	STVWXYZ	100	500	100	—	E–7
28398 Rhenium concentrates	Lb.	262	STVWXYZ	—	500	—	—	E–7
28398 Other ores and concentrates or nonferrous base metals, n.e.c.	Lb.	268	SYZ	500	—	—	—	B
28401 Tantalum bearing slag	Lb.	261	STVWXYZ	100	500	100	—	A E–7
28401 Columbium bearing slag	Lb.	261	STVWXYZ	100	500	100	—	A E–7
28401 Copper bearing ash and residues. (Also specify copper content in pounds.) (See § 373.20(b).)	Lb.	272	STVWXYZ	100	100	100	—	FG
28401 Nickel bearing residues and dross	Lb.	262	STVWXYZ	500	500	500	—	
28401 Vanadium bearing ash and residues	Lb.	268	SXYZ	500	—	—	100	B
28401 Aluminum, lead, tin, or zinc ash and residues.	Lb.	268	SZ	500	—	—	—	B
28401 Other ash and residues bearing nonferrous metals, n.e.c.	Lb.	268	SYZ	500	—	—	—	B
28402 Copper or copper-base alloy waste and scrap. (Also specify copper content in pounds). (See § 373.20(b).)	Lb.	272	STVWXYZ	100	100	100	—	FG
28403 Nickel alloy waste and scrap containing 50 percent or more copper, irrespective of nickel content. (Also specify copper content in pounds.) (See § 373.20(b).)	Lb.	272	STVWXYZ	100	100	100	—	
28403 Nickel alloy metal scrap containing 32 percent or more nickel, *except nickel-copper*	Lb.	262	STVWXYZ	500	500	500	—	

* For explanation, see § 399.1 pages 1, 2, and 3.

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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
alloy scrap containing not more than 6 percent of other alloying elements. (Specify by name with complete metal analysis.) (See § 399.2, Interpretations 10 and 12.)								
28403 Other nickel or nickel alloy waste and scrap.	Lb.	268	SWXYZ	500	—	—	100	B
28404 Aluminum alloy scrap having (1) an average copper content of 1 percent or more irrespective of other elements; or (2) an average copper content of less than 1 percent and (a) a zinc content of 4 percent or more, (b) a silicon content of 3.5 percent or more, or (c) a magnesium content of 9.5 percent or more.	Lb.	268	SZ *and* East Germany	500	—	—	—	B
28404 Other aluminum or aluminum alloy waste and scrap.	Lb.	261	STVWXYZ	100	500	100	—	A
28405 Magnesium alloy scrap containing 0.4 percent or more zirconium or 1 percent or more rare earth metals (cerium misch metal). (See § 399.2, Interpretations 10 and 12.)	Lb.	268	SZ *and* East Germany	500	—	—	—	B
28405 Other magnesium or magnesium alloy waste and scrap.	Lb.	268	SZ	500	—	—	—	B
28406 Lead or lead alloy waste and scrap....	Lb.	268	SZ	500	—	—	—	B
28409 Tin or tin alloy waste and scrap.....	Cnt. lb.	268	SZ	500	—	—	—	B
28410 Zinc or zinc alloy waste and scrap, including blue powder.	Cnt. troy oz.	268	SYZ	500	—	—	—	B
28500 Platinum and platinum group ores, concentrates, and waste and sweepings, including platinum group materials contained in iron and steel scrap.								
CRUDE ANIMAL AND VEGETABLE MATERIALS, N.E.C.								
29100 Biological supplies, animal origin; glands, crude; hoof meal; horn meal; and pancreas.	.....	248	SZ *and* East Germany	500	—	—	—	B
29100 Other crude animal materials, n.e.c....	.....[1]	248	SZ	500	—	—	—	B
29220 Organic flocculating agents including, but not limited to, Arguard®, Guartec®, Jaquar gum®, and Mannagal®.	.....	248	SWXYZ	500	—	—	100	B
29220 Burgundy pitch	.....	248	SYZ	500	—	—	—	B
29220 Other natural gums, resins, balsam, and lac.	.....	248	SZ	500	—	—	—	B
29250 Alfalfa seed; fescue grass seed; timothy grass seed; red top seed; forage sorghum seed; sugar beet seed; and clover seed, *except alsike, bur, sour, strawberry, and suckling clover seeds.*	Lb.	208	SYZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
® Trademark registered in the Patent Office of the United States.
[1] Report sausage casings, birds' feathers, down, and marine shells in "pound."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
29250 Other seeds, fruit and spores for planting, excluding oilseeds, n.e.c.[1]	Lb.	208	SZ	500	—	—	—	B
29260 Bulbs, plants (trees, shrubs, etc.), and other nursery stock.[1]	.....	208	SZ	500	—	—	—	B
29271 Cut flowers and buds for ornamental purposes.	.....	208	SZ	500	—	—	—	B
29272 Foliage, branches, and other parts of trees, shrubs, bushes, and other plants, and mosses, lichens and grasses for ornamental purposes, and Christmas trees.	.....	208	SZ	500	—	—	—	B
29280 Cinchona bark; pyrethrum (insect flowers); and rotenone-bearing roots, crude, ground, or powdered (for example, barbasco root, cubé root, derris root, and tuba root).	Lb.	248	SYZ	500	—	—	—	B
29280 Other plants, seeds, flowers, leaves, roots and other parts of plants of types used primarily in perfumery, pharmacy, or for insecticidal or fungicidal purposes, or in dyeing and tanning, n.e.c.	Lb.	248	SZ	500	—	—	—	B
29291 Pyrethrum extract	Lb.	248	SXYZ	500	—	—	100	B
29291 Pectin and pectin substances; and other vegetable saps, extracts, mucilages, and thickeners derived from vegetable products, n.e.c.[2]	Lb.	248	SZ	500	—	—	—	B
29295 Broomcorn and other vegetable materials used primarily as plaiting, stuffing, or padding, or in brushes or brooms.	Lb.[3]	208	SZ	500	—	—	—	B
29298 Other crude vegetable materials, n.e.c..	.....	208	SZ	500	—	—	—	B
SECTION 3—MINERAL FUELS, LUBRICANTS, AND RELATED MATERIALS								
COAL, COKE, AND BRIQUETS								
32140 Coal, anthracite and bituminous, including mineral charcoal.	S. ton	258	SZ	500	—	—	—	B
32170 Peat and peat briquets.....	S. ton	258	SZ	500	—	—	—	B
32180 Gilsocarbon coke or other coke derived from gilsonite.	S. ton	258	SYZ	500	—	—	—	B
32180 Other coke of coal, lignite or peat.....	S. ton	258	SZ	500	—	—	—	B
32190 Lignite; and coal and lignite briquets..	S. ton	258	SZ	500	—	—	—	B
PETROLEUM AND PETROLEUM PRODUCTS								
331 Crude petroleum, including shale oil; and petroleum partly refined for further refining, including topped crudes.	Bbl.[4]	258	SWXYZ	—	—	—	100	B
33210 Gasoline, excluding jet fuel. [Report jet fuel in Export Control Commodity No. 33220.]	Bbl.[4]	258	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Tobacco seed and tobacco plants require export authorization from the U. S. Department of Agriculture. See paragraph 370.5(g).
[2] See paragraph 370.5(c) for commodities which require export authorization from the U. S. Treasury Department.
[3] Report broomcorn in "short ton."
[4] Barrel of 42 gallons.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
33210 Triisobutylene	Bbl.[1]	258	SYZ	—	—	—	—	B
33210 Other gasoline blending agents, hydrocarbon compounds only, n.e.c.	Bbl.[1]	258	SWXYZ	—	—	—	100	B
33220 Liquid jet fuels having a gross calorific value of not less than 23,400 BTU per pound.	Bbl.[1]	251	STVWXYZ	—	500	25	—	A E–4
33220 Other jet fuels; and kerosene	Bbl.[1]	258	SWXYZ	—	—	—	100	B
33230 Distillate fuel oils	Bbl.[1]	258	SWXYZ	—	—	—	100	B
33240 Residual fuel oils	Bbl.[1]	258	SWXYZ	—	—	—	100	B
33250 Lubricating oils, petroleum based, which are or which contain as the principal ingredients petroleum (mineral) oils, *and having all* of the following characteristics: (a) a pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index (VI) of 75 or greater, and (c) are thermally stable at plus 700° F. (plus 371° C.).[2]	Bbl.[1]	251	STVWXYZ	—	500	25	—	A E–4
33250 Lubricating oils, petroleum based, which are or which contain as the principal ingredients petroleum (mineral) oils which have: (a) a pour point of minus 30° F. (minus 34° C.) or lower, and (b) are thermally stable at plus 700° F. (plus 371° C.), but have a viscosity index (VI) of *less than* 75.[2]	Bbl.[1]	252	STVWXYZ	—	500	25	—	E–4
33250 Lubricating oils, synthetic, which contain as the principal ingredient: (a) esters of saturated aliphatic monohydric alcohols containing more than six carbon atoms with adipic or azelaic or sebacic acids, (b) esters of trimethylol propane or trimethylol ethane or pentaerythritol with saturated monobasic acids containing more than 6 carbon atoms, (c) fluoro-alcohol esters and perfluoro-alkyl ethers, or (d) polyphenyl ethers containing more than three phenyl groups.	Bbl.[1]	251	STVWXYZ	—	500	25	—	A E–4
33250 Cylinder bright stock, including bright stock and industrial lubricating oils which are predominantly bright stock *and* have a Saybolt Universal viscosity at 210° F. (98.8° C.) of 95 seconds or more.	Bbl.[1]	252	STVWXYZ	—	1,000	1,000	—	
33250 Lubricating oils wholly of fluorocarbon polymers or copolymers.[3]	Bbl.[1]	251	STVWXYZ	—	500	250	—	A E–13
33250 Other lubricating oils containing more than 20 percent by weight of fluorocarbon polymers or copolymers.[3]	Bbl.[1]	252	STVWXYZ	—	500	250	—	E–13

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Barrel of 42 gallons.

[2] Thermal stability is determined as follows: twenty c.c. of the fluid under test shall be placed in a 46 c.c. stainless steel chamber containing one each of .5 inch diameter balls of M-10 tool steel, 52100 steel, and naval bronze. The chamber shall be purged with nitrogen, sealed at atmospheric pressure, and the temperature raised to 371 plus or minus 6° C. and maintained at this temperature for six hours. The specimen will be considered thermally stable if at the completion of the above procedure all of the following conditions are met: (a) the weight loss of each ball is less than 0.1 milligram per square centimeter of surface, (b) the change in original viscosity as determined at 38° C. is less than 25 percent, and (c) the total acid or base number is less than .40.

[3] See § 399.2, Interpretation 22.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
33250 Fluorinated silicone fluids; and chlorinated silicone fluids.	Bbl.[1]	251	STVWXYZ	—	500	250	—	A E–14
33250 Other hologenated silicone fluids	Bbl.[1]	252	STVWXYZ	—	500	250	—	E–14
33250 Other petroleum based and other ester type synthetic aviation engine lubricating oil.	Bbl.[1]	258	SWXYZ	—	—	—	100	B
33250 Other synthetic aviation engine lubricating oil.	Bbl.[1]	258	SXYZ	—	—	—	100	B
33250 Lubricating oils in containers of 8 ounces or less.	.....	258	SZ	—	—	—	—	B
33250 Other lubricating oils	Bbl.[1, 2]	258	SWXYZ	—	—	—	100	B
33250 Silicone lubricating grease capable of operating at temperatures of 180° C. (356° F.) or higher and with an ASTM drop point of 220° C. (428° F.) or higher.	Lb.	251	STVWXYZ	—	500	250	—	A E–14
33250 Lubricating greases, petroleum based, which contain as the principal ingredients petroleum (mineral) oils *having all* of the following characteristics; (a) a pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index (VI) of 75 or greater, and (c) are thermally stable at plus 700° F (plus 371° C).[3]	Lb.	251	STVWXYZ	—	500	250	—	A E–4
33250 Lubricating greases, petroleum based, which contain as the principal ingredients petroleum (mineral) oils which have: (a) a pour point of minus 30° F. (minus 34° C.) or lower, and (b) are thermally stable at plus 700° F. (plus 371° C.) but have a viscosity index (VI) of *less than* 75.[3]	Lb.	252	STVWXYZ	—	500	250	—	E–4
33250 Lubricating greases, synthetic, which contain as the principal ingredient: (a) esters of saturated aliphatic monohydric alcohols containing more than six carbon atoms with adipic or azelaic or sebacic acids, (b) esters of trimethylol propane or trimethylol ethane or pentaerythritol with saturated monobasic acids containing more than six carbon atoms, (c) fluoro-alcohol esters and perfluoro-alkyl ethers, or (d) polyphenyl ethers containing more than three phenyl groups.	Lb.	251	STVWXYZ	—	500	25	—	A E–4
33250 Molybdenum lubricants containing 80 percent or more of molybdenum disulphide.	Lb.	252	STVWXYZ	—	1,000	1,000	—	E–13
33250 Other lubricating greases	Lb.	258	SWXYZ	—	—	—	100	B
33261 Petroleum jelly (petrolatum)	Lb.	258	SZ	—	—	—	—	B
33262 Paraffin wax, crystalline	Lb.	258	SZ *and* East Germany	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Barrel of 42 gallons.

[2] If less than one barrel, quantity may be reported in gallons or ounces.

[3] Thermal stability is determined as follows: twenty c.c. of the fluid under test shall be placed in a 46 c.c. stainless steel chamber containing one each of .5 inch diameter balls of M-10 tool steel, 52100 steel, and naval bronze. The chamber shall be purged with nitrogen, sealed at atmospheric pressure, and the temperature raised to 371 plus or minus 6° C. and maintained at this temperature for six hours. The specimen will be considered thermally stable if at the completion of the above procedure all of the following conditions are met: (a) the weight loss of each ball is less than 0.1 milligram per square centimeter of surface, (b) the change in original viscosity as determined at 38° C. is less than 25 percent, and (c) the total acid or base number is less than .40.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
33262 Microcrystalline wax	Lb.	258	SZ	—	—	—	—	B
33291 Hydraulic or automatic transmission fluids, petroleum based, *having all* of the following characteristics: (a) kinematic viscosity of 4.6 centistokes or greater at 210° F. (98.8° C.); (b) pour point of minus 30° F. (minus 34° C.) or lower; and (c) viscosity index (VI) of 130 or higher. [Report hydraulic fluids containing less than 70 percent by weight of petroleum or shale oil in Export Control Commodity No. 59999.]	Bbl.[1]	252	STVWXYZ	—	1,000	1,000	—	E–4
33291 Hydraulic fluids, petroleum based, which are or which contain as the principal ingredients petroleum (mineral) oils *and having all* of the following characteristics: (a) a pour point of minus 30° F. (minus 34° C.) or lower, (b) a viscosity index (VI) of 75 or greater, and (c) are thermally stable at plus 700° F. (plus 371° C).[2] [Report hydraulic fluids containing less than 70 percent by weight of petroleum or shale oil in Export Control Commodity No. 59999.]	Bbl.[1]	251	STVWXYZ	—	500	250	—	A E–4
33291 Hydraulic fluids, petroleum based, which are or which contain as the principal ingredients petroleum (mineral) oils which have: (a) a pour point of minus 30° F. (minus 34° C.) or lower, and (b) are thermally stable at plus 700° F. (plus 371° C.), but have a viscosity index (VI) of *less than* 75.[2]	Bbl.[1]	252	STVWXYZ	—	500	250	—	E–4
33291 Non-lubricating and non-fuel petroleum oils, *the following only:* concrete surface curing compounds, petroleum based; dust proofing fluid, petroleum origin; fruit polishing solutions containing refined paraffin wax; ink oil; Insecti-sol®; leveling fluid, petroleum origin; net preservative; news ink vehicle; No-Glo mud treating oil®; petroleum bases for insecticide sprays; shingle oil; Calodorant C®; Captan®; gas odorant; cigarette lighter fluids; cleaner naphtha; cleaning solvents; Graysal 375®; lacquer diluent; mineral turpentine; paint reducer, petroleum origin; paint thinner of mineral spirits; Panasol RY-3; petroleum ether; petroleum solvent, aliphatic; petropene; preservatives for wood, textiles, leather, and	Bbl.[1]	258	SZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
® Trademark registered in the Patent Office of the United States.
[1] Barrel of 42 gallons.
[2] Thermal stability is determined as follows: twenty c.c. of the fluid under test shall be placed in a 46 c.c. stainless steel chamber containing one each of .5 inch diameter balls of M-10 tool steel, 52100 steel, and naval bronze. The chamber shall be purged with nitrogen, sealed at atmospheric pressure, and the temperature raised to 371 plus or minus 6° C. and maintained at this temperature for six hours. The specimen will be considered thermally stable if at the completion of the above procedure all of the following conditions are met: (a) the weight loss of each ball is less than 0.1 milligram per square centimeter of surface, (b) the change in original viscosity as determined at 38° C. is less than 25 percent, and (c) the total acid or base number is less than .40.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
paper, chief value petroleum solvents and/or mineral spirits; Renuzit®; Soltral; Sovasol®; Storaline spirits; Stoddard solvent; turpentine substitute, chief value petroleum; varnish maker and painters naphtha; Varsol®; and Varsol Varnoline®.								
33291 White mineral oil in containers of 42 gallons capacity or over; standard reference fuels; quenching and cutting oils, petroleum based; and insulating or transformer oils, *except polybutene.*	Bbl.[1]	258	SWXYZ	—	—	—	100	B
33291 Hexanes; hexenes; methyl pentanes; normal heptane; normal hexane; normal pentane; octanes (oxtylenes); pentanes; and pentenes.	Bbl.[1]	258	SWXYZ	—	—	—	100	B
33291 Other nonlubricating and nonfuel petroleum oils.	Bbl.[1]	258	SZ *and* East Germany	—	—	—	—	B
33292 Pitch of tar coke	S. ton	258	SZ *and* East Germany	—	—	—	—	B
33292 Other pitch from coal tar distillation; and pitch from petroleum refining.	S. ton	258	SZ	—	—	—	—	B
33293 Pitch coke	S. ton	258	SZ *and* East Germany	—	—	—	—	B
33294 Petroleum coke	S. ton	258	SXYZ	—	—	—	100	B
33295 Petroleum asphalt and petroleum asphalt products including asphalt adhesive, asphalt plank, fiber expansion joints, joint fillers, and roofing asphalt.	S. ton	258	SZ	—	—	—	—	B
33295 Petroleum bitumen and other petroleum and shale oil residues.	S. ton	258	SZ *and* East Germany	—	—	—	—	B
33296 Bituminous mixtures, based on asphalt petroleum, etc.	.....	258	SZ *and* East Germany	—	—	—	—	B
GAS, NATURAL AND MANUFACTURED								
34110 Natural gas liquids, including liquefied petroleum gas (L.P.G.).[2]	Bbl.[1]	258	SZ *and* East Germany	500	—	—	—	B
34120 Gas, manufactured (artificial).[2]	M cu. ft.	258	SZ *and* East Germany	500	—	—	—	B
SECTION 4—ANIMAL AND VEGETABLE OILS AND FATS								
ANIMAL OILS AND FATS								
411 Animal oils and fats	Lb.	208	Z	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
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[1] Barrel of 42 gallons.
[2] Pipe-line gas requires export authorization from the U. S. Federal Power Commission. See paragraph 370.5(f).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
VEGETABLE OILS AND FATS, EXCEPT HYDROGENATED [Report hydrogenated oil in Export Control Commodity No. 43120, and shortening in No. 09100.]								
42120 Soybean oil and soybean salad oil.....	Lb.	208	YZ	—	—	—	—	B
42130 Cottonseed oil and cottonseed salad oil..	Lb.	208	YZ	—	—	—	—	B
42140 Peanut oil, n.e.c.	Lb.	208	YZ	—	—	—	—	B
42180 Soft vegetable oils, as follows; sunflower seed; rape; colza; and mustard, including all mixed or blended soft salad oils.	Lb.	208	Z	—	—	—	—	B
42180 Olive oil	Lb.	208	YZ	—	—	—	—	B
42210 Linseed oil, raw.....	Lb.	208	YZ	—	—	—	—	B
42230 Coconut oil	Lb.	208	Z	—	—	—	—	B
42270 Vegetable oils, as follows: (a) castor oil, medicinal grade, (b) wheat germ oil, (c) crude or refined apricot kernel oil, *except persic oil USP*, kapok seed oil, palm kernel oil, sweet almond oil, and tea seed oil, and (d) crude laurel oil, mahwah oil, niger-seed oil, peach kernel oil, and walnut oil.	Lb.	208	XYZ	—	—	—	100	B
42270 Persic oil USP.....	Lb.	208	YZ	—	—	—	—	B
42270 Other vegetable oils, n.e.c., including tung oil.								
FATTY ACIDS, WAXES, AND SPECIALLY TREATED FATS AND OILS, EXCLUDING PETROLEUM PRODUCTS								
43110 Oils, sulfated or sulphurized.....	Lb.	248	Z	—	—	—	—	B
43110 Oils, boiled, oxidized, dehydrated, blown or polymerized.	Lb.	248	YZ	—	—	—	—	B
43120 Hydrogenated fish and fish liver oils...	Lb.	248	Z	—	—	—	—	B
43120 Other hydrogenated fats and oils, n.e.c. (includes unmixed and those that have not been further prepared for food purposes). [Report margarine, lard, lard substitutes and similar prepared edible shortenings in Export Control Commodity No. 09100.]	Lb.	248	YZ	—	—	—	—	B
43130 Fatty acids and refining by-products of vegetable origin, including industrial mixtures.	Lb.	248	YZ	—	—	—	—	B
43130 Other fatty acids and refining by-products. [Report chemically defined fatty acids and their esters in Export Control Commodity No. 51209.]	Lb.	248	Z	—	—	—	—	B
43140 Waxes of animal or vegetable origin, excluding fatty acids and hydrogenated fats and oils.	Lb.	248	Z	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
ANIMAL AND VEGETABLE OILS AND FATS, N.E.C., FOR RELIEF OR CHARITY								
43150 Animal and vegetable oils and fats, n.e.c., donated for relief or charity by individuals or private agencies.	Lb.	Export controls applicable to each commodity under this classification are those which apply to the commodity when exported commercially under its individual Export Control Commodity number.						
SECTION 5—CHEMICALS								
CHEMICAL ELEMENTS AND COMPOUNDS								
51202 Diazodinitrophenol	Lb.	221	STVWXYZ	—	500	25	—	A E–14
51202 2-di-cyclohexyl carbodiimide	Lb.	222	STVWXYZ	—	500	—	—	
51202 Diphenylamine	Lb.	228	SWXYZ	—	—	—	100	B
51202 Fluoro-alcohol esters and perfluoro–alkyl ethers.	Lb.	221	STVWXYZ	—	500	100	—	A E–14
51202 Di-o-tolyl carbodiimide	Lb.	222	STVWXYZ	—	500	—	—	
51202 Methyl benzylate	Lb.	222	STVWXYZ	—	500	25	—	
51202 Ortho chloro benzaldehyde.....	Lb.	222	STVWXYZ	—	500	25	—	
51202 Piperidine carboxyl acid.....	Lb.	222	STVWXYZ	—	500	25	—	
51202 P-nitro-N-methylaniline (N-methyl-nitro-aniline).	Lb.	221	STVWXYZ	—	500	—	—	A E–14
51202 Polyphenyl ethers containing more than three phenyl groups.	Lb.	221	STVWXYZ	—	500	250	—	A
51202 3-quinuclidinone; and 3-quinuclidinol...	Lb.	222	STVWXYZ	—	500	25	—	
51202 Dinitrotoluene solids and oils.....	Lb.	228	SWXYZ	—	—	—	100	B
51202 Ethylbenzene	Lb.	228	SWXYZ	—	—	—	100	B
51202 N-methylaniline (monomethylaniline)..	Lb.	228	SWXYZ	—	—	—	100	B
51202 Toluene, all grades	Gal.	228	SWXYZ	—	—	—	100	B
51202 Paradow®	Lb.	228	SZ *and* East Germany	—	—	—	—	B
51202 Trimellitic acid and anhydrides; and pyromellitic acid and dianhydrides.	Lb.	228	SWXYZ	—	—	—	100	B
51202 Benzene; and analine hydrochloride, analine sulfate and other analine oil and salts.	Lb.[1]	228	SZ	—	—	—	—	B
51202 Ortho-aminonitro-benzene; para-hydroxy-chlorobenzene; and para-toluenesulfonylchloride.	Lb.	228	SZ *and* East Germany	—	—	—	—	B
51202 Other cyclic intermediates, n.e.c.[2].....	Lb.	242	SXYZ	—	—	—	100	B
51203 Beta – diethylaminoethyldiphenylpropyl-acetate hydrochloride.	Lb.	228	STVWXYZ	25	500	25	—	
51203 Synthetic organic medicinal chemicals, in bulk, for which industrial grades are included under other Export Control Commodity Numbers.	Lb.	Export controls applicable to these commodities are those which apply to the industrial grades.						

* For explanation, see § 399.1 pages 1, 2, and 3.

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[1] Report benzene in "gallons."

[2] Dinitronaphthalene, picric acid, and tetranitronaphthalene require export authorization from the U. S. Department of State. See paragraph 370.5(a) for other commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
51203 Synthetic organic medicinal chemicals, *the following only:* allantoin; alloxane; apiol; apolysin; arrhenal; betaine; betaine hydrochloride; colace; 3, 3-diethyl-5-methyl-2-, 4-piperidinedione; glycerophosphates; glycerophosphoric acid and salts; guaiacol glyceryl ether; guaimar; histamine; histamine phosphate; khellin; menthol crystals; menthol, natural and synthetic; nicarbazin; nicarbazin, microatomized; nithiazide; pontalin granulation; pontalin powder; prophenpyridamine maleate; pyranisamine maleate; pyridium; pyrilamine maleate (benzal); pyrilamine maleate N.N.R.; thymol; thymol blue; thymol iodide; wintodon granulation; and Wyamine sulfate®.	Lb.	248	YZ	—	—	—	—	B
51203 All sulfonamide drugs; and other synthetic organic medicinal chemicals, *the following only:* acetophenetidin; acetylsalicylic acid or aspirin; amidopyrine; 2-amino-5-nitrothiazole; aminodiazine; aminoethylpyrimidine; aminomethylpyrimidine; 2-aminopyrimidine; aminopyrine; 2-aminothiazole; antypyrine; Aralen diphosphate®; Atabrine dihydrochloride®; barbital; barbital sodium; barbituric acid; betaine; butabarbital acid; butabarbital sodium; chloroquine base; choline chloride; compound N (Conmel) granulation; d-propoxyphenehydrochloride; dehydrocholic acid; diiodo-tyrosine; diallybarbituric acid; diethylbarbituric acid; diethylstilbestrol; dihydrocholic acid USP; ethoheptazine; ethoheptazine citrate; exol; hexestrol NNR; hydrocholin; isobutyl allyl barbituric acid; methyl acetanalid; Pamaquine (plasmochin) naphthoate®; pentobarbital, sodium; pentobarbituric acid; phenacetin; phenetsal; phenobarbital; phenobarbital, sodium; phenylazo diamino pyridine; phenyl salicylate; phenyldimethylpyrazolomethylamino methane sulfonate; phenylethyl barbituric acid; prominal; pyramidon; salicin; salol; salophen; secobarbital sodium salicylate; stilbestrol; trans-dehydro-androsterone-acetate-semicarbazone; uric acid; and urine, concentrated.	Lb.	248	Z	—	—	—	—	B
51203 Methionine hydroxy analogue.....	Lb.	248	Z *and* East Germany	—	—	—	—	B
51203 Other synthetic organic medicinal chemicals in bulk.[1] (Specify by chemical name.) [Report synthetic organic medicinal chemical mixtures or compounds, in bulk, in Export Control Commodity No. 54170.]:	Lb.	248	XYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
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[1] See paragraph 370.5(c) for commodities which require export authorization from the U. S. Treasury Department.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
51204 Antiozonants derived from paraphenylinediamine.	Lb.	248	SWXYZ	—	—	—	100	B
51204 6,Ethoxy-1,2 dihydro-2,2,4-trimethylquinoline.	Lb.	248	SZ *and* East Germany	—	—	—	—	B
51204 Other rubber compounding chemicals, n.e.c.	Lb.	248	SYZ	—	—	—	—	B
51205 Esters of trimethylol propane or trimethylol ethane or pentaerythritol with saturated monobasic acids containing more than six carbon atoms, including but not limited to trimethylolpropane tripelargonate.	Lb.	221	STVWXYZ	—	500	100	—	A E-14
51205 Esters of saturated aliphatic monohydric alcohols containing more than six carbon atoms with adipic or azelaic or sebacic acids, including but not limited to nonyl sebacates, nonyl azelates, nonyl adipates, octyl sebacates, octyl azelates, and octyl adipates.	Lb.	221	STVWXYZ	—	500	100	—	A E-14
51205 Esters of dibasic saturated aliphatic acids combined with polyglycols, where one or both of the two constituents contain six or more carbon atoms; and other esters of saturated monohydric alcohols with dibasic saturated aliphatic acids where both of the two constituents contain six or more carbon atoms.	Lb.	228	SWXYZ	—	—	—	100	B
51205 Polyphenyl ethers containing more than three phenyl groups.	Lb.	221	STVWXYZ	—	500	250	—	A E-14
51205 Methyl stearate; and triethyl phosphate.	Lb.	228	SZ *and* East Germany	—	—	—	—	B
51205 Other plasticizers, n.e.c.	Lb.	228	SXYZ	—	—	—	100	B
51206 Sodium pentachlorophenol; 2,3-dichloroallyl diisopropylthiolcarbamate; and 2,3,3-trichloroallyl diisopropylthiolcarbamate.	Lb.	248	SZ *and* East Germany	500	—	—	—	B
51206 Other herbicides; fungicides; dichlorodiphenyl trichloroethane (DDT); polychlor insecticides; organic phosphate insecticides; copper (cupric) acetoarsenite (paris green); sulphoxide N-octyl sulphoxide of isosafrole; fumigants (soil, grain, and industrial).[1]	Lb.	248	SXYZ	500	—	—	100	B
51206 Soil conditioners	Lb.	248	SZ	500	—	—	—	B
51206 Other pesticides and synthetic organic agricultural chemicals, except formulations or preparations or pesticidal chemicals put up for retail sale.[1]	Lb.	248	SYZ	500	—	—	—	B
51207 Anti-knock agents	Lb.	248	SWXYZ	—	—	—	100	B
51207 Chemicals for flavor and perfumery use, natural origin.	Lb.	248	SZ *and* East Germany	—	—	—	—	B
51207 Other chemicals for flavor and perfumery use, synthetic origin; and compounds containing natural and/or synthetic essential oils.	Lb.	248	SZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for herbicides which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
51207 Diastefor; rennet, dry or liquid; rennin; and thromboplastin.	Lb.	248	SZ	—	—	—	—	B
51207 Other enzymes	Lb.	248	SZ *and* East Germany	—	—	—	—	B
51208 Diorthotolyl-urethane; diphenyl urethane; ethyl phenyl urethane; methyl NN-diphenylurea (methyl unsymmetrical diphenylurea); 2-nitrodiphenylamine (N-phenyl-2-nitroaniline; nitrophenylamine); and NN-diphenylurea (unsymmetrical diphenylurea).	Lb.	221	STVWXYZ	—	500	—	—	A E–14
51208 Ethyl centralite (diethyldiphenylurea); ethyl NN-diphenylurea (ethyl unsymmetrical diphenylurea); and methyl centralite.	Lb.	221	STVWXYZ	—	500	100	—	A E–14
51208 Polyphenyl ethers containing more than three phenyl groups.	Lb.	221	STVWXYZ	—	500	250	—	A E–14
51208 Alpha-trioxymethylene (for example, Trioxane®).	Lb.	248	SXYZ	—	—	—	100	B
51208 Cadmium salicylate	Lb.	248	SZ *and* East Germany	—	—	—	—	B
51208 Xanthophyll feed supplement	Lb.	248	SZ	—	—	—	—	B
51208 Photographic chemicals, film developers only.	Lb.	248	SZ	—	—	—	—	B
51208 Other cyclic chemical products, n.e.c.[1]	Lb.	228	SXYZ	—	—	—	100	B
51209 Guanidine nitrate	Lb.	221	STVWXYZ	—	500	100	—	A E–13
51209 3 nitraza-1,5 pentane diisocyanates [di (2-isocyano ethyl) nitramine].	Lb.	221	STVWXYZ	—	500	—	—	A
51209 Tetrazene [1-guanyl (5′ tetrazolyl) 4 guanyltetrazine hydrate].	Lb.	221	STVWXYZ	—	500	—	—	A E–13
51209 Chloropentafluorobutadiene	Lb.	221	STVWXYZ	—	500	500	—	A E–14
51209 Copolymers of bromotrifluoroethylene and chlorotrifluoroethylene.	Lb.	221	STVWXYZ	—	500	500	—	A E–14
51209 Dibromotetrafluoroethane (e.g., Freon-114B2®).	Lb.	221	STVWXYZ	—	500	25	—	A E–14
51209 Monochlorodifluoroethane (e.g., Fluorocarbon 142B®); and monochlorodifluoromethane (e.g., Freon-22®). (Specify by name.)	Lb.	222	STVWXYZ	—	500	100	—	E–14
51209 Fluoro–alcohol esters and perfluoro–alkyl ethers.	Lb.	221	STVWXYZ	—	500	250	—	A E–14
51209 Hexafluoropropylene	Lb.	221	STVWXYZ	—	500	500	—	A E–14
51209 Polybromotrifluoroethylene	Lb.	221	STVWXYZ	—	500	25	—	A E–14
51209 Tetrafluoroethylene	Lb.	221	STVWXYZ	—	500	25	—	A E–14
51209 Trichlorotrifluoroethane (e.g., Freon 113®; and Freon-TF Solvent®); and dichlorotetrafluoroethane (e.g., Freon-114®). (Specify by name.)	Lb.	221	STVWXYZ	—	500	500	—	A E–14
51209 Trifluoromonochloroethylene	Lb.	221	STVWXYZ	—	500	25	—	A E–14
51209 Vinylidene fluoride and other organic intermediates containing 10 percent or more of combined fluorine, used in the manufacture of fluorinated elastomeric products.	Lb.	221	STVWXYZ	—	500	500	—	A E–14

* For explanation, see § 399.1 pages 1, 2, and 3.
® Trademark registered in the Patent Office of the United States.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
51209 Trichloroethylene specially purified and/or neutrally stabilized for precision type metal cleaning or degreasing.	Lb.	242	STVWXYZ	—	500	—	—	
51209 Bromomonochlorodifluoromethane (e.g., Freon 12B1®); dibromodifluoromethane (e.g., Freon-12B2®); dibromomonochlorotrifluoroethane (e.g., Freon-113B2®); difluoroethane e.g., Fluorocarbon-152A®); bromotrifluoromethane (e.g., Freon-13B1®; Freon-13B1®) chloropentafluoroethane (e.g., Freon-115®); chlorotrifluoromethane (e.g., Freon 13®); octafluorocyclobutane (e.g., Freon C318®); tetrachlorodifluoroethane (e.g., Freon-112®); and tetrafluoromethane (e.g., Freon-14®).	Lb.	228	SWXYZ	—	—	—	100	B
51209 Other organo-fluorine compounds, n.e.c.	Lb.	228	SXYZ	—	—	—	100	B
51209 Organic flocculating agents	Lb.	248	SWXYZ	—	—	—	100	B
51209 Alpha-trioxymethylene (for example, Trioxane®).	Lb.	248	SXYZ	—	—	—	100	B
51209 Bis 2 (2, 2′ dinitropropyl) formal and acetal.	Lb.	221	STVWXYZ	—	500	250	—	A
51209 2-cyanoacetamide	Lb.	222	STVWXYZ	—	500	100	—	
51209 Diethylaminoethanol	Lb.	222	STVWXYZ	—	500	100	—	
51209 Diethylene triamine of a purity 96 percent or higher.	Lb.	221	STVWXYZ	—	500	500	—	A E–14
51209 Diethylene triamine of a purity less than 96 percent.	Lb.	222	STVWXYZ	—	500	500	—	E–14
51209 Di-ethyl methyl phosphonite	Lb.	222	STVWXYZ	—	500	25	—	
51209 Di-isopropyl amino ethyl chloride hydrochloride.	Lb.	222	STVWXYZ	—	500	25	—	
51209 Di-isopropyl carbodiimide	Lb.	222	STVWXYZ	—	500	100	—	
51209 2-di-isopropyl aminoethanol	Lb.	222	STVWXYZ	—	500	100	—	
51209 Di-methyl hydrogen phosphite	Lb.	222	STVWXYZ	—	500	25	—	
51209 2, 2′ dinitropropanol	Lb.	221	STVWXYZ	—	500	—	—	A
51209 Esters of trimethylol propane or trimethylol ethane or pentaerythritol with saturated monobasic acids containing more than six carbon atoms, including but not limited to trimethylolpropane tripelargonate.	Lb.	221	STVWXYZ	—	500	100	—	A E–14
51209 Esters of saturated aliphatic monohydric alcohols containing more than six carbon atoms with adipic or azelaic or sebacic acids, including but not limited to nonyl sebacates, nonyl azelates, nonyl adipates, octyl sebacates, octyl azelates, and octyl adipates.	Lb.	221	STVWXYZ	—	500	100	—	A E–14
51209 Esters of dibasic saturated aliphatic acids combined with polyglycols, where one or both of the two constituents contain six or more carbon atoms; and other esters of saturated monohydric alcohols with dibasic saturated aliphatic acids where both of the two constituents contain six or more carbon atoms.	Lb.	228	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
51209 Lead styphnate (lead trinitroresorcinate).	Lb.	221	STVWXYZ	—	500	25	—	A E–13
51209 Lysergic acid di ethyl amine	Lb.	222	STVWXYZ	—	500	100	—	
51209 Malononitrile	Lb.	222	STVWXYZ	—	500	25	—	
51209 Methyl dichlor phosphine	Lb.	222	STVWXYZ	—	500	25	—	
51209 Methyl isonicotenate	Lb.	222	STVWXYZ	—	500	25	—	
51209 Methyl phosphonyl dichloride	Lb.	222	STVWXYZ	—	500	100	—	
51209 N, N-diethyl ethylene diamine (diethylamino ethylamine).	Lb.	222	STVWXYZ	—	1,000	1,000	—	
51209 Organic chemicals, *the following only:* amyl ziran; barium styphnate; cobalt salts of organic compounds (for example, cobalt acetate); isopropyl ether; pentaerythritol; 2,4,4, trimethylpentene; and thiodiglycol.	Lb.	228	SWXYZ	—	—	—	100	B
51209 Organic chemicals, *the following only:* A, B-dibromopropionic acid; adenylic acid; camphoric acid; camphosulfuric acid; corn protein denaturant; crotonaldehyde; cyanacetamide; diacetone alcohol; diethyl malonate; dimethyl glyoxime; dipentaerythritol acetate; dipentaerythritol hexapropionate; dipentaerythritol hexybutyrate; ethyl alcohol; ethyl butyrate; ethyl chloride; ethyl chloroacetate; ethyl chlorocarbonate; ethyl formate; ethyl hydrogen sulfate; ethyl lactate; ethyl malonate; ethyl mercaptan; glutaronitrile; glyceryl monostearate; methyl glutamate; methyl hydroxy acetate (methyl glycolate); methylinoylacetaldehyde; monoisopropanolamine; monopentaerythritol diacetate dibutyrate; monopentaerythritol tetrabutyrate; pentanedione 2-4 (acetylacetone); and perpinyl acetate.	Lb.[1]	248	SZ *and* East Germany	—	—	—	—	B
51209 Lithium salts of organic compounds	Lb.	222	STVWXYZ	—	500	25	—	E–13
51209 Yttrium salts of organic compounds	Lb.	222	STVWXYZ	—	500	25	—	E–13
51209 Triethyl aluminum; trimethyl aluminum; dibutyl tin compounds; triethylborane, tripropyl borane, triisopropyl borane, and other organic compounds useable as catalysts in petroleum and chemical processing operations.	Lb.	228	SWXYZ	—	—	—	100	B
51209 Boric acid esters	Lb.	242	STVWXYZ	—	500	500	—	E–13
51209 Lecithin; monosodium glutamate and products; oleic acid; and stearic acid.	Lb.	248	SZ	—	—	—	—	B
51209 Acetobromopropyl lactate	Lb.	248	SZ	—	—	—	—	B
51209 Aluminum stearate solution for waterproofing masonry; dimethylphenylbenzyl ammonium hydroxide; and n-methyltaurine slurry.	.....	248	SZ	—	—	—	—	B
51209 Behenic acid; lauric acid; myristic acid; and palmetic acid.	Lb.	248	SYZ	—	—	—	—	B
51209 Methionine hydroxy analogue	Lb.	248	SYZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report ethyl alcohol in "gallon."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
51209 Miscellaneous organic chemicals, excluding cyclic, n.e.c., *the following only:* aluminum acetate; aluminum dihydroxyaminoacetate; aluminum formate solutions; aluminum isopropylate; aluminum lactate; aluminum octoate; aluminum oxiquinolate; ammonium acetate; ammonium bitartrate; ammonium ferric oxalate; ammonium oxalate; ammonium thioglycollate; antimony lactate; cadmium acetate; cadmium octoate; calcium acetate; calcium formate; calcium linoleate, except paint and varnish dryers; calcium tartrate; chlorophyll, dry; chlorophyll solution (in oil); iron protoxalate; iron sodium oxalate; magnesium oxyphenyl arsenate; manganese acetate; potassium acetate; potassium bitartrate; potassium oxalate; potassium oxichinolin sulfonate; potassium salicylate; sodium allyl arsenate; sodium bitartrate (acid sodium tartrate); sodium formate; sodium gluconate; sodium methylate; sodium oxalate; sodium potassium tartrate; sodium salicylate; sodium stearate; tartar emetic; zinc acetate; and zinc stearate.	Lb.	248	SZ *and* East Germany	—	—	—	—	B
51209 Other miscellaneous industrial and other organic chemicals, including intermediates, n.e.c.[1]	Lb.[2]	228	SXYZ	—	—	—	100	B
51310 Industrial gases, including rare gases, *except helium and mixtures thereof.* [Report net quantity in cubic feet of equivalent gas.] [3]	M cu. ft.	228	SXYZ	—	—	—	100	B
51325 Quicksilver or mercury	Lb.	262	STVWXYZ	—	500	100	—	E–7
51327 Carbon black, all forms; and carbon	Lb.	248	SXYZ	—	—	—	100	B
51329 Boron element (metal), all forms	Lb.	221	STVWXYZ	—	500	100	—	A E–7
51329 Calcium metal containing less than one hundredth (0.01) percent by weight of impurities other than magnesium *and* less than 10 parts per million of boron.	Lb.	261	STVWXYZ	—	500	—	—	A E–7
51329 Lithium metal	Lb.	221	STVWXYZ	—	500	—	—	A E–7
51329 Polycrystalline silicon of a purity of 99 99 percent or more.	Lb.	241	STVWXYZ	—	500	—	—	A E–7
51329 Polycrystalline silicon of a purity of 99.9 percent up to but not including 99.99 percent.	Lb.	242	STVWXYZ	—	500	500	—	E–7
51329 Monocrystalline silicon	Lb.	241	STVWXYZ	—	500	—	—	A E–7
51329 Yttrium metal and powders	Lb.	242	STVWXYZ	—	500	—	—	E–7
51329 Monocrystalline and polycrystalline forms of the following metals: beryllium; columbium or niobium; hafnium; molybdenum; tantalum; titanium; tungsten; and zirconium.	Lb.	241	STVWXYZ	—	500	—	—	A E–7
51329 Phosphorus, elemental	Lb.	248	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.
[2] Report methanol in "gallon"; report acetylene in "thousand cubic feet"; and report glycerine in "content pound."
[3] Helium and mixtures thereof require export authorization from the U. S. Department of State. See paragraph 370.5(a).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Note	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
51329 Arsenic powder; pyrographite (deposited carbon); and iodine U.S.P. (resublimed).	Lb.	248	SZ *and* East Germany	—	—	—	—	B
51329 Sulfur, sublimed, precipitated, or colloidal.	Lb.	248	SXYZ	—	—	—	100	B
51329 Other chemical elements, n.e.c.[1]	Lb.	228	SYZ	—	—	—	—	B
51333 Sulfuric acid; and oleum	Cnt. lb.	248	SZ *and* East Germany	—	—	—	—	B
51338 Fluoroboric acid, all concentrations	Cnt. lb.	242	STVWXYZ	—	500	500	—	E–13
51338 Boric acid in which the boron-10 isotope comprises more than 20 percent of the total boron content.	Cnt. lb.	241	STVWXYZ	—	500	100	—	A E–13
51338 Other boric acids	Cnt. lb.	248	SWXYZ	—	—	—	100	B
51338 Hydrochloric or muriatic acid	Lb.	248	SZ *and* East Germany	—	—	—	—	B
51338 Other inorganic acids and oxygen compounds of non-metals or metalloids.[2]	Lb.	248	SXYZ	—	—	—	100	B
51340 Phosphorus oxychloride; and phosphorus trichloride.	Lb.	248	SWXYZ	—	—	—	100	B
51340 Chlorine trifluoride	Lb.	241	STVWXYZ	—	500	100	—	A E–13
51340 Other halogen compounds and sulfur compounds of non-metals or metalloids.[2]	Lb.	248	SXYZ	—	—	—	100	B
51350 Cobalt oxide; and cobalt hydroxide	Lb.	248	SWXYZ	—	—	—	100	B
51350 Iron hydroxide; and zinc peroxide	Lb.	248	SZ *and* East Germany	—	—	—	—	B
51350 Iron oxide pigments	Lb.	248	SZ	—	—	—	—	B
51350 Catalysts useable in petroleum and chemical processing operations.	Lb.	228	SWXYZ	—	—	—	100	B
51350 Other oxides of zinc, titanium, manganese, lead, or iron.	Lb.	248	SXYZ	—	—	—	100	B
51361 Ammonia, anhydrous or in aqueous solution.	Cnt. lb.	248	SZ *and* East Germany	—	—	—	—	B
51362 Sodium hydroxide (caustic soda), solid and liquid.	Lb.[3]	248	SZ *and* East Germany	—	—	—	—	B
51363 Potassium hydroxide; potassium peroxide; and sodium peroxide.	Lb.	248	SZ *and* East Germany	—	—	—	—	B
51364 Magnesium oxide, precipitated, purity 97 percent or higher.	Lb.	242	STVWXYZ	—	500	50	—	E–13
51364 Catalysts useable in petroleum and chemical processing operations.	Lb.	228	SWXYZ	—	—	—	100	B
51364 Other strontium, barium or magnesium oxides, hydroxides and peroxides.	Lb.	248	SXYZ	—	—	—	100	B
51365 Alumina, all types, 99 percent purity and over.	Lb.	262	STVWXYZ	—	500	—	—	
51365 Aluminum oxide and hydroxide catalysts useable in petroleum and chemical processing operations.	Lb.	228	SWXYZ	—	—	—	100	B
51365 Other aluminum oxide and hydroxide	Lb.	268	SYZ	—	—	—	—	B
51366 Aluminum oxide catalysts useable in petroleum and chemical processing operations.	Lb.	228	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Fluorine requires export authorization from the U. S. Department of State. See paragraph 370.5(a).
[2] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.
[3] Report liquid form in "content pound."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Note	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
51366 Aloxite® scrap	Lb.	268	SZ	—	—	—	—	B
51366 Other artificial corundum (fused aluminum oxide).	Lb.	268	SYZ	—	—	—	—	B
51367 Catalysts useable in petroleum and chemical processing operations.	Lb.	228	SWXYZ	—	—	—	100	B
51367 Other chromium oxides, anhydrides, and hydroxides.	Lb.	248	SXYZ	—	—	—	100	B
51368 Tin oxides	Lb.	248	SZ *and* East Germany	—	—	—	—	B
51369 Beryllium oxides, hydroxides, and compounds.	Lb.	241	STVWXYZ	—	500	500	—	A E–13
51369 Monocrystalline gallium compounds. (Specify by name.)	Lb.	241	STVWXYZ	—	500	—	—	A E–13
51369 Monocrystalline indium compounds. (Specify by name.)	Lb.	241	STVWXYZ	—	500	250	—	A E–13
51369 Other gallium oxides, hydroxides and peroxides. (Specify by name.)	Lb.	242	STVWXYZ	—	500	25	—	E–13
51369 Germanium oxides, hydroxides and peroxides, 99.99 percent or better purity.	Lb.	242	STVWXYZ	—	500	500	—	E–13
51369 Hafnium oxides containing more than 15 percent hafnium by weight. (State hafnium content.)	Lb.	241	STVWXYZ	—	500	—	—	A E–13
51369 Hafnium oxides containing 15 percent or less hafnium by weight. (State hafnium content.)	Lb.	242	STVWXYZ	—	500	—	—	E–13
51369 Lithium oxides and hydroxides. [Report isotope enriched lithium in Export Control Commodity No. 51500.]	Lb.	242	STVWXYZ	—	500	25	—	E–13
51369 Molybdenum oxide. [Report natural molybdenum oxide in Export Control Commodity No. 28393.]	Lb.	262	STVWXYZ	—	500	25	—	
51369 Rhenium oxides and compounds	Lb.	242	STVWXYZ	—	500	—	—	
51369 Oxides, hydroxides and peroxides of tantalum, niobium (columbium), or tantalum-niobium containing 20 percent or more of tantalum or niobium.	Lb.	241	STVWXYZ	—	500	25	—	A E–13
51369 Other oxides, hydroxides and peroxides of tantalum, niobium (columbium), or tantalum-niobium.	Lb.	242	STVWXYZ	—	500	25	—	E–13
51369 Zirconium oxide containing less than one part hafnium to 500 parts zirconium. (Specify by name.) (State hafnium content.)	Lb.	241	STVWXYZ	—	500	25	—	A E–13
51369 Other zirconium oxide, purity 97 percent or higher, or stabilized with lime and/or magnesia. (State hafnium content.)	Lb.	242	STVWXYZ	—	500	25	—	E–13
51369 Yttrium oxides, hydroxides and peroxides. (Specify by name.)	Lb.	242	STVWXYZ	—	500	25	—	E–13
51369 Nickel oxide and other catalysts useable in petroleum and chemical processing operations.	Lb.	228	SWXYZ	—	—	—	100	B
51369 Other inorganic bases and metallic oxides, hydroxides and peroxides.[1]	Lb.	228	SXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
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[1] Hydrazine and hydrazine hydrate require export authorization from the U. S. Department of State. See paragraph 370.5(a).

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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
51440 Calcium sulfate	Lb.	248	SZ	—	—	—	—	B
51440 Other inorganic pigments, n.e.c.	Lb.	248	SZ *and* East Germany	—	—	—	—	B
51450 Aluminum compounds, useable as catalysts for petroleum and chemical processing operations.	Lb.	228	SWXYZ	—	—	—	100	B
51450 Aluminum compounds, *the following only:* alum, crystallized; aluminum fluoride; aluminum nitrate; aluminum silicate; ammonia alum; potash alum; potassium alum; potassium aluminum sulfate; soda alum; sodium aluminate; and sodium aluminum sulfate.	Lb.	248	SYZ	—	—	—	—	B
51450 Other aluminum compounds, n.e.c.	Lb.	248	SXYZ	—	—	—	100	B
51460 Borohydrides and other boron compounds and mixtures containing 5 percent or more boron, *except fluoroborates, perborates, and inorganic borates.*	Lb.	221	STVWXYZ	—	500	100	—	A E–13
51460 Potassium fluoroborates; and sodium fluoroborates.	Lb.	242	STVWXYZ	—	500	500	—	E–13
51460 Other fluoroborates; and borates refined.	Lb.	248	SWXYZ	—	—	—	100	B
51460 Sodium azide	Lb.	241	STVWXYZ	—	500	—	—	A E–13
51460 Sodium perchlorate; and potassium perchlorate.	Lb.	248	SWXYZ	—	—	—	100	B
51460 Molecular sieves, not loaded (for example, sodium aluminosilicate). (Specify type and form, such as powder or pellets.) [Report molecular sieves, loaded, in Export Control Commodity No. 59999.]	Lb.	222	STVWXYZ	—	1,000	1,000	—	
51460 Sodium compounds and potassium compounds, *the following only:* potash-magnesia carbonate; potassium arsenite; potassium bicarbonate; potassium bisulfate; potassium meta-bisulfite; potassium phosphate, monobasic; potassium silicate; potassium sulfate; potassium sulfide; rochelle salts; sodium ammonium phosphate; sodium arsenate; sodium bisulfite; sodium chlorite; sodium orthosilicate; sodium sesquicarbonate; sodium silicate or water glass; sodium sulfate; and sodium thiosulfate.	Lb.	248	SZ *and* East Germany	—	—	—	—	B
51460 Sodium bicarbonate (baking soda); and sodium propionate (bread making compound).	Lb.	248	SZ	—	—	—	—	B
51460 Other sodium and potassium compounds, n.e.c.[1]	Lb.	248	SXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Potassium nitrate requires export authorization from the U. S. Department of State. See paragraph 370.5(a).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
51470 Materials suitable for application in electromagnetic devices making use of the gyromagnetic resonance phenomenon. (Specify by name.)	Lb.	241	STVWXYZ	—	500	500	—	A E–13
51470 Boron carbides, hydrides, and nitrides, all forms.	Lb.	221	STVWXYZ	—	500	500	—	A E–13
51470 Tantalum carbide	Lb.	261	STVWXYZ	—	500	100	—	A
51470 Lead thiocyanate	Lb.	241	STVWXYZ	—	500	250	—	A E–13
51470 Molybdenum disulfide, 86 percent content or higher.	Lb.	262	STVWXYZ	—	1,000	1,000	—	E–13
51470 Molecular sieves, not loaded (for example, crystalline calcium alumino-silicate). (Specify type and form, such as powder or pellets.) [Report molecular sieves, loaded, in Export Control Commodity No. 59999.]	Lb.	222	STVWXYZ	—	1,000	1,000	—	
51470 Boron trifluoride and its complexes	Lb.	221	STVWXYZ	—	500	100	—	A E–13
51470 Boron trichloride and its complexes	Lb.	222	STVWXYZ	—	500	100	—	E–13
51470 Ammonium fluoroborate	Lb.	242	STVWXYZ	—	500	500	—	E–13
51470 Boron compounds and mixtures containing 5 percent or more boron, *except boric oxides, borates, and fluoroborates.*	Lb.	221	STVWXYZ	—	500	—	—	A E–13
51470 Other boron compounds and mixtures	Lb.	228	SWXYZ	—	—	—	100	B
51470 Monocrystals of ferrites, synthetic. (Specify by name.)	Lb.	241	STVWXYZ	—	500	500	—	A E–13
51470 Hydrogen peroxide in concentrations of 80 percent up to and including 85 percent.[1]	Lb.	241	STVWXYZ	—	500	—	—	A E–13
51470 Hydrogen peroxide in concentrations of 66 percent up to but not including 80 percent.	Lb.	242	STVWXYZ	—	500	—	—	
51470 Hydrogen peroxide in concentrations over 5 percent up to but not including 66 percent.	Lb.	248	SXYZ	—	—	—	100	B
51470 Hydrogen peroxide in concentrations of 5 percent or less.	Lb.	248	SZ	—	—	—	—	B
51470 Hafnium compounds containing more than 15 percent hafnium by weight. (Specify by name and state hafnium content.)	Lb.	241	STVWXYZ	—	500	—	—	A E–13
51470 Hafnium compounds containing 15 percent or less hafnium by weight. (Specify by name and state hafnium content.)	Lb.	242	STVWXYZ	—	500	—	—	E–13
51470 Beryllium compounds, including, but not limited to, beryllium nitrate, beryllium sulfate, beryllium carbonate, zinc beryllium silicate. (Specify by name.)	Lb.	241	STVWXYZ	—	500	500	—	A E–13
51470 Cobalt compounds, n.e.c.	Lb.	248	SWXYZ	—	—	—	100	B
51470 Yttrium compounds. (Specify by name.)	Lb.	242	STVWXYZ	—	500	—	—	E–13
51470 Monocrystalline indium compounds. (Specify by name.)	Lb.	241	STVWXYZ	—	500	250	—	A E–13

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Hydrogen peroxide or dioxide in excess of 85 percent concentration requires export authorization from the U. S. Department of State. See paragraph 370.5(a).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
51470 Monocrystalline gallium compounds. (Specify by chemical name.)	Lb.	241	STVWXYZ	—	500	—	—	A E–13
51470 Other gallium compounds, n.e.c. (Specify by chemical name.) [Report oxides, hydroxides and peroxides in Export Control Commodity No. 51369].	Lb.	242	STVWXYZ	—	500	—	—	E–13
51470 Germanium compounds, 99.99 percent or better purity, n.e.c. [Report oxides, hydroxides and peroxides in Export Control Commodity No. 51369.]	Lb.	242	STVWXYZ	—	500	—	—	E–13
51470 Hydrides in which lithium is compounded with hydrogen or complexed with other metals or aluminum hydride.	Lb.	241	STVWXYZ	—	500	—	—	A E–13
51470 Other lithium compounds, including catalysts. [Report lithium oxides, hydroxides and peroxides in Export Control Commodity No. 51369, and isotope enriched compounds in No. 51500.]	Lb.	242	STVWXYZ	—	500	—	—	E–13
51470 Tantalum, niobium (columbium), or tantalum-niobium compounds, n.e.c., containing 20 percent or more of tantalum or niobium. (Specify by name.)	Lb.	241	STVWXYZ	—	500	250	—	A E–13
51470 Other compounds, n.e.c., of tantalum, niobium (columbium) or tantalum-niobium. (Specify by name.)	Lb.	242	STVWXYZ	—	500	250	—	E–13
51470 Zirconium compounds containing less than one part hafnium to 500 parts zirconium. (Specify by name.) (State hafnium content.)	Lb.	241	STVWXYZ	—	500	25	—	A E–13
51470 Lead azide; and mercury (mercuric) fulminate.	Lb.	241	STVWXYZ	—	500	25	—	A E–13
51470 Silicon carbide, all types, 99 percent purity and over.	Lb.	262	STVWXYZ	—	500	—	—	
51470 Catalysts useable in petroleum and chemical processing operations.	Lb.	228	SWXYZ	—	—	—	100	B
51470 Titanium carbide	Lb.	268	SWXYZ	—	—	—	100	B
51470 Calcium molybdates or molybdenum carbides containing 50 percent or more molybdenum.	Lb.	261	STVWXYZ	—	500	100	—	A E–7
51470 Calcium molybdates or molybdenum carbides containing less than 50 percent molybdenum.	Lb.	262	STVWXYZ	—	500	100	—	E–7
51470 Ammonium molybdate; sodium molybdate; and potassium molybdate.	Lb.	262	STVWXYZ	—	500	25	—	
51470 Other molybdenum salts and compounds; nickel chloride; nickel sulfate; titanium tetrachloride; and titanium trichloride.	Lb.	268	SWXYZ	—	—	—	100	B
51470 Ammonium metavanadate; and silicon carbide less than 99 percent purity.	Lb.	268	SYZ	—	—	—	—	B
51470 Rhenium compounds	Lb.	242	STVWXYZ	—	500	—	—	
51470 Insecticides, fumigants, rodenticides, and fungicides, inorganic. [Report pesticidal chemical formulations, preparations, and pesticidal chemicals put up for retail sale in Export Control Commodity No. 59920.]	Lb.	248	SYZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
51470 Herbicides and defoliants, inorganic. [Report pesticidal chemical formulations, preparations, and pesticidal chemicals put up for retail sale in Export Control Commodity No. 59920.]	Lb.	248	SXYZ	500	—	—	100	B
51470 Tungsten carbide powder.....	Lb.	268	SYZ	—	—	—	—	B
51470 Industrial chemicals, as follows: cadmium sulfate; calcium carbide; calcium polysulfide; calcium silicate; carbic cake; carbic carbide; carbide powder, *except abrasive powders;* chalk, precipitated; dicalcium phosphate; epsom salts; ferrous carbonate; ferrous chloride; ferrous sulfate; iron chloride; iron phosphate; iron sulfate; iron sulfide, artificial; lead arsenite; lime bisulfate; lime phosphate; magnesium arsenide; magnesium phosphate; magnesium silicate; magnesium silicofluoride; magnesium sulfate; magnesium trisilicate; monocalcium phosphate; monocalcium sulphate; palladium chloride; palladium salts and compounds; pea carbide; silver chlorides; silver cyanide, industrial; silver nitrate; silver sulfate; silver sulfide; sodium chlorite; sodium silico aluminate; zinc carbonate; zinc cyanide; zinc hydrosulfite; zinc nitrate; zinc phosphate; and zinc sulfate.	Lb.	248	SZ *and* East Germany	—	—	—	—	B
51470 Calcium chloride	Lb.	248	SZ	—	—	—	—	B
51470 Ferrophosphorus, containing 15 percent or more by weight of phosphorus; manganese boride; and silicon carbide non-slip surfacing material.	Lb.	268	SZ	—	—	—	—	B
51470 Other inorganic chemicals, n.e.c.[1].....	.....[2]	228	SXYZ	—	—	—	100	B
51480 Inorganic medicinal chemicals, n.e.c., in bulk, for which industrial grades are included under other Export Control Commodity Numbers.	Lb.	Export controls applicable to these commodities are those which apply to the industrial grades.						
51480 Other inorganic medicinal chemicals, n.e.c., in bulk. [Report inorganic medicinal chemical mixtures or compounds, in bulk, in Export Control Commodity No. 54170.]	Lb.	248	SXYZ	500	—	—	100	B
51500 Radioisotopes, cyclotron-produced or naturally occurring, having an atomic number 3 through 83, and compounds and preparations thereof; and radium, radium salts and compounds. (Specify by name.)[2]	.....	248	SXYZ	500	—	—	100	B
51500 Other radioisotopes, cyclotron-produced or naturally occurring, and compounds and preparations thereof. (Specify by name.)[2]	.....	242	STVWXYZ	—	500	—	—	

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

[2] Report alkalies, ammonium compounds and bleaching compounds in "pound"; and report liquid air in "thousand cubic feet."

[3] Radioisotopes produced in a nuclear reactor, and compounds and preparations thereof, and uranium and thorium ores and concentrates are under the jurisdiction of the U. S. Atomic Energy Commission. See paragraph 370.5(d).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
51500 Deuterium and compounds, mixtures, and solutions containing deuterium, including heavy water and heavy paraffin, in which the ratio of deuterium atoms to hydrogen atoms exceeds 1:5000 by number.	.....	241	STVWXYZ	—	500	—	—	A E-13
51500 Other deuterium and compounds, mixtures, and solutions containing deuterium, including heavy water and heavy paraffin. (Specify by name.)	.....	242	STVWXYZ	—	500	—	—	E-13
51500 Polonium metal	Lb.	262	STVWXYZ	—	500	—	—	E-7
51500 Polonium-bearing salts and compounds. (Specify by name.)	.....	242	STVWXYZ	—	500	—	—	E-13
51500 Radium metal and alloys (radium content)	.....	268	SYZ	—	—	—	—	B
51500 Lithium as follows: (a) lithium 6 and 7 isotopes, (b) hydrides in which lithium enriched in the 6 isotope is compounded with hydrogen or its isotopes, or complexed with other metals or aluminum hydride, (c) alloys containing any quantity of lithium enriched in the 6 isotope, or (d) any other material containing lithium enriched in the 6 isotope, including compounds, mixtures and concentrates.	.....	241	STVWXYZ	—	500	—	—	A E-13
51500 Compounds enriched in lithium 7 isotopes.	.....	242	STVWXYZ	—	500	—	—	E-13
51500 Other stable isotopes; and compounds and mixtures of rare earth metals, n.e.c.	.....	248	SXYZ	—	—	—	100	B
MINERAL TAR, TAR OILS, AND CRUDE CHEMICALS FROM COAL, PETROLEUM, AND NATURAL GAS								
52110 Mineral tar	Gal.	258	SZ	500	—	—	—	B
52130 Ammoniacal gas liquors and spent oxide produced in coal gas purification.	Cnt. lb.	258	SZ *and* East Germany	500	—	—	—	B
52140 Benzene, crude	Gal.	258	SZ	500	—	—	—	B
52140 Toluene, crude	Gal.	258	SWXYZ	500	—	—	100	B
52140 Creosote; dead oil; creosote oil distillates; and resinous oil X-1.	Lb.	258	SZ *and* East Germany	500	—	—	—	B
52140 Other tar oils, chemicals and other products, crude, from coal, petroleum and natural gas, n.e.c.	Lb.	258	SXYZ	500	—	—	100	B
DYEING, TANNING, AND COLORING MATERIALS, NATURAL AND SYNTHETIC								
53101 Alizarin sulfonic; indigo, natural and synthetic; and phenosafronine.	Lb.	248	SZ *and* East Germany	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
53101 Sulfur black	Lb.	248	SXYZ	500	—	—	100	B
53101 Other synthetic organic dyestuffs. [Report household dyes and tints in Export Control Commodity No. 53332.]	Lb.	248	SZ	500	—	—	—	B
53102 Color lakes and toners (synthetic organic pigments).	Lb.	248	SZ	500	—	—	—	B
53230 Chromium tanning mixtures:	Lb.	248	SZ *and* East Germany	500	—	—	—	B
53230 Other synthetic tanning materials; and artificial bates.	Lb.	248	SZ	500	—	—	—	B
53290 Tannins; and tanning and dyeing extracts of vegetable or animal origin. [Report natural indigo in Export Control Commodity No. 53101.]	Lb.	248	SZ *and* East Germany	500	—	—	—	B
53310 Phosphor compounds specially prepared for lasers, including but not limited to: neodymium-doped calcium tungstate; dysprosium-doped calcium fluoride; eu-trifluoroethenoyl-acetonate; or praseodymium-doped lanthanum trifluoride.	.....	242	STVWXYZ	—	500	100	—	
53310 Luminescent zinc pigments, not radioactivated.	Lb.	248	SZ *and* East Germany	500	—	—	—	B
53310 Fluorescent powders, daylight (magnesium sulfate and ammonium tungstate).	Lb.	248	SZ	500	—	—	—	B
53310 Other coloring materials (composites), n.e.c., including colors such as dispersed colors in plastics and rubber.	Lb.	248	SXYZ	500	—	—	100	B
53320 Printing inks	Lb.	248	SZ *and* East Germany	500	—	—	—	B
53331 Prepared ceramic colors, including liquid lusters.	Lb.	248	SZ *and* East Germany	500	—	—	—	B
53331 Vitrifiable enamel (frit) and slips.	Lb.	248	SZ	500	—	—	—	B
53332 Varnishes, finishes, and enamels made of polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, and polyparaxylylenes. (Specify by name.)	Gal.	221	STVWXYZ	25	500	25	—	A E-3
53332 Finishes, enamels, and dispersions wholly made of fluorocarbon polymers or copolymers, *except polyvinyl fluoride.* (Specify by name.) (See § 399.2, Interpretation 22.)	Gal.	221	STVWXYZ	500	500	500	—	A E-3
53332 Finishes, enamels, and dispersions as follows: (a) partially made of polytetrafluoroethylene or polychlorotrifluoroethylene, or (b) wholly made of polyvinyl fluoride. (Specify by name.)	Gal.	222	STVWXYZ	500	500	500	—	E-3
53332 Lacquers, *except alumium, gold, pearl, and silver;* and paper-backed gold stamping foil.	.....[1]	248	SZ *and* East Germany	500	—	—	—	B
53332 Varnishes, paints, and related materials as follows: fluorescent ready-mixed; antifouling types, including all those containing cuprous oxide; and those containing silicones.	Gal.	248	SXYZ	500	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report lacquers in "gallon."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
53332 Other paints, enamels, varnishes, industrial product finishes, distempers, stamping foils, water pigments, dyes and tints, and paint products, n.e.c.[1]	.....[2]	248	SZ	500	—	—	—	B
53333 Artists' colors	Lb.	248	SZ	500	—	—	—	B
53334 Paint and varnish driers (chemical driers in solution or paste form).	Lb.	248	SZ	500	—	—	—	B
53335 Pastes wholly made of fluorocarbon polymers or copolymers, *except polyvinyl fluoride.* (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	25	500	25	—	A E-3
53335 Pastes wholly made of polyvinyl fluoride. (Specify by name.)	Lb.	222	STVWXYZ	25	500	25	—	E-3
53335 Other putty, painters' fillings, and similar pastes.	Lb.	248	SZ	500	—	—	—	B
MEDICINAL AND PHARMACEUTICAL PRODUCTS								
[Report bulk preparations of two or more substances, and all medicinals in dosage form or packed for retail sale, in Export Control Commodity No. 54170.]								
54110 Vitamins and provitamins, bulk	Lb.	248	Z	—	—	—	—	B
54130 Antibiotics, bulk	Cnt.	248	Z	—	—	—	—	B
54140 Vegetable alkaloids, their salts and other derivatives, bulk, *the following only:* ephetonin; ergometrine; ergonovine; eumydrine; n-hexyl nicotinate; theamin; theophylline; tubocurarene chloride; and narcotics.[4]	gram[3] Lb.	248	XYZ	—	—	—	100	B
54140 Other vegetable alkaloids, their salts, and other derivatives, bulk.	Lb.	248	YZ	—	—	—	—	B
54150 Isopropyl adrenalin sulfate, bulk	Lb.	248	XYZ	—	—	—	100	B
54150 Other hormones and their derivatives, bulk.	Lb.	248	Z	—	—	—	—	B
54161 Aloin, bulk	Lb.	248	YZ	—	—	—	—	B
54161 Other glycosides and their derivatives, bulk.	Lb.	248	XYZ	—	—	—	100	B
54162 Animal products used for medicinal purposes, bulk, *the following only:* beef brain powder; beef glands; beef heart extract; bone marrow; bone marrow concentrate; brain substance powder; fibrin muscle; glycerin extract of brain and muscle; glycerin extract, red bone marrow; inedible dried pancreas.	.....	248	Z *and* East Germany	—	—	—	—	B
54162 Other organo-therapeutic glands or other organs and their extracts, bulk.	.....	248	Z	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Special paints for concealment or deception require export authorization from the U. S. Department of State. See paragraph 370.5(a).
[2] Report household dyes and tints in "pound" and paints, enamels, varnishes and lacquers in "gallon."
[3] Report penicillin in "million units."
[4] See paragraph 370.5(c) for commodities which require export authorization from the U. S. Treasury Department.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
54163 Ferments, other than yeast, *except potato flour ferment.*	Lb.	248	Z *and* East Germany	—	—	—	—	B
54163 Viruses for human, veterinary, or laboratory use, *except hog cholera virus and simultaneous virus.*	.....	248	XYZ	—	—	—	100	B
54163 Other bacterial products, antisera, vaccines, toxins, and similar products. [Report bacteria in Export Control Commodity No. 93100.]	.....[1]	248	Z	—	—	—	—	B
54170 Medicinal chemicals, bulk, *the following only:* iron and arsenic; Neo-silvol®; Padrophyll® (propadrine hydrochloride and theophylline); procaine and epinephrine; Rezipas®; selenium sulfide bentonite; sulfoplex 10 per cent polythionate sodium solution; and Trophite® liquid mixture for manufacture of Trophite® (no vitamins included).	.....	248	XYZ	—	—	—	100	B
54170 Medicinal chemicals, bulk, *the following only:* acetanilid and hyocyamus compound; alumidyne granules; Amigen®; Apalamine tablet granulation® and delcas.	.....	248	YZ	—	—	—	—	B
54170 Other medicinal chemicals, including preparations, compounds or mixtures of two or more products, bulk, n.e.c.	.....	248	Z	—	—	—	—	B
54170 Narcotics, dosage or packed for retail sale.[2]	.....	248	XYZ	—	—	—	100	B
54170 Alkaloids of cinchona bark, their salts, derivatives and preparations, dosage or packed for retail sale, *except parenteral solutions or ampoules.*	.....	248	YZ	—	—	—	—	B
54170 Pharmaceutical preparations for veterinary use, dosage or packed for retail sale, *except antibiotics, sulfonamides, hormones, vitamins and minerals.*	.....	248	Z *and* East Germany	—	—	—	—	B
54170 Other pharmaceutical preparations and medicinals, for human or veterinary use in dosage form or packed for retail sale.	.....[3]	248	Z	—	—	—	—	B
54180 Medicinal and pharmaceutical products donated for relief or charity by individuals or private agencies. (Specify by name.)	Export controls applicable to each commodity under this classification are those which apply to the commodity when exported commercially under its individual Export Control Commodity Number.							
54191 Bandages and surgical dressings, impregnated or coated with pharmaceutical products, whether or not put up for retail sale.	Lb.	248	Z	—	—	—	—	B
54191 Bandages and surgical dressings, not impregnated or coated with pharmaceutical products, put up for retail sale.	Lb.	248	Z *and* East Germany	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
® Trademark registered in the Patent Office of the United States.
[1] Report potato flour ferment in "pound."
[2] See paragraph 370.5(c) for commodities which require export authorization from the U. S. Treasury Department.
[3] Report penicillins in "million units."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Preceding Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
54199 Pharmaceutical goods wholly made of fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	.....	221	STVWXYZ	25	500	25	—	A E–3
54199 First aid boxes and kits, military	.....	248	WXYZ	—	—	—	100	B
54199 Cobalt dental alloys	Lb.	268	WXYZ	—	—	—	100	B
54199 Dental rubber	.....	248	Z *and* East Germany	—	—	—	—	B
54199 Other pharmaceutical goods, n.e.c.	.....	248	Z	—	—	—	—	B
ESSENTIAL OILS AND PERFUME MATERIALS; TOILET, POLISHING, AND CLEANSING PREPARATIONS								
55110 Essential oils and resinoids	Lb.	248	SZ	500	—	—	—	B
55120 Flavor and perfume materials, other than chemical; flavor oil and perfume oil mixtures and blends.	Lb.	248	SZ	500	—	—	—	B
55300 Deodorants, non-personal	.....	248	SZ *and* East Germany	500	—	—	—	B
55300 Other perfumery and cosmetics, dentifrices, and other toilet preparations, except soap.	.....[1]	248	SZ	500	—	—	—	B
55410 Soaps	Lb.	248	SZ	500	—	—	—	B
55420 Surface-active agents, *the following only:* Aquarex®; Areskap 50 and 100; Arlacel®; Avitex®; BCO; Igepal® CO-403, CO-530, and CO-850; Morpelwet Z®; Neutronyx 300 and 834; NSAE Powder; Sapamine MS and WL®; Sequestrene®A, AA, and NA-2; Span; and Tween®.	Lb.	248	SZ	500	—	—	—	B
55420 Other surface-active agents	Lb.	248	SXYZ	500	—	—	100	B
55420 Detergents, *the following only:* Ethomid HT® 15; Intramin® WK and Y; and Permalene® A-100, A-120, and A-180.	Lb.	248	SZ *and* East Germany	500	—	—	—	B
55420 Other detergents and washing preparations, n.e.c.	Lb.	248	SZ	500	—	—	—	B
55430 Rifle cleaning compounds; abrasive pastes, compounds, and cake, except chemical; and steel burnishing mixtures.	Lb.	248	SZ *and* East Germany	500	—	—	—	B
55430 Other cleansers and polishes; and leather dressings and finishes.	Lb.	248	SZ	500	—	—	—	B
FERTILIZERS, MANUFACTURED								
56100 Natural animal or vegetable fertilizers, chemically treated; and mixed fertilizers, *except ammonium phosphates.*	S. ton	248	SYZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
® Trademark registered in the Patent Office of the United States.
[1] Report dental creams, tooth pastes, and other dental preparations in "pound."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Preceding Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
56100 Superphosphate; and potassic fertilizer, *except potassium chloride.*[1]	S. ton	248	SZ	500	—	—	—	B
56100 Urea fertilizer	S. ton	248	SZ *and* East Germany	500	—	—	—	B
56100 Other chemical fertilizers[1]	S. ton	248	SXYZ	500	—	—	100	B
EXPLOSIVES AND PYROTECHNIC PRODUCTS[2]								
57112 Oil well bullets; and jet perforators[3]	Lb.	402	SVWXYZ	—	—	500	—	E–12
57112 Prepared explosives and priming compositions containing one or more of the following chemicals: mercury fulminate; lead azide; lead styphnate (lead trinitroresorcinate); lead thiocyanate; tetrazine; or diazodinitrophenol.	Lb.	241	STVWXYZ	—	500	25	—	A E–14
57112 Prepared explosives and priming compositions containing either or both of the following chemicals: barium styphnate, or lead dinitroresorcinate.	Lb.	242	STVWXYZ	—	500	25	—	E–14
57112 Other explosives and blasting agents.[2]	Lb.	248	SXYZ	—	—	—	100	B
57121 Mining, blasting and safety fuses	Lin. ft.	248	SXYZ	—	—	—	100	B
57122 Electric squibs; Nos. 6 and 8 blasting caps, electric and nonelectric; delay electric blasting caps, including Nos. 6 and 8 and millisecond; seismograph electric blasting caps, including SSS, Static-Master, Vibrocap SR, and SEISMO SR.[4]	M	248	SXYZ	—	—	—	100	B
57130 Nonmilitary pyrotechnical articles.[5]	.....	218	SZ *and* East Germany	—	—	—	—	B
57140 Shotgun shells, and parts	.....[7]	218	SXYZ *and* Rep. So. Africa	—	—	—[8]	100	B
57140 Cartridges, sporting rifle type, for powder-actuated industrial devices; and other hunting and sporting ammunition, n.e.c., *except hunting and sporting rifle cartridges.*[6]	.....[7]	218	SXYZ	—	—	—	100	B
57140 BB shot; and lead balls	.....	218	SZ	—	—	—	—	B
57140 Parts for other hunting and sporting ammunition, any caliber, *except cartridge cases, powder bags, bullets, jackets, cores, cartridge shells, projectiles, boosters, fuses and components therefor, primers, and other detonating devices.*[9] (Specify by name.) [Report ammunition, other than hunting and sporting, in Export Control Commodity No. 95106.]	.....	211	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Potassium nitrate requires export authorization from the U. S. Department of State. See paragraph 370.5(a).
[2] See paragraph 370.5(a) for explosives which require export authorization from the U. S. Department of State.
[3] All oil well bullets, jet perforators, shaped charges or pellets used in oil well operations are under the jurisdiction of the U.S. Department of Commerce whether or not they contain explosive compounds mentioned on the Munitions List, paragraph 370.5(a).
[4] Other blasting caps, igniters and detonators require export authorization from the U. S. Department of State.
[5] Military pyrotechnical articles require export authorization from the U. S. Department of State. See paragraph 370.5(a).
[6] Hunting and sporting rifle cartridges require export authorization from the U. S. Department of State. See paragraph 370.5(a).
[7] Report shotgun shells and cartridges in "thousand."
[8] A GLV dollar-value limit of $50 is established for the shipment of shotgun shells and $100 for the shipment of parts for shotgun shells to the Republic of South Africa.
[9] Export authorization from the U. S. Department of State is required for cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, fuses and components therefor, primers and other detonating devices. See paragrapb 370.5(a).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
PLASTIC MATERIALS, REGENERATED CELLULOSE, AND ARTIFICIAL RESINS								
58110 Synthetic film (including metallized) suitable for dielectric use (condenser tissue) 0.0015 inch (0.038 mm) or less in thickness, *except (a) tensilized polyester film with a thickness greater than 0.001 inch (0.0254 mm), and (b) untensilized and unmetallized polyester film with a thickness of 0.00035 inch (0.009 mm) up to and including 0.001 inch (0.0254 mm).*	Lb.	221	STVWXYZ	—	500	500	—	A E–3
58110 Untensilized and unmetallized polyester film with a thickness 0.00035 inch (0.0009 mm) up to and including 0.0007 inch (0.018 mm).	Lb.	222	STVWXYZ	—	500	500	—	E–3
58110 Polyester film as follows: (a) tensilized film, with thickness greater than 0.001 inch (0.0254 mm.) up to and including 0.0015 inch (0.038 mm.), and (b) untensilized film with thickness greater than 0.0007 inch (0.018 mm.) up to and including 0.0015 inch (0.038 mm.).	Lb.	228	SWXYZ	—	—	—	100	B
58110 Ion exchange membranes; and ion exchange liquids. [Report styrene ion exchange resins and other polymerization and copolymerization products in Export Control Commodity No. 58120.]	Lb.	248	SWXYZ	—	—	—	100	B
58110 Other ion exchange resins. [Report styrene ion exchange resins and other polymerization and copolymerization products in Export Control Commodity No. 58120.]	Lb.	248	SXYZ	—	—	—	100	B
58110 Fluorinated silicone rubbers and compounds. (Specify by name.)	Lb.	221	STVWXYZ	—	500	100	—	A
58110 Other silicone rubbers and compounds..	Lb.	228	SWXYZ	—	—	—	100	B
58110 Epoxy resins	Lb.	248	SWXYZ	—	—	—	100	B
58110 Acetal resins	Lb.	248	SXYZ	—	—	—	100	B
58110 Diorgano siloxanes capable of being polymerized to rubbery products.	Lb.	228	SWXYZ	—	—	—	100	B
58110 Other condensation, polycondensation, and polyaddition products, unfinished or semifinished.	Lb.	228	SXYZ	—	—	—	100	B
58120 Materials, unfinished or semifinished, designed and manufactured for use as absorbers of electromagnetic waves having frequencies greater than 200 megacycles per second.	Lb.	601	STVWXYZ	—	500	500	—	A
58120 Fluorocarbon polymers and copolymers, *except polyvinyl fluoride*, and products wholly made thereof. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	—	500	25	—	A E–3
58120 Other fluorocarbon polymer and copolymer products as follows: (a) polyvinyl fluoride, unfinished and semifinished, (b) molding	Lb.	222	STVWXYZ	—	500	25	—	E–3

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
compositions containing more than 20 percent by weight of fluorocarbon polymers or copolymers, or (c) laminates partially made of fluorocarbon polymers or copolymers, including molded, decorative, or laminated with other materials or metals. (Specify by name.) (See § 399.2, Interpretation 22.)								
58120 Polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, and polyparaxylylenes, and products made therefrom.	Lb.	221	STVWXYZ	—	500	25	—	A E–3
58120 Pipe and tubing made of, lined with, or covered with polytetrafluoroethylene or polychlorotrifluoroethylene.	Lb.	221	STVWXYZ	—	500	500	—	A E–3
58120 Pipe and tubing lined with, or covered with other fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Lb.	222	STVWXYZ	—	500	500	—	E–3
58120 Polyethylene film, sheeting or laminates containing any boron.	Lb.	248	SWXYZ	—	—	—	100	B
58120 Methyl methacrylate, clear, film, sheeting or laminates, ¼ inch or more in thickness.	Lb.	248	SWXYZ	—	—	—	100	B
58120 Ion exchange membranes; and ion exchange liquids. [Report condensation, polycondensation, and polyaddition products in Export Control Commodity No. 58110.]	Lb.	248	SWXYZ	—	—	—	100	B
58120 Other ion exchange resins. [Report condensation, polycondensation, and polyaddition products in Export Control Commodity No. 58110.]	Lb.	248	SXYZ	—	—	—	100	B
58120 Other polymerization and copolymerization products, unfinished or semifinished.	Lb.	228	SXYZ	—	—	—	100	B
58131 Vulcanized fiber, unfinished or semifinished.	Lb.	228	SXYZ	—	—	—	100	B
58132 Cellulose acetate film suitable for dielectric use, 0.0015 inch (0.038 mm.) or less in thickness.	Lb.	248	SWXYZ	—	—	—	100	B
58132 Regenerated cellulose sheets and rolls, including printed, except rayon.	Lb.	248	SZ	—	—	—	—	B
58132 Other regenerated cellulose and chemical derivatives of cellulose.	Lb.	248	SZ *and* East Germany	—	—	—	—	B
58191 Hardened proteins	Lb.	248	SZ *and* East Germany	—	—	—	—	B
58192 Modified natural resins (including ester gum), and chemical derivatives of natural rubber, all in unfinished or semifinished form.	Lb.	248	SZ *and* East Germany	—	—	—	—	B
58199 Materials designed and manufactured for use as absorbers of electromagnetic waves having frequencies greater than 200 megacycles per second.	Lb.	601	STVWXYZ	—	500	500	—	A
58199 Ammonium alginate	Lb.	248	SZ *and* East Germany	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
58199 Plastic and plastic composition floor tile and flooring.	Lb.	248	SZ	—	—	—	—	B
58199 Other artificial resins and plastic materials, including natural high polymers, n.e.c.[1]	Lb.	228	SXYZ	—	—	—	100	B
CHEMICAL MATERIALS AND PRODUCTS, N. E. C.								
Insecticides, fungicides, disinfectants (including sheep and cattle dressing) and similar preparations which are (a) separate chemically defined products put up in forms or packings for retail sale (bulk forms are covered elsewhere in the Commodity Control List) or (b) preparations (mixtures) whether put up in bulk or for retail sale:								
59920 'O,O-dimethyl O-P-nitro phenyl phosphorethiate; O,O-diethyl O-P-nitro phenyl phosphorothiate; 3,4-dichloropropionanilide; 3-amino-2,5-dichlorobenzoic acid; 2-chloro-4-ethylamino-6-isopropylamino-S-triazine; 3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea; 2-chloro-N-isopropylacetanilide; alpha-chloro-N-, N-diallylacetamide; 2-chloro-4,6-bis(ethylamino)-S-triazine; a,a,a,-trifluoro-2,6-dinitro-N,N,-dipropyl-p-toluidine; 2-chloroallyl diethyldithiocarbamate; 2,3,5,6-tetrachloroterephthalic acid; 2,3-dichloroallyl diisopropylthiolcarbamate; 2,3,3-trichloroallyl diisopropylthiolcarbamate; and 4-chloro-2-butylnyl-N-chlorocarbanilate.	Lb.	248	SZ *and* East Germany	500	—	—	—	B
59920 Weed killers, consisting primarily of boron compounds (for example, borates, borax).	Lb.	248	SWXYZ	500	—	—	100	B
59920 Nicotine sulfate, 40 percent basis; copper sulfate; lead arsenate; calcium arsenate; paradichlorobenzene; benzene hexachloride, technical and formulations; fumigants, insecticides, pesticides, disinfectants, deodorants, and germicides, *except the following products or preparations: Acrylon fumigant®; azobenzene fumigating powder; Blackleaf mosquito-fumer®; bug bombs (aerosol dispensers) containing over 16 ounces of insecticide; cyanide, crude; cyanogas; DD (dichloropropene-dichloropropane mixture); Dowfume W-85®; fumo gas; Hyamine® 10-X; methyl bromide; moth balls; naphthalene balls and flakes in packages exceeding 5 pounds; nematacides; nicotine fumigating powders; and soil fumigants.*	Lb.	248	SYZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
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[1] Nitrostarch requires export authorization from the U. S. Department of State. See paragraph 370.5(a) for other commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
59920 Other insecticides, fungicides, disinfectants, and similar products.[1]	Lb.[2]	248	SXYZ	500	—	—	100	B
59951 Inulin	Lb.	248	SZ *and* East Germany	—	—	—	—	B
59951 Corn starch and other grain starches, including industrial type.	Lb.	208	SYZ	—	—	—	—	B
59951 Other starches, n.e.c.	Lb.	208	SZ	—	—	—	—	B
59952 Gluten and gluten flour	Lb.	208	SZ *and* East Germany	—	—	—	—	B
59958 Casein hydrolysate; casein lactalbumin; lactalbumin; lactalbumin hydrolysate; lactarene (casein); and inedible soybean protein.	Lb.	208	SZ *and* East Germany	—	—	—	—	B
59958 Other albumins, caseins, glues and adhesives of fish, animal or vegetable origin; and albuminoidal substances, including edible and inedible gelatins.	Lb.	208	SZ	—	—	—	—	B
59958 Adhesives or cements wholly made of fluorocarbon polymers or copolymers, *except polyvinyl fluoride.* (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	—	500	25	—	A E-3
59958 Adhesives or cements wholly made of polyvinyl fluoride. (Specify by name.)	Lb.	222	STVWXYZ	—	500	25	—	E-3
59958 Cementing preparations *the following only:* cementing preparations for pyroxylin watch glasses, film cement with paraffin, floor cement, floor patch, concrete, iron cement, linoleum cement except rubber, linoleum paste except rubber, polishing wheel cement, roofing cement, running board cement, soil pipe cementing preparation, solder flue, automobile top sealer, wall board cementing preparations, thread lubricant and seal compound, tire cut filler.	Lb.	248	SZ	—	—	—	—	B
59958 Dextrina (e.g., British gum)	Lb.	248	SZ *and* East Germany	—	—	—	—	B
59958 Other peptones, glues, and adhesives	Lb.	248	SXYZ	—	—	—	100	B
59961 Liquid rosin (waste)	Lb.	208	SZ	—	—	—	—	B
59961 Other tall oil	Lb.	208	SZ *and* East Germany	—	—	—	—	B
59962 Concentrated sulfite lye	Lb.	208	SZ	—	—	—	—	B
59963 Pine oil, except pine-needle oil; terpenic solvents, n.e.c.; gum turpentine; and wood turpentine.	Gal.	208	SZ *and* East Germany	—	—	—	—	B
59964 Wood rosins; gum rosin; tall oil rosin; derivatives of rosin and resin acids, except ester gums.	Lb.	208	SYZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for antiplant chemicals which require export authorization from the U. S. Department of State.
[2] Report DDT (dichlorodiphenyl trichloroethane) preparations in "content pound" weight of DDT.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
59965 Wood tar; wood tar oils; wood creosote; wood naphtha; and acetone oil.	Lb.	208	SZ *and* East Germany	—	—	—	—	B
59966 Wood pitch and products based thereon or on rosin.	Lb.	208	SZ *and* East Germany	—	—	—	—	B
59966 Other vegetable pitch and products based thereon or on rosin.	Lb.	208	SZ	—	—	—	—	B
59971 Polyethylene wax containing any boron.	Lb.	248	SWXYZ	—	—	—	100	B
59971 Mineral waxes, modified; vegetable waxes, modified; and lipstick waxes.	Lb.	248	SZ	—	—	—	—	B
59971 Other artificial waxes and prepared waxes, not emulsified or containing solvents.	Lb.	248	SXYZ	—	—	—	100	B
59972 Artificial graphite, whether or not containing other materials to give improved performance at high temperatures, having an apparent relative density of 1.90 or greater, *except non-pyrolytic graphite of density between 1.90 and 1.95 when compared to water at 15.5°C. (60° F.).*	Lb.	221	STVWXYZ	—	500	500	—	A
59972 Other artificial graphite in block, brick, plate, or rod form, smallest dimension 2 inches or over, having a boron content of one part per million or less. (Specify by name, size and boron content in parts per million.)	Lb.	221	STVWXYZ	—	500	500	—	A E–8
59972 Other pyrolytic graphite and products, n.e.c.	Lb.	222	STVWXYZ	—	500	500	—	
59972 Artificial non-pyrolytic graphite and products, having an apparent relative density between 1.90 and 1.95 when compared to water at 15.5° C. (60° F.), in such forms as will not pass through a two-inch square hole.	Lb.	222	STVWXYZ	—	500	500	—	E–8
59972 Other artificial graphite products in block, brick, plate, or rod form, smallest dimension 2 inches or over. (Specify by name, size, and boron content in parts per million.)	Lb.	222	STVWXYZ	—	500	500	—	E–8
59972 Other artificial and colloidal graphite..	Lb.	228	SYZ	—	—	—	—	B
59973 Amber black	Lb.	208	SZ	—	—	—	—	B
59973 Other animal black, except activated...	Lb.	208	SZ *and* East Germany	—	—	—	—	B
59974 Prepared glazings, dressings, mordants, and sizes.	Lb.	248	SZ	—	—	—	—	B
59975 Anti-knock compounds; and additives for lubricating oils. (Specify by name.)	.....	248	SWXYZ	—	—	—	100	B
59975 Additives for fuel oil and liquid gum inhibitors for treating petroleum distillates.	.....	248	SXYZ	—	—	—	100	B
59976 Prepared rubber accelerators	Lb.	248	SYZ	—	—	—	—	B
59977 Prepared culture media	Lb.	248	SZ *and* East Germany	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
59978 Charges for fire extinguishers	Lb.	218	SZ *and* East Germany	—	—	—	—	B
59991 Dental impression compounds and modelling pastes in plates, sticks, and similar forms.	Lb.	268	SZ	—	—	—	—	B
59992 Activated carbon useable as catalysts in petroleum and chemical processing operations.	Lb.	228	SWXYZ	—	—	—	100	B
59992 Other activated carbon and activated charcoal; and bleaching earth, acid activated.	Lb.	248	SXYZ	—	—	—	100	B
59992 Other activated natural mineral products.	Lb.	248	SZ	—	—	—	—	B
59993 Cerium lighter flints or ferrocerium	Lb.	268	SZ	—	—	—	—	B
59993 Other pyrophoric alloys	Lb.	268	SYZ	—	—	—	—	B
59994 Pickling preparations for metal surfaces; auxiliary preparations for soldering, brazing, or welding (fluxes, powders, pastes), containing metal and other constituents.	Lb.	248	SZ *and* East Germany	—	—	—	—	B
59995 Composite solvents, paint removers, thinners, and other similar products.	Lb.	248	SZ *and* East Germany	—	—	—	—	B
59999 Molecular sieves, loaded (for example, crystalline calcium or crystalline sodium aluminosilicate). (Specify type and form, such as powder or pellets, and loading material.) [Report molecular sieves, not loaded, in Export Control Commodity Nos. 51460 and 51470.]	Lb.	222	STVWXYZ	—	1,000	1,000	—	
59999 Nickel compound catalysts, and other catalysts useable in petroleum and chemical processing operations.	Lb.	228	SWXYZ	—	—	—	100	B
59999 Other compound catalysts *not* useable in petroleum or chemical processing operations.	Lb.	228	SXYZ	—	—	—	100	B
59999 Hydraulic fluids, synthetic, formulated wholly or in part with silicones, organo-silicates, silanes, and fluoro-alcohol esters and perfluoro-alkyl ethers. (Specify by name.)	Bbl.[1]	251	STVWXYZ	—	500	500	—	A E–14

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Barrel of 42 gallons.

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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
59999 Hydraulic fluids, as follows: (a) synthetic, having a viscosity of not more than 4,000 centistokes at minus 65° F. (minus 54° C.) and not less than 1.5 centistokes at plus 302° F. (plus 150° C.) or (b) which are or which contain as the principal ingredients petroleum (mineral) oils *and having all* of the following characteristics: (i) a pour point of minus 30° F. (minus 34° C.) or lower, (ii) a viscosity index (VI) of 75 or greater, and (iii) are thermally stable at plus 700° F. (plus 371° C.).[2]	Bbl.[1]	251	STVWXYZ	—	500	25	—	A E-4
59999 Hydraulic fluids which are or which contain as the principal ingredients petroleum (mineral) oils which have: (a) a pour point of minus 30° F. (minus 34° C.) or lower, and (b) are thermally stable at plus 700° F. (plus 371° C.), but have a viscosity index (VI) of *less than* 75.[2]	Bbl.[1]	252	STVWXYZ	—	500	25	—	E-4
59999 Other hydraulic fluids, oils, and lubricants, petroleum or synthetic based. (Bbl. of 42 gal.) [Report hydraulic fluids containing 70 percent or more by weight of petroleum or shale oil in Export Control Commodity No. 33291.]	Bbl.[1]	258	SWXYZ	—	—	—	100	B
59999 Water softeners, water purifiers, and boiler feed water compounds.	.....	248	SZ *and* East Germany	—	—	—	—	B
59999 Organic floculating agents such as but not limited to Aerofloc®, Benefit®, Dearfloc®, Nalco®, Nalcolyte®, Polyfloc®, Separan®, and SuperFlo®.	Lb.	248	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.

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[1] Barrel of 42 gallons.

[2] Thermal stability is determined as follows: twenty c.c. of the fluid under test shall be placed in a 46 c.c. stainless steel chamber containing one each of .5 inch diameter balls of M-10 tool steel, 52100 steel, and naval bronze. The chamber shall be purged with nitrogen, sealed at atmospheric pressure, and the temperature raised to 371 plus or minus 6° C. and maintained at this temperature for six hours. The speccimen will be considered thermally stable if at the completion of the above procedure all of the following conditions are met: (a) the weight loss of each ball is less than 0.1 milligram per square centimeter of surface, (b) the change in original viscosity as determined at 38° C. is less than 25 percent, and (c) the total acid or base number is less than .40.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
59999 Chemical products or preparations, n.e.c., *the following only:* brewers' tank coating compounds; chemical compounds for manufacturing ice cream; chill proofing compounds; clarifier for beer or ale; clarifying powder for wines; concrete hardeners; concrete plasticizer compounds; concrete waterproofing compounds; dental plasters and preparations; Diol olcate® (rubber thread lubricating compound); dough improvers; etching compounds; glycerol stearate (emulsifying agent); hat finishing powders; indicating pastes; ink conditioners; ink thinners for cellophane printing; iron oxide suspension (spirit dispersion) laundry sour; leather binding compounds; lipstick bases; meat curing compounds; metal patch solvents; metallic hardeners for cement floors; platinum plating solutions; road binding compounds screening pastes; shark deterrents; shaving cream bases, concentrated; silk-stocking savers in tablet form; and talc paste.	.....	248	SZ	—	—	—	—	B
59999 Other chemical products or preparations, except alkylbenzene, dodecylbenzene, and other detergent alkylates, n.e.c.	.....[1]	248	SXYZ	—	—	—	100	B
SECTION 6—MANUFACTURED GOODS CLASSIFIED CHIEFLY BY MATERIAL								
LEATHER, LEATHER MANUFACTURES N.E.C. AND DRESSED FUR SKINS								
61120 Leather	.....[2]	208	SZ	500	—	—	—	B
61210 Machine belting and other articles for use in machinery, of leather, including composition and reconstituted leather.	.....	208	SZ	500	—	—	—	B
61230 Rubber heels, soles, soling, top lifts, and top lift sheets.	.....	218	SZ *and* East Germany	500	—	—	—	B
61230 Prepared parts of footwear of all other materials, except of asbestos and metals.	.....	218	SZ	500	—	—	—	B
61280 Manufactures of leather, n.e.c.; and saddlery and other harness makers goods of all materials.	.....	208	SZ	500	—	—	—	B
613 Fur skins, tanned or dressed, including dyed.	.....[3]	208	SZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Report the following commodities in "pound": collecting agents for the concentration of ores and minerals; and composite diagnostic reagents.

[2] Report the following in "pounds": reconstituted and artificial leather, and cattle hide and kip side sole, belting, welting, rough, russet and crust leather. Report the following leather in "square feet": other cattle hide and kip and equine, sheep, lamb, goat, and kid.

[3] Report fur skins other than pieces, plates, mats, strips, crosses, and sacs in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
RUBBER MANUFACTURES, N.E.C.								
62101 Rubber sheet packing and other unvulcanized rubber plates, sheets, and strips wholly made of fluorocarbon polymers or copolymers, including those only surface-worked and/or cut into rectangular shapes. (Specify by name and type.)[1]	Lb.	221	STVWXYZ	—	500	100	—	A
62101 Masterbatches, cis-rubber types, in plates, sheets, or strips, including those only surface-worked and/or cut into rectangular shapes.	Lb.	228	SWXYZ	—	—	—	100	B
62101 Other unvulcanized rubber plates, sheets, or strips, including those only surface-worked and/or cut into rectangular shapes.	Lb.	228	SXYZ	—	—	—	100	B
62102 Unvulcanized rubber n.e.c., wholly made of fluorocarbon polymers or copolymers. (Specify by name.)[1]	Lb.[2]	221	STVWXYZ	—	500	100	—	A
62102 Masterbatches, cis-rubber types, n.e.c.	Lb.	228	SWXYZ	—	—	—	100	B
62102 Other rubber cements	Gal.	228	SZ *and* East Germany	—	—	—	—	B
62102 Sponge rubber, chemically blown or foam.	Lb.	228	SYZ	—	—	—	—	B
62102 Other unvulcanized natural or synthetic rubber, n.e.c.	Lb.	228	SXYZ	—	—	—	100	B
62103 Rubber thread and cord, covered or bare.	Lb.	228	SZ *and* East Germany	—	—	—	—	B
62105 Hose and tubing made of, lined with, or covered with polytetrafluoroethylene or polychlorotrifluoroethylene, or wholly made of any other fluorocarbon polymers or copolymers. (Specify by name.)[1]	Lb.	221	STVWXYZ	—	500	50	—	A
62105 Rubber hose and tubing lined with or covered with other fluorocarbon polymers or copolymers.[1]	Lb.	222	STVWXYZ	—	500	50	—	E–1
62105 Other rubber hose and tubing, n.e.c.	Lb.	228	SYZ	—	—	—	—	B
62910 Tires, of a kind specially constructed to be bullet proof or run when deflated. (Specify type.)	No.	211	STVWXYZ	—	500	—	—	A
62910 Other aircraft tires	No.	212	STVWXYZ	—	1,000	1,000	—	E–2
62910 Aircraft inner tubes	No.	212	STVWXYZ	—	1,000	1,000	—	E–2
52910 Farm tractor and implement tires; and solid and cushion tires, truck and industrial.	No.	218	SYZ	—	—	—	—	B
62910 Other tires as follows: (a) of 10 ply rating or over, in sizes 9:00 or over, and (b) tires with a non-directional tread design.	No.	218	SWXYZ	—	—	—	100	B
62910 Other vehicle pneumatic tires and inner tubes.	No.	218	SXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See § 399.2, Interpretation 22.
[2] Report cement in "gallon."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
62910 Other solid and cushion tires; and tire flaps.	No.[1]	218	SZ	—	—	—	—	B
62930 Atomizer bulbs, bath sprays, ice bags, medicine droppers (glass droppers with rubber sacs), nipple shields, nursers, nursing bottle nipples and teats, pacifiers, rubber sacs for medicine droppers, sponge bags, teething rings, and water bottles.		218	SZ	—	—	—	—	B
62930 Other hygienic and pharmaceutical articles of unhardened rubber.		218	SZ *and* East Germany	—	—	—	—	B
62940 Transmission, conveyor or elevator belts, and belting of rubber, including V belts.	Lb.	218	SYZ	—	—	—	—	B
62988 Packing materials and other articles of unhardened vulcanized rubber, n.e.c., wholly made of fluorocarbon polymers or copolymers, *except polyvinyl fluoride.* (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	—	500	50	—	A
62988 Packing materials and other articles, n.e.c., wholly made of polyvinyl fluoride.	Lb.	222	STVWXYZ	—	500	500	—	
62988 Other rubber packing	Lb.	228	SXYZ	—	—	—	100	B
62988 Materials designed and manufactured for use as absorbers of electromagnetic waves having frequencies greater than 200 megacycles per second.	Lb.	601	STVWXYZ	—	500	500	—	A
62988 Floor and wall coverings (including mats and matting); crib sheets; water cushions, water pillows; and foam rubber stripping and sponges.	Lb.	218	SZ	—	—	—	—	B
62988 Other sponge rubber and foam rubber goods.	Lb.	218	SYZ	—	—	—	—	B
62988 Other articles of unhardened vulcanized rubber, n.e.c.	Lb.	218	SZ *and* East Germany	—	—	—	—	B
62989 Ebonite sheets and sheeting, electrical; insulating material; insulators; rods, electrical; sheets, electrical; and tubes and tubing, electrical.	Lb.	218	SYZ	—	—	—	—	B
62989 Other hardened rubber goods, n.e.c.	Lb.	218	SZ	—	—	—	—	B
WOOD AND CORK MANUFACTURES, EXCLUDING FURNITURE								
63110 Veneer sheets, hardwood and softwood, all types, including utility, commercial, and container veneers.	Sq. ft.	218	SZ	500	—	—	—	B
63120 Plywood, softwood, interior only	Sq. ft.	218	SZ	500	—	—	—	B
63120 Other plywood and wood panels, including wood-veneer and cellular panels.	Sq. ft.	218	SZ *and* East Germany	500	—	—	—	B
63141 Improved wood (densified and/or impregnated with resin or resin-like materials).	Sq. ft.	218	SZ *and* East Germany	500	—	—	—	B
63142 Reconstituted wood (particle board)	Sq. ft.	218	SZ *and* East Germany	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report tire flaps in "pound."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
63181 Wood paving blocks	.....	218	SZ	500	—	—	—	B
63182 Staves, riven or sawn, unfinished (stavewood).	Set [1]	218	SZ	500	—	—	—	B
63183 Hoopwood, chipwood, wood chips; and poles, piles, posts, pickets, stakes, and similar products which are split, pointed, or both, but not sawn lengthwise.	.....[2]	218	SZ *and* East Germany	500	—	—	—	B
63186 Woodwool (excelsior) and wood flour	.....	218	SZ	500	—	—	—	B
63187 Wooden beadings and moldings	.....	218	SZ	500	—	—	—	B
63189 Wooden blocks, sticks, and rods suitable for shaping into tool handles, walking sticks, tooth picks, matches, and similar items.	.....	218	SZ	500	—	—	—	B
63210 Wooden boxes, cases, crates, drums, and similar packing containers, excluding cooperage products.	.....[3]	218	SZ	500	—	—	—	B
63220 Cooperage stock and products, excluding unfinished staves.	.....[4]	218	SZ	500	—	—	—	B
63240 Windmill towers	.....	218	SZ *and* East Germany	500	—	—	—	B
63240 Other prefabricated wooden buildings and structural members, including window units, sashes, doors, and other millwork, n.e.c.	.....[5]	218	SZ	500	—	—	—	B
63271 Picture and mirror frames of wood	.....	218	SZ	500	—	—	—	B
63272 Household utensils of wood	.....	218	SZ	500	—	—	—	B
63273 Domestic or decorative articles of wood, n.e.c.	.....[6]	218	SZ	500	—	—	—	B
63281 Tools, handles, shoe lasts, and shoe trees of wood.	.....[7]	218	SZ	500	—	—	—	B
63282 Spools, caps, bobbins, and the like of turned wood.	.....	218	SZ	500	—	—	—	B
63289 Wood manufactures, *the following only:* bee hives; boat parts, small, machined to shape; bridges; Fibrisin® laminates of melaminephenol formaldehyde resins, sawdust, or ground-wood and paper; hog troughs; patterns; propeller blades; propellers; and trestles.	.....	218	SZ *and* East Germany	500	—	—	—	B
63289 Other articles of wood, n.e.c.	.....[8]	218	SZ	500	—	—	—	B
633 Agglomerated cork, and articles of natural or agglomerated cork.	Lb.	218	SZ	500	—	—	—	B
PAPER, PAPERBOARD, AND MANUFACTURES THEREOF								
64110 Newsprint paper	Lb.	218	SZ	500	—	—	—	B
64122 Fine paper (under 18 pounds), coated	Lb.	218	SZ *and* East Germany	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
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[1] A "set" is sufficient staves for one barrel, hogshead, or cask.
[2] Report pulpwood in chip form in "cord" (1 unit of chips equals 200 cubic feet or 81.6 percent of a cord).
[3] Report box shook in "MBF."
[4] Report barrels, hogsheads, and casks in "number"; and tight headings and tight staves in "sets."
[5] Report doors in "number."
[6] Report caskets in "number."
[7] Report striking tool handles in "dozen."
[8] Report pallets and skids in "number"; and pencil slats in "pencil gross."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
64122 Other fine paper, groundwood paper, and book paper, coated, in rolls or sheets, for printing, writing, drawing, or photographic base.	Lb.	218	SZ	500	—	—	—	B
64130 Condenser tissue; and dielectric papers.	Lb.	218	SXYZ	500	—	—	100	B
64130 Kraft paper, in rolls or sheets, uncoated, as follows: abrasive base stock; acidproof; ammunition; antiacid manila; base wad stock; buffing; cable base stock; cable filling, electrical; cartridge stock; coil winding; document manila, file folder; dynamite; electrical insulating; emery, base stock; expanding envelope stock; flat wallet stock; flint backing; frisket; garnet; gasket; graphite; guide stock; insulating, electrical patch base stock; pattern stock, polishing; red foiling (cartridge paper); red patch base stock; sandpaper backing; shell stock; silk wrap stock; tissue; tympan; voice coil stock; wallet stock; and washer stock.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
64130 Other kraft paper and paperboard, in rolls or sheets, uncoated, n.e.c.	Lb.	218	SZ	500	—	—	—	B
64140 Cigarette paper in bulk, rolls, or sheets. [Report cigarette paper cut to size in Export Control Commodity No. 64291.]	Lb.	218	SZ	500	—	—	—	B
64160 Fiberboards and other building boards of wood pulp or of vegetable fiber, including insulating board.	Lb.	218	SZ	500	—	—	—	B
64180 Capacitor tissue; condenser tissue; and dielectric paper.	Lb.	218	SXYZ	500	—	—	100	B
64180 Machine-made paper and paperboard, simply finished, in rolls or sheets, n.e.c., and hand made paper, *the following only:* ammunition; guide stock; antiacid manila stock; armature; beaming; cable base stock; calender roll stock; cartridge stock; coil winding; cone (yarn), designers pattern stock (except tissue); document manila file folder; dynamite; electrical; expanding envelope stock; flat wallet stock; flint backing base stock; frisket; gasket; graphite base stock; gun wadding; insulating electrical; interleaving for film; jute tag stock; patch base stock; polishing base stock; portmanteau; red foiling (cartridge paper); red patch base stock; rope, for sandpaper backing; sandpaper backing; shell-stock; shot shell stock; silk wrap stock; slot insulation; steaming; stencil (18 lbs and over); stencil stock for oiling; tabulating—machine card stock; tape, rope stock for electrical insulating; time card stock; tympan;	Lb.	218	SZ *and* East Germany	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	•Processing Number	•Validated License Required for Country Groups Shown Below	•GLV $ Value Limits for Shipments to Country Groups S	T	V	X	•Special Provisions List
voice coil stock; wad base stock; wallet stock; washer stock; pattern stock; stencil blanks tabulating machine card stock; absorbent paper for matrix; interleaving; tissue paper under 18 pounds, *except sanitary*; ground-wood base stock for carbonizing; fine paper (uncoated for printing, writing); bible; check paper; mimeotype stencil; body stock for carbonizing, free from ground wood; box covering; carbonizing base stock; duplicating tissue; electrical insulating tissue; heat sealable tissue; imitation Japanese, India, lens, matrix tissue; pencil carbon stock; pottery tissue; press copy; rotograme tissue; stencil tissue; stereo type tissue; tea bag; fibrilise; tissue for duplex decalcomania; transfer stamping; and book lining.	Lb.	218	SZ	500	—	—	—	B
64180 Other machine-made paper and paperboard, simply finished, in rolls or sheets, n.e.c., and hand-made paper.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
64191 Kleerview® (lacquer-coated glassine paper).	Lb.	218	SZ	500	—	—	—	B
64191 Other parchment or greaseproof paper or paperboard, in rolls or sheets, including glassine.	Lb.	218	SZ	500	—	—	—	B
64192 Composite paper and paperboard, in rolls or sheets, including container board.	Lb.	218	SZ	500	—	—	—	B
64193 Paper and paperboard, corrugated, creped, crinkled, embossed, or perforated.	Lb.	218	SZ	500	—	—	—	B
64194 Ruled or squared paper and paperboard in rolls or sheets.	Lb.	218	SZ	500	—	—	—	B
64197 Wallpaper	Lb.	218	SZ *and* East Germany	500	—	—	—	B
64199 Asphalt and tar saturated paper, heavy construction type.	Lb.	218	SZ	500	—	—	—	B
64199 Other processed paper and paperboard in rolls or sheets, n.e.c.	Lb.	218	SZ	500	—	—	—	B
64211 Shipping sacks, multiwall bags, specialty bags, liner bags, grocers', variety, wardrobe, shipping and other bags of paper; paperboard boxes, folding and set-up; corrugated and solid fiber boxes; sanitary food containers; paperboard and other fiber drums; fiber cans, tubes, and other fiber packing containers.	Lb.	218	SZ	500	—	—	—	B
64212 Filing containers of paper or paperboard.	Lb.	218	SZ	500	—	—	—	B
64220 Envelopes, writing blocks, letter pads, and similar paper stationery, for correspondence, except letter paper.	Lb.[1]	218	SZ	500	—	—	—	B

• For explanation, see § 399.1 pages 1, 2, and 3.
® Trademark registered in the Patent Office of the United States.
[1] Report unpackaged envelopes in "thousand."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	•Processing Number	•Validated License Required for Country Groups Shown Below	•GLV $ Value Limits for Shipments to Country Groups S	T	V	X	•Special Provisions List
64230 Manifold business forms, albums, blankbooks, looseleaf binders, and office stationery of paper and paperboard, n.e.c., except correspondence goods.	Lb.	218	SZ	500	—	—	—	B
64291 Cigarette paper cut to size, in books, blocks, and strips for rolling.	Lb.	218	SZ	500	—	—	—	B
64292 Carbon and other copying paper cut to size.	Lb.	218	SZ	500	—	—	—	B
64294 Bobbins, spools, caps, and other devices for winding or reeling, of pulp, paper, or paperboard.	Lb.	218	SZ	500	—	—	—	B
64298 Pressure sensitive tape wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	500	500	500	—	A E-3
64298 Pressure sensitive tape coated or impregnated with fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Lb.	222	STVWXYZ	500	500	500	—	E-3
64298 Processed paper for dielectric use	.....	218	SXYZ	500	—	—	100	B
64298 Other paper, paperboard, cellulose wadding, or paper pulp products, n.e.c.	.....[1]	218	SZ	500	—	—	—	B
TEXTILE YARN FABRICS, MADE-UP ARTICLES AND RELATED PRODUCTS								
65110 Silk yarn and thread. [Report metallized yarn and yarn spun with metal thread in any proportion in Export Control Commodity No. 65190.]	Lb.	218	SZ	500	—	—	—	B
65126 Yarn of coarse animal hair	Lb.	218	SZ	500	—	—	—	B
65126 Yarn of wool or of fine animal hair	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65130 Cotton yarn, gray (unbleached); and unfinished cotton thread.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65130 Cotton tire cord and tire cord fabric	Lb.	218	SYZ	500	—	—	—	B
65140 Cotton yarn, carded, combed, finished; sewing, crochet, darning, and embroidery cotton thread.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65150 Yarn and thread of true hemp, flax, or ramie.	Lb.	218	SZ	500	—	—	—	B
65162 Monofil wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	500	500	500	—	A E-3
65162 Other non-cellulosic man-made fiber monofil, n.e.c.	Lb.	218	SYZ	500	—	—	—	B
65166 Filament yarn and thread of filament yarn wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	500	500	500	—	A E-3

• For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report letter paper (loose sheets or boxed), and cards for statistical machines in "thousand"; and report the following paper products in "pound": table napkins, paper towels, facial tissues and other sanitary paper products; bituminous fiber pipe, conduit, and fittings; office supplies; pressure-sensitive tape and other gummed paper products.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
65166 Other noncellulosic man-made fiber filament yarns and thread; and tire cord and tire cord fabric of noncellulosic man-made fibers.	Lb.	218	SYZ	500	—	—	—	B
65167 Thread of spun yarn wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	50	500	50	—	A
65167 Noncellulosic man-made fiber spun yarn; and other thread made of such yarn.	Lb.	218	SYZ	500	—	—	—	B
65172 Rayon or acetate monofil.....	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65176 Thread and yarns of rayon or acetate filament; and tire cord and tire cord fabric of cellulosic man-made fibers.	Lb.	218	SYZ	500	—	—	—	B
65177 Rayon or acetate spun yarn, including singles and plied.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65180 Continuous yarns and rovings suitable for use in filament wound structures, having *all* of the following characteristics: (a) consisting of monofilaments 12 microns (0.00047 inch) or less in diameter, (b) modulus of elasticity greater than 11 times 10^6 psi, and (c) tensile strength to density ratio (figure of merit) greater than 350,000 psi.[1]	Lb.	221	STVWXYZ	—	500	—	—	A
65180 Other continuous yarns and rovings made of glass fibers, having a modulus of elasticity of 10.5 times 10^6 psi or greater, *or* having a tensile strength to density ratio (figure of merit) of 300,000 psi or greater.[1]	Lb.	222	STVWXYZ	—	500	—	—	
65180 Quartz yarn; and fiber glass mop yarn.	Lb.	228	SXYZ	500	—	—	100	B
65180 Other glass fiber yarn, roving, and strand.	Lb.	228	SYZ	500	—	—	—	B
65190 Paper yarns	Lb.	218	SZ	500	—	—	—	B
65190 Other yarns of textile fibers, n.e.c., including yarns of vegetable fibers, n.e.c.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65211 Gauze, tobacco cloth, and cheese cloth, unbleached, wholly or in chief weight cotton.	Sq. yd.	218	SZ *and* East Germany	500	—	—	—	B
65212 Terry woven fabrics, unbleached, wholly or in chief weight cotton.	Sq. yd.	218	SZ *and* East Germany	500	—	—	—	B
65213 Broadwoven fabrics, unbleached, wholly or in chief weight cotton.	Sq. yd.[2]	218	SZ *and* East Germany	500	—	—	—	B
65221 Gauze, tobacco cloth, and cheesecloth, bleached, dyed, colored, or otherwise finished, wholly or in chief weight cotton.	Sq. yd.	218	SZ *and* East Germany	500	—	—	—	B
65222 Used or reject fabric bearing the design of any version of the flag of the United States of America.	Sq. yd.	212	STVWXYZ	—	500	—	—	
65222 Other terrywoven fabrics, bleached, dyed, colored, or otherwise finished, wholly or in chief weight cotton.	Sq. yd.	218	SZ *and* East Germany	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Tensile strength to density ratio (figure of merit) is tensile strength times (2.55 divided by specific gravity of the fiber).

[2] Report unbleached broadwoven cotton fabrics other than the following in both "square yard" and "pound": duck and allied fabrics, drills, twills, sateens, sheeting, osnaburgs and allied fabrics, poplin, broadcloth, print cloth yarn fabrics, and tire fabrics.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
65223 Pile and chenille broad woven fabrics and corduroy, bleached, dyed, colored or otherwise finished, wholly or in chief weight cotton.	Sq. yd.	218	SZ *and* East Germany	500	—	—	—	B
65229 Used or reject fabric bearing the design of any version of the flag of the United States of America.	Sq. yd.	212	STVWXYZ	—	500	—	—	
65229 Other broad woven fabrics, bleached, dyed, colored, or otherwise finished, wholly or in chief weight cotton.	Sq. yd.[1]	218	SZ *and* East Germany	500	—	—	—	B
65230 Used or reject fabric bearing the design of any version of the flag of the United States of America.	Lb.	212	STVWXYZ	—	500	—	—	
65230 Other broad woven remnants less than 10 yards in length, and fabrics, n.e.c., wholly or in chief weight cotton.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65301 Used or reject fabric bearing the design of any version of the flag of the United States of America.	Sq. yd.	212	STVWXYZ	—	500	—	—	
65301 Broad woven fabrics wholly or in chief weight flax (linen) or jute.	Sq. yd.	218	SZ *and* East Germany	500	—	—	—	B
65301 Broad woven fabrics wholly or in chief weight ramie or true hemp.	Sq. yd.	218	SZ	500	—	—	—	B
65310 Used or reject fabric bearing the design of any version of the flag of the United States of America.	Sq. yd.	212	STVWXYZ	—	500	—	—	
65310 Parachute cloth, wholly or in chief weight silk.	Sq. yd.	218	SXYZ	500	—	—	100	B
65310 Other broadwoven fabrics, wholly or in chief weight silk.	Sq. yd.	218	SZ	500	—	—	—	B
65321 Used or reject fabric bearing the design of any version of the flag of the United States of America.	Sq. yd.	212	STVWXYZ	—	500	—	—	
65321 Other broad woven fabrics, wholly or in chief weight of wool and/or fine animal hair, excluding pile or chenille.	Sq. yd.	218	SZ *and* East Germany	500	—	—	—	B
65322 Pile and chenille broad woven fabrics, wholly or in chief weight of wool and/or fine animal hair.	Sq. yd.	218	SZ *and* East Germany	500	—	—	—	B
65351 Broad woven fabrics wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Sq. yd.[3]	221	STVWXYZ	500	500	500	—	A E–3
65351 Used or reject fabric bearing the design of any version of the flag of the United States of America.	Sq. yd.[2]	212	STVWXYZ	—	500	—	—	
65351 Broad woven fabrics coated or impregnated with fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Sq. yd.[3]	222	STVWXYZ	500	500	500	—	E–3

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Report bleached, dyed, colored, or otherwise finished broadwoven cotton fabrics other than the following in both "square yard" and "pound": duck and allied fabrics, drills, twills, sateens, sheeting, osnaburgs and allied fabrics, broadcloth, print cloth yarn fabrics, denims, shirtings, chambrays, cheviots, ginghams, poplins, lawns, organdies, batistes, napped fabrics, drapery, upholstery and tapestry fabrics.

[2] Report in both "pound" and "square yard."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
65351 Woven tire fabrics, except tire cord fabric, and fuel-cell fabrics, wholly or in chief weight noncellulosic man-made fibers.	Sq. yd.[1]	218	SXYZ	500	—	—	100	B
65351 Parachute fabric, broad woven, wholly or in chief weight noncellulosic filament yarns and monofilaments.	Sq. yd.[1]	218	SWXYZ	500	—	—	100	B
65351 Other broad woven fabrics, n.e.c., wholly or in chief weight noncellulosic man-made filament yarns and/or monofilaments.	Sq. yd.[1]	218	SZ	500	—	—	—	B
65352 Used or reject fabric bearing the design of any version of the flag of the United States of America.	Sq. yd.[1]	212	STVWXYZ	—	500	—	—	
65352 Broad woven fabrics wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Sq. yd.[1]	221	STVWXYZ	500	500	500	—	A E–3
65352 Broad woven fabrics coated or impregnated with fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Sq. yd.[1]	222	STVWXYZ	500	500	500	—	E–3
65352 Parachute fabric, broad woven, wholly or in chief weight noncellulosic spun yarns.	Sq. yd.[1]	218	SWXYZ	500	—	—	100	B
65352 Other broad woven fabrics, n.e.c., wholly or in chief weight noncellulosic man-made fiber spun yarns.	Sq. yd.[1]	218	SZ	500	—	—	—	B
65353 Pile and chenille broad woven fabrics, wholly or in chief weight man-made fibers, n.e.c.	Sq. yd.[1]	218	SZ	500	—	—	—	B
65354 Used or reject fabric bearing the design of any version of the flag of the United States of America.	Lb.	222	STVWXYZ	—	500	—	—	
65354 Other remnants and mill ends, less than 10 yards in length, broad woven, wholly or in chief weight noncellulosic man-made fibers, except glass.	Lb.	218	SZ	500	—	—	—	B
65361 Used or reject fabric bearing the design of any version of the flag of the United States of America.	Sq. yd.[1]	212	STVWXYZ	—	500	—	—	
65361 Parachute cloth of broad woven fabrics, wholly or in chief weight cellulosic filament yarns.	Sq. yd.[1]	218	SWXYZ	500	—	—	100	B
65361 Woven tire fabrics, except tire cord fabric, and fuel-cell fabrics, wholly or in chief weight rayon and/or acetate.	Sq. yd.[1]	218	SXYZ	500	—	—	100	B
65361 Other broad woven fabrics, n.e.c., wholly or in chief weight cellulosic filament yarns and/or monofilaments.	Sq. yd.[1]	218	SZ	500	—	—	—	B
65362 Used or reject fabric bearing the design of any version of the flag of the United States of America.	Sq. yd.[1]	212	STVWXYZ	—	500	—	—	
65362 Parachute cloth of broad woven fabrics, wholly or in chief weight cellulosic spun yarns.	Sq. yd.[1]	218	SWXYZ	500	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report in both "pound" and "square yard."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
65362 Other broad woven fabrics, n.e.c., wholly or in chief weight cellulosic spun yarns.	Sq. yd.[1]	218	SZ	500	—	—	—	B
65363 Pile and chenille broad woven fabrics, wholly or in chief weight rayon and/or acetate.	Sq. yd.[1]	218	SZ	500	—	—	—	B
65364 Used or reject fabric bearing the design of any version of the flag of the United States of America.	Lb.	212	STVWXYZ	—	500	—	—	
65364 Other remnants and mill ends, less than 10 yards in length, broad woven, wholly or in chief weight rayon and/or acetate.	Lb.	218	SZ	500	—	—	—	B
65370 Knit or crocheted fabrics, not elastic or rubberized, wholly or in chief weight cotton or wool.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65370 Knit or crocheted fabrics, not elastic or rubberized, wholly or in chief weight of other textile fibers, n.e.c.	Lb.	218	SZ	500	—	—	—	B
65380 Continuous tapes suitable for use in filament-wound structures, having *all* of the following characteristics: (a) consisting of monofilaments 12 microns (0.00047 inch) or less in diameter, (b) modulus of elasticity greater than 11 times 10^6 psi, and (c) tensile strength to density ratio (figure of merit) greater than 350,000 psi.[2]	Lb.	221	STVWXYZ	—	500	—	—	A
65380 Other continuous tapes suitable for use in filament-wound structures, made of glass fibers having a modulus of elasticity of 10.5 times 10^6 psi or greater, *or* having a tensile strength to density ratio (figure of merit) of 300,000 psi or greater.[2]	Lb.	222	STVWXYZ	—	500	—	—	
65380 Used or reject fabric bearing the design of any version of the flag of the United States of America.	Sq. yd.[1]	212	STVWXYZ	—	500	—	—	
65380 Pressure sensitive fiber glass tape.....	Lb.	228	SXYZ	500	—	—	100	B
65380 Other fabrics, wholly or in chief weight glass fibers.	Lb.[3]	228	SYZ	500	—	—	—	B
65390 Used or reject fabric bearing the design of any version of the flag of the United States of America.	Lb.	212	STVWXYZ	—	500	—	—	
65390 Other broad woven fabrics, wholly or in chief weight jute or flax.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65390 Other broad woven fabrics, wholly or in chief weight textile fibers, n.e.c., including coarse animal hair and paper.	Lb.	218	SZ	500	—	—	—	B
65401 Narrow woven fabrics wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	500	500	500	—	A E–3
65401 Nylon webbing	Lb.	218	SYZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report in both "pound" and "square yard."
[2] Tensile strength to density ratio (figure of merit) is tensile strength times (2.55 divided by specific gravity of the fiber).
[3] Report broad woven fabrics in both "pound" and "square yard."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
65401 Narrow woven fabrics, nonelastic, wholly or in chief weight of cotton, jute, flax, or wool.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65401 Other narrow woven fabrics, nonelastic, wholly or in chief weight of textile fibers, n.e.c.	Lb.	218	SZ	500	—	—	—	B
65402 Woven labels, badges, emblems, and insignia, excluding embroidered, wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	500	500	500	—	A E–3
65402 Woven labels, badges, emblems, and insignia, excluding embroidered, wholly or in chief weight cotton, jute, flax, or wool.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65402 Woven labels, badges, emblems, and insignia, except embroidered, wholly or in chief weight of other textile fibers, n.e.c.	Lb.	218	SZ	500	—	—	—	B
65403 Trimmings, wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	500	500	500	—	A E–3
65403 Hat braid, all fibers; and other trimmings, nonelastic, wholly or in chief weight cotton, flax, wool, or metal.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65403 Other trimmings, nonelastic, wholly or in chief weight textile fibers, n.e.c.	Lb.	218	SZ	500	—	—	—	B
65406 Embroideries wholly or in chief weight cotton, flax or wool.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65406 Embroideries wholly or in chief weight of other textile fibers, n.e.c.	Lb.	218	SZ	500	—	—	—	B
65407 Lace machine fabrics, wholly or in chief weight cotton, flax, or wool.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65407 Lace machine fabrics, wholly or in chief weight of other textile fibers, n.e.c.	Lb.	218	SZ	500	—	—	—	B
65510 All flags of the United States of America, *except new flags having 50 stars;* and used or reject materials bearing the design of any version of the flag of the United States of America.	Lb.	212	STVWXYZ	—	500	—	—	
65510 Felts and other felt articles wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	500	500	500	—	A E–3
65510 Felts and felt articles coated or impregnated with fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Lb.	222	STVWXYZ	500	500	500	—	E–3
65510 Other coated or impregnated felt fabrics; and felts and felt articles wholly or in chief weight cotton, jute, wool and/or woollike specialty hairs.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65510 Other felts and felt articles, n.e.c.	Lb.	218	SZ	500	—	—	—	B
65541 Bonded fabrics and articles wholly or in chief weight cotton or wool.	Lb.	218	SZ *and* East Germany	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
65541 Other bonded textile fiber fabrics and articles, n.e.c.	Lb.	218	SZ	500	—	—	—	B
65542 Fabrics wholly or in chief weight vegetable fiber other than flax, coated with gum or amylaceous substances.	Sq. yd.	218	SZ	500	—	—	—	B
65542 Other textile fabrics coated with gum or amylaceous substances.	Sq. yd.	218	SZ *and* East Germany	500	—	—	—	B
65543 Textile fabrics, n.e.c., coated or impregnated with fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Sq. yd.	222	STVWXYZ	500	500	500	—	E–3
65543 Pyroxylin-coated or impregnated fabrics as follows: artificial leather remnants, textile base; book cloth; transparent tracing cloth, not sensitized.	Sq. yd.	218	SZ	500	—	—	—	B
65543 Other textile fabrics, n.e.c., coated or impregnated with resin or other plastic materials.	Sq. yd.	218	SZ *and* East Germany	500	—	—	—	B
65544 Oilcloth for table, shelf and wall	Sq. yd.	218	SZ	500	—	—	—	B
65544 Other textile fabrics, n.e.c., coated or impregnated with oil.	Sq. yd.	218	SZ *and* East Germany	500	—	—	—	B
65545 Insulating tape and pressure sensitive tape wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	500	500	500	—	A
65545 Insulating tape and pressure sensitive tape coated or impregnated with fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Lb.	222	STVWXYZ	500	500	500	—	E–3
65545 Silicone rubber insulating tape	Lb.	228	SWXYZ	500	—	—	100	B
65545 Other rubber and friction tape; and rubberized textile fabrics, n.e.c.; made of or employing synthetic rubber.	Sq. yd.[1]	228	SYZ	500	—	—	—	B
65545 Other rubberized textile fabrics, n.e.c.	Sq. yd.	228	SXYZ	500	—	—	100	B
65546 Inked ribbon cloth for office machines; asphalt saturated or coated cloth; and pressure sensitive or gummed cloth tape, coated or impregnated, n.e.c.	Sq. yd.	218	SZ	500	—	—	—	B
65546 Other textile fabrics, n.e.c., coated or impregnated.	Sq. yd.	218	SZ *and* East Germany	500	—	—	—	B
65550 Elastic fabrics and trimmings, woven or braided.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65560 Cordage, cable, rope, and twine, and manufactures thereof, wholly made of fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	500	500	500	—	A E–3
65560 Cordage, cable, rope, and twine, and manufactures thereof, wholly or in chief weight of hair, silk, paper or manmade fibers, *except nylon twine, rope, or fishing line.*	Lb.	218	SZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report tape in "pound."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
65560 Other cordage, cable, rope, and twine, and manufactures thereof, wholly or in chief weight other textile fibers, n.e.c.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65570 Hat bodies, straw, palm leaf, and similar fibers (natural or man-made), fur-felt, and wool felt.	Lb.	218	SZ	500	—	—	—	B
65570 Other hat bodies.....	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65581 Wadding and articles of wadding (excluding cellulose wadding), n.e.c., textile flock, dust and mill neps wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	500	500	500	—	A E–3
65581 Wadding and articles of wadding (excluding cellulose wadding), n.e.c., textile flock, and dust and mill neps, wholly or chief weight of other man-made textile fibers.	Lb.	218	SZ	500	—	—	—	B
65581 Wadding and articles of wadding (excluding cellulose wadding), n.e.c., textile flock, and dust and mill neps, wholly or chief weight of other textile fibers.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65584 Textile fabrics and articles used in machinery or plant, wholly made of fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	500	500	500	—	A E–3
65584 Textile fabrics and articles used in machinery or plant, coated or impregnated with fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Lb.	222	STVWXYZ	500	500	500	—	E–3
65584 Textile fabrics and articles coated, covered or laminated with rubber, for use in machinery or plant.	Lb.	218	XYZ	500	—	—	100	B
65584 Textile fabrics and articles used in machinery or plant, and wicks, wholly or chief weight of other synthetic textile fibers, vegetable fibers, hair, or silk.[1]	Lb.	218	SZ	500	—	—	—	B
65584 Other textile fabrics and articles used in machinery or plant, excluding belting, tubing and hose; and other wicks and gas mantles.[1] [Report textile belting, tubing and hose in Export Control Commodity No. 65590.]	Lb.	218	SYZ	500	—	—	—	B
65590 Textile tubing and hose lined with or covered with polytetrafluoroethylene or polychlorotrifluoroethylene; and textile belting, tubing, and hose wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	500	500	500	—	A E–3

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Gas and incandescent mantles containing thorium require export authorization from the Atomic Energy Commission. See paragraph 370.5(d).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
65590 Textile tubing and hose lined with or covered with other fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Lb.	222	STVWXYZ	500	500	500	—	E–3
65590 Fire hose, wholly or in chief weight of textile fibers, n.e.c.	Lb.	218	SZ	500	—	—	—	B
65590 Belting, tubing and hose, wholly or in chief weight of other man-made fibers, vegetable fibers, hair or silk.	Lb.	218	SZ	500	—	—	—	B
65590 Other belting, tubing and hose, wholly or in chief weight of other textile fibers.	Lb.	218	SYZ	500	—	—	—	B
65610 Bags wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	500	500	500	—	A E–3
65610 Bags wholly or in chief weight of cotton, jute, or wool.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65610 Bags wholly or in chief weight of other textile materials.	Lb.	218	SZ	500	—	—	—	B
65620 Sails of canvas; and tarpaulins, tents, awnings, and other made-up canvas goods, wholly or in chief weight cotton.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65620 Tarpaulins, tents, awnings, and other made-up canvas goods, wholly or in chief weight of other textile materials.	Lb.	218	SZ	500	—	—	—	B
65662 Blankets, wholly or in chief weight cotton. [Report electric blankets in Export Control Commodity No. 65663.]	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65663 Blankets, wholly or in chief weight wool, *except electric.*	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65663 Blankets of other textile materials, n.e.c., and electric blankets, any textile materials.	Lb.	218	SZ	500	—	—	—	B
65691 Linens and other furnishing articles, wholly or in chief weight cotton or wool, excluding knit, bonded, felt, quilted or stuffed articles.	Lb.[1]	218	SZ *and* East Germany	500	—	—	—	B
65691 Linens and other furnishing articles, wholly or in chief weight of other textile fabrics, n.e.c., excluding knit, bonded, felt, quilted or stuffed articles.	Lb.[1]	218	SZ	500	—	—	—	B
65692 All flags of the United States of America, *except new flags having 50 stars.*	Lb.	212	STVWXYZ	—	500	—	—	
65692 Made-up textile articles, n.e.c., wholly made of fluorocarbon polymers or copolymers. (Specify by nsme.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	500	500	500	—	A E–3
65692 Narrow woven fabrics coated or impregnated with fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Lb.	222	STVWXYZ	500	500	500	—	E–3
65692 Belts, corset laces and shoe laces with fitted ends, rubberized seat cloth covering,	Lb.	218	SZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report bedspreads, bedsets, bed sheets, pillowcases, towels, and washcloths in both "pound" and "number."

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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
and gummed cloth guides or reinforcements, all textile materials; and other made-up articles wholly or in chief weight silk, man-made fibers or vegetable fibers, *except cotton or jute, and except coated or impregnated narrow fabrics.*								
65692 Other made-up textile articles, n.e.c.[1]	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65730 Carpets and rugs, wholly or in chief weight cotton, wool, or jute.	Sq. yd.	218	SZ *and* East Germany	500	—	—	—	B
65730 Carpets and rugs, wholly or in chief weight of other textile fibers.	Sq. yd.	218	SZ	500	—	—	—	B
65740 Vinyl asbestos tiles	Sq. yd.	218	SZ *and* East Germany	500	—	—	—	B
65740 Linoleum and other supported floor coverings with a textile base.	Sq. yd.	218	SZ	500	—	—	—	B
65770 Tapestries, hand woven or needle-worked, wholly or in chief weight cotton or wool.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
65770 Other tapestries, hand-woven or needle-worked, of other textile fibers, n.e.c.	Lb.	218	SZ	500	—	—	—	B
65780 Mats, matting, screens, and other items, n.e.c., of cotton or jute plaiting materials.	.....	218	SZ *and* East Germany	500	—	—	—	B
65780 Mats, matting, screens, and other items, n.e.c., of other vegetable plaiting materials.	.....	218	SZ	500	—	—	—	B
NONMETALLIC MINERAL MANUFACTURES, N.E.C.[2]								
66110 Lime	Lb.	268	SZ	500	—	—	—	B
66120 White non-staining hydraulic cement	Bbl.	248	SXYZ	500	—	—	100	B
66120 Other cement, except refractory cement. [Report refractory cement in Export Control Commodity No. 66230.]	Bbl.	248	SZ	500	—	—	—	B
66130 Building and monumental (dimension) stone, worked.	.....	268	SZ	500	—	—	—	B
66181 Asphalt and tar roofing and siding	Sqs.[3]	218	SZ *and* East Germany	500	—	—	—	B
66181 Other articles of asphalt or of similar materials.	.....[4]	218	SZ	500	—	—	—	B
66182 Building materials of vegetable substances agglomerated with mineral binding substances.	.....	218	SZ	500	—	—	—	B
66183 Asbestos-cement or fiber cement articles.	Lb.	218	SYZ	500	—	—	—	B
66230 High temperature refractory cements or bonding mortars, brick and similar shapes, and other refractory construction materials,	Lb.[5]	222	STVWXYZ	500	1,000	1,000	—	E-5

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Export authorization is required from the U. S. Department of State for tow targets. See paragraph 370.5(a).
[2] Refractories for rockets, guided missiles, and jet engines require export authorization from the U. S. Department of State. See paragraph 370.5(a).
[3] A square is 100 square feet.
[4] Report asphalt tile in "square feet."
[5] Report brick and similar shapes *except plastic brick and shapes* in "thousand."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
n.e.c., containing 97 percent or more by weight of magnesium oxide, beryllium oxide, or zirconium oxide, or containing zirconium oxide stabilized with lime and/or magnesium oxide. (Specify type of brick and similar shapes; specify name of other refractories.) [Report nonconstruction refractory materials in Export Control Commodity No. 66370.]								
66230 Other refractory cements or bonding mortars, brick and similar shapes, and other refractory construction materials, n.e.c. (Specify type of brick and similar shapes; specify name of other refractories.) [Report nonconstruction refractory materials in Export Control Commodity No. 66370.]	Lb.[1]	228	SXYZ	500	—	—	100	B
66241 Nonrefractory building brick and structural hollow tile.	Lb.[2]	218	SZ	500	—	—	—	B
66246 Nonrefractory ceramic hollow tubes	.....	218	SZ *and* East Germany	500	—	—	—	B
66246 Other nonrefractory ceramic tiles, pipes, and similar construction materials.	.....[3]	218	SZ	500	—	—	—	B
66311 Honing stones specially designed for gun barrel honing heads, hand- or power-operated machines.	Lb.	421	STVWXYZ	—	500	—	—	A
66311 Diamond grinding wheels for power-operated machines, fabricated with polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes, where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.)	Carat	421	STVWXYZ	—	500	—	—	A
66311 Diamond grinding wheels for hand- or pedal-operated machines, fabricated with polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes, where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.)	Carat	221	STVWXYZ	—	500	—	—	A
66311 Diamond grinding wheels for power-operated machines, fabricated with polypyromellitimide where the value of the contained polymeric substances is less than 50 percent of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.)	Carat	422	STVWXYZ	—	500	—	—	

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report brick and similar shapes *except plastic brick and shapes* in "thousand."
[2] Report building brick, other than ceramic glazed building brick and structural hollow tile, in "thousand."
[3] Report floor tile and wall tiles in "square feet."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
66311 Diamond grinding wheels for hand- or pedal-operated machines, fabricated with polypyromellitimide where the value of the contained polymeric substances is less than 50 percent of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.)	Carat	212	STVWXYZ	—	500	—	—	
66311 Other diamond grinding and polishing wheels for power-operated machines. [Report net quantity in terms of carat weight of embedded diamonds.]	Carat	428	SXYZ	500	—	—	100	B
66311 Other diamond grinding and polishing wheels for hand- or pedal-operated machines. [Report net quantity in terms of carat weight of embedded diamonds.]	Carat	218	SXYZ	500	—	—	100	B
66311 Pulpstone grinding and polishing wheels and stones for power-operated machines.	Lb.	428	SZ	500	—	—	—	B
66311 Pulpstone grinding and polishing wheels and stones for hand- or pedal-operated machines.	Lb.	218	SZ	500	—	—	—	B
66311 Other grinding and polishing wheels and stones, n.e.c., for power-operated machines.	Lb.	428	SXYZ	500	—	—	100	B
66311 Other grinding and polishing wheels and stones, n.e.c., for hand- or pedal-operated machines.	Lb.	218	SXYZ	500	—	—	100	B
66312 Hand polishing stones and similar stones of natural abrasives.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
66312 Hand polishing stones, whetstones, oilstones, hones and similar stones, of artificial abrasive material.	Lb.	218	SXYZ	500	—	—	100	B
66320 Abrasive paper and cloth, coated with manufactured abrasives, for use on power-operated machines, *except dental abrasives.*	Ream	428	SXYZ	500	—	—	100	B
66320 Other abrasive paper and cloth, coated with natural abrasives, *except dental abrasives.*	Ream	218	SZ *and* East Germany	500	—	—	—	B
66320 Dental abrasives; and coated abrasives, n.e.c.	.....[1]	218	SZ	500	—	—	—	B
66340 Worked mica, including agglomerated mica splittings, and articles thereof.	Lb.	268	SZ	500	—	—	—	B
66350 Mineral insulating material, n.e.c.....	.....	218	SZ	500	—	—	—	B
66361 Articles of plaster.....	.....	218	SZ	500	—	—	—	B
66362 Concrete products; and articles of cement and agglomerated stone.	.....	218	SZ	500	—	—	—	B
66363 Artificial graphite products, n.e.c., in block, plate, or rod form, smallest dimension 2 inches or over, having a boron content of one part per million or less. (Specify by name, size, and boron content in parts per million.)	Lb.	221	STVWXYZ	500	500	500	—	A E–8

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report dental abrasives in "ream."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
66363 Artificial graphite products, n.e.c., whether or not containing other materials to give improved performance at high temperatures, having an apparent relative density of 1.90 or greater, *except non-pyrolytic graphite of density between 1.90 and 1.95 when compared to water at 60°F. (15.5°C.).*	Lb.	221	STVWXYZ	500	500	500	—	A
66363 Other pyrolytic graphite, and products thereof, n.e.c.	Lb.	222	STVWXYZ	500	500	500	—	
66363 Other artificial graphite products, n.e.c., in block, brick, plate, or rod form, smallest dimension 2 inches or over. (Specify by name, size, and boron content in parts per million.)	Lb.	222	STVWXYZ	500	500	500	—	E–8
66363 Other articles of carbon or graphite. [Report articles of carbon or graphite for electrical purposes in Export Control Commodity No. 72996.]	.....	228	SYZ	500	—	—	— —	B B
							—	E–5
66363 Other non-ceramic articles of mineral substances, n.e.c	.....	228	SZ	500	—	—		
66370 Beryllium oxide ceramic tubes, crucibles, and shapes in semifabricated or fabricated form.	Lb.	222	STVWXYZ	—	500	—	—	E–5
66370 Crucibles containing 97 percent or more by weight of magnesium oxide, beryllium oxide, or zirconium oxide; or containing zirconium oxide stabilized with lime and/or magnesium oxjde. (Specify number of crucibles, types of crucibles by type number, capacity of each in pounds, whether heavy or thin wall, and purity rating (percent).)	Lb.	222	STVWXYZ	—	500	—		
66370 Crucibles and other refractories of pyrolytic graphite.	Lb.	222	STVWXYZ	—	500	—	—	
66370 Refractory products other than refractory construction materials, n.e.c., containing 97 percent or more by weight of magnesium oxide, beryllium oxide, or zirconium oxide, or containing zirconium oxide stabilized with lime and/or magnesium oxide. (Specify by name.)	Lb.	222	STVWXYZ	—	500	—	—	E–5
66370 Refractory products other than refractory construction materials, n.e.c., containing less than 97 percent by weight of magnesium oxide, beryllium oxide, or zirconium oxide.	Lb.	228	SXYZ	500	—	—	100	B
66370 Crucibles and other refractories made of artificial graphite, whether or not containing other materials to give improved performance at high temperatures, having an apparent relative density of 1.90 or greater, *except nonpyrolytic graphite of density between 1.90 and 1.95 when compared to water at 60°F. (15.5°C.).*	Lb.	221	STVWXYZ	—	500	—	—	A
66370 Other refractories made of non-pyrolytic artificial graphite having an apparent relative density between 1.90 and 1.95 when	Lb.	222	STVWXYZ	—	500	—	—	

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
compared to water at 60°F. (15.5°C.), in such forms as will not pass through a two-inch square hole.								
66370 Artificial graphite products, n.e.c., in block, brick, plate, or rod form, smallest dimension 2 inches or over, having a boron content of one part per million or less. (Specify by name, size and boron content in parts per million.)	Lb.	221	STVWXYZ	500	500	500	—	A E-8
66370 Other carbon or graphite products, n.e.c.	Lb.	228	SYZ	500	—	—	—	B
66370 Other refractory products other than refractory construction materials.[1]	Lb.	228	SXYZ	500	—	—	100	B
66381 Packing, gaskets, textiles, yarns, and other manufactures of asbestos, other than friction materials, n.e.c.	.....[2]	218	SZ *and* East Germany	500	—	—	—	B
66382 Asbestos clutch facings, including linings; and asbestos brake linings.	No.[3]	218	SXYZ	500	—	—	100	B
66382 Friction materials of cellulose or of minerals other than asbestos.	.....	218	SYZ	500	—	—	—	B
66391 Ceramic forms of rubber dipped goods; and ceramic glove forms.	.....	218	SZ	500	—	—	—	B
66391 Other laboratory and industrial ceramic wares, not refractory.	.....	218	SZ *and* East Germany	500	—	—	—	B
66392 Other articles of ceramic materials, n.e.c.	.....	218	SZ	500	—	—	—	B
66401 Sheet (window) glass, plate glass, float glass, and cast or rolled glass, in rectangles, unworked or surface ground or polished, but not further worked, excluding safety glass.	Sq. ft.	218	SZ	500	—	—	—	B
66413 Glass pellets; and glass graining marbles.	Lb.	218	SZ	500	—	—	—	B
66413 Other glass, unworked, in balls, rods, or tubes.	Lb.	218	SYZ	500	—	—	—	B
66414 Glass in the mass, waste glass, including enamel glass.	Lb.	218	SZ	500	—	—	—	B
66420 Ophthalmic glass and ophthalmic lens blanks not optically worked.	Lb.	628	SZ	500	—	—	—	B
66420 Lens blanks of monocrystalline silicon or of silicon with a purity of 99.99 percent or more.	Lb.	611	STVWXYZ	50	500	50	—	A
66420 Lens blanks containing 99.9 percent up to but not including 99.99 percent silicon.	Lb.	612	STVWXYZ	50	500	50	—	
66420 Optical glass and lens blanks, not optically worked, specially fabricated for equipment providing amplification or oscillation by means of stimulated electromagnetic radiation, such as Masers, Lasers, or Irasers.	Lb.	611	STVWXYZ	50	500	50	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Refractories for use in rockets, guided missiles, and jet engines require export authorization from the U. S. Department of State. See paragraph 370.5(a).
[2] Report gaskets, packing, textiles, and yarns in "pound."
[3] Report brake linings in "pound."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
(Specify by name and type.) [Report optically worked glass in Export Control Commodity Nos. 86111 and 86112.][1]								
66420 Other optical glass and elements thereof, not optically worked.	Lb.	628	SZ *and* East Germany	500	—	—	—	B
66460 Construction materials of pressed or molded glass.	.....	218	SZ	500	—	—	—	B
66470 Bulletproof windshields over ¾ inch thick, specially designed for aircraft.[2]	Sq. ft.	432	STVWXYZ	500	500	500	—	E-2
66470 Other laminated glass or toughened safety glass for aircraft.	Sq. ft.	438	SXYZ	500	—	—	100	B
66470 Safety glass, *except laminated*.....	Sq. ft.	218	SZ	500	—	—	—	B
66470 Other laminated glass or toughened safety glass.	Sq. ft.	218	SZ *and* East Germany	500	—	—	—	B
66480 Mirrors for automotive vehicles.....	.....	218	SZ *and* East Germany	500	—	—	—	B
66480 Other glass mirrors.....	.....	218	SZ	500	—	—	—	B
66491 Sheet, plate, float and multiple-walled insulated and other glass, cut (other than into rectangles), bent or otherwise worked.	Sq. ft.	218	SZ	500	—	—	—	B
66492 Electron tube blanks.....	.....	218	SXYZ	500	—	—	100	B
66492 Other glass envelopes, n.e.c.....	No.[3]	218	SYZ	500	—	—	—	B
66493 Clock and watch glass and similar glasses with primary function of protection.	.....	218	SZ	500	—	—	—	B
66494 Glass fiber optic plates specially designed optically for image intensifier or image converter tubes.	.....	611	STVWXYZ	—	500	100	—	A
66494 Articles of glass fiber, as follows: (a) pipe and tubing, lined with or covered with fluorocarbon polymers or copolymers, or (b) articles containing more than 20 percent by weight of fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	.....	222	STVWXYZ	25	500	25	—	
66494 Glass fiber tackle boxes.....	.....	218	SZ	500	—	—	—	B
66494 Other articles of glass fiber, n.e.c. [Report glass fiber yarn, roving, and strand in Export Control Commodity No. 65180, and tape in No. 65380.]	.....	228	SZ *and* East Germany	500	—	—	—	B
66511 Glass containers, including stoppers and closures of glass.	Gross	218	SZ	500	—	—	—	B
66512 Glass inners for vacuum vessels.....	No.	218	SZ *and* East Germany	500	—	—	—	B
66520 Glass table ware and other articles of glass for household, hotel, and restaurant use.	.....[4]	218	SZ	500	—	—	—	B
66581 Laboratory, hygienic, or pharmaceutical glassware.	.....	218	SZ *and* East Germany	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.
[2] Windshields having a thickness exceeding ¾ of an inch and specially fabricated for types of aircraft licensed by the U. S. Department of State require export authorization from the U. S. Department of State. See paragraph 370.5(a).
[3] Report glass envelopes for electric light bulbs in "thousand."
[4] Report machine-made glass tableware, kitchenware, and cookingware in "dozen."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*CLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
66585 Articles of glass, n.e.c., *the following only:* floaters, glass valves, and balletini reflective material.	.....	218	SZ *and* East Germany	500	—	—	—	B
66585 Other articles of glass, n.e.c.	.....	218	SZ	500	—	—	—	B
66640 Porcelain or china household ware, including hotel or restaurant type.	Doz.	218	SZ	500	—	—	—	B
66650 Household ware of other ceramic materials, including hotel or restaurant type.	Doz.	218	SZ	500	—	—	—	B
66660 Ornaments and furnishing goods of porcelain, china, or ceramic materials.	.....	218	SZ	500	—	—	—	B
66700 Materials suitable for application in electromagnetic devices making use of the gyromatic resonance phenomenon. (Specify by name.)	Lb.	221	STVWXYZ	—	500	500	—	A E–13
66700 Quartz crystals, natural and synthetic, unworked or worked, not mounted, radio grade only. [Report optical quality in Export Control Commodity No. 86111, and mounted in No. 72998.]	Lb.	612	STVWXYZ	500	500	500	—	
66700 Other quartz crystals, natural and synthetic, unworked or worked, not mounted.	Lb.	618	SXYZ	500	—	—	100	B
66700 Lithium-containing minerals (for example, spodumene).	.....	261	STVWXYZ	25	500	25	—	A E–8
66700 Monocrystals of garnets, synthetic only. (Specify by name.)	.....	211	STVWXYZ	500	500	500	—	A E–13
66700 Synthetic diamonds (including bort other than dust or powder), suitable only for industrial use. [Report synthetic diamond dust or powder in Export Control Commodity No. 27521.]	.....	218	SWXYZ	500	—	—	100	B
66700 Diamonds, rubies and sapphires, natural and synthetic, suitable for gem stones. [Report industrial diamonds, natural, in Export Control Commodity No. 27515; and report stones, mounted or unmounted, worked so as to be recognizable as parts of meters, measuring instruments, clocks, watches, etc., in the appropriate classification provided for parts of the specific item.]	.....[1]	218	SZ *and* East Germany	500	—	—	—	B
66700 Other precious and semiprecious stones and pearls, natural, synthetic or reconstructed, unworked or worked, not yet strung, n.e.c. [Report imitation stones and pearls of glass in Export Control Commodity No. 66585.]	.....	218	SZ	500	—	—	—	B
IRON AND STEEL								
67120 Pig iron, including cast iron	S. ton	268	SZ	—	—	—	—	B
67131 Shot, angular grit and wire pellets, of iron or steel.	Lb.	268	SYZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report natural diamonds in "carat."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*CLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
67134 Carbonyl iron powder; and sponge iron or steel.	Lb.	268	SYZ	—	—	—	—	B
67134 Other iron or steel powders	Lb.	268	SXYZ	—	—	—	100	B
67140 Ferromanganese	S. ton	268	SZ	—	—	—	—	B
67160 Ferromolybdenum; ferroboron; ferrocolumbium; ferrotantalum; and ferrocolumbium-tantalum. (Specify alloy content.)	Lb.	262	STVWXYZ	—	500	100	—	E–7
67160 Ferrozirconium, containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight. (Specify hafnium content.)	Lb.	261	STVWXYZ	—	500	100	—	A E–7
67160 Other ferrozirconium, containing more than 50 percent zirconium. (Specify hafnium content.)	Lb.	262	STVWXYZ	—	500	100	—	E–7
67160 Ferrocobalt. [Report cobalt melting base materials in Export Control Commodity No. 66429.]	Lb.	268	SWXYZ	—	—	—	100	B
67160 Ferrovanadium	Lb.	268	SXYZ	—	—	—	100	B
67160 Ferrotitanium; ferrocarbon-titanium; and ferrotungsten.	Lb.	268	SYZ	—	—	—	—	B
67160 Other ferroalloys, including spiegeleisen. [Report ferrocerium and other pyrophoric ferrous alloys in Export Control Commodity No. 59993.]	Lb.[1]	268	SZ	—	—	—	—	B
67210 Puddled bars and pilings, blocks, lumps, and other primary forms of iron or steel, n.e.c.	Lb.	268	SWXYZ	—	—	—	100	B
67243 Blooms, billets, ingots, slabs, sheet bars, and roughly forged pieces, alloy steel, special types Class 1A.[2, 3]	Lb.	261	STVWXYZ	—	500	100	—	A E–7
67243 Blooms, billets, ingots, slabs, sheet bars, and roughly forged pieces, alloy steel, special types Class 1B.[2, 3]	Lb.	262	STVWXYZ	—	500	100	—	E–7
67243 Other blooms, billets, ingots, slabs, sheet bars, and roughly forged pieces, alloy steel, as follows: (a) containing 6 percent or more cobalt, (b) AISI type 309-S-Cb-Ta, or (c) containing a total of 35 percent or more of alloying elements.[2]	Lb.	262	STVWXYZ	—	500	100	—	E–7
67243 Other alloy steel billets, projectile and shell steel.	Lb.	268	SWXYZ	—	—	—	100	B
67243 Other blooms, billets, ingots, slabs, sheet bars, and roughly forged pieces, alloy steel, special types Class 2.[2, 3]	Lb.	268	SWXYZ	—	—	—	100	B
67243 Other blooms, billets, ingots, slabs, sheet bars, and roughly forged pieces, alloy steel.	Lb.	268	SXYZ	—	—	—	100	B
67244 Blooms, billets, slabs, and sheet bars, projectile and shell steel.	Lb.	268	SWXYZ	—	—	—	100	B
67244 Carbon steel ingots	Lb.	268	SZ	—	—	—	—	B
67244 Other carbon steel blooms, billets, slabs, sheet bars, and roughly forged pieces.	Lb.	268	SXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report ferrosilicon and ferrochrome in "short ton."
[2] Specify recognized designation (AISI, SAE, NE number, etc.), or percentage of each alloying element.
[3] For definitions of "special types" of alloy steel, see § 399.2, Interpretations 8 and 9.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
67273 Coils for rerolling, alloy steel, special types Class 1A.[1, 2]	Lb.	261	STVWXYZ	—	500	100	—	A E–8
67273 Coils for rerolling, alloy steel, special types Class 1B.[1, 2]	Lb.	262	STVWXYZ	—	500	100	—	E–8
67273 Other alloy steel coils for rerolling....	Lb.	268	SWXYZ	—	—	—	100	B
67274 Carbon steel coils for rerolling.....	Lb.	268	SWXYZ	—	—	—	100	B
67290 Blanks for tubes and pipes, alloy steel, special types Class 1A.[1, 2]	Lb.	261	STVWXYZ	—	500	100	—	A E–7
67290 Blanks for tubes and pipes, alloy steel, special types Class 1B.[1, 2]	Lb.	262	STVWXYZ	—	500	100	—	E–7
67290 Other nickel-bearing stainless steel blanks for tubes and pipes, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 35 percent or more of alloying elements.[1]	Lb.	262	STVWXYZ	—	500	100	—	E–7
67290 Blanks for tubes and pipes, alloy steel, special types Class 2.[1, 2]	Lb.	268	SWXYZ	—	—	—	100	B
67290 Other blanks for tubes and pipes of iron or steel.	Lb.	268	SXYZ	—	—	—	100	B
67313 Wire rods, alloy steel, special types Class 1A.[1, 2]	Lb.	261	STVWXYZ	—	500	100	—	A E–8
67313 Wire rods, alloy steel, special types Class 1B.[1, 2]	Lb.	262	STVWXYZ	—	500	100	—	E–8
67313 Wire rods, alloy steel, special types Class 2.[1, 2]	Lb.	268	SWXYZ	—	—	—	100	B
67313 Other wire rods, as follows: (a) containing 6 percent or more cobalt, (b) AISI type 309-S-Cb-Ta, or (c) containing a total of 35 percent or more of alloying elements.[1]	Lb.	268	SWXYZ	—	—	—	100	B
67313 Other alloy steel wire rods.....	Lb.	268	SXYZ	—	—	—	100	B
67314 Wire rods, carbon steel.....	Lb.	268	SXYZ	—	—	—	100	B
67323 Bars and rods, alloy steel, special types Class 1A.[1, 2]	Lb.	261	STVWXYZ	—	500	100	—	A E–8
67323 Bars and rods, alloy steel, special types Class 1B.[1, 2]	Lb.	262	STVWXYZ	—	500	100	—	E–3
67323 Bars and rods, alloy steel, special types Class 2.[1, 2]	Lb.	268	SWXYZ	—	—	—	100	B
67323 Alloy steel bars and rods, containing 6 percent or more cobalt.[1]	Lb.	268	SWXYZ	—	—	—	100	B
67323 Alloy steel bars and rods, projectile and shell steel, hot rolled.	Lb.	268	SWXYZ	—	—	—	100	B
67323 Nickel-bearing steel bars and rods, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 35 percent or more of alloying elements.[1]	Lb.	268	SXYZ	—	—	—	100	B
67323 Other alloy steel bars and rods.....	Lb.	268	SWXYZ	—	—	—	100	B
67324 Bars and rods, projectile and shell steel, hot rolled carbon steel.	Lb.	268	SZ	—	—	—	—	B
67324 Other carbon steel bars and rods; and concrete reinforcing bars.								

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Specify recognized designation (AISI, SAE, NE number, etc.), or percentage of each alloying element.
[2] For definitions of "special types" of alloy steel, see § 399.2, Interpretations 8 and 9.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
67343 Angles, shapes and sections having a maximum cross sectional dimension of 3 inches or more, alloy steel, special types Class 1A.[1, 2]	Lb.	261	STVWXYZ	—	500	100	—	A E–8
67343 Angles, shapes and sections having a maximum cross sectional dimension of 3 inches or more, alloy steel, special types Class 1B.[1, 2]	Lb.	262	STVWXYZ	—	500	100	—	E–8
67343 Angles, shapes and sections having a maximum cross sectional dimension of 3 inches or more, alloy steel, special types Class 2.[1, 2]	Lb.	268	SWXYZ	—	—	—	100	B
67343 Other nickel-bearing steel angles, shapes and sections having a maximum cross sectional dimension of 3 inches or more, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 35 percent or more of alloying elements.[1]	Lb.	268	SWXYZ	—	—	—	100	B
67343 Other angles, shapes and sections having a maximum cross sectional dimension of 3 inches or more, alloy steel.	Lb.	268	SXYZ	—	—	—	100	B
67344 Carbon steel angles, shapes and sections having a maximum cross sectional dimension of 3 inches or more; and carbon steel sheet piling.	Lb.	268	SZ	—	—	—	—	B
67353 Angles, shapes and sections having a maximum cross sectional dimension of less than 3 inches, alloy steel, special types Class 1A.[1, 2]	Lb.	261	STVWXYZ	—	500	100	—	A E–8
67353 Angles, shapes and sections having a maximum cross sectional dimension of less than 3 inches, alloy steel, special types Class 1B.[1, 2]	Lb.	262	STVWXYZ	—	500	100	—	E–8
67353 Angles, shapes and sections having a maximum cross sectional dimension of less than 3 inches, alloy steel, special types Class 2.[1, 2]	Lb.	268	SWXYZ	—	—	—	100	B
67353 Other alloy steel angles, shapes, and sections having a maximum cross sectional dimension of less than 3 inches, containing 6 percent or more cobalt.[1]	Lb.	268	SWXYZ	—	—	—	100	B
67353 Nickel-bearing steel angles, shapes and sections having a maximum cross sectional dimension of less than 3 inches, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 35 percent or more of alloying elements.[1]	Lb.	268	SWXYZ	—	—	—	100	B
67353 Angles, shapes and sections, projectile and shell steel, alloy steel.	Lb.	268	SWXYZ	—	—	—	100	B
67353 Other angles, shapes, and sections having a maximum cross sectional dimension of less than 3 inches, alloy steel.	Lb.	268	SXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Specify recognized designation (AISI, SAE, NE number, etc.), or percentage of each alloying element.
[2] For definitions of "special types" of alloy steel see § 399.2, Interpretations 8 and 9.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
67354 Angles, shapes, and sections, projectile and shell steel, carbon steel, having a maximum cross sectional dimension of less than 3 inches.	Lb.	268	SWXYZ	—	—	—	100	B
67354 Other carbon steel angles, shapes, and sections, having a maximum cross sectional dimension of 3 inches or less.	Lb.	268	SZ	—	—	—	—	B
67443 Electrical (silicon) steel sheet, grain oriented, with a thickness of 0.004 inch (0.1 mm.) or less, regardless of core loss characteristics. (Specify thickness in decimal parts of an inch or in millimeters.)	Lb.	261	STVWXYZ	—	500	100	—	A E–8
67443 Plates and sheets, alloy steel, special types Class 1A.[1, 2]	Lb.	261	STVWXYZ	—	500	100	—	A E–8
67443 Plates and sheets, alloy steel, special types Class 1B.[1, 2]	Lb.	262	STVWXYZ	—	500	100	—	E–8
67443 Alloy steel plates and sheets, suitable for making pipe having the following specifications: of a size greater than 19 inches o.d. *and* having a yield strength greater than 40,000 psi as determined by API (American Petroleum Institute) test.	Lb.	262	SVWXYZ	—	—	100	—	E–8
67443 Other alloy steel plates and sheets.[3]	Lb.	268	SWXYZ	—	—	—	100	B
67444 Carbon steel plates and sheets suitable for making pipe having the following specifications: of a size greater than 19 inches o.d. *and* having a yield strength greater than 40,000 psi as determined by API (American Petroleum Institute) test.	Lb.	262	SVWXYZ	—	—	100	—	E–8
67444 Skelp, carbon steel or wrought iron	Lb.	268	SXYZ	—	—	—	100	B
67444 Other iron or steel plates and sheets, including black plate.[3]	Lb.	268	SWXYZ	—	—	—	100	B
67470 Tin mill products. [Report terneplate in Export Control Commodity No. 67480.]	Lb.	268	SWXYZ	—	—	—	100	B
67480 Steel plates and sheets suitable for making pipe having the following specifications: of a size greater than 19 inches o.d. *and* having a yield strength greater than 40,000 psi as determined by API (American Petroleum Institute) test.	Lb.	262	SVWXYZ	—	—	100	—	E–8
67480 Plates and sheets, coated, alloy steel, special types Class 1A.[1, 2]	Lb.	261	STVWXYZ	—	500	100	—	A E–8
67480 Plates and sheets, coated, alloy steel, special types Class 1B.[1, 2]	Lb.	262	STVWXYZ	—	500	100	—	E–8
67480 Other steel plates and sheets, coated.[3]	Lb.	268	SWXYZ	—	—	—	100	B
67503 Alloy steel, electrical (silicon) strip, grain oriented, with a thickness of 0.004 inch (0.1 mm.) or less, regardless of core loss characteristics. (Specify thickness in decimal parts of an inch or in millimeters.)	Lb.	261	STVWXYZ	—	500	100	—	A E–8

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Specify recognized designation (AISI, SAE, NE number, etc.), or percentage of each alloying element.
[2] For definitions of "special types" of alloy steel, see § 399.2, Interpretations 8 and 9.
[3] Armor plate requires export authorization from the U. S. Department of State. See paragraph 370.5(a).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
67503 Hoop and strip, including skelp, alloy steel, special types Class 1A.[1, 2]	Lb.	261	STVWXYZ	—	500	100	—	A E–8
67503 Hoop and strip, including skelp, alloy steel, special types Class 1B.[1, 2]	Lb.	262	STVWXYZ	—	500	100	—	E–8
67503 Alloy steel hoop and strip, including skelp, suitable for making pipe having the following specifications: of a size greater than 19 inches o.d. *and* having a yield strength greater than 40,000 psi as determined by API (American Petroleum Institute) test.	Lb.	262	SVWXYZ	—	—	100	—	E–8
67503 Thermo bimetal, thermometal, and thermostatic metal, chief value steel.	Lb.	262	SVWXYZ	—	—	100	—	E–8
67503 Alloy steel skelp, special types Class 2.[1, 2]	Lb.	268	SWXYZ	—	—	—	100	B
67503 Nickel-bearing stainless steel hoop, strip, and skelp, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 35 percent or more of alloying elements.[1]	Lb.	268	SWXYZ	—	—	—	100	B
67503 Other alloy steel skelp	Lb.	268	SXYZ	—	—	—	100	B
67503 Other alloy steel hoop and strip	Lb.	268	SWXYZ	—	—	—	100	B
67504 Iron based magnetic materials. (Specify thickness in decimal parts of an inch or in millimeters.) (See § 399.2, Interpretation 6.)	Lb.	261	STVWXYZ	—	500	100	—	A E–8
67504 Carbon steel hoop and strip, gilding metal clad.	Lb.	261	STVWXYZ	—	500	100	—	A E–8
67504 Carbon steel hoop and strip, including skelp, suitable for making pipe having the following specifications: of a size greater than 19 inches o.d. *and* having a yield strength greater than 40,000 psi as determined by API (American Petroleum Institute) test.	Lb.	262	SVWXYZ	—	—	100	—	E–8
67504 Other carbon steel skelp	Lb.	268	SXYZ	—	—	—	100	B
67504 Pure iron (Svea) strip	Lb.	268	SZ	—	—	—	—	B
67504 Other carbon steel hoop and strip	Lb.	268	SWXYZ	—	—	—	100	B
67610 Standard tee rails, new	Lb.	268	SYZ	—	—	—	—	B
67610 Other iron or steel rails	Lb.	268	SZ	—	—	—	—	B
67620 Rail joints, rail tie plates, and other sleeper and railway track material of iron or steel.	Lb.	268	SZ	—	—	—	—	B
67703 Wire, alloy steel, special types Class 1A.[1, 2]	Lb.	261	STVWXYZ	—	500	100	—	A E–8
67703 Wire, alloy steel, special types Class 1B.[1, 2]	Lb.	262	STVWXYZ	—	500	100	—	E–8
67703 Wire, alloy steel, special types Class 2.[1, 2]	Lb.	268	SWXYZ	—	—	—	100	B
67703 Alloy steel wire, glass to metal sealing alloy, containing 6 percent or more cobalt.[1]	Lb.	268	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Specify recognized designation (AISI, SAE, NE number, etc.), or percentage of each alloying element.
[2] For definitions of "special types" of alloy steel, see § 399.2, Interpretations 8 and 9.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
67703 Nickel-bearing steel wire, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 35 percent or more of alloying elements.[1]	Lb.	268	SWXYZ	—	—	—	100	B
67703 Other alloy steel wire, coated or uncoated.	Lb.	268	SXYZ	—	—	—	100	B
67704 Carbon steel wire, bare or coated, including galvanized.	Lb.	268	SXYZ	—	—	—	100	B
67810 Cast iron pipe lined with or covered with polytetrafluoroethylene or polychlorotrifluoroethylene.	Lb.	261	STVWXYZ	—	500	100	—	A
67810 Cast iron pipe lined with or covered with other fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Lb.	262	STVWXYZ	—	500	100	—	E–8
67810 Other cast iron pressure pipe.....	Lb.	268	SZ	—	—	—	—	B
67810 Other cast iron soil pipe.....	Lb.	268	SYZ	—	—	—	—	B
67850 Pressure tube and pipe fittings having a tube or pipe size connection of 8 inches or more inside diameter, for tube or pipe having a wall thickness of 8 percent or more of the inside diameter *and* made of (a) stainless steel, or (b) other alloy steel containing 10 percent or more nickel and/or chromium.	Lb.	262	STVWXYZ	—	500	—	—	
67850 Other forged steel pipe fittings having a pipe size connection greater than 19 inches o.d. *and* designed for a working pressure of over 300 psi as determined by API (American Petroleum Institute) test.	Lb.	262	SVWXYZ	—	—	100	—	E–8
67850 Cast iron tube and pipe fittings.....	Lb.	268	SYZ	—	—	—	—	B
67850 Other iron or steel tube and pipe fittings.	Lb.	268	SZ	—	—	—	—	B
67860 Seamless pressure tube and pipe of 8 inches or more inside diameter, having a wall thickness of 8 percent or more of the inside diameter *and* made of (a) stainless steel, or (b) other alloy steel containing 10 percent or more nickel and/or chromium.	Lb.	262	STVWXYZ	—	500	—	—	
67860 Pipes and tubes lined with or covered with polytetrafluoroethylene or polychlorotrifluoroethylene.	Lb.	261	STVWXYZ	—	500	100	—	A E–8
67860 Pipes and tubes lined with or covered with other fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Lb.	262	STVWXYZ	—	500	100	—	E–8
67860 Pipes and tubes, alloy steel, special types Class 1A.[1, 2]	Lb.	261	STVWXYZ	—	500	100	—	A. E–8
67860 Pipes and tubes, alloy steel, special types Class 1B.[1, 2]	Lb.	262	STVWXYZ	—	500	100	—	E–8

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Specify recognized designation (AISI, SAE, NE number, etc.), or percentage of card alloying element.
[2] For definitions of "special types" of alloy steel, see § 399.2, Interpretations 8 and 9.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
67860 Other nickel-bearing stainless steel pipes and tubes as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 35 percent or more of alloying elements.[1]	Lb.	262	STVWXYZ	—	500	100	—	E–8
67860 Line pipe, carbon or alloy steel, seamless or welded, of a size greater than 19 inches o.d. *and* having a yield strength greater than 40,000 psi as determined by API (American Petroleum Institute) test.	Lb.	262	SVWXYZ	—	—	100	—	
67860 Other line pipe, carbon or alloy steel, seamless or welded.	Lb.	268	SWXYZ	—	—	—	100	B
67860 Pipes and tubes, alloy steel, special types Class 2.[1, 2]	Lb.	268	SWXYZ	—	—	—	100	B
67860 Penstock for conducting water (sections fabricated from rolled steel plate); culverts, carbon steel, corrugated or plain, with or without accessories; standard pipe, steel or wrought iron, black or galvanized, seamless or welded; mechanical tubing, carbon steel; and pressure tubes and tubing, carbon steel, seamless or welded.	Lb.	268	SZ	—	—	—	—	B
67860 Electrical conduits, all steel grades....	Lb.	268	SZ	—	—	—	—	B
67860 Other steel pipes and tubes.....	Lb.	268	SXYZ	—	—	—	100	B
67910 Grey iron or malleable iron castings in the rough state.[3]	Lb.	268	SZ	—	—	—	—	B
67920 Carbon steel castings in the rough state.[3]	Lb.	268	SZ	—	—	—	—	B
67920 Castings, alloy steel, special types Class 1A, *except grinding balls.*[1, 2, 3]	Lb.	261	STVWXYZ	—	500	100	—	A E–8
67920 Castings, alloy steel, special types Class 1B, *except grinding balls.*[1, 2, 3]	Lb.	262	STVWXYZ	—	500	100	—	E–8
67920 Nickel-bearing stainless steel castings as follows, *except grinding balls:* (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 35 percent or more of alloying elements.[1, 3]	Lb.	268	SWXYZ	—	—	—	100	B
67920 Castings, alloy steel, special types Class 2.[1, 2, 3]	Lb.	268	SWXYZ	—	—	—	100	B
67920 Other alloy steel castings in the rough state.[3]	Lb.	268	SYZ	—	—	—	—	B
67930 Carbon steel forgings in the rough state.[3]	Lb.	268	SZ	—	—	—	—	B
67930 Forgings alloy steel, special types Class 1A, *except grinding balls.*[1, 2, 3]	Lb.	261	STVWXYZ	—	500	100	—	A E–8
67930 Forgings, alloy steel, special types Class 1B, *except grinding balls.*[1, 2, 3]	Lb.	262	STVWXYZ	—	500	100	—	E–8
67930 Nickel-bearing stainless steel forgings as follows, *except grinding balls:* (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 35 percent or more of alloying elements.[1, 3]	Lb.	268	SWXYZ	—	—	—	100	B
67930 Forgings, alloy steel, special types Class 2.[1, 2, 3]	Lb.	268	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Specify recognized designation (AISI, SAE, NE number, etc.), or percentage of each alloying element.
[2] For definitions of "special types" of alloy steel, see § 399.2, Interpretations 8 and 9.
[3] Castings and forgings of any article enumerated in paragraph 370.5(a) require export authorization from the U. S. Department of State.

Department of Commerce Expert Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
67930 Other alloy steel forgings in the rough state.[1]	Lb.	268	SYZ	—	—	—	—	B
NONFERROUS METALS [2]								
68050 Silver ore and base bullion	Cnt. troy oz.	268	SYZ	—	—	—	—	B
68060 Silver bullion, refined	Cnt. troy oz.	268	SYZ	—	—	—	—	B
68070 Silver coin, United States	.....	268	SYZ	—	—	—	—	B
68080 Silver coin, foreign monetary	.....	268	SYZ	—	—	—	—	B
68111 Silver-copper, brazing alloy	T. oz.	268	SWXYZ	—	—	—	100	B
68111 Silver, leaf	T. oz.	268	SZ *and* East Germany	—	—	—	—	B
68111 Other silver or silver alloy, unwrought or partly worked, not rolled.	T. oz.	268	SYZ	—	—	—	—	B
68112 Rolled silver, unworked or partly worked.	T. oz.	268	SYZ	—	—	—	—	B
68120 Platinum based magnetic materials. (See § 399.2, Interpretation 6.)	T. oz.	261	STVWXYZ	—	500	100	—	A E–8
68120 Other platinum and other metals of platinum group, unworked or partly worked, n.e.c.	T. oz.	268	SYZ	—	—	—	—	B
68211 Blister copper and other unrefined copper. (Also specify copper content in pounds.) (See § 373.20(a).)	Lb.	272	STVWXYZ	—	—	—	—	FG
68212 Refined copper, including remelted, in cathodes, billets, ingots, *except copper-base alloy ingots*, wire bars, and other crude forms. (Also specify copper content in pounds.) (See § 373.43(b).)	Lb.	272	STVWXYZ	—	100	100	—	FG
68212 Copper-base alloy ingots. (Also specify copper content in pounds.) (See § 373.43(c).)	Lb.	272	STVWXYZ	—	100	100	—	FG
68213 Master alloys of copper. (Specify percentage of each alloying element, or the recognized standard and commercial brand or trade name.) (Also specify copper content in pounds.) (See § 373.43(d).)	Lb.	272	STVWXYZ	—	100	100	—	FG
68221 Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy. (Also specify copper content in pounds.) (See § 373.43(d).)	Lb.	272	STVWXYZ	—	100	100	—	FG
68222 Plates, sheets, and strips (including perforated) of copper or copper-base alloy. (Also specify copper content in pounds.) (See § 373.43(d).)	Lb.	272	STVWXYZ	—	100	100	—	FG
68223 Copper foil. (Also specify copper content in pounds.) (See § 373.43(d).)	Lb.	272	STVWXYZ	—	100	100	—	FG
68223 Paper-backed copper foil. (Also specify copper content in pounds.) (See § 373.43(d).)	Lb.	272	STVWXYZ	—	100	100	—	FG

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Castings and forgings of any article enumerated in paragraph 370.5(a) require export authorization from the U. S. Department of State.
[2] See paragraph 370.5(b) for gold which requires export authorization from the U. S. Treasury Department.

Department of Commerce Expert Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
68224 Copper or copper alloy powders and flakes. (Also specify copper content in pounds.) (See § 373.43(d).)	Lb.	272	STVWXYZ	—	100	100	—	FG
68225 Pressure tube and pipe, copper-nickel alloy, of 8 inches or more inside diameter and having a wall thickness of 8 percent or more of the inside diameter.	Lb.	272	STVWXYZ	—	100	—	—	FG
68225 Other tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy. (Also specify copper content in pounds.) (See § 373.43 (d).)	Lb.	272	STVWXYZ	—	100	100	—	FG
68226 Pressure tube fittings and pipe fittings, copper-nickel alloy, having a tube or pipe size connection of 8 inches or more inside diameter, for tube or pipe having a wall thickness of 8 percent or more of the inside diameter.	Lb.	272	STVWXYZ	—	100	—	—	
68226 Other tube fittings and pipe fittings of copper or copper-base alloy. (Also specify copper content in pounds.) (See § 373.43(d).)	Lb.	272	STVWXYZ	—	100	100	—	
68310 Nickel based magnetic materials, unwrought. (See § 399.2, Interpretation 6.)	Lb.	261	STVWXYZ	—	500	100	—	A E–8
68310 Nickel silicon shot ("F" shot); and nickel alloys, unwrought, containing 32 percent or more nickel, *except nickel-copper alloys containing not more than 6 percent of other alloying elements.* (Specify by name with complete metal analysis.)	Lb.	262	STVWXYZ	—	500	100	—	E–8
68310 Unwrought alloys composed of 50 percent or more copper, and alloys of chief weight copper, irrespective of nickel content.	Lb.	272	STVWXYZ	—	100	100	—	
68310 Other nickel or nickel alloys, unwrought.	Lb.	268	SWXYZ	—	—	—	100	B
68321 Bars, rods, angles, shapes, sections, and wire of nickel based magnetic materials. (See § 399.2, Interpretation 6.)	Lb.	261	STVWXYZ	—	500	100	—	A E–8
68321 Bars, rods, angles, shapes, and sections of porous nickel having a purity of 99 percent or more.	Lb.	262	STVWXYZ	—	—	—	—	FG
68321 Bars, rods, angles, shapes, sections, and wire of nickel alloy containing 32 percent or more nickel, *except nickel-copper alloys containing not more than 6 percent of other alloying elements.* (Specify by name with complete metal analysis.)	Lb.	262	STVWXYZ	—	500	100	—	E–8
68321 Bars, rods, angles, shapes, sections, and wire of alloys composed of 50 percent or more copper, and alloys of chief weight copper, irrespective of nickel content.	Lb.	272	STVWXYZ	—	100	100	—	
68321 Other bars, rods, angles, shapes, sections, and wire of nickel or nickel alloy.	Lb.	268	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.

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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
68322 Plates, sheets, strips, powders, flakes, and foil of nickel based magnetic materials. (See § 399.2, Interpretation 6.)	Lb.	261	STVWXYZ	—	500	100	—	A E–8
68322 Bi-metallic strip for thermostats; and plates, sheets, and strips of nickel alloy containing 32 percent or more nickel, *except nickel-copper alloys containing not more than 6 percent of other alloy elements, and nickel-chrome electric resistance materials.* (Specify by name with complete metal analysis.)	Lb.	262	STVWXYZ	—	500	100	—	E–8
68322 Nickel powders with a particle size less than 200 microns. (Specify by name.)	Lb.	261	STVWXYZ	—	500	100	—	A E–7
68322 Nickel powders with a particle size of 200 microns or over; and other nickel powder and flakes containing 32 percent or more nickel, *except nickel-copper alloy powders and flakes containing not more than 6 percent of other alloying elements.* (Specify by name with complete metal analysis.)	Lb.	262	STVWXYZ	—	500	500	—	E–7
68322 Plates, sheets, strips and foil of porous nickel having a purity of 99 percent or more.	Lb.	262	STVWXYZ	—	—	—	—	FG
68322 Nickel alloy foil (less than .006 of an inch in thickness) containing 32 percent or more nickel, *except nickel-copper alloy foil containing not more than 6 percent of other alloying elements.* (Specify complete metal analysis.)	Lb.	262	STVWXYZ	—	500	100	—	E–8
68322 Plates, sheets, strips, powders, flakes, and foil of alloys composed of 50 percent or more copper, and alloys of chief weight copper, irrespective of nickel content.	Lb.	272	STVWXYZ	—	100	100	—	
68322 Paper-backed nickel foil.....	Lb.	268	SZ	—	—	—	—	B
68322 Other nickel or nickel alloy plates, sheets, strips, powders, flakes, and foil.	Lb.	268	SWXYZ	—	—	—	100	B
68323 Tubes, pipes, blanks, fittings therefor, and hollow bars, of nickel based magnetic materials. (See § 399.2, Interpretation 6.)	Lb.	261	STVWXYZ	—	500	100	—	A E–8
68323 Tubes, pipes, blanks, and fittings therefor, and hollow bars of porous nickel having a purity of 99 percent or more.	Lb.	262	STVWXYZ	—	—	—	—	FG
68323 Pressure tube and pipe fittings containing 32 percent or more nickel, having a tube or pipe size connection of 8 inches or more inside diameter, for tube or pipe having a wall thickness of 8 percent or more of the inside diameter.	Lb.	262	STVWXYZ	—	500	—	—	
68323 Other tubes, pipes, blanks, and hollow bars, of nickel containing 32 percent or more nickel, *except nickel-copper alloys containing not more than 6 percent of other alloying elements.* (Specify by name with complete metal analysis.)	Lb.	262	STVWXYZ	—	500	100	—	E–8
68323 Tubes, pipes, blanks, and fittings therefor, and hollow bars, of alloys composed of 50 percent or more copper, and alloys of chief weight copper, irrespective of nickel content.	Lb.	272	STVWXYZ	—	100	100	—	
68323 Other tubes, pipes, blanks, and hollow bars of nickel or nickel alloy.	Lb.	268	SWXYZ	—	—	—	100	B
68323 Other tube fittings and pipe fittings of nickel or nickel alloy.	Lb.	268	SYZ	—	—	—	—	B
68324 Nickel or nickel alloy electroplating anodes.	Lb.	268	SWXYZ	—	—	—	100	B
68401 Aluminum alloy ingots and other unwrought forms, and wire, bars, rods, angles, shapes, and sections having (a) an average copper content of 1 percent or more irrespective of other elements, or (b) an average copper content of less than 1 percent *and* (i) a zinc content of 4 percent or more, (ii) a silicon content of 3.5 percent or more, or (iii) a magnesium content of 9.5 percent or more.	Lb.	268	SWXYZ	—	—	—	100	B
68401 Other aluminum or aluminum alloy bars, rods, angles, shapes, and sections.	Lb.	268	SXYZ	—	—	—	100	B
68401 Other aluminum alloy ingots and other unwrought forms, and bare wire.	Lb.	268	SYZ	—	—	—	—	B
68422 Aluminum alloy plates and sheets having (a) an average copper content of 1 percent or more irrespective of other elements, (b) an average copper content of less than 1 percent *and* (i) a zinc content of 4 percent or more, (ii) a silicon content of 3.5 percent or more, or (iii) a magnesium content of 9.5 percent or more.	Lb.	268	SWXYZ	—	—	—	100	B
68422 Other aluminum or aluminum alloy plates and sheets.	Lb.	268	SYZ	—	—	—	—	B
68423 Aluminum or aluminum alloy foil and leaf (less than 0.006 inch in thickness).	Lb.	268	SZ	—	—	—	—	B
68424 Aluminum or aluminum alloy powder and flakes.	Cnt. lb.	268	SYZ	—	—	—	—	B
68425 Aluminum or aluminum alloy electrical conduit.	Lb.	268	SZ	—	—	—	—	B
68425 Aluminum or aluminum alloy welded irrigation tubing, cut to length and not further fabricated.	Lb.	268	SYZ	—	—	—	—	B
68425 Other aluminum or aluminum alloy tubes, pipes, and tube blooms having (a) an average copper content of 1 percent or more irrespective of other elements, (b) an average copper content of less than 1 percent *and* (i) a zinc content of 4 percent or more, (ii) a silicon content of 3.5 percent or more, or (iii) a magnesium content of 9.5 percent or more.	Lb.	268	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
68425 Other aluminum or aluminum alloy tubes, pipes, and tube blooms.	Lb.	268	SXYZ	—	—	—	100	B
68426 Aluminum or aluminum alloy tube and pipe fittings.	Lb.	268	SZ	—	—	—	—	B
68510 Lead or lead alloys, unwrought.....	Lb.	268	SZ	—	—	—	—	B
68520 Lead or lead alloy powder, bricks, and burning bars.	Lb.	268	SXYZ	—	—	—	100	B
68520 Other lead or lead alloys, wrought....	Lb.	268	SZ	—	—	—	—	B
68610 Zinc or zinc alloys, unwrought.....	Lb.	268	SZ	—	—	—	—	B
68620 Zinc or zinc alloys in wrought forms. [Report zinc dust or blue powder in Export Control Commodity No. 28410.]	Lb.	268	SZ	—	—	—	—	B
68710 Tin shot	Lb.	268	SZ	—	—	—	—	B
68710 Other tin or tin alloys, unwrought.....	Lb.	268	SZ	—	—	—	—	B
68720 Britannia metal, wrought	Lb.	268	SYZ	—	—	—	—	B
68720 Other tin or tin alloys, wrought.....	Lb.	268	SZ	—	—	—	—	B
68931 Magnesium base alloys, unwrought, containing 0.4 percent or more zirconium, 1 percent or more rare earth metals (cerium misch metal), or 10 percent or more lithium. [Report scrap in Export Control Commodity No. 28405.] [1] (See § 399.2, Interpretations 10 and 12.)	Lb.	261	STVWXYZ	—	500	100	—	A E–7
68931 Other magnesium or magnesium alloys, unwrought.	Lb.	268	SYZ	—	—	—	—	B
68932 Magnesium base alloys, wrought, containing 0.4 percent or more zirconium, 1 percent or more rare earth metals (cerium misch metal), or 10 percent or more lithium. (Specify by name.) [1]	Lb.	261	STVWXYZ	—	500	100	—	A E–8
68932 Other magnesium or magnesium alloys, wrought.	Lb.	268	SYZ	—	—	—	—	B
68933 Beryllium metal or beryllium alloys containing more than 50 percent beryllium, unwrought, and waste and scrap. (See § 399.2, Interpretations 10 and 12.)	Lb.	261	STVWXYZ	—	500	500	—	A
68933 Beryllium metal powders and beryllium alloy metal powders containing more than 50 percent beryllium by weight.	Lb.	261	STVWXYZ	—	500	500	—	A E–7
68933 Beryllium foil (less than .006 of an inch in thickness).	Lb.	261	STVWXYZ	—	500	500	—	A E–8
68933 Other beryllium metal and alloys containing more than 50 percent beryllium, wrought. (See § 399.2, Interpretation 12.)	Lb.	261	STVWXYZ	—	500	500	—	A E–8
68933 Other beryllium or beryllium alloys, wrought or unwrought, and waste and scrap.	Lb.	268	SXYZ	—	—	—	100	B
68941 Tungsten metal and tungsten based alloys, unwrought and wrought, *except (a) tungsten carbide, (b) tungsten powder, (c) pressed-sintered forms weighing less than 20 pounds, (d) pressed-sintered sheets less than 12 inches in width, (e) wire made from pressed-sintered tungsten, and (f) metal scrap.*	Lb.	261	STVWXYZ	—	500	100	—	A E–8

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(d) for material which requires export authorization from the United States Atomic Energy Commission.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
68941 Tungsten wire made from pressed-sintered tungsten.	Lb.	262	STVWXYZ	—	500	100	—	E–8
68941 Tungsten powder. [Report tungsten carbide powder in Export Control Commodity No. 51470.]	Lb.	268	SYZ	—	—	—	—	B
68941 Other tungsten or tungsten alloys, wrought.	Lb.	268	SXYZ	—	—	—	100	B
68941 Other tungsten or tungsten alloys, unwrought, and waste and scrap.	Lb.	268	SYZ	—	—	—	—	B
68942 Molybdenum or molybdenum alloys, unwrought.	Lb.	261	STVWXYZ	—	500	100	—	A E–7
68942 Molybdenum or molybdenum alloy waste and scrap.	Lb.	262	STVWXYZ	—	500	100	—	E–7
68942 Molybdenum and molybdenum alloy wire, bare, *except cleaned wire of a diameter not exceeding 500 microns and which, after having been fully annealed, has an elongation factor not exceeding 5 percent for diameters up to 200 microns and not exceeding 10 percent for diameters from 200 to 500 microns.*	Lb.	261	STVWXYZ	—	500	100	—	A E–8
68942 Other molybdenum or molybdenum alloy wire.	Lb.	268	SXYZ	—	—	—	100	B
68942 Molybdenum or molybdenum alloy metal powders.	Lb.	261	STVWXYZ	—	500	100	—	A E–7
68942 Other molybdenum or molybdenum alloy, wrought, including foil.	Lb.	261	STVWXYZ	—	500	100	—	A E–8
68943 Tantalum or tantalum alloy, unwrought, and waste and scrap. (See § 399.2 Interpretations 10 and 12.)	Lb.	261	STVWXYZ	—	500	100	—	A
68943 Tantalum or tantalum alloy metal powders.	Lb.	261	STVWXYZ	—	500	100	—	A E–7
68943 Other tantalum or tantalum alloys, wrought.	Lb.	261	STVWXYZ	—	500	100	—	A E–8
68950 Dendritic forms of any semiconductor material, or combinations thereof, suitable for use in diodes or transistors. (See § 399.2, Interpretation 23.)	Lb.	261	STVWXYZ	—	500	—	—	A E–8
68950 Antimony or antimony alloys, wrought or unwrought, and waste and scrap.	Lb.	268	SZ	—	—	—	—	B
68950 Bismuth or bismuth alloys, wrought or unwrought, *except bullion*, and waste and scrap.	Lb.	268	SXYZ	—	—	—	100	B
68950 Chromium or chromium alloys, wrought or unwrought, and waste and scrap.	Lb.	268	SZ	—	—	—	—	B
68950 Colbalt based magnetic materials, wrought or unwrought. (See § 399.2, Interpretation 6.)	Lb.	261	STVWXYZ	—	500	100	—	A E–8
68950 Other cobalt or cobalt alloy, wrought or unwrought, and waste and scrap.	Lb.	268	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
68950 Columbium or columbium alloys, unwrought, and waste and scrap.	Lb.	261	STVWXYZ	—	500	100	—	A
68950 Columbium metal powders.....	Lb.	261	STVWXYZ	—	500	100	—	A E–7
68950 Other columbium or columbium alloys, wrought.	Lb.	261	STVWXYZ	—	500	100	—	A E–8
68950 Gallium metal powders; and gallium metal, alloys, and amalgams, *except electronic grades containing less than 1 percent gallium.*	Lb.	262	STVWXYZ	—	500	—	—	E–7
68950 Germanium metal having a resistivity of 50 ohms centimeter or greater.	Lb.	242	STVWXYZ	—	500	—	—	E–7
68950 Other germanium metal and alloys.....	Lb.	268	SWXYZ	—	—	—	100	B
68950 Hafnium metal and alloys containing more than 15 percent hafnium by weight. (Specify hafnium content.)	Lb.	261	STVWXYZ	—	500	—	—	A
68950 Lithium alloys containing 50 percent or more lithium.	Lb.	261	STVWXYZ	—	—	500	—	A E–7
68950 Manganese or manganese alloys, wrought or unwrought, and waste and scrap, *except electrolytic manganese metal.*	Lb.	268	SZ	—	—	—	—	B
68950 Monocrystalline indium in any form, *except electronic grades containing less than 1 percent of indium.*	Lb.	241	STVWXYZ	—	500	—	—	A E–7
68950 Rhenium metal and rhenium metal alloys, wrought or unwrought.	Lb.	262	STVWXYZ	—	500	—	—	E–7
68950 Polycrystalline silicon of a purity of 99.99 percent or more; and monocrystalline silicon.	Lb.	241	STVWXYZ	—	500	—	—	A E–7
68950 Polycrystalline silicon of a purity of 99.9 percent up to but not including 99.99 percent.	Lb.	242	STVWXYZ	—	500	500	—	E–7
68950 Thermo bimetal, thermometal, and thermostatic metal, n.e.c.	Lb.	268	SWXYZ	—	—	—	100	B
68950 Titanium or titanium alloys, unwrought, n.e.c., and waste and scrap.	Lb.	261	STVWXYZ	—	500	100	—	A
68950 Titanium or titanium alloy metal powders.	Lb.	261	STVWXYZ	—	500	100	—	A E–7
68950 Titanium or titanium alloy intermediate mill shapes, and wrought, n.e.c.	Lb.	261	STVWXYZ	—	500	100	—	A E–8
68950 Vanadium based magnetic materials, wrought or unwrought. (See § 399.2, Interpretation 6.)	Lb.	261	STVWXYZ	—	500	100	—	A E–8
68950 Other vanadium metal and vanadium alloys, wrought or unwrought.	Lb.	268	SXYZ	—	—	—	100	B
68950 Zirconium metal and alloys, unwrought, and waste and scrap, containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight. (See § 399.2, Interpretations 10 and 12.)	Lb.	261	STVWXYZ	—	500	—	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
68950 Other zirconium metal and alloys, unwrought, and waste and scrap, containing more than 50 percent zirconium. (Specify hafnium content.) (See § 399.2, Interpretations 10 and 12.)	Lb.	262	STVWXYZ	—	500	100	—	
68950 Zirconium metal powders, and zirconium alloy metal powders containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight.	Lb.	261	STVWXYZ	—	500	—	—	A
68950 Other zirconium alloy metal powders containing more than 50 percent zirconium by weight. (Specify hafnium content.)	Lb.	262	STVWXYZ	—	500	25	—	E–7
68950 Zirconium foil (less than .006 of an inch in thickness) containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight. (Specify zirconium and hafnium content.)	Lb.	261	STVWXYZ	—	500	—	—	A E–8
68950 Other zirconium or zirconium alloys, wrought, containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight.	Lb.	261	STVWXYZ	—	500	—	—	A
68950 Other zirconium or zirconium alloys, wrought, containing more than 50 percent zirconium. (Specify by name and hafnium content.)	Lb.	262	STVWXYZ	—	500	500	—	E–8
68950 Other base metals and alloys, n.e.c., wrought or unwrought, and waste and scrap.	Lb.	268	SYZ	—	—	—	—	B
MANUFACTURES OF METALS, N.E.C.								
69110 Roofing sheets, siding sheets, and perforated sheets, alloy steel, special types Class 1A.[1, 2]	Lb.	261	STVWXYZ	100	500	100	—	A E–8
69110 Roofing sheets, siding sheets, and perforated sheets, alloy steel, special types Class 1B.[1, 2]	Lb.	262	STVWXYZ	100	500	100	—	E–8
69110 Other iron or steel sheet metal construction material, *except central heating or cooling ducts;* and iron and steel bridges and parts.	Lb.	268	SWXYZ	500	—	—	100	B
69110 Portholes specially designed for military watercraft.	.....	408	SWXYZ	500	—	—	100	B
69110 Finished structural parts and structures, iron or steel, as follows: architectural and ornamental work; anchors and fittings for reinforcing refractory walls; bulkhead (water gates); gangways; sluice gates;	.....[3]	268	SZ *and* East Germany	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Specify recognized designation (AISI, SAE, NE number, etc.), or percentage of each alloying element.
[2] For definitions of "special types" of alloy steel, see § 399.2, Interpretations 8 and 9.
[3] Report architectural and ornamental work in "pound."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
guardrails; platforms; portholes not specially designed for military watercraft; prayer rails; loading ramps (nonmechanical); and turnstiles, not electric or coin operated.								
69110 Steel scaffolding equipment; and fabricated steel plate, including stacks and weldments.	.....[1]	268	SYZ	500	—	—	—	B
69110 Other finished structures and structural parts, n.e.c., iron or steel.	.....[1]	268	SZ	500	—	—	—	B
69120 Bridges and structural parts, aluminum.	.....	268	SWXYZ	500	—	—	100	B
69120 Aluminum structural parts as follows: fencing and railing, ornamental; gangways; portholes; prayer rails; scaffolding equipment; tower sections; and turnstiles.	.....[2]	268	SZ *and* East Germany	500	—	—	—	B
69120 Other finished structures and structural parts, n.e.c., aluminum.	.....[3]	268	SZ	500	—	—	—	B
69130 Finished structural parts of zinc.....	Lb.	268	SZ	500	—	—	—	B
69211 Containers, iron or steel, jacketed only, for the storage of liquefied gases at temperatures below minus 274°F. (minus 170°C.), as follows: (a) with multi-laminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more *and* specially designed for use with liquid fluorine or for gases boiling below minus 328°F. (minus 200°C.), *and* having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75°F. (24°C.) without exposure to direct sunlight, or (c) stationary storage tanks with other insulating systems *and* designed only for liquid oxygen, nitrogen, or argon and having a capacity of 500 tons or more.[1, 5]	No.	231	STVWXYZ	100	500	100	—	A E–8
69211 Other containers, iron or steel, jacketed only, for the storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.[4]	No.	232	STVWXYZ	500	500	500	—	E–8
69211 Septic tanks, iron or steel.....	No.	268	SZ *and* East Germany	500	—	—	—	B
69211 Other steel storage tanks, lined.....	No.	268	SWXYZ	500	—	—	100	B
69211 Other containers for storage and manufacturing use, lined or unlined, iron or steel. [Report containers, iron or steel, less than 80 gallon capacity in Export Control Commodity No. 69891.]	Lb.[6]	268	SZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Report fabricated steel plate, stacks, weldments, structural iron and steel, doors and door and window sash, frames and molding and trim, and central heating or cooling ducts in "pound"; and report prefabricated and portable buildings in "number."

[2] Report ornamental fencing and railing in "pound."

[3] Report prefabricated and portable buildings in "number"; and report doors, door and window sash, frames, molding and trim and other architectural and ornamental work and sheet metal construction materials, n.e.c., in "pound."

[4] A jacketed container is a thermos type container that has more than one wall and is insulated by a vacuum or by insulation material.

[5] Average evaporation loss is to be calculated as a percentage of the total liquid capacity of the container under ambient temperature conditions of plus 75° F. (plus 24° C.) or higher and without exposure to direct sunlight.

[6] Report tanks for storage or manufacturing use in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
69212 Containers, copper or copper alloy, jacketed only, for the storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multi-laminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more *and* specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), *and* having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) stationary storage tanks with other insulating systems *and* designed only for liquid oxygen, nitrogen, or argon and having a capacity of 500 tons or more.[1, 2]	No.	231	STVWXYZ	100	500	100	—	A E–8
69212 Other containers, copper or copper alloy, jacketed only, for the storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.[1]	No.	232	STVWXYZ	500	500	500	—	E–8
69212 Gas storage containers, copper.....	No.	268	SWXYZ	500	—	—	100	B
69212 Storage bins of copper.....	Lb.	268	SZ	500	—	—	—	B
69212 Other containers for storage and manufacturing use, and septic tanks, lined or unlined, copper. [Report containers, copper, less than 80 gallon capacity in Export Control Commodity No. 69892.]	Lb.[3]	268	SXYZ	500	—	—	100	B
69213 Containers, aluminum or aluminum alloy, jacketed only, for the storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multi-laminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more *and* specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), *and* having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) stationary storage tanks with other insulating systems *and* designed only for liquid oxygen, nitrogen, or argon and having a capacity of 500 tons or more.[1, 2]	No.	231	STVWXYZ	100	500	100	—	A E–8

[a] For explanation, see § 399.1 pages 1, 2, and 3.

[1] A jacketed container is a thermos type container that has more than one wall and is insulated by a vacuum or by insulation material.

[2] Average evaporation loss is to be calculated as a percentage of the total liquid capacity of the container under ambient temperature conditions of plus 75° F. (plus 24° C.) or higher and without exposure to direct sunlight.

[3] Report tanks for storage or manufacturing use, and septic tanks, in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
69213 Other containers, aluminum or aluminum alloy, jacketed only, for the storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.[1]	No.	232	STVWXYZ	500	500	500	—	E–8
69213 Septic tanks, aluminum.....	No.	268	SZ *and* East Germany	500	—	—	—	B
69213 Other containers for storage and manufacturing use, lined or unlined, aluminum. [Report containers, aluminum, less than 80 gallon capacity in Export Control Commodity No. 69899.]	Lb.[2]	268	SWXYZ	500	—	—	100	B
69221 Containers, iron or steel, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.). as follows: (a) with multi-laminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more *and* specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), *and* having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight.[1, 3]	No.	231	STVWXYZ	100	500	100	—	A E–8
69221 Other containers, iron or steel, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. [Report containers for mounting on trucks or trailers in Export Control Commodity No. 73163.] [1]	No.	232	STVWXYZ	500	500	500	—	E–8
69221 Other gas shipping containers, iron or steel.	No.	268	SWXYZ	500	—	—	100	B
69221 Milk cans, and other cans used for transport of goods, iron or steel.	Lb.	268	SZ	500	—	—	—	B
69221 Other shipping containers, iron or steel.	Lb.	268	SZ *and* East Germany	500	—	—	—	B
69222 Milk cans, and other cans used for transport of goods, aluminum.	Lb.[4]	268	SZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] A jacketed container is a thermos type container that has more than one wall and is insulated by a vacuum or by insulation material.
[2] Report tanks for storage or manufacturing use in "number."
[3] Average evaporation loss is to be calculated as a percentage of the total liquid capacity of the container under ambient temperature conditions of plus 75° F. (plus 24° C.) or higher and without exposure to direct sunlight.
[4] Report finid milk shipping containers in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
69222 Containers, aluminum or aluminum alloy, jacketed only, for transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more *and* specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), *and* having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight.[1, 2]	No.	231	STVWXYZ	100	500	100	—	A E–8
69222 Other containers, aluminum or aluminum alloy, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. [Report containers for mounting on trucks or trailers in Export Control Commodity No. 73163.] [1]	No.	232	STVWXYZ	500	500	500	—	E–8
69222 Other gas shipping containers, aluminum.	No.	268	SWXYZ	500	—	—	100	B
69222 Other shipping containers, aluminum, including barrels, boxes, chests and collapsible tubes.	Lb.[3]	268	SZ *and* East Germany	500	—	—	—	B
69231 Compressed gas cylinders, filled or unfilled, iron or steel, jacketed only, for the storage or transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multi-laminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more *and* specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), *and* having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and	No.	231	STVWXYZ	100	500	100	—	A E–8

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] A jacketed container is a thermos type container that has more than one wall and is insulated by a vacuum or by insulation material.
[2] Average evaporation loss is to be calculated as a percentage of the total liquid capacity of the container under ambient temperature conditions of plus 75° F. (plus 24° C.) or higher and without exposure to direct sunlight.
[3] Report barrels in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight.[1, 2]								
69231 Other compressed gas cylinders, filled or unfilled, iron or steel, jacketed only, for the storage or transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.[1]	No.	232	STVWXYZ	500	500	500	—	E–8
69231 Other compressed gas cylinders, filled or unfilled, iron or steel.	No.	268	SWXYZ	500	—	—	100	B
69232 Compressed gas cylinders, filled or unfilled, aluminum or aluminum alloy, jacketed only, for the storage or transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more *and* specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), *and* having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight.[1, 2]	No.	231	STVWXYZ	100	500	100	—	A E–8
69232 Other compressed gas cylinders, filled or unfilled, aluminum or aluminum alloy, jacketed only, for the storage or transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.[1]	No.	232	STVWXYZ	500	500	500	—	E–8
69232 Other compressed gas cylinders, filled or unfilled, aluminum or aluminum alloy.	No.	268	SWXYZ	500	—	—	100	B
69299 Containers which are instruments of international trade, filled or unfilled, all metals, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more *and* specially designed for use with liquid fluorine or for	No.	231	STVWXYZ	100	500	100	—	A E–8

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] A jacketed container is a thermos type container that has more than one wall and is insulated by a vacuum or by insulation material.
[2] Average evaporation loss is to be calculated as a percentage of the total liquid capacity of the container under ambient temperature conditions of plus 75° F. (plus 24° C.) or higher and without exposure to direct sunlight.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
gases boiling below minus 328° F. (minus 200° C.), *and* having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight.[1, 2]								
69299 Other containers which are instruments of international trade, filled or unfilled, all metals, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.[1]	No.	232	STVWXYZ	500	500	500	—	E–8
69299 Other gas shipping containers which are instruments of international trade, filled or unfilled, all metals.	No.	268	SWXYZ	500	—	—	100	B
69299 Other shipping containers which are instruments of international trade, filled or unfilled, all metals.	.....	268	SZ	500	—	—	—	B
69311 Wire cable, rope, strand, and cord, stainless steel, suitable for aircraft.	Lb.	268	SWXYZ	500	—	—	100	B
69311 Other wire cable, rope, plaited bands, slings, and similar articles, iron or steel.	Lb.	268	SXYZ	500	—	—	100	B
69312 Wire cable, rope, strand, and cord, phosphor bronze.	Lb.	272	STVWXYZ	100	500	100	—	E–8
69312 Other wire cable, rope, plaited bands, slings, and similar articles, copper or copper alloy.	Lb.	272	STVWXYZ	100	100	100	—	
69313 Wire cable, rope, plaited bands, slings, and similar articles, aluminum, having (1) an average copper content of 1 percent or more irrespective of other elements; or (2) an average copper content of less than 1 percent and (a) a zinc content of 4 percent or more, (b) a silicon content of 3.5 percent or more, or (c) a magnesium content of 9.5 percent or more.	Lb.	268	SWXYZ	500	—	—	100	B
69313 Other wire cable, rope, plaited bands, slings, and similar articles, aluminum.	Lb.	268	SYZ	500	—	—	—	B
69320 Barbed wire, iron or steel.....	Lb.	268	SYZ	500	—	—	—	B
69320 Other wire, iron or steel, of types used for fencing.	Lb.	268	SXYZ	500	—	—	100	B
69331 Wire fencing, netting, and wire reinforcing fabric, welded or woven, iron or steel.	Lb.	268	SZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] A jacketed container is a thermos type container that has more than one wall and is insulated by a vacuum or by insulation material.
[2] Average evaporation loss is to be calculated as a percentage of the total liquid capacity of the container under ambient temperature conditions of plus 75° F. (plus 24° C.) or higher and without exposure to direct sunlight.
[3] Report reinforcing fabric in "square foot."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
69331 Fence gates, wire cloth, and other woven wire products, iron or steel.	Sq. ft.[1]	268	SYZ	500	—	—	—	B
69332 Fencing and netting, copper or copper-base alloy.	Lb.	268	SZ	500	—	—	—	B
69332 Wire cloth, copper.....	Sq. ft.	268	SXYZ	500	—	—	100	B
69332 Wire cloth, copper-base alloy; and other copper and copper-base alloy woven wire products.	Sq. ft.[1]	268	SYZ	500	—	—	—	B
69333 Aluminum wire fencing, fence gates, and wire cloth.	Sq. ft.[1]	268	SZ	500	—	—	—	B
69333 Other woven wire products, aluminum..	Sq. ft.	268	SXYZ	500	—	—	100	B
69340 Expanded metal of iron, steel, copper or aluminum.	Lb.	268	SZ	500	—	—	—	B
69411 Nails, staples, spikes, tacks, and similar articles, iron or steel.	Lb.	268	SZ	500	—	—	—	B
69412 Boat spikes, wire nails, wire staples, and wire spikes, copper.	Lb.	268	SXYZ	500	—	—	100	B
69412 Other nails, tacks, staples, spikes, and similar articles, copper.	Lb.	268	SZ	500	—	—	—	B
69421 Bolts, threaded rods and studs, nuts, screws, rivets, washers, and similar articles, iron or steel.	Lb.	268	SZ	500	—	—	—	B
69422 Bolts, nuts, screws, rivets, washers, and similar articles, copper.	Lb.	268	SYZ	500	—	—	—	B
69510 Hand tools mainly used in agriculture or forestry, and parts, n.e.c., as follows: cant hooks; digging bars; digging spuds; gardeners' trowels; mattocks; picks; pike poles; wheel-type cultivators; and wheel-type seeders.	.....	208	SZ *and* East Germany	500	—	—	—	B
69510 Other hand tools of a kind mainly used in agriculture or forestry, and parts, n.e.c.	.....	208	SZ	500	—	—	—	B
69521 Hacksaw blades, hand or power.....	No.	428	SXYZ	500	—	—	100	B
69521 Power saw blades, metal working.....	No.	428	SWXYZ	500	—	—	100	B
69521 Power saw blades, woodworking; and hand-operated saws, hand saw frames and blades, *except hacksaw blades;* and parts, n.e.c.	.....[2]	218	SZ *and* East Germany	500	—	—	—	B
69522 Tweezers; paper perforators; and staple removers.	.....	218	SZ	500	—	—	—	B
69522 Metal-cutting shears and tinmen's snips, not power-operated; wrenches; pliers, pincers and other similar hand tools, and parts, n.e.c.; and files, rasps, and file accessories.	.....[3]	218	SZ *and* East Germany	500	—	—	—	B
69523 Remington industrial guns, and parts, n.e.c.	.....	408	SXYZ	500	—	—	100	B
69523 Diamond dressers, and parts, n.e.c.....	.....	218	SWXYZ	500	—	—	100	B
69523 Hand tools and parts, n.e.c., as follows: other tools incorporating industrial diamonds; die-stocks; pipe threading tools; tapping tools;	.....	218	SXYZ	500	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report fencing and fence gates in "pound."
[2] Report woodworking power saw blades in "number."
[3] Report metal cutting shears and snips, and wrenches in "number"; and files, rasps, and file accessories in "dozen."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
tap guides, magnetic; filing blocks, nonferrous metal; and shoe lasts.								
69523 Cooking and kitchen hand tools, and parts; and edge tools, and parts, *except chisel blanks, chisels, Go-Devils®, metal scrapers, nut splitters, and wedges.*	.....	218	SZ	500	—	—	—	B
69523 Other hand tools, n.e.c., and parts.....	.....	218	SZ *and* East Germany	500	—	—	—	B
69524 Broaching tools specially designed for production of arms, munitions, and implements of war.	No.	401	STVWXYZ	—	500	—	—	A
69524 Broaching tools specially designed for production of jet engine blades and engine discs for nonmilitary types of engines.	No.	422	STVWXYZ	—	500	—	—	
69524 Gun barrel rifling broaches.....	No.	421	STVWXYZ	—	500	—	—	A
69524 Hollow deep-hole drills.....	No.	422	STVWXYZ	500	1,000	1,000	—	
69524 Small arms deep-hole drills.....	No.	421	STVWXYZ	500	500	500	—	A
69524 Parts, n.e.c., specially designed for the following tools: (a) broaching tools specially designed for production of arms, munitions and implements of war, (b) gun barrel rifling broaches, or (c) small arms deep-hole drills. (Specify type and model of tools for which parts are designed.)	.....	421	STVWXYZ	500	500	500	—	A
69524 Parts, n.e.c., specially designed for the following tools: (a) broaching tools specially designed for production of jet engine blades and engine discs for nonmilitary types of engines, or (b) hollow deep-hole drills. (Specify type and model of tool for which parts are designed.)	.....	422	STVWXYZ	500	500	500	—	
69524 Other surface-broaching tools, and parts; other tools and parts for metal-working machines; diamond dies for metalworking machines; diamond boring and turning tools whether or not for metalworking machines; and other tools incorporating industrial diamonds.	.....[1]	428	SWXYZ	500	—	—	100	B
69524 Drill bits, core bits, and reamers, under 4 inches o.d., containing diamonds.	No.	408	SZ	500	—	—	—	B
69524 Other drill bits, core bits, and reamers containing diamonds.	No.	408	SWXYZ	500	—	—	100	B
69524 Rock drill bits and core bits having cones or sections which rotate freely and independently of the rotation of the body of the bit; and specially designed parts, n.e.c.	.....[2]	408	SVWXYZ	500	—	1,000	—	E–12
69524 Other rock drill bits, core bits, and reamers, n.e.c., and parts, n.e.c.	.....[2]	408	SXYZ	500	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
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[1] Report tools in "number."
[2] Report bits and reamers in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
69524 Tool bit and die blanks containing tungsten carbide or molybdenum.	No.	428	SXYZ	500	—	—	100	B
69524 Tool bit and die blanks not containing tungsten carbide or molybdenum.	No.	218	SZ	500	—	—	—	B
69524 Other cutting tools, dies, and parts....	.....[1]	218	SZ *and* East Germany	500	—	—	—	B
69525 Machine knives and blades, metal cutting.	No.	428	SWXYZ	500	—	—	100	B
69525 Other machine knives and blades.....	No.	218	SZ *and* East Germany	500	—	—	—	B
69526 Tool tips, etc., unmounted, of sintered metal carbides.	.....	428	SXYZ	500	—	—	100	B
69603 Razors, non-electric, and razor blades; and parts of razors, including blades and heads for electric razors. [Report electric razors in Export Control Commodity No. 72504.]	.....[2]	218	SZ	500	—	—	—	B
69609 Knife blanks	.....	218	SZ *and* East Germany	500	—	—	—	B
69609 Table flatware and cutlery and other cutlery, n.e.c.; and parts, n.e.c. [Report precious metal or plated with precious metal in Export Control Commodity No. 89715; dental, medical, surgical, and veterinary scissors and shears in No. 86171; agricultural or forestry scissors or shears in No. 69510.]	.....	218	SZ	500	—	—	—	B
69710 Domestic type heating stoves, and cooking stoves and ranges, non-electric; and parts, n.e.c.	.....[3]	218	SZ	500	—	—	—	B
69721 Domestic, including commercial and hospital, utensils and hollow ware of iron or steel, including vitreous-enameled or copper-clad.	Lb.	218	SZ	500	—	—	—	B
69722 Plumber's brass goods; builders sanitary ware and fittings, copper; domestic, including commercial and hospital, utensils and hollow ware, copper.	Lb.	218	SZ	500	—	—	—	B
69723 Domestic, including commercial and hospital, utensils and hollow ware, aluminum.	Lb.	218	SZ	500	—	—	—	B
69791 Soap pads, iron or steel.....	Lb.	218	SZ *and* East Germany	500	—	—	—	B
69791 Steel wool, pot scourers, and other polishing pads, iron or steel.	.....	218	SZ *and* East Germany	500	—	—	—	B
69794 Figures, flower racks, mirrors, trays, and photograph or picture frames of base metals, n.e.c.	.....	218	SZ	500	—	—	—	B
69794 Other indoor ornaments of base metals, n.e.c. [Report picture frames, mirrors and indoor ornaments of precious metals in Export Control Commodity No. 89715.]								

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report metal cutting tools and dies in "number."
[2] Report razor blades in "thousand," and safety razors in "dozen."
[3] Report heating and cooking stoves and ranges in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
69811 Window locks and safety hasps, nonferrous metal; and key blanks, motor vehicle locks, ignition locks, and tire locks, all metals.	.....[1]	218	SZ *and* East Germany	500	—	—	—	B
69811 Other locks and lock sets.....	.....[1]	218	SZ	500	—	—	—	B
69812 Hardware and parts, copper or copper base alloy, *except transportation hardware; furniture hardware; builders' hardware; hinges and butts; track for doors; tracks and handles for bathtub enclosures; stair treads; and trolleys for folding doors.*	.....	218	SXYZ	500	—	—	100	B
69812 Hardware and parts of base metal, as follows: transportation hardware, all metals; furniture beading, nickel-plated steel; edgings, all metals; furniture hardware, stainless steel; builders' hardware, nonferrous metal; hand rails, all metals; and other hardware, stainless steel, *except hinges and butts.*	.....	218	SZ *and* East Germany	500	—	—	—	B
69812 Other hardware and parts, of base metals.	.....[2]	218	SZ	500	—	—	—	B
69820 Safes, with or without interior fittings; vault doors; interior equipment for vaults; strong rooms and fittings; strong boxes; and parts, n.e.c.	.....[3]	218	SZ	500	—	—	—	B
69830 Sprocket and other power transmission chains and parts, iron or steel.	Lb.	418	SZ	500	—	—	—	B
69839 Other chains and parts, iron or steel, n.e.c.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
69840 Anchors, grapnels, and parts, iron or steel.	Lb.	218	SZ *and* East Germany	500	—	—	—	B
69851 Needles for hand sewing, knitting, netting, etc., iron or steel.	M	218	SZ	500	—	—	—	B
69854 Belt fasteners (other than buckles), clasps, grommets, and similar articles of copper or copper alloy.	.....	218	SXYZ	500	—	—	100	B
69854 Buckles with die-cut inserts, and belt hooks, all metals; belt fasteners (other than buckles), clasps, grommets, and similar articles of stainless steel.	.....	218	SZ *and* East Germany	500	—	—	—	B
69854 Belt fasteners, clasps, grommets, and similar articles of other metal; hooks, eyes, eyelets, and buckles, all metals; and pins, hair pins, and curling grips, iron or steel.	.....	218	SZ	500	—	—	—	B
69861 Coil springs, leaf springs, and leaves for springs, iron or steel, for vehicles.	Lb.	438	SWXYZ	500	—	—	100	B
69861 Other wire springs, iron or steel.....	Lb.	218	SZ *and* East Germany	500	—	—	100	B
69862 Springs and leaves for springs, copper or copper alloy.	Lb.	218	SWXYZ	500	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report padlocks, doorlocks and lock sets in "number."
[2] Report hinges and butts in "dozen pair."
[3] Report safes in "number."

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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
69862 Other wire springs, copper or copper alloy.	Lb.	218	SXYZ	500	—	—	100	B
69881 Sprocket and other power transmission chains and parts, copper or copper alloy.	Lb.	418	SXYZ	500	—	—	100	B
69881 Other chains and parts, copper or copper alloy.	Lb.	218	SXYZ	500	—	—	100	B
69882 Flexible tubing and piping, base metal..	Lb.	218	SYZ	500	—	—	—	B
69885 Crowns and home canning closures, metal.	.....	218	SZ	500	—	—	—	B
69885 Commercial closures of metal, n.e.c.....	.....	218	SZ *and* East Germany	500	—	—	—	B
69886 Name plates, sign plates, tags and signs, of base metal, n.e.c.	.....	218	SZ	500	—	—	—	B
69887 Welding rods and wires, alloy steel, special types Class 1A.[1, 2]	Lb.	261	STVWXYZ	500	500	500	—	A E–8
69887 Welding rods and wires, alloy steel, special types Class 1B.[1, 2]	Lb.	262	STVWXYZ	500	500	500	—	E–8
69887 Welding rods and wires, iron or steel, as follows: (a) containing 6 percent or more cobalt, (b) AISI type 309-S-Cb-Ta, or (c) containing a total of 35 percent or more of alloying elements.[1]	Lb.	268	SWXYZ	500	—	—	100	B
69887 Cobalt or cobalt alloy welding rods, wires, and electrodes, including brazing rods.	Lb.	268	SWXYZ	500	—	—	100	B
69887 Columbium or columbium alloy welding rods, wires, and electrodes, including brazing rods.	Lb.	261	STVWXYZ	500	500	500	—	A E–8
69887 Magnesium alloy welding rods, wires, and electrodes, including brazing rods, containing 0.4 percent or more zirconium, or 1 percent or more of rare earth metals (cerium misch metal). (Specify by name.)	Lb.	261	STVWXYZ	100	500	100	—	A E–8
69887 Molybdenum or molybdenum alloy welding rods, wires, and electrodes, including brazing rods.	Lb.	261	STVWXYZ	500	500	500	—	A E–8
69887 Nickel or nickel alloy welding and soldering rods, wires, tubes, plates, and electrodes, composed of 50 percent or more copper, and alloys of chief weight copper, irrespective of nickel content. (Also specify copper content in pounds.)	Lb.	272	STVWXYZ	100	100	100	—	
69887 Other nickel or nickel alloy welding and soldering rods, wires, tubes, plates, and electrodes, including brazing rods.	Lb.	268	SWXYZ	500	—	—	100	B
69887 Tantalum or tantalum alloy welding rods, wires, and electrodes, including brazing rods.	Lb.	261	STVWXYZ	100	500	100	—	A E–8
69887 Zirconium or zirconium alloy welding rods and wires containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight.	Lb.	261	STVWXYZ	100	500	100	—	A E–8

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Specify recognized designation (AISI, SAE, NE number, etc.), or percentage of each alloying element.
[2] For definitions of "special types" of alloy steel, see § 399.2, Interpretations 8 and 9.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
69887 Copper or copper alloy welding and soldering rods and wire, including tubes and plates for welding and soldering.	Lb.	272	STVWXYZ	100	100	100	—	
69887 Other welding and soldering rods and wire, including tubes and plates for welding or soldering.	Lb.	268	SXYZ	500	—	—	100	B
69891 Articles, n.e.c., of magnetic materials. (See § 399,2, Interpretation 6.)	Lb.	261	STVWXYZ	100	500	100	—	A E–8
69891 Other electrical steel punchings.....	Lb.	268	SWXYZ	500	—	—	100	B
69891 Containers, iron or steel, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), with multi-laminar type insulation under vacuum.	No.	231	STVWXYZ	100	500	100	—	A E–8
69891 Other containers, iron or steel, jacketed only, for the storage of liquefied gases, designed to maintain temperatures below minus 202° F. (minus 130° C.). [Report iron or steel storage containers, iron or steel, of 80 gallons capacity or over in Export Control Commodity No. 69211; and shipping containers, iron or steel, regardless of capacity in No. 69221.][1]	No.	232	STVWXYZ	500	500	500	—	E–8
69891 Other steel storage tanks, lined. [Report containers, iron or steel, with a capacity of 80 gallons or more in Export Control Commodity No. 69211.]	.....	238	SWXYZ	500	—	—	100	B
69891 Articles of iron or steel, as follows: crucibles; and fabricated wire products, *except: cotton bale ties and buckles; grating with wire center; wire nets; and wire rope clamps.*	.....[2]	218	SXYZ	500	—	—	100	B
69891 Iron or steel cargo hooks; and malleable iron manhole covers.	.....	268	SZ *and* East Germany	500	—	—	—	B
69891 Articles of iron or steel, as follows: gray iron manhole covers; roof drains; floor drains; pipe saddles; hose swivels; cotton bale ties and buckles; and steel storage tanks, unlined. [Report containers, iron or steel, with a capacity of 80 gallons or more in Export Control Commodity No. 69211.]	.....[2]	268	SZ	500	—	—	—	B
69891 Articles of iron or steel, as follows: beaded or mesh hand bags; bird cages; book ends; bottle carriers, *except wire;* bull rings; calendar pad holders; change carriers; cashiers' cages; ear muff frames; fishing buckets;	.....[2]	218	SZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] A jacketed container is a thermos type container that has more than one wall and is insulated by a vacuum or by insulation material.
[2] Report fabricated wire products and venetian blinds in "pound."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
game traps; gasoline cans; grating with wire center; ink pots; minnow buckets; paperweights; pipe hangers; radiator filling cans; rings; shelving; spectacle cases; stamp racks; street light poles, fabricated, not fitted with electrical parts; sun glass cases; switch boxes and covers; tackle boxes; telephone list finders; tote boxes; trunks; venetian blinds and parts, *except venetian screening;* ventilator dampers; ventilator hoods; ventilators not incorporating a power-driven blower mechanism; waste paper baskets; wire nets; and wire rope clamps.[1]								
69891 Articles of iron or steel, *except stainless steel,* as follows: animal traps; ball bearing swivels; cable clamps; cable thimbles (eye sleeve in splicing cable); can-type dispensers, shipped separately; gongs; guy rope hooks; guy rope clamps; hose couplings; hose hooks; keys for shoe polish cans; mop wringers; mouse traps; rat traps; rodent baiting devices; soap dispensers; socket clevises, ball; turnbuckles; and wire rope clamps.	.....	218	SZ	500	—	—	—	B
69891 Pole line and transmission hardware of iron or steel.	.....	608	SZ	500	—	—	—	B
69891 Body armor[1]; cutting electrodes, ceramic-covered, for underwater operations; Dempster Dumpster® containers (for use with Dempster Dumpster® hoisting units); gear blanks; oil seals, steel encased (general purpose); and submarine cable protectors.	.....	218	SXYZ	500	—	—	100	B
69891 Other articles of iron or steel, n.e.c.[1]	.....	218	SYZ	500	—	—	—	B
69892 Containers, copper or copper alloy, jacketed only, for the transportation or storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multi-laminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more, *and* specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), *and* having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of	No.	231	STVWXYZ	100	500	100	—	A E–8

* For explanation, see § 399.1 pages 1, 2, and 3.

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[1] Submarine and torpedo nets; aircraft landing mats; military armored vests; and military helmet liners require export authorization from the U.S. Department of State. See paragraph 370.5(a) for other commodities which require export authorization from the U.S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight.[1, 2]								
69892 Other containers, copper or copper alloy, jacketed only, for the transportation or storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. [Report storage containers, copper or copper alloy, of 80 gallons capacity or over in Export Control Commodity No. 69212.][1]	No.	232	STVWXYZ	500	500	500	—	E–8
69892 Other gas shipping and storage containers, copper or copper alloy. [Report storage containers, copper or copper alloy, of 80 gallons capacity or over in Export Control Commodity No. 69212.]	.....	268	SWXYZ	500	—	—	100	B
69892 Copper or copper-base alloy castings and forgings. (Also specify copper content in pounds.) (See § 373.43(d).)	Lb.	272	STVWXYZ	100	100	100	—	FG
69892 Copper or copper-base alloy fabricated anodes. (Also specify copper content in pounds.)	Lb.	272	STVWXYZ	100	100	100	—	
69892 Copper or copper-base alloy cores (mold inserts). (Also specify copper content in pounds.)	Lb.	272	STVWXYZ	100	100	100	—	
69892 Articles of copper or copper alloy, *the following only:* animal cages; bird cages; bookends; bottle carriers; bull rings; can top spouts; ear muff frames; guy wire clamps, *except copper alloy;* handbags; hose couplings, *except copper alloy;* radiator filling cans; mouse traps and rat traps, *except copper alloy;* tote boxes; waste paper baskets; weatherstripping; and wire rope clamps, *except copper alloy.*	.....	218	SZ	500	—	—	—	B
69892 Articles of copper or copper alloy, *the following only:* anchors for marine use; bead chains; brackets, for mounting outboard motors; bulletin boards; caskets; clothes-line (dryer) reels; fog horns, nonelectric, for ships; gutter troughs; hinge chaplets; hose swivels, *except copper alloy;* lids for boxes; mooring swivels; oarlocks; pipe saddles, *except copper alloy;* tool boxes and tool chests, empty; and utility boxes.	.....	218	SYZ	500	—	—	—	B
69892 Other articles of copper or copper alloy, n.e.c.	.....	218	SXYZ	500	—	—	100	B
69899 Containers, nonferrous metals, n.e.c., jacketed only, for the transportation or stor-	No.	231	STVWXYZ	100	500	100	—	A E–8

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] A jacketed container is a thermos type container that has more than one wall and is insulated by a vacuum or by insulation material.

[2] Average evaporation loss is to be calculated as a percentage of the total liquid capacity of the container under ambient temperature conditions of plus 75° F. (plus 24° C.) or higher and without exposure to direct sunlight.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
age of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multi-laminar type insulation under vacuum, (b) having a liquid capacity of 250 gallons or more *and* specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), *and* having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) stationary storage tanks, with other insulating systems, designed only for liquid oxygen, nitrogen, or argon and having a capacity of 500 tons or more.[1, 2]								
69899 Other containers, nonferrous metals, n.e.c., jacketed only, for the transportation or storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.[1]	No.	232	STVWXYZ	500	500	500	—	E–8
69899 Other gas shipping and storage containers of nonferrous metals, n.e.c. [Report copper containers in Export Control Commodity No. 69212 or 69892; aluminum shipping containers in No. 69222 or 69232; and aluminum storage containers of 80 gallons capacity or over in No. 69213.]	.....	232	SWXYZ	500	—	—	100	B
69899 Aluminum alloy castings and forgings which have (a) an average copper content of 1 percent or more irrespective of other elements, or (b) an average copper content of less than 1 percent *and* (i) a zinc content of 4 percent or more, (ii) a silicon content of 9.5 percent or more, or (iii) a magnesium content of 9.5 percent or more.	Lb.	268	SWXYZ	500	—	—	100	B
69899 Other aluminum or aluminum alloy castings and forgings.	Lb.	268	SZ *and* East Germany	500	—	—	—	B
69899 Beryllium or beryllium alloy castings and forgings containing more than 50 percent beryllium. (Specify by name.)	Lb.	261	STVWXYZ	500	500	500	—	A
69899 Other beryllium alloy castings and forgings.	Lb.	268	SXYZ	500	—	—	100	B
69899 Bismuth or bismuth alloy castings and forgings.	Lb.	268	SXYZ	500	—	—	100	B
69899 Boron metal and boron alloy castings and forgings containing 5 percent or more boron.	Lb.	221	STVWXYZ	100	500	100	—	A E–7
69899 Calcium metal castings and forgings containing less than one hundredth (0.01)	Lb.	261	STVWXYZ	—	500	—	—	A E–7

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] A jacketed container is a thermos type container that has more than one wall and is insulated by a vacuum or by insulation material.

[2] Average evaporation loss is to be calculated as a percentage of the total liquid capacity of the container under ambient temperature conditions of plus 75° F. (plus 24° C.) or higher and without exposure to direct sunlight.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
percent by weight of impurities other than magnesium *and* less than 10 parts per million of boron.								
69899 Cobalt or cobalt alloy castings and forgings.	Lb.	268	SWXYZ	500	—	—	100	B
69899 Columbium or columbium alloy castings and forgings. (Specify by name.)	Lb.	261	STVWXYZ	100	500	100	—	A E–8
69899 Gallium or gallium alloy castings and forgings, *except of electronic grades containing less than 1 percent gallium.*	Lb.	262	STVWXYZ	—	500	—	—	E–7
69899 Germanium metal castings and forgings having a resistivity of 50 ohms centimeter or greater.	Lb.	262	STVWXYZ	—	500	—	—	E–7
69899 Other germanium metal castings and forgings.	Lb.	268	SWXYZ	500	—	—	100	B
69899 Hafnium metal and hafnium alloy castings and forgings containing more than 15 percent hafnium by weight. (Specify hafnium content.)	Lb.	261	STVWXYZ	—	500	—	—	A E–7
69899 Lithium or lithium alloy castings and forgings.	Lb.	261	STVWXYZ	—	500	—	—	A E–7
69899 Magnesium alloy castings and forgings containing 0.4 percent or more zirconium, or 1 percent or more of rare earth metals (cerium misch metal). (Specify by name.)	Lb.	261	STVWXYZ	100	500	100	—	A E–8
69899 Molybdenum or molybdenum alloy castings and forgings. (Specify by name.)	Lb.	261	STVWXYZ	100	500	100	—	A E–8
69899 Nickel or nickel alloy castings and forgings.	Lb.	268	SWXYZ	500	—	—	100	B
69899 Polonium metal castings and forgings..	Lb.	262	STVWXYZ	—	500	—	—	E–7
69899 Rhenium or rhenium alloy castings and forgings.	Lb.	262	STVWXYZ	—	500	—	—	E–7
69899 Tantalum or tantalum alloy castings and forgings. (Specify by name.)	Lb.	261	STVWXYZ	100	500	100	—	A E–8
69899 Titanium or titanium alloy castings and forgings. (Specify by name.)	Lb.	261	STVWXYZ	100	500	100	—	A E–8
69899 Tungsten or tungsten alloy castings and forgings, *except pressed-sintered forms weighing less than 20 pounds.*	Lb.	261	STVWXYZ	100	500	100	—	A E–8
69899 Vanadium or vanadium alloy castings and forgings.	Lb.	268	SXYZ	500	—	—	100	B
69899 Yttrium or yttrium alloy castings and forgings.	Lb.	262	STVWXYZ	—	500	—	—	E–7
69899 Zirconium or zirconium alloy castings and forgings containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight.	Lb.	261	STVWXYZ	100	500	100	—	A E–8
69899 Other zirconium or zirconium alloy castings and forgings containing more than 50 percent zirconium. (Specify by name and specify hafnium content.)	Lb.	262	STVWXYZ	500	500	500	—	E–8

* For explanation, see § 899.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
69899 Castings and forgings of the following metals or their alloys: antimony, chromium, lead, manganese, tin, or zinc.	Lb.	268	SZ	500	—	—	—	B
69899 Other nonferrous metal castings and forgings, n.e.c. [Report copper or copper base alloy castings and forgings in Export Control Commodity No. 69892.]	Lb.	268	SYZ	500	—	—	—	B
69899 Other articles wholly made of zirconium or zirconium alloys containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight. (Specify hafnium content.)	Lb.	261	STVWXYZ	—	500	—	—	A
69899 Other articles wholly made of zirconium or zirconium alloys. (Specify zirconium and hafnium content.)	Lb.	262	STVWXYZ	—	500	—	—	E–8
69899 Articles wholly made of beryllium.....	Lb.	261	STVWXYZ	—	500	—	—	A
69899 Thermoelectric materials with a maximum product of the figure of merit (Z) and the temperature (T in °K) in excess of 0.75.[1]	.....	601	STVWXYZ	—	500	—	—	A
69899 Materials specially designed and manufactured for use as absorbers of electromagnetic waves having frequencies greater than 200 megacycles per second.	.....	601	STVWXYZ	500	500	500	—	A
69899 Electrical conducting materials specially designed for operation continuously or discontinuously at ambient temperatures below minus 202° F. (minus 130° C.).	.....	231	STVWXYZ	—	500	—	—	A
69899 Wire mesh, all types, including electroformed, containing 95 percent or more nickel, with 60 or more wires per linear centimeter or the equivalent thereof.	Lb.	212	STVWXYZ	100	500	100	—	E–8
69899 Articles of nonferrous metals, n.e.c., other than copper or copper alloys, *the following only:* boat spikes, wire nails, wire staples, and wire spikes; bolts, screws, rivets, washers and similar articles, *except screw eyes and screw hooks;* brackets for mounting outboard motors, bulletin boards; cans, n.e.c., made or cut from nonferrous base metals; caskets; clothes-line (dryer) reels; fog horns, nonelectric, for ships; hinge chaplets; lids for boxes; link chains; mooring swivels; oarlocks; pipe hangers; ridge tile; tool boxes and tool chests, empty; and utility boxes.	.....[2]	218	SZ *and* East Germany	500	—	—	—	B
69899 Articles of nonferrous metals, n.e.c., other than copper or copper alloys, *the following only:* animal bells; animal cages; animal	.....[3]	218	SZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] The figure of merit (Z) equals Seebeck coefficient squared, divided by the product of electrical resistivity and thermal conductivity.
[2] Report bolts, nuts, screws, rivets, washers and similar articles in "pound."
[3] Report the following in "pound": aluminum venetian blinds and parts; domestic utensils, including cookware and hollow ware of tin, tinplate or pewter; nails, tacks, staples, spikes and similar articles; and wire products.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
traps; ball-bearing swivels; bird cages; bicycle chains; bookends; bottle carriers; bull rings; call bells; can top spouts; catches, *except builders' and for fire-arms;* change carriers; clamps for cable, guy wire or wire rope; collapsible tubes, lead or tin; desk bells; dispensers, liquid soap; domestic utensils, including cookware and hollow ware; ear frames; fly boxes or tackle boxes; gasoline cans; keys for shoe polish cans; lawn edging; match boxes, tin, plain or painted; mop wringers; nails, tacks, staples, spikes and similar articles, *except boat spikes, wire nails, wire staples and wire spikes;* ointment cans; radiator filling cans; rat traps; screw eyes; screw hooks; shackles; socket clevises; suitcases; tote boxes; turnbuckles; venetian blinds, *except venetian screening;* waste paper baskets; weather-stripping; and wire inserts, helically coiled.								
69899 Other articles of nonferrous metals, n.e.c.[1]	.....[2]	218	SXYZ	500	—	—	100	B
SECTION 7—MACHINERY AND TRANSPORT EQUIPMENT								
MACHINERY, OTHER THAN ELECTRIC								
71110 Water tube boilers, marine type, designed to have either of the following characteristics: (a) heat release rate (at maximum rating) equal to or in excess of 180,000 B.T.U. per cu. ft. of furnace volume, or (b) ratio of steam generated in pounds per hour (at maximum rating) to the dry weight of the boiler in pounds equal to or in excess of 0.83; and specially designed parts, n.e.c. (Specify characteristics.)[3]	.....	401	STVWXYZ	—	500	—	—	A
71110 Other water tube boilers, marine type, designed to operate at temperatures above 850° F.; and specially designed parts, n.e.c. (Specify designed operating temperature.)	.....	408	SWXYZ	—	—	—	100	B
71110 Boiler tubes, carbon steel.....	.....	408	SZ	—	—	—	—	B
71110 Other steam generating power boilers; and parts, n.e.c.	.....[4]	408	SXYZ	—	—	—	100	B
71120 Boiler superheaters, feedwater heaters, and economizers for marine steam boilers designed to have either of the following charac-	.....	401	STVWXYZ	—	500	500	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.
[2] Report wire products in "pound."
[3] For export control purposes "furnace volume" is the volume of the combustion chamber formed by refractory or tubular walls and floor, i.e., the inside dimension of the chamber; and "dry weight of the boiler" is the total weight of the boiler (excluding the air heaters) less the water required for steaming.
[4] Report complete units of fire tube power boilers in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	[3]Processing Number	[4]Validated License Required for Country Groups Shown Below	[3]GLV $ Value Limits for Shipments to Country Groups S	T	V	X	[3]Special Provisions List
teristics: (a) heat release rate (at maximum rating) equal to or in excess of 180,000 B.T.U. per hour per cu. ft. of furnace volume, or (b) ratio of steam generated in pounds per hour (at maximum rating) to the dry weight of the boiler in pounds equal to or in excess of 0.83; and specially designed parts and accessories, n.e.c.[1] (Specify characteristics.)								
71120 Boiler superheaters, feedwater heaters, and economizers, for other marine steam boilers designed to operate at temperatures above 850° F; and specially designed parts and accessories, n.e.c.	.....[2]	408	SWXYZ	—	—	—	100	B
71120 Heat exchangers and heat-exchanger type condensers specially designed for nuclear reactors; and specially designed parts and accessories, n.e.c.	.....[2]	401	STVWXYZ	—	500	—	—	A
71120 Tubular type heat exchangers designed to operate at pressures of 1,500 psi and above *and* with all flow contact surfaces made of or lined with 10 percent or more nickel and/or chromium; and specially designed parts and accessories, n.e.c. (Give full specifications.)	.....[2]	402	STVWXYZ	—	500	—	—	
71120 Heat exchangers and heat-exchanger type condensers, tubular, designed for use in steam power generation and to operate at pressures of 300 psi and over *and* with *all* flow contact surfaces *made of any* of the following materials: aluminum, nickel, titanium, zirconium, or alloys containing 60 percent or more nickel, either separately or combined (specify pressure and type of metal); and specially designed parts and accessories, n.e.c.	.....[2]	402	STVWXYZ	—	500	100	—	
71120 Condenser tubes, carbon steel.	.....	408	SZ	—	—	—	—	B
71120 Other steam generating power boiler accessories, n.e.c., and parts, n.e.c.	.....[2]	408	SXYZ	—	—	—	100	B
71130 Steam turbines designed for use of saturated steam for an output of 2,000 horsepower (1,500 kilowatts) up to and including 100,000 horsepower (75,000 kilowatts); and parts and accessories, n.e.c. (Specify horsepower or kilowatts.)	.....	402	STVWXYZ	—	500	—	—	
71130 Steam turbines designed for turbogenerators 60,000 kilowatts and over; and parts and accessories, n.e.c.	.....	408	SWXYZ	—	—	—	100	B
71130 Other steam turbines and engines, n.e.c., and parts and accessories, n.e.c.	.....	408	SXYZ	—	—	—	100	B
71141 Internal combustion aircraft engines. (Specify make, model, and horsepower.) (See § 399.2, Interpretation 20.)	No.	432	STVWXYZ	—	500	500	—	E-2

[3] For explanation, see § 399.1 pages 1, 2, and 3.

[1] For export control purposes "furnace volume" is the volume of the combustion chamber formed by refractory or tubular walls and floor, i.e., the inside dimension of the chamber; and "dry weight of the boiler" is the total weight of the boiler (excluding the air heaters) less the water required for steaming.

[2] Report heat exchangers and condensers in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	[3]Processing Number	[4]Validated License Required for Country Groups Shown Below	[3]GLV $ Value Limits for Shipments to Country Groups S	T	V	X	[3]Special Provisions List
71141 Parts, n.e.c., specially designed for internal combusion aircraft engines *and* wholly made of fluorocarbon polymers or copolymers. (See § 399.2, Interpretations 20 and 22.)	.....	431	STVWXYZ	—	500	25	—	A
71141 Other parts and accessories, n.e.c., specially designed for internal combustion aircraft engines.[1]	.....	432	STVWXYZ	—	1,000	1,000	—	E-2
71142 Aircraft engines as follows: (a) jet engines of 5,000 pounds thrust or over; and (b) turbo-prop and turbo-shaft engines of 2,500 horsepower or more, or with a residual thrust of 1,000 pounds or more. (Specify make, model, and pound thrust or horsepower.) [1]	No.	431	STVWXYZ	—	500	—	—	A
71142 Other jet, turbo-prop, turbo-shaft, and gas turbine aircraft engines. (Specify make, model, and pound thrust or horsepower.) [1]	No.	432	STVWXYZ	—	500	—	—	E-2
71142 Parts and accessories, n.e.c., specially designed for aircraft engines *and* wholly made of fluorocarbon polymers or copolymers. (See § 399.2, Interpretations 20 and 22.)	.....	431	STVWXYZ	—	500	25	—	A
71142 Parts and accessories, n.e.c., specially designed for jet, turbo-prop, and turbo-shaft aircraft engines under Export Control Commodity No. 71142 which are subject to the Import Certificate/Delivery Verification procedure. (Specify make, model, and pound thrust or horsepower of engine.) [1]	.....	431	STVWXYZ	—	500	500	—	A
71142 Other parts and accessories, n.e.c., specially designed for jet, turbo-prop, turbo-shaft, and gas turbine engines under Export Control Commodity No. 71142 which are not subject to the Import Certificate/Delivery Verification procedure. (Specify make, model, and pound thrust or horsepower of engine.)[1]	.....	432	STVWXYZ	—	1,000	1,000	—	E-2
71150 Diesel engines, non-magnetic, 50 brake horsepower and over, having a non-magnetic content exceeding 65 percent of total weight, or having non-magnetic parts other than crankcase, block, head, piston, covers, end plates, valve facings, gaskets, and fuel, lubricant and other supply lines. (Specify brake horsepower at rated r.p.m.)	No.	431	STVWXYZ	—	500	—	—	A
71150 Diesel marine engines, 1,500 brake horsepower and over, with rotary speeds of 700 r.p.m. and over, designed for use on submarines. (Specify brake horsepower at rated r.p.m.)	No.	431	STVWXYZ	—	500	—	—	A

[3] For explanation, see § 399.1 pages 1, 2, and 3.

[1] See paragraph 370.5(a) and § 399.2, Interpretation 20, for commodities which require export authorization from the U.S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71150 Diesel engines, non-magnetic, 50 brake horsepower and over, having a non-magnetic content exceeding 50 percent, up to but not exceeding 65 percent of total weight. (Specify brake horsepower at rated r.p.m.)	No.	432	STVWXYZ	—	500	—	—	
71150 Parts and accessories specially designed for engines under Export Control Commodity No. 71150 which are subject to the Import Certificate/Delivery Verification procedure.	.....	431	STVWXYZ	—	500	—	—	A
71150 Parts and accessories specially designed for diesel engines under Export Control Commodity No. 71150 which require a license to all country groups but are not subject to the Import Certificate/Delivery Verification procedure.	.....	432	STVWXYZ	—	500	—	—	
71150 Other diesel engines, 1,500 brake horsepower and over, with rotary speeds of 700 r.p.m. and over; and parts and accessories therefor. (Specify make, model, and brake horsepower at rated r.p.m.)	.....[1]	438	SWXYZ	—	—	—	100	B
71150 Outboard motors, 15 horsepower and under only; and internal combustion engines up to and including 50 horsepower, *except diesel, and engines for watercraft and automotive vehicles;* and parts and accessories therefor. [Report internal combustion engines for aircraft in Export Control Commodity No. 71141.]	.....[1]	438	SZ	—	—	—	—	B
71150 Outboard motors over 15 horsepower, and other internal combustion engines, n.e.c., and parts and accessories, n.e.c. [Report internal combustion engines for aircraft in Export Control Commodity No. 71141.]	.....[1]	438	SXYZ	—	—	—	100	B
71160 Gas turbines, n.e.c., and parts, n.e.c. [Report gas turbines for aircraft in Export Control Commodity No. 71142.]	.....	438	SXYZ	—	—	—	100	B
71170 Parts and accessories, n.e.c., specially fabricated for nuclear reactors, including mechanical devices designed to control or shutdown a nuclear reactor. (Specify by name.)[2]	.....	601	STVWXYZ	—	500	—	—	A
71181 Parts, n.e.c., specially fabricated for water turbines and water engines 200,000 kilowatts and over. (Specify by name.)	.....	608	SWXYZ	—	—	—	100	B
71181 Water turbines and water engines, n.e.c., and parts, n.e.c.	.....[3]	408	SXYZ	—	—	—	100	B
71189 Air starters, air turbines, and hydraulic motors, n.e.c., specially designed for aircraft; and specially designed parts, n.e.c.	.....[1]	432	STVWXYZ	—	500	500	—	

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete engines and motors (assembled or unassembled) in "number."
[2] Export authorization from the U. S. Atomic Energy Commission is required for nuclear reactors (see paragraph 370.5(d)), even when such export is to be made in multiple shipments, or when some of the parts are to be supplied by foreign sources.
[3] Report water turbines and engines (assembled or unassembled) in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71189 Windmills and parts, n.e.c.	.....	408	SZ *and* East Germany	—	—	—	—	B
71189 Other engines, n.e.c., and parts, n.e.c.	.....	408	SXYZ	—	—	—	100	B
71210 Agricultural machines and appliances for preparing, planting and cultivating the soil; and parts and attachments, n.e.c.	.....[1]	208	SYZ	500	—	—	—	B
71220 Mechanical cotton pickers; beet harvesters, 4-row and larger; and field hay wafering or pelletizing machines, and any machines designed for similar operations.	No.	208	SWYZ	500	—	—	—	B
71220 Parts and attachments specially designed for mechanical cotton pickers.	.....	208	SWYZ	500	—	—	—	B
71220 Other agricultural machines and appliances, for harvesting, cutting, threshing, and sorting; and parts and attachments, n.e.c.	.....[1]	208	SYZ	500	—	—	—	B
71230 Milking machines and other farm dairy machines, n.e.c., and parts, n.e.c.	.....	208	SZ	500	—	—	—	B
71230 Industrial dairy machines, n.e.c., and parts.	.....[1]	418	SZ	500	—	—	—	B
71250 Military type tracklaying tractors; and military type contractors' off-highway wheel tractors.[2, 3]	No.	401	STVWXYZ	—	500	—	—	A
71250 Nonmilitary type contractors' off-highway wheel tractors, including those used for drawing scrapers and off-highway semitrailers and trailers, 135 horsepower and over. (Specify as nonmilitary and horsepower.)[3, 4]	No.	402	SVWXYZ	—	—	—	—	E-11
71250 Nonmilitary type tracklaying tractors, 135 horsepower and over. (Specify as nonmilitary and horsepower.)[4]	No.	402	SVWXYZ	—	—	—	—	E-11
71250 Other wheel tractors, 125 power takeoff horsepower and over.	No.	202	SVWXYZ	—	—	—	—	
71250 Other wheel tractors, under 125 power takeoff horsepower; and garden tractors, including motor tillers.	No.	208	SYZ	500	—	—	—	B
71250 Other nonmilitary tractors. (Specify as nonmilitary and horsepower.)[4]	No.	408	SXYZ	—	—	—	100	B
71291 Presses and crushers used in making fruit juice, wine, and similar beverages, and parts.	.....	418	SZ	500	—	—	—	B
71299 Poultry equipment and parts, *except incubators and hatchers and parts.*	.....	208	SZ	500	—	—	—	B
71299 Agricultural machinery, n.e.c., and parts and attachments, n.e.c.	.....[5]	208	SYZ	500	—	—	—	B
71410 Electric typing devices capable of being connected to and operating over a wire communication circuit.	No.	218	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report machines and appliances (assembled or unassembled) in "number."
[2] Possessing or built to current military specifications differing materially from normal commercial specifications.
[3] Off-highway vehicles are interpreted, for purposes of export control, to be those which, without modification by increase of standard tire size and/or spacing, have an overall width of over 98 inches, as measured from outside to outside of rear tires.
[4] For export control purposes, the horsepower rating to be used is the horsepower that the basic engine (with fan, water pump and oil pump) is capable of producing at governed speed as measured at the flywheel, corrected to standard conditions of 60° F. and barometer (dry) of 29.92 inches of mercury.
[5] Report incubators in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71410 Videotypers.®	No.	218	SXYZ	—	—	—	100	B
71410 Multitype typewriters; and automatic typing devices with punched tape mechanisms (for example, Justowriters®). [Report justifying or multiple font machines for use in photolithography or offset printing in Export Control Commodity No. 71822, and typewriters incorporating a calculating device in 71420.]	No.	218	SYZ	—	—	—	—	B
71410 Other typewriters and checkwriting machines.	No.	218	SZ	—	—	—	—	B
71420 Electronic computers as follows: (a) analog computers with one or more of the following characteristics: (i) containing a summer with a rated accuracy better than 1 part in 5,000 parts, or a multiplier or arbitrary adjustable function generator with a rated accuracy better than 1 part in 1,000 parts, (ii) containing or capable of incorporating a total of more than 75 summers, integrators, multipliers or function generators, (iii) incorporating facilities for automatic insertion or alteration of problem set-up, or (iv) incorporating any unit designed to function solely as a memory; (b) analog computers designed or modified for use in airborne vehicles, missiles, or space vehicles and rated for continuous operation at temperatures from below minus 45° C. to above plus 55° C., and equipment or systems incorporating such computers; (c) other analog computers; (d) digital computers using drum or disc type primary memory and possessing: (i) a total rated directly addressable storage capacity in excess of 1,000,000 bits (the same limit defines both the maximum capacity a single storage equipment may possess and the combined capacity where multiple equipments are used), or (ii) a capacity of storage in excess of 250 bits per linear inch (250 bits per 25.4 mm) of single track (this limitation applies to each storage equipment involved); (e) digital differential analyzers (incremental computers) the following: (i) incorporating more than 50 integrators, or (ii) incorporating integrators with an incremental cycle time of less than 1 millisecond (or an iteration rate in excess of 1,000 per second); (f) digital computers and digital differential analyzers (incremental computers) designed or modified for use in airborne vehicles, missiles, or space vehicles and rated for continuous operation at temperatures from below minus 45° C. to above plus 55° C., and equipment or systems incorporating such computers; and (g) other digital computers and differential analyzers (incremental computers). (Specify name and model number and applicable characteristics.) [1]	.....	621	STVWXYZ	—	500	100	—	AFG

* For explanation, see § 399.1 pages 1, 2, and 3.
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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71420 Input/output devices, or other peripheral equipment for electronic computers. (Specify by name.) [1]	.....	621	STVWXYZ	—	500	500	—	A
71420 Accounting and bookkeeping machines, new; and calculators, new and used.	No.	218	SXYZ	—	—	—	100	B
71420 Listing-adding machines, new; and accounting and bookkeeping machines, used.	No.	218	SYZ	—	—	—	—	B
71420 Listing-adding machines, used; nonlisting adding machines, pocket adding machines, mail handling machines, and cash registers incorporating a calculating device, new and used. [Report cash registers not incorporating a calculating device in Export Control Commodity No. 71491.]	No.	218	SZ	—	—	—	—	B
71430 Flexowriters® specially designed for use with electronic computers.	No.	622	STVWXYZ	—	1,000	1,000	—	
71430 Other machines specially designed for use with electronic computers. (Specify by name and model number.) [1]	No.	621	STVWXYZ	—	500	100	—	A
71430 Statistical machines used in conjunction with punched cards or tape, including auxiliary machines, *the following only:* billing machines, calculating machines, Flexowriters® for other than computer use, Computypers®, and listing-adding machines.	No.	628	SXYZ	—	—	—	100	B
71430 Other statistical machines used in conjunction with punched cards or tape, including auxiliary machines.	No.	218	SXYZ	—	—	—	100	B
71491 Duplicating machines; and other office machines, n.e.c.	No.	218	SZ	—	—	—	—	B
71492 Parts and accessories for Flexowriters® specially designed for use with electronic computers.	.....	622	STVWXYZ	—	500	500	—	
71492 Parts and accessories specially designed for electronic computers and auxiliary machines under Export Control Commodity Nos. 71420 and 71430 which are subject to the Import Certificate/Delivery Verification procedure. (Specify name of part and of equipment for which it is designed.) [1]	.....	621	STVWXYZ	—	500	500	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
® Trademark registered in the Patent Office of the United States.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71492 Parts and accessories for billing machines, calculating machines, Computypers,® Flexowriters,® and listing-adding machines under Export Control Commodity No. 71430 which are not specially designed for use with computers.	.....	628	SXYZ	—	—	—	100	B
71492 Parts and accessories specially designed for electric typing devices capable of being connected to and operating over a wire communication circuit.	.....	218	SWXYZ	—	—	—	100	B
71492 Parts and accessories for the following machines: accounting and bookkeeping machines; calculators, *except punched card types and except pocket types;* Fotolist® machines; Videotypers®; and statistical machines for use in conjunction with punched cards or tape, *except electronic computer auxiliary machines.*	.....	218	SXYZ	—	—	—	100	B
71492 Parts and accessories for the following machines: multitype typewriters; automatic typing devices with punched tape mechanisms (for example, Justowriters®); and listing-adding machines.	.....	218	SYZ	—	—	—	—	B
71492 Other parts and accessories for other office machines.	.....	218	SZ	—	—	—	—	B
Machines and machine tools for working metals [Report parts in Export Control Commodity No. 71954]:								
71510 Metal-cutting machine tools and other machine tools for the working of metals, specially designed for the manufacture of arms, munitions, and implements of war.[1, 2] (Specify type of machine.)	No.	421	STVWXYZ	—	500	500	—	A
71510 Jig boring machines with longitudinal, transverse or vertical table travel exceeding 44 inches.	No.	422	STVWXYZ	—	500	500	—	
71510 Automatic vertical boring and turning mills (including vertical turret lathes), cycle type.	No.	422	SVWXYZ	—	—	500	—	
71510 Armor plate drilling machines.....	No.	421	STVWXYZ	—	500	500	—	A
71510 Hollow drill deep-hole drilling machines.	No.	422	STVWXYZ	—	500	500	—	
71510 Gear making and/or finishing machinery, as follows: (a) gear grinding machines, generating type, capable of accepting gear blanks of 36 inches (914 mm.) work diameter or more, (b) gear grinding machines, generating type, capable of accepting gear blanks of 9 inches (228 mm.) work diameter or more,	No.	421	STVWXYZ	—	500	500	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
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[1] Arms, munitions, and implements of war are all items designated in paragraph 370.5(a), Categories I through XIX.
[2] Export authorization is required from the U.S. Department of State for projectile and ammunition production equipment. See paragraph 370.5(a).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
for the production of helical or herringbone gears, or (c) machinery capable of the production of gears of a module finer than 0.5 mm. (diametral pitch finer than 48) and meeting a quality standard better than AGMA 10 or equivalent. (See § 399.2, Interpretation 3.)								
71510 Gear making and/or finishing machinery capable of the production of gears of a module finer than 0.5 mm. (diametral pitch finer than 48) but which are not capable of meeting a quality standard better than AGMA 10 or equivalent. (See § 399.2, Interpretation 3.)	No.	422	STVWXYZ	—	500	500	—	
71510 Other gear tooth grinding machines and gear cutting machines.	No.	428	SWXYZ	—	—	—	100	B
71510 Machines specially designed for making gas turbine blades, including but not limited to the following: blade belt grinding machines, blade edge radiusing machines, blade aerofoil milling and/or grinding machines, blade fillet radiusing and/or platform forming machines, blade root milling machines, blade blank preforming machines, blade rolling machines, blade aerofoil shaping machines, root grinding machines, and blade aerofoil scribing machines.	No.	421	STVWXYZ	—	500	500	—	A
71510 Internal grinding machines specially designed for the utilization of one or more spindle heads capable of speeds in excess of 120,000 r.p.m., *except machines capable of use with hand-held tools only.*	No.	421	STVWXYZ	—	500	500	—	A
71510 Other internal grinding machines specially designed for the utilization of one or more spindle heads capable of speeds over 80,000 r.p.m.	No.	422	STVWXYZ	—	500	500	—	
71510 Tank turret bearing grinding machines.	No.	421	STVWXYZ	—	500	500	—	A
71510 Grinding machines for broaching tools, automatic cycle, automatic sizing.	No.	422	STVWXYZ	—	500	500	—	
71510 Honing machines, vertical or horizontal, of 6 ft. stroke or more.	No.	421	STVWXYZ	—	500	500	—	A
71510 Metal-polishing and buffing machines, manually operated bench and floor types.	No.	428	SZ	—	—	—	—	B
71510 Jig grinding machines with longitudinal, transverse or vertical travel exceeding 44 inches.	No.	421	STVWXYZ	—	500	500	—	
71510 Machines specially designed for the manufacture of jet engines, as follows: (a) jet engine compressor case boring machines, (b) jet engine compressor or turbine disc turning machines, and (c) jet engine rotor grinders.	No.	421	STVWXYZ	—	500	500	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
71510 Lathes specially designed for the manufacture of artillery, including but not limited to, gun barrel trepanning lathes, gun-boring lathes, and gun jump screw lathes.	No.	421	STVWXYZ	—	500	500	—	A
71510 Combination lathe, drilling and milling machines, specially designed for mobile military workshops or for naval craft.	No.	421	STVWXYZ	—	500	500	—	A
71510 Single-spindle automatic chucking lathes, and single-spindel between-center lathes.	No.	428	SXYZ	—	—	—	100	B
71510 Machinery for use in the manufacture of aircraft, as follows: (a) specially designed for the working or forming of aircraft sheet, plate or extrusion, or (b) specially designed for the milling of aircraft skin.	No.	421	STVWXYZ	—	500	500	—	A
71510 Accelerated lead rifle broaching machines and other rifling and rifle-working machines.	No.	421	STVWXYZ	—	500	500	—	A
71510 Armor plate planers	No.	421	STVWXYZ	—	500	500	—	A
71510 Machine tools designed for or equipped with numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) machining movements in a machine tool in two or more axes. (See § 399.2, Interpretation 7.)	No.	422	STVWXYZ	—	500	500	—	
71510 Machine tools designed for or equipped with electronic closed loop control systems designed solely for positioning operations. (See § 399.2, Interpretation 7.)	No.	421	STVWXYZ	—	500	500	—	A
71510 Armor plate quenching presses	No.	421	STVWXYZ	—	500	500	—	A
71510 Presses, as follows: (a) stabilized equipment using rams, for applying high impact energy work forces through use of explosives or compressed gases including air, (b) presses specially designed or re-designed for the working or forming of metals, alloys, or other materials with a melting point exceeding 1900° C., and (c) mechanical and hydraulic presses with total rated capacity over 10,000 tons. (Specify model and rated tonnage capacity.)	No.	422	STVWXYZ	—	500	500	—	
71510 Other hydraulic or mechanical presses with rated capacity over 5,000 tons up to and including 10,000 tons. (Specify model and rated tonnage capacity.)	No.	422	SVWXYZ	—	—	500	—	
71510 Other presses specially designed for the manufacture of steel pipe of a size greater than 19 inches o.d., as follows: (a) O-ing presses, (b) U-ing presses, and (c) straightener-expander presses.	No.	422	STVWXYZ	—	500	500	—	
71510 Forging hammers as follows: (a) counter-blow hammers having rated sizes of 25,000 kilogram meters (181,250 foot-pounds) or more, (b) rotary impact forging hammers of rated sizes of 10,000 foot-pounds or more, (c) horizontal impact hammers, (d) forging hammers having falling weight exceeding 10 tons, and (e) other steam, air, or mechanical hammers of rated size exceeding 10 tons. (Specify type, falling weight, or rated size.)	No.	421	STVWXYZ	—	500	500	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
71510 Spin-forming machines with drive motors of 50 horsepower or over.[1]	No.	421	STVWXYZ	—	500	500	—	A
71510 Spin-forming machines with drive motors of over 25 horsepower up to but not including 50 horsepower.[1]	No.	422	STVWXYZ	—	500	500	—	
71510 Electron beam machines, *except equipment using the "sparking" technique.* [Report electron beam furnaces and electron beam welders in Export Control Commodity No. 72992; and electron beam coating machines in No. 71980.]	No.	601	STVWXYZ	—	500	—	—	A
71510 Portable pipe bending machines capable of bending pipe of 16 inch diameter and over.	No.	422	STVWXYZ	—	500	—	—	
71510 Portable drilling machines capable of tapping steel line pipe of a size greater than 19 inches o.d. without interruption of flow.	No.	422	SVWXYZ	—	—	—	—	
71510 Bonding machines for applying fins on tubing; and axle straighteners.	No.	438	SXYZ	—	—	—	100	B
71510 Other metal-cutting and metalworking machines and machine tools.[2]	No.	428	SWXYZ	—	—	—	100	B
71521 Equipment specially designed for the manufacture of arms, ammunition and/or implements of war, as follows: (a) artillery casting machines, (b) centrifugal casting machines capable of casting tubes 6 feet or more in length with a wall thickness of 2 inches and over, (c) other foundry equipment specially designed for the manufacture of arms, munitions and implements of war, and (d) specially designed parts therefor. (Specify by name.)[3]	.....	421	STVWXYZ	—	500	500	—	A
71521 Other centrifugal casting machines capable of casting tubes 6 feet or more in length with a wall thickness of 2 inches or over; and specially designed parts.	.....	422	STVWXYZ	—	500	500	—	
71521 Bessemer converters, open hearth converters, and other metallurgical converters, and parts, n.e.c.	.....	428	SXYZ	—	—	—	100	B
71521 Ingot molds for heavy steel ingots	Lb.	428	SZ	—	—	—	—	B
71521 Other foundry equipment and parts, n.e.c.	.....	428	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Spin-forming machines are those which form hot or cold metal by the action of spinning or rotary motion. Examples of spin-forming machines are: Appel, Floturn, Hydrospin, Rollform, Roll, Shear-form, Spin forging, and Slick mill types.

[2] Export authorization is required from the U.S. Department of State for projectile and ammunition production equipment. See paragraph 370.5(a).

[3] Arms, munitions, and implements of war are all items designated in paragraph 370.5(a), Categories I through XIX.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
Rolling mills and parts (See § 399.2, Interpretation 16):								
71522 Metal rolling mills with work rolls supported by multiple back-up rolls or bearings (for example, Senzimir cold mills); and specially designed parts and accessories, *except work rolls.*	.....[1]	421	STVWXYZ	—	500	500	—	A
71522 Metal sheet, plate, strip, or foil mills, except aluminum foil mills, hot or cold, having automatic work roll adjustment controls for tapering or contouring lengthwise of work piece; and specially designed parts and accessories, *except work rolls.*	.....[1]	421	STVWXYZ	—	500	500	—	A
71522 Metal rolling mills (all types) specially *designed* or *redesigned* for rolling of metals and alloys with a melting point exceeding 1900° C. (3420° F.); and specially designed parts and accessories, *except work rolls.*	.....[1]	421	STVWXYZ	—	500	500	—	A
71522 Metal rolling mills, sheet, plate, strip, or foil, except aluminum foil mills, more than 3 rolls high (including dual purpose mills for 2 or 4 high operation), which achieve special lateral and/or longitudinal contour control by one or more of the following methods or means: (a) having work rolls with a ratio of roll face length to diameter exceeding 6:1 with roll face length up to and including 30 inches, *or* exceeding 5:1 for rolls with roll face length over 30 inches, (b) maintaining work roll contour by concurrent deforming of back-up rolls, shafts or work rolls, or (c) any other features for achieving special lateral and/or longitudinal contour controls comparable to (a) or (b) above; and specially designed parts and accessories, *except work rolls.*	.....[1]	421	STVWXYZ	—	500	500	—	A
71522 Metal rolling mills with multiple work rolls rotating in a planetary form around the back-up rolls (for example, Senzimir hot mills); and specially designed parts and accessories, *except work rolls.*	.....[1]	422	STVWXYZ	—	500	500	—	
71522 Other metal rolling mills, sheet, plate, strip, or foil, except aluminum foil mills, more than 3 rolls high (including dual purpose mills for 2 or 4 high operation), which achieve special lateral and/or longitudinal contour control by one or more of the following methods or means: (a) incorporating closed loop electronic continuous gauge controls, (b) by use of control tensiometers for measuring and automatically maintaining appropriate adjustment of tension of metal being rolled, or (c) any other features for achieving special lateral and/or longitudinal contour controls comparable to (a) or (b) above; and specially designed parts and accessories, *except work rolls.*	.....[1]	422	STVWXYZ	—	500	500	—	
71522 Other continuous cold sheet and strip mills of more than three-high roll stands; and specially designed parts and accessories, *except work rolls.*	.....[1]	422	STVWXYZ	—	500	500	—	
71522 Other plate rolling mills; other continuous four-high hot strip and sheet mills; and pipe mills specially designed for the manufacture of steel pipe of a size greater than 19 inches o.d.; and specially designed parts and accessories, *except work rolls.*	.....[1]	422	SVWXYZ	—	—	500	—	
71522 Other rolling mill machines and equipment, including pipe or tube mill machines; and parts and accessories; and all work rolls for rolling mills.	.....[1]	428	SWXYZ	—	—	—	100	B
71523 Flame cutting machines with tracer heads designed for or equipped with numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) movements in two or more axes; and specially designed parts and accessories, n.e.c. (See § 399.2, Interpretation 7.)	.....	421	STVWXYZ	—	500	500	—	A
71523 Flame cutting machines with tracer heads designed for or equipped with electronic closed loop control systems designed solely for positioning operations; and specially designed parts and accessories, n.e.c. (See § 399.2, Interpretation 7.)	.....	422	STVWXYZ	—	500	500	—	
71523 Other gas operated welding, cutting, brazing, and surface tempering machines and appliances; and parts and accessories, n.e.c.	.....	428	SWXYZ	—	—	—	100	B
71711 Cotton gins	No.	418	SZ *and* East Germany	—	—	—	—	B
71711 Cotton or wool carding, combing, spinning and twisting machines.	No.	418	SZ	—	—	—	—	B
71711 Machines for extruding man-made fibers, and other machines for preparing and processing natural or man-made fibers into yarns, and for winding.	No.	418	SYZ	—	—	—	—	B
71712 Looms other than cotton looms	No.	418	SZ *and* East Germany	—	—	—	—	B
71712 Other weaving machines, knitting machines and machines for producing trimmings, braids, net, and similar fabrics; and machines for preparing yarn for use on such machines.	No.	418	SZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report rolls for rolling mills in "pound."

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report rolls for rolling mills in "pound."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71713 Parts, accessories and attachments for: (a) cotton gins, and (b) looms other than cotton looms.	.....	418	SZ *and* East Germany	—	—	—	—	B
71713 Textile machine needles; parts, accessories and attachments for cotton looms, for other weaving machines, knitting machines, machines for producing trimmings, braids, net, and similar fabrics, for machines for preparing yarn for use on such machines, and for carding, combing, twisting, and spinning machines for cotton or wool.	.....[1]	418	SZ	—	—	—	—	B
71713 Other parts, accessories and attachments for machines for extruding man-made fibers, and for other machines for preparing and processing natural or man-made fibers into yarns, and for winding.[2]	.....	418	SYZ	—	—	—	—	B
71714 Millinery dies (hat blocks), nonferrous metal.	.....	218	SZ *and* East Germany	—	—	—	—	B
71714 Other machinery for the manufacture or finishing of felt, and parts.	.....	418	SZ	—	—	—	—	B
71715 Cord treating laboratory units (for example, Computreators®), and specially designed parts, n.e.c.	.....[3]	418	SXYZ	—	—	—	100	B
71715 Textile cutting machines, and parts and attachments, n.e.c.	.....	418	SYZ	—	—	—	—	B
71715 Silk screen printing equipment; and pleating (folding) machines; and parts and attachments, n.e.c.	.....[3]	418	SZ *and* East Germany	—	—	—	—	B
71715 Other machines for washing, cleaning, drying, bleaching, dyeing, dressing or finishing textile yarns, fabrics, or made-up textile articles; laundry and dry cleaning machines; and other machines for printing on textiles, leather, wallpaper, linoleum, or other materials; and parts and attachments therefor.	.....[3]	418	SZ	—	—	—	—	B
71720 Shoe making and repairing machines, and machines for preparing, tanning or working hides, skins or leather, n.e.c, and parts, n.e.c.	.....	418	SZ	—	—	—	—	B
71730 Industrial sewing machines, including complete head assemblies, specially designed for the production of parachutes or other military equipment; and parts, n.e.c.	.....[3]	418	SYZ	—	—	—	—	B
71730 Other industrial sewing machines, and parts.	.....[3]	418	SZ	—	—	—	—	B
71730 Domestic sewing machines, and parts, n.e.c.	.....[3]	218	SZ	—	—	—	—	B
71730 Needles, sewing machine.....	M.	218	SZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
® Trademark registered in the Patent Office of the United States.
[1] Report needles in "thousand."
[2] Export authorization is required from U. S. Treasury Department for items of which 90 percent of the total value is attributable to gold content. See paragraph 370.5(b).
[3] Report complete machines (assembled or unassembled) in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71811 Machinery for making or finishing cellulosic pulp, paper or paperboard; and parts and attachments.	.....[1]	418	SZ *and* East Germany	—	—	—	—	B
71812 Paper bag-making machines; office-type paper cutters; and parts and attachments therefor, n.e.c.	.....[1]	418	SZ	—	—	—	—	B
71812 Other papercutting machines, and machines, n.e.c., for the manufacture of articles of paper pulp, paper or paperboard; and parts and attachments, n.e.c.	.....[1]	418	SZ *and* East Germany	—	—	—	—	B
71821 Bookbinding machines, and parts.....	.....	218	SZ *and* East Germany	—	—	—	—	B
71822 Electrotyping, stereotyping, and photoengraving machines; printing plates and cuts (electrotype, stereotype, halftone, lithographic, or engraved); fonts; handsaws; Lintoype® matrices; multitype typewriters (for example, Varitypers®); and photo composing machines (for example, Coxheadliners®, Headliners®, and Typros®); and parts and accessories therefor.	.....[1]	218	SYZ	—	—	—	—	B
71822 Other typesetting and type making machines; and parts and accessories.	.....[1]	218	SZ	—	—	—	—	B
71829 Price marking machines, and plane-o-plate rotary shavers, and parts.	.....[1]	218	SZ *and* East Germany	—	—	—	—	B
71829 Printing machines, n.e.c., and parts....	.....[1]	218	SZ	—	—	—	—	B
71831 Grain cleaning machines, and corn husking machines, and parts.	.....	208	SZ *and* East Germany	500	—	—	—	B
71831 Other machines used in the grain milling industry, and parts.	.....	418	SZ	500	—	—	—	B
71839 Chocolate homogenizers, and parts.....	.....	418	SZ *and* East Germany	—	—	—	—	B
71839 Sugar-plant machines and equipment, n.e.c., and parts.	.....	418	SYZ	—	—	—	—	B
71839 Other food processing machines and equipment, n.e.c., and parts.	.....	418	SZ	—	—	—	—	B
71841 Road rollers, self-propelled.....	No.	408	SYZ	—	—	—	—	B
71842 Construction equipment built to military specifications, specially designed for airborne transport.	No.	401	STVWXYZ	—	500	—	—	A
71842 Other construction equipment, tractor-mounted, possessing or built to current military specifications differing materially from their normal commercial specifications. (Specify as military.)	No.	401	STVWXYZ	—	500	—	—	A
71842 Power cranes, draglines, and shovels, excavator type, crawler or walker-mounted, full revolving, over 6 cu. yd. dipper capacity, or over 100 tons crane lifting capacity. [Report wheel- or truck-mounted machines in Export Control Commodity No. 73203.]	No.	402	SVWXYZ	—	—	—	—	

* For explanation, see § 399.1 pages 1, 2, and 3.
® Trademark registered in the Patent Office of the United States.
[1] Report complete machines (assembled or unassembled) in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
71842 Parts, accessories, and attachments specially designed for construction equipment built to military specifications; and attachments specially designed for military type integral tractor-shovel loaders. (Specify as military.) [Report integral tractor-shovel loaders in Export Control Commodity No. 71931.]	.....	401	STVWXYZ	—	500	—	—	A
71842 Attachments specially designed for nonmilitary type integral tractor-shovel loaders of 135 horsepower and over. [Report integral tractor-shovel loaders in Export Control Commodity No. 71931.]	.....	402	SVWXYZ	—	—	1,000	—	E–11
71842 Parts, accessories, and attachments, *except cabs and cab guards (canopy tops)*, specially designed for nonmilitary, full-revolving excavator type power cranes, draglines and shovels as follows: (a) walker- or crawler-mounted of over 6 cu. yd. dipper capacity or over 100 tons crane lifting capacity, and (b) wheel- or truck-mounted of over 1 cu. yd. capacity or over 30 ton crane lifting capacity. (Specify type and capacity of excavators).	.....	402	SVWXYZ	—	—	1,000	—	
71842 Nonmilitary type scrapers, dig-carry-haul type, over 11 cu. yd. struck capacity. (Specify struck capacity.)	No.	402	SVWXYZ	—	—	—	—	E–11
71842 Logging vehicles, self-propelled, 135 horsepower and over. (Specify type and horsepower.) [1]	No.	402	SVWXYZ	—	—	—	—	
71842 Pipe layers, specially designed (integrated track-laying type), 135 horsepower and over. (Specify horsepower.) [1]	No.	402	SVWXYZ	—	—	—	—	E–11
71842 Parts, accessories, and attachments, *except cabs and cab guards (canopy tops)*, specially designed for the following: (a) nonmilitary types of scrapers, dig-carry-haul type, over 11 cu. yd. struck capacity, (b) logging vehicles, self-propelled, 135 horsepower and over, or (c) pipe layers, specially designed (integrated tracklaying tractor types), 135 horsepower and over.[1] (Specify as nonmilitary and cu. yd. capacity or horsepower as appropriate.) [Report integral tractor-shovel loaders and front-end loaders for mounting on tractors, and parts therefor in Export Control Commodity No. 71931.]	.....	402	SVWXYZ	—	—	1,000	—	E–11

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] For export control purposes the horsepower rating to be used is the horsepower that the basic engine (with fan, water pump and oil pump) is capable of producing at governed speed as measured at the flywheel, corrected to standard conditions of 60° F. and barometer (dry) of 29.92 inches of mercury.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
71842 Dredging machines, and parts, accessories and attachments.[1]	.....[2]	408	SWXYZ	—	—	—	100	B
71842 Self-propelled ditchers and trenchers incorporating engines rated 60 horsepower or less; logging sulkies, and logging arches, *except self-propelled of 135 horsepower or over;* and parts, accessories, and attachments therefor.	.....[2]	408	SYZ	—	—	—	—	B
71842 Asphalt cutters; clay spades; dirt tampers; and street flushing units for truck mounting; and parts, accessories, and attachments therefor.	.....	408	SZ	—	—	—	—	B
71842 Rotary drill rigs incorporating rotary tables with drawworks designed for an input of 150 horsepower and over. (Specify input horsepower.) [Report truck mounted rigs in Export Control Commodity No. 73203.]	No.	402	SVWXYZ	—	—	—	—	
71842 Parts, accessories, and attachments specially designed for rotary drill (*excluding core*) rigs incorporating rotary tables with drawworks designed for an input of 150 horsepower and over, *except core barrels, crown and traveling blocks, hooks, swivels, drill collars, tool joints, kellies, and kelly and rotary substitutes.* [Report derricks in Export Control Commodity No. 71931.]	.....	402	SVWXYZ	—	—	1,000	—	E–12
71842 Snow plows, farm-type; and parts, accessories, and attachments.	.....[3]	208	SZ *and* East Germany	500	—	—	—	B
71842 Other drilling, excavating, leveling, mining, construction, and maintenance equipment; and parts, accessories, and attachments.	.....[3]	408	SXYZ	—	—	—	100	B
71851 Foundry machines specially designed for the manufacture of arms, munitions, or implements of war; and specially designed parts, n.e.c.[4]	.....	421	STVWXYZ	—	500	500	—	A
71851 Other foundry sand agglomerating, molding, or shaping machines, and parts, n.e.c.	.....	428	SWXYZ	—	—	—	100	B
71851 Equipment for mixing or forming minerals, and accessory equipment as follows: buggies; concrete floor finishing machines; cutting machines, *except powder cutting;* grout mixers; plaster and mortar mixers; and rotary finishers; and parts.	.....	408	SYZ	—	—	—	—	B
71851 Briquetting presses, and other brick, tile, household ceramic, and concrete products manufacturing machines, n.e.c.; and parts, n.e.c.	.....	408	SZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Floating dredgers (Schedule B No. 735.5060) require export authorization from the U. S. Maritime Administration. See paragraph 370.5(c).

[2] Report complete dredging machines, ditchers, trenchers, logging sulkies and logging arches (assembled or unassembled) in "number."

[3] Report attachments for mounting on tractors (dozers, backhoes, rippers, etc.), and complete machines (exclusive of attachments) in "number."

[4] Arms, munitions, and implements of war are all items designated in paragraph 370.5(a), Categories I through XIX.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
71851 Other mineral crushing, sorting, washing, mixing, forming and similar machines, and parts, n.e.c.	.....[1]	408	SXYZ	—	—	—	100	B
71852 Glassworking machinery and equipment (specify by name) as follows: (a) specially designed for the manufacture of electron tubes or semi-conductor devices and parts and subassemblies thereof (Export Control Commodity No. 72930), which are subject to the Import Certificate/Delivery Verification procedure, (b) specially designed for the manufacture of silicon transistors, or (c) for automatic or semi-automatic assembly and/or sorting of electronic equipment and parts and sub-assemblies thereof, *except standard equipment designed for exhaust sealing and gettering of standard entertainment type 7-pin miniature and 9-pin noval tubes;* and specially designed parts and accessories n.e.c.[2]	.....	411	STVWXYZ	—	500	100	—	A
71852 Standard equipment designed for automatic exhaust sealing and gettering of standard entertainment type 7-pin miniature and 9-pin noval tubes; and specially designed parts and accessories, n.e.c.	.....	418	SWXYZ	—	—	—	100	B
71852 Other machines (specify by name), *capable of:* (a) manufacturing components for electron tubes, transistors, or crystal diodes; or (b) assembling electron tubes, or components or subassemblies therefor; and specially designed parts and accessories, n.e.c. [Report machines for assembling transistors or crystal diodes in Export Control Commodity No. 71980.]	.....	411	STVWXYZ	—	500	100	—	
71852 Other glass–working machinery, n.e.c.; and machines for assembling electric filament and discharge lamps; and parts, n.e.c.	.....	418	SXYZ	—	—	—	100	B
71911 Electrolytic cells for the production of fluorine, with a production capacity greater than 250 grams of fluorine per hour (specify by name); and specially designed parts.	.....	411	STVWXYZ	—	500	100	—	A
71911 Other electrolytic cells, n.e.c. (specify by name); and specially designed parts.	.....	412	STVWXYZ	—	500	100	—	
71911 Acetylene gas generating apparatus, unitized; and parts.	.....	418	SZ	—	—	—	—	B
71911 Other gas generators, and parts.....	.....	418	SXYZ	—	—	—	100	B
71912 Air-conditioning machines, self-contained. [Report parts in Export Control Commodity No. 71915.]	No.	418	SXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete machines in "number."
[2] For export control purposes: (a) the term "automatic" refers to machinery not requiring the assistance of a human operator to complete its function or functions during each complete cycle of operations; (b) the term "semi-automatic" refers to machinery requiring the assistance of a human operator to complete part but not all of its functions during each complete cycle of operations; and (c) the term "functions" in (a) and (b) above does not include the initial loading or final unloading of material from the machine.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
71913 Oil and gas burners for continuous combustion controlled reaction type carbon black furnaces; and specially designed parts and attachments.	.....[1]	402	SVWXYZ	—	—	—	—	
71913 Oil burners, ceramic cup type; and gas combustion burners, ceramic cup type; and specially designed parts and attachments.	.....[1]	408	SWXYZ	—	—	—	100	B
71913 Other burners for carbon black furnaces; and parts and attachments, n.e.c.	.....[1]	408	SXYZ	—	—	—	100	B
71913 Other oil and gas furnace burners; mechanical stokers; ash dischargers; mechanical grates; and parts and attachments, n.e.c.	.....[1]	408	SZ	—	—	—	—	B
71914 Carbon black furnaces, continuous combustion, controlled reaction type; and specially designed parts and attachments.	.....[2]	402	SVWXYZ	—	—	—	—	
71914 Non-electric industrial furnaces or heaters of the following types: (a) cylindrical having a suspended deflecting cone, (b) radiant wall employing multiple independently controlled ceramic cup burners, or (c) metal heat-treating; and specially designed parts and attachments.	.....[2]	408	SWXYZ	—	—	—	100	B
71914 Bakery ovens, nonelectric, and parts...	.....	418	SZ	—	—	—	—	B
71914 Other non-electric furnaces, ovens and kilns; and parts and attachments.	.....[2]	408	SXYZ	—	—	—	100	B
71915 Commercial refrigeration equipment, mechanically operated, capable of maintaining temperatures below minus 130° C. (minus 202° F.); and specially designed parts, n.e.c.	.....[3]	412	STVWXYZ	—	500	500	—	
71915 Cryogenic refrigeration equipment specially designed for maintaining an ambient temperature below minus 130° C. (minus 202° F.), *and* (a) designed for use in marine, airborne or space applications, (b) ruggedized for mobile ground use, or (c) designed to maintain operating temperatures for electrical, magnetic or electronic equipment or components; and specially designed parts therefor.	.....[3]	231	STVWXYZ	—	500	500	—	A
71915 Cryogenic refrigeration equipment consisting of, or containing as components thereof, jacketed containers for storage or transportation at temperatures below minus 274°F. (minus 170°C.) with multi-laminar type insulation under vacuum; and specially designed parts, n.e.c.	.....[3]	231	STVWXYZ	—	500	500	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report oil and gas burners in "number."
[2] Report complete furnaces and ovens (assembled or unassembled) in "number."
[3] Report complete refrigerating units (assembled or unassembled) in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71915 Other refrigeration equipment specially designed for use of liquefied gases as a coolant, capable of creating or maintaining temperatures of below minus 130° C. (minus 202° F.); and specially designed parts, n.e.c.	.....[1]	232	STVWXYZ	—	500	500	—	
71915 Air conditioners, for aircraft; and specially designed parts.	.....[1]	418	SWXYZ *and* Rep. So. Africa	—	—	—	100	B
71915 Ice-making machines; soda fountain and beer dispensing equipment; commercial type refrigerators and freezers, *except walk-in coolers, blood, bone, and tissue bank freezers, and equipment capable of maintaining temperatures below minus 202° F. (minus 130° C.)*; and unit coolers and product coolers, with fans, for refrigeration; and parts therefor, *except compressors and condensing units (compressor with condenser)*.	.....[1]	418	SZ	—	—	—	—	B
71915 Other airconditioning and refrigerating equipment; and parts, n.e.c., including parts for self-contained air-conditioning machines. [Report compressors in Export Control Commodity No. 71922.]	.....[1]	418	SZ *and* East Germany	—	—	—	—	B
71919 Process vessels specially designed for chemically processing radioactive material; and specially designed parts and accessories, n.e.c. (Specify name of vessel and give full specifications.)	.....	411	STVWXYZ	—	500	—	—	A
71919 Other machines and equipment, n.e.c., specially designed for use in processing of irradiated nuclear materials to isolate or recover fissionable materials; and specially designed parts and accessories, n.e.c. (Specify name of machine or equipment and give full specifications.) [Report counter-current solvent extractors and centrifuges in Export Control Commodity No. 71923; and fuel chopping, disassembling, and dejacketing machines in No. 71980.]	.....	411	STVWXYZ	—	500	—	—	A
71919 Electron ovens; and parts	.....[2]	608	SYZ	—	—	—	—	B
71919 Other commercial type cooking and food warming equipment, electric; and parts.	.....[2]	608	SZ	—	—	—	—	B
71919 Commercial type cooking and food warming equipment, nonelectric; and parts.	.....[2]	218	SZ	—	—	—	—	B
71919 Machines and equipment specially designed for use at temperatures below minus 130° C. (minus 202° F.); and specially designed parts, n.e.c.	.....[2]	418	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete machines, air conditioners, refrigerators, condensing units or refrigerating units (assembled or unassembled) in "number."
[2] Report complete machines, ovens, and equipment (assembled or unassembled) in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71919 Cane and maple sirup evaporators; crop dryers; forage dehydrators; and tobacco curers; and parts.	.....	208	SYZ	—	—	—	—	B
71919 Sugar mill machines for processing by means of a change in temperature (for example, driers, evaporators, sugar extraction calorizators and carbonation vats); and parts.	.....[1]	418	SYZ	—	—	—	—	B
71919 Machines for processing by means of a change in temperature for other food products industries; and parts.	.....[1]	418	SZ	—	—	—	—	B
71919 Heat exchangers made of aluminum, copper, nickel, or alloys containing more than 60 percent nickel, or combinations of these metals as clad tubes, designed to operate at sub-atmospheric pressure, with a leak rate of less than 10^{-4} atmospheres per hour under a pressure differential of 1 atmosphere (specify type of metal and operation specifications); and specially designed parts. [Report heat exchangers for steam generating power boilers in Export Control Commodity No. 71120.]	.....[2]	411	STVWXYZ	—	500	100	—	A
71919 Heat exchangers, oil coolers and liquid coolers specially designed for aircraft; and parts.	.....[2]	438	SWXYZ *and* Rep. So. Africa	—	—	—	100	B
71919 Equipment specially designed for the production in liquid form of air, oxygen, nitrogen, and/or argon and producing one ton or more per day of gas in liquid form, *except equipment for plants not capable of producing more than 25 percent of their total daily product as extractable gas in liquid form;* and specially designed parts.	.....	411	STVWXYZ	—	500	100	—	A
71919 Equipment for the production of liquid hydrogen, *except plants with a capacity of less than 1½ tons per 24-hour day and not designed for, or capable of, the production of hydrogen slush;* and specially designed parts.	.....	411	STVWXYZ	—	500	100	—	A
71919 Equipment specially designed for the production of liquid hydrogen and producing 1 ton but less than 1½ tons per day of gas in liquid form, *except equipment for plants not capable of producing more than 25 percent of their total daily product as extractable gas in liquid form;* and specially designed parts.	.....	412	STVWXYZ	—	500	100	—	
71919 Other liquid oxygen or liquid nitrogen production equipment, mobile; and specially designed parts.	.....	412	STVWXYZ	—	500	500	—	
71919 Equipment specially designed for use in production of nitric acid of 98 percent or higher concentration, or for the concentration	.....	412	STVWXYZ	—	500	100	—	

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete machines (assembled or unassembled) in "number."
[2] Report heat exchangers in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
of nitrogen tetroxide and/or nitric oxides or mixtures thereof; and specially designed parts and accessories, n.e.c.								
71919 Equipment specially designed for the production and/or concentration of deuterium oxide; and specially designed parts.	.....	411	STVWXYZ	—	500	100	—	A
71919 Equipment for the production of liquid fluorine; and specially designed parts.	.....	411	STVWXYZ	—	500	100	—	A
71919 Equipment for the separation of helium from natural gases; and specially designed parts.	.....	411	STVWXYZ	—	500	100	—	A
71919 Equipment for the production of liquid helium, *except equipment which has a capacity of no more than 20 liters per hour;* and specially designed parts.	.....	411	STVWXYZ	—	500	100	—	A
71919 Industrial processing vessels, non-mixing, n.e.c., specially designed for use in the following unit operations: (a) solvent processing, (b) fractionating, rectifying and dephlegmatizing, (c) hydrogenation, (d) dehydrogenation, (e) isomerization, (f) polymerization, (g) aromatization, (h) alkylation, (i) desulphurization, and (j) thermal and catalytic cracking, reforming or platforming; and specially designed parts and accessories therefor, n.e.c.	.....	418	SWXYZ	—	—	—	100	B
71919 Fractionating columns having, or having provisions for, 25 or more trays; and specially designed parts.	.....	418	SWXYZ	—	—	—	100	B
71919 Other fractionating columns, heat exchangers and processing vessels having *all* flow-contact surfaces *made of or lined with any* of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium either separately or combined, (b) 50 percent or more cobalt, molybdenum, nickel or tungsten either separately or combined, (c) 13 percent or more silicon, (d) steel alloys containing more than 3 percent of (i) chromium and molybdenum combined, or (ii) chromium and tungsten combined, or (iii) chromium, molybdenum, or tungsten combined, (e) 2.5 percent or more nickel, (f) fluoro and/or silico resins, (g) glass (acid-, heat-, or shock-resistant), (h) ceramics, (i) carbon, (j) graphite, or (k) acid/heat resistant cement; and specially designed parts therefor. [Report heat exchangers for steam generating power boilers in Export Control Commodity No. 71120.]	.....[1]	418	SWXYZ	—	—	—	100	B
71919 Sterilizers and autoclaves, dental, medical, surgical and laboratory.	.....	628	SZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report condensing units and heat exchangers in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71919 Pulp and paper mill machines, and rubber processing machines for processing by means of a change in temperature; and parts, n.e.c.	.....	418	SYZ	—	—	—	—	B
71919 Asphalt heating kettles; and bituminous heaters; and parts, n.e.c.	.....	408	SZ	—	—	—	—	B
71919 Other machines and equipment for processing materials by means of a change in temperature, for the special use of an individual industry, *except vegetable oil machines and tobacco processing machines;* and parts, n.e.c.	.....	418	SXYZ	—	—	—	100	B
71919 Other machines and equipment, other than domestic, for treatment of materials by a process involving a change in temperature; and parts, n.e.c.	.....[1]	411	SZ *and* East Germany	—	—	—	—	B
Pumps for liquids, and parts:								
71921 Industrial pumps having *all* flow-contact surfaces *made of any* of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (b) 50 percent or more cobalt or molybdenum, either separately or combined, (c) polytetrafluoroethylene, or (d) polychlorotrifluoroethylene. (Specify metal content in percent.)	No.	401	STVWXYZ	—	500	—	—	A
71921 Pumps specially designed for operation at temperatures below minus 274° F. (minus 170° C.), *except pumps with a flow rate of 100 gallons per minute or less designed to operate at temperatures above minus 328° F. (minus 200° C.).* (Specify designed operating temperatures and gpm.)	No.	401	STVWXYZ	—	500	—	—	A
71921 Vertically shafted centrifugal pumps, glandless, hermetically sealed (canned) type or mechanical pressurized sealed type, having *all* flow contact surfaces *made of or lined with* 10 percent or more nickel and/or chromium *and* rated at 50 kilowatts or more; and parts and attachments, n.e.c. (Give full specifications.)	.....[2]	402	STVWXYZ	—	500	—	—	
71921 Other centrifugal pumps, glandless, hermetically-sealed (canned) type, having *all* flow-contact surfaces *made of* 10 percent or more chromium or nickel, either separately or combined. (Identify type and specify metal content in percent.)	No.	402	STVWXYZ	—	500	—	—	

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report condensers and heat exchangers in "number."
[2] Report complete pumps (assembled or unassembled) in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
71921 Pumps designed to move molten metals by electro-magnetic forces. (Specify type and that pumps are so designed.)	No.	401	STVWXYZ	—	500	—	—	A
71921 Other centrifugal pumps having either of the following characteristics: (a) designed to deliver at pressures of 1000 psi or over *and* to operate at temperatures of 350° F. and over; or (b) designed for an internal pump-case working pressure of over 300 psi *and* a power input greater than 1,000 horsepower. (Give specifications and type pump.)	No.	402	SVWXYZ	—	—	—	—	
71921 Other pumps designed to deliver at pressures of 1,000 psi and over *and* to operate at temperatures of 350° F. and over. (Specify designed delivery pressure and operating temperature.)	No.	402	SVWXYZ	—	—	—	—	
71921 Slush (mud) pumps reciprocating type, designed to deliver at pressures of 1,000 psi or over *and* requiring a drive rated 200 horsepower or over. (Specify delivery pressure and horsepower.)	No.	402	SVWXYZ	—	—	—	—	
71921 Oilfield production (bottom hole) pumps.	No.	402	SVWXYZ	—	—	500	—	E–12
71921 Other centrifugal pumps designed to operate at speeds of 7,000 rpm or over *and* to produce pressures of 800 psi or over *and* having all flow-contact surfaces *made of* 10 percent or more chromium or nickel, either separately or combined; and specially designed parts and attachments therefor.	.....[1]	408	SWXYZ	—	—	—	100	B
71921 Other pumps specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions; and specially designed parts and attachments therefor.	.....[1]	408	SWXYZ	—	—	—	100	B
71921 Other pumps having *all* flow-contact surfaces *made of or lined with any* of the following materials: (a) 50 percent or more nickel or tungsten either separately or combined; (b) 13 percent or more silicon; (c) steel alloys containing more than 3 percent of (i) chromium and molybdenum combined, (ii) chromium and tungsten combined, or (iii) chromium, molybdenum, or tungsten combined; (d) 2.5 percent or more nickel; (e) fluoro and/or silico resins; (f) glass (acid-, heat-, or shock-resistant); (g) ceramics; (h) carbon; (i) graphite; or (j) acid/heat resistant cement; and specially designed parts and attachments therefor.	.....[1]	408	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete pumps (assembled or unassembled) in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
71921 Other pumps designed to operate at temperatures below minus 202° F. (minus 130° C.). (Specify designed operating temperatures.)	No.	408	SWXYZ	—	—	—	100	B
71921 Pumps specially designed for aircraft (fuel, fuel booster, hydraulic, water, etc.); and parts and attachments, n.e.c.	.....[1]	438	SWXYZ *and* Rep. So. Africa	—	—	—	100	B
71921 Fuel pumps specially designed for automotive vehicles and trucks; and parts, n.e.c.	.....[1]	438	SXYZ	—	—	—	100	B
71921 Hand pumps; windmill pumps; self-contained household water systems; service station pumps; and measuring and dispensing pumps designed for fuels and lubricants; and parts and attachments n.e.c.	.....[1]	408	SZ	—	—	—	—	B
71921 Pump parts and attachments wholly made of fluorocarbon polymers or copolymers, *except polyvinyl fluoride.* (See § 399.2, Interpretation 22.)	.....	401	STVWXYZ	—	500	100	—	A
71921 Pump parts and attachments wholly made of polyvinyl fluoride.	.....	402	STVWXYZ	—	500	100	—	
71921 Parts and attachments specially designed for pumps under Export Control Commodity No. 71921 which are subject to the Import Certificate/Delivery Verification procedure.	.....	401	STVWXYZ	—	500	100	—	A
71921 Parts and attachments specially designed for other pumps under Export Control Commodity No. 71921 which require a validated license to all destinations but which are not subject to the Import Certificate/Delivery Verification procedure.	.....	402	STVWXYZ	—	500	100	—	
71921 Parts and attachments specially designed for pumps under Export Control Commodity No. 71921 which require a validated license to all destinations other than T destinations.	.....	408	SVWXYZ	—	—	500	—	
71921 Other pumps for liquids, and parts and attachments, n.e.c.	.....[1]	408	SXYZ	—	—	—	100	B
Pumps for gases; air or gas compressors; fans and blowers, *excluding household fans*; and parts:								
71922 Cryopump systems (that is, systems in which the circulation of liquefied gas is used to achieve a vacuum—static or dynamic—by lowering the temperature of the environment).	No.	411	STVWXYZ	—	500	—	—	A
71922 Diffusion vacuum pumps rated for unbaffled pumping speeds of more than 50,000 liters of nitrogen per second at pressures of 10^{-4} mm. of mercury or less.	No.	411	STVWXYZ	—	500	—	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete pumps (assembled or unassembled) in "number."

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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71922 Turbo-molecular pumps having a capacity higher than 2,000 liters of nitrogen per second.	No.	411	STVWXYZ	—	500	—	—	A
71922 Ion vacuum pumps having speeds of 800 or more liters of hydrogen per second at pressures of 10^{-4} mm. of mercury or more.	No.	411	STVWXYZ	—	500	—	—	A
71922 Other ion vacuum pumps; and specially designed parts and attachments, n.e.c.	.....[1]	412	STVWXYZ	—	1,000	1,000	—	
71922 Other diffusion vacuum pumps, 12 inches in diameter and larger (diameter measured inside the barrel at the inlet jet).	No.	412	STVWXYZ	—	500	—	—	
71922 Vacuum pumps, air compressors, fans, and blowers specially designed for aircraft; and parts and attachments therefor.	.....[1]	438	SWXYZ *and* Rep. So. Africa	—	—	—	100	B
71922 Vacuum pump parts and attachments wholly made of fluorocarbon polymers or copolymers.[2]	.....	411	STVWXYZ	—	500	100	—	A
71922 Parts and attachments specially designed for vacuum pumps under Export Control Commodity No. 71922 which are subject to the Import Certificate/Delivery Verification procedure.	.....	411	STVWXYZ	—	500	100	—	A
71922 Other parts and attachments, n.e.c., specially designed for diffusion vacuum pumps of 12 inches in diameter or larger (diameter measured inside the barrel at the inlet jet).	.....	412	STVWXYZ	—	1,000	1,000	—	
71922 Other vacuum pumps, and parts and attachments, n.e.c.	.....[1]	418	SYZ	—	—	—	—	B
71922 Compressors and blowers (turbo, centrifugal, and axial flow types) having a designed capacity of 60 cfm or more *and* all flow-contact surfaces *made of* aluminum, nickel, or alloy containing 60 percent or more nickel; and specially designed parts and attachments. (Specify cfm capacity, discharge pressure, kind of metal, and if nickel alloy, state percentage of nickel content.)	.....[1]	401	STVWXYZ	—	500	500	—	A
71922 Centrifugal and axial flow compressors and blowers capable of: (a) an overall compression ratio of 2:1 or more coupled with a capacity of over 372,000 cubic feet per minute, or (b) an overall compression ratio of 3:1 or more coupled with a capacity of over 106,000 cubic feet per minute; and specially designed parts and accessories, n.e.c.	.....[1]	402	STVWXYZ	—	500	500	—	
71922 Compressors for jet, turbo-prop, and turbo-shaft aircraft engines under Export Control Commodity No. 71142 which are subject to the Import Certificate/Delivery Verification procedure; and parts. (Specify make, model, and horsepower of engine.)	.....[1]	431	STVWXYZ	—	500	—	—	A
71922 Other compressors for other jet, turbo-prop, turbo-shaft, and gas turbine aircraft engines under Export Control Commodity No. 71142 which are not subject to the Import Certificate/Delivery Verification procedure. (Specify make, model, and horsepower of engine.)	.....[1]	432	STVWXYZ	—	500	—	—	E-2
71922 Other compressors and blowers capable of receiving a power input greater than 2,000 horsepower *and* designed for a discharge greater than 300 psi; and specially designed parts and accessories, n.e.c. (Specify horsepower and discharge pressure.)	.....[1]	402	SVWXYZ	—	—	500	—	
71922 Compressors and blowers capable of receiving a power input of 500 but not greater than 2,000 horsepower *and* specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions; and specially designed parts and attachments. (Specify horsepower.)	.....[1]	408	SWXYZ	—	—	—	100	B
71922 Other reciprocating compressors over 125 horsepower and all other centrifugal, axial flow and mixed flow compressors and blowers having *all* flow-contact surfaces *made of or lined with any* of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium either separately or combined, (b) 50 percent or more cobalt, molybdenum, nickel or tungsten either separately or combined, (c) 13 percent or more silicon, (d) steel alloys containing more than 3 percent of (i) chromium and molybdenum combined, (ii) chromium and tungsten combined, or (iii) chromium, molybdenum, and tungsten combined; (e) 2.5 percent or more nickel, (f) fluoro and/or silico resins, (g) glass (acid-, heat-, or shock-resistant), (h) ceramics, (i) carbon, (j) graphite, or (k) acid/heat resistant cement; and specially designed parts and attachments.	.....[1]	408	SWXYZ	—	—	—	100	B
71922 Compressors, refrigeration and air-conditioning type, ½ horsepower and under; and parts, n.e.c.	.....[1]	418	SZ *and* East Germany	—	—	—	—	B
71922 Compressors, refrigeration and air-conditioning type, over ½ horsepower, and parts, n.e.c.	.....[1]	408	SXYZ	—	—	—	100	B
71922 Other blowers, compressors and fans; and parts and attachments.	.....[1]	408	SXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete pumps, compressors, fans, and blowers (assembled or unassembled) in "number."
[2] See § 399.2, Interpretation 22.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71923 Counter-current solvent extractors specially designed for the extraction of radioactive substances (for example, pulsed columns and mixer-settlers made of stainless steel); and specially designed parts.	.....	411	STVWXYZ	—	500	—	—	A
71923 Equipment for filtering, purifying, separating or treating radioactive impurities from nuclear reactor coolant; and specially designed parts.	.....	412	STVWXYZ	—	500	—	—	
71923 Gas centrifuges capable of the enrichment or separation of isotopes; and specially designed parts.	.....	411	STVWXYZ	—	500	100	—	A
71923 Centrifugal counter-current solvent extractors; and specially designed parts.	.....	412	STVWXYZ	—	500	500	—	
71923 Other centrifuges, power-driven, bowl type, with all product contact surfaces of aluminum, nickel, or alloy containing 60 percent or more nickel; and parts. (Specify by name; and specify kind of metal and, if nickel alloy, state percentage of nickel content.)	.....	412	STVWXYZ	—	500	100	—	
71923 Centrifuge bowls, *wholly made of or lined with* aluminum, nickel, or alloy containing 60 percent or more nickel; and parts. (Specify by name and specify kind of metal and, if nickel alloy, state percentage of nickel content.)	.....	412	STVWXYZ	—	500	100	—	
71923 Separators and collectors specially designed for use at temperatures below minus 130° C. (minus 202° F.); and specially designed parts.	.....	418	SWXYZ	—	—	—	100	B
71923 Oil and gas separators other than field production units; and specially designed parts. [Report separators, for oil and gas field production units in Export Control Commodity No. 71931.]	.....	412	STVWXYZ	—	500	100	—	
71923 Petroleum dehydrators, and petroleum desalters; and specially designed parts.	.....	412	SVWXYZ	—	—	100	—	
71923 Water purifiers, water softeners, water filters, and other filtering, purifying, and separating machines for water treatment and sewage disposal; and specially designed parts.	.....	408	SXYZ	—	—	—	100	B
71923 Centrifugal extractors, designed for commercial laundries, and parts, n.e.c.; Centrifix type RW line purifiers®; and Dri-Air units.	.....[1]	418	SZ	—	—	—	—	B
71923 Laboratory centrifuges, n.e.c., and parts, n.e.c.	.....	628	SZ *and* East Germany	—	—	—	—	B
71923 Other centrifuges, and other filtering and purifying machines for liquids, air, and gases; and parts, n.e.c.	.....	418	SXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
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[1] Report centrifugal extractors in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71931 Military type integral tractor-shovel loaders.[1]	No.	401	STVWXYZ	—	500	—	—	A
71931 Nonmilitary type integral tractor-shovel loaders, 135 horsepower and over. (Specify as nonmilitary, whether wheel or tracklaying type, and horsepower.)[2]	No.	402	SVWXYZ	—	—	—	—	E-11
71931 Parts, n.e.c., specially designed for military type integral tractor-shovel loaders.[1] (Specify as military.) [Report attachments in Export Control Commodity No. 71842.]	.....	401	STVWXYZ	—	500	—	—	A
71931 Parts, n.e.c., *except cabs and cab guards (canopy tops)*, specially designed for nonmilitary type integral tractor-shovel loaders of 135 horsepower and over. (Specify as nonmilitary, whether wheel or tracklaying type, and horsepower.) [Report attachments in Export Control Commodity No. 71842.][2]	.....	402	SVWXYZ	—	—	1,000	—	E-11
71931 Oilfield derricks, platforms, and substructures; casinghead and christmas tree assemblies less than 2,000 psi; and specially designed parts, n.e.c.	.....	408	SXYZ	—	—	—	100	B
71931 Other oil and gas field equipment, n.e.c.; and specially designed parts and accessories, n.e.c. (Specify by name.) [Report rotary well drilling machines and parts in Export Control Commodity No. 71842, and if truck mounted in No. 73203; report oil and gas separators other than field production units in No. 71923.]	.....	402	SVWXYZ	—	—	1,000	—	E-12
71931 Overhead hoists, pendant type; casket lowering devices; and fishing boat winches; and parts and attachments, n.e.c.	.....[3]	408	SZ	—	—	—	—	B
71931 Automobile lifts; jacks for automotive vehicles or aircraft; and parts, n.e.c.	.....[3]	438	SZ *and* East Germany	—	—	—	—	B
71931 Construction jacks, and drill jacks; and parts, n.e.c.	.....	408	SXYZ	—	—	—	100	B
71931 Other hand-operated, mechanical and hydraulic jacks; and parts, n.e.c.	.....	218	SZ *and* East Germany	—	—	—	—	B
71931 Farm elevators; and parts, n.e.c.....	.....	208	SZ *and* East Germany	—	—	—	—	B
71931 Elevators and moving stairways; and parts, n.e.c.	.....[3]	408	SZ *and* East Germany	—	—	—	—	B
71931 Other lifting, loading, and conveying machines and equipment; and parts and attachments, n.e.c.[4]	.....[3]	408	SXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Possessing or built to current military specifications differing materially from normal commercial specifications.
[2] For export control purposes, the horsepower rating to be used is the horsepower that the basic engine (with fan, water pump and oil pump) is capable of producing at governed speed as measured at the flywheel, corrected to standard conditions of 60° F. and barometer (dry) of 29.92 inches of mercury.
[3] Report complete machines or devices (assembled or unassembled) in "number."
[4] Export authorization is required from the U.S. Department of State for launching, arresting, and recovery equipment for military aircraft. See paragraph 370.5(a).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71932 Military type industrial tractors and lift trucks.[1]	No.	401	STVWXYZ	—	500	—	—	A
71932 Nonmilitary type industrial tractors and lift trucks powered by internal combustion engine, 135 horsepower and over. (Specify as nonmilitary, whether tractor or lift truck, and horsepower.)[2]	No.	402	SVWXYZ	—	—	—	—	E-11
71932 Parts specially designed for military type industrial tractors and lift trucks.[1]	.....	401	STVWXYZ	—	500	—	—	A
71932 Parts and accessories, *except cabs and cab guards (canopy tops)*, specially designed for nonmilitary industrial tractors and lift trucks of 135 horsepower and over. (Specify whether for tractor or lift truck, and horsepower.)[2]	.....	402	SVWXYZ	—	—	1,000	—	E-11
71932 Other industrial trucks, tractors and portable elevators of a kind used for moving goods in plants, railway stations and similar installations; and parts.	.....[3]	408	SXYZ	—	—	—	100	B
71941 Butter churns, farm type; and parts...	.....	208	SZ *and* East Germany	500	—	—	—	B
71941 Other domestic food-processing appliances, nonelectric; and parts.	.....	218	SZ	—	—	—	—	B
71942 Condensers and evaporators for nonelectric domestic refrigerators; and parts.	.....	218	SZ *and* East Germany	—	—	—	—	B
71942 Domestic type refrigerators and freezers, nonelectric; and parts, *except condensers and evaporators, and parts therefor.*	.....	218	SZ	—	—	—	—	B
71943 Domestic water heaters, nonelectric; and parts.	.....[4]	218	SZ	—	—	—	—	B
71951 Optical curve generators capable of producing aspherical curves without the use of mating surfaces.	.....	418	SWXYZ	—	—	—	100	B
71951 Cutting machines for ceramics and similar nonmetallic materials, *except quartz crystal, masonry or stone.*	.....	418	SZ *and* East Germany	—	—	—	—	B
71951 Other machines, n.e.c., for working asbestos-cement, ceramics, concrete, quartz crystals, masonry, stone (including artificial, precious and semiprecious stones), and similar mineral materials. [Report parts in Export Control Commodity No. 71954.]	.....	408	SZ *and* East Germany	—	—	—	—	B
71952 Sawmill machines and equipment, and other woodworking machines, including machines for working cork.	.....[3]	418	SZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Possessing or built to current military specifications differing materially from normal commercial specifications.
[2] For export control purposes, the horsepower rating to be used is the horsepower that the basic engine (with fan, water pump and oil pump) is capable of producing at governed speed as measured at the flywheel, corrected to standard conditions of 60° F. and barometer (dry) of 29.92 inches of mercury.
[3] Report complete machines or devices (assembled or unassembled) in "number."
[4] Report gas water heaters in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71952 Wood preparation equipment for the paper industry.	.....	418	SYZ	—	—	—	—	B
71952 Other machines, n.e.c., for working bone, ebonite, hard plastics, and other hard carving materials. [Report parts in Export Control Commodity No. 71954.]	No.	418	SZ *and* East Germany	—	—	—	—	B
71953 Portable drilling machines, pneumatic or hydraulic, capable of tapping steel line pipe of a size greater than 19 inches o.d. without interruption of flow; and specially designed parts and attachments.	.....[1]	422	SVWXYZ	—	—	—	—	
71953 Power operated nonelectric hand tools, metalworking; and parts and attachments.	.....[1]	428	SWXYZ	—	—	—	100	B
71953 Pneumatic nailers; and pneumatic stapler guns; and parts and attachments.	.....[1]	218	SYZ	—	—	—	—	B
71953 Hydraulic vibrators: lubricating equipment, force-feed, pneumatic; hand-held chain saws, powered, and other power-operated nonelectric woodworking hand tools; and parts and attachments.	.....[1]	418	SZ	—	—	—	—	B
71953 Other power-operated nonelectric hand tools; and parts and attachments.	.....[1]	408	SXYZ	—	—	—	100	B
71954 Grinding heads and spindle assemblies for grinding machines designed or rated for operation at speeds in excess of 120,000 r.p.m., *except for hand-held tools.*	.....	421	STVWXYZ	—	500	—	—	A
71954 Other grinding heads and spindle assemblies for grinding machines designed or rated for operation at speeds in excess of 80,000 r.p.m.	.....	422	STVWXYZ	—	500	250	—	
71954 Parts, accessories, and attachments specially designed for electron beam machines, *except equipment using the "sparking" technique.*	.....	601	STVWXYZ	—	500	—	—	A
71954 Military type jigs, fixtures, and plate metalworking accessories; and specially designed parts.	.....	421	STVWXYZ	—	500	100	—	A
71954 Parts, accessories, and attachments specially designed for other metalworking machines and machine tools (Export Control Commodity No. 71510) which are subject to the Import Certificate/Delivery Verification procedure.	.....	421	STVWXYZ	—	500	500	—	A
71954 Parts, accessories, and attachments specially designed for other metalworking machines and machine tools (Export Control Commodity No. 71510) requiring a validated license to all countries, except Canada, but not subject to the Import Certificate/Delivery Verification procedure.	.....	422	STVWXYZ	—	1,000	1,000	—	

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete machines, rock drills, and other tools (assembled or unassembled) in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71954 Parts, accessories, and attachments specially designed for other metalworking machines and machine tools (Export Control Commodity No. 71510) requiring a validated license to all destinations except Country Group T destinations.	.....	422	SVWXYZ	—	—	1,000	—	
71954 Parts, accessories, and attachments for single-spindle automatic chucking lathes and single-spindle between-center lathes.	.....	428	SXYZ	—	—	—	100	B
71954 Parts, accessories, and attachments for metal-polishing and buffing machines, manually operated bench and floor types.	.....	428	SZ	—	—	—	—	B
71954 Parts, accessories and attachments for (a) bonding machines for applying fins on tubing, and (b) axle straighteners.	.....	428	SXYZ	—	—	—	100	B
71954 Other parts, accessories, and attachments for other metalworking machines and machine tools (Export Control Commodity No. 71510).	.....	428	SWXYZ	—	—	—	100	B
71954 Parts, accessories, and attachments for cutting machines for ceramics and similar nonmetallic materials, *except glass, quartz crystal, masonry or stone.*	.....	418	SZ *and* East Germany	—	—	—	—	B
71954 Parts, accessories and attachments for wood preparation equipment for the paper industry.	.....	418	SYZ	—	—	—	—	B
71954 Parts, accessories and attachments for saw-mill machines and equipment, and other woodworking machines, including machines for working cork.	.....	418	SZ	—	—	—	—	B
71954 Parts, accessories and attachments for other machines for working asbestos-cement, ceramics, concrete, quartz crystals, masonry, stone (including artificial, precious and semi-precious stones), and similar mineral materials.	.....	408	SZ *and* East Germany	—	—	—	—	B
71954 Parts, accessories and attachments for other machines for working bone, ebonite, hard plastics, and other hard carving materials.	.....	418	SZ *and* East Germany	—	—	—	—	B
71961 Calendering machines and similar rolling machines for textile machines; and parts, n.e.c.	.....	418	SZ	—	—	—	—	B
71961 Calendering machines and similar rolling machines, n.e.c., and parts, n.e.c., as follows: (a) for paper-industries machines, and (b) for rubberworking machines.	.....	418	SYZ	—	—	—	—	B
71961 Other calendering machines and similar rolling machines n.e.c.; and parts.	.....	418	SZ *and* East Germany	—	—	—	—	B
71962 Dishwashing machines; bottling machines (washing, filling, closing, labeling); and	.....[1]	418	SZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete machines (assembled or unassembled) in "number," except tobacco packaging and wrapping machines.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
canning, packaging, wrapping, filling and sealing machines; and parts and attachments, n.e.c.								
71963 Postaletts®; and household and person weighing scales, including coin-operated.	No.	218	SZ	—	—	—	—	B
71963 Other weighing machines and scales, n.e.c.	No.	218	SYZ	—	—	—	—	B
71963 Lead scale weights for weighing machines.	.....	218	SZ *and* East Germany	—	—	—	—	B
71963 Other parts and accessories, n.e.c., for scales.	.....	218	SZ	—	—	—	—	B
71964 Hydra-blast parts cleaners, and parts therefor; and windshield washer sets.	.....	438	SZ *and* East Germany	—	—	—	—	B
71964 Foundry blast cleaning machines and other metal cleaning machines; and parts, n.e.c.	.....	418	SWXYZ	—	—	—	100	B
71964 Sprayers and dusters, agricultural and pesticidal, *except lawn sprinklers;* and parts, n.e.c., *except nozzles.*	.....[1]	208	SZ *and* East Germany	500	—	—	—	B
71964 Chemical fire extinguishers; and automatic fire sprinkler systems; and parts, n.e.c.	.....	628	SZ	—	—	—	—	B
71964 Paint spraying machines; and street flushing units for truck mounting; and parts, n.e.c.	.....	418	SZ	—	—	—	—	B
71964 Spray nozzles, other than industrial, of metal, *except copper base alloy;* spray nozzles of rubber; sand blast nozzles of high alumina ceramics; and lawn sprinklers.	.....[2]	218	SZ	—	—	—	100	B
71964 Other spray nozzles of metal.....	.....	218	SZ *and* East Germany	—	—	—	—	B
71964 Other sprayers and spraying equipment, n.e.c.; and parts, n.e.c.	.....	418	SZ *and* East Germany	—	—	—	—	B
71965 Automatic merchandising machines, mechanically refrigerated; and parts.	.....[3]	418	SZ	—	—	—	—	B
71965 Automatic merchandising machines, not mechanically refrigerated; and parts.	.....[3]	218	SZ	—	—	—	—	B
71966 Railway track fixtures and fittings, n.e.c.	.....	268	SZ	—	—	—	—	B
71966 Railway mechanically operated signalling and controlling equipment, n.e.c.	.....	408	SXYZ	—	—	—	100	B
71970 Ball bearings and cylindrical roller bearings with inner bore diameter of 10 millimeters or less, having tolerances of BEC 5 or closer (for example, BEC 5, 7, or 9) *and* having either or both of the following characteristics: (a) rings, balls or rollers made from any material, *except SAE 52100 steel, SAE 4615 steel, or low carbon steel containing 0.06*	.....	411	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
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[1] Report complete sprayers, and dusters (assembled or unassembled) in "number."
[2] Report lawn sprinklers in "number."
[3] Report complete machines (assembled or unassembled) in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
up to and including 0.18 percent carbon, or (b) designed for use at normal operating temperatures over 302° F. (150° C.) (specify tolerance); and specially designed parts.[1]								
71970 Ball and roller bearings specially designed for service at temperatures below minus 130° C. (minus 202° F.); and specially designed parts.	.....	418	SWXYZ	—	—	—	100	B
71970 Ball bearings and cylindrical roller bearings, *except separable ball bearings and thrust ball bearings*, with inner bore diameter exceeding 10 millimeters, having tolerances of BEC 7 or closer *and* having either of the following characteristics: (a) rings, balls or rollers made from any material *except SAE 52100 steel, SAE 4615 steel, or low carbon steel containing 0.06 up to and including 0.18 percent carbon*, or (b) designed for use at normal operating temperatures over 302° F. (150° C.) (specify tolerance); and specially designed parts.[1]	.....	411	STVWXYZ	—	500	100	—	A
71970 Other ball and cylindrical roller bearings having tolerances of BEC 5 or closer (specify tolerance); and specially designed parts.[1]	.....	418	SWXYZ	—	—	—	100	B
71970 Tapered, spherical or thrust roller bearings with inner bore diameter above 400 millimeters (specify type and inner bore diameter); and specially designed parts.	.....	412	STVWXYZ	—	500	100	—	E–9
71970 Other ball and roller bearings, aircraft type; and specially designed parts.	.....	418	SWXYZ *and* Rep. So. Africa	—	—	—	100	B
71970 Other ball and roller bearings with inner bore diameter 10 mm. and under or 200 mm. and over; and specially designed parts.	.....	418	SWXYZ	—	—	—	100	B
71970 Other ball and roller bearings; and parts. (Specify inner bore diameter and tolerances.)	.....	418	SXYZ	—	—	—	100	B
71980 Concrete and bituminous pavers, finishers, and spreaders; and parts and accessories, n.e.c.	.....	408	SZ *and* East Germany	—	—	—	—	B
71980 Electron beam equipment for the deposition of thin film, the coating of thin film, or the working thereof, *except equipment using the "sparking" technique; or continuous vacuum roll coating machines having a voltage not in excess of 20 kilovolts, having a fixed electron beam gun and no accurate control of the thickness of the deposited layer;* and specially designed parts.	.....	411	STVWXYZ	—	500	—	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Tolerances based on standards as adopted by the Anti-Friction Bearing Manufacturers' Association. If the exporter does not know whether a shipment of bearings has these tolerances, the manufacturer of the bearings will be able to provide the information.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
71980 Metal finishing, and coating machines, n.e.c.; and parts.	.....	428	SWXYZ	—	—	—	100	B
71980 Nuclear reactor fuel chopping, disassembling, or dejacketing machines; and specially designed parts and accessories, n.e.c. (Give full specifications.)	.....	411	STVWXYZ	—	500	—	—	A
71980 Machines for applying insulating separators to the inner conductor of air spaced coaxial electric cable; and specially designed parts and accessories, n.e.c.	.....	421	STVWXYZ	—	500	500	—	A
71980 Machines for applying metal strip or sheet to form the outer conductor of coaxial electric cable; and specially designed parts and accessories, n.e.c.	.....	421	STVWXYZ	—	500	500	—	A
71980 Machines for forming, stranding, or assembling coaxial cable, with or without conductors other than coaxial tubes; and specially designed parts and accessories, n.e.c.	.....	421	STVWXYZ	—	500	500	—	A
71980 Machines for applying insulating material to conductors over 0.9 mm. in diameter of multipair electric telecommunication cables; and specially designed parts and accessories, n.e.c.	.....	421	STVWXYZ	—	500	500	—	A
71980 Machines for applying insulating material to conductors 0.9 mm. or less in diameter of multipair electric telecommunication cables; and specially designed parts and accessories, n.e.c.	.....	422	STVWXYZ	—	500	500	—	
71980 Machines for laying together conductors over 0.9 mm. in diameter for multipair telecommunication cables and/or applying insulating, separating, binding, or identifying material thereto; and specially designed parts and accessories, n.e.c.	.....	421	STVWXYZ	—	500	500	—	A
71980 Machines for laying together conductors 0.9 mm. or less in diameter for multipair telecommunication cables and/or applying insulating, separating, binding, or identifying material thereto; and specially designed parts and accessories, n.e.c.	.....	422	STVWXYZ	—	500	500	—	
71980 Machines for laying together conductors over 0.9 mm. in diameter (pairs, quads, etc.) to form complete cable core or a part thereof; and specially designed parts and accessories, n.e.c.	.....	421	STVWXYZ	—	500	500	—	A
71980 Machines for laying together conductors 0.9 mm. or less in diameter (pairs, quads, etc.) to form complete cable core or a part thereof; and specially designed parts and accessories, n.e.c.	.....	422	STVWXYZ	—	500	500	—	

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71980 Assembling jigs and fixtures for military equipment; and specially designed parts and accessories, n.e.c.	.....	411	STVWXYZ	—	500	—	—	A
71980 Machinery and equipment, n.e.c. (specify by name), for the manufacture of semiconductor devices, electronic equipment, and components, and parts and sub-assemblies thereof, as follows: (a) equipment specially designed for the manufacture of semi-conductor devices and parts and sub-assemblies thereof (Export Control Commodity No. 72930); (b) equipment specially designed for the manufacture of silicon transistors; (c) equipment for slicing, dicing, scribing, slice breaking, lapping, polishing, probing, and/or sorting; (d) bonders and welders; (e) masks; or (f) equipment for the manufacture of masks or the creation of a photo-sensitive pattern on the surface of a semi-conductor or insulating substrate; and specially designed parts and accessories, n.e.c.	.....	411	STVWXYZ	—	500	100	—	A
71980 Other machinery, n.e.c. (specify by name), *capable of* manufacturing or assembling transistors or crystal diodes, or components or subassemblies therefor; and specially designed parts and accessories, n.e.c. [Report machines for assembling electron tubes in Export Control Commodity No. 71852.)	.....	412	STVWXYZ	—	500	100	—	
71980 Presses, continuous mixers, and other equipment, n.e.c., for the production of military explosives or solid propellants (specify by name); and specially designed parts and accessories, n.e.c.	.....	411	STVWXYZ	—	500	100	—	A
71980 Filament winding machines designed for or modified for the manufacture of rigid structural forms by precisely controlled tensioning and positioning of filament yarns, tapes, or rovings; and specially designed parts, controls, and accessories, n.e.c.	.....	418	STVWXYZ	—	500	100	—	
71980 Equipment for purifying or processing semiconductor materials, *except equipment specially designed for the zone purification of germanium;* and specially designed parts and accessories, n.e.c.[1]	.....	411	STVWXYZ	—	500	—	—	A
71980 Stenters (tenters) specially designed for stretching (a) synthetic film (including metallized) suitable for dielectric use (condenser tissue), or (b) magnetic recording tape, *except tape designed for voice and music only;* and specially designed parts, n.e.c. (Give detailed specifications of film to be produced.)	.....	411	STVWXYZ	—	500	—	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] For export control purposes equipment for purifying and processing includes equipment which performs one or more of the following operations on semi-conductor materials: (a) purifying beyond 99.9 percent; (b) equalizing distribution of residual impurities; (c) achieving controlled introduction of impurities (in one or more stages of operation); (d) producing monocrystalline material or forms (e.g. by drawing, pulling, deposition) including forming on substrates.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71980 Stenters (tenters) specially designed for stretching other synthetic film; and specially designed parts, n.e.c. (Give detailed specifications of film to be produced.)	.....	412	STVWXYZ	—	500	—	—	
71980 Coating machines specially designed for the continuous production of polyester base magnetic tape; and specially designed parts therefor. (Give detailed specifications of magnetic tape to be produced.)	.....	411	STVWXYZ	—	500	—	—	A
71980 Equipment specially designed for the zone purification of germanium, and specially designed parts, n.e.c.	.....	412	STVWXYZ	—	500	500	—	
71980 Powder cutting machines with feed rolls geared to rotating cutter blades; and specially designed parts and accessories, n.e.c.	.....	411	STVWXYZ	—	500	100	—	A
71980 Shell shot automatic blasting machines; and specially designed parts and accessories, n.e.c.	.....	411	STVWXYZ	—	500	500	—	A
71980 Machinery and equipment for depositing or printing on insulating panels, plates, or wafers or otherwise forming *in situ* component parts other than basic wiring (specify by name); and specially designed parts and accessories, n.e.c. [Report cameras in Export Control Commodity No. 86140.]	.....	411	STVWXYZ	—	500	—	—	A
71980 Other equipment specially designed to produce electronic assemblies by: (a) automatically inserting and/or soldering components on insulating panels, plates, or wafers to which wiring is applied by printing or other means, or (b) automatically or semi-automatically assembling wiring and/or packaging mounted modular insulated panels, plates, or wafers (specify by name); and specially designed parts and accessories, n.e.c. [Report cameras in Export Control Commodity No. 86140.]	.....	412	STVWXYZ	—	500	—	—	
71980 Sweetie barrels, revolving type, 5 feet or more in maximum diameter; and specially designed parts and accessories, n.e.c.	.....	411	STVWXYZ	—	500	100	—	A
71980 Nitrators, continuous types, and specially designed parts and accessories, n.e.c.	.....	411	STVWXYZ	—	500	100	—	A
71980 Processing vessels specially designed for use at temperatures below minus 130° C. (minus 202° F.); and specially designed parts and accessories, n.e.c.	.....	418	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71980 Machinery specially designed for the extrusion of polytetrafluoroethylene coagulated dispersions, or powders or pastes derived therefrom; and specially designed parts and accessories, n.e.c.	.....	411	STVWXYZ	—	500	100	—	A
71980 Dehydration presses, double opposed hydraulic ram type; and specially designed parts and accessories, n.e.c.	.....	411	STVWXYZ	—	500	100	—	A
71980 Extrusion presses, hydraulic ram and closure type; and specially designed parts and accessories, n.e.c.	.....	411	STVWXYZ	—	500	100	—	A
71980 Hot isostatic presses (gas pressure bonding) employing pressure mediums of liquid, gas, or solid, including those presses where the work piece is only partially isostatically pressed; and specialized parts and components, n.e.c.	.....	412	STVWXYZ	—	500	500	—	
71980 Vacuum metallizing machinery specially designed for the continuous coating of polyester dielectric film for condensers; and specially designed parts and accessories, n.e.c.	.....	411	STVWXYZ	—	500	—	—	A
71980 Nitrators, batch type, with capacity of 125 Imperial gallons or more; and specially designed parts and accessories, n.e.c.	.....	418	SWXYZ	—	—	—	100	B
71980 Other processing vessels, mixing or non-mixing, having *all* flow-contact surfaces *made of or lined with any* of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium either separately or combined; (b) 50 percent or more cobalt, molybdenum, nickel or tungsten either separately or combined; (c) 13 percent or more silicon; (d) steel alloys containing any combination of chromium, with either or both molybdenum or tungsten in which the sum of the alloying elements exceeds 3 percent of the total; (e) 2.5 percent or more nickel; (f) fluoro and/or silico resins; (g) glass (acid-, heat-, or shock-resistant); (h) ceramics; (i) carbon; (j) graphite; or (k) acid/heat resistant cement; and specially designed parts and accessories therefor.	.....	418	SWXYZ	—	—	—	100	B
71980 Other machines and mechanical appliances, *the following only:* abrasive circulators; abrasive coating machines; assembling fixtures, production, *except those for production of military equipment;* BRI (Basic Refractories Injection) guns; cordage-making machines; line-traveling coating and wrapping machines for pipes and tubes; Permanent Magnet Ferro Filters®; pipe line cleaning	.....	418	SYZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
machines; rubber-extruding machines; tire-building machines; tire recapping and repairing machines; rubber processing and rubber products manufacturing machines, n.e.c.; vegetable oil mill machines (other than margarine processing machines); waxing machines, industrial; welding rod brushing machines; and welding rod feeders; and parts therefor.								
71980 Other machines and mechanical appliances, *the following only:* boiler room specialty tools; broom-making machines, *except broom-sewing;* brush-making machines; button covering machines; button making machines, n.e.c.; candle making machines; cigarette-making, cigar making, and other tobacco processing machines; clay guns; cleaning machines, steam; cleaning units, sack; creosoting equipment, for wood products; electric paint mixers; flame arrestors; floor finishers, sanders, scrubbers, and surfacers, industrial type; fluorescent lamp disposal units; fumigation chambers; fur-blowing machines; fur-treating machines; garbage burners, and garbage grinders, industrial and commercial; hatblocking machines, n.e.c.; hat-making machines, n.e.c.; ice breakers; ice-crusher slingers; ice saw and drill machines, combination type, engine driven; incinerators, industrial and commercial; linoleum making machines; measureograph machines for measuring cloth; nutters; paint markers for marking pavement; pin ticketing machines (tag-to-product applying); reels, hose and cable, power operated; refrigerant charging apparatus, automatic; shoelace tipping machines; smoke generators, *except military;* stone products manufacturing machines, n.e.c.; tank-cleaning machines; toothbrush manufacturing machines; tube cleaners; tube expanders, maintenance type; vacuum cleaners, industrial type; vibrating paper joggers; vibrators, hydraulic; wallboard plaster core machines; watch-cleaning machines; and zipper manufacturing machines; and parts therefor.	.....	418	SZ	—	—	—	—	B
71980 Windshield wipers, nonelectric, and parts, n.e.c.	.....	438	SZ *and* East Germany	—	—	—	—	B
71980 Shock absorbers, mechanical or hydraulic.	.....	218	SZ *and* East Germany	—	—	—	—	B
71980 Carpet sweepers, hand.....	.....	218	SZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71980 Other machines and mechanical appliances, n.e.c., and parts, n.e.c.[1]	.....	418	SXYZ	—	—	—	100	B
71991 Molding boxes and molds for artillery molding or casting.	No.	421	STVWXYZ	—	500	—	—	A
71991 Other molding boxes and molds for metal foundry, excluding ingot molds. [Report ingot molds for heavy steel ingots in Export Control Commodity No. 71521.]	No.	428	SWXYZ	—	—	—	100	B
71991 Molds for concrete blocks	No.	408	SZ	—	—	—	—	B
71991 Tire molds	No.	418	SYZ	—	—	—	—	B
71991 Other molds	No.	418	SXYZ	—	—	—	100	B
71992 Pipe valves having *all* of the following characteristics: a pipe size connection of 8 inches or more inside diameter, *all* flow contact surfaces *made of or lined with* alloys of 10 percent or more nickel and/or chromium *and* rated at 1,500 psi or more; and specially designed parts, n.e.c. (Give full specifications.)	Lb.[2]	412	STVWXYZ	—	500	—	—	
71992 Valves, 1 inch or more in diameter, fitted with bellows seal, *and wholly made of or lined with* aluminum, nickel, or alloy containing 60 percent or more nickel, *except those having metal to metal seats;* and specially designed parts. (Give full specifications.)	Lb.[1]	411	STVWXYZ	—	500	100	—	A
71992 Valves, cocks, or pressure regulators (a) specially designed to operate at temperatures below minus 274° F. (minus 170° C.), *except those of 2-inch diameter (50.8 mm.) or less specially designed for operation at temperatures from minus 274° F. (minus 170° C.) to minus 328° F. (minus 200° C.),* or (b) with *all* flow contact surfaces *made of or lined with any* of the following materials: (i) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (ii) 50 percent or more cobalt or molybdenum, either separately or combined, (iii) polytetrafluoroethylene, or (iv) polychlorotrifluoroethylene; and specially designed parts. (Give full specifications.)	Lb.[1]	411	STVWXYZ	—	500	100	—	A
71992 Other valves, cocks or pressure regulators of 2-inch diameter (50.8 mm.) or less specially designed for operation at temperatures from minus 274° F. (minus 170° C.) to minus 328° F. (minus 200° C.); and specially designed parts.	Lb.[2]	412	STVWXYZ	—	500	100	—	
71992 Valve parts and accessories wholly made of fluorocarbon polymers or copolymers, *except polyvinyl fluoride.* (See § 399.2, Interpretation 22.)	Lb.	411	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.
[2] Report automatic control or regulating valves in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
71992 Valve parts and accessories wholly made of polyvinyl fluoride.	Lb.	412	STVWXYZ	—	500	100	—	
71992 Other valves fitted with bellows seal, *and wholly made of or lined with* aluminum, nickel, or alloys containing 60 percent or more nickel; and specially designed parts. (Give full specifications.)	Lb.[1]	412	STVWXYZ	—	500	100	—	E–9
71992 Other valves, cocks, or pressure regulators *incorporating* 90 percent or more tantalum, titanium, or zirconium, either separately or combined; and specially designed parts. (Give full specifications.)	Lb.[1]	412	STVWXYZ	—	500	100	—	E–9
71992 Valves specially designed for temporary stopping off or plugging a section of steel line pipe of a size greater than 19 inches o.d.; and specially designed parts.	Lb.[1]	412	SVWXYZ	—	—	100	—	E–9
71992 Other steel valves with inlet or outlet diameter 17 inches or greater *and* designed for a working pressure of over 300 psi; and specially designed parts.	Lb.[1]	412	SVWXYZ	—	—	100	—	E–9
71992 Mud valves, working pressure 600 psi or over, specially designed for rotary drill rigs, *except core drill rigs;* and specially designed parts.	Lb.[1]	406	SVWXYZ	—	—	100	—	E–12
71992 Other valves, cocks or pressure regulators having all flow-contact surfaces *made of or lined with any* of the following materials: (a) 50 percent or more of nickel or tungsten either separately or combined, (b) 13 percent or more silicon, (c) steel alloys containing any combination of chromium, with either or both molybdenum or tungsten in which the sum of the alloying elements exceeds 3 percent of the total, (d) 2.5 percent or more nickel, (e) fluoro and/or silico resins, (f) glass (acid-, heat-, or shock-resistant), (g) ceramics, (h) carbon, (i) graphite, or (j) acid/heat resistant cement: and specially designed parts. (Give full specifications.)	Lb.[1]	418	SWXYZ	—	—	—	100	B
71992 Other valves, cocks, or pressure regulators designed to operate at temperatures below minus 202° F. (minus 130° C.) down to and including minus 274° F. (minus 170° C.); or *incorporating* 50 percent or more cobalt or molybdenum, either separately or combined; and specially designed parts. (Give full specifications.)	Lb.[1]	418	SWXYZ	—	—	—	100	B
71992 Other valves, cocks or pressure regulators, specially designed for use in the process-	Lb.[1]	418	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report automatic control or regulating valves in "number."

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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
ing of petroleum, petrochemicals, natural gas or their fractions; and specially designed parts. (Give full specifications.)								
71992 Plumbing and heating valves, and other plumbing fixture fittings; and parts.	Lb.	218	SZ	—	—	—	—	B
71992 Other taps, cocks, valves and similar appliances, n.e.c., and parts.	Lb.[1]	418	SZ *and* East Germany	—	—	—	—	B
71993 Transmission shafts, cranks, bearing housings, and pulleys, n.e.c.; and parts. [Report unmounted ball and roller bearings in Export Control Commodity No. 71970.]	.....[2]	418	SXYZ	—	—	—	100	B
71994 Gaskets (joints) as follows: (a) wholly made of fluorocarbon polymers or copolymers, *except polyvinyl fluoride*, or (b) made of polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (See § 399.2, Interpretation 22.)	.....	221	STVWXYZ	—	500	25	—	A E-3
71994 Gaskets (joints) as follows: (a) wholly made of polyvinyl fluoride, (b) of laminated metal and polytetrafluoroethylene or polychlorotrifluoroethylene, or (c) made of polypyromeliitimide or polybenzimidazole where the value of the contained polymeric substances is less than 50 percent of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.)	.....	222	STVWXYZ	—	500	25	—	E-3
71994 Other gaskets (joints), laminated metal and nonmetal material, or set of gaskets of two or more materials.	.....	218	SZ *and* East Germany	—	—	—	—	B
71999 Ships' propellers; paddle-wheels for boats; and boat parts, n.e.c. [Report copper alloy propeller shafts in Export Control Commodity No. 68221.]	.....	408	SYZ	—	—	—	—	B
71999 Other machine parts, n.e.c., nonelectric.	.....	218	SYZ	—	—	—	—	B
ELECTRICAL MACHINERY, APPARATUS, AND APPLIANCES								
72210 Synchronous motors of any rating possessing *any* of the following characteristics: (a) of size 30 (3 inches in diameter) and smaller having synchronous speeds in excess of 3,600 rpm, (b) designed to operate below minus 25° C. to plus 100° C., (c) designed to	No.	601	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report automatic control or regulating valves in "number."
[2] Report bearings in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
operate from power sources of more than 400 cycles, or (d) of size 11 (1.1 inches in diameter) or smaller. (Specify by name and model number.)								
72210 Other synchronous motors, of any rating, having synchronous speeds in excess of 3,000 rpm or designed to operate within a temperature range greater than minus 10° C. to plus 55° C. but not exceeding minus 25° C. to plus 100° C. (Specify by name and model number.)	No.	602	STVWXYZ	—	500	100	—	
72210 Direct current and alternate current torquers, i.e., torque motors specially designed for gyros and stabilized platforms. (Specify by name and model number.)	No.	601	STVWXYZ	—	500	100	—	A
72210 Electric motors over 1,000 horsepower, reversing type, liquid cooled and totally enclosed. (Specify by rating, A.C. or D.C.)	No.	601	STVWXYZ	—	500	—	—	A
72210 Other synchronous motors, n.e.c., of any rating, having synchronous speeds in excess of 3,000 rpm. (Specify by name and model number.)	No.	602	STVWXYZ	—	500	—	—	
72210 Electric motors, any horsepower from 1 horsepower and up, specially designed for metal rolling mills included under Export Control Commodity No. 71522 and not identified by the symbol "B" in the last column of the Commodity Control List. (Specify horsepower and type of mill.)	No.	602	SVWXYZ	—	—	—	—	E-6
72210 Electric motors, D.C. and A.C., specially designed for aircraft; and parts and accessories, n.e.c. (Specify electrical characteristics and horsepower.)	.....[1]	438	SWXYZ *and* Rep. So. Africa	—	—	—	100	B
72210 Other electric motors, 12,500 horsepower and over; and parts and accessories, n.e.c. (Specify horsepower, A.C. or D.C.)	.....[1]	608	SWXYZ	—	—	—	100	B
72210 Servo motors (gear head or plain), having *any* of the following characteristics: (a) designed to operate from power sources of more than 300 cycles per second, *except those designed to operate from power sources of over 300 cycles per second up to and not exceeding 400 cycles per second with a temperature range of from minus 25° C. to plus 100° C.*, (b) designed to have a torque-inertia ratio of 10,000 radians per second or greater, (c) incorporating special features to secure internal damping, (d) of size 11 (1.1 inches in diameter) and smaller, (e) employing solid state Hall effect, or (f) designed to operate	.....[1]	601	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete motors (assembled or unassembled) in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
below minus 55° C. or above plus 125° C. (specify by name and model number); and specially designed parts and accessories, n.e.c.								
72210 Servo motors (gear head or plain) designed to operate from power sources over 300 cycles per second up to and not exceeding 400 cycles per second, designed to operate within a temperature range greater than minus 10° C. to plus 55° C. but not exceeding minus 25° C. to plus 100° C. (specify by name and model number); and specially designed parts and accessories, n.e.c.	.....[1]	602	STVWXYZ	—	500	100	—	
72210 Other servo motors; and parts and accessories, n.e.c.	.....[1]	608	SWXYZ	—	—	—	100	B
72210 Parts and accessories specially designed for motors, *except servo motors*, under Export Control Commodity No. 72210 which are subject to the Import Certificate/Delivery Verification procedure. (Specify model number and characteristics of motor.)	.....	601	STVWXYZ	—	500	500	—	A
72210 Parts and accessories specially designed for motors under Export Control Commodity No. 72210 which require a validated license to all destinations but are not subject to the Import Certificate/Delivery Cerification procedure. (Specify model number and characteristics of motor.)	.....	602	STVWXYZ	—	500	500	—	
72210 Parts and accessories specially designed for motors under Export Control Commodity No. 72210 for which a validated license is required to all destinations except Country Group T destinations. (Specify model number and characteristics of motor.)	.....	602	SVWXYZ	—	—	500	—	
72210 Electrical power equipment specially designed for aircraft (for example, generators, regulators, rectifiers, converters, inverters, magnetic amplifiers, transformers, etc.) (specify by name); and specially designed parts and accessories, n.e.c.	.....[2]	432	STVWXYZ	—	500	500	—	E–2
72210 Generators and turbine-generator sets specially designed for use with nuclear reactors. (Specify name, type and rating.)	.....[2]	601	STVWXYZ	—	500	—	—	A
72210 Other turbine-generator sets specially designed for use of saturated steam; and parts and accessories, n.e.c. (Specify name, type, and rating.)	.....[2]	602	STVWXYZ	—	500	—	—	
72210 Other generators and generator sets of ½ kilowatt or over; and parts and accessories, n.e.c. (Specify name, type, and rating.)	.....[2]	608	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete motors (assembled or unassembled) in "number."
[2] Report the following commodities (assembled or unassembled) in "number": motors, generators, rotating converters, transformers, limiting reactors, and regulators.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72210 Parts and accessories specially designed for nuclear reactor generators and generator sets. (Specify by name.)	.....	601	STVWXYZ	—	500	500	—	A
72210 Electronic transformers, coils, reactors, and chokes designed for and/or capable of reliable performance in relation to their electrical and mechanical characteristics and maintaining their design service lifetime while operating over the whole range of ambient temperatures from below minus 45° C. (minus 49° F.) to above plus 100° C. (plus 212° F.), or at ambient temperatures of 200° C. (392° F.) or higher (specify by name and type number); and specially designed parts. (Specify by name.)[2]	.....[1]	611	STVWXYZ	—	500	250	—	A
72210 Pulse transformers specially designed for modulators capable of providing electrical impulses of peak power exceeding 200 kilowatts or of a duration of less than 0.1 microsecond, or a duty cycle in excess of 0.002 (specify by name and type number); and specially designed parts. (Specify by name.)	.....[1]	611	STVWXYZ	—	500	100	—	A
72210 Other coils, reactors, and chokes made of magnetic materials (specify by name and type number); and parts for transformers, coils, reactors, chokes, motors, and generators (including cores, laminations, stampings, and other formed parts) composed of magnetic materials. (See § 399.2, Interpretation 6.)	.....	601	STVWXYZ	—	500	100	—	A
72210 Other electronic transformers (specify by name and type number); and parts.[3]	.....[1]	618	SWXYZ	—	—	—	100	B
72210 Other electronic coils, reactors, and chokes, n.e.c.; and parts.[3]	.....[1]	618	SXYZ	—	—	—	100	B
72210 Power supplies and magnet controllers specially designed for use with cryogenic equipment capable of operating at temperatures below minus 202° F. (minus 130° C.).	.....	601	STVWXYZ	—	500	500	—	A
72210 Fluorescent ballasts	No.	218	SYZ	—	—	—	—	B
72210 Other motors, generators, generating sets, rotating converters, transformers, limiting reactors, regulators, nonrotating rectifiers and power supplies; and parts and accessories, n.e.c.	.....[1]	608	SXYZ	—	—	—	100	B
72220 Motor controls specially designed for motors under Export Control Commodity No. 72210 which are subject to the Import Certificate/Delivery Verification procedure; and specially designed parts and accessories. (Specify by name and model number of motor.)	.....	601	STVWXYZ	—	500	500	—	A
72220 Motor controls specially designed for motors under Export Control Commodity No. 72210 which require a validated license to all	.....	602	STVWXYZ	—	500	500	—	

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report the following commodities (assembled or unassembled) in "number": motors, generators, rotating converters, transformers, limiting reactors, and regulators.
[2] The range of ambient temperatures from below minus 45° C. (minus 49° F.) to above plus 100° C. (plus 212° F.) defines the range at which the component may still be used without derating.
[3] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
destinations but are not subject to the Import Certificate/Delivery Verification procedure; and specially designed parts and accessories. (Specify by name and model number of motor.)								
72220 Motor controls specially designed for motors under Export Control Commodity No. 72210 which require a validated license to all destinations except Country Group T destinations, and parts and accessories. (Specify by name and model number of motor.)	.....	602	SVWXYZ	—	—	500	—	E–6
72220 Motor controls specially designed for other electric motors of 12,500 horsepower or over; and parts and accessories, n.e.c.	.....	608	SWXYZ	—	—	—	100	B
72220 Electrical control equipment for motors and generators for railway equipment; and parts, n.e.c.	.....	438	SXYZ	—	—	—	100	B
72220 Resistance welding controls (electronic or magnetic) for welders specially designed for the manufacture of arms, munitions, or implements of war; and specially designed parts.	.....	601	STVWXYZ	—	500	500	—	A
72220 Control units for power controlled search-lights designed for military use; and specially designed parts.	.....	601	STVWXYZ	—	500	100	—	A
72220 Electronic resistors, including potentiometers, designed for and/or capable of reliable performance in relation to their electrical and mechanical characteristics and maintaining their designed service lifetime while operating over the whole range of ambient temperatures from below minus 45° C. (minus 49° F.) to above plus 100° C. (plus 212° F.), or at ambient temperatures of 200° C. (392° F.) or higher. (Specify by name and type number.) [1]	No.	611	STVWXYZ	—	500	250	—	A
72220 Potentiometers having *any* of the following characteristics, and special instruments rated to have the same characteristics: (a) linear, having a constant resolution and a rated linearity of 0.1 percent or less, (b) nonlinear, having a variable resolution and a rated conformity of 1.0 percent or less, (c) designed for gimbal mounting, or (d) designed to operate below minus 55° C. or above plus 125° C. (Specify by name and type number.)	No.	611	STVWXYZ	—	500	100	—	A
72220 Parts, n.e.c., specially designed for the resistors and potentiometers under Export Control Commodity No. 72220, subject to the	.....	611	STVWXYZ	—	500	250	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] The range of ambient temperatures from below minus 45° C. (minus 49° F.) to above plus 100° C. (plus 212° F.) defines the range at which the component may still be used without derating.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
Import Certificate/Delivery Verification procedure. (Specify name and characteristics of resistors for which designed.)								
72220 Other potentiometers using only switched elements, and parts, n.e.c. (Specify by name and type number.)	.....	618	SWXYZ	—	—	—	100	B
72220 Other electronic resistors and potentiometers; and parts, n.e.c. (Specify by name and type number.) [1]	.....	618	SXYZ	—	—	—	100	B
72220 Electronic inductive relays designed for and/or capable of reliable performance in relation to their electrical and mechanical characteristics and maintaining their design service lifetime while operating over the whole range of ambient temperatures from below minus 45° C. (minus 49° F.) to above plus 100° C. (plus 212° F.), or at ambient temperatures of 200° C. (392° F.) or higher. (Specify by name and type number.) [2]	.....	611	STVWXYZ	—	500	100	—	A
72220 Electronic and microwave switches as follows: (a) waveguide switches designed for frequencies over 12,500 megacycles, (b) waveguide switches having a bandwidth ratio greater than 1.5 to 1, (c) magnetic, including gyromagnetic, waveguide switches, (d) pressurized waveguide switches, and (e) transverse electromagnetic (TEM) mode switches using magnetic, including gyromagnetic, properties. (Specify by name and type number.)	.....	611	STVWXYZ	—	500	100	—	A
72220 Other waveguide switches designed for frequencies over 600 megacycles. (Specify by name and type number.)	.....	618	SWXYZ	—	—	—	100	B
72220 Other electronic and microwave switches and electronic relays, n.e.c. (Specify by name and type number.)	.....	618	SXYZ	—	—	—	100	B
72220 Switchgear, circuit breakers, disconnect switches, fuses, power distribution cutouts, and other switchgear; and lightning arrestors and choke coils; and parts, n.e.c.	.....	608	SZ	—	—	—	—	B
72220 Fuses, dimmer switches, lighting switches, power relays, and other electrical apparatus for making, breaking or protecting electrical circuits on automobiles, buses, motorcycles, tractors, trucks, watercraft, and industrial engines.	.....	438	SWXYZ	—	—	—	100	B
72220 Fuses, dimmer switches, lighting switches, power relays, and other electrical apparatus for making, breaking or protecting electrical circuits on aircraft.	.....	438	SXYZ *and* Rep. So. Africa	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

[2] The range of ambient temperatures from below minus 45° C. (minus 49° F.) to above plus 100° C. (plus 212° F.) defines the range at which the component may still be used without derating.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72220 Lamp holders, electric outlets and parts, n.e.c.; appliance, cord, lighting, pendant, flush, and surface switches; and current carrying devices, *the following only:* multi-contact connectors, attachment plugs and other interior wiring devices.	.....	218	SZ	—	—	—	—	B
72220 Other electrical apparatus for making, breaking or protecting electrical circuits, and other current carrying wiring devices; and parts.	.....[1]	608	SXYZ	—	—	—	100	B
72310 Wire and cable coated with or insulated with fluorocarbon polymers or copolymers, *except polyvinyl fluoride.*[2] (Specify type of metal and insulation.) (Also specify copper content in pounds.) (See § 373.43(d).)	Lb.	271	STVWXYZ	—	250	100	—	AFG
72310 Wire and cable coated with or insulated with polyvinyl fluoride. (Specify type of metal and insulation.) (Also specify copper content in pounds.) (See § 373.43(d).)	Lb.	262	STVWXYZ	—	250	100	—	FG
72310 Coaxial-type communications cable as follows: (a) containing fluorocarbon polymers or copolymers,[2] (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for gas pressurization for the purpose of withstanding external overpressure or for raising the maximum voltage rating of the cable, or (e) intended for submarine laying. (Also specify copper content in pounds.) (See § 373.43(d).)	Lb.	271	STVWXYZ	—	250	100	—	AFG
72310 Other coaxial cable. (Also specify copper content in pounds.) (See § 373.43(d).)	Lb.	272	STVWXYZ	—	250	100	—	FG
72310 Communications cable containing more than one pair of conductors as follows: (a) submarine cable, or (b) cable containing fluorocarbon polymers or copolymers.[2] (Also specify copper content in pounds.) (See § 373.43(d).)	Lb.	271	STVWXYZ	—	250	100	—	AFG
72310 Other communications cable containing more than one pair of conductors *and* containing any conductor, single or stranded, exceeding 0.9 mm. in diameter. (Also specify copper content in pounds.) (See § 373.43(d).)	Lb.	272	STVWXYZ	—	250	100	—	FG
72310 Insulated nickel wire of alloys composed of 50 percent or more copper, and alloys of chief weight copper, irrespective of nickel content. (Also specify copper content in pounds.) (See § 373.43 (d).)	Lb.	272	STVWXYZ	—	250	250	—	
72310 Insulated nickel or nickel alloy wire as follows: (a) insulated thermocouple nickel-chrome wire containing less than 95 percent	Lb.	262	STVWXYZ	—	500	100	—	E–8

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report motor starters and contactors, and motor control centers in "number."
[2] See § 399.2, Interpretation 22.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
nickel and within a diameter range of 0.2 mm. to 5 mm. both inclusive, or (b) other insulated nickel or nickel alloy wire containing 32 percent or more nickel, *except nickel-copper alloy wire containing not more than 6 percent of other alloying elements.* (Specify kind of wire or cable, give complete metal analysis, and type of insulation.)								
72310 Insulated columbium or columbium alloy wire.	Lb.	261	STVWXYZ	—	500	100	—	A E–8
72310 Insulated tungsten wire made from pressed-sintered tungsten.	Lb.	262	STVWXYZ	—	500	100	—	E–8
72310 Other insulated tungsten or tungsten alloy wire.	Lb.	261	STVWXYZ	—	500	100	—	A E–8
72310 Other copper or copper-base alloy insulated wire and cable. (Also specify copper content in pounds.) (See § 373.43(d).)	Lb.	272	STVWXYZ	—	250	250	—	FG
72310 Ignition harness and cable sets, aircraft type.	Lb.	438	SWXYZ *and* Rep. So. Africa	—	—	—	100	B
72310 Ignition harness and cable sets, automotive type.	Lb.	438	SWXYZ	—	—	—	100	B
72310 Appliance cord sets and other flexible cord sets (with fittings attached).	Lb.	608	SZ	—	—	—	—	B
72310 Other insulated wire and cable, n.e.c....	Lb.	268	SXYZ	—	—	—	100	B
72320 Electrical insulators and fittings as follows: (a) wholly made of fluorocarbon polymers or copolymers, *except polyvinyl fluoride,* or (b) made of polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes, where the value of the contained polymeric substances is 50 percent or more of the total value of materials used. (Specify value of polymeric substances and total value of other materials.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	—	500	25	—	A
72320 Electrical insulators and fittings as follows: (a) wholly made of polyvinyl fluoride, (b) partially made of fluorocarbon polymers or copolymers, or (c) made of polypyromellitimide or polybenzimidazole where the value of the contained polymeric substances is less than 50 percent of the total value of materials used. (Specify value of polymeric substances and total value of other materials.) (See § 399.2, Interpretation 22.)	Lb.	222	STVWXYZ	—	500	25	—	E–8
72320 Electrical insulators and fittings of glass, mica, steatite, porcelain, or ceramic materials, n.e.c.; and electrical conduit fittings, n.e.c., including electrical conduit tubing and joints, base metal, lined with insulating material.	Lb.	218	SZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72320 Other electrical insulators and fittings of insulating materials, n.e.c.	Lb.	218	SZ *and* East Germany	—	—	—	—	B
72410 Television receivers incorporating or combined with videotape recorders. (Specify by name and model number of recorder.) [Report individual video tape recorders in Export Control Commodity No. 89111, parts for recorders in No. 89112, and tape in No. 89120.]	No.	611	STVWXYZ	—	500	250	—	A
72410 Color television broadcast receivers, whether or not combined with radio or phonograph; and unassembled color television kits.	No.	618	SZ *and* East Germany	—	—	—	—	B
72410 Other television broadcast receivers, whether or not combined with radio or phonograph, television tuners, television chassis, or other unassembled television kits.	No.	618	SZ	—	—	—	—	B
72420 Radios, household type, including radio-phonograph combinations, radio tuners, radio chassis, kits for assembly, and automobile radios, *except two-way radios.*	No.	618	SZ	—	—	—	—	B
72491 Equipment designed to ensure the privacy or secrecy of analog and/or digital communications, *except (a) voice transmission systems employing fixed frequency inversions and/or fixed band scrambling techniques in which the changes occur no more frequently than once every ten seconds, (b) standard commercial facsimile or video systems employing only transposition of analog information, and (c) industrial and commercial video systems for pay television and similar restricted audience television in which privacy is obtained by the use of non-standard sweep systems and not employing digital transmission or digital techniques to modify an analog transmission;* and specialized components, assemblies, subassemblies, parts and accessories, n.e.c., including terminal equipment, modems, vocoders, and authentication equipment. (Specify by name.)[1]	.....	611	STVWXYZ	—	500	100	—	A
72491 Other equipment designed to ensure the privacy or secrecy of communications, *except voice transmission systems making use of fixed frequency inversions and/or fixed band scrambling techniques in which the changes occur no more frequently than once every ten seconds;* and specialized components, assemblies, and subassemblies, parts, and accessories. (Specify by name.)[1]	.....	612	STVWXYZ	—	500	250	—	
72491 Terminal and intermediate repeater or amplifier equipment designed to deliver, carry, or receive frequencies higher than 150 kilocycles, *except carrier communication terminal equipment specially designed for power lines operating at frequencies below 1,500 kilocycles* (specify by name and model number); and specialized components, parts, and accessories, n.e.c. (specify by name).[1]	.....	611	STVWXYZ	—	500	250	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72491 Terminal and intermediate repeater or amplifier equipment as follows: (a) terminal and intermediate repeater or amplifier equipment designed to transmit, carry, or receive frequencies from higher than 16 kilocycles up to and including 150 kilocycles, and (b) terminal equipment specially designed for power lines and operating within the range of frequencies from 16 to 1,500 kilocycles (specify by name and model number); and specialized components, parts, and accessories, n.e.c. (specify by name).[1]	.....	618	SWXYZ	—	—	—	100	B
72491 Telegraph equipment, as follows: (a) equipment (machines), mechanical, electromechanical, or electronic, used to translate the information contained in written or printed text into electrical waveforms suitable for transmission over communication circuits at any speed greater than 500 words per minute or 375 bauds, whichever is less, (b) equipment designed to accept such electrical waveforms within the limits of (a) above and display the information from them in visible form, or (c) terminal equipment n.e.c., capable of transmitting and/or receiving digital data at rate in excess of 2,000 bauds (bits per second) or at a rate (applicable to single channels or to each sub-channel in a multi-channel system) in bauds numerically in excess of 75 percent of the channel (or sub-channel) bandwidth in cycles per second (specify by name and model number); and specialized components, parts and accessories, n.e.c. (specify by name).[1]	.....	611	STVWXYZ	—	500	100	—	A
72491 Single and multi-channel telegraph terminal transmitting and receiving equipment, *except the following equipment when such equipment is not designed for or capable of operation at a rate (for either the channel or any sub-channel in a multi-channel system) in bauds (bits per second) numerically greater than 60 percent of the channel (or sub-channel) band width in cycles per second:* (a) *equipment with a bandwidth per channel of*	.....[2]	611	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.
[2] Report switchboards, switching devices, and wire teleprinter units in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
not more than 240 cycles and with a rated speed of not more than 100 bauds (or 134 words per minute) per channel designed to CCITT standards, (b) *equipment used with telemetering, telecommand, and telesignalling equipment designed for industrial purposes in which the operational aggregate speed of the telegraph equipment is less than 1,200 bauds (bits per second), or* (c) *time division multiplex systems up to 6 channels with a maximum aggregate speed of 300 bauds and/or 72 words per minute per channel, and not containing an automatic error detection and correction system using a multiple check* (specify by name and model number); and specialized components, parts, and accessories, n.e.c. (Specify by name.)[1]								
72491 Other telegraph apparatus as follows: (a) suitable for use at speeds greater than 200 words per minute or 150 bauds, or (b) other multi-channel telegraph terminal transmitting and receiving equipment (specify by name and model number); and specialized components, parts, and accessories, n.e.c.[1]	.....[2]	612	STVWXYZ	—	500	100	—	
72491 Telephone instruments; and parts.....	.....[2]	618	SZ	—	—	—	—	B
72491 Other telephone and telegraph equipment, n.e.c.; and parts and accessories. (Specify by name.)[1]	.....[2]	618	SXYZ	—	—	—	100	B
72492 Telephone repeater equipment designed for frequencies higher than 150 kilocycles specify by name and model number; and specialized components, parts, and accessories, n.e.c. (specify by name).[1]	.....	661	STVWXYZ	—	500	100	—	A
72492 Telephone repeater equipment designed for frequencies from higher than 16 kilocycles up to and including 150 kilocycles (specify by name and model number); and specialized components, parts, and accessories, n.e.c. (specify by name).[1]	.....	618	SWXYZ	—	—	—	100	B
72492 Other telephone repeater equipment (specify by name and model number); and components, parts, and accessories (specify by name).[1]	.....	618	SXYZ	—	—	—	100	B
72492 Microphones, audio frequency sound amplifiers; public address systems; loudspeakers; and parts.[1]	.....	618	SZ	—	—	—	—	B
72499 Radio transmitters or transceivers, including transmitter amplifiers, having *any* of the following characteristics: (a) designed	.....[3]	611	STVWXYZ	—	500	250	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.
[2] Report telephone instruments, switchboards, and switching devices, and wire teleprinter units in "number."
[3] Report transceivers and broadcast type transmitters and receivers in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
to operate at output carrier frequencies greater than 235 megacycles, *except* (i) *television broadcasting transmitters and amplifiers therefor operating between 470 and 960 megacycles,* (ii) *frequency-modulated and amplitude-modulated ground communications equipment required for use in the land mobile service operating in the 420 to 470 megacycle band with a power output of not more than 25 watts for mobile units and 100 watts for fixed units,* or (iii) *amplitude-modulated radio-telephone equipment used for search and rescue work operating on a frequency of 243 megacycles with a carrier power not exceeding 100 milliwatts;* (b) designed to provide any system of pulse modulation (*this does not include amplitude, frequency, or phase modulated television or telegraphic transmitters*); (c) rated for operation over a range of ambient temperatures extending from below minus 40° F. (minus 40° C.) to above plus 131° F. (plus 55° C.); or (d) designed to provide a multiplicity of alternative output frequencies controlled by a lesser number of piezo-electric crystals, *except equipment in which the output frequency is selected only by manual operation either on the equipment or on a remote control unit and* (i) *those forming multiples of a common control frequency, or* (ii) *those in which the output frequency is a multiple of a common frequency which is not less than 1:1000 part of the oscillator frequency and is in steps of 1 kilocycle or greater* (specify by name and model number); and specially designed components, sub-assemblies, parts, and accessories, including, but not limited to, intermediate frequency and power amplifiers and their parts, modulators and modulation amplifiers, aerials, their filters and their connecting devices, control equipment placed in racks, and maintenance equipment. (Specify by name.)								
72499 Other transmitters or transceivers having *any* of the following characteristics: (a) more than 20 channels, (b) special facilities for interconnection with land line telephone circuits or switch boards, (c) frequency-modulated or amplitude-modulated communications equipment operating in the 420 to 470 megacycles band, with a power output of 25 watts	.....[2]	612	STVWXYZ	—	1,000	1,000	—	

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.
[2] Report transceivers and broadcast type transmitters and receivers in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
or less for mobile units and 100 watts or less for fixed units, (d) amplitude-modulated radio-telephone equipment used for search and rescue work operating on a frequency of 243 megacycles with a carrier power of 100 milliwatts or less, (e) designed to operate at output carrier frequencies between 108 and 156 or from 223 up to and including 235 megacycles, or (f) designed to provide a multiplicity of alternative output frequencies controlled by a lesser number of piezo-electric crystals, *except those forming multiples of a common control frequency* (specify by name and model number); and specially designed parts and accessories, n.e.c. (specify by name).[1]								
72499 Single and multi-channel radio-telegraph terminal transmitting and receiving equipment, *except the following equipment when such equipment is not designed for or capable of operation at a rate (for either the channel or any sub-channel in a multi-channel system) in bauds (bits per second) numerically greater than 60 percent of the channel (or sub-channel) band width in cycles per second:* (i) *equipment with a bandwidth per channel of not more than 240 cycles and with a rated speed of not more than 100 bauds (or 134 words per minute) per channel designed to CCITT standards,* (ii) *equipment used with telemetering, telecommand, and telesignalling equipment designed for industrial purposes in which the operational aggregate speed of the telegraph equipment is less than 1,200 bauds (bits per second), or* (iii) *time division multiplex systems up to 6 channels with a maximum aggregate speed of 300 bauds and/or 72 words per minute per channel, and not containing an automatic error detection and correction system using a multiple check* (specify by name and model number); and specialized components, parts, and accessories, n.e.c. (Specify by name.)[1]	.....[2]	611	STVWXYZ	—	500	100	—	A
72499 Other multi-channel radio-telegraph terminal transmitting and receiving equipment; and other radio-telegraph equipment suitable for use at speeds greater than 200 words per minute or 150 bauds (specify by name and model number); and specialized components, parts and accessories, n.e.c.[1]	.....[2]	612	STVWXYZ	—	500	100	—	

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.
[2] Report transceivers and broadcast type transmitters and receivers in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72499 Radio (microwave) relay communications equipment *except short-range and low-power television links for transmission between the camera or studio and the television transmitter,* designed for use: (a) at frequencies in excess of 300 megacycles but not exceeding 470 megacycles and having *any* of the following characteristics: (i) a power output exceeding 5 watts, (ii) a base bandwidth greater than 150 kilocycles, or (iii) for other than fixed service; or (b) at frequencies in excess of 470 megacycles (specify by name and model number); and specially designed components, sub-assemblies, parts and accessories (specify by name).[1]	.....	611	STVWXYZ	—	500	250	—	A
72499 Other radio relay communications equipment designed for frequencies of 470 megacycles and under (specify by name and model number); and specially designed components, sub-assemblies, parts and accessories, n.e.c. (specify by name).[1]	.....	612	STVWXYZ	—	1,000	1,000	—	
72499 Radio-telephone carrier (multiplex) terminal or amplifier equipment designed to deliver, carry, or receive frequencies higher than 150 kilocycles into or in a communications system, *except carrier terminal equipment specially designed for power lines operating at frequencies below 1,500 kilocycles* (specify by name and model number); and specialized components, parts, and accessories, n.e.c. (specify by name).[1]	.....	611	STVWXYZ	—	500	100	—	A
72499 Other radio-telephone carrier (multiplex) terminal or amplifier equipment designed to deliver, carry, or receive frequencies higher than 16 kilocycles up to and including 150 kilocycles, into or in a communications system and carrier terminal equipment specially designed for power lines operating at frequencies below 1,500 kilocycles (specify by name and model number); and specialized components, parts, and accessories, n.e.c. (specify by name).[1]	.....	618	SWXYZ	—	—	—	100	B
72499 Airborne communications equipment (specify by name and model number); and specially designed parts and accessories (specify by name).[1]	.....	611	STVWXYZ	—	500	250	—	A
72499 Communication, detection or tracking equipment of a kind using ultra-violet radiation, infrared radiation or ultrasonic waves	.....	611	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
(specify by name and model number); and specially designed parts and accessories (specify by name).[1]								
72499 Communication equipment employing tropospheric, ionospheric or meteoric scatter phenomena (specify by name and model number); and specially designed parts and accessories (specify by name).[1]	.....	611	STVWXYZ	—	500	100	—	A
72499 Equipment designed to ensure the privacy or secrecy of analog and/or digital communications, *except (a) voice transmission systems employing fixed frequency inversions and/or fixed band scrambling techniques in which the changes occur no more frequently than once every ten seconds, (b) standard commercial facsimile or video systems employing only transposition of analog information, and (c) industrial and commercial video systems for pay television and similar restricted audience television in which privacy is obtained by the use of non-standard sweep systems and not employing digital transmission or digital techniques to modify an analog transmission;* and specialized components, assemblies, sub-assemblies, parts and accessories, n.e.c., including terminal equipment, modems, vocoders, and authentication equipment. (Specify by name.)[1]	.....	611	STVWXYZ	—	500	100	—	A
72499 Other equipment designed to ensure the privacy or secrecy of communications, *except voice transmission systems making use of fixed frequency inversions and/or fixed band scrambling techniques in which the changes occur no more frequently than once every ten seconds;* and specialized components, assemblies, and subassemblies, parts, and accessories. (Specify by name.)[1]	.....	612	STVWXYZ	—	500	250	—	
72499 Telemetering and telecontrol equipment suitable for use with aircraft or space vehicles (piloted or pilotless) (specify by name and model number); and specially designed parts and accessories (specify by name).[1]	.....	611	STVWXYZ	—	500	100	—	A
72499 Panoramic radio receivers (being receivers which search automatically a part of the radio-frequency spectrum and indicate the signals received), *except panoramic adaptors for commercial receivers which are limited to searching a spectrum of not more than plus or minus 20 percent of the intermediate frequency of the receiver and the range searched*	.....	611	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
does not exceed plus or minus 2 megacycles (specify by name and model number); and specially designed parts and accessories (specify by name).[1]								
72499 Other panoramic adaptors for commercial radio receivers (specify by name and type number); and specially designed parts and accessories (specify by name).	.....	612	STVWXYZ	—	500	250	—	
72499 Airborne navigation and direction finding equipment, including specialized training or simulating equipment, as follows: (a) designed to make use of Doppler frequency phenomena, (b) utilizing the constant velocity and/or the rectilinear propagation characteristics of electromagnetic waves having frequency less than 4 times 10^{14} cycles per second (0.75 micron), (c) pulse modulated radio altimeters, (d) frequency-modulated radio altimeters having an electrical output accuracy better than plus or minus 3 feet over the whole range between zero to 100 feet, or plus or minus 3 percent above 100 feet, (e) frequency-modulated radio altimeters which have been in normal civil use for less than four years, (f) direction finding equipment operating at frequencies greater than 5 megacycles, *except equipment designed for search and rescue purposes provided that the receiver operates on a crystal-controlled fixed frequency of 121.5 megacycles and that the determination of the DF bearing is not independent of the bearing of the aircraft and provided that the DF antenna array is designed for operation at a fixed frequency of 121.5 megacycles,* (g) pressurized throughout, or (h) rated for continuous operation over a range of ambient temperatures extending from below minus 67° F. (minus 55° C.) to above plus 131° F. (plus 55° C.) (specify by name and model number); and specially designed parts and accessories (specify by name).[1]	.....	611	STVWXYZ	—	500	250	—	A
72499 Ground and marine equipment, including specialized training and simulating equipment, for use with airborne navigation equipment, utilizing the constant velocity and/or the rectilinear propagation characteristics of electromagnetic waves having a frequency less than 4 times 10^{14} cycles per second (0.75 micron) (specify by name and model number); and specially designed parts and accessories (specify by name).[1]	.....	611	STVWXYZ	—	500	250	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U.S. Department of State.

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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
72499 Ground and marine direction finding equipment, including specialized training and simulating equipment, designed to operate at frequencies greater than 5 megacycles (specify by name and model number); and specially designed parts and accessories (specify by name).[1]	.....	611	STVWXYZ	—	500	100	—	A
72499 Airborne radar equipment, including specialized training or simulating equipment specify by name and model number); and specially designed parts and accessories (specify by name).[1]	.....	611	STVWXYZ	—	500	250	—	A
72499 Ground and marine radar equipment, including specialized training or simulating equipment, having *any* of the following features: (a) operating at a frequency not in normal civil use in the Western World, or at a frequency of more than 10,500 megacycles, (b) having a peak output power from the transmitter greater than 160 kilowatts, (c) having an 80 percent or better cumulative probability of detection of a 20 square meter target at a free space range of 50 nautical miles, (d) utilizing other than pulse modulation with a constant pulse repetition frequency in which the frequency of the transmitted signal is not changed deliberately between groups of pulses, from pulse to pulse, or within a single pulse, (e) utilizing a Doppler technique for any purpose, other than MTI (moving target indicator) systems using a conventional double pulse delay line technique, (f) including signal processing techniques which have been in normal civilian use for a period of less than four years, or (g) having been in commercial use in the Western World for a period of less than 2 years (specify by name and model number); and specially designed parts and accessories. (Specify by name.) [1]	.....	611	STVWXYZ	—	500	250	—	A
72499 Pulse modulators capable of providing electric impulses of peak power exceeding 200 kilowatts or of a duration of less than 0.1 microsecond, or with a duty cycle in excess of 0.002; and specially designed parts and accessories, including pulse transformers, pulse-forming equipment and delay lines. (Specify by name.) [1]	.....	611	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
72499 Other ground and marine radar equipment, including specialized training or simulating equipment, *except normal equipment designed for pulse operation at frequencies between 1,300 megacycles and 1,660 megacycles, 2,700 megacycles and 3,900 megacycles, or 8,500 megacycles and 10,000 megacycles, having in the case of marine radar, a peak output power to the aerial system of not greater than 75 kilowatts or, in the case of ground base radar, having a peak output power to the aerial system of not greater than 50 kilowatts and a range of not greater than 50 nautical miles* (specify by name and model number); and specially designed parts and accessories, n.e.c. (specify by name).[1]	.....	612	STVWXYZ	—	500	500	—	
72499 Other airborne electronic navigation and direction finding equipment, n.e.c., *except direction finders operating at frequencies of 5 megacycles or less* (specify by name and model number); and specially designed parts and accessories, n.e.c. (specify by name).[1]	.....	612	STVWXYZ	—	500	100	—	
72499 Radio and television broadcast equipment, *except radio and television broadcast audio equipment and television broadcast studio equipment;* and parts and accessories (specify by name).	.....	618	SWXYZ	—	—	—	100	B
72499 Radio and television broadcast audio equipment; and television broadcast studio equipment; and parts and accessories (specify by name). [Report videotape recorders in Export Control Commodity No. 89111.]	.....	618	SXYZ	—	—	—	100	B
72499 Amplifiers, oscillators, and related equipment, n.e.c., as follows: (a) amplifiers designed to operate at frequencies in excess of 500 megacycles; (b) tuned amplifiers having a bandwidth which exceeds 10 megacycles or 10 percent of the mean frequency, whichever is less, *except those specially designed for use in community television distribution systems;* or (c) untuned amplifiers having a bandwidth which exceeds 10 megacycles (specify by name and model number); and specially designed parts and accessories (specify by name).[1]	.....	611	STVWXYZ	—	500	100	—	A
72499 Amplifiers, oscillators and related equipment, n.e.c., as follows: (a) parametric amplifiers with a noise figure of merit of 5 decibels or less measured at a temperature of	.....	611	STVWXYZ	—	500	250	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
62.6° F. (17° C.), (b) paramagnetic [1] amplifiers, or (c) other amplifiers or oscillator devices which amplify or oscillate by means of stimulated electromagnetic radiation (including but not limited to Masers, Lasers, and Irasers), and any equipment containing such amplifiers, oscillators or devices (specify by name and model number); and specially designed parts and accessories (specify by name).[2]								
72499 Other amplifiers, except television transmitter amplifiers, designed to operate at frequencies from 300 up to and including 500 megacycles (specify by name and model number); and specially designed parts and accessories, n.e.c. (specify by name).[2]	.....	618	SWXYZ	—	—	—	100	B
72499 Waveguides and components as follows: (a) rigid and flexible waveguides and components designed for use at frequencies over 12,500 megacycles; (b) waveguides having a bandwidth ratio greater than 1.5:1; (c) waveguide components n.e.c. as follows: (i) directional couplers having a bandwidth ratio greater than 1.5:1 and directivity over the band of 15 decibels or more, (ii) rotary joints capable of transmitting more than one isolated channel or having a bandwidth greater than 5 percent of the center mean frequency, (iii) magnetic, including gyromagnetic, waveguide components; (d) pressurized waveguides and specialized components therefor; or (e) transverse electromagnetic (TEM) mode devices using magnetic, including gyromagnetic, properties. (Specify by name and type number.)[2]	.....	611	STVWXYZ	—	500	100	—	A
72499 Other flexible waveguide and components designed for frequencies up to and including 12,500 megacycles. (Specify by name and type number.)[2]	.....	612	STVWXYZ	—	500	500	—	
72499 Other waveguides and components of a kind used at frequencies exceeding 600 megacycles and articles of equipment incorporating or designed to be connected or to be incorporated into such waveguides.[2]	.....	618	SWXYZ	—	—	—	100	B
72499 Electronic equipment, n.e.c., and electronic components, n.e.c., specially designed for operation at ambient temperatures below minus 130° C. (minus 202° F.) (specify by name and model number); and specially designed accessories, sub-assemblies, parts or components (specify by name).[2]	.....	611	STVWXYZ	—	500	250	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] The term 'paramagnetic' as used in this entry refers to the sensing changes in magnetic field strength by measurement of the effects of such change in the electron spin phenomena.

[2] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72499 Electronic equipment, n.e.c., containing one or more functional circuits, including integrated circuits, with a component density greater than 75 parts per cubic inch (4.575 parts per cubic centimeter); and specially designed circuit assemblies, subassemblies, and parts. (Specify by name and model number.)	.....	611	STVWXYZ	—	500	250	—	A
72499 Carrying cases for portable radios; masks (television picture tube frame); screens (television picture tube protectors); television antenna masts, tubular type (telescoping and stationary); and home-type television antennas, including rotor antennas.	.....	618	SZ	—	—	—	—	B
72499 Automobile radio receiver antennas; and parts and accessories, n.e.c., specially designed for home-type radio and television receivers and automobile receivers, *except communications receivers.*	.....	618	SZ *and* East Germany	—	—	—	—	B
72499 Other electronic telecommunications equipment, electronic navigational aids and electronic search and detection apparatus, including radar, n.e.c. (specify by name and model number); and parts and accessories, n.e.c. (Specify by name.) [1]	.....[2]	618	SWXYZ	—	—	—	100	B
72501 Condensers for domestic refrigerators and food freezers.	No.	218	SXYZ	—	—	—	100	B
72501 Domestic refrigerators and food freezers, electric; and parts.	.....[3]	218	SZ	—	—	—	—	B
72502 Domestic washing machines; and parts.	.....[3]	218	SZ	—	—	—	—	B
72503 Electro-mechanical appliances, n.e.c. (includes household type and those used in hotels, restaurants, hospitals, train kitchens, etc.); and parts.	.....[5]	218	SZ	—	—	—	—	B
72504 Electric shavers and hair clippers; and parts, except blades and heads. [Report blades and heads for hairclippers and non-electric shavers in Export Control Commodity No. 69603.]	.....[4]	218	SZ	—	—	—	—	B
72505 Electron ovens; and specially designed parts.	.....[5]	608	SYZ	—	—	—	—	B
72505 Electric steam cabinets for turkish baths; deodorizers; face and hand dryers; and RA Grid heater plates; and parts.	.....[5]	218	SXYZ	—	—	—	100	B
72505 Galleys, buffet servers, ovens, and other equipment specially designed for aircraft; electric heaters for automotive vehicles; and parts.	.....[5]	438	SZ *and* East Germany	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

[2] Report transceivers in "number."

[3] Report refrigerators and freezers in "number."

[4] Report electric shavers in "number."

[5] Report complete cooking ranges, ovens, electric irons and heating appliances in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72505 Other electro-thermic appliances; and electric household type domestic cooking appliances; and parts.	.....[1]	218	SZ	—	—	—	—	B
72610 Electro-medical and electro-therapeutic apparatus, other than X-ray, and parts, n.e.c.. [Report X-ray apparatus in Export Control Commodity No. 72620.]	.....	628	SZ	—	—	—	—	B
72620 Flash discharge type X-ray tubes.....	.....	621	STVWXYZ	—	500	50	—	AFG
72620 X-ray machines having any of the following characteristics: (a) peak power exceeding 500 megawatts, (b) output voltage exceeding 500 kilovolts, or (c) output current exceeding 2,000 amperes with pulse width of 0.2 microseconds or less; and specially designed parts and accessories, n.e.c.	.....	622	STVWXYZ	—	500	100	—	FG
72620 Parts specially designed for flash discharge type X-ray tubes.	.....	621	STVWXYZ	—	500	100	—	A
72620 Betatrons, X-ray producing.....	.....	622	STVWXYZ	—	500	—	—	
72620 Parts specially designed for X-ray producing betatrons.	.....	622	STVWXYZ	—	500	500	—	
72620 X-ray diffraction tubes and valves, X-ray diffraction units, and X-ray goniometers; and specially designed parts. (Specify by name.) [Report X-ray powder cameras in Export Control Commodity No. 86140.]	.....	628	SWXYZ	—	—	—	100	B
72620 X-ray tubes and valves, medical and dental types only.	.....	628	SZ	500	—	—	—	B
72620 Industrial beta, gamma, and X-ray equipment capable of measuring and/or controlling the dimensions of a rolled product (including coating) during its production (specify by name); and specially designed parts and accessories, n.e.c.	.....	418	SWXYZ	—	—	—	100	B
72620 Other industrial and seientific X-ray equipment; and parts, n.e.c.	.....	628	SXYZ	—	—	—	100	B
72620 Other medical and dental X-ray and gamma ray equipment; and medical and dental apparatus based on the use of radiations from radio-active substances; and parts, n.e.c.	.....	628	SZ *and* East Germany	500	—	—	—	B
72911 Electro-chemical and radioactive devices for the conversion of chemical energy to electrical energy, having *any* of the following characteristics: (a) fuel cells (including regenerative cells), i.e., cells for generating electric power, to which all the consumable components are supplied from outside the cells, (b) primary cells possessing a means of activation and having an open circuit storage life in the unactivated condition, at a temperature	.....[2]	601	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete cooking ranges, ovens, electric irons and heating appliances in "number."
[2] Report complete batteries (assembled or unassembled) in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
of 70° F. (21° C.), of 10 years or more, (c) primary cells capable of operating at temperatures from below minus 13° F. (minus 25° C.) to above plus 131° F. (plus 55° C.), including cells and cell assemblies (other than dry cells) possessing self-contained heaters, or (d) power sources other than nuclear reactors based on radioactive materials systems, *except those having a power output of less than 0.5 watts in which the ratio of output (in watts) to weight (in pounds) is less than 1 to 2;* and specialized parts, components, and subassemblies therefor. (Specify by name and type.)[1]								
72911 Flashlight batteries; and parts.....	.....[2]	218	SZ	—	—	—	—	B
72911 Other primary batteries and cells; and parts.	.....[2]	218	SYZ	—	—	—	—	B
72912 Electrically rechargeable storage cells, hermetically sealed, designed to have a leakage rate of 10^{-5} cubic centimeters per second of gas or less when tested under pressure differential of 2 atmospheres; and specialized parts, components and subassemblies therefor. (Specify by name and type.) [1]	.....[2]	602	STVWXYZ	—	500	100	—	
72912 Storage batteries, 6 and 12 volt, lead acid type.	No.	438	SXYZ	—	—	—	100	B
72912 Battery separators and blanks, wood; and battery parts made of rubber.	.....[3]	218	SZ *and* East Germany	—	—	—	—	B
72912 Battery parts made of glass, lead, or zinc.	.....	218	SZ	—	—	—	—	B
72912 Other storage batteries and parts, n.e.c.	.....[2]	608	SXYZ	—	—	—	100	B
72920 Flash discharge tubes specially designed for equipment providing amplification or oscillation by means of stimulated electromagnetic radiation, such as Masers, Lasers, or Irasers.	No.	231	STVWXYZ	—	500	—	—	A
72920 Photomicrographic arc lamps specially designed for high speed cameras capable of recording in excess of 64 frames per second, or streak cameras having writing speed of 8mm/microsecond and above and/or to be used with photographic micro-flash equipment capable of giving a flash of 1/100,000 second or shorter duration, at a minimum recurrence frequency of 200 flashes per second.[1]	No.	231	STVWXYZ	—	500	25	—	A
72920 Single coil tungsten filaments; and photo-micrographic arc lamps specially designed for high speed cameras capable of recording at rates in excess of 2,000 frames per second.	No.	238	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.
[2] Report complete batteries (assembled or unassembled) in "number."
[3] Report battery boxes in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72920 All filament lamps (bulbs and tubes) up to and including ¾ inch base; filament bulbs over ¾ inch base, *the following only:* carbon filament; clear; frosted; incandescent; metal filament; photoflood; and projection. [Report sealed beam headlamps in Export Control Commodity No. 72942.]	No.	218	SZ	—	—	—	—	B
72920 Other electric lamps (bulbs and tubes); and parts. [Report carbons in Export Control Commodity No, 72996, and glass envelopes in No. 66492.]	.....[1]	218	SYZ	—	—	—	—	B
Electron tubes and solid state semi-conductor devices, and parts [Report X-ray tubes in Export Control Commodity No. 72620] [2]								
72930 Cathode ray tubes as follows: (a) with a resolving power of 500 lines or more per inch (20 lines per millimeter) using the shrinking raster method of measurement, (b) with writing speeds of more than 3000 kilometers per second, (c) with 3 or more electron guns, *except 3-gun color television tubes designed for entertainment use*, or (d) alphanumeric and similar data or information display tubes, *except those in which the displayed position of each character is fixed.* (Specify by name and type number.)	No.	611	STVWXYZ	—	500	50	—	A
72930 Other cathode ray tubes with screen afterglow longer than ¼ second; and other alpha-numeric and similar data or information display tubes in which the displayed position of each character is fixed. (Specify by name and type number.)	No.	618	SWXYZ	—	—	—	100	B
72930 Other cathode ray tubes n.e.c. (Specify by name and type number.)	No.	618	SXYZ	—	—	—	100	B
72930 Color television picture tubes with three or more electron guns. (Specify by name and type number.)	No.	618	SWXYZ	—	—	—	100	B
72930 Other television picture tubes.....	No.	618	SZ	—	—	—	—	B
72930 Image intensifiers, image converters and electronic storage tubes, including memory transformers of radar pictures. (Specify by name and type number.)	No.	611	STVWXYZ	—	500	50	—	A
72930 Ruggedized vidicon tubes. (Specify by name and type number.)	No.	611	STVWXYZ	—	500	50	—	A
72930 Commercial standard television broadcasting camera tubes. (Specify by name and type number.)	No.	618	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report lamps (bulbs) in "number."
[2] See paragraph 370.5(a) for commodities which require export authorization from the U.S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72930 Other television camera tubes. (Specify by name and type number.)	No.	612	STVWXYZ	—	500	500	—	
72930 Photomultiplier tubes as follows: (a) for which the maximum sensitivity occurs at wavelengths longer than 7,500 angstrom units or shorter than 3,000 angstrom units, or (b) having an anode pulse rise time of less than 2 nanoseconds. (Specify by name and type number.)	No.	611	STVWXYZ	—	500	50	—	A
72930 Photomultiplier tubes having *all* of the following characteristics: (a) dark current plus noise less than 5 times 10^{-16} amperes per square centimeter of active cathode surface, (b) sensitivity exceeding 65 microamperes per lumen, and (c) an over-all gain exceeding 100 million. (Specify by name and type number.)	No.	612	STVWXYZ	—	500	50	—	
72930 Other photomultiplier tubes and photo tubes, n.e.c. (Specify by name and type number.)	No.	618	SWXYZ	—	—	—	100	B
72930 Cold cathode tubes and switches as follows: (a) triggered spark-gaps, having an anode delay time of 15 microseconds or less and rated for a peak current of 3,000 amperes or more, or (b) cold cathode tubes, whether gas filled or not, operating in a manner similar to a spark gap, containing three or more electrodes and having *all* of the following characteristics: (i) rated for an anode peak voltage of 2,500 volts or more, (ii) rated for peak currents of 300 amperes or more, (iii) an anode delay time of 10 microseconds or less, and (iv) an evelope diameter of less than 1 inch (25.4 mm.). (Specify by name and type number.)	No.	611	STVWXYZ	—	500	50	—	A
72930 Thyratron and modulator gas-discharge tubes as follows: (a) rated for continuous operation with peak current and peak voltage exceeding 100 amperes and 9000 volts at a pulse repetition frequency of 200 or more pulses per second, or (b) hydrogen thyratrons (i) rated for a peak pulse power of 2 megawatts or more, or (ii) of metal-ceramic construction. (Specify by name and type number.)	No.	611	STVWXYZ	—	500	100	—	A
72930 Other hydrogen thyratrons. (Specify by name and type number.)	No.	612	STVWXYZ	—	500	250	—	
72930 TR and anti-TR tubes, *except those designed for use in waveguides operating at a peak power not exceeding 100 kilowatts and at frequencies between 1,300 and 1,660 megacycles, 2,700 and 3,900 megacycles, or 8,500 and 10,000 megacycles, provided such tubes do*	No.	611	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
not include a control electrode permitting the control of the ionization by means of an external voltage. (Specify by name and type number.)								
72930 Other TR and anti-TR tubes, n.e.c. (Specify by name and type number.)	No.	612	STVWXYZ	—	500	250	—	
72930 Electron tubes, as follows: (a) tubes rated for continuous wave operation over the frequency range of 300 to 1,000 megacycles for which (at any part of this frequency range and under any condition of cooling) the product of frequency of operation in megacycles squared and the power output in watts from the anode(s) of a single envelope at this frequency exceeds 10^8 when the tube is operating in Class C telegraphy key down conditions or in Class C FM telephoney conditions or, if performance under these conditions is not known, the product of declared maximum frequency of full ratings in megacycles squared and the maximum rated anode dissipation per tube in watts exceeds 5 times 10^7 (when applying the above criteria to external anode tubes rated without a radiator, multiply the power rating by 20, and for external anode tubes rated with radiators and optimum cooling procedures, as recommended by the manufacturer, multiply the power rating by 2), (b) tubes rated for operation above 1,000 megacycles, (c) tubes rated for pulse operation above 300 megacycles, (d) tubes constructed with ceramic envelopes and rated for operation above 300 megacycles, (e) tubes, *except conventional types such as diodes, triodes, pentodes, etc.*, in which the velocity of the electrons is utilized as one of the functional parameters (including, but not limited to klystrons, travelling wave tubes and magnetrons, *except fixed frequency pulsed magnetrons designed to operate at frequencies from 9.3 to 9.5 gigacycles per second with a maximum peak output power not greater than 25 kilowatts*), (f) indirectly heated tubes less than 0.283 inch in diameter, (g) tubes designed to withstand an acceleration of short duration (shock) greater than 1,000 g (accelerations under gravity), (h) tubes constructed with beryllium oxide ceramics, (i) tubes designed for operation in ambient temperatures above 212° F. (100° C.), or (j) vacuum tubes specially designed for use as pulse modulators for radar or for similar	No.	611	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
applications, having a peak anode voltage rating of 100 kilovolts or more, or rated for a peak pulse power of 2 megawatts or more. (Specify by type number.)								
72930 Electron tubes as follows: (a) tubes rated for operation at frequencies between 250 and 1,000 megacycles, *except single-ended glass envelope standard 7-pin miniature or 9-pin noval base tubes having a basic tube type number consisting of a one or two-digit number followed by one or two letters, followed by a single digit (for example, 1S4 6C4, 12X4, 12AU7)*, (b) indirectly heated tubes having a diameter from 0.283 through 0.5 inch, or (c) tubes designed to withstand acceleration of 450 g up to and including 1,000 g. (Specify by name and type number.)	No.	618	SWXYZ	—	—	—	100	B
72930 Rectifier bulbs for automotive battery chargers, Geiger-Mueller counter tubes, proportional counter tubes, and electron tube types described or listed in § 399.2, Interpretation 13. (Specify by name and type number.)	No.	618	SXYZ	—	—	—	100	B
72930 Other electron tubes, n.e.c., including military versions of types described or listed in § 399.2, Interpretation 13. (Specify by name and type number.)	No.	612	STVWXYZ	—	500	250	—	
72930 Parts and accessories specially designed for electron tubes under Export Control Commodity No. 72930 subject to the Import Certificate/Delivery Verification procedure. (Specify by name.)	.....	611	STVWXYZ	—	500	100	—	A
72930 Parts and accessories specially designed for electron tubes under Export Control Commodity No. 72930 which require a validated license to all countries except Canada but are not subject to the Import Certificate/Delivery Verification procedure. (Specify by name.)	.....	612	STVWXYZ	—	500	250	—	
72930 Parts and accessories specially designed for electron tubes under Export Control Commodity No. 72930 which require a validated license to all destinations except Country Groups T and V. (Specify by name.)	.....	618	SWXYZ	—	—	—	100	B
72930 Other parts and accessories for electron tubes. (Specify by name.)	.....	618	SXYZ	—	—	—	100	B
72930 Photocells, as follows: (a) photoelectric cells, photo-conductive cells (including phototransistors and similar cells) with a peak sensitivity at a wavelength longer than 12,000 angstrom units or shorter than 3,000 angstrom	No.	611	STVWXYZ	—	500	50	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
units, *except germanium photo devices with a peak response less than 17,500 angstrom units;* or, (b) photo-transistors and photo-diodes with a response time constant of 1 millisecond or less, measured at the operating temperature of the cell for which the time constant reaches a minimum. (Specify by name and type number.)								
72930 Semiconductor devices for the direct conversion of solar energy to electrical energy (solar cells) as follows: (a) photo-voltaic cells with a power output of 8 milliwatts or more per square centimeter under 100 milliwatts per square centimeter tungsten (2800° K) illumination, or (b) all gallium arsenide photo-voltaic cells, *except those having a power output of less than 4 milliwatts measured by the technique employed in (a) above.*	No.	611	STVWXYZ	—	500	50	—	A
72930 Other solar cells and photosensitive semiconductor devices, n.e.c. (Specify by name and type number.)	No.	618	SWXYZ	—	—	—	100	B
72930 Semiconductor diodes, as follows: (a) any semiconductor diode in which the bulk material is other than silicon, germanium, selenium, or copper-oxide, (b) signal diodes in which the bulk material is silicon or germanium (including mixer, frequency-changing and switching diodes) as follows: (i) point-contact type diodes designed for use at frequencies over 1,000 megacycles, or (ii) junction-type diodes designed for use at input frequencies greater than 300 megacycles or designed for switching rates (repetition frequency) higher than 1 megacycle,[1] (c) power diodes in which the rated maximum recurrent reverse voltage exceeds 1,000 volts per junction at 77° F. (25° C.) under any conditions of cooling, *except those in which the rated forward current per junction under continuous operation exceeds 200 amperes and the rated maximum recurrent reverse voltage does not exceed 1,300 volts per junction,* (d) controlled diodes (i.e., those which operate similarly to grid controlled gas-filled tubes) designed for use at switching rates (repetition frequency) higher than 100 kilocycles, or (e) tunnel diodes. (Specify by type number.)[2]	No.	611	STVWXYZ	—	500	50	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] This subitem (subitem (b) (ii)) will normally include switching diodes having a recovery time of less than 0.1 microsecond. The recovery time is to be specified for a decrease of reverse current to a value of 100 microamps, or less, and measured with a forward current and reverse voltage which are typical for the diodes in question.

[2] The maximum recurrent reverse voltage is the maximum value of the periodic overvoltage impressed across the cell or rectifying element in the reverse direction including circuit effects such as commutation, but excluding random transient overvoltages.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
72930 Semiconductor diodes, as follows: (a) germanium point contact diodes designed for operation at frequencies below 250 megacycles; (b) germanium junction diodes designed for operation at frequencies of 50 megacycles or less and not designed for switching speeds (repetition frequency) greater than 1 megacycle; (c) silicon regulator (zener) diodes; and (d) silicon junction power diodes (not including radio frequency or switching diodes) having a peak inverse voltage of 1,000 volts per junction or less. (Specify by type number.)	No.	618	SWXYZ	—	—	—	100	B
72930 Transistors and related devices (or related semiconductor amplifying devices such as fieldistors, spacistors, and technetrons) having *any* of the following characteristics: (a) having four or more active junctions within any single block of semiconductor material, (b) using a bulk semiconductor material other than germanium or silicon, (c) germanium types having either (i) an average f_T of 40 to 240 megacycles and designed to have a maximum collector dissipation greater than 150 milliwatts, or (ii) an average f_T greater than 240 megacycles, or (d) silicon types having any of the following characteristics: (i) an average f_T of up to 500 kilocycles and designed to have a maximum collector dissipation greater than 5 watts, (ii) an average f_T from greater than 500 kilocycles to 3 megacycles and designed to have a maximum collector dissipation greater than 500 milliwatts, (iii) an average f_T from greater than 3 megacycles to 20 megacycles and designed to have a collector dissipation greater than 250 milliwatts, (iv) an average f_T greater than 20 megacycles, (v) majority carrier devices, including but not limited to field effect transistors and metal oxide semiconductor transistors, or (vi) a modulus of the current gain in the common emitter configuration of 10 or more for collector currents of 100 microamperes or less. (Specify by type number.)[1,2]	No.	611	STVWXYZ	—	500	25	—	A
72930 Transistors listed in § 399.2, Interpretation 18. (Specify by type number.)	No.	618	SWXYZ	—	—	—	100	B
72930 Solid state semiconductor devices, specially designed for operation at ambient temperatures below minus 202° F. (130° C.). (Specify by name and type number.)	No.	611	STVWXYZ	—	500	50	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Where the average f_T is not quoted or known, this value shall be taken as 1.5 times the minimum f_T. Where the common base f alpha is quoted instead of f_T, f_T may be regarded as 0.8 times f alpha b.

[2] The maximum collector dissipation is to be defined as the continuous dissipation measured at an ambient temperature of 77° F. (25° C.) under any cooling condition.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72930 Semiconductor devices, n.e.c., having junctions and/or combinations of junctions using thermo-electric materials with a maximum product of the figure of merit (Z)[1] and the temperature (T in °K) in excess of 0.75. (Specify by name and characteristics.)	No.	611	STVWXYZ	—	500	50	—	A
72930 Integrated circuits. (Specify by name and type number.)	No.	611	STVWXYZ	—	500	100	—	A
72930 Semiconductor Hall field probes, n.e.c., having any of the following characteristics: (a) made of indium arsenide phosphide (In As P); (b) coated with ceramic or ferritic materials (for example, special field probes, multipliers, modulators, recorder probes, etc.); or (c) with an open circuit sensitivity greater than 0.12 volts per ampere kilograms. (Specify by name and type.)	No.	611	STVWXYZ	—	500	50	—	A
72930 All other transistors, diodes, and solid state semiconductor devices. (Specify by name and type number.)	No.	612	STVWXYZ	—	500	100	—	
72930 Parts and accessories, specially designed for solid state semiconductor devices under Export Control Commodity No. 72930 subject to the Import Certificate/Delivery Verification procedure. (Specify by name.)	.....	611	STVWXYZ	—	500	250	—	A
72930 Parts and accessories, specially designed for solid state semiconductor devices under Export Control Commodity No. 72930 which require a validated license to all countries except Canada but are not subject to the Import Certificate/Delivery Verification procedure. (Specify by name.)	.....	612	STVWXYZ	—	500	500	—	
72930 Other parts and accessories, for solid state semiconductor devices under Export Control Commodity No. 72930. (Specify by name.)	.....	618	SWXYZ	—	—	—	100	B
72941 Twenty-four volt electrical systems with circuits shielded against radio interference, fungus decay, and water; and specially designed parts.	.....	431	STVWXYZ	—	500	—	—	A
72941 Spark plugs, aircraft and automotive types, and parts. [Report insulators in Export Control Commodity No. 72320.]	.....[2]	438	SZ *and* East Germany	—	—	—	—	B
72941 Other electrical starting and ignition equipment, n.e.c., aircraft type, and specially designed parts.[3]	.....[2]	438	SWXYZ *and* Rep. So. Africa	—	—	—	100	B
72941 Other electrical starting and ignition equipment, automotive type, and specially designed parts.	.....[2]	438	SWXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] The figure of merit (Z) equals Seebeck coefficient squared divided by the product of electrical resistivity and thermal conductivity.
[2] Report cranking motors and spark plugs in "number."
[3] See paragraph 370.5(a) for commodities which require export authorization from the U.S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72941 Other electrical starting and ignition equipment for other internal combustion engines; and parts.	.....[1]	438	SZ *and* East Germany	—	—	—	—	B
72942 Motor vehicle sealed beam lamps.....	No.	438	SWXYZ	—	—	—	100	B
72942 Other motor vehicle lighting equipment, signalling equipment, horns, electrical windshield wipers, and defrosters; and parts therefor.	.....	438	SZ *and* East Germany	—	—	—	—	B
72951 Watt-hour meters, non-recording. [Report parts in Export Control Commodity No. 86119.]	No.	608	SZ	—	—	—	—	B
72951 Other electricity supply meters. [Report parts in Export Control Commodity No. 86199.]	No.	608	SZ *and* East Germany	—	—	—	—	B
Electrical measuring and controlling instruments and apparatus, n.e.c. [Report parts in Export Control Commodity No. 86199.]								
72952 Instruments designed for testing or calibrating the following equipment: (a) compasses and gyroscopic equipment, Export Control Commodity Nos. 72952 and 86191, which are subject to the Import Certificate/Delivery Verification Procedure, (b) aircraft integrated flight instrument systems which include gyrostabilizers and/or automatic pilots, (c) gyro-stabilizers *other than those for aircraft control or for stabilizing an entire surface vessel*, (d) automatic pilots *other than those for aircraft or surface vessels*, (e) astro compasses, (f) star trackers, and (g) accelerometers designed for use in inertial navigation systems or in guidance systems.	No.	601	STVWXYZ	—	500	100	—	A
72952 Measuring and controlling instruments and apparatus containing crystals having spinel, hexagonal or garnet crystal structures, or containing thin film devices, as follows: (a) single aperture forms having (i) a switching speed of 0.5 microsecond or less at the minimum field strength required for switching at 40° C. (104° F.) or (ii) a maximum dimension less than 45 mils (1.14 mm.), (b) multi-aperture forms having (i) a switching speed of 1 microsecond or less at the minimum field strength required for switching at 40° C. (104° F.), (ii) a maximum dimension less than 100 mils (2.54 mm.), or (iii) having 10 or more apertures, or (c) thin film memory storage or switching devices. (Specify by name and characteristics.)	No.	601	STVWXYZ	—	500	—	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete cranking motors and spark plugs in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72952 Electronic measuring, testing, or calibrating instruments having one or more of the following characteristics: (a) designed for use at frequencies in excess of 1,000 megacycles, or (b) testing instruments rated to maintain their specified operating data when operating over a range of ambient temperatures extending from below minus 13° F. (minus 25° C.) to above plus 131° F. (plus 55° C.). (Specify by name and model number.)[1]	No.	601	STVWXYZ	—	500	500	—	A
72952 Apparatus for automatically sorting electronic components in respect to their electrical characteristics. (Specify by name and model number.)[1]	No.	601	STVWXYZ	—	500	100	—	A
72952 Instruments specially designed for use in the production of electronic valves, transistors, or crystal diodes. (Specify by name and model number.)	No.	601	STVWXYZ	—	500	500	—	A
72952 Recording oscillographs used as readout units for telemetering and telecontrol equipment suitable for use with space vehicles or aircraft (piloted or pilotless.)	No.	601	STVWXYZ	—	500	500	—	A
72952 Cathode ray oscilloscopes (oscillographs) possessing *any* of the following characteristics: (a) an amplifier bandwidth greater than 30 megacycles per second (defined as the band of frequencies over which the deflection on the cathode ray tube does not fall below 70.7 percent of that at the maximum point measured with a constant input voltage to the amplifier); (b) a time base shorter than 30 nanoseconds per centimeter, including calibrated magnified sweep factor; (c) employing accelerating potentials in excess of 10 kilovolts; (d) containing or designed for the use of a cathode ray tube with three or more electron guns; (e) containing or designed for use of (i) cathode ray memory tubes, or (ii) cathode ray tubes with travelling wave or distributed deflection structure or incorporating other techniques to minimize mismatch of fast phenomena signals to the deflection structure; (f) ruggedized to meet a military specification; (g) rated for operation over a range of ambient temperatures from below minus 13° F. (minus 25° C.) to above plus 131° F. (plus 55° C.); (h) incorporating a calibrated variable sweep delay with an incremental accuracy (measured at the 90 percent delay point) of	No.	601	STVWXYZ	—	500	500	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
better than 3 percent; (i) including any device which increases the capabilities of the oscilloscope to enable it to meet specifications (a) or (b) of this entry; or (j) having a rise-time of less than 12 nanoseconds. (Specify by name and model number.)[1]								
72952 Electronic devices for stroboscopic analysis of a signal (i.e., sampling devices), whether subassemblies or separate units, designed to be used in conjunction with an oscilloscope to permit the analysis of recurring phenomena, which increase the capabilities of an oscilloscope to: (a) permit measurements above 20 megacycles per second, or (b) to permit the achieving in an oscilloscope of a time-base shorter than 40 nanoseconds (0.04 microseconds) per centimeter. (Specify by name and model number.)	No.	601	STVWXYZ	—	500	100	—	A
72952 Other cathode ray oscilloscopes (oscillographs) possessing *any* of the following characteristics: (a) an amplifier bandwidth greater than 12 megacycles per second, (b) a time base less than 0.04 microseconds per centimeter, (c) employing accelerating potentials in excess of 5 kilovolts, (d) containing or designed for use of three or more cathode ray tubes, or (e) including any device which increases the capabilities of the oscilloscope to enable it to meet specifications (a) or (b) of this entry. (Specify by name and model number.)	No.	602	STVWXYZ	—	1,000	1,000	—	
72952 Other cathode ray oscilloscopes (oscillographs) possessing *any* of the following characteristics: (a) a bandwidth greater than 5 megacycles (defined as the band of frequencies over which the loss does not exceed 3 decibels), or (b) a time base shorter than 0.05 microseconds per centimeter.	No.	608	SWXYZ	—	—	—	100	B
72952 Other electronic devices for stroboscopic analysis of a signal (i.e., sampling devices), whether subassemblies or separate units designed to be used in conjunction with an oscilloscope to permit the analysis of recurring phenomena which increase the capabilities of an oscilloscope to permit measurement above 15, up to and including 20, megacycles per second. (Specify by name and model number.)	No.	602	STVWXYZ	—	500	100	—	

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72952 Magnetometers, *except geophysical magnetometers* but including gaussmeters, of the following types: (a) fluxgate, (b) electron-beam sensing, (c) paramagnetic,[1] (d) nucleonic, and (e) Hall Effect. (Specify by name.)	No.	601	STVWXYZ	—	500	250	—	A
72952 Radio spectrum analyzers possessing *any* of the following characteristics: (a) designed to operate at frequencies exceeding 1,000 megacycles, (b) designed to operate at frequencies over 300 megacycles and using interchangeable heads and incorporating integral sweep facilities, or (c) having a display bandwidth in excess of 12 megacycles. (Specify by name and model number.)	No.	601	STVWXYZ	—	500	100	—	A
72952 Measuring, calibrating, counting, and time interval measuring equipment whether or not incorporating frequency standards, having one or more of the following characteristics: (a) consisting of, or containing frequency measuring equipment or frequency standards designed for other than ground laboratory use with an accuracy better than 1 part in 10^7; (b) consisting of, or containing ground laboratory or frequency measuring equipment incorporating frequency standards with a stability over 24 hours of 1 part in 10^9 or better; (c) designed for use at frequencies in excess of 1,000 megacycles; (d) designed to provide a multiplicity of alternative output frequencies controlled by a lesser number of piezo-electric crystals or an internal or external frequency standard, *except equipment in which the output frequency is selected only by manual operation either on the equipment or on a remote control unit and* (i) *those forming multiples of a common control frequency, or* (ii) *those in which the output frequency is a multiple of a common frequency which is not less than 1:1,000 part of the oscillator frequency and is in steps of 1 kilocycle or greater;* (e) counting equipment capable of resolving at normal input levels successive input signals with less than 0.1 microsecond time difference; or (f) time interval measuring equipment containing counting equipment as specified in part (e) above. (Specify by name and model number.)	No.	601	STVWXYZ	—	500	500	—	A
72952 Instruments, n.e.c., designed for operation at frequencies from 300 megacycles up to and including 1,000 megacycles. (Specify by name and model number.)	No.	602	STVWXYZ	—	1,000	1,000	—	

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] The term "paramagnetic" as used in this entry refers to the sensing of changes in magnetic field strength by measurement of the effects of such changes in the electron spin phenomena.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72952 Other measuring, calibrating, counting, and time interval measuring equipment with *any* of the following characteristics: (a) frequency measuring instruments having an accuracy better than 0.00001 percent, (b) capable of resolving (at normal input levels) successive input signals with less than 0.5 microsecond time difference (including time interval measuring equipment containing such counters), or (c) designed to provide a multiplicity of alternative out-put frequencies controlled by a lesser number of piezo-electric crystals or an internal or external frequency standard and not forming multiples of a common control frequency. (Specify by name and model number.)	No.	602	STVWXYZ	—	1,000	1,000	—	
72952 Instruments specially designed for: (a) testing communications equipment employing tropospheric, ionospheric or meteoric scatter phenomena, or (b) testing telemetering and telecontrol equipment suitable for use with space vehicles or aircraft. (Specify by name and model number.)	No.	601	STVWXYZ	—	500	100	—	A
72952 Instruments specially designed for testing the following equipment which is subject to the Import Certificate/Delivery Verification procedure: (a) torquers and synchronous motors, Export Control Commodity No. 72210; (b) linear and nonlinear potentiometers, Export Control Commodity No. 72220; (c) semiconductor Hall field probes, Export Control Commodity Nos. 72930 and 72999; (d) analog-to-digital and digital-to-analog converters, Export Control Commodity No. 72952; (e) synchros and resolvers and special instruments rated to have the same characteristics, induction potentiometers, induction rate (tachometer) generators, and servo-motors, Export Control Commodity No. 72999; or (f) electronic or magnetic amplifiers specially designed for use with resolvers, Export Control Commodity No. 86199. (Specify by name and model number.)	No.	601	STVWXYZ	—	500	500	—	A
72952 Instruments specially designed for testing or calibrating the direction finding, radar, or navigation equipment included under Export Control Commodity No. 72499 which are subject to the Import Certificate/Delivery Verification procedure. (Specify by name and model number.)	No.	601	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
72952 Instruments designed for testing the types of electric arc devices under Export Control Commodity No. 72992 which are subject to the Import Certificate/Delivery Verification procedure. (Specify by name and model number.)	No.	601	STVWXYZ	—	500	100	—	A
72952 Instruments designed for testing ball-and-disc or cylinder-and-ball mechanical integrators, mechanical ball resolvers, and electro-optical devices designed to monitor relative rotation of remote surfaces, Export Control Commodity No. 86191.	No.	601	STVWXYZ	—	500	100	—	A
72952 Voltmeters, with a full scale sensitivity of 10 nanovolts or less.	No.	602	STVWXYZ	—	500	500	—	
72952 Waveform analyzing and/or testing instruments operating at frequencies of 300 megacycles per second or less. (Specify by name and model number.)	No.	608	SWXYZ	—	—	—	100	B
72952 Radio testing instruments or apparatus, n.e.c.; digital voltmeters; and electrometers capable of measuring currents smaller than 0.01 microamperes.	No.	608	SWXYZ	—	—	—	100	B
72952 Electrical quantity measuring and indicating instruments specially designed for aircraft (for example, current and voltage meters, phase meters, frequency meters, etc.).	No.	432	STVWXYZ	—	1,000	1,000	—	E–2
72952 Aircraft instruments for measuring, indicating or controlling nonelectrical quantities by electrical or electronic means (for example, transducers, generators, indicators, regulators or controllers for pressure, level, vacuum, flow, temperature, rotative speed, vibration, etc.).	No.	432	STVWXYZ	—	1,000	1,000	—	E–2
72952 Other instruments for measuring, indicating, recording, controlling, or testing electrical or electronic quantities or characteristics, n.e.c.	No.	608	SXYZ	—	—	—	100	B
72952 Personal nuclear radiation monitoring instruments enabling direct reading on a graduated scale as follows: (a) dosimeters, where more than one fourth of the total single exposure range falls between 15 and 500 rads or roentgens, or (b) dose rate meters, where more than one fourth of the total range falls between 1 and 80 rads or roentgens per hour, *except dosimeters and dose rate meters specially designed for use with medical radiation equipment or used in food and plastics processing.*[1]	No.	621	STVWXYZ	—	500	25	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Nuclear radiation detection and measuring devices (including components, parts accessories, attachments and associated equipment therefor), except such devices as are in normal commercial use, require export authorization from the U. S. Department of State. See paragraph 370.5(a).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
72952 Nuclear radiation detection and measuring instruments designed to measure neutron flux in connection with the determination of the power level of an operating nuclear reactor.[1]	No.	622	STVWXYZ	—	500	—	—	
72952 Nuclear radiation dosimeters capable of measuring dosages between 5 and 15 roentgens or over 500 roentgens in one exposure.[1]	No.	622	STVWXYZ	—	1,000	1,000	—	
72952 Other nuclear radiation dosimeters capable of measuring dosages above 5 roentgens in one exposure.[1]	No.	622	STVWXYZ	—	500	500	—	
72952 Nuclear radiation detection and measuring instruments and apparatus, electrical, magnetic, or electronics, specially designed for operation continuously or discontinuously at ambient temperatures below minus 130° C. (minus 202° F.).[1]	No.	621	STVWXYZ	—	500	100	—	A
72952 Other nuclear radiation detection and measuring instruments and apparatus.[1]	No.	628	SXYZ	—	—	—	100	B
72952 Underwater detection apparatus, and specialized component instruments (for example, hydrophones), *except marine depth sounders of a kind used solely for measuring the depth of water or the distance of submerged objects or fish and/or whales vertically below the apparatus.* (Specify by name and model number.) [2]	No.	611	STVWXYZ	—	500	100	—	A
72952 Other underwater detection apparatus, n.e.c. (Specify by name and model number.) [2]	No.	618	SWXYZ	—	—	—	100	B
72952 Analog-to-digital and digital-to-analog converters as follows: (a) electrical-input types possessing (i) a peak conversion rate capability in excess of 50,000 complete conversions per second, (ii) an accuracy in excess of 1 part in more than 10,000 of full scale, or (iii) a figure of merit of 5 times 10^4 or more (derived from the number of complete conversions per second divided by the accuracy), (b) mechanical-input types (including but not limited to shaft-position encoders and linear displacement encoders, but excluding complex servo-follower systems): (i) rotary types having an accuracy of maximum incremental accuracy better than plus or minus 1 part in 10,000 of full scale, or of size 11 (1.1 inches in diameter) and smaller, (ii) linear displacement types having an accuracy better than plus or minus 5 microns, (c) employing solid state Hall effect, or (d) designed to operate below minus	No.	601	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Nuclear radiation detection and measuring devices (including components, parts, accessories, attachments and associated equipment therefor), except such devices as are in normal commercial use, require export authorization from the U. S. Department of State. See paragraph 370.5(a).

[2] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
67° F. (minus 55° C.) or above plus 257° F. (plus 125° C.). (Specify model or type number.)								
72952 Numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) machining movements in a machine-tool in two or more axes. [Report machine-tool controls other than electric or electronic in Export Control Commodity No. 71954.] (See § 399.2, Interpretation 7.)	No.	421	STVWXYZ	—	500	100	—	A
72952 Electronic closed loop feed back control systems for metalworking machine tools, designed solely for positioning operations. (See § 399.2, Interpretation 7.)	No.	422	STVWXYZ	—	500	100	—	
72952 Combination balancing and correcting machines designed for or equipped with numerical control systems specially designed for controlling coordinated simultaneous (contouring and continuous path) movements in two or more axes. (See § 399.2, Interpretation 7.)	No.	421	STVWXYZ	—	500	—	—	A
72952 Combination balancing and correcting machines designed for or equipped with electronic closed loop control systems designed solely for positioning operations. (See § 399.2, Interpretation 7.)	No.	422	STVWXYZ	—	500	—	—	
72952 Numerical control servo-driven measuring or gauging machines specially designed for measuring at any point of the contour the dimensional shape and contour characteristics of two- or three-dimensional objects, including objects of revolution.	No.	421	STVWXYZ	—	500	500	—	A
72952 Other balancing machines or balancing and correcting machines for balancing metal parts statically, dynamically or both.	No.	428	SWXYZ	—	—	—	100	B
72952 Other electronic industrial process control systems. (Specify by name.)	No.	411	STVWXYZ	—	500	100	—	
72952 Geophysical magnetomers of the following types: (a) fluxgate, (b) electron beam sensing, (c) paramagnetic,[1] (d) nucleonic, and (e) Hall Effect. (Specify by name.)	No.	401	STVWXYZ	—	500	100	—	A
72952 Well-logging instruments and equipment.	No.	402	STVWXYZ	—	500	100	—	E–12
72952 Magnetic recorders and reproducers specially designed for seismographs. [Report seismic magnetic tapes in Export Control Commodity No. 89120.]	No.	401	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] The term "paramagnetic" as used in this entry refers to the sensing of changes in magnetic field strength by measurement of the effects of such changes in the electron spin phenomena.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72952 Other seismic or seismograph equipment, *except observatory type and subsurface engineering type.* (Specify by name.) [Report gravity meters in Export Control Commodity No. 86191.]	No.	402	STVWXYZ	—	500	100	—	
72952 Other geophysical and mineral prospecting equipment, electric.	No.	408	SXYZ	—	—	—	100	B
72952 Instruments specially designed for measuring and checking gas turbine blades.	No.	421	STVWXYZ	—	500	100	—	A
72952 Other size measuring instruments.....	No.	428	SWXYZ	—	—	—	100	B
72952 Automatic equipment for controlling diameter or the concentricity of extruded dielectric or wires and cables.	No.	411	STVWXYZ	—	500	100	—	A
72952 Chemical analysis equipment, qualitative and quantitative (chemical analytical equipment utilizing chemical and/or physical separation analytical principles). (Specify by name.)	No.	412	STVWXYZ	—	500	500	—	
72952 Process control instruments specially designed or modified for controlling the processing of irradiated fissionable or fertile materials and lithium.	No.	411	STVWXYZ	—	500	100	—	A
72952 Instruments or devices capable of controlling the dimensions of a rolled product during its production. [Report industrial x-ray equipment in Export Control Commodity No. 72620.] (Specify by name.)	No.	418	SWXYZ	—	—	—	100	B
72952 Vacuum gauges, ionization type, designed for use with ion vacuum pumps having pumping speeds of 800 or more liters of hydrogen per second at pressures of 10^{-4} mm. of mercury or more.	No.	411	STVWXYZ	—	500	—	—	A
72952 Other vacuum gauges, ionization type..	No.	412	STVWXYZ	—	1,000	1,000	—	
72952 Compasses and gyroscopic equipment as follows: (a) gyro compasses possessing one or more of the following characteristics: (i) automatic correction for the effects on compass accuracy of changes in ship's speed, acceleration, accuracy of changes in ship's speed, acceleration, or latitude, (ii) provision for accepting ship's data as an electrical input, (iii) provision for setting in corrections for current set and drift, (iv) utilization of accelerometer, rate gyro, rate integrating gyros, or electrolytic levels as sensing devices, (v) provision for determining and electrically transmitting ship's level reference data (roll, pitch) in addition to own ship's course data; (b) integrated flight instrument systems for aircraft which include gyro-stabilizers and/or automatic pilots; (c) gyro-stabilizers used for other pur-	No.	621	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
poses than aircraft control, *excluding those for stabilizing an entire surface vessel;* (d) automatic pilots used for other purposes than aircraft control *excluding marine type for surface vessels;* (e) gyros with a rated free directional drift rate (rated free precession) of less than 0.5 degrees per hour in a 1 g environment; and (f) gyro compasses which incorporate gyros described in (a) above or which, when operated in a gyro compass mode, have a compass error, before compensation, due to gyro drift rate of less than $\frac{1}{300}$ of a radian ($6/\pi$ degrees) at 0 degrees latitude. (Specify by name and model number.)								
72952 Instruments or devices capable of automatically measuring the speed of sound *in situ* in water, and rated for differential sensitivity measurements of 1 part in 5,000 parts or better; and equipment containing such instruments or devices.	No.	621	STVWXYZ	—	500	100	—	A
72952 Centrifugal-action testing equipment. (Specify by name.)	No.	411	STVWXYZ	—	500	100	—	A
72952 Gear testers designed for the testing of gears of diametral pitch finer than 48. (See § 399.2, Interpretation 3.)	No.	412	STVWXYZ	—	500	100	—	
72952 Testing devices specially designed for testing electronic assemblies produced by depositing or printing on insulating panels, plates, or wafers or by otherwise forming *in situ* component parts other than basic wiring.	No.	411	STVWXYZ	—	500	—	—	A
72952 Testing devices specially designed for testing electronic assemblies produced by: (a) automatically inserting and/or soldering components on insulating panels, plates, or wafers to which wiring is applied by printing or other means, or (b) automatically or semi-automatically assembling, wiring, and/or packaging mounted modular insulated panels, plates, or wafers.	No.	412	STVWXYZ	—	500	—	—	
72952 Testing equipment specially designed for use in the manufacture and assembly of communication, navigation, direction-finding, and radar equipment.	No.	411	STVWXYZ	—	500	—	—	A
72952 Testing and inspecting machines specially designed for the examination, testing and checking of arms, munitions, and implements of war.[1]	No.	411	STVWXYZ	—	500	—	—	A
72952 Vibration testing equipment capable of providing a thrust greater than 2,000 lbs.	No.	411	STVWXYZ	—	500	500	—	AFG

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Arms, munitions and implements of war are all items designated in paragraph 370.5(a), Categories I through XIX.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72952 Environmental chambers capable of pressures of 26 Torr or less, including those with a pressure capability only and those which also have a capability of simulating other environments, such as radiation and temperature.	No.	411	STVWXYZ	—	500	—	—	A
72952 Industrial instruments (including sensing elements) capable of operation at, or performing tests at, temperatures below minus 130° C. (minus 202° F.).	No.	412	STVWXYZ	—	500	100	—	
72952 Testing and inspecting equipment specially designed for use in the production of types of electronic tubes and semi-conductor devices or parts and components therefor included under Export Control Commodity No. 72930 which are subject to the Import Certificate/Delivery Verification procedure. (Specify by name.)	No.	411	STVWXYZ	—	500	—	—	A
72952 Other testing and inspecting equipment specially designed for use in the production of electronic tubes and semi-conductor devices or parts and components therefor. (Specify by name.)	No.	412	STVWXYZ	—	500	—	—	
72952 Other industrial process indicating, recording, and/or controlling instruments containing one or more electronic components (incorporating one or more electronic tubes or transistors), *except large case potentiometric instruments (that is, those with one face dimension 6 inches or larger).* (Specify by name.)	No.	412	STVWXYZ	—	1,000	1,000	—	E-9
72952 Test benches, electric or electronic, for aircraft systems and components.	No.	438	SXYZ	—	—	—	100	B
72952 Test benches, electric or electronic, for vehicles and watercraft.	No.	438	SZ *and* East Germany	—	—	—	—	B
72952 Refrigerator defrosting clocks.....	No.	438	SZ	—	—	—	—	B
72952 Other time interval measuring equipment having one or both of the following characteristics: (a) capable of measuring time intervals of 0.1 second or less with an error not exceeding 1 microsecond plus 0.001 percent of the interval measured, (b) incorporating counting circuits capable of counting at rates in excess of 1 megacycle per second. (Specify by name and model number.)	No.	602	STVWXYZ	—	500	100	—	
72952 Instruments containing Laser devices. (Specify by name and model number.)	No.	611	STVWXYZ	—	500	100	—	A
72952 Mass spectrographs and mass spectrometers, as follows: (a) all multifocus types (including double focus, tandem and cyclo-	No.	621	STVWXYZ	—	500	—	—	AFG

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
dial); or (b) single focus types possessing a radius of curvature of 5 inches or more. (Specify by name, model and number.)								
72952 Other mass spectrographs and mass spectrometers, *except mass spectrometer type leak detectors*. (Specify by name and model number.)	No.	622	STVWXYZ	—	500	—	—	FG
72952 Electro-optical instruments designed to monitor relative rotation of remote surfaces.	No.	621	STVWXYZ	—	500	100	—	A
72952 Electrophotometers, spectrographs, spectrophotometers, densitometers, microphotometers, and other spectrum measuring instruments, optical.	No.	628	SWXYZ	—	—	—	100	B
72952 Research laboratory cryogenic instruments and apparatus, electrical, magnetic or electronic, specially designed for operation continuously or discontinuously at ambient temperatures below minus 130° C. (minus 202° F.).	No.	621	STVWXYZ	—	500	100	—	A
72952 Other research laboratory instruments and apparatus capable of maintaining an ambient temperature below minus 202° F. (minus 130° C.). (Specify by name.)	No.	622	STVWXYZ	—	500	100	—	
72952 Other electric or electronic laboratory and scientific instruments for indicating, measuring, testing, inspecting, or controlling nonelectrical quantities.	No.	628	SXYZ	—	—	—	100	B
72952 Other physical properties testing and products testing and inspecting machines or equipment, n.e.c., incorporating circuitry designed to use two or more electronic tubes or transistors. (Specify by name.)	No.	412	STVWXYZ	—	1,000	1,000	—	
72952 Other electric or electronic instruments for indicating, measuring, testing, inspecting, or controlling nonelectrical quantities.	No.	418	SYZ	—	—	—	—	B
72960 Electromechanical hand tools; and parts.	.....[1]	608	SZ *and* East Germany	—	—	—	—	B
72970 Belt-type electro-static generators (Van De Graaff® machines).	No.	602	STVWXYZ	—	500	—	—	
72970 Parts specially designed for belt-type electrostatic generators (Van De Graaff® machines).	.....	602	STVWXYZ	—	500	500	—	E–6
72970 Neutron generators employing the electrostatic acceleration of ions.	No.	622	STVWXYZ	—	500	—	—	FG
72970 Accelerators, as follows: (a) betatrons, synchrotrons, cyclotrons, synchrocyclotrons, and linear accelerators, (b) electron accelerators capable of imparting energies in excess of	No.	622	STVWXYZ	—	500	—	—	

* For explanation, see § 399.1 pages 1, 2, and 3.
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[1] Report portable electric drills in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
500,000 electron volts, and (c) other electronuclear machines capable of imparting energies in excess of 1,000,000 electron volts to a nuclear particle or an ion.								
72970 Neutron generator tubes designed for operation without external vacuum system, and utilizing electrostatic acceleration to induce a tritium deuterium nuclear reaction.	No.	621	STVWXYZ	—	500	—	—	AFG
72970 Parts specially designed for neutron generators employing the electrostatic acceleration of ions.	.....	622	STVWXYZ	—	500	500	—	FG
72970 Parts specially designed for electronuclear machines capable of imparting energies in excess of 1,000,000 electron volts to a nuclear particle or ion.	.....	622	STVWXYZ	—	500	25	—	
72970 Other parts specially designed for betatrons, synchrotrons, cyclotrons, synchrocyclotrons, electron accelerators capable of imparting energies in excess of 500,000 electron volts, and other linear accelerators.	.....	622	STVWXYZ	—	500	500	—	
72970 Other electron and proton accelerators; and parts.	.....	628	SXYZ	—	—	—	100	B
72991 Magnets specially designed for electronuclear machines capable of imparting energies in excess of 1,000,000 electron volts to a nuclear particle or an ion.	.....	622	STVWXYZ	—	500	25	—	
72991 Superconducting magnets specially designed for operation at temperatures below minus 130° C. (minus 202° F.)	.....	601	STVWXYZ	—	500	500	—	A
72991 Electro-magnetic and permanent magnet chucks, clamps, vices and similar work holders, specially designed for metalworking machines and machine tools (Export Control Commodity No. 71510) which are subject to the Import Certificate/Delivery Verification procedure.	.....	421	STVWXYZ	—	500	500	—	A
72991 Electrical apparatus specially designed for operation at temperatures below minus 202° F. (minus 130° C.); and specially designed parts. (Specify by name.)	.....	421	STVWXYZ	—	500	100	—	A
72991 Permanent magnets having any of the characteristics set forth in § 399.2, Interpretation 6. (Give metal analysis.)	Lb.	261	STVWXYZ	—	500	25	—	A E–8
72991 Other electro-magnetic and permanent magnet chucks, clamps, vices and similar work holders for metalworking machines and machine tools.	.....	428	SWXYZ	—	—	—	100	B
72991 Other permanent magnets, electro-magnets, and electro-magnetic appliances.	.....[1]	268	SXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report permanent magnets in "pound."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72992 Induction hardening machines for tank turret rings and sprockets; and furnaces, welding apparatus and other equipment specially designed for the production of arms, munitions, or implements of war.[2] (Specify by name, type and characteristics.)	.....[1]	601	STVWXYZ	—	500	—	—	A
72992 Electric vacuum furnaces as follows: (a) consumable electrode vacuum arc furnaces with a capacity in excess of 5 tons, (b) skull type vacuum arc furnaces, (c) electron beam vacuum furnaces, (d) resistance vacuum furnaces designed to operate at temperatures higher than 3002° F. (1650° C.), *except* (i) *furnaces for heat treatment, 12 inches x 12 inches x 12 inches (304 mm. x 304 mm. x 304 mm.) (28,320 cubic centimeters), designed for temperatures not higher than 4172° F. (2300° C.),* (ii) *furnaces for heat treatment, up to 600 cubic centimeters, designed for temperatures not higher than 4860° F. (2700° C.), and* (iii) *melting furnaces up to 3,200 cubic centimeters, designed for temperatures not higher than 4172° F. (2300° C.),* (e) cold crucible vacuum induction furnaces designed to operate at pressures lower than 0.1 millimeter of mercury and at temperatures higher than 2012° F. (1100° C.), or (f) vacuum induction furnaces other than cold crucible, designed to operate at temperatures higher than 3002° F. (1650° C.), *except furnaces with work piece space of 13,000 cubic centimeters or less and designed to operate not higher than 3452° F. (1900° C.), and furnaces with work piece space of 3,200 cubic centimeters or less with no single dimension (length, width, height or diameter) of that space in excess of 10 inches and designed to operate at temperatures not higher than 2300° C. (4172° F.).* (Specify by name and characteristics.)	No.	601	STVWXYZ	—	500	—	—	A
72992 Electric furnaces specially designed or modified to be capable of purifying or processing one or more semiconductor materials, *except equipment specially designed for the zone purification of germanium.* (Specify by name and characteristics.)	No.	601	STVWXYZ	—	500	—	—	A
72992 Electric furnaces specially designed for the production or processing of vapor deposited (pyrolytic) graphite or doped graphites whether as standing bodies, coatings, linings, or substrates. (Specify by name and characteristics.)	No.	602	STVWXYZ	—	500	—	—	

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete furnaces, ovens, heating units and welders (assembled and unassembled) in "number."
[2] Arms, munitions and implements of war are all items designated in paragraph 370.5(a), I through XIX.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72992 Other electric industrial melting, refining and metal heat-treating furnaces. (Specify by name and characteristics.)	No.	602	STVWXYZ	—	500	—	—	
72992 Parts and attachments specially designed for the furnaces under Export Control Commodity No. 72992 which are subject to the Import Certificate/Delivery Verification procedure; and parts, accessories and attachments specially designed for induction hardening machines, furnaces, welding apparatus and other equipment specially designed for the production of arms, munitions, or implements of war. (Specify by name and type of equipment.)	.....	601	STVWXYZ	—	500	100	—	A
72992 Other parts and attachments for furnaces under Export Control Commodity No. 72992 which require a validated license to all destinations but are not subject to the Import Certificate/Delivery Verification procedure. (Specify by name and type of furnace.)	.....	602	STVWXYZ	—	1,000	1,000	—	
72992 Ovens, infra-red and high frequency, for biscuit baking, industrial; and parts.	.....[1]	418	SZ	—	—	—	—	B
72992 Electric arc devices, n.e.c., for generating a flow of ionized gas in which the arc column is constricted, *except* (i) *devices wherein the flow of gas is for isolation purposes only, and* (ii) *devices of less than 80 kilowatts for cutting, welding, plating and/or spraying;* equipment incorporating such devices; and specially designed parts, accessories and controls, n.e.c.	.....[1]	601	STVWXYZ	—	500	—	—	A
72992 Electric arc devices of less than 80 kilowatts which utilize or generate a flow of ionized gas for cutting, welding, plating and/or spraying; equipment incorporating such devices; and specially designed parts, accessories and controls, n.e.c.	.....[1]	602	STVWXYZ	—	500	—	—	
72992 Electron beam welders, *except equipment using the "sparking" technique, or continuous vacuum roll coating machines having a voltage not in excess of 20 KV, having a fixed electron beam gun and no accurate control of the thickness of the deposited layer.*	No.	601	STVWXYZ	—	500	—	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete furnaces, ovens, heating units and welders (assembled or unassembled) in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72992 Parts and accessories specially designed for electron beam welders under Export Control Commodity No. 72992 which are subject to the Import Certificate/Delivery Verification procedure.	.....	601	STVWXYZ	—	500	500	—	A
72992 Automatic pipe welding machines capable of welding the joints of steel pipe of a size greater than 19 inches o.d.	No.	602	SVWXYZ	—	—	—	—	
72992 Parts and accessories specially designed for automatic pipe welding machines capable of welding the joints of steel line pipe of a size greater than 19 inches o.d.	.....	602	SVWXYZ	—	—	1,000	—	
72992 Dental furnaces, electric; and parts....	.....[1]	608	SZ	—	—	—	—	B
72992 Other electric furnaces, ovens, electric induction and dielectric heating equipment, and electric welding machines; and parts, accessories, and attachments, n.e.c.	.....[1]	608	SXYZ	—	—	—	100	B
72993 Railway traffic control equipment; and parts. (Specify by name.)	.....	438	SXYZ	—	—	—	100	B
72993 Traffic signal lights; and parts.....	.....	608	SZ	—	—	—	—	B
72993 Other electric traffic control equipment; and parts.	.....	608	SXYZ	—	—	—	100	B
72994 Flashing, intermittent, and rotating lights for aircraft; aircraft alarm, warning, and signalling instruments, n.e.c. (for example, fire detectors and indicators, engine failure indicators, wheel, flap, cowl flap, control position indicators, etc.); and parts.	.....	438	SWXYZ *and* Rep. So. Africa	—	—	—	100	B
72994 Other electric sound or visual signalling apparatus, n.e.c.; and parts.	.....	608	SXYZ	—	—	—	100	B
72995 Electronic capacitors designed for and/or capable of reliable performance in relation to their electrical and mechanical characteristics and maintaining their design service lifetime while operating over the whole range of ambient temperatures from below minus 49° F. (minus 45° C.) to above plus 212° F. (plus 100° C.) or at ambient temperatures of 392° F. (200° C.) or higher (specify by name and type number).[2]	No.	611	STVWXYZ	—	500	250	—	A
72995 Tantalum or niobium electrolytic capacitors as follows: (a) types designed to operate permanently at temperatures over 185° F. (85° C)., (b) sintered types, *except those having a casing made of epoxy resin or sealed with epoxy resin*, or (c) foil types. (Specify by name and type number.)	No.	611	STVWXYZ	—	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report complete furnaces, ovens, heating units and welders (assembled or unassembled) in "number."
[2] The range of ambient temperatures from below minus 45° C. (minus 49° F.) to above plus 100° C. (plus 212° F.) defines the range at which the component may still be used without derating.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72995 Parts, n.e.c., specially designed for the electronic component capacitors under Export Control Commodity No. 72995 subject to the Import Certificate/Delivery Verification procedure. Specify by name and by type of capacitor.)	.....	611	STVWXYZ	—	500	250	—	A
72995 Sintered electrolytic tantalum capacitors having a casing made of epoxy resin or sealed with epoxy resin; and specially designed parts. (Specify by name and type number.)	.....[1]	612	STVWXYZ	—	500	500	—	
72995 Other tantalum electrolytic capacitors; and parts. (Specify by name and type number.)	.....[1]	618	SWXYZ	—	—	—	100	B
72995 Other capacitors for electronic applications; and parts. (Specify by name and type number.)	.....[1]	618	SXYZ	—	—	—	100	B
72995 Ignition capacitors (condensers) designed for aircraft, and parts.	.....[1]	438	SWXYZ *and* Rep. So. Africa	—	—	—	100	B
72995 Ignition capacitors (condensers), designed for automotive vehicles and parts.	.....[1]	438	SWXYZ	—	—	—	100	B
72995 Power capacitors (static condensers) for power factor correction.	No.	608	SZ	—	—	—	—	B
72995 Other capacitors (condensers), n.e.c.; and parts.	.....[1]	608	SXYZ	—	—	—	100	B
72996 Electrical carbons, *except carbon brushes*, artificial graphite, whether or not containing other materials to give improved performance at high temperatures, having an apparent relative density of 1.90 and greater, *except non-pyrolytic graphite of density between 1.90 and 1.95 when compared to water at 15.5° C. (60° F.)*.	.....[2]	601	STVWXYZ	—	500	500	—	A E–6
72996 Electrical carbons, *except carbon brushes*, artificial graphite, smallest dimension 2 inches or over, *and* having a boron content of one part per million or less. (Specify size and boron content in parts per million.)	.....[2]	601	STVWXYZ	—	500	500	—	A E–6
72996 Other pyrolytic graphite electrical carbons.	.....[2]	602	STVWXYZ	—	500	500	—	
72996 Other electrical carbons, *except carbon brushes*, artificial graphite, smallest dimension 2 inches or over. (Specify size and boron content in parts per million.)	.....[2]	602	STVWXYZ	—	1,000	1,000	—	E–6
72996 Electrical carbon brushes; and other brush plates, carbon and graphite electrodes for furnace or electrolytic cell use; and lighting carbons.	.....[2]	608	SZ *and* East Germany	—	—	—	—	B
72996 Other electrical carbons, n.e.c. [Report articles of carbon or graphite for other than electrical purposes in Export Control Commodity No. 66363.]	.....	608	SYZ	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report capacitors (condensers) in "number."
[2] Report electrodes for furnace or electrolytic use in "pound."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
Electronic and electrical parts of machinery and appliances, n.e.c.:								
72998 Electronic resistive inductive and/or capacitive components, n.e.c., designed for and/or capable of reliable performance in relation to their electrical and mechanical characteristics and maintaining their design service lifetime while operating over the whole range of ambient temperatures from below minus 49° F. (minus 45° C.) to above plus 212° F. (plus 100° C.) or at ambient temperatures of 392° F. (200° C.) or higher; and specially designed parts. (Specify by name and type number.) [1]	.....	611	STVWXYZ	—	500	250	—	A
72998 Radiant energy type thermal detecting cells (for example, bolometers and thermocouple detectors) with a response time constant of less than 10 milliseconds measured at the operating temperature of the cell for which the time constant reaches a minimum. (Specify by name and model number.) [2]	.....	611	STVWXYZ	—	500	100	—	A
72998 Quartz crystals and assemblies thereof in any stage of fabrication (worked, semi-finished or mounted), as follows: (a) for use as filters: (i) specially designed crystals, or (ii) assemblies of crystals, or (b) for use as oscillators: (i) designed for operation over a temperature range wider than 70°C., (ii) designed for a frequency stability of plus or minus 0.003 percent or better over the rated temperature range, (iii) mounted in glass holders, (iv) mounted in thermocompression welded metal holders, or (v) capable, when mounted, of being passed through a circular hole with a diameter of 0.42 inches (10.7 mm). (Specify by name and type number.)	.....	611	STVWXYZ	—	500	100	—	A
72998 Other quartz crystals, mounted. (Specify by name and type number.) [Report unmounted in Export Control Commodity No. 66700.1	.....	612	STVWXYZ	—	500	500	—	
72998 Electronic components, n.e.c., as follows: (a) consisting of or containing assemblies and subassemblies constituting one or more functional circuits with a component density greater than 75 parts per cubic inch (4.575 parts per cubic centimeter), or (b) modular insulator panels (including wafers) mounting single or multiple electronic elements, *except panels constructed of paper base phenolics, glass cloth melamine, glass cloth epoxy resins, or other materials with an operating temperature range not exceeding that of the aforementioned materials and which are not types defined in (a) above or which incorporate any semiconductors, diodes, transistors, etc. which are subject to the Import Certificate/Delivery Verification procedure under Export Control Commodity No. 72930.* (See § 373.2.)	.....	611	STVWXYZ	—	500	250	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] The range of ambient temperatures from below minus 49° F. (minus 45° C.) to above plus 212° F. (plus 100° C.) defines the range at which the component may still be used without derating.

[2] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72998 Electronic components and parts as follows: thin film memory storage or switching devices; electrical filters in which the coupling elements make use of the electromechanical properties of ferrites; devices employing gyromagnetic resonance effects, including microwave ferrite and garnet devices; and other electronic components and parts containing crystals having spinel, hexagonal, or garnet crystal structures as follows: (a) monocrystals of ferrites and garnets, synthetic, (b) single-aperture forms having (i) switching speed of 0.5 microsecond or less at the minimum field strength required for switching at 104° F. (40° C.), or (ii) a maximum dimension less than 45 mils (1.14 mm.), or (c) multi-aperture forms having (i) switching speed of 1 microsecond or less at the minimum field strength required for switching at 104° F. (40° C.), (ii) a maximum dimension less than 100 mils (2.54 mm.), or (iii) having ten or more apertures. (Specify by name and characteristics.)	.....	611	STVWXYZ	—	500	100	—	A
72998 Parts and components fabricated of beryllium oxide ceramic. (Specify by name.)	.....	612	STVWXYZ	—	500	100	—	
72998 Other electronic components, n.e.c., designed to operate over the range of ambient temperatures from below minus 49° F. (minus 45° C.) to above plus 212° F. (plus 100° C.) or at ambient temperatures of 392° F. (200° C.) or higher; and specially fabricated parts, n.e.c. (Specify by name and type number.)	.....	612	STVWXYZ	—	500	500	—	
72998 Bakelite® knobs; cabinets, *except wood;* fiber washers; lightning arrestors; lightning protectors; pilot lamp holders; and serrated washers.	.....	618	SZ	—	—	—	—	B
72998 Other electronic components and parts, n.e.c. (Specify by name.)	.....	618	SWXYZ	—	—	—	100	B
72998 Other electrical components and parts, n.e.c.	.....	608	SXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.

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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
72999 Signal generators specially designed for testing or calibrating the direction finding, radar, or navigation equipment included under Export Control Commodity Nos. 72499 and 86191; and specially designed parts. (Specify by name and model number.)	.....[1]	601	STVWXYZ	—	500	500	—	A
72999 Pulse generators specially designed for use with magnetic core testers; and specially designed parts.	.....[1]	601	STVWXYZ	—	500	500	—	A
72999 Signal generators having *either* of the following characteristics: (a) designed to operate at frequencies in excess of 1,000 megacycles, or (b) rated to maintain their specific operating data when operating over a range of ambient temperatures extending from below minus 25° C. (minus 13° F.) to above plus 55° C., (plus 131° F.) and specially designed parts. (Specify by name and model number.)	.....[1]	601	STVWXYZ	—	500	500	—	A
72999 Other signal generators operating at frequencies of 300 megacycles and over; and specially designed parts. (Specify by name and model number.)	.....[1]	602	STVWXYZ	—	1,000	1,000	—	
72999 Synchros and resolvers having *any* of the following characteristics: (a) a rated electrical error of 10 minutes or less, or of 0.25 percent or less of maximum output voltage, (b) a rated dynamic accuracy for receiver types of 1° or less, except that for units of size 30 (3 inches in diameter) or larger a rated dynamic accuracy of less than 1°, (c) multi-speed from single shaft types, (d) of size 11 (1.1 inches in diameter) and smaller, (e) employing solid state Hall effect, (f) designed for gimbal mounting, or (g) designed to operate below minus 67° F. (minus 55° C.) or above plus 257° F. (125° C.) (specify by name and model number); and specially designed parts and accessories, n.e.c.	.....	601	STVWXYZ	—	500	—	—	A
72999 Other instruments which perform functions similar to synchros or resolvers (for example, Microsyns, Synchrotel®, and Inductosyns®, and which have *any* of the following characteristics: (a) a rated electrical error of 10 minutes or less, or of 0.5 percent or less of maximum output voltage, or (b) a rated dynamic accuracy for receiver types of 1° or less, except that for units of size 30 (3 inches	.....	601	STVWXYZ	—	500	—	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
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[1] Report complete generators (assembled or unassembled) in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
in diameter) or larger a rated dynamic accuracy of less than 1° (specify by name and model number); and specially designed parts and accessories, n.e.c.								
72999 Other servo control units, synchros, resolvers, linear induction potentiometers, and induction rate generators; and specially designed parts and accessories, n.e.c. [Report servo motors in Export Control Commodity No. 72210.]	.....	602	STVWXYZ	—	500	500	—	
72999 Induction potentiometers (including function generators and linear synchros), linear and nonlinear, having *any* of the following characteristics: (a) a rated conformity of 0.5 percent or less, or of 18 minutes or less, (b) of size 11 (1.1 inches in diameter) and smaller, (c) employing solid state Hall effect, (d) designed for gimbal mounting, or (e) designed to operate below minus 67° F. (minus 55° C.) or above plus 257° F. (125° C.) (specify by name and model number); and specially designed parts and accessories, n.e.c.	.....	601	STVWXYZ	—	500	100	—	A
72999 Induction rate (tachometer) generators, synchronous and asynchronous, having *any* of the following characteristics: (a) a rated linearity of 0.5 percent or less, (b) all temperature-compensated or temperature-corrected types, (c) of size 11 (1.1 inches in diameter) and smaller, (d) employing solid state Hall effect, or (e) designed to operate below minus 67° F. (minus 55° C.) or above plus 257° F. (125° C.) (specify by name and model number); and specially designed parts and accessories, n.e.c.	.....	601	STVWXYZ	—	500	100	—	A
72999 Semiconductor Hall field probes having *any* of the following characteristics: (a) made of indium-arsenide-phosphide (In As P), (b) coated with ceramic or ferritic materials (for example, special field probes such as tangential field probes, multipliers, modulators, recorder probes, etc.), or (c) with an open circuit sensitivity greater than 0.12 volts per ampere kilogauss; and specially designed parts and accessories, n.e.c.	.....	601	STVWXYZ	—	500	50	—	A
72999 Thermoelectric devices, as follows: (a) junctions and combinations of junctions using any thermoelectric material having a maximum product of the figure of merit (Z) [1] and the temperature (T in °K) in excess of 0.75, (b) heat absorbing and/or electrical power	.....	601	STVWXYZ	—	500	50	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] The figure of merit (Z) equals Seebeck coefficient squared, divided by the product of electrical resistivity and thermal conductivity.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
generating devices containing any of the aforcmentioned junctions, or (c) other power generating devices which generate in excess of 10 watts per pound or 500 watts per cubic foot of the devices' basic thermoelectric components [1] (specify by name and model number); and specially designed parts, components, and sub-assemblies, n.e.c.								
72999 Electrical apparatus, specially designed for operation at temperatures below minus 202° F. (minus 130° C.) and specially designed parts. (Specify by name.)	.....	601	STVWXYZ	—	500	100	—	A
72999 Electrical apparatus, n.e.c., and parts, n.e.c., *the following only:* drive-in windows for bank deposits, electrically operated; fountains, decorative; insect control units; insect killers; metal signs, electric; neon signs, neorite units (control of neon sign animation); sign flashers; sign letters, signs, electric; window-opening devices, commercial-type, electrically operated.	.....	608	SZ	—	—	—	—	B
72999 Electric windshield wipers, and parts, n.e.c., except for motor vehicles. [Report electric windshield wipers for motor vehicles in Export Control Commodity No. 72942.]	.....	438	SXYZ	—	—	—	100	B
72999 Other electrical apparatus, n.e.c., and parts, n.e.c.[2]	.....	608	SXYZ	—	—	—	100	B
TRANSPORT EQUIPMENT								
73101 Industrial and mining type locomotives. [Report parts in Export Control Commodity No. 73170.]	No.	408	SXYZ	500	—	—	100	B
73101 Railway locomotives, including tenders. [Report electrical controls in Export Control Commodity No. 72220, and other parts in No. 73170.]	No.	438	SXYZ	500	—	—	100	B
73105 Industrial and mine rail cars. [Report parts in Export Control Commodity No. 73170.]	No.	408	SXYZ	500	—	—	100	B
73105 Railway cars equipped with jacketed containers for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multi-laminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more *and* specially designed for use with liquid fluorine or for	No.	431	STVWXYZ	500	500	500	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] The weight and cubic measurements in part (c) of this entry are not intended to encompass the complete device, but to include only the thermoelectric elements and assembly and the components for *pumping calories*. Other components, such as heating and/or cooling sources or containers, device frames or stands, and control equipment, are not to be included in the calculations.

[2] Mine detectors require export authorization from the U. S. Department of State. See paragraph 370.5(a).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
gases boiling below minus 328° F. (minus 200° C.), *and* having an evaporation loss rate of less than 3 percent per day, or (c) with other insulating systems, designed for only liquid oxygen, nitrogen or argon and having a capacity in excess of 1,200 gallons (4,542 liters) *and* an evaporation loss rate of less than 1.5 percent per day.[1, 2]								
73105 Railway cars, equipped with other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases.[1]	No.	432	STVWXYZ	500	500	500	—	
73105 Other railroad and street cars, excluding locomotives. [Report parts in Export Control Commodity No. 73170.] [3]	No.	438	SXYZ	500	—	—	100	B
73163 Containers suitable for transport by rail, road, and ship, all metals, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multi-laminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more *and* specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), *and* having an evaporation loss rate of less than 3 percent per day, or (c) with other insulating systems, designed only for liquid oxygen, nitrogen or argon and having a capacity in excess of 1,200 gallons (4,542 liters) *and* an evaporation loss rate of less than 1.5 percent per day.[1, 3]	No.	431	STVWXYZ	500	500	500	—	A
73163 Other containers suitable for transport by rail, road, and ship, all metals, jacketed only, 500 gallon capacity or over, for the transportation of liquefied gases.[1]	No.	432	STVWXYZ	500	500	500	—	
73163 Other road-rail and similar containers suitable for transport by rail, road, or ship.	No.	438	SXYZ	500	—	—	100	B
73170 Parts, n.e.c., for industrial mine and rail cars.	.....	408	SXYZ	500	—	—	100	B
73170 Axles and wheels for locomotives and railway cars.	Lb.	268	SZ	500	—	—	—	B
73170 Other parts for railway locomotives and rolling stock, n.e.c.	.....	438	SXYZ	500	—	—	100	B
73201 Military passenger cars, possessing or built to current military specifications differing materially from ther normal commercial specifications. (See § 399.2, Interpretation 19.)	No.	431	STVWXYZ	—	500	—	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] A jacketed container is a thermos type container that has more than one wall and is insulated by a vacuum or by insulation material.

[2] Average evaporation loss is to be calculated as a percentage of the total liquid capacity of the container under ambient temperature conditions of plus 75° F. (plus 24° C.) or higher and without exposure to direct sunlight.

[3] Armored railroad cars require export authorization from the U. S. Department of State. See paragraph 370.5(a).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
73201 Other military passenger cars.....	No.	438	SWXYZ	—	—	—	100	B
73201 Nonmilitary passenger cars having front and rear axle drive.	No.	438	SWXYZ	—	—	—	100	B
73201 Other nonmilitary passenger cars.....	No.	438	SXYZ	—	—	—	100	B
73202 Military and nonmilitary motor vehicles equipped with jacketed containers for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multi-laminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more *and* specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), *and* having an evaporation loss rate of less than 3 percent per day, or (c) with other insulating systems, designed only for liquid oxygen, nitrogen or argon *and* having a capacity in excess of 1,200 gallons (4,542 liters) *and* an evaporation loss rate of less than 1.5 percent per day.[1, 2]	No.	431	STVWXYZ	—	500	—	—	A
73202 Military and nonmilitary motor vehicles equipped with other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases.[1]	No.	432	STVWXYZ	—	500	—	—	
73202 Military trucks, truck chassis, and truck tractors, possessing or built to current military specifications differing materially from their normal commercial specifications. (See § 399.2, Interpretation 19.)	No.	431	STVWXYZ	—	500	—	—	A
73202 Other military trucks, truck chassis, and truck tractors.	No.	438	SWXYZ	—	—	—	100	B
73202 Nonmilitary trucks, truck chassis, and truck tractors, having front and rear axle drive.	No.	438	SWXYZ	—	—	—	100	B
73202 Other nonmilitary trucks, truck chassis and truck tractors.	No.	438	SXYZ	—	—	—	100	B
73203 Off-highway trucks and trailers which possess or are built to current military specifications differing materially from normal commercial specifications.[3] (See § 399.2, Interpretation 19.)	No.	401	STVWXYZ	—	500	—	—	A
73203 Other off-highway trucks and trailers (including logging trailers), having an axle load rating of 47,500 lbs, or more for any one axle assembly (whether the axle assembly consists of one or two axles.) (Specify type and axle load rating.) [3]	No.	402	SVWXYZ	—	—	—	—	E-11

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] A jacketed container is a thermos type container that has more than one wall and is insulated by a vacuum or by insulation material.

[2] Average evaporation loss is to be calculated as a percentage of the total liquid capacity of the container under ambient temperature conditions of plus 75° F. (plus 24° C.) or higher and without exposure to direct sunlight.

[3] "Off-highway" vehicles are interpreted, for purposes of export control, to be those which, without modification by increase of standard tire size and/or spacing have an overall width of over 98 inches as measured from outside of rear tires.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
73203 Other off-highway trucks and trailers (including logging trailers).[1]	No.	408	SXYZ	—	—	—	100	B
73203 Military searchlight trucks (trucks mounted with power-controlled searchlights designed for military use). (Specify by name.)	No.	601	STVWXYZ	—	500	—	—	A
73203 Other searchlight trucks.....	No.	608	SXYZ	—	—	—	100	B
73203 Trucks mounted with telecommunications equipment (including radar). [See Export Control Commodity No. 72499.] (Specify mounted equipment.)	No.	Export controls applicable to vehicles included in this entry are those which apply to the equipment mounted on the vehicle.						
73203 Truck-mounted excavator-type power cranes and shovels, full revolving, possessing or built to current military specifications differing materially from normal commercial specifications *and* specially designed for airborne transport. (See § 399.2, Interpretation 19.)	No.	401	STVWXYZ	—	500	—	—	A
73203 Other truck-mounted excavator-type power cranes and shovels, full revolving, over 1 cu. yd. dipper capacity, or over 30 tons crane lifting capacity. (Specify type and capacity.)	No.	402	SVWXYZ	—	—	—	—	E-11
73203 Other truck cranes, drag lines and shovels.	No.	408	SXYZ	—	—	—	100	B
73203 Military and nonmilitary vehicles equipped with jacketed containers for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multi-laminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more *and* specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), *and* having an evaporation loss rate of less than 3 percent per day, or (c) designed only for liquid oxygen, nitrogen or argon and having a capacity in excess of 1,200 gallons (4,542 liters) *and* an evaporation loss rate of less than 1.5 percent per day.[2, 3]	No.	431	STVWXYZ	—	500	—	—	A
73203 Pressure refuelers. (Specify whether military or nonmilitary.)	No.	431	STVWXYZ	—	500	—	—	A
73203 Military and nonmilitary vehicles equipped with other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases.[2]	No.	432	STVWXYZ	—	500	—	—	

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] "Off-highway" vehicles are interpreted, for purposes of export control, to be those which, without modification by increase of standard tire size and/or spacing have an overall width of over 98 inches as measured from outside of rear tires.

[2] A jacketed container is a thermos type container that has more than one wall and is insulated by a vacuum or by insulation material.

[3] Average evaporation loss is to be calculated as a percentage of the total liquid capacity of the container under ambient temperature conditions of plus 75° F. (plus 24° C.) or higher and without exposure to direct sunlight.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
73203 Other vehicles which possess or are built to current military specifications differing materially from normal commercial specifications. (See § 399.2, Interpretation 19.)	No.	431	STVWXYZ	—	500	—	—	A
73203 Other special-purpose military vehicles, all types; and other special-purpose nonmilitary vehicles having front and rear-axle drive.	No.	438	SWXYZ	—	—	—	100	B
73203 Special purpose vehicles specially designed or equipped for geophysical use (for example, well-logging, seismograph, etc.)	No.	402	STVWXYZ	—	500	100	—	E-12
73203 Special purpose vehicles specially designed or equipped for oilfield use (for example, cementing, perforating, acidizing, fracturing, etc.)	No.	402	SVWXYZ	—	—	500	—	E-12
73203 Truck-mounted rotary drill rigs incorporating rotary tables with drawworks designed for an input of 150 horsepower and over.	No.	402	SVWXYZ	—	—	—	—	
73203 Other truck-mounted drill rigs.....	No.	408	SXYZ	—	—	—	100	B
73203 Truck-mounted concrete mixers (built-in mixers); mobile bituminous combination batching-mixing outfits; mobile gravel and tar spreaders; mobile derricks; snow plows, road motor, self-propelled with built-in equipment; Towermobiles®; and rubber-tired mine shuttle cars.	No.	408	SYZ	—	—	—	—	B
73203 Truck carriers, nonmilitary, specially designed for mounting excavator type power cranes and shovels full revolving, over 1 cubic yard dipper capacity or over 30 tons crane lifting capacity. (Specify type and capacity of mounted unit.)	No.	402	SVWXYZ	—	—	—	—	
73203 Other special-purpose nonmilitary vehicles.	No.	438	SXYZ	—	—	—	100	B
73204 Motor busses which possess or are built to current military specifications differing materially from normal commercial specifications. (See § 399.2, Interpretation 19.)	No.	431	STVWXYZ	—	500	—	—	A
73204 Other military busses; and nonmilitary busses having front and rear axle drive.	No.	438	SWXYZ	—	—	—	100	B
73204 Other nonmilitary busses.....	No.	438	SXYZ	—	—	—	100	B
73205 Truck bodies equipped with or consisting of jacketed containers for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multi-laminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or	No.	431	STVWXYZ	—	500	—	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
more *and* specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), *and* having an evaporation loss rate of less than 3 percent per day, or (c) with other insulating systems, designed only for liquid oxygen, nitrogen or argon *and* having a capacity in excess of 1,200 gallons (4,542 liters) *and* an evaporation loss rate of less than 1.5 percent per day.[1, 2]								
73205 Truck bodies equipped with or consisting of other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases.[1]	No.	432	STVWXYZ	—	500	—	—	
73205 Other military truck bodies.....	No.	438	SWXYZ	—	—	—	100	B
73205 Other military bus bodies.....	No.	438	SWXYZ	—	—	—	100	B
73205 Other nonmilitary truck bodies; and all nonmilitary bus bodies.	No.	438	SXYZ	—	—	—	100	B
73280 Parts and accessories specially designed for wheel tractors of 125 power takeoff horsepower or over, *except contractors' off-highway tractors.*	.....	202	SVWXYZ	—	—	—	—	
73280 Other parts and accessories for wheel tractors, *except contractors' off-highway tractors.*	.....	208	SYZ	—	—	—	—	B
73280 Parts and accessories specially designed for the following tractors when possessing or built to current military specifications differing materially from their normal commercial specifications: (a) off-highway wheel tractors, and (b) tracklaying tractors. (Specify that parts and accessories are for military type tractors.) (See § 399.2, Interpretation 19.)	.....	401	STVWXYZ	—	500	—	—	A
73280 Parts and accessories, *except cabs and cab guards* (*canopy tops*), specially designed for nonmilitary type tractors and off-the-road vehicles as follows: (a) off-highway wheel tractors of 135 horsepower or over, and (b) tracklaying tractors of 135 horsepower or over. (Specify that parts and accessories are for nonmilitary type tractor and specify horsepower.)[3]	.....	402	SVWXYZ	—	—	1,000	—	E-11
73280 Other parts and accessories for nonmilitary type off-highway wheel tractors and other track-laying tractors. (Specify that parts and accessories are for nonmilitary type tractor and specify horsepower.) [3]	.....	408	SXYZ	—	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] A jacketed container is a thermos type container that has more than one wall and is insulated by a vacuum or by insulation material.
[2] Average evaporation loss is to be calculated as a percentage of the total liquid capacity of the container under ambient temperature conditions of plus 75° F. (plus 24° C.) or higher and without exposure to direct sunlight.
[3] For export control purposes the horsepower to be used is the horsepower at the flywheel that the basic engine (with fan, water pump and oil pump) is capable of prodncing at governed speed, corrected to standard conditions of 60° F. and barometer (dry) of 29.92 inches of mercury.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
73280 Parts and accessories specially designed for off-highway trucks and trailers possessing or built to current military specifications differing materially from normal commercial specifications. (See § 399.2, Interpretation 19.)	.....	401	STVWXYZ	—	500	—	—	A
73280 Parts and accessories specially designed for other off-highway trucks and trailers (including logging trailers), having an axle load rating of 47,500 pounds or more for any one axle assembly (whether the axle assembly consists of one or two axles).	.....	402	SVWXYZ	—	—	1,000	—	E-11
73280 Other parts and accessories for off-highway trucks and trailers (including logging trailers).	.....	408	SXYZ	—	—	—	100	B
73280 Parts, n.e.c., for nonmilitary truck carriers, specially designed for mounting excavator power cranes and shovels, nonmilitary, full revolving, over 1 cubic yard dipper capacity or over 30 tons crane lifting capacity. (Specify type and capacity of mounted equipment.) [Report parts for mounted equipment in Export Control Commodity No. 71842.]	.....	402	SVWXYZ	—	—	1,000	—	E-12
73280 Functional parts specially designed for automotive vehicles possessing or built to current military specifications differing materially from normal commercial specifications. (See § 399.2, Interpretation 19.)	.....	431	STVWXYZ	—	500	—	—	A
73280 Parts and components for pressure refueling equipment.	.....	431	STVWXYZ	—	500	500	—	A
73280 Other parts and accessories designed for, or intended for use on, military vehicles.	.....	438	SWXYZ	—	—	—	100	B
73280 Other parts and accessories specially designed for front and rear axle drive nonmilitary vehicles.	.....	438	SWXYZ	—	—	—	100	B
73280 Heaters for nonmilitary vehicles; and parts.	.....	438	SZ *and* East Germany	—	—	—	—	B
73280 Other parts and accessories for nonmilitary vehicles. [Report truck body tanks in Export Control Commodity No. 73205.]	.....	438	SXYZ	—	—	—	100	B
73291 Motorcycles, motor bikes, and motor scooters under 300 pounds weight.	No.	438	SZ	—	—	—	—	B
73291 Other motorcycles, motor bikes, and motor scooters.	No.	438	SZ *and* East Germany	—	—	—	—	B
73292 Parts and accessories for motorcycles, motor bikes, and motor scooters, under 300 pounds weight.	.....	438	SZ	—	—	—	—	B
73292 Parts and accessories for other motorcycles, motor bikes, and motor scooters.	.....	438	SZ *and* East Germany	—	—	—	—	B
73300 Logging wagons; and parts. [Report off-highway trucks and trailers in Export Control Commodity No. 73203.]	.....	208	SZ *and* East Germany	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
73300 Farm wagons, drays, and trailers; and parts.	.....	208	SZ	—	—	—	—	B
73300 Military and nonmilitary trailers or other vehicles, n.e.c., equipped with jacketed containers for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more *and* specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), *and* having an evaporation loss rate of less than 3 percent per day, or (c) with other insulating systems, designed *only* for liquid oxygen, nitrogen or argon and having a capacity in excess of 1,200 gallons (4,542 liters) *and* an evaporation loss rate of less than 1.5 percent per day.[1, 2]	.....	431	STVWXYZ	—	500	—	—	A
73300 Military and nonmilitary trailers, n.e.c., or other vehicles equipped with other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases. [Report containers designed for mounting on trailers or other vehicles in Export Control Commodity Nos. 69221-69229, 69892, 69899 or 73163.] [1]	.....	432	STVWXYZ	—	500	—	—	
73300 Other parts designed for, or intended for use on, military trailers.	.....	438	SWXYZ	—	—	—	100	B
73300 Other nonmilitary commercial trailers, and parts.	.....	438	SXYZ	—	—	—	100	B
73300 Other trailers and vehicles, n.e.c., and parts, n.e.c. [Report off-highway trucks and trailers in Export Control Commodity No. 73203.]	.....[3]	218	SZ	—	—	—	—	B
73410 Nonmilitary helicopters as follows: (a) over 10,000 pounds empty weight, or (b) 10,000 pounds or less empty weight of types which have been in normal civil use for one year or less, *except piston engine powered.* (Specify make and model.) [4, 5]	No.	431	STVWXYZ	—	500	—	—	AFG
73410 Nonmilitary aircraft, heavier-than-air, of types which have been in normal civil use for one year or less *except piston engine powered.* (Specify make and model.) [4]	No.	431	STVWXYZ	—	500	—	—	AFG
73410 Other nonmilitary helicopters and aircraft. (Specify make and model.) [4]	No.	432	STVWXYZ	—	500	—	—	FG

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] A jacketed container is a thermos type container that has more than one wall and is insulated by a vacuum or by insulation material.

[2] Average evaporation loss is to be calculated as a percentage of the total liquid capacity of the container under ambient temperature conditions of plus 75° F. (plus 24° C.) or higher and without exposure to direct sunlight.

[3] Report cycles in "number."

[4] Helicopters designed, modified, or equipped for military purposes, including reconnaissance, and all other military heavier-than-air aircraft and specially designed parts therefore require export authorization from the U.S. Department of State. See paragraph 370.5(a) and § 399.2, Interpretation 20.

[5] Empty weight of aircraft includes the structure, engines, fixed equipment and all furnishings, but does not include fuel or payload.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
73491 Nonmilitary airships; nonexpansive balloons of less than 3,000 cubic feet capacity; and nonexpansive balloons in normal sporting use, of 3,000 cubic feet capacity or over.[1]	No.	432	STVWXYZ	—	500	—	—	
73491 Pilot balloons wholly made of fluorocarbon polymers or copolymers.[3]	No.	231	STVWXYZ	—	500	—	—	A
73491 Meteorological; and other pilot balloons.	No.	218	SXYZ	—	—	—	100	B
73492 Parts and accessories specially designed for helicopters, aircraft, airships, and balloons *and* wholly made of fluorocarbon polymers or copolymers (including parts for propellers, landing gear, and power transmissions).[1, 2, 3]	.....	431	STVWXYZ	—	500	25	—	A E–2
73492 Power transmission systems for nonmilitary helicopters over 10,000 pounds empty weight; and specially designed parts. (Specify make and model of helicopter.)[2, 4]	.....	431	STVWXYZ	—	500	—	—	A E–2
73492 Other power transmission systems for other nonmilitary helicopters; and parts. (Specify make and model of helicopter.)[2]	.....	432	STVWXYZ	—	1,000	1,000	—	E–2
73492 Rotors and rotor blades for nonmilitary helicopters: (a) over 10,000 pounds empty weight, and (b) 10,000 pounds or less empty weight of types which have been in normal civil use for one year or less, *except piston engine powered;* and parts. (Specify make and model of helicopter.)[2, 4]	.....	431	STVWXYZ	—	500	—	—	A E–2
73492 Other rotors, rotor blades and propellers for helicopters, aircraft, airships, and balloons; and parts. (Specify make and model.)[1, 2]	.....	432	STVWXYZ	—	1,000	1,000	—	E–2
73492 Landing gear assemblies specially designed for: (a) aircraft which have been in normal civil use for one year or less, *except piston engine powered;* and (b) nonmilitary helicopters (i) over 10,000 pounds empty weight, and (ii) 10,000 pounds or less empty weight of types which have been in normal civil use for one year or less, *except piston engine powered;* and parts. (Specify make and model.)[2, 4]	.....	431	STVWXYZ	—	500	500	—	A E–2
73492 Other landing gear assemblies for helicopters, aircraft, airships, and balloons; and parts. (Specify make and model.)[1, 2]	.....	432	STVWXYZ	—	1,000	1,000	—	E–2
73492 Parts and accessories specially designed for nonmilitary helicopters: (a) over 10,000 pounds empty weight; and (b) 10,000 pounds or less empty weight of types which have been	.....	431	STVWXYZ	—	500	—	—	A E–2

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Export authorization is required from the U.S. Department of State for nonexpansive balloons of 3,000 cubic feet capacity or over, except types in normal sporting use.

[2] Helicopters designed, modified, or equipped for military purposes, including reconnaissance, and all other military heavier-than-air aircraft and specially designed parts therefor require export authorization from the U.S. Department of State. See paragraph 370.5(a) and § 399.2, Interpretation 20.

[3] See § 399.2, Interpretation 22.

[4] Empty weight of aircraft includes the structure, engines, fixed equipment and all furnishings, but does not include fuel or payload.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
in normal civil use for one year or less, *except piston engine powered.* (Specify make and model of helicopter.)[1, 2]								
73492 Parts and accessories specially designed for aircraft, heavier-than-air, which have been in normal civil use for one year or less, *except piston engine powered,* the following only: (a) fuselages or hulls, (b) wings, wing panels and sections, or (c) rudders, elevators and stabilizers. (Specify make and model.)[1, 2]	.....	431	STVWXYZ	—	500	—	—	A E–2
73492 Other parts and accessories, n.e.c., for helicopters, aircraft, airships, and balloons. (Specify make and model.)[1]	.....	432	STVWXYZ	—	1,000	1,000	—	E–2
73580 Ships, boats and other vessels, for breaking up (for scrapping).[3]	S. ton	268	SWXYZ	500	—	—	100	B
73593 Pontoons, metal, for supporting temporary bridges.	.....	268	SWXYZ	500	—	—	100	B
73593 Buoys, all metals; pontoons for pipe lines, iron or steel; and fiber glass swimming pools, floating.	.....	268	SZ *and* East Germany	500	—	—	—	B
73593 Other floating structures, other than vessels, n.e.c.[3]	.....	268	SXYZ	500	—	—	100	B
73600 Parts and accessories specifically ordered and invoiced as original equipment previously shipped.	Export controls applicable to each commodity exported under this classification are those which apply to the commodity when exported under its individual Export Control Commodity Number.							
SECTION 8—MISCELLANEOUS MANUFACTURED ARTICLES								
SANITARY, PLUMBING, HEATING AND LIGHTING FIXTURES AND FITTINGS								
81210 Central heating apparatus, and parts, n.e.c.	.....[4]	218	SZ *and* East Germany	500	—	—	—	B
81220 Water closet sets, and sanitary and plumbing fixtures and fittings, ceramic, n.e.c.	.....[5]	218	SZ	500	—	—	—	B
81230 Lavatories, sinks, and other sanitary and plumbing fixtures, specially designed for aircraft; and parts.	.....[5]	438	SWXYZ *and* Rep. So. Africa	500	—	—	100	B
81230 Bathtubs, lavatories, sinks and other plumbing fixtures and fittings, and sanitary fittings, n.e.c., of iron or steel, whether or not enameled.	.....[5]	218	SZ	500	—	—	—	B
81241 Vapor-proof electric light fixtures.....	.....	218	SZ *and* East Germany	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Helicopters designed, modified, or equipped for military purposes, including reconnaissance, and all other military heavier-than-air aircraft and specially designed parts therefor require export authorization from the U. S. Department of State. See paragraph 370.5(a) and § 399.2, Interpretation 20.

[2] Empty weight of aircraft includes the structure, engines, fixed equipment and all furnishings, but does not include fuel or payload.

[3] See paragraph 370.5(e) for information concerning export requirements for watercraft, including offshore drilling platforms requiring export authorization from the U. S. Maritime Administration.

[4] Report warm air furnaces and central heating steel boilers in "number."

[5] Report ceramic water closet sets, and iron or steel bathtubs, lavatories, sinks and other plumbing fixtures in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
81241 Railroad reflector signals	.....	408	SXYZ	500	—	—	100	B
81241 Other illuminating or signalling glassware, and parts, n.e.c.	.....	218	SZ	500	—	—	—	B
81242 Landing lights and other lighting fixtures specially designed for aircraft.	.....	438	SWXYZ *and* Rep. So. Africa	500	—	—	100	B
81242 Headlamps and other lighting fixtures designed for locomotives and railway cars.	.....	438	SXYZ	500	—	—	100	B
81242 Explosion-proof lighting fixtures; and vapor-proof lighting fixtures.	No.	218	SZ *and* East Germany	500	—	—	—	B
81242 Other lighting fixtures and equipment of base metal, n.e.c.; and parts.	.....[1]	218	SZ	500	—	—	—	B
81243 Portable electric battery and magneto lamps, and parts.	.....[1]	218	SZ	500	—	—	—	B
FURNITURE								
82102 Furniture designed specifically for medical, dental, surgical, or veterinary use; and beauty and barber shop chairs similar to dentists' chairs; and parts, n.e.c.	.....	218	SZ	—	—	—	—	B
82103 Mattresses, mattress supports, and similar stuffed furnishings, n.e.c., cotton.	.....	218	SZ *and* East Germany	500	—	—	—	B
82103 Other mattresses, mattress supports, and similar stuffed furnishings, n.e.c.; and bedsprings, including cushion springs and spring construction units.	.....[2]	218	SZ	500	—	—	—	B
82108 Furniture specially designed for aircraft; and parts, n.e.c.	.....	438	SXYZ	500	—	—	100	B
82108 Plastic furniture; and laboratory furniture, metal; and parts, n.e.c.	.....	218	SZ *and* East Germany	500	—	—	—	B
82108 Other furniture and parts, n.e.c.	.....[3]	218	SZ	500	—	—	—	B
TRAVEL GOODS, HANDBAGS, AND OTHER PERSONAL GOODS								
83100 Travel goods, handbags, and other personal goods of cotton.	.....[4]	218	SZ *and* East Germany	500	—	—	—	B
83100 Other travel goods, handbags, and other personal goods.	.....[4]	218	SZ	500	—	—	—	B
CLOTHING AND ACCESSORIES								
[Report military apparel in Export Control Commodity No. 95200; and used civilian clothing in No. 26700.]								
84111 Men's and boys' outergarments (excludes shirts), not knit or crocheted: (a)	Lb.[5]	218	Z *and* East Germany	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report lighting fixtures and lamps in "number."
[2] Report bedsprings, including cushion springs and spring construction units in "pound."
[3] Report convertible sofas, jackknife sofabeds, studio beds, and vertical record metal filing cabinets in "number."
[4] Report handbags, purses, and luggage in "number."
[5] Report the following in both "dozen" and "pound": coats, suits, jackets, trousers, slacks, shorts, and robes.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
wholly or in chief weight of cotton or wool, or (b) safety apparel and raincoats, all materials.								
84111 Other men's and boys' outergarments (excludes shirts), not knit or crocheted.	Lb.[1]	218	Z	—	—	—	—	B
84112 Women's, misses', girls', children's and infants' outergarments, including blouses, waists, and blouse shirts, not knit or crocheted: (a) wholly or in chief weight of cotton or wool, or (b) safety apparel; and raincoats, all materials.	Lb.[2]	218	Z *and* East Germany	—	—	—	—	B
84112 Other women's, misses', girls', children's and infants' outergarments, including blouses, waists, and blouse shirts, not knit or crocheted.	Lb.[2]	218	Z	—	—	—	—	B
84113 Men's and boys' undergarments, including outer shirts, not knit or crocheted, wholly or in chief weight of cotton or wool.	Lb.[3]	218	Z *and* East Germany	—	—	—	—	B
84113 Other men's and boys' undergarments, including outer shirts, not knit or crocheted.	Lb.[3]	218	Z	—	—	—	—	B
84114 Women's, girls' and infants' undergarments (excluding blouse shirts), not knit or crocheted, wholly or in chief weight of cotton or wool.	Lb.[4]	218	Z *and* East Germany	—	—	—	—	B
84114 Other women's, girls' and infants' undergarments, excluding blouse shirts, not knit or crocheted.	Lb.[4]	218	Z	—	—	—	—	B
84121 Handkerchiefs, wholly or in chief weight of cotton.	Doz.[5]	218	Z *and* East Germany	—	—	—	—	B
84121 Other handkerchiefs	Doz.[5]	218	Z	—	—	—	—	B
84125 Corsets, brassieres, and girdles of cotton or other textile fibers, n.e.c., *except rubberized.*	Lb.[6]	218	Z *and* East Germany	—	—	—	—	B
84125 Other corsets, brassieres, girdles, garters, and similar articles, including such articles of knit or crocheted fabric, whether or not elastic.	Lb.[6]	218	Z	—	—	—	—	B
84126 Gloves and mittens, not knit or crocheted, wholly or in chief weight cotton or wool.	Doz. pr.[7]	218	Z *and* East Germany	—	—	—	—	B
84126 Other gloves and mittens, not knit or crocheted, other than leather.	Doz. pr.[7]	218	Z	—	—	—	—	B
84127 Cuffs and collars, wholly or in chief weight of cotton or wool; and neckties, cravats, mufflers, and scarves, not knit or crocheted, all materials.	Lb.	218	Z *and* East Germany	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report coats, suits, trousers, slacks, shorts, and robes in both "dozen" and "pound."
[2] Report the following in both "dozen" and "pound": (a) women's and misses' dresses and robes of all fibers, blouses of cotton, wool or man-made fibers, and coats, suits, jackets, skirts, slacks, and shorts of cotton; and (b) girls', children's and infants' dresses and blouses of cotton, wool or man-made fibers, and coats, suits, jackets, slacks, shorts, playsuits, and robes of cotton.
[3] Report the following in both "dozen" and pound"; nightwear and shirts of cotton, wool, or man-made fibers; and undershorts of cotton.
[4] Report pajamas and other nightwear of cotton, wool, or man-made fibers, in both "dozen" and "pound."
[5] Report handkerchiefs in both "dozen" and "pound."
[6] Report brassieres, corsets and girdles in both "dozen" and "pound."
[7] Report all items in this entry in both "dozen pair" and "pound."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
84127 Other cuffs and collars.....	Lb.	218	Z	—	—	—	—	B
84129 Clothing accessories, not knit or crocheted, wholly or chief weight of cotton or wool, n.e.c.	Lb.	218	Z *and* East Germany	—	—	—	—	B
84129 Other clothing accessories, not knit or crocheted, of other textile fabric, n.e.c.	Lb.	218	Z	—	—	—	—	B
84130 Safety apparel and clothing accessories of leather.	Lb.[1]	218	Z *and* East Germany	—	—	—	—	B
84130 Other apparel and clothing accessories of leather.	Lb.[1]	218	Z	—	—	—	—	B
84141 Gloves, knit or crocheted, wholly or in chief weight of cotton or wool.	Doz. pr.[2]	218	Z *and* East Germany	—	—	—	—	B
84141 Other gloves, knit or crocheted, not elastic or rubberized.	Doz. pr.[2]	218	Z	—	—	—	—	B
84142 Hosiery, not elastic or rubberized, wholly or in chief weight of cotton or wool.	Doz. pr.[2]	218	Z *and* East Germany	—	—	—	—	B
84142 Other hosiery, not elastic or rubberized.	Doz. pr.[2]	218	Z	—	—	—	—	B
84143 Undergarments, including shirts, knit or crocheted, wholly or in chief weight of cotton or wool.	Lb.[3]	218	Z *and* East Germany	—	—	—	—	B
84143 Other undergarments, including shirts, knit or crocheted.	Lb.[3]	218	Z	—	—	—	—	B
84145 Knitted or crocheted elastic fabric and articles thereof, *except ankle supports, kneepads, and wristlets.*	Lb.	218	Z *and* East Germany	—	—	—	—	B
84145 Other knitted or crocheted fabric, elastic or rubberized, and articles thereof.	Lb.	218	Z	—	—	—	—	B
84146 Men's and boys' outergarments (excludes shirts), knit or crocheted, not elastic or rubberized: (a) waterproof, all fibers, (b) neckties, cravats, mufflers, and scarves, all fibers, and (c) other outergarments, wholly or in chief weight of cotton or wool.	Lb.[4]	218	Z *and* East Germany	—	—	—	—	B
84146 Other men's and boys' outergarments (excludes shirts), knit or crocheted, not elastic or rubberized.	Lb.[4]	218	Z	—	—	—	—	B
84147 Women's and misses' outergarments, knit or crocheted, not elastic or rubberized: (a) waterproof, all fibers, (b) mufflers and scarves, all fibers, and (c) other outergarments, wholly or in chief weight of cotton or wool.	Lb.[5]	218	Z *and* East Germany	—	—	—	—	B
84147 Other women's and misses' outergarments (excludes shirts), knit or crocheted, not elastic or rubberized.	Lb.[5]	218	Z	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report leather belts in "dozen" and leather gloves in "dozen pair."
[2] Report all items in this entry in both "dozen pair" and "pound."
[3] Report the following in both "dozen" and "pound": shirts (outer), pajamas and other nightwear, all materials; and men's and boys' cotton undershirts, briefs, undershorts, and drawers.
[4] Report sweaters and cardigans of cotton, wool or other fine animal hair, or man-made fibers in both "dozen" and "pound."
[5] Report sweaters, cardigans, dresses, blouses, waists, and blouse skirts in both "dozen" and "pound."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
84148 Girls', children's and infants' outergarments, knit or crocheted, not elastic or rubberized: (a) waterproof, all fibers, (b) mufflers and scarves, all fibers, and (c) other outergarments, wholly or in chief weight of cotton or wool.	Lb.[1]	218	Z *and* East Germany	—	—	—	—	B
84148 Other girls', children's and infants' outergarments (excludes shirts), knit or crocheted.	Lb.[1]	218	Z	—	—	—	—	B
84149 Non-apparel articles, knit or crocheted, not elastic or rubberized, wholly or in chief weight silk, man-made fiber, or vegetable fiber, *except cotton or jute.*	Lb.	218	Z	—	—	—	—	B
84149 Other non-apparel articles, knit or crocheted, not elastic or rubberized.	Lb.[2]	218	Z *and* East Germany	—	—	—	—	B
84154 Hat and cap materials, except hat bodies, wholly or in chief weight cotton, jute, wool or textile manufactures, n.e.c. [Report hat bodies in Export Control Commodity No. 65570.]	Lb.	218	Z *and* East Germany	—	—	—	—	B
84154 Other hat and cap materials.....	Lb.	218	Z	—	—	—	—	B
84155 Millinery, hats, and caps, of feathers, fur felt, wool felt, fur, leather, including bathing caps, rubber or rubberized fabric.	Doz.	218	Z	—	—	—	—	B
84155 Other millinery, hats, caps, and other headgear, n.e.c., including helmets.[3]	Doz.	218	Z *and* East Germany	—	—	—	—	B
84160 Apparel and clothing accessories, rubber or rubberized, as follows: gloves, *except surgeons'*; aprons; bandeaux, ladies'; bathing suits; brassieres, bust supporters; capes; dress shields; girdles; infants' bibs, bloomers, diapers, and pants; reducing clothing; sanitary belts; and waterproof sleeves.	Lb.[4]	218	Z	—	—	—	—	B
84160 Other apparel and clothing accessories, including surgeons' gloves, rubber or rubberized.	Lb.[4]	218	Z *and* East Germany	—	—	—	—	B
84180 Clothing donated for relief or charity by individuals, private agencies or governmental agencies, except new clothing by governmental agencies.	.....		Export controls applicable to each commodity under this classification are those which apply to the commodity when exported commercially under its Export Control Commodity number.					
84201 Sheep-lined clothing, fur clothing, and other articles of furskins, except headwear.	Lb.	218	Z	—	—	—	—	B
84202 Artificial fur and articles thereof, wholly or in chief weight cotton or wool.	Lb.	218	Z *and* East Germany	—	—	—	—	B
84202 Other artificial furs and articles thereof.	Lb.	218	Z	—	—	—	—	B
FOOTWEAR								
85100 Nonmilitary spats, leggings, and gaiters, wholly or in chief weight cotton or wool.	Pr.	218	Z *and* East Germany	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report sweaters, cardigans, dresses, blouses, waists, and blouse skirts in both "dozen" and "pound."
[2] Report cotton bedspreads, bed sets, towels and washcloths in both "number" and "pound."
[3] Military helmets and liners therefor require export authorization from the U. S. Department of State. See paragraph 370.5(a).
[4] Report household and surgical gloves in "dozen pair."

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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
85100 Other nonmilitary spats, leggings, gaiters and other footwear except orthopedic. [Report military footwear in Export Control Commodity No. 95200, and orthopedic in No. 89962.]	Pr.	218	Z	—	—	—	—	B
PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS, WATCHES, AND CLOCKS								
Optical elements, unmounted:								
86111 Optical elements specially designed for infrared or ultraviolet communications or detection equipment. (Specify by name and type.) [1]	No.	611	STVWXYZ	50	500	50	—	A
86111 Optical elements specially designed for equipment providing amplification or oscillation by means of stimulated electromagnetic radiation, such as Masers, Lasers, or Irasers. (Specify by name and type.) [1]	No.	611	STVWXYZ	50	500	50	—	A
86111 Quartz crystals, radio grade only.....	No.	612	STVWXYZ	500	500	500	—	
86111 Optical elements of monocrystalline silicon or of silicon with a purity of 99.99 percent or more.	No.	611	STVWXYZ	50	500	50	—	A
86111 Optical elements containing 99.9 to 99.99 percent silicon.	No.	612	STVWXYZ	50	500	50	—	
86111 Ophthalmic lens blanks, and focus lenses (including contact lenses), unmounted.	Pr.	628	Z	—	—	—	—	B
86111 Other optical elements, unmounted, n.e.c.	No.	628	SXYZ	500	—	—	100	B
Optical elements, mounted:								
86112 Lenses for high-speed cameras and streak cameras which are subject to the Import Certificate/Delivery Verification procedure under Export Control Commodity Nos. 86140 and 86150.[1]	No.	231	STVWXYZ	—	500	—	—	A
86112 Lenses and other optical elements for other highspeed cameras capable of recording at rates in excess of 2,000 frames per second; and lenses and other optical elements for X-ray powder cameras.	No.	238	SWXYZ	500	—	—	100	B
86112 Other photographic and projection lenses.	No.	238	SXYZ	500	—	—	100	B
86112 Optical elements specially designed for infrared or ultraviolet communications or detection equipment. (Specify by name and type.) [1]	No.	611	STVWXYZ	50	500	50	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
86112 Optical elements specially designed for equipment providing amplification or oscillation by means of stimulated electromagnetic radiation, such as Masers, Lasers, or Irasers. (Specify by name and type.) [1]	No.	611	STVWXYZ	50	500	50	—	A
86112 Mounted prisms specially designed for high speed cameras and streak cameras which are subject to the Import Certificate/Delivery Verification procedure under Export Control Commodity Nos. 86140 and 86150.[1]	No.	231	STVWXYZ	25	500	25	—	A
86112 Electro-optical devices designed to monitor relative rotation of remote surfaces.	No.	621	STVWXYZ	100	500	100	—	A
86112 Optical elements specially designed for spectrum measuring instruments or microphotometers.	No.	628	SWXYZ	500	—	—	100	B
86112 Halftone glass screens.....	No.	218	SZ	500	—	—	—	B
86112 Other mounted optical elements.....	No.	628	SXYZ	500	—	—	100	B
86120 Protective spectacles and goggles (safety equipment).	No.	628	SZ *and* East Germany	500	—	—	—	B
86120 Other spectacles and goggles; and parts.	.....[2]	628	Z	—	—	—	—	B
86133 Ion microscopes having a resolving power better than 10 angstrom units and specialized parts and accessories, n.e.c.	No.	621	STVWXYZ	100	500	100	—	A
86133 Other electron and proton microscopes and diffraction apparatus, and parts and accessories.	No.	628	SXYZ	500	—	—	100	B
86134 Trichinoscopes; malaria survey sets containing microscopes; and microscope illuminators; and parts and accessories.	.....[3]	628	SZ	500	—	—	—	B
86134 Other microscopes, excluding electron and proton; microprojectors; and photomicrographic equipment; and parts and accessories.	.....[3]	628	SZ *and* East Germany	500	—	—	—	B
86135 Binoculars, binocular loupes, and monoculars.	.....	628	SZ	500	—	—	—	B
86135 Telescopes, including astronomical telescopes.	.....	621	SZ *and* East Germany	500	—	—	—	B
86139 Power-controlled searchlights designed for military use; and specially designed parts and accessories, n.e.c. (Specify by name.)	.....[4]	601	STVWXYZ	—	500	—	—	A
86139 Other searchlights and spotlights; and parts and accessories, n.e.c.	.....[4]	608	SXYZ	500	—	—	100	B
86139 Folding magnifiers and other magnifying glasses; stereoscopes; and View-Masters.®	.....	628	SZ	500	—	—	—	B
86139 Other optical appliances, n.e.c., and parts and accessories, n.e.c.[1]	.....	628	SXYZ	500	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
® Trademark registered in the Patent Office of the United States.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U.S. Department of State.
[2] Report goggles, eye glasses, and other spectacles, and frames and mountings in "number."
[3] Report microscopes in "number."
[4] Report searchlights and spotlights in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
86140 Streak cameras having writing speeds of 8 mm./microsecond and above, capable of recording events which are not initiated by the camera mechanism.[1]	No.	231	STVWXYZ	—	500	—	—	A
86140 Streak cameras having writing speeds of *less* than 8 mm./microsecond, capable of recording events which are not initiated by the camera mechanism; and specially designed parts and accessories, n.e.c.[1]	.....[2]	232	STVWXYZ	—	500	—	—	
86140 High speed cameras having any of the following characteristics: (a) using film widths 35 mm. or narrower and capable of recording at rates in excess of 3,000 frames per second when using a steady light flow as the lighting source and 10,000 frames per second when using flash equipment connected to the unwinding system as the lighting source, (b) using film widths greater than 35 mm. and capable of recording in excess of 64 frames per second, or (c) capable of recording in excess of 250,000 frames per second.	No.	231	STVWXYZ	—	500	—	—	A
86140 Parts and accessories, n.e.c., specially designed for high speed cameras under Export Control Commodity No. 86140 which are subject to the Import Certificate/Delivery Verification procedure.	.....	231	STVWXYZ	25	500	25	—	A
86140 Other high speed cameras capable of recording at rates in excess of 2,000 frames per second; and X-ray powder cameras; and specially designed parts and accessories, n.e.c.	.....[3]	238	SWXYZ	500	—	—	100	B
86140 Cameras specially designed for the production of electronic printed circuits; and specially designed parts and accessories.	.....[2]	231	STVWXYZ	—	500	—	—	A
86140 Cameras specially designed for: (a) use in the manufacture of masks for semiconductor devices, integrated circuits, and similar electronic equipment and components, or (b) the creation of a photosensitive pattern on the surface of a semiconductor or insulating substrate; and specially designed parts and accessories.	.....	231	STVWXYZ	—	500	—	—	A
86140 Hand type still cameras, fixed focus, and parts and accessories, n.e.c.	.....[2]	238	SZ	500	—	—	—	B
86140 Photographic micro-flash equipment capable of giving a flash of 1/200,000 second or shorter duration at a minimum recurrence frequency of 200 flashes per second; and specially designed parts and accessories. (Specify by name.)	.....	231	STVWXYZ	25	500	25	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Streak cameras are cameras designed to record the intensity of a light source as a function of time and of a single spatial dimension, by moving the image of the source along the film in a single direction.

[2] Report cameras in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
86140 Photographic micro-flash equipment capable of giving a flash of between 1/100,000 and 1/200,000 second duration, at a minimum recurrence frequency of 200 flashes per second; and specially designed parts and accessories. (Specify by name.)	.....	232	STVWXYZ	25	500	25	—	
86140 Still camera stands; tripods; and flash synchronizers.	.....	238	SZ	500	—	—	—	B
86140 Other photographic cameras (excludes motion picture), camera parts and accessories, and photographic flashlight apparatus and parts n.e.c.	.....[1]	238	SYZ	500	—	—	—	B
86150 High speed motion picture cameras having any of the following characteristics: (a) using film widths 35 mm. or narrower and capable of recording at rates in excess of 3,000 frames per second when using a steady light flow as the lighting source and 10,000 frames per second when using flash equipment connected to the unwinding system as the lighting source, (b) using film width greater than 35 mm. and capable of recording in excess of 64 frames per second, or (c) capable of recording in excess of 250,000 frames per second.	No.	231	STVWXYZ	—	500	—	—	A
86150 Parts and accessories, n.e.c., specially designed for high-speed motion picture cameras under Export Control Commodity No. 86150 which are subject to the Import Certificate/Delivery Verification procedure.	.....	231	STVWXYZ	25	500	25	—	A
86150 Other high speed motion picture cameras capable of recording at rates in excess of 2,000 frames per second; and specially designed parts and accessories, n.e.c.	.....[1]	238	SWXYZ	500	—	—	100	B
86150 Motion picture cameras, 16 mm. or under, *except aerial cameras*, and parts therefor; motion picture projectors, silent only, 16 mm. or under, and parts therefor; and motion picture camera tripods and stands, excluding dollies.[2]	.....[1]	238	SZ	500	—	—	—	B
86150 Other motion picture cameras, motion picture projectors, and motion picture sound recording and reproducing equipment; and parts.[2]	.....[1]	238	SYZ	500	—	—	—	B
86161 16 mm. miniature still picture projectors; magic lantern parts, and other still picture projector parts; and photo scales (enlarger parts).	.....[1]	238	SZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Report cameras and projectors in "number."

[2] Export authorization is required from the U. S. Department of State for cameras designed for use in space vehicles, all aerial cameras and military cameras, and specifically designed components.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
86161 Other photographic projectors, enlargers and reducers (other than motion picture), and parts.	.....[1]	238	SYZ	500	—	—	—	B
86169 Developing, printing, fixing, or washing tanks or machines for motion picture film; reels for motion picture film; and still picture equipment as follows: analyzers; cutting boards; developing equipment; dry mounting presses, photographic; hangers; photo baths, glass; print rollers; printing frames; printing masks; and shading machines; and parts therefor, n.e.c.	.....	238	SZ	500	—	—	—	B
86169 Other still picture, motion picture, photographic, and photocopying equipment, n.e.c., and parts.	.....[2]	238	SYZ	500	—	—	—	B
86171 Surgical and medical apparatus wholly made of polytetrafluoroethylene.	.....	231	STVWXYZ	25	500	25	—	A E-3
86171 Medical apparatus specially designed for feminine hygiene intra-uterine contraception, partially made of fluorocarbon polymers or copolymers.[3]	.....	238	Z	—	—	—	—	B
86171 Dental hand instruments and tools for use with hand pieces, n.e.c., and parts.	.....	218	Z *and* East Germany	—	—	—	—	B
86171 Other medical, dental, surgical, ophthalmic and veterinary instruments and apparatus, excluding electro-medical.	.....	628	Z	—	—	—	—	B
86172 Aircraft oxygen systems, apparatus, equipment and components, n.e.c. and specially designed parts, n.e.c.	.....	438	SWXYZ *and* Rep. So. Africa	500	—	—	100	B
86172 Whirlpool baths	.....	628	SZ *and* East Germany	500	—	—	—	B
86172 Mine safety appliances; and psychological, educational, or physical aptitude testing apparatus.	.....	628	SXYZ	500	—	—	100	B
86172 Other mechanical physical therapy appliances and respiratory appliances.[4]	.....	628	SZ	500	—	—	—	B
86181 Gas or liquid supply meters. [Report parts in Export Control Commodity No. 86199.]	No.	418	SXYZ	500	—	—	100	B
Revolution counters, production counters, speedometers, and similar counting devices, not electrically or electronically operated, *except parts*; and stroboscopes, all types [Report parts in Export Control Commodity No. 86199; and electrically or electronically operated counters and similar devices in No. 72952]:								
86182 Mechanical tachometers for aircraft engines.	.....	438	SWXYZ *and* Rep. So. Africa	500	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report photographic projectors in "number."
[2] Report motion picture screens in "number."
[3] See § 399.2, Interpretation 22.
[4] Export authorization from the U. S. Department of State is required for gas masks. See paragraph 370.5(a).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
86182 Speedometers, tachometers, and other counting devices for motor vehicles.	.....	438	SXYZ	500	—	—	100	B
86182 Stroboscopes containing one or more electronic components.	No.	418	SWXYZ	500	—	—	100	B
86182 Other stroboscopes	No.	418	SXYZ	500	—	—	100	B
86182 Other revolution counters, production counters, and similar counting devices, n.e.c.	.....	418	SZ *and* East Germany	500	—	—	—	B
Surveying, hydrographic, navigational, meteorological, hydrological, and geophysical instruments, not electrically or electronically operated; compasses; rangefinders; and parts [Report electrically or electronically operated in Export Control Commodity No. 72952]:								
86191 Cryogenic equipment, as follows: (a) equipment designed for maintaining an ambient temperature below minus 202° F. (minus 130° C.), designed for use in marine application, ruggedized for mobile ground use, or designed to maintain operating temperatures for electrical, magnetic or electronic equipment or components, and (b) electrical, magnetic or electronic equipment or components and electrical conductors specially designed for operation continuously or discontinuously at ambient temperatures below minus 130° C. (minus 202° F.); and specially designed accessories, sub-assemblies, parts, or components.[1]	.....	621	STVWXYZ	250	500	250	—	A
86191 Other instruments specially designed to operate at temperatures below minus 202° F. (minus 130° C.); and specially designed parts and accessories.[1]	.....	622	STVWXYZ	100	500	100	—	
86191 Compasses and gyroscopic equipment as follows: (a) gyro compasses possessing one or more of the following characteristics: (i) automatic correction for the effects on compass accuracy of changes in ship's speed, acceleration, or latitude, (ii) provision for accepting ship's data as an electrical input, (iii) provision for setting in corrections for current set and drift, (iv) utilization of accelerometer, rate gyro, rate integrating gyros, or electrolytic levels as sensing devices, (v) provision for determining and electrically transmitting ship's level reference data (roll, pitch) in addition to own ship's course data; (b) integrated flight instrument systems for aircraft which include gyro-stabilizers and/or auto-	.....	621	STVWXYZ	100	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Export authorization is required from the U.S. Department of State for cryogenic equipment for airborne or space application. See paragraph 370.5(a) for other commodities which require export authorization from the U.S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
matic pilots; (c) gyro-stabilizers used for other purposes than aircraft control, *except those for stabilizing an entire surface vessel;* (d) automatic pilots used for other purposes than aircraft control *except marine type for surface vessels;* (e) gyros and gyro compasses with a minimum rated free directional drift rate (rated free precession) of less than 0.5 degrees per hour in a 1 g environment; and (f) gyro compasses which incorporate gyros described in (e) above or which, when operated in a gyro compass mode, have a compass error, before compensation, due to gyro drift rate of less than 1/30 of a radian ($6/\pi$ degrees) at 0 degrees latitude; and specially designed parts and accessories, n.e.c. (Specify by name and model number.) [1]								
86191 Precision gyroscopes, including rate and integrating gyros; and specially designed parts and accessories, n.e.c. (Specify by name and model or type number.) [1]	.....	622	STVWXYZ	100	500	100	—	
86191 Other gyro compasses (specify by name and model number); and parts and accessories, n.e.c. (Specify by name).	.....	622	STVWXYZ	500	500	500	—	
86191 Aircraft flight instruments, *except types in normal civil use* (specify by name and model number); and specially designed parts and accessories, n.e.c. (See § 399.2, Interpretation 20.)	.....	621	STVWXYZ	100	500	100	—	A
86191 Other aircraft flight instruments (specify by name and model or type number); and specially designed parts and accessories, n.e.c.	.....	628	SWXYZ *and* Rep. So. Africa	500	—	—	100	B
86191 Electro-optical instruments designed to monitor relative rotation of remote surfaces; and specially designed parts and accessories, n.e.c.	.....	621	STVWXYZ	100	500	100	—	A
86191 Ball-and-disc or cylinder-and-ball mechanical integrators; and mechanical ball resolvers; and specially designed parts and accessories, n.e.c.	.....	621	STVWXYZ	250	500	250	—	A
86191 Parts and accessories specially fabricated for military phototheodolites, stereoscopic plotting equipment, and photo interpretation equipment.[2]	.....	621	STVWXYZ	—	500	—	—	A
86191 Gravity meters (gravimeters), designed or modified for airborne or marine use (specify by name); and specially designed parts and accessories, n.e.c.	.....	401	STVWXYZ	100	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Export authorization is required from the U.S. Department of State for cryogenic equipment for airborne or space application. See paragraph 370.5(a) for other commodities which require authorization from the U.S. Department of State.
[2] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
86191 Other gravity meters (gravimeters) (specify by name); and specially designed parts and accessories, n.e.c.	.....	402	STVWXYZ	100	500	100	—	
86191 Transits, phototheodolites, and tachymeters (tacheometers), having a telescope magnification of 20x or higher *and* reading direct to 1 sexagesimal minute or better; and specially designed parts and accessories, n.e.c.[1]	.....	628	SWXYZ	500	—	—	100	B
86191 Surveying and engineering instruments, n.e.c., or parts, *the following only:* alidades, altimeters, clinometers, level parts, leveling rods, planimeters, plumb bobs, slide rules, spads, stadia rods, surveyor's compasses, trammels, and other transit parts.	.....	628	SZ	500	—	—	—	B
86191 Other compasses; and other surveying, hydrographic, navigational, meteorological, hydrological, and geophysical instruments; and parts.[1]	.....	628	SXYZ	500	—	—	100	B
86191 Range finders specially designed for cameras under Export Control Commodity Nos. 86140 and 86150 which are subject to the Import Certificate/Delivery Verification procedure.	No.	231	STVWXYZ	25	500	25	—	A
86191 Range finders specially designed for: (a) other high speed cameras capable of recording at rates in excess of 2,000 frames per second; and (b) X-ray powder cameras.	No.	238	SWXYZ	500	—	—	100	B
86191 Range finders for other still cameras, *except hand-type fixed focus;* and motion-picture cameras, *except 16 mm. and 8 mm.*	No.	238	SYZ	500	—	—	—	B
86191 Other range finders.[1]	No.	628	SZ	500	—	—	—	B
86192 Laboratory balances, and parts, n.e.c.	.....	628	SZ	500	—	—	—	B
Drawing, marking-out, calculating, drafting, measuring and checking instruments, appliances and machines, not electrically or electronically operated; and parts [Report electrically or electronically operated in Export Control Commodity No. 72952]:								
86193 Ball-and-disc or cylinder-and-ball mechanical integrators; and mechanical ball resolvers; and specially designed parts and accessories, n.e.c.	.....	621	STVWXYZ	250	500	250	—	A
86193 Comparators; dividers; gear checkers comparators); and other machinists' precision measuring tools, *except gear testers;* and parts.	.....	418	SWXYZ	500	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for range finders which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
86193 Measuring and checking instruments, appliances and machines for automotive maintenance (includes wheel balancers), and parts.	.....	438	SXYZ	500	—	—	100	B
86193 Optical measuring and checking instruments, and parts.	.....	628	SZ *and* East Germany	500	—	—	—	B
86193 Other drawing, drafting, marking-out and calculating instruments; clinometers; plumb bobs; tape measures and rulers, *except metal;* and surveyors' trammels; and parts, n.e.c.	.....	218	SZ	500	—	—	—	B
86193 Other measuring and checking instruments, appliances and machines; and parts.	.....	418	SZ *and* East Germany	500	—	—	—	B
86194 Technical models for demonstration. [Report aircraft training devices and flight simulators in Export Control Commodity No. 89999.]	.....	218	SYZ [1]	500	—	—	—	B
Mechanical appliances for testing physical properties of industrial materials, not electrically or electronically operated, *except parts.* [Report parts in Export Control Commodity No. 86199, and electrically or electronically operated in No. 72952]:								
86195 Centrifugal-action testing equipment. (Specify by name.)	.....	411	STVWXYZ	100	500	100	—	A
86195 Equipment capable of performing tests at temperatures below minus 202° F. (minus 130° C.).	.....	412	STVWXYZ	100	500	100	—	
86195 Testing equipment specially designed for use in the manufacture and assembly of communication, navigation, direction-finding, and radar equipment.	.....	411	STVWXYZ	—	500	—	—	A
86195 Testing and inspecting machines specially designed for the examination, testing, and checking of arms, munitions, and implements of war.[2]	.....	411	STVWXYZ	—	500	—	—	A
86195 Vibration testing equipment capable of providing a thrust greater than 2,000 pounds.	.....	411	STVWXYZ	500	500	500	—	A
86195 Testing devices specially designed for testing electronic assemblies produced by depositing or printing on insulating panels, plates, or wafers or otherwise forming *in situ* component parts other than basic wiring.	.....	411	STVWXYZ	—	500	—	—	A
86195 Testing devices specially designed for testing electronic assemblies produced by: (a) automatically inserting and/or soldering components on insulating panels, plates, or wafers to which wiring is applied by printing or other means, or (b) automatically or semi-automatically assembling, wiring, and/or packaging mounted modular insulated panels, plates, or wafers.	.....	412	STVWXYZ	—	500	—	—	

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] A validated license may also be required for other destinations if this commodity contains technical data. See Part 385.
[2] Arms, munitions, and implements of war are all items designated in paragraph 370.5(a), Categories I through XIX.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
86195 Testing and inspecting equipment specially designed for use in the production of types of electronic tubes and semi-conductor devices or parts and components therefor, included under Export Control Commodity No. 72930, which are subject to the Import Certificate/Delivery Verification procedure. (Specify by name.)	.....	411	STVWXYZ	—	500	—	—	A
86195 Other testing and inspecting equipment specially designed for use in the production of electronic tubes and semi-conductor devices or parts and components therefor. (Specify by name.)	.....	412	STVWXYZ	—	500	—	—	
86195 Other mechanical appliances for testing physical properties of industrial materials.	.....	418	SXYZ	500	—	—	100	B
Hydrometers and similar instruments; thermometers, pyrometers, barometers, hygrometers, psychrometers, and any combination of these; not electrically or electronically operated; *except parts* [Report parts in Export Control Commodity No. 86199, and electrically or electronically operated in No. 72952]:								
86196 Laboratory type hydrometers and similar instruments; and thermometers, pyrometers, barometers, hygrometers, psychrometers, and any combination of these.	.....	628	SZ *and* East Germany	500	—	—	—	B
86196 Aircraft instruments, n.e.c. (for example, aircraft thermometers, hydrometers, hygrometers, and psychrometers).	.....	438	SWXYZ *and* Rep. So. Africa	500	—	—	100	B
86196 Household and clinical thermometers...	.....	218	SZ	500	—	—	—	B
86196 Other hydrometers, thermometers, pyrometers, barometers, hygrometers, psychrometers, and any combination of these.	.....	418	SXYZ	500	—	—	100	B
Instruments for measuring, checking or automatically controlling the flow, depth, pressure or other variables of liquids or gases, or for automatically controlling temperature, not electrically or electronically operated, *except parts* [Report parts in Export Control Commodity No. 86199, and electrically or electronically operated in No. 72952]:								
86197 Environmental chambers capable of pressures of 26 Torr or less, including those with a pressure capability only and those	.....	411	STVWXYZ	—	500	—	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
which also have a capability of simulating other environments, such as radiation and temperature.								
86197 Cryogenic equipment, designed for maintaining an ambient temperature below minus 130° C. (minus 202° F.) *and* (a) designed for use in marine application, or (b) ruggedized for mobile ground use.[1]	.....	621	STVWXYZ	100	500	100	—	A
86197 Other instruments capable of maintaining an ambient temperature below minus 130° C. (minus 202° F.).[1]	.....	622	STVWXYZ	100	500	100	—	
86197 Aircraft engine instruments for measuring, checking, or automatically controlling the flow, pressure, or other variables of liquids or gases, or for automatically controlling temperature.	.....	438	SWXYZ *and* Rep. So. Africa	500	—	—	100	B
86197 Meters with inlet or outlet diameter 10 inches or larger, specially designed to measure flow in petroleum and/or natural gas pipe lines.	.....	412	SVWXYZ	100	—	100	—	E-9
86197 Instruments or devices capable of automatically measuring the speed of sound *in situ* in water, and rated for differential sensitivity measurements of 1 part in 5,000 parts or better, and equipment containing such instruments or devices.	.....	621	STVWXYZ	100	500	100	—	A
86197 Other instruments for watercraft, motor vehicles, and other vehicles.	.....	438	SXYZ	500	—	—	100	B
86197 Other instruments for measuring, checking or automatically controlling the flow, depth, pressure or other variables of liquids or gases or for automatically controlling temperature.	.....	418	SXYZ	500	—	—	100	B
Instruments for physical or chemical analysis; instruments for checking viscosity, porosity, expansion, surface tension, and such instruments for measuring or checking quantities of heat, light or sound, not electrically or electronically operated; and parts [Report electrically or electronically operated in Export Control Commodity No. 72952]:								
86198 Laboratory, scientific, and optical measuring cryogenic equipment designed for maintaining an ambient temperature below minus 130° C. (minus 202° F.) *and* (i) designed for use in marine application, or (ii) ruggedized for mobile ground use; and specially designed parts, n.e.c. (Specify by name.)[1]	.....	621	STVWXYZ	100	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Export authorization is required from the U. S. Department of State for cryogenic equipment for airborne or space applications.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups				*Special Provisions List
				S	T	V	X	
86198 Other laboratory, scientific, and optical measuring equipment capable of maintaining an ambient temperature below minus 130° C. (minus 202° F.); and specially designed parts, n.e.c. (Specify by name.)[1]	.....	622	STVWXYZ	100	500	100	—	
86198 Instruments wholly made of fluorocarbon polymers or copolymers; and specially designed parts, n.e.c. (See § 399.2, Interpretation 22.)	.....	231	STVWXYZ	25	500	25	—	A E-3
86198 Mass spectrographs and mass spectrometers, as follows: (a) all multifocus types (including double focus, tandem, and cyclodial); or (b) single focus types possessing a radius of curvature of 5 inches or more; and specially designed parts, n.e.c. (Specify by name, model, and number.)	.....	621	STVWXYZ	—	500	—	—	AFG
86198 Other mass spectrographs and mass spectrometers, *except mass spectrometer-type leak detectors;* and specially designed parts, n.e.c. (Specify by name and model number.)	.....	622	STVWXYZ	—	500	—	—	FG
86198 Instruments, n.e.c., containing Laser devices; and specially designed parts, n.e.c. (Specify by name and model number.)[2]	.....	621	STVWXYZ	100	500	100	—	A
86198 Spectrum measuring instruments, optical; and densitometers; and specially designed parts, n.e.c.	.....	628	SWXYZ	500	—	—	100	B
86198 Other laboratory instruments for physical or chemical analysis; instruments for checking viscosity, porosity, expansion, surface tension, etc.; instruments for measuring or checking quantities of heat, light or sound; and parts.	.....	628	SXYZ	500	—	—	100	B
86198 Chemical analysis equipment, qualitative and quantitative (chemical analytical equipment utilizing chemical and/or physical separation analytical principles) (specify by name); and specially designed parts, n.e.c.	.....	412	STVWXYZ	500	500	500	—	
86198 Industrial process instruments capable of operating or performing tests at temperatures below minus 202° F. (minus 130° C.), and specially designed parts, n.e.c.	.....	412	STVWXYZ	100	500	100	—	
86198 Centrifugal action testing equipment (specify by name); and specially designed parts, n.e.c.	.....	411	STVWXYZ	100	500	100	—	A
86198 Testing equipment, including components and sub-assemblies, specially designed for use in the manufacture and assembly of	.....	411	STVWXYZ	—	500	—	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Export authorization is required from the U. S. Department of State for cryogenic equipment for airborne or space applications.
[2] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
communication, navigation, direction-finding, and radar equipment; and specially designed parts, n.e.c.								
86198 Testing and inspecting equipment specially designed for the examination, testing and checking of arms, munitions, and implements of war; and specially designed parts, n.e.c.[1]	.....	411	STVWXYZ	100	500	100	—	A
86198 Vibration testing equipment capable of providing a thrust greater than 2,000 lbs., and specialized ancillary equipment therefor.	.....	411	STVWXYZ	—	500	—	—	A
86198 Photographic exposure (light) meters, and parts.	.....	238	SYZ	500	—	—	—	B
86198 Other instruments for physical or chemical analysis; instruments for checking viscosity, porosity, expansion, surface tension, etc.; instruments for measuring or checking quantities of heat, light or sound, and parts.[2]	.....	418	SXYZ	500	—	—	100	B
Parts and accessories, n.e.c., for integrating meters, electrical measuring and controlling instruments, and industrial and laboratory instruments (meters, instruments, appliances, and devices under Export Control Commodity Nos. 72951, 72952, 86181, 86182, 86195, 86196, and 86197):								
86199 Parts and accessories wholly made of fluorocarbon polymers or copolymers, *except polyvinyl fluoride.* (Specify by name.) (See § 399.2, Interpretation 22.)	.....	241	STVWXYZ	25	500	25	—	A E-3
86199 Parts and accessories wholly made of polyvinyl fluoride.	.....	222	STVWXYZ	—	500	25	—	E-3
86199 Parts (including positive ion sources), assemblies, components and accessories, n.e.c., specially designed for the mass spectrographs and mass spectrometers, included under Export Control Commodity No. 72952 which are subject to the Import Certificate/Delivery Verification procedure. (Specify by name.)	.....	621	STVWXYZ	250	500	250	—	A
86199 Parts and accessories, n.e.c., for other mass spectrographs and mass spectrometers. (Specify by name.)	.....	622	STVWXYZ	500	500	500	—	
86199 Radiant energy type thermal detecting cells (for example, bolometers and thermocouple detectors) with a response time constant of less than 10 milliseconds measured at the operating temperature of the cell for which the time constant reaches a minimum. (Specify by name and model number.)	.....	611	STVWXYZ	100	500	100	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Arms, munitions, and implements of war are all items designated in paragraph 370.5(a), Categories I through XIX.
[2] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
86199 Direct current amplifiers, amplifying by whatever means, having a noise level (referred to input circuit) of 10^{-16} watts or less and/or a zero drift in 1 hour corresponding to a change in input power of 10^{-16} watts or less; and parts. (Specify by name and model number.)	.....	611	STVWXYZ	100	500	100	—	A
86199 Amplifiers, as follows: (a) amplifiers designed to operate at frequencies in excess of 500 megacycles, (b) tuned amplifiers having a bandwidth which exceeds 10 megacycles, or 10 percent of the mean frequency, whichever is less, *except those specially designed for use in community television distribution systems,* or (c) tuned amplifiers having a bandwidth which exceeds 10 megacycles; and parts. (Specify by name and model number.) [See Export Control Commodity No. 72499 for amplifiers designed for electronic communications equipment, electronic navigational aids and electronic search and detection apparatus, including radar.]	.....	601	STVWXYZ	100	500	100	—	A
86199 Amplifiers, electronic or magnetic, designed for use with resolvers as follows: (a) isolation types having a variation of gain constant (linearity of gain) of 0.2 percent or better, (b) summing types having a variation of gain constant (linearity of gain) or an accuracy of summation of 0.2 percent or better, (c) employing solid state Hall effect, or (d) designed to operate below minus 67° F. (minus 55° C.) or above plus 257° F. (plus 125° C.) (Specify by name and model number.)	.....	601	STVWXYZ	250	500	250	—	A
86199 Amplifiers, electronic or magnetic, designed for use with resolvers as follows: (a) isolation types having a variation of gain constant (linearity of gain) better than 0.5 percent and not less than 0.2 percent, or (b) summing types having a variation of gain constant (linearity of gain) or an accuracy of summation of better than 0.5 percent and not less than 0.2 percent. (Specify by name and model number.)	.....	602	STVWXYZ	250	500	250	—	
86199 Other isolation and summing type amplifiers. (Specify by name and model number.)	.....	608	SWXYZ	500	—	—	100	B
86199 Other amplifiers designed to operate at frequencies from 300 megacycles up to and including 500 megacycles. (Specify by name and model number.)	.....	608	SWXYZ	500	—	—	100	B

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
86199 Oscilloscope amplifiers and preamplifiers having a bandwidth greater than 5 megacycles up to and including 12 megacycles; and parts. (Specify by name and model number.)	.....	608	SWXYZ	500	—	—	100	B
86199 Other amplifiers designed for use in nuclear measurements. (Specify by name and model number.)[1]	.....	628	SXYZ	500	—	—	100	B
86199 Other amplifiers, n.e.c. (Specify by name and model number.)[1]	.....	608	SXYZ	500	—	—	100	B
86199 Parts and accessories specially designed for numerical control systems designed for controlling coordinated simultaneous (contouring and continuous path) machining movements in two or more axes. (See § 399.2, Interpretation 7.)	.....	421	STVWXYZ	—	500	500	—	A
86199 Parts and accessories specially designed for electronic closed loop control systems designed solely for positioning operations.	.....	422	STVWXYZ	—	1,000	1,000	—	
86199 Other parts and accessories, n.e.c., for meters, instruments, appliances, and devices classified under Export Control Commodity Nos. 72951, 72952, 86181, 86182, 86195, 86196, and 86197. (Specify name of meter, instrument, appliance, or device.)	.....	Export controls applicable to commodities included in this entry are those which apply to the meter, instrument, appliance, or device for which the parts and accessories are designed.						
86230 Prepared photographic film developing chemicals.	.....	248	SZ	500	—	—	—	B
86230 Other prepared photographic chemicals	.....	248	SXYZ	500	—	—	100	B
86243 Paper, paperboard and cloth, sensitized, not developed.	Sq. ft.	218	SZ *and* East Germany[2]	500	—	—	—	B
86246 Motion picture film under 35mm, sensitized, unexposed.	Lin. ft.	238	SZ	500	—	—	—	B
86246 Motion picture film 35mm and over, sensitized, unexposed.	Lin. ft.	238	SXYZ	500	—	—	100	B
86246 X-ray film and plates, graphic arts film and plates, and still picture film and plates, sensitized, unexposed.	Sq. ft.	238	SYZ	500	—	—	—	B
86248 Exposed sensitized plates, and exposed and developed plates, *except lantern slides.*	Sq. ft.	238	SZ *and* East Germany[2]	500	—	—	—	B
86248 Still picture film, exposed, or exposed and developed, positive or negative; and lantern slides.	Sq. ft.	238	Z[2]	—	—	—	—	B
86248 Motion picture films, silent or sound, undeveloped negative, 35mm. or over.	Lin. ft.	238	SXYZ[2]	500	—	—	100	B
86248 Motion picture films, silent or sound, exposed but not developed.	Lin. ft.	238	SZ[2]	500	—	—	—	B
86300 Motion picture films, silent or sound, developed.	Lin. ft.	238	None[3]	—	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U.S. Department of State.
[2] A validated license may also be required for other destinations if this commodity contains technical data. See Part 385.
[3] A validated license may be required if this commodity contains technical data. See Part 385.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
86401 Alarm clocks, electric and nonelectric; electric mantel clocks; and nonelectric novelty clocks.	No.	218	SZ	500	—	—	—	B
86401 Other clocks, electric and nonelectric; and time recording and time stamp machines.	No.	218	SZ *and* East Germany	500	—	—	—	B
86402 Watch parts, including watch movements; and clock chimes, dials and glasses.	.....	218	SZ	500	—	—	—	B
86402 Other clock parts	.....	218	SZ *and* East Germany	500	—	—	—	B
86402 Parts and accessories, n.e.c., for time clocks and other time recording devices operated by a watch or clock type movement or by a synchronous motor.	.....	218	SXYZ	500	—	—	100	B
86411 Pocket watches, wrist watches and other watches.	No.	218	SZ	500	—	—	—	B
86414 Watch cases and parts	.....	218	SZ	500	—	—	—	B
MISCELLANEOUS MANUFACTURED ARTICLES, N.E.C.								
89111 Magnetic recording and/or reproducing equipment designed for electronic computers. (Specify by name and model number.)[1]	No.	621	STVWXYZ	250	500	250	—	A
89111 Television (video tape) recording and/or reproducing equipment. (Specify by name and model number.)	No.	611	STVWXYZ	250	500	250	—	A
89111 Recording and/or reproducing equipment using electrothermal and/or electrostatic techniques employing electron beams, operating in a vacuum and/or employing other means to provide a charge pattern directly on the recording surface (for example, thermoplastic recorders), and specialized equipment for the read-out of material so recorded. (Specify by name and model number.)[1]	No.	611	STVWXYZ	250	500	250	—	A
89111 Magnetic recording and/or reproducing equipment for voice and music only.	No.	618	SZ *and* East Germany	500	—	—	—	B
89111 Other magnetic recording and/or reproducing equipment, n.e.c. [Report specially designed seismograph recorders/reproducers under Export Control Commodity No. 72952.] (Specify by name and model number.)[1]	No.	601	STVWXYZ	250	500	250	—	A
89111 Dictating machines, phonographs, and record players.	No.	218	SZ	500	—	—	—	B
89112 Parts and accessories specially designed for magnetic recording and/or reproducing equipment designed for electronic computers. (Specify by name.) [Report magnetic tape in Export Control Commodity No. 89120; and	.....	601	STVWXYZ	250	500	250	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.

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Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
report empty reels according to material (for example, plastic reels in 89300, steel reels in 69891, nonferrous metal in 69899, and fiberboard reels in 64204).][1]								
89112 Parts and accessories specially designed for television (video tape) recording and/or reproducing equipment. (Specify by name.) [Report magnetic tape in Export Control Commodity No. 89120; and report empty reels according to material (for example, plastic reels in 89300, steel reels in 69891, nonferrous metal in 69899, and fiberboard reels in 64294).][1]	.....	611	STVWXYZ	250	500	250	—	A
89112 Parts and accessories specially designed by recording and/or reproducing equipment using electrothermal or electrostatic techniques included under Export Control Commodity Number 89111 which are subject to the Import Certificate/Delivery Verification procedure. (Specify by name.)[1]	.....	611	STVWXYZ	100	500	100	—	A
89112 Parts and accessories for magnetic recording and/or reproducing equipment for voice and music only.	.....	618	SZ *and* East Germany	500	—	—	—	B
89112 Parts and accessories specially designed for other magnetic recording and/or reproducing equipment. (Specify by name.)[1]	.....	601	STVWXYZ	250	500	250	—	A
89112 Parts and accessories for dictating machines, phonographs and record players.	.....	218	SZ	500	—	—	—	B
89120 Magnetic tape and other recording media designed for electronic computers. (Specify by name.)	.....	621	STVWXYZ	250	500	250	—	A
89120 Seismic or seismograph magnetic tape..	.....	401	STVWXYZ	100	500	100	—	A
89120 Video tape and other recording media for television recording equipment. (Specify by name and type number.)[1]	.....	611	STVWXYZ	250	500	250	—	A
89120 Recording media specially designed for recording equipment using electrothermal or electrostatic techniques included under Export Control Commodity No. 89111 which are subject to the Import Certificate/Delivery Verification procedure. (Specify by name.)[1]	.....	611	STVWXYZ	250	500	250	—	A
89120 Magnetic recording media designed for voice and music only. (Specify by name and type number.)[1]	.....	618	SYZ[2]	500	—	—	—	B
89120 Magnetic tape and other magnetic recording media for other magnetic recording and/or reproducing equipment. (Specify by name and type number.)[1]	.....	601	STVWXYZ	250	500	250	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 370.6(a) for commodities which require export authorization from the U. S. Department of State.
[2] A validated license may be required for other destinations if this commodity contains technical data. See Part 385.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
89120 Commercial phonograph records, recorded. [Report broken records and other records for scrap in Export Control Commodity No. 58120.]	.....	218	Cuba[1]	—	—	—	—	B
89120 Other phonograph records; and phonograph record blanks.	.....	218	Z[1]	—	—	—	—	B
89140 Pianos and other string musical instruments.	.....[2]	218	SZ	500	—	—	—	B
89180 Musical instruments, n.e.c.	.....[3]	218	SZ	500	—	—	—	B
89190 Parts and accessories, n.e.c., except strings and cases, for musical instruments.	.....	218	SZ	500	—	—	—	B
89213 Maps, hydrographic charts, atlases, gazateers, globe covers, and globes (terrestrial or celestial).	.....	218	YZ	—	—	—	—	B
89214 Printed books, pamphlets and miscellaneous publications, including bound newspapers and periodicals.	.....[4]	218	None[5]	—	—	—	—	B
89220 Newspapers and periodicals, unbound, excluding waste.	.....[6]	218	None	—	—	—	—	B
89230 Music books and sheet music	.....[7]	218	None	—	—	—	—	B
89241 Transfers (decalcomanias)	.....	218	Z	—	—	—	—	B
89242 Picture postcards and greeting cards...	.....	218	Z	—	—	—	—	B
89291 Paper and paperboard labels and wrappers.	.....	218	SZ	500	—	—	—	B
89294 Calenders, including calendar blocks, of paper.	.....	218	None	—	—	—	—	B
89298 Advertising printed matter exclusively related to developed motion picture film, books, miscellaneous publications, newspapers and periodicals (Export Control Commodity Nos. 86300, 89214, 89220, 89230, and 89294) for which a validated license is not required.	.....	218	None[5]	—	—	—	—	B
89298 Other printed matter	.....	218	SZ	500	—	—	—	B
89300 Pressure sensitive tape wholly made of fluorocarbon polymers or copolymers. (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	500	500	500	—	A E-3
89300 Pressure sensitive tape coated or impregnated with fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Lb.	222	STVWXYZ	500	500	500	—	E-3
89300 Pressure sensitive synthetic tape (including metallized) suitable for dielectric use (condenser tissue), 0.0015 inch (0.038 mm. or less in thickness), *except (a) tensilized polyester film with thickness greater than 0.001 inch (0.0254 mm.), and (b) untensilized and unmetallized polyester film with thickness of 0.00035 inch (0.009 mm.) up to and including 0.001 inch (0.0254 mm.).*	Lb.	221	STVWXYZ	500	500	500	—	A E-3

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] A validated license may also be required for other destinations if this commodity contains technical data. See Part 385.
[2] Report new pianos in "number."
[3] Report new organs in "number."
[4] Report bound periodicals and newspapers, pamphlets, and books other than textbooks, in "number."
[5] A validated license may be required if this commodity contains technical data. See Part 385.
[6] Report unbound periodicals in "number."
[7] Report music books in "number."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
89300 Pressure sensitive polyester tape suitable for dielectric use (condenser tissue), as follows: (a) tensilized film with thickness greater than 0.001 inch (0.0254 mm.) up to and including 0.0015 inch (0.038 mm.), and (b) untensilized and unmetallized film with thickness greater than 0.00035 inch (0.009 mm.) up to and including 0.0015 inch (0.038 mm.).	Lb.	222	STVWXYZ	500	500	500	—	E–3
89300 Silicone rubber manufactures, n.e.c., including silicone rubber packing.	.....	228	SWXYZ	500	—	—	100	B
89300 Manufactures, n.e.c., of polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, , and polyparaxylylenes where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.)	Lb.	221	STVWXYZ	25	500	25	—	A E–3
89300 Manufactures, n.e.c., of polypyromellitimide or polybenzimidazole where the value of the contained polymeric substances is less than 50 percent of the total value of the manufactured commodity. (Specify value of polymeric substances and total value of commodity.)	Lb.	222	STVWXYZ	25	500	25	—	E–3
89300 Manufactured products, n.e.c., wholly made of fluorocarbon polymers or copolymers, *except polyvinyl fluoride.* (Specify by name.) (See § 399.2, Interpretation 22.)	Lb.	221	STVWXYZ	50	500	50	—	A E–3
89300 Manufactured products, n.e.c., wholly made of polyvinyl fluoride.	Lb.	222	STVWXYZ	25	500	50	—	E–3
89300 Hose or tubing made of, lined with, or covered with, polytetrafluoroethylene or polychlorotrifluoroethylene. (Specify length of each piece.) [Report hose or tubing without fittings attached in Export Control Commodity No. 58120.]	Pieces	221	STVWXYZ	50	500	50	—	A E–3
89300 Hose or tubing lined with, or covered with, other fluorocarbon polymers or copolymers. (Specify length of each piece.) (See § 399.2, Interpretation 22.)	Pieces	222	STVWXYZ	50	500	50	—	E–3
89300 Manufactured plastic products specially designed for feminine hygiene intra-uterine contraception, partially made of fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	.....	228	Z	—	—	—	—	B
89300 Other manufactured products, n.e.c., partially made of polytetrafluoroethylene or polychlorotrifluoroethylene. (Specify by name, and state weight of polytetrafluoroethylene or polychlorotrifluoroethylene content.)	.....	222	STVWXYZ	50	500	50	—	E–3

* For explanation, see § 399.1 pages 1, 2, and 3.

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
89300 Other manufactures, n.e.c., of molding compositions containing more than 20 percent by weight of fluorocarbon polymers or copolymers. (See § 399.2, Interpretation 22.)	Lb.	222	STVWXYZ	50	500	50	—	E–3
89300 Manufactured plastic products, *except items wholly or partially made of polyimide, polybenzimidazole, polyimidazo-pyrrolone, aromatic polyamide, polyparaxylylene, polytetrafluoroethylene, polychlorotrifluoroethylene, or items wholly made of other fluorocarbon polymers or copolymers,* the following only: aprons, baby pants, bibs, and other indoor type wearing apparel; ash trays; belts (apparel); bottle and container closures; calendar pad holders, celluloid file signals; cigar ribbons; clipboards; containers for household use (soap dishes, etc.); desk calendars; desk sets, except pen sets; dinnerware, tableware, and kitchenware used in preparation, serving, and storing of food and drink; display equipment (forms, display boxes, stands, frames); disposable knives, forks and spoons; draperies (not firm, woven); flexible film specialty bags; fly swatters; garment bags (not requiring cutting or further manufacture for use); ink pots; ink stands; lamp shades; manicure sets; mats; paperweights; sausage casings; sequins; sponges, synthetic; table cloths (cut to size); tackle boxes; pressure sensitive or gummed plastic tape not covered in another entry under Export Control Commodity No. 89300; and venetian blinds, including separate slats and tapes.	.....[1]	218	SZ	500	—	—	—	B
89300 Other finished, articles, n.e.c., of artificial plastic materials, *except articles wholly or partially made of polyimide, polybenzimidazole, polyimidazo-pyrrolone, aromatic polyamide, polyparaxylylene, polytetrafluoroethylene, or polychlorotrifluoroethylene; or items wholly made of other fluorocarbon polymers or copolymers.* (See § 399.2, Interpretation 22.)	.....[2]	218	SZ *and* East Germany	500	—	—	—	B
89410 Wheelchairs, baby carriages, and strollers, not motorized nor otherwise mechanically propelled, and parts.	.....	218	Z	—	—	—	—	B
89421 Doll carriages, carts, and children's vehicles designed to be ridden, excluding cycles other than children's baby carriages, and sleds.	.....	218	SZ	500	—	—	—	B
89422 Dolls, and specially fabricated parts and accessories, including clothing.	.....	218	SZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] Report pressure sensitive tape and flexible film specialty bags in "pound."
[2] Report plastic garden hose in "linear feet."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
89423 Rubber toys, stuffed toy animals, and toys n.e.c.	.....	218	SZ	500	—	—	—	B
89424 Playing cards; coin-operated amusement machines (excludes phonographs), and parts; indoor games; and special game tables and other sporting and athletic goods, indoor.	.....[1]	218	SZ	500	—	—	—	B
89425 Artificial Christmas trees, metal; and tinsel of metal.	.....	218	SZ *and* East Germany	500	—	—	—	B
89425 Other Christmas articles, decorative or traditional, excluding artificial flowers, foliage or fruit or articles thereof; and carnival and entertainment articles (masks, confetti, tricks and novelties).	.....	218	SZ	500	—	—	—	B
89430 Non-military shotguns and parts therefor. [Report military arms and parts in Export Control Commodity No. 95101-95104.] [2]	.....[3]	218	SXYZ *and* Rep. So. Africa	—	—	—[4]	100	B
89430 Whaling guns, and parts therefor; and wooden gun stock blanks.	.....	218	SXYZ	500	—	—	100	B
89430 Aqua guns, police billies, blackjacks, air pistols, air rifles, and compressed air and gas-charged rifles; and parts.[2]	.....	218	SZ	500	—	—	—	B
89441 Fishing and hunting equipment, excluding guns. [Report sporting rifles in Export Control Commodity No. 89430.]	.....	218	SZ	500	—	—	—	B
89442 Base metal wire wickets; and safety apparel and equipment for recreational purposes.[5]	.....	218	SZ *and* East Germany	500	—	—	—	B
89442 Other appliances, apparatus, accessories and requisites for gymnastics or athletics or for sports and outdoor games, *except recreational water craft.*[6]	.....	218	SZ	500	—	—	—	B
89450 Fair-ground amusements, and equipment.	.....	218	SZ	500	—	—	—	B
89511 Filing cabinets, racks and similar office equipment, excluding furniture, of base metal, not designed to be placed on floor.	.....	218	SZ	500	—	—	—	B
89512 Stapling wire (all metals) on spools; and nonferrous metal staples for hand-stapling devices.	.....	218	SZ *and* East Germany	500	—	—	—	B
89512 Fittings for files, paper clips, and similar stationery goods of base metals; and iron and steel staples for hand-stapling devices.	.....	218	SZ	500	—	—	—	B
89521 Pens, refill ink cartridges, mechanical pencils, penholders, desk pen sets, and pen and	.....[7]	218	SZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Report playing cards in "pack."
[2] Export authorization is required from the U. S. Department of State for (a) firearms of any caliber (including combination rifle-shotguns), and parts and components therefor, and (b) tear gas guns, signal and Very pistols. (See paragraph 370.5(a).)
[3] Report shotguns in "number."
[4] A GLV dollar-value limit of $100 is established for the shipment of non-military shotguns and $50 for the shipment of parts for these shotguns to the Republic of South Africa.
[5] Export authorization from the U. S. Department of State is required for self-contained diving and underwater swimming apparatus and components and accessories specially designed therefor. See paragraph 370.5(a).
[6] Export authorization from the U. S. Maritime Administration is required for recreational watercraft. See paragraph 370.5(c).
[7] Report fountain pens, ball-point pens, mechanical pencils and refill ink cartridges in "dozen."

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
mechanical pencil parts, other than pen nibs and nib points.								
89522 Pen nibs and nib points.....	.....	218	SZ	500	—	—	—	B
89523 Pencils other than mechanical, pencil leads, crayons, chalk and drawing charcoal.	.....[1]	218	SZ	500	—	—	—	B
89591 Writing, stamp pads, indelible, drawing, and marking inks.	.....	218	SZ	500	—	—	—	B
89593 Date, sealing, and similar stamps, hand operated.	.....	218	SZ	500	—	—	—	B
89594 Typewriter and similar ribbons and ink pads.	.....	218	SZ	500	—	—	—	B
89596 Other office and stationery supplies, n.e.c.	.....	218	SZ	500	—	—	—	B
89600 Works of art, collectors' pieces, and antiques.	.....	218	SZ	500	—	—	—	B
89711 Jewelry and related items of carat gold, platinum, and platinum group metals, *except rosaries.*[2]	.....	218	SZ *and* East Germany	500	—	—	—	B
89711 Rosaries and jewelry findings of precious metals; and other jewelry and related items of silver.[2]	.....	218	SZ	500	—	—	—	B
89714 Jewelry findings, rosaries and onyx manufactures incorporating pearls or precious or semiprecious stones.	.....	218	SZ	500	—	—	—	B
89714 Other articles of other than precious metals, incorporating pearls or precious or semi-precious stones.	.....	218	SZ *and* East Germany	500	—	—	—	B
89715 Platinum-clad molybdenum tubing; and platinum-clad molybdenum wire.	Lb.	261	STVWXYZ	100	500	100	—	A E-8
89715 Hollow ware, solid or plated, of precious metals; and silver leaf.[2]	.....	218	SZ *and* East Germany	500	—	—	—	B
89715 Silver-plated flatware, and other silver-plated manufactures; and gold leaf and foil.[2]	.....	218	SZ	500	—	—	—	B
89715 Other goldsmiths' and silversmiths' wares, and other articles of precious metals, except jewelry.[2]	.....	218	SYZ	500	—	—	—	B
89720 Men and women's jewelry and related items of metal other than gold, silver, platinum and platinum group metals.[2]	.....	218	SZ	500	—	—	—	B
89910 Articles and manufactures of carving or moulding materials.	.....	218	SZ	500	—	—	—	B
89927 Hand sieves and hand riddles, laboratory types.	.....	628	SZ *and* East Germany	500	—	—	—	B
89927 Wire cloth sieves, all types, including electroformed, containing 95 percent or more nickel, with 60 or more sieves per linear centimeter or the equivalent thereof.	.....	218	STVWXYZ	100	500	100	—	E-8

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Report lead pencils, black and colored, *excluding artists,* in "gross."
[2] Export authorization is required from the U. S. Treasury Department for items of which 90 percent of the total value is attributable to gold content. See paragraph 370.5(b).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
89927 Other cloth sieves	.....	218	SZ *and* East Germany	500	—	—	—	B
89927 Other hand sieves and hand riddles, n.e.c.	.....	218	SZ	500	—	—	—	B
89928 Hat braids of natural or man-made fibers.	.....	218	SZ *and* East Germany	500	—	—	—	B
89928 Other plaits and similar materials and articles thereof.	.....	218	SZ	500	—	—	—	B
89929 Prepared knots and tufts, cotton or wool, for broom or brush making.	Doz.	218	SYZ	500	—	—	—	B
89929 Other prepared knots and tufts for broom or brush making; and mops, dusters, squeegees, brooms, tooth brushes, and other brushes, including paint rollers, wire brushes, and brushes for machines other than dental, medical, surgical, and veterinary appliances.	Doz.	218	SZ	500	—	—	—	B
89931 Candles, tapers, night lights, and similar items.	.....	218	SZ	500	—	—	—	B
89932 Matches	.....	218	SZ	500	—	—	—	B
89933 Combustible preparations and products, n.e.c. (includes liquid fuel for mechanical lighters in containers not forming part of the lighter and not exceeding 300 cc capacity). [Report liquid fuels in containers exceeding 300 cc capacity under the commodity number applicable to the fuel.]	.....	218	SZ	500	—	—	—	B
89934 Cigarette and cigar lighters of precious metals.[1]	No.	218	SZ *and* East Germany	500	—	—	—	B
89934 Other lighters, mechanical, electrical, and chemical, and other types.	No.	218	SZ	500	—	—	—	B
89935 Smoking pipes, cigar and cigarette holders; and parts therefor.	.....	218	SZ	500	—	—	—	B
89940 Umbrellas, sunshades, walking sticks, canes, and similar items; and parts.	.....	218	SZ	500	—	—	—	B
89951 Powder-puffs and pads for applying cosmetics or toilet preparations.	.....	218	SZ	500	—	—	—	B
89952 Leatherette buttons	.....	218	SZ *and* East Germany	500	—	—	—	B
89952 Other buttons and parts, n.e.c., snap fasteners, studs and similar articles, n.e.c., used for fastening or decorating articles of apparel, not of precious metals or incorporating pearls or precious stones.	.....	218	SZ	500	—	—	—	B
89953 Slide fasteners and parts. [Report zipper wire not cut to length in appropriate Export Control Commodity number according to type metal.]	.....	218	SZ	500	—	—	—	B
89954 Combs, barrettes, and similar hair ornaments and holders, not of precious metal or incorporating pearls or precious stones.	.....	218	SZ	500	—	—	—	B

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Export authorization is required from the U. S. Treasury Department for items of which 90 percent of the total value is attributable to gold content. See paragraph 370.5(b).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
89955 Corset stays, and similar supports for apparel.	.....	218	SZ *and* East Germany	500	—	—	—	B
89956 Scent and similar sprayers, and parts, of a kind used for toilet purposes.	.....	218	SZ	500	—	—	—	B
89957 Tailors' dummies	.....	218	SZ	500	—	—	—	B
89957 Animated displays for window dressing	.....	218	SXYZ	500	—	—	100	B
89961 Hearing aids	.....	628	Z	—	—	—	—	B
89962 Orthopedic appliances and articles, artificial parts of body, and fracture appliances.	.....	628	Z	—	—	—	—	B
89991 Articles made from gut, goldbusters skin, bladders, or tendons.	.....	218	SZ	500	—	—	—	B
89992 Prepared feathers and down and articles thereof, except millinery, bedding, comforters and pillows.	.....	218	SZ	500	—	—	—	B
89993 Artificial flowers, foliage, and fruit, and articles made thereof.	.....	218	SZ	500	—	—	—	B
89994 Wool-like specialty hair prepared for making wigs and similar articles.	.....	218	SZ *and* East Germany	500	—	—	—	B
89994 Other prepared animal hair for making wigs and similar articles; and human hair, dressed or otherwise worked.	.....	218	SZ	500	—	—	—	B
89995 Wigs, false beards, and other articles, n.e.c., of wool-like specialty hair.	.....	218	SZ *and* East Germany	500	—	—	—	B
89995 Wigs, false beards, switches, and other articles of other animal or human hair.	.....	218	SZ	500	—	—	—	B
89996 Fans and hand screens, non-mechanical, and frames and handles therefor.	.....	218	SZ	500	—	—	—	B
89997 Closures for vacuum bottles and jugs. [Report cork closures in Export Control Commodity No. 633.]	.....	218	SZ	500	—	—	—	B
89997 Vacuum bottles, jugs, and chests, complete (assembled or unassembled), usable only for hot or cold food or drinks.	.....	218	SZ *and* East Germany	500	—	—	—	B
89997 Other vacuum bottles, jugs and chests; and parts, n.e.c.	.....	218	SYZ	500	—	—	—	B
89998 Parachutes in normal sporting use, and complete canopies, harnesses, and platforms therefor.[1]	.....	212	STVWXYZ	500	1,000	1,000	—	
89998 Other parachute parts and accessories.[1]	.....	218	SXYZ	500	—	—	100	B
89999 Ground installed aircraft catapult systems, and specially designed parts, n.e.c.[2]	.....	431	STVWXYZ	500	500	500	—	A
89999 Equipment specially designed to facilitate operations of military aircraft in confined areas; and specially designed parts and accessories, n.e.c.[2]	.....	431	STVWXYZ	—	500	—	—	A

* For explanation, see § 399.1 pages 1, 2, and 3.

[1] Parachutes (other than those in normal sporting use) for personnel or cargo dropping and aircraft deceleration, and complete canopies, harnesses, platforms, and electronic release mechanisms therefor, require export authorization from the U.S. Department of State. See paragraph 370.5(a).

[2] Aircraft launching equipment and military ground flying training equipment require export authorization from the U.S. Department of State. See paragraph 370.5(a).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
89999 Other nonmilitary aircraft ground handling equipment, ground installed arresting systems, flight simulators, ground flying trainers and other related equipment, n.e.c.; and parts and accessories, n.e.c.	.....	438	SXYZ	500	—	—	100	B
89999 Manufactured articles, n.e.c.	.....	218	SXYZ	500	—	—	100	B
SECTION 9—COMMODITIES AND TRANSACTIONS NOT CLASSIFIED ACCORDING TO KIND								
SPECIAL TRANSACTIONS NOT CLASSIFIED BY KIND								
93100 Replacement parts used in the repair of articles being returned to the country from which imported into the United States for inspection, testing, calibration, or repair. (Specify article and repair part by name.)	.....		WYZ	—	—	—	—	[1]
93100 Parts used in the alteration of articles being returned which were imported into the United States for alteration other than inspection, testing, calibration, or repair. (Specify article and parts added.)			Export controls applicable to each commodity when exported commercially under its individual Export Control Commodity Number.					
93100 Commodities, n.e.c., donated for relief or charity by individuals or private agencies. (Specify by name.) [Report exports of commodities for relief or charity purposes by governmental agencies, excluding used clothing, under the applicable classification for the commodity being exported; and report used clothing in Export Control Commodity No. 84180.]			Export controls applicable to each commodity under this classification are those which apply to the commodity when exported commercially under its individual Export Control Commodity Number. In addition, see paragraph 373.65(a)(2)(v).					
93100 General merchandise valued at less than $100, except where the shipment requires a validated license. (Specify by name.)			Export controls applicable to each commodity under this classification are those which apply to the commodity when exported commercially under its individual Export Control Commodity Number.					
93100 Bacteria. (Specify by name.)	.....	248	SXYZ	500	—	—	100	B
93100 Other commodities not classified according to kind. (Specify by name.)	.....	218	SXYZ	500	—	—	100	B
ANIMALS, N.E.C., INCLUDING ZOO ANIMALS								
941 Animals, live, n.e.c., including zoo animals, dogs, cats, insects, and birds. (Specify by name.) [Report other live animals in Export Control Commodity No. 001.]	.....	208	SZ	500	—	—	—	B

[1] Processing code and related commodity group number applicable to each commodity under this classification are those which apply to the commodity under its individual Export Control Commodity Number.

* For explanation, see § 399.1 pages 1, 2, and 3.
[1] See paragraph 371.18(a).

Department of Commerce Export Control Commodity Number and Commodity Description	Unit	*Processing Number	*Validated License Required for Country Groups Shown Below	*GLV $ Value Limits for Shipments to Country Groups S	T	V	X	*Special Provisions List
ARMS, MILITARY VEHICLES, ETC.[1]								
95103 Wooden gun stock blanks.[2]	.....	218	SXYZ	500	—	—	100	B
95104 Sidearms, n.e.c., and parts. (Specify by name.)[3]	.....	218	SWXYZ	500	—	—	100	B
95105 Compressed air and gas charged pistols.[1]	No.	218	SZ	500	—	—	—	B
95106 Parts and components for ammunition, *except cartridge cases, powder bags, bullets, jackets, cores, shells, projectiles, boosters, fuses and components, primers, and other detonating devices, and ammunition belting and linking machines.* (Specify by name.)[4, 5]	.....	211	STVWXYZ	100	500	100	—	A
95110 Survival kits, and other military equipment not identified by kind.[1] (Specify by name.)	.....	218	SWXYZ	500	—	—	100	B
95200 Military apparel of all types and materials, including footwear.[1] (Specify by name.)	.....	218	SWXYZ	500	—	—	100	B
COINS, NOT GOLD, NOT LEGAL TENDER								
96100 Coins, other than gold coins, not being legal tender.[6] [Report numismatic and collectors coins in Export Control Commodity No. 89600; coins mounted in objects of personal adornment in Nos. 89711-89720; coins for legal tender in Nos. 68070 and 68080.]	.....	218	SZ *and* East Germany	500	—	—	—	B

[1] See paragraph 370.5(a) for commodities which require export authorization from the U. S. Department of State.
[2] Export authorization is required from the U.S. Department of State for insurgency and counterinsurgency weapons having a special military application, and all firearms regardless of caliber, and parts therefor, including firearms silencers.
[3] Export authorization is required from the U.S. Department of State for bayonets and parts.
[4] Export authorization from the U.S. Department of State is required for projectiles and ammunition. See paragraph 370.5(a).
[5] Export authorization from the U.S. Department of State is required for cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, fuzes and components therefor, primers, and other detonating devices, and ammunition belting and linking machines.
[6] Gold coins require export authorization from the U. S. Treasury Department. See paragraph 370.5(b).

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FEDERAL REGISTER

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Agricultural Research Service
Civil Aeronautics Board
Civil Rights Commission
Civil Service Commission
Coast Guard
Commerce Department
Consumer and Marketing Service
Customs Bureau
Emergency Planning Office
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Federal Trade Commission
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Securities and Exchange Commission
Social Security Administration
Veterans Administration
Wage and Hour Division

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Title 3—THE PRESIDENT

Proclamation 3771

WORLD TRADE WEEK, 1967

By the President of the United States of America

A Proclamation

World trade joins the United States with other nations in a creative partnership that supports the growth of our free enterprise economy and advances the well-being of all our citizens.

Last year, total trade among the non-communist countries amounted to about $180 billion. Since 1960, this trade has grown by more than $67 billion, or an annual rate of more than 8 percent. Trade among the nations of the free world should reach the astounding annual rate of $200 billion in the year ahead.

The exchange of goods and services builds a foundation for mutual trust among nations. It sustains our hopes for the attainment of a better world, in which all peoples may live in peace.

Expanding trade with nations around the world accelerates the pace of economic progress at home and abroad.

—It enlarges the opportunities for United States businessmen to sell more products and services in world markets. Since 1960, U.S. exports of merchandise have risen by 50 percent. In 1966, they exceeded $29 billion, close to $3 billion more than the year before.

—It provides employment for more American workers. About three and a half million Americans are engaged, directly or indirectly, in the production, transport and marketing of our exports. The growth of this trade will create jobs for many more workers in both rural and urban areas throughout the United States.

—It widens the range of materials and consumer goods available at competitive prices in the domestic marketplace.

—It helps the developing countries make fuller use of their energies and resources.

—It encourages the international exchange of ideas, knowledge, and experience.

Vigorous expansion of our export volume is essential. We have succeeded in reducing the deficit in our balance of payments, but we must make still further improvement.

The United States will continue to support the reciprocal reduction of trade barriers to stimulate the flow of international commerce. To this purpose, an early and successful completion of the Kennedy Round of trade negotiations is especially important. There are only a few weeks remaining; by April 30, major issues must be settled and a balance of concessions achieved. The final agreement must be signed by June 30. An historic opportunity to broaden vastly the world's trade horizons is within reach. This opportunity must not be lost.

We are negotiating with other nations on the improvement of the international monetary system. International agreement that will assure an adequate growth of world reserves is a key to the future expansion of world trade.

We believe that trade also offers a means of achieving fruitful cooperation with the Soviet Union and other Eastern European nations. In 1966, U.S. exports to Eastern Europe totalled only $200 million while other non-communist countries sold Eastern Europe goods worth over $6 billion. U.S. ratification of a consular agreement with the U.S.S.R., our various trade missions to Eastern Europe, and our participation in the 1967 food processing fair in Moscow illustrate our effort to build bridges through trade. We must continue to pursue lasting peace by seeking out every possible course to healthy economic and cultural relations with these countries.

The principal objective of our foreign trade policy is to promote the increase of peaceful, profitable commerce among our Nation and others.

World Trade Week reaffirms and supports this objective.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the week beginning May 21, 1967, as World Trade Week; and I request the appropriate Federal, State, and local officials to cooperate in the observance of that week.

I also urge business, labor, agricultural, educational, professional, and civic groups, as well as the people of the United States generally, to observe World Trade Week with gatherings, discussions, exhibits, ceremonies, and other appropriate activities designed to promote continuing awareness of the importance of world trade to our economy and our relations with other nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fourth day of March, in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Dean Rusk

Secretary of State.

[F.R. Doc. 67-3489; Filed, Mar. 27, 1967; 2:19 p.m.]

Proclamation 3772

YOUTH TEMPERANCE EDUCATION WEEK

By the President of the United States of America

A Proclamation

The future of this nation, and perhaps of the world, rests on the integrity and commitment of young Americans who make up almost half of our population. If we neglect the formation of their character, we betray a human trust that transcends the interest of any individual.

Out of a false sophistication, some find it embarrassing to speak of the simple virtues of character that are the mainstays of any great nation or civilization—of duty, sacrifice, fidelity, of sound minds in healthy bodies, of a sense of human brotherhood, love of country, sanctity of the home, purity of ideals.

Yet on these virtues the peace, prosperity, and quality of our society depend.

The condition of our nation today is historically unique. Never has any society come so close to defeating the ancient enemies of poverty, ignorance and ill health. Our social problems loom large in our consciousness, but in the perspective of history, ours is an unprecedented affluence—both in its extent and in its distribution. And that affluence represents both opportunity and temptation. If it lulls us into complacency, if it dims our moral perception, if it tranquilizes our concern for the suffering of the less fortunate, if it encourages self-indulgence and moral indolence, then it is no blessing but a curse.

If our children are to be enriched and not despoiled by the abundance of our material life, we must search our own hearts and minds, our own values and priorities, to be sure that moral and spiritual qualities are not submerged or blunted in the selfish quest for personal security, comfort and luxury. We must accept material abundance gratefully, as a condition which liberates our spirits and frees our minds for the great and beneficent conquests of human sorrow, suffering and weakness.

Human experience illustrates that liberty and discipline are not in opposition; that, in fact, liberty finds its roots in discipline. For the wider goals, the larger dreams, the nobler hopes belong to those who have learned to discipline their impulses and desires, to direct them toward the constructive purpose and the creative challenge.

During this week, set aside as Youth Temperance Education Week, let us consider how we may help our youngsters develop the moral and spiritual strength proudly to accept the challenge to build a better future for all mankind.

To alert young people to the dangers of intemperance and to assist them in the development of moral strength, physical fitness, and civic responsibility, the Congress, by a joint resolution approved May 4, 1966, has requested the President to issue a proclamation designating the week beginning April 23, 1967, as Youth Temperance Education Week.

To this end:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the week beginning April 23, 1967 as Youth Temperance Education Week; and I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of March, in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Dean Rusk

Secretary of State.

[F.R. Doc. 67-3509; Filed, Mar. 28, 1967; 10:25 a.m.]

Executive Order 11337

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (53 Stat. 29, 54 Stat. 1008; 26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1948 to 1966, inclusive, shall, during the Ninetieth Congress, be open to inspection by the Senate Committee on Government Operations or any duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to determining the economy and efficiency of the Government. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

Lyndon B. Johnson

THE WHITE HOUSE,
March 25, 1967.

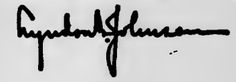
[F.R. Doc. 67-3507; Filed, Mar. 27, 1967; 4:49 p.m.]

Executive Order 11338

PLACING AN ADDITIONAL POSITION IN LEVEL V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, and as President of the United States, section 2 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by adding thereto the following:

(13) Deputy Under Secretary, Department of Transportation.



THE WHITE HOUSE,
March 27, 1967.

[F.R. Doc. 67-3508; Filed, Mar. 27, 1967; 4:49 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

1. Section 213.3273 is amended to show that the position of Chief, Research and Plans Division, is excepted under Schedule B, and that the positions of Chief, Planning Division; Chief, Analysis Division; and Chief, Research Division, are no longer excepted under Schedule B. Effective on publication in the FEDERAL REGISTER, § 213.3273 is amended by revoking paragraphs (b), (c), and (d) and adding a new paragraph (h) as set out below.

§ 213.3273 Office of Economic Opportunity.

* * * * *

(b) [Revoked]
(c) [Revoked]
(d) [Revoked]

* * * * *

(h) One Chief, Research and Plans Division.

2. Section 213.3373 is amended to show that the position of Deputy Assistant Director, CAP, is excepted under Schedule C; that the titles of eight positions now in Schedule C are changed to reflect the agency's current organization; and that the positions of Deputy Associate Director for program Policy Development, CAP; Assistant for Program Development and Evaluation, CAP; and Associate Director for Program Support, CAP, are no longer excepted under Schedule C. Section 213.3373 is amended as follows: Paragraph (a) subparagraphs (3), (5), (7), and (8) are amended; paragraph (b), subparagraphs (1) and (4) are amended, (2), (3), and (5) are revoked, and subparagraph (6) is added; paragraph (c), subparagraph (1) is amended; and paragraph (d), subparagraph (1) is amended, as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* * * *

(3) One Assistant Director for National Councils and Organizations.

* * * * *

(5) One Assistant Director for Public Affairs.

* * * * *

(7) One Assistant Director for Research, Plans, Programs, and Evaluation.

(8) One Deputy Assistant Director for Research, Plans, Programs and Evaluation.

(b) *Community Action Program.* (1) One Associate Director for Program Planning.

(2) [Revoked]
(3) [Revoked]
(4) One Associate Director for Program Operations.
(5) [Revoked]
(6) One Deputy Assistant Director.

(c) *Volunteers in Service to America Program.* (1) One Deputy Assistant Director.

* * * * *

(d) *Job Corps.* (1) One Deputy Assistant Director.

* * * * *

(5 U.S.C. 3301, 3302; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-3351; Filed, Mar. 28, 1967; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 47]

PART 1047—MILK IN FORT WAYNE, IND., MARKETING AREA

Order Amending Order

§ 1047.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Ind., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of Deputy Administrator, Regulatory Programs was issued March 7, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued March 20, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1967, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (5 U.S.C. 553(d) (1966))

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Fort Wayne, Ind., marketing area

shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. In § 1047.62(b)(1), the first proviso of subdivision (1)(b) is changed and paragraph (b)(2) is changed to read as follows:

§ 1047.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(b) * * *
(1) * * *
(i) * * *
(b) * * *

Provided, That for each of the months of April, May, and June an amount computed by multiplying the total hundredweight of milk received from dairy farmers at such plant by the following amounts: 20 cents in April and 25 cents in May and June, shall be subtracted from the amount computed pursuant to this subdivision:

* * * * *

(2) On or before the 17th day after the end of each of the months of April, May, and June for the producer-settlement fund an amount computed by multiplying the total hundredweight of milk received from dairy farmers at such plant by the following amounts: 20 cents in April and 25 cents in May and June;

* * * * *

2. In § 1047.71, paragraph (h) is changed to read as follows:

§ 1047.71 Computation of uniform prices.

* * * * *

(h) Subtract from the remainder for each of the months of April, May, and June an amount computed by multiplying the total hundredweight of producer milk for such month by the following amounts: 20 cents in April and 25 cents in May and June;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1967.

Signed at Washington, D.C., on March 24, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-3436; Filed, Mar. 28, 1967; 8:50 a.m.]

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings and determinations are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specfied in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator was issued February 3, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued March 1, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1967, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (5 U.S.C., 553(d) (1966))

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(The following determination is made with respect to the order amending the orders regulating the handling of milk in the Quad Cities-Dubuque and Des Moines, Iowa, marketing areas.)

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

(4) The issuance of the order amending the order regulating the handling of milk in the North Central Iowa marketing area is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

(5) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers delivering to the Cedar Rapids-Iowa City marketing area who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended as follows:

Amendment to Quad Cities-Dubuque order. Section 1063.50(c) is revised to read as follows:

§ 1063.50 Basic formula and class prices.

* * * * *

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

Amendment to Cedar Rapids-Iowa City order. Section 1070.50(c) is revised to read as follows:

§ 1070.50 Basic formula and class prices.

* * * * *

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

Amendment to North Central Iowa order. Section 1078.50(c) is revised to read as follows:

§ 1078.50 Basic formula and class prices.

* * * * *

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

Amendment to Des Moines, Iowa, order. Section 1079.50(c) is revised to read as follows:

§ 1079.50 Basic formula and class prices.

* * * * *

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1967.

Signed at Washington, D.C., on March 23, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-3396; Filed, Mar. 28, 1967; 8:48 a.m.]

[Milk Orders 106, 126]

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Oklahoma Metropolitan and North Texas marketing areas (7 CFR Parts 1106 and 1126), it is hereby found and determined that:

(a) The following provisions of the orders no longer tend to effectuate the declared policy of the Act for the month of April 1967.

(1) In § 1106.51(a) of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area, the last sentence of the introductory text reading as follows: "To this price add or subtract a 'supply-demand adjustment' of not more than 50 cents (no supply-demand adjustment shall apply for each of the months of January through March 1967), computed as follows:" and subparagraphs (1), (2), and (3).

(2) In § 1126.51(a) of the order regulating the handling of milk in the North Texas marketing area, that portion of the last sentence of the introductory text reading as follows: "and subject to a supply-demand adjustment of not more than 50 cents (no supply-demand adjustment shall apply for each of the months of January through March 1967) computed as follows:" and subparagraphs (1), (2), (3), (4), (5), and (6).

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The effect of the suspension is to continue for the month of April 1967 the elimination of the effect of supply-demand adjustors in the Oklahoma Metropolitan and North Texas orders now provided for the months of January through March by amendment issued December 28, 1966. This amendment was based on the record of a public hearing held November 9, 1966, on the basis of which it was concluded that such elimination would facilitate the development and adoption of any improvements that an industry group studying the supply-demand needs of the markets could develop. The industry group has reported that completion of its study will require approximately 1 month longer than was contemplated at the hearing and has requested that elimination of effects of supply-demand adjustment in the orders be continued through April 1967, to provide opportunity for completion of the study and timely consideration of any recommendations developed thereby. The considerations under which amendments were made for January through March are equally valid for suspension for the month of April 1967.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (32 F.R. 2574). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective April 1, 1967.

It is therefore ordered, That the aforesaid provisions of the orders are hereby suspended for the period April 1, 1967, through April 30, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1967.

Signed at Washington, D.C., on March 23, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-3395; Filed, Mar. 28, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-CE-95]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On January 19, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 617) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Pellston, Mich., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Five comments were received, one of which concurred with the proposal. The other four comments voiced objections to that portion of the proposal concerning the ADF instrument approach procedure at Emmet County Airport, Pellston, Mich. This instrument approach procedure was predicated on the Pellston radio beacon "H" facility which was to be decommissioned. Since publication of the notice, the Federal Aviation Agency has been informed that the "H" facility will be retained and operated by Emmet County. Consequently, it is not necessary to cancel the ADF instrument approach procedure and the controlled airspace required to protect it will be redesignated in the final Rule.

Since this change will merely reinstate controlled airspace designations in the Pellston control zone and transition area that existed at the time of the issuance of the notice, it imposes no additional burden on any person, and further notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the Pellston, Mich., control zone is amended to read:

PELLSTON, MICH.

Within a 5-mile radius of Pellston, Mich., Emmet County Airport (latitude 45°34'40" N., longitude 84°47'40" W.) within 2 miles each side of the Pellston VORTAC 240° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the 132° bearing from Emmet County Airport, extending from the 5-mile radius zone to 8 miles SE of the airport.

(2) In § 71.181 (32 F.R. 2148), the Pellston, Mich., transition area is amended to read:

PELLSTON, MICH.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Pellston, Mich., Emmet County Airport (latitude 45°34'40" N., longitude 84°47'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Pellston VORTAC extending clockwise from a line 5 miles SW of and parallel to the Pellston VORTAC 310° radial to a line 5 miles W of and parallel to the Pellston VORTAC 180° radial, and within 8 miles NE and 5 miles SW of the 132° bearing from Emmet County Airport, extending from the airport to 12 miles SE of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on March 16, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-3357; Filed, Mar. 28, 1967; 8:45 a.m.]

[Airspace Docket No. 66–CE–98]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 28, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 1056) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Port Huron, Mich., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the Port Huron, Mich., transition area is amended to read:

PORT HURON, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of St. Clair County Airport, Port Huron, Mich. (latitude 42°54'45" N., longitude 82°31'35" W) and within 2 miles each side of the 229° and 341° bearings from St. Clair County Airport extending from the 5-mile radius area to 8 miles SW and N of the airport, excluding the portion outside the United States.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on March 20, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67–3359; Filed, Mar. 28, 1967; 8:45 a.m.]

[Airspace Docket No. 66–CE–100]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 25, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 872) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Vandalia, Ill., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth:

In §71.181 (32 F.R. 2148), the Vandalia, Ill., transition area is amended to read:

VANDALIA, ILL.

That airspace extending upward from 1,200 feet above the surface within a 10-mile radius of the Vandalia Muncipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.); and within a 14-mile radius of the Vandalia VORTAC; and that airspace extending upward from 3,000 MSL within an area bounded on the W by V–191, on the E by V–313 and on the S by the arc of a 14-mile radius circle centered on the Vandalia VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on March 16, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67–3360; Filed, Mar. 28, 1967; 8:45 a.m.]

[Airspace Docket No. 66–EA–80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 14992 of the FEDERAL REGISTER for November 29, 1966, the Federal Aviation Agency published proposed regulations which would alter the Waterville, Maine, 700-foot floor transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. April 27, 1967 except as follows:

1. Under Item 1 of the description of the Waterville, Maine, 700-foot floor transition area delete the phrase, "210° bearing" and insert in lieu thereof, "211° bearing".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on February 15, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Waterville, Maine, 700-foot floor transition area and insert in lieu thereof the following:

WATERVILLE, MAINE

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the center (44°32'10" N., 69°40'30" W.) of Robert LaFleur Airport, Waterville, Maine; within 2 miles each side of a 211° bearing from Waterville RBN (44°30'26" N., 69°41'48" W.) extending from the 5 mile radius area to 8 miles SW of the RBN and within 2 miles each side of the Augusta, Maine, VOR 022° radial extending from the 5-mile radius area to 9 miles north of the VOR excluding the portion that coincides with the Augusta, Maine, 700–foot floor transition area.

[F.R. Doc. 67–3361; Filed, Mar. 28, 1967; 8:45 a.m.]

[Airspace Docket No. 66–SW–58]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 19, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 615) stating that the Federal Aviation Agency proposed to alter controlled airspace in the San Antonio, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as herein set forth.

In § 71.181 (32 F.R. 2249) the San Antonio, Tex., transition area is amended to read:

SAN ANTONIO, TEX.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°22'30" N., longitude 97°47'00" W., thence west via latitude 29°-22'30" N. to and clockwise along the arc of a 23-mile radius circle centered at latitude 29°31'50" N., longitude 98°28'12" W., to latitude 29°46'30" N., east of longitude 98°-30'00" W., thence to latitude 29°43'00" N., longitude 98°01'30" W., thence to point of beginning, and within 5 miles northeast and 8 miles southwest of the 149° bearing from the Randolph AFB RBN extending from the RBN to 12 miles southeast, within 5 miles northeast and 8 miles southwest of the La-Vernia VOR 149° radial extending from the VOR to 12 miles southeast, and within 2 miles each side of the Kelly VOR 189° radial extending from the VOR to 28 miles south; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 30°33'30" N., longitude 98°31'30" W., thence to latitude 29°45'30" N., longitude 98°06'00" W., to latitude 29°50'08" N., longitude 97°25'45" W., to latitude 29°54'00" N., longitude 96°49'00" W., to latitude 29°30'00" N., longitude 96°-39'30" W., to latitude 29°30'00" N., longitude 97°26'00" W., to latitude 29°19'45" N., longitude 97°26'00" W., to latitude 29°00'00" N., longitude 97°43'00" W., to latitude 28°43'-30" N., longitude 98°17'30" W., to latitude 28°54'00" N., longitude 99°05'00" W., to latitude 30°10'40" N., longitude 99°18'40" W., thence to point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at latitude 29°30'00" N., longitude 97°26'00" W., to latitude 29°30'00" N., longitude 96°39'30" W., to latitude 29°08'00" N., longitude 97°00'00" W., to latitude 29°00'00" N., longitude 97°-17'00" W., to latitude 29°00'00" N., longitude 97°43'00" W., to latitude 29°19'45" N., longitude 97°26'00" W., thence to point of beginning; and that airspace extending upward from 4,500 feet MSL bounded by a line beginning at latitude 29°24'00" N., and the arc of a 75-mile radius circle centered at latitude 29°38'37.7" N., longitude 98°27'39.7" W., thence clockwise along this arc to longitude 98°33'00" W., thence to latitude 30°33'-30" N., longitude 98°31'30" W., to latitude 30°10'40" N., longitude 99°18'40" W., to latitude 29°19'50" N., longitude 99°09'30" W., thence to point of beginning excluding the portions of the transition area with a floor of 4,500 feet MSL that lie within Federal airways.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on March 17, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67–3362; Filed, March 28, 1967; 8:45 a.m.]

[Airspace Docket No. 66–CE–99]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On January 11, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 284) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Lapeer, Mich., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

The airport coordinates recited in the transition area designation in the notice of proposed rule making have been changed slightly in this final rule. Since these changes are minor in nature and impose no additional burden on any person, they are being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

LAPEER, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Dupont-Lapeer Airport (latitude 43°04'10" N., longitude 83°16'16" W.); and within 2 miles each side of the Flint, Mich., VORTAC 074° radial extending from the 5-mile radius area to 18 miles east of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on March 15, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67–3363; Filed, Mar. 28, 1967; 8:46 a.m.]

[Airspace Docket No. 66–CE–102]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On January 28, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R 1057) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Kenosha, Wis., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

KENOSHA, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kenosha Municipal Airport (latitude 42°35'40" N., longitude 87°55'25" W.) and within 2 miles each side of the 332° bearing from Kenosha Municipal Airport extending from the 5-mile radius area to 8 miles northwest of the airport, excluding the portions designated as Chicago, Ill., and Milwaukee, Wis., transition areas.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on March 16, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67–3364; Filed, Mar. 28, 1967; 8:46 a.m.]

[Airspace Docket No. 66–EA–61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 14407 and 14408 of the FEDERAL REGISTER for November 9, 1966, the Federal Aviation Agency published proposed regulations which would designate a part-time 700-foot floor transition area over Randall Airport, Middletown, N.Y.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., April 27, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on February 15, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor part time transition area for Middletown, N.Y., described as follows:

MIDDLETOWN, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°25'55" N., 74°23'30" W.), of Randall Airport and within 2 miles each side of the Huguenot, N.Y., VOR 082° radial extending from the 5-mile radius area to the VOR excluding the portions that coincide with the Newburgh, N.Y., and Wurtsboro, N.Y., transition areas. This transition area shall be in effect from sunrise to sunset daily.

[F.R. Doc. 67–3365; Filed, Mar. 28, 1967; 8:46 a.m.]

[Airspace Docket No. 67–SO–12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On February 9, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2709) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Manning, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the following transition area is added:

MANNING, S.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Clarendon County Airport (latitude 33°35'13" N., longitude 80°12'27" W.); within a 1.5-mile radius of the Goat Island Airport (latitude 33°30'36" N., longitude 80°18'41" W.); within a 1.5-mile radius of the Grayson (private) Airport (latitude 33°36'48" N., longitude 80°20'17" W.); and within 2 miles each side of the Vance VOR 060°radial, extending from the 8-mile radius area to the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on March 17, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67–3366; Filed, Mar. 28, 1967; 8:46 a.m.]

[Airspace Docket No. 66–EA–93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Federal Airway Segments, Restricted Area, Jet Route, and Transition Areas

On February 4, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2453) stating that the Federal Aviation Agency was considering amendments to Parts 71, 73, and 75 that would alter segments of VOR Federal airways Nos. 1, 16, 44, 139, 268, and 308; alter Jet Route No. 121 segment; realign the eastern boundary of the Atlantic City, N.J., Wrightstown, N.J., and New York, N.Y., transition areas and alter the southeast boundary of Restricted Area R–5002.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71, 73, and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

1. Section 71.123 (32 F.R. 2009) is amended as follows:

a. In V–1 all after "12 AGL Atlantic City;" is deleted and "12 AGL INT At-

lantic City 048° and Riverhead, N.Y., 215° radials. The airspace within R-4006, and the airspace below 2,000 feet MSL outside the United States between Starfish INT and Charleston and north of Atlantic City are excluded. The airspace within R-5002 more than 3 nautical miles west of the airway centerline above 9,000 feet MSL is excluded." is substituted therefor.

b. In V-16 all between "12 AGL INT Coyle 078°" and "12 AGL Riverhead;" is deleted and "and Atlantic City, N.J., 048° radials; 12 AGL INT Atlantic City 048° and Riverhead, N.Y., 215° radials;" is substituted therefor.

c. In V-44 all after "12 AGL Atlantic City;" is deleted and "12 AGL INT of Atlantic City 048° and Riverhead, N.Y., 215° radials; 12 AGL Riverhead. The airspace within R-4001 and the airspace below 2,000 feet MSL outside the United States is excluded. The airspace within R-5002 more than 3 nmi W of the airway centerline above 9,000 feet MSL is excluded." is substituted therefor.

d. In V-139 "12 AGL INT Sea Isle 049° and Hampton, N.Y., 223° radials;" is deleted and "12 AGL INT Sea Isle 050° and Hampton, N.Y., 223° radials;" is substituted therefor.

e. In V-268 all after "12 AGL Kenton" is deleted and "12 AGL Kenton 086° and Sea Isle, N.J., 050° radials. The airspace within R-4001 and the airspace below 2,000 feet MSL outside the United States is excluded." is substituted therefor.

f. In V-308 all between "12 AGL Kenton, Del.;" and "12 AGL Hampton;" is deleted and "12 AGL INT Kenton 086° and Sea Isle, N.J., 050° radials; 12 AGL INT Sea Isle 050° and Hampton, N.Y., 223° radials;" is substituted therefor.

2. Section 71.181 (32 F.R. 2148) is amended as follows:

a. In Atlantic City, N.J., "to 39°32'15" N., 74°16'15" W." is deleted and "to 39°31'45" N., 74°15'15" W." is substituted therefor.

b. In Wrightstown, N.J., "to latitude 40°13'05" N., longitude 73°20'00" W., to latitude 40°05'20" N., longitude 73°30'45" W., to latitude 39°42'20" N., longitude 74°00'50" W., to latitude 39°32'15" N., longitude 74°16'15" W.;" is deleted and "to latitude 40°12'55" N., longitude 73°19'00" W., to latitude 39°58'40" N., longitude 73°38'35" W., to latitude 39°38'40" N., longitude 74°05'05" W., to latitude 39°31'45" N., longitude 74°15'55" W.;" is substituted therefor.

c. In New York, N.Y., "thence along the west edge of V-139 to a line extending through latitude 40°13'20" N., longitude 73°21'30" W.;" is deleted and "thence along the west edge of V-139 to latitude 40°12'55" N., longitude 73°19'00" W.;" is substituted therefor.

3. Section 73.50 (32 F.R. 2320) is amended as follows:

a. In R-5002 Warren Grove, N.J., "to latitude 39°43'25" N., longitude 74°17'37" W.; to latitude 39°38'45" N., longitude 74°23'40" W.;" is deleted and "to latitude 39°43'15" N., longitude 74°17'30" W.; to latitude 39°38'50" N., longitude 74°23'45" W.;" is substituted therefor.

4. Section 75.100 (32 F.R. 2341) is amended as follows:

a. In Jet Route No. 121 "INT of Sea Isle 049° and Hampton, N.Y., 223° radials;" is deleted and "INT of Sea Isle 050° and Hampton, N.Y., 223° radials;" is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on March 22, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-3358; Filed, Mar. 28, 1967; 8:45 a.m.]

[Docket No. 7789; Amdt. No. 101-2]

PART 101—MOORED BALLOONS, KITES, UNMANNED ROCKETS, AND UNMANNED FREE BALLOONS

Unmanned Free Balloon Equipment Requirements

The purpose of this amendment is to alter the equipment requirements for the operation of unmanned free balloons.

The agency published a notice of proposed rule making in the FEDERAL REGISTER on December 8, 1966 (31 F.R. 15490), circulated as Notice No. 66-43 which proposed dual and independent systems for releasing the payload and for terminating the flight of the balloon envelope, and a radar reflective capability on the balloon envelope. The response to this Notice indicated a general endorsement of the proposal.

In commenting on the proposal, the Air Line Pilots Association (ALPA) recommended that a clearance by air traffic control be required for free balloon flight and also suggested that the balloons be colored a high visibility orange or yellow and be a minimum size of 50 feet in diameter unless carrying no more than a few ounces of weight.

A clearance for a balloon flight, as may be issued to other types of aircraft, is not practicable because unmanned free balloons cannot be controlled sufficiently to respond to clearances and instructions. In view of the other operating limitations specified in the part, additional control is not considered to be necessary.

The nature of most scientific experiments that utilize high altitude balloons would preclude the use of designated colors on the balloon envelope because problems involving heat absorption, light reflection, and other phenomena would be created, thereby interfering with the experiments being conducted.

With regard to the suggested minimum balloon size requirement, the size of the balloon is dependent, to a large extent, upon the nature of the experiment being conducted, and the altitude to which the payload must be carried. Limiting the size of unmanned balloons may unnecessarily restrict experiments utilizing balloons.

ALPA also recommended that the agency specify minimum standards for the balloon payload cut-down, destruct, and radar reflective devices. To the extent practicable, this was done in the proposal. However, balloon operators and manufacturers have the necessary expertise for developing specific systems and devices so that the selection of the particular types of payload release systems, destruct methods, and radar reflective devices to meet the performance standards prescribed in this rule has been left to the determination of the manufacturers or operators.

Professor R. Brown recommended that the proposal be amended to require balloon payloads to be equipped with a radar reflecting device so that the payload be tracked during its descent. Some benefit might be derived from that requirement and the matter may be considered for adoption in a subsequent proposal. However, as stated in Notice 66-43, there have been several instances recently where the flight of unmanned free balloons could not be terminated as planned, and these balloons became derelicts and drifted over large sections of the country presenting possible hazards to air navigation. Because of this, it is necessary that § 101.35(a) should be revised immediately to include the additional equipment requirements proposed in Notice No. 66-43.

The word "completely" relating to independent destruct and payload cut-down systems was included in subparagraphs (1) and (2) of the notice to emphasize the requirement that each system, device, or combination, in addition to having a separate operation, should have separate power sources, activators or similar components to function in the event of a total failure of the corresponding unit. It has, however, been omitted from the rule as being surplusage.

In consideration of the foregoing, § 101.35(a) of the Federal Aviation Regulations is amended, effective April 28, 1967, to read as follows:

§ 101.35 Equipment and marking requirements.

(a) No person may operate an unmanned free balloon unless—

(1) It is equipped with at least two payload cut-down systems or devices that operate independently of each other;

(2) At least two methods, systems, devices, or combinations thereof, that function independently of each other, are employed for terminating the flight of the balloon envelope; and

(3) The balloon envelope is equipped with a radar reflective device(s) or material that will present an echo to surface radar operating in the 200 MHz to 2700 MHz frequency range.

The operator shall activate the appropriate devices required by subparagraphs (1) and (2) of this paragraph when weather conditions are less than those prescribed for operation under this subpart, or if a malfunction or any other reason makes the further operation hazardous to other air traffic or to persons and property on the surface.

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(Secs. 307, 313(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on March 22, 1967.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 67-3356; Filed, Mar. 28, 1967; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1180]

PART 13—PROHIBITED TRADE PRACTICES

David Gottesman and Gottesman Co.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, David Gottesman trading as Gottesman Co., New York, N.Y., Docket C-1180, March 9, 1967]

Consent order requiring a New York City wholesale furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent David Gottesman, an individual trading as Gottesman Co. or any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on a label affixed to such fur product.

4. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on an invoice the item number or mark assigned to such fur product.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: March 9, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-3378; Filed, Mar. 28, 1967; 8:47 a.m.]

[Docket No. C-1179]

PART 13—PROHIBITED TRADE PRACTICES

Fairmoor Coat & Suit Corp. and Herbert Haar

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; 13.1185-80 Textile Fiber Products Identification Act; 13.1185-90 Wool Products Labeling Act. § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act; 13.1212-80 Textile Fiber Products Identification Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; 13.1845-70 Textile Fiber Products Identification Act; 13.1845-80 Wool Products Labeling Act. § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act; 13.1852-70 Textile Fiber Products Identification Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; secs. 2-5, 54 Stat. 1128-1130; 72 Stat. 1717; 15 U.S.C. 45, 69f, 66, 70) [Cease and desist order, Fairmoor Coat & Suit Corp. et al., New York, New York, Docket C-1179, Mar. 8, 1967]

Consent order requiring a New York City manufacturer of fur, wool, and textile products, to cease improperly labeling and invoicing its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Fairmoor Coat & Suit Corp., a corporation, and its officers, and Herbert Haar, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on an invoice the item number or mark assigned to such product.

It is further ordered, That respondents Fairmoor Coat & Suit Corp., a corporation, and its officers, and Herbert Haar individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding any wool product by:

1. Failing to securely affix to, or place on each such wool product, a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

2. Failing to set forth respective percentages of fibers contained in the front and back of pile fabrics in such a manner as to give the ratio between the front and back of each such fabric where an election is made to separately set out the fiber content of the face and back of such wool product containing pile fabrics.

It is further ordered, That respondents Fairmoor Coat & Suit Corp., a corporation and its officers, and Herbert Haar, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding any textile fiber product by:

1. Failing to affix a stamp, tag, label, or other means of identification to such textile fiber product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Failing to set forth respective percentages of fibers contained in the front and back of pile fabrics in such a manner as to give the ratio between the front and back of each such fabric where an election is made to separately set out the fiber content of the face and back of such textile products containing pile fabrics.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 8, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-3379; Filed, Mar. 28, 1967; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 8047]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Reports of Market Makers and Other Registered Broker-Dealers in Securities Traded on National Securities Exchanges

On December 6, 1966, in Securities Exchange Act Release No. 8001, published in the FEDERAL REGISTER of December 21, 1966, at 31 F.R. 16321, the Securities and Exchange Commission announced that it proposed to revise paragraphs (c) and (d) of Rule 17a-9 (17 CFR 240.17a-9 (c) and (d)) and Forms X-17A-9(2) (17 CFR 249.917(2)) and X-17A-9(3) (17 CFR 249.917(3)), and to delete subparagraph (3) of paragraph (f) of said Rule 17a-9 (17 CFR 240.17a-9(f)(3)), requiring broker-dealers to report certain information concerning over-the-counter trading of common stocks traded on national securities exchanges. The release invited comments on this proposal to be submitted on or before December 27, 1966. The Commission has considered the comments received and has determined to adopt the proposal. The Commission, therefore, has amended the rule, in the form stated below, and related reporting forms under this rule, effective April 1, 1967. The use of the revised forms is required for reports due on or before April 30, 1967, which are to cover transactions effected during the first 3 months of 1967. Blank copies of these forms may be obtained from the Commission's headquarters office or its regional offices.

The purpose of the revision is twofold: (1) To provide for separate reporting of over-the-counter transactions in common stocks listed on the New York Stock Exchange effected with Exchange members by "nonmember market-makers"; and (2) to terminate the requirement for reports of transactions in common stocks traded on the American Stock Exchange or traded solely on regional exchanges.

(1) *Over-the-counter transactions between New York Stock Exchange members and nonmember market makers.* On November 7, 1966, Rule 19b-1 (17 CFR 240.19b-1) under the Securities Exchange Act became effective (SEA Release No. 7981) (as published in the FEDERAL REGISTER of November 2, 1966, at 31 F.R. 13990). This rule and Rule 394(b) of the New York Stock Exchange permit members of the Exchange to solicit qualified nonmember market makers to participate in the execution of orders for listed securities off the floor of the Exchange under certain designated conditions.

Nonmember market makers who participate in such transactions, and all other market makers in common stocks traded on national securities exchanges, are required under Rule 17a-9 (17 CFR 240.17a-9), paragraph (c) to report their over-the-counter sales in these stocks (sometimes called "third market" transactions) to the Commission each calendar quarter on Form X-17A-9(2) (17 CFR 249.917(2)), Part I. In order to provide for separate reporting of third market purchases and sales made pursuant to Commission Rule 19b-1 (17 CFR 240.19b-1), the form has been revised. The revised form calls for showing separately third market sales under Rule 19b-1 (17 CFR 240.19b-1) and for reporting purchases by market makers under that rule as well as sales.

(2) *Proposal to eliminate reports of transactions in common stocks other than New York Stock Exchange issues.* Rule 17a-9 (17 CFR 240.17a-9), paragraphs (c) and (d) prior to its amendment required reports of transactions in the third market in common stocks traded on all national securities exchanges[1] (SEA Release No. 34-7474) (29 F.R. 16245). In the 2 years since the adoption of the rule, the reports have shown that third market transactions in common stocks traded on the American Stock Exchange never exceeded 1.4 percent of total third market sales in any calendar quarter and that the aggregate of all such transactions in common stocks traded solely on regional exchanges never exceeded 1.8 percent of total third market sales. Because of the insignificant volume of trading in these stocks, paragraphs (c) and (d) of Rule 17a-9 (17 CFR 240.17a-9) and the related reporting forms have been amended to limit the reports to transactions in common stocks listed on the New York Stock Exchange.

Since paragraph (a) of Rule 17a-9 (17 CFR 240.17a-9) remains unchanged, market makers in regional exchange and American Stock Exchange common stocks are still required to notify the Commission whenever they begin or terminate their market-making activities in these stocks. It will, therefore, be possible to note any trends in the third market for non-New York Stock Exchange issues.

[1] Except issues of those exchanges whose sales of securities during the preceding calendar year were less than $20 million.

Paragraph (f)(3) of Rule 17a-9 (17 CFR 240.17a-9(f)(3)) defined the term "subject exchange" as used in paragraphs (c) and (d) of the rule. Since the revised paragraphs relate only to New York Stock Exchange issues, this term is no longer necessary. Therefore, the paragraph has been eliminated and paragraph (f)(4) (17 CFR 240.17a-9(f)(4)) has been redesignated as paragraph (f)(3).

Statutory basis. The Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 and particularly sections 17(a), 19(b), and 23(a) thereof, deeming it necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of its functions under the Act, hereby amends paragraphs (c) and (d) of Rule 17a-9 (17 CFR 240.17a-9 (c) and (d)), as set forth below, rescinds subparagraph (3) of paragraph (f) of § 240.17a-9 of this chapter, renumbers subparagraph (4) of paragraph (f) of § 240.17a-9 as subparagraph (3) of paragraph (f) of such section, and revises Form X-17A-9(2) (17 CFR 249.917(2)), Parts I and II and Form X-17A-9(3) (17 CFR 249.917(3)) under § 240.17a-9, as indicated in the attached forms.[2]

The amendments will relieve restriction for many broker-dealers subject to the reporting requirements and the Commission finds that those few broker-dealers subject to more detailed reporting will not be unduly burdened. Since Rule 19b-1 (17 CFR 240.19b-1) has been in effect since November 1966, it is necessary to obtain the information to be filed on the amended Form X-17A-9(2) (17 CFR 249.917(2)), Part I as soon as possible. Under the above circumstances, the Commission for good cause finds that pursuant to section 4(c) of the Administrative Procedure Act, the revised § 240.17a-9 may be and is hereby made effective April 1, 1967.

Sections 240.17a-9, 249.917(2), and 249.917(3) of this chapter, as amended, are set forth below.

§ 240.17a-9 Reports of market makers and other registered broker-dealers in securities traded on national securities exchanges.

(a) Every broker or dealer registered pursuant to section 15 of the Act ("registered broker-dealer") who is a market maker in any common stock traded on a national securities exchange shall, not later than 10 days after the effective date of this section, file a report showing the name of each common stock traded on a national securities exchange in which he is a market maker on the effective date of this section and the principal exchange on which such stock is traded.

(b) Every registered broker-dealer who commences or ceases making a market in any common stock traded on a national securities exchange shall file a report containing the information required by Form X-17A-9(1) (§ 249.917(1) of this chapter) not later than 10 days after such commencement or cessation: *Provided, however*, That no Form X-17A-9(1) (§ 249.917(1) of this chapter) report need be filed because of a temporary cessation of market making in a particular security for a period of three or fewer consecutive business days. For purposes of this paragraph, a broker-dealer who is a market maker in a common stock before it becomes listed on a national securities exchange shall be deemed to have commenced making a market on the date of such listing if he continues to make a market in the stock after listing.

(c) Every registered broker-dealer who is a market maker in any common stock listed on the New York Stock Exchange shall file a report of transactions containing the information required by Form X-17A-9(2) (§ 249.917(2) of this chapter). Such a report shall be filed for each calendar quarter during any part of which he is such a market maker and shall be filed not later than the end of the month immediately following the calendar quarter.

(d) Every registered broker-dealer who, at a time when he is not subject to paragraph (c) of this section, acts (otherwise than as an underwriter or a member of a selling syndicate or group) as the sole broker or dealer intermediary between two public customers to effect, otherwise than on a national securities exchange, a transaction involving $25,000 or more in a common stock listed on the New York Stock Exchange, shall file a report containing the information required by Form X-17A-9(3) (§ 249.917(3) of this chapter). Such report shall be filed not later than the end of the month immediately following the calendar quarter in which the transaction is effected.

(e) All reports filed pursuant to paragraphs (c) and (d) of this section shall be deemed confidential, except that they shall be available for official use by any official or employee of the United States or any state and shall also be available to any other person to whom the Commission authorizes disclosure of such information as being in the public interest.

(f) For purposes of this section:

(1) The term "market maker" shall mean a dealer who, with respect to a particular security, holds himself out (by entering indications of interest in purchasing and selling in an interdealer quotations system or otherwise) as being willing to buy and sell for his own account on a continuous basis otherwise than on a national securities exchange.

(2) The term "common stock" shall not include rights or warrants to purchase common stock or securities which are convertible into common stock.

(3) The term "public customer" shall include any person other than a registered broker-dealer.

[2] Forms X-17A-9(2) and X-17A-9(3) filed as part of original document.

§ 249.917(2) Form X-17A-9(2), Report of transactions by market makers in common stocks listed on the New York Stock Exchange.

NOTE: Form filed as part of the original document. Copies may be obtained from the Commission's headquarters office or its regional offices.

§ 249.917(3) Form X-17A-9(3), Report of transactions by broker-dealers who acted as intermediary between public buyers and public sellers.

NOTE: Form filed as part of the original document. Copies may be obtained from the Commission's headquarters office or its regional offices.

Effective date. The foregoing shall be effective on April 1, 1967.

(Secs. 17(a), 19(b), and 23(a), 48 Stat. 897, 898, 901, as amended, 15 U.S.C. 78q, 78s, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 22, 1967.

[F.R. Doc. 67-3399; Filed, Mar. 28, 1967; 8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

[Docket No. R-199; Order 334-A]

PART 154—RATE SCHEDULES AND TARIFFS

Makeup Period for Taking Prepaid Gas

MARCH 21, 1967.

Nonacceptability of contracts between independent producers and interstate natural gas companies containing certain provisions in daily-contract-quantity and take-or-pay-for clauses; Docket No. R-199.

By order issued January 18, 1967 (37 FPC ____, 32 F.R. 865) the Commission amended Part 154, Subchapter E, of its regulations by adding § 154.103 which prescribed limitations on provisions in rate schedules relating to a makeup period for taking prepaid gas, and amended § 157.25 to provide for the rejection of applications for certificates of public convenience and necessity if a contract, executed after February 1, 1967, submitted in support of an application contained any makeup provisions proscribed by § 154.103. Petitions and Applications for Reconsideration, Rehearing and Clarification and Motions for Stay were filed or joined in by Shell Oil Co., Pan American Petroleum Corp., Humble Oil & Refining Co., Mobil Oil

Corp., Sinclair Oil & Gas Co., and Phillips Petroleum Co.[1]

The main objections of the producers are: (1) That a makeup period of 5 years is not required; and (2) to the limitation that the contract provide that the buyer should be permitted to receive "at no additional charge per Mcf" gas paid for but not taken at any time during a period of at least 5 years immediately following payment for such gas not taken. The producers argue that the burden imposed upon them if the 5-year makeup period is not changed is too harsh in that it does not take into consideration increases in costs over a period of time, the possibility of increased taxes, changes in B.t.u. of the gas and potentially higher royalty payments which they might have to pay to royalty owners.

We intend by the words "at no additional charge per Mcf" that the pipeline companies should not be required to pay an additional charge in order to obtain the extension of the makeup period to 5 or more years.[2] It would be appropriate for the pipeline purchaser to pay, or receive credit for, the difference between the rate when the makeup gas is taken and the rate at which the prepayment was made, depending upon whether the prepayment rate will be higher or lower than the subsequent rate at the time of makeup. In appropriate circumstance the contracting parties may deem it desirable to make the prepayment price the total price for the gas. Such an alternative is acceptable and we shall so provide. We shall revise § 154.103 as hereinafter provided.

In view of our action herein, we see no need to stay the effectiveness of our order, and, accordingly will deny the requests for stay.

In Order No. 334, we noted that each producer certificate which had been issued, conditionally, subject to the final outcome of Docket No. R–199 would be subject to the rule prescribed therein. We required that each of those producers file amendments to his rate schedules to reflect this rule. Some question appears to have resulted from the wording in that order. To clarify that portion of the order we shall make it clear that each producer whose certificate was conditioned to the final outcome of Docket No. R–199 shall file a contract amendment to his rate schedule to provide for a makeup period of at least 5 years where, under the contract, the pipeline purchaser is required to pay for the gas whether or not taken, i.e., to make prepayments. No additional charge shall be made to the pipeline purchaser in order to obtain this provision in the gas sales contract. The time for filing such contractual amendment is extended to 30 days from the date of this order.

The Commission orders:

(A) The new § 154.103, prescribed by ordering paragraph (A) of Order No. 334 in this proceeding as an amendment to Part 154, Subchapter E, Regulations Under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 154.103 Limitations on provisions in rate schedules relating to makeup period for taking prepaid gas.

Contracts for the transportation or sale of natural gas, subject to the jurisdiction of the Commission, executed after February 1, 1967, will be rejected if they contain provisions precluding buyer from receiving gas paid for but not taken at any time during a period of at least 5 years immediately following payment for such gas not taken, subject to contract provisions to protect against drainage. If the contract terminates before the end of the minimum 5-year makeup period, a shorter makeup period, consistent with the time remaining under the contract will be permitted. The contract may provide that the prepayment price is the total price for the gas. In the alternative the contract may provide that where the price being collected under the contract has changed between the date that the gas was paid for but not taken and the date the gas is madeup, the makeup gas will be delivered at the price effective at the time it is delivered. If the price has decreased, the decrement will be set off against payments for other gas delivered under the contract and if the price has increased pursuant to the provisions of section 4 of the Natural Gas Act, any increase provided for the makeup gas should be subject to any rate order issued by the Commission in the appropriate rate action.

(B) This amendment shall be effective January 18, 1967 i.e., the issuance date of Order No. 334.

(C) Within 30 days from the issuance of this order each producer whose certificate of public convenience and necessity was conditioned to the final outcome of Docket No. R–199 shall file a contract amendment to his rate schedule to provide for a makeup period of at least 5 years where, under the contract, the pipeline purchaser is required to pay for the gas whether or not taken, i.e., to make prepayments. No additional charge shall be made to the pipeline purchaser in order to obtain this provision in the gas sales contract.

(D) The Motions for Stay of Order No. 334 are denied.

(E) To the extent not adopted herein, the Motions for Reconsideration and Clarification are denied.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-3377; Filed, Mar. 28, 1967; 8:47 a.m.]

[1] Herein referred to jointly as "producers." These petitions and applications are being considered as motions for reconsideration and clarification because an application for rehearing does not lie on an order prescribing a rule.

[2] Thus, if a contract may otherwise provide for a shorter time than 5-year term, it would not be proper to apply a surcharge in order to extend that period to 5 years.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-68]

PART 1—GENERAL PROVISIONS

Ports of Entry; Champlain-Rouses Point, N.Y.; Correction

MARCH 23, 1967.

Treasury Decision 67-68, published in the FEDERAL REGISTER on March 1, 1967 (32 F.R. 3388) amended § 1.2(c) to add "*Champlain-Rouses Point," a newly designated port of entry and port of documentation, in proper alphabetic order in the column headed "Ports of Entry" in the Ogdensburg, N.Y., district (Region I).

The amendment incorrectly refers to the document describing the geographical limits of the port of "*Champlain-Rouses Point" as T.D. 67-67. This is corrected to read "T.D. 67-68."

[SEAL] LESTER D. JOHNSON, *Commissioner of Customs.*

[F.R. Doc. 67-3402; Filed, Mar. 28, 1967; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965-____)

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

MISCELLANEOUS AMENDMENTS

Subpart D of Part 405 of Chapter III of title 20 of the Code of Federal Regulations, is amended as set forth below. The revisions contain only technical and editorial changes. No substantive changes are involved.

1. In § 405.402, paragraph (d) is revised to read as follows:

§ 405.402 Cost reimbursement; general.

* * * * *

(d) In developing these principles of reimbursement for the health insurance program, all of the considerations inherent in allowances for depreciation were studied. The principles, as presented, provide options to meet varied situations. Depreciation will essentially be on an historical cost basis but since many institutions do not have adequate records of old assets, the principles provide an optional allowance in lieu of such depreciation for assets acquired before 1966. For assets acquired after 1965, the historical cost basis must be used. All assets actually in use for production of services for title XVIII beneficiaries will be recognized even though they may have been fully or partially depreciated for other purposes. Assets financed with public funds may be depreciated. In general, the options for accelerated depreciation will be permitted. Although funding of depreciation is not required, there is an incentive for it since income from funded depreciation is not considered as an offset which must be taken to reduce the interest expense that is allowable as a program cost.

* * * * *

2. In § 405.416, subparagraph (1) of paragraph (d), paragraph (f), and paragraph (g) are revised to read as follows:

§ 405.416 Depreciation; optional allowance for depreciation based on a percentage of operating costs.

* * * * *

(d) *Allowance based on a percentage of operating costs.* (1) The allowance for depreciation based on a percentage of operating costs is to be computed by applying a specified percentage to a base amount equal to the provider's 1965 total operating costs, without adjustments to these principles or the current year's allowable operating costs, whichever is lower. The percentage to be applied would be five for the reporting period that starts before or during 1966–67, four and one-half for the reporting period that begins during 1967–68, and would so continue to decline annually by equal amounts to become zero in 1976–77.

* * * * *

(f) *Determination of optional allowance based on percentage of operating costs illustrated.* The following illustrates how the provider would determine the optional allowance for depreciation based on operating costs.

Example No. 1. The provider keeps its records on a calendar year basis. The current year's actual allowable cost and the actual operating cost for 1965 do not include any actual depreciation or rentals on depreciable-type assets. The current year's allowable cost also does not include any allowance in lieu of specific recognition of other costs or return on equity capital.

YEAR 1966	
Current year's allowable cost	$1,100,000
Operating cost for 1965[1]	$1,000,000
Percent for determining the allowance	6
Allowance	$50,000

[1] 1965 operating cost was used in computing the allowance for depreciation based on a percentage of operating costs because it was lower than 1966 allowable cost.

YEAR 1967	
Current year's allowable cost	$1,200,000
Operating cost for 1965[1]	$1,000,000
Percent for determining the allowance[2]	5
Allowance	$50,000

[1] 1965 operating cost was used in computing the allowance for depreciation based on a percentage of operating costs because it was lower than 1967 allowable cost.

[2] Since the reporting period began during the year 1966–67 (July 1, 1966–June 30, 1967) 5 percent is the percentage to be used.

YEAR 1968	
Operating cost for 1965	$1,000,000
Current year's allowable cost[1]	$900,000
Percent for determining the allowance[2]	4½
Allowance	$40,500

[1] The current year's allowable cost was used in computing the allowance for depreciation based on percentage of operating costs because it was lower than 1965 operating cost.

[2] Since the reporting period began during the year 1967–68 (July 1, 1967–June 30, 1968) 4½ percent is the percentage to be used.

Example No. 2. When the provider pays rent for depreciable-type assets rented prior to 1966, the estimated depreciation on such assets must be deducted from the allowance. The following illustration demonstrates how the allowance is determined.

The provider keeps its records on a calendar year basis. The current year's actual allowable cost and the actual operating cost for 1965 did not include any actual depreciation, allowance in lieu of specific recognition of other costs, or return on equity capital. However, such costs have been adjusted to exclude estimated depreciation on rented depreciable-type assets.

YEAR 1966	
Adjusted current year's allowable cost	$1,100,000
Adjusted operating cost for 1965[1]	$1,000,000
Percent for determining the allowance	5
Allowance	$50,000
Less estimated depreciation for depreciable-type assets rented prior to 1966 on which rental is paid in 1966	3,000
Adjusted allowance	$47,000

[1] 1965 operating cost was used in computing the allowance for depreciation based on a percentage of operating costs because it was lower than 1966 allowable cost.

(g) *Limitation on depreciation where optional allowance is used.* This optional allowance only is subject to a limitation based on the provider's total allowable operating cost for the current year. To determine this limitation, compute the sum of the actual depreciation claimed, the allowance based on a percentage of operating costs and the estimated straight-line depreciation on depreciable-type assets rented after 1965. If this sum exceeds 6 percent of the provider's current year's allowable cost (exclusive of any actual depreciation claimed, estimated depreciation on rented depreciable-type assets, allowance in lieu of specific recognition of other costs, and return on equity capital), the allowance for depreciation based on a percentage of operating costs will be reduced by the amount of excess. In applying this limitation, if the actual depreciation claimed is on an accelerated basis, it must be converted to a straight-line basis only for use in calculating this limitation. It is presumed that pre-1966 assets will not be retired at a greater than normal rate, and the limitation of 6 percent, as it affects the availability of the allowance, is designed as a safeguard where the presumption is not borne out. Where the provider does not elect to use the optional allowance, the combined allowance for depreciation based on costs of pre-1966 assets and those subsequently acquired is not subject to the 6-percent limitation.

Example No. 1. The following illustration demonstrates how this limitation would be determined.

YEAR 1966	
The provider keeps its records on a calendar year basis. The current year's actual allowable cost and the actual operating cost for 1965 have been adjusted to exclude actual depreciation, the estimated depreciation on rented depreciable-type assets, allowance in lieu of specific recognition of other costs, and return on equity capital.	
Adjusted operating cost for 1965	$1,000,000
Percent for determining the allowance	5
In 1966 assets were acquired which produce a straight-line depreciation of	$18,000
Estimated depreciation on assets rented in 1966	$2,000
Adjusted allowable operating cost for 1966	$1,100,000
CALCULATION OF ALLOWANCE FOR DEPRECIATION BASED ON A PERCENTAGE OF OPERATING COSTS	
Gross allowance:	
5 percent times adjusted 1965 operating costs ($1,000,000)	$50,000
Estimated depreciation on assets rented in 1966	2,000
Straight-line depreciation on post-1965 assets	18,000
Total	70,000
6 percent of adjusted 1966 allowable operating cost	66,000
Reduction in allowance	4,000
Allowance	50,000
Reduction	4,000
Adjusted allowance	46,000
Total depreciation allowance for 1966 ($18,000 actual depreciation plus $46,000 allowance based on operating cost)	64,000

Assume in this illustration that the provider had elected to use the declining balance method in computing its allowable depreciation and the rental expense for depreciable-type assets was $3,500. In that case, it would include in its 1966 allowable cost not only the $46,000 allowance based on operating costs but also $36,000 (in this instance 2 × straight-line rate is used) in actual depreciation and the rental expense of $3,500—or a total of $85,500 covering all its depreciable assets.

3. In § 405.420, paragraph (d) is revised to read as follows:

§ 405.420 Bad debts, charity, and courtesy allowances.

* * * * *

(d) *Requirements for title XVIII.* Under title XVIII of the Act, costs of covered services furnished beneficiaries are not be be borne by individuals not covered by the health insurance program, and conversely, costs of services provided for other than beneficiaries are not to be borne by the health insurance program. Uncollected revenue related to services rendered to beneficiaries of the program

generally means the provider has not recovered the cost of services covered by that revenue. The failure of beneficiaries to pay the deductible and coinsurance amounts can result in the related costs of covered services being borne by other than beneficiaries of title XVIII. To assure that such covered service costs are not borne by others, the costs attributable to the deductible and coinsurance amounts which remain unpaid are added to the title XVIII share of allowable costs. Bad debts arising from other sources are not allowable costs.

* * * * * * *

4. In § 405.421, paragraph (e)(1) is revised to read as follows:

§ 405.421 Cost of educational activities.

* * * * * * *

(e) *Approved programs.* * * *

Program	*Approving bodies*
(1) Cytotechnology.	Council on Medical Education of the American Medical Association in collaboration with the Board of Schools of Medical Technology, American Society of Clinical Pathologists.

* * * * * * *

5. In § 405.452, paragraph (c)(3), the illustration at the end of subdivision (i) and the illustration at the end of subdivision (ii) are revised to read as follows:

§ 405.452 Determination of cost of services to beneficiaries.

* * * * * * *

(c) *Application.* * * *

(3) *Combination method*—(i) *Using cost finding.* * * *

COMBINATION METHOD EMPLOYED BY HOSPITAL B

Statistical and financial data:	
Total inpatient days for all patients	30,000
Inpatient days applicable to beneficiaries	7,500
Inpatient routine services—total allowable cost	$600,000
Inpatient ancillary services—total allowable cost	$320,000
Inpatient ancillary services—total charges	$400,000
Inpatient ancillary services—charges for services to beneficiaries	$80,000
Computation of cost applicable to program:	
Average cost per diem for routine services: $600,000÷30,000 days =$20 per diem.	
Cost of routine services rendered to beneficiaries: $20 per diem ×7,500 days	$150,000
Ratio of beneficiary charges to total charges for all ancillary services: $80,000÷$400,000=20 percent.	
Cost of ancillary services rendered to beneficiaries: 20 percent×$320,000	64,000
Total cost of beneficiary services	$214,000

(ii) *Using estimated percentage.* * * *

ESTIMATED PERCENTAGE EMPLOYED BY HOSPITAL C

Statistical and financial data:	
Total inpatient days for all patients	35,000
Inpatient days applicable to beneficiaries	5,000
Total allowable inpatient cost	$1,000,000
Estimated percent for routine inpatient services	70
Estimated percent for ancillary inpatient services	30
Inpatient ancillary services:	
Total charges	$400,000
Charges for services to beneficiaries	$80,000
Computation of cost applicable to program:	
Average cost per diem for routine services:	
70 percent × 1,000,000= $700,000 (routine service cost).	
$700,000÷35,000 days=$20 per diem.	
Cost of routine services rendered to beneficiaries: $20 per diem × 5,000 days	$100,000
Ratio of beneficiary charges to total charges for all ancillary services: $80,000÷$400,000= 20 percent.	
Cost of ancillary services rendered to beneficiaries:	
30 percent × $1,000,000= $300,000 (ancillary service costs).	
20 percent × $300,000	60,000
Total cost of beneficiary services	$160,000

* * * * * * *

6. In § 405.454, paragraph (d)(1), the material preceding subdivision (i) is revised to read as follows:

§ 405.454 Payments to providers.

* * * * * * *

(d) *Interim payments for new providers.* (1) Newly established providers will not have cost experience on which to base a determination of an interim rate of payment. In such cases, the intermediary will use the following methods to determine an appropriate rate:

* * * * * * *

(Secs. 1102, 1814(b), 1861(v), 1871, 49 Stat. 647, as amended, 79 Stat. 296, 79 Stat. 322, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.)

7. *Effective date.* These revisions shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: March 13, 1967.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: March 22, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-3435; Filed, Mar. 28, 1967; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6915]

EMPLOYMENT AND EXCISE TAXES

Filing of Certain Returns

On February 7, 1967, notice of proposed rule making with respect to regulations relating to filing of certain employment and excise tax returns with service centers and semimonthly returns for certain excise taxes was published in the FEDERAL REGISTER (32 F.R. 2565). After consideration of all such relevant matter as was presented by interested persons, the amendments of the regulations so proposed are adopted, subject to the change set forth below. In order to clarify the relationship between paragraphs (a)(1)(i) and (iii) and (d) of § 49.6302(c)–1 and to delete a proposed change in such paragraph (d), § 49.6302(c)–1, which is set forth in part in paragraph 25 of the notice of proposed rule making, is amended by revising paragraphs (a)(1)(i) and (iii) and (d) and by adding a new subdivision (iv) to paragraph (a)(1).

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7605))

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: March 22, 1967.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to provide for the filing of certain employment and excise tax returns with service centers, to conform the regulations to the amendments made by section 1 of the Act of November 2, 1966 (Pub. Law 89–713, 80 Stat. 1107), and to provide for semimonthly returns for certain excise taxes, the following regulations are amended as follows:

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

PARAGRAPH 1. Section 31.6091 is amended to read as follows:

§ 31.6091 Statutory provisions; place for filing returns.

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Persons other than corporations*—(A) *General rule.* Except as provided in subparagraph (B), a return (other than a corporation return) shall be made to the Secretary or his delegate—

(i) In the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or

(ii) At a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) Persons who have no legal residence or principal place of business in any internal revenue district,

(ii) Citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) Persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico), and

(iv) Nonresident alien persons,

shall be made at such place as the Secretary or his delegate may by regulations designate.

(2) *Corporations*—(A) *General rule.* Except as provided in subparagraph (B), a return of a corporation shall be made to the Secretary or his delegate—

(i) In the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or

(ii) At a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) Corporations which have no principal place of business or principal office or agency in any internal revenue district,

(ii) Corporations which claim the benefits of section 922 (relating to special deduction for Western Hemisphere trade corporations), section 931 (relating to income from sources within possessions of the United States), or section 941 (relating to the special deduction for China Trade Act corporations), and

(iii) Foreign corporations,

shall be made at such place as the Secretary or his delegate may by regulations designate.

* * * * * * *

(4) *Hand-carried returns.* Notwithstanding paragraph (1) or (2), a return to which paragraph (1)(A) or (2)(A) would apply, but for this paragraph, which is made to the Secretary or his delegate by hand carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i) or (2)(A)(i), as the case may be.

(5) *Exceptional cases.* Notwithstanding paragraph (1), (2), * * * or (4) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

[Sec. 6091 as amended by sec. 1(a), Act of November 2, 1966 (Pub. Law 89–713, 80 Stat. 1107)]

PAR. 2. Section 31.6091–1 is amended by revising paragraphs (c) and (d) and adding paragraphs (e), (f), and (g) to read as follows:

§ 31.6091–1 Place for filing returns.

* * * * * * *

(c) *Returns of taxpayers outside the United States.* The return of a person (other than a corporation) outside the United States having no legal residence or principal place of business in any internal revenue district, or the return of a corporation having no principal place of business or principal office or agency in any internal revenue district, shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, unless the principal place of business or legal residence of such person, or the principal place of business or principal office or agency of such corporation, is located in the Virgin Islands or Puerto Rico, in which case the return shall be filed with the Director of International Operations, U.S. Internal Revenue Service, Hato Rey, Puerto Rico 00917.

(d) *Returns filed with service centers.* Notwithstanding paragraphs (a), (b), and (c) of this section, whenever instructions applicable to such returns provide that the returns shall be filed with a service center, such returns shall be so filed in accordance with such instructions.

(e) *Hand-carried returns.* Except as provided in subparagraph (3) of this paragraph, and notwithstanding paragraphs (1) and (2) of section 6091(b) and paragraph (d) of this section—

(1) *Persons other than corporations.* Returns of persons other than corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (a) of this section.

(2) *Corporations.* Returns of corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (b) of this section.

(3) *Exceptions.* This paragraph shall not apply to returns of—

(i) Persons who have no legal residence, no principal place of business, nor principal office or agency in any internal revenue district,

(ii) Citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) Persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 922 (relating to special deduction for Western Hemisphere trade corporations), section 931 (relating to income from sources within possessions of the United States), section 933 (relating to income from sources within Puerto Rico), or section 941 (relating to the special deduction for China Trade Act corporations), and

(iv) Nonresident alien persons and foreign corporations.

(f) *Permission to file in district other than required district.* The Commissioner may permit the filing of any return required to be made under the regulations in this subpart in any internal revenue district, notwithstanding the provisions of paragraphs (1), (2), and (4) of section 6091(b) and paragraphs (a), (b), (c), (d), and (e) of this section.

(g) *Returns of officers and employees of the Internal Revenue Service.* The Commissioner may require any officer or employee of the Internal Revenue Service to file any return required of him under the regulations in this subpart in any internal revenue district selected by the Commissioner, notwithstanding the provisions of paragraphs (1), (2), and (4) of section 6091(b) and paragraphs (a), (b), (c), (d), and (e) of this section.

PAR. 3. Section 31.6151 is amended by revising section 6151(a) and adding a historical note to read as follows:

§ 31.6151 Statutory provisions; time and place for paying tax shown on returns.

SEC. 6151. *Time and place for paying tax shown on returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the internal revenue officer with whom the return is filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

* * * * * * *

[Sec. 6151 as amended by sec. 1(b), Act of November 2, 1966 (Pub. Law 89–713, 80 Stat. 1108)]

PAR. 4. Paragraph (a) of § 31.6151–1 is amended to read as follows:

§ 31.6151–1 Time for paying tax.

(a) *In general.* The tax required to be reported on each tax return required under this subpart is due and payable to the internal revenue officer with whom the return is filed at the time prescribed in § 31.6071(a)–1 for filing such return. See the applicable sections in Part 301 of this chapter (Regulations on Procedure and Administration), for provisions relating to interest on underpayments, additions to tax, and penalties.

* * * * * * *

PAR. 5. Paragraph (a)(3) of § 31.6302(c)–1 is amended to read as follows:

§ 31.6302(c)–1 Use of Government depositaries in connection with taxes under Federal Insurance Contributions Act and income tax withheld.

(a) *Requirement.* * * *

(3) *Depositary receipts.* Any deposit required to be made by an employer under subparagraph (1) of this paragraph shall be made separately from any deposit required to be made by him under subparagraph (2) of this paragraph. An employer required to make deposits under subparagraph (1) or subparagraph (2) may make one, or more than one, remittance of the amount required by such subparagraph to be deposited for a calendar month or a semimonthly period, as the case may be. However, a deposit for a period in one calendar quarter shall be made separately from any deposit for a period in another calendar quarter. Each remittance shall be accompanied by a Federal Depositary Receipt (Form 450) which shall be prepared in accordance with the instructions applicable thereto. The employer shall forward such remittance, together with such depositary receipt, to a Federal Reserve bank or, at his election, to a commercial bank authorized in ac-

cordance with Treasury Department Circular No. 848 to accept remittances of the taxes for transmission to a Federal Reserve bank. After the Federal Reserve bank has validated the depositary receipt, such depositary receipt will be returned to the employer. Every employer making deposits pursuant to this section shall attach to his return for the period with respect to which such deposits are made, in part or in full payment of the taxes shown thereon, depositary receipts so validated, and shall pay the balance, if any, of the taxes due for such period. An amount of tax which is not required to be deposited may nevertheless be deposited if the employer so desires. If such a voluntary deposit is made, the employer shall make it in ample time to enable the Federal Reserve bank to return the validated receipt to the employer so that it can be attached to and filed with the employer's return.

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SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 46—REGULATIONS RELATING TO MISCELLANEOUS EXCISE TAXES PAYABLE BY RETURN

PAR. 6. Section 46.6011(a)–1 is amended by revising paragraphs (a) and (b) to read as follows:

§ 46.6011(a)–1 Returns.

(a) *In general.* Liability for tax imposed under section 4501(a) or 4511 shall be reported on Form 720. Except as provided in paragraph (b) of this section, a return on Form 720 shall be filed for a period of one calendar quarter. Every person required to make a return on Form 720 for a return period ended December 31, 1954, shall make a return for each subsequent calendar quarter, month, or semimonthly period (whether or not liability was incurred for any tax reportable on such return for such return period) until he has filed a final return in accordance with § 46.6011(a)–2. Every person not required to make a return on Form 720 for a return period ended December 31, 1954, shall make a return for the first calendar quarter thereafter in which he incurs liability for tax imposed under section 4501(a) or 4511, and shall make a return for each subsequent calendar quarter, month, or semimonthly period until he has filed a final return in accordance with § 46.6011(a)–2.

(b) *Monthly and semimonthly returns*—(1) *Requirement.* If the district director determines that any taxpayer who is required to make deposit of taxes under the provisions of § 46.6302(c)–1 has failed to make deposits of such taxes, such taxpayer shall be required, if so notified in writing by the district director, to file a monthly or semimonthly return on Form 720, except that, if some other form is furnished by the district director for use in lieu of Form 720, the return shall be made on such other form. Every person so notified by the district director shall make a return for the calendar month or semimonthly period (as defined in § 46.6302(c)–1(b)(1)) in which the notice is received and for each calendar month or semimonthly period thereafter until he has filed a final return or is required to make returns on the basis of a different return period pursuant to notification as provided in subparagraph (2) of this paragraph.

(2) *Change of requirement.* The district director, in his discretion, may notify the taxpayer in writing that he is required to make a quarterly or monthly return, if he has been filing returns for a semimonthly period, or is required to make a quarterly or semimonthly return, if he has been filing monthly returns.

(3) *Return for period change takes effect.* If a taxpayer who has been filing quarterly returns receives notice to file a monthly or semimonthly return or a taxpayer who has been filing monthly returns receives notice to file a semimonthly return, the first return required pursuant to the notice shall be made for the month or semimonthly period in which the notice is received and all prior months or semimonthly periods which are not includible in a prior period for which the taxpayer is required to file a return. If a taxpayer who has been filing monthly or semimonthly returns receives notice to file a quarterly return, the last month or semimonthly period for which a return shall be made is the last month or semimonthly period of the calendar quarter in which such notice is received. If a taxpayer who has been filing semimonthly returns receives notice to file a monthly return, the last semimonthly period for which a return shall be made is the last semimonthly period of the month in which such notice is received.

• • • • •

PAR. 7. Section 46.6071(a)–1 is amended by revising paragraphs (a) and (b) to read as follows:

§ 46.6071(a)–1 Time for filing returns.

(a) *Quarterly returns.* Each return required to be made under paragraph (a) of § 46.6011(a)–1 for a return period of not less than one calendar quarter shall be filed on or before the last day of the first calendar month following the period for which it is made. However, if, and only if, the return is accompanied by depositary receipts (Form 537, Depositary Receipt for Federal Excise Taxes), showing timely deposits, in full payment of the taxes due for the entire calendar quarter, the return may be filed on or before the 10th day of the second calendar month following the period for which it is made. For the purpose of the preceding sentence, a deposit which is not required to be made in respect of such return period may be made on or before the last day of the first calendar month following the close of such period, and the timeliness of the deposit will be determined by the earliest date stamped on the validated Form 537 by an authorized commercial bank or by a Federal Reserve bank.

(b) *Monthly and semimonthly returns*—(1) *Monthly returns.* Each return required to be made for a monthly period under paragraph (b) of § 46.6011(a)–1 shall be filed not later than the 15th day of the month following the period for which it is made.

(2) *Semimonthly returns.* Each return required to be made for a semimonthly period under paragraph (b) of § 46.6011(a)–1 shall be filed not later than the 10th day of the semimonthly period following the period for which it is made.

• • • • •

PAR. 8. Section 46.6091 is amended to read as follows:

§ 46.6091 Statutory provisions; place for filing returns.

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Persons other than corporations*—(A) *General rule.* Except as provided in subparagraph (B), a return (other than a corporation return) shall be made to the Secretary or his delegate—

(i) In the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or

(ii) At a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) Persons who have no legal residence or principal place of business in any internal revenue district,

(ii) Citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) Persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico), and

(iv) Nonresident alien persons,

shall be made at such place as the Secretary or his delegate may by regulations designate.

(2) *Corporations*—(A) *General rule.* Except as provided in subparagraph (B), a return of a corporation shall be made to the Secretary or his delegate—

(i) In the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or

(ii) At a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) Corporations which have no principal place of business or principal office or agency in any internal revenue district,

(ii) Corporations which claim the benefits of section 922 (relating to special deduction for Western Hemisphere trade corporations), section 931 (relating to income from sources within possessions of the United States), or section 941 (relating to the special deduction for China Trade Act corporations), and

(iii) Foreign corporations,

shall be made at such place as the Secretary or his delegate may by regulations designate.

• • • • •

(4) *Hand-carried returns.* Notwithstanding paragraph (1) or (2), a return to which paragraph (1)(A) or (2)(A) would apply, but for this paragraph, which is made to the Secretary or his delegate by hand carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i) or (2)(A)(i), as the case may be.

(5) *Exceptional cases.* Notwithstanding paragraph (1), (2), • • • or (4) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district • • •.

[Sec. 6091 as amended by sec. 1(a), Act of November 2, 1966 (Pub. Law 89–713, 80 Stat. 1107)]

PAR. 9. Section 46.6091–1 is amended by revising paragraphs (c) and (d), redesignating paragraph (e) as paragraph (g) and adding paragraphs (e) and (f). The revised, added and redesignated provisions read as follows:

§ 46.6091–1 Place for filing returns.

• • • • •

(c) *Returns of taxpayers outside the United States.* The return of a person (other than a corporation) outside the United States having no legal residence or principal place of business in any internal revenue district, or the return of a corporation having no principal place of business or principal office or agency in any internal revenue district, shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, unless the principal place of business or legal residence of such person, or the principal place of business or principal office or agency of such corporation, is located in the Virgin Islands or Puerto Rico, in which case the return shall be filed with the Director of International Operations, U.S. Internal Revenue Service, Hato Rey, Puerto Rico 00917.

(d) *Returns filed with service centers.* Notwithstanding paragraphs (a), (b), and (c) of this section, whenever instructions applicable to such returns provide that the returns shall be filed with a service center, such returns shall be so filed in accordance with such instructions.

(e) *Hand-carried returns.* Except as provided in subparagraph (3) of this paragraph, and notwithstanding paragraphs (1) and (2) of section 6091(b) and paragraph (d) of this section—

(1) *Persons other than corporations.* Returns of persons other than corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (a) of this section.

(2) *Corporations.* Returns of corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (b) of this section.

(3) *Exceptions.* This paragraph shall not apply to returns of—

(i) Persons who have no legal residence, no principal place of business, nor principal office or agency in any internal revenue district,

(ii) Citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) Persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 922 (relating to special deduction for Western Hemisphere trade corporations), section 931 (relating to income from sources within possessions of the United States), section 933 (relating to income from sources within Puerto Rico), or section 941 (relating to the special deduction for China Trade Act corporations), and

(iv) Nonresident alien persons and foreign corporations.

(f) *Permission to file in district other than required district.* The Commissioner may permit the filing of any return required to be made under the regulations in this part in any internal revenue district, notwithstanding the provisions of paragraphs (1), (2), and (4) of section 6091(b) and paragraphs (a), (b), (c), (d) and (e) of this section.

(g) *Cross references.* For provisions relating to the place for filing returns with respect to the taxes on circulation other than of national banks, see § 46.4884–1.

PAR. 10. Section 46.6101–1 is amended to read as follows:

§ 46.6101–1 Period covered by returns or other documents.

The normal period for which returns are ordinarily required is a calendar quarter. Under certain circumstances, the district director may require returns to be filed monthly or semimonthly. For provisions relating to quarterly returns, see paragraph (a) of § 46.6011(a)–1. For provisions relating to monthly and semimonthly returns, see paragraph (b) of § 46.6011(a)–1.

PAR. 11. Section 46.6151 is amended by revising section 6151(a) and adding a historical note to read as follows:

§ 46.6151 Statutory provisions; time and place for paying tax shown on returns.

SEC. 6151. *Time and place for paying tax shown on returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the internal revenue officer with whom the return is filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

• • • • •

[Sec. 6151 as amended by sec. 1(b), Act of November 2, 1966 (Pub. Law 89–713, 80 Stat. 1108)]

PAR. 12. Section 46.6151–1 is amended to read as follows:

§ 46.6151–1 Time and place for paying tax shown on return.

The tax required to be reported on each tax return required under this subpart is due and payable to the internal revenue officer with whom the return is filed, at the time prescribed in § 46.6071(a)–1 for filing such return. For provisions with respect to the time and place for payment of taxes imposed on circulation other than of national banks, see § 46.4884–1. See the applicable sections in Part 301 of this chapter (Regulations on Procedure and Administration), for provisions relating to interest on underpayments, additions to tax, and penalties. For provisions relating to the use of Federal Reserve banks and authorized commercial banks in depositing the taxes, see §§ 46.6302(c)–1 and 46.6302(c)–2.

PAR. 13. Section 46.6302(c) is amended to read as follows:

§ 46.6302(c) Statutory provisions; mode or time of collection.

SEC. 6302. *Mode or time of collection.* • • •

(c) *Use of Government depositaries.* The Secretary or his delegate may authorize Federal Reserve banks, and incorporated banks or trust companies which are depositaries or financial agents of the United States, to receive any tax imposed under the internal revenue laws, in such manner, at such times, and under such conditions as he may prescribe; and he shall prescribe the manner, times, and conditions under which the receipt of such tax by such banks and trust companies is to be treated as payment of such tax to the Secretary or his delegate.

PAR. 14. Section 46.6302(c)–1 is amended by revising subdivision (i) of paragraph (a)(1) and by adding a new subdivision (iii) to paragraph (a)(1) to read as follows:

§ 46.6302(c)–1 Use of Government depositaries.

(a) *Requirement*—(1) *In general.* (i) Except as provided in subdivision (ii) of this subparagraph, if for any calendar month, other than the last month of a calendar quarter, any person required to file a quarterly excise tax return on Form 720 has a total liability of more than $100 for all excise taxes reportable on such form, the amount of such liability for taxes (to which this part relates) shall be deposited by him with a Federal Reserve bank on or before the last day of the month following such month.

• • • • •

(iii) The provisions of this section shall not apply with respect to taxes for the month or the semimonthly period in which the taxpayer receives notice from the district director that returns are required under paragraph (b) of § 46.6011(a)–1, or for any subsequent month or semimonthly period for which such a return is required.

• • • • •

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

PAR. 15. Section 48.0–4 is amended to read as follows:

§ 48.0–4 Extent to which the regulations in this part supersede prior regulations.

The regulations in this part, with respect to the subject matter within the scope thereof, supersede the Manufacturers and Retailers Excise Tax Regulations contained in Part 40 of this chapter and, to the extent not superseded by the

regulations contained in such Part 40, the following regulations and such regulations as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954 (19 F.R. 5167, Aug. 17, 1954):

Taxes on gasoline, lubricating oil and matches—Regulations 44 (1944 Edition, as amended), 26 CFR (1939) Part 314.

Excise taxes on sales by the manufacturer—Regulations 46 (1940 Edition, as amended), 26 CFR (1939) Part 316.

Excise tax on sale of pistols and revolvers—Regulations 47 (Revised October 1928, as amended), 26 CFR (1939) Part 302.

Retailers excise taxes—Regulations 51 (1941 Edition, as amended), 26 CFR (1939) Part 320.

Excise tax on diesel fuel—Regulations 119, 26 CFR (1939) Part 324.

The regulations in this part, with respect to the subject matter within the scope thereof, also supersede the Regulations on Monthly Returns and Payment of Excise Taxes (Part 149 of this chapter) and the Regulations on Return and Payment of Certain Excise Taxes (Part 477 of this chapter (1939)).

PAR. 16. There are added immediately before § 48.6011(c) the following new sections:

§ 48.6011(a) Statutory provisions; general requirement of return, statement, or list.

SEC. 6011. *General requirement of return, statement, or list*—(a) *General rule.* When required by regulations prescribed by the Secretary or his delegate any person made liable for any tax imposed by this title, or for the collection thereof, shall make a return or statement according to the forms and regulations prescribed by the Secretary or his delegate. Every person required to make a return or statement shall include therein the information required by such forms or regulations.

[Sec. 6011(a) as originally enacted and in effect Jan. 1, 1959]

§ 48.6011(a)–1 Returns.

(a) *In general.* Liability for tax imposed under chapter 31 or 32 of the Code shall be reported on Form 720. Except as provided in paragraph (b) of this section, a return on Form 720 shall be filed for a period of one calendar quarter. Every person required to make a return on Form 720 for the return period ended December 31, 1958, shall make a return for each subsequent calendar quarter, month, or semimonthly period (whether or not liability was incurred for any tax reportable on the return for such return period) until he has filed a final return in accordance with § 48.6011(a)–2. Every person not required to make a return on Form 720 for the return period ended December 31, 1958, shall make a return for the first calendar quarter thereafter in which he incurs liability for tax imposed under chapter 31 or 32, and shall make a return for each subsequent calendar quarter, month, or semimonthly period until he has filed a final return in accordance with § 48.6011(a)–2. Each return required under the regulations in this part, together with any prescribed copies, records, or supporting data, shall be filled in and disposed of in accordance with the forms, instructions, and regulations applicable thereto.

(b) *Monthly and semimonthly returns*—(1) *Requirement.* If the district director determines that any taxpayer who is required to make deposit of taxes under the provisions of § 48.6302(c)–1 has failed to make deposits of such taxes, such taxpayer shall be required, if so notified in writing by the district director, to file a monthly or semimonthly return on Form 720, except that, if some other form is furnished by the district director for use in lieu of Form 720, the return shall be made on such other form. Every person so notified by the district director shall make a return for the calendar month or semimonthly period (as defined in § 48.6302(c)–1(b)) in which the notice is received and for each calendar month or semimonthly period thereafter until he has filed a final return or is required to make returns on the basis of a different return period pursuant to notification as provided in subparagraph (2) of this paragraph.

(2) *Change of requirement.* The district director, in his discretion, may notify the taxpayer in writing that he is required to make a quarterly or monthly return, if he has been filing returns for a semimonthly period, or is required to make a quarterly or semimonthly return, if he has been filing monthly returns.

(3) *Return for period change takes effect.* If a taxpayer who has been filing quarterly returns receives notice to file a monthly or semimonthly return or a taxpayer who has been filing monthly returns receives notice to file a semimonthly return, the first return required pursuant to the notice shall be made for the month or semimonthly period in which the notice is received and all prior months or semimonthly periods which are not includible in a prior period for which the taxpayer is required to file a return. If a taxpayer who has been filing monthly or semimonthly returns receives notice to file a quarterly return, the last month or semimonthly period for which a return shall be made is the last month or semimonthly period of the calendar quarter in which such notice is received. If a taxpayer who has been filing semimonthly returns receives notice to file a monthly return, the last semimonthly period for which a return shall be made is the last semimonthly period of the month in which such notice is received.

§ 48.6011(a)–2 Final returns.

(a) *In general.* Any person who is required to make a return on Form 720 pursuant to § 48.6011(a)–1, and who in any return period ceases operations in respect of which he is required to make a return on such form, shall make his return for that period as a final return. Each return made as a final return shall be marked "Final Return" by the person filing the return. A person who has only temporarily ceased to incur liability for tax required to be reported on Form 720, because of temporary or seasonal suspension of his business or for other reasons, shall not make a final return but shall continue to file returns.

(b) *Statement to accompany final return.* There shall be executed as a part of each final return a statement showing the address at which the records required by the regulations in this part will be kept, and the name of the person keeping such records, and, if the business of a taxpayer has been sold or otherwise transferred to another person, the name and address of such person and the date on which the sale or transfer took place. If no sale or transfer occurred or the taxpayer does not know the name of the person to whom the business was sold or transferred, that fact should be included in the statement.

PAR. 17. There are added immediately after § 48.6011(c)–1 the following new sections:

§ 48.6071(a) Statutory provisions; time for filing returns and other documents.

SEC. 6071. *Time for filing returns and other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the time for filing any return, statement, or other document required by this title or by regulations.

[Sec. 6071(a) as originally enacted and in effect Jan. 1, 1959]

§ 48.6071(a)–1 Time for filing returns.

(a) *Quarterly returns.* Each return required to be made under paragraph (a) of § 48.6011(a)–1 for a return period of not less than one calendar quarter shall be filed on or before the last day of the first calendar month following the period for which it is made. However, if, and only if, the return is accompanied by depositary receipts (Form 537, Depositary Receipt for Federal Excise Taxes), showing timely deposits, in full payment of the taxes due for the entire calendar quarter, the return may be filed on or before the 10th day of the second calendar month following the period for which it is made. For the purpose of the preceding sentence, a deposit which is not required to be made in respect of such return period may be made on or before the last day of the first calendar month following the close of such period, and the timeliness of a deposit will be determined by the earliest date stamped on the validated Form 537 by an authorized commercial bank or by a Federal Reserve bank.

(b) *Monthly and semimonthly returns*—(1) *Monthly returns.* Each return required to be made for a monthly period under paragraph (b) of § 48.6011(a)–1 shall be filed not later than the 15th day of the month following the period for which it is made.

(2) *Semimonthly returns.* Each return required to be made for a semimonthly period under paragraph (b) of § 48.6011(a)–1 shall be filed not later than the 10th day of the semimonthly period following the period for which it is made.

(c) *Last day for filing.* For provisions relating to the time for filing a return when the prescribed due date falls on Saturday, Sunday, or a legal holiday, see § 301.7503–1 of this chapter (Regulations on Procedure and Administration).

(d) *Late filing.* For additions to the tax in case of failure to file a return within the prescribed time, see § 301.6651–1 of this chapter (Regulations on Procedure and Administration).

§ 48.6091 Statutory provisions; place for filing returns.

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Persons other than corporations*—(A) *General rule.* Except as provided in subparagraph (B), a return (other than a corporation return) shall be made to the Secretary or his delegate—

(i) In the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or

(ii) At a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) Persons who have no legal residence or principal place of business in any internal revenue district,

(ii) Citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) Persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico), and

(iv) Nonresident alien persons,

shall be made at such place as the Secretary or his delegate may by regulations designate.

(2) *Corporations*—(A) *General rule.* Except as provided in subparagraph (B), a return of a corporation shall be made to the Secretary or his delegate—

(i) In the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or

(ii) At a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) Corporations which have no principal place of business or principal office or agency in any internal revenue district,

(ii) Corporations which claim the benefits of section 922 (relating to special deduction for Western Hemisphere trade corporations), section 931 (relating to income from sources within possessions of the United States), or section 941 (relating to the special deduction for China Trade Act corporations), and

(iii) Foreign corporations,

shall be made at such place as the Secretary or his delegate may by regulations designate.

• • • • •

(4) *Hand-carried returns.* Notwithstanding paragraph (1) or (2), a return to which paragraph (1)(A) or (2)(A) would apply, but for this paragraph, which is made to the Secretary or his delegate by hand carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i) or (2)(A)(i), as the case may be.

(5) *Exceptional cases.* Notwithstanding paragraph (1), (2), • • • or (4) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district • • •.

[Sec. 6091 as amended by sec. 1(a), Act of Nov. 2, 1966 (Pub. Law 89–713, 80 Stat. 1107)]

§ 48.6091–1 Place for filing returns.

(a) *Persons other than corporations.* The return of a person other than a corporation shall be filed with the district director for the internal revenue district in which is located the principal place of business or legal residence of such person. If such person has no principal place of business or legal residence in any internal revenue district, the return shall be filed with the District Director at Baltimore, Md. 21202, except as provided in paragraph (c) of this section.

(b) *Corporations.* The return of a corporation shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of the corporation, except as provided in paragraph (c) of this section.

(c) *Returns of taxpayers outside the United States.* The return of a person (other than a corporation) outside the United States having no legal residence or principal place of business in any internal revenue district, or the return of a corporation having no principal place of business or principal office or agency in any internal revenue district, shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, unless the principal place of business or legal residence of such person, or the principal place of business or principal office or agency of such corporation, is located in the Virgin Islands or Puerto Rico, in which case the return shall be filed with the Director of International Operations, U.S. Internal Revenue Service, Hato Rey, Puerto Rico 00917.

(d) *Returns filed with service centers.* Notwithstanding paragraphs (a), (b), and (c) of this section, whenever instructions applicable to such returns provide that the returns shall be filed with a service center, such returns shall be so filed in accordance with such instructions.

(e) *Hand-carried returns.* Except as provided in subparagraph (3) of this paragraph, and notwithstanding paragraphs (1) and (2) of section 6091(b) and paragraph (d) of this section—

(1) *Persons other than corporations.* Returns of persons other than corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (a) of this section.

(2) *Corporations.* Returns of corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (b) of this section.

(3) *Exceptions.* This paragraph shall not apply to returns of—

(i) Persons who have no legal residence, no principal place of business, nor principal office or agency in any internal revenue district,

(ii) Citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) Persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 922 (relating to special deduction for Western Hemisphere trade corporations), section 931 (relating to income from sources within possessions of the United States), section 933 (relating to income from sources within Puerto Rico), or section 941 (relating to the special deduction for China Trade Act corporations), and

(iv) Nonresident alien persons and foreign corporations.

(f) *Permission to file in district other than required district.* The Commissioner may permit the filing of any return required to be made under the regulations in this part in any internal revenue district, notwithstanding the provisions of paragraphs (1), (2), and (4) of section 6091(b) and paragraphs (a), (b), (c), (d), and (e) of this section.

PAR. 18. There are added immediately after § 48.6109–1 the following new sections:

§ 48.6151 Statutory provisions; time and place for paying tax shown on returns.

SEC. 6151. *Time and place for paying tax shown on returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the internal revenue officer with whom the return is filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

(b) *Exceptions.* • • •

(2) *Use of Government depositaries.* For authority of the Secretary or his delegate to require payments to Government depositaries, see section 6302(c).

(c) *Date fixed for payment of tax.* In any case in which a tax is required to be paid on or before a certain date, or within a certain period, any reference in this title to the date fixed for payment of such tax shall be deemed a reference to the last day fixed for such payment (determined without regard to any extension of time for paying the tax).

[Sec. 6151 as amended by sec. 1(b), Act of Nov. 2, 1966 (Pub. Law 89–713, 80 Stat. 1108)]

§ 48.6151–1 Time and place for paying tax shown on return.

The tax required to be reported on each tax return required under this subpart is due and payable to the internal revenue officer with whom the return is filed at the time prescribed in § 48.6071(a)–1 for filing such return. See the applicable sections in Part 301 of this chapter (Regulations on Procedure and Administration), for provisions relating to interest on underpayments, additions to tax, and penalties. For provisions relating to the use of Federal Reserve banks and au-

thorized commercial banks in depositing the taxes, see § 48.6302(c)–1.

PAR. 19. Section 48.6302(c)–1 is amended by adding a new subdivision (iii) to paragraph (a)(1) to read as follows:

§ 48.6302(c)–1 Use of Government depositaries.

(a) *Requirement*—(1) *In general.* • • •

(iii) The provisions of this section shall not apply with respect to taxes for the month or the semimonthly period in which the taxpayer receives notice from the district director that returns are required under paragraph (b) of § 48.6011(a)–1, or for any subsequent month or semimonthly period for which such a return is required.

• • • • •

PART 49—FACILITIES AND SERVICES EXCISE TAXES

PAR. 20. Section 49.0–4 is amended to read as follows:

§ 49.0–4 Extent to which the regulations in this part supersede prior regulations.

The regulations in this part, with respect to the subject matter within the scope thereof, supersede the Facilities and Services Excise Tax Regulations contained in Part 42 of this chapter and, to the extent not superseded by the regulations contained in such Part 42, the following regulations and such regulations as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954 (19 F.R. 5167, Aug. 17, 1954):

Safe deposit boxes, transportation of oil by pipeline, telephone, telegraph, radio and cable messages and services, and transportation of persons.	Regulations 42 (1942 edition, as amended), 26 CFR (1939) Part 130.
Admissions, dues, and initiation fees.	Regulations 43 (1941 edition, as amended), 26 CFR (1939) Part 101.

The regulations in this part, with respect to the subject matter within the scope thereof, also supersede the Regulations on Monthly Returns and Payment of Excise Taxes (Part 149 of this chapter), the Regulations on Return and Payment of Certain Excise Taxes (Part 477 of this chapter (1939)), and Treasury Decision 6131, signed April 29, 1955 (20 F.R. 3024, May 5, 1955).

PAR. 21. There are added immediately before § 49.6071(a) the following new sections:

§ 49.6011(a) Statutory provisions; general requirement of return, statement, or list.

SEC 6011. *General requirement of return, statement, or list*—(a) *General rule.* When required by regulations prescribed by the Secretary or his delegate any person made liable for any tax imposed by this title, or for the collection thereof, shall make a return or statement according to the forms and regulations prescribed by the Secretary or his delegate. Every person required to make a return or statement shall include therein the information required by such forms or regulations.

[Sec. 6011(a) as originally enacted and in effect Jan. 1, 1959]

§ 49.6011(a)–1 Returns.

(a) *In general.* Liability for tax imposed under chapter 33 of the Code shall be reported on Form 720. Except as provided in paragraph (b) of this section, a return on Form 720 shall be filed for a period of one calendar quarter. Every person required to make a return on Form 720 for the return period ended December 31, 1958, shall make a return for each subsequent calendar quarter, month, or semimonthly period (whether or not liability was incurred for any tax reportable on the return for such return period) until he has filed a final return in accordance with § 49.6011(a)–2. Every person not required to make a return on Form 720 for the return period ended December 31, 1958, shall make a return for the first calendar quarter thereafter in which he incurs liability for tax imposed under chapter 33, and shall make a return for each subsequent calendar quarter, month, or semimonthly period until he has filed a final return in accordance with § 49.6011(a)–2. Each return required under the regulations in this part, together with any prescribed copies, records, or supporting data, shall be filled in and disposed of in accordance with the forms, instructions, and regulations applicable thereto.

(b) *Monthly and semimonthly returns*—(1) *Requirement.* If the district director determines that any person who is required to make deposit of taxes under the provisions of § 49.6302(c)–1 has failed to make deposits of such taxes, such person shall be required, if so notified in writing by the district director, to file a monthly or semimonthly return on Form 720, except that, if some other form is furnished by the district director for use in lieu of Form 720, the return shall be made on such other form. Every person so notified by the district director shall make a return for the calendar month or semimonthly period (as defined in § 49.6302(c)–1(b)) in which the notice is received and for each calendar month or semimonthly period thereafter until he has filed a final return or is required to make returns on the basis of a different return period pursuant to notification as provided in subparagraph (2) of this paragraph.

(2) *Change of requirement.* The district director, in his discretion, may notify the person in writing that he is required to make a quarterly or monthly return, if he has been filing returns for a semimonthly period, or is required to make a quarterly or semimonthly return, if he has been filing monthly returns.

(3) *Return for period change takes effect.* If a person who has been filing quarterly returns receives notice to file a monthly or semimonthly return or a person who has been filing monthly returns receives notice to file a semimonthly return, the first return required pursuant to the notice shall be made for the month or semimonthly period in which the notice is received and all prior months or semimonthly periods which are not includible in a prior period for which the person is required to file a return. If a person who has been filing monthly or semimonthly returns receives notice to file a quarterly return, the last month or semimonthly period for which a return shall be made is the last month or semimonthly period of the calendar quarter in which such notice is received. If a person who has been filing semimonthly returns receives notice to file a monthly return, the last semimonthly period for which a return shall be made is the last semimonthly period of the month in which such notice is received.

§ 49.6011(a)–2 Final returns.

(a) *In general.* Any person who is required to make a return on Form 720 pursuant to § 49.6011(a)–1, and who in any return period ceases operations in respect of which he is required to make a return on such form, shall make his return for that period as a final return. Each return made as a final return shall be marked "Final Return" by the person filing the return. A person who has only temporarily ceased to incur liability for tax required to be reported on Form 720, because of temporary or seasonal suspension of his business or for other reasons, shall not make a final return but shall continue to file returns.

(b) *Statement to accompany final return.* There shall be executed as a part of each final return a statement showing the address at which the records required by the regulations in this part will be kept, the name of the person keeping such records, and, if the business of a person required to make a return on Form 720 has been sold or otherwise transferred to another person, the name and address of such other person and the date on which the sale or transfer took place. If no sale or transfer occurred or the person required to make a return on Form 720 does not know the name of the person to whom the business was sold or transferred, that fact should be included in the statement.

PAR. 22. Section 49.6071(a)–1 is amended by revising the heading and paragraph (b), and by adding immediately after paragraph (b), paragraphs (c), (d) and (e). The revised heading, revised paragraph and added paragraphs read as follows:

§ 49.6071(a)–1 Time for filing returns.

• • • • •

(b) *Monthly and semimonthly returns*—(1) *Monthly returns.* Each return required to be made with respect to the excise taxes (to which this part relates) for a monthly period ended after March 31, 1967, under paragraph (b) of § 49.6011(a)–1 shall be filed on or before the 15th day of the calendar month following the month for which it is made, except that in the case of a return filed by a person who computes amounts of tax required to be paid over on the basis of amounts billed (in the case of the tax imposed by section 4251) or tickets sold (in the case of the tax imposed by section 4261), the return shall be filed on or before the 15th day of the second calendar month following the month for which it is made. For rules relating to the time for filing monthly returns for return periods ended before April 1, 1966, see paragraph (a)(3) of § 149.1–2 of this chapter (Regulations relating to Monthly Returns and Payment of Excise Taxes).

(2) *Semimonthly returns.* Each return required to be made with respect to the excise taxes (to which this part relates) for a semimonthly period under paragraph (b) of § 49.6011(a)–1 shall be filed on or before the 2d day of the semimonthly period following the semimonthly period for which it is made, except that in the case of a return filed by a person who computes amounts of tax required to be paid over on the basis of amounts billed (in the case of the tax imposed by section 4251) or tickets sold (in the case of the tax imposed by section 4261), the return shall be filed on or before the 2d day of the third semimonthly period following the period for which it is made.

(c) *Termination of special due date.* No special due date for filing a return obtained under the Internal Revenue Code of 1939 (made applicable to the 1954 Code by Treasury Decision 6131, signed April 29, 1955 (20 F.R. 3024, May 5, 1955)) shall apply in the case of the return for any calendar quarter ended after December 31, 1966, or the return for any monthly or semimonthly period ended after March 31, 1967.

(d) *Last day for filing.* For provisions relating to the time for filing a return when the prescribed due date falls on Saturday, Sunday, or a legal holiday, see § 301.7503–1 of this chapter (Regulations on Procedure and Administration).

(e) *Late filing.* For additions to the tax in case of failure to file a return within the prescribed time, see § 301.6651–1 of this chapter (Regulations on Procedure and Administration).

PAR. 23. There are added immediately after § 49.6071(a)–1, the following new sections:

§ 49.6091 Statutory provisions; place for filing returns.

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Persons other than corporations*—(A) *General rule.* Except as provided in subparagraph (B), a return (other than a corporation return) shall be made to the Secretary or his delegate—

(i) In the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or

(ii) At a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(1) Persons who have no legal residence or principal place of business in any internal revenue district,

(ii) Citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) Persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico), and

(iv) Nonresident alien persons,

shall be made at such place as the Secretary or his delegate may by regulations designate.

(2) *Corporations*—(A) *General rule.* Except as provided in subparagraph (B), a return of a corporation shall be made to the Secretary or his delegate—

(i) In the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or

(ii) At a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(1) Corporations which have no principal place of business or principal office or agency in any internal revenue district,

(ii) Corporations which claim the benefits of section 922 (relating to special deduction for Western Hemisphere trade corporations), section 931 (relating to income from sources within possessions of the United States), or section 941 (relating to the special deduction for China Trade Act corporations), and

(iii) Foreign corporations,

shall be made at such place as the Secretary or his delegate may by regulations designate.

• • • • • •

(4) *Hand-carried returns.* Notwithstanding paragraph (1) or (2), a return to which paragraph (1)(A) or (2)(A) would apply, but for this paragraph, which is made to the Secretary or his delegate by hand carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i) or (2)(A)(i), as the case may be.

(5) *Exceptional cases.* Notwithstanding paragraph (1), (2), • • • or (4) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district • • •.

[Sec. 6091 as amended by sec. 1(a), Act of Nov. 2, 1966 (Pub. Law 89–713, 80 Stat. 1107)]

§ 49.6091–1 Place for filing returns.

(a) *Persons other than corporations.* The return of a person other than a corporation shall be filed with the district director for the internal revenue district in which is located the principal place of business or legal residence of such person. If such person has no principal place of business or legal residence in any internal revenue district, the return shall be filed with the District Director at Baltimore, Md. 21202, except as provided in paragraph (c) of this section.

(b) *Corporations.* The return of a corporation shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of the corporation, except as provided in paragraph (c) of this section.

(c) *Returns of persons outside the United States.* The return of a person (other than a corporation) outside the United States having no legal residence or principal place of business in any internal revenue district, or the return of a corporation having no principal place of business or principal office or agency in any internal revenue district, shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, unless the principal place of business or legal residence of such person, or the principal place of business or principal office or agency of such corporation, is located in the Virgin Islands or Puerto Rico, in which case the return shall be filed with the Director of International Operations, U.S. Internal Revenue Service, Hato Rey, Puerto Rico 00917.

(d) *Returns filed with service centers.* Notwithstanding paragraphs (a), (b), and (c) of this section, whenever instructions applicable to such returns provide that the returns shall be filed with a service center, such returns shall be so filed in accordance with such instructions.

(e) *Hand-carried returns.* Except as provided in subparagraph (3) of this paragraph, and notwithstanding paragraphs (1) and (2) of section 6091(b) and paragraph (d) of this section—

(1) *Persons other than corporations.* Returns of persons other than corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (a) of this section.

(2) *Corporations.* Returns of corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (b) of this section.

(3) *Exceptions.* This paragraph shall not apply to returns of—

(i) Persons who have no legal residence, no principal place of business, nor principal office or agency in any internal revenue district,

(ii) Citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) Persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 922 (relating to special deduction for Western Hemisphere trade corporations), section 931 (relating to income from sources within possessions of the United States), section 933 (relating to income from sources within Puerto Rico), or section 941 (relating to the special deduction for China Trade Act corporations), and

(iv) Nonresident alien persons and foreign corporations.

(f) *Permission to file in district other than required district.* The Commis-

sioner may permit the filing of any return required to be made under the regulations in this part in any internal revenue district, notwithstanding the provisions of paragraphs (1), (2), and (4) of section 3091(b) and paragraphs (a), (b), (c), (d) and (e) of this section.

PAR. 24. There are added immediately after § 49.6109–1 the following new sections:

§ 49.6151 Statutory provisions; time and place for paying tax shown on returns.

SEC. 6151. *Time and place for paying tax shown on returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the internal revenue officer with whom the return is filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

(b) *Exceptions.* • • •

(2) *Use of Government depositaries.* For authority of the Secretary or his delegate to require payments to Government depositaries, see section 6302(c).

(c) *Date fixed for payment of tax.* In any case in which a tax is required to be paid on or before a certain date, or within a certain period, any reference in this title to the date fixed for payment of such tax shall be deemed a reference to the last day fixed for such payment (determined without regard to any extension of time for paying the tax).

[Sec. 6151 as amended by sec. 1(b), Act of Nov. 2, 1966 (Pub. Law 89–713, 80 Stat. 1108)]

§ 49.6151–1 Time and place for paying tax shown on return.

(a) *In general.* The tax required to be reported on each tax return required under this subpart is due and payable to the internal revenue officer with whom the return is filed at the time prescribed in § 49.6071(a)–1 for filing such return. See the applicable sections in Part 301 of this chapter (Regulations on Procedure and Administration), for provisions relating to interest on underpayments, additions to tax, and penalties. For provisions relating to the use of Federal Reserve banks and authorized commercial banks in depositing the taxes, see § 49.6302(c)–1.

(b) *Termination of special due date.* No special due date for paying the tax obtained under the Internal Revenue Code of 1939 (made applicable to the 1954 Code by Treasury Decision 6131, signed April 29, 1955 (20 F.R. 3024, May 5, 1955)) shall apply in the case of the tax for any calendar quarter ended after December 31, 1966, or the tax for any monthly or semimonthly period ended after March 31, 1967.

PAR. 25. Section 49.6302(c)–1 is amended by revising paragraphs (a) (1) (i) and (iii) and (d) and by adding a new subdivision (iv) to paragraph (a) (1). These revised and added provisions read as follows:

§ 49.6302(c)–1 Use of Government depositaries.

(a) *Requirement*—(1) *In general.* (i) Except as provided in subdivision (ii) of this subparagraph, if for any calendar month, other than the last month of a calendar quarter, any person required to file a quarterly excise tax return on Form 720 has a total liability of more than $100 for all excise taxes collected (see subdivision (iii) of this subparagraph for amounts which are considered as collected) during such month and reportable on such form, the amount of such total liability shall be deposited by him with a Federal Reserve bank on or before the last day of the month following such month or, if such month is March 1967 or a prior month, in the case of a person who has obtained a special deposit date under the Internal Revenue Code of 1939 (made applicable to the 1954 Code by Treasury Decision 6131, signed April 29, 1955 (20 F.R. 3024, May 5, 1955)), on or before such special deposit date. See paragraph (d) of this section for the termination of special deposit dates.

• • • • •

(iii) For purposes of applying this subparagraph to a person who computes amounts of tax required to be paid over on the basis of amounts billed (in the case of the tax imposed by section 4251) or tickets sold (in the case of the tax imposed by section 4261), the tax so computed for a monthly period ended after March 31, 1967, shall be considered as collected during the succeeding monthly period and the tax so computed for a semimonthly period shall be considered as collected during the second succeeding semimonthly period. A person must notify the Commissioner before changing from one method of computing the tax to another, so that proper adjustments may be made in order to properly reflect the person's excise tax liability.

(iv) The provisions of this section shall not apply with respect to taxes for the month or the semimonthly period in which the person receives notice from the district director that returns are required under paragraph (b) of § 49.6011(a)–1, or for any subsequent month or semimonthly period for which such a return is required.

• • • • •

(d) *Termination of special deposit date.* No special deposit date, obtained under the Internal Revenue Code of 1939 (made applicable to the 1954 Code by Treasury Decision 6131, signed April 29, 1955 (20 F.R. 3024, May 5, 1955)) shall apply in the case of a deposit required by paragraph (a) (1) (i) of this section for any month after March 31, 1967, or in the case of a deposit required by paragraph (a) (1) (ii) of this section for any semimonthly period after January 31, 1967.

[F.R. Doc. 67–3289; Filed, Mar. 28, 1967; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 724—HOSPITAL AND RELATED INSTITUTIONS INDUSTRY IN PUERTO RICO

PART 725—EDUCATION INDUSTRY IN PUERTO RICO

Wage Rates for Puerto Rico

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208), and by means of Administrative Order No. 597 (32 F.R. 2953), the Secretary of Labor appointed and convened Industry Committee No. NC6–A for the Hospital and Related Institutions Industry in Puerto Rico and Industry Committee No. NC6–B for the Education Industry in Puerto Rico, referred to them the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in their respective industries, and gave notice of a hearing to be held by each of the committees.

Subsequent to an investigation and a hearing conducted pursuant to the notice, each committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 6(c)(3) and section 8 of the Act, Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. NC6–A and Industry Committee No. NC6–B are hereby published in this order. Title 29 CFR Chapter V, is hereby amended effective April 14, 1967, by adding new Parts 724 and 725 as set forth below.

1. A new Part 724 is established, reading as follows:

Sec.
724.1 Definition.
724.2 Wage rates.
724.3 Notices.

AUTHORITY: The provisions of this Part 724 issued under secs. 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 206, 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 724.1 Definition.

The hospital and related institutions industry in Puerto Rico, to which this part shall apply, is defined as follows: The performance of activities in connection with the operation of hospitals, nursing homes, sanitariums, rest homes, convalescent homes, and related institutions primarily engaged in the care of persons who are sick, aged, or the mentally ill or defective who reside on the premises of such institutions, regardless of whether or not such a hospital or institution is public or private or operated for profit or not for profit: *Provided, however,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

§ 724.2 Wage rates.

Wages at rates not less than those precribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hospital and related institutions industry in Puerto Rico who in any workweek is engaged in an activity brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(a) *Classification A.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the hospital and related institutions industry in Puerto Rico which are performed by medical technologists, laboratory technicians, registered nurses, X-ray technicians, laboratory assistants, skilled arts and crafts employees, and drivers.

(b) *Classification B.* (1) The minimum wage for this classification is $0.90 an hour for the period ending January 31, 1968, and $1 an hour thereafter.

(2) This classification is defined as all activities in the hospital and related institutions industry in Puerto Rico which are performed by office clerks, cooks, and semiskilled arts and crafts employees.

(c) *Classification C.* (1) The minimum wage for this classification is $0.80 an hour for the period ending January 31, 1968, and $0.90 an hour thereafter.

(2) This classification is defined as all activities in the hospital and related institutions industry in Puerto Rico except those within classification A and classification B.

§ 724.3 Notices.

Every employer subject to the provisions of § 724.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 724.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

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2. A new Part 725 is established, reading as follows:

Sec.
725.1 Definition.
725.2 Wage rates.
725.3 Notices.

AUTHORITY: The provisions of this Part 725 issued under secs. 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 206, 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206

§ 725.1 Definition.

The education industry in Puerto Rico, to which this part shall apply, is defined as follows: The operation of elementary or secondary schools, or institutions of higher education, or schools for mentally or physically handicapped or gifted persons, regardless of whether public or private or operated for profit or not for profit: *Provided, however,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

§ 725.2 Wage rates.

Wages at the rate of not less than $0.95 an hour for the period ending January 31, 1968, and $1.05 an hour thereafter shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in any activity in the education industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

§ 725.3 Notices.

Every employer subject to the provisions of § 725.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 725.2 are working such notices of this Part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

(Secs. 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 206, 208)

Signed at Washington, D.C., this 24th day of March 1967.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 67–3446; Filed, Mar. 28, 1967; 8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—GENERAL

[CGFR 67–15]

PART 3—COAST GUARD DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

2d and 8th Coast Guard Districts

The amendments to 33 CFR 3.10–1 and 3.40–1 revised the boundary descriptions of the 2d Coast Guard District and the 8th Coast Guard District to agree with the revised descriptions in Coast Guard General Order No. 24 dated July 18, 1966. The amendments to 33 CFR 3.10–40 and 3.10–80 amended the descriptions of the Memphis Marine Inspection Zone and the Memphis Captain of the Port area descriptions. The amendments to 33 CFR 3.40–10, 3.40–30, and 3.40–35 revise the descriptions of the New Orleans Marine Inspection Zone, the Mobile Marine Inspection Zone and the Port Arthur Marine Inspection Zone. The purpose of this document is to announce changes in certain descriptions of Coast Guard Districts, Marine Inspection Zones, and Captain of the Port areas in the 2d and 8th Districts to bring them up to date and to agree with present administrative practices.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 in Title 14, U.S. Code and Treasury Department Orders 120 dated July 31, 1950, 15 F.R. 6521, and 167–17 dated June 29, 1955, 20 F.R. 4976, as well as the statutes cited with the regulations below, the following amendments are prescribed and shall be in effect on and after date of publication in the FEDERAL REGISTER.

Subpart 3.10—Second Coast Guard District

1. Section 3.10–1 *second district* is amended to read as follows:

§ 3.10–1 Second district.

(a) The District Office is in St. Louis, Mo.

(b) The Second Coast Guard District shall comprise Arkansas, West Virginia, Kentucky, Tennessee, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Wyoming, Colorado, Iowa, and Missouri; Pennsylvania south of 41° N. latitude and west of 79° W. longitude; those parts of Ohio and Indiana south of 41° N. latitude; Illinois, except that part north of 41° N. latitude and east of 90° W. longitude; Wisconsin south of 46°20′ N. latitude and west of 90° W. longitude; Minnesota south of 46°20′ N. latitude; that part of Alabama north of 34° N. latitude; that part of Mississippi north of the southern boundaries of the counties of Washington, Sunflower, Lefiore, Grenada, Calhoun, Chickasaw and Monroe.

2. Section 3.10–40 is amended to read as follows:

§ 3.10–40 Memphis Marine Inspection Zone.

(a) The Memphis Marine Inspection Zone is in Memphis, Tenn.

(b) The Memphis marine inspection zone boundary starts at 38°30′ N. latitude and 109° W. longitude, on the Utah, Colorado State line and runs due east to, but not including, La Crosse, Kans.; thence east to, but not including McPherson, Kans.; thence southeast to, but not including, Greenfield, Mo.; thence southeast to, but not including, Springfield, Mo.; thence east to, but not including, Cabool, Mo.; thence northeast to, but not including, Licking, Mo.; thence east to, but not including, Oak Ridge, Mo.; thence southeast to and including Benton, Mo.; thence south to and including Sikeston, Mo.; thence east to

and including Bardwell, Ky.; thence southeast to 34° N. latitude and 88° W. longitude; thence due west along 34° N. latitude to the Alabama, Mississippi State line; thence south along the Alabama, Mississippi State line to the southern boundary of Monroe County, Miss.; thence west along the southern boundaries of the counties of Monroe, Chickasaw, Calhoun, Grenada, Leflore, Sunflower and Washington, Miss.; thence west along the Arkansas, Louisiana State line to the Texas State line; thence north along the Arkansas, Texas State line to the north side of the Red River; thence west, along the north side of the Red River to 100° W. longitude; thence north and west along the Oklahoma, Texas State line to the New Mexico State line; thence due north along the New Mexico, Oklahoma State line to 37° N. latitude; thence due west along the Colorado, New Mexico State line to 109° W. longitude; thence due north along the Utah, Colorado State line to 38°30′ N. latitude.

3. Section 3.10–80 is amended to read as follows:

§ 3.10–80 Memphis Captain of the Port.

(a) The Memphis Captain of the Port office is in Memphis, Tenn.

(b) The Memphis Captain of the Port area comprises all navigable waters of the United States and contiguous land areas with the following boundaries: Starting at 38°30′ N. latitude and 109° W. longitude, on the Utah, Colorado State line and runs due east to, but not including La Crosse, Kans.; thence east to, but not including McPherson, Kans.; thence southeast to, but not including Greenfield, Mo.; thence southeast to, but not including, Springfield, Mo.; thence east to, but not including, Cabool, Mo.; thence northeast to, but not including Licking, Mo.; thence east to, but not including Oak Ridge, Mo.; thence southeast to and including Benton, Mo.; thence south to and including Sikeston, Mo.; thence east to and including Bardwell, Ky.; thence southeast to 34° N. latitude and 88° W. longitude; thence due west along 34° N. latitude to the Alabama, Mississippi State line; thence south along the Alabama, Mississippi State line to the southern boundary of Monroe County, Miss.; thence west along the southern boundaries of the counties of Monroe, Chickasaw, Calhoun, Grenada, Leflore, Sunflower, and Washington, Miss.; thence west along the Arkansas, Louisiana State line to the Texas State line; thence north along the Arkansas, Texas State line to the north side of the Red River; thence west, along the north side of the Red River to 100° W. longitude; thence north and west along the Oklahoma, Texas State line to New Mexico State line; thence due north along the New Mexico, Oklahoma State line to 37° N. latitude; thence due west along the Colorado, New Mexico State line to 109° W. longitude; thence due north along the Utah, Colorado State line to 38°30′ N. latitude.

Subpart 3.40—Eighth Coast Guard District

4. Section 3.40–1 is amended to read as follows:

§ 3.40–1 Eighth district.

(a) The District Office is in New Orleans, La.

(b) The Eighth Coast Guard District shall comprise New Mexico, Texas, and Louisiana; that part of Mississippi south of the southern boundaries of the counties of Washington, Sunflower, Leflore, Grenada, Calhoun, Chickasaw, and Monroe; that part of Alabama south of 34° N. latitude; that part of Florida west of the east bank of the Apalachicola River and that part of Georgia west of the east bank of the Jim Woodruff Reservoir and the east bank of the Flint River up stream to Montezuma, Ga., and south and west of a line between Montezuma and West Point, Ga.; the water of the Gulf of Mexico westward of a line from the coastal and of the Seventh–Eighth Coast Guard District boundary, thence 193° T.

5. Section 3.40–10 is amended to read as follows:

§ 3.40–10 New Orleans Marine Inspection Zone.

(a) The New Orleans Marine Inspection Office is in New Orleans, La.

(b) The New Orleans marine inspection zone comprises land masses, inland and territorial waters of the States of Mississippi and Louisiana, as well as artificial islands in the Gulf of Mexico, which are south of a line following the southern boundaries of the Mississippi counties of Chickasaw, Calhoun, Grenada, Leflore, Sunflower, and Washington, from 88°51′ W. longitude on the southern boundary of Chickasaw county to the Mississippi, Louisiana State line; thence west along the Arkansas, Louisiana State line to the Texas State line; east of a line following the eastern Texas State line southward from the Arkansas, Louisiana State line to and including Bethany, La.; thence southeast to and including Peason, La.; thence to and including Otis, La.; thence to and including Eunice, La.; thence due south into the Gulf of Mexico; and west of a line drawn from the southern boundary of Chickasaw County, Miss., at 88°51′ W. longitude, on a bearing of 184.5° T. to and across the Mississippi Sound, touching the western tip of Cat Island, and thence running 155° T. into the Gulf of Mexico.

6. Section 3.40–30 is amended to read as follows:

§ 3.40–30 Mobile Marine Inspection Zone.

(a) The Mobile Marine Inspection Office is in Mobile, Ala.

(b) The Mobile marine inspection zone comprises those portions of the land masses, inland and territorial waters of the States of Mississippi, Alabama, Florida, and Georgia, as well as the artificial islands in the Gulf of Mexico, south of 34° N. latitude across the entire State of Alabama, south of the southern boundary of the counties of Monroe and Chickasaw in Mississippi; east of a line drawn from the southern boundary of Chickasaw County at 88°51′ W. longitude on a bearing of 184.5° T. to and across the Mississippi Sound, touching the western tip of Cat Island and thence running 155° T. into the Gulf of Mexico; and west of a line starting at 34° N. latitude and drawn south along the Alabama, Georgia State line to West Point, Ga.; thence to Montezuma, Ga., downstream along the east bank of the Flint River, the east bank of the Jim Woodruff Reservoir, the east bank of the Apalachicola River to its mouth, and thence running 193° T. into the Gulf of Mexico.

7. Section 3.40–35 is amended to read as follows:

§ 3.40–35 Port Arthur Marine Inspection Zone.

(a) The Port Arthur Marine Inspection Office is in Port Arthur, Tex.

(b) The Port Arthur marine inspection zone comprises the land masses, inland and territorial waters of the States of Texas and Louisiana, as well as artificial islands in the Gulf of Mexico, south of the north bank of the Red River; east of a line starting at a point on the north bank of the Red River at 96°55′ W. longitude and drawn southeast to and including McKinney, Tex.; thence south, following the east bank of the Trinity River to, but not including Anahuac, Tex.; thence southeasterly to and including High Island, Tex.; thence to a point 29° N. latitude and 94° W. longitude, and thence south along 94° W. longitude into the Gulf of Mexico; and west of a line drawn from the north bank of the Red River at the easternmost point of the Texas, Arkansas boundary, south along the Texas, Arkansas State line and the Texas, Louisiana State line to, but not including Bethany, La.; thence southeast to, but not including Peason, La.; thence to, but not including Otis, La.; thence to, but not including Eunice, La.; thence due south into the Gulf of Mexico.

(Sec. 3, 60 Stat. 238, as amended, sec. 633, 63 Stat. 545; 5 U.S.C. 552, 14 U.S.C. 633. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521, 167–17, June 29, 1955, 20 F.R. 4976)

Dated: March 21, 1967.

[SEAL] P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 67–3401; Filed, Mar. 28, 1967; 8:48 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER E—EMPLOYMENT AND COMPENSATION IN THE CANAL ZONE

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Definitions

Correction

In F.R. Doc. 67–2988, appearing at page 4281 of the issue for Saturday, March 18, 1967, § 253.2(l) should read as follows:

(l) "Security position" means a position which must be filled by United States citizens only, as provided in 2 C.Z.C. section 147, 76A Stat. 17, and the regulations in this subchapter.

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart B—Veterans Educational Assistance Under 38 U.S.C. Chapter 34

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

EDUCATIONAL ASSISTANCE

1. In § 21.1020, paragraph (a) is amended to read as follows:

§ 21.1020 Educational assistance.

(a) *General.* A program of education may be authorized for a veteran whose service meets the requirements of § 21.1040.

* * * * *

2. In § 21.1021, paragraph (b) is amended to read as follows:

§ 21.1021 Definitions.

* * * * *

(b) "Active duty" means active duty as defined in § 3.6(b), except (b)(4) of this chapter (38 U.S.C. 1652(a), 1682(b)) see §§ 21.1040, 21.1042 and 21.4136. This term does not include periods of excess leave without pay.

* * * * *

3. In § 21.4025, paragraph (b)(7) is amended, and in paragraph (c), subparagraphs (6) and (7) are amended and a new subparagraph (8) is added so that the amended and added material reads as follows:

§ 21.4025 Nonduplication; Federal programs.

* * * * *

(b) *Programs barred.* * * *

(7) The Veterans Administration Career Residency program for full-time physicians and dentists, and the Veterans Administration Career Dental Internship program for full-time dentists, of the Veterans Administration Department of Medicine and Surgery,

* * * * *

(c) *Programs not barred.* * * *

(6) Participating in the non-career residency or internship program of the Veterans Administration Department of Medicine and Surgery,

(7) Participating in the Veterans Administration training program for clinical psychologists, social workers or similar programs and being paid for part-time work, or

(8) Receiving assistance as part of a Work-Study program under the Economic Opportunity Act (Public Law 88–452).

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: March 23, 1967.

By direction of the Administrator.

CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 67–3392; Filed, Mar. 28, 1967; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Accounting Services

On pages 14990 and 14991 of the FEDERAL REGISTER of November 29, 1966, there was published a notice of proposed rule making to add to existing regulations for Federal credit unions new regulations setting forth appropriate guidelines within which Federal credit unions will be permitted to provide for the maintenance of their accounting records by means of outside accounting service centers.

Interested persons were given 30 days, or until December 30, 1966, in which to submit written data, views, or arguments pertaining to the proposed regulations. Subsequently, in the FEDERAL REGISTER of January 13, 1967, the time for submitting such data, views, or arguments was extended to January 30, 1967.

In addition to publication in the FEDERAL REGISTER, copies of the proposed regulations were sent to the 12,000 operating Federal credit unions, to all State Credit Union Leagues, and to Cuna International, Inc., and to all data processing organizations which were known to be providing accounting services to Federal credit unions. All were asked to submit any comments that they might have on the proposed regulations.

Twenty-eight communications have been received, 14 from Federal credit union officials, seven from representatives of State Credit Union Leagues, one from Cuna International, Inc., and six from other interested persons, mainly representatives of data processing organizations.

After careful reconsideration of the proposed regulations in the light of these communications, 14 of the suggestions were accepted, 10 in whole and four in part. Seven were not accepted, principally because of the legal inability of a Federal credit union to carry out the activity suggested. Seven communications contained no specific suggestions.

The regulations, as revised in accordance with the suggestions received, are hereby adopted as set forth below:

§ 301.26 Purchase of accounting services.

A Federal credit union may purchase accounting services for the maintenance of all or a portion of its accounting records. As used in this section the term "accounting services" means the maintenance of bookkeeping, accounting, or other records related to the purposes and functions of a credit union, by manual, mechanical, or electronic methods, and the furnishing of reports and information derived from such records. Any purchase of accounting services shall be evidenced by a written agreement the terms and conditions of which shall expressly include a provision requiring compliance with § 301.14, and a provision requiring the vendor to make any accounting records of the Federal credit union in his possession immediately available for examination by the Bureau. A Federal credit union purchasing accounting services shall notify the Regional Representative in writing of the arrangement at least 30 days prior to the date on which such services shall commence. Such notice shall disclose the name and address of the vendor and information with respect to the records to be maintained and the method to be used. A Federal credit union shall notify the Regional Representative in writing at least 30 days prior to the discontinuance of the arrangement. A Federal credit union, in addition to regular payments for services as provided under the written agreement, shall not pay in advance the actual or estimated charges for more than 3 months services. Where such advance payment is made it shall be amortized over a period not in excess of the period of the written agreement. No official or employee of a Federal credit union shall be engaged directly in the management or operation of the accounting services purchased pursuant to this section, except where the vendor of such services is owned and operated by or controlled by one or more credit union leagues. However, in no event shall an official or employee of a Federal credit union receive from the vendor of such services any salary or compensation other than the reimbursement of necessary expenses incurred in connection with the vendor's activities.

§ 301.27 Participation in accounting service center.

(a) A Federal credit union may participate with one or more other credit unions (either Federal or State chartered) in the establishment or maintenance of an accounting service center, the functions, facilities, and operations of which are limited to providing data processing services only for such participating credit unions. As used in this section the term "data processing services" means the maintenance of bookkeeping, accounting, or other records related to the purposes and functions of a credit union, primarily by mechanical or electronic methods, and the furnishing of reports and information derived from such records. Participation in the accounting service center may be by means of a partnership or other non-

corporate arrangement between or among the participating credit unions or by participation in an accounting service center corporation organized for the sole purpose of providing data processing services to the participating credit unions, through ownership of a proportionate amount of the capital stock of such a corporation, provided that the remaining capital stock of such corporation is available for ownership only by the participating credit unions. A Federal credit union's proportionate ownership of the accounting service center shall be in similar proportion to the total ownership of the center as the total facilities and services used by the Federal credit union bears as a percentage to the total facilities and services provided by the accounting service center to all the participating credit unions, but the cost of such ownership shall not exceed two percent of its members' shareholdings. Ownership by the participating credit unions will be reviewed not less frequently than every two years and adjusted among them as necessary to bring such ownership into conformity with the percentage of the total facilities and services of the accounting service center used by each of them.

(b) A Federal credit union may not participate in the establishment or maintenance of an accounting service center unless the arrangement provides, (1) that the operating costs of the accounting service center shall be charged to each of the participating credit unions in such proportion to the total operating costs as the total facilities and services used by each bears as a percentage to the total facilities and services used by all of them; (2) that each participating credit union will have in its records current information disclosing, (i) the name of each participant, (ii) the proportion and amount of ownership of each in the accounting service center, (iii) the proportion of the facilities and services used by each, (iv) the current total operating costs of the accounting service center, and (v) the proportion and the amount of the total operating costs charged to each of the participating credit unions; (3) that the accounting service center shall establish and maintain the records of participating Federal credit unions in accordance with the requirements of § 301.14; and (4) that the records of participating Federal credit unions in possession of the accounting service center shall be available immediately for examination by the Bureau. No official or employee of a participating Federal credit union may receive any salary or compensation from the accounting service center other than the reimbursement of necessary expenses incurred in connection with service center activities.

(c) Each Federal credit union participating in an accounting service center shall notify the Regional Representative in writing of the arrangement at least 30 days prior to the date on which such participation shall commence. Such notice shall disclose the name and address of the accounting service center, the name of its managing officer, and shall provide information on the records to be maintained and the method to be used for that purpose. A Federal credit union shall notify the Regional Representative in writing at least 30 days prior to discontinuing its participation in an accounting service center.

§ 301.28 Joint operations and activities.

(a) A Federal credit union may agree with one or more other credit unions to share quarters and to carry on business operations either individually or jointly. The agreement, which shall be in writing and which shall have the prior approval of the Director, shall provide that: (1) The assets and records of each credit union shall be completely segregated; (2) the individual identity of each credit union will be clearly maintained; (3) the joint costs will be shared equitably; (4) with respect to joint operations, centralized management controls will be maintained over joint personnel and facilities which, nevertheless, permit each credit union to retain its responsibility for carrying on its own business.

(b) Requests for approval should be submitted to the Regional Representative in writing together with a copy of the agreement and all pertinent facts in support of the proposal not later than 30 days prior to the proposed implementation of the agreement.

(Sec. 21, Federal Credit Union Act, 73 Stat. 635; 12 U.S.C. 1766)

Dated: February 16, 1967.

[SEAL] J. DEANE GANNON,
Director,
Bureau of Federal Credit Unions.

Approved: March 13, 1967.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: March 22, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-3434; Filed, Mar. 28, 1967; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-356]

PART 0—COMMISSION ORGANIZATION

Delegations of Authority to Chief, Common Carrier Bureau

In the matter of amendment of § 0.291, Delegations of Authority to Chief, Common Carrier Bureau.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of March 1967:

1. On November 2, 1966, we amended the rules and regulations to require that applicants serve predesignation amendments upon persons who have filed petitions to deny the application or to designate it for hearing (FCC 66-951). On January 5, 1967, we denied a petition for reconsideration filed by American Television Relay, Inc. (FCC 67-9), and directed solely to the amendment of § 21.23(a), which imposed the service requirement upon applicants in the domestic public radio services. In so doing, we authorized the staff to waive the service requirement in cases involving hardship, and to prescribe such alternative procedures as may be reasonable under the circumstances. It is now appropriate that Subpart B of Part 0 of the rules be amended to reflect this delegation of authority.

2. The delegation authorizes the Chief, Common Carrier Bureau, to waive the service requirement, "upon a showing by the applicant that the requirement is unreasonably burdensome, and to prescribe such alternative procedures as may be appropriate under the circumstances to protect petitioners' interests and to avoid undue delay in the proceeding." In view of the general availability of modern duplicating equipment, it is contemplated that situations involving an unreasonable burden to the applicant will rarely occur and that this delegation of authority will be exercised sparingly. Clearly, waiver would be inappropriate in the vast majority of cases. The fact that an amendment is voluminous, or that there are a relatively large number of petitioners to deny, for example, would not ordinarily by itself support a waiver of the rule. Waiver or partial waiver, and alternative procedures, are more likely to be appropriate when the nature of exhibit material imposes difficulties with respect to its duplication.

3. The delegation affords the Chief of the Common Carrier Bureau broad discretion as to what may constitute appropriate alternative procedures in a particular case. If alternative procedures are not required to protect petitioners' interest or to avoid undue delay, for example, he may simply waive the service requirement and impose no alternative procedures. Even in that event, petitioner will receive a copy of the waiver request and the determination thereon and thus will have notice that an amendment is being filed. In the usual case, however, if a waiver request is granted, applicant will be required to serve a notice of the contents of the amendment, to serve a portion of the amendment, to make the amendment available for inspection at some mutually convenient location, or to follow such other alternative procedures as may be appropriate to protect petitioners' interests and to avoid undue delay.

4. Authority for this amendment is contained in sections 4(i), 5(d) and 303 (r) of the Communications Act of 1934, as amended. The amendment relates to agency organization and procedure, and the notice and effective date requirements of section 4 of the Administrative Procedure Act are therefore inapplicable.

In view of the foregoing: *It is ordered*, Effective March 31, 1967, that section 0.291 of the rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Adopted: March 22, 1967.

Released: March 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.291(k) is added to read as follows:

§ 0.291 Authority concerning radio matters.

* * * * *

(k) To waive the requirement of § 21.23(a) of this chapter that amendments to applications be served by the applicant upon persons who have filed petitions to deny the application or to designate it for hearing, upon a showing by the applicant that the requirement is unreasonably burdensome, and to prescribe such alternative procedures as may be appropriate under the circumstances to protect petitioners' interests and to avoid undue delay in the proceeding. Requests for waiver shall be served on petitioners. Oppositions to the petition may be filed within 5 days after the petition is filed and shall be served on the applicant. Replies to oppositions will not be entertained.

[F.R. Doc. 67-3421; Filed, Mar. 28, 1967; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 55]

PART 1—GENERAL RULES OF PRACTICE

Miscellaneous Amendments

Date of service: March 23, 1967.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 13th day of March 1967.

There being under consideration the Commission's general rules of practice and for good cause appearing therefor:

It is ordered, That Part 1 of Chapter I of Title 49 of the Code of Federal Regulations be amended as follows:

1. A new paragraph (k) is added to § 1.5 reading as follows:

§ 1.5 Definitions.

* * * * *

(k) The term "transcript" shall include either a written or electronically recorded statement of all proceedings at an oral hearing.

2. In § 1.55, paragraph (a) is amended; paragraph (b) is redesignated as paragraph (c) with a new caption; and a new paragraph (b) is added. As revised, § 1.55 reads as follows:

§ 1.55 Notice of hearing.

(a) *Assignment; service and posting of notice; electronically recorded transcript.* In those proceedings in which a hearing is to be held, the Commission will, by order or otherwise, assign a time and place for hearing. Such action will include notice when the transcript is to be made by electronic recording. Notice of such hearing will be posted in the Office of the Secretary of the Commission and will be served upon the parties and such other persons as may be entitled to receive notice under the Act.

(b) *Requests for changes in assignment.* Requests for postponements of date of hearing will be granted only for good and sufficient cause. After notice of the use of electronic recording, any request for stenographic transcript by the Commission's official reporter in lieu thereof must be made in writing to the Secretary of the Commission not less than 20 days prior to the date of the hearing. Such request will contain a statement that the requestor will provide the Commission with the original and one copy of such stenographic transcript at his own expense in accordance with the schedule of charges in the official reporting contract. In the event a request is made for a written transcript of an electronic recorded proceeding at a later date, the requestor will furnish at no expense to the Commission, an original and one copy of such written transcript for the Commission's use, in accordance with the schedule of charges in the official reporting contract.

(c) *Service of notice of assignment change.* The Commission may confine the service of notice of a change of time or place assigned for hearing (other than by publication or posting), or of any adjourned, further, or supplemental hearing to those only who have indicated to the Commission a desire to be notified, at their own expense if telegraphic advice becomes necessary, of any such change.

3. Section 1.88 is amended to read as follows:

§ 1.88 Oral argument before officer.

If oral argument before the officer is desired, he should be so notified at or before the hearing and may arrange to hear the argument at the close of the testimony within such limits of times as he may determine, having regard to other assignments for hearing before him. Such argument will be recorded and made a part of the transcript of testimony, and will be available to the Commission for consideration in deciding the case. The making of such argument shall not preclude oral argument before the Commission and request therefor may be made as provided in § 1.98.

4. Paragraph (d) of § 1.91 is amended to read as follows:

§ 1.91 Briefs; content and arrangement.

* * * * *

(d) *Evidence abstract.* A brief filed after a hearing should contain an abstract of the evidence relied upon by the party filing it, preferably assembled by subjects, with reference to the pages of the record, if written, or exhibit where the evidence appears. The abstract should follow the statement of the case and precede the argument. In the event the party elects not to include a separate abstract in his brief, he should give specific reference to the portions of the record, whether transcript or otherwise relied upon in support of the respective statements of fact made throughout the brief.

* * * * *

It is further ordered, That these amendments shall become effective 30 days from the date of service of this order.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended; secs. 204, 205, 49 Stat. 546, as amended; secs. 304, 316. 54 Stat. 933, 946; secs. 403, 417, 56 Stat. 285, 297; 49 U.S.C. 12, 17, 304, 904, 916, 1003, 1017)

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3439; Filed, Mar. 28, 1967; 8:50 a.m.]

[Docket No. 3666; Order 74]

PARTS 71-90—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Explosives and Other Dangerous Articles Board, held at Washington, D.C., on the 17th day of March 1967.

The matter of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing, that notice No. 74, served December 21, 1966, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on January 4, 1967 (32 F.R. 10), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing, that said views and arguments with respect to

the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to notice No. 74 are deemed justified and necessary:

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth as follows:

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–79 OF THIS CHAPTER

§ 72.5 [Amended]

Amend § 72.5 paragraph (a) *Commodity List* (29 F.R. 18664, 18666, 18667, Dec. 29, 1964) (31 F.R. 6493, Apr. 29, 1966) as follows:

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in one outside container by rail express
(add)				
Radioactive devices	Pois. D	73.392(b)		See § 73.392(b).
Radioactive materials, low specific activity.	Pois. D	73.392(e), 73.393(f)	Radioactive materials, red or blue.	See § 73.391(c) and § 73.393.
Thorium nitrate, solid	Pois. D	73.392, 73.393	Radioactive materials, red.	100 pounds.
Uranyl nitrate, solid	Pois. D	73.392, 73.393	Radioactive materials, red.	100 pounds.
(cancel)				
Cesium-137	Pois. D	73.392, 73.393	Radioactive materials, red.	300 curies; see § 73.393(L).
Cobalt-60	Pois. D	73.392, 73.393	Radioactive materials, red.	300 curies; see § 73.393(L).
Gold-198	Pois. D	73.392, 73.393	Radioactive materials, red.	300 curies; see § 73.393(L).
Iridium-192	Pois. D	73.392, 73.393	Radioactive materials, red.	300 curies; see § 73.393(L).

PART 73—SHIPPERS

In § 73.7 amend pargraph (b) (29 F.R. 18671, Dec. 29, 1964) to read as follows:

§ 73.7 United States Government shipments.

* * * * *

(b) Shipments of radioactive materials, made by or under the direction or supervision of the U.S. Atomic Energy Commission or the Department of Defense, and which are escorted by personnel specially designated by or under the authority of those agencies, for the purpose of national security, are exempt from the regulations in Parts 71–79 of this chapter.

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.391 amend paragraphs (a) (1), (a) (3), (b), (b) (1), (29 F.R. 18766, Dec. 29, 1964) (31 F.R. 6493, Apr. 29, 1966) to read as follows:

§ 73.391 Radioactive materials class D poison; definition.

(a) * * *

(1) *Group I.* Radioactive materials that emit either gamma rays only, or gamma rays plus alpha and/or beta particles.

* * * * *

(3) *Group III.* (i) Radioactive materials that emit alpha and/or beta particles only, or

(ii) Radioactive materials so shielded that the radiation at the external surface of the package does not exceed 0.5 milliroentgens per hour of gamma radiation or equivalent.

* * * * *

(b) A "radiation unit" is the number placed on a package label to designate the degree of control to be exercised by the carrier during transportation. Radiation units in excess of the number required must not be assigned for the purpose of effecting a higher degree of control during transportation, or for any other purpose. For the purposes of Parts 71–79 of this chapter, the radiation unit number to be assigned to a package shall be either of the following:

(1) The maximum radiation level, in milliroentgens per hour of gamma radiation, or equivalent, at 3 feet from any accessible external surface of the package. One (1) millirad of beta radiation or 0.1 millirad of thermal neutron radiation are considered equivalent to one (1) milliroentgen of gamma radiation.

* * * * *

In § 73.392 amend the introductory text of paragraph (a); amend paragraphs (a) (2) (i), (a) (2) (iii), (a) (3), (b), (e), (f) (29 F.R. 18766, Dec. 29, 1964) (31 F.R. 6493, Apr. 29, 1966) to read as follows:

§ 73.392 Exemptions for radioactive materials.

(a) Radioactive materials are exempt from prescribed packaging, marking and labeling requirements provided they fulfill all of the conditions in subparagraphs (1), (2), and (3) of this paragraph, except that the proper shipping name of the contents is required on the outside of the package. Shipments for transportation by highway carriers are also exempt from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

* * * * *

(2) * * *

(i) 0.1 millicurie of radium, polonium or plutonium; or

* * * * *

(iii) 15 grams of uranium-235; or

* * * * *

(3) The package must be such that the radiation at the external surface of the package does not exceed 0.5 milliroentgens per hour of gamma radiation or equivalent.

(b) Manufactured articles such as instruments, clocks, electronic tubes or apparatus, or other similar devices, having radioactive materials (other than liquids) in a nondispersible form as a component part, are exempt from specification packaging, marking (other than the proper shipping name of the contents) and labeling, provided that all of the following conditions are met:

NOTE 1: For radioactive gases, the requirement for the radioactive material to be in a nondispersible form does not apply.

(1) Radioactive materials are securely contained within the items, or are securely packaged in strong, tight outside containers;

(2) The radiation dose rate at 4 inches from any such article does not exceed 10 milliroentgens per hour of gamma radiation or equivalent;

(3) The radiation dose rate at the external surface of the package or item, as shipped, does not exceed 0.5 milliroentgens per hour of gamma radiation or equivalent.

(i) However, for carload or truckload lots only, the radiation dose rate shall not exceed 2 milliroentgens per hour of gamma radiation or equivalent.

(4) There is no significant removable radioactive surface contamination on the exterior of the package or item.

(5) The total quantity of radioactive materials in each package does not exceed any of the following:

(i) 1 millicurie of radium, polonium, or any isotope with an atomic number of 93 or greater; or

(ii) 50 millicuries of strontium-90 or mixed fission products; or

(iii) 200 curies of tritium as a gas, as a luminous paint, or as adsorbed on a solid carrier; or

(iv) 2.7 curies of any other radionuclide, except that up to 20 curies of any radionuclide in special form is permitted and further provided that no package may contain more than 15 grams of fissile material.

NOTE 1: "Special form" is defined in the regulations of the U.S. Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 71.

(6) The total radioactivity content of each individual item does not exceed 10 percent of the total package limits specified in subparagraph (5) of this paragraph.

* * * * *

(c) Magnesium-thorium alloys containing not more than 4 percent nominal thorium-232, in formed shapes, must be in bundles, boxes, barrels or crates, and as such are exempt from specification packaging, but must be labeled as described in §§ 73.394(c) and 73.414(e). Other exemptions from loading, storage and placarding are described in Parts 74, 75, and 77 of this chapter.

(f) Uranium, normal or depleted, in solid form (not borings, chips or finely divided pieces) must be packaged in strong, tight fiberboard, wooden or plywood boxes, or metal containers, and as such are exempt from specification packaging and marking except for conformance with § 73.393 (c) and (d). Packages weighing more than 500 pounds must be mounted on skids. Packages must be labeled as described in §§ 73.394 (c) and 73.414(e). Other exemptions from loading, storage, and placarding are described in Parts 74, 75, and 77 of this chapter. Radiation dose rates for each package shall be in accordance with § 73.393(h).

In § 73.393 amend paragraphs (a), (f) (2), (f) (5), (h), (l) (2), (m) (3), and (n); amend the introductory text of paragraphs (i) and (l); redesignate paragraph (f) (8) as (f) (9); add paragraphs (f) (6), (f) (7), (f) (8); cancel paragraphs (b) and (e) (29 F.R. 18767, Dec. 29, 1964) (31 F.R. 6494, Apr. 29, 1966) to read as follows:

§ 73.393 Packing and shielding.

(a) Radioactive materials that present special hazards due to their tendency to remain fixed in the human body for long periods of time (e.g., radium, plutonium, strontium-90, etc.) must in addition to the packaging hereinafter prescribed be packaged in inside metal containers Spec. 2R (§ 78.34 of this chapter), or in other containers approved by the Commission. Radioactive materials meeting the definition of "special form" as prescribed in § 71.4(o) (2) and Appendix D of the regulations of the U.S. Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 71, are hereby approved as equivalent to a Spec. 2R container.

(b) [Canceled]

* * * * *

(e) [Canceled]

(f) * * *

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes. Authorized for not more than 2,700 millicuries. (See also the special Spec. 12B box, § 78.205–38 of this chapter.)

* * * * *

(5) Spec. 55 (§ 78.250 of this chapter), metal-encased, lead, or uranium metal shielded containers. Authorized for not more than 300 curies (see paragraph (l) (2) of this section). Container closures must be equipped with a seal.

(6) Spec. 21P (§ 78.225 of this chapter) fiber drum overpacks or Spec. 6D or 37M (§ 78.102 or § 78.134 of this chapter) cylindrical steel drum overpacks; when utilized with Spec. 2S, 2SL, or 2T (§ 78.35, 78.35a, or 78.21 of this chapter) polyethylene inside containers. Authorized only for low specific activity radioactive materials. The requirements of paragraph (j) of this section are waived for these containers. The containers are not authorized for materials containing nitric acid in strength exceeding 20 percent.

(7) Spec. 103C–W tank cars (§§ 79.200 and 79.201 of this chapter). Authorized only for low specific activity liquids (§ 73.391(c)). The requirements of paragraph (j) of this section are waived for these tank cars. Bottom fittings and valves are not authorized.

(8) Spec. MC 310, MC 311, MC 312, or MC 331 cargo tanks (§ 78.343 or § 78.337 of this chapter). Authorized only for low specific activity liquids § 73.391(c) where the radioactivity concentration does not exceed 10 percent of the low specific activity levels. The requirements of paragraph (j) of this section are waived for these cargo tanks. Bottom fittings and valves are not authorized. Trailer-on-flat-car service not authorized.

(9) Any other container approved by the Commission under the provisions of § 73.22(a) (1).

* * * * *

(h) All radioactive materials, liquid, solid and gaseous must be packaged in suitable containers (shielded, if necessary) so that any time during transportation the radiation dose rate does not exceed any of the limits specified in the following subparagraphs, except as provided for under paragraph (i) of this section. The container must be designed to maintain its shielding efficiency and leak tightness under conditions normally incident to transport.

(1) 200 milliroentgens per hour of gamma radiation or equivalent at the external surface of the package.

(2) 10 milliroentgens per hour of gamma radiation or equivalent at three feet from the external surface of the package.

(3) 0.5 milliroentgens per hour of gamma radiation or equivalent at fifteen feet from the external of the package.

(i) When a package is transported in a car or vehicle assigned for the sole use of that consignor, the radiation dose rate from the package may exceed the limits specified in paragraph (h) of this section provided it does not exceed at any time during transportation any of the limits specified in subparagraphs (1) through (4) of this paragraph. Shipments must be loaded by the consignor or his duly authorized agent and unloaded by the consignee or his duly authorized agent.

* * * * *

(l) Except for low specific activity materials, not more than the following amounts of radioactive materials may be packaged in one outside container for shipment except as specifically approved by the Commission:

* * * * *

(2) 300 curies of any radionuclide meeting the definition of "special form" as prescribed in the regulations of the U.S. Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 71.

* * * * *

(m) * * *

(3) No package of fissile radioactive material for which the calculated radiation unit number is greater than 10 may be offered to a carrier for transportation, nor may it be transported, as Fissile Class II. Mixing of packages of other types of radioactive materials including Fissile Class I, with Fissile Class II is permissible provided that no more than 40 units are carried in any one car or vehicle. Fissile Class II packages shipped under the sole use provisions of either paragraph (i) of this section or subparagraph (4) of this paragraph shall be loaded such that the total number of radiation units defined in § 73.391(b) (2) (ii) shall not exceed 40 in any car or vehicle.

* * * * *

(n) Containers constructed prior to January 1, 1967, and approved by the Bureau of Explosives may be continued in use for the shipment of fissile and other radioactive materials under the approved conditions until such approval expires or is terminated by this Commission.

In § 73.394 amend paragraph (c); add paragraph (d) (1) (29 F.R. 18767, Dec. 29, 1964) to read as follows:

§ 73.394 Radioactive materials labels.

* * * * *

(c) Each bundle, box, barrel, or crate of magnesium-thorium alloys in formed shapes or uranium, normal or depleted, in solid metal form must be labeled with a label as described in § 73.414(e) unless exempt by § 73.392(a) and (b).

(d) * * *

(1) Packages containing the solid nitrates of uranium or thorium shall bear both the red radioactive materials label and the yellow oxidizing materials label.

PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

In § 74.532 revised paragraph (j) (29 F.R. 18779, Dec. 29, 1964) (31 F.R. 6495, Apr. 29, 1966) to read as follows:

§ 74.532 Loading other dangerous articles.

* * * * *

(j) Radioactive materials:

(1) Shipments of low specific activity materials § 73.392(c) of this chapter, must be loaded so as to avoid spillage and scattering of loose material.

(2) Shipments of radioactive materials as provided for in § 73.393 of this chapter shall be loaded and stored such that the number of radiation units (§ 73.391(b) of this chapter) in any car, vehicle or storage location does not exceed 40, as determined by totaling the number of radiation units shown on the individual labels on the packages. The provisions of this "40-unit rule" do not apply to exclusive-use shipments described in § 73.392 or § 73.393 of this chapter.

(3) Containers of radioactive material weighing 15,000 pounds or more may be loaded on flat cars. Gondola cars (drop-bottom cars not authorized) may be used for the following:

(i) Radioactive materials in containers weighing 5,000 pounds or more;

(ii) Strong wooden boxes with inside containers of solid radioactive material, securely braced and cushioned; and

(iii) Radioactive material in concrete-filled metal drums or in concrete vaults weighing 700 pounds or more.

(4) Packages must be so blocked and braced that they cannot change position during conditions normally incident to transportation.

(5) Persons should not remain unnecessarily in a car containing radioactive materials.

* * * * *

Subpart C—Placards on Cars

In § 74.544, amend paragraph (a) (6) (31 F.R. 6495, Apr. 29, 1966) to read as follows:

§ 74.544 Placards not required.

(a) * * *

(6) Cars containing radioactive materials bearing only the label prescribed in § 73.414(e) of this chapter, or which are exempted from the labeling requirements under the provisions of § 73.392 of this chapter.

Subpart E—Handling by Carriers by Rail Freight

In § 74.584(a) Table amend footnote 1 (29 F.R. 18787, Dec. 29, 1964) to read as follows:

§ 74.584 Waybills, switching orders, or other billing.

(a) * * *

[1] These requirements do not apply to billing prepared for shipments which are exempt from the labeling requirements under the provisions of § 73.392 of this chapter.

* * * * *

In § 74.586 cancel (h) (2) Table, Note 2; amend paragraph (h) (3) (29 F.R. 18788, Dec. 29, 1964) (31 F.R. 6495, Apr. 29, 1966) to read as follows:

§ 74.586 Handling explosives and other dangerous articles.

* * * * *

(h) * * *

(2) * * *

NOTE 2: [Canceled]

(3) Shipments of radioactive materials as provided for in § 73.393 of this chapter shall be loaded and stored such that the number of radiation units (§ 73.391(b) of this chapter) in any car, vehicle or storage location does not exceed 40, as determined by totaling the number of radiation units shown on the individual labels on the packages. The provisions of this "40-unit rule" do not apply to sole-use shipments described in § 73.392 or § 73.393 of this chapter.

* * * * *

In § 74.588 amend entire paragraph (c) (29 F.R. 18788, 18789, Dec. 29, 1964) to read as follows:

§ 74.588 Disposition of damaged or astray shipments.

* * * * *

(c) Unless they are leaking, or in a manifestly insecure condition, packages of dangerous articles other than explosives in transit must be forwarded to destination and report made of any violation observed. Leaking packages must not be forwarded until repaired or reconditioned.

(1) Radioactive materials: In case of fire, wreck, breakage or unusual delay involving shipments of radioactive materials, the package or materials should be segregated as far as practicable from personnel contact. The shipper and the Interstate Commerce Commission must be immediately notified. If radiological advice or assistance is needed, the Atomic Energy Commission should also be notified. In case of obvious leakage or if it appears likely that the inside container may have been damaged, care must be taken to avoid inhalation, ingestion, or contact with the radioactive material. Any loose radioactive material should be left in a segregated area and held pending disposal instructions from qualified persons. Cars, buildings, areas, or equipment in which radioactive materials have been spilled must not be again placed in service or occupied until decontaminated by qualified persons.

(2) Details involving the handling of radioactive materials in the event of a wreck may be found in Bureau of Explosives Pamphlet No. 22, "Recommended Practices for Handling Collisions and Derailments Involving Explosives, Gasoline and Other Dangerous Articles."

* * * * *

In § 74.597 amend entire paragraph (e) (29 F.R. 18792, Dec. 29, 1964) to read as follows:

§ 74.597 Leaking packages of acid or poisons.

* * * * *

(e) Radioactive materials. See § 74.588(c).

In § 74.600 amend paragraph (c) (29 F.R. 18792, Dec. 29, 1964) to read as follows:

§ 74.600 In case of a wreck.

* * * * *

(c) Radioactive materials: See § 74.588(c).

PART 75—CARRIERS BY RAIL EXPRESS

In § 75.655 amend paragraph (j) (3) and (7); cancel (j) (2) Table Note 2, paragraph (j) (6), (j) (7) Note 1; redesignate paragraph (j) (7) as paragraph (j) (6) (29 F.R. 18794, Dec. 29, 1964) (31 F.R. 6495, Apr. 29, 1966) to read as follows:

§ 75.655 Protection of packages.

* * * * *

(j) * * *

(2) * * *

NOTE 2: [Canceled]

(3) Shipments of radioactive materials as provided for in § 73.393 of this chapter shall be loaded and stored such that the number of radiation units (§ 73.391(b) of this chapter) in any car, vehicle or storage location does not exceed 40, as determined by totaling the number of radiation units shown on the individual labels on the packages. The provisions of this "40-unit rule" do not apply to sole-use shipments described in § 73.392 or § 73.393 of this chapter.

* * * * *

(6) Radioactive materials: In case of fire, wreck, breakage or unusual delay involving any shipment of radioactive materials, the package or material should be segregated as far as practicable from personnel contract. The shipper and the Interstate Commerce Commission must be immediately notified. If radiological advice or assistance is needed, the Atomic Energy Commission should also be notified. In case of obvious leakage or if it appears likely that the inside container may have been damaged, care must be taken to avoid inhalation, ingestion, or contact with the radioactive material. Any loose radioactive material should be left in a segregated area and held pending disposal instructions from qualified persons. Cars, buildings, areas, or equipment in which radioactive materials have been spilled must not be again placed in service or occupied until decontaminated by qualified persons.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart A—General Information and Regulations

In § 77.806 amend paragraph (b) (29 F.R. 18797, Dec. 29, 1964) to read as follows:

§ 77.806 United States Government shipments.

* * * * *

(b) Shipments of radioactive materials, made by or under the direction or supervision of the U.S. Atomic Energy Commission or the Department of Defense, and which are escorted by personnel specially designated by or under the authority of those agencies, for the purpose of national security, are exempt from the regulations in Parts 71–79 of this chapter.

Subpart B—Loading and Unloading

In § 77.841 amend paragraph (d) (2), (4), and (5); cancel Note 2 following paragraph (d) (1) Table (29 F.R. 18804, Dec. 29, 1964) (31 F.R. 6495, Apr. 29, 1966) to read as follows:

§ 77.841 Poisons.

* * * * *

(d) * * *

(1) * * *

NOTE 2: [Canceled]

(2) Shipments of radioactive materials as provided for in § 73.393 of this chapter shall be loaded and stored such that the number of radiation units (§ 73.391(b) of this chapter) in any car, vehicle or storage location does not exceed 40, as determined by totaling the number of radiation units shown on the individual labels on the packages. The provisions of this "40-unit rule" do not apply to sole-use shipments described in § 73.392 or § 73.393 of this chapter.

* * * * *

(4) Shipments of radioactive materials of low specific activity, loaded in accordance with § 73.392(c) of this chapter, must be loaded so as to avoid spillage and scattering of loose material.

(5) Packages must be so blocked and braced that they cannot change position during conditions normally incident to transportation.

[No change in Note 1.]

Subpart D—Vehicles and Shipments in Transit; Accidents

In § 77.860 amend paragraph (c) (29 F.R. 18809, Dec. 29, 1964) to read as follows:

§ 77.860 Accidents; poisons.

* * * * *

(c) *Radioactive materials.* In case of fire, wreck, breakage or unusual delay involving shipments of radioactive materials, the package or material should be segregated as far as practicable from personnel contact. The shipper and the Interstate Commerce Commission must be immediately notified. If radiological advice or assistance is needed, the Atomic Energy Commission should also be notified. In case of obvious leakage, or if the inside container appears to have been damaged, care should be taken to avoid inhalation, ingestion or contact with the radioactive material. Any loose radioactive material should be left in a segregated area and held pending disposal instructions from qualified persons. Cars, buildings, areas or equipment in which radioactive materials have been spilled must not be again placed in service or routinely occupied until decontaminated by qualified persons.

* * * * *

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

In § 78.205 add § 78.205–38 (29 F.R. 18955, Dec. 29, 1964) to read as follows:

§ 78.205–38 Special box; authorized only for radioactive materials.

(a) Box shall comply with this specification and be constructed of at least 275-pound test fiberboard.

(b) An inside container, spec. 2N (§ 78.32), metal can, shall enclose both the radioactive material and any shielding required. End closures shall be rolled or crimped. The length shall not be greater than twice the diameter.

(c) If the radioactive material is a liquid, it shall be contained in a vial, bottle or other suitable inner container. The void between the inner container and the spec. 2N metal can shall contain spacers or other material of sufficient strength to hold the inner container in the approximate center of the metal can, and of such a nature to prevent breakage of the inner container or reduction of the shielding efficiency, during conditions normally incident to transportation.

(d) The void between the spec. 2N metal can and the spec. 12B box shall contain spacers of sufficient strength to hold the can in the approximate center of the box during conditions normally incident to transportation.

(e) The package is exempt from the requirements of § 73.393(j) of this chapter provided that the package is so designed and constructed that, if subjected to the following drop test, there would be no release of the radioactive contents from the spec. 2N metal can:

(1) Drop test: A free drop through a distance of 30 feet onto a flat essentially unyielding horizontal surface, striking the surface in a position for which maximum damage is expected.

It is further ordered, That this order shall become effective June 14, 1967, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Explosives and Other Dangerous Articles Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3440; Filed, Mar. 28, 1967; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

FOREIGN BASE COMPANY SERVICES INCOME

Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under section 954(e) of the Code, relating to foreign base company services income, appears in the FEDERAL REGISTER for February 22, 1967.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Wednesday, April 19, 1967, at 10 a.m., e.s.t., in Room 4036, Internal Revenue Service Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by April 17, 1967, Telephone (Washington, D.C.) 964-3935.

LESTER R. URETZ,
Chief Counsel.

By: JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 67-3416; Filed, Mar. 28, 1967; 8:48 a.m.]

[26 CFR Part 601]

CONFERENCE AND PRACTICE REQUIREMENTS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in below are proposed to be prescribed by the Commissioner of Internal Revenue. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805) and 5 U.S.C. 301.

SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to make liberalizing and clarifying changes in the Conference and Practice Requirements and related provisions of the Statement of Procedural Rules (26 CFR Part 601) and to conform such Rules to the Act of November 8, 1965 (Public Law 89-332, 79 Stat. 1281), such rules are amended as follows:

PARAGRAPH 1. Section 601.201 is amended by revising paragraph (e)(5) to read as follows:

§ 601.201 Rulings and determination letters.

* * * * * * *

(e) *Instructions to taxpayers.* * * *

(5) A request by or for a taxpayer must be signed by the taxpayer or his authorized representative. If the request is signed by a representative of the taxpayer, or if the representative is to appear before the Internal Revenue Service in connection with the request, he must meet the qualifications set forth in Treasury Department Circular No. 230, as amended (31 CFR Part 10), which circular contains the rules governing practice before the Revenue Service. Circular No. 230 includes, among other things, the requirements of the Act of November 8, 1965 (Public Law 89-332, 79 Stat. 1281), which law governs the recognition to practice of attorneys and certified public accountants. Under Circular No. 230, an individual will ordinarily be permitted to represent his full-time employer, and a corporation, trust, estate, association, or organized group may ordinarily be represented by a bona fide officer, administrator, trustee, etc. A preparer of a return who is not a full-time employee or a bona fide officer, administrator, trustee, etc., may not represent a taxpayer with respect to a ruling or a determination letter unless he is recognized to practice under Circular No. 230. Any authorized representative must, however, present to the Revenue Service a document, such as a tax information authorization or a power of attorney, signed by the taxpayer authorizing him to receive or inspect confidential information in the matter (see subpart E of this part).

* * * * * * *

PAR. 2. Section 601.328 is amended by revising paragraph (a) to read as follows:

§ 601.328 Rulings.

(a) *Requests for rulings.* Any person who is in doubt as to any matter arising in connection with (1) operations or transactions in the alcohol tax area or under the Federal Alcohol Administration Act, (2) operations or transactions in the tobacco tax area, or (3) the taxes relating to machine guns and certain other firearms imposed by chapter 53 of the Code; the registration by importers and manufacturers of, and dealers in, such firearms; the registration of such firearms; and the licensing of manufacturers of, and dealers in, firearms or ammunition under sections 901 through 910 of Title 15 of the United States Code, may request a ruling thereon by addressing a letter to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C. 20224, or to the assistant regional commissioner (alcohol and tobacco tax) of the region in which the inquirer's business is located. Since a ruling as defined in paragraph (a)(2) of § 601.201 can issue only from the National Office, any such request made to an assistant regional commissioner will be referred by him to the Director, Alcohol and Tobacco Tax Division, for reply unless the issues involved are clearly covered by currently effective rulings or come within the plain intent of the statutes or regulations. If a request for a ruling is signed by a representative, or if the representative is to appear before the Internal Revenue Service, such representative must present a document, such as a tax information authorization or a power of attorney, signed by the taxpayer authorizing him to receive or inspect confidential information in the matter (see Subpart E of this part).

* * * * * * *

PAR. 3. Subpart E of Part 601 is amended to read as follows:

Subpart E—Conference and Practice Requirements

Sec.
601.501 Scope of conference and practice requirements; definitions.

GENERAL REQUIREMENTS

601.502 Requirements for conference—recognition to practice and, in certain cases, power of attorney or tax information authorization.
601.503 Requirements for filing evidence of recognition, power of attorney, and tax information authorization.
601.504 Requirements for execution, attestation, acknowledgment, and certification of power of attorney and tax information authorization.
601.505 Requirements for changing representation.
601.506 Notices to be given to recognized representatives; delivery of refund checks to recognized representatives.
601.507 Evidence required to substantiate facts alleged in conferences.
601.508 Contest between representatives of a taxpayer.
601.509 Power of attorney or tax information authorization not required in cases docketed in the Tax Court of the United States.

REQUIREMENTS FOR ALCOHOL AND TOBACCO TAX ACTIVITIES

601.521 Requirements for conference and representation in conference.
601.522 Power of attorney.
601.523 Tax information authorization.
601.524 Execution and filing powers of attorney and tax information authorizations.
601.525 Certification of copies of documents.
601.526 Revocation of powers of attorney and tax information authorizations.
601.527 Other provisions applied to representation in alcohol and tobacco tax activities.

Subpart E—Conference and Practice Requirements

§ 601.501 Scope of conference and practice requirements; definitions.

(a) *Scope.* The conference and practice requirements prescribed in this subpart apply to all offices of the Internal Revenue Service, including the Office of the Chief Counsel. Such requirements are applicable to practice (including conferences) with respect to any matter involving any internal revenue tax, but do not extend to the mere signing of a tax return, claim, or election, since such an act, of itself, does not constitute practice before the Revenue Service. For special provisions relating to alcohol and tobacco tax activities, see §§ 601.521 through 601.527.

(b) *Definitions for purposes of this subpart*—(1) *Matter.* The application of each tax imposed by the Internal Revenue Code for each taxable period constitutes a separate matter.

(2) *Office of the Internal Revenue Service.* The office of each district director of Internal Revenue, the office of each regional commissioner, and the office of each regional counsel constitutes a separate office of the Internal Revenue Service.

(3) *Tax information authorization.* A document signed by the taxpayer authorizing his representative to receive or inspect confidential tax information in a specified matter constitutes a tax information authorization. For rules relating to the requirements of a tax information authorization, see paragraph (c)(2) of § 601.502.

GENERAL REQUIREMENTS

§ 601.502 Requirements for conference—recognition to practice and, in certain cases, power of attorney or tax information authorization.

(a) *General.* It is the policy of the Revenue Service to encourage the discussion of disputed tax liability or any other matter in connection with an internal revenue tax which affects the taxpayer's interest. Conferences, of course, may be accorded only to taxpayers or their duly authorized representatives. As a general rule, conferences with taxpayers or their representatives will not be held without previous arrangement. However, upon a proper showing, a request for an immediate conference without previous arrangement will be given consideration, and Revenue Service officials responsible for the arrangement of conferences may, in their discretion, make an exception to the general rule. Every protest, brief, or other statement in writing which the taxpayer or his representative desires to be considered at any conference should be submitted or filed at least 5 days prior to the date of the conference. If the taxpayer or his representative is unable to file such protest, brief, or other statement in writing at least 5 days prior to the date of the scheduled conference, the taxpayer or his representative should arrange with the appropriate Revenue Service official for a postponement of the conference to a date mutually agreeable to the parties. The taxpayer or his representative remains free, of course, to submit additional or supporting facts or evidence within a reasonable time after the conference.

(b) *Requirements to be met by taxpayer's representative in order to be recognized*—(1) *Explanation of recognition to practice.* Except as otherwise provided in this section, no person may appear in a representative capacity on behalf of any taxpayer or of a transferee or fiduciary unless such person is recognized to practice before the Revenue Service. A person will be recognized to practice before the Revenue Service if he meets the requirements set forth in Treasury Department Circular No. 230, as amended (31 CFR Part 10) (hereinafter referred to in this subpart as Circular No. 230), which circular contains rules governing practice before the Revenue Service. Circular No. 230 includes, among other things, the requirements of the Act of November 8, 1965 (Public Law 89-332, 79 Stat. 1281), which law governs the recognition of attorneys and certified public accountants. In general, the following persons will be recognized to practice before the Revenue Service—

(i) Any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and who is not currently under suspension or disbarment from practice before the Revenue Service, and who files with the Revenue Service a written declaration that he is so currently qualified and is authorized to represent the particular party on whose behalf he acts (hereinafter referred to in this subpart as a qualified attorney);

(ii) Any person who is duly qualified to practice as a certified public accountant in any State, possession, territory, Commonwealth, or the District of Columbia, and who is not currently under suspension or disbarment from practice before the Revenue Service, and who files with the Revenue Service a written declaration that he is so currently qualified and is authorized to represent the particular party on whose behalf he acts (hereinaftr referred to in this subpart as a qualified certified public accountant);

(iii) Any person currently enrolled as an agent pursuant to the requirements of Circular No. 230; and

(iv) Any person qualified under § 10.5 (c) (relating to temporary recognition of an applicant for enrollment) or § 10.7 (relating to limited practice without enrollment in the case of a full-time employee, or a bona fide officer of a corporation, trust, estate, association, or organized group, and certain others) of Circular No. 230.

The appearance of such person and his representation of taxpayers in every respect must be in strict compliance with the requirements of all pertinent statutes, Circular No. 230, and this subpart.

(2) *Enrollment not required for certain persons.* (i) The persons described in subparagraph (1)(iv) of this paragraph (see § 10.5(c) and § 10.7 of Circular No. 230) are authorized by Circular No. 230 to appear without enrollment under the circumstances and conditions described therein. However, such persons must present satisfactory identification and, if required by paragraph (c) of this section, submit a power of attorney or a tax information authorization. The formal requirements concerning identification and authority of a person acting in a fiduciary capacity are the same as those related to the execution by a fiduciary of powers of attorney or tax information authorizations (see § 601.504). Persons described in subparagraph (1)(iv) of this paragraph who without enrollment may appear on behalf of any person with respect to the tax liability of such person, may also without enrollment appear with respect to the liability of such person as a transferee of property of a taxpayer and with respect to the liability of a fiduciary under Revised Statute § 3467, as amended (31 U.S.C. 192).

(ii) A representative (who would have to be enrolled in order to practice before the Revenue Service) will not be required to become enrolled if such representative is only authorized to inspect or receive copies of returns filed by the taxpayer where an Executive order or regulations permit such action by a representative. The Commissioner reserves the right to withhold applying the above exception in any specific case.

(3) *Employees of persons recognized to practice.* Employees of persons recognized to practice before the Revenue Service, who themselves are not so recognized, will not be recognized by offices of the Revenue Service except for the purpose of filing papers or securing information as to the status of tax cases. Recognition of such employees for the purpose of securing information as to the status of tax cases will be given only when the employee presents, with reference to a particular case, written authority from his employer to request such information, and a power of attorney or tax information authorization, if appropriate, in such matter has previously been filed by his employer and has not been revoked by the person who granted it.

(c) *Requirement of a power of attorney or a tax information authorization*—(1) *Requirement of power of attorney.* Except as otherwise provided in subparagraphs (3)(iii) and (4) of this paragraph, a power of attorney in proper form, or a copy thereof (for rules relating to copies, see paragraph (e) of

§ 601.504), executed by the taxpayer, will be required in a matter by the Revenue Service when the taxpayer's representative desires to perform one or more of the following acts on behalf of the taxpayer:

(i) Receipt (but not endorsement and collection) of a check in payment of any refund of internal revenue taxes, penalties, or interest. The endorsement and payment of a check drawn on the Treasurer of the United States after delivery to the taxpayer or his representative are governed by Treasury Department Circular No. 21, as amended (31 CFR Part 360). If the refund check is not to be endorsed by the payee personally, it should be endorsed under authority evidenced by one of the special types of powers of attorney prescribed by Circular No. 21. (For restrictions on the assignment of claims, see Revised Statute § 3477, as amended (31 U.S.C. 203). For rules relating to delivery of checks in payment of refunds, see paragraph (b) of § 601.506.)

(ii) Execution of a waiver of restriction on assessment or collection of a deficiency in tax, or a waiver of notice of disallowance of a claim for credit or refund.

(iii) Execution of a consent to extend the statutory period for assessment or collection of a tax.

(iv) Execution of a closing agreement under section 7121 of the Internal Revenue Code.

The power of attorney must specify which of the acts the representative is authorized to perform and no representative will be permitted to perform any of such acts without a proper power of attorney. Except as provided in paragraph (c)(2) of § 601.505, only one power of attorney is to be in effect in any office of the Revenue Service with respect to any of the acts enumerated in this subparagraph, and there must be included in such power of attorney the names and addresses of all representatives to whom the taxpayer has delegated authority to represent him with respect to any of the acts.

(2) *Requirement of a tax information authorization.* (i) Except as otherwise provided in subdivision (ii) of this subparagraph and subparagraphs (3) and (4) of this paragraph, in order that a taxpayer's representative may receive or inspect confidential tax information in a matter, a tax information authorization, or a copy thereof (for rules relating to copies, see paragraph (e) of § 601.504), will be required by the Revenue Service. The tax information authorization must be signed by the taxpayer and must specify the matter covered. Examples of the receipt or inspection of confidential information for which a tax information authorization is required are the inspection of the taxpayer's tax returns (see section 6103 and the regulations thereunder), the receipt from Revenue Service officials at a conference of information disclosing the position of the Revenue Service with respect to the taxpayer's liability, the discussion with Revenue Service officials on the substance or merits of a taxpayer's request for a ruling or determination letter, and the receipt of certain notices and other communications, such as a notice of deficiency under section 6212 of the Code or a "30-day letter" and examining officer's report under § 601.105(d), given to a taxpayer with respect to his tax affairs. A tax information authorization will not be required for receipt of notices and other communications which do not involve the disclosure of confidential information. For rules relating to the receipt of notices and other communications, see § 601.506.

(ii) Although the Revenue Service requires the taxpayer's representative to file a tax information authorization in order for such representative to receive or inspect confidential information in a matter, if such representative in connection with a matter has filed a power of attorney in order to perform one or more of the acts specified in subparagraph (1) of this paragraph he will be entitled to receive or inspect confidential information in the same matter without being required to file a separate tax information authorization.

(3) *Exceptions to requirement of power of attorney or tax information authorization in certain cases.* (i) A tax information authorization is not required of a taxpayer's representative at a conference which is also attended by the taxpayer. Unless the Revenue Service officials are advised to the contrary, in such a case, it will be presumed that the taxpayer in whose behalf the representative appears places no limitations upon the authority of his representative to receive confidential information at the conference.

(ii) A tax information authorization is not required at a conference concerning an estate tax case, even though the executor or administrator is not present at the conference, if the representative presents satisfactory evidence to the Revenue Service officials that he:

(*a*) Is recognized to practice before the Revenue Service within the meaning of paragraph (b)(1) of this section,

(*b*) Prepared the estate tax return on behalf of the executor or administrator, and

(*c*) Is the attorney of record for the executor or administrator before the court where the will is probated or the estate is administered.

(iii) A power of attorney or a tax information authorization is not required in the case of a trustee, receiver, or an attorney (designated to represent a trustee, receiver, or debtor in possession), appointed by a court having jurisdiction over a debtor. In such a case, Revenue Service officials may require the submission of a certificate from the court having jurisdiction over the debtor showing the appointment and qualification of the trustee, receiver, or attorney and that his authority has not been terminated. In cases pending before a district court of the United States, an authenticated copy of the order approving the bond of the trustee, receiver, or attorney will meet this requirement.

(4) *Commissioner's authority to substitute other requirements for power of attorney or tax information authorization.* The Commissioner may, with respect to the performance of a specific act, substitute a requirement other than a power of attorney or a tax information authorization for appropriate evidence of the authority of the taxpayer's representative.

§ 601.503 Requirements for filing evidence of recognition, power of attorney, and tax information authorization.

(a) *Filing evidence of recognition.* Evidence of recognition must be submitted when a representative presents himself for the initial meeting in the first office of the Revenue Service in which he represents the party on whose behalf he acts in connection with the matter under consideration. Once evidence of recognition has been submitted, it will not be necessary to submit it again either in the same office or in other offices of the Revenue Service which subsequently have the same matter under consideration, unless specifically requested. In the case of a qualified attorney or a qualified certified public accountant, the filing of the applicable written declaration described in paragraph (b)(1)(i) and (ii) of § 601.502 constitutes evidence of recognition. A standard written declaration form is available in Revenue Service offices.

(b) *Filing power of attorney and tax information authorization.* Except as otherwise provided in this paragraph, one copy of a power of attorney must be filed in each office of the Revenue Service in which the representative, in connection with the matter under consideration, desires to perform one or more of the acts enumerated in paragraph (c)(1) of § 601.502. If a power of attorney with respect to the matter has not been filed with the Revenue Service, one copy of a tax information authorization must be filed in each office of the Revenue Service in which the representative, in connection with the matter under consideration, receives or inspects confidential information. For rules relating to the filing of a power of attorney alone, see paragraph (c)(2)(ii) of § 601.502. One additional copy of a power of attorney or tax information authorization also must be filed for each tax matter covered by the power of attorney or tax information authorization. If, in addition to a past or present matter, a previously filed power of attorney or tax information authorization relates to a tax matter not presently under consideration, or for which tax returns are not yet due, copies of the power of attorney or tax information authorization will be required to be filed subsequently with respect to those matters. These copies of the power of attorney or tax information authorization may be submitted with the subsequent returns or when the matter is under consideration by the Revenue Service. Where a copy of a power of attorney or tax information authorization is filed with the office of a district director which has the matter under consideration, it is not necessary to file another such copy with the office of a regional commissioner or regional counsel which subsequently has the matter under consideration, unless such office specifically requests the additional copy. In case of a request for a ruling or other matter to be considered in the National Office, a copy of a power of attorney or a tax information authorization should be submitted with each request if the representative wishes to represent the taxpayer at a conference in the National Office. Standard power of attorney and tax information authorization forms are available in Revenue Service offices. For rules relating to the receipt of the original of the ruling by a representative, see paragraph (a) of § 601.506.

(c) *Practice by correspondence.* If a representative desires to represent a taxpayer through correspondence with the Revenue Service, the requirements of recognition (see paragraph (b) of § 601.502) and submission of evidence thereof and, if applicable, of submission of a power of attorney or a tax information authorization (see paragraph (c) of § 601.502) must be met even though no actual appearance is made. In the case of a qualified attorney or certified public accountant, evidenec of recognition shall be in the form of the written declaration referred to in paragraph (b)(i) or (ii) of § 601.502. In the case of an enrollee, evidence of recognition shall be in the form of a statement that he is enrolled and either his enrollment number or the expiration date of his enrollment card.

§ 601.504 Requirement for execution, attestation, acknowledgment, and certification of power of attorney and tax information authorization.

(a) *Formal requirements.* The use of technical language in the preparation of a power of attorney or a tax information authorization is not necessary, but the instrument should clearly express the taxpayer's intention as to the scope of the authority of the representative, and specify the tax matter to which the authority relates. A power of attorney or tax information authorization may relate to more than one matter as, for example, a tax information authorization which relates to a taxpayer's income taxes for several different taxable years. If the taxpayer wishes to authorize his representative to perform one or more of the acts set forth in paragraph (c)(1) of § 601.502 for which a power of attorney is required by the Revenue Service, the power must clearly specify which act or acts the representative is authorized to perform. Furthermore, if the taxpayer wishes to authorize his representative to make substitution of representatives or delegate authority to other representatives, the power of attorney must state this intention. The power of attorney need not specify the names of the representatives who may be substituted or to whom authority may be delegated, although such substitution or delegation, when it occurs, must be evidenced by a statement signed by the representative named in the power of attorney. The power of attorney or tax information authorization should also contain the mailing address of the representative and, if more than one person is to represent the taxpayer in the matter, a designation as to which representative is to receive notices and other written communications. Standard power of attorney and tax information authorization forms are available in Revenue Services offices. For rules relating to the mailing of notices or other written communications to a representative, see § 601.506.

(b) *Execution of a power of attorney or a tax information authorization*—(1) *Ordinary cases.* A power of attorney or a tax information authorization must be executed as follows:

(i) *Individual.* In the case of an individual taxpayer, by such individual.

(ii) *Husband and wife.* In the case of any taxable year for which a joint return was made by husband and wife, by both husband and wife except that either spouse may sign for the other if such signature is duly authorized in writing by the other spouse.

(iii) *Partnership.* In the case of a partnership, by all members, or if executed in the name of the partnership, by one of the partners duly authorized to act for the partnership.

(iv) *Corporation.* In the case of a corporation, by an officer of the corporation having authority to bind the corporation, who shall certify that he has such authority.

(v) *Association.* In the case of an association, the same requirements shall be applied as in the case of a corporation.

(2) *Special cases.* A power of attorney or a tax information authorization in the special cases set forth in subdivisions (i) through (vi) of this subparagraph must be executed by the party or parties having authority to act in the matter under consideration. In this connection, Revenue Service officials may require the submission of appropriate supplementary evidence of the authority of the party or parties. Such powers of attorney or tax information authorizations must be executed as follows:

(i) *Dissolved partnership.* In the case of a dissolved partnership, by each of the former partners. If one or more of the partners are dead, their legal representatives must sign in their stead (see subdivision (iv) of this subparagraph), unless, under the laws of the particular State, the surviving partners at the time of execution of the power of attorney or tax information authorization have exclusive right to control and possession of the firm's assets for the purpose of winding up its affairs, in which case their signatures alone will be sufficient. If only the surviving partners sign the power of attorney or tax information authorization, the Revenue Service officials may require the submission of a copy of or a citation to the pertinent provisions of the State law under which the surviving partners claim authority without legal representatives of the deceased partners.

(ii) *Dissolved corporation.* In the case of a dissolved corporation, by the liquidating trustee or trustees under dissolution, if one or more have been appointed, or by a trustee deriving authority under a statute of the State in which the corporation was organized. If there is more than one trustee, all must join unless it is established that less than all have authority to act in the matter under consideration. The Revenue Service officials may require the submission of a properly authenticated copy of the instrument under which the trustee derives his authority. If the trustee's authority is derived under a State statute, the Revenue Service officials may require the submission of a copy of or a citation to the pertinent provisions of such statute, together with a statement made under penalties of perjury setting forth the facts required by the statute as a condition precedent to the vesting of authority in said trustee and stating that in the case of any trustee, his authority has not been terminated. If there is no trustee, the power of attorney or tax information authorization must be signed by a sufficient number of individuals to constitute a majority of the voting stock of the corporation as of the date of dissolution. The Revenue Service officials may require submission of a statement showing the total number of outstanding shares of voting stock as of the date of dissolution, the number of shares held by each signatory to the power of attorney or tax information authorization, the date of dissolution, and positive averments as to the nonexistence of any trustee.

(iii) *Insolvent taxpayer.* In the case of an insolvent taxpayer, by the trustee, receiver, or attorney appointed by the court. The Revenue Service officials may require the submission of a certificate from the court having jurisdiction over the insolvent showing the appointment and qualification of the trustee, receiver, or attorney and that his authority has not been terminated. In cases pending before a district court of the United States, an authenticated copy of the order approving the bond of the trustee, receiver, or attorney will meet this requirement.

(iv) *Deceased taxpayers.* In the case of a deceased taxpayer, by the executor or administrator if one has been appointed and is acting and responsible for disposition of the matter under consideration. The Revenue Service officials may require the submission of a short-form certificate (or authenticated copies of letters testamentary or letters of administration) showing that the authority of the executor or administrator is in full force and effect at the time the power of attorney or tax information authorization is submitted. In the event that a trustee under the will is acting, the power of attorney or tax information authorization should be executed by the trustee, unless the executor has not been discharged and is responsible for disposition of the matter. The Revenue Service officials may require the submission of evidence of the discharge of the executor and appointment of the trustee, or other appropriate evidence of the authority of the trustee to act. If no executor, administrator, or trustee under the will is acting or responsible for disposition of the

matter and the estate has been distributed to the residuary legatee or legatees, the power of attorney or tax information authorization should be executed by the residuary legatee or legatees. The Revenue Service officials may require the submission of a statement from the court certifying that no executor, administrator, or trustee under the will is acting or responsible for disposition of the matter, and naming the residuary legatees and indicating the proper share to which each is entitled. In the event that the decedent died intestate and the administrator has been discharged and is not responsible for disposition of the matter, or none was ever appointed, the power of attorney or tax information authorization must be executed by the distributees. The Revenue Service officials may require the submission of evidence of the discharge of the administrator if one had been appointed and evidence that the administrator is not responsible for disposition of the matter, and statements made under penalties of perjury and such other appropriate evidence as can be produced tending to show the relationship to the deceased of the signatories to the power of attorney or tax information authorization and the right of each of them to the respective shares claimed under the law of the domicile of the deceased.

(v) *Guardians and other fiduciaries appointed by a court of record.* In the case of a taxpayer for whom a guardian or other fiduciary has been appointed by a court of record, by the fiduciary. The Revenue Service officials may require the submission of a court certificate or court order showing that such fiduciary has been appointed and that his appointment has not been terminated.

(vi) *Trustee under agreement or declaration.* In the case of a taxpayer who has appointed a trustee, by the trustee. If there is more than one trustee appointed, all should join unless it is shown that less than all have authority to act. The Revenue Service officials may require the submission of documentary evidence of the authority of the trustee to act. Such evidence may be either a copy of the trust instrument, properly certified, or a certified copy of extracts from the trust instruments, showing:

(*a*) The date of the instrument,

(*b*) That it is or is not of record in any court,

(*c*) The beneficiaries,

(*d*) The appointment of the trustee, the authority granted, and such other information as may be necessary to show that such authority extends to Federal tax matters, and

(*e*) That the trust has not been terminated and the trustee appointed therein is still acting.

In the event that the trustee appointed in the original trust instrument is no longer acting and has been replaced by another trustee, documentary evidence of the appointment of the new trustee should be submitted.

(c) *Attestation and corporate seal.* It is not necessary that a power of attorney or a tax information authorization granted by a corporation be attested or that the corporate seal be affixed. Spaces provided on power of attorney or tax information authorization forms for affixing the corporate seal are for the convenience of corporations required by charter, or by the law of the jurisdiction in which they are incorporated, to affix their corporate seals in the execution of instruments. See paragraph (a)(1) of § 1.6062–1 of this chapter (Income Tax Regulations).

(d) *Acknowledgment or witnessing*—(1) *General rule.* Except as provided in subparagraph (2) of this paragraph, a power of attorney must be acknowledged before a notary public, or in lieu thereof, witnessed by two disinterested individuals. The notarial seal must be affixed unless such seal is not required under the laws of the State in which the power of attorney is executed. A tax information authorization requires no acknowledgment or witnessing.

(2) *Exception.* If the power of attorney is granted to a representative who is recognized to practice before the Revenue Service under paragraph (b)(1)(i), (ii), or (iii) of § 601.502, and such representative certifies on the power of attorney that he is so recognized, the acknowledgment or witnessing under subparagraph (1) of this paragraph will not be required.

(e) *Certification of copies.* A copy of a power of attorney or a tax information authorization, or a paper or document filed therewith, which is reproduced by photographic processes, need not be certified as a true and correct copy of the original. When such a copy is reproduced by other methods, it will be acceptable if its authenticity is certified either by a representative who is recognized to practice before the Revenue Service under paragraph (b)(1)(i), (ii), or (iii) of § 601.502, or by a notary public or other proper official who states that he has personally compared the copy with the original and finds it to be a true and correct copy.

§ 601.505 Requirements for changing representation.

(a) *No distinction between types of powers of attorney.* A power of attorney is only required by the Revenue Service for the performance of one or more of the acts enumerated in paragraph (c)(1) of § 601.502. Accordingly, for purposes of the rules relating to change in representation set forth in paragraph (c) of this section, no distinction will be made by the Revenue Service between a general and a limited power of attorney.

(b) *Refusal to recognize representative in certain cases.* Circular No. 230 prohibits a recognized representative from unreasonably delaying the prompt disposition of any matter before the Revenue Service. An unreasonable delay may constitute the basis for refusal on the part of the Revenue Service to further recognize a representative in the case. In such a case, the appropriate administrative officer of the Revenue Service shall, however, give written notice of such refusal to the representative and the taxpayer and shall briefly state the reason such action has been taken.

(c) *Change in representation*—(1) *New power of attorney or tax information authorization required.* In any case in which there has been filed a power of attorney with respect to one or more of the acts enumerated in paragraph (c)(1) of § 601.502, or a tax information authorization, and thereafter, with respect to the same matter, the taxpayer desires:

(i) To add or to reduce the number of representatives authorized to perform one or more of such acts, or to receive confidential information,

(ii) To revoke the authority granted to a representative and to authorize a new representative to perform one or more of such acts, or to receive such confidential information, or

(iii) To change the authority granted to a representative,

a new power of attorney or a new tax information authorization, whichever is appropriate, must be filed.

(2) *Rules of revocation of power of attorney and tax information authorization.* (i) Except as provided in the next sentence, a new power of attorney filed with respect to one or more of the acts enumerated in paragraph (c)(1) of § 601.502 will be deemed as revoking a prior power of attorney (regardless of whether the act or acts enumerated in the prior power are the same as or different from the act or acts enumerated in the new power) or tax information authorization granted by the taxpayer to another representative with respect to the same matter. A new power of attorney will not be deemed as revoking a prior power of attorney or tax information authorization if it contains a clause specifically stating that it does not revoke such prior power of attorney or tax information authorization, and there is attached to the new power of attorney a copy of the unrevoked prior power of attorney or tax information authorization or a statement signed by the taxpayer listing the names and addresses of all representatives authorized under the prior power of attorney or tax information authorization. This procedure permits a taxpayer to authorize additional representatives to perform one or more of the acts enumerated in paragraph (c)(1) of § 601.502, or to receive confidential information, without revoking the authority of representatives under a prior power of attorney or tax information authorization with respect to the matter referred to in the prior power of attorney or tax information authorization. For rules relating to the practice of the Revenue Service in giving notices and other written communications in cases in which a taxpayer has more than one authorized representative, see paragraph (a) of § 601.506.

(ii) Except as provided in the next sentence, a new tax information authorization will be deemed as revoking a prior tax information authorization filed with respect to the same matter. A

new tax information authorization will not be deemed as revoking a prior tax information authorization with respect to the same matter if it contains a clause specifically stating that it does not revoke such prior tax information authorization, and if there is attached to the new tax information authorization a copy of the unrevoked prior tax information authorization of a statement signed by the taxpayer listing the names and addresses of all representatives authorized under the prior tax information authorization. This procedure permits a taxpayer to authorize additional representatives to receive confidential information, without revoking the authority of representatives under a prior tax information authorization with respect to the matter referred to in the prior tax information authorization. For rules relating to the practice of the Revenue Service in giving notices and other written communications in cases in which a taxpayer has more than one authorized representative, see paragraph (a) of § 601.506.

(iii) Except as provided in the next sentence, a new tax information authorization will not be deemed as revoking a prior power of attorney filed with respect to the same matter. A new tax information authorization will be deemed as revoking a prior power of attorney with respect to the same matter if there is attached to the new tax information authorization a statement signed by the taxpayer listing the names and addresses of all representatives under the prior power of attorney whose authority is revoked. This procedure permits a taxpayer to authorize additional representatives to receive confidential information, and, at the same time, revoke the authority of representatives under a prior power of attorney with respect to the matter referred to in the prior power of attorney. For rules relating to the practice of the Revenue Service in giving notices and other written communications in cases in which a taxpayer has more than one authorized representative, see paragraph (a) of § 601.506.

(iv) A taxpayer may revoke a power of attorney or a tax information authorization granted to a representative without authorizing a new representative to act for him. Upon revocation of a power of attorney or a tax information authorization when no new power of attorney or tax information authorization is executed, the taxpayer must send a signed statement to those offices of the Revenue Service where he has filed copies of the power of attorney or tax information authorization which is to be revoked listing the names and addresses of the representatives whose authority is revoked.

§ 601.506 Notices to be given to recognized representatives; delivery of refund checks to recognized representatives.

(a) *Notices.* Any notice or other written communication (or a copy thereof) required or permitted to be given to a taxpayer in any matter before the Revenue Service shall be given to the taxpayer's recognized representative. However, if such notice or communication contains confidential information with respect to the taxpayer, the notice or communication will be given to the representative only if there is on file with the Revenue Service a power of attorney or a tax information authorization in the matter signed by the taxpayer. For general rules relating to the requirement of a tax information authorization, see paragraph (c)(2) of § 601.502. If a taxpayer has more than one recognized representative in a matter, service upon any one shall be sufficient. However, to the extent feasible, it will be the practice of the Revenue Service to give notices and other written communications to whichever of the representatives is designated by the taxpayer to receive such communications in the power of attorney or tax information authorization, whichever instrument reflects the latest date. In a case in which the taxpayer does not designate which representative is to receive notices, it will be the practice of the Revenue Service to give notices to the representative first named on the instrument which reflects the latest date. In no event will failure to give notice or other written communication to a taxpayer's representative affect its validity which is to be determined solely under the provisions of the Internal Revenue Code. In the case of a request for a ruling, if it is desired that the original of the ruling (or of any correspondence in connection therewith) be addressed to the taxpayer's recognized representative, the power of attorney or tax information authorization should contain a statement to that effect and designate the mailing address of such representative.

(b) *Delivery of checks in payment of refunds*—(1) *In general.* The Revenue Service is not bound to deliver any check in payment of refund of internal revenue taxes, penalties, or interest to a representative of any taxpayer acting under authority evidenced by a power of attorney. However, it will be the general policy of the Revenue Service to mail such a check in care of a recognized representative who has filed a power of attorney from the taxpayer, specifically authorizing him to receive but not to endorse such check (see paragraph (c)(1)(i) of § 601.502), provided that such power of attorney has been filed in sufficient time for the section or division preparing the certificate of overassessment, or other appropriate notice, to show thereon the mailing address as "care of" the representative. When a representative has more than one address, a request to mail the check to an address other than that shown in the power of attorney will not be granted unless the address shown in the power of attorney is no longer that of the representative. In the event that a power of attorney is filed specifically authorizing more than one representative to receive checks on the taxpayer's behalf, and such representatives have different addresses, the Revenue Service will mail the check directly to the taxpayer, unless a statement is furnished, signed by all of the representatives named in the power of attorney, requesting that the check be mailed in care of one of their number. Furthermore, it well be the policy of the Revenue Service not to mail checks in payment of refunds to a representative who holds authority to receive such checks by reason of a substitute power of attorney obtained from the representative designated by the taxpayer.

(2) *Cases in litigation.* Checks in payment of claims which have either been reduced to judgment or settled in the course or as a result of litigation will be drawn in the name of the person or persons entitled to the money. In an action arising in a U.S. district court, the check will be sent to the appropriate U.S. Attorney for delivery to the taxpayer or the counsel of record in the court proceeding. In an action arising in the U.S. Court of Claims, the check will be sent to the Assistant Attorney General, Tax Division, Department of Justice, for such delivery.

§ 601.507 Evidence required to substantiate facts alleged in conferences.

All evidence, except that of a supplementary or incidental character, may be required to be submitted over the signed declaration of the taxpayer, made under penalties of perjury, that such evidence is true. Thus, in the case of any matter pending before the Revenue Service in respect of which the taxpayer submits a protest or other similar statement, such protest or statement should contain a recitation of the facts on which the taxpayer relies, made under the penalties of perjury, and should meet all the issues raised by the Revenue Service which the taxpayer desires to contest. In lieu of a declaration of the taxpayer made under penalties of perjury, every claim, written argument, brief, or recitation of the facts, prepared or filed by the taxpayer's representative in any matter pending before the Revenue Service, should have endorsed thereon a declaration signed by such representative as to whether or not he prepared such document and whether or not he knows of his own knowledge that the facts contained therein are true and correct. In any case in which the taxpayer's representative is unable or unwilling to declare of his own knowledge that the facts are true and correct, the Revenue Service may request the taxpayer to make such a declaration under penalties of perjury.

§ 601.508 Contest between representatives of a taxpayer.

Where there is a contest between members of a dissolved firm or between two or more representatives as to which is entitled to represent a client in a matter pending before the Revenue Service, or to receive a check, thereafter the taxpayer only shall be recognized, unless the members or survivors of the dissolved firm, or the contesting representatives, file an agreement signed by all designating which of them shall be entitled to represent the taxpayer in such matter or to receive any check. In no case shall the delivery of a check to the taxpayer be delayed more than 60 days by reason of failure to file such agreement.

§ 601.509 Power of attorney or tax information authorization not required in cases docketed in the Tax Court of the United States.

In a case docketed in the Tax Court of the United States, the petitioner and the Commissioner stand in the position of parties litigant before a judicial body. The Tax Court has its own rules of practice and procedure and its own rules respecting admission to practice before it. Accordingly, a power of attorney or a tax information authorization is not required by the Revenue Service in cases docketed in the Tax Court. Correspondence in connection with cases docketed in the Tax Court will be addressed to counsel of record before the Court. In all cases pending in the Appellate Division, other than cases docketed in the Tax Court, the customary power of attorney or tax information authorization is required.

REQUIREMENTS FOR ALCOHOL AND TOBACCO TAX ACTIVITIES

§ 601.521 Requirements for conference and representation in conference.

The requirements for conference in the office of an assistant regional commissioner, alcohol and tobacco tax, or the Office of the Director, Alcohol and Tobacco Tax Division, are contained in § 601.308 of this part. Where an industry member or other person is to be represented in conference, the representative must be recognized to practice as provided in paragraph (b) of § 601.502. When a representative presents himself on behalf of an industry member or other person for the initial meeting in the office of an assistant regional commissioner, alcohol and tobacco tax, or of the Director, Alcohol and Tobacco Tax Division, he must submit evidence of recognition; or he should state in his first letter or other written communication with such office whether he is recognized to practice, and should enclose evidence of such recognition. In the case of a qualified attorney or a qualified certified public accountant, the filing of the applicable written declaration described in paragraph (b) (1) (i) and (ii) of § 601.502 constitutes evidence of recognition.

§ 601.522 Power of attorney.

Except as otherwise provided in this section, a power of attorney, Form 1534, or copy thereof, will be required for a representative of a principal (a) to perform the acts specified in paragraph (c) (1) of § 601.502; or (b) to sign any application, bond, notice, return, report, or other document required by, or provided for in, regulations issued pursuant to chapter 51 (Distilled Spirits, Wines, and Beer), chapter 52 (Cigars, Cigarettes, and Cigarette Papers and Tubes), and chapter 53 (Machine Guns and Certain Other Firearms), Internal Revenue Code, the Federal Alcohol Administration Act, or the Federal Firearms Act, which is filed with or acted on by (1) the office of an assistant regional commissioner, alcohol and tobacco tax, or (2) the Director, Alcohol and Tobacco Tax Division. A power of attorney will not be required for a person authorized to sign on behalf of the principal by articles of incorporation, by-laws, or a board of directors, where an acceptable copy of such authorization is on file in the office of the assistant regional commissioner or of the Director. A power of attorney filed under the provisions of this section may cover one or more acts for which a power of attorney is required and will continue in effect with respect to such acts until revoked as provided in § 601.526. The exceptions to the requirements for a power of attorney contained in paragraph (c) (3) and (4) of § 601.502 are applicable to powers of attorney under this section.

§ 601.523 Tax information authorization.

Where any of the acts specified in paragraph (c) (2) (i) of § 601.502 are to be performed by a representative, and such representative has not filed a power of attorney, a tax information authorization (or copy thereof) will be required. Such authorization may cover one or more of the acts for which a tax information authorization is required and will continue in effect with respect to such acts until revoked as provided in § 601.526. The exceptions to the requirements for a tax information authorization, provided in paragraph (c) (3) and (4) of § 601.502, are applicable to such authorizations under this section.

§ 601.524 Execution and filing powers of attorney and tax information authorizations.

(a) *Time of filing.* A copy of the power of attorney must be filed in each office (that is, office of an assistant regional commissioner and Office of the Director, Alcohol and Tobacco Tax Division) in which a document specified in § 601.522, covered by the power of attorney, is required to be filed, or in which the representative desires to perform one or more of the acts enumerated in paragraph (c) (1) of § 601.502. If a power of attorney covering an act otherwise requiring the filing of a tax information authorization has not been filed, a copy of the tax information authorization must be filed in each office in which the representative inspects or receives confidential information, or, where acts requiring a power of attorney or a tax information authorization are handled by correspondence, the representative should enclose a copy of the power or authorization with the initial correspondence. However, where a power of attorney or tax information authorization is on file with the assistant regional commissioner, alcohol and tobacco tax, an additional copy thereof will not be required in the office of the regional counsel of the same region.

(b) *Execution.* The power of attorney required by § 601.522, or tax information authorization required by § 601.523, shall be executed in the manner prescribed in paragraph (b) of § 601.504; shall indicate all acts to which it relates; should contain the mailing address of the representative; and, if more than one representative is authorized to perform the same acts on behalf of the industry member or other person, a designation as to which representative is to receive notices and other written communications. For rules relating to the mailing of notices or other written communications to a representative, see § 601.506.

(c) *Attestation and corporate seal.* In the case of a corporation, a power of attorney filed with an officer of the Alcohol and Tobacco Tax Division must be attested by the secretary and the corporate seal must be affixed. If the officer who signs the power of attorney is also the secretary, another officer of the corporation, preferably the president, vice president, or treasurer, must also sign the power of attorney so that two different individuals' signatures appear thereon. If the corporation has no seal, a certified copy of a resolution duly passed on by the board of directors of the corporation authorizing the execution of powers of attorney should be attached.

(d) *Acknowledgment.* A power of attorney filed with an office of the Alcohol and Tobacco Tax Division must be acknowledged, witnessed, or certified as provided in paragraph (d) of § 601.504.

§ 601.525 Certification of copies of documents.

The provisions of paragraph (e) of § 601.504 with respect to certification of copies are applicable to a power of attorney or a tax information authorization required to be filed under § 601.522 or § 601.523.

§ 601.526 Revocation of powers of attorney and tax information authorizations.

The revocation of the authority of a representative covered by a power of attorney or tax information authorization filed in an office of the Alcohol and Tobacco Tax Division shall in no case be effective prior to the giving of written notice to the proper official that the authority of such representative has been revoked.

§ 601.527 Other provisions applied to representation in alcohol and tobacco tax activities.

The provisions of paragraph (b) of § 601.505, and of §§ 601.506 through 601.508 of this subpart, as applicable, shall be followed in offices of the Alcohol and Tobacco Tax Division.

[F.R. Doc. 67-3290; Filed, Mar. 28, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Parts 301, 319]

FOREIGN AND DOMESTIC QUARANTINE NOTICES

Unshu (Satsuma) Oranges From Japan

On November 24, 1966, there was published in the FEDERAL REGISTER (31 F.R. 14881) a notice of proposed rule making citing a proposal made to the U.S. Department of Agriculture by certain importers suggesting that notice of quarantine No. 28 relating to the importation of citrus fruits (7 CFR 319.28), under the Plant Quarantine Act (7 U.S.C. 151 et seq.), be amended to permit the importation of Unshu (Satsuma) oranges from Japan to limited destinations under certain safeguards intended to prevent the introduction of the citrus canker disease (*Xanthomonas citri* (Hasse) Dowson). Communications received in response to this notice did not furnish sufficient scientific information on which to base a decision. Accordingly, following a FEDERAL REGISTER announcement published February 2, 1967 (32 F.R. 1181) the Department held a public hearing on February 14 and 15, 1967, to consider further the scientific aspects of the proposal. An analysis of the transcript of this hearing showed that there was a question as to whether the several safeguards proposed could alone effectively protect the United States against the entry of the citrus canker disease. Therefore, the proponents of the proposal have recommended the addition of a further procedure that is considered to represent a strengthening of the safeguards already proposed.

This further procedure involves an intervening test between packing and export of the Unshu oranges. Just prior to loading aboard ship, sample fruit would be tested by recognized bacteriophage methods to insure freedom from bacteria of *Xanthomonas citri*. The technique of this method is now in such an advanced stage of development that it has extremely precise specificity for detecting within a matter of a few hours the presence of *X. citri* in a substance being tested.

Consideration is being given by the Department to permit the entry of Japanese-grown Unshu oranges into the three States originally proposed (Idaho, Montana, and Washington), as well as into the adjacent State of Oregon, with this technique added to the requirements previously suggested. The proponents have also proposed that such oranges, as well as their wrappers and containers, be labeled to show they may be legally moved only to the designated States. That labeling in itself would not have the necessary effect of preventing the movement of such oranges from these States to citrus-growing areas. Consequently, the Department is further proposing, in the event that entry of Unshu oranges is authorized as proposed, that an interstate quarantine under the Plant Quarantine Act be invoked to prohibit the movement of Japanese-grown Unshu oranges from Alaska and the other designated States into or through any other State, Territory or District of the United States. Movement of Unshu oranges into Alaska is now permissible under existing regulations.

Also, as a result of the hearing testimony, the Department is proposing that the State of Oregon be added to those already proposed as receiving States, and that entry be authorized at Pacific Coast ports in the States of Alaska, Washington, and Oregon where plant quarantine inspection is available.

It is accordingly proposed, under sections 5, 7, 8, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159, 160, 161, 162), to revise Notice of Quarantine No. 28 relating to the importation of citrus fruits (7 CFR 319.28) and, contingent upon adoption of the proposed revision of Notice of Quarantine No. 28, to adopt as Notice of Quarantine No. 83 (7 CFR 301.83) a prohibition on the interstate movement of Japanese-grown Unshu (Satsuma) oranges from the States of Alaska, Idaho, Montana, Oregon, and Washington into or through any other State, Territory or District of the United States, as follows:

1. Revise § 319.28 to read as follows:

§ 319.28 Notice of quarantine.

(a) Under the authority conferred by sections 7, 8, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 160, 161, 162), and having held the public hearing required thereunder, the Secretary of Agriculture does hereby declare, (1) that in order to prevent the introduction into the United States of the citrus canker disease (*Xanthomonas citri* (Hasse) Dowson) the importation into the United States of all fruits and peel of all genera, species, and varieties of the subfamilies *Aurantioideae*, *Rutoideae*, and *Toddalioideae* of the botanical family *Rutaceae* from eastern and southeastern Asia (including India, Burma, Ceylon, Thailand, Indochina, and China), the Malay Archipelago, the Philippine Islands, Oceania (except Australia and Tasmania), Japan and adjacent islands, Formosa, Mauritius, Seychelles, Brazil and Paraguay is prohibited; (2) that in order to prevent the introduction into the United States of sweet orange scab (*Elsinoe australis* Bitanc. and Jenkins) the importation into the United States of fruits and peel of all species and varieties of the genus *Citrus*, including among others *Citrus aurantifolia* (Christm.) Swingle, *C. aurantium* L., *C. hystrix* DC., *C. limon* (L.) Burm. f., *C. paradisi* Macf., *C. reticulata* Blanco, and *C. sinensis* (L.) Osbeck; and *Fortunella margarita* (Lour.) Swingle, from Argentina, Brazil, Paraguay, and Uruguay, is prohibited; and (3) that in order to prevent the introduction into the United States of the bacterial disease known as "Cancrosis B" the importation into the United States of fruits and peel of all species and varieties of the genus *Citrus*, including among others *Citrus aurantifolia* (Christm.) Swingle, *C. aurantium* L., *C. limon* (L.) Burm. f., *C. medica* L., and *C. sinensis* (L.) Osbeck, from Argentina, Paraguay, and Uruguay, is prohibited: *Provided*, That seeds and processed peel of fruits designated herein are excluded from the provisions of this quarantine. Such seeds, however, are subject to the requirements of the Nursery Stock, Plant, and Seed Quarantine No. 37 (§§ 319.37 to 319.37-27).

(b) This prohibition shall not apply to importations of fruits of *Citrus reticulata* Blanco var. Unshu (Satsuma) under permit with destinations limited to points in the States of Alaska, Idaho, Montana, Oregon, and Washington: *Provided*, Each of the following safeguards is fully carried out:

(1) The Unshu oranges to be imported shall be grown and packed in isolated canker-free export areas established by the Japanese Plant Protection Service. In such areas only Unshu oranges may be grown and necessary steps shall be taken to prevent the movement into those areas from any source of fruits, peel, plants, or budwood of the genera Citrus and Poncirus, other than propagating material of *Citrus reticulata* Blanco var. Unshu (Satsuma). The isolated areas shall be determined by qualified plant pathologists of both Japan and the United States as being apparently canker-free and free of citrus trees other than Unshu oranges. These isolated areas shall be separated from other citrus groves by a buffer zone which is itself free of all non-Unshu citrus.

(2) Inspection of the Unshu oranges shall be performed jointly by plant pathologists of Japan and the United States in the groves prior to and during harvest, and in the packing houses during packing operations.

(3) Before packing, such oranges shall be given a surface sterilization as prescribed by the U.S. Department of Agriculture.

(4) The identity of the fruit shall be maintained in the following manner:

(i) Each orange shall be marked to show the country of origin. On its tissue paper wrapping, and on the individual box in which such oranges are shipped, there is to be stamped or printed a statement specifying the States into which the Unshu oranges may be imported, and from which they are prohibited removal under a Federal plant quarantine.

(ii) Each shipment of oranges handled in accordance with these procedures shall be accompanied by a certificate of the Japanese Plant Protection Service certifying that the fruit is apparently free of citrus canker disease.

(5) Just prior to its export fruit from each shipment shall be tested by recognized bacteriophage methods in the presence of a representative of the U.S. Department of Agriculture, to ensure freedom from bacteria of *Xanthomonas citri*. Any lots of fruit not demonstrated by the test to be free from the bacterium shall be ineligible for export to the United States.

(6) Entry shall be limited to Pacific Coast ports in the States of Alaska, Washington, and Oregon where plant quarantine inspection is available, with destinations limited to points in the States of Alaska, Idaho, Montana, Oregon, and Washington.

(7) Such Unshu oranges will be subject to a final examination at the port of arrival by inspectors of the U.S. Department of Agriculture before release.

(c) This prohibition shall not apply to importations for experimental or scientific purposes by the United States Department of Agriculture upon such conditions and under such requirements

as may be prescribed in permits that may be issued by the Director of the Plant Quarantine Division for such importations.

(d) Further, this prohibition shall not apply to importations into Guam of the fruits and peel designated in paragraph (a)(1) of this section.

(e) Importations allowed in paragraphs (b), (c), and (d) of this section shall be subject to the permit and other requirements under the Fruits and Vegetables Quarantine (§ 319.56).

(f) All salary, travel, and subsistence expenses incident to the assignment of personnel of the U.S. Department of Agriculture to such operations in Japan shall be paid by those requesting the service of such personnel.

(g) As used in this section unless the context otherwise requires, the term "United States" means the continental United States, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

2. Contingent upon adoption of the proposed revision of Notice of Quarantine No. 28, promulgate as § 301.83 (7 CFR 301.83) a Notice of Quarantine No. 83 to read as follows:

§ 301.83 Notice of quarantine.

Under the authority conferred by sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), and after public hearing, it has been determined that it is necessary to prevent the interstate movement from the States of Alaska, Idaho, Montana, Oregon, and Washington, into or through any other State, Territory, or District of the United States, of Unshu (Satsuma) oranges grown in Japan and imported into any of the specified States in accordance with paragraph (b) of Notice of Quarantine No. 28 (7 CFR 319.28(b)). The said States of Alaska, Idaho, Montana, Oregon, and Washington are accordingly quarantined and the aforesaid Japanese-grown Unshu (Satsuma) oranges are prohibited interstate movement therefrom into or through any other State, Territory, or District of the United States, to prevent the spread by such means of the citrus canker disease (*Xanthomonas citri* (Hasse) Dowson).

(Sec. 5, 37 Stat. 316, sec. 7, 37 Stat. 317, secs. 8, 9, 37 Stat. 318; 7 U.S.C. 159, 160, 161, 162; 29 F.R. 16210, as amended)

A public hearing to consider (1) the revision of Notice of Quarantine No. 28 (7 CFR 319.28) as proposed, and (2) the issuance of the proposed Notice of Quarantine No. 83 (7 CFR 301.83), will be held before a representative of the Agricultural Research Service in the new U.S. Courthouse, 620 Southwest Main Street, Portland, Oreg., at 10 a.m., April 12, 1967, at which hearing any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before April 12, 1967, or with the presiding officer at the hearing.

All written communications received pursuant to the notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 24th day of March 1967.

[SEAL] GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 67-3406; Filed, Mar. 28, 1967; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Parts 1001, 1002, 1015]

[Docket Nos. AO 14-A38-R01, AO 71-A51, AO 305-A16]

MILK IN MASSACHUSETTS-RHODE ISLAND, NEW YORK-NEW JERSEY, AND CONNECTICUT MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at New York, N.Y., on February 15-16, 1967, pursuant to notices thereof which were issued February 2, 1967 (32 F.R. 2447), and February 8, 1967 (32 F.R. 2819).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on March 10, 1967 (32 F.R. 4071; F.R. Doc. 67-2846) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 4071; F.R. Doc. 67-2846) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under the subheading "a. Deletion of seasonal Class I pricing factors." a sentence is deleted in the eighth paragraph, the last paragraph is deleted and new paragraphs are substituted therefor.

2. Under the subheading "2. Effective date of proposed changes." a new paragraph is added immediately following the sixth paragraph, the seventh paragraph is deleted and a new paragraph is substituted therefor.

The material issues on the record of the hearing relate to:

1. The incorporation in these three orders of a coordinated plan of seasonal pricing. The coordinated plan would:

a. Eliminate seasonal factors now used in computing Class I prices.

b. Apply seasonal factors in computing blend prices designed to create greater incentives for producers to deliver milk to these markets in certain months and reduce incentives in other months.

2. When the changes described in issue No. 1 should be made effective.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

1. *A coordinated plan.* A plan which incorporates in each of these orders provisions which coordinate seasonal changes in both Class I and blend prices should be adopted.

Such a coordinated plan was proposed by 21 cooperative organizations of producers representing 34,000 producers, approximately three-fourths of those supplying these markets. The proposal supported by the cooperatives would eliminate seasonal factors in computing Class I prices under each of the orders. Seasonal factors would be used in calculating blend prices.

The proposed seasonal factors applicable to blend price computations for each market provided for the deduction of specified rates per hundredweight of all pooled milk in each of the months March through June. The funds accumulated from such deductions, plus interest, would be added to the respective pool funds in computing blend prices for August through November.

The proposed deduction rates proposed for the New York-New Jersey and Massachusetts-Rhode Island orders were 10 cents per hundredweight of pooled milk in March, 20 cents in April, and 30 cents in May and June. Rates proposed for Connecticut were 10 cents higher for each month.

The accumulated fund plus interest would be divided in the following proportions and added to the pool fund computations for the respective months: August, 25 percent; September and October, 30 percent; and November, 15 percent. The "pay-back" plan would apply for the same months and in the same proportions in each of the markets.

The impact of milk supplies and prices in any one of these three markets is felt in each of the other markets. The need for relating Class I price levels is now recognized in the use of an identical Class I pricing formula in the Connecticut and Massachusetts-Rhode Island orders and the provision in such formula that the basic level of Class I prices (prior to seasonal adjustment and an adjustment reflecting local supply and sales) shall not deviate from the basic Class I price under the New York-New Jersey order by more than 5 cents.

With the elimination of seasonal factors, Class I price changes in the New England markets and the New York-New Jersey market would be even more closely coordinated. Under present provisions seasonal factors account for Class I price differences of 1 percent in 6 months and 2 percent in 1 month. In the remaining 5 months the seasonal factors are identical.

The proponent cooperatives representing 90 percent of producers supplying the Massachusetts-Rhode Island market, 71 percent of those supplying the New York-New Jersey market, and 93 percent of the producers supplying the Connecticut market supported the plan for eliminating the seasonal Class I price factors.

In coordinating the seasonal factors for the blend price computations for the three markets the cooperative proponents were concerned primarily with the seasonal timing of such adjustments. Coordination of the months in which such seasonal adjustments apply would reduce incentives on the part of producers to shift milk supplies from one market to another to avoid a blend price reduction in the "take-out" months or to share in a blend price addition in the "pay-back" months.

There is considerable overlapping of the milk supply areas for these three markets. In 1965 the Massachusetts-Rhode Island market obtained 12 percent of its producer milk supply from New York State and 4 percent from Connecticut.

The Connecticut market obtained 525 million pounds of milk, nearly one-half of its producer milk supply in 1965, from New York farms. Based on data for the months of December 1964 and 1965 these farms were located in seven New York counties. Data for the New York-New Jersey market are not available for all of these seven counties. However, dairy farmer receipts in 1965 under the New York-New Jersey order from three of these counties, 535 million pounds, exceeds the total quantity of receipts at Connecticut plants from these same counties.

In view of the proximity of farms supplying one of these markets to farms supplying one or both of the others, producers could avail themselves of an opportunity to ship first to one market and then another. Such shifting of deliveries motivated only by seasonal price differences would not maintain an orderly flow of milk to each market in accordance with its needs.

Also, there is some incentive for entire plants to shift from pooling in one market to another to gain some advantage if "take-out" and "pay-back" months are not the same in all markets. Proponents' witness testified that in one instance two plants, not permanently associated with the market, became pool plants under the Connecticut order only during the "pay-back" period.

By adopting a coordinated pattern of seasonal price changes, the blend prices for each market will reveal more clearly its utilization of Class I milk and Class II milk relative to the other markets. Thus, producers will be able to recognize more readily the market outlet with the higher utilization in the higher priced Class I use.

The proponents asked that their proposal be considered for adoption in the three markets at the same time and essentially as proposed in each market. It is imperative to insure orderly marketing in each of these markets that consideration of the proposal be given to adopting it for all markets or none. There was no proposal to adopt any of the proposed changes in a single market.

a. *Deletion of seasonal Class I pricing factors.* The seasonal factors used in computing Class I prices should be eliminated and appropriate seasonal adjustments should be provided in the computation of blend prices for these markets.

The appropriate seasonal blend price adjustment plan to be adopted in lieu of Class I price adjustments is discussed later. Here we note only that no proposal was before the hearing to eliminate seasonal variations in the Class I price without substituting a seasonal incentive plan applicable to the blend price. Hence, we are concerned only with the method through which the appropriate seasonal variation is to be obtained, i.e. in the Class I price or by an adjustment of the blend price.

These orders now provide seasonal Class I price factors which establish monthly prices as much as 12 percent less than the annual average in some months and 8 or 9 percent above the annual average in other months. The seasonally low prices occur in all three markets in May and June. The New York-New Jersey seasonal high is in the November price which is 9 percent above the annual rate. In the other two markets the high, 8 percent above the annual average, applies in 3 months, October-December.

The proponents believe it is desirable to charge handlers for Class I milk at an annual rate each month instead of varying prices seasonally. This is because prices charged handlers tend to be reflected in prices charged consumers. Proponents contend that price increases get more publicity and attract more attention than do price decreases.

Many handlers in these markets share the view that Class I prices should not be seasonally adjusted. Several representatives of New York-New Jersey handlers testified that of the handlers whom they represented some favored and some opposed the elimination of seasonal adjustments in the Class I price. Although all of these handler representatives opposed the elimination of seasonal pricing prior to August 1967, they distinguished their opposition to the effective date from their position regarding the adoption of the plan on or after that date.

No representatives of Massachusetts-Rhode Island milk handlers testified at the hearing. A representative of Connecticut milk dealers testified that milk dealers in that State opposed the elimination of the seasonal Class I price adjustments but were mostly concerned that the effective date of such a change should not be prior to August 1967.

The removal of seasonal factors from Class I pricing in these markets would eliminate wide seasonal differences between Class I prices in these markets and in midwestern markets. Although Class I prices have been seasonally higher during the late summer and fall months in relation to Class I prices in midwestern markets than in other months, there have been no shipments of milk to these markets from the Midwest in recent years. However, when milk was available in these markets for Class I sales to deficit outside areas in the fall months, the higher seasonal prices may have deterred such sales.

New York-New Jersey handlers called attention to the fact that Class I sales outside the market are highest in the months when the Class I price would be reduced under the annual level price proposal. However, with lower Class I prices in the fall months, New York-New Jersey handlers would be able to compete on a more favorable basis for out-of-market sales. Since the difference between the annual level of the Class I price and the manufacturing class price is far greater than the seasonal Class I price differences, increased Class I sales may more than offset the lower seasonal price in the fall.

The proposed plan whereby seasonal variation would be provided in blend prices to encourage a desirable pattern of milk production is similar to plans used under 18 Federal orders as of January 1, 1967. These plans are used to augment the seasonality injected by seasonal variations in Class I prices or with level annual Class I pricing to provide the principal seasonal price variation. Such a plan has been used in Connecticut for several years to provide additional seasonality in the blend price. The application of seasonality directly to the blend price permits consideration of the amount and timing of seasonal factors without affecting the level of Class I prices and the possible reaction of consumers to any changes in resale prices which may ensue.

The proponents asked that the base price used in computing the Class I price under the New York-New Jersey order be increased from $5.20 to $5.205 to compensate for the larger Class I sales which occur in months with the highest seasonal Class I prices. The effect of this upward adjustment would be extended to Class I prices under the Massachusetts-Rhode Island and Connecticut orders through the provisions linking their prices to the New York-New Jersey Class I price.

No change should be made in this base factor. The amendments as proposed herein are intended to revise the method of seasonal pricing under these three orders without directly affecting annual price levels. This can be accomplished by eliminating the seasonal factors now used in determining Class I prices and retaining the base price of $5.20 now specified in the New York-New Jersey order.

The minor adjustment proposed in this base factor would under normal circumstances result in a very small change in the average yearly price for Class I milk in these markets. The additional income from slightly larger Class I sales which have been made in months of higher Class I prices would be more than offset by the interest income earned on the seasonal incentive funds invested

from the take-out to the pay-back period.

Certain cooperatives excepted to the failure to adopt the higher base price. Cooperatives supplying the New England markets where Class I prices are bracketed and change only in 22-cent intervals, pointed out that their computed price is very close to the lower range of the bracket. Thus, a small change in the supply-demand adjustor or economic index could bring a bracketed price reduction of 22 cents.

Using the $5.20 base during the 12-month period ending with February 1967 the bracketing feature of the order together with the seasonal factors resulted in a computed annual price 4 cents higher than the unbracketed price. The bracketed price without the seasonal factors would have averaged the same as the unbracketed price.

On the other hand by using the proposed base price of $5.205 the bracketed price without the seasonal factors would have been 5 cents above the bracketed seasonal price using the present base of $5.20.

Due to the bracketing feature of the pricing formula it is impossible to assure the identical result in the annual average price with or without seasonal factors. But this uncertainty is not sufficient basis for adopting the higher base price. Furthermore, such action could present problems of price alignment with the New York-New Jersey market and other areas.

b. *The seasonal incentive payment plan.* Seasonal adjustments should be made in the blend price computations under each of these orders. The months in which adjustments are made should be identical under all orders. The adjustment rates should be as follows under the New York-New Jersey and Massachusetts-Rhode Island orders: Deductions from the pool fund per 100 pounds of pool milk in the respective month—March, 10 cents; April, 20 cents; May and June, 30 cents. Payments through the pool fund (percentage of the total money accumulated from the aforesaid deductions)—August, 25 percent; September and October, each 30 percent; November, the remainder plus all accrued interest. The adjustments under the Connecticut order should be the same except that deduction rates should be 10 cents greater than the deduction rates for New York-New Jersey and for Massachusetts-Rhode Island orders.

This arrangement of seasonal incentive payments is designed to give financial rewards to farmers who are producing milk when it is needed most. The incentives proposed herein are intended to encourage the adjustment of pool milk supplies for the three markets combined.

The New York-New Jersey pool milk supply represents the greatest proportion of the milk supply for the three areas combined. New York-New Jersey pool milk receipts in 1966 were 11,275 million pounds as compared to 3,204 million pounds for Massachusetts-Rhode Island and 1,092 million pounds for Connecticut. Because the New York-New Jersey supply is two and one-half times that for the two New England markets combined, its pattern of deliveries is most important in determining the seasonal characteristics of the region's supply.

The current pattern of deliveries of pool milk to the New York-New Jersey market differs from the seasonal pattern which existed when the seasonal Class I price factors now used were established. The present seasonal factors were adopted in 1950 based on a hearing held in 1949. The data on which such factors were determined pertained mostly to the years 1940–46 and to the supply for an area which at that time included only New York City and the metropolitan area surrounding it.

During the period 1940–46 deliveries to plants regulated under the New York-New Jersey order ranged from a June high of 138 percent of the annual average to a November low of 76 percent. In that period the seasonal percentage dropped rapidly in the late summer and fall from 98 in August to 77 in December.

The high and low are now less extreme and they come in different months. In the 7-year period 1960–66, the range was from a May high of 120 percent to an August low of 88. In this recent period, pool deliveries as a percentage of the annual average rose from 88 in August to 93 in December.

The changed pattern of seasonal deliveries prompted the recommendation by the proponent producer cooperatives that seasonal payment incentives be revised to give more incentive during the months August through October and less incentive November through March.

A similar comparison of Class I sales in the forties and in the sixties shows that the seasonality of such sales in the New York-New Jersey market in the recent period differs from the seasonality which existed earlier. The range in Class I sales during 1940–46 was from a high in May of 105 percent of the annual average to a low of 97 percent in December. The range in 1962–66 was from a high of 103 in October to a low of 95 in July. Some of the change is due to the difference in the areas involved since in the more recent period sales data covered a much larger territory. Also, programs which increase milk consumption during the school year have grown in the interim and apparently have influenced the seasonal pattern of Class I sales.

The sales pattern suggests that payment incentives should apply in September and October when sales are relatively high. Considering only the pattern of Class I sales, it would not appear that greater deliveries should be sought in August. However, sales as a percentage of pool deliveries are relatively high during August in the New York-New Jersey market. During 1964–66 the percentage of pool milk used in Class I was highest in September and October, 57 percent, in November it was 55 percent, and in August it was 54 percent.

The seasonal pattern of deliveries of producer milk under the two New England orders combined is generally similar to the New York-New Jersey pattern. In both areas deliveries per day increase during the first half of the year to reach the peak in May with June deliveries ranking next in size. July in both areas ranks as the 7th month in volume of deliveries.

But according to producer deliveries in 1965 and 1966 to the New York-New Jersey and to the combined New England markets there is some difference in when the low point of producer deliveries occurs. Although the low point of deliveries for the New York-New Jersey market is in August, the low point in New England occurs in November. However, November is the month of next to lowest deliveries in New York-New Jersey and August ranks third from lowest in deliveries for the New England markets. In both areas the 5 months of lowest receipts are August through December.

The percentage of pool deliveries used in Class I shows the same general similarity.

The 4 months of lowest Class I percentages are March, April, May, and June for the New York-New Jersey market and for the combined New England markets. For this reason, these months should be those for the seasonal "take-out" from the pool fund. The 2 months of lowest Class I percentages are May and June and the highest "take-out" rate is appropriate for such months.

The months of highest Class I percentage in the New York-New Jersey market are August through November. In the combined New England markets the months of highest Class I utilization are September through December. But comparing the areas on a 6-month basis the periods of highest Class I utilization coincide, August through January in both cases.

The pay-back rates are related more closely to the needs of the New York-New Jersey market because of its importance as the largest supply and sales area in the region. The proposed "pay-back" rates are highest in September and October, next to highest in August, and least in November. Proponents explained that the plan is designed to assure a higher level of milk supply in September and October. These are the months when Class I utilization is highest relative to receipts of pool milk.

The proposed rate for August is higher than for November because payment incentives tend to carry over into the next delivery period when producers receive their milk checks. Thus, the August incentive would carry over into September. Since less carry-over effect is desired following November, the lowest pay-back rate was selected for that month.

Handling charges may reflect to some extent the availability of milk for Class I use in the New York-New Jersey market. Such charges tend to be lowest in March through June and highest in August through November. This also supports the selection of months proposed for seasonal payment incentives and for "disincentives".

The proponents estimate that the combined effect of their proposal would increase or decrease blend prices seasonally, as compared to the present provisions in each order, as follows:

	New York—New Jersey	Massachusetts—Rhode Island	Connecticut
	(*Cents per hundredweight*)		
January	−15	−15	−21
February	−9	−15	−21
March	−10	−10	−20
April	−5	+7	+25
May	0	+8	+34
June	−2	+7	+35
July	+15	+14	+5
August	+30	+27	+20
September	+23	+17	+5
October	+12	0	−3
November	−11	−16	−23
December	−21	−32	−44

Although the pattern of seasonal payment incentives was selected primarily to fit the needs of the New York-New Jersey market, the changes in blend prices which would result in the Massachusetts-Rhode Island market would be somewhat similar. Although the plan would provide some greater incentive in this market for deliveries in April, May, and June, the proponents regard the need for coordinating the seasonal plan with that for New York-New Jersey as a more important factor.

The net effect of the plan in the Connecticut market, based on past utilization and prices in that market would be to increase blend prices most during the months April, May, and June. This suggests that, although the proposed "take-out" rate is 10 cents higher for Connecticut than for the other two markets, an even higher rate might be appropriate. However, the Connecticut market is located adjacent to both of the other markets. Accordingly, the deductions under the Connecticut order must be carefully related to the rates in the two other orders. Because of the overriding need to coordinate the seasonal plans in these three markets the rates as proposed should be adopted.

The funds accumulated from deductions made in pool computations for March, April, May, and June should be invested by the respective market administrators in interest-bearing bank accounts or short-term U.S. Government securities to the extent practicable for the period between their collection and the date on which they must be paid out through the producer-settlement fund. Such investments should be in financial institutions or securities approved as Federal depositories for such sums.

The incentive plan provided herein should apply to all "pool milk" as defined in each of the orders even though it is designed to influence the seasonal pattern of producer milk supply in each of these markets. In the Assistant Secretary's October 31, 1963, decisions to amend these orders (28 F.R. 11956 and 28 F.R. 12006, official notice of which is hereby taken) he found that pool milk, other than producer milk, should be treated the same as if it were a receipt from a producer. Providing for the incentive plan to apply to all "pool milk" as set forth herein will be in accordance with those decisions.

2. *Effective date of proposed changes.* The coordinated plan eliminating seasonal Class I pricing and substituting a seasonal incentive payment plan should be adopted in each of these three markets with the effective date April 1, 1967. For 1967 only, the "take-out" rates for April, May, and June, should be 3 cents higher than the rates to be effective thereafter.

Proponents of the coordinated plan maintain the revisions in seasonal pricing which would result are long overdue and should be adopted as soon as possible. Handlers who testified objected to an effective date prior to August 1, 1967.

Handlers' opposition to an effective date prior to August is due to the effect of the proposed plan on Class I prices during the months April through July. Class I prices as now established seasonally are less than the annual average rates during these months. New York-New Jersey handlers contend that they have made business decisions based on their anticipation that Class I prices would decline seasonally in these months. They say that margins were low during the months when Class I prices were seasonally high last fall and winter and that they had hoped to compensate for these lower margins during the months of seasonally low Class I prices. However, data offered by handlers showed that margins during August–December last year were close to or above the annual average.

Handlers' decisions with respect to prices they charge consumers involve considerations other than the price they pay for Class I milk. The Class I price which is uniform to all handlers provides only that with respect to this item they all have a uniform cost. Thus, when Class I prices change, handlers tend to make changes in prices they charge for milk. But such changes may not be directly coordinated.

Although handlers contend they hope to gain wider margins under present order provisions during April through July, this argues in the same vein that under the proposed plan which would remove seasonal Class I price increases for August through November they may enjoy greater margins under the proposed plan than under present provisions. Apparently, some handlers who do not oppose the plan except for the effective date believe the advantages and disadvantages will balance out over a 12-month period.

Some handlers maintain also that they have contracted to supply milk at fixed prices for periods extending through those months when Class I prices were expected to be seasonally low. In making such bids handlers say they relied on certain estimated future Class I prices which were released by the New York-New Jersey market administrator and by a committee of New England economists. In the releases describing such estimates, attention is called to the fact that the estimates reflect only facts known at the time such estimates were made. These unofficial estimates have differed from actual prices in the past when amendments or other order actions resulted in changed prices. Hence, handlers who are aware of this fact take it into consideration in anticipating prices.

Handlers claimed that no change in Class I prices should be made prior to August 1, 1967, because the Assistant Secretary in his November 23, 1966, decision (31 F.R. 14946) established minimum basic Class I prices through July 1967. Each decision concerning order amendments must be based solely upon testimony presented at a public hearing at which the matters decided are considered. This decision is based upon the evidence presented at the public hearing held in New York City on February 15 and 16, 1967, as described previously. This is an entirely new and different hearing from the one upon which the Assistant Secretary made his November 23, 1966, decision.

The handlers' proposal to postpone the effective date of the proposed changes until August 1, 1967, would mean that only the level Class I pricing could be adopted on that date. There would be no accumulated fund, herein provided by deductions from the blend prices in April through June, from which a pay-back increment to the blend price could be obtained.

Some handlers suggested as an alternative that the effective date be postponed until March 1968. In view of the pressing need to correct the seasonal pattern of pricing, this delay of nearly 1 year is not reasonable. Furthermore, the marketing situation at that time may appear to handlers to be no more propitious than as of April this year. The change is needed now. Once it is made, handlers can proceed to make the necessary decisions with respect to their resale prices.

Since it is too late to make the deductions from the blend price computations for March 1967, the rates for April, May, and June should be increased 3 cents as the proponent cooperatives requested. This would increase the fund from which payments are to be made in August through November to compensate, in part, for the inability to provide for March deductions this year.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Certain handlers excepted to the Hearing Examiner's ruling that evidence could be received at the hearing on Class I prices to be established under the respective orders for periods prior to Au-

gust 1, 1967. The ruling of the Hearing Examiner is hereby affirmed as the receipt of such evidence was clearly called for in the notice of hearing.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exceptions received were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas," and "Order Amending the Order Regulating the Handling of Milk in Certain Specified Marketing Areas," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

DETERMINATION OF REPRESENTATIVE PERIOD

The month of November 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the certain specified marketing areas, is approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on March 23, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas

7 CFR Part and marketing area

1001 Massachusetts-Rhode Island.
1002 New York-New Jersey.
1015 Connecticut.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the orders contained in the recommended decision issued by the Deputy Administrator on March 10, 1967, and published in the FEDERAL REGISTER on March 15, 1967 (32 F.R. 4071; F.R. Doc. 67-2846), shall be and are the terms and provisions of this order, and are set forth in full herein:

Amendments to Massachusetts-Rhode Island order. 1. In § 1001.32 a new paragraph (k) is added to read as follows:

§ 1001.32 Duties.

* * * * * * *

(k) He shall place the sums deducted under § 1001.64(b-1) and retained under § 1001.80 in an interest-bearing bank account or accounts in a bank or banks duly approved as a Federal depository for such sums, or invest them in short-term U.S. Government securities.

2. In § 1001.60 paragraph (d) is revoked, paragraph (b)(2) and the introductory text of paragraph (e) are revised to read as follows:

§ 1001.60 Class I price.

* * * * * * *

(b) * * *

(2) Divide the Class I-A price for the month computed under the New York-New Jersey Federal order, applicable to milk containing 3.5 percent butterfat received at plants located in the 201-210-mile freight zone, by the utilization adjustment percentage which entered into the computation of that price, expressing the result to the nearest mill.

* * * * * * *

(d) [Revoked]

(e) Multiply the economic index price determined under paragraph (b) of this section by the supply-demand adjustment factor determined under paragraph (c) of this section. The Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls.

* * * * * * *

3. In § 1001.64 new paragraphs (b-1) and (b-2) are added to read as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1001.64 Basic blended price.

* * * * * * *

(b-1) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk included in these computations by 10 cents in March, 20 cents in April, and 30 cents in May and June. For 1967 only the rate of deduction shall be 23 cents in April and 33 cents in May and June.

(b-2) Add for the months of August, September, and October, respectively, an amount representing 25 percent, 30 percent, and 30 percent of the aggregate amount subtracted under paragraph (b-1) of this section for the prior period of March–June, and for November, add the remainder of the amount subtracted under paragraph (b-1) of this section and the interest earned on the aggregate fund.

* * * * * * *

4. Section 1001.80 is revised to read as follows:

§ 1001.80 Producer settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer settlement fund". He shall deposit into the fund all amounts received from handlers under §§ 1001.82, 1001.83, and 1001.84. He shall pay from the fund all amounts due handlers under §§ 1001.82, 1001.83, and 1001.84, subject to his right to offset any amounts due from the handler under these sections. All amounts subtracted under § 1001.64(b-1), inclusive of interest earned thereon, shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 1001.64(b-2).

Amendments to New York-New Jersey order. 1. In § 1002.23 a new paragraph (k) is added to read as follows:

§ 1002.23 Duties.

* * * * * * *

(k) He shall place the sums deducted under § 1002.66(c-1) and retained pursuant to § 1002.75 in an interest-bearing account or accounts in a bank or banks duly approved as a Federal depository for such sums, or invest them in short-term U.S. Government securities.

2. In § 1002.40 paragraph (a)(11) is revoked.

§ 1002.40 Class prices.

* * * * * * *

(a) * * *

(11) [Revoked]

* * * * * * *

3. Section 1002.47(a)(7) is revised to read as follows:

§ 1002.47 Announcement of prices.

* * * * * * *

(a) * * *

(7) The index computed by dividing the Class I-A formula price for the following month by $5.20.

* * * * * * *

4. In § 1002.66 new paragraphs (c-1) and (c-2) are added to read as follows:

§ 1002.66 Computation of the uniform price.

* * * * * * *

(c-1) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk for the month by 10 cents in March, 20 cents in April, and 30 cents in May and June. For 1967 only the rate of deduction shall be 23 cents for April and 33 cents for May and June.

(c-2) Add for the months of August, September, and October, respectively, an amount representing 25 percent, 30 percent, and 30 percent of the aggregate amount subtracted pursuant to paragraph (c-1) of this section for the prior period of March–June, and for November add the remainder of the amount subtracted pursuant to paragraph (c-1) of this section and the interest earned on the aggregate fund.

* * * * * * *

5. Section 1002.75 is revised to read as follows:

§ 1002.75 Producer settlement fund.

The market administrator shall establish and maintain a separate fund known as "the producer settlement fund" into which he shall deposit all payments and out of which he shall make all payments pursuant to §§ 1002.77 through 1002.84. All amounts subtracted under § 1002.66 (c-1), inclusive of interest earned thereon, shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 1002.66(c-2).

Amendments to Connecticut order. 1. In § 1015.32 a new paragraph (k) is added to read as follows:

§ 1015.32 Duties.

* * * * * * *

(k) He shall place the sums deducted under § 1015.64(c) and retained under § 1015.80 in an interest-bearing bank account or accounts in a bank or banks duly approved as a Federal depository for such sums, or invest them in short-term U.S. Government securities.

2. In § 1015.60 paragraph (d) is revoked, paragraph (b)(2) and the introductory text of paragraph (e) are revised to read as follows:

§ 1015.60 Class I price.

* * * * * * *

(b) * * *

(2) Divide the Class I-A price for the month, computed under the New York-New Jersey Federal order, applicable to milk containing 3.5 percent butterfat received at plants located in the 201–210 mile freight zone, by the utilization adjustment percentage which entered into the computation of that price, expressing the result to the nearest mill.

* * * * * * *

(d) [Revoked]

(e) Multiply the economic index price determined under paragraph (b) of this section by the supply-demand adjustment factor determined under paragraph (c) of this section. The Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls, plus 47 cents.

* * * * * * *

3. In § 1015.64 paragraphs (c) and (d) are revised to read as follows:

§ 1015.64 Basic uniform price.

* * * * * * *

(c) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk included in these computations by 20 cents in March, 30 cents in April, and 40 cents in May and June. For 1967 only the rate of deduction shall be 33 cents in April and 43 cents in May and June.

(d) Add for the months of August, September, and October, respectively, an amount representing 25 percent, 30 percent, and 30 percent, of the aggregate amount substracted under paragraph (c) of this section for the prior period of March–June, and for November add the remainder of the amount subtracted under paragraph (c) of this section and the interest earned on the aggregate fund.

* * * * * * *

4. Section 1015.80 is revised to read as follows:

§ 1015.80 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund". He shall deposit all amounts received from handlers under §§ 1015.81, 1015.88, and 1015.89 into the fund. He shall pay all amounts due handlers under §§ 1015.82 and 1015.88 from the fund, subject to his right to offset a payment due to a handler from the producer-settlement fund against any payment due from the handler to the fund. All amounts subtracted under § 1015.64(c), inclusive of interest earned thereon, shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 1015.64(d). The market administrator shall render a statement to each handler who made the reports prescribed in § 1015.40, by the 16th day of the month showing the amount due to or from the producer-settlement fund computed in accordance with §§ 1015.63, 1015.81, and 1015.82.

[F.R. Doc. 67-3397; Filed, Mar. 28, 1967; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 67-SW-9]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter V-280.

V-280 is designated in part from El Paso, Tex., via the intersection of El Paso

093° and Pinon, N. Mex., 219° True radials, to Pinon; and from Texico, N. Mex., via the intersection of Texico 021° and Amarillo, Tex., 267° True radials to Amarillo. The Federal Aviation Agency is considering realigning these segments of V-280 from El Paso via the intersection of El Paso 069° True (057° Mag.) and Pinon 219° True (207° Mag.) to Pinon; and from Texico via the intersection of Texico 021° True (010° Mag.) and Amarillo 252° True (241° Mag.), to Amarillo. It is also proposed to designate a new segment of V-280 from Amarillo direct to Gage, Okla. This action would reduce the mileage on the aforementioned segments of the airway. The new segment would provide continuity of the airway between El Paso and Kansas City, Mo. The altered segments would retain the designated 1,200 feet AGL floors. The new segment would have a 1,200 feet AGL floor for compatibility with V-12, with which it would be codesignated.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communication should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These actions are proposed in accordance with section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 21, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-3368; Filed, Mar. 28, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-10]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Grand Isle, La.

The Grand Isle, La., transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Grand Isle seaplane base (latitude 29°15'45' N., longitude 89°57'40'' W.), and within 2 miles each side of the Grand Isle RBN 052° bearing, extending from the 5-mile radius area to the RBN.

It is proposed to redesignate the Grand Isle, La., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Grand Isle seaplane base (latitude 29°-15'45'' N., longitude 89°57'40'' W.), within 2 miles each side of the 052° bearing (046° magnetic) from the Grand Isle RBN extending from the 5-mile radius area to the RBN, within 2 miles each side of the Grand Isle VORTAC 052° radial (046° magnetic) extending from the 5-mile radius area to the VORTAC, and within 2 miles each side of the Grand Isle VORTAC 050° radial (044° magnetic) extending from the 5-mile radius area to 28 miles NE of the VORTAC.

Alteration of the Grand Isle, La., transition area, as proposed, will provide airspace protection for aircraft executing approach/departure procedures associated with the amended VOR instrument approach procedure and the proposed VOR/DME instrument approach procedure to Grand Isle, La., seaplane base.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on March 17, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-3369; Filed, Mar. 28, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-36]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Appleton, Wis., terminal area.

The Appleton, Wis., transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Outagamie County Airport, Appleton, Wis. (latitude 44°15'40'' N., longitude 88°31'-10'' W.), within 2 miles each side of the 135° bearing from Outagamie County Airport extending from the 5-mile radius area to 8 miles southeast of the airport, and within 2 miles each side of the 285° bearing from Outagamie County Airport extending from the 5-mile radius area to 8 miles west of the airport.

Adequate radio communications and weather reporting services are being provided so that a part-time control zone can be designated for Outagamie County Airport, Appleton, Wis. In addition, the present designation of the Appleton, Wis., transition area must be modified to meet new criteria.

As a result of the foregoing, and having completed a comprehensive review of the terminal airspace structural requirements in the Appleton, Wis., terminal area, the Federal Aviation Agency proposes the following airspace actions:

(1) Designate a control zone at Appleton, Wis., to comprise that airspace within a 5-mile radius of Outagamie County Airport (latitude 44°15'40'' N., longitude 88°31'10'' W.); within 2 miles each side of the 135° bearing from Outagamie County Airport, extending from the 5-mile radius zone to 7 miles southeast of the airport; and within 2 miles each side of the 285° bearing from Outagamie County Airport, extending from the 5-mile radius zone to 8 miles west of the airport. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) Redesignate the Appleton, Wis., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Outagamie County Airport (latitude 44°15'40'' N., longitude 88°31'10'' W.); within 2 miles each side of the 135° bearing from Outagamie County Airport, extending from the 6-mile radius area to 15 miles southeast of the airport; and within 2 miles each side of the 285° bearing from Outagamie County Airport, extending from the 6-mile radius area to 8 miles west of the airport.

During the times the proposed control zone is in effect it will provide controlled airspace protection for aircraft executing prescribed instrument arrival and departure procedures at Outagamie County Airport, Appleton, Wis., during descent below 1,000 feet above the surface and during climb to 700 feet above the surface. The control zone will be effective during the hours that Air Wisconsin, Inc., provides weather observations and dissemination of weather information. Initially, it is planned to provide weather information daily from 0600 to 2200 hours, local times. In the event the hours for the furnishing of weather information change, the effective times of the control zone will change. When this occurs, notice will be given prior to any such change by a notice to airmen and continually published thereafter in the Airman's Information Manual.

The proposed transition area will provide controlled airspace protection for aircraft executing prescribed arrival and departure procedures during descent from 1,500 to 1,000 feet above the surface and during climb from 700 to 1,200 feet above the surface when the control zone is designated. The proposed transition area will provide controlled airspace protection for arriving aircraft during descent from 1,500 to 700 feet above the surface when the control zone is not in effect. The controlled airspace protection provided departing aircraft will be the same as when the control zone is in effect.

The portions of the approach procedures which will be executed at and above 1,500 feet above the surface are contained with the Oshkosh, Wis., 1,200-foot floor transition area.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floor of the transition area.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on March 14, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-3370; Filed, Mar. 28, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-39]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Marshall, Mich., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Marshall, Mich., terminal area, as a result of the development of a public-use instrument approach procedure at the Marshall, Mich., Brooks Field Airport, utilizing the Battle Creek, Mich., VORTAC as a navigational aid, proposes the following airspace action:

Designate the Marshall, Mich., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshall, Mich., Brooks Field (latitude 42°15'05'' N., longitude 84°57'25'' W.) and within 2 miles each side of the Battle Creek, Mich., VORTAC 105° radial extending from the 5-mile radius area to 7 miles east of the airport, excluding the portion which coincides with the Battle Creek, Mich., transition area.

The proposed transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. It will also provide controlled airspace protection for departing aircraft during climb from 700 to 1,200 feet above the surface. The controlled airspace proposed herein will underlie existing 1,200-foot floor transition area.

The proposed instrument approach procedure will be made effective concurrently with the designation of the proposed transition area.

The floors of the airways that traverse the proposed transition area will automatically coincide with the floor of the transition area.

Since a new approach procedure is to be established, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on March 15, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-3371; Filed, Mar. 28, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 97]

[Docket No. 17315; FCC 67-351]

RADIO AMATEUR CIVIL EMERGENCY SERVICE

Use of F4 and A4 Facsimile

In the matter of amendment of §§ 97.193 and 97.195 of the Radio Amateur Civil Emergency Service rules to provide for the use of F4 and A4 facsimile; Docket No. 17315, RM-964.

1. The New York Civil Defense Commission, which is charged with the responsibility for all civil defense activities in the State of New York, has filed a petition to amend §§ 97.193(a)(1) and 97.195(a) of the Commission's rules governing the Radio Amateur Civil Emergency Service (RACES), to provide for the use of facsimile, F4 emission, in the 1800–2000 kc/s and 3500–4000 kc/s bands. F4 emission is not now permitted on any RACES frequencies and A4 is permitted only in the 28, 50, 144 and 220 Mc/s RACES bands.

2. Petitioner states that one of its primary responsibilities is the collection, interpolation and dissemination of radiological fallout data gathered at approximately 3000 monitoring stations throughout the State. This data is processed at six State District Offices into consolidated map overlays which are transmitted, via wirelines, to the Civil Defense Operating Center at Albany. A

composite statewide map overlay is then prepared and retransmitted back to the six District Offices and to the National Civil Defense Regional Office. The transmission of the map overlay data by teleprinter is possible but impracticable because of the necessary voluminous message format. The data is now transmitted by facsimile over wireline circuits.

3. Petitioner further states that by properly interfacing the facsimile scanner with the tone intelligence system used to generate a frequency shifted tone, this data can be transmitted by facsimile in the same bandwidth now authorized for radioteleprinter. Due to the geographic location of the District Offices with respect to the Civil Defense Commission, frequencies in the 1800–2000 kc/s and 3500–4000 kc/s bands must be used.

4. Since the post attack wireline survival capability in New York State is an unknown, petitioner asserts it is evident that a radio back-up link is necessary to insure full post attack radiological defense communication reliability.

5. In view of the fact that there is no appreciable difference in the interference characteristics of F4 and A4 emission, providing the bandwidth and power limitations do not change, it is considered to be in the public interest to provide a choice of either of these emissions in the RACES bands where one type of facsimile is permitted.

6. Petitioner requests that 1.1F4 emission be authorized and implies that this is the type of emission which will result when transmitting facsimile by tone modulating an amplitude modulated transmitter. However, a signal of this type is, in fact, an amplitude modulated signal and should properly be identified as A4 emission.

7. The necessary bandwidth for single sideband, full carrier amplitude modulated facsimile emission when used with the interface equipment described by the petitioner is, in accordance with the formula given in CCIR Report 175, Geneva, 1963, calculated to be 3.0 kc/s. Section 97.61 limits the permissible emissions in the 3500–3510 kc/s band to A1 and F1, which have a necessary bandwidth of 0.1 and 1.1 kc/s respectively. Such bandwidths cannot accommodate A4 emission as described by the petitioner.

8. Accordingly, it is proposed to amend §§ 97.193(a)(1) and 97.195(a) to provide for the use of 3A4 emission in the 1800–1825, 1975–2000 and 3990–4000 kc/s bands. Carrier levels from full to suppressed may be used and frequency modulated facsimile (3F4 emission) will be permitted provided the necessary bandwidth does not exceed 3 kc/s. In addition, it is proposed to amend § 97.193(a)(3) to permit the use of 3F4 emission on the frequencies above 28 Mc/s on which A4 is now permitted.

9. The proposed amendment is issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 28, 1967, and reply comments on or before May 15, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. The Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: March 22, 1967.

Released: March 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3422; Filed, Mar. 28, 1967; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–90]

[Docket No. 3666; Notice 75]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Transportation

MARCH 17, 1967.

On August 29, 1966, the Interstate Commerce Commission published its Order No. 69, Docket 3666, dealing with the marking of motor vehicles transporting dangerous articles. The mandatory effective date initially set at January 1, 1967, has been postponed to June 1, 1967, in order that the trucking industry could better adapt their present operations to the new requirements. As a result of discussions between the Commission's staff and representatives of the trucking industry, it has become apparent that effective implementation of the new marking requirements will be extremely difficult without better identification by the shipper of the specific classification of the commodities being transported.

Accordingly, it is now being proposed that this situation be partially remedied by requiring that the hazard classification and quantity, along with any exemptions to marking or labeling, be shown on the shipping papers. Additionally, this requirement would be implemented in both the shippers' regulations (Part 73) and the carriers' regulations (Parts 74–77). The proposed implementation will provide a uniform and meaningful commodity description and certification procedure for rail freight, rail express, rail baggage, and motor vehicle transportation. The present regulations are inconsistent in this regard. The proposed amendments are set forth below.

[1] Commissioner Wadsworth absent.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before April 24, 1967. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Explosives and Other Dangerous Articles Board.

[SEAL] H. NEIL GARSON, *Secretary.*

PART 71—GENERAL INFORMATION AND REGULATIONS

In § 71.8 add paragraph (h) (29 F.R. 18653, Dec. 29, 1964) to read as follows:

§ 71.8 Definitions.

* * * * *

(h) Shipping paper: The term "shipping paper" means any shipping order, bill of lading, manifest or other shipping paper serving a similar purpose.

PART 73—SHIPPERS

In the table of contents in Part 73, amend § 73.427; cancel § 73.429 (29 F.R. 18670, Dec. 29, 1964) as follows:

Sec.
73.427 Shipping papers.
73.429 [Canceled]

Subpart I—Shipping Instructions

Amend entire § 73.427 (29 F.R. 18773, Dec. 29, 1964) to read as follows:

§ 73.427 Shipping papers.

(a) Each shipper offering for transportation, or transporting, any dangerous article subject to the regulations in this chapter, must describe such article on the shipping paper by the shipping name prescribed in § 72.5 of this chapter and by the classification prescribed in § 72.4 of this chapter, and may add a further description not inconsistent therewith. Abbreviations must not be used. The total quantity by weight, volume, or as otherwise appropriate, must be shown. A receipted copy of the shipping paper must be returned to the shipper by the carrier.

(1) For shipments of blasting caps or electric blasting caps, the shipper must also show the number of caps in the shipment.

(b) Where the regulations exempt the shipment from marking or labeling, such exemption must be indicated following the description on the shipping paper.

In § 73.428 amend paragraph (a) (29 F.R. 18773, Dec. 29, 1964) to read as follows:

§ 73.428 Label or placard notation.

(a) Each shipper must show on the shipping paper, in connection with, and following the entry of, the article as prescribed in § 73.427, the color or kind of label applied. For cars or vehicles containing such articles loaded by the shipper, the shipper must also show the kind of placard required (if any) for the car or vehicle.

§ 73.429 [Canceled]

Cancel entire § 73.429 (29 F.R. 18773, Dec. 29, 1964).

In § 73.430 amend paragraphs (a), (b), (c); add paragraph (d) (29 F.R. 1873, Dec. 29, 1964) to read as follows:

§ 73.430 Certificate.

(a) Each shipper offering for transportation any dangerous article subject to the regulations in this chapter must show on the shipping paper, in the lower left-hand corner, the following certificate, which must be signed by the shipper:

This is to certify that the above named articles are properly classified, described, packaged, marked, and labeled, and are in proper condition for transportation, according to the regulations prescribed by the Interstate Commerce Commission.

(b) For shipments moving by air or water transportation, the shipper may also add the words "and the U.S. Coast Guard" or "and the Federal Aviation Agency," as appropriate, to the certificate.

(c) For shipments in containers supplied by the carrier, the certificate must also be signed by the carrier (see § 73.22 (a)).

(d) For air shipments in foreign commerce, the shipper must execute the certificate in duplicate. For such shipments on passenger-carrying aircraft, the shipper must also add the words, "This shipment is within the limitations prescribed for passenger-carrying aircraft."

PART 74—CARRIERS BY RAIL FREIGHT

In the table of contents in Part 74, add §§ 74.510, 74.511 (29 F.R. 18774, Dec. 29, 1964) to read as follows:

Sec.
74.510 Shipping papers.
74.511 Certificate.

Add § 74.510 (29 F.R. 18775, Dec. 29, 1964) to read as follows:

§ 74.510 Shipping papers.

(a) Carriers must not accept for transportation nor transport any dangerous article subject to the regulations of this chapter unless such article is described on the shipping paper by the shipping name described in § 72.5 of this chapter and by the classification prescribed in § 72.4 of this chapter. A further description not inconsistent therewith may be included. Abbreviations must not be used. The total quantity by weight, volume, or as otherwise appropriate, must be shown. The carrier must return to the shipper a receipted copy of the shipping paper.

(b) Each such shipper must also have shown on the shipping paper, in connection with and following the entry of, the article as prescribed in § 73.427 of this chapter, the color or kind of label applied. For cars and vehicles containing such articles loaded by the shipper, the shipper must also have shown the kind of placard required (if any) for the car or vehicle.

(c) Where the regulations exempt the shipment from marking or labeling, such exemption must be indicated following the description on the shipping paper.

(d) The conductor of each train transporting dangerous articles must have in his possession a copy of the shipping paper showing the information required in paragraph (a) of this section.

Add § 74.511 (29 F.R. 18775, Dec. 29, 1964) to read as follows:

§ 74.511 Certificate.

(a) Carriers must not accept for transportation nor transport any dangerous article (as defined in this chapter) unless it be certified to him by the shipper the following certificate, shown in the lower left-hand corner of the shipping paper, and signed by the shipper.

This is to certify that the above named articles are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation, according to the regulations of the Interstate Commerce Commission.

In addition the shipper may have added the words, "and the U.S. Coast Guard" or "and the Federal Aviation Agency", as appropriate.

(b) For shipments in containers supplied by the carrier, the certificate must also be signed by the carrier (see § 73.22 (a) of this chapter).

PART 75—CARRIERS BY RAIL EXPRESS

In the table of contents in Part 75, add § 75.652a; amend § 75.654; cancel § 75.657 (29 F.R. 18793, Dec. 29, 1964) as follows:

Sec.
75.652a Shipping papers.
75.654 Certificate.
75.657 [Canceled]

Add § 75.652a (29 F.R. 18793, Dec. 29, 1964) to read as follows:

§ 75.652a Shipping papers.

(a) Carriers must not accept for transportation nor transport any dangerous article subject to the regulations of this chapter unless such article is described on the shipping paper by the shipping name prescribed in § 72.5 of this chapter and by the classification prescribed in § 72.4 of this chapter. A further description not inconsistent therewith may be included. Abbreviations must not be used. The total quantity by weight, volume, or as otherwise appropriate, must be shown. The carrier must return to the shipper a receipted copy of the shipping paper.

(b) Each such shipper must also have shown on the shipping paper, in connection with, and following the entry of, the article as prescribed in § 73.427 of this chapter, the color or kind of label applied. For cars and vehicles containing such articles loaded by the shipper, the shipper must also have shown the kind of placard required (if any) for the car or vehicle.

(c) Where the regulations exempt the shipment from marking or labeling, such exemption must be indicated following the description on the shipping papers.

(d) Waybills or delivery sheets used as waybills, or other billing issued in lieu thereof, prepared from the shipping papers, and the transfer sheet or interchange record used for transferring such shipments to a connecting carrier, must contain the information required in paragraphs (a) and (b) of this section.

In § 75.653 amend paragraph (a) (29 F.R. 18793, Dec. 29, 1964) to read as follows:

§ 75.653 Labels.

(a) Labels prescribed in §§ 73.405 through 73.414 of this chapter must have been applied to rail express shipments by the shipper.

* * * * *

In § 75.654 amend the heading and paragraph (a); cancel paragraph (b) (29 F.R. 18793, Dec. 29, 1964) to read as follows:

§ 75.654 Certificate.

(a) No carrier may accept for transportation nor transport any dangerous article (as defined in this chapter), unless it be certified to him by the shipper the following certificate, shown in the lower left-hand corner of the shipping paper, and signed by the shipper:

This is to certify that the above-named articles are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation, according to the regulations of the Interstate Commerce Commission.

In addition, the shipper may have added the words, "and the U.S. Coast Guard" or "and the Federal Aviation Agency," as appropriate.

(b) [Canceled]

§ 75.657 [Canceled]

Cancel entire § 75.657.

PART 76—RAIL CARRIERS IN BAGGAGE SERVICE

In the table of contents in Part 76, amend § 76.704; add §§ 76.704a and 76.704b (29 F.R. 18794, Dec. 29, 1964) as follows:

Sec.
76.704 Shipping papers.
76.704a Certificate.
76.704b Labels.

Amend entire § 76.704 (29 F.R. 18795, Dec. 29, 1964) to read as follows:

§ 76.704 Shipping papers.

(a) Carriers must not accept for transportation, nor transport any dangerous article (as defined in this chapter) unless such article is described on the shipping paper by the shipping name

prescribed in § 72.5 of this chapter and by the classification prescribed in § 72.4 of this chapter. A further description not inconsistent therewith may be included. Abbreviations must not be used. The total quantity by weight, volume, or as otherwise appropriate, must be shown. The carrier must return to the shipper a receipted copy of the shipping paper.

(b) Each such shipper must also have shown on the shipping paper, in connection with and following the entry of, the article as prescribed in § 73.427 of this chapter, the color or kind of label applied.

(c) Where the regulations exempt the shipment from marking or labeling, such exemption must be indicated following the description on the shipping paper.

Add § 76.704a (29 F.R. 18795, Dec. 29, 1964) to read as follows:

§ 76.704a Certificate.

(a) Carriers must not accept for transportation nor transport any dangerous article (as defined in this chapter) unless it be certified to him by the shipper the following certificate, shown in the lower left-hand corner of the shipping paper, and signed by the shipper:

This is to certify that the above-named articles are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation, according to the regulations of the Interstate Commerce Commission.

In addition, the shipper may have added the words, "and the U.S. Coast Guard," or "and the Federal Aviation Agency," as appropriate.

Add § 76.704b (29 F.R. 18795, Dec. 29, 1964) to read as follows:

§ 76.704b Labels.

(a) Labels prescribed in §§ 73.405 through 73.414 of this chapter must have been applied to rail baggage shipments by the shipper. Labels should be applied where practicable to that part of the package bearing the consignee's name and address, or baggage check.

(b) Carriers must keep on hand an adequate supply of labels. Lost, detached or obliterated labels must be replaced from information given on the shipping papers or from information on the package.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

In the table of contents in Part 77 cancel § 77.818 (29 F.R. 18795, Dec. 29, 1964) as follows:

Sec. 77.818 [Cancelled]

Subpart A—General Information and Regulations

In § 77.815 amend paragraph (a) (29 F.R. 18797, Dec. 29, 1964) to read as follows:

§ 77.815 Labels.

* * * * *

(a) Labels prescribed in §§ 73.405 through 73.413 of this chapter must have been applied to packages by the shipper, unless exempt from labeling requirements.

* * * * *

In § 77.817 amend the introductory text of paragraph (a); cancel paragraph (a) (1); add paragraphs (b), (c), (d), (e) (29 F.R. 18798, Dec. 29, 1964) to read as follows:

§ 77.817 Shipping papers.

(a) Carriers must not accept for transportation nor transport any dangerous article subject to the regulations of this chapter unless such article is described on the shipping paper by the shipping name prescribed in § 72.5 of this chapter and by the classification as prescribed in § 72.4 of this chapter. A further description not inconsistent therewith may be included. Abbreviations must not be used. The total quantity by weight, volume, or as otherwise appropriate must be shown. The carrier must return to the shipper a receipted copy of the shipping paper.

(b) Each shipper must also have shown on the shipping paper, in connection with and following the entry of, the article as prescribed in § 73.427 of this chapter, the color or kind of label applied. For cars and vehicles containing such articles loaded by the shipper, the shipper must also have shown the kind of placard required (if any) for the car or vehicle.

(c) Where the regulations exempt the shipment from marking or labeling, such exemption must be indicated following the description on the shipping paper.

(d) The driver of each motor vehicle transporting dangerous articles must have in his possession a copy of the shipping paper showing the information required in paragraph (a) of this section.

(e) Each carrier offering or delivering for rail transportation any loaded motor vehicle, trailer, semitrailer or container containing dangerous articles must show on the shipping paper the information required in paragraph (a) of this section, the description of the vehicle or container, and the kind of placards applied.

§ 77.818 [Canceled]

Cancel § 77.818 (29 F.R. 18798, Dec. 29, 1964).

In § 77.819 amend paragraphs (a) and (b) (29 F.R. 18798, Dec. 29, 1964) to read as follows:

§ 77.819 Certificate.

(a) Carriers must not accept for transportation or transport any dangerous article as defined in this chapter unless it be certified to him by the shipper the following certificate, shown in the lower left-hand corner of the shipping paper, and signed by the shipper: "This is to certify that the above-named articles are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation, according to the regulations of the Interstate Commerce Commission." In addition, the shipper may have added the words, "and the U.S. Coast Guard," or "and the Federal Aviation Agency," as appropriate.

(b) For shipments in containers supplied by the carrier, the certificate must also be signed by the carrier (see § 73.22 (a) of this chapter).

[F.R. Doc. 67-3441; Filed, Mar. 28, 1967; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1966 Rev., Supp. No. 17]

FARMERS ELEVATOR MUTUAL INSURANCE CO.

Surety Company Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13). An underwriting limitation of $131,000 has been established for the company.

NAME OF COMPANY, LOCATION OF PRINCIPAL EXECUTIVE OFFICE, AND STATE IN WHICH INCORPORATED

Farmers Elevator Mutual Insurance Company
Des Moines, Iowa
Iowa

Certificates of authority expire on May 31 each year, unless sooner revoked, and new certificates are issued on June 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of June 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

Dated: March 23, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67-3403; Filed, Mar. 28, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2899]

DIRECTOR, BUREAU OF MINES

Delegation of Authority; Research Contracts and Grants

MARCH 22, 1967.

SECTION 1 *Research contracts.* The Director of the Bureau of Mines may enter into research contracts involving $25,000 or less pursuant to Public Law 89–672 and, with respect to such contracts, may make the determinations specified in paragraph (11), subsection (c), of section 302 of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. sec. 252c (11)).

SEC. 2 *Grants.* With respect to problems related to the programs of the Bureau authorized by statute, the Director Bureau of Mines may make grants for the support of basic scientific research involving $25,000 or less to nonprofit institutions of higher education or to nonprofit organizations whose primary purpose is the conduct of scientific research pursuant to 42 U.S.C. secs. 1891 and 1892.

SEC. 3 *Redelegation.* The Director may redelegate the authority granted in sections 1 and 2 to the Assistant Director—Administration.

SEC. 4 *Prior orders.* Order No. 2896 is hereby superseded.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 67-3380; Filed, Mar. 28, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

PRINCETON SALE BARN ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting

Princeton Sale Barn, Princeton, Ill., Nov. 24, 1959.
Lincoln County Stockyards, Inc., Stanford, Ky., Dec. 29, 1959.
Triangle Stockyard, Kentwood, La., May 27, 1966.
Brighton Stock Yards Company, Brighton, Mass., Nov. 1, 1921.
Hudson Valley Livestock Market, Waterford, N.Y., Aug. 15, 1960.
Clark Livestock Auction Company, Clark, S. Dak., May 8, 1959.
Bowdle Live Stock Commission Co., Bowdle, S. Dak., May 19, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 24th day of March, 1967.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 67-3437; Filed, Mar. 28, 1967; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RICHMOND LEWIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions: None.
B. Additions: None.

This statement is made as of February 27, 1967.

RICHMOND LEWIS.

MARCH 13, 1967.

[F.R. Doc. 67-3354; Filed, Mar. 28, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17726]

GULF, STATES-MIDWEST POINTS SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 18, 1967, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner James S. Keith.

In order to facilitate the conduct of the conference, interested parties are instructed to submit on or before April 12, 1967, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., March 23, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-3417; Filed, Mar. 28, 1967; 8:48 a.m.]

[Docket No. 17930]

MULTI-CHARTER CARGO RATES INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on April 11, 1967, at 10 a.m., e.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., March 23, 1967.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 67-3418; Filed, Mar. 28, 1967; 8:49 a.m.]

[Docket No. 18167]

WTC AIR FREIGHT ET AL.

Notice of Proposed Approval of Control Relationships

Application of WTC Air Freight et al. for approval of control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 18167.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested parties are hereby afforded a period of 15 days from the service of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., March 23, 1967.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

Joint application of WTC Air Freight et al. and Capital Airfreight (H.K.), Ltd., Docket 18167; for approval of common control relationships under section 408 of the Federal Aviation Act of 1958, as amended, if such approval is required.

By joint application filed February 6, 1967, WTC Air Freight (WTC), Western Transportation Co., Inc. (Western), Western Truck Leasing Co. (Leasing), United Freight, Inc. (Freight), R. B. Meyers, and Gladys Meyers, as Trustee of the A. Meyers Estate (Trust) request Board approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended, (the Act) of the common control relationships resulting from the proposed acquisition by WTC of 90 percent of the common stock of Capital Airfreight (H.K.), Ltd. (Capital), if such approval is required.

By order E-20713, dated April 16, 1964, the Board approved, subject to certain conditions, control relationships involving all of the applicants herein except Capital; i.e., the common control by R. B. Meyers and Trust of Leasing and Western, and through Western of Freight and WTC,[1] a domestic and International air freight forwarder.

[1] Leasing is an intrastate common carrier by truck operating in the Los Angeles area. Western is a freight forwarder operating by rail through United, and by air through WTC.

WTC now seeks to acquire 90 percent of the outstanding stock of Capital, a person organized in and operating under the laws of the British Crown Colony of Hong Kong. Capital forwards freight by air from Hong Kong, outbound only, neither requiring nor holding authorization thereto from that or any other government. It also operates as an authorized cargo sales agent of the International Air Transport Association (IATA). The latter activity is likewise confined to Hong Kong.

The applicants state that, upon consummation of the acquisition by WTC of Capital, it is anticipated that certain of WTC's officers will become also officers of Capital, but that the resulting interlocking relationships would be exempt from section 409 of the Act by reason of Part 287 of the Board's Economic Regulations.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that WTC is an air carrier within the meaning of section 408 of the Act, and that Capital, because of its airfreight forwarding and IATA sales agency activities is a person engaged in a phase of aeronautics within the meaning of section 408(a)(6) of the Act.[2] It is therefore concluded that the control relationships between WTC and Capital are subject to section 408.[3] However, it has been further concluded that the transaction which is the subject of the application does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition, so long as Capital's activities as an air freight forwarder are confined to the shipment of airfreight outbound from Hong Kong. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing.[4]

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing relationships should be approved under section 408(b) of the Act, without a hearing.

[2] Cf. Harry and Martin Shulman et al., Control and Interlocking Relationships, 31 CAB 300 (1960), in which it was held that Orient-American Forwarding Company, a corporation of Japan operating in that country as an airfreight forwarder, was a person engaged in a phase of aeronautics within the meaning of section 408(a)(6). Also, Air Express International Corp. et al., Control and Interlocking Relationships, Order E-21931, issued Mar. 22, 1965, where the Board held various IATA agents to be persons engaged in a phase of aeronautics.

[3] In the light of our action herein, it appears that the proposed interlocking relationships between WTC and Capital would fall within the exemption and approval granted by Part 287 of the Board's Economic Regulations.

[4] To the extent that any agency agreement(s) between WTC and Capital is contemplated, we would expect the air carrier party (WTC) to file with the Board, pursuant to section 412 of the Act any such agreement or agreements in accordance with section 297.38 of the Economic Regulations.

Accordingly, it is ordered:

1. That the common control relationships arising from the acquisition by WTC of a 90 percent stock interest in Capital be and it hereby is approved.
2. That the approval granted herein shall continue in effect only so long as Capital confines its activities in air transportation to the movement of air freight outbound from Hong Kong to the United States;
3. That the jurisdiction of the Board shall be and hereby is retained over this proceeding for the purpose of reviewing at any time the approval granted herein and the imposition at any time, without hearing, of such other conditions as the Board may find just and reasonable; and
4. That except to the extent granted herein the application in Docket 18167 be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within five days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such time as a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By: A. M. ANDREWS,
Director, Bureau of Operating Rights.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-3419; Filed, Mar. 28, 1967; 8:49 a.m.]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on May 1, 1967, and that an executive session, if appropriate, will be convened on April 29, 1967, to be held in the Ceremonial Courtroom in the Federal Building, Golden Gate Avenue, San Francisco, Calif., and at the Oakland Auditorium Ballroom, 10 10th Street, Oakland, Calif. to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, or national origin, and in the administration of justice in the counties of San Francisco, Contra Costa, Alameda, San Mateo, Marin, Santa Clara, Sonoma, Napa, and Solano and in the State of California; to appraise the laws and policies of the Federal Government with respect to denial of equal protection of the laws under the Constitution because of race, color, or national origin, and in the administration of justice in the counties of San Francisco, Contra Costa, Alameda, San Mateo, Marin, Santa Clara, Sonoma, Napa, and Solano and in the State of California, and to disseminate information with respect to denials in the counties of San Francisco, Contra Costa, Alameda, San Mateo, Marin, Santa Clara, Sonoma, Napa, and Solano and in the State of California because of race, color or national origin in the fields of housing, employment, public facilities, education, administration of justice and related areas.

JOHN A. HANNAH,
Chairman.

MARCH 29, 1967.

[F.R. Doc. 67-3420; Filed, Mar. 28, 1967; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 66-SO-4]

BAY VIDEO, INC.

Grant of Additional Extension to Comment Period

On December 22, 1966, a notice of petition for and grant of review was issued in response to a petition received by the Federal Aviation Agency in opposition to a determination of hazard to air navigation concerning the proposed construction by Bay Video, Inc., of a tower 1,942 feet above mean sea level (1,797 feet above ground) near Woods, Fla.

The original comment period expired January 23, 1967. Since that time, the proponent has been negotiating with Florida State University. Due to delay in these negotiations, subsequent extensions to the comment period have been granted. Another extension, beyond the present March 23, 1967, expiration date, has been requested. To grant this request is considered to be in the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator, notice is hereby given that the comment period for submitting relevant information for consideration in this review is extended to expire on April 21, 1967. Submission must be filed in triplicate with the Federal Aviation Agency, Obstruction Evaluation Branch, 800 Independence Avenue SW., Washington, D.C. 20553, and must be relevant to the effect of the proposed structure on safe air navigation.

Issued in Washington, D.C., on March 21, 1967.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 67-3367; Filed, Mar. 28, 1967; 8:46 a.m.]

CIVIL SERVICE COMMISSION

ACCOUNTANTS, AUDITORS AND INTERNAL REVENUE AGENTS

Notice of Adjustment of Minimum Rates and Rate Ranges

1. Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum salary rates and rate ranges for positions in the Accounting Series, GS-510, and Internal Revenue Agent Series, GS-512, at grades 5 through 9, and, after consultation with the Post Office Department, has increased the minimum rates and rate ranges for Accounting and Auditing positions code 510, in the Postal Field Service at levels 5, 7, and 9.

a. The revised rates for positions in the Accounting Series, GS-510, and Internal Revenue Agent Series, GS-512 are as follows:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$6,387	$6,563	$6,739	$6,915	$7,091	$7,267	$7,443	$7,619	$7,795	$7,971
GS-6	6,857	7,055	7,253	7,451	7,649	7,847	8,045	8,243	8,441	8,639
GS-7	7,303	7,516	7,729	7,942	8,155	8,368	8,581	8,794	9,007	9,220
GS-8	7,538	7,773	8,008	8,243	8,478	8,713	8,948	9,183	9,418	9,653
GS-9	8,218	8,479	8,740	9,001	9,262	9,523	9,784	10,045	10,306	10,567

[1] Corresponding statutory rate: GS-5—Seventh; GS-6—Sixth: GS-7—Fifth; GS-8—Third; GS-9—Third.

b. The revised rates for positions in the Postal Field Service are as follows:

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-5	$6,461	$6,652	$6,843	$7,034	$7,225	$7,416	$7,607	$7,798	$7,989	$8,180	$8,371	$8,562
PFS-7	7,417	7,635	7,853	8,071	8,289	8,507	8,725	8,943	9,161	9,379	9,597	------
PFS-9	8,175	6,430	8,685	8,940	9,195	9,450	9,705	9,960	10,215	10,470	------	------

[1] Corresponding statutory rate: PFS-5—Fifth; PFS-7—Fifth; PFS-9—Third.

2. Geographic coverage: Worldwide.

3. The effective date will be the first day of the first pay period which begins on or after June 1, 1967.

4. All new employees in the specified occupational levels will be hired at the new minimum rate.

5. As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the existing special rate range, shall receive compensation at the corresponding numbered rate authorized by this notice on or after such date.

6. The pay adjustment will not be considered an equivalent increase with the meaning of 5 U.S.C. 5335 or section 3552 of Title 39 of the United States Code.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-3352; Filed, Mar. 28, 1967; 8:45 a.m.]

ACCOUNTANT AND AUDITOR AND INTERNAL REVENUE AGENT

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective March 26, 1967, that there is a manpower shortage for the positions of Accountant and Auditor, GS-510-5/9, and Internal Revenue Agent, GS-512-5/9 on a nationwide basis.

Appointees to these positions may be paid for the expenses of travel and transportation to their first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-3353; Filed, Mar. 28, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

PETROLEUM AND GAS INDUSTRY COMMUNICATIONS EMERGENCY PLAN (PAGICEP)

Extension of Time for Filing Requirements

MARCH 23, 1967.

The Commission, by Defense Commissioner Lee Loevinger, today extended the time from April 1, 1967, to July 1, 1967, for petroleum and gas companies to submit their emergency communications requirements and lists of their communications facilities. The Chairman of the National Industry Advisory Committee Working Group which developed FCC Form Nos. 20-A through 20-G, for use in reporting the desired information to the Commission, has advised that many of the petroleum and gas companies do not have the manpower available to develop their plans to meet the April 1st deadline.

The forms were distributed to members of the Petroleum and Gas Industry during the month of January 1967. Those wishing to participate should send one copy of each form to the Executive Secretary, National Industry Advisory Committee, Federal Communications Commission, Washington, D.C. 20554, as soon as possible as specified in Public Notice 89660, September 26, 1966. The information requested is to be used in developing operational emergency communication systems for the Petroleum and Gas Industry, outlined in the Interim Basic

Petroleum and Gas Industry Communications Emergency Plan (PAGICEP) approved by the Commission on August 19, 1966.

Approved: March 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3423; Filed, Mar. 28, 1967; 8:49 a.m.]

[Supp. No. 6]

VHF TELEVISION BROADCAST STATIONS, UNITED STATES AND CANADA

Allocations; Amendments

MARCH 24, 1967.

Amendment of Table A of the 1961 Working Arrangement for allocation of VHF television broadcast stations under the Canadian-United States of America Television Agreement of 1952.

Pursuant to an exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, Table A, Annex 1 of the Television Working Arrangement under the Canadian-United States of America Television Agreement has been amended as indicated by the following table.

City	Channel No.	
	Delete	Add
Lac du Bonnet, Manitoba.	----------	4 (limitation to protect allocations at Dryden, Ontario, and Brandon, Manitoba).
Dryden, Ontario	4	4+.
Elliot Lake, Ontario	9+	12+.
Sault Ste. Marie, Ontario.	12+	5 (limitation to protect CKSO-TV, Sudbury, Ontario).
Sudbury, Ontario	----------	9+ (limitation to protect CBFOT Timmins, Ontario).
Matane, Province of Quebec.	----------	6+ (limitations to protect CHSJ-TV-1, Bon Acord, New Brunswick, and CJPM-TV-1, Chicoutimi, Province of Quebec).
Quebec City, Province of Quebec.	9	----------
Sherbrooke, Province of Quebec.	----------	9 (limitation to protect CBOFT Ottawa, Ontario, and WMUR-TV Manchester, N.H.).
Shaunavon, Saskatchewan.	----------	7+ (limitation to protect CKMJ-TV, Channel 7, Marquis, Saskatchewan).

Further amendments to Table A will be issued as public notices in the form of numbered supplements.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3424; Filed, Mar. 28, 1967; 8:49 a.m.]

[Docket Nos. 17261, 17262; FCC 67M-491]

BILL GARRETT BROADCASTING CORP. AND FAULKNER RADIO, INC.

Order Continuing Prehearing Conference

In re applications of Bill Garrett Broadcasting Corp., Slidell, La., Docket No. 17261, File No. BPH-5482; Faulkner Radio, Inc., Slidell, La., Docket No. 17262, File No. BPH-5493; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, This the 22d day of March 1967, that the prehearing conference in the above-styled proceeding presently scheduled for March 29, 1967, is hereby continued to Tuesday, April 25, 1967, beginning at 9 a.m., in the offices of the Commission, Washington, D.C.: *And it is further ordered*, That the hearing now scheduled for April 25, 1967, is continued to a date to be fixed at the above prehearing conference.

Released: March 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3425; Filed, Mar. 28, 1967; 8:49 a.m.]

[Docket Nos. 16813-16815; FCC 67-344]

1400 CORP. (KBMI) ET AL.

Memorandum Opinion and Order Modifying Designation Order

In re applications of 1400 Corp. (KBMI), Henderson, Nev., Docket No. 16813, File No. BR-2937; for renewal of license of Station KBMI; Joseph Julian Marandola, Henderson, Nev., Docket No. 16814, File No. BP-16411; for construction permit; 1400 Corp. (Assignor), Docket No. 16815, File No. BAL-5158; Thomas L. Brennen (Assignee), for assignment of license of Station KBMI, Henderson, Nev.

1. By memorandum opinion and order (FCC 66-718) released August 17, 1966, the Commission designated the above-captioned applications for hearing in a consolidated proceeding. Except as indicated by the issues specified in the designation order, each of the applicants was determined to be qualified. The comparative qualifications of Joseph Julian Marandola and Thomas L. Brennen constituted the principal question for determination in the hearing. The Commission stated that if Marandola prevailed in the hearing, he would be awarded a construction permit and the renewal application of 1400 Corp. (KBMI) would be denied. On the other hand, it was provided that if Brennen prevailed, the KBMI renewal application would be granted as well as the application for assignment of the license of Station KBMI to Brennen. The application of 1400 Corp. for renewal of the license of KBMI was consolidated in the proceeding for the sole purpose of permitting whatever action on that application might be necessary to the outcome of the contest between Marandola and Brennen.

2. KBMI then filed a statement of position regarding the proceeding, wherein it insisted that, if its renewal application were not granted, it be accorded a hearing on the merits of such application. The Commission was unable to ascertain from the statement of position whether KBMI intended to prosecute its application for renewal to permit continued operation of Station KBMI or only to gain approval of the application for assignment of such license to Brennen, the proposed assignee. Because the Commission believed that it would be inappropriate to retain the assignment application in hearing if KBMI intended to prosecute the renewal of license application alone, it directed[1] KBMI to elect which application it intended to prosecute. The Commission stated that if KBMI elected to prosecute the renewal application, the designation order herein would be modified to reflect the changed circumstances, and the application for assignment of license would be dismissed.

3. KBMI has responded to the Commission's letter, stating that it intends to prosecute the application for the renewal of the license of Station KBMI alone and not as a step toward obtaining approval of the application for assignment of such license to Thomas L. Brennen. Accordingly, the application (BAL-5158) for assignment of license of Station KBMI to Thomas L. Brennen will be dismissed.

4. Because of the changed circumstances resulting from the election made by KBMI and the dismissal of the assignment application, the designation order (FCC 66-718) herein is hereby modified to delete all references to the application of Thomas L. Brennen, including those issues which related solely to such application. Modification of the designation order is also made to delete any suggestion that the purpose of the hearing herein is to determine whether the KBMI license should be renewed for the purpose of assigning it to Thomas L. Brennen if he should prevail over the Marandola application. Finally, the designaiton order is also made to delete footnote 2 appearing on page 3, and to delete that language appearing in paragraph 7 on page 3 which specified an occurrence of events depending upon whether Marandola or Brennen should prevail in the hearing.

5. As noted in the designation order herein, 1400 Corp. (KBMI) and Joseph Julian Marandola possess basic licensee qualifications. The hearing now ordered will be held to compare their qualifications, and to this end appropriate issues will be added to the proceeding having applicability only to the proposals of KBMI and Marandola.[2]

6. In view of the foregoing: *It is ordered*, This 22d day of March 1967, That

[1] "By Direction" Letter (FCC 67-203) of the Commission, dated Feb. 15, 1967, addressed to 1400 Corp. (KBMI).

[2] Inasmuch as the notices required by sec. 1.594 of the rules have already been given by KBMI and Marandola, further publication of local notice of designation for hearing will be unnecessary.

the application (BAL-5158) for assignment of license of Station KBMI, Henderson, Nev., to Thomas L. Brennen is dismissed;

7. *It is further ordered*, That the designation order (FCC 66-718) herein is modified in the respects noted hereinabove; and

8. *It is further ordered*, That the applications of 1400 Corp. (KBMI) for renewal of license (BR-2937) of Station KBMI, Henderson, Nev., and of Joseph Julian Marandola (BP-16411) for a construction permit for a new standard broadcast station to operate in Henderson, Nev., on the facilities now licensed to 1400 Corp. (KBMI) shall be heard on the following issues:

1. To determine which of the proposals would better serve the public interest; and

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

Released: March 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3426; Filed, Mar. 28, 1967; 8:49 a.m.]

[Docket Nos. 17131 etc.; FCC 67-295]

GENERAL ELECTRIC CABLEVISION CORP. ET AL.

Memorandum Opinion and Order Instituting Hearing and Consolidating Proceedings

In re petitions by General Electric Cablevision Corp., Auburn and Van Buren, N.Y., Docket No. 17131, File No. CATV 100-65; General Electric Cablevision Corp., Solvay, N.Y., Docket No. 17132, File No. CATV 100-137; Newchannels Corp., East Syracuse, N.Y., Docket No. 17133, File No. CATV 100-112; Newchannels Corp., Camillus, N.Y., Docket No. 17134, File No. CATV 100-124; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Syracuse television market; in re applications of Eastern Microwave, Inc., Van Buren, N.Y., Docket No. 17135, File No. 4704-C1-P-66; Eastern Microwave, Inc., Camillus, N.Y., Docket No. 17136, File No. 4879-C1-P-66; for construction permits for new point-to-point microwave radio stations; Newchannels Corp., Manlius, N.Y., Docket No. 17273, File No. CATV 100-150; Newchannels Corp., Minoa, N.Y., Docket No. 17274, File No. CATV 100-151; Newchannels Corp., Liverpool, N.Y., Docket No. 17275, File No. CATV 100-153; Newchannels Corp., Fayetteville, N.Y., Docket No. 17276, File No. CATV 100-160; Upstate Community Antenna, Inc., Clay and Cicero Townships, N.Y., Docket No. 17277, File No. CATV 100-154; Onondaga Video, Inc., Onondaga Township, N.Y., Docket No. 17278, File No. CATV 100-166; Newchannels Corp., Fulton, N.Y., File No. CATV 100-161; Central New York Cable TV, Inc., New Hartford, Whitesboro, Whitestown, Yorkville, New York Mills, Schuyler, Paris, Clayville, Clinton, Kirkland, and Marcy, N.Y., File No. CATV 100-148; for authority pursuant to § 74.1107 to operate CATV systems in the Syracuse, N.Y., market, ranked 31st.

1. The following proposals in the Syracuse television market, ranked 31st, are before us for consideration:

(a) Newchannels Corp. intends to operate CATV systems in Manlius, Minoa, Liverpool, Fayetteville, and Fulton, N.Y., and to carry in addition to the Syracuse stations, the distant signals of four New York City independent stations, one Kingston, Ontario, station, and one Ottawa, Ontario, station;

(b) Upstate Community Antenna, Inc., intends to operate CATV systems in Clay Township and Cicero Township, N.Y., and to carry in addition to the Utica and Syracuse stations, the distant signals of three New York City independents, one New York City educational station, one Kingston, Ontario, station, and one Ottawa, Ontario, station;

(c) Central New York Cable TV, Inc., presently carries the Utica and Syracuse stations, the distant signals of three New York City independent stations, and one Schenectady station on its systems in Utica, Deerfield, and New Hartford. It proposes to extend the same service to New Hartford, Whitesboro, Whitestown, Yorkville, New York Mills, Paris, Clayville, Clinton, Kirkland, Marcy, and Schuyler, N.Y.;

(d) Onondaga Video, Inc., proposes to operate a CATV system in Onondaga Township, and would carry in addition to the Syracuse stations, three New York City independent stations and one Kingston, Ontario, station.

The petitioners (Central New York Cable filed on December 21, 1966; Upstate Community filed on January 9, 1967; Onondaga Video filed on February 21, 1967; and Newchannels filed for Manlius and Minoa on January 5, 1967, for Liverpool on January 6, 1967, for Fayetteville on January 13, 1967 and for Fulton on January 27, 1967) except Onondaga Video, request waiver of hearing to permit them to implement their proposals.

2. The Syracuse market has a total net weekly circulation of 487,600. The city has channels 3, 5, 9, *24, 43, and 62 assigned. Stations operate on channels 3, 5, 9, and *24; a construction permit has been issued for 43; 62 is idle. Ithaca, about 45 miles from Syracuse but within the predicted Grade A, has channels *14, and 52, and construction permits have been issued for each. Utica, about 50 miles from Syracuse and also in the market, has allocated channels 2, 15, 33, and *59. Channel 2 is in operation; the other channels are not requested. Manlius, a city of 1,997, Minoa (1,838), Liverpool (3,487), Fayetteville (4,311), Clay Township (17,760), Cicero Township (14,725), and Onondaga Township (13,429) are suburbs of Syracuse and in Onondaga County (423,028). Manlius, Minoa, Liverpool, Fayetteville, and parts of Onondaga, Clay and Cicero Townships are in the Syracuse Urbanized Area (population 333,286) and Fulton (14,261) about 25 miles north of Syracuse in Oswego County (86,118) all in the Syracuse Standard Metropolitan Statistical Area (population 563,781).

3. New Hartford (2,468), Whitesboro (4,784), Whitestown (19,185), Yorkville (3,749), New York Mills (3,788), Paris (4,219), Clayville (686), Clinton (1,855), Kirkland (7,978), Marcy (7,024) are suburbs of Utica (population 100,410) in Oneida County (264,401) and Schuyler (1,893) is a suburb of Utica located in Herkimer County (66,370), all about 50 miles east of Syracuse. New Hartford, Whitesboro, Yorkville, New York Mills, Schuyler, and part of Whitestown and Marcy are in the Utica-Rome Urbanized Area (population 187,779) and these together with Paris, Clayville, Clinton and Kirkland are within the Utica-Rome Standard Metropolitan Statistical Area (population 330,771). The Utica television market is ranked 110 with a 1966 total net weekly circulation of 158,700.

4. The petitioners ground their proposals on such factors and contentions as improved quality and increased diversity of television service, lack of impact upon, and in fact probable benefits to local UHF television because of CATV carriage, financial commitments by the systems, the need of the systems to carry distant signals in order to attract subscribers, and the absence of any significant ties between Syracuse and several of the CATV communities.

5. The supporting arguments are not without merit. But in view of the UHF interest in the Syracuse market, and without the additional information which can be developed in a public hearing, we are unable to accept the allegations of petitioners proposing CATV systems in Manlius, Minoa, Liverpool, Fayetteville, Onondaga Township, Clay Township, and Cicero Township that the effect of CATV operations in those communities upon present and potential UHF broadcasting would be minimal. New York City signals are not now being imported into this area nor is there any operating CATV in Syracuse or the immediate area. This preliminary judgment is consistent with our prior opinion relating to CATV system operation in the immediate Syracuse market.

Therefore, it is ordered, This 8th day of March 1967, pursuant to sections 4(i), 303, and 307(b) of the Communications Act and §§ 74.1107 and 74.1109 of the Commission's rules, that the petitions for waiver of Newchannels concerning Manlius, Minoa, Liverpool, Fayetteville, and of Upstate Community Antenna, Inc., concerning Clay and Cicero Townships are denied and that of Onondaga Video, Inc., requesting hearing concerning Onondaga Township is granted, and that

[3] Commissioner Bartley concurring in the result and Commissioner Wadsworth absent.

a hearing is ordered as to said petitions to be consolidated with hearing in Docket Nos. 17131, 17132, 17133, 17134, 17135, and 17136, on the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Syracuse market.

2. To determine the effects of current and proposed CATV service in the Syracuse market upon existing, proposed and potential television broadcast stations in the market.

3. To determine (1) the present policy and proposed future plans of petitioners with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (2) the potential for such services; and (3) the impact of such services upon television broadcast stations in the market.

4. To determine whether proposals are consistent with the public interest.

6. But the communities proposed to be served by Central New York are in the Utica market, ranked 110th, a distinct market within the Syracuse market. CATV is widespread in the Utica-Rome area, and is now supplying New York City and Schenectady signals to an area separate and remote from the central Syracuse market. The core population area upon which future UHF stations would principally rely already has much CATV service available to it. Implementation of the proposals of Central New York Cable TV, Inc., would do no more than extend the same service now available to urban dwellers to the residents of the surrounding suburban and rural areas. Should UHF interest develop, the additional impact caused by the proposed systems would appear to be of minimal potential. Newchannels' proposed Fulton CATV system is similar in many respects, vis-a-vis the Syracuse market, to the recently authorized Unicable system in Oswego (In re Unicable Incorporated, FCC 67–63, Feb. 14, 1967); the differences, if any, are not of decisional significance. The considerations on which our action in Oswego were based are, therefore, equally pertinent here. We have considered the arguments in opposition but do not find them persuasive.

Under these circumstances: *It is further ordered*, That the provisions of § 74.1107 of the rules are waived in order to permit the New Hartford, Whitesboro, Whitestown, Yorkville, New York Mills, Schuyler, Paris, Clayville, Clinton, Kirkland, Fulton, and Marcy CATV systems to carry the proposed distant signals.

Newchannels Corp., Upstate Community Antenna, Inc., Meredith Syracuse Television Corp., Channel 9 Syracuse, Inc., Onondaga UHF TV, Inc., and Onondago Video, Inc., are made parties to this proceeding, and to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proof is upon the petitioners. A time and place for the hearing will be specified in another order.

Released: March 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3427; Filed, Mar. 28, 1967; 8:49 a.m.]

[Docket No. 16766; FCC 67M-487]

MOUNT-ED-LYNN, INC.

Order Continuing Hearing

In re application of Mount-Ed-Lynn, Inc., Mountlake Terrace, Wash., Docket No. 16766, File No. BP-16882; for construction permit.

On the Hearing Examiner's own motion: *It is ordered*, This the 22d day of March 1967, that the hearing in the above-styled proceeding presently scheduled for March 27, 1967, is hereby continued to Wednesday, April 19, 1967, beginning at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: March 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3428; Filed, Mar. 28, 1967; 8:49 a.m.]

[Docket Nos. 13292 etc.; FCC 67M-482]

NEWS-SUN BROADCASTING CO. ET AL.

Order Regarding Procedural Dates

In re applications of The News-Sun Broadcasting Co., Waukegan, Ill., Docket No. 13292, File No. BPH-2543; Edward Walter Piszczek and Jerome K. Westerfield, Des Plaines, Ill., Docket No. 13940, File No. BPH-3201; Maine Township FM, Inc., Des Plaines, Ill., Docket No. 17242, File No. BPH-4821; for construction permits.

It is ordered, This 21st day of March 1967, pursuant to the agreements reached at the prehearing conference held herein on this date, that:

(1) Notification of evidentiary material, if any, for which incorporation by reference to the previous proceeding involving two of the instant applications is to be sought shall be given on or before April 11, 1967, to all parties and to the Hearing Examiner.

(2) There shall be a preliminary exchange of all engineering exhibits to be offered in the direct affirmative presentations on May 24, 1967, if the parties are unable to reach agreement as to a joint engineering presentation prior to that date.

(3) All exhibits to be offered into evidence in the direct affirmative presentations shall be under oath and shall be exchanged among the parties and copies provided the Hearing Examiner on June 7, 1967.

(4) Notification of witnesses to be called for cross-examination shall be given on or before June 4, 1967.

It is further ordered, That the hearing presently scheduled for April 28, 1967, is continued to June 21, 1967, commencing at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: March 23, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3429; Filed, Mar. 28, 1967; 8:49 a.m.]

[Docket No. 14952; FCC 67M-494]

NORRISTOWN BROADCASTING CO., INC. (WNAR)

Order Continuing Hearing

In re application of Norristown Broadcasting Co., Inc. (WNAR), Norristown, Pa., Docket No. 14952, File No. BP-12902; for construction permit.

Pursuant to agreements reached at the prehearing conference in the above-entitled proceeding held March 17, 1967, the evidentiary hearing now scheduled for April 24, 1967, is continued to June 6, 1967, beginning at 10 a.m., in the offices of the Commission in Washington, D.C.

It is so ordered, This the 20th day of March, 1967.

Released: March 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3430; Filed, Mar. 28, 1967; 8:50 a.m.]

[Docket No. 14817; FCC 67M-480]

RADIO STATION KQXI

Order Continuing Hearing

In re application of Frances C. Gaguine & Bernice Schwartz, doing business as Radio Station KQXI, Arvada, Colo., Docket No. 14817, File No. BMP-9769; for construction permit.

The Hearing Examiner having under consideration a motion filed March 21, 1967, on behalf of the above-entitled applicant requesting that the date for exchange of exhibits be continued from March 22 to April 5, 1967, the date for notification of witnesses be continued from April 5 to April 19, 1967, and the date of commencement of the hearing be continued from April 12 to April 26, 1967; and

It appearing that the requested continuance is due to the heavy workload of the applicant's engineer and to the complexity of the contemplated technical showing; and

It further appearing that counsel for all parties to this proceeding have no objection to the immediate consideration and grant of this motion, and good cause for granting said motion having been shown;

It is ordered, This the 22d day of March 1967, that the motion is granted, and the date for exchange of exhibits is continued from March 22 to April 5, 1967, the date for notification of witnesses is continued from April 5 to April 19, 1967, and the date for commencement of the hearing is continued from April 12 to April 25, 1967, beginning at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: March 23, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3431; Filed, Mar. 28, 1967; 8:50 a.m.]

[Docket Nos. 17005, 17006; FCC 67M-486]

ROMAC BATON ROUGE CORP. AND CAPITOL TELEVISION BROADCASTING CORP.

Order; Extension of Procedural Dates

In re applications of Romac Baton Rouge Corp., Baton Rouge, La., Docket No. 17005, File No. BPCT-3725; Capitol Television Broadcasting Corp., Baton Rouge, La., Docket No. 17006, File No. BPCT-3809; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration the "Request for Extension of Time" filed March 21, 1967, on behalf of Romac Baton Rouge Corp., requesting a 30-day extension of all procedural dates heretofore scheduled in anticipation of the imminent submission to the Commission of a joint petition of the applicants for approval of an agreement looking toward dismissal of Capitol's application;

It appearing, that counsel for the other parties have informally consented to immediate consideration and the grant of the extension request, and that "good cause" is stated for granting same;

Accordingly, it is ordered, This 22d day of March 1967, that the "Request for Extension of Time" filed March 21, 1967, by Romac Baton Rouge Corp. is granted, and the pertinent procedural dates are extended as follows: (a) Exchange of exhibits, from March 23 to April 23, 1967; (b) notification re witnesses, from April 6 to May 6, 1967; and (c) commencement of hearing, from April 25 to May 25, 1967.

Released: March 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3432; Filed, Mar. 28, 1967; 8:50 a.m.]

[Docket Nos. 17181–17183; FCC 67M-485]

UNITED TRANSMISSION, INC., ET AL.

Order Continuing Further Prehearing Conference

In re United Transmission, Inc., Russell, Kans., Docket No. 17181; Kays, Inc., Hays, Kans., Docket No. 17182; Cobb & Associates, Inc., Great Bend, Hoisington, and Larned, Kans., Docket No. 17183; requests for special relief filed pursuant to § 74.1109 of the Commission's rules.

On the Hearing Examiner's own motion: *It is ordered*, This the 22d day of March 1967, that the further prehearing conference in the above-styled proceeding presently scheduled for March 29, 1967, is hereby continued to Monday, April 10, 1967, beginning at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: March 23, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3433; Filed, Mar. 28, 1967; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI67-324]

MOBIL OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 21, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 10, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-324	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	[1] 327	3	Lone Star Gas Gathering Co. (Ka Witt Field, Karnes and De Witt Counties, Tex.) (RR. District No. 2).	$1,529	2-28-67	[2] 4-1-67	[4] 4-2-67	[7] [8] 12.0	[5] [8] 13.0	

[1] Contract executed after Sept. 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1.
[2] Basic contract provides for the sale of sour gas, containing up to 50 grains of total sulphur and up to 40 grains of hydrogen sulphide per 100 cu. ft.
[3] The stated effective date is the effective date proposed by Respondent.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Settlement rate approved by Commission order issued May 5, 1964, in Docket Nos. G-12193, et al.
[8] Equivalent to 15.0 cents and 16.0 cents when estimated 3.0 cents processing cost incurred by the buyer to bring this gas up to pipeline quality is added.

[1] Commissioners Bartley and Cox concurring in part and dissenting in part and issuing statements filed as part of original document; Commissioner Loevinger concurring in result; Commissioner Wadsworth absent.

Mobil Oil Corp. (Mobil) proposes a periodic rate increase from 12 to 13 cents per Mcf for gas sold to Lone Star Gathering Co. (Lone Star) from the Ka Witt Field in Karnes and De Witt Counties, Tex. (Railroad District No. 2). Although Mobil's proposed rate does not exceed the increased rate ceiling for Texas Railroad District No. 2, it is suspended because the sale related thereto is considered to be for nonpipeline quality gas within the meaning of the Commission's statement of general policy No. 61–1, as amended, because of its high sulphur content. The buyer, Lone Star, has stated that its processing costs approximate 3 cents per Mcf to bring the sour gas here involved up to pipeline quality gas. Thus, the addition of this 3 cents processing costs to the proposed 13 cents rate would cause such rate to exceed the area's 14 cents increased ceiling level established by the Commission for pipeline quality gas.

The contract related to the rate filing proposed by Mobil was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61–1, as amended, and the proposed increase rate of 13 cents plus the 3 cents per Mcf processing costs exceed the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 2 but below the initial service ceiling of 16 cents per Mcf established for pipeline quality gas. We believe, in this situation, Mobil's proposed rate filing should be suspended for one day from April 1, 1967, the proposed effective date.

[F.R. Doc. 67–3376; Filed, Mar. 28, 1967; 8:47 a.m.]

[Project No. 5]

MONTANA POWER CO.

Notice Fixing Oral Argument

MARCH 21, 1967.

The Commission has before it the Presiding Examiner's decision, the exceptions thereto, and the replies to such exceptions filed in the above-entitled proceeding. A motion for oral argument before the Commission was filed by the Montana Power Co. and opposition thereto was filed by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.

Take notice that oral argument is scheduled to be heard by the Commission en banc commencing at 10 a.m., April 28, 1967, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C..

All parties desiring to participate in such oral argument shall notify the Secretary of the Commission in writing on or before April 6, 1967, of the amount of time desired for presentation of their respective oral arguments.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67–3374; Filed, Mar. 28, 1967; 8:46 a.m.]

[Docket No. E–7249]

CITY OF PARIS, KY. AND KENTUCKY UTILITIES CO.

Notice Fixing Oral Argument

MARCH 21, 1967.

The Commission has before it the Presiding Examiner's decision, the exceptions filed by Kentucky Utilities Co. and Public Service Commission of Kentucky, jointly, on March 2, 1967; brief on exceptions and motion for oral argument by the city of Paris, Ky., on February 23, 1967; brief on exceptions by the Commission staff on March 6, 1967, in this proceeding.

Take notice that oral argument in the above-captioned proceeding will be heard by the Commission en banc commencing at 10 a.m., e.s.t., May 12, 1967, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

All parties desiring to participate in the oral argument shall notify the Secretary of the Commission in writing on or before April 21, 1967, of the amount of time desired for presentation of their respective arguments.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67–3372; Filed, Mar. 28, 1967; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES PRODUCED OR MANUFACTURED IN PAKISTAN

Adjusted Level of Restraint

MARCH 23, 1967.

On November 21, 1966, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive agreement with the Government of Pakistan concerning exports of cotton textiles from Pakistan to the United States over a 4-year period beginning retroactively on July 1, 1966.

On December 6, 1966, the Chairman of the President's Cabinet Textile Advisory Committee directed the Commissioner of Customs to prohibit the entry of cotton textiles and cotton textiles products in certain categories in excess of designated adjusted levels of restraint for the period beginning July 1, 1966, and extending through June 30, 1967. These levels are subject to adjustment to implement any of the provisions of the agreement of November 21, 1966.

Pursuant to the agreement of November 21, 1966, the Government of Pakistan has determined to exercise its rights under paragraph 5 with regard to categories 41/42 for the 12-month period beginning July 1, 1966. Under paragraph 5, Pakistan may ship an additional 5 percent in categories 41/42 so long as exports do not exceed the aggregate limit, and the limit in Group II as adjusted under paragraph 5.

Accordingly, there is published below a letter from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs amending the directive of December 6, 1966, by providing that, effective as soon as possible, the adjusted level of restraint for categories 41/42 established by that directive is increased to 205,712 dozen, an increase of 12,500 dozen.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative. Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
WASHINGTON, D.C. 20230,
March 22, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: This directive amends the directive of December 6, 1966, which directed you to prohibit the entry into the United States for consumption and withdrawal from warehouse for consumption of certain cotton textiles and cotton textile products produced or manufactured in Pakistan, in excess of designated adjusted levels of restraint for the 12-month period beginning July 1, 1966.

Effective as soon as possible, the adjusted level of restraint for Categories 41/42 is increased to 205,712 dozen, an increase of 12,500 dozen.

A detailed description of Categories 41 and 42 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out this directive entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67–3355; Filed, Mar. 28, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY–6171]

AEREON CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 23, 1967.

I. Aereon Corp., a corporation organized under the laws of Pennsylvania on September 4, 1959, and having its principal office located at the Mercer County Airport, Trenton, N.J., filed with the Commission on July 19, 1965, a notification on Form 1–A with exhibits thereto, including an offering circular, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. The notification and offering circular covered a proposed offering of 25,000 shares of 20 cents par value common stock at the price of $12 a share for an aggregate offering price to the public of $300,000. The offering commenced on May 9, 1966, and in a Form 2–A filed on December 8, 1966, the issuer stated that it had sold 11,188 shares of stock, receiving $134,156 therefrom, and that the offering would continue.

II. The Commission has reason to believe from information reported to it by its staff that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The statement in the offering circular that the company intended to repair the test aircraft described therein for approximately $7,200 was false and misleading.

2. The failure to disclose that the company, at or about the time the offering was commenced, was in the process of materially changing the design and the power plant of the Aereon test airship; that such changes would require a new and enlarged program of engineering testing and evaluation necessitating increased costs; that the major portion of the proceeds of this offering would be expended in order to change and redesign the test airship; that there was no assurance that these changes would prove successful; and that such changes would prevent flight testing of the redesigned airship within the immediate future.

3. The failure to disclose that the issuer has no engineering data to support the engineering theories, aerodynamic stability and characteristics of the three-fuselage test vehicle or with respect to such test vehicle as modified.

4. The failure to disclose that any ground and flight tests and engineering data related thereto regarding the present and past test vehicle will have no demonstrable relation to the commercial prototype now in the design phase.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer offered and sold certain of its securities to the public without delivering a copy of an offering circular containing the information required by Schedule I of Form 1–A in violation of Rules 256(a) (1) and (2).

2. The issuer offered and sold, within 1 year prior to the commencement of the offering under Regulation A, $48,800 of interest bearing 5 percent convertible securities, termed "advances on open account," in violation of section 5 and the inclusion of the sale price of these securities in the computation required by Rule 254(a) causes the $300,000 limitation on offerings under Regulation A to be exceeded.

3. The offering circular failed to disclose a contingent liability on the part of the issuer because of the sale of certain of its securities in violation of section 5.

4. The issuer used false and misleading sales literature, consisting of brochures prepared by the issuer and reproductions of newspaper and magazine articles, in offering and selling its "advances on open account" and its common stock in violation of section 17 of the Securities Act of 1933, as amended.

5. The issuer violated Rule 258 of Regulation A by failing to file sales literature used in connection with the offer and sale of its securities.

6. The issuer's oral representation, made in connection with the offer and sale of its stock, that "the stock has more than tripled in value from the time that the company first issued stock in 1960" was materially false and misleading in failing to disclose that the price was not dependent upon a public market price but was an arbitrary price established by the issuer and its officers and directors.

7. The issuer's written and oral statements made to persons to whom its securities were offered were materially inaccurate and misleading in representing that: The issue is almost sold out; only a small part of the issue is still available and it is expected that most of the stock available will be sold in the immediate future to local persons; this is the last issue of stock available; the proposed aircraft can deliver 4 to 6 times the average truck load, at ranges up to 4,000 miles, at a cost of less than 1½ cents per ton mile; the issuer is proceeding as rapidly as possible toward manufacture of a commercial aircraft; and, rapid progress is being made toward a commercial prototype aircraft.

8. Issuer's response to Item 10 of the notification is materially false and misleading in failing to disclose that the company was presently offering securities in addition to those covered by the notification and offering circular.

C. The offering has been and will continue to be made in violation of Section 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–3383; Filed, Mar. 28, 1967; 8:47 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 23, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 24, 1967, through April 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–3384; Filed, Mar. 28, 1967; 8:47 a.m.]

[File No. 1–1686]

LINCOLN PRINTING CO.

Order Suspending Trading

MARCH 23, 1967.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 24, 1967, through April 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3385; Filed, Mar. 28, 1967; 8:47 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

MARCH 23, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc., and all other securities of Pakco Companies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 24, 1967, through April 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3386; Filed, Mar. 28, 1967; 8:47 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

MARCH 23, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such bonds be summarily suspended, this order to be effective for the period March 24, 1967, through April 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3387; Filed, Mar. 28, 1967; 8:47 a.m.]

[File No. 1-4407]

SPORTS ARENAS, INC.

Order Suspending Trading

MARCH 23, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1 cent par value of Sports Arenas, Inc., and the 6 percent convertible debentures being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 24, 1967, through April 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3388; Filed, Mar. 28, 1967; 8:47 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

MARCH 23, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 24, 1967, through April 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3389; Filed, Mar. 28, 1967; 8:47 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

MARCH 23, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 24, 1967, through April 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3390; Filed, Mar. 28, 1967; 8:48 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

MARCH 23, 1967.

The common stock, 10 cent par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 24, 1967, through April 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3391; Filed, Mar. 28, 1967; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

WEST VIRGINIA

Amendment to Notice of Major Disaster

Notice of major disaster for the State of West Virginia, dated March 14, 1967, and published March 21, 1967 (32 F.R. 4326), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 13, 1967:

Clay.	Raleigh.
Fayette.	Randolph.
Kanawha.	Tucker.
Nicholas.	

Dated: March 22, 1967.

FARRIS BRYANT, *Director, Office of Emergency Planning.*

[F.R. Doc. 67-3382; Filed, Mar. 28, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 24, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40960—*Soda ash to Bauxite, Ark.* Filed by Southwestern Freight Bureau, agent (No. B-8969), for interested rail carriers. Rates on soda ash, other than modified, in bulk in covered hopper cars, in carloads, from specified points in Michigan, New York, and Ohio, also Saltville, Va., to Bauxite, Ark.

Grounds for relief—Market competition.

Tariff—Supplement 45 to Southwestern Freight Bureau, agent, tariff ICC 4663.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3442; Filed, Mar. 28, 1967; 8:50 a.m.]

[Notice 439]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 24, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 921 (Deviation No. 1), DEAN TRUCK LINE, INC., Post Office Drawer 32, Corinth, Miss. 38834, filed March 14, 1967. Carrier's representative: Louis I. Dailey, 2111 Sterick Building, Memphis, Tenn. 38103. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Nashville, Tenn., and Memphis, Tenn., over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Louisville, Ky., over the Kentucky Turnpike (Interstate Highway 65) to Upton, Ky., thence over U.S. Highway 31W to Nashville, Tenn., thence over Tennessee Highway 100 via Parsons, Tenn., to Henderson, Tenn., thence over U.S. Highway 45 to Selmer, Tenn., thence over U.S. Highway 64 to Memphis, Tenn., and return over the same route.

No. MC 2229 (Deviation No. 12), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 10837, Dallas, Tex. 75207, filed March 14, 1967. Carrier representative: Charles D. Mathews (same address as above). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 70 and Interstate Highway 55, near West Memphis, Ark., over Interstate Highway 55 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction U.S. Highway 67 at or near Bald Knob, Ark., thence over combined U.S. Highways 64 and 67 to junction of said highways near Beebe, Ark., thence over U.S. Highway 64 to Conway, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: (1) From Memphis, Tenn., over U.S. Highway 70 to Little Rock, Ark., and (2) from Conway, Ark., over U.S. Highway 65 to Little Rock, Ark., and return over the same route.

No. MC 2229 (Deviation No. 13), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 10837, Dallas, Tex. 75207, filed March 14, 1967. Carrier's representative: Charles D. Mathews (same address as above). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Kans., over U.S. Highway 40 to Aullville, Mo., thence over Missouri Highway 13 to Springfield, Mo., thence over U.S. Highway 160 to Branson, Mo., thence over U.S. Highway 65 to Conway, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City, Kans., over city streets to Kansas City, Mo., thence over U.S. Highway 71 to Carthage, Mo., thence over Alternate U.S. Highway 71 via Diamond, Mo., to Neosho, Mo., thence over U.S. Highway 71 to Alma, Ark., thence over U.S. Highway 64 to Conway, Ark., and return over the same route.

No. MC 3560 (Deviation No. 13), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed March 16, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 119 and the Pennsylvania Turnpike near Youngwood, Pa., over U.S. Highway 119 to junction U.S. Highway 22 near Alexandria, Pa., thence over U.S. Highway 22 to Munster, Pa., thence over Pennsylvania Highway 164 to Portage, Pa., thence over Pennsylvania Highway 53 to junction U.S. Highway 22, at Cresson, Pa., thence over U.S. Highway 22 to Harrisburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Canton, Ohio, over U.S. Highway 30 to junction Pennsylvania Turnpike near Irwin, Pa., thence over Pennsylvania Turnpike to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to junction unnumbered highway near Paxtonia, Pa., thence over unnumbered highway via Paxtonia, Manadahill, Grantville, East Hanover, Jonestown, and Fredericksburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Bethel, Pa., thence over unnumbered highway via Bethel and Strausstown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Walbert, Pa., thence over unnumbered highway near Walbert, Pa., thence over unnumbered highway via Allentown, Bethlehem, Butztown, and Wilson, Pa., to Easton, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway to Clinton, N.J., thence over unnumbered highway via Annandale, Lebanon, Potterstown, and Whitehouse, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to junction U.S. Highway 1 near Elizabeth, N.J., and (2) from Canton, Ohio, to Harrisburg, Pa., as specified in (1) above, thence over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to junction business route U.S. Highway 30 (formerly portion U.S. Highway 30), thence over business route U.S. Highway 30 to Dowingtown, Pa., thence over U.S. Highway 322 to junction U.S. Highway 1 near Chadds Ford, Pa., and return over the same routes.

No. MC 10761 (Deviation No. 45), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209, filed March 13, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Harrisburg, Pa., and Baltimore, Md., over Interstate Highway 83, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Baltimore, Md., over U.S. Highway 140 to Westminster, Md., thence over Maryland Highway 97 (formerly Maryland Highway 32) via Emmitsburg, Md., to the Maryland-Pennsylvania State

line, thence over Pennsylvania Highway 16 via Rouzerville, Pa., to Waynesboro, Pa., thence over Pennsylvania Highway 316 to the Pennsylvania-Maryland State line, thence over Maryland Highway 60 via Leitersburg to Hagerstown, Md., thence over U.S. Highway 40 to Cumberland, Md., thence over U.S. Highway 220 to Bedford, Pa., thence over U.S. Highway 30 to junction Pennsylvania Highway 53, thence over Pennsylvania Highway 53 to junction U.S. Highway 30, thence over U.S. Highway 30 via Stoystown, Pa., to junction Pennsylvania Highway 982, thence over Pennsylvania Highway 982 to Youngstown, Pa., thence return over Pennsylvania Highway 982 to junction U.S. Highway 30, thence over U.S. Highway 30 via Irwin, Pa., to Pittsburgh, Pa. (also from Baltimore, to Waynesboro, Pa., as specified above, thence over Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, thence over Maryland Highway 64 to Ringgold, Md., thence as specified above to Pittsburgh), (2) from Hancock, Md., over U.S. Highway 522 to Warfordsburg, Pa., thence over Pennsylvania Highway 126 to junction unnumbered highway, thence over unnumbered highway via Emmaville, Pa., to Crystal Spring, Pa., thence over Pennsylvania Highway 126 to Breezewood, Pa., thence over U.S. Highway 30 to Bedford, Pa., (3) from Pittsburgh, Pa., over U.S. Highway 30 to junction with the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., and return over the same route.

No. MC 39973 (Sub-No. 1) (Deviation No. 1), STANDARD TRUCKING COMPANY, 225 East 16th Street, Charlotte, N.C. 28201, filed March 15, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction Interstate Highway 26 and U.S. Highway 176 approximately 4 miles south of Columbia, S.C., and Charleston, S.C., over Interstate Highway 26, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Columbia, S.C., over U.S. Highway 176 to junction U.S. Highway 52, thence over U.S. Highway 52 to Charleston, S.C., and return over the same route.

No. MC 39973 (Sub-No. 1) (Deviation No. 2), STANDARD TRUCKING COMPANY, 225 East 16th Street, Charlotte, N.C. 28201, filed March 15, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Durham, N.C., and Greenville, S.C., over Interstate Highway 85, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Durham, N.C., over U.S. Highway 70 to Greensboro, N.C., thence over U.S. Highway 29 to Greenville, S.C., and return over the same route.

No. MC 39973 (Sub-No. 1) (Deviation No. 3), STANDARD TRUCKING COMPANY, 225 East 16th Street, Charlotte, N.C. 28201, filed March 15, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Greensboro, N.C., and Winston-Salem, N.C., over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Greensboro, N.C., and Winston-Salem, N.C., over U.S. Highway 421.

No. MC 39973 (Sub-No. 1) (Deviation No. 4), STANDARD TRUCKING COMPANY, 225 East 16th Street, Charlotte, N.C. 28201, filed March 15, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Spartanburg, S.C., and Clinton, S.C., over Interstate Highway 26, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Spartanburg, S.C., and Clinton, S.C., over South Carolina Highway 56.

No. MC 45158 (Deviation No. 3), KILLION MOTOR EXPRESS, INC., 2305 Ralph Avenue, Louisville, Ky. 40216, filed March 15, 1967. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lebanon, Ill., over Illinois Highway 4 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 270, thence over Interstate Highway 270 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Louisville, Ky., over U.S. Highway 150 to Vincennes, Ind., thence over U.S. Highway 50 to St. Louis, Mo., and return over the same route.

No. MC 72444 (Deviation No. 17), AKRON-CHICAGO, INC., 1016 Triplett Boulevard, Akron, Ohio 44306, filed March 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Cleveland, Ohio, over Interstate Highway 90 to junction Interstate Highway 271 in Willoughby, Ohio, thence over Interstate Highway 271 to junction Ohio Highway 18, near Medina, Ohio, and (2) from junction Ohio Highway 18 and Interstate Highway 271 near Medina, Ohio, over Interstate Highway 71 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cleveland, Ohio, over U.S. Highway 42 to Medina, Ohio, and return over the same route.

No. MC 72444 (Deviation No. 18), AKRON-CHICAGO, INC., 1016 Triplett Boulevard, Akron, Ohio 44306, filed March 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction Interstate Highway 90 and U.S. Highway 20 near Rockford, Ill., and Elgin, Ill., over Interstate Highway 90, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Rockford, Ill., and Elgin, Ill., over U.S. Highway 20.

No. MC 72444 (Deviation No. 19), AKRON-CHICAGO, INC., 1016 Triplett Boulevard, Akron, Ohio 44306, filed March 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Rome, N.Y., and Utica, N.Y., over New York Highway 69, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Rome, N.Y., and Utica, N.Y., over New York Highway 49.

No. MC 108937 (Deviation No. 5), MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, Minn. 55113, filed March 13, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Chicago, Ill., over Interstate Highway 90 to Junction U.S. Highway 16, thence over U.S. Highway 16 to La Crosse, Wis., (2) from Chicago, Ill., over U.S. Highway 14 to La Crosse, Wis., (3) from Chicago, Ill., over U.S. Highway 14 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 16, thence over U.S. Highway 16 to La Crosse, Wis., (4) from Chicago, Ill., over U.S. Highway 12 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 16, thence over U.S. Highway 16 to La Crosse, Wis., (5) from junction U.S. Highway 20 and Illinois Highway 76 over Illinois Highway 76 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 140 to junction U.S. Highway 14, thence to La Crosse, Wis., as specified above, (6) from junction U.S. Highway 20 and Illinois Highway 47 over Illinois Highway 47 to junction U.S. Highway 14, thence to La Crosse, Wis., as specified above, and (7) from junction U.S. Highway 20 and Illinois Highway 53 over Illinois Highway 53 to junction U.S. Highway 14, thence to La Crosse, Wis., as specified above, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From La Crosse, Wis., over Wisconsin Highway 35 to the Wisconsin-Illinois State line, thence over Illinois Highway 35 to East Dubuque, Ill., thence over U.S. Highway 20 to Chicago, Ill., and return over the same route.

No. MC 109397 (Deviation No. 1), TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Joplin, Mo. 64801, filed March 16, 1967. Carrier proposes to operate as a *common carrier* by motor vehicle, of *classes A and B explosives*, over a deviation route as follows: From Lexington, Ky., over the Blue Parkway and the Western Kentucky Parkway to Princeton, Ky., thence over U.S. Highway 62 to junction Interstate Highway 24, thence over Interstate Highway 24 to Paducah, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From the site of the Blue Grass Ordnance Depot over U.S. Highway 25 to Lexington, Ky., thence over U.S. Highway 60 to Louisville, Ky., (2) from Lexington, Ky., over U.S. Highway 421 via Midway, Ky., to junction U.S. Highway 60, (3) from Midway, Ky., over U.S. Highway 62 via Versailles, Ky., to Lawrenceburg, Ky., (4) from Elizabethtown, Ky., over U.S. Highway 62 to Versailles, Ky., (5) from Elizabethtown, Ky., over U.S. Highway 62 to junction Kentucky Highway 93, thence over Kentucky Highway 93 to Smithland, Ky., and (6) from Cincinnati, Ohio, over U.S. Highway 25 to Lexington, Ky., thence over U.S. Highway 60 via Frankfort and Louisville, Ky., to junction Kentucky Highway 144, thence over Kentucky Highway 144 to junction Kentucky Highway 448, thence over Kentucky Highway 448 via Brandenburg, Ky., to junction U.S. Highway 60, thence over U.S. Highway 60 via Cloverport, Hawesville, and Owenboro, Ky., to Wickliffe, Ky., thence over U.S. Highway 51 to Fulton, Ky., and return over the same route.

No. MC 111231 (Deviation No. 28), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764, filed March 13, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fort Smith, Ark., over U.S. Highway 271 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Oklahoma Highway 31, thence over Oklahoma Highway 31 to McAlester, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Fort Smith, Ark., over U.S. Highway 64 to Muskogee, Okla., thence over U.S. Highway 62 to Oklahoma City, Okla., (2) from Henryetta, Okla., over U.S. Highway 266 to Warner, Okla., and (3) from Muskogee, Okla., over U.S. Highway 69 to Atoka, Okla., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 365) (Cancels Deviation No. 333), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed March 16, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From St. Louis, Mo., over Interstate Highway 55 to junction Missouri Highway 141, west of Arnold, Mo., with the following access routes: (a) From junction Interstate Highway 55 and U.S. Highways 61 and 67 over U.S. Highways 61 and 67 to junction Missouri Highway 267, and (b) from junction Interstate Highway 55 and Missouri Highway 141 over Missouri Highway 141 to junction U.S. Highways 61 and 67, and (2) from junction Interstate Highway 55 and U.S. Highway 61, 4 miles east of Jackson, Mo., over Interstate Highway 55 to Memphis, Tenn., with the following access routes: (a) From junction Interstate Highway 55 and U.S. Highway 62 over U.S. Highway 62 to Sikeston, Mo., (b) from junction Interstate Highway 55 and Missouri Highway 162 over Missouri Highway 162 to Portageville, Mo., (c) from Junction Interstate Highway 55 and Missouri Highway 84 over Missouri Highway 84 to Havti, Mo., (d) from junction Interstate Highway 55 and Arkansas Highway 18 over Arkansas Highway 18 to Blytheville, Ark., (e) from junction Interstate Highway 55 and Arkansas Highway 140 over Arkansas Highway 140 to Osceola, Ark., (f) from junction Interstate Highway 55 and Arkansas Highway 181 over Arkansas Highway 181 to Wilson, Ark., (g) from junction Interstate Highway 55 and Arkansas Highway 118 over Arkansas Highway 118 to Joiner, Ark., (h) from junction Interstate Highway 55 and Arkansas Highway 42 over Arkansas Highway 42 to Turrell, Ark., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 67 to Mehlville, Mo., thence over U.S. Highway 61 to junction old U.S. Highway 61 at a point approximately 1 mile northeast of Turrell, Ark., thence over old U.S. Highway 61 to Turrell, Ark., thence over U.S. Highway 61 via Clarksdale, Miss., to Vicksburg, Miss., and return over the same route.

No. MC 107586 (Deviation No. 8) (Cancels Deviations No. 2 and No. 5), CONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. 75207, filed March 15, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Denver, Colo., and junction Interstate Highway 70 and U.S. Highway 287 2 miles south of Deertrail, Colo., over Interstate Highway 70, for a distance of 61 miles, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Denver, Colo., over U.S. Highway 287 via Amarillo and Wichita Falls, Tex., to Fort Worth, Tex., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3443; Filed, Mar. 28, 1967; 8:51 a.m.]

[Notice 1041]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 24, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 112668 (Sub-No. 43) (Republication), filed September 14, 1966, published FEDERAL REGISTER issue of October 6, 1966, and republished this issue. Applicant: HARVEY R. SHIPLEY & SONS, INC., Post Office, Route U.S. 140, Finksburg, Md. 21048. Applicant's representative: Donald E. Freeman, Post Office Box 880, Westminster, Md. 21157. In the above-entitled proceeding, an order was entered January 27, 1967, and served February 13, 1967, authorizing the issuance to applicant a certificate to transport (1) dry fertilizer, in bulk, in tank or hopper vehicles, (2) fertilizer, in containers, in mixed loads with dry fertilizer in bulk (authorized in (1) above), and (3) pesticides, in containers, in mixed loads with fertilizer authorized in (1) and (2) above, over irregular routes, from Baltimore, Md., to points in New York east of U.S. Highway 14. By letter dated February 17, 1967, applicant requests clarification of the commodity authority granted in the order entered January 27, 1967, and served February 13, 1967. A supplemental order of the Commission, Operating Rights Board No. 1, dated February 28, 1967, and served March 16, 1967, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of (1) *dry fertilizer*, in bulk, in tank or hopper type vehicles, (2) *fertilizer*, in containers, in mixed loads with dry fertilizer in bulk, and (3) *dry fertilizer*, in bulk, in mixed loads with fertilizer in containers, and (3)(a) *pesticides*, in containers, in mixed loads with fertilizer, (3)(b) *fertilizer* in mixed

loads with pesticides, in containers, from Baltimore, Md., to those points in that part of New York east of U.S. Highway 14; that applicant is fit, willing, and able properly to perform such service and conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112750 (Sub-No. 70) (Republication), filed September 28, 1961, published FEDERAL REGISTER issue of November 29, 1961, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, Long Island, N.Y. (retitled) AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K. Street NW., Washington, D.C. 20006. By application filed September 28, 1961, applicant seeks authority as a contract carrier by motor vehicle to transport (1) audit media, punch cards and other business papers, documents and records (excluding plant removals), and (2) exposed and processed film, microfilm and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), between specified points and areas. An order of the Commission, Division 1, acting as an appellate division, dated March 6, 1967, and served March 16, 1967, finds that (1) applicant has failed to establish that it is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle, as defined in section 203(a)(15) of the act, with respect to the transportation of the kind here requested, and to conform to the provisions of part II of the act and the lawful requirements, rules, and regulations of the Commission thereunder; (2) that, therefore, section 209(b) of the act requires that the instant application for a permit be denied; (3) that, viewing the substance of the application, the proposed service is actually that of a *common carrier* by motor vehicle, and that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) (a) *business papers, business records, audit media, and punchcards* (except cash letters), and (b) *microfilm and prints*, between St. Louis, Mo., on the one hand, and, on the other, points in Alexander, Bond, Calhoun, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Perry, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties, Ill.; Brown, Crawford, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Perry, Pike, Posey, Spencer, Sullivan, Vanderburgh, and Warrick Counties, Ind.; and Ballard, Butler, Caldwell, Callaway, Carlisle, Christian, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union, and Webster Counties, Ky., and (2) *exposed and processed film, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), between St. Louis, Mo., on the one hand, and, on the other, points in Brown, Crawford, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Perry, Pike, Posey, Spencer, Sullivan, Vanderburgh, and Warrick Counties, Ind., and Ballard, Butler, Caldwell, Callaway, Carlisle, Christian, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union, and Webster Counties, Ky.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 123069 (Notice of filing of petition for waiver of Rule 1.101(a) of the Commission's general rules of practice and for acceptance of the here tendered petition seeking clarification and modification of certain "grandfather" authority initially granted to it in No. MC–18124) filed December 28, 1966. Petitioner: ALLER & SHARP, INC., Columbus, Ohio. Petitioner's representative: Thomas F. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. The purpose of this petition is to obtain clarification and modification of certain "grandfather" authority issued initially to it as a permit in No. MC–18124, and now held by it as a certificate in No. MC 123069. The part of the certificate here pertinent reads as follows: Transporting over irregular routes: *Army subsistence, clothing, equipage, and supplies*, between points in Ohio, Kentucky, Indiana, and West Virginia. By the instant petition, petitioner requests that the Commission waive the requirements of Rule 1.101(a) of its general rules of practice and accept this petition; that the Commission reopen the "grandfather" proceeding in No. MC 18124, and redescribe the commodity description referred to above, and issue a corrected certificate in No. MC 123069. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 125558 (Notice of filing of petition for modification of permit), filed February 10, 1967. Petitioner: I. N. WALKER, Richmond, Va. Petitioner conducts operations as a motor contract carrier over irregular routes in No. MC 125558 transporting, as follows: *Uncrated bank, church, school and store furniture and fixtures and tools* used in the installation thereof, from Richmond, Va., to points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia; and *uncrated, used bank, church, school and store furniture and fixtures and tools* as described above, from points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia, to Richmond, Va., under continuing contract, or contracts with Modern Woodwork, Inc., Richmond, Va., and Acme Fixture Co., Inc., Richmond, Va. By the instant petition, petitioner requests that its permit be modified so as to authorize it to render a transportation service to Rich Line Manufacturing Co., Inc., Richmond, Va., said permit in all other respects to remain the same. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 126311 (Notice of filing of petition to add contract), filed February 23, 1967. Petitioner: CHARLES L. PARKS, Ashland, Nebr. Petitioner's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. Petitioner presently conducts operations under MC 126311 as a motor contract carrier over irregular routes, transporting: Dry fertilizer, from Joplin and St. Joseph, Mo., and Lawrence, Kans., to points in Butler, Cass, Colfax, Dodge, Douglas, Lancaster, Saunders, Seward, and Washington Counties, Nebr., under a continuing contract, or contracts with Farmers Union Co-op Oil Association, of Wahoo, Nebr. By the instant petition, petitioner requests authority to add the contract of Nehawka Farmer's Cooperative of Nehawka, Nebr. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 45057 (Sub-No. 18), filed March 10, 1967. Applicant: McLEOD TRUCKING, INC., Post Office Box 368, Reno, Nev. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Reno and Gardnerville, Nev., over U.S. Highway 395, serving all intermediate points, (2) between Reno and Virginia City, Nev., from Reno over U.S. Highway 395 to junction Nevada Highway 17, thence over Nevada Highway 17 to Virginia City, and return over the same route, serving all intermediate points, (3) between Carson City and Dayton, Nev., over U.S. Highway 50, serving all intermediate points, (4) between Carson City and Virginia City, Nev., from Carson City over U.S. Highway 50 to junction Nevada Highway 17, thence over Nevada Highway 17 to Virginia City, and return over the same route, serving all intermediate points, and (5) between Silver City and Virginia City, Nev., over County Road via Gold Hill, serving all intermediate points. NOTE: This application is directly related to MC–F 9699, published FEDERAL REGISTER, issue of March 22, 1967. If a hearing is deemed necessary, applicant requests it be held at Reno, Nev., or San Francisco, Calif.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–9483. (Republication) (CHEMICAL LEAMAN TANK LINES, INC.—Purchase (Portion)—RYDER TRUCK LINES, INC. (TANK LINE DIVISION)), published in the July 27, 1966, issue of the FEDERAL REGISTER, on page 10166, and amendment, published in the March 22, 1967, issue, on page 4386. The reason for this republication is to reflect the continued hearing date.

CONTINUED HEARING: April 19, 1967, at the Interstate Commerce Commission, Washington, D.C., before Examiner Young.

No. MC–F–9597. (Amendment) (B. F. WALKER, INC.—Control—TROJAN TRANSIT, INC.), published in the November 30, 1966, issue of the FEDERAL REGISTER, on page 15047. Amendment filed March 20, 1967, to include merger of the operating rights and property of TROJAN TRANSIT, INC., into B. F. WALKER, INC. NOTE: Application as filed is unprotested.

No. MC–F–9703. Authority sought for purchase by TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex., of a portion of the operating rights of ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Post Office Box 458, Miami, Fla. 33142, and for acquisition by MIDWEST EMERY FREIGHT SYSTEM, INC., and in turn by MILTON D. RATNER, both of 7000 South Pulaski Road, Chicago, Ill. 60629, of control of such rights through the purchase. Applicants' attorneys and representative: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Sidney Alterman, 2424 Northwest 46th Street, Post Office Box 458, Miami, Fla. 33142. Operating rights sought to be transferred: *Canned fruits and canned fruit juices* in containers, as a *common carrier*, over irregular routes, from points in Florida, to points in Ohio, Indiana, the Lower Peninsula of Michigan, and Chicago, Ill. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9704. Authority sought for purchase by MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050, of a portion of the operating rights and certain property of HEARIN-MILLER TRANSPORTERS, INC. (WESTERN DIVISION), Highway 80 West, Jackson, Miss., and for acquisition by MATLACK CORPORATION, and in turn by DUVERNEY B. MATLACK, EDWIN L. MATLACK, ROBERT W. MATLACK, and E. BROOKE MATLACK, JR., all also of Lansdowne, Pa., of control of such rights and property through the purchase. Applicants' attorneys and representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005, Phineas Stevens, 700 Petroleum Buildng, Jackson, Miss. 39205, and C. W. Zook, 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Operating rights sought to be purchased: *Petroleum products*, with certain specified exceptions, in bulk, in tank vehicles, and numerous other specified commodities, as a *common carrier*, over irregular routes, from, to and between specified points in the United States (except Alaska and Hawaii), with certain restrictions, as more specifically described in docket No. MC–107002 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii) and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9705. Authority sought for control and merger by TURNER TRUCKING COMPANY, INC., 1215 West Main Street, Lebanon, Ind., of the operating rights and property of LAFAYETTE-INDIANAPOLIS TRANSIT CO., INC., 2006 North Canal Road, Lafayette, Ind., and for acquisition by SYBIL MYERS, also of Lebanon, Ind., of control of such rights and property through the transaction. Applicants' attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Indianapolis, Ind., and Lafayette, Ind., serving all intermediate points, and those in Marion County, Ind., and the off-route points of west Lafayette and Speedway, Ind., and those within ten miles of Lebanon, Lafayette and Frankfort, Ind. TURNER TRUCKING COMPANY, INC., is authorized to operate under a certificate of registration and as a *common carrier* in the State of Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9706. Authority sought for purchase by ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark., of a portion of the operating rights of WARD L. ADRIAN, 1817 West 17th, Davenport, Iowa 52804, and for acquisition by ARKANSAS BEST CORPORATION, also of Fort Smith, Ark., of control of such rights through the purchase. Applicants' attorney: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, Ark. 72901. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over a regular route, between Rock Island, Ill., and Silvis, Ill., serving the intermediate points of Moline and East Moline, Ill. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Texas, Missouri, Oklahoma, Illinois, Arkansas, Louisiana, Tennessee, Wisconsin, Kansas, and Mississippi. Application has not been filed for temporary authority under section 210a(b).

No. MC–9707. Authority sought for purchase by LLOYD McVEY, doing business as McVEY TRUCKING, R.F.D. No. 1, Oakwood, Ill., of the operating rights of CLYDE MILLER, doing business as CLYDE MILLER TRUCK LINE, Danville, Ill. Applicants' attorney: John P. Meyer, Suite 500, 4 North Vermilion Street, Danville, Ill. 61832. Operating rights sought to be transferred: *Brick and cement building blocks*, as a *con-*

tract carrier, over irregular routes, from Danville, Ill., to points in Indiana. Vendee is authorized to operate as a *common carrier*, in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9708. Authority sought for purchase by LEESER & STAUFFER TRUCK SERVICE, INC., Taylor, Mo. 63471, of the operating rights of GOE TRUCK LINE, INC., Brunswick, Mo., and for acquisition by S. R. STAUFFER, and ROBERT H. LEESER, both also of Taylor, Mo., of control of such rights through the purchase. Applicants' attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Operating rights sought to be transferred. *Fertilizer*, in bulk, and in sacks, in vehicles other than hopper type or tank vehicles, as a *common carrier*, over irregular routes, from East St. Louis, Ill., to certain specified points in Missouri; and *dehydrated alfalfa meal*, in bulk and in sacks, from Brunswick, Mo., to points in Indiana, and that part of Illinois on and south of U.S. Highway 136 (except Quincy, Ill., and points in the Quincy commercial zone). Vendee is authorized to operate as a *common carrier* in Kansas, Illinois, Missouri, Arkansas, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin; and as a *contract carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-9709. Authority sought for purchase by INDIAN TRAILS, INCORPORATED, 109 Comstock Street East, Owosso, Mich., of a portion of the operating rights of VALLEY COACH LINES, INC., 4335 Seymour, Flushing, Mich. Applicants' attorney: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Flint, Mich., and Port Huron, Mich., via M-21, serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, and Indiana. Application has meen filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-3444; Filed, Mar. 28, 1967; 8:51 a.m.]

[Notice 356]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 24, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC-111467 (Sub-No. 12 TA), filed March 20, 1967. Applicant: ARTHUR J. PAPE, doing business as ART PAPE TRANSFER, 1381 Rockdale Road, Dubuque, Iowa 52001. Applicant's representative: William A. Landau, 1307 East Walnut Street, Post Office Box 1634, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, dry, in bulk, from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 332 Federal Building, Davenport, Iowa 52801.

No. MC-115000 (Sub-No. 1 TA), filed March 20, 1967. Applicant: JAMES A. BLOCKER, doing business as BLOCKER TRANSPORTATION, 910 West 14th Avenue, Blythe, Calif. 92225. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alfalfa pellets; cottonseed meal, cake and flake*, in bulk, in hopper type vehicles, from Blythe, Calif., to points in Arizona; (2) *commercial fertilizer*, in bulk, in hopper type vehicles, from Blythe, Calif., to Poston, Wenden, and Aguila, Ariz.; (3) *baling wire*, in truckload lots, from Blythe, Calif., to Poston, Ariz., and points within a 20-mile radius thereof, for 180 days. Supporting shippers: Blythe Alfalfa Growers Association, Post Office Box 326, Blythe, Calif.; Woodies's Service, Hobsonway & Ash, Blythe, Calif. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC-117589 (Sub-No. 5 TA), filed March 20, 1967. Applicant: CLARK'S FROZEN EXPRESS, INC., 2535 Airport Way South, Seattle, Wash. 98108. Applicant's representative: George R. Labissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, vegetables, and berries*, from Grandview, Othello, Kennewick, and Ellensburg, Wash., to Emmett, Idaho (with return of empty pallets used on outbound original movement) for 180 days. Supporting shipper: A. W. Stanczak, Manager, Gem Canning Co., Post Office Box 98, Emmett, Idaho 83617. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC-123283 (Sub-No. 2 TA), filed March 20, 1967. Applicant: FORD BASEL, doing business as CITY BEVERAGES, 725 West Saar Street, Kent, Wash. 98031. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products and articles distributed by packinghouses* (as defined by the Commission), from points in Washington to points in California, for 180 days. Supporting shippers: Schaake Packing Co., Inc., Post Office Box 128, Ellensburg, Wash. 98926; Western Packing Co., Inc., 620 South Andover Street, Seattle, Wash. 98124; Empire Packing Co., Post Office Box 3684, Seattle, Wash. 98124. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC-124217 (Sub-No. 2 TA), filed March 20, 1967. Applicant: CHM TRANSPORT, INC., 351 Northwest F Street, Richmond, Ind. 47374. Applicant's representative: Elmer F. Streib, 715 Executive Building, 35 East Seventh Street, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Burial Caskets*, uncrated from Richmond, Ind., to points in Virginia, for 180 days. Supporting shippers: J. M. Hutton & Company, Inc., 117 North E Street, Richmond, Ind. 47374; Coble Casket Co., 351 Northwest F Street, Richmond, Ind. 47374. Send protests to: District Supervisor R. M. Hagarty, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-3445; Filed, Mar. 28, 1967; 8:51 a.m.]

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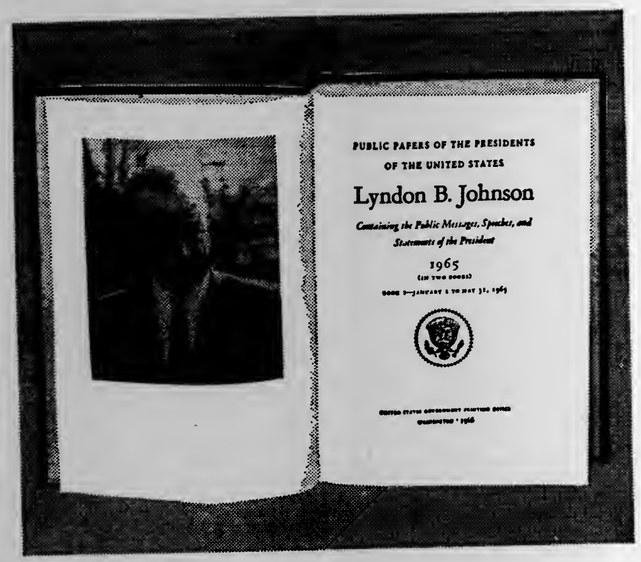
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Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
Federal Aviation Agency
Federal Maritime Commission
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Title 3—THE PRESIDENT

Executive Order 11339

DELEGATING CERTAIN AUTHORITY OF THE PRESIDENT WITH REGARD TO ARMY AND AIR FORCE RATIONS

By virtue of the authority vested in me by sections 4561 and 9561 of title 10 of the United States Code and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of Defense is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority conferred upon the President by subsection (a) of section 4561, and subsection (a) of section 9561, of title 10 of the United States Code to prescribe the components, and the quantities thereof, of the Army and Air Force rations.

SEC. 2. Under regulations of the Secretary of Defense, the Secretary of the Army and the Secretary of the Air Force are authorized, for their respective services, to prescribe the issue of special allowances and such special or supplemental rations, defined by component, quantity, or monetary value, as they may consider appropriate.

SEC. 3. The following Executive orders are hereby revoked:

(1) Executive Order No. 5952 of November 23, 1932.

(2) Executive Order No. 7500 of December 3, 1936.

(3) Executive Order No. 8333 of January 25, 1940.

(4) Executive Order No. 10545 of July 15, 1954.

(5) Executive Order No. 11032 of June 19, 1962.

SEC. 4. This order shall be effective July 1, 1967.

THE WHITE HOUSE,
March 28, 1967.

[F.R. Doc. 67-3569; Filed, Mar. 28, 1967; 4:56 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55), AND MARYLAND TOBACCO

Proclamation of Results of Special Marketing Quota Referendum for Burley Tobacco on Acreage-Poundage Basis

Basis and purpose. The purpose of this document is to proclaim the results of the special acreage-poundage marketing quota referendum for burley tobacco held by mail ballot during the period February 27, to March 3, 1967, each inclusive, pursuant to the provisions of subsection (c) of section 317 of the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "Act"). The special referendum was conducted pursuant to the regulations for the holding of referenda on marketing quotas (7 CFR Part 717). In the referendum, 341,539 votes were cast and counted. Of these, 200,950 or 58.8 per centum, favored acreage-poundage quotas, and 140,589 or 41.2 per centum disapproved acreage-poundage quotas. Therefore, it is my determination that the farmers did not approve acreage-poundage quotas by more than 66⅔ per centum of the farmers voting in the special referendum on acreage-poundage quotas for burley tobacco for the three marketing years beginning October 1, 1967, October 1, 1968, and October 1, 1969.

Since the only purpose of this document is to announce the results of the special referendum, it is hereby found and determined that compliance with the notice, public procedure and effective date provisions of 5 U.S.C. is unnecessary.

§ 724.36r Proclamation of the results of the special referendum on burley tobacco marketing quotas on an acreage-poundage basis for the three marketing years beginning October 1, 1967, October 1, 1968, and October 1, 1969.

With respect to the special referendum of farmers engaged in the production of burley tobacco of the 1966 crop held by mail ballot during the period February 27, to March 3, 1967, each inclusive, to determine whether they favored or opposed the establishment of marketing quotas for burley tobacco on an acreage-poundage basis for the marketing years beginning October 1, 1967, October 1, 1968, and October 1, 1969, 341,539 votes were cast and counted; 200,950 or 58.8 per centum approved acreage-poundage quotas, and 140,589 or 41.2 per centum disapproved such quotas. It is hereby determined that the farmers did not approve such quotas by more than 66⅔ per centum of the farmers voting in the special referendum, and under the applicable provisions of law, the national marketing quota of 610 million pounds proclaimed for burley tobacco on January 27, 1967 (32 F.R. 1022), for the 1967–68 marketing year on an acreage-poundage basis will not be in effect for such year, and acreage-poundage quotas for the two succeeding marketing years beginning October 1, 1968, and October 1, 1969, respectively, will not be in effect unless a special referendum is held on acreage-poundage quotas for burley tobacco for the 1969–70, 1970–71, and 1971–72 marketing years and it is determined that more than 66⅔ per centum of the farmers voting therein approve acreage-poundage quotas for such marketing years. The quota of 531.7 million pounds announced for burley tobacco on January 27, 1967 (32 F.R. 1022), for the 1966–67 marketing year will continue in effect on an acreage basis. As required by the Act, quotas on an acreage basis for the 1968–69, 1969–70, and 1970–71 marketing years will be proclaimed by the Secretary not later than February 1, 1968.

(Secs. 317, 375, 79 Stat. 66, 52 Stat. 38, as amended; 7 U.S.C. 1314c, 1375)

Signed at Washington, D.C., on March 24, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-3487; Filed, Mar. 29, 1967; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 932—OLIVES GROWN IN CALIFORNIA

Modification of Provisions Relative to Handler Nominees

Notice was published in the FEDERAL REGISTER issue of March 11, 1967 (32 F.R. 3992), that the Department was giving consideration to a proposed amendment of the rules and regulations under the marketing agreement and Order No. 932 (7 CFR Part 932; 31 F.R. 12635), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Olive Administrative Committee (established pursuant to said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the rules and regulations, is in accordance with the provisions of said marketing agreement and order and will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment of the rules and regulations is hereby approved; and the said amendment of the rules and regulations is as follows:

§ 932.160 Modification of provisions relative to handler nominees.

The provisions of § 932.29(b)(7) are modified to provide that not more than two nominees for member and two nominees for alternate member positions on the committee may be affiliated with the same handler.

It is hereby further found that good cause exists for not postponing the effective date hereof later than the date of publication in the FEDERAL REGISTER (5 U.S.C. 553) (1966) in that (1) the term of office of the current committee expires on May 31, 1967, and the nominees for positions on the committee for the term of office beginning on June 1, 1967, are to be made by the industry in the very near future and must be submitted to the Secretary prior to May 1, 1967; (2) it is necessary that the amendment of the rules and regulations herein provided be made effective as soon as possible to enable the Olive Administrative Committee to perform its duties in the conduct of nomination meetings to obtain nominees for appointment to the committee; (3) recent changes in the composition of the industry makes it impossible under present order requirements for the cooperative marketing organizations to nominate four nominees for handler members and four nominees for alternate handler members as there are only three cooperative marketing organizations; (4) handlers have been notified of the proposed adoption and recommendation to the Secretary, by the Olive Administrative Committee, of the said amendment of the rules and regulations; (5) notice that the Department was considering such amendment of the rules and regu-

lations was published in the FEDERAL REGISTER and interested persons were afforded opportunity to file written data, views, or arguments pertaining thereto, and no such comments were filed; and (6) approval of the said amendment of the rules and regulations will not require any preparation which cannot be completed by the effective time thereof.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 27, 1967, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3501; Filed, Mar. 29, 1967; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1181]

PART 13—PROHIBITED TRADE PRACTICES

First Federal Construction Co., Inc., and Theodore B. Conn, Jr.

Subpart—Misrepresenting oneself and goods—Business status, advantages, or connections: § 13.1395 *Connections and arrangements with others.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees.* Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions;* § 13.1805 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, First Federal Construction Co., Inc., et al., Evansville, Ind., Docket C-1181, Mar. 9, 1967]

In the Matter of First Federal Construction Co., Inc., a Corporation, and Theodore B. Conn, Jr., Individually and as an Officer of Said Corporation

Consent order requiring an Evansville, Ind., seller of residential aluminum siding to cease misrepresenting through salesmen, connections with large aluminum companies; making false guarantees, fictitious pricing and deceptive savings claims; and deceptively representing that homes of prospective purchasers would be used as model homes.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents First Federal Construction Co., Inc., a corporation, and its officers, and Theodore B. Conn, Jr., individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, distribution, or installation of residential aluminum siding or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents or their salesmen or representatives are representatives of or are connected or affiliated with the Kaiser Aluminum and Chemical Corp. or the Aluminum Company of America; or misrepresenting, in any manner, the business connections or affiliations of the respondents.

2. Representing, directly or by implication, that any of respondents' products are guaranteed, unless the nature, extent and duration of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

3. Representing, directly or by implication, that any price for respondents' products is a special or reduced price unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business.

4. Misrepresenting, in any manner, savings available to purchasers of respondents' products.

5. Representing, directly or by implication, that the home of any of respondents' customers or prospective customers has been selected as a model home to be used for advertising purposes or will be used for advertising purposes.

6. Representing, directly or by implication, that any allowance, discount, commission, or other compensation is granted by respondents to purchasers in return for permitting the premises on which respondents' products are installed to be used for advertising purposes.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 9, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-3454; Filed, Mar. 29, 1967; 8:45 a.m.]

[Docket No. C-1182]

PART 13—PROHIBITED TRADE PRACTICES

W. R. Grace & Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, W. R. Grace & Co., New York, N.Y., Docket C-1182, Mar. 9, 1967]

In the Matter of W. R. Grace & Co., a Corporation

Consent order prohibiting a large diversified corporation with headquarters in New York City from acquiring any corporation manufacturing or selling chocolate or cocoa products (SIC 2072), for a period of 10 years without prior approval of the Federal Trade Commission.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That for ten (10) years from the effective date of this order, respondent, W. R. Grace & Co., shall not, without prior approval of the Federal Trade Commission, acquire directly or indirectly the whole or any part of the stock or share capital in, or the whole or any part of the assets (other than assets offered for sale in the usual and ordinary course of business) of any corporation engaged in commerce (as presently defined in the Federal Trade Commission Act) and in the manufacture and sale of products included within the chocolate and cocoa products industry (Standard Industrial Classification Industry 2072).

It is further ordered, That respondent W. R. Grace & Co. shall, within sixty (60) days after service upon it of this order, and annually thereafter, file with the Commission a verified report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist as set forth herein.

Issued: March 9, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-3455; Filed, Mar. 29, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

CORN ENDOSPERM OIL; LISTING FOR FOOD USE; EXEMPTION FROM CERTIFICATION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b), (c)(2), (d)) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.120), the Commissioner of Food and Drugs, based on a petition filed by Corn Products Co., 717 Fifth Avenue, New York, N.Y. 10022, and other relevant material, finds that corn endosperm oil is safe for use as a color additive in chicken feed under the conditions prescribed in this order and that certification is not necessary for the protection of the public health. Therefore, *It is ordered,* That Part 8 be amended by adding to Subpart D the following new section:

§ 8.322 Corn endosperm oil.

(a) *Identity.* (1) The color additive corn endosperm oil is a reddish-brown liquid composed chiefly of glycerides, fatty acids, sitosterols, and carotenoid pigments obtained by isopropyl alcohol and hexane extraction from the gluten fraction of yellow corn grain. The definition of corn endosperm oil in this paragraph is for the purpose of definition as a color additive only and shall not be construed as a food standard of identity under section 401 of the act.

(2) Color additive mixtures for food use made with corn endosperm oil may contain only those diluents listed in this subpart as safe and suitable in color additive mixtures for coloring foods.

(b) *Specifications.* Corn endosperm oil conforms to the following specifications:

Total fatty acids, not less than 85 percent.
Iodine value, 118 to 134.
Saponification value, 165 to 185.
Unsaponifiable matter, not more than 14 percent.
Hexane, not more than 25 parts per million.
Isopropyl alcohol, not more than 50 parts per million.

(c) *Uses and restrictions.* The color additive corn endosperm oil may be safely used in chicken feed in accordance with the following prescribed conditions:

(1) The color additive is used to enhance the yellow color of chicken skin and eggs.

(2) The quantity of the color additive incorporated in the feed is such that the finished feed is supplemented sufficiently with xanthophyll and associated carotenoids so as to accomplish the intended effect described in subparagraph (1) of this paragraph.

(d) *Labeling requirements.* The label of the color additive and any premixes prepared therefrom shall bear, in addition to the information required by § 8.32, a statement of the concentration of xanthophyll contained therein.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20204, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be submitted in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b), (c)(2), (d))

Dated: March 22, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3494; Filed, Mar. 29, 1967; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Union Slough National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge area.

IOWA

UNION SLOUGH NATIONAL WILDLIFE REFUGE

Sport fishing on the Union Slough National Wildlife Refuge, Kossuth County, Iowa, is permitted only on the area designated by signs as open to fishing. This open area is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The open season for sport fishing on the refuge extends from May 13, 1967, through September 15, 1967, during daylight hours only.

(2) The use of boats is not permitted.

(3) The use of minnows or fish, or parts thereof, for bait is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1967.

PAUL E. FERGUSON,
Refuge Manager, Union Slough National Wildlife Refuge, Titonka, Iowa.

MARCH 24, 1967.

[F.R. Doc. 67-3456; Filed, Mar. 29, 1967; 8:45 a.m.]

PART 33—SPORT FISHING

Wichita Mountains Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations, sport fishing, for individual wildlife refuge areas.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Sport fishing on the Wichita Mountains Wildlife Refuge, Cache, Okla., is permitted from April 1, through December 31, 1967, inclusive, in all waters of that portion of the refuge open for recreational uses by the general public. These open waters, comprising 550 acres of lakes and 1 mile of intermittent stream, are delineated on maps available at refuge headquarters, Cache, Okla. 73527, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing will be with closely attended pole and line only, including rod and reel. Trotlines, throw lines, and multiple set lines are not permitted.

(2) The use of outboard motors and boats is permitted only on Lake Elmer Thomas where the provisions of Part 28.10 of this chapter and those of the Oklahoma Boat and Water Safety Act, as amended, govern. The use of boats or other floating devices on all other refuge lakes is prohibited except the use of one-man inner tube type "fishing floaters"; inner tubes and similar safety floats commonly used by swimmers are not considered floating devices for purposes of this regulation.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

JULIAN A. HOWARD,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.

MARCH 22, 1967.

[F.R. Doc. 67-3457; Filed, Mar. 29, 1967; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

ORGANIZATION AND ADMINISTRATION

Subchapter K and Parts 821 and 822 under Subchapter L are completely revised and updated to show organizational changes and functional statements.

SUBCHAPTER K—GENERAL PRINCIPLES OF ORGANIZATION

PART 811—RESPONSIBILITY DISTRIBUTION

Sec.
811.1 Postmaster General and Deputy Postmaster General.
811.2 Bureaus and offices.
811.3 Postal field service.

AUTHORITY: The provisions of this Part 811 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 811.1 Postmaster General and Deputy Postmaster General.

(a) All responsibilities and authorities for performance of the work of the Post Office Department are vested by law in the Postmaster General, who may redelegate them to subordinate officers. The Postmaster General operates by delegation, as provided herein, except as to any matters which he may generally or specifically reserve for his personal decision, notwithstanding formal delegations.

(b) The Deputy Postmaster General functions as full alternate to the Postmaster General with full authority to act in his stead on all matters.

(c) During any period when, by reason of absence, disability, or vacancy in office, neither the Postmaster General nor the Deputy Postmaster General is available to exercise the powers or perform the duties of the office of Postmaster General, the first official named on the following list who is available to do so shall perform the functions of the Postmaster General as acting Postmaster General:

(1) Assistant Postmaster General, Bureau of Operations.
(2) Assistant Postmaster General, Bureau of Transportation and International Services.
(3) Assistant Postmaster General, Bureau of Finance and Administration.
(4) Assistant Postmaster General, Bureau of Facilities.
(5) Assistant Postmaster General, Bureau of Personnel.
(6) General Counsel.
(7) Assistant Postmaster General, Bureau of Research and Engineering.

§ 811.2 Bureaus and offices.

(a) The Postmaster General and the Deputy Postmaster General are assisted in the performance of their duties by six Assistant Postmasters General, the General Counsel, and the Chief Postal Inspector, who are assigned to Department Headquarters. Functions of these officers, each within the area of his assigned responsibility, relate mainly to:

(1) Program planning, direction, and review.
(2) Establishment of policies, procedures, and standards, and other guidelines.
(3) Operational determinations on matters not logically within the full jurisdiction of field officers.
(b) Each bureau and office, as affected, shall participate in the selection of key officials in the regional components of the Field Postal Establishment; shall review personnel actions warranting Headquarters action; and shall deal with employee organizations on matters within its jurisdiction.

§ 811.3 Postal field service.

(a) The postal field service is divided into fifteen regions, each under the jurisdiction of a Regional Director, who is responsible for:

(1) Efficient operation of all post offices and other postal installations (except those specifically reserved to Headquarters) within his region in accordance with official delegations and prescribed policies, procedures, and standards.
(2) Referral to superior authority of matters requiring higher decision, accompanied by appropriate recommendations.
(3) Reporting of performance, special problems, trends, and other operating information necessary for effective planning and action by Headquarters.
(b) Following are the official abbreviations and numerical designations of the 15 regions of the Post Office Department. They should be used, respectively, when abbreviations or numbers are used to identify the regions. This does not permit the substitution of abbreviations or numbers in formal reports when names of regions should be used.

Region [1]	Abbreviation	No.
Boston	BOS	1
New York	NY	2
Philadelphia	PHI	3
Cincinnati	CIN	4
Washington	WDC	5
Atlanta	ATL	6
Chicago	CHI	7
St. Louis	STL	8
Minneapolis	MIN	9
Wichita	WIC	10
Dallas	DAL	11
San Francisco	SF	12
Memphis	MEM	13
Denver	DEN	14
Seattle	SEA	15

[1] The official abbreviation for the word "region" is RGN.

(c) There are also six postal data centers located in the postal field service. Each center is under the jurisdiction of a Director who is responsible for:

(1) Directing activities of the postal data center with responsibility for data management and processing functions for assigned postal regional areas.
(2) Providing leadership in developing, implementing and operating data processing systems which integrate several areas of management interest and use several categories of equipment.
(3) Accomplishing systems projects of national significance in improving information and management systems of the postal service.
(4) Contributing to the Post Office Department's search for developing and implementing advanced management sciences in capturing, processing, reporting and balancing information for use of postal service managers.
(5) Adjudicating tort claims in amounts less than $100. Adjudicating postmasters' claims for losses due to fire, theft, burglary or other unavoidable casualties.
(d) Following are the official abbreviations and designations of the six postal data centers of the Post Office Department. They should be used, respectively, when abbreviations or alphabetical designations are used to identify the centers. This does not permit the substitution of abbreviations or designations in formal reports where names of centers should be used.

Postal Data Center [1]	Abbreviation	Alphabetical designation
Atlanta	ATLPDC	A
Dallas	DALPDC	D
Minneapolis	MINPDC	M
New York	NYPDC	N
St. Louis	STLPDC	L
San Francisco	SFPDC	F

[1] The official abbreviation for postal data center is PDC.

PART 812—DELEGATIONS OF AUTHORITY

Sec.
812.1 Authority for delegation.
812.2 Media of delegation.
812.3 Contents of delegations.
812.4 Redelegation.
812.5 Authority to effect personnel actions.
812.6 Authority to administer oaths of office.
812.7 Authority to designate certifying officers—Headquarters.
812.8 Authority to designate certifying officers—field.
812.9 Authority for remission of fines, penalties, forfeitures, claims; and for Post Office Department fund transfers.

AUTHORITY: The provisions of this Part 812 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 812.1 Authority for delegation.

(a) The Postmaster General is vested with authority for the administration of all functions of the Post Office Department (39 U.S.C. 302) and is authorized to delegate to any officer, employee, or agency of the Department such of the functions vested by law in him or any other officer or employee of the Department as he deems appropriate (39 U.S.C. 309).

(b) The Deputy Postmaster General functions as full alternate to the Postmaster General with authority to act in his stead on all matters.

(c) Each Assistant Postmaster General, the General Counsel, and the Chief Postal Inspector are authorized to act on behalf of the Postmaster General on all matters within the area of their assigned duties. In the absence of any of these officers from duty, his functions shall be discharged by his deputy or other designated officer, next in line, who shall sign documents in his own name as Acting

Assistant Postmaster General, Acting General Counsel, etc. Prior approval of the Postmaster General or Deputy Postmaster General is required before an officer of lesser rank than a Deputy Assistant Postmaster General may be designated to act as head of a bureau or office.

§ 812.2 Media of delegation.

(a) All delegations of authority shall be issued through officially established media as defined herein. Statements of delegation shall normally be prepared for inclusion in the Postal Manual or other manuals of regulations and procedures, in the style of such manuals.

(b) Chapter 8 of the Postal Manual shall serve as the general medium for conferring authority to organization units and their heads to perform the duties and responsibilities delegated to them. Other official issuance series may be used as media for conveying specific, related operating authorities when issuance in the Postal Manual is not appropriate or feasible. Individual memoranda of delegation, numbered serially for record purposes, may be issued when required.

(c) In addition to publication in suitable headquarters and field service series, delegations shall be published in the FEDERAL REGISTER when required.

(d) Headquarters or regional officials shall not orally authorize postmasters to deviate from published instructions, except in emergencies. An oral authorization shall be confirmed by a memorandum or order dated subsequent to the issuance date of the most recently published instructions on the subject. Postal inspectors shall charge as irregularities any deviations not properly authorized which are observed in the course of office inspections.

§ 812.3 Contents of delegations.

(a) Delegations shall ordinarily be made by position title rather than by individual name. The term "chief or acting chief" or any comparable term need not be used as it will be presumed that the officer acting in the absence of a principal shall have the full authority of that principal.

(b) When authority is delegated to an officer, the officers in line of command above the officer to whom authority is delegated shall have the same authority. This authority shall not extend to associates, deputies, assistant chiefs, assistants to the chief, or other aides to a principal, except on an acting basis as specified in paragraph (a) of this section or unless specifically authorized.

(c) A delegation shall set forth the specific actions for which an officer has authority and limitations and special conditions for exercising the authority. Any delegation of authority shall be subject to legally prescribed conditions or criteria of execution, whether or not mentioned in the delegations. Conditions or criteria may be administratively included. A delegation may also include a requirement to make periodic reports of the exercise of the delegated authority.

§ 812.4 Redelegation.

(a) The head of a bureau or office may redelegate any authority vested in him, except as otherwise provided by law or administrative regulations.

(b) Authority to commit the Post Office Department or the U.S. Government may be subdelegated by the Deputy Postmaster General or by the head of a bureau or office.

(c) Other subordinate officers may not redelegate authority to perform acts in accordance with legal requirements except as specifically designated to do so by the head of a bureau or office.

(d) An officer may delegate responsibility for ordinary performance of duties, except as provided in paragraph (a) of this section.

§ 812.5 Authority to effect personnel actions.

(a) *Delegation.* The following officials and employees are delegated authority, to approve and sign POD Forms 50, Notification of Personnel Action, for appointments, changes during employment, and separations affecting employees under their jurisdiction in the postal field service, except as may be limited by other provisions of the Postal Manual or by the Regional Director:

(1) *Inspection service divisions.*

Chief Postal Inspector.

(2) *Regional headquarters.*

Regional Director.
Deputy Regional Director.
Director, Personnel Division.
Chief, Employment and Placement Branch.

(3) *Postal data centers.*

Director, Postal Data Center.

(4) *Postal installations.*

Postmaster.
Assistant Postmaster.
Supervisor assigned to personnel office.
Area Supply Manager and Superintendent, Supply Center.
Manager and Assistant Manager, Mail Equipment Shops.

(b) *Redelegation.* The authority to approve and sign POD Forms 50 may be redelegated by the Regional Director or Director, Postal Data Center, to officers and supervisors under his jurisdiction as considered necessary and essential.

(c) *Administrative clearances and approval.* Authority delegated herein does not preclude securing administrative clearances and approvals that may be required by instructions implementing this section issued through other media.

§ 812.6 Authority to administer oaths of office.

(a) *Delegation.* The following officials are authorized to administer oaths of office in connection with employment:

(1) *Regional headquarters.*

Regional Director.
Deputy Regional Director.
Director, Personnel Division.
Regional Controller.
Chief, Employment and Placement Branch.
Employment and Placement Officers.
Personnel Assistant.
Postal Service Officer.

(2) *Postal data centers.*

Director, Postal Data Center.
Director, Systems and Planning Division.

(3) *Postal installations.*

Postmasters.
Assistant Postmasters.
Chief, Administrative Services, or Director, Office of Administrative Services, only to Contractors, Contract Stations and Branches.
Superintendent and Administrative Assistant, Mail Bag Depository.
Superintendent, Assistant Superintendent (where authorized) and Administrative Assistant of Combined Mail Bag Depository and Mail Bag Repair Center.
Supervisor assigned to Personnel Office in postal installation.
Executive Secretary, Postal Board of Civil Service Examiners.
Area Supply Manager; Superintendent and Personnel Officer, Supply Center.
Manager, Assistant Manager, and Administrative Assistant, Mail Equipment Shops.
U.S. Postal Agent.
U.S. Stamped Envelope Agent.

(4) *Inspection service.*

Postal Inspector in Charge.
Deputy Postal Inspector in Charge.
Assistant Postal Inspector in Charge.
Postal Inspector.
Area Manager, Internal Audit Division.

(b) *Prohibition on redelegation.* Authority delegated to officers and supervisors specified in paragraph (a) of this section cannot be redelegated by them to any officials or employees under their jurisdiction.

(c) *Administration of the oath of office.* (1) POD Forms 61, appointment affidavit, and 62, Oath of Office and Appointment Affidavit, shall be used to ascertain that the personnel action being taken conforms to the Civil Service Act and rules and applicable laws. These pertain to holding of office, pensions, suitability when these is a record of discharge or arrest, age, citizenship, and other requirements relating to employment in the Postal Service. No employee shall be assigned to duty if the form indicates he does not meet requirements. Appointing officers shall guard against impersonation and determine beyond reasonable doubt that the appointee is the same person who qualified for the appointment. It is incumbent upon officials and supervisors administering oaths of office to be familiar with those organizations listed in 837.113 of the Postal Manual in which membership, past or present, may constitute a bar to employment or retention in the Postal Service.

(2) Oath of office incident to entrance into the Postal Service (or to a conversion to career status) shall be administered without charge or fee.

§ 812.7 Authority to designate certifying officers—Headquarters.

(a) *Delegation.* The following officials are delegated authority to designate certifying officers at Headquarters to certify payment of items specified:

(1) Chief Postal Inspector certifies (i) payments from his special deposit account; (ii) disbursements for rewards

based on Postmaster General Notices of Reward; (iii) payments from confidential funds; (iv) salary payments to office division inspectors; (v) advances of funds for confidential purposes; (vi) inspection service travel, travel advances, transportation of things; and (vii) payments for special analyses and services.

(2) General Counsel certifies payments relating to tort claims and claims under 39 U.S.C. 2409.

(3) Assistant Postmaster General, Bureau of Finance and Administration certifies all payments not covered by subparagraphs (1) and (2) of this paragraph.

(b) *Redelegation.* These officials are also authorized to redelegate their authority to designate certifying officers. The redelegation shall be made by letter to the appropriate postal data center disbursing officers and must bear the specimen signature of the person to whom the authority is redelegated.

(c) *Designating certifying officers—*(1) *Bureau of Chief Postal Inspector and the General Counsel.* Officials authorized to designate certifying officers (see paragraph (a) of this section) will complete Standard Form 210, Signature Card for Certifying Officer, in duplicate for each postal data center disbursing officer affected to show:

(i) Name of bureau or office for which vouchers will be certified.

(ii) Signature of certifying officer written exactly as he will sign vouchers.

(iii) Class of vouchers to be certified.

(iv) His signature and effective date.

(2) *Other bureaus or offices.* Other bureaus or offices requiring certifying officers will complete SF 210 in duplicate as prescribed in subparagraph (1) of this paragraph, except for signature and date. Forward both copies of the form to the Assistant Postmaster General, Bureau of Finance and Administration.

(3) *Submitting SF 210 to Postal Data Center Disbursing Officers.* The Chief Postal Inspector, General Counsel and Assistant Postmaster General, Bureau of Finance and Administration, or their designees, will forward signed originals of SF 210 to each of the disbursing officers affected and retain duplicates. These will be the official designations of the employees named on the SF 210 as certifying officers.

(d) *Maintaining designations.* It is the responsibility of each bureau and office to maintain currently its designation of authorized certifying officers. As certifying officers die, retire, transfer or otherwise leave, bureaus and offices must inform the affected postal data center disbursing officers promptly so that signature cards may be removed from active files. When new or additional designations are made, follow procedures in § 812.7.

§ 812.8 Authority to designate certifying officers—field.

(a) *Delegation.* The following officials are delegated authority to designate certifying officers in postal data centers, inspection service divisions and internal audit areas:

(1) The Chief Postal Inspector for obligations incurred by the Postal Inspection Service.

(2) Postal Data Center Directors for obligations for all other regional functions.

(3) The New York Postal Data Center Director for obligations for Headquarters functions with the exception of those described under § 812.7(a) (1) and (2) and those certified by the Assistant Postmaster General, Bureau of Finance and Administration, or his designee.

(b) *Redelegation.* These officials are also authorized to redelegate their authority to designate certifying officers. The redelegation shall be made by letter to each disbursing officer affected and must bear the specimen signature of the person to whom the authority is redelegated.

(c) *Designating certifying officers—*(1) *Inspectors in Charge and Internal Audit Area Managers.* These officials, who are designated certifying officers, subject to any limitations set forth by the Chief Postal Inspector, are authorized to designate certifying officers for obligations incurred by the Postal Inspection Service. They will complete SF 210, Signature Card for Certifying Officer, in duplicate to show:

(i) Inspection service division or internal audit area for which vouchers will be certified.

(ii) Signature of certifying officer written in the same manner that he will sign vouchers.

(iii) Class of vouchers to be certified.

(iv) His signature and effective date.

Inspectors in charge and internal audit area managers shall not redelegate their authority to designate authorized certifying officers.

(2) *Postal Data Center Directors.* Offices under direction of Postal Data Center Directors will complete SF 210 in duplicate as in subparagraph (1) of this paragraph except for the signature and date. Forward both copies of the form to him for completion.

(3) *Submitting SF 210 to Disbursing Officer.* The inspector in charge, internal audit area manager, and Postal Data Center Director (or his designees) will forward the signed originals of SF 210 to each disbursing officer affected and retain the duplicates. These will be the official designations of the employees named on the SF 210 as certifying officers.

(d) *Maintaining designations.* It is the responsibility of each office under jurisdiction of the officials named in § 812.8 to maintain currently its designation of authorized certifying officers. As certifying officers leave the sphere of certifying activity, notices of termination and appointment must be forwarded through the offices of the named officials to each disbursing officer affected.

§ 812.9 Authority for remission of fines, penalties, forfeitures, claims; and for Post Office Department fund transfers.

(a) *Delegation.* Pursuant to 39 U.S.C., sec. 309, "Delegation of Authority" which states:

The Postmaster General may delegate to any officer, employee, or agency of the Department such of the functions vested by law in him or in any other officer or employee of the Department as he deems appropriate.

authority is delegated to the Assistant Postmaster General, Bureau of Finance and Adminstration, to take final action, in his own name, with respect to all matters covered by the following:

(1) *31 U.S.C., sec. 82a–1.* Relief of accountable officers of liability for loss.

(2) *31 U.S.C., sec. 82a–2.* Relief of accountable officers of liability for illegal, improper, or incorrect payments.

(3) *31 U.S.C., sec. 82c.* Certifying officers; bond; accountability; relief by Comptroller General.

(4) *39 U.S.C. 2202(a).* Deposit to and withdrawal from Post Office Department Fund.

(5) *39 U.S.C. 2401, except (a)(1).* Collection of debts, except those due the Department.

(6) *39 U.S.C. 2403, except (a)(1).* Adjustment of claims of postmasters and armed forces postal clerks, except the loss of funds or valuable papers from their official custody resulting from burglary, fire, or unavoidable casualty.

(b) *Redelegation.* The Assistant Postmaster General, Bureau of Finance and Administration, is authorized to redelegate all or such part of the authority vested in here by paragraph (a) of this section to:

(1) The Deputy Assistant Postmaster General and Controller.

(2) Assistant Controller for Accounting.

(3) Director, Financial Systems Management Division.

(4) Director, Money Order Division.

(5) Directors, Postal Data Centers.

PART 813—RELATIONSHIPS AND CHANNELS OF COMMUNICATION

Sec.
813.1 Relationships.
813.2 Channels of communication.

AUTHORITY: The provisions of this Part 813 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 813.1 Relationships.

(a) *Between Headquarters bureaus and offices.* (1) Headquarters bureaus and offices serve in a staff relationship to the Postmaster General and his Deputy.

(2) The Office of Regional Administration acts for the Postmaster General and his Deputy, in directing, in coordination with bureau and offices, the activities of the regional offices to assure that the Regional Director effectively executes the policies, procedures, regulations, and programs of the bureaus and offices.

(3) Each bureau and office performs the following functions within the scope of its functional statements and delegations: (i) Develops policies and programs, (ii) prepares effective procedures, (iii) promulgates definitive standards and other guidelines, (iv) performs the planning required to accomplish the mission of the Postal Service and to give it direction, and (v) reviews regional performance and takes action to assure that policies, procedures, and programs are effectively carried out. The bureau or office in each instance will inform the Office of Regional Administration of the action taken. These functions are performed in coordination with the appropriate bureaus and offices to eliminate possible duplication, to provide uniform guidance to the field, and to assure that policies and programs serve operating needs.

(b) *Between Headquarters, regional offices and postal data centers.* (1) Each Headquarters bureau and office shall provide direct functional guidance and policy interpretation to regional and postal data center officials in its area of responsibility. Bureaus and offices have direct access to their regional and postal data center counterparts for this purpose.

(2) It is essential to the smooth day-to-day operation of the postal field service that there be free, direct communication between Headquarters bureaus and offices and regional and postal data center officials in those areas where the bureaus and offices are charged with providing functional guidance and direction.

(c) *Between regional offices and postal installations.* (1) The line of responsibility for the effective operation of postal installations is from the Regional Director to the installations within his region, except for specific matters reserved to the Postmaster General and the Deputy Postmaster General and to Headquarters bureaus and offices.

(2) The Regional Director discharges his responsibilities with the assistance, advice, and support of his staff in their areas of specialization.

§ 813.2 Channels of communication.

(a) *General.* (1) Any communication on matters requiring discretion or policy determination shall proceed through each successive level of authority, upward and downward, without bypassing any. This practice must be followed if each officer who is responsible for an area of activity is to be kept informed of what is going on. An officer who is accountable for any activity must be given an opportunity to pass judgment on matters under his jurisdiction.

(2) Nonpolicy transactions may be conducted across bureau and office lines between officials of the same level, each acting within the scope of his responsibility. This time-saving practice should be followed routinely, unless a specific transaction or a category of transactions is reserved for a higher official. Direct communication between the same lower levels is also encouraged during informal, developmental phases of interbureau or interoffice policy, program, and procedural planning. In such cases, the persons involved must not commit their principals without prior consultation.

(3) Any officer who is bypassed in accordance with principles in subparagraph (2) of this paragraph must, however, be kept informed. This may be done orally or by carbon copy, as the situation may require. The information notification must be transmitted without any delay to the officer concerned.

(b) *Headquarters and regional offices.* (1) The Postmaster General relies on the heads of the various bureaus and offices to formulate the directives necessary to provide functional guidance for the Regional Directors and their staffs.

(2) Policy directives will be issued over the signatures of the heads of the bureaus and offices, covering matters within their responsibility, except in cases when the Postmaster General or Deputy Postmaster General may wish to personally issue such directives. Policy directives will be coordinated with the Office of Regional Administration before issuance.

(3) Instructions and procedures not involving policy, which will include the bulk of communications, will ordinarily be issued over the signature of the bureau head having jurisdiction. In any such case, the communication will have the same effect as though it were sent to the Regional Director by the Postmaster General or his Deputy. In any event, the Regional Director shall be responsible for performance.

(4) Functional field staff officers may communicate directly with the corresponding functional bureau in Headquarters on matters within their area of jurisdiction. In addition, where specifically authorized in the Department's instructions, they may also directly contact supporting Headquarters offices, such as General Counsel, Chief Postal Inspector, and Public Information, on matters of a technical nature not requiring administrative judgment of the Regional Director.

(5) The Office of Regional Administration must be kept informed of communications from regional offices to Headquarters bureaus and offices on policy or other matters of similar importance. For correspondence, this may be accomplished by sending a copy of the correspondence to the Office of Regional Administration.

(6) Operating reports ordinarily will be sent directly to the respective bureaus and offices for analysis and consideration. The Regional Director will make such additional reports as are required directly to the Director, Office of Regional Administration.

(7) There should be close liaison between the regional officials and the Inspection Service which, as an independent arm of the Postmaster General, does not come under the jurisdiction of the Regional Director. The Inspection Service may be requested to make findings of fact and give recommendations on postal matters.

(c) *Regional offices and postal installations.* (1) The regular channel of communication to the postmaster or to the head of any postal installation is through the Regional Director and his staff specialists in the areas concerned.

(2) Direct communication between Headquarters officials and the heads of postal installations will be kept to a minimum. When such communication is necessary, the Regional Director shall be fully informed by the official concerned.

(3) Communications from postal installations to Washington Headquarters shall be through the same channels in reverse.

(d) *Headquarters, regional offices and post offices with postal data centers.* (1) The Bureau of Finance and Administration formulates and issues the directives necessary to provide technical guidance to the postal data centers. The Office of Regional Administration issues administrative directives. All other Headquarters communications to and from the postal data centers will be processed through whichever of these organizations is appropriate, except there may be direct contact between the Office of the General Counsel and the postal data centers on matters relating to professional and policy guidance on claims.

(2) Regional offices and postal data centers are authorized to communicate directly with each other. Regional controllers have been designated as the coordinating point in the regions for these communications.

(3) Post offices and postal data centers are authorized to communicate directly on routine accounting matters. All other communications, including those involving remedial action based on an accumulation of routine accounting matters, will take place through the regional controller division.

SUBCHAPTER I—ORGANIZATION STATEMENTS

PART 821—OFFICE OF THE POSTMASTER GENERAL AND DEPUTY POSTMASTER GENERAL

Sec.
821.1 Postmaster General.
821.2 Deputy Postmaster General.
821.3 Advisory and planning boards; judicial officer.
821.4 Executive Assistant to the Postmaster General; Special Assistant to the Postmaster General; Administrative Assistant to the Postmaster General.
821.5 Special Assistant to the Postmaster General (Public Information).
821.6 Special Assistant to the Postmaster General (International Postal Affairs).
821.7 Office of Planning and Systems Analysis.
821.8 Office of Regional Administration.
821.9 Executive Assistants to the Deputy Postmaster General.

AUTHORITY: The provisions of this Part 821 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 821.1 Postmaster General.

(a) Administers the Postal Service in all its branches, the appointment of its personnel, its relationships with the Congress, and the management of its finances including the disbursement of appropriations.

(b) Appoints postmasters at fourth-class offices and submits nominations to the President on appointments to be made by him for other classes of offices.

(c) Determines appeals from the action of the bureau and office heads, except as otherwise delegated.

(d) Promulgates rules and regulations and issues all orders requiring the formal approval of the Postmaster General.

(e) Performs all special duties enjoined by law upon the Postmaster General.

§ 821.2 Deputy Postmaster General.

(a) Executes and performs all powers, functions, and duties conferred by law upon the Postmaster General, including the modification, suspension, or recission of orders, instructions, and regulation heretofore, or hereafter, issued in the name of the Postmaster General.

(b) Delegates to any officer, employee, or agency of the Post Office Department designated by him such of the foregoing powers, functions, and duties as he deems appropriate.

(c) Resolves differences of opinions between bureaus and offices as to policies, programs, and areas of responsibility.

§ 821.3 Advisory and Planning Boards; Judicial Officer.

(a) *Advisory Board.* The Advisory Board for the Department consists of seven members appointed by the President, by and with the advice and consent of the Senate, representative of the public with the Postmaster General as chairman and the Deputy Postmaster General as vice chairman. The Board considers methods and policies for the improvement of the postal service, and advises and makes recommendations to the Postmaster General thereon.

(b) *Executive Planning Board.* (1) The Executive Planning Board is composed of the top management officials of the Department, who:

(i) Determine policies and approve general guidelines for development of long-range Department plans.

(ii) Approve long-range planning proposals to meet future Department needs.

(iii) Approve program proposals for inclusion in the Department's Program and Financial Plan.

(iv) Decide among program alternatives.

(v) Determine planning, programing, and budget priorities.

(vi) Resolve budget policy issues concerning the Department's annual budget submission.

(vii) Perform other functions as assigned.

(2) Membership of the Executive Planning Board consists of:

(i) Postmaster General, chairman.

(ii) Deputy Postmaster General, vice chairman.

(iii) Assistant Postmasters General.

(iv) Heads of other offices as required.

(3) The Director, Office of Planning and Systems Analysis will serve as executive secretary of the Board.

(c) *Judicial Officer; Hearing Examiners; Board of Contract Appeals.*—(1) *Judicial Officer.* (i) An independent officer appointed by the Postmaster General, who acts for the Postmaster General in the performance of quasi-judicial functions, having delegated authority from the Postmaster General to—

(a) Execute in his own name the final decision and order in proceedings authorized by section 1717 of title 18, and by sections 4001, 4003, 4004, 4005, 4006, 4007, 4351, and 4352 of title 39, United States Code, and the rules of practice and procedures of the Post Office Department.

(b) Modify, suspend or rescind any action heretofore taken (including any order issued) or which hereafter may be taken by the Judicial Officer pursuant to the powers, functions, authority, and duties conferred upon the Postmaster General by the sections of title 39, United States Code, set forth in subdivision (i) (*a*) of this subparagraph.

(c) Preside at the reception of evidence in proceedings where expedited hearings are requested by either party or are provided in rules of practice. When the Judicial Officer presides at the reception of evidence he may issue a tentative decision.

(*d*) Revise or amend the rules governing eligibility to practice before the Post Office Department, and to revise or amend the Post Office Department rules of practice governing proceedings conducted under the Administrative Procedure Act (5 U.S.C. 1001–1011).

(*e*) Name and delegate authority to an Acting Judicial Officer.

(*f*) Exercise jurisdiction over the Hearing Examiners for administrative purposes only, but not to direct or participate in the initial decisions of Hearing Examiners in any proceeding.

(*g*) Exercise such other authority as the Postmaster General delegates him.

(ii) Decisions and orders of the Judicial Officer made under the delegated authority shall be the final departmental decision and orders except that the Judicial Officer may refer any proceeding to either the Postmaster General or the Deputy Postmaster General for final decision. The Judicial Officer does not determine the constitutionality of statutes nor the validity of Departmental regulations. He is responsible only to the Postmaster General and the Deputy Postmaster General. The Office of the General Counsel and the Bureau of the Chief Postal Inspector do not participate in or advise as to the decisions of the Judicial Officer in any proceeding.

(2) *Hearing examiners.* (i) Hearing examiners are appointed and qualified as prescribed by law (5 U.S.C. 1010). They preside at administrative hearings involving alleged violations of postal laws or conflicts arising over second-class mail permits.

(ii) Initial decisions prepared by Hearing Examiners become final departmental decisions unless an appeal is taken to the Judicial Officer. Hearing examiners do not determine the constitutionality of statutes nor the validity of Departmental regulations.

(iii) The Hearing Examiners are under the jurisdiction of the Judicial Officer for administrative purposes only in the same manner as are hearing examiners assigned to independent regulatory commissions.

(3) *Board of Contract Appeals.* (i) The Board of Contract Appeals is the authorized representative of the Postmaster General to hear and decide appeals from decisions of contracting officers when and to the extent such appeals are expressly authorized by the terms of any contract to which the United States is a party. The chairman of the Board of Contract Appeals is authorized to promulgate rules of procedure for the Board of Contract Appeals. These duties shall be performed by the members of the Board of Contract Appeals in addition to their regular duties in the Department.

(ii) The Board of Contract Appeals for the Department is composed of the Judicial Officer of the Post Office Department who is the permanent chairman, and the Chief Hearing Examiner who shall be a permanent member. One of the Hearing Examiners of the Post Office Department appointed pursuant to the provisions of Section 11 of the Administrative Procedure Act, as amended, designated by the Judicial Officer on a rotating basis.

§ 821.4 Executive Assistant to the Postmaster General; Special Assistant to the Postmaster General; Administrative Assistant to the Postmaster General.

(a) The Executive Assistant performs such duties as are assigned by the Postmaster General.

(b) The Special Assistant performs such duties as are assigned by the Postmaster General.

(c) The Administrative Assistant performs such duties as are assigned by the Postmaster General.

§ 821.5 Special Assistant to the Postmaster General (Public Information).

(a) Initiates and directs the formulation of policies and programs for the administration of public information matters throughout the Postal Establishment.

(b) Directs the Post Office Department's information and public education program, including this program in the field, providing current information on problems, policies, and programs of the Post Office Department to the public, the principal mail users, the press, and radio and TV commentators.

(c) Serves as the central point through which all public information of the Department shall be issued.

(d) Formulates the policy for the Post Office Department's philatelic program including selection of subject matter, design, first-day sales, and promotion of U.S. postage stamps; serves as the Department's liaison with the Citizens' Stamp Advisory Committee.

(e) Directs the operation of the Philatelic Exhibition Room and the Department's participation in national and international philatelic exhibits.

(f) Prepares the weekly Report of the Postmaster General to the President of the United States, and special reports as required.

(g) Provides technical visual arts services to bureaus and offices on preparation of manuscripts for printing by Government Printing Office or the Department's plant, including development of graphics, statistical drafting, art designs, and other illustrative materials, printing of budget, statistical, and tabular data.

(h) Assists in planning, coordinating, and developing the Department's visual aid program, including the design, layout, and execution of artwork for postal exhibits; assisting in determining exhibits requirements; and advising officials of graphics techniques to improve management and reporting procedures; and maintaining and distributing exhibits for the Postal Service.

(i) Reviews and approves prior to issuance all new Post Office Department publications for purpose, quantity, estimated cost, material replaced, and estimated extent of readership.

§ 821.6 Special Assistant to the Postmaster General (International Postal Affairs).

(a) Provides expert advice to the Postmaster General in making policy decisions affecting international postal relations.

(b) Coordinates representation and day-to-day contact of the Department in its postal relationships with other countries and with international postal organizations, including the Universal Postal Union (UPU), the Postal Union of the Americas and Spain (PUAS), the African Postal Union (UPAF), Arab Postal Union (APU) and African and Malagasy Postal and Telecommunications Union (AMPTU) and their suborganizational units.

(c) Develops and recommends U.S. policy and position on proposals of foreign governments submitted to postal congresses; prepares and recommends similar United States proposals.

(d) Negotiates postal agreements with other countries.

(e) Develops, coordinates and directs the international visitor and training programs; recommends U.S. postal officials to the Postmaster General for training assignments in foreign countries.

(f) Coordinates, through their international relations officer, those activities of the Department's Bureaus and Offices having to do with training programs for foreign visitors and other areas affecting the Department's international postal relations.

(g) Maintains liaison with the Department of State, the Agency for International Development and other Federal departments and agencies in matters related to international postal programs.

§ 821.7 Office of Planning and Systems Analysis.

(a) Serves as the principal planning advisor to the Postmaster General; devises and updates the philosophy of planning for the Post Office Department.

(b) Establishes and maintains the Post Office Department planning system and administers the systems analysis function.

(c) Develops Department objectives and goals consistent with guidance from the Executive Planning Board.

(d) Develops long range plans for the Post Office Department coordinating planning with Bureaus and Offices as appropriate.

(e) Identifies areas where long range planning is required; initiates action essential to the development of proposed plans; and presents proposed plans and alternatives to the Executive Planning Board.

(f) Presents alternatives to the Postmaster General for revision of plans when required by programing and reprograming, budgeting and budget revision, and other developments.

(g) Prescribes the planning documents necessary to comply with executive directives and managerial needs of the Department.

(h) Assists Bureaus and Offices in developing, implementing planning and analysis functions in their organizations.

(i) Provides planning information to organizational components having programing and budgeting functions.

(j) Serves as the central analytical staff to review and evaluate proposals submitted to the Postmaster General.

(k) Analyzes program alternatives and makes recommendations to the Executive Planning Board for decision by the Postmaster General.

(l) Establishes the requirements of a comprehensive integrated management information system for the Department; coordinates with the Bureau of Finance and Administration and other Bureaus and Offices as required the revision of the system to meet the changing needs of management.

(m) Provides assistance to the Bureau of Finance and Administration in the establishment and functioning of a Management Information Center.

(n) Acts as principal advisor to the Executive Planning Board and the Postmaster General on major organization problems, particularly those with planning implications; recommends and coordinates Departmental organizational studies as required.

(o) Reviews and approves studies and study proposals initiated by Bureaus and Offices to insure compliance with policy expressed by the Postmaster General; maintains a schedule listing of all studies undertaken by the Post Office Department.

(p) Conducts studies regarding management and operational post office problems as required; provides essential guidance to Bureaus and Offices in the conduct of studies directed by the Executive Planning Board.

(q) Maintains liaison with professional management consulting organizations and contracts with such organizations for studies and analyses not within Post Office Department capability. Acts as a clearing house for management study contracts generally.

(r) Conducts special studies on issues and subjects of interest to the Postmaster General and higher authority.

(s) Coordinates significant project assignments throughout the Department to prevent overlapping and duplication and to insure consonance with short and long range departmental goals.

§ 821.8 Office of Regional Administration.

(a) The Director acts for the Postmaster General in directing and coordinating with bureaus and offices the activities of the regional offices and postal data centers to assure that the Regional Director and Director, Postal Data Center effectively execute the policies, regulations, procedures, projects, and programs of the bureaus and offices.

(b) Directs management appraisal of regional office and postal data center operations and performance on a regularly scheduled basis to see that regional offices and postal data centers carry out the policies and programs of the bureaus and offices; advises bureaus and offices of appraisal findings.

(c) Directs nationwide contract compliance program (Executive Order 10925 as amended by Executive Order 11114), to promote and insure equal employment opportunity for all qualified persons without regard to race, creed, color, or national origin employed or seeking employment on Government contracts. (See 857, Postal Manual.)

(d) Analyzes policies and programs of bureaus and offices which have a substantial effect on regional and postal data center management requirements, and suggests modifications needed to reflect Department plans and objectives, to achieve uniformity of administration in regional offices and postal data centers, and to obtain optimum results therein.

(e) Establishes standards and ceilings for determining regional and postal data center organization and complements; establishes and approves regional office and postal data center budgets and funds.

(f) Develops, in cooperation with Bureau of Personnel, programs for training and indoctrination of regional and postal data center personnel; coordinates such programs with bureaus and offices.

(g) Coordinates with the bureaus and offices in the selection and discipline of regional and postal data center personnel in their areas of responsibility.

§ 821.9 Executive Assistants to the Deputy Postmaster General.

(a) *Executive Assistants.* (1) Coordinate activities of bureaus and offices in areas requiring joint planning and action.

(2) Apprise the Deputy Postmaster General of the status of bureau programs and projects; identify matters requiring his attention or action.

(3) Represent the Deputy Postmaster General on manpower control matters requiring his determination.

(4) Establish policy for and directs the preparation, release and distribution of all official orders, and regulations of the Department.

(5) Provide policy and program direction for the Office of Headquarters Services.

(6) Perform other duties as assigned by the Deputy Postmaster General.

(b) *Executive Secretariat.* (1) Director serves as Executive Secretary of the Post Office Department Advisory Board. Prepares record of proceedings and assists the Board in preparing its reports to the Postmaster General.

(2) Coordinates preparation of the Weekly Highlight Report; and the Annual Report of the Postmaster General to the President.

(3) Assists the Postmaster General and the Deputy Postmaster General in coordinating replies to General Accounting Office reports.

(c) *Office of Headquarters Services.* Provides plans, policies, and programs for and appraises the effectiveness of office communications and building services; graphics, printing, and distribution services; mail and messenger services; parking space and permits. Directs staffs of the Operating Services Branch and Graphic Arts Branch. Maintains liaison on policy and planning matters with the General Services Administration concerning headquarters building and cafeteria; and with the Government Printing Office, the General Services Administration, and the Joint Committee on Printing for all printing of the Postal Establishment, except for accountable paper. Serves as deputy defense coordination representative for the Office of the Postmaster General and the Deputy Postmaster General.

(1) *Operating Services Branch.* (i) Plans, programs, and directs the Headquarters supplies, equipment, and services procurement program.

(ii) Provides telephone and related services for Headquarters, Washington Region, Supply Center, City Post Office, and Mail Equipment Shops; maintains liaison with telephone company and General Services Administration on communications matters.

(iii) Approves requests to, and arranges with, General Services Administration for building maintenance, repairs, and alterations.

(iv) Plans and directs a program for the maintenance and repair of all office equipment.

(v) Analyzes and plans space requirements for Headquarters and negotiates with General Services Administration for space allocations.

(vi) Provides automotive transportation and delivery services for Headquarters; and manages the official parking facilities.

(vii) Manages and controls Headquarters property; conducts inventories, initiates surveys, and maintains property records.

(viii) Plans, programs, and directs the mechanical shop and labor unit.

(ix) Organizes and directs physical arrangement of facilities for movies, television and press conferences, and other ceremonies; handles receipt or shipment of exhibits.

(x) Plans, programs, and directs Headquarters mail and messenger operations.

(xi) Administers the Headquarters records program, within the policies and guidelines established by the Forms and Records Management Branch in the Management Systems Division, Bureau of Finance and Administration.

(2) *Graphic Arts Branch.* (i) Serves as printing technician for the Department; renders technical advisory services to all components of the Department on printing and duplicating plans and projects.

(ii) Administers Headquarters reproduction plant, personnel, and facilities; determines how and when equipment may be procured, maintained, operated, and disposed of; initiates actions for acquisition, use, and maintenance of reproduction equipment.

(iii) Plans, organizes, coordinates, and controls all reproduction needs for Headquarters; recommends policies affecting programs of the Branch; formulates and installs work methods and procedures.

(iv) Provides technical coordination of field reproduction activities of the Department; provides technical service to bureaus and offices for field printing and duplicating needs and participates in surveys; provides technical coordination of field reproduction activities for field printing and duplicating needs.

(v) Serves as the official Post Office Department liaison with the Joint Committee on Printing, the Government Printing Office, and the General Services Administration on printing and duplicating matters, Headquarters and field, and is responsible for:

(*a*) Application and enforcement of Joint Committee on Printing regulations on purchase, rental, exchange, or transfer of equipment.

(*b*) Coordination for the Department of all reproduction and reports required by Committee regulations.

(c) Approving or disapproving, for the Deputy Postmaster General, the procurement of duplicating and printing (and related) equipment, and its transfer, for Headquarters and the postal field service.

(3) *Library.* (i) Selects, acquires, organizes, and preserves a collection of general, technical, and legal materials to support the missions and programs of the Department.

(ii) Maintains for use by the Department and the public a special collection of current and historical materials on postal subjects.

(iii) Informs Department employees of library resources.

(iv) Circulates library materials. Lends to and borrows from other libraries.

(v) Provides Department-wide reference, research and bibliographic services; provides postal history reference services to educational and research institutions, and the general public.

(vi) Coordinates with Department officials the selection and acquisition of materials for field installations.

(vii) Acquires and controls the distribution of nonpostal publications to Headquarters offices and bureaus.

(d) *Special Assistant for Policy and Projects*—(1) *Special Assistant.* (i) As requested or directed, furnishes advice and information to the Postmaster General and Deputy Postmaster General on matters concerning policy and program development.

(ii) Directs the Office of Special Projects and the staff and activities of the Director, Parcel Post Division.

(2) *Office of Special Projects.* (i) Serves as a special manpower pool for the Office of the Postmaster General and Deputy Postmaster General to perform special tasks, make special surveys and studies, and handle other controversial or confidential matters as directed by the Postmaster General and Deputy Postmaster General.

(ii) Makes short-term studies and investigations of special areas of postal endeavor, and reports their findings and recommendations; implements, or assists in implementing, approved recommendations.

(iii) As requested, makes joint surveys and studies with other Headquarters components, and prepares joint recommendations.

(iv) Identifies and recommends, with appropriate justifications, that studies or surveys be undertaken in specific areas of activity.

(v) Handles, as requested, suggestions concerning changes or improvements in the postal service which may not clearly fall within the purview of any specific bureau or office.

(3) *Parcel Post Division.* (i) Develops plans for and assists the responsible bureaus in implementing scheduled parcel post service; provides guidance in administering this service in its early stages, including assistance in solving related problems.

(ii) Recommends policy and procedures for parcel post.

(iii) Serves as the Department's adviser and consultant to firms or institutions generating or receiving large volumes of parcel post.

(iv) Provides liaison with the Advisory Commission on Parcel Distribution Services required by Public Law 89–593.

(v) Recommends and reviews proposals concerned with the development of new parcel post concepts and equipment.

(vi) Performs special studies to improve the handling of parcel post; coordinates findings and proposed improvements with organizations having related responsibilities.

PART 822—BUREAUS AND OFFICES

Sec.

822.1 Bureau of the Chief Postal Inspector.
822.2 Office of the General Counsel.
822.3 Bureau of Operations.
822.4 Bureau of Transportation and International Services.
822.5 Bureau of Finance and Administration.
822.6 Bureau of Facilities.
822.7 Bureau of Personnel.
822.8 Bureau of Research and Engineering.

AUTHORITY: The provisions of this Part 822 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 822.1 Bureau of the Chief Postal Inspector.

(a) *The Chief Postal Inspector.* (1) Directs the execution of policies, regulations, and procedures governing all investigations, including presentation of evidence to the Department of Justice and U.S. Attorneys in those of a criminal nature, and directs operating inspections and audits for the Postal Service.

(2) Advises the Postmaster General, the Deputy Postmaster General, and other principal assistants on the condition and needs of the service.

(3) Acts as security officer and defense coordinator for the Postal Establishment.

(4) Selects, trains, and supervises inspectors, clerical, and scientific and technical field personnel.

(5) Maintains liaison with other investigative and law enforcement agencies of the Government.

(6) Administers payment of rewards for information and services.

(b) *Office of the Deputy Chief Postal Inspector*—(1) *Deputy Chief Postal Inspector.* Advises and assists the Chief Postal Inspector and acts for him in his absence or at his direction. Directs those responsibilities of the Chief Postal Inspector which relate to mail loss and depredations, mail fraud investigations, and identification laboratory.

(2) *Mail Loss and Depredations Division.* (i) Directs investigations of:

(*a*) Theft, loss, rifling, and other mistreatment of mail.

(*b*) Burglary and attempted burglary of post offices and postal units.

(*c*) Holdup, robbery, and assault of postal employees or other mail custodians.

(*d*) Adequacy of protection afforded mail, particularly to valuable shipments.

(*e*) Casualties, fires, natural disasters, and train, truck, and plane crashes involving the Postal Service.

(*f*) Alterations and forgeries of postal financial paper.

(*g*) Counterfeiting of stamps, money orders, and other postal paper.

(ii) Directs the handling of complaints regarding loss, rifling, and other irregularities of international mail.

(iii) Maintains liaison with other Federal, State, and local law enforcement agencies.

(iv) Coordinates investigations of this nature (a–c) on a national basis.

(3) *Fraud and Mailability Investigations Division.* (i) Directs investigations of:

(*a*) Mail frauds, wagering paraphernalia, lotteries, conspiracies.

(*b*) Extortionate letters; mailing of explosives and internal machines, poisons, obscene matter, concealable firearms, narcotics, matter tending to incite arson, murder, or assassination, scurrilous, libelous, and other nonmailables.

(ii) Coordinates investigations of the nature (a) on a national basis and with the Federal Bureau of Investigation, Federal Trade Commission, Securities and Exchange Commission, Food and Drug Administration, Bureau of Narcotics, and interested State and local agencies.

(iii) Coordinates liaison activities with the Department of Justice, U.S. Attorneys, other law enforcement agencies, and business and civic groups. Examines, analyzes, and disseminates information and decisions affecting criminal investigations.

(iv) Establishes policies and procedures for the preparation and distribution of wanted circulars relating to fugitive postal law violators, and maintains a criminal index of individuals arrested for postal offenses.

(4) *Identification Laboratory.* (i) Performs scientific analysis and comparisons concerning questioned handwritings, typewritings, mail tampering, fingerprints, blood, inks, poison impregnated foods, bomb parcels, charred documents, restoration of eradicated and effaced writings, including burglary-related evidence, with which the postal service is concerned.

(ii) Provides training in the examination of questioned documents for selected members of foreign law enforcement departments sponsored by the U.S. Agency for International Development.

(iii) Presents expert testimony in court action.

(iv) Conducts research designed to enhance identification and investigative techniques.

(c) *Office of the Assistant Chief Postal Inspector*—(1) *Assistant Chief Postal Inspector.* Advises and assists the Chief Postal Inspector and directs those responsibilities of the Chief Postal Inspector which relate to financial investigations and service investigations and inspections.

(2) *Financial Investigations Division.* (i) Directs investigations and, when appropriate, initiates collection, adverse action, and prosecution procedures involving:

(*a*) Shortages and embezzlements of funds.

(*b*) Falsification of financial records, including timecard irregularities.

(c) Inflation of post office receipts.

(*d*) Loss of revenue from all classes of mail.

(*e*) Violations of private express statutes.

(*f*) Motor vehicle and other accidents resulting in injuries to private persons, or damage to private or Government property.

(*g*) Misuse of stamped paper.

(*h*) Failure to collect and remit COD funds.

(ii) Determines financial responsibility in cases involving loss, rifling, damage, wrong delivery of, or depredation on the mail, and failure to collect or remit COD funds.

(iii) Initiates action to enforce recoveries resulting from loss, rifling, damage, wrong delivery of, or depredation on the mail, and failure to collect or remit COD funds, misappropriation of funds and other financial irregularities, revenue due the Post Office Department. Determines ownership and disposition of money and property received by the Inspection Service.

(iv) Directs settlement of tort claims by inspectors through liaison with, and under authority delegated by the General Counsel.

(3) *Service Investigations and Inspections Division.* (i) Directs special and confidential investigations.

(ii) Directs audit-inspections and ratings of post offices, classified stations and branches, other stationary mail handling installations, mobile units, vehicle maintenance facilities and other vehicle service, and Federal and leased buildings housing postal activities.

(iii) Directs investigations of:

(*a*) Major charges resulting from audit inspections; infamous or notoriously disgraceful conduct; assaults or threats of severe violence when protection of mail, postal funds or property is not indicated, and those involving postal employees as requested by operating management.

(*b*) Malfeasance and misfeasance (coordinated, as applicable, with Department of Justice).

(iv) Directs other investigations requested or approved by operating management involving:

(*a*) Space and equipment requirements.

(*b*) Suitability of postmaster candidates.

(*c*) Installations of postmasters and acting postmasters.

(*d*) Establishment and discontinuance of post offices, stations, and branches.

(*e*) Rural route changes.

(*f*) Service matters.

(v) Administers mail cover regulations.

(vi) Directs assistance to postal installation heads by postal inspectors involving demonstrations, riots or picketing which may affect postal property or services and maintains liaison with other interested Federal agencies and local law enforcement officials.

(vii) Determines adequacy of postal inspectors office space and observation galleries.

(viii) Determines effect of major strikes and catastrophes upon postal service and assists management in restoring service.

(d) *Assistant to the Chief Postal Inspector.* Administers staff matters and, with the Chief Postal Inspector, provides general direction on defense coordination matters as follows:

(1) Assists the Chief Postal Inspector on matters of organization, personnel administration, budget administration, management controls, methods and procedures, office management, records management, management reports, telecommunications, and issuance of publications and instructions on examination, selection, and training of inspection service personnel.

(2) Formulates, develops, and coordinates civil defense and defense mobilization programs for the Postal Establishment; maintains liaison with the Department of Defense and the Office of Emergency Planning and other agencies concerning these activities.

(3) Maintains liaison with the Department of Defense on postal service problems, and administers the Army affiliation program for the Postal Establishment.

(e) *Staff assistant to the Chief Postal Inspector.* (1) Develops curriculum for classroom instruction phases of inspector training. Conducts and supervises conduct of actual classroom instruction.

Evaluates student inspectors' progress during classroom instruction phases.

(2) In coordination with the assistant to the Chief Postal Inspector, develops training programs for on-the-job instruction and in-service training.

(3) Performs special assignments as directed by the Chief Postal Inspector.

(f) *Internal Audit Division.* (1) Develops and directs a comprehensive program of internal and contract auditing for the Post Office Department. The broad objectives of the audit program are to assist and advise management at all levels through independent audits and appraisals by determining that systems, methods and controls employed in the programs and operations of the Department are effective, that available resources are properly utilized and safeguarded, and that there is compliance with established policies, regulations, and procedures.

(2) Provides centralized coordination on audit policy and establishes standards, principles and procedures for audits of all postal activities and organizations and contractor organizations as required for use by internal auditors, postal inspectors, finance examiners, and other postal personnel.

(3) Develops nationwide coordinated audit plans and programs and conducts comprehensive internal audits of postal activities and organizations other than inspections of post offices. Conducts jointly with postal inspectors selected special studies and evaluations at post offices and other field installations.

(4) Provides contract audit services to the Department's contracting and procurement officials under cost-type, advertised, and negotiated fixed price contracts by (i) analyzing and substantiating cost and price estimates and proposals of prospective contractors, (ii) making on-site verifications, analyses and audits of contractor costs, progress payments, amendments, change orders, and terminations, and on-site audits of contractor records to determine allowable costs, (iii) advising and assisting contract negotiators and administrators, and (iv) coordinating results when Defense Department auditors conduct assist-audits of contractor records for the Post Office Department.

(5) Prepares reports on results of audits outlining conditions, needs, and recommendations to bureau and office heads, regional directors and other officials; maintains followup controls to insure responsive consideration and action on audit recommendations.

(6) Provides technical accounting and auditing assistance to postal inspectors on mail fraud cases involving complex commercial accounting systems.

(7) Represents the Department in dealing with other Government agencies and industry representatives on internal and contract auditing matters, including the coordination of audit programs with General Accounting Office auditors assigned to the Post Office Department.

(g) *Personnel Security.* (1) Administers personnel and physical security programs for the Postal Establishment within the provisions of Executive Orders 10450 and 10501.

(2) Formulates, with the Office of the General Counsel, personnel security regulations and procedures. Issues regulations and procedures for both personnel and physical programs.

(3) Maintains liaison with all Departments and agencies of Government relative to security matters.

(4) Assists operating officials and appointing officers in determining which positions in the Postal Establishment shall be designated sensitive or nonsensitive, and issues security clearances or takes such other action as indicated by the facts.

(5) Receives and evaluates security data from other agencies, directs investigations, checks, inquiries and inspections necessary to resolve personnel and physical security matters. With collaboration of the Department of Justice, prepares and issues security charges, arranges for security hearings, and makes an appraisal of the findings for the Postmaster General.

§ 822.2 Office of the General Counsel.

(a) *The General Counsel.* (1) Serves as legal adviser to the Postmaster General, the Deputy Postmaster General, and the entire Postal Establishment with respect to (i) legal interpretations and opinions; (ii) drafting or approving all legal documents; (iii) legal matters involved in all stages of procurement and contracting activities, including matters of compliance with Federal procurement regulations and departmental regulations and instructions; and (iv) conduct of administrative hearings before regulatory agencies of the Federal Government and assists Department of Justice in court proceedings on behalf of the Department.

(2) Institutes proceedings under the Administrative Procedure Act in fraud and mailability cases, and defends decisions of administrative officials involving entry of second-class mail or suspension of second-class mailing privileges. He does not advise or consult with the Judicial Officer or the Hearing Examiners with respect to their performance of the duties and functions assigned to them under § 821.3 of this chapter, except in the disposition of ex parte matters as authorized by law, nor does he participate in the decision of the Judicial Officer or Hearing Examiners.

(3) Executes all documents of the Department submitted to the Federal Register Division of the National Archives and Records Service for publication.

(4) Acts as legislative officer for the Department by drafting bills, preparing reports on proposed legislation, and representing the Department in hearings and conferences on legislative matters.

(5) Maintains liaison with other agencies of the Government on legal matters and determines questions concerning legal relations between the Department and other agencies.

(6) Collaborates with the security officer (Chief Postal Inspector) in development procedures and taking action required to effectuate laws, Executive Orders, and instructions of the President relating to personnel security.

(7) Makes rulings and advisory opinions, with authority to redelegate the function to General Counsel staff members and to regional counsel, as to mailability of matter under laws covering fraud, obscene matter, lotteries, subversive matter, extortions and threats, and firearms.

(8) Acts for the Postmaster General in the settlement of personal injury or property damage claims arising under the Federal Tort Claims Act, with authority to redelegate the functions to General Counsel staff members, to regional counsel, and, with the concurrence of the Chief Postal Inspector, to postal inspectors; and formulates and administers policies and standards governing the adjudication and settlement by Regional Directors and Directors, Postal Data Centers of personal injury or property damage claims arising under the Federal Tort Claims Act and the settlement by Regional Directors or Directors, Postal Data Centers of postmasters' losses due to fire, burglary, theft, or other unavoidable casualty. Acts for the Postmaster General, with authority to redelegate the function to General Counsel staff members, in the settlement of claims for damage to or loss of personal property of employees incident to their service.

(9) Acts for the Department in requesting the Department of Justice to institute or defend civil suits involving the Post Office Department or its operations.

(10) Initiates and prosecutes, in his name or by his designee, mailability proceedings under laws prohibiting the mailing of fraud, lottery, obscene, subversive, extortive, or threatening matter and firearms.

(11) Initiates and prosecutes, in his name or by his designee, cases seeking the issuance of final agency "fraud," "unlawful business," and "fictitious name" orders.

(12) Determines legal questions arising in the use of the frank for the transmission of mail matter.

(13) Authorizes the closing of post office boxes when used in violation of law or regulation.

(14) Provides experienced attorneys to serve as members of contract negotiating teams which deal with negotiated contracts over $2,500.

(15) Provides legal services to regional offices either directly or through regional counsels and counsels to the Regional Director. Reviews their work and furnishes policy and technical guidance to regional counsels and counsels to the Regional Director in performing their functions. Advises Regional Directors on the employment and professional development of these officials.

(16) Acts as ethical conduct counselor for the Department.

(17) Acts as agent for the receipt of legal process on behalf of the Postmaster General and other Headquarters officials resulting from the performance of their official functions.

(b) *Deputy General Counsel.* (1) Exercises direct professional supervision over the staff of the Office of the General Counsel.

(2) Provides the General Counsel with recommended interpretations, opinions, regulations, and procedures on matters requiring legal action.

(3) Represents and acts for the General Counsel in his absence or at his request.

(c) *Special Assistant General Counsel.* (1) Assists and acts on behalf of the General Counsel who is the ethical conduct counselor for this Department in all matters relating to ethical conduct and conflict of interest matters.

(2) Renders legal advisory services concerning labor standards and employment policy provisions, including equal employment opportunity under EO 11246, and is the liaison with the Department of Labor on behalf of the General Counsel.

(d) *Special Associate General Counsel.* Performs such duties as are assigned by the General Counsel.

(e) *Administrative Officer.* Assists and, as directed, acts for the General Counsel in matters of organization, management, budget, and personnel administration, and other related staff activities, and performs such other duties as assigned by the General Counsel.

(f) *Office of the Associate General Counsel (Transportation-Claims).*—(1) *Associate General Counsel.* Directs those phases of the responsibilities of the General Counsel relating to the transportation of mail and to proceedings before regulatory bodies and other agencies of the Government concerning transportation of mail, transportation rates, reformation of postage rates, and other conditions of mailability of fourth-class mail; and to damages, and claims.

(2) *Transportation Division.* (i) Prepares and tries before regulatory bodies, and other agencies of the Government, cases dealing with the transportation of mail, transportation rates paid by the Department to railroads and airlines, and postage rates.

(ii) Acts in all matters pertaining to contracts for the transportation of mail.

(iii) Collaborates and maintains liaison with the Department of Justice and other Government agencies in matters involving the work defined in a and b.

(3) *Claims Division.* (i) Is responsible for all matters involving the Post Office Department which arise under the provisions of the Federal Tort Claims Act.

(ii) Correlates the responsibilities, rights, and respective spheres of action of Federal and State governments under motor vehicle safety responsibility laws.

(iii) Is responsible for all matters pertaining to the adjudication of claims for property damage sustained by postal employees which arise under the Military Personnel and Civilian Employees' Claims Act of 1964.

(iv) Is responsible for all legal matters pertaining to recoveries for damage to post office property.

(v) Exercises for the General Counsel appellate review of claims by postmasters for unavoidable losses by fire, burglary, or other casualty.

(vi) Collaborates and maintains liaison with the Department of Justice and other agencies of the Government in matters involving subdivisions (i) through (vi) of this subparagraph.

(g) *Office of the Associate General Counsel (Opinions-Real Property).*—(1) *Associate General Counsel.* Directs those phases of the responsibilities of the General Counsel which relate to opinions, contracts, personnel security, and to acquisition, disposal and leasing of real property. Represents the Department on material to be published in the FEDERAL REGISTER and considers all questions arising under the Administrative Procedure Act.

(2) *Opinions Division.* (i) Prepares interpretations of laws, regulations, treaties, and conventions. Prepares opinions as requested.

(ii) Examines, approves, or drafts contracts and bonds.

(iii) Recommends disposition of questions arising from application of the Private Express Statutes.

(iv) Recommends approval of procedures and actions under laws and executive orders relating to personnel security.

(v) Prepares and tries before hearing examiners and the Judicial Officer cases involving the denial of entry or revocation of entry of second-class mail when obscenity questions are not involved.

(vi) Aids and assists in the negotiation of and interpretation of agreements made with organizations which are the representatives of postal employees.

(vii) Performs all legal services in the negotiation of and interpretation of contracts, laws, and regulations for the procurement of services and supplies in those procurement matters not assigned to other divisions of the Office of the General Counsel.

(viii) Aids and assists in the interpretation and implementation of laws affecting personnel in the Postal Service and Headquarters.

(ix) Assists and collaborates with the Department of Justice in the institution and defense of civil suits involving the Department, other than those handled by other divisions of the Office of the General Counsel.

(3) *Real Property Division.* (i) Prepares legal opinions and documents, approves contracts as to legal sufficiency, and performs all other legal services arising from the acquisition, disposal, and leasing of real property or space by the Post Office Department.

(ii) Performs the legal services in connection with the acquisition, construction, alteration, extension, and modernization of federally owned buildings used primarily for postal purposes.

(iii) Assists and collaborates with the Department of Justice in all matters pertaining to subdivisions (i) and (ii) of this subparagraph.

(h) *Office of the Associate General Counsel (Legislative-Fraud and Mailability).*—(1) *Associate General Counsel.* Directs those phases of the responsibilities of the General Counsel relating to legislation, mailability, and the fraudulent use of the mail. Represents the Department before congressional committees and Federal agencies on postal legislation matters.

(2) *Legislative Division.* (i) Coordinates within the Department the analysis, interpretation, and preparation of reports on proposed legislation affecting the Postal Establishment.

(ii) Prepares and coordinates the legislative program of the Department, including the drafting of bills, maintenance of liaison with other agencies of the Government, and participation in appearances before congressional committees and the Bureau of the Budget.

(3) *Mailability Division.* (i) Prepares interpretations as to mailability of matter under statutes relating to obscenity, fraud, lotteries, subversive, defamatory, extortious and threatening material, and firearms.

(ii) Prepares and tries before hearing examiners and the Judicial Officer cases arising under statutes covering obscene matter, lotteries, defamations, fraudulent use of the mail, and second-class mail matters involving questions of obscenity.

(iii) Considers and recommends to the General Counsel the closing of post office boxes used for deceptive or immoral purposes.

(iv) Assists and collaborates with the Department of Justice in the handling of court proceedings brought against the Post Office Department involving subdivisions (i), (ii), and (iii) of this subparagraph.

§ 822.3 Bureau of Operations.

(a) *Assistant Postmaster General.* (1) Provides functional direction for the execution of policies, programs, regulations, and procedures governing the operational activities of the Postal Establishment which involve the admissibility, classification, collection, processing, dispatch, and delivery of mail; administers the operations budget.

(2) Selects, appoints, and disciplines postmasters; appraises their performance.

(3) Selects and appoints rural carriers.

(4) Directs the establishment, consolidation, and discontinuance of mail-handling facilities (except transfer offices, airport mail facilities, and truck terminals); recommends site locations for leased and federally constructed buildings.

(5) Determines the consolidation, conversion, extension, and discontinuance of city and rural delivery services.

(6) Determines space, mechanization, and equipment requirements for postal installations; recommends priorities, participates and coordinates with others to satisfy these requirements; directs the vehicle utilization program.

(7) Determines staffing standards, maintains manpower and personnel complement controls, and administers control of supervisory staffing of post offices; directs the work measurement program.

(8) Promotes a patron relations program to encourage customer participa-

tion in the improvement of practices involving the makeup and processing of mail; directs the customer complaint program.

(9) Formulates and implements policies concerning the entry, makeup, and classification of domestic mail and application of postage rates and fees.

(10) Adjudicates, as the first level of appeal; all adverse action cases involving post office employees in which the Regional Director renders the initial decision.

(b) *Office of the Executive Assistant*—(1) *Executive Assistant.* (i) Provides staff assistance to the Assistant Postmaster General and his deputies in the formulation of policies, programs, regulations, and procedures regarding all matters within the jurisdiction of the Bureau of Operations.

(ii) Responsible for the administrative direction of the Fiscal Control Office; directs the Administrative Management Office.

(2) *Fiscal Control Office.* (i) Reviews, coordinates, and approves budget policies of the various divisions of the Bureau to assure that they conform with program and policy direction of the Assistant Postmaster General; prepares the Bureau's budget submission; assists in the presentation of the Bureau budget before review authorities.

(ii) Develops appropriated fund allocations for submission to the Assistant Postmaster General.

(iii) Coordinates all planning-programing-budgeting activities of the Bureau.

(iv) Advises the Executive Assistant and the Assistant Postmaster General and his deputies on cost trends, expenditures, and expenditure control; makes periodic and special analyses of the status of appropriation accounts.

(v) Serves as consultant to Bureau officials on financial and cost aspects of programs, projects, and management and operations studies. Provides assistance to the Executive Assistant and the Assistant Postmaster General in the preparation of the Bureau's legislative program.

(3) *Administrative Management Office.* (i) Conducts a continuing review of organization and management practices, including manpower utilization and staffing, within the Bureau.

(ii) Reviews, coordinates, and controls the clearance of proposed regulations, manuals, and procedural issuances.

(iii) Coordinates the Bureau's annual work program.

(iv) Develops, administers, and controls the Bureau's progress and status reporting system; prepares periodic and special reports as required by Bureau and Department management, including the Bureau portion of the Postmaster General's Annual Report.

(v) Directs administrative services for the Bureau, including the review and approval of travel orders, travel vouchers; approves requests for issuance of permanent travel commissions and issues temporary travel commissions.

(vi) Performs the Bureau personnel functions and maintains personnel ceiling control.

(vii) Maintains control of property within the Bureau; determines office space requirements.

(viii) Coordinates charity campaigns for the Bureau.

(c) *Special Assistant.* Performs such duties as are assigned by the Assistant Postmaster General.

(d) *Special Assistant for Policy and Projects.* (1) Serves as advisor to the Assistant Postmaster General, Bureau of Operations, on the establishment of policy and on the initiation and administration of programs for the operation and improvement of the Postal Service. Serves as principal consultant on matters of organization, management, programing, and budgeting.

(2) Directs and coordinates programing, planning, and budget policy for the Bureau of Operations participating with the Assistant Postmaster General in the presentation of the operations budget to review authorities and to the Congress.

(e) *Office of the Deputy Assistant Postmaster General—Postmasters and Patron Relations*—(1) *Deputy Assistant Postmaster General.* (i) Advises and assists the Assistant Postmaster General and acts for him at his direction.

(ii) Directs the staff and activities of Postmasters, Post Office Changes and Rural Appointments Division, Customer Relations Division, and Classification and Special Services Division.

(2) *Postmasters, Post Office Changes and Rural Appointments Division.* (i) Performs functions pertaining to selection, appointment, installation, indoctrination, and training of postmasters and acting postmasters.

(ii) Performs functions pertaining to selection and appointment of rural carriers; and consolidation of rural routes.

(iii) Establishes criteria and administers the program for appraising the conduct and performance of postmasters and acting postmasters; executes disciplinary action when warranted.

(iv) Maintains liaison with the Congress, the Civil Service Commission, and with other interested agencies and parties as necessary in order to perform the functions of the division.

(v) Develops policies and procedures, and issues directives, regulations, and instructions for the consolidation, conversion, and discontinuance of independent post offices.

(a) *Postmasters Branch.* (1) Ascertains qualifications and suitability of candidates for postmaster and acting postmaster.

(2) Recommends candidates and processes the nomination; confirmation, and appointment actions.

(3) At time of appointment, arranges for ceremonies attendant to the installation of acting postmasters and postmasters, including departmental or regional representation where appropriate.

(4) After installation, issues instructions governing the indoctrination of newly appointed postmasters and acting postmasters.

(5) Conducts performance appraisal program; analyzes and evaluates reports of regional officials and inspectors (and, when required, initiates special investigations) pertaining to conduct and performance of acting postmasters and postmasters; issues commendations, reprimands, withholding of periodic salary increases, or removal notices.

(6) Performs personnel management functions for postmasters and acting postmasters.

(b) *Rural Appointments Branch.* (1) Determines method of filling carrier vacancies; ascertains qualifications and suitability of applicants; and issues instructions for the appointment of rural carriers.

(2) Recommends policies and procedures relating to auxiliary and regular rural carrier appointments.

(3) Determines the discontinuance or consolidation of rural carrier routes when carrier vacancies occur, coordinating this activity with the Distribution and Delivery Division.

(c) *Post Office Changes Branch.* (1) Develops policies and procedures, and issues directives, regulations, and instructions for the consolidation, conversion, and discontinuance of independent post offices.

(2) Conducts studies, performs analysis, coordinates action with other interested branches, divisions, and bureaus, and authorizes changes relating to the consolidation of post offices, their conversion to stations and branches, or their replacement with rural or star route service.

(3) Evaluates requests for changes in name of independent post offices, determines advisability of effecting change, coordinates action with Board of Geographic Names, and when appropriate authorizes change in name.

(4) Prescribes regulations governing the wording to be shown in the circular portion of postmarks at all postal facilities. Authorizes exceptions to published regulations whenever circumstances require.

(5) Maintains liaison with Members of Congress, Government Agencies, and employee organizations as required for the performance of functions assigned.

(3) *Classification and Special Services Division.* (i) Recommends policies, prescribes standards, and issues regulations for the management and control of the admissibility, classification, and application of rates and fees for domestic mail and the disposition of undeliverable mail.

(ii) Makes final departmental determination, subject to appeal and hearing under the Administrative Procedure Act, on sufficiency of applications for (a) entry of newspapers and other periodical publications as second-class matter, (b) acceptance into the mail of controlled circulation publications and matter for use by the blind, and (c) granting of mailing privileges of news agents.

(iii) Recommends policies, and prescribes regulations governing the operation of post office lockbox service and the domestic registry, insurance, COD, and certified mail services.

(a) *Mail Classification Branch.* (1) Prescribes standards and regulations covering admissibility of matter to the mail, classification, and application of rates; addressing, preparation and packaging, and weight and size limitations for domestic mail, domestic free mail, official Government mail, use of penalty and franking privileges, and acceptance of mail for the Armed Forces.

(2) Prescribes the regulations and procedures for collection of postage by various permit methods, such as postage permit imprints and postage meter stamps, etc.; interprets the laws and regulations pertaining to refunds of postage.

(3) Performs staff work pertaining to the adequacy of applications for entry of newspapers and other periodical publications as second-class matter, acceptance into the mail of controlled circulation publications and matter for use by the blind, granting of mailing privileges to news agents, and authorization of nonprofit organizations to enter second- and bulk third-class matter at reduced postage rates.

(4) Administers provisions of law requiring filing and publication of statements of ownership, management, and circulation of second-class publications.

(5) Prescribes standards and regulations governing management and control of mail forwarding and return, disposition of undeliverable matter, exceptional dispatch of publisher's second-class mail, approval of additional mailing places for second-class publications, newspaper handling, mailing list correction, and handling of short-paid and unpaid mail.

(6) Administers the annual migratory waterfowl kill survey.

(7) Administers the annual alien address report program.

(8) Provides representation on the Inter-Agency Committee on Transportation of Radioactive Material and on the Advisory Committee formed by the Surgeon General to advise the Post Office Department regarding toxicity of materials when mailability is concerned.

(b) *Special Services Branch.* (1) Prescribes rules for the acceptance and handling of domestic registered, insured, special delivery, certified, COD, and special handling mail, and for the application of the fees and other charges required by law or regulation. Maintains liaison with other Government agencies and the Federal Reserve Board concerning use of the special mail services.

(2) Administers the laws and prescribes regulations under which postal insurance is paid for the loss or rifling of, or damage to, domestic registered, insured, and COD mail. Maintains actuarial data and controls.

(3) Prescribes procedures and regulations governing the use of post office lockboxes.

(4) Develops and prescribes criteria for the placement in post offices of postage metering and vending equipment for stamps and other accountable stock.

(5) Prescribes standards and maintains controls over the manufacture, distribution, and use of all postage meter equipment and the use of meter advertising dies.

(6) Administers the law and prescribes regulations for the authorization, use, and disposition of special cancellation dies used to print advertising slogans on postmarked mail.

(7) Administers the application of fees for special delivery and special handling mail.

(8) Administers the law under which certificates of mailing are issued for domestic ordinary mail of any class, and for duplicate receipts for registered, insured, certified, and COD mail.

(9) Develops and prescribes procedures for the preparation and use of Parcel Post Zone Guides and the standardization of Parcel Post Zone Keys.

(10) Prescribes the regulations for treatment of dead mail and management of dead letter and dead parcel post branches.

(4) *Customer Relations Division.* (i) Plans and directs programs concerned with promoting public cooperation in accepting new and improved mailing practices designed to reduce costs, improve mail handling efficiency and provide better mail service.

(ii) Conducts a continuing program of study and analysis of mailing public requirements; coordinates these requirements with other divisions and offices of concern; plans and develops improved customer service programs to meet, public requirements; and directs and maintains control over customer service programs in the field.

(iii) Administers a comprehensive customer relations program designed to reduce public complaints, eliminate service deficiencies, and promote public goodwill; develops postal educational material of interest and concern to the mailing public and coordinates the release of such information with the Special Assistant to the Postmaster General for Public Information; conducts surveys and requests investigations as required; conducts and coordinates experiments of new and improved customer services.

(a) *Customer Services Branch.* (1) Plans and directs the customer complaint analysis program designed to provide an effective management tool for detection of unsatisfactory postal service, as represented by customer complaints, and as criteria on which recommendations for corrective action may be taken to assure the best possible postal service.

(2) Develops and recommends policies, regulations, and procedures for all customer service functions.

(3) Develops the Bureau's program for replies, or referral of individual complaints, including followup to assure that proper corrective action is taken.

(4) Administers a continuing program to evaluate customer complaints involving mailing problems, policies and procedures; reviews and analyzes the source, cause, and pattern of complaints; and based on this pattern, refers problems or service deficiencies to the appropriate functional division for corrective action.

(5) Plans and develops technical and educational postal information to assist the mailing public in the effective and economic use of various classes of mail and special mail services.

(6) Directs a continual program of study and analysis on the availability and adequacy of mail and special mail services in relation to customer requirements; coordinates requirements with other divisions and offices; assists in obtaining customer acceptance of new and improved procedures for handling mail and special mail services.

(7) Plans and directs a program designed to promote the most economical and effective method for dispensing and using postage.

(b) *Public Cooperation Branch.* (1) Plans and directs programs designed to encourage business firms, State, and Federal Government agencies to cycle, presort, schedule and deposit mail in a manner that will assure expeditious handling, such as the Nationwide Improved Mail Service (NIMS) and Zoning Improvement Plan (ZIP) programs.

(2) Contacts mailers and representative organizations to promote interest and acceptance of NIMS and ZIP Code.

(3) Promulgates criteria for establishing and operating local mail users councils.

(4) Conducts scheduled visits to participating field installations to stimulate interest and effort in NIMS and ZIP Code.

(5) Analyzes statistical and other reports for measuring NIMS and ZIP Code progress.

(6) Directs the compilation and editing of information published in the National ZIP Code Directory and the Directory of Post Offices. Edits material for publication in the Postal Bulletin relating to changes in these directories.

(7) Plans and develops other diversified public cooperative programs to emphasize, encourage, and promote the mailing public's acceptance and use of such improved mailing practices as ZIP Code, presorting, "local" and "out-of-town" separation, dual-collection boxes, proper and correct addressing and packaging, mailer cooperation racks in lobbies, and other proved labor- and time-saving methods for the effective makeup and processing of mail.

(8) Represents the Department, and maintains liaison with the mailing public and representative mail users in studying, recommending, coordinating, and promoting the use of letter-mail standards, new procedures, and equipment for the efficient and economical handling of mail.

(f) *Office of the Deputy Assistant Postmaster General—Field Operations*—(1) *Deputy Assistant Postmaster General.* (i) Advises and assists the Assistant Postmaster General and acts for him at his direction.

(ii) Provides functional direction of post office operations and activities.

(iii) Directs the staff and activities of Installations Management Division, Distribution and Delivery Division, and Space and Mechanization Requirements Division.

(2) *Installations Management Division.* (i) Performs functions pertaining to the organization, management, establishment, and productivity of post offices and subunits thereof.

(ii) Establishes standards for the determination of supervisory structure, staffing, and complements of post offices; reviews recommendations for supervisory promotions.

(iii) Establishes and administers a work measurement system in post offices; responsible for manpower and complement control; determines proper utilization of manpower.

(iv) Establishes and administers a comprehensive system of management and service improvement studies in postal installations.

(v) Provides functional direction for the service analysis program.

(vi) Promulgates criteria for the establishment and operation of military post offices.

(vii) Provides policy guidance for distribution of less than bulk lot shipments of accountable paper.

(viii) Maintains liaison with the Congress, Government agencies, employee organizations, and other Bureaus as required to carry out the assigned functions of the division.

(ix) Represents the Assistant Postmaster General on labor relations committees and boards and in all matters pertaining to negotiation, maintenance and interpretation of labor agreements.

(*a*) *Work Measurement Branch.* (*1*) Develops and issues policies and procedures for the measurement of productivity of employees engaged in clerical and mail handling activities.

(*2*) Installs and administers, through the regions, work measurement systems and performance standards; defines areas for expansion of work measurement systems.

(*3*) Reviews distribution and allied work standards developed at local offices for mail handling operations, determines validity of such standards from engineering standpoint; and insures simplicity of application of standards in conformance with established policy.

(*4*) Initiates procedures for control of nondistribution time in mail handling operations; develops criteria for determining proper ratio of nondistribution time to total time.

(*5*) Initiates action through the regions to insure compliance with the work measurement system, and reviews the applicability of work standards and work volume counting; initiates special checks to determine, for example, whether nonpreferential circular mail is distributed during nonpremium pay hours.

(*6*) Apprises regional administration of work measurement system; initiates corrective action when necessary.

(*7*) Develops policies and guidelines for adjusting work standards to reflect installation of mechanized equipment, improved procedures, or changes in mail distribution patterns.

(*b*) *Organization and Management Branch.* (*1*) Develops and issues standards governing the organization, management, staffing, and proper utilization of manpower for post offices and subunits thereof. For mobile units, airport mail facilities, transfer offices, and truck terminals, development and issuance of standards governing the organization, management, and staffing is the responsibility of the Bureau of Transportation and International Services.

(*2*) Determines and allocates the number and kinds of positions, including supervisory and administrative, required at postal installations. See 822.464a of the Postal Manual regarding the staffing of mobile units, airport mail facilities, transfer offices, and truck terminals.

(*3*) Maintains control over clerical and mail handling allocations for post offices and subunits thereof; insures proper supervisory-employee ratios.

(*4*) Analyzes and evaluates manpower usage in post offices; recommends corrective action when indicated.

(*5*) Develops and issues policies and procedures for the provision of window services in post offices.

(*6*) Reviews regional recommendations for supervisory promotions.

(*7*) Establishes criteria for the general management of the military postal service, the establishment, discontinuance, and conversion of military post offices, branches, and stations, and the appointment of military postal clerks.

(*8*) Develops systems, procedures, and controls governing the shipment of stamp stock and other accountable paper by regional distributing post offices; recommends changes in operation, including establishment or discontinuance, of units established as accountable paper depositories and designated regional distributing post offices.

(*9*) Develops standards and criteria for the establishment of contract stations and branches, classified stations and branches and the establishment of new post offices.

(*c*) *Service Analysis Branch.* (*1*) Develops and directs a continuous program of nationwide testing and analysis to determine the efficiency of mail-handling systems and procedures, including collection, transportation, and delivery services; recommends areas for improvement.

(*2*) Directs service analysis and testing procedures to be used by regional offices; develops criteria for these procedures and evaluates the effectiveness and results of the overall test program.

(*3*) Provides technical assistance and information to Customer Services Branch in determining the Bureau response to customer complaints.

(*4*) Processes service complaints concerning delayed mail; conducts special tests for proper evaluation; recommends corrective action incident to these complaints.

(*d*) *Management and Service Improvement Branch.* (*1*) Develops and issues policies and procedures for conducting management and service improvement studies involving all phases of postal operations within a postal installation.

(*2*) Plans and coordinates post office management and service improvement programs, providing technical guidance in the field to:

(*i*) Eliminate unnecessary expenditures of workhours in all post office functions.

(*ii*) Implement management and procedural techniques for improving service wherever justified, increasing production, and reducing costs.

(*iii*) Improve employer-employee relationships in post offices.

(*3*) Develops and prepares manuals, handbooks and guidelines for conducting management and service improvement studies.

(*4*) Conducts from time to time, in cooperation with appropriate Departmental, regional, and post office personnel as required, special management and service studies in selected postal installations. As a result of such studies, proposes revisions to policy and/or procedure for consideration of appropriate Bureaus and offices.

(*5*) Develops and initiates programs to encourage employee organization participation in effecting improved post office operations.

(*3*) *Distribution and Delivery Division.* (i) Develops and issues policies, procedures, and regulations for the collection, distribution, and delivery of mail; develops and issues standards governing the establishment, extension, conversion, and mechanization of city and rural delivery services.

(ii) Develops and issues standards prescribing type, arrangement, and specifications of mail handling equipment and criteria for equipment allocation; approves vehicle design from the operational point of view, assigns new and replacement vehicles, and prescribes standards and procedures governing vehicle utilization. Develops driver training standards and procedures and administers Post Office Department driver training program.

(iii) Prescribes procedures and systems for the makeup, distribution, and dispatch of mail at post offices and stationary installations; issues guidelines and general format for city schemes.

(iv) Maintains liaison with the Congress, Government agencies, employee organizations, and other Bureaus to the extent required for the performance of the functions assigned to the division.

(*a*) *Delivery Services Branch.* (*1*) Develops and provides direction for the implementation of policies, procedures, and regulations essential to uniformity, efficiency, and economy in the collection and delivery of mail, including lockbox and general delivery.

(*2*) Conducts studies, performs analyses, and coordinates projects regarding collection and delivery services to determine adequacy, appropriateness, or required revision of policies, procedures, or regulations.

(*3*) Coordinates matters involving delivery, employee uniforms, training programs, nonmotorized equipment, and service improvement with the appropriate offices and bureaus in Headquarters and with other interested organizations and agencies as required.

(*4*) Provides professional guidance and renders decisions on establishment, extension, conversion, and mechanization of city and rural delivery service; reviews and provides technical assistance to Rural Appointments Branch on the discontinuance or consolidation of rural routes.

(*5*) Approves specifications for the manufacture and installation of apartment house mail receptacles, rural mail boxes, and mail chutes and receiving boxes; authorizes manufacture of approved design models.

(*6*) Appraises the effectiveness of regional and field operations and recommends corrective action when required.

(*7*) Develops vertical improved mail (VIM) concepts and criteria and administers implementation of program in new and existing buildings.

(*b*) *Distribution Procedures Branch.* (*1*) Develops procedures and systems governing the makeup, distribution, and dispatch of mail at post offices and stationary installations.

(*2*) Develops instructions for the preparation of city schemes and prescribes methods and procedures for their correction and maintenance.

(*3*) Establishes city scheme examination requirements, specifying frequency and method of conducting; establishes minimum proficiency levels. Coordinates with Distribution and Routing Division, Bureau of Transportation and International Services, to insure uniformity of departmental policy.

(*4*) Issues criteria governing diagrams of letter cases and pouch and sack racks with emphasis on adequacy of makeup and effect on service; coordinates mail handling plans and diagrams of outgoing and transit mail with the Distribution and Routing Division, Bureau of Transportation and International Services.

(*5*) Develops operational data for selecting type of equipment employed in mail handling operations, for establishing standards for its allocation, and for its layout.

(*6*) Reviews operational procedures and utilization data for mail processing equipment; recommends changes essential to proper mail distribution, coordinating any proposed changes involving the application or utilization of installed mail processing mechanization in accordance with 858.3 of the Postal Manual.

(*7*) Responsible for and evaluates requests for assigning, reassigning, and discontinuing ZIP Code numbers and coordinates the procedural steps involved with interested Bureaus.

(*8*) Coordinates matters concerning city schemes, distribution, training programs, and service improvement with appropriate offices and bureaus in Headquarters and other interested organizations and agencies as required.

(*c*) *Vehicle Utilization Branch.* (*1*) Provides program, planning, and management guidance for the effective control and utilization of Government-owned, hire, and contract automotive vehicles; develops methods and procedures to assist regions in improving fleet operations and in establishing vehicle utilization program goals.

(*2*) Determines the need, assigns, reassigns, and recommends delivery schedules and priorities, and directs the allocation, by regions, of all additional and replacement automotive vehicles within the approved disposal policy; recommends acquisition of, and assigns, vehicles surplus to the needs of other agencies when such vehicles are usable in the postal service.

(*3*) Recommends and approves design, capacity, and quantity of vehicle requirements to assure conformance with operating requirements.

(*4*) Establishes standards and guidelines for, and administers, the vehicle hire program; develops criteria for comparing costs of contract and Government-owned vehicles.

(*5*) Administers the annual vehicle utilization survey; establishes reporting needs for vehicle utilization.

(*6*) Develops criteria and guidelines for driver training and directs driver training programs of the Post Office Department.

(*7*) Maintains necessary liaison on cost accounting with Bureau of Finance and Administration.

(*8*) Develops criteria and plans for the installation and operation of vehicle traffic control centers.

(*4*) *Space and Mechanization Requirements Division.* (i) Serves as the principal advisor to the Assistant Postmaster General for the application of postal operating techniques to determine and fulfill requirements and needs.

(ii) Develops policies, procedures and determination of long range facility requirements; recommends 5-year space and mechanization programs and updates them annually; recommends modification or alteration of existing facilities according to service needs; uses economic data, population data, urbanization trends, etc., as needed in connection with long range requirements; forecasts future space and mechanization requirements; and maintains liaison with Government agencies, other bureaus, and private industry as required to perform the assigned functions of the Division.

(iii) Establishes and promulgates policies, plans, and procedures governing the determination and provision of space for post offices and other postal facilities; authorizes and directs operations surveys for facility planning; coordinates the development and approval of distribution and operations concepts; authorizes and directs space surveys; analyzes and approves space and mail volume data; provides operational guidance in the planning and development of facility projects; approves project drawings and mechanization specifications for the Bureau.

(iv) Establishes criteria and standards for determination of postal space and develops operational criteria for mechanization and equipment design and utilization; participates in testing and evaluation of proposed and installed mail handling mechanization and systems; makes final decision as to acceptance of same for service use.

(v) Develops and coordinates for the Bureau the operational input required by the Bureau of Research and Engineering for an effective research and development program.

(vi) Makes and participates in studies emanating from the Office of Planning and Systems Analysis.

(vii) Provides functional guidance and liaison for regional activities concerning space, mechanization planning and equipment requirements; reviews and evaluates regional space programs and projects; establishes and reviews regional reports concerning same.

(viii) Coordinates for the Bureau all matters relating to the utilization of operating space, equipment, and mail handling mechanization in existing postal plants and in new postal plants being occupied; approves changes in application and utilization of installed mail processing mechanization.

(ix) Coordinates for the Bureau all matters relating to assignment, installation and utilization of new approved nonfixed mechanized mail processing equipment; develops operating equipment needs for budget purposes; expedites and coordinates timely supply of equipment.

(x) Develops and monitors divisional operating procedures; reviews organization and staffing requirements; controls clearance and distribution of all issuances; administers progress and status reporting system; directs personnel, office management, and forms control activities; provides liaison with investigative agencies; maintains policy and precedent files.

(*a*) *Space Requirements Branch.* (*1*) Formulates policies and procedures governing the determination and provision of operational space and equipment requirements for post offices and other postal installations.

(*2*) Plans requirements, studies, forecasts and develops a 5-year postal space program and updates it annually; recommends modification or alteration of existing facilities according to service needs; forecasts future postal space allocations and related operational requirements.

(*3*) Coordinates the development and approval of distribution and operations concepts for facility projects; authorizes, directs and participates in space surveys; analyzes and approves space and mail volume data.

(*4*) Participates with interested bureaus and offices in cost studies relating to the acquisition of new or improved space.

(*5*) Provides operational guidance in the planning and development of new or improved facility projects; reviews and coordinates Bureau approval of site utilization, preliminary and tentative building, and block and systems layout drawings.

(*6*) Establishes criteria and standards for determination of postal space; develops procedures and guidelines for the conduct of operations surveys, space surveys and mail volume counts for facility planning.

(*7*) Provides functional guidance for regional space activities; reviews and evaluates regional space programs and projects; establishes and reviews region-

al reports concerning same; maintains liaison between regional and headquarters authorities on matters affecting regional space programs and projects.

(8) Coordinates the development and approval of regional office and postal data center space.

(9) Provides guidance in the relocation to new or improved quarters; activates occupancy planning committees on major facility projects.

(10) Evaluates and coordinates for the bureau proposed new and changes to post office equipment; develops operating equipment needs; forecasts needs for budgetary purposes; and coordinates and expedites the timely supply of such equipment.

(11) Makes and participates in studies emanating from the Office of Planning and Systems Analysis.

(12) Maintains liaison with Government agencies, other bureaus and private industry as required to perform the assigned functions of the branch.

(b) *Mechanization Coordinating Branch.* (1) Serves as the central coordinating office (i) in the Bureau for operational matters involved in the mechanization of mail processing functions, and (ii) for the Bureau with other bureaus and offices for all matters involved in the mail processing mechanization program.

(2) Plans, studies, forecasts and develops a 5-year mechanization program and updates it annually; recommends additions or alteration to existing mechanization according to service needs; forecasts mechanization requirements for budgetary purposes.

(3) Provides the Bureau of Research and Engineering with operational requirements for the initiation, continuation, and completion of research and development projects.

(4) Determines from an operational or service standpoint, type and quantity of proven mail handling mechanization equipment required for new and existing postal facilities.

(5) Reviews and approves systems layouts and economic analyses of machines and mechanized systems.

(6) Reviews and evaluates mechanization drawings and specifications, preliminary and tentative and architect-engineer building drawings for mechanized facilities; provides recommendations.

(7) Conducts and participates in studies and analyses of performance, economy, and efficiency of installed mechanized equipment; determines the relative effectiveness and appropriateness of proposed mail handling mechanization and mechanized processes as compared to current manual or mechanized processes.

(8) Participates in the operational evaluation and testing of experimental development projects involving mail processing machines, machine systems and equipment; reviews specifications and operational test data; determines whether mechanization has been approved.

(9) Recommends post offices for testing new mail processing machines and mechanized systems; collaborates with other Headquarters and field activities in development of test program and to minimize service interference at site.

(10) Develops operational criteria for fixed and nonfixed mail handling mechanization design and utilization. Serves as coordinating office in the Department for changes in the application or utilization of installed mail processing mechanization.

(11) Provides operational guidance during installation and phase in of major mechanization to facilitate orderly transition from existing facilities to new mechanized facilities.

(12) Coordinates and directs assignment, installation, and utilization of nonfixed mechanization in new and existing facilities; coordinates the preparation and provision of all operational orientation and training materials and equipment necessary for correct operation and utilization of the equipment. Provides on-site assistance as required to accomplish this work.

(13) Provides functional guidance for regional mail handling mechanization activities and planning.

(14) Makes and participates in studies emanating from the Office of Planning and Systems Analysis.

(15) Maintains liaison with Government agencies, other bureaus and private industry as required to perform the assigned functions of the branch.

§ 822.4 Bureau of Transportation and International Services.

(a) *Assistant Postmaster General.* (1) Provides functional direction for the execution of policies, programs, regulations, and procedures governing the transportation activities of the Postal Establishment, which involve the distribution, routing, and dispatch of outgoing and other transit mail; administers the transportation budget.

(2) Prescribes the regulations governing the selection of transportation media and the procurement of transportation from and supervision of service performance by mail carriers; appraises the administration of these regulations by regional officers.

(3) Establishes the policies governing the distribution, routing, and dispatch of outgoing and other transit mail in all postal units and designates the installations at which intransit mail distribution will be performed.

(4) Determines the establishment and discontinuance of railway post offices, highway post offices, airport mail facilities, transfer offices, and truck terminals and develops the regulations governing the performance of their functions; appraises the performance of these units.

(5) Plans, programs, and evaluates the expenditure of all funds appropriated for transportation activities.

(6) Establishes and issues standards for the organizational form and staffing of mobile units, airport mail facilities, transfer offices, and truck terminals.

(7) Implements policies and programs and effects operating arrangements for the exchange of mail with other countries U.S. territories and possessions, and military installations outside the United States.

(b) *Executive Assistant.* (1) Advises and assists the Assistant Postmaster General and acts for him at his direction. Directs the activities of the congressional liaison function and coordinates the Bureau legislative program.

(2) Assists the Assistant Postmaster General on matters of staff coordination, planning, and reporting.

(3) Provides staff assistance to the Assistant Postmaster General and his deputy in the formulation of policies, programs, regulations, and procedures regarding all matters under the jurisdiction of the Bureau of Transportation and International Services.

(c) *Deputy Assistant Postmaster General.* (1) Advises and assists the Assistant Postmaster General and acts for him as directed.

(2) Directs the activities and staff of the Domestic Transportation, Distribution and Routing, Transportation Economics and Development, and International Services Divisions, and the Office of the Director, Program Budgeting and Administration.

(3) Acts as chairman of the Mail Service Coordinating Committee and directs its activities.

(d) *Office of Program Budgeting and Administration*—(1) *Director.* (i) Provides assistance to the Assistant Postmaster General and his Deputy in carrying out the transportation policies of the Bureau.

(ii) Directs and coordinates the financial programing and budgeting functions of the Bureau.

(iii) Directs and coordinates the activities of the Fiscal Control and Administrative Office.

(2) *Administrative Officer.* (i) Provides administrative assistance to the Assistant Postmaster General and his deputy and common administrative services for all components of the Bureau; performs the Bureau personnel functions.

(ii) Reviews and recommends Bureau organization and management practices, including manpower utilization and staffing; maintains the personnel ceiling control.

(iii) Coordinates the Bureau annual work program and develops, administers, and controls the Bureau system for reporting project status and major accomplishments; prepares periodic and special reports as required by top management.

(iv) Develops, reviews, coordinates, and controls the clearance of proposed issuances for the Bureau.

(v) Conducts the Bureau forms control and reports management program; arranges for issuance of permanent travel commissions and issues temporary commissions.

(vi) Maintains control of property within the Bureau; determines office space requirements.

(vii) Develops, coordinates, and publishes transportation civil defense plans and transportation mobilization plans.

(3) *Fiscal Control Officer.* (i) Reviews and coordinates field budget proposals for transportation of mail and mail bag equipment; prepares the Bureau budget submission and assists in its presentation before departmental and Bureau of the Budget review authorities.

(ii) Recommends allocations of funds for procurement of transportation services.

(iii) Advises the Director, Program Budgeting and Administration, Assistant Postmaster General, his deputy, and other staff members on cost trends, expenditures, and expenditure control; makes periodic and special analyses of the status of appropriation accounts.

(e) *Domestic Transportation Division*—(1) *Director.* (i) Provides assistance to the Assistant Postmaster General and his deputy in carrying out the transportation policies of the Bureau.

(ii) Directs and coordinates the activities of the Air, Highway, Railway, and Mail Equipment Transportation Branches.

(2) *Air Transportation Branch.* (i) Recommends policies, develops procedures, and issues regulations governing transportation of domestic mail by certificated domestic and territorial air carriers, including U.S. flag carriers to and within Puerto Rico and the Virgin Islands, Hawaii and Alaska. Obtains CAB certification of routes to be flown by air star route operators. Also responsible for policies, procedures and regulations on air taxi operators.

(ii) Reviews legislation and governmental regulations affecting transportation of mail by air carriers and recommends necessary changes in procedures. Makes administrative interpretation and determines applicability to mail service of orders issued by the Civil Aeronautics Board.

(iii) Confers with air carriers for new or improved schedules to better meet postal needs.

(iv) Constructs and publishes composite rates based on great circle mileages payable under CAB orders for domestic transportation of mail by air.

(v) Negotiates with air carriers to resolve matters of schedule deficiencies, divisions of mail, rate differences and overload situations, exercising necessary latitude as to mail to be carried, coordinating with Distribution and Routing Divsion for issuance of any necessary field instructions.

(vi) Maintains liaison with air carriers and the industry associations concerning all operational matters pertaining to the domestic transportation of mail by air.

(vii) Reviews and designates airline schedules to assure prompt distribution to postal facilities concerned.

(viii) Recommends policy for division of airmail and first-class-mail-by-air among domestic air carriers.

(ix) Develops and recommends operating programs, in cooperation with air carriers, for improvement of performance, facilities, and equipment.

(x) Designs systems for appraising the performance of domestic air carriers and imposing penalties of irregularities or deficiencies in service rendered; reviews regional performance to assure equitable and uniform administration of the system.

(xi) Develops requirements for training of field personnel engaged in supervision of the transportation of mail by domestic air carriers.

(xii) Coordinates with Bureau of Finance and Administration, carriers and industry associations on programs to simplify and improve procedures on common interest matters.

(xiii) Implements departmental policy regarding philatelic recognition of CAB authorizations for new domestic air service and prepares appropriate Postal Bulletin announcements.

(3) *Highway Transportation Branch.* (i) Recommends policies, develops procedures and issues regulations governing transportation of mail by contract on highways, domestic water routes, and air star routes.

(ii) Reviews legislation and Government regulations affecting transportation of mail by contract carriers and recommends necessary procedural changes.

(iii) Maintains liaison with highway and water carriers and their associations concerning all operational matters pertinent to the transportation of mail.

(iv) Develops and recommends operating programs, in cooperation with contract carriers, for improvement of performance, facilities, and equipment.

(v) Designs systems for appraising the performance of and imposing penalties on highway carriers for deficiencies in service; reviews regional performance to assure equitable and uniform administration of the system.

(vi) Works closely with the Vehicle Utilization Branch of the Bureau of Operations to develop policies and to integrate mail transportation by contract motor carriers and Government-owned motor vehicles.

(vii) Develops and recommends specifications for functional design and construction of highway post office vehicles.

(viii) Designs systems for appraising and determining the justification and validity of contract carriers' applications for increased compensation.

(ix) Develops requirements for training field personnel engaged in supervision of mail handling by highway and water carriers.

(x) Sets up contractual procedures and provides operating guidelines for contract truck terminals.

(4) *Railway Transportation Branch.* (i) Develops and recommends policies, procedures, and regulations governing transportation of mail by railroads.

(ii) Reviews proposals, revises, prepares, and recommends appropriate action on all contracts and agreements with railroads to meet current transportation service requirements. Maintains Bureau files of all contracts and agreements and participates in negotiations when needed.

(iii) Maintains close liaison with Transportation Economics and Development and Distribution and Routing Divisions in the process of entering into contracts and agreements with railroads to insure adherence to the national transportation pattern, the service requirements and long-range planning.

(iv) Develops carload movements and schedules for bulk mail and coordinates rail transportation of such mail in participation with Distribution and Routing and Transportation Economics and Development Divisions.

(v) Develops mail handling and transportation programs in cooperation with railroads for improvement of schedules, mail handling and mobile equipment.

(vi) Designs systems for appraising performance of and imposing penalties upon rail carriers for deficiencies in the required service; reviews regional performance to assure equitable and uniform administration of the system.

(vii) Maintains liaison with rail carriers and railroad associations concerning all operational matters pertaining to the transportation of mail by railroads.

(viii) Reviews legislation and Government regulations affecting the transportation of mail by rail and recommends necessary procedural changes.

(ix) Participates in the preparation of data and exhibits and in their presentation before regulatory bodies responsible for regulations and rates governing the operation of rail carriers.

(x) Develops and recommends specifications for functional design and construction of railway post office and storage mail cars, in collaboration with the railroads.

(xi) Develops requirements for training field personnel engaged in supervision of mail handling by railroads.

(xii) Provides liaison between other bureaus and the railroads for transportation of special shipments of supplies and equipment not ordinarily provided for in the regulations.

(5) *Mail Equipment Transportation Branch.* (i) Recommends policies, designs procedures, and issues regulations governing the transportation, storage, and distribution of mail bags and locks.

(ii) Prepares the annual estimates for mail bags and locks and recommends their priority of manufacture.

(iii) Recommends the location and size of mail bag depositories and their establishment, discontinuance, or modification.

(iv) Coordinates the activities of regional mail equipment officers to ensure adherence to national policies and procedures.

(v) Maintains liaison with carriers to develop new or improved methods for handling and transporting mail bags and locks. Negotiates with carriers for favorable rates.

(vi) Develops and recommends criteria for the establishment and maintenance of mail equipment stock levels by depositories, large offices, and large private users.

(vii) Participates with the Bureaus of Facilities, Operations and Research and Engineering in the design, development, and testing of new or improved mail bags, locks, and seals.

(viii) Maintains liaison with large private users of mail bags to ensure maximum utilization of bags.

(ix) Maintains contact with General Services Administration for proper processing of freight rate quotations offered to the Post Office Department by carriers.

(f) *Distribution and Routing Division*—(1) *Director.* (i) Provides assistance to the Assistant Postmaster General and his deputy in carrying out the mail transportation policies of the Bureau.

(ii) Directs and coordinates the activities of the Schemes and Routing, Transit Organization Control, and the Transportation Requirements Branches.

(2) *Schemes and Routing Branch.* (i) Develops criteria and instructions for the preparation of all types of schemes (except city schemes) used in the distribution and dispatch of all classes of mail; establishes methods and procedures for correcting and maintaining schemes in current status.

(ii) Authorizes distribution of interregional outgoing and transit mail of all classes in postal installations and units; approves all distribution performed in mobile units; and maintains control over changes made in the distribution pattern.

(iii) Prescribes content and frequency of issuance of Regional Schedules of Mail Routes; designs format for these schedules and establishes control over material to be included therein.

(iv) Provides support to the Bureau of Operations in the encouragement of large mailers in the makeup and processing of mail on the mailer's premises; advises on the dispatch and transportation of large mailings.

(v) Prescribes the distribution and routing within the United States of overseas military mail and the routing of international mail to exchange offices.

(vi) Participates in the development of policies for and maintains control over the labeling of mail and the production of necessary labels and slips.

(vii) Recommends the establishment or discontinuance of airport mail facilities.

(viii) Develops policies and issues instructions for the handling of registered mail, including the routing and protecting in transit.

(ix) Arranges for and coordinates such changes in schedules, schemes, and other instructions as are necessary to assure correct routing of mail.

(x) Establishes scheme examination requirements, including types, frequency, and method of conducting for all except city schemes; determines minimum proficiencies to be attained in qualifying under scheme examination; and coordinates these requirements with Distribution and Delivery Division, Bureau of Operations, to insure uniformity of departmental policy.

(xi) Develops programs and procedures for maintaining a well qualified work force in coordination with the Bureaus of Personnel and Operations.

(xii) Administers and controls programs for the preparation and issuance of schemes and related routing instructions through use of data-processing equipment.

(xiii) Determines the format of post route maps and other study aids.

(xiv) Coordinates any changes in distribution or routing which involve changes in the application or utilization of installed mail processing mechanization in accordance with 858.3.

(3) *Transportation Requirements Branch.* (i) Recommends specific requirements for surface and air transportation.

(ii) Recommends the location and service areas of mail concentration centers—sectional centers, national transportation centers, and central distribution units.

(iii) Recommends the establishment, discontinuance, or major modification of the operation of railway and highway post offices and transfer offices, based on analysis of functional data, service criteria, and transportation cost.

(iv) Develops and recommends operating requirements for all forms of intercity contract and common carrier mail transportation to assure the integration of indivdiual movements with the overall transportation pattern for the most expeditious movement of all classes of mail.

(v) Participates in the development of requirements for training field personnel engaged in supervision of mail handling by carriers and issues regulations governing the performance of their functions.

(vi) Maintains liaison with the Bureaus of Personnel, Operations and Research and Engineering in cases involving personnel impact caused by diversions of distribution between mobile units and post offices, and by facility planning and with the Bureau of Operations in accordance with 858.3 in cases involving changes in the application or utilization of installed mail processing mechanization.

(4) *Transit Organization Control Branch.* (i) Develops and recommends action on the following:

(*a*) Policies and instructions for the general field management of RPOs, HPOs, AMFs, transfer offices, and truck terminals.

(*b*) Procedures and systems for internal mail handling in RPOs, HPOs, AMFs, transfer offices, and truck terminal type installations. Coordinates with the Bureau of Operations when these units are an integral part of the local post office or when the recommended changes involve the application or utilization of installed mail processing mechanization.

(*c*) Staffing requirements for the efficient management of RPOs, HPOs, AMFs, transfer offices, and truck terminals by field installations.

(*d*) Standards for the supervisory organization in RPOs, HPOs, AMFs, transfer offices, and truck terminals, including determination of the number and kind of supervisory positions required.

(*e*) Clerical and mail handler staffing standards in RPOs, HPOs, AMFs, transfer offices and truck terminals.

(ii) Obtains concurrence of Bureau of Operations on actions proposing supervisory increases in complements of mobile unit sections, airport mail facilities, transfer offices, and truck terminals.

(iii) Appraises operating efficiency of RPOs, HPOs, AMFs, transfer offices, and truck terminals through periodic analysis of inspection, trip observation, mail volume, and special reports.

(iv) Makes periodic analysis of delayed mail reports (Form 5339) and recommends changes to assure completion of essential distribution in mobile units.

(g) *International Service Division.* (1) Provides assistance to the Assistant Postmaster General and his deputy in carrying out the transportation policies of the bureaus.

(2) Recommends policies, develops procedures, and administers regulations for exchange and transportation of all classes of international mail and U.S. military mail to bases in other countries.

(3) Designates distribution points within the United States, and prescribes schemes and regulations for distribution and makeup of international and U.S. military mail; prescribes the overseas routing of all international mail and military airmail.

(4) Recommends policies, develops procedures, and administers regulations relating to rates for transportation of mail between the United States and other countries.

(5) Designs systems for reviewing and appraising the performance of, and imposing penalties on, U.S. international carriers for deficiencies in service; reviews regional performance to assure equitable and uniform administration of the system.

(6) Implements international postal agreements and administers regulations resulting therefrom.

(7) Advises the Bureau of Finance and Administration concerning international mail accounting and postage rates.

(h) *Transportation Economics and Development Division*—(1) *Director.* (i) Assists the Assistant Postmaster General and his deputy in carrying out the transportation policies of the Bureau.

(ii) Directs and coordinates the activities of the Economics and Development Branches.

(2) *Economics Branch.* (i) Makes economic and statistical studies and develops operating data, cost formulas, and rate structures relating to mail transportation; applies these and other economic principles in special projects; provides information and professional guidance in transport economics and statistics required in planning for overall mail transportation programs.

(ii) Develops sound methods and techniques for management review, analysis, and control of effectiveness of purchase and use of transportation services and facilities, including unit cost factors for mail transportation.

(iii) Makes short- and long-range projections of mail traffic trends, in terms of priority and nonpriority movements, by type of transport, and between areas.

(iv) Provides economic support for legislative matters concerning mail transportation.

(v) In cooperation with General Counsel and interested Bureaus or departmental units, develops and coordinates departmental presentations in transportation rate and route cases before regulatory agencies.

(vi) Makes comprehensive studies of carrier economics, including development of trends in carrier availability and transportation potential, as well as carrier costs and operating data.

(vii) Analyzes commercial transportation rates and pricing practices to provide basis for rate negotiations with carriers and development of new methods of pricing for mail transportation.

(viii) Maintains necessary liaison with regulatory, rate, statistical, operational, and economic specialists in Department and other Government agencies.

(ix) Gives functional guidance and professional direction to regional transportation research personnel.

(3) *Development Branch.* (i) Develops, defines, and reviews the national postal transportation system to insure a uniform and coordinated transportation pattern; serves as the focal point for long range transportation planning and programing.

(ii) Develops new concepts of postal service, such as National Integrated Postal Service (NIPS) plan, and reviews revisions thereof.

(iii) Establishes transportation needs for all major new or modernized postal facilities and their interrelationship in the national transportation pattern. Coordinates with other divisions, bureaus, offices, and regions in planning, layout, and activation of all major new or modernized postal facilities. Represents Bureau on departmental facility planning groups.

(iv) Negotiates, when directed, with carriers and terminal companies for agreements on mail exchange and conveyor construction and maintenance at new or modernized postal facilities.

(v) Evaluates, in conjunction with other Bureau divisions, major proposals for mail diversions, changes in transportation media, and change in mail patterns.

(vi) Negotiates, when directed, terms for contractual agreements with carriers, terminal companies, and transportation agencies for major services, for new services, and for special rates in cases which affect the national transportation pattern.

(vii) Directs studies of mail flows and routings by major geographic areas to determine best service and cost routings and most effective transit distribution concentration points. Reviews suggested changes and revisions in these flows and routings. Recommends to Distribution and Routing Division points at which distribution of transit mail should be performed and the routing of such mail to and from these points.

(viii) Directs studies of mailings by publishers, mail order houses, and other large mailers to determine most expeditious and economic methods of entry and transportation, in coordination with Distribution and Routing and Domestic Transportation Divisions.

(ix) Develops label coding systems for improved mail routing and handling.

(x) Develops container uses for mail transportation.

(xi) Conducts experimental operations in conjunction with carriers to test postal feasibility of transportation equipment and terminal systems developments.

(xii) Maintains liaison with departmental and other Government bureaus and offices and with transportation industry and trade groups with regard to developments in transportation and terminal services and their applicability to the postal service.

(xiii) Determines need for legislative changes to improve mail transportation and makes appropriate recommendations.

§ 822.5 Bureau of Finance and Administration.

(a) *Assistant Postmaster General.* (1) Responsible for the policies and overall development and administration of the Department's financial management program which includes the following areas:

(i) Collection, custody, and disbursement of funds and control of accountable paper.

(ii) Budget formulation and execution.

(iii) Accounting and costing.

(iv) Cost ascertainment (determination of revenues, costs, and volumes by classes of mail and service).

(v) Postal rates and fees development.

(vi) Economics.

(vii) Domestic, international, and military money order systems.

(viii) Postal savings system.

(ix) Financial and statistical reporting (internal and external).

(x) Liaison with the Treasury Department, the Bureau of the Budget, and the General Accounting Office.

(2) Serves as financial advisor to the Postmaster General and his staff and has primary responsibility for the development and presentation of testimony at hearings on appropriation requests and requests for actions on postal rates and other financial legislative actions.

(3) Plans, develops, and recommends to the Postmaster General and Deputy Postmaster General long-range programs to improve the organization, management, and performance of the Post Office Department. Directs programs as required. Reflects effects of long-range programing on the Department's budget requests and in improved financial management. Periodically informs the Postmaster General and the Deputy Postmaster General as to the progress of departmental, financial, and other management programs.

(4) Serves as advisor to the Postmaster General and the Deputy Postmaster General on the organizational structure and functional responsibilities of the bureaus and offices and the Postal Field Service. Coordinates proposed changes in headquarters with affected bureaus and offices.

(5) Provides technical assistance on policies and programs affecting the management of the Postal Service.

(6) Provides coordination of activities of bureaus and offices in areas involving joint planning and action.

(7) Develops policy for application, operation, and administration of automatic data processing (ADP).

(8) Establishes policy for and directs the preparation, release and distribution of official orders, and regulations of the Department.

(9) Advises on statistical and mathematical principles and techniques used in the Department; designs and develops statistical programs of the Department; provides professional staff services in developing and applying mathematical and statistical principles and techniques to the solution of financial, management, and operating problems of the Department.

(b) *Special Assistant and Administrative Services*—(1) *Special Assistant to Assistant Postmaster General.* Provides staff assistance to the Assistant Postmaster General in the formulation and implemenation of policies, programs, regulations, and procedures under his jurisdiction; provides program direction to administrative services.

(2) *Administrative Services.* (i) Provides administrative assistance to the bureau.

(ii) Develops the Bureau's budgetary requirements.

(iii) Maintains personnel ceilings and provides assistance in all areas of personnel administration for employees under the direction of the Assistant Postmaster General.

(iv) Handles bureau property control, and provides common administrative services to all components of the bureau.

(v) Coordinates bureau program on employee suggestions.

(vi) Serves as liaison with the Bureau of the Chief Postal Inspector on civil defense matters.

(c) *Office of the Deputy Assistant Postmaster General and Controller*—(1) *Deputy Assistant Postmaster General and Controller.* (i) Advises and assists the Assistant Postmaster General and acts for him as directed.

(ii) Assists the Assistant Postmaster General in developing policies for the Department's financial management program.

(iii) Provides technical financial assistance to the Assistant Postmaster General.

(iv) Provides technical assistance to the Assistant Postmaster General in developing and evaluating programs and policies for managing the postal service.

(v) Provides coordination of activities of bureaus and offices in areas involving joint planning and action.

(vi) Plans and develops long-range programs to improve the management performance of the postal service, such as the use of statistical science and automatic data processing (ADP). Provides advice and assistance to bureaus and offices in their development of compre-

hensive programs for accomplishing their missions.

(vii) Assists the Assistant Postmaster General with respect to preparing, releasing and distributing all official orders and regulations of the Department.

(viii) Serves as the liaison with other bureaus and offices on matters concerning the Universal Postal Union (UPU) and the Postal Union of the Americas and Spain (PUAS).

(ix) Directs the staffs and activities of the bureau components. Provides technical guidance to Regional Controller Divisions and Postal Data Centers.

(2) *Executive Assistant to Deputy Assistant Postmaster General and Controller.* (i) Provides staff assistance to the Deputy Assistant Postmaster General and Controller in formulating and implementing policies, programs, regulations, and procedures under his jurisdiction.

(ii) Administers the bureau project control system and assists in planning and coordinating major project efforts.

(iii) Maintains bureau control and review of all official orders and regulations, coordinating drafts with appropriate divisions and bureaus.

(iv) Maintains liaison for the bureau with regional controller divisions, and postal data centers, and furnishes them technical guidance.

(v) Assists the Deputy Assistant Postmaster General and Controller in establishing priorities for the various assignments and requirements that bureau offices and divisions impose upon the regional controller divisions and the postal data centers.

(vi) Coordinates bureau participation in management appraisals of the regions, and postal data centers.

(3) *Assistant Controller for Budget and Programs*—(i) *Assistant Controller.* Directs those portions of the responsibilities of the Assistant Postmaster General which involve budget and program planning, programing formulation, execution and review and analysis. Assists or represents the Assistant Postmaster General in the presentation of estimates before the Bureau of the Budget and Congressional committees on appropriations and maintains liaison with these bodies.

(ii) *Programing Division.* (*a*) Maintains the Department's program structure.

(*b*) Reviews program submissions and insures adequate coordination of proposals within the Department.

(*c*) Provides administration over the POD programing system.

(*d*) Serves as a focal point of management control coordination of the programing and budgeting system.

(*e*) Maintains the Department's program and financial plan.

(*f*) Reviews and coordinates all program changes proposed by other divisions in Bureau of Finance and Administration and prepares overall bureau position.

(iii) *Budget Division.* (*a*) Develops and recommends an overall annual program and financial plan for the Department based on the programs of the operating bureaus and the regions, consistent with the priorities outlined by the Executive Planning Board.

(*b*) Prepares, reviews, apportions, allots, and adjusts the Post Office Department budget based on the Department's program and financial plan.

(*c*) Prepares instructions governing the formulation, execution, and review of the Post Office Department budget.

(*d*) Forecasts obligations, maintains budgetary summaries reflecting current obligations, expenditures, and trends, based on accounting reports and program changes.

(*e*) Evaluates and reports on the cost effects of all legislative proposals affecting the postal service, conducting specific cost studies as necessary.

(*f*) Acts as focal point for control records, information, and guidance on employment ceilings.

(*g*) Assures that the Department is fully reimbursed for goods and services furnished other Government agencies on a reimbursable basis.

(*h*) Conducts negotiations and reimbursement programs for official mailings of all Government agencies and for franked mailings of members of Congress.

(*i*) Serves as the local point of coordination and provides functional guidance to regional controller divisions on budget and program plans.

(iv) *Review and Analysis Division.* (*a*) Develops and maintains a system for measuring Department-wide accomplishments against programs, goals, and objectives. Performs review and analysis of all ongoing programs relative to time, funds, and performance.

(*b*) Serves as the central management information reporting organization of the Department, establishes criteria for management information systems, and operates a management system for control over reports.

(*c*) Establishes and maintains a Headquarters Management Information Center and provides top management reports, reflecting current status of all ongoing programs with necessary analysis. Develops similar systems for field environment.

(*d*) Reviews all financial management information or otherwise concurs prior to release.

(*e*) Identifies potential fiscal problem areas and recommends corrective action.

(*f*) Develops and coordinates financial and program reporting requirements for all levels of management in the Department and provides functional guidance to regional controllers in the preparation of management reports.

(4) *Assistant Controller for Accounting*—(i) *Assistant Controller.* Directs those phases of the responsibilities of the Assistant Postmaster General which relate to financial systems, procedures, and accounting.

(ii) *Financial Systems Management Division.* (*a*) Develops financial management policy for the Post Office Department, including Headquarters, regional offices, postal data centers, post offices, and other field installations.

(*b*) Develops systems for all aspects and all levels of financial management including accounting, budget, and cost.

(*c*) Reviews financial policy and procedures with the General Accounting Office for the purpose of obtaining the Comptroller General's approval of the financial management policy and procedures of the Post Office Department.

(*d*) Maintains instructions and provides interpretations to the Headquarters and field on financial management policy and procedures. Provides emergency instructions and guidance on new or difficult financial transactions occurring at any postal installation.

(*e*) Reviews changes in law and regulations and develops new procedures or amendments to existing procedures to implement any instructions that are required in the financial area.

(*f*) Develops or coordinates replies to those reports from the General Accounting Office or the Chief Postal Inspector which require replies from (a) the Bureau of Finance and Administration; (b) the postal data centers; or (c) the regional controller divisions. Recommends and implements any changes in procedures which are deemed desirable after a review of these reports. Participates in exit interviews on proposed reports where significant findings or recommendations are contemplated.

(*g*) Reviews instructions drafted by other bureaus and offices which affect financial management to see that these instructions conform with approved or accepted financial management policy; assists operating personnel in installing, testing, and maintaining procedures, including use of business machines (as distinguished from computers); collaborates in evaluating effectiveness of procedures and in establishing performance standards.

(*h*) Directs a program for improving financial management in post offices by providing technical and professional guidance through regional controller divisions. Encourages technical training at post offices.

(*i*) Formulates and recommends policies and directs administration of regulations and procedures for the handling and protection of monies, stamps, and accountable paper; the receipt, banking and disbursement of funds; and the postal savings system.

(*j*) Maintains liaison on financial systems management matters with the Treasury Department, General Accounting Office, General Services Administration, Civil Service Commission, Civil Aeronautics Board, Interstate Commerce Commission and other U.S. Government agencies that affect financial management in the Post Office Department.

(*k*) Develops or consolidates and monitors all national and Headquarters accounting reports, including those submitted to the Congress, other U.S. Government agencies or Headquarters officials. Has full responsibility for accuracy and timeliness of these reports and certifies them prior to transmittal to the Assistant Controller for Budget and Programs. Consolidates and monitors all nonfinancial reports prepared in the postal data centers to see that they conform with specifications prior to their release to the requesting organization.

(*l*) Performs national reconciliations, as required, among financial reports and records of data centers, regional offices, Federal Reserve Banks, Treasury, and other U.S. Government agencies.

(*m*) Performs Headquarters financial services including direct technical guidance and control of Headquarters accounting functions performed at New York Postal Data Center.

(*n*) Provides technical guidance to the regional controller divisions and postal data centers on all accounting and financial systems matters.

(*o*) Develops systems concepts for applications in the financial management area to serve as the basis for development of systems specifications by the Office of ADP Management.

(iii) *Cost Analysis Division.* (*a*) Plans and directs the development of programs, principles, and techniques for cost studies and analyses of postal operations and for the coordination of these cost functions in the regions.

(*b*) Prepares cost analyses, studies, and reports for the Post Office Department, coordinating regional and post office cost findings and determinations.

(*c*) Provides professional accounting and management analysis techniques and services for the various cost analysis subject areas in the program.

(*d*) Prepares cost data in conjunction with Bureau of Transportation and International Services for presentation to regulatory agencies in the fixing of mail transportation rates.

(*e*) Coordinates with the Bureaus of Research and Engineering, Operations, Transportation and International Services, and Facilities in performing cost evaluation of proposed changes to current mail transport and processing systems to determine (1) need for equipment, (2) type of equipment and (3) expected cost effect.

(*f*) Makes comparative cost finding studies on effect of major mechanical installations in post offices.

(*g*) Devises and provides methods and criteria for evaluating the cost effects of proposed new or changed post office operational policy, methods, and procedures, associating the evaluated differences with anticipated costs and effects to be attained.

(*h*) Coordinates the economic evaluation of proposed major postal complexes, providing the operating bureaus' representatives the essential cost data and workload characteristics for specific projects and prepares the comprehensive evaluation on each proposal.

(*i*) Provides the Bureaus of Research and Engineering and Operations with methods and procedures for regional and post office use to determine and control operational costs during phase-in periods in new major facilities.

(*j*) Within the planning, programing and budget system, reviews and assesses for cost validity all proposals on basic program categories and subordinate program elements, and intermittent proposals for changes, eliminations, or additions.

(iv) *Cost Ascertainment Division.* (*a*) Supervises operation of the cost ascertainment system and the development and distribution of procedures,. forms, and instructions pertaining to the allocation of postal revenues and costs to the specific classes of mail and services and the determination of total volumes of each class of mail and service.

(*b*) Conducts special or nonrecurring analyses and trend studies on revenues, costs and volumes involving specific classes and subclasses of mail and services on request from bureaus in the Department, other Government agencies, and the Congress.

(*c*) Provides source data for rate computations, hearings on rate proposals before the Congress and hearings before other Government agencies in matters involving rate revisions.

(*d*) Estimates costs and reimbursement rates for nonpostal services performed for other Government agencies.

(*e*) Performs studies and computations necessary to establish public service elements of costs.

(*f*) Controls incoming cost ascertainment reports from field installations, and handles printing and requisitions for cost ascertainment forms and reports.

(v) *Money Order Division.* (*a*) Administers regulations, formulates and recommends policies and establishes procedures for the domestic, international, and military money order systems. Provides information and advice for the negotiation of agreements with other countries related to international money orders and with the Department of Defense concerning military money orders. Determines currency conversion rates.

(*b*) Verifies and approves claims of banks for paid postal money orders.

(*c*) Handles inquiries as to payment status of money orders. Issues duplicate money orders as required.

(*d*) Audits paid money orders vs. postmasters' statements of issue accountability.

(*e*) Exchanges paid money orders with other countries operating on the domestic basis.

(*f*) Collects receivables arising from cashing of stolen, forged, or raised money orders and double payments.

(*g*) Settles money order accounts on a periodic basis with oversea countries transacting international money order business.

(5) *Office of Postal Economics*—(i) *Director.* Directs those phases of the responsibilities of the Assistant Postmaster General which relate to postal rates, economics, market research and the preparation of economic, ecological, and demographic assumptions underlying the Department's comprehensive planning projections. Assists or represents the Postmaster General and his staff in the presentation of rate proposals before the Interstate Commerce Commission, Congressional committees, and other agencies of the Government; maintains liaison with these bodies.

(ii) *Postal Rates Division.* (*a*) Develops and recommends rate philosophy, with related principles and programs, for establishing and maintaining a domestic and international postal rate structure for the Post Office Department.

(*b*) Develops and maintains a long-range rate program consistent with approved departmental ratemaking principles and policies.

(*c*) Develops and recommends rates and fees for domestic and international mail services to implement departmental policies, international agreements and conventions, and the expressed wishes of Congress.

(*d*) Provides a central research, statistical, and analytical service on all facets of domestic and international postal rate matters.

(*e*) Conducts research, as required, on the historic antecedents of postal rates and rate policy, public attitudes on postal rates and services, and the probable effects of proposed revisions in rates and fees.

(*f*) Participates in conferences within the Department or with outside groups from which may originate proposals for changes in domestic and international postal rates and fees; furnishes representation for the Department on postal rate matters at international conferences.

(*g*) Coordinates and prepares for the Postmaster General the report to Congress of results and recommendations of reviews, studies, and surveys of postal rates, fees, expenditures, and services as required by 39 U.S.C. 2304 each alternate fiscal year.

(iii) *Economic Studies Division.* (*a*) Serves as a counseling service in matters relating to the effect of economic, demographic, and ecological developments on the Department.

(*b*) Develops projections of postal service volume and revenues for the Department's budget estimates.

(*c*) Projects long-range changes in volume and geographic concentrations of mail and other postal services. Drawing on that information, advises the Assistant Postmaster General of long-range needs of the Department.

(*d*) Conducts continuing studies of market conditions, competing services, and mailer habits and preferences, as a basis for anticipating significant shifts in the demand for postal service.

(*e*) Analyzes demographic trends, household formations, construction starts, and economic developments that may portend major geographic shifts in mail flows. Maintains continuous liaison with the Department of Commerce and other agencies who have a direct interest in these developments.

(*f*) Projects the demand for postal services by nonprofit organizations, rural newspapers, book publishers, and other preferred-rate mailers, as a basis for anticipating the Treasury funds to be earmarked as public service allowances.

(*g*) Conducts economic studies employing the tools of marginal analysis as a basis for predicting long-range variable costs, fixed costs, and contribu-

tion margins. Collaborates with Postal Rates Division in formulating rate proposals where contribution margins are a critical factor in decisions.

(h) Plans market research studies and maintains liaison with contractor research companies in problems involving the assessment of patrons' needs, and their attitudes toward existing or planned changes in postal rates and mail classification.

(6) *Office of Statistical Programs.* (i) Directs those phases of the responsibilities of the Assistant Postmaster General which relate to the design and development of statistical programs.

(ii) Designs, tests, and introduces new and improved ways of using statistical and mathematical principles and techniques in the Department.

(iii) Evaluates existing methods of collecting, summarizing, and analyzing quantitative data and introduces improvements, when appropriate.

(iv) Provides professional leadership, guidance, and consultative services in the application of statistical and mathematical techniques to financial, management and operating problems throughout the Department.

(v) Formulates principles, policy, and standards for collection and analysis of statistical information in the Department.

(vi) Develops and conducts necessary professional statistical and mathematical training programs.

(vii) Represents the Department at Congressional, intergovernmental, and international conferences and committees on matters relating to statistical and mathematical projects.

(7) *Office of ADP Management*—(i) *Director.* (a) Develops policy recommendations and plans for the Post Office Department's automatic data processing program.

(b) Administers the design, development, and implementation of automatic data processing systems in the Department and the postal field service.

(c) Administers Headquarters data processing operations and the automatic data processing centers.

(d) Provides technical guidance, through the Executive Assistant to the Deputy Assistant Postmaster General and Controller, to the postal data centers on matters concerning automatic data processing.

(e) Develops the budget for departmental and field service automatic data processing programs.

(f) Determines departmental and field service expenditures for automatic data processing equipment, supplies, and services.

(g) Directs the review and evaluation of departmental and field service automatic data processing programs.

(h) Administers a program of ADP research.

(i) Directs an ADP standards program.

(j) Makes the selection and approves the release of all ADP equipment.

(ii) *Technical Assistant for ADP Research.* (a) Conducts research in all aspects of ADP methodology for purposes of developing ways of improving Post Office Department ADP programs.

(b) Maintains liaison with other Government agencies, ADP equipment manufacturers, and other organizations engaged in the development and application of ADP equipment and methods for purposes of identifying and advising the Director of trends and developments that can be utilized to improve the Post Office Department ADP program.

(c) Provides technical guidance and overall coordination of research projects designed to improve the Post Office Department's ADP program; participates in the development of and reviews the budget for research in automatic data processing; and reviews Post Office Department expenditures for research in automatic data processing.

(d) Serves as a technical consultant to ADP feasibility study teams to assure full consideration of new ADP capabilities.

(iii) *ADP Systems Development Division.* (a) Provides an ADP consultant and advisory service to the bureaus and offices.

(b) Directs and coordinates ADP feasibility studies at Headquarters and in the field.

(c) Develops and documents ADP systems concepts and specifications.

(d) Establishes equipment specifications for all automatic data processing equipment for the Department and evaluates equipment proposals to assure that specifications are met.

(iv) *ADP Program Development Division.* (a) Designs, develops, and documents all programs for ADP systems in the Post Office Department.

(b) Establishes programing methods and standards.

(c) Directs, coordinates, and performs maintenance programing and effects program changes resulting from systems modifications.

(v) *Headquarters Data Services Division.* (a) Directs the data preparation, computer, and punchcard accounting machine operations at Headquarters.

(b) Schedules and controls the use of Headquarters ADP equipment and prepares reports on its utilization.

(c) Maintains a central library of operational programs and program documentation, and coordinates the distribution of programs to field ADP installations.

(vi) *ADP Standards and Control Division.* (a) Establishes performance and operating standards for ADP systems and equipment.

(b) Establishes system and programing documentation standards.

(c) Prescribes procedures for recording ADP equipment utilization and evaluates reports to determine compliance with standards.

(d) Evaluates the need for ADP contractual services for Headquarters' and automatic data processing centers' applications, verifies fulfillment of contractual requirements, and authorizes billings for such services.

(e) Maintains liaison with the General Services Administration and the Bureau of the Budget on ADP standards and reporting matters and with ADP manufacturers and contractors as required in the exercise of other assigned functions.

(f) Evaluates the need for procurement and release of ADP equipment in all postal installations and administers the ADP equipment selection procedures of the Post Office Department.

(g) Defines training needs for all ADP personnel and coordinates training programs with the Bureau of Personnel.

(vii) *Postal Source Data Systems Division.* (a) Provides technical guidance for operating the postal source data system and administrative guidance to the automatic data processing centers.

(b) Recommends policies and coordinates the development of system, program, and procedural requirements of the postal source data system.

(c) Develops physical plant requirements for the postal source data system.

(d) Installs and tests equipment for the postal source data system and provides technical guidance in developing machine training needs for system users.

(e) Maintains liaison with commercial contractors for the postal source data system.

(8) *Management Systems Division.* (i) Recommends plans for major organization, paperwork, and other management improvement studies; recommends policy and priorities for such studies.

(ii) Plans, coordinates and conducts required Department-wide paperwork, organization, functional, staffing and procedural studies, including the presentation of findings, preparation of reports and guidance in implementing approved recommendations and followup to resolve problems and evaluate effectiveness of changes.

(iii) Reviews and evaluates proposed changes in organization staffings and functions in the Department and field service; identifies potential duplication of effort, conflicts in responsibilities and deviations from policy and recommends corrective action.

(iv) Conducts special systems studies as required.

(v) Provides advice and assistance to bureaus and offices in planning and conducting management studies.

(vi) Plans, develops, installs, and maintains a Department-wide directives system for the promulgation of policy statements, orders, regulations, operating procedures, and instructions.

(vii) Reviews all proposed directives to assure adequacy of staff coordination, including central editing, to achieve conformity with established policies and to avoid the issuance of incorrect or conflicting instructions; initiates remedial action, through appropriate operating officials, of policy and procedural deficiency identified through the review and coordination of issuance material.

(viii) Plans, develops, manages, and coordinates the Post Office Department publication distribution program, including storage, issuance and disposition.

(ix) Develops policies, procedures, and issues guidance and standards for the effective management of reports throughout the postal establishment.

(x) Conducts, coordinates, and provides technical assistance and direction for surveys and studies designed to evaluate reporting needs and assists in the development and installation of improved reporting systems.

(xi) Develops, installs, promotes, and appraises the effectiveness of the postal establishment's forms and records program, including creation, processing, storage, and disposal; conducts forms and records surveys and special studies as needed to meet program requirements.

(xii) Conducts a continuous analysis and evaluation of the development and use of forms in headquarters and the field to eliminate duplication, to reduce the number of forms, to obtain maximum utilization of forms data, and to reduce the cost of clerical work.

(xiii) Maintains liaison with other Government agencies to obtain assistance in organization and paperwork surveys and to recommend improvements in these areas in the Department's programs.

(xiv) Director supervises the staff and activities of the:

(a) Management Analysis Branch.

(b) Directive Management Branch.

(c) Reports Management Branch.

(d) Forms and Records Management Branch.

§ 822.6 Bureau of Facilities.

(a) *Assistant Postmaster General.* (1) Formulates and administers policies, programs, and procedures governing the acquisition, management, maintenance, improvement, and disposal of real property occupied by the Post Office Department and of utilities, operating equipment, and supplies used in the Postal Service.

(2) Formulates and administers policies, programs, and procedures governing the procurement, maintenance, storage, and disposal of vehicles used in the Postal Service.

(3) Directs operation of the supply system; the production, repair, and storage of mail bags; the production of keys and locks; and the production, distribution, and control of bulk lot shipments of accountable paper supplies.

(4) Exercises procurement authority, including personal property, real property, and services, for the Department, except for items or services specifically delegated by the Postmaster General to other bureaus.

(5) Represents the Postmaster General on the joint departmental committee to administer the public buildings program outside Washington, D.C.

(6) Maintains liaison with the General Services Administration, other Government agencies, and committees of Congress; handles inquiries from outside the Department and from Members of Congress regarding postal facilities, equipment, and supplies.

(7) Advises and assists the Bureau of Operations in establishing building project priorities, based on financial and technical considerations; authorizes expenditure of appropriated funds for such projects.

(8) Serves the civil defense program of the Department, as coordinated by the Chief Postal Inspector, for real estate, motor vehicles, and supply.

(b) *Deputy Assistant Postmaster General.* (1) Acts for the Assistant Postmaster General, Bureau of Facilities, in his absence or as directed.

(2) Directs the staff and activities of the Bureau of Facilities.

(c) *Executive Assistant.* (1) Advises and assists the Assistant Postmaster General and his Deputy in the formulation of policies, regulations, and procedures regarding all matters under the jurisdiction of the Bureau of Facilities.

(2) Establishes, maintains, and coordinates Bureau legislative programs; maintains relationships with the legislative branch of the Government and the public.

(3) Directs the coordination, review, and clearance of administrative issuances, employees suggestions, and interdivision reports; serves as Security Officer and Property Control Officer for the Bureau.

(4) Services the civil defense program of the Department as coordinated by the Chief Postal Inspector in the fields of real estate, maintenance, and supply.

(d) *Special Assistant.* Performs such duties as are assigned by the Assistant Postmaster General.

(e) *Special Assistant (Financial Affairs).* Develops, implements, and adjusts the Bureau's financial program; evaluates costs and related data against programs; evaluates effectiveness of cost control systems; assembles budget proposals; exercises financial control over the Department's capital programs and the Bureau's operating program.

(f) *Maintenance Division*—(1) *Director.* (i) Plans and administers policies and procedures governing care of the real and personal property controlled by the Post Office Department.

(ii) Directs the programing and expenditure of funds allocated for custodial, mechanization, and vehicle maintenance activities.

(iii) Establishes standards and technical requirements for maintenance organization structure, for maintenance of buildings, mechanical equipment in buildings, postal operating machinery, postage vending equipment, and motor vehicles.

(iv) Develops modification and related technical instructions for correction, repair, improvement, or replacement of vehicle components or parts.

(v) Provides functional guidance to regional officials responsible for maintenance management program.

(vi) Coordinates with GSA on maintenance matters.

(2) *Plans and Projects Staff.* (i) Provides staff assistance to the Director of Maintenance in the formulation and implementation of policies, programs, regulations, and procedures under his jurisdiction.

(ii) Provides the Director, Maintenance Division, staff support of a special projects character for investigation and development of unique maintenance methods, procedures, and new materials to reduce maintenance cost and improve maintenance services.

(iii) Analyzes long-range maintenance requirements and recommends program priorities to meet these requirements in relation to funding projections.

(iv) Develops and recommends divisional goals and programs.

(v) Directs the division's program for management assistance and control with respect to forms, records, reports, administrative issuances, printing and reproduction, organization and methods, and other administrative services.

(vi) Provides administrative assistance to the Director of the Maintenance Division for activities which cross branch lines, and common administrative services for the division.

(vii) Develops and coordinates budget estimates and program expenditures for maintenance activities.

(viii) Coordinates preparation of replies to Department and interagency reports or surveys and followup on corrective action.

(ix) Develops, in coordination with the Bureau of Operations, the long-range program, including financial plans for the Self Service Postal Unit Program.

(x) Coordinates with other bureaus the Self Service Postal Unit Training programs and advises with respect to proposed design and preparation of specifications and drawings for the Self Service program.

(xi) Performs special assignments including periodic and special reports as assigned by the Director, Maintenance Division.

(3) *Buildings Branch.* (i) Develops policies, programs, methods, and standards for operating and maintaining buildings, including the use and maintenance of related equipment.

(ii) Appraises the effectiveness of regional offices in their administration of building maintenance standards and methods and in the use of manpower and equipment; advises on deficiencies and recommends corrective action.

(iii) Develops technical requirements for establishing the structure and personnel complements of building maintenance organizations, and for appraising the performance of such personnel.

(iv) Develops, in coordination with the Bureau of Finance and Administration, a system for determining building operation and maintenance costs; coordinates with the Operating Equipment Branch in developing reporting requirements for maintenance organizations. Recommends changes in building operation and specifications to promote economy in building maintenance.

(v) Develops criteria governing the use of contract services in maintaining buildings and building equipment.

(vi) Determines training needs of building maintenance personnel; in coordination with the Bureau of Personnel, provides guidelines for training program implementation through regional offices.

(vii) Develops supply and equipment requirements for building maintenance functions, directs tests and develops supply and equipment items; prepares purchase descriptions or specifications and establishes criteria for their use.

(viii) Collaborates with the Bureau of Research and Engineering in developing policies, programs, methods and standards relating to the use of light, power, and utilities, excluding communication services.

(ix) Collaborates with the Bureau of Research and Engineering in making economic analyses for determining type heating and cooling plant installations based on fuel availability, economics and maintenance factors.

(x) Develops standard specifications and contract proposal forms covering solid and liquid fuels and metered services for heating. Makes technical review of proposed awards for field procurement of fuel where cost exceeds $10,000.

(xi) Administers the program for rate analysis for utilities service.

(4) *Operating Equipment Branch.* (i) Administers functions related to maintenance of postal operating equipment, including mail processing systems and machines, postage vendors, and other mechanical service appliances.

(ii) Develops policies, programs, methods, and standards for preventive and repair maintenance, maintenance inspection, and inventory management.

(iii) Appraises effectiveness of regional offices in their administration of maintenance standards and methods and use of maintenance manpower and equipment; advises on deficiencies and recommends corrective action.

(iv) Develops technical requirements for establishing organizational structures and personnel complements for maintenance of mail-handling systems and other operating equipment and mechanical appliance; and for appraising the performance of such personnel.

(v) Formulates parts inventory levels and controls; coordinates with the Procurement Division and with the Bureau of Research and Engineering to provide current information to the regions on supplies, parts, and related procurement.

(vi) Plans, directs, and furnishes guideline instructions by which regional and field offices conduct the area maintenance program.

(vii) Develops, in coordination with the Bureau of Finance and Administration, a system for determining operating equipment maintenance costs; coordinates with the Building Branch in developing reporting requirements for postal plant engineers.

(viii) Develops criteria governing the use of contract services in maintaining operating equipment.

(ix) Determines training needs of operating equipment maintenance personnel; in coordination with the Bureau of Personnel, provides guidelines for training program implementation through regional offices.

(5) *Vehicles Branch.* (i) Develops and administers policies, programs, methods, and standards for vehicle preventive and repair maintenance, maintenance inspection, and inventory management.

(ii) Appraises the effectiveness of regional offices in their administration of vehicle maintenance standards and methods, and in the use of manpower and equipment; notes deficiencies and recommends corrective action.

(iii) Recommends approval of establishment of new vehicle maintenance facilities and remodeling or extension of existing facilities; establishes criteria for initial equipment requirements.

(iv) Develops criteria for structure and complement of maintenance organizations, including the types, qualifications, and numbers of employees.

(v) Provides criteria for local purchase of garage and vehicle accessory equipment; coordinates the issuance of procedures and instructions relative to vehicle supplies, parts, and related procurement. Approves and determines types and adequacy of inventory levels of vehicle maintenance supplies.

(vi) Evaluates maintenance supplies, equipment, and facilities for suitability; recommends changes or modifications to maintenance facility specifications or building layouts.

(vii) Appraises effectiveness of methods and standards for, and the utilization of, vehicle maintenance manpower and equipment.

(viii) Develops and administers the vehicle disposal program.

(ix) Recommends to the Bureau of Research and Engineering changes or requirements for standard or experimental vehicles, based on maintenance experience and cost factors.

(x) Initiates vehicle procurement based on requirements furnished by the Bureau of Operations.

(xi) Develops a program for determining training needs among field maintenance employees; provides guidelines for training program implementation through regional offices, in coordination with the Bureau of Personnel.

(xii) Issues criteria governing contract maintenance, and prepares specifications for contract maintenance and repair of postal vehicles.

(g) *Procurement Division*—(1) *Director.* (i) Plans and develops policies and procedures for procurement, inventory control, transportation, and distribution of equipment (except mail bag equipment), supplies, materials, and accountable paper for the entire Postal System.

(ii) Administers procurement programs including a program of quality assurance; develops and issues Post Office Department regulations to implement and supplement Federal Procurement Regulations.

(iii) Directs the production, repair, and storage of mail bags, and production of keys and locks.

(iv) Operates area supply centers, U.S. Stamped Envelope Agency, U.S. Postal Agency, mail equipment shops, repair centers and depositories; develops and plans the number, location, complements, inventories, services, production standards, cost reporting (in conjunction with Bureau of Finance and Administration), and operating procedures for field supply, repair, and warehouse units.

(v) Directs programs of utilization and restoration of excess personal property and for disposal of unserviceable obsolete, or excess items of equipment and supplies.

(vi) Provides assistance to requirements bureaus and offices, and is responsible for final determination of total equipment, supply, and procurement needs, except as otherwise provided by delegations to other bureaus and offices by the Postmaster General or the Deputy Postmaster General.

(vii) Directs liaison with General Services Administration, Small Business Administration, other Government agencies, manufacturing companies, private contractors, common and contract carriers on supply, traffic, and procurement matters; and with the Bureau of Engraving and Printing and the Government Printing Office on accountable paper.

(viii) Provides design and specifications of lockbox equipment, locks, and standard post office workroom furniture.

(ix) Initiates and conducts negotiations directly with carriers for special rates or services for moving post office property.

(x) Provides technical assistance in pilot model evaluation and acceptance conducted jointly with Federal Supply Service, General Services Administration.

(xi) Provides technical evaluation of bids or proposals relating to vehicle procurement, repair, and modification.

(2) *Procurement Policy and Management Staff.* (i) Provides staff support and assistance to the Director, Assistant Director, and Chiefs of the Inventory and Distribution, Contract, and Mail Bag Equipment Branches in evaluating and improving the administration of and operations in their respective areas of requisitioning, purchasing, receiving, inventory, accountability, distribution, transportation, utilization, and disposal of supplies and equipment.

(ii) Reviews policies and programs of the three branches and their field installations, which comprise the supply centers, Stamped Envelope Agency, Postal Agent, mail equipment shops, mail bag repair centers, and mail bag depositories, which have a substantial effect on procurement and supply management requirements and operations. Recommend changes necessary to achieve maximum efficiency and economy and to conform to overall departmental policies and programs.

(iii) Conducts management appraisal of Division-wide operations and performances, as distinguished from day-to-day operating responsibilities, to develop and refine the procurement and supply systems. Prepares findings and makes recommendations to measure and control the funding, staffing, and general effectiveness of procurement and supply operations.

(iv) Develops and recommends goals and prepares implementing procedures for administering the procurement and supply management policies and programs at the regional and post office levels.

(v) Serves as the focal point for continuing liaison with GSA to identify and resolve supply, procurement, and warehousing problems of mutual concern, to provide a productive relationship, and to develop long-range programs within established departmental policy.

(vi) Develops and recommends Post Office Department procurement regulations for implementing the Federal Procurement Regulations.

(vii) Directs the Division's programs for management assistance and control of forms, records, administrative issuances, organization, methods, and manpower.

(viii) Develops and recommends policies and procedures for utilizing excess personal property and disposing of unserviceable and obsolete equipment and supplies.

(ix) Provides liaison with Bureau of Finance and Administration in developing automatic data processing requirements and programs.

(x) Acts as liaison with Bureau of Finance and Administration in matters relating to personal property management programs and procedures.

(xi) Coordinates the preparation of replies to internal audit reports and interagency and departmental surveys and provides followup with organizational units of the Division as to corrective action taken on approved recommendations.

(xii) Develops and prepares selected reports and performs special assignments, as requested. Issues material for the Division Management Guide and Procurement and Supply Bulletins.

(3) *Contract Branch.* (i) Effects final review and approval of invitations for bids, purchase orders, and modifications thereto, issued by the Procurement Division, including mechanization and equipment contracts under the Modernization and Improvement Program; provides for publication of proposed procurements and contract awards in the Department of Commerce "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards."

(ii) Provides a contracting officer who executes and administers all contracts awarded by the Procurement Division for supplies, services, equipment and mechanization, excluding contracts assigned to other branches.

(iii) Directs pre-award surveys of prospective contractors' plants.

(iv) Administers a quality control program to assure compliance with specifications and to maintain quality of equipment, supplies, and materials; determines and establishes complement and directs staff of equipment examiners, including their training.

(v) Directs testing, final inspection, and acceptance of equipment, supplies, material (except accountable paper) under contracts let by the Procurement Division.

(vi) Maintains liaison with contractors after award of contract; monitors progress; negotiates price adjustments; and with concurrence by the Inventory and Distribution Branch effects changes in delivery schedules.

(vii) Handles default and dispute cases; directs evaluation and approval of requests for progress payments; provides assistance in Departmental Contract Appeal Board cases.

(viii) Provides advice and assistance to bureaus and offices on negotiating contracts over $2,500 and on renegotiation for price redetermination.

(ix) Directs the preparation and processing of purchase documents; assures bid security; establishes validity of bids and conducts their public opening.

(x) Effects compliance with the reporting requirements of the Contract Compliance Program and provides liaison with the deputy contract compliance officer on all applicable purchase orders let by the Procurement Division.

(4) *Inventory and Distribution Branch.* (i) Develops and administers policies and procedures for the procurement of all equipment, supplies, and accountable paper for the Postal Service; directs the procurement program of the Department, excluding negotiated contracts over $2,500 specifically delegated to other bureaus and offices.

(ii) Develops policies and procedures for distributing equipment, supplies, bulk lot accountable paper, and other materials of the Postal Establishment.

(iii) Directs operations of the area supply centers, U.S. Stamped Envelope Agency, and the U.S. Postal Agency.

(iv) Develops and establishes manpower, space, equipment, and location needs of field supply and warehouse units.

(v) Develops policies and procedures for use by bureaus, offices, and field installations in determining current and future requirements for equipment, supplies, and material; provides assistance to bureaus and offices on requirements matters.

(vi) Controls inventory levels; coordinates current and future supplies, equipment, and materials requirements; schedules procurement for direct shipment and for warehousing.

(vii) Maintains contact with suppliers, manufacturing firms, and contractors to ascertain market trends and technological developments and to develop sources of supply and increased competition.

(viii) Maintains liaison with General Services Administration and other Government agencies on specific procurement, warehousing, supply, and personal property management matters.

(ix) Effects utilization of excess personal property and restoration of equipment.

(x) Assists in the formulation of Bureau's budget estimates; makes review of specifications and requirements for materials, equipment, and supplies; provides assistance and guidance to departmental bureaus and offices on procurement matters.

(xi) Administers total and partial set-aside determinations developed in cooperation with Small Business Administration.

(xii) Reviews, from a technical standpoint, field procurement activities, including approval or disapproval of award of contracts exceeding regional and field delegated authority.

(xiii) Administers transportation and traffic management functions relating to Post Office Department procurement, supply, and distribution programs.

(5) *Mail Bag Equipment Branch.* (i) Directs the manufacture, repair, storage, and availability of mail bags, pouches, locks and keys, and special mail equipment.

(ii) Directs operations of the Mail Equipment Shops, mail bag depositories, and mail bag repair centers.

(iii) Develops and establishes manpower, space, machinery, materials, and technical needs of the mail bag equipment field installations.

(iv) Coordinates with other bureaus in developing total requirements for mail bags, postal locks and keys and special items of postal equipment. Collaborates with postal field units in requesting and filling postal equipment needs.

(v) Directs and controls maintenance, parts, and material stocks, inventory procedures, improvement and replacement of mechanical equipment at the Mail Equipment Shops, depositories, and repair centers.

(vi) Develops and maintains standards and procedures for examining and condemning mail bags and equipment and for repairing defective bags and equipment.

(vii) Provides designs and specifications and prepares detailed drawings of lockbox equipment and postal furniture and examines and evaluates preproduction models and production samples.

(viii) Develops and revises production and cost standards in conjunction with the Bureau of Finance and Administration; prepares basic budgetary estimates.

(ix) Maintains liaison with manufacturers, suppliers and other Government agencies, as required, on materials, equipment, and space.

(x) Cooperates with the Bureau of Research and Engineering and the Bureau of Transportation and International Services on the conduct of research programs and activities relating to new or improved materials, equipment designs and the development of specialized equipment.

(h) *Realty Division*—(1) *Director.* (i) Plans, develops and administers policies, programs and procedures governing the acquisition, modification, management and disposal of real property; serves as realty contracting office.

(ii) Directs the programing and expenditure of funds for sites; for acquiring space by lease or rental agreement; for architect and engineer services; and for alteration, remodeling, extension and modernization of Federally-owned buildings occupied by the Post Office Department.

(iii) Coordinates actions and requirements of the Bureau of Facilities concerning approved major modernization or new facility projects, and occupancy of space in Federal buildings.

(2) *Field Liaison Officer.* (i) Represents the Director, Realty Division in reviewing and evaluating the quality and scope of regional real estate programs

and implementation of headquarter's policies and directives. Recommends action to assure immediate, as well as long term, regional improvement in programs, policies and procedures; directs on-site improvement within previously established policies and procedures.

(ii) Maintains close liaison with regional officials in developing realty information for use by bureaus and offices having primary responsibility in various areas, as well as assisting regional officials in effecting Departmental policies and decisions.

(3) *Executive Officer.* (i) Directs the Division's program for management assistance and control with respect to forms, records, administrative issuances, printing and reproduction, organization, methods, manpower and security.

(ii) Performs special assignments and other related duties as assigned by the Director, Realty Division.

(4) *Assistant Director for Realty Planning.* (i) Develops and recommends realty policies and long-range programs for improvement of postal space in leased and Federal buildings; coordinates long-range plans with other Federal agencies.

(ii) Analyzes long-range realty requirements and recommends program priorities to meet these requirements in relation to realty economic and funding projections.

(iii) Analyzes national and regional economic growth patterns and changing patterns of capital investments as they may affect long-range planning for postal facilities; recommends establishment or modification of policies or programs.

(iv) Develops budget estimates and programs expenditures for realty programs.

(v) Develops standards and criteria for use of realty operating personnel in making analyses related to the economic feasibility of modernizing or abandoning postal space in Federal buildings.

(vi) Assists in developing the bureau's position on proposed legislation and in drafting new legislation relating to the realty program.

(vii) Develops program reporting requirements and coordinates their preparation.

(viii) Compiles reports on Government-owned and leased real properties controlled by the Post Office Department.

(ix) Provides technical guidance to regional realty offices in the development of long-range plans for improvement of the postal plant.

(5) *Realty Management*—(i) *Assistant Director.* (*a*) Provides functional guidance for regional realty programs; reviews regional rental, leasing, and Federal building activities; directs appropriate corrective action as necessary.

(*b*) Exercises realty contracting authority for the Department except for items or services specifically delegated or reserved by the Assistant Postmaster General to others or himself; administers realty funds except those relating to rental payments.

(*c*) Develops and directs a system for providing active realty case status data from inception to completion; maintains continuing followup; directs responses to inquiries regarding status of active cases.

(*d*) Provides technical assistance in developing long-range realty planning programs.

(*e*) Directs the staff and activities devoted to leasing operations, realty review and property control.

(ii) *Leasing Operations Branch.* (*a*) Develops and recommends criteria, standards, methods, and procedures for the acquisition, modification, management, and disposal of leased postal space.

(*b*) Develops and recommends criteria and procedures for guidance of approved regional realty programs and assists in their implementation; maintains continuing followup of regional lease programs and schedules.

(*c*) Develops and recommends annual award schedules within previously approved long-range plans; establishes regional targets.

(*d*) Reviews, controls and processes regional realty recommendations for completeness and forwards for analysis and decision.

(*e*) Coordinates realty actions with interested bureaus and offices from receipt of approved requisitions to building occupancy.

(*f*) Develops standards and criteria under which bidders may be declared in default; issues and maintains lists of bidders in default.

(*g*) Processes lessors' requests for conditional or absolute assignment of facility contracts; takes or recommends appropriate action.

(*h*) Develops advertising packages for major facilities; prepares leases for these facilities.

(*i*) Develops reports of leasing activities and of leased real properties controlled by the Post Office Department.

(*j*) Establishes and maintains realty files for major facility projects.

(iii) *Realty Review Branch.* (*a*) Analyzes proposals for acquisition, modification and disposal of postal space beyond authority delegated to regions; negotiates, if necessary with optionors or bidders to obtain satisfactory contract conditions.

(*b*) Develops a realty position on realty contract proposals based on analysis, experience, and market conditions; recommends acceptance or rejection of specific proposals.

(*c*) Analyzes proposals for modernization or abandonment of postal space in Federal buildings; recommends appropriate action based on known and projected economic, financial, growth, and utilization factors.

(*d*) Reviews and analyzes regional awards to assure that awards are within delegated authority and to provide advice on future handling of regional cases.

(*e*) Compiles and analyzes real estate market data for determining real estate values and rentals.

(*f*) Provides realty personnel to coordinate major facility projects.

(iv) *Property Control Branch.* (*a*) Develops and recommends criteria, standards, methods and procedures for the acquisition, modification, management and disposal of postal space in federally owned buildings.

(*b*) Maintains continuing followup on progress of modernization projects submitted to GSA for accomplishment; maintains liaison with GSA and other Federal agencies on Federal property projects.

(*c*) Develops standards and criteria for the acquisition of land for postal projects by purchase, condemnation, or lease.

(*d*) Develops and recommends standards and criteria for assigning nonpostal space in Federal buildings operated by the Post Office Department and for the installation and operation of vending stands and vending machines on postal property; administers their application.

(*e*) Develops and recommends annual schedules for extension and modernization of postal space in Federal buildings and the acquisition of land for lease projects within previously approved long-range plans.

(*f*) Analyzes specific proposals and recommends appropriate action for acquisition of land by methods other than assignable options based on known economic, budget and financial factors; maintains liaison with General Counsel on legal aspects.

(*g*) Provides interim management and out-leasing of Government-owned property pending development for postal use.

(*h*) Assists regional real estate offices as required in complex land acquisition projects and Federal property matters.

(*i*) Prepares required reports of Government-owned real properties controlled by the Post Office Department.

§ 822.7 Bureau of Personnel.

(a) *Assistant Postmaster General.* (1) Represents and acts for the Postmaster General and takes final action on all personnel management matters relating to industrial relations, compensation administration, and employee training at professional and educational institutions.

(2) Represents and acts for the Postmaster General in dealings with employee organizations; maintains liaison with the legislative and executive branches and agencies of Government on personnel matters.

(3) Directs the formulation of plans, policies, programs, regulations, and procedures required for the development and maintenance of an effective personnel management program throughout the Postal Establishment.

(4) Exercises the appointive powers of the Postmaster General with respect to employees in the departmental service, considering the recommendations of the bureaus and offices concerned.

(5) Administers the incentive awards program and authorizes awards as provided by law and regulation.

(6) Provides following services concerning negotiated contracts over $2,500 (other than for mail transportation and real estate):

(i) Advises the contracting officer on all postal personnel provisions including safety, training, compensation, and any other matters affecting postal employees.

(ii) Provides technical assistance, as required, in the preparation and administration of negotiated contracts.

(7) Serves as Employment Policy Officer for the Post Office Department. Has primary responsibility for equal employment opportunity in the Postal Establishment.

(b) *Executive Assistant to the Assistant Postmaster General.* (1) Serves as principal staff aide to the Assistant Postmaster General relieving him of important day to day activities, including answers to urgent requests from important Government officials, top departmental officials, and sources outside the Federal Government; work on special projects; and interviews with important visitors.

(2) Reviews incoming and outgoing correspondence, requests and reports directed to Assistant Postmaster General; prepares the bureau budget, special reports, administrative staff orders; coordinates with other bureaus, offices and other Federal agencies on all matters pertaining to administrative management of the Bureau's functions.

(3) Maintaining coordination between the planning and operating functions of the Bureau by keeping the Deputy Assistant Postmaster General, and the Program Planning Officer informed of developments affecting their responsibilities.

(4) Acts for the Assistant Postmaster General in directing the activities of the Departmental Personnel Office.

(c) *Special Assistant to the Assistant Postmaster General.* (1) Assists the Executive Assistant on management projects—preparation of the budget, obtaining data for special reports, and other administrative duties essential to management of the Bureau.

(2) Works on special projects assigned by the Assistant Postmaster General or the Executive Assistant which are of immediate importance to the Assistant Postmaster General and other top level headquarters officials.

(d) *Departmental Personnel Office.* (1) Formulates and recommends policies and develops procedures relating to personnel matters affecting departmental (headquarters) employees.

(2) Provides staff guidance and technical assistance to headquarters bureaus and offices on all matters of personnel administration affecting headquarters personnel.

(3) Administers the provisions of the Classification Act of 1949, the Departmental Wage Board, and section 15 of Public Law 600 (5 U.S.C. 55a); takes final action on personnel actions covered by such provisions.

(4) Administers applicable policies, programs, and procedures with respect to headquarters employees relating to recruiting; testing, placement, and separations; training; performance rating; safety and health; suggestions and awards; relations with employee organizations; and employee services.

(5) Maintains direct relations with the Civil Service Commission on all headquarters personnel matters except policy matters.

(6) Processes formal personnel transactions, maintains central personnel records, issues personnel reports, and conducts official correspondence relative to proposed, current, and former headquarters employees.

(7) Represents the Bureau of Personnel in civil defense planning and security control.

(e) *Program Planning Officer.* (1) Serves as program planning advisor to the Assistant Postmaster General, Personnel and the Deputy Assistant Postmaster General.

(2) Formulates plans and recommends policies and programs to meet identified long-range needs.

(3) Maintains liaison with other agencies on major aspects of personnel planning for the Department, coordinating with Government-wide planning activities.

(4) Provides program planning guidance to bureau staff members assigned to personnel program development.

(5) Collaborates with the Deputy Assistant Postmaster General in providing guidance to regional personnel staff and personnel officers in postal field installations.

(6) Represents the Assistant Postmaster General at interbureau planning meetings as requested.

(f) *Deputy Assistant Postmaster General.* (1) Represents the Assistant Postmaster General on significant matters related to all personnel management and labor relations functions and acts for him in his absence or at his request.

(2) Evaluates the effectiveness of present personnel programs and approves changes to meet current and anticipated needs; plans and administers nationwide labor relations programs under provisions of Executive Order 10988.

(3) Directly supervises all Bureau of Personnel divisions and provides technical direction for personnel and labor relations staffs in the 15 regional offices.

(4) Represents the Assistant Postmaster General on interagency groups concerned with labor-management relations and personnel management.

(5) Conducts negotiations and consultation with recognized employee organizations at the national level.

(6) Exercises responsibility for the solution of operating personnel management problems including answers to inquiries and requests from the White House, the Congress, other Federal agencies, employees, and employee organizations.

(7) Directs the establishment and maintenance of all fringe benefits programs and employee services within the Postal Establishment.

(8) Provides administrative supervision to the Board of Appeals and Review to attain full utilization of staff resources and proper attention to established management practices.

(g) *Special Assistant (Labor Relations).* (1) Serves as principal technical advisor to the Deputy Assistant Postmaster General on labor relations, personnel management operating problems, and employee benefits and services.

(2) Serves on national negotiation team; chairs labor-management subcommittee meetings; maintains liaison with national officers of recognized employee organizations.

(3) Represents the Deputy Assistant Postmaster General as requested on interagency labor management committees and study groups; at arbitration or unfair labor practices hearings; and in meetings with other labor-management groups.

(h) *Board of Appeals and Review.* (1) Serves as final appellate level for decisions on adverse action appeals and grievance appeals within the Postal Establishment.

(2) Reviews and recommends action, on equal employment opportunity appeals.

(3) Determines the need for investigation on adverse action, grievance or equal employment opportunity appeals when additional information is required to reach an equitable decision on the appeal.

(4) Represents the Department as requested by the Assistant Postmaster General or the Deputy Assistant Postmaster General in hearings and in discussions with the Civil Service Commission, and other Federal agencies on matters pertaining to employee appeals.

(i) *Divisions*—(1) *Labor Relations Division.* (i) Develops and issues instructions and guidance on the conduct of labor-management activities throughout the Postal Establishment including recognition, negotiations, review of contracts, labor-management meetings, and contacts with employee organizations.

(ii) Analyzes and evaluates labor-management staff activities at regional and local levels; reviews local negotiating procedures, agreements and application of national agreement; prepares format for written agreements, election format and procedures, and reports requirements.

(iii) Controls and edits all personnel issuances assuring proper technical review, interbureau clearance and coordination, as required, with employee organizations. Refers personnel issuances to Personnel Operations Division for technical review, as required.

(iv) Prepares agenda and minutes of national consultation and negotiation sessions, prepares and edits final draft of National Agreement.

(v) Supervises conduct of national and local employee organization representation elections, audits returns and prepares certification for final approval.

(vi) Provides staff representatives to assist the Deputy Assistant Postmaster General and Special Assistant to the Assistant Postmaster General on negotiation and consultation teams; at subcommittee meetings; and in interbureau discussions of labor-management problems.

(vii) Processes violations of Code of Fair Labor Practices and Standards of Conduct. Reviews invalidations, refers

to Personnel Operations Division, as required, for technical analysis.

(2) *Personnel Operations Division.* (i) Interprets existing policies, regulations, procedures, national labor-management agreements, and rules pertaining to personnel management in the Postal Service and drafts issuances to guide postal officials.

(ii) Conducts research on the origin and intent of personnel laws, civil service rules, Executive orders and other regulations applying to the Postal Service, utilizing the services of the Office of the General Counsel as required.

(iii) Prepares drafts of new personnel management proposals or reviews proposals prepared by planning staff to assure technical adequacy before presentation to employee organizations and publication.

(iv) Drafts answers to technical operating personnel questions or problems referred from the White House, the Congress, Regional Directors, or postal installation heads.

(v) Supplies technical support to Department's negotiation and consultation teams on personnel management procedures and regulations.

(vi) Adjudicates employee promotion appeals and prepares brief for Assistant Postmaster General decision.

(3) *Employee Benefits and Services Division.* (i) Provides technical guidance to the Postal Establishment in the administration of all employee services and benefits including retirement, life insurance, health benefits, unemployment compensation, injury compensation, leave, cafeterias, vending machines, welfare funds, employee organization convention budgets, code of ethics, suggestions and awards and uniform allowances.

(ii) Prepares issuances explaining procedures and regulations; responds to inquiries on technical questions, maintains liaison with Civil Service Commission and other appropriate Federal agencies to resolve regulatory and procedural problems pertaining to employee benefits and services.

(iii) Processes suggestions and awards received at headquarters, recommending appropriate action by the Department.

(iv) Reviews and recommends action on contracts for cafeterias, vending machines, and other contracts pertaining to employee services, coordinating with General Counsel and other bureaus, as required.

(4) *Compensation Division.* (i) Develops and maintains a system for evaluating and classifying all positions in the postal field service. Ranks authorized standard and individual positions, except those in salary levels 18, 19, and 20, and such other positions as the Assistant Postmaster General, Bureau of Personnel, may specify.

(ii) Conducts surveys and establishes procedures and guidelines for proper maintenance of position standards and adherence to approved position ranking criteria.

(iii) Develops procedures for hearing appeals and conducting reviews of actions taken under the postal field service classification system.

(iv) Promulgates instructions and allowance tables, in accord with legal requirements, covering basic compensation, overtime, compensatory time, holiday pay, differential pay, longevity pay, periodic step increases, equipment maintenance allowances, heavy duty compensation, and per diem allowances for mobile service personnel.

(v) Conducts research on compensation practices and trends in private industry and Government services; submits recommendations for legislation including fringe pay benefits; and assists in formulating departmental position on other legislative proposals affecting the compensation of postal employees or of the entire Federal service.

(5) *Training and Development Division.* (i) Advises and assists the Assistant Postmaster General on matters affecting or relating to the training of officers and employees in the departmental and field services of the Post Office Department.

(ii) Identifies needs for, develops and recommends establishment or modification of policy, legal, regulatory, and procedural requirements pertinent to training and to the procurement and use of training services, facilities, supplies, and equipment in the Postal Establishment.

(iii) Initiates, conducts, administers contracts for and supervises research into new training concepts, methods, facilities, supplies, and equipment. Initiates actions to apply these for improvement of postal training.

(iv) Represents the Post Office Department in relationships with private and other public organizations, both domestic and international, concerning training matters of mutual interest.

(v) Within the framework of established policy, laws, regulations and procedures, insures that line managers throughout the Postal Establishment may receive the qualified staff guidance and assistance they need to carry out their responsibility for identifying training needs and for planning, providing, evaluating, and following up on training of personnel under their jurisdiction.

(vi) Evaluates plans for proposed training projects to determine whether they (*a*) embody effective training principles and practices; (*b*) comply with policy, legal and regulatory requirements; (*c*) recommends concurrence or nonconcurrence with training plans to the Assistant Postmaster General; and (*d*) evaluates the manner in which training programs and activities are executed in relation to approved training plans. Makes recommendations for appropriate changes to improve such programs and activities.

(vii) Provides technical guidance to regional training staffs.

(6) *Employment and Placement Division.* (i) Formulates and recommends policies and develops procedures relating to recruiting, examining, employing, placing, promoting, disciplining, and separating personnel in the Postal Establishment.

(ii) Determines the need for employee examining and testing in conjunction with affected bureaus and offices and, in collaboration with the Civil Service Commission, develops and directs the application of a program of suitable examinations and tests.

(iii) Plans and promotes special emphasis programs, including employment of women, equal employment opportunity, employing the physically handicapped and mentally retarded.

(7) *Safety and Health Division.* (i) Develops and maintains an effective safety and health program for the Postal Establishment, in conjunction with other bureaus and offices, covering health hazards, fire prevention and protection, transport and traffic safety, first aid and medical services, and safety aspects of property and equipment conservation and utilization.

(ii) Provides consulting service on safety and health matters to management officials throughout the Postal Establishment.

(iii) Provides official representation of the Department with other agencies of the Government and with outside organizations on safety and health matters of a national character.

§ 822.8 Bureau of Research and Engineering.

(a) *Assistant Postmaster General.* (1) Provides leadership for and directs research, development, and engineering activities of the Postal Service, using technical and professional skills and resources of other bureaus and offices as required.

(2) Provides (i) new concepts, systems, and techniques for the processing, movement, and delivery of mail; and (ii) the related machinery and equipment to transform the concepts into efficient operating tools.

(3) Participates as follows in the postal facility program: (i) Assists the Bureau of Operations in development and analysis of basic planning data; (ii) designs the facility including utilities and mechanization; (iii) supervision of construction and the installation of utilities and mechanization; (iv) provides technical guidance during phasein of new facilities and mechanization; (v) conducts postinstallation audits to evaluate prior planning and plant and equipment design and arrangement.

(4) Directs the development and administration of the budget for the Bureau of Research and Engineering, including the preparation for and presentation of information to the Congress.

(5) Furnishes staff assistance to the Postmaster General and Deputy Postmaster General on research, development, and engineering matters; represents the Department on such matters.

(6) Provides research and engineering advice and liaison with other bureaus and offices of the Department, with industry and university research centers, with other Government agencies, and in coordination with the Special Assistant for International Postal Affairs, with postal administrations of other countries.

(b) *Research and Engineering Advisory Council.* (1) Provides the Postmaster General and the Post Office Department advice, counsel, and recommendations from the scientific, engineering, academic, and business viewpoints in the Department's consideration of policies and methods to make more effective its research, development, and engineering programs.

(2) Provides, through ad hoc panels of Council members, in-depth studies of specific areas requiring special and expert attention.

(c) *Director of Operations.* (1) Serves as top management advisor to the Assistant Postmaster General, and provides operational management to the broad programs of the Bureau of Research and Engineering.

(2) Takes independent action for the Assistant Postmaster General on administrative matters concerned with budgeting and financial management, research contracting, personnel management, procurement, space and facilities, property management, and public information.

(3) Provides program continuity and advises the Directors of Research and Development and Construction Engineering on special projects and policy actions; assigns and coordinates actions and decisions affecting the Directors.

(4) Investigates and recommends appropriate action on major problems and controversial matters having policy implications, including regional engineering activities.

(5) Represents the Assistant Postmaster General in meetings with top officials of the Department, other Federal agencies, Members of Congress, private industrial organizations, educational institutions, employee organizations, and foreign postal organizations.

(6) Formulates the Bureau position on legislative matters.

(7) Participates in the formulation of objectives and policies used in shaping the Department's research, development, and engineering programs.

(8) Assists the Assistant Postmaster General in presenting and justifying plans, programs, and budget estimates to the Postmaster General, Bureau of the Budget, and appropriation committees of the Congress.

(9) Maintains a broad knowledge of technological developments both in the United States and abroad which may be of interest to the Postal Service.

(d) *Advanced Planning Staff*—(1) *Director.* (i) Acts for the Assistant Postmaster General in matters relating to the administration of the functions assigned to the Planning Staff, International Technical Liaison Officer and Executive Secretary to Advisory Council.

(ii) Furnishes guidance to the staff members of these functional areas, on matters of policy and technology related to mail handling equipment, research, planning and liaison with other bureaus, to assure that staff activities reflect the objectives and priorities established by the Assistant Postmaster General.

(iii) Programs and directs the activities of the Advanced Planning Staff.

(iv) Reviews and evaluates program effort and accomplishment and advises and makes recommendations to the Assistant Postmaster General in this regard.

(v) Maintains technical liaison and coordination between the staff members and other bureaus of the Department, as well as industry, other Government agencies and universities, as required.

(vi) Performs special assignments for the Assistant Postmaster General in areas involving special problems in complex technology and high level planning liaison within the Post Office Department and with outside organizations.

(2) *Planning Staff.* Provides staff support for the Assistant Postmaster General in planning for and in making maximum use of Bureau resources, as follows:

(i) Determines future areas for concentration of the Bureau's resources in research, development, and engineering, in consonance with departmental policies and long range objectives.

(ii) Formulates new concepts for providing postal services, as a basis for future research and development.

(iii) Maintains continuing liaison with members of the Research and Engineering Advisory Council, with industry and Government generally, and with university research efforts to assure that the most advanced concepts, designs and mechanization are reflected in the main thrust of postal research and development.

(iv) Evaluates mail handling equipment and concepts transmitted by the International Technical Liaison Officer and Executives Secretary to the Advisory Council in view of the Department's long-range requirements.

(3) *International Technical Liaison Officer and Executive Secretary to the Advisory Council.* (i) Serves as the principal postal official for technical and engineering liaison matters between the Post Office Department and foreign postal administrations.

(ii) Provides for exchange of information relative to current systems, new and advanced concepts for mail processing and transportation, including equipment, systems, vehicles, vending machines, and other devices used in handling mail; and the design and construction of buildings and facilities.

(iii) Utilizes comprehensive background knowledge of the status of current and planned technical programs of the Post Office Department in gathering information and assessing the impact of similar programs in leading foreign postal administrations.

(iv) Attends periodic technical sessions of the Universal Postal Union to be informed of significant technical progress, exchange ideas, concepts, and data.

(v) Advises Bureau officials of significant technical findings in foreign postal administrations, and recommends adoption or investigation for possible use in the U.S. postal system.

(vi) Serves as the focal point for requests for information from foreign countries concerning research and engineering activities. Coordinates the preparation of such information within the bureau.

(vii) Serves as technical liaison officer to postal visitors from foreign countries; arranges for visits, discussions, and technical information desired.

(viii) Assists in securing the services of top level representatives of industry, the professions, educational institutions, and appropriate Government agencies for the Research and Engineering Advisory Council; maintains Council membership at the desired level and number.

(ix) Maintains close liaison with individual Advisory Council members to identify postal problem areas and to secure their proposals for solution; travels to members' places of business as required to maintain such liaison.

(x) Keep Advisory Council members informed of research and development plans and programs of the Bureau and the Department, and of other countries.

(xi) Arranges for Advisory Council studies, including schedules of officials, organizations or installations to be interviewed or visited; provision of background data and copies of reports of related studies; and the development of an agreed-upon study plan covering the scope, nature, and objectives of such studies.

(xii) Prepares reports of Advisory Council studies and coordinates their printing and distribution. Conducts followup of actions taken.

(4) *Mechanization Orientation and Staff Development.* (i) Serves as consultant to the Bureau of Personnel in preparing technical material for use in conducting mechanization orientation training sessions at Headquarters and in the field to carry out the national program. Helps to initiate and conduct contract efforts in support of mechanization orientation programs.

(ii) Assists the Bureau of Personnel in developing a comprehensive staff development program for newly employed engineers and for the existing engineering staff to provide creative professional stimulus to all elements of Bureau of Research and Engineering staff. This would include seminars, briefings, graduate courses, and similar activities both inside and outside the Post Office Department premises.

(iii) Prepares orientation programs for high level officials from postal administrations of other countries.

(iv) Provides data on the Department's mechanization orientation program to postal officials who represent the United States at international conferences and conventions.

(v) Plans and conducts orientation seminars and special summer employment programs for selected university engineering undergraduates and graduate students to develop their interest in joining the Bureau.

(vi) Maintains liaison with and addresses business, academic, professional, industrial, and postal groups to promote an understanding of the technical aspects of postal mechanization.

(e) *Executive Assistant*—(1) *Executive Assistant.* (i) Provides policy and

administrative direction for the staff and activities of the Program and Budget Division and the Contract Program Division.

(ii) Provides principal staff support for the Assistant Postmaster General and the Director of Operations in planning for and programing of Bureau resources; contract negotiation, administration, and settlement; budget and financial control; and administrative, organizational, and procedural matters.

(iii) Maintains continuing liaison with other bureaus and offices and with principal staff of of the Bureau of Research and Engineering in carrying out responsibilities of the Executive Assistant.

(iv) Performs special assignments and studies for the Assistant Postmaster General and the Director of Operations.

(2) *Program and Budget Division.* Division responsibilities center around the following areas:

(i) *Planning, programing, and management information.* (a) Serves as the focal point in the Bureau for converting input data from various sources into a comprehensive plan for all research, development, and engineering efforts.

(b) Develops goals, priorities, and program objectives for the Bureau, and assists in preparing related work plans and schedules.

(c) Establishes a comprehensive project control and reporting system for all projects; prepares Bureau level program and project reports, management reports, and special reports.

(d) Develops and coordinates ADP activities as they apply to Bureau management reporting and information systems.

(e) Develops and maintains a management information center for the Bureau; designs and coordinates the development of materials for planning and programing presentations or reviews.

(f) Maintains liaison with the Office of Planning and Systems Analysis, and with other bureaus and offices in the preparation, presentation, and administration of the Bureau's programs and projects.

(ii) *Financial management.* (a) Reviews, coordinates, develops, and administers budget policies and financial plans to assure that they conform with direction of the Assistant Postmaster General; coordinates and directs the preparation of the budget submission; and assists in the presentation of the budget submission before review authorities.

(b) Allocates funds, and provides obligation and expenditure controls and reports.

(c) Plans, establishes, and administers budgetary programs and schedules.

(d) Serves as consultant to Bureau officials on financial and cost aspects of programs, projects and management, and operations studies.

(iii) *Administrative and procedural support.* (a) Conducts organizational, functional, staffing, and procedural studies as required in the Bureau; prepares reports of findings and recommendations and assists in implementing recommendations.

(b) Coordinates and/or directs studies of the economics of research and engineering improvements and programs.

(c) Prepares the Bureau's legislative program.

(d) Provides advice and assistance on administrative-management matters.

(e) Establishes travel guidelines within departmental policy and obtains reservations for Bureau personnel; processes travel vouchers and controls other related matters.

(f) Provides central records management services for the Bureau; recommends policies for and establishes and maintains procedures to support these services.

(3) *Contract Program Division.* (i) The division is responsible for all activities related to the negotiation, preparation, consummation, administration, and settlement of research, development, and engineering contracts, in coordination with interested bureaus and offices.

(ii) Develops and recommends policies, plans, and programs for conducting the Bureau's research and development contracting activities.

(iii) Furnishes a contract administrator to act as the head of the contract negotiating team and chief negotiator for each contract over $2,500.

(iv) Formulates and supervises the management of the Bureau's overall plan and scheduling for accomplishment of the research and development program objectives by contract; insures sustained coordination of the plan with all Bureau elements; and provides for revisions to the established plan, resulting from new programs, projects, or changes in existing programs based on evaluation of economic, operational, and technical factors.

(v) Develops policies and procedures governing the contracting for and control and utilization of engineering support services.

(vi) Serves as advisor and consultant to the Executive Assistant and top Bureau officials on matters of a major nature related to research and development contracting, significant developments resulting from industry coordination, and advice on engineering support services by contract.

(vii) Conducts studies and analyses to forecast service improvements and cost reductions which may be expected from proposed research and development contract projects, and recommends rejection or scheduling in current or future programs.

(viii) Develops and evaluates data on research and engineering progress and status in relation to contract objectives.

(ix) Develops facts and represents the Bureau before the Board of Contract Appeals in litigation matters and actions pertaining to performance on research and development contracts.

(x) Coordinates and administers activities pertaining to the Department's program of university research; effects interbureau liaison for the program; and analyzes and prepares evaluative reports depicting the extent to which such research fulfills contract objectives.

(xi) Develops and promotes the establishment of a broad industry base for the conduct of the Department's engineering research and development programs.

(xii) Performs, or directs the performance of, special assignments, projects and studies for the Director of Operations and the Assistant Postmaster General.

(xiii) Maintains liaison and coordination as required with the General Accounting Office, Office of the General Counsel, Internal Audit Division, other bureaus and offices, and other Government agencies on all Bureau matters relating to research and development contracting activities.

(f) *Special Assistant.* Provides administrative assistance to the Assistant Postmaster General and to all components of the Bureau, as follows:

(1) *Personnel activities.* (i) Provides staff support to the Director of Operations in developing programs to provide the professional and technical staff required by the Bureau.

(ii) Coordinates with Bureau of Personnel on activities related to recruitment, training, and employee-management relations.

(iii) Determines the goals and requirements of training within the Bureau and provides a training program to insure the most efficient use of personnel in accomplishing the mission of the Bureau.

(iv) Performs staff duties related to personnel security, employee welfare, and wage and salary reporting.

(v) Assists the Deputy Ethical Conduct Counselor in reviewing confidential statement of employment and financial interests.

(2) *Congressional liaison.* (i) Maintains liaison, in coordination with the Office of the Deputy Postmaster General, with Members of the Congress.

(ii) Prepares information for congressional committees and their staff on legislation of interest to the Bureau.

(iii) Develops testimony to be given before congressional committees by the Assistant Postmaster General.

(3) *Special assignments.* (i) Coordinates the printing and distribution of handbooks, manuals, and related employee training material within the Bureau.

(ii) Administers the employee suggestion program for the Bureau; assigns suggestions to the various divisions and coordinates necessary action.

(iii) Provides liaison for the Bureau with:

(a) The Bureau of Personnel on preparation of technical training material, engineering film reports, and related matters;

(b) Special Assistant to the Postmaster General (Public Information) in preparing and clearing proposed news releases, films, speeches, and articles for outside publications relating to research and engineering matters;

(c) Office of Headquarters Services on matters relating to office space, furniture, and equipment affecting the Bureau;

(d) The Bureau of the Chief Postal Inspector on civil defense matters;

(e) Other bureaus and offices in compiling the Bureau's portion of the Annual Report;

(f) Other bureaus and offices in preparation of material for special exhibits.

(g) *Industrial Engineering Staff.* (1) Provides industrial engineering services and guidance (i) to the two areas of concentration of Bureau efforts: research and development, and construction engineering, and (ii) to other Headquarters bureaus and offices, regional offices and applicable postal installations.

(2) Assists in bridging the gap between the output of research and development divisions and the needs of postal operating personnel by providing the methods, standards, and procedures required to translate research and development machines, equipment, concepts, and specifications into productive elements of the Postal Service.

(3) Conducts studies to establish better methods for processing mail in both mechanized and manually operated post offices, and develops guidelines for field application; utilizes data developed by the Human Engineering Branch whenever applicable.

(4) Evaluates processing procedures, methods, functional requirements, and economic feasibility of equipment developed in the field and advises management of their applicability, possibly on a national scale.

(5) Works with bureaus affected in establishing machine manning and operating requirements.

(6) Develops technical criteria on amounts of space required and efficient layout standards for various items of equipment.

(7) Develops and recommends to bureaus concerned manpower operating standards for all basic operations in post offices for use in evaluating equipment and methods.

(8) Develops volume and manpower guides to assist in the choice of the proper equipment and to provide standardized man-machine relationships.

(9) Evaluates equipment requirements for improving service to the public and determines the need for research and development; coordinates related research and development work to provide such equipment.

(10) Conducts management, administrative, and engineering studies, as requested, to support bureau and departmental functional areas.

(11) Coordinates with Bureau of Finance and Administration in all cost studies pertaining to or involving mechanization.

(h) *Research and development*—(1) *Director.* (i) Provides leadership for, and direction of, the departmental thrust in research and development.

(ii) Evaluates long-range plans and goals of the Department as a basis for developing research and development programs for their accomplishment.

(iii) Maintains liaison with the Advanced Planning Staff and with other sources as necessary to discharge research and development responsibilities.

(iv) Advises and assists the Assistant Postmaster General on all matters pertaining to Bureau research and development activities, and assesses the impact of such activities on the Postal Service.

(2) *Technical Adviser.* (i) Provides technical assistance to the Director, Research and Development, in planning a comprehensive research and development program.

(ii) Provides technical assessments of research and development activities, identifying problem areas and suggesting solutions.

(iii) Evaluates equipment problems, changes, and modifications with operating divisions in research and development to ascertain whether additional research is required; refers policy determinations to the Director for decision.

(iv) Performs special assignments for the Director as requested.

(3) *Assistant to the Director.* The Assistant to the Director is responsible for all general management activities, administrative duties, and project control for research and development, including the following specific functions:

(i) Coordinates the implementation of all departmental and regional policies, directives, and procedures as they pertain to research and development; advises the Director of major problems or other areas requiring his attention.

(ii) Coordinates and prepares correspondence relating to functions and programs of research and development, including congressional and Federal agency inquiries, for signature of the Assistant Postmaster General, Bureau of Research and Engineering; obtains endorsements from divisions on technical matters to formulate the preparation of correspondence and to coordinate concurrences.

(iii) Schedules, processes, monitors, and evaluates research and development programs; assists in developing, directing, and administering such programs.

(iv) Maintains a system of assembling, reporting, and evaluating progress on projects and programs; prepares accomplishment, program, and cost data reports for management and budget use.

(v) Develops and maintains standards and procedures for obtaining qualification and performance data on research and development contractors; coordinates evaluation recommendations and assists in preparation and negotiation of research and development contracts.

(vi) Coordinates, with the divisions, the preparation of material for the International Technical Liaison Officer and Executive Secretary to the Advisory Council per requests from other countries; edits material as necessary to meet requirements.

(vii) Coordinates and maintains field trip schedules and itineraries.

(viii) Serves as requisitioning officer for all research and development requirements such as space, furniture, equipment, telephone, and moving services.

(ix) Coordinates the development of scope of work for proposed project proposals with other organizational elements for publication in the Commerce Business Daily.

(x) Maintains liaison with other bureaus and offices of the Department and regions; assists the Director of Research and Development in the presentation of research and development programs to higher authorities.

(4) *Engineering*—(i) *Assistant Director.* (a) Responsible for developing and designing equipment for the Postal Service and for assuring that all equipment has optimum reliability to assure maximum value.

(b) Directs all activities of the Department relating to the development of mail processing equipment, auxiliary equipment and supplies, including the preparation of specifications for procurement; assists in evaluating and reviewing contractors' bids to assure technical compliance with specifications.

(c) Guides the preparation of plans, programs, and projects to carry out development responsibilities; monitors the administration of these plans and programs to assure that objectives are accomplished.

(d) Exercises final responsibility for the preparation of data for development contracts and the work performed under such contracts.

(e) Maintains liaison within the Bureau and with industry and universities as required to assure that improved production techniques and advances in materials and metallurgy are incorporated into postal development efforts.

(f) Responsible for the redesign of proved equipment for reliability, value engineering, and cost effectiveness.

(g) Provides advisory services to the Bureau and to other elements of the Department on equipment engineering matters.

(ii) *Automotive Division.* (a) Conducts creative research and development on nonconventional, postal system oriented vehicular systems, motive power generating and conversion systems and allied areas.

(b) Develops and implements long- and short-range research and development programs related to vehicle safety, vehicle-created air pollution problems, and vehicle-related mass mail movement systems.

(c) Provides engineering consultation and technical services on vehicle utilization, maintenance, and other problems as applicable.

(d) Represents the Bureau on interagency studies and programs devoted to public safety and health.

(e) Develops criteria and methods for determination of cost effectiveness and functional suitability of proposed and existing postal fleet vehicles and vehicle components and options.

(f) Develops special vehicles and accessories as required for new tasks; e.g., "Air Carriers Direct Exchange Vehicles."

(g) Represents the Post Office Department in the review and revision of Federal Standards and Specifications and provides liaison with Federal Supply Service, General Services Administration.

(iii) *Equipment Development Division.* (*a*) Conducts development for new and experimental postal equipment and mail processing systems.

(*b*) Develops and implements programs for overall engineering development objectives.

(*c*) Provides engineering documentation for industry development contracts through pilot installation, operational testing, and evaluation of mail equipment and processing systems.

(*d*) Plans and directs inhouse development of postal equipment and systems; provides criteria and guidance for laboratory testing and operational evaluation.

(*e*) Develops modifications and improvements to equipment and systems; and monitors laboratory and field operational testing. Provides spare parts, technical manuals and contractor training, if required, for all equipment installed in post offices for evaluation purposes.

(*f*) Finalizes design of prototype and production engineered mail processing machines, equipment, and systems and their operating controls and memory devices; and prepares specifications, technical and operating manuals, and recommends spare parts stocking levels for procurement of new and improved systems and equipment.

(*g*) Reviews procurement bids for mail processing systems, equipment, and postal supplies to determine technical compliance with specification requirements.

(*h*) Establishes and maintains engineering standards pertaining to the mechanical, electrical, and electronic design and specifications for mail processing systems, machines, and equipment.

(*i*) Provides consultant and advisory services to other divisions of the Bureau and to other elements of the Department on development matters.

(*j*) Develops plans, procedures, material, and funding requirements for technical training needed to maintain new or modified mail processing equipment introduced into the field. This activity will be coordinated with the Bureaus of Operations and Facilities prior to field implementation to permit the orderly scheduling of personnel.

(iv) *Reliability and Value Engineering Division.* (*a*) Applies cost analysis techniques of value engineering to postal equipment and components during the development process to provide cost avoidance changes or modifications prior to finalization of drawings, specifications, and other engineering documentation.

(*b*) Analyzes all aspects of the design, procurement scheduling, manufacture, installation, and maintenance of postal equipment and components as a basis for developing design alternatives, improving specifications and quality control requirements, substituting standard equipment and/or components, using more cost effective materials, assuring greater reliability and maintainability, and eliminating marginal refinements.

(*c*) Conducts value analysis of major items of existing postal equipment, based on production and downtime experience, maintenance costs, and employee acceptance, to provide data for possible redesign or modification and for developing improved future equipment with better reliability and functional performance at less cost.

(*d*) Serves as a catalyst in the motivation and acceleration of savings in the development, use, and maintenance of postal equipment.

(*e*) Establishes a continuing value engineering training program for concerned bureaus of the Department and elements of the regional establishment.

(*f*) Serves as a center for consolidation of value engineering results throughout the Postal Establishment.

(5) *Postal laboratory.* (i) Develops, maintains, and operates the Postal Laboratory for the testing of new or modified vehicles, equipment, and machines, and pilot models of standard vehicles, equipment and supplies.

(ii) Provides laboratory services for and collaborates with other divisions of Research and Development, Construction Engineering, and Industrial Engineering in preparing for and conducting in-house feasibility studies or related tests and experiments, and in clarifying or defining equipment aspects of new concepts.

(iii) Conducts independent experimentation and research and development work, and provides consultation, as requested.

(iv) Designs and fabricates equipment and components, develops testing instrumentation and conducts tests, including tests with live mail to determine performance of vehicles, equipment, and/or components.

(v) Evaluates failure of machines, components, and materials, proposing redesign, modification, or substitution of components or materials.

(vi) Conducts laboratory training programs and develops procedures for keyboard operators and maintenance personnel.

(vii) Tests and evaluates postage meters, vending equipment, and other revenue-type machines.

(viii) Provides a facility where visitors from United States and foreign governments and industry can view the latest advances in mail-processing equipment.

(6) *Designing and drafting services.* (i) Provides designing, detailing, drafting, and illustrating services for all research and development activities of the Bureau, including designing and drafting standards.

(ii) Schedules work to meet completion dates for production drawings of new equipment, guide drawings or illustrations for new concepts, and expanded views or cutaways for technical manuals.

(iii) Prepares charts, graphs, and illustrations for making presentations to the Assistant Postmaster General and his staff, including budget data, material for staff meetings, and graphic data for program reviews.

(iv) Schedules the use of, and maintains the Bureau's photographic laboratory and reproduction facilities.

(7) *General research*—(i) *Assistant Director.* (*a*) Directs departmental research activities in two broad areas: Original research, and applied research on new concepts and equipment.

(*b*) Guides the preparation of plans and programs to meet departmental research requirements; monitors the administration of these plans and programs to assure that objectives are accomplished.

(*c*) Exercises final responsibility for the preparation of data for research contracts and the work performed under such contracts.

(*d*) Maintains contact with the Advanced Planning Staff to keep abreast of advances in research and to assure that scientific and technical advances are properly evaluated to determine their application to mail processing, movement, and delivery.

(*e*) Implements long- and short-range programs for overall research and development objectives.

(*f*) Provides advisory services to the Bureau and to other elements of the Department on general research matters.

(ii) *Processing Equipment Division.* (*a*) Conducts applied research, development, evaluation, and testing as necessary to establish the engineering feasibility of new mail processing equipment for all categories of mail, within the framework of advanced concepts.

(*b*) Maintains liaison with industry, universities, and other Government agencies for cognizance of scientific and technical advances in research areas.

(*c*) Provides an interface between Equipment Development Division and Advanced Techniques Division in evaluating new concepts in view of mail processing equipment requirements.

(*d*) Monitors contracts for new and experimental mail processing equipment, including selection of approach, technical feasibility, fabrication, experimental testing, evaluation, and overall direction.

(*e*) Conducts inhouse research projects involving mail processing equipment to determine technical feasibility and selection of approach; monitors fabrication, experimental testing and evaluation, and overall direction.

(iii) *Advanced Techniques Division*—(*a*) *Division.* (*1*) Performs original research to arrive at concepts and approaches beyond the confines of applicability and promotes the use of advanced concepts and techniques in the Bureau's programs.

(*2*) Maintains continuing contact with the Advanced Planning Staff in the evaluation of scientific and technical advances made by industry, universities, other Government agencies, and other countries in terms of total requirements for the processing, movement, and delivery of mail; identifies elements as a basis for further research and development.

(*3*) Provides guidance concerning man-machine relationships to other research, development, and engineering activities in the Bureau for designing better machines, equipment, and related systems, and to operating personnel as a basis for better utilization of manpower and equipment.

(*4*) Performs studies to evaluate present systems and operations, resulting in advanced system concepts.

(*5*) Provides technical assistance in the area of communications technology.

(*6*) Provides technical staff assistance to the Assistant Director, General Research, and others as requested.

(*b*) *Human Engineering Branch.* (*1*) Plans for and conducts studies and experiments to improve productive man-machine relationships.

(*2*) Provides principles and guidelines for use in designing postal machines and equipment to enhance the performance and acceptance by postal employees.

(*3*) Provides data for the development of research contracts to achieve a more productive and harmonious relationship between postal employees and their use of machines and equipment; monitors such contracts to assure compliance with original objectives.

(*4*) Evaluates reports, information, and general data to detect machine-operator problems and related areas requiring staff studies or contract research.

(*5*) Designs test plans for the collection of quantified data, including statistical sampling, to insure the accuracy of measurements. Evaluates and analyzes results for precision and validity.

(*6*) Maintains liaison with industry, universities, and other Government agencies for cognizance of scientific and technical advances in human engineering field.

(*c*) *Operations Research Branch.* (*1*) Performs operations research on engineering and associated problems using the analytical techniques of the physical and engineering sciences to arrive at new functional patterns and concepts inherent in the processing, movement, and delivery of mail.

(*2*) Constructs mathematical models for simulation and analysis; assists with machine simulation work as necessary to secure the desired objectives.

(*3*) Conducts studies to isolate and define multifaceted technical problems touching the responsibilities of several organizational elements as required or requested by other research, development and engineering activities in the Bureau.

(*4*) Provides staff assistance and consultation to the Assistant Director, Director, or other Bureau officials, as requested, in the application of advanced decisionmaking techniques to engineering management problems.

(*5*) Reports results of studies in operational language to facilitate incorporation into operating processes.

(*6*) Maintains liaison with industry, universities, and other Government agencies for cognizance of scientific and technical advances in operations research.

(*d*) *Systems Analysis Branch.* (*1*) Analyzes input data from the Industrial Engineering Staff and other sources as a basis for developing new concepts and systems to meet total postal requirements—manpower, equipment, facilities, and mail movement, in the proper sequence and in the proper balance.

(*2*) Studies new postal concepts, including space therefor, mechanization, personnel and operating requirements; develops systems which provide productive patterns and relationships between these components as a basis for establishing cost and expected benefits of equipment and/or systems.

(*3*) Develops and recommends to the Bureau of Facilities maintenance and training criteria for new concepts and recommends staffing guidelines and qualification requirements as they relate to new systems.

(*4*) Maintains liaison with industry, universities, and other Government agencies for cognizance of scientific and technical advances in systems analysis work.

(*e*) *Communications Technology Branch.* (*1*) Keeps abreast of advances in the use of computers for scientific and engineering purposes to determine possible applications. Plans and implements research programs for determining the capabilities and limitations of computer techniques for scientific and engineering purposes.

(*2*) Advises and assists other divisions in the Bureau of Research and Engineering in the application of computers to mail processing activities. Coordinates with Bureau of Finance and Administration in the conception, design, and application of computer systems.

(*3*) Conducts communications system analysis prior to the use of these systems.

(*4*) Explores new communication techniques and concepts; evaluates technical capabilities and economics as applied to telegraph, telephone, microwave, and satellite, to develop possible substitutes for or improvements in present means of postal communications.

(*5*) Provides technical assistance in preparing contracts for communications research and equipment specifications; monitors contractors' progress and accomplishments in relation to contract requirements.

(*6*) Provides technical liaison between the Post Office Department, and communication research activities in industry, universities, and other Government agencies; furnishes consulting services as required.

(iv) *Auxiliary Equipment Division.* (*a*) Conducts applied research, evaluates and establishes feasibility of new concepts, including necessary laboratory testing on all new or improved nonprocessing postal equipment. This equipment includes, but is not limited to, containers, including mailbags and sacks; vending machines; label and other printing devices; operating surveillance equipment, such as closed circuit television; mailbag manufacturing and repair equipment; and counter equipment, such as money order issuing machines and scales.

(*b*) Provides interface between Advanced Techniques Division and Equipment Development Division in evaluating new concepts and determining requirements for new auxiliary equipment or for modification of existing equipment.

(*c*) Monitors contract projects for selection of approach, technical feasibility, fabrication, experimental testing, evaluation, and overall direction.

(*d*) Conducts inhouse research projects involving requirements for new auxiliary equipment or modifications of existing equipment within the limitation of facilities to determine technical feasibility and selection of approach. Monitors fabrication, experimental testing and evaluation, and overall direction.

(*e*) Maintains liaison with industry, universities, and other Government agencies for cognizance of scientific and technical advances in research areas relating to Division activities.

(i) *Construction Engineering*—(1) *Director.* (i) Provides leadership for and direction of the construction engineering program for the Postal Service.

(ii) Based on long-range plans and goals of the Department, develops engineering plans and provides postal facilities and related mail processing equipment.

(iii) Maintains liaison with the other bureaus and offices in the Department, General Services Administration, other Government agencies, and private industry in the discharge of construction engineering responsibilities.

(iv) Directs a construction research program to keep abreast of the latest developments in construction technology and applies these advances to the Department's construction program.

(v) Advises, assists, and/or acts for the Assistant Postmaster General on all matters pertaining to construction engineering activities of the Bureau, and assesses the impact of such activities on the Postal Service.

(2) *Office of the Assistant to the Director*—(i) *Assistant to the Director.* The Assistant to the Director, Construction Engineering, performs all general management activities, program and project control, and provides liaison with other bureaus and regional offices on construction engineering matters. Advises, assists, and/or acts for the Director Construction Engineering as directed.

(ii) *Construction engineering.* (*a*) Coordinates the implementation of all departmental and regional policies, directives, and procedures as they pertain to construction engineering; advises the Director of major problems or other areas requiring his attention.

(*b*) Coordinates and prepares correspondence relating to functions and programs of construction engineering, including congressional and Federal agency inquiries, for signature of the Assistant Postmaster General; obtains endorsements from divisions on technical matters to formulate the preparation of correspondence and to coordinate concurrencies.

(*c*) Schedules, processes, and monitors all programs of construction engineering and assists in developing, directing, and administering such programs.

(*d*) Coordinates and administers construction engineering program budgets

and associated manpower and staffing requirements.

(e) Develops and maintains a system of assembling, recording, and reporting progress on projects and programs; prepares accomplishment, program, and cost data reports for management and budget use.

(f) Develops and maintains standards and procedures for obtaining qualification and performance data of architect-engineer firms.

(g) Maintains liaison with other bureaus and offices of the Department and regions, and assists the Director in the presentation of construction engineering programs to higher authorities.

(h) Coordinates the preparation of contract plans and specifications for advertising.

(iii) *General management.* (a) Coordinates, with the divisions, the preparation of material for the International Technical Liaison Officer and Executive Secretary to the Advisory Council per requests from other countries; edits material as necessary to meet requirements.

(b) Coordinates and maintains field trip schedules, prepares itineraries, and reviews travel expense accounts.

(c) Serves as requisitioning office for all construction engineering requirements such as space, furniture and equipment, telephones, and moving services.

(3) *Regional liaison.* (i) Develops field training requirements in participation with Headquarters and regional officials.

(ii) Coordinates the preparation of material for and the conduct of training courses and special conferences or seminars to meet regional training needs.

(iii) Develops and coordinates regional engineering program and provides Headquarters liaison for special projects assigned to regional engineers.

(iv) Identifies areas in the field requiring technical assistance and arranges for Headquarters officials to make field visits to provide such assistance.

(v) Reviews regional engineering procedures and interpretations of Bureau of Research and Engineering issuances; identifies variations in procedures and interpretations for corrective action by responsible Bureau divisions.

(4) *Construction Research Staff.* (i) Responsible to the Director, Construction Engineering for establishing and implementing research programs in construction technology, with the objective of achieving lower construction costs and reduced maintenance costs.

(ii) Performs research in the development of new construction methods and materials and related mechanical components such as air conditioning and lighting.

(iii) Coordinates with other Government agencies, testing laboratories, and industry research programs in construction methods and materials.

(5) *Project design*—(i) *Assistant Director.* Directs those phases of responsibility of the Director, Construction Engineering, that concern architectural design, utilities design, and mail processing systems design and engineering.

(ii) *Architectural Division*—(a) *Division.* Performs all functions concerned with developing complete building plans and specifications for major postal facilities, including schematic and preliminary drawings, land utilization and site requirements, construction cost estimates, building design criteria and construction standards.

(b) *Architectural Branch.* (1) Prepares schematic and preliminary building plans to assist in determining facility requirements; studies land utilization and determines site size and requirements; and assists in site selection.

(2) Develops architectual plans and elevations of buildings and final site plans.

(3) Coordinates and includes in plans the structural and building requirements pares schematic and preliminary buildfor mechanical and electrical utility equipment and mail processing machinery.

(4) Develops building design criteria and standard construction details.

(5) Coordinates and prepares architectural plans for postal-occupied space and facilities in multipurpose Government-owned buildings to be constructed by General Services Administration.

(6) Maintains liaison with GSA central office and its regional offices in providing guidance and instructions for inclusion of technical requirements in postal-occupied space in projects under GSA control.

(7) Reviews for compliance with contractural requirements, preliminary, intermediate, and final working drawings prepared by bidders, lessors, and architects, including submissions by General Services Administration.

(8) Furnishes technical assistance in the evaluation and selection of architectural and engineering firms; makes recommendations to the Director, Construction Engineering.

(9) Reviews and evaluates regional engineering proposals for extension, remodeling, and modernization of buildings under GSA control; prepares plans and requirements for such work for accomplishment by the General Services Administration. Reviews for compliance and approves construction drawings prepared by the General Services Administration for improvement projects.

(10) Recommends to the Maintenance Division, Bureau of Facilities, technical criteria for vehicle maintenance facility planning; provides technical advice for typical and schematic plans; reviews proposals, specifications, and plans from the standpoint of technical requirements.

(c) *Structural Branch.* (1) Establishes structural standards, including design criteria for floor loads and column spacing to adequately support and provide flexibility for installing mail processing machinery and equipment.

(2) Reviews and approves for compliance with contractual requirements the structural design of preliminary, intermediate, and final working drawings and specifications prepared by bidders, lessors and architects to insure maximum stability and economy consistent with established construction practices.

(3) Provides structural consulting services to other bureaus of the Department and the regional offices.

(d) *Specifications and Estimates Branch.* (1) Prepares detailed estimates of cost for all types of building construction projects.

(2) Prepares building construction requirements for all types of postal facilities.

(3) Reviews for compliance and recommends approval of construction specifications submitted by architectural engineering firms and GSA.

(4) Prepares construction specifications for standard details.

(5) Prepares construction specification guides and instructions for use of contract architect-engineer firms and regional offices, and for inclusion in technical manuals.

(6) Maintains liaison with material manufacturers in order to update specifications and to keep abreast of the latest techniques and developments in materials used by the building industry.

(7) Provides consulting services to other bureaus of the Department, the regional offices and GSA.

(iii) *Utilities Division*—(a) *Division.* Performs all functions concerned with the program planning and design of mechanical and electrical utilities building equipment and space conditioning systems, and communications equipment for all space occupied by the Post Office Department in new or existing facilities.

(b) *Electrical Branch.* (1) Investigates the availability and applicability of new and/or improved power and lighting systems.

(2) Develops standards and criteria, engineering instructions, and manuals governing the design of electrical systems.

(3) Designs the electrical distribution system most suitable for each major facility, establishing the most economical service consistent with postal requirements.

(4) Investigates available power supply and energy rates for each major facility project, selecting the most reliable and economic service.

(5) Prepares specific requirements and specifications to cover all special electrical needs of individual facilities.

(6) Reviews and approves electrical portion of architect-engineer (A–E) submissions.

(7) Provides consulting service and technical guidance to other bureaus, the regional offices, and GSA.

(8) Arranges for development and procurement of operating instructions and training guides that pertain to power and lighting systems.

(9) Prepares communications layouts, including telephone, intercom and other equipment; prepares specifications for such equipment.

(c) *Building Equipment Branch.* (1) Investigates the availability and applicability of new and/or improved building mechanical systems, including communications, water distribution, compressed air, fire protection, security alarm and sewer systems, to provide the most economical and reliable service.

(2) Develops standards and criteria, engineering instructions and manuals governing the design of building equipment systems.

(3) Prepares specific requirements for all special building equipment system needs of each major facility; designs the systems and special equipment to meet the requirements.

(4) Reviews and approves the building equipment system portion of A–E submittals.

(5) Provides consulting service and technical guidance to other bureaus, the regional offices, and GSA.

(6) Arranges for development and procurement of operating instructions and training guides covering the building equipment systems.

(d) *Space Conditioning Branch.* (1) Investigates the availability and applicability of new and/or improved space conditioning systems such as heating, refrigerating, ventilating and air supply, and distribution systems and controls.

(2) Develops standards and criteria, engineering instructions, and manuals governing the design of space conditioning systems.

(3) Investigates available fuel and energy for every major project in order to select the most economical fuel or energy or combinations thereof.

(4) Designs the space conditioning systems most suitable for each major facility.

(5) Prepares specific requirements to all special space conditioning system needs of individual facilities.

(6) Reviews and approves the space conditioning system portion of A–E submissions.

(7) Provides consulting service and technical guidance to other bureaus, the regional offices, and GSA.

(8) Arranges for development and procurement of operating instructions and training guides covering the building equipment systems.

(iv) *Process Machinery Division*—(a) *Division.* Performs all functions concerning the development of plans and specifications for mail processing equipment, including systems analysis and layout, economic analysis, design of equipment and controls and preparation of all mechanical drawings and specifications. Evaluates systems concepts originated through research and development activities and incorporates them into process machinery systems and designs for individual facilities, wherever feasible.

(b) *Systems Design Branch.* (1) Reviews and adjusts space estimates to assure adequacy and suitability of space in proposed mail processing facilities, incorporating new methods, machinery, and equipment in accordance with operating concepts.

(2) Prescribes processing machinery and equipment needed for each major facility to provide maximum economies and efficiencies within the established operational concept.

(3) Develops comprehensive systems layouts for each new major postal facility to show relationships between the various mail processing functions.

(4) Develops and standardizes procedures and techniques to be used in preparing systems layouts, equipment lists and descriptions of operating sequences.

(5) Develops and prepares manuals which describe the operation of mechanized systems and arranges for their publication.

(6) Assists in the presentation of the proposed mail handling system to local, regional, and departmental groups.

(7) Provides technical representation for the Department on conferences pertaining directly to systems layout aspects of mail operations.

(c) *Economic Analysis Branch.* (1) Prepares engineering economic analyses of Systems Design Branch proposals, showing the comparative costs and savings between the various systems that could be used in a particular facility design.

(2) Develops a complete economic analysis of the recommended machinery and coordinates this with the economic analysis of the building design as developed by the Architectural Division.

(3) Maintains constant review of machinery criteria being developed in order to update its studies.

(4) Coordinates with other bureaus in matters relating to facilities cost analyses.

(d) *Machine Design Branch.* (1) Designs and prepares drawings for mail processing equipment that has been developed, tested, and proved, as a basis for procurement; prepares progressive modification drawings to incorporate latest advances and improvements in existing equipment.

(2) Designs and prepares drawings for processing machinery to meet operational and functional requirements.

(3) Prepares contract drawings and specifications for all types of processing machinery for new facilities; reviews and approves contractors' bids and proposals; checks and approves contractors' engineering and shop drawings.

(4) Coordinates with architectural and utilities divisions the location and installation of processing machinery and equipment within a facility.

(5) Provides a Department-wide documentation and consultation service on equipment contractors' opinions and appeals from Post Office Department decisions.

(e) *Machine Controls Branch.* (1) Designs and prepares drawings and specifications for electrical controls required to operate mail processing equipment.

(2) Prepares progressive modification drawings to incorporate the latest improvements in existing equipment.

(3) Reviews and approves contractors' bids and proposals and checks and approves contractors' engineering and shop drawings for compliance with control requirements.

(4) Coordinates the location and installation of electrical controls to meet both operational and building design needs.

(6) *Project Planning*—(i) *Assistant Director.* Directs those phases of responsibility of the Director, Construction Engineering, that concern planning requirements, engineering liaison, and engineering evaluations of major facilities projects. Provides engineering guidance and liaison with regional engineering offices and local postal installations on matters relating to construction.

(ii) *Planning Requirements Division.* (a) Provides team members for participation in development of the distribution and operations concept.

(b) Provides engineering and related technical assistance and maintains continuing liaison in the conduct of surveys to determine space, platform, mechanization, equipment, and other requirements for a facility. Participates in studies of mail movements and handling as necessary to economically establish correct location of a new facility.

(c) Provides technical factors for consideration in projecting future requirements.

(d) Develops and coordinates with affected bureaus engineering policies and standards governing the determination of space requirements for postal facilities.

(e) Prepares flow charts, tables, and narrative reports for use in designing facilities.

(iii) *Installations, Liaison Division.* (a) Represents the Bureau of Research and Engineering as a participating member of the Department's occupancy committee.

(b) Provides Headquarters engineering personnel to furnish technical assistance to local management with initial mail processing systems start-up; coordinates necessary training, guidance, and instruction on operation of building utilities, maintenance, and other engineering matters.

(c) Coordinates major facility start-up operations with other Headquarters bureaus and offices, regional, and local offices.

(d) Provides local, regional, and departmental officials with updated construction and installation schedules and advises the respective officials of dates training and indoctrination should be completed.

(e) Provides liaison, technical guidance, and assistance to regional engineering offices as required in the construction program on regional delegated projects, during start-up and phasein periods.

(f) Coordinates communications, reports, and information between regional, local, and Headquarters engineering offices on projects in start-up phase of a new installation.

(g) Provides assistance to other construction engineering divisions in resolving and identifying special problem areas during final stages of mechanization installation.

(h) Provides periodic progress reports to the several management levels of the Bureau.

(iv) *Engineering Evaluation Division.* (a) Analyzes onsite installed mail proc-

essing systems and engineering aspects of major facility projects.

(b) Supervises and directs engineering related activities of those participating in post construction and installation evaluations.

(c) Develops comparison of actual performance with original concept and design, considering impact of interim changes.

(d) Prepares engineering evaluation reports covering onsite analyses and comparability studies and makes available to interested offices and bureaus as information for use in future planning, improvements to specific facilities, and other programing purposes.

(e) Consults with local and regional personnel on performance of facility and equipment and advises appropriate headquarters offices of problem areas requiring immediate attention that may have arisen since completion of original installation.

(f) Coordinates and assists other offices and bureaus on special followup studies and postengineering evaluation action items.

(g) Feeds back field evaluation findings and problem areas to construction engineering organization and to others as required.

(h) Provides engineering liaison and guidance to regional engineering office personnel on regional delegated projects or assignments.

(7) *Project Construction*—(i) *Assistant Director.* Directs those phases of responsibility of the Director, Construction Engineering, that are concerned with management, administration, and field supervision of the departmental construction program, encompassing all aspects of building construction and mail processing equipment installation.

(ii) *Building Construction Division*—(a) *Division.* Performs all functions concerned with management and field supervision of departmental building construction projects and General Services Administration projects involving postal-occupied space.

(b) *Structures Branch.* (1) Supervises and inspects building construction projects, including those having contract supervision; performs interim and final acceptance inspections for contract compliance; recommends acceptance.

(2) Coordinates and provides guidance on GSA projects, including extension and remodeling of existing facilities.

(3) Prepares and maintains building construction schedules; coordinates scheduling with other bureaus and offices, lessors, contractors and GSA.

(4) Develops procedures, guidelines and criteria for performance of building construction management, including inspection and acceptance.

(5) Furnishes consulting services to contracting bureau and others and develops joint methods and procedures.

(6) Provides consulting services and guidance to regional offices on construction management matters.

(7) Coordinates supervision and inspection with Utilities Installation Branch.

(c) *Utilities Installation Branch.* (1) Performs all supervision and inspections of utilities installations for contract compliance, including interim and final recommendations as an adjunct to total project acceptance. Inspections also cover utilities installations under contract supervision and encompass all utility factors such as air conditioning, heating, plumbing, electrical, and communications systems.

(2) Coordinates and provides guidance on GSA projects involving utilities installation.

(3) Coordinates utilities installation schedules with overall construction schedule.

(4) Develops procedures, guidelines, and criteria for performance of utilities installation, inspection, and acceptance.

(5) Furnishes consulting services to contracting bureau and others and develops joint methods and procedures.

(6) Provides consulting services and guidance to regional offices on utilities installation matters.

(7) Coordinates supervision and inspection with Structures Branch.

(d) *Estimates Branch.* (1) Provides construction cost estimates for building construction division.

(2) Reviews, on comparative estimates basis, all contractor cost proposals involving construction and utilities changes; recommends appropriate action to contracting officer.

(3) Performs preliminary negotiations with contractors on cost differentials and assists in final negotiations.

(4) Provides guidance to contract architect-engineers in review of cost of estimates of proposed contractor substitutions and changes.

(5) Provides estimates of costs for proposed departmental construction changes.

(6) Certifies as to reasonableness of contractor cost proposals.

(7) Assists in determining contract compliance with drawing and specification requirements, and provides consulting services when formal claims are involved.

(iii) *Process Machinery Installation Division*—(a) *Chief Division.* Performs all functions concerned with the management, administration, and field supervision of process machinery installation in departmental building construction projects and in GSA projects involving postal-occupied space.

(b) *Machinery Installation Branch.* (1) Supervises and inspects the installation of mail process machinery in new and existing building construction projects, including buildings under GSA control; performs interim and final acceptance inspections for contract compliance; recommends acceptance.

(2) Establishes and maintains installation schedules; coordinates with building construction schedules, and with operating bureaus and offices.

(3) Reviews and certifies reasonableness of contractor requests for interim progress payments and final acceptance and contract closeout payments.

(4) Monitors field change orders within authorized monetary limitations.

(5) Develops procedures, guidelines, and criteria for performance of mechanization installations management including inspection and acceptance.

(6) Furnishes consulting services to contracting bureau and others and develops joint methods and procedures.

(7) Provides consulting services and guidance to regional offices on mechanization installation matters.

(8) Coordinates machinery supervision and inspection with controls installation branch.

(c) *Controls Installation Branch.* (1) Supervises and inspects for contract compliance the installation of electronic control systems for mail processing equipment including interim and final acceptance inspections of such installations as an adjunct to acceptance of the total process machinery installation.

(2) Supervises and inspects installation of data handling and mail processing equipment computers.

(3) Furnishes consulting services to contracting bureau and others and develops joint methods and procedures.

(4) Provides consulting services and guidance to regional offices on controls systems and installation matters.

(5) Coordinates supervision and inspection with machine installation branch.

TIMOTHY J. MAY,
General Counsel.

MARCH 23, 1967.

[F.R. Doc. 67-3486; Filed, Mar. 29, 1967; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5B—Public Buildings Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following materials set forth miscellaneous amendments to various parts of Chapter 5B relating to alternate prices, conduct of negotiations, and forms used in contracting for building services.

PART 5B–2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents for Part 5B–2 is revised to delete two entries from Subpart 5B–2.2, as follows:

Subpart 5B–2.2—Solicitation of Bids

Sec.
5B–2.201–70 [Deleted]
5B–2.201–76 [Deleted]

Subpart 5B–2.2—Solicitation of Bids

Subpart 5B–2.2 is amended as follows:

1. Section 5B–2.201–70 is deleted:

§ 5B–2.201–70 [Deleted]

2. Section 5B–2.202–71 is amended to provide that, generally, "add" alternates will be used rather than "deduct" alternates in construction specifications. As amended, the section reads as follows:

§ 5B–2.202–71 Base bid and alternate prices.

(a) Invitations normally should be issued for a single lump-sum bid. The base bid should include all the features that are considered essential to a minimum, sound and adequate building design. Alternate prices are permitted only when clearly justified and must be held to a minimum. Alternates to be included in specifications should involve significant amounts of work in relation to the base bid. In general, only "add" alternates will be permitted.

(b) Alternates may be justified under peculiar project or market conditions, for example:

(1) When accurate cost estimates are not available, a base bid may be required for the minimum acceptable project, with add alternates for desired materials and/or equipment.

(2) To secure bids on a proprietary item or system considered necessary for the proper operation of the facility.

(3) On reimbursable projects, alternates may be necessary when the reimbursing agency cannot state exactly the maximum funds available. A base bid may then be required which can be covered by the funds then available, and add alternates asked for additional items which may be covered by transfer of additional funds.

(c) All bidding documents calling for alternates shall clearly state that the Government reserves the right to accept or reject any and all alternate prices as may be determined by the contracting officer to be in the best interest of the Government.

(d) Counsel shall approve the language of all invitations requiring alternates.

3. Section 5B–2.202–76 is deleted:

§ 5B–2.202–76 [Deleted]

PART 5B–3—PROCUREMENT BY NEGOTIATION

1. The table of contents for Part 5B–3 is revised to add entries for new Subpart 5B–3.8, as follows:

Subpart 5B–3.8—Price Negotiation Policies and Techniques

Sec.
5B–3.804 Conduct of negotiations.
5B–3.804–1 Negotiation of cost-plus-a-fixed-fee contracts.
5B–3.805 Selection of offerors for negotiation and award.

2. Part 5B–3 is amended by the addition of the following subpart:

Subpart 5B–3.8—Price Negotiation Policies and Techniques

§ 5B–3.804 Conduct of negotiations.

§ 5B–3.804–1 Negotiation of cost-plus-a-fixed-fee contracts.

(a) After offers are received, negotiations shall be conducted with all responsible offerors who submitted proposals within a competitive range, price and other factors considered, except as otherwise provided in § 1–3.805–1.

(b) The determining criteria for making an award (when other than the lowest fee, as contemplated in § 1–3.805–2) should be determined in advance of negotiations so as to permit suitable evaluation of offerors in terms thereof during the course of negotiations.

(c) The considerations and engineering discussions during negotiation shall include, to the extent necessary to resolve uncertainties, such matters as:

(1) The location, size, and character of the work and the estimated cost.

(2) The general conditions for the cost-plus-a-fixed-fee contract and the procedures to be followed thereunder.

(3) The organization the contractor will use at the site and proposed salaries for such employees.

(4) The types and amount of contractor's own construction equipment available for the project.

(5) The amount and character of work to be performed by the contractor's own forces and by subcontract.

(6) The time for completion, liquidated damages (if specified), insurance, bonds, etc.

(7) The fixed fee and the basis upon which its amount was predicated. (All of these factors in subparagraphs (1) through (6) of this paragraph have a bearing upon the amount of the fee.)

§ 5B–3.805 Selection of offerors for negotiation and award.

(a) Generally, pursuant to the requirements of § 1–3.101(c), offers shall be solicited from three or more contractors. The project file shall be documented to show the qualifications and other factors which form the basis for the selection of contractors to be solicited. Consideration should be given first to qualified firms located in or near the vicinity of the project. Where contractors have previously performed Government contracts, the manner of performance shall be considered. The foregoing statements, however, shall not be construed to limit the selection to local contractors or to firms previously having performed Government contracts. Determinations of responsibility shall be made in accordance with § 1–1.310.

(b) In exceptional cases (e.g., where only one firm has the security clearance required for performance and the project cannot be delayed pending clearance of other firms) it may be necessary or advisable to select only one contractor. In such cases, the basis for the decision shall be fully documented.

PART 5B–7—CONTRACT CLAUSES

1. The table of contents for Part 5B–7 is revised to add entries for new Subpart 5B–7, as follows:

Subpart 5B–7.70—Cost-Plus-a-Fixed-Fee Construction Contracts

Sec.
5B–7.701 Required clauses.
5B–7.701–1 Subcontracting.

2. Part 5B–7 is amended by the addition of the following subpart:

Subpart 5B–7.70—Cost-Plus-a-Fixed-Fee Construction Contracts

§ 5B–7.701 Required clauses.

§ 5B–7.701–1 Subcontracting.

If the contractor's fee, on a cost-plus-a-fixed-fee contract, is negotiated on the basis of performance of specified portions of the work by the contractor and by subcontractors, respectively, the following clause shall be included in the contract:

SUBCONTRACTING

(a) At the time the contract was negotiated the Government and the contractor contemplated that the following specific items of work would be subcontracted:

(List the items. Examples are: Electrical work, painting, and roofing and sheet metal.)

(b) The fixed fee payable hereunder was determined on this basis and on the further contemplation that it would be advantageous both to the Government and to the contractor to have subcontracted, in addition to the items specified above other portions of the work not predetermined in character but having a total estimated cost not exceeding $_____. If the total cost of such other subcontracted portions of the work exceeds such amount there shall be an equitable downward adjustment of the fixed fee.

(c) Nothing in this clause shall impair the right of the contracting officer, hereinelsewhere provided, to approve or disapprove the subcontracting of any portion of the work and the subcontracts therefor.

PART 5B–16—PROCUREMENT FORMS

The table of contents for Part 5B–16 is revised to delete one entry and to add a new entry for Subpart 5B–16.9, as follows:

Subpart 5B–16.9—Illustrations of Forms

Sec.
5B–16.950–1411B [Deleted]
5B–16.950–1467A GSA Form 1467A, Bidding Instructions, Terms, and Conditions (Contract for Building Services).

Subpart 5B–16.9—Illustrations of Forms

Subpart 5B–16.9 is amended as follows:

1. Section 5B–16.950–1411B is deleted.

§ 5B–16.950–1411B [Deleted]

2. Section 5B–16.950–1467 is revised to illustrate the latest edition of GSA Form 1467.

§ 5B–16.950–1467 GSA Form 1467, Invitation, Bid, and Award (Contract for Building Services).

(a) *Page 1 of GSA Form 1467.*

GENERAL SERVICES ADMINISTRATION
PUBLIC BUILDINGS SERVICE
INVITATION, BID, AND AWARD
(Contract for Building Services)

CONTRACT NO.	PAGE NO.	NUMBER OF PAGES
	1	

ISSUING OFFICE | BID RECEIVING OFFICE

INVITATION FOR BIDS

DATE ISSUED | INVITATION NO. | BIDS WILL BE OPENED | TIME | DATE

BIDS MUST BE SUBMITTED IN ORIGINAL AND ____ COPIES.

Sealed bids for furnishing the building services described in the attached Contract Requirements will be received in the Bid Receiving Office until the date and time specified above and at that time publicly opened. All bids are subject to the following:

1. The attached Bidding Instructions, Terms, and Conditions, GSA Form 1467A.
2. The General Provisions, GSA Form 1468.
3. The Contract Requirements.
4. Such other provisions, terms, conditions, specifications, schedules, and exhibits as are attached.

BID (*This section is to be completed by the Bidder*) → DATE BID SUBMITTED

IN COMPLIANCE WITH the above, the undersigned agrees that, if this bid is accepted within ____ days (60 calendar days unless a different period is inserted by the bidder) from the date of opening, he will within 15 calendar days (unless a longer period is allowed in writing by the Government) from the date of notice from the Government to proceed, thereafter provide the services described in the Contract Requirements, in strict accordance with all provisions of the Invitation as set forth below.

NAME AND ADDRESS OF BIDDER (*Street, city, State and zip code*) (*Type or print*) | SIGNATURE OF PERSON AUTHORIZED TO SIGN BID | BIDDER'S NAME AND TITLE (*Type or print*)

AWARD (*This section for Government use only*) | DATE OF AWARD:

The above Bid is accepted in the amount of $ ____.

☐ You are directed to proceed with the work upon receipt of this Award.

Notice to proceed will be issued upon receipt of acceptable:

☐ Performance bond ☐ Evidence of required insurance

ACCOUNTING INFORMATION | THE UNITED STATES OF AMERICA

BY ____ (*Contracting Officer*)

(*Title*)

GSA BC 86-13939 | GSA FORM DEC 66 1467

(b) *Page 2 of GSA Form 1467.*

REPRESENTATIONS AND CERTIFICATIONS

The Bidder makes the following representations and certifications as part of his bid: (*Check or complete all appropriate boxes or blanks.*)

1. By submission of this bid, the bidder acknowledges that he has a complete understanding of the requirements of the contract, and is familiar with the physical conditions under which it will be performed.

2. SMALL BUSINESS (*See par. 9 on GSA Form 1467A*)
He ☐ is, ☐ is not, a small business concern. If bidder is a small business concern and is not the manufacturer of the supplies bid upon, he also represents that all supplies to be furnished hereunder ☐ will, ☐ will not, be manufactured or produced by a small business concern in the United States, its possessions, or Puerto Rico.

3. CONTINGENT FEE
(a) He ☐ has, ☐ has not, employed or retained any company or person (*other than a full-time, bona fide employee working solely for the bidder*) to solicit or secure this contract, and (b) he ☐ has, ☐ has not, paid or agreed to pay any company or person (*other than a full-time, bona fide employee working solely for the bidder*) any fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of this contract; and agrees to furnish information relating to (a) and (b) above as requested by the Contracting Officer. (*For interpretation of the representation, including the term "bona fide employee," see Code of Federal Regulations, Title 41, Subpart 1-1.5.*)

4. TYPE OF ORGANIZATION
He operates as an ☐ individual, ☐ partnership, ☐ corporation, incorporated in the State of ____;

5. PARENT COMPANY AND EMPLOYER IDENTIFICATION NUMBER
Each bidder shall furnish the following information by filling in the appropriate blocks:
(a) Is the bidder owned or controlled by a parent company as described below? ☐ Yes ☐ No. (*For the purpose of this bid, a parent company is defined as one which either owns or controls the activities and basic business policies of the bidder. To own another company means the parent company must own at least a majority (more than 50 percent) of the voting rights in that company. To control another company, such ownership is not required; if another company is able to formulate, determine, or veto basic business policy decisions of the bidder, such other company is considered the parent company of the bidder. This control may be exercised through the use of dominant minority voting rights, use of proxy voting, contractual arrangements, or otherwise.*)
(b) If the answer to (a) above, is "Yes," bidder shall insert in the space below the name and main office address of the parent company.
NAME OF PARENT COMPANY | (*Number, street, city, State, zip code*)
(c) Bidder shall insert in the appropriate space below, if he has a parent company, his own Employer's Identification Number (E.I. No.) (*Federal Social Security Number used on Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941*), or, if he has a parent company, the E.I. No. of his parent company.
EMPLOYER IDENTIFICATION NUMBER OF: PARENT COMPANY | BIDDER

6. EQUAL OPPORTUNITY
He ☐ has, ☐ has not, participated in a previous contract or subcontract subject to the Equal Opportunity Clause herein, the clause originally contained in section 301 of Executive Order No. 10925, or the clause contained in section 201 of Executive Order No. 11114; that he ☐ has, ☐ has not, filed all required compliance reports; and that representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontract awards. (*The above representation need not be submitted in connection with contracts or subcontracts which are exempt from the clause.*)

7. INDEPENDENT PRICE DETERMINATION (*See par. 11 on GSA Form 1467A*)
(a) By submission of this bid, the bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, that in connection with this procurement:
(1) The prices in this bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly to any other bidder or to any competitor; and
(3) No attempt has been made or will be made by the bidder to induce any other person or firm to submit or not to submit a bid for the purpose of restricting competition.
(b) Each person signing this bid certifies that:
(1) He is the person in the bidder's organization responsible within that organization for the decision as to the prices being bid herein and that he has not participated, and will not participate, in any action contrary to (a) (1) through (a) (3) above; or
(2) (i) He is not the person in the bidder's organization responsible within that organization for the decision as to the prices being bid herein but that he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (a) (1) through (a) (3) above, and as their agent does hereby so certify; and (ii) he has not participated, and will not participate, in any action contrary to (a) (1) through (a) (3) above.

NOTE.—Bids must set forth full, accurate, and complete information as required by this invitation for bids (including attachments). The penalty for making false statements in bids is prescribed in 18 U.S.C. 1001.

SPECIMEN

3. Section 5B–16.950–1467A is added to illustrate the new GSA Form 1467A.

§ 5B–16.950–1467A GSA Form 1467A, Bidding Instructions, Terms, and Conditions (Contract for Building Services).

(a) *Page 1 of GSA Form 1467A.*

GENERAL SERVICES ADMINISTRATION
PUBLIC BUILDINGS SERVICE

BIDDING INSTRUCTIONS, TERMS, AND CONDITIONS
(Contract for Building Services)

1. Preparation of Bids

Each bidder shall furnish the information required by the bid form. The bidder shall sign the bid and print or type his name on the Schedule and each Continuation Sheet thereof on which he makes an entry. Erasures or other changes must be initialed by the person signing the bid. Bids signed by an agent are to be accompanied by evidence of his authority unless such evidence has been previously furnished to the issuing office.

2. Visit to Building

Bidders should visit the building and take such other steps as may be reasonably necessary to ascertain the nature and location of the services to be performed and the general and local conditions which can affect the services or the cost thereof. Failure to do so will not relieve bidders from responsibility for estimating properly the difficulty or cost of successfully performing the services. The Government will assume no responsibility for any understanding or representations concerning conditions made by any of its officers or agents prior to the execution of the contract, unless included in the invitation for bids, the requirements and specifications, or related documents.

3. Qualification of Bidders

(a) Bids will be considered only from responsible organizations or individuals now or recently engaged in the performance of building service contracts comparable to those described in the attached schedule. In order to determine his qualifications, each bidder may be requested to furnish a narrative statement listing comparable contracts which he has performed during the last two years, together with a general history of his operating organization and complete experience. In the absence of a Certificate of Competency from the Small Business Administration, each bidder may also be required to furnish a statement of his financial resources; show that he has the ability to maintain a staff of regular employees adequate to insure continuous performance of the work; and, demonstrate that his equipment and/or plant capacity for the work contemplated is sufficient, adequate, and suitable.

(b) Competency in performing comparable building service contracts, demonstration of acceptable financial personnel, and plant resources will be considered in determining the bid to be accepted.

4. Explanations to Bidders

Any explanation desired by a bidder regarding the meaning or interpretation of the Invitation for Bids, Contract Requirements, etc. must be requested in writing and with sufficient time allowed for a reply to reach bidders before the submission of their bids. Any information given to a prospective bidder concerning an Invitation for Bids will be furnished to all prospective bidders, as an amendment to the Invitation, if such information is necessary to bidders in submitting bids on the Invitation or if the lack of such information would be prejudicial to uninformed bidders. Receipt of amendments by a bidder must be acknowledged on the bid or by letter or telegram received before the time set for opening of bids. Oral explanations or instructions given before the award of the contract will not be binding.

5. Submission of Bids

(a) Bids and modifications thereof shall be enclosed in sealed envelopes, addressed to the office specified in the Invitation for Bids, with the name and address of the bidder, the date and hour of opening, and the Invitation number on the face of the envelope. Telegraphic bids will not be considered unless authorized by the Invitation; however, bids may be modified by telegraphic notice, subject to paragraph 7, below.

6. Failure to Bid

In the event no bid is to be submitted, do not return the Invitation unless otherwise specified. However, a letter or post card should be sent to the issuing office advising whether future invitations for the type of services covered by this Invitation are desired. Failure of the recipient to bid, or to notify the issuing office that future invitations are desired, may result in removal of the name of the recipient from the mailing list for the type of services covered by the Invitation.

7. Withdrawal of Bids

Bids may be withdrawn subject to paragraph 8, below.

8. Late Bids and Modifications or Withdrawals

(a) Bids and modifications or withdrawals thereof received at the office designated in the Invitation for Bids after the exact time set for opening of bids will not be considered unless: (1) they are received before award is made; and either (2) they are sent by registered mail, or by certified mail for which an official dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained, or by telegraph if authorized and it is determined by the Government that the late receipt was due solely to delay in the mails, or delay by the telegraph company, for which the bidder was not responsible; or (3) if submitted by mail (or by telegram if authorized), it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation: *Provided*, That timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt (if readily available) within the control of such installation or of the post office serving it. However, a modification which makes the terms of the otherwise successful bid more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

(b) Bidders using certified mail are cautioned to obtain a Receipt for Certified Mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late bid was timely mailed.

(c) The time of mailing of late bids submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the Receipt for Certified Mail unless the bidder furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is as follows:

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(b) *Page 2 of GSA Form 1467A.*

(1) Where the Receipt for Certified Mail identifies the post office station of mailing, evidence furnished by the bidder which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or

(2) An entry in ink on the Receipt for Certified Mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original Receipt for Certified Mail does not show a date, the bid shall not be considered.

9. Small Business Concern

A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria, as prescribed by the Small Business Administration. (See Part 121 of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

10. Certification of Independent Price Determination

(a) This certification on the bid form is not applicable to a foreign bidder submitting a bid for a contract which requires performance or delivery outside the United States, its possessions, and Puerto Rico.

(b) A bid will not be considered for award where (a) (1), (a) (3), or (b) of the certification has been deleted or modified. Where (a) (2) of the certification has been deleted or modified, the bid will not be considered for award unless the bidder furnishes with the bid a signed statement which sets forth in detail the circumstances of the disclosure and the head of the agency, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

11. Award of Contract

(a) The contract will be awarded to that responsible bidder whose bid, conforming to the Invitation for Bids, will be most advantageous to the Government, price and other factors considered.

(b) The Government reserves the right to reject any or all bids and to waive informalities and minor irregularities in bids received.

(c) A written award mailed (or otherwise furnished) to the successful bidder within the time for acceptance specified in the bid shall be deemed to result in a binding contract without further action by either party.

12. Order of Precedence

In the event of an inconsistency between provisions of this Invitation for Bids, the inconsistency shall be resolved by giving precedence in the following order: (a) Contract requirements; (b) Bidding instructions, terms and conditions of the Invitation for Bids; (c) general provisions; and (d) other provisions of the contract, where incorporated by reference or otherwise.

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* GPO : 1966 O - 932-561 (15)

4. Section 5B–16.950–1468 is revised to illustrate the latest edition of GSA Form 1468.

§ 5B–16.950–1468 GSA Form 1468, General Provisions (Contract for Building Services).

(a) *Page 1 of GSA Form 1468.*

GENERAL SERVICES ADMINISTRATION
PUBLIC BUILDINGS SERVICE

GENERAL PROVISIONS

(Contract for Building Services)

1. WORKMANSHIP AND MATERIALS.

Unless otherwise provided in the contract requirements and specifications, the Contractor shall furnish all labor, materials and equipment necessary for satisfactory contract performance. When not specifically identified in the specifications, such materials and equipment shall be of a suitable type and grade for the purpose. Each item or article shall be subject to inspection and/or test and approved by the Contracting Officer, when he so requires. All material and workmanship and equipment shall be subject to the inspection and approval of the Contracting Officer or his representative.

2. SUPERVISION.

The Contractor shall arrange for satisfactory supervision of the contract work. The Contractor or his supervisors shall be available at all times, when the contract work is in progress, to receive instructions from the Contracting Officer or his representative.

3. QUALIFICATIONS OF EMPLOYEES.

The Contracting Officer may require dismissal from the work of employees which he deems incompetent, careless, insubordinate, unsuitable or otherwise objectionable, or whose continued employment he deems contrary to the public interest or inconsistent with the best interests of national security. The Contractor shall fill out and cause each of his employees on the contract work to fill out, for submission to the Government, such forms as may be necessary for security or other reasons. Upon request of the Contracting Officer; he and his employees shall be fingerprinted by Government personnel, insofar as this duty.

4. WORK HOURS ACT OF 1962—OVERTIME COMPENSATION.

(a) No Contractor or subcontractor contracting for any part of the contract work shall require or permit any laborer or mechanic to be employed on such work in excess of eight hours in any calendar day or in excess of forty hours in any workweek unless such laborer or mechanic receives compensation at a rate not less than one and one half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, whichever is the greater number of overtime hours.

(b) In the event of any violation of the provisions of paragraph (a) the Contractor and any subcontractor responsible for such violations shall be liable to any affected employee for his unpaid wages. In addition, such Contractor or subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a), in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of forty hours in a workweek without payment of the required overtime wages.

(c) The Contracting Officer may withhold, or cause to be withheld, from any moneys payable on account of work performed by the Contractor or subcontractor, the full amount of wages required by this contract and such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for liquidated damages as provided in paragraph (b).

7. COVENANT AGAINST CONTINGENT FEES.

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

8. OFFICIALS NOT TO BENEFIT.

No Member of Congress or resident Commissioner shall be admitted to any share or part of the contract or to any benefit that may arise therefrom; but this provision shall not be construed to extend to the contract if made with a corporation for its general benefit.

9. DEFAULT.

(a) The Government may, by written notice to the Contractor, terminate the Contractor's right to proceed as to the whole or any part of the contract (1) if the Contractor fails to perform the services within the time specified or any extension thereof, or (2) so fails to make progress as to endanger performance of the contract in accordance with all terms or (3) the Contractor fails to perform any of the other provisions of the contract. In the event of such termination, the Government may procure or furnish, upon such terms and in such manner as the Contracting Officer may deem appropriate, services similar to those so terminated, the Contractor shall be liable to the Government for any excess costs for such services: Provided, that the contractor shall not be liable for any increased costs if failure to perform the contract arises out of cause beyond his control and without his fault or negligence and that of his subcontractors or suppliers.

(b)(1) In the case of failure by the Contractor to perform daily or weekly scheduled work or if any operation is omitted or unsatisfactorily performed, the attention of the contractor shall be called to this failure or omission and a reduction will be made covering the cost of service omitted or not satisfactorily performed from any monies due or to become due the Contractor.

(2) In the case that services scheduled for performance monthly or less frequently are omitted or not satisfactorily performed when scheduled for performance, the contracting officer shall, in writing, call to the attention of the Contractor this failure or omission and request that the unperformed work be completed within such time as the contracting officer deems reasonable. If the contractor does not comply with this request in the time stipulated the omitted services shall be subject to deductions in full.

(3) Amounts to be deducted under this sub-paragraph will be determined by using item unit costs shown in a schedule of deductions which may be attached. In the absence of an attached schedule of deductions for this contract, or in the event the Government and the Contractor fail to agree on the scope or value of the unperformed or unsatisfactory work, the dispute shall be disposed of as provided for in paragraph 11, below.

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(b) *Page 2 of GSA Form 1468.*

(c) In the event of termination in part pursuant to (a) above, or, if deductions are made pursuant to (b) above, the contractor shall continue the performance of this contract to the extent that it is not affected by these actions.

10. TERMINATION FOR CONVENIENCE OF THE GOVERNMENT.

The Contracting Officer, by written notice, may terminate performance of work under this contract, in whole or in part, when it is in the best interest of the Government. The termination of the contract and compensation to the Contractor shall be governed by the Federal Procurement Regulations in effect on the date of the contract (41 CFR 1-8).

11. DISPUTES.

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Administrator of General Services. The decision of the Administrator or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decision provided for in paragraph (a) above: Provided, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

12. CONVICT LABOR.

In connection with performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor.

13. Assignments.

Claims for moneys due or to become due to the Contractor from the Government may be assigned to others only as permitted by the Assignment of Claims Act of 1940, as amended (31 U.S. Code 203, 41 U.S. Code 15). The contract itself shall not be assigned.

14. SAVE HARMLESS AND INDEMNITY AGREEMENT.

The Contractor shall save and keep harmless and indemnify the Government against any and all liability, claims, and costs of whatsoever kind and nature for injury to or death of any person or persons and for loss or damage to any property (Government or otherwise) occurring in connection with or in any way incident to or arising out of the occupancy, use, service, operations, or performance of work in connection with this contract, resulting in whole or in part from the negligent acts, fault or omissions of Contractor, any subcontractor, or any employee, agent, or representative of Contractor or any subcontractor.

15. INSURANCE.

Unless otherwise provided in the invitation for Bids this paragraph applies only to contracts of $5,000, or more. Contractor shall procure and maintain at his expense during the term, and any extension thereof, such insurance as herein stipulated. Insurance shall be written by companies acceptable to, and policies shall include such terms and provisions as may be required by General Services Administration. Contractor shall provide and furnish evidence of the following insurance:

General public liability insurance covering all duties, services, and work to be performed under this contract; insurance shall provide limits of liability for bodily injury of not less than $50,000 for each person and $100,000 for each occurrence and property damage limits of liability of not less than $25,000 for each accident. The general liability policy shall name "The United States of America, acting by and through General Services Administration", as an additional insured with respect to operations performed under this contract.

Each policy shall include the following provisions:

It is a condition of this policy that the Company shall furnish written notice to General Services Administration, in care of the issuing office, thirty (30) days in advance of the effective date of any reduction in or cancellation of this policy.

Insurance shall be effective and evidence of acceptable insurance furnished prior to commencing operations under this contract. Contractor shall furnish the General Services Administration as evidence of required insurance, certified true copies of liability policies and manually countersigned endorsements of any changes thereto. Renewal policies shall be furnished not less than five (5) days prior to the expiration of current policies.

Contractor also agrees to maintain Workmen's Compensation and Employer's Liability Insurance for the protection of employees.

16. UTILIZATION OF SMALL BUSINESS CONCERNS.

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

17. EQUAL OPPORTUNITY CLAUSE.

(The following clause is applicable unless this contract is exempt under the rules and regulations of the Secretary of Labor (41 GFR, ch. 60).

During the performance of this contract the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provision of this nondiscrimination clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers'

(c) *Page 3 of GSA Form 1468.*

representatives of the Contractor's commitments under this nondiscrimination clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the nondiscrimination clause of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interest of the United States.

18. SERVICE CONTRACT ACT OF 1965.

This contract, to the extent that it is of the character to which the Service Contract Act of 1965 (P.L. 89–286) applies, is subject to the following provisions and to all other applicable provisions of the Act and the regulations of the Secretary of Labor thereunder (29 CFR Part 4).

(a) *Compensation.* Each service employee employed in the performance of this contract by the Contractor or any subcontractor shall be paid the minimum monetary wages and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract. If there is such an attachment, any class of service employee which is not listed therein but which is to be employed under this contract, shall be classified or reclassified and paid wages conforming to the determination of the Secretary of Labor as specified in such attachment, by agreement between the interested parties, and the Contracting Officer shall report the action to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor. If the interested parties do not agree on a classification or reclassification which is, in fact, conformable, the Contracting Officer shall submit the question, together with his recommendation, to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor or his authorized representative for final determination. In addition, non-service employees shall be paid not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.40 per hour as of February 1, 1967).

(b) *Obligation to furnish fringe benefits.* The Contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment by furnishing any equivalent combinations of fringe benefits, or by making equivalent or differential payments in cash, pursuant to applicable rules of the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor.

(c) *Minimum wage.* In the absence of a minimum wage attachment for this contract, neither the Contractor nor any subcontractor under this contract shall pay any of his employees performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938 ($1.40 per hour as of February 1, 1967). Nothing in this provision shall relieve the Contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.

(d) *Notification to employees.* The Contractor shall notify each service employee commencing work on this contract of the minimum monetary wage and any fringe benefits required to be paid pursuant to this contract, or shall post a notice of such wages and benefits in a prominent and accessible place at the worksite, using such poster as may be provided by the Department of Labor.

(e) *Safe and sanitary working conditions.* The Contractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the Contractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services.

(f) *Records.* Each Contractor or subcontractor performing work subject to the Act shall make and maintain for three years from the completion of the work the records identified below for each service employee performing work under the contract, and shall make them available for inspection and transcription by authorized representatives of the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor.

(1) His name and address.

(2) His work classification or classifications, rate or rates of monetary wages and fringe benefits provided, rate or rates of fringe benefit payments in lieu thereof, and total daily and weekly compensation.

(3) His daily and weekly hours so worked.

(4) Any deductions, rebates, or refunds from his total daily or weekly compensation.

(g) *Withholding of payments and termination of contract.* The Contracting Officer may withhold or cause to be withheld from the Government Prime Contractor under this or any other Government contract such sums as are necessary to pay underpaid employees. Additionally, any failure to comply with the requirements of the paragraphs of this clause relating to the Service Contract Act of 1965 may be grounds for termination of his right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the Contractor with any additional cost.

(h) *Subcontractors.* The Contractor agrees to insert these paragraphs relating to the Service Contract Act of 1965 in all subcontracts. The term "Contractor" as used in these paragraphs in any subcontract, shall be deemed to refer to the subcontractor, except in the term "Government Prime Contractor."

(i) *Service employee.* As used in these paragraphs relating to the Service Contract Act of 1965, the term

(d) *Page 4 of GSA Form 1468.*

"service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semi-skilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a Contractor or subcontractor and such persons.

☆ GPO : 1966 O - 248-144 (4)

Subpart 5B–16.70—Forms for Building Service Contracts

Section 5B–16.7001 is revised to prescribe new GSA Form 1467A and revised editions of GSA Forms 1467 and 1468. As revised, the section reads as follows:

§ 5B–16.7001 Forms prescribed.

The following GSA forms are prescribed for use in procuring building services.

(a) GSA Form 1467, December 1966 edition, Invitation, Bid, and Award (Contract for Building Services).

(b) GSA Form 1467A, December 1966 edition, Bidding Instructions, Terms, and Conditions (Contract for Building Services).

(c) GSA Form 1468, February 1967 edition, General Provisions (Contract for Building Services).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. (486c))

Effective date. These regulations are effective with respect to invitations for bids issued and negotiations initiated after April 15, 1967, but may be observed earlier.

Dated: March 9, 1967.

WILLIAM A. SCHMIDT,
Commissioner,
Public Buildings Service.

[F.R. Doc. 67-3398; Filed, Mar. 29, 1967; 8:45 a.m.]

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airworthiness Docket No. 67-SW-6; Amdt. 39-370]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney Models M20, M20A Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the tail truss on all Mooney M20 and some Mooney M20A airplanes was published in 32 F.R. 2821.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Mooney Aircraft, Inc., offered two comments. One comment advised the new P/N should read P/N 480007. The other comment suggested a change to the first sentence of the AD to read: "To prevent the possibility of corrosion developing internally in the tail truss * * *" rather than: "To prevent failure of the tail truss * * *", on the basis that there have been no incidents in which corrosion caused failure of the tail truss and that there is no service history to support the supposition that corrosion in the tail truss could lead to actual failure.

The latter comment was rejected since there have been several cases where corrosion has progressed through the tube, constituting a failure thereof.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MOONEY. Applies to Model M20 S/N 1002 through 1200 and Model M20A S/N 1201 through 1534.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless replacement has already been accomplished in accordance with AD 65-22-3, as amended August 20, 1966.

To prevent failure of the tail truss due to internal corrosion for which inspection is impractical, remove and replace P/N 4009 with a new tail truss P/N 480007 or an equivalent approved by the Director, Southwest Region, Federal Aviation Agency.

This amendment becomes effective May 1, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Forth Worth, Tex., on March 22, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-3476; Filed, Mar. 29, 1967; 8:47 a.m.]

[Docket No. 7857; Amdt. 39-377]

PART 39—AIRWORTHINESS DIRECTIVES

Model BAC 1-11 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring additional circuit breakers and local internal cables in order to prevent loss of electrical power in the event of failure in the d.c. essential bus bar on British Aircraft Corp., BAC 1-11 Series airplanes was published in 32 F.R. 283.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11 Series airplanes.

Compliance required as indicated.

To prevent the loss of electrical power in the event of a failure in the d.c. essential bus bar, unless already accomplished, within the next 1,000 hours' time in service after the effective date of this AD, install an additional circuit breaker Klixon P/N 7274/11/2 and local internal cables in accordance with British Aircraft Corp. Service Bulletin No. 24-PM 2334, or later ARB-approved issue or FAA-approved equivalent.

This amendment becomes effective April 28, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 21, 1967.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 67-3477; Filed, Mar. 29, 1967; 8:47 a.m.]

[Docket No. 8060; Amdt. 39-382]

PART 39—AIRWORTHINESS DIRECTIVES

Dowty-Rotol Propellers (c) R.186/4-30-4/16, (c) R.175/4-30-4/13E, (c) R.130/4-20-4/12E, and (c) R.148/4-20-4/21E

Pursuant to the authority delegated to me by the Administrator, an Airworthiness Directive was adopted on March 25, 1967, and made effective immediately as to all known operators of certain Dowty-Rotol propellers installed on Armstrong Whitworth Argosy Airplanes, Fairchild F-27 and F-27B airplanes, and Viscount 744 and 745D airplanes. In order to determine if any cracks exist in the propeller cylinder retaining nut threads, the directive required a check of the cylinder in accordance with the procedures set forth in the appropriate Dowty-Rotol Service Bulletin and the correction of any unsatisfactory condition found as a result of the check.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the directive effective immediately as to all known operators of the propellers by individual telegrams dated March 25, 1967. These conditions still exist and the Airworthiness Directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, § 39.13 of Part 39 is amended by adding the following Airworthiness Directive:

DOWTY-ROTOL. Applies to Dowty-Rotol propellers, (c) R.186/4-30-4/16, installed on Armstrong Whitworth Argosy AW-650; (c) R.175/4-30-4/13E, installed on Fairchild F-27 and F-27B; (c) R.130/4-20-4/12E, installed on Viscount 745D; and (c) R.148/4-20-4/21E, installed on Viscount 744.

Compliance required as indicated, unless already accomplished.

To prevent failure of the propeller cylinders, P/N's RA. 38581, RA. 38581/1, RA. 44133, RA. 44133/1, RA. 44709, and RA. 62807, due to cracks, accomplish the following:

(a) (1) For (c) R.148/4-20-4/21E propellers with 12,000 or more landings, within the next 10 landings (unless already accomplished within the last 70 landings), and thereafter at intervals not to exceed 80 landings since the last inspection, comply with paragraph (b).

(2) For (c) R.186/4-30-4/16, (c) R.175/4-30-4/13E, and (c) R.130/4-20-4/12E propellers with 12,000 or more landings, within the next 10 landings (unless already accomplished within the last 30 landings), and thereafter at intervals not to exceed 40 landings since the last inspection, comply with paragraph (b).

(3) For propellers with 5,900 or more landings but less than 12,000 landings, within the next 100 landings and thereafter at intervals not to exceed 750 landings since the last inspection comply with paragraph (b).

(4) For propellers with less than 5,900 landings, before accumulating 6,000 landings and thereafter at intervals not to exceed 750 landings since the last inspection comply with paragraph (b).

(b) Inspect the propeller cylinder retaining nut threads for cracks in accordance with Dowty-Rotol Service Bulletin No. 61-521, dated March 1967, or later ARB-approved revision, using ultrasonic techniques or an equivalent approved by the Chief, Aircraft Certification Staff, FAA European Region.

(c) Notwithstanding paragraph (a), the repetitive inspection intervals required in paragraphs (a) (3) and (4) are raised to 1,500 landings for (c) R. 148/4-20-4/21E propellers.

(d) If cracks are found, replace the propeller cylinder before further flight.

(e) For the purposes of this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing the propeller's hours of time in service by the operator's fleet average time from takeoff to landing for the airplane type.

(f) Cylinders for which number of landings cannot be established must be classed as having above 12,000 landings.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective by telegram dated March 25, 1967.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421 and 1423)

Issued in Washington, D.C., on March 28, 1967.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 67-3552; Filed, Mar. 29, 1967; 8:51 a.m.]

[Airspace Docket No. 67-SO-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Fort Rucker, Ala., control zone and the Monroeville, Ala., transition area.

The Fort Rucker control zone is described in § 71.171 (32 F.R. 2071).

Because of a change in the operational status of the Shell AHP and the Hunt AHP from IFR to VFR, it is necessary to alter the control zone by reducing the basic circular area from 9 to 7 miles, retaining a 2-mile circular area of the Hooper, Ala., and the Allen, Ala., Army Stage Fields, and revoking the 3-mile circular area of the Shell AAF.

The Monroeville transition area is described in § 71.181 (32 F.R. 2148).

Because of the airport name change from Monroeville Municipal Airport to Monroe County Airport, it is necessary to alter the transition area accordingly.

Since these amendments are editorial in nature or lessen the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Fort Rucker, Ala., control zone is amended to read:

FORT RUCKER, ALA.

Within a 7-mile radius of latitude 31°-18'30" N., longitude 85°42'20" W.; within 2 miles each side of the Cairns, Ala., VOR 233° radial, extending from the 7-mile radius zone to 8 miles southwest of the VOR; within 2 miles each side of the Lowe, Ala., RBN 242° bearing, extending from the 7-mile radius zone to 8 miles southwest of the RBN; within 2 miles each side of the Hanchey, Ala., VOR 358° radial, extending from the 7-mile radius zone to 8 miles north of the VOR; and within a 2-mile radius of Blackwell Field, Ozark, Ala. (latitude 31°25'50" N., longitude 85°-37'10" W.); within a 2-mile radius of Hooper, Ala., Army Stage Field (latitude 31°23'50" N., longitude 85°42'00" W.); and within a 2-mile radius of the Allen, Ala., Army Stage Field (latitude 31°13'50" N., longitude 85°-38'40" W.); excluding that portion within R-2103.

In § 71.181 (32 F.R. 2148) the Monroeville, Ala., transition area is amended by deleting "* * * Monroeville Municipal Airport * * *" and substituting "* * * Monroe County Airport * * *" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on March 22, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-3478; Filed, Mar. 29, 1967; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Docket No. 16392; Reg. ER-484; Amdt. 12]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Capitalization of Interest

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of March 1967.

On August 9, 1965, by notice of proposed rule making EDR-87/PSDR-12 (30 F.R. 10056), the Board proposed to amend Parts 241 and 399 of the regulations to provide that the Board would not recognize equipment purchase deposits in an air carrier's investment base for ratemaking or accounting purposes and to permit all carriers to capitalize interest on such deposits and on funds used in developmental and preoperating projects.[1] Comments were filed by ten carriers jointly[2] and by the Committee of the American Institute of Certified Public Accountants on Relations with the CAB.

Upon consideration of the comments received, the Board has determined to adopt the amendments to Part 241 as proposed, except for minor modifications. The bases for the Board's decision are set forth in the preamble to the amendment of Part 399, which is being issued concurrently herewith (PS-32).

The notice proposed that the rules be made effective July 1, 1965. However, in order to relieve the carriers of the burden of retroactively revising their reports, and in order to avoid revisions for part of a calendar year, the new accounting regulations will be applicable to reports required to be filed for 1967 and future years. However, all carriers are required to file, within 90 days of the effective date of this regulation, page 1 of the form attached to the policy statement being issued concurrently herewith, which will show equipment purchase funds deposited or segregated since November 25, 1960. Carriers that have not capitalized interest for prior periods and who wish to claim such interest for ratemaking purposes must file the remaining pages of the form, as detailed in the accompanying Policy Statement (PS-32).

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective May 1, 1967, as follows:

1. Replace section 2-10 with the follows:

Sec. 2-10 Capitalization of interest.

(a) Interest may be capitalized on funds actually committed as equipment purchase deposits or actually used to finance the construction or acquisition of operating property from the date the funds are first so employed to the date the property is ready for use: *Provided*, That the capitalization will be limited in both time and amount to the reasonable requirements for such funds and that it may include interest on funds set aside and carried in balance sheet account 1550 Special Funds—Other for a period not to exceed 6 months in advance of the date they are scheduled under a legally binding contract to be committed for payment to the manufacturer or contractor.

(b) Interest may be capitalized on funds actually employed in developmental and preoperating projects other than property acquisition and construction up to the date the related operations are initiated.

(c) In determining the amount of interest to be capitalized under the provisions of paragraphs (a) and (b) of this section 2-10, the effective interest rate shall be representative of the current rate for long-term debt of the carrier. Imputed interest at the same rate may be capitalized on equity funds whenever commitments under paragraph (a) or (b) of this section 2-10 exceed the balance of long-term debt. The amount of interest so computed shall be reduced by any interest or other earnings from such funds on deposit with or for the account of the manufacturer or contractor. With respect to funds set aside pending actual commitment, the earnings shall be computed on the basis of the average rate earned on the carrier's current or long-term investment of special funds in interest-bearing securities but not to exceed the total amount of such interest actually earned.

(d) Interest capitalized under paragraph (a) or (b) of this section 2-10 shall be charged to the balance sheet account in which the funds are carried (1550, 1689, or 1830) and credited to profit and loss subaccount 87.2 Interest Capitalized—Credit or, if imputed interest, to profit and loss subaccount 80.1 Imputed Interest Capitalized—Credit. Interest capitalized under paragraph (a) of this section shall be recorded in such a manner as to facilitate audit and, upon

[1] We note that there are pending proposals under which air carriers would make so-called risk payments to manufacturers for research and development in connection with the U.S. supersonic transport aircraft. We do not here reach the question as to the appropriate accounting and rate treatment of such risk payments.

[2] Alaska Airlines, Inc.; American Airlines, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; National Airlines, Inc.; Northwest Airlines, Inc.; Pan American World Airways, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; and Western Air Lines, Inc.

completion of the project, shall be transferred to subaccounts of the appropriate property balance sheet accounts as a cost of the related asset. When imputed interest is capitalized, a concurrent entry shall be recorded debiting profit and loss subaccount 80.2 Imputed Interest Deferred—Debit and crediting balance sheet account 2390 Other Deferred Credits which shall be cleared to profit and loss subaccount 80.3 Imputed Interest Deferred—Credit periodically as the amount of such interest in the asset accounts is written off.

(e) The capitalization of interest will be permitted only to the extent it is reflected in the accounts on a current basis. Furthermore, in the event that a construction project is not completed or a developmental project is not brought to fruition, any related capitalized interest shall be eliminated from the accounts by reversal of the capitalizing entries.

2. Delete from section 7 the present accounts 80 and 87 and their subaccounts, and insert in lieu thereof the following:

Objective classification of profit and loss elements	Functional or financial activity to which applicable (00)		
	Group I carriers	Group II carriers	Group III carriers
NONOPERATING INCOME AND EXPENSES			
80 Imputed interest capitalized.	81.	81.	81.
80.1 Imputed interest capitalized—credit	81.	81.	81.
80.2 Imputed interest deferred—debit	81.	81.	81.
80.3 Imputed interest deferred—credit			
87 Interest and debt expense.	81.	81.	81.
87.1 Interest on debt principal	81.	81.	81.
87.2 Interest capitalized—credit	81.	81.	81.
87.3 Amortization of discount and expense on debt	81.	81.	81.
87.4 Amortization of premium on debt			

3. Modify section 14, accounts 80 and 87, to read as follows:

80 Imputed Interest Capitalized.

(a) Record here imputed interest capitalized pursuant to section 2–10 and charged to asset accounts.

(b) This account shall be subdivided as follows by all air carrier groups:

80.1 *Imputed Interest Capitalized—Credit.*

Record here credits related to imputed interest capitalized and recorded in asset accounts.

80.2 *Imputed Interest Deferred—Debit.*

Record here debits related to imputed interest deferred in balance sheet account 2390 Other Deferred Credits.

80.3 *Imputed Interest Deferred—Credit.*

Record here periodic credits for imputed interest, cleared to this account as the amount of such interest in the asset accounts is written off.

87 Interest and Debt Expense.

(a) Record here interest on all classes of debt, including interest on unpaid taxes; premium, discount, and expense on short-term obligations; and amortizations of premium, discount, and expense on short-term and long-term obligations. This account shall also include credits for interest capitalized and recorded in asset accounts pursuant to section 2–10.

(b) This account shall be subdivided as follows by all air carrier groups:

87.1 Interest on Debt Principal.
87.2 Interest Capitalized—Credit.
87.3 Amortization of Discount and Expense on Debt.
87.4 Amortization of Premium on Debt.

4. Amend section 23 by adding a new paragraph (e) under Schedule B–2—Notes to Balance Sheet, as follows:

Schedule B–2—Notes to Balance Sheet

* * * * *

(e) This schedule shall reflect at the end of each calendar quarter the amount reported in balance sheet account 1550 Special Funds—Other representing funds segregated, or on deposit with manufacturers, for the purchase of equipment, including any capitalized interest thereon. (See section 2–10 Capitalization of Interest.)

5. Amend Schedule P–3 of CAB Form 41 by substituting the following for the section entitled "Nonoperating Income and Expense—Net":

NONOPERATING INCOME AND EXPENSE—NET	8100		8100	
Imputed interest capitalized—credit	80.1		80.1	
Imputed interest deferred—debit	80.2		80.2	
Imputed interest deferred—credit	80.3		80.3	
Capital gains and losses—operating property	81.1		81.1	
Capital gains and losses—other	81.2		81.2	
Unapplied cash discounts	82		82	
Interest income	83		83	
Dividend income	84		84	
Foreign exchange adjustments	85		85	
Income from nontransport ventures	86		86	
Interest on debt principal	87.1		87.1	
Interest capitalized—credit	87.2		87.2	
Amortization of discount and expense on debt	87.3		87.3	
Amortization of premium on debt	87.4		87.4	
Miscellaneous nonoperating credits	88		88	
Miscellaneous nonoperating debits	89		89	
Nonop. inc. and exp.—net (per Sched. P–1)	8199		8199	

(Secs. 204 and 407, Federal Aviation Act of 1958, as amended; 72 Stat. 743 and 766, as amended; 49 U.S.C. 1324, 1377; 80 Stat. 383, 5 U.S.C. 552)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted: March 21, 1967.

Effective: May 1, 1967.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-3496; Filed, Mar. 29, 1967; 8:49 a.m.]

SUBCHAPTER F—POLICY STATEMENTS

[Docket No. 16392; Reg. PS–32; Amdt. 11]

PART 399—STATEMENTS OF GENERAL POLICY

Equipment Purchase Deposits

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of March 1967.

On August 9, 1965, by notice of proposed rule making EDR–87/PSDR–12 (30 F.R. 10056), the Board proposed to amend Parts 241 and 399 of the regulations to provide that the Board would not recognize equipment purchase deposits in an air carrier's investment base for ratemaking or accounting purposes and to permit all carriers to capitalize interest on such deposits and on funds used in developmental and preoperating projects.[1] Comments were filed by 10 carriers jointly[2] and by the Committee of the American Institute of Certified Public Accountants on Relations with the CAB.

Upon consideration of the comments received, the Board has determined to adopt the amendment to Part 399 as proposed. Amendments to Part 241 are being issued concurrently herewith (ER–484).

In establishing standards for the regulation of passenger fares in the General Passenger-Fare Investigation, 32 CAB 291 (1960), the Board decided, among other things, that the investment base recognized for this purpose should include equipment purchase deposits. The notice in the present proceeding proposed to change that policy decision by the adoption of a statement setting forth the Board's new policy of not recognizing equipment purchase deposits in an air carrier's investment base for ratemaking or accounting purposes but permitting the capitalization of interest on such deposits. Conforming amendments were proposed in the accounting regulations.

The carriers contend that the Board is without authority to change the policy with respect to equipment purchase deposits adopted in the Passenger-Fare case by rule-making proceedings and that an evidentiary hearing is required as a matter of law. The carriers' argument is without merit. Neither the Federal Aviation Act nor the Administrative Procedure Act requires an evidentiary hearing prior to the publication of statements of policy. In this proceeding, we are not prescribing lawful rates or fares pursuant to section 1002(d) of the Federal Aviation Act, which requires notice and hearing and a finding that a particular rate or fare is unlawful. We are merely establishing one of a number of ratemaking standards for future application. In this case there is involved a choice between two methods of recognizing the capital costs associated with advance payments on equipment purchases. There are no factual issues that must be resolved upon hearing in order to make this choice. Rather, the determination rests upon the weighing of policy considerations, and we have afforded interested persons the opportunity to present their views.

One of the considerations that led to the institution of this proceeding was the fact that, after the Passenger-Fare decision, a number of the carriers refused to discontinue capitalizing interest on equipment purchase deposits, while still including the deposits in their investment bases. Such a practice not only would permit a double return on investment to the detriment of the rate-paying public, but is also misleading to investors and others using the carriers' reports. Since our decision was issued in 1960, various carriers have sometimes included equipment deposits in their investment bases, sometimes capitalized interest on the deposits, and sometimes done both, apparently depending upon which treatment seemed to provide the most desirable result at a particular time; and they have supported their actions by arguing that the Passenger-Fare decision was indefinite and did not require them to employ one method or the other. In the circumstances, it was our duty to reconsider this question, to cure any alleged indefiniteness of policy, and to make our ratemaking standard entirely clear. We therefore proposed to discontinue the recognition of equipment deposits in the investment base, which was a departure from the usual ratemaking standards, and to adopt the normal procedure of permitting the carriers to capitalize interest on such deposits.

We noted that permitting capitalization of interest would, we believed, provide a basis for more rate stability than the alternative method and would be fairer to the traveling public, since expenses would be allocated to the periods in which the related revenues are earned. Including equipment purchase deposits in the rate base affords the carriers a return on the investment before the equipment is actually acquired and put into service, whereas capitalizing interest on the deposits results in return on the investment while the equipment is in use. Thus, in the first case, shippers or passengers pay for future equipment; and, in the second case, for equipment in use. The notice pointed out that our decision in the Passenger-Fare case was based upon the theory that equipment purchase deposits were a year-in, year-out requirement for engaging in the air-transportation business. However, an analysis of the data for the years 1947 through 1963 indicated wide fluctuations in the amount of such deposits from year to year. More important, however, is the fact that inclusion of such funds in the investment base would create severe inequities between present and future users of air transportation. We stated our opinion that capitalizing interest is the more equitable method of accounting for equipment purchase deposits from the standpoint of the user of air transportation. The proposal will also make our policy uniform for accounting, subsidy determination, and commercial ratemaking purposes for both subsidized and nonsubsidized carriers, whether the carriers are engaged in interstate, overseas, or foreign air transportation.

In response to the proposal, the carriers now argue that the Passenger-Fare decision was sound, that it requires inclusion of the deposits in the investment base, and that the Board should not change that determination. In support of this position, the carriers state that no new facts have developed since 1960 that would justify the change in policy. They argue that the fact that equipment deposits fluctuate from year to year is no reason to exclude them from the rate base, that such fluctuations are not new but existed at the time of the Passenger-Fare case, and that the widest fluctuations occurred prior to the Passenger-Fare case and since then have been substantially less. Further, the carriers contend that the inclusion of the deposits in the rate base actually tends to even out investment and therefore contribute to a stable fare level rather than vise versa. They point out that new equipment is ordered when existing equipment is becoming obsolete and present data purporting to show that equipment deposits offset the reduction in the asset value of aircraft in use. They maintain that the carriers' investment base over the years has increased on the whole at a steadier and more even rate if equipment purchase deposits are included than if they are excluded from investment.

In our opinion, whether or not new facts have materialized since the Passenger-Fare decision is tangential to the question whether equity to the traveling public and the carriers requires a policy of interest capitalization. While it may be true that fluctuations in deposits have been less drastic since the Passenger-Fare decision than at that time, this simply reflects the facts that the plant then anticipated through equipment deposits has since come into being and the magnitude of the used and useful plant against which the materiality of subsequent deposits may be weighed has expanded. Cyclical swings in the magnitude of equipment deposits have been a characteristic of the industry and can be expected to be repeated over the next decade with the secondary jet equipment program and the preparation for supersonic operations. The data directed at showing that equipment deposits offset the reducing asset value of aircraft being used and tend to even out the industry investment and thus contribute to a stable fare level simply show that the expansion rate of investment is somewhat smoother when equipment deposits are included in the investment base, a characteristic arithmetic effect of increasing the size of the base used in computing the percentage deviations. Declining plant reflects obsolescence of equipment already paid for by users and recovered by the investors in the form of prior depreciation and is no reason for charging current users of obsolete equipment with the cost of new equipment that can benefit only future users.

In our judgment, the capitalized-interest method more fairly distributes the cost burden between present and future users of equipment. Under either the Passenger-Fare or capitalized-interest method, the air carriers recoup their capital costs. However, under the Passenger-Fare method, not only must the entire interest on the deposits be paid over a relatively short period of time, but also the cost is consequently borne by a smaller number of passengers. On the other hand, if interest on the deposits is spread over the life of the equipment after it is put into service, the cost is paid by the larger number of actual users of the equipment over a longer period.

The notice proposed that the effective interest rate for capitalization would be representative of the current rate for long-term debt of the carrier. The carriers argue that elimination of equipment deposits from investment would require modification of the debt-equity ratio used in determining the cost of capital and would require a higher overall rate of return, that it is arbitrary to say that borrowed funds are applied to equipment deposits and that equity funds are applied to other purposes, and that the same rate of return should be used when interest is capitalized as when deposits are included in the rate base. Although there may be some merit to the carriers' arguments, any determination of the presently appropriate overall rate of return on investment would involve consideration not only of debt-equity ratio, but of all the factors affecting rate of return, such as current interest rates and earnings-price ratios and the impact of the carriers' recent and prospective earnings on their ability to attract debt and equity capital. However, neither the carrier's comments nor any other information of which we are aware persuades us that the rates of return established in 1960 are inadequate today.

[1] We note that there are pending proposals under which air carriers would make so-called risk payments to manufacturers for research and development in connection with the U.S. supersonic transport aircraft. We do not here reach the question as to the appropriate accounting and rate treatment of such risk payments.

[2] Alaska Airlines, Inc.; American Airlines, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; National Airlines, Inc.; Northwest Airlines, Inc.; Pan American World Airways, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; and Western Air Lines, Inc.

Moreover, capitalization at current long-term interest rates will fully compensate the carriers for costs incurred in readying assets for service.

In this connection, the carriers' further contention that capitalizing interest at a lower rate than the overall earnings rate would place them at a competitive disadvantage in the securities market fails to recognize that capitalization at cost rates is common practice in both the regulated and unregulated industries with which they must compete. Moreover, the security market must typically evaluate competitors for capital in terms of long-term earnings prospects. Consequently, competitive posture is enhanced by relieving current earnings of costs that contribute to future operations.

In sum, we do not find the arguments presented by the carriers persuasive and will adopt the policy proposed. The carriers' alternative proposal to discontinue future capitalization of interest and amortize amounts already capitalized is therefore rejected. Such a course of action would leave unresolved the basic problems the proposed rules were directed at overcoming. The carriers' request for oral argument is also denied.

For the reasons given in the preamble to the concurrent amendment of the accounting regulations (ER-484), the new ratemaking and accounting policy will be applicable to 1967 and future years.

The carriers have raised the question whether for ratemaking purposes they would be permitted to claim capitalized interest for periods prior to implementation of the new policy. In order to prevent duplicate recognition of the same cost items, it has been the Board's policy not to permit charging to later periods expense and investment items already charged to a prior period. However, in the special circumstances of this case, we will permit those carriers which have not capitalized interest and which wish to establish a retroactive record of the amounts involved in filings with the Board to file such record without retroactive adjustment of their books of account. This filing must be made by use of the form attached hereto as Appendix A,[3] which will give a complete historical record of the amounts of capitalized interest that would have been permissible if the present decision were given retroactive effect and association of these amounts with the appropriate past periods, including a determination of the unamortized balance of such amounts of interest as would be applicable to future periods. The net amount of such interest as would be applicable to future periods will be permitted as a current adjustment in the books of account. These filings and current adjustments of the books will be permitted if made within 90 days from the effective date of this regulation. As prescribed by the instructions to the form, each carrier who desires to capitalize interest on equipment purchase deposits retroactively will be required to complete all three pages of the form. As noted in ER-484, however, all carriers are required to complete page 1 of this three-part form, whether they desire to capitalize interest retroactively or not.

This accounting treatment of the capitalization of interest will enable the Board to give equal treatment to all carriers in subsequent rate proceedings irrespective of whether the rate determinations involve periods prior to the date of this decision. Since the capitalization of interest is discretionary on the part of the carrier, the Board will continue its policy of not recognizing retroactive adjustments in such capitalization except as permitted herein. After the 90-day period, those carriers wishing to capitalize interest will be permitted to do so on a current basis, but requests to capitalize interest retroactively will be denied in accordance with established Board policy.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399, Statements of General Policy (14 CFR Part 399), effective May 1, 1967, as follows:

1. By adding a section to the list of sections to read:

Sec.
399.39 Equipment purchase deposits.

2. By adding to Subpart C a new § 399.39 to read:

§ 399.39 Equipment purchase deposits.

Equipment purchase deposits are advance payments made by air carriers to manufacturers for the purchase of equipment to be delivered in the future, or funds segregated by air carriers for this purpose. It is the policy of the Board not to recognize equipment purchase deposits in an air carrier's investment base for ratemaking purposes. When equipment is acquired by an air carrier and placed in air-transport service, the Board will recognize in the air carrier's investment base interest on purchase deposits on such equipment capitalized and amortized in accordance with the Uniform System of Accounts and Reports for Certificated Air Carriers (Part 241 of this chapter).

(Secs. 204, 407, Federal Aviation Act of 1958, as amended; 72 Stat. 743 and 766, as amended; 49 U.S.C. 1324, 1377; 80 Stat. 383, 5 U.S.C. 552)

Adopted: March 21, 1967.

Effective: May 1, 1967.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-3495; Filed, Mar. 29, 1967; 8:49 a.m.]

[3] Appendix A filed as part of the original document.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

FROZEN ASPARAGUS

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering an amendment to the U.S. Standards for Grades of Frozen Asparagus (7 CFR 52.381-52.393) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same in duplicate, not later than 30 days after publication hereof in the FEDERAL REGISTER, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed amendment. The provisions in the current grade standards for Frozen Asparagus—in effect since 1952—are now deemed by the Department of Agriculture to be more restrictive than is necessary for good consumer acceptance or efficient manufacturing practice. The proposed amendment is in accord with the stated needs of packers of large volumes of frozen asparagus.

The proposed amendment clarifies the meaning and intent of the current standards. It would allow a slight increase in the maximum percentage of "large" units in the "medium" size and of "medium" units in the "large" size.

The proposed amendment is as follows:

Section 52.385 would be deleted in its entirety and the following revised § 52.385 substituted therefor:

§ 52.385 Size of frozen asparagus.

The size of frozen asparagus spears and tips is determined by measuring the longest dimension at right angles to the longitudinal axis of the unit after it has been restored to its original contour, at a point 5 inches from the top, except that units less than 5 inches in length are measured at the base. Spears and Tips will be considered as meeting a specific single size if:

(a) Eighty (80) percent or more of the units are of the single size;

(b) All other units are one size larger and/or one size smaller;

(c) In "medium" size, not more than 10 percent of all the units are "small" and;

(d) In "large" size, not more than 10 percent of all the units are "Extra large". The word and number designations of the various sizes of frozen asparagus are shown in Table No. I.

TABLE No. I—SIZES OF FROZEN ASPARAGUS SPEARS AND TIPS

Word designation	Number designation	Diameter in inches
Small	1	Less than ⅝ inch.
Medium	2	⅝ inch or larger but less than ⅞ inch.
Large	3	⅞ inch or larger but less than 1⅛ inch.
Extra large	4	1⅛ inch or larger.
Mixture or blend of sizes.		A mixture of two or more sizes or that does not meet any of the foregoing sizes.

(Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

Dated: March 24, 1967.

G. R. GRANGE, *Deputy Administrator, Marketing Services.*

[F.R. Doc. 67-3488; Filed, Mar. 29, 1967; 8:48 a.m.]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

[7 CFR Part 1128]

[Docket No. AO 238-A20]

MILK IN CENTRAL WEST TEXAS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Central West Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the fifth day after publication of the decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Abilene, Tex., on February 9, 1967, pursuant to notice thereof which was issued January 31, 1967 (32 F.R. 2382).

The material issues on the record of the hearing relate to:

1. Revision of Class I price and location adjustments.

2. Emergency action on Issue 1.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Revision of Class I price and location adjustments.* The Class I and uniform prices for milk received at plants within 70 miles of Midland, Tex., should be reduced by 15 cents, by 10 cents at plants located in the Abilene area and by 5 cents in the San Angelo area.

The Central West Texas Class I price is presently 25 cents over the North Texas Class I price at Abilene and San Angelo plants and 40 cents over North Texas at a Midland plant. The announced Class I price is subject to minus location adjustments so that the price for milk delivered to a plant in the eastern portion of the marketing area that is nearer to the North Texas marketing area is reduced by 20 cents to a level 5 cents more than the North Texas Class I price. The same adjustments apply to the producer uniform prices. While the Central West Texas marketing area includes 32 cities and towns located in 22 counties in Texas, processing plants regulated under the order are operated only at the cities of Abilene, San Angelo, and Midland. A supply plant operated by the cooperative association is located at Dublin.

The cooperative association representing all but one of the Central West Texas producers and a handler operating pool distributing plants at Midland and Abilene proposed elimination of the 15-cent increase in the Class I price at Midland over the price effective at Abilene. A handler operating a pool distributing plant at Abilene proposed a general reduction of 15 cents per hundredweight in the Class I price at all plant locations.

The handler who operates two pool plants, one at Midland and the other at Abilene, also operates a plant at Lubbock that is a pool plant under the Lubbock-Plainview order. This handler contended that the Midland area Class I price is excessive in relation to prices to competing distributors regulated by this order at certain locations and in relation to prices under nearby Federal orders.

He testified that a shift in the area of supply of producer milk for the Midland plant from the eastern portion of the marketing area to west Texas and New Mexico has removed justification for a 15-cent higher level in the Class I prices at that location. The cooperative joined in the proposal, primarily because it feared that the Midland plant would be closed and the distribution area now served by the plant would be served either by other order plants or from the Abilene plant of this handler. In either case the cooperative association felt it could not provide producers supplying the Midland plant a market with returns equal to those they now have.

The handler proposing a general 15-cent reduction in the Class I price level opposed elimination of the 15-cent differential at Midland. He distributes milk in the Midland section of the marketing area from his Abilene plant. He contends that a Midland price at the Abilene level would give his Midland competitor a competitive advantage equal to the transportation cost on the milk he moves the 143 miles between the two cities. He contended that at present price levels distribution in other parts of the marketing area by plants regulated by the Red River Valley, Lubbock-Plainview, North Texas, and Oklahoma Metropolitan orders could displace producer milk from Class I uses.

A handler operating plants regulated under the Red River Valley and North Texas orders that distribute milk in the Central West Texas area offered at the hearing a modified proposal to set the Abilene Class I price at 17 cents over that of North Texas and the price at Midland 13 cents higher than the Abilene price. In his brief, however, he abandoned this proposal in favor of no change in present order provisions.

Producer receipts and Class I use at Central West Texas regulated plants have been maintained at a relatively steady level for the past 2 years. This market is one of relatively high Class I utilization of producer receipts. For the past 4 years Class I use of producer milk has ranged from 85 to 90 percent. In 1965, 85 percent of producer milk was used in Class I; down from the 90 percent utilization in 1963 and 1964; but such use increased to 86 percent of producer receipts in 1966.

Generally the local supply of producer milk has been sufficient at present Class I prices to supply the fluid milk needs of handlers regulated by the Central West Texas order. There has been no occasion in the recent past to procure bulk milk from alternative sources for the needs of these plants. However, regular distribution in this marketing area is made by plants regulated under nearby orders. Such other order plant distribution of milk has not increased in the past 2 years but has been maintained relatively steady. Regular route distribution is made by handlers in this area from the North Texas, San Antonio, Red River Valley, Oklahoma Metropolitan, Rio Grande Valley, and Lubbock-Plainview markets.

The principal source of milk supply for local plants is from approximately 300 producers with farms located in counties containing parts of the marketing area or counties adjacent thereto. Some of these producers delivering milk directly to Central West Texas plants are located in New Mexico and in Texas counties located in the marketing area of the Red River Valley or North Texas orders.

There are regular and continuing Class I sales of fluid milk to consumers in the marketing area from plants regulated under nearby orders, by partially regulated distributing plants and by producer-handlers. Such sales by these other plants have ranged from 28 percent of the total marketing area Class I distribution to 32 percent in the last 7 years. In 1966, distribution from plants other than regulated plants amounted to 45 million pounds or 29 percent of total Class I distribution in the marketing area. This is a decline from 32 percent in 1964 and 31 percent in 1965.

The Lubbock-Plainview and Red River Valley orders are the principal orders under which it claimed that milk may be distributed in the Central West Texas area. To a lesser extent it is claimed that North Texas handlers have competitive advantage, particularly in the eastern portion of the area to which Central West Texas handlers move milk eastward.

The Lubbock-Plainview price is 30 cents less than the Central West Texas price at Midland and 15 cents less than that at Abilene. Lubbock is 117 miles from Midland. At a rate of 1.5 cents per hundredweight per 10 miles, Lubbock-Plainview milk could be delivered to Midland at 12 cents less than the Central West Texas price at Midland. Lubbock-Plainview milk is distributed in the Midland-Odessa section of the Central West Texas area. More important, it is at Lubbock that the Midland handler has a plant from which he could serve the sales now served by the Midland plant.

Red River Valley milk is distributed in the Midland-Odessa area from a plant in Wichita Falls. In 1966, the Midland price exceeded the Wichita Falls price by 16 cents per hundredweight in addition to the transportation cost. While Red River Valley milk has in the past also been distributed in the Central West area, such sales are presently being served from the North Texas plant of this handler. The Red River Valley milk could have been delivered to Abilene in 1966 at an average of about 22 cents per hundredweight less than the Central West Texas Class I price.

While Central West Texas handlers and producers are not currently losing Class I sales to other markets, there is clearly potential for such loss in the current price alignment with such orders. The potential loss is greatest with respect to sales of the Midland plant since the operator of this plant also operates an other order plant which could serve the Midland sales. There is in addition potential danger that sales of Central West Texas plants at Abilene will be lost to other markets under present price alignment.

The plus location adjustment at Midland should be reduced from 15 cents to 10 cents. The price at Midland should be reduced an additional 10 cents by reducing the Class I price of the order applicable to Abilene, to which the plus location adjustment is added. The Central West Texas area is too large to have no price differences at the widely separated locations of processing plants. The 143-mile distance between Abilene and Midland, as well as the general direction of route operations to the west, justifies a 10-cent difference between these points.

The price now applicable at San Angelo does not need to be adjusted to the same extent as the price at Abilene. This is a location considerably nearer Midland than Abilene, and further from competitive supplies than either Midland or Abilene. The evidence concerning potential sales loss in this area was less substantial than at Abilene. An appropriate price level for milk at San Angelo would be 5 cents below Midland and 5 cents above Abilene. This should be accomplished by a plus 5-cent location adjustment at plants in Tom Green County in which the city of San Angelo is located.

It is accordingly concluded that the price at Abilene, which is the base point at which prices are announced, should be reduced to 15 cents over the North Texas price, that a plus 5-cent adjustment be made applicable at plants in Tom Green County and that the 15-cent plus adjustment at Midland be reduced to 10 cents.

This will result in the Class I prices at Abilene, San Angelo, and Midland being, respectively, 15, 20, and 25 cents over the North Texas price. Reduction in the Abilene price will also result in a comparable 10-cent reduction at a supply plant at Dublin.

These adjustments in the Class I prices at these locations will better align Central West Texas prices with alternative sources of supply from other markets. The changes anticipated in producer prices at the various locations are not such as should induce a shift of producers to markets competing for supplies in any of these areas.

2. *Emergency action on Issue 1.* The Midland handler and the cooperative association urged that emergency suspension action be taken and that a recommended decision on Issue 1 with respect to the Midland price be omitted. Other handlers objected to taking emergency action contending that this is a problem that has existed for a long time and there is no urgency in the matter which would require deviation from normal amendatory procedures.

In view of the expressed opposition to the emergency suspension or elimination of a recommended decision and because testimony on the record indicates no imminence of disorderly marketing conditions in the area, emergency action is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Central West Texas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1128.50 is revised to read as follows:

§ 1128.50 Class I milk.

Subject to the provisions of §§ 1128.52 and 1128.53, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class I milk shall be the price for Class I milk established under Part 1126 of this chapter regulating the handling of milk in the North Texas marketing area plus 15 cents.

2. Section 1128.53(a) is revised to read as follows:

§ 1128.53 Location adjustment to handlers.

* * * * *

(a) For milk received from producers:

(1) At an approved plant located within 70 highway miles of the U.S. Post Office in Midland, Tex., such price shall be increased 10 cents; and

(2) At an approved plant located in Tom Green County, Tex., such price shall be increased 5 cents.

* * * * * *

3. Section 1128.91(a) is revised to read as follows:

§ 1128.91 Location adjustments to producers.

(a) In making payments to producers pursuant to § 1128.90, the uniform price for all milk computed pursuant to § 1128.72 for milk received from producers at an approved plant shall be adjusted at the rates set forth in § 1128.53, applicable at the location of the approved plant.

* * * * *

Signed at Washington, D.C., on March 27, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3500; Filed, Mar. 29, 1967; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 73]

[Airspace Docket No. 66-EA-74]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-5202 Gardiner's Island, N.Y.

Interested persons may participate in the proposed rule making by submitting such written data, view, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The U.S. Navy has requested the Federal Aviation Agency to alter the designated altitudes, the time of designation, the controlling agency and the using agency of R-5202. The change in altitude would increase the area ceiling from 6,000 feet MSL to 10,000 feet MSL. Navy representatives have stated this change is required by new aircraft tests and loft maneuvers involving high speeds and unusual attitude flight with limited visibility to 10,000 feet. The change in time increases the area usage to a daily rate but reduces the daily number of hours involved to conform to the Grumman Aircraft Co. flight test schedules. The change in the controlling agency will permit the New York control center to use the airspace for radar vectoring when it is not being used for the purpose for which it is designated. The change in using agency will permit the Suffolk AFB approach control to accommodate departures and arrivals which may conflict with the test activities.

If these proposals are adopted the texts relating to R-5202 would be changed to read:

Designated altitudes: Surface to 10,000 feet MSL, inclusive.
Time of designation: 0900 to 1800 local time, April 15 through October 14; 0900—1600 local time, October 15 through April 14.
Controlling agency: Federal Aviation Agency, New York ARTC Center.
Using agency: Commander, Suffolk Air Force Base, N.Y.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 23, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-3480; Filed, Mar. 29, 1967; 8:48 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 67-CE-24]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations which would increase the time of designation of Restricted Area R-3601, Brookville, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in

the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency has been requested by the Department of the Air Force to change the time of use of R–3601 from "Sunrise to 2400 hours c.s.t., Monday through Friday; sunrise to sunset, Saturday and Sunday" to "Sunrise to 2400 hours c.s.t., Monday through Saturday; sunrise to sunset, Sunday."

The Air Force had advised that the 190th Tactical Reconnaissance Group, Kansas Air National Guard, Hutchinson, Kans., has a current mission training requirement to conduct night resolution photography using flash cartridges and R–3601 is the only special use airspace available within reasonable operating distance to conduct this training. Air National Guard Unit Training Assemblies are held on weekends and to provide training to ground crew personnel and aircrews, photo flash operations must be conducted during night hours on weekends.

If the proposed action is taken the time of designation of R–3601 would be changed from "Sunrise to 2400 hours c.s.t., Monday through Friday; sunrise to sunset, Saturday and Sunday" to "Sunrise to 2400 hours c.s.t., Monday through Saturday; sunrise to sunset, Sunday."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 23, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-3481; Filed, Mar. 29, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-317]

CLASS A NATURAL GAS PIPELINE COMPANIES

Annual Report of 5-Year Forecasts of Peak Day and Annual Gas Requirements and Pipeline Construction Plans

MARCH 23, 1967.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission proposes to prescribe a new form for the annual reporting by natural gas pipeline companies of information relating to their 5-year forecasts of peak day and annual natural gas requirements and their construction plans. The proposed FPC Form No. ------, including instructions and schedules, is set out in the attachment hereto.[1]

2. The proposed annual report will require that each Class A natural gas pipeline company, as defined in the Uniform System of Accounts,[2] report its forecast of estimated natural gas requirements and its pipeline system construction program for each of the 5 calendar years immediately following the year in which the report is filed.

3. At the present time the only information which the Commission receives in which estimated system-wide future requirements and pipeline expansion plans by pipeline companies is reported is in certain pipeline certificate applications proposing major or system-wide expansion. These estimates cover the period of construction of the proposed facilities and each of the first 3 years of operation of the proposed facilities. Not all companies seek an annual system-wide expansion and, consequently, the information which the Commission receives is not on a similar basis for all of the companies. Some of the larger companies submit system-wide market estimates in their major expansion applications which may be filed annually. In other regards, the information received by the Commission concerning many pipeline companies is generally on a piece-meal basis.

4. The submission of the information required herein would assist the Commission in forming its judgment as to the magnitude of future gas supplies and pipeline capacities which will be needed, nationally and on a regional basis. In the complex nature of the pipeline industry today, this information will give a better and more comprehensive basis for the Commission and its staff to analyze applications presented for their consideration. Furthermore, the data presented will be complementary to other information presently received by the Commission concerning natural gas pipeline companies' gas reserves and will assist the Commission in its area rate program. This information will also be beneficial to the industry in the comparative projection of its own future growth in the national market.

5. In consideration of the foregoing it is proposed to amend Part 260, Statements and Reports, of Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 260.11 to read as follows:

[1] Filed as part of the original document.

[2] I.e., those having annual gross operating revenues of $2,500,000 or more. (18 CFR Part 201, General Instruction 1.A.)

§ 260.11 Form No. ------, Annual Report of 5-Year Forecasts of peak day and annual gas requirements and pipeline construction plans for Class A natural gas pipeline companies.

(a) The form of Annual Report of 5-Year Forecasts of peak day and annual gas requirements and pipeline construction plans for Class A natural gas pipeline companies, designated as FPC Form No. ------, is prescribed for the calendar year beginning January 1, 1968, and thereafter.

(b) Each Class A natural gas pipeline company, as defined by the Natural Gas Act, as amended (52 Stat. 821), and the Uniform System of Accounts (Part 201 of this chapter), shall prepare and file with the Commission for the calendar year beginning January 1, 1968, and each year thereafter, on or before September 1, 1967, and each September 1st thereafter, an original and such number of conformed copies of the above-designated FPC Form No. ------ as indicated in the General Instructions set out in that form.

(c) This annual report form consists of four schedules and is designed to furnish the Commission with information concerning the annual and peak day requirements of natural gas pipeline companies and the companies' pipeline construction plans for each of the ensuing 5-year periods following the reporting year.

6. The amendment to the Commission's regulations prescribing the report form is proposed to be issued under the authority granted the Commission by sections 7, 10, and 16 of the Natural Gas Act, as amended (52 Stat. 84, 826, 830; 56 Stat. 83; 15 U.S.C. 717f, 717i, 717o).

7. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than April 30, 1967, data, views, and comments in writing concerning the proposed new report form. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions under provisions of the Federal Reports Act of 1942 may at the same time submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Standards, Bureau of the Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposal should be addressed and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed form. The Commission will consider all such written submissions before acting on the proposed amendments.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3447; Filed, Mar. 29, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[No. 95]

DIRECTOR, OFFICE OF PRIVATE ENTERPRISE, BUREAU FOR AFRICA

AFR Delegation of Authority

Pursuant to the Foreign Assistance Act of 1961, as amended ("the Act") and A.I.D. Delegation of Authority No. 39, dated April 13, 1964, as amended, I hereby redelegate to the Director, Office of Private Enterprise, Bureau for Africa, the following functions relating to investment guaranties authorized under section 221(b)(2) of the Act for loan investments for housing projects in countries within the responsibility of the Bureau for Africa, retaining for myself concurrent authority to exercise any of the functions herein delegated:

(1) The authority to negotiate, execute, and implement guaranty agreements and amendments thereto, including ancillary agreements thereunder, and to take all appropriate action, including related approvals, determinations, and waivers, required under the agreements.

(2) The functions herein delegated may not be further redelegated and shall be exercised in accordance with agency policies, regulations and procedures relating thereto.

(3) Actions within the scope of this delegation heretofore taken by the official designated herein are hereby ratified and confirmed.

(4) This redelegation of authority is effective immediately.

EDMOND C. HUTCHINSON,
Assistant Administrator, Bureau for Africa.

DECEMBER 30, 1966.

[F.R. Doc. 67-3484; Filed, Mar. 29, 1967; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—ATS 643.3-b]

FISHERY PRODUCTS FROM U.S.S.R.

Determination of Sales at Not Less Than Fair Value

MARCH 22, 1967.

On January 31, 1967, there was published in the FEDERAL REGISTER a "Notice of Tentative Determination" that shrimps, lobster tails, and lobsters, fresh frozen or cooked frozen, imported from the U.S.S.R. are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until March 2, 1967, to make written submissions or to request in writing an opportunity to present views in connection with the tentative determination. No request was made of the Secretary of the Treasury for an opportunity to present views.

After consideration of all written submissions, I hereby determine that for the reasons stated in the tentative determination shrimps, lobster tails, and lobsters, fresh frozen or cooked frozen, imported from the U.S.S.R. are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-3504; Filed, Mar. 29, 1967; 8:50 a.m.]

POST OFFICE DEPARTMENT

UNIFORM ITEMS FOR POSTAL EMPLOYEES

The following is the text of a notice which appeared in the Postal Bulletin of March 23, 1967, relative to the above subject:

1. *Female elevator operator or elevator starter.* Effective immediately female elevator operator or elevator starters are authorized to purchase and be reimbursed for a low heel, oxford type black shoe with built-in safety-toe. The Postal Manual will be amended accordingly.

2. *Female letter carrier.* Effective immediately female letter carriers are authorized to purchase and be reimbursed for the presently authorized blouse manufactured with either short or long sleeves. However, when manufactured with long sleeves, it shall have a one-button plain cuff. This is the same blouse manufactured in accordance with specification PODUQC—No. 13 which specifies a short sleeve.

3. *Liners—a. Letter carriers, special delivery messengers.* Effective August 1, 1967, liners with front zipper will no longer be a reimbursable item for letter carriers and special delivery messengers. Only liners which zip into the jacket without a self-closing front zipper, manufactured in accordance with POD Bulletin No. 26, will be reimbursable.

b. Motor vehicle employees. It is reiterated that effective with the Postal Bulletin announcement of February 16, 1967 (32 F.R. 3366), motor vehicle employees may not be reimbursed for liners with front zippers. Only a liner which zips into the jacket without a self-closing front zipper is a reimbursable item.

4. *Uniform fabric and color.* The Postal Bulletin of December 1, 1966, stated that:

> • • • the uniform industry and Natick Laboratories advise that for reasons beyond their control the certified 8-ounce polyester cotton fabric will not be available for use by January 1, 1967.

The industry and Natick Laboratories now advise that this fabric is still unavailable. Therefore, the cut-off date for garments manufactured in this fabric only is extended to January 1, 1968.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

MARCH 23, 1967.

[F.R. Doc. 67-3485; Filed, Mar. 29, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N-1009]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 23, 1967.

The U.S. Department of Agriculture, Forest Service, has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, except to such forms of disposition as may by law be made of national forest lands and the mining and mineral leasing laws.

The applicant desires the land for inclusion in the Toiyabe National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the mini-

mum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 N., R. 18 E.,
Sec. 2, SE¼NE¼, SE¼SE¼;
Sec. 12, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SW¼SE¼.

The areas described aggregate 480 acres.

DANIEL P. BAKER,
Land Office Manager.

[F.R. Doc. 67-3483; Filed, Mar. 29, 1967; 8:48 a.m.]

[Serial No. N-891]

NEVADA

Notice of Proposed Classification of Public Lands for Multiple Use Management

MARCH 23, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands described in paragraph 3 below.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing or material sale laws with the exception contained in paragraph 4. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The lands proposed to be classified are shown on Maps No. N–891 on file in the Winnemucca District Office, Bureau of Land Management and the Nevada Land Office, Bureau of Land Management, Federal Building, Reno, Nev.

The lands lie in Humboldt County and are within the area generally described as follows:

Commencing at the northeast corner of Humboldt County;
Thence south along the eastern boundary of Humboldt County to the Humboldt River;
Thence generally along the Humboldt River west to about Mill City;
Thence northwesterly to a point on the Western Pacific Railroad about 4 miles west of Jungo;
Thence westerly along the railroad to a point on the Western Pacific Railroad about 10 miles west of Sulphur;
Thence northerly within Rs. 26 and 27 E., to the southeast corner of the Sheldon National Antelope Refuge;
Thence continuing northerly along the line between Rs. 26 and 27 E., to a point on the Nevada-Oregon border;
Thence east to point of beginning.
The areas described aggregate approximately 3,422,000 acres of public land.

4. The lands listed below are further segregated from the mining but not the mineral leasing or material sale laws:

MOUNT DIABLO MERIDIAN, NEVADA

T. 43 N., R. 28 E., unsurveyed,
Secs. 1 and 2;
Sec. 3, E½NE¼;
Sec. 11, N½NE¼, NE¼NW¼;
Sec. 12, N½.
T. 44 N., R. 28 E., unsurveyed,
Sec. 34, SE¼SE¼;
Sec. 35, S½;
Sec. 36, S½S½.
T. 43 N., R. 29 E., unsurveyed,
Sec. 6, E½;
Sec. 7, NW¼NW¼.
T. 44 N., R. 29 E., unsurveyed,
Sec. 35, S½S½.
The areas described above aggregate approximately 3,100 acres.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Winnemucca District Manager, Bureau of Land Management, Winnemucca, Nev. 89445.

6. A public hearing on the proposed classification will be held in Nixon Hall, Winnemucca, Nev., at 1:30 p.m. on Monday, May 1, 1967.

For the State Director.

DANIEL P. BAKER,
Manager, Nevada Land Office.

[F.R. Doc. 67-3492; Filed, Mar. 29, 1967; 8:49 a.m.]

[Serial No. N-892]

NEVADA

Notice of Proposed Classification of Public Lands for Multiple Use Management

MARCH 23, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands described in paragraph 3 below.

2. Publication of this notice has the effect of segregating the public lands described in paragraph 3 from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334). The lands shall be subject to other applicable forms of appropriation, including the mining and mineral leasing or material sale laws. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The lands proposed to be classified are shown on Maps No. N–892 on file in the Ely District Office, Bureau of Land Management, Ely, Nev.; the Las Vegas District Office, Bureau of Land Management, Las Vegas, Nev.; and the Land Office, Bureau of Land Management, Federal Building, Reno, Nev.

The lands involved are generally described as follows:

All public land in Lincoln County with the exception of those lands described in paragraph 4 below.

The areas described aggregate approximately 5,654,098 acres of public land.

4. The following described public lands are not included within this proposed classification. These lands include those which have been tentatively identified for possible disposition under the Classification and Multiple Use Act or other authorities.

Lands to be transferred under P.L. 88–35:

MOUNT DIABLO MERIDIAN, NEVADA

T. 3 S., R. 67 E.,
Sec. 2, NW¼, W½SW¼;
Sec. 3, All;
Sec. 10, N½, SW¼, W½SE¼, NE¼SE¼;
Sec. 11, SE¼, SE¼NE¼, NW¼NW¼;
Sec. 14, All;
Sec. 15, N½, SW¼, NE¼SE¼NW¼SE¼, SE¼SE¼.
Total acreage: 2,844.
Other lands excluded from proposed classification:

MOUNT DIABLO MERIDIAN, NEVADA

T. 3 N., R. 70 E.,
Sec. 30, E½SE¼, SE¼NE¼.
T. 2 N., R. 67 E.,
Sec. 36, W½NW¼, S½.
T. 2 N., R. 68 E.,
Sec. 31, SW¼SW¼.
T. 2 N., R. 69 E.,
Sec. 35, N½NE¼;
Sec. 26, E½E½, W½SE¼;
Sec. 23, E½SE¼.
T. 2 S., R. 67 E.,
Sec. 12, E½E½;
Sec. 13, E½E½;
Sec. 23, NE¼NE¼, E½SE¼;
Sec. 24, W½SW¼, NW¼SW¼;
Sec. 25, NW¼NW¼;
Sec. 26, NE¼, E½W½, NW¼SE¼;
Sec. 35, NW¼NE¼, NW¼, W½SW¼;
Sec. 36, NW¼NE¼, S½NE¼, E½NW¼, NE¼SW¼, S½SW¼, SE¼.
T. 2 S., R. 68 E.,
Sec. 4, E½;
Sec. 6, SW¼, W½SE¼;
Sec. 7, W½NE¼, W½NW¼, NW¼SE¼;
Sec. 9, NE¼, N½SE¼;
Sec. 16, W½NW¼;
Sec. 20, SE¼NE¼;
Sec. 30, SE¼NW¼, E½SW¼.

T. 3 S., R. 67 E.,
Sec. 1, W½;
Sec. 10, SE¼SE¼;
Sec. 11, SW¼NE¼, S½NW¼, SW¼;
Sec. 12, W½;
Sec. 13, NW¼;
Sec. 23, N½N½;
Sec. 32, E½E½, E½NW¼, NE¼SW¼.
T. 4 S., R. 60 E.,
Sec. 34, W½E½.
T. 4 S., R. 66 E.,
Sec. 12, S½NE¼, SE¼.
T. 4 S., R. 67 E.,
Sec. 5, E½E½, W½NW¼, NW¼SW¼, SW¼SE¼;
Sec. 6, S½SE¼;
Sec. 7, N½N½, SW¼NW¼, W½SW¼;
Sec. 8, SE¼SE¼;
Sec. 9, N½N½;
Sec. 10, S½N½, NW¼SW¼;
Sec. 11, SE¼NW¼, NW¼SW¼, NW¼SE¼;
Sec. 12, SE¼NW¼, N½SW¼;
Sec. 17, N½NE¼;
Sec. 18, SE¼NE¼, SE¼SW¼, SE¼.
T. 7 S., R. 67 E.,
Sec. 20, NE¼NE¼, SE¼SE¼;
Sec. 21, S½NW¼, SW¼SW¼, SE¼SE¼;
Sec. 22, SW¼SW¼;
Sec. 27, S½S½;
Sec. 28, NW¼NE¼, NE¼NW¼;
Sec. 34, E½NE¼, NE¼SE¼;
Sec. 35, N½NW¼, SE¼NW¼, SE¼SW¼.
T. 8 S., R. 67 E.,
Sec. 2, W½W½;
Sec. 3, E½E½;
Sec. 10, E½E½;
Sec. 11, W½;
Sec. 14, W½;
Sec. 15, E½E½;
Sec. 22, E½E½;
Sec. 23, W½;
Sec. 26, W½;
Sec. 35, W½.
T. 9 S., R. 67 E.,
Sec. 2, E½W½;
Sec. 10, SE¼NE¼, E½SE¼;
Sec. 11, W½E½, E½NE¼, NE¼NW¼;
Sec. 14, W½E½, NW¼SW¼;
Sec. 15, E½E½;
Sec. 22, W½NE¼, E½W½;
Sec. 23, E½W½;
Sec. 26, W½W½;
Sec. 27, W½W½;
Sec. 33, E½E½;
Sec. 34, W½W½, W½SE¼.
T. 10 S., R. 67 E.,
Sec. 3, E½W½, SW¼NW¼;
Sec. 4, NE¼, N½SE¼, SW¼SE¼;
Sec. 8, S½S½;
Sec. 9, NW¼NE¼, S½NE¼, N½NW¼, SW¼NW¼, W½SW¼, SE¼;
Sec. 16, NW¼;
Sec. 17, N½, SW¼SW¼, E½SW¼;
Sec. 18, SW¼, NW¼SE¼;
Sec. 19, NE¼NE¼, S½N½.
T. 12 S., R. 65 E.,
Sec. 1, W½E½, NW¼, W½SW¼;
Sec. 12, W½E½, S½NW¼, SE¼SW¼, N½SW¼;
Sec. 13, SW¼NW¼, SW¼;
Sec. 23, E½;
Sec. 24, W½NW¼, SW¼SW¼;
Sec. 25, SW¼NW¼, E½SW¼;
Sec. 26, E½NE¼, NE¼SE¼;
Sec. 36, SW¼SW¼, E½W½.
Total acreage: 16,147.18.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Ely District Manager, Bureau of Land Management, Ely, Nev., or the Las Vegas District Manager, Bureau of Land Management, Las Vegas, Nev.

6. A public hearing on the proposed classification will be held on May 3, 1967 at 7 p.m. in the Courtroom of the Lincoln County Courthouse, Pioche, Nev.

For the State Director.

DANIEL P. BAKER,
Manager, Nevada Land Office.

[F.R. Doc. 67-3493; Filed, Mar. 29, 1967; 8:49 a.m.]

[State Director, Alaska Supplement to Bureau of Land Management Manual 1214.21]

CHIEF, DIVISION OF ADMINISTRATION, STATE OFFICE, ET AL.

Delegation of Authority Regarding Contracts and Leases

A. Pursuant to delegation of authority contained in Bureau Manual 1214.21, the Chief, Division of Administration, State Office, Administrative Assistant, State Office, District Managers, and Chief, Division of Administration, District Offices, are authorized:

1. To enter into contracts with established sources for supplies and services, excluding capitalized equipment, regardless of amount, and

2. To enter into contracts on the open market for supplies and materials, excluding capitalized equipment, not to exceed $2,500 per transaction ($2,000 for construction): *Provided*, That the requirement is not available from established sources.

B. District Managers and the Chief, Division of Administration, State Office, may redelegate the authority granted above for SF–44 procurement only.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 67-3458; Filed, Mar. 29, 1967; 8:46 a.m.]

[S 487]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 586; 43 U.S.C. 1411–18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands in paragraph 3, together with any lands located in the areas described in paragraph 3 that may become public lands in the future.

2. Publication of this notice segregates (a) all public lands described below from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) the lands described in paragraph 4 from appropriation under the mining laws (30 U.S.C. 21).

3. The public lands are located within the following described areas within Tuolumne and Mariposa Counties, west of the Stanislaus National Forest. For the purposes of this proposed classification, the lands have been subdivided into Blocks, each of which has been analyzed in detail and described in documents and on maps available for inspection at the Folsom District Office, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630. The overall descriptions of the areas are as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

Block No. I

All public lands in:
T. 1 N., R. 13 E.,
Secs. 1, 2, 3, secs. 10 to 15, inclusive, secs. 21, 22, 28, and 29.
T. 1 N., R. 14 E.,
Secs. 5 to 8, inclusive, and secs. 17 to 20, inclusive.
T. 2 N., R. 13 E.,
Secs. 24 to 27, inclusive, and secs. 34 to 36, inclusive.
T. 2 N., R. 14 E.,
Secs. 3, 4, 8, 9, 17, 19, 20, and secs. 29 to 32, inclusive.
T. 3 N., R. 14 E.,
Secs. 12, 13, 14, 23, 24, 26, 27, 34, 35, and 36.
Except the following public lands:
T. 1 N., R. 14 E.,
Sec. 5, E½SE¼SW¼NW¼.
T. 2 N., R. 14 E.,
Sec. 29, lots 3 and 6, and lots 8 to 13, inclusive;
Sec. 30, lots 5 and 12, lots 15 to 19, inclusive, and lots 21 and 23;
Sec. 32, lots 16 and 17.

Block No. II

All public lands in:
T. 1 N., R. 14 E.,
Secs. 27, 28, 33, and 34.
T. 1 N., R. 15 E.,
Secs. 25 and 26.
T. 1 N., R. 16 E.,
Sec. 4, E½;
Secs. 9, 16, 17, 19, and 20;
Sec. 21, W½;
Secs. 30 and 31.
T. 2 N., R. 16 E.,
Sec. 21, SE¼;
Sec. 28;
Sec. 33, E½.
T. 1 S., R. 13 E.,
Secs. 1, 11, 12, and 13.
T. 1 S., R. 14 E.,
Secs. 2 to 29, inclusive, and secs. 34 to 36, inclusive.
T. 1 S., R. 15 E.,
Secs. 1 to 5, inclusive, secs. 7 to 11, inclusive, secs. 16 to 21, inclusive, and secs. 29 to 32, inclusive.
T. 1 S., R. 16 E.,
Sec. 6.
T. 2 S., R. 14 E.,
Secs. 1, 2, 3, 12, 13, secs. 22 to 27, inclusive, and secs. 33 to 36, inclusive.
T. 2 S., R. 15 E.,
Secs. 5 to 8, inclusive, secs. 17 to 20, inclusive, and secs. 29 to 32, inclusive.
T. 3 S., R. 14 E.,
Secs. 1 to 4, inclusive, and secs. 9 to 16, inclusive.
T. 3 S., R. 15 E.,
Secs. 5 to 8, inclusive, secs. 17 and 18.
Except the following public lands:
T. 1 N., R. 16 E.,
Sec. 9, Mineral Survey 4746.
T. 2 N., R. 16 E.,
Sec. 33, lot 12 (exclusive of Mineral Survey 5993).
T. 1 S., R. 14 E.,
Sec. 2, lot 63;
Sec. 3, lot 15.
T. 1 S., R. 15 E.,
Sec. 7, lot 15 and Saturn and Jupiter Quartz Mining Claims.

Block No. III

All public lands in:
T. 1 S., R. 15 E.,
Secs. 22 to 28, inclusive, and secs. 33 to 36, inclusive.
T. 1 S., R. 16 E.,
Secs. 29 to 34, inclusive.
T. 2 S., R. 15 E.,
Secs. 1 to 4, inclusive, secs. 9 to 16, inclusive, secs. 21 to 28, inclusive, and secs. 33 to 36, inclusive.
T. 2 S., R. 16 E.
Except the following public lands:
T. 1 S., R. 15 E.,
Sec. 22, lot 5 and Mineral Survey 5635B;
Sec. 33, lots 5, 6, 7, 13, and 14.
T. 2 S., R. 15 E.,
Sec. 4, lot 8;
Sec. 9, SW¼NE¼SW¼ and NW¼SE¼SW¼;
Sec. 26, S½S½;
Sec. 35, NE¼NE¼.
T. 2 S., R. 16 E.,
Sec. 5, lot 4;
Sec. 17, NE¼NE¼.

Block No. IV

All public lands in:
T. 3 S., R. 15 E.,
Secs. 1 to 4, inclusive, secs. 9 to 16, inclusive, secs. 22 to 27, inclusive, and secs. 34 to 36, inclusive.
T. 3 S., R. 16 E.
T. 3 S., R. 17 E.,
Secs. 7 to 36, inclusive.
T. 3 S., R. 18 E.,
Sec. 19 and secs. 25 to 36, inclusive.
T. 4 S., R. 15 E.,
Secs. 1, 2, secs. 11 to 14, inclusive, secs. 23 and 24.
T. 4 S., R. 16 E.,
Secs. 1 to 21, inclusive.
T. 4 S., R. 17 E.,
Secs. 1 to 18, inclusive, secs. 22 to 27, inclusive, and sec. 36.
T. 4 S., R. 18 E.
T. 5 S., R. 18 E.,
Secs. 1 to 6, inclusive.
Except the following public lands:
T. 3 S., R. 16 E.,
Sec. 1, lot 1;
Sec. 4, lot 3 (portion west of lot 65), and lot 10;
Sec. 9, lot 12;
Sec. 11, lot 3.
T. 3 S., R. 17 E.,
Sec. 19, lot 18;
Sec. 29, lots 44 and 46.
Sec. 30, lot 15.
T. 4 S., R. 16 E.,
Sec. 19, SE¼SW¼.
T. 4 S., R. 17 E.,
Sec. 25, SE¼NW¼, E½SW¼, and SE¼SE¼.
T. 4 S., R. 18 E.,
Sec. 14, lot 12;
Sec. 22, lot 4;
Sec. 26, lot 3;
Sec. 27, lot 9;
Sec. 28, Talk Quartz Lode mining claim;
Sec. 29, Mountain Queen Lode mining claim;
Sec. 30, Ohio Placer mining claim;
Sec. 31, Permit Lode and Milburn Lode mining claims;
Sec. 32, Triumph Lode mining claim;
Sec. 33, lot 7;
Sec. 35, Penobscot Lode mining claim.

Block No. V

All public lands in:
T. 2 N., R. 14 E.,
Sec. 1, lot 1, NE¼SW¼, N½NW¼SW¼, SW¼NW¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼, and E½W½SW¼SE¼.
Sec. 24, lots 5, 7, 11, and NE¼SE¼.
T. 2 N., R. 15 E.,
Sec. 3, lot 1;
Sec. 4, lots 14 and 15;
Sec. 6, lots 1, 2, 7, 8, 9, 12, 13, 14, and 15, NW¼SE¼ and E½SE¼;
Sec. 8, SE¼NW¼;
Sec. 17, NE¼NW¼ and NW¼SE¼;
Sec. 18, lot 2 (exclusive of Mountain Quail Lode mining claim), lots 3, 4, and 5, E½NE¼, SE¼NW¼NW¼ (exclusive of Mountain Quail Lode mining claim), SE¼NW¼ (exclusive of Bozovich Lode and Mountain Quail Lode mining claims), SE¼SW¼, NE¼SE¼, Bozovich Lode mining claim (exclusive of SW¼NE¼ and Tuscany Lode mining claim), Mountain Quail Lode mining claim, and Tuscany Lode mining claim);
Sec. 19, lots 1 to 3, inclusive, lots 5 to 11, inclusive, NE¼NE¼, W½NE¼, NE¼NW¼, NE¼SW¼, and SE¼SW¼ (exclusive of Mineral Survey 5014);
Sec. 20, NW¼NW¼ and W½SW¼;
Sec. 30, lots 6, 7, and 8, NE¼, NE¼NW¼ (exclusive of Mineral Survey 5014), and SE¼NW¼.
T. 2 N., R. 16 E.,
Sec. 10, lot 5;
Sec. 16, E½NE¼NE¼ and S½NE¼.
T. 1 S., R. 16 E.,
Sec. 20, lot 1, lot 39, and Pipe Dream Lode mining claim.
T. 7 S., R. 17 E.,
Sec. 9, SW¼NE¼.

The public lands proposed to be classified aggregate 77,241 acres.

4. As provided in paragraph 2 above, the following lands are segregated from appropriation under the mining laws (totaling approximately 5,443 acres):

MOUNT DIABLO MERIDIAN

T. 1 N., R. 14 E.,
Sec. 6, lots 10 to 14, inclusive, lots 16, 17, 18, and lots 20 to 24, inclusive;
Sec. 17, W½NE¼;
Sec. 19, N½SE¼ and SW¼SE¼;
Sec. 20, SW¼SW¼NE¼, SW¼NW¼, S½SE¼NW¼, and N½SW¼.
T. 2 N., R. 14 E.,
Sec. 17, N½NE¼SE¼ and SW¼NE¼SE¼;
Sec. 24, lots 5, 7, 11, and NE¼SE¼;
Sec. 30, lots 20, 24, 26, and portion of Mineral Survey 6307;
Sec. 31, lots 1, 6, 16, 18, 21, and 25 (exclusive of withdrawn portion of Mineral Survey 6307), SW¼NE¼, E½NW¼, and NW¼SE¼;
Sec. 32, lots 10, 11, 13, and 19.
T. 2 N., R. 15 E.,
Sec. 6, lots 14 and 15;
Sec. 8, SE¼NW¼;
Sec. 18, lot 2 (exclusive of Mountain Quail Lode mining claim), lots 3, 4, and 5, E½NE½, SE¼NW¼NW¼ (exclusive of Mountain Quail Lode mining claim), SE¼NW¼ (exclusive of Bozovich Lode and Mountain Quail Lode mining claims), SE¼SW¼, NE¼SE¼, Bozovich Lode mining claim (exclusive of SW¼NE¼ and Tuscany Lode mining claim), Mountain Quail Lode mining claim, and Tuscany Lode mining claim;
Sec. 19, lots 1 to 3, inclusive, lots 5 to 11, inclusive, NE¼NE¼, W½NE¼, NE¼NW¼, NE¼SW¼, and SE¼SW¼ (exclusive of Mineral Survey 5014);
Sec. 20, NW¼NW¼ and W½SW¼;
Sec. 30, lots 6, 7, and 8, NE¼, NE¼NW¼ (exclusive of Mineral Survey 5014), and SE¼NW¼.
T. 2 N., R. 16 E.,
Sec. 16, E½NE¼NE¼ and S½NE¼;
Sec. 21, SW¼SE¼;
Sec. 28, N½ (exclusive of NE¼NE¼ and Mineral Survey 5533).
T. 1 S., R. 14 E.,
Sec. 24, E½SE¼NE¼, NE¼SW¼, and SW¼SE¼;
Sec. 27, W½E½;
Sec. 34, NW¼NE¼.
T. 1 S., R. 15 E.,
Sec. 1, lots 6, 7, and 8;
Sec. 18, NW¼SE¼.
T. 1 S., R. 16 E.,
Sec. 20, lot 1, lot 39, and Pipe Dream Lode mining claim.
T. 2 S., R. 14 E.,
Sec. 1, lot 3;
Sec. 33, NE¼SE¼.
T. 2 S., R. 15 E.,
Sec. 6, lots 4, 5, and 6;
Sec. 7, lot 3;
Sec. 17, W½SE¼;
Sec. 31, portion of lot 38A;
Sec. 32, lots 1, 2, 4, and portion of lot 38A.
T. 3 S., R. 14 E.,
Sec. 3, lots 3 and 4.
T. 3 S., R. 15 E.,
Sec. 1, S½SE¼.
T. 3 S., R. 16 E.,
Sec. 4, lots 4, 12, and 13;
Sec. 5, lot 1, S½N½, NW¼SW¼, and NE¼SE¼;
Sec. 6, S½NE¼ and SE¼NW¼;
Sec. 11, lot 2;
Sec. 20, E½SE¼;
Sec. 21, SW¼SW¼;
Sec. 22, lot 2;
Sec. 31, lot 9;
Sec. 34, SW¼SW¼.
T. 4 S., R. 16 E.,
Sec. 1, lot 23;
Sec. 2, lots 12, 17, and 18;
Sec. 3, lot 9;
Sec. 12, lots 1, 2, 5, and N½SW¼NE¼.

Including all public lands situated within 200 feet on either side of the centerline of the following roads:

MOUNT DIABLO MERIDIAN

(1) Jacks Creek Road, extending from sec. 10, T. 2 S., R. 16 E., to sec. 33, T. 1 S., R. 16 E., and,
(2) Hunter Valley Mountain Road, extending from sec. 18, T. 4 S., R. 17 E., to sec. 20, T. 3 S., R. 16 E.

5. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Folsom District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630, or at the public hearing.

6. A public hearing on this proposed classification will be held at 10 a.m. on April 12, 1967, in the Sonora Memorial Hall, Sonora, Calif.

For the State Director.

H. CURT HAMMIT,
District Manager.

[F.R. Doc. 67-3459; Filed, Mar. 29, 1967; 8:46 a.m.]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MARCH 24, 1967.

Notice of an application Serial No. I-841, for withdrawal and reservation of lands was published as Federal Register Document No. 67-1770 on page 2979 of the issue for February 16, 1967. The Bureau of Reclamation has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2311, such lands will be at 10 a.m. on April 10, 1967, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 12 S., R. 17 E.,
Sec. 7, N½SE¼ and SE¼SE¼.

The area described aggregates 120 acres in Twin Falls County.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 67-3460; Filed, Mar. 29, 1967; 8:46 a.m.]

[Montana 1602]

MONTANA

Order Providing for Opening of Public Lands

MARCH 22, 1967.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 20 N., R. 24 E.,
Sec. 7, Lots 1, 2, 3, and 4, E½ and E½W½;
Sec. 18, Lots 1 and 2, NW¼NE¼, S½NE¼, and E½NW¼.
T. 20 N., R. 25 E.,
Sec. 4, Lots 1, 2, 3, and 4, S½N½, SW¼, and E½SE¼.

The areas described aggregate 1,448.51 acres.

2. The lands are located 18 to 26 miles northeast of Roy, Mont., in Fergus County. They are moderately rolling grazing lands that adjoin other federally owned lands. The tracts are not suitable for crop production due to adverse topography and soil conditions as well as low precipitation.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location and selection. All valid applications received at or prior to 10 a.m., April 26, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands are not affected by this order.

5. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont. 59101.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 67-3461; Filed, Mar. 29, 1967; 8:46 a.m.]

[Utah 2476]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 23, 1967.

The Bureau of Land Management has filed an application Serial No. Utah 2476 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws. The applicant desires the land for the protection of the Castle Valley Job Corps Center.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 15 S., R. 10 E.,
Sec. 5, lots 5 to 43, inclusive.

Aggregating 119.1[illegible] acres.

HORACE S. JONES,
Acting State Director.

[F.R. Doc. 67-3462; Filed, Mar. 29, 1967; 8:46 a.m.]

[Washington 04064]

WASHINGTON

Order Providing for Opening of Public Lands

MARCH 21, 1967.

1. Paragraph 3 of Public Land Order No. 3966, dated April 4, 1966 (31 F.R. 5620), revoked Executive Order No. 6574 of January 24, 1934, withdrawing the public lands in the following described townships for projects of the Federal Emergency Administration of Public Works:

WILLAMETTE MERIDIAN

T. 2 N., Rs. 7, 12, and 13 E.
T. 3 N., Rs. 7½ to 12 E., incl.

2. Paragraph 6 of Public Land Order No. 3966 stated that the national forest lands within the areas described in paragraph 1 above would at 10 a.m. on May 10, 1966, be open to such forms of disposition as may by law be made of such lands.

3. Included in the lands described in paragraph 1 above are the following described public lands:

T. 2 N., R. 7 E.,
Sec. 10, NW¼NW¼ and NW¼SW¼.

The areas described aggregate 80 acres.

4. Until 10 a.m. on September 20, 1967, the State of Washington shall have a preferred right of application to select the lands described in paragraph 3, as provided by R.S. 2276, as amended (43 U.S.C. 852). After that date the lands shall be open to operation of the public land laws generally, subject to valid existing rights and to the provisions of existing withdrawals, including Executive Order No. 6964 of February 5, 1935. The lands have been open to location under the mining laws for metalliferous minerals, and to applications and offers under the mineral leasing laws. They will be open to location for nonmetalliferous minerals at 10 a.m. on September 20, 1967.

Inquiries concerning the lands shall be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 67-3463; Filed, Mar. 29, 1967; 8:46 a.m.]

[Montana 1598]

MONTANA

Proposed Classification of Public Lands for Multiple Use Management

MARCH 23, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Dillon, Mont. 59725.

3. A public hearing on the proposed classification will be held on April 13, 1967, at 2 p.m., in the Beaverhead County Courthouse, Dillon, Mont.

4. The public lands proposed for classification are located within the following described area and are shown on

maps on file in the Dillon District Office, Bureau of Land Management, Dillon, Mont., and in the Land Office, Bureau of Land Management, Federal Building, Billings, Mont. Excluded from this proposed classification are any public lands described below which are located within the exterior boundaries of the area withdrawn for use for the Dubois Sheep Experiment Station.

PRINCIPAL MERIDIAN, MONTANA

BEAVERHEAD COUNTY (WITH SMALL PORTIONS IN DEER LODGE, SILVER BOW, AND MADISON COUNTIES)

T. 14 S., R. 1 E.,
Secs. 21 to 29, inclusive;
Secs. 31 to 33, inclusive.
T. 15 S., R. 1 E.,
Secs. 3 to 6, inclusive.
T. 14 S., R. 1 W.,
Secs. 31 to 36, inclusive.
T. 15 S., R. 1 W.,
Secs. 1 to 3, inclusive.
T. 13 S., R. 2 W.,
Secs. 5, 6, 7, and 18.
T. 14 S., R. 2 W.,
Secs. 18 and 19;
Secs. 26 to 36, inclusive.
T. 15 S., R. 2 W.,
Secs. 5, 6, and 16.
T. 13 S., R. 3 W.,
Secs. 1 to 7, inclusive;
Secs. 13, 18, and 19;
Secs. 22 to 27, inclusive;
Secs. 29 to 34, inclusive.
T. 14 S., R. 3 W.,
Secs. 1 and 2;
Secs. 4 to 7, inclusive;
Secs. 11, 14, 17, 18, 22, 23, 25, and 26;
Secs. 28 to 35, inclusive.
T. 15 S., R. 3 W.,
Secs. 1 to 10, inclusive;
Sec. 17.
T. 13 S., R. 4 W.,
Secs. 1 to 6, inclusive;
Secs. 27, 34, and 35.
T. 14 S., R. 4 W.,
Secs. 1 to 12, inclusive;
Secs. 17, 30, 31, 33, 34, and 35.
T. 15 S., R. 4 W.,
Secs. 1 to 15, inclusive;
Sec. 18.
T. 10 S., R. 5 W.,
Secs. 5 to 8, inclusive;
Secs. 17 and 18.
T. 11 S., R. 5 W.,
Secs. 22, 23, 26, 27, 28, 32, 33, 34, and 35.
T. 13 S., R. 5 W.,
Secs. 1, 6 and 7;
Secs. 10 to 15, inclusive;
Secs. 17, 19, 20, 29, 30, 32, and 33.
T. 14 S., R. 5 W.,
Secs. 1 to 7, inclusive;
Secs. 9 to 15, inclusive;
Secs. 17, 18, 19, 25, 26, 30, and 31.
T. 15 S., R. 5 W.,
Secs. 1 and 12.
T. 9 S., R. 6 W.,
Secs. 4, 5, 6, 8 and 9;
Secs. 18 to 21, inclusive;
Secs. 30 and 33.
T. 10 S., R. 6 W.,
Secs. 1 to 4, inclusive;
Secs. 10, 11, 12, 15, and 31.
T. 11 S., R. 6 W.,
Secs. 5 to 9, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 12 S., R. 6 W.,
Secs. 4 to 8, inclusive;
Secs. 10, 15, 17, 20, 21, 26, 27, 28, 34, and 35.
T. 13 S., R. 6 W.,
Secs. 1, 2, 5, 6, 7, 11, 14, and 15;
Secs. 19 to 22, inclusive;
Secs. 31 and 32.
T. 14 S., R. 6 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 33, inclusive;
Sec. 35.
T. 15 S., R. 6 W.,
Secs. 4 to 7, inclusive;
Secs. 17 to 20, inclusive.
T. 16 S., R. 6 W.,
Sec. 5.
T. 8 S., R. 7 W.,
Secs. 20, 29, 31, 32, and 33.
T. 9 S., R. 7 W.,
Secs. 1 to 6, inclusive;
Secs. 8 to 15, inclusive;
Secs. 22 to 25, inclusive.
T. 10 S., R. 7 W.,
Secs. 6, 7, and 8;
Secs. 17 to 22, inclusive;
Secs. 27, 28, 33, and 35.
T. 11 S., R. 7 W.,
Secs. 1 and 2;
Secs. 5 to 12, inclusive;
Sec. 15, secs. 17 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 12 S., R. 7 W.,
Secs. 1, 2, and 3;
Secs. 5 to 12, inclusive;
Secs. 14 and 15;
Secs. 17 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 13 S., R. 7 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 24, inclusive;
Sec. 32.
T. 14 S., R. 7 W.,
Sec. 1, secs. 4 to 8, inclusive;
Secs. 12, 13, 17, and 18;
Secs. 21 to 26, inclusive;
Secs. 33, 34, and 35.
T. 15 S., R. 7 W.,
Secs. 1, 2, 3, 12, 15, and 24.
T. 4 S., R. 8 W.,
Sec. 31.
T. 5 S., R. 8 W.,
Secs. 1 to 11, inclusive;
Secs. 14, 15, 17, and 18.
T. 8 S., R. 8 W.,
Secs. 25, 26, and 35.
T. 9 S., R. 8 W.,
Sec. 7, secs. 17 to 22, inclusive;
Secs. 27 to 31, inclusive;
Secs. 33, 34, and 35.
T. 10 S., R. 8 W.,
Secs. 2 to 14, inclusive;
Secs. 17 to 20, inclusive;
Sec. 24, secs. 27 to 35, inclusive.
T. 11 S., R. 8 W.,
Secs. 1, 2, 3, 5, 6, and 7;
Secs. 11 to 15, inclusive;
Secs. 17 to 20, inclusive;
Secs. 22 to 29, inclusive;
Secs. 31 to 35, inclusive.
T. 12 S., R. 8 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 13 S., R. 8 W.,
Secs. 1 and 2;
Secs. 4 to 15, inclusive;
Secs. 17 to 24, inclusive;
Secs. 26, 27, 29, 33, and 34.
T. 14 S., R. 8 W.,
Secs. 11 to 14, inclusive;
Secs. 22 to 28, inclusive;
Secs. 33, 34, and 35.
T. 1 S., R. 9 W.,
Secs. 30, 31, and 32.
T. 2 S., R. 9 W.,
Secs. 5, 6, 9, 10, 15, 19, 20, and 21;
Secs. 28 to 32, inclusive.
T. 3 S., R. 9 W.,
Secs. 3 to 10, inclusive;
Sec. 15, secs. 17 to 22, inclusive;
Secs. 27 and 28;
Secs. 30 to 33, inclusive.
T. 4 S., R. 9 W.,
Secs. 4 to 9, inclusive;
Sec. 11, secs. 17 to 21, inclusive;
Sec. 25, secs. 28 to 33, inclusive.
T. 5 S., R. 9 W.,
Secs. 4 to 7, inclusive;
Secs. 18 and 19.
T. 6 S., R. 9 W.,
Secs. 7 and 6;
Secs. 17 to 20, inclusive;
Secs. 28, 29, 30, 32, 33, and 34.
T. 7 S., R. 9 W.,
Secs. 3 to 8, inclusive.
T. 8 S., R. 9 W.,
Secs. 18, 19, and 20;
Secs. 28 to 35, inclusive.
T. 9 S., R. 9 W.,
Secs. 1 to 14, inclusive;
Secs. 17 to 20, inclusive;
Secs. 23 to 28, inclusive;
Secs. 30 to 35, inclusive.
T. 10 S., R. 9 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 23, inclusive;
Secs. 29 to 33, inclusive.
T. 11 S., R. 9 W.,
Secs. 4 to 9, inclusive;
Secs. 17 to 20, inclusive;
Secs. 23 to 26, inclusive;
Secs. 29 to 35, inclusive.
T. 12 S., R. 9 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 15, inclusive;
Secs. 22 to 28, inclusive.
T. 13 S., R. 9 W.,
Secs. 7, 18, 19, 30, 31.
T. 14 S., R. 9 W.,
Secs. 2, 3, 14, 15, 22, 23, 26, and 27.
T. 15 S., R. 9 W.,
Sec. 1.
T. 1 S., R. 10 W.,
Secs. 3 to 15, inclusive.
T. 2 S., R. 10 W.,
Secs. 23 to 26, inclusive;
Sec. 35.
T. 5 S., R. 10 W.,
Secs. 24 and 25.
T. 6 S., R. 10 W.,
Secs. 11 to 14, inclusive;
Secs. 17 to 35, inclusive.
T. 7 S., R. 10 W.,
Secs. 1 to 12, inclusive;
Sec. 15, secs. 17 to 21, inclusive;
Secs. 28 to 34, inclusive.
T. 8 S., R. 10 W.,
Secs. 3 to 10, inclusive;
Secs. 12 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 9 S., R. 10 W.,
Secs. 3 to 14, inclusive;
Secs. 18, 19, 20, 23, 25, and 26;
Secs. 29 to 35, inclusive.
T. 10 S., R. 10 W.,
Secs. 1, 2, 3, 10, 11, 12, 15, and 25;
Secs. 29 to 32, inclusive.
T. 11 S., R. 10 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 22, inclusive;
Secs. 27, 28, 33, and 34.
T. 12 S., R. 10 W.,
Secs. 3, 4, 10, 15, and 22;
Secs. 29 to 32, inclusive.
T. 13 S., R. 10 W.,
Secs. 5 to 9, inclusive;
Sec. 15, secs. 17 to 22, inclusive;
Secs. 25 to 36, inclusive.
T. 14 S., R. 10 W.,
Secs. 2 to 5, inclusive;
Secs. 8 to 11, inclusive;
Secs. 14, 15, 22, 23, 26, and 27;
Secs. 31 to 35, inclusive.
T. 15 S., R. 10 W.,
Secs. 2 to 11, inclusive;
Secs. 15, 17, 20, 21, and 22.
T. 1 N., R. 11 W.,
Secs. 26, 26, 29, and 31.
T. 1 S., R. 11 W.,
Sec. 1, secs. 5 to 8, inclusive;
Sec. 18.
T. 6 S., R. 11 W.,
Secs. 18, 25, 26, 27, 29, 32, 34, and 35.
T. 7 S., R. 11 W.,
Secs. 1 and 2;
Secs. 5 to 8, inclusive;
Secs. 11 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 8 S., R. 11 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 28, inclusive;
Secs. 30, 31, 33, 34, and 35.
T. 9 S., R. 11 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 and 35.
T. 10 S., R. 11 W.,
Secs. 20, 21, 27, 28, and 29;
Secs. 31 to 35, inclusive.
T. 11 S., R. 11 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 24, inclusive;
Sec. 26, secs. 28 to 33, inclusive.
T. 12 S., R. 11 W.,
Secs. 5 to 8, inclusive;
Sec. 18.
T. 13 S., R. 11 W.,
Secs. 1, 2, 7, 12, 13, 14, 18, 19, 30, and 31.
T. 14 S., R. 11 W.,
Secs. 4, 5, 6, 8, 9, 10, and 15;
Secs. 17 to 23, inclusive;
Secs. 25 to 31, inclusive;
Sec. 35.
T. 15 S., R. 11 W.,
Secs. 1 and 2;
Secs. 6 to 15, inclusive;
Secs. 21, 22, 23, 26, 27, 28, and 34.
T. 1 N., R. 12 W.,
Secs. 10, 11, 14, 15, 23, and 24.
T. 5 S., R. 12 W.,
Secs. 32, 33, and 34.
T. 6 S., R. 12 W.,
Secs. 4, 5, and 8;
Secs. 13 to 17, inclusive;
Secs. 19 to 30, inclusive;
Secs. 32 to 35, inclusive.
T. 7 S., R. 12 W.,
Secs. 2 to 5, inclusive;
Secs. 9, 10, 12, 13, 15, 23, 24, 25, 31, 32, and 34.
T. 8 S., R. 12 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 9 S., R. 12 W.,
Secs. 1 to 13, inclusive;
Secs. 15, 18, 24, 31, 32, and 33.
T. 10 S., R. 12 W.,
Secs. 4 to 9, inclusive;
Secs. 17 and 18.
T. 11 S., R. 12 W.,
Secs. 1 to 4, inclusive;
Sec. 6, secs. 8 to 15, inclusive;
Secs. 17 and 21;
Secs. 25 to 28, inclusive;
Secs. 33, 34, and 35.
T. 12 S., R. 12 W.,
Secs. 1 to 4, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 33, 34, and 35.
T. 13 S., R. 12 W.,
Secs. 2, 3, and 4;
Secs. 9 to 15, inclusive;
Secs. 22 to 26, inclusive;
Sec. 35.
T. 14 S., R. 12 W.,
Secs. 1, 12, 13, 24, and 25.
T. 1 N., R. 13 W.,
Secs. 4, 8, and 18.
T. 2 N., R. 13 W.,
Sec. 34.
T. 8 S., R. 13 W.,
Secs. 12 and 21;
Secs. 25 to 28, inclusive;
Secs. 32 to 35, inclusive.
T. 9 S., R. 13 W.,
Secs. 1 to 5, inclusive;
Sec. 7, secs. 9 to 14, inclusive;
Secs. 18 to 22, inclusive;
Secs. 26 to 30, inclusive;
Secs. 32 and 33.
T. 10 S., R. 13 W.,
Secs. 1 to 5, inclusive;
Secs. 7 to 12, inclusive;
Sec. 15, secs. 17 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 11 S., R. 13 W.,
Secs. 1 to 9, inclusive;
Secs. 17 and 18.
T. 1 N., R. 14 W.,
Secs. 23 and 26.
T. 1 S., R. 14 W.,
Sec. 18.
T. 9 S., R. 14 W.,
Secs. 2, 11, 12, 13, 21, 22, 23, 26, 27, and 28;
Secs. 31 to 34, inclusive.
T. 10 S., R. 14 W.,
Secs. 4, 5, 13, 14, 15, 17, and 18;
Secs. 20 to 29, inclusive;
Secs. 31 to 35, inclusive.
T. 11 S., R. 14 W.,
Sec. 1, secs. 3 to 10, inclusive;
Secs. 12 and 13;
Secs. 17 to 21, inclusive;
Secs. 26, 27, 28, 33, 34, and 35.
T. 12 S., R. 14 W.,
Secs. 1 to 4, inclusive;
Secs. 9, 10, and 11.
T. 9 S., R. 15 W.,
Secs. 23, 26, and 35.
T. 10 S., R. 15 W.,
Secs. 1, 2, 3, 10, 11, 21, 22, 26, 27, 28, 34, and 35.

The public land in the areas described aggregate approximately 651,443 acres.

HAROLD TYSK,
State Director.

[F.R. Doc. 67-3490; Filed, Mar. 29, 1967; 8:49 a.m.]

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Sale

Correction

In F.R. Doc. 67-3330 appearing in the issue for Saturday, March 25, 1967, at page 4545, make the following changes:

1. In Map No. 5, the description opposite Tract No. La. 1763 should read "W½" instead of "N½".
2. In Map No. 6, the description opposite Tract No. La. 1812 should read "All" instead of "do".
3. In Map No. 6, the description opposite Tract No. La. 1821 should read "All" instead of "do".

Fish and Wildlife Service

[Docket No. C-263]

ROBERT J. PRINGLE ET AL.

Notice of Loan Application

MARCH 27, 1967.

Robert J. Pringle, Manuel A. Silva and Manuel Silva, 3137 Byron Street, San Diego, Calif. 92106, have applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 73-foot vessel to engage in the fishery for tuna and tuna-like species.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 67-3482; Filed, Mar. 29, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

NBS RADIO STATIONS

Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be no change in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo., on May 1, 1967. The carrier frequency of WWVB is 60 kHz and is broadcast without offset. These emissions are made following the stepped atomic time (SAT) system as coordinated by the Bureau International de l'Heure (BIH).

Notice is also hereby given that there will be no change in the phase of time pulses emitted from radio stations WWV, Fort Collins, Colo., and WWVH, Maui, Hawaii, on May 1, 1967. These pulses at present occur at intervals which are longer than one second by 300 parts in 10^{10}. This is due to the offset maintained in the carrier frequencies of these stations, following the universal time (UTC) system as coordinated by the BIH.

A. V. ASTIN,
Director.

[F.R. Doc. 67-3491; Filed, Mar. 29, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-241]

MISSISSIPPI STATE UNIVERSITY

Notice of Issuance of Provisional Construction Permit Amendment

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1, set forth below, to Provisional Construction Permit No. CPRR-91. The amendment authorizes Mississippi State University to store the disassembled nuclear reactor components licensed under the permit in the

Reactor Laboratory Room of the Reactor Laboratory Building on the University's campus at State College, Miss., as described in the application for license amendment dated February 21, 1967.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related Safety Analysis prepared by the Division of Reactor Licensing and (2) the licensee's application for license amendment dated February 21, 1967, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 20th day of March 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

AMENDMENT TO PROVISIONAL CONSTRUCTION PERMIT

AMENDMENT NO. 1 TO PROVISIONAL CONSTRUCTION PERMIT NO. CPRR-91

1. The Atomic Energy Commission (hereinafter "the Commission") having found that:

A. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. There is reasonable assurance that the reactor component parts can be stored as disassembled parts at the designated location without endangering the health and safety of the public;

C. Mississippi State University is a nonprofit educational institution and will store the reactor components for later use for the conduct of educational activities and has executed an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140; and

D. The issuance of this amendment is not inimical to the common defense and security or to the health and safety of the public;

Paragraph 1 of Provisional Construction Permit No. CPRR-91 is amended to read as follows:

1. This license applies to the component parts of the 100 watt homogeneous research reactor formerly operated by North Carolina State University as the Raleigh Homogeneous Reactor under Facility License No. R-1, Docket No. 50-8, and described in Mississippi State University's application for license dated August 5, 1965, and amendments thereto dated November 13, 1965, and February 21, 1967 (herein referred to as "the application").

2. This amendment is effective as of the date of issuance.

Date of issuance: March 20, 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

SAFETY ANALYSIS BY THE DIVISION OF REACTOR LICENSING

By application dated February 21, 1967, Mississippi State University (MSU) requested an amendment to their Provisional Construction Permit to allow storage of components for a 100 watt homogeneous research reactor in the Reactor Laboratory Room of the Reactor Laboratory Building. The proposed storage location in the Reactor Laboratory Room would be a substitute for the storage location previously authorized in the Neutron Generator and Subcritical Laboratory Room of the Reactor Laboratory Building.

As in the previous authorization, the components will be secured in a locked room to keep unauthorized people away from the equipment. The previously required health physics monitoring of the slightly radioactive components will continue to be in effect. We therefore believe that the controls over these components are equivalent to those previously approved.

We have, therefore, concluded that there is reasonable assurance that the health and safety of the public will not be endangered by the change in storage location of the nuclear reactor components.

Dated: March 20, 1967.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-3464; Filed, Mar. 29, 1967; 8:46 a.m.]

ROCKY FLATS PLANTSITE

Trespassing on Commission Property

The notice concerning unauthorized entry into or upon the Rocky Flats plantsite of the Atomic Energy Commission dated October 12, 1965, appearing at page 13289 of the FEDERAL REGISTER of October 19, 1965 (30 F.R. 13289, F.R. Doc. 65-11113), is hereby amended to read as follows:

Notice is hereby given that the Atomic Energy Commission, pursuant to section 229 of the Atomic Energy Act of 1954, as amended, as implemented by 10 CFR Part 160 published in the FEDERAL REGISTER on August 16, 1963 (28 F.R. 8400), prohibits the unauthorized entry, as provided in 10 CFR 160.3, and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 160.4, into or upon the Rocky Flats Plantsite of the Atomic Energy Commission, said site being a tract of land located in Jefferson County, Colo., the aforesaid tract being more particularly described as follows:

Beginning at the southwest corner which is the NW¼ sec. 15 coordinates N. 31,806.92/E 14,979.26 proceed N. 00°12'41" W. for 2,701.15 feet;
Thence S. 88°27'00" W. for 5,254.01 feet;
Thence N. 00°03'26" W. for 200 feet (plant entrance);
Thence N. 88°27'00" E. for 4,533.07 feet;
Thence N. 73°04'46" E. for 754.23 feet;
Thence N. 00°06'05" E. for 4,795.18 feet;
Thence N. 00°02'40" W. for 2,634.81 feet;
Thence N. 89°34'39" E. for 10,559.08 feet;
Thence S. 00°34'39" W. for 2,642.84 feet;
Thence S. 00°34'45" W. for 5,285.30 feet;
Thence S. 01°49'21" E. for 1,321.14 feet;
Thence N. 89°46'53" E. for 27.11 feet;
Thence N. 62°38'17" E. for 2,863.83 feet;
Thence N. 89°54'29" E. for 27.57 feet;
Thence N. 01°49'21" W. for 14 feet;
Thence S. 89°46'53" E. for 7,920 feet to point of beginning.

Notices stating the pertinent prohibitions of 10 CFR 160.3 and 160.4 and penalties of 10 CFR 160.5 will be posted at all entrances of said tract and at intervals along its perimeter as provided in 10 CFR 160.6.

Dated at Washington, D.C., this 23d day of March 1967.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 67-3465; Filed, Mar. 29, 1967; 8:46 a.m.]

PINELLAS PENINSULA PLANT SITE

Trespassing on Commission Property; Correction

In F.R. Doc. 65-11111 appearing at page 13288 (first column) in the issue of October 19, 1965, the word "Peninsular" appearing in the caption and in lines 11-12 of the published description is corrected to read, in each case, "Peninsula".

Dated at Washington, D.C., this 23d day of March 1967.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 67-3466; Filed, Mar. 29, 1967; 8:46 a.m.]

NUCLEAR MATERIALS AND PROPULSION OPERATION SITE

Trespassing on Commission Property

Notice is hereby given that the Atomic Energy Commission, pursuant to section 229 of the Atomic Energy Act of 1954, as amended, as implemented by 10 CFR Part 160 published in the FEDERAL REGISTER on August 16, 1963 (28 F.R. 8400), prohibits the unauthorized entry, as provided in 10 CFR 160.3, and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 160.4, into or upon the Nuclear Materials and Propulsion Operation Site of the Atomic Energy Commission, said site being a tract of land located in Sycamore Township, Hamilton County, within the corporate limits of Evendale, Ohio, containing approximately 18 acres, more or less, within an irregular perimeter, and identified by an 8-foot high chain link fence topped by three strands of barbed wire. Said site consists of land and buildings utilized by the Atomic Energy Commission under a Use Permit issued by the Department of the Air Force and is more particularly described as follows:

Beginning at the northeast corner of the guard house at Gate No. 4 adjacent to Shepherd Lane;
Thence eastward approximately 350 feet;
Thence northward approximately 50 feet;
Thence eastward approximately 165 feet to a fence running northeast-southwest;
Thence north-northeast approximately 630 feet to a point in the fence line which is the east side of Gate No. 14;
Thence northwest and west approximately 360 feet to a point at the south side of Gate No. 10;
Thence northward approximately 50 feet to the south side of Building C;
Thence westward approximately 120 feet to the southeast corner of Building C west;
Thence northward approximately 80 feet to the northeast corner of Building C west;
Thence westward approximately 230 feet to the northwest corner of Building C;
Thence southward approximately 30 feet to the intersection with a fence line;
Thence westward approximately 55 feet, northward approximately 57 feet and westward approximately 260 feet to the northeast corner of a Transfer Dock;
Thence southward approximately 335 feet to the south side of Gate No. 8;
Thence eastward approximately 70 feet, southward approximately 20 feet, eastward approximately 60 feet and southward approximately 525 feet to a point adjacent to Shepherd Lane near the southwest corner of Building D;
Thence southeasterly approximately 360 feet along the fence line paralleling Shepherd Lane to the point of beginning.

Notices stating the pertinent prohibitions of 10 CFR 160.3 and 160.4 and penalties of 10 CFR 160.5 will be posted at all entrances of said tract and at intervals along its perimeter as provided in 10 CFR 160.6.

Dated at Washington, D.C., this 23d day of March 1967.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 67-3467; Filed, Mar. 29, 1967; 8:47 a.m.]

TONOPAH TEST RANGE

Trespassing on Commission Property

Notice is hereby given that the Atomic Energy Commission, pursuant to section 229 of the Atomic Energy Act of 1954, as amended, as implemented by 10 CFR Part 160 published in the FEDERAL REGISTER on August 16, 1963 (28 F.R. 8400), prohibits the unauthorized entry, as provided in 10 CFR 160.3, and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 160.4, into or upon the Tonopah Test Range of the Atomic Energy Commission, said property being a tract of land containing approximately 369,280 acres located in Nye County, Nev., and more particularly described as follows:

An area approximately 24 x 26 miles beginning at the northeasterly corner of the tract of land hereinafter described, said corner being at approximately latitude 37°-53' N., longitude 116°26' W. on the northerly boundary of the Las Vegas Bombing and Gunner Range:
Thence westerly 26 miles to a point at approximately latitude 37°53' N., longitude 116°55' W., said point being the northwesterly corner of the herein described tract of land;
Thence southerly 24 miles to a point at approximately latitude 37°33' N., longitude 116°55' N., said point being the southwesterly corner of the herein described tract of land;
Thence easterly 26 miles to a point approximately latitude 37°33' N., longitude 116°26' W., said point being the southeasterly corner of the herein described tract;
Thence northerly 24 miles to a point approximately latitude 37°53' N., longitude 116°26' W., the point of beginning.

Notices stating the pertinent prohibitions of 10 CFR 160.3 and 160.4 and penalties of 10 CFR 160.5 will be posted at all entrances of said tract and at intervals along its perimeter as provided in 10 CFR 160.6.

Dated at Washington, D.C., this 23d day of March 1967.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 67-3468; Filed, Mar. 29, 1967; 8:47 a.m.]

NEVADA TEST SITE

Trespassing on Commission Property

The notice concerning unauthorized entry into or upon the Nevada Test Site of the Atomic Energy Commission dated October 12, 1965, appearing at page 13285 of the FEDERAL REGISTER of October 19, 1965 (30 F.R. 13285, F.R. Doc. 65-11106), is hereby amended to read as follows:

Notice is hereby given that the Atomic Energy Commission, pursuant to section 229 of the Atomic Energy Act of 1954, as amended, as implemented by 10 CFR Part 160 published in the FEDERAL REGISTER on August 16, 1963 (28 F.R. 8400), prohibits the unauthorized entry, as provided in 10 CFR 160.3, and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 160.4, into or upon the Nevada Test Site of the Atomic Energy Commission, said site being a tract of land containing approximately 858,764 acres located in Nye County, Nev., the aforesaid tract being more particularly described as follows:

Beginning at the northwesterly corner of the tract of land hereinafter described, said corner being at latitude 37°20'45", longitude 116°34'20";
Thence easterly approximately 6.73 miles, to a point at latitude 37°20'45", longitude 116°27'00";
Thence northeasterly approximately 4.94 miles to a point at latitude 37°23'07", longitude 116°22'30";
Thence easterly approximately 4.81 miles to a point at latitude 37°23'07", longitude 116°17'15";
Thence southeasterly approximately 6.77 miles to a point at latitude 37°19'47", longitude 116°11'10";
Thence southerly approximately 5.27 miles to a point at latitude 37°15'12.043", longitude 116°11'10";
Thence easterly approximately 14.21 miles to a point at latitude 37°15'07.268", longitude 115°55'42.268";
Thence southerly approximately 39.52 miles to a point at latitude 36°40'43.752", longitude 115°55'37.687";
Thence westerly approximately 2.87 miles to a point at latitude 36°40'40.227", longitude 115°58'43.956";
Thence southerly approximately 5.23 miles to a point at latitude 36°36'07.317", longitude 115°58'41.227";
Thence southwesterly along a perimeter distance approximately 5.82 miles to a point at latitude 36°34'39.754", longitude 116°-04'11.167";
Thence northerly approximately 3.20 miles to a point at latitude 36°37'26.804", longitude 116°04'11.355";
Thence northwesterly approximately 5.16 miles to a point at latitude 36°40'28.854", longitude 116°08'17.749";
Thence westerly approximately 8.63 miles to a point at latitude 36°40'23.246", longitude 116°17'37.466";
Thence southerly approximately 0.19 mile to a point at latitude 36°40'13.330", longitude 116°17'37.461";
Thence westerly approximately 8.49 miles to a point at latitude 36°40'13.666", longitude 116°26'47.915";
Thence northerly approximately 32.87 miles to a point at latitude 37°08'50", longitude 116°26'44.125";
Thence northwesterly approximately 15.37 miles to a point at latitude 37°20'45", longitude 116°34'20", the point of beginning herein.

Notices stating the pertinent prohibitions of 10 CFR 160.3 and 160.4 and penalties of 10 CFR 160.5 will be posted at all entrances of said tract and at intervals along its perimeter as provided in 10 CFR 160.6.

Dated at Washington, D.C., this 23d day of March 1967.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 67-3469; Filed, Mar. 29, 1967; 8:47 a.m.]

MEDINA FACILITY

Trespassing on Commission Property; Revocation of Notice

The notice with respect to the Medina Facility of the Atomic Energy Commission dated October 12, 1965, appearing at page 13283 of the FEDERAL REGISTER of October 19, 1965 (F.R. Doc. 65-11102), is hereby revoked.

Dated at Washington, D.C., this 23d day of March 1967.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 67-3470; Filed, Mar. 29, 1967; 8:47 a.m.]

DAMON TRACT SITE

Trespassing on Commission Property

Notice is hereby given that the Atomic Energy Commission, pursuant to section 229 of the Atomic Energy Act of 1954, as amended, as implemented by 10 CFR Part 160 published in the FEDERAL REGISTER on August 16, 1963 (28 F.R. 8400), prohibits the unauthorized entry, as provided in 10 CFR 160.3, and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 160.4, into or upon the Damon Tract site of the Atomic Energy Commission, said

site being a tract of land containing approximately 33.52 acres located at Moanalua, Honolulu, Oahu, Hawaii, the aforesaid tract being more particularly described as follows:

Lot 36–A–3–C, area 0.020 acre, as shown on Map 286; Lot 36–A–1–A–2, area 8.442 acres, as shown on Map 299; Lot 36–A–2–A, area 13.358 acres, as shown on Map 308 and Lot 36–A–2–B, area 11.700 acres, as shown on Map 308, said maps filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1074 (amended) of the Trustees under the Will and of the Estate of Samuel M. Damon, deceased.

Notices stating the pertinent prohibitions of 10 CFR 160.3 and 160.4 and penalties of 10 CFR 160.5 will be posted at all entrances of said tract and at intervals along its perimeter as provided in 10 CFR 160.6.

Dated at Washington, D.C., this 23d day of March 1967.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 67-3471; Filed, Mar. 29, 1967; 8:47 a.m.]

CONNECTICUT ADVANCED NUCLEAR ENGINEERING LABORATORY SITE (CANEL)

Trespassing on Commission Property; Revocation of Notice

The notice with respect to the Connecticut Advanced Nuclear Engineering Laboratory Site (CANEL) of the Atomic Energy Commission dated October 12, 1965, appearing at page 13277 of the FEDERAL REGISTER of October 19, 1965 (F.R. Doc. 65–11091), is hereby revoked.

Dated at Washington, D.C., this 23d day of March 1967.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 67-3472; Filed, Mar. 29, 1967; 8:47 a.m.]

OAK RIDGE OPERATIONS OFFICE

Trespassing on Commission Property

The notice concerning unauthorized entry into or upon certain installations and facilities of the Oak Ridge Operations Office of the Atomic Energy Commission dated October 12, 1965, appearing at pages 13285–87 of the FEDERAL REGISTER of October 19, 1965 (30 F.R. 13285, F.R. Doc. 65–11108), is hereby amended in the following respects:

1. The description of the facility known as the Division of Technical Information Extension Building (page 13286, last column) is amended to read as follows:

The Atomic Energy Commission facility known as the Division of Technical Information Extension Building, located in the Eighth Civil District of Anderson County, Tenn., within the corporate limits of the city of Oak Ridge on the north side of Warehouse Road, east of Athens Road, south of the Oak Ridge Turnpike, and west of privately owned land. Said facility covers approximately 3.1 acres of land, more or less.

2. The following facility is added to this notice:

An Atomic Energy Commission facility consisting of a raw water pumping station, including two outside water intake pumps enclosed by a 7-foot chain link fence topped with three strands of barbed wire, and a one-story building of transite construction approximately 22 feet by 25 feet in size, located in the Second Civil District, Roane County, Tenn., within the corporate limits of the city of Oak Ridge, on the east bank of the Clinch River at approximately river mile 11.5.

Dated at Washington, D.C., this 23d day of March 1967.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 67-3473; Filed, Mar. 29, 1967; 8:47 a.m.]

SANDIA CORPORATION SITES

Trespassing on Commission Property

The notice concerning unauthorized entry into or upon the Sandia Corporation sites of the Atomic Energy Commission dated October 12, 1965, appearing at pages 13289–90 of the FEDERAL REGISTER of October 19, 1965 (30 F.R. 13289, F.R. Doc. 65–11115), is hereby amended in the following respects:

1. The words "tracts and parcels of land and areas" appearing in the introductory paragraph are amended to read "tracts, parcels of land, areas, buildings, and other facilities".

2. The description of Tract D of Parcel I (page 13289, last column) is amended to read as follows:

The southeast quarter of sec. 32, T. 10 N., R. 4 E., N.M.P.M., less and except a tract 400 feet by 400 feet square at the northeast corner of the northeast quarter of said southeast quarter containing 3.67 acres for a city reservoir, containing 156.33 acres more or less;

And the southerly 1,546 feet of the northeast quarter of sec. 32, T. 10 N., R. 4 E., N.M.P.M., more particularly described as follows:

Beginning at a point that bears S. 1°03'40" W., 1,460 feet from a witness corner post, said witness corner being 30 feet west from the northeast corner of sec. 32, T. 10 N., R. 4 E., N.M.P.M.;

Thence S. 89°57'22" W., 1,989.95 feet to the point of curve of a 10° curve to the right;

Thence with said 10° curve to the right a distance of 398.96 feet to the end of said 10° curve;

Thence N. 50°08'54" W., 274.18 feet to the point of curve of a 10° curve to the left (said curve having a total length of 396.83 feet);

Thence with said 10° curve a distance of 99.27 feet to an intersection with the north-south centerline of sec. 32;

Thence south 1,546 feet along said north-south centerline;

Thence N. 89°57'22" E., 2,656.62 feet;

Thence N. 1°03'40" E., 1,180 feet to the point of beginning and containing 73.49 acres, more or less.

3. The description of Parcel II (page 13289, last column) is corrected to read as follows:

Sandia Laboratory Technical Areas III and V, located on Sandia Base, N. Mex., being more particularly described as follows:

E½ sec. 19, all of secs. 20 and 29 and E½, sec. 30, all in T. 9 N., R. 4 E., N.M.P.M., county of Bernalillo, State of New Mexico; containing 1,920 acres, more or less.

4. The notice is revoked as to Parcel IV (Sandia Laboratory Tower Sites, pages 13289–90).

5. The following buildings and other facilities are hereby added to this notice:

IV. Miscellaneous buildings and other facilities, identified as indicated, with appropriate identification numbers being posted on each building or other facility (Micro-Meteorological Stations 2, 3, 5, and 6 are fenced in their entirety):

Building or other facility	County	Section	NMPM township and range
9800	Bernalillo	13	T. 9 N., R. 4 E.
9801	do	13	T. 9 N., R. 4 E.
9805	do	13	T. 9 N., R. 4 E.
9820	do	24	T. 9 N., R. 4 E½.
9835	do	18	T. 9 N., R. 5 E.
9849	do	28	T. 8 N., R. 5 E.
9851	do	24	T. 9 N., R. 4 E.
9918	do	28	T. 9 N., R. 4 E.
9919	do	28	T. 9 N., R. 4 E.
9920	do	28	T. 9 N., R. 4 E.
9921	do	28	T. 9 N., R. 4 E.
9922	do	28	T. 9 N., R. 4 E.
9923	do	28	T. 9 N., R. 4 E.
9924	do	28	T. 9 N., R. 4 E.
9925	do	35	T. 9 N., R. 4 E.
9926	do	28	T. 9 N., R. 4 E.
9927	do	28	T. 9 N., R. 4 E.
9928	do	28	T. 9 N., R. 4 E.
9929	do	28	T. 9 N., R. 4 E.
9930	do	28	T. 9 N., R. 4 E.
9931	do	28	T. 9 N., R. 4 E.
9932	do	28	T. 9 N., R. 4 E.
9933	do	28	T. 9 N., R. 4 E.
9934	do	28	T. 9 N., R. 4 E.
9940	do	28	T. 9 N., R. 4 E.
9941	do	28	T. 9 N., R. 4 E.
9942	do	28	T. 9 N., R. 4 E.
9943	do	28	T. 9 N., R. 4 E.
9944	do	28	T. 9 N., R. 4 E.
9950	do	21	T. 9 N., R. 4 E.
9951	do	21	T. 9 N., R. 4 E.
9952	do	21	T. 9 N., R. 4 E.
9953	do	21	T. 9 N., R. 4 E.
9954	do	21	T. 9 N., R. 4 E.
9960	do	27	T. 9 N., R. 4 E.
9961	do	27	T. 9 N., R. 4 E.
9962	do	27	T. 9 N., R. 4 E.
9965	do	33	T. 9 N., R. 4 E.
9966	do	33	T. 9 N., R. 4 E.
9970	do	34	T. 9 N., R. 4 E.
9975	do	35	T. 9 N., R. 4 E.
9980	do	31	T. 9 N., R. 5 E.
9982	do	31	T. 9 N., R. 5 E.
9983	do	5	T. 8 N., R. 5 E.
9999	do	6	T. 11 N., R. 5 E.
Micro-Met. Sta. No. 2.	do	17	T. 9 N., R. 3 E.
Micro-Met. Sta. No. 3.	do	11	T. 9 N., R. 3 E.
Micro-Met. Sta. No. 5.	do	28	T. 10 N., R. 5 E.
Micro-Met. Sta. No. 6.	do	(1)	T. 10 N., R. 2 E.
Micro-Met. Sta. No. 7.	do	1	T. 9 N., R. 3 E.
Micro-Met. Sta. No. 8.	do	32	T. 9 N., R. 4 E.

[1] Town of Albuq. Grant.

Dated at Washington, D.C., this 23d day of March 1967.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 67-3475; Filed, Mar. 29, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18273; Order No. E–24901]

AIR CARRIER DISCUSSIONS

Order Approving Discussions Relating to Minimum Rates for Military Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1967.

By joint petition filed March 23, 1967, several air carriers[1] request authority from the Board to permit those carriers and others who may desire to participate, to engage in discussions looking toward the submission of joint comments in response to the notice of proposed rule making, EDR–113/PSDR–18, Docket 18273, March 15, 1967, relating to the establishment of new minimum rates for military transportation. In support of their petition the carriers state that the purpose of the discussions would be to analyze some of the more general or policy considerations which may influence the proposed new minimum rate levels, and that a joint presentation would avoid duplication and simplify the Board's review procedures.

The Board has determined that, subject to certain conditions, it would be in the public interest to authorize all air carriers who desire to participate to engage in discussions looking toward the submission of a joint presentation in the pending rule-making proceeding. As the carriers point out, there exist various general or policy considerations of common applicability which may influence the proposed new minimum military rates. The Board believes that its consideration of these matters may be enhanced and simplified, if the carriers are permitted to engage in the proposed discussions, and thereby to submit a joint presentation in respect to such matters.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204(a), 412, and 414 thereof,

It is ordered:

1. That all air carriers holding a certificate of public convenience and necessity issued by the Board, who may have an interest in MAC contracts, may engage in discussions looking toward the submission of a joint presentation in response to the invitation for comments in the notice of proposed rule making, EDR–113/PSDR–18, dated March 15, 1967, Docket 18273, relating to new minimum rates for military transportation;

2. That all air carriers holding a certificate of public convenience and necessity issued by the Board, who may have an interest in MAC contracts, and appropriate officials of the Board and the Department of Defense, shall be given notice of the time and place of any discussion authorized herein sufficiently in advance of such discussions to permit their attendance;

3. That representatives of the Civil Aeronautics Board and the Department of Defense shall be permitted to attend any discussion as observers, in their discretion;

4. That complete and accurate minutes shall be kept of all such discussions, and a copy thereof filed with the Board and the Department of Defense not later than 15 days after the conclusion of the discussions;

5. That the authorization granted herein shall terminate upon the filing of comments in accordance with the rule-making notice referred to in paragraph 1, or any supplemental amendment thereof.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-3497; Filed, Mar. 29, 1967; 8:49 a.m.]

[1] Capitol International Airways, Inc.; Continental Air Lines, Inc.; the Flying Tiger Line, Inc.; Northwest Airlines, Inc.; Seaboard World Airlines, Inc.; Trans Caribbean Airways, Inc.; Trans International Airlines, Inc.; and World Airways, Inc.

[Docket No. 18305]

NORTHERN CONSOLIDATED AIRLINES, INC., AND WIEN ALASKA AIRLINES, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 19, 1967, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Thomas L. Wrenn.

In order to facilitate the conduct of the conference, interested parties are instructed to submit on or before April 13, 1967, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., March 24, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-3498; Filed, Mar. 29, 1967; 8:50 a.m.]

[Docket No. 18116; Order No. E–24898]

PAN AERO INTERNATIONAL CORP. AND NATIONAL AIRLINES, INC.

Order Granting Motion and Granting Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1967.

By joint application filed January 17, 1967, National Airlines, Inc. (National), and Pan Aero International Corp. (Pan Aero) request that the Board approve, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), an agreement for the sale of National's fleet of 17 Electra L–188A aircraft, related equipment and spare parts[1] to Pan Aero. In further consideration of this agreement, National and Pan Aero entered into the separate letter agreements. By one letter, dated December 30, 1966, National grants Pan Aero, upon the successful completion and performance of the Electra sales, the exclusive rights terminating on June 30, 1970, to sell, at a specific rate of commission, additional National aircraft when such equipment is surplus to National's needs. The second letter, dated January 3, 1967, provides for an option to National to lease back any Electra aircraft that has not been resold by Pan Aero.[2]

National and Pan Aero filed concurrently a joint motion to withhold from public disclosure the monetary information contained in the agreements insofar as they relate to the purchase and lease-back of the Electras, and the entire letter agreement relating to Pan Aero's exclusive sales rights of additional National aircraft, or alternatively, the monetary amounts set forth therein.

The applicants state that National presently owns 13 B–727, 13 DC–8 and 17 Electra aircraft, and the sale of the Electras contemplates a coordinated replacement of such aircraft by 25 stretched B–727 aircraft on order from Boeing.[3] The agreement of sale also provides for graduated participation by National in the gross proceeds in excess of an agreed minimum, realized by Pan Aero on the resale of the Electras. The applicants state further that Pan Aero is a new corporation formed for the purpose of purchasing and disposing of National's fleet of Electras,[4] and that the

[1] Ten Allison spare engines (Model 501–D13); eight spare propellers; and the entire National inventory of spare parts, assemblies and special tools peculiar to Electras.

[2] Subject to final affirmative action in this proceeding, we would expect that the lease-back arrangements, if National's option is exercised, would be filed by National pursuant to Part 299 of the Board's Economic Regulations.

[3] The 17 Electras are to be delivered at a location mutually agreed upon between Oct. 1, 1967, and July 31, 1968, as follows: 1 in October 1967; 2 in November 1967; 1 in December 1967 and January 1968, respectively; 2 in February, March, and June, 1968, respectively; and 6 in July 1968. During the same period National is scheduled to receive the 25 stretched B–727 aircraft from Boeing as follows: 1 in October 1967; 2 in November 1967; 4 in December 1967; 2 in January, February, and March, 1968, respectively; 9 in June 1968; and 3 in July 1968.

[4] Smith, Barney & Co., owns 510 shares (51 percent) of the company's common stock and 760 shares of its cumulative preferred stock. Two officers of Smith, Barney & Co., viz Andrew J. Melton and Walter J. Gruber, together with Byron F. Sherill, constitute the directors of Pan Aero. Mr. Sherill, who is also president and chief executive officer of Pan Aero, and Craig K. Williams own the remaining 490 shares of Pan Aero's common stock. Messrs. Sherill and Williams are president and vice president, respectively, of Pan Aero Corp., a company which is engaged in purchasing and selling aircraft and aircraft parts.

agreements followed arm's-length bargaining between the parties.

In support of the motion to withhold from public disclosure monetary information set forth in the agreements, the applicants state that such disclosure of the Electras' cost would handicap Pan Aero's negotiations with prospective purchasers and National's possible participation in the profits from the resales. The applicants state further that there is no need for public disclosure of the terms of Pan Aero's exclusive sales rights for additional equipment of National other than the Electras.

Upon consideration of the application, the Board finds that the 17 Electra aircraft to be purchased by Pan Aero constitute a substantial part of the properties of National within the meaning of section 408 of the Act, since they comprise 39.5 percent of the air carrier's entire fleet. However, the Board has concluded tentatively that the purchase of the aircraft by Pan Aero from National does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest is currently requesting a hearing. Although the 17 Electras presently constitute a substantial part of National's aircraft fleet, they are to be replaced by modern jet aircraft in greater number and increased capacity. It thus appears that approval of the transaction would not be inconsistent with the public interest. Therefore, the Board tentatively finds that the transaction should be approved without hearing under the provisions of section 408(b) of the Act. In accordance therewith, this order, constituting notice of the Board's tentative finding, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Upon consideration of the motion to withhold from public disclosure, the Board finds that withholding the terms of Pan Aero's exclusive sales right agreement would not adversely affect the interests of any third parties and that such disclosure is not required by the public interest. The letter agreement of December 30, 1966, does not involve the acquisition of any of National's properties by Pan Aero. It provides only for Pan Aero's exclusive sales rights to sell additional National aircraft. Further, the Board finds, pursuant to section 1104 of the Act, that the public disclosure of the monetary amounts set forth in the Electra sales and lease-back agreement would adversely affect the interests of Pan Aero and National, and is not required in the interest of the public.[6] The withholding from public disclosure of the monetary considerations in the Electra sales and lease-back agreement would not prevent any third parties from determining whether they have a substantial interest in the arrangement and requesting a hearing pursuant to the third proviso of section 408.[6]

Therefore, the Board concludes that applicants' motion should be granted.

Accordingly, it is ordered:

1. That, subject to compliance with the provisions of Part 241 of the Board's Economic Regulations, applicants' motion to withhold information from public disclosure, be and it hereby is granted;

2. That interested parties are hereby afforded a period of ten (10) days within which to file comments or request a hearing with respect to the Board's proposed action on the application in Docket 18116; [7] and

3. That the Attorney General of the United States be furnished a copy of this order within 1 day of its publication.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-3499; Filed, Mar. 29, 1967; 8:50 a.m.]

[6] See California Airmotive Sales Corp. and Trans World Airlines, Inc., Order E-14879, Jan. 29, 1960.

[6] The Board does not intend hereby to waive the reporting requirements of Part 241 of the Economic Regulations.

[7] Comments shall conform to the requirements of the Board's rules of practice for the filing of comments. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

FEDERAL MARITIME COMMISSION

ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. M. L. Duffy, Secretary, Atlantic Passenger Steamship Conference, 139 Sandgate Road, Folkestone, Kent, England.

Agreement 7840-72, between the members of the Atlantic Passenger Steamship Conference, modifies the basic agreement to add the following condition to Article 2(f) 2(vi):

If any eastbound passengers booked in the United States or Canada will be carried.

Provision is also made to delete the reference made in Article 2(f) 4 to "Article 2(f) 2(ii)" and substitute in lieu thereof "Article 2(f) 1(ii)."

Dated: March 24, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-3506; Filed, Mar. 29, 1967; 8:50 a.m.]

Mr. R. M. L. Duffy, Secretary, Atlantic Passenger Steamship Conference, 139 Sandgate Road, Folkestone, Kent, England.

Agreement 7840-71, between the members of the Atlantic Passenger Steamship Conference, modifies the basic agreement to replace the word "Secretary", wherever it appears in the basic agreement, with the words "Secretary General".

Dated: March 24, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-3505; Filed, Mar. 29, 1967; 8:50 a.m.]

ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. M. L. Duffy, Secretary, Atlantic Passenger Steamship Conference, 139 Sandgate Road, Folkestone, Kent, England.

Agreement 7840-72, between the members of the Atlantic Passenger Steamship Conference, modifies the basic agreement to add the following condition to Article 2(f) 2(vi):

If any eastbound passengers booked in the United States or Canada will be carried.

Provision is also made to delete the reference made in Article 2(f) 4 to "Article 2(f) 2(ii)" and substitute in lieu thereof "Article 2(f) 1(ii)."

Dated: March 24, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-3506; Filed, Mar. 29, 1967; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-264]

CITY OF ALBANY, GA., AND SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

MARCH 23, 1967.

Take notice that on March 14, 1967, the City of Albany, Ga. (Applicant), filed in Docket No. CP67-264 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing South Georgia Natural Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be built by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution by Applicant to a proposed manufacturing plant in the southwest corner of Lee County, in the State of Georgia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct a natural gas distribution system, from a point of connection with Respondent in Lee County, at the unincorporated community of Armena, Ga., consisting of a pressure reducing station, an odorizing station, approximately 1,250 feet of 4.5-inch O.D. pipe and related facilities necessary for delivery of natural gas to the proposed industrial plant of Lilliston Implement Co. of Albany, Ga. (Lilliston), to be located as set forth above. This will be an initial connection for service to Lilliston in Lee County, Ga. Applicant does not propose to serve any other customer with this line except Lilliston. Applicant now serves Lilliston at its present plant location in Albany, Ga., and now proposes to serve said company at its new plant location. Applicant's distribution system at Albany, Ga., is also connected to Respondent.

Applicant estimates the maximum daily and maximum annual requirements of Lilliston as follows:

Year	Maximum daily requirements (Mcf)	Maximum annual requirements (Mcf)
1st	115	12,000
2d	120	13,000
3d	125	14,000

Applicant estimates the cost of the proposed facilities at approximately $14,750, said cost to be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 21, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3448; Filed, Mar. 29, 1967; 8:45 a.m.]

[Docket No. CP67-268]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

MARCH 23, 1967.

Take notice that on March 17, 1967, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP67-268 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval of the Commission to abandon approximately 1.19 miles of 26-inch pipeline, part of its J.1 pipeline system in Belmont and Arlington, Mass. Said pipeline is to be abandoned in place as it runs through a portion of the roadbed of Massachusetts State Road 2, subject to a revocable permit, which is scheduled for regrading and widening and it is not economically sound to reclaim this section of pipeline as the cost of reclaiming far exceeds its salvage value.

Applicant also seeks authorization to construct and operate approximately 1.21 miles of 30-inch pipeline to replace the section planned to be abandoned as set forth above. Applicant will use 30-inch pipeline to replace the 26-inch pipeline so as to avoid duplicate construction costs when Applicant will be required to meet expanded service needs in the near future.

Applicant estimates the cost of the proposed construction at approximately $589,600, said cost to be financed through retained earnings.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 21, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3449; Filed, Mar. 29, 1967; 8:45 a.m.]

[Docket No. E-7345]

INTERSTATE POWER CO.

Notice of Application

MARCH 23, 1967.

Take notice that on March 16, 1967, Interstate Power Co. (Applicant) filed an application seeking authority pursuant to section 204 of the Federal Power Act to issue $17 million principal amount of first mortgage bonds and 267,897 shares of additional common stock.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Dubuque, Iowa, and is engaged in the electric utility business in 3 counties in Illinois, 21 counties in Iowa, 21 counties in Minnesota, and 1 county in South Dakota. Applicant proposes to issue the new bonds under an 11th supplemental indenture to be dated as of May 1, 1967. The interest rate to be borne by the bonds is to be determined by competitive bidding pursuant to the Commission's regulations. Applicant plans to open sealed, written bids for the purchase of the bonds on May 16, 1967.

The shares of common stock which Applicant proposes to issue will initially be offered for subscription to its common stockholders on the basis of 1 additional share for each 14 shares held of record. Any of the 267,897 shares of additional common stock which shall not be subscribed for pursuant to the subscription offer are proposed to be sold to underwriters at the same price at which shares of the additional common stock are to be offered to stockholders. The compensation of the underwriters for their several commitments to purchase any such stock will be fixed by competitive bidding pursuant to the Commission's regulations. Applicant's Board of Directors will determine the subscription price per share of the stock at a meeting to be held on May 15, 1967. Subscription warrants, which will be mailed to stockholders on May 19, 1967, will expire on or about June 2, 1967. Applicant plans to open sealed, written bids for the purchase of the unsubscribed stock on May 17, 1967.

The proceeds from the sale of the new bonds and the additional shares of common stock will be used first, to discharge $16 million in outstanding promissory notes and secondly, towards payment of the $13,478,000 construction program of the Applicant for 1967. The principal term in this program, completion of Applicant's Milton L. Kapp generating plant (Unit No. 2) at Clinton, Iowa, will require an estimated expenditure of $1.7 million in 1967.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH GUTRIDE,
Secretary.

[F.R. Doc. 67-3450; Filed, Mar. 29, 1967; 8:45 a.m.]

[Docket No. CP67-269]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MARCH 23, 1967.

Take notice that on March 20, 1967, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP67-269 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 3 miles of 10-inch transmission lateral and one meter station to receive natural gas to be purchased in Ship Shoal Block 214, located in the Block 208 Field, Offshore Terrebonne Parish, La., where Applicant is presently purchasing natural gas.

Applicant estimates the cost of the proposed facilities at approximately $558,100, said cost to be financed initially by cash on hand or by short-term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 21, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3451; Filed, Mar. 29, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL CORP.

Order Denying Application Under Bank Holding Company Act

In the matter of the application of First National Corp., Appleton, Wis., for approval of acquisition of 14,500 of the 15,000 voting shares to be issued by First National Bank West, Grand Chute, Wis., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), an application by First National Corp., Appleton, Wis., for the Board's prior approval of the acquisition of 14,500 of the 15,000 voting shares to be issued by First National Bank West, Grand Chute, Wis., a proposed new bank.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller recommended approval.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 19, 1966 (31 F.R. 9763), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application of First National Corp. to acquire stock of First National Bank West be and hereby is denied.

Dated at Washington, D.C., this 23d day of March 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-3452; Filed, Mar. 29, 1967; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago. Dissenting statements of Governors Mitchell and Daane also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Maisel, and Brimmer. Voting against this action: Governors Mitchell and Daane.

VALLEY BANCORPORATION

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Valley Bancorporation, Appleton, Wis., for approval of the acquisition of voting shares of American State Bank, Grand Chute, Wis.

There has come before the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), an application by Valley Bancorporation, Appleton, Wis., a registered bank holding company, for the Board's approval of the acquisition of 9,875 of the 10,000 outstanding voting shares of American State Bank, Grand Chute, Wis.

As required by section 3(b) of the Act, the Board notified the Commissioner of Banks for the State of Wisconsin of receipt of the application and requested his views and recommendation thereon. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 3, 1966 (31 F.R. 11695), which provided an opportunity for submission of comments and views regarding the application. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing such comments and views has expired and all comments and views filed with the Board have been considered by it.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of the order.

Dated at Washington, D.C., this 23d day of March 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-3453; Filed, Mar. 29, 1967; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago. Dissenting statement of Governors Robertson and Maisel also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Shepardson, Mitchell, Daane, and Brimmer. Voting against this action: Governors Robertson and Maisel.

INTERSTATE COMMERCE COMMISSION

[Notice 1042]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 24, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commision, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 200 (Sub-No. 218), filed March 14, 1967. Applicant: RISS & COMPANY, INC., 903 Grand Avenue, Temple Building, Kansas City, Mo. 64601. Applicant's representative: Ivan E. Moody, 111 Scarritt Building, Kansas City, Mo. 64601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass, fibrous glass products and accessories thereto*, from Newark, Ohio, to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, District of Columbia, Maryland, Indiana, Kentucky, Lower Peninsula of Michigan, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Cleveland or Toledo, Ohio.

No. MC 629 (Sub-No. 24), filed March 9, 1967. Applicant: HELM'S EXPRESS, INC., Post Office Box 268, Pittsburgh, Pa. 15230. Applicant's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Belpre, and Lancaster, Ohio: From Belpre over Ohio Highway 7 to junction U.S. Highway 50, thence over U.S. Highway 50 to Athens, Ohio, and thence over U.S. Highway 33 to Lancaster, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 2401 (Sub-No. 37), filed March 13, 1967. Applicant: MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. 47802. Applicant's representative: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of the Polaroid Corp., Oak Brook, Ill., as an off-route point in connection with carrier's regular route operations to and from Chicago, Ill. NOTE: Applicant states that the above proposed operations will be restricted against the transportation of commodities between said plantsite and points in Lake and Porter Counties, Ind. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113666 (Sub-No. 25), filed March 15, 1967. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products and materials*, including blocks, bricks, nozzles, slabs, sleeves, tile, and high temperature bonding mortar, from Salina and Latrobe, Pa., to points in Ohio, Michigan, West Virginia, Virginia, Maryland, New York, New Jersey, Illinois, Rhode Island, Connecticut, Massachusetts, Indiana, Delaware, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 18738 (Sub-No. 35), filed March 10, 1967. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 136th Street, Riverdale, Ill. 60627. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies* used in the manufacture and processing of iron and steel articles, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission, and Alton, Ill., on the one hand, and, on the other, points in Arkansas, Kentucky, Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Oklahoma, Pennsylvania, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 20894 (Sub-No. 9), filed March 13, 1967. Applicant: P. CALLAHAN, INC., Comly Street and the Delaware River, Philadelphia, Pa. 19135. Applicant's representative: Edward F. Kane, 522 Swede Street, Norristown, Pa. 19401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsite of Calgon Corp. located in Falls Township near Morrisville in Bucks County, Pa., on the one hand, and, on the other, Philadelphia, Pa., and points in New Jersey, New York, N.Y., commercial zone as defined by the Commission, and Nassau, Suffolk, and Westchester Counties, N.Y. NOTE: Applicant states it intends to tack, in some instances, at Philadelphia, Pa., with its present general commodity, common carrier authority exclusive of that restricted to the plantsite of the R. T. French Co., at Souderton, Pa. Applicant also holds contract carrier authority under MC 119140 (Sub-No. 1), therefore, dual operations may be involved. If a hearing is deemed necessary, appli-

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

cant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 35628 (Sub-No. 276), filed March 10, 1967. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville, SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 1 Vanderberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving East Bloomfield, N.Y., as an intermediate point in connection with applicant's regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 41406 (Sub-No. 20), filed March 13, 1967. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys, pig iron, and silicon metals*, in flatbed equipment, from Keokuk, Iowa, to points in Wisconsin, Illinois, Michigan, Indiana, Missouri, Ohio, Kentucky, Pennsylvania, and West Virginia, and *foundry facings* and *refractories*, from points in Michigan, to Keokuk, Iowa, on return, and (2) *iron and steel and iron and steel articles*, from points in the Chicago commercial zone, Portage and Burns Harbor, Ind., Middletown, Ohio, and Michigan, to Bridgeton, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 50069 (Sub-No. 376), filed March 16, 1967. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasticizers*, in bulk, in tank vehicles, from the plantsites of Allied Chemical Corp. at or near Toledo, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin. NOTE: Applicant states that this authority shall not be tacked or joined directly or indirectly with any other authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 52932 (Sub-No. 14), filed March 14, 1967. Applicant: NORTH PENN TRANSFER, INC., Routes 202 and 63, Box 230, Lansdale, Pa. 19446. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pottery, clay, and earthenware products including flower pots and saucers, peat moss, or plastic* (except refractory products, and commodities in bulk, in tank vehicles), from North Wales, Pa., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Kentucky, Tennessee, West Virginia, Ohio, Indiana, Illinois, Michigan, Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island, and *articles used or useful* in the manufacture of the commodities specified above (except commodities in bulk, in tank vehicles), on return. NOTE: Applicant indicates tacking possibilites at North Wales, Pa., to serve off-route points in Pennsylvania within 20 miles of Lansdale, Pa., in connection with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., New York, N.Y., or Washington, D.C.

No. MC 57311 (Sub-No. 8), filed March 16, 1967. Applicant: PUTNAM TRANSFER & STORAGE CO., 1502 Woodlawn Avenue, Zanesville, Ohio 43701. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Coshoton, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 64932 (Sub-No. 426), filed March 8, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasticizers*, in bulk, in tank vehicles, from the plantsites of Allied Chemical Corp. at or near Toledo, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 430), filed March 15, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles, from Zeeland, Mich., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 65626 (Sub-No. 17), filed March 13, 1967. Applicant: FREDONIA EXPRESS, INC., 320 Eagle Street, Fredonia, N.Y., also Post Office Box 222, Fredonia, N.Y. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, including but not limited to mushrooms, air dried, freeze dried, and frozen, and *exempt commodities* when moving at the same time and in the same vehicle with the above commodities, from Camden, N.J., Philadelphia and Bloomsburg, Pa., Wilmington, Del., and points in Chester and Centre Counties, Pa., to points in Massachusetts, Rhode Island, Connecticut, Vermont, Maine, New Hampshire, and New York (except points in Westchester, Rockland, Putnam, Orange, Sullivan, Ulster, Dutchess, Greene, Columbia, Rennsalaer, Albany, Delaware, Schoharie, Nassau, Suffolk Counties, N.Y. and New York, N.Y. and its commercial zone). NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 67818 (Sub-No. 75), filed March 17, 1967. Applicant: MICHIGAN EXPRESS, INC., 1122 Freeman Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: J. M. Neath, Jr., 900 One Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Niles, Mich., and South Bend, Ind., from Niles, Mich. over U.S. Highway 31 to South Bend, Ind., and return over the same route, as an alternate route for operating convenience only, and (2) between Three Rivers, Mich., and Elkhart, Ind., from Three Rivers, Mich., over U.S. Highway 131 to the junction U.S. Highway 131 and U.S. Highway 12, thence along U.S. Highway 12 to the junction of U.S. Highway 12 with Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana border, thence along Indiana Highway 15 to the junction of Indiana Highway 15 and Indiana Highway 120, thence along Indiana Highway 120 to Elkhart, Ind., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points in (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 72997 (Sub-No. 18), filed February 13, 1967. Applicant: LIBERTY TRUCKING COMPANY, a corporation, 1401 West Fulton Street, Chicago, Ill. 60607. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Deerfield, Wis., as an off-route point in connection with applicant's regular-route operations between Fort Atkinson and Madison, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 73688 (Sub-No. 17), filed March 10, 1967. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Road, Post Office Box 7182, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, from Alton, and Madison, Ill., to points in Kentucky, Tennessee, Mississippi, Alabama, Georgia, Louisiana, and Arkansas, and (2) *iron and steel and iron and steel articles*, from St. Louis, Mo., East St. Louis, Ill. (and points in their commercial zones as defined by the Commission, and points taking the same rates), to points in Kentucky, Tennessee, Mississippi, Alabama, Georgia, Louisiana, and Arkansas and *equipment, materials, and supplies* used in the manufacturing or processing of iron and steel and iron and steel articles from points in Kentucky, Tennessee, Mississippi, Alabama, Georgia, Louisiana, and Arkansas, to St. Louis, Mo., East St. Louis, Ill., and points in their commercial zones as defined by the Commission and points taking the same rates. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 77016 (Sub-No. 8), filed February 24, 1967. Applicant: BUDIG TRUCKING CO., a corporation, 1100 Gest Street, Cincinnati, Ohio 45203. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Goshen, Ohio, and the territory within an 8-mile radius therefrom, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states it intends to tack this proposed authority with other presently held authorized authority serving points in Ohio, Indiana, and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 77184 (Sub-No. 1), filed February 27, 1967. Applicant: PAT BAKER, LESLIE BAKER, AND GLENN BAKER, a partnership, doing business as PAT BAKER AND SONS, Post Office Box 475, Kingsbury, Tex. 78638. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles weighing 2,000 pounds, or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, flings, billets, blooms, reinforcing rods, bars, wire mesh, and pipe* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in that part of Texas bounded by a line beginning at Galveston and extending along U.S. Highway 75 to Fairfield; thence along U.S. Highway 84 to Brownwood; thence along U.S. Highway 283 to junction; thence along U.S. Highway 83 to Laredo; thence along U.S. Highway 59 to junction Texas Highway 44; thence along Texas Highway 44 to the Gulf of Mexico, thence along the Gulf of Mexico to place of beginning, including points and places on the indicated portions of the highways specified.

(2) *Iron or steel* articles, weighing 2,000 pounds, or more, which require the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to all points in Texas in the area described in (1) above. NOTE: No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 85451 (Sub-No. 11) (Amendment), filed May 19, 1966, published in FEDERAL REGISTER issue of June 16, 1966, amended March 21, 1967, and republished as amended, this issue. Applicant: BLUEBONNET EXPRESS, INC., 5009 Rusk Street, Houston, Tex. 77023. Applicant's representative: David A. Sutherlund, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives), household goods as defined by the Commission, and commodities in bulk), having a prior or subsequent movement by air (1) between airports located in Harris County, Tex., and points in Texas over the routes described as follows: (a) From Houston, Tex., over U.S. Highway 59 to junction U.S. Highway 259, thence over U.S. Highway 259, to Henderson, Tex., and return over the same route; (b) from Houston, Tex., over Interstate Highway 10, to Orange, Tex., and return over the same route; (c) from Houston, Tex., over U.S. Highway 90, to Beaumont, Tex., and return over the same route; (d) from junction Interstate Highway 10 and Texas Highway 73 over Texas Highway 73, to Port Arthur, Tex., and return over the same route; (e) from Houston, Tex., over U.S. Highway 75 to Galveston, Tex., and return over the same route.

(f) From Houston, Tex., over Texas Highway 225 to junction Texas Highway 146, thence over Texas Highway 146 to junction U.S. Highway 75, and return over the same route; (g) from Houston, Tex., over Texas Highway 35, to junction Texas Highway 185, and return over the same route; (h) from Houston, Tex., over Texas Highway 288, to Freeport, Tex., and return over the same route; (i) from Houston, Tex., over U.S. Highway 59, to Goliad, Tex., and return over the same route; (j) from Houston, Tex., over U.S. Highway 90A, to Shiner, Tex., and return over the same route; (k) from Houston, Tex., over U.S. Highway 90, to San Antonio, Tex., and return over the same route; (l) from Houston, Tex., over U.S. Highway 290, to Brenham, Tex., and return over the same route; (m) from Hempstead, Tex., over Texas Highway 6, to Bryan, Tex., thence over U.S. Highway 190 to Hearne, Tex., and return over the same route; (n) from Bryan, Tex., over Texas Highway 21, to Coldwell, Tex., and return over the same route; (o) from Houston, Tex., over U.S. Highway 75, to Madisonville, Tex., and return over the same route; (p) from Houston, Tex., over Interstate Highway 45 to junction U.S. Highway 75 and return over the same route; (q) from Sealy, Tex., over Texas Highway 36, to Milano, Tex., and return over the same route; (r) from Columbus, Tex., over Texas Highway 71, to Austin, Tex., and return over the same route; (s) from Flatonio, Tex., over Texas Highway 95, to Yoakum, Tex., and return over the same route; (t) from Yoakum, Tex., over U.S. Highway 77A, to Refugio, Tex., and return over the same route; (u) from Cuero, Tex., over Texas Highway 72, to Kenedy, Tex., and return over the same route; (v) from Cuero, Tex., over Texas Highway 87, to Victoria, Tex., thence over Texas Highway 185, to Port O'Connor, Tex., and return over the same route.

(w) From Victoria, Tex., over Texas Highway 77 to junction U.S. Highway 77 and Texas Highway 9, thence over Texas Highway 9, to Corpus Christi, Tex., and return over the same route; and (x) from Sinton, Tex., over U.S. Highway 181, to Corpus Christi, Tex., and return over the same route, serving all intermediate points and points in the following counties as off-route points: Harris, Montgomery, Liberty, San Jacinto, Polk, Angelina, Nacogdoches, Rusk, Galveston, Brazoria, Fort Bend, Waller, Brazos, Grimes, Burleson, Washington, Austin, Colorado, Wharton, Matagorda, Victoria, Jackson, Lavaca, Fayette, Lee, Bastrop, Travis, Caldwell, Gonzales, Guadalupe, Karnes, De Witt, Goliad, Refugio, Aransas, San Patricio, Calhoun, Nueces, Burleson, Robertson, Milam, Sam Houston, Bexar, Madison, Walker, Trinity, Jefferson, Orange, and Chambers Counties, Tex., in connection with (1a through 1x) above, and (2) between airports located in Bexar County, Tex., and points in Texas over the route described as follows: From San Antonio, Tex., over U.S. Highway 90 to Houston, Tex., and return over the same route, serving all intermediate points. NOTE: The purpose of this republication is to broaden the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 85934 (Sub-No. 47), filed March 9, 1967. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. 48120. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphates*, in

bulk, in tank vehicles, from the plantsites and storage facilities of Monsanto Co. at or near Trenton, Mich., to points in Ohio, restricted to traffic originating at Trenton, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 85934 (Sub-No. 48), filed March 15, 1967. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. 41820. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Port Clinton, Ohio, to points in West Virginia, and points in that part of Maryland on and west of Interstate Highway 81. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 85934 (Sub-No. 49), filed March 15, 1967. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. 48120. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, dry in bulk, from Plymouth, Ind., to points in the Lower Peninsula of Michigan (except Allegan, Berrien, Branch, Cass, Kalamazoo, St. Joseph, Van Buren, Kalkaska, Mecosta, Missaukee, Muskegon, Newaygo, Osceola, and Ottawa Counties, Mich.), and (2) *fertilizer*, in packages and *fertilizer materials*, dry in bulk and in packages, from Plymouth, Ind., to points in the Lower Peninsula of Michigan. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 102817 (Sub-No. 11), filed March 6, 1967. Applicant: PERKINS FURNITURE TRANSPORT, INC., 1202 North Pennsylvania Street, Indianapolis, Ind. 46202. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, uncrated, and *new furniture* in containers when shipped with uncrated furniture, (a) between points in Indiana; and (b) from Warsaw, Ind., to points in North Carolina, South Carolina, Alabama, Mississippi, and Louisiana; (2) *new furniture*, from Tell City, Ind., to points in North Carolina, South Carolina, Alabama, Mississippi, and Louisiana. NOTE: Applicant states it intends to tack the authority sought in 1(a) above with that presently held in its Subs 5 and 9 wherein it conducts operations in the additional States of Delaware, Iowa, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New York, North Dakota, South Dakota, Virginia, Wisconsin, Illinois, Kentucky, Pennsylvania, Ohio, Missouri, Georgia, Florida, West Virginia, Connecticut, Arkansas, Tennessee, Michigan, Mississippi, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 104896 (Sub-No. 21), filed March 10, 1967. Applicant: WOMELDORF, INC., Post Office Box 232, Lewistown, Pa. Applicant's representative: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour, feed, dried fruit, pimientos, cereals, and cake mixes, store and window displays, and products* distributed by National Biscuit Co., located at Lyons, Geneva, Niagara Falls, and Buffalo, N.Y., to points in Pennsylvania and *refused or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107107 (Sub-No. 381), filed March 13, 1967. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142, also Post Office Box 458 (Allapattah Station), Miami, Fla. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Jewell County, Kans., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina restricted to the transportation of shipments originating in Jewell County, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107295 (Sub-No. 103), filed March 13, 1967. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842, also Post Office Box 146, Farmer City, Ill. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and Alton, Ill., on the one hand, and, on the other hand, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 107295 (Sub-No. 104), filed March 16, 1967. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, *including all component parts, materials, supplies, and fixtures, and accessories* used in the erection, construction, and completion thereof, when shipped with such buildings, from Dallas, Tex., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Kansas, Louisiana, Minnesota, Mississippi, Montana, Nebraska, North Carolina, North Dakota, New Mexico, Oklahoma, South Carolina, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107403 (Sub-No. 708), filed March 13, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent silica gel catalyst*, in bulk, between points in Colorado, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, Arkansas, Missouri, Louisiana, Texas, Oklahoma, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Ohio, Wisconsin, North Carolina, South Carolina, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cincinnati, Ohio.

No. MC 107403 (Sub-No. 709), filed March 13, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys, and scrap metal*, in bulk, between Brilliant, Philo, and Powhatan, Ohio, and points within 5 miles thereof, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 107456 (Sub-No. 14), filed March 14, 1967. Applicant: HARRY L. YOUNG & SONS, INC., 542 West 600 South, Salt Lake City, Utah 84104. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Articles in truckaway service*, and (2) *articles weighing 15,000 pounds, or more, in driveaway service*, between Salt Lake City, Utah, on the one hand, and, on the other, points in Arizona, Idaho, Montana, Nevada, and California. NOTE: Applicant presently holds authority to serve the above which because of size or weight, require special handling or special equipment. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Boise, Idaho, Denver, Colo., or San Francisco, Calif.

No. MC 107496 (Sub-No. 541), filed March 13, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite and vermiculite*, in bulk, in tank vehicles, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107515 (Sub-No. 565), filed March 17, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay*, in packages, from Wrens, Ga., to points in Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Atlanta, Ga.

No. MC 107678 (Sub-No. 39), filed March 20, 1967. Applicant: HILL & HILL TRUCK LINE, INC., 13019 Sarah Lane, Post Office Box 9698, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Applicant indicates tacking possibilities with paragraph 3 of its lead certificate (MC 107678), wherein it is authorized to conduct operations between points in Harris County, Tex., on the one hand, and on the other, points in Oklahoma, Louisiana, Colorado, Utah, and Wyoming. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 108341 (Sub-No. 19), filed March 14, 1967. Applicant: MOSS TRUCKING COMPANY, INC., Post Office Box 8409, 3027 North Tryon Street, Charlotte, N.C. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Land clearing, agricultural, and industrial machinery*, designed for use with tractors other than highway tractors, and *parts and attachments* for the above named commodities, from Cedartown, Ga., to points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, and Alabama, including Michigan, Indiana, Ohio, New York, Pennsylvania, West Virginia, Maryland, Virginia, New Jersey, Delaware, District of Columbia, North Carolina, South Carolina, Georgia, Florida, Maine, Connecticut, Vermont, New Hampshire, Massachusetts, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 108449 (Sub-No. 255), filed March 16, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as applicant) also Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, road oils, and residual fuel oils*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Adair, Appanoose, Clarke, Davis, Decatur, Lucas, Madison, Mahaska, Marion, Monroe, Ringgold, Taylor, Union, Wapello, Warren and Wayne Counties, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 110193 (Sub-No. 159), filed March 15, 1967. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. 46613. Applicant's representative: William J. Monheim (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials and products* in temperature controlled vehicles, from the plantsites and facilities of Union Carbide Corp. located at South Bound Brook, N.Y., and Raritan Plastics Co. located at Raritan and Middlesex, N.J., to the Mid Continent Underground Storage Co. located in Leavenworth County, Kans., and points in Chariton County, Mo. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112391 (Sub-No. 32), filed March 15, 1967. Applicant: HADLEY AUTO TRANSPORT, a corporation, 7428 Paramount Boulevard, Post Office Box 96, Pico Rivera, Calif. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, buses, chassis, and farm tractors*, in secondary movement in truckaway and driveaway service, from Milpitas, Calif., to points in Oregon and Idaho, (2) *automobiles, trucks, buses and chassis*, in secondary movement in driveaway service, from Milpitas, Calif., to points in Nevada, and (3) *automobiles, trucks, buses, chassis*, and *farm tractors*, in secondary movement in truckaway and driveaway service, from Salt Lake City, Utah, to points in California, under a continuing contract with Ford Motor Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 112617 (Sub-No. 242), filed March 14, 1967. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, (1) from the plantsite and storage facilities used by Western Tar Products Corp. at or near Terre Haute, Ind., to Cincinnati, Ohio, and (2) from the plantsite and storage facilities used by Western Tar Products Corp at or near Cincinnati, Ohio, to Terre Haute, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 112801 (Sub-No. 67), filed March 16, 1967. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Post Office Box 272, Cicero Station, Chicago, Ill. 60603. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Indianapolis, Ind., to Waukegan, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 73), filed March 10, 1967. Applicant: EARL BRAY, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, caps, covers, tops, stoppers, boxes, cartons, and accessories for glassware and glass containers*, from Okmulgee, Okla., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 113828 (Sub-No. 125), filed March 6, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite and vermiculite*, in bulk, between points in Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, New York, New Jersey Pennsylvania, and Delaware, on the one hand, and, on the other, points in all the United States in and east of Minnesota, Iowa, Missouri,

Arkansas, and Lousiana, including Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Alabama, Michigan, Indiana, Ohio, New York, Pennsylvania, West Virginia, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, and the District of Columbia. NOTE: If a hearing is necessary, applicant requests it be held at Chicago, Ill.

No. MC 113828 (Sub-No. 126), filed March 13, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lithium ore and sand*, from Berkeley Springs, W. Va., to points in Michigan, Ohio, Kentucky, North Carolina, Virginia, Delaware, New Jersey, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 268), filed March 13, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products*, from Canajoharie, N.Y., to Kansas City, Mo., and points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114194 (Sub-No. 138), filed March 15, 1967. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Mo. 62201. Applicant's representative: Donald D. Metzler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk, vermiculite and perlite*, from St. Louis, Mo., to points in Illinois, Indiana, Kentucky, Tennessee, Arkansas, Oklahoma, Kansas, Iowa, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114274 (Sub-No. 11), filed March 17, 1967. Applicant: ELMER VITALIS, doing business as VITALIS TRUCK LINES, 1656 East Grand Avenue, Des Moines, Iowa 50316. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottle caps*, from the plantsite of Hoosier Crown Corp., located at Crawfordsville, Ind., to points in Iowa and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 115331 (Sub-No. 220), filed March 14, 1967. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, with or without caps, covers, or stoppers, from East St. Louis and Lincoln, Ill., to points in Illinois, Indiana, Icwa, Kentucky, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115331 (Sub-No. 221), filed March 14, 1967. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from Clinton, Iowa, to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115331 (Sub-No. 222), filed March 14, 1967. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite*, from St. Louis, Mo., to points in Illinois and Missouri. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115491 (Sub-No. 99), filed March 13, 1967. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, flooring, and tile cement*, from New Orleans, La., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 115841 (Sub-No. 304), filed March 8, 1967. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, West, Post Office Box 2169, Birmingham, Ala. 35204. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen carnivorous animal feedstuffs*, unfit for human consumption (except in bulk, in tank vehicles), from points in Alabama, Georgia, Mississippi, Tennessee, and Tampa and Alachua, Fla., to Golden Meadow, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 116325 (Sub-No. 50), filed March 9, 1967. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 8, Lutesville, Mo. 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, equipment, materials, and supplies* used or useful in the manufacturing and processing of such commodities, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, Madison and Alton, Ill., on the one hand, and, on the other, points in Illinois, Kansas, Missouri, Oklahoma, Tennessee, Louisiana, Arkansas, Mississippi, Alabama, Georgia, Kentucky, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 116628 (Sub-No. 9), filed March 14, 1967. Applicant: SUBURBAN TRANSFER SERVICE, INC., Post Office Box 168, Rutherford, N.J. 07070, also 285 Highland Cross, Rutherford, N.J. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, *packaging materials* for such merchandise, and *materials and supplies* used in the operation of such stores, between points in Connecticut, Delaware, Georgia, Massachusetts, Maryland, Michigan, Missouri, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and the District of Columbia, restricted to transportation to be performed under a continuing contract or contracts with Franklin Simon, of New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 116763 (Sub-No. 112), filed March 3, 1967. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits, canned fruit juices, canned beverages, and canned beverages preparations*, from points in Florida, on and south of Florida Highway 40 near Yankeetown, Fla., via Dunnellon and Ocala, Fla., to Barberville, Fla., thence in a southerly direction along U.S. Highway 17 to junction U.S. Highway 92 near Deland, Fla., and thence along U.S. Highway 92 to Daytona Beach, Fla., including points on the indicated portions of the highways specified, to points in Iowa, Minnesota, and Missouri, and to Owensboro, Ky. Restricted to traffic destined to territory and/or points specified above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 116763 (Sub-No. 113), filed March 13, 1967. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380, also 906 Magnolia Avenue, Auburndale, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods); *empty containers, materials, or supplies used in the manufacture of containers and items used in the processing, packaging, and distribution of foodstuffs*, between the plantsites and/or warehouses used by the Paradise Fruit Co., Inc., located in Hillsborough and Polk Counties, Fla., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, that part of New York on and west of Interstate Highway 81, Ohio, that part of Pennsylvania on and west of U.S. Highway 220, Tennessee, that part of Texas on and east of U.S. Highway 181 beginning at Corpus Christi, Tex., thence in a northwesterly direction to San Antonio, Tex., thence in a northerly direction along U.S. Highway 281 to the Texas-Oklahoma State line including points located on the highways specified, West Virginia, and Wisconsin. NOTE: Applicant states that application is restricted to traffic moving between plantsites of Paradise Fruit Co., Inc., and specified States. If a hearing is deemed necessary, applicant requests that it be held at Tampa, Fla.

No. MC 117427 (Sub-No. 60), filed March 16, 1967. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, Suite 770, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, faced or not faced with a protective or decorative material and boards or sheets, *wood particles*, faced or not faced with a protective or decorative materials, moving separately or with hardboard sheets and boards, from Catawba, S.C., and points within 5 miles thereof, to points in Illinois, Indiana, Michigan, Iowa, Wisconsin, Nebraska, Kansas, Missouri, Pennsylvania (except Philadelphia, Pa., and points in its commercial zone), Virginia (except Richmond, Va., and points in its commercial zone, and points in Culpeper, Madison, and Rappahannock Counties, Va.), Fairmont, W. Va., and Cincinnati, Ohio, and points in its commercial zone. NOTE: Applicant is authorized to operate as a contract carrier in Docket No. MC 116145 and Sub 5, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118288 (Sub-No. 18), filed March 7, 1967. Applicant: STEPHEN F. FROST, Post Office Box 28, 1202 First Avenue North, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except meat fats in bulk, in tank vehicles from points in Fresno County, Calif., to points in Montana), from points in California, to points in Montana, and points in Niobrara, Park, Big Horn, Washakie, Hot Springs, Fremont, Campbell, Johnson, Weston, and Crock Counties, Wyo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 118846 (Sub-No. 5), filed March 14, 1967. Applicant: DALE JESSUP, doing business as DALE JESSUP TRUCKING, Rural Route No. 1, Camby, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and byproducts*, from Sylvania, Ohio, and points within 3 miles thereof, to points in Utah and Idaho, under contract with John Kuhni Sons, Inc., Provo, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 118959 (Sub-No. 30), filed March 3, 1967. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those articles, which due to size or weight, require the use of special equipment), between Alton, Ill., St. Louis, Mo., and East St. Louis, Ill., and their respective commercial zones, on the one hand, and, on the other, points in Alabama, Arkansas, Arizona, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, Texas, and Tennessee. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 125664 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 119118 (Sub-No. 21), filed March 9, 1967. Applicant: LEWIS W. McCURDY, doing business as McCURDY'S TRUCKING COMPANY, 571 Unity Street, Latrobe, Pa. Applicant's representative: Paul F. Sullivan, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and related advertising material moving therewith, from Detroit, Mich., to points in West Virignia, New York, and Pennsylvania. NOTE: Applicant holds contract carrier authority under MC 116564 and sub thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 119176 (Sub-No. 4), filed March 20, 1967. Applicant: THE SQUAW TRANSIT COMPANY, a corporation, 5121 South 49 West Avenue, Post Office Box 9415, Tulsa, Okla. 74107. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales or bundles, weighing 2,000 pounds, or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe*, (a) from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to Tulsa and Bartlesville, Okla., and (b) from Houston, Tex., to points in Texas, Oklahoma, Arkansas, Louisiana, and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds, or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Applicant states this proposed authority requested will partially duplicate its Mercer authority granted between Houston, Tex., and Bartlesville and Tulsa, Okla. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 119268 (Sub-No. 66), filed March 15, 1967. Applicant: OSBORN, INC., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: John P. Carlton, 325–29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dessert pies*, from points in Grand Traverse County, Mich., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 119898 (Sub-No. 3), filed March 7, 1967. Applicant: W. G. McCARTY, 300 Locust Street, Trumann, Ark. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sewing machine desks, cabinets, carrying cases, tables and ports thereof, woodwork, stools, and chairs*, from the plantsite of the Singer Co. of New York, N.Y., located at Trumann, Ark., to the warehouse of the Singer Co. of New York, N.Y., located at Forrest Park, Ga. (within the Atlanta, Ga., commercial zone), and *returned shipments* of the above described commodities, on return, under contract with the Singer Co. of New York, N.Y., at Forrest Park, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., Little Rock, Ark., or St. Louis, Mo.

No. MC 123057 (Sub-No. 4), filed March 15, 1967. Applicant: JAMES RICCIARDI & SONS, INC., 203 Fillmore Street, Staten Island, N.Y. 10301. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, and building materials*, except

commodities in bulk, from Delanco, N.J., to points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, and *returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 123273 (Sub-No. 8), filed March 15, 1967. Applicant: NEAL R. WHITE, 273 Fairway Drive, Post Office Box 9404, Asheville, N.C. 28805. Applicant's representative: Wm. Addams, 1776 Peachtree Street NW., Room 406, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice*, in bulk, in insulated tank vehicles, from Lake Wales and Dunedin, Fla., to Asheville, N.C., under contract with Gerber Products Co., Asheville, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Atlanta, Ga.

No. MC 123393 (Sub-No. 178), filed March 13, 1967. Applicant: BILYEU REFRIGERATED TRANSPORT CORP., 2105 East Dale, Springfield, Mo. 65803. Applicant's representative: David D. Brunson, 710 Hightower Building, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, dental, and hospital supplies, solutions and distilled water*, in vehicles equipped with mechanical refrigeration and heating units, from Milledgeville, Ga., to points in Arizona, Arkansas, California, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Oklahoma City, Okla., or Springfield, Mo.

No. MC 123393 (Sub-No. 179), filed March 15, 1967. Applicant: BILYEU REFRIGERATED TRANSPORT CORP., 2105 East Dale, Springfield, Mo. 65803. Applicant's representative: Harley E. Laughlin, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper*, from Glens Falls, N.Y., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or New York, N.Y.

No. MC 124217 (Sub-No. 3), filed March 16, 1967. Applicant: CHM TRANSPORT, INC., 351 Northwest F Street, Richmond, Ind. 47374. Applicant's representative: Elmer F. Streib, 35 East Seventh Street, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Burial caskets*, uncrated, from Richmond, Ind., to points in the State of Virginia, under contract with J. M. Hutton & Co., Inc., Richmond, Ind., and Coble Casket Co., Richmond, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Ind., or Cincinnati, Ohio.

No. MC 124251 (Sub-No. 16), filed March 15, 1967. Applicant: JACK JORDAN, INC., Post Office Box 244, Dalton, Ga. Applicant's representative: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex and latex compounds*, in bulk, in tank vehicles, from points in Whitfield County, Ga., to Chattanooga, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chattanooga, Tenn.

No. MC 125646 (Sub-No. 2), filed March 13, 1967. Applicant: SAMUEL R. FOX, 12 Second Street, Bridgeport, Ohio. Applicant's representative: D. L. Bennett, 213 First National Bank Building, 2207 National Road, Wheeling, W. Va. 26003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy store equipment and supplies*, consisting of, but not limited to, ice cream toppings and syrups, ice cream cones, plastic spoons, plastic dishes, plastic lids, plastic containers, paper bags, paper containers, paper cups, edible nuts, cleaning detergents, ice cream sticks, cookies, lubricating grease, restricted against any commodity in bulk and restricted to less-than-truckload quantities, from Worthington, Ohio, to Aliquippa, Altoona, Apollo, Beaver Falls, Blairsville, Brownsville, Butler, Canonsburg, Charleroi, Connellsville, Indiana, Irwin, Greensburg, Kittanning, Jeannette, Johnstown, Latrobe, Mt. Pleasant, Somerset, Uniontown, Washington, Pa., points in Allegheny County, Pa., and points in West Virginia. *Ice cream cones*, from Pittsburgh, Pa., to Worthington, Ohio, under contract with International Dairy Queen, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 125708 (Sub-No. 71) (Amendment), filed February 23, 1967, published in the FEDERAL REGISTER issue of March 9, 1967, amended March 9, 1967, and republished as amended this issue. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and items manufactured from iron and steel*, from Carlinville, Ill., and 5 miles thereof, to points in Missouri on and East of U.S. Highway 67 in Missouri extending from the Illinois State line to the Arkansas State line. NOTE: Applicant states that it intends to tack at Carlinville, Ill. The purpose of this republication is to reflect a change in the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Washington, D.C.

No. MC 126428 (Sub-No. 1), filed March 16, 1967. Applicant: ZIBERT TRANSPORT CO., a corporation, Post Office Box 65, 2828 Market Street, Peru, Ill. 61354. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the warehouses facilities and the plantsite of the New Jersey Zinc Co. at or near Depue, and Riverdale, Ill., Dubuque and Des Moines, Iowa, to points in Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126822 (Sub-No. 11) (Correction), filed March 3, 1967, published in the FEDERAL REGISTER issue of March 16, 1967, corrected and republished as corrected, this issue. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 27, Passaic, Mo. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and pelts*, green, salted, cured, processed or nonprocessed, from points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Michigan, Missouri, Mississippi, Nebraska, New Mexico, North Carolina, North Dakota, South Dakota, South Carolina, Oklahoma, Ohio, Florida, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming, to Woburn and Peabody, Mass. NOTE: The purpose of this republication is to include North Dakota, South Dakota, South Carolina, Oklahoma, and Ohio as destination points. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 126857 (Sub-No. 3), filed March 13, 1967. Applicant: SCHALDACH TRUCK LINES, INC., 661 Aladdin Avenue, San Leandro, Calif. 94577. Applicant's representative: Thomas R. Kerr, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in covered pallets or closed containers restricted to shipments having a subsequent movement by air, from Travis Air Force Base, Calif., to San Francisco International Airport, San Francisco, Calif., and Metropolitan Oakland International Airport, Oakland, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126902 (Sub-No. 1), filed March 14, 1967. Applicant: KAY TRANSPORTATION COMPANY, INC., 25 South Cary Street, Baltimore, Md. 21223. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, drums, cans, barrels, and pails*, from Linden, N.J., to Baltimore, Md., under contract with the Rheem Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127215 (Sub-No. 27) (Correction), filed January 16, 1967, published FEDERAL REGISTER issues of February 2, 1967, and March 23, 1967, corrected February 28, 1967, and March 21, 1967, and republished as corrected, this issue. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. 62881. Applicant's representative: W. C. Kendrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and liquid fertilizer materials*, in bulk, in tank vehicles, from Vigo County, Ind., to points in Indiana, Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: The purpose of this republication is to include Illinois as a destination State, which was inadvertently omitted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127215 (Sub-No. 28), filed March 13, 1967. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. 62881. Applicant's representative: W. C. Kendrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, (1) from the plantsite and storage facilities used by Western Tar Products Corp. at or near Terre Haute, Ind., to Cincinnati, Ohio; and, (2) from the plantsite and storage facilities used by Western Tar Products Corp. at or near Cincinnati, Ohio, to Terre Haute, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127869 (Sub-No. 4), filed March 16, 1967. Applicant: CLIFFORD BROMAN & SON, INC., 77 Powell Place, Farmingdale, N.Y. 11735. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seed*, from points in New Jersey to points in New York, N.Y., and Nassau and Suffolk Counties, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127915 (Sub-No. 2), filed March 13, 1967. Applicant: C & W TRUCKING, INC., 2017 East Colfax Avenue, Denver, Colo. Applicant's representative: Joseph F. Nigro, 400 Denver Hilton Office Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (a) from Denver, Colo., to points in Wyoming, New Mexico, North Dakota, and South Dakota, and (b) from Albuquerque, N. Mex., to points in Texas, Arizona, and Colorado; and (2) *empty containers, potato chips*, and *snack foods*, on return, under contract with Red Seal, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Albuquerque, N. Mex., or Washington, D.C.

No. MC 128007 (Sub-No. 9), filed February 23, 1967. Applicant: HOFER, INC., Post Office Box 563, Pittsburg, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (dry) and *fertilizer ingredients* (dry), between Pittsburg, Pratt, and Dodge City, Kans., on the one hand, and, on the other, points in Colorado, Nebraska, Iowa, Missouri, Arkansas, Oklahoma, Texas, Tennessee, Kentucky, Mississippi, Illinois, South Dakota, North Dakota, Minnesota, Wyoming, Louisiana, Arizona, California, New Mexico, Nevada, Ohio, Michigan, Alabama, Georgia, Florida, Indiana, Wisconsin, Montana, Utah, Idaho, Washington, and Oregon. NOTE: Applicant holds contract carrier authority under MC 117094 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128538 (Sub–No. 2), filed March 16, 1967. Applicant: CHEMICAL PRODUCTS, INC., Route No. 2, Bonne Terre, Mo. 63628. Applicant's representative: Robert A. McIlrath, 403 High Street, Flat River, Mo. 63601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nito-carbonitrate* with restrictions against transportation of liquid commodities in bulk in tank truck vehicles, from Bonne Terre, Mo., to Duquoin, Pyatts, East Alton, Modoc, and Chester, Ill., under contract with Monsanto Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 185597 (Sub-No. 5), filed March 14, 1967. Applicant: WALTER TABER, doing business as WALT'S POULTRY AND BEEF CO., 1920 Wadsworth Boulevard, Lakewood, Colo. 80215. Applicant's representative: Bert L. Penn, 30 South Emerson Street, Denver, Colo. 80209. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in Part A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), (1) from Sioux City, Iowa, and Guymon, Okla., to points in Colorado, Cheyenne, and Laramie, Wyo., and Aztec, Farmington, and Raton, N. Mex., (2) from Clovis, N. Mex., to points in Colorado and Cheyenne and Laramie, Wyo., and (3) from Sioux City, Iowa, Guymon, Okla., and Clovis, N. Mex., to Moab, Utah, under contract with Swift & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 128811, filed January 11, 1967. Applicant: TRANSTEEL FREIGHTWAYS, INC., 1000 South Fourth Street, Harrison, N.J. 07029. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Baltimore, Md., to Harrison N.J., under contract with Harris & Sons Steel Co., Harrison, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York or New Jersey.

No. MC 128812 (Sub-No. 2) (Correction), filed January 30, 1967, published FEDERAL REGISTER issue of February 16, 1967, and republished as corrected, this issue. Applicant: B & L DELIVERY, INC., 223 Seventh Avenue, Brooklyn, N.Y. 11215. Applicant's representative: Leo N. Knoblauch, 26 Journal Square, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stuffed toys*, from the plansite of Knickerbocker Toy Co., Inc., Pond Street, Middlesex, N.J., to points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and New York, N.Y., under contract with Knickerbocker Toy Co., Inc., restricted to deliveries to department stores and freight consolidators. NOTE: The purpose of this republication is to show the five counties named above, as being located in the State of New York, in lieu of New Jersey as previously published. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 128822 (Sub-No. 1), filed March 9, 1967. Applicant: RITTER & SMITH TRUCKING, INC., 1910 Halethorpe Farm Road, Baltimore, Md. 21227. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel pipe, plain, galvanized or asphalt* coated, with fittings and accessories, *highway guard rail, tunnel lincr plates, sectional plate pipe, steel pilings, and accessories therefor*, from the plantsite of Armco Steel Corp. located at Halethorpe (Baltimore), Md., to points in New Jersey, New York, Delaware, Pennsylvania, West Virginia, Virginia, Connecticut, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128842 (Sub-No. 1), filed March 17, 1967. Applicant: ROSS EXPRESS, INC., Post Office Box 42, Penacook, N.H. 03301. Applicant's representative: Charles A. DeGrandpre, 40 Stark Street, Manchester, N.H. 03101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by the Avon Products, Inc., between Penacook, N.H., on the one hand, and, on the other, points in New Hampshire, for the account of Avon Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Manchester or Concord, N.H.

No. MC 128853 (Sub-No. 2), filed March 2, 1967. Applicant: COOKE CARTAGE AND STORAGE, LIMITED, 110 Anne Street South, Post Office Box 429, Barrie, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated seats for transportation applications*, not in containers, between the ports of entry on the international boundary line between the United States and Canada, located at or near Detroit and Port Huron, Mich., and Pontiac, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 128904 (Sub-No. 2), filed March 8, 1967. Applicant: GLENN NAREHOOD AND JAY NAREHOOD, a partnership, doing business as NAREHOOD TRUCKING CO., Rural Delivery Number 1, Milton, Pa. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than in bulk, from Milton, Pa., to points in Connecticut, Massachusetts, Rhode Island, New Hampshire, and Maine, under contract with American Home Foods Division of American Home Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 128922, filed March 9, 1967. Applicant: CHESTER FRY AND MARIE E. FRY, a partnership, doing business as FRY TRUCKING, Wilton Junction, Iowa 52778. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral feed supplements, mixtures of trace minerals, livestock insecticides, livestock medicines and disinfectants*, from Cedar Rapids, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin, (2) *ingredients* used in the manufacture of mineral feed supplements, mixtures of trace minerals, livestock insecticides, livestock medicines, and farm disinfectants, from points in Illinois and Indiana, to Cedar Rapids, Iowa, (3) *new empty containers*, from Chicago and Peotone, Ill., and Ligonier, Ind., to Cedar Rapids, Iowa, (4) *animal and poultry feed concentrates*, from Cedar Rapids, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, and (5) *animal and poultry feed ingredients, and empty containers*, for animal and poultry feed concentrates, from points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin to Cedar Rapids, Iowa. NOTE: Applicant states it holds contract authority in MC 125871 and Sub 1 to conduct the operations stated above and performs service under contract with nine different shippers. If the proposed authority is granted, applicant states it would request revocation of its outstanding permits. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128925, filed March 9, 1967. Applicant: UMBERTO BROTHERS STORAGE, WAREHOUSING, INC., 288 West Street, New York, N.Y. 10013. Applicant's representative: Michael J. Shea, 932 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Office furniture and equipment*, between the facilities of Angus L. Gordon Co., Inc.; Sam Cohen Sales Co.; Anthonsen and Kimmel; and Joseph A. Perretti Associates, of New York, N.Y., on the one hand, and, on the other, points in New York and New Jersey; and (2) *damaged, traded in, or returned office furniture and equipment*, on return, under individual contracts with Angus L. Gordon Co., Inc.; Sam Cohen Sales Co.; Anthonsen and Kimmel; and Joseph A. Perretti Associates of New York, N.Y. NOTE: Carriers services include uncrating and/or assembling, loading and unloading to the interior of shippers' customer's premises, including premises at points above or below the first or ground floor, including dismantling and other specialized services as necessary. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 128926, filed March 3, 1967. Applicant: BURLEY CLOUSTON, doing business as, CLOUSTON TRUCKING, Rural Delivery 1, Hickory, Pa. Applicant's representative: Charles D. Bell, 67 Seventh Street, Wellsburg, W. Va. 26070. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Coal*, (1) between Burgettstown, Pa., and the vicinity thereof north on Route 18 in Pennsylvania to the intersection of Route 18 and U.S. Route 22, thence west over U.S. Route 22 to Weirton, W. Va., and the vicinity thereof, and (2) between Burgettstown, Pa., north on Route 18 in Pennsylvania, to the intersection of Route 18 and U.S. Route 22, thence west over U.S. Route 22 to Ohio State Route 7, thence north over Ohio State Route 7 to the general vicinity of Toronto and Empire, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh or Washington, Pa., or Weirton, W. Va.

No. MC 128928, filed March 9, 1967. Applicant: CONTAINER WAREHOUSE & TRUCKING CORP., 485 Kent Avenue, Brooklyn, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores and containers in which such items are transported (except in bulk or in tank vehicles), between points in the New York, N.Y., commercial zone as defined by the Commission, Port Newark and Port Elizabeth, N.J., on the one hand, and, on the other, Carlstadt, N.J., under contract with Associated Dry Goods Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 128933, filed March 13, 1967. Applicant: EXCELLO FREIGHT FORWARDERS CORP., 390 Nostrand Avenue, Brooklyn, N.Y. 11216. Applicant's representative: Gerald Vigdor, 390 Nostrand Avenue, Brooklyn, N.Y. 11216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the site of the warehouse of Empire State Warehouses Co., Brooklyn, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City or Brooklyn, N.Y.

No. MC 128934, filed March 10, 1967. Applicant: WILLIAM REPKO, doing business as WILLIAM REPKO TRUCKING, 244 West Cherry Street, Mount Carmel, Pa. 17851. Applicant's representative: Paul R. Butler, 1701 Law & Finance Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Shamokin, Pa., to points in New York, New Jersey, Connecticut, Maryland, and Washington, D.C., for the account of Fuhrmann & Schmidt Brewing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 128935, filed March 13, 1967. Applicant: CONTRACTORS TRANSPORT CORP., 300 Sixth Street, South Arlington, Va. 22202. Applicant's representative: Lynn B. Clausen, 10 West Spring Street, Alexandria, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drilling equipment, cranes, compressors, augers, large size pipes, steel piling and pile driving equipment, welding machines, boilers, leads, booms, hammers and other contractor's equipment, all excavating equipment, structural steel and component parts for bridges and buildings*, between points in Washington, D.C., Virginia, Pennsylvania, Maryland, West Virginia, Delaware, North Carolina, New Jersey and New York, under contract with Seaboard Foundations, Inc., Crane Service Co., Inc., McKinney Drilling Co., Harris & Brooks, Raymond Concrete Pile Division of Raymond International, Inc., A. H. East, Excavating, Atlas Machine & Iron Works, Inc., and Schnabel Foundation Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128948, filed March 16, 1967. Applicant: AROOSTOOK VAN LINES, INC., 153 Main Street, Fort Fairfield, Maine 04742. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects* (containorized), between points in Maine. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, Boston, Mass., or Providence, R.I.

MOTOR CARRIERS OF PASSENGERS

No. MC 1096 (Sub-No. 6), filed March 8, 1967. Applicant: THE CANADA COACH LINES, LIMITED, 18 Wentworth Street North, Hamilton, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip, sightseeing, and pleasure tours, between ports of entry on the international boundary line between the United States and Canada to points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 3700 (Sub-No. 55), filed March 17, 1967. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, Route 46, East Paterson, N.J. 07407. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (1) between New York, N.Y., and Saddle Brook, N.J.: From New York over Interstate Highway 95 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 80 Saddle Brook Ramp, in Saddle Brook, N.J., thence over the Interstate Highway 80 Saddle Brook Ramp to Pehle Avenue, and return over the same route, serving no intermediate points, for purposes of joinder only, (2) between junction Interstate Highway 80 Saddle Brook Ramp and Pehle Avenue and Interstate Highway 80 Saddle Brook Ramp and Pehle Avenue, in a circuitous manner: From junction Interstate Highway 80 Saddle Brook Ramp and Pehle Avenue in Saddle Brook, N.J., over Pehle Avenue to junction Saddle River Road, thence over Saddle River Road to junction Mayhill Street, thence over Mayhill Street to junction Market Street, thence over Market Street to junction Erie Avenue, thence over Erie Avenue to junction Midland Avenue, thence over Midland Avenue to junction Pehle Avenue, thence over Pehle Avenue to junction Interstate Highway 80 Saddle Brook Ramp, serving all intermediate points (except points between the junctions of Pehle Avenue and Liberty Street, and Mayhill Street and Rochelle Parkway, and (3) between junction Palisade Avenue and Interstate Highway 80 Ramp in Bogota, N.J., and Interstate Highway 80 over Interstate Highway 80 Ramp, serving no intermediate points, for purposes of joinder only. NOTE: Applicant states it intends to join this proposed authority with presently held authorized authority between Saddle Brook, N.J., and New York, N.Y., through the George Washington Bridge and the Lincoln Tunnel. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 101408 (Sub-No. 2), filed March 8, 1967. Applicant: TRAILWAYS OF CANADA, LIMITED, 346 Enford Road, Richmond Hill, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip, sightseeing, and pleasure tours, beginning and ending at the ports of entry on the international boundary line between the United States and Canada, and extending to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12625 (Sub-No. 1), filed March 10, 1967. Applicant: LAUGHLIN TOURS, INC., 606 South Olive Street, Los Angeles, Calif. 90014. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. For a license (BMC 5) to engage in operations as a *broker* at Los Angeles, Calif., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations, in round-trip tours, beginning and ending at points in California, Oregon, and Washington and extending to points in the United States, including Alaska and Hawaii.

No. MC 130028, filed January 23, 1967. Applicant: GEORGE R. FILLION, doing business as TRANSTOP COMPANY, 198 Cottage Park Road, Winthrop, Mass. For a license (BMC 4) to engage in operations as a *broker* at Winthrop, Mass., in arranging for the transportation of general commodities, between points in the United States.

No. MC 130034, filed March 13, 1967. Applicant: SELECT TRAFFIC SERVICE, INCORPORATED, 3213 Rueger Street, Richmond, Va. 23221. For a license (BMC 4) to engage in operations as a *broker* at Richmond, Va., in arranging for the transportation in interstate or foreign commerce of *general commodities, including household goods* (but excluding those of unusual value, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between points in the United States.

APPLICATION OF WATER CARRIER

No. W-1232, CHATHAM TOWING COMPANY, INC., Common carrier application, filed March 6, 1967. Applicant: CHATHAM TOWING COMPANY, INC., North Lathrop Avenue, Savannah, Ga. Application filed March 6, 1967, for certificate authorizing operation as a common carrier by water, covering a new operation in interstate or foreign commerce under Part III of the Interstate Commerce Act, in year round operation, in the transportation of *general commodities*, between the port of Jacksonville, Fla., and Norfolk, Va., serving all intermediate points.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 59463 (Sub-No. 2), filed March 9, 1967. Applicant: TOWERS TRANSPORTATION, INC., 250 East North Avenue, Elizabeth, N.J. 07209. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail and chain groceries, and food business houses, between Elizabethport, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y.

No. MC 87720 (Sub-No. 60), filed March 14, 1967. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic rubber*, in containers, from the plantsite of E. I. du Pont de Nemours & Co., Louisville, Ky., to Cambridge, Chelsea, and Stoughton, Mass., under contract with American Biltrite Co., Inc., of Cambridge, Mass. NOTE: Applicant states it presently holds authority for the same commodity and territory from the plantsite of American Synthetic Rubber Co. at Louisville, Ky., therefore, the purpose of this instant application is to add another plantsite.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-3438; Filed, Mar. 29, 1967; 8:45 a.m.]

[Notice 357]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 27, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER: One copy of such protest must be served on the applicant, or its authorized representatives, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20992 (Sub-No. 16 TA), filed March 22, 1967. Applicant: Dotseth Truck Line, Inc., Knapp, Wis. 54749. Applicant's representative: W. T. Doar, Jr., New Richmond, Wis. 54017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts*, from Hopkins, Minn., to points in Wisconsin, North Dakota, South Dakota, Montana, Iowa, Illinois, Missouri, and Nebraska and the return of *damaged, defective, and traded-in shipments of the above agricultural machinery, equipment, and parts*, for 180 days. Supporting shipper: Farmhand, Inc., 121 Washington Avenue South, Hopkins, Minn. 55343. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 42537 (Sub-No. 37 TA), filed March 20, 1967. Applicant: CASSENS TRANSPORT COMPANY, Post Office Box 468, Edwardsville, Ill. 62025 and 1 West State Street, Hamel, Ill. 62046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, busses, and chassis*, in initial movements, in truckaway and driveaway service, and *bodies and cabs*, from the site of the Chrysler Corp. assembly plants in St. Louis County, Mo., to points in Wisconsin. *Rejected shipments* of the *commodities* specified immediately above, from the destination points specified immediately above to the site of the Chrysler Corp. assembly plants in St. Louis County, Mo., for 180 days. Supporting shipper: Chrysler Corp., Post Office Box 1976, Detroit, Mich. 48231. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 58813 (Sub-No. 89 TA), filed March 21, 1967. Applicant: SELMAN'S EXPRESS, INC., 460 West 35 Street, New York, N.Y. Applicant's representative: Solomon Granett, 1350 Avenue of Americas, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: A. *Wearing apparel*, loose, on hangers only, and *materials and supplies* used in the manufacture thereof; (1) between New York, N.Y., commercial zone, on the one hand, and, on the other, Chattanooga, Tenn., Ripley, Tenn., Alma, Ga., Blackshear, Ga., and Metter, Ga., Screven, Ga., and Thomson, Ga.; (2) between Thomson, Ga., on the one hand, and, on the other Ripley, Tenn., Hialeah, Fla., and Miami, Fla.; (3) between Nicholls, Ga., on the one hand, and, on the other, Clinton, N.C., and Wallace, N.C.; (4) between Nicholls, Ga., and Spartanburg, S.C., restricted to shipments consigned to or originating in Clinton, N.C., or Wallace, N.C., over the lines of other motor carriers; (5) between Alma, Ga., and Spartanburg, S.C., restricted to shipments originating or delivered over the lines of other motor carriers. B. *Wearing apparel*, loose, on hangers only and *empty hangers* in the reverse direction: (1) From Bowdon, Ga., to New York, N.Y., commercial zone, with authority to interline with other carriers on shipments consigned to or originating in Boston, Mass.; (2) from Madisonville, Tenn., to New York, N.Y., commercial zone, for 150 days. Supporting shippers: Thomson Co., 1290 Avenue of the Americas, New York, N.Y. 10019; Helen Borgenicht Sportswear, Inc., 1407 Broadway, New York, N.Y.; Jana Lee Inc., 141 West 26 Street, New York, N.Y.; Ladybird Classics, Inc., 1350 Broadway, New York, N.Y.; Patricia Michaels, Inc., 498 Seventh Avenue, New York, N.Y.; La Marr Manufacturing Co., Bowdon, Ga.; Alma Sportswear, Inc., Alma, Ga.; Odum Manufacturing Co., Inc., Piney Grove, Ga. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 83539 (Sub-No. 207 TA), filed March 22, 1967. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75201. Applicant's representative: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweepers and street sweeping machinery, self-propelled*, from Pomona, Calif., to points in the United States (except points in Alaska, California, and Hawaii), for 180 days. Supporting shipper: Wayne Manufacturing Co., 1201 East Lexington Street, Pomona, Calif. 91769. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 107496 (Sub-No. 535 TA) (Amendment), filed March 3, 1967, published FEDERAL REGISTER, issue of March 14, 1967, and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosaqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Clinton, Iowa, to points in Minnesota, Wisconsin, Illinois, Missouri, Nebraska, and Indiana, for 180 days. Supporting shipper: International Minerals & Chemical Corp., 5401 Old Orchard Road, Skokie, Ill. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 227 Federal Office Building, Des Moines, Iowa 50309. NOTE: The purpose of this republication is to show that the application has been amended to show that the commodities proposed to be transported will not be limited to transportation in pneumatic vehicles.

No. MC 107496 (Sub-No. 543 TA), filed March 20, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosaqua at Third, Post Office Box 855, Des Moines, Iowa 50309. Applicant's representative: H. S. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer slurry*, in bulk, in tank vehicles, from plantsite of Walnut Grove Products, at Fonda, Iowa, to points in South Dakota, for 180 days. Supporting shipper: Walnut Grove Products, division of W. R. Grace & Co., Atlantic, Iowa 50022. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 327 Federal Office Building, Des Moines, Iowa 50309.

No. MC 113678 (Sub-No. 276 TA), filed March 22, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined in parts A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Greeley, Colo., to points in New York on and west of U.S. Highway 11, Pennsylvania (except Philadelphia), Illinois, Indiana, Ohio, Michigan, and Delaware, for 180 days. Supporting shipper: Monfort Packing Co., Greeley, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC 117765 (Sub-No. 58 TA), filed March 22, 1967. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern Avenue, Oklahoma City, Okla. 73111. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum, and gypsum products, and materials and supplies* used for installation thereof, from the plantsite of the United States Gypsum Co., Southard, Okla., to points in Arkansas, Colorado, Kansas, Missouri, New Mexico; and points in Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler Counties, Tex., for 180 days. Supporting shipper: United States Gypsum Co., John J. Murphy, Assistant General Traffic Manager, 101 South Wacker Drive, Chicago, Ill. 60606. Send protests to: C. C. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 118196 (Sub-No. 92 TA), filed March 22, 1967. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, Hiway 71 North, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Logan, Utah, to points in Arizona, California, Oregon, and Washington, for 180 days. Supporting shipper: L. D. Schreiber Cheese Co., Inc., 127 West Limestone Street, Post Office Box 557, Carthage, Mo. 64836. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119274 (Sub-No. 1 TA), filed March 22, 1967. Applicant: GEORGE NEWSOM, South Highway 19, Montgomery City, Mo. 63361. Applicant's representative: Joseph R. Macy, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Feed, feed supplements and feed ingredients, between Montgomery City, Mo., on the one hand, and, on the other, points in Adams and Pike Counties, Ill., for 180 days. Supporting shipper: Ralston Purina Co., C. G. Buchheit, central traffic manager, Checkerboard Square, St. Louis, Mo. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 123789 (Sub-No. 2 TA), filed March 21, 1967. Applicant: G. T. McGOVERN TRUCKING CO., INC., 1000 Dean Street, Brooklyn, N.Y. 11238. Applicant's representative: Howard F. McGovern (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chinaware, glassware, flatware, and woodenware*, between points in the New York, N.Y. commerical zone, as prescribed by the Commission (Title 49, CFR 170.1, wherein exempt operations may be conducted) on the one hand, and, on the other, the shipper's warehouse, located at South Hackensack, N.J., for 180 days. Supporting shipper: Noritake Co., Inc., 212 Fifth Avenue, New York, N.Y. 10010. Send protests to: Robert E. Johnston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 123993 (Sub-No. 5 TA), filed March 21, 1967. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 603, Crowley, La. 70526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand bags*, from Crowley, La., to Umatilla Army Depot, Ordnance, Oreg., for 180 days. Supporting shippers: Crowley Industrial Bag Co., Inc., Post Office Box 726, Crowley, La. 70526, Mr. Hirsch J. Scholl, President; Continental Bag Co., Post Office Box 491, Crowley, La. 70526, Mr. I. Garcia, Treasurer. Send protests to: William R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, T–4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La.

No. MC 124539 (Sub-No. 1 TA), filed March 21, 1967. Applicant: EUGENE STONE, 5735 East 139th Street, Cleveland, Ohio 44125. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings for plastic pipe, and adhesives*, from Columbus, Ohio, to Syracuse, N.Y., Milford, Conn., and Boston, Mass., and on return: *Plastic granules*, from Springfield and Leominster, Mass., to Columbus, Ohio, under contract with the Standard Oil Co. and its wholly owned subsidiaries, for 180 days. Supporting shipper: The Standard Oil Co., Midland Building, Cleveland, Ohio 44115. Send protests to: District Supervisor Baccei, Bureau of Operations and Compliance, Interstate Commerce Commission, 435 Federal Building, Cleveland, Ohio 44114.

No. MC 127303 (Sub-No. 6 TA), filed March 21, 1967. Applicant: HENRY ZELLMER, doing business as ZELLMER TRUCK LINES, Box 441, Granville, Ill. 61326. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials, and used malt beverage containers and used bottles* on return trips from: (1) Milwaukee, Wis., to La Salle and Rockford, Ill., and (2) La Crosse, Wis., to Rockford, Ill., for 180 days. Supporting shippers: Lorden Distributing Co., Inc., 330 South Wyman Street, Rockford, Ill. 61011; Armando F. Bertusi, doing business as Bertusi & Son, 1413 First Street, La Salle, Ill. 61301. Send protests to: District Supervisor Raymond E. Mauk, Bureau of Operations and Compliance, Interstate Commerce Commission, 1086 U.S. Courthouse, Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128375 (Sub-No. 6 TA), filed March 20, 1967. Applicant: CRETE CARRIER CORPORATION, Box 249, Crete, Nebr. 68333. Applicant's representative: Charles J. Kimbell, Box 2028, Lincoln, Nebr. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Metal and fiberglass containers, industrial blenders, and dump station machines, frankfurter processing machines, sand blasters, truck hoists, tractor stilts, stock tank heaters, farm fertilizer applicators, nurse tank wagons, and parts therefor*, from Lenox, Iowa, and Beatrice, Nebr. to points in the United States (except points in Hawaii and Alaska) and (2) *Interplant shipments only of tools, parts, supplies, and partially fabricated products* utilized in connection with the manufacturing of the above-stated commodities, between Lenox, Iowa, Beatrice, Nebr., and ports of entry on the International boundary line between the United States and Canada in the States of Minnesota, North Dakota, and Michigan, destined to Tilsonburg, Ontario, Canada, for 180 days. Supporting shipper: Tote Systems, Division Hoover Ball & Bearing Co., 700–10 South Seventh Street, Beatrice, Nebr. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations and Compliance, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 128413 (Sub-No. 2 TA), filed March 22, 1967. Applicant: SEASON-ALL TRANSPORTATION CO., Route 119, Indiana, Pa. 15701. Applicant's representative: Richard J. Smith, 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Tent pins*, from the plantsites or other facilities of Season-All Industries, Inc., at or near Indiana, Pa., to Ogden, Utah, restricted to service to be performed under a continuing contract or contracts with Season-All Industries, Inc., for 180 days. Supporting shipper: Season-All Industries, Inc., Route 119, Indiana, Pa. 15701. Send protests to: Mr. Frank L. Calvary, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 128806 (Sub-No. 1 TA), filed March 20, 1967. Applicant: NUNES TRUCKING CO., INC., 114 Liberty Street, Barrington, Ill. 60010. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate fertilizer, and liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles from Marseilles, Ill., and points within 5 miles thereof to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shippers: The Borden Chemical Co., Smith-Douglass Division, Post Office Box 419, 5100 Virginia Beach Boulevard, Norfolk, Va. 23501; F. S. Royster Guano Co., Norfolk, Va. 23501. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128895 (Sub-No. 1 TA), filed March 20, 1967. Applicant: HENRY SCHUUR, doing business as INDIANA MOBILE HOME TRANSPORT, 4505 North 16th Street, Terre Haute, Ind. 47805. Applicant's representative: W. W. Jordan, 201 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind. 47801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, equipment and contents thereof* in secondary movements between points in Indiana, Illinois, Kentucky, and Ohio for 180 days. Supporting shippers: Town & Country Trailer Park, 4505 North 16th Street, Terre Haute, Ind.; Froehde Mobile Homes, Inc., Seventh Street and Lafayette Avenue, Terre Haute, Ind.; 40 West Mobile Home Park, Terre Haute, Ind.; Snyder's Modern

Trailer Court, Terre Haute, Ind.; Elm Grove Trailer Park, Terre Haute, Ind.; Latta Motel & Mobile Home Park, Terre Haute, Ind.; Jones Trailer Park, Terre Haute, Ind.; Morris Trailer Park, Terre Haute, Ind. Send protests to: District Supervisor R. M. Hagarty, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 128939 (Sub-No. 1 TA), filed March 21, 1967. Applicant: AYRCO CORPORATION, 3921 Imlay Street, Toledo, Ohio 43612. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from Milwaukee, Wis., to Toledo, Ohio, and return of *empty containers, rejected or damaged merchandise*, from Toledo, Ohio, to Milwaukee, Wis., for 180 days. Supporting shipper: Seaway Beverage Co., Great Lakes Distributors, Inc., 3928 North Detroit Avenue, Toledo, Ohio 43612. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, Toledo, Ohio 43604.

No. MC 128943 TA, filed March 20, 1967. Applicant: C & T MOVING & STORAGE CO., INC., 4331 Factory Hill, San Antonio, Tex. 78219. Applicant's representative: Leslie J. Bretz, National Bank of Commerce Building, San Antonio, Tex. 78205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between San Antonio, Tex., on the one hand, and, on the other, points within a radius of 50 miles of San Antonio, Tex., restricted to shipments having a prior or subsequent movement beyond said points in containers and further restricted to and in connection with packing, crating, and containerizing or unpacking, uncrating, and decontainerizing for 180 days. Supporting shipper: Convan Corp., 50 Broad Street, New York, N.Y. 10004. Send protests to: James H. Berry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Manion Building, San Antonio, Tex. 78205.

No. MC 128944 TA, filed March 20, 1967. Applicant: HOOVER FREIGHTWAYS, INC., 710 Third National Bank Building, Nashville, Tenn. 37219. Applicant's representative: Clarence Evans, 710 Third National Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). (A) Between Nashville, Tenn., on the one hand, and, on the other, the points of Florence, Sheffield, and Tuscumbia, Ala., and all points within 10 miles of any of these Alabama points; and also serving Russellville, Ala., as an off-route point, over all of the routes described in paragraphs B, C, and D hereinafter; (B) from Nashville over U.S. Highway 31 to Columbia, Tenn., thence over U.S. Highway 43 to its junction with U.S. Highway 72, thence over U.S. Highway 72 to Tuscumbia, Ala., and return over the same route; (C) from Nashville over Interstate Highway 65 to Decatur, Ala., and thence over U.S. Highway 72A to Tuscumbia, and return over the same route, and (D) from the junction of Interstate Highway 65 and U.S. Highway 72 near Athens, Ala., over U.S. Highway 72 to Tuscumbia, and return over the same route, with authority to use the afore-described route segments, or portions thereof, in conjunction with each other, but with a restriction against service at any point other than those points specified in paragraph (A), for 180 days. Supporting shippers: There are approximately 43 statements from supporting shippers attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 128945 TA, filed March 20, 1967. Applicant: TC-SS AUTO AUCTIONS, INC., Building 107, Pasco Airport, Pasco, Wash. 99301. Applicant's representative: Donald A. Ericson, Suite 709, Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles* and *light duty trucks*, between Seattle, Wash., and Pasco, Wash., on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, California, and Nevada, for 180 days. Supporting shippers: R. H. Berger, President and Manager, Tri-City Auto Auction, Building 107, Pasco Airport, Pasco, Wash. 99201; Robert McConkey, President and Manager, South Seattle Auto Auction, Inc., 10844 East Marginal Way, Seattle, Wash. 98168. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3502; Filed, Mar. 29, 1967; 8:50 a.m.]

[Notice 1497]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 27, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69460. By order of March 22, 1967, the Transfer Board approved the transfer to W. H. Dardio and M. J. Steinke, doing business as D. & S. Trucking, Wapakoneta, Ohio, of the operating rights in certificates Nos. MC 111957 and MC 111957 (Sub-No. 3) issued October 18, 1955, and January 14, 1960, respectively, to Daniel B. Gaberdiel, Daniel B. Gaberdiel, Jr., and Paul G. Gaberdiel, doing business as Daniel B. Gaberdiel & Sons, Spencerville, Ohio, authorizing the transportation of: Petroleum products, in containers, over irregular routes, from St. Marys, W. Va., to St. Marys, Ohio. Creosoted wood products, and returned shipments of same, between points in Bath Township, Allen County, Ohio, to points in Indiana and the Lower Peninsula of Michigan. Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-69508. By order of March 23, 1967, the Transfer Board approved the transfer to Harry Carpenter and Earl Carpenter, doing business as Carpenter Bros. Trucking, Plattsburgh, N.Y., of the operating rights in certificate No. MC 89082 issued April 20, 1960, to Harold M. Legier, doing business as Legier Bros., Plattsburgh, N.Y., authorizing the transportation of household goods, between Plattsburgh and Essex, N.Y., and 25 miles of each, to points in Vermont, Connecticut, Maine, Massachusetts, New Hampshire, Pennsylvania, and New Jersey. John J. Bennett, Post Office Box 1009, Plattsburgh, N.Y. 12901, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3503; Filed, Mar. 29, 1967; 8:50 a.m.]

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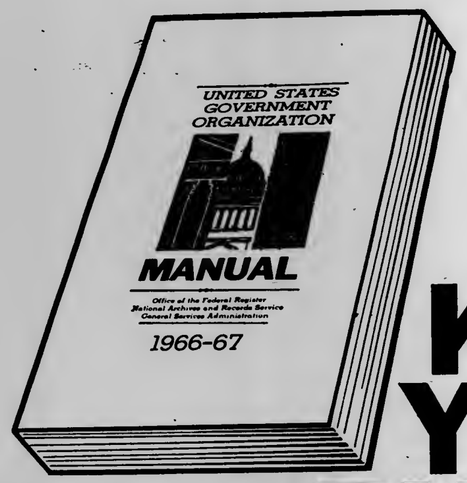
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FEDERAL REGISTER

VOLUME 32 NUMBER 62

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Pages 5407–5448

Agencies in this issue—

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Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Customs Bureau
Defense Department
Farm Credit Administration
Federal Aviation Agency
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
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Interior Department
Interstate Commerce Commission
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National Park Service
Office of Special Representative for Trade Negotiations
Securities and Exchange Commission
Treasury Department
Wage and Hour Division

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the position of Director of Operations in the Office of the Assistant Secretary of Defense (Public Affairs) has been replaced by the position of Deputy Assistant Secretary (Operations) in the office of the Assistant Secretary of Defense (Public Affairs) and that the listing for his Private Secretary has been changed to agree with her superior's title. Effective on publication in the FEDERAL REGISTER subparagrahs (45) and (46) are amended as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(45) Deputy Assistant Secretary (Operations), Office of the Assistant Secretary of Defense (Public Affairs).

(46) One Private Secretary to the Deputy Assistant Secretary (Operations), Office of the Assistant Secretary of Defense (Public Affairs).

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 67–3541; Filed, Mar. 30, 1967; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 is amended to show that a new Schedule A authority is provided to facilitate participation of Federal agencies in the 1967 President's Youth Opportunity Campaign. The section is also amended to show that the Schedule A authority provided to facilitate participation in the President's Back-to-School Drive is revised to permit 20 hours of employment between May 1, and September 30, 1967, to eliminate the need for school attendance during the summer, and to suspend use of the authority to make new appointments between May 1, and September 2, 1967. Effective on publication in the FEDERAL REGISTER, a new paragraph (v) is added to § 213.3102 and paragraph (w) is amended as set out below.

§ 213.3102 Entire Executive Civil Service.

* * * * *

(v) Between May 14, 1967, and September 30, 1967, temporary summer trainee positions whose duties involve work of a routine nature not regularly covered under the General Schedule and requiring no specific knowledges or skills, when filled by persons appointed in furtherance of the President's Youth Opportunity Campaign. A person may not be appointed unless he has reached his 16th but not his 22d birthday, or employed for more than 700 hours under this paragraph. This paragraph shall apply only to positions whose pay is fixed at the equivalent of the minimum wage rate established by the Fair Labor Standards Amendments of 1966 (currently $1.40 an hour) or at the equivalent of an applicable State or municipal minimum wage rate, if that is higher.

(w) Part-time or intermittent positions the duties of which involve work of a routine nature when filled by students appointed in furtherance of the President's Youth Opportunity Back-to-School Drive and when the following conditions are met: (1) Appointees are enrolled in or accepted for enrollment in a resident secondary school or institution of higher learning, accredited by a recognized accrediting body; (2) employment does not exceed 16 hours (20 hours during the period from May 1, 1967, through September 30, 1967) in any calendar week; (3) while employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer; (4) appointees need the earnings from the employment to continue in school; and (5) salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance. Appointments under this authority may not extend beyond 1 year: *Provided*, That such appointments may be extended for additional periods of not to exceed 1 year each if the conditions for initial appointment are still met. An agency head may not appoint under this authority the son or daughter of a civilian employee of that agency or the son or daughter of a member of its uniformed service. A person may not be appointed under this authority unless he has reached his 16th but not his 22d birthday. No new appointments may be made under this authority between May 1, 1967, and September 2, 1967.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–3590; Filed, Mar. 30, 1967; 8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67–86]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation of Empty Cargo Vans and Shipping Tanks by South African Vessels

On the basis of information obtained and furnished by the Department of State, it is found that the Government of South Africa extends to vessels of the United States in ports of South Africa privileges reciprocal to those provided for in § 4.93(a) of the Customs Regulations. Vessels of South Africa are therefore entitled to the privileges granted by this section.

Accordingly, § 4.93(b) of the Customs Regulations is amended by the insertion of "South Africa" in appropriate alphabetical order in the list of countries in that section.

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 2, 883)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: March 17, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67–3545; Filed, Mar. 30, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66–EA–99]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

On January 13, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 389) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airway No. 266 segment between Franklin, Va., and Norfolk, Va.

Interested persons were afforded an opportunity to participate in the pro-

posed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

In § 71.123 (32 F.R. 2009) V–226 is amended by deleting "12 AGL Norfolk, Va." and substituting "12 AGL INT Franklin 087° and Norfolk, Va., 226° radials; 12 AGL Norfolk" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 24, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–3528; Filed, Mar. 30, 1967; 8:46 a.m.]

[Airspace Docket No. 67–WA–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Federal Airway Descriptions; Alterations

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the descriptions of several of those airways to which Amendment 60–21/29 has been applied, by encoding the airway descriptions in accordance with the format adopted in Regulatory Docket No. 6540, Amendment No. 71–3 to the Federal Aviation Regulations (30 F.R. 3932). The airspace assigned by these descriptions will remain unaffected.

Since these amendments are editorial in nature, do not involve the assignment or reassignment of airspace, and will not place a burden on the public, the Administrator has determined that notice and public procedure hereon are unnecessary and that they may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth.

§ 71.123 [Amended]

1. Section 71.123 (32 F.R. 2009) is amended as follows:

a. In V–22 "12 AGL Harvey, La.; 12 AGL INT Harvey 073°" and "The airspace more than 3 miles south of centerline is excluded from 25 miles west to 25 miles east of Harvey." is deleted and "20 miles, 12 AGL; 7 miles wide (4 miles north and 3 miles south of centerline) 12 AGL Harvey, La.; 25 miles, 7-mile wide (4 miles north and 3 miles south of centerline) 12 AGL INT Harvey 073°" is substituted therefor.

b. V–186 is amended to read as follows:

V–186 From Fillmore, Calif., 12 AGL Van Nuys, Calif.; 12 AGL Ontario, Calif.

c. V–326 is amended to read as follows:

V–326 From Fillmore, Calif., 12 AGL INT Fillmore 163° and Van Nuys, Calif., 270° radials; 12 AGL Van Nuys.

d. V–518 is amended to read as follows:

V–518 From Fillmore, Calif., 12 AGL INT Fillmore 102° and Ventura, Calif., 061° radials; 12 AGL INT Ventura 061° and Palmdale, Calif., 233° radials; 12 AGL Palmdale.

2. Section 71.127 (32 F.R. 2059) is amended to read as follows:

§ 71.127 Hawaiian VOR Federal airways.

V–1 Hawaii from INT Upolu Point, Hawaii, 093° and Hilo, Hawaii, 334° radials, 12 AGL INT Upolu Point 093° and Hilo 034° radials; 12 AGL Hilo.

V–2 Hawaii from South Kauai, Hawaii, 12 AGL Lihue, Hawaii, 12 AGL INT Lihue 130° and Honolulu, Hawaii, 269° radials; 12 AGL Honolulu; 12 AGL INT Honolulu 113° and Lanai, Hawaii, 304° radials; 12 AGL Lanai, including a 12 AGL south alternate; 12 AGL INT Lanai 107° and Upolu Point, Hawaii, 305° radials; 12 AGL Upolu Point; 12 AGL INT Upolu Point 093° and Hilo, Hawaii, 334° radials; 12 AGL Hilo; 12 AGL INT Hilo 091° and the 022° bearing from Pahoa, Hawaii, RBN. The airspace within R–3104 is excluded.

V–3 Hawaii from INT Kamuela, Hawaii, 245° and Upolu Point, Hawaii, 211° radials, 12 AGL Kamuela; 12 AGL INT Kamuela 067° and Hilo, Hawaii, 334° radials.

V–4 Hawaii from INT Lihue, Hawaii, 186° and Koko Head, Hawaii, 254° radials, 54 miles, 35 MSL, 12 AGL Koko Head; 15 miles, 12 AGL, 25 MSL INT Koko Head 065° and Upolu Point, Hawaii, 002° radials.

V–5 Hawaii from Kona, Hawaii, 12 AGL INT Kona 338° and Maui, Hawaii, 179° radials, including a 12 AGL west alternate via INT Kona 323° and Maui 179° radials.

V–6 Hawaii from INT Molokai, Hawaii, 067° and Maui, Hawaii 331° radials, 12 AGL Maui; 12 AGL INT Maui 080° and Hilo, Hawaii, 334° radials; 12 AGL Hilo.

V–7 Hawaii from Lanai, Hawaii, 12 AGL Molokai, Hawaii.

V–8 Hawaii from INT Honolulu, Hawaii, 179° and Molokai, Hawaii, 268° radials, 12 AGL Molokai; 30 miles 12 AGL, 25 MSL INT Molokai 067° and Upolu Point, Hawaii, 010° radials.

V–9 Hawaii from INT Lanai, Hawaii, 224° and Honolulu, Hawaii, 179° radials, 12 AGL Honolulu. The airspace above FL–300 within W–321 (Area C) is excluded.

V–10 Hawaii from Hilo, Hawaii, 39 miles 12 AGL, 25 MSL INT Hilo 051° and Upolu Point, Hawaii, 081° radials.

V–11 Hawaii from INT Kona, Hawaii, 323° and Upolu Point, Hawaii, 211° radials; 12 AGL Upolu Point; 12 AGL INT Upolu Point 349° and Maui, Hawaii, 080° radials.

V–12 Hawaii from INT Lihue, Hawaii, 195° and Honolulu, Hawaii, 269° radials, 38 miles, 35 MSL, 12 AGL Honolulu; 12 AGL Koko Head, Hawaii; 14 miles 12 AGL, 25 MSL INT Koko Head 050° and Maui, Hawaii, 012° radials.

V–13 Hawaii from Lihue, Hawaii, 12 AGL INT Lihue 145° and Honolulu, Hawaii, 269° radials; 12 AGL INT South Kauai, Hawaii, 133° and Koko Head, Hawaii, 254° radials; 12 AGL Koko Head.

V–14 Hawaii from INT South Kauai, Hawaii, 271° radial and longitude 161°20'00" W.; 50 MSL longitude 159°42'00" W.; 12 AGL South Kauai; 12 AGL INT South Kauai 133° and Koko Head, Hawaii, 254° radials; 12 AGL Koko Head.

V–15 Hawaii from INT South Kauai, Hawaii, 268° radial and longitude 161°15'00" W.; 50 MSL longitude 159°42'00" W.; 12 AGL South Kauai; 12 AGL INT South Kauai, 108° and Lihue, Hawaii, 130° radials; 12 AGL INT Lihue 130° and Honolulu, Hawaii, 269° radials; 12 AGL Honolulu, 12 AGL Koko Head, Hawaii; 12 AGL Molokai, Hawaii, 12 AGL Maui, Hawaii; 12 AGL INT Maui 095° and Hilo, Hawaii, 334° radials; 12 AGL Hilo.

V–16 Hawaii from Honolulu, Hawaii, 12 AGL INT Honolulu 179° and Lanai, Hawaii, 289° radials; 12 AGL Lanai; 12 AGL Upolu Point, Hawaii; 12 AGL INT Upolu Point 108° and Hilo, Hawaii, 034° radials; 12 AGL Hilo.

V–17 Hawaii from INT Lanai, Hawaii, 118° and Maui, Hawaii, 201° radials; 12 AGL Maui.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–3529; Filed, Mar. 30, 1967; 8:47 a.m.]

[Airspace Docket No. 67–WE–9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Revocation and Redesignation of Restricted Areas and Alteration of Controlled Airspace

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to revoke Restricted Area R–2513B at Hunter-Liggett, Calif., and redesignate R–2513A as R–2513.

Military test activities for which R–2513B was established have been completed; therefore, that restricted area is no longer required and action is taken herein to revoke R–2513B and to redesignate R–2513A as R–2513.

Since these amendments are less restrictive upon the public, notice and public procedure hereon are unnecessary and for that reason they may be made effective on less than 30 days notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective upon publication in the FEDERAL REGISTER, as herein set forth.

In § 71.151 (32 F.R. 2061) the Continental Control Area is amended by deleting "R–2513A Hunter-Liggett, Calif." and substituting therefor "R–2513 Hunter-Liggett, Calif."

In § 73.25 (32 F.R. 2297) R–2513B Hunter-Liggett, Calif., is revoked and "R–2513A Hunter-Liggett, Calif." is redesignated as "R–2513 Hunter-Liggett, Calif."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 23, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67–3530; Filed, Mar. 30, 1967; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8043; Amdt. 529]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FOD VOR	Webster City RBn	Direct	2600	T–dn	300–1	300–1	200–½
Aiden Int	Webster City RBn	Direct	2600	C–d	600–1	600–1	600–1½
Nevada Int	Webster City RBn	Direct	2600	C–n	600–1½	600–1½	600–1½
				S–dn–32	600–1	600–1	600–1
				A–dn	NA	NA	NA

Procedure turn E side of crs, 144° Outbnd, 324° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, *1700'. (*1900' when using Mason City altimeter setting.)
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of the Webster City RBn, make left-climbing turn to 2600' on 144° magnetic bearing from RBn, within 10 miles.
NOTE: Use Fort Dodge altimeter setting. When Fort Dodge altimeter setting is not available, use Mason City altimeter setting. Circling and straight-in minimums are raised 200' when using Mason City altimeter setting.
CAUTION: Runways 17/35 unlighted.
MSA within 25 miles of facility: 000°–090°—2400'; 090°–360°—2800'.

City, Webster City; State, Iowa; Airport name, Webster City Municipal; Elev., 1100'; Fac. Class., MIIW; Ident., EBS; Procedure No. NDB (ADF) Runway 32, Amdt. 1; Eff. date, 22 Apr. 67; Sup. Amdt. No. ADF–1, Orig.; Dated 5 Jan. 67

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn	300–2	300–2	300–2
				C–dn	600–2	600–2	600–2
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 168° Outbnd, 348° Inbnd, 2700' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 348°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing MLC VOR, climb to 2200' on crs of 347° within 20 miles.
NOTE: No reduction in minimums authorized.
MSA within 25 miles of facility: 000°–180°—3200'; 180°–270°—2600'; 270°–360°—2200'.

City, McAlester; State, Okla.; Airport name, McAlester Municipal; Elev., 770'; Fac. Class., L–BVORTAC; Ident., MLC; Procedure No. VOR Runway 1, Amdt. 7; Eff. date, 22 Apr. 67; Sup. Amdt. No. VOR 1, Amdt. 6; Dated, 22 Feb. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	300–1
				C-dn	600–1	700–1	700–1½
				A-dn	800–2	800–2	800–2
				Minimums with DME or 4-mile DME Fix identified by radar:			
				C-dn	500–1	600–1	600–1½

Radar available.
Procedure turn W side of crs, 221° Outbnd, 041° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′; over 4-mile DME Fix, R 041°—1999′.
Crs and distance, facility to airport, 041°—8.1 miles; 4-mile DME Fix to airport, 041°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.1 miles after passing OKC VOR, turn left, intercept the OKC VOR, R 028°, climb to 3000′ within 20 miles.
MSA within 25 miles of facility: 000°–090°—3800′; 090°–180°—2900′; 180°–270°—3000′; 270°–360°—2700′.

City, Oklahoma City; State, Okla.; Airport name, Wiley Post; Elev., 1299′; Fac. Class., H-BVORTAC; Ident., OKC; Procedure No. VOR-1, Amdt. 7; Eff. date, 22 Apr. 67; Sup. Amdt. No. VOR-1, Amdt. 6; Dated, 26 Mar. 66

Oklahoma City VORTAC	McLain VHF Int	Via OKC, R 028° and PWA, R 001°.	2800	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-17	400–1	400–1	400–1
Cresent VHF Int	McLain VHF Int	PWA, R 001°.	2800	A-dn	800–2	800–2	800–2
Guthrie VHF Int	McLain VHF Int	Via IFI, R 082° and PWA, R 001°.	2800				

Radar available.
Procedure turn W side of crs, 001° Outbnd, 181° Inbnd, 2800′ within 10 miles of McLain Int.
Minimum altitude over McLain VHF Int or 6-mile Radar Fix on final approach crs, 2800′.
Crs and distance, McLain VHF Int to facility on airport, 181°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing PWA VOR, climb to 3000′ on R 181° of PWA VOR, within 20 miles, or when directed by ATC, turn right, climb to 3000′ direct to OKC VORTAC.
NOTE: Dual VOR receivers required or McLain Int identified by radar.
CAUTION: 2749′ TV towers, 7 miles ENE of Wiley Post Airport.
MSA within 25 miles of facility: 000°–180°—3800′; 180°–360°—3000′.

City, Oklahoma City; State, Okla.; Airport name, Wiley Post; Elev., 1299′; Fac. Class., T-BVOR; Ident, PWA; Procedure No. VOR Runway 17, Amdt. Orig.; Eff. date, 22 Apr. 67

Oklahoma City VORTAC	Wheatland VHF Int	Via OKC, R 090°	2800	T-dn	300–1	300–1	200–½
Washington VHF Int	Wheatland VHF Int	Via OKC, R 145° and PWA, R 167°.	2800	C-dn	500–1	500–1	500–1½
				S-dn-35	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 167° Outbnd, 347° Inbnd, 2800′ within 10 miles of Wheatland Int.
Minimum altitude over Wheatland VHF Int or 6-mile Radar Fix on final approach crs, 2800′.
Crs and distance, Wheatland VHF Int to facility on airport, 347°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing PWA VOR, climb to 3000′ on R 347° of PWA VOR, within 20 miles, or when directed by ATC, turn left, climb to 3000′ direct to OKC VORTAC.
NOTE: Dual VOR receivers required or Wheatland Int identified by radar.
CAUTION: 2749′ TV towers, 7 miles ENE of Wiley Post Airport.
MSA within 25 miles of facility: 000°–180°—3800′; 180°–360°—3000′.

City, Oklahoma City; State, Okla.; Airport name, Wiley Post; Elev., 1299′; Fac. Class., T-BVOR; Ident., PWA; Procedure No. VOR Runway 35, Amdt. Orig.; Eff. date, 22 Apr. 67

				T-dn	300–1	300–1	NA
				C-dn*	1000–1½	1000–1½	NA
				S-d-4	900–1½	900–1½	NA
				A-dn	NA	NA	NA

Procedure turn not authorized, descend to 4000′ in RAV VOR holding pattern, 1-minute left turns, Inbnd crs, 085°.
Minimum altitude over facility on final approach crs, 4000′; Hegins Int 8-mile DME Fix, 3300′.
Crs and distance, facility to airport, 057°—13.8 miles. Hegins Int 8-mile DME Fix, 057°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing Hegins Int 8-mile DME Fix, make right-climbing turn to 4000′, proceed direct to RAV VOR. Hold W, 1-minute left turns, Inbnd crs, 085°.
NOTE: Use Harrisburg altimeter setting.
CAUTION: Varying degrees of turbulence may be encountered due to precipitous terrain underlying final approach crs.
*Night operation Runways 4/22 not authorized.
MSA within 25 miles of facility: 000°–090°—3200′; 090°–180°—2700′; 180°–270°—2700′; 270°–360°—3200′.

City, Pottsville; State, Pa.; Airport name, Schuylkill County (Joe Zerbey); Elev., 1724′; Fac. Class., L-BVORTAC; Ident., RAV; Procedure No. VOR Runway 4, Amdt. Orig.; Eff. date, 22 Apr. 67

3. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FCM VOR	LOM	Direct	2600	T-dn¢	300–1	300–1	200–½
MSP VOR	LOM	Direct	2600	C-dn	500–1	500–1	500–1½
FGT VOR	LOM	Direct	2600	S-dn-29L*$	200–½	200–½	200–½
Prior Int	LOM	Direct	2600	A-dn	600–2	600–2	600–2
White Bear Int	LOM	Direct	2600				

Radar available.
Procedure turn E side of crs, 115° Outbnd, 295° Inbnd, 2600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2600′.
Altitude of glide slope and distance to approach end of Runway at OM, 2511′—5.5 miles; at MM, 1033′—0.5 mile.
Crs and distance, 2.2-mile DME Fix and Egan Tank Radar Fix to airport, 295°—2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM, climb to 2500′ on NW crs, ILS within 10 miles, or when directed by ATC, make left-climbing turn, climb to 2600′ and return to LOM.
NOTE: DME should not be used to determine aircraft position over MM, runway threshold or runway touchdown point.
¢RVR 2400′ authorized Runway 29L.
$RVR 2400′. Descent below 1040′ not authorized unless approach lights are visible.
*500–¾ required when glide slope not utilized, 500–½ authorized with operative ALS except for 4-engine turbojets. 400′ minimum authorized after passing the 2.2-mile DME Fix, or the Egan Tank Radar Fix.

City, Minneapolis; State, Minn.; Airport name, Minneapolis-St. Paul International (World-Chamberlin); Elev., 840′; Fac. Class., ILS; Ident., I-MSP; Procedure No. ILS Runway 29L, Amdt. 24; Eff. date, 22 Apr. 67; Sup. Amdt. No. ILS-29L, Amdt. 23; Dated, 3 Dec. 66

Shreveport VOR	Forbing Int	Direct	2300	T-dn	300–1	300–1	200–½
Barksdale VOR	Forbing Int	Direct	1800	C-dn	400–1	500–1	500–1½
				S-dn-31*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn S side of crs, 136° Outbnd, 316° Inbnd, 1800′ within 10 miles of Forbing Int.
Minimum altitude over Forbing Int or 5.2-mile Radar Fix on final approach crs, 1500′.
Crs and distance, Forbing Int or 5.2-mile Radar Fix to airport, 316°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing Forbing Int, climb to 3000′ on NW crs of ILS within 10 miles, or when directed by ATC, turn left, climb to 1800′ and intercept R 184°, SHV VOR within 20 miles.
*400–¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets.

City, Shreveport; State, La.; Airport name, Greater Shreveport Municipal; Elev., 257′; Fac. Class., ILS; Ident., I-SHV; Procedure No. Local (back crs) Runway 31, Amdt. 8; Eff. date, 22 Apr. 67; Sup. Amdt. No. ILS-31 (back crs), Amdt. 7; Dated, 31 July 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on March 17, 1967.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-3263; Filed, Mar. 30, 1967; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 640—FEDERAL INTERMEDIATE CREDIT BANKS

Subpart B—Loans and Discounts

SAME; OTHER FINANCING INSTITUTIONS

Part 640 of Title 12 of the Code of Federal Regulations is amended by changing § 640.226–2(b) (31 F.R. 16249) to read as follows:

§ 640.226–2 Same; other financing institutions.

* * * * *

(b) Either the holder or holders of at least a majority of its outstanding shares of voting stock or a principal stockholder or stockholders will, (1) endorse, or sign as comakers, all notes evidencing such loans; or (2) execute continuing guaranties of all indebtedness of such corporation to the payee lending institution. The requirement in subparagraph (2) of this paragraph may be met by two or more stockholders each executing a guaranty for a specified percentage of the indebtedness, with the aggregate of such guaranties affording personal liability for 100 percent of the indebtedness. If such personal liability of stockholders of the borrowing corporation cannot be obtained by reason of ownership of its capital stock by another corporation, the stockholder liability requirement may be met by like endorsement or guaranty on the part of an individual stockholder or stockholders of such parent of affiliated corporation. As an exception thereto, the payee lending institution may waive the foregoing stockholder liability requirement for loans to eligible corporations if in its judgment the soundness of the loan and continuity of management are reasonably assured without such personal liability, subject to concurrence in such waiver by the Bank and the Farm Credit Administration on loans requiring their approval.

(Sec. 209, 42 Stat. 1459, as amended; 12 U.S.C. 1101)

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 67-3540; Filed, Mar. 30, 1967; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 608—HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO

PART 689—SUGAR MANUFACTURING INDUSTRY IN PUERTO RICO

PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS

Effective Date of Wage Orders

On March 23, 1967, wage orders providing new minimum hourly rates of pay

having effect under the Fair Labor Standards Act of 1938 were published in the FEDERAL REGISTER for the handkerchief, scarf, and art linen industry in Puerto Rico (29 CFR Part 608; 32 F.R. 4407), the sugar manufacturing industry in Puerto Rico, and all industries in the Virgin Islands (29 CFR Parts 689 and 694; 32 F.R. 4408). The effective date provided for these wage orders and certain other ones included in the document published at 32 F.R. 4408 is April 8, 1967. That date, insofar as it applies to the changes made in 29 CFR 608, 689, and 694.2(a) is hereby changed to April 2, 1967 so that the wage rates for employments to which the minimum wage provisions of the Act had application prior to the Fair Labor Standards Amendments of 1966 will take effect on the date as to which the employing industries had notice since September 23 1966, when the Fair Labor Standards Amendments of 1966 (P.L. 89-601) were enacted. The effective date of the wage rates for other industries provided in the document published at 32 F.R. 4408 (29 CFR 694.2(b), 721, 722, and 723) shall remain April 8, 1967, as provided in that document, however, as these are rates for employments to which the Act was extended by the 1966 amendments and the recommendations of industry committees which should not have effect prior to the expiration of 15 days after the date of publication as provided in section 8(d) of the Act.

Signed at Washington, D.C., this 28th day of March 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 67-3568; Filed, Mar. 30, 1967; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published March 18, 1967 (32 F.R. 4275), which were designated for wheat crop insurance for the 1968 crop year.

MISSOURI

Butler.

(Secs. 506, 516, 52 Stat., 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3535; Filed, Mar. 30, 1967; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purposes of this amendment are as follows:

1. In certain cases the cropland on a farm for the current year may be insufficient to support all authorized land uses for allotted crops and feed grain bases in the current year. Failure to plant 75 percent of the farm allotment in such cases is considered as resulting from a condition beyond the control of producers on the farm within the meaning of the exception to the 75 percent rule in section 344(f)(8) of the act. Section 722.514(a)(4) is added to provide farm base protection in such cases.

2. The language in § 722.505 is revised to recognize that the national marketing quota referendum may be held during a period of time in case of mail ballot.

3. A typographical error in § 722.508 (b) is corrected.

Since this amendment only involves technical, corrective, and clarifying changes, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 (80 Stat. 383) is unnecessary. Accordingly, this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The regulations for Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton (31 F.R. 6247, 13530) are amended as follows:

1. The first sentence of § 722.505 is amended to read as follows:

§ 722.505 Annual national ELS cotton marketing quota referendum.

A referendum of the farmers who are engaged in the production of ELS cotton in the year preceding the current year will be held on the date or during the period of time to be published in the FEDERAL REGISTER for each crop for which farm acreage allotments and farm marketing quotas are proclaimed. * * *

§ 722.508 [Amended]

2. The reference to "paragraph (s)" in the first sentence of paragraph (b) of § 722.508 is corrected to read "paragraph (a)".

3. Paragraph (a) of § 722.514 is amended by adding a new subparagraph (4) at the end thereof to read as follows:

§ 722.514 Adjustment of allotment bases and determination of acreage history.

(a) *Farm base adjustments under section 344(f)(8) of the act applicable to plantings of ELS cotton in the current year.* * * *

(4) In any case where the county committee determines that failure to plant at least 75 percent of the farm allotment was the result of insufficient cropland on the farm to support all authorized land uses for allotted crops and feed grain bases in the current year, such failure shall be considered as resulting from a condition beyond the control of producers on the farm. The acreage not planted under the farm allotment because of insufficient cropland as determined by the county committee shall be regarded as planted on the farm for purposes of the 75 percent rule in computing the farm base under section 344(f)(8) of the act.

* * * * *

(Secs. 343, 344, 375, 63 Stat. 670, as amended 52 Stat. 66, as amended; 7 U.S.C. 1343, 1344, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 27, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-3560; Filed, Mar. 30, 1967; 8:49 a.m.]

[Amdt. 7]

PART 728—WHEAT

Subpart—Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for the Crop Years 1966 Through 1969

MISCELLANEOUS AMENDMENTS

The regulations pertaining to acreage allotments, yields, wheat diversion, and wheat certificate programs for the crop years 1966 through 1969, as amended, are amended as follows:

1. Section 728.315(b)(2) is amended by deleting the second and third sentences thereof and inserting the following: "Where a changed odd and even rotation is established for 1967 or a subsequent year, the new odd-even adjustment factors shall be determined as follows. Subtract the revised preliminary allotment (allotment requested divided by county adjustment factor) for the current year from the original preliminary allotment. Add this difference to the final allotment for the immediately preceding year and divide the total by the current year's revised preliminary allotment. The decimal factor so obtained will be the new odd-even adjustment factor for the year immediately following the current year. The reciprocal of such factor will be the odd-even adjustment factor for the current year and subsequent odd or even years, as the case may be."

2. Section 728.315(b)(3) is amended by placing a period after the phrase "of this paragraph", deleting the balance of the sentence and adding the following two new sentences at the end thereof: "Any revision of an odd and even crop rotation which does not result in a regular rotation shall not result in a larger preliminary allotment for the current year than the preliminary allotment that would have been in effect had no revision occurred. Regular rotation allotments shall not be revised to odd and even rotation allotments."

3. Section 728.315 is further amended by adding a new paragraph (e) to read as follows:

(e) *Adjustment for underplanting.* Where the wheat history acreage for the second year preceding the current year has been reduced below the farm allotment under § 728.310(n)(1), the preliminary allotment shall be the wheat acreage history for the second year preceding adjusted by the county allotment factor for the immediately preceding year.

4. Section 728.325(a) is amended by inserting the words "in excess of zero but" between the words "is" and "less" on the fourth line of the opening paragraph.

5. Section 728.325(a) is amended by inserting the following new sentence immediately preceding the last sentence of the second paragraph: "For purposes of making this determination for a farm having an odd-even crop rotation, the wheat acreage allotment shall be replaced by the average of the wheat allotment for the immediately preceding year adjusted by the county allotment factor for the current year and the current year's wheat allotment."

6. Section 728.325(b) is amended to include Ravelli County under the listing for the State of Montana.

7. Section 728.416a(e) is amended by inserting 23.7 bushels as the projected 1967 yield for South St. Louis County under the listing for the State of Minnesota.

(Secs. 339, 375, 379j; 52 Stat. 66, as amended, 76 Stat. 624, 76 Stat. 630; 7 U.S.C. 1339, 1375, 1379j)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 27, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-3561; Filed, Mar. 30, 1967; 8:49 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 6]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—1963 Cropland Conversion Program

USE OF DESIGNATED ACREAGE

The regulations governing the 1963 Cropland Conversion Program, 28 F.R. 1206, as amended, are hereby further amended as follows:

Section 751.19 *Use of designated acreage* is amended by adding at the end thereof a sentence as follows: "The thinning of trees, ornamentals, or greens in accordance with sound forestry management and the sale of such products shall not be considered as harvesting a crop."

(Sec. 16(c), 76 Stat. 606, 16 U.S.C. 590p(e))

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 27, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-3564; Filed, Mar. 30, 1967; 8:50 a.m.]

[Amdt. 4]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—1964-65 Cropland Conversion Program

DESIGNATION AND USE OF ACREAGE

The regulations governing the 1964-65 Cropland Conversion Program, 29 F.R. 13559, are hereby amended as follows:

Section 751.61 *Designation and use of acreage* is amended by adding at the end thereof a sentence as follows: "The thinning of trees, ornamentals, or greens in accordance with sound forestry management and the sale of such products shall not be considered as harvesting a crop.".

(Sec. 16(e), 76 Stat. 606, 16 U.S.C. 590p(e))

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 27, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-3563; Filed, Mar. 30, 1967; 8:50 a.m.]

[Amdt. 5]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—Cropland Adjustment Program for 1966 Through 1969

MISCELLANEOUS AMENDMENTS

The regulations governing the 1966-69 Cropland Adjustment Program (31 F.R. 3483) are amended as follows:

Section 751.101(g) is amended to read as follows:

§ 751.101 Definitions.

* * * * * *

(g) The terms "State ACP Development Group" and "County ACP Development Group" shall have the meanings assigned to them in the regulations governing the Agricultural Conservation Program, Part 701 of this chapter, as amended.

* * * * * *

§ 751.103 [Amended]

Section 751.103(b) is amended by deleting the last two sentences and inserting in lieu thereof the following: "The practices for which costs will be shared shall be developed by the State ACP Development Group in a manner similar to that used in the development of practices under the Agricultural Conservation Program."

Section 751.103(c) is amended by deleting the last sentence and inserting in lieu thereof the following: "The practices for a particular county shall be developed by the county ACP Development Group in a manner similar to that used in the development of county practices under the Agricultural Conservation Program."

§ 751.118 [Amended]

Section 751.118(b)(1)(iv) is amended to read as follows:

(iv) Designated and approved as diverted acreage under the upland cotton, feed grain, or wheat program in at least 1 of the 4 years preceding the first year of the agreement period, except that any of such acreage devoted to trees or a water storage facility shall not be eligible for designation.

Section 751.118(d) is amended by adding at the end thereof the following: "The thinning of trees, ornamentals, or greens in accordance with sound forestry management and the sale of such products shall not be considered as harvesting a crop for the purposes of this paragraph."

(Sec. 602(q), 79 Stat. 1210)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 27, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-3562; Filed, Mar. 30, 1967; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

PART 1001—MILK IN MASSACHUSETTS-RHODE ISLAND MARKETING AREA

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

PART 1015—MILK IN CONNECTICUT MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the

issuance of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings and determinations are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator was issued March 10, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued March 23, 1987. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1967, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (5 U.S.C. 553(d) (1966))

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby amended, as follows:

Amendments to Massachusetts-Rhode Island order. 1. In § 1001.32 a new paragraph (k) is added to read as follows:

§ 1001.32 Duties.

* * * * * * *

(k) He shall place the sums deducted under § 1001.64(b–1) and retained under § 1001.80 in an interest-bearing bank account or accounts in a bank or banks duly approved as a Federal depository for such sums, or invest them in short-term U.S. Government securities.

2. In § 1001.60 paragraph (d) is revoked, paragraph (b)(2) and the introductory text of paragraph (e) are revised to read as follows:

§ 1001.60 Class I price.

* * * * * * *

(b) * * *

(2) Divide the Class I–A price for the month computed under the New York-New Jersey Federal order, applicable to milk containing 3.5 percent butterfat received at plants located in the 201–210-mile freight zone, by the utilization adjustment percentage which entered into the computation of that price, expressing the result to the nearest mill.

* * * * * * *

(d) [Revoked]

(e) Multiply the economic index price determined under paragraph (b) of this section by the supply-demand adjustment factor determined under paragraph (c) of this section. The Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls.

* * * * * * *

3. In § 1001.64 new paragraphs (b–1) and (b–2) are added to read as follows:

§ 1001.64 Basic blended price.

* * * * * * *

(b–1) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk included in these computations by 10 cents in March, 20 cents in April, and 30 cents in May and June. For 1967 only the rate of deduction shall be 23 cents in April and 33 cents in May and June.

(b–2) Add for the months of August, September, and October, respectively, an amount representing 25 percent, 30 percent, and 30 percent of the aggregate amount subtracted under paragraph (b–1) of this section for the prior period of March–June, and for November, add the remainder of the amount subtracted under paragraph (b–1) of this section and the interest earned on the aggregate fund.

* * * * * * *

4. Section 1001.80 is revised to read as follows:

§ 1001.80 Producer settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer settlement fund". He shall deposit into the fund all amounts received from handlers under §§ 1001.82, 1001.83, and 1001.84. He shall pay from the fund all amounts due handlers under §§ 1001.82, 1001.83, and 1001.84, subject to his right to offset any amounts due from the handler under these sections. All amounts subtracted under § 1001.64(b–1), inclusive of interest earned thereon, shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 1001.64(b–2).

Amendments to New York-New Jersey order. 1. In § 1002.23 a new paragraph (k) is added to read as follows:

§ 1002.23 Duties.

* * * * * * *

(k) He shall place the sums deducted under § 1002.66(c–1) and retained pursuant to § 1002.75 in an interest-bearing account or accounts in a bank or banks duly approved as a Federal depository for such sums, or invest them in short-term U.S. Government securities.

2. In § 1002.40 paragraph (a)(11) is revoked.

§ 1002.40 Class prices.

* * * * * * *

(a) * * *

(11) [Revoked]

* * * * * * *

3. Section 1002.47(a)(7) is revised to read as follows:

§ 1002.47 Announcement of prices.

* * * * * * *

(a) * * *

(7) The index computed by dividing the Class I–A formula price for the following month by $5.20.

* * * * * * *

4. In § 1002.66 new paragraphs (c–1) and (c–2) are added to read as follows:

§ 1002.66 Computation of the uniform price.

* * * * * * *

(c–1) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk for the month by 10 cents in March, 20 cents in April, and 30 cents in May and June. For 1967 only the rate of deduction shall be 23 cents for April and 33 cents for May and June.

(c–2) Add for the months of August, September, and October, respectively, an amount representing 25 percent, 30 percent, and 30 percent of the aggregate amount subtracted pursuant to paragraph (c–1) of this section for the prior period of March–June, and for November add the remainder of the amount subtracted pursuant to paragraph (c–1) of this section and the interest earned on the aggregate fund.

* * * * * * *

5. Section 1002.75 is revised to read as follows:

§ 1002.75 Producer settlement fund.

The market administrator shall establish and maintain a separate fund known as "the producer settlement fund" into which he shall deposit all payments and out of which he shall make all payments pursuant to §§ 1002.77 through 1002.84. All amounts subtracted under § 1002.66 (c–1), inclusive of interest earned thereon, shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 1002.66(c–2).

Amendments to Connecticut order. 1. In § 1015.32 a new paragraph (k) is added to read as follows:

§ 1015.32 Duties.

* * * * * * *

(k) He shall place the sums deducted under § 1015.64(c) and retained under § 1015.80 in an interest-bearing bank account or accounts in a bank or banks duly approved as a Federal depository for such sums, or invest them in short-term U.S. Government securities.

2. In § 1015.60 paragraph (d) is revoked, paragraph (b)(2) and the introductory text of paragraph (e) are revised to read as follows:

§ 1015.60 Class I price.

* * * * * * *

(b) * * *

(2) Divide the Class I–A price for the month, computed under the New York-New Jersey Federal order, applicable to milk containing 3.5 percent butterfat received at plants located in the 201–210 mile freight zone, by the utilization adjustment percentage which entered into the computation of that price, expressing the result to the nearest mill.

* * * * * * *

(d) [Revoked]

(e) Multiply the economic index price determined under paragraph (b) of this section by the supply-demand adjustment factor determined under paragraph (c) of this section. The Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls, plus 47 cents.

* * * * * * *

3. In § 1015.64 paragraphs (c) and (d) are revised to read as follows:

§ 1015.64 Basic uniform price.

* * * * * * *

(c) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk included in these computations by 20 cents in March, 30 cents in April, and 40 cents in May and June. For 1967 only the rate of deduction shall be 33 cents in April and 43 cents in May and June.

(d) Add for the months of August, September, and October, respectively, an amount representing 25 percent, 30 percent, and 30 percent, of the aggregate amount substracted under paragraph (c) of this section for the prior period of March–June, and for November add the remainder of the amount subtracted under paragraph (c) of this section and the interest earned on the aggregate fund.

* * * * * * *

4. Section 1015.80 is revised to read as follows:

§ 1015.80 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund". He shall deposit all amounts received from handlers under §§ 1015.81, 1015.88, and 1015.89 into the fund. He shall pay all amounts due handlers under §§ 1015.82 and 1015.88 from the fund, subject to his right to offset a payment due to a handler from the producer-settlement fund against any payment due from the handler to the fund. All amounts subtracted under § 1015.64(c), inclusive of interest earned thereon, shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 1015.64(d). The market administrator shall render a statement to each handler who made the reports prescribed in § 1015.40, by the 16th day of the month showing the amount due to or from the producer-settlement fund computed in accordance with §§ 1015.63, 1015.81, and 1015.82.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1967.

Signed at Washington, D.C., on March 27, 1967.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 67–3534; Filed, Mar. 30, 1967; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 309—ANTE-MORTEM INSPECTION

PART 314—TANKING AND DENATURING CONDEMNED CARCASSES AND PARTS

Miscellaneous Amendments

On November 2, 1966, there was published in the FEDERAL REGISTER (31 F.R. 14005), a notice of proposed amendments to §§ 309.3, 314.1, and 314.4 of the Meat Inspection Regulations (9 CFR 309.3, 314.1, and 314.4). After due consideration of all relevant matters presented in connection with such notice and under the authority of the Meat Inspection Act, as amended and extended (21 U.S.C. 71–91, 96), the regulations in Parts 309 and 314 are amended as set forth below.

Statement of considerations. These amendments provide for positive control over all dead and dying animals on the premises of official establishments operated under Federal meat inspection, until such animals are adequately disposed of in other than human food channels. Such control is vital to protecting the meat supply which is a primary objective of the consumer protection services of the Department of Agriculture.

Only two comments were received regarding the proposed amendments. Neither comment was adverse to the proposal provided it did not duplicate other controls over such materials.

The amendments are the same as the proposals set forth in the notice of rule making except that they also amend § 309.16 of the regulations to make it consistent with the other amendments. It does not appear that further notice and other public procedure would elicit additional factual information with respect to the amendments. Since the amendments are essential for protection of the meat supply, they should be made effective promptly. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are unnecessary, and good cause is found for making them effective less than 30 days after publication hereof in the FEDERAL REGISTER.

The amendments are as follows:

1. In § 309.3, the section heading and paragraph (b) are amended to read, respectively:

§ 309.3 Marking as "U.S. Condemned" animals found diseased, dead, or in a dying condition.

* * * * *

(b) Animals found to be dead or in a dying condition on the premises of an official establishment shall be marked "U.S. Condemned" and disposed of in accordance with § 309.16.

* * * * *

§ 309.16 [Amended]

2. In § 309.16 the words "and tanked" are deleted from the second sentence.

§ 314.1 [Amended]

3. In § 314.1, the section heading is changed to read: "§ 314.1 *Disposition of condemned carcasses or products at official establishments having tanking facilities; sealing of tanks*"; and a comma and the phrase "except as provided in paragraph (c)," are inserted after the word "shall" in the introductory portion of paragrapah (a); and a new paragraph (c) is added to read as follows:

(c) Carcasses of animals condemned under § 309.3 of this chapter may be disposed of as provided in § 314.4, in lieu of tanking, with the approval of the inspector.

4. In § 314.4, the section heading and paragraph (a) are amended to read, respectively:

§ 314.4 Disposition of condemned carcasses or products at official establishments having no tanking facilities.

(a) Any carcass or product condemned at an official establishment which has no facilities for tanking shall be denatured with crude carbolic acid, cresylic disinfectant, or other prescribed agent, or be destroyed by incineration, under the supervision of an inspector. When such carcass or product is to be denatured, it shall be freely slashed before the denaturing agent is applied, except that, in the case of dead animals that have not been dressed, the denaturant may be applied by injection. The denaturant must be deposited in all portions of the carcass or product to the extent necessary to preclude its use for food purposes.

* * * * *

The amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of March 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 67-3565; Filed, Mar. 30, 1967; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER D—SECURITY

PART 156—DEPARTMENT OF DEFENSE CIVILIAN APPLICANT AND EMPLOYEE SECURITY PROGRAM

Miscellaneous Amendments

The following miscellaneous amendments to Part 156 have been approved:

1. Sections 156.2 and 156.3 are revised to read as follows:

§ 156.2 Authority.

This part is issued pursuant to the authority vested in the Secretary of Defense by 10 U.S. Code 133; 5 U.S. Code 3571, 7312, and 7532; Executive Order 10450, "Security Requirements for Government Employment," April 27, 1953, as amended by Executive Orders 10491, 10531, 10458, 10550, hereafter referred to as Executive Order 10450; and Public Law 89-380; 80 Stat. 94.

§ 156.3 Applicability.

This part is applicable to employees and applicants for employment in sensitive positions with the Department of Defense. This part is not applicable to the National Security Agency. Policies and procedures which govern the civilian applicant and employee security program of that Agency are prescribed by Public Law 88-290, directives of the Executive Branch, directives of the Department of Defense, and regulations of the National Security Agency. The provisions of section 7532 of title 5, United States Code, apply to the Agency if the Director, NSA, proposes a suspension or termination of an employee in acccordance with the said section. When the Director, NSA, elects to utilize the provisions of section 7532 of title 5, United States Code, he shall consult with the DoD General Counsel prior to preparation of a letter of charges.

2. Section 156.6(b) is revised to read as follows:

§ 156.6 Policy.

* * * * * *

(b) The use of the suspension and removal procedures authorized by the provisions of section 7532 of title 5, United States Code, shall be limited to cases in which the interests of the national security are involved. Maximum use shall be made of normal Civil Service removal procedures where such procedures are adequate and appropriate.

* * * * *

3. Section 156.7(b)(8) is revised to read as follows:

§ 156.7 Standard and criteria.

* * * * *

(b) *Criteria for the application of standard.* * * *

(8) Participation in the activities of an organization established as a front for an organization referred to in subparagraph (5) of this paragraph, when his personal views were sympathetic to the subversive purposes of such organization. (See Internal Security Act of 1950, as amended (50 U.S. Code 781 et seq., for a definition of Communist-front organization.)

* * * * *

4. Section 156.8(a)(1)(ii), (c), and (d) are revised to read as follows:

§ 156.8 Personnel security investigations.

(a) *Investigative requirements*—(1) *General.* * * *

(ii) Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, the investigation will be extended as necessary to enable the Head of the DoD Component concerned, or his designee, to determine whether the employment or retention of such person is clearly consistent with the interests of the national security, or whether further actions are necessary under the provisions of section 7532 of title 5, United States Code, as implemented herein.

* * * * *

(c) *Security investigation index.* This index is maintained by the Civil Service Commission under section 9(a) of Executive Order 10450. In order to comply with section 9(b) of the said Executive order, the investigative agencies which conduct personnel security investigations under this part, shall prepare and submit in triplicate, Standard Form 79 (Notice of Security Investigation) to the Bureau of Personnel Investigations, U.S. Civil Service Commission, Washington, D.C. 20415, on the same day the investigation is initiated. Additionally appropriate information concerning each person who has been suspended or terminated under the provisions of section 7532 of title 5, United States Code, will be furnished to the Civil Service Commission.

(d) *Custody of investigative information.* The reports and other investigative material and information developed by investigations conducted pursuant to the provisions of section 7532 of title 5, United States Code, Executive Order 10450, or any other security or loyalty program relating to officers or employees of the Government, shall remain the property of the investigative agency conducting the investigations. Such reports and other investigative material and information shall be maintained in confidence, and access to them may be given to other departments, agencies, and components conducting security programs in accordance with the provisions of section 7532 of Title 5, United States Code, under appropriate safeguards established by the Head of the DoD Component concerned.

* * * * *

5. In § 156.9 the heading and paragraphs (a) (1) and (4), (b) (1) and (4), (e)(5), (g), and (h) are revised to read as follows:

§ 156.9 Application of suspension and removal authority to Department of Defense employees.

(a) *Suspension from employment.* (1) The authority to suspend an employee under the provisions of section 7532 of title 5, United States Code, is based upon a determination that such action is deemed necessary in the interests of national security. This determination is to be made solely by the Head of the DoD Component concerned, or, in the case of the Military Departments, by a statutory official designated by the Secretary concerned.

* * * * *

(4) Employees will not be suspended under this authority while an investigation is pending when the available information indicates that retention in a duty status during such investigation would not pose an immediate threat to the national security. When considered necessary in order to provide the maximum protection to the security of the activity or of classified defense information or material pending determination under the provisions of section 7532 of title 5, United States Code, interim action other than suspension, such as withholding of access to classified defense information or material, temporary detail or reassignment will be used to the fullest practicable extent.

* * * * *

(b) *Right of employee to hearing.* A U.S. citizen employee of the Department of Defense having a permanent or indefinite appointment, irrespective of whether the employee has completed the probationary or trial period, whose termination under the provisions of section 7532 of title 5, United States Code, is proposed shall be granted the following procedural benefits:

(1) The employee will be given a letter of charges in accordance with the provisions of section 7532 of title 5, United States Code, which will be as specific as security considerations permit. Each charge will be directly related to one or more of the specific criteria set forth in § 156.7(b).

* * * * *

(4) The hearing by an authority duly constituted for this purpose provided for in section 7532 of title 5, United States Code, is construed to mean a hearing before a board established solely by the Head of the DoD Component concerned, and, in the case of the Military Departments, by a statutory official designated by the Secretary concerned. The board shall be composed of not less than three impartial and disinterested members, all or a majority of whom shall be civilians. One member shall be designated as Chairman, and, as such, is authorized to administer oaths. The members will be selected from DoD Components other than the one by which the individual is employed.

* * * * *

(e) *Hearing procedure.* * * *

(5) The Department and the employee may introduce evidence responsive to the issues. Rules of evidence shall not be binding on the Board, but the Chairman may impose reasonable restrictions as to the relevance, competency, and materiality of matters considered, so that the hearings shall not be unduly prolonged. Unclassified investigative information not made available to the employee whose removal is sought under the provisions of section 7532 of title 5, United States Code shall not be furnished to the Board. Investigative information not made available to the employee whose removal is sought under the provisions of section 7532 of title 5, United States Code shall not be furnished to the Board subject to the following exception: If the investigative information constitutes classified information the Board may receive and consider such information, provided the employee is furnished as comprehensive and detailed an unclassified summary of the information as the national security permits.

* * * * *

(g) *Resignations.* A resignation submitted by an employee after notice of suspension or other proposed adverse action under the provisions of section 7532 of title 5, United States Code has been communicated to him and before final action has been taken, will be accepted. However, the Standard Form 50 effecting the resignation will bear the following Notation, "Resigned while action pending to separate for security reasons under the provisions of section 7532 of title 5, United States Code."

(h) *Benefits.* An employee whose employment has been suspended or terminated under the provisions of section 7532 of title 5, United States Code and who is reinstated or restored to duty under the provisions of section 3571 of title 5, United States Code, is entitled to benefits as provided for by section 3 of Public Law 89-380; 80 Stat. 94, and as prescribed by Federal Personnel Manual System Letter No. 550-17, and Erratum, dated August 26, 1966.

6. Section 156.10(a) and (b) are revised to read as follows:

§ 156.10 Reinstatement, restoration to duty or reemployment of terminated employees.

(a) Any person whose employment in the Department of Defense is terminated under the provisions of section 7532 of title 5, United States Code or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the Department of Defense unless the Secretary of Defense, or his designee for that purpose, finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which finding shall be made a part of the record.

(b) Any person whose employment in any other agency or department of the Government is terminated under the provisions of section 7532 of title 5, United States Code, or any other security or loyalty program of the Government, shall not be employed in the Department of Defense unless the Civil Service Commission determines that such person is eligible for employment and the person's employment is approved by the Secretary of Defense, or his designee for that purpose, which determination and approval shall be made a part of the record. See section 7312 of title 5, United States Code.

7. Section 156.11 is revised to read as follows:

§ 156.11 Referral of possible derogatory information.

Whenever there is developed or received any information indicating that the retention in employment of any officer or employee of the Department of Defense may not be clearly consistent with the interests of the national security, such information shall be forwarded to the Head of the DoD Component concerned or his designee. In such cases the Head of the DoD Component concerned or his designee, after such investigation as shall be appropriate, shall review, and where necessary, adjudicate or readjudicate, in accordance with the provisions of section 7532 of title 5, United States Code, the case of such officer or employee.

8. Section 156.13 is revised to read as follows:

§ 156.13 Notice requirements.

Pursuant to Executive Order 10450, as amended, and in order to assist the Civil Service Commission in discharging its responsibilities under Executive Order 10450, Department of Defense Components will, as soon as possible and in no event later than thirty (30) days after the receipt of the final investigative report on a civilian officer or employee subject to a full field investigation under the provisions of Executive Order 10450, notify the Civil Service Commission of the action taken with respect to such officer or employee. Such notice shall be in accordance with and conform to the requirements of the Civil Service Commission as stipulated in Chapter 736, Appendix B-1, Federal Personnel Manual, 1963. The Assistant Secretary of Defense (Administration) shall be notified with regard to each suspension and/or termination under the provisions of section 7532 of title 5, United States Code, and of reinstatement, restoration to duty or reemployment following any suspension or termination. Such notice shall be made no later than 10 days after each such action has occurred and will include the full name, date and place of birth, grade, type of action, and the date the action was taken with respect to such employee.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-3527; Filed, Mar. 30, 1967; 8:46 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 6 (INS–1, 9th Rev.)]

INS–1—MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Effective as of March 31, 1967, midnight, e.s.t., INS–1 is hereby revised to read as follows:

Sec.
1 Purpose.
2 Insurer.
3 Assured.
4 Vessels insured and terms of insurance.
5 Assumption of risk by owner and attachment and cancellation dates of commercial insurance.
6 Issuance of policies or certificates by underwriter.
7 Insurance premiums.
8 Reports of accidents and occurrences.
9 Settlement of claims.
10 Litigation and employment of counsel.
11 Report of claims.
12 Application and interpretation of this order.

AUTHORITY: Secs. 1 to 12, issued under sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

Section 1. Purpose.

Effective as of March 31, 1967, midnight, e.s.t., this order prescribes instructions with respect to the placing of commercial marine protection and indemnity (referred to as "P & I") insurance and the handling of claims of a P & I insurance nature, required to be followed by General Agents and Berth Agents under General Agency Agreements and Berth Agency Agreements, respectively, with the United States of America, acting by and through the Director, National Shipping Authority, Maritime Administration, Department of Commerce (referred to as "Owner").

Sec. 2. Insurer.

Interstate Fire & Casualty Co. (hereinafter referred to as "underwriter"), entered into an insuring agreement with the owner covering the period from March 31, 1967, midnight, e.s.t., to March 31, 1968, midnight, e.s.t.

Sec. 3. Assured.

The assureds are (a) the United States of America, acting by and through the Director, National Shipping Authority, Maritime Administration, Department of Commerce, and (b) its General Agents and Berth Agents, and Subagents acting on behalf of either.

Sec. 4. Vessels insured and terms of insurance.

The Underwriter has agreed to provide P & I insurance with respect to General Agency vessels operated in the employment of the Military Sea Transportation Service (referred to as "MSTS"), for a period of 1 year from midnight, e.s.t., March 31, 1967, at an annual rate of $3.195 per gross registered ton on a daily pro rata basis, attaching as provided in section 5 (a), (b), (c), (d), and (e) and terminating as of midnight, e.s.t., March 31, 1968, or in accordance with section 5 (c), (f), (g), and (h). This insurance covers the vessel's liability of a P & I insurance nature except for any loss, damage, or expense in respect to cargo, including baggage and personal effects of passengers, if any, or cargo's proportion of general average or special charges, or in any other way relating to cargo which is to be carried, is being carried, or has been carried on board such vessels. The limit of liability in any claim shall be $250,000 for each accident or occurrence per vessel, with a deduction of $1,000 for each accident or occurrence resulting in personal injury, illness, or death, and $500 for each accident or occurrence of other types except "putting in," burial expenses, and damage to docks, buoys, etc. Claims for "putting in," burial expenses, and damage to docks, buoys, etc. are not subject to any deduction. The Underwriter has agreed to accept liability not to exceed $500 for burial expenses.

Sec. 5. Assumption of risk by owner and attachment and cancellation dates of commercial insurance.

(a) *Vessels allocated and delivered to General Agents at fleet site under General Agency Agreement 3–19–51 (amendment 8–65) and Addendum thereto.* When vessels are allocated and delivered to General Agents at fleet site, the owner will assume the risks of a P & I insurance nature from the date and hour of the vessel's delivery to the General Agent at fleet site to 12:01 a.m. (local time) of the day the vessel is accepted by MSTS, or until 12:01 a.m. (local time) of the date of initial signing on of crew under articles (not the effective date in the event articles are dated prior to or later than the initial signing on), or until 12:01 a.m. (local time) of the day the vessel leaves the reactivation yard for the purpose of undergoing sea trials, whichever shall occur first. As of that time, the P & I risks shall be commercially insured with the Underwriter, and the General Agents shall arrange to have the insurance so attached.

(b) *Vessels delivered from bareboat charter and allocated for operation under General Agency Agreement 3–19–51 (amendment 8–65) and Addendum thereto.* When vessels are delivered from bareboat charter and delivered to General Agents for operation under General Agency Agreement 3–19–51 (consolidated as of 5–60 and amended 11–65), the P & I insurance risks shall be commercially insured with the Underwriter and the General Agents shall arrange to have P & I insurance attached as of the date and hour of the vessel's delivery under the Agreement.

(c) *Vessels transferred from one General Agent to another under General Agency Agreement 3–19–51 (amendment 8–65) and Addendum thereto.* When a vessel is withdrawn from operation under one General Agent and allocated to another for operation, the respective General Agents shall, unless advised to the contrary, arrange with the Underwriter for the termination and reattachment of P & I insurance as of the respective dates and hours of redelivery and delivery of the vessel from and to the respective General Agents.

(d) *New vessels allocated and delivered under General Agency Agreement 3–19–51 (amendment 8–65) and Addendum thereto.* When new vessels are allocated and delivered to General Agents directly from the builder's yard, the General Agents shall, unless advised to the contrary, arrange for commercial P & I insurance with the Underwriter to have the insurance attach as of the date and hour of the vessel's delivery under the Agreement.

(e) *Vessels presently in operation under General Agency Agreement 3–19–51 (amendment 8–65) and Addendum thereto.* In respect to the vessels in operation on the effective date of the new P & I insurance contract, the General Agents shall immediately declare such vessels to the Underwriter, and the insurance shall attach on each such vessel in accordance with the new P & I insurance contract.

(f) *Vessels designated for redelivery.* General Agents shall terminate the commercial P & I insurance on these vessels as of midnight (local time) of the day the vessel is redelivered by MSTS to the General Agent or midnight (local time) of the day the articles are terminated, whichever shall last occur.

(g) *Vessels in reduced operational status and subsequently designated for stripping and lay up.* General Agents shall terminate the commercial P & I insurance on those vessels as of midnight, e.s.t., of the date they receive notice to the effect that the vessels are designated for stripping and lay up.

(h) *Notice of attachment and termination of insurance.* General Agents shall promptly notify the Chief, Division of Insurance, Office of the Comptroller, Maritime Administration, Washington, D.C. 20235, of the date and hour of the attachment or of the termination of P & I insurance after either is effected in accordance with paragraphs (a), (b), (c), (d), (e), (f), and (g) of this section.

Sec. 6. Issuance of policies or certificates by underwriter.

The Underwriter, upon receipt of applications from General Agents, will arrange for execution and delivery of the policies and/or certificates to such General Agents with respect to each vessel named in such applications. The Underwriter will also furnish such copies of policies and/or certificates as may be required by the Owner and the General Agents. The original of all policies and/or certificates shall be promptly forwarded by each General Agent to the Chief, Division of Insurance, Office of the Comptroller, Maritime Administration, Department of Commerce, Washington, D.C. 20235. Upon cancellation of this insurance, the Underwriter will issue an endorsement with respect to such cancellation, showing the cancellation date and amount of return premium.

Sec. 7. Insurance premiums.

(a) *Payment of premiums.* Premiums for P & I insurance provided under the policies shall be paid by each General Agent quarterly, in advance, for the period from the date of attachment of such insurance to the date of expiration. Brokerage, if any, shall be allowed, but in no event to exceed ½ percent of the annual premiums for each commenced quarter.

(b) *Return premiums.* Each General Agent shall be responsible for collection or obtaining credit for return premiums provided for in the current policy for all vessels insured with the Underwriter pursuant to this order. Such return premiums shall be computed in accordance with the provisions of such policy. Statements or credit memoranda shall be obtained in duplicate from the Underwriter; the originals thereof shall be filed in the General Agent's office subject to inspection by the Owner's auditors, and shall be retained until completion of audit. The duplicate copies thereof shall be forwarded to the Chief, Division of Insurance, Office of the Comptroller, Maritime Administration, Washington, D.C. 20235.

Sec. 8. Reports of accidents and occurrences.

(a) *Reports to underwriter.* All accidents and occurrences of a P & I insurance nature, arising subsequent to the attachment of P & I insurance (as provided in sec. 5) shall be promptly reported by General Agents to the Underwriter, together with all available information. The General Agents shall also obtain the names of the Underwriter's outport representatives and supply such information to the Master of each vessel so that he may report to and/or obtain from these representatives such information and assistance as may be required under the circumstances.

(b) *Reports to owner.* All accidents and occurrences of a P & I insurance nature, arising prior to the attachment and subsequent to the termination of this insurance (as provided in sec. 5) shall be reported to the Chief, Division of Insurance, Office of the Comptroller, Maritime Administration, Washington, D.C. 20235.

Sec. 9. Settlement of claims.

(a) *On risks insured under commercial marine protection and indemnity policies.* General Agents of vessels described are hereby authorized to settle without prior approval, all claims of a P & I insurance nature where the settlement amounts do not exceed the applicable deductions set forth in the P & I policy. When the proposed settlement amounts of such claims exceed the applicable deductions, General Agents shall obtain the Underwriter's approval of the proposed settlements and, immediately after payment in full, or of any portion thereof over the applicable deductions, make formal claim for reimbursement from the Underwriter. All claims which do not exceed the deduction in the policy are chargeable to vessel expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim, the General Agent shall advise the claimant that such settlement is not to be construed as an admission of liability by or on behalf of the Owner, or its General Agents and Berth Agents or their Subagents, but that the settlement is a compromise of a disputed claim. General Agents shall be expected to apply sound judgment and follow standard practices of vessel operators in the settlement or other disposition of P & I claims and shall avail themselves of the advice and assistance of the Underwriter, and may also consult with the appropriate District Counsel of the Maritime Administration, and the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington, D.C. 20235. Berth Agents shall furnish reports and render all necessary assistance to the General Agents in handling P & I insurance claims. A claim shall be settled only when the amount of the settlement is reasonable under the circumstances, is adequately supported, and is in the best interests of the United States.

(b) *On risks assumed by the owner.* General Agents are hereby authorized to settle claims of a P & I insurance nature, arising under conditions where the risk is assumed by the Maritime Administration (as set forth in sec. 5) without prior approval, provided the proposed settlement amount of each claim does not exceed $1,000. If the proposed settlement amount of any such claim exceeds $1,000, the General Agent shall, prior to payment, obtain the approval of the proposed settlement from the Chief, Division of Insurance, Office of the Comptroller, Maritime Administration, Washington, D.C. 20235. The amounts and costs of these settlements are chargeable to vessel operating expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim hereunder, General Agents shall be governed by the procedure and instructions set forth in paragraph (a) of this section insofar as applicable.

(c) *Claims declined by underwriters.* Any claim of a P & I insurance nature, which has been declined by this underwriter, or by any other underwriters under prior insuring agreements, shall be forwarded to the Chief, Division of Insurance, Office of the Comptroller, Maritime Administration, Washington, D.C. 20235, for review and further instruction.

Sec. 10. Litigation and employment of counsel.

(a) As to any suit arising out of the activities of a General Agent in the course of his official duties, wherein the General Agent is named a party or one of the parties defendant, and whether or not the risk is covered by P & I insurance, such General Agent shall immediately, by air mail, forward copies of the pleadings and all other related legal documents to the General Counsel, Maritime Administration, Department of Commerce, Washington, D.C. 20235 and to the Attorney General, Admiralty and Shipping Section, Department of Justice, Washington, D.C. 20530. No General Agent, Berth Agent, or Subagent, shall incur any legal expenses in connection with any claim covered by P & I insurance unless approved in advance by the underwriter, or in connection with any other claim unless approved in advance by the General Counsel, Maritime Administration, except in an emergency where time will not permit such approval to be obtained.

(b) In addition to the foregoing, in the case of any attachment or seizure of a vessel, whether or not the risk is covered by P & I insurance, the General Agent shall immediately, by telegram, radio, or cable, notify the nearest Maritime Administration representative or the General Counsel, Maritime Administration, Washington, D.C. 20235.

Sec. 11. Report of claims.

(a) All General Agents shall submit to the Chief, Division of Insurance, Office of the Comptroller, Maritime Administration, Washington, D.C. 20235, quarterly reports of all claims, listed separately by vessel, as per the attached form.

(b) The first of such reports shall cover the period from January 1, 1967, through June 30, 1967, and shall be submitted within thirty (30) days after said period. Subsequent reports shall be submitted within thirty (30) days after the conclusion of each quarterly period thereafter. A claim previously reported as closed need not be reported on subsequent statements unless it is reopened. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Sec. 12. Application and interpretation of this order.

General Agents shall communicate directly with the Chief, Division of Insurance, Office of the Comptroller, Maritime Administration, Washington, D.C. 20235, regarding all questions of application, interpretation, or intent of this order.

Since the foregoing, without material change, was sent direct to interested persons it is found, for good cause shown, to be impracticable and unnecessary to delay the effective date; therefore, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), this 9th Revision shall be effective as aforesaid.

Approved: March 23, 1967.

CARL C. DAVIS,
Acting Director,
National Shipping Authority.

Vessel	Name of injured or claimant	Nature and date of injury, loss, or damage	Amount(s) paid if any	Date and amount of billing to underwriter	Date and amount of reimbursement received from underwriter	Estimated future cost	Status and/or remarks
	Insured claims paid or pending during reporting period						
	Assumed risk claims paid or pending during reporting period						

[F.R. Doc. 67-3526; Filed, Mar. 30, 1967; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS

Glen Canyon National Recreation Area, Ariz.; Designation of Airstrips

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM 1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southwest Region Order No. 4 (31 F.R. 8134), as amended, § 7.70 of Title 36, Code of Federal Regulations is amended as set forth below.

The purpose of this amendment is to designate those locations where aircraft may be landed within Glen Canyon National Recreation Area, as necessitated by the provisions of § 2.2(a) of Title 36 of the Code of Federal Regulations. A further purpose of the amendment is to eliminate material which is no longer required because of the newly adopted general regulations.

Since the regulation will provide for the public use of additional facilities and therefore constitutes a relaxation of existing restrictions, and, secondly, eliminates duplicated material, it is exempt from the requirements as to advance publication in the Administrative Procedure Act and shall become effective immediately upon publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

Section 7.70 is amended to read as follows:

§ 7.70 Glen Canyon National Recreation Area.

(a) *Designated airstrips.* (1) Wahweap, latitude 39°59'20", longitude 111°29'46".

(2) Bullfrog, latitude 37°32'45", longitude 110°42'45".

(3) Halls Crossing, latitude 37°26'45", longitude 110°41'45".

(4) The entire surface of Lake Powell, subject to the restrictions contained in § 2.2(a) of this chapter.

GUSTAV W. MUEHLENHAUPT,
Superintendent, Glen Canyon National Recreation Area.

[F.R. Doc. 67-3523; Filed; Mar. 30, 1967; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Emergency Equipment on All Power Units; Postponement of Effective Date

MARCH 28, 1967.

The order in this proceeding published in the FEDERAL REGISTER on March 7, 1967 (32 F.R. 3774), was to become effective April 1, 1967. Appropriate petitions for reconsideration having been filed, the effective date is postponed, pursuant to section 17(8) of the Interstate Commerce Act, pending disposition of the matter.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3554; Filed, Mar. 30, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF COMMERCE

Great Lakes Pilotage Administration

[46 CFR PARTS 401, 403]

PILOTAGE REGULATIONS AND UNIFORM SYSTEM OF ACCOUNTS

Notice of Extension of Time To File Data, Views, or Arguments

Notice is hereby given that the 30 days allowed in which to submit data, views, or arguments on the proposed amendments to the Great Lakes Pilotage Regulations (46 CFR Parts 401 and 403) published in the FEDERAL REGISTER (32 F.R. 3709) on March 3, 1967, is hereby extended until May 1, 1967.

Dated: March 27, 1967.

A. T. MESCHTER,
Administrator.

[F.R. Doc. 67-3542; Filed, Mar. 30, 1967; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-CE-74]

FEDERAL AIRWAYS

Proposed Alteration and Extension

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 71 and realign and extend VOR Federal airway No. 220.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency proposes the following airspace actions:

1. Extend V-71 with a 1,200-foot AGL floor from Lincoln, Nebr., direct to Columbus, Nebr.

2. Realign and extend V-220 with a 1,200-foot AGL floor from McCook State, Nebr., via the intersection of the McCook State 072° T (061° M) and Grand Island, Nebr., 241° T (231° M) radials; Kearney, Nebr.; Hastings, Nebr.; to Columbus Nebr.

These proposed airway extensions would provide designated routes and controlled airspace for scheduled air traffic operating from McCook State via Kearney, Hastings, Columbus, to Lincoln.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 24, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-3531; Filed, Mar. 30, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-16]

FEDERAL AIRWAY SEGMENT

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a south alternate segment to VOR Federal airway No. 116 from Naperville, Ill., to Keeler, Mich., via the Intersection of the Naperville 089° T (087° M) and Keeler 234° T (234° M) radials.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Victor 116 is the primary departure route for east and northeastbound aircraft from Chicago. Inbound flights to Chicago from the east and northeast currently file flight plans via Keeler and V-116. ATC presently vector the arrival flights over the proposed south alternate route to provide separation. The designation of this airway would aid flight planning and be consistent with the route presently followed by arriving aircraft.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 23, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-3532; Filed, Mar. 30, 1967; 8:47 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 67-WA-4]

JET ROUTES

Proposed Alteration and Extension of Comment Period

In a notice of proposed rule making published in the FEDERAL REGISTER on February 24, 1967 (32 F.R. 3228), it was stated that the Federal Aviation Agency (FAA) proposed realignment of J-4 in part from Blythe, Calif., via Gila Bend, Ariz., to San Simon, Ariz., and realignment of J-2 in part from Gila Bend to San Simon. In accordance with the terms of the notice, the time for public comment was to expire on March 27, 1967.

The Department of the Army has requested an extension of the comment period to establish a position relative to this proposal. The FAA considers that such extension is justified. Accordingly, notice is hereby given that all comments received on Airspace Docket No. 67-WA-4 on or before April 14, 1967, will be considered by the Federal Aviation Agency before action is taken on the regulatory action proposed therein.

Communications should be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Forth Worth, Tex. 76101.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 23, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-3533; Filed, Mar. 30, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 67-18]

JAMES RIVER

Notice of Closure to Navigation During Launching of *Hammerhead*

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of O. C. Rohnke, Rear Admiral, U.S. Coast Guard, Commander, 5th Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE JAMES RIVER

Under the authority of Title II of the Espionage Act of June 15, 1917, 40 Stat. 220, 50 U.S.C. 191 and Executive Order 10173, as amended, I declare that from 10:30 a.m., e.s.t., until 2:30 p.m., e.s.t., Friday, April 14, 1967, the following area is a security zone and I order that it be closed to any person or vessel due to the launching of *Hammerhead* (SS(N) 663):

The water of the James River, Norfolk-Newport News Harbor, Va., within the coordinates of latitude 36°59'34" N., longitude 76°26'53" W. at the shoreline of Newport News, thence southwesterly 500 yards to latitude 36°59'27" N., longitude 76°27'10" W., thence southeasterly to latitude 36°59'-43" N., longitude 76°26'41" W. thence easterly to Newport News Shipbuilding Co. Pier 8 Light (USCG Light List No. 2736.5).

No person or vessel may remain in or enter this security zone.

The Captain of the Port, Norfolk-Newport News Area, Virginia, shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any State or political subdivision thereof or any Federal agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192) provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: March 24, 1967.

[SEAL] P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 67-3544; Filed, Mar. 30, 1967; 8:48 a.m.]

Office of the Secretary

[Treasury Dept. Order No. 167-81, Supp.]

RECORDATION AND ENDORSEMENT OF VESSEL DOCUMENTS

Further Statement Regarding Status of Functions Transferred From Bureau of Customs to Coast Guard

The attached letter supplements Treasury Department Order No. 167-81 of January 30, 1967 (32 F.R. 2463).

Dated: March 29, 1967.

FRED B. SMITH,
General Counsel.

MR. CARL C. DAVIS,
Acting Maritime Administrator, U.S. Department of Commerce, Washington, D.C. 20235.

MARCH 29, 1967.

DEAR MR. DAVIS: This refers to your letter of March 23, 1967, regarding questions raised by W. R. Grace & Co., about recordation and endorsement of ship mortgages.

The Treasury Department concurs in the answer your letter offers to the question about Treasury Department Order 167-81, dated January 30, 1967 (32 F.R. 2463), and the functions pertaining to documentation of vessels which were transferred from Customs to Coast Guard by that order. It is our position that the functions transferred by that order did, in fact, include functions relating to recording of bills of sale, mortgages and other instruments of title of vessels, and endorsement of facts respecting recording of preferred mortgages on vessel documents. Those functions are now Coast Guard functions and will be transferred with the Coast Guard to the Department of Transportation by operation of section 6(b)(1) of the Department of Transportation Act upon the effective date of that Act.

I should note that the functions transferred by Treasury Department Order 167-81 were described in detail in the order of the Commandant of the Coast Guard dated March 15, 1967 (32 F.R. 4365) (CGFR 67-16).

Sincerely yours,

FRED B. SMITH,
General Counsel.

[F.R. Doc. 67-3620; Filed, Mar. 30, 1967; 9:07 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Depredation Order]

DEPREDATING GOLDEN EAGLES

Order Permitting Taking to Seasonally Protect Domestic Livestock in Certain Montana Counties

Pursuant to authority in section 2 of the Act of June 8, 1940 (54 Stat. 250; 16 U.S.C. 668-668d), as amended, and in accordance with regulations under Part 11, Title 50, Code of Federal Regulations, the Secretary of the Interior has authorized the taking of golden eagles without a permit to seasonally protect domesticated livestock during the period from April 1, 1967, through June 30, 1967, in Montana, subject to the following conditions:

1. Golden eagles may be taken without a permit only for the protection of domesticated livestock and only by livestock owners and their agents.

2. Golden eagles may be taken by any suitable means or methods except by the use of poison or from aircraft.

3. Golden eagles or any parts thereof taken pursuant to this authorization may not be possessed, purchased, sold, traded, bartered, or offered for sale, trade, or barter.

4. Taking without a permit is authorized only in the following counties:

Silver Bow.	Powell.
Cascade.	Rosebud.
Yellowstone.	Deer Lodge.
Missoula.	Teton.
Lewis and Clark.	Stillwater.
Gallatin.	Treasure.
Flathead.	Sheridan.
Fergus.	Judith Basin.
Powder River.	Daniels.
Carbon.	Glacier.
Phillips.	Fallon.
Hill.	Sweet Grass.
Ravalli.	McCone.
Custer.	Carter.
Dawson.	Broadwater.
Roosevelt.	Wheatland.
Beaverhead.	Prairie.
Chouteau.	Granite.
Valley.	Meagher.
Toole.	Liberty.
Big Horn.	Park.
Musselshell.	Garfield.
Blaine.	Jefferson.
Madison.	Wibaux.
Pondera.	Golden Valley.
Richland.	Petroleum.

5. Any person taking golden eagles pursuant to this authorization must at all reasonable times, including during actual operations, permit any Federal or State game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

ASRAM V. TUNISON,
Deputy Director, Bureau of Sport Fisheries and Wildlife.

MARCH 28, 1967.

[F.R. Doc. 67-3543; Filed, Mar. 30, 1967; 8:48 a.m.]

Office of the Secretary

EMMETT A. VAUGHEY

Report of Appointment and Statement of Financial Interests

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Mr. Emmett A. Vaughey.

Name of employing agency: Office of Oil and Gas.

The title of the appointee's position: Regional Administrator, Emergency Petroleum and Gas Administration.

The name of the appointee's private employer or employers: Vaughey & Vaughey.

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 27, 1967.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER.

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on March 16, 1967, as Regional Administrator—Region 3, EPGA, an officer and also director:

President, Mississippi Valley Capital Corp.
President, Sonora Development Corp.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Deposit Guaranty National Bank of Jackson.
First National Bank of Jackson.
First National Bank of Dallas.
National Bank of Commerce of New Orleans.
Security National Bank of Denver.
First Colorado Bank Shares, Inc.
Mississippi Valley Capital Corp.
Sonora Development Corp.
Alexander and Baldwin.
Amphenol Corp.
MPI Industries.
Roan Sel. Tr. Am.
Santos, Ltd.
Texas Utilities.
Gulf Western Indust.
Rexall Drug & Chem. Co.
Life Insurance Investors.
Nationwide Corp.
Nationwide Life Ins. Co. of Ohio.
Northwestern Nat. Life Ins. Co.
Old Line Life Ins. Co. of America.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

Vaughey and Vaughey.
Vaughey, Blackburn, Vaughey.
Parham Grazing Co., Australia.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

E. A. VAUGHEY.

MARCH 16, 1967.

[F.R. Doc. 67-3524; Filed, Mar. 30, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 8]

BARLEY AND WHEAT, MONTANA

Extension of Closing Date and Time for Filing of Applications for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for barley and wheat crop insurance for the 1967 crop year in all counties in Montana where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 14, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3536; Filed, Mar. 30, 1967; 8:47 a.m.]

[Notice No. 9]

BARLEY, FLAX, OATS, SUGARBEETS, WHEAT, AND COMBINED CROP INSURANCE, NORTH DAKOTA

Extension of Closing Dates and Time for Filing Applications for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for barley, flax, oats, sugarbeets, wheat, and combined crop insurance for the 1967 crop year in all counties in North Dakota where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 28, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3537; Filed, Mar. 30, 1967; 8:47 a.m.]

[Notice No. 10]

BARLEY, FLAX, OATS, WHEAT, AND COMBINED CROP INSURANCE, SOUTH DAKOTA

Extension of Closing Date and Time for Filing Applications for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for barley, flax, oats, wheat, and combined crop insurance for the 1967 crop year in all counties in South Dakota where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 14, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3538; Filed, Mar. 30, 1967; 8:47 a.m.]

[Notice No. 14]

CANNING PEAS, UTAH

Extension of Closing Date and Time for Filing Applications for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for canning peas for the 1967 crop year in all counties in Utah where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 14, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3566; Filed, Mar. 30, 1967; 8:50 a.m.]

Office of the Secretary

MEAT IMPORTS

Limitations

P.L. 88-482, approved August 22, 1964 (hereinafter referred to as the Act),

provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lambs (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act the following second quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1967 is 900 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1967 is 904.6 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1967 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to P.L. 88-482 at this time.

Done at Washington, D.C., this 27th day of March 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-3539; Filed, Mar. 30, 1967; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

LOS ALAMOS SITES

Trespassing

The notice concerning unauthorized entry into or upon areas, buildings, and other facilities of the Los Alamos Scientific Laboratory of the Atomic Energy Commission dated October 12, 1965, appearing at pages 13282-83 of the FEDERAL REGISTER of October 19, 1965 (30 F.R. 13282, F.R. Doc. 65-11101), is hereby amended to read as follows:

Notice is hereby given that the Atomic Energy Commission, pursuant to section 229 of the Atomic Energy Act of 1954, as amended, as implemented by 10 CFR Part 160 published in the FEDERAL REGISTER on August 16, 1963 (28 F.R. 8400), prohibits the unauthorized entry, as provided in 10 CFR 160.3, and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 160.4, into or upon the following-described areas, structures, and other facilities of the Atomic Energy Commission, said areas, structures, and facilities being located in Los Alamos and Santa Fe Counties in the State of New Mexico, and being more particularly identified as follows:

1. Areas, identified as indicated, with appropriate identification numbers or numbers and letters being posted at the areas concerned, said areas being enclosed in their entirety by fences or by fences and buildings.

Area	County	Section	NMPM township and range
TA-2	Los Alamos	15	19 N., 6 E.
Fed. Reg. Zone A TA-3	do	17 and 20	19 N., 6 E.
Fed. Reg. Zone B TA-3	do	16 and 21	19 N., 6 E.
Fed. Reg. Zone C TA-3	do	16 and 17	19 N., 6 E.
Fed. Reg. Zone A TA-8	do	19	19 N., 6 E.
TA-9	do	Ramon Vigil Grant, a Spanish land grant not divided into townships or sections.	
Fed. Reg. Zone A TA-16	do	do	
Fed. Reg. Zone A TA-18	do	do	
Fed. Reg. Zone A TA-21	do	14	19 N., 6 E.
Fed. Reg. Zone A TA-22	do	20	19 N., 6 E.
Fed. Reg. Zone A TA-33	do	Ramon Vigil Grant	
Fed. Reg. Zone A TA-35	do	22	19 N., 6 E.
TA-37	do	Ramon Vigil Grant	
Fed. Reg. Zone A TA-41	do	15	19 N., 6 E.
Fed. Reg. Zone A TA-46	do	Ramon Vigil Grant	
TA-48	do	21	19 N., 6 E.
Fed. Reg. Zone A TA-49	do	Ramon Vigil Grant	
TA-51	do	do	
TA-54 Area H	do	do	
TA-54 Area G	do	do	
Area C	do	22	19 N., 6 E.

2. Structures, or other facilities, identified as indicated, with appropriate identification numbers or titles being posted at each such structure or other facility:

Structure or other facility	County	Section	NMPM township and range
Structure No. TA-3-40	Los Alamos	17 and 20	19 N., 6 E.
Structure No. TA-3-219	do	21	19 N., 6 E.
Structure No. TA-6-4	do	20	19 N., 6 E.
Structure No. TA-6-6	do	20	19 N., 6 E.
Structure No. TA-8-1	do	19	19 N., 6 E.
Structure No. TA-8-9	do	19	19 N., 6 E.
Structure No. TA-11-1	do	Ramon Vigil Grant	
Structure No. TA-11-3	do	do	
Structure No. TA-11-4	do	do	
Structure No. TA-11-24	do	do	
Structure No. TA-11-30	do	do	
Structure No. TA-11-36	do	do	
Structure No. TA-14-22	do	do	
Structure No. TA-14-23	do	do	
Structure No. TA-14-24	do	do	
Structure No. TA-14-30	do	do	
Structure No. TA-15-9	do	do	
Structure No. TA-15-11	do	do	
Structure No. TA-15-12	do	do	
Structure No. TA-15-20	do	do	
Structure No. TA-15-22	do	do	
Structure No. TA-15-40	do	do	
Structure No. TA-15-41	do	do	
Structure No. TA-15-42	do	do	
Structure No. TA-15-43	do	do	
Structure No. TA-15-134	do	do	
Structure No. TA-15-137	do	do	
Structure No. TA-15-183	do	do	
Structure No. TA-15-185	do	do	
Structure No. TA-15-186	do	do	
Structure No. TA-15-204	do	do	
Structure No. TA-15-222	do	do	
Structure No. TA-28-1	do	do	
Structure No. TA-28-2	do	do	
Structure No. TA-28-3	do	do	
Structure No. TA-28-4	do	do	
Structure No. TA-28-5	do	do	
Structure No. TA-33-22	do	do	
Structure No. TA-33-24	do	do	
Structure No. TA-36-1	do	do	
Structure No. TA-36-3	do	do	
Structure No. TA-36-4	do	do	
Structure No. TA-36-5	do	do	
Structure No. TA-36-6	do	do	
Structure No. TA-36-7	do	do	
Structure No. TA-36-8	do	do	
Structure No. TA-36-9	do	do	
Structure No. TA-36-10	do	do	
Structure No. TA-36-11	do	do	
Structure No. TA-36-12	do	do	
Structure No. TA-36-13	do	do	
Structure No. TA-39-2	do	do	
Structure No. TA-39-3	do	do	
Structure No. TA-39-4	do	do	
Structure No. TA-39-5	do	do	
Structure No. TA-39-6	do	do	
Structure No. TA-39-7	do	do	
Structure No. TA-39-8	do	do	
Structure No. TA-39-67	do	do	
Structure No. TA-40-1	do	21	19 N., 6 E.
Structure No. TA-40-2	do	20	19 N., 6 E.
Structure No. TA-40-3	do	20	19 N., 6 E.
Structure No. TA-40-4	do	20	19 N., 6 E.
Structure No. TA-40-5	do	20	19 N., 6 E.
Structure No. TA-40-6	do	20	19 N., 6 E.
Structure No. TA-40-7	do	29	19 N., 6 E.
Structure No. TA-40-8	do	20	19 N., 6 E.
Structure No. TA-40-9	do	20	19 N., 6 E.
Structure No. TA-40-10	do	21	19 N., 6 E.
Structure No. TA-40-11	do	21	19 N., 6 E.
Structure No. TA-40-12	do	28	19 N., 6 E.
Structure No. TA-40-13	do	28	19 N., 6 E.
Structure No. TA-40-14	do	28	19 N., 6 E.
Structure No. TA-40-15	do	28	19 N., 6 E.
Structure No. TA-40-23	do	21	19 N., 6 E.
Structure No. TA-52-1	do	22	19 N., 6 E.
Structure No. TA-52-2	do	22	19 N., 6 E.
Structure No. TA-52-11	do	22	19 N., 6 E.
Structure No. TA-16-540	do	Ramon Vigil Grant	
Structure No. TA-21-9	do	14	19 N., 6 E.
Structure No. TA-O-130	do	15	19 N., 6 E.
Pueblo Canyon Sewage Treatment Plant.	do	9	19 N., 6 E.
Bayo Sewage Treatment Plant	Santa Fe	18	19 N., 7 E.
White Rock Sewage Treatment Plant	Los Alamos	Ramon Vigil Grant	
Los Alamos Well No. 1-B	Santa Fe	13	19 N., 7 E.
Los Alamos Well No. 2	do	14	19 N., 7 E.
Los Alamos Well No. 3	do	14	19 N., 7 E.
Los Alamos Booster No. 1	do	14	19 N., 7 E.
Los Alamos Well No. 6	do	14	19 N., 7 E.
Los Alamos Well No. 5	do	15	19 N., 7 E.
Los Alamos Booster No. 2	do	22	19 N., 7 E.
Los Alamos Well No. 4	do	22	19 N., 7 E.
Los Alamos Booster No. 3	do	20	19 N., 7 E.
Los Alamos Booster No. 4	Los Alamos	13	19 N., 6 E.
White Rock Pump Station	Santa Fe	Ramon Vigil Grant	
Guaje Well No. 1	do	10	19 N., 7 E.
Guaje Well No. 1-A	do	4	19 N., 7 E.
Guaje Well No. 2	do	4	19 N., 7 E.
Guaje Well No. 3	do	4	19 N., 7 E.
Guaje Well No. 4	do	5	19 N., 7 E.
Guaje Well No. 5	do	5	19 N., 7 E.
Guaje Well No. 6	do	6	19 N., 7 E.
Guaje Booster No. 1	do	5	19 N., 7 E.
Guaje Booster No. 2	Los Alamos	1	19 N., 6 E.
Guaje Booster No. 3	do	3	19 N., 6 E.
Los Alamos Sand Trap	Santa Fe	14	19 N., 7 E.
Guaje Sand Trap	do	5	19 N., 7 E.
Valve and Pump House	Los Alamos	17	19 N., 6 E.
S-Site Pump Station	do	17	19 N., 6 E.
Fill Pump Station	do	8	19 N., 6 E.
Guaje Filter Station	do	4	19 N., 6 E.
Diesel Power Plant	do	16	19 N., 6 E.
Western Steam Plant	do	16	19 N., 6 E.
Propane Plant	do	16	19 N., 6 E.
Western Pump Station	do	17	19 N., 6 E.
Barranca Tank No. 1 Pump Station	do	3	19 N., 6 E.
East Road Gas Metering Station No. 2	do	14	19 N., 6 E.
Pueblo Canyon Natural H.P. Gas Line Suspension Bridge.	do	9	19 N., 6 E.
Pajarito Mesa Well No. 1	Santa Fe	20	19 N., 7 E.
Pajarito Mesa Well No. 2	Los Alamos	Ramon Vigil Grant	
Pajarito Tank No. 1	do	do	
Pajarito Booster Station No. 1	do	do	
Pajarito Booster Station No. 2	do	do	
Pajarito Booster Station No. 3	do	21	19 N., 6 E.
Pajarito Mesa Well No. 3	Santa Fe	19	19 N., 7 E.
U.S. Atomic Energy Commission Los Alamos Area Office.	Los Alamos	16	19 N., 6 E.

Notices stating the pertinent prohibitions of 10 CFR 160.3 and 160.4 and the penalties of 10 CFR 160.5 will be posted at all entrances of said areas, structures, and other facilities and at intervals along the perimeters thereof as provided in 10 CFR 160.6.

Dated at Washington, D.C., this 23d day of March 1967.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 67-3474; Filed, Mar. 30, 1967; 8:45 a.m.]

[Docket Nos. 50-259, 50-260]

TENNESSEE VALLEY AUTHORITY

Notice of Designation of Alternate Member of Atomic Safety and Licensing Board

In the matter of Tennessee Valley Authority (Browns Ferry Nuclear Power Station Units No. 1 and No. 2), Docket Nos. 50-259 (Unit 1), 50-260 (Unit 2).

By "Notice of Hearing on Application for Provisional Construction Permits," dated March 25, 1967, the Atomic Energy Commission designated an Atomic Safety and Licensing Board consisting of Dr. Hugh Paxton, Los Alamos, N. Mex.; Mr. Warren E. Nyer, El Monte, Calif.; and J. D. Bond, Esquire, Chairman, Washington, D.C., to conduct the hearing on the Tennessee Valley Authority's application for provisional construction permits.

The Atomic Energy Commission has designated Dr. David B. Hall, Los Alamos, N. Mex., as a technically qualified alternate for the Atomic Safety and Licensing Board.

Dated at Washington, D.C., this 29th day of March, 1967.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

[F.R. Doc. 67-3597; Filed, Mar. 30, 1967; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17058—17060; FCC 67M-504]

FINE MUSIC, INC. (WFMI), ET AL.

Memorandum Opinion and Order Scheduling Further Prehearing Conference

In re applications of Fine Music, Inc. (WFMI), Montgomery, Ala., Docket No. 17058, File No. BP-16502; Tennessee Valley Broadcasting Co., Inc. Huntsville, Ala., Docket No. 17059, File No. BP-16609; Rocket City Broadcasting Co., Inc., Huntsville, Ala., Docket No. 17060, File No. BP-16721; for standard broadcast construction permits.

1. On February 15, 1965, Tennessee Valley filed its application for a construction permit in the above-entitled matter. In 1966 the County School Board condemned the antenna and transmitter location site proposed by the above applicant, and on June 13, 1966, Tennessee Valley tendered an amendment changing the antenna and transmitter location and the proposed directional radiation pattern. By an order released December 30, 1966, the Commission designated the above-captioned cases for a consolidated hearing, and in the same order returned as unacceptable for filing the June 13, 1966, amendment tendered by Tennessee Valley. The aforesaid action of the Commission is the first indication given by the Commission that the June 13, 1966, amendment was not acceptable.

2. Thereafter, on February 1, 1967, Tennessee Valley petitioned for leave to amend its application with regard to its engineering proposal, and on February 20, 1967, filed a supplement to said petition.

3. Although not required to do so, Tennessee Valley proceeded to ask the Zoning Board of the City of Huntsville for permission to have its proposed second site rezoned for the purpose of providing an antenna site for its proposed station. On February 27, Tennessee Valley's request for a rezoning was denied.

4. On March 1, 1967, counsel for Tennessee Valley requested the Examiner to set a further prehearing conference in the above-entitled matter as a result of events that had occurred during the past several days, and a prehearing conference was scheduled and held on March 8, 1967, pursuant to the above request. At said conference Tennessee Valley withdrew its petition for leave to amend that it had filed on February 1, 1967, and its supplement filed on February 20, and asked that the Examiner continue the proceeding for a period of approximately 30 days. In support of its request, Tennessee Valley asserted that it had secured an additional site and that it proposed to file a petition for leave to amend within said 30-day period to specify a new transmitter and antenna site. The Broadcast Bureau and Fine Music, Inc., both supported said request, but the same was opposed by Rocket City.

5. It appears from the foregoing that Tennessee Valley has been diligent in its efforts to secure a suitable antenna and transmitter site and that just cause exists for a grant of the requested continuance.

Therefore, it is ordered, This 22d day of March 1967, that the request for withdrawal of the February 1, 1967, petition for leave to amend, and the supplement thereto filed February 20, 1967, be, and the same is, hereby granted; that the aforesaid petitions, be, and the same are, hereby withdrawn; that the aforesaid request for a 30-day continuance of this proceeding made by Tennessee Valley to afford it an opportunity to file a petition for leave to amend its application, be, and the same is, hereby granted; and

It is further ordered, That a further prehearing conference in this matter shall be scheduled for April 20, 1967 at 10 a.m.

Released: March 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3549; Filed, Mar. 30, 1967; 8:48 a.m.]

[Docket Nos. 17131—17136; FCC 67M-501]

GENERAL ELECTRIC CABLEVISION CORP. ET AL.

Order Rescheduling Hearing

In re petitions by General Electric Cablevision Corp., Van Buren, N.Y., Docket No. 17131, File No. CATV 100-65; General Electric Cablevision Corp., Solvay, N.Y., Docket No. 17132, File No. CATV 100-137; Newchannels Corp., East Syracuse, N.Y., Docket No. 17133, File No. CATV 100-112; Newchannels Corp., Camillus, N.Y., Docket No. 17134, File No. CATV 100-124; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Syracuse television market. In re applications of Eastern Microwave, Inc., Van Buren, N.Y., Docket No. 17135, File No. 4704-C1-P-66; Eastern Microwave, Inc., Camillus, N.Y., Docket No. 17136, File No. 4879-C1-P-66; for construction permits for new point-to-point microwave radio stations.

A prehearing conference having been held on March 22, 1967, whereat certain agreements were reached and certain rulings were made:

It is ordered, This 23d day of March 1967, that subject to the conditions set forth on the transcript of the said prehearing conference, hearing herein shall commence on July 6, 1967.

Released: March 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3550; Filed, Mar. 30, 1967; 8:48 a.m.]

[Docket No. 16828; FCC 67M-496]

AMERICAN BROADCASTING COMPANIES, INC.

Order Scheduling Prehearing Conference

In the matter of applications by American Broadcasting Cos., Inc.: 1. For assignment of licenses of stations: WABC, WABC-FM, WABC-TV, New York, N.Y.; WLS-FM, WBKB, Chicago, Ill.; KGO, KGO-FM, KGO-TV, San Francisco, Calif.; KABC, KABC-FM, KABC-TV, Los Angeles, Calif.; 2. for transfer of control of stations: WLS, Chicago, Ill.; KQV and KQV-FM, Pittsburgh, Pa.; WXYZ, WXYZ-FM, WXYZ-TV, Detroit, Mich.; 3. for assignments and transfer of ancillary radio facilities; Docket No. 16828:

It is ordered, This 24th day of March 1967, that the second prehearing conference in the above-entitled proceeding will be convened at 10 a.m., April 6, 1967, in the offices of the Commission (Room 7134), Washington, D.C.; and,

It is further ordered, That the prehearing conference in the proceeding, heretofore scheduled for April 7, 1967, is canceled.

Released: March 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3551; Filed, Mar. 30, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4592 etc.]

ELIZABETH M. BROWN ET AL.

Findings and Order After Statutory Hearing

MARCH 21, 1967.

Elizabeth M. Brown et al. (successor to H. L. Brown Estate et al.) and other Applicants listed herein, Docket No. G-4592, et al.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, dismissing application, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successors co-respondents, redesignating proceedings, requiring filing of agreements and undertakings, requiring filing of surety bond, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabluation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Earl C. Brookover, Applicant in Docket No. G-10411, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to R. W. Lange, FPC Gas Rate Schedule No. 2. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI67-3. R. W. Lange collected an increased rate under said rate schedule for a locked-in period subject to refund in Docket No. RI62-20.[1] Applicant has requested to be substituted as respondent in both proceedings. Therefore, Applicant will be substituted as respondent in Docket Nos. RI62-20 and RI67-3, the proceedings will be redesignated accordingly, and Applicant will be required to file agreements and undertakings to assure the refunds of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings.

Elizabeth M. Brown et al., Applicant in Docket No. G-17945, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to H. L. Brown Estate et al., FPC Gas Rate Schedule No. 7. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI60-4.[2] Applicant has requested to be substituted as respondent in said proceeding. Therefore, Applicant will be substituted as respondent in Docket No. RI60-4, the proceeding will be redesignated accordingly, and Applicant will be required to file a surety bond to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in said proceeding.

Sun Oil Co., Applicant in Docket No. CI61-1710, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Richard M. Finder, doing business as Texkan Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 15. Said rate schedule will be redesignated as that of Applicant. Finder had filed an increased rate under said rate schedule which rate was suspended in Docket No. RI64-719 [3] by order issued May 7, 1964, in Docket No. RI64-718 et al., and allowed to become effective upon the filing of an agreement and undertaking by Finder. Finder did not file an agreement and undertaking. On January 6, 1967, Applicant submitted its agreement and undertaking in Docket No. RI64-719. Therefore, Applicant will be substituted in lieu of Finder as respondent in said proceeding, the proceeding will be redesignated accordingly, Applicant's agreement and undertaking will be accepted for filing, and Applicant will be permitted to collect the increased rate of 15 cents per Mcf at 14.65 p.s.i.a. as of January 6, 1967.

Delta Corp., Applicant in Docket No. CI67-615, proposes, inter alia, to continue in part the sale of natural gas heretofore authorized in Docket No. G-14152 to be made pursuant to Union Oil Co. of California, FPC Gas Rate Schedule No. 23. The contract comprising said rate schedule is also being accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-604. Therefore, Applicant will be made a co-respondent in said proceeding, the proceeding will be redesignated accordingly, and Applicant will be required to file an agreement and undertaking to assure the refund of any amount collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Post Oak Oil Co., Applicant in Docket No. CI67-801, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI62-1449 to be made pursuant to Big Chief Drilling Co., FPC Gas Rate Schedule No. 12. The contract comprising said rate schedule will also be accepted for filing as Applicant's rate schedule. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI66-253. Applicant has requested to be made a co-respondent in said proceeding. Therefore, Applicant will be made a co-respondent in Docket No. RI66-253, the proceeding will be redesignated accordingly, and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

After due notice, a notice of intervention by the Public Service Commission of the State of New York was filed in Docket No. CI62-1359, in the matter of the application filed December 5, 1966, in said docket. The notice of intervention has been withdrawn, and no other petitions to intervene notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on March 16, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the petition to amend filed in Docket No. CI63-875 on September 29, 1966, should be dismissed as moot.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-4592, G-4593, G-4594, G-4595, G-6311, G-9255, G-10411, G-10700, G-10799, G-14152, G-15714, G-17945, G-19673, CI61-737, CI61-1147, CI61-1710, CI62-90, CI62-437, CI62-1359, CI62-1449, CI63-55, CI64-175, CI64-976, CI64-1136, CI64-1262, CI65-492, CI65-1159, CI66-1196, and CI67-546 should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Earl C. Brookover should be substituted as respondent in the proceedings pending in Docket Nos. RI62-20 and RI67-3, that said proceedings should be redesignated accordingly, and that Earl C. Brookover should be required to file agreements and undertakings.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Elizabeth M. Brown et al., should be substituted as respondent in the proceeding pending in Docket No. RI60-4, that said proceeding should be redesignated accordingly, and that Elizabeth M. Brown et al., should be required to file a surety bond.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sun Oil Co. should be substituted as respondent in the proceeding pending in Docket No. RI64-719, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted in said proceeding by Sun Oil Co. should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Delta Corp. should be a co-respondent in the proceeding pending in Docket No. RI65-604, that said proceeding should be redesignated accordingly, and that Delta Corp. should be required to file an agreement and undertaking.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Post Oak Oil Co. should be a co-respondent in the proceeding pending in Docket No. RI66-253, that said proceeding should be redesignated accordingly, and that Post Oak Oil Co. should be required to file an agreement and undertaking in said proceeding.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with

[1] Consolidated with Docket No. AR64-1 et al.

[2] Consolidated with the initial proceeding in Docket No. AR61-1 et al.

[3] Consolidated with Docket No. AR64-2 et al.

the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 7 and 11 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. G–10700 and CI67–525 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicants in Docket Nos. G–10700 and CI67–525 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Within 45 days from the date of this order Applicants in Docket Nos. G–10700 and CI67–525 each shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(H) Certificates are issued herein in Docket Nos. CI67–731, CI67–749, CI67–750, and CI67–892 authorizing the respective Applicants to continue the sales of natural gas being rendered on June 7, 1954.

(I) Certificates are issued herein in Docket Nos. CI67–885, CI67–886, CI67–888, CI67–909, CI67–910, CI67–911, CI67–912, CI67–913, CI67–914, CI67–915, CI–67–916, CI67–917, CI67–918, CI67–919, and CI67–920 authorizing the respective Applicants to continue the sales of natural gas which were initiated without prior Commission authorization.

(J) The petition to amend filed in Docket No. CI63–875 on September 29, 1966, is dismissed as moot.

(K) The certificates heretofore issued in Docket Nos. G–6311, G–10700, G–10799, G–15714, CI63–55, CI64–175, CI64–1136, CI64–1262, CI65–492, CI65–1159, CI66–1196, and CI67–546 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(L) The certificates heretofore issued in Docket Nos. CI61–1147 and CI62–90 are amended to include the sales of natural gas from the additional acreage, subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449), except that said certificates shall not be subject to the Commission's ultimate determination in Docket No. R–200.

(M) The certificate heretofore issued in Docket No. CI64–976 is amended by deleting therefrom authorization to sell natural gas and the related rate schedule is redesignated from Texaco, Inc. (Operator), et al., to Texaco, Inc., pursuant to the rate schedule supplement as indicated in the tabulation herein.

(N) The certificates heretofore issued in Docket Nos. G–14152, CI61–737, and CI62–1449 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI67–615, CI67–546, and CI67–801, respectively.

(O) The certificates heretofore issued in Docket Nos. G–4592, G–4593, G–4594, G–4595, G–9255, G–10411, G–17945, G–19673, CI61–1710, CI62–437, CI62–1359, and CI62–1449 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(P) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(Q) The abandonment of service herein permitted and approved in Docket No. CI67–926 does not relieve Applicant of any obligations to make such refunds as may be ordered in the rate suspension proceedings pending in Docket Nos. G–16726 and RI63–120.

(R) The certificates heretofore issued in Docket Nos. G–7227, G–11924, G–12404, and CI60–553 are terminated.

(S) Earl C. Brookover is substituted in lieu of R. W. Lange as respondent in the proceedings pending in Docket Nos. RI62–20 and RI67–3 and said proceedings are redesignated accordingly.[4]

(T) Within 30 days from the issuance of this order Earl C. Brookover shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Docket Nos. RI62–20 and RI67–3 to assure the refunds, together with interest at the rate of 7 percent per annum, of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing.

(U) Earl C. Brookover shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by him in Docket Nos. RI62–20 and RI67–3 shall remain in full force and effect until discharged by the Commission.

(V) Elizabeth M. Brown et al., are substituted in lieu of H. L. Brown Estate et al., as respondent in the proceeding pending in Docket No. RI60–4 and said proceeding is redesignated accordingly.[5]

(W) The acceptance for filing of notices of succession and redesignation of the rate schedules of H. L. Brown Estate et al., as rate schedules of Elizabeth M. Brown et al., are conditioned upon the filing by Elizabeth M. Brown et al., of three copies of a billing statement for each rate schedule as required by the Regulations under the Natural Gas Act.

(X) Within 30 days from the issuance of this order Elizabeth M. Brown et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission in Docket No. RI60–4 an acceptable surety bond in the amount of $2,500 to assure the refund, together with interest at the rate of 7 percent per annum, of all amounts collected in excess of the amount determined to be just and reasonable in said proceeding. The surety bond shall be accompanied by a certificate to the effect that no other obligation has been assumed in addition to the payment of bond premium. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond shall be deemed to have been accepted for filing.

(Y) Elizabeth M. Brown et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the surety bond filed by them in Docket No. RI60–4 shall remain in full force and effect until discharged by the Commission.

[4] Earl C. Brookover.
[5] Elizabeth M. Brown et al.

(Z) Sun Oil Co. is substituted in lieu of Richard M. Finder, doing business as Texkan Oil Co. (Operator) et al., as respondent in the proceeding pending in Docket No. RI64–719, said proceeding is redesignated accordingly,[6] and the agreement and undertaking submitted by Sun Oil Co. in said proceeding is accepted for filing. Sun Oil Co. shall charge and collect subject to refund the increased rate of 15 cents per Mcf at 14.65 p.s.i.a. as of January 6, 1967.

(AA) Sun Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Sun Oil Co. in Docket No. RI64–719 shall remain in full force and effect until discharged by the Commission.

(BB) Delta Corp. shall be a co-respondent in the proceeding pending in Docket No. RI65–604 and said proceeding is redesignated accordingly.[7]

(CC) Within 30 days from the issuance of this order Delta Corp. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI65–604 to assure the refund, together with interest at the rate of 7 percent per annum, of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(DD) Delta Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Delta Corp. in Docket No. RI65–604 shall remain in full force and effect until discharged by the Commission.

(EE) Post Oak Oil Co. shall be a co-respondent in the proceeding pending in Docket No. RI66–253 and said proceeding is redesignated accordingly.[8]

(FF) Within 30 days from the issuance of this order Post Oak Oil Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI66–253 to assure the refund, together with interest at the rate of 7 percent per annum, of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(GG) Post Oak Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it in Docket No. RI66–253 shall remain in full force and effect until discharged by the Commission.

(HH) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–4592 E 12–30–66	Elizabeth M. Brown et al. (successor to H.L. Brown Estate et al.).	United Gas Pipe Line Co., Hordes Creek Field, Goliad County, Tex.	H. L. Brown Estate et al., FPC GRS No. 4.	4	
			Supplement Nos. 1–10	4	1–10
			Notice of succession 12–29–66.		
			Effective date: 10–31–66.		
G–4593 E 12–30–66	do	do	H. L. Brown Estate et al., FPC GRS No. 3.	3	
			Supplement Nos. 1–13	3	1–13
			Notice of succession 12–29–66.		
			Effective date: 10–31–66.		
G–4594 E 12–30–66	do	Transcontinental Gas Pipe Line Corp., La-Gloria Field, Jim Wells and Brooks Counties, Tex.	H. L. Brown Estate et al., FPC GRS No. 1.	1	
			Supplement Nos. 1–18	1	1–18
			Notice of succession 12–29–66.		
			Effective date: 10–31–66.		
G–4595 E 12–30–66	do	United Gas Pipe Line Co., Hordes Creek Field, Goliad County, Tex.	H. L. Brown Estate et al., FPC GRS No. 2.	2	
			Supplement Nos. 1–13	2	1–13
			Notice of succession 12–29–66.		
			Effective date: 10–31–66.		
G–6311 [1]	Amerada Petroleum Corp. (Operator) et al.	Northern Natural Gas Co., Langlie Mattix Field, Lea County, N. Mex.	Assignment 11–15–65 [2]	30	24
			Effective date: 9–1–65		
G–9255 E 12–30–66	Elizabeth M. Brown et al. (successor to H. L. Brown Estate et al.).	Natural Gas Pipeline Co. of America, LaGloria Field, Jim Wells and Brooks Counties, Tex.	H. L. Brown Estate et al., FPC GRS No. 5.	5	
			Supplement Nos. 1–6	5	1–6
			Notice of succession 12–29–66.		
			Effective date: 10–31–66.		
G–10411 E 1–25–67	Earl C. Brookover (successor to R. W. Lange).	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	R. W. Lange, FPC GRS No. 4.	2	
			Supplement Nos. 1–8	2	1–8
			Notice of succession 1–24–67.		
			Amendatory agreement 3–14–66.	2	9
			Assignment 10–19–66	2	10
			Effective date: 10–1–66.		
G–10700 C 10–4–66 [3]	Gordon Street, Inc.[4]	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	Supplemental agreement 9–22–66 [5].	4	6
G–10799 C 1–20–67 [7]	Pan American Petroleum Corp. (Operator) et al.	El Paso Natural Gas Co., West Kutz Field, San Juan County, N. Mex.	Supplementary agreement 12–12–66. [6] [9]	163	14
G–15714 D 1–20–67	Humble Oil & Refining Co. (Operator) et al.	Transwestern Pipeline Co., acreage in Ochiltree County, Tex.	Amendatory agreement 12–21–66. [6] [10]	239	28
G–17945 E 12–30–66	Elizabeth M. Brown et al. (successor to H. L. Brown Estate et al.).	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	H. L. Brown Estate et al., FPC GRS No. 7.	7	
			Supplement Nos. 1–2	7	1–2
			Notice of succession 12–29–66.		
			Effective date: 10–31–66.		
G–19226 A 8–13–59	St. Helens Petroleum Corp.	Colorado Interstate Gas Co., Table Rock Field, Sweetwater County, Wyo.	Contract 7–31–59	1	
G–19673 E 12–30–66	Elizabeth M. Brown et al. (successor to H. L. Brown Estate et al.).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., West Mission Field, Hidalgo County, Tex.	H. L. Brown Estate et al., FPC GRS No. 8.	8	
			Supplement Nos. 1–2	8	1–2
			Notice of succession 12–29–66.		
			Effective date: 10–31–66.		
CI61–1147 C 10–3–66 [12]	Sunray DX Oil Co.[13]	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	Supplemental agreement 8–11–66.	211	16
			Compliance 11–21–66	211	17
			Supplement 12–1–66 [6] [12a]	211	18

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[6] Sun Oil Co.
[7] Union Oil Co. of California and Delta Corp.
[8] Big Chief Drilling Co. and Post Oak Oil Co.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI61-1710 E 1-6-67	Sun Oil Co. (successor to Richard M. Finder, d.b.a. Texkan Oil Co. (Operator) et al.).	Valley Gas Transmission, Inc., South Elsa Field, Hidalgo County, Tex.	Richard M. Finder, d.b.a. Texkan Oil Co. (Operator) et al., FPC GRS No. 15.	213	
			Supplement No. 1	213	1
			Notice of succession 1-3-67.		
			Various assignments [13]		
			Estate of J. B. Nichols 10-12-66.	213	2
			Louis A. Stern, Jr. 9-8-66.	213	3
			Texkan Oil Co. 9-1-66	213	4
			Wayne F. Stanford 9-2-66.	213	5
			Estate of Adolph Woolner 9-13-66.	213	6
			Daniel Auslander 10-3-66.	213	7
			Ivor B. Clark, Jr. 9-9-66.	213	8
			Arthur Espy 9-13-66	213	9
			Leonard Levy 9-26-66	213	10
			Mrs. Phyllis G. Tishman 9-19-66.	213	11
			Alan V. Tishman 9-23-66.	213	12
			Mrs. Rita V. Tishman 9-23-66.	213	13
			M. D. Frazier 8-30-66	213	14
			Adrian C. Israel 9-15-66.	213	15
			Irving Brennan 8-30-66	213	16
			Gandy-McAuley, Inc. 11-7-66.	213	17
			Effective date: 7-1-66		
CI62-90 C 6-3-66 [11]	Sam K. Viersen et al.[14]	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Amendatory agreement 5-2-66.	1	7
CI62-437 E 1-20-67	James F. Scott, d.b.a. E. Chapman Lease (successor to James R. Duncan, trustee, et al.).	Consolidated Gas Supply Corp., Cove District, Doddridge County, W. Va.	James R. Duncan, trustee, et al., FPC GRS No. 1.	7	
			Notice of succession 1-19-67.		
			Assignment 8-19-66	7	1
			Effective date: 8-19-66		
CI62-1359 E 12-5-66 [15]	Ashland Oil & Refining Co. (Operator), et al. (successor to Clegg & Hunt, et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Lake Felto Field, Terrebonne Parish, La.	Clegg & Hunt, et al., FPC GRS No. 6.	183	
			Notice of succession (undated).[10]		
CI62-1449 E 1-3-67	Payne, Inc. (successor to Big Chief Drilling Co.).	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	Big Chief Drilling Co., FPC GRS No. 12.	2	
			Supplement Nos. 1-3	2	1-3
			Notice of succession (undated).		
			Assignment 3-1-66 [16]	2	4
			Effective date: 3-1-66		
CI63-55 C 1-16-67 [11]	Texaco, Inc. (Operator), et al.	Arkansas Louisiana Gas Co., Marlow Field, Stephens County, Okla.	Amendatory agreement 12-14-66.[17]	301	2
			Letter agreement 12-28-66. [8 18]	301	3
			Assignment 8-4-66 [16]	328	3
			Effective date: 8-1-66		
CI63-675 D 9-29-66 [15]	Mobil Oil Corp.	Lone Star Gathering Co., Spearv Field, Karnes County, Tex.	Letter agreement 12-12-66.[8]	363	15
CI64-175 C 1-23-67 [7]	Pan American Petroleum Corp. (Operator) et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.			

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI64-976 D 3-4-66	Texaco, Inc.[21]	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Gas Area, Hamilton County, Kans.	Amendment 1-18-66 [10 22]	327	6
CI64-1136 C 12-5-66 [7 24]	Landa Oil Co.	United Gas Pipe Line Co., Quinto Creek Field, Jim Wells County, Tex.	(24)	2	
CI64-1282 C 1-20-67 [11]	Reading & Bates Offshore Drilling Co. (Operator) et al.	Oklahoma Natural Gas Gathering Corp.,[25] Ringwood Field, Major County, Okla.	Letter agreement 10-13-66.[8]	1	3
C-65-402 D 1-25-67	Creslenn Oil Co., Inc.	Consolidated Gas Supply Corp., Salt Lick and Glenville Districts, Braxton and Gilmer Counties, W. Va.	Letter agreement 4-1-66. [10 26]	7	2
CI65-1159 C 1-19-67 [7]	Tenneco Oil Co. et al.	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	Supplemental agreement 1-10-67. [8]	175	9
CI66-1196 C 1-25-67 [7]	J & J Enterprises, Inc.	Consolidated Gas Supply Corp., Warren District, Upshur County, W. Va.	Supplement agreement (undated).[8 27]	4	1
CI67-11 A 7-5-66 [11]	J. M. Huber Corp.	Panhandle Eastern Pipe Line Co., Mocane Field, Beaver County, Okla.	Contract 4-26-66	74	
			Amendment 1-10-67 [8 28]	74	1
CI67-525 A 10-24-66 [9]	Natural Gas & Oil Corp.[29]	El Paso Natural Gas Co., Gomez Field, Pecos County, Tex.	Contract 9-16-66 [8]	16	
F CI67-546 (CI61-737) C 1-23-67 [20]	Pan American Petroleum Corp.	Transwestern Pipeline Co., South Chaney Field, Ellis County, Okla.	Assignment 1-17-62 [31]	454	2
			Effective date: 2-1-62		
CI67-615 (G-14152) F 11-7-66 A 11-7-66 [11]	Delta Corp. (successor to Union Oil Co. of Calif.).	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Contract 11-14-57 [32]	7	
			Agreement 1-1-63 [33]	7	1
			Assignment 6-13-66 [34]	7	2
			Contract 5-2-66	8	
CI67-731 A 11-23-66 [35]	French Trimble et al.	Cumberland & Allegheny Gas Co., Mountain Lake Park, Garrett County, Md.	Contract 4-3-51 [36]	7	
			Assignment 9-24-52 [37]	7	1
CI67-749 A 12-1-66 [38]	W. E. Brewer, by The First Huntington National Bank, Trustee.	United Fuel Gas Co., acreage in Martin County, Ky.	Contract 2-19-40	6	
			Letter agreement 1-20-51.[38]	6	1
			Letter agreement 12-15-52.[38]	6	2
			Supplemental agreement 5-24-63.[40]	6	3
CI67-750 [35] A 12-1-66 [7]	do	United Fuel Gas Co., Lincoln District, Wayne County, W. Va.	Contract 9-30-44	7	
			Letter agreement 1-17-51.[38]	7	1
			Letter agreement 10-21-52.[38]	7	2
			Supplemental agreement 5-24-63.[40]	7	3
CI67-768 A 12-9-66 [7]	Miller & Fox Minerals Corp.	Landa Oil Co., Quinto Creek Field, Jim Wells County, Tex.	Contract 11-4-66	7	
A CI67-801 (CI62-1449) F 12-8-66	Post Oak Oil Co. (successor to Big Chief Drilling Co.).	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	Contract 4-17-62 [41]	2	
			Assignment 3-1-66 [16]	2	1
			Effective date: 3-1-66		
CI67-839 A 1-5-67 1-9-67 [42]	Thomas N. Berry & Co. (Operator) et al.	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	Contract 12-20-66 [43]	9	
			Contract 3-17-58	9	1
			Supplemental agreement 3-17-58.	9	2
CI67-875 A 1-18-67 [7]	Paul F. Starr, agent for Parker Petroleum Co., et al.	Consolidated Gas Supply Corp., Spencer District, Roane County, W. Va.	Letter agreement 1-6-67.	9	3
			Contract 3-23-66 [8]	27	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI67-682 A 1-16-67 [7]	R. H. Adkins.	Consolidated Gas Supply Corp., Oceana District, Wyoming County, W. Va.	Contract 1-26-66 [8]	95	
CI67-883 A 1-19-67 [7]	Montlar Oil & Gas Development Co., Inc., et al.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	Contract 12-16-66 [8]	6	
CI67-884 A 1-19-67 [11]	Reading & Bates Offshore Drilling Co. (Operator) et al.	Northern Natural Gas Co., acreage in Beaver County, Okla.	Contract 12-21-66	4	
CI67-885 [44] A 1-19-67 [7]	Allerton Miller	Cumberland & Allegheny Gas Co., Warren District, Upshur County, W. Va.	Contract 7-30-65 [8]	14	
CI67-886 [44] A 1-19-67 [7]	do	do	Contract 12-15-65 [8]	15	
CI67-887 A 1-19-67 [7]	David E. Bunting et al., d.b.a. B & C Oil Co.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Contract 5-20-66 [8]	1	
CI67-888 [44] A 1-19-67 [7]	Robert L. Wharton	Cumberland & Allegheny Gas Co., Middle Fork District, Randolph County, W. Va.	Contract 12-23-64 [8]	2	
CI67-890 A 1-20-67 [11]	Gulf Oil Corp.	Northern Natural Gas Co., Cateeby, Chaney, and West Shatuck Fields, Ellis County, Okla.	Contract 12-12-66 [8]	383	
CI67-892 [35] A 1-20-67 [7]	C. Fred Shewey, agent for M. Collier.	United Fuel Gas Co., acreage in Mingo County, W. Va.	Contract 3-27-42	2	
			Letter agreement 1-19-51.[38]	2	1
			Letter agreement 12-15-52.[38]	2	2
CI67-893 A 1-20-67 [7]	Colline Oil Corp.	Northern Natural Gas Co., Perryton (Upper Morrow) Field, Ochiltree County, Tex.	Contract 12-9-66 [8]	8	
CI67-897 A 1-23-67 [7]	Oil Industries Associates et al.	Consolidated Gas Supply Corp., McKim District, Pleasants County, W. Va.	Contract 5-20-66 [8]	4	
CI67-898 A 1-23-67 [11]	Raymond B. Keating, Ancillary Trustee of the Campbell Smith Trust et al.	Northern Natural Gas Co., Northwest Lovedale Field, Harper County, Okla.	Contract 5-31-66 [8]	1	
CI67-899 A 1-23-67 [7]	Joseph Stydahar d.b.a. Stydahar Oil & Gas Co.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	Contract 4-26-66 [8]	2	
CI67-900 (G-12404) B 1-23-67	Robert Mosbacher	Texas Eastern Transmission Corp., Aldine Field, Harris County, Tex.	Notice of cancellation 1-19-67.[10 44]	13	2
CI67-901 (G-11924) B 1-23-67	Robert Mosbacher (Operator) et al.	Texas Eastern Transmission Corp., Collier (Pearl) Field, Bee County, Tex.	Notice of cancellation 1-19-67. [10 44]	12	2
CI67-904 A 1-24-67 [7]	Adolph Gill et al., d.b.a. Gilco Oil & Gas, Ltd.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Contract 4-27-66 [8]	1	
CI67-909 [44] A 1-23-67 [7]	Homer Queen et al.	Cumberland & Allegheny Gas Co., Warren District, Upshur County, W. Va.	Contract 10-13-60	19	
			Assignment 2-9-61 [8 45]	19	1
CI67-910 [44] A 1-23-67 [7]	do	do	Contract 1-20-60	18	
			Assignment 2-2-60 [8 45]	18	1
CI67-911 [44] A 1-23-67 [7]	do	Cumberland & Allegheny Gas Co., Union District, Barbour County, W. Va.	Contract 5-5-59	17	
			Assignment 2-2-60 [8 45]	17	1

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI67-912 [44] A 1-23-67 [7]	do	Cumberland & Allegheny Gas Co., Banks District, Upshur County, W. Va.	Contract 3-7-59	16	
			Assignment 3-5-58 [8 45]	16	1
CI67-913 [44] A 1-23-67 [7]	do	do	Contract 10-28-58	15	
			Assignment 10-24-58 [8 45]	15	1
CI67-914 [44] A 1-23-67 [7]	do	do	Contract 3-28-58	14	
			Assignment 2-2-60 [8 45]	14	1
CI67-915 [44] A 1-23-67 [7]	do	Cumberland & Allegheny Gas Co., Buckhannon District, Upshur County, W. Va.	Contract 8-12-57	13	
			Assignment 2-2-60 [8 45]	13	1
CI67-916 [44] A 1-23-67 [7]	do	do	Contract 3-21-63	20	
			Assignment 5-10-63 [8 45]	20	1
CI67-917 [44] A 1-23-67 [7]	do	do	Contract 4-24-64	22	
			Assignment 5-8-64 [8 45]	22	1
CI67-918 [44] A 1-23-67 [7]	do	do	Contract 8-10-64	23	
			Assignment 10-26-64 [8 45]	23	1
CI67-919 [44] A-1-23-67 [7]	do	do	Contract 7-17-65	24	
			Assignment 9-16-65 [8 45]	24	1
CI67-920 [44] A 1-23-67 [7]	do	do	Contract 10-29-63	21	
			Assignment 1-18-64 [8 45]	21	1
CI67-922 A 1-24-67 [7]	Yucca Petroleum Co. (Operator) et al.	Northern Natural Gas Co., Upper Morrow Field, Hansford County, Tex.	Contract 1-22-67	12	
CI67-923 (CI60-553) B 1-23-67	McCarrick, Gouger & Mitchell (Operator) et al.	Valley Gas Transmission, Inc., Fort Merrill Field, Live Oak County, Tex.	Notice of cancellation 1-23-67. [10 44]	1	1
CI67-924 A 1-25-67 [7]	John F. Scott et al., d.b.a. J. T. Shields Well No. 1.	Consolidated Gas Supply Corp., McClellan District, Doddridge County, W. Va.	Contract 4-6-66 [8]	8	
CI67-925 A 1-25-67 [7]	Francis E. Cain et al., d.b.a. Hiram Bell Gas Partnership.	Consolidated Gas Supply Corp., Center District, Calhoun County, W. Va.	Contract 3-31-66 [8]	30	
CI67-926 (G-7227) B 1-25-67	Forest Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Grand Chenier Area, Cameron Parish, La.	Notice of cancellation (undated).[10 46]	[47] 7	12

[1] No certificate filing made; copies of the assignment deleting acreage were submitted on Aug. 8, 1966.
[2] Deletes interest in acreage assigned to George L. Buckles who is now operating under a small producer certificate in Docket No. CS66-119.
[3] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[4] By letter filed Nov. 28, 1966, Applicant agreed to accept authorization for the additional acreage containing conditions similar to those imposed by Opinion No. 468.
Adds acreage and deletes the indefinite pricing provision of the Dec. 13, 1954 contract as it pertains to the additional acreage only.
[5] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[7] Jan. 1, 1968, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[8] Adds acreage and deletes the favored nations provisions of the Dec. 6, 1951 contract with respect to this acreage only.
[9] Production of gas no longer economically feasible.
[10] Effective date: Date of this order.
[11] July 1, 1967, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[12] By letter dated Dec. 1, 1966 (filed Feb. 21, 1967) Applicant advised willingness to accept authorization for the additional acreage conditioned similar to the certificates issued by Opinion No. 353.
[12a] Amends contract to provide for downward B.t.u. adjustment for gas produced from additional acreage.
[13] Instruments whereby Sun Oil Co. acquired the properties.
[14] By letter filed Oct. 17, 1966, Applicant expressed willingness to accept authorization for the additional acreage under same terms of the temporary certificate (Opinion No. 353, excluding "R-200" condition).
[15] Amendment to the certificate filed to reflect Ashland as operator and certificate holder.
[16] Assigns acreage from Big Chief Drilling Co. to Payne, Inc., an undivided two-thirds and Post Oak Oil Co., an undivided one-third.
[17] Adds the W. G. Barnard Lease.
[18] Letter agreement giving Applicant authority to cover interest of Edwin L. Cox for production from the W. G. Barnard No. 1 Well, SE¼ of sec. 2, T. 2 N., R. 8 W.

See footnotes at end of table.

[19] By order issued Nov. 22, 1966, in Docket Nos. G-5099 et al., said certificate was amended to reflect the deletion of the subject acreage concurrently with the issuance of the certificate to the successor, Bruns Production Co., Inc. (Operator) et al., in Docket No. C167-246; therefore, only the supplement to the rate schedule is being accepted for filing by this order and the petition to amend will be dismissed as moot.
[20] Transfers properties from Mobil Oil Corp. to H. D. Bruns to a depth of 9,720 feet.
[21] Redesignation of rate schedule from Texaco, Inc. (Operator) et al. to Texaco, Inc., designation as per statement of change in ownership filed Feb. 1, 1965.
[22] Deletes 320 acres which lease expired due to nonproduction.
[23] Adds production attained from Miller & Fox Minerals Corp. in Docket No. C167-768.
[24] Related rate schedule on file; only billing statement submitted.
[25] National Fuels Corp. purchases liquids extracted from Applicant's gas at the Ringwood Gasoline Plant.
[26] Deletes acreage from contract due to adverse production trends.
[27] Includes letter dated July 15, 1966, from Consolidated Gas Supply Corp. agreeing to inclusion under basic contract of added acreage and production therefrom.
[28] Deletes indefinite pricing provisions of contract, filed on Jan. 30, 1967, in compliance with the temporary certificate issued Sept. 30, 1966.
[29] By letter filed Dec. 16, 1966, Applicant agreed to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468.
[30] Adds acreage acquired from Shell Oil Co. in Docket No. C161-737.
[31] Assignment from Shell Oil Co. to Pan American Petroleum Corp.; covered by Shell's FPC GRS No. 242.
[32] On file as Union Oil Co. of California FPC GRS No. 23 in Docket No. G-14152.
[33] Amends basic contract rate-of-take provisions.
[34] Assigns acreage from Union Oil Co. of California to Delta Corp.
[35] Sale being rendered on June 7, 1954.
[36] Between Harry E. Davisson et al., and Cumberland & Allegheny Gas Co.
[37] From Davisson et al. to Trimble et al.
[38] Increases contract price from 12.0 cents per Mcf to 15.0 cents per Mcf.
[39] Increases contract to 16.0 cents per Mcf.
[40] Establishes The First Huntington National Bank of Huntington, W. Va., as Irrevocable Trustee.
[41] Between Big Chief Drilling Co. and buyer; on file as Big Chief Drilling Co., FPC GRS No. 12.
[42] Submittal of revised contract summary and revised billing statement reflecting 16.0 cents price in lieu of 15.0 cents.
[43] Adopts and amends the Mar. 17, 1958 contract to delete indefinite pricing provisions and provide for B.t.u. measurement on wet basis.
[44] Sale being rendered without prior Commission authorization.
[45] Source of gas depleted.
[46] Assigns interest to "et al." parties.
[47] Rate of 23.675 cents effective subject to refund in Docket No. RI63-120; 22.0833 cents effective subject to refund in Docket No. G-16726.

[F.R. Doc. 67-3375; Filed, Mar. 30, 1967; 8:45 a.m.]

[Docket No. CP67-265]

COLORADO INTERSTATE GAS CO.

Notice of Application

MARCH 22, 1967.

Take notice that on March 16, 1967, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP67-265 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas on a short-term basis to Panhandle Eastern Pipe Line Co. (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell and deliver to Panhandle on an interruptible basis such daily volumes of natural gas as Panhandle may require and as Applicant may have available for a term ending 1 year from the date of initial delivery. Panhandle anticipates that its purchases will average 15,000 Mcf of natural gas per day during the term of the agreement. Applicant is not required in any day to deliver quantities of natural gas in excess of 20,000 Mcf of natural gas per day. Panhandle will pay a commodity charge of 15.5 cents per Mcf of natural gas for all volumes delivered by Applicant.

Applicant will utilize two existing interconnections between the respective natural gas gathering systems and no additional facilities will be constructed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 20, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3510; Filed, Mar. 30, 1967; 8:45 a.m.]

[Docket Nos. G-12135, CP63-41]

EL PASO NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

Order Consolidating Application for Certificate of Public Convenience and Necessity With Show Cause Proceeding and Setting Date for Hearing

MARCH 24, 1967.

On August 17, 1962, the Commission ordered Northern Natural Gas Co. (Northern) to show cause, if any there be, within 30 days from the date of issuance of the order, why the Commission should not find and determine that:

(1) Northern's sale to Pioneer Gas Co. for resale in the State of Texas is a jurisdictional sale; and

(2) Northern should apply for a certificate of public convenience and necessity authorizing such sale.

On September 26, 1962, Northern filed an answer to the order to show cause, denying that its sale to Pioneer of natural gas which was delivered for the account of Northern to Pioneer by El Paso Natural Gas Co. (El Paso) from the latter's Plains to Dumas, Tex., pipeline, is subject to the jurisdiction of the Commission under the Natural Gas Act.

Action was withheld in this proceeding pending decision on an application for a declaratory order by United Gas Pipeline Co. involving jurisdiction over certain sales made by United in the "Florida Parishes" of Louisiana. Subsequent to our decision therein, United Gas Pipeline Co., 30 FPC 560, the Court of Appeals for the Fifth Circuit sustained the Commission's opinion in Louisiana Public Service Commission v. F.P.C., 359 F. 2d 525, cert. denied 385 U.S. 833, holding that sales by a pipeline in a State of production off an interstate pipeline were jurisdictional sales. Since the instant proceeding appears to present the same issue, and since Northern has not voluntarily filed an application for a certificate of public convenience and necessity, it is appropriate to now set the show cause proceeding for hearing.

On March 1, 1957, El Paso filed at Docket No. G-12135 its application for a certificate of public convenience and necessity as well as a request for a temporary certificate authorizing the delivery by El Paso to Pioneer for the account of Northern of up to 69,000 Mcf per day during the seasonal period from April 1 to October 1 of each of the years of 1957 through 1961 at points of delivery located along El Paso's Dumas line. By temporary certificate issued June 7, 1957, El Paso was authorized to render the service during the seasonal period of 1957. Thereafter, further temporary certificates were issued from year to year authorizing continuation of deliveries to Pioneer by El Paso, but increasing the amount authorized to 100,000 Mcf per day.

A permanent certificate to El Paso has been withheld pending resolution of the order to show cause against Northern. For administrative purposes it is appropriate that El Paso's application in Docket No. G-12135 should be consolidated with the proceeding against Northern in Docket No. CP63-41.

The Commission finds:

(1) In view of the foregoing and upon the basis of the Commission's order to show cause issued August 17, 1962, and the answer thereto, it is necessary and appropriate to carry out the provisions of the Natural Gas Act that a hearing be held on the aforementioned order to show cause to determine why Northern should not be directed to apply for and obtain a certificate of public convenience and necessity authorizing the sale of natural gas to Pioneer Natural Gas Co.

(2) It is appropriate and in the public interest that the above-captioned matters be consolidated for hearing and decision as hereinafter ordered.

(3) The expeditious disposition of this proceeding may be effectuated by holding a prehearing conference, and to that end, a prehearing conference should be held on April 25, 1967, as hereinafter ordered.

The Commission orders:

(A) A public hearing to be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing May 16, 1967, at 10 a.m., e.d.t., concerning the question as to whether Northern should be required to apply for and obtain a certificate of public convenience and necessity authorizing it to make the sale to Pioneer Natural Gas Co. which it has previously made without authorization.

(B) The above-captioned matters are hereby consolidated for the purposes of hearing and decision.

(C) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.d.t., on April 25, 1967, in a hearing room of the Federal Power Commission, 441 G Street N.W., Washington, D.C., for the purpose of effectuating the expeditious disposition of these consolidated proceedings.

(D) The purpose of such conference shall be to consider all matters at issue in the above dockets the manner in which evidence shall be presented, to fix dates for the distribution of such evidence, to enter into such stipulations of fact as the parties may agree upon, and to consider any and all matters which might contribute to an expeditious disposition of this proceeding.

(E) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 17, 1967. Protestants and Petitioners shall state with particularity the dockets in which they claim to have an interest.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3511; Filed, Mar. 30, 1967; 8:45 a.m.]

[Docket No. CP67-270]

KENTUCKY-TENNESSEE NATURAL GAS CO.

Notice of Application

MARCH 24, 1967.

Take notice that on March 20, 1967, Kentucky-Tennessee Natural Gas Co. (Applicant), 211 North Broadway, Wichita, Kans. 67202, filed in Docket No. CP 67-270 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce and the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 49.5 miles of 8⅝-inch O.D. transmission pipeline from a proposed interconnection with East Tennessee Natural Gas Co. (Tennessee) near Dandridge, Tenn., to an interconnection with Cumberland Valley Pipe Line Co. (Cumberland) at or near Middlesboro, Ky., together with all necessary appurtenances, and a meter station at Middlesboro, Ky. Cumberland will resell the natural gas delivered to it by Applicant to four utilities in Kentucky which have been and are now being served with natural gas obtained from local production now becoming rapidly depleted. Applicant, Cumberland and the four utilities are wholly owned subsidiaries of Graham-Michaelis Drilling Co., a partnership.

Applicant states that it proposes to render the service to Cumberland by obtaining a supply of 2,529 Mcf of natural gas per day from Tennessee. Tennessee filed in Docket No. CP67-221 an application requesting authorization, among other things, to sell and deliver to Applicant its requested volumes of natural gas.

Applicant estimates the cost of the proposed construction at approximately $1,205,000, said cost to be financed by the issuance of equity and debt securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 24, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3512; Filed, Mar. 30, 1967; 8:45 a.m.]

[Docket No. CP67-262]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application

MARCH 22, 1967.

Take notice that on March 13, 1967, the Manufacturers Light and Heat Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP67-262 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities and a certificate of public convenience and necessity authorizing Applicant to construct and operate certain natural gas facilities, during the calendar years 1967 and 1968, to assure continued dependable service to existing markets in Pennsylvania and West Virginia and provide for normal growth of these markets as well as to make more efficient use of its facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the following projects in 1967 and 1968:

(1) Replace 7.11 miles of 8-inch pipeline with 7.15 miles of 10-inch pipeline in Beaver County, Pa.

(2) Replace 7.86 miles of 10-inch pipeline with 8.50 miles of 12-inch pipeline in Lawrence and Butler Counties, Pa.

(3) Construct 0.89 mile of 6-inch pipeline and 0.16 mile of 2-inch pipeline and abandon 5.70 miles of 6-inch pipeline and 1.05 miles of 4-inch and 6-inch pipeline in Wetzel County, W. Va.

Applicant states that the above projects will assure continued dependable service to existing markets to provide for the normal growth requirements of these markets and will provide more efficient utilization and more economic operation of its pipeline facilities.

Applicant estimates the total cost of the proposed construction at approximately $682,000, said cost to be financed through the issuance and sale of promissory notes and/or common stock to its parent company, the Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 17, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will

be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3513; Filed, Mar. 30, 1967; 8:45 a.m.]

[Docket No. CP67-259]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MARCH 22, 1967.

Take notice that on March 10, 1967, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP67-259 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition by purchase and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to acquire by purchase from Placid Oil Co., Hunt Oil Co. and Hassie Hunt Trust (Sellers) a 20-inch pipeline (the Placid Line) 76.6 miles in length extending from a point of connection with Applicant's facilities at Avalon, St. Mary Parish, La., to Block 199 Field, Eugene Island Area Offshore, Louisiana. Applicant presently purchases gas produced by Sellers in Block 77 and Block 198 Fields, Eugene Island Area, and delivered by them through the Placid Line to Applicant at Avalon. Applicant has contracted to purchase the Placid Line from the Sellers at their depreciated book cost. Applicant states that the cost of building said pipeline under today's conditions would be substantially greater than its original cost.

Applicant further states that it is necessary to contract for additional reserves in large annual increments to meet the constantly increasing requirements of its customers and that acquisition of said Placid Line, with capacity greatly in excess of that required to deliver Sellers' gas at Avalon and with substantial expansibility, will place Applicant in a position to contract for additional reserves along the route of the line. Coincident with the execution of the contract for the purchase of the Placid Line, Sellers, and Applicant amended their gas sales contract to provide for a reduction, effective upon purchase of the line, of 2.5 cents per Mcf in the price of gas paid by Applicant to Sellers. Applicant states that such reduction will fully compensate it for the costs it will incur in transporting to Avalon the gas which the Sellers now deliver to it at that point.

Applicant does not propose any new or additional service in its application, nor does it request authority for the construction of any new facilities.

Applicant proposes to purchase the facilities from the Sellers for the original cost less depreciation for the period from the initial use of the line to the closing date of the purchase transaction. Applicant proposes to finance the cost of the purchase initially with borrowings from banks under lines of credit, together with retained earnings and other funds generated internally.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 17, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3514; Filed, Mar. 30. 1967; 8:45 a.m.]

[Docket No. CP67-271]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

MARCH 27, 1967.

Take notice that on March 22, 1967, Montana-Dakota Utilities Co. (Applicant), 831 Second Avenue South, Minneapolis, Minn. 55402, filed in Docket No. CP67-271 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 11.78 miles of 4½-inch O.D. lateral gas transmission main in Butte County, S. Dak., and Crook County, Wyo., and to construct a gas measuring and regulating station for the purpose of selling natural gas to the International Minerals and Chemical Corp. (International) bentonite processing plant near Colony, Wyo. Applicant states that the proposed transmission main will loop an existing main serving the Colony, Wyo., area and, in addition to serving the requirements of International, will be used to serve the expanded gas requirements of the Archer-Daniels-Midland Co. and National Lead Co. bentonite processing plants near Colony, Wyo., and to other customers who may desire service in that area.

Applicant estimates the total cost of the proposed facilities at approximately $150,250, said cost to be financed with internally generated funds and/or short-term bank loans and with an advance for construction by International of $73,500. The construction advance will be refunded to International on the basis of a 20-percent rebate on the total revenue received by Applicant each month for the gas sold to International.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 24, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3515; Filed, Mar. 30, 1967; 8:45 a.m.]

[Docket No. CP66-169 (Phase II)]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

MARCH 24, 1967.

Take notice that on March 13, 1967, Natural Gas Pipeline Co. of America (Petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP66-169 (Phase II) a petition to amend the order issued by the Commission December 30, 1966, by authorizing Petitioner to construct and operate additional natural gas facilities to increase its transmission system capacity by 40,000 Mcf of natural gas per day over and above the expansion authorized by the Commission in the above-mentioned order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

In the above-mentioned order, Petitioner was authorized to construct and operate certain natural gas facilities for the purpose of expanding its overall system capacity by 150,000 Mcf per day of natural gas. In the instant filing, Petitioner seeks authorization to further increase its transmission system capacity by an additional 40,000 Mcf per day of natural gas by the construction and operation of 10 segments of 36-inch loop pipeline, ranging from 4.52 miles to 8.66 miles in length, and aggregating in total 63.3 miles of line, which will be installed at various points on Petitioner's existing Gulf Coast line. Petitioner also proposes to make minor modifications of header piping at its Compressor Station No. 308, Randolph County, Ark.

Petitioner seeks authorization for the additional facilities based on the contention that nearly all of its remaining uncommitted capacity will be required to meet additional firm demands of its customers prior to the advent of the 1967-68 winter heating season. It will therefore have no uncommitted capacity with which to respond to the requests of its customers to meet the unanticipated demands in their service areas that historically have occurred in the past.

Petitioner estimates the total cost of the proposed additional facilities at approximately $10,458,000, said cost to be financed by short-term borrowings pending permanent financing. Petitioner also estimates that it will realize an investment cost savings of approximately $1,426,000, over the cost of such facilities if constructed as a separate program.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 17, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3516; Filed, Mar. 30, 1967; 8:45 a.m.]

[Docket No. CP66-244]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition To Amend

MARCH 24, 1967.

Take notice that on March 15, 1967, Panhandle Eastern Pipe Line Co. (Petitioner), 1 Chase Manhattan Plaza, New York, N.Y. 10005, filed in Docket No. CP66-244 a petition to amend the order issued by the Commission June 6, 1966, as amended, by authorizing Petitioner to increase the summer contract demands for three of its General Service customers and one Small General Service customer to enable them to meet their present contract firm requirements during the months of April through October, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the following volumes of natural gas are required by the abovementioned customers in view of their revised estimates of need for the summer season:

Company	Present demand, April-October [1]	Proposed demand, April-October [1]	Proposed increase [1]
Associated Natural Gas Co.	14,500	16,300	1,800
Missouri Power & Light Co.	138,000	145,000	7,000
Missouri Utilities Co.	66,400	82,000	15,600
Central Illinois Electric & Gas Co.	88,000	91,400	3,400

[1] In Mcf.

Petitioner states that the above-listed volumes of natural gas are presently available in its system so there will be no problem meeting these increased contract demands. Petitioner also states that in order for the increases to benefit its customers, it is hereby requesting temporary authorization to commence the proposed service April 1, 1967.

Petitioner further states that some of these temporary increases will be applicable only during the ensuing summer period inasmuch as the same or somewhat greater volumes of natural gas are requested for these same customers in its 1967 expansion program which is pending in Docket No. CP67-170.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 20, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3517; Filed, Mar. 30, 1967; 8:45 a.m.]

[Docket No. CP657-266]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

MARCH 24, 1967.

Take notice that on March 16, 1967, Panhandle Eastern Pipe Line Co. (Applicant), 1 Chase Manhattan Plaza, New York, N.Y. 10005, filed in Docket No. CP 67-266, a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of field facilities for the purchase of natural gas, during the 12-month period commencing with the issuance of the above-requested certificate, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this "budget-type" application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with its system.

Applicant states that the total cost of all projects will not exceed $2 million with no single project to exceed a cost of $500,000. Applicant will finance the cost of the proposed projects from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 19, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3518; Filed, Mar. 30, 1967; 8:45 a.m.]

[Docket No. CP67-263]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Application

MARCH 27, 1967.

Take notice that on March 14, 1967, South Texas Natural Gas Gathering Co. (Applicant), Post Office Drawer 521, Corpus Christi, Tex. 78403, filed in Docket No. CP67-263 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain jurisdictional natural gas facilities, from July 1, 1967, through June 30, 1968, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this "budget-type" application is to augment its ability to act with reasonable dispatch in contracting for and in connecting to its system, new supplies of natural gas adjacent to its system.

Applicant states that the total cost of the projects will not exceed $1 million, with no single project to exceed a cost of $250,000. Applicant proposes to finance the cost of the proposed facilities from funds on hand, cash generated by operations and from internal sources.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and

procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 21, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3519; Filed, Mar. 30, 1967; 8:45 a.m.]

[Docket No. CP66-355]

TRANSWESTERN PIPELINE CO.

Order Fixing Date for Prehearing Conference

MARCH 24, 1967.

On March 6, 1966, Transwestern Pipeline Co. (Transwestern) filed an application for a certificate of public convenience and necessity, as supplemented on May 6, 1966, pursuant to section 7 of the Natural Gas Act, for authorization to construct and install a tap and valves and to relocate an existing meter on its Waha lateral in order to effectuate the delivery of gas to the plant of Socony Mobil Oil Co., Inc. (Mobil) in Pecos County, Tex., for processing and redelivery to Transwestern.

Transwestern also requests authorization to transport these volumes of gas to Mobil's processing plant. In addition Transwestern seeks authorization from this Commission to bring about a shrinkage in the stream as a result of the operation of this plant and authorization to utilize part of the gas as plant fuel.

Transwestern is presently purchasing approximately 3,000 Mcf to 4,000 Mcf per day from the Mobil plant. It is estimated that deliveries from such plant will increase to 11,000 or 12,000 Mcf per day upon the installation and operation of the facilities for which authorization is requested herein.

The facilities that Transwestern proposes to install consist of a block valve, a side gate assembly and related facilities. Transwestern also proposes to relocate one meter setting. There will be no additional facilities required for the transportation of fuel and shrinkage volumes. The estimated cost of such facilities and the relocation of present facilities is approximately $10,910.

On June 10, 1966, the People of the State of California and The Public Utilities Commission of the State of California (California) filed its notice of intervention in the above-styled proceeding.

It is the contention of California that Transwestern will purchase gas at the wellhead from the producers at a price which may reflect a heating value in excess of 1,050 B.t.u., but may receive from Mobil, after processing, gas with a heating value of less than 1,050 B.t.u. Although the arrangement between Transwestern and Mobil provides for reimbursement of the shrinkage volumes, there does not appear to be any provision for a price adjustment to compensate for the fact that the heating value of the gas will be reduced as a result of the processing.

The Commission is of the opinion that a prehearing conference held before the commencement of the formal hearing can be beneficial to all of the parties. The Commission will therefore require that a prehearing conference be held in connection with the aforementioned proceeding on April 17, 1967.

The Commission finds: That the scheduling of a prehearing conference in the above-styled proceeding may be in the public interest.

The Commission orders: A prehearing conference be convened in the proceeding entitled Transwestern Pipeline Co., Docket No. CP66-355, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., on April 17, 1967, at 10 a.m., e.s.t. The Chief Examiner will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3520; Filed, Mar. 30, 1967; 8:46 a.m.]

[Project No. 553]

CITY OF SEATTLE, WASH.

Notice of Application for Amendment of License for Constructed Project

MARCH 27, 1967.

Application for amendment of license was filed under the Federal Power Act (16 U.S.C. 791a-825r) by city of Seattle, Wash. (correspondence to: Mr. John M. Nelson, Superintendent of Lighting, City of Seattle, 1015 Third Avenue, Seattle, Wash. 98104), for constructed Project No. 553, located on the Skagit River, in Whatcom County, Wash., and affecting lands of the United States within the Mount Baker National Forest, and lands within the Dominion of Canada.

The application seeks Commission authorization to raise to top of the radial-type spillway gates from the existing elevation of 1,601.13 feet to elevation of 1,602.50 feet, with a resultant raising of the project reservoir normal highwater elevation from 1,600 feet to 1,602.5 feet, thus increasing the available storage by 30,000 acre-feet. The raising of the reservoir normal high water elevation will flood additional National Forest lands already within the project boundary, and additional lands within the Dominion of Canada pursuant to an agreement with the Province of British Columbia, dated January 10, 1967, an executed copy of which accompanied the application for amendment.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 15, 1967. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3521; Filed, Mar. 30, 1967; 8:46 a.m.]

[Docket No. CP67-261]

UNITED FUEL GAS CO.

Notice of Application

MARCH 22, 1967.

Take notice that on March 14, 1967, United Fuel Gas Co. (Applicant), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP67-261 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 4.2 miles of 30-inch loop pipeline in Cabell County, W. Va., extending eastward from a point approximately 12.8 miles east of its Ceredo Compressor Station, Wayne County, W. Va., and to install and operate one additional 2,700 horsepower unit at its Lanham Compressor Station, Kanawha County, W. Va.

Applicant states that the construction of the 30-inch loop pipeline and 2,700 horsepower compressor unit is necessary to provide sufficient capacity for its market requirements and storage injection requirements during the summer of 1967.

Applicant estimates the cost of the proposed construction at approximately $1,683,800, said cost to be financed through the issuance and sale of promissory notes and common stock to Applicant's parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 17, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3522; Filed, Mar. 30, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHAS. PFIZER & CO., INC.

Notice of Withdrawal of Petition for Food Additives Oxytetracycline and Oleandomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

A petition (FAP 3D0928) was filed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017, notice of which was published in the FEDERAL REGISTER of October 16, 1962 (27 F.R. 10123), proposing issuance of a food additive regulation to provide for the safe use of a combination drug containing oxytetracycline and oleandomycin for use in chicken feed. Additional information was subsequently requested by the Commissioner of Food and Drugs as provided for in § 121.51(j) of the procedural food additive regulations. The regulation also provides that if requested information is not submitted within 180 days of the filing date of a petition, the petition will be considered to be withdrawn without prejudice.

The requested information has not been received and, therefore, the subject petition is regarded as having been withdrawn without prejudice to a future filing.

Dated: March 24, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3567; Filed, Mar. 30, 1967; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

CENTRAL GULF STEAMSHIP CORP. AND GENERAL MARITIME CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 7 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement 9620, between Central Gulf Steamship Corp. and General Maritime Corp. published in the FEDERAL REGISTER on February 25, 1967, has been amended to provide that one party may act as agent for the other party in the fixing of rates which may be but need not be the same as the agent party's rates.

Dated: March 28, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-3553; Filed, Mar. 30, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18248]

LINEA AEREA NACIONAL—CHILE (LAN)

Notice of Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that prehearing conference in the above-entitled proceeding now assigned to be held March 29, 1967, has been indefinitely postponed.

Dated at Washington, D.C., March 27, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-3548; Filed, Mar. 30, 1967; 8:48 a.m.]

[CAB Docket No. 16946; ICC Docket Ex Parte No. 251]

RAILWAY EXPRESS AGENCY, INC.

Supplemental Joint Agency Notice Regarding Petitions for Declaratory Orders

CROSS REFERENCE: For a document regarding petitions for declaratory orders filed by Railway Express Agency, Inc., see F.R. Doc. 67-3559, Interstate Commerce Commission, *infra*.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 67-2]

NEGOTIATIONS BY POLAND FOR ACCESSION TO GENERAL AGREEMENT ON TARIFFS AND TRADE

Notice of Public Hearing

Timetable. A. Requests to present oral testimony must be received by Friday, April 21, 1967.

B. Written briefs must be received by Friday, April 28, 1967.

C. Hearing begins Wednesday, May 3, 1967.

1. *Notice of public hearing.* Pursuant to section 3(b)(3) of Directive No. 1 of the Office of the Special Representative for Trade Negotiations (48 CFR 202.3 (b)(3)) and upon its own motion pursuant to section 2(d) of its regulations 48 (CFR 211.2(d)), the Trade Information Committee (hereinafter referred to as the Committee) has ordered a public hearing to be held concerning the proposed entry into negotiations by the Polish People's Republic (hereinafter referred to as Poland) for its accession to the General Agreement on Tariffs and Trade (hereinafter referred to as the GATT).

2. *Subject matter of public hearing.* Poland has notified the Contracting Parties to the GATT that it wishes to engage in negotiations with a view to acceding to the GATT. It has proposed offers as its contribution to the negotiations for accession, and the GATT Contracting Parties have agreed to discuss the terms of Poland's accession.

Poland now takes part in the work of the GATT, pursuant to the Declaration on Relations between Contracting Parties to the GATT and the Government of the Polish People's Republic, of November 9, 1959 (11 UST 2580), without the rights and obligations of a contracting party thereto.

The subject matter on which views and information would be most helpful are trade concessions that the United States might seek from Poland. With regard to the concessions which the United States may grant in the current trade negotiations and from which Poland may benefit, which views and information have already been requested pur-

suant to the President's public notices of October 21, 1963, February 18, 1965, and August 16, 1966 (28 F.R. 11251, 11301, 30 F.R. 2301, 31 F.R. 10949; 48 CFR Parts 180 and 182) concerning the current trade negotiations as a whole.

3. *Time and place of public hearing.* The public hearing will commence on Wednesday, May 3, 1967. Information concerning the place of the hearing may be obtained from the Chairman of the Committee.

4. *Requests to present oral testimony.* All requests to present oral testimony must be received by the Chairman of the Committee not later than Friday, April 21, 1967.

Requests to present oral testimony must conform with the regulations of the Committee (48 CFR Part 211). Requests shall be submitted in an original and three copies and must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request on behalf of the party referred to in subparagraph (a);

(c) A brief indication of the interest of, and the position to be taken by, the party;

(d) The name, address, and telephone number of the person or persons who will present oral testimony; and

(e) The amount of time desired for the presentation of oral testimony.

Each party submitting a request will be notified of the Committee's disposition thereof. Each party whose request is granted will also be notified of the date on which he is scheduled to appear, the amount of time allotted for his presentation, and the place of the hearing. The Committee reserves the right to restrict the time allotted for the presentation of oral testimony. Any party whose request is denied will be notified of the reasons therefor.

5. *Submission of written briefs.* Any interested party may submit a written brief to the Committee concerning the subject matter of the public hearing. Each party presenting oral testimony must submit a brief. All briefs must be received not later than Friday, April 28, 1967.

Briefs must conform with the regulations of the Committee (48 CFR Part 211).

6. *Information exempt from public inspection.* Parties are referred to sections 7 and 8 of the regulations of the Committee (48 CFR 211.7 and 211.8) for the provisions concerning information exempt from public inspection.

In particular, it should be noted that requests to present oral testimony should contain no confidential information, and any requests marked "For Official Use Only" will not be accepted. In addition every written brief must present in nonconfidential form, on separate pages, a statement of the party's position and supporting arguments sufficient to inform any other party of the arguments he must meet in order to oppose the position taken in the brief.

7. *Public inspection of written materials.* Subject to the regulations of the Committee, and in particular sections 7 and 8 (48 CFR 211.7 and 211.8), all written materials filed with the Committee in connection with the hearing will be open to public inspection, by appointment, at the office of the Chairman, Room 723, 1800 G Street NW., Washington, D.C. 20506. Transcripts of the hearing will also be available for inspection, but not for reproduction. Transcripts may be purchased from the official reporter.

8. *Communications.* All communications with regard to the hearing should be addressed to: Chairman, Trade Information Committee, Office of the Special Representative for Trade Negotiations, Room 723, 1800 G Street NW., Washington, D.C. 20506

LOUIS C. KRAUTHOFF II,
Chairman.

[F.R. Doc. 67-3606; Filed, Mar. 30, 1967; 10:41 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2093]

NUVEEN TAX-EXEMPT BOND FUND, SERIES 14

Notice of Application for Order of Exemption

MARCH 27, 1967.

Notice is hereby given that Nuveen Tax-Exempt Bond Fund, Series 14 ("applicant"), 209 South La Salle Street, Chicago, Ill. 60604, a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting applicant from compliance with the provisions of section 14(a) of the Act. In substance, section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant is one of a series of fourteen similar funds, named "Nuveen Tax-Exempt Bond Fund," organized pursuant to a trust indenture and agreement between John Nuveen & Co., as sponsor and United States Trust Co. of New York as trustee. Under the trust agreement the sponsor will deposit with the trustee a minimum of $7,500,000 principal amount of municipal bonds and will receive in exchange therefor certificates for 75,000 units of undivided interest in the trust. It is proposed to offer such units for sale to the public and for this purpose a registration statement under the Securities Act of 1933 has been filed and has not yet become effective. The trust agreement provides in substance that no additional bonds will be deposited during the life of the trust and no additional units will be issued. The proceeds of bonds which may be sold, redeemed or matured will be distributed to unit holders. Units may be redeemed by the holders at their current net asset value. The trust may be terminated by 100 percent agreement of the unit holders of the applicant, or, in the event that the value of the bonds shall fall below 20 percent of the aggregate principal amount of bonds initially deposited therein, upon direction of the sponsor to the trustee.

In connection with the requested exemption the sponsor has agreed to refund the original price including sales load paid by purchasers for units, if within 90 days after the registration becomes effective, the net worth of the trust shall be reduced to less than $100,000 or if the trust is terminated. Applicant further represents that at the present time the sponsor maintains a market for the units of the Nuveen Tax-Exempt Bond Funds with which it is similarly connected, and continually offers to purchase such units at prices which exceed the redemption price for such units by amounts which depend upon general market conditions. It is the sponsor's intention to maintain a market for the units of the applicant and to continuously offer to purchase such units at prices in excess of the redemption price as set forth in the trust agreement, although the sponsor is not obligated to do so.

Notice is further given that any interested person may, not later than April 11, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneouly with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-3525; Filed, Mar. 30, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[CAB Docket No. 16946; ICC Docket Ex Parte No. 251]

RAILWAY EXPRESS AGENCY, INC.

Supplemental Joint Agency Notice Regarding Petitions for Declaratory Orders

MARCH 28, 1967.

The Interstate Commerce Commission and the Civil Aeronautics Board issued a joint agency notice, dated January 24, 1967 (32 F.R. 1159), initiating an informal proceeding relating to the establishment of joint rates and through routes between the Railway Express Agency and direct air carriers subject to jurisdiction of the CAB. The notice invited interested persons to submit written statements of facts, views and arguments on any of 14 questions raised by petitioner or any other legal or practical issues pertinent to the proceeding, and statements are due by April 3, 1967. Replies are due by May 3, 1967. In order to facilitate the filing of replies by interested persons a supplemental joint agency notice was issued on March 10, 1967, requiring persons intending to file statements in the proceeding to notify the CAB and the ICC, setting forth their names and addresses and the person or persons they represent. The notice further stated that the two agencies would list these names and addresses in an additional supplemental joint agency notice, to be published in the FEDERAL REGISTER, and that a copy of each statement should be served on each person listed. In the appendix below is a list of the names and addresses of the persons and their representatives upon whom statements are required to be served.

Dated at Washington, D.C., on this 28th day of March 1967.

By the Civil Aeronautics Board and the Interstate Commerce Commission.

INTERSTATE COMMERCE COMMISSION,
[SEAL] H. NEIL GARSON,
Secretary.

CIVIL AERONAUTICS BOARD,
[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX

Mr. Leigh Athearn, Athearn, Chandler & Hoffman, 593 Market Street, San Francisco, Calif. 94105.
Mr. William J. Augello, Jr., Society of American Florists & National Fisheries Institute, Inc., 2 West 45th Street, New York, N.Y. 10036.
Mr. F. J. Bacher, Chairman, Express Committee, The National Industrial Traffic League, General Transportation Manager, The Arrow Co., Division of Cluett, Peabody & Co., Inc., 433 River Street, Troy, N.Y. 12180.
Mr. Russel S. Bernard, Macleay, Lynch, Bernhard & Gregg, Commonwealth Building, 1625 K Street, NW., Washington, D.C. 20006.
Mr. G. Dean Booth, Jr., Delta Air Lines, Inc., Atlanta Airport, Atlanta, Ga. 30320.
Mr. Howard Boros, Boros & Lester, Bender Building, 1120 Connecticut Avenue, Washington, D.C. 20036.
Mr. Edwin I. Colodny, Mr. David B. Armstrong, Attorneys for Allegheny Airlines, Inc., Washington National Airport, Washington, D.C. 20001.
Mr. Roger P. Craig, Prather Levenberg & Seeger, 740 ITT Building, 1707 L Street NW., Washington, D.C. 20036.
Mr. C. H. Crook, Chairman, Aeronautics Committee, The National Industrial Traffic League, General Traffic Manager, United Aircraft Corp., 400 Main Street, East Hartford, Conn. 06108.
Mr. Preston W. Davis, United Parcel Service, 643 West 43d Street, New York, N.Y. 10036.
John F. Donelan, Esq., General Counsel, The National Industrial Traffic League, 914 Washington Building, Washington, D.C. 20005.
Mr. William E. Doyle, 231 South La Salle Street, Chicago, Ill. 60604.
Mr. Robert N. Duggan, Klagsbrunn & Hanes, 710 Ring Building, Washington, D.C. 20036.
John Law Elliott, Esq., Ballard and Beasley, 912 American Security Building, Washington, D.C. 20005.
Philip A. Fleming, Esq., Pogue & Neal, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
Mr. Warren A. Goff, General Counsel, Continental Trailways, 315 Continental Avenue, Dallas, Tex. 75207.
Mr. Louis P. Haffer, 703 Ring Building, Washington, D.C. 20036.
Mr. Charles L. Hood, Airlift International, Inc., Post Office Box 535, International Airport Branch, Miami, Fla. 33148.
Mr. Edward W. Hummers, Jr., 1329 E Street NW., Washington, D.C. 20004.
James N. Jacobi, Esq., Kurrus & Jacobi, 2000 K Street NW., Washington, D.C. 20006.
Mr. Harry J. Jordan, 1616 P Street NW., Washington, D.C. 20036.
Mr. William Q. Keenan, General Solicitor, Railway Express Agency, Inc., 219 East 42d Street, New York, N.Y. 10017.
Mr. William N. W. Kendall, Bureau of Economics, Room 5375, Interstate Commerce Commission, Washington, D.C. 20423.
Mr. John W. Kersey, Director of Cargo Sales Programing, Eastern Air Lines, Inc., 10 Rockefeller Plaza, New York, N.Y. 10020.
Mr. Duncan S. Kimball, Manager, Air Division, Jet Forwarding, Inc., 2945 Columbia Street, Torrance, Calif. 90503.
Mr. Gerry Levenberg, 740 ITT Building, 1707 L Street NW., Washington, D.C. 20036.
Mr. W. O. Locke, Post Office Box 6301, San Francisco International Airport, San Francisco, Calif. 94128.
Mr. Joseph A. McCann, Pan American Building, 200 Park Avenue, New York, N.Y. 10017.
Mr. B. K. McClain, Director of Traffic, Brown Transport Corp., Post Office Box 6985, Atlanta, Ga. 30315.
Mr. John W. McFadden, Jr., 318 East Ohio Street, Chicago, Ill. 60611.
Mr. Melvin L. Milligan, II, Vice President and General Counsel, Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.
Giles Morrow, Esq., General Counsel, Freight Forwarders Institute, 1012 14th Street NW., Washington, D.C. 20005.
Mr. Charles B. Myers, 611 Field Building, Chicago, Ill. 60603.
Mr. Emory T. Nunneley, Jr., Vice President and General Counsel, Northwest Airlines, Inc., Minneapolis-St. Paul International Airport, St. Paul, Minn. 55111.
Mr. T. J. O'Loughlin, Jr., Vice President, Traffic, Law Motor Freight, Inc., Airport Road, Nashua, N.H. 03104.
Mr. Raymond J. Rasenberger, Lear, Scoutt & Rasenberger, 888 17th Street NW., Washington, D.C. 20006.
Mr. Bryce Rea, Jr., 1329 E Street NW., Washington, D.C. 20004.
Mr. Paul Y. Seligson, Koteen & Burt, 1000 Vermont Avenue NW., Washington, D.C. 20005.
Mr. Thomas K. Taylor, Vice President, Government Affairs, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.
Mr. Curtis L. Wagner, Jr., Chief, Regulatory Law Division, OTJAG, DA, Washington, D.C. 20310.
Mr. John Wilson, G.T.M., Hartz Mountain Products Corp., 50 Cooper Square, New York, N.Y. 10003.

[F.R. Doc. 67-3559; Filed, Mar. 30, 1967; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 28, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40962—*Substituted service—Union Pacific for Leatham Bros., Inc.* Filed by Leatham Bros., Inc. (No. 1), for itself and on behalf of the Union Pacific Railroad Co. Rates on property moving in trailers and transported on railroad flatcars, from and to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

Grounds for relief—Motortruck competition.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3555; Filed, Mar. 30, 1967; 8:49 a.m.]

[Notice 358]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 28, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of

the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC–103654 (Sub-No. 126 TA), filed March 23, 1967. Applicant: SCHIRMER TRANSPORTATION COMPANY, INC., 1145 Homer Street, St. Paul, Minn. 55116. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles from Cherokee, Iowa, to points in Cottonwood, Murray, and Nobles Counties, Minn.; Burt County, Nebr.; and Lincoln County, S. Dak.; and from Irvington, Iowa, to points in Blue Earth, Cottonwood, Faribault, Jackson, Martin, and Watonwan Counties, Minn., for 180 days. Supporting shipper: Tuloma Gas Products Co., Pan American Building, Post Office Box 566, Tulsa, Okla. 74102. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC–111069 (Sub-No. 42 TA), filed March 23, 1967. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, State Highway 131, Clarksville, Ind. 47130. Applicant's representative: Ollie L. Merchant, 140 South Fifth Street, Suite 202, Louisville, Ky. 40202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, in vehicles equipped with mechanical refrigeration, from Union City and Memphis, Tenn., to New York City and its commercial zone, for 180 days. Supporting shipper: W. M. Tynan & Co., Inc., 76 Ninth Avenue, New York, N.Y. 10011. Send protests to: District Supervisor R. M. Hagarty, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 126966 (Sub-No. 2 TA), filed March 23, 1967. Applicant: GRADY A. LANNING, 2777 Jefferson Davis Highway, Arlington, Va. 22202. Applicant's representative: L. Agnew Myers, Jr., Warner Building, Washington, D.C. 20423. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from the plantsite of Davis Sand & Gravel Co., near Clinton, Md., to Franconia, Va., under contracts with Gray Concrete Pipe Co., Inc., for 180 days. Supporting shipper: Gray Concrete Pipe Co., Inc., 2777 Jefferson Davis Highway, Arlington, Va. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1220, ICC Building, Washington, D.C. 20423.

No. MC 127351 (Sub-No. 2 TA), filed March 23, 1967. Applicant: CHANCE FREIGHT LINES, West Main Street, Gardner, Ill. 60424. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate fertilizer, and liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Marseilles, Ill., and points within 5 miles thereof to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shippers: The Borden Chemical Co., Smith-Douglass Division, Post Office Box 419, 5100 Virginia Beach Boulevard, Norfolk, Va. 23501; F. S. Royster Guano, Co., Norfolk, Va. 23501. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC–127915 (Sub-No. 3 TA), filed March 23, 1967. Applicant: C & W TRUCKING, INC., 2017 East Colfax Avenue, Denver, Colo. 80206. Applicant's representative: Paul D. Wishon, 2017 East Colfax Avenue, Denver, Colo. 80206. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food stuffs*, from (A) Denver, Colo., to points in Wyoming and points in New Mexico, North Dakota, and South Dakota, and (B) from Albuquerque, N. Mex., to points in Texas, Colorado, and Arizona; *potato chips and snack foods* returned from points of destination to either point of origin, Denver, Colo., or Albuquerque, N. Mex. (generally will be limited to potato chips and food snacks commonly used as hors d'oeuvres), for 180 days. Supporting shipper: Red Seal, Inc., 4300 Oneida Street, Denver, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC–128607 (Sub-No. 3 TA), filed March 23, 1967. Applicant: BOYD TRUCKING CO., Post Office Box 577, First Street and Cemetery Lane, Cottonwood, Calif. 96022. Applicant's representative: Marvin Handler, 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips* from Stirling City and points within 2 miles of the city limits of Red Bluff, Calif., to Sacramento, Calif., for 150 days. Supporting shipper: Diamond National Corp., Diamond Lumber Division, Red Bluff, Calif. Send protests to: Howard O. Gaston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC–128951 (Sub-No. 1 TA), filed March 23, 1967. Applicant: ROBERT DITTRICH, doing business as BOB DITTRICH TRUCKING, 312 North Garden Street, New Ulm, Minn. 56073. Applicant's representative: Gislason, Reim, Alsop & Dosland, State and Center Streets, New Ulm, Minn. 56073. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags and bulk, from Spencer, Iowa, to points in Minnesota on and south of U.S. Highway 212, for 150 days. Supporting shipper: American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC–128955 TA, filed March 23, 1967. Applicant: INTERNATIONAL MOVERS, INC., 1244 Knoxville Street, San Diego, Calif. 92110. Applicant's representative: J. K. Greiner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized household goods* as defined by the Commission, 17 M.C.C. 467, between points in San Diego County, Calif., on shipments having a prior or subsequent out-of-State movement for 180 days. Supporting shipper: Four Winds Forwarding, Inc., 4600 Wheeler Avenue, Alexandria, Va. 22304. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC–128956 TA, filed March 23, 1967. Applicant: NORTHWEST DISTRIBUTING CO., INC., 25 Third Avenue East, Mobridge, S. Dak. 57601. Applicant's representative: Dennis W. Bierschbach (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bottled water products, natural bottled orange juice, and canned Pepsi-Cola products* from Minneapolis-St. Paul, Minn., to Aberdeen, S. Dak., and *empty cases* from Aberdeen, S. Dak., to Minneapolis-St. Paul, Minn., for 180 days. Supporting shipper: Pepsi-Cola Bottling Co., 11 North State Street, Aberdeen, S. Dak. 57401, Donald C. Brown, president. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 369, Federal Building, Pierre, S. Dak. 57501.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–3556; Filed, Mar. 30, 1967; 8:49 a.m.]

[Notice 1498]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 28, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69411. By order of March 24, 1967, the Transfer Board approved the transfer to David William Reid, doing business as A. W. Reid Draying Co., San Francisco, Calif., of the certificate of registration in No. MC–65185 (Sub-No. 2), issued May 20, 1964, to Cecil Alexander Reid and David William Reid, a partnership, doing business as A. W. Reid Draying Co., San Francisco, Calif., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of California, corresponding in scope to the service authorized by certificate of public convenience and necessity granted in decision No. 51071, dated February 1, 1955, as amended in decision No. 60386, dated July 12, 1960, issued by the Public Utilities Commission of the State of California. Alfred G. Johnson, Suite 470, Flood Building, 870 Market Street, San Francisco, Calif., attorney for applicants.

No. MC–FC–69475. By order of March 24, 1967, the Transfer Board approved the transfer to Smolowitz Bros. Van Lines, Inc., Brooklyn, N.Y., of certificates Nos. MC–95180, MC–95180 (Sub-No. 3), MC–95180 (Sub-No. 6), and MC–95180 (Sub-No. 7), respectively, issued October 16, 1943, June 22, 1944, June 10, 1948, and July 20, 1949, respectively to Harry Smolowitz and Morris Smolowitz, a partnership, doing business as Smolowitz Bros., Brooklyn, N.Y., authorizing the transportation of: Household goods, from and to, or between, points as specified in 27 States, including New York, and the District of Columbia. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicants.

No. MC–FC–69478. By order of March 24, 1967, the Transfer Board approved the transfer to Wayne E. Hay, doing business as Hay Truck Line, Parker, Kans., of certificate No. MC–87456, issued December 2, 1949, to Leslie Keith Martz, doing business as Martz Bros., Greeley, Kans., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Greeley, Kans., and Kansas City, Mo., serving specified intermediate and off-route points; and livestock, between points within 12 miles of Greeley, Kans., on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo.

No. MC–FC–69495. By order of March 24, 1967, the Transfer Board approved the transfer to Jane R. Ankeny, doing business as Ankeny Transfer, Hollsopple, Pa., of the operating rights in certificate No. MC–119885, issued May 22, 1961, to Mary E. Ankeny, doing business as G. V. Ankeny's Transfer, Johnstown, Pa., authorizing the transportation, over irregular routes, of such merchandise as is dealt in by wholesale, retail, or chain grocery and food business houses, from Baltimore, Md., to Johnstown, Pa.; radiators and radiator parts from Johnstown, Pa., to Trenton, N.J., and points in Maryland and the District of Columbia; boilers and boiler parts from New Castle, Pa., to Trenton, N.J., and points in Maryland and the District of Columbia; and raw materials used in the manufacture of radiators from Trenton, N.J., to Johnstown, Pa. Robert L. Franke, 417 Lincoln Street, Johnstown, Pa., attorney for applicants.

No. MC–FC–69497. By order of March 24, 1967, the Transfer Board approved the transfer to Zanetti Bus & Fast Express, Inc., Rock Springs, Wyo., of the operating rights in certificate No. MC–114535, issued August 31, 1966, to Teton Freight Lines; Inc., Riverton, Wyo., authorizing the transportation, over described regular routes, of passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, between Shoshoni, Wyo., and Lander, Wyo., between Lander, Wyo., and Pilot Butte Oil Field, Wyoming, between Lander, Wyo., and Rock Springs, Wyo., and between Perrin, Wyo., and Rawlins, Wyo., serving some intermediate points. Pete Zanetti, 1000 Clark Street, Rock Springs, Wyo. 82901, representative for applicants.

No. MC–FC–69510. By order of March 24, 1967, the Transfer Board approved the transfer to Scandinavian Ski Tours & Rentals, Inc., New York, N.Y., License Nos. MC–12624 and MC–12624 (Sub-No. 2), issued October 1, 1956, and September 12, 1963, respectively, to Harry Vallin doing business as Scandinavian Ski & Sport Shop, New York, N.Y., authorizing the holder to engage in operations as a broker in arranging for the transportation of: Passengers and their baggage and ski equipment, at New York, N.Y., and Garden City, N.Y., serving points in New York, New Hampshire, Vermont, Massachusetts, and Connecticut. Morris Honig, 150 Broadway, New York, N.Y. 10038, Attorney for applicants.

No. MC–FC–69516. By order of March 24, 1967, the Transfer Board approved the transfer to Dick Irvin, Inc., Shelby, Mont., of certificates Nos. MC–119634 (Sub-No. 3) and MC–119634 (Sub-No. 4), issued September 29, 1966, and May 3, 1966, respectively, to Charles R. Irvin, doing business as Dick Irvin Trucking Co., Shelby, Mont., authorizing the transportation, over irregular routes, of fertilizer and byproducts thereof, between ports of entry located on the United States-Canada boundary line in Montana, on the one hand, and, on the other, points in Montana, and petroleum, mining machinery, and machinery, materials, supplies and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Montana. Charles R. Irvin, 218 12th Avenue North, Shelby, Mont. 59474, representative for applicants:

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–3557; Filed, Mar. 30, 1967; 8:49 a.m.]

[Notice 1498–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 28, 1967.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC–FC–69562. By application filed March 27, 1967, W. J. SHANNON TRUCKING CO., 129 Summer Street, Worcester, Mass., seeks temporary authority to lease the operating rights of HASHEN BROS. TRUCKING CO., INC., 12 Cherry Street, Worcester, Mass., under section 210a(b). The transfer to W. J. SHANNON TRUCKING CO., of the operating rights of HASHEN BROS. TRUCKING CO., INC., is presently pending.

No. MC–FC–69563. By application filed March 27, 1967, W. J. SHANNON TRUCKING CO., 129 Summer Street, Worcester, Mass., seeks temporary authority to lease the operating rights of WORCESTER TRUCK CO., INC. (MORRIS NEWMAN, RECEIVER), 11 Norwich Street, Worcester, Mass., under section 210a(b). The transfer to W. J. SHANNON TRUCKING CO., of the operating rights of WORCESTER TRUCK CO., INC., is presently pending.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–3558; Filed, Mar. 30, 1967; 8:49 a.m.]

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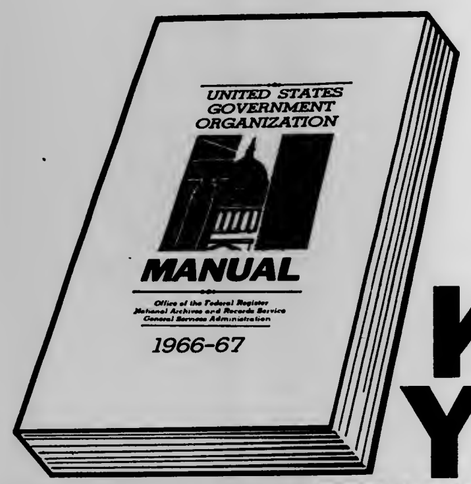
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FEDERAL REGISTER

VOLUME 32 • NUMBER 63

Saturday, April 1, 1967 • Washington, D.C.

Pages 5449–5486

THE UNIVERSITY OF MICHIGAN
APR 3 1967
MAIN READING ROOM

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Agricultural Stabilization and Conservation Service
Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Defense Department
Federal Aviation Agency
Federal Maritime Commission
Federal Power Commission
Federal Register Administrative Committee
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Interior Department
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Securities and Exchange Commission
State Department
Wage and Hour Division

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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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Supplements to Title 3
of the
Code of Federal Regulations

The Supplements to Title 3 of the Code of Federal Regulations contain the full text of proclamations, Executive orders, reorganization plans, trade agreement letters, and certain administrative orders issued by the President and published in the Federal Register during the period June 2, 1938–December 31, 1963. Tabular finding aids and subject indexes are included. The individual volumes are priced as follows:

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Title 3—THE PRESIDENT

Executive Order 11340

EFFECTIVE DATE OF DEPARTMENT OF TRANSPORTATION ACT

By virtue of the authority vested in me as President of the United States by Section 15 of the Department of Transportation Act (Public Law 89–670, approved October 15, 1966; 80 Stat. 950) April 1, 1967, is hereby prescribed as the date on which the Department of Transportation Act shall take effect.

Lyndon B. Johnson

THE WHITE HOUSE,
March 30, 1967.

[F.R. Doc. 67–3973; Filed, Mar. 30, 1967; 4:49 p.m.]

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CFR CHECKLIST

1967 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1967. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (as of Jan. 1, 1967):	Price
4 (Rev.)	$0.40
7 Parts:	
900–944 (Rev.)	1.00
945–980 (Rev.)	.65
1000–1029 (Rev.)	1.00
1030–1059 (Rev.)	1.00
1060–1089 (Rev.)	.75
1090–1119 (Rev.)	.70
1120–1199 (Rev.)	1.00
16 Parts:	
0–149 (Rev.)	1.75
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21 Parts:	
1–119 (Rev.)	1.00
120–129 (Rev.)	1.00
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147–end (Rev.)	1.00
23 (Rev.)	.25
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31 (Rev.)	1.75
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1 (Rev.)	2.00
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49 Parts 165–end (Supp.)	.65

*NOTE: No amendments to this volume were promulgated during 1966. The cumulative pocket supplement issued as of Jan. 1, 1966, should be retained.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the position of Staff Assistant to the Under Secretary (Liaison Officer) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (28) is added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(28) One Staff Assistant to the Under Secretary (Liaison Officer).

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-3592; Filed, Mar. 31, 1967; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that the positions of the Assistant Directors of the Bureau of Prisons in charge of the Divisions of Inmate Treatment and Training, Operations, and Management are no longer excepted under Schedule C and that the Assistant Directors of the Bureau of Prisons in charge of the Divisions of Community Services and Institutional Services are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (m) of § 213.3310 is amended by revoking subparagraph (3) and adding subparagraphs (5) and (6) as set out below.

§ 213.3310 Department of Justice.

• • • • • •

(m) *Bureau of Prisons.* • • •

(3) [Revoked]

• • • • • •

(5) Assistant Director, Division of Community Services.

(6) Assistant Director, Division of Institutional Services.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-3591; Filed, Mar. 31, 1967; 8:46 a.m.]

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION ACT SYSTEM

PART 534—PAY UNDER OTHER SYSTEMS

Miscellaneous Amendments

Section 511.201(b) is amended to show exclusion from Part 511 and from classification under the General Schedule of student speech pathologists, Department of the Navy. Section 534.202(b) is amended to show exclusion from certain pay provisions, the additional maximum stipends prescribed for student speech pathologists, Department of the Navy, and the amendment of the item pertaining to student practical nurses. Sections 511.201(b) and 534.202(b) are amended as set out below.

1. Effective February 15, 1967, the following item is added to paragraph (b) of § 511.201.

§ 511.201 Coverage of and exclusions from the Classification Act.

• • • • • •

(b) *Exclusions.* • • •

Student speech pathologists, Department of the Navy, approved training during program for a graduate degree.

• • • • • •

(5 U.S.C. 5102, 5351)

2. Effective February 15, 1967, § 534.202(b) is amended as follows:

§ 534.202 Maximum stipends.

• • • • • •

(b) • • •

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(5 U.S.C. 5351, 5352, 5541)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-3593; Filed, Mar. 31, 1967; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

PIPERONYL BUTOXIDE, PYRETHRINS; EDITORIAL CLARIFICATION

The Commissioner of Food and Drugs, having considered certain questions re-

garding possible use of multiwall paper bags, containing piperonyl butoxide and pyrethrins in the outerply, for other than dried feeds or dried foods through misinterpretation of applicable food additive regulations, has concluded that such regulations should be amended as follows to clearly establish that the treated multiwall paper bags referred to therein are restricted to use only for dried feeds and dried foods.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785; 21 U.S.C. 348, 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.289(b) is revised to read as follows:

§ 121.289 Piperonyl butoxide.

* * * * *

(b) It is used in combination with pyrethrins, whereby the amount of piperonyl butoxide is equal to 10 times the amount of pyrethrins in the formulation. Such treated bags are to be used only for dried feeds.

* * * * *

2. Section 121.290(b) is revised to read as follows:

§ 121.290 Pyrethrins.

* * * * *

(b) It is used in combination with piperonyl butoxide, whereby the amount of pyrethrins is equal to 10 percent of the amount of piperonyl butoxide in the formulation. Such treated bags are to be used only for dried feeds.

* * * * *

3. Section 121.1074(a)(2) is revised to read as follows:

§ 121.1074 Piperonyl butoxide.

* * * * *

(a) * * *

(2) On the outer ply of multiwall paper bags of 50 pounds or more capacity in amounts not exceeding 60 milligrams per square foot, whereby the amount of piperonyl butoxide is equal to 10 times the amount of pyrethrins in the formulation. Such treated bags are to be used only for dried foods.

* * * * *

4. Section 121.1075(a)(2) is revised to read as follows:

§ 121.1075 Pyrethrins.

* * * * *

(a) * * *

(2) On the outer ply of multiwall paper bags of 50 pounds or more capacity in amounts not exceeding 6 milligrams per square foot, whereby the amount of pyrethrins is equal to 10 percent of the amount of piperonyl butoxide in the formulation. Such treated bags are to be used only for dried foods.

* * * * *

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the amendments herein are for the purpose of clarifying existing regulations.

(Secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785; 21 U.S.C. 348, 371(a))

Dated: March 27, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3609; Filed, Mar. 31, 1967; 8:48 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Mineral Oil Containers for Toy Trains; Exemption From Certain Labeling Requirements

The Commissioner of Food and Drugs has received a request, submitted pursuant to section 3(c) of the Federal Hazardous Substances Act and § 191.62 of the regulations thereunder, to exempt from the requirements of the act containers of mineral oil used to produce a smoke effect for toy trains.

Based on the information submitted in the request, and other relevant information, the Commissioner has concluded that such containers of mineral oil meeting the conditions hereinafter set forth do not present a reasonably foreseeable hazard of chemical pneumonitis and, therefore, do not require for the adequate protection of the public health and safety the special labeling specified in § 191.7(b)(3)(ii) for certain petroleum distillates.

Accordingly, pursuant to the provisions of the act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 191.63(a) is amended by adding thereto a new subparagraph, as follows:

§ 191.63 Exemption for small packages, minor hazards, and special circumstances.

(a) * * *

(33) Containers of mineral oil having a capacity of not more than 1 fluid ounce and intended for use in producing a smoke effect for toy trains are exempt from the labeling specified in § 191.7(b)(3)(ii), under the following conditions:

(i) The mineral oil meets the specifications in the N.F. for light liquid petrolatum.

(ii) The mineral oil has a viscosity of at least 130 S.U.S. at 100° F.

(iii) The article contains no other ingredient that contributes to the hazard.

(iv) The label declares the presence of light liquid petrolatum and the name and place of business of the manufacturer, packer, distributor, or seller.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Act contemplates such modification of labeling requirements under certain conditions.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: March 27, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3610; Filed, Mar. 31, 1967; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Dept. Reg. 108.554]

PART 126—VIOLATIONS AND PENALTIES

Exports to Southern Rhodesia

Subchapter M of the regulations of the Secretary of State, Part 126, published December 2, 1966 (Dept. Reg. 108.543, 31 F.R. 15174) is amended as follows:

1. Add the following to the authority citation: "The provisions of Part 126 regarding exports to Southern Rhodesia, issued under E.O. 11322, 32 F.R. 119; 59 Stat. 620, 22 U.S.C. 287(c)."

As amended, the authority citation for Part 126 reads as follows:

AUTHORITY: The provisions of this Part 126 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 1068, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redelegation of Authority No. 104-3-A, 28 F.R. 7231. The provisions of Part 126 regarding exports to Southern Rhodesia, issued under E.O. 11322, 32 F.R. 119; 59 Stat. 620, 22 U.S.C. 287(c).

2. Add new § 126.10 as follows:

§ 126.10 Penalties for violations relating to Southern Rhodesia.

Any person subject to the jurisdiction of the United States who, with regard to exports from the United States to Southern Rhodesia, willfully violates any provision of section 1(d) of Executive Order 11322 or any rule or regulation contained in this part, or who willfully in a registration or license application makes any untrue statement of a material fact, or omits to state a material fact required to be stated therein or necessary to make the the statements therein not misleading, shall, upon conviction, be fined not more than $10,000, or imprisoned not more than 10 years, or both.

Dated: March 20, 1967.

[SEAL] NICHOLAS DEB. KATZENBACH,
Acting Secretary of State.

[F.R. Doc. 67-3611; Filed, Mar. 31, 1967; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 49—FACILITIES AND SERVICES EXCISE TAXES

Exemption From Tax of Certain Payments by Interior Department

Exemption from the tax on transportation of persons by air of amounts paid by the Department of the Interior for fire prevention and control activities.

By virtue of the authority vested in the Secretary of the Treasury by section 4293 of the Internal Revenue Code of 1954 (68 Stat. 511; 26 U.S.C. 4293), and by virtue of the authority vested in me by Treasury Department Order No. 190, Revision 4, 30 F.R. 15769, exemption is hereby authorized from the tax imposed by section 4261 of such Code with respect to amounts paid by the Department of the Interior, for travel by persons involved in presuppression or suppression of range and forest fires, in any aircraft on a nonestablished (nonscheduled) airline; such travel being performed in consonance with Comptroller General Opinion B-135644 of October 19, 1966. This exemption shall not apply to flights on scheduled airlines.

This authorization shall be effective with respect to amounts paid on or after the date of its publication in the FEDERAL REGISTER.

[SEAL] STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-3546; Filed, Mar. 31, 1967; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Contracts That Do Not Have Direct and Immediate Connection With National Defense

Section 1453.5 *Contracts that do not have a direct and immediate connection with the national defense* is amended by revoking paragraph (g) thereof.

(Sec. 109, 65 Stat. 22; 50 U.S.C. App., Supp. 1219)

Dated: March 28, 1967.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 67-3570; Filed, Mar. 31, 1967; 8:45 a.m.]

PART 1498—FORMS RELATING TO AGREEMENTS AND ORDERS

Letter Not To Proceed (Regional Board)

Section 1498.8 *Letter not to proceed (Regional Board)* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1498.8 Letter not to proceed (Regional Board).

(a) *Renegotiable sales below the floor.*

_____
(Date)

GENTLEMEN: By letter dated _____, you were notified of the assignment to this Regional Board of the renegotiation case for your fiscal year ended _____.

On the basis of the information submitted by you, it appears that your renegotiable sales were less than $_____ in such fiscal year. Accordingly, this Regional Board will not proceed further with this case unless it subsequently appears that your renegotiable sales were $_____ or more in such fiscal year.

Very truly yours,

____ REGIONAL RENEGOTIATION BOARD,
By _____

(b) *No renegotiable sales.*

_____
(Date)

GENTLEMEN: By letter dated _____, you were notified of the assignment to this Regional Board of the renegotiation case for your fiscal year ended _____.

On the basis of the information submitted by you, it appears that you had no renegotiable sales in such fiscal year. Accordingly, this Regional Board will not proceed further with this case unless it subsequently appears that you did have renegotiable sales in such fiscal year and that such sales were $_____ or more in such fiscal year.

Very truly yours,

____ REGIONAL RENEGOTIATION BOARD,
By _____

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Supp. 1219)

Dated: March 28, 1967.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 67-3571; Filed, Mar. 31, 1967; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4, Amdt. 10; Docket No. 66-31]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart B—Duties and Obligations

NOTICE OF POSTPONEMENT OF EFFECTIVE DATE

On October 22, 1966, the Commission published final rules in this proceeding in the FEDERAL REGISTER (31 F.R. 13650) effective 30 days after date of publication.

The effective date of the amendments to §§ 510.22(a), 510.23(f), and 510.24 (a) and (f) was subsequently further postponed pending the Commission's disposition of petitions for reconsideration thereof.

By FEDERAL REGISTER publication of March 7, 1967 (32 F.R. 3774), the petitions for reconsideration were denied and the amendments were to become effective 30 days after publication of the notice of denial.

New York Freight Forwarders and Brokers Association, Inc., has petitioned the U.S. Court of Appeals, District of Columbia Circuit, for review of the same four amendments, and for an interlocutory injunction suspending the effectiveness of the amendments pending review by the Court.

To enable the Court to consider and rule on the above-mentioned motion for interlocutory injunction before such time as the rules become effective, the effective date of the amendments to §§ 510.22(a), 510.23(f), and 510.24 (a) and (f) is hereby further postponed to April 20, 1967.

By the Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 67-3604; Filed, Mar. 31, 1967; 8:48 a.m.]

[General Order 20, Docket No. 66-67]

PART 540—SECURITY FOR THE PROTECTION OF THE PUBLIC

Subpart A—Proof of Financial Responsibility, Bonding, and Certification of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation

USE OF COMBINATION METHOD OF ESTABLISHING FINANCIAL RESPONSIBILITIES

On March 11, 1967, the Federal Maritime Commission published in the FEDERAL REGISTER (32 F.R. 3986) its rules and regulations carrying out the provisions of section 3 of Public Law 89-777, which concerns the indemnification of passengers for nonperformance of water transportation.

Several carriers have since indicated an interest in establishing their financial responsibility to the Commission by a combination of the methods provided in §§ 540.5 and 540.6. Use of a combination of the alternative methods of establishing financial responsibility is not allowed by the present regulations.

Therefore, in order to permit the use of the combination method of establishing financial responsibility: *It is ordered*, That the last sentence of the introductory text preceding paragraph (a) of § 540.5 *Insurance, guaranties, escrow accounts, and self-insurance* is amended to read as follows:

§ 540.5 Insurance, guaranties, escrow accounts, and self-insurance.

* * * Evidence of adequate financial responsibility for the purposes of this

subpart may be established by one or a combination (including § 540.6 *Surety Bonds*) of the following methods:

• • • • •

Notice, public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, since the amendment will relieve restrictions currently imposed by the rules of General Order 20.

Effective date. This amendment shall become effective on April 5, 1967.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 67-3598; Filed, Mar. 31, 1967; 8:47 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

Subpart B—Departmental Proceedings

REPRESENTATION BEFORE THE DEPARTMENT OF AGRICULTURE

Pursuant to the authority vested in me by 5 U.S.C. 301, § 1.26 of Part 1, Subpart B, of Title 7 of the Code of Federal Regulations is hereby amended to read as follows:

§ 1.26 Representation before the Department of Agriculture.

(a) *Applicability.* The provisions of this section apply to all hearings and other proceedings before the Department of Agriculture, except to the extent that any other regulation of the Department may specifically make such provisions, or any part thereof, inapplicable as to particular hearings or other proceedings.

(b) *Administrative provisions.* (1) In any hearing or other proceeding before the Department of Agriculture, the parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity in any hearing or proceeding must conform to the standards of ethical conduct required of practitioners before the U.S. District Court for the District of Columbia, and to any applicable standards of ethical conduct established by statutes, executive orders and regulations.

(2) Whenever the Secretary finds, after notice and opportunity for hearing, that a person who is acting or has acted as counsel or representative in any hearing or other proceeding before the Department has not conformed to any such standards of ethical conduct, he may order that such person be precluded from acting as counsel or representative in any hearing or other proceeding before the Department for such period of time as he deems warranted. Whenever the Secretary has probable cause to believe that any person who is acting or has acted as counsel or representative in any such hearing or other proceeding has not conformed to any such standards of ethical conduct, he may, by written notice to such person, suspend him from acting as such a counsel or representative pending completion of the procedures specified in the preceding sentence.

(3) No employee or former employee of the Department shall be permitted to represent any person before the Department in connection with any particular matter as to which by reason of his employment he acquired personal knowledge of such a nature that it would be improper, unethical, or contrary to the public interest for him so to act.

(4) This section shall not be construed to prevent an employee or former employee of the Department from appearing as a witness in any hearing or other proceeding before the Department.

(c) *Statutory provisions.* Chapter 11 of Title 18, United States Code prohibits employees and former employees from representing others under certain circumstances. See § 0.735–41 of this subtitle for illustrations.

(18 U.S.C. 203, 205, 207)

Effective date. This amendment shall take effect upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of March 1967.

ORVILLE L. FREEMAN, *Secretary of Agriculture.*

[F.R. Doc. 67-3600; Filed, Mar. 31, 1967; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 862.7]

PART 862—WAGE RATES; SUGARBEETS

Fair and Reasonable Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearings held during January 1967, the following determination is hereby issued.

§ 862.7 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarbeets.

(a) *Requirements.* A producer of sugarbeets shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the production, cultivation, or harvesting of sugarbeets shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, but not less than the following, which shall become effective on April 17, 1967, and shall remain in effect until amended, superseded, or terminated.

(i) *When employed on a time basis.* For the hand labor operations of trimming, hoeing, hoe trimming, blocking and thinning, weeding, pulling, topping, loading, or gleaning: $1.40 per hour: *Provided,* That for workers 14 to 16 years of age the hourly rate specified herein may be reduced by not more than one-fourth. The act does not permit the employment of workers 14 to 16 years of age for more than 8 hours per day without deduction from Sugar Act payments.

(ii) *When employed on a piecework basis for the hand labor operations in the following table.*

Hand labor operations	Rate per acre
(A) Trimming—removing either weeds or excess beets with a hoe only	$11.25
(B) Hoeing—removing weeds and excess beets with a hoe only	13.50
(C) Hoe trimming—removing weeds with a hoe and by hand and removing excess beets with a hoe only	16.25
(D) Weeding—removing weeds with a hoe and by hand following either (A), (B), or (C) above or (E) below	8.50
And in the State of California only:	
(E) Blocking and thinning—removing weeds and excess beets with a hoe and by hand	23.00

Wide row planting. The above rates may be reduced by not more than the indicated percentages for the following row spacing: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

(iii) *When employed on a piecework basis for hand labor operations not specified or defined, or for harvesting.* The piecework rate for blocking and thinning in States other than California, weeding not preceded by (A), (B), (C), or (E) in subdivision (ii) of this subparagraph, and any other hand labor operation involving the removal of beets or weeds which is not defined above, and for the operations of pulling, topping, loading, or gleaning, shall be as agreed upon between the producer and the worker: *Provided,* That the average hourly rate of earnings of each worker for each operation shall be not less than $1.40 per hour computed on the basis of the total time such worker is employed on the farm for such operation.

(iv) *When employed on a time or piecework basis for other operations.* For all other operations in the production, cultivation, or harvesting of sugarbeets for which no minimum rate is provided for herein, the rate shall be as agreed upon between the producer and the worker.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during

the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Workers not covered.* The requirements of this section are not applicable to persons who voluntarily perform work without pay in the production, cultivation, or harvesting of sugarbeets on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged only in hauling sugarbeets; members of a cooperative arrangement for exchange of labor; or to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarbeets, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

(c) *Evidence of compliance.* Each producer subject to the provisions of this section shall keep and preserve, for a period of 2 years following the date on which his application for a Sugar Act payment is filed, such wage records as will fully demonstrate that each worker has been paid in full in accordance with the requirements of this section. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such Committee that the requirements of this section have been met.

(d) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined herein through any subterfuge or device whatsoever.

(e) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Agricultural Stabilization and Conservation Service County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the County ASCS Office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the County ASCS Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendations for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Service Office. The address of the State ASCS Office will be furnished by the local County ASCS Office. Upon receipt of the appeal the State ASC Committee shall likewise consider the facts and notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State, and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this title (29 F.R. 8200).

(f) *Failure to pay all wages in full.* Notwithstanding the provisions of this section requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarbeets be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. Except as provided above in this paragraph, the entire Sugar Act payment with respect to a farm shall be withheld from the producer, if upon investigation the county committee determines that all workers on the farm have not been paid in full the wages required to be paid for all work in the production, cultivation, or harvesting of sugarbeets on the farm, until such time as evidence required by the County ASC Committee has been furnished to the committee establishing that all workers employed on the farm have been paid in full the wages earned by them. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the debt record for the total payment made until the county committee determines that all workers on the farm have been paid in full: *Provided,* That if the county committee determines that the producer did not pay all workers in full because of inadvertent error that was not discovered until after he signed the application for payment, the producer shall be placed on the debt record only for the total amount of the unpaid wages.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarbeets as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarbeets with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determination the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugarbeets and cost of production), and the differences in conditions among the various sugar producing areas.

(c) *Wage determination.* This determination increases the minimum hourly wage rate for specified hand labor operations 5 cents per hour—from $1.35 to $1.40; increases minimum piecework rates 50 cents per acre for the operations of trimming, hoeing, hoe-trimming, and weeding to $11.25, $13.50, $16.25, and $8.50 respectively; increases the piecework rate for blocking and thinning (applicable in the State of California only) $1.50 per acre to $23.00; and provides that the minimum hourly wage with respect to youths 14–16 years of age may be reduced by not more than one-fourth, whereas the prior determination permitted a reduction of one-third. Other provisions of the prior determination remain unchanged.

Public hearings were held in Detroit, Mich.; Fargo, N. Dak.; Denver, Colo.; San Francisco, Calif.; San Antonio,

Tex.; McAllen, Tex.; and Syracuse, N.Y., during the period January 9, through 23, 1967. These hearings afforded interested persons the opportunity to present testimony and make recommendations relating to fair and reasonable wage rates for sugarbeet workers.

Producer representatives generally recommended that there be no increase in minimum hourly or piecework wage rates. One representative of producers in the North Dakota area testified that he would not object to a "reasonable" increase in the hourly minimum while keeping the piecework rates at present levels, saying that piecework rates are out of line with hourly rates anyway. A representative of producers in the Idaho area recommended no change in the hourly minimum from the present level, but recommended that piecework rates be redefined and rescheduled as follows:

(A) Thinning—removing excess beets by any method	$10
(B) Thinning and weeding—removing excess beets and weeds by any other method	13
(C) Weeding—removing weeds by any method	8

A witness representing California producers recommended retention of the specified piecework rate for the operation of blocking and thinning. A representative of producers in the Texas-New Mexico area recommended a separate wage district with different (lower) minimum rates. A witness representing producers in Colorado and Kansas recommended lower minimum wage rates provided economic analysis justified such action. Representatives of producers in the Midwest and Mountain States recommended that the weeding operation be permitted as a first, or only, hand labor operation and that some appropriate means for measuring and enforcing quality of work performance be provided for in the determination. One witness from the New York area recommended that the Government institute a training program for beet workers so as to assure the farmer of high quality work performance.

In support of their recommendations, witnesses for producers testified that increasing costs associated with sugarbeet production, including wage rates, coupled with static returns have resulted in such a cost-price squeeze that only above-average farmers were breaking even, and that farmers are already paying all they can afford to pay. These witnesses testified that minimum hourly wage rates have increased by about 80 percent between 1960 and 1966 while income to the farmer per ton of sugarbeets has increased only about 11 percent during the same period; and that other costs associated with the production of sugarbeets have continued to rise rapidly as contrasted to the price for sugarbeets, which stood at only 75 percent of parity in 1966, the lowest point in 20 years. They also testified that capital investment by producers in mechanical and chemical stand reduction and weed control methods has made possible greatly increased average earnings for the worker, while at the same time making his tasks easier to perform; that workers generally earn more than the hourly minimum when employed at piecework rates; and that workers receive housing, transportation, health insurance, and other benefits at no cost to them, but all of which represent production costs to the farmer, and thus should be considered in determining the minimum wage.

Witnesses representing labor recommended that the minimum wage rate be increased immediately to at least $2 per hour, with corresponding increases in piecework rates to such a level as to yield earnings of at least $2 when computed on an hourly basis. They also recommended that sugarbeet workers be covered by workmen's compensation, unemployment and disability insurance, and health insurance; that minimum housing standards be established along the lines of those recommended by the President's Committee on Migratory Labor; and that sugarbeet workers be provided with retirement plans, educational opportunities, and other social benefits. One witness recommended a minimum hourly guarantee of at least $2 for all workers employed at piecework rates.

In support of their recommendations, these witnesses stated that productivity increases have exceeded increases in wage rates in the beet industry in recent years; that the present minimum is inconsistent with the current emphasis on alleviating poverty, since a fully employed worker earning $1.35 per hour would achieve an annual income of only about $2,800; that farmwork is highly seasonal in nature; and that the present minimum of $1.35 is below the prevailing general farm wage rate in some sections of the country. Some witnesses testified that the wage-price guideposts established by the President's Council of Economic Advisors permit greater-than-normal wage increases where prevailing wage rates are very low in comparison to similar work in other industries.

Sugarbeet workers who testified generally did not make any recommendation concerning minimum wage rates. When specifically questioned, workers expressed general satisfaction with current wage rates, but indicated that any increase would be helpful. All sugarbeet workers agreed that their average hourly or daily earnings from work in the beet fields exceed their earnings from employment in the cultivation and harvest of other crops. All agreed that intensive use by farmers of chemical herbicides and mechanical stand reduction and weed control devices had enabled the average worker to accomplish the necessary hand labor tasks on more acreage during the season, thus increasing his earnings while at the same time making work easier for him. A few workers recommended that all farmers be required to utilize such laborsaving practices. Most workers testified that migratory agricultural labor is the only dependable source of employment available to them; that during the off-season they are employed only intermittently or not at all; and that the prevailing wage rate in the vicinity of their home base ranges from about $0.50 to $1.25 per hour.

Most hand labor operations are performed at piecework rates. Both producers and workers agree, and evidence available to the Department tends to confirm, that the average worker earns more at established piecework rates, when computed on an hourly basis, than the minimum hourly determination rate. Moreover, both producers and workers agree that the incentive feature of piecework rates is desirable and should be retained. The structure of piecework rates that has been established in prior determinations has been constructed in such a manner as to encourage innovation and hasten development and adoption of technology which reduces the need for unskilled hand labor, while at the same time increasing the worker's seasonal earnings and making his tasks easier to perform. Witnesses at public hearings have testified that producers who follow efficient cultural practices are able to employ lower-cost piecework rates, or to avoid completely the use of migratory hand labor, and thus minimize their labor costs. Recommendations by producers that the operation of weeding be allowed as a first or only hand labor operation would seem to confirm this.

The Department does not have data available on man-hour requirements or time and motion studies upon which to base a decision to permit the use of "weeding" as a primary hand labor operation at the rate presently specified for a secondary or followup operation, nor have producers come forward with such data. Inasmuch as producers have available to them the alternative of an agreed-upon rate for such a situation, subject to the minimum average hourly earnings guarantee, it is believed that no such change in the piecework wage structure can be justified at this time.

Quality of work performance is necessarily a unique employer-employee relationship with significant variation in limits of acceptable standards from individual to individual. Field conditions both before and after hand labor operations vary from farm to farm and are obscured after the passage of a few days or weeks. For these reasons an effective implementation of work quality standards on a national scale is impossible. It is believed that producers can obtain improved work performance from relatively small increases in effective supervision of their unskilled fieldworkers. In addition, if the producer and the worker agree upon a rate which is higher than the minimum rate established in the determination with the express understanding that the premium rate is contingent upon satisfactory work performance, and the worker does not fulfill his obligation, payment of the premium is not required; however, in no case shall the worker be paid less than the rate specified in the determination for the operation performed. Producers also have the right to discharge those employees whose work performance is not satisfactory.

Consideration has been given to the recommendations made at the public hearings, to the returns, costs, and profits of producing sugarbeets in recent years and under conditions likely to prevail for the 1967 crop, and to other pertinent factors. Analysis of these data indicate that the increases in the minimum rates established in this determination are fair and reasonable and are within the producers' ability to pay.

This determination is issued on a continuing basis and will remain in effect until amended or terminated. However, the Department will keep the wage situation under review and will conduct investigations and hold hearings annually.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended (sec. 403, 61 Stat. 932; 7 U.S.C. 453. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132).

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1943.

Effective date: April 17, 1967.

Signed at Washington, D.C., on March 28, 1967.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-3618; Filed, Mar. 31, 1967; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 132]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.432 Navel Orange Regulation 132.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 30, 1967.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 2, 1967, and ending at 12:01 a.m., P.s.t., April 9, 1967, are hereby fixed as follows:

(i) District 1: 700,000 cartons;
(ii) District 2: 575,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 31, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3688; Filed, March 31, 1967; 11:20 a.m.]

[Valencia Orange Reg. 194]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.494 Valencia Orange Regulation 194.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 30, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 2, 1967, and ending at 12:01 a.m., P.s.t., April 9, 1967, are hereby fixed as follows:

(i) District 1: 36,154 cartons;
(ii) District 2: Unlimited movement;
(iii) District (3): 185,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same

meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 31, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3689; Filed, Mar. 31, 1967; 11:20 a.m.]

[Grapefruit Reg.]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.341 Grapefruit Regulation 41.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 30, 1967.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., April 3, 1967, and ending at 12:01 a.m., e.s.t., April 10, 1967, is hereby fixed at 175,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 30, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3663; Filed, Mar. 31, 1967; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 12]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities

DECREASE IN INTEREST RATE

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 3614, as amended by 29 F.R. 4991, 8396, 15281, and 18212, 30 F.R. 14310 and 15582, 31 F.R. 474, 10179 and 13641, and 32 F.R. 122 and 3339, containing the terms and conditions for participation of commercial banks in pools of CCC price support loans on certain commodities, are hereby further amended to change from 5.2 to 4.75 percent per annum, effective April 16, 1967, the rate of interest on certificates evidencing participation in financing price support loans.

Section 1421.3825(a) is amended to read as follows:

§ 1421.3825 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.9 percent per annum through and including July 31, 1966, 5.2 percent per annum from August 1, 1966, through and including October 21, 1966, 5.7 percent per annum from October 22, 1966, through and including January 21, 1967, 5.5 percent per annum from January 22, 1967, through and including March 14, 1967, 5.2 percent per annum from March 15, 1967, through and including April 15, 1967, and 4.75 percent per annum thereafter.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, 1072, as amended; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on March 29, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-3602; Filed, Mar. 31, 1967; 8:47 a.m.]

[Amdt. 8]

PART 1427—COTTON

Subpart—Participation of Financial Institutions in Cotton Loan Pools

DECREASE IN INTEREST RATE

The regulations issued by the Commodity Credit Corporation published in 30 F.R. 7814, as amended by 30 F.R. 14310 and 15582, 31 F.R. 474, 10179, and 13641, and 32 F.R. 122 and 3340, containing the terms and conditions for participation of financial institutions in pools of CCC price support loans on cotton are hereby further amended to change from 5.2 to 4.75 percent per annum, effective April 16, 1967, the rate of interest on certificates evidencing participation in financing price support loans.

Section 1427.2239(a) is amended to read as follows:

§ 1427.2239 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.9 percent per annum through and including July 31, 1966, 5.2 percent per annum from August 1, 1966, through and including October 21, 1966, 5.7 percent per annum from October 22, 1966, through and including January 21, 1967, 5.5 percent per annum from January 22, 1967, through and including March 14, 1967, 5.2 percent per annum from March 15, 1967, through and including April 15, 1967, and 4.75 percent per annum thereafter.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, 1072, as amended; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on March 29, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-3603; Filed, Mar. 31, 1967; 8:47 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 4]

PART 1481—RICE

Subpart—Rice Export Program (GR–369) Revision III

MISCELLANEOUS AMENDMENTS

The terms and conditions of the Rice Export Program (GR–369) Revision III (30 F.R. 778) as amended (31 F.R. 7396, 11309 and 11449), are further amended to change the time from 3:30 p.m. to 2:30 p.m. by which offers must be received and notices of sale filed (as defined in § 1481.108(a)(4)) in order that such offers may be accepted and notices of sale registered on the date of receipt. The amended sections are as follows:

1. In § 1481.106, the second sentence of paragraph (a) is revised as follows:

§ 1481.106 Submission of offers.

(a) *Place and time.* * * *

Such offers must be received in the Department of Agriculture by 2:30 p.m. (e.s.t. or e.d.t., whichever is in effect) of the day on which the exporter desires the offer to be considered by CCC for acceptance. * * *

* * * * *

2. In § 1481.108, subparagraph (3) of paragraph (a) is revised as follows:

§ 1481.108 Notice of sale.

* * * * *

(a) *Time of filing.* * * *

(3) In order for the exporter to receive the rate of payment in effect on the date the notice of sale is filed, the telegram giving notice of the sale must be filed by 2:30 p.m. (e.s.t. or e.d.t., whichever is in effect) on such date. Notice of sale filed after 2:30 p.m. will be considered as having been filed on the following day for purpose of determining the export payment rate applicable to rice exported under this program.

* * * * *

3. In § 1481.109, the last sentence of paragraph (a) is revised as follows:

§ 1481.109 Notice of registration.

(a) * * * Sales will be registered on the day following the filing of notice of sale when such notice is filed after 2:30 p.m., except that sales will not be registered on any Saturday, Sunday, or National Holiday.

* * * * *

Effective date. This amendment shall become effective on the first Wednesday following date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 29, 1967.

D. M. RUBEL,
Acting Vice President, Commodity Credit Corporation, Administrator, Foreign Agricultural Service.

[F.R. Doc. 67-3614; Filed, Mar. 31, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airworthiness Docket No. 67–WE–10–AD; Amdt. 39–379]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707, 720 Series Airplanes

Amendment 39–309 (31 F.R. 14545, FAA Washington Docket No. 7189), AD 66–29–2, requires repetitive inspections and modifications of the upper wing skin and the horizontal legs of the splice angle and chord members on Boeing Model 707 and 720 Series airplanes. After issuing Amendment 39–309, the Agency has determined that four alternate modifications or repair for Boeing Model 720 Series airplanes are available, and that the repetitive inspection intervals for both Boeing Model 707 and 720 Series airplanes can be relaxed. Therefore, AD 66–29–2 is being superseded by a new AD that (1) provides an alternate to the complete preventive modification of AD 66–29–2 and three less restrictive interim measures for Boeing Model 720 Series airplanes which can be employed until such time as the alternate preventive modification is accomplished; (2) prescribes either life limits or repetitive inspections for Boeing Model 720 Series airplanes utilizing interim measures provided in Revisions 3 and 4 to Boeing Service Bulletin 2177; and (3) increases the repetitive inspection intervals from 200 to 350 hours' time in service for visual inspections and from 625 to 700 hours' time in service for ultrasonic and X-ray inspections for Boeing Model 707 and 720 Series airplanes.

Since this amendment provides alternative means of compliance, relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

BOEING. Applies to Model 707–100 Series, 707–200 Series, and 720 Series airplanes listed in Boeing Service Bulletin No. 2177 (R–2).

Compliance required as indicated.

In order to detect and repair cracks in the wing skin and the horizontal legs of the splice angle and chord members at Wing Station 304.93 rear spar upper chord splice, accomplish the following:

(A) Within the next 150 hours' time in service after the effective date of this AD, unless already accomplished within the last 200 hours' time in service, and thereafter at intervals not to exceed 350 hours' time in service from the last inspection, inspect Model 720 Series airplanes with 8,200 or more hours' time in service on the effective date of this AD and Model 707 Series airplanes with 15,200 or more hours' time in service on the effective date of this AD in accordance with paragraph (D).

(B) Before the accumulation of 8,350 hours' time in service, unless already accomplished within the last 350 hours' time in service, and thereafter at intervals not to exceed 350 hours' time in service from the last inspection, inspect Model 720 Series airplanes with less than 8,200 hours' time in service on the effective date of this AD in accordance with paragraph (D).

(C) Before the accumulation of 15,350 hours' time in service, unless already accomplished within the last 350 hours' time in service, and thereafter at intervals not to exceed 350 hours' time in service from the last inspection, inspect Model 707 Series airplanes with less than 15,200 hours' time in service on the effective date of this AD in accordance with paragraph (D).

(D) Visually inspect for cracks in accordance with the "Visual Inspection Procedure" of paragraph 3, Part I, Boeing Service Bulletin No. 2177 (R–2) or later FAA-approved revision.

(E) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished within the last 600 hours' time in service, and thereafter at intervals not to exceed 700 hours' time in service from the last inspection, inspect Model 720 Series airplanes with 8,600 or more hours' time in service on the effective date of this AD and Model 707 Series airplanes with 15,600 or more hours' time in service on the effective date of this AD in accordance with paragraph (H).

(F) Before the accumulation of 8,700 hours' time in service, unless already accomplished within the last 700 hours' time in service, and thereafter at intervals not to exceed 700 hours' time in service from the last inspection, inspect Model 720 Series airplanes with less than 8,600 hours' time in service on the effective date of this AD in accordance with paragraph (H).

(G) Before the accumulation of 15,700 hours' time in service, unless already accomplished within the last 700 hours' time in service, and thereafter at intervals not to exceed 700 hours' time in service from the last inspection, inspect Model 707 Series airplanes with less than 15,600 hours' time in service on the effective date of this AD in accordance with paragraph (H).

(H) Accompliah an ultrasonic and X-ray inspection in accordance with paragraph 3, Part I, Boeing Service Bulletin No. 2177 (R–2) or later FAA approved revision or in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(I) If a crack is found during the inspection conducted in accordance with paragraph (D) or (H), and that crack does not extend further than 8 inches forward of the seal stop hole centerline, repair or modify the affected parts before further flight (except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair or modification can be performed) by accomplishing one of the repairs or modifications specified in subparagraphs (1) through (6) of this paragraph or in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA Western Region. In the case of a crack extending further than 8 inches forward of the seal stop hole centerline, repair or modify the affected parts before further flight (except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair or modification can be performed) in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(1) Complete Preventive Modification applicable to Model 707 and 720 Series airplanes in accordance with the crack length limitations and procedures of paragraph 3, Part II, "Preventive Modification Data", Boeing Service Bulletin No. 2177 (R–3) or later FAA-approved revision.

NOTE: The "Preventive Modification" specified in paragraph 3, Part II, "Preventive Modification Data", of Revision 2 of Boeing Service Bulletin 2177 is a "Complete Preventive Modification" as used in paragraph (I)(1).

(2) Complete Preventive Modification Minus Coldworking applicable to Model 720 Series airplanes only in accordance with the crack length limitations and procedures of paragraph 3, Part II, "Preventive Modification Data", Boeing Service Bulletin No. 2177 (R–4) or later FAA-approved revision.

(3) Optional Partial Preventive Modification applicable to Model 720 Series airplanes only in accordance with the crack length limitations and procedures of paragraph 3, Part II, "Preventive Modification Data", Boe-

ing Service Bulletin No. 2177 (R-3), or later FAA-approved revision.

(4) Wing Structure Improvement Program applicable to Model 720 Series airplanes only in accordance with the procedures of Boeing Document 65-12700.

(5) Crack Repair applicable to Model 707 and 720 Series airplanes in accordance with the crack length limitations and procedures of paragraph 3, Part III, "Crack Repair Data", Boeing Service Bulletin No. 2177 (R-2) or later FAA-approved revision.

(6) Crack Repair Minus Coldworking applicable to Model 720 Series airplanes only in accordance with the crack length limitations and procedures of paragraph 3, Part III, "Crack Repair Data", Boeing Service Bulletin No. 2177 (R-4) or later FAA-approved revision.

Upon the completion of a particular repair or modification specified in subparagraphs (1) through (6) of this paragraph, comply with paragraphs (N) through (S) as appropriate to the type of repair or modification performed under this paragraph.

(J) Within the next 7,000 hours' time in service after December 15, 1966, modify Model 720 Series airplanes with 8,000 or more hours' time in service on December 15, 1966, and Model 707 Series airplanes with 15,000 or more hours' time in service on December 15, 1966, in accordance with paragraph (M).

(K) Before the accumulation of 15,000 hours' time in service after December 15, 1966, modify Model 720 Series airplanes with less than 8,000 hours' time in service on December 15, 1966, in accordance with paragraph (M).

(L) Before the accumulation of 22,000 hours' time in service after December 15, 1966, modify Model 707 Series airplanes with less than 15,000 hours' time in service on December 15, 1966, in accordance with paragraph (M).

(M) Unless already accomplished in accordance with paragraph (I) (1), (2), (3), (4), or (5) or in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA Western Region, accomplish one of the following:

(1) Complete Preventive Modification specified in paragraph (I)(1);

(2) Complete Preventive Modification Minus Coldworking specified in paragraph (I)(2).

(3) Optional Partial Preventive Modification specified in paragraph (I)(3); or

(4) Wing Structure Improvement Program specified in paragraph (I)(4).

Upon the completion of a particular modification specified in subparagraphs (1) through (4) of this paragraph, comply with paragraphs (P) through (S) as appropriate to the type of modification performed under this paragraph.

(N) Upon the completion of the Crack Repair specified in paragraph (I)(5), the repetitive inspections required by paragraphs (D) through (H) may be discontinued.

(O) Upon completion of the Crack Repair Minus Coldworking specified in paragraph (I)(6), accomplish either the Wing Structure Improvement Program specified in paragraph (I)(4) or an X-ray inspection specified in paragraph (H) (in lieu of the other modifications specified in subparagraphs (1), (2), and (3) of paragraph (M)) prior to the accumulation of 10,000 hours' time in service after completion of the repair. If an X-ray inspection is performed under this paragraph, accomplish additional X-ray inspections within each successive period not to exceed 2,000 hours' time in service from the last inspection. The X-ray inspections required by this paragraph may be discontinued when the Wing Structure Improvement Program is accomplished.

(P) Upon completion of the Complete Preventive Modification specified in paragraph (I)(1), the repetitive inspections required by paragraphs (D) and (H) may be discontinued.

(Q) Upon completion of the Wing Structure Improvement Program specified in paragraph (I)(4), the repetitive inspections required by paragraphs (D) and (H) may be discontinued.

(R) Upon completion of the Optional Partial Preventive Modification specified in paragraph (I)(3), perform an X-ray inspection specified in paragraph (H) within 2,000 hours' time in service from the completion of the modification and thereafter within periods not to exceed 2,000 hours' time in service from the last inspection. Prior to the accumulation of 7,000 hours' time in service after the completion of the Optional Partial Preventive Modification, accomplish either the Complete Preventive Modification specified in paragraph (I)(1) or the Wing Structure Improvement Program specified in paragraph (I)(4).

(S) Upon completion of the Complete Preventive Modification Minus Coldworking specified in paragraph (I)(2), accomplish either the Wing Structure Improvement Program specified in paragraph (I)(4) or an X-ray inspection specified in paragraph (H) prior to the accumulation of 10,000 hours' time service after completion of the modification. If an X-ray inspection is performed under this paragraph, accomplish additional X-ray inspections within each successive period not to exceed 2,000 hours' time in service from the last inspection. The X-ray inspections required by this paragraph may be discontinued when the Wing Structure Improvement Program is accomplished.

(T) Upon request of the operator, an FAA maintenance inspector, subject to prior approval by the Regional Director, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This supersedes Amendment 39-309 (31 F.R. 14545), AD 66-29-2.

This amendment becomes effective upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on March 24, 1967.

LEE E. WARREN,
Acting Regional Director,
FAA Western Region.

[F.R. Doc. 67-3575; Filed, Mar. 31, 1967; 8:45 a.m.]

[Docket No. 8060; Amdt. 39-392]

PART 39—AIRWORTHINESS DIRECTIVES

Dowty-Rotol Propellers (c) R.186/4-30-4/16, (c) R.175/4-30-4/13E, (c) R.130/4-20-4/12E, and (c) R.148/4-20-4/21E

An airworthiness directive was adopted on March 25, 1967, and made effective immediately, by telegram, as to all known operators of certain Dowty-Rotol propellers installed on Armstrong Whitworth Argosy Airplanes, Fairchild F-27 and F-27B airplanes, and Viscount 744 and 745D airplanes. The directive was also issued on March 28, 1967, by separate action, as Amendment 39-382, to make it effective as to all other persons upon publication in the FEDERAL REGISTER. Since that date the Agency has been advised that certain operators of these aircraft average either more or less landings per hour than the one landing an hour average used to compute the 750 landings in paragraph (a)(3), and the 1,500 landings in paragraph (a)(4), for the purposes of repetitive inspections. Therefore, in order to reflect correctly the number of landings the Agency intended to be the limit in this regard, paragraphs (a)(3), (4), and (c) are being amended to specifically state that, if the airplane averages more than one, or less than one landing per hour, the 750 and 1,500 landing limits must be adjusted in accordance with the applicable service bulletin. These changes are necessary to see that the inspections are made at proper periods.

Since it is found that immediate corrective action is required, notice and public procedure hereon are impractical and contrary to the public interest and good cause exists for making this amendment effective immediately.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, the telegraph airworthiness directive issued on March 25, 1967, and Amendment 39-382 are amended as follows:

(1) By adding the following new sentence at the end of paragraph (a)(3), at the end of paragraph (a)(4), and at the end of paragraph (c): "However, if the airplane is subject to an average of more than one landing per hour or an average of less than one landing per hour, adjust the repetitive inspection interval in accordance with Dowty-Rotol Service Bulletin 61-521, dated March 1967."

(2) By amending paragraph (e) to read as follows:

"(e) For the purposes of determining the total number of landings at which initial compliance with this AD is required, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing the propeller's hours of time in service by the operator's fleet average time from takeoff to landing for the airplane type.

This amendment is effective immediately and is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

Issued in Washington, D.C., on March 31, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-3692; Filed, Mar. 31, 1967; 11:27 a.m.]

[Airspace Docket No. 66-SW-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area and Designation of Transition Area

On January 19, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 616) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Alexandria, La., terminal area and designate airspace in the De Ridder, La., area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The Coast and Geodetic Survey has advised that their plotting of the intersection of the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., with the boundary line of the Alexandria, La., 1,200-foot transition area which begins and extends from latitude 30°37'00" N., longitude 92°50'00" W., to latitude 30°16'00" N., longitude 93°57'00" W., would be at the point of latitude 30°15'50" N., rather than at latitude 30°16'00" N. As the Alexandria, La., 1,200-foot transition area has a common boundary with the Beaumont, Tex., 1,200-foot transition area along the arc of this 25-mile radius circle, the slight change in latitude from 30°16'00" N. to 30°15'50" N. would not be of consequence since the overall extent of controlled airspace within the 1,200-foot transition areas would not be affected.

A review of the proposed Alexandria, La., 1,200-foot transition area indicated that an incorrect coordinate was used in describing a point along the boundary of this transition area, i.e., latitude 30°08'-00" N., longitude 94°02'00" W. This should have read latitude 31°08'00" N., longitude 94°02'00" W. As the point in question was correctly displayed on the aeronautical chart which accompanied the notice, and as there were no comments submitted relative to this oversight, it is felt no misunderstanding resulted from this discrepancy.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., May 25, 1967, as herein set forth.

1. In § 71.171 (32 F.R. 2072) the Alexandria, La., control zones are amended to read:

ALEXANDRIA, LA. (ENGLAND AFB)

That airspace within a 5-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.); within 2 miles each side of the 318° bearing from the Alexandria RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Alexandria VORTAC 151° and 331° radials, extending from the 5-mile radius zone to 1.5 miles southeast of the VORTAC; within 2 miles each side of the Alexandria VORTAC 327° radial, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC; within 2 miles each side of the extended centerline of Runway 14, extending from the 5-mile radius zone to 6 miles northwest of the airport; within 2 miles each side of the extended centerline of Runway 18, extending from the 5-mile radius zone to 5.5 miles north of the airport; and within 2 miles each side of the extended centerline of Runway 36, extending from the 5-mile radius zone to 6.5 miles south of the airport.

ALEXANDRIA, LA. (ESLER FIELD)

Within a 5-mile radius of Esler Field (latitude 31°23'45" N., longitude 92°17'40" W.); within 2 miles each side of the Esler VOR 338° radial, extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the Esler VOR 358° radial, extending from the 5-mile radius zone to 6 miles north of the VOR, and within 2 miles each side of the 347° bearing from latitude 31°23'42" N., longitude 92°17'45" W., extending from the 5-mile radius zone to 14 miles north of latitude 31°23'42" N., longitude 92°17'45" W.

2. In § 71.181 (32 F.R. 2071) the De Ridder, La., transition area is designated as follows:

DE RIDDER, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Beauregard Parish Airport (latitude 30°50'00" N., longitude 93°20'00" W.), and within 2 miles each side of the 352° bearing from the De Ridder RBN (latitude 30°50'05" N., longitude 93°20'15" W.), extending from the 5-mile radius area to 8 miles north of the RBN.

In § 71.181 (32 F.R. 2149) the Alexandria, La., transition area is amended to read:

ALEXANDRIA, LA.

That airspace extending upward from 700 feet above the surface within a 16-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.); within a 7-mile radius of Esler Field (latitude 31°23'45" N., longitude 92°17'40" W.); within 2 miles each side of the 151° bearing from the Alexandria RBN, extending from the England AFB 16-mile radius area to 12 miles southeast of the RBN; within 2 miles each side of the Alexandria VORTAC 151° radial, extending from the England AFB 16-mile radius area to 12 miles southeast of the VORTAC; within 2 miles each side of the Esler VOR 155° radial, extending from the Esler Field 7-mile radius area to 17 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 30°37'00" N., longitude 92°50'00" W., to latitude 30°-15'50" N., longitude 93°57'00" W., to and counterclockwise along the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., to longitude 94°-06'00" W., to latitude 30°37'00" N., longitude 94°11'00" W., to latitude 30°44'00" N., longitude 93°51'00" W., to latitude 31°08'-00" N., longitude 94°02'00" W., to latitude 31°42'00" N., longitude 93°56'00" W., to latitude 31°42'00" N., longitude 93°51'00" W., to latitude 31°26'00" N., longitude 93°17'00" W., to latitude 31°49'00" N., longitude 92°-51'30" W., to latitude 32°10'00" N., longitude 92°20'00" W., to latitude 32°05'00" N., longitude 91°57'00" W., to latitude 32°05'00" N., longitude 91°28'00" W., to latitude 31°-04'00" N., longitude 91°29'20" W., to latitude 30°53'40" N., longitude 91°29'10" W., to latitude 30°46'20" N., longitude 91°50'40" W., to latitude 30°32'00" N., longitude 92°-15'00" W., to latitude 30°04'00" N., longitude 92°24'45" W., to latitude 30°04'00" N., longitude 92°44'00" W., to latitude 30°24'00" N., longitude 92°26'00" W., to point of beginning; excluding the portion within the Natchez, Miss., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on March 23, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-3576; Filed, Mar. 31, 1967; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

STATUTORY WAGE INCREASES FOR PUERTO RICO

Pursuant to section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), 29 CFR Chapter V is hereby amended as set out below to conform it to the 12 percent increase in wage rates required by section 6(c) of the Fair Labor Standards Amendments of 1966 (80 Stat. 839). These amendments will take effect immediately as the rate increases take effect April 2, 1967.

As the only substantive change effected by these amendments is one from which I have no discretion to depart, the increase in rates having already been provided for by Congress, I find good cause to omit notice, public procedure, and further delay as unnecessary under section 4 (a) and (c) of the Administrative Procedure Act (5 U.S.C. 553).

PART 601—SHOE AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

1. Section 601.2 of Title 29 is amended to read as follows:

§ 601.2 Wage rates.

Wages at a rate of not less than $1.01 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the shoe and related products industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

PART 602—LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

2. In 29 CFR 602.2, the heading for paragraph (a) is revised, each subdivision (1) of subparagraphs (1), (2), (3), (4), and (5) of paragraph (a) is amended, the heading for paragraph (b) is amended, and subparagraph (1) of paragraph (b) is amended to read as follows:

§ 602.2 Wage rates.

* * * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Belt classification.* (i) The minimum wage for this classification is $1.23 an hour.

* * * * *

(2) *Hide curing classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(3) *Sporting and athletic goods classification.* (i) The minimum wage for this classification is $1 an hour.

* * * * *

(4) *Leather tanning and finishing classification.* (i) The minimum wage for this classification is $1 an hour.

* * * * *

(5) *General classification.* (i) The minimum wage for this classification is 98.5 cents an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is 98.5 cents an hour.

* * * * *

PART 603—FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO

3. In 29 CFR 603.2, the heading for paragraph (a) is revised, each subdivision (i) of subparagraphs (1), (2), (3), and (4) of paragraph (a) is amended, the heading for paragraph (b) is amended, and subparagraph (1) of paragraph (b) is amended to read as follows:

§ 603.2 Wage rates.

* * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Hand-sewing on fabric gloves classification.* (i) The minimum wage for this classification is 33.5 cents an hour.

* * * * *

(2) *Hand-sewing on leather gloves classification.* (i) The minimum wage for this classification is 58 cents an hour.

* * * * *

(3) *Other operations on hand-sewn gloves classification.* (i) The minimum wage for this classification is 95 cents an hour.

* * * * *

(4) *Machine and other operations on machine-sewn gloves classification.* (i) The minimum wage for this classification is $1.175 an hour.

* * * * *

(b) 1961 coverage classification. (1) minimum wage for this classification is $1.175 an hour.

* * * * *

PART 604—METAL, MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED PRODUCTS INDUSTRY IN PUERTO RICO

4. In 29 CFR 604.2, the heading for paragraph (a) is revised, each subdivision (i) of subparagraphs (1), (2), (3), (4), and (5) of paragraph (a) is amended, the heading for paragraph (b) is amended, and subparagraph (1) of paragraph (b) is amended to read as follows:

§ 604.2 Wage rates.

* * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Fabricated wire products classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(2) *General classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(3) *Wire drawing classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(4) *Metal spring classification.* (i) The minimum wage for this classification is $1.365 an hour.

* * * * *

(5) *Slide fastener classification.* (i) The minimum wage for this classification is $1.365 an hour.

* * * * *

(b) (1) *1961 coverage classification.* (i) The minimum wage for this classification is $1.29 an hour.

* * * * *

PART 606—ELECTRICAL, INSTRUMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

5. In 29 CFR 606.2, the heading for paragraph (a) is revised, each subdivision (i) of subparagraphs (1), (2), (4), (5), and (6) of paragraph (a) is amended, the heading for paragraph (b) is amended, and subparagraph (1) of paragraph (b) is amended to read as follows:

§ 606.2 Wage rates.

* * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Classification A.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(2) *Classification B.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(3) *Classification C.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(4) *Classification D.* (i) The minimum wage for this classification is $1.29 an hour.

* * * * *

(5) *Classification E.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(6) *Classification F.* (i) The minimum wage for this classification is $1.32 an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.29 an hour.

* * * * *

PART 609—WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE INDUSTRY IN PUERTO RICO

6. In 29 CFR 609.2, the heading for paragraph (a) is revised, subdivision (i) of subparagraphs (1) and (2) of paragraph (a) is amended, the heading for paragraph (b) is revised, and subparagraph (1) of paragraph (b) is amended to read as follows:

§ 609.2 Wage rates.

* * * * *

(a) *Employments covered prior to the 1961 amendments.* * * *

(1) *Hand-sewing classification.* (i) The minimum wage for this classification is 95 cents an hour.

* * * * *

(2) *Other operations classification.* (i) The minimum wage for this classification is $1.12 an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.12 an hour.

* * * * *

PART 610—CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

7. In 29 CFR 610.2, the heading for paragraph (a) is revised, each subdivision (i) of subparagraphs (1) and (2) of paragraph (a) is amended, the heading for paragraph (b) is amended and subparagraph (1) of paragraph (b) is amended to read as follows:

* * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Hand-embroidery classification.* (i) The minimum wage for this classification is 89.5 cents an hour.

* * * * *

(2) *Other operations classification.* (i) The minimum wage for this classification is $1.135 an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage rate for this classification is $1.40 an hour.

* * * * *

PART 611—SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

8. Section 611.2 of Title 29 is amended to read as follows:

§ 611.2 Wage rate.

A wage rate of not less than $1.31 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the sweater and knit swimwear industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

PART 612—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

9. In 29 CFR 612.2, each subparagraph (1) of paragraphs (a), (b), (c), (d), (e), and (f) is amended, the heading for paragraph (g) is amended, and subparagraph (1) of paragraph (g) is amended to read as follows:

§ 612.2 Wage rates.

* * * * *

(a) *Slacks and related products classification.* (1) The minimum wage for this classification is $1.245 an hour.

* * * * *

(b) *Knit gloves classification.* (1) The minimum wage for this classification is $1.13 an hour.

* * * * *

(c) *Crocheted slippers classification.* (1) The minimum wage for this classification is $1.09 an hour.

* * * * *

(d) *Hand-crocheting and hand-embroidery of crocheted hats classification.* (1) The minimum wage for this classification is 87 cents an hour.

* * * * *

(e) *Other operations on crocheted hats classification.* (1) The minimum wage for this classification is $1.75 an hour.

* * * * *

(f) *General classification.* (1) The minimum wage for this classification is $1.245 an hour.

* * * * *

(g) *1961 coverage classification.* (1) The minimum wage for this classification is $1.40 an hour.

* * * * *

PART 613—STRAW, HAIR, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

10. In 29 CFR 613.2, the heading for paragraph (a) is revised, each subdivision (i) of subparagraphs (1), (2), and (3) of paragraph (a) is amended, the heading for paragraph (b) is amended, and subparagraph (1) of paragraph (b) is amended to read as follows:

§ 613.2 Wage rates.

* * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Hair piece and doll wig classification.* (i) The minimum wage for this classification is 98 cents an hour.

* * * * *

(2) *Artists' brush and native handicraft products classification.* (i) The minimum wage for this classification is 83 cents an hour.

* * * * *

(3) *Hair and bristles processing and other straw, hair, and related products classification.* (i) The minimum wage for this classification is 84 cents an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.01 an hour.

* * * * *

PART 614—CORSETS, BRASSIERES, AND ALLIED GARMENTS IN PUERTO RICO

11. In 29 CFR 614.2, subparagraph (1) of paragraph (a) is amended, the heading for paragraph (b) is amended, and subparagraph (1) of paragraph (b) is amended to read as follows:

§ 614.2 Wage rates.

* * * * *

(a) *General classification.* (1) The minimum wage for this classification is $1.26 an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.40 an hour.

* * * * *

PART 615—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

12. In 29 CFR 615.2, the heading for paragraph (a) is revised, each subdivision (i) of subparagraphs (1), (2), and (3) of paragraph (a) is amended, the heading for paragraph (b) is amended, and subparagraph (1) of paragraph (b) is amended to read as follows:

§ 615.2 Wage rates.

* * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *The work clothing and separate trousers classification.* (i) The minimum wage for this classification is $1.17 an hour.

* * * * *

(2) *The military-style hats and caps classification.* (i) The minimum wage for this classification is $1.29 an hour.

* * * * *

(3) *The general classification.* (i) The minimum wage for this classification is $1.10 an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.01 an hour.

* * * * *

PART 616—BUTTON, JEWELRY, AND LAPIDARY WORK INDUSTRY IN PUERTO RICO

13. In 29 CFR 616.2, the heading for paragraph (a) is revised, each subdivision (i) of subparagraphs (1), (2), (3), (4), (5), (6), (7), and (8) of paragraph (a) is amended, the heading for paragraph (b) is amended, and subparagraph (1) of paragraph (b) is amended to read as follows:

§ 616.2 Wage rates.

* * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Rosary and native jewelry classification.* (i) The minimum wage for this classification is 67 cents an hour.

* * * * *

(2) *Hair ornament classification.* (i) The minimum wage for this classification is $1.14 an hour.

* * * * *

(3) *Hair accessories classification.* (i) The minimum wage for this classification is $1.12 an hour.

* * * * *

(4) *Button and Buckle classification.* (i) The minimum wage for this classification is 89.5 cents an hour.

* * * * *

(5) *Gem stone, industrial jewel and precious jewelry classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(6) *Metal expansion watch band classification.* (i) The minimum wage for this classification is $1.29 an hour.

* * * * *

(7) *Plastic costume jewelry classification.* (i) The minimum wage for this classification is 94 cents an hour.

* * * * *

(8) *General classification.* (i) The minimum wage for this classification is $1.01 an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.40 an hour.

* * * * *

PART 619—ALCOHOLIC BEVERAGE AND INDUSTRIAL ALCOHOL INDUSTRY IN PUERTO RICO

14. Section 619.2 of Title 29 is revised to read as follows:

§ 619.2 Wage rates.

A wage rate of not less than $1.40 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the alcoholic beverage and industrial alcohol industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

PART 657—TOBACCO INDUSTRY IN PUERTO RICO

15. In 29 CFR 657.2, the heading for paragraph (a) is revised, each subdivision (i) of subparagraphs (1), (2), (3), (4), and (5) of paragraph (a) is amended, the heading for paragraph (b) is amended, and subparagraph (1) of

paragraph (b) is amended to read as follows:

§ 657.2 Wage rates.

* * * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Filler tobacco processing classification.* (i) The minimum wage for this classification is 56 cents an hour.

* * * * * *

(2) *Wrapper type tobacco processing classification.* (i) The minimum wage for this classification is $1.04 an hour.

* * * * * *

(3) *Machine threshing, other operations classification.* (i) The minimum wage for this classification is $1.01 an hour.

* * * * * *

(4) *General classification.* (i) The minimum wage for this classification is $1.265 an hour.

* * * * * *

(5) *Filler hand stemming classification.* (i) The minimum wage for this classification is 57 cents an hour.

* * * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.265 an hour.

* * * * *

PART 661—BANKING, INSURANCE AND FINANCE INDUSTRY IN PUERTO RICO

16. Section 661.2 of Title 29 is revised to read as follows:

§ 661.2 Wage rates.

A wage rate of not less than $1.40 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the banking, insurance and finance industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

PART 670—CHEMICAL, PETROLEUM, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

17. In 29 CFR 670.2, the heading for paragraph (a) is revised, each subdivision (i) of subparagraphs (1), (2), (3), (4), (5), and (6) of paragraph (a) is amended, the heading for paragraph (b) is amended, subparagraph (1) of paragraph (b) is amended, the heading for paragraph (c) is amended, and subparagraph (1) of paragraph (c) is amended to read as follows:

§ 670.2 Wage rates.

* * * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Agricultural chemicals, fertilizer mixing, hormones, antibiotics, and adrenelin, petroleum refining, and pipeline coating tapes classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(2) *Oil well drilling classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(3) *Drugs, medicines, bay oil, aromatic alcohol, and toilet preparations classification.* (i) The minimum wage for this classification is $1.20 an hour.

* * * * * *

(4) *Industrial inorganic chemicals classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(5) *Salt extraction classification.* (i) The minimum wage for this classification is $1.325 an hour.

* * * * * *

(6) *Miscellaneous chemical and petroleum products classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(b) *Bay oil and aromatic alcohol 1961 coverage classification.* (1) The minimum wage for this classification is $1.20 an hour.

* * * * * *

(c) *General 1961 coverage classification.* (1) The minimum wage for this classification is $1.40 an hour.

* * * * * *

PART 671—COMMUNICATIONS, UTILITIES, AND TRANSPORTATION INDUSTRY IN PUERTO RICO

18. In 29 CFR 671.2, the heading for paragraph (a) is revised, each subdivision (i) of subparagraphs (1) and (2) of paragraph (a) is amended, the heading for paragraph (b) is revised and subdivisions (i) of subparagraphs (1), (2), and (3) are amended to read as follows:

§ 671.2 Wage rates.

* * * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Other workers in motor carrier transport and express classification.* (i) The minimum wage for this classification is $1.31 an hour.

* * * * * *

(2) *General classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(b) *1961 coverage classifications.* * * *

(1) *Tugboat and towboat seamen classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(2) *Other seamen classification.* (i) The minimum wage for this classification is $1.29 an hour.

* * * * * *

(3) *Telephone switchboard operator classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * * *

PART 672—CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRY IN PUERTO RICO

19. Section 672.2 of Title 29 is revised to read as follows:

§ 672.2 Wage rates.

A wage rate of not less than $1.40 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce, as those terms are defined in section 3 of the Act.

PART 673—FOOD AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

20. In 29 CFR 673.2, subparagraphs (1) of paragraphs (a) through (p) are amended, and the headings for paragraphs (f), (g), (h), (i), (j), (k), (l), (n), (o), and (p) are amended to read as follows:

§ 673.2 Wage rates.

* * * * * *

(a) *Yeast and canned tuna fish classification.* (1) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(b) *Canning and preserving classification.* (1) The minimum wage for this classification is $1.155 an hour.

* * * * * *

(c) *Citron brining and fruit, vegetable, nut, and green coffee packing classification.* (1) The minimum wage for this classification is 90.5 cents an hour.

* * * * * *

(d) *Sun-drying of bananas classification.* (1) The minimum wage for this classification is $90.5 cents an hour.

* * * * * *

(e) *General classification.* (1) The minimum wage for this classification is $1.185 an hour.

* * * * * *

(f) *Biscuit, cracker and bread, rice and lard, and animal feeds in employments covered prior to 1961 Amendments classification.* (1) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(g) *Biscuit, cracker and bread, rice and lard, and animal feeds 1961 coverage classification.* (1) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(h) *Ice cream, ices and similar frozen products in employments covered prior to 1961 Amendments classification.* (1) The minimum wage for this classification is $1.29 an hour.

* * * * * *

(i) *Ice cream, ices and similar frozen products chauffeurs 1961 coverage (subgroup A) classification.* (1) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(j) *Ice cream, ices and similar frozen products all other workers 1961 coverage (subgroup B) classification.* (1) The minimum wage for this classification is $1.12 an hour.

* * * * * *

(k) *Milk and milk products in employments covered prior to 1961 Amendments classification.* (1) The minimum wage for this classification is $1.185 an hour.

* * * * * *

(l) *Milk and milk products 1961 coverage classification.* (1) The minimum wage for this classification is 98.5 cents an hour.

* * * * * *

(m) *Soft drink classification.* (1) The minimum wage for this classification is $1.23 an hour.

* * * * * *

(n) *1961 coverage classification No. 1.* (1) The minimum wage for this classification is $1.155 an hour.

* * * * * *

(o) *1961 coverage classification No. 2.* (1) The minimum wage for this classification is 94 cents an hour.

* * * * * *

(p) *1961 coverage classification No. 3.* (1) The minimum wage for this classification is 89.5 cents an hour.

* * * * * *

PART 675—LUMBER AND WOOD PRODUCTS INDUSTRY IN PUERTO RICO

21. In 29 CFR 675.2, the heading for paragraph (a) is revised, the headings for paragraphs (b), (c), and (d) are amended, each subdivision (i) of subparagraphs (1), (2), (3), (4), and (5) is amended, and subparagraphs (1) of paragraphs (b), (c), and (d) are amended to read as follows:

§ 675.2 Wage rates.

* * * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Carpet grippers classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(2) *Furniture and miscellaneous wood products classification.* (i) The minimum wage for this classification is $1.02 an hour.

* * * * * *

(3) *Lumber, millwork, and balsa wood toys classification.* (i) The minimum wage for this classification is $1.155 an hour.

* * * * * *

(4) *Swimming pool equipment classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(5) *Kitchen cabinet classification.* (i) The minimum wage for this classification is $1.11 an hour.

* * * * * *

(b) *Table top and kitchen cabinet craft masters and supervisors 1961 coverage classification.* (1) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(c) *Billiard table 1961 coverage classification.* (1) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(d) *General 1961 coverage classification.* (1) The minimum wage for this classification is $1.02 an hour.

* * * * * *

PART 677—PAPER, PAPER PRODUCTS, PRINTING, AND PUBLISHING INDUSTRY IN PUERTO RICO

22. In 29 CFR 677.2, the headings for paragraph (a) is revised, subparagraph (1) of paragraph (a) is amended, the heading for paragraph (b) is amended, and subparagraph (1) of paragraph (b) is amended to read as follows:

§ 677.2 Wage rates.

* * * * * *

(a) *Employments covered prior to 1961 Amendments.* (1) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is 90.5 cents an hour.

* * * * * *

PART 678—STONE, CLAY, GLASS, CEMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

23. In 29 CFR 678.2 the heading for paragraph (a) is revised, each subdivision (i) of subparagraph (1), (2), (3), (4), (5), (6), and (7) of paragraph (a) is amended, the headings for paragraphs (b) and (c) are amended, and subparagraphs (1) of paragraphs (b) and (c) are amended to read as follows:

§ 678.2 Wage rates.

* * * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Abrasive products, cement, dry cement mixes, glass and glass products, hot asphaltic plant mix, ready-mix concrete, concrete block and tile, concrete pipe, precast concrete construction components, structural clay products, and ceramic floor and wall tile classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(2) *Asbestos cement products, high purity silicon, and crushed stone, sand, and gravel classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(3) *Artificial teeth classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(4) *Vitreous and semi-vitreous china food utensils classification.* (i) The minimum wage for this classification is $1.13 an hour.

* * * * * *

(5) *Art pottery classification.* (i) The minimum wage for this classification is 84 cents an hour.

* * * * * *

(6) *Mica classification.* (i) The minimum wage for this classification is $1.075 an hour.

* * * * * *

(7) *General classification.* (i) The minimum wage for this classification is $1.26 an hour.

* * * * * *

(b) *Terrazzo and marble tiles 1961 coverage classification.* (1) The minimum wage for this classification is $1.345 an hour.

* * * * * *

(c) *General 1961 coverage classification.* (1) The minimum wage for this classification is 84 cents an hour.

* * * * * *

PART 683—RETAILING, WHOLESALING, AND WAREHOUSING INDUSTRY IN PUERTO RICO

24. In 29 CFR 683.2, in paragraph (a), the heading is revised and subparagraph (1) is amended; in paragraph (b), the heading and subparagraph (1) are amended; in paragraph (c), the heading and subparagraph (1) are amended to read as follows:

§ 683.2 Wage rates.

* * * * * *

(a) *Employments covered prior to 1961 amendments.* (1) The minimum wage for this classification is $1.40 an hour.

* * * * * *

(b) *Retailing 1961 coverage classification.* (1) The minimum wage for this classification is $1.12 an hour.

* * * * * *

(c) *Other 1961 coverage classification.* (1) The minimum wage for this classification is $1.40 an hour.

* * * * * *

PART 687—HOSIERY INDUSTRY IN PUERTO RICO

25. In 29 CFR 687.2, the heading for paragraph (a) is revised, each subdivision (i) of subparagraphs (1), and (2) are amended, the heading for paragraph (b) is amended, and subparagraph (1) of paragraph (b) is amended to read as follows:

§ 687.2 Wage rates.

* * * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Women's hosiery classification.* (i) The minimum wage for this classification is 97 cents an hour.

* * * * *

(2) *All other hosiery classification.* (i) The minimum wage for this classification is 94 cents an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.065 an hour.

* * * * *

PART 688—ARTIFICIAL FLOWER, DECORATION, AND PARTY FAVOR INDUSTRY IN PUERTO RICO

26. In 29 CFR 688.2, in paragraph (a) the heading is revised and subparagraph (1) is amended, in paragraph (b) the heading and subparagraph (1) are amended to read as follows:

§ 688.2 Wage rates.

* * * * *

(a) *Employments covered prior to 1961 amendments.* (1) The minimum wage for this classification is $1.10 an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.40 an hour.

* * * * *

PART 690—FABRICATED PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

27. In 29 CFR 690.2, the heading for paragraph (a) is revised, each subdivision (i) of subparagraphs (1), (2), (3), and (4) is amended, the heading for paragraph (b) is amended, and subparagraph (1) of paragraph (b) is amended to read as follows:

§ 690.2 Wage rates.

* * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Dinnerware, sprayer, and vaporizer classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(2) *Phonograph record classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(3) *Wall tile classification.* (i) The minimum wage for this classification is $1.175 an hour.

* * * * *

(4) *General classification.* (i) The minimum wage for this classification is $1.065 an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is 95 cents an hour.

* * * * *

PART 699—TEXTILE AND TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

28. In 29 CFR 699.2 in paragraph (a) the heading is revised, and each subdivision (i) of subparagraphs (1), (2), (3), (4), (5), (6), and (7) is amended; in paragraph (b) the headings and each subdivision (i) of subparagraphs (1), (2), and (3) is amended to read as follows:

§ 699.2 Wage rates.

* * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Mattress and pillow classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(2) *Bag cleaning and repairing classification.* (i) The minimum wage for this classification is 95 cents an hour.

* * * * *

(3) *Multiple-needle power-driven machine operations on hooked rugs classifications.* (i) The minimum wage for this classification is $1.14 an hour.

* * * * *

(4) *Other operations on hooked rugs classification.* (i) The minimum wage for this classification is 87.5 cents an hour.

* * * * *

(5) *Yarn classification.* (i) The minimum wage for this classification is $1.065 an hour.

* * * * *

(6) *Broad woven fabrics classification.* (i) The minimum wage for this classification is $1.065 an hour.

* * * * *

(7) *General classification.* (i) The minimum wage for this classification is $1.035 an hour.

* * * * *

(b) *1961 coverage classifications.* * * *

(1) *Mattresses and bedsprings craft masters and supervisors 1961 coverage classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(2) *Mattresses and bedsprings skilled workers 1961 coverage classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(3) *General textile and textile products 1961 coverage classification.* (i) The minimum wage for this classification is $1.175 an hour.

* * * * *

PART 720—RUBBER PRODUCTS INDUSTRY IN PUERTO RICO

29. In 29 CFR 720.2, the heading for paragraph (a) is revised, each subdivision (i) of subparagraphs (1), (2), (3), and (4) is amended, the heading for paragraph (b) is revised, and subparagraph (1) of paragraph (b) is amended to read as follows:

§ 720.2 Wage rates.

* * * * *

(a) *Employments covered prior to 1961 amendments.* * * *

(1) *Tire recapping classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(2) *Miscellaneous rubber products classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(3) *The rubber bucket classification.* (i) The minimum wage for this classification is $1.10 an hour.

* * * * *

(4) *The rubber footwear classification.* (i) The minimum wage for this classification is $1.155 an hour.

* * * * *

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.23 an hour.

* * * * *

(80 Stat. 839)

Signed at Washington, D.C., this 30th day of March, 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 67-3667; Filed, Mar. 31, 1967; 8:49 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Georgia, Mississippi, and Louisiana

Appendix A to Part 801 is amended under the heading "Dates, Times, and Places for Filing" by the addition of new places for filing in Georgia, Mississippi, and Louisiana as set out below:

GEORGIA

County; place for filing; beginning date.

* * * * *

Terrell: Dawson—Post Office Building, Stonewall and Lee Streets; April 3, 1967.
Screven; Sylvania—Post Office Building, Main and East Telephone Streets; April 3, 1967.
Lee; Leesburg—Farmers Exchange Building, second floor; April 3, 1967.

MISSISSIPPI

County; place for filing, beginning date.

* * * * *

Oktibbeha; Starkville—Post Office Building, 302 University Drive; April 3, 1967.
Amite; Liberty—Walsh Building, Main Street, second floor; April 3, 1967.
Franklin; Meadville—Old Halford Building, Highway 84 East, one block from city square; April 3, 1967.

LOUISIANA

Parish; place for filing; beginning date.

* * * * *

Caddo; (1) Shreveport—Post Office and Courthouse Building, 424 Texas Street; April 3, 1967; (2) Shreveport—Terry Building, 2643 Cooper Road; April 3, 1967; (3) Shreveport; Hollywood Baptist Church, 5305 Roberts Street; April 3, 1967.
De Soto; Mansfield—trailer at Post Office; April 3, 1967.
Bossier; Benton—trailer at Post Office; April 3, 1967.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-3695; Filed, Mar. 31, 1967; 12:26 p.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1012, 1013]

[Docket Nos. AO 347-A6, AO 286-A13]

MILK IN TAMPA BAY AND SOUTHEASTERN FLORIDA MARKETING AREAS

Notice of Rescheduled Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice was issued March 15, 1967 (32 F.R. 4313) giving notice of a public hearing to be held on April 6, 1967, at the International Inn, Corner of West Shore and Kennedy Boulevard, Tampa, Fla., beginning at 10 a.m. and on April 7, 1967, at the Everglades Hotel, 244 Biscayne Boulevard, Miami, Fla., beginning at 9 a.m., with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Tampa Bay and Southeastern Florida marketing areas.

Notice is hereby given that the said public hearing is rescheduled and will be held April 28, 1967, at the International Inn, Corner of West Shore and Kennedy Boulevard, Tampa, Fla., beginning at 10 a.m., and on May 1, 1967, at the Columbus Hotel, 50 Biscayne Boulevard, Miami, Fla., beginning at 10 a.m.

Signed at Washington, D.C., on March 28, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3599; Filed, Mar. 31, 1967; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 67-SW-13]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a transition area at Rockport, Tex.

It is proposed to designate the Rockport, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Aransas County Airport (latitude 28°-05'14" N., longitude 97°02'30" W.), and within 2 miles each side of the 314° bearing (305° magnetic) from the Rockport RBN (latitude 28°05'30" N., longitude 97°02'40" W.), extending from the 5-mile radius area to 8 miles NW of the RBN.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures at Aransas County Airport, Rockport, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on March 23, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-3577; Filed, Mar. 31, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-11]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a transition area at Jasper, Tex.

It is proposed to designate the Jasper, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Jasper County Airport (latitude 30°53'45" N., longitude 94°01'30" W.) and within 2 miles each side of the 359° bearing (352° magnetic) from the Jasper RBN extending from the 5-mile radius area to 8 miles north of the RBN; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 30°37'00" N., longitude 94°11'00" W. to latitude 30°-54'20" N., longitude 94°24'45" W. to and counterclockwise along the arc of a 25-mile radius circle centered at the Lufkin VORTAC to latitude 31°07'00" N. to latitude 31°08'00" N., longitude 94°02'-00" W. to latitude 30°44'00" N., longitude 93°51'00" W. to point of beginning.

Designation of the Jasper, Tex., transition area would provide airspace protection for the aircraft executing the instrument approach/departure procedures proposed for the Jasper County Airport.

Interested persons may submit such written data, views, or arguments as they may desire. Communication should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on March 23, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-3578; Filed, Mar. 31, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-SW-60]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Tomball, Tex.

The Tomball, Tex., transition area is designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Gleannloch Farms Airport (latitude 30°02'40" N., longitude 95°33'50" W.); and within 2 miles each side of the 280° bearing from the Tomball RBN extending from the 5-mile radius area to 8 miles west of the RBN.

It is proposed to redesignate the Tomball, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Houston Northwest Airport (latitude 30°03'44" N., longitude 95°33'10" W.); within 2 miles each side of the 356° bearing (348° magnetic) from the David Hooks RBN (latitude 30°07'23" N., longitude 95°33'35" W.) extending from the 6-mile radius area to 8 miles north of the RBN, and within 2 miles each side of the 280° bearing (272° magnetic) from the Tomball RBN (latitude 30°-02"45" N., longitude 95°33'52" W.), extending from the 6-mile radius area to 8 miles west of the RBN.

The proposed alteration of the Tomball, Tex., transition area will provide airspace protection for aircraft executing prescribed instrument approach/departure procedures at the Gleannloch Farms Airport and also the Houston Northwest Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division. This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on March 23, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-3579; Filed, Mar. 31, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-12]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the Lawton, Okla., control zone.

The Lawton, Okla., control zone is presently designated as that airspace within a 5-mile radius of Lawton Municipal Airport (latitude 34°34'15" N., longitude 98°24'55" W.) and within a 3-mile radius of latitude 34°38'18" N., longitude 98°24'06" W.; excluding the portion within R-5601A. This control zone is effective from 0630 to 2230 hours, local time, daily.

The control zone is presently designated as part-time since weather reporting services have not been available full-time.

As weather reporting services are now available 24 hours per day for the Lawton, Okla., control zone, it is proposed to delete reference to the part-time designation and describe the control zone as that airspace within a 5-mile radius of Lawton Municipal Airport (latitude 34°34'15" N., longitude 98°24'55" W.) and within a 3-mile radius of latitude 34°38'18" N., longitude 98°24'06" W.; excluding the portion within R-5601A.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on March 23, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-3580; Filed, Mar. 31, 1967; 8:46 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 67-WA-12]

JET ROUTES

Proposed Alteration

The Federal Aviation Agency (FAA) is considering amendments to Part 75 of the Federal Aviation Regulations (FAR) which would realign several jet routes to facilitate the provision of air traffic control service in the Chicago, Ill., and adjacent Air Route Traffic Control Center areas.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Dubuque, Iowa, VORTAC is currently provided interference protection as an L class facility and as such can be used only in the low altitude structure. The FAA is planning to elevate the Dubuque VORTAC to an H class facility so that it can be used in the jet route structure to provide better air traffic control service west of Chicago.

The FAA proposes designation of jet routes as follows:

1. A new jet route from Dubuque, Iowa, to Minneapolis, Minn. Flights operating from Chicago to Minneapolis are currently radar vectored from Dubuque to Minneapolis. Designation of the proposed jet route would eliminate the requirement for radar vectoring.

2. A new jet route from Hayes Center, Nebr., via Wolbach, Nebr., to Dubuque, Iowa. Aircraft are frequently radar vectored from the vicinity of Hayes Center and Wolbach to Dubuque. Designation of the proposed jet route would

eliminate the requirement for radar vectoring.

3. Realignment of J–94 in part from Fort Dodge, Iowa, via Dubuque, Iowa, to Northbrook, Ill. This portion of J–94 is presently aligned from Fort Dodge via INT of Fort Dodge 096° and Northbrook 274° radials to Northbrook. Realignment as proposed would facilitate transition to a low altitude airway between Dubuque and Northbrook.

4. Realignment of J–82 in part from Fort Dodge, Iowa, via Dubuque, Iowa; INT of Dubuque 094° and Joliet 317° radials; to Joliet. This portion of J–82 is presently aligned from Fort Dodge via INT of Fort Dodge 096° and Northbrook, Ill., 274° radials; INT of Northbrook 274° and Joliet 317° radials; to Joliet. Realignment as proposed would facilitate transition to a low altitude airway between Dubuque and Northbrook.

5. A new jet route from Cimarron, N. Mex., to Garden City, Kans. Aircraft are currently cleared direct between these points. Designation of the proposed jet route would provide a transition routing between J–134 at Cimarron and J–18 at Garden City.

6. Redesignation of J–100 from Bryce Canyon, Utah, to Meeker, Colo. J–100 is presently designated from Bryce Canyon via INT of Bryce Canyon 048° and Grand Junction, Colo., 259° radials; to Grand Junction. Redesignation of J–100 as proposed herein would provide a convenient transition routing between J–60 and J–84.

7. Realignment of J–84 in part from Des Moines, Iowa, via Dubuque, Iowa, to Northbrook, Ill. This portion of J–84 is presently aligned from Des Moines via INT of Des Moines 066° and Northbrook 274° radials to Northbrook. Realignment as proposed would facilitate transition to a low altitude airway between Dubuque and Northbrook.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 24, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-3561; Filed, Mar. 31, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 69]

ASSISTANT ADMINISTRATOR, OFFICE OF THE WAR ON HUNGER

Delegation of Authority Regarding Functions and Authorities

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, and in furtherance of my decision relating to the "Reorganization for Increased Emphasis on the Private Sector and the War on Hunger" announced in AID/W Notice of February 10, 1967 by the Assistant Administrator for Administration, it is hereby ordered as follows:

SECTION 1. Delete the title "Assistant Administrator for Material Resources" wherever it appears in Delegation of Authority No. 23, dated December 28, 1962 (28 F.R. 563) as amended, and substitute the title "Assistant Administrator, Office of the War on Hunger."

SEC. 2. Current redelegations of authority issued prior to this order by the Assistant Administrator for Material Resources based on Delegation of Authority No. 23, as amended, shall continue in effect according to their terms until modified or revoked by the Assistant Administrator, Office of the War on Hunger.

SEC. 3. The authorities delegated to the Assistant Administrator, Office of the War on Hunger, pursuant to section 1 hereof may be redelegated to the extent specified in the Delegation of Authority No. 23, and shall be subject to such limitations or restrictions as are provided in such delegations.

SEC. 4. Henceforth the responsibility of the Assistant Administrator, Office of the War on Hunger, shall include the functions and authorities which are specified in any regulation, published or unpublished, manual order, policy determination, Manual Circular or circular airgram, or instruction or communication of any nature relating to:

(a) Responsibility of the Assistant Administrator for Technical Cooperation and Research in connection with:

(1) Administration of section 241 of the Foreign Assistance Act of 1961, as amended, subject to the prevailing procedures and instructions of the Administrator of the Agency for International Development concerning the review and approval of such activities;

(2) Development of policies, procedures, and programs under section 211(d) of the Foreign Assistance Act of 1961, as amended; and implementation of such assistance to the extent subsequently authorized by the Administrator;

(3) Functions assigned to the Office of Agricultural and Rural Development;

(4) Functions assigned to the Office of Health Services.

(b) Responsibility of the Assistant Administrator, Office of Material Resources in connection with:

(1) Functions relating to agricultural commodities within the Office of Industrial Resources;

(2) Functions of the Offices of Food for Peace and Voluntary Foreign Aid.

SEC. 5. Actions, delegations, designations, and redelegations of the Assistant Administrator for Technical Cooperation and Research, and of the Assistant Administrator for Material Resources or by officers of the Offices of Agricultural and Rural Development, Health Services, Food for Peace, Voluntary Foreign Aid, and Office of Industrial Resources, heretofore made in connection with the functions and responsibilities affected by this Delegation shall remain in full force and effect until modified, superseded, or rescinded by the Assistant Administrator, Office of War on Hunger, or his authorized delegate.

SEC. 6. This delegation of authority is effective immediately.

WILLIAM S. GAUD,
Administrator.

MARCH 23, 1967.

[F.R. Doc. 67-3596; Filed, Mar. 31, 1967; 8:47 a.m.]

Office of the Secretary

[Public Notice 260]

IRAN

Validity of Passports

Iran is added to the list of countries which have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign issuing authority for a period of at least 6 months beyond the expiration date specified in the passport.

This notice amends Public Notice 238 of November 17, 1964 (29 F.R. 16097).

PHILIP B. HEYMANN,
Acting Administrator, Bureau of Security and Consular Affairs.

MARCH 17, 1967.

[F.R. Doc. 67-3612; Filed, Mar. 31, 1967; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

COMMANDERS OF FIELD COMMAND, DEFENSE ATOMIC SUPPORT AGENCY, ET AL.

Delegation of Authority To Convene Courts-Martial

The Deputy Secretary of Defense approved the following delegation of authority on February 14, 1967:

By virtue of the authority delegated to the Secretary of Defense by the President in Executive Order 10428 of January 17, 1953, and pursuant to Article 22(a)(7) of the Uniform Code of Military Justice, I empower the respective Commanders of Field Command, Joint Task Force Eight, and Test Command of the Defense Atomic Support Agency to convene general courts-martial; and, further, pursuant to Article 17(a) of the Uniform Code of Military Justice and paragraph 13 of the Manual for Courts-Martial, United States, 1951, as amended, I empower said officers to refer for trial by courts-martial the cases of members of any of the armed forces who are assigned or attached to, or on duty with, those Commands. In accordance with the provisions of paragraph 5a(2) and Appendix 4 of the Manual for Courts-Martial, United States, 1951, as amended, this Directive will be cited in orders appointing courts-martial under this authority.

MAURICE W. ROCHE,
Director, Correspondence and Directive Division, OASD (Administration).

MARCH 27, 1967.

[F.R. Doc. 67-3574; Filed, Mar. 31, 1967; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

OFFICIALS AND EMPLOYEES, BUREAU OF COMMERCIAL FISHERIES

Redelegation of Authority Regarding Federal Aid

MARCH 24, 1967.

The regulations issued herein are based on the authority of the Director, Bureau of Commercial Fisheries, to issue such regulations. The requirements herein set forth apply as a portion of the directive system of the Bureau of Commercial Fisheries.

1. *Delegation.* Under authority delegated to heads of bureaus by the Secretary of the Interior in Departmental Manual, Part 241, General Program Delegations dated August 26, 1966 (31 F.R.

11685), redelegation of authority to officials and employees of the Bureau of Commercial Fisheries is hereby made.

2. *Exercise of authority.* The redelegation hereby made is of authority, on behalf of the United States and the Bureau of Commercial Fisheries, to the Assistant to the Director, Office of Federal Aid, Bureau of Commercial Fisheries, and to the Assistant Director for Administration, Bureau of Commercial Fisheries, either of whom may exercise full authority, to approve federal aid grants under the provisions of the Commercial Fisheries Research and Development Act of May 20, 1964 (78 Stat. 197), the Anadromous and Great Lakes Fisheries Conservation Act of October 30, 1965 (79 Stat. 1125), and the Jellyfish Act of November 2, 1966 (80 Stat. 1149).

3. *Effective date.* This redelegation shall become effective on the date of its publication in the FEDERAL REGISTER.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 67-3588; Filed, Mar. 31, 1967; 8:46 a.m.]

Office of the Secretary

SOUTHWESTERN POWER ADMINISTRATION

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the manual.

This material supersedes 270 DM 2.1 (31 F.R. 6205) dated April 22, 1966.

270.2.1 *Designation as marketing agency.* The Southwestern Power Administration is designated as the agency to market available surplus electric power and energy generated at the following reservoir projects pursuant to section 5 of the Act of December 22, 1944 (58 Stat. 890; 16 U.S.C. 825s): Beaver; Blakely Mountain; Broken Bow; Bull Shoals; Clarence Cannon; Dardanelle; DeGray; Denison; Eufaula; Fort Gibson; Greers Ferry; Kaysinger Bluff; Keystone; Narrows; Norfork; Ozark Lock and Dam; Robert S. Kerr; Sam Rayburn; Stockton; Table Rock; Tenkiller Ferry; Webbers Falls Lock and Dam; and Whitney. (Sec. 2, Reorg. Plan No. 3 of 1950; 5 U.S.C. sec. 133z-15, note)

STEWART L. UDALL,
Secretary of the Interior.

MARCH 27, 1967.

[F.R. Doc. 67-3589; Filed, Mar. 31, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

INDIANA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Indiana natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

INDIANA

Hancock.	Shelby.
Johnson.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of March 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-3615; Filed, Mar. 31, 1967; 8:48 a.m.]

MISSISSIPPI, MONTANA, AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Mississippi, Montana, and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Carroll.

MONTANA

Beaverhead.	Madison.

TEXAS

Bosque.	Guadalupe.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of March 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-3616; Filed, Mar. 31, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 11]

LIST OF FOREIGN FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JANUARY 25, 1966

SECTION 1. The President has approved a policy of denying the carriage of U.S. Government-financed cargoes shipped from the United States on foreign flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate U.S. Government Departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through March 27, 1967. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

FLAG OF REGISTRY NAME OF SHIP	Gross tonnage
Total, all flags (36 ships)	250,190
British (9 ships)	53,184
**Ardgroom (broken up)	7,051
Ardrowan	7,300
**Ardtara (now Hyperion—British)	5,795
Greenford	2,964
**Hyperion (trip to North Vietnam under ex-name, Ardtara—British).	
Isabel Erica	7,105
Milford	1,889
Santa Granda	7,229
Shienfoon	7,127
Shirley Christine	6,724
Cypriot (4 ships)	28,852
Acme	1,173
**Agenor (trips to North Vietnam—Greek).	
**Alkon (trips to North Vietnam—Greek—broken up).	
Amfitriti	7,147
Amon	7,229
Antonia II	7,303
Greek (2 ships)	14,289
**Agenor (now Cypriot)	7,139
**Alkon (now Cypriot—broken up)	7,150
Maltese (1 ship)	7,304
Amalia	7,304
Polish (20 ships)	146,561
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
General Sikorski	6,785
Hanka Sawicka	6,944
*Hanoi	6,914
Hugo Kollataj	3,755
Jan Matejko	6,748
Jozef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
Lelewel	7,817
Marceli Nowotko	6,660
Marian Buczek	7,053
Norwid	5,512
*Phenian	6,923
Stefan Okrzeja	6,620
*Transportowiec	10,854
Wieniawski	9,190
Wladyslaw Broniewski	6,919

*Added to Rept. No. 10 appearing in the FEDERAL REGISTER issue of Feb. 4, 1967.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the U.S Government to discourage such trade and;

(b) That no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY

a. Since last report:
None.
b. Previous reports:

	Number of ships
British	1

By order of the Acting Maritime Administrator.

Dated: March 29, 1967.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-3650; Filed, Mar. 31, 1967; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE, REGION III (ATLANTA)

Designation

The officers appointed to the following listed positions in Region III (Atlanta) are hereby designated to serve as Acting Assistant Regional Administrator for Renewal Assistance, Region III, during the absence of the Assistant Regional Administrator for Renewal Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Renewal Assistance, provided that no officer is authorized to serve as Acting Assistant Regional Administrator for Renewal Assistance unless all other officers whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Assistant Regional Administrator.
2. Director, Field Service Division.
3. Chief, Fiscal Management Branch.
4. Chief, Project Planning and Engineering Branch.

The designation of Acting Regional Director of Urban Renewal, Region III, effective November 17, 1962 (27 F.R. 11365), is hereby revoked.

(Authority delegated effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 31st day of December 1966.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 67-3601; Filed, Mar. 31, 1967; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-216]

NEW YORK UNIVERSITY

Notice of Proposed Issuance of Facility License

The Atomic Energy Commission ("the Commission") is considering the issuance of a Class 104 facility license, substantially as set forth below, which will authorize New York University to operate its Model AGN-201M, Serial No. 105, reactor on its campus in University Heights, Borough of the Bronx, New York, N.Y. Construction of the reactor was authorized by Construction Permit No. CPRR-81 dated September 9, 1964.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this license, see (1) the application for license and amendments thereto, (2) a related safety analysis prepared by the Division of Reactor Licensing, and (3) the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of Items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 27th day of March 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED FACILITY LICENSE

[License No. R-------]

The Atomic Energy Commission having found that:

a. The application for license dated January 19, 1967, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. There is reasonable assurance that (i) the activities authorized by this license can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

c. New York University is technically and financially qualified to engage in the activities authorized by this license in accordance with the rules and regulations of the Commission;

d. New York University is a nonprofit educational institution and will operate the reactor for the conduct of educational activities. New York University is therefore exempt from the financial protection requirement of subsection 170a. of the Atomic Energy Act of 1954, as amended;

e. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public.

Facility License No. R- ------, effective as of the date of issuance, is issued as follows:

1. This license applies to the homogeneous nuclear reactor Model AGN-201M, Serial No. 105, nuclear reactor (hereinafter "the reactor") which is owned by New York University (hereinafter "the licensee"), located in University Heights, Borough of the Bronx, New York City, and described in the application for license dated December 19, 1963, as amended (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter "the Commission") hereby licenses New York University.

A. Pursuant to section 104c. of the Atomic Energy Act of 1954, as amended (hereinafter "the Act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess, use, and operate the reactor as a utilization facility at the designated location.

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess, and use in connection with operation of the reactor, up to 660 grams of uranium-235 as reactor fuel.

C. Pursuant to the Act and Title 10, Chapter I, Part 70 and 30, "Rules of General Applicability to Licensing of Byproduct Material," to possess and use a radium-beryllium neutron startup source, and to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and is subject to the conditions specified in 10 CFR Part 20, §§ 50.54 and 50.59 of 10 CFR Part 50, § 70.32 of 10 CFR Part 70 and § 30.34 of 10 CFR Part 30 of the Commission's regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* The licensee is authorized to operate the reactor at steady state power levels up to a maximum of 0.1 watt thermal.

B. *Technical specifications.* The Technical Specifications contained in Appendix A[1] to this license (hereinafter "the Technical Specifications") are hereby incorporated in the license. The licensee shall operate the reactor only in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

C. *Authorization of changes, tests, and experiments.* The licensee may (1) make changes in the reactor as described in the safety analysis report, (2) make changes in

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

the procedures as described in the safety analysis report, and (3) conduct tests or experiments not described in the safety analysis report only in accordance with the provisions of § 50.59 of 10 CFR Part 50.

D. Reports. In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the safety analysis report. For each such occurrence, the licensee shall promptly notify by telephone or telegraph the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Commission in writing within 30 days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the safety analysis report or the Technical Specifications.

(3) The licensee shall report to the Commission in writing within 30 days of its occurrence any significant change in transient or accident analysis, as described in the safety analysis report.

E. Records. In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reactor for emergency shutdowns.

4. This license is effective as of the date of issuance and shall expire at midnight, September 9, 1984, unless sooner terminated.

Enclosure: Appendix A, Technical Specifications.[1]

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-3572; Filed, Mar. 31, 1967; 8:45 a.m.]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. ET AL.

Notice of Issuance of Provisional Operating License

Please take notice that no request for a hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Provisional Operating License No. DPR-13 authorizing Southern California Edison Co. (Edison) and San Diego Gas & Electric Co. (San Diego), with Edison acting for itself and as agent for San Diego, to possess, use and operate the San Onofre Nuclear Generating Station Unit No. 1 pressurized water reactor located on the site of Edison and San Diego near the northern boundary of Camp Pendleton in San Diego County, Calif. The license also authorizes these two companies and Bechtel Corp. and Westinghouse Electric Corp. to possess title to the facility as their interests appear. Technical Specifications are incorporated in the license for operation of the reactor at power levels not to exceed 1,347 thermal megawatts.

The Commission has inspected the facility and determined that it has been constructed in accordance with Construction Permit No. CPPR-13.

The provisional operating license, as issued, is as set forth in the notice of proposed issuance of provisional operating license published in the FEDERAL REGISTER on October 14, 1966, 31 F.R. 13365, except for the correction of clerical errors in the Technical Specifications.

Dated at Bethesda, Md., this 27th day of March 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-3573; Filed, Mar. 31, 1967; 8:45 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

CIVIL AERONAUTICS BOARD

[Docket No. 17450]

REDBIRD DELIVERY SERVICE, INC., ET AL.

Notice of Prehearing Conference

Acquisition of Redbird Delivery Service, Inc., by Pacific Freight, Inc., et al.:

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 12, 1967, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., March 28, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-3607; Filed, Mar. 31, 1967; 8:48 a.m.]

[Docket 18265]

TU MVL GA USSR (AEROFLOT)

Notice of Hearing Regarding Application for Permission To Provide Air Transportation of Passengers, Cargo, and Mail Between New York and Moscow

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be held on April 5, 1967, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Chief Examiner Francis W. Brown.

Dated at Washington, D.C., March 30, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-3648; Filed, Mar. 31, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 67-25; Agreement DC-24]

ISTHMIAN LINES, INC., ET AL.

Order of Investigation and Hearing Regarding Joint Ownership of Line

On November 17, 1966, American President Lines, Ltd., Castle & Cooke, Inc., and Isthmian Lines, Inc., filed an agreement for the Commission's approval under section 15 of the Shipping Act, 1916 (46 U.S.C. 814). The agreement dated November 15, 1966, designated Federal Maritime Commission No. DC-24, seeks to establish a new U.S.-flag steamship company, to be called Hawaiian Lines, Inc., which will be owned jointly by the signatory parties, to provide a service between the mainland United States and the State of Hawaii.

A petition for institution of an investigation of Agreement No. DC-24 was filed with the Commission on January 9, 1967, by Matson Navigation Co., a common carrier serving the U.S. Pacific Coast-Hawaii trade. Matson maintains, among other things, that a predecessor agreement, dated November 14, 1966, not filed with the Commission between Castle & Cooke, Inc., and Isthmian, establishing Hawaiian Lines, Inc., and perhaps other agreements, comprise one agreement among the parties, all portions of which are subject to the Commission's jurisdiction pursuant to section 15. Matson urges that the Commission investigate Agreement No. DC-24 as to whether or not it must be considered an integral part of any other agreements relating to the proposed Hawaiian Lines venture, and determine, after hearing, whether it may be approved under section 15, and if it may be so approved, what conditions, if any, should be attached to such approval. Matson further urges that Castle & Cooke, Inc., may be an "other person" subject to the Act and that C & C or its corporate subsidiaries might be accorded special privileges or advantages in violation of sections 15, 16, 17, or 18 of the Shipping Act, 1916. Matson requests a hearing on the merits of Agreement No. DC-24.

An investigation into the merits of the agreement appears warranted.

Therefore, it is ordered, That the Commission pursuant to section 15 and section 22 of the Shipping Act, 1916 (46 U.S.C. 814, 821), hereby institutes an investigation to determine:

1. Whether the November 14, 1966 agreement, alone or in connection with any other agreement, is subject to section 15, and if so, whether such understanding should be approved, disapproved, or modified.

2. Whether Agreement No. DC-24 should be approved, disapproved, or modified under section 15.

3. Whether any agreement subject to section 15 between some or all of the parties to Agreement No. DC-24 has been carried out prior to approval by the Commission.

4. Whether the understanding would operate in a manner which would afford to Castle & Cooke, as shipper or consignee, treatment which is contrary to sections 15, 16, 17, or 18a.

It is further ordered, That the parties named in Appendix A, set forth below, are hereby made respondents in this proceeding; and

It is further ordered, That Matson Navigation Co. be named as petitioner in accordance with the Commission's rules of practice and procedure; and

It is further ordered, That this proceeding be assigned for public hearing before an Examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding Examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent and petitioner; and

It is further ordered, That persons other than respondents, petitioner, and Hearing Counsel who desire to become parties to this proceeding and to participate therein shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure no later than the close of business April 11, 1967, with copy to all parties;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

RESPONDENTS

American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108.
Isthmian Lines, Inc., 90 Broad Street, New York, N.Y. 10004.
Castle & Cooke, Inc., Post Office Box 2990, Honolulu, Hawaii.

APPENDIX B

PETITIONER

Matson Navigation Co., 215 Market Street, San Francisco, Calif. 94111.

[F.R. Doc. 67-3605; Filed, Mar. 31, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4472]

KENTUCKY POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Issue and Sale of First Mortgage Bonds; Increase of Authorized Shares of Common Stock of Subsidiary Company, and Issuance of Additional Shares to Holding Company

MARCH 28, 1967.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, and its electric utility subsidiary company, Kentucky Power Co. ("Kentucky"), 15th Street and Carter Avenue, Ashland, Ky. 41101, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12 of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions.

Kentucky proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, $10 million principal amount of first mortgage bonds, ____ percent series due May 1, 1997. The interest rate (which shall be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under a mortgage and deed of trust dated May 1, 1949, between Kentucky and Bankers Trust Co. and Joseph C. Kennedy, Trustees, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated May 1, 1967.

Kentucky also proposes to amend its articles of incorporation to increase the number of shares of its common stock, par value $50 per share, which it is authorized to issue, from 700,000 to 2 million shares. Kentucky presently has outstanding 609,000 of such shares, all of which (except for qualifying directors' shares) are held by AEP. By order of the Commission dated March 20, 1967 (Holding Company Act Release No. 15692), AEP is authorized to make a cash capital contribution to Kentucky of $20 million on or before July 1, 1967. In order to make such cash capital contribution a more permanent part of Kentucky's equity capital, Kentucky proposes to issue to AEP 400,000 additional shares of its common stock, thus transferring $20 million from capital surplus to capital stock.

Kentucky will use the proceeds from the sale of the bonds and the capital contribution of AEP to prepay without premium its notes to banks which are estimated not to exceed $8 million at the time of the issuance and sale of the bonds. The balance of funds so derived will be used to finance, in part, Kentucky's construction program for 1967, estimated at $44 million, and for general corporate purposes.

Fees and expenses in connection with the proposed transactions are estimated at $47,670, including legal fees of $16,600, and accountants' fees of $2,000. The fee of counsel for the underwriter, to be paid by the successful bidder, is estimated at $6,000.

It is stated that the Public Service Commission of the State of Kentucky has jurisdiction over the proposed issuance of stock and bonds, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 1, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-3595; Filed, Mar. 31, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. RI67-326 etc.]

DALPORT OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 22, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 3, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-326...	Dalport Oil Corp. (Operator) et al., 3471 First National Bank Bldg., Dallas, Tex. 75202.	1	8	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	$2,807	2-20-67	[3] 3-23-67	8-23-67	15.5599	[4][5] 16.5699	G-20397.
	do	2	4	do	332	2-20-67	[3] 3-23-67	8-23-67	15.5599	[4][5] 16.5699	G-20398.
	do	4	7	do	1,146	2-20-67	[3] 3-23-67	8-23-67	15.5599	[4][5] 16.5699	G-20397.
	do	5	5	do	1,122	2-20-67	[3] 3-23-67	8-23-67	15.5599	[4][5] 16.5699	G-20397.
	do	6	5	do	1,331	2-20-67	[3] 3-23-67	8-23-67	15.5599	[4][5] 16.5699	G-20397.
	do	7	4	do	1,310	2-20-67	[3] 3-23-67	8-23-67	15.5599	[4][5] 16.5699	G-20397.
	do	8	4	do	44	2-20-67	[3] 3-23-67	8-23-67	15.5599	[4][5] 16.5699	G-20397.
	do	9	6	do	555	2-20-67	[3] 3-23-67	8-23-67	15.5599	[4][5] 16.5699	G-20397.
	do	10	4	do	604	2-20-67	[3] 3-23-67	8-23-67	15.5599	[4][5] 16.5699	G-20397.
	do	11	4	do	389	2-20-67	[3] 3-23-67	8-23-67	15.5599	[4][5] 16.5699	G-20397.
RI67-327...	W. L. Todd, Jr., et al., 3471 First National Bank Bldg., Dallas, Tex. 75202.	1	4	do	192	2-20-67	[3] 3-23-67	8-23-67	15.5599	[4] 16.5699	G-20415.
RI67-328...	E. E. Reigle, doing business as Richmond Drilling Co. (Operator), et al., Post Office Box 1547, Midland, Tex. 79701.	2	5	El Paso Natural Gas Co. (Spraberry Trend Area Field, Glasscock County, Tex.) (R.R. District No. 8) (Permian Basin Area).	59	2-23-67	[3] 3-26-67	8-26-67	17.0	[4][5] 18.0	RI60-38.
RI67-329...	French M. Robertson (Operator) et al., Post Office Box 310, Abilene, Tex. 79604, Attn.: Sam L. Robertson, General Manager.	1	8	El Paso Natural Gas Co. (Noelke Field, Crockett County, Tex.) (R.R. District No. 7-c) (Permian Basin Area).	2,652	2-28-67	[3] 3-31-67	8-31-67	14.69675	[5][6] 15.70925	RI61-244.

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Rate contractually due Aug. 1, 1964, but not previously filed for.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Dalport Oil Corp. (Operator) et al., and W. L. Todd, Jr., et al., request that their proposed rate increases be permitted to become effective as of February 15, 1967. E. E. Reigle, doing business as Richmond Drilling Co. (Operator) et al., and French M. Robertson (Operator) et al., request retroactive effective dates of September 1, 1965, and August 1, 1964, respectively, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

The four producers herein have been issued small producer certificates for their sales in the Permian Basin Area and have requested reinstatement of certain rate schedules and related rates which were in effect subject to refund in rate proceedings prior to the issuance of the respective small producer certificates in conformity with the Commission's order issued February 6, 1967, in Docket No. CS66-48 et al., granting relief to small producers by permitting such producers to collect rates above the Permian Basin Area ceilings, pending judicial review of Opinion No. 468. Separate action will be taken on the requests for reinstatement.

Concurrently with their requests for reinstatement, these producers have also submitted the proposed rate increases involved here. Since these proposed increased rates exceed the applicable area base rates prescribed for the Permian Basin Area in Opinion No. 468, as amended, they should be suspended for 5 months from the date of expiration of the statutory notice as set forth in Appendix A hereof. These proposed rates will also be subject to rejection, ab initio, in the event the Permian court stay is dissolved or the moratorium provisions of Opinion Nos. 468 and 468-A are upheld ultimately upon judicial review. The collection of such rates will also be subject to the refund provisions of paragraph (D) of Opinion No. 468 as well as the refund provisions of the applicable suspension proceeding.

[F.R. Doc. 67-3373; Filed, Mar. 31, 1967; 8:45 a.m.]

[Docket No. RI67-325]

MOBIL OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 27, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 10, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-325...	Mobil Oil Corp. (Operator) et al., Post Office Box 2444, Houston, Tex. 77001, Attn.: H. H. Beeson, Attorney.	39	13	Natural Gas Pipeline Co. of America (Clayton Field, McMullen, and Live Oak Counties, Tex.) (R.R. District Nos. 1 and 2).	$365,033	3-2-67	[1] 4-1-67	[2] 4-2-67	[3] 9.5169	[4][5] 14.0	

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to 1 day.
[3] "Fractured" rate increase. Mobil is contractually due 15.25 cents per Mcf rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] Settlement rate as approved by Commission order issued May 5, 1964, as amended, in Docket No. G-12193 et al. Moratorium on filing increased rates expired Jan. 1, 1967.

On March 2, 1967, Mobil Oil Corp. (Mobil) submitted a notice of change in rate, from 9.5169 cents to 14 cents per Mcf, for gas sold to Natural Gas Pipeline Co. of America from the Clayton Field, McMullen, and Live Oak Counties, Tex. (Railroad District Nos. 1 and 2).

Mobil's present rate of 9.5169 cents per Mcf is a result of a settlement approved by Commission order issued March 5, 1964, as amended, in Docket No. G-12193 et al. The moratorium on filing increased rates expired January 1, 1967. Although the proposed 14-cent rate, considered a "fractured" rate since Mobil is contractually entitled to a higher rate of 15.25 cents, does not exceed the 14 cents per Mcf increased rate ceiling for Texas Railroad District Nos. 1 and 2 as announced in the Commission's statement of general policy No. 61-1, as amended, it is suspended for 1 day from April 1, 1967, the proposed effective date, since Mobil did not submit with the increased rate filing a waiver of its right to file for the remaining increment of its contractually due rate.

[F.R. Doc. 67-3582; Filed, Mar. 31, 1967; 8:46 a.m.]

[Docket No. CP67-102]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

MARCH 27, 1967.

Take notice that on March 21, 1967, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67-102 a petition to amend the order issued by the Commission January 4, 1967, by authorizing additional sales of natural gas to certain existing direct sale customers and authorizing the construction and operation of certain natural gas facilities necessary to make these additional deliveries, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

In the above-mentioned order, Petitioner was authorized to construct and operate approximately 17.93 miles of 8⅝-inch O.D. pipeline looping a portion of its San Manuel-Hayden pipeline for the purpose of providing an additional firm daily quantity of 2,023,000 cubic feet of natural gas to American Smelting and Refining Co. (American) and an additional firm daily quantity of 708,050 cubic feet of natural gas to Kennecott Copper Corp. (Kennecott), both companies being existing direct sale customers of Petitioner. The foregoing pipeline has not been constructed and is not now proposed to be constructed and Petitioner requests that the Commission delete the authorization for same from the instant certificate.

In lieu of the above-mentioned facilities, Petitioner now seeks authorization to construct and operate approximately 28.1 miles of combination 8⅝-inch O.D., 0.188-inch w.t. and 8⅝-inch O.D., 0.250-inch w.t. pipeline, and necessary appurtenances, beginning at milepost 36.6 on Petitioner's 8⅝-inch O.D. Tucson-San Manuel pipeline located in Pinal County, Ariz., and terminating at the junction of Petitioner's branch pipelines in Gila County, Ariz.

Petitioner also seeks authorization to increase the volume of natural gas sold and delivered to American since American has advised Petitioner that its future requirements have been materially accelerated due to further expansion now required for increased copper production. Petitioner and American propose to amend the Gas Sales Contract between them dated October 12, 1962, as amended September 1, 1966, so as to provide for a further increase of 5,057,500 cubic feet of natural gas in the firm daily deliveries by Petitioner to American. The total additional daily quantity of 7,080,500 cubic feet of natural gas will be used by American in satisfying its increasing requirements for fuel used in its mining, smelting, metallurgical, and related operations.

Petitioner states that the additional facilities described above are necessary to provide the increased requirements of American and that to construct the originally authorized facilities now and then add the additional facilities that would be needed at a later date would be more expensive than the facilities proposed in this amendment. The 708,050 cubic feet of natural gas required by Kennecott would be provided for in the new facilities proposed herein.

Applicant estimates the total cost of the proposed facilities at approximately $628,000, said cost to be financed through the use of working funds, supplemented as necessary with short-term bank loans. The total cost of all the facilities proposed in this docket, as amended by this petition to amend, would be approximately $779,518, representing a net increase in the estimated cost of $309,664.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 24, 1967.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-3584; Filed, Mar. 31, 1967; 8:46 a.m.]

[Docket No. CS67-53 etc.]

JOE MABEE ET AL.

Notice of Applications for "Small Producer" Certificates [1]

MARCH 27, 1967.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 17, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Date filed	Name of applicant
CS67-53.....	3-10-67	Joe Mabee, Post Office Box 5353, Midland, Tex. 79701.
CS67-54.....	3-14-67	B.H. & D. Co., 220 West Hillmont, Odessa, Tex. 79760.
CS67-55.....	3-20-67	J. O. Fox (Operator) et al., 711 Citizens National Bank Bldg., Abilene, Tex.
CS67-56.....	3-22-67	Barbara B. McCombe, 1112 Republic National Bank Bldg., Dallas, Tex. 75201.
CS67-57.....	3-22-67	Bernard A. Ray, Post Office Box 1285, Midland, Tex. 79701.

[F.R. Doc. 67-3585; Filed, Mar. 31, 1967; 8:46 a.m.]

[Docket Nos. G-5999, etc.]

SATURN OIL & GAS CO. ET AL.

Findings and Order; Correction

MARCH 16, 1967.

Wm. H. Chamberlain, doing business as Saturn Oil & Gas Co. (Operator) et al., Docket Nos. G-5999 etc.; Kimbark Exploration, Ltd. (Operator), et el., Docket No. CI67-362.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, making successor co-respondent, substituting respondent, redesignating proceedings, accepting agreement and undertaking for filing, requiring filing of surety bond, and accepting related rate schedules and supplements for filing, issued November 22, 1966, and published in the FEDERAL REGISTER, December 2, 1966 (F.R. Doc. 66-12829, 31 F.R. 15163), in the chart, change FPC Gas Rate Schedule "No. 3" to read FPC Gas Rate Schedule "No. 1", after Docket No. CI67-362, Kimbark Exploration, Ltd. (Operator), et al.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3586; Filed, Mar. 31, 1967; 8:46 a.m.]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

[Docket Nos. G-4831 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petition To Amend Certificates; Correction

MARCH 24, 1967.

Pan American Petroleum Corp., et al., Docket Nos. G-4831 etc.; Gulf Oil Corp., Docket No. CI67-1174.

In the notice of applications for certificates, abandonment of service and petition to amend certificates, issued March 9, 1967, and published in the FEDERAL REGISTER March 21, 1967 (F.R. Doc. 67-2952, 32 F.R. 4327), in the chart, after Docket No. CI67-1174, Gulf Oil Corp., change filing code to read "A" in lieu of "B".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3566; Filed, Mar. 31, 1967; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods, which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aalfs Manufacturing Co., LeMars, Iowa; 2-13-67 to 2-12-68; 10 learners (dungarees).

Albain Shirt Co., Inc., Kinston, N.C.; 2-18-66 to 2-17-68 (men's and boys' shirts).

Angus Garment Manufacturing Co., Athens, Ga.; 2-11-67 to 2-10-68; 10 learners (men's work pants, work shirts and work pants).

Ardmore Industries, Inc., Ardmore, Tenn.; 3-8-67 to 3-7-68 (men's and boys' work pants).

The Arrow Co., Jasper, Ala.; 3-10-67 to 3-9-68, (men's shirts).

Bartel Sportswear, Inc., Richmond, Ind.; 2-8-67 to 2-7-68; 10 learners (men's dungarees).

Benjamin & Johnes, Inc., Dunn, N.C.; 2-8-67 to 2-7-68 (foundation garments).

Michael Berkowitz Co., Inc., Frostburg, Md.; 2-24-67 to 2-23-68 (men's pajamas).

Michael Berkowitz Co., Inc., Waynesburg, Pa.; 2-10-67 to 2-9-68 (men's and ladies' pajamas).

Berlin Manufacturing Co., Inc., Berlin, Md.; 3-4-67 to 3-3-68; 10 learners (work pants).

Blue Bell, Inc., Hanceville, Ala.; 3-3-67 to 3-2-68 (men's and boys' dungarees).

Burlington Manufacturing Co., Miami, Okla.; 2-23-67 to 2-22-68 (men's dungarees and outerwear jackets).

Cardan Sports, Hazleton, Pa.; 3-1-67 to 2-29-68; 5 learners (ladies' dresses).

Carwood Manufacturing Co., Baldwin, Ga.; 2-19-67 to 2-18-68 (men's work pants).

Carwood Manufacturing Co., No. 1, Cornelia, Ga.; 2-19-67 to 2-18-68 (men's work shirts and sport shirts).

Carwood Manufacturing Co., Lavonia, Ga.; 2-19-67 to 2-18-68 (men's and boys' pants).

Carwood Manufacturing Co., No. 1, Monroe, Ga.; 2-19-67 to 2-18-68 (men's and boys' outerwear jackets and men's pants).

Carwood Manufacturing Co., No. 2, Monroe, Ga.; 2-19-67 to 2-18-68 (men's and boys' work pants).

Clarfert Manufacturing Co., Inc., Emmaus, Pa.; 3-1-67 to 2-28-68; 10 learners (women's and children's underwear).

Covco Garment Co., Sparta, Tenn.; 2-22-67 to 2-21-68 (men's coveralls).

C & R Manufacturing Co., Chaffee, Mo.; 2-6-67 to 2-5-68 (men's trousers).

Columbia Manufacturing Co., Greenville, S.C.; 2-12-67 to 2-11-68 (men's and boys' pajamas).

Danville Manufacturing Co., Inc., Danville, Pa.; 3-14-67 to 3-13-68 (ladies' sleepwear).

Darsey Manufacturing Co., Inc., Tallapoosa, Ga.; 2-21-67 to 2-20-68 (men's and boys' pants).

Elder Manufacturing Co., Bloomfield, Mo.; 2-21-67 to 2-20-68 (boys' outerwear jackets and walking shorts).

Erin Manufacturing Co., Erin, Tenn.; 3-2-67 to 3-1-68 (men's and boys' shirts).

Fairfield Manufacturing Co., Winnsboro, S.C.; 2-20-67 to 2-19-68 (ladies' dresses).

Fawn Grove Manufacturing Co., Inc., Rising Sun, Md.; 2-28-67 to 2-27-68 (work clothing).

Fawn Grove Manufacturing Co., Inc., Fawn Grove, Pa.; 2-28-67 to 2-27-68 (men's and boys' work clothing).

Fleetwood Shirt Corp., Fleetwood, Pa.; 2-24-67 to 2-23-68 (men's and ladies' shirts).

Flint Rock Shirt Co., Inc., Marshall, Ark.; 3-6-67 to 3-5-68 (men's shirts).

Fritz-Mar National Work Clothes Rental, Athens, Ga.; 2-17-67 to 2-16-68 (men's work pants, work shirts, and work jackets).

Gilbert Sportswear, Reading, Pa.; 2-24-67 to 2-23-68; 6 learners (girls' dresses).

Glenn Slacks, Inc., Bruce, Miss.; 2-25-67 to 2-24-67 (men's slacks).

The H. W. Gossard Co., Ishpeming, Mich.; 2-9-67 to 2-8-68 (ladies' foundation garments).

The H. W. Gossard Co., Sullivan, Ind.; 3-2-67 to 3-1-68 (foundation garments).

Granby Manufacturing Co., Granby, Mo.; 3-1-67 to 2-29-68 (men's trousers).

Greer Shirt Corp., Greer, S.C.; 3-4-67 to 3-3-68 (men's and boys' shirts).

Iolani Sportswear, Ltd., Honolulu, Hawaii; 3-1-67 to 2-29-68; 10 learners (men's and boys' shirts).

F. Jacobson & Sons, Inc., Charlottesville, Va.; 3-9-67 to 3-8-68 (men's pajamas).

F. Jacobson & Sons, Inc., Seymour, Ind.; 3-6-67 to 3-5-68 (men's shirts).

F. Jacobson & Sons, Inc., Troy, N.Y.; 2-8-67 to 2-7-68 (men's shirts).

Jaymar-Ruby, Inc., Michigan City, Ind.; 2-13-67 to 2-12-68 (men's slacks).

Jonbil Manufacturing Co., Inc., Chase City, Va.; 2-14-67 to 2-13-68 (men's and boys' dungarees).

Kentucky Pants Co., Glasgow, Ky.; 3-7-67 to 3-6-68 (work pants and casual pants).

W. Koury Co., Inc., Sanford, N.C.; 3-1-67 to 2-29-68 (men's and boys' trousers).

Kumfy Togs Inc., New Castle, Ind.; 2-20-67 to 2-19-68; 10 learners (boys' trousers).

K-Way Manufacturing Inc., Moundville, Ala.; 3-3-67 to 3-2-68; 10 learners (men's, women's, and children's peacoats).

Lady Jo, Inc., Uniontown, Ala.; 3-2-67 to 3-1-68; 10 learners (ladies' blouses).

Lawrence Lloyd Sportswear of Texas, Inc., El Paso, Tex.; 3-2-67 to 3-1-68 (men's and boys' slacks).

Leading Lady Foundations, Inc., Cleveland, Ohio; 2-9-67 to 2-8-68; 4 learners (maternity and nursing brassieres, girdles, and panties).

Lowenstein Dress Corp., Fall River, Mass.; 2-16-67 to 2-15-68 (women's dresses).

M & G Sportswear, Inc., Fall River, Mass.; 2-12-67 to 2-11-68 (children's sportswear and outerwear).

Mid South Manufacturing Co., Richton, Miss.; 2-9-67 to 2-8-68 (men's work pants).

Moby Dick Sportswear, Madisonville, Tenn.; 3-1-67 to 2-29-68 (men's outerwear).

Monleigh Garment Co., Inc., Mocksville, N.C.; 2-13-67 to 2-12-68 (men's shirts).

Oakley Fashions, Inc., Jackson, Tenn.; 2-1-67 to 1-31-68 (women's and misses' dresses).

Oberman Manufacturing Co., Arkadelphia, Ark.; 2-23-67 to 2-22-68 (men's and boys' pants).

Reidbord Bros. Co., Apollo, Pa.; 3-4-67 to 3-3-68 (men's and boys' trousers).

Reidbord Bros. Co., Buckhannon, W. Va.; 3-7-67 to 3-6-68 (men's and boys' slacks).

Rival Dress Co., Inc., McAdoo, Pa.; 3-3-67 to 3-2-68 (ladies' dresses).

Salemburg Manufacturing Co., Inc., Salemburg, N.C.; 2-9-67 to 2-8-68 (women's dresses).

School-Timer Frocks, Inc., North Charleston, S.C.; 2-23-67 to 2-22-68 (children's dresses).

Henry I. Siegel Co., Inc., Bruceton, Tenn.; 2-20-67 to 2-19-68 (men's and boys' dungarees).

Smith Bros. Manufacturing Co., Carthage, Mo.; 2-10-67 to 2-9-68 (men's overalls, coveralls, and blue jeans).

Smith Bros. Manufacturing Co., Lamar, Mo.; 2-10-67 to 2-9-68; 10 learners (men's work jackets and dungarees).

Smith Bros. Manufacturing Co., Neosho, Mo.; 2-10-67 to 2-9-68 (men's work pants and blue jeans).

Society Lingerie Co., Inc., Michigan City, Ind.; 2-16-67 to 2-15-68; 10 learners (women's pajamas).

Solomon Bros. Co., Thomaston, Ala.; 3-2-67 to 3-1-68; 10 learners (men's shirts).

Solomon Bros. Co., Lisman, Ala.; 3-2-67 to 3-1-68 (men's shirts).

Solomon Bros. Co., Camden, Ala.; 2-24-67 to 2-23-68 (men's shirts).

Solomon Bros. Co., Thomasville, Ala.; 2-24-67 to 2-23-68 (men's shirts).

Somerville Manufacturing Co., Inc., Somerville, Tenn.; 3-10-67 to 3-9-68 (men's pants).

Sportsmaster, Inc., Athens, Tenn.; 3-2-67 to 3-1-68 (outerwear jackets).

Sunbright Shirt Corp., Sunbright, Tenn.; 2-17-67 to 2-16-68 (boys' shirts).

I. Taitel & Sons, Drew, Miss.; 3-2-67 to 3-1-68 (men's and boys' outerwear jackets and pants).

Telfair Corp., Anniston, Ala.; 2-5-67 to 2-4-68 (army fatigue shirts).

Tompkinsville Manufacturing Co., Tompkinsville, Ky.; 2-13-67 to 2-12-68 (men's work pants).

Tritex Sportswear, Inc., Altoona, Pa.; 2-21-67 to 2-20-68 (men's and women's car coats and ski jackets).

Twin City Manufacturing Co., Twin City, Ga.; 3-7-67 to 3-6-68 (men's shirts).

The Van Heusen Co., Augusta, Ark; 2-28-67 to 2-27-68 (men's shirts).

The Van Wert Manufacturing Co., Van Wert, Ohio; 2-10-67 to 2-9-68; 10 learners (men's and boys' work pants, slacks, and outerwear jackets).

The Watson-Scott Co., Thomasville, Ga.; 3-15-67 to 3-14-68; 10 learners (work clothing).

Jack Winter Manufacturing Corp., Marianna, Ark.; 3-5-67 to 3-4-68 (ladies' slacks).

J. M. Wood Manufacturing Co., Temple, Tex.; 2-17-67 to 2-16-68 (combat pants).

Woolfolk Manufacturing Corp., Louisa, Va.; 2-17-67 to 2-16-68 (men's and boys' work pants and dress pants).

XL Manufacturing, Inc., Gordo, Ala.; 3-3-67 to 3-2-68; 10 learners (men's, women's, and children's peacoats).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Ardmore Industries, Inc., Ardmore, Tenn.; 3-8-67 to 9-7-67; 40 learners (men's and boys' work pants).

Childress Manufacturing Co., Inc., Childress, Tex.; 2-23-67 to 8-22-67; 75 learners (ladies' and girls' dusters).

The Eastern Isles Manufacturing Corp., Richlands, Va.; 2-10-67 to 8-9-67; 20 learners (ladies' pajamas and night gowns).

Form-O-Uth, Inc., Pampa, Tex.; 2-24-67 to 8-23-67; 25 learners (brassieres and girdles).

Kellwood Co., Rutherford, Tenn.; 3-1-67 to 8-31-67; 50 learners (men's and boys' outerwear coats and outerwear jackets).

Lewisburg Sportswear, Inc., Lewisburg, Tenn.; 2-17-67 to 8-16-67; 20 learners (boys' shirts).

Sportamaster, Inc., Athens, Tenn.; 3-2-67 to 9-1-67; 25 learners (field jackets).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

Universal Cigar Corp., Clearwater, Fla.; 3-11-67 to 1-31-68; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Best Manufacturing Corp., Shuqualak, Miss.; 3-1-67 to 2-28-68; 10 learners for normal labor turnover purposes (work gloves).

Best Manufacturing Corp., Shuqualak, Miss.; 3-3-67 to 9-2-67; 25 learners for plant expansion purposes (work gloves).

Good Luck Glove Co., Metropolis, Ill.; 2-13-67 to 2-12-68; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Good Luck Glove Co., Vienna, Ill.; 3-6-67 to 9-5-67; 66 learners for plant expansion purposes (work gloves).

Mid West Glove Corp., Chillicothe, Mo.; 2-25-67 to 2-24-68; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Waynesboro, Miss.; 2-20-67 to 2-19-68; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Charles H. Bacon Co., Inc., Lenoir City, Tenn.; 3-2-67 to 3-1-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

James Knitting Co., Inc., Greeneville, Tenn.; 2-20-67 to 2-19-68; 5 learners for normal labor turnover purposes (seamless).

Portage Hosiery Co., Portage, Wis.; 2-20-67 to 2-19-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Van Raalte Co., Inc., Blue Ridge, Ga.; 2-11-67 to 2-10-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Ashland Knitting Mills, Inc., Ashland, Pa.; 3-7-67 to 3-6-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (boys', infants', misses', and ladies' knit underwear).

Buckeye Industries, Inc., Buckeye, Ariz.; 3-1-67 to 8-31-67; 75 learners for plant expansion purposes (ladies' knit sleepwear).

Circle Manufacturing Co., Thomasville, N.C.; 3-6-67 to 3-5-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's panties).

Ellwood Knitting Mills, Inc., Ellwood City, Pa.; 3-6-67 to 3-5-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted sweaters).

The H. W. Gossard Co., Poplar Bluff, Mo.; 2-4-67 to 2-3-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's knitted underwear and nightwear).

Hermann-Herzman of Pennsylvania, Inc., Lebanon, Pa.; 2-8-67 to 2-7-68; 5 learners for normal labor turnover purposes (ladies' blouses and pajamas).

Lady Jane Manufacturing Co., Inc., Mount Carmel, Pa.; 2-23-67 to 2-22-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Mullins Textile Mills, Inc., Chadbourn, N.C.; 2-24-67 to 2-23-68; 5 percent of the

total number of factory production workers for normal labor turnover purposes (men's and boys' knit sport shirts).

Penn-Mor Manufacturing Corp., Tempe, Ariz.; 2-1-67 to 1-31-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (knitted underwear).

Rocky Mount Undergarment Co., Inc., Rocky Mount, N.C.; 2-24-67 to 2-23-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's knit panties).

Russell Mills, Inc., Montgomery, Ala.; 2-24-67 to 7-31-67; 15 learners for plant expansion purposes (tee shirts) (supplemental certificate).

Spotlight Co., Inc., Ashdown, Ark.; 2-17-67 to 2-16-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

D.W.G. International, Inc., Caguas, P.R.; 2-15-67 to 4-15-67; 90 learners for plant expansion purposes in the occupations of sorting, sizing, and selecting, each for a learning period of 240 hours at the rate of 80 cents an hour.

D.W.G. International, Inc., No. 1, Caguas, P.R.; 2-15-67 to 2-14-68; 15 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of 94 cents an hour (wrapper type tobacco).

D.W.G. International, Inc., No. 2, Caguas, P.R.; 2-15-67 to 4-15-67; 30 learners for plant expansion purposes in the occupation of sorting and sizing, each for a learning period of 240 hours at the rate of 80 cents an hour (wrapper type tobacco).

El Finale, Inc., Caguas, P.R.; 1-16-67 to 7-15-67; 30 learners for plant expansion purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours (ladies' fabric and leather gloves).

Emily, Inc., Adjuntas, P.R.; 1-25-67 to 1-24-68; 15 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 92 cents an hour (brassieres).

General Cigar de Utuado, S.A., Utuado, P.R.; 2-17-67 to 4-15-67; 30 learners for plant expansion purposes in the occupation of banding and cellophaning, each for a learning period of 320 hours at the rates of 94 cents an hour for the first 160 hours and $1.04 an hour for the remaining 160 hours (cigars).

General Cigar de Utuado, S.A., Utuado, P.R.; 2-17-67 to 2-16-68; 58 learners for normal labor turnover purposes in the occupations of cigar machine operating, cigar packing, each for a learning period of 320 hours at the rates of 94 cents an hour for the first 160 hours and $1.04 an hour for the remaining 160 hours (cigars).

Isabela Segunda Corp., Vieques, P.R.; 1-30-67 to 1-29-68; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (effective 4-2-67 learner rate increased to 84 cents an hour) (dress shirts).

Orocovis Manufacturing Corp., Orocovis, P.R.; 1-9-67 to 1-8-68; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (women's and children's underwear).

Orocovis Manufacturing Corp., Orocovis, P.R.; 1-9-67 to 7-8-67; 20 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (women's and children's underwear).

Sira Corp., Mayaguez, P.R.; 1-16-67 to 7-15-67; 20 learners for plant expansion purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours (ladies' fabric and leather gloves).

Sira Corp., Mayaguez, P.R.; 1-16-67 to 3-31-67; 5 learners for plant expansion purposes in the occupation of laying-off, for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours (ladies' fabric and leather gloves) (supplemental certificate).

Van Heusen De Puerto Rico, Aguadilla, P.R.; 1-17-67 to 1-16-68; 13 leaders for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (dress shirts).

Van Heusen De Puerto Rico, Aguadilla, P.R.; 1-9-67 to 7-8-67; 30 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (dress shirts).

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 17th day of March 1967.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 67-3594; Filed, Mar. 31, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 28, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40961—*Grain and grain products and related articles to Destrehan, La.* Filed by St. Louis-San Francisco Railway Co. (No. 233), for itself and interested rail carriers. Rates on grain and grain products and related articles, as described in the application, in carloads, from specified points in Oklahoma on the St. Louis-San Francisco Railway Co., to Destrehan, La., for export.

Grounds for relief—Port equalization.

Tariff—Supplement 27 to St. Louis-San Francisco Railway Co. tariff ICC A-1059.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3617; Filed, Mar. 31, 1967; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 29, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40963—*Returned shipments—beet or cane sugar.* Filed by Western Trunk Line Committee, agent (No. A-2495), for interested rail carriers. Rates on beet or cane sugar, in carloads, on shipments returned from original destinations in southwestern and western trunkline territories, also Montana, to original points of shipment in western trunkline territory, also Montana.

Grounds for relief—Carrier competition.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3618; Filed, Mar. 31, 1967; 8:49 a.m.]

[Notice 359]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 29, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52704 (Sub-No. 56 TA), filed March 24, 1967. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Box 495, Lafayette, Ala. 36862. Applicant's representative: D. H. Markstein, Jr., 818-821 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus pulp and citrus meal*, in bags, from Bradenton, Dade City, Leesburg, Orlando, and points in Polk County, Fla., to Anderson, Clemson, Columbia, Greenville, Greenwood, Laurens, Newberry, Roebuck, and Spartanburg, S. C.; Eatonton, Greensboro, Madison, and Savannah, Ga.; Asheville, Gastonia, and Shelby, N.C.; and Lafayette, Ala., for 150 days. Supporting shippers: Tinsley Farms, Post Office Box 150, Lafayette, Ala. 36862; C. L. Cannon & Sons, Inc., Greenville, S.C. 29601; Alex's Farm Service Center, Lafayette, Ala. 36862; Board of Commissioners of Roads and Revenues, Putnam County, Eatonton, Ga. 31024. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

No. MC 73165 (Sub-No. 232 TA), filed March 24, 1967. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, 830 North 33d Street, Birmingham, Ala., 35201. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, stoppers, and tops for glass containers*, from New Orleans, La., to Mobile, Ala., for 180 days. Supporting shipper: Glass Container Division, Owens-Illinois, Inc., Toledo, Ohio 43601. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commision, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

No. MC 74321 (Sub-No. 31 TA), filed March 23, 1967. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo., 80202. Applicant's representative: L. R. Rankin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery, equipment, materials, and supplies and pipe*, between points in Texas, Oklahoma, New Mexico, Nevada, and Utah, on the one hand, and, on the other, points in Washington, for 180 days. Supporting shipper: U.S. Atomic Energy Commission, Las Vegas, Nev. Send protests to: District Supervisor Oldham, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 80428 (Sub-No. 61 TA), filed March 24, 1967. Applicant: McBRIDE TRANSPORTATION, INC., 289 West Main Street, Goshen, N.Y. 10924. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast fermo-30*, in bulk, in stainless steel tanks, from Paterson, N.J., to Syracuse, N.Y., for 150 days. Supporting shipper: Yeast Products, Inc., 455 Fifth Avenue, Paterson, N.J. 07509. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 215-217 Post Office Building, Binghamton, N.Y. 13902.

No. MC 107002 (Sub-No. 334 TA), filed March 24, 1967. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Miss. 39205. Applicant's representative: D. D. Kennedy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in bulk, in tank vehicles, from New Orleans, La., to St. Louis, Mo., for 180 days. Supporting shipper: The Glidden Co., Post Office Box 52379, New Orleans, La. 70150 (George Ernst, Purchasing Agent). Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations and Compliance, 312-A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 107403 (Sub-No. 711 TA), filed March 24, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour* in bulk, in tank vehicles, from Annville, Pa., to Pennsville, N.J., for 150 days. Supporting shipper: Harold C. Brandt, Annville, Pa. 17003. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 547 TA), filed March 24, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosaqua Way at Third, Post Office Box 855, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemical fertilizers*, in bulk, in tank vehicles, from storage facilities of Cominco American Inc., Dilworth, Minn., to points in North Dakota and South Dakota, for 180 days. Supporting shipper: Cominco American Inc., 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 548 TA), filed March 24, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosaqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk (1) from Kansas City, Mo., to points in Kansas, Nebraska, Iowa, and Missouri; (2) from Cairo, Ill., to points in Illinois, Missouri, Kentucky, Tennessee, and Indiana; (3) from Louisville, Ky., to points in Kentucky, Indiana and Ohio, and Illinois, for 180 days. Supporting shipper: Occidental Agricultural Chemical Corp., 1301 Avenue of the Americas, New York, N.Y. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 549 TA), filed March 24, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosaqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles, from plantsite of Cornland Fertilizers, Inc., Multon Junction (Milton), Wis., to points in Illinois, for 180 days. Supporting shipper: Cornland Fertilizers, Inc., 1709 West Main Street, Sun Prairie, Wis. 53590. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 116063 (Sub-No. 100 TA), filed March 24, 1967. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole, Post Office Box 270, Fort Worth, Tex. 76101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugars, syrups, and blends thereof*, in bulk, from Bonner Springs, Kans., to points in Missouri, for 180 days. Supporting shipper: Holly Sugar Corp., Colorado Springs, Colo. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 116273 (Sub-No. 90 TA), filed March 24, 1967. Applicant: D&L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from Henry, Ill., to points in Minnesota, Wisconsin, Iowa, Missouri, Indiana, Kentucky, Ohio, and Michigan, for 180 days. Supporting shipper: W. R. Grace & Co., Nitrogen Products Division, Post Office Box 277, 147 Jefferson Avenue, Memphis, Tenn. 38101. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, U.S. Courthouse, Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 126291 (Sub-No. 7 TA), filed March 24, 1967. Applicant: QUIRION TRANSPORT, INC., La Guadeloupe, Cte. Frontenac, Quebec, Canada. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, from Strong, Athens, North Turner, Leeds, and Monmouth, Maine, to port of entry on the international boundary line between the United States and Canada at Coburn Gore, Maine, for 150 days. Supporting shipper: The Sherbrooke Woodcraft, Ltd., Post Office Box 444, Sherbrooke, Quebec, Canada. Send protests to: District Supervisor Ross J. Seymour, Interstate Commerce Commission, Bureau of Operations and Compliance, 14 Parkhurst Street, Lebanon, N.H. 03766.

No. MC 128854 (Sub-No. 1 TA), filed March 24, 1967. Applicant: TOP TRANSPORT & TERMINAL CORP., 700 Pattison Avenue, Philadelphia, Pa. 19148. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery stores and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between the warehouses and other facilities of Acme Markets, Inc., in Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, under a continuing contract with Acme Markets, Inc., Philadelphia, Pa., for 180 days. Supporting shipper: Acme Markets, Inc., 124 North 15th Street, Philadelphia, Pa. 19102. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 128932 TA (Amendment), filed March 15, 1967, published FEDERAL REGISTER, issue of March 25, 1967, and republished as amended this issue. Applicant: ROBERT L. TORRANS, doing business as COMMERCIAL STORAGE & DISTRIBUTION CO., West 26th and Taylor Streets, Texarkana, Tex. 75501. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between Texarkana, Tex., and Dallas, Tex., on the one hand, and on the other, the ports of Galveston and Houston, Tex., and New Orleans, La., restricted to export-import shipments in containers only, for 180 days. Supporting shippers: Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119; Home-Pack Transport, Inc., 57–48 49th Street, Maspeth 78, N.Y.; Higa Fast Pac, Inc., 465 California Street, Suite 530, San Francisco, Calif. 94104; Jet Forwarding, Inc., 2945 Columbia Street, Torrance, Calif. 90503; Trans Ocean Van Service, Post Office Box 7331, Long Beach, Calif. 90807. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

MOTOR CARRIER OF PASSENGERS

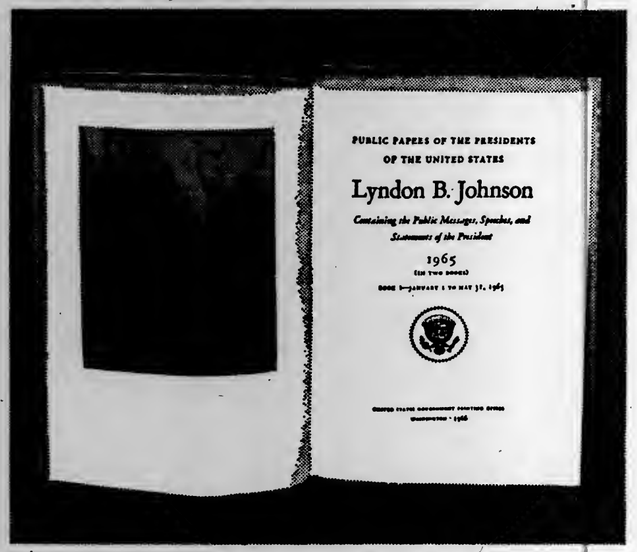
No. MC 128175 (Sub-No. 1 TA), filed March 23, 1967. Applicant: H. R. WHALEY, doing business as SERVICE CAB COMPANY, Roaring Fork Road, Gatlinburg, Tenn. 37738. Applicant's representative: Wilson S. Ritchie, Valley Fidelity Bank Building, Knoxville, Tenn. 37902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special round-trip operations, beginning and ending at Gatlinburg, Tenn., and extending to points in North Carolina and Tennessee within 40 miles of Gatlinburg, Tenn., for 180 days. Supporting shippers: There is a petition attached to the application which has been signed by numerous people and may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67–3619; Filed, Mar. 31, 1967; 8:49 a.m.]

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(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3773

SENIOR CITIZENS MONTH, 1967

By the President of the United States of America

A Proclamation

Our society has made a commitment to enrich and improve the lives of the senior citizens among us.

A great part of that commitment to the 19 million Americans who are 65 or over has been advanced during this Administration.

Through Medicare, the often crushing burden of hospital and doctor bills has been eased.

The Older Americans Act, with its emphasis on community services, gives direction and meaning to lives that might have been spent out in frustration and purposelessness.

Other programs provide assistance to senior citizens in housing and nursing care, public welfare, and special training programs.

Recommendations now before the Congress will make the older years of life even more productive and more comfortable by:

—Increasing the benefits under Social Security;

—Raising the level of public assistance for those who must depend on such welfare for the essentials;

—Extending the benefits of Medicare to more people, and expanding its services;

—Increasing the educational, recreational and health services under the Older Americans Act;

—Eliminating income tax discrimination against those over 65 who continue to work;

—Prohibiting discrimination because of age in employment.

The Nation needs these programs in order to move closer to realizing the goals which we have set out as the objectives in our Bill of Rights for Older Americans—an adequate income, a decent home, and a meaningful retirement.

But to make good fully on its commitment, the Nation needs more than legislation. There must be an awareness in the heart of every citizen of the duty we all share in this abundant land to the elders whose lives have contributed to the development of the society we enjoy.

There must be a general awareness that it is within the power of us all to discharge that duty—to bring light to the lives of those who are lonely or in despair, better care to those who are ill or disabled, greater benefits to those who are impoverished.

The greater this awareness is, the greater will be our hope of bringing to all older Americans the opportunity to live full and rewarding lives in communities throughout the Nation.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the month of May 1967 as Senior Citizens Month.

I call upon all Federal, State and local governments, in partnership with private and voluntary organizations, to join in community effort to give meaning to the theme of this special month: MEETING THE CHALLENGE OF THE LATER YEARS.

Let each citizen help, in whatever way he can, to make this month memorable by working to provide within each community those benefits and opportunities which will add satisfaction and dignity to the lives of older Americans.

I also invite the Governors of the States, the Governor of the Commonwealth of Puerto Rico, the Commissioners of the District of Columbia, and appropriate officials in other areas subject to the jurisdiction of the United States to join in the observance of Senior Citizens Month.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of March in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Dean Rusk

Secretary of State.

[F.R. Doc. 67-3697; Filed, Mar. 31, 1967; 1:30 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 9]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Crop Disposition Dates

Basis and purpose. This amendment is issued pursuant to section 374 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1374), to establish certain new disposition dates and to amend certain other disposition dates for crops where the ascertainment of acreage is necessary to determine compliance under programs administered by the Agricultural Stabilization and Conservation Service of the Department. Such disposition dates are based upon State committee recommendations.

Since some of the disposition dates are as early as May 1, and since some farmers are now in the process of planting crops for 1967 harvest, it is desirable that the new and revised disposition dates be established as soon as possible. Therefore, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 (80 Stat. 383) is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Paragraph (b) of § 718.16 of the regulations for Determination of Acreage and Compliance (31 F.R. 5812, as amended) is amended by adding and revising subparagraphs for the following States to read as follows:

§ 718.16 Crop disposition dates.

* * * * *

(b) *Crop disposition dates by States.*

ALABAMA

* * * * *

(3) *Flue-cured Tobacco. June 1.* All counties.

ARIZONA

(1) *Wheat, Barley, Oats, and Rye.* (i) *May 1.* Maricopa, Pima, Pinal, Santa Cruz, and Yuma.

(ii) *May 15.* Cochise, Gila, Graham, and Greenlee.

(iii) *June 1.* Apache, Coconino (except spring-seeded), Mohave, Navajo (except spring-seeded), and Yavapai (except spring-seeded).

(iv) *August 1. Spring-seeded.* Coconino, Navajo, and Yavapai.

* * * * *

(3) *Spring-seeded Grain Sorghums.* (i) *May 1.* Maricopa, Pinal, and Yuma.

(ii) *July 1.* Pima.

(iii) *August 15.* Cochise, Gila, Graham, Greenlee, Mohave, Santa Cruz, and Yavapai.

(iv) *September 15.* Apache, Coconino, and Navajo.

(4) *Summer-seeded Grain Sorghums.* (i) *August 15.* Maricopa, and Pinal.

(ii) *October 1.* Yuma.

(5) *Cotton.* (i) *July 1.* Yuma.

(ii) *July 15.* Mohave.

(iii) *August 15.* Cochise, Gila, Graham, Greenlee, Maricopa, Pima, Pinal, Santa Cruz, and Yavapai.

ARKANSAS

* * * * *

(2) *Corn, Grain Sorghums, Cotton, and Rice. July 20.* All counties.

CALIFORNIA

(1) *Wheat, Barley, Oats, and Rye.* (i) *May 1.* Imperial.

(ii) *May 15.* Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa (for Brentwood and Byron), El Dorado, Fresno, Kern (except Tehachapi and Temblor), Kings, Los Angeles, Madera, Marin, Mariposa, Merced, Nevada, Orange, Placer, Riverside (for Palo Verde), Sacramento, San Benito (for Panoche), San Bernardino, San Diego, San Joaquin, Santa Clara, Solano, Sonoma, Stanislaus, Sutter, Tulare, Tuolumne, and Yuba.

(iii) *June 1.* Contra Costa (except Brentwood and Byron), Glenn, Kern (Tehachapi and Temblor), Monterey, Napa, Riverside (except Palo Verde), San Mateo, Santa Cruz, Tehama, Ventura, and Yolo.

(iv) *June 15.* Humboldt, Lake, Mendocino, San Benito (except Panoche), San Luis Obispo, and Santa Barbara.

(v) *August 1.* Alpine, Inyo, Lassen, Modoc (except Tulelake), Mono, Plumas, Shasta, Sierra, Siskiyou (except Tulelake and Butte Valley).

(vi) *August 15.* Modoc (Tulelake), Siskiyou (Tulelake and Butte Valley).

(2) *Corn and Grain Sorghums.* (i) *May 1.* Imperial (early seeding), and Riverside (early seeding).

(ii) *August 15.* Fresno, Kern, Kings, Madera, Merced, Sacramento, San Bernardino, San Diego, San Joaquin, Santa Barbara, Stanislaus, Tulare, and Ventura.

(iii) *September 1.* Alameda, Amador, Butte, Colusa, Contra Costa, El Dorado, Glenn, Imperial (late seeding), Lake, Mendocino, Napa, Orange, Placer, Riverside (late seeding), San Benito, Santa Clara, Shasta, Solano, Sonoma, Sutter, Tehama, Yolo, and Yuba.

(iv) *September 15.* Los Angeles, Monterey, and San Luis Obispo.

(3) *Cotton. August 15.* All counties.

(4) *Rice. September 1.* All counties.

* * * * *

FLORIDA

* * * * *

(2) *Corn, Grain Sorghums, and Cotton. June 10.* All counties.

* * * * *

(4) *Flue-cured Tobacco. June 10.* Certification counties.

* * * * *

IDAHO

(1) *Wheat, Barley, Oats, Rye, Corn, and Grain Sorghums.* (i) *July 1.* Ada, Canyon, Elmore, Gem, Kootenai, Nez Perce, Owyhee, Payette, and Washington.

* * * * *

(iii) *July 15.* Adams, Benewah, Bingham, Blaine, Boise, Bonner, Bonneville, Boundary, Butte, Camas, Caribou, Clark, Clearwater, Idaho, Jefferson, Latah, Lewis, and Valley.

(iv) *August 1.* Bear Lake, Custer, Fremont, Lemhi, Madison, and Teton.

ILLINOIS

(1) *Wheat, Barley, and Rye.* (i) *June 1.* Alexander, Clay, Clinton, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Union, Wabash, Washington, Wayne, White, and Williamson.

(ii) *June 15.* Adams, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Effingham, Fayette, Ford, Fulton, Greene, Hancock, Henderson, Iroquois, Jasper, Jersey, Kankakee, Knox, Livingston, Logan, McDonough, McLean, Macon, Macoupin, Madison, Marshall, Mason, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Putnam, Sangamon, Schuyler, Scott, Shelby, Stark, Tazewell, Vermilion, Warren, and Woodford.

(iii) *July 1.* Boone, Bureau, Carroll, Cook, De Kalb, Du Page, Grundy, Henry, Jo Daviess, Kane, Kendall, Lake, La Salle, Lee, McHenry, Mercer, Ogle, Rock Island, Stephenson, Whiteside, Will, and Winnebago.

(2) *Oats.* (i) *June 15.* Counties listed in (1) (i) above.

(ii) *June 30.* Counties listed in (1) (ii) above.

(iii) *July 15.* Counties listed in (1) (iii) above.

(3) *Corn and Grain Sorghums.* (i) *July 1.* Adams, Boone, Brown, Bureau, Carroll, Cass, Champaign, Cook, De Kalb, De Witt, Du Page, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford.

(ii) *July 15.* Alexander, Bond, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson.

* * * * *

INDIANA

(1) *Wheat, Barley, and Rye.* (i) *May 20.* Clark, Crawford, Daviess, Dubois, Floyd, Gibson, Greene, Harrison, Jackson, Knox, Lawrence, Martin, Orange, Perry, Pike, Posey, Scott, Spencer, Sullivan, Vanderburgh, Washington, and Warrick.

(ii) *June 1.* Bartholomew, Boone, Brown, Clay, Clinton, Dearborn, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Jefferson, Jennings, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Ohio, Owen, Parke, Put-

nam, Randolph, Ripley, Rush, Shelby, Switzerland, Tippecanoe, Tipton, Union, Vermillion, Vigo, Warren, and Wayne.

(iii) *June 10.* All other counties.

(2) *Oats.* (i) *June 10.* Counties listed in (1)(i).

(ii) *June 21.* Counties listed in (1)(ii).

(iii) *June 30.* All other counties.

(3) *Corn and Grain Sorghums. August 1.* All counties.

• • • • •

MAINE

(1) *Fall-seeded Wheat, Barley, and Rye. June 15.* All counties.

(2) *Spring-seeded Wheat, Barley, Oats, and Rye. August 1.* All counties.

(3) *Corn and Grain Sorghums. August 1.* All counties.

MARYLAND

(1) *Wheat.* (i) *June 15.* Allegany, Baltimore, Carroll, Frederick, Garrett, Harford, Howard, Montgomery, and Washington.

(ii) *May 31.* All other counties.

(2) *Barley, Oats, and Rye. May 31.* All counties.

(3) *Corn and Grain Sorghums. August 1.* All counties.

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MINNESOTA

• • • • •

(3) *Corn and Grain Sorghums. July 15.* All counties.

MISSISSIPPI

• • • • •

(2) *Corn, Grain Sorghums, and Cotton.* (i) *July 1.* Adams, Amite, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lauderdale, Lawrence, Lincoln, Marion, Newton, Pearl River, Perry, Pike, Rankin, Scott, Simpson, Smith, Stone, Walthall, Warren, Wayne, and Wilkinson.

(ii) *July 15.* All other counties.

• • • • •

MONTANA

(1) *Wheat, Barley, Rye, Corn, and Grain Sorghums. July 15.* All counties.

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NEBRASKA

(1) *Wheat, Barley, and Rye.*

• • • • •

(ii) *June 5.* Antelope, Boone, Boyd, Blaine, Brown, Buffalo, Custer, Dawson, Dundy, Frontier, Garfield, Greeley, Hayes, Hitchcock, Holt, Howard, Keya Paha, Knox, Loup, Nance, Red Willow, Rock, Sherman, Valley, and Wheeler.

(iii) *June 15.* Arthur, Chase, Cherry, Grant, Hooker, Keith, Lincoln, Logan, McPherson, Perkins, and Thomas.

• • • • •

(3) *Corn and Grain Sorghums. August 1.* All counties.

• • • • •

NEW MEXICO

(1) *Wheat, Barley (except spring-seeded), Oats, and Rye.* (i) *May 20.* Chaves, Curry, De Baca, Dona Ana, Eddy, Guadalupe, Hidalgo, Lea, Lincoln, Luna, Otero, Quay, Roosevelt, Sierra, and Socorro.

(ii) *June 15.* Bernalillo, Catron, Colfax, Grant, Harding, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, Torrance, Union, and Valencia.

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(4) *Cotton.*

• • • • •

(ii) *September 1.* Curry, De Baca, Harding, Quay, Roosevelt, and Socorro.

• • • • •

NORTH CAROLINA

• • • • •

(3) *Flue-cured Tobacco.* (i) *June 20.* Anson, Beaufort, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Hyde, Johnston, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Pitt, Richmond, Robeson, Sampson, Scotland, Wayne, and Wilson.

(ii) *June 30.* Alamance, Alexander, Bertie, Cabarrus, Camden, Caswell, Catawba, Chatham, Chowan, Cleveland, Currituck, Davidson, Davie, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Granville, Guilford, Halifax, Hertford, Iredell, Lee, Lincoln, Martin, Mecklenburg, Montgomery, Moore, Nash, Northampton, Orange, Pasquotank, Perquimans, Person, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Tyrrell, Union, Vance, Wake, Warren, Washington, Wilkes, and Yadkin.

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OKLAHOMA

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(2) *Corn and Grain Sorghums.*

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(ii) *August 10.* All other counties.

(3) *Cotton. August 10.* All counties.

(4) *Rice. August 10.* McCurtain.

• • • • •

SOUTH CAROLINA

• • • • •

(2) *Corn and Cotton.* (i) *June 20.* Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, and Williamsburg.

(ii) *June 30.* All other counties.

• • • • •

(4) *Flue-cured Tobacco. June 20.* All counties.

SOUTH DAKOTA

• • • • •

(2) *Corn and Grain Sorghums. July 1.* All counties.

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TEXAS

• • • • •

(2) *Corn and Grain Sorghums.*

• • • • •

(vi) *August 1.* Archer, Baylor, Bosque, Brewster, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Culberson, Eastland, Ector, El Paso, Erath, Fisher, Foard, Hamilton, Hardeman, Haskell, Hood, Hudspeth, Irion, Jack, Jeff Davis, Jones, Kent, King, Knox, Lampasas, Loving, McCulloch, Mills, Mitchell, Nolan, Palo Pinto, Parker, Pecos, Presidio, Reagan, Reeves, Runnels, San Saba, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Taylor, Terrell, Throckmorton, Tom Green, Upton, Ward, Wichita, Wilbarger, Winkler, and Young.

(vii) *August 15.* Andrews, Bailey, Borden, Briscoe, Castro, Childress, Cochran, Crosby, Dawson, Dickens, Floyd, Gaines, Garza, Glasscock, Hale, Hall, Hockley, Howard, Lamb, Lubbock, Lynn, Martin, Midland, Motley, Parmer, Swisher, Terry, and Yoakum.

• • • • •

VIRGINIA

• • • • •

(5) *Flue-cured Tobacco. June 30.* All counties.

WASHINGTON

(i) *Wheat, Barley, Oats, and Rye. June 15.* Grant (area 1).

(ii) *June 20.* Adams, Benton (area 1), Franklin, and Klickitat (area 2).

(iii) *June 25.* Garfield (area 1).

(iv) *June 30.* Benton (area 2), Columbia (area 1), Grant (area 2), Walla Walla (under 1,205 feet elevation), and Yakima.

(v) *July 1.* Asotin (area 2), and Kittitas (area 2).

(vi) *July 10.* Douglas (area 1), and Whitman (area 1).

(vii) *July 15.* Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas (area 1), Klickitat (area 1), Lincoln, Mason, Okanogan (area 2), Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Spokane (August 10 for spring-seeded oats), Thurston, Wahkiakum, Walla Walla (over 1,205 feet elevation), and Whatcom.

(viii) *July 20.* Chelan, Columbia (area 2), and Lewis.

(ix) *July 25.* Asotin (area 1), Garfield (area 2), and Whitman (area 2).

(x) *August 1.* Douglas (area 2), Pend Oreille, and Stevens.

(xi) *August 15.* Asotin (area 3), Ferry, and Okanogan (area 1).

• • • • •

(Secs. 374, 375, 52 Stat. 65, 66, as amended; 7 U.S.C. 1374, 1375)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 29, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-3664; Filed, Apr. 3, 1967; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 260, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 910.560 (Lemon Regulation 260, 32 F.R. 4528) are hereby amended to read as follows:

§ 910.560 Lemon Regulation 260.

• • • • •

(b) *Order.* (1) • • •

(i) District 1: 12,090 cartons;

(ii) District 2: 225,060 cartons.

• • • • •

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 30, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3640; Filed, Apr. 3, 1967; 8:47 a.m.]

[Lemon Reg. 261]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.561 Lemon Regulation 261.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 28, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 2, 1967, and ending at 12:01 a.m., P.s.t., April 9, 1967, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 204,600 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 30, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3639; Filed, Mar. 31, 1967; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 6, Amdt. 14]

PART 121—SMALL BUSINESS SIZE STANDARDS

Size Appeals Board Organization

Section 121.3-6 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising paragraph (a) thereof to read as follows:

§ 121.3-6 Appeals.

(a) *Organization.* The Size Appeals Board shall review appeals from size determinations made pursuant to §§ 121.3-4 and 121.3-5 and from product classifications made pursuant to § 121.3-8 and shall make recommendations to the Administrator whether such determinations or classifications should be affirmed, reversed or modified. The Size Appeals Board shall conduct such proceedings as it determines appropriate to enable it to discharge its duties.

(1) The Size Appeals Board shall consist of four members to wit, the Deputy Administrator, Chairman, the Associate Administrator for Procurement and Management Assistance, the Associate Administrator for Financial Assistance and the Assistant Administrator for Planning, Research and Analysis.

(2) Each member of the Size Appeals Board may designate an alternate to serve in his stead in the event of absence or disability.

• • • • •

Effective date. This amendment becomes effective upon publication in the FEDERAL REGISTER.

Dated: March 27, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-3634; Filed, Apr. 3, 1967; 8:46 a.m.]

[Rev. 6, Amdt. 15]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Hospital Business for Purpose of Business Loans

On February 9, 1967, there was published in the FEDERAL REGISTER (32 F.R. 2710) a notice of proposal to amend the definition of a small business concern primarily engaged in owning and operating a hospital, for the purpose of Small Business Administration business loans, by increasing the size standard from capacity not exceeding 100 beds (excluding cribs and bassinets) to capacity not exceeding 150 beds (excluding cribs and bassinets).

Interested persons were given 30 days in which to file with the Small Business Administration, written statements of facts, opinions or arguments concerning the proposed definition.

After consideration of all relevant matters concerning the proposal the amendment set forth below is hereby adopted:

Section 121.3-10 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising § 121.3-10(d)(5) to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

• • • • •

(d) *Services.* • • •

(5) As small if it is primarily engaged in owning and operating a hospital and its capacity does not exceed 150 beds (excluding cribs and bassinets).

• • • • •

Effective date. This amendment becomes effective upon publication in the FEDERAL REGISTER.

Dated: March 28, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-3635; Filed, Apr. 3, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7884; Amdt. 39-388]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Model PC-6 Series Airplanes Serial Numbers to 563

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the inspection and replacement, where necessary, of the rivets attaching the rudder control lever to the rudder post on the Pilatus Model PC-6 Series airplanes, Serial Numbers to 563 was published in 32 F.R. 614.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS. Applies to Model PC-6 Series airplanes, Serial Numbers to 563.

Compliance required as indicated.

To prevent failure of rivets attaching the rudder control lever to the rudder post, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 50 hours' time in service and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, visually inspect the rivets attaching the rudder control lever to the rudder post for defective or failed rivets.

(b) If defective or failed rivets are found during the inspection required by paragraph (a), before further flight, replace the 3 mm. diameter rivets with AN 470 AD 5-10 rivets, or FAA-approved equivalent.

(c) The repetitive inspections required by paragraph (a) of this AD may be discontinued after the rudder control lever attachment is modified in accordance with paragraph (b) of this AD.

(Pilatus Aircraft Limited Service Bulletin No. 66 pertains to this subject.)

This amendment becomes effective May 4, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on March 27, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-3624; Filed, Apr. 3, 1967; 8:45 a.m.]

[Docket No. 7885; Amdt. 39-387]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Model PC-6 Series Airplanes Serial Numbers to 632

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the installation of fairleads at the pulley support bracket on bulkhead No. 3 on Pilatus PC-6 Series airplanes, Serial Numbers to 632 was published in 32 F.R. 614.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS. Applies to Model PC-6 Series airplanes, Serial Numbers to 632.

Compliance required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent rubbing and wear of the two pulley flanges as a result of a change in direction of the aileron control system cables in excess of 3° from the plane of their pulleys, install fairleads at the pulley support bracket on bulkhead No. 3 in accordance with Pilatus Service Bulletin No. 68 or later Swiss Federal Air Office-approved issue, or an FAA-approved equivalent.

This amendment becomes effective May 4, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 27, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-3625; Filed, Apr. 3, 1967; 8:45 a.m.]

[Docket No. 7897; Amdt. 39-386]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Models PA-28 and PA-32 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and where necessary repair or replacement of the aileron balance weight assembly, rudder horn assembly and stabilator balance weight assembly on specified serial numbers of Piper Models PA-28 and PA-32 Series airplanes was published in 32 F.R. 822.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to Models PA-28 and PA-32 Series airplanes as follows:

GROUP I

PA-28-140, Serial Nos. 28-20000 through 28-20622;

PA-28-150-160-180, Serial Nos. 28-2 through 28-35; 28-37 through 28-497; 28-499 through 28-543; 28-545 through 28-1307; 28-1309 through 28-2136;

PA-28-235, Serial Nos. 28-10000 through 28-10590.

GROUP II

PA-28-140, Serial Nos. 28-20623 through 28-21383;

PA-28-150-160-180, Serial Nos. 28-2137 through 28-3021;

PA-28-235, Serial Nos. 28-10591 through 10719;

PA-32-260, Serial Nos. 32-1 through 32-307.

GROUP III

PA-28-140, Serial Nos. 28-21384 through 28-21764; 28-21767 through 28-21786; 28-21788 through 28-21807; 28-21809 through 28-21835; 28-21837 through 28-21856; 28-21858 through 28-21877; 28-21879 through 28-22003; 28-22005 through 28-22010; 28-22012 through 28-22026; 28-22028 through 28-22032; 28-22035 through 28-22040; 28-22043 through 28-22050; 28-22052 through 28-22056; 28-22058, 28-22059, 28-22061 through 28-22064; 28-22066, 28-22071, 28-22074, 28-22080, 28-22082, 28-22086.

PA 28-150-160-180, Serial Nos. 28-3022 through 28-3499; 28-3501 through 28-3503; 28-3505 through 28-3508; 28-3510; 28-3512 through 28-3528; 28-3530 through 28-3537; 28-3541, 28-3543, 28-3545 through 28-3549; 28-3552; 28-3555 through 28-3557; 28-3562.

PA-28-235, Serial Nos. 28-10720, 28-10721, 28-10732.

PA-32-260, Serial Nos. 32-308 through 32-540; 32-542 through 32-553; 32-560 through 32-570, 32-572 through 32-677; 32-679 through 32-683; 32-685, 32-689, 32-690; 32-692 through 32-698; 32-700 through 32-702; 32-704 through 32-711; 32-714, 32-716, 32-717, 32-719 through 32-722; 32-725, 32-727, 32-730, 32-733; 32-740 through 32-742; 32-744 through 32-746; 32-749.

Compliance required as follows:

Group I—Prior to but not later than July 31, 1967.

Group II—Prior to but not nater than July 31, 1968.

Group II—Prior to but not later than July 31, 1969.

At the option of the local FAA General Aviation District office inspector, these compliance times may be extended, for a period not to exceed 30 days, to coincide with the annual insection for the aircraft involved.

Due to the possibility of internal corrosion resulting from inadequate corrosion protection of certain open end steel tube assemblies, accomplish the inspections described below on the following parts:

Part No.	Nomenclature	Models affected
62369-0	Aileron balance weight.	PA-28-140-150-160-180-235.
62369-1	do	PA-32-260.
63546	Rudder horn assembly.	PA-28-140-150-160-180-235, PA-32-260.
63578	Balance weight assembly-stabilator.	PA-28-140-150-160-180.
65310	do	PA-28-235.
68432	do	PA-32-260.

(a) Conduct a close visual inspection of the interior of the open end tubes specified above for a protective coating and evidence of corrosion, in accordance with Inspection Procedure, Piper Service Bulletin No. 240, dated December 13, 1966, or later FAA-approved revision, or by a method approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region. Inspect both right and left aileron balance weight assemblies in accordance with Inspection of Aileron Balance Weight assembly provision of this Service Bulletin.

(b) If there is evidence of a protective coating on the interior of the tube, and there is no evidence of corrosion, further inspection is not required.

(c) If there is no evidence of a protective coating on the interior of the tube and evidence of corrosion, or if there is a protective coating, and evidence of corrosion, accomplish the following:

(1) Remove all corrosion from the interior of the tube in accordance with the instructions in Piper Service Bulletin No. 240, dated December 13, 1966, or later FAA-approved revision, or by a method approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

(2) Replace all corroded parts with a new part of the same part number if the corrosion cannot be removed as provided for in paragraph (c)(1). If doubt exists as to whether or not the corrosion involved can be removed without replacing the part, the matter must be referred to the local FAA General Aviation District office for assistance in making a determination.

(3) If the extent of corrosion does not require replacement of the part in accordance with paragraph (c)(2), and the corrosion has been removed in accordance with paragraph (c)(1), apply a zinc chromate primer, Spec. MIL-P-8585, or an FAA-approved equivalent, to the inside of the tube to prevent further corrosion.

(d) Further inspection is not required after accomplishing paragraphs (c)(1), (c)(2), or (c)(3).

This amendment becomes effective May 4, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 27, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-3626; Filed, Apr. 3, 1967; 8:45 a.m.]

[Airspace Docket No. 67-SO-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Lawrenceville, Ga., transition area.

The Lawrenceville transition area is described in § 71.181 (32 F.R. 2148).

An extension to the transition area is described as "* * * within 2 miles each side of the Norcross VORTAC 077° radial, extending from the Norcross VORTAC to 16 miles east * * *."

Because of the cancelling of AL-5385-VOR/DME-1 instrument approach procedure effective April 1, 1967, it is necessary to alter the transistion area by revoking a portion of the extension described above.

Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 1, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the Lawrenceville, Ga., transition area is amended to read:

LAWRENCEVILLE, GA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gwinnett County Airport (latitude 33°58'53" N., longitude 83°57'50" W.); within 2 miles each side of the Norcross VORTAC 077° radial, extending from the 6-mile radius area to the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on March 23, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-3627; Filed, Apr. 3, 1967; 8:45 a.m.]

[Airspace Docket No. 67-SO-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Gulfport, Miss., control zone.

The Gulfport control zone is described in § 71.171 (32 F.R. 2071).

Because of the plan to reduce hours of operation of the Gulfport Airport Traffic Control Tower and terminate weather observation and reporting duties during the time the tower is inoperative, it is necessary to redesignate the control zone to be effective during the hours of operation of the tower.

Since this amendment is less restrictive in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Gulfport, Miss., control zone is amended to read:

GULFPORT, MISS.

Within a 5-mile radius of Gulfport Municipal Airport (latitude 30°24'27.5" N., longitude 89°04'05" W.); within 2 miles each side of the Gulfport VOR 325° radial, extending from the 5-mile radius zone to 8 miles Northwest of the VOR, excluding that portion east of longitude 89°00'00" W., effective from 0600 to 2200 hours, local time, daily.

(Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on March 23, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-3628; Filed, Apr. 3, 1967; 8:45 a.m.]

[Airspace Docket No. 66-WE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Realignment and Extension of Federal Airways

A notice of proposed rule making was published in the FEDERAL REGISTER on August 11, 1966 (31 F.R. 10694), which proposed to realign and extend VOR Federal airway No. 253 from Provo, Utah, to Bonneville, Utah, and to extend VOR Federal airway No. 293 from Mormon Messa, Nev., via Wilson Creek, Nev., to Ely, Nev., and from Elko, Nev., to Twin Falls, Idaho. The Air Transport Association of America concurred with the proposal. The Department of the Air Force objected to that portion of the notice that proposed to extend V-293 from Mormon Mesa to Wilson Creek. No other comments were received.

As the result of the Department of Air Force comments, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER on January 24, 1967 (32 F.R. 823), which proposed, in part, to extend V-293 from Mormon Mesa via the intersection of Mormon Mesa 016° magnetic and Wilson Creek 100° magnetic radials to Wilson Creek. The Air Transport Association of America concurred with the proposals contained in the supplemental notice. No other comments were received.

Subsequent to the publication of the supplemental notice, it was determined that it would be more appropriate to align V-293 southeast of Wilson Creek via Wilson Creek 098° and Cedar City, Utah 278° magnetic radials to their point of interception with VOR Federal airway No. 21. The change of two degrees in the alignment would provide better navigational guidance for pilots. Since this change is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

In § 71.123 (31 F.R. 15531, 32 F.R. 2009):

1. V-253 all before "Lucin, Utah;" is deleted and "From Provo, Utah, 12 AGL INT Provo 326° and Salt Lake City, Utah, 265° radials; 24 miles, 12 AGL, 85 MSL Bonneville, Utah;" is substituted therefor.

2. V-293 is amended to read as follows:

V-293 From Mormon Mesa, Nev., 30 miles, 12 AGL, 95 MSL INT Cedar City, Utah, 294° and Milford, Utah, 213° radials; 8 miles, 95 MSL, 108 MSL Wilson Creek, Nev.; 5 miles, 108 MSL, 37 miles, 115 MSL, 12 AGL Ely, Nev.; 125 MSL Elko, Nev.; 28 miles, 12 AGL, 57 miles, 99 MSL, 12 AGL Twin Falls, Idaho; 37 Miles, 12 AGL, 38 miles, 87 MSL, 76 miles, 113 MSL, 99 MSL McCall, Idaho.

(Secs. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 27, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-3629; Filed, Apr. 3, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WE-18]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area/Military Climb Corridors R-2522, R-2526,

and R–2527 at San Rafael, Calif., Victorville, Calif., and Oxnard, Calif., respectively.

The Department of the Air Force has advised the Federal Aviation Agency that present radar coverage and air traffic control procedures now serving these three Air Force bases obviate requirements for further retention of the associated Restricted Area/Military Climb Corridors. For this reason, action is taken herein to revoke R–2522, R–2526, and R–2527.

Since these amendments are less restrictive to the public, notice and public procedure hereon are unnecessary, and the amendments may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.25 (32 F.R. 2297, 787) the following actions are taken:

1. Restricted Area R–2522 at San Rafael, Calif., is revoked.

2. Restricted Area R–2526 at Victorville, Calif., is revoked.

3. Restricted Area R–2527 at Oxnard, Calif., is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 27, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67–3630; Filed, Apr. 3, 1967; 8:46 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 13]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Rearview Mirrors, Doors, and Seat Anchorage

Motor Vehicle Safety Standard No. 111; Rearview Mirrors—Passenger Cars. Motor Vehicle Safety Standard No. 111 (32 F.R. 2413) specifies requirements for rearview mirrors for use in passenger cars, multipurpose passenger vehicles, and passenger car and multipurpose passenger car equipment.

Paragraph S2. entitled "Application" of Motor Vehicle Safety Standard No. 111 (32 F.R. 2413) requires that the application of the Standard be as follows: "This standard applies to passenger cars, multipurpose passenger vehicles, and passenger car and multipurpose passenger vehicle equipment."

Paragraph S3.2.1.2 entitled "Mounting" of Motor Vehicle Safety Standard No. 111 (32 F.R. 2413) requires that outside mirrors installed on passenger cars and multipurpose passenger vehicles be mounted as follows: "The mounting shall provide a stable support for the mirror and neither the mirror nor the mounting shall protrude further than the widest part of the vehicle body, except to the extent necessary to meet the requirements of S3.2.1.1."

The National Traffic Safety Agency has determined that the mirror mounting may exceed the width of the vehicle to the extent necessary to produce a field of view meeting or exceeding the requirements of paragraph S3.2.1.1 of Standard No. 111 and that it would not be practicable to extend the application of the standard to replacement parts for vehicles manufactured before the effective date of the standard. Therefore, the standard is being amended to apply to passenger cars and multipurpose passenger vehicles, and to permit a mirror to protrude further than the widest part of the vehicle body to the extent necessary to produce a field of view meeting or exceeding the field-of-view requirements of the standard.

In consideration of the foregoing and pursuant to the authority delegated to me by the Secretary (31 F.R. 13952) and (32 F.R. 1005), § 255.21 of Part 255—Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 111 (32 F.R. 2413), paragraph S2. and S3.2.1.2 are amended to read as follows:

S2. *Application.* This standard applies to passenger cars and multipurpose passenger vehicles.

* * * * *

S3.2.1.2 *Mounting.* The mounting shall provide a stable support for the mirror and neither the mirror nor the mounting shall protrude further than the widest part of the vehicle body, except to the extent necessary to produce a field of view meeting or exceeding the requirements of S3.2.1.1. The mirror shall not be obscured by the unwiped portion of the windshield, and shall be adjustable from the driver's seated position. The mirror and mounting shall be free of sharp points or edges that could contribute to pedestrian injury.

This amendment is made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., secs. 1392, 1407) and becomes effective January 1, 1968.

Motor Vehicle Safety Standard No. 206; Door Latches and Door Supports—Passenger Cars. Motor Vehicle Safety Standard No. 206 (32 F.R. 2415) specifies requirements for door latches and door hinge systems on passenger cars.

Paragraph S2 entitled "Application" of Motor Vehicle Safety Standard No. 206 (32 F.R. 2415) requires that the application of standard be as follows: "This standard applies to latches and door hinge systems for side doors used for occupant ingress or egress on passenger cars."

The National Traffic Safety Agency has determined that it would not be practicable to extend the application of the standard to replacement parts for vehicles manufactured before the effective date of the standard. Therefore, Standard No. 206 is being amended to provide for application to passenger cars manufactured on or after the effective date of the standard.

Since this amendment relieves restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing and pursuant to the authority delegated to me by the Secretary (31 F.R. 13952) and (32 F.R. 1005), § 255.21 of Part 255—Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 206 (32 F.R. 2413), paragraph S2 is amended to read as follows:

S2. *Application.* This standard applies to passenger cars.

This amendment is made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., secs. 1392, 1407) and becomes effective January 1, 1968.

Motor Vehicle Safety Standard No. 207; Anchorage of Seats—Passenger Cars. Motor Vehicle Safety Standard No. 207 (32 F.R. 2415) specifies requirements for seats, their attachment assemblies, and their installation on passenger cars.

Paragraph S3.3 entitled "Folding and hinged seats" of Motor Vehicle Safety Standard No. 207 requires that a hinged or folding seat or seat back shall be equipped with a self-locking, restraining device and a control for leasing the restraining device.

The National Traffic Safety Agency has determined that it would not be practicable to extend the application of the standard to folding auxiliary seats and seats with backs which are adjustable for occupant comfort only. Therefore, Standard No. 207 is being amended to except such seats from the requirements of paragraph S3.3.

Since this amendment relieves restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing and pursuant to the authority delegated to me by the Secretary (31 F.R. 13952) and (32 F.R. 1005), § 255.21 of Part 255—Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 207 (32 F.R. 2415), paragraph S3.3 is amended to read as follows:

S3.3 *Folding and hinged seats.* Except for folding auxiliary seats and seats with backs which are adjustable for occupant comfort only, a hinged or folding seat or seat back shall be equipped with a self-locking, restraining device and a control for releasing the restraining device.

This amendment is made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., secs. 1392, 1407) and becomes effective January 1, 1968.

Issued in Washington, D.C., on March 29, 1967.

LOWELL K. BRIDWELL,
Acting Under Secretary of Commerce for Transportation.

[F.R. Doc. 67–3641; Filed, Apr. 3, 1967; 8:47 a.m.]

[Docket No. 12]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Appendix A—Interpretations

CONTROLS AND REARVIEW MIRRORS

In response to inquiries for interpretation of certain of the initial Federal Motor Vehicle Safety Standards and regulations published in the FEDERAL REGISTER February 3, 1967 (32 F.R. 2408), under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority of October 20, 1966 (31 F.R. 13952), and January 24, 1967 (32 F.R. 1005), the following interpretations have been formulated and adopted by the National Traffic Safety Agency for the guidance of the public and are hereby published in the FEDERAL REGISTER in accordance with 5 U.S.C. 552(b).

Issued in Washington, D.C., on March 29, 1967.

LOWELL K. BRIDWELL,
Acting Under Secretary of Commerce for Transportation.

MOTOR VEHICLE SAFETY STANDARD No. 101

CONTROL LOCATION AND IDENTIFICATION—PASSENGER CARS

The requirement of paragraph S3.2 that specified controls shall be identified to permit recognition may be met with words or symbols and need only be demonstrated under daylight lighting conditions.

MOTOR VEHICLE SAFETY STANDARD No. 111

REARVIEW MIRRORS—PASSENGER CARS AND MULTIPURPOSE PASSENGER VEHICLES

(1) When a supplemental mirror is furnished in addition to the inside rearview mirror and the driver's side outside rearview mirror, the supplemental mirror need not be adjustable from the driver's seat.

(2) The location of the driver's eye reference point may be that established in Motor Vehicle Safety Standard No. 104, or it may be a nominal location appropriate for any 95th percentile male driver.

(3) The horizontal angle is measured from the projected eye point, rather than the plane of the mirror.

[F.R. Doc. 67–3642; Filed, Apr. 3, 1967; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER Q—SPECIFICATIONS

[CGFR 66–73]

PART 160—LIFESAVING EQUIPMENT

Subpart 160.055—Life Preservers, Unicellular Plastic Foam, Adult and Child, for Merchant Vessels

REVISION OF MANUFACTURERS' REQUIREMENTS AND WITHDRAWAL OF CERTAIN CERTIFICATES OF APPROVAL

The purpose of the amendments in this document is to revise and bring up to date the specification regulations governing manufacturers of unicellular plastic foam life preservers. Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of February 10, 1966 (31 F.R. 15264), and the Merchant Marine Council Public Hearing Agenda dated March 21, 1966 (CG–249), the Merchant Marine Council held a Public Hearing on March 21, 1966, for the purpose of receiving comments, views, and data. The proposed changes considered included specification regulations for unicellular plastic foam life preservers, which were identified as Item VIIf (CG–249, pages 118 to 125, inclusive). As revised by the Merchant Marine Council, this proposal is approved and the specification regulations are set forth in this document. The actions of the Merchant Marine Council with respect to the comments received regarding unicellular plastic foam life preservers are approved.

The specification designated 46 CFR Subpart 160.055, consisting of §§ 160.055–1 to 160.055–9, inclusive, is revised and is reprinted below in this document in its entirety. The Type I Standard, Models 61 and 65, unicellular plastic foam life preservers was discontinued. The design for the vinyl dip coated unicellular plastic foam life preservers is revised. A new model unicellular plastic foam life preserver is developed which utilizes a cloth covering. These two new standard designs are identified as Type IA Standard, Models 62 and 66, for the vinyl dip coated plastic foam life preservers, and Type IB Standard, Models 63 and 67, for the cloth covered plastic foam life preservers. The new standard designs permit cold weather donning, with one motion accomplishing the securing and adjusting. Further the new designs include the stowage characteristics desired by operators of ferry and excursion steamers. The preliminary draft of this specification was given to those persons and companies who had expressed an interest in this subject. They were requested to check the proposed specification from a production standpoint and to comment thereon.

In this revision changes in 46 CFR 160.055–1 to 160.055–5, inclusive, were made. Briefly, these changes include revising and bringing up to date referenced specifications, standards, and plans; a revised design providing for the splitting of the front of the bib into two legs, and a squaring of the outer border around the neck hole from the previous circular outer edge; and a revised body strap arrangement, which limits the distance of separation of the bib legs while donning but still providing full reversibility. The marking provisions in 46 CFR 160.055–8 were modified to show the various standard types of these life preservers, as well as to require the marking to show that it is "Approved for use on all vessels and motorboats."

Withdrawal of certificates of approval. In January 1966, the Coast Guard's attention was directed at a problem of donning certain vinyl dip coated plastic foam life preservers which lost a considerable amount of flexibility after exposure to temperatures below 28° F. This loss in flexibility could prevent a person from stretching the head opening wide enough to don these life preservers. Upon notification, the manufacturers accepted suspension of the outstanding certificates of approval bearing Approval Nos. 160.055/1/0 through 160.055/29/0. The Coast Guard's actions suspending these approvals are reaffirmed and all these certificates of approval are terminated.

By a Notice to Mariners, instructions were directed to all vessels on routes where the air temperatures would be below 28° F. that have on board unicellular plastic foam life preservers bearing Approval Nos. 160.055/1/0 through 160.055/29/0, urging that such approved life preservers should be checked for donning at these low temperatures. It was recommended that such life preservers be stowed inside the vessel or transferred to other vessels on routes with warmer air temperatures.

Because certain vinyl dip coated unicellular plastic foam life preservers lost their flexibility at temperatures below 28° F. so that it is not possible to stretch the head opening wide enough to don such life preservers, it has been deemed necessary that such life preservers bearing Approval Nos. 160.055/1/0, 160.055/2/0, 160.055/5/0, 160.055/6/0, 160.055/7/0, 160.055/8/0, 160.055/11/1, 160.055/12/1, 160.055/20/1, 160.055/21/1, 160.055/22/0, 160.055/28/0, and 160.055/29/0 shall be removed from all vessels, including motorboats, and the Coast Guard approval markings thereon shall be obliterated so that such life preservers may not be carried as a lifesaving appliance meeting the requirements in any inspection law or the Motorboat Act of 1940, as amended, and implementing regulations in 46 CFR Chapter I. It is urged that such life preservers be replaced as soon as possible. Effective November 1, 1967, such life preservers shall not be carried on board any vessel or motorboat as approved equipment. The certificates of approval issued to manufacturers of such life preservers, suspended by letters dated January 25, 1966, are also withdrawn. Any life preservers bearing such approval numbers and in good and serviceable condition may be used on board vessels and motorboats only until October 31, 1967. Any person aggrieved by this withdrawal of approval and removal of such life preservers from use as approved equipment on vessels and motorboats may appeal to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20226, in writing within 30 days after publication of this document in the FEDERAL REGISTER. Such an appeal shall set forth the reasons why this decision or action should be set aside or revised.

Revised specification. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), to promulgate regulations in accordance with the laws cited with the regulations below, the following revision

of §§ 160.055–1 to 160.055–9, inclusive, is prescribed:

Subpart 160.055—Life Preservers, Unicellular Plastic Foam, Adult and Child, for Merchant Vessels

Sec.

160.055–1 Applicable specifications, standards, and plans.
160.055–2 Types and models.
160.055–3 Materials—Standard, Bib Types IA and IB life preservers.
160.055–4 Materials—Nonstandard, Type II life preservers.
160.055–5 Construction—Standard, Bib Types IA and IB life preservers.
160.055–6 Construction—Nonstandard Type II life preservers.
160.055–7 Sampling, tests, and inspections—Types I and II life preservers.
160.055–8 Marking—Types I and II life preservers.
160.055–9 Procedure for approval—Types I and II life preservers.

AUTHORITY: The provisions of this Subpart 160.055 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4419, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 4, 67 Stat. 462, and sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 390b, 43 U.S.C. 1333, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–15, Jan. 3, 1955, 20 F.R. 820; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

§ 160.055–1 Applicable specifications, standards, and plans.

(a) *Specifications.* The following specifications and standards, of the issue in effect on the date unicellular plastic foam life preservers are manufactured, form a part of this subpart:

(1) Military specifications:

MIL–W–530—Webbing, Textile, Cotton, General Purpose, Natural or in Colors.
MIL–T–3530—Treatment, Mildew-Resistant for Thread and Twine.
MIL–W–17337—Webbing, Woven, Nylon.
MIL–C–43006—Cloth, Laminated, Vinyl-Nylon, High Strength, Flexible.

(2) Federal specifications:

CCC–A–700—Artificial Leather, Cloth, Coated, Vinyl Resin (Upholstery).
CCC–C–426—Cloth, Drill, Cotton.
CCC–T–191—Textile Test Methods.
V–T–276—Thread, Cotton.
V–T–295—Thread, Nylon.

(3) Federal standards:

No. 595—Color.
No. 751—Stitches, Seams, and Stitchings.

(4) American Society for Testing and Materials (ASTM) Standards:

D413—Adhesion of Vulcanized Rubber (Friction Test).
D570—Water Absorption of Plastics.
D882—Tensile Properties of Thin Plastic Sheets and Films.
D1004—Tear Resistance of Plastic Film and Sheeting.

(5) Coast Guard specification:

164.015—Plastic Foam, Unicellular, Buoyant, Sheet and Molded Shape.

(b) *Plans.* The following plans, of the issue in effect on the date unicellular plastic foam life preservers are manufactured, form a part of this subpart:

Dwg. No. 160.055–1A:
Sheet 1—Construction and Arrangement, Vinyl Dip Coated, Model 62, Adult.
Sheet 2—Construction and Arrangement, Vinyl Dip Coated, Model 66, Child.
Dwg. No. 160.055–1B:
Sheet 1—Construction and Arrangement, Cloth Covered, Model 63, Adult.
Sheet 2—Buoyant Inserts, Model 63.
Sheet 3—Construction and Arrangement, Cloth Covered, Model 67, Child.
Sheet 4—Buoyant Inserts, Model 67.

(c) *Copies on file.* Copies of the specifications, standards, and plans referred to in this section shall be kept on file by the manufacturer, together with the approved plans and certificate of approval. The Coast Guard Specification and plans may be obtained upon request from the Commandant, U.S. Coast Guard, Washington, D.C. 20226. The Federal Specifications and the Federal Standards may be purchased from the Business Service Center, General Services Administration, Washington, D.C. 20407. The Military Specifications may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120. The ASTM Standards may be purchased from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

§ 160.055–2 Types and models.

(a) Life preservers specified by this subpart shall be of the following types and models:

Type IA—Standard, Bib Type, Vinyl Dip Coated:
Model 62—Adult.
Model 66—Child.
Type IB—Standard Bib Type, Cloth Covered:
Model 63—Adult.
Model 67—Child.
Type II—Nonstandard, Shaped Type:
Model [1]—Adult.
Model [1]—Child.

§ 160.055–3 Materials—Standard, Bib Types IA and IB life preservers.

(a) *General.* All materials used in the construction shall be obtained from suppliers who furnish an affidavit certifying that the material meets the requirements of the applicable reference specifications. The requirements for materials specified in this section are minimum requirements, and consideration will be given to the use of alternate materials in lieu of those specified. Detailed technical data and samples of all proposed alternate materials shall be submitted for acceptance prior to being incorporated in the finished product.

(b) *Unicellular plastic foam.* The unicellular plastic foam shall be all new material complying with the requirements of Subpart 164.015 of this chapter for Type A foam.

(c) *Envelope.* The life preserver envelope, or cover, shall be made of cotton drill. The color shall be Indian Orange, Cable No. 70072, Standard Color Card of America, issued by the Textile Color Association of the United States, Inc., 200 Madison Avenue, New York, N.Y., or Scarlet Munsell 7.5 Red 6/10. The drill shall be evenly dyed, and the fastness of the color to laundering, water, crocking, and light shall be rated "good" when tested in accordance with Federal Specification CCC–T–191, Methods 5610, 5630, 5650, and 5660. After dyeing, the drill shall be treated with a mildew-inhibitor of the type specified in paragraph (e) of this section. The finished goods shall contain not more than 2 percent residual sizing or other nonfibrous material, shall weigh not less than 6.5 ounces per square yard, shall have a thread count of not less than 74 in the warp and 56 in the filling, and shall have a breaking strength (grab method) of not less than 105 pounds in the warp and 70 pounds in the filling. Properly mildew-inhibited drills meeting the physical requirements of Federal Specification CCC–C–426 for Type I, Class 3 drill will be acceptable. If it is proposed to treat the fabric with a fire-retardant substance, full details shall be submitted to the Commandant for determination as to what samples will be needed for testing.

(d) *Thread—(1) Cotton thread.* The thread shall be Type IB, No. 20 4-ply cotton thread, conforming to the requirements of Federal Specification V–T–276, and shall be treated with a Class I (Copper-8) or Class II (G–4) mildew-inhibitor as specified in specification MIL–T–3530.

(2) *Nylon thread.* This thread shall be Class I, Type I, or II, Size E, nylon thread in accordance with the requirements of Federal Specification V–T–295.

(e) *Mildew-inhibitor.* The mildew-inhibitor shall be dihydroxydichlorodiphenylmethane, known commercially as Compound G–4, applied by the aqueous method. The amount of inhibitor deposited shall be not more than 1.50 percent and not less than 1 percent of the dry weight of the finished goods.

(f) *Adhesive.* The adhesive shall be an all-purpose waterproof vinyl type. (Minnesota Mining and Manufacturing Co. EC–870 or EC–1070, United States Rubber Co. M–6256, Herculite Protective Fabrics Corp., CVV, Pittsburgh Plate Glass Co. R 828, or equal.)

(g) *Reinforcing fabric.* The reinforcing fabric shall be Type III, Class I, laminated vinyl-nylon high strength cloth in accordance with the requirements of Specification MIL–C–43006.

(h) *Webbing.* There are no restrictions as to color, but the fastness of the color to laundering, water, crocking, and light shall be rated "good" when tested in accordance with Federal Specification CCC–T–191, Methods 5610, 5630, 5650, and 5660. The complete body strap assembly shall have a minimum breaking strength of 360 pounds.

(1) *Nylon webbing.* This webbing shall be 1-inch wide nylon webbing in accordance with the requirements of Specification MIL–W–17337.

(2) *Cotton webbing.* This webbing shall be 1-inch cotton webbing meeting the requirements of Specification MIL–W–530 for Type IIb webbing. This webbing shall be treated with a mildew-inhibitor of the type specified in paragraph (e) of this section.

(i) *Hardware.* All hardware shall be brass, bronze, or stainless steel, and of the approximate size indicated by the drawings. Steel hardware, protected against corrosion by plating, is not acceptable. Snap hook springs shall be phosphor bronze or other suitable corrosion-resistant material. Dee ring, o-ring, slide adjuster and snap hook ends shall be welded or brazed, or they may be a one-piece casting. The complete body strap assembly shall have a minimum breaking strength of 360 pounds.

(j) *Coating.* The coating for the plastic foam shall be a liquid elastomeric vinyl compound. The coating shall be International Orange in color (Color No. 12197 of Federal Standard 595) or Scarlet Munsell 7.5, Red 6/10 and shall meet the following requirements in Table 160.055–3(j):

TABLE 160.055–3(j)

Property	Test method	Requirement
Tensile strength	ASTM–D882, Method B, ½ in. dumbbell die.	1,200 p.s.i., minimum.
Ultimate elongation	ASTM–D882, Method B, ½ in. dumbbell die.	320 percent, minimum.
Tear resistance	ASTM–D1004, Constant Elongation Machine.	90 pounds per inch, minimum.
Abrasion resistance	FS CCC–T–191, Method 5304, No. 8 cotton duck, 6 lb. tension, 2 lb. pressure.	100,000 double rubs.
Blocking	FS CCC–T–191, Method 5872, 30 minutes at 180° F., ½ p.s.i.	No blocking.
Accelerated weathering	FS CCC–T–191, Method 5670, 120 hours	Color change—very slight. Cracking—None. Flexibility—No change.
Plasticizer heat loss	FS CCC–A–700, paragraph 4.4.4, 48 hours at 221° F.	8 percent, maximum.
Adhesion to foam—Tensile pull	ASTM–D413, machine method, 12 in. per minute, 1 in. strip.	
Film to foam skin		4 lb./in., minimum.
Film to foam (no skin)		2 lb./in., minimum.
Water absorption	ASTM–D570, 24 hours at 70° F	0.5 percent, maximum.
Cold crack (unsupported film) 0° F.	Coast Guard, 164.015, paragraph 164.015–4(j).	No cracking.

§ 160.055–4 Materials—Nonstandard, Type II life preservers.

(a) *General.* All materials used in nonstandard Type II life preservers shall be at least equivalent to those specified in § 160.055–3 for standard Type IA or IB life preservers.

§ 160.055–5 Construction—Standard, Bib Types IA and IB life preservers.

(a) *General.* This specification covers life preservers which essentially consist of plastic foam buoyant material arranged and distributed so as to provide the flotation characteristics and buoyancy required to hold the wearer in an upright or slightly backward position with head and face clear of the water. The life preservers are also arranged so as to be reversible and are fitted with straps and hardware to provide proper adjustment and fit to the bodies of various size wearers.

(b) *Construction—Standard, Bib Type IA, vinyl dip coated life preservers.* This type is one piece of unicellular plastic foam, with neck hole and body slitted down the front, vinyl dip coated, and fitted with an adjustable body strap.

(1) *Buoyant material.* The buoyant material of the life preserver shall be a molded shape or made from one or two sheets of foam finished so as to have dimensions after coating in accordance with the pattern shown on Dwg. No. 160.–055–1A, Sheet 1, for adult size and Sheet 2 for child size. The reinforcing fabric shall be cemented on the foam buoyant body before coating.

(2) *Coating.* After all cutting and shaping of the buoyant body and installation of the reinforcing fabric, the entire body of the life preserver shall be coated evenly and smoothly to a minimum thickness of 0.010" with a liquid vinyl coating material of the type described in § 160.055–3(j).

(3) *Body strap.* After the coating on the buoyant body of the life preserver is fully cured, a nylon webbing body strap shall be attached as shown on Dwg. No. 160.055–1A.

(4) *Stitching.* All stitching shall be a short lock stitch, conforming to Stitch Type 301 of Federal Standard 751, with nylon thread, and there shall be not less than 9 nor more than 11 stitches to the inch. Bar tacking with nylon thread is acceptable as noted on Dwg. No. 160.055–1A.

(c) *Construction—Standard, Bib Type IB, cloth covered life preservers.* This type is three sections of unicellular plastic foam contained in a cloth envelope which has a neck hole and is slitted down the front and fitted with an adjustable body strap.

(1) *Buoyant material.* The buoyant material of the life preserver shall be three sections of foam cut so as to have finished dimensions in accordance with the patterns shown on Dwg. No. 160.055–1B, Sheet 2, for adult size and Sheet 4, for child size. One or two layers of foam may be used to make up each section.

(2) *Envelope.* The envelope shall be cut to the pattern shown on Dwg. No. 160.055–1B, Sheet 1, for adult size, and Sheet 3, for child size, and joined by seams and stitching as shown on the drawing. Alternate finished envelopes are permitted as noted on Dwg. No. 160.055–1B.

(3) *Body strap.* The body strap may be cotton or nylon webbing and shall be attached by stitching as shown on the Dwg. No. 160.055–1B, Sheet 1, for adult size and Sheet 3, for child size.

(4) *Stitching.* All stitching shall be a short lock stitch conforming to Stitch Type 301 of Federal Standard No. 751, and there shall be not less than 7 nor more than 9 stitches to the inch if cotton thread is used, and not less than 9 nor more than 11 if nylon thread is used. Bar tacking is acceptable as noted on Dwg. No. 160.055–1B.

(d) *Workmanship.* Life preservers shall be of first-class workmanship and shall be free from any defects materially affecting their appearance or serviceability.

§ 160.055–6 Construction — Nonstandard Type II life preservers.

(a) *General.* Construction methods used in non-standard Type II life preservers shall be at least equivalent to those specified in § 160.055–5 for standard Type I life preservers. Nonstandard Type II life preservers also shall meet the additional requirements specified in this section.

(b) *Sizes.* Type II life preservers shall be constructed in sizes which correspond to those specified in § 160.055–2 for Type I life preservers, i.e., adult size and child size.

(c) *Volume of buoyant material.* Adult size Type II life preservers shall contain not less than 700 cubic inches of plastic foam buoyant material; and child size not less than 350 cubic inches.

(d) *Arrangement of buoyant material.* The buoyant material in Type II life preservers shall be located and arranged so as to turn and hold the wearer in an upright or backward position with head and face out of water. Type II life preservers shall show no tendency to turn a wearer face downward in the water, and at least 68 percent and no more than 73 percent of the total buoyant material in any Type II model shall be located in the front sections.

(e) *Adjustment, fit, and donning.* Type II life preservers shall be reversible and capable of being readily and easily adjusted to fit the range of wearers for which designed. Donning time shall compare favorably with that of standard Type I life preservers.

§ 160.055–7 Sampling, tests, and inspections—Types I and II life preservers.

(a) *General.* When production is to commence on life preservers, the manufacturer shall notify the Officer in Charge, Marine Inspection, U.S. Coast Guard, of the inspection zone in which the factory is located in sufficient time for him to assign a Coast Guard Marine Inspector to the plant to observe production methods and to conduct any inspections or tests which may be deemed advisable. Manufacturers of approved life preservers shall maintain quality control of the materials used, manufacturing operations, and the finished product so as to meet the requirements of this specification. When a lot of life preservers is presented for Coast Guard

[1] Model designations for Type II, Nonstandard life preservers, are to be assigned by individual manufacturers. Designations shall differ from any standard lifesaving device.

inspection, it is expected that the manufacturer will previously have taken all ordinary precautions to assure himself that the life preservers are in full compliance with the requirements of this specification. The Coast Guard inspections and tests are not intended to replace, or be a substitute for, full inspections and tests by the manufacturer to maintain the quality of his product. The Marine Inspector shall be admitted to any place in the factory where work is done on the life preservers or on component materials or parts. Samples of materials entering into construction may be taken by the marine inspector and tests made for compliance with the applicable requirements.

(b) *Lot size and sampling.* (1) A lot shall consist of not more than 500 life preservers. A new lot shall be started with any change or modification in materials used or manufacturing methods employed. When a lot of life preservers is ready for inspection, the manufacturer shall notify the Officer in Charge, Marine Inspection, U.S. Coast Guard, of the inspection zone in which the factory is located, who will assign a marine inspector to the plant for the purpose of making the necessary tests and inspections. From each lot of life preservers the Marine Inspector shall select samples in accordance with Table 160.055–7(b)(1) to be tested for buoyancy in accordance with paragraph (d) of this section.

TABLE 160.055–7(b)(1)—SAMPLING FOR BUOYANT TESTS

Lot size	Number of life preservers in sample
100 and under	1
101 to 200	2
201 to 300	3
301 to 500	4

(2) For a lot next succeeding one from which any life preservers failed the buoyancy test, the sample shall consist of not less than 10 specimen life preservers to be tested for buoyancy in accordance with paragraph (d) of this section.

(c) *Test facilities.* The manufacturer shall provide a suitable place and the necessary apparatus for the use of the marine inspector in conducting tests to determine compliance of life preservers with this specification. The apparatus shall include accurate spring scales of adequate capacity, weighted wire mesh baskets, and a test tank or tanks which can be locked or sealed in such manner as to preclude disturbance of life preservers undergoing test or change in water level.

(d) *Buoyancy test.* Securely attach the spring scale in a position directly over the test tank. Suspend the weighted wire basket from the scale in such a manner that the basket may be weighed while it is completely under water. In order to measure the actual buoyancy provided by the life preserver, the underwater weight of the empty basket should exceed the buoyancy of the life preserver. To obtain the buoyancy of the life preserver, proceed as follows:

(1) Weigh the empty wire basket under water.

(2) Place the life preserver inside the basket, and submerge it so that the top of the basket is at least 2 inches below the surface of the water. Allow the life preserver to remain submerged for 24 hours. The tank shall be locked or sealed during this 24-hour submergence period. It is important that after the life preserver has once been submerged it shall remain submerged for the duration of the test, and at no time during the course of the test shall it be removed from the tank or otherwise exposed to air.

(3) After the 24-hour submergence period, unlock or unseal the tank and weigh the wire basket with the life preserver inside while both are still under water.

(4) The buoyancy is computed as (1) minus (3).

(e) *Buoyancy required.* Adult size life preservers shall provide not less than 22 pounds buoyancy in fresh water, and child size life preservers shall provide not less than 11 pounds buoyancy.

(f) *Lot inspection.* If the sample life preserver or preservers meet the buoyancy requirement, the marine inspector shall carefully inspect individually each of the life preservers in the lot, making such examinations and tests as are necessary to satisfy himself that the life preservers have been manufactured according to the applicable requirements. Nonconforming units shall be eliminated. The manufacturer shall provide a well lighted place equipped with a suitable smooth top table for use by the marine inspector, and shall provide labor for all handling of life preservers requisite for lot inspection.

(g) *Lot acceptance.* When the marine inspector has satisfied himself that the life preservers in the lot are of a type officially approved in the name of the company, and that such life preservers meet the applicable requirements, they shall be plainly marked in waterproof ink with the words, "Inspected and Passed, (Date), (Port), (Inspector's Initials), USCG."

(h) *Lot rejection.* If any sample life preserver fails the buoyancy test, 10 additional specimen life preservers shall be selected from the lot and tested for buoyancy. If all the 10 additional specimen life preservers pass the buoyancy test, the lot shall be considered for lot inspection as set forth in paragraph (f) of this section. If any one of the 10 additional specimen life preservers fails the buoyancy test, the lot shall be rejected. If, in the lot inspection, three or more nonconforming units are eliminated for the same kind of defect, lot inspection shall be discontinued until such time as the manufacturer has inspected the remainder of the lot and eliminated or corrected any additional units having the same kind of defect. Nonconforming units which are eliminated in the lot inspection may be resubmitted for inspection, provided that all defects have been corrected to the satisfaction of the marine inspector. When permitted by the Commander of the Coast Guard District, rejected lots may be reworked by the manufacturer to correct the deficiency for which they were rejected and to eliminate all nonconforming units, following which the remainder of the lot may be resubmitted for official testing and inspection. Life preservers from rejected lots may not, unless subsequently accepted, be sold or offered for sale under representation as being in compliance with this specification or as being approved for use on merchant vessels or motorboats.

(i) *Additional tests for Type II life preservers.* For Type II life preservers additional tests such as tests to determine performance in the water, extended service test to determine suitability of materials, tests to determine comparative donning time and ease of adjustment, and such other tests as may be necessary to determine equivalence to the standard Type I life preservers, may be required prior to approval or during inspection of production lots.

§ 160.055–8 Marking—Types I and II life preservers.

(a) *General.* Each life preserver shall be plainly marked across the front in letters not less than ¾" in height with the word "ADULT" or "CHILD," as the case may be, and in letters ¼" to ⅜" in height with "Type (IA, IB, or II) Model No. ------, Unicellular Plastic Foam Life Preserver—Approved for Use on All Vessels and Motorboats (Manufacturer's Name and Address), U.S.C.G. Approval No. ------." The marking shall be plainly printed in waterproof ink.

§ 160.055–9 Procedure for approval—Types I and II life preservers.

(a) *General.* Life preservers for use on merchant vessels or motorboats are approved only by the Commandant, U.S. Coast Guard, Washington, D.C. 20226. Each model life preserver is considered separately. Application for approval and correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located.

(b) *Approval of Type I life preservers.* Upon receipt of an application for approval of standard Type IA or IB life preservers, the Commander of the Coast Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select from not less than 10 life preservers already manufactured not less than three of each model for examination and test for compliance with the requirements of this specification. A copy of the marine inspector's report, together with a fourth specimen life preserver selected from those already manufactured, and one copy of an affidavit for each material used will be forwarded to the Commandant, and if satisfactory, an official approval number will be assigned to the manufacturer for the Type I life preserver submitted.

(c) *Approval of Type II life preservers.* Upon receipt of an application for approval of non-standard Type II life preservers, the Commander of the Coast Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select three sample life preservers of each model for which approval is desired. The sample life preservers will be forwarded to the Commandant, together with a copy of the marine inspector's report. At the time the preapproval samples are selected, the manufacturer shall also submit to the marine inspector four prints each of fully dimensioned, full scale drawings showing all details of construction of the sample life preservers submitted, material affidavits, and four copies of a bill of materials showing all materials used in construction of the life preservers. After examination of the samples, drawings, and other materials submitted, the manufacturer will be advised of any changes or corrections considered necessary, and any additional samples or other material required. If the samples, drawings, and other material are found satisfactory, tests of the samples will be authorized. If the results of the tests are satisfactory, an official approval number will be assigned to the manufacturer for the Type II life preserver submitted.

(d) *Private brand labels.* Private brand labels are those bearing the name and address of a distributor in lieu of the manufacturer. In order for a manufacturer to apply for an approval number to be used on such a private brand label, he shall forward a letter of request to the Commander of the Coast Guard District in which the factory is located, setting forth the life preservers involved, together with a letter from his distributor also requesting that approval be issued. The manufacturer's request for approval, together with that of his distributor, will be forwarded to the Commandant, and when deemed advisable, an approval number or numbers will be issued in the name of the distributor. Approvals issued to a distributor under such an arrangement shall apply only to life preservers made by the manufacturer named on the certificate of approval, and this manufacturer shall be responsible for compliance of the life preservers with the requirements of this subpart.

Dated: March 30, 1967.

[SEAL] P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 67-3661; Filed Mar. 31, 1967; 8:49 a.m.]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 66-19; General Order 21]

PART 513—AUDITS AND AUDITING PROCEDURES

This rule making proceeding was instituted by the Commission by notice published in the FEDERAL REGISTER on April 8, 1966 (31 F.R. 5575), following the remand of the U.S. Court of Appeals for the District of Columbia Circuit in Alcoa Steamship Company v. Federal Maritime Commission and United States of America, 121 U.S. App. D.C. 144, 348 F. 2d 756 (1965). Reference is made to the Court of Appeals' opinion and the notice of proposed rule making for a complete discussion of the background of the proceedings.

Briefly, however, this proceeding had its genesis when Alcoa Steamship Co., a common carrier by water engaged in the domestic offshore trades of the United States and subject to the regulatory jurisdiction of this Commission, filed with the Commission its annual financial report for the calendar year 1962. In order to verify the contents of the report, the Commission sought to audit the corporate records of Alcoa, but attempts to conduct an audit were unsuccessful. Thereafter, on April 7, 1964, the Commission issued an order pursuant to section 21 of the Shipping Act, 1916 (46 U.S.C. 820), requiring that Alcoa produce at the Commission's offices certain named books and records for the purpose of verifying the 1962 financial report. Alcoa promptly filed a petition to review the order with the U.S. Court of Appeals for the District of Columbia Circuit (No. 18,667).

Subsequent to the filing of the petition to review the order, the Commission issued final rules in its Docket No. 1152, Reports of Rate Base and Income Account of Domestic Offshore Carriers, which were published in the FEDERAL REGISTER on June 17, 1964 (29 F.R. 7721), as 46 CFR Part 512. These rules required the filing of reports covering rate base and income account for each regulated common carrier trade as distinguished from the corporate-wide financial reports required by the Commission under its General Order 5. The rules contained a provision requiring that all working papers used in support of reports submitted to the Commission pursuant to the rules would be made available to the Commission's auditors, and that the auditors could make copies of such working papers as they desired. Alcoa again filed a petition to review with the Court of Appeals, seeking review of the provision of the rules permitting audits (No. 18,887). The cases were briefed and argued separately, but the Court of Appeals consolidated them for decision.

The Court remanded both the order and the rule to the Commission for reconsideration in the light of its opinion. It found that section 21 did not contain authority for auditing original corporate records and documents, but that the relatively new section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), enacted in 1961, authorized the Commission "to adopt procedural rules comparable to its sister agencies." 348 F. 2d at 761. Section 43, the Court held, authorized the adoption of rules which would permit inspection of original corporate records and documents, provided the Commission found that such rules were necessary to substantive regulation under the Act, and that an unequal burden was not imposed by the rules on American-flag carriers vis-a-vis their foreign-flag competitors. The Court then went on to state that the Commission had demonstrated that access by its auditors was necessary to substantive regulation under the Intercoastal Shipping Act, 1933.

Proceeding in conformity with the opinion and mandate of the Court of Appeals, the Commission instituted this rule making proceeding in order to allow complete consideration of the problems raised by the Court and those which might be raised by interested parties as regards audits by Commission personnel of original corporate records. The precise issue before the Commission had already been framed by the Court of Appeals; i.e., did access by Commission auditors result in the imposition of an unequal burden on American-flag carriers. We think the Court's language on this point bears repeating:

> The Commission's determination whether a burden is likely to occur may not lightly be disturbed on review since the Commission has close acquaintance with the problems involved and the likely effects of its actions. In the context of audit or other inspection of corporate records, the Commission's inquiry might include, inter alia, consideration whether: (1) Matters discovered are likely to be disclosed to competitors who need not supply like information; (2) audit or inspection can be limited to particular records, whose disclosure would not be prejudicial; (3) being audited or inspected itself imposes a substantial, unshared burden on American carriers. 348 F. 2d at 763.

The proposed rules were drafted bearing in mind the questions raised by the Court. Moreover, the Commission asked that interested parties specifically address themselves to these problems, although other arguments were of course not foreclosed. The Commission received comments from six steamship companies and the Governments of the States of Hawaii and Alaska and the Commonwealth of Puerto Rico. After the comments were filed, the Commission heard oral argument.

The Commission has carefully considered the comments and arguments submitted, and the final rules promulgated herein have been drafted with these comments and arguments in mind. Comments and arguments not discussed herein have been considered and found not relevant or justified.

Initially, the Commission's authority to promulgate rules concerning audits has been challenged because, it is argued, section 43 confers rule-making authority on the Commission only with respect to the Shipping Act, 1916, and not in Intercoastal Shipping Act, 1933. We think this argument is without merit. Section 7 of the Intercoastal Shipping Act states:

> The provisions of the Shipping Act, 1916, as amended, shall in all respects, except as amended by this Act, continue to be applicable to every carrier subject to the provisions of this Act. [46 U.S.C. 847]

Nor is there any merit to the contention that section 7 applies only to those sections of the 1916 Act in existence at the time the Intercoastal Act was enacted. The preamble to the Intercoastal Act clearly specifies that it is an amendment to the 1916 Act and, thus, there is no reason why Congress should have made section 43 applicable to the Intercoastal Shipping Act by specific reference.

We now pass to the important issue in this proceeding, whether or not audit operates as a discriminatory burden on American-flag carriers vis-a-vis their foreign-flag competitors. We think that there are three possible burdens which might result from the auditing process. They are (1) the possibility that valuable commercial information discovered during the audit might be disclosed to competitors; (2) inspection might interfere with a carrier's operations because of the problems inherent in obtaining access to files; and (3) the possibility that auditing might detect statutory violations by American-flag carriers but not by foreign-flag carriers, because of the fact that the Commission may only audit the records of the American-flag carriers.

Treating these possible burdens in reverse order, we are of the opinion that (3) above is not such a burden as to warrant objections against the rules as promulgated herein. The fact that we would be in a position to discover violations of law by certain carriers and not by others does not, in our opinion, violate any cognizable legal interest of the American-flag carriers. No party has argued to this effect.

As to the burden of expense and inconvenience, only one party has suggested that there might be a burden in this respect. The other parties declined to comment on this question. As no facts were brought to our attention which would require a finding that auditing would create a substantial, unshared burden on American-flag carriers, we are of the opinion that expense and inconvenience would be minimal. At any rate, we have inserted in the rules a provision that "inspection shall be at a place and time convenient to the carrier." This provision will insure that access by Commission auditors will cause the least possible interference with a carriers operation.

Next we come to the question of confidentiality. Both the Court and the parties to this proceeding have raised the point that disclosure of confidential information might prejudice the American-flag carriers whose records are subject to audit. The proposed rule on confidentiality provided that:

> All information obtained by the Commission or its duly accredited special agents or auditors as a result of an inspection or audit carried out pursuant to the provisions of this part shall be withheld from public disclosure and shall be treated as "confidential information" in the files of the Commission, unless otherwise ordered by the Commission, if such treatment is requested by the carrier at the time of inspection and audit.

Certain parties have objected to the necessity for requesting confidential treatment as well as the provision which allows the cloak of confidentiality to be lifted when the Commission so orders. The proposed rule has therefore been revised to provide that no request need be made that the information be treated as confidential, and the only exception to confidential treatment will be the use of the information as the basis for a formal Commission proceeding pursuant to section 22 of the Shipping Act, 1916, or sections 3 and 4 of the Intercoastal Shipping Act, 1933. Carriers subject to the Commission's jurisdiction are thus assured that information will not be released to the public without notice to them or for purposes unconnected with the Commission's rate-regulatory responsibilities.

Objections have also been raised to the sanctions to be applied in the event that Commission employees disclose confidential information. The specific objection that the reference in Commission Order 53 to "restricted information" could not be applied to "confidential information" has been mooted, inasmuch as Commission Order 53 was amended and revised on May 17, 1966. Section 500.735–15 of Commission Order 53 now subjects a Commission employee to disciplinary action should he misuse any "official information obtained through or in connection with his Government employment which has not been made available to the general public." Furthermore, the rules provide that an infraction may result in dismissal from Commission employment. Finally, 18 U.S.C. 1905 prescribes, in our opinion, stiff penalties for disclosure of information such as would be obtained from an audit of the corporate records of any carrier subject to our regulatory jurisdiction. As is stated in the rules, any infraction will be referred to the Department of Justice for appropriate action. The sanctions against unauthorized disclosure are fair and effective, in our opinion.

One party to this proceeding has argued that audits conducted by the Maritime Administration of reports filed with that agency would be duplicative of audits by this Commission, and that it is therefore unnecessary for the Commission to audit. The short answer is that the Maritime Administration audits reports similar to those submitted to this Commission pursuant to our General Order 5, but the Administration does not require reports similar to the General Order 11 rate base and income accounts reports. The Administration's audits would not suffice for our purposes, nor do we believe that we should be dependent upon the Administration's personnel for verification of the reports submitted to us. Since 1961, the two agencies have been separate and distinct.

Section 513.1 of the rules has been amended to make it clear that the Commission intends to use its audit powers solely to verify the reports submitted pursuant to General Orders 5 and 11, in lieu of simply stating that audits will be for the purpose of discharging the Commission's substantive rate-regulatory responsibilities. The purpose of audits is thus made more precise, and carriers are assured that there will be no "fishing expeditions" by Commission personnel.

Finally, we deal with an objection that audits would be too broad and unrestricted. Certain parties proposed that audits should be limited to those "related companies" which are themselves subject to direct regulation by the Commission pursuant to the provisions of the Intercoastal Shipping Act, 1933. We have given due consideration to this proposal, but we have decided that no change should be made in the rule as it was proposed. The Commission must have access to all documents used in the preparation of the reports submitted to the Commission. Otherwise, proper verification will be impossible. The Commission does not intend to use its audit authority to conduct "fishing expeditions," as we have pointed out, supra, and records of related companies will only be subjected to inspection when absolutely necessary.

Therefore, pursuant to the provisions of 5 U.S.C. section 553 and section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), in order to verify reports filed with the Commission, which reports are necessary to the discharge of the Commission's responsibilities derived from section 18(a) of the Shipping Act, 1916 (46 U.S.C. 817), and the provisions of the Intercoastal Shipping Act, 1933 (46 U.S.C. 843, et seq.), Title 46 CFR is hereby amended by the addition of a new Part 513 as follows:

Sec.
513.1 Purpose.
513.2 Access to records.
513.3 Notice of audit.
513.4 Agents and auditors.
513.5 Confidentiality of information.
513.6 Penalty for disclosure.

AUTHORITY: The provisions of this Part 513 issued under sec. 43, Shipping Act, 1916 (46 U.S.C. 841a).

§ 513.1 Purpose.

The purpose of this part is to establish rules governing audits by Federal Maritime Commission auditors of the books and records of carriers engaged in the domestic offshore trades of the United States and who are required to file periodic reports with the Commission pursuant to its General Orders 5 and 11. Such audits are necessary in order that the Commission may discharge its substantive regulatory responsibilities under the Intercoastal Shipping Act, 1933, and section 18(a) of the Shipping Act, 1916, by verifying the required reports.

§ 513.2 Access to records.

The Commission itself, or through duly accredited special agents or auditors, shall at all times have access to all documents, accounts, records, rates, charges, or correspondence used in the preparation of or pertaining to reports filed with the Commission and all underlying working papers (irrespective of by whom prepared) in support of all exhibits and schedules submitted to the Commission, and the Commission or its accredited special agents or auditors shall be permitted to make copies of such records to the extent they deem necessary.

§ 513.3 Notice of audit.

Notice that inspection of a carrier's books and records is desired for the purpose of audit shall be given by the Commission or its duly accredited special agents or auditors, and such inspection shall be at a place and time convenient to the carrier, but such inspection shall not be unduly delayed after reasonable notice is given to the carrier.

§ 513.4 Agents and auditors.

The terms "special agents" or "auditors" shall include any employee of the Commission's Bureau of Financial Analysis or any other employee of the Commission specifically designated by the Commission or the Director, Bureau of Financial Analysis.

§ 513.5 Confidentiality of information.

All information obtained by the Commission or its duly accredited special agents or auditors as a result of an inspection or audit carried out pursuant to the provisions of this part shall be withheld from public disclosure and shall be treated as "confidential information" in the files of the Commission: *Provided, however*, That any confidential information derived from an inspection or audit may be utilized by the Commission as the basis for a formal proceeding instituted pursuant to section 22 of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and may also be utilized in such a proceeding.

§ 513.6 Penalty for disclosure.

Disclosure of information treated as "confidential" under the provisions of this part will be considered as a violation of Commission Order No. 53 (Amended), which prohibits the misuse by Commission employees of official information obtained through or in connection with Government employment, which information has not been made available to the general public. A violation of that order will result in disciplinary action, ranging from warning to removal. The Commission is of the view that disclosure of such confidential information would also be a violation of 18 U.S.C. section 1905, and any disclosure prohibited by the provisions of this part will be referred by the Commission to the Department of Justice for such action as the Department deems appropriate.

Effective date. The provisions of this Part 513 will become effective 30 days after publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 67-3668; Filed, Apr. 3, 1967; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 726—CONSTRUCTION INDUSTRY IN PUERTO RICO

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208), and by means of Administrative Order No. 597 (32 F.R. 2953), the Secretary of Labor appointed and convened Industry Committee No. NC7–A for the Construction Industry in Puerto Rico, referred to it the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 6(c)(3) and section 8 of the Act, Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. NC7–A are hereby published in this order. Title 29 CFR Chapter V is hereby amended effective April 20, 1967, by adding a new Part 726 as set forth below.

Sec.
726.1 Definition.
726.2 Wage rates.
726.3 Notices.

AUTHORITY: The provisions of this Part 726 issued under secs. 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 206, 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 726.1 Definition.

The construction industry in Puerto Rico, to which this part shall apply, is defined as follows: The design, construction, reconstruction, alteration, repair and maintenance of buildings, structures, and other improvements on land; the assembling at the construction site and the installation of machinery and other facilities in or upon such improvements; and the dismantling, wrecking, or other demolition of such improvements: *Provided, however*, That the construction industry shall not include any activity carried on by an establishment in Puerto Rico for its own use to which another wage order for the primary business of such establishment would otherwise be applicable: *Provided, further*, That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

§ 726.2 Wage rates.

Wages at the rate of not less than $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in any activity in the construction industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

§ 726.3 Notices.

Every employer subject to the provisions of § 726.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 726.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 30th day of March 1967.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 67-3674; Filed, Apr. 3, 1967; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. Section 1.320 is revised to read as follows:

§ 1.320 Industrial security.

Certain required procedures designed to safeguard classified defense information are set forth in the Department of Defense Industrial Security Regulation, DOD 5220.22–R (Implemented for the

Army by AR 380–131; for the Navy by OPNAV Instruction 5540–8E; for the Air Force by AFR 205–4; and for the Defense Supply Agency by DSAM 85002.1), and DD Form 441 "Security Agreement" and its attachment, the Department of Defense Industrial Security Manual together with Supplements thereto. Security requirements governing work to be performed outside the United States, its possessions, and Puerto Rico by United States or foreign nationals, or work to be performed in the United States by foreign nationals (including companies located in the United States which are owned, controlled, or influenced by nationals of a foreign country), are subject to security agreements which the United States maintains with a number of foreign countries. The requirements of these agreements are set forth in the Department of Defense Industrial Security Regulation.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

2. In § 2.201(a), subparagraph (27) is revoked and subparagraph (40) is revised; and in § 2.503–1, paragraph (g) is revised as follows:

§ 2.201 Preparation of invitation for bids.

* * * * *

(a) * * *

(27) [Revoked]

* * * * *

(40) Invitation for bid which will result in the placement of rated orders or authorized controlled material orders (see § 1.307 of this chapter) shall contain the following statement:

Contracts or purchase orders to be awarded as a result of this solicitation shall be assigned a (DX or DO as appropriate) rating or DMS allotment number (as appropriate) in accordance with the provisions of BDSA Regulation 2 and/or DMS Regulation 1.

* * * * *

§ 2.503–1 Step one.

* * * * *

(g) Consideration of late technical proposals is governed by the procedure in § 3.506 of this chapter except that the late technical proposals statement in paragraph (a)(6) of this section will be used in any resolicitation (see § 3.506(e) of this chapter).

* * * * *

PART 3—PROCUREMENT BY NEGOTIATION

3. In § 3.501(b), subparagraph (64) is revised; §§ 3.506, 3.507–2(a), and 3.604–2 are revised; and in § 3.605–3(f)(6), subdivision (v) is revoked, as follows:

§ 3.501 Preparation of request for proposals or request for quotations.

* * * * *

(b) * * *

(64) Requests for Proposal which will result in the placement of rated orders or Authorized Controlled Material Orders (see § 1.307 of this chapter) shall contain the following statement.

Contracts or purchase orders to be awarded as a result of this solicitation shall be assigned a (DX or DO as appropriate) rating or DMS allotment number (as appropriate) in accordance with the provisions of BDSA Regulation 2 and/or DMS Regulation 1.

* * * * *

§ 3.506 Late proposals and modifications.

(a) This section applies only to purchases in excess of $2,500.

(b) Written requests for proposals shall contain the following provisions.

LATE PROPOSALS (JANUARY 1964)

(a) Proposals and modifications received at the office designated in the request for proposals after the close of business on the date set for receipt thereof (or after the time set for receipt if a particular time is specified) will not be considered unless:

(i) They are received before award is made; and either

(ii) They are sent by registered mail, or by certified mail for which an official dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained, or by telegraph; and, it is determined by the Government that late receipt was due solely to delay in the mails, or delay by the telegraph company, for which the offeror was not responsible; or

(iii) If submitted by mail or telegram, it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation: *Provided*, That timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt at such installation (if readily available) within the control of such installation or of the post office serving it.

(b) Offerors using certified mail are cautioned to obtain a Receipt for Certified Mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late proposal was timely mailed.

(c) The time of mailing of late proposals submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the Receipt for Certified Mail unless the offeror furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is as follows: (i) Where the Receipt for Certified Mail identifies the post office station of mailing evidence furnished by the offeror which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or (ii) an entry in ink on the Receipt for Certified Mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original Receipt for Certified Mail does not show a date, the offer shall not be considered.

(c) Proposals which are received in the office designated in the requests for proposals after the time specified for their submission are "Late Proposals." (Unless a specific time for receipt of proposals is stated in the request for proposals, the time for such receipt shall be deemed to be the time for close of business of the office designated for receipt of proposals on the date stated in the request for proposals.) Late proposals shall not be considered for award, except under the following circumstances:

(1) Where only one proposal is received;

(2) Where the Secretary concerned determines that consideration of a late proposal is of extreme importance to the Government, as for example where it offers some important technical or scientific breakthrough; or

(3) Under the circumstances set forth in § 2.303 of this chapter permitting consideration of late bids if proven to have been timely mailed or timely filed with the telegraph company.

To determine whether subparagraph (2) of this paragraph applies, notwithstanding § 2.303–7 of this chapter, all late proposals shall be opened and evaluated.

(d) Except where only one proposal is received, all late offerors shall be promptly notified that their proposals were received late and that their proposal will be evaluated but not considered for award unless found to qualify under one of the exceptions in paragraph (c)(2) and (3) of this section. Where it is not clear from available information whether the exception in paragraph (c)(3) of this section applies, the notification shall include the substance of the notice in § 2.303–6 of this chapter (appropriately modified to relate to proposals and, if necessary, to telegraphic proposals).

(e) Where the Secretary concerned determines that paragraph (c)(2) of this section applies, the contracting officer shall resolicit all firms (including the late offerors) which have submitted proposals and are determined to be capable of meeting current requirements. Such resolicitation shall specify a date for submission of new proposals and shall include the "Late Proposals" provision set forth in paragraph (b) of this section.

(f) When it has been determined that a late proposal will not be considered for award, the offeror shall be notified as required by § 3.508.

(g) Modifications of proposals which are received in the office designated in the request for proposals after the time specified for submission of proposals are "late modifications." Late modifications shall be subject to the rules applicable to late proposals set forth in this section. However, a modification received from an otherwise successful offeror which is favorable to the Government shall be considered at any time that such modification is received.

(h) The normal revisions of proposals by selected offerors occurring during the usual conduct of negotiations with such offerors are not to be considered as late proposals or late modifications, but shall be handled in accordance with § 3.805–1(b).

(i) All the provisions of this section are equally applicable to late quotations, except that the provision in paragraph (b) of this section and the notice provided for in paragraph (d) of this section shall be appropriately modified to relate to quotations.

§ 3.507–2 Disclosure of information during the preaward or preacceptance period.

(a) *General.* After receipt of proposals or quotations, no information contained in any proposal or quotation or information regarding the number or identity of the offerors shall be made available to the public, or to anyone within the Government not having a legitimate interest therein, except in accordance with § 3.508.

* * * * *

§ 3.604–2 Purchases in excess of $250 but not in excess of $2,500.

Except as provided in § 3.608–2(b)(2), reasonable solicitation of quotations from qualified sources of supply shall be made to assure that the procurement is to the advantage of the Government, price and other factors considered, including the administrative cost of the purchase. Generally, solicitation shall be limited to three suppliers and, to the maximum extent possible, shall be restricted to the local trade area of either the purchasing or the receiving activity. When prices are solicited from three suppliers dealing in the general category of items required and only one quotation is received, it is not necessary to solicit additional quotations if the price received is considered fair and reasonable. Quotations shall generally be solicited orally. Written solicitations shall be used only where (a) special specifications are involved, (b) a large number of items are included in a single proposed procurement, or (c) obtaining oral quotations is not considered economical or feasible. Reasonableness of proposed prices may be established by comparison with previous purchases, current price lists, catalogs, advertisements, or by any other appropriate method. Where these informational media are not available, reasonableness of price may be based on a comparison with similar items in a related industry or the contracting officer's personal knowledge of the item being procured. Although the contracting officer must determine that prices are fair and reasonable, written justification explaining how prices were determined to be fair and reasonable is not required. Written records of solicitation may be limited to notes or abstracts to show the vendor or vendors contacted, prices, delivery, and other informal historical data. When only one source is solicited, a brief written notation must be made a part of the file to explain the absence of competition. Notification to unsuccessful suppliers shall be given only if requested.

§ 3.605–3 Establishment of blanket purchase agreements.

* * * * *

(f) *Terms and conditions.* * * *

(6) *Delivery tickets.* * * *

(v) [Revoked]

* * * * *

4. In § 3.606–3(b)(4), the clause heading and clause paragraph (a) are revised; one line is added to the table in § 3.808–4(a); in § 3.809(c), subparagraph (3) is revised and new subparagraph (4) is added; and § 3.811(a) is revised, as follows:

§ 3.606–3 Preparation and execution of orders.

* * * * *

(b) * * *

(4) The following clause:

FAST PAYMENT PROCEDURE (APRIL 1966)

(a) *General.* This is a fast payment order. Invoices will be paid on the basis of the Contractor's certification thereon that articles listed in the order were delivered on a specified date to a post office, common carrier, or, in shipment by other means, to the point of first receipt by the Government.

* * * * *

§ 3.808–4 Profit factors.

(a) * * *

Profit factors	*Weight ranges*
* * *	* * *
Special profit consideration	See § 3.808–6.
* * *	* * *

§ 3.809 Contract audit as a pricing aid.

* * * * *

(c) *Additional functions of the contract auditor.* * * *

(3) Responsibilities for Preaward Surveys and Reviews: Preaward surveys of potential contractors' competence to perform proposed contracts shall be managed and conducted by the contract administration office. Where information is required on the adequacy of the contractor's accounting system or its suitability for administration of the proposed type of contract, such information shall always be obtained by the ACO from the auditor. The contract administration office shall be responsible for advising the PCO on matters concerning the contractor's financial competence or credit needs.

(4) Reviews of Contractors' Estimating Systems:

(i) The establishment, maintenance, and consistent use of formal cost estimating systems by contractors is to the mutual benefit of the Government and industry, particularly where a large portion of the contractor's business is defense work and there are a number of significant proposals requiring review. Procuring activities and contract administration activities are required to furnish full support to a program of encouraging major defense contractors to formalize and follow good estimating procedures. It is recognized that estimating procedures will vary among contractors, and may vary between plants or divisions of a contractor due to differences in products, size and methods of operations, production vs. research, and other factors. While formal systems do not eliminate the need for judgmental factors to be applied by contractors in developing cost proposals, they do provide a sound foundation for the systematic and orderly application of these judgment factors to specific proposals. The consistent preparation of proposals in accordance with an acceptable estimating system is of material benefit in assuring both the contractor and the Government that proposals are realistically and reasonably priced, that the § 3.807–3 requirements for utilizing current, accurate, and complete cost and pricing data in developing the proposal are met, and that underestimating and overestimating of contract costs are minimized. Some of the advantages of sound estimating procedures are: a greater degree of confidence can normally be placed in the accuracy and reliability of contractors' individual pricing proposals; it expedites the negotiation process; it reduces the amount of detailed explanation of estimating processes on each individual proposal as required by the notes on DD Form 633; and, as in the case of the well established practice regarding acceptable accounting systems, reduces the scope of reviews performed by audit and other technical and procurement personnel.

(ii) A regular program for conducting reviews of selected contractors' estimating systems or methods shall be established and managed by the Defense Contract Audit Agency. Reviews and reports shall be accomplished as a joint contract audit and contract administration office team effort, with the contract auditor designated as its head. Reviews shall be tailored to take full advantage of the day-to-day work done as an integral part of both the contract audit and contract administration activities. The program established by the contract audit activity shall be coordinated with the appropriate contract administration activity to asure that team membership includes qualified technical specialists, and that adequate personnel resources are made available to accomplish the program. A copy of the survey report, together with a copy of the official notice of corrective action required, shall be furnished to each purchasing and contract administration office having substantial business with that contractor. Any significant deficiencies in the system not corrected by the contractor shall be referenced in Part V of subsequent Preaward Surveys and will be considered in subsequent proposal reviews and by the ACO and PCO in negotiating with, and in determining the reasonableness of prices proposed by, that contractor. Where these deficiencies continue to exist and where they have an adverse effect on prices, the

problem should be brought to the attention of procurement officials at a level necessary to bring about corrective action.

(iii) Among the matters to be considered in determining the acceptability of a contractor's estimating system are the following:

(a) Responsibilities within the contractor's organization for originating, reviewing, and approving estimates;

(b) Procedures followed in developing estimates for each of the direct and indirect elements of cost;

(c) The source of data used in developing the estimates and in assuring that such data is current, complete, and accurate;

(d) The documentation developed and maintained by the contractor to support the estimate;

(e) Management support of the program review including approval of the estimate, controls established to assure consistent compliance with estimating procedures, and personnel training and evaluation programs; and

(f) The extent of coordination and communication between the various elements of the contractor's organization responsible for the estimate.

§ 3.811 Record of price negotiation.

(a) At the conclusion of each negotiation of an initial or a revised price, the contracting officer shall promptly prepare or cause to be prepared, a memorandum, setting forth the principal elements of the price negotiation, for inclusion in the contract file and for the use of any reviewing authorities. The memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of the initial or revised price. The memorandum should include an explanation of why cost or pricing data was, or was not, required (see § 3.807) and, if it was not required in the case of any price negotiation in excess of $100,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. If cost or pricing data was submitted and a certificate of cost or pricing data was required (§ 3.807-4), the memorandum shall reflect the reliance placed upon the factual cost or pricing data submitted and the use of this data by the contracting officer in determining his total price objective. Where the total price negotiated differs significantly from the total price objective, the memorandum shall explain this difference. Whenever cost or pricing data are used in connection with a price negotiation in excess of $100,000, the contracting officer shall forward one copy of the memorandum to the cognizant Defense Contract Audit Agency officer—for use by the auditor to improve the usefulness of his audit work and related reports to negotiation officials. Where appropriate, the memorandum should include or be supplemented by information on how the auditor's advisory services can be made more effective in future negotiations with the contractor. In those cases where a copy is forwarded to the auditor, a copy will also be furnished to the ACO.

* * * * *

PART 6—FOREIGN PURCHASES

5. A new paragraph (d) is added to § 6.502; a new § 6.504–5 is added; and § 6.505 is revised, as follows:

§ 6.502 Agreement with Department of Defence Production (Canada).

* * * * *

(d) This agreement and associated enabling provisions, permitting Canadian firms a fair opportunity to participate in the production of military equipment and material involving programs of interest to both nations, do not anticipate that Canadian sources of supply will submit bids or proposals that contemplate contract performance in Canadian Government-owned or operated installations in competition with U.S. firms. Both nations are in accord with this arrangement. However, where the item for which procurement is being made is unavailable from U.S. firms, a bid or proposal from a Canadian source contemplating performance in Canadian Government-owned or operated installations may be considered.

§ 6.504–5 Industrial security.

Required procedures designed to safeguard classified defense information which may be necessary for the performance of contracts awarded directly to Canadian suppliers or through the Canadian Commercial Corporation are set forth in the DOD Industrial Security Regulation, DOD 5220.22–R (Implemented for the Army by AR 380–131; for the Navy by OPNAV Instruction 5540.8E; for the Air Force by AFR 205–4; and for the Defense Supply Agency by DSAM 8500.1). The basis for these procedures is the United States-Canada Industrial Security Agreement of March 31, 1952, as amended.

§ 6.505 Contract administration.

(a) When services are requested from the Defense Contract Administration Services on contracts to be performed in Canada, the request shall be directed to:

Defense Contract Administration Services Office, Ottawa, 123 Slater Street, McDonald Building, Ottawa 4, Ontario, Canada.

(b) When contract administration is performed in Canada by Defense Contract Administration Services, the paying office activity to be named in the contract for disbursement of DOD funds (DOD Department Code: 17—Navy; 21—Army; 57—Air Force; 97—For all other DOD components) whether payment is in Canadian or United States dollars shall be:

Disbursing Officer, DCASR Detroit, 1580 East Grand Boulevard, Detroit, Mich. 48211.

PART 7—CONTRACT CLAUSES

6. Sections 7.103–16 and 7.203–16 are revised; in § 7.203–22, the clause heading and clause paragraph (c) are revised; and §§ 7.702–33, 7.702–46, 7.703–25, 7.704–30, 7.901–11, and 7.1201–27 are revised, as follows:

§ 7.103–16 Contract Work Hours Standards Act—overtime compensation.

Insert the contract clause set forth in § 12.303 of this chapter.

§ 7.203–16 Contract Work Hours Standards Act—overtime compensation.

Insert the contract clause set forth in § 12.303 of this chapter.

§ 7.203–22 Insurance—liability to third persons.

INSURANCE—LIABILITY TO THIRD PERSONS (DECEMBER 1966)

* * * * *

(c) The Contractor shall be reimbursed: (i) For the portion allocable to this contract of the reasonable cost of insurance as required or approved pursuant to the provisions of this clause, and (ii) without regard to and as an exception to the "Limitation of Cost" or the "Limitation of Funds" clause of this contract, for liabilities to third persons for loss of or damage to property (other than property (A) owned, occupied, or used by the Contractor or rented to the Contractor, or (B) in the care, custody, or control of the Contractor), or for death or bodily injury, not compensated by insurance or otherwise, arising out of the performance of this contract, whether or not caused by the negligence of the Contractor, his agents, servants or employees, provided such liabilities are represented by final judgments or settlements approved in writing by the Government, and expenses incidental to such liabilities, except liabilities (I) for which the Contractor is otherwise responsible under the express terms of the clause or clauses, if any, specified in the Schedule, or (II) with respect to which the Contractor has failed to insure as required or maintain insurance as approved by ----------* or (III) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (1) all or substantially all of the Contractor's business, or (2) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (3) a separate and complete major industrial operation in connection with the performance of this contract. The foregoing shall not restrict the right of the Contractor to be reimbursed for the cost of insurance maintained by the Contractor in connection with the performance of this contract, other than insurance required to be submitted for approval or required to be procured and maintained pursuant to the provisions of this clause, provided such cost would constitute Allowable Cost under the clause of this contract entitled "Allowable Cost, Fixed Fee and Payment".

* * * * *

* See text following the contract clause.

§ 7.702–33 Subcontracts.

Insert the contract clause set forth in § 7.203–8 except that paragraph (a) shall be appropriately modified to delete references to facilities and special tooling.

§ 7.702–46 Contract Work Hours Standards Act—overtime compensation.

Insert the contract clause set forth in § 12.303 of this chapter.

§ 7.703–25 Subcontracts.

Insert the contract clause set forth in § 7.203–8, except that paragraph (a) shall be appropriately modified to delete references to facilities and special tooling.

§ 7.704–30 Contract Work Hours Standards Act—overtime compensation.

Insert the contract clause set forth in § 12.303 of this chapter.

§ 7.901–11 Contract Work Hours Standards Act—overtime compensation.

Insert the clause set forth in § 12.303 of this chapter.

§ 7.1201–27 Contract Work Hours Standards Act—overtime compensation.

Insert the clause set forth in § 12.303 of this chapter.

PART 10—BONDS, INSURANCE, AND INDEMNIFICATION

7. Section 10.112(a) is revised to read as follows:

§ 10.112 Execution and administration of bonds and consents of surety.

(a) *Execution.* Several prescribed forms for bonds and related documents are listed in § 16.805 of this chapter. Bonds and related documents executed on such forms shall comply with the instructions accompanying each form. The IFB or RFP may provide for execution and submission of more than one copy if desired. When required by Instruction No. 2 of the standard bond forms, the evidence of authority of a principal's representatives shall be a duly executed power of authority reciting that the individual executing the bond or consent of surety is authorized to do so. A corporation, in lieu of such power of attorney, may submit a "Certificate as to Corporate Principal" in the format prescribed in paragraph (c) of this section.

* * * * *

PART 12—LABOR

8. Sections 12.302 and 12.303 are revised; §§ 12.303–1 and 12.303–2 are revoked; and §§ 12.304 and 12.305 are revised, as follows:

§ 12.302 Applicability.

The requirement set forth in § 12.301 applies, except as stated in this section, to all contracts which may require or involve the employment of laborers or mechanics, including guards and watchmen, either by a contractor or by any subcontractor. The requirement does not apply to the following kinds of contracts:

(a) Contracts (or portions thereof) to be performed in a foreign country or within territory under the jurisdiction of the United States other than the following: A State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, and the Canal Zone, to the extent that such contracts (or portions thereof) may require or involve the employment of laborers or mechanics there;

(b) Contracts (or portions thereof) for supplies in connection with which any required services are merely incidental to the sale and do not require substantial employment of laborers or mechanics;

(c) Contracts (or portions thereof) for materials or articles (other than armor or armor plate) usually bought in the open market (although the requirement does apply, and the contract must so provide, with respect to any contract involving the performance of any class work which is ordinarily, and not merely occasionally or to a limited extent, performed by the Government);

(d) Contracts (or portions thereof) subject to the provisions of the Walsh-Healey Public Contracts Act (see Subpart F of this part); and

(e) Contracts of $2,500 or less in aggregate amount. In arriving at the aggregate amount involved, there must be included all property and services which would normally be grouped together in a single transaction.

§ 12.303 Contract clause.

The contract clause required by this subpart shall be as follows:

CONTRACT WORK HOURS STANDARD ACT—OVERTIME COMPENSATION (JUNE 1964)

This contract, to the extent that it is of a character specified in the Contract Work Hours Standards Act (40 U.S.C. 327–330), is subject to the following provisions and to all other applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) *Overtime requirements.* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek or work subject to the provisions of the Contract Work Hours Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours.

(b) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the provisions of paragraph (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of 8 hours or in excess of his standard workweek of 40 hours without payment of the overtime wages required by paragraph (a).

(c) *Withholding for unpaid wages and liquidated damages.* The contracting Officer may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) *Subcontracts.* The Contractor shall insert paragraphs (a) through (d) of this clause in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) *Records.* The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for 3 years from the completion of the contract.

§ 12.303–1 Clause for general use. [Revoked]

§ 12.303–2 Clause for contracts with a State or political subdivision. [Revoked]

§ 12.304 Computation of overtime and liquidated damages.

When the hours worked during a single workweek by a laborer or mechanic exceed both 8 per calendar day and 40 per workweek, the number of overtime hours in excess of 8 per day and 40 per workweek shall be computed separately and the method resulting in the greater number of overtime hours shall be used to calculate the overtime compensation due the employee. When such calculation discloses underpayments, the method used to determine the underpayments shall also be used to determine liquidated damages. When underpayments are found and the number of overtime hours in excess of 8 per calendar day equals the number in excess of 40 per workweek, the number of calendar days, during which work in excess of 8 hours was performed, shall be used to compute liquidated damages.

§ 12.305 Administration and enforcement.

In investigating allegations of violations of the Contract Work Hours Standards Act on other than construction contracts, the same procedures shall be followed and the same reports made as set forth in §§ 18.704–9, 18.704–10, and 18.704–12 of this chapter.

9. A new § 12.306 is added; § 12.1003 is revised; and in § 12.1004, the clause heading and clause paragraphs (1) and (3) of the clause in paragraph (a) are revised, and the entire clause in paragraph (b) is revised, as follows:

§ 12.306 Variations—firefighters and fireguards.

The following variation in the application of the Contract Work Hours

Standards Act to firefighters and fireguards has been authorized by the Solicitor of Labor (see 29 CFR 5.14(d)):

A workday consisting of a fixed and recurring 24-hour period commencing at the same time on each calendar day may be used in lieu of the calendar day in applying the daily overtime provisions of the Act to the employment of firefighters or fireguards under the following conditions:

(i) Where such employment is under a platoon system requiring such employees to remain at or within the confines of their post of duty in excess of 8 hours per day in a standby or on-call status; and

(ii) If the use of such alternate 24-hour day has been agreed upon between the employer and such employees or their authorized representatives before performance of the work; and

(iii) Provided that in determining the daily and weekly overtime requirements of the Act in any particular worksheet of any such employee whose established worksheet begins at an hour of the calendar day different from the hour when such agreed 24-hour day commences, the hours worked in excess of 8 hours in any such 24-hour day shall be counted in the established workweek (of 168 hours commencing at the same time each week) in which such hours are actually worked.

Contractors employing firefighters and fireguards may therefore satisfy their obligations under the Contract Work Hours Standards Act by employing such employees in compliance with either the express requirements of § 12.303 or the foregoing variation.

§ 12.1003 Wage determinations and fringe benefits.

Minimum monetary wages and fringe benefits required under this Act will be determined by the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor. As such determinations are issued, appropriate distribution to procurement offices will be made. In addition, the Department of Labor plans to maintain a register of such determinations for public inspection at its national and regional offices which are listed in § 12.607. In the absence of advice to the contrary, purchasing offices shall use the minimum wage indicated in the notice of intention submitted pursuant to § 12.1005(a). If no determination has been issued, the contractor is required by paragraph (3) of the contract clause to pay not less than the minimum wage of $1.40 specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

§ 12.1004 Contract clauses.

(a) * * *

SERVICE CONTRACT ACT OF 1965 (FEBRUARY 1967)

The contract, to the extent that it is of the character to which the Service Contract Act of 1965 (P.L. 89-286) applies, is subject to the following provisions and to all other applicable provisions of the Act and the regulations of the Secretary of Labor thereunder (29 CFR Part 4).

(1) Each service employee employed in the performance of this contract by the Contractor or any subcontractor shall be paid the minimum monetary wage and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract. If there is such an attachment, any class of service employee which is not listed therein but which is to be employed under this contract, shall be classified or reclassified and paid wages conformably to the Secretary's determination as specified in such attachment, by agreement between the interested parties, and Contracting Officer shall report the action to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor. If the interested parties do not agree on a classification or reclassification which is, in fact, conformable, the Contract Officer shall submit the question, together with his recommendation, to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor or his authorized representative for final determination. In addition, nonservice employees shall be paid not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.40 per hour as of Feb. 1, 1967, and $1.60 per hour as of Feb. 1, 1968).

* * * * *

(3) In the absence of a minimum wage attachment for this contract, neither the Contractor nor any subcontractor under this contract shall pay any of his employees performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.40 per hour as of Feb. 1, 1967, and $1.60 per hour as of Feb. 1, 1968). Nothing in this provision shall relieve the Contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.

* * * * *

(b) * * *

Service Contract Act of 1965. The Contractor and any subcontractor hereunder shall pay all of their employees engaged in performing work on the contract not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.40 per hour as of Feb. 1, 1967, and $1.60 per hour as of Feb. 1, 1968), and are subject to the regulations of the Secretary of Labor thereunder (29 CFR Part 4). (FEBRUARY 1967)

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

10. A new paragraph (i) is added to § 15.107 and a new paragraph (f) is added to § 15.203; §§ 15.205-1, 15.205-2, and 15.205-3 are revised; the heading of § 15.205-4 is revised; and paragraph (a) of § 15.205-5 is revised, as follows:

§ 15.107 Advance understandings on particular cost items.

* * * * *

(i) Idle facilities and idle capacity.

§ 15.203 Indirect costs.

* * * * *

(f) Special care should be exercised in applying the principles in paragraphs (b), (c), and (d) of this section when Government-owned contractor operated (GOCO) plants are involved. The distribution of corporate, division, or branch office general and administration expenses to such plants when they operate with little or no dependence on corporate administrative activities, may require more precise cost groupings, detailed accounts screening, and carefully developed distribution bases.

§ 15.205-1 Advertising costs.

(a) (CWAS) Advertising costs mean the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television programs, direct mail, trade papers, outdoor advertising, dealer cards, and window displays, conventions, exhibits, free goods and samples, and the like.

(b) (CWAS) The only advertising costs allowable are those which are solely for (1) recruitment of personnel required for the performance by the contractor of obligations arising under the contract, when considered in conjunction with all other recruitment costs, as set forth in § 15.205-33, (2) the procurement of scarce items for the performance of the contract, or (3) the disposal of scrap or surplus materials acquired in the performance of the contract. Costs of this nature, if incurred for more than one defense contract or for both defense work and other work of the contractor, are allowable to the extent that the principles in §§ 15.201-3, 15.201-4, and 15.203 are observed.

(c) (CWAS-NA) Advertising costs other than those specified above are not allowable.

§ 15.205-2 Bad debts.

(CWAS-NA) Bad debts, including losses (whether actual or estimated) arising from uncollectible customers' accounts and other claims, related collections costs, and related legal costs, are unallowable.

§ 15.205-3 Bidding costs.

(CWAS) Bidding costs are the costs of preparing bids or proposals on potential Government and non-Government contracts or projects, including the development of engineering data and cost data necessary to support the contractor's bids or proposals. Bidding costs of the current accounting period of both successful and unsuccessful bids and proposals normally will be treated as allowable indirect costs, in which event no bidding costs of past accounting periods shall be allowable in the current period to the Government contract. However, if the contractor's established practice is to treat bidding costs by some other method, the results obtained may be accepted only if found to be reasonable and equitable.

§ 15.205-4 Bonding costs (CWAS).

* * * * *

§ 15.205-5 Civil defense costs.

(a) (CWAS) Civil defense costs are those incurred in planning for, and the protection of life and property against, the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant protection costs, first-aid training and supplies, fire fighting training and equipment, posting of additional exit notices and directions, and other approved

civil defense measures) undertaken on contractor's premises pursuant to suggestions or requirements of civil defense authorities are allowable when allocated to all work of the contractor.

* * * * *

11. The headings of §§ 15.205-10 and 15.205-11 are revised; § 15.205-12 is revised; and the heading of § 15.205-13 is revised, as follows:

§ 15.205-10 Employee morale, health, welfare and food service and dormitory costs and credits (CWAS).

* * * * *

§ 15.205-11 Entertainment costs (CWAS-NA).

* * * * *

§ 15.205-12 Cost of idle facilities and idle capacity (CWAS).

(a) As used in this section, the words and phrases defined in this paragraph shall have the meanings set forth below.

(1) "Facilities" means plant or any portion thereof (inclusive of land integral to the operation); equipment individually or collectively; or any other tangible capital asset, wherever located, and whether owned or leased by the contractor.

(2) "Idle facilities" means completely unused facilities that are excess to the contractor's current needs.

(3) "Idle capacity" means the unused capacity of partially used facilities. It is the difference between that which a facility could achieve under 100 percent operating time on a one shift basis[1] less operating interruptions resulting from time lost for repairs, setups, unsatisfactory materials, and other normal delays, and the extent to which the facility was actually used to meet demands during the accounting period.

[1] A multiple shift basis may be used if it can be shown that this amount of usage could normally be expected for the type of facility involved.

(4) "Costs of idle facilities" or "idle capacity" are costs such as maintenance, repair, housing, rent, and other related costs, e.g., property taxes, insurance, and depreciation.

(b) The costs of idle facilities are unallowable except to the extent that:

(1) They are necessary to meet fluctuations in workload; or

(2) Although not necessary to meet fluctuations in workload, they were necessary when acquired and are now idle because of changes in program requirements, contractor efforts to produce more economically, reorganization, termination, or other causes which could not have been reasonably foreseen.

Under the exception stated in subparagraph (2) of this paragraph, costs of idle facilities are allowable for a reasonable period of time, ordinarily not to exceed 1 year, depending upon the initiative taken to use, lease, or dispose of such facilities (but see § 15.205-42 (b) and (c)).

(c) The costs of idle capacity are normal costs of doing business and are a factor in the normal fluctuations of usage or overhead rates from period to period. Such costs are allowable, provided the capacity is reasonably anticipated to be necessary or was originally reasonable and is not subject to reduction or elimination by subletting, renting, or sale, in accordance with sound business, economics, or security practices. Widespread idle capacity throughout an entire plant or among a group of assets having substantially the same function may be idle facilities.

(d) Any costs to be paid directly by the Government for idle facilities or idle capacity reserved for defense mobilization production shall be the subject of a separate agreement.

§ 15.205-13 Fines and penalties (CWAS-NA).

* * * * *

PART 18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

12. Section 18.704-16 is revised to read as follows:

§ 18.704-16 Overtime and liquidated damages under the Contract Work Hours Standards Act.

Under the Contract Work Hours Standards Act, the contractor will be liable to affected employees for underpaid wages and liable to the United States for liquidated damages in the sum of $10 per calendar day for each laborer or mechanic who was not paid overtime wages as required by the Act. Therefore, when violations are found, the amount of overtime and the amount of liquidated damages must be computed in accordance with § 12.304 of this chapter. Whenever the sum of liquidated damages is $100 or less, and the violations are found to be nonwilliful, or inadvertent, and occurred notwithstanding the exercise of due care by the contractor or his agent, the Secretary or his designee, at a level no lower than the Head of a Procuring Activity, may waive or adjust such liquidated damages. Whenever the liquidated damages exceed $100, the Secretary or his designee, at a level no lower than the Head of a Procuring Activity, may recommend to the Solicitor of Labor that assessed liquidated damages be waived or adjusted because the violation was nonwilliful, or inadvertent, and occurred notwithstanding the exercise of due care.

[ASPR, Rev. 21, Feb. 1, 1967] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-3623; Filed, Apr. 3, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 161]

RIGHTS-OF-WAY OVER INDIAN LAND

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 161 of the revised Statutes (5 U.S.C. 22) and the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323–328), it is proposed to completely revise Part 161, Title 25 of the Code of Federal Regulations below.

The most important feature of this revision is that it will for the first time provide for methods of conveyance used in the commercial world rather than the archaic method represented by the present practice of granting rights-of-way by endorsing approval on a plat or map of definite location. Aside from constituting a modernization of methods this change should also result in savings to the Government in all phases of the process of granting rights-of-way particularly in the recording aspects, and to applicants for rights-of-way. The revision also consists of the realignment of material to present a more logical sequence; the deletion of material regarded as advisory rather than regulatory in nature, and the addition of certain material which more fully encompasses the authorities of law.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision to the Bureau of Indian Affairs, Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 28, 1967.

Sec.

161.1 Definitions.
161.2 Purpose and scope of regulations.
161.3 Consent of landowners to grants of rights-of-way.
161.4 Consideration for grants of rights-of-way.
161.5 Other damages.
161.6 Tenure of grants of rights-of-way.
161.7 Permission to survey.
161.8 Grants of rights-of-way.
161.9 Affidavit of completion.
161.10 Power projects.

AUTHORITY: The provisions of this Part 161 issued under R.S. 161 (5 U.S.C. 22); 62 Stat. 17 (25 U.S.C. 323–328).

§ 161.1 Definitions.

As used in this Part 161:

(a) "Secretary" means the Secretary of the Interior or his authorized representative acting under delegated authority.

(b) "Individually owned land" means land or any interest therein held in trust by the United States for the benefit of individual Indians and land or any interest therein held by individual Indians subject to Federal restrictions against alienation or encumbrance.

(c) "Tribe" means a tribe, band, nation, community, group or pueblo of Indians. "Tribal land" means land or any interest therein, title to which is held by the United States in trust for a tribe as so defined, or title to which is held by any such tribe subject to Federal restrictions against alienation or encumbrance, and includes such land reserved for Indian Bureau administrative purposes when the grant of right-of-way will not interfere with the use of the land for the purpose for which it is reserved. The term also includes lands held by the United States in trust for an Indian corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 477). This term also includes assignments of tribal land. Unless the terms of the assignment provide for the consent to the grant of rights-of-way over the land by the holder of the assignment, the tribe must join with the assignee in consenting to the grant of any such right-of-way.

§ 161.2 Purpose and scope of regulations.

(a) Except as otherwise provided in § 121.18(a) of this chapter and as provided in § 1.2 of this chapter, the regulations in this Part 161 prescribe the procedures, terms and conditions under which rights-of-way over and across tribal and individually owned Indian land may be granted.

(b) Appeals from administrative action taken under the regulations in this Part 161 shall be made in accordance with Part 2 of this chapter.

(c) The regulations contained in this Part 161 do not cover the granting of rights-of-way for the purpose of constructing, operating or maintaining dams, water conduits, reservoirs, powerhouses, transmission lines or other works in connection with any project for which a license is required by the Federal Power Act. The Federal Power Act provides that any license which shall be issued to use tribal lands within a reservation shall be subject to and contain such conditions as the Secretary of the Interior shall deem necessary for the adequate protection and utilization of such lands. 16 U.S.C. 797(e). In the case of tribal lands belonging to a tribe organized under the Act of June 18, 1934 (48 Stat. 984), the Federal Power Act requires that annual charges for the use of such tribal lands under any license issued by the Federal Power Commission shall be subject to the approval of the tribe (16 U.S.C. 803(c)).

§ 161.3 Consent of landowners to grants of rights-of-way.

(a) Except as otherwise provided in this Part 161, no right-of-way shall be granted over and across tribal land nor shall any permission to survey be issued as to such lands without the prior written consent of the tribal governing body.

(b) The Secretary may without prior consent of the tribe issue permission to survey and grant rights-of-way over and across tribal land of tribes that are not organized under the provisions of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461–473 and 474–479); the Act of May 1, 1936 (49 Stat. 1250; 25 U.S.C. 473a and 48 U.S.C. 358a and 362), and the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501–509). If a tribe is not organized under the provisions of any of the above-mentioned acts but has a governing body recognized by the Secretary, the applicant for a right-of-way should seek the consent of such governing body to the grant before applying to the Secretary.

(c) Except as otherwise provided in this Part 161, no right-of-way shall be granted over and across individually owned land nor shall permission to survey be issued with respect to such land without the prior written consent of the owner or owners of such land.

(d) The Secretary may issue permission to survey and grant rights-of-way over and across individually owned land without the consent of the Indian owners when any of the following conditions exist: (1) The individual owner of the land or of an interest therein is a minor or a person non compos mentis; (2) the land is owned by more then one person and the owner or owners of a majority interest consent to the grant; (3) the heirs or devisees of a deceased owner of the land or an interest therein have not been determined; (4) the whereabouts of the owner of the land or an interest therein is unknown and a majority of the owners (or owner) of any interests therein whose whereabouts is known consent to the grant; (5) the owners of interests in the land are so numerous that the Secretary finds that it would be impracticable to obtain their consent.

§ 161.4 Consideration for grants of rights-of-way.

Except as otherwise provided by the Secretary, the consideration for any right-of-way granted under this Part 161 shall be not less than the estimated fair market value of the rights granted, plus severance damages, if any, to the remaining estate.

§ 161.5 Other damages.

In addition to the consideration for grants of rights-of-way provided for by the provisions of § 161.4, the applicant for a right-of-way will be required to pay any damages, as estimated by the Secretary, incident to the survey of the rights-of-way or incident to the construction or maintenance of the facility for which the right-of-way is granted.

§ 161.6 Tenure of grants of rights-of-way.

All rights-of-way granted under the regulations in this Part 161 shall be in the nature of easements for the periods stated in the grant. They are terminable upon abandonment or discontinuance of the use for which granted. Rights-of-way for railroads, telephone lines, telegraph lines, public highways, and water control and use projects, including but not limited to dams, reservoirs, flowage easements, ditches, and canals, may be without limitation as to term of years. Rights-of-way for all other purposes shall be for a period of not to exceed 50 years as determined by the Secretary and stated in the grant. Rights-of-way granted for a term of years may be subject to renewal for a like term upon the payment of additional consideration for the term to be determined as provided in § 161.4. Any such renewal provisions shall be stated in the grant.

§ 161.7 Permission to survey.

The Secretary may, in accordance with the provisions of § 161.3 and upon application therefor, issue permission to survey a right-of-way upon and across tribal or individually owned lands. Prior to the issuance of such permission, the applicant may be required to make a deposit by certified check, cashier's check, or money order payable to the Bureau of Indian Affairs, or furnish a surety bond, in an amount which the Secretary deems adequate to cover double the estimated damages incident to the survey.

§ 161.8 Grants of rights-of-way.

The Secretary may, in accordance with the provisions of § 161.3 and upon application therefor, grant a right-of-way upon and across tribal or individually owned land. Prior to the grant of such right-of-way, the applicant may be required to furnish such maps or plats of definite location as are in the judgment of the Secretary necessary to describe the land covered by the right-of-way. Prior to the grant, the applicant shall also be required to pay to the Secretary for the benefit of the landowners the consideration for the grant of right-of-way. In addition to this payment, the applicant may be required to make a deposit by certified check, cashier's check, or money order payable to the Bureau of Indian Affairs, or to furnish a surety bond, in an amount as determined by the Secretary equal to the estimated damages incident to the construction of the facility. In his discretion, the Secretary may, prior to the grant of right-of-way, require that the applicant agree to any or all of the following stipulations: (a) To construct and maintain the right-of-way in a workmanlike manner; (b) to indemnify the landowners against any liability for damages to life or property arising from the occupancy or use of the lands by the applicant; (c) to restore the lands as nearly as may be possible to their original condition upon the completion of construction; and (d) that the applicant will not interfere with the use of the lands by or under authority of the landowners for any purpose consistent with the primary purpose for which the right-of-way was granted.

§ 161.9 Affidavit of completion.

Upon the completion of the construction of the facility for which a right-of-way is granted, the grantee shall file with the Secretary an affidavit of completion.

§ 161.10 Power projects.

(a) Applications for permission to survey or for the grant of right-of-way for any project for the generation of electric power, or the transmission or distribution of electric power of 33 kv or higher not excluded from the coverage of this Part 161 by the provisions of § 161.2(c) shall be referred to the Office of the Assistant Secretary for Water and Power Development or such other agency as may be designated for the area involved for approval.

(b) The applicant shall make provision, or bear the reasonable cost (as may be determined by the Secretary) of making provision, for avoiding inductive interference between any project transmission line or other project works constructed, operated, or maintained by it on any right-of-way granted and any radio installation, telephone line, or other communication facilities now or hereafter constructed and operated by the United States or any agency thereof. This provision shall not relieve the applicant from any responsibility or requirement which may be imposed by other lawful authority for avoiding or eliminating inductive interference.

(c) An applicant for a right-of-way for a transmission line having a voltage of 33 kv. or more must, in addition to the stipulations provided for in § 161.8, execute and file with its application a stipulation agreeing to accept the right-of-way grant subject to the following conditions:

(1) The applicant agrees that, in the event it becomes necessary for the United States to acquire the applicant's transmission line or facilities constructed on or across such right-of-way, the United States reserves the right to acquire such line or facilities at a sum to be determined upon by a representative of the applicant, a representative of the Secretary of the Interior, and a third representative to be selected by the other two for the purpose of determining the value of such property thus to be acquired by the United States. No value, however, shall be allowed at any such determination for the right-of-way granted to the applicant under authority of the regulations of this Part 161.

(2) To allow the Department of the Interior to utilize for the transmission of electrical power any surplus capacity of the line in excess of the capacity needed by the holder of the grant for the transmission of electrical power in connection with the applicant's operations, or to increase the capacity of the line at the Department's expense and to utilize the increased capacity for the transmission of electrical power. Utilization by the Department of surplus or increased capacity shall be subject to the following terms and conditions:

(i) When the Department desires to utilize surplus capacity thought to exist in a line, notification will be given to the applicant and the applicant shall furnish to the Department within 30 days a certificate stating whether the line has any surplus capacity not needed by the applicant for the transmission of electrical power in connection with the applicant's operations, and, if so, the extent of such surplus capacity.

(ii) In order to utilize any surplus capacity certified by the applicant to be available, or any increased capacity provided by the Department at its own expense, the Department may interconnect its transmission facilities with the applicant's line in a manner conformable to approved standards of practice for the interconnection of transmission circuits.

(iii) The expense of interconnection will be borne by the Department, and the Department will at all times provide and maintain adequate switching, relaying, and protective equipment so as to insure that the normal and efficient operation of the applicant's line will not be impaired.

(iv) After any interconnection is completed, the applicant shall operate and maintain its line in good condition; and, except in emergencies, shall maintain in a closed position all connections under the applicant's control between the applicant's line and the interconnecting facilities provided by the Department.

(v) The interconnected power systems of the Department and the applicant will be operated in parallel.

(vi) The transmission of electrical power by the Department over the applicant's line will be effected in such manner and quantity as will not interfere unreasonably with the applicant's use and operation of the line in accordance with the applicant's normal operating standards, except that the Department shall have the exclusive right to utilize any increased capacity of the line which has been provided at the Department's expense.

(vii) The applicant will not be obligated to allow the transmission over its line by the Department of electrical power to any person receiving service from the applicant on the date of the filing of the application for a grant, other than persons entitled to statutory preference in connection with the distribution and sale of electrical power by the Department.

(viii) The Department will pay to the applicant an equitable share of the total monthly cost of maintaining and operating the part of the applicant's line uti-

lized by the Department for the transmission of electrical power, the payment to be an amount in dollars representing the same proportion of the total monthly operation and maintenance cost of such part of the line as the maximum amount in kilowatts of the power transmitted on a scheduled basis by the Department over the applicant's line during the month bears to the total capacity in kilowatts of that part of the line. The total monthly cost may include interest and amortization, in accordance with the system of accounts prescribed by the Federal Power Commission, on the applicant's net total investment (exclusive of any investment by the Department) in the part of the line utilized by the Department.

(ix) If, at any time subsequent to a certification by the applicant that surplus capacity is available for utilization by the Department, the applicant needs for the transmission of electrical power in connection with its operations the whole or any part of the capacity of the line theretofore certified as being surplus to its needs, the applicant may modify or revoke the previous certification by giving the Secretary of the Interior 30 months' notice, in advance, of the applicant's intention in this respect. After the revocation of a certificate, the Department's utilization of the particular line will be limited to the increased capacity, if any, provided by the Department at its expense.

(x) If, during the existence of the grant, the applicant desires reciprocal accommodations for the transmission of electrical power over the interconnecting system of the Department to its line, such reciprocal accommodations will be accorded under terms and conditions similar to those prescribed in this paragraph with respect to the transmission by the Department of electrical power over the applicant's line.

(xi) The terms and conditions prescribed in this paragraph may be modified at any time by means of a supplemental agreement negotiated between the applicant and the Secretary of the Interior or his designee.

[F.R. Doc. 67-3633; Filed, Apr. 3, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 992]

[Docket Nos. AO 358, AO 358-RO 1]

GRAPES PRODUCED IN CALIFORNIA AND POSSIBLY ARIZONA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), hereinafter referred to as the "Act", notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision of the Department, with respect to a proposed marketing agreement and order regulating the handling of grapes produced in California (and possibly Arizona).

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. To be considered, exceptions must be filed not later than April 14, 1967. They should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk, during regular business hours (7 CFR 1.27(b)).

Preliminary statement. A public hearing was held to consider a proposed marketing agreement and order regulating the handling of grapes produced in California (and possibly Arizona) pursuant to notice thereof which was published in the FEDERAL REGISTER of February 22, 1966 (31 F.R. 3020). The notice set forth a proposed marketing agreement and order submitted by the Grape Stabilization Committee, representing a large group of grape producers and handlers. The hearing, pursuant to the above notice, was held in Fresno, Calif., beginning March 14 through 17 and continuing March 21 through 26, 1966.

On December 2, 1966 (31 F.R. 15153), the hearing was reopened to be reconvened at a time and place to be announced by supplemental notice. As stated in the notice of reopened hearing, the principal purpose was to receive additional evidence on the question, not adequately resolved by the record evidence adduced at the initial phase of the public hearing, of how to assure adequate supplies in raisin and fresh shipment outlets while, at the same time, effecting an overall supply adjustment. Another major purpose was to receive up-to-date evidence on economic, marketing, and other conditions relating to the proposed program.

However, no specific proposals or recommendations, other than that the proceeding be terminated, have been received from the industry; and no date has been fixed for reconvening the hearing.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared policy of the act; and

(3) The specific terms and provisions of a proposed marketing agreement and order.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on evidence adduced at the hearing and the record thereof, are as follows:

The evidence adduced at the hearing does not permit recommendation of a sound, workable marketing agreement and order of the general nature proposed. This is particularly so because of the failure of the record evidence adequately to resolve a key regulatory issue—how to assure adequate supplies in raisin and fresh shipment outlets while, at the same time, effecting an overall supply adjustment. Therefore, it is concluded that a marketing agreement and order program cannot be recommended on the basis of this record. Hence, there is no need for further findings or conclusions on issues which relate to Federal jurisdiction, need, or the particular terms or provisions of a proposed regulatory program.

Opportunity having been given for the proposal and discussion of an adequate resolution of the matter which necessitated reopening of the hearing, and no specific proposals or recommendations in connection therewith having been received, it is also concluded that reconvening of the reopened hearing would serve no useful purpose.

Rulings on briefs of interested parties. At the conclusion of the hearing, the Presiding Officer fixed May 6, 1966, as the latest day on which interested parties could file with the Hearing Clerk, U.S. Department of Agriculture, briefs with respect to the testimony presented in evidence at the hearing, and the findings and conclusions to be drawn therefrom.

Each brief filed within the specified time was carefully considered along with the record evidence in reaching the findings and conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with those contained herein, the requests to make such findings or to reach such conclusions are denied.

Dated: March 30, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3665; Filed, Apr. 3, 1967; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

PUBLIC HEARINGS UNDER CLEAN AIR ACT

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Health, Education, and Welfare proposes to amend Chapter I of Title 42, Code of Federal Regulations by adding a new Part 81, as set out below, which will be applicable to hearings held under section 105(e) of the Clean Air Act (77 Stat. 396, 42 U.S.C. 1857d(e)).

Interested persons may submit written data, views, or arguments (in duplicate) in regard to these regulations to the Secretary of Health, Education, and Welfare, Washington, D.C. 20201, all relevant material received not later than 30 days after the publication of this notice will be considered. These regulations will become effective upon republication.

A new Part 81 would be added as follows:

PART 81—PUBLIC HEARINGS UNDER THE CLEAN AIR ACT

Sec.
81.1 Applicability.
81.2 Definitions.
81.3 Initiation of proceedings for public hearings; appointment of Board.
81.4 Organization and general procedures of the Board.
81.5 Notice of hearing.
81.6 Service.
81.7 Parties.
81.8 Presentation of evidence by the Surgeon General.
81.9 Hearing procedure.
81.10 Record of proceedings.
81.11 Oral argument.
81.12 Final findings and recommendations.

AUTHORITY: The provisions of this Part 81 issued under sec. 8, 77 Stat. 400, 42 U.S.C. 1857g.

§ 81.1 Applicability.

The provisions of this part apply to proceedings under section 105(e) of the Clean Air Act (77 Stat. 396; 42 U.S.C. 1857d(e)).

§ 81.2 Definitions.

As used in this part:

(a) "Act" means the Clean Air Act as amended, 77 Stat. 392; 42 U.S.C. 1857.

(b) "Board" means the hearing board appointed by the Secretary pursuant to section 105(e) of the Act (42 U.S.C. 1857d(e)).

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Pollution" means any pollution declared to be subject to abatement by section 105(a) of the Act (42 U.S.C. 1857d(a)).

(e) "Secretary" means the Secretary of Health, Education, and Welfare.

(f) "Surgeon General" means the Surgeon General of the Public Health Service.

(g) The definitions of the terms contained in section 302 of the Act (42 U.S.C. 1857h) shall be applicable to such terms as used in this part unless the context otherwise requires.

§ 81.3 Initiation of proceedings for public hearings; appointment of Board.

(a) In any case where the Secretary finds that the conditions precedent to the calling of a public hearing under the Act exist, such hearing will be called by the Secretary or pursuant to his direction.

(b) Prior to the hearing, the Secretary will appoint a hearing board of five or more persons as provided in the Act, and will designate one of the members as chairman. A majority of the Board shall be persons other than officers or employees of the Department. The Secretary may revoke appointment to the Board in the event of disability of a member, and may fill any vacancy in the membership of the Board, or in the office of chairman.

§ 81.4 Organization and general procedures of the Board.

(a) The chairman shall convene the Board for hearing sessions and for such other meetings as may be necessary.

(b) The chairman shall preside at all hearing sessions and meetings of the Board. In case of the absence or incapacity of the chairman, the Board may elect from its members an acting chairman to preside and perform the duties of the chairman.

(c) The hearing shall be conducted in an informal but orderly manner in accordance with this part. A quorum of the Board for the purpose of the hearing shall consist of not less than five members. Questions of procedure during a hearing shall be determined by the chairman. Rulings of the chairman may be appealed to the Board.

(d) The Board shall have the power to rule upon offers of proof and the admissibility of evidence, to receive relevant evidence, to examine witnesses, to regulate the course of the hearing including the recessing, reconvening and adjournment thereof, to change the time and place of the hearing or any of its sessions upon reasonable notice to the parties, and to hold conferences for the settlement or simplification of issues.

(e) The Surgeon General shall provide for the Board such clerical and technical assistance as may be necessary.

(f) The Board shall designate an executive secretary, from personnel provided by the Surgeon General, who shall maintain and have custody of all official records and other documents pertaining to the functions of the Board, and shall perform such other duties related to its functions as the Board may prescribe.

(g) The Board may authorize the chairman and the executive secretary on its behalf to execute, issue, or serve such notices, reports, communications, and other documents relating to the functions of the Board as it may deem proper.

§ 81.5 Notice of hearing.

(a) At least 3 weeks prior to the date of the hearing, notice of said hearing shall be issued and served by the Surgeon General as provided herein.

(b) The notice of hearing shall set forth the time and place of the hearing, identify the person or persons discharging any matter causing or contributing to the pollution, and briefly describe the nature of the discharge or discharges and the areas affected thereby. The notice shall include the names of the persons constituting the Board before whom the hearing will be held.

(c) Said notice shall be given to the following:

(1) Each person named in the notice as discharging any matter causing or contributing to pollution; and

(2) Each air pollution control agency or interstate agency to whom formal notification of such pollution has previously been given in accordance with section 105(c) of the Act.

§ 81.6 Service.

Notice of hearing, findings, conclusions, and recommendations of the Board, and any other documents relating to the functions of the Board, may be given by mailing a copy thereof addressed to each person or agency to be served at their respective residences, offices or place of business as ascertained by the Surgeon General or the Board, as the case may be or by publication in the FEDERAL REGISTER.

§ 81.7 Parties.

(a) The parties to a hearing shall include the persons and agencies specified in § 81.5(c).

(b) The Surgeon General shall have all the rights of a party to the hearing and the General Counsel of the Department of Health, Education, and Welfare shall appear as counsel for the Surgeon General.

(c) Upon application and good cause shown, the Board may permit any interested person or agency to appear before it and be admitted as a party to such extent and upon such terms as the Board shall determine proper.

(d) Any party may appear in person or by counsel.

(e) The failure of any party to file an appearance or appear at the hearing in response to the notice of hearing shall not delay the hearing and the Board may proceed, hear and receive evidence and take other appropriate action affecting such party.

§ 81.8 Presentation of evidence by the Surgeon General.

The Surgeon General shall arrange for the presentation of evidence on behalf of the Secretary concerning the pollution, the person or persons discharging any matter causing or contributing to the pollution and remedial measures, if any, recommended by him.

§ 81.9 Hearing procedure.

(a) Each witness shall, before testifying, be sworn or make affirmation.

(b) When necessary, in order to prevent undue prolongation of the hearing, the Board may limit the number of times any witness may testify, the repetitious examination or cross-examination of witnesses or the amount of corroborative or cumulative testimony.

(c) The Board shall exclude irrelevant, immaterial or unduly repetitious evidence.

(d) Every party shall have the right to present evidence and cross-examine witnesses.

(e) All written statements, charts, tabulations and similar data offered in evidence at the hearing shall, upon showing satisfactory to the Board of their authenticity, relevancy and materiality, be received in evidence and shall constitute a part of the record.

(f) Whenever there is offered in evidence (in whole or in part) a public document, such as an official report, decision, opinion, or published scientific or economic statistical data issued by any of the executive departments (or their

subdivisions), legislative agencies or committees, or administrative agencies of the Federal Government (including Government-owned corporations), or a similar document issued by a State or its agencies, and such document (or part thereof) has been shown by the offerer to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered in evidence as a public document item by specifying the document or relevant part thereof.

(g) The Board may take official notice of statutes of the United States or of any State, of laws and ordinances of local governments, and of duly promulgated regulations of any Federal, State, or local agency.

(h) The Board may take official notice of a material fact not appearing in the evidence in the record, but any party, prior to the conclusion of the hearing, shall be afforded an opportunity to show the contrary.

§ 81.10 Record of proceedings.

(a) Testimony given and other proceedings had at a hearing shall be reported verbatim. A transcript of such report shall be a part of the record and the sole official transcript of the proceedings.

(b) Parties and other persons desiring copies of the transcript may obtain the same from the official reporter upon payment of the fees fixed therefor.

§ 81.11 Oral argument.

Oral argument may be permitted in the discretion of the Board, and shall be reported as part of the record unless otherwise ordered by the Board.

§ 81.12 Final findings and recommendations.

(a) The Board shall make its final findings, conclusions, and recommendations, if any, based on the evidence presented at the hearing, and submit the same to the Secretary.

(b) Upon submission of such findings, conclusions, and recommendations, the Board shall cease to exist and all records pertaining to its functions transferred to the custody of the Surgeon General.

(c) A copy of the findings, conclusions, and recommendations, if any, of the Board shall be served on all parties to the hearing by the Secretary.

Dated: March 28, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67-3670; Filed, Apr. 3, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 512]

[Docket No. 66-20]

REPORTS OF RATE BASE AND INCOME ACCOUNT BY VESSEL OPERATING COMMON CARRIERS IN DOMESTIC OFFSHORE TRADES

Availability to the Public; Withdrawal of Notice of Proposed Rule Making

By notice published in the FEDERAL REGISTER on April 8, 1966 (31 F.R. 5575), the Commission gave notice that, pursuant to section 4 of the Administrative Procedure Act and section 43 of the Shipping Act, 1916, it was considering amending its General Order 11 (46 CFR Part 512) by adding a new § 512.8 for the purpose of establishing provisions whereby rate base and income account data submitted pursuant to Part 512 would be made available to the public for inspection and copying. Currently, this data is kept confidential.

Written comments were invited and received from various governments, steamship companies and firms. After a careful consideration of the written comments and arguments submitted on the proposed rule the Commission has decided not to adopt and promulgate any final rule at this time. Accordingly, we have determined to discontinue this proceeding. The Commission does not, of course, prejudice itself in any way by the discontinuance of the proceeding with respect to the institution of such further proceedings as it may deem necessary to make General Order 11 reports available to the public.

Therefore, it is ordered, That this proceeding be and hereby is discontinued.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67-3669; Filed, Apr. 3, 1967; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 6]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business in Engineering and Architectural Services

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the Small Business Size Standards Regulation (Revision 6), as amended, by establishing a new definition of a small business concern in SIC Industry No. 8911, Engineering and architectural services, for the purpose of receiving an SBA loan.

The present definition of a small business concern in SIC Industry No. 8911, Engineering and architectural services, for the purpose of receiving an SBA loan, is a concern which is independently owned and operated, is not dominant in its field of operation, and, together with its affiliates, has annual receipts not exceeding $1 million.

It has been suggested that increases in wage rates and the demand for engineering services since 1954 have resulted in a substantial increase in the annual receipts of businesses providing these services, and that the SBA loan size standard applicable to such concerns should be appropriately increased. Therefore, in order to obtain the views of interested persons concerning the above suggestion, the Small Business Administration proposes to establish a $2.5 million size standard for such purposes.

Interested persons may file with the Small Business Administration, within 30 days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C. 20416, Attention: Size Standards Staff.

It is proposed to amend the regulation as follows:

Section 121.3-10 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding new subparagraph (10) to paragraph (d) thereof which reads as follows:

§ 121.3-10 Definition of small business for SBA loans.

* * * * *

(d) *Services.* * * *

(10) As small if it is primarily engaged in Standard Industrial Classification Industry No. 8911, Engineering and architectural services, and its annual receipts do not exceed $2.5 million.

* * * * *

Dated: March 27, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-3636; Filed, Apr. 3, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

AGRICULTURAL RESEARCH SERVICE

Notice of Application for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket number: 67-00012-33-46040. Applicant: U.S. Department of Agriculture, Agricultural Research Service, Agricultural Research Center, Beltsville, Md. 20705. Article: Electron microscope, Model EM-200, with 99921/3 EMKT kit, PM2440 GM6020 Micro Volt Meter, PW6507 Specimen chamber cooling device, 05066/0 Standard vaccum evaporator, 01913 Haskris water cooler, 51037 Carriage for Power Supply. Manufacturer: N. V. Philips, Holland. Intended use of article: (1) The study of sperm cells as an aid in solving the present infertility problem in all classes of animals, (2) cytological studies of chromosomes, microchromosomes, and other chromosomal bodies at the submicroscopic level, (3) studies of parthenogenetic and nonparthenogenetic lines of turkeys and chickens to determine the causes of parthenogenesis, (4) study of the anatomical ultrastructure of various reproductive tissues regarding variation in the nature of these tissues in relation to problems of infertility, (5) study of the ultrastructure of the skin, wool, and hair follicles of sheep and fur animals, (6) study of the cellular and subcellular changes in tissues of the ovary and oviduct resulting from linoleic acid deficiency, (7) studies of the fine structure of the neurosecretory cell and its granules, and (8) studies in defining the nature of cellular changes in the stigma which culminate in rupture, of ovarian follicles, including changes in the future site of rupture. Application received by Commissioner of Customs: March 21, 1967.

Docket number: 67-00013-33-46040. Applicant: U.S. Department of Agriculture, Agricultural Research Service, Agricultural Research Center, Beltsville, Md. 20705. Article: Electron microscope, Model EM-200, with 99921/3 EMKT kit, PM2440 GM6020 Micro Volt Meter, PW6507 Specimen chamber cooling device, 05066/0 Standard vacuum evaporator, 01913 Haskris water cooler, 51037 Carriage for Power Supply. Manufacturer: N. V. Philips, Holland. Intended use of article: (1) Determine the cyclic developments of the parasites in the definitive host and arthroped vectors and correlate their development in the host-parasite-vector relationships, (2) study the ultrastructure of the parasite and determine the function of the component parts, (3) study the chemical, physical, immunological, and pathological changes in the parasite and infected cells during infection, and (4) accurately determine the morphological characteristics of the parasite for correct taxonomic classification. Application received by Commissioner of Customs: March 21, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-3547; Filed, Apr. 3, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-279]

GENERAL ELECTRIC TECHNICAL SERVICES CO., INC.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that General Electric Technical Services Co., Inc., a wholly owned subsidiary of the General Electric Co., 1331 H Street NW., Washington, D.C. 20005, has submitted an application dated March 7, 1967, for a license to authorize the export of a 440 megawatt electrical, boiling water nuclear power reactor to Centrales Nucleares del Norte (Nuclenor), Santander, Spain.

Upon finding that the proposed export of the reactor is within the scope of the Agreement for Cooperation between the Governments of the United States of America and Spain and, unless within 15 days after the publication of this notice in the FEDERAL REGISTER, a request for a hearing is filed with the U.S. Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation will cause to be issued to General Electric Technical Services Co., Inc., a facility export license containing the authority set forth in the text below and cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Secretary will issue a notice of hearing or an appropriate order.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter 1, Code of Federal Regulations, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

A copy of the application, dated March 7, 1967, is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 28th day of March 1967.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, General Electric Technical Services Co., Inc., a wholly owned subsidiary of the General Electric Co., is authorized to export a 440 megawatt electrical, boiling water power reactor to Centrales Nucleares del Norte (Nuclenor), Santander, Spain, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise

transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission. This license is effective as of the date of issuance and shall exptre on March 31, 1973.

For the Atomic Energy Commission.

[F.R. Doc. 67-3621; Filed, Apr. 3, 1967; 8:45 a.m.]

[Docket Nos. 50-280, 50-281]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Virginia Electric and Power Co., 700 East Franklin Street, Richmond, Va. 23209, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated March 20, 1967, for authorization to construct and operate a two-unit nuclear powerplant at its Surry Power Station located in Surry County, Va. The site comprises 840 acres on a point of land called Gravel Neck on the James River, and is located approximately 14 miles northwest of Newport News and 25 miles northwest of Norfolk, Va.

The proposed nuclear powerplant will consist of two pressurized water reactors, designated by the applicant as the Surry Power Station Units 1 and 2, each of which is designed for initial operation at approximately 2,441 thermal megawatts with a net electrical output of approximately 780 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 27th day of March 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-3622; Filed, Apr. 3, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14263]

SERVICE TO WAYCROSS

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on April 19, 1967, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 28, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-3608; Filed, Apr. 3, 1967; 8:45 a.m.]

[Docket No. 18293]

ALASKA-CORDOVA MERGER CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 13, 1967, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Milton H. Shapiro.

In order to facilitate the conduct of the conference, interested parties are instructed to submit on or before April 7, 1967, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., March 30, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-3645; Filed, Apr. 3, 1967; 8:47 a.m.]

[Docket No. 18322; Order No. E-24916]

NORTHERN NEW ENGLAND-GREAT LAKES SERVICE INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of March 1967.

There is pending before the Board a petition filed by the State of New Hampshire (Docket 15560) requesting the institution of a proceeding to examine the need for improved service between northern New England and points in the middle Great Lakes area.[1]

According to the State, the service presently available between these areas is inadequate. Passengers must now travel to Boston or New York in order to connect with flights going west. New Hampshire asserts that the connecting flights are not well timed and, in many cases, an expensive back-haul is involved. On the basis of 1963 origin and destination passenger statistics, the State maintains that almost 33,000 passengers would benefit from improved service.

Upon consideration of New Hampshire's petition, it appears that there may be deficiencies in service between points in northern New England and the middle Great Lakes area. At present, the bulk of the air service in northern New England flows in a north-south direction, and there is no direct access to Chicago, Cleveland, or Detroit.[2] As a result, passengers must use multicarrier connecting services which may involve time-consuming and expensive circuitous routings. There is a significant volume of traffic involved. In 1965, approximately 39,000 passengers moved between points in northern New England and points in the area to which improved service is being sought.[3] All of this traffic is now moving over the heavily utilized Boston and New York gateways. Furthermore, the need for direct east-west service to and from northern New England has never been considered by the Board.[4] Under these circumstances, we believe it is now appropriate to institute an investigation in accordance with the request of the State of New Hampshire.

In order to maintain the focus of this proceeding on the issues discussed above, we will impose certain preset restrictions on any authority to be granted. First, we will provide that any flight serving Albany or a point west of Albany must also serve at least one point in the three northern New England States. This condition will preclude a carrier from offering turnaround services in such markets as Chicago-Cleveland and Chicago-Albany. Second, in order to avoid the possibility of there being included in this proceeding an issue relating to additional competitive service between Boston or Hartford-Springfield, on the one hand, and points in New York and the Midwest, on the other, we will prohibit single plane service between Boston/Hartford-Springfield and Albany and points west thereof. These conditions should insure that the attention of this investigation is directed toward determining the need for improved service between northern New England and points in New York and the middle Great Lakes area.

Accordingly, it is ordered:

1. That an investigation designated the Northern New England-Great Lakes Service Investigation, be and it hereby is instituted in Docket 18322, pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require and the Board should authorize service between points in Maine, Vermont, and New

[1] Northern New England encompasses the States of Maine, New Hampshire, and Vermont. The route suggested stretches from Portland, Maine, to Chicago via Manchester and Lebanon, N.H., Albany and Syracuse, N.Y., Cleveland and Detroit. White River Junction, Vt., is served through the Lebanon airport.

[2] The only point in northern New England which is linked to points west is Keene, N.H. Keene is an intermediate point on Segment 3 of Mohawk Airlines' Route 94 which extends from Boston to Detroit.

[3] In addition to origin and destination passengers, this figure includes traffic from selected points which are reasonably close to the points under discussion and which could be transported on the proposed new service.

[4] Wiggins Renewal Investigation Case, 16 CAB 483 (1952), the last investigation involving any east-west air service in the northern New England area, considered that issue only to a very limited extent.

Hampshire, on the one hand, and Albany, Syracuse, Cleveland, Detroit, and Chicago, on the other;

2. That any authority awarded in this proceeding shall be subject to (a) a restriction requiring that all flights serving Albany or points west of Albany must also serve at least one point in Maine, New Hampshire, or Vermont, and (b) a restriction prohibiting single-plane service between Boston or Hartford-Springfield, on the one hand, and Albany, or points west of Albany, on the other;

3. That the restrictions specified in ordering paragraph 2, above, are stated without prejudice to the right of any party to advance during the course of the proceeding appropriate evidence or argument bearing on the need for more stringent restrictions or limitations;

4. That applications, motions to consolidate applications, petitions for leave to intervene, and motions or petitions seeking modification or reconsideration of this order shall be filed no later than 20 days from the service date of this order, and answers to such pleadings shall be filed no later than 10 days thereafter;

5. That this proceeding shall be set down for hearing before an examiner of the Board at a time and place hereafter designated;

6. That a copy of this order be served upon Mohawk Airlines, Inc. and Northeast Airlines, Inc. and the States of Maine, Vermont, and New Hampshire, which are hereby made parties to the investigation instituted herein; and

7. That a copy of this order also be served upon the cities of Portland, Maine; Manchester and Lebanon, N.H.; White River Junction, Vt.; Albany and Syracuse, N.Y.; Cleveland, Ohio; Detroit, Mich.; and Chicago, Ill.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-3646; Filed, Apr. 3, 1967; 8:47 a.m.]

[Docket No. 18321; Order No. E-24915]

NORTHERN CONSOLIDATED AIRLINES, INC.

Order of Investigation and Suspension Regarding Circuitous Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of March 1967.

By tariff revisions marked to become effective March 31, 1967, Northern Consolidated Airlines, Inc. (NCA), proposes to reduce its local one-way passenger fare between Anchorage and Fairbanks, via McGrath, from $60 to $35.[1] Present stopover privileges at McGrath would not be permitted under the proposed fare. The proposal represents a reduction from the existing fare via McGrath of 41.7 percent and involves circuity of approximately 87 percent more mileage between Anchorage and Fairbanks than the existing direct nonstop services of $35 offered by Alaska Airlines, Inc. (ASA). The tariff was not marked with an expiry date.

ASA has filed a complaint[2] requesting suspension and investigation of NCA's tariff revisions on the ground that the proposed fare is unjust and unreasonable, unjustly prejudicial, and otherwise unlawful. It claims that the fare reduction is unlawful in light of the Board's action on two previous occasions[3] in which similar proposals were suspended. Finally, ASA states that the NCA proposed fare is not compensatory, would not generate any new traffic, would only divert traffic from its routes, and may increase ASA's need for subsidy.

In support of its proposal, and in answer to the complaint of ASA, NCA states that (1) the purpose of the proposal is to publish an "Alaska Centennial Fare" of $35 between Fairbanks and Anchorage in an effort to develop tourist travel over its Fairbanks-McGrath-Anchorage segment; (2) during the celebration of the 1967 Alaska Centennial approximately 354,000 tourists will visit Fairbanks, providing a huge reservoir of potential tourists over its routes; (3) the proposed fare is in the nature of a one-way excursion fare; and (4) the proposed fare will cover the added cost of handling the estimated additional 33 new passengers per one-way trip. The carrier further contends that in addition to being compensatory, the new fare will not result either in self-diversion of current traffic or diversion of ASA's direct traffic due to the elapsed time differentials of each carrier's service. NCA states that the proposal would not represent any change in the combination of the local Fairbanks-McGrath and McGrath-Anchorage fares in which each $30 fare would continue to apply to local stopover traffic which would not be eligible for the new through fare. The carrier contends that the situation is entirely different in this instance from that involved in the earlier fare case in view of ASA's route realignment, utilization of jet aircraft, and standard fare considerations. Finally, the carrier asserts that the proposed fare will provide a special service for those tourists not desiring transportation alone between Anchorage and Fairbanks, but who wish to take a sightseeing trip over a portion of the interior of Alaska.

The Board notes that (1) there is substantial circuity of 87 percent in NCA's service between Anchorage and Fairbanks via McGrath, as compared to the direct service offered by ASA; (2) the proposed fare via the more circuitous routing results in a fare per mile considerably lower than that for the direct service; (3) the proposed fare is not marked with an expiry date; and (4) the proposed fare level of $35 is $2.50 lower than the standard fare suspended by the Board in Order E-21633, December 31, 1964 and $5 higher than the standard fare disapproved in Northern Consolidated Airlines, Inc., Proposed Fares, 33 CAB 440 (1961). There does not appear to be a substantial differentiation between the proposed fare and the two corresponding earlier standard fares disapproved by the Board. While the carrier states that the proposal is in the nature of a restricted excursion fare, no expiry date was placed on the tariff filing. The Board supports the establishment of excursion fares that benefit the traveling public and are compensatory to the carrier. We do not believe, however, that the facts in this instance are sufficient to permit the proposed fare to become effective without investigation in light of the Board's action involving the two previous filings. The Board would, however, be receptive to proposals for a round-trip Fairbanks-Anchorage excursion fare via NCA's services as well as a joint NCA–ASA circle trip excursion fare between Fairbanks and Anchorage. The Board believes that such promotional fares would tie in closely with the Alaska Centennial activities and would benefit the vacationing traveler and the carriers alike.

Upon consideration of all pertinent matters of record, the Board finds that the proposed fare may be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and has determined to investigate these proposals and to suspend their effectiveness pending such investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the fare and provisions between Anchorage and Fairbanks and the explanation of the reference mark "①", on 9th Revised Page 6 of Northern Consolidated Airlines, Inc.'s CAB No. 82, and rules, regulations, and practices affecting such fare and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fare and provisions, and rules, regulations, or practices affecting such fare and provisions;

2. Pending hearing and decision by the Board, the fare and provisions between Anchorage and Fairbanks and the explanation of the reference mark "①", on 9th Revised Page 6 of Northern Consolidated Airlines, Inc.'s CAB No. 82, are suspended and their use deferred to and including June 28, 1967, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated;

[1] Northern Consolidated Airlines, Inc., CAB No. 82.

[2] Filed on Mar. 17, 1967, which is 3 days after the date allowed for filing complaints against NCA's proposal. The complaint, therefore, will be considered as a request for investigation only.

[3] Northern Consolidated Airlines, Inc., Proposed Fares, 33 CAB 440 (1961).

4. The complaint of Alaska Airlines, Inc., in Docket 18286, to the extent granted herein, be consolidated in this docket; and

5. Copies of this order be filed with the aforesaid tariff and be served upon Northern Consolidated Airlines, Inc., and Alaska Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-3647; Filed, Apr. 3, 1967; 8:47 a.m.]

[Order No. E-24914]

AIR VAN LINES, INC., ET AL.

Order Granting Temporary Relief

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of March 1967.

At the request of the Department of Defense (DOD), the Board on March 9, 1965, granted temporary relief from certain provisions of the Federal Aviation Act of 1958 to a number of persons who had been operating without Board authorization as indirect air carriers of used household goods pursuant to DOD contracts (DOD carriers).[1] The relief, which allowed these carriers an opportunity to apply for operating authorizations to engage in indirect air transportation as air freight forwarders of used household goods,[2] was granted upon the condition that such carriers file applications in accordance with the provisions of Part 296 and/or Part 297 of the Board's Economic Regulations on or before April 15, 1965. Subsequently, the Board granted the same relief to other DOD carriers.[3]

By subsequent orders the Board extended the temporary relief granted in Orders E-21883, E-22079, and E-22269 until April 17, 1967.[4] The Board noted that many of the applications filed by DOD carriers posed policy issues awaiting final resolution by the Board and that DOD had advised the Board that it needed the services of the carriers relieved by the foregoing orders until a final decision is reached with respect to the policy issues raised by their applications.[5]

It now appears that processing of some of the applications filed by DOD carriers cannot be completed prior to the expiration date of the temporary relief. Furthermore, the Board has not yet resolved the policy issues raised by some of the applications filed by DOD carriers. Accordingly, we find it in the public interest to extend the relief for these DOD carriers for the reasons given in our previous extension orders.[6]

Accordingly, it is ordered:

1. Pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, the air freight forwarder applicants listed in Appendix A are hereby relieved from the provisions of Title IV and section 610(a)(4) of the Act from April 17, 1967, through October 16, 1967, or until the date the application for operating authorization is granted, denied, or dismissed, whichever occurs first, to the extent necessary to transport by air used household goods of personnel of the Department of Defense upon tender by the Department;

2. The relief granted in ordering paragraph 1 will not be renewed or extended beyond the termination date of October 16, 1967, for any applicant who has not been granted operating authorization by that date: *Provided*, That the Board may extend such relief in cases in which applicant has been granted additional time to respond to requests for supplemental information necessary to process his application;

3. The transportation services performed pursuant to the authority granted herein do not constitute an activity of a continuing nature within the meaning of section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c);

4. This order may be amended or revoked at any time in the discretion of the Board without hearing; and

5. Copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and all persons listed in Appendix A below.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A

Air Van Lines, Inc. (Alaska), 135 North Post Road, Anchorage, Alaska.
Allied Van Lines, Inc., 25th Avenue and Roosevelt Road, Broadview, Ill.
American Ensign Van Service, Inc., 1010 Hawkins Way, El Paso, Tex. 79925.
Asiatic Forwarders, Inc., 3009 16th Street, San Francisco, Calif. 94103.
Container Transport International, Inc., 17 State Street, New York, N.Y. 10004.
Express Forwarding & Storage Co., Inc., 17 State Street, New York, N.Y. 10004.
Fernstrom Storage & Van Co., 5600 North River Road, Rosemont, Ill.
Four Winds Forwarding, Inc., 737 East Artesia Boulevard, Long Beach 5, Calif.
Getz Bros. & Co. (United States), 640 Sacramento Street, San Francisco, Calif. 94111.
HC & D Moving & Storage, 800 South Street, Honolulu, Hawaii.
Imperial Household Shipping Co., Inc., Post Office Box 2125, Torrance, Calif. 90509.
International Sea Van, Inc., 1212 St. George Road, Evansville, Ind. 47703.
Lyon Van Lines, Inc., 3416 South La Cienega Boulevard, Los Angeles, Calif. 90016.
Neptune World Wide Moving, Inc., 55 Weyman Avenue, New Rochelle, N.Y.
North American Van Lines, Inc., Post Office Box 988, Fort Wayne, Ind.
Railway Express Agency, Inc., 219 East 42d Street, New York 17, N.Y.
Richardson Transfer & Storage Co., Inc., 246 North Fifth Street, Salina, Kans.
Shamrock Van Lines, Inc., Post Office Box 5447, Dallas 7, Tex.
Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133.
Suddath Moving & Storage Co., Inc., 315-19 East Bay Street, Jacksonville 2, Fla.
United Van Lines, Inc., 7808 Maplewood Industrial Court, St. Louis 17, Mo.
Von Der Ahe Van Lines, Inc., 600 Rudder Avenue, Fenton, Mo. 63026.
Withers Van Lines of Miami, Inc., 1000 Northeast First Avenue, Miami 36, Fla.

[F.R. Doc. 67-3648; Filed, Apr. 3, 1967; 8:47 a.m.]

[1] Order E-21883.

[2] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals or other establishments, and (2) objects of art (other than personal effects), displays, and exhibits.

[3] See Orders E-22079, Apr. 26, 1965, and E-22269, June 4, 1965.

[4] See Orders E-22544 and E-23210, E-23639, and E-24356, dated Aug. 13, 1965, Feb. 9, May 4, and Nov. 3, 1966, respectively.

[5] See Orders E-22185, May 20, 1965, E-22447, July 16, 1965, and E-22496, Aug. 2, 1965.

[6] Nothing in this order should be construed as a determination of the final disposition to be made of the applications for air freight forwarder authority filed by the carriers relieved by this order. Furthermore, nothing in this order should be construed as an approval of control and interlocking relationships or agreements of the carriers relieved by this order, or their affiliates.

DEPARTMENT OF AGRICULTURE

Forest Service

REGIONAL FORESTERS

Delegation of Authority To Issue Easements, Licenses, Permits, and Leases

Pursuant to the Delegations of Authority and Assignment of Functions by the Secretary of Agriculture dated November 27, 1964 (29 F.R. 16210), there is hereby delegated to the Regional Forester of each Forest Service Region the authority of the Chief of the Forest Service in connection with: (1) Easements under the Act of March 4, 1911 (36 Stat. 1253), as amended (16 U.S.C. 523); (2) licenses and easements under Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 525; 7 U.S.C. 1011(d)); and (3) permits, leases, and easements under the Act of September 3, 1954 (68 Stat. 1146; 43 U.S.C. 931c, 931d): *Provided, however*, That the following provision shall be included in easements for power and communications facilities: That the right-of-way herein granted shall be subject to the express covenant that it may be modified, adapted, or discontinued by the issuing officer, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized use which may be hereafter required under the authority of the United States.

Done at Washington, D.C., March 28, 1967.

EDWARD P. CLIFF,
Chief, Forest Service.

[F.R. Doc. 67-3666; Filed, Apr. 3, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3709 etc.]

KEWANEE OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

MARCH 27, 1967.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 17, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3709 E 3-10-67	Kewanee Oil Co. (successor to Warren American Oil Co., Post Office Box 2239, Tulsa, Okla. 74101.	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	[1] 12.9063	14.65
G-3793 E 3-10-67	do	do	[1] 12.9063	14.65
G-3794 E 3-10-67	do	do	[1] 12.9063	14.65
G-3795 E 3-10-67	do	do	[1] 12.9063	14.65
G-3796 E 3-10-67	do	Arkansas Louisiana Gas Co., Willow Springs Field, Gregg County, Tex.	[1] 12.1880	14.65
G-3797 E 3-10-67	do	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	[1] 12.9063	14.65
G-3798 E 3-10-67	do	do	[1] 12.9063	14.65
G-9663 E 3-10-67	Newdelva Corp. (successor to Hughes River Oil & Gas Co., Box 297, Grantsville, W. Va. 26147.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	20.0	15.325
G-10139 C 3-13-67	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Delta Blocks 95 and 96, Offshore Louisiana.	19.5	15.025
G-11741 E 3-10-67	Newdelva Corp. (successor to Glenn Tompkins, d.b.a. Hardman Farm Oil & Gas Co.).	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	20.0	15.325
G-12945 E 3-10-67	do	do	20.0	15.325
G-19707 C 3-13-67	Cities Service Oil Co.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., NE4 Block 27, South Timballer Area, Offshore Louisiana.	19.5	15.025
CI60-159 C 3-10-67 [2]	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Cities Service Gas Co., Hugoton Field, Seward County, Kans.	16.0	14.65
CI60-448 E 3-10-67	Kewanee Oil Co. (successor to Warren American Oil Co.).	Transwestern Pipeline Co., Lipscomb Field, Lipscomb County, Tex.	17.0	14.65
CI61-369 E 3-10-67	Newdelva Corp. (successor to William I. Forbes, Jr., et al.).	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	25.0	15.325
CI61-728 E 3-7-67	Harvest Queen Mill & Elevator Co. (successor to Joseph E. Newman (Operator) et al.), Post Office Box 1000, Plainview, Tex. 79072.	Panhandle Eastern Pipe Line Co., Plains Townsite Field, Meade County, Kans.	16.0	14.65
CI61-1277 E 3-10-67	Newdelva Corp. (successor to William I. Forbes, Jr., et al.).	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	25.0	15.325
CI61-1470 A 4-10-61 D 4-1-63	Jack P. Rayzor (Operator) et al., Post Office Box 7533, Houston, Tex. 77007.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Pelican Field, Liberty County, Tex.	15.0	14.65
CI61-1567 E 3-9-67	Dallas Resources, Inc. (successor to Heritage Petroleum Corp.), 1100 Vaughn Bldg., Dallas, Tex. 75201.	Florida Gas Transmission Co., North Appling Field, Calhoun County, Tex.	15.5	14.65
CI62-18 E 3-10-67	Newdelva Corp. (successor to William I. Forbes, Jr., et al.).	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	25.0	15.325
CI62-1115 E 3-10-67	do	do	25.0	15.325
CI63-20 D 3-9-67	Humble Oil & Refining Co. (Operator)et al., Post Office Box 2180, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Haskell County, Okla.	Assigned	----------
CI63-234 C 3-14-67	Mobil Oil Corp. (Operator) et al., Post Office Box 2444, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., South Quinton Field, Pittsburg County, Okla.	15.0	14.65
CI63-1414 E 3-10-67	Kewanee Oil Co. (successor to Warren American Oil Co., et al.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[3] 17.0	14.65
CI63-1466 C 3-8-67	La Gloria Oil & Gas Co., Post Office Box 2521, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Wankomis Area, Garfield County, Okla.	15.0	14.65
CI63-1479 E 3-3-67	Webster Myers et al. (successor to Keillor and Clark et al.), 1614 Seventh Ave., Huntington, W. Va. 25703.	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	25.0	15.325
CI63-1582 E 3-10-67	Kewanee Oil Co. (successor to Warren American Oil Co.).	Cities Service Gas Co., North Quinlan Field, Woodward County, Okla.	[4] 17.0	14.65
CI64-132 E 2-3-67	Worldwide Petroleum Corp., a Colorado corporation (successor to Worldwide Petroleum Corp., an Oklahoma corporation), 4150 East Mexico Ave., Denver, Colo. 80222.	Lake Shore Pipe Line Co., Conneaut Township, Erie County, Pa.	27.0	15.02
CI65-215 E 2-8-67	do	Lale Shore Pipe Line Co., Bushnell Field, Erie County, Pa.	27.0	15.025
CI65-262 E 3-10-67	Kewanee Oil Co. (successor to Warren American Oil Co.).	Arkansas Louisiana Gas Co., Northwest Milton Field, Haskell County, Okla.	[5] 15.0	14.65
CI65-301 E 1-9-67 as amended 2-20-67	Robert F. White (successor to Braden-Deem, Inc., agent (Operator) et al.), 714 Union Center Bldg., Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., Lerado Field, Reno County, Kans.	13.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI65-820 C 3-9-67	Oklahoma Natural Gas Co., Post Office Box 871, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., South Bokoshe Field, Le Flore County, Okla.	14.0	14.65
CI65-794 E 2-9-67	Worldwide Petroleum Corp., a Colorado corporation (successor to Worldwide Petroleum Corp., an Oklahoma corporation).	Lake Shore Pipe Line Co., Bushnell Field, Erie County, Pa.	27.0	15.025
CI65-1220 E 2-13-67	Larry Robinson (successor to Cleary Petroleum, Inc. (Operator), et al.), 2600 Lovenskiold, Corpus Christi, Tex. 78409.	Almox Gas Gathering Co., Crane Field, Bee and Live Oak Counties, Tex.	10.5	14.65
CI65-1281 E 3-10-67	Beaufort Chemical Co. of Wyoming, c/o Bradford Rose, attorney, Rose, Marsh & Foster, 725 15th St. NW., Washington, D.C. 20005.	Northern Natural Gas Co., Hugoton Field, Finney County, Kans. Texas Eastern Transmission Corp., Rhode Ranch Field, McMullen County, Tex. Colorado Interstate Gas Co., North Desert Springs Area, Sweetwater County, Wyo.	Depleted	----
CI65-1287 A 3-6-67			14.0	14.65
CI66-558 C 3-6-67	Oklahoma Natural Gas Co.	....do....	15.0	14.65
CI66-912 C 2-17-67 [3]	Banquete Gas Co., a division of Crestmont Oil & Gas Co., 2022 Mission St., San Marino, Calif. 91108.	Union Pacific Railroad Co., c/o Bradford Rose, attorney, 725 15th St. NW., Washington, D.C. 20005.	15.0	14.65
CI66-1003 D 2-20-67	G. H. Vaughn, Jr., and Jack C. Vaughn (Operator) et al., 717 Vaughn Bldg., Dallas, Tex. 75201.	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	----	----
CI67-52 A 7-11-66	Jackson River Oil Co., c/o Mrs. Mildred M. McCabe, 205 North Allegheny Ave., Covington, Va. 24426.	Southern Natural Gas Co., Kokomo Field, Walthall County, Miss.	21.5	15.025
CI67-195 2-13-67 [4] 2-24-67	Southern Union Production Co., Fidelity Union Tower, Dallas, Tex. 75201.	Cities Service Gas Co., Trafas Field, Barber County, Kans.	14.0	14.65
CI67-196 2-12-67 [5] 2-9-67 [7]	....do....	The Manufacturers Light & Heat Co., Liberty District, Marshall County, W. Va.	20.0	15.325
CI67-440 C 3-13-67 [8]	Anadarko Production Co. (Operator) et al., Post Office Box 9317, Fort Worth Tex. 76107.	Northern Natural Gas Co., Hugoton Springs Field, Harper County, Okla.	12.0	14.65
CI67-626 E 2-3-67	Conroe, Inc. (Operator), et al. (successor to South Texas Development Co. (Operator) et al.), 1100 Alamo National Bldg., San Antonio, Tex. 78205.	Kansas-Nebraska Natural Gas Co., Inc., North Shore Field, Logan County, Colo.	[9] 0.1515	15.025
CI67-1001 A 2-9-67	S. A. Lewis, agent, Rural Delivery No. 1, Marianna, Pa. 15345.	The Manufacturers Light & Heat Co., Cornwell Township, Washington County, Pa.	21.5	15.325
CI67-1038 A 2-9-67	W. M. Heiter Lumber Co., Sligo, Pa. 16255.	The Manufacturers Light & Heat Co., acreage in Armstrong County, Pa.	25.0	15.325
CI67-1106 [2] F 2-9-67	Post Oak Oil Co. (successor to Big Chief Drilling Co.), Post Office Box 7814, Oklahoma City, Okla. 73114.	Oklahoma Natural Gas Corp., Ringwood Field, Major County, Okla.	[11] 12.0	4.65
CI67-1177 A 2-24-67	Leota Adrian, agent for Carl J. Adrian, Wind Ridge, Pa.	Natural Gas Co. of West Virginia, Richhill Township, Greene County, W. Va.	20.674	15.025
CI67-1229 A 2-9-67	Edward Calton Evensen and Hulda Elizabeth Evensen, 2141 Sutter St., San Francisco, Calif. 94115.	El Paso Natural Gas Co., Blanco Mesaverde Pool, San Juan County, N. Mex.	11.0	15.025
CI67-1230 A 2-9-67	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Cities Service Gas Co., Bishop Area, Roger Mills County, Okla.	15.0	14.65
CI67-1231 B 2-9-67	Logue and Patterson, c/o Sherman S. Poland, attorney, Ross Building, 724 15th St. NW., Washington, D.C. 20005.	Lone Star Gathering Co., South Wesatche Field, Goliad County, Tex.	[12]	----
CI67-1232 B 2-9-67	C. H. Lyons, Jr., et al., 1500 Beck Bldg., Shreveport, La. 71102.	Arkansas Louisiana Gas Co., South Hallsville Field, Harrison County, Tex.	[13]	----

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-1258 A 3-15-67	J. W. Ayers Gas & Oil Co., c/o Glen B. Keller, 1665 Woodward Ave., Lakewood, Ohio 44107.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325

[1] Subject to deduction (up to 1.5 cents per Mcf) for compression.
[2] Adds acreage and casinghead gas from the Harrell No. 1 well.
[3] Subject to upward and downward B.t.u. adjustment.
[4] Buyer pays seller 1 cent per Mcf of gas delivered and received hereunder for dehydrating and delivering gas to point of delivery.
[5] Adds production attained from Huisache Operating Co. (Operator) et al., in Docket No. CI67-871.
[6] Applicant is filing to cover its own interest which was previously covered under the Operator's (Roy E. Kimsey) certificate in Docket No. CI62-1272.
[7] Amendment to application filed to reflect a total initial rate of 14.5 cents in lieu of the original proposed rate of 15.5 cents per Mcf.
[8] Applicant is filing to cover its own interest which was previously covered under the Operator's (Claud E. Aikman) certificate in Docket No. G-17901.
[9] Adds interest of coowners.
[10] Includes 6.41 cents per Mcf retained by buyer until buyer has recovered 100 percent of cost of connecting facilities.
[11] National Fuels Corp. purchases liquids extracted from Applicant's gas at the Ringwood Gasoline Plant.
[12] Rate in effect subject to refund in Docket No. RI67-135.
[13] Gas will no longer be sold in interstate commerce.
[14] Well ceased to produce.
[15] Applicant pays a gathering, compression and delivery charge of 7.5 cents per Mcf to Kansas Western Gas Co., Inc.

[F.R. Doc. 67-3587; Filed, Apr. 3, 1967; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT SECRETARY FOR RENEWAL AND HOUSING ASSISTANCE

Designation

The officers appointed to, or designated to serve as Acting during a vacancy in, the following listed positions are hereby designated to serve as Acting Assistant Secretary for Renewal and Housing Assistance during the absence of the Assistant Secretary for Renewal and Housing Assistance, with all the powers, functions, and duties delegated or assigned to the Assistant Secretary for Renewal and Housing Assistance, provided that no officer is authorized to serve as Acting Assistant Secretary for Renewal and Housing Assistance unless all other officers whose appointed, or designated Acting, position titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Secretary for Renewal and Housing Assistance.

2. Deputy Assistant Secretary for Renewal Assistance.

3. Deputy Assistant Secretary for Housing Assistance.

4. Chief Counsel, Renewal Assistance Administration.

5. General Counsel, Housing Assistance Administration.

(Sec. E of Secretary's delegation effective July 1, 1966 (31 F.R. 8965, June 29, 1966))

Effective date. This designation shall be effective as of April 4, 1967.

DON HUMMEL,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 67-3649; Filed, Apr. 3, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 67-368]

FOREIGN LANGUAGE PROGRAMS

Broadcasters Cautioned To Exercise Adequate Control

MARCH 30, 1967.

The Commission cautions broadcasting stations to maintain adequate controls over their foreign language programing.

Essential to the exercise of proper licensee responsibility in this matter is knowledge of the content of such broadcasts. Commission inquiry reveals that a number of licensees have no familiarity with the foreign languages and, thus, no knowledge of the content of such broadcasts. They explain their practices as follows: (1) They permit only persons of established reputation for judgment and integrity to use their facilities; (2) copies of commercial announcements used on foreign language programs must be submitted in advance in English translation; (3) recordings of all programs are made and retained for future reference. We do not regard such procedures, in and of themselves, as sufficient to insure licensee knowledge of and control over foreign language programing.

Licensee responsibility requires that internal procedures be established and maintained to insure sufficient familiarity with the foreign languages to know what is being broadcast and whether it conforms to the station's policies and to requirements of the Commission's rules.

Failure of licensees to establish and maintain such control over foreign language programing will raise serious questions as to whether the station's operation serves the public interest, convenience and necessity.

Adopted: March 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3654; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket Nos. 17067, 17068; FCC 67M-474]

ARCH THISTLE AND TESCO COMMUNICATIONS

Order Designating Dates Governing Conference and Hearing

In re applications of Arch Thistle, El Centro, Calif., Docket No. 17067, for renewal of Radiotelephone First Class and Radiotelegraph Second Class Operator Licenses; Tesco Communications, El Centro, Calif., Docket No. 17068, for authorizations in the Business of Radio Service.

It is ordered, This 20th day of March 1967 that a prehearing conference will be held at 10 a.m. on April 26, 1967, and that hearing will commence at 10 a.m. April 27, 1967. Both conference and hearing will be held in El Centro, Calif.

Released: March 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3651; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket Nos. 17302, 17303]

BELL TELEPHONE COMPANY OF PENNSYLVANIA AND CONESTOGA TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of The Bell Telephone Company of Pennsylvania, Docket No. 17302, File No. 1688-C2-P-66, for a construction permit to modify the facilities of Station KGA585 in the Domestic Public Land Mobile Radio Service at Philadelphia, Pa.; The Conestoga Telephone and Telegraph Company, Docket No. 17303, File No. 679-C2-P-66, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service near Boyertown, Pa.

1. The Commission, by its Chief of the Common Carrier Bureau, acting under delegation of authority, pursuant to § 0.292(a) of the Commission's rules, has before it for consideration: (a) An application filed September 15, 1965 by The Bell Telephone Company of Pennsylvania (hereinafter Pennsylvania Bell) for a construction permit to modify the facilities of Station KGA585, presently

[1] Commissioner Wadsworth absent.

providing two-way and one-way communications service in the Domestic Public Land Mobile Radio Service at Philadelphia, Pa., by adding an additional channel for two-way communications, on frequency 152.54 Mc/s.[1] Pennsylvania Bell also requests authorization for an auxiliary test station on frequency 157.80 Mc/s and adding frequency 152.54 Mc/s as an additional frequency to its standby transmitter; and (b) an application filed August 5, 1965 by The Conestoga Telephone and Telegraph Co. (hereinafter Conestoga) to establish a new two-way communications service in the Domestic Public Land Mobile Radio Service near Boyertown, Pa., on frequencies 152.54 Mc/s (base) and 157.80 Mc/s (mobile) and the associated mobile frequencies.[2] Conestoga asked a waiver of §§ 21.118(d), 21.205(h)(3), and 21.208(g) of the Commission's rules to permit the base station to be operated during the normal rendition of service without (1) operating personnel on duty and in charge of the radio system, and (2) maintenance of an operation log book.

2. Pennsylvania Bell and Conestoga are each seeking to provide two-way communications service on the same frequencies in the same general area; and it appears that these applications are mutually exclusive by reason of potential harmful electrical interference (the base stations would be approximately 39 miles apart). Therefore, a comparative hearing is required to determine whether a grant to any or all of the applicants would serve the public interest, convenience, and necessity.

3. Section 21.504 of the rules and regulations of this Commission describes a field strength contour of 37 decibels above 1 microvolt per meter as the limit of reliable service area for base stations engaged in two-way communications service; and it appears that the Commission's Report No. T.R.R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures and propagation data set forth therein are a proper basis for establishing the location of such service contours (F50, 50) and the areas of electrical interference therein for the 150–160 Mc/s band facilities involved in this proceeding. The procedures set forth in the Commission's Report No. T.R.R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band," and use of the (F50, 50) radio wave propagation charts for TV Channels 2–6, 14–83 (contained in Part 73 of the Commission's rules and Commission's sixth report and order in Docket Nos. 8736 et al.) adjusted downward in field strength by 6 decibels to compensate for the change in receiving antenna to 6 feet above ground in lieu of the 30 feet height for which the charts were drawn, are proper for evaluation of the service contours (F50, 50) for the 35 to 43 Mc/s band base station.

4. It also appears that except for the matters placed in issue herein, both applicants are financially, technically, legally, and otherwise qualified to render the services they have proposed.

5. Accordingly, in view of our conclusions above: *It is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine whether any harmful interference (within the 37 dbu contours of the proposed base stations, based upon the standards set forth in par. 3 above) would result from simultaneous operations on the frequencies 152.54 Mc/s and 157.80 Mc/s by Pennsylvania Bell and Conestoga, including the geographic areas of such interference, and if so, whether such interference would be intolerable or undesirable.

(b) To determine on a comparative basis, the nature and extent of the service, proposed by each applicant including the rates, charges, personnel, practices, classifications, regulations, and facilities pertaining thereto.

(c) To determine the nature and extent of services now rendered by Pennsylvania Bell, utilizing the facilities of Station KGA585; and to determine the area served by each existing channel currently authorized for said facilities, based upon the standards set forth in paragraph 3 above; and to determine the capacity of and the normal message traffic load on each of the said channels.

(d) To determine, on a comparative basis, the areas and the populations therein, that Pennsylvania Bell and Conestoga propose to serve within their respective 37 dbu contours, based upon the standards set forth in paragraph 3 above; and to determine the need for the proposed services in said areas.

(e) To determine, in light of the evidence adduced on all the foregoing issues, whether or not the public interest, convenience or necessity will be served by a grant of any or all of the captioned applications, and the terms or conditions which should be attached thereto, if any.

6. *It is further ordered*, That the burden of proof on issues (a), (b), (d), and (e) is placed on the respective applicants herein; and the burden of proof on issue (c) is placed upon Pennsylvania Bell.

7. *It is further ordered*, That the parties desiring to participate herein shall file their notice of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: March 6, 1967.

Released: March 29, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3652; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket No. 17141; FCC 67M-512]

BRANDYWINE-MAIN LINE RADIO, INC.

Order Pursuant to Prehearing Conference

In re applications of Brandywine-Main Line Radio, Inc., for renewal of licenses of Stations WXUR and WXUR-FM, Media, Pa., Docket No. 17141, File Nos. BR-4178 and BRH-1320.

On March 21, 1967, a prehearing conference was held in the above-captioned proceeding. The primary purpose was to establish a schedule for the hearing which will be held in Media, Pa. As explained by counsel for several parties, other hearing commitments would make it impossible to commence this proceeding and to carry through without interruption prior to September 11, 1967;

Accordingly, it is ordered, This 24th day of March 1967, that the hearing will commence on September 11, 1967, at 10 a.m. in Media, Pa.

Released: March 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3653; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket No. 15461 etc.; FCC 67R-120]

CHAPMAN RADIO AND TELEVISION CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of William A Chapman and George K. Chapman, doing business as Chapman Radio and Television Co., Homewood, Ala., Docket No. 15461, File No. BPCT-3282; Alabama Television, Inc., Birmingham, Ala., Docket No. 16760, File No. BPCT-3706; Birmingham Broadcasting Co., Birmingham, Ala., Docket No. 16761, File No. BPCT-3707; for construction permit for new television broadcast station; Birmingham Television Corp. (WBMG), Birmingham, Ala., Docket No. 16758, File No. BPCT-3663, for modification of construction permit.

1. The above-captioned applications were designated for hearing by order, FCC 66-636, released July 20, 1966. In the designation order, the Commission pointed out, among other things, that the application of Chapman Radio & Television Co. (Chapman) reflected that it would require cash in an amount of $40,285 to construct its proposal, and $50,000 to operate for 1 year, and was relying upon an expired $100,000 bank loan commitment to meet these requirements. Therefore, the Commission specified an issue to determine whether an extension of the bank loan could be obtained. Subsequently, by memorandum opinion and order, FCC 66R-408, 5 FCC 2d 392, the Review Board added an issue to determine the reasonableness of Chapman's estimated costs of first year's operations. Presently before the Board is a petition, filed by Birmingham Television Corp. (WBMG) on December 14, 1966, requesting that the Review Board either add a general financial issue against Chapman, or, in the alternative clarify the existing issues to permit an inquiry into Chapman's estimated costs of construction.[1]

2. In support of its request, WBMG alleges that Chapman has been permitted to show its total cash available, and it would be incorrect to consider these funds unless the overall picture of Chapman's cash needs are established on the record; that the equipment proposal in Chapman's application relates to a previously filed proposal for Channel 54, not the subject proposal for Channel 21; that the equipment Chapman is proposing to purchase for $80,308.40 is used equipment, and there is no assurance that such equipment will be available;[2] that one of Chapman's principals testified at the hearing that the sales tax on the equipment, which amounts to $3,212.34, could be added to the cost of the equipment and paid under the deferred credit arrangements, whereas the equipment proposal states that such taxes will be billed separately and are due and payable at the time of delivery; that a Chapman exhibit, which was not received in evidence, shows that Chapman has failed to budget any amounts for preoperational salaries, utilities, rent, or other expenses; that while Chapman's $100,000 loan commitment indicates that it is to be repayable over a 5-year period, no allowance has been made for repayment of principal or interest during the first year; and that Chapman's estimate of $5,000 for legal expenses is unreasonable since this estimate was made while Chapman was applying for Channel 54, which involved a two-applicant hearing, and Chapman is now involved in a four-applicant hearing.

3. Alabama Television, Inc. (ATI), supports the request to add a general financial issue against Chapman based on the following allegations: Chapman's application and the testimony of its principals indicate that at least $127,560 will be required to construct its proposal and operate for one year, consisting of $20,077 for a down payment on equipment; $12,907 for nine installments on equipment; $3,614 in interest; $150 for freight; $3,212 for sales taxes; $5,000 for land and remodeling buildings; $5,000 for legal expenses; $26,500 for interest and principal on the $100,000 bank loan; and at least $51,100 for operating expenses, which are already in issue. However, ATI contends, Chapman will have available only $123,109, consisting of the $100,000 bank loan, and $23,109 of liquid assets over current liabilities reflected in the October 27, 1966, balance sheets of Chapman's principals.

4. In opposition, Chapman contends that the subject petition should be denied because it is late and no good cause for the lateness has been established; that the equipment proposed for Channel 54 can be adapted to Channel 21 at no additional cost;[3] that the $80,308.40 equipment cost estimate should be reduced by $8,500, since one of Chapman's principals testified that the antenna proposed is already on hand and will not have to be purchased; that the testimony reflects that Chapman now has available $53,438.24 in cash, which is approximately $40,000 more than it had available when the application was filed in December of 1963; and that the allegation that Chapman will have to repay $26,500 in principal and interest on the loan during the first year of operation is "purely speculative." Since the cost of first year's operations will be approximately $50,000, Chapman argues, it will have a cushion of over $100,000 to meet "unforeseen contingencies." The Broadcast Bureau, in its comments, urges the Board to add $3,212.34 to Chapman's proposed costs of construction (legal fees and sales taxes), but to deny the request to expand the financial issue.

5. As pointed out by Chapman, the Examiner ruled, on September 2, 1966, that he would not allow an inquiry into the reasonableness of Chapman's estimated construction costs under the existing financial issues. However, testimony elicited at the hearings starting on December 5, 1966, did reveal for the first time that Chapman had not provided for certain items of expense, such as preoperational costs and sales taxes on the equipment. The Board is of the opinion, therefore, that although WBMG's request for clarification of issues is inexcusably late, good cause exists for the tardiness of its request for enlargement of issues. In the designation Order, the Commission noted that Chapman's application reflects construction costs of $40,285. From our review of the subject pleadings, however, it is clear that this figure is no longer accurate, that Chapman will require a minimum of $45,657[4] for construction, and this figure does not take into account any preoperational or increased legal expenses, and assumes that Chapman will be required to make only six equipment payments during the first year of operation.[5] Although it can be explored under existing issues, it appears that Chapman may have also substantially underestimated its first year's operating costs since no funds have been budgeted to make payments on the proposed $100,000 loan during the first year. The commitment letter states that the loan will be repaid on the basis of equal monthly installments for a period of 5 years. In the absence of some evidence to the contrary, we agree with WBMG that it is reasonable to assume that repayments will begin during the first year of operation. Finally, Chapman may require and is definitely relying upon the availability of funds substantially in excess of the $112,000 specified in its application. Under all of these circumstances, we believe that a general inquiry into Chapman's financial qualifications is warranted.

Accordingly, it is ordered, This 27th day of March 1967, that the petition to add general financial issue or for clarification of issues, filed on December 14, 1966, by Birmingham Television Corp. (WBMG) is granted; and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the basis of Chapman Radio and Television Co.'s estimated costs of construction and first year's operation, and whether such estimate is reasonable.

(b) To determine whether Chapman Radio and Television Co. has sufficient funds available to meet the cost of construction and first year's operation.

(c) To determine, in the event that Chapman Radio and Television Co. will depend upon operating revenues to meet costs and first year's operating expenses, the basis of its estimated revenues for the first year of operation, whether such estimate is reasonable, and the extent to which net operating revenues may be relied upon to yield necessary funds for the initial construction and 1 year's operating cost.

It is further ordered, That the burden of proof under the added issues shall be upon Chapman Radio and Television Co.

Released: March 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3655; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket Nos. 16965, 16966; FCC 67R-111]

DU PAGE COUNTY BROADCASTING, INC., AND CENTRAL DU PAGE COUNTY BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Du Page County Broadcasting, Inc., Elmhurst, Ill., Docket

[1] Station KGA585 now provides two-way communications service on paired frequencies 35.66, 152.51, 152.63, 152.69, 152.75, and 152.81 Mc/s (base) and 43.66, 157.77, 157.89, 157.95, 158.01, and 158.07 Mc/s (mobile and test); and the associated mobile frequencies 43.26, 43.30, 43.34, 43.38, 43.42, 43.54, 157.83, 157.86, 157.92, 157.98, and 158.04 Mc/s.

[2] The associated mobile frequencies are 157.77, 157.83, 157.86, 157.89, 157.92, 157.95, 157.98, 158.01, 158.04, and 158.07 Mc/s.

[1] Also before the Review Board are: (a) Statement in support, filed Dec. 27, 1966, by Alabama Television, Inc.; (b) opposition to petition, filed Jan. 11, 1967, by Chapman; (c) comment on petition, filed Jan. 12, 1967, by the Broadcast Bureau; and (d) reply to opposition and comment, filed Jan. 24, 1967, by WBMG.

[2] WBMG points out that a note in the equipment proposal states that "availability and delivery [of the equipment] will be quoted upon receipt of firm order."

[3] Chapman submitted a letter to this effect from a representative of the equipment supplier.

[4] $3,212 for taxes; $20,077 for down payment on equipment; $8,804 for six equipment installments; $3,614 for interest on deferred balance; $150 for freight; $5,000 for land and buildings; and $5,000 for legal fees.

[5] Chapman's equipment contract requires a down payment of 25 percent of the purchase price and the balance in 42 monthly installments beginning 6 months after delivery.

[1] Board Member Kessler not participating.

No. 16965, File No. BP-16292; Howard L. Enstrom and Stanley G. Enstrom, doing business as Central Du Page County Broadcasting Co., Wheaton, Ill., Docket No. 16966, File No. BP-16465; for construction permits.

1. This proceeding involves two mutually exclusive applications for construction permits to establish new standard broadcast stations operating daytime only on 1530 kc/s in Elmhurst, Ill., and Wheaton, Ill., respectively. By memorandum opinion and order, released November 7, 1966 (FC 66-958), the above-entitled applications were designated for hearing on an areas and populations issue, a section 307(b) issue, and a contingent comparative issue. Central Du Page County Broadcasting Co. (Central Du Page) on November 25, 1966, petitioned to enlarge the issues as to the application of Du Page County Broadcasting, Inc. (Du Page County). The requested issues would inquire into (1) the availability of sufficient land for the Du Page County transmitter site, (2) the character qualifications of Du Page County, (3) the feasibility of the adjustment of the Du Page County directional antenna array, and (4) the financial qualifications of Du Page County.[1]

Sufficiency of site. 2. Central Du Page contends that Du Page County's proposed transmitter site is not of sufficient size to permit the construction of the two proposed towers and the ground system; that the land surrounding the proposed transmitter site is owned by the Illinois State Toll Highway Commission; and that Du Page County apparently has not made any effort to determine whether or not the additional land required would be available to it.[2] In opposition, Du Page County has submitted a plat, prepared by a licensed surveyor, attempting to show that the site is adequate to accommodate the installation of a directional antenna array with only minor clipping of the ground system; and a letter from the Director of Engineering of the Highway Commission, indicating that the Commission would look favorably upon the installation of the ground radials on its property. Central Du Page's engineering affidavit, appended to its reply, indicates that the boundary of the land Du Page County proposes to use for its directional antenna array differs from that claimed by the applicant; that the ground radials would extend over the paved public roads; that the guy wire anchors would not all fit within the property lines; and that its engineer's experience with the State of Illinois in seeking permission to cross paved public roads differs from that of the Du Page County engineer. In view of the conflicting assertions as to the location of the boundary of the land upon which Du Page County proposes to erect its directional antenna array, and as to the sufficiency of land available upon which the proposed ground radials may traverse, it is necessary to inquire into the matter. The Board therefore will grant this request and will add the issue as urged by the Broadcast Bureau.

Character qualifications. 3. Central Du Page contends that prior to the selection of the present transmitter site, Du Page County had, in an amendment filed on March 16, 1965, specified a site that was owned by the "Oak Brook Development Corporation," but sold in April 1965, to the Commonwealth Edison Co.; that the Edison Co. plans to erect a power substation on this site; that Du Page County did not amend the application to reflect another site until April 6, 1966; and that this apparent unavailability of the previous site coupled with the lack of any serious effort to ascertain the availability of its present site evince either a willingness to deceive the Commission or an indifference to its rules. With regard to its former site, Du Page County, in opposition, submitted a letter from one Michael Butler, who states that he is the "Vice President of Oak Brook Development Corp.;" that in early 1965, a parcel of land was committed to Frank Blotter,[3] Du Page County's president and principal stockholder, for use as a site; and that, although the corporation has sold other parcels of land in the immediate area of the site, the land committed for use to Du Page County was not affected.

4. In reply, Central Du Page submitted a letter from the "Administrative Assistant" of "Oak Brook Development Co.," who states that the company is a joint venture, not a corporation; that it does not have a vice president; and that there has been no inquiry "for the legitimate purpose of radio antennas." Moreover, Central Du Page alleges, its continuing investigation has revealed that Du Page County has an option to purchase its present site for $10,000; in its March 16, 1965, amendment, Du Page County indicated that its site was to be leased; and this aspect of the application has not been changed. Finally, Central Du Page alleges that in a recent divorce settlement, Blotter lost all claim to his residence, which was the principal asset listed on his balance sheet, and that Du Page County has not amended its application to reflect this change in Blotter's financial status. These actions, Central Du Page urges, warrant the addition of an issue to determine whether there have been any false statements, misrepresentations, or lack of candor. Du Page County, in response to the allegations contained in Central Du Page's reply (see note 1, supra), submitted another letter from the administrative assistant of the Oak Brook Development Co., in which he states that the joint venture consists of two corporations, one of which is Paul Butler Properties, Inc., and that the Oak Brook Development Corp. is a separate and distinct entity from the Oak Brook Development Co. Blotter, in an affidavit accompany the pleading, states, with regard to the present site, that while Du Page County intends to purchase the land, it also intends to assign it to a third party and lease it back. Blotter also states that he has not yet assigned his interest in his residence pursuant to the divorce settlement, and, when the transfer takes place, an appropriate amendment will be filed.

5. The Board is of the opinion that the allegations of Central Du Page do not warrant the requested issue. With regard to the former site, Blotter appears to have obtained reasonable assurance from an individual representing that he was an officer in the company that apparently owned the land, that this land would be available for use as a site; and there is no indication that Blotter was aware of the subsequent sale of the site (if in fact it was sold). Whether or not that individual actually had authority to make the commitment or the site is still available need not concern us since Du Page County is no longer specifying that site. In addition, there is no allegation that the representation made in Du Page County's March 1965 amendment, that the site specified therein (the former site) was to be leased was not correct. We agree with Central Du Page that, when Du Page County, in its April 1966 amendment, specified a new site, it should have set forth all of the arrangements for obtaining that site. However, the fact that it ultimately intends to lease the new site, and that even if the site were to be purchased it would have no adverse effect on Du Page County's financial qualifications (see par. 7, infra), persuades us that this dereliction is not so serious as to require further consideration. Finally, Blotter's explanation for the failure to report the terms of the divorce settlement, considered in light of Du Page County's financial proposal, is adequate to rebut any adverse inferences that might otherwise have been raised by this omission.

Feasibility of directional antenna system. 6. Central Du Page alleges that the MEOV's specified by Du Page County are not adequate to insure that the directional antenna system will operate as proposed, and that there are serious doubts as to whether the Du Page County proposal can accomplish the degree of protection to existing stations required by the Commission's rules. Du Page County, in opposition, states the MEOV's specified are realistic and in accord with good engineering practice, and, since it does not propose to exceed its MEOV's, no difficulty is anticipated in adjusting or monitoring its antenna system, and no special monitoring or metering equipment will be required to keep the current ratios and phasing within the limits necessary for adjustment of directional antenna pattern. It argues that the specification of MEOV's is a matter of engineering judgment and speculative allegations of inadequacy do not constitute a sufficient basis for enlargement of issues, citing KFOX, Inc. (KFOX), FCC 65R-103, 4 R.R. 2d 869 (1965). Central Du Page replies in its engineering affidavit that the inadequate size of Du Page County's proposed transmitter site would affect the shape of the directional antenna radiation pattern and the MEOV's; that Du Page County overlooks the inherent errors in the metering equipment; and that the difference of 1.7 mv/m between the theoretical value and the MEOV is so small that it is difficult to maintain the proposed restrictive operation without special monitoring or metering equipment. The numerous questions raised concerning the directional antenna system proposed by Du Page County, especially those involving the adequacy of the proposed antenna site and the adverse effects resulting therefrom, in the light of all the pleadings, can be most satisfactorily resolved in the hearing proceeding. Thus, the Board will grant the request and will add the issue as urged by the Broadcast Bureau.

Financial qualifications. 7. Central Du Page contends that Du Page County's apparent lack of the necessary land to construct its proposed antenna, the fact that its proposed site will be purchased instead of leased, and the fact that Blotter's personal financial condition has changed raise questions regarding Du Page County's financial proposal, and warrant the addition of a financial issue. An examination of Du Page County's amended application reveals that it will require $88,212 in order to construct its proposed station and operate it for 1 year; and that it has funds available in the amount of $110,000. Of this amount, Blotter himself is committed for $5,100 in stock subscriptions;[4] Blotter's sister is committed to purchase $4,900 in stock; and three individuals, including Blotter's sister, are committed to lend the corporation a total of $100,000.[5] There is no indication that any of these commitments are dependent upon Blotter's personal financial condition; and, in view of Blotter's limited financial participation in the applicant, we have no reason to suspect that the commitments would hinge on this factor. Thus, even assuming arguendo that Du Page County has underestimated its financial requirement by $10,000 (the amount required to purchase the site), adequate funds appear to be available.[6] The request for a financial issue will therefore be denied.

Accordingly, it is ordered, This 22d day of March 1967, that the petition to enlarge issues, filed November 25, 1966, by Howard L. Enstrom and Stanley G. Enstrom, doing business as Central Du Page County Broadcasting Co., is granted to the extent indicated below and is denied in all other respects; and

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

To determine what land is available to Du Page County Broadcasting, Inc., for a transmitter site, and whether the land that is available is sufficient to effectuate its proposal.

To determine whether Du Page County Broadcasting, Inc., would be able to maintain its directional antenna system within the maximum expected operating values of radiation as proposed; and

It is further ordered, That the burden of proceeding and the burden of proof under the issues added herein shall be upon Du Page County Broadcasting, Inc.

Released: March 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3656; Filed, Apr. 3, 1967; 8:48 a.m.]

[1] The following related pleadings are also before the Board: (a) Opposition of Du Page County, filed Jan. 13, 1967; (b) Broadcast Bureau's comment, filed Jan. 13, 1967; (c) reply of Central Du Page, filed Feb. 13, 1967; and (d) reply to (c), filed Mar. 9, 1967, by Du Page County. Although the Board would not ordinarily consider a response to a reply pleading, Central Du Page's reply raises various new matters, and therefore the pleading in response to the reply will be accepted.

[2] This contention is supported by a letter from an assistant attorney general of the State of Illinois indicating that Du Page County does not presently have any option for property owned by the Illinois State Toll Highway Commission.

[3] Du Page County's application indicates that although Blotter spells his name "Blotter" for business purposes, the legal spelling is "Blatter."

[4] Blotter submitted a letter from his sister agreeing to lend him $6,000 for this purpose.

[5] Balance sheets from the individuals support their ability to make the loans.

[6] If it develops, under the evidence adduced regarding Du Page County's proposed site, that Du Page County will need to acquire more land, and the additional cost would exceed Du Page County's surplus funds, an appropriate request for a financial issue could be filed. However, we agree with the Broadcast Bureau that it would be premature to specify such an issue at this time.

[Docket Nos. 17243-17250; FCC 67M-511]

KITTYHAWK BROADCASTING CORP. ET AL.

Order Continuing Hearing

In re applications of Kittyhawk Broadcasting Corp., Kettering, Ohio, Docket No. 17243, File No. BP-16603; The Gem City Broadcasting Co., Kettering, Ohio, Docket No. 17244, File No. BP-16877; Western Ohio Broadcasting Service, Inc., Eaton, Ohio, Docket No. 17245, File No. BP-16816; Treaty City Radio, Inc., Greenville, Ohio, Docket No. 17246, File No. BP-16881; James L. Schmalz, Phyliss Ann Schmalz, James I. Toy, Jr., and Thomas A. Gallmeyer, doing business as Bloomington Broadcasting Co., Bloomington, Ind., Docket No. 17247, File No. BP-16876; Voice of the Ohio Valley, Inc., Louisville, Ky., Docket No. 17248, File No. BP-16878; W. V. Ramsey and Lewis Young, doing business as Shively Broadcasting Co., Shively, Ky., Docket No. 17249, File No. BP-16738; Albert S. Tedesco (WWCM), Brazil, Ind., Docket No. 17250, File No. BP-16669; for construction permits.

The Hearing Examiner having under consideration the necessity of changing the date for commencement of hearing;

It appearing, that a prehearing conference was held on March 24, 1967, at which time further proceedings were discussed with the result that a change in the date for commencement of hearing was agreed upon;

It is ordered, This 27th day of March 1967, that a further prehearing conference will be held on May 19, 1967, and the date for commencement of hearing is changed from May 15, 1967, to July 6, 1967.

Released: March 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3657; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket Nos. 17178-17180; FCC 67M-513]

LAWRENCE COUNTY BROADCASTING CORP. ET AL.

Order Regarding Procedural Dates

In re applications of Lawrence County Broadcasting Corp., New Castle, Pa., Docket No. 17178, File No. BP-16602; Brownsville Radio, Inc., Brownsville, Pa., Docket No. 17179, File No. BP-16648; Shawnee Broadcasting Co., Aliquippa, Pa., Docket No. 17180, File No. BP-16880; for construction permits.

To formalize the agreements and rulings made on the record at a prehearing conference held on March 24, 1967, in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 24th day of March 1967, that:

Preliminary exchange of engineering exhibits is scheduled for May 29, 1967;

Final exchange of engineering and 307(b) exhibits is scheduled for June 6, 1967;

Rebuttal exhibits, if any, are to be exchanged on June 13, 1967;

Notification of witnesses is scheduled for June 15, 1967; and

Hearing presently scheduled for April 26, 1967, is continued to June 27, 1967.

Released: March 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3658; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket Nos. 17316, 17317; FCC 67-362]

ROVAN TELEVISION, INC., AND ROMAC MACON CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Rovan Television, Inc., Macon, Ga., Docket No. 17316, File No. BPCT-3571; Romac Macon Corp., Macon, Ga., Docket No. 17317, File No. BPCT-3684; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 22d day of March 1967;

1. The Commission has before it for consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 24, Macon, Ga.

2. With respect to the issues set forth below the following considerations are pertinent:

Based on the information contained in the application of Rovan Television, Inc., cash in the amount of $247,460 will be needed for the construction and first-year operation of the proposed station, consisting of down payment on equipment—$64,500; first-year payments on equipment including interest—$20,640; auxiliary standby facilities—$6,500; building—$10,000; miscellaneous expenses—$16,000; first-year cost of operation—$130,000. To meet the cash requirements, the applicant relies upon the availability of a loan of up to $320,000 from stockholder John Van Drill, a loan of up to $200,000 from stockholder Robert Helft, a loan of $60,000 from La Casa De Moda, Ltd., and estimated first-year revenues of $100,000. The applicant has demonstrated the availability of the $60,000 loan from La Casa De Moda, Ltd. While the applicant has shown that John Van Drill has $205,906 in liquid and current assets in excess of his current liabilities, since $75,950 of his funds have been committed in connection with the construction of Television Broadcast Station WPDT, Channel 15, Florence, S.C., only $129,956 is available to meet his commitment with respect to the construction of the proposed station. Similarly, while the applicant has demonstrated that Robert Helft has $71,476 in liquid and current assets in excess of his current liabilities, since $25,950 of his funds have been committed for the construction of Television Broadcast Station WPDT, only $45,526 is available to meet his commitment in connection with the construction of the proposed station. It should be noted that while Robert Helft relies upon the availability of a $25,000 loan from Robert Marmet in order to meet his commitment to the applicant, it cannot be determined that the loan is available since the financial statement submitted by Robert Marmet in support of his ability to lend the funds does not comply with the requirements of section III, paragraph 4(d), FCC Form 301. Furthermore, while the applicant has submitted information in an effort to support its estimate of revenues, the Commission does not believe that the information submitted does, in fact, demonstrate the soundness of the estimate of revenues as required by the Commission in Ultravision Broadcasting Co., FCC 65–581, 5 RR 2d 343. Accordingly, since the applicant requires cash in the amount of $247,460 and has only shown the availability of $235,482, financial issues have been specified.

3. There appears to be a significant disparity in the proposed Grade B contours of the applications. In accordance with the Commission's policy, evidence with respect to which of the proposals would represent a more efficient use of the frequency may be adduced under the comparative issue.[1]

4. The transmitter proposed by Romac Macon Corp. has not been type-accepted by the Commission. Accordingly, in the event of a grant of the application of Romac Macon Corp., the grant shall be made subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type-acceptance of the proposed transmitter in accordance with the requirements of § 73.640 of the Commission's rules.

5. Romac Macon Corp. proposes to locate its main studios outside of the corporate limits of Macon, Ga., for economic reasons. We believe that good cause has been shown for so locating the main studios and that the location proposed would not be inconsistent with operation of the station in the public interest. We will provide, therefore, that in the event of a grant of the application of Romac Macon Corp., the Commission's consent to the location will be granted, pursuant to § 73.613(b) of the rules.

6. Romac Macon Corp. is qualified to construct, own, and operate the proposed new television broadcast station and, except as indicated by the issues set forth below, Rovan Television, Inc., is qualified to construct, own, and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Rovan Television, Inc., and Romac Macon Corp. are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine, with respect to the application of Rovan Television Corp.:

(a) Whether John Van Drill and Robert Helft have liquid and current assets (as defined in sec. III, Par. 4(d), FCC Form 301) in excess of current liabilities in sufficient amounts to meet their respective commitments to the applicant.

(b) Whether the applicant will obtain sufficient revenue to supplement its available funds.

(c) Whether, in the light of the evidence adduced pursuant to the foregoing, Rovan Television Corp. is financially qualified.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, in the event of a grant of the application of Romac Macon Corp., the applicant's request, pursuant to § 73.613(b) of the Commission's rules to locate its main studios outside the corporate limits of Macon, Ga., shall be granted.

It is further ordered, That, in the event of a grant of the application of Romac Macon Corp., the application shall be granted subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type-acceptance of its proposed transmitter in accordance with the requirements of § 73.640 of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: March 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–3659; Filed, Apr. 3, 1967; 8:48 a.m.]

[Docket Nos. 16655, 16656; FCC 67M–508]

JONES T. SUDBURY AND NORTHWEST TENNESSEE BROADCASTING CO., INC.

Order Continuing Hearing

In re applications of Jones T. Sudbury, Martin, Tenn., Docket No. 16655, File No. BPH–5067; Northwest Tennessee Broadcasting Co., Inc., Martin, Tenn., Docket No. 16656, File No. BPH–5174; for construction permits.

The Hearing Examiner has under consideration (1) a statement of Northwest Tennessee Broadcasting Co., Inc., filed January 16, 1967; (2) a petition filed January 20, 1967, on behalf of Northwest Tennessee Broadcasting Co., Inc., requesting that the amendment tendered on January 16, 1967, be accepted for filing; (3) an opposition to petition for leave to amend filed January 25, 1967, on behalf of Jones T. Sudbury; (4) a letter dated January 27, 1967, filed on behalf of Northwest Tennessee Broadcasting Co., Inc., commenting on above opposition; and (5) a petition for leave to amend filed March 13, 1967, by Northwest Tennessee Broadcasting Co., Inc.

The Northwest petition for leave to amend filed January 20, 1967, requesting that the amendment tendered on January 16, 1967, be accepted for filing identifies certain business activities of Ben M. Gaines, one of the Northwest principals, which had not been shown in the application. The several pleadings relating to the petition reflecting these business activities were discussed at the further prehearing conference held March 27, 1967, at which the Hearing Examiner granted the petition for leave to amend without prejudice to the right of counsel for Jones T. Sudbury to develop at the evidentiary hearing facts relating to the delay and the reasons for the delay in amending the Northwest application.

The petition of Northwest for leave to amend filed March 13, 1967, reflects the fact that the principals of Northwest had acquired a building and supply company in McKenzie, Tenn. There are no objections to granting this petition for leave to amend and it will be granted.

Both applicants have requested that the evidentiary hearing in this proceeding be held in abeyance, pending Commission action on the pleading filed March 8, 1967, by Jones T. Sudbury requesting the Commission to institute a rule making proceeding looking toward making a second FM channel available for assignment in the Martin-McKenzie, Tenn., area. At the further prehearing conference on March 27, 1967, it was developed that if a second FM channel does, in fact, become available, the parties will be able to reach an agreement which will make the evidentiary hearing unnecessary.

It is ordered, This the 27th day of March 1967, pursuant to agreements reached at the further prehearing conference held this date, that the two above-identified petitions of Northwest Tennessee Broadcasting Co., Inc., for leave to amend are granted, and the amendment submitted with each petition is accepted;

It is further ordered, That the evidentiary hearing in this proceeding now scheduled to begin on May 22, 1967, is continued to a date to be announced after action has been taken on the presently pending petition for rule making.

Released: March 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–3660; Filed, Apr. 3, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ELECTRO-NUCLEONICS, INC.

Order Suspending Trading

MARCH 28, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Electro-Nucleonics, Inc., Caldwell, N.J., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 29, 1967, through April 7, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–3662; Filed, Apr. 3, 1967; 8:48 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Entry or Withdrawal From Warehouse for Consumption

MARCH 30, 1967.

On March 23, 1967, the Governments of the United States and Portugal, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, replaced the interim agreement between them of December 19, 1966, with a new bilateral agreement concerning exports of cotton textiles from Portugal to the United States.

Under the agreement of March 23, 1967, the Government of Portugal has undertaken to limit its exports to the United States of cotton textiles and cotton textile products for a 4-year period to specified annual amounts. Among the provisions of the agreement are those applying specific export limitations to Categories 1, 2, 3, 4, 5, 6, 9, 22, 24, 25, 26, 41, 42, 43, 46, 50, 51, 52, 53, 55, 60, and parts of 62. The first year of the new agreement begins retroactively on January 1, 1967, and extends through December 31, 1967.

There is published below a letter of March 27, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that effective as soon as possible, the amounts of cotton textiles and cotton textile products in all the aforementioned categories, produced or manufactured in Portugal which may be entered, or withdrawn from warehouse for consumption in the United States for the period beginning January 1, 1967, and extending through December 31, 1967, be limited to certain designated levels. The actions taken are not intended to implement all the provisions of the new agreement but are intended only to implement some of those provisions. The terms of the new agreement were published in State Department Press Release No. 64 of March 24, 1967.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

March 27, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

DEAR MR. COMMISSIONER: This directive replaces the directive of December 29, 1966, concerning certain cotton textiles and cotton textile products produced or manufactured in Portugal.

Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible and for the 12-month period beginning January 1, 1967, and extending through December 31, 1967, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 1, 2, 3, 4, 5, 6, 9, 22, 24, 25, 26, 41, 42, 43, 46, 50, 51, 52, 53, 55, 60, and parts of 62, produced or manufactured in Portugal, in excess of the following designated levels of restraint:

Category	12-month level of restraint
1	pounds 10,848,000
2	do 852,000
3	do 2,499,000
4	do 171,000
5/6	square yards [1] 8,517,000
9	do 10,000,000
22	do 1,500,000
24/25	do [2] 5,500,000
26	do 2,400,000
41/42/43	dozen 90,000
46	do 40,000
50	do 23,000
51	do 23,000
52	do 34,000
53 and parts of 62 (T.S.U.S.A. Nos. 382.0306, 382.0307, 382.0635, and 382.0640)	do 34,000
55	do 23,000
60	do 17,000
Parts of 62 (T.S.U.S.A. Nos. 380.0309, 380.0645, 382.0312, and 382.0565)	pounds 55,600

[1] Of this combined level, not more than 4,770,000 square yards may be in Category 6.

[2] Of this combined level, not more than 2,000,000 square yards may be in Category 25.

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1, 2, 3, 4, 5, 6, 9, 24, 25, 26, 41, 42, 43, 46, 50, 51, 52, 53, 55, 60, and parts of 62 (T.S.U.S.A. Nos. 382.0306, 382.0307, 382.0635, 382.0640, 380.0309, 380.0645, 382.0312 and 382.0565), produced or manufactured in Portugal, which have been exported to the United States from Portugal prior to January 1, 1967, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1966, through December 31, 1966, including the levels for Categories 1–4 exported from Portugal to the United States during the period July 1, 1966, through December 31, 1966, in accordance with the directive of September 9, 1966, as amended by the directive of December 8, 1966. In the event that the above levels of restraint have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter. Cotton textiles in Category 22 produced or manufactured in Portu-

[1] Harriscope, Inc., FCC 65–1165, 2 FCC 2d 223.

gal and exported to the United States from Portugal prior to January 1, 1967, shall not be subject to the directives set forth in this letter.

In carrying out this directive, entries of two or three piece ladies suits produced or manufactured in Portugal from woven or knit cotton fabrics should not be charged against any of the levels of restraint designated herein, including the level of restraint for blouses in Category 52.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

J. HERBERT HOLLOMAN,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-3644; Filed, Apr. 3, 1967; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Middle Atlantic Area); Amdt. 1]

LOAN OFFICER (ECONOMIC DEVELOPMENT)

Delegation of Authority To Conduct Program Activities in Middle Atlantic Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, Delegation of Authority No. 30 (Middle Atlantic Area) 32 F.R. 2677 is hereby amended by adding new item I.C. as follows and relettering items I.C., I.D., I.E., I.F., and I.G. to read I.D., I.E., I.F., I.G., and I.H., respectively:

I. • • •

C. *Loan Officer (Economic Development).* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and 40 percent First Mortgage Plan—501 and 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

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Effective date: September 1, 1966.

EDWARD N. ROSA,
Area Administrator.

[F.R. Doc. 67-3637; Filed, Apr. 3, 1967; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

KENTUCKY

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated March 27, 1967, reading in part as follows:

I have determined that the damage in various areas of the Commonwealth of Kentucky, adversely affected by severe storms and flooding beginning on or about March 6, 1967, is of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the Commonwealth of Kentucky to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 27, 1967:

The counties of:

Bell.	Lawrence.
Boyd.	Leslie.
Breathitt	Letcher.
Floyd.	Lewis.
Greenup.	Magoffin.
Harlan.	Martin.
Johnson.	Perry.
Knott.	Pike.
Knox.	Powell.

Dated: March 28, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-3631; Filed, Apr. 3, 1967; 8:46 a.m.]

TRUST TERRITORY OF THE PACIFIC ISLANDS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated March 21, 1967, reading in part as follows:

I have determined that the damage in various areas of the Palau District of the Trust Territory of the Pacific Islands, adversely affected by Typhoon Sally on March 9, 1967, is of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement Territorial Government and local efforts.

I do hereby determine the following areas in the Trust Territory of the Pacific Islands to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 21, 1967:

The Islands of:

Babelthuap. Koror.

Dated: March 28, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-3632; Filed, Apr. 3, 1967; 8:46 a.m.]

TARIFF COMMISSION

[Publication 199; APTA-W-7]

CERTAIN WORKERS OF EATON YALE & TOWNE, INC.

Report to Automotive Agreement Adjustment Assistance Board

MARCH 30, 1967.

The Tariff Commission today reported to the Automotive Agreement Adjustment Assistance Board the results of its investigation No. APTA-W-7, conducted under section 302(e) of the Automotive Products Trade Act of 1965. The Commission's report contains factual information for use by the Board, which determines the eligibility of the workers concerned to apply for adjustment assistance. The workers in this case were employed in the Detroit, Mich., plant of the Eaton Spring Division, Eaton Yale & Towne, Inc.

Only certain sections of the Commission's report can be made public since much of the information it contains was received in confidence. Publication of such information would result in the disclosure of certain operations of individual firms. The sections of the report that can be made public are reproduced on the following pages.

Introduction. In accordance with section 302(e) of the Automotive Products Trade Act of 1965 (79 Stat. 1016), the U.S. Tariff Commission has conducted an investigation (APTA-W-7) concerning the possible dislocation of certain workers engaged in the production of automotive flat leaf springs produced at the Detroit, Mich., plant of the Eaton Spring Division of Eaton Yale & Towne, Inc. The Commission instituted the investigation on February 8, 1967, upon receipt of a request for investigation on the same day from the Automotive Assistance Committee of the Automotive Agreement Adjustment Assistance Board. Public notice of the investigation was given in the FEDERAL REGISTER (32 F.R. 2915) on February 15, 1967. The results of the investigation herein reported are intended to provide a factual record in order to assist the Automotive Agreement Adjustment Board in making the determinations required by section 302 of the Act.

The Automotive Assistance Committee's request for the investigation resulted from a petition for determination of eligibility to apply for adjustment assistance filed with the Assistance Board on February 2, 1967, by the International Union, United Automobile Aerospace & Agricultural Implement Workers of America (U.A.W.), and its Local 368, of Detroit, Mich., on behalf of a group of workers at the Detroit plant of Eaton Spring Division of Eaton Yale & Towne, Inc.

The petition alleged that the transfer of the production of automotive leaf springs from Detroit to a newly established plant in Chatham, Ontario, resulted in the permanent layoff of 166 workers between January 7, and January 21, 1967, and threatens approximately 125 additional permanent layoffs in 1967. The petition further alleged that had it not been for the United States-Canadian Trade Agreement Concerning Automotive Products, signed January 16, 1965, the leaf spring production would have remained in Detroit.

The information reported herein was obtained from Eaton Yale & Towne, Inc., the major motor-vehicle manufacturers in the United States, the International Union, U.A.W., and Local Union 368, U.A.W., the Commission's files, and by field work by members of the Commission's staff. Although the petitioners had originally indicated the desire for a public hearing, they subsequently withdrew their request. No other parties requested a hearing and none was held.

The automotive product involved—leaf springs. Automotive leaf springs are an integral part of the suspension system of many passenger cars, trucks, trailers, buses, and other motor vehicles. (The other major type of spring used in suspension systems is the coil spring which is used to a greater extent than leaf springs in passenger car production.) Leaf springs are composed of from one to many leaves that vary in length and thickness depending largely upon the load carrying capacity of the vehicle on which they are used. The leaves are made from spring steel bar generally containing 0.50 to 0.65 percent carbon, 0.70 to 1 percent manganese and either silicon (about 2 percent) or chromium (about 0.8 percent).

The production of leaf springs is primarily a forging and heat-treating process. The ends of the steel bar are tapered and the bar is bowed slightly. Loops or "eyes" are formed at the ends of the main leaf in which bushings are placed to reduce wear and facilitate movement of the spring about the shackle pin. The leaves are heat-treated to impart resilience and are then assembled into leaf spring units. The forming operations require much handling and the assembly process is done entirely by hand in an assembly line.

Imported leaf springs and leaves for springs suitable for motor-vehicle suspension are provided for under Item No. 652.84 of the Tariff Schedules of the United States and are dutiable at the rate of 8.5 percent ad valorem. The exception to this classification is leaf springs or leaves for springs when imported from Canada for use as original motor-vehicle equipment, in which event they are entered duty free under Item 652.85.

Eaton Yale & Towne, Inc., and its Eaton Spring Division. Eaton Yale & Towne, Inc., with headquarters in Cleveland, Ohio, is a large diversified corporation doing business through more than 50 divisions, subsidiaries, and foreign affiliates. In addition, Eaton Yale & Towne, Inc., has licensed 47 other firms to produce 50 products in 13 countries. Foreign operations of the corporation accounted for about 17 percent of total net sales of $702 million in 1965.

The company was initially incorporated in 1916 in Ohio as the Torbeson Gear and Axle Co.; its name has been changed on several occasions, the most recent of which was on December 31, 1965. Eaton Yale & Towne, Inc., manufactures a wide variety of components used in the production of motor vehicles, machine tools, farm machinery, aircraft, and pleasure boats, and in electrical, material handling, railway, construction, and road-building equipment.

The Eaton Spring Division of Eaton Yale & Towne, Inc., with headquarters in Detroit, Mich., was the employer of the workers herein concerned. This division operates plants in Detroit (passenger car springs) and Lackawanna, N.Y. (truck springs). The only other suspension spring facility of Eaton Yale & Towne, Inc., is the recently formed subsidiary, Eaton Springs, Canada, Ltd., with plant and headquarters in Chatham, Ontario, a city about 70 miles east of Detroit. Although the Lackawanna and Chatham plants produce leaf springs exclusively, the Detroit plant also makes hot-wound coil suspension springs, mechanical springs, and a limited number of spring-related articles.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 67-3638; Filed, Apr. 3, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 360]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 30, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2401 (Sub-No. 36 TA) (Correction), filed March 10, 1967, published FEDERAL REGISTER, issue of March 18, 1967, and republished as corrected this issue. Applicant: MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Post Office Box 2057, Terre Haute, Ind. 47802. Applicant's representative: J. Max Harding, NSEA Building, third floor, 14th and J Streets, Post Office Box 2026, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, sand, gravel, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between St. Louis, Mo., and Omaha, Nebr., from St. Louis over Interstate Highway 70 to Kansas City, thence over Interstate Highway 29 to St. Joseph, Mo., thence over U.S. Highway 71 to Clarinda, Iowa, thence over Iowa Highway 2 to Shenandoah, Iowa, thence over U.S. Highway 59 to junction Iowa Highway 92, thence over Iowa Highway 92 to Council Bluffs, Iowa, thence over city

streets to Omaha, Nebr., and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only; (2) between St. Louis, Mo., and Omaha, Nebr., from St. Louis over Interstate Highway 70 to Kansas City, thence over Interstate Highway 29 to St. Joseph, Mo., thence over U.S. Highway 71 to junction U.S. Highways 71 and 59 (approximately 3 miles northwest of Savannah, Mo.), and thence over U.S. Highway 59 to junction Iowa Highway 92, and thence over Iowa Highway 92 to Council Bluffs, Iowa, thence over city streets to Omaha, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, for 180 days. Supporting shippers: There are approximately 100 supporting statements attached to the application which may be examined here at the Interstate Commerce Commission, Washington, D.C. Send protests to: District Supervisor R. M. Hagarty, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204. NOTE: The purpose of this correction is to show that the proposed operations are over *regular routes*, serving *no* intermediate or off-route points.

No. MC 76472 (Sub-No. 6 TA) (Amendment), filed February 28, 1967, published FEDERAL REGISTER, issue of March 10, 1967, and republished, as amended, this issue. Applicant: MATERIAL TRUCKING, INC., 924 South Heald Street, Wilmington, Del. 19801. Applicant's representative: William Saienni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (except rock salt and rock salt compounds in bulk), from Wilmington, Del., to points in Caroline, Dorchester, Wicomico, Somerset, Worcester, and Talbot Counties, Md., for 150 days. Supporting shipper: Watkins Salt Co., Watkins Glen, N.Y., V. W. Alling, traffic manager. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801. NOTE: The purpose of this republication is to show that the application has been amended to show that the phrase "in tank vehicles" has been removed from the exception.

No. MC 108207 (Sub-No. 216 TA), filed March 22, 1967. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, General Traffic Manager (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocktail dips*, from Dallas, Tex., to Des Moines, Iowa, Omaha, Nebr., Sioux Falls, S. Dak., Minneapolis, Minn., and Grand Island, Nebr., for 150 days. Supporting shipper: Texas Pine Food Products, Inc., 910 North Lancaster, Dallas, Tex. 75203. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 110981 (Sub-No. 7 TA), filed March 27, 1967. Applicant: ALFRED BERGMAN AND MELVIN BERGMAN, a partnership, doing business as A & A BERGMAN, 7375 Nitz Street, Pigeon, Mich. 48755. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Decatur, Ind., and Fostoria, Ohio, to points in Michigan, bounded by a line beginning at Michigan-Indiana State line and extending north along U.S. Highway 31 to Ludington, thence along U.S. Highway 10 to Bay City, thence along Michigan Highway 25 to Michigan-Ohio line, thence along State line to point of beginning, for 150 days. Supporting shipper: Farm Bureau Services, Inc., 4000 North Grand River Avenue, Post Office Box 960, Lansing, Mich. Send protests to: District Supervisor Gerald J. Davis, Bureau of Operations and Compliance, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 113828 (Sub-No. 127), filed March 28, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4648 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: John F. Grimm (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc hydrosulphite solution*, in tank vehicles, from West Norfolk, Va., to Calhoun, Tenn., for 180 days. Supporting shipper: T. C. Barr, Jr., Virginia Chemicals, Inc., West Norfolk, Va. 23703. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1220, 12th and Constitution Avenue, Washington, D.C. 20423.

No. MC 114533 (Sub-No. 153 TA) (Correction), filed March 8, 1967, published FEDERAL REGISTER, issue of March 16, 1967, and republished as corrected this issue. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Proofs, cuts, copy, prints, photo engravings, and other graphic arts materials*, between Parsons, Kans., on the one hand, and, on the other, St. Louis, Joplin, Clinton, St. Joseph, and Jefferson City, Mo., and (2) *papers used in the processing of data by computing machines, punch cards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports, documents, and office records*, between Salina, Kans., on the one hand, and, on the other, Springfield, Mo., for 180 days. Supporting shippers: The Salina Supply Co., Salina, Kans. 67402, and Sun Engraving Co., Inc., 1818 Broadway, Parsons, Kans. 67357. Send protests to: District Supervisor Charles J. Kudelka, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604. NOTE: The purpose of this correction is to show the proper address to send protests to. Previous notice of filing gave the shipper's name and address, in error.

No. MC 115331 (Sub-No. 224 TA), filed March 27, 1967. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in packages, from Burlington, Iowa, to points in Nebraska, South Dakota, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Missouri, and Kansas; *liquid fertilizer materials*, from Clinton, Iowa, to points in Minnesota, Wisconsin, Illinois, Missouri, Nebraska, and Indiana; *nitrogen fertilizer solutions, anhydrous ammonia, nitric acid, ammonium nitrate, and urea*, from Port Neal, Iowa, and Sergeant Bluff, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Illinois, Missouri, and Colorado, for 180 days. Supporting shippers: Chevron Chemical Co. (J. L. Roye), Post Office Box 282, Ortho Way, Fort Madison, Iowa 62627; International Minerals & Chemical Corp. (Paul B. St. Onge), Skokie, Ill.; Terra Chemicals International, Inc. (L. R. Garaghty), Sioux City, Iowa. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 123476 (Sub-No. 6 TA), filed March 27, 1967. Applicant: CURTIS TRANSPORT, INC., Post Office Box 215, Valley Park, Mo. 63088. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials or products*, expanded having a density of 6 pounds or less per cubic foot, with or without panels laminated with aluminum or wood plates, sheets, or slabs attached from the plantsite of Dow Chemical Co. at Pevely, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, and Wisconsin, for 180 days. Supporting shipper: The Dow Chemical Co., Joe G. Thomason, Traffic Manager, Post Office Box Midland, Mich. 48640. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 125479 (Sub-No. 8 TA), filed March 27, 1967. Applicant: JOSEPH A. KORNACKER, doing business as KORNACKER TRUCKING CO., 3015 West 10th Street, Waukegan, Ill. 60085. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from St. Louis, Mo., to Montgomery, Ill., for 180 days. Supporting shipper: Magill Beverage Co., Inc., 101 Knell Street, Montgomery, Ill. 60538. Send protests to: William E. Gallagher, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 127253 (Sub-No. 39 TA), filed March 27, 1967. Applicant: R. A. CORBETT TRANSPORT, INC., 111 West Laurel Street, Post Office Box 86, Lufkin, Tex. 75901. Applicant's representative: C. Wade Shemwell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Monroe, La., to points in Arkansas, Mississippi, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Red Barn Chemicals, Inc., Mr. C. D. Owen, traffic coordinator, Post Office Box 1800, Shreveport, La. 71102. Send protests to: District Supervisor John C. Redus, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 128751 (Sub-No. 1), filed March 27, 1967. Applicant: FRED LEE WATSON, doing business as WATSON TRANSPORT COMPANY, 828 Bethsaida Road, Boaz, Ala. 35957. Applicant's representative: Tarter & Wininger, Suite 427, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes* in driveaway, towaway service, from Boaz, Ala., to points in Georgia, Florida, Tennessee, Kentucky, Mississippi, Louisiana, and South Carolina, for 180 days. Supporting shipper: Boanza Mobile Homes, Inc., Post Office Box 459, Boaz, Ala. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

No. MC 128920 TA (Amendment), filed March 9, 1967, published FEDERAL REGISTER, issue of March 17, 1967, and republished as amended this issue. Applicant: LEIGHTON D. CHARLSEN, doing business as CHARLSEN TRUCKING SERVICE, 1030 South Fourth Street, Stillwater, Minn. 55082. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bed and furniture parts, materials, and supplies*, between St. Paul, Bayport, and Stillwater, Minn., and Luck, Wis., for 180 days. Supporting shipper: St. Croix Manufacturing Co., Bayport, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401. NOTE: The purpose of this republication is to show that the application has been amended to show that Stillwater, Minn., has been added.

MOTOR CARRIER OF PASSENGERS

No. MC 128261 (Sub-No. 2), filed March 27, 1967. Applicant: GREATER PORTLAND TRANSPORTATION COMPANY, 117 St. John Street, Portland, Maine 04102. Applicant's representative: Neal Holland, State Street Bank Building, 225 Franklin Street, Boston, Mass. 02110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip, sightseeing, and pleasure tours, beginning and ending at points in Cumberland County, Maine, and extending to the ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, and Vermont, for 180 days. Supporting shippers: Frances E. Hale, 286 State Street, Portland, Maine; Charles E. Tracy, 633 Congress Street, Portland, Maine; Stephen Lee, 50 Lafayette Street, Portland, Maine; Thomas W. Clemens, Portland, Maine; Mrs. Maude E. Estabrook, 152 Fort Road, South Portland, Maine; Harriette R. Bridge, 50 Lafayette Street, Portland, Maine; Mr. and Mrs. Patrick A. Mulkern, 21 Edgeworth Avenue, Portland, Maine; Mrs. Marjorie Anderson, Portland, Maine; Mrs. Margererita Davis, 155 Clark Street, Portland, Maine; Margaret H. Sickels, 57 Deering Street, Portland, Maine; Mrs. M. E. Cole, 28 Dow Street, Portland, Maine; Mrs. Alice Stearns, 15 Shipley Street, Portland, Maine; Mrs. Agnes H. MacCormack, Portland, Maine; Walter L. Spallholz, president, Greater Portland Chamber of Commerce, 142 Free Street, Portland, Maine; Robert L. Travis, president, Greater Portland Transit District, Portland, Maine; Clifford Tregoy, Room 191, Eastland Hotel, Portland, Maine; Harold K. Benner, 19 Pitt Street, Portland, Maine. Send protests to: Donald G. Weller, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 307, 76 Pearl Street, Portland, Maine 04112.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-3671; Filed, Apr. 3, 1967; 8:49 a.m.]

[Notice No. 1499]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 30, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69451. By order of March 27, 1967, the Transfer Board approved the transfer to J. Mitchell Trucking Co., Inc., Kearny, N.J. 07032, of the operating rights of Joseph Mitchell & Son, Inc., Baltimore, Md. 21206, in certificate Nos. MC-32050, and MC-32050 (Sub-No. 1), issued January 8, 1954, and December 13, 1960, respectively, authorizing the transportation, over irregular routes, of live and dressed poultry, barrel staves, seafood, fruit and vegetables, butter, coffee, tea, and spices, theatrical equipment, and bananas, from, to, and between specified points in Connecticut, Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Virginia, varying with the commodities transported. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, representative for transferee. Donald E. Freeman, 172 East Green Street, Westminster, Md. 21157, representative for transferor.

No. MC-FC-69476. By order of March 27, 1967, the Transfer Board approved the transfer to Ellery Truck Service, Inc., Portland, Oreg., of permit No. MC-34883, issued June 25, 1965, to Truck Service, Inc., Lake Oswego, Oreg., authorizing the transportation of: Fresh fruit, from points in Hood River County, Oreg., to Portland, Oreg.; knocked-down fiber boxes, paper, and paper products, from Longview, Wash., and Portland, Oreg., to Salem, Oreg.; fresh fruits, knocked-down fiber boxes, paper, and paper products, between Portland, Oreg., on the one hand, and, on the other, points in Cowlitz and Clark Counties, Wash.; fruits and vegetables, from points in Lewis County, Wash., to Portland, Oreg.; paper, paper products, and paper pulp, between Vancouver, Wash., and Oregon City, Oreg. Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201, attorney for applicants.

No. MC-FC-69480. By order of March 24, 1967, the Transfer Board approved the transfer to Cavallo Bus Lines, Inc., 301 West Osie, Gillespie, Ill., of certificate in No. MC-114749, issued April 16, 1963, to Arthur Carlock, doing business as Carlock Bus Service, 100 West Main Street, Coffeen, Ill., authorizing the transportation of: Passengers and their baggage, in charter operations, from Coffeen, Schram City, and Hillsboro, Ill., to points in Missouri and return to points of origin.

No. MC-FC-69481. By order of March 24, 1967, the Transfer Board approved the transfer to Ace Driveaway System, Inc., North Miami Beach, Fla., of certificate in No. MC-117547 (Sub-No. 11), issued March 29, 1965, to Bell Transportation Co., Inc., New York, N.Y., authorizing the transportation of: Passenger automobiles, in driveaway service, between points in New Jersey and specified parts of New York and Pennsylvania, on the one hand, and, on the other, a specified part of Florida. George

H. Rosen, 265 Broadway, Monticello, N.Y. 12701, attorney for applicants.

No. MC–FC–69494. By order of March 27, 1967, the Transfer Board approved the transfer to Tyson's Transfer, Inc., Wilmington, Del., of the operating rights in certificate No. MC–52952, issued July 25, 1949, to William E. Tyson, Jr., and Kenneth J. Tyson, a partnership, doing business as Tyson's Transfer, Wilmington, Del., authorizing the transportation of household goods, over irregular routes, between points in Delaware, those in Accomac and Northampton Counties, Va., and those in Maryland east of Chesapeake Bay and the Susquehanna River, on the one hand, and, on the other, points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, North Carolina, South Carolina, and the District of Columbia. James P. Collins, 1116 King Street, Wilmington, Del. 19801, attorney for applicants.

No. MC–FC–69496. By order of March 27, 1967, the Transfer Board approved the transfer to O'Brien Transfer, Inc., Mexico, Mo., of the operating rights in certificate No. MC–39392, issued March 5, 1964, to James E. O'Brien, doing business as O'Brien Transfer, Mexico, Mo., authorizing the transportation, over irregular routes, of household goods generally between points in Missouri, Illinois, Iowa, and Kansas; and printing paper from Mexico, Mo., to points in Missouri within 125 miles thereof. Herman W. Huber, 101 East High Street, Jefferson City, Mo., attorney for applicants.

No. MC–FC–69501. Corrected.[1] By order of March 20, 1967, the Transfer Board approved the transfer to Silvey & Co., a corporation, Omaha, Nebr., of the operating rights in certificate No. MC–125951, issued June 3, 1964, to Erickson Refrigerated Transport Corp., a corporation, Omaha, Nebr., authorizing the transportation of: Butter, eggs, dressed poultry, and frozen foods, between specified points in New York, Pennsylvania, Massachusetts, and Iowa. G. Merrill Kartman, 475 Continental Building, Omaha, Nebr., Donald L. Stern, 630 National Bank Building, Omaha, Nebr., attorneys for applicants.

No. MC–FC–69502. By order of March 27, 1967, the Transfer Board approved the transfer to Dixon Bros., Inc., Newcastle, Wyo., of a portion of the operating rights in certificate No. MC–128364, issued October 21, 1966, to Gordon Van Offeren, doing business as Van Offeren Trucking, Upton, Wyo., authorizing the transportation, of lumber, between points in Wyoming, South Dakota, and Nebraska. Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–3672; Filed, Apr. 3, 1967; 8:49 a.m.]

[1] Corrected to include "a corporation" as shown above.

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APR 10 1967
MAIN READING ROOM

MAIN MAIN ROOM

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PAN AMERICAN DAY AND PAN AMERICAN WEEK, 1967

By the President of the United States of America

A Proclamation

There is special meaning this year in the hemispheric tradition of Pan American Day.

On April twelfth, for the first time in a decade and the second time in history, the Presidents and Heads of Government of the American nations will meet to fortify the foundation of the house of the Americas.

Seventy-seven years ago we first joined our hearts and hands as brothers in a hopeful hemisphere. We pledged a common pledge—we dreamed a common dream. We have since translated that pledge into progress. And we have founded the Organization of American States as a firm framework for the fulfillment of that dream.

We have recently strengthened that Organization by amending its Charter to meet the challenge that our changing times demand.

We have extended our unique experiment in international living by welcoming into our membership the new nation of Trinidad and Tobago.

We have enhanced the meaning of that experiment by forging within it an Alliance for Progress in which our goals for the good life are matched only by our desire to achieve them. And the impressive accomplishments of these last six years trace that desire's growing satisfaction.

When the Alliance was formed in 1961, it was estimated that our Latin American neighbors could supply about 80% of the capital required. In fact, they have done better than this. By the end of this year, the gross investment in Latin America will have totaled over $100 billion—and 95% of it will have been from domestic sources. This ability of our neighbors to save and invest in their own future is a most striking indication that Latin America can, with relatively modest external help, mobilize the resources needed for its own development—and thus strengthen the foundations of the house we share in this hemisphere.

The cooperative spirit of the Alliance is bringing new-found confidence and hope into this house.

—Per capita growth rates show that more and more countries are breaking the economic stagnation of earlier years.

—Men, women and children are alive today who would otherwise have died. In ten countries, deaths caused by malaria dropped from 10,810 to 2,280 in three years' time. Smallpox cases declined almost as sharply. And new health centers and hospitals are growing everywhere.

—Men whose fathers for generations toiled on land owned by others are now working it as their own. With U.S. assistance, 1.1 million acres have been irrigated and 106,000 acres reclaimed. 15,000 miles of road have been built or improved, many of them farm-to-market access roads.

—For tens of thousands of families, the most fundamental conditions of life are improving. 350,000 housing units have been, or are now being, constructed. New and modernized water supply systems have been built to benefit some 20 million people.

So as we assemble under the banner of the Alliance for Progress, we are cheered by success and encouraged in the task that lies ahead.

With the confidence born of achievement, we know that we can prepare a better world for the new generation of Americans who will come after us.

We look to the 60% of Latin America's 245 million people who are now under the age of 25, and we know that the task of meeting their aspirations is great. But we also know that we have forged the tools to do the task. And there is promise in what we see.

The sustaining arm of education is reaching out to more and more of this strategic 60% of Latin Americans.

—Since the Alliance was formed, school enrollments have increased at an average annual rate of over 6%. This rate represents more than twice the rate of increase in the total population.

—For each 1,000 inhabitants, there were 124 students enrolled in schools in 1960, 170 in 1965, and 174 in 1966.

—28,000 new classrooms have been built.

—160,000 teachers have been trained or given additional training.

—More than 14 million textbooks have been distributed.

—13 million school children and 3 million pre-schoolers participate in school lunch programs.

And more than this, what statistics cannot adequately relay is the emergence of a generation of vigorous, confident and responsible leaders throughout Latin America—leaders who are ready to help their countries help themselves. These leaders are beginning to include more and more women doers in their ranks. And since women comprise over half the population of Latin America, there is new potential in this leadership.

The successes scored by the Alliance have been aided by the United States—but they have been realized by the cooperative spirit that resides in the commitment and dedication of the Latin American nations themselves. Their unrelenting perseverance has been a keystone in the firm foundation of our house of hemispheric progress.

So as together we seek to strengthen—we seek a realistic goal.

As together we build to better—we build on solid ground.

Bound by geography, born of a common revolutionary heritage, nurtured by common ideals, committed to the dignity of man, and sustained by the youth and vigor that have been our common strength, we will project our traditions into a promising future—and we will prevail.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim Friday, April 14, 1967, as Pan American Day, and the week beginning April 9 and ending April 15 as Pan American Week; and I call upon the Governors of the fifty States of the Union, the Governor of the Commonwealth of Puerto Rico, and the officials of all other areas under the flag of the United States to issue similar proclamations.

Further, I call upon this Nation to rededicate itself to the fundamental goal of the inter-American system, embodied in the Charter of the Organization of American States and in the Charter of Punta del Este: social justice and economic progress within the framework of individual freedom and political liberty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirty-first day of March in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Dean Rusk

Secretary of State.

[F.R. Doc. 67-3808; Filed, Apr. 4, 1967; 10:28 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Changes in Nomination of Plum Commodity Committee Members

Notice was published in the FEDERAL REGISTER issue of March 14, 1967 (32 F.R. 4026), that the Department was giving consideration to proposed amendments to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 917.100–717.179; 31 F.R. 7476) currently in effect pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Control Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said amendment of the rules and regulations is as follows:

§ 917.116 Changes in nomination of Plum Commodity Committee members.

Nominations for membership on the Plum Commodity Committee shall be made by the growers of plums in the respective representation areas, as follows:

(a) Kern District, Tehachapi District, South Coast District, and Southern California District one nominee.

(b) Tulare District two nominees.

(c) Fresno District five nominees.

(d) Placer-Colfax District two nominees.

(e) North Sacramento Valley District and Central Sacramento Valley District one nominee.

(f) All of the production area not included in the Kern District, Tehachapi District, South Coast District, Southern California District, Tulare District, Fresno District, Placer-Colfax District, North Sacramento Valley District, and Central Sacramento Valley District one nominee.

Dated, March 31, 1967, to become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3719; Filed, Apr. 4, 1967; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 640—FEDERAL INTERMEDIATE CREDIT BANKS

Subpart B—Loans and Discounts

SAME; OTHER FINANCING INSTITUTIONS

Correction

In F.R. Doc. 67-3540 appearing in the issue for Friday, March 31, 1967, at page 5415, in § 640.226–2(b) second column, line 17, the word "of" should read "or".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 67-EA-29; Amdt. 39-381]

PART 39—AIRWORTHINESS DIRECTIVES

Colonial Aeronautics (Lake) Colonial C–1, C–2, LA–4 Series Aircraft

It has been discovered that a break in the fuel line running from the engine section to the fuel pressure gauge on the instrument panel of Consolidated Aeronautics Colonial C–1 and C–2, LA–4 Series Aircraft could result in unrestricted fuel leakage into the cabin area causing a potential fire hazard. Since this condition is likely to exist or develop in other aircraft of the same type, an airworthiness directive is being issued to provide for the addition of a reworked AN 824–4D "T" in the fuel gauge pressure line on Consolidated Aeronautics Colonial C–1 and C–2, LA–4 Series Aircraft.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive.

LAKE AIRCRAFT DIVISION, CONSOLIDATED AERONAUTICS. Applies to models: Colonial C–1 S/N 1 through 14, 16 through 25; Colonial C–2 S/N 115, 125 through 143; Lake LA–4P S/N 121; Lake LA–4A S/N 244, 245; Lake LA–4 S/N 246 through 356.

Compliance required within the next 25 hours' time in service after the effective date of this Airworthiness Directive, unless already accomplished.

To preclude unrestricted fuel from entering the cabin compartment in the event of failure of the fuel pressure gauge instrument line, accomplish the following:

(a) Braze a 5/32" dia. x 3/8" aluminum alloy rod into the 9 o'clock position of the "T" end of an AN 824–4D fitting. Drill through rod with a No. 60 drill (0.40 in.)

(b) Install the "T" assembly in the fuel pressure gauge instrument line just above the top of the hull (firewall) with the orifice end in the 6 o'clock position. Cap the open end (9 o'clock position) using an AN 929–D4 cap. NOTE: If the airplane is equipped with a fuel combustion heater, the AN 824–4D fitting already provided may be utilized and reworked per (a)

Lake Aircraft Division, Consolidated Aeronautics Service Letter No. 14 pertains to this subject. Their P/N 2–6700–153 is the equivalent "T" assembly and may be obtained directly from Lake.

This amendment becomes effective upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on March 24, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-3677; Filed, Apr. 4, 1967; 8:45 a.m.]

[Docket No. 67-EA-30; Amdt. 39-385]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller F–27 Aircraft

There have been several reports of cracks in the fuselage skin on Fairchild F27 aircraft that could result in failure of the fuselage skin. Since this condition is likely to exist or develop in other aircraft of the same design, an airworthiness directive is being issued to require inspection and repair of cracks, if any, in the lower fuselage exterior skins on certain Fairchild F27 aircraft.

Since a situation exists that requires immediate adoption of this regulation,

it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

FAIRCHILD. Applies to Model F-27 Series Airplanes, Serial Numbers 1 Through 19 Except Serial Numbers 7, 10, 13, and 17. Compliance required as indicated.

To detect cracks in the lower fuselage exterior skins, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 350 hours' time in service, and thereafter at intervals not to exceed 400 hours' time in service from the last inspection, visually inspect the fuselage skins between stringers 7 and 8 left and stringers 44 and 45 right from fuselage station 198 to station 510, or use an equivalent inspection approved by an FAA maintenance inspector. If cracks are found, comply with (b) before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

(b) Repair cracked parts in accordance with Fairchild Hiller Service Bulletin No. 53-48 dated February 17, 1967, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or equivalent approved by an FAA maintenance inspector, or replace them with an unused part of the same part number or an equivalent part approved by an FAA maintenance inspector.

(c) The repetitive inspection required by (a) may be discontinued on those skin panels replaced in accordance with Fairchild Hiller Service Bulletin No. 53-48, dated February 17, 1967, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or an equivalent modification approved by an FAA maintenance inspector.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the initial compliance time and the repetitive inspection interval specified in this AD if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective upon publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on March 28, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-3678; Filed, Apr. 4, 1967; 8:45 a.m.]

[Docket No. 67-EA-35; Amdt. 39-384]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller F-27, FH-227 Aircraft

There have been several accidents resulting from nose gear collapse during landing. Since these accidents are likely to happen in other aircraft of the same design, an airworthiness directive is being issued to modify the nose gear assembly on Fairchild Model F-27 Series and FH-227 Series aircraft.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

FAIRCHILD. Applies to Model F-27 Series and FH-227 Series Airplanes. Compliance required as indicated.

Due to several instances of failure of the nose landing gear to extend to full down and locked position, accomplish the following:

(a) For Model F-27 Series airplanes, Serial Numbers 108 through 122 inclusive, and Model FH-227 Series airplanes, Serial Numbers 501 through 539 inclusive, incorporating Walter Kidde nose gear steer system, P/N 891800 or P/N 893364 (spur gear system), comply with (e) within the next 100 hours' time in service after the effective date of this AD unless already accomplished.

(b) For Model F-27 Series airplanes, Serial Numbers 1 through 107 inclusive, incorporating Walter Kidde nose gear steer system, P/N 891800 or P/N 893364 (spur gear system), comply with (e) within the next 600 hours' time in service after the effective date of this AD unless already accomplished.

(c) For Model F-27 Series airplanes, Serial Numbers 1 through 107 inclusive, incorporating Walter Kidde nose gear steer system, P/N 890373 (pneumatic gear system), comply with (f) within the next 1,000 hours' time in service after the effective date of this AD unless already accomplished.

(d) For Model F-27 Series airplanes, Serial Numbers 1 through 107 inclusive, incorporating Fairchild nose gear steer system (hydraulic gear system), comply with (g) within the next 1,000 hours' time in service after the effective date of this AD unless already accomplished.

(e) Install nose landing gear fork, P/N 27-423031-17, and slide, P/N 27-423006-37, in accordance with Fairchild Hiller Service Bulletin No. 32-62 (F-27 Series), dated February 3, 1967, or Fairchild Hiller Service Bulletin No. 32-4 (FH-227 Series), dated February 2, 1967, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or install an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(f) Install nose landing gear fork, P/N 27-423031-17, and slide, P/N 27-423006-37, in accordance with Fairchild Hiller Service Bulletin No. 32-63, dated March 3, 1967, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or install an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(g) Install nose landing gear fork, P/N 27-423031-17, and slide, P/N 27-423006-39, in accordance with Fairchild Hiller Service Bulletin No. 32-63, dated March 3, 1967, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or install an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(h) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the initial compliance times specified in this AD if the request contains substantiating data to justify the increase for that operator.

Fairchild Hiller Alert Service Letters No. 383 (F-27), and 32-5 (FH-227), dated January 13, 1967, pertains to this subject.

This amendment becomes effective upon publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on March 28, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-3679; Filed, Apr. 4, 1967; 8:45 a.m.]

[Docket No. 6760; Amdt. 39-380]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Model F27 Series Airplanes

Amendment 39-147, AD 65-23-3, 30 F.R. 12837 requires Fairchild F-27 aircraft operators to inspect their F-27 aircraft in accordance with Fairchild Hiller Service Bulletin 51-2, Revision 6, dated July 21, 1964, and Supplement Nos. 001 through 005 inclusive, Revision 2, dated November 23, 1964, but does not have any provisions for inspecting the F-27 aircraft under a later revision to the service bulletin or additional supplements to the service bulletin.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-147, 30 F.R. 12837, AD 65-24-3 is amended by changing paragraph (c) to read as follows:

(c) Inspect in accordance with Service Bulletin 51-2, Revision 8, dated September 23, 1966, including Supplements 001 through 011 or later additional supplements and revisions approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or in accordance with an equivalent inspection program approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment becomes effective upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on March 23, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-3680; Filed, Apr. 4, 1967; 8:45 a.m.]

[Airworthiness Docket No. 67-WE-11-AD; Amdt. 39-383]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models 188A, 188C Series Airplanes

There has been fatigue cracking of the Fuselage Main Frame Forgings, P/Ns 801030-3 and -4 and P/Ns 801031-1 and -2, on Lockheed Models 188A and 188C Series Airplanes that could produce additional detrimental effects if these airplanes continue to operate without corrective action being taken. The cracking has been detected both above and below the floor line. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require X-ray or visual inspection of critical areas above the floor line, visual inspection of critical areas below the floor line, modifications to reduce the possibility of additional cracking, and replacement or repair of cracked forgings on Lockheed Models 188A and 188C Series Airplanes. The Agency has determined that X-ray inspection below the floor line yields unreliable results, and removal of the enclosing structure to perform visual inspections is necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED: Applies to Models 188A and 188C Series Airplanes.
Compliance required as indicated:

As a result of cracking of the Fuselage Main Frame Forgings, P/Ns 801030-3 and -4 and P/Ns 801031-1 and -2, accomplish the following:

(a) For airplanes having Fuselage Main Frame Forgings, P/Ns 801030-1, 801030-2, 801030-3, 801030-4, 801031-1, or 801031-2, with 10,000 or more hours' time in service on the effective date of this AD, unless the rework specified in paragraph (d) has been performed, perform the inspection specified in paragraph (c) within the next 60 hours' time in service after the effective date of this AD unless already accomplished within the previous 940 hours' time in service, and thereafter within 1,000 hours' time in service from the last inspection.

(b) For airplanes having Fuselage Main Frame Forgings, P/Ns 801030-1, 801030-2, 801030-3, 801030-4, 801031-1, or 801031-2, with less than 10,000 hours' time in service on the effective date of this AD, unless the rework specified in paragraph (d) has been performed, perform the inspection specified in paragraph (c) prior to completing 10,060 hours' time in service and thereafter within periods of 1,000 hours' time in service from the last inspection.

(c) Inspect each forging for cracks at the areas above the floor line by the X-ray or visual procedure in accordance with "2. Accomplishment Instructions," Part I, paragraph A, Lockheed Service Bulletin 88/SB-644, or later FAA-approved revision, or by an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region. If a crack is found, comply with paragraph (j).

(d) Rework the intercostals described in Lockheed Drawing 811126 in accordance with Lockheed Wire FS/296808-W (reprinted in Lockheed Service Bulletin 88/SB-644), Lockheed Drawing 841475 or later FAA-approved revision (for forward intercostals attached to the Forgings at F.S. 571) and Lockheed Drawing 841475 or later FAA-approved revision (for aft intercostals attached to the Forgings at F.S. 695), or in either case by an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region, within 2,000 hours' time in service after the effective date of this AD unless already accomplished, and thereafter inspect in accordance with paragraph (c) within periods not to exceed 4,000 hours' time in service from the completion of the rework specified in this paragraph.

(e) For airplanes having Fuselage Main Frame Forgings, P/Ns 801030-1, 801030-2, 801030-3, 801030-4, 801031-1, or 801031-2, with 15,000 or more hours' time in service on the effective date of this AD, unless the rework specified in paragraph (h) has been performed, perform the inspection specified in paragraph (g) within the next 350 hours' time in service after the effective date of this AD unless already accomplished within the previous 650 hours' time in service and thereafter within periods not to exceed 1,000 hours' time in service from the last inspection.

(f) For airplanes having Fuselage Main Frame Forgings, P/Ns 801030-1, 801030-2, 801030-3, 801030-4, 801031-1, or 801031-2, with less than 15,000 hours' time in service on the effective date of this AD, unless the rework specified in paragraph (h) has been performed, perform the inspection specified in paragraph (g) prior to completing 15,350 hours' time in service and thereafter within periods not to exceed 1,000 hours' time in service from the last inspection.

(g) Visually inspect each forging for cracks at the areas below the floor line in accordance with "2. Accomplishment Instructions," Part I, paragraph B, Lockheed Service Bulletin 88/SB-644, or later FAA-approved revision. If a crack is found, comply with paragraph (j).

(h) Rework the floor support structure at the location of the Fuselage Main Frame Forgings in accordance with "2. Accomplishment Instructions," Part IV, Lockheed Service Bulletin 88/SB-644, or later FAA-approved revision, or by an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region, within 4,000 hours' time in service after the effective date of this AD unless already accomplished, and thereafter inspect in accordance with paragraph (g) within periods not to exceed 4,000 hours' time in service from the completion of the rework specified in this paragraph.

(i) If a crack is detected during the inspections conducted in accordance with paragraphs (c) or (g), replace each forging found cracked before further flight (except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be accomplished) with a new forging of the same part number or with a "new design" Forging, P/N 801030-101 (in place of P/N 801030-3), P/N 801030-102 (in place of P/N 801030-4), P/N 801031-101 (in place of P/N 801031-1), P/N 801031-102 (in place of P/N 801031-2), P/N 801030-101 (in place of P/N 801030-1), P/N 801030-102 (in place of P/N 801030-2), in accordance with "2. Accomplishment Instructions," Part V, Lockheed Service Bulletin 88/SB-644, or later FAA-approved revision, or in accordance with an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(j) If a forging is replaced with a new forging of the same part number, the inspections specified in paragraphs (c) and (g), and the rework specified in paragraphs (d) and (h), unless previously accomplished, must be accomplished for that forging at the compliance times indicated in this AD.

(k) If a forging is replaced with a "new design" forging listed in paragraph (i) in accordance with "2. Accomplishment Instructions," Part V, Lockheed Service Bulletin 88/SB-644, or later FAA-approved revision, the inspections specified in paragraphs (c) and (g) may be discontinued for that forging.

(l) For the purpose of complying with this AD, operators who have not kept records of hours' time in service of individual Fuselage Main Frame Forgings shall in lieu thereof substitute hours' time in service of the airplane in which the forgings are installed.

(m) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Regional Director, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment becomes effective upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on March 28, 1967.

JOSEPH H. TIPPETS,
Regional Director,
FAA Western Region.

[F.R. Doc. 67-3681; Filed, Apr. 4, 1967; 8:45 a.m.]

[Airspace Docket No. 67-WE-16]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment is to reduce the ceiling of Restricted Area R-5701 at Boardman, Oreg.

The Department of the Navy has informed the Federal Aviation Agency that it no longer has an operational requirement for the airspace above flight level 230 within R-5701. Accordingly, action is taken herein to lower the ceiling of R-5701 to flight level 230.

Since this amendment reduces the burden on the public, notice and public procedure hereon is unnecessary and this amendment may be made effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.57 (32 F.R. 2329) Restricted Area R-5701 is amended by deleting from the text "flight level 450" wherever it appears and substituting therefor "flight level 230."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 29, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-3682; Filed, Apr. 4, 1967; 8:45 a.m.]

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 66-SW-59]

PART 73—SPECIAL USE AIRSPACE

Redesignation of Restricted Area

On February 21, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3103) stating that the Federal Aviation Agency was considering an amendment to Part 73 of the Federal Aviation Regulations that would redesignate Restricted Area R-5114 at Fort Wingate, N. Mex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 5, 1967, as hereinafter set forth.

In § 73.51 (32 F.R. 2320) R-5114 is designated as follows:

R-5114 FORT WINGATE, N. MEX.

Boundaries: Beginning at latitude 35°-27'00" N., longitude 108°35'00" W.; to latitude 35°11'00" N., longitude 108°13'00" W.; to latitude 35°04'40" N., longitude 108°24'00" W.; to latitude 35°24'00" N., longitude 108°38'00" W.; to the point of beginning.

Designated altitudes: Surface to unlimited.

Time of designation: May 5, to July 31, 1967, as published in NOTAMs 24 hours in advance of use.

Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.

Using agency: Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 3, 1967.

H. B. HELSTROM,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-3807; Filed, Apr. 4, 1967; 10:05 a.m.]

[Docket No. 8064; Amdt. 181-1]

PART 181—SEAL

Rescission of Part

Part 181 of the Federal Aviation Regulations prescribes a seal for the Federal Aviation Agency. Effective April 1, 1967, the Federal Aviation Agency lapses and its primary functions become those of the Federal Aviation Administration under the Department of Transportation. The Federal Aviation Administration will use the seal of that Department. Accordingly, as of that date, Part 181 is surplusage and is being rescinded.

As this amendment does not impose a burden on any person, notice and public procedure hereon is unnecessary and it may be made effective in less than 30 days.

In view of the foregoing, Part 181 of the Federal Aviation Regulations (14 CFR Part 181) is rescinded, effective April 1, 1967.

(Sec. 313(a), Federal Aviation Act of 1958; 49 U.S.C. 1354(a))

Issued in Washington, D.C., April 1, 1967.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 67-3741; Filed, Apr. 4, 1967; 8:49 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-485]

PART 224—ACCESS TO AIRCRAFT FOR SAFETY PURPOSES; FREE TRANSPORTATION FOR CERTAIN FEDERAL AVIATION ADMINISTRATION, NATIONAL TRANSPORTATION SAFETY BOARD, AND WEATHER BUREAU EMPLOYEES

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of March 1967.

Under the provisions of the Department of Transportation Act (Act of Oct. 15, 1966, 80 Stat. 931), there is established in the Department of Transportation a Federal Aviation Administration and a National Transportation Safety Board. The functions, duties, privileges, and powers formerly exercised by the Federal Aviation Agency are transferred to the Federal Aviation Administration, and the accident investigation functions of the Civil Aeronautics Board are transferred to the National Transportation Safety Board. Employees of the Federal Aviation Agency, whose duties involve the inspection during flight of an aircraft, its engines, propellers, appliances, route facilities, operational procedures, or airman competency, are transferred to the Federal Aviation Administration, and employees of the Civil Aeronautics Board engaged in similar duties are transferred to the National Transportation Safety Board.

Because of the transfer of such personnel, it is necessary to amend Part 224 so that these employees of the Federal Aviation Administration and the National Transportation Safety Board shall have free access to aircraft for the performance of their duties. Moreover, the responsibility of the Board's former Bureau of Economic Regulation with respect to copies of reports filed with the Board under Part 224 is now being carried out by the Board's Bureau of Economics and, therefore, an appropriate change will be made in Part 224 to reflect this fact.

Since the amended and reissued part merely contains changes required by legislative and administrative action and does not impose any additional burden on any person, public procedures and notice herein are unnecessary, and the rule may be made effective on April 1, 1967.

Accordingly, the Civil Aeronautics Board hereby amends and reissues Part 224 of its Economic Regulations (14 CFR Part 224), effective April 1, 1967, to read as follows:

Sec.
224.1 Safety inspectors.
224.2 Traffic control and communications personnel and aviation weather forecasters.
224.3 Requests for access to aircraft and free transportation.
224.4 Responsibility of the Federal Aviation Administration, the National Transportation Safety Board, and the Weather Bureau.

AUTHORITY: The provisions of this Part 224 issued under secs. 204(a), 301-314, 403, 404, 601-610, and 701; Federal Aviation Act of 1958, 72 Stat. 743, 744-754, 758, 760, 775-780, and 781; 49 U.S.C. 1324, 1341-1355, 1373, 1374, 1421-1430, and 1441; and Department of Transportation Act, 80 Stat. 931.

§ 224.1 Safety inspectors.

Every air carrier shall carry, without charge, on any aircraft which it operates any duly authorized official or employee of the National Transportation Safety Board or of the Federal Aviation Administration who has been assigned to the duty of inspecting during flight such aircraft, its engines, propellers, appliances, route facilities, operational procedures, or airman competency.

§ 224.2 Traffic control and communications personnel and aviation weather forecasters.

Any air carrier may carry without charge on any aircraft which it operates any traffic controller or aircraft communicator of the Federal Aviation Administration or any aviation weather forecaster of the Weather Bureau (including supervising officers of such persons) for the purpose of more fully and adequately acquainting such persons with the problems affecting in-flight use of air traffic control and communications and weather forecast services provided by the U.S. Government: *Provided, however,* That no request for free transportation under this section shall be made for the same individual upon any one air carrier more than once in each calendar year (round trips are regarded as one trip for the purposes of this section) unless the request for such additional transportation is accompanied by the statement in writing prescribed in §224.3(c).

§ 224.3 Requests for access to aircraft and free transportation.

Access to aircraft and free transportation shall not be granted to persons eligible under this part unless the following conditions are complied with:

(a) The person to be transported shall present to the appropriate agents of the air carrier credentials or a certificate indicating that he is entitled to request access to aircraft or free transportation and signed by the Chairman, National Transportation Safety Board, The Administrator of the Federal Aviation Administration, or the Chief, Weather Bureau, or any official on their staff they may designate and signed also by the person presenting such credentials or certificate.

(b) The person to be transported shall deliver to the appropriate agents of the air carrier, in duplicate, a properly executed "Request for Access to Aircraft or Free Transportation" (U.S. Government Standard Form No. 160).

(c) When free transportation is requested pursuant to § 224.2 involving more than one free trip within a calendar year by the same individual on the same carrier, the person to be transported shall, at the time of performance of each such additional trip, present to the appropriate agent of the air carrier a statement in writing by the Administrator of the Federal Aviation Administration, or the Chief, Weather Bureau, or any official on their staff they may designate, that the additional trip or trips by the person named, between the points designated and on the type of aircraft specified therein, is solely for the purpose specified in § 224.2 and is essential to the effective performance of Federal Aviation Administration or Weather Bureau functions.

(d) The air carrier shall insert the tariff value of the transportation to be furnished on each "Request for Access to Aircraft or Free Transportation," shall retain one copy of each such request, and on or before the 10th day of each month each air carrier shall forward one copy of all such requests received by it during the second preceding calendar month to the Bureau of Economics, Civil Aeronautics Board, Washington, D.C. 20428.

§ 224.4 Responsibility of the Federal Aviation Administration, the National Transportation Safety Board, and the Weather Bureau.

The Federal Aviation Administration, the National Transportation Safety Board, and the Weather Bureau shall be responsible for:

(a) The issuance of proper credentials or certificates to personnel eligible hereunder; and

(b) The promulgation of such internal rules as may be required to obtain compliance by such personnel with this part.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-3707; Filed, Apr. 4, 1967; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 201—ELECTRICITY

Microwave Region

Under the provisions of 15 U.S.C. 275(a) and 277, the test fee schedules of the National Bureau of Standards, Department of Commerce, pertaining to microwave power measurements are amended as provided herein. The following amendment is effective upon publication in the FEDERAL REGISTER.

Section 201.912 is amended by adding calibration services as follows:

Item	Description	Fee
201.912a-2	Determination of effective efficiency of a coaxial bolometer unit at a single frequency in the range of 4** to 8.5 GHz and a power level of 10 mw. Bolometer unit must be fitted with a 14 mm general precision connector† and a thermistor-type element for nominal operating resistance of 200 ohms	(*)
201.912a-21	Determination of effective efficiency of each additional coaxial bolometer unit at the same frequency as for 201.912a-2	(*)

*As fixed prices have not been established for these services, charges will be made for actual costs incurred. Upon request, estimates will be furnished for specific tasks which should provide a close approximation of actual costs.

**For measurements on coaxial bolometer units below 4 GHz, see § 201.821.

†"Precision Coaxial Connectors," Recommendations of the IEEE I-M Group Subcommittee on Precision Coaxial Connectors, Revised July 10, 1966. This report describes the mechanical, electrical, and environmental requirements for precision coaxial connectors. It is available from: Chairman, IEEE G-IM Technical Committee on High Frequency Instruments and Measurements, The Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, N.Y. 10017.

A. V. ASTIN,
Director.

MARCH 24, 1967.

[F.R. Doc. 67-3675; Filed, Apr. 4, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Inorganic Bromides Resulting From Soil Treatment With 1,2-Dibromo-3-Chloropropane

No comments were received in response to the notice published in the FEDERAL REGISTER of February 9, 1967 (32 F.R. 2709), proposing the establishment of a tolerance of 50 parts per million for residues in or on melons of inorganic bromides (calculated as Br) resulting from soil treatment with the nematocide 1,2-dibromo-3-chloropropane. No requests were received to refer the proposal to an advisory committee.

The Commissioner of Food and Drugs has concluded that the proposed amendment should be adopted without change. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated by him to the Commissioner (21 CFR 2.120), § 120.197 is amended by revising the paragraph "50 parts per million * * *" to read as follows:

§ 120.197 Inorganic bromides resulting from soil treatment with 1,2-dibromo-3-chloropropane; tolerances for residues.

* * * * * *

50 parts per million in or on broccoli, brussels sprouts, cabbage, cauliflower, eggplants, melons, peanuts,[1] peppers, pineapples, tomatoes.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: March 28, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-3725; Filed, Apr. 4, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

DIETHYLSTILBESTROL, TESTOSTERONE

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 4D1299) filed by E. R. Squibb & Sons, Georges Road, New Brunswick, N.J. 08903, and other relevant data, has concluded that the food additive regulations should be amended to provide for the safe use of testosterone and diethylstilbestrol implants for beef cattle. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)

[1] See § 120.126a for restrictions against use of peanut hay and peanut hulls for animal feed.

(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended as follows:

§ 121.241 [Amended]

1. Section 121.241 *Diethylstilbestrol* is amended:

a. By deleting the words "in feed" from the introduction to paragraph (b).

b. By changing the heading of the table in paragraph (b) to read "Table 1—Diethylstilbestrol in Feed."

c. By adding a new table to paragraph (b), as follows:

TABLE 2—DIETHYLSTILBESTROL IN IMPLANTS

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
Diethylstilbestrol	24 mg. per dose.	Testosterone	120 mg. per dose.	For beef cattle as a subcutaneous ear implantation; one dose per animal; applied in a vehicle of polyethylene glycol 200 and polyethylene glycol 4000 conforming to § 121.220; may be repeated after 60 days; do not use within 21 days of slaughter; may be administered to cattle being fed diethylstilbestrol in accordance with item 1 of table 1 of this paragraph.	Stimulation of growth and of rate of finishing of beef cattle.

d. Paragraph (c) is amended by deleting subparagraphs (4) and (5) and by revising subparagraph (3) to read as follows:

(3) Adequate directions and warnings for use.

2. The following new section is added to Subpart C:

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
Testosterone	120 mg. per dose.	Diethylstilbestrol	24 mg. per dose.	For beef cattle as subcutaneous ear implantation; one dose per animal; applied in a vehicle of polyethylene glycol 200 and polyethylene glycol 4000 conforming to § 121.259; may be repeated after 60 days; do not use within 21 days of slaughter; may be administered to cattle being fed diethylstilbestrol in accordance with § 121.241(b), table 1, item 1.	Stimulation of growth and of rate of finishing of beef cattle.

§ 121.299 Testosterone.

Testosterone may be safely used in cattle in accordance with the following conditions:

(a) The additive is the chemical 17β-hydroxy-4-androsten-3-one ($C_{19}H_{28}O_2$) conforming to the specifications in the N.F.

(b) The additive is used or intended for use as follows:

(c) To assure safe use, the label and labeling of the additive, any combination of additives, or any final dosage form of the additive shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities of each additive contained therein.

(3) Adequate directions and warnings for use.

B. Based on an evaluation of the data before him, and proceeding under the authority of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), delegated as cited above, the Commissioner has concluded that a tolerance limitation is necessary as follows to assure that the edible products of beef cattle treated with implants in accordance with §§ 121.241 and 121.299 are safe for consumption. Accordingly, a new section is added to Subpart D of Part 121, as follows:

§ 121.1201 Testosterone.

(a) A tolerance of zero is established for residues of testosterone in the uncooked edible tissues and byproducts of beef cattle.

(b) The method of examination prescribed for the quantitative determination of testosterone is as follows: Prepare an extract of the tissues as described in § 121.1127(b) (1) and (2), and bioassay the extractive in an ethyl alcohol vehicle by inunction on day-old chick's comb by the method published in Methods in Hormone Research, New York, Academic Press, volume II, page 286 (1962).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: March 28, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3727; Filed, Apr. 4, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CHLORINATED POLYETHYLENE

The Commissioner of Food and Drugs, having evaluated the data in petitions (FAP 5B1519, 6B1976) filed by Allied Chemical Corp., Plastics Division, Post Office Box 365, Morristown, N.J. 07960, and The Dow Chemical Co., Biochemical Research Laboratory, 1803 Building, Midland, Mich. 48640, and other relevant material, has concluded that the food additive regulations should be amended to provide for use of chlorinated polyethylene as articles or components of articles for food-contact use within certain limitations. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart F a new section, as follows:

§ 121.2532 Polyethylene, chlorinated.

Chlorinated polyethylene identified in this section may be safely used as articles or components of articles that contact food, except for articles used for packing or holding food during cooking, subject to the provisions of this section.

(a) For the purpose of this section, chlorinated polyethylene consists of basic polymers produced by the direct chlorination of polyethylene conforming to the density, maximum *n*-hexane extractable fraction, and maximum xylene soluble fraction specifications prescribed under item 2.1 of the table in § 121.2501(c). Such chlorinated polyethylene contains a maximum of 60 percent by weight of total chlorine, as determined by ASTM Method D 1303-55, and has a 7 percent maximum extractable fraction in *n*-hexane at 50° C., as determined by the method described in § 121.2501(d)(3)(ii).

(b) Chlorinated polyethylene may be used in contact with all types of food, except that when used in contact with fatty food of Types III, IV-A, V, VII-A, and IX described in table 1 of § 121.2526(c), chlorinated polyethylene is limited to use only as a modifier admixed in polyvinyl chloride plastic articles such that the finished plastic food-contact article contains not more than 15 weight percent of chlorinated polyethylene.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 28, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3726; Filed, Apr. 4, 1967; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart B—Veterans Educational Assistance Under 38 U.S.C. Chapter 34

BASIC ELIGIBILITY

In § 21.1040, paragraph (e) is amended to read as follows:

§ 21.1040 Basic eligibility.

• • • • •

(e) *Persons on active duty.* Educational assistance may be afforded a person while on active duty if he:

(1) Meets the requirements applicable to a discharged veteran under paragraphs (a), (b), and (d) of this section or,

(2) Meets the requirements of paragraphs (a) and (b) of this section, and has served a total of 2 or more years (730 days or more) on active duty, any part of which occurred on or after February 1, 1955, excluding periods of time specified in § 3.15 of this chapter. Educational assistance otherwise payable may be provided under this subparagraph so long as he continues on active duty.

(38 U.S.C. 1652, Public Law 89-358) (72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective March 3, 1966.

Approved: March 30, 1967.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 67-3698; Filed, Apr. 4, 1967; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8-1—GENERAL

Subpart 8-1.3—General Policies

PROCUREMENT SOURCES

The following amendments are made in Part 8-1 of Chapter 8:

In § 8-1.302-1 paragraph (a)(7) is revised and a new paragraph (d) is added to read as follows:

§ 8-1.302-1 General.

(a) *General.* • • •

(7) Federal Prison Industries and blind-made products except as indicated in paragraph (d) of this section.

• • • • • •

(d) *Eligible beneficiaries.* Eligible beneficiaries are authorized to acquire from the Veterans Canteen Service or commercial sources, only the following items when it is determined professionally that a therapeutic benefit will result from personal selection by the beneficiary:

(1) Incidentals (General Services Administration Clearance, August 20, 1964):

Blades, safety razor.	Lather, shaving.
Brush, denture.	Pipe, smoking.
Brush, hair.	Razor, safety.
Brush, shaving.	Shoe shining facilities (brush, cloth, dauber and polish).
Brush, tooth.	
Comb, hair.	
Cosmetics.	Soap, shaving.
Cream, shaving.	Supporters, hose.
Gloves, dress.	Toothpaste or powder.
Handkerchiefs.	
Hose, ladies.	
Laces, shoe.	

(2) Shoes, work and dress (Federal Prison Industries Clearance No. C-4186, May 11, 1965) and civilian suits, sport coats, dress slacks and overcoats (Federal Prison Industries Clearance No. C-69939, March 5, 1957).

(3) Copies of clearances applicable to items acquired under this paragraph are on file in the General Accounting Office. It will suffice to cite the pertinent clearance and its date on the purchase documents.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: March 29, 1967.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 67-3699; Filed, Apr. 4, 1967; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81st CONGRESS, AS AMENDED, IN CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Federal financial assistance made pursuant to the regulations set forth below is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare and approved by the President to effectuate the provisions of section 601 (42 U.S.C. 2000d) of the Civil Rights Act of 1964 (Public Law 88-352).

Part 114, 45 CFR, Chapter I, establishes regulations for applications for Federal grants for school construction under Public Law 815, 81st Congress, as amended. The regulations, among other things, provide for cutoff dates for filing such applications and provide for priority indices to establish the order of approval of such applications and of making payments from funds available on any cutoff date.

Part 114 is revised to incorporate amendments to sections 1 through 15 of Public Law 81-815, by Public Law 89-750, approved November 3, 1966.

Part 114, as revised, reads as follows:

Subpart A—Filing and Processing of Complete Applications

Sec.	
114.1	Definitions.
114.2	Procedure if funds are inadequate to make all payments.
114.3	Determination of priority indices for applications.
114.4	Determination of available and usable school facilities.
114.5	Criteria for waiver under section 5(e) of the Act.

Sec.
114.6 Criteria for waiver under section 5(e) of the Act for children residing on Federal property.
114.7 Criteria for waiver under subsection 14(a) of the Act.
114.8 Determination of undue financial burden.
114.9 Membership of nonresident pupils.
114.10 School facilities for children whose membership is of temporary duration only.
114.11 Certification of payments.
114.12 Additional payments under section 8 of the Act.
114.13 Priority and approval of applications; conditioned upon readiness to proceed with construction.
114.14 Works of art.
114.15 School facilities accessible to, and usable by, the handicapped.
114.16 Excellence of architecture and design of minimum school facilities.
114.17 Flood plains.
114.18 Preceding provisions not exhaustive of jurisdiction of the Commissioner.

Subpart B—Establishment of Cutoff Dates for Filing Applications

114.20 Establishment of cutoff dates.

Subpart C—Retention of Records

114.30 Retention of records.

AUTHORITY: The provisions of this Part 114 issued under sec. 12, 72 Stat. 554. Interpret or apply secs. 3–6, 8–9, 13–15, 72 Stat. 548.

Subpart A—Filing and Processing of Complete Applications

§ 114.1 Definitions.

All terms used in this part which are defined in the Act and not defined in this section shall have the meaning given to them in the Act. As used in this part, for purposes of this part and determinations under the Act as hereinafter defined, the following terms shall have the meaning indicated in paragraphs (a) to (u) of this section:

(a) The "Act" means Public Law 815, 81st Congress (64 Stat. 967), as amended.

(b) "Commissioner" means the Commissioner of Education, Department of Health, Education, and Welfare.

(c) "Local educational agency" means a board of education or other legally constituted local school authority (including, where applicable, a State agency which directly operates and maintains facilities for providing free public education) having exclusive administrative control and direction of free public education, or some phase thereof, in a county, township, independent, or other school district located within a State. If the local educational agency so defined does not have responsibility for providing school facilities and such responsibility is vested in a State agency, the term shall include such State agency together with the agency having exclusive administrative control and direction of other phases of free public education.

(d) "Free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge and which is provided as elementary or secondary school education in the applicable State. Elementary education may include kindergarten education meeting the above criteria.

(e) An "applicant" is a local educational agency which has filed a complete application for assistance in school construction under the Act and this part.

(f) A "complete application" in the case where an applicant submits only one project by a filing date, consists of both Part I (Maximum Grant) and Part II (Project) of the application Form RSF–2 prescribed by the Commissioner for use under this Act, properly completed and executed, together with all documents, amendments, and communications in support thereof. Where applicant submits more than one project by a filing date, the Part I form and all Part II forms, properly executed and completed, together with all documents, amendments, and communications in support thereof on file at that time, shall be considered as the "complete application." Where more than one Part II application is submitted by an applicant, the applicant shall indicate the order in which its project applications are to be considered by the Commissioner. Only applications meeting the conditions for approval under the Act shall be considered complete applications.

(g) "Project application" means Form RSF–2, Part II, properly completed and executed, making application for Federal assistance for constructing or providing school facilities under the Act.

(h) "Filed" means that all necessary parts of the complete application, bearing the required certifications and verifications by the State educational agency, are received by the Commissioner, or enclosed in a cover addressed to the Commissioner and postmarked, on or before the applicable filing date.

(i) "Minimum school facilities" means those instructional and auxiliary rooms and initial equipment necessary to operate a program of free public education for the school members of the applicant at normal capacity in accordance with the laws and customs of the State. They do not include athletic stadiums, or structures, or facilities intended primarily for athletic exhibitions, contests, or games or other events for which admission is to be charged to the general public.

(j) "Available and usable school facilities" means those facilities containing pupil stations counted in ascertaining children who are "unhoused" or without "minimum school facilities."

(k) The "normal capacity" of a school room is the number of pupil stations which the room accommodates under ordinary conditions in accordance with the laws and customs of the State governing free public education. Where kindergartens may be conducted on a two-sessions-per-day basis the number of pupil stations of the rooms used for that purpose shall be doubled in determining kindergarten needs.

(l) Children who are "unhoused" or without "minimum school facilities" are those children in excess of the normal capacity of available and usable minimum school facilities.

(m) Unless governed by State law or State regulation, a "member" of a class is a child who presents himself at school and is placed on the current roll. Such a child shall be considered a "member" from the date of enrollment until he permanently leaves the class or school for one of the causes recognized as sufficient by the State. The date of permanent withdrawal should be the date on which it is officially known that the pupil has left school, and not necessarily the first day after the date of last attendance.

(n) "Average daily membership" for a given school in a given school year is the aggregate days of membership of individual children in the school divided by the number of days school was actually in session. Only days on which pupils were under the guidance and direction of teachers in the teaching process may be considered as days in session. The average daily membership for groups of schools having varying lengths of terms is the sum of the average daily memberships obtained for the individual schools.

(o) "Membership of children of temporary duration only" means the school membership of children whose residence in the school area the Commissioner determines probably will be for less than six years beyond the date of the approval of the complete applications and whose number is required to be excluded from computation of maximum payments under section 5 of the Act.

(p) The "priority indices" are the indices established pursuant to this part based on relative urgency of need for the purpose of determining, under the Act, the order of approval of applications, and the order of payments.

(q) The "substantial percentage" requirement under section 14(a)(1) of the Act is satisfied if the total number of children who reside on Federal property (for whom the applicant is providing or, upon completion of the school facilities for which provision is made in section 14(a), will provide free public education, and whose membership in the schools of such applicant has not formed and will not form the basis for payments under other provisions of the Act) is in excess of 15 and represents at least 10 percent of the total number of children for whom the applicant is providing free public education, unless the percentage requirement is waived by the Commissioner under the provisions of section 14(a).

(r) The term "base year" means the third or fourth school year preceding the fiscal year in which an application was filed under the Act, as may be designated in the application, except that in the case of an application based on children referred to in paragraphs (2) or (3) of section 5(a), the base year shall in no event be later than the regular school year 1962–63.

(s) The term "increase period" means the period of four consecutive regular school years immediately following such base year.

(t) For the purpose of eligibility and entitlement under section 5(a)(3) of the Act, the estimated number of children in average daily membership during the base year shall be 97 percent of the difference between (1) the total number of children in membership whose parents are employed (as determined by a parent-pupil survey made as of any specific date during the increase period) in establishments with respect to which a responsible official thereof certifies that there has been an increase in employment subsequent to the base year in order to fulfill Federal contracts or subcontracts, and (2) the number of such children whose parents moved into the applicant school district subsequent to such a base year.

(u) "Works of art" means those items, which may be in the nature of fixtures, that are incorporated in school facilities primarily because of their esthetic value. The cost of a work of art that is in the nature of a fixture shall be the estimated additional cost of incorporating those special esthetic features which exceed the general requirement of excellence of architecture and design.

§ 114.2 Procedure if funds are inadequate to make all payments.

(a) The Commissioner will from time to time set dates by which applications for payments under the Act with respect to construction projects must be filed, except that the last such date with respect to applications for payments on account of children referred to in paragraph (2) or (3) of section 5(a) shall be not later than June 30, 1967. Section 3 of the Act provides in part as follows:

> The Commissioner shall by regulation prescribe an order of priority, based on relative urgency of need, to be followed in approving applications in the event the funds appropriated under this Act and remaining available on any such date for payment to local educational agencies are less than the Federal share of the cost of the projects with respect to which applications have been filed prior to such date (and for which funds under this Act have not already been obligated). Only applications meeting the conditions for approval under this Act (other than section 6(b)(2)(c)) shall be considered applications for purposes of the preceding sentence.

(b) With respect to applications made under section 14 of the Act, section 14(c) provides in part as follows:

> In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications and the nature and extent of the Federal responsibility.

§ 114.3 Determination of priority indices for applications.

When the Commissioner has set a date by which complete applications must be filed, the priority indices for approval of such applications shall be determined as follows:

(a) A priority index will be determined for the first construction project for each applicant under section 6 or section 14 of the Act by adding (1) the percentage that the estimated number of federally connected children countable for payment in the school district (or in the approved attendance area except under section 14) is of the total estimated membership of all children in such an area at the close of the applicable 4-year increase period to (2) the percentage of the estimated school membership within the school district (or in the approved attendance area except under section 14) which at the same time is without minimum school facilities. However, in no case shall the amount used in determining the priority index exceed twice the percentage in subparagraph (1) of this paragraph. No priority, except under section 14, shall be established for any applicant having less than 20 unhoused children in the school district (or in the approved attendance area).

(b) In those cases where an applicant has filed more than one project application, the priority index for the second project will be determined by: (1) Dividing the normal capacity of the first project by the total estimated membership at the close of the 4-year increase period and (2) reducing the applicant's priority index by twice the percentage so obtained. Where more than two project applications have been filed, the applicant's priority index for each succeeding project shall be reduced by the cumulative total capacity, as provided in the first sentence of this paragraph, of all the approved projects of the applicant.

§ 114.4 Determination of available and usable school facilities.

The following school facilities shall be counted as usable and available in determining "unhoused children" or "children without school facilities":

(a) All school facilities which were constructed for school use and which have been used continuously for classroom purposes, unless such facilities have become unsafe or otherwise unusable to the extent that use of such facilities or partial use of such facilities has been abandoned or must be abandoned, for section 14 of the Act, by the end of the increase period for which the application is filed under section 5 of the Act, and for section 5, by the end of the second year following the increase period for which the application is filed. Basement rooms, hallways, or other space the use of which for classroom purposes, in view of their character, inaccessibility, or other equally cogent reason, seriously prejudices educational objectives or has impaired or will impair the health or safety of the schoolchildren, will not be considered to be available and usable. These criteria shall apply to all facilities owned by other Federal agencies which are available or which may be made available for the education of children counted by applicants.

(b) All school facilities which are "under contract as of the date on which the Commissioner set, under section 3, the earliest date on or before which the application for such project is filed." Thus, facilities for which contracts are entered into after the date on which the Commissioner set the earliest cutoff date under the Act on or before which the application was first filed, shall not be counted as available. The date on which the Commissioner set the cutoff date shall be the date on which the notice setting such date was filed with the Office of the Federal Register.

(c) All school facilities projects which, as of the date of approval of the application, have been approved for the applicant school district under the Act.

(d) With resect to section 14 of the Act, all minimum school facilities which with full utilization of practically available financial resources could be provided from local, State, or other Federal sources shall be considered as available and usable in making determinations. The capacity of school facilities which could be so provided shall be determined by dividing the sum of such resources by the cost per pupil of providing minimum school facilities in the applicant's school district.

§ 114.5 Criteria for waiver under section 5(e) of the Act.

(a) The Commissioner's authority in section 5(e) of the Act to waive or reduce the percentage requirement or requirements in section 5(c), to waive the requirement contained in the first sentence of subsection 5(d) thereof, or to reduce the percentage specified in clause (2) of such sentence will not be exercised unless the conditions set forth in subparagraphs (1) through (5), inclusive, of this paragraph, or in subparagraph (6) of this paragraph, are met:

(1) The applicant meets all conditions of eligibility under the Act other than section 14 thereof or, on the basis of the authorized waiver or reduction of one or more of the requirements, would meet such conditions.

(2) The applicant specifically states the extent to which it desires the Commissioner to exercise his authority to waive or reduce one or more of such requirements and makes appropriate requests therefor, agreeing that if such a request is granted in whole or in part in computing maximum payment under the Act, only membership of children within the federally impacted attendance area shall be considered.

(3) The applicant has two or more attendance centers, and its jurisdictional area is countywide or is sufficiently extensive as to be reasonably analogous to a countywide school system.

(4) There has been an unusually large Federal impact in the 4-year increase period for which the application is made equal to at least 10 percent of the average daily membership in the base year in an attendance area affecting one or more attendance centers located in an isolated or remote part of the school district.

(5) It would not be practicable to transport students in the federally impacted attendance area to other existing school facilities of the applicant because of distance, topography, traffic, or climatic conditions, or other equally cogent reasons.

(6) The Commissioner determines that other exceptional circumstances exist which in his judgment require such

waiver or reduction to avoid inequity and to avoid defeating the purposes of the Act.

(b) If the Commissioner, on the basis of the minimum criteria above set forth, determines, under subsection 5(e) of the Act, to exercise his authority to waive or reduce one or more of the specified requirements:

(1) He will determine which requirement or requirements he will waive, or reduce, and if the latter, the extent of such a reduction;

(2) He will determine the geographical area of the applicant which shall be considered as constituting the "federally impacted attendance area"; and

(3) The application otherwise will be processed, taking into consideration only the established "federally impacted attendance area," but in no case shall payments hereunder exceed the amounts computable on the basi of the district as a whole taking into consideration the waivers or reductions approved by the Commissioner.

§ 114.6 Criteria for waiver under section 5(e) of the Act for children residing on Federal property.

(a) The Commissioner's authority under section 5(e) of the Act to waive or reduce the percentage increase requirement in section 5(c) of the Act with respect to children residing on Federal property, and/or to waive or reduce the percentage increase requirement in section 5(d) of the Act with respect to nonfederally connected children will be exercised only if the conditions set forth in subparagraphs (1) through (6), inclusive, of this paragraph are met:

(1) The applicant otherwise meets all the conditions for eligibility under the Act, other than section 14 thereof.

(2) The applicant specifically states the waiver it desires be made or the extent to which it desires a reduction in one or more of such requirements, and makes an appropriate request therefor in which he agrees that, if such a request is granted in whole or in part, only the Federal property upon which the children reside shall be considered as a federally impacted attendance area in computing maximum payment under the waiver or reduction in requirement and that only children residing on the Federal property constituting the federally impacted attendance area will be considered in determining the increase in membership of federally connected children.

(3) There has been an increase in membership of the children residing on the Federal property constituting the federally impacted attendance area in the 4-year increase period for which the application is made of at least 50 in number and equal to at least 8 percent of the average daily membership of such children in the base year, or there are at least 50 more children residing on said Federal property than were estimated to be in the membership of the applicant's schools at the end of the increase period under the last previous eligible application for which payment has been made or may be made.

(4) The applicant has need for additional classrooms or related school facilities on the basis of the district as a whole, or the school facilities of such applicant are not reasonably accessible to the children residing on the Federal property constituting the federally impacted attendance area because of their location or the infeasibility of transporting the children residing on said Federal property to such facilities.

(5) The estimated number of children who reside on the Federal property constituting the federally impacted attendance area and who will be in the district's schools at the close of the increase period covered by the application under consideration cannot be housed adequately in minimum school facilities within the school district unless additional school facilities are provided in the school district.

(6) The school facilities to be constructed with the funds made available to the applicant upon approval of the waiver will be located within the Federal property or located reasonably close thereto so that they will serve the children residing thereon.

(b) If the Commissioner, on the basis of the minimum criteria in paragraph (a) of this section, determines under section 5(e) of the Act to waive or reduce the percentage increase requirement of section 5(c) of the Act with respect to children residing on Federal property, and/or the percentage increase requirement with respect to nonfederally connected children in section 5(d) of the Act:

(1) He shall determine which requirements he will waive or reduce and the extent of any such waiver or reduction; and

(2) The application will be processed under the Act and the regulations in this part, taking into consideration only the established federally impacted attendance area, but in no case shall payments hereunder exceed the amount computable on the basis of the district as a whole, taking into consideration the waivers or reductions approved by the Commissioner.

§ 114.7 Criteria for waiver under subsection 14(a) of the Act.

The Commissioner's authority in section 14(a) of the Act to waive the percentage requirement in section 14(a)(1) will not be exercised unless:

(a) The applicant meets all conditions of eligibility under section 14 or, on the basis of the authorized waiver of the percentage requirement, would meet such conditions;

(b) The applicant makes a request to waive such percentage requirement; and

(c) Either (1) the applicant's jurisdictional area is countywide or is sufficiently extensive as to be analogous to a countywide school system; there has been a concentration of children residing on Indian lands located in a remote or isolated area; and it would not be practicable to transport such children from the remote or isolated area to other existing school facilities of the applicant because of distance, topography, traffic, or climatic conditions, or other equally cogent reasons; or (2) there are other exceptional circumstances which require a waiver to avoid inequity and to avoid defeating the purpose of section 14.

§ 114.8 Determination of undue financial burden.

A determination under section 5(c) of undue financial burden on the taxing and borrowing authority of an applicant will be made on the basis of estimated pupil membership and the number of children without minimum school facilities as of the end of the 4-year increase period covered by the application.

§ 114.9 Membership of nonresident pupils.

For purposes of sections 5, 8, 9, and 14 of the Act and the regulations in this part, in determining an applicant's membership, a nonresident pupil who attends a school in the applicant district on a tuition or nontuition basis may be counted in the applicant's membership when a written agreement for such attendance has been entered into between the local educational agencies concerned, and if that agreement is approved by the Commissioner.

§ 114.10 School facilities for children whose membership is of temporary duration only.

(a) If the Commissioner determines that the membership of some of the children of the applicant, representing otherwise countable Federal increases under section 5 of the Act, will be of temporary duration only, as defined in § 114.1(o), the membership of such children will be excluded in computing maximum payments under section 5.

(b) The Commissioner, when proper request therefor is made in a Part I application, (1) may make available to such applicant such temporary school facilities as may be necessary to take care of the membership of such children as the Commissioner determines will be members of the applicant's school system for a sufficient period of time to justify the expense; or (2) may, where the applicant gives assurance in a complete application that at least minimum school facilities will be provided for such children, pay (on such terms and conditions as he deems appropriate to carry out the purposes of the Act) to such applicant for use in constructing school facilities an amount not greater than the amount which he estimates will be necessary to make available temporary facilities for such children, but the amount so paid shall not exceed the cost, in the school district of the applicant, of constructing minimum school facilities for such children. In no case will provision for such children be made unless they are deemed to be without minimum school facilities.

§ 114.11 Certification of payments.

Payments to an applicant will be made only on the basis of a complete application satisfying conditions for payment under the Act and this part, and will be restricted in amount to the cost of providing minimum school facilities for unhoused children; however;

(a) With respect to payments under the Act (except section 14 thereof),

(1) The Federal share of the cost of a project which will be certified for payment shall, within the maximum otherwise payable under the Act (except as provided in section 8 thereof), be equal to the cost but shall in no case exceed the cost of constructing minimum school facilities in the school district of the applicant and shall in no case exceed the cost in such district of constructing minimum school facilities for the estimated number of children who will be in the membership of the schools of such applicant at the close of the second year following the increase period under consideration and who will otherwise be unhoused; and

(2) Nothing in this part shall be deemed to bar an applicant, with the approval of the State educational agency, from using for an approved project, in addition to the Federal grant, money otherwise obtained to provide a higher type or larger or better implemented school facility. The applicant will be required to show in such cases that the added cost is being thus independently met.

(b) Payments under section 14 of the Act will not exceed the portion of the cost of minimum school facilities which the Commissioner estimates is attributable to children who reside on Federal property, and which has not been, and is not to be, recovered by the applicant from other sources, including payments by the United States under any other provisions of the Act or any other law; and such payments may be upon such terms and in such amounts, subject to the provisions of section 14, as the Commissioner may consider to be in the public interest.

§ 114.12 Additional payments under section 8 of the Act.

Pursuant to the authority vested in the Commissioner by section 8 of the Act:

(a) Not to exceed 10 percent of any amount appropriated under the Act (exclusive of any sums appropriated for administration) is reserved and may be used by the Commissioner to make grants to applicants under the Act (except section 14 thereof) when (1) the application would be approved but for the applicant's inability, unless aided by such a grant, to finance the non-Federal share of the cost of a project; or (2) after the approval of the application the project cannot, without such grant, be completed because of flood, fire, or similar emergency affecting either the work on the project or the applicant's ability to finance the non-Federal share of the cost of the project.

(b) Under the authority of paragraph (a)(1) of this section, a complete application (except applications under section 14 of the Act and applications with respect to which the Commissioner has waived or reduced eligibility requirements under section 5(e) of the Act) may be considered for payment of part or all of the non-Federal share of the cost of any project which does not include more than minimum facilities for unhoused children: *Provided*, (1) That the application contains a request for payment hereunder; (2) that the estimated number of children countable for payment under section 5 of the Act for the 4-year increase period equals or exceeds the number obtained by taking 12 percent of the average daily membership of the applicant district for the base year applicable to the increase period under consideration, except that if 1 or more years in the increase period were included in a previous application for which payment has been made or may be made, the percent shall be 9 percent if 1 year was included; 6 percent if 2 years were included; 3 percent if 3 years were included; (3) that the applicant has exhausted all fiscal resources, including State aid, bonding authority, and Federal aid, which are practicably available to it and is unable to pay the non-Federal share of the cost of the project; (4) that it has been reached on the priority indices established by this part; and (5) that Federal money reserved under paragraph (a) of this section is available. The additional payment to the applicant under this provision shall not exceed the cost of providing minimum school facilities for the number of unhoused children as of the end of the 4-year increase period less all financial resources practicably available to the applicant as of the same period nor shall it exceed the difference between (i) the actual cost of providing minimum facilities for the federally connected pupils eligible for payment under the Act, or the average cost in the State of providing such facilities, whichever is the lesser, and (ii) the Federal funds made available to the applicant under section 5 of the Act plus local and State funds which may be made available for this purpose.

(c) Under the authority of paragraph (a)(2) of this section, a request by the applicant may be considered for the additional payment of part or all of the funds required to complete a project (to the extent that the completed project will not provide more than minimum school facilities for unhoused children) for which a project application under the Act has been approved: *Provided*, (1) Federal money reserved under paragraph (a) of this section is available; (2) the applicant cannot complete the project because of flood, fire, or similar emergency affecting either the work on the project or the applicant's ability to finance the non-Federal share of the cost of the project; and (3) that the applicant has exhausted all financial resources practicably available to it, including State aid, bonding authority, and Federal aid. The payment to be made under this paragraph shall not exceed the amount required to pay the additional cost caused by the emergency less any financial resources of the applicant practicably available for such purpose, including the proceeds of any inurance.

§ 114.13 Priority and approval of applications; conditioned upon readiness to proceed with construction.

Initial approval of a project application meeting the conditions for approval under the Act and under this part will be subject to cancellation in the event the applicant is not ready to proceed with construction within 120 days after the date of initial approval unless such period is extended by the Commissioner for good cause shown; and the applicant's rights to approval and payment may be subordinated by reason thereof to other project applications of lower rank or the applicant may forfeit its priority in the discretion of the Commissioner.

§ 114.14 Works of art.

The cost of works of art when provided in an approved construction project financed entirely, or in part, with Federal funds under the Act shall not exceed 1 percent of the Federal share of the total cost of the project, exclusive of the cost of movable equipment: *Provided, however*, That nothing contained in this part shall be deemed to bar an applicant, with the approval of the State educational agency, from including works of art in excess of 1 percent of such total cost of a project with the use of non-Federal money.

§ 114.15 School facilities accessible to, and usable by, the handicapped.

School facilities constructed under the Act, shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons. Plans for construction of minimum school facilities will be evaluated in light of "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," approved by the American Standards Association, Inc., and by other standards which the Secretary may prescribe or approve, affecting ease and safety of access, egress, and use of school facilities by handicapped persons.

§ 114.16 Excellence of architecture and design of minimum school facilities.

Local educational agencies shall give due consideration to excellence of architecture and design when constructing minimum school facilities under the Act. The applicant shall furnish an appropriate assurance to this effect and any other evidence that such consideration has been given as may reasonably be required by the Commissioner.

§ 114.17 Flood plains.

In the planning of the construction of school facilities under the Act, each local educational agency shall, in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (31 F.R. 10663) and such rules and regulations as may be issued by the Department of Health, Education, and Welfare, to carry out those provisions evaluate flood hazards in connection

with such school facilities and, as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction.

§ 114.18 Preceding provisions not exhaustive of jurisdiction of the Commissioner.

No provisions of this part now or hereafter promulgated shall be deemed exhaustive of the jurisdiction of the Commissioner under the Act. The provisions of this part may be modified or further regulations may be issued hereafter as circumstances may warrant.

Subpart B—Establishment of Cutoff Dates for Filing Applications

§ 114.20 Establishment of cutoff dates.

The cutoff dates for applications during each fiscal year will be set by the Commissioner by notices published in the FEDERAL REGISTER.

Subpart C—Retention of Records

§ 114.30 Retention of records.

Local educational agencies receiving Federal payments under the Act are required to keep intact all records supporting claims for such Federal payments until the completion of the fiscal audit or administrative reviews which are regularly conducted by Federal agencies, or for 3 years following the fiscal year to which the claim relates, whichever is later, except as otherwise notified. The records involved in any claims or expenditures which have been questioned should be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agencies making such reviews. The Commissioner does not require that records be maintained beyond this period unless, under special circumstances, the grantee agency is specifically advised that certain record materials should be retained until specific questions are settled.

Dated: March 17, 1967.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: March 30, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-3720; Filed, Apr. 4, 1967; 8:48 a.m.]

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Louisiana

Appendix A to Part 801 is amended under the heading "Dates, Times, and Places for Filing" by the addition of a new place for filing in Louisiana as set out below:

LOUISIANA

Parish; Place for Filing; Beginning Date.
• • • • •
Bossier; (1) Benton—trailer at Post Office; April 3, 1967; (2) Bossier City—Lodge Hall, 1708 Scott Street; April 5, 1967.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-3806; Filed, Apr. 4, 1967; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-392; RM-1058]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Cut-off Procedure in Top-100 Market Cases

1. On October 24, 1966, Westinghouse Broadcasting Co., Inc., filed a "Petition for the Adoption of a Rule or for the Issuance of Policy Statement Concerning CATV Procedures" in which it urges that the Commission either issue a policy statement or amend its rules to specify that in dealing with requests filed pursuant to § 74.1107 of the rules the Commission will: (a) Establish a cut-off procedure for dealing with all such requests filed within a given market; (b) consolidate all such requests into a single hearing; and (c) refuse to consider later requests filed for a "cut-off" market until hearing of the earlier requests is concluded. Comments favoring such a rule amendment were filed by Kansas State Network, Inc., and Taft Broadcasting Co.; comments opposing any such proposal were filed by The Jerrold Corp., by Cosmos Cablevision Corp., by Cox Cablevision Corp., and by New Channels Corp.; and a reply was filed by Westinghouse.

2. Westinghouse[1] urges that all proposals within a given market should be considered together since the Commission must consider the cumulative effect of CATV proposals and since the proposals are likely to be similar. To date, we have generally found it convenient to consolidate for hearing all proposals within a given market, and we will continue to follow this course where indicated. But our consideration of top-100 market requests is being effected on a case-by-case basis and we believe it would be premature to adopt a fixed procedure at this time. Moreover, we are not able to find that top-100 requests are necessarily so similar as to justify adoption of this procedure. Should subsequent experience teach that Westinghouse's suggestion is appropriate, we will be free to amend our rules at that time.

3. In those cases, though, where it is found appropriate to take up simultaneously all pending requests in the same market, our experience indicates the desirability of establishing a cut-off procedure in order to avoid the necessity for last-minute consideration of late filings. Consequently, we will amend our Rules to specify that all proposals for a given market must be on file within 60 days of our issuance of public notice of the filing of a request for a given market. Later-filed requests will be accepted, but—unless we find that administrative convenience makes a waiver of the rule desirable—will not be considered with the earlier-filed requests and will be acted upon when reached chronologically. Opponents of the proposed rule change urge that this policy may have an adverse effect upon parties preparing new proposals. But this consideration is met by the circumstance that the rule change will not be made effective for 60 days. In keeping with this, we will where indicated continue to consolidate into outstanding hearings requests filed within the next 60 days.

4. Since the present amendment is procedural, the prior notice provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) are not applicable. Authority for the amendment ordered herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

Accordingly, it is ordered, Effective May 31, 1967, that Part 74 of the rules and regulations is amended as set forth below.

Adopted: March 29, 1967.

Released: March 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

In Part 74 of Chapter I of Title 47 of the Code of Federal Regulations, § 74.1107(e) is added to read as follows:

§ 74.1107 Requirement for showing in evidentiary hearing and Commission approval in top 100 television markets; other procedures.

• • • • • •

(e) Within 60 days of issuance of a request filed pursuant to paragraph (a) of this section, interested parties seeking simultaneous consideration with such request must file appropriate requests for any other CATV system in the same television market. All requests for CATV systems in a given market timely filed with respect to the first request will be processed and considered simultaneously. Later filed requests for the particular market will be subject to chronological processing and may not be considered in the same proceeding as the earlier requests.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 383, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[F.R. Doc. 67-3702; Filed, Apr. 4, 1967; 8:46 a.m.]

[1] The other proponents of a change in the rules are concerned with proceedings in markets below the top-100. But we will not consider that question in this proceeding.

[2] Commissioner Bartley dissenting, Commissioner Cox concurring in result, and Commissioner Johnson absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 320]

MEXICAN BORDER REGULATIONS

Treatments, Permits, and Fees for Fumigation

Notice is hereby given under the administrative procedure provisions of 5 U.S.C. 553, that, pursuant to the authority conferred by the Act of Congress approved January 31, 1942, entitled "An Act to provide for regulating, inspecting, cleaning, and, when necessary, disinfecting railway cars, other vehicles, and other materials entering the United States from Mexico" (56 Stat. 40; 7 U.S.C. 149), it is proposed to amend § 320.8, § 320.9, and paragraph (c) of § 320.10 of the Mexican Border Regulations (7 CFR 320.8, 320.9, and 320.10(c)) to read as follows:

§ 320.8 Responsibility for disinfection.

When disinfection involves fumigation, the treatment may be done in Government-owned facilities available for that purpose or in the railway cars themselves. If, in the judgment of the inspector, fumigation will not provide adequate safeguards against the introduction of insect pests and plant diseases, he may prescribe another type of disinfection which shall be applied by the owner or agent under the supervision of the inspector. Costs incident to such disinfection, other than the services of the inspector, shall be borne by the owner or his agent, or paid for as prescribed in § 320.9.

§ 320.9 Fees for disinfection in Government-owned facilities.

Prior to entry of railway cars or other vehicles to be fumigated in Government-owned facilities, as a condition of entry, the owner or his agent (including a carrier) shall arrange for the payment of all costs incident to such fumigation, except for the service of an inspector during regularly assigned hours of duty and at the usual place of duty. The fee collected shall represent as nearly as may be determined by the Director of the Plant Quarantine Division the average cost of materials, facilities, and special labor used by the Plant Quarantine Division in performing such fumigation. Payment of the fee, if practicable, shall be in the form of postal money orders, bank drafts, or certified checks drawn on U.S. banks, drawn to the credit of the Treasurer of the United States. Payment in U.S. currency will be accepted if tendered. All fees so collected by the inspector shall be promptly turned in to the Treasury of the United States as miscellaneous receipts in accordance with the practice approved by the Secretary of Agriculture. When fumigation is performed outside Government-owned facilities, all costs of such fumigation shall be borne by the owner or agent in charge.

§ 320.10 Soil.

• • • • • •

(c) *Issuance of permits; special mailing labels for mail importations.* Upon the approval of an application for a permit to import soil from Mexico under this part, a permit may be issued, including any conditions which, in the opinion of the Director, are necessary in order to prevent the introduction of insect pests and plant diseases. The Director may require the applicant to agree in writing to the conditions prior to the issuance of the permit. The importer will receive with the permit information on the manner in which the importation is to be made. Permission to import soil without conditions may be issued orally by the inspector, if the soil is not imported by mail. All containers for soil are to be stoutly constructed so as to prevent breakage in transit and danger of dissemination of insect pests and plant diseases and shall be appropriately labeled as to contents. If the soil is imported by mail, special mailing labels will be issued to the importer, with instructions for their use, which he is to send to the foreign shipper. The quantity of mailing labels issued will be sufficient for the foreign shipper to attach one to each parcel forwarded by mail. Such mailing labels will indicate to the postal and the plant quarantine officials that the importation is authorized under the conditions specified in the permit. Importations arriving by mail without labels will be subject to refusal of entry into the United States by the inspector unless treated, at the expense of the owner, in a manner to remove danger of introduction of insect pests and plant diseases. The Director may issue mailing labels for importations into the United States of earth other than soil when the importation might otherwise be impeded because of similarity to earth subject to regulation under this section.

The amendment of § 320.8 is proposed to clarify the circumstances under which treatments may be performed in Government-owned and private facilities.

The amendment of § 320.9 proposes an increase in the fee for the fumigation in Government-owned facilities of railway cars requiring such fumigation before entering the United States, from the present $6 per car to a fee that will compensate for all costs incident thereto, except for the service of an inspector during regularly assigned hours of duty and at the usual place of duty. The present $6 fee is considerably less than the actual costs involved. The proposed fee would be calculated on the basis of the time consumed, apparatus utilized, and fumigant dosage.

The proposed change in § 320.10(c) concerns authority of an inspector to issue orally unconditional permission for the importation of soil from Mexico which is not being imported by mail.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 30 days after the date of the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 30th day of March 1967.

[SEAL] E. P. REAGAN,
Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 67-3691; Filed, Apr. 4, 1967; 8:46 a.m.]

Consumer and Marketing Service

[7 CFR Part 68]

HAY AND STRAW GRADING SERVICE

Kind and Availability of Service and Loaning of Sample

Statement of considerations. The U.S. Standards for hay became effective September 1, 1925. The U.S. Standards for straw became effective January 2, 1933. The standards were last revised effective July 1, 1949.

The hay and straw standards are "physical" standards for loose and baled hay and straw. The grading of hay and straw under the standards is entirely voluntary or permissive and is required to be self-supporting from fees paid by the users of the service. At some locations the grading is performed by licensed inspectors who are employees of States or trade associations which have cooperative agreements with the Consumer and Marketing Service of the U.S. Department of Agriculture. At other locations where there are no cooperative agreements, the grading is performed by employees of the U.S. Department of Agriculture or other Federal agencies.

Prior to World War II, about half of the total hay and straw graded each year was used at U.S. Army installations for horses and mules. As a result of the mechanization of the Army, the grading of hay and straw for Army installations decreased each year until 1953 when

only eight such gradings were made. None have been made for Army installations since 1953.

The number of gradings of hay and straw for all purposes has been relatively small each year since the grading service was started. A record 25,067 gradings were made in fiscal year 1946. Since that time, the number of gradings has steadily decreased to a total of 596 for fiscal year 1966. Almost 40 percent of these gradings during the past year were for hay and straw used at the Agricultural Research Center, Beltsville, Md., and the National Zoological Park, Washington, D.C.

The total annual gradings of hay and straw have been so low that it appears that the present program cannot be continued as the revenue accruing to the U.S. Department of Agriculture would not be enough to cover expected operating and administrative costs. Increases in inspection fees sufficient to meet these costs would be economically impractical in relation to the value of an inspected lot. Alternatives to the present system have been considered as follows:

1. Consolidate and curtail the grading service by making it available at only one or more designated points on a submitted sample basis. The consolidation would reduce the need to train and supervise a large staff of graders. Limiting the gradings to submitted samples would effectively reduce operating costs. Under this alternative, the U.S. standards would be retained. Private and governmental agencies could purchase hay and straw on the basis of the standards and/or other contract specifications to meet their respective needs, and could submit samples of the hay or straw to a licensed or authorized grader at specified locations for inspection.

2. Retain the standards and discontinue the grading service. Under this alternative, the U.S. standards would be retained, but grading service under Federal supervision would be discontinued. Private and governmental agencies could purchase hay and straw on the basis of the standards and/or other contract specifications to meet their respective needs.

3. Discontinue the grading service and revoke the standards. If the grading service were discontinued and the standards were revoked, private and Federal agencies could purchase hay and straw on the basis of contract specifications to meet their respective needs. Official grading under U.S. standards would not be available under this alternative at any location.

It appears that the first alternative would best serve the public by retaining the Federal standards and providing for a grading service on a submitted sample basis only at one or more points.

For the past few years samples illustrating U.S. standards for commodities have been prepared and loaned to various public and private agencies for official or demonstration purposes. Under any of the above alternatives the preparation and loaning of type samples, of hay and straw only, would be discontinued. Under the first alternative a substitute program could be operated. An applicant for hay or straw inspection would be permitted to request the return of the submitted sample. After the inspection was completed the graded sample would be returned to the applicant.

Accordingly, notice is hereby given that, pursuant to the administrative procedure provisions of 5 U.S.C., 553, the U.S. Department of Agriculture has under consideration proposals to:

1. Consolidate and curtail the service for the grading of hay and straw under the Agricultural Marketing Act of 1946.

2. Discontinue the loaning of type samples of hay and straw illustrating the U.S. standards.

3. Amend §§ 68.4 and 68.54 of the regulations as follows:

Add a new paragraph to § 68.4 to read as follows:

§ 68.4 Kind and availability of service.

* * * * *

(c) The inspection of hay or straw shall be made only on samples of hay or straw submitted by an applicant to an office of inspection.

Add to the present § 68.54 additional wording to read as follows:

§ 68.54 Loaning of samples.

* * * *Provided:* That no such samples of hay or straw may be prepared or loaned by an office of inspection, but the office of inspection may upon request of an applicant, and after the inspection of a submitted sample of hay or straw has been completed, return the submitted sample to the applicant.

If the proposals are adopted it is intended to make the amendments effective at the close of business June 30, 1967.

Written data, views, and arguments on the proposals should be filed in duplicate, no later than April 30, 1967, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public inspection during official hours of business (7 CFR 1.25(b)).

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

MARCH 29, 1967.

[F.R. Doc. 67-3693; Filed, Apr. 4, 1967; 8:46 a.m.]

[7 CFR Part 993]

[Docket No. AO 201-A6]

DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Hearing With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at Courtroom 3, Room 17437, Federal Office Building, 450 Golden Gate Avenue, San Francisco, Calif., beginning at 9:30 a.m., P.s.t., April 17, 1967, with respect to proposed further amendment of the marketing agreement and Order No. 993 (7 CFR Part 993), regulating the handling of dried prunes produced in California. The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions which relate to the proposed amendment, hereinafter set forth, and to any appropriate modifications thereof.

The Prune Administrative Committee, the administrative agency established pursuant to the marketing agreement and order, proposed the following amendment and requested a hearing thereon:

DEFINITIONS

1. Add a new § 993.5a as follows:

§ 993.5a Prune plums.

"Prune plums" means any variety of plums from which prunes are or can be produced.

2. Revise § 993.13 as follows:

§ 993.13 Handle.

"Handle" means to receive, package, sell, consign, transport, or ship (except as a carrier of prunes owned by another person), or in any other way to place prunes, including surplus prunes, in the current of the commerce within the area or outside thereof: *Provided,* That this term shall not include: (a) Sales or deliveries of prunes by a producer or dehydrator to a producer, dehydrator, or handler within the area; (b) the receiving of prunes by a producer or dehydrator; and (c) receipts, sales, or shipments of prunes already handled by another person other than transfers pursuant to § 993.50(f).

3. Revise § 993.14 as follows:

§ 993.14 Handler.

"Handler" means any person inside or outside of the area who handles prunes.

4. Revise § 993.21c as follows:

§ 993.21c Salable prunes.

"Salable prunes" means those prunes which are free to be handled pursuant to producer allotments and any salable percentage established by the Secretary pursuant to § 993.54.

5. Add a new § 993.21e as follows:

§ 993.21e Marketable quantity.

"Marketable quantity" is the quantity of prunes necessary to meet the estimated total trade demand of a crop year and permit desirable adjustments in carryover.

6. Add a new § 993.21f as follows:

§ 993.21f Base quantity.

"Base quantity" means the number of pounds of prunes expressed as tons, established by the committee pursuant to § 993.45 for a producer.

7. Add a new § 993.21g as follows:

§ 993.21g Annual allotment.

"Annual allotment" means, for a crop year and for each producer, the number of pounds of prunes expressed as tons determined by multiplying the producer's base quantity by the allotment percentage.

8. Add a new § 993.21h as follows:

§ 993.21h Leaf.

"Leaf" means the age, in years, of a budded or grafted prune plum variety of tree, with the first leaf commencing in the crop year in which it is permanently planted and produces leaves.

MARKETING POLICY

9. Revise § 993.41 as follows:

§ 993.41 Marketing policy.

(a) On or before the fourth Tuesday of each February, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the ensuing crop year. In formulating such marketing policy the committee shall consider and shall include in its report to the Secretary, the following estimates (natural condition basis) and recommendations:

(1) The carryover of salable prunes, including any reserve prunes to be released to salable, as of August 1;

(2) The domestic trade demand by uses of prunes;

(3) The foreign trade demand by countries or groups of countries;

(4) The total trade demand;

(5) The desirable carryout of salable prunes at the end of the ensuing crop year;

(6) The desirable total marketable quantity of prunes;

(7) Beginning in 1971, the recommended allotment percentage for the ensuing crop year; and

(8) Such other factors as may have a bearing on the marketing of prunes or the administration of this part including the likely salable and reserve quantities and percentages.

(b) On or before the third Tuesday in July, the committee shall convene for the purpose of reviewing and modifying its recommended marketing policy for the ensuing crop year and formulate its further recommendations as to such marketing policy. A report thereof shall be prepared and submitted on or before the fourth Tuesday of July to the Secretary. In such meeting, the committee shall consider and shall include in its report to the Secretary, in addition to those set forth in paragraph (a) of this section, the following estimates (natural condition basis) and recommendations:

(1) The grade and size composition of the salable and reserve carryovers;

(2) The production of prunes with allotments and without allotments;

(3) The probable quality of prunes in the crop;

(4) The quantity of prunes to be withheld as reserve prunes so as to protect against errors of estimation and permit orderly marketing of the supply;

(5) The recommended salable and reserve percentages for the ensuing crop year;

(6) The quantity of prune plums and prunes, dried weight basis, likely to be disposed of by diversion or as surplus;

(7) Any recommended change in grade, size or pack regulations pursuant to §§ 993.49 to 993.53 inclusive;

(8) The probable assessable tonnage for the purposes of § 993.81;

(9) The current prices for prunes, the trend and level of consumer income, and whether producer prices are likely to exceed parity; and

(10) Beginning in 1971, any recommended suspension of the allotment percentage and annual allotments.

(c) The committee shall, if it becomes advisable at any time, modify its marketing policy, because of changed demand, supply, or other conditions, in which case the committee shall formulate a new policy and shall submit a report thereon to the Secretary. Notice of the committee's marketing policy, and of any modifications thereof, shall be given promptly by reasonable publicity to producers, dehydrators, and handlers.

10. Redesignate present § 993.48 as § 993.42 and add new sections on allotment control as follows:

ALLOTMENT CONTROL

§ 993.43 Establishment.

Beginning with 1971, if the Secretary finds, on the basis of the committee's recommendation or other information, that limiting the quantity of prunes that may be purchased or handled from any crop would tend to effectuate the declared policy of the act, he shall determine the marketable quantity for such crop. The marketable quantity shall be prorated among producers by applying an allotment percentage to each producer's base quantity. The allotment percentage shall be established by the Secretary and shall be equal to the marketable quantity divided by the total of all producer base quantities established pursuant to § 993.45.

§ 993.44 Current availability.

Beginning with the 1967 crop year and continuing through 1970, the committee shall issue to each producer an allotment at 100 percent of the annual production of prunes attributable to the acreage he farms. During the crop years 1967 through 1970 no handler shall handle, as the first handler thereof, prunes delivered to him until he has determined the identity of each producer of the plums which were dried or dehydrated and so delivered and the quantity of prunes attributable to such producer. The handler shall furnish such information to the committee at such times and in such form as the committee may request. All such quantities of prunes shall be in terms of weights determined by Public Weighmasters. In any crop year, beginning with 1971, in which the crop is estimated to be less than the total allotted quantity the committee, with the approval of the Secretary, may suspend allotments pursuant to § 993.45 and issue allotments, as provided herein, on current availability.

§ 993.45 Allotments on base quantity.

(a) *Determination of base quantities.* (1) Upon the Secretary finding that the 4 crop years, 1967 through 1970, constitute a representative period in terms of production of prunes for market and the consequent producer sales, a base quantity shall be computed for each producer which shall be either the total sales of such producer during the 4 crop years 1967 through 1970 divided by 4 or the base quantity determined pursuant to paragraph (a)(2) of this section.

(2) Any person (i) who was a producer in the 1967-68 crop year and then had immature prune plum acreage, in 9th leaf or younger, permanently planted as of the effective date of this section, or (ii) who rotates his 10th leaf or older bearing acreage subsequent to the effective date of the section and prior to harvest of the 1970 crop, may have his base quantity on such acreage computed at the average level awarded to other producers in the locality pursuant to paragraph (a)(1) of this section. In the alternative the committee may use as the basis for such base quantity an application setting forth at least the ownership and a legal description of the limits and acreage of his orchard, the number of acres of each leaf, the planting pattern thereof as of each of the 1967 through 1970 crop years, the total sales of dried prunes from such acreages during each of these crop years, and such information as is available on the likely increasing productivity of such orchard for the 1971 and subsequent crop years until the trees reach 10th leaf. Such application shall be on a form provided by the committee. The committee may establish administrative rules and regulations, with the approval of the Secretary, to administer this provision.

(3) In accordance with paragraph (a)(1) and (2) of this section, and based on reports of handlers, producer certifications and other information, the committee shall establish each producer's base quantity and, except as hereinafter provided, assign such base quantity to such producer. The right of each producer, or his legal successor in interest, to receive such base quantity or to retain all or a part of such quantity shall be dependent upon his continuing to make a bona fide effort to produce his annual allotment and failing to do so for 3 consecutive years, such base quantity shall be reduced by a percentage equivalent to the unproduced portion of his annual allotment.

(b) *Additional base quantities.* Each year beginning in 1972 the committee shall consider the need for granting, and if appropriate, grant, with the approval of the Secretary, additional base quantities, to either a new producer or an existing producer, for such purposes as satisfying the demand for one or more varieties, providing more equitable base quantities or adjusting the total of all base quantities to the trade demand. Administration of this provision shall be

in accordance with such rules and regulations as the committee, with the approval of the Secretary, may prescribe.

(c) *Maximum base quantity.* In the event the total of all producer base quantities as determined in 1971 exceeds 250,000 tons, each base quantity shall be reduced by the approximate percentage equivalent of such excess, rounded to the nearest whole number.

(d) *Issuance of annual allotments.* As early as possible in each calendar year, beginning in 1971, the committee shall issue to each producer an annual allotment determined by applying the allotment percentage established pursuant to § 993.43 to the producer's base quantity. Beginning in 1968, the committee shall require each producer to qualify for his allotment by filing with the committee Form PAC 15.1 wherein the producer states such things as where he intends to produce his annual allotment, the acreage he intends to harvest, the maturity of the trees, changes of location, if any, and such information as is necessary to administer this part. Where a producer, beginning in 1971, indicates that due to acreage or age of trees he will be unable to produce his computed annual allotment, the committee shall make an appropriate reduction in the annual allotment it issues. The committee shall not recognize any assignment of an annual allotment, or portion thereof, except that another person may deliver prunes in the stead of the producer holding the allotment but no handler shall receive prunes from such other person except to the extent authorized by the committee.

§ 993.46 Surplus prunes.

(a) *General.* Prunes that are in excess of an effective individual producer annual allotment, or the total of such allotments to members of a cooperative marketing association, shall be surplus prunes. Prior to January 15 of the crop year such prunes may be sold or transferred to producers capable of using them to satisfy a deficiency of production relative to their annual allotment. No handler shall handle surplus prunes except for the account of the committee and any producer or dehydrator selling or delivering surplus prunes to other than the committee or its designees or to a producer satisfying a deficiency, as provided in this paragraph, shall be a handler relative to such transaction. Any producer may dispose of surplus prunes of his own production within his own livestock feeding or other farming operation or, if held after January 15, such prunes may be delivered to the committee for inclusion in the surplus pool.

(b) *Handler's holding obligation.* Any surplus prunes accumulated by a handler through size-grading, sorting, or conditioning prunes for any producer prior to inspection shall be held by the handler in proper storage, free and clear of all liens for committee disposition unless such prunes are used in filling a deficiency. Similarly, any surplus prunes received by a handler shall be so held either (1) as field-run prunes if the lot containing such prunes was not size-graded or (2) if the lot was size-graded, as the approximate average marketable content of the lot containing such prunes.

(c) *Committee's right of disposition.* The committee shall have the power and authority to sell or dispose of any and all surplus prunes delivered to it or held by handlers for its account but no such disposition shall be in normal outlets except upon a finding of the committee, approved by the Secretary, that it will not interfere with the demand for salable prunes. The committee may sell and ship or instruct handlers to ship surplus prunes for nonhuman consumption purposes. The committee may arrange to store surplus prunes at other than a handler's premises.

(d) *Distribution of proceeds.* The committee will account for the disposition of surplus prunes to the equity holders thereof, distributing to them or their assignees any sales proceeds received in excess of the costs incurred by the committee for the receiving, handling, holding, or disposing of surplus prunes. The monies received as revenues as well as the expenses incurred, including the administrative and distribution costs, shall be treated as pool revenue and expenses.

§ 993.47 Transfers.

(a) *Of location.* Nothing contained in this subpart shall prevent a producer from transferring all or part of his base quantity from the location(s) where he produces his annual allotment to other land which he owns or leases except that if the producer is not the owner of the original land, consent of the owner shall be required prior to the committee's granting an annual allotment on such base quantity. The committee shall, by such means as are provided in § 993.45 (c), obtain information as to the location(s) where each producer intends to produce each annual allotment.

(b) *To another producer.* A producer may transfer all or part of a base quantity from himself to another producer but if the transferor is not the owner of the producing acreage, the consent of the owner shall be required prior to the committee's granting an annual allotment on such base quantity. Also, such a transfer shall be recognized only upon the transferor and transferee notifying the committee in writing and the transferee submitting evidence of capability to produce and harvest the annual allotment referable thereto.

CONFORMING CHANGES

11. Revise the first sentence of § 993.33 as follows:

§ 993.33 Voting procedure.

Decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided,* That decisions on marketing policy, allotment controls, grade and size regulations, pack specifications, salable and reserve percentages, and on any matters pertaining to the control or disposition of surplus prunes, reserve prunes, or to prune plum diversion pursuant to § 993.62, including any delegation of authority for action on such matters and any recommendation of rules and procedures with respect to such matters, including any such decision arrived at by mail or telegram, shall require at least 14 affirmative votes.

§ 993.36 [Amended]

12. Revise § 993.36(h) as follows:

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee, exclusive of surplus prune and reserve prune operations, and to make such statements, together with the minutes of the meetings of said committee, available for inspection at the offices of the committee by producers, dehydrators, and handlers;

13. Revise § 993.36(i) as follows:

(i) To prepare and submit to the Secretary annually, as soon as practicable after the end of each crop year and at such other times as the committee may deem appropriate or the Secretary may request, a statement of the committee's financial operations with respect to surplus prunes for such crop year, as well as a statement of the committee's financial operations with respect to reserve prunes for such crop year, and to make such statements available at the offices of the committee for inspection by producers, dehydrators, and handlers;

14. Revise the second sentence of § 993.54 as follows:

§ 993.54 Establishment of salable and reserve percentages.

* * * The salable and reserve percentages when applied to the natural condition weight of prunes received during the crop year by a handler from producers and dehydrators, excluding surplus prunes and excluding the weight obligation of § 993.49(c), plus that diverted tonnage (dried weight natural condition prune basis) on diversion certificates issued pursuant to § 993.62 and credited to or held by him, shall determine the weight of each handler's receipts which are salable prunes and reserve prunes.

15. Revise the first sentence of § 993.55 as follows:

§ 993.55 Application of salable and reserve percentages after end of crop year.

The salable and reserve percentages established for any crop year shall also apply to prunes received by handlers in the subsequent crop year, excluding surplus prunes and excluding the weight obligation of § 993.49(c) and before salable and reserve percentages are established for that crop year. * * *

16. Revise the first sentence of § 993.56 as follows:

§ 993.56 Reserve obligation.

Whenever salable and reserve percentages are in effect for a crop year, the reserve obligation of a handler shall approximate the average marketable content of the handler's receipts and shall be a weight of natural condition prunes

equal to the reserve percentage applied to the natural condition weight of prunes such handler receives during the crop year from producers and dehydrators, excluding surplus prunes and excluding the weight obligation of § 993.49(c), plus that diverted tonnage (dried weight natural condition prune basis) on diversion certificates credited to or held by him which were issued pursuant to § 993.62. * * *

17. Revise the second sentence of § 993.49(c) as follows:

§ 993.49 Incoming regulation.

* * * * *

(c) * * * In determining the defective prunes to be disposed of, consideration shall be given to the size ranges of their occurrence unless there is a size count of the lot, and variation in their condition. * * *

18. Add a second sentence to § 993.59 as follows:

§ 993.59 Payment to handlers for services.

* * * Also, the committee shall pay handlers for such services similarly rendered by them in connection with surplus prunes in accordance with a separate schedule of payments and conditions established by the Secretary after committee recommendation.

19. Revise § 993.62(a) as follows:

§ 993.62 Diversion privileges.

(a) The provisions of this section shall not apply to prune plums produced in any crop after calendar year 1970.

* * * * *

GENERAL

20. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to any amendments which may result from the hearing.

Copies of this notice may be obtained from the San Francisco Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, 630 Sansome Street, Room 836, San Francisco, Calif. 94111, or from the Prune Administrative Committee, Room 110, World Trade Center, San Francisco, Calif. 94111.

Dated: March 31, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3694; Filed, Apr. 4, 1967; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 91]

[Docket No. 8065; Notice 67-10]

NOISE ABATEMENT RULES

Operation at Airports With Operating Control Towers

The Federal Aviation Agency is considering amending Part 91 of the Federal Aviation Regulations to include all large and all turbine-powered airplanes within the class of aircraft to which noise abatement rules apply. Concurrently, all airplanes which are ILS equipped would be included in the provision pertaining to operation at or above the ILS glide slope. The written report required from pilots by § 91.87(g) relating to the nonadherence to an assigned preferential runway would be omitted, and certain editorial changes clarifying the intent of these rules would be effected.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before May 22, 1967, will be considered before action is taken on the proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

In most cases, the current noise abatement regulations apply only to large airplanes. Because of the increasing number of turbine-powered airplanes that do not come within the large airplane category, but which create more noise than piston-type airplanes of comparable size, the agency is proposing amendments that would make the noise abatement rules apply uniformly to all large airplanes and all turbine-powered airplanes.

In further considering the problems of noise abatement, the agency has conducted extensive tests. These tests have revealed that a minimum noise exposure with respect to turbine-powered aircraft results when a thrust reduction is used after reaching an appropriate altitude or geographic point based on noise sensitivity. At this altitude or location, a segmented climb profile is used and reduced power is maintained while overflying noise sensitive areas or until released by ATC. The agency is considering the issuance of separate regulatory proposals to cover this area of the problem.

Presently, the noise abatement rules are not uniformly applicable. Section 91.87(d)(1), requiring an altitude of 1,500 feet above the surface until further descent is necessary to accomplish a safe landing, applies only to turbine-powered airplanes. Section 91.87(d)(2), requiring flight at or above the glide slope when approaching to land on an ILS runway, applies only to large airplanes having ILS equipment. Section 91.87(d)(3), requiring flight at or above the glide slope of a runway served by a visible approach slope indicator (VASI) applies to all airplanes. Section 91.87(f)(2) requiring a climb to 1,500 feet above the surface as rapidly as practicable after takeoff, applies only to large airplanes. Section 91.87(g), requiring the use of a preferential runway when assigned by ATC, applies only to large airplanes.

Noise problems have been associated with the operation of large airplanes. Recently, the operation of small business jets from community airports has formed the basis of a large number of complaints about excessive noise. Recent tests conducted by the agency indicate that the noise generated by turbine-powered small airplanes exceeds that generated by piston-type airplanes of comparable size, and approaches the noise generated by large aircraft. Additionally, the noise from turbine-powered airplanes generally is more high pitched and irritating than the noise from piston-type airplanes, causing greater annoyance in the immediate community. Therefore, it appears desirable to make the noise abatement regulations applicable to all turbine-powered airplanes as well as all large airplanes. This should achieve a more effective noise abatement program without imposing an undue burden on the aviation public.

The requirement for all airplanes to remain at or above the VASI glide slope, in addition to being an effective noise abatement procedure where large airplanes and turbine-powered airplanes are concerned, also provides an additional measure of safety to aircraft during their approach to a VASI equipped runway. For this reason, as well as for uniformity in the applicability of the two provisions, it is proposed to make the ILS glide slope provision apply to all airplanes having ILS equipment.

Section 91.87(g) requires a written pilot report upon request by ATC, when a pilot has determined, in the interest of safety, that a runway other than the assigned preferential runway should be used. This report provision was adopted with the initiation of the preferential runway system. Experience indicates that the user cooperation and compliance with the preferential runway concept has been excellent, and, therefore, there appears to be no need to retain this provision.

Complaints have been received that pilots of large aircraft often cancel their instrument flight plans when approaching their destination but still a substantial distance from the airport, and descend below minimum instrument altitudes when conducting an approach. These low altitude flights frequently pass over or are adjacent to small outlying airports and interfere with their traffic pattern. Reports indicate that this practice is becoming a serious safety problem with an increasing number of incidents between large and small aircraft. Compliance by all large airplanes and all turbine-powered airplanes with the requirement to maintain at least 1,500 feet above the surface within the airport traffic area of the destination airport until further descent is necessary, will alleviate this interference with the traffic patterns at outlying airports. Ordinarily, the aircraft would maintain at least 1,500 feet when approaching the destination in order to enter the airport traffic

area at 1,500 feet. It, therefore, appears desirable to amend § 91.87(d)(1) to require that the airport traffic area be entered at an altitude of at least 1,500 feet above the surface of the airport.

In the notice proposing the adoption of § 91.87(d)(1) the phrase "where terrain and obstacles permit" was significant to the basic requirement of remaining 1,500 feet above the surface. When that proposal was promulgated as § 91.87(d)(1) the final rule contained a wording change from the notice. The words now imply that there may be some reason why terrain or obstacles would require aircraft operations at less than 1,500 feet above the surface of the airport. Consequently, the introductory phrase "unless otherwise required by terrain, obstacles, or the VFR distance from cloud criteria" although retained in the final rule has no meaning insofar as the phrase "terrain and obstacles" is concerned, and tends to create confusion for some pilots as to its intent.

The notice and rule based thereon originally specified that turbine-powered fixed-wing aircraft should be flown within the proposed traffic area, including the traffic pattern, at an altitude of at least 1,500 feet above the surface of the airport, until maneuvering for a safe landing required further descent. Subsequently, the phrase "including the traffic pattern" was eliminated as being redundant. This omission does not clearly convey the intent of the regulations that the airplanes should maintain 1,500 feet above the surface while in the traffic pattern, and frequently pilots do not adhere to this provision. It is therefore proposed that the phrase "including the traffic pattern" be inserted in § 91.87(d)(1).

It is therefore proposed that paragraphs (d), (f)(2), and (g) of § 91.87 be amended to read as follows:

§ 91.87 Operation at airports with operating control towers.

• • • • •

(d) *Minimum altitude.* When operating to an airport with an operating control tower, each pilot of—

(1) A turbine-powered airplane or a large airplane shall, unless otherwise required by applicable distance from cloud criteria, enter the airport traffic area at an altitude of at least 1,500 feet above the surface of the airport and maintain at least 1,500 feet within the airport traffic area, including the traffic pattern, until further descent is required for a safe landing;

(2) An airplane approaching to land on a runway being served by an ILS, shall, if the airplane is ILS equipped, fly that airplane at an altitude at or above the glide slope between the outer marker (or the point of interception with the glide slope, if compliance with applicable distance from clouds criteria requires interception closer in) and the middle marker; and

(3) An airplane approaching to land on a runway served by a visual approach slope indicator, shall maintain an altitude at or above the glide slope until a lower altitude is necessary for a safe landing.

However, subparagraphs (2) and (3) of this paragraph do not prohibit normal bracketing maneuvers above or below the glide slope that are conducted for the purpose of remaining on the glide slope.

• • • • •

(f) • • •

(2) Unless otherwise required by noise abatement departure procedures or applicable distance from clouds criteria, each pilot of a turbine-powered airplane and each pilot of a large airplane shall climb to an altitude of 1,500 feet above the surface as rapidly as practicable.

(g) *Preferential runway system.* When landing or taking off from an airport with an operating control tower and for which a preferential runway system has been established by the FAA, each pilot of a turbine-powered airplane and each pilot of a large airplane, assigned a preferential runway by ATC, shall use that runway. However, each pilot has final authority and responsibility for the safe operation of his airplane and if he determines in the interest of safety that another runway should be used, ATC will assign that runway (air traffic and other conditions permitting).

• • • • • •

These amendments are proposed under the authority of sections 307 and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on March 29, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-3683; Filed, Apr. 4, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 3, 131]

OVER-THE-COUNTER SYSTEMIC ANALGESICS

Proposed Statement of Policy and Changes in Warning Statements

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502 (a), (f), 701(a); 52 Stat. 1050, 1051, 1055; 21 U.S.C. 352 (a), (f), 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Title 21, Chapter I, be amended:

1. By adding to Part 3 the following new section:

§ 3.___ Over-the-counter systemic analgesics.

(a) There are large numbers of systemic analgesics marketed over-the-counter that may be safe and useful when appropriate indications and adequate directions for use are included in the labeling and are followed by the user. The labeling for many of these products, currently marketed, has been reviewed. Many examples of misleading representations and exaggerated usefulness were noted as well as representations for use in conditions that cannot be diagnosed by the layman or that are too serious to risk treatment by a layman without diagnosis and supervision by a physician. In addition, some representations were too vague to be meaningful.

(b) It is the opinion of the Food and Drug Administration that it is in the public interest to set forth acceptable labeling claims for the guidance of manufacturers and distributors in the preparation of labeling for systemic over-the-counter analgesics.

(c) In view of the foregoing, the labeling for over-the-counter systemic analgesics will be regarded as acceptable if, in addition to the other label and labeling requirements of the Federal Food, Drug, and Cosmetic Act, all the following conditions are met:

(1) The drug is safe and effective for the purposes for which it is represented.

(2) The labeling bears adequate directions for use for the purposes for which the drug is intended including adequate warnings as necessary for the safe use of the drug.

(3) The indications are limited to the following and any qualifying words do not extend the claims beyond the effect suggested:

(i) For simple headache.

(ii) For the temporary relief of minor aches and pains associated with rheumatism or arthritis, bursitis, sprains, or neuralgia.

(iii) For the temporary relief of minor aches and pains due to overexertion or fatigue, sinusitis, and the common cold or "flu."

(iv) For the temporary relief of toothache.

(v) For the temporary relief of minor cramps associated with the menstrual period.

(4) The labeling bears the caution statement "Caution—If pain persists or is accompanied by redness or swelling, consult a physician immediately."

(5) The label bears the statement "Warning—Keep this and all medicines out of children's reach. In case of accidental overdose, contact a physician immediately."

(d) The following is a partial list of conditions that cannot be accurately diagnosed or safely treated without medical diagnosis and supervision or for which over-the-counter systemic analgesics are not generally recognized as useful. Any representation or suggestion for such use in labeling directed to the layman is regarded as objectionable.

Fever or hyperpyrexia.	Migraine.
Influenza.	Neuritis.
Irritability.	Sciatica.
Jittery nerves.	Sleeplessness.
Lumbago.	Tension or tension headache.

(e) If labeling changes are required to bring into conformance with this statement of policy any drug for which a new-drug approval is in effect, specimens of the revised labeling should be submitted for the file.

§§ 3.509, 131.15 [Amended]

2. By revising, as appropriate, the warning statements set forth in § 3.509 *Labeling of drug preparations containing salicylates* and in § 131.15 *Drugs for human use; recommended warning and caution statements* under "SALICYLATES, INCLUDING ASPIRIN • • •" to make them consistent with the warning statements in paragraph (c) (4) and (5) of the above-proposed statement of policy.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 27, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-3721; Filed, Apr. 4, 1967; 8:48 a.m.]

[21 CFR Part 191]

HAZARDOUS SUBSTANCES

Proposed Definitions and Procedural and Interpretative Regulations

The Commissioner of Food and Drugs proposes the following amendments to the hazardous substances regulations to prescribe requirements, exemptions, and procedures reflecting the "banned hazardous substance" and other provisions of the Federal Hazardous Substances Act as amended by the Child Protection Act of 1966. Accordingly, pursuant to the provisions of the Federal Hazardous Substances Act (secs. 2 (n), (q), 10(a), 74 Stat. 372, 373, 378, 80 Stat. 1303, 1304, 1305; 15 U.S.C. 1261, 1269) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), it is proposed that Part 191 be amended:

1. By adding to § 191.1 the following new paragraph:

§ 191.1 Definitions.

• • • • •

(s) *Banned hazardous substance.* The term "banned hazardous substance" means:

(1) Any toy or other article intended for use by children that is a hazardous substance or bears or contains a hazardous substance within the meaning of section 2(f)(1) of the act or any regulation in this part, or

(2) Substances other than those defined in subparagraph (1) of this paragraph which are intended for, or packaged in a form suitable for, household use and which the Commissioner finds and classifies by regulation as being so hazardous in nature that they cannot be made suitable for safe use in or around the household by any form of cautionary labeling.

2. By revising the heading of § 191.62 and by adding two new paragraphs to that section, as follows:

§ 191.62 Exemption from full labeling and other requirements.

• • • • •

(c) Any person who believes a particular article should be exempted from being classified as a "banned hazardous substance" as defined by section 2(q)(1)(A) of the act, because its functional purpose requires inclusion of a hazardous substance, it bears labeling giving adequate directions and warnings for safe use, and it is intended for use by children who have attained sufficient maturity, and may reasonably be expected, to read and heed such directions and warnings, may submit to the Commissioner a request for exemption under section 2(q)(1)(B)(i) of the act, presenting facts in support of his contention. The Commissioner shall determine on the basis of the facts submitted, and all other available information, whether the requested exemption is consistent with the purposes of the act. If he so finds, he shall detail the exemption granted and the reasons therefor by an appropriate order published in the FEDERAL REGISTER.

(d) On his own initiative the Commissioner may determine on the basis of available facts that a particular banned hazardous substance should be exempted from section 2(q)(1)(A) of the act, because its functional purpose requires inclusion of a hazardous substance, it bears labeling giving adequate directions and warnings for safe use, and it is intended for use by children who have obtained sufficient maturity, and may reasonably be expected, to read and heed such directions and warnings. If he so finds, he shall detail the exemption granted and the reasons therefor by an appropriate order in the FEDERAL REGISTER.

3. By adding the following new section:

§ 191.65 Exemptions for banned hazardous substances.

(a) The term "banned hazardous substances" as used in section 2(q)(1)(A) of the act and § 191.1(s) shall not apply to the following articles provided that these articles bear labeling giving adequate directions and warnings for safe use:

(1) Chemistry sets and other science education sets intended primarily for juveniles, and replacement components for such sets, when labeled in accordance with § 191.63(a)(23).

(2) Fireworks devices suitable for use by the public (such as toy paper caps, cone fountains, cylinder fountains, whistles without report, and sparklers, but not including fireworks devices that may be confused with candy or other food, such as "dragon eggs" and "crackerballs," also know as "ball type caps"), if such devices are:

(i) Designed to produce only visible effects by combustion; or are

(ii) Designed to produce audible effects, if the audible effect is produced by a charge of not more than 2 grains of pyrotechnic composition.

(3) Fireworks that are classified as devices within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act and that are intended and used for bona fide agricultural purposes, such as protection of crops from depredation by birds and animals. An exemption under this section does not apply if the fireworks involved are diverted or distributed for any other use in or about a household.

(4) Educational materials such as art materials, preserved biological specimens, laboratory chemicals, and other articles used for educational purposes.

4. By adding to § 191.101 a new paragraph, as follows:

§ 191.101 Placement, conspicuousness, contrast.

• • • • •

(f) Unpackaged hazardous substances intended for or in a form suitable for use in or around a household or by children shall be labeled so that all items of information required by the act or by regulations in this part shall appear upon the article itself. In instances where such labeling is impracticable because of the size or nature of the article, the required cautionary labeling must be displayed by means of a tag or other suitable material that is securely affixed to the article so that the labeling will remain attached throughout conditions of merchandising and distribution to the ultimate consumer. The size, placement, and conspicuousness of these statements shall conform with paragraphs (a), (c), and (d) of this section.

5. In § 191.201 by revising paragraph (a), redesignating paragraph (e) as (f) and adding a new paragraph (e), as follows:

§ 191.201 Procedure for the issuance, amendment, or repeal of regulations declaring particular substances to be hazardous substances.

(a) The Commissioner may, upon his own initiative or upon the petition of any interested person, showing reasonable grounds therefor, propose the issuance, amendment, or repeal of any regulation provided for in section 3(a) or 2(q) of the act, declaring particular substances to be hazardous substances or banned hazardous substances. The proposal shall be published in the FEDERAL REGISTER, with an invitation for written comments. As soon as practicable after the comments have been received, the Commissioner shall by order act upon such proposals to declare the substance to be a hazardous substance or banned hazardous substance for purposes of the act, or to amend or repeal any regulation previously issued.

• • • • •

(e) If the Commissioner finds that the distribution of a hazardous household substance presents an imminent hazard to the public health, he may by order in the FEDERAL REGISTER give notice of such finding and pursuant to section 2(q)(2) of the act declare such substance, when intended or offered for household use or when so packaged as to be suitable for such use, to be a "banned hazardous substance" pending completion of statutory proceedings relating to the issuance of such regulations.

Any interested person may, within 60 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 28, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-3722; Filed, Apr. 4, 1967; 8:48 a.m.]

[21 CFR Part 191]

HAZARDOUS SUBSTANCES

Proposed Listing of Banned Hazardous Substances

The Commissioner of Food and Drugs proposes that certain waterproofing substances, as described below, be classified as "banned hazardous substances" within the meaning of section 2(q)(1)(B) of the Federal Hazardous Substances Act, as amended, because information gathered from investigations and other sources indicates that the degree or nature of the hazard involved in the presence or use of such substances in or around the household is such that the objective of the protection of the public health and safety can be adequately served only by keeping these substances out of the channels of interstate commerce.

Therefore, pursuant to the provisions of that act (sec. 2(q)(1)(B), (2), 74 Stat. 372, 80 Stat. 1304; 15 U.S.C. 1261) and of the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; 21 U.S.C. 371(e)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), it is proposed that Part 191 be amended by adding thereto a new section, as follows:

§ 191.9 Banned hazardous substances.

Under the authority of section 2(q)(1)(B) of the act, the Commissioner declares as banned hazardous substances the following articles because they possess such a degree of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

(a) Substances intended for application to masonry walls, floors, etc., for waterproofing purposes and consisting of a water repellent component and a solvent that is "extremely flammable" within the meaning of section 2(1) of the act.

All interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Comments concerning any additional articles that may be properly classified as "banned hazardous substances" are also invited. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: March 28, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-3723; Filed, Apr. 4, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 50, 115]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES; PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Exclusion of Attacks and Destructive Acts by Enemies of United States in Determining Issuance of Facility Licenses

On February 11, 1967, the Atomic Energy Commission published a notice of proposed rule making in the FEDERAL REGISTER (32 F.R. 2821) proposing amendment of 10 CFR Parts 50 and 115 by addition of new §§ 50.13 and 115.9 to those parts. Comments were invited to be submitted within 30 days after publication.

The Commission is hereby amending the proposed amendments published February 11, 1967, to read as set forth below.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, notice is hereby given that adoption of the following amendments to 10 CFR Parts 50 and 115 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to the comments filed within the period specified. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

1. A new § 50.13 is added to 10 CFR Part 50 to read as follows:

§ 50.13 Attacks and destructive acts by enemies of the United States; and defense activities.

An applicant for a license to construct and operate a production or utilization facility, or for an amendment to such license, is not required to provide for design features or other measures for the specific purpose of protection against the effects of (a) attacks and destructive acts, including sabotage, directed against the facility by an enemy of the United States, whether a foreign government or other person, or (b) use or deployment of weapons incident to U.S. defense activities.

2. A new § 115.9 is added to 10 CFR Part 115 to read as follows:

§ 115.9 Attacks and destructive acts by enemies of the United States; and defense activities.

An applicant for an authorization to construct and operate a production or utilization facility, or for an amendment to such authorization, is not required to provide for design features or other measures for the specific purpose of protection against the effects of (a) attacks and destructive acts, including sabotage, directed against the facility by an enemy of the United States, whether a foreign government or other person, or (b) use or deployment of weapons incident to U.S. defense activities.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 31st day of March 1967.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 67-3700; Filed, Apr. 4, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 243]

[Docket No. 16477]

REPORTING RESULTS OF SERVICES PERFORMED FOR DEPARTMENT OF DEFENSE

Supplemental Notice of Proposed Rule Making

MARCH 29, 1967.

In EDR-92, dated September 8, 1965, published at 30 F.R. 11729, the Board gave notice that it had under consideration the promulgation of Part 243 and related CAB Form 243 to provide for the separate reporting of results of charter services performed under contracts with the Military Airlift Command (MAC) [1] and a summary of revenues and traffic derived from specified Department of Defense sources. As stated in the notice, the regulation was designed to keep the Board currently informed of cost levels and trends in MAC charter operations and to serve as the basis for a rate review if and when such review was indicated.

[1] Formerly Military Air Transport Service (MATS).

Twenty-five scheduled air carriers,[2] in a joint statement prepared by the Air Transport Association, vigorously opposed the regulation on the grounds that it was excessively burdensome and would not provide adequate data for a rate making proceeding. The supplemental air carriers generally supported the proposal but requested clarification and simplification of certain data items. One all-cargo MAC contractor estimated that burden would be nominal. The Military Airlift Command, in its original comments, supported the proposal and urged two modifications in data items. In July 1966, however, MAC filed a supplement to its comments, stating that Part 243 would not provide sufficient data on which to base its recommendations in a rate making proceeding.

In view of MAC's requirements, it is apparent that proposed Part 243 will not serve one of its two intended purposes, i.e., as a substitute for ad hoc information requests in minimum rate proceedings. Under these circumstances the Board has determined to eliminate the rate making aspects of the proposal and confine the new part to fulfilling the Board's need to be informed of current trends of MAC operations under minimum rates set by the Board. Accordingly, we have reviewed all the proposed schedules with the thought of requiring only the minimum data necessary for such analysis. We have decided to eliminate the itemization of operating expenses (proposed schedule D-4) and station data (proposed schedule D-5), and the summary report of revenues and traffic derived from Department of Defense sources (proposed schedule D-1). Thereby the most difficult and burdensome requirements are eliminated, and the regulation will be applicable only to air carriers holding fiscal-year contracts for Category B, Logair, or Quicktrans charters. The remaining schedules have also been greatly simplified by eliminating most of the proposed allocations of investment and expense by aircraft type.

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining to the revised proposal, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before April 28, 1967, will be considered by the Board before taking action. Copies of communications will be available for examination by interested persons upon receipt in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Proposed rule. The Board proposes to amend Chapter II of Title 14 of the Code of Federal Regulations (14 CFR) by adding new Part 243 to Subchapter A—Economic Regulations, and new Form CAB 243,[3] to read as follows:

[2] Nine of these carriers, including two all-cargo carriers, held MAC fiscal-year charter contracts.

PART 243—REPORTING RESULTS OF CHARTER SERVICES PERFORMED FOR MILITARY AIRLIFT COMMAND

Sec.
243.1 Definitions.
243.2 Applicability and CAB Form 243 filing requirements.
243.3 Extension of filing time.
243.4 Statement of allocation procedures.
243.5 Certification.
243.6 Schedule D-1—Summary of Invested Capital—MAC Charter Contracts.
243.7 Schedule D-2—Summary of Financial Results of Operations—MAC Charter Contracts.
243.8 Schedule D-3—Summary of Operating Statistics and Aircraft Utilization—MAC Charter Contracts.

AUTHORITY: The provisions of this Part 243 issued under secs. 204(a), 407, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377.

§ 243.1 Definitions.

Charter services performed under fiscal-year contracts between certificated air carriers and the Military Airlift Command (MAC) are defined as follows:

"Category B"—air transportation of planeload charters of passengers and/or cargo in transatlantic and transpacific operations.

"Logair"—all-cargo domestic charters over routes principally between Air Force installations.

"Quicktrans"—air-cargo domestic charters over routes principally between Navy installations.

§ 243.2 Applicability and CAB Form 243 filing requirements.

(a) This part applies only to certificated air carriers performing Category B, Logair, or Quicktrans charter services under fiscal-year contracts with the Military Airlift Command. Each contractor air carrier shall prepare and file, in triplicate, CAB Form 243 [1] entitled "Report of Charter Services Performed for the Military Airlift Command."

(b) The CAB Form 243 report consists of:

		Filing Frequency
(1)	Certification	Quarterly.
(2)	Schedule D-1—Summary of Invested Capital—MAC Charter Contracts.	Semiannually.
(3)	Schedule D-2—Summary of Financial Results of Operations—MAC Charter Contracts.	Quarterly.
(4)	Schedule D-3—Summary of Operating Statistics and Aircraft Utilization—MAC Charter Contracts.	Do.
(5)	A statement of the various allocation procedures by which the financial results for MAC charter services are separated from results for other services.	Initially and upon revision (see § 243.4).

[3] Form CAB 243 filed as part of original document.

[1] CAB Form 243 filed as part of original document.

(c) Form 243 shall be filed with the Board (i.e., postmarked) not more than forty-five (45) days after the end of each quarter, except that final Schedules D-1 and D-2 may be filed 95 days after the close of the December quarter if preliminary reports on these schedules and final Schedule D-3 are filed within the 45-day limit. The report shall be addressed to the Civil Aeronautics Board, Attention of the Bureau of Accounts and Statistics, Washington, D.C. 20428.

§ 243.3 Extension of filing time.

If circumstances prevent the filing of a report within the prescribed time limit, consideration will be given to the granting of an extension upon receipt of a written request therefor. Such a request must give a sufficient reason for granting the extension, set forth the date when the report can be filed, and be submitted sufficiently in advance of the due date to permit proper time for consideration and communication to the air carrier of the action taken. Except in cases of emergency, no request for extension will be entertained which is not received in sufficient time to enable the Board to pass thereon before the prescribed due date. If a request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension had been made.

§ 243.4 Statement of allocation procedures.

(a) Each air carrier shall submit with its initial report on CAB Form 243 a statement of the various allocation procedures by which the investment in and operating results of MAC charter services are separated from those of other services. With respect to working capital, the statement should describe the balance sheet elements included, as well as the method of allocation. A complete description shall be given for the bases of allocation for each indicated balance sheet classification on Schedule D-1—Summary of Invested Capital; and each profit and loss classification on Schedule D-2—Summary of Financial Results of Operations.

(b) Whenever allocation procedures are subsequently revised, a supplementary statement shall be filed with the Form 243 report for the period in which such revisions are made, and shall clearly and completely describe the procedures upon which such revised reports are based. The effect of such change in procedures on income and investment in the current report shall be clearly and completely described in the supplementary statement.

§ 243.5 Certification.

The certificate of the officer in charge of the carrier's accounts, executed in triplicate, shall accompany each Form 243 filed with the Board. This certificate is the cover sheet of Form 243 and applies to all schedules and documents filed therewith.

§ 243.6 Schedule D-1—Summary of Invested Capital—MAC Charter Contracts.

(a) This schedule shall be prepared as of December 31 and June 30.

(b) Data reported on this schedule shall conform with the instructions pertaining to balance sheet classifications within Part 241 of this chapter.

(c) Each indicated asset classification, allocated in accordance with procedures that are submitted as required by § 243.4, shall be reported for the respective charter services, with flight equipment shown by aircraft types.

(d) A detailed breakdown of amounts reported on line 15 "Other" shall be provided in the space entitled "Explanation."

§ 243.7 Schedule D–2—Summary of Financial Results of Operations—MAC Charter Contracts.

(a) This schedule shall be prepared for each calendar quarter.

(b) Data reported on this schedule shall conform with the instructions pertaining to expense classifications within Part 241 of this chapter.

(c) Each indicated classification of revenues and operating expenses, income taxes, and interest expense shall be allocated to the respective charter services in accordance with procedures that are submitted as required by § 243.4.

(d) Line 5 "Paid ferry trips" shall reflect revenue for ferry trips performed in the course of round-trip MAC charters as required by § 288.7(c)(3) of this chapter.

§ 243.8 Schedule D–3—Summary of Operating Statistics and Aircraft Utilization—MAC Charter Contracts.

(a) This schedule shall be prepared for each calendar quarter.

(b) If MAC charter services are performed in both the Atlantic and the Pacific areas, separate schedules shall be prepared for each area and the appropriate box checked.

(c) Line 9 "Paid ferry miles" shall reflect ferry miles flown in the course of round-trip charters and paid for by MAC as required by § 288.7(c)(3) of this chapter.

(d) On trips designated "convertible" by MAC, the miles flown with passengers shall be reported on line 7, not line 2; and the miles flown with cargo shall be reported on line 8, not line 4.

(e) The average daily utilization reported on line 13 shall be based upon the total hours flown in Category B charter services, including noncommercial backhauls from one-way MAC charters but excluding commercial return flights.

(f) The total number of directed landings for each type of aircraft in Logair and Quicktrans operations shall be reported on line 16 or 17, as appropriate. "Directed landings" are defined as landings directed by MAC and performed by the carrier, for which the carrier receives a fixed compensation in addition to the line-haul rate.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-3706; Filed, Apr. 4, 1967; 8:47 a.m.]

[14 CFR Parts 288, 399]

[Docket No. 18273]

EXEMPTION OF AIR CARRIERS FOR MILITARY CHARTERS AND SUBSTITUTE SERVICE

Supplemental Notice of Proposed Rule Making

MARCH 31, 1967.

The Board in 32 F.R. 4421 and by circulation of EDR–113/PSDR–18, dated March 15, 1967, gave notice that it had under consideration amendments to Parts 288 and 399 to set new minimum rates for military transportation, to provide a blanket exemption for the performance of military charter services, and to incorporate minimum rates for Logair and Quicktrans charters (now in Part 399) in Part 288. Interested persons were invited to participate in the rule making proceeding by submission of ten (10) copies of written data, views, or arguments to the Docket Section of the Board on or before April 7, 1967

On March 23, 1967, a request was made on behalf of certain carriers for an extension of time until April 28 to file comments on this proposed rule, or 2 weeks after date of Board action on the petition of these same carriers for authority to engage in discussions looking toward the submission of joint comments in response to the notice of rule making, whichever date is later. By Order E–24901, dated March 27, 1967, the Board granted, subject to conditions, authority to engage in such discussions. By letter, dated March 27, the Associate General Counsel, Rules and Rates Division, acting under delegated authority, denied the requested extension of time for the filing of comments.

On March 29, 1967, a request was made by a number of carriers[1] for reconsideration of the denial of the extension of time for filing comments. They assert that a meeting was held on March 29 pursuant to Board Order E–24901, supra, and that an extension of time to April 14 is needed to file joint comments on behalf of the several air carriers which participated in such discussions. The carriers state that they have agreed (with a reservation by Trans International as to the Series 60 DC–8 aircraft) that they would be willing to negotiate with the Department of Defense for fiscal year 1968 airlift procurement even though no minimum rates had finally been settled.

The undersigned finds that good cause has been shown for an extension of time for the purpose requested, and that such extension should be for 7 days. Accordingly, pursuant to authority delegated in sections 7.3C and 7.6 of Public Notice PN–15, dated July 3, 1961, the undersigned hereby extends the time for submitting joint comments by the carriers requesting the extension to April 14, 1967.

The joint comments, if received on or before April 14, 1967, and all other comments received on or before April 7, 1967, will be considered by the Board before taking action on the proposal. Copies of communications will be available for examination in the Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR R. SCHOR,
Acting Associate General Counsel, Rules and Rates Division.

[F.R. Doc. 67-3709; Filed, Apr. 4, 1967; 8:47 a.m.]

[1] Airlift International, Inc.; Braniff Airways, Inc.; Capitol International Airways, Inc.; Continental Air Lines, Inc.; The Flying Tiger Line, Inc.; Northwest Airlines, Inc.; Saturn Airways, Inc.; Seaboard World Airlines, Inc.; Trans Caribbean Airways, Inc.; Trans International Airlines, Inc.; and World Airways, Inc.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17338; FCC 67-410]

AM, FM, AND TV STATIONS

Indicating Instruments and Automatic Logging

In the matter of amendment of §§ 73.39, 73.320 and 73.688 of the Commission's rules and regulations pertaining to indicating instruments and automatic logging; Docket No. 17338, RM–954, RM–1044.

1. On April 27, 1966, the American Broadcasting Cos., Inc. (ABC), filed a petition for rule making seeking amendment of §§ 73.39, 73.320, and 73.688, insofar as these sections prescribe specifications for the instruments used for indicating the level of operating parameters for AM, FM, and TV stations, respectively.

2. ABC points to the recent development of indicating meters, printers and other numerical readout devices of the digital type which have inherent accuracy far exceeding that of conventional instruments using pointers and scales. ABC urges that broadcasters be permitted to take advantage of such improved equipment. However, the instrument specifications contained in paragraphs (a) and (b) of 73.39, (a), (b), (c) of 73.320, and (a), (b) of 73.688, which prescribe scale lengths, the number of divisions in scales, etc. are requirements unique to pointer type indicating instruments, and, applied literally, can be interpreted to preclude the use of digital instruments.

3. ABC therefore proposes a specific addition to each of the above-mentioned rules, authorizing the use of digital meters, and prescribing specifications for their resolution and accuracy.

4. The texts of proposed additions, which would be inserted as §§ 73.39(j), 73.320(g), and 73.688(g) of the rules, are as follows:

(j) Where digital meters, printers, or other numerical devices are employed, the requirements pertaining to accuracy of readability are not applicable. The accuracy requirement of paragraph (a)(2) of this section shall, in such cases, apply to the scale reading as used in the circuit at the lowest scale reading when a meter of this type is used to meter more than one parameter. The digital resolution shall not be less than twice the required accuracy. Readout shall be in the decimal system of numbers.

• • • • •

(g) Where digital meters, printers, or other numerical readout devices are employed, the requirements pertaining to accuracy of readability are not applicable. The accuracy requirement of paragraph (a)(2) of this section shall, in such cases, apply to the scale reading as used in the circuit at the lowest scale reading when a meter of this type is used to meter more than one parameter. The digital resolution shall not be less than twice the required accuracy. Readout shall be in the decimal system of numbers.

• • • • •

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5. In a statement filed June 6, 1966, Post Newsweek Stations fully supports ABC's petition. The National Association of Broadcasters, in a filing dated September 28, 1966, supports the proposition that digital meters should be permitted, although it does not specifically endorse the text of ABC's proposed rule amendments.

6. The Columbia Broadcasting System, Inc., filed a statement on July 21, 1966, favoring rule making looking toward the use of digital meters, etc., but suggesting that the proceedings be broadened to encompass the authorization of conventional meters with special scales, such as expanded scale and suppressed zero types. It further submits that the Commission consider defining such terms as "maximum resolution" and "accuracy" as applied to different types of meters.

7. It requests a Commission/industry conference prior to the issuance of a notice of proposed rule making with the thought that such a conference might facilitate the formulation of suitable rule amendments, and expedite the ensuing proceeding.

8. Westinghouse Broadcasting Co., Inc., joins ABC's petition and supports its proposed rule amendments in a filing dated October 11, 1966. Moseley Associates, Inc., also is in favor of rule making in this matter. However, in its comments filed on January 9, 1967, it suggests the degree of accuracy required for digital systems be no greater than that specified in the rules for conventional meters. It further suggests that the Commission may wish to establish a requirement that automatic logging devices be capable of producing a permanent record of out-of-tolerance conditions.

9. We are of the opinion that the ABC petition has merit, and that a rule making proceeding looking toward authorization of the use of digital instruments should be instituted. There are many commercially available types of such meters, most of which appear to be relatively complicated devices. Typically, such meters function by comparing an external voltage with an internal reference voltage and, by an electromechanical stepping process, adjusting precision attenuators to bring the two voltages into balance. At each step a pulse is furnished to the readout mechanism, advancing or retarding it by one digit. When the voltages are in balance, the display comes to rest, indicating the external voltage.

10. The accuracy of any reading depends at a minimum on (1) the accuracy of the reference voltage (this, in turn, depends on the accuracy of the original calibration and the stability of the reference standard), (2) the linearity of the voltage dividers, and (3) the resolution of the readout system. This last is controlled by the number of decades in the readout and the "sensitivity" of the meter, which is a measure of how small a change in voltage is required to change the readout by one count. The sensitivity is usually adjustable, since some types of meter will respond to small changes in voltage from any source. For instance, if appreciable electrical noise is present in the meter input, or the DC voltage fluctuates in some degree, the readout may be unstable. To stabilize the instrument, a reduction in sensitivity may be necessary. This, in turn, reduces the ultimate resolution of the instrument.

11. In any event, it should be noted that the upper limit of accuracy of the meter in broadcast use depends on the accuracy of components included in the external circuit, the series resistors, shunts, and thermocouples usually necessary to adapt the meter to the parameters being measured.

12. While we have no information that such digital voltmeters are in any degree unreliable, our experience with their use in broadcasting is limited. As we have noted, these devices are complicated, and at least some types require periodic maintenance. We believe it undesirable, because of these considerations and in light of the many possible sources of error, to write rules which might permit the exclusive use of digital meters at this time, and while we propose to permit their use as a basic metering system, we would require the retention and use of conventional meters at the transmitter. Furthermore, until digital instruments have been in use for a period long enough to establish their long term reliability and accuracy for broadcast use, we believe that they should be calibrated at periodic intervals. While they can, of course, be checked against the conventional instruments maintained at the transmitter, it appears inappropriate to use such meters as the standard, when the digital instruments, when operating properly, can be expected to have better accuracy than conventional meters. Accordingly, we are considering establishing a requirement that a station utilizing digital instruments calibrate them against a laboratory type voltmeter with full scale accuracy of one-half of 1 percent, or better. Comments are requested on this point.

13. We do not believe that the FCC/industry conference requested by CBS is necessary at this time. While we note its suggestion that uniform definitions of accuracy and resolution be adopted and applied to all meters, we believe it not feasible to define these terms for such broad application. We cannot find that manufacturers of conventional meters attempt to specify resolution and overall accuracy separately. The term resolution is not susceptible to easy definition as applied to conventional instruments, including, as it must, a factor which is, at least, partially subjective, i.e., the ability to visually read the scale with accuracy, and the factor of mechanical friction, which may prevent the meter from making any change in reading for parameter changes smaller than some limiting values.

14. On the other hand, the two qualities of accuracy and resolution should be separated rather easily for a digital voltmeter. Ordinarily, its reading is definite, and involves no visual error.

15. However, digital meter manufacturers do not use a uniform system in specifying the characteristics of their meters. For instance, one manufacturer states the resolution of its meter is ±0.01 percent of full scale, and gives no specification for overall accuracy, although what it appears to be stating is in effect the overall accuracy of the meter including the resolution limit. More convenient is the specification of another manufacturer of accuracy of 0.01 percent of scale reading ±1 count. In this specification the one count is the resolution, which can be reduced to a determinable quantity by noting what percentage of the voltage read is represented by one digit, and the increment of voltage required to change one digit on the scale being read.

16. In view of the above, we believe it undesirable to attempt to define the term resolution as applied to indicating instruments, in general, and rather than propose rules using this term, as ABC had done, our proposal avoids such use.

17. For any given setting of the sensitivity control the minimum change in voltage necessary to change the readout by one count remains constant at any point on the particular meter scale being used, at least for the meters whose specifications we have examined. Since, at the lower end of a scale, this voltage can become an appreciable part of the parameter being measured, the overall accuracy of the reading becomes progressively less, as readings approach the lower end of that scale. This situation is somewhat analogous to that for conventional meters, where the accuracy of any reading is established as a percentage of the full scale value. To limit the

error in such instances, the Commission rules limit the minimum value that can be read on a particular meter scale as a proportion of the full scale reading. Because digital instruments are not standardized, and in some instruments, at least, the scale change occurs automatically, this type of solution cannot be as easily applied to such instruments, and the proposed rules prescribe the accuracy required in relation to the actual reading. While the required accuracy under this standard is considerably higher than the minimum acceptable for conventional meters, it should be obtained easily in a digital system, and, we feel, is justified if any advantage is to be taken of the greater inherent accuracy of such a system.

18. With respect to CBS's request that this proceeding include consideration of "meters of expanded scale and suppressed zero types", we believe that its proposal is insufficiently detailed to permit its consideration at this time. If, in its comments in this proceeding, CBS wishes to make a more complete presentation of its position, and it is found to have merit, a decision may then be taken as to whether to expand the scope of this proceeding, or to make the CBS request the subject of a separate proceeding.

19. Moseley Associates, Inc.'s suggestion that the rules with respect to automatic logging devices be amended to require a capability for the permanent logging of out-of-tolerance conditions is not germane to this proceeding, and accordingly will not be considered here.

20. Comments and reply comments are invited on a proposal to amend §§ 73.39, 73.320, and 73.688 of the rules, by the addition of these sections of paragraphs (j), (g) and (g), respectively, which would read as indicated below.

21. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

22. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 8, 1967, and reply comments on or before June 8, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

23. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: March 29, 1967.

Released: March 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioner Johnson absent.

1. In § 73.39 paragraph (j) is added to read as follows:

§ 73.39 Indicating instruments—specifications.

* * * * *

(j) Digital meters, printers, or other numerical readout devices may be employed for logging purposes, provided that indicating instruments meeting the specifications of paragraphs (a) and (b) of this section are installed in the transmitter and antenna circuit. The digital metef readout shall include at least three digits and decimal point and shall indicate directly the value of the parameter being measured with an accuracy of at least 2 percent. Voltage shall be indicated in volts or kilovolts. Current shall be indicated in amperes or milliamperes. Except as provided in paragraph (d) (1) (vii) of this section, the use of arbitrary scales and conversion charts is prohibited.

NOTE: If the digital instrument is to be used for phase indications in a directional antenna system, the readout must include four digits and decimal point, and the indication shall be in degrees and decimal fractions thereof.

2. In § 73.320 paragraph (g) is added to read as follows:

§ 73.320 Indicating instruments—specifications.

* * * * *

(g) Digital meters, printers, or other numerical readout devices may be employed for logging purposes, provided that conventional indicating instruments meeting the specifications of paragraphs (a), (b), and (c) of this section are installed in the transmitter and antenna circuit. The digital meter readout shall include at least 3 digits and decimal point, and shall indicate directly the value of the parameter being measured with an accuracy of at least 2 percent. Voltage shall be indicated in volts or kilovolts. Current shall be indicated in amperes or milliamperes. Except as provided in § 73.267(b) (2), the use of arbitrary scales and conversion charts is prohibited.

3. In § 73.688 paragraph (g) is added to read as follows:

§ 73.688 Indicating instruments.

* * * * *

(g) Digital meters, printers, or other numerical readout devices may be employed for logging purposes: *Provided*, That conventional indicating instruments meeting the specifications of paragraphs (a) and (b) of this section are installed in the transmitter and antenna circuit. The digital meter readout shall include at least three digits and decimal point, and shall indicate directly the value of the parameter being measured with an accuracy of at least 2 percent. Voltage shall be indicated in volts or kilovolts. Current shall be indicated in amperes or milliamperes. Except as provided in § 73.689(b) (1) and (2)(ii), the use of arbitrary scales and conversion charts is prohibited.

[F.R. Doc. 67-3703; Filed, Apr. 4, 1967; 8:46 a.m.]

[47 CFR Part 73]

[Docket No. 16206; FCC 67-409]

VHF BROADCAST STATIONS

Remote Control Operation; Withdrawal of Proposed Rule Making

Report and Order. In the matter of amendment of Part 73 of the Commission rules and regulations with respect to remote control operation of VHF broadcast stations; Docket No. 16206, RM-735.

1. On September 22, 1965, the Commission adopted a notice of proposed rule making in the above-entitled matter (FCC 65-856) for the purpose of exploring the desirability of extending the provision for remote control now permitted on UHF television broadcast stations, to VHF television broadcast stations. The proposal followed the general lines suggested by the petitioner, National Association of Broadcasters (NAB), but included certain other proposed requirements added by the Commission to allay its concern over the possibility of harmful interference to other services, particularly those concerned with the safety of life and property. Interested parties were invited to submit comments.

2. The majority of the comments supported the proposed amendments with the exception of the Commission's proposal that means be provided to observe out-of-band radiation. The principal argument for adoption of the proposed amendment as expressed in the comments, is the potential saving in operating costs of stations through reduction of the technical staff. Some of the comments implied that the savings effected could be used to improve programming and thereby benefit the public. None of the comments claimed that remote control operation would improve the technical performance of the stations although some expressed the opinion that the automatic logging feature would result in better records and provide a more effective alerting system when improper operation occurred. Automatic logging may, of course, be employed at manned stations and any advantage that it may have is not unique to remote control operation. A number of comments claimed that operation of TV stations from remote control points will eliminate the risks to operating personnel involved in travelling to difficult-of-access transmitter sites and will provide more comfortable quarters for such personnel. Much emphasis was placed upon the length of time required for operating personnel to reach transmitter sites, some even noting that operating personnel had to live at the site during some seasons because of the impossibility of travelling under severe weather conditions. It may be assumed that similar problems would be encountered by qualified technical personnel attempting to reach a remotely controlled station for the purpose of correcting malfunctions that cause improper operation. Opposition to the proposal came from the International Brotherhood of Electrical Workers (IBEW) and the National Association of Broadcast Employees and Technicians (NABET). Their principal arguments turned on the lack of conclusive evidence that VHF television broadcast equipment could be relied upon sufficiently to justify remote control operation and the impact of the proposed rules upon employment of qualified technical personnel. Springfield Television Broadcasting Corporation opposed granting remote control authority on mere technical feasibility. It proposes that such relief be granted for economic reasons only.

3. The original petition for rule making stressed the small loss of air-time by remotely controlled broadcast stations as proof of the reliability of modern broadcast transmitters and drew therefrom the conclusion that remote control operation does not result in degradation of the Commission's technical standards. It is possible to reach a different conclusion; i.e., that the loss of air-time was small because the transmitter remained in operation when its performance was not in strict accord with the technical requirements of the rules. Such improper operation could occur due to the failure of the remote control system to indicate malfunctioning or due to carelessness or indifference on the part of the transmitter operator and the station licensee. It is true that malfunctions can occur at manned stations as well as unmanned stations. However, even the most sophisticated remote control system is not a complete substitute for an operator on duty at the transmitter where any of his senses may detect changes that alert him to possible trouble and permit prompt corrective action.

4. Contrary to the claims in the petition and in the comments filed in this proceeding, the experience of the Commission with remotely controlled AM and FM broadcast stations shows that they are more frequently guilty of rules infractions than manned stations. Some stations which install remote control equipment reduce the technical staff to the point where it is inadequate to devote proper attention to equipment maintenance. Many qualified radio station operators lack familiarity with remote control circuitry which is quite complex and may fail to observe malfunctions or lack the knowledge to correct the difficulty if it is recognized. Consequently, remote control equipment at times receives little or no maintenance and is given technical attention only when it fails completely. Operators at remotely controlled broadcast stations are frequently assigned other duties, many of which are nontechnical, and sometimes succumb to the impression that operation of the transmitter is the least of their duties. This usually results in a lack of proper interest and concern over the technical operation of the equipment and in many cases they are so preoccupied with such other duties that they perform only hasty and perfunctory observations of the indicating instruments. All of these things contribute to a higher incidence of rules infractions at remotely controlled broadcast stations than at manned stations. In spite of the fact that Commission rules require remotely controlled broadcast stations to cease operation if the remote control circuit fails or if improper operation of the transmitter is observed which cannot be corrected from the remote control position, stations frequently continue to operate until repairs of the transmitter or remote control equipment can be conveniently performed.

5. It must not be inferred that all remotely controlled broadcast stations are chronic offenders or that all manned broadcast stations are properly operated at all times. Where station management is properly concerned over the technical performance of the equipment, remote control does not result in an increase in the number or seriousness of rules infractions. At stations where management is indifferent to technical performance except where it results in loss of air-time, infractions occur at both manned and remotely controlled stations but occur more often at remotely controlled stations for the reasons given above.

6. We agree with IBEW that neither the data submitted in the original petition nor in the comments filed in this proceeding provides reliable information as to the amount of air-time that would have been lost if the transmitters had been shut down each time there was a failure of the remote control system or each time a malfunction of the transmitter occurred which resulted in improper operation and which could not be corrected from the remote control point. The comments of proponents of remote control operation failed to supply information as to the kinds of adjustments which are normally performed in the day-to-day operation of manned VHF television broadcast stations to insure compliance with the Commission rules. Hence, it is not clear as to which of these could be performed from a remote control point.

7. We also agree with the comments of NABET that the operation of a TV transmitter is more complex than the operation of an AM or FM transmitter and experience with remotely controlled AM and FM broadcast stations is not necessarily indicative of problems that may be encountered in remote control TV operation. We do not agree that "automation" is impractical or, per se, undesirable. In many cases, automatic devices are more sensitive detectors of malfunctions and respond more quickly in making corrections than human operators. Automatic alarms will alert the operator to trouble at the time it occurs rather than leaving it to be detected during one of the periodic observations of transmitter functions. Automatic logging provides a more accurate and more frequent record of operating parameters and relieves the operator of certain clerical chores, thus providing time for better utilization of his technical skills. However, these advantages may be lost if the operator places too much reliance upon such automatic devices and becomes careless or indifferent and if management uses such automatic devices as an excuse to reduce the technical staff below that needed for proper operation and maintenance of the equipment or burdens the technical staff with other duties to the extent that proper supervision of the transmitter is neglected.

8. We have carefully considered all aspects of the proposed remote control operation of VHF television broadcast stations, including the comments filed in this proceeding, and are unable to determine on the basis of the information which has been submitted, that the public interest would be served by adopting a general rule permitting such operation. The public is entitled to signals of the highest technical quality obtainable in the television system adopted for use in this country. The eye is less tolerant of technical defects in picture transmissions than the ear is of aural broadcasting. This is particularly true of color television. Close personal supervision of the television transmitter by a skilled operator permits a degree of quality control that cannot be duplicated in even the most sophisticated remote control system. While the transmitter operator cannot compensate for all technical defects, he is in the unique position of being able to observe the signal going into and coming out of the transmitter. If he is unable to correct technical defects at the transmitter he can notify the program origination point so that corrective action may be taken there.

9. It may be argued that such surveillance may be conducted at a properly equipped remote control point; but nothing in the information before us suggests that remote control points could be equipped with waveform monitors to observe the signals introduced into the transmitter and compare them with those emitted by the transmitter or that all of the controls that the operator has available at the transmitter to override improper adjustments at the point of program origination or to compensate for faults introduced by the circuits from the program organization point to the transmitter (or by the transmitter itself) would be available at the remote control point. The remote control systems contemplated by the proponents in this proceeding are only sketchily described and with the most liberal interpretation appear to be designed to meet the minimum requirements of the rules with respect to operating parameters, logging and gross control of the transmitter.

10. The use of remote control is urged to permit location of TV transmitters at sites which are hazardous to reach or which may be inaccessible under certain weather conditions. The proponents have not answered the obvious question of how such sites could be reached to correct malfunctions or failures of the transmitter. Continued operation could result in harmful interference to other users of the spectrum and suspension of operation would result in loss of service to the public. The first can be serious; the second is undesirable. Accessibility is one of several factors which must be considered in the selection of an antenna site.

11. Over and above concern over the technical quality of TV signals is the problem of harmful interference to other TV broadcast stations and to the nonbroadcast services, particularly those employed for the safety of life and property. Under present conditions, malfunctioning of a VHF television transmitter involves a substantially higher risk of such interference than is the case for a UHF television broadcast transmitter. The VHF television channels are virtually saturated and are interspersed with bands of frequencies heavily occupied by nonbroadcast communication services. The UHF television band is a continuous band, it is not heavely loaded, the bands immediately adjacent to the lower and upper ends are not used extensively except perhaps in a few major metropolitan centers, and such spurious radiations as are likely to occur are attenuated more rapidly than those occurring at lower frequencies. If such interference falls on frequencies employed for the safety of life and property, prompt remedial action is essential. Necessary action can be taken at a manned transmitter, possibly without loss of service. A remotely controlled transmitter would, in most cases, have to be turned off.

12. Returning to the matter of technical quality, the Commission is no less concerned about the technical quality of television signals transmitted by a UHF television station than it is over the quality of VHF signals. However, as a part of its overall policy to foster expanded use of the UHF channels it permits remote control principally as an economy measure. Similar considerations may apply to small VHF stations in sparsely populated areas. It is again a matter of weighing the benefits to the public against the risks involved in remote control operating and the exercise of the discretion that is a part of the Commission's responsibility. Under present circumstances, remote control of UHF television stations is justified. In the future, automatic control devices may be developed that will control all types of broadcast stations far better than a human operator and such advances in the state of the art will be reflected in the Commission rules.

13. The Commission appreciates the problems which result from the location of VHF television transmitters and antennas at points desirable from a coverage standpoint, but because of accessibility problems present difficulties from an operational standpoint. However, the original petition and comments filed in this proceeding have failed to dispel the Commission's concern that remote control of VHF television broadcast stations would greatly lessen the monitoring and control presently exercised by operating personnel at the transmitter site to the point where service to the public could be adversely affected and harmful interference could result to other users of the spectrum, including those engaged in communications concerned with the safety of life and property. Any petitions filed in the future should more clearly establish the reliability of existing VHF television broadcast equipment, ability of automatic devices to detect malfunctions, adequate alarms to alert operating personnel, and capability to promptly take all necessary corrective action from the remote control point. Automatic logging would also appear necessary to provide an accurate and frequent record of operating parameters and corrective actions taken. Sufficient safeguards should also be presented to assure proper operation and maintenance of the rather sophisticated equipment necessary to assure satisfactory remote control operation.

14. In the light of the foregoing: *It is ordered*, That, the petition of the National Association of Broadcasters for the permissive remote control of television broadcast stations operating on Channels 2–13 inclusive,[1] is denied and this proceeding is terminated.

Adopted: March 29, 1967.

Released: March 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-3704; Filed, Apr. 4, 1967; 8:46 a.m.]

[1] Concurring statement of Chairman Hyde filed as part of original document; Commissioner Wadsworth abstaining from voting; Commissioner Johnson absent.

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SUPPORT OF HEADQUARTERS OF UNIFIED, SPECIFIED AND SUBORDINATE UNIFIED COMMANDS

Responsibility of Military Departments; Correction

The canceled Directive listed in paragraph 4, of the notice subject as above, published at 32 F.R. 4506, should have read:

4. DoD Directive 5100.3 dated February 21, 1964, is canceled.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-3676; Filed, Apr. 4, 1967; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah 2482]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 28, 1967.

The Bureau of Reclamation has filed application Utah 2482 for the withdrawal of the lands described below, from all forms of appropriation except the mineral leasing laws.

The applicant desires the land for the proposed Paria River Reservoir and Hogan Dam site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

The Department's regulations (43 CFR 2311.1–3(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 42 S., R. 1 W.,
Sec. 16, W½NE¼, W½;
Sec. 32, all, except highway right-of-way.
T. 43 S., R. 1 W.,
Sec. 2, all, except highway right-of-way;
Sec. 32, all;
Sec. 36, all.
T. 44 S., R. 1 W.,
Sec. 2, all.
T. 44 S., R. 2 W.,
Sec 2, all.

The areas described aggregate 4,240 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-3687; Filed, Apr. 4, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

Specific Approval

Pursuant to §§ 78.14(b), 78.15(b), and 78.16(b) of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of certain animals because of brucellosis, under the Acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125), notice is hereby given that the following stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

Specifically approved stockyards. The following stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5, Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

ALABAMA

*Adams & Eagle, Inc.—Marion.
*Arab Stockyards—Arab.
*Atmore Truckers Association, Inc.—Atmore.
*Bowman Stockyards—Montgomery.
*Escambia County Cooperative, Inc.—Brewton.
*Farmers Cooperative Market, Inc.—Frisco City.
*Farmers Cooperative Market—Opp.
*Fayette Stockyards, Inc.—Fayette.
*Florence Trading Post—Florence.
*Geneva Stockyards—Geneva.
*Hartford Livestock Company—Hartford.
*Headland Stock Yard, Inc.—Headland.
*Henry County Livestock Association, Inc.—Abbeville.
*Hodges-Capital Stock Yards—Hurtaboro.
*Hodges-Capital Stockyards—Montgomery.
*Hooper Auction Company, Inc.—Montgomery.
*Kennamer Livestock Company, Inc.—Guntersville.
*Kennett-Murray & Company—Montgomery.
*King Livestock Auction Company—Florence.
*Limestone County Stockyard—Athens.
*Livingston Stock Yard—Livingston.
*Madison County Livestock Market—Huntsville.
*Monroe Livestock Market, Inc.—Monroeville.
*Parker Livestock Company—Slocomb.
*Pickens County Livestock Commission Company—Aliceville.
*Ramsey & Sons, Inc.—Dothan.
*Roanoke Stockyards, Inc.—Roanoke.
*Robertsdale Livestock Auction, Inc.—Robertsdale.
Samson Livestock Auction—Samson.
*Selma Stock Yards, Inc.—Selma.
*Stokes & Brogden Stockyard, Inc.—Andalusia.
*Triple S Stockyards, Inc.—Montgomery.
*Union Stock Yards—Eufaula.
*Valley Stock Yard—Decatur.
*West Alabama Stock Yards, Inc.—Eutaw.
*White Livestock Commission Company, Inc.—Birmingham.
*White Livestock Commission Company, Inc.—Moulton.
*Winfield Livestock Commission Company—Winfield.

ARIZONA

*Arizona Livestock Auction—Phoenix.
*Brooks Livestock Commission Co.—Casa Grande.
*Nelson Livestock Auction, Inc.—Tucson.
*Phoenix Livestock Auction, Inc.—Tempe.
*Roer Livestock Auction—Phoenix.
*Valley Livestock Auction—Casa Grande.
*Wentz Bros. Livestock Auction—Tucson.
*Willcox Livestock Commission Company—Willcox.

ARKANSAS

*Ash Flat Sale Barn—Ash Flat.
*Beebe Auction Company—Beebe.
*Bentonville Comm. Sales—Bentonville.
*Broadway Packing Company—Jonesboro.
*Carson and Montgomery Livestock Auction—Searcy.
*Roy Chaney Sales Barn—Morrilton.
*Clark County Livestock Auction—Arkadelphia.
*Corning Sales Company—Corning.
*County Line Sale—Ratcliff.
*Crawford County Livestock Auction—Van Buren.

*Davis Livestock Auction—Batesville.
*Decatur L. S. Auction—Decatur.
*Drew County Auction Company—Monticello.
*Eudora Sales Barn—Eudora.
*Farmers Livestock Auction—Springdale.
*Farmers Auction Company—Marianna.
*Farmers & Stockholders Comm. Co., Inc.—Pocahontas.
*Flippin Sales Co.—Flippin.
*Glover Livestock Comm. Co.—Pine Bluff.
*Gravette Community Sales—Gravette.
*Harrison Stockyards—Harrison.
*Hill and Montgomery Auction—Batesville.
*Hope Livestock Comm. Co.—Hope.
*Jonesboro Stockyards—Jonesboro.
*Lewis Sale Barn, Major—Conway.
*Magnolia Livestock Auction—Magnolia.
*Mammouth Spring Sale Barn—Mammouth Spring.
*Montgomery County Auction—Mount Ida.
*Mountain Home Livestock Auction—Mountain Home.
*Nettleton Stockyards—Jonesboro.
*Newport Auction Co.—Newport.
*Polk County Auction—Mena.
*Randolph County Livestock Auction—Pocahontas.
*Rector Auction—Rector.
*Salem Livestock Auction—Salem.
*Scott County Livestock Auction—Waldron.
*Searcy County Auction—Marshall.
*Shantz & Rodman L. S. Commission—North Little Rock.
*Siloam Springs Sale Barn—Siloam Springs.
*Valley Livestock Auction—Russellville.
*Washington County Sale Barn—Fayetteville.

CALIFORNIA

*California Farm Bureau Sales Yard—Visalia.
*California Livestock Marketing Assn.—Red Bluff.
*Chino Stockyards Co.—Chino.
*Los Angeles Livestock Market—City of Industry.
*Oakdale Livestock Auction Yard—Oakdale.
*Producers Livestock Marketing Assn.—Artesia, Dairy Valley.
*Roseville Livestock Auction Yard—Roseville.
*Stockton Livestock Marketing Assn.—Stockton.
*Valley Stockyard, Inc.—El Centro.

COLORADO

*Alamosa Auction Co.—Alamosa.
*Alsbury Sales Pavillion—Glenwood Springs.
*Basin Livestock Commission Co.—Durango.
*Brush Livestock Commission Co.—Brush.
*Calhan-Cash Auction Market—Calhan.
*Cortez Sales Barn—Cortez.
*Craig Sale Barn—Craig.
*Delta Sales Yard—Delta.
*Elizabeth Livestock Auction—Elizabeth.
*Farmer & Rancher Comm. Co.—Fort Collins.
*Fort Collins Sales Yard—Fort Collins.
*Fowler Auction Co.—Fowler.
*Grand Junction Livestock Auction—Grand Junction.
*Haxtun Co-op Livestock Exchange—Haxtun.
*Hess Livestock Commission Co.—Pueblo.
*K & R Livestock Comm. Co., Inc.—Broomfield.
*La Junta Livestock Comm. Co.—La Junta.
*R. P. Lewis & Son Auction Co.—La Junta.
*Limon Livestock Sales Co.—Limon.
*Longmont Sale Yard—Longmont.
*McCanless Livestock Co.—Lamar.
*Ranchland Livestock Comm. Co.—Wray.
*Rifle Sales Yard—Rifle.
*Salida-Monte Vista L. S. Comm. Co.—Salida.
*Springfield Livestock Comm. Co.—Springfield.
*Sterling Livestock Comm. Co., Inc.—Sterling.
*Stratton Sales Barn, Inc.—Stratton.
*Sunset Livestock Comm. Co.—Greeley.
*Trinidad Livestock Auction—Trinidad.
*Valley Livestock Auction—Grand Junction.
*Weld County Livestock Comm. Co.—Greeley.
*Western Slope Livestock Auction—Montrose.
*Winter Livestock Comm. Co.—La Junta.
*Yampa Valley Livestock Auction—Craig.
*Yuma Livestock Auction—Yuma.
*Zavislan Livestock Commission Co.—Pueblo.

CONNECTICUT

Middlesex Livestock Auction—Durham.

DELAWARE

*Carroll's Sales Co.—Felton.
*Goldinger Bros. Inc.—Smyrna.
*Harris Sales Co.—Odessa.

FLORIDA

*Cattlemen's Livestock Auction Market of Tampa, Inc.—Tampa.
Chipley Livestock Company—Chipley.
Interstate Livestock Auction Market, Inc—Seffner.
*Jay Livestock Auction Market—Jay.
*Paxton Livestock Cooperative Market—Paxton.
*Tindel Livestock Auction Market—Graceville.

GEORGIA

*Bainbridge Auction Market, Inc.—Bainbridge.
*Bartow Livestock Commission Company—Cartersville.
*Burke County Stockyards—Waynesboro.
*Candler Livestock Market—Metter.
*Carroll County Livestock Sales Barn—Carrollton.
*Chatham Livestock Company—Savannah.
*Columbus-Muscogee Livestock Auction, Inc.—Columbus.
*Cordele Livestock Company—Cordele.
*Dublin Livestock Commission Company—Dublin.
*Duvall-Wheeler Livestock Company—Greensboro.
*Farmers' Stockyard—Sylvania.
*Fitzgerald Farmers' Auction, Inc.—Fitzgerald.
*Flint River Livestock Auction—Bainbridge.
*Georgia Farmers' Livestock, Inc.—Cumming.
*Georgia Livestock Terminal Market, Inc.—Macon.
*Georgia Farm Products Sales Corp.—Thomaston.
*Irwin County Livestock Company, Inc.—Ocilla.
*Jepeway-Craig Commission Company—Dublin.
*La Grange Stockyards, Inc.—La Grange.
*Livestock Marketers, Inc.—Douglas.
*McClure-Burnett Commission Company—Atlanta.
*McClure-Burnett Commission Company—Rome.
*Metter Livestock Market—Metter.
*Mitchell County Livestock Company—Camilla.
*Mitchell County Livestock Company—Pelham.
*Moultrie Livestock Company—Moultrie.
*North Georgia Farmers' Livestock Market—Cumming.
*North Georgia Livestock Auction, Inc.—Athens.
*Peoples Stockyard—Cuthbert.
*Pierce County Stockyard—Blackshear.
*Pulaski Stockyard—Hawkinsville.
*Queen City Livestock Auction Company—Gainesville.
*Seminole Livestock Auction Market—Donalsonville.
*Shuman Livestock Market, Inc.—Hagan.
*Soperton Stockyard—Soperton.
*Sumter Livestock Assoc., Inc.—Americus.
*Sutton Livestock Company—Sylvester.
*Sylvania Stockyard—Sylvania.
*Thomson Stockyards—Thomson.
*Tifton Stockyards—Tifton.
*Toccoa Livestock Auction—Toccoa.
*Tri-County Livestock Company—Social Circle.
*Turner County Stockyards—Ashburn.
*Union Stockyards—Albany.
*Valdosta Livestock Co., Inc.—Valdosta.
*Waycross Hog & Cattle Market—Waycross.
*Wayne County Livestock Co.—Jesup.
*Wilkes County Stockyard—Washington.

IDAHO

*Bonners Ferry Livestock, Inc.—Bonners Ferry.
*Burley Livestock Comm. Co., Inc.—Burley.
*Cache Valley Livestock Auction—Preston.
*Cattlemen's Livestock Auction, Inc.—Nampa.
*Coeur d'Alene Lvstk. Yards—Coeur d'Alene.
*Cottonwood Salesyard—Cottonwood.
*Emmett Livestock Comm. Co., Inc.—Emmett.
*Gooding Livestock Comm. Co., Inc.—Gooding.
*Jerome Producer's Livestock Market, Inc.—Jerome.
*Meridian Salesyard—Meridian.
*Nampa Lvstk. Markets, Inc.—Nampa.
*Rexburg Livestock Auction—Rexburg.
*Salmon River Lvstk. Auction, Inc.—Salmon.
*Salmon Salesyard—Salmon.
*Sandpoint Lvstk. Auction Co., Inc.—Sandpoint.
*Shoshone Salesyard, Inc.—Shoshone.
*Spencer Lvstk. Comm. Co.—Lewiston.
*Stockgrowers Comm. Co., Inc.—Twin Falls.
*Twin City Salesyard—Lewiston.
*Valley Lvstk. Comm. Co.—Rupert.
*Weiser Lvstk. Comm. Co.—Weiser.

ILLINOIS

Arnold Cattle Company—Atkinson.
Barnard Livestock Auction Market—Wayne City.
Carthage Community Sale Co.—Carthage.
Central Illinois Livestock Market—Hopedale.
Colchester Sales Association—Colchester.
Dameron Livestock Auction—Vienna.
Danville Livestock Commission Co.—Danville.
DeWane's Livestock Exchange—Belvidere.
El Paso Livestock Auction—El Paso.
Interstate Producers Livestock Association—Shelbyville.
Jennings Sale Company—Macomb.
Kankakee Livestock Company—Bourbonnais.
Kewanee Sale Barn—Kewanee.
Knoxville Sale Company, Inc.—Knoxville.
La Salle County Livestock Marketing Center—Ottawa.

Paris Livestock Sales Company—Paris.
*Peoria Union Stock Yards—Peoria.
Rock Island Auction Sales, Inc.—Rock Island.
Schrader Consignment Sale—Dakota.
Souders Stockyards—Brookport.
*Springfield Stockyards—Springfield.
Trainors Livestock Sales—Clinton.
Winslow Marketing Center—Winslow.
Decker's Milford Sales and Commission Company—Milford.

INDIANA

*Boswell Livestock Commission—Boswell.
*Delta Livestock Auction & Commission Co.—Fort Wayne.
*Lowell Livestock Auction, Inc.—Lowell.
*Producers Marketing Association, Inc.—Montpelier.
*Producers Marketing Association, Inc.—Centerville.
*Producers Marketing Association, Inc.—Terre Haute.
*Producers Marketing Association, Inc.—Vincennes.
*Reynolds Sale Barn—Reynolds.
*Shipshewana Auction Co.—Shipshewana.
*Valparaiso Community Sale—Valparaiso.

IOWA

Ackley Sales Pavilion—Ackley.
Adams County Auction—Corning.
Adel Sales Pavilion—Adel.
Albia Sales Company—Albia.
Algona Livestock Auction—Algona.
Anamosa Livestock Auction—Anamosa.
Anita Auction Co.—Anita.
Aplington Sales Pavilion—Aplington.
Avoca Auction Co.—Avoca.
Baxter Sales Co.—Baxter.
Bedford Sales Co.—Bedford.
Belle Plaine Livestock Commission Co.—Belle Plaine.
Belmond Sales Pavilion—Belmond.
Bingley Sales Co.—Knoxville.
Boone Sales Co.—Boone.
Bowman Cattle Co.—Maquoketa.
Bradley Livestock Auction—Red Oak.
Cedar Valley Livestock Exchange—Vinton.
Centerville Sales Co.—Centerville.
Chariton Sales Co.—Chariton.
Clarinda Auction Co.—Clarinda.
Clear Lake Auction Co.—Clear Lake.
Coggon Livestock Sales Co.—Coggon.
Colfax Sales Co.—Colfax.
Cow Palace—Forest City.
Cheston Sale Company—Cheston.
Creston Sale Company—Creston.
DeVries Auction Co.—Buffalo Center.
Diagonal Livestock Auction—Diagonal.
Donnellson Commission Exchange—Donnellson.
Dunlap Sale Co.—Dunlap.
Dyersville Sales Barn—Dyersville.
Eastern Iowa Livestock Commission, Inc.—Mechanicsville.
Eddyville Sales Company—Eddyville.
Edgewood Sale Barn—Edgewood.
Eldora Livestock Sales—Eldora.
Fairfield Livestock Comm., Inc.—Fairfield.
Farmers Auction Market—Eldora.
Farmers Livestock Company—Ankeny.
Farmers Sale Company—Carroll.
Fort Dodge Livestock Auction Co.—Fort Dodge.
Garner Sales Co.—Garner.
Greenfield Community Sale, Inc.—Greenfield.
Grinnell Livestock Exchange—Grinnell.
Guthrie Stock Pavilion, Inc.—Guthrie Center.
Hampton Auction, Inc.—Hampton.
Hawkeye Livestock Auction—Fairfax.
Hillcrest Auction Company—Knoxville.
Humboldt Cornbelt Livestock Exchange, Inc.—Humboldt-Dakota City.
Humeston Sale Barn—Humeston.
Independence Sale Company—Independence.
Indianola Sale Co.—Indianola.
*Interstate Producers Livestock Association—Waukon.
Iowa City Sales Co.—Iowa City.
Iowa Falls Sales Pavilion—Iowa Falls.
Irwin Sales Company—Irwin.
Kalona Sale Co., Inc.—Kalona.
Keoco Auction Co.—Sigourney.
Keosauqua Sale Co., Inc.—Keosauqua.
Kimballton Auction Co.—Kimballton.
Knickman Livestock Sales Co.—Council Bluffs.
Lamoni Sale Corp.—Lamoni.
Le Mars Sales Co.—Le Mars.
Lenox Livestock Auction—Lenox.
Livestock Auction Co.—Denison.
Liser Livestock Auction—Gowrie.
McCreary Sale Co.—Centerville.
McIntosh Livestock Auction, Inc.—Ida Grove.
Madison County Auction—Winterset.
Mahaska Sales Company, Inc.—Okaloosa.
Mapleton Auction Co.—Mapleton.
Maquoketa Sales Co.—Maquoketa.
Marengo Livestock Commission Co.—Marengo.
Marshalltown Livestock Auction—Marshalltown.
Marvel Livestock Market Center—Webster City.
Massena Livestock Auction—Massena.
Middletown Auction Sales, Inc.—Middletown.
Montezuma Sales Company—Montezuma.
Monticello Sales—Monticello.
Moorhead Sale Barn—Moorhead.
Mount Ayr Livestock Market—Mount Ayr.
Mountain States Stockyards, Inc.—Sioux City.
New Liberty Sale Barn—New Liberty.
New Sharon Sales Company, Inc.—New Sharon.
Newton Sales Company—Newton.
Northeast Iowa Sales Commission—Waukon.
Northside Sales Co.—Sibley.
Northwest Iowa Livestock Exchange—Alta.
Northwood Sales Co., Inc.—Northwood.
O & W Auction Market—Nadena.
Oelwein Dairy Sales—Oelwein.
Oelwein Livestock Exchange—Oelwein.
Ollie Livestock Exchange—Ollie.
Orient Sale Co., Inc.—Orient.
Osceola Sales Co.—Osceola.
Oskaloosa Livestock Auction—Oskaloosa.
Ossian Livestock Exchange—Ossian.
Oxford Auction Company, Inc.—Oxford.
Pella Sales Co.—Pella.
Perry Sales Pavilion—Perry.
Riceville Sales Pavilion—Riceville.
Rock Valley Sales Co.—Rock Valley.
Rubey Auction Company—Red Oak.
Russell Sales Co.—Russell.
Sales Company of Hawarden—Hawarden.
Sheldon Sales Co.—Sheldon.
Sioux Center Sales Co.—Sioux Center.
Smylie Livestock Company—Columbus Junction.
Spencer Livestock Sales—Spencer.
Spencer North Y Auction, Inc.—Spencer.
Storm Lake Auction Co.—Storm Lake.
Story City Auction Sales—Story City.
Sumner Livestock Auction—Sumner.
Tabor Sale Barn—Tabor.
Tama Livestock Auction—Tama.
Thompson Livestock Commission Co.—Lamoni.
Traer Sales Co., Inc.—Traer.
Tri-States Marketing Assn., Inc.—Shenandoah.
Troutman Auction Sales—Bonaparte.
Walker Sales Co.—Walker.
Wapello Livestock Auction—Wapello.
Washington Livestock Sales Co.—Washington.
Waverly Sales Co.—Waverly.
Wayland Sale Co., Inc.—Wayland.
Wesley Livestock Market—Wesley.
West Union Auction Exchange—West Union.
Winneshiek Co-op Association—Decorah.

KANSAS

*A. C. Sale Company—Arkansas City.
*Abilene Livestock Sales Co.—Abilene.
*Allen County Livestock Auction—Gas City.
*Anderson County Sale Company—Garnett.
*Anthony Livestock Company—Anthony.
*Ashland Sales Co., Inc.—Ashland.
*Atchison Co. Auction Co.—Atchison.
*Atwood Sale Barn—Atwood.
*Beloit Livestock Auction, Inc.—Beloit.
*C & S Livestock Commission Company—Norton.
*Caldwell Community Sale—Caldwell.
*Cedar Vale Sales Company—Cedar Vale.
*Central Livestock Sales Co.—South Hutchinson.
*Chandler Sales Company—Smith Center.
*Chanute Sale Pavilion—Chanute.
*Clay Center Sales Co.—Clay Center.
*Cloud County Livestock Comm. Co.—Concordia.
*Coffeyville Livestock Commission Co., Inc.—Coffeyville.
*Colby Livestock Auction, Inc.—Colby.
*Coldwater Sales Co., Inc.—Coldwater.
*Concordia Sales Co.—Concordia.
*Council Grove Livestock Auction—Council Grove.
*Dighton Livestock Auction Market, Inc.—Dighton.
*Dodge City Livestock Commission Co., Inc.—Dodge City.
*Douglass Livestock Commission Co.—Douglass.
*Downs Sales Company—Downs.
*Effingham Auction Company—Effingham.
*El Dorado Sales, Inc.—El Dorado.
*Emporia Livestock Sale Co., Inc.—Emporia.
*Eureka Auction Sale—Eureka.
*Farmers Livestock Exchange, Inc.—Wakarusa.
*Farmers Marketing Sales Corp., Inc.—Hill City.
*Farmers and Ranchers Livestock Commission Company—Salina.
*Flint Hills Livestock Auction—Eskridge.
*Fort Scott Sale Co.—Fort Scott.
*Frankfort Community Sale—Frankfort.
*Franklin County Sale Company, Inc.—Ottawa.
*The Garden City Sale Co., Inc.—Garden City.
*Giger Sale Company—Emporia.
*Glasco Livestock Exchange—Glasco.
*Goodland Livestock Commission Co., Inc.—Goodland.
*Hanson Livestock Auction, Inc.—Hutchinson.
*Harper Livestock Sale Company—Harper.
*Hays Livestock Commission Co.—Hays.
*Herington Livestock Auction Co.—Herington.
*Hiawatha Auction Co.—Hiawatha.
*Holton Community Sale—Holton.
*Holton Livestock Exchange—Holton.
*Hoxie Livestock Sale—Hoxie.
*Iola Community Sale—Iola.
*Junction City Livestock Sales, Inc.—Junction City.
*Kingman Community Sale Co.—Kingman.
*Kiowa Sales Company—Kiowa.
*Larned Livestock Commission Co.—Larned.
*Lawrence Livestock Sale—Lawrence.
*Leavenworth Community Sale—Leavenworth.
*Leoti Livestock Sales Co.—Leoti.
*Liberal Livestock Sales Co.—Liberal.
*Lincoln Sales Co.—Lincoln.
*Lindsborg Livestock Commission Co.—Lindsborg.

•Lyons Sale Pavilion—Lyons.
•McKinley-Winter Livestock Comm. Co., Inc.—Dodge City.
•Manhattan Comm. Co., Inc.—Manhattan.
•Mankato Sales Co.—Mankato.
•Marysville Livestock & Comm. Co.—Marysville.
•Meade Livestock Comm. Co.—Meade.
•Medicine Lodge Sale Co., Inc.—Medicine Lodge.
•Moline Auction Co.—Moline.
•Mound City Livestock Auction—Mound City.
•Natoma Livestock Exchange, Inc.—Natoma.
•Newton Livestock Sale Comm. Co.—Newton.
•Norton Livestock Comm. Co.—Norton.
•Oakley Livestock Sales Co.—Oakley.
•Oberlin Livestock Comm. Co.—Oberlin.
•Onaga Community Sale—Onaga.
•Osage City Livestock Sales Pavilion—Osage City.
•Osborne Livestock Comm. Co.—Osborne.
•Overbrook Livestock Sale Company—Overbrook.
•Paola Market Sale, Inc.—Paola.
•Phillipsburg Sales Co., Inc.—Phillipsburg.
•Plainville Livestock Comm. Co., Inc.—Plainville.
•Pratt Livestock Comm. Co.—Pratt.
•Quinter Livestock Commission Co.—Quinter.
•Rezac Livestock Commission Co.—St. Marys.
•Rush County Sales—La Crosse.
•Russell Livestock Commission Co.—Russell.
•Sabetha Livestock Auction—Sabetha.
•Salina Livestock Commission Co.—Salina.
•St. Francis Livestock Sale Co.—St. Francis.
•Southeastern Kansas Sales Co.—Fort Scott.
•Stewart Sale Barn—Bronson.
•Stilwell Community Sale—Stilwell.
•Stockton Livestock Commission Co.—Stockton.
•Stockyards Commission Co.—Great Bend.
•Sylvan Sales Company—Sylvan Grove.
•Tri-State Sale, Inc.—Elkhart.
•WaKeeney Livestock Commission Co.—WaKeeney.
•Washington Sale Company—Washington.
•Waverly Livestock Sale Barn—Waverly.
•Weaver & Dunn Livestock Auction Co.—Syracuse.
•Wellington Sales Co.—Wellington.
•Wilson Livestock Auction—Salina.
•Winfield Livestock Auction, Inc.—Winfield.
•Zima Livestock Sales Co.—Emmett.

KENTUCKY

Adair County Stockyards—Columbia.
•Albany Stockyards—Albany.
•Barron County Stockyards, Inc.—Glasgow.
•Berry and Whitford Stockyards—Mayfield.
•Blue Grass Stockyards—Lexington.
•Bowling Green Livestock Market, Inc.—Bowling Green.
•Boyle County Stockyards Co.—Danville.
•Don Brown Stockyard—Kevil.
•Bullitt County Stockyards—Shepherdsville.
•Burkesville Stockyards—Burkesville.
•Carlisle Stockyards—Carlisle.
•Cattlettsburg Livestock Sales Co.—Cattlettsburg.
•Christian County Livestock Market, Inc.—Hopkinsville.
•Clay-Wachs Stockyards Co., Inc.—Lexington.
•Cynthiana Stockyards—Cynthiana.
•Edmonton Livestock Market—Edmonton.
•Farmers Commission Co., Inc.—Tompkinsville.
•Farmers Livestock Co.—Mayfield.
•Farmers Livestock Market—London.
Farmers Livestock Sales, Inc.—Louisa.
•Farmers Stockyards—Flemingsburg.
•Farmers Stockyards Co., Inc.—Mount Sterling.
•Franklin Livestock Market, Inc.—Franklin.
•Garrard County Stockyards—Lancaster.
•Gibson Livestock Co., Inc.—Marion.
•Glasgow Livestock Market—Glasgow, Green County Stockyards—Greensburg.
•Hopkinsville Livestock Co.—Hopkinsville, Horse Cave Stockyards—Horse Cave.
•Kentuckiana Livestock Market, Inc.—Owensboro.
•Kentucky-Tennessee Livestock Market—Guthrie.
•Knox County Stockyards—Barbourville.
•Laurel Sales Co.—London.
•Lebanon Stockyards, Inc.—Lebanon.
Lincoln County Stockyards, Inc.—Stanford.
•Logan County Livestock Co., Inc.—Russellville.
•Madison Sales Co.—Richmond.
•Maysville Stockyards—Maysville.
•Middlesboro Livestock Market—Middlesboro.
•Monticello Stockyards—Monticello.
•Morehead Stockyard—Morehead.
•Murray Livestock Co.—Murray.
•O. K. Stockyard—Maysville.
•Olive Hill Livestock Co.—Olive Hill.
•Paducah Livestock Auction—Paducah.
Paintsville Livestock Market—Paintsville.
•Paris Stockyards—Paris.
•Princeton Livestock Co.—Princeton.
•Pulaski County Livestock Market, Inc.—West Somerset.
Russell County Stockyards—Russell Springs.
•Sparta Stockyards Co.—Sparta.
•Warren County Farm Marketing Co-op—Bowling Green.
•Winchester Stockyards—Winchester.

LOUISIANA

•Abbeville Commission Company—Abbeville.
•Amite Livestock Co., Inc.—Amite.
•Avoyelles Livestock Commission Market—Mansura.
•Bastrop Livestock Auction—Bastrop.
•Brown-Ashbrooks Stockyards, Inc.—Baton Rouge.
•Brown-Alsbrooks Stockyards, Inc.—Opelousas.
•Charles A. Brown—Baton Rouge.
•Clark Livestock Commission Company—Benton.
•Coltharp's Livestock Market—DeRidder.
•Delhi Livestock Auction—Delhi.
•DeQuincy Livestock Commission Co.—DeQuincy.
•Dominique's Cow Palace—Marksville.
•Dominique's, Inc.—Opelousas.
Dominique's Livestock Auction, Inc.—Alexandria.
•Dominique's Stockyards, Inc.—Baton Rouge.
•Dominique's Stockyards, Inc.—Lafayette.
•Eunice Stockyard—Eunice.
•Farmer & Stockman Auction, Inc.—Clarence.
•Franklin Livestock Auction, Inc.—Winnsboro.
•Franklinton Stockyards, Inc.—Franklinton.
•Hodges & Company, W. H.—Alexandria.
•Hodges & Company, W. H.—Crowley.
•Hodges & Company, W. H.—New Roads.
•Hodges Stock Yards, Inc.—Raceland.
•Homer Livestock Commission Co.—Homer.
•Lacassine Stockyard—Lacassine.
•Lacy Stockyard, J. D.—Alexandria.
•Livestock Producers, Inc.—Bossier City.
•Lum Brothers Stockyards—Vidalia.
•Lyles Auction Co., Bill—Grand Cane.
•Mansfield Livestock Auction—Mansfield.
•Micelle's Commission Yard—Lake Charles.
•North Tangipahoa Stockyard, Inc.—Kentwood.
•Rayville Livestock Auction, Inc.—Rayville.
•Red River Livestock Auction, Inc.—Coushatta.
•Tate Commission Barn, Joe—Ville Platte.
•Tate Commission Barn, Joe—LeBeau.
•Tri-Angle Stockyard—Kentwood.
•Vernon Livestock Cooperative, Inc.—Leesville.
•Voiron's Stockyard, Inc.—Thibodaux.
•Webster Livestock Commission Co.—Minden.
•Welsh Stockyard—Welsh.
•West Monroe Livestock Auction—West Monroe.
•Zachary Stockyards—Zachary.

MARYLAND

•Aberdeen Sales Company—Aberdeen.
•The Caroline Sales Company—Denton.
•Cumberland Stock Yard, Inc.—Cumberland.
•Farmers Live Stock Exchange, Inc.—Boonsboro.
Farmers Market and Auction—Charlotte Hall.
•Four States' Livestock Sales, Inc.—Hagerstown.
•Frederick Livestock Auction, Inc.—Frederick.
•Friend's Stock Yard, Inc.—Accident.
•Grantsville Community Sale—Grantsville.
•Rudnick, Harry and Sons—Galena.
West Nottingham Sales, Inc.—Rising Sun.
•Western Maryland Stock Yards, Inc.—Westminister.
Woodboro Livestock Sale, Inc.—Walkersville.

MASSACHUSETTS

•Brighton Stockyards Co.—Brighton.
•Michelson's Cattle Auction—South Easton.
•Northampton Coop. Auction—Northampton.

MICHIGAN

•Adrian Livestock Auction—Adrian.
•Andy Adams Sale Barn—Hillsdale.
•Coldwater Livestock Auction—Coldwater.
•Dundee Livestock Sales, Inc.—Dundee.
Linsmeier Livestock Auction—Menominee.
•Michigan Livestock Exchange—Cassopolis.
•Napoleon Livestock Auction—Napoleon.
•Three Rivers Livestock Auction—Three Rivers.

MISSISSIPPI

•Alcorn County Stockyards—Corinth.
•Batesville Sales Company, Inc.—Batesville.
•Billingsley Auction Sales, Doc.—Senatobia.
•Booneville Commission Company—Booneville.
Carl's Commission Company—Pontotoc.
•Clarksdale Livestock Sales Company—Clarksdale.
•Chickasaw Commission Company—Houston.
•Corinth Livestock Commission Company—Corinth.
•Decatur Stockyards—Decatur.
•Dixie Stockyards, Inc.—Meridian.
•Felders Livestock Sales Company—Summit.
•George County Stockyards—Lucedale.
•Graves Livestock Company—Winona.
•Grenada Livestock Exchange—Grenada.
•Gulfport Livestock Yards—Gulfport.
•Hattiesburg Livestock Yards, Inc.—Hattiesburg.
Holton Livestock Sales, J. W.—Centreville.
•Hub City Stockyards, Inc.—Hattiesburg.
•Jackson Union Stockyards—Jackson.
•Jefferson County Stockyards—Fayette.

•Knight Brothers Sales—Carthage.
•Laurel Stockyards—Laurel.
•Lexington Sales Company—Lexington.
•Lincoln County Livestock Commission Company—Brookhaven.
•Lipscomb Commission Company—Como.
•Livestock Producers Association—Tylertown.
•Lum Commission Company—Vicksburg.
•Meridian Stockyards, Inc.—Meridian.
•Mid-South Order Buyers, Inc.—Jackson.
•Mississippi Livestock Producers, Yazoo Branch—Yazoo City.
•Mississippi Livestock Producers Assn.; Edwards Branch—Edwards.
•Mississippi Livestock Producers Assn. (North Yard)—Jackson.
•Mississippi Livestock Producers Assn. (South Yard)—Jackson.
•Mississippi Livestock Yards—Laurel.
•Moore & Woods Commission Company—Macon.
•Natchez Stockyards—Natchez.
•New Albany Sales Company—New Albany.
•Olive Branch Sales Company—Olive Branch.
•Oxford Livestock Commission Company—Oxford.
•Peeler's Sale Barn—Kosciusko.
•Pontotoc Livestock Commission Company—Pontotoc.
Prairie Livestock, Inc.—West Point.
•Ripley Sales Company—Ripley.
•S & S Livestock Dealers, Inc.—Tupelo.
•Sardis Livestock Sales Company—Sardis.
•South Mississippi Livestock Market—Hattiesburg.
Southwest Mississippi Livestock Producers Assn.—Liberty.
•Southwest Stockyards, Inc.—Port Gibson.
•Spicer Brothers—Tupelo.
•Starkville Livestock Commission Company—Starkville.
•Stiles Livestock Commission Company—Sturgis.
•Stringers Sale Barn—Columbia.
•Tadlock Stockyards—Forest.
•Tri-State Stockyards, Inc.—Greenville.
•Tupelo Stockyards—Tupelo.
•Walnut Sales Company—Walnut.
•Waynesboro Livestock Yards, Inc.—Waynesboro.
•West Point Livestock Auction, Inc.—Tupelo.
•Winston County Community Sales—Louisville.

MISSOURI

Alton Sales Company—Alton.
Arnett & Son Livestock Auction—Warrensburg.
Ava Sales Company—Ava.
Baker, Roy, Sales Company—Butler.
Bethany Livestock Auction—Bethany.
Bowling Green Livestock Market, Inc.—Bowling Green.
Brunswick Sale Company—Brunswick.
Buffalo Sale Barn—Buffalo.
Butler Livestock Auction—Butler.
Cabool Livestock Market—Cabool.
Callaway Stock Sales Assn.—Fulton.
Cantrell (W. R.) & Sons Sales Co.—Archie.
Carrollton Livestock Auction—Carrollton.
Central Missouri Livestock Auction—Mexico.
Central Missouri Sales Company—Sedalia.
•Charleston Auction Company—Charleston.
Chillicothe Livestock Auction, Inc.—Chillicothe.
Circle "S" Livestock Auction—Stanberry.
Clark County Sales Company—Kahoka.
Columbia Livestock Auction, Inc.—Columbia.
Concordia Livestock Auction—Concordia.
Noel Cox Auction Sale—Ozark.
Crocker Auction Barn—Crocker.
Doniphan Auction Sales Company—Doniphan.
Douglas County Livestock Auction—Ava.
Edina Sale Company—Edina.
El Dorado Sales Company—El Dorado Springs.
Fairground Livestock Auction—Maryville.
Fairplay Sales & Auction Company—Fair Play.
Farmer's Auction Company—Mountain View.
Farmers & Traders Commission Co., Inc.—Palmyra.
Farmington Auction Company, Inc.—Farmington.
Fredericktown Auction Company, Inc.—Fredericktown.
Gainesville Sale Barn—Gainesville.
Gallatin Livestock Auction—Gallatin.
Golden Valley Auction Company—Clinton.
Goodman Auction Market—Goodman.
Grant City Sale Barn—Grant City.
Green City Auction Company—Green City.
H. R. U. Auction Company—Hamilton.
Halsey-Riley Sales Company, Inc.—Marshall.
Hannibal Sales Company, Inc.—Hannibal.
Hinds Sale Company—Memphis.
Kahoka Sale Company—Kahoka.
Kennett Sales Company, Inc.—Kennett.
Kirksville Community Sale—Kirksville.
Kirksville Community Sale—North Barn—Kirksville.
Lewis County Auction Company—Lewistown.
Lexington Livestock Auction—Lexington.
Licking Auction Sales Company—Licking.
Linn County Auction Company—Brookfield.
Lockwood Community Sales, Inc.—Lockwood.
Lolli Sales Pavilion—Macon.
Mansfield Auction Company—Mansfield.
Maryville Auction Company—Maryville.
Means Auction Company—Boonville.
Merrigan Brothers Livestock Auction—Maryville.
Mexico Stockyards Company—Mexico.
Milan Auction Company—Milan.
Moberly Livestock Auction—Moberly.
Monett Sale Company—Monett.
Montgomery County Auction Company—Wellsville.
Mountain Grove Livestock Auction—Mountain Grove.
Neosho Auction Sales, Inc.—Neosho.
Nevada Sales Company, Inc.—Nevada.
New Cambria Community Sale—New Cambria.
North Missouri Sale Pavilion—Trenton.
Odessa Community Sale—Odessa.
Olean Sale Company—Olean.
Oregon Livestock Sales Company—Oregon.
Palmyra Livestock Auction Market—Palmyra.
Pasley, C. M., Auction Company—Osceola.
Payne Auction Sales—Lebanon.
Platte County Sales Company—Platte City.
Poplar Bluff Sales Company—Poplar Bluff.
Potosi Auction Company, Inc.—Potosi.
Princeton Sale Company—Princeton.
Producers Livestock Market—Marshall Junction.
Puxico Stockyards & Auction Co., Inc.—Puxico.
Rich Hill Livestock Pavilion, Inc.—Rich Hill.
Roberts Brothers Auction—Bolivar.
Robertson's Community Sale—Bethany.
Rockport Sales Pavilion, Inc.—Rockport.
Rolla Auction Company—Rolla.
St. James Auction Company—St. James.
Salem Auction Company—Salem.
Savannah Sales Company—Savannah.
Schuyler County Sales Company—Lancaster.
Sedgewickville Auction Barn—Sedgewickville.
Seneca Community Sale, Inc.—Seneca.
Shelbina Auction Company—Shelbina.
Sikeston Auction Company, Inc.—Sikeston.
Jack Sivils Sale Co.—Butler.
Stewart's Sales Pavilion—Cameron.
Summersville Auction Sale—Summersville.
Thayer Sales Company—Thayer.
Troy Sales Company—Troy.
Unionville Sale Company—Unionville.
Van Meter Auction Company—Kingsville.
Versailles Auction Company—Versailles.
Warsaw Sales Company—Warsaw.
Welty Sales Pavilion—Nevada.
Wentzville Auction Company—Wentzville.
West Plains City Scales—West Plains.
West Plains Livestock Auction—West Plains.
Windsor Auction Company—Windsor.

MONTANA

•Billings Livestock Commission Co., Inc.—Billings.
•Glendive Livestock Sales Co.—Glendive.
•Miles City Salesyards Company—Miles City.
•Miles City Livestock Auction Market—Miles City.
•Sidney Livestock Market Center—Sidney.

NEBRASKA

•Ainsworth Livestock Market—Ainsworth.
•Albion Livestock Market, Inc.—Albion.
•Alliance Livestock Auction Company—Alliance.
•Alma Sale Barn—Alma.
•Arnold Livestock Sales Company, Inc.—Arnold.
•Ashland Sale Barn—Ashland.
•Atkinson Livestock Market—Atkinson.
•Augustin Brothers—Shelby.
•Bassett Livestock Auction, Inc.—Bassett.
•Beatrice Sales Pavilion—Beatrice.
•Beatrice 77 Livestock Sales Company—Beatrice.
•Beaver Valley Livestock Auction—Beaver City.
•Bloomfield Livestock Auction—Bloomfield.
•Blue Hill Livestock Company, Inc.—Blue Hill.
•Burwell Livestock Market—Burwell.
•Butte Livestock Market—Butte.
•Central Nebraska Commission Company, Inc.—Broken Bow.
•Chadron Sales Company—Chadron.
•Chappell Livestock Auction, Inc.—Chappell.
•Columbus Sales Pavilion, Inc.—Columbus.
•Crawford Livestock Market, Inc.—Crawford.
•Creighton Livestock Market—Creighton.
•Dovel Sale Barn—Auburn.
•Elkhorn Valley Cattle Company—Norfolk.
•Ewing Livestock Market—Ewing.
•Fairbury Livestock Company—Fairbury.
•Falls City Auction Company—Falls City.
•Farmers Livestock Sales Company—Benkelman.
•Gordon Livestock Company, Inc.—Gordon.
•Grand Island Livestock Auction—Grand Island.
•Grant Sales Company—Grant.
•Hebron Livestock Commission Company—Hebron.
•Imperial Auction Market, Inc.—Imperial.
•Kearney Livestock Commission Company—Kearney.
•Kimball Livestock Auction—Kimball.
•Klug Brothers Livestock Company—Columbus.
•Lexington Livestock Commission Company—Lexington.
•Lockwood Livestock Auction—South Sioux City.
•McKee Sales Company—Superior.
•Minden Livestock Sales Company—Minden.
•Morrison Livestock Commission Company, Inc.—Scottsbluff.
•Nebraska City Salebarn, Inc.—Nebraska City.

•Nebraska Livestock Sales Company—Lincoln.
•Neligh Livestock Commission Company—Neligh.
•Newman Grove Livestock Market—Newman Grove.
•Nollett Livestock—Valentine.
•Norfolk Livestock Sales Company—Norfolk.
•Ogallala Livestock Commission Company—Ogallala.
•O'Neill Livestock Market—O'Neill.
•Oshkosh Livestock Sales Company—Oshkosh.
•Oxford Livestock Commission Company—Oxford.
•Pawnee Livestock Company—Pawnee City.
•Pender Livestock Sales Company—Pender.
•Plattsmouth Sale Barn—Plattsmouth.
•Red Cloud Sales Company—Red Cloud.
•Republican Valley Livestock Auction—Franklin.
•Sheridan Livestock Commission Company—Rushville.
•Sidney Livestock Sales Pavilion Inc.—Sidney.
•Sioux County Livestock Commission Co.—Harrison.
•Spalding Livestock Market—Spalding.
•Stickelman Livestock Commission Company—Gothenburg.
•Superior Sales Company—Superior.
•Tecumseh Livestock Market—Tecumseh.
•Thedford Livestock Commission Company—Thedford.
•Tri-State Livestock Commission Company—McCook.
•Union Livestock Commission Company—Scottsbluff.
•Valentine Livestock Market—Valentine.
•Verdigre Livestock Market—Verdigre.
•Wahoo Livestock Auction Market—Wahoo.
•Wayne Sales Company, Inc.—Wayne.
•Wells Commission Company—Fremont.
•West Point Sales Company—West Point.
•Western Livestock Auction Company—North Platte.
•Wisner Livestock Sales Company—Wisner.
•York Livestock Sales Company—York.

NEVADA

•Gallagher Livestock Co.—Fallon.

NEW JERSEY

•Community Livestock Auction—Woodstown.
•Flemington Agricultural Marketing Co-op, Inc.—Flemington.
•Harris Sales Company—Woodstown.
•Jaeger's Livestock Auction Market—Sussex.
•Livestock Cooperative Auction Market Assn. of North New Jersey, Inc.—Hackettstown.
•Henry Zlotkin Auction—Freehold.

NEW MEXICO

Five States Livestock Auction, Inc.—Clayton.
Portales Livestock Commission Company—Portales.

NEW YORK

Amsterdam Livestock Sales, Inc.—Amsterdam.
Burton's Livestock Exchange, Inc.—Vernon.
Cambridge Valley Livestock Market—Cambridge.
D. R. Chambers & Sons, Inc.—Unadilla.
Chatham Area Auction Co-operative, Inc.—Chatham.
Cobleskill Commission Auction Inc.—Cobleskill.
Ben DiBello Commission Sales—Hannibal.
Empire Livestock Marketing Cooperative, Inc.—Bath.
Empire Livestock Marketing Cooperative, Inc.—Bullville.
Empire Livestock Marketing Cooperative, Inc.—Caledonia.
Empire Livestock Marketing Cooperative, Inc.—Dryden.
Empire Livestock Marketing Cooperative, Inc.—Gouverneur.
Empire Livestock Marketing Cooperative, Inc.—Oneonta.
Empire Livestock Marketing Cooperative, Inc.—Watertown.
Finger Lakes Livestock Market, Inc.—Canandaigua.
Raymond Genter Commission Market—Springville.
Hillsdale Farmer's Auction, Inc.—Hillsdale.
N. Johncox Sons Commission Auction—Pavilion.
J. M. Kaplan & Son, Inc.—Millerton.
Luther's Livestock Commission Market—Wassaic.
Maplehurst Livestock Market—Hinsdale.
Milford Commission Sales Stable, Inc.—Franklin.
Miller's Livestock Market—Argyle.
Miller's Livestock Market of Johnstown—Johnstown.
North Country Live Stock Exchange, Inc.—Chazy.
Norwich Commission Sales—Norwich.
Pavilion Livestock Market, Inc.—Pavilion.
Peter's Livestock Exchange—Jeffersonville.
Ray's Auction Service—Owego.
Norvel Reed & Sons, Inc.—Jamestown.
Norvel Reed & Sons, Inc.—Sherman.
Southern Tier Livestock Market—Whitney Point.
Steuben County Livestock Market—Bath.
Sullivan Brothers Livestock Exchange—Utica.
Wallkill Livestock Market—Walden.
Welch Livestock Market, Inc.—West Edmeston.

NORTH CAROLINA

Brite & Tatum Livestock Co.—Elizabeth City.
Carolina Stockyards—Silver City.
Lancaster Stockyards—Rocky Mount.
Morris Livestock Company—Charlotte.
Mount Airy Livestock Market, Inc.—Mount Airy.
Norwood Stockyard—Norwood.
Pates Stockyard—Pembroke.
Shelby Sales Barn—Shelby.
Union County Livestock Auction, Inc.—Mineral Springs.
West Jefferson Livestock Market—West Jefferson.

NORTH DAKOTA

•Ashley Livestock Sales Company—Ashley.
•Beulah Livestock Auction Market, Inc.—Beulah.
•Carrington Livestock Auction, Inc.—Carrington.
•Edgeley Livestock Sales Company—Edgeley.
•Ellendale Livestock Sales Company—Ellendale.
•Hamann Livestock Company—Hettinger.
•Harrington Brothers Livestock Auction—Minot.
•Harvey Livestock Auction—Harvey.
•Hettinger Livestock Sales—Hettinger.
•Home Base Auction Company—Bowman.
•Jamestown Livestock Sales—Jamestown.
•JKL Cattle Company—Williston.
•Kamrath Sales Pavilion—Mott.
•Kist Livestock Auction Company—Mandan.
•Lake Region Auction & Livestock Market, Inc.—Devils Lake.
•Linton Livestock Sales, Inc.—Linton.
•Lorenz Livestock Sales—Hazen.
•Minot Livestock Auction—Minot.
•Missouri Slope Livestock Auction, Inc.—Bismarck.
•Napoleon Livestock Auction—Napoleon.
•Oaks Livestock Terminal—Oaks.
•Park River Livestock Auction Market—Park River.
•Rugby Livestock Sales—Rugby.
•Schlichenmayer Livestock Sales—Turtle Lake.
•Schnell Livestock Auction Company—Dickinson.
•Sitting Bull Auction—Williston.
•Valley City Livestock Auction—Valley City.
•Wahpeton Livestock Company—Wahpeton.
•Western Livestock Company—Dickinson.
•Williston Livestock Commission Company—Williston.
•Wishek Livestock Market—Wishek.

OHIO

•Athens Livestock Sales—Athens.
•Barnesville Livestock Exchange—Barnesville.
•Bloomfield Livestock Auction—North Bloomfield.
•Bowling Stockyard—Circleville.
•Canfield Livestock Auction—Canfield.
•Carrollton Livestock Auction—Carrollton.
•Creston Livestock Sales—Creston.
•Damascus Livestock Auction—Damascus.
•Delta Livestock Auction & Commission Company—Delta.
•Dorset Livestock Sales—Dorset.
•Farmers Livestock Auction, Inc.—Marietta.
•Fremont Livestock Exchange—Fremont.
•Geauga Livestock Auction—Middlefield.
•Kenton Farmers Marketing Co.—Kenton.
•Kidron Auction, Inc.—Kidron.
•Lugbill Bros., Inc.—Archbold.
•Lugbill Bros., Inc.—Columbus Grove.
•Marietta Livestock Market, Inc.—Marietta.
•Ohio Valley Livestock Company—Gallipolis.
•Peoples Livestock Exchange—Greenville.
•Producers Livestock Association—Bucyrus.
•Producers Livestock Association—Chillicothe.
•Producers Livestock Association—Columbus.
•Producers Livestock Association—Coshocton.
•Producers Livestock Association—Eaton.
•Producers Livestock Association—Findlay.
•Producers Livestock Association—Hicksville.
•Producers Livestock Association—Hillsboro.
•Producers Livestock Association—Lancaster.
•Producers Livestock Association—Marion.
•Producers Livestock Association—Mount Vernon.
•Producers Livestock Association—Wapakoneta.
•Producers Livestock Association—Washington Court House.
•Producers Livestock Association—Wilmington.
•Rothschild Livestock Company—Stony Ridge.
•Scio Auction Market—Scio.
•Scioto Livestock Sales Co.—Chillicothe.
•Tiffin Livestock Sales Co.—Tiffin.
•Union Stockyards Company—Hillsboro.
•Union Stockyards Company—Washington Court House.
•Western Ohio Livestock Exchange—Celina.
•Zanesville Community Sales—Zanesville.

OKLAHOMA

•Ada Livestock Auction, Inc.—Ada.
•Ardmore Livestock Auction, Inc.—Ardmore.
•Beaver Livestock Sale—Beaver.
•Big Pasture Auction—Frederick.
•Blackwell Livestock Auction—Blackwell.

•Buffalo Livestock Commission Company—Buffalo.
•Carmen Livestock Exchange—Carmen.
•Chandler Auction—Chandler.
•Clinton Cattle Commission Company—Clinton.
•Clinton Livestock Auction—Clinton.
•Cornwell-Ochaner Commission Sale—Yukon.
•Covington Sale Barn—Covington.
•Creek Nation Stockyards—Okmulgee.
•Dewey Livestock Sale—Dewey.
•Durant Stockyards Company—Durant.
•Elk City Stockyards—Elk City.
•Fairview Sale Barn—Fairview.
•Farmers and Ranchers Livestock Auction—Vinita.
•Farmers Livestock Exchange Sales—Pauls Valley.
•Farmers Livestock Commission Company—Enid.
•Grove Sales Company—Grove.
•Hugo Sales Commission Company—Hugo.
•Hobart Stockyards—Hobart.
•Hollis Livestock Commission Company—Hollis.
•Idabel Livestock Auction—Idabel.
•LeFlore County Livestock Auction—Wister.
•Locust Grove Sale—Locust Grove.
•Looper Auction—Stillwater.
•Mangum Livestock Company—Mangum.
•Marietta Auction Sale—Marietta.
•Maxson Sales Company, Inc.—South Coffeyville.
•Maxson Sales Company, Inc.—Welch.
•Meeker Livestock Auction—Meeker.
•Mountain View Community Sale—Mountain View.
•Muskogee Stockyards and Livestock Auction—Muskogee.
•Newkirk Livestock Auction—Newkirk.
•Oklahoma Auction Yards—Hominy.
•Pawnee Sale Company—Pawnee.
•Perkins Y Livestock Auction—Perkins.
•Perry Livestock Exchange—Perry.
•Pryor Livestock Auction Company—Pryor.
•Seiling Sales Association, Inc.—Seiling.
•Stigler Livestock Auction—Stigler.
•Texhoma Livestock Commission Company, Inc.—Texhoma.
•Tonkawa Livestock Auction—Tonkawa.
•Union Stockyards—McAlester.
•Vinita Stockyards Auction Company—Vinita.
•Waurika Auction Sale—Waurika.
•Webb Livestock Sale—Sayre.
•Woodward Livestock Commission Company—Woodward.

OREGON

•Auction Center—Hood River.
Baker Livestock Auction—Baker.
•Coos-Curry Livestock Auction—Bandon.
Corvallis Livestock Auction Market, Inc.—Corvallis.
•Douglas Livestock Market—Wilbur.
•Enterprise Livestock Auction Co.—Enterprise.
Eugene Livestock Auction—Junction City.
•Hermiston Livestock Commission Co.—Hermiston.
•Klamath Stockman's Commission, Inc.—Klamath Falls.
La Grande Livestock Commission Co., Inc.—La Grande.
•Madras Livestock Auction Market—Madras.
McMinnville Auction Yard—McMinnville.
•Northwestern Livestock Commission Co.—Hermiston.
•Redmond Auction Yard—Redmond.
•Rouge Valley Livestock Auction, Inc.—Central Point.
Dan B. Roth's Auction Market—Albany.
Salem Auction Yard—Salem.
•Schricker and Son Livestock Auction—Sutherlin.
•The Dalles Auction Yard—The Dalles.
Tillamook County Farm Bureau Marketing Association—Bay City.
•Valley Livestock Sales—Lebanon.
Woodburn Auction—Woodburn.

PENNSYLVANIA

Belknap Auction Sales—Dayton.
Belleville Livestock Market, Inc.—Belleville.
Carlisle Livestock Market—Carlisle.
Chambersburg Livestock—Chambersburg.
Chesley's Livestock Auction—North East.
Clinton Auction Inc.—Mill Hall.
Coudersport Livestock Market—Coudersport.
Dewart Livestock Market—Dewart.
Eighty-Four Auction Sales, Inc.—Eighty-Four.
Enon Valley Community Sales—Enon Valley.
Farmers' Tri Co. Auction—Scenery Hill.
Fayette Stockyard Co.—Uniontown.
Greencastle Livestock Market—Greencastle.
Green Dragon Livestock Sales—Ephrata.
Hatfield Livestock Market, Inc.—Hatfield.
Hickory Auction and Sales—Hickory.
Indiana Livestock Market, Inc.—Homer City.
Knoxville Sales—Knoxville.
Lebanon Valley Livestock Market—Fredericksburg.
Leesport Market & Auction—Leesport.
Lycoming Livestock Market—Williamsport.
Mages & Farrell—Mercer.
Meadville Livestock Market—Hagerstown.
Middleburg Auction Sales, Inc.—Middleburg.
Montague Livestock Auction—Union City.
Montour Livestock Market, Inc.—Danville.
Morrision Cove Livestock Market—Martinsburg.
New Holland Sales Stables, Inc.—New Holland.
New Wilmington Livestock Market—New Wilmington.
Nicholson Sales Company—Nicholson.
Penns Valley Sales Barn—Centre Hall.
Pennsylvania Livestock Auction, Inc.—Waynesburg.
Perkiomenville Sales Stables—Perkiomenville.
Phillips Livestock Auction—New Galilee.
Quakertown Livestock Sale—Quakertown.
Sechrist Sales Company, Inc.—Stewartstown.
Showalter's Livestock Exchange—Duncansville.
Silver Springs Livestock Market—Mechanicsburg.
Tri-Co. Livestock Auction—Brockway.
Troy Sales Cooperative—Troy.
Valley Stock Yards, Inc.—Athens.
Vintage Sales Stables, Inc.—Paradise.
Wayne County Livestock Exchange, Inc.—Honesdale.
Wyalusing Sales Company—Wyalusing.
York Livestock Market, Inc.—York.

SOUTH CAROLINA

•Bruce & Co., P. L.—Greenville.
•Chesnee Livestock Co.—Chesnee.
•Conder Co., Inc., J. W.—Columbia.
•Darlington Auction Market, Inc.—Darlington.
Farmer's Livestock Market—Leesville.
•Graham Cottingham Stockyard—Dillion.
•Greenwood Stockyard, Inc.—Greenwood.
•Herndon Stockyards, Inc.—Ehrhardt.
•Hutto Stockyards, Inc.—Holly Hill.
•Johnson Livestock Market—Honea Path.
•Lanox Stockyards—Bennettsville.
•Nichols Auction Market—Nichols.
•Orangeburg Stockyards, Inc.—Orangeburg.
•Pageland Livestock Barn—Pageland.
•Pickens Auction Market, Inc.—Pickens.
•Rock Hill Sales Barn—Rock Hill.
•Saluda County Stockyards, Inc.—Saluda.
•Smith Stockyards—Columbia.
•Springfield Stockyards—Springfield.
•Spartanburg Livestock Yards—Spartanburg.
•Taylor Stockyards, John C.—Anderson.
•Twin States Auction Market—Tabor City.
•Walterboro Stockyards Company, Inc.—Walterboro.
•York County Stockyards, Inc.—York.

SOUTH DAKOTA

•Aberdeen Livestock Sales Company—Aberdeen.
•Belle Fourche Livestock Exchange—Belle Fourche.
•Britton Sales Pavilion, Inc.—Britton.
•Canton Livestock Sales Company—Canton.
•Chamberlain Livestock Sales, Inc.—Chamberlain.
•Dobler Livestock Sales Company—Herreid.
•Edgemont Livestock Sales Company, Inc.—Edgemont.
•Eureka Livestock Sales Company, Inc.—Eureka.
•Faith Livestock Company, Inc.—Faith.
•Gregory Livestock Auction—Gregory.
•Hub City Livestock Sales Pavilion—Aberdeen.
•Kimball Livestock Exchange—Kimball.
•Lemmon Livestock Sales Company—Lemmon.
•Leola Livestock Sales Company—Leola.
•Livestock Auction Management, Inc.—Philip.
•Loken's Watertown Sales Pavilion—Watertown.
•Madden's Livestock Market, Inc.—St. Onge.
•Martin Auction Company, Inc.—Martin.
•McLaughlin Commission Company—McLaughlin.
•Mobridge Livestock Auction Sales, Inc.—Mobridge.
•Rapid City Livestock Commission Company—Rapid City.
•Schnell Livestock Market, Inc.—Lemmon.
•Sisseton Livestock Sales Company—Sisseton.
•South Dakota Livestock Sales Company—Watertown.
•Stockmen's Livestock Auction Company—Yankton.
•Sturgis Livestock Exchange, Inc.—Sturgis.
•Timber Lake Livestock Sales Company—Timber Lake.
•Webster Livestock Exchange, Inc.—Webster.
•Yankton Livestock Sales Company, Inc.—Yankton.

TENNESSEE

•Athens Livestock Auction Co.—Athens.
•Beasley Commission Auction—Franklin.
•Botts & Evans Livestock Company—Union City.
•Chattanooga Union Stockyard—Chattanooga.
•Clarksville Livestock Market—Clarksville.
•Cleveland Livestock Auction Co.—Cleveland.
•Clinton Livestock Auction Co., Inc.—Clinton.
•Coffee County Livestock Market—Manchester.
•Collierville Auction Company—Collierville.
•Cookeville Livestock Co.—Cookeville.
•Covington Sales Co.—Covington.
•Crockett County Sales Co.—Maury City.
•Cumberland City Stockyard—Cumberland City.
•Davis Stockyard—South Fulton.
•Dayton Livestock Auction Co.—Dayton.
•De Kalb County Commission Co.—Alexandria.
•East Tennessee Livestock Center—Sweetwater.

*Farmers Auction Company—Fayetteville.
*Farmers Commission Company—Camden.
*Farmers Commission Company—Carthage.
*Farmers Livestock Auction Co.—Decherd.
*Farmers Livestock Exchange—Union City.
*Farmers Livestock Market, Inc.—Greeneville.
*Farmers Stockyard—Newport.
*Gallatin Livestock Market—Gallatin.
*Gamaliel Livestock Market—Gamaliel.
*Giles County Stockyard—Pulaski.
*Greeneville Livestock Co.—Greeneville.
*Hardin County Stockyard—Savannah.
Hartsville Livestock Co.—Hartsville.
*Henderson Sale Co.—Henderson.
Jackson County Commission Co.—Gainesboro.
*Jamestown Stockyard—Jamestown.
*Johnson City Livestock Market—Johnson City.
*Kingsport Livestock Market—Kingsport.
*Lawrence County Stockyard—Lawrenceburg.
*Lewis Bros. Livestock Commission & Sales Company—Cleveland.
*Lewis County Stockyard—Hohenwald.
Lexington Livestock Market—Lexington.
*Lexington Sales Company—Lexington.
*Logan Livestock Co.—Union City.
*Macon County Livestock Market—Lafayette.
*Madisonville Livestock Auction Co.—Madisonville.
*Middleton Sales Co.—Middleton.
*Mid-South Livestock Commission Co.—Columbia.
*Morristown Stockyard, Inc.—Morristown.
*Murfreesboro Livestock Market—Murfreesboro.
*Newbern Sales Co.—Newbern.
*Newport Livestock Auction Company—Newport.
*New Tazewell Livestock Market—New Tazewell.
*Nichols-Moore Livestock Market—Thompson Station.
*Oliver Livestock Market—Union City.
*O'Neill, Sam Auction Co.—Chattanooga.
*Paris Livestock Commission Co.—Paris.
*Peoples Stockyard—Cookeville.
*Peoples Stockyard—Fayetteville.
*Plateau Livestock Exchange—Crossville.
*Pulaski Stockyard—Pulaski.
*Rogersville Livestock Market—Rogersville.
*Scotts Hill Auction, Inc.—Scotts Hill.
*Sevier County Livestock Auction Co.—Seymour.
*Shelbyville Livestock Market—Shelbyville.
*Smith County Commission Co.—Carthage.
*Smithville Livestock Sales—Smithville.
*Southern Livestock Auction Co.—Columbia.
*Southwestern Sales Co., Inc.—Huntingdon.
*Tenn. Producers Livestock Mkt. Assn.—Fayetteville.
*Thompson & Son Livestock Co.—Obion.
*Trenton Livestock Sales Co.—Trenton.
*Tri-County Livestock Co.—McKenzie.
*Trousdale County Livestock Market—Hartsville.
*Union Livestock Yards—Knoxville.
*Unionville Livestock Market—Unionville.
*Ward, William Stockyard—South Fulton.
*Warren County Livestock Co.—McMinnville.
*West Tenn Auction Co.—Martin.
*White County Livestock Market—Sparta.
*Wilson County Livestock Co.—Lebanon.
*Wilson's Livestock Market—Lewisburg.
*Woody Stockyards—Troy.

TEXAS

*Abilene Auction Co.—Abilene.
*Amarillo Livestock Auction Company—Amarillo.
*Belton Livestock Auction—Belton.
*Blanco Livestock Commission—Blanco.
*Bonham Livestock Commission Company—Bonham.
*Breckenridge Livestock Exchange—Breckenridge.
*Bridgeport Auction Sale—Bridgeport.
*Brownwood Cattle Auction—Brownwood.
*Buffalo Livestock Commission Company—Buffalo.
*Canyon Livestock Auction—Canyon.
*Center Auction Company—Center.
*Childress Livestock Commission Company—Childress.
*Clarksville Livestock Exchange—Clarksville.
*Costal Cattle Association—Beaumont.
*Coleman Livestock Auction—Coleman.
*Collin County Commission Company—McKinney.
*Dalhart Livestock Auction Company—Dalhart.
*Decatur Auction Sale—Decatur.
*Eads & Cole Commission Company—Brownwood.
*Ennis Livestock Company—Ennis.
*Farmers & Ranchers Livestock Comm. Co.—Denton.
*Farmers & Ranchers Livestock Comm. Co.—Paris.
*Frio Livestock Sale—Pearsall.
*Gainesville Livestock Auction—Gainesville.
*Gillespie County Livestock Sales Company—Fredericksburg.
*Gilmore Livestock Comm. Co.—Gilmore.
*Graham Livestock Commission—Graham.
*Grapevine Livestock Auction.—Grapevine.
*Groesbeck Commission Company—Groesbeck.
*Haskell Livestock Auction—Haskell.
*Henderson County Livestock Auction—Athens.
*Hopkins Livestock Commission Company—Sulphur Springs.
*Huntsville Livestock Commission Company—Huntsville.
*Kirbyville Auction Barn—Kirbyville.
*Lampasas Auction, Inc.—Lampasas.
*Lometa Commission Company—Lometa.
*Lufkin Livestock Exchange—Lufkin.
*McDougal Livestock Auction—Comanche.
*Madison County Livestock Commission Company—Madisonville.
*Mansfield Commission Company—Mansfield.
*Marshall Livestock Commission—Marshall.
*Marshall-Longview Livestock Exchange—Longview.
*Matthews Livestock Commission Company—San Saba.
*Menard County Commission Company—Menard.
*Meridian Livestock Auction—Meridian.
*Mineral Wells Stockyards Company—Mineral Wells.
*Muenster Livestock Commission Company—Muenster.
*Olney Livestock Auction—Olney.
*Owen Brothers Livestock Commission Company—Texarkana.
*Panola County Livestock Commission Company—Carthage.
*Paris Livestock Commission—Paris.
*Parker County Livestock Commission—Weatherford.
*Patton Auction Barn—Nacogdoches.
*Pilot Point Livestock Exchange—Pilot Point.
*Quanah Livestock Commission—Quanah.
*Rains County Livestock Market—Emory.
*Ranchers & Farmers Commission Company—Abilene.
*Rusk County Auction—Henderson.
*San Augustine Livestock Commission—San Augustine.
*Sealy Livestock Auction Company—Sealy.
*Seymour Stockyards Company—Seymour.
*Sulphur Springs Livestock Commission Company—Sulphur Springs.
*Terrell Livestock Commission Company—Terrell.
*Texoma Cattle Company—Whitesboro.
*Tulia Livestock Auction—Tulia.
*Tyler Livestock Commission Co.—Tyler.
*Vernon Stockyards Company, Inc.—Vernon.
*Wellington Livestock Commission Company—Wellington.
*West Texas Livestock Sales Company—Plainview.
*Wichita Falls Stockyards—Wichita Falls.
*Wills Point Livestock Commission Company—Wills Point.
*Winnsboro Livestock Commission Company—Winnsboro.
*Wood County Livestock Auction—Mineola.
*Woodville Livestock Commission Company—Woodville.

UTAH

*Delta Livestock Auction Co.—Delta.
*Richfield Auction Market—Richfield.
*Salina Auction—Salina.
*Smithfield Livestock Auction, Inc.—Smithfield.
*Spanish Fork Livestock Auction, Inc.—Spanish Fork.
*Southern Utah Auction—Cedar City.
*Tri-State Livestock Auction, Inc.—St. George.
*Uintah Sales Barn—Roosevelt.
*Utah Valley Auction—Spanish Fork.
*Vernal Livestock Auction Co.—Vernal.

VERMONT

Addison County Commission Sale—East Middlebury.
Crosby Commission Sale—Whiting.
East Thetford Commission Sale—East Thetford.
Gallerani's Commission Sale—Bradford.
Vergennes Livestock Market—Vergennes.
Westminster Commission Sale—Westminster.

VIRGINIA

*Abingdon Livestock Market, Inc.—Abingdon.
*Bedford Livestock Market, Inc.—Bedford.
*Christiansburg Livestock Market, Inc.—Christiansburg.
*Farmers Livestock Market, Inc.—Bristol.
*Farmers Livestock Market, Inc.—Ewing.
*Farmers Livestock Exchange, Inc.—Winchester.
*Fauquier Livestock Exchange, Inc.—Marshall.
*Front Royal Livestock Market—Front Royal.
*Galax Livestock Market, Inc.—Galax.
*Highland County Livestock Market, Inc.—Monterey.
*Lee Farmers Livestock Market, Inc.—Jonesville.
*Loudoun County Livestock Market, Inc.—Leesburg.
*Lynchburg Livestock Market—Lynchburg.
*Narrows Livestock Market, Inc.—Narrows.
*Nokesville Livestock Auction, Inc.—Nokesville.
*Orange Livestock Market, Inc.—Orange.
*Phenix Livestock Market—Phenix.
*Pulaski Livestock Market—Dublin.
*Roanoke Livestock Market—Roanoke.
*Rockbridge Livestock Market—Buena Vista.
*Rockingham Livestock Sales, Inc.—Harrisonburg.
*Shenandoah Valley Livestock Sales, Inc.—Harrisonburg.
*Smithfield Livestock Market, Inc.—Smithfield.
*South Boston Livestock Market—South Boston.
*South Hill Livestock Market—South Hill.

*Southside Stockyards, Inc.—Petersburg.
*Staunton Livestock Market, Inc.—Staunton.
*Staunton Union Stockyards—Staunton.
*Tazewell Livestock Market, Inc.—Tazewell.
*Victoria Livestock Market—Victoria.
*Woodstock Livestock Market—Woodstock.
*Wytheville Livestock Market, Inc.—Wytheville.

WASHINGTON

*Auburn Livestock, Inc.—Auburn.
Columbia Saleabarn, Inc.—Vancouver.
*Colville Auction Co.—Colville.
*Davenport Livestock Auction Co.—Davenport.
*Grange Interstate Livestock Co.—Moses Lake.
*Othello Livestock Market, Inc.—Moses Lake.
*Pasco Central Stockyards—Pasco.
*Prosser Salesyard, Inc.—Prosser.
*Toppenish Livestock Market—Toppenish.
*Twin City Sale—Centralia.
*Walla Walla Livestock Comm. Co.—Walla Walla.

WEST VIRGINIA

*Alderson Livestock Market—Alderson.
*Bluegrass Market, Inc.—North Caldwell.
*Blueridge Livestock Sales, Inc.—Charles Town.
*Bridgeport Stockyards, Inc.—Bridgeport.
*Buckhannon Livestock Sales Company, Inc.—Buckhannon.
*Evans Stock Yards, Inc.—Elkins.
*Gassaway Livestock Market, Inc.—Gassaway.
*Jackson County Livestock Market, Inc.—Ripley.
*Mannington Stockyards, Inc.—Mannington.
*Morgantown Livestock Sales, Inc.—Morgantown.
*Moundsville Livestock Auction Company—Moundsville.
*New River Livestock Market, Inc.—Beckley.
*Ohio County Livestock Auction, Inc.—West Alexander.
*Pocahontas Producers Cooperative Association—Marlinton.
*Pt. Pleasant Livestock Company—Point Pleasant.
*South Branch Stockyard, Inc.—Moorefield.
*Spencer Livestock Exchange, Inc.—Spencer.
*Terra Alta Stockyards, Inc.—Terra Alta.
*Union Livestock Sales Company, Inc.—Parkersburg.
*Weston Livestock Sales Company, Inc.—Weston.

WISCONSIN

*Forrest Brigham Livestock Market—Evansville.
*Drees Livestock Market—Peshtigo.
*Equity Livestock Market—Bonduel.
*Equity Livestock Auction Market—Coon Valley.
*Kuehne Livestock Market—Seymour.
*Matthes Market—Viola.

WYOMING

*Douglas Livestock Exchange Co.—Douglas.
*Gillette Livestock Auction—Gillette.
*Greybull Livestock Comm. Co.—Greybull.
*Lander Livestock Comm. Co.—Lander.
*Laramie Livestock Exchange, Inc.—Laramie.
*Powell Auction Market—Powell.
*Riverton Livestock Auction—Riverton.
*Sheridan Livestock Commission Co.—Sheridan.
*Stockmen's Livestock Commission Company—Torrington.
*Torrington Livestock Commission Co.—Torrington.
*Worland Livestock Auction—Worland.

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 of Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraph (b) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis, and those not preceded by an asterisk are specifically approved for the purposes of paragraph (b) of § 78.12 only.

ALABAMA

Barney's Pork House—Decatur.
Bartel's Frozen Foods—Atmore.
*Beesley Packing Co., Inc.—Andalusia.
Bird Packing Co., Inc.—Midland City.
*Brewton Abattoir—Brewton.
Dauphin's Clover Farm and Processing Plant—Brewton.
*Decatur Packing Company—Decatur.
*East Alabama Frozen Foods & Provision Company—Opelika.
Florence Frozen Foods Slaughter Plant—Florence.
Florence Packing Company—Florence.
Fort Payne Locker & Storage Plant—Fort Payne.
Greensboro Packing Co., Inc.—Greensboro.
Hinote Packing Company—Loxley.
*Leeds Packing Company—Leeds.
Morgan Packing Company—Tuscaloosa.
Nelms & Son—Decatur.
*Roanoke Packing Co., Inc.—Roanoke.
Robertsdale Locker Plant—Robertsdale.
Valley Pride Packing Co., Inc.—Huntsville.
*White Rock Packing Company—Dothan.
Williams Packing Company—Gadsden.
*R. L. Zeigler, Inc.—Tuscaloosa.

ARIZONA

Arizona Meat Packers—Tucson.
*C & C Packing Company—Phoenix.
*Evans Meat Company—Phoenix.
*Herseth Meat Packing Company—Phoenix.
Maricopa Packing Company—Phoenix.
*O.K. Wholesale Meat Company—Phoenix.
Paramount Packing Company—Casa Grande.
Safford Packing Company—Safford.
Southwest Meat Company, Inc.—Yuma.
Stone & Randall Meat Company—Mesa.
*Tempe Meat Company, Inc.—Tempe.
*Vern Busby Meat Company—Tucson.
Western Meat Packing Co.—Tucson.

ARKANSAS

Barnett's Slaughter House—Crossett.
Bramlett's Country Market—Lowell.
Brawner Packing Company—Wynne.
Broadway Packing Co.—Jonesboro.
*Brown Packing Company—Little Rock.
*Kelton Brown Wholesale Meats—Little Rock.
*Roy Burton Wholesale Meats—North Little Rock.
Butcher Wholesale Meats—Camden.
Calhoun General Merchandise, Brown—Monticello.
Carroll Packing Co.—Paragould.
Charleston Frozen Foods—Charleston.
Columbia Packing Company—Magnolia.
*Community Abattoir, Inc.—Fort Smith.
Dumas Packing Company—El Dorado.
*Dunham Packing Co.—Calico Rock.
Fletcher Beef Company, Jim—Fayatteville.
Philip Freer & Son—Ivan.
Gude Packing Company—Blytheville.
*Hawthorne Packing Company—Hot Springs.
*Hot Springs Packing Co., Inc.—Hot Springs.
Huber Slaughter Plant—Subiaco.
*Hunt, Leo—Pine Bluff.
*Jacksonville Packing Company—Jacksonville.
*Kierre & Sons—North Little Rock.
R. Kindevater & Sons Market—Little Rock.
*Kruse Packing Company—Alexander.
Laister Packing Company—Booneville.
Lawton Wholesale Meats—Warren.
*Little Rock Packing Company—Little Rock.
McKiever Meat Market—Monticello.
*Malvern Meat Company—Malvern.
Mann Slaughtering & Processing—Piggott.
Mazzanti Food Bank—Monticello.
*Meachan Packing Co.—Batesville.
Melbourne Packing Company—Melbourne.
Mhoon Beef Company—Fayetteville.
*Middleton Packing Co.—Newport.
*Miller Packing Company—Judsonia.
Montgomery, Ralph Grocery & Market—Hope.
Monticello Packing Co.—Monticello.
Morriton Packing Company—Morriton.
Morris Packing Company—Hope.
Northwest Arkansas Packing Company—Rogers.
*Oliver Slaughtering House—Stuttgart.
*O. E. Owens Wholesale Butcher—Pearcy.
Paragould Food Locker—Paragould.
*Phillips Packing Company—Magnolia.
Prairie Grove Locker Plant—Prairie Grove.
*Prickett Packing Co.—Batesville.
Pruett Meat Market—Batesville.
*Quality Packing Co.—Truman.
Redd Slaughter House—Harrisburg.
*Reeder Meat Company—Arkadelphia.
Riggan Brothers Locker Plant—Sheridan.
Russellville Packing Company—Russellville.
*Ryburn & Glover Meat Co.—Pine Bluff.
St. Scholastica—Fort Smith.
*Searcy Frozen Foods—Searcy.
Schelle Slaughter House—Paris.
Springdale Custom Butchering—Springdale.
Stafford's Quality Meats—Walnut Ridge.
Sutton Slaughter Plant, Claud H.—Hope.
*Taylor Brothers Whls. Meats—Gurdon.
*Webb Packing Co.—Helena.
*Western Meat Packers, Inc.—Little Rock.
*White County Packing Co.—Searcy.

CALIFORNIA

*Arnopole Meat Co.—Modesto.
*Atwater Meat Co.—Atwater.
*Avila Meat Co.—Newman.
*Chico Packing Company—Chico.
*Circle Bar Meat Farm—Franklin.
*Crum Meat Co.—McArther.
*Evart Meat Co.—Healdsburg.
*Felder & Son—Sonoma.
*Hill Top Meat Co.—Roseville.
*Hohener, Ernest—San Leandro.
*Johnson Meat Company—Sonoma.
*Keller Bros. Meat Co.—St. Helena.
*Langer & Kretner—Eureka.
*Lewis & McDermott—Berkeley.
*Moller & Sons—Pleasanton.
*Palace Market—Fresno.
*C. V. Panizzera—Occidental.
*Prime Meat Products—Ukiah.
*Redwood Meat Company—Eureka.
*Regusci Meat Co.—Napa.
*Stoeven Bros.—Dixon.
*Taafe, Wm. A. Co., Inc.—San Francisco.
*Walnut Creek Meat Co.—Walnut Creek.
*Yettner Bros.—Fort Bragg.
*Zeff, B. & Co.—Modesto.

COLORADO

*Louis Altburger Packing Plant—Denver.
Basin Packing Co.—Durango.
*Colorado Packing Co.—La Junta.
Cortez Packing Co.—Cortez.
*Loveland Packing Co., Inc.—Loveland.
Mountain Packing Co.—Dolores.

Ovid Locker Plant—Ovid.
Pavetti Sausage Co.—Trinidad.
*Reichard Packing Co.—La Salle.
E & J Farms—Windham.
*Bridgeport Municipal Abattoir—Bridgeport.
*Connecticut Packing Company—Bloomfield.
*Dan-Brook Packing Company—New Milford.
Frank DeMartino—Seymour.
Double A Packing Company—Beacon Falls.
Forte, Inc., J. G.—North Branford.
Garneau & Sons—Plainfield.
*General Packing Company—Torrington.
Goldberg, Daniel—Colchester.
Hazardville Slaughterhouse—Enfield.
*Novack, Abe—Danbury.
*Shore Line Packing Co.—Southington.
Silk City Packing Company—Manchester.
*Southington Packing Company—Southington.

DELAWARE

Goldberg Bros., Inc.—Wilmington.
Hendler, Sidney—Wilmington.
Kemp's Meats—Wyoming.
Kosters Frosen Foods—Laurel.
Messina, Anthony G.—Wilmington.
Poore's Meat Market—Smyrna.
Townsend Locker Plant—Townsend.
Torbert Bros.—Felton.
White Packing Co.—Lewis.
Woerner & Souder—New Castle.

FLORIDA

*Beesley Packing Co. of Florida, Inc.—Pensacola.
*Copeland Sausage Co., Inc.—Alachua.
*Economy Packing House—Hialeah.
Florida Packing & Provision Co.—Palatka.
*Gotham Provision Co., Inc.—Miami Springs.
Hickory Hill Meat Packers, Inc.—Tampa.
*Jones-Chambliss Co.—Jacksonville.
*Loeb & Gottfried—Hialeah.
Register Meat Co., Inc.—Cottondale.
*Sunnyland Packing Co.—Gainesville.
Suwannee Packing Co.—Live Oak.
*Taylor Industries—Jay.
*Tinsley Meat Slaughtering—Jacksonville.
*Tobias Meat Co.—Chipley.

GEORGIA

Acuff Meat Processing Plant—Ringgold.
Akridge Sausage Company—Rome.
Avera Provision Company—Augusta.
Bearden Provision Company, Inc.—Calhoun.
*Beavers Packing Company—Newman.
Brooks County Packing Company, Inc.—Quitman.
Bullard's Sausage Plant—Summerville.
Carroll Packing Company—Valdosta.
*City Abattoir—Albany.
*Cochran Provision Company—Dublin.
Dalton Slaughter House—Dalton.
Duffey Sausage Company, Inc.—Carrollton.
D. L. Lee and Sons—Alma.
Evans Locker Plant—Evans.
Grady Packing Company, Inc.— Cairo.
Harrell Sausage Company—Bainbridge.
Javetz Abattoir—Savannah.
Jeffamy, Inc.—Atlanta.
Levinson Brothers, Inc.—Rome.
*Lowell Packing Company—Fitzgerald.
*R. H. McEver Packing Company—Talmo.
*Meddin Packing Company—Savannah.
*Moree Packing Company—Albany.
Perkins Processing Plant—Chickamauga.
Quitman Abattoir—Quitman.
Rome Provision Company, Inc.—Rome.
*Scott Meat Packers—Augusta.
*Southern Foods, Inc.—Columbus.
Wiggers Packers—Columbus.

IDAHO

Anketell Slaughterhouse—Nampa.
Bendel's Packing Plant—Troy.
*Boise Valley Packing Co.—Eagle.
Bratcher Meat Packers—Payette.
*Bryant Packing Company—Burley.
Carter Packing Company—Greenleaf.
City Meat Market—Wallace.
Dahmen Food Locker—Lewiston.
Davis Packing Co.—Boise.
*Gem Meat Packing Company—Boise.
*Goodby & Sons Meats, Inc.—Sandpoint.
*Grimes Packing Company—Nampa.
Hartman (Joe) Packing Plant—Stites.
Howard's Meat Processing Plant—Grangeville.
*Idaho Falls Meat Company—Idaho Falls.
*Independent Meat Co., Inc.—Twin Falls.
Jensen Custom Packing Co.—Rupert.
Johnson Brothers Packing Co.—Caldwell.
*Knudson Packing Co.—Preston.
*Liberty Meat Packers—Eagle.
*Mickelsen Pack—Blackfoot.
*Nampa Packing Company—Nampa.
*Owyhee Meat Packers—Homedale.
Penquin Lockers—Fruitland.
Peoples Packing Company—Rupert.
*Taylor Meat Packers—Idaho Falls.
Williams Custom Service—Council.
*Y–J Packing Co.—Coeur d'Alene.
*York Packing Co.—Twin Falls.
*Zwiegart Packing Co.—Pocatello.

ILLINOIS

Al's Packing Plant—Naperville.
Bartlow Bros., Inc.—Rushville.
Bergman Meat Packing Co., Inc.—Pittsfield.
Brighton Locker Plant—Brighton.
Burnside & Sons, L.—Marengo.
Calhan & Co.—Peoria.
Covemaker Packing Co.—Moline.
Dad's Country Market—Beaverville.
David's Frozen Food Center—Milford.
DeSchepper Packing Co.—Miland.
Ducey Packing Company—Jerseyville.
DuQuoin Packing Co.—DuQuoin.
Eckert Orchard Association—Belleville.
Edgar County Locker Service—Paris.
Elmwood Locker Service—Elmwood.
Farm Best Processing—Palestine.
Poremost Packing Co.—East Moline.
Goble, Howard—Danville.
Hamilton Locker Service—Hamilton.
Hansen's Meat Processing Plant—Freeport.
Harmon Packing Co.—Paris.
Hartrich Meat Processing Plant—Sainte Marie.
Hill Packing Co.—Danville.
Hoopeston Food Lockers—Hoopeston.
Hubbard Packing Co.—Chicago.
Humphrey Packing Co.—Lawrenceville.
Johannes Market—Quincy.
Jones Packing Co.—Harvard.
Kabrick Locker Plant—Plainville.
Kreps Locker Service—Bushnell.
Kunkel Packing & Provision Co.—Quincy.
L & M Slaughter House—Georgetown.
Landolt, Harold—Alhambra.
Little Egypt Processing Center—Olney.
Margolin Packing Co.—Danville.
McLain's Locker Plant—Warren.
Metamora Abattoir—Metamora.
Parks Processing Plant—Warren.
Petroff Packing Company—Benton.
Pioneer Packing Co.—Raleigh.
Potomac Slaughter House—Potomac.
Quincy Beef & Veal Co.—Quincy.
Raber Packing Co.—Peoria.
Rock River Provision Co.—Rock Falls.
Rocke's Cold Storage—Morton.
Ruff Locker Service—Quincy.
Shanks Packing Co.—Matton.
Sheldon Market & Food Lockers—Sheldon.
Smith Packing Co.—Harrisburg.
Stone Meat Packing—Chicago Heights.
Streck Packing Co.—Belleville.
Tuscola Locker Service—Tuscola.
Ursa Co-operative Locker Service—Ursa.
Virginia Packing Co.—Virginia.
Paul Vogt Packing Company—Milan.
West Frankfort Packing Co.—West Frankfort.
Weyhaupt Bros. Packing Co.—Belleville.
Wunderlich Packing Co.—Sharon.
Y and T Packing Co.—Springfield.

INDIANA

Albany Frozen Food Locker—Albany.
Amo Locker Plant—Amo.
Berne Locker Storage—Berne.
Betulius Slaughterhouse—Haubstadt.
Bickmeier Processing Plant—Boonville.
Blinzinger's Market—Tell City.
Bloomington Packing Co., Inc.—Bloomington.
Bowman's Butchering House—Peru.
Brook Locker Plant—Brook.
Carl Frozen Food—Franklin.
Clark & Moore Processing Plant—Monticello.
Mark Cole Packing Co.—Sharpsville.
Raymond Collins—Poland.
Corgin Food Lockers—Brownsburg.
Camiel Coussens—Granger.
Denny & Barker, Inc.—Huntington.
Dewig Bros. Packing Co.—Haubstadt.
Elkhart Packing Corp.—Elkhart.
Fender, Russell Ted—Spencer.
Fisher Packing Co.—Portland.
Frankfort Provision Co.—Frankfort.
Frozen Food Service, Inc.—Salem.
Fults, E. C. & Sons—Indianapolis.
Gilbert Slaughterhouse—Van Buren.
Godfrey's Plant—Brazil.
Goff, Inc.—Pendleton.
Grater Meats—Connersville.
Greenfield Abattoir, Inc.—Greenfield.
Greenwood Freezer Meats, Inc.—Greenwood.
Gustin Slaughter House—Antwerp, Ohio.
Gutzweller Packing Co.—Jasper.
Hamilton Locker Plant—Hamilton.
Kenneth Hand Slaughter House—Angola.
Harlow Meat Market—Seymour.
Hastings Slaughter House—Martinsville.
Helm Market—Winchester.
Hitch Packing Co.—Princeton.
Hanford Packing—Thayer.
Hollar Market—Nappanee.
Hoosier Abattoir—Indianapolis.
Jenkins Food Market—Harrison, Ohio.
Jones Custom Butchering—Zionsville.
Kaiser Meat Market—Cedar Grove.
Kelley Packing Co.—Bremen.
Kentland Locker—Kentland.
Knight's Frozen Food Locker—Edinburgh.
Kucan Food Shop—Gary.
Guy Laurents Packing Co.—Fort Wayne.
Lengerich Slaughter House—Monroe.
Lennon's Custom Butchering—Hartford City.
Lester Packing Co.—Linton.
Livengood Meat Shop—Lebanon.
Mabo Packing Co., Inc.—Evansville.
Marburger Abattoir—Peru.
Merkley & Sons, Inc.—Jasper.
Miller Packing Co.—Kokomo.
Miller Processing Co.—Georgetown.
Mischler Packing Co.—Lagrange.
Monticello Packing Co., Inc.—Monticello.
Moore Packing—Gary.
Mooresville Locker Co.—Mooresville.
Mooresville Packing Co.—Mooresville.
Maple City Packing Co., Inc.—Laporte.
Maple City Packing Co.—Walkerton.
J. E. Ness & Sons Packing Plant—North Judson.
Ossian Locker Plant—Ossian.
Parrot Packing Co.—Fort Wayne.
Walter Price's Abattoir—Plymouth.
Wm. K. Rahe & Sons—Muncie.
Rockville Packing Co.—Rockville.
Roos Packing Co.—Indianapolis.
Rose City Packing Co., Inc.—Newcastle.
A. Rowe & Sons—Terre Haute.
Roy's Packing Plant—Elkhart.
Sanitary Main Meat Market—Brookville.
H. P. Schmitt Packing Co.—Decatur.
V. C. Schneider & Sons Packing Co.—Spencer.
Schnelker Slaughter House—New Haven.

Schuler Packing Co.—Ferdinand
Sellersburg Locker Co.—Sellersburg.
W. E. Shackelford—Owensville.
Lester Sievers—Vincennes.
Snelly's—Angola.
Snyder's Market—Angola.
Stahley's Slaughter House—Milan.
Standard Packing Co.—Kokomo.
Stephens, M. M. & Sons Packing Co.—Chesterton.
Straub & Smith Packing Co.—Indianapolis.
Summers Packing Co.—North Liberty.
Troy Packing Co.—Indianapolis.
Vale City Packing Co.—Valparaiso.
Valentine Co., Inc.—Terre Haute.
Van-Wagner Superette—Orland.
Vetter Meat Co.—Kokomo.
Vietti Bros. Packing Co.—Clinton.
Wabnitz Packing Co., Inc.—Indianapolis.
Ward Packing Co.—Monon.
Weiler Packing Co.—Batesville.
Whisler, J. L. & Sons, Inc.—Elkhart.
Wilcox, Inc.—North Liberty.
Williams, J. B. & Son, Inc.—Walkerton.
Wolf Meat Market—New Albany.
Wright Packing Co.—Chandler.
Young Bros. Market—Ladoga.
Young Packing Co., Inc.—Noblesville.

IOWA

Besse Pack—Cincinnati.
Bryant's Locker—Donnellson.
Carstensen Meats & Processing Service—Lake Park.
D & H Storage Co.—Sibley.
Estherville Lockers—Estherville.
Falk Lockers—Ocheyedan.
Farmington Lockers—Farmington.
Ford Lockers—Spirit Lake.
Forest City Locker Co.—Forest City.
Frozen Food Center—Akron.
Grandia Locker—Otley.
Groff Locker Service—Blockton.
Hamburg Lockers—Hamburg.
Hanson's Town & Country Market, Inc.—Council Bluffs.
Haviland Bros.—Sergeant Bluff.
Inwood Lockers—Inwood.
Johnson Market and Locker—Rake.
K. & K. Locker Service—Milton.
Keosauqua Locker—Keosauqua.
Lansing Lockers—Lansing.
Larchwood Locker—Larchwood.
Lime Springs Locker—Lime Springs.
Longs Locker—Spirit Lake.
Manufacturers Surplus Outlet—West Burlington.
Marshall Packing Co.—Marshalltown.
Martin Meat Processing Co.—Underwood.
Meats-The-Taste, Inc.—Sioux City.
Meendering Locker Plant—Little Rock.
Moulton Locker—Moulton.
New Albin Locker Plant—New Albin.
Nissen and Son Packing Co., Inc.—Webster City.
Northwood Locker Service—Northwood.
Paullina Locker Plant—Paullina.
Pella Packing Co.—Pella.
Pierce Lockers—Armstrong.
Pulaski Locker Service—Pulaski.
Puritan Ice Cream Co.—Cresco.
Riceville Locker—Riceville.
Richard and Sons, Inc. (C. W.)—Muscatine.
Risetter Pack—Jewell.
Rock Rapids Cooperative Creamery Association—Rock Rapids.
Scarville Food Market—Scarville.
Smit and Son, Inc.—Boyden.
Steele Packing Co. (George H.)—Centerville.
Stithem's Friendly Freeze Service—Bedford.
Swea City Locker—Swea City.
Thompsons Locker & Grocery—Harris.
Thompson's Processing Service—Bloomfield.
Valley Locker Service—Rock Valley.
Younie Processing Plant—Hawarden.
A & H Butchers—Arkansas City.
*Abilene Packing—Abilene.
*Adams Bros. Packing Co.—Colby.
Addington Slaughtering Establishment—Elkhart.
Anthony Meat—Anthony.
Ayres Packing Plant—Greenleaf.
Ball Lockers—Baxter Springs.
Barnes Beef Company—Parsons.
Beattie Lockers—Beattie.
Beverly Meat & Locker, Inc.—Salina.
Bichelmeyer Slaughterhouse—Kansas City.
Brooks Locker Service—Blue Rapids.
Burd Locker & Grocery—Atwood.
Butchers Packing Co.—Coffeyville.
Claude Cady Slaughtering Establishment—Osborne.
*Colby Lockers—Colby.
Coldwater Lockers—Coldwater.
Columbus Wholesale & Retail Meat Market—Columbus.
Comanche Meat Company—Wichita.
Community Locker Service—Medicine Lodge.
Cramer Food Bank—Washington.
Davenport Meat Plant—Lawrence.
Loren DeGraeve Slaughtering Establishment—Bucyrus.
*Dunn Packing Company—Wichita.
Dye Slaughterhouse—Meade.
Economy Lockers—Sharon Springs.
Emporia Packing Co.—Emporia.
*Fanestil Packing Company—Emporia.
Roy Fisher Grocery & Locker—Bird City.
*Fredonia Packing Company—Fredonia.
*Fort Scott Packing Co., Inc.—Fort Scott.
*Gallagher Processing—Concordia.
Garden City Packing Co.—Garden City.
Gardner Packing Co.—Hutchinson.
*Gettle Packing Co.—Haysville.
Glenn's Frozen Food Service—Dighton.
*Griffith Provision Co., Inc.—Downs.
Grinnell Locker—Grinnell.
Haag Locker Plant—Fairview.
Haddam Locker—Haddam.
Harrell Packing Co.—Hugoton.
Hentzler Packing Co.—Topeka.
Herndon & Sons—Syracuse.
Herrmann Locker—Waterville.
*Hinman Packing Co.—Wichita.
Hoseney's Dressed Beef—Coffeyville.
Howard Packing Co.—Howard.
Howell's Market—St. Francis.
Independent Slaughtering Establishment—Salina.
Jesco Meat Products—Caldwell.
Jones Packing Co.—Dodge City.
K-12 Meat Co.—Baxter Springs.
Kane's Packing Plant—Meade.
Katches Packing Co.—Wichita.
Kaw Valley Packing Co.—Kansas City.
Kier Grocery & Market—Mankato.
Kimmal Packing Co.—Norton.
Kiowa Locker System—Kiowa.
C. W. Lee Packing Co.—Portis.
Liberal Packing Co.—Liberal.
Louie's Zero Locker—Girard.
*McArthur Meats, Inc.—Hutchinson.
McFerron Bros. Wholesale Meats—Lawton.
*M and M Packing Co.—Iola.
W. A. Mathes Meat Co.—Kansas City.
*Menghini Bros. Slaughtering Establishment—Frontenac.
Miller Locker System—Erie.
Miller Packing Co.—Wilson.
Modern Market & Lockers—Winona.
Oberlin Locker—Oberlin.
*O. K. Packing Co.—Goodland.
Old Fashion Meat Market—De Soto.
*P & B Packing Co.—Hays.
Palace Market—St. Francis.
Phillips Slaughterhouse—Hill City.
Phillipsburg Locker—Phillipsburg.
Pratt Frozen Food Locker—Pratt.
Ragsdale Slaughtering Establishment—Liberal.
Rindt Slaughtering Co.—Galena.
Schnelle's Wholesale Meats—Greensburg.
Snow's Locker Plant—Kansas City.
Spring Hill Packing Co.—Spring Hill.
*Sunflower Packing Co.—Wichita.
Stoney Bros. Slaughterhouse—Herndon.
Swim Locker Service—Marysville.
Synovec Grocery & Locker—Morrowville.
*Thies Packing Co., Inc.—Great Bend.
Tonganoxie Frozen Foods Locker—Tonganoxie.
Valley Vista Locker Service—Topeka.
Joseph Vlach & Sons—Hanover.
Washburn Packing Co.—Hutchinson.
Welch's Frozen Food Center—Frankfort.
Wiley & Green Packing Co.—Leavenworth.
Wilkerson Meat Co.—Pittsburg.
*Winchester Packing Co., Inc.—South Hutchinson.
Winkler's Slaughterhouse—Liberal.
*Woody's Wholesale Meats—St. Marys.
C. C. Wurst Locker Service—Grainfield.

KENTUCKY

Alford and Son, J. W.—Alexandria.
Ashland Meat Co.—Ashland.
Boone's Abattoir—Bradstown.
Campbell Company, S. M.—Gray.
Eckert Packing Co.—Henderson.
*Elm Hill Meats, Inc.—Lexington.
Emory Gillum Wholesale Meats, Inc.—Ashland.
Field Packing Co.—Bowling Green.
*Field Packing Co., Inc.—Owensboro.
Frosty Foods Locker—Taylorsville.
Henderson Slaughtering—Henderson.
Jones Packing Co.—Paducah.
*Koch Beef Co.—Louisville.
Langley's Farms, Inc., Joe—Clarkson.
*Louisville Beef Company—Louisville.
Metzger Bros.—Paducah.
*Mount Sterling Packing Co.—Mount Sterling.
*Parker Sausage Co.—Georgetown.
Riddell Meat Market—Warsaw.
Riverside Packing Co.—Paducah.
Rogers Country Sausage, Inc.—Richmond.
*Ross Packing Company, Harry—Paducah.
*Ryan Packing Co.—Maysville.
Schneider and Son, Inc., J. F.—Middlesboro.
Shroat Meat Market—Murray.
*S & M Packers, Inc.—Louisville.
*Walton Locker & Slaughtering House—Walton.
Wardrup Packing Co.—Blackey.
*Bob White Packing Company—Bowling Green.
Wilman Packing Co.—Madisonville.

LOUISIANA

*Autin Packing Co.—Houma.
*Britt Packing Co.—Shreveport.
*Frey & Sons, Inc., L. A.—Lafayette.
*Guillot, Inc., Arthur J.—Slidell.
*H & S Packing Co.—Baton Rouge.
*Micelle's Packing Plant (John Micelle)—Lake Charles.
*Millwood Packing Company—Scotlandville.
*Old South Packing Company—Baton Rouge.
*Shreveport Packing Co., Inc.—Shreveport.
Crawford's Super Market—Covington.
Port City Packing Co., Inc.—Satsuma.
Western Packing Co.—Slidell.

MAINE

Boston Brothers—North Berwick.
Boynton Laurence—Bridgton.
Chasse, Ralph—Sanford.
Stearns' Packing Co.—Auburn.

MARYLAND

Bauerlien, Edward C.—Hampstead.
Benson Meat Products Company—Fallston.
Bollinger's Meat Market—Emmitsburg.
Boyle, B. H.—Emmitsburg.
Brook Meadow Provision Company—Hagerstown.
Bullock, G. Winston—Westminster.
Burger, Samuel B.—Williamsport.
Cecil Provision Company—Elkton.

Clopper, Charles W.—Clear Spring.
Crooks, R. E.—Owings Mills.
Crystal Ice and Cold Storage Company—Cambridge.
Cumberland Meats, Inc.—Cumberland.
*Dutterer's of Manchester, Inc.—Manchester.
Engle's Meat Market, Walter—Eckhart.
Engle, Walter L.—Frostburg.
Fraley, J. Austin—Thurmont.
Gaithersburg Locker Service—Gaithersburg.
Gladhill Meat Market—Damascus.
Glosser, John E.—Hagerstown.
H. S. Greise—Cumberland.
*Hahn Brothers, Inc.—Westminster.
Harsh, Sr., M. D.—Williamsport.
*Heil, Henry—Baltimore.
Hemp and Sons, R. D.—Jefferson.
Heinserling's Meats Inc.—Baltimore.
Hoffman and Son, Roy L.—Hagerstown.
Holsinger, C. M.—Hagerstown.
Hurd and Son, C. G.—Hagerstown.
*Joaks, Anthony—Baltimore.
Judys Meat and Poultry Market—Cumberland.
Late, Howard—Thurmont.
Lotz's Wholesale Meats, John F.—Frostburg.
Maurer & Miller Meats, Inc.—Manchester.
Main and Sons, C. F.—Middletown.
Martin's Meats—Joppa.
*Maryland Beef and Provision Company—Baltimore.
Metz, Walter M.—Williamsport.
Miller's Market, Inc.—Oakland.
Montgomery Brothers—Rising Sun.
Moser, Weaver F.—Boonsboro.
Mt. Airy Locker Company—Mount Airy.
*Myers and Son Inc., Wm. F.—Westminster.
*Reid Inc., George L.—Baltimore.
*Ruppersberber and Sons, George G.—Baltimore.
Ryans Butcher Shop—Fallston.
*Schmidt, A. W. and Son, Inc.—Baltimore.
*Schmidt and Company, Charles J.—Baltimore.
Schriner's—Oldtown.
Shallcross, H. E.—Rising Sun.
Shaum, F. E.—Taneytown.
Shuff, Harry William—Thurmont.
*Stapf, August E.—Baltimore.
Sudlersville Frozen Food Lockers, Inc.—Sudlersville.
*Treuth and Sons, J. W.—Catonsville.
Welty's Market—Emmitsburg.
Whitehall Lockers—Gambrills.
Will, Weldon W.—Sykesville.
Yingling Brothers—Union Bridge.
Yoders Locker Plant—Grantsville.

MASSACHUSETTS

Arean, A. & Sons—Hopkinton.
Axler, Abraham—Hatfield.
Blood, E. L. & Son—West Groton.
Bonanno, Rocco & Sons—Methuen.
Brito's Slaughterhouse—North Dartmouth.
Budnick, E. & Son—Boxford.
Cohen Beef Co., Inc.—Ipswich.
Cook, Edric—Leyden.
Crestfield Meat Packing, Inc.—Brockton.
Duda Slaughterhouse—Gill.
Dunrambling Slaughterhouse—Brockton.
Granby Slaughtering Establishment—Granby.
Jaeschke, Carl Slaughterhouse—Cheshire.
Johnson, Lewis—Templeton.
Levine, Louis—Great Barrington.
Mason, Frank F.—Williamstown.
Molinari, John Packing Co.—Milford.
Pekarski, T. Walter—South Deerfield.
Reynolds Slaughterhouse—Shelburne.
Santos, Charles Co.—Tewksbury.
Scibelli, Anthony J.—Southwick.
Scibelli, George A.—Southwick.
Sheinhit, Jacob—Peabody.
Stearns, Ed—Charlton.
Streeter Slaughter House—Bernardston.
Suprenant, Peter—Leverett.
Szala Slaughtering Establishment—Hadley.
Town & Country Slaughterhouse—North Dartmouth.
Waterman, George Slaughterhouse—Rehoboth.
Wiegert, George Company—Worcester.
Wilbur, Joseph H.—South Easton.
Wohrle's Inc.—Pittsfield.
Wood's Slaughterhouse—Westport.

MICHIGAN

*Ada Beef Company—Ada.
*Allendale Beef Co.—Allendale.
Allen Packing Co.—Charlotte.
J. S. Anderson Packing Co., Inc.—Muskegon.
Auster & Krasman—Detroit.
*Arendsen Packing Co.—Grand Rapids.
Bayerl's Meat Market—Menominee.
*Max Besbris & Sons—Kalamazoo.
*Bettinger & Barnett Beef Co. Inc.—Detroit.
Bluska Packing—Port Huron.
Clare Packing Co.—Clare.
*Cohen & Levenberg—Detroit.
E. C. Cole—North Adams.
Cox Slaughterhouse—Hudson.
Mark DeBoer & Son—St. Johns.
*Dykstra Brothers Meat Co.—Grand Rapids.
Lee Edson, Inc.—Hudsonville.
Feldman Brothers—Detroit.
*Fillmore Beef Co.—Holland.
Fishler Packing Co.—Benton Harbor.
Forsyth & Hohner—Troy.
41 Super Market—Menominee.
*Albert Gemmen & Sons—Allendale.
Gerding Packing Co.—Davison.
Haarer's Meat Packing Plant—Saline.
Bert Hazekamp & Sons—Muskegon.
Heater's Fresh Meats—Dowagiac.
Earl J. Hess Slaughter House—Ceresco.
Hillsdale County Meats—Waldron.
Holt Packing Co.—Holt.
Houghton Beef Packers—Ionia.
*Huler Abattoirs, Inc.—Detroit.
Irish Hills Locker—Tipton.
*Carl R. Johnson—Kalamazoo.
Felix Johnson & Son—Escanaba.
Kalamazoo Packing Co.—Vicksburg.
Kappler Packing Co.—Ann Arbor.
Kastel Slaughterhouse—Riga.
Keefer's Market & Locker—Morenci.
A. M. Kiebler & Sons—Clinton.
Kirby Packing Co.—Detroit.
Laden Packing Co.—Hillsdale.
S. Lowenthal Wholesale Meats—Detroit.
W. E. Lytle & Sons—Coldwater.
Bruce T. Marshall—Bay City.
*Merritt Packing Co.—Carrollton.
Meyer Provision Co.—Iron River.
Middlebelt Packing Co.—Romulus.
Midway Farm Market—Cassopolis.
*Midway Packing Co.—Wayland.
*Monarch Packing Co.—Detroit.
Don Moor—Homer.
Myaard's Meats—Hudsonville.
National Packing Company—Detroit.
Newsom Slaughter House—Niles.
Park-Way Meat Packing—Flat Rock.
Parsell Beef Co.—Flint.
Leo Paul—Coldwater.
*Peet Packing Company—Bay City.
*Peet Packing Co.—Grand Rapids.
J. Perry Packing Co.—Hart.
Pickford Wholesale Meat Company—Pickford.
Primeat Packing Co.—Detroit.
Quincy Locker Co.—Quincy.
Reznik Packing Plant—South Haven.
Riverside Packing Co.—Jackson.
*Rochester Packing Co.—Rochester.
Rountree Packing Co.—Hanover.
*Nathan Rubin, Inc.—Detroit.
Schmidt Packing Co.—Niles.
Seiderman Provision Co.—Detroit.
R. I. Shaw Wholesale Meats—Casnovia.
*Arthur Smallegan—Forest Grove.
H. A. Smith Packing Plant—Port Huron.
Hubert H. Smith Packing—Muskegon.
John W. Smith—Muskegon.
*Morris Snow & Company—Detroit.
*Standard Beef, Inc. (east)—Detroit.
*Standard Beef, Inc. (west)—Detroit.
Standard Beef, Inc. (Lamb & Veal Div.)—Detroit.
Steeb Brothers—Ann Arbor.
Stone's Meat Packing Co.—South Haven.
*Tamaren Beef Co., Inc.—Detroit.
*Tannehill & De Young—Traverse City.
Telfer Packing Co.—Owosso.
Terrill Super Market—Marcellus.
Thorne's Custom Butchering—Belleville.
William Van Alstine—East Lansing.
*Wall Packing Co.—Sturgis.
Ray Weeks & Sons Co., Inc.—Richmond.
George J. Weiss Custom Slaughtering—Detroit.
Wise Slaughter House—Athens.
Wolverine Packing Co.—Detroit.
*Zandbergen Slaughterhouse—Grandville.

MISSISSIPPI

Barnes & Sons Slaughter House—Poplarville.
*Beard's Slaughter House—Waynesboro.
Brown's Slaughter House—Walnut.
Burk's Slaughter House, J. S.—Carriere.
Columbus Provision Company—Columbus.
*Dedeaux Packing Company—Gulfport.
*Delta Packing Company, Inc.—Clarksdale.
*Gilbert's Slaughter House—McComb.
Jackson Packing Company—Jackson.
Jones Slaughter House, Mrs. Ruby—Summit.
Lemay's Slaughter House—Biloxi.
*Owen Brothers Packing Company (Dixiana)—Meridian.
Passbach Slaughter House—Natchez.
Valley Farm, Inc.—Laurel.
Van Norman Slaughter House—McComb.
Well's Processing & Meat Company—Drew.

MISSOURI

Alewel Brothers Locker Plant—Concordia.
Anderman, Edward—Hickman Mills.
Baker Packing Company—Mexico.
Barton County Packing Company, Inc.—Lamar.
Boucksert Packing Company—St. Louis.
Central Packing Company—Cape Girardeau.
Cloud, Ned & Son Packing Company—Springfield.
Cope's Slaughter Company—Palmyra.
Crandal's Frozen Food Lockers—Warrensburg.
Crenshaw Packing Company—Charleston.
Cummins Custom Butchery—Webb City.
Delaloye, Robert and Sons—Troy.
Dexter Packing Company, Inc.—Dexter.
Edwards Slaughter House—Salem.
Evans, E. S. and Sons—Carthage.
Francis Packing Company—St. Louis.
F & J Meat Producers Slaughter House—Warrensburg.
Frick Slaughter Service—Union.
Frick's Super Market, Inc.—Washington.
Grand Packing Company—Imperial.
Grote, T. J. (Custom Slaughters for Dan Baum Packing Co.)—St. Louis.
Herrod Packing Company, Inc.—Joplin.
Hester, A. L. Packing Company—Bernie.
Lebanon Packing Company—Lebanon.
LeDuc Packing Company—Springfield.
Liberty Locker Company—Liberty.
McGee's Home Killed Meats—Mexico.
Manning Dressed Beef—Springfield.
Maryville Packing Company—Maryville.
Moberly Packing Plant—Moberly.
Modlin, Jack, Slaughter Establishment—Webb City.
Mueller's Meat Market—Altenburg.
Ogden, Cottle P. Slaughtering Est.—Vandalia.

Paige Packing Company—St. Louis.
Paris Lockers & Abattoir, Inc.—Paris.
Pemiscot Packing Company—Wardell.
Pipkin-Boyd-Neal Packing Company—Cape Girardeau.
Poplar Bluff Packing Company—Poplar Bluff.
Porter, Kay M., "Deep Freeze"—Poplar Bluff.
Raders, Inc.—Columbia.
Sikeston Food Lockers—Sikeston.
Twin City Packing Company—Festus.
United Meat Company, Inc.—St. Louis.
Urbana Locker—Urbana.
V & B Meat Co.—Washington.
Welsh Packing Company, Inc.—Springfield.
Westerman, John—Troy.
Wuestling Packing Company—St. Louis.
Yontz Packing Company—Tipton.

MONTANA

Blastoch Meats, Inc.—Butte.
Miles City Packing Co.—Miles City.
City Meat Co.—Wolf Point.
*Montana Meat Company of Helena—Helena.
New Butte Butchering Co.—Butte.
Oljar Meat Co.—Glendive.
Rahar Meat Service—Glendive.
Sidney Locker and Creamery Co.—Sidney.
Valley Meat Packing Co.—Sidney.

NEBRASKA

Brauer Packing Company—Chappell.
Bridgmon Wholesale—Tecumseh.
Community Locker Center—Fullerton.
Consumers Packing Company—Superior.
Custom Pack—Hastings.
Deerson Meat Packing Plant—Elkhorn.
Dundy County Processors—Benkelman.
F & S Sausage Company—Cozad.
Farmers Union Co-op Gas and Oil Company—Big Springs.
*Flicker Packing Company—Scottsbluff.
Ford Packing Company—Grand Island.
Gude, O. A.—Nebraska City.
H and B Packing Company—Scottsbluff.
*Hersch Packing Company—Scottsbluff.
Hollstein's Packing Company—Rushville.
Ideal Market—Gordon.
Jurgens Meat Service—Big Springs.
Kauf Packing Company—Hastings.
Nebraska Ice and Locker Service—Falls City.
North Platte Packing Inc.—North Platte.
Osborn's I.G.A. Store—Hay Springs.
*Red Cloud Packing Company—Red Cloud.
Roman Packing Company—Norfolk.
Sanitary Market—Mitchell.
Saum Lockers—Davenport.
Shald Market—Gordon.
Standard Market—Hebron.
Sterling Packing Company—Sidney.
Superior Locker—Superior.
Swayze Packing Company, S. E.—Edison.

NEVADA

Carson Valley Meat Co.—Gardenerville.
*B & L Packing Company—Elko.
*Heck's Market—Fallon.

NEW HAMPSHIRE

Eastern Beef Slaughtering Establishment—Lancaster.
Edwards, George—Walpole.
French Brothers—Hooksett.
Langelier, Lucien—Rochester.
Satzow, Samuel—Claremont.
Sherman's Market—Grantham.
Taylor, George—Dover.
Tri-City Beef & Pork Co.—Somersworth.

NEW JERSEY

Louis Brummel—Trenton.
Carteret Abattoir—Carteret.
George Dealaman—Plainfield.
John DeVries—Newton.
Fritz Dielmann—Oak Ridge.
Joseph Earrusso—Shippany.
Fisher Brothers—Bridgeton.
Gervasoni Packing—Bordentown.
Green Village Packing—Green Village.
Haskell Packing Company—Haskell.
Irell Packing—Monroeville.
Maresca's—Stockton.
Marval Packing House—Trenton.
Moonlight Hog Farm—Flemington.
Clarence Rome—Sussex.
Russo Packing Company—Green Village.
Bricetti's Bedford Market—Yorktown.
Canastota Frozen Food Locker—Canastota.
Peter Carelas—Greenville.
Clark, Duane—Allegany.
Conley, George Slaughterhouse—Bath.
Conti Packing Company, Inc.—Henrietta.
Country Butcher Service—Nichols.
Cuomo, Alphonso—Altamont.
Neil Cuomo—Schenectady.
Dann Beef Co.—Morris.
Davis Brothers—Oswego.
Edward Dillon—Wyoming.
Dye's Meat Market—Bridgewater.
Easton Market—Kanona.
East River Packing Co.—East River.
Emerson Eckler—Richfield Springs.
Karl Ehmer Farms Corp.—LaGrangeville.
William Farrell—Dover Plains.
F. K. & Son, Inc.—Buffalo.
E. D. Ford & Sons—West Valley.
Fort Plain Packing Co., Inc.—Nelliston.
Frank Brothers Farms, Inc.—Poughkeepsie.
Geerken's Market—Worcester.
Goebel Packing Co.—Buffalo.
Gorham Meat Products Co.—Gorham.
Hanlon, Gilfus & Fultz—Weedsport.
Hobart's Refrigerated Service—Clarence Center.
Hokan's Slaughter House—Angola.
Kamery's Wholesale Meats—Olean.
Kennedy Meat Market—Kennedy.
Kingston Beef Corp., Inc.—Kingston.
Nicholas A. Kittle—Hudson.
Klinck Bros., Inc.—Buffalo.
Klinck & Schaller, Inc.—Buffalo.
Kroes-Ahl—Albany.
L & C Meat Co.—Split Rock.
Lewis Market—Rome.
Lillie's Wholesale Meats—Auburn.
The Plant Locker—Randolph.
Looman Packers & L. Wasserman Market, Inc.—Schenectady.
Lucarelli, John W.—Mechanicville.
Lynch, Don J. Packing House—Chaffee.
Macri Beef & Veal Co., Inc.—Utica.
Maple Brook Packing House—Binghamton.
Maple Grove Farms—Warners.
Maplevale Farms—Clymer.
McGuire, Frank B.—Granville.
Medina Provision Company, Inc.—Medina.
Morris Mendel & Company—Norwich.
Salem Packing Company—Salem.
Sussex Packing Company—Sussex.
John Tindik Son's—Bordentown.
Trenton Packing Company—Trenton.
Vineland Dressed Beef—Vineland.
Vogel's Farm—Bound Brook.
Wagner Provision Company—Gibbstown.
A. A. Young—Phillipsburg.

NEW MEXICO

Aztec Locker Plant—Aztec.
Ben's Slaughterhouse—Las Vegas.
Curry County Meat Co.—Clovis.
T. M. Dean Wholesale Meat Company—Hobbs.
Deming Packing Company—Deming.
Hatch Packing Company—Portales.
Joe's Packing Company—Raton.
Las Cruces Meat Company—Las Cruces.
New Mexico Packing Company, Inc.—Carlsbad.
Palmer Packing Company—Albuquerque.
Rayjax Packing Company—Fort Sumner.
Rollins Packing Company—Clovis.
Schwartzman Packing Company—Albuquerque.
66 Packing Company—Tucumcari.
Starkey Packing Company—Clovis.
Stephens Packing Company—Albuquerque.
Wofford Slaughtering Establishment—Sante Fe.
Zero Locker Plant—Portales.

NEW YORK

Acer, Inc.—Buffalo.
Adams Meat Company—Adams.
Charles F. Ahl—Warsaw.
Charles F. Apthorpe—Jamestown.
Aronson Food Supply—Glens Falls.
Aronson, Jerome and Milton—Queensbury.
Babcock Hill Freezer Service, Inc.—West Winfield.
Barbalich's Slaughterhouse—Watertown.
Moritz Behr—Catskill.
Bernacki Bros.—Depew.
Bertch's Slaughterhouse and Processing Plant—Almond.
Bond, Frederick—West Valley.
Harry L. Booth—Poughkeepsie.
Bostwick, J. M. and Son, Inc.—Caldonia.
Patrick Brennan—Buffalo.
William G. Mest Packing Co.—Strykersville.
Morandi Packing Co., Inc.—Hillsdale.
Nadler, Vergil—Moravia.
Newburgh Superior Packing Co.—Newburgh.
Orleans Meat Processing Company—Albion.
Owsowitz, M. Y. Sons, Inc.—Buffalo.
Packer's Wholesale Meats—Amsterdam.
Victoria Polyniak—Newark Valley.
Potter Packing Company—Middlesex.
Puritan Provisions—Cohoes.
Ralph Packing Company, Inc.—East Syracuse.
Rausch, Frank & Son, Inc.—Buffalo.
Riteway Processing Company—Middleport.
Glenn L. Saltsman—Fonda.
Frank Schreiber & Sons—Webster.
Scott, Herbert R.—Brocton.
Selected Meat Packers, Inc.—Rotterdam.
Shappee & Sheive Meat Plant—Pine City.
Harold J. Smith—Pine Plains.
South Dayton Meat Market—South Dayton.
Steiger's Slaughterhouse—Ithaca.
Roger Steiner—Otego.
Strandsburg's Wholesale Meats—Jamestown.
Tears, Erwin—Penn Yen.
Van Camps—Newark.
Harry G. Wagner—Alden.
George Waldenmaier & Sons—Feura Bush.
Wallens-Byrne Packing Corp.—Buffalo.
Ward Willard & Son—Heuvelton.
Ziff, Herbert M., Inc.—Elmira.

NORTH CAROLINA

*Aberdeen Packing Company—Aberdeen.
Asheville Packing Company—West Asheville.
Azalea Meats Corporation—New Bern.
John Boyd and Sons—Gastonia.
Z. B. Bulluck, Inc.—Rocky Mount.
Caldwell Packing Company—Cramerton.
*Carolina Packers—Smithfield.
Charlotte Abattoir—Charlotte.
Cook's Packing Company, Inc.—Concord.
*Curtis Packing Company—Greensboro.
Draughon's Abattoir—Fayetteville.
Edward Abattoir—Leaksville.
*Elliott Packing Company, Inc.—Goldsboro.
Fritts Packing Company, Inc.—Lexington.
Greenville Packing Company—Greenville.
*Hickory Packing Company—Hickory.
*Jones Abattoir Company—Garner.
Land's Slaughterhouse—Spray.
Martin's Abattoir—Godwin.
Mecklenburg Abattoir—Charlotte.
Moricle Abattoir—Reidsville.
Mount Airy Abattoir—Mount Airy.
E. T. Nivens—Charlotte.
Norris Packing Company—Shelby.
Peacock Meat Company, Inc.—Rocky Mount.

*Piedmont Packing Company—Hillsboro.
Randolph Packing Company—Asheboro.
Robersonville Packing Co.—Robersonville.
Skeen Packing Company—High Point.
Statesville Packing Company, Inc.—Statesville.
Stewart's Abattoir—Mount Airy.
White Packing Company, Inc.—Salisbury.
Whiteville Packing Co.—Whiteville.
Williamston Packing Company—Williamston.
Yadkin Valley Packers, Inc.—Elkin.

NORTH DAKOTA

Abercrombie Meat Processing—Abercrombie.
Brown's Meat and Lockers—Ellendale.
Goldade's Butcher Shop—Linton.
Hillside Meat Company—Williston.
Houghton Meat Market—Ellendale.
Northland Packing Co.—Grand Forks.
Pembina Locker Plant—Pembina.
Schmaltz Meats—Linton.
Watner's Super Market—Strasburg.

OHIO

Allen Bros. Food Market—Manchester.
Arnett's Packing House—Laura.
B & A Meat Company—Lisbon.
Barnes Provision, Inc.—Alliance.
Blanton and Thatcher—West Union.
Bollantz, S. R. Co.—Mansfield.
Boll, John & Son—Ironton.
Bommershine Slaughtering Establishment—Germantown.
Brewster Slaughtering Establishment—Mason.
Buchy, Chas. G. Packing Company—Greenville.
Bussard Slaughter House—Germantown.
Busse, L. W. & Sons—Fort Loramie.
Canton Provision Co.—Canton.
*Ciralsky Packing Co.—Toledo.
Conneaut Frozen Food Locker—Conneaut.
*Copley Packing Co.—Copley.
Guyahoga Meat Co.—Cleveland.
Dayton Packing Company—Dayton.
*David Davies, Inc.—Columbus.
*David Davies, Inc.—Columbus.
*David Davies, Inc.—Zanesville.
DeLuca Slaughtering Establishment—Rayland.
DiCillo, A & Sons, Inc.—Cleveland.
Donelson Packing Company—Carey.
*Eckert Packing Company—Defiance.
Eckert Packing Company—Newark.
Egley's Slaughtering Est.—Convoy.
Eldie's Food Market—Manchester.
*Evans Packing Company—Gallipolis.
Fairmont Provision Co.—Alliance.
Fairview Packing Slaughtering Est.—Champion.
Falter, Herman Packing Co.—Columbus.
Feher's—Martins Ferry.
Fidel Bros. Packing Co.—Unionville.
Findlay Provision Co.—Findlay.
Fink and Heine Co.—Springfield.
Fiechtner Bros. Packing Company, Inc.—Fostoria.
Frame, Myron Slaughtering Est.—Manchester.
Fritz's Quality Meats—Versailles.
Gibson Packing Co.—Zanesville.
Giles, K. C. Slaughtering Est.—Cleveland.
Goldsberry Meat Market—Ripley.
*Hall Bros., Inc.—Olmsted.
Hasselback, E. E. & Son—Fremont.
*Henderson Meats—Waterloo.
*Henry Packing Company—Lime City.
Herberth, W. J. & Son—Cincinnati.
Hermann, C. & Son Slaughtering Est.—Portsmouth.
Hornung Packing Plant—Hamilton.
Hunt Meat Packing Company—Grove City.
Ideal Provision Packing Co.—Martins Ferry.
Jacoby, Hal C.—West Unity.
Krugh's Slaughtering Est.—Wren.
Liber, John and Company—Alliance.
Lloyd's Packing Company—Youngstown.
Mahan Slaughtering Est.—Bristolville.
*Marks and Sons, Inc.—Cleveland.
Martin Farm Slaughter House—Fremont.
Matthews, J. R. & Son—Sardinia.
Mayer Meat Company—Middletown.
Meloni's Meats—Kinsman.
Myers and Son—Archbold.
New Cooperative Company—Dillonvale.
Nosse, Joe Packing—Middlefield.
*Pacer Packing Company—Toledo.
Parkman Packing Co.—Parkman.
Peden's Meat Establishment—Kinsman.
Petrigalla Meat Co.—Hubbard.
Piper and Son Provision Co.—Dorset.
Pride of Lima Provision Co.—Lima.
Rockford Locker Service—Rockford.
Ross Abattoir Company—Springfield.
*Routh Packing Co.—Tiffin.
Samuel, Sigi Slaughter House—Jefferson.
*Sandusky Dressed Beef Co.—Sandusky.
Sears Meat Market—Greenville.
Siekkinen, Harold W.—Williamsfield.
Stehlin, John & Sons—Cincinnati.
Sturgis Packing Company—Kenton.
Summerside Packing Company—Cincinnati.
Suter's Meat Market—Greenville.
*Tanks Meats—Elmore.
Teufel, Howard A. Company—Cleveland.
Valley Packing Co.—Lansing.
Village Packing Co.—Columbus.
Vonder Haar, A. P.—Fort Recovery.
Walter and Sons—Wapakoneta.
Webb Beef Co.—Cleveland.
Weber Packing Co.—Marietta.
Werling, Eleanora Slaughtering Est.—Burkettsville.
Williams, B. J. Slaughtering Est.—Pierpont.
Willimans—Van Wert.
Winner, Robert F. Sons—Osgood.
Young's Slaughter Plant—Manchester.
Zimmerman Packing Co.—Youngstown.

OKLAHOMA

*Akins and Fincannon—Sand Springs.
Antlers Slaughter House—Antlers.
B and B Grocery and Locker—Dacoma.
B and B Packing Company, Inc.—Oklahoma City.
Banfield Packing Company—Enid.
*Braden's Slaughtering Establishment—Ponca City.
*Brooks Packing Company—Tulsa.
*Brown's Slaughtering Establishment, Joe S.—Tulsa.
Butcher Slaughtering Establishment—Bartlesville.
Butcher Packing Company, W. H.—Oklahoma City.
*Canadian Valley Slaughtering Establishment—Oklahoma City.
*Central Packing Company—Muskogee.
City Packing Company—Shawnee.
Cleveland Lockers—Cleveland.
Coly's, H. H.—Boise City.
Cones Packing Company—Miami.
*Cornett Slaughtering Establishment—Oklahoma City.
Crosby & Crosby Slaughtering Establishment—Wright City.
Cushing Packing and Provision Company—Cushing.
*Custom Slaughtering, Inc.—Tulsa.
*Daack Packing Company—Ponca City.
Douglas-Pierce Company—Norman.
Dudley Tucker Slaughter—Durant.
Elkins Market—Waurika.
*Enid Packing Company—Enid.
Fairfax—Oklahoma City.
Fairview Packing Company—Fairview.
Frazer Packing Company—Aline.
Frazer Wholesale Meat Company—Ardmore.
Gibson Meat Company—Nowata.
Grant, R. O. Slaughtering Establishment—Idabel.
Halstead Slaughtering Establishment—Fairview.
Harris Meat and Produce Company—Oklahoma City.
Harrison's Meat House—Oklahoma City.
Hilburn Meat Market—Madill.
Hominy Food Lockers—Hominy.
*Husband Brothers Slaughtering Establishment—Oklahoma City.
Hutchinson Slaughtering Establishment, W. R.—Waynoka.
Jackson Slaughtering Establishment, Earl—Pawhuska.
Jones Market—Madill.
Kay Packing Company—Ponca.
Klein's Meats—Perry.
*Lawton Meat Supply—Lawton.
*Little Dixie Packing Company—McAlester.
Manschreck Wholesale Meats—Krebs.
*Miller Packing Company—Sapulpa.
Miller Slaughtering Establishment, Elmer—Covington.
Morris Slaughtering Establishment, J. C.—Stilwell.
Norman Wholesale Meat Company—Norman.
*O K Packing Company—Tecumseh.
*Oklahoma Packing Company—Oklahoma City.
*Okmulgee Packing Company—Okmulgee.
Panhandle A & M College—Goodwell.
Puckett Packing Company—Sayre.
Ralph's Packing Company—Perkins.
*Reeves Packing Company, W. E.—Ada.
Riber Custom Slaughtering Establishment—Hominy.
*Santa Fe Packing Company—Muskogee.
*Shalloup Slaughtering Establishment—Alva.
Shults Slaughtering Establishment—Stratford.
Simank's Frozen Food Center—Stillwater.
Ridley Packing Company—Duncan.
Tri-State Super Market—Guymon.
*Tulsa Beef and Provision Company—Tulsa.
Turner Brothers—Nowata.
*Turvey, Inc.—Oklahoma City.
*Turvey Packing Company—Blackwell.
*Virginia B Slaughtering Establishment—Tulsa.
*Wickham Packing Company—Ada.
*Wickham Packing Company—Sapulpa.
Turner, C. L. Slaughtering Establishment—Moore.
Whitten Slaughter House—Broken Bow.
Wiley Brewer Slaughtering Establishment—Seiling.
Wolfe Processing Plant—Perry.
Woods, Lloyd—Westville.
Woodward Packing Company—Woodward.

OREGON

Alpine Meat Co.—Grants Pass.
*Arrow Meat Co.—Cornelius.
*Associated Meat Packers, Inc.—Portland.
Bevins Packing Co.—Madras.
Bond Brothers—Lakeview.
Boston's Beef House—Ontario.
Boyer Meat Co.—Roseburg.
*Bruce Packing Co.—Sublimity.
Cannon Meat Co., R. C.—Salem.
Cedar Point Packing Co.—Coquille.
Cinder Butte Packing—Redmond.
Clover Leaf Packing Co.—Drain.
Coos Bay Packing Co.—Coos Bay.
*Crooked River Meat Co.—Prineville.
East Side Abattoir—Ashland.
Erdman Packing Co.—Bandon.
Farmer's Packing Co.—Medford.
Garrison, R. O.—Lebanon.
H & M Meat Co.—Union.
Hill Meat Co.—Pendleton.
*Hopkin's Wholesale Meats—Nyssa.
Independent Meat Co.—Ashland.
Jacobsmuhlen Slaughterhouse—Cornelius.
Lewis Brothers—Gresham.
Merill Meat Co.—Merrill.
Montgomery Killing Plant—Silverton.
Mount Angel Meat Co.—Mount Angel.
Myers Packing Co.—Bend.

Myrtle Packing Co.—Coquille.
*Nebergall Meat Co., D. E.—Albany.
*Pioneer Meat Packers—Ontario.
Stark's Abattoir—Sherwood.
Steen Brothers—Albany.
*T. P. Packing Co.—Klamath Falls.
The Dalles City Pack—The Dalles.
Van Dine Meat Co.—Myrtle Creek.
Western Meats—Milton-Freewater.

PENNSYLVANIA

Ahrens & Sons, Inc., E. F.—York.
Alan Beef Co.—Scranton.
Alba, Savario & William—Norristown.
Albert Packing Co.—Washington.
Alfery's Sausage Co.—Greensburg.
Alinifoff's & Son, Harry—Wilkes-Barre.
Anderson, Roy—East Berlin.
Aquilante, Cogens—Berwyn.
Aumer Provisions—York.
Baker's Meat Market—Biglersville.
Baker, Luther—Millville.
Balderston Bros.—Newton.
Bardine Packing Co., Inc.—Crabtree.
Baringer, Wilmer—Richlandtown.
Barnes, T. William—Waynesburg.
Battles Meat Processing—Saegertown.
Baumgardner Packing Co.—Finleyville.
Beaver Valley Packing Co.—New Brighton.
Berwick Packing Co.—Berwick.
Bilski, Joseph—Waterford.
Bingham Packing Co.—Berlin.
Bonaccurso & Sons, S.—Philadelphia.
Bongiorni Bros.—Slovan.
Bovalina Packing Co., Inc.—Slovan.
Bowders & Sons, H. C.—Waynesburg.
Bowman, Mark—Hegins.
Boyer, Kenneth L.—Klingerstown.
Brann's Slaughtering House—Canton.
Breauchy, Harry H.—Sharon.
Bristol Beef Company—Bristol.
Forrest Broadwater—Salisbury.
Brown Bros. & Sons, Inc.—Fairview.
Brown's Meats—Conneautville.
Brown's Slaughter House—Smethport.
Brown, Victor—Port Allegheny.
Burkee's Food Market—McSherrystown.
Burkholder, Eugene—Garrett.
Butler Packing Co.—Butler.
Carpenter, Rex Packing Co.—Townville.
Carpenter, Simon T.—Sheridan.
Cary, William L.—Harrison Valley.
Castle Provision Co.—Darragh.
Center Valley Packing Co.—Center Valley.
Clark Packing Co.—Paximos.
Clark, William A.—Homer City.
Coffaro, Frank B.—Sugar Grove.
Cohick's Meat Market—Salladasburg.
Conemaugh Packing Co.—Conemaugh.
Cowburn, C. G.—Ulysses.
Crissman Brothers—Castanea.
Cunningham, R. P.—Indiana.
Cunningham Locker & Slaughtering—Meyersdale.
Dailey & Sons—Vanderbilt.
Danko, Matthew—Latrobe.
Darling, Howard—La Plume.
DeFranco, Nick—Bangor.
DeFranco, Philip—Bangor.
Delfrate Packing Company—Slovan.
Delta Farm Products Company—Delta.
Detwiler's Abattoir—Pottstown.
Devault Packing Company—Devault.
Ditzler Bros. Meat Market—Pine Grove.
Dorshimer, David E.—Brodheadsville.
Dressler, Norman—Exeter.
Dysinger & Son, B. C.—Thompsontown.
East Carson Packing Company—Pittsburgh.
Edward Brothers—Dalton.
Elizabethville Abattoir—Elizabethville.
Engle, Russell S.—East Greenville.
Eremic, George N.—Monroeville.
Esposito, Attilio—Philadelphia.
E.S. & T. Packing Co.—Landisville.
Feder & Company, M.—Allentown.
Fehl Company, C. J.—Blooming Glen.
Fetterolf, Joseph I.—Hegins.
Fischer & Sons, Inc., J. Fred—York.
Fisher, Harry D.—Lewisburg.
Fisher, Wellington J.—Selinsgrove.
Fisher, W. J.—Winfield.
Flagler, John—Raubsville.
Fox, Augustus—Souderton.
Freeds Store—Gilbertsville.
Frigid Freeze Lockers—Riegelsville.
Froehlich Packing Company—Johnstown.
Gajan, John—Coal Center.
Galvanek, Edward—Freeport.
Gartner-Harf—Waterford.
Gashel, Lee—Claysville.
Gheman, Warren B.—Norwood.
Gensemer's—Bloomsburg.
George, Nathan T.—Orefield.
Ginther, Gervase—St. Mary's.
Ginther, Urban—St. Mary's.
Giunta & Sons, Joseph L.—Philadelphia.
Glick Bros. Packing Co.—Mount Pleasant.
Godfrey Bros.—Felton.
Godshall & Son, Marvin K.—Telford.
Goetz, Robert M.—Greencastle.
Goldberg, Provision Co.—Greensburg.
Good, Inc., Carl—Denver.
Good's Market—Quincy.
Wesley R. Gouldey & Sons—Pipersville.
Gourley, James P.—New Bethlehem.
Grande Bros. Packing—Farrell.
Great Valley Meat Market—Berwyn.
Green Valley Packing Co.—Claysville.
Greenawalt & Keck—Lancaster.
Greenville Packing Co.—Greenville.
Grettler's Market—Girard.
Gurgacz, Mike P.—New Castle.
Haas, Raymond—East Weissport.
Hager's Meat Market—Quakertown.
Hahn Packing Company, Edward—Johnstown.
Harbach Brothers—Erie.
Hartman, Paul E.—New Tripoli.
Heckel & Ferlan—Pittsburgh.
Heinnickel, Sylvester A.—Crabtree.
Hershey Estates Abattoir—Hershey.
R. E. Hershey Meats, Inc.—Elizabethtown.
Hervitz Packing Company—Harrisburg.
Hess Meats, Bob—Winfield.
Hill-N-Dale Farms Meat Co.—Downingtown.
Hilltop Beef & Provision Company—Loyalhanna.
Hippey, Samuel W.—Willow Street.
Hirsch, William R.—Kossuth.
Hoffman Brothers—York.
Hollinger Meat Products—Mechanicsburg.
Hoovers Meat Market—Hanover.
Horne's Slaughterhouse—Marianna.
Hostoffer & Sons, E. B.—Mount Pleasant.
Hunsberger, Joseph J.—Royersford.
Hynes Abbatoir, O. J.—Cedars.
Ishman, Robert J.—Worthington.
Johnson Packing Co.—Emeigh.
Joseph Packing Company—Connellsville.
J. T. Provision Company—McKeesport.
Juniata Packing Company—Tyrone.
Keefer, C. F.—Mercersburg.
Kelly's Packing, Robert D.—Connellsville.
Kelso, Fred E.—Brookville.
*Kessler's Inc.—Lemoyne.
Kipp, Harvey A.—Bethlehem.
Kline Brothers—Hollidaysburg.
Knapp & Son, Lee—Albion.
Knight, Emerson—Penryn.
Kohn, M.—Philadelphia.
Kolb, Samuel—Spring City.
Kovacevic Brothers—Sewickley.
Kreisl Brothers—Hazleton.
Kudasik, Andy—Central City.
Kunzler & Co., Inc.—Lancaster.
Lakeview Packing Co., Inc.—Sandy Lake.
Landis, Abram A.—Harleysville.
Landis Brothers Slaughtering Est.—Skippack.
Landis, Edgar M.—Franconia.
Landis, T. M.—Mainland.
Lavella, Victor F.—Kersey.
Lawrence, H. M.—Albion.
Leali Brothers—Wheatland.
Lepidi & Sons, Inc.—Jeanette.
Lesnett's Green Top Farm—Greenville.
Levchik, Mike—Hooversville.
Lichliter, J. C. & Co.—Salisbury.
Liddiard, Richard W.—South Waverly.
Little & Son, I. D.—Hanover.
Livesey, Merrill—Sugar Grove.
Locustdale Packing Co.—Locustdale.
Loutsion Packing Co.—Canonsburg.
Lukon Meats—Burgettstown.
McGee, G. Fred—McConnellsville.
Madrigale, Frank—Bristol.
Magdovitz Packing Co.—Connellsville.
Malzi, J. E.—Dunlo.
Mamula, Pete—Aliquippa.
Manieri, Inc.—Philadelphia.
Martin, Chas. G. & Leon—East Earl.
Martin, Ezra W.—Lancaster.
Martin, Gerald—Chambersburg.
Martin, John F.—Stevens.
Martocci, Anthony—Roseto.
Marvin, Russell T.—Covington.
Meadow Valley Abattoir, Inc.—Gettysburg.
*Medford's Inc.—Chester.
Melvin, Arthur G.—Greenville.
Miller, E. R.—Hanover.
Miller's Meat Market—Gettysburg.
Mitman, Vernon K.—Nazareth.
Moccio, Angelo J. & Son—Allentown.
Molnar, Paul, Sr.—Conneautville.
Moore, Amos, Sr.—Montgomeryville.
Mount Rose Food Market—York.
Moxham Packing Co.—Johnstown.
Moyer Bros.—Reinholds.
Moyer Company, C. D.—Silverdale.
Myers Brothers—Spring Mills.
Nace, Melvin M.—Hanover.
Nell, Charles & Wayne H.—East Berlin.
New Holland Meat Market—New Holland.
Northrup, Gerry—North East.
Northwestern Packing Company—Pittsburgh.
Olijnyk, M. & B.—Harrison City.
P. S. Meat Company—Philadelphia.
Palgon Brothers—Tarentum.
Palumbo, Domenic—Du Bois.
Patterson Meat Market—Littlestown.
Peluso, John M.—New Castle.
Penn Maid Packing Company—Uniontown.
Pennsylvania State University—University Park.
Peoples Meat Market—Brackenridge.
Perry Packing Company—Dalsytown.
Peters Bros. Meat Market—Lenhartsville.
Pettello, Charles A.—Keiser.
Pezzner Brothers—Ashley.
Pieniazek, Walter—Waterford.
Pine Springs Dressed Meats—York.
Pleasant Unity Packing Co.—Pleasant Unity.
Price, B. J.—Chester.
Prim Packing Company—McDonald.
Princz, August—Mars.
Pudliner Home Dressed Meats—Johnstown.
Putnak, Robert L.—Monongahela.
Rebuck, J. E.—Dornsife.
Reed, Jay—Latrobe.
Rehrig Slaughterhouse—Ashfield.
Reitz, Maynard M.—Winfield.
Reliable Provision Company—Scranton.
Rendulic, Frank D.—McKeesport.
Rex Slaughterhouse—Ashfield.
Rich Valley Cattle Company—Emporium.
Riverside Meat Packing Company—New Castle.
Roble Meat Packers, Inc.—Erie.
Rockhill's Meat Processing and Sales—Greenville.
Rook, B. A.—Milroy.
Rothermel, Wellington A.—Danville.
S & H Country Butcher—Littlestown.
Salsburg's Abattoir—Shillington.
Schrickram, Franklin—Port Clinton.
Shade Meat Packing—Hooversville.
Shaffer, Arthur L.—New Cumberland.
Shaffer's Meats—Hooversville.
Shamokin Packing Co.—Shamokin.
Sharon Best Meats—Sharon.
Shaw Brothers—Newry.
Shively Brothers—Mifflinburg.

Shober, Roy L.—Denver.
Silverberg Meats—Bradford.
Slagle's Packing House—Kittanning.
Smalstig, Fred—Pittsburgh.
Smelko Bros.—Mount Pleasant.
Smith, Wilbur—Blairsville.
Smith, William B.—Titusville.
Smithgall & Ging—Trout Run.
Spidle's Meat Market—Lancaster.
*Sprungin's Abbatoir, Inc.—Harrisburg.
Stairs Clover Farm—Confluence.
Stehle, Julius—Eightyfour.
Steinkirchner, George—Jennerstown.
Stepniak, William—Hop Bottom.
Sterner's Grocery, Inc.—Hanover.
Stockdale, Paul & Eugene—Dayton.
Stockton's Wholesale Meats—Columbus.
Stuebgen's Meat Market—Saxonberg.
Swartz Meat Market—Shrewsbury.
Taddeo, Fred—Monaca.
Taylor Company, J. W.—Wyalusing.
Thoma, Paul—Saxonburg.
Thomas & Diehl—Glen Rock.
Thompson Packing Co.—Jersey Shore.
Thornton, Howard J.—Erie.
Triolo Bros. Food Market—Philadelphia.
Troutman Brothers—Klingerstown.
Troutman, N. S. & C. H.—Freeburg.
Troy Meat Plant—South of Troy.
Union Provisions & Package Co.—Pittsburgh.
Uts, Harold—Hanover.
Venezia, Carl—Conshohocken.
Venezia, Joseph—Norristown.
Venuto, Joseph—Philadelphia.
Waddington, R. L.—Wampum.
Waltman, Donald—Allenwood.
War, Prosper—Conshohocken.
Paul Warner Frozen Food Center—Union City.
Warrington Packing Co., Inc.—Chalfont.
Waynesburg Packing Company—Waynesburg.
Weaver Brothers—Wellsville.
Weise, R. A.—Hyndman.
Weiss, Milton—Clairton.
Weiss Packing Company—Donora.
*Weller & Son, Frank—Plymouth Meeting.
West Apollo Packing House—Apollo.
Weyandt, Hughey, Jr.—Claysburg.
Wilcox, Gilbert—Milan.
Wildasin's Meat Market—Hanover.
Wilkes-Barre Abattoir—Wilkes-Barre.
Williamson's Wholesale Meats—Turbotville.
Willrich, Thos. B. & Son—Edinboro.
Winner Packing Co.—Lock Haven.
Winters, Walter W.—Mahoningtown.
Wisnieski, Steve—New Castle.
Wolfe, Thos. F. & L. H.—Herndon.
Worthington, Warren H.—Pennsdale.
Wright, Sharp B.—Fombell.
Yakubik, Frank—New Castle.
Yambrovich, Steve—Sharpsville.
Yoder, Kermit C.—Holsopple.
Yoder's Meat Market—Shoemakersville.
Youndt Brothers—Denver.
Youndt, John E.—Adamstown.
Zeller, Alfred—Cedars.
Zitman, C. D.—Mercersburg.

RHODE ISLAND

Bruno's Slaughterhouse—Westerly.
Cory's Slaughterhouse—Tiverton.
Diamond Hill Packing Co.—Cumberland.
Foster Packing, Inc.—Foster.
Johnston Dressed Beef & Veal Co., Inc.—Johnston.
Parrillo, Anthony, Inc.—Johnston.

SOUTH CAROLINA

*Azalea Meats, Inc.—Orangeburg.
*Carolina Abattoir—Columbia.
*Caughman Meat Plant—Lexington.
Cheraw Packing Co.—Cheraw.
Fairview Abattoir—Greenville.
Harman Provision Co.—Saluda.
*Harvin Packing Co.—Sumter.
Hodges Sale Co.—Abbeville.
Hughey's Market—Easley.
*Kemmerlin Wholesale Meat Packing Plant—Orangeburg.
Lancaster Frozen Foods, Inc.—Lancaster.
*Old Fort Packing Co.—Walterboro.
Oconee County Abattoir—Seneca.
Ricks Meat Packers—Aiken.
*Roddey Packing Co.—Columbia.
*Spartanburg Abattoir—Spartanburg.
*Sumter Frozen Foods, Inc.—Sumter.
*Truesdale Wholesale Meat Co.—West Columbia.
*Turner Abattoir, T. M.—Woodruff.
*Vaughn Packing Company—Greer.

SOUTH DAKOTA

*Cimpl Packing Company—Yankton.
*Dean Packing Company—Vermillion.
Trumbull Packing Company—Sioux Falls.

TENNESSEE

*Bakers Processing Co.—McKenzie.
*Baltz Brothers Packing Company—Nashville.
Beare Meat Co.—Madisonville.
Bedford County Slaughterhouse—Shelbyville.
*Benton, Lewis Slaughterhouse—Hixon.
Bills Processing Plant—Dyersburg.
Bolivar Packing Plant—Bolivar.
*Bridwell Packing Co.—Kingsport.
*Brundidge Slaughter Plant—Martin.
Bryson Packing Co.—Somerville.
*Bulla, Wade Wholesale Meats—Johnson City.
*Carmichel-Curtis Slaughter House—Telford.
Carthage Grocery & Locker—Carthage.
*Cleveland Provision Co.—Cleveland.
Cribbs Sausage Company—Memphis.
*Dixie Sausage Co.—Lebanon.
*Duck River Sausage Company—Manchester.
*Estepp Slaughterhouse—Limeston.
*Fayette Packing Co.—Hickory Withe.
*Fineberg Packing Co.—Memphis.
Follis, Roy, Slaughterhouse—Gadsden.
Foutch, J. J. & Son Packing Co.—Cookeville.
Fuller Locker Plant—Maryville.
Glasgow Meat Co.—Martin.
*Groce Provision Co.—Fayetteville.
*Hacketts Meat Co.—Carthage.
Hartsville Locker Company—Hartsville.
Herron Packing Co.—Concord.
Hills Wholesale Meats—Dayton.
Holmes Meat Market—Crossville.
Hyde, Ed Slaughterhouse—Gallatin.
*Jackson Packing Co.—Jackson.
*Jacobs Packing Company—Nashville.
*Keener Packing Co.—Lenoir City.
*Lingo Packing Co.—Jonesboro.
*Loomis Packing Co.—Sweetwater.
McElhaney Slaughterhouse—Morristown.
McMinnville Meat Co.—McMinnville.
Mims Frozen Foods—Ardmore.
Moore, John L. Slaughterhouse—Fayetteville.
Morrisey Meats & Provisions—Nashville.
Morristown Provisions Co.—Russellville.
Napier, W. B. Slaughterhouse—Celina.
New 20 Packing Co.—Alamo.
*Norman's Packing Co.—Covington.
*Parks-Harris & Company—Columbia.
Penns Market—Trenton.
*Powell Wholesale Meats—Chattanooga.
*Purity Packing Co.—Powell.
*Savannah Process & Locker—Savannah.
*Sells, Earl & Sons—Johnson City.
Smiths Market—Gallatin.
*Smith Packing Co.—Nashville.
Southern Abattoir Meat Co.—Knoxville.
*Southern Provisions Co.—Chattanooga.
Stephens Slaughterhouse—Savannah.
Summers Bros. Slaughterhouse—Hollow Rock.
*Tennessee Valley Packing Co.—Columbia.
Trolinger Slaughterhouse—Jackson.
Wamplers Wholesale Meats—Lenoir City.
*Wells Processing Plant—Brighton.
Wilkerson Slaughterhouse—Selmer.
*Wilson, John Sausage Co.—Lewisburg.

TEXAS

A. B. C. Packing Company—Wichita Falls.
*Allen's Wholesale Meats—McKinney.
Amarillo Packing Company, Inc.—Amarillo.
Anderson Slaughtering & Processing Plant—Sherman.
Apache Packing Company—San Antonio.
Ed Auge Packing Company—San Antonio.
Azle Food Locker Corporation—Azle.
*George Braun Packing Company—San Antonio.
Burleson Packing Company—Wichita Falls.
Berryhill Packing Company, Inc.—Levelland.
Big 4 Packing Company—Perryton.
Brown's Slaughter House—Annona.
Burton Brothers Public Abattoir—Houston.
*Caddo Packing Company—Marshall.
*Cash 'N Carry Grocery and Market Follett.
Central Packing Company, Inc.—Wichita Falls.
Chief Packing Company—Quanah.
Collins Packing Company—Morton.
Columbia Packing Company—Dallas.
*Crow Packing Company—Pecos.
*Dallas City Packing Company—Dallas.
*Dixon Packing Company, Inc.—Houston.
*Ehresman Brothers Packing Company—Plainview.
Floyd Locker—Spearman.
*Freedman Packing Company—Houston.
Gee & Gafford Slaughter House—Phillips.
Golden Spread Packing Company—Amarillo.
Graham Packing Company—Graham.
Haley's Food Locker—Crowley.
Hereford Locker—Hereford.
Hereford Meat Company—Hereford.
*H & R Meat Company—Vernon.
*High Grade Packing Company—Galveston.
O. B. Jackson Wholesale Meats—Plainview.
Lamesa Meat Company—Lamesa.
Nemecek Brothers—West.
*Newsom Packing Company—Mount Vernon.
P & H Packing Company—Dallas.
*P & S Meat Company—Texarkana.
Pace Packing Company, Inc.—Sweetwater.
*Panhandle Packing Company, Inc.—Pampa.
Perryton Packing Company—Perryton.
Pickney Packing Company, Inc.—Amarillo.
Pitner & Hensley—Denton.
Plains Beef Company—Amarillo.
Plains Beef Company—Borger.
*Pratt Packing Company, Inc.—Sulphur Springs.
Quality Packing Company—San Antonio.
Queen's Custom Slaughter—Bovina.
Richards Slaughter House—Bovina.
*Ridley Packing Company—Sweetwater.
*Roberts Wholesale Beef—Van Horn.
Shamrock Slaughter Plant—Shamrock.
Smith's Frozen Food Plant—Atlanta.
*Southern Packing Company—Denison.
Steuernagel Packing Company—San Antonio.
Stratford Frozen Food Lockers—Stratford.
*Swift and Company—San Antonio.
Swindell's Country Sausage Plant—Quanah.
*Texall Packing Company—Houston.
Texas Department of Corrections Packing Central No. 1—Sugarland.
Texas Trail Meat Company—Hereford.
Tyler Packing Company—Tyler.
*West Texas Packing Company—San Angelo.
Wickham Packing Company, Inc.—Langview.
*Winfree Packing Company—Orange.
Wingate Brothers—Orange.

*Wilburn & Miller Wholesale Meats—Denison.
Wolf Meat Company—San Antonio.
*Wright Packing Company—Vernon.
Zummo Meat Company—Beaumont.

UTAH

*Granite Meat and Livestock Market—Murray.
*Blue Mountain Meats and Superette—Monticello.
*Langston Packing Company—Hurricane.
*Midvale Packing Co.—Midvale.
*Ogden Dressed Meat Co.—Ogden.
*Parke and Son, William C.—Ogden.
*Tri-Miller Packing Co.—Ogden.

VERMONT

Delair's Slaughtering Establishment—East Montpelier.
Gallerani's Market—Bradford.
Quinn's Slaughtering Establishment—Poultney.
G. Rubalcaba, Inc.—Websterville.
Herrick Stearns—Rutland.

VIRGINIA

Corn Valley Packers, Inc.—Danville.
*Fleet & Co., Inc.—Winchester.
*Green Hill, Inc.—Elliston.
*Harrell Bros.—St. Brides.
Isom's Slaughter House—Galax.
Lee Packing Co.—Pennington Gap.
*McKenna, Inc.—Lynchburg.
*Orndorff, Charles, Abattoir—Winchester.
*Perry's Abattoir—Winchester.
Rosenbaum Slaughterhouse, Clyde—Glade Springs.
*Southern Packing Corp.—Norfolk.
*Suffolk Packing Co., Inc.—Suffolk.
Woodstock Wholesale Meats—Woodstock.

WASHINGTON

Chambers Packing Co. No. 36—Tumwater.
Colfax Meat Packing Plant No. 117—Colfax.
*Crucio Meats No. 76—Walla Walla.
Evergreen Packing Co. No. 92—Vancouver.
*Federal Meat Co. No. 36—Tacoma.
Ferry Bros., Inc. No. 16—Ferndale.
Fischer Bros. Meat Co. No. 85—Issaquah.
Florence Packing Co. No. 15—Stanwood.
*Grandview Packing Co. No. 15—Grandview.
Sierk Meat Packing Co. No. 55—Wenatchee.
James Knight Packing Co. No. 21—Woodinville.
Johansen's Meats, Inc. No. 41—Enumclaw.
Kratzig Meat Co. No. 81—Bellingham.
*Lewis River Meat Co. No. 118—Woodland.
*Longview Meat Co. No. 87—Longview.
McInroy Meat Co. No. 94—Wilbur.
Methow Valley Meat Co. No. 125—Twisp.
*Miller Packing Co., Inc. No. 7—Seattle.
Sky Valley Meats No. 51—Monroe.
Moses Lake Meat Co. No. 32—Moses Lake.
Mt. Vernon Meat Co., Inc. No. 93—Mount Vernon.
Midway Meats No. 62—Centralia.
Pasco Meat Packers, Inc. No. 37—Pasco.
*McKinley Meat Pack. Co. No. 39—Longview.
Rice Meat Packing Co. No. 103—Veradale.
Schoner Meat Co. No. 75—Bremerton.
Shelton Meat Co. No. 70—Shelton.
Snohomish Meat Co. No. 77—Snohomish.
*Valley Packing Co. No. 18—Tacoma.
Webber & Ritter Co., Inc. No. 20—Sumner.
*Wenatchee Packing Co. No. 22—Wenatchee.

WEST VIRGINIA

Bluegrass Market, Inc.—Lewisburg.
Camp Packing Company—Parkersburg.
Coleman, M. E. Packing Company—Oak Hill.
Crowgey Sausage Company—Kellysville.
Elm Grove Packing—Wheeling.
Ennis Slaughter House—Uffington.
Fancher, R. L.—Shinnston.
Gamble's Market—Moundsville.
Gissel Packing Company, Inc.—Huntington.
Hatten Wholesale Meat Company—Huntington.
Holz Son, P. E. and Company—Charleston.
Independent Dressed Beef Company—Morgantown.
Frank M. Jenkins—Martinsburg.
Kidwiller, Frank E.—Harpers Ferry.
Lambert and Beavers—Squire.
McCown & Sons Company, L. M.—Charleston.
Miller Brothers—Martinsburg.
Martini Packing Company, Inc.—Wheeling.
Niebergall Meats Slaughtering Establishment—Wheeling.
Places Butchering Quarters—Martinsburg.
Rupert Meat-Poultry Supply—Rupert.
Smith Packing Company—Parkersburg.
Smittle Packing—Paden City.
Soloman's Establishment, Frank—Fairview.
Spitznogle, Glen L., Slaughtering Establishment—Blacksville.
Staggs Meat Market—Burlington.
Stuart, Nate & Son, Inc.—Mount Clare.
Thompson Brothers Packing Company—Bluefield.
Tri-County Processing Plant, Inc.—Martinsburg.
Wade's Slaughter House—Mount Morris.
Weimer Packing Company—Wheeling.
Young & Stout, Inc.—Clarksburg.

WISCONSIN

Black Creek Meat Market—Black Creek.
Bohrers Packing Company—Muskego.
*Born and Son, August—Milwaukee.
Bruinsma, Casey—Union Cove.
Clinton Packing Co., Inc.—Clinton.
Coenen Packing Company—Appleton.
Coloma Meat Products—Coloma.
Dobratz Meat Market—Shawano.
Falls Locker Service—Memomonie Falls.
Freedom Packing Co.—Kaukauna.
Faust & Sons, Hy.—Mayville.
Goldberg, Maurice, Sl. Est.—Superior.
Hagert's Locker—Siren.
Helland's Food and Locker—Juda.
K. & K. Locker—River Falls.
Kenosha Packing Company—Kenosha.
Joe P. Kimmes Hereford Farms—Superior.
Krees Packing Co., Inc.—Waterloo.
*Luck, M., Inc.—Milwaukee.
Marchant, W. J.—Brussels.
Meier, Alfred Sl. Est.—Monroe.
Merredith & Corringan—Saxon.
Midwest Packing Company—Milwaukee.
Osseo Lockers—Osseo.
*Quality Packing Company—New London.
Resar Sl. Est., J. J. & J. M.—Park Falls.
*Richberg and Son, N.—Manitowoc.
Sawyer Meat Plant—East Troy.
Schaefer Sausage Co., Inc.—Oshkosh.
Schams Slaughtering, John—La Crosse.
Seymour Locker Storage—Peshtigo.
*South Side Packing Company—Milwaukee.
Super Locker—Amery.
Sykes Packing Company—Cameron.
Tarlton Meat Service—Shawano.
Tarlton, Company Lyman—Athelstane.
Thompson Packing Company—West De Pere.
Townsend-Piller Packing Co.—Cumberland.
*Valley Meat Service—Appleton.
Valley Packing Company—Kaukauna.
Wagner, Chester, Est.—Denmark.
Weinstein Slaughtering Est.—Superior.
*Wolf River Sausage, Inc.—Weyauwega.

WYOMING

Gillette Meat Service—Gillette.
Jim's Place—Cheyenne.
K & B Cold Storage Co.—Afton.
Kelly Packing Co.—Torrington.
Ken's Locker and Slaughtering Establishment—South Laramie.
Lincoln Meats—Lovell.
Lovell Processing—Lovell.
Nield Cold Storage and Supply—Afton.
Pilch Slaughtering & Processing Service—Acme.
Rock Springs Butchering—Rock Springs.
*Rocky Mountain Packing Co.—Casper.
*Roitz Meat Cutting—Fort Bridger.
Shy-Ann Packing Co.—Cheyenne.
Starlite Meat Co.—Cheyenne.
*Stockmen's Livestock Commission Company—Torrington.
Torrington Packing Co., Inc.—Torrington.
Triangle Packing Co.—Worland.

The names of the following stockyards and slaughtering establishments are changed to read as follows:

STOCKYARDS

ALABAMA

From: Tri-County Stockyards, Hurtaboro; to: Hodges-Capital Stockyards, Hurstboro.

ARKANSAS

From: Morriiton Livestock Auction, Morriiton; to: Roy Chaney Sales Barn, Morriiton.

From: Glenn Edgar Auction, Batesville; to: Davis Livestock Auction, Batesville.

From: Farmers Livestock Auction, Harrison; to: Harrison Stockyards, Harrison.

From: Farmers & Ranchers Auction, Batesville; to: Hill & Montgomery, Batesville.

From: Brown Brothers, Hope; to: Hope Livestock Comm. Co., Hope.

From: Brown & Lewis Auction, Conway; to: Lewis Sale Barn, Major, Conway.

From: Brewer Auction, Mt. View; to: Stone County Auction, Siloam Springs.

From: Russellville Livestock Auction, Russellville; to: Valley Livestock Auction, Russellville.

From: Sutton Livestock, Hope; to: Brown Brothers Livestock Commission, Hope.

From: DeQueen Livestock Auction, DeQueen; to: Brown Livestock Commission, DeQueen.

From: Searcy Auction, Searcy; to: Lile Brothers Livestock Commission, Searcy.

From: Hiram Wall's Sales, Booneville; to: Logan County L. S. Auction, Magazine.

From: Hensley Sales, Fayetteville; to: N. W. Arkansas Livestock Auction, Fayetteville.

From: White County Auction, Searcy; to: Taylor Livestock Commission, Searcy.

From: Fordyce Auction, Fordyce; to: Tri-County Auction, Fordyce.

CALIFORNIA

From: Red Bluff Farm Bureau Sales Yard, Red Bluff; to: California Livestock Marketing Assn., Red Bluff.

From: Stockton Union Stockyards, Stockton; to: Stockton Livestock Marketing Assn., Stockton.

COLORADO

From: Pueblo L. S. Commission Co., Pueblo; to: Hess Livestock Commission Co., Pueblo.

From: Monte Vista L. S. Commission Co., Salida; to: Salida-Monte Visea L. S. Comm. Co., Salida.

GEORGIA

From: Pelham Livestock Co., Pelham; to: Mitchell County Livestock Co., Pelham.

From: Farmers' Livestock Market, Soperton; to: Soperton Stockyard, Soperton.

From: Waycross Livestock Market, Waycross; to: Waycross Hog & Cattle Market, Waycross.

From: Wayne County Stockyards, Jesup; to: Wayne County Livestock Co., Jesup.

IDAHO

From: Tink's Livestock Comm. Co., Jerome; to: Jerome Producers Livestock Market, Inc., Assn., Jerome.

ILLINOIS

From: Midwest Farm Market, Atkinson; to: Arnold Cattle Company, Atkinson.

INDIANA

From: Fort Wayne Livestock Auction, Fort Wayne; to: Delta Livestock Auction & Comm. Co., Fort Wayne.

IOWA

From: Forest City Auction Co., Forest City; to: Cow Palace, Forest City.

From: Livestock Marketing Center, Waukon; To: Interstate Producers Livestock Assn., Waukon.

From: Marvel-Edge Livestock Market Center, Webster City; to: Marvel Livestock Market Center, Webster City.

KANSAS

From: Pawnee Cattle Co., Inc., Hutchinson; to: Hansen Livestock Auction, Inc., Hutchinson.

From: Manhattan Sale Company, Manhattan; to: Manhattan Commission Company, Inc., Manhattan.

KENTUCKY

From: Hutcherson Livestock Market, Glasgow; to: Barren County Stockyard, Inc., Glasgow.

From: Clay-Gentry, Lexington; to: Clay-Wachs Stockyards Co., Inc., Lexington.

From: J & J Livestock Market, Horse Cave; to: Horse Cave Stockyards, Horse Cave.

From: T. E. Vasseur Auction Co., Paducah; to: Paducah Livestock Auction, Paducah.

MARYLAND

From: West Nottingham Livestock Market, Inc., Rising Sun; to: West Nottingham Sales, Inc., Rising Sun.

MICHIGAN

From: Dundee Livestock Company, Dundee; to: Dundee Livestock Sales, Inc., Dundee.

MISSOURI

From: Beever Sale Pavilion, Chillicothe; to: Chillicothe Livestock Auction, Inc., Chillicothe.

From: Fairground Sale Company, Maryville; to: Fairground Livestock Auction, Maryville.

From: Davis-Johnson-Patrick's Sales & Comm. Co., Boonville; to: Means Auction Company, Boonville.

From: Dale D. Sebaugh Auction Barn, Sedgewickville; to: Sedgewickville Auction Barn, Sedgewickville.

MONTANA

From: Schnell's Miles City Livestock Auction Market, Miles City; to: Miles City Salesyards Company, Miles City.

NEBRASKA

From: Ainsworth Livestock Sale Yard, Ainsworth; to: Ainsworth Livestock Market, Ainsworth.

From: Albion Sales Pavilion, Alliance; to: Alliance Livestock Auction Company, Alliance.

From: Arnold Livestock Commission Company, Arnold; to: Arnold Livestock Sales Co., Inc., Arnold.

From: Gordon Livestock Auction Company, Inc., Gordon; to: Gordon Livestock Company, Inc., Gordon.

From: Klug Brothers Livestock, Columbus; to: Klug Brothers Livestock Company, Columbus.

From: Morrison Livestock Commission Company, Scottsbluff; to: Morrison Livestock Commission Company, Inc., Scottsbluff.

From: Newman Grove Sales Company, Newman Grove; to: Newman Grove Livestock Market, Newman Grove.

From: Nollett Livestock Sales, Valentine; to: Nollett Livestock, Valentine.

From: Pawnee Livestock Commission Company, Pawnee City; to: Pawnee Livestock Company, Pawnee City.

From: Sioux County Livestock Auction, Harrison; to: Sioux County Livestock Commission Company, Harrison.

From: Valentine Livestock Auction, Valentine; to: Valentine Livestock Market, Valentine.

NEW YORK

From: N. Johncox & Sons, Pavilion; to: N. Johncox Sons Commission Auction, Pavilion.

From: Pavilion Livestock Market, Pavilion; to: Pavilion Livestock Market, Inc., Pavilion.

From: Norvel Reed Auction Sale, Sherman; to: Norvel Reed & Sons, Inc., Sherman.

OREGON

From: Schricker & Williams LS Auction, Sutherlin; to: Schricker LS Auction, Sutherlin.

SOUTH DAKOTA

From: Campbell County Livestock Auction Company, Herreid; to: Dobler Livestock Sales Company, Herreid.

From: Philip Livestock Auction, Philip; to: Livestock Auction Management, Inc., Philip.

From: Stockman's Commission Co., Inc., Rapid City; to: Rapid City Livestock Commission, Rapid City.

WASHINGTON

From: Grange Comm. & Lvstk. Co., Auburn; to: Auburn Livestock, Inc., Auburn.

SLAUGHTERING ESTABLISHMENTS

ALABAMA

From: Brock-Mosley Packing Co., Robertsdale; to: Robertsdale Locker Plant, Robertsdale.

ARKANSAS

From: Robertson Packing Co., Booneville; to: Lasiter Packing Co., Booneville.

From: Cooper Packing Co., Melbourne; to: Melbourne Packing Company, Melbourne.

From: Hylton Slaughter, Springdale; to: Springdale Custom Butchering, Springdale.

From: Steed Packing Co., Judsonia; to: Miller Packing Company, Judsonia.

From: Monroe Ryburn, Pine Bluff; to: Ryburn & Glover Meat Co., Pine Bluff.

FLORIDA

From: Brown Packing Co., Chipley; to: Tobias Meat Company, Chipley.

IOWA

From: Woodworth's Locker, Harris; to: Thompsons Locker and Grocery, Harris.

ILLINOIS

From: Raleigh Packing Company, Raleigh; to: Pioneer Packing Company, Raleigh.

LOUISIANA

From: Jagneaux's Quality Meats, Opelousas; to: Swifty Meat Packing Co., Inc., Opelousas.

From: Jennings Meat Products, Baton Rouge; to: Port City Packing Co., Baton Rouge.

From: Peltier Packing Co., Inc., Thibodaux; to: Thompson-Peltier Packing Co., Thibodaux.

From: Port City Packing Company, Baton Rouge; to: Old South Packing Co., Baton Rouge.

From: Smiley's Packing Co., Inc., Scotlandville; to: Port City Packing Co., Scotlandville.

From: Swift Meat Packing Co., Inc., Opelousas; to: Royal Packers, Inc., Opelousas.

MARYLAND

From: Martin, E. T. & Son, Joppa; to: Martin's Meats, Joppa.

MICHIGAN

From: Gerding Wholesale Meat Co., Davison to: Gerding Packing Co., Davison.

From: Houghton Beef, Ionia; to: Houghton Beef Packers, Ionia.

From: J. Myaard & Son, Hudsonville; to: Myaard's Meats, Hudsonville.

From: Reznik Packing Plant, South Haven; to: Reznik's Slaughtering Establishment, South Haven.

From: Issac Tamaren Beef Co., Detroit; to: Tamaren Beef Co., Inc., Detroit.

MISSISSIPPI

From: Valley Farm Packing Company, Laurel; to: Valley Farm, Inc., Laurel.

MISSOURI

From: Custom Slaughterers for Dan Baum Packing Co., St. Louis; to: Grote, T. J., St. Louis.

From: Asel's Slaughter House, Washington; to: V & B Meat Company, Washington.

MONTANA

From: Biastoch Wholesale Meats, Butte; to: Biastoch Meats, Inc., Butte.

From: Valley Meat Company, Sidney; to: Valley Meat Packing Company, Sidney.

NEW JERSEY

From: Harry Mundy & Sons, Bound Brook; to: Vogel's Farm, Bound Brook.

NEW MEXICO

From: Houk's Custom Slaughter Service, Clovis; to: Curry County Meat Company, Clovis.

NEW YORK

From: James Aronson & Milton Aronson, Glens Falls; to: Jerome & Milton Aronson, Glens Falls.

From: P. Brennan, Buffalo; to: Patrick Brennan, Buffalo.

From: Dover Plains Packing Co., Dover Plains; to: Farrel, William, Dover Plains.

From: Elmer Ford, West Valley; to: Ford, E. D. & Sons, West Valley.

From: Frank Brothers, Poughkeepsie; to: Frank Brothers Farms, Inc., Poughkeepsie.

From: Gilfus & Fultz Hanlon, Weedsport; to: Hanlon, Gilfus & Foltz, Weedsport.

From: John W. Kamery, Olean; to: Kamery's Wholesale Meats, Olean.

From: Klinck Bros., Buffalo; to: Klinck Bros., Inc., Buffalo.

From: Robert Lillie, Auburn; to: Lillie's Wholesale Meats; Auburn.

From: Maple Brook Slaughterhouse; Binghamton; to: Maple Brook Packing House, Binghamton.

From: Medina Provision Co., Medina; to: Medina Provision Company, Inc., Medina.

From: M. Mendel & Co., Norwich; to: Morris Mendel & Co., Norwich.

From: Morandi Packing Co., Hillsdale; to: Morandi Packing Co., Inc., Hillsdale.

From: Newburgh Packing Co., Newburgh; to: Newburgh Superior Packing Co., Newburgh.

From: Maurice Owsowitz & Son, Buffalo; to: M. Owsowitz & Son, Buffalo.

From: Louis Sussman, Cohoes; to: Puritan Provisions, Cohoes.

From: Frank Rausch & Son, Inc., Buffalo; to: Frank Rausch & Son, Buffalo.

From: Hebert Scott, Brocton; to: Herbert R. Scott, Brocton.

From: Shappee & Sheive, Pine City; to: Shappee & Sheive Meat Plant, Pine City.

From: Charles Miller, South Dayton; to: South Dayton Meat Market, South Dayton.

From: Herbert M. Ziff, Elmira; to: Herbert M. Ziff, Inc., Elmira.

OHIO

From: Manchester Slaughter Plant, Manchester; to: Young's Slaughter Plant, Manchester.

OREGON

From: R. O. Garrison's, Lebanon; to Garrison's Meat Packing Plant, Lebanon.

From: Lewis Brothers, Gresham; to: Lewis Meat Company, Gresham.

From: Montgomery Killing Plant, Silverton; to: Montgomery's Meat Company, Silverton.

From: Stark's Slaughterhouse, Sherwood; to: Stark's Abattoir, Sherwood.

From: Steen Brothers, Albany; to: Steen Brothers Meat Company, Albany.

PENNSYLVANIA

From: Delta Farm Products, Delta; to: Delta Meat Products Co., Delta.

From: Pudliner, Charles, Johnstown; to: Pudliner Home Dressed Meats, Johnstown.

The following stockyards and slaughtering establishments are deleted from the specifically approved list:

STOCKYARDS

ARIZONA

Yuma Livestock Exchange—Yuma.

ARKANSAS

Fordyce Auction—Fordyce.
Gentry Horse & Dairy Auction—Gentry.
Logan County L. S. Auction—Magazine.
Taylor L. S. Commission—Searcy.

COLORADO

Burlington Sales Co.—Burlington.
Otis Sales Barn—Otis.
Springfield Livestock Commission Co.—Springfield.

FLORIDA

Madison Stockyards—Madison.

GEORGIA

Augusta Livestock Market—Augusta.

IDAHO

O. K. Livestock Markets—Caldwell.

ILLINOIS

Price's Livestock Marketing Co.—Shelbyville.
West Kankakee Livestock Sale—Kankakee.

IOWA

Bowman Cattle Co.—Maquoketa.
Central City Sales Co.—Central City.
Lawn Hill Auction—Lawn Hill.
Tripoli Sales Co.—Tripoli.
Witthauer Auction—Council Bluffs.

KANSAS

Columbus Community Sale—Columbus.
Kinsley Livestock Sales Company—Kinsley.
Ness Livestock, Inc.—Ness.
Pawnee Cattle Company, Inc.—Hutchinson.

KENTUCKY

Collective Farmers Market—Science Hill.
Farmers Livestock Market, Inc.—Somerset.
New Richmond Livestock Market, Inc.—Richmond.
Farmers Livestock Marketing Coop.—Bowling Green.

LOUISIANA

Hodges Stock Yard, Inc.—New Orleans (Arabi).
Lyles Auction Co., Bill—Mansfield.
Tallulah Livestock Auction—Tallulah.
South Kentwood Stockyards, Inc.—Kentwood.

MISSISSIPPI

Columbus Livestock Commidson Company—Columbus.
Prentiss Auction Sales—Prentiss.
Tupelo Livestock Auction, Inc.—Tupelo.
Yazoo Livetstock Auction—Yazoo City.

MISSOURI

Adair County Sale Barn—Kirksville.
Drexel Community Sale—Drexel.
Joplin Friday Sales Day—Joplin.

NEBRASKA

Geneva Salebarn—Geneva.
Humboldt Salebarn—Humboldt.

NEW YORK

Kimball Stand Commission Sales—Jamestown.
Tweedie, Stilson—Walton.

NORTH CAROLINA

Powell Livestock Market—West Jefferson.

OHIO

Elkton Livestock Auction—Elkton.
Gibsonburg Livestock Auction—Gibsonburg.

OKLAHOMA

Antlers Livestock Auction—Antlers.
Duncan Livestock Auction—Duncan.
El Reno Livestock Auction Sales—El Reno.
Oklahoma Stockyards, Inc.—Duncan.
Osage Sale Barn—Fairfax.
Shawnee Sale Barn—Shawnee.
Snyder Stockyards—Snyder.

PENNSYLVANIA

Danville Livestock Market, Inc.—Danville.
Gilbertsville Sales Stables—Gilbertsville.
Mason-Dixon Livestock Market, Inc.—Stewartstown.
Pennsylvania Stockyards Co.—Philadelphia.
Whitford Sales Co.—Whitford.

SOUTH CAROLINA

Florence Auction Market—Florence.

VIRGINIA

Giles County Stockyards, Inc.—Narrows.
Alleghany County Livestock Market—Covington.

WASHINGTON

Wink-Goldendale Salesyard, Inc.—Goldendale.

WEST VIRGINIA

Bluegrass Market, Inc.—Ronceverte.

SLAUGHTERING ESTABLISHMENTS

ARKANSAS

Adams Market—DeWitt.
Huckaby Super Market—Benton.
Reed Packing Company—Pine Bluff.
Taylor Bros. Whls. Meats—Gurdon.
Turners Grocery & Market—Texarkana.

CONNECTICUT

Goldberg, Daniel—Colchester.

FLORIDA

Brock & Burdeshaw Packing Co.—Pensacola.
Carpenter Slaughter House—Bristol.
E. M. Hawkins Wholesale Meats—East Palatka.
Jackson Packing Company—Marianna.
Lykes Brothers, Inc.—Tampa.

GEORGIA

Avera Provision Co.—Augusta.

IDAHO

Independent Meat Co.—Weiser.
Mathews, Inc.—Twin Falls.
Simon Bros. Meat & Groceries—Cottonwood.
Valley Packing Co.—Rexburg.

ILLINOIS

Behrman Market—Okawville.
Curby's Butcher Shop—Beaverville.
Dintelmann's Wye Market—Marissa.
Eversgerd, Henry J.—Germantown.
Houchlei Meat Market—Sorento.
Knab Meat Market—New Athens.

IOWA

Centerville Meat and Provision Company—Centerville.
Links Locker Service—Fort Madison.
Otranto Meat Processing Company—Otranto.

KANSAS

Coffeyville Packing Company—Coffeyville.

LOUISIANA

Guillot, Inc., Arthur J.—Slidell.

MASSACHUSETTS

Goldberg, Morris—Great Barrington.

MICHIGAN

Detroit Veal & Lamb—Detroit.
Nelson N. Libert—Coldwater.
Reznik Packing Plant—South Haven.

MISSISSIPPI

Bounds, John R.—Picayune.

MISSOURI

Hillcrest Packing Company—Bonne Terre.

NEW JERSEY

Delaware Packing Company—Trenton.
Harry Mundy & Sons—Bound Brook.

NEW MEXICO

Houk's Custom Slaughter Service—Clovis.
Valley Packing Company—Farmington.

NEW YORK

Eastern Food Supply—Glens Falls.
Freeman's Wholesale Meats—Deposit.
Geldin Packing Corp.—Rochester.
Greene, Robert—Otto.
Guido's Wholesale Provisions, Inc.—Delevan.
Hans, Edward—Buffalo.
Oriskany Beef & Veal Corp.—Utica.
Peets, Paul—Albany.
Penn Beef Co.—Morris.

NORTH DAKOTA

Dobler Livestock Sales Co.—Jamestown.

OHIO

Alex Packing Company—Dayton.
Crystal Slaughtering Est.—Martins Ferry.
Duma Packing Plant, Inc.—Clinton.
Finley Packing Plant, Inc.—McConnelsville.

OKLAHOMA

Banfield Frozen Food Company—Tulsa.
Harrall Meat Company—Weatherford.

OREGON

Midway Meat Company—Medford.

PENNSYLVANIA

Ankey, Thomas E.—New Florence.
Boose, H. Melvin—Manheim.
Border, Carlos R.—Dalmatia.
Check, Stephen—Pittsburgh.
Delta Meat Products—Harrisburg.
Falk, Karl—Eire.
Gertner, Joseph and Stephen—Easton.
Hickory Packing Co.—Scranton.
Homestead Provision and Packing Co.—Pittsburgh.
Kratzer, Beulah M.—Selinsgrove.
Lux, Joseph H.—Jeannette.
Marusco, Camilo—Boothwyn.
Meoli, Peter—Berwyn.
Miller, Eugene W.—Knox.
Newman, Raymond H.—Hanover.
Rudy, Harry E.—Landisville.
Russic, M. C.—Hooversville.
Sicilia, Frank—New Kensington.
United Home Dressed Meat Co.—Altoona.

Wagner Meat Supply, Floyd—Independence.

SOUTH DAKOTA

Flanery Sausage Company—Huron.
Flanery Sausage Company—Milbank.

TENNESSEE

Armstrong Sausage Co.—Strawberry Plains.

WASHINGTON

Federal Packing Company—Everett.

WEST VIRGINIA

Balls Wholesale Meat Company—Kenova.
Mauk's Meat Market—Romney.
Miley, Lynn—Wardensville.
Morlang, Henry, Inc.—Parkersburg.

Effective date. The foregoing notice shall become effective upon publication in the FEDERAL REGISTER.

Certain additional stockyards and slaughtering establishments are added to the list of these heretofore specifically approved under the regulations in 9 CFR Part 78. It has been determined that the inspection and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations. Certain stockyards and slaughtering establishments are removed from the list of those heretofore specifically approved under said regulations, because it has been determined that such stockyards and establishments no longer qualify for specific approval under the regulations. Name changes affecting certain stockyards and slaughtering establishments are also set forth in the foregoing notice. This action, therefore, imposes certain restrictions necessary to prevent the spread of brucellosis, relieves certain restrictions presently imposed, and makes certain changes which do not affect the substance of the restrictions set forth in 9 CFR Part 78. The action should become effective promptly in order to accomplish its purpose in the public interest, to be of maximum benefit to persons subject to the restrictions which are relieved hereby, and to promptly correct the names of all listed stockyards and slaughtering establishments. Therefore, under the administrative procedure provisions of 5 U.S.C., § 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of March 1967.

E. E. SAULMON,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 67-3690; Filed, Apr. 4, 1967; 8:45 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

April Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.s.t., on March 31, 1967, and, subject to amendment, continuing until superseded by the May Monthly Sales List. The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, linseed oil, and tung oil.

For April there is no change in commodities listed.

As announced March 30, 1967, dairy products will be offered for sale into domestic market channels at not less than 110 percent of support purchases prices. This increases the domestic unrestricted sale price for butter by 3.5 cents per pound and for cheese by a tenth of a cent per pound. The nonfat dry milk sale price of 21.6 cents has reflected 110 percent of the purchase price and is unchanged.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3) for April 1967 are 5½ percent for U.S. bank obligations and 6½ percent for foreign bank obligations, without regard to credit periods involved up to a maximum of 36 months. CCC-owned commodities currently available for export sale under the CCC Export Credit Sales Program are: Wheat, grain sorghum, barley, oats, rye, rice, flaxseed, extra long staple cotton, plus tobacco from CCC loan stocks. Commodities from private stocks now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, barley, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, milled and brown rice, cottonseed oil, soybean oil, dairy products, dry edible beans and tallow.

Information on commodities available agreements, and current information on interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. Wheat and grain sorghum are also available under conditions noted in the individual commodity listings. (In addition, free market stocks of corn, grain sorghum, wheat, wheat flour, tobacco, cottonseed, and soybean oils are eligible for barter programing under barter contracts covering procurements for Federal agencies that will reimburse CCC except that hard red winter, hard red spring, and durum wheats, and flour produced from those wheats, may not be exported through west coast ports.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Viet Nam except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1966 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel in-store).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.18½	$0.15¼	Minneapolis—No. 1 DNS ($1.56) 115 percent +$0.15¼; $1.95½. Portland—No. 1 SW ($1.46) 115 percent +$0.15¼; $1.83¼. Kansas City—No. 1 HRW ($1.43) 115 percent +$0.15¼; $1.80¼. Chicago—No. 1 RW ($1.49) 115 percent +$0.15¼; $1.87¼.

D. *Availability Information.* Contact Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at end of this sales list.

Export.

A. CCC will sell limited quantities of Hard Red Winter wheat at west coast ports at domestic market price levels with payment to be made in export commodity certificates under Announcement GR-345 (Revision III, July 6, 1962, as amended) as follows:

(1) Notice of foreign sale made subsequent to the purchase of wheat from CCC must be furnished CCC within 5 calendar days after purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

B. CCC will sell wheat for export under Announcement GR-261 (Revision III, Jan. 9, 1961, as amended and supplemented) with payment to be made in Export Commodity Certificates and subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold only to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

(3) All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966. However, CCC-owned wheat will not be sold for barter at west coast ports nor will evidence of export at west coast ports be acceptable under a sale for barter.

C. Announcement GR-262 (Revision II, Jan. 9, 1961, as amended) for export as flour as follows: All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966. However, sales for barter will not be made at west coast ports nor will evidence of export from west coast ports be acceptable under a sale for barter pursuant to this announcement.

D. CCC will not sell wheat under Announcement GR-346 until further notice.

E. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than 115 percent of the applicable 1966 price-support loan rate for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price support rate[2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel In-Store[1] basis No. 2 Yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store received by—	Examples
Truck	
$0.13¼	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.01+$0.03) 115 percent +$0.13¼; $1.33¼. Agricultural Act of 1949; stat. minimums: McLean County, Ill. ($1.01+$0.19 +$0.03); 105 percent +$0.13¼; $1.43¼.

D. *Availability information.* For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS Grain Offices shown at the end of this sales list.

Export.

Corn from CCC inventory is not available for export sale.

GRAIN SORGHUM (BULK)

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than 115 percent of the applicable 1966 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storage grain sorghum as CCC may designate as general sales will be made during

See footnotes at end of document.

the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate[1] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.24	$0.18¼	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.50) 115 percent +$0.24; $1.97. Kansas City, Mo. (ex-rail) ($1.78) 115 percent +$0.18¼; $2.23¾. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.50+$0.34); 105 percent +$0.24; $2.18. Kansas City, Mo. (ex-rail) ($1.78+$0.34); 105 percent +$0.18¾; $2.41¼.

D. *Availability information.* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of this unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961) for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966, and to approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of barley as CCC may designate will be in redemption of rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than 115 percent of the applicable 1966 price-support loan rate for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable barley as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate[2] (published loan rate plus 13 cents per bushel) for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section, applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17¾	$0.13¼	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. ($0.76) 115 percent +$0.17¾; $1.05¾. Minneapolis, Minn. (ex-rail) ($0.99) 115 percent +$0.13¼; $1.29¼. Agricultural Act of 1949; statutory minimums: Cass County, N. Dak. ($0.76+$0.13); 105 percent +$0.17¾; $1.11¾. Minneapolis Minn. (ex-rail) ($0.99 +$0.13); 105 percent +$0.13¼; $1.33¼.

D. *Availability information.* For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Kansas City, Evanston, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of this unrestricted use section for barley. Sales will be made pursuant to the following announcements.

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to appoved CCC credit sales.

C. *Available.* Kansas City, Evanston, and Minneapolis ASCS grain offices.

OATS, BULK

Unrestricted use.

A. Market price, as determined by CCC, but not less than 115 percent of the applicable 1966 price-support rate[2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store[1] basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.16¾	Redwood County, Minn. ($0.56+$0.03 quality differential); 115 percent +$0.16¾; $0.84¾.

C. *Nonstorable.* At not less than the market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through the ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to barter contracts and to approved CCC credit sales.

C. *Available.* Kansas City, Evanston, Minneapolis, and Portland ASCS grain offices.

RYE BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent[2] of the applicable 1966 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.18½	$0.15¼	Rolette County, N. Dak. ($0.89); 105 percent +$0.18½; $1.12½. Minneapolis, Minn. (ex-rail) ($1.23); 105 percent +$0.15¼; $1.45¼.

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. *Available.* Evanston, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1966 loan rate plus 5 percent, plus 37 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR–369 (Revision III, as amended), Rice Export Program—and under GR–379 (Revision I), for approved credit sales.

Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the current loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at the current market price for such cotton at time of delivery, which shall be the highest price offered but not less than the minimum determined by CCC, and in no event at less than the loan rate for such cotton at time of delivery.

Export.

CCC disposals for barter (1966–67 marketing year). Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export Under the Barter Program) and NO–C–31 (described above), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO–C–6 (Revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC sales for export.* Competitive offers under the terms and conditions of Announcements CN–EX–22 (Extra Long Staple Cotton Export Program) and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

B. *CCC credit sales and barter.* Competitive offers under the terms and conditions of Announcements CN–EX–26 (Purchase of Extra Long Staple Cotton for Export Under the Export Credit Sales Program), or CN–Extra Long Staple Cotton for Export Under EX–27 (Acquisition of Extra Long Staple Cotton for Export Under the Barter Program), and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

Availability Information. Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED

A. *Domestic crushing or export.*

1. Shelled peanuts of less than U.S. No. 1 grades may be purchased for foreign or domestic crushing.

2. U.S. Medium—Virginia type—for export.

3. Terms and conditions of sales as set forth in Peanut Announcement PR–1 effective July 1, 1966, Amendment 1, and the lot list.

B. When stocks of any of the above categories are available in their area of responsibility, weekly lot lists are issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

All sales are made on the basis of competitive bids submitted each Wednesday to the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

TUNG OIL

Domestic or export.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitation to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–3, effective September 26, 1966, and the applicable Invitation to Bid, and any amendments or revisions thereof.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS. Telephone Washington, D.C., area code 202, DU 8–3901.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price but not less than the applicable 1966 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1]).*

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents $0.20	*Cents* $0.15½	Minneapolis..	No. 1.....	$3.45

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

Export.

A. Announcement PS–GR–4, Revision 1, as amended, dispositions of flaxseed, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales. Such sales will be at the domestic market price as determined by CCC less the applicable export payment allowance. The flaxseed to be exported shall be No. 2 grade, or better.

C. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

LINSEED OIL, RAW (BULK)

Export.

Under Announcement PS–GR–4, Revision 1, as amended, dispositions of raw linseed oil, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Commodity Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 21.60 cents per pound.

Export.

Competitive bid, under MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and approved CCC credit.

Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 74 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 73.25 cents per pound—Washington, Oregon, and California. All other States 73 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and CCC credit.

Any butter offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP–14: 49.1 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 48.1 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitation to bid to be issued by Minneapolis, ASCS Commodity Office. Announced prices under MP–10. Sales under this announcement may be made for application to CCC credit.

Any cheese offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

FOOTNOTES

[1] The formula price delivery basis for bin site sales will be f.o.b.

[2] To compute, multiply applicable support price by 105% or the price support loan rate by 115, as indicated, round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight and handling charges.

See footnotes at end of document.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway, Post Office Box 205, Kansas City, Mo. 64141. Telephone: Emerson 1-0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export), California (domestic only).

Branch Office—Evanston ASCS Branch Office, 2201 Howear Street, Evanston, Ill. 60202. Telephone: Long Distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.).

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: 226-3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 334-3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: 527-7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y. 10013. Telephone: 264-8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: 556-6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on March 31, 1967.

R. P. BEACH,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-3718; Filed, Apr. 4, 1967; 8:48 a.m.]

CIVIL SERVICE COMMISSION

PHARMACISTS IN CALIFORNIA

Notice of Adjustment of Minimum Rates and Rate Ranges

1. Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum salary rates and rate ranges for Pharmacist, GS-660, in grades 5 through 11, in the State of California.

a. The revised rate ranges are as follows:

PER ANNUM RATES

Grade	1*	2	3	4	5	6	7	8	9	10
GS-5	$6,387	$6,563	$6,739	$6,915	$7,091	$7,267	$7,443	$7,619	$7,795	$7,971
GS-6	7,055	7,253	7,451	7,649	7,847	8,045	8,243	8,441	8,639	8,837
GS-7	7,729	7,942	8,155	8,368	8,581	8,794	9,007	9,220	9,433	9,646
GS-8	8,478	8,713	8,948	9,183	9,418	9,653	9,888	10,123	10,358	10,593
GS-9	9,262	9,523	9,784	10,045	10,306	10,567	10,828	11,089	11,350	11,611
GS-10	9,573	9,861	10,149	10,437	10,725	11,013	11,301	11,589	11,877	12,165
GS-11	9,851	10,166	10,481	10,796	11,111	11,426	11,741	12,056	12,371	12,686

*Corresponding statutory rate: GS-5—Seventh; GS-6—Seventh; GS-7—Seventh; GS-8—Seventh; GS-9—Seventh; GS-10—Fifth; GS-11—Third.

2. Geographic coverage: State of California.

3. The effective date will be the first day of the first pay period which begins on or after April 9, 1967.

4. All new employees in the specified occupational levels will be hired at the new minimum rates.

5. As of the effective date, agencies concerned will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range, shall receive compensation at the corresponding numbered rate authorized by this notice on or after such date.

6. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-3809; Filed, Apr. 4, 1967; 10:45 a.m.]

FARM CREDIT ADMINISTRATION

[Order No. 714]

DEPUTY GOVERNOR AND DIRECTOR OF COOPERATIVE BANK SERVICE

Delegation of Authority and Order of Precedence

MARCH 30, 1967.

1. Noel G. Stocker, Deputy Director of Cooperative Bank Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Cooperative Bank Service in the event that the Deputy Governor and Director is unavailable to act by reason of absence or for any other cause.

2. Earl R. Kittredge, Loan and Operations Officer, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Cooperative Bank Service in the event that the Deputy Governor and Director and Deputy Director Stocker are unavailable to act by reason of absence or for any other cause.

3. Samuel E. Davis, Loan and Operations Officer, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Cooperative Bank Service in the event that the Deputy Governor and Director, Deputy Director Stocker, and Loan and Operations Officer Kittredge are unavailable to act by reason of absence or for any other cause.

4. This order shall be and become effective on the date above written and supersedes Farm Credit Administration Order No. 685 (26 F.R. 114).

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 67-3696; Filed, Apr. 4, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

VELSICOL CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0568) has been filed by Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611, proposing the establishment of a tolerance of 1 part per million for residues of the herbicide dicamba (3,6-dichloro-o-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-o-anisic acid in or on grain sorghum.

The analytical method proposed in the petition for determining residues of dicamba and its metabolite is an electron-capture gas chromatographic technique.

Dated: March 28, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3724; Filed, Apr. 4, 1967; 8:48 a.m.]

Social Security Administration

GUYANA

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that Guyana, which became an independent nation on May 26, 1966, does not have a social insurance or pension system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Guyana, who leave Guyana, are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Guyana does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

Dated: March 22, 1967.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: March 25, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-3728; Filed, Apr. 4, 1967; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17157, 17158; FCC 67M-533]

LEE BROADCASTING CORP. AND MINNESOTA-IOWA TELEVISION CO.

Memorandum and Order Continuing Hearing

In re applications of Lee Broadcasting Corp., Austin, Minn., Docket No. 17157, File No. BPH-5438; Minnesota-Iowa Television Co., Austin, Minn., Docket No. 17158, File No. BPH-5516; for construction permits.

At the prehearing conference held on February 28, 1967, counsel for the applicants announced that applicants were engaged in negotiations looking toward settlement of their mutually exclusive applications. The Examiner ruled that the hearing date then scheduled would not be changed and that on that date hearing would convene and the parties would at that session either announce that a pleading looking toward settlement of their conflict had been filed or, in the alternative, be prepared to go to hearing. Hearing convened on March 29, 1967, and counsel for applicants announced that on March 28, 1967, a petition looking toward settlement had been filed. The Examiner then stated that he would take the action set forth below:

It is ordered, This 29th day of March 1967, that hearing in this proceeding is continued until such time as the Review Board acts on the joint request for approval of agreement relating to dismissal of application of Lee Broadcasting Corp. and grant of application of Minnesota-Iowa Television Co.

Released: March 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3705; Filed, Apr. 4, 1967; 8:46 a.m.]

[Docket No. 17171; FCC 67M-534]

VALLEY-VISION, INC.

Memorandum of Rulings Continuing Hearing

In the matter of cease and desist order to be directed against Valley-Vision, Inc., owner and operator of a community antenna television system at Placerville, Calif., Docket No. 17171.

In order to formalize and publicize oral rulings made in the further prehearing conference held this date which: (1) Granted the "Petition for Continuance" filed March 28, 1967, by Valley-Vision, Inc., requesting that the commencement of hearing be continued from April 3 to April 5, 1967; and (2) granted the oral request made on the record by counsel for Kelly Broadcasting Co. for a further continuance of the hearing from April 5 to April 7, 1967, to the extent of further extending the continuance date to April 6 but otherwise denying said oral request;

It is ordered, This 29th day of March 1967, that the "Petition for Continuance" of the hearing from April 3 to April 5, 1967, filed by Valley-Vision, Inc., on March 28, 1967, is granted; that the above-mentioned oral request of Kelly Broadcasting Co. for a further continuance of the hearing from April 5 to April 7, 1967, is granted to the extent of continuing the hearing until April 6, 1967, and is otherwise denied; and that the hearing heretofore scheduled to commence on April 3, 1967, is continued to April 6, 1967, at 10 a.m., in the offices of the Commission at Washington, D.C.[1]

Released: March 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3706; Filed, Apr. 4, 1967; 8:47 a.m.]

[1] There was insufficient time to issue any formal notice of the convening of the further prehearing conference held on Mar. 29, 1967. The reasons for the Examiner's rulings will be found in the reporter's transcript of this further prehearing conference.

FEDERAL MARITIME COMMISSION

HAMBURG AMERIKA LINIE/NORDDEUTSCHER LLOYD AND UNITED STATES LINES

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 Seventeenth Street NW., Washington, D.C. 20006.

Agreement 9326-1, between Hamburg Amerika Linie/Norddeutscher Lloyd and United States Lines, Inc., modifies the basic agreement (1) by broadening its geographic scope to include all ports in Europe and U.S. Atlantic Coast ports, and (2) by adding to its objectives the promotion of more efficient steamship service and encouragement of the expansion of commerce and trade. This sailing agreement presently covers the trade between U.S. Atlantic Coast ports and ports in the Federal Republic of Germany (between the northern border of the Netherlands and the Elbe River).

Dated: March 30, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-3729; Filed, Apr. 4, 1967; 8:49 a.m.]

HAMBURG AMERIKA LINIE/NORDDEUTSCHER LLOYD AND UNITED STATES LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Mari-

time Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 Seventeenth Street NW., Washington, D.C. 20006.

Agreement 9524–1, between Hamburg Amerika Linie/Norddeutscher Lloyd and United States Lines, Inc., modifies the basic agreement to broaden its geographic scope to include all ports in Europe and all U.S. Atlantic coast ports. The basic agreement presently provides for the operation of the parties between Hamburg/Antwerp range ports and U.S. North Atlantic ports in the Hampton Road/Portland, Maine, Range.

Dated: March 30, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-3730; Filed, Apr. 4, 1967; 8:49 a.m.]

MATSON NAVIGATION CO. AND NIPPON YUSEN KAISHA

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Norman Scott, Executive Vice President, Matson Navigation Co., 215 Market Street, San Francisco, Calif. 94105.

Agreement 9626, titled "Basic Shoreside Container Service Agreement," wherein Matson and NYK agree to "inaugurate, expand efficiently and conduct by joint efforts complete shoreside container services in Japan [and the Pacific Coast of North America] for the parties' container vessels operated between the Pacific Coast of North America * * * and Japan". In order to accomplish this objective, Matson and NYK have (1) agreed to exchange technological information acquired through the experience of each in the course of their respective operations; (2) reached an understanding as to the use of facilities and services at container piers, yards and freight stations in Japan and on the Pacific coast of North America by NYK and Matson container vessels; (3) agreed that NYK will organize and maintain in its head office a container coordination section; (4) agreed that NYK shall establish a Japanese corporation under the name of Nippon Container Terminals Co., Ltd., to develop and manage in an efficient and prudent manner container piers, yards, and services necessary for a container terminal operation in Japan; (5) agreed that NYK will use its best efforts to promote this venture on behalf of both lines in any necessary representations to the Japanese Government.

Dated: March 30, 1967.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-3731; Filed, Apr. 4, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-103]

PENNSYLVANIA GAS AND WATER CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Continuance of Hearing

MARCH 29, 1967.

Pennsylvania Gas and Water Co., Applicant, Transcontinental Gas Pipe Line Corp., Respondent; Docket No. CP67-103.

Take notice that the hearing in the above-numbered docket now set to begin on April 4, 1967, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., is hereby continued to May 4, 1967, at 10 a.m., e.d.s.t.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3684; Filed, Apr. 4, 1967; 8:45 a.m.]

[Docket No. CP67-273]

SHENANDOAH GAS CO.

Notice of Application

MARCH 28, 1967.

Take notice that on March 22, 1967, Shenandoah Gas Co. (Applicant), 1100 H Street NW., Washington, D.C. 20005, filed in Docket No. CP67-273 an application pursuant to section 7(b) and section 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities in Berkeley County, W. Va., and for authorization to construct and operate certain other facilities for the transportation and sale of natural gas to an industrial customer in Berkeley County, W. Va., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval pursuant to section 7(b) of the Act to abandon 200 feet of 2-inch I.C. steel pipe together with existing regulators and metering equipment which is part of Applicant's 800-foot lateral extension from its main transmission line to Continental Clay Products Co. (Continental) in Berkeley County, W. Va.

Pursuant to section 7(c) of the Act, Applicant requests authorization to construct and operate 1,500 feet of 4-inch I.D. steel pipeline with necessary metering and regulating facilities extending from its main transmission line to Continental.

The total estimated cost of the proposed facilities is $17,000, which cost will be financed through open account advances by Applicant's parent, Washington Gas Light Co.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 26, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission-and-approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3685; Filed, Apr. 4, 1967; 8:45 a.m.]

[Docket No. CP60-14]

UNITED GAS PIPE LINE CO.

Notice of Petition To Amend

MARCH 29, 1967.

Take notice that on March 23, 1967, United Gas Pipe Line Co. (Petitioner), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP60-14 a petition to amend the order issued by the Commission August 11, 1960, as amended December 17, 1962, and June 25, 1964, by authorizing Petitioner to increase the delivery of natural gas to Escambia Chemical Corp. (Escambia) to 36,000 Mcf per day, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The above-mentioned order, as amended, authorized Petitioner to construct and operate certain natural gas facilities and to deliver volumes of natural gas to, among others, Escambia in volumes not to exceed 30,500 Mcf of natural gas per day.

Petitioner now seeks authorization to increase the deliveries of natural gas to Escambia from the previous limit of 30,500 Mcf of natural gas per day to a total maximum daily delivery of 36,000 Mcf of natural gas. Petitioner states that it has entered into an amendatory agreement with Escambia dated March 8, 1967, which is simultaneously being filed as a part of Petitioner's I.C. No. 580, for the additional quantities of natural gas for which authorization is being sought in the instant filing. Petitioner advises that no new facilities will be necessary to deliver the increased quantity of natural gas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 26, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3686; Filed, Apr. 4, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 24, Amdt. 2]

SAN FRANCISCO MOVERS TARIFF BUREAU

Application for Approval of Amendment to Agreement

MARCH 31, 1967.

The Commission is in receipt of a section 5a application in the above-entitled proceeding for approval of an amendment to the agreement therein approved.

Filed: February 13, 1967, as revised March 17, 1967.

By: William M. Larimore, Agent, San Francisco Movers Tariff Bureau, 260 California Street, San Francisco, Calif. 94111.

The Amendment involves: A change in the agreement so as to (1) revise the member voting procedures on proposals to permit affected members the option of voting by mail, (2) revise the basis for compensating the Bureau Agent for his services, (3) revise the schedules of fees, dues, and charges applicable to member carriers, and (4) establish charges relating to Bureau Applications for both members and nonmembers.

The amendment is docketed and may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3710; Filed, Apr. 4, 1967; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 31, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40964—*Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 113), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 9 to Central States Motor Freight Bureau, Inc., agent, tariff MF-ICC 1198.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3711; Filed, Apr. 4, 1967; 8:47 a.m.]

[Notice 440]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 31, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 366), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed March 20, 1967. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and California Highway 14 (North Palmdale Junction), over California Highway 14 to junction unnumbered highway (Vincent Junction), and (2) from Palmdale, Calif., over California Highway 14 to junction unnumbered highway (Vincent Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction U.S. Highway 395 and the Nevada-California State line over U.S. Highway 395 to junction unnumbered highway (Brown Junction), thence over unnumbered highway to Inyokern, thence over California Highway 178 to junction California Highway 14 (Inyokern Junction), thence over California Highway 14 to junction unnumbered highway (North Palmdale Junction), thence over unnumbered highway to junction California Highway 14 (Vincent Junction), thence over California Highway 14 to junction unnumbered highway east of Saugus (North Saugus Road Junction), thence over unnumbered highway to Saugus. (Connects with Nevada Route 2), and return over the same route.

No. MC 1515 (Deviation No. 367), GREYHOUND LINES, INC. (Eastern

Division), 1400 West Third Street, Cleveland, Ohio 44113, filed March 21, 1967. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Columbus, Ohio, over Interstate Highway 71 to junction Interstate Highway 271 (near Medina, Ohio), thence over Interstate Highway 271 to junction Interstate Highway 90 (in Willoughby Hills, Ohio), thence over Interstate Highway 90 to junction Pennsylvania Highway 97, thence over Pennsylvania Highway 97 to Erie, Pa., and (2) from Akron, Ohio, over Ohio Highway 8 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Interstate Highway 90 (in Willoughby Hills, Ohio), thence over Interstate Highway 90 to junction Pennsylvania Highway 97, thence over Pennsylvania Highway 97 to Erie, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Cleveland, Ohio, over U.S. Highway 20 via Painesville and Geneva, Ohio, to Erie, Pa., (2) from Cleveland, Ohio, over Ohio Highway 176 to junction Rockside Road, thence over Rockside Road to junction U.S. Highway 21, thence over U.S. Highway 21 to junction Ohio Highway 176, thence over Ohio Highway 176 to junction Ohio Highway 18, thence over Ohio Highway 18 to Akron, Ohio, (3) from Akron, Ohio, over Ohio Highway 5 to Wooster, Ohio, thence over Ohio Highway 3, to Columbus, Ohio, (4) from Cleveland, Ohio, over U.S. Highway 42 to Delaware, Ohio, thence over U.S. Highway 23 to Columbus, Ohio, and (5) from Sunbury, Ohio, over Ohio Highway 61 to Mount Gilead, Ohio, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3712; Filed, Apr. 4, 1967; 8:47 a.m.]

[Notice 361]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 31, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC-3009 (Sub-No. 74 TA) (Correction), filed March 17, 1967, published in FEDERAL REGISTER, issue of March 25, 1967, and republished as corrected this issue. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Post Office Box 1569, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis, 706 East Pine Street, Post Office Box 1569, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, with the usual exceptions, between Memphis, Tenn. (except that part of the commercial zone of Memphis, Tenn., lying west of the Mississippi River), and Raleigh, Miss., serving no intermediate points: (1) From Memphis over U.S. Highway 51 to Vaiden, Miss., thence over Mississippi Highway 35 to Raleigh, and return over the same route; (2) from Memphis over Interstate Highway 55 to Vaiden, Miss., thence over Mississippi Highway 35 to Raleigh, and return over the same route. Between Vaiden, Miss., and Jackson, Miss., serving no intermediate points and serving Jackson and Vaiden for purposes of joinder only: (1) From Vaiden, Miss., to Jackson, Miss., over Interstate Highway 55 and return over the same route; (2) from Vaidcn, Miss., to Jackson, Miss., over U.S. Highway 51 and return over the same route. Between Memphis, Tenn., and Meridian, Miss., serving no intermediate points: From Memphis over U.S. Highway 78 to Tupelo, Miss., thence over U.S. Highway 45W to Meridian and return over the same route. The routes between Vaiden, Miss., and Jackson, Miss., and the route between Memphis, Tenn., and Meridian, Miss., are all alternate routes for operating convenience only in connection with the service route authority sought between Memphis, Tenn., and Raleigh, Miss., but all of the authority sought, both service and alternate routes, are to be tacked to all authority presently held under applicant's existing certificates. Restriction: The authorities sought herein will be restricted:

(1) To traffic received from other common carriers by motor, rail, or water, at Memphis, Tenn., and delivered by West Bros., Inc., to Brookhaven, Columbia, Jackson, McComb, Meridian, and Tylertown, Miss., New Orleans, La., and Mobile, Ala., and their commercial zones; (2) to traffic originated at Memphis, Tenn., by West Bros., Inc., and interchanged to other carriers with final destinations at Brookhaven, Columbia, Jackson, McComb, Meridian, and Tylertown, Miss., New Orleans, La., and Mobile, Ala. and their commercial zones; (3) to traffic originated by West Bros., Inc., at Brookhaven, Columbia, Jackson, McComb, Meridian, and Tylertown, Miss., New Orleans, La., and Mobile, Ala., and their commercial zones and interchanged to other connecting common carriers by motor, rail, or water at Memphis, Tenn.; (4) to traffic originated at Brookhaven, Columbia, Jackson, McComb, Meridian, and Tylertown, Miss., New Orleans, La., and Mobile, Ala. and their commercial zones, by other connecting common carriers and interchange to West Bros., Inc., for final delivery in Memphis, Tenn.; (5) to traffic received from other common carriers by motor, rail, or water at Memphis, Tenn., Jackson and Meridian, Miss., New Orleans, La., and Mobile, Ala., for 180 days.

Supporting shippers: A & H Truck Line, Inc., 1111 Louisiana Street, Evansville, Ind.; Beard Truck Line, Box 276, Sardis, Miss.; Gay Truck Line, Falkner, Miss.; Lee American Freight System, Inc., Commerce Building, St. Louis, Mo.; Merchants Truck Line, Inc., New Albany, Miss.; Mid-South Transports, Inc., Post Office Box 2854, Desoto Station, Memphis, Tenn.; Phillips Truck Line, 773 East Street, Memphis, Tenn.; Pic-Walsh Freight Co., 731 Campbell Avenue, St. Louis, Mo.; Pulaski Highway Express, Inc., 640 Hamilton Avenue, Nashville, Tenn.; Rebel Motor Freight, Inc., Post Office Box 6106, Memphis, Tenn.; Robinson Freight Lines, Post Office Box 6027, Memphis, Tenn.; Robinson Truck Line, 240 South Orleans Street, Memphis, Tenn.; St. John Truck Lines, Byhalia, Miss.; Sartain Truck Line, Post Office Box 3777, Memphis, Tenn.; Shumpert Truck Line, Amory, Miss.; Western Gillette, Inc., 3086 Carrier, Memphis, Tenn. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 312A U.S. Post Office Building, Jackson, Miss. 39201. NOTE: The purpose of this republication is to show the correct address of the District Supervisor.

No. MC 114239 (Sub-No. 18 TA), filed March 29, 1967. Applicant: FARRIS TRUCK LINE, Faucett, Mo. 64448. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials* in bulk, in bags and/or in mixed shipments of bulk and bags; and (2) *pesticides and herbicides* in containers, between the plantsite of W. R. Grace & Co., at or near Atlas, Mo., on the one hand, and, on the other, points in Oklahoma, Kansas, Texas, Nebraska, Iowa, Arkansas, Kentucky, Tennessee, and Illinois, for 150 days. Supporting shipper: W. R. Grace & Co., Post Office Box 1406, Joplin, Mo. 64801. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128947 (Sub-No. 1 TA), filed March 27, 1967. Applicant: CLEVELAND BULK TRANSFER, INC., Post Office Box 1770, Cleveland, Ohio 44105. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile bodies*, wrecked or scrapped, not on their own wheels, and not bundled, for remelting purposes, (1) from points in Ohio to Detroit, Mich., and its commercial zone and (2) from ports of entry on the international boundary line between the United States and Canada located at or near Port Huron and Detroit, Mich., to Detroit and points in its commercial zone, under a continuing contract with Luria Bros. & Co., Inc., for 180 days. Supporting shipper: Luria Bros. & Co., Inc., New York City, N.Y. Send protests to: District Supervisor Baccel, Interstate Commerce Commission, Bureau of Operations and Compliance, 435 Federal Building, Cleveland, Ohio 44114.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3713; Filed, Apr. 4, 1967; 8:47 a.m.]

[Notice 1043]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 31, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 64932 (Sub-No. 430) (Republication), filed March 15, 1967, published FEDERAL REGISTER issue of March 30, 1967, and republished, this issue. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles, from Zeeland, Mich., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: April 24, 1967, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 103435 (Sub-No. 189) (Republication), filed July 20, 1966, published FEDERAL REGISTER issue of August 25, 1966, and republished this issue. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane, Wash. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. By application filed July 20, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cheyenne, Wyo., and Boise, Idaho, over U.S. Highway 30 and Interstate Highway 80N, serving no intermediate points, and serving the termini for purposes of joinder only, as an alternate route for operating convenience only; restricted against the transportation of traffic moving to or from points on applicant's presently authorized routes south of junction U.S. Highway 410 and U.S. Highway 395, located at or near Wallula, Wash. An order of the Commission, Operating Rights Board No. 1, dated March 9, 1967, and served March 24, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment).

(1) Between Cheyenne, Wyo., and Boise, Idaho, over U.S. Highway 30 (Interstate Highway 80N); and (2) between junction U.S. Highways 95 and 30 and junction U.S. Highways 395 and 410; from junction U.S. Highways 95 and 30 at or near Fruitland, Oreg., over U.S. Highway 30 (Interstate Highway 80N) to junction U.S. Highway 395, thence over U.S. Highway 395 to junction U.S. Highway 410 at or near Wallula, Wash., and return over the same routes, serving no intermediate points, as alternate routes for operating convenience only in (1) and (2) above, in connection with applicant's presently authorized regular-route operations, restricted (1) to the transportation of traffic moving between Denver, Colo., on the one hand, and, on the other, the junction of U.S. Highways 395 and 410 at or near Wallula, Wash., and (2) against the transportation of traffic moving to, from, or through Portland, Oreg.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 109612 (Sub-No. 11) (Republication), filed April 28, 1966, published FEDERAL REGISTER issue of May 19, 1966, and republished, this issue. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. 46204. By application filed April 28, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) glass containers, stoppers, caps, lids, labels, and knocked-down paper cartons in straight or mixed truckloads of 15,000 pounds or more, from Muncie, Ind., to points in that part of Illinois south of U.S. Highway 50; and glass containers, stoppers, caps, lids, labels, and knocked-down paper cartons, from Muncie, Ind., to points in that part of Illinois on and north of U.S. Highway 50, and rejected shipments, on return; (2) glass containers of 1 gallon or less capacity, and caps, lids, labels, and cartons, from the plantsites and warehouses of Anchor Hocking Glass Corp. at Winchester and Richmond, Ind., to points in Illinois, St. Louis, Mo., and Milwaukee, Wis., and returned shipments, empty pallets and skids, on return; (3) glass containers, caps, lids, enclosures, and materials and supplies used in their manufacture (except such materials and supplies in bulk), between Chicago, Joliet, and Mundelein, Ill., on the one hand, and, on the other, points in Indiana, except Terre Haute, Ind.; and, between Muncie, Ind., on the one hand, and, on the other, points in Illinois.

Restricted to traffic originating at or destined to a plantsite or warehouses of the Ball Bros. Co., (4) glass containers, from the plantsite of Anchor Hocking Glass Corp. at Winchester, Ind., to points in Kentucky, Michigan, and Ohio conditioned upon a corresponding grant of authority in No. MC 115066 (Sub-No. 9); (5) glass containers, 1 gallon or less in capacity, from the plantsite of Anchor Hocking Glass Corp. at Winchester, Ind., to Oconomowoc and Racine, Wis., and returned shipments, on return; and (6) glass containers, from the plantsite of Ball Bros. Co. at Mundelein, Ill., to points in Ohio and the Lower Peninsula of Michigan, those points in Wisconsin on and south of U.S. Highway 18, and to

Watertown and Clyman, Wis.; Ashland, Maysville, Covington, Carrollton, Louisville, Owensboro, Henderson, and Paducah, Ky., and to Hannibal, St. Louis, Crystal City, Cape Girardeau, and Caruthersville, Mo., with service at said Kentucky and Missouri points restricted against service at those areas of the respective commercial zones of the named points that are not within the same states as the authorized service point; restricted, in each instance, to traffic originating at and destined to the points indicated above, and subject to the further condition that issuance of the authority sought in part (4) hereof be conditioned upon the prior grant of common or contract carrier authority in No. MC 115066 (Sub-No. 9).

A supplemental order of the Commission, Operating Rights Board No. 1, dated March 9, 1967, and served March 24, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *glass containers, container closures, labels, and knocked-down paper cartons,* from Muncie, Ind., to points in that part of Illinois on and south of U.S. Highway 50; and *glass containers, container closures, labels, and knocked-down paper cartons,* from Muncie, Ind., to points in that part of Illinois on and north of U.S. Highway 50, and *returned shipments,* on return; (2) *glass containers, and container closures, labels, and cartons,* from the plantsites and warehouses of Anchor Hocking Glass Corp. at Winchester and Richmond, Ind., to points in Illinois and to St. Louis, Mo., and Milwaukee, Wis., and *returned shipments, empty pallets, and skids,* on return; (3) *glass containers, container closures, and materials and supplies* used in their manufacture (except such commodities in bulk), (a) between Chicago, Joliet, and Mundeleine, Ill., on the one hand, and, on the other, points in Indiana (except Terre Haute, Ind.); and (b) between Muncie, Ind., on the one hand, and, on the other, points in Illinois; restricted to the transportation of traffic originating at or destined to a plantsite or warehouse of the Ball Bros. Co.

(4) *Glass containers,* from the plantsite of Anchor Hocking Glass Corp., at Winchester, Ind., to Oconomowoc and Racine, Wis., and *returned shipments,* on return; and (5) *glass containers,* from the plantsite of Ball Bros. Co. at Mundelein, Ill., to points in Ohio and the Lower Peninsula of Michigan, to those points in Wisconsin on and south of U.S. Highway 18, and to Watertown and Clyman, Wis.; to Ashland, Maysville, Covington, Carrollton, Louisville, Owensboro, Henderson, and Paducah, Ky., and to Hannibal, St. Louis, Crystal City, Cape Girardeau, and Caruthersville, Mo., with service at said Kentucky and Missouri points restricted against service at those areas of the respective commercial zones of the named points that are not within the same States as the authorized service point.

Restricted, in each instance to the transportation of traffic originating at the named origin points and destined to the named destination points as indicated above; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate certificate authorizing such operations should be issued upon receipt from applicant of a written request for the coincidentally cancellation of its outstanding permits in MC 115066, and Sub Nos. 3, 5, 6, and 8, dated November 7, 1961, May 6, 1963, March 31, 1964, June 24, 1966, and April 29, 1966, respectively. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 107475 (Sub-No. 62), filed March 15, 1967. Applicant: DANCE FREIGHT LINE, INC., 245 New Circle Road, Lexington, Ky. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carrier of Household Goods,* 17 M.C.C. 467, commdities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (a) between points in Greenville County, S.C., (b) between points in Greenville County, S.C., and points in South Carolina, and (c) from points in Charleston County, S.C., to points in Abbeville, Anderson, Cherokee, Greenwood, Laurens, Oconee, Pickens, Spartanburg, and Union Counties, S.C., (2) *cotton piece goods,* finished and unfinished, and *empty oil drums,* from points in Cherokee, Spartanburg, and Union Counties, S.C., to points in Charleston County, S.C., and (3) *canned goods,* from points in South Carolina to points in Abbeville, Anderson, Cherokee, Greenwood, Laurens, Oconee, Pickens, Spartanburg, and Union Counties, S.C. NOTE: Applicant states that joinder would take place at Greenville, S.C. to enable service to and from points in South Carolina in conjunction with applicant's existing service in the States of Ohio, Kentucky, North Carolina, South Caroline, Georgia, and Tennessee. This application is directly related to MC–F 9701, published FEDERAL REGISTER issue of March 22, 1967. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Columbia, S.C., or Columbus, Ohio.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9698. (Correction) (TRUCK TRANSPORT, INC.—Purchase (Portion)—CLEXTEX TRUCKING, INC.), published in the March 22, 1967, issue of the FEDERAL REGISTER, on page 4387. Notice erroneously stated the name of the vendor. The correct name of the vendor is CLETEX TRUCKING, INC., in lieu of CLEXTEX TRUCKING, INC.

No. MC–F–9710. Authority sought for purchase by J. B. MONTGOMERY, INC., 5151 Brighton Boulevard, Denver, Colo. 80216, of the operating rights of GREAT WESTERN PACKERS EXPRESS, INC., Box 16886, Denver, Colo., and for acquisition by Rober C. Thorslund, 5120 Fair Elm, Western Springs, Ill., of control of such rights through the purchase. Applicants' attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Operating rights sought to be transferred: *Fresh, frozen, or dried fruits and vegetables,* as a *common carrier* over regular routes, from Yuma, Ariz., to Denver, Colo., serving certain intermediate points, with restrictions; *meats, meat products, and meat byproducts and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and *dairy products,* over irregular routes, from certain specified points in Colorado to certain specified points in Arizona, from certain specified points in Colorado to Ehrenberg and Topock, Ariz.; *meats, meat products, and meat byproducts and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Denver, Colo., to points in Arizona, except Tucson, Phoenix, and Prescott, Ariz., and except points in that part of Arizona on and east of U.S. Highway 89 and on and north of U.S. Highway 66; and *dairy products and vegetable food products,* from points in Colorado east of the Continental Divide, to points in Arizona. Vendee is authorized to operate as a *common carrier* in Illinois, Connecticut, Colorado, Delaware, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, Missouri, Arizona, California, Nevada, Utah, New Mexico, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9711. Authority sought for purchase by BRAZOS TRANSPORT CO., East Highway 80, Post Office Drawer 2679, Abilene, Tex. 79604, of a portion of the operating rights of MELTON TRUCK LINES, INC., 1129 Grimmett Drive, Post Office Box 7295, Shreveport, La. 71107, and for acquisition by OIL TRANSPORT COMPANY, also of Abilene, Tex., of control of such rights through the purchase. Applicants' attorney: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Operating rights sought to be transferred: *Building, roofing and insulating materials, and gypsum and gypsum products,* as a *common carrier* over irregular routes from the plantsite of the National Gypsum Co. located at or near Medicine Lodge, Kans., to points in Arkansas. Vendee is authorized to operate as a *common carrier* in Texas, Arkansas, Louisiana, New Mexico, and Oklahoma. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9712. Authority sought for control by TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Interstate Business Route 44, Joplin, Mo. 64802, of HUGHES TRANSPORTATION, INC., Post Office Box 851, Charleston, S.C., and for acquisition by GEORGE F. BOYD, also of Joplin, Mo., JACK D. MERRIMAN, 301 Commerce Building, Kansas City, Mo., EARL L. COMBEST, 15 West 10th Street, Kansas City, Mo. and X. O. BUNCH, JR., Post Office Box 851, Charleston, S.C., of control of HUGHES TRANSPORTATION, INC., through the acquisition by TRI-STATE MOTOR TRANSIT CO. Applicants' attorneys: Frank B. Hand, 1345 Pennsylvania Ave. NW., Washington, D.C. 20004, and Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Operating rights sought to be controlled: *Ammunition and explosives,* as a *common carrier,* over irregular routes, from Charleston, S.C., to points in North Carolina, South Carolina, and Georgia, except Savannah, Ga., from Savannah, Ga., to Charlotte, N.C., from Augusta, Ga., Charlotte and Wilmington, N.C., and points within 15 miles of Charleston, S.C., to Charleston, S.C., from Charleston Ordnance Depot, Charleston, S.C., to military camps, forts, depots, reservations, and airports located in South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, Kentucky, Virginia, Maryland, Pennsylvania, New Jersey, Delaware, and the District of Columbia; from Charlotte, N.C., to points in Georgia, South Carolina, and Florida, with restriction; *dangerous explosives, component parts (not including ingredients) thereof, ammunition* not classified as a dangerous or less dangerous explosives, and *empty ammunition containers,* between the site of the Blue Grass Ordnance Depot near Richmond, Ky., on the one hand, and, on the other, the site of Camp Atterbury, Ind., points in that part of Louisiana east of the Mississippi River, and points in Delaware, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, serving points within 3 miles of the Blue Grass Ordnance Depot near Richmond, Ky., for purpose of interchange only.

Classes A, B, and C explosives and *containers thereof,* between Fort Gordon, Ga., and points within 5 miles thereof, on the one hand, and, on the other, the Savannah River Project, at or near Dunbarton, S.C., and points within 10 miles of Dunbarton, S.C., with restriction, between Memphis, Tenn., and West Memphis, Ark., restricted to traffic originating at or destined to points beyond West Memphis, Ark.; *classes A, B, and C explosives,* as defined by the Commission, *ammunition* (not included in classes A, B, and C explosives), and *component parts thereof,* from points in Duval and Clay Counties, Fla., to points in Berkeley and Charleston Counties, S.C.; *ammunition and explosives, and component parts* of ammunition and explosives when moving in the same vehicle therewith, except such commodities which because of size or weight require the use of special equipment or special handling, between Charlotte, N.C., on the one hand, and, on the other, points in North Carolina (1) except High Point and Raleigh and intermediate points on U.S. Highway 70, between such points, (2) except Winston-Salem and Greensboro and intermediate points on U.S. Highway 421 between such points, from points in South Carolina (1) except Waterboro and all points on U.S. Highway 15 north thereof to the South Carolina-North Carolina State line and (2) except Columbia, S.C., and points in the commercial zone thereof as defined by the Commission, to Charlotte, N.C., from points in that part of Georgia on and east of U.S. Highway 1, to Charlotte, N.C., to Charleston, S.C., from points in South Carolina, to West Memphis, Ark., and points in Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina (except Charlotte), Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia. TRI-STATE MOTOR TRANSIT CO., is authorized to operate as a *common carrier* in all States in the United States (except Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9713. Authority sought for purchase by SOONER TRANSPORT CORPORATION, Wynne Wood, Okla., of the operating rights and property of GRISSOM BROS. TRANSPORTS, INC., 1442 South Shawnee, Bartlesville, Okla., and for acquisition by RUAN TRANSPORT CORPORATION, and, in turn by JOHN RUAN, both of Keosauqua Way at Third, Des Moines, Iowa, of control of such rights and property through the purchase. Applicants' attorney: Henry L. Fabritz, Post Office Box 855, Des Moines, Iowa 50304. Operating rights sought to be transferred: *Asphaltic roofing materials* in rolls, containers, and bundles, and *liquid asphalt* and *asphaltic products,* in containers, as a *common carrier,* over irregular routes, from Wynne Wood, Okla., and points within 1 mile thereof, to certain specified points in Arkansas; *liquid asphalt* and *asphaltic products,* in bulk, in tank vehicles, from Wynne Wood, Okla., to points within 1 mile thereof, to points within 150 miles of Fort Smith, Ark., including Fort Smith, Ark., with restriction; *fuel oils, road oils, and asphalt products and by-products,* in bulk, in tank vehicles, and in containers, from Wynne Wood, Okla., and points within 1 mile thereof, to points in Texas within 250 miles of Wynne Wood, Okla.; and *crude oils, fuel oils, and petroleum asphalt,* in bulk, in tank vehicles, and in containers, from Beckett, Okla., to points in Texas within 200 miles of Beckett, Okla. Vendee holds no authority from this Commission. However, its controlling stockholder, RUAN TRANSPORT CORPORATION, Post Office Box 855, Keosuaqua Way at 3d Street, Des Moines, Iowa 50304, is authorized to operate as a *common carrier* in Iowa, Illinois, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, North Dakota, South Dakota, Indiana, Michigan, Ohio, Colorado, Oklahoma, Arkansas, Louisiana, Kentucky, Texas, Pennsylvania, Tennessee, Wyoming, Mississippi, Arizona, Idaho, Virginia, California, Maryland, Florida, New York, Montana, Alabama, West Virginia, Massachusetts, New Mexico, and Nevada. Application has been filed for temporary authority under section 210a(b). NOTE: Application has been filed for temporary authority under section 210a(b).

No. MC–F–9714. Authority sought for purchase by SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306, of the operating rights of DIRECT TRANSPORT, INC., Stanley, Wis., and for acquisition by AL J. SCHNEIDER, AGNES SCHNEIDER, both of 812 Stuart Street, Green Bay, Wis., and DONALD J. SCHNEIDER, 836 Neufeld Street, Green Bay, Wis., of control of such rights through the purchase. Applicants' attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago, Ill. 60602. Operating rights sought to be transferred: *New furniture, new furniture parts, and furniture materials,* uncrated, and *skids* used in the transportation of such commodities, as a *common carrier,* over irregular routes, between Stanley, Wis., on the one hand, and, on the other, Geneva and St. Charles, Ill.; *furniture parts,* uncrated, from Stanley, Wis., to Menominee, Mich.; *skids* used in the transportation of furniture parts, from Menominee, Mich., to Stanley, Wis.; *new furniture,* from St. Charles, Ill., to points in Minnesota and Wisconsin, and those in the Upper Peninsula of Michigan; and *new furniture* as described in appendix II to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, crated, from St. Charles, Ill., to points in Indiana and Ohio, and those in Iowa on and east of U.S. Highway 69. Vendee is authorized to operate as a *common carrier* in Wisconsin, Michigan, Illinois, Indiana, Iowa, Kansas, Kentucky, New York, North

Dakota, Ohio, Pennsylvania, South Dakota, Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, North Carolina, Oklahoma, Rhode Island, South Carolina, Minnesota, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9715. Authority sought for control by VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, Post Office Box 832, Martinsville, Va. 24112, of MATERIALS TRANSPORT, INCORPORATED, Post Office Box 166, Columbia, S.C. 29206, and for purchase by VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, of the operating rights of MATERIALS TRANSPORT, INCORPORATED, and for acquisition by JAMES C. STONE, also of Martinsville, Va., of control of such rights through the transaction. Applicants' attorney: Spencer T. Money, Suite 411, Park Lane Building, 2025 Eye Street NW., Washington, D.C. Operating rights sought to be controlled and purchased: *Petroleum and petroleum products*, in containers, as a *common carrier*, over irregular routes, from Savannah, Ga., to Estill, S.C.; and *building materials, starch, sugar, flour, fertilizer, foodstuffs, iron and steel products, and oil in drums*, between points in South Carolina; between points in Georgia, on the one hand, and, on the other, points in South Carolina. VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, is authorized to operate as a *common carrier* in South Carolina, Virginia, North Carolina, Georgia, Tennessee, Maryland, West Virginia, Pennsylvania, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9716. Authority sought for purchase by AUCLAIR TRANSPORTATION, INC., 41 McGregor Street, Manchester, N.H. 03102, of the operating rights and property of D. F. WEYMOUTH EXPRESS, INC., 284 Central Street, Leominster, Mass. 01453, and for acquisition by ALFRED SICOTTE and HENRY PARISEAU, both also of MANCHESTER, N.H., of control of such rights and property through the purchase. Applicants' attorney and representatives: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108, Robert E. Dastin, Amoskeag Bank Building, Manchester, N.H. 03101, and Robert O. Doucette, 10 Monument Square, Leominster, Mass. 01453. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Fitchburg, Mass., and Winchendon, Mass., between Winchendon, Mass., and Gardner, Mass, serving no intermediate points; between Boston, Mass., and Athol, Mass., serving certain intermediate and off-route points; between Worcester, Mass., and Clinton, Mass., serving the off-route points of Lancaster and Berlin, Mass.; between Worcester, Mass., and Fitchburg, Mass., serving the intermediate point of Leominster, Mass.; and under a certificate of registration, in Docket No. MC-26516 Sub-2, covering the transportation of property and furniture, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, New Hampshire, Vermont, Connecticut, Maine, New Jersey, New York, and Rhode Island. Application has been filed for temporary authority under section 210a(b). NOTE: MC-59557 Sub-8 is a matter directly related.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3714; Filed, Apr. 4, 1967; 8:47 a.m.]

[Notice 1045]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 31, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

That the following special rules of procedure shall apply for the receipt of the testimony of applicant's public witnesses: 1. Each applicant shall present for at least 80 percent of its public witnesses to be heard daily, written statements of such witnesses which shall contain, as a minimum, (1) name and address; (2) company; (3) qualification; (4) description of traffic and special transportation requirements, if any; (5) volume of traffic and points or areas to which it moves or from which it is received; (6) potential traffic requirements, if any; and (7) transportation service now utilized.

2. Such written statements shall be circulated to the opposing parties at the adjournment of the hearing on the date preceding the day upon which the witnesses are scheduled to testify, or as otherwise directed by the presiding offices.

3. Supplemental testimony by the witnesses for whom the written statements are presented is, of course, permissible.

4. The written statements shall be offered in evidence as exhibits at the hearing in the same manner as any other type of evidence, and the witnesses submitting the statements shall be made available for cross-examination.

5. The admissibility of the evidence contained in the written statements and any appendices thereto will be subject to the same rules as if the evidence were produced in the usual manner.

No. MC 1187 (Sub-No. 27) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 23, 1966, amended August 12, 1966, and republished as amended, this issue. Applicant: CUSHMAN MOTOR DELIVERY COMPANY, a corporation, 1480 West Kinzie Street, Chicago, Ill. 60622. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles (except commodities in bulk, and oilfield and pipeline commodities as defined by the Commission), between Burns Harbor and Portage, Ind., Chicago, Chicago Heights, Joliet, and Waukegan, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to (1) broaden the commodity description, and (2) add the hearing information.

HEARING: May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 113974 (Sub-No. 19) (Amendment), filed June 6, 1966, published in FEDERAL REGISTER issue of June 23, 1966, amended March 17, 1967, and republished as amended, this issue. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel; iron and steel articles; steel mill supplies, equipment, and materials, and building materials*, between Chicago, Ill., points in its commercial zone, and Portage, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: The purpose of this republication is to add Portage, Ind., as a point in the base territory, thereby broadening the scope of the application, and to add the hearing information.

HEARING: May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 114360 (Sub-No. 15) (amendment), filed May 18, 1966, published FEDERAL REGISTER issue of June 9, 1966, amended August 10, 1966, and republished as amended, this issue. Applicant: SOUTHERN EXPRESS COMPANY, a corporation, 3333 South Cicero Avenue, Cicero, Ill. 60650. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles (except commodities in bulk and oilfield and pipe line commodities as defined by the Commission), between Burns Harbor and Portage, Ind., Chicago, Chicago Heights, Joliet, and Waukegan, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to broaden the commodity description and add hearing information.

HEARING: May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Francis A. Welch.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3715; Filed, Apr. 4, 1967; 8:47 a.m.]

[Notice 1046]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 31, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 95540 (Sub-No. 692), filed March 23, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 MCC 209 and 766 except commodities in bulk, in tank vehicles, from the plantsite of Aurora Packing Co. located at or near North Aurora, Ill., to points in Georgia, Florida, North Carolina, and South Carolina.

HEARING: May 11, 1967, at 1900 State Office Building, 160 North La Salle Street, Chicago, Ill., before Examiner Isadore Freidson.

No. MC 95540 (Sub-No. 695), filed March 27, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33802. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to points in Missouri, Kansas, Nebraska, Iowa, and Minnesota.

HEARING: May 3, 1967, in Room 232, U.S. Courthouse and Customhouse, 215 Superior Avenue, Cleveland, Ohio, before Examiner Henry Whitehouse.

No. MC 102567 (Sub-No. 119) (Republication), filed February 27, 1967, published in the FEDERAL REGISTER of March 23, 1967, and republished this issue. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 641 Bettes Building, Houston, Tex. 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, including anhydrous ammonia, and petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsite of Monsanto Co., at or near Luling, La., to points in the United States (excluding Alaska and Hawaii). Except: (1) Petroleum and petroleum products (not including anhydrous ammonia), to points in Utah, Arizona, Wyoming, Colorado, New Mexico, Oklahoma, Texas, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Ohio, Alabama, Georgia, West Virginia, North Carolina, South Carolina, Florida, and Virginia; and (2) *acids and chemicals*, to points in Texas. NOTE: Applicant states that the above proposed operations will be restricted to traffic originating at plantsite of Monsanto Co. at or near Luling, La., and destined to points in the United States (excluding Alaska and Hawaii). The purpose of this republication is to reflect the hearing information.

HEARING: April 17, 1967, in Room 13003, Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James I. Carr.

No. MC 106644 (Sub-No. 73) (Amendment), filed September 21, 1966, published in FEDERAL REGISTER issue of October 13, 1966, amended March 27, 1967, and republished as amended, this issue. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 17050, Chattahoochee Station, Atlanta, Ga. 30321. Applicant's representative: Otis E. Stovall

(address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies*, used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, as defined by the Commission, and Chicago Heights, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it could tack with authority in its lead certificate at a point in Tennessee, and with its Sub 41, at a point in North Carolina to perform through service on machinery and articles requiring special equipment to and from points in Virginia, Maryland, Pennsylvania, New Jersey, New York, Rhode Island, and Massachusetts. The purpose of this republication is (1) to add Chicago Heights, Ill., as a point in the base territory, thereby broadening the scope of the application and (2) to reflect the hearing information.

HEARING (remains as assigned): May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Francis A. Welch. This assignment is subject to the rules set forth in the order of March 23, 1967 in No. MC 217 (Sub-No. 10), et al.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-3716; Filed, Apr. 4, 1967; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 31, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 4319, filed March 13, 1967. Applicant: THOMAS CARTAGE INC., Post Office Box 2301, Amarillo, Tex. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, 1401 Elm Street, Dallas, Tex. Certificate of public convenience and necessity sought to operate a property service as follows: Transportation of general commodities (1) Between Amarillo, Tex., and the Texas-Oklahoma State line, approximately 14 miles west of Follett, Tex., serving all intermediate points, from Amarillo over Texas State Highway 136 to Borger, thence over Texas State Highway 15 to the Texas-Oklahoma State line, (2) between Borger, Tex., and Phillips, Tex., serving all intermediate points, from Borger over Texas State Highway 19 to Phillips (a distance of approximately 3 miles), (3) between the intersection of Texas State Highway 15 and Texas State Highway 136 and Spearman, Tex., via Gruver, Tex., serving all intermediate points, from the intersection of Texas State Highway 136 and Texas State Highway 15 approximately 6 miles north of Stinnett over Texas State Highway 136 to Gruver, thence over Texas State Highway 282 to Spearman, (4) between the intersection of Texas State Highway 136 and Texas State Highway (F.M. Rd.) 687 and the intersection of Texas State Highway 136 and Texas State Highway (F.M. Rd.) 1319, via Sanford, Tex., serving all intermediate points, from the intersection of Texas State Highway 136 and Texas State Highway (F.M. Rd.) 687 over Texas State Highway (F.M. Rd.) 687 to Sanford, thence over Texas State Highway (F.M. Rd.) 1319 to its intersection with Texas State Highway 136, (5) between Dumas, Tex., and Stinnett, Tex., from Dumas, Tex., and (6) between Gruver, Tex., and Stratford, Tex., from Gruver, Tex., over Texas State Highway (F.M. Rd.) 289 to Stratford, Tex. Both intrastate and interstate authority sought.

HEARING: Date of hearing will be fixed after publication in FEDERAL REGISTER, on April 11, 1967, or later. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to Railroad Commission of Texas, Austin, Tex., and should not be directed to the Interstate Commerce Commission.

State Docket No. 10001 (Amendment), filed March 3, 1967, published in FEDERAL REGISTER issue of March 22, 1967, amended March 28, 1967, and republished as amended this issue. Applicant: ASWELL P. PITRE AND RONALD F. STORY, a partnership, doing business as SOUTHEASTERN MOTOR FREIGHT, 4320 Hessmer Street, Post Office Box 786, Metairie, La. 70004. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between New Orleans, La., and the intersection of Louisiana Highway 48 with U.S. Highway 61, near Norco, La., as follows: From New Orleans, La., over Louisiana Highway 48 to its intersection with U.S. Highway 61, near Norco, La., in both directions, serving all intermediate points; (2) between the intersection of Louisiana Highway 628 with the intersection of U.S. Highway 61 at or near the Bonnet Carre Spillway, and Laplace, La., as follows: From the intersection of Louisiana Highway 628 with U.S. Highway 61 at or near the Bonnet Carre Spillway, over Louisiana Highway 628 to its intersection with Louisiana Highway 44, at or near Laplace, La., thence over Louisiana Highway 44, to Burnside, La., to its intersection with Louisiana Highway 22, thence over Louisiana Highway 22, to Sorrento, La., thence over U.S. Highway 61 to Laplace, La., in both directions, serving all intermediate points; (3) between Union, La., and Sorrento, La., over Louisiana Highway 942 to its intersection with Louisiana Highway 22, thence over Louisiana Highway 22 to Sorrento, La., in both directions, serving all intermediate points; and (4) between New Orleans, La., and a point on Louisiana Highway 18, 5 miles beyond Taft, La., as follows: From New Orleans, La., over U.S. Highway 90, to Boutte, La., thence over Louisiana Highway 52 to Luling, La., thence over Louisiana Highway 18 to a point 5 miles beyond Taft, La., in both directions, serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Not known at this time. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Louisiana Public Service Commission, Baton Rouge, La., and should not be directed to the Interstate Commerce Commission. NOTE: The purpose of this republication is to redescribe the routes in (2) and (3) above.

State Docket No. 80,975M, filed March 14, 1967. Applicant: LOWELL L. RHODES, doing business as RHODES TRUCK SERVICE, 624 East Morris, Wichita, Kans. Applicant's representative: Paul V. Dugan, 501 One Twenty Building, Wichita, Kans. 67202. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *property*, between Wichita, Kans., and Hope, Kans., through the following points: From Hillsboro, Kans., presently within the authority of the applicant, Route 408, east on U.S. Highway 56 to Marion, Kans.; then east to the junction of U.S. Highway 56 and U.S. Highway 77; thence north on U.S. Highway 77 and U.S. Highway 56 to Lincolnville, Kans.; thence north on U.S. Highway 77 and U.S. Highway 56 to Herington, Kans.; thence north on U.S. Highway 77 to the junction of U.S. Highway 77 and Kansas Highway 4; thence west on Kansas Highway 4 to Hope, Kans., also presently within the authority of applicant, Route 408; and return over the same route, serving all intermediate points therein; and serving to and between all points upon the present route of applicant, and a radius of 3 miles from each and every such point, except Herington, Kans., and a radius of 10 miles from Herington, Kans. Both intrastate and interstate authority sought.

HEARING: Friday, May 12, 1967 at Marion, Kans., and on Friday, May 19, 1967 at Wichita, Kans. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the State Corporation Commission, Transportation Division, Topeka, Kans., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-3717; Filed, Apr. 4, 1967; 8:47 a.m.]

time for filing protests, concerning this application should be addressed to the State Corporation Commission, Transportation Division, Topeka, Kans., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3717; Filed, Apr. 4, 1967; 8:47 a.m.]

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FEDERAL REGISTER

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PART II

Department of Transportation



Functions, Powers, and Duties

Title 49—TRANSPORTATION

ESTABLISHMENT OF SUBTITLES AND RENUMBERING OF CHAPTER I

EDITORIAL NOTE: As an initial measure to accommodate rules prescribed by the Secretary of Transportation (Public Law 89–670, 80 Stat. 931), Title 49 of the Code of Federal Regulations is renumbered as follows:

1. Parts 0 through 99 are vacated and assigned to a new Subtitle A entitled "Subtitle A—Office of the Secretary of Transportation".

2. A new Subtitle B entitled "Subtitle B—Other Rules Relating to Transportation" is established to begin with Part 100.

3. Parts in Chapter I are renumbered by adding 100 to each part number. Thus Part 0 becomes Part 100, Part 101 becomes Part 201, etc.

Effective date. The foregoing assignments shall be followed in all pertinent documents published in the FEDERAL REGISTER on and after April 1, 1967.

Subtitle A—Office of the Secretary of Transportation

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Subpart A—Delegations by Secretary of Transportation

Subpart A is set forth to read as follows:

Subpart A—Delegations by Secretary of Transportation

Sec.
1.1 Purpose.
1.2 Preamble.
1.3 Oranization.
1.4 Delegation of functions, powers, and duties.
1.5 Reservations of authority.
1.6 General.
1.7 Exercise of authority.
1.8 Assignment of personnel, assets, etc.
1.9 Continuation in effect of prior actions.

AUTHORITY: The provisions of this Part 1 issued under P.L. 89–670, 80 Stat. 931.

§ 1.1 Purpose.

The purpose of this subpart is to provide for the continued exercise of the functions, powers, and duties transferred to the Secretary of Transportation by the Department of Transportation Act.

§ 1.2 Preamble.

(a) The Department of Transportation Act, Public Law 89–670, 80 Stat. 931 (hereinafter referred to as the Act), established at the seat of Government an executive department known as the Department of Transportation, headed by a Secretary of Transportation. The Act vested in the Secretary certain general functions, powers, and duties, in the field of transportation. In addition, the Act transferred to the Secretary and other officials of the Department, and to the National Transportation Safety Board within the Department, certain functions, powers, and duties exercised prior to the effective date of the Act by various Government agencies and officials.

(b) In general, the Act transferred functions, powers, and duties from:

(1) The Secretary of Commerce, under laws relating to highways, ground transportation, aircraft loan guarantees, aviation war risk insurance, pilotage on the Great Lakes, and traffic and highway safety;

(2) The Secretary of the Treasury, under laws relating to the Coast Guard;

(3) The Administrator of the Federal Aviation Agency, under all laws administered by that Agency;

(4) The Civil Aeronautics Board, under laws relating to aircraft accident investigations and review of denial, suspension, or revocation of air safety certificates;

(5) The Interstate Commerce Commission, under laws relating to railroad, motor, and pipeline safety, safe transportation of explosives and other dangerous articles, daylight saving time, and standard time zones; and

(6) The Secretary of the Army, under laws relating to water vessel anchorages, drawbridge operations, rates on toll bridges, locations and clearances of bridges over navigable waters, and offshore marine oil pollution.

(c) The Act also:

(1) Transferred to the Secretary the functions vested in the Secretary of the Interior by Executive Order 11107 for the administration of the Alaska Railroad, and

(2) Provided for the direction and supervision by the Secretary of the Saint Lawrence Seaway Development Corporation.

§ 1.3 Organization.

(a) The Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the National Transportation Safety Board were established by the Act within the Department of Transportation. The U.S. Coast Guard was transferred by the Act to the Department. The Saint Lawrence Seaway Development Corporation was placed by the Act under the direction and supervision of the Secretary.

(b) The Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the Saint Lawrence Seaway Development Corporation are each headed by an Administrator, appointed by the President with the advice and consent of the Senate, who reports directly to the Secretary. The U.S. Coast Guard is headed by the Commandant, appointed by the President with the advice and consent of the Senate, who also reports directly to the Secretary. The National Transportation Safety Board, consisting of five members appointed by the President with the advice and consent of the Senate, is independent of the Secretary and other offices and officers of the Department in the exercise of its functions, powers, and duties under the Act. Its functions, powers, and duties relate primarily to the determination of probable cause of transportation accidents; appellate review of the suspension, modification, revocation, or denial of certificates and licenses; and investigation of aircraft accidents.

(c) The Act provides for the establishment or creation in the Department of the Bureaus of Public Roads, National Highway Safety, and National Traffic Safety, each headed by a Director, appointed by the President with the advice and consent of the Senate.

(d) Pursuant to the authority vested in the Secretary by the Act, there are hereby established and created in the Federal Highway Administration, the Bureau of Public Roads, the National Highway Safety Bureau, and the National Traffic Safety Bureau. The Director of each Bureau shall report to the Federal Highway Administrator.

§ 1.4 Delegation of functions, powers, and duties.

Except as provided in § 1.5, and subject to the provisions of §§ 1.6 and 1.7:

(a) The Commandant of the Coast Guard is hereby authorized to exercise the functions, powers, and duties vested in the Secretary by the following sections of the Act:

(1) Section 6(a)(4), relating generally to functions under the Great Lakes Pilotage Act of 1960, as amended (74 Stat. 259, 46 U.S.C. 216 et seq.).

(2) Section 6(b)(1), relating generally to functions, powers, and duties of the Coast Guard, including, but not limited to, law enforcement, safety of life and property at sea, aids to navigation, search and rescue, ice breaking, oceanographic research and military readiness functions.

(3) Section 6(g) (except for section 6(g)(4)), relating generally to water vessel anchorages, drawbridge operating regulations, obstructive bridges, pollution of the sea by oil and the locations and clearances of bridges and causeways over the navigable waters of the United States under the following laws:

(i) Section 7 of the Act of March 4, 1915, as amended (38 Stat. 1053, 33 U.S.C. 471);

(ii) Article 11 of section 1 of the Act of June 7, 1897, as amended (30 Stat. 98, 33 U.S.C. 180);

(iii) Rule 9 of section 1 of the Act of February 8, 1895, as amended (28 Stat. 647, 33 U.S.C. 258);

(iv) Rule numbered 13 of section 4233 of the Revised Statutes, as amended (33 U.S.C. 322);

(v) Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362, 33 U.S.C. 499);

(vi) The Act of June 21, 1940, as amended (54 Stat. 497, 33 U.S.C. 511 et seq.);

(vii) The Oil Pollution Act, 1961, as amended (75 Stat. 402, 33 U.S.C. 1001 et seq.);

(viii) Section 9 of the Act of March 3, 1899, as amended (30 Stat. 1151, 33 U.S.C. 401);

(ix) The Act of March 23, 1906, as amended (34 Stat. 84, 33 U.S.C. 491 et seq.); and

(x) The General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 525 et seq.) except sections 502(c) and 503 which are delegated under paragraph (c)(2)(xi) and (10)(ii) of this section, respectively.

(b) The Federal Aviation Administrator is hereby authorized to exercise the functions, powers, and duties vested in the Secretary by the following sections of the Act:

(1) Section 6(a)(3)(C), relating generally to aircraft under Title XIII of the Federal Aviation Act of 1958, as amended (72 Stat. 800, 49 U.S.C. 1531 et seq.).

(2) Section 6(c)(1), relating generally to functions, powers, and duties of the Federal Aviation Agency and of the Administrator and other officers and offices thereof. (Section 6(c)(1) also transfers directly to the Federal Aviation Administrator functions, powers, and duties pertaining to aviation safety as set forth in sections 306, 307, 308, 309, 312, 313, 314, 1101, 1105, and 1111, and Titles VI, VII, IX, and XII of the Federal Aviation Act of 1958, as amended.)

(c) The Federal Highway Administrator is hereby authorized to exercise the functions, powers, and duties vested in the Secretary by Public Law 89–795, 80 Stat. 1477, relating to the Chamizal border highway, and the functions, powers, and duties vested in the Secretary by the following sections of the Department of Transportation Act:

(1) Section 4(e), insofar as it pertains to motor carriage, relating generally to investigation and reporting of safety compliance records of applicants seeking operating authority, or approval of transactions involving transfer of operating authority, from the Interstate Commerce Commission, and to intervention and presentation of evidence concerning applicants' fitness in Commission proceedings.

(2) Section 6(a)(1), relating generally to highways under the following laws:

(i) Title 23, United States Code, as amended;

(ii) The Federal-Aid Highway Act of 1966 (80 Stat. 766);

(iii) The Federal-Aid Highway Act of 1962, as amended (76 Stat. 1145, 23 U.S.C. 307 note);

(iv) The Act of July 14, 1960, as amended (74 Stat. 526, 23 U.S.C. 313 note);

(v) The Federal-Aid Highway Act of 1954, as amended (68 Stat. 70);

(vi) The Act of September 26, 1961, as amended (75 Stat. 670);

(vii) The Highway Revenue Act of 1956, as amended (70 Stat. 387, 23 U.S.C. 120 note);

(viii) The Highway Beautification Act of 1965, as amended (79 Stat. 1028, 23 U.S.C. 131 et seq. notes);

(ix) The Alaskan Omnibus Act, as amended (73 Stat. 141, 48 U.S.C. 21 note prec.);

(x) The Joint Resolution of August 28, 1965, as amended (79 Stat. 578, 23 U.S.C. 101 et seq. notes);

(xi) Section 502(c) of the General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 525(c));

(xii) The Act of April 27, 1962 (76 Stat. 59); and

(xiii) Reorganization Plan No. 7 of 1949 (63 Stat. 1070, 5 U.S.C. 133z–15 note).

(3) Section 6(a)(6), relating generally to highway and traffic safety under the following laws:

(i) The National Traffic and Motor Vehicle Safety Act of 1966, Public Law 89–563 (80 Stat. 718); and

(ii) The Highway Safety Act of 1966, Public Law 89–564 (80 Stat. 731).

(4) Section 6(e)(3), relating to medals for heroism under the Act of February 23, 1905, as amended (33 Stat. 743, 49 U.S.C. 1201 et seq.), insofar as it pertains to motor vehicles.

(5) Section 6(e)(4), relating generally to explosives and other dangerous articles under sections 831–835 of Title 18, United States Code, as amended, insofar as they pertain to motor carriers.

(6) Section 6(e)(6)(B), relating generally to investigation of motor vehicle size, weights, and service of employees under section 226 of the Interstate Commerce Act, as amended (49 U.S.C. 325).

(7) Section 6(e)(6)(C), relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment of motor carriers under sections 204(a)(1), (2), (3), (3a), and (5) of the Interstate Commerce Act, as amended (49 U.S.C. 304).

(8) Section 6(e)(6)(D), relating generally to service of process, designation of agents to receive service of process, and identification of interstate motor vehicles under sections 221(a), 221(c), and 224 of the Interstate Commerce Act, as amended (49 U.S.C. 321 et seq.) insofar as they pertain to private carriers of property by motor vehicle and carriers of migrant workers by motor vehicle other than contract carriers.

(9) Section 6(f)(2)(A), relating generally to the administrative powers under the Interstate Commerce Act with respect to functions, powers, and duties pertaining to motor carrier safety transferred to the Secretary under the Act.

(10) Section 6(g)(4), relating generally to the reasonableness of tolls under the following laws:

(i) Section 4 of the Act of March 23, 1906, as amended (34 Stat. 85, 33 U.S.C. 494);

(ii) Section 503 of the General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 526);

(iii) Section 17 of the Act of June 10, 1930, as amended (46 Stat. 552, 33 U.S.C. 498a);

(iv) The Act of June 27, 1930, as amended (46 Stat. 821, 33 U.S.C. 498b); and

(v) The Act of August 21, 1935, as amended (49 Stat. 670, 33 U.S.C. 503 et seq.).

(11) Section 8(b), relating generally to Appalachian Regional Development under the Appalachian Regional Development Act of 1965, as amended (79 Stat. 5, 40 U.S.C. App. 1 et seq.).

(12) Section 8(d), relating generally to the suspension, change, or revocation of motor carrier certificates, permits, or licenses under section 212(a) of the Interstate Commerce Act, as amended (49 Stat. 555, 49 U.S.C. 312(a)).

(13) Section 8(k), relating generally to certain approvals concerned with a compact between the States of Missouri and Kansas under the Act of September 21, 1966, Public Law 89–599.

(d) The Federal Railroad Administrator is hereby authorized to exercise the functions, power, and duties vested in the Secretary by the following sections of the Act:

(1) Section 4(e), insofar as it pertains to railroads and pipelines, relating generally to investigation and reporting of safety compliance records of applicants seeking railroad operating authority from the Interstate Commerce Commission, and to intervention and presentation of evidence concerning applicants' fitness in Commission proceedings.

(2) Section 6(a)(2)(A), relating generally to high-speed ground transportation under the Act of September 30, 1965, as amended (79 Stat. 893, 49 U.S.C. 1631 et seq.).

(3) Section 6(e)(1), relating generally to safety appliances and equipment on railroad engines and cars, and protection of employees and travelers under the following laws:

(i) The Act of March 2, 1893, as amended (27 Stat. 531, 45 U.S.C. 1 et seq.);

(ii) The Act of March 2, 1903, as amended (32 Stat. 943, 45 U.S.C. 8 et seq.);

(iii) The Act of April 14, 1910, as amended (36 Stat. 298, 45 U.S.C. 11 et seq.);

(iv) The Act of May 30, 1908, as amended (35 Stat. 476, 45 U.S.C. 17 et seq.);

(v) The Act of February 17, 1911, as amended (38 Stat. 913, 45 U.S.C. 22 et seq.);

(vi) The Act of March 4, 1915, as amended (38 Stat. 1192, 45 U.S.C. 30);

(vii) Reorganization Plan No. 3 of 1965 (79 Stat. 1320, 5 U.S.C. 133z–15);

(viii) Joint Resolution of June 30, 1906, as amended (34 Stat. 838, 45 U.S.C. 35);

(ix) The Act of May 27, 1908, as amended (35 Stat. 325, 45 U.S.C. 36 et seq.);

(x) The Act of March 4, 1909, as amended (35 Stat. 965, 45 U.S.C. 37); and

(xi) The Act of May 6, 1910, as amended (36 Stat. 350, 45 U.S.C. 38 et seq.).

(4) Section 6(e)(2), relating generally to hours of service of employees under the Act of March 4, 1907, as amended (34 Stat. 1415, 45 U.S.C. 61 et seq.).

(5) Section 6(e)(3), relating generally to medals for heroism under the Act of February 23, 1905, as amended (33 Stat. 743, 49 U.S.C. 1201 et seq.), insofar as it pertains to railroads.

(6) Section 6(e)(4), relating generally to explosives and other dangerous articles under sections 831–835 of Title 18, United States Code, as amended, insofar as it pertains to railroads and pipelines.

(7) Section 6(e)(6)(A), relating generally to safety appliances, methods and systems under section 25 of the Inter-

state Commerce Act, as amended (49 U.S.C. 26).

(8) Section 6(f)(2)(A), relating generally to the administrative powers under the Interstate Commerce Act with respect to functions, powers, and duties pertaining to railroad and pipeline safety transferred to the Secretary under the Act.

(9) Section 6(i), relating to the administration and operation of the Alaska Railroad under the Act of March 12, 1941, as amended (38 Stat. 305), and Executive Order 11107, April 25, 1963 (28 F.R. 4225).

(e) The authority of the Secretary over and with respect to any personnel (except the Commandant or an Administrator) within the Coast Guard, an Administration, or the Saint Lawrence Seaway Development Corporation, is delegated to and may be exercised by the Commandant or such Administrator.

(f) The Commandant and the four Administrators, each with respect to his own organization, are authorized to exercise the authority granted to the Secretary as Executive head of a department, by any statute, Executive order or regulation.

(g) Each official to whom authority is granted by this order may redelegate and authorize successive redelegations of such authority within the organization under his jurisdiction.

§ 1.5 Reservations of authority.

The delegations of authority in § 1.4 shall not extend to the following actions, authority for which is reserved to the Secretary:

(a) *Legislation, reports, committees.* (1) Submit to the President, the Director of the Bureau of the Budget, or the Congress proposals or recommendations for legislation, Executive orders, Proclamations or Reorganization Plans or other Presidential action.

(2) Submit to Congress or the President any report or any proposed transportation policy or investment standards or criteria, except with the prior written approval of the Secretary.

(b) *Budget and finance.* (1) Approve and submit to the Bureau of the Budget original or amended budget estimates or requests for allocations of personnel ceiling (31 U.S.C. 22–24).

(2) Approve requests for legislation which, if enacted would authorize subsequent appropriations for the Department (31 U.S.C. 581b).

(3) Transfer the balance of an appropriation from one operating element to another within the Department (31 U.S.C. 581c).

(4) Request apportionment or reapportionment by the Bureau of the Budget (31 U.S.C. 665).

(5) Approve systems of administrative control to restrict obligations or expenditures to the amount of apportionments and to fix responsibility for the creation of any such obligation (31 U.S.C. 665).

(c) *Intervention proceedings.* Except with respect to proceedings under section 4(e) of the Act relating to safety fitness of an applicant, decisions on requests to intervene before courts and administrative bodies to present the views of the Department.

(d) *Personnel.* (1) Recommend to the Civil Service Commission the allocation of a position to GS–16, 17, or 18 (5 U.S.C. 5108).

(2) Recommend to the Civil Service Commission approval of the qualifications of any candidate for a position at grade GS–16, 17, or 18 (5 U.S.C. 3324), or to an executive level position.

(3) Recommend to the Civil Service Commission a Lump-Sum Incentive Award in excess of $5,000 (5 U.S.C. 4502).

(e) *Security.* (1) Terminate an individual from employment in a position in the Department for security reasons under Executive Order No. 10450 (5 U.S.C. 7532).

(2) Authorize the filling of a critically sensitive position for a limited period by a person on whom a preappointment full-field investigation has not been completed.

(3) Approve release of any information classified as national defense information pursuant to Executive Order No. 10501 to any person outside the Executive Branch, except as released under the Industrial Security regulations in accordance with Executive Order No. 10865.

(4) Request Presidential approval for a claim of executive privilege with respect to information requested by any Congressional Committee or Member of Congress.

(f) *Procurement.* Exercise the extraordinary authority for defense contracts provided for in Public Law 85–804 (50 U.S.C. 1431–1435).

(g) *Printing.* Request approval of the Joint Committee on Printing for any procurement or other action requiring committee approval.

(h) *Apportionment of funds.* The apportionment of funds for:

(1) Federal-aid Highways (23 U.S.C. 104).

(2) Forest Highways (23 U.S.C. 202).

(3) Federal-aid Airports (49 U.S.C. 1105).

(4) State and community Highway Safety Programs, including the recommendation to Congress concerning nondiscretionary apportionment formulas (23 U.S.C. 402).

(i) *Issuance, modification, or revocation of rules or regulations.* The issuance, modification, or revocation of proposed or final rules or regulations for any of the following:

(1) Federal-aid Highways (23 U.S.C. 109, 131, 315).

(2) Forest Highways (23 U.S.C. 204).

(3) Park Roads and Trails (23 U.S.C. 206).

(4) Parkways (23 U.S.C. 207).

(5) Importation of motor vehicles (15 U.S.C. 1397).

(6) Defense Access Roads (23 U.S.C. 210).

(j) *Issuance, modification, or revocation of standards.* The issuance, modification, or revocation of proposed or final standards, rules, or regulations for any of the following:

(1) Motor vehicle safety (15 U.S.C. 1392).

(2) Sale of regrooved tires (15 U.S.C. 1424).

(3) State Highway Safety Programs (23 U.S.C. 402).

(4) Uniform quality labeling of tires (23 U.S.C. 1423).

(k) *Interagency agreements.* Execution of any written interdepartmental or interagency agreement with a head of another Executive department or agency.

(l) *Penalties and withholding of funds.* (1) Compromise of civil penalties under the Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1398).

(2) Withholding or suspension of Federal-aid Highway Funds on a statewide basis and the waiver or compromise of such withholding or suspension.

(m) *Tort claims.* Request the Attorney General to approve the award, compromise, or settlement of any tort claim for an amount exceeding $25,000 (28 U.S.C. 2672).

(n) *Alaska Railroad.* (1) Extension or abandonment of railroad service (24 F.R. 10467).

(2) Changes in general freight rates or passenger fares (24 F.R. 10467).

(o) *High-speed ground transportation.* (1) Determination of demonstrations to be conducted (49 U.S.C. 1632).

(2) Determination of research and development projects to be undertaken (49 U.S.C. 1631).

(3) Collection, collation, and dissemination of transportation data, statistics, and other information which the Secretary determines will contribute to the improvement of the national transportation system (49 U.S.C. 1634).

(p) *National Highway Safety Advisory Committee.* Direct the National Highway Safety Advisory Committee to meet (23 U.S.C. 404(c)).

(q) *Coast Guard.* The following functions and powers relating to the Coast Guard:

(1) Establishment or revision of fees under the Great Lakes Pilotage Act (46 U.S.C. 216c).

(2) Request the Secretary of the Navy to build Coast Guard vessels at Naval shipyards (14 U.S.C. 145(a)(1)).

(3) Exchange of information, through Secretary of State, with foreign governments concerning marine safety (14 U.S.C. 142).

(4) The exchange of personnel, vessels, facilities, and equipment with the Secretary of the Navy to facilitate operational readiness for wartime service with Navy, and agreement to undertake such assignments and functions for each other as are necessary and advisable (14 U.S.C. 145(c)).

(5) Appointment of Advisory Committee to the Academy (14 U.S.C. 193).

(6) Fixing date for visit to Academy by Board of Visitors (14 U.S.C. 194(b)).

(7) Establish promotion zone for selection of rear admirals (14 U.S.C. 256(b)).

(8) Approve retention of rear admiral on active duty (14 U.S.C. 290(b)).

(9) Removal of officer from active duty when recommended by board convened under section 323 of Title 14, U.S. Code (14 U.S.C. 326).

(10) Responsibility for supervising activities of Reserve components (10 U.S.C. 264(b)).

(11) Approval of regulations for placement of Retired Reservists in Ready Reserve (10 U.S.C. 269(d)).

(12) Convene General Court-Martial (10 U.S.C. 822(a)(2)).

(13) Approve execution of sentence dismissing commissioned officer or cadet (10 U.S.C. 871(b)).

(14) Approve vacation of suspension of dismissal (10 U.S.C. 872(b)).

(15) Establish procedures for the correction of military records (10 U.S.C. 1552(a)).

(16) Establish board of review to review discharge or dismissal of former Coast Guard members (10 U.S.C. 1553(a)).

(17) Review findings of board established under section 1553(a) (10 U.S.C. 1553(b)).

(18) Review of findings of boards established under section 1554(a) to forward requests of officers released or retired from active duty without pay for physical disability (10 U.S.C. 1554(b)).

(19) Negotiate purchase or contract in excess of $100,000 involving experimental, developmental, or research work, etc. (10 U.S.C. 2304(a)(11)).

(20) Negotiate other purchase or contract work for reasons specified in these subsections (10 U.S.C. 2304(a)(12)–(16)).

(r) *Prior actions.* The validity of all actions taken prior to April 1, 1967, by an official other than the Secretary of Transportation is not affected in any way by any provision of this section, reserving specified authority in the Secretary, effective April 1, 1967.

§ 1.6 General.

Nothing in this subpart is intended to delegate an authority which by statute, Executive order or other directive is nondelegable or is reserved to the Secretary. All functions, powers and duties which are not delegated by the Secretary in § 1.4 or specifically transferred by the Act to officials other than the Secretary are reserved to the Secretary.

§ 1.7 Exercise of authority.

In exercising functions, powers, duties, and authorities delegated by this subpart or redelegated pursuant thereto, the Commandant, the Administrators, and their delegatees shall be governed by applicable law, Executive orders, and regulations and by policies, objectives, plans, standards, procedures, and limitations as may be issued from time to time by or on behalf of the Secretary, or, with respect to matters under their jurisdictions, by or on behalf of the Commandant or an Administrator. This includes, wherever specified, the requirement for advance notice to, or prior approval by, authority higher than that of the official proposing to act.

§ 1.8 Assignment of personnel, assets, etc.

All positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds, transferred to the Secretary pursuant to section 9(f) or section 9(g) of the Act are: (a) To the extent required to be assigned to the Federal Aviation Administrator by section 9(f) of the Act hereby assigned to such Administrator and, (b) to the extent related to and necessary to perform the functions, powers and duties transferred to the Commandant or an Administrator pursuant to the Act or delegated under this subpart hereby assigned to such Commandant or Administrator.

§ 1.9 Continuation in effect of prior actions.

(a) All actions, including but not limited to orders, determinations, rules, regulations, permits, contracts, agreements, certificates, licenses, and privileges made, granted, or allowed to become effective prior to April 1, 1967, and respecting any of the functions, powers, and duties retained by the Secretary of Transportation are hereby adopted and affirmed and shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by appropriate authority: *Provided*, That all delegations of authority effective prior to April 1, 1967, respecting such functions, powers, and duties are hereby terminated.

(b) Each Administrator and the Commandant of the Coast Guard, by order effective April 1, 1967, and published in the notices section of the FEDERAL REGISTER, is providing for the continuation in effect of appropriate prior actions respecting the functions, powers, and duties of each Administrator and the Commandant.

Effective date. This subpart is effective April 1, 1967.

Issued in Washington, D.C., on March 31, 1967.

[SEAL] ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 67-3734; Filed, Apr. 4, 1967; 8:49 a.m.]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Subpart B—Organization, Office of the Secretary

Subpart B is set forth to read as follows:

Subpart B—Organization, Office of the Secretary

Sec.
1.21 Purpose.
1.23 Scope.
1.25 Functions performed by the Office of the Secretary.
1.27 Structure.
1.29 Spheres of primary responsibility.
1.31 Authority.
1.33 Secretarial succession.

AUTHORITY: The provisions of this Subpart B issued under P.L. 89-670, 80 Stat. 931.

§ 1.21 Purpose.

This subpart establishes the basic organizational structure, spheres of responsibility, and lines of authority, in the Office of the Secretary, and provides for succession to the position of Secretary, in case of need.

§ 1.23 Scope.

The provisions of this subpart are not applicable to the National Transportation Safety Board.

§ 1.25 Functions performed by the Office of the Secretary.

The following functions, powers, and duties are performed by the Office of the Secretary:

(a) All of the authority reserved to the Secretary in § 1.5;

(b) Transportation leadership authority under section 4(a) of the Department of Transportation Act, Public Law 89–670, 80 Stat. 931, hereinafter referred to as the Act;

(c) The authority relating to transportation activities, plans and programs under sections 4(f) and 4(g) of the Act;

(d) The authority relating to urban mass transportation under section 6(a)(2)(B) of the Act;

(e) The authority relating to the guaranty of loans for the purchase of aircraft and equipment under sections 6(a)(3)(A) and 6(a)(3)(B) of the Act;

(f) The authority relating to scientific and professional positions under section 6(a)(5) of the Act;

(g) The authority relating to the General Counsel under section 6(b)(3) of the Act;

(h) The authority relating to standard time zones and daylight savings time under section 6(e)(5) of the Act; and

(i) The authority to develop, prepare, coordinate, transmit, and revise transportation investment standards and criteria under section 7 of the Act.

§ 1.27 Structure.

The structure of the Office of the Secretary through the level of functional offices is as follows:

(a) *Secretary.* The Secretary and Under Secretary are assisted by the Deputy Under Secretary, the Executive Secretariat, Board of Contract Appeals, and the Transportation Policy Council, all of which report to the Secretary. The National Transportation Safety Board performs its functions in the Department of Transportation independently of the Secretary. The Assistant Secretaries and the General Counsel report directly to the Secretary.

(b) *Office of the Assistant Secretary for Policy Development.* This office is composed of the Offices of Economic Analysis, Policy Review, System Analysis, Planning and Program Review, and Transportation Statistics.

(c) *Office of the Assistant Secretary for Public Affairs.* This office is composed of the Offices of Legislative Affairs, Public Information, Government Liaison, Industry and Labor Liaison, Resource Conservation, and Equal Opportunity.

(d) *Office of the Assistant Secretary for International Affairs.* This office is composed of the Offices of International Research and Development Cooperation,

Facilitation, International Transportation, Emergency Transportation, Telecommunications, and Technical Assistance.

(e) *Office of the Assistant Secretary for Research and Technology.* This office is composed of the Offices of Research and Development, Hazardous Material, Noise Abatement, and Transportation Information Planning.

(f) *Office of General Counsel.* This office is not subdivided into offices.

(g) *Office of the Assistant Secretary for Administration.* This office is composed of the Offices of Personnel and Training, Management Systems, Budget, Administrative Operations, Investigation and Security, Logistics and Procurement Policy, and Audit.

(h) *Departmental components.* The Department is composed of the U.S. Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the Saint Lawrence Seaway Development Corporation, the heads of which report directly to the Secretary, and the National Transportation Safety Board.

§ 1.29 Spheres of primary responsibility.

(a) *Secretary and Under Secretary with the assistance of the Deputy Under Secretary.* Overall planning, direction, and control of Departmental affairs.

(b) *Assistant Secretary for Policy Development.* National transportation needs and policies, Departmental objectives and program plans, and the relationship of national transportation policies and programs to other aspects of the national welfare.

(c) *Assistant Secretary for Public Affairs.* Congressional liaison, public information, and Departmental relations with other Federal agencies, State and local governments, industry, labor, conservation interests, and the general public; equal opportunity except in Departmental employment and contract compliance.

(d) *Assistant Secretary for International Affairs.* International transportation; international technical assistance; international research and development cooperation; and national programs such as facilitation, emergency transportation, and telecommunications.

(e) *Assistant Secretary for Research and Technology.* Scientific and technologic research and development relating to the speed, safety and economy of transportation; abatement of noise generated by transportation equipment; transportation of hazardous materials; improvement in the gathering, classification, accessibility, and use of transportation information.

(f) *General Counsel.* Legal services, as the chief legal officers of the Department, including responsibility for legal aspects and the drafting of legislation and certain functions, powers, and duties conferred on the General Counsel by the Department of Transportation Act and Chapter 47 of Title 10, United States Code, as amended, relating to the Uniform Code of Military Justice.

(g) *Assistant Secretary for Administration.* Organization, budgeting, staffing, personnel management, training, logistics and procurement policy, management systems, security, and audit; administrative support services for the Office of the Secretary and certain other Departmental headquarters elements.

(h) *Executive Secretariat.* Secretariat services for the Secretary, Under Secretary, and Deputy Under Secretary.

(i) *Board of Contract Appeals.* Hearings and decisions, on appeals from decisions of Departmental contracting officers.

(j) *Transportation Policy Council (key officials designated by the Secretary, including heads of the operating elements).* Advice to the Secretary on overall transportation needs, goals, programs, priorities, resource allocations, and problems.

§ 1.31 Authority.

(a) The Under Secretary has authority coterminous with that of the Secretary, except as it may be specifically limited by law, order, regulation, or instructions of the Secretary.

(b) The Deputy Under Secretary is authorized to act for the Secretary and the Under Secretary in respect to the immediate office of the Secretary and to represent the Secretary and the Under Secretary in matters assigned by them.

(c) Acting in his own name and title, each Assistant Secretary and the General Counsel, within the sphere of his responsibility, is authorized to identify and define the requirements for, and to recommend to the Secretary, new or revised Departmental policies. Subject to applicable laws, Executive orders, Government-wide regulations, and Departmental policies established by the Secretary, each of these officers is authorized to issue Departmental standards, criteria, systems, and procedures, implementing approved policies, and to inspect, review, and evaluate Departmental program performance and effectiveness and to advise the Secretary regarding the adequacy thereof.

§ 1.33 Secretarial succession.

The following officials, in the order indicated, shall act as Secretary of Transportation, in case of the absence or disability of the Secretary, until the absence or disability shall cease or, in the event of a vacancy in the Office of the Secretary, until a successor is appointed:

(a) Under Secretary.

(b) Assistant Secretary for Policy Development.

(c) Assistant Secretary for Public Affairs.

(d) Assistant Secretary for International Affairs.

(e) Assistant Secretary for Research and Technology.

(f) General Counsel.

(g) Assistant Secretary for Administration.

Effective Date. This subpart is effective April 1, 1967.

Issued in Washington, D.C., on March 31, 1967.

[SEAL] ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 67-3735; Filed, Apr. 4, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 67-22]

NOTICE OF CONTINUATION OF ORDERS, RULES, REGULATIONS, POLICIES, PROCEDURES, PRIVILEGES, WAIVERS, AND OTHER ACTIONS

On April 1, 1967, the Department of Transportation Act, Public Law 89-670, became effective. In 49 CFR Part 1, the Secretary of Transportation delegated certain authority to the Commandant of the Coast Guard. Pursuant to the authority delegated to the Commandant in that part, subject to the reservations therein, and in accordance with the provisions of section 12(a) of the Department of Transportation Act, all orders, determinations, rules, regulations, directives, requirements, standards, statements of policy, notices, interpretations, procedures, documents, registers, licenses, enrollments, certifications, permits, privileges, exemptions, committees and councils and appointments thereto, contracts, agreements, waivers, and all other actions which have been issued, made, granted, or allowed to become effective prior to April 1, 1967, under the provisions of law listed below are hereby adopted and affirmed and shall continue in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority:

(1) Section 6(a)(4) of the Department of Transportation Act relating generally to functions under the Great Lakes Pilotage Act of 1960, as amended (74 Stat. 259, 46 U.S.C. 216 et seq.).

(2) Section 6(b)(1) of the Department of Transportation Act relating generally to functions, powers, and duties of the Coast Guard concerned primarily with merchant marine safety, law enforcement, search and rescue activities, merchant vessel documentation and registration, aids to navigation, and military readiness.

(3) Section 6(g) (except for section 6(g)(4)) of the Department of Transportation Act relating generally to water vessel anchorages, drawbridge operating regulations, obstructive bridges, pollution of the sea by oil, and the locations and clearances of bridges and causeways over the navigable waters of the United States under the following laws:

(a) Section 7 of the Act of March 4, 1915, as amended (38 Stat. 1053, 33 U.S.C. 471);

(b) Article 11 of section 1 of the Act of June 7, 1897, as amended (30 Stat. 98, 33 U.S.C. 180);

(c) Rule 9 of section 1 of the Act of February 8, 1895, as amended (28 Stat. 647, 33 U.S.C. 258);

(d) Rule numbered 13 of section 4233 of the Revised Statutes, as amended (33 U.S.C. 322);

(e) Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362, 33 U.S.C. 499);

(f) The Act of June 21, 1940, as amended (54 Stat. 497, 33 U.S.C. 511 et seq.);

(g) The Oil Pollution Act, 1961, as amended (75 Stat. 402, 33 U.S.C. 1001 et seq.);

(h) Section 9 of the Act of March 3, 1899, as amended (30 Stat. 1151, 33 U.S.C. 401);

(i) The Act of March 23, 1906, as amended (34 Stat. 84, 33 U.S.C. 491 et seq.); and

(j) The General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 525 et seq.) except section 503.

All forms and stationery authorized for use, immediately prior to the effective date of the Act, relating to the functions, powers, and duties of the Coast Guard or delegated to the Commandant under 49 CFR Part 1, are hereby adopted by the Commandant and may be used to conduct the official business of the Coast Guard until the present supply has been exhausted. Any such form or stationery which is intended for use by or with the public shall be appropriately revised where required to reflect the transfer of the Coast Guard to the Department of Transportation. Existing forms and stationery will not be used and new supplies will be promptly procured in each case where the necessary revision would exceed the utility of the form or stationery.

Communications dealing with the functions, powers, and duties under the Great Lakes Pilotage Act of 1960, or relating generally to functions, powers, and duties described in subparagraph (3) above, shall be addressed to the Commandant (CCS), U.S. Coast Guard Headquarters, 1300 E Street NW., Washington, D.C. 20591.

Communications relating generally to functions, powers, and duties of the Coast Guard as listed in subparagraph (2) above should be addressed where indicated by currently effective regulations found in Titles 33 and 46 of the Code of Federal Regulations.

Dated: March 31, 1967.

This order is effective April 1, 1967.

M. A. WHALEN,
Rear Admiral, U.S. Coast Guard, Acting Commandant, U.S. Coast Guard.

[F.R. Doc. 67-3736; Filed, Apr. 4, 1967; 6:49 a.m.]

Federal Aviation Administration

CONTINUATION OF EFFECTIVENESS OF ACTIONS BY PREDECESSOR AGENCIES

Effective April 1, 1967, the Department of Transportation Act, Public Law 89-670, 80 Stat. 931 (hereinafter referred to as the Act) establishes the Department of Transportation and vests in the Secretary of Transportation many functions, powers, and duties in the field of transportation.

Under the Act, the Federal Aviation Agency lapses and the functions, powers and duties of the Administrator of the Agency, except those pertaining to aviation safety, are transferred to the Secretary. The functions, powers and duties of the Administrator pertaining to aviation safety, as set forth in sections 306, 307, 308, 309, 312, 313, 314, 1101, 1105, and 1111, and Titles VI, VII, IX, and XII of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 49 U.S.C. 1301 et seq., are transferred directly to the Federal Aviation Administrator of the Federal Aviation Administration which the Act establishes in the Department of Transportation. In 49 CFR Part 1, the Secretary of Transportation has delegated to the Federal Aviation Administrator (1) the functions, powers, and duties of the Administrator of the Federal Aviation Agency which are transferred to the Secretary by the Act, and (2) the functions, powers, and duties previously exercised by the Secretary of Commerce with respect to the war risk insurance program authorized by Title XIII of the Federal Aviation Act of 1958, as amended.

The statutory transfer of aviation safety functions in the Department of Transportation Act and the delegation of authority contained in 49 CFR Part 1 result in the Administrator of the Federal Aviation Administration being authorized to perform all of the functions, powers, and duties previously entrusted to the Administrator of the Federal Aviation Agency. In addition, the Federal Aviation Administrator is authorized by the Secretary in 49 CFR Part 1 to provide aviation war risk insurance, under Title XIII of the Federal Aviation Act, to air carriers in international air transportation when such insurance is not available under reasonable terms and conditions in the commercial market, 14 CFR Part 1501.

The purpose of this order is to continue in effect all current Federal Aviation Agency publications, forms, and actions, except the Agency seal, and to adopt the regulations and procedures of the Secretary of Commerce for the additional functions delegated to the Federal Aviation Administrator. *Accordingly, it is ordered,* That:

(1) In accordance with the authority contained in sections 4, 6, 9, and 12 of the Act and 49 CFR Part 1, there are hereby continued in effect according to their terms all currently effective orders, determinations, rules, regulations, permits, contracts, agreements, certificates, licenses, identifying credentials, privileges, exemptions, delegations of authority, internal directives, committees and councils and appointments thereto, advisory circulars, notices, standards, interpretations, and all other actions, policies and procedures, issued, made, granted, or allowed to become effective by the Administrator or any other officer, office, or other unit of the Federal Aviation Agency, except Part 181 (Seal) of the Federal Aviation Regulations (14 CFR Part 181) which will be terminated by separate action. The seal of the Federal Aviation Administration is the interim seal adopted by the Secretary of Transportation for the Department of

Transportation in Department Order 1000.1, 32 F.R. 4180.

(2) In accordance with the authority contained in sections 4, 9, and 12 of the Act and 49 CFR Part 1, there are hereby continued in effect according to their terms all currently effective orders, determinations, rules, regulations, permits, contracts, agreements, certificates, licenses, privileges, insurance policies, and endorsements, notices, standards, interpretations and all other policies and procedures, issued, made, granted, or allowed to become effective by the Secretary of Commerce or any other officer, office, or other unit of the Department of Commerce regarding Title XIII of the Federal Aviation Act of 1958, as amended. All delegations of authority by or under the authority of the Secretary of Commerce under the cited statutory provision are hereby terminated. All future communications on any matter covered by this Paragraph (2) should be directed to the General Counsel, Federal Aviation Administration, Washington, D.C. 20553.

(3) In accordance with the authority contained in sections 4, 6, and 9 of the Act and 49 CFR Part 1, the forms and stationery authorized for use, immediately prior to the effective date of the Act, with respect to any function transferred to the Administrator by the Department of Transportation Act or 49 CFR Part 1, are hereby adopted by the Federal Aviation Administration and may be used to conduct the official business of the Administration until the present supply has been exhausted. Any such form or stationery which is intended for use by or with the public shall be appropriately revised where required to reflect the establishment of the Federal Aviation Administration in the Department of Transportation. Existing forms and stationery will not be used and new supplies will be promptly procured in each case where the necessary revision would exceed the utility of the form or stationery.

Issued in Washington, D.C., on April 1, 1967.

This order is effective April 1, 1967.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 67-3737; Filed, Apr. 4, 1967; 8:49 a.m.]

Federal Highway Administration

NOTICE OF CONTINUATION OF ORDERS, RULES, REGULATIONS, POLICIES, PROCEDURES, PRIVILEGES, WAIVERS, COMMITTEES, AND OTHER ACTIONS

Pursuant to the authority delegated in 49 CFR Part 1 and in accordance with the provisions of section 12(a) of the Department of Transportation Act, all orders, determinations, rules, regulations, directives, requirements, standards, statements of policy, policy, and procedure memoranda, circular memoranda, notices, interpretations, procedures, committees and councils, and appointments thereto, contracts, agreements, certificates, permits, licenses, privileges, exemptions, waivers, and all other actions, which have been issued, made, granted, or allowed to become effective prior to April 1, 1967, under the provisions of law listed below relating to the functions, powers, and duties transferred under the Department of Transportation Act or delegated in 49 CFR Part 1 to the Federal Highway Administrator, subject to the reservations of authority therein, are hereby adopted and affirmed and shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by appropriate authority:

1. *Motor vehicle and highway safety.* All of the above, including those published in 23 CFR Ch. II, by any officer, office, or unit of the Department of Commerce, under the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) and the Highway Safety Act of 1966 (80 Stat. 731).

2. *Motor carrier safety.* All of the above, including those published in 49 CFR Ch. I, by the Interstate Commerce Commission or by any division, member, board of employees, officer, office, or unit thereof, under:

a. The Act of February 23, 1905, as amended (33 Stat. 743, 49 U.S.C. 1201 et seq.) insofar as it pertains to motor carriers, relating to medals for heroism;

b. Sections 831–835 of Title 18, United States Code, as amended, insofar as they pertain to motor carriers, relating generally to explosives and other dangerous articles;

c. Section 226 of the Interstate Commerce Act, as amended (49 U.S.C. 325), relating generally to investigation of motor vehicle sizes, weights, and service of employees;

d. Sections 204(a) (1), (2), (3), (3) (a), and (5) of the Interstate Commerce Act, as amended (49 U.S.C. 304), relating generally to qualifications and maximum hours of service to employees, and safety of operation and equipment of motor carriers;

e. Sections 221(a), 221(c), and 224 of the Interstate Commerce Act, as amended (49 U.S.C. 321 et seq.), insofar as they pertain to private carriers of property by motor vehicle and carriers of migrant workers by motor vehicle other than contract carriers, relating generally to service of process, designation of agents to receive service of process, and identification of interstate motor vehicles.

3. *Highways.* All of the above, including those published in 23 CFR Ch. I, by the Secretary of Commerce, or by any officer, office, or unit of the Department of Commerce or the Bureau of Public Roads, under Title 23, United States Code, as amended, relating generally to highways, and other laws and provisions of law relating generally to highways as cited in section 6(a)(1) of the Department of Transportation Act.

4. *Bridge tolls.* All of the above, including those published in 33 CFR Ch. II, by the Secretary of the Army or the Chief of Engineers, or by any officer, office, or unit of the Department of the Army or the Corps of Engineers, relating to the reasonableness of bridge tolls under:

a. Section 4 of the Act of March 23, 1906, as amended (34 Stat. 85, 33 U.S.C. 494);

b. Section 503 of the General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 526);

c. Section 17 of the Act of June 10, 1930, as amended (46 Stat. 552, 33 U.S.C. 498a);

d. The Act of June 27, 1930, as amended (46 Stat. 821, 33 U.S.C. 498b); and

e. The Act of August 21, 1935, as amended (49 Stat. 670, 33 U.S.C. 503–507).

All authorities relating to legal services, administrative functions such as personnel, fiscal, and management activities, and other functions to be carried out under the immediate direction of the Federal Highway Administrator in accordance with the concept of organization established by the Federal Highway Administrator consistent with the provisions of section 3(e)(1) of the Act are hereby retained by the Federal Highway Administrator.

All forms and stationery authorized for use, immediately prior to the effective date of the Act, relating to the functions, powers, and duties transferred by the Act or delegated to the Federal Highway Administrator under 49 CFR Part 1, are hereby adopted by the Administrator and may be used to conduct the official business of the Administration until the present supply has been exhausted. Any such form or stationery which is intended for use by or with the public shall be appropriately revised where required to reflect the establishment of the Federal Highway Administration in the Department of Transportation. Existing forms and stationery will not be used and new supplies will be promptly procured in each case where the necessary revision would exceed the utility of the form or stationery.

Communications in the future should be directed to the Federal Highway Administrator, Department of Transportation, Washington, D.C. 20591.

This order is effective April 1, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

MARCH 31, 1967.

[F.R. Doc. 67-3738; Filed, Apr. 4, 1967; 8:49 a.m.]

Federal Railroad Administration

NOTICE OF CONTINUATION OF ORDERS, REGULATIONS, PROCEDURES, PRIVILEGES, WAIVERS, COMMITTEES, AND OTHER ACTIONS

Pursuant to the authority delegated in 49 CFR Part 1 and in accordance with the provisions of section 12(a) of the Department of Transportation Act, all orders, determinations, rules, regulations, directions, requirements, standards, statements of policy, notices, interpretations, rules of practice, procedures, committees and councils and appointments thereto, contracts, agreements, certificates, permits, licenses, authorizations, privileges, exemptions, waivers, and all other actions which have been issued, made, granted, or allowed to become effective prior to April 1, 1967 under the provisions of law listed below, relating to functions, powers, and duties transferred under the Department of Transportation Act or delegated by 49 CFR Part 1 to the Federal Railroad Administrator, subject to the reservations therein, are hereby adopted and affirmed except that all references therein to the issuing agency, its components and officials, are hereby changed to "the Federal Railroad Administration" and "the Federal Railroad Administrator", respectively, and shall otherwise continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by appropriate authority:

1. *High speed ground transportation.* All of the above, by any officer, office, or unit of the Department of Commerce under the Act of September 30, 1965 (79 Stat. 893, 49 U.S.C. 1631).

2. *Safety functions transferred from the Interstate Commerce Commission.* All of the above, including those published in 49 CFR Ch. I, by the Interstate Commerce Commission or by any division, member, board of employees, officer, office, or unit thereof under the following laws:

a. Relating generally to safety appliances and equipment on railroad engines and cars, and protection of employees and travelers:

(i) The Act of March 2, 1893, as amended (27 Stat. 531, 45 U.S.C. 1 et seq.);

(ii) The Act of March 2, 1903, as amended (32 Stat. 943, 45 U.S.C. 8 et seq.);

(iii) The Act of April 14, 1910, as amended (36 Stat. 298, 45 U.S.C. 11 et seq.);

(iv) The Act of May 30, 1908, as amended (35 Stat. 476, 45 U.S.C. 17 et seq.);

(v) The Act of February 17, 1911, as amended (36 Stat. 913, 45 U.S.C. 22 et seq.);

(vi) The Act of March 4, 1915, as amended (38 Stat. 1192, 45 U.S.C. 30);

(vii) Reorganization Plan No. 3 of 1965 (79 Stat. 1320, 5 U.S.C. 133z–15);

(viii) Joint Resolution of June 30, 1906, as amended (34 Stat. 838, 45 U.S.C. 35);

(ix) The Act of May 27, 1908, as amended (35 Stat. 325, 45 U.S.C. 36 et seq.);

(x) The Act of March 4, 1909, as amended (35 Stat. 965, 45 U.S.C. 37); and

(xi) The Act of May 6, 1910, as amended (36 Stat. 350, 45 U.S.C. 38 et seq.).

b. The Act of March 4, 1907, as amended (34 Stat. 1415, 45 U.S.C. 61 et seq.) relating generally to hours of service of employees.

c. The Act of February 23, 1905, as amended (33 Stat. 743, 49 U.S.C. 1201 et seq.) relating generally to medals for heroism.

d. Sections 831–835 of Title 18, United States Code, as amended, insofar as they pertain to railroads and pipelines, relating generally to explosives and other dangerous articles.

e. Section 25 of the Interstate Commerce Act, as amended (49 U.S.C. 26) relating generally to safety appliances, methods and systems.

3. *Administration and operation of the Alaska Railroad.* All of the above, including those published in 49 CFR Ch. II, by any officer, office, or unit of the Department of the Interior under the Act of March 12, 1914, as amended (38 Stat. 305), and Executive Order 11107, April 25, 1963 (28 F.R. 4225).

All forms and stationery authorized for use, immediately prior to the effective date of the Act, relating to the functions, powers, and duties transferred by the Act or delegated to the Federal Railroad Administrator under 49 CFR, Part 1, are hereby adopted by the Administrator and may be used to conduct the official business of the Administration until the present supply has been exhausted. Any such form or stationery which is intended for use by or with the public shall be appropriately revised where required to reflect the establishment of the Federal Railroad Administration in the Department of Transportation. Existing forms and stationery will not be used and new supplies will be promptly procured in each case where the necessary revision would exceed the utility of the form or stationery.

All future communications, including telegraphic reports of accidents, required by 49 CFR 91.55, 91.162, 91.335, 91.454, 125.1, and 134.0, should be directed to the Federal Railroad Administrator, Washington, D.C. except for the following:

1. Reports relating to railroad safety required under 49 CFR Ch. I (other than the telegraphic reports of accidents listed above), should be filed in the same manner and at the same location as heretofore, but should be directed to the Federal Railroad Administration instead of the Interstate Commerce Commission.

2. Communications relating to explosives and other dangerous articles, including applications for special permits under 49 CFR 73.22(a)(1), should be directed to Federal Railroad Administrator, Department of Transportation, Washington, D.C.

3. Communications relating to the administration and operation of the Alaska Railroad should be directed to the General Manager of the Alaska Railroad, Post Office Box 7–2111, Anchorage, Alaska 99501.

Issued in Washington, D.C., on April 1, 1967.

This order is effective April 1, 1967.

A. SCHEFFER LONG,
Acting Administrator,
Federal Railroad Administration.

[F.R. Doc. 67-3739; Filed, Apr. 4, 1967; 8:49 a.m.]

[Administrator's Order No. 1]

PERFORMANCE OF FUNCTIONS, POWERS, AND DUTIES RELATING TO RAILROAD AND PIPELINE SAFETY

1. *Purpose.* This order delegates authority within the Federal Railroad Administration, Department of Transportation, to assure continuity in the performance of the functions, powers, and duties relating to railroad and pipeline safety transferred from the Interstate Commerce Commission by the Department of Transportation Act (80 Stat. 931) (hereinafter referred to as the Act).

2. *Effective date.* This order is effective on April 1, 1967.

3. *General authority.* Section 3(e)(1) of the Act established within the Department of Transportation a Federal Railroad Administration to be headed by an Administrator. Section 6(f)(3)(A) of the Act provides that the Federal Railroad Administrator shall carry out the functions, powers, and duties of the Secretary pertaining to railroad and pipeline safety under the statutes transferred from the Interstate Commerce Commission.

4. *Authority to delegate functions to officers and employees of the Federal Railroad Administration.* Under Section 9(e)(2) of the Act, the Federal Railroad Administrator may delegate his functions, powers, and duties within the Federal Railroad Administration.

5. *Establishment of the Railroad Safety Board and delegation of functions, powers and duties to the Board.* (a) There is hereby established and created in the Federal Railroad Administration, the Railroad Safety Board. The Board shall be composed of up to three members. A majority of the members of the Board in office may act for the Board. One member may be designated as Chairman by the Administrator of the Federal Railroad Administration.

(b) The Railroad Safety Board is hereby delegated the authority of the Federal Railroad Administrator with respect to:

(i) Proceedings relating to the installation and maintenance of safety devices by carriers by railroad under the provisions of the Signal Inspection Act (49 U.S.C. 26 (a)–(g), as amended), which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(ii) Matters arising under the Accident Reports Act (45 U.S.C. 38–43), the Safety Appliance Acts and the Power or Train Brakes Safety Appliance Act of 1958 (45 U.S.C. 1–16), the Hours of Service Act (45 U.S.C. 61–64), the Locomotive Inspection Act, and Reorganization Plan No. 3 of 1965 (45 U.S.C. 22–34), including appeals of notices issued by locomotive inspectors ordering locomotives out of service until restored to serviceable condition by correction of specified

defects, and the Ash Pan Act (45 U.S.C. 17–21), except for the authorization of civil and criminal proceedings to enforce these statutes, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(iii) The Railroad Safety Board may certify to the Administrator any matter which in the Board's judgment should be passed on by the Administrator, and the Administrator may recall any matter from the Railroad Safety Board.

6. *Establishment of the Bureau of Railroad Safety, and delegation of functions, powers, and duties to the Director of the Bureau of Railroad Safety.* (a) There is hereby established and created in the Federal Railroad Administration, the Bureau of Railroad Safety. The Bureau of Railroad Safety shall be headed by a Director, who shall be designated by the Administrator of the Federal Railroad Administration.

(b) The Director of the Bureau of Railroad Safety is hereby authorized:

(i) To issue public notices relating to applications or petitions concerning matters arising under the Signal Inspection Act (49 U.S.C. 26 (a)–(g), as amended);

(ii) To authorize the Chief Counsel of the Federal Railroad Administration to seek institution of civil and criminal proceedings by U.S. attorneys for enforcement of railroad and pipeline safety statutes listed in section 6(e) of the Act.

(iii) To consider matters relating to explosives and other dangerous articles under sections 831–835 of Title 18, United States Code, as amended, insofar as they pertain to railroads and pipelines, except that the Federal Railroad Administrator may delegate to a Hazardous Materials Officer within the Federal Railroad Administration discretionary authority to approve, in conformance with the general policy previously followed by the Interstate Commerce Commission under the provisions of applicable law and regulations, applications for special permits for utilization of containers for emergency or experimental shipments as the present emergency indicates insofar as shipment by Rail is concerned.

Issued in Washington, D.C., on April 1, 1967.

A. SCHEFFER LONG,
Acting Administrator,
Federal Railroad Administration.

[F.R. Doc. 67-3740; Filed, Apr. 4, 1967; 8:49 a.m.]

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VOLUME 32 • NUMBER 66

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APR 1 1967
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Civil Aeronautics Board
Consumer and Marketing Service
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
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Interstate Commerce Commission
Land Management Bureau
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National Bureau of Standards
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[A cumulative checklist of CFR issuances for 1967 appears in the first issue of the Federal Register each month under Title 1]

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[ACP—1965, Supp. 2]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1965

USE OF LEGUMES

Section 701.48 of the regulations governing the 1965 National Agricultural Conservation Program, 29 F.R. 10494, as amended, is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not be applicable if the land is needed to permit the planting of increased permitted acreage resulting from an increased crop acreage allotment or base."

(Sec. 8, 49 Stat. 1149, as amended; 16 U.S.C. 590h)

Signed at Washington, D.C., on March 29, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-3763; Filed, Apr. 5, 1967; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 195]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.495 Valencia Orange Regulation 195.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 30, 1967.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., April 9, 1967, and ending at 12:01 a.m., P.s.t., January 31, 1968, no handler shall handle:

(i) Any Valencia oranges grown in District 2 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.20 inches in diameter; or

(ii) Any Valencia oranges grown in District 2 which are of a size larger than 3.41 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 3.41 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 2" shall have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 3, 1967.

F. L. SOUTHERLAND,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 67-3795; Filed, Apr. 5, 1967; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Paragraph (e) of § 242.2 is amended to read as follows:

§ 242.2 Apprehension, custody, and detention.

* * * * *

(e) *Privilege of communication.* Every detained alien shall be notified that he may communicate with the consular or diplomatic officers of the country of his nationality in the United States. Existing treaties require immediate communication with appropriate consular or diplomatic officers whenever nationals of the following countries are detained in exclusion or expulsion proceedings whether or not requested by the alien, and, in fact, even if the alien requests that no communication be undertaken in his behalf:

China.
Costa Rica.
Cyprus.
Gambia.
Ghana.
Ireland (unless national requests that such information not be transmitted).
Jamaica.
Kenya.
Kuwait.
Malawi.
Malaysia.
Malta.
Nigeria.
Philippines.
Sierra Leone.
Singapore.
Tanzania.
Trinidad and Tobago.
Uganda.
United Kingdom:
England.
Northern Ireland.
Scotland.
Southern Rhodesia.
Wales.
Zambia.

§ 336.16 [Amended]

2. Section 336.16 *Final hearing; waiver of 30-day period* is amended by inserting the following sentence after the existing first sentence to read as follows: "The waiver request shall set forth all the facts and circumstances which the petitioner believes will be in the public interest and will promote the security of the United States."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: March 31, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67-3767; Filed, Apr. 5, 1967; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 6, Amdt. 16]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Government Procurement

On March 15, 1967, there was published in the FEDERAL REGISTER (32 F.R. 4079), a notice of proposal to delete the note which follows § 121.3-8(f)(3) of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations. The note provides that no concern will be denied small business status for the purpose of Government procurement solely because of its contractual relationship with a large interstate van line provided that its annual receipts have not exceeded $3 million during the concern's most recently completed fiscal year and no more than 50 percent of such annual receipts are directly attributable to its relationship with an interstate van line.

Interested persons were given 15 days in which to file with the Small Business Administration, written statements of facts, opinions, or arguments concerning the proposed definition.

No comments were received on the proposal. Therefore, the amendment set forth below is hereby adopted:

Section 121.3-8 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by deleting the note following § 121.3-8(f)(3).

Effective date. This amendment becomes effective on publication in the FEDERAL REGISTER.

Dated: April 3, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-3810; Filed, Apr. 5, 1967; 8:50 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.555]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Validity of Nonimmigrant Visas

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended to enable consular officers, on a basis of reciprocity, as authorized by the Department, to issue nonimmigrant visas which are valid indefinitely. The appropriate paragraphs are amended as follows:

1. Paragraph (c) of § 41.122 is amended to read:

§ 41.122 Validity of visas.

* * * * *

(c) *Validity of visa and number of applications for admission.* Except as provided in paragraph (d) of this section a nonimmigrant visa shall have the validity prescribed in schedules made available to consular officers by the Department, which reflect, as nearly as practicable, the reciprocal treatment accorded U.S. nationals by the government of the country of which the alien is a national or stateless resident. Nonimmigrant visas issued pursuant to section 101(a)(15)(B) of the Immigration and Nationality Act may, in the discretion of the consular officer, be made valid indefinitely and for an unlimited number of applications for admission for aliens who: (1) Are nationals of countries which offer reciprocal treatment to U.S. citizens, as determined by the Department of State; (2) are in possession of a valid passport in which the visa may be stamped; and (3) have satisfied the consular officer that they are bona fide visitors and will continue to maintain that status for an indefinite period of time. An indefinite validity visa shall not be valid for application for admission into the United States if the passport in which the visa is stamped has expired. Such a visa may be transferred by a U.S. consular officer to a valid passport in accordance with the procedures outlined in § 41.126.

* * * * *

§ 41.124 [Amended]

2. Section 41.124(b) is amended by adding at the end the following sentence: "In no instance may a B visa having an indefinite validity be placed in any document other than a valid passport."

3. Section 41.124(c)(1)(v) is amended by deleting the semicolon and adding "or the word 'indefinitely' if on a basis of reciprocity an indefinite validity visa is issued;".

4. Section 41.124(e) is amended by adding at the end the following sentence: "If a visitor visa is to be made valid for an indefinite period the word 'indefinitely' shall be inserted in the space provided for the expiration date of the visa."

§ 41.126 [Amended]

5. The first sentence of paragraph (a) of § 41.126 is amended by inserting the word "shall" in substitution for the word "may."

6. Paragraph (b) of § 41.126 is amended to read:

(b) *Procedure for transfer.* Application for the transfer of a nonimmigrant visa from one passport to another shall be made on an appropriate form. The consular officer may, in his discretion, waive the personal appearance of the alien. The issuance of a transferred visa shall be evidenced by placing the visa stamp with all of the original data in the alien's passport. The validity of the transferred visa shall be the same as that of the original visa. The transferred visa shall be valid for the number of applications for admission remaining as of the date of the transfer. The word "TRANSFERRED" shall be inserted on the upper margin of the visa stamp. If the visa is transferred at an office other than the one which issued the original visa, the office of original issuance shall be appropriately notified.

Effective date. The regulations contained in this order shall become effective April 15, 1967.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

PHILIP B. HEYMANN,
Acting Administrator, Bureau of Security and Consular Affairs.

MARCH 21, 1967.

[F.R. Doc. 67-3804; Filed, Apr. 4, 1967; 12:40 p.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Trade Association Code of Ethics

§ 15.119 Trade association code of ethics.

(a) The Commission advised a trade association that the objectives sought by its proposed code of ethics appeared to be unobjectionable and that adherence to the code should not operate to effect an unreasonable restraint of trade. Accordingly it is the Commission's view that the mere act of becoming a member of the association and joining in its activities for the purposes outlined will not in itself violate any statute administered by the Commission.

(b) The association was advised, however, that if enforcement of the code operated so as to effect an unreasonable restraint of trade, serious questions would be raised as to the plan's validity. The general test, the Commission stated, is whether concerted action by competitors unreasonably affects a businessman's ability to compete. Thus, if association membership is an important competitive factor, arbitrary or discriminatory refusal of membership to a qualified applicant because of alleged failure to abide by the code would raise serious questions under Commission-administered law, as would arbitrary or discriminatory expulsion of association members.

(c) In conclusion, the Commission noted that it confined itself in its answer to so much of the question as falls within Commission jurisdiction. The extent, if any, to which another Government agency may be concerned with the association's activity is a matter to be determined by reference to that agency.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: April 5, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-3766; Filed, Apr. 5, 1967; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 41—PREPARATION OF ROLLS OF INDIANS

Requirements for Enrollment and Deadlines for Filing Applications

That portion of Part 41 of Title 25 of the Code of Federal Regulations regulating the preparation of rolls of persons entitled to share in funds appropriated to pay a judgment in favor of the Quileute Indian Tribe, including the Hoh Tribe, as authorized by the Act of October 14, 1966 (80 Stat. 905), is amended to extend the deadline date for filing applications for enrollment with the Quileute and Hoh Tribes to July 1, 1967.

In § 41.3, paragraphs (g)(3) and (h)(2) are revised to read as follows:

§ 41.3 Qualifications for enrollment and the deadline for filing applications.

* * * * *

(g) Quileute Tribe of Indians: * * *

(3) Applications for enrollment must be filed with the Superintendent, Bureau of Indian Affairs, Western Washington Agency, 3006 Colby Avenue, Everett, Wash. 98201, and must be postmarked no later than July 1, 1967.

* * * * *

(h) Hoh Tribe: * * *

(2) Applications for enrollment must be filed with the Superintendent, Bureau of Indian Affairs, Western Washington Agency, 3006 Colby Avenue, Everett, Wash. 98201, and must be postmarked no later than July 1, 1967.

* * * * *

No further changes are made in the text of Part 41.

Notice of proposed rule making would cause undue delay in the preparation of the rolls and would be contrary to the public interest. Therefore, notice and public procedure imposed by section 4 of the Administrative Procedure Act of June 11, 1946 (5 U.S.C. 1003), are dispensed with under the exceptions provided in that section. Accordingly, these amendments shall become effective on April 1, 1967.

CHARLES F. LUCE,
Acting Secretary of the Interior.

MARCH 31, 1967.

[F.R. Doc. 67-3748; Filed, Apr. 5, 1967; 8:45 a.m.]

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Montana

On page 3360 of the FEDERAL REGISTER of February 28, 1967, there was published a notice of intention to amend §§ 221.16 and 221.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. The purpose of the amendments is to establish the assessment rate for nondistrict lands of the Flathead Indian Irrigation Project for 1967 and thereafter until further notice.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Section 221.16 is amended to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of $3.10 per acre, for the season of 1967 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1½ acre-feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of two dollars and seven cents ($2.07) per acre-foot or fraction thereof.

Section 221.17 is amended to read as follows:

§ 221.17 Charges, Mission Valley and Camas Divisions.

(a) (1) An annual minimum charge of $3.48 per acre, for the season of 1967 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1½ acre-feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of two dollars and thirty-two cents ($2.32) per acre-foot or fraction thereof.

(b) (1) An annual minimum charge of $3.50 per acre, for the season of 1967 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1½ acre-feet per acre for the entire assessable area of the farm unit, allotment, or tract. Additional water, if available, will be delivered at the rate of two dollars and thirty-three cents ($2.33) per acre-foot or fraction thereof.

REINHOLT BRUST,
Acting Area Director.

[F.R. Doc. 67-3749; Filed, Apr. 5, 1967; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 6 (INS-I, 9th Rev.)]

INS-1—MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Assumption of Risk by Owner and Attachment and Cancellation Dates of Commercial Insurance; Correction

In F.R. Doc. 67-3526 appearing in the FEDERAL REGISTER issue of March 31, 1967 (32 F.R. 5422), the reference to the General Agency Agreement in section 5(b)

should read "General Agency Agreement 3–19–51 (amendment 8–65) and Addendum thereto."

Dated: April 3, 1967.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67–3784; Filed, Apr. 5, 1967; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–3—PROCUREMENT BY NEGOTIATION

PART 1–6—FOREIGN PURCHASES

Balance of Payments Program

This amendment adds a new Subpart 1–6.8 to the Federal Procurement Regulations which prescribes policies and procedures regarding the procurement of supplies and services for use abroad in order to further the Government's Balance of Payments Program and changes § 1–3.201 to permit the national emergency authority to negotiate contracts, as provided in the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c)(1)), to be employed in connection with procurements involving the Balance of Payments Program. It eliminates the need for individual agency procedures and is expected to continue until the Balance of Payments problem is resolved.

Subpart 1–3.2—Circumstances Permitting Negotiation

1. Section 1–3.201 is amended to revise paragraph (b) and to add paragraph (c) (3) to read as follows:

§ 1–3.201 National emergency.

* * * * *

(b) *Determination.* The Administrator of General Services has determined, pursuant to section 302(c)(1) of the Act, that it is necessary in the public interest during this period of national emergency that contracts be negotiated by executive agencies to assist labor surplus areas and small business concerns and to further the Balance of Payments Program.

(c) *Application.* * * *

(3) The authority of this section of the Act shall be used, in accordance with the foregoing determination, to negotiate contracts for U.S. end products or services, as provided in Subpart 1–6.8 of this chapter, in furtherance of the U.S. Balance of Payments Program.

2. The table of contents for Part 1–6 is amended to provide for the addition of entries for new Subpart 1–6.8, as follows:

Subpart 1–6.8—Balance of Payments Program

Sec.
1–6.800 Scope.
1–6.801 General.
1–6.802 Definitions.
1–6.803 Deviations from evaluation and preference procedures.
1–6.804 Policy.
1–6.805 Exceptions.
1–6.806 Procedures.
1–6.806–1 Restricted solicitation.
1–6.806–2 Method of purchase.
1–6.806–3 Certificate.
1–6.806–4 Contract clause.

AUTHORITY: The provisions of this Subpart 1–6.8 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

3. Part 1–6 is amended by the addition of the following subpart:

Subpart 1–6.8—Balance of Payments Program

§ 1–6.800 Scope.

This subpart prescribes policies and procedures applicable to the procurement of articles, materials, supplies, and services (other than construction and use of U.S.-flag vessels) for use outside the United States in order to further the Balance of Payments Program.

§ 1–6.801 General.

The policies and procedures in this subpart provide for the use of excess and near excess foreign currencies and reflect the recommendation of the President's Cabinet Committee on Balance of Payments that, with the exception of the Agency for International Development, all Federal agencies procuring for use abroad should, in general, procure domestic materials unless the delivered cost of domestic materials is estimated to be 50 percent greater than the cost of like materials of foreign origin. AID is expected to follow this policy on its administrative procurement only, continuing its more restrictive buying policies on other procurement. For purposes of carrying out this decision on procurement for use abroad, it is suggested that agencies generally follow the definition of "domestic product" which is provided in Executive Order No. 10582, although it is recognized that some flexibility in the use of this definition may be warranted in exceptional circumstances.

§ 1–6.802 Definitions.

As used in this subpart, the following terms have the meanings set forth in this § 1–6.802.

(a) "End products" means articles, materials, and supplies, which are to be acquired for public use. As to a given contract, the end products are the items to be delivered to the Government, as specified in the contract, including supplies to be acquired by the Government for public use in connection with service contracts, but excluding installation and other services to be performed after delivery.

(b) "Components" means those articles, materials, and supplies, which are directly incorporated into end products.

(c) "United States" means the States, District of Columbia, Puerto Rico, American Samoa, the Canal Zone, the Virgin Islands, and any other place subject to the jurisdiction of the United States.

(d) "U.S. end product" means an unmanufactured end product which has been mined or produced in the United States, or an end product manufactured in the United States if the cost of its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. The cost of components shall include transportation costs to the place of incorporation into the end product and, in the case of a component of foreign origin, duty (whether or not a duty free entry certificate may be issued). A component shall be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the end product into which it is incorporated is manufactured in the United States and the component is of a class or kind determined by the procuring agency not to be mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

(e) "Foreign end products" means those other than U.S. end products.

(f) "Domestic cost" means the total estimated or actual cost of U.S. end products and services, including all transportation and handling charges.

(g) "Foreign cost" means the total estimated or actual cost of foreign end products and services, including all transportation and handling charges.

(h) "U.S. services" means those that are performed within the United States. In some instances, services provided under a single contract are performed partially in the United States and partially abroad. Such services shall be considered U.S. services if 25 percent or less of the total cost of the services is attributable to services (including incidental supplies used in connection therewith) performed outside the United States.

(i) "Foreign services" means those other than U.S. services.

(j) "Excess and near-excess foreign currencies" means those currencies of other countries held by the United States in amounts determined by the Secretary of the Treasury to be "excess" to the foreseeable, or above the immediate (near-excess), requirements of the U.S. Government, as publicized to U.S. agencies by Bureau of the Budget bulletins.

§ 1–6.803 Deviations from evaluation and preference procedures.

(a) The evaluation and preference procedures for U.S. end products and services, as described in this subpart, reduce overseas dollar expenditures resulting from agency procurement at an acceptable increase in budgetary costs. However, this result is an average and overall result rather than one which precisely obtains in each case, because, for reasons of administrative practicability, items are considered absolutely as "foreign" or "domestic" and varying degrees within each class are not recognized.

(b) In some cases, consideration of items on such an absolute basis does not produce a satisfactory result. Accordingly, deviation from the evaluation procedures or from the definitions of "U.S. end product" (see §§ 1–6.802 and 1–6.806–4) should be considered for major procurements (e.g., over $250,000) where it is anticipated that the low domestic bid will involve relatively substantial expenditures for foreign components in the end product offered or that the low foreign bid will involve relatively substantial expenditures for domestic components in the end product offered. In such cases, agencies should determine whether an award based on the domestic end product offered would produce a sufficient balance of payments advantage to warrant the resulting increased cost of procurement.

(c) A request for a deviation should be made sufficiently in advance of the solicitation to describe the evaluation procedure that will be used. The deviation should be approved by the head of the agency or his designee.

§ 1–6.804 Policy.

(a) Wherever feasible, excess foreign currencies (see Bureau of the Budget Circular No. A–20) shall be used for the procurement of articles, materials, supplies, and services for use outside the United States. Contracts for such procurements may also provide for payment in both local currency and dollars if the dollar portion is limited to the contractor's validated direct dollar costs of the U.S. export content of these procurements.

(b) When use of excess currencies is found not feasible, and except as provided in § 1–6.805, proposed procurement of articles, materials, supplies, and services for use outside the United States shall be restricted to U.S. end products and services.

(c) Procurements shall not be broken into several separate smaller procurements for the purpose of bringing the individual amounts of such procurements within the dollar limitations of the exceptions in § 1–6.805 which permit the procurement of foreign items.

§ 1–6.805 Exceptions.

(a) Foreign end products and services may be procured, without regard to the provisions of §§ 1–6.804 and 1–6.806, as follows:

(1) Where required to be made in accordance with a treaty or international agreement.

(2) Where the estimated cost of the product does not exceed $2,500.

(3) Where the estimated cost of the product does not exceed $10,000 and the procuring activity determines that the procurement of such product is required by a compelling emergency.

(4) Where, in connection with the procurement of perishable subsistence items, it is determined that delivery from the United States would destroy or significantly impair their quality at the point of consumption. Such determinations shall be made by each agency in accordance with agency procedures.

(5) Where it is determined, in accordance with agency procedures, that a requirement can only be filled by a foreign end product or service, and that it is not feasible to forego filling the requirement or to provide a U.S. substitute for the requirement.

(6) Where, with respect to procurements other than those covered in subparagraphs (1) through (8) of this paragraph, U.S. end products or services are available, the domestic cost is estimated not to exceed $10,000, and the difference between the domestic cost and the foreign cost is determined to be so large as to make procurements of foreign end products and services clearly desirable. Such determinations shall be made in accordance with agency procedures. Where the domestic cost is estimated to exceed $10,000, and the difference between the domestic cost and the foreign cost exceeds 50 percent of the foreign cost, the matter shall be forwarded to the head of the agency or his designee for determination. In either case, if the agency determines that the foreign end product or service shall be purchased, contracts for such procurements shall provide that the payment in dollars will be limited to the contractor's validated direct dollar costs of the U.S. export content of the procurement where excess or near-excess foreign currency is available and such a limitation on payments in dollars is considered to be practicable.

(7) Where procurements are financed from the Treasury Department supply of "near-excess" foreign currencies.

(8) Where individual products or services have been excepted by agency regulations.

(b) Complete documentation justifying procurements under paragraph (a) of this § 1–6.805 shall be prepared by requiring activities and included in the contract file.

§ 1–6.806 Procedures.

§ 1–6.806–1 Restricted solicitation.

(a) In the case of procurements other than those referred to in §§ 1–6.804(a) and 1–6.805, where the domestic cost is estimated to exceed $10,000, cost estimates of United States and foreign end products and services shall be made prior to solicitation (where one agency procures for another agency the requiring agency shall make the cost estimate). If the domestic cost is estimated to exceed the foreign cost by not more than 50 percent of the foreign cost, the solicitation shall be restricted to U.S. end products and services.

(b) If after bid opening, or receipt of proposals or quotations, the contracting officer has knowledge that domestic cost exceeds foreign cost by more than 50 percent of the foreign cost, he shall proceed as follows:

(1) Where the domestic cost is in excess of $10,000, forward the matter to the head of the agency or his designee for determination; or

(2) Where the domestic cost is not in excess of $10,000, award the contract for U.S. end products or services unless the domestic and foreign cost differential is so large as to make the procurement of foreign end products or services clearly desirable. Should the latter be the case, the solicitation shall be canceled and a nonrestricted solicitation issued.

(c) If the agency determines that the foreign end product or service shall be purchased, contracts for such procurements shall provide that the payment in dollars will be limited to the contractor's validated direct dollar costs of the U.S. export content of the procurement where excess or near-excess foreign currency is available and such a limitation on payments in dollars is considered to be practicable.

§ 1–6.806–2 Method of purchase.

Contracts in furtherance of this Subpart 1–6.8 are considered to be negotiated procurements and may be entered into by conventional negotiation or by special method of negotiated procurement knows as "Balance of Payments Restricted Advertising." Within the United States, the latter method shall be used wherever possible. Balance of Payments Restricted Advertising, including awards thereunder, shall be conducted in the same manner as prescribed for formal advertising in Part 1–2 of this chapter, except that bids and awards shall be restricted to U.S. end products and services. Contracts entered into pursuant to conventional negotiation shall cite exceptions (2) through (15) of 41 U.S.C. 252(c), as appropriate. Where such negotiation authority is not applicable or where contracts are entered into pursuant to the Balance of Payments Restricted Advertising method of procurement, 41 U.S.C. 252(c)(1) shall be cited as negotiation authority. Invitations for bids and requests for proposals shall clearly designate items being procured pursuant to the Balance of Payments Program.

§ 1–6.806–3 Certificate.

Invitations for bids and requests for proposals shall require that each bid or proposal include a certificate substantially as follows:

U.S. PRODUCTS CERTIFICATE (BALANCE OF PAYMENTS PROGRAM)

To the extent that the Government specifies that the items being purchased are in implementation of the Balance of Payments Program, the bidder or offeror hereby certifies that each such item is a U.S. end product or comprises U.S. services (as defined in the contract clause entitled "U.S. Products and Services (Balance of Payments Program)"), and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States.

§ 1–6.806–4 Contract clause.

The clause set forth below shall be inserted in contracts resulting from Balance of Payments Program procurements.

U.S. PRODUCTS AND SERVICES (BALANCE OF PAYMENTS PROGRAM)

(a) To the extent that the Government specifies that the items being purchased are in implementation of the Balance of Payments Program, the Contractor agrees that there will be delivered or performed under this contract only U.S. end products or U.S. services.

(b) For the purpose of this clause:

(1) "Components" means those articles, materials, and supplies which are directly incorporated in the end products;

(2) "End products" means those articles, materials, and supplies which are acquired under this contract for public use;

(3) "U.S. end product" means:

(i) An unmanufactured end product which has been mined or produced in the United States; or

(ii) An end product manufactured in the United States, if the cost of the components thereof which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purpose of this subparagraph, components of foreign origin of the same type and kind which the Government determines are not mined, produced, or manufactured in sufficient and reasonably available commercial quantities and of satisfactory quality shall be treated as components mined, produced, or manufactured in the United States.

(4) "U.S. services" means those that are performed within the United States. In some instances, services provided under a single contract are performed partially in the United States and partially abroad. Such services shall be considered U.S. services if 25 percent or less of the total cost of the services is attributable to services (including incidental supplies used in connection therewith) performed outside the United States.

Effective date. This regulation is effective June 15, 1967, but may be observed earlier.

Dated: March 29, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67-3778; Filed, Apr. 5, 1967; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666, Order No. 77]

PART 173 [1]—SHIPPERS

Specification Containers and Cargo Tanks

At a Session of the Interstate Commerce Commission, Explosives and Other Dangerous Articles Board, held at Washington, D.C., on the 31st day of March 1967.

The matter of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing, that due to the impending transfer of the functions of the Commission's Section of Explosives and Other Dangerous Articles to the Department of Transportation; that it is beneficial to the public interest to maintain a continuity of authority to issue special permits granting deviations from said regulations in certain instances; that such continuity will be maintained by redelegating the authority presently vested in the Director or Acting Director, Bureau of Operations and Compliance, as provided in §§ 173.22(a)(1) and 173.33(c), to the Chief or Acting Chief, Section of Explosives and Other Dangerous Articles, and for good cause,

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

In § 173.22 amend paragraph (a)(1) (29 F.R. 18672, Dec. 29, 1964) to read as follows:

§ 173.22 Specification containers prescribed.

(a) • • •

(1) Because of the present emergency and until further order of the Commission, containers approved for emergency or experimental shipments may be authorized in the discretion of, and upon special permit to be issued by the Chief or Acting Chief, Section of Explosives and Other Dangerous Articles, Bureau of Operations and Compliance, Washington, D.C.

• • • • •

In § 173.33 amend paragraph (c) (32 F.R. 3453, Mar. 2, 1967) to read as follows:

§ 173.33 Cargo tank use authorization.

• • • • •

(c) *Special permit authorization.* Every cargo tank which does not meet one or more of the authorized specifications as shown in paragraph (b) of this section may continue in or be placed in service only under the terms specifically prescribed by the Chief or Acting Chief, Section of Explosives and Other Dangerous Articles, Bureau of Operations and Compliance. In the event such special permit authorization is desired, the carrier shall furnish those details concerning the design and construction of the tank motor vehicle and the cargo tank as seem necessary for the determination of its ability to transport the proposed commodity safely.

• • • • •

It is further ordered, That this order shall become effective March 31, 1967.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Explosives and Other Dangerous Articles Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3771; Filed, Apr. 5, 1967; 8:47 a.m.]

[1] For recodification of Part 73 as Part 173, see Title 49, Editorial Note, 32 F.R. 5606, April 5, 1967.

[Docket No. 3666; Order No. 73A]

PART 173 [1]—SHIPPERS

Cargo Tank Use Authorization

At a Session of the Interstate Commerce Commission, Explosives and Other Dangerous Articles Board, held at Washington, D.C., on the 27th day of March 1967.

Upon further consideration of § 173.33 paragraph (b)(2) of the amendment to the Regulations for the Transportation of Explosives and Other Dangerous Articles, as adopted by Order No. 73 in Docket 3666, dated February 14, 1967, and good cause appearing;

It is ordered, That the date of May 14, 1967, after which new construction of Specifications MC 300, MC 302, MC 303, MC 304, MC 305, MC 310, and MC 311 cargo tanks is not permitted, be changed to September 1, 1967.

It is further ordered, That § 173.33 paragraph (b)(2) (32 F.R. 3453, March 2, 1967) be amended to read as follows:

§ 173.33 Cargo tank use authorization.

• • • • •

(b) • • •

(2) Continued use of existing cargo tanks constructed to Specifications MC 300, MC 302, MC 303, MC 304, MC 305, MC 310, and MC 311 is authorized but new construction may not commence after September 1, 1967.

• • • • •

It is further ordered, That this order shall become effective May 14, 1967, and shall remain in effect until further order of the Commission;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Explosives and Other Dangerous Articles Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3770; Filed, Apr. 5, 1967; 8:47 a.m.]

PART 235 [1a]—DISCONTINUANCE OR MATERIAL MODIFICATION OF SIGNAL SYSTEMS

Vacation of Order

At a session of the Interstate Commerce Commission, Division 3, held at its office at Washington, D.C., on the 30th day of March A.D. 1967.

[1a] For recodification of Part 135 as Part 235, see Title 49, Editorial Note, 32 F.R. 5606, April 5, 1967.

It appearing, that on March 8, 1967, the Association of American Railroads filing a pleading in which it opposed, in several particulars, the order of the Commission of January 10, 1967, containing revised instructions for the filing of applications under section 25, Part I, of the Interstate Commerce Act;

It further appearing, that the matter under consideration will be the responsibility of the Department of Transportation beginning April 1, 1967, and that that Department may more appropriately handle the questions at issue:

It is ordered, That the order herein of January 10, 1967, be, and is hereby, vacated and set aside and that this matter be transferred to the Department of Transportation for further handling and disposition.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3772; Filed, Apr. 5, 1967; 8:47 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-40]

PART 293 [1]—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Driveaway-Towaway Operations

At a session of the Interstate Commerce Commission, Motor Carrier Safety Board, held at its office in Washington, D.C., on the 22d day of March 1967.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations, prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing, that by petition dated November 17, 1966, and filed November 21, 1966, National Automobile Transporters Association, has requested that §§ 290.9, 293.17, 293.42, and 293.71 of the Code of Federal Regulations be amended; and

It further appearing, that amendment of §§ 293.17 (b) and (c), 293.42(b), 293.71 (a), (b), (c), (g), (j)(2), (k)(1), (k)(7), and (l)(1) of the Code of Federal Regulations, relating to parts and accessories necessary for safe operation, is warranted and good cause appearing therefor; and

It further appearing, that paragraph (n) should be added to § 293.71; and

It further appearing, that these amendments which will permit 3 saddle-mounts to be used in driveaway-towaway operation, is a relaxation of presently prescribed requirements and therefore, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 553) for good cause it is found that notice of proposed rule making is unnecessary;

Upon consideration of the record, and said petition, and good cause appearing therefor;

It is ordered, That Part 293 of Chapter I of Title 49 of the Code of Federal Regulations be amended as follows:

1. Paragraphs (b) and (c) of § 293.17 are amended to read as follows:

§ 293.17 Lamps and reflectors, combinations in driveaway-towaway operations.

Combinations of motor vehicles engaged in driveaway-towaway operations shall be equipped as follows:

• • • • •

(b) On the towed vehicle of a tow-bar combination, the towed vehicle of a single saddle-mount combination, and on the rearmost towed vehicle of a double or triple saddle-mount combination, or on a vehicle full-mounted on a saddle-mount vehicle:

(1) On each side and near the rear, one side-marker lamp;

(2) On the rear, one tail lamp, one stop lamp, two turn signals, two clearance lamps, and two reflectors, one at each side; and, if any vehicle in the combination is 80 inches or more in overall width, three identification lamps;

(c) On the first saddle-mounted vehicle of a double saddle-mount combination and on the first and second saddle-mounted vehicles of a triple saddle-mount combination:

(1) On each side and near the rear, one side-marker lamp.

• • • • •

2. Paragraph (b) of § 293.42 is amended to read as follows:

§ 293.42 Brakes required on all wheels.

Every motor vehicle shall be equipped with brakes acting on all wheels, except:

• • • • •

(b) Any vehicle being towed in a driveaway-towaway operation, provided the combination of vehicles is capable of complying with the performance requirements of § 293.52; only such brakes on the vehicle or vehicles being towed in driveaway-towaway operations need be operative as may be necessary to insure compliance with the performance requirements of § 293.52. This paragraph is not applicable to any motor vehicle towed by means of a tow-bar when any vehicle is full-mounted on such motor vehicle or any combination of motor vehicles utilizing three saddle-mounts.

• • • • •

3. Paragraphs (a), (b), (c), (g), (j)(2), (k)(1), (k)(7), and (l)(1) of § 293.71 are amended to read as follows:

§ 293.71 Coupling devices and towing methods, driveaway-towaway operations.

(a) *Number in combination.* (1) No more than three saddle-mounts may be used in any combination.

(2) No more than one tow-bar may be used in any combination.

(3) When motor vehicles are towed by means of triple saddle-mounts, the towed vehicles shall have brakes acting on all wheels which are in contact with the roadway.

(b) *Carrying vehicles on towing vehicle.* (1) When adequately and securely attached by means equivalent in security to that provided in paragraph (j)(2) of this section, a motor vehicle or motor vehicles may be full-mounted on the structure of a towing vehicle engaged in any driveaway-towaway operation.

(2) No motor vehicle or motor vehicles may be full-mounted on a towing vehicle unless the relationship of such full-mounted vehicles to the rear axle or axles results in proper distribution of the total gross weight of the vehicles and does not unduly interfere with the steering, braking, or maneuvering of the towing vehicle, or otherwise contribute to the unsafe operation of the vehicles comprising the combination.

(c) *Carrying vehicles on towed vehicles.* (1) When adequately and securely attached by means equivalent in security to that provided in paragraph (j)(2) of this section, a motor vehicle or motor vehicles may be full-mounted on the structure of towed vehicles engaged in any driveaway-towaway operation.

(2) No motor vehicle shall be full-mounted on a motor vehicle towed by means of a tow-bar unless the towed vehicle is equipped with brakes and is provided with means for effective application of brakes acting on all wheels and is towed on its own wheels.

(3) No motor vehicle or motor vehicles shall be full-mounted on a motor vehicle towed by means of a saddle-mount unless the center line of the king pin or equivalent means of attachment of such towed vehicle shall be so located on the towing vehicle that the relationship to the rear axle or axles results in proper distribution of the total gross weight of the vehicles and does not unduly interfere with the steering, braking, or maneuvering of the towing vehicle or otherwise contribute to the unsafe operation of vehicles comprising the combination; and unless a perpendicular to the ground from the center of gravity of the full-mounted vehicles lies forward of the center line of the rear axle of the saddle-mounted vehicle.

(4) If a motor vehicle towed by means of a double saddle-mount has any vehicle full-mounted on it, such saddle-mounted vehicle shall at all times while so loaded have effective brakes acting on those wheels which are in contact with the roadway.

• • • • •

(g) *Means required for towing.* (1) No motor vehicle or motor vehicles shall be towed in driveaway-towaway operations by means other than tow-bar or saddle-mount connections which shall meet the requirements of this section.

(2) For the purpose of the regulations in this part:

(i) Coupling devices such as those used for towing house trailers and employing ball and socket connections shall be considered as tow-bars.

(ii) Motor vehicles or parts of motor vehicles adequately, securely, and rigidly attached by devices meeting the requirements of paragraph (n) of this section shall be considered as one vehicle in any position in any combination.

• • • • •

[1] For recodification of Part 193 as Part 293, see Title 49, Editorial Note, 32 F.R. 5606, April 5, 1967.

(j) *Requirements for upper-half of saddle-mounts.* The upper-half of any saddle-mount shall comply with the following requirements:

* * * * *

(2) *U-bolts or other attachments.* U-bolts used to attach the upper-half to the towed vehicle shall be made of steel rod, free of defects, so shaped as to avoid at any point a radius of less than 1 inch: *Provided, however,* That a lesser radius may be utilized if the U-bolt is so fabricated as not to cause more than 5 percent reduction in cross-sectional area at points of curvature, in which latter event the minimum radius shall be one-sixteenth inch. U-bolts shall have a diameter not less than required by the following table:

DIAMETER OF U-BOLTS IN INCHES

Weight in pounds of heaviest towed vehicle	Double or triple saddlemount			
	Front mount	Middle or front mount	Rear mount	Single saddle-mount [1]
Up to 5,000	0.625	0.5625	0.500	0.500
5,000 and over	.6875	.625	.5625	.5625

[1] The total weight of all the vehicles being towed shall govern. If other devices are used to accomplish the same purposes as U-bolts they shall have at least equivalent strength of U-bolts made of mild steel. Cast iron shall not be used for clamps or any other holding devices.

(k) *Requirements for lower-half of saddle-mounts.* The lower-half of any saddle-mount shall comply with the following requirements:

(1) *U-bolts or other attachments.* U-bolts used to attach the lower-half to the towing vehicle shall be made of steel rod, free of defects, so shaped as to avoid at any point a radius of less than 1 inch: *Provided, however,* That a lesser radius may be utilized if the U-bolt is so fabricated as not to cause more than 5 percent reduction in cross-sectional area at points of curvature, in which latter event the minimum radius shall be one-sixteenth inch. U-bolts shall have a total cross-sectional area not less than as required by the following table:

TOTAL CROSS-SECTIONAL AREA OF U-BOLTS IN SQUARE INCHES

Weight in pounds of heaviest towed vehicle	Double or triple saddlemount			
	Front mount	Middle or front mount	Rear mount	Single saddle-mount [1]
Up to 5,000	1.2	1.0	0.8	0.8
5,000 and over	1.4	1.2	1.0	1.0

[1] The total weight of all the vehicles being towed shall govern. If other devices are used to accomplish the same purposes as U-bolts they shall have at least equivalent strength of U-bolts made of mild steel. Cast iron shall not be used for clamps or any other holding devices.

* * * * *

(7) *Lower-half strength.* The lower-half shall be capable of supporting the loads given in the following table. For the purpose of test, the saddle-mount shall be mounted as normally operated and the load applied through the upper-half:

MINIMUM TEST LOAD IN POUNDS

Weight in pounds of heaviest towed vehicle	Double or triple saddle-mount			
	Front mount	Middle or front mount	Rear mount	Single saddle-mount [1]
Up to 5,000	15,000	10,000	5,000	5,000
5,000 and over	30,000	20,000	10,000	10,000

[1] The total weight of all the vehicles being towed shall govern.

DIAMETER OF SOLID KING-PIN IN INCHES

Weight in pounds of heaviest towed vehicle	Double or triple saddle-mount							
	Front mount		Middle or front mount		Rear mount		Single saddle-mount [1]	
	Mild steel	H.T.S.[2]	Mild steel	H.T.S.[2]	Mild steel	H.T.S.[2]	Mild steel	H.T.S.[2]
Up to 5,000	1.125	1.000	1.000	0.875	0.875	0.750	0.875	0.750
5,000 and over	1.500	1.125	1.250	1.000	1.000	.875	1.000	.875

[1] The total weight of all the vehicles being towed shall govern.
[2] High-tensile steel is steel having a minimum ultimate strength of 65,000 pounds per square inch.

4. Paragraph (n) is added to § 293.71, reading as follows:

(n) Requirements for devices used to connect motor vehicles or parts of motor vehicles together to form one vehicle.

(1) *Front axle attachment.* The front axle of one motor vehicle intended to be coupled with another vehicle as defined in paragraph (g) (2) (ii) of this section shall be attached with U-bolts meeting the requirements of paragraph (j) (2) of this section.

(2) *Rear axle attachment.* The rear axle of one vehicle shall be coupled to the frame of the other vehicle by means of a connecting device which when in place forms a rectangle. The device shall be composed of two pieces, top and bottom. The device shall be made of 4 inch by ½ inch steel bar bent to shape and shall have the corners reinforced with a plate at least 3 inches by ½ inch by 8 inches long. The device shall be bolted together with ¾ inch bolts and at least 3 shall be used on each side. Wood may be used as spacers to keep the frames apart and it shall be at least 4 inches square.

* * * * *

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That except to the extent that §§ 293.17, 293.42, and 293.71 of the Code of Federal Regulations are modified by this order the above mentioned petition be, and it is hereby, denied.

It is further ordered, That this order shall become effective on the date of service of this order and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to motor carriers and the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and filing a copy thereof with the Director, Office of the Federal Register.

Date of service: April 3, 1967.

By the Commission, Motor Carrier Safety Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3773; Filed, Apr. 5, 1967; 8:47 a.m.]

(l) *Requirements for kingpins of saddle-mounts.* The kingpin of any saddle-mount shall comply with the following requirements:

(1) *Kingpin size.* Kingpins shall be constructed of steel suitable for the purpose, free of defects, and having a diameter not less than required by the following table:

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Rice Lake National Wildlife Refuge, Minn.

The following special regulation is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Minn., is permitted only on the area designated by signs as open to fishing. This posted area comprising 50 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 13, 1967, through September 30, 1967, during daylight hours only.

(2) The use of motors on boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1967.

CARL E. POSPICHAL,
Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minn.

MARCH 29, 1967.

[F.R. Doc. 67-3745; Filed, Apr. 5, 1967; 8:45 a.m.]

PART 33—SPORT FISHING

Bitter Lake National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from April 1 through October 15, 1967, inclusive, only on the areas designated by signs as open to fishing. These open areas, comprising 945 acres, are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The use of boats or floating devices is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1967.

WILLIAM C. REFFALT,
Refuge Manager, Bitter Lake National Wildlife Refuge, Roswell, N. Mex.

MARCH 29, 1967.

[F.R. Doc. 67-3746; Filed, Apr. 5, 1967; 8:45 a.m.]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wis., is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 21, 1967 through September 15, 1967, inclusive.

(2) The use of boats is not permitted.

(3) Fishing during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1967.

ROBERT G. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.

MARCH 31, 1967.

[F.R. Doc. 67-3747; Filed, Apr. 5, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 10]

MIGRATORY GAME BIRDS

1967–68 Hunting Season

Notice is hereby given that pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), it is proposed to amend Part 10, Title 50, Code of Federal Regulations. Based on the results of migratory game bird studies now in progress and having due consideration for any views or data submitted by interested parties, these amendments will specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for the hunting of migratory game birds during the 1967–68 season.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, rails (except coot), woodcock, Wilson's snipe, waterfowl, and coots in Alaska, teal in States of the Mississippi and Central Flyways, and certain sea ducks in coastal waters of certain northeastern States will be proposed for final adoption not later than August 1, 1967, to become effective on or before September 1, 1967. Amendments specifying open seasons, bag and possession limits, and shooting hours for waterfowl, coots, cranes, and any other migratory game birds not previously adopted will be proposed for final adoption not later than September 1, 1967, to become effective on or before October 1, 1967.

It is the policy of the Department of the Interior, whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

MARCH 30, 1967.

[F.R. Doc. 67-3732; Filed, Apr. 5, 1967; 8:45 a.m.]

[50 CFR Part 10]

MIGRATORY GAME BIRDS

Hunting Seasons for Puerto Rico and Virgin Islands

Notice is hereby given that pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), it is proposed to amend Part 10, Title 50, Code of Federal Regulations in the following particulars:

§ 10.52 Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Puerto Rico.*

	Doves [1]	Pigeons [1]
Daily bag limit [1]	10, singly or in the aggregate of all species.	10, singly or in the aggregate of all species.
Possession limit [1]	20 doves and pigeons, singly or in the aggregate of all species.	
Open season dates.[2]	July 15–Sept. 30, 1967.	
Shooting hours	One-half hour before sunrise until sunset.	

[1] On Mona Island, the daily bag and possession limit on doves and pigeons is 15, singly or in the aggregate of all species.
[2] No open season is prescribed for doves or pigeons on Culebra Island.

(b) *Virgin Islands.*

	Doves	Pigeons [1]
Daily bag limit	10, singly or in the aggregate of all species.	5.
Possession limit	10, singly or in the aggregate of all species.	10.
Open season dates.[1]	July 1–Sept. 30, 1967.	July 1–Sept. 30, 1967.
Shooting hours	One-half hour before sunrise to sunset.	

[1] Closed season on all species of pigeons except those known locally as red-neck pigeons.

(c) *Puerto Rico.*

	Ducks	Coots	Gallinules	Common snipe (Wilson's)
Daily bag limit	4	6	8	8
Possession limit	8	12	16	16
Shooting hours	One-half hour before sunrise until sunset daily.			
Seasons in: Puerto Rico [1,2,3]	Oct. 1–Dec. 31, 1967.			

[1] Check State regulations for additional restrictions.
[2] No open season for waterfowl is prescribed for the Virgin Islands, including Culebra Island.
[3] The season on Bahama pintail is closed by State law.

Interested persons may submit written comments, suggestions or objections within 30 days from the date of this publication to the Director, Bureau of Sport Fisheries and Wildlife, Interior Building, Washington, D.C. 20240.

ABRAM V. TUNISON,
Acting Director of Sport Fisheries and Wildlife.

MARCH 30, 1967.

[F.R. Doc. 67-3733; Filed, Apr. 5, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment for 1966–67 Fiscal Year

Consideration is being given to the following proposals submitted by the Valencia Orange Administrative Committee, established under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That the expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period from November 1, 1966, through October 31, 1967, will amount to $218,100 and (2) that there be fixed, at $0.012 per carton of oranges, the rate of assessment payable by each handler in accordance with § 908.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: April 3, 1967.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3796; Filed, Apr. 5, 1967; 8:49 a.m.]

[7 CFR Part 958]

[Docket No. AO-283-A1]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREG.

Notice of Hearing Regarding Proposed Amendments to Marketing Agreement and Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674, and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in Community Hall, Fourth Street and Bates Avenue, Parma, Idaho, beginning at 9:30 a.m., local time, April 19, 1967, with respect to proposed amendments to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of onions grown in the Idaho and Malheur County, Oreg., production area. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions relating to the proposed amendments, hereinafter set forth, and to any appropriate modifications thereof.

The proposed amendments to the marketing agreement and order were submitted by the Idaho-Eastern Oregon Onion Committee, the administrative agency established pursuant to the marketing agreement and order, with a request for a hearing thereon. The proposals are as follows:

1. Delete § 958.44 *Refunds* and in lieu thereof insert a new § 958.44 and add a new § 958.45, as follows:

§ 958.44 Excess funds.

At the end of each fiscal period, funds in excess of the committee's expenses may be placed in an operating reserve not to exceed approximately 1 fiscal year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 958.40. Funds in excess of those placed in the operating reserve shall be refunded to handlers. Each handler's share of such excess shall be the amount he paid in excess of his pro rata share of the expenses of the committee and the addition, if any, to the operating reserve.

§ 958.45 Accounting of funds upon termination of the order.

Any funds collected as assessments pursuant to this subpart and remaining unexpended in the possession of the committee after termination of this part shall be distributed in such manner as the Secretary may direct: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

2. Amend § 958.47 to read as follows:

§ 958.47 Marketing research and development.

(a) The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of onions. Such projects may provide for any form of marketing promotion including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 958.42.

(b) In recommending projects pursuant to this section the committee shall give consideration to the following:

(1) The expected supply of onions in relation to market requirements;

(2) The supply situation among competing areas and commodities;

(3) The anticipated benefits from such projects in relation to their costs;

(4) The need for marketing research with respect to any market development activity; and

(5) The need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken, or continued, in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendation as to the funds to be obtained pursuant to § 958.42;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

3. Amend subparagraph (3), paragraph (a), of § 958.52 to read as follows:

§ 958.52 Issuance of regulations.

(a) * * *

(3) Fix the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of onions.

* * * * * *

4. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to the amendments which may result from this hearing.

Copies of this notice may be obtained from the Vegetable Branch, Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250, or from the Northwest Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, 1218 Southwest Washington Street, Portland, Oreg. 97205.

Dated: April 3, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-3797; Filed, Apr. 5, 1967; 8:49 a.m.]

[7 CFR Parts 1065, 1066]

[Docket Nos. AO 86-A21 and AO 123-A15]

MILK IN NEBRASKA-WESTERN IOWA AND SIOUX CITY, IOWA, MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Prom-Town House, 7000 Dodge Street, Omaha, Nebr., beginning at 10 a.m., local time, on April 24, 1967, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Nebraska-Western Iowa and Sioux City, Iowa, marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

A proposal to combine under one order the Nebraska-Western Iowa and Sioux City, Iowa, marketing areas along with additional territory contemplates termination of the Sioux City, Iowa, Order No. 66 with a merger of the administrative and marketing service funds. This proposal raises the issue of whether the present provisions of either the Nebraska-Western Iowa or Sioux City, Iowa, orders, as amended in accordance with the proposals listed below, would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of either of the orders would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Nebraska-Iowa Non-Stock Cooperative Milk Association and the Sioux City Milk Producers Cooperative Association, Inc.:

Proposal No. 1. Combine under one order the Nebraska-Western Iowa and Sioux City, Iowa, marketing areas and additional territory as proposed. Merge the administrative, marketing service, and producer-settlement funds and make such conforming changes as are necessary to integrate the two orders.

The complete regulatory terms of said consolidated order are proposed as follows:

DEFINITIONS

§ 1065.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1065.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1065.3 Department.

"Department" means the U.S. Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1065.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1065.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application of the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of, or marketing milk or its products for its members;

(c) Has its entire activities under the control of its members.

§ 1065.6 Nebraska-Western Iowa marketing area.

The Nebraska-Western Iowa marketing area, hereinafter called "marketing area" means all the territory within the counties and townships enumerated below, together with all territory within the boundaries so designated which is occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other establishments:

(a) *Eastern zone.*

IOWA COUNTIES

Cass.	O'Brien.
Cherokee.	Page.
Crawford.	Plymouth.
Fremont.	Pottawattamie.
Harrison.	Sac.
Ida.	Shelby.
Mills.	Sioux.
Monona.	Woodbury.
Montgomery.	

NEBRASKA COUNTIES

Adams.	Kearney.
Antelope.	Knox.
Boone.	Lancaster.
Buffalo.	Madison.
Burt.	Merrick.
Butler.	Nance.
Cass.	Nemaha.
Clay.	Nuckolls.
Cedar.	Otoe.
Colfax.	Phelps.
Cuming.	Pierce.
Custer.	Platte.
Dakota.	Polk.
Dixon.	Saline.
Dodge.	Sarpy.
Douglas.	Saunders.
Fillmore.	Seward.
Franklin.	Sherman.
Gage.	Stanton.
Greeley.	Thayer.
Hall.	Thurston.
Hamilton.	Washington.
Harlan.	Wayne.
Howard.	Webster.
Jefferson.	Valley.
Johnson.	York.

SOUTH DAKOTA

Union County (only Jefferson Township and the city of North Sioux City including the unorganized territory adjacent thereto).

(b) *Central zone.*

NEBRASKA COUNTIES

Dawson.	Keith.
Frontier.	Lincoln.
Furnas.	Red Willow.
Gosper.	

(c) *Western zone.*

NEBRASKA COUNTIES

Banner.	Kimball.
Box Butte.	Morrill.
Cheyenne.	Scotts Bluff.
Dawes.	Sheridan.
Deuel.	Sioux.
Garden.	

§ 1065.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1065.14.

§ 1065.8 Handler.

"Handler" means:

(a) Any person who operates a pool plant. In case a corporation with recognized divisions which are operated as separate business units operates two or more pool plants, each such division shall be the handler with respect to the pool plant(s) it operates;

(b) Any person who engages in the handling of milk or the products therefrom, which milk was received at a pool plant, at a partial pool plant, or at a plant approved by any health authority as a source of milk for the marketing area;

(c) Any person who engages in the handling of fluid milk products or cottage cheese all or a portion of which is shipped to or received in the marketing area;

(d) Any cooperative association with respect to milk which it causes to be delivered from producers to any other handler for the account of such association and for which such association receives payment;

(e) Any cooperative association with respect to milk of its member producers which is diverted from a pool plant to a nonpool plant for the account of such association;

(f) A cooperative association with respect to milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association if the cooperative association notifies the market administrator and the handler to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it wishes to be the handler for the milk. In this case, the milk is received from producers by the cooperative association at the location of the plant to which it is delivered; and

(g) A producer-handler, or any person who operates an other order plant described in § 1065.61.

§ 1065.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who meets the qualifications specified in paragraphs (a) and (b) of this section:

(a) Receipts of fluid milk products at his plant are solely milk of his own production and from pool plants of other handlers; and

(b) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 1065.10 Distributing plant.

"Distributing plant" means a plant engaged in the processing or packaging of fluid milk products and from which any fluid milk product is disposed of during the month on routes in the marketing area.

§ 1065.11 Supply plant.

"Supply plant" means a plant from which milk, skim milk, or cream, acceptable to an appropriate health authority for distribution in the marketing area under a Grade A label, is shipped during the month to a pool plant qualified pursuant to § 1065.12.

§ 1065.12 Pool plant.

"Pool plant" means a plant, other than that of a producer-handler or a handler partially exempt pursuant to § 1065.61, which is approved by an appropriate health authority for the processing or packaging of Grade A milk, described in paragraphs (a), (b), or (c) of this section. If a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers, supply plants (exclusive of plants qualifying as pool plants pursuant to this paragraph), and cooperative associations pursuant to § 1065.8(f), is disposed of during the month on routes and not less than 15 percent of such receipts are so disposed of in the marketing area;

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 50 percent of the Grade A milk received at such plant from dairy farmers and cooperative associations pursuant to § 1065.8(f) during such month. A supply plant that qualifies as a pool plant in each of the immediately preceding months of August through December shall be a pool plant for the succeeding months of January through July, unless the plant operator requests the market administrator, in writing, that such plant not be a pool plant, such nonpool plant status to be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments; and

(c) A plant operated by a cooperative association whose members are the majority of the total number of producers shipping to pool plants of other handlers during the month.

§ 1065.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1065.14 Producer milk.

"Producer milk" of each handler means all skim milk and butterfat produced by producers:

(a) With respect to receipts at a pool plant:

(1) Received directly from such producers; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions of paragraph (c) of this section;

(b) With respect to receipts of a cooperative association:

(1) For which such cooperative association is the handler pursuant to § 1065.8(e), subject to the limitations and conditions of paragraph (c) of this section; and

(2) For which the cooperative association is the handler pursuant to § 1065.8(f);

(c) With respect to diversions to nonpool plants pursuant to paragraphs (a)(2) and (b)(1) of this section:

(1) A cooperative association may divert for its account the milk of any member producer, whose milk is received at a distributing plant for at least 3 days during the month, without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 10 percent of its total member producer milk. Diversions in excess of such percentage shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk;

(2) A handler in his capacity as the operator of a distributing pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph, whose milk is received at a pool plant for at least 3 days during the month, without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 10 percent of the milk received from producers who are not members of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph. Diversions in excess of such percentage shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk; and

(3) For the purpose of location adjustments pursuant to §§ 1065.53 and 1065.73, milk so diverted shall be priced at the location of the plant to which diverted.

§ 1065.15 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products (except cottage cheese from pool plants) other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of products, other than fluid milk products, which are in a form in which they may be converted into fluid milk products and which are not otherwise accounted for pursuant to § 1065.33.

§ 1065.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, yogurt, milk drinks (plain or flavored), concentrated milk (frozen or fresh), cream, cultured or sour cream or any mixture in fluid form of milk or skim milk and cream (except frozen cream, aerated cream products, ice cream mix, frozen dessert mixes, eggnog, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 1065.17 Route.

"Route" means any delivery (including delivery by a vendor or through a distribution point, or sale from a plant store) of a fluid milk product to retail or wholesale outlets other than a delivery (a) in bulk to a milk plant, or (b) to a food processing plant pursuant to § 1065.41(c)(4).

§ 1065.18 Butter price.

"Butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month.

MARKET ADMINISTRATOR

§ 1065.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1065.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1065.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with satisfactory surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1065.86 the cost of his bond and the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1065.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Prepare and disseminate publicly such statistics and information as he

deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records and facilities of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) On or before the 12th day after the end of the month, report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(k) Publicly announce and notify each handler in writing on or before:

(1) The 10th day of each month, the Class I milk price pursuant to § 1065.51 (a) and the Class I butterfat differential pursuant to § 1065.52(a) for the current month, and the Class II and Class III prices pursuant to § 1065.51 (b) and (c) and the Class II and Class III butterfat differential pursuant to § 1065.52(b) for the preceding month; and

(2) The 12th day after the end of each month, the uniform price pursuant to § 1065.71, and the butterfat differential to be paid pursuant to § 1065.72;

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1065.46(a)(8) and the corresponding step of § 1065.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from the handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1065.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1065.30 Reports of receipts and utilization.

On or before the 7th day, excluding holidays, after the end of each month each handler shall report to the market administrator for such month in the detail and on forms prescribed by the market administrator as follows:

(a) Each handler operating pool plants shall report the quantities of skim milk or butterfat in:

(1) Receipts at each plant in:

(i) Producer milk;

(ii) Milk received from cooperative associations pursuant to § 1065.8(f);

(iii) Fluid milk products received from other pool plants; and

(iv) Other source milk;

(2) Opening inventories of fluid milk products;

(3) The utilization in each class of the quantities required to be reported; and

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each handler specified in § 1065.8 (b) and (c) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk;

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1065.8 (d), (e), or (f) as follows:

(1) Receipts of skim milk and butterfat in producer milk;

(2) Utilization of milk for which it is the handler pursuant to § 1065.8(c);

(3) The quantities delivered to each pool plant of another handler pursuant to § 1065.8(d);

(4) The quantities diverted by a cooperative association under § 1065.8(e); and

(5) Such other information as the market administrator may require.

§ 1065.31 Payroll reports.

On or before the 20th day of each month, each handler except one exempt pursuant to § 1065.61 or one making payments pursuant to § 1065.62(b), shall submit to the market administrator his producer payroll (or in the case of a handler making payments pursuant to § 1065.62(a), his payroll for dairy farmers delivering Grade A milk) which shall show for each producer:

(a) The name and address of the producer, dairy farmer or cooperative association;

(b) The total pounds of milk received and the average butterfat content thereof;

(c) The location at which received and, for each producer whose milk was diverted to a nonpool plant, the total pounds of milk diverted and the location of the nonpool plant; and

(d) The price, amount and date of payment with the nature and amount of any deductions.

§ 1065.32 Other reports.

Each producer-handler and each handler exempt from regulation pursuant to §§ 1065.61 and 1065.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 1065.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat required to be reported pursuant to § 1065.30;

(b) The weights and tests for butterfat and other contents of all milk and milk products received or utilized; and

(c) Payments to producers or cooperative associations.

§ 1065.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3-year period the market administrator notifies the handler in writing that the retention of such records or of specific books and records is necessary in connection with the proceedings under section 8c (15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1065.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1065.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1065.41 through 1065.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1065.41 Classes of utilization.

Subject to the conditions set forth in §§ 1065.43 through 1065.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (including those reconstituted) except:

(i) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) As classified pursuant to paragraph (c) (2), (3), and (4) of this section; or

(2) Not specifically accounted for as Class II or as Class III.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce cottage cheese except as classified pursuant to paragraph (c) (2) and (3) of this section.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) In fluid milk products or cottage cheese disposed of in bulk form for livestock feed;

(3) In fluid milk products or cottage cheese dumped after prior notification to and opportunity for verification by the market administrator;

(4) Disposed of in fluid milk products in bulk form to a commercial food processing establishment for use in food products prepared for consumption off the premises;

(5) Used to produce frozen cream;

(6) Contained in inventory of fluid milk products on hand at the end of the month;

(7) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1065.42(b)(1), but not to exceed the following:

(i) Two percent of milk received directly from producers; plus

(ii) One and one-half percent of milk received in bulk tank lots from pool plants of other handlers; plus

(iii) One and one-half percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1065.8(f), except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be two percent; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of milk disposed of in bulk tank lots to plants of other handlers (except that in the case of a cooperative association which is a handler pursuant to § 1065.8(f) when the exception specified in subdivision (iii) of this subparagraph applies, the applicable percentage shall be two percent) and to nonpool plants; and

(9) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1065.42(b)(2).

§ 1065.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amount between:

(1) Skim milk and butterfat in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1065.41(c)(8); and

(2) Skim milk and butterfat in other source milk received in the form of fluid milk products, exclusive of that specified in § 1065.41(c)(8).

§ 1065.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who received such skim milk or butterfat from producers or cooperative associations can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1065.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1065.46 (a)(8) and the corresponding step of § 1065.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1065.46(a)(3) and the corresponding step of § 1065.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I or Class II utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1065.46(a) (7) or (8) and the corresponding steps of § 1065.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk or Class II milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 200 miles by the shortest highway distance as determined by the market administrator, from the nearest of the city halls of Omaha, North Platte, Scottsbluff, Nebr., or Sioux City, Iowa, and more than 50 miles from the pool plant from which transferred or diverted, except that cream so transferred may be classified as Class III if notice is given to the market administrator at least 24 hours prior to shipment, each container is labeled by the transferor as "ungraded cream for manufacturing only", and such shipment is so invoiced;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 200 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the city halls of Omaha, North Platte, Scottsbluff, Nebr., or Sioux City, Iowa, or within 50 miles of the pool plant from which transferred or diverted, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1065.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plants;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions

(i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class III milk;

(e) Skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler of such milk pursuant to § 1065.8(f) shall be classified pro rata to the respective amounts thereof remaining in each class for such month in the pool plant of the receiving handler after the computation pursuant to § 1065.46 (a)(9) and the corresponding step of § 1065.46(b); and

(f) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class III to the extent of the Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For the purposes of this paragraph if the transferee order provides for only two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to Class II under the other order shall be classified as Class III; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1065.41.

§ 1065.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 1065.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1065.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1065.41(c)(8);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, in sequence beginning with Class III from the pounds of skim milk remaining in Classes II and III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II or Class III utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such a plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1065.22(l) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1065.44(a);

(10) Subtract pro rata from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from a cooperative association in its capacity as a handler pursuant to § 1065.8(f); and

(11) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1065.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1065.51 Class prices.

Subject to the provisions of §§ 1065.52 and 1065.53 the class prices per hundredweight shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $1.40 for pool plants located in the Eastern Zone; plus $1.55 in the Central Zone; and plus $1.80 in the Western Zone.

(b) *Class II milk.* The basic formula price for the month plus 15 cents.

(c) *Class III milk.* The basic formula price for the month.

§ 1065.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1065.51 shall be increased or decreased, respectively, for each one-tenth of 1 percent of butterfat by the appropriate rate, rounded in each case to the nearest 0.001 cent, determined as follows:

(a) *Class I milk.* Multiply the butter price for the preceding month by 0.125; and

(b) *Class II and Class III milk.* Multiply the butter price for the current month by 0.115.

§ 1065.53 Location adjustment to handlers.

(a) For milk received from producers at a pool plant (or diverted to a nonpool plant) located outside the marketing area and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the Class I price shall be that effective pursuant to § 1065.51(a) at the nearest of the cities specified below, subject to a reduction of 12 cents if such plant is more than 80 miles from the city hall in such city, plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 90 miles: Chadron, Grand Island, Lincoln, Norfolk, North Platte, Omaha, and Scottsbluff, all in the State of Nebraska, and Sioux City, Iowa.

(b) For purposes of calculating such adjustment transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1065.8(f), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least adjustment would apply.

§ 1065.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 1065.60 Producer-handler.

Sections 1065.40 through 1065.46, 1065.50 through 1065.53, 1065.70 through 1065.73, and 1065.80 through 1065.87 shall not apply to a producer-handler.

§ 1065.61 Plants subject to other Federal orders.

Except for §§ 1065.32 through 1065.34 the provisions of this part shall not apply to a handler with respect to the operation of plants described as follows:

(a) A plant qualified pursuant to § 1065.12(a) from which a lesser volume of fluid milk products is disposed of in the Nebraska-Western Iowa marketing area than in the marketing area of another marketing agreement or order issued pursuant to the Act and which is fully subject to the classification and pricing provisions of such other agreement or order; and

(b) Any plant qualified pursuant to § 1065.12(b) for any portion of the period of January through July, inclusive, that producer milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1065.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1065.30(b) and 1065.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1065.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1065.70(e) and a credit in the amount specified in § 1065.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this paragraph;

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1065.30(b) and 1065.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1065.12(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant;

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price).

Determination of Prices to Producers

§ 1065.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1065.46(c), by the applicable class prices (adjusted pursuant to §§ 1065.52 and 1065.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1065.46(a)(11) and the corresponding step of § 1065.46(b) by the applicable class prices;

(c) Add the following:

(1) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1065.46(a)(5) and the corresponding step of § 1065.46(b); and

(2) The amount obtained from multiplying the difference between the Class

III price for the preceding month and the Class II price for the current month by the lesser of:

(i) The pounds of skim milk and butterfat subtracted from Class II pursuant to § 1065.46(a)(5) and the corresponding step of § 1065.46(b) for the current month; or

(ii) The pounds of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 1065.46(a)(8) and the corresponding step of § 1065.46(b) for the preceding month, less the pounds used in computation pursuant to subparagraph (1) of this paragraph;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1065.46(a)(3) and the corresponding step of § 1065.46(b); and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1065.46(a)(7) and the corresponding step of § 1065.46(b).

§ 1065.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1065.70 for all handlers who filed the reports prescribed by § 1065.30 for the month and who made the payments pursuant to §§ 1065.80 and 1065.82 for the preceding month;

(b) Subtract an amount equal to the total value of the plus location differentials computed pursuant to § 1065.73(a) and (b);

(c) Add an amount equal to the total value of the minus location differentials computed pursuant to § 1065.73(b);

(d) Subtract, if the average butterfat content of the milk specified in paragraph (f) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1065.72 and multiplying the result by the total hundredweight of such milk;

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk;

(2) The total hundredweight for which a value is computed pursuant to § 1065.70(e);

(g) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(h) For the months specified in paragraphs (i) and (j) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (e) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (f)(2) of this section by the weighted average price;

(i) Subtract during each of the months of April, May, and June, an amount equal to 8 percent of the remainder;

(j) Add during each of the months of September, October, and November, one-third of the total amount subtracted pursuant to paragraph (i) of this section;

(k) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(l) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1065.72 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1065.52, weighted by the pounds of butterfat in producer milk in each class the result being rounded to the nearest tenth of a cent.

§ 1065.73 Location differentials to producers and on nonpool milk.

(a) The uniform price computed pursuant to § 1065.71 shall be increased 15 cents per hundredweight for producer milk received at a pool plant in the Central Zone and shall be increased 40 cents per hundredweight at pool plants in the Western Zone.

(b) For producer milk received at a pool plant or diverted to a nonpool plant located outside the marketing area the uniform price shall be that effective at the nearest of the cities listed below subject to a reduction at the rates set forth in § 1065.53 if the plant is more than 80 miles from the city hall in such city: Chadron, Lincoln, Grand Island, Norfolk, North Platte, Omaha, and Scottsbluff, all in the State of Nebraska, and Sioux City, Iowa.

(c) For purposes of computations pursuant to §§ 1065.82 and 1065.83 the weighted average price shall be adjusted at the rates set forth in § 1065.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1065.74 Notification of handlers.

On or before the 12th day of each month the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to §§ 1065.46 and 1065.70;

(b) The uniform price computed pursuant to § 1065.71;

(c) The amount, if any, due, such handler from the producer-settlement fund; and

(d) The total amounts to be paid by such handler pursuant to §§ 1065.82, 1065.85, and 1065.86.

PAYMENTS

§ 1065.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) or (d) of this section, at not less than the applicable uniform price pursuant to §§ 1065.71, 1065.72, and 1065.73 and less the following amounts:

(1) The payments made pursuant to paragraph (b) of this section;

(2) Marketing service deductions pursuant to § 1065.85; and

(3) Any proper deductions authorized by the producer:

Provided, That if by such date such handler has not received full payment for such month pursuant to § 1065.83, he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(b) On or before the 27th day of each month to each producer:

(1) For whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) or (d) of this section; and

(2) Who had not discontinued shipping milk to such handler, an advance payment with respect to milk received from such producer during the first 15 days of the month an amount per hundredweight not to be less than the uniform price for the preceding month;

(c) To a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 26th day of the month, an amount not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section, less any deductions authorized in writing by such cooperative association;

(2) On or before the 14th day after the end of each month an amount not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association;

(d) To a cooperative association with respect to receipts of milk for which such cooperative association is the handler pursuant to § 1065.8(f) as follows:

(1) On or before the 26th day of the month, for milk received during the first 15 days of the month an amount per hundredweight equal to not less than the weighted average price for the preceding month; and

(2) On or before the 14th day after the end of each month not less than the value of such milk at the applicable class prices, less payment made pursuant to subparagraph (1) of this paragraph;

(e) In making payments to producers pursuant to paragraphs (a) and (c) of this section, each handler shall furnish each produced or cooperative association with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 1065.71, 1065.72, and 1065.73;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 1065.85 together with a description of the respective deductions; and

(6) The net amount of payment to the producer; and

(f) Nothing in this section shall abrogate the right of a cooperative association to make payments to its member producers in accordance with the payment plan of such cooperative association.

§ 1065.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1065.62 (a) and (b), 1065.82, and 1065.84 and out of which he shall make all payments to handlers pursuant to §§ 1065.83 and 1065.84.

§ 1065.82 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1065.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1065.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1065.70(e).

§ 1065.83 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1065.82(b) exceeds the amount computed pursuant to § 1065.82 (a). The market administrator shall offset any payment due any handler against payments due from such handler.

§ 1065.84 Adjustment of accounts.

Adjustments of accounts shall be made as follows:

(a) Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer-settlement fund pursuant to §§ 1065.82 and 1065.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days, make payment to the market administrator of the account so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make such payment to such handler; and

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association, discloses payments of less than is required by § 1065.80, the handler shall make up such payment to the producer or cooperative association not later than the time of making payments next following such disclosure.

§ 1065.85 Marketing service.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1065.80 shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to producer milk received by such handler (except such handler's own farm production) during the month and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such service shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him; and

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1065.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 3 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to (a) producer milk (including that classified pursuant to § 1065.44(e)) and such handler's own production, (b) other source milk allocated to Class I pursuant to § 1065.46(a)(3) and (7) and the corresponding steps of § 1065.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1065.87 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producer(s) or association of producers, the names of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies the handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact,

material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1065.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1065.91.

§ 1065.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1065.92 Continuing obligations.

If, upon suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 1065.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 1065.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1065.95 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposed by Fairmont Foods Co.:

Proposal No. 2. Revise § 1065.6(a) to include the counties of Dawson, Frontier, Furnas, Gosper, Keith, Lincoln, and Red Willow all in the State of Nebraska.

Proposal No. 3. Further revise § 1065.6 to eliminate paragraph (b) Central Zone.

Proposal No. 4. Revise § 1065.51(a) to eliminate the words, "plus $1.55 in the Central Zone".

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 5. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, James V. O'Meara, 6901 Dodge Street, Room 106, Omaha, Nebr. 68132, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on April 3, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3803; Filed, Apr. 5, 1967; 8:50 a.m.]

[7 CFR Part 1073]

MILK IN WICHITA, KANS., MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Wichita, Kans., marketing area is being considered for the period through November 1967.

The provisions proposed to be suspended are § 1073.71 (g), (h), (i), (j), and (k) relating to the fall incentive payment plan of the order.

1. The provisions for which suspension is being considered are those which would reduce by 20 cents per hundredweight the uniform price to be paid producers for milk delivered in each of the months of April, May, and June to provide a fund to be used in increasing the uniform prices to be paid producers in the months of September, October, and November. These provisions do not affect costs of milk to handlers, and the suspension will not affect overall returns to producers.

2. Suspension of the fall incentive payment plan provisions for the year 1967 has been requested by the Southwest Milk Producers Association and Tip Top Dairies, cooperative associations representing approximately 95 percent of the producers supplying the market. They allege that drouth conditions in the Wichita production area are causing added production costs during the months for which the plan would reduce uniform prices. Producers have not been accustomed to the deductions provided by the plan which was included in the order late in 1966.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 3, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3798; Filed, Apr. 5, 1967; 8:49 a.m.]

[7 CFR Part 1076]

[Docket No. AO 260-A10]

MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Ramada Inn, 2400 North Louise Avenue (Junction of State Highway 38 and Interstate Highway 29), Sioux Falls, S. Dak., beginning at 10 a.m., local time, on April 20, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Eastern South Dakota marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Swanson Creamery:

Proposal No. 1. Delete Walworth County, S. Dak., from the marketing area of the Eastern South Dakota Federal Order No. 76.

Proposed by the Eastern South Dakota Association of Milk Cooperatives:

Proposal No. 2. Amend § 1076.12 by adding the following paragraph:

§ 1076.12 Pool plant.

* * * * * *

(c) A plant operated by a cooperative association whose members are the majority of the total number of producers shipping to pool plants of other handlers during the month: *Provided,* That if a portion of such association's plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

Proposal No. 3. Amend § 1076.14(c) by deleting subparagraph (1) and substituting the following:

§ 1076.14 Producer milk.

* * * * * *

(c) * * *

(1) A cooperative handler may divert for its account the milk of any member producer, whose milk is delivered to a distributing plant on at least 3 days during the month, without limit during the other days of such month. The total quantity of milk so diverted may be without limit during the months of March, April, May, and June, but shall not exceed 15 percent of its member producer milk received at all pool plants during other months of the year. Diversions in excess of such percentage shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk.

(2) A handler in his capacity as the operator of a distributing pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph, whose milk is received at a pool plant on at least 3 days during the month, without limit during the other days of such month. The total quantity of milk so diverted may be without limit during the months of March, April, May, and June, but shall not exceed 15 percent of the milk received from producers who are not members of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph. Diversions in excess of such percentage shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk.

Proposal No. 4. Amend § 1076.72 as follows:

1. In paragraph (b) delete the phrase "except for the months of March through June" and substitute the following: "except for the months specified below".

2. Add the following paragraphs:

(c) For the months specified in paragraphs (d) and (e) of this section, subtract from the amount resulting from the computations pursuant to § 1076.71 an amount computed by multiplying the hundredweight of milk specified in paragraph (a)(2) of this section by the weighted average price;

(d) Subtract during each of the months of March, April, May, and June an amount computed by multiplying the total amount of producer milk for such month by 15 cents;

(e) Add during each of the months of September, October, and November one-third of the amount subtracted pursuant to paragraph (d) of this section;

(f) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents. The result shall be the uniform price for milk received from producers.

Proposal No. 5. Delete §§ 1076.19, 1076.20, 1076.73, 1076.90, 1076.91, and 1076.92.

Proposal No. 6. Clarify paragraph (a) of § 1076.85 so that proprietary handlers pay the administrative assessment on milk for which cooperative associations are the handler.

Proposed by Terrace Park Dairy:

Proposal No. 7. Amend § 1076.41(a)(1) to read as follows:

(1) Sold in the form of a fluid milk product except that any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

Proposal No. 8. Amend § 1076.85 to read as follows:

§ 1076.85 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month no more than 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk, including such handler's own production;

(b) Other source milk allocated to Class I pursuant to § 1076.46(a)(3) and (7) and the corresponding steps of § 1076.46(b); and

(c) Class I milk sold by a partially regulated distributing plant on routes in the marketing area. In no event shall the partially regulated plant pay less than the actual cost of audits required.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 9. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, James V. O'Meara, 6901 Dodge Street, Room 106, Omaha, Nebr. 68132, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on April 3, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3799; Filed, Apr. 5, 1967; 8:49 a.m.]

[7 CFR Part 1079]

MILK IN DES MOINES, IOWA, MARKETING AREA

Notice of Proposed Suspension or Termination of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension or termination of a certain provision of the order regulating the handling of milk in the Des Moines, Iowa, marketing area is being considered.

The provision proposed to be suspended or terminated is § 1079.12(c) relating to the pooling of a plant operated by a cooperative association whose members are the majority of the total number of producers shipping to pool plants of other handlers.

Suspension of this provision was requested by the Des Moines Cooperative Dairy. It states that without the suspension its plant at Marion, Iowa, which historically has served as a balancing plant for the Cedar Rapids-Iowa City market, will become regulated under the Des Moines order. Producer members of the cooperative deliver significantly larger quantities of milk to Cedar Rapids-Iowa City handlers, than the quantities of milk shipped from their Marion plant to Des Moines handlers. However, most of the milk delivered to Cedar Rapids-Iowa City handlers is shipped directly from producers' farms. The cooperative contends that causing this plant to become regulated under the Des Moines order would disrupt the orderly marketing of milk in these two marketing areas.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension or termination should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL

REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 3, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3800; Filed, Apr. 5, 1967; 8:49 a.m.]

[7 CFR Part 1133]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Inland Empire marketing area is being considered for the months of April, May, June, and July, 1967.

The provisions proposed to be suspended are: In paragraph (c) of § 1133.12 (producer milk definition), the provision: "and 35 percent in the months of April, May, June, and July," where such provision appears in both subparagraphs (1) and (2) of such paragraph. The provisions relate to the limit on diverting the milk of producers in each of the months of April through July.

The proposed suspension would permit handlers to divert producer milk from a pool plant to a nonpool plant during the months of April through July 1967 without limit. The order presently provides for diversion not in excess of 35 percent for each of the months during the period April through July.

A cooperative association representing a substantial number of producers supplying the market has requested this suspension pending a hearing on the matter, because it anticipates it will be difficult, if not impossible, to maintain pool status for all the milk of its member producers. Producer deliveries have increased in recent months more than usual for this season. It is expected, therefore, that milk in excess of 35 percent (as required for each of the months of April through July) of that delivered to pool plants must be diverted to nonpool plants for manufacture into butter, cheese, nonfat dry milk, etc.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 3, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3801; Filed, Apr. 5, 1967; 8:49 a.m.]

[7 CFR Part 1137]

[Docket No. AO 326-A11]

MILK IN EASTERN COLORADO MARKETING AREA

Decision on Proposed Amendment to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Denver, Colo., on February 1, 1967, pursuant to notice thereof which was issued December 30, 1966 (32 F.R. 56), and January 10, 1967 (32 F.R. 328).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on March 16, 1967 (32 F.R. 4362; F.R. Doc. 67-3146) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto. No exceptions were filed.

The material issue, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 4362; F.R. Doc. 67-3146) are hereby approved and adopted and are set forth in full herein.

The single issue considered at the hearing concerned marketing conditions which jeopardize the pool status of a pool distributing plant, and alternative order amendments which would maintain such status.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The route definition of the order should be amended to provide that packaged fluid milk products transferred to a pool distributing plant from a plant with route disposition in the marketing area, and which are classified as Class I, shall be considered as a route disposition from the transferor plant for the single purpose of qualifying the transferor plant for distributing pool plant status.

The need for such amendment was established by the operator of a pool distributing plant. His plant bottles about 85 percent of its producer milk receipts. Nevertheless, the pool status of the plant is jeopardized by a recent change in the operations of the firm.

Until recently, the firm operated both wholesale and retail routes. As of September 1966, it divested itself of the retail routes but continues to supply wholesale routes. In this connection, the firm sells packaged fluid milk products to schools, and supplies government contracts.

Cambridge Dairy also packages fluid milk products for another pool handler. This business now represents about 25 percent of the firm's Class I sales. The raw milk is delivered to proponent's plant where it is processed and packaged. Then it is picked up by another pool handler who takes it to his plant for route delivery next day.

Under present order provisions, the milk disposed of in this way is not counted as a route disposition from proponent's plant. Instead, it is appropriately treated as an interhandler transfer and as a route disposition from the other pool plant. Thus, each transaction is properly identified and is specifically reported as such to the market administrator. This facilitates order operations and avoids ambiguous or dual reports.

The amendment provided herein will not change that treatment, as a general application of the order. It provides only that such transfers, which are classified as Class I, and emanate from a plant with route disposition in the marketing area, shall be considered as a route disposition from the transferor plant, rather than from the transferee plant, for the single purpose of qualifying the transferor plant as a pool distributing plant under § 1137.7(a)(1).

With no retail route disposition, it is increasingly difficult for proponent to meet the route disposition requirement of the order for pool distributing plants solely on the basis of wholesale route disposition. The applicable provision requires that a pool distributing plant must dispose of an amount equal to 50 percent or more of its total receipts of Grade A milk as fluid milk products on routes.

A situation developed last December which demonstrates how proponent's pool plant status is jeopardized. During that month schools were closed for about ten days. Between September and December 1966, proponent relied on wholesale route disposition as a means of qualifying his plant under the pooling provisions for pool distributing plants. When the schools closed, and this wholesale outlet was terminated temporarily, the plant was unable to meet the 50 percent route disposition factor. Suspension of this provision by the Department was necessary to maintain the pool status of the plant for that month (31 F.R. 15087).

School milk business represents a substantial portion of proponent's wholesale route disposition. Proponent anticipates that when sales to schools terminate during the coming summer, the plant is unlikely to qualify for pooling beginning in June. This would happen even though the major portion of proponent's producer receipts are processed and packaged as fluid milk products.

Prior to September 1966, proponent's plant was pooled on the basis of a combination of wholesale and retail route disposition. No problem emerged so long as the plant qualified for pooling on this basis.

Packaged milk that moves to a pool plant is treated as an interhandler transfer and not as a route disposition, and we believe that this treatment is generally appropriate. Nevertheless, pool plant status should not be denied proponent's plant, whose Class I utilization is 85 percent of producer receipts and whose major fluid milk disposition is in the market. There was no opposition to the continued pooling of the plant.

Should the plant fail to qualify as a pool distributing plant, disorderly marketing conditions would result. Producers supplying the plant would be deprived of the assurance that their milk is priced according to its use. Regulated handlers would be confronted with an unregulated handler who is an important competitive factor in the market. They would be deprived of the assurance of uniform costs of milk for major competitors in the market. Producer-handlers who buy supplemental bulk milk from proponent would need to find other pool sources of milk or lose their exempt status. In short, customary marketing arrangements would be disrupted, and needlessly so.

An appropriate solution to the problem is to amend the route definition of the order to provide that packaged fluid milk products transferred to a distributing pool plant from a plant with route disposition in the marketing area, and classified as Class I, shall be considered as a route disposition from the transferor plant rather than from the transferee plant, for the single purpose of qualifying such plant as a pool distributing plant under § 1137.7(a)(1). This treatment will afford the proponent the flexibility of packaging milk for the other handler from receipts of producer milk at his plant, or from bulk receipts from other pool plants.

An alternative proposal was presented by the witness for the principal cooperative association in the market. It would have provided that bulk milk received from other distributing plants be subtracted from the total receipts of Grade A milk at proponent's plant before the 50 percent pool plant requirement would apply to the balance of the Grade A receipts at the plant. The objective of this alternative is to preserve the pool plant status of Cambridge Dairy without changing the present route disposition factors provided in the pool plant definition. However, the adoption of the cooperative association's proposal was predicated on the revision of other provisions of the order, the consideration of which was outside the scope of the hearing notice.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Eastern Colorado Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Eastern Colorado Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1967, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Eastern Colorado marketing area, is approved or favored by producers as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on April 3, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Eastern Colorado Marketing Area

§ 1137.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Colorado marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Eastern Colorado marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on March 16, 1967, and published in the FEDERAL REGISTER on March 22, 1967 (32 F.R. 4362; F.R. Doc. 67-3146), shall be and are the terms and provisions of this order, and are set forth in full herein:

Section 1137.15 is revised as follows:

§ 1137.15 Route.

"Route" means any delivery to retail or wholesale outlets (including a delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or a nonpool plant: *Provided*, That packaged fluid milk products that are transferred to a distributing pool plant from a plant with route disposition in the marketing area, and which are classified as Class I under § 1137.44(a), shall be considered as a route disposition from the transferor plant, rather than from the transferee plant, for the single purpose of qualifying it as a pool distributing plant under § 1137.7(a)(1).

[F.R. Doc. 67-3802; Filed, Apr. 5, 1967; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 18022; PSDR-16]

NONSTOP AUTHORITY FOR LOCAL SERVICE CARRIERS IN MARKETS ON THEIR RESPECTIVE LINEAL ROUTE SEGMENTS

Notice of Oral Argument

At the direction of the Board notice is hereby given that oral argument in the above-entitled matter is assigned to be heard before the Board on May 10, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Local service carriers supporting the proposed policy statement will be allotted 2 hours for their argument; carriers urging disapproval of the policy will be allotted 2 hours. The local service carriers will be allowed to reserve not to exceed one-quarter of their allotted time for rebuttal. Please advise the Chief Examiner on or before May 1, 1967, the name of the person or persons who will present the argument.

Dated at Washington, D.C., April 3, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-3780; Filed, Apr. 5, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17095; RM-1043]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Order Extending Time for Filing Reply Comments; Thibodaux, La.

In the matter of amendment of § 73.202, *Table of assignments*, FM Broadcast Stations (Port Jervis, N.Y., Rockville, Ind., Waynesville, Mo., Roanoke Rapids, and Goldsboro, N.C., Thibodaux, La., Crossville, Tenn., Danville, Ill., Lincoln and Omaha, Nebr., Clinton, Okla., Phoenix, Ariz., Fresno, Calif., San Antonio, San Marcos, Kenedy-Karnes, Georgetown, and Burnet, Tex., Columbus, Nebr., Salt Lake City, Utah, Bemidji, Minn., Longview, Wash., and Astoria, Oreg.); Docket No. 17095, RM-1065, RM-1078, RM-995, RM-1034, RM-1043, RM-1051, RM-1059, RM-1061, RM-1062, RM-1066, RM-1067, RM-1071, RM-1073, RM-1074, RM-1075.

1. Reply comments were to be filed in this proceeding in the matter of RM-1043 by March 27, 1967. On March 21, 1967, Roth E. Hook, doing business as Ascension Parish Broadcasting Co., an interested party in this case, filed a request for an extension of 2 weeks in which to file reply comments. Ascension states that this case has become complicated by counterproposals involving Channel 281, the assignment sought for Thibodaux and Channel 285A proposed for Donaldsonville, and that its consulting engineer has not had sufficient time to analyze the engineering proposals. It therefore requests until April 10, 1967, to file its reply comments.

2. We are of the view that good cause has been shown in this case for the requested extension of time. *Accordingly, it is ordered*, This 29th day of March 1967, that the time for filing reply comments is extended to April 10, 1967, with respect to RM-1043 only.

3. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Released: March 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3785; Filed, Apr. 5, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 261]

CERTAIN NONIMMIGRANT VISAS

Validity

Notice is hereby given that consular officers are authorized to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act (temporary visitors for business or pleasure) valid for an indefinite period of time to otherwise eligible nationals of the following countries, inclusive of British subjects resident in the Bahamas and Netherlands nationals resident in Surinam, which offer reciprocal or more liberal treatment to nationals of the United States who are in a similar class. This order will be amended from time to time to include other countries which have agreed to accord similar privileges to United States citizens.

Austria.	Monaco.
Bahamas.	Netherlands.
Belgium.	Norway.
Denmark.	Paraguay.
France.	Portugal.
Germany.	Spain.
Greece.	Surinam.
Iceland.	Sweden.
Ireland.	Switzerland.
Italy.	Tunisia.
Malawi.	United Kingdom.
Malta.	Uruguay.

[SEAL] PHILIP B. HEYMANN,
Acting Administrator, Bureau of Security and Consular Affairs.

MARCH 21, 1967.

[F.R. Doc. 67-3805; Filed, Apr. 5, 1967; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Order No. 205 (Rev.)]

DIRECTOR OF THE MINT

Delegation of Authority To Procure for Minting of Clad Coins

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, there is hereby delegated to the Director of the Mint, without limitation and with authority to redelegate, all the authority vested in the Secretary of the Treasury under section 103 of the Act of July 23, 1965, Public Law 89-81, relating to the procurement of equipment, manufacturing facilities, patents, patent rights, technical knowledge and assistance, metallic strip, and other materials necessary to produce rapidly an adequate supply of clad coins.

This order shall be effective immediately and supersedes Treasury Department Order No. 205 dated July 26, 1965.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

MARCH 29, 1967.

[F.R. Doc. 67-3775; Filed, Apr. 5, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 1624]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 30, 1967.

The Department of Agriculture, on behalf of the Forest Service, has filed application, Montana 1624, for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid claims.

The applicant desires the land for the development of a public campground and picnic area in the Kootenai National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

KOOTENAI NATIONAL FOREST
PRINCIPAL MERIDIAN, MONTANA

T. 26 N., R. 26 W.,
Sec. 12, Lots 2, 3, and 4.

The area described aggregates 94.16 acres.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 67-3750; Filed, Apr. 5, 1967; 8:45 a.m.]

[New Mexico 1624]

NEW MEXICO

Notice of Proposed Classification

MARCH 29, 1967.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 586; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the Bureau of Land Management proposes to classify for multiple use management, the public lands within the Albuquerque District Planning Unit Nos. 1-01 through 1-09, more generally described below, together with any lands therein that may become public lands in the future.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The lands proposed to be classified are within the general areas described as follows:

SAN JUAN, RIO ARRIBA, SANDOVAL, MCKINLEY, TAOS, AND SANTA FE COUNTIES

1-01—Upper Rio Grande. Beginning at a point at the Colorado State line and the northeast corner of Carson National Forest; thence south along the east boundary of the Carson National Forest to the township line between Tps. 29 and 30 N.; thence southeasterly along the south base of Pot Mountain to the Rio Grande River at a point on the township line between Tps. 28 and 29 N.; thence north along Rio Grande River to the Colorado State line; thence west along the Colorado State line,

Notices

DEPARTMENT OF STATE

[Public Notice 261]

CERTAIN NONIMMIGRANT VISAS

Validity

Notice is hereby given that consular officers are authorized to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act (temporary visitors for business or pleasure) valid for an indefinite period of time to otherwise eligible nationals of the following countries, inclusive of British subjects resident in the Bahamas and Netherlands nationals resident in Surinam, which offer reciprocal or more liberal treatment to nationals of the United States who are in a similar class. This order will be amended from time to time to include other countries which have agreed to accord similar privileges to United States citizens.

Austria.	Monaco.
Bahamas.	Netherlands.
Belgium.	Norway.
Denmark.	Paraguay.
France.	Portugal.
Germany.	Spain.
Greece.	Surinam.
Iceland.	Sweden.
Ireland.	Switzerland.
Italy.	Tunisia.
Malawi.	United Kingdom.
Malta.	Uruguay.

[SEAL] PHILIP B. HEYMANN,
Acting Administrator, Bureau of Security and Consular Affairs.

MARCH 21, 1967.

[F.R. Doc. 67-3805; Filed, Apr. 5, 1967; 8:50 a.m.]

This order shall be effective immediately and supersedes Treasury Department Order No. 205 dated July 26, 1965.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

MARCH 29, 1967.

[F.R. Doc. 67-3776; Filed, Apr. 5, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 1624]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 30, 1967.

The Department of Agriculture, on behalf of the Forest Service, has filed application, Montana 1624, for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid claims.

The applicant desires the land for the development of a public campground and picnic area in the Kootenai National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Manage-

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

KOOTENAI NATIONAL FOREST
PRINCIPAL MERIDIAN, MONTANA

T. 26 N., R. 26 W.,
Sec. 12, Lots 2, 3, and 4.

The area described aggregates 94.16 acres.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 67-3750; Filed, Apr. 5, 1967; 8:45 a.m.]

[New Mexico 1624]

NEW MEXICO

Notice of Proposed Classification

MARCH 29, 1967.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 586; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the Bureau of Land Management proposes to classify for multiple use management, the public lands within the Albuquerque District Planning Unit Nos. 1-01 through 1-09, more generally described below, together with any lands therein that may become public lands in the future.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used in

a distance of approximately 23½ miles to the point of beginning.

1–02—Ojo Caliente. Beginning at the northwest corner of sec. 34, T. 25 N., R. 7 E.; thence south and southwest along the boundaries of the Carson and the Santa Fe National Forests to the west ¼ corner of sec. 16, T. 21 N., R. 7 E.; thence south and west to the township line between Tps. 20 and 21 N.; thence easterly about 4 miles to the range line between Rs. 7 and 8 E.; thence north to the Chama River; thence northeasterly paralleling the Ojo Caliente River to the northwest corner of the Black Mesa Grant; thence east along north boundary of the Black Mesa Grant, to the north-south U.S. Highway 64 at Velarde, N. Mex.; thence southwest along U.S. Highway 64 to Los Pachecos; thence east 2 miles; thence south along the east boundary of the San Juan Pueblo and the Santa Clara Pueblo Grants to the Rio Arriba County line; thence east and south along north boundary and east boundary of the Nambe Pueblo, Indian Reservation to the south ¼ corner of sec. 7, T. 19 N., R. 10 E.; thence east 2½ miles to the Santa Fe National Forest boundary; thence north along the west boundary of the Santa Fe National Forest, the Cundiyo Grant and the Carson National Forest to the north boundary of the Sebastin Martin Grant; thence east to northeast corner of the Sebastin Martin Grant; thence northeasterly to Hondo Canyon; thence northwesterly to the Rio Grande River; thence south, west and north and west along the boundary of the Carson National Forest to the point of beginning.

1–03—Upper Rio Puerco. An area bounded on the north by the Jicarilla Apache Indian Reservation and on the east by the Santa Fe National Forest; thence on the south by the Jemez Indian Reservation, along that boundary westerly to the southwest corner sec. 15, T. 18 N., R. 3 W.; thence northwesterly to the south boundary of the Jicarilla Apache Indian Reservation to the point of beginning.

1–04—Cabezon. Beginning at La Ventana, N. Mex.; thence southwesterly to the northwest corner of the Ignacio Chavez Grant; thence south along the west boundary and east along the south boundary to the northeast corner of the Cibola National Forest; thence south 4 miles; thence east 7 miles; thence north 5 miles, to the southwest corner of the Ojó del Espiritu Santo Grant, and then along the south boundary 6 miles; thence south 5 miles; thence easterly 12 miles; thence north to the southeast corner of Jemez Indian Reservation; thence westerly along south boundary of Jemez Indian Reservation to Ojo del Espiritu Santo Grant; thence northerly to the point of beginning.

1–05—La Plata. Beginning at a point approximately where the Animas River crosses the Colorado State line; thence west along the Colorado State line to the eastern boundary of the Ute Indian Reservation; thence south to the southeast corner; thence west along south boundary of the Ute Indian Reservation to a point where it hits the Navajo Indian Reservation, thence south along the reservation line to approximately the San Juan River; thence easterly to the junction of the San Juan and Animas Rivers; thence northeast along the Animas River to the point of beginning.

1–06—Pump. Area lying approximately between the Colorado State line on the north, and the San Juan River on the west, and the Pine River on the east.

1–07—Rosa. The Rosa planning unit is located in the extreme northeast corner of the San Juan Resoure Area. It is bordered on the east side by the Carson National Forest, on the north by the Colorado State line, and on the west by the Pine River and the Pine River part of Lake Navajo. The southern boundary is the south side of the top rim on Smith Mesa from Navajo Dam to Gobernador. From Gobernador, the boundary line follows grazing allotment lines which are the closest to paralleling Highway 17 from Gobernador to the Carson National Forest.

1–08—Huerfano. Beginning at a point where Largo Wash enters the San Juan River; thence westerly to approximately State Highway 44; thence southeasterly direction generally along State Road 44, to the head of the Escarbada Wash; thence northeast to the east rim of the Blanco drainage; then northerly to where the Blanco enters the Largo Wash and down the Largo Wash to San Juan River to the point of beginning.

1–09—Largo. The Largo Planning Unit is bordered on the east by the Carson National Forest and the Jicarilla Apache Indian reservation, on the south by Counselors Community (Navajo Indian use area). The west boundary follows the west boundary of the Chapman allotment, northerly along the east edge of the Blanco Wash drainage to where the Largo and Blanco Washes meet; north along the east edge of the Largo drainage to the San Juan River; thence easterly along the San Juan River to the south boundary of Unit 1–07, Rosa, previously described and along that boundary to the Carson Forest boundary, and the point of beginning.

Thence the planning unit boundary follows the east side of the Chavez allotment to the Blanco Community allotment, thence east and north along the Blanco Community, Jacquez, Archuleta Community.

The public lands in the areas described aggregate approximately 1,403,615.09 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Albuquerque District Manager, Bureau of Land Management, 1304 Fourth Street, NW, Albuquerque, N. Mex. 87107.

5. Public hearings on this proposed classification will be held at 2 p.m. on May 2, 1967, at the City Hall in Farmington, N. Mex., and at 10 a.m. on May 3, 1967, at the Jemez Electric Cooperative Building in Hernandez, N. Mex.

6. The lands proposed to be classified are shown in detail on resource area maps maintained in the Albuquerque District Office, the Farmington Resource Area Headquarters office and the Bureau of Land Management State Office in Sante Fe, N. Mex.

MORRIS A. TROGSTAD,
Acting State Director.

[F.R. Doc. 67–3751; Filed, Apr. 5, 1967; 8:45 a.m.]

Office of the Secretary

IMPORTS INTO PUERTO RICO OF CRUDE OIL AND UNFINISHED OILS

Maximum Level of Imports

Pursuant to paragraph (c) of section 2 of Proclamation 3279, as amended, for the allocation period April 1, 1967, through March 31, 1968, a maximum level of imports of crude oil and unfinished oils into Puerto Rico by holders of allocations made pursuant to paragraph (a), section 15 of Oil Import Regulation 1 (Rev. 5) is established at 183,981 B/D. Of this amount, 146,047 B/D is allocated to Commonwealth Oil Refining Co. Inc.; 37,169 B/D is allocated to Gulf Oil Corp.; and 765 B/D is allocated to W. R. Grace & Co.

STEWART L. UDALL,
Secretary of the Interior.

MARCH 28, 1967.

[F.R. Doc. 67–3768; Filed, Apr. 5, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 11]

BARLEY, FLAX, OATS, AND WHEAT, MINNESOTA

Extension of Closing Dates for Filing Applications for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for barley, flax, oats, and wheat for the 1967 crop year in all counties in Minnesota where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 14, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67–3764; Filed, Apr. 5, 1967; 8:46 a.m.]

Office of the Secretary

GREAT PLAINS CONSERVATION PROGRAM

Applicability in Johnson County, Wyo.

Designation of county within the Great Plains area of the 10 Great Plains States where the Great Plains Conservation Program is specifically applicable.

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p(b)), as amended, the following county in the following State is designated as susceptible to serious wind erosion by reason of its soil types, terrain, and climatic and other factors.

WYOMING

Johnson.

Done at Washington, D.C., this 31st day of March 1967.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 67–3765; Filed, Apr. 5, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

NBS RADIO STATIONS

Notice of Changes in Voice Announcements

At 2100 UT April 28, 1967, the present voice announcements of mountain standard time on station WWV, Fort Collins, Colo., and Hawaiian standard time on station WWVH, Maui, Hawaii, will be replaced by voice announcements of Greenwich mean time, also known as Universal Time (UT).

At each 5-minute interval (for example, at 2135 UT), the form of the new voice announcement on WWV will be:

National Bureau of Standards, WWV, Fort Collins, Colo. Next tone begins at (21) hours (35) minutes Geenwich mean time.

The form of the voice announcement on WWVH will be:

National Bureau of Standards, WWVH, Maui, Hawaii. Next tone begins at (21) hours (35) minutes Greenwich mean time.

A. V. ASTIN,
Director.

[F.R. Doc. 67–3777; Filed, Apr. 5, 1967; 8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION, REGION I (NEW YORK)

Redelegation of Authority To Execute Legends on Bonds, Notes, or Other Obligations

The Assistant Regional Administrator for Administration, Region I (New York), Department of Housing and Urban Development, is hereby authorized within such Region to execute, on behalf of the Secretary of Housing and Urban Development, any legend appearing on any bond, note, or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note, or other obligation and its payment therefor on the date specified in the particular legend.

This redelegation supersedes the redelegation effective May 13, 1966 (31 F.R. 8548, June 18, 1966).

(Secretary's delegation effective Mar. 22, 1966 (31 F.R. 4814))

Effective date. This redelegation of authority shall be effective as of March 13, 1967.

JUDAH GRIBETZ,
Regional Administrator, Region I.

[F.R. Doc. 67–3779; Filed, Apr. 5, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17436]

ALLEGHENY AIRLINES ROUTE 97 INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on April 25, 1967, at 10 a.m., e.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Milton H. Shapiro.

In order to facilitate the conduct of the conference, interested parties are instructed to submit on or before April 18, 1967, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of position of parties; and (5) proposed procedural dates. Please refer to paragraph 2, page 4, Order E–24905, served March 29, 1967.

Dated at Washington, D.C., March 31, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67–3781; Filed, Apr. 5, 1967; 8:48 a.m.]

[Docket No. 16236; Order E–24936]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of April 1967.

Agreement adopted by Joint Conference 1–2 of the International Air Transport Association relating to specific commodity rates; Docket 16236, Agreement CAB 19276, R–17 and R–18.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1–2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated March 13, 1967,[1] as set forth in the attachment hereto,[2] (1) names rates under a new commodity description, and (2) names an additional rate under an existing commodity description. The new rates reflect reductions ranging from 38.3 to 57.7 percent and are consistent with the present level of specific commodity rates within the applicable area.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement CAB 19276, R–17 and R–18, be approved provided approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be field with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67–3782; Filed, Apr. 5, 1967; 8:48 a.m.]

[1] Received in the Board Mar. 14, 1967.

[2] Attachment filed as part of original document.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 67–397]

DOMESTIC PUBLIC POINT-TO-POINT MICROWAVE RADIO SERVICE

Renewal Applications

MARCH 31, 1967.

The Commission instructed its Common Carrier Bureau to process and to take appropriate action on all pending applications for renewal of licenses for microwave stations used to relay television broadcast signals to CATV systems. Action would be subject to the provisions of § 21.712 of the Commission's rules or of the nonduplication and carriage provisions of any agreement made in lieu thereof, and would also be subject to any rules which may hereafter be promulgated in Docket No. 15971. Exception is provided so that where a waiver of the nonduplication and/or carriage requirements has been requested, these requirements will not apply pending the Commission's ruling with respect to the petition or petitions for waiver. The renewal applications are for the period February 1, 1966, to February 1, 1971, and were filed before the adoption of the second report and order in Docket Nos. 14895, 15233, and 15971 (FCC 66–220, 2 FCC 2d 725), in which among other things, the Commission asserted its jurisdiction directly over all CATV systems. Action on applications which present no problems other than those created by petitions for waiver of the carriage and program exclusivity rules will effect a continuance of the status

quo, leaving for further resolution the questions raised by the waiver requests. This procedure will permit efficient and orderly disposition of pending applications, without altering the rights of the interested parties.

Adopted: March 29, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3786; Filed, Apr. 5, 1967; 8:48 a.m.]

[Docket Nos. 17302, 17303; FCC 67M-537]

BELL TELEPHONE COMPANY OF PENNSYLVANIA AND CONESTOGA TELEPHONE AND TELEGRAPH CO.

Order Scheduling Hearing

In re applications of the Bell Telephone Company of Pennsylvania, Docket No. 17302, File No. 1688-C2-P-66, for a construction permit to modify the facilities of Station KGA585 in the Domestic Public Land Mobile Radio Service at Philadelphia, Pa.; the Conestoga Telephone and Telegraph Co., Docket No. 17303, File No. 679-C2-P-66, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service near Boyertown, Pa.

It is ordered, This 29th day of March 1967, that Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 29, 1967, at 10 a.m.; and that a prehearing conference shall be held on April 21, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: March 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3787; Filed, Apr. 5, 1967; 8:48 a.m.]

[Docket Nos. 17263, 17264; FCC 67M-546]

BIRNEY IMES, JR., AND RADIO COLUMBUS, INC.

Order Scheduling Further Prehearing Conference

In re applications of Birney Imes, Jr., Columbus, Miss., Docket No. 17263, File No. BPH-5515; Radio Columbus, Inc., Columbus, Miss., Docket No. 17264, File No. BPH-5581; for construction permits.

Pursuant to agreements reached at the prehearing conference held this date, a further prehearing conference will be held on Friday, May 12, 1967, beginning at 9 a.m., in the offices of the Commission, Washington, D.C., and the evidentiary hearing now scheduled for April 27, 1967, is continued to a date to be specified at the May 12, 1967, further prehearing conference.

It is so ordered, This the 30th day of March 1967.

Released: April 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3788; Filed, Apr. 5, 1967; 8:48 a.m.]

[Docket No. 17198; FCC 67M-536]

SAN FERNANDO BROADCASTING CO. (KSFV)

Order Continuing Hearing

In re application of Joseph M. Arnoff and Maurice H. Gresham doing business as San Fernando Broadcasting Co. (KSFV), Docket No. 17198, File No. BLH-2397, for license to cover construction permit authorizing a new FM broadcast station at San Fernando, Calif.

Pursuant to agreements reached at the further prehearing conference held this date, a further prehearing conference in the above-entitled proceeding is scheduled to be held on Monday, June 5, 1967, beginning at 9 a.m., in the offices of the Commission in Washington, D.C.; and the evidentiary hearing now scheduled to begin on Monday, May 1, 1967, in San Fernando, Calif., be and the same is continued to a date to be specified at the June 5, 1967, prehearing conference.

It is so ordered, This the 27th day of March 1967.

Released: March 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3789; Filed, Apr. 5, 1967; 8:48 a.m.]

[Docket No. 16928 etc.; FCC 67-419]

CALIFORNIA WATER AND TELEPHONE CO. ET AL.

Memorandum Opinion and Order Deleting Issues

In the matter of: California Water and Telephone Co., Tariff FCC No. 1 and Tariff FCC No. 2 applicable to channel service for use by Community Antenna Television Systems, Docket No. 16928; In the matter of: The Associated Bell Systems Cos., tariffs for channel service for use by Community Antenna Television Systems, Docket No. 16943; In the matter of: The General Telephone System, and United Utilities Inc., Cos., tariffs for channel service for use by Community Antenna Television Systems, Docket No. 17098.

1. The Commission has under consideration a letter dated March 13, 1967 from California Water and Telephone Co., (California) and five General Telephone System subsidiaries (General),[1] which alleges that the Commission's CATV Task Force has made prohibited ex parte communications to the Commission in the above-entitled proceedings. California and General contend that these proceedings, insofar as they are being conducted pursuant to section 214 (a) of the Communications Act, are restrictive adjudicatory proceedings under § 1.1203(a) (5) of the rules; that the personnel of the CATV Task Force are not designated as decision-making personnel under § 1.1205 of the rules; and that, subsequent to the time these proceedings were designated for hearing, personnel of the CATV Task Force made ex parte presentations to the Commission which are not authorized by the Commission's rules.

2. In view of the contentions made by California and General, the Commission has carefully reviewed the status of these proceedings. We have determined that, with the exception of the issues relating to section 214(a) of the Act, the proceedings are clearly rule making rather than adjudicatory in character. The personnel of the CATV Task Force and the Common Carrier Bureau are of course not barred by the applicable statutes and provisions of our rules from making ex parte presentations to the Commission in such rule making proceedings (see section 5(c) of the Administrative Procedure Act; § 1.1209 of the Commission's rules).

3. We believe, however, that the issues with respect to section 214(a) of the Act require a different conclusion. These issues provide:

(d) Whether [with respect to the Bell System companies] the requirements of section 214 of the Act and Part 63 of our rules implementing that section have been met as to the facilities used to offer channel service under the aforesaid tariffs and, if not, what action, if any, the Commission should take with respect thereto;

(e) Whether [with respect to the non-Bell System companies] any of the respondents are subject to the requirements of section 214 of the Act, and Part 63 of our rules implementing that section, and if so, whether these requirements have been met as to the facilities used to offer CATV channel service under the aforesaid tariffs and what action, if any, the Commission should take with respect thereto.

Insofar as these issues contemplate a determination concerning the applicability of section 214 to the activities of the carriers which are here under consideration, they are concerned solely with matters of law involving an interpretation of the applicable statutory provisions, and would not change the rulemaking nature of the proceeding. See section 2(c)

[1] Commissioner Bartley dissenting; Commissioner Johnson absent.

[1] General Telephone Company of Indiana, General Telephone Company of Michigan, General Telephone Company of Ohio, General Telephone Company of Pennsylvania, and General Telephone Company of the Southwest.

of the Administrative Procedure Act.[2] However, the issues also provide that if requirements of section 214 have not been met, the Commission will determine what action, if any, it should take. The Commission has also determined that specific complaints against particular carriers for violation of section 214 will be considered in these proceedings, e.g., the complaint of Teleprompter Corp. and Manhattan Cable TV Service (Docket No. 17069), requesting that an order to show cause be issued with respect to one particular CATV channel service provided by the New York Telephone Co. to Comtel, Inc., on grounds that a section 214 certificate has not been obtained for that service. Thus, in addition to determining the purely legal questions regarding the applicability of section 214, the issues contemplate that the Commission may take specific remedial actions, including the issuance of cease and desist orders, against individual carriers on the basis of the evidence adduced.

4. In view of these considerations, we are of the opinion that, insofar as the section 214 issues are concerned, these proceedings involve "adjudication" within the meaning of section 2(d) of the Administrative Procedure Act.[3] Thus, the separations of functions provisions of section 409(c) of the Act and the provisions of our rules governing ex parte presentations in adjudicatory proceedings are applicable to these proceedings.[4]

5. In these circumstances, the Commission is taking the following actions:

(1) Deleting from these proceedings the issues which relate to section 214 of the Act;

(2) Designating for adjudicatory hearing in a separate proceeding the issues which relate to section 214 of the Act; and

(3) Making available to all parties to these proceedings all written communications presented to the Commission by the CATV Task Force and the Common Carrier Bureau after these proceedings were designated for hearing.[5]

6. *Accordingly, it is ordered*, That the following issues are deleted from these proceedings:

(d) Whether [with respect to the Bell System companies] the requirements of section 214 of the Act and Part 63 of our rules implementing that section have been met as to the facilities used to offer channel service under the aforesaid tariffs and, if not, what action, if any, the Commission should take with respect thereto;

(e) Whether [with respect to the non-Bell System companies] any of the respondents are subject to the requirements of section 214 of the Act, and Part 63 of our rules implementing that section, and if so, whether these requirements have been met as to the facilities used to offer CATV channel service under the aforesaid tariffs and what action, if any, the Commission should take with respect thereto.

7. *It is further ordered*, That the taking of testimony on the remaining issues in these proceedings shall commence upon the completion of the receipt of evidence in Docket No. 17333.

Adopted: March 29, 1967.

Released: April 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3790; Filed, Apr. 5, 1967; 8:49 a.m.]

[Docket No. 17333; FCC 67-420]

CALIFORNIA WATER AND TELEPHONE CO. ET AL.

Order Designating Matter for Hearing

In the matter of: California Water and Telephone Co.; The Associated Bell Systems Cos.; The General Telephone System; and United Utilities, Inc., Cos., Docket No. 17333; Applicability of section 214 of the Communications Act with regard to tariffs for channel service for use by Community Antenna Television Systems.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 29th day of March 1967;

The Commission has under consideration various tariffs (listed in the Appendix to this order),[7a] filed with the Commission by the above-listed carriers and their subsidiaries, which offer channel services to Community Antenna Television (CATV) Systems.

The Commission has previously reviewed the provisions in the tariffs listed in the attachment hereto and has instituted an investigation into those tariffs on a number of issues (Docket Nos. 16928, 16943, and 17098). In a memorandum opinion and order adopted this day (FCC 67-419) we have deleted from the proceedings in Docket Nos. 16928 et al., those issues which pertain to section 214 of the Communications Act, and indicated our intention to designate those issues for adjudicatory hearing in a separate proceedings, which we are designating herein.

The legal issues with respect to section 214(a) designated herein include the question of the applicability of the exemption in section 124(a) for "local, branch, or terminal lines not exceeding 10 miles in length", and also the question of whether those carriers claiming to be "connecting carriers" under section 2(b)(2) of the Act are, by virtue of furnishing channels of communications to operators of CATV systems, subject to the requirements of section 214.[7b] Thus, the parties are on notice that the Commission does have these legal questions under review and that any further construction or extensions of lines may be the subject of appropriate remedial action in this proceeding, including the issuance of cease and desist orders tailored to the particular factual situation.

Further, we believe it essential that the section 214 issues be promptly resolved. The present situation is extremely unsettling and may result in disruptive situations which would clearly not serve the public interest. If the legal positions taken by the carriers prove to be incorrect, substantial construction and expansion of CATV channel facilities contrary to the provisions of section 214 of the Act may occur during the pendency of this proceeding. For these reasons we find pursuant to section 409(a) of the Communications Act of 1934, as amended, that due and timely execution of our functions imperatively and unavoidably requires that, upon completion of the evidence, the Hearing Examiner, certify the record, without a recommended decision to the Commission for decision.

Accordingly, pursuant to section 214 of the Communications Act, the above-entitled matter is designated for hearing on the following issues:

(a) Whether (with respect to the Bell System companies) the requirements of section 214 of the Act and Part 63 of our rules implementing that section have been met as to the facilities used to offer channel service under the aforesaid tariffs and, if not, what action, if any, the Commission should take with respect thereto;

[2] Sec. 2(c) of the Administrative Procedure Act provides:

(c) *Rule and Rule Making.*—"Rule" means the whole or any part of any agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practices requirements of any agency and includes the approval of prescription for the future of rates, wages, corporate or financial structures or reorganizations, thereof, prices, facilities, appliances, services, or allowances therefor or of valuations, costs, or accounting, or practices bearing upon any of the foregoing. "Rule making" means agency process for the formulation, amendment, or repeal of a rule.

[3] Sec. 2(d) of the Administrative Procedure Act provides:

(d) *Order and Adjudication.*—"Order" means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) of any agency in any matter other than rule making but including licensing. "Adjudication" means agency process for the formulation of an order.

[4] Separation of functions is not required herein by sec. 5(c) of the Administrative Procedure Act, since that section does not apply "in determining applications for initial licenses or to proceedings involving the validity or application of rates, facilities, or practices of public utilities or carriers." However, the overriding provisions of sec. 409(c) of the Communications Act make separation of function mandatory in "any case of adjudication • • • which has been designated by the Commission for hearing."

[5] These written communications were more comprehensive than, and included the arguments presented in any oral presentations made to the Commission by the CATV Task Force and the Common Carrier Bureau after these proceedings were designated for hearing.

[6] Dissenting statement of Commissioner Wadsworth filed as part of original document; Commissioner Bartley dissenting; Commissioner Johnson absent.

[7a] Tariff list filed as part of original document.

[7b] In this regard the Commission has under reconsideration its decision in Capitol Cities Telephone Co., 3 F.C.C. 189 (1936).

(b) Whether (with respect to the non-Bell System companies) any of the respondents are subject to the requirements of section 214 of the Act, and Part 63 of our rules implementing that section, and if so, whether these requirements have been met as to the facilities used to offer CATV channel service under the aforesaid tariffs and what action, if any, the Commission should take with respect thereto.

It is further ordered, That the prehearing conferences held in Dockets 16928 et al. are hereby incorporated.

It is further ordered, That the parties respondent and other parties in Docket 16928 are hereby made parties to this proceeding.

It is further ordered, That the CATV Task Force and the Common Carrier Bureau are made parties to this proceeding.

It is further ordered, That upon completion of taking evidence, the Hearing Examiner certify the record, without preparing a recommended decision, to the Commission for decision after the parties have filed proposed findings and briefs, the Commission will hold oral argument.

Released: April 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3791; Filed, Apr. 5, 1967; 8:49 a.m.]

[Docket No. 17131 etc.; FCC 67M-548]

GENERAL ELECTRIC CABLEVISION CORP. ET AL.

Memorandum Opinion and Order Scheduling Further Prehearing Conference

In re petitions by General Electric Cablevision Corp., Van Buren, N.Y., Docket No. 17131, File No. CATV 100-65; General Electric Cablevision Corp., Solvay, N.Y., Docket No. 17132, File No. CATV 100-137; Newchannels Corp., East Syracuse, N.Y., Docket No. 17133, File No. CATV 100-112; Newchannels Corp., Camillus, N.Y., Docket No. 17134, File No. CATV 100-124; For authority pursuant to § 74.1107 of the rules to operate CATV systems in the Syracuse Television Market; In re applications of Eastern Microwave, Inc., Van Buren, N.Y., Docket No. 17135, File No. 4704-C1-P-66; Eastern Microwave, Inc., Camillus, N.Y., Docket No. 17136, File No. 4879-C1-P-66; For construction permits for new Point-to-Point Microwave Radio stations; Newchannels Corp., Manlius, N.Y., Docket No. 17273, File No. CATV 100-150; Newchannels Corp., Minoa, N.Y., Docket No. 17274, File No. CATV 100-151; Newchannels Corp., Liverpool, N.Y., Docket No. 17275, File No. CATV 100-153; Newchannels Corp., Fayetteville, N.Y., Docket No. 17276, File No. CATV 100-160; Upstate Community Antenna, Inc., Clay and Cicero Townships, New York, Docket No. 17277, File No. CATV 100-154; Onondaga Video, Inc., Onondaga Township, N.Y., Docket No. 17278, File No. CATV 100-166.

1. Pursuant to a request of the Examiner made during a prehearing conference on March 22, 1967, certain of the parties have filed briefs directed to two questions concerning the scope of the issues herein: what is the extent of the "market" referred to in Issues 1, 2, and 3; and whether Issue 4 contemplates the adduction of evidence or is merely a conclusionary issue.[1]

2. Turning first to the meaning of the word "market", the pertinent Commission pronouncements are not entirely free of ambiguity. Nevertheless, the basic purpose of this hearing is to ascertain the impact of the designated CATV proposals on local television. Clearly, if a meaningful answer to this question is to be anticipated, the geographical scope of the hearing must include the entire area wherein the local Syracuse stations, or any of them, render some television service and upon which they rest their economic base. The extent of such area cannot be known in advance. It may vary from station to station, and may be the object of legitimate dispute. It would be inappropriate for the Examiner to anticipate the parties' evidence and arguments by undertaking a prehearing definition of the geographical extent of the "market". Therefore, the matter shall be an element of the proof in this hearing.[2]

3. Issue No. 4 seeks "to determine whether the applications and proposals are consistent with the public interest". Certain of the parties suggest that this is intended to be a conclusionary issue based on the preceding issues as is customary in Commission orders of designation. Others contend that the ordinary Commission conclusionary issue is preceded by the words "in light of the foregoing issues", and the absence of such words here suggests that the issue is intended as one under which evidence is to be adduced.

4. In the Examiner's opinion, the issue was intended to be conclusionary, and the absence of the usual prefatory words is no more than an oversight in draftsmanship. This conclusion is dictated by the very breath of the language of the issue. If it were intended as a factual issue, any evidence of any sort which any party thought "consistent with the public interest" would be relevant. Not only would so broad an issue be violative of 47 U.S.C. 309(e)[3] insofar as it applies to the designated microwave applications, it would open the hearing to jurisdictional and other questions which the Commission has plainly indicated it does regard as delegated to its Hearing Examiners for consideration. Therefore, no evidence will be taken on Issue No. 4.

5. Finally, it appears appropriate that a further prehearing conference should convene for the purpose of ascertaining whether the areas of formal proof can be narrowed. At such conference the parties will be prepared to suggest areas of stipulation or techniques of proof calculated to simplify and expedite the hearing.

Accordingly, it is ordered, This 31st day of March 1967, that the foregoing rulings shall govern the conduct of this hearing; and that a further prehearing conference herein shall convene on May 2, 1967, at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: April 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3792; Filed, Apr. 5, 1967; 8:49 a.m.]

[Docket Nos. 17316, 17317; FCC 67M-538]

ROVAN TELEVISION, INC., AND ROMAC MACON CORP.

Order Scheduling Hearing

In re applications of Rovan Television, Inc., Macon, Ga., Docket No. 17316, File No. BPCT-3571; Romac Macon Corp., Macon, Ga., Docket No. 17317, File No. BPCT-3684; for construction permit for new television broadcast station (Channel 24).

It is ordered, This 29th day of March 1967, that David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 29, 1967, at 10 a.m.; and that a prehearing conference shall be held on April 19, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: March 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3793; Filed, Apr. 5, 1967; 8:49 a.m.]

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[1] Issues 1, 2, and 3 are identical in both the order of designation released on Feb. 14, 1967, and the order of consolidation released on Mar. 24, 1967. Issue 4 differs in the two orders only to the extent that it was grammatically necessary to reflect the presence of microwave applications in one order but not the other. The order of consolidation did not modify the issues except to the extent it rendered relevant evidence pertinent to the newly consolidated proposals.

[2] This is not to suggest any inhibition on such stipulation as the parties might evolve to suit their mutual convenience.

[3] Sec. 309(e) of the Act provides, in pertinent part, that applications may be designated for hearing "• • • specifying with particularity the matters and things in issue but not including issues or requirements phrased generally • • •".

[2] Commissioner Bartley dissenting; Commissioner Johnson absent.

[Docket Nos. 16290, 16291; FCC 67M-540]

WMGS, INC. (WMGS), AND OHIO RADIO, INC.

Order Continuing Prehearing Conference

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097, for renewal of license; Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BP-16423, for Construction Permit.

The Hearing Examiner having under consideration a petition filed March 28, 1967, on behalf of Ohio Radio requesting that the further prehearing conference now scheduled for April 10, 1967, be postponed for a few days;

It appearing, that in support of said petition that Ohio Radio is securing other counsel to represent it in this proceeding and that time is of essence to permit new counsel to acquaint himself with the record and the issues involved herein;

It further appearing, that good cause exists why said petition should be granted and petitioner pleads that other counsel have consented to a grant of the instant request;

Accordingly, it is ordered, This 30th day of March 1967, that the request is granted and that the prehearing conference now scheduled for April 10, 1967, be and the same is hereby rescheduled for April 26, 1967, 10 a.m., in the offices of the Commission, Washington, D.C.

Released: March 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3794; Filed, Apr. 5, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF NEW YORK AND WEST COAST LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Roy H. Rudd, Department of Marine and Aviation, The City of New York Battery Maritime Building, New York, N.Y. 10004.

Agreement No. T-2031 between the city of New York (City) and West Coast Lines, Inc. (WCL) provides for the lease of certain property located at Pier 64, North River, in the Borough of Manhattan, which WCL will use for a steamship terminal and other uses incidental thereto. WCL will pay City an annual rental of $80,000 plus $1 per long ton for all cargo passing over the pier in excess of 80,000 long tons, with a maximum annual total payment of $160,000.

Dated: April 3, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-3783; Filed, Apr. 5, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-272]

SHENANDOAH GAS CO.

Notice of Application

MARCH 30, 1967.

Take notice that on March 22, 1967, Shenandoah Gas Co. (Applicant), 1100 H Street NW., Washington, D.C. 20005, filed in Docket No. CP67-272 a "budget-type" application pursuant to section 7 (c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate, during 1 calendar year from the date of issuance of the authority requested herein, taps on its certificated pipeline system to sell natural gas at retail to domestic, commercial and industrial customers that may be located within economic distance of such certificated facilities. Applicant states that the delivery to any single customer will not exceed 100,000 Mcf of natural gas annually and that said natural gas will not be used for boiler fuel purposes as defined by the Commission.

The total estimated cost of Applicant's proposed facilities will not exceed $100,000 during the 12-month period for which this authorization is requested.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 26, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3744; Filed, Apr. 5, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 31, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 3, 1967, through April 12, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 67-3752; Filed, Apr. 5, 1967; 8:45 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

MARCH 31, 1967.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange

Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 3, 1967, through April 12, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 67-3753; Filed, Apr. 5, 1967; 8:45 a.m.]

[812-2088]

LOOMIS-SAYLES CAPITAL DEVELOPMENT FUND, INC.

Notice of Filing of Application for Order of Exemption

MARCH 31, 1967.

Notice is hereby given that Loomis-Sayles Capital Development Fund, Inc. ("Applicant"), 140 Federal Street, Boston, Mass. 02110, a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to sections 6(c) and 17(b) of the Act requesting an order of the Commission exempting from the provisions of sections 22(d) and 17(a) of the Act the proposed issuance of its shares at net asset value in exchange for substantially all the assets of Seller Lowengart Co. ("Seller").

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Seller, a Delaware corporation, is a personal holding company having 15 shareholders of record. It is not making and does not propose to make a public offering of its securities and is exempt from registration under the Act by reason of section 3(c)(1) thereof. Applicant and Seller have negotiated an agreement providing for the transfer of substantially all the assets of Seller to the Applicant in exchange for shares of the Applicant. The shares of Applicant received by Seller will be distributed to its shareholders and Seller will dissolve.

Sanford P. Lowengart, Jr. ("Lowengart"), the president, a director and a stockholder of Seller, is an employee and the owner of approximately 1 percent of the voting stock of Loomis-Sayles & Co., Inc., the investment adviser and principal underwriter of Applicant. He owns of record and beneficially approximately 19 percent of the outstanding capital stock of Seller and is a cotrustee of several trusts (in certain of which he has a beneficial interest) owning in the aggregate approximately an additional 45 percent of such stock.

Section 17(a) of the Act, insofar as here pertinent, prohibits Lowengart, an affiliated person of Loomis-Sayles & Co., Inc., an affiliated person of Applicant, a registered investment company, from selling securities to or purchasing securities from such registered company unless the Commission, upon application pursuant to section 17(b), grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in its prospectus. Applicant offers its shares to the public at net asset value. Since provision has been made to adjust the net asset value of Seller's assets for a proportional excess of capital appreciation, the shares of Applicant may be sold to Seller at a price other than the public offering price. Accordingly, an exemption from the requirements of section 22(d) has been requested.

On February 3, 1967, the net assets of Applicant amounted to approximately $11,350,000, 14 percent of which represented realized and unrealized gains. The net assets of Seller amounted to $5,570,000, 15 percent of which represented unrealized gain on the securities which Applicant expects to acquire. Applicant's per share asset value as of February 3, 1967, was $11.09. If the exchange had been consummated that day the value of Seller's assets would have been adjusted by a reduction of $5,000 and 501,641 shares of Applicant would have been delivered to Seller. The net value of the assets of Seller to be transferred and the net asset value of the shares of Applicant to be issued in exchange therefor will be determined on the first business day preceding the actual exchange.

Applicant states that the agreement was negotiated at arm's length by the officers of Seller and the Applicant and that the agreement has been approved by the board of directors of each company.

Notice is further given that any interested person may, not later than April 20, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 67-3754; Filed, Apr. 5, 1967; 8:46 a.m.]

[812-2096]

NCR INTERNATIONAL FINANCE CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of Act

MARCH 31, 1967.

Notice is hereby given that NCR International Finance Corp. ("Applicant"), Main and K Streets, Dayton, Ohio 45409, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized by The National Cash Register Co. ("NCR") under the laws of the State of Delaware on January 5, 1967. All of the outstanding securities of Applicant consisting of 50 shares of common stock without par value are owned by NCR, which purchased such stock for $50,000. Prior to the sale of the bonds of Applicant described below, NCR will acquire from Applicant 2,500 shares of common stock in exchange for all the shares owned by NCR in a Dutch subsidiary which shares constitute 81.82 percent of the outstanding shares of stock of such subsidiary. The fair market value of such shares is estimated to be at least $2,500,000. Any additional securities which Applicant may issue, other than debt securities, will be issued only to NCR. NCR will continue to retain its present holdings of Applicant's common stock and any additional securities of Applicant which NCR may acquire and NCR will not dispose of any of Applicant's securities (other than debt securities) except to Applicant or to a fully owned subsidiary of NCR (which term as used herein means a corporation all of the outstanding securities of which are owned, directly or indirectly, by NCR); and NCR will cause each fully owned subsidiary not to dispose of Applicant's securities except to NCR, Applicant or to one or more fully owned subsidiaries of NCR.

NCR is engaged, directly and through subsidiaries, in the production, distribution and servicing of business machines, including cash registers, accounting machines, adding machines, and electronic data processing systems, as well as supplies for use in its machine products and for other uses.

Applicant was organized to facilitate the expansion and development of NCR's foreign operations, in compliance with the voluntary cooperation program instituted by the President in February 1965, to improve the balance-of-payments position of the United States.

Applicant intends to issue and sell in Switzerland to three Swiss banks ("Banks"), which will act as underwriters, its Swiss franc bonds in an aggregate principal amount of 50 million Swiss francs ($11,500,000) due 1982 ("Bonds"). NCR will guarantee the principal, interest payments, and premium, if any on the Bonds. Any additional debt securities of Applicant which may be issued to or held by the public will be guaranteed by NCR in a manner substantially similar to the guarantee of the Bonds.

Applicant intends to invest its assets in stock or debt obligations of foreign corporations of which NCR owns, directly or indirectly, a majority of the outstanding voting securities. All of the corporations in which Applicant's assets will be invested on other than the temporary basis, will be corporations controlled by NCR which are primarily engaged in one or more of the following businesses: (1) Manufacturing, distributing, and servicing business machines, including cash registers, accounting machines, adding machines, and electronic data processing systems; (2) selling and servicing products made by NCR or one of its subsidiaries in the United States; or (3) operating electronic data processing centers.

Applicant will proceed as expeditiously as practicable with the investment of its assets in such manner and will not trade in securities. In addition and prior to making long-term investments in majority-owned subsidiaries, and from time to time thereafter in connection with changes in long-term investments, Applicant will make interim investments in the obligations of foreign governments or foreign financial institutions including interest-bearing deposits in foreign banks. Applicant will not acquire the securities representing such interim investments for purpose of distribution.

The Banks will offer the Bonds through a banking syndicate for public subscription in Switzerland under conditions which are intended to assure that the Bonds will not be offered or sold in the United States, its territories or possessions or to citizens, residents, or nationals of the United States, its territories or possessions. The agreements relating to such offer and sale will contain various provisions intended to assure that the Bonds will not be purchased by nationals or residents of the United States, its territories or possessions. Any additional debt securities of Applicant which may be offered in the future will be sold under substantially similar conditions.

Counsel has advised Applicant that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the Bonds, except where a specific statutory exemption is available. Applicant will apply to the Internal Revenue Service for a ruling to this effect prior to the sale of the Bonds. Thus, by financing its foreign operations through Applicant rather than through the sale of its own debt obligations, NCR will utilize an instrumentality, the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) A significant purpose of Applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which NCR may obtain funds in foreign countries for its foreign operations; (2) the Bonds will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States, its territories or possessions or to any U.S. citizen, national, or resident; (3) the burden of the interest equalization tax will tend to discourage purchase of the Bonds by any U.S. person; (4) Applicant will not deal or trade in securities; (5) none of the securities of Applicant, other than debt securities, will be held by any person other than NCR or a fully owned subsidiary of NCR; and (6) the public policy underlying the Act is not applicable to Applicant, and the security holders of Applicant do not require the protection of the Act, because the payment of the Bonds, which is guaranteed by NCR, does not depend solely on the operations or investment policy of Applicant, for the Bondholders may ultimately look to the business enterprise of NCR rather than solely to that of Applicant.

Notice is further given that any interested person may, not later than April 14, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 67-3755; Filed, Apr. 5, 1967; 8:46 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

MARCH 31, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc., and all other securities of Pakco Companies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 3, 1967, through April 12, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 67-3756; Filed, Apr. 5, 1967; 8:46 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

MARCH 31, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required

in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period April 3, 1967, through April 12, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 67-3757; Filed, Apr. 5, 1967; 8:46 a.m.]

[File No. 1-4407]

SPORTS ARENAS, INC.

Order Suspending Trading

MARCH 31, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1 cent par value of Sports Arenas, Inc., and the 6 percent convertible debentures being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 3, 1967, through April 12, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 67-3759; Filed, Apr. 5, 1967; 8:46 a.m.]

RAND DEVELOPMENT CORP.

Order Suspending Trading

MARCH 30, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 5 cents par value, of Rand Development Corp., Cleveland, Ohio, and the Class B Common Stock, 5 cents par value, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 31, 1967, through April 9, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3758; Filed, Apr. 5, 1967; 8:46 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

MARCH 31, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 3, 1967, through April 12, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 67-3760; Filed, Apr. 5, 1967; 8:46 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

MARCH 31, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 3, 1967, through April 12, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 67-3761; Filed, Apr. 5, 1967; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

MARCH 31, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 3, 1967, through April 12, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 67-3762; Filed, Apr. 5, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1044]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 31, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the Special Rule, and shall include the certification required therein.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1367 (Sub-No. 3), filed March 27, 1967. Applicant: OWL TRANSFER & STORAGE COMPANY, INC., 3623 Sixth Avenue South, Seattle, Wash. Applicant's representative: Patrick D. Sutherland, Post Office Box 52, Olympia, Wash. 98501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Theatrical equipment, scenery, wardrobes, properties, electrical supplies* between points in the United States (except Alaska and Hawaii) including ports of entry on the international boundary of the United States and Canada. NOTE: Applicant states it would tack the proposed authority with its present authority at borders of Oregon, Idaho, and Canadian border of Washington and Idaho which would enable service to the entire United States including ports of entry on the international boundary of the United States and Canada. Applicant holds contract carrier authority in MC 103647, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 3114 (Sub-No. 26), filed March 13, 1967. Applicant: T. H. COMPTON, INC., R.F.D., Berkeley Springs, W. Va. 25422. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lithium ore and sand*, from Berkeley Springs, W. Va., to points in Michigan, Ohio, Kentucky, North Carolina, Virginia, Delaware, and New Jersey. NOTE: Applicant indicates tacking possibilities at Berkeley Springs with its presently held authority to provide service in the transportation of sand from points in Morgan County, W. Va., to points in the instant application. No duplication authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 4963 (Sub-No. 23), filed March 20, 1967. Applicant: JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsites of Lambert-Hudnut Manufacturing Laboratories, Inc., Lititz, Pa., as an off-route point in connection with applicant's regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 11620 (Sub-No. 26), filed March 23, 1967. Applicant: ARROW TRANSFER, INC., Rural Route 2, West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Margarine, margarine oils, cheese, cheese products, butter and dry milk powder, meats (frozen and cured), and cured sausage*, from Stanford and Springfield, Ky., to points in Alabama, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Mississippi New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, under a continuing contract with Armour & Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 13651 (Sub-No. 8), filed March 21, 1967. Applicant: PEOPLES TRANSFER, INC., 701 North 22d Avenue, Phoenix, Ariz. 85009. Applicant's representative: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal poultry feed and feed supplements*, from points in Maricopa, and Pima Counties, Ariz., to points in Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 20722 (Sub-No. 19), filed March 23, 1967. Applicant: M & G CONVOY, INC., 590 Elk Street, Post Office Box 216, Buffalo, N.Y. 14205. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates, 61 M.C.C.* 209 and 766, and *parts* thereof moving therewith, in secondary movements, in truckaway and driveaway service, from Selkirk, N.Y., and Framingham, Mass., to points in Vermont, New Hampshire, Maine, and Rhode Island, restricted to traffic originating at the plantsite of Kaiser Jeep Corp. at Toledo, Ohio, and having an immediately prior movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 21170 (Sub-No. 252) (Amendment), filed February 16, 1967, published in the FEDERAL REGISTER issue of March 9, 1967, amended and republished as amended, this issue. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from Storm Lake, Iowa, and Bloomington, Ill., to Indianapolis and South Bend, Ind.; and (2) between Storm Lake, Iowa, and Bloomington, Ill. NOTE: The purpose of this republication is to broaden the authority sought by adding "between Storm Lake, Iowa, and Bloomington, Ill." to the territorial description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 24583 (Sub-No. 13), filed March 20, 1967. Applicant: RODNEY STEWART & TROY STEWART, a partnership, doing business as FRED STEWART COMPANY, 129 South Clay Street, Post Office Box 659, Magnolia, Ark. 71753. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex. to points in Texas, Louisiana, Oklahoma, and Arkansas; and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 29079 (Sub-No. 35), filed March 23, 1967. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210

South Union, Post Office Box 935, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials*, other than iron or steel, and other than in bulk, from East St. Louis, Ill., to points in Indiana, Kentucky, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 31321 (Sub-No. 8), filed March 20, 1967. Applicant: SOUTHWESTERN TRANSFER COMPANY, INC., 1730 Bassett Avenue, Post Office Box 1611, El Paso, Tex. 79948. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas and New Mexico, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Applicant states this proposed authority in (1) above could be tacked at points in Texas with presently held authorized authority serving points in Arizona and New Mexico. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 31600 (Sub-No. 615), filed March 23, 1967. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvery Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silica gel catalyst*, in bulk, in tank or hopper-type vehicles, from the site of the Mobil Oil Corp. refinery at or near Paulsboro, N.J., to Buffalo, N.Y.; and the port of entry on the international boundary line between the United States and Canada at Champlain, N.Y., for furtherance to points in Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35628 (Sub-No. 277), filed March 17, 1967. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 1 Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving the plantsite of Art Metal, Inc., near Lakewood (Chataqua County), N.Y., as an off-route point in connection with applicant's authorized regular route operations. NOTE: Applicant states it could or would tack at Jamestown, N.Y., with service to and from all authorized points. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 42537 (Sub-No. 38), filed March 22, 1967. Applicant: CASSENS TRANSPORT COMPANY, a corporation, Post Office Box 468, Edwardsville, Ill. 62025. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trucks, busses, and chassis*, in initial movements, in truckaway and driveaway service, and *bodies and cabs*, from the site of the Chrysler Corp. assembly plants located in St. Louis County, Mo., to points in Wisconsin, and *rejected shipments*, of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or St. Louis, Mo.

No. MC 43231 (Sub-No. 3), filed March 20, 1967. Applicant: COOS-CURRY TRANSPORTATION, INC., Post Office Box 104, Coquille, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, shavings, and hog fuel*, between points in Coos, Curry, and Douglas Counties, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Coos Bay, Oreg.

No. MC 45736 (Sub-No. 29), filed March 21, 1967. Applicant: GUIGNARD FREIGHT LINES, INC., Post Office Box 26067, Highway 21 North, Charlotte, N.C. 28206. Applicant's representative: Francis J. Ortman, Room 770, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard sheets and boards, plywood*, faced or not faced with a protective or decorative material, and *board or sheets, wood particle*, faced or not faced with a protective or decorative material, moving separately or in mixed loads, from Catawba, S.C., and points within 5 miles, thereof, to points in West Virginia, Virginia, Ohio, Indiana, Michigan, Pennsylvania, New Jersey, Delaware, Tennessee, New York, Kentucky, and points in North Carolina within 225 miles of Concord, N.C., including Concord. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 50002 (Sub-No. 54), filed March 20, 1967. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, a partnership, doing business as BRIDGE BROTHERS, Bridge and Anderson Streets, Post Office Box 929, Lamar, Colo. 81052. Applicant's representative: C. Zimmerman, 503 Schweiter Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Co. located at or near Hoag, Nebr., to points in Iowa and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 50069 (Sub-No. 375) (Amendment), filed February 13, 1967, published in the FEDERAL REGISTER issue of March 9, 1967, amended March 17, 1967, and republished as amended, this issue. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Depue, Ill., Dubuque and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: Common control and dual operations may be involved. The purpose of this republication is to broaden the origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52704 (Sub-No. 57), filed March 23, 1967. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Lafayette, Ala. Applicant's representative: D. H. Markstein, Jr., 818 Massey Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottle or can carrying boxes, cases, or crates*, from Newnan, Ga., to points in Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 56679 (Sub-No. 19), filed March 23, 1967. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Post Office Box 6985, Atlanta, Ga. 30315. Applicant's representative: R. J. Reynolds, Jr., 403–11 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Decatur and Athens, Ga., over U.S. Highway 78, (2) between Washington and Augusta, Ga.: From Washington over Georgia Highway 47 to Leah, Ga., thence over Georgia Highway 104 to Augusta, and return over the same route, (3) between Washington and Thomson, Ga., over U.S. Highway 78, (4) between Macon and Swainsboro, Ga., over U.S. Highway 80, (5) between Macon and Milledgeville, Ga., over Georgia

Highway 49, (6) between Wrens and Waynesboro, Ga., over Georgia Highway 80, (7) between Sardis, and Sylvania, Ga.: From Sardis over Georgia Highway 24 to junction U.S. Highway 301, thence over U.S. Highway 301 to Sylvania, and return over the same route, and (8) between Washington and Harlem, Ga. over Georgia Highway 47, serving no intermediate points, as alternate routes for operating convenience only in (1) through (8) above, in connection with presently held authorized regular route authority. NOTE: Applicant states it is not seeking any duplicating authority to transport any commodities or to serve any points that it is not now presently authorized to transport or to serve. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 60987 (Sub-No. 10), filed March 23, 1967. Applicant: ARKIN TRUCK LINE, INCORPORATED, 1600 South Indiana Avenue, Chicago, Ill. 60616. Applicant's representative: George S. Mullins, 4704 West Irvin Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment* used or useful in the maintenance and operation of printing houses, between Mattoon, Ill., on the one hand, and, on the other, Warsaw, Ind., under contract with R. R. Donnelley & Sons Co. of Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 82), filed March 20, 1967. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors and attachments, and farm machinery* (except truck tractors and those tractors which because of size or weight require the use of special equipment or special handling) from boat docks on Lake Michigan (in the States of Wisconsin, Illinois, Indiana, and Michigan), to points in Washington, Oregon, Idaho, Nevada, Montana, and Utah, and (2) *tractors and attachments* (except truck tractors and those which because of size or weight require the use of special equipment or special handling), from the plantsite of Bolens Division, FMC Corp., Port Washington, Wis., to points in Washington, Oregon, Idaho, Nevada, Montana, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 77368 (Sub-No. 3), filed March 22, 1967. Applicant: ABEL'S TRANSFER SERVICE, INC., Belle, Mo. Applicant's representative: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in bulk, from points in Osage, Maries, Gasconade, Phelps, Dent, Reynolds, Carter Counties, Tex., and Shannon County, Mo., to the plantsite of Cumberland Corp. located approximately 2 miles from Burnside, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City or St. Louis, Mo.

No. MC 79999 (Sub-No. 3), filed March 20, 1967. Applicant: E. JACK WALTON TRUCKING COMPANY, a corporation, 13020 Sarah's Lane, Houston, Tex. 77015, also Post Office Box 9789, Houston, Tex. Applicant's representative: Joe G. Fender, 802 First Houston Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling billets, blooms, reinforcing rods, bars, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, and New Mexico, and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 83217 (Sub-No. 30), filed March 23, 1967. Applicant: DAKOTA EXPRESS, INC., 110 North Reid Street, Sioux Falls, S. Dak. 57101. Applicant's representative: Henry J. Schuette, 110 North Reid Street, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, from Waterloo, Iowa, to points in North Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Minneapolis, Minn.

No. MC 83539 (Sub-No. 208), filed March 20, 1967. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222, also Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay and clay filled panels* (except in bulk) from Belle Fourche, S. Dak., to points in Michigan and Ohio, (2) *clay* (except in bulk), from Colloid Spur, Wyo., to points in Michigan and Ohio, and (3) *clay, and foundry molding sand additives* (except in bulk), from Aberdeen and White Springs, Miss., and Sandy Ridge, Ala., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 85715 (Sub-No. 4), filed February 27, 1967. Applicant: J. V. HARRISON TRUCK LINES, INC., Post Office Box 15057, Houston, Tex. 77020. Applicant's representative: Dan Felts, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Reinforcing rods, bar steel, steel forms and plates, iron products* of the same kind and character, and *heavy iron and steel items*, between Houston, Tex., and points in Texas, (2) *oilfield equipment and pipe*, when moving as oilfield equipment; *pipe*, when it is to be used in the construction and maintenance of pipelines of any and every other character of use other than oilfield equipment; and (3) *trenching machines, tractors, draglines, backfillers, caterpillars, roadbuilding machinery, batch bins, ditching machinery, bulldozers, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile-driving rigs, paving machines and equipment, graders, construction equipment, boilers, scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit breakers, turbines, bridge construction equipment, shovels, planes, lathes, air compressors, rotaries, prefabricated houses, bulk station storage tanks, heavy tanks, pump machinery, erection machinery and equipment, refinery machinery and equipment, boats and prefabricated steel girders, threshing machines, sawmill machinery, telephone and telegraph poles, creosote and other pilings, heavy furnaces or ovens, pipe (including iron, steel, concrete, composition or corrugated), punches, presses, iron or steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron or steel castings, sheets, and plates, industrial hammers, industrial machinery, including laundry, icemaking, airconditioning, baker bottling, gin, crushing, dredging, mill, brewery, textile, water plant and wire covering, twisting or laving, dericks, hoists, steam or internal combustion engines, rollers, power shovels, safes, vaults, bank doors, and gasoline, fuel oil and other storage tanks*, when said commodities are not moving as oilfield equipment, between points in Texas.

NOTE: The holder of this authority may transport the above named commodities together with its attachments and its detached parts thereof between incorporated cities, towns and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, requires the use of "special devices, facilities or equipment" for the safe and proper loading and unloading thereof. This application seeks to convert certificate of registration MC 85715, Sub 1 to a certificate of public convenience and necessity. Such action is necessitated by virtue of a concurrent application in MC 85715, Sub 5 seeking an extension of authority to authorize service to the additional States of Louisiana, Arkansas, Oklahoma, and New Mexico. If a hearing is deemed necessary, ap-

plicant requests it be held at Houston, Tex.

No. MC 85811 (Sub-No. 2), filed March 20, 1967. Applicant: AMSCO TRANSPORTATION, INC., 10560 Mykawa Road, Houston, Tex. 77048, also Post Office Box 14147, Houston, Tex. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe*, and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from points in Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 93884 (Sub-No. 4), filed March 23, 1967. Applicant: FRANK C. STRECH TRUCKING CO., Box 2082, 2728 East Pearl, Odessa, Tex. 79760. Applicant's representative: Dan Felts, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in New Mexico, Oklahoma, and Texas; and (2) *iron or steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 94350 (Sub-No. 176), filed March 21, 1967. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Nebraska (except Kearney, Nebr.), to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 95540 (Sub-No. 691), filed March 23, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen nutria meat*, from points in Louisiana, to points in Iowa, Nebraska, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 103654 (Sub-No. 125), filed March 15, 1967. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral filler*, in bulk, from points in Dakota, Hennepin, Ramsey, and Scott Counties, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin; (2) *rosin size*, in bulk, in tank vehicles, from Cloquet, Minn., to points in Minnesota, Wisconsin, and the Upper Peninsula of Michigan; (3) *vegetable oils and lecithin*, in bulk, in tank vehicles from Mankato, Minn., to points in Nebraska and South Dakota; and (4) *liquid fertilizer*, in bulk, in tank vehicles, (a) from Cherokee, Iowa, to points in Minnesota, Nebraska, and South Dakota, and (b) from Irvington, Iowa, to points in Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 104896 (Sub-No. 22), filed March 19, 1967. Applicant: WOMELDORF, INC., Post Office Box 232, Lewistown, Pa. Applicant's representative: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, bottles, jars, packing glasses, and jelly tumblers; caps, covers, stoppers, and tops; corrugated paper boxes and paper containers*, from Salem, N.J., to points in New York on and west of a line beginning at the Pennsylvania-New York border and extending north on U.S. Highway 11 to Binghamton thence over New York Highway 12 to the St. Lawrence River, and *refused or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106401 (Sub-No. 26), filed March 22, 1967. Applicant: JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Charlotte, N.C. 28201. Applicant's representative: Donald E. Cross, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives and household goods as defined by the Commission), serving Pace, Fla., as an off-route point in connection with applicant's regular route operations between Pensacola, Fla., and Flomaton, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 106760 (Sub-No. 72) (amendment), filed February 23, 1967, published FEDERAL REGISTER issue of March 16, 1967, amended March 23, 1967, and republished as amended, this issue. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Road, Toledo, Ohio 43614. Applicant's representatives: J. William Cain, Jr., Madison Building, 1155 15th Street NW., Washington, D.C. 20005, and Leonard A. Jaskiewicz (same address at Madison Building). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves or fittings, compounds, joint sealer, bonding cement, primer, coating, thinner, and accessories* used in the installation of such products, from Cleveland, Ohio, and points in Cuyahoga and Portage Counties, Ohio, Clinton, Iowa, and points in Clinton County, Iowa, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: The purpose of this republication is to broaden the origin point by adding points in Portage County, Ohio. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tulsa, Okla.

No. MC 107295 (Sub-No. 105), filed March 17, 1967. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, conduit, and accessories* when shipped with same (except oilfield commodities, as defined by the Commission in Mercer Extension-Oilfield Commodities, 74 M.C.C. 459, and commodities which, because of size or weight require the use of special equipment), from Gilmer, Tex., to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Kansas, Louisiana, Mississippi, North Carolina, New Mexico, Oklahoma, and South Carolina. NOTE: Applicant states that it proposes to tack at points in Arkansas, in conjunction with his presently held authority. If a hearing is deemed necessary, applicant requests it to be held at Houston, Tex.

No. MC 107409 (Sub-No. 31), filed March 21, 1967. Applicant: RATLIFF & RATLIFF, INC., Post Office Box 399, Wadesboro, N.C. Applicant's representative: Francis J. Ortman, Room 770, 1700 Pennsylvania Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, faced or not faced with a protective or decorative material, and *boards or sheets, wood particle*, faced or not faced with a protective or decorative material, moving separately or with hardboard sheets and boards, from Catawba, S.C., and points within 5 miles thereof, to points in Connecticut, Illinois (except points in the Chicago, Ill., commercial zone, as defined by the Commission), Kentucky (except points in the Cincinnati, Ohio, commercial zone, as defined by the Commission), Maryland (except points in the Baltimore, Md., commercial zone, as defined by the Commission) and those points in that part of Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 544), filed March 20, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Berlin, Hanover, and Larsen, Wis., to Troy Grove, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Gary, Ind.

No. MC 107496 (Sub-No. 545), filed March 20, 1967. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemical fertilizers*, from points in Clay County, Minn., to points in Minnesota, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 546), filed March 20, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer slurry mix*, in bulk, in tank vehicles, from Fonda, Iowa, to points in South Dakota and North Dakota. NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 107591 (Sub-No. 2), filed March 21, 1967. Applicant: BECKER COMPANY, INC., Talmage Pa. 17580. Applicant's representative: Bernard N. Gingerich, 110 West State Street, Quarryville, Pa. 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, bituminous concrete, and stone with additives*, (1) between points in Harford County, Md., on the one hand, and, on the other, points in York, Lancaster, and Dauphin Counties, Pa., and (2) between points in Cecil County, Md., and Lancaster County, Pa., on the one hand, and, on the other, points in York County, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 108119 (Sub-No. 17), filed March 16, 1967. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 2330 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and cast iron pipe fittings, and accessories*, from Birmingham and Bessemer, Ala., to points in Illinois, Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 109026 (Sub-No. 10), filed March 17, 1967. Applicant: HALL K. DAVIS AND LELIA H. DAVIS, a partnership, doing business as BURKESVILLE TRANSFER COMPANY, Post Office Box 192, Glasgow, Ky. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Nashville, Tenn, and Glasgow, Ky., over U.S. Highway 31E, serving all intermediate points between Glasgow and the Tennessee-Kentucky State line, with service at Glasgow restricted to joinder only, restricted against the handling of traffic originating at, destined to, or interchanged at Louisville and Glasgow, Ky., and their respective commercial zones, as defined by the Commission. NOTE: Applicant by this application proposes to serve the intermediate points referred to above from and to both Nashville and Louisville. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 109521 (Sub-No. 5) (Amendment), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967 amended March 24, 1967, and republished as amended, this issue. Applicant: WALTER E. COY, doing business as COY BROS., Box 416, Canfield, Ohio 44406. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, from Ashtabula, Ohio, to points in New York, Ohio, Pennsylvania, West Virginia, New Jersey, Kentucky, Illinois, Indiana, Michigan, and Wisconsin. NOTE: Applicant holds contract carrier authority in MC 110103 and Sub 4, therefore dual operations may be involved. The purpose of this republication is to add the destination states of New Jersey, Kentucky, Illinois, Indiana, Michigan, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 110525 (Sub-No. 821), filed March 20, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005, and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. 19335. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and cast iron pipe fittings, and accessories*, from Birmingham and Bessemer, Ala., to points in Illinois, Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 109026 (Sub-No. 10), filed March 17, 1967. Applicant: HALL K. DAVIS AND LELIA H. DAVIS, a partnership, doing business as BURKESVILLE TRANSFER COMPANY, Post Office Box 192, Glasgow, Ky. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Nashville, Tenn, and Glasgow, Ky., over U.S. Highway 31E, serving all intermediate points between Glasgow and the Tennessee-Kentucky State line, with service at Glasgow restricted to joinder only, restricted against the handling of traffic originating at, destined to, or interchanged at Louisville and Glasgow, Ky., and their respective commercial zones, as defined by the Commission. NOTE: Applicant by this application proposes to serve the intermediate points referred to above from and to both Nashville and Louisville. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 109521 (Sub-No. 5) (Amendment), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967 amended March 24, 1967, and republished as amended, this issue. Applicant: WALTER E. COY, doing business as COY BROS., Box 416, Canfield, Ohio 44406. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, from Ashtabula, Ohio, to points in New York, Ohio, Pennsylvania, West Virginia, New Jersey, Kentucky, Illinois, Indiana, Michigan, and Wisconsin. NOTE: Applicant holds contract carrier authority in MC 110103 and Sub 4, therefore dual operations may be involved. The purpose of this republication is to add the destination states of New Jersey, Kentucky, Illinois, Indiana, Michigan, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 110525 (Sub-No. 821), filed March 20, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005, and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. 19335. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Taft, La., to points in the United States except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 822), filed March 21, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C. 20005, and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. 19335. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids*, between Baton Rouge, Lake Charles, and New Orleans, La., on the one hand, and, on the other Patrick Air Force Base and Cape Kennedy, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 823), filed March 23, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005, and Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, in tank or hopper type vehicles, between ports of entry on the international boundary line between the United States and Canada at or near Trout River, Alexandria Bay, Rooseveltown, Ogdensburg, and Champlain, N.Y., Highgate Springs, Derby Line, and Norton, Vt., and Jackman, Van Buren, Houlton, Vanceboro, and Calais, Maine, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, restricted to the transportation of traffic originating at or destined to points in the Province of Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 824), filed March 23, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 502 Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C. 20005,

and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. 19335. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silica gel catalyst*, in bulk, in tank or hopper-type vehicles, from the site of the Mobil Oil Corp. refinery located at or near Paulsboro, N.J., to East Chicago, Ind., East St. Louis, Ill., El Dorado, Ark., Memphis, Tenn., Pine Bend, Minn., Purvis, Miss., Toledo, Ohio, and the port of entry on the international boundary line between the United States and Canada located at or near Rouses Point, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110683 (Sub-No. 32), filed March 17, 1967. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON VIRGINIA, Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and/or warehouse facilities of the Pillsbury Co., East Greenville, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, New Jersey, Maryland, Virginia, West Virginia, North Carolina, the District of Columbia, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110943 (Sub-No. 3), filed March 22, 1967. Applicant: THOMAS R. HOGARTH, doing business as HOGARTH'S TOWING & WRECKER SERVICE, Macedonia, Ohio. Applicant's representative: Edwin C. Reminger, 731 Leader Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *By towaway method, used mobile vehicles, self-propelled and other than self-propelled, equipped with pneumatic tires*, such as cranes and construction equipment, between points in that part of Ohio, on, east, and north of a line beginning at Sandusky, Ohio, and extending along Ohio Highway 13 through Norwalk, Mansfield, Mount Vernon, and Newark, Ohio, to junction Ohio Highway 440 (formerly portion U.S. Highway 40), at Jacksontown, Ohio, thence along Ohio Highway 440 to junction U.S. Highway 40, at or near Gratiot, Ohio, thence along U.S. Highway 40 through Zanesville, Cambridge, and St. Clairsville, Ohio, to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 111170 (Sub-No. 117), filed March 22, 1967. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, from Monroe, La., to points in Arkansas, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Shreveport, La.

No. MC 112801 (Sub-No. 63) (Amendment), filed January 20, 1967, published in FEDERAL REGISTER issue of February 2, 1967, amended March 17, 1967, and republished as amended this issue. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Mail: Post Office Box 272, Cicero Station, Chicago, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the plantsites, warehouses, and facilities of The New Jersey Zinc Co., located at or near Depue, Ill., Riverdale, Ill., and Des Moines and Dubuque, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to add Riverdale, Ill., and Des Moines and Dubuque, Iowa, thereby broadening the origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113410 (Sub-No. 65), filed March 22, 1967. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Leonard Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Savage, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, Upper Peninsula of Michigan, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113495 (Sub-No. 28), filed March 22, 1967. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. Applicant's representative: Wilmer B. Hill, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Signs and sign poles, and parts and accessories therefor;* and (2) *materials, supplies, and equipment used in the manufacture of signs and sign poles, and parts and accessories therefor*, between points in that part of Tennessee bounded by a line beginning at the Kentucky-Tennessee State line and extending south along U.S. Highway 27 to the Tennessee-Georgia State line at Chattanooga, Tenn., thence west along the Tennessee-Georgia and Tennessee-Alabama State lines to that part of the Tennessee River located at the junction of the Tennessee-Alabama-Mississippi State lines, thence north along the east bank of the Tennessee River to the Tennessee-Kentucky State line, and thence east along the Tennessee-Kentucky State line to the point of beginning, including points on the above-described portion of U.S. Highway 27, on the one hand, and, on the other, points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 114019 (Sub-No. 169), filed March 23, 1967. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 to 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and/or storage facilities used by Wilson & Co., Inc., at Cedar Rapids, Iowa, to points in Connecticut, Delaware, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: Applicant states that the above proposed operations will be restricted to traffic originating at the plantsite and/or storage facilities used by Wilson & Co., Inc., at Cedar Rapids, Iowa. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 269), filed March 22, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from points in South Carolina and Louisville, Ky., to points in Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114045 (Sub-No. 270), filed March 22, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drinks, beverages and beverage preparations*, from Bradenton, Fla., to points in Mississippi, Louisiana, Arkansas, Texas, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Dallas, Tex.

No. MC 115162 (Sub-No. 143), filed March 27, 1967. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, 2023–2028 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus pulp*, from points in Florida to points in Alabama, Louisiana, and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115331 (Sub-No. 223), filed March 17, 1967. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from (1) Depue, Ill., to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Michigan, Kansas, South Dakota, North Dakota, Indiana, and Ohio, (2) Riverdale, Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, (3) Des Moines, Iowa, to points in Iowa, Illinois, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, and Missouri, and (4) Dubuque, Iowa, to points in Iowa, Illinois, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, and Missouri. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 116073 (Sub-No. 72), filed March 22, 1967. Applicant: BARRETT MOBILE HOME TRANSPORT INC., Post Office Box 601, 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: Donald E. Cross, Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Nebraska, except Kearney, to points in the United States except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117344 (Sub-No. 179), filed March 23, 1967. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, (1) from the plantsite and storage facilities used by Western Tar Products Corp. at or near Terre Haute, Ind., to Cincinnati, Ohio, and (2) from the plantsite and storage facilities used by Western Tar Products Corp. at or near Cincinnati, Ohio, to Terre Haute, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 117492 (Sub-No. 2), filed March 22, 1967. Applicant: D & H TOWING, INC., 20814 Aurora Road, Bedford Post Office, Cleveland, Ohio 44014. Applicant's representative: Edwin C. Reminger, 731 Leader Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used mobile vehicles*, self propelled and other than self propelled, equipped with pneumatic tires such as cranes and construction equipment, by towaway method, between Cleveland, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 117765 (Sub-No. 59), filed March 23, 1967. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern, Oklahoma City, Okla. 73111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, carbonated and noncarbonated, in containers, from points in Muskogee County, Okla., to points in Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 118968 (Sub-No. 4), filed March 22, 1967. Applicant: JAMES E. SNOW, doing business as SNOW BROTHERS TOWING COMPANY, 3966 Pearl Road, Cleveland, Ohio 44109. Applicant's representative: Edwin C. Reminger, 731 Leader Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *By towaway method, used mobile vehicles, self-propelled and other than self-propelled, equipped with pneumatic tires, such as cranes and construction equipment*, between points in Indiana, Illinois, Michigan, Ohio, Pennsylvania, and Kentucky, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 119274 (Sub-No. 2), filed March 20, 1967. Applicant: GEORGE NEWSOM, Montgomery City, Mo. 63361. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and feed supplements*, between points in Montgomery County, Mo., on the one hand, and, on the other, points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 119493 (Sub-No. 29), filed March 20, 1967. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt, Post Office Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel*, from plant and warehouses of United States Steel Corp., Gary, Ind., Bethlehem Steel Corp., Burns Harbor, Ind., Korhumel Steel & Aluminum Co., Portage, Ind., Granite City Steel, Granite City, Ill., Inland Steel Co., East Chicago, Ind., Youngstown Sheet & Tube, Indiana Harbor, Ind., and Caine Steel Co., St. Louis, Mo., to plant and warehouse facilities of Re-Lo Manufacturing Co., located at Joplin and Springfield, Mo., (2) *metal cans and prefabricated containers, and their accessories*, from plant and warehouse facilities of Re-Lo Manufacturing Co., located at Joplin, Mo., to Pittsburgh Midway Coal Co. Mine No. 19 located 4½ airline miles northeast of Hallowell, Kans., (3) *expansion joints and materials used in the manufacture thereof*, from Joplin, Mo., and 10 miles radius thereof, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, North Dakota, Nebraska, Oklahoma, South Dakota, Tennessee, and Texas, (4) *irrigation systems and parts thereof, supplies and parts used in the manufacture of irrigation systems and parts thereof*, between Carthage, Mo., and Texas, Oklahoma, New Mexico, Colorado, Kansas, Nebraska, North Dakota, South Dakota, Minnesota, Iowa, Arkansas, Kentucky, Tennessee, Illinois, Ohio, Georgia, and Florida, and (5) *fertilizer, fertilizer compounds, and fertilizer materials*, from Wichita, Kans., to points in Oklahoma. NOTE: Applicant states that no duplication authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Tulsa, Okla.

No. MC 119493 (Sub-No. 30), filed March 23, 1967. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, Mo. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and materials and supplies used in the manufacture and distribution of paper and paper products*, between points in Alabama, Arkansas, Arizona, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 119829 (Sub-No. 21), filed March 23, 1967. Applicant: F. J. EGNER & SON, INC., 3969 Congress Parkway, West Richfield, Ohio 44286. Applicant's representative: Taylor C. Burneson, 88

East Broad Street, Suite 1680, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Jackson County, Ind., to points in Illinois, Kentucky, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 119988 (Sub-No. 16), filed March 16, 1967. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ North Timberline Drive, Post Office Box 1384, Lufkin, Tex. 75901. Applicant's representative: Mert Starnes, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Brick and tile, clay products* (except pipe, conduit, and pottery), from Rusk and Henderson Counties, Tex., to points in Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Austin or Houston, Tex.

No. MC 120031 (Sub-No. 2), filed March 20, 1967. Applicant: WOODARD TRUCKING COMPANY, a corporation, 1620 Enid, Post Office Box 8647, Houston, Tex. 77009. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe;* and (2) *iron or steel* articles weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass; Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 120527 (Sub-No. 4), filed March 20, 1967. Applicant: RUDOLPH SZTANYO and CHARLES VECELLIO, a partnership, doing business as BUCK's EXPRESS SERVICE, Detroit City Airport, Conner and Gratiot, Detroit, Mich. 48214. Applicant's representative: John F. Kane, 2066 Penobscot Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Willow Run Airport, Ypsilanti, Mich., Wayne Major Airport (Detroit Metropolitan Airport), Romulus, Mich., and Detroit City Airport, Detroit, Mich., on the one hand, and, on the other, points in Wayne, Oakland, and Washtenaw Counties, Mich. Restricted to traffic having an immediate prior or immediate subsequent movement by air. NOTE: Applicant indicates tacking possibilities to serve points in Washtenaw, Oakland, Wayne, Macomb, St. Clair, and Sanilac Counties, Mich. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 120633 (Sub-No. 3), filed March 23, 1967. Applicant: SPECIALIZED CARRIERS, INC., 310 South 12th Street, Waco, Tex. Applicant's representative: Wallace H. Nations, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales and bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, and (2) *Iron and steel articles*, weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 121423 (Sub-No. 2), filed March 20, 1967. Applicant: BOYD NAEGELI, INC., 1107 Jackson, South Houston, Tex. 77587. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe*, and (2) *iron and steel articles*, weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 123634 (Sub-No. 3) (Correction), filed February 20, 1967, published FEDERAL REGISTER issue of March 16, 1967, and republished, as corrected, this issue. Applicant: S. KLEIN TRUCKING CORP., 6 Union Square, New York, N.Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General department store merchandise*, between the warehouse, storage facilities and store locations of S. Klein Department Stores, Inc., its subsidiaries and concessionaires located at the stores and warehouses in New York, Yonkers, East Farmingdale, Commack, West Hempstead, New Hyde Park, and Valley Stream, N.Y., Newark, Woodbridge, and Wayne, N.J., Philadelphia, and points in Marple Township, Pa., Greenbelt, Md., Boston, Mass., and Alexandria, Va., limited to a transportation service to be performed under a continuing contract or contracts with S. Klein Department Stores, Inc., of New York, N.Y., its subsidiaries and concessionaires operating under contract with them and their stores. NOTE: Applicant states this instant application is intended to add the new store locations of New Hyde Park and Green Acres Shopping Center, Valley Stream, N.Y. The balance of the points are granted under its permit No. MC 123634, Subs 1 and 2. Applicant consents to the revocation of existing authority under MC 123634, Subs 1 and 2 upon a grant of authority as requested herein. Applicant does not seek duplicating operating authority. The purpose of this republication is to correct the spelling of concessionaires and Marple Township, Pa., inadvertently misspelled in previous publication. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123669 (Sub-No. 3), filed March 23, 1967. Applicant: SILVER TRUCK, INC., Post Office Box 41, Austin, Minn. 55913. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated sheets, corrugated shipping containers, and parts thereof*, from Cloquet, Minn., to Augusta, Barron, Cumberland, Eau Claire, Frederic, Hudson, Menomonie, New Richmond, and Superior, Wis., under contract with Weyerhaeuser Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123778 (Sub-No. 7) (Amendment), filed January 10, 1967, published in the FEDERAL REGISTER issue of January 26, 1967, amended and republished as amended, this issue. Applicant: JOSEPH BAIO, doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Lane, Woodbridge, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, magazine racks, and advertising matter*, from Woodbridge, N.J., and Washington, D.C., to Wilmington, Del., and points in New York on and east of New York Highway 14, except those points on and south of New York Highway 5, between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State line, and those points on and east of U.S. Highway 11 between Syracuse, and the New York-Pennsylvania State line, under contract with Time, Inc. NOTE: The purpose of this republication is to add Wilmington, Del., as a destination point. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124078 (Sub-No. 266), filed March 23, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers and dry fertilizer materials*, in bags, (1) from the plantsite of the Mobil Chemical Co., a division of Mobil Oil Corp. at or near Dubuque, Iowa, to points in that part of Illinois on and north of U.S. Highway 24, Minnesota on and south of U.S. Highway 12, and Wisconsin on and north of Highway 29; and (2) from the plantsite of the Mobil Chemical Co., a division of Mobil Oil Corp. at or near Estherville, Iowa, to points in Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 124111 (Sub-No. 12), filed March 20, 1967. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, Ohio 44870. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruits and vegetables*, from Baltimore, Md., and points in the New York, N.Y., commercial zone, as defined by the Commission to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that no duplication of authority is requested. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 124265 (Sub-No. 3), filed March 21, 1967. Applicant: JOHN CRONIN AND ANDREW STEINERT, a partnership, doing business as J AND A PARCEL SERVICE, 53–24 195 Street, Flushing, N.Y. Applicant's representative: Henry R. Weiss, 150 Nassau Street, Room 1124, New York, N.Y. 10038. Authority sought to operate as a *contractor carrier*, by motor vehicle, over irregular routes, transporting: *Caps, gowns, robes and accessories, gym and athletic outfits, and school-wear coordinates, and worn and used caps, gowns, robes and accessories, worn and used gym and athletic outfits, and worn and used school-wear coordinates*, between New York City, and Carle Place, Long Island, N.Y., and Newark, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, under contract with E. R. Moore Co. and its subsidiaries. NOTE: Applicant states it will consent to the revocation of its permit No. MC 124265 upon the issuance of this proposed authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 125440 (Sub-No. 5), filed March 20, 1967. Applicant: JULES TISCHLER AND PAUL JOHNSON, a partnership, doing business as RARITAN MOTOR EXPRESS, 985 Route 202, Somerville, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete articles, materials, supplies, and equipment* used in the manufacture, erection, or installation thereof (except commodities in bulk and those which because of their size or weight, require the use of special equipment), (1) between Worcester, Mass., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, and (2) between Bound Brook, N.J., and Brandywine, Md., on the one hand, and, on the other, points in North Carolina, and South Carolina, under contract with Eastern Schokcrete Corp. NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 125718 (Sub-No. 3), filed March 20, 1967. Applicant: G & T AIR EXPEDITING SERVICE, INC., 1251 College Avenue, Elmira, N.Y. 14901. Applicant's representative: Frank Troccia, 1068 North Main Street, Elmira, N.Y. 14901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment having a prior or subsequent movement by air, between points in Tioga, Chemung, Schuyler, Steuben Counties, N.Y., on the one hand, and, on the other, Broome County Airport, Broome County, N.Y., Binghampton, N.Y. NOTE: Applicant states it would tack the proposed authority with its present authority at Greater Buffalo Airport, Buffalo, N.Y., Kennedy International Airport, and La Guardia Airport, New York, N.Y., and Newark Airport, Newark, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Elmira or Binghamton, N.Y.

No. MC 125777 (Sub-No. 110), filed March 22, 1967. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Di-ammonium phosphate*, in bulk, in dump vehicles, from Depue and Riverdale, Ill., and Des Moines and Dubuque, Iowa, and points within 5 miles of each, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Indiana, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126045 (Sub-No. 7), filed March 20, 1967. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, Post Office Box 3122, Davenport, Iowa. Applicant's representative: Eugene D. Anderson, 135 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk or in packages, from the plantsite of the Farmland Industries, Inc., near Muscatine, Iowa, to points in Illinois, Minnesota, Missouri, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 126966 (Sub-No. 3), filed March 21, 1967. Applicant: GRADY A. LANNING, 2777 Jefferson Davis Highway, Arlington, Va. Applicant's representative: L. Agnew Myers, Jr., 1050 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from the plantsite of Davis Sand & Gravel Co., near Clinton, Md., to Franconia, Va., under contract with Gray Concrete Pipe Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127253 (Sub-No. 38), filed March 20, 1967. Applicant: R. A. CORBETT TRANSPORT, INC., 111 West Laurel Street, Post Office Box 86, Lufkin, Tex. 75901. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Monroe, La., to points in Arkansas, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., Little Rock, Ark., or New Orleans, La.

No. MC 127951 (Sub-No. 2), filed February 28, 1967. Applicant: SOUTHEASTERN CARRIERS, INC., 2400 Northwest 75th Street, Miami, Fla. Applicant's representative: Bernard C. Pestcoe, Suite 412, City National Bank Building, 25 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Composition floor covering, B. F. Goodrich carpet underlay*, and necessary *adhesives*, from Brooklyn, N.Y., Plainfield, N.J., and Shelton, Conn., to points in Florida, and *damaged or rejected merchandise and commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with damaged or rejected merchandise, on return, under contract with Kentile Floors, Inc., Brooklyn, N.Y., and Northern Distributors, Miami, Fla. If a hearing is deemed necessary, applicant re-

quests it be held at Miami, Fla., or New York, N.Y.

No. MC 128183 (Sub-No. 1), filed March 17, 1967. Applicant: GUNSBERG BROTHERS TRUCKING CO., a corporation, 2001 Brewster Street, Detroit, Mich. 48207. Applicant's representative: Earl M. Remer, 1828 First National Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerated processed or cured meats*, frozen and unfrozen, from Detroit, Mich., to Hartford, Conn.; Washington, D.C.; Baltimore, Md.; Boston and Pittsfield, Mass.; Buffalo, Jamestown, Rochester, Elmira, Ithaca, Syracuse, Utica, Norwich, Albany, Troy, Kingston, Poughkeepsie, New York City, and Brooklyn, N.Y.; and Bradford, Chambersberg, Philadelphia, Pittsburgh, and Stroudsburg, Pa.; under contract with Gunsberg Brothers Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 128243 (Sub-No. 1), filed March 22, 1967. Applicant: PARKWAY EXPEDITERS, INC., 1009 Second Avenue, Asbury Park, N.J. 07712. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ironing boards and bed frames*, and (2) *toys*, from the warehouse site of Parkway Expediters, Inc., at Asbury Park, N.J., to King of Prussia and Springfield, Pa.; Baltimore, Edmonston, Glen Burnie, and Rockville, Md.; Nanuet, N.Y., and points in Westchester County, N.Y.; and Hartford and Trumbull, Conn.; service proposed in (1) above will be under contract with Seymour Industries, Inc., of Seymour, Ind., and in (2) above under contracts with Garton Toy Co., of Sheboygan, Wis.; The Delphos Bending Co., of Delphos, Ohio; The Barr Rubber Products Co., of Sandusky, Ohio; and Blazon, Inc., of Akron, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 128273 (Sub-No. 6), filed March 17, 1967. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, materials, and supplies used in the manufacture and distribution of paper and paper products*, between points in Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Georgia, Alabama, Mississippi, Louisiana, Texas, New Mexico, Arizona, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Iowa, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 128345 (Sub-No. 1), filed July 21, 1967. Applicant: OTTO SCOTT TRUCKING CO., 517 Tennessee Avenue, Chickasha, Okla. 73018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Piggy-back trailers* having prior movement by rail, between Chickasha, Okla., and points within a 25-mile radius of Chickasha. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 128557 (Sub-No. 3), filed January 5, 1967. Applicant: LINCOLN LUMBER SALES, INC., Yaquina Bay Road East, Post Office Box 126, Newport, Oreg. 97365. Applicant's representative: Leonard H. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* (namely, veneer, plywood, hardboard, liner board, particle board, chip board and wood pulp), (1) from points in Linn, Lane, Benton, Polk, Tillamook, Yamhill, and Marion Counties, Oreg., to Lincoln County, Oreg., (2) from within points in Lincoln County to the harbor situated at Newport, Oreg., and (3) from the harbor in Newport, Oreg., to Points in Lane, Linn., Benton, and Lincoln Counties, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128874 (Sub-No. 1), filed March 22, 1967. Applicant: NEW YORK EXPRESS, INC., 135–30 Rockaway Boulevard, South Ozone Park, N.Y. 11420. Applicant's representatives: Douglas Miller, Meadow Brook Bank Building, Post Office Box 8, Malverne, N.Y. 11565, and Mort E. Keil, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft engines and parts thereof, and aircraft parts and commodities* used or useful in the repair and maintenance of aircraft, between Eastern Airlines Inc., facilities located at airports in or near Newark, N.J., New York, N.Y., Boston, Mass., Washington, D.C., Baltimore, Md., Dulles Airport Va., Philadelphia, Pa., and Pratt & Whitney plant located at East Hartford, Conn., under contract with Eastern Airlines Inc., John F. Kennedy Airport, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128916, filed March 2, 1967. Applicant: WILMA F. GEHRON, doing business as FROSTY'S DELIVERY SERVICE, 114 West Leona Street, Celina, Ohio 45822. Applicant's representative: Earl J. Thomas, 5850 North High Street, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles or vehicles* having a vintage of 1950 or prior years and *parts or accessories* transported at the same time and in or on the same vehicle, between points in the United States except Alaska and Hawaii. Restriction: (1) Automobiles or vehicle commercially described or considered to be antiques and which have a classification such as "Classic Cars," "Horseless Carriages," "Horse Drawn Vehicles," or "Steam Propelled Autos" or may be motorcycle belt, friction or chain drives, and (2) the transportation of not more than two automobiles or vehicles at one time in or on one vehicle. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 128939 (Sub-No. 2), filed March 21, 1967. Applicant: AYRCO CORPORATION, 3921 Imlay Street, Toledo, Ohio. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from Milwaukee, Wis., to Toledo, Ohio, and *empty containers, rejected* or *damaged merchandise*, on return, under contract with Seaway Beverage Co. and Great Lakes Distributors, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio, or Washington, D.C.

No. MC 128945 (Sub-No. 1), filed March 17, 1967. Applicant: TC–SS AUTO AUCTIONS, INC., Building 107, Pasco Airport, Pasco, Wash. 99301. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles and light duty trucks*, between Seattle and Pasco, Wash., on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, California, and Nevada, under contract with Tri-City Auto Auction, Inc., and South Seattle Auto Auction, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane or Seattle, Wash.

No. MC 128947, filed March 15, 1967. Applicant: CLEVELAND BULK TRANSFER, INC., 10655 Royalton Road, North Royalton, Ohio 44133. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority, sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile bodies*, wrecked or scrapped, not on their own wheels, and not bundled, for remelting purposes, (1) from points in Ohio to Detroit, Mich., and points in its commercial zone, and (2) from the ports of entry on the international boundary line between the United States and Canada located at or near Port Huron and Detroit, Mich., to Detroit, Mich., and points in its commercial zone under contract with Luria Bros. & Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 128950, filed March 17, 1967. Applicant: PROVINCIAL WAREHOUSES, INC., Ogdensburg Bridge Plaza, Post Office Box 104, Ogdensburg, N.Y. 13669. Applicant's representative: Norman M. Pinsky and Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Liquor, malt beverages, tobacco, and perfumes*, other than in bulk, between the ports of entry on the international boundary line between the United States and Canada located at or near Ogdensburg, Massena, and Alexandria Bay, N.Y.; Derby Line, Vt.; Blaine, Wash.; and Detroit, Mich.; restricted to traffic originating at or destined to points in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, New York, Albany, Buffalo, and Rochester, N.Y., or Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 1255 (Sub-No. 11), filed March 20, 1967. Applicant: McGINN BUS COMPANY, INC., 55 Kilby Street, Boston, Mass. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in special operations in round-trip sightseeing and pleasure tours, from points in Essex County, Mass., to points in the United States, including Alaska, but excluding Hawaii, and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 123506 (Sub-No. 2), filed March 20, 1967. Applicant: BURLEY BUS LINES LIMITED, 431 Ontario Street, Cobourg, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, from ports of entry on the United States-Canada boundary line to points in the United States (except Alaska and Hawaii), on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12797 (Sub-No. 1), filed February 6, 1967. Applicant: PRESLEY TOURS, INC., R.F.D. No. 1, Makanda, Ill. 62958. For a license (BMC 5) to engage in operations as a *broker* at Makanda, Ill., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, as groups, in charter operations, in round-trip, all-expense tours, beginning and ending at points in that part of Illinois on and south of a line beginning at St. Louis, Mo., and extending along U.S. Highway 66 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Interstate Highway 74, thence along interstate Highway 74 to Illinois State line, and at points in that part of Indiana on U.S. Highway 40 (Interstate Highway 70) from the Illinois State line to and including Indianapolis, Ind.; and extending to points in the United States, including Alaska and Hawaii. NOTE: Applicant presently holds a license in No. MC 12797 authorizing it to engage in operations at Makanda, Ill., in arranging for transportation of passengers and their baggage, in charter operations in round-trip, all-expense tours, beginning and ending at St. Louis, Mo., and at points in that part of Illinois on and south of U.S. Highway 50 and extending to points in the United States including Alaska and Hawaii. Duplicating authority to be eliminated.

No. MC 130035, filed March 21, 1967. Applicant: AMERICAN HERITAGE YOUTH TOURS, INC., Box 93, Schuylkill Haven, Pa. Applicant's representatives: V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109. For a license (BMC 5) to engage in operations as a *broker* at Schuylkill Haven, Pa., in arranging for the transportation, in interstate or foreign commerce, of *passengers and their baggage*, both as individuals and in groups, in charter and special operation, in round-trip, all-expense educational tours, beginning and ending at points in Philadelphia and Montgomery Counties, Pa., and extending to points in the United States, including Alaska and Hawaii.

APPLICATIONS OF WATER CARRIERS

No. W–1033 (Sub-No. 33), STATES MARINE LINES, INC.—Extension—Aluminum, filed March 24, 1967. Applicant: STATES MARINE LINES, INC., 90 Broad Street, New York, N.Y. 10004. Applicant's representative: S. Sidney Eisen, 140 Cedar Street, New York, N.Y. 10006. Application of States Marine Lines, Inc., filed March 24, 1967, for a revised certificate authorizing extension of its operations to include year round operation as a common carrier by water in interstate or foreign commerce in the transportation of *aluminum pigs, ingots and billets*, from the Port of Bellingham, Wash., to the Port of Philadelphia, Pa.

No. W–1233, CHESTNUT MOUNTAIN BOAT CORPORATION Common Carrier Application, filed March 13, 1967. Applicant: CHESTNUT MOUNTAIN BOAT CORPORATION, Rural Route No. 1, Galena, Ill. Applicant's representative: James W. Richardson, Nack & Nack, Galena, Ill. 61036. Authority sought to operate as a *common carrier*, by water in interstate or foreign commerce in the transportation of passengers, in seasonal operation between March 31 and November 1, in charter, pleasure, and sightseeing trips from Chestnut Mountain Dock, and Galena, Ill., to points on the Galena River below Galena, and the Mississippi River between Savanna, Ill., and East Dubuque, Ill., both inclusive, and return without stop.

APPLICATION OF FREIGHT FORWARDER

No. FF–339 (Amendment), CTI-CONTAINER TRANSPORT INTERNATIONAL, INC., Freight Forwarder Application, filed February 24, 1967, published in the FEDERAL REGISTER issue of March 9, 1967, amended and republished as amended, this issue. Applicant: CTI-CONTAINER TRANSPORT INTERNATIONAL, INC., 17 Battery Place, New York, N.Y. 10004. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, to continue in the transportation of (a) *used household goods, used automobiles, and unaccompanied baggage*, between points in the United States, including Alaska and Hawaii; (b) *commodities requiring refrigeration* and/or atmospheric control, between points in the United States and the ports of New York, N.Y., New Orleans, La., and San Francisco, Calif., restricted to export-import traffic only; and (c) *general commodities*, between points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, and the ports of New York, N.Y., New Orleans, La., and San Francisco, Calif., restricted to export-import traffic only. NOTE: The purpose of this republication is to correct the name of the applicant's representative.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 17002 (Sub-No. 41), filed March 27, 1967. Applicant: CASE DRIVEWAY, INC., 6001 U.S. Route 60 East, Huntington, W. Va. 25714. Applicant's representative: C. H. Case (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, from Parkersburg, W. Va., to points in Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Virginia, and Wisconsin, and (2) *prefabricated metal buildings and electrical underfloor distribution systems and associated parts*, from Parkersburg, W. Va., to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Applicant indicates tacking at Parksrsburg, W. Va., with presently held authority.

No. MC 113024 (Sub-No. 62), filed March 22, 1967. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and washroom fixtures, sinks, accessories, and attachments therefor*, from the plantsites of Universal-Rundle Corp., Camden, N.J., and New Castle, Pa., to Moline, Ill., Milwaukee, Wis., and Minneapolis and St. Paul, Minn., for the

account of Universal-Rundle Corp., New Castle, Pa.

No. MC 114965 (Sub-No. 29), filed March 23, 1967. Applicant: CYRUS TRUCK LINES, INC., Post Office Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, Post Office Box 328, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the Williams Brothers Pipe Line Terminal near Topeka, Kans., to points in Andrew, Atchison, Buchanan, and Nodaway Counties, Mo.

No. MC 128478 (Sub-No. 1), filed March 20, 1967. Applicant: MWD CORPORATION, 107 Main Street, Salamanca, N.Y. 14779. Applicant's representative: M. Alan Baird, Dechert, Price & Rhoads, 1600 Three Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Yarn, waste, and materials used in the manufacture of yarn*, between the plantsite of Sheble & Wood Yarn Corp. in Salamanca, N.Y., on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, Connecticut, and Vermont, under contract with Sheble & Wood Yarn Corp.

No. MC 124801 (Sub-No. 2), filed March 17, 1967. Applicant: ROY A. AYERS, Rural Delivery No. 2, Clarks Summit, Pa. 18411. Applicant's representative: Sheldon Rosenberg, 420 Miller Building, Scranton, Pa. 18503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Feed, feed ingredients, feed additives, and pet food* in bulk or bag form, (1) from Binghamton, N.Y., to points in Bradford, Sullivan, Luzerne, Pike, Wayne, and Susquehanna Counties, Pa., and (2) from Camden, N.J., to points in Bradford, Sullivan, Wyoming, Luzerne, Pike, Wayne, Lackawanna, and Susquehanna Counties, Pa., (B) *fertilizer and farm chemicals* in bulk, pellet, bag, or liquid form, from Big Flats, N.Y., Yardville, N.J., and Baltimore, Md., to points in Bradford, Sullivan, Wyoming, Luzerne, Pike, Lackawanna, and Susquehanna Counties, Pa., and (C) *ground limestone* in bulk and bag form, from Newton, N.J., to points in Bradford, Sullivan, Wyoming, Luzerne, Pike, Wayne, Lackawanna, and Susquehanna Counties, Pa.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3701; Filed, Apr. 5, 1967; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 3, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40965—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 598), for interested rail carriers. Rates on carbolic acid, and other commodities named in the application, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 65 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 40966—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 599), for interested rail carriers. Rates on carbolic acid, and other commodities named in the application, in carloads, from, to and between points in Texas, as described in the application, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 65 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3774; Filed, Apr. 5, 1967; 8:47 a.m.]

[Notice 1500]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 3, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69438. By order of March 29, 1967, the Transfer Board approved the transfer to Astro Van Lines, Inc., 801 South Pickett Street, Alexandria, Va., of certificate No. MC-45695, issued April 14, 1955, and amended March 2, 1960, to reflect the name of the Metropolitan Van Lines, Inc., 621 South Pickett Street, Alexandria, Va., authorizing the transportation of: Household goods, between Washington, D.C., on the one hand, and, on the other, points in Maryland and Virginia within 50 miles thereof; between Washington, D.C., and points in Maryland within 10 miles of Washington, on the one hand, and, on the other, points in Maryland, Pennsylvania, Florida, Connecticut, North Carolina, New York, Rhode Island, Virginia, Massachusetts, New Jersey, and Delaware; and between Washington, D.C., and points in Virginia and Maryland within 20 miles of Washington, D.C., on the one hand, and, on the other, points in Rhode Island, Connecticut, Vermont, New Jersey, Indiana, Massachusetts, Pennsylvania, Kansas, Missouri, Florida, Tennessee, West Virginia, South Carolina, Mississippi, Louisiana, Alabama, Georgia, Kentucky, Ohio, Maryland, Illinois, Virginia, New York, Michigan, North Carolina, Wisconsin, Oklahoma, and Delaware.

No. MC-FC-69474. By order of March 29, 1967, the Transfer Board approved the transfer to M & M Transfer Co., a corporation, Laredo, Tex., of certificate No. MC-109709 (Sub-No. 2), issued July 2, 1958, to International Trucking Co., Inc., and acquired by Jose Maria Martinez, doing business as J. Martinez Trucking Co., Laredo, Tex., pursuant to No. MC-FC-67850, authorizing the transportation of: General commodities, except household goods and other specified commodities, between Laredo, Tex., and points within 5 miles of Laredo, on the one hand, and, on the other, the boundary of the United States and Mexico at Laredo. John E. Mann, 1016 Flores Avenue, Laredo, Tex. 78040, attorney for applicants.

No. MC-FC-69483. By order of March 29, 1967, the Transfer Board approved the transfer to Jahn Transportation, Inc., Falls City, Nebr., of certificate in No. MC-63235, issued December 11, 1956, to Floyd T. Larson, doing business as Larson Van & Storage Co., Falls City, Nebr., authorizing the transportation of: Livestock, feed, agricultural implements, hatchery equipment, and supplies, furniture, twine, building materials, structural steel, petroleum oils and greases, denatured alcohol, hides, pelts, skins, wool, scrap metals, rags, scrap paper, and household goods, from, to, or between, various specified points in Nebraska, Missouri, and Kansas. J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501, attorney for applicants.

No. MC-FC-69498. By order of March 28, 1967, the Transfer Board approved the transfer to Miller Trucking Co., Inc., Taneytown, Md., of the operating rights in permits Nos. MC-119086 and MC-119086 (Sub-No. 2), issued May 18, 1960, and March 12, 1964, respectively, to Wilbur F. Miller, Jr., Taneytown, Md., authorizing the transportation, over irregular routes, of bakery products from Ladiesburg, Md., to Alexandria, Va., and Washington, D.C., and empty containers and returned shipments on return; and commercial baking pans, trays, baskets, and covers between Coraopolis, Pa., on the one hand, and, on the other, specified points in New York, Delaware, and Virginia, and Washington, D.C., and points in Maryland, New Jersey, West Virginia, and eastern Pennsylvania, under contracts with named shippers or consignees. Donald E. Freemen, 172 East Green Street, Post Office Box 880, Westminster, Md., representative for applicants.

No. MC-FC-69513. By order of March 28, 1967, the Transfer Board approved the transfer to Richard L. Wyss, Sr., Florence, Kans., of certificate No. MC-104012, issued June 20, 1962, to Cecil C. Wright, doing business as Wright Truck Line, Peabody, Kans., authorizing the transportation, over regular and irregular routes, of various commodities, including feed and twine, steel tanks, grain, seeds, agricultural implements, tractors, binder twine, building materials, and livestock, between, from and to specified points in Missouri and Kansas; and general commodities, with usual exceptions, between Kansas City, Mo., and Peabody, Kans., serving the intermediate and off-route points of North Kansas City, Mo., and Kansas City and Florence, Kans. Richard L. Wyss, Sr., Route 1, Florence, Kans. 66851, representative for applicants.

No. MC-FC-69515. By order of March 29, 1967, the Transfer Board approved the transfer to Kolb Trucking, Inc., Princeton, Ind., of certificate No. MC-100857, issued July 8, 1958, to Robert E. McCarty, doing business as R. E. McCarty Oilfield Tractor Service, Princeton, Ind., authorizing the transportation of *machinery, materials, supplies, and equipment* used in the drilling of water wells, and *machinery, materials, supplies, and equipment* used in, or incidental to, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in that part of Indiana on and south of U.S. Highway 40, points in that part of Illinois on and south of U.S. Highway 24, and points in that part of Kentucky on and west of U.S. Highway 31W extending from the Kentucky-Indiana State line to junction U.S. Highway 68, and on and north of a line beginning at the junction of U.S. Highway 31W and 68 and extending along U.S. Highway 68 to junction U.S. Highway 60, and thence along U.S. Highway 60 to the Kentucky-Missouri State line; and *hydraulic pressure and shearing machinery, and parts thereof*, from Mount Carmel, Ill., to points in 14 States and the District of Columbia. Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707, attorney for applicants.

No. MC-FC-69517. By order of March 29, 1967, the Transfer Board approved the transfer to Compton Bus Services, Inc., Port Tobacco, Md., of certificate No. MC-116432, issued June 21, 1957, to Calvin Lamont Compton, doing business as Calvin L. Compton, Port Tobacco, Md., authorizing the transportation of passengers and their baggage, in round trip charter operations, beginning and ending at points in that part of Charles County, Md., on and west of U.S. Highway 301 and extending to points in Virginia and the District of Columbia. Calvin L. Compton, Port Tobacco, Md. 20677, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3775; Filed, Apr. 5, 1967; 8:47 a.m.]

[No. 3666; Order No. 50]

NATIONAL PLANT FOOD INSTITUTE

Denial of Petition

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., this 27th day of March 1967.

Upon consideration of the record in the above-entitled proceedings, the petition, filed March 2, 1967, of the National Plant Food Institute, for modification of the effective date of §§ 77.875 and 77.876 of Subpart F—Regulations Applying to Transportation of Explosives and Other Dangerous Articles by Private Motor Carriers, as provided in the order accompanying the report of the Commission on reconsideration, dated January 12, 1967 (32 F.R. 2818).

It is ordered, That the petition for modification of the effective date be, and it is hereby, denied for the reason that sufficient grounds have not been presented to warrant granting the action sought.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3769; Filed, Apr. 5, 1967; 8:47 a.m.]

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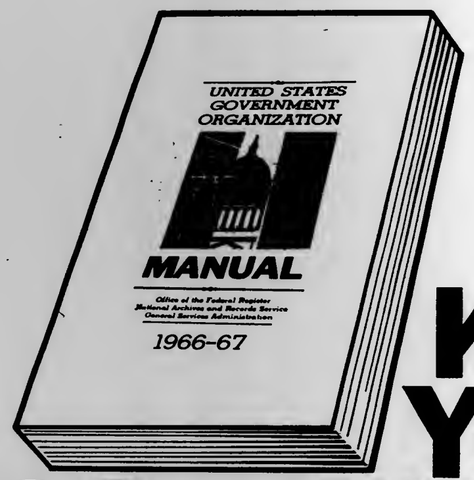
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PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that in the Bureau of Mines the position of Associate Director, Health and Safety, is expected under Schedule C and that the position of Assistant Director (Health and Safety) is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (d) of § 213.3312 is amended by revoking subparagraph (3) and adding a new subparagraph (8) as set out below.

§ 213.3312 Department of the Interior.

* * * * *

(d) *Bureau of Mines.* * * *

(3) [Revoked]

* * * * *

(8) One Associate Director, Health and Safety.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-3841; Filed, Apr. 6, 1967; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Special Assistant for Labor Relations in the Office of the Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (22) is added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(22) One Special Assistant for Labor Relations.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-3840; Filed, Apr. 6, 1967; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1968 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

REFERENDA ON OUT-OF-COUNTY TRANSFERS OF ALLOTMENTS BY SALE OR LEASE

Basis and purpose. Section 722.474 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of § 722.474 is to fix the period of time for holding referenda in designated counties on out-of-county transfers of upland cotton allotments by sale or lease effective during 1968 and 1969 under section 344a of the act.

Notice of the proposed fixing of the period of time for holding these referenda was published in the FEDERAL REGISTER of March 3, 1967 (32 F.R. 3714). No submissions in response to such notice were received. Since it is desirable that the period of time for holding these referenda be made known to farmers as early as possible, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 (80 Stat. 383) is impracticable and contrary to the public interest. Accordingly, § 722.474 shall be effective upon publication in the FEDERAL REGISTER.

§ 722.474 Referenda on out-of-county transfers of upland cotton allotment by sale or lease.

(a) *Designated counties.* A referendum of producers of upland cotton of the 1967 crop in designated counties is required to be held under section 344a (b) (ii) of the act to determine whether such producers favor out-of-county transfers of upland cotton allotments within the same State by sale or lease. The counties listed in the notice of proposed fixing of the period of time for holding each county referendum (32 F.R. 3714) are hereby designated as counties in which these referenda shall be held.

(b) *Transfer years covered.* The referenda held under this section cover transfers of upland cotton allotments to take effect during 1968 and 1969 by sale or lease out of a county to another county in the same State.

(c) *Period of time for holding referenda.* The referenda held under this section shall be held during the period May 15–19, 1967, each inclusive, by mail ballot in accordance with Part 717 of this chapter.

(d) *Determination that referenda cannot be held in conjunction with 1968 national marketing quota referendum.* Under subsection (b) of section 344a of the act the period for filing applications for transfers of allotment is prescribed for each year as the period beginning June 1 and ending December 31.

In order to permit owners and operators to utilize such period to the fullest extent, it is hereby found and determined that it is impracticable to hold the referenda under this section in conjunction with the 1968 national marketing quota referendum for upland cotton under section 343 of the act which will be held after any proclamation of national marketing quota for the 1968 crop of upland cotton is made.

(Secs. 344a, 375, 79 Stat. 1197, 52 Stat. 66, as amended; 7 U.S.C. 1344b, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 3, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-3834; Filed, Apr. 6, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cotton Loan Program Regs., Amdt. 4]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

EARLY DELIVERY AND ACQUISITION OF 1966-CROP UPLAND LOAN COTTON

In order to provide for delivery of 1966-crop upland loan cotton to Commodity Credit Corporation in satisfaction of the loans on such cotton prior to maturity, paragraph (e) of § 1427.1368 of the Cotton Loan Program Regulations issued by Commodity Credit Corporation (30 F.R. 8096, 31 F.R. 4389 and 9791) is hereby amended to read as follows:

§ 1427.1368 Maturity.

* * * * *

(e) Producers having outstanding loans on 1966-crop upland cotton may deliver such cotton to CCC in full satisfaction of the loans on such cotton at any time between March 17, 1967, and the maturity date of the loans, July 31, 1967. Any producer desiring to make delivery of the cotton securing any such

loan may do so by submitting a notice, in the form prescribed by CCC to the county office which keeps the farm records for the farm on which the cotton was produced. Similarly, any cotton cooperative marketing association which has outstanding loans on 1967-crop upland cotton may deliver any such cotton to CCC in full satisfaction of the amount due with respect to such cotton at any time between March 17, 1967, and July 31, 1967, by submission to the New Orleans Office of a notice in the form prescribed by CCC. Upon acceptance of such notices by CCC, full title to the loan cotton listed thereon shall vest in CCC in satisfaction of the loans on such cotton: *Provided, however,* That with respect to any cotton listed on any such notice as to which there is a basis for a claim by Commodity Credit Corporation against the borrower under the terms of the loan agreement, the acceptance of such notice shall not constitute a satisfaction of any claims of Commodity Credit Corporation against the borrower arising out of the loans on such cotton.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C., 1441, 1444, 1421)

Signed at Washington, D.C., on April 3, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-3861; Filed, Apr. 6, 1967; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

PART 106—LEASE GUARANTEE

GENERAL

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106.1 Statutory provisions.
106.2 Policy.
106.3 Definitions.
106.4 Eligibility.
106.5 Procedures for lease guarantee applications.
106.6 Lease guarantees.
106.7 Lease guarantee administration.

AUTHORITY: The provisions of this Part 106 issued under Title IV of the Small Business Investment Act of 1958, 72 Stat. 689 (1965).

GENERAL

§ 106.1 Statutory provisions.

Title IV—Lease guarantees.

Authority of the Administration.

Section 401(a). The Administration may, whenever it determines such action to be necessary or desirable, and upon such terms and conditions as it may prescribe, guarantee the payment of rentals under leases of commercial and industrial property entered into by small business concerns that are (1) eligible for loans under section 7(b)(3) of the Small Business Act, or (2) eligible for loans under title IV of the Economic Opportunity Act of 1964, to enable such concerns to obtain such leases. Any such guarantee may be made or effected either directly or in cooperation with any qualified surety company or other qualified company through a participation agreement with such company. The foregoing powers shall be subject, however, to the following restrictions and limitations:

(1) No guarantee shall be issued by the Administration (i) if a guarantee meeting with the requirements of the applicant is otherwise available on reasonable terms, and (ii) unless the Administration determines that there exists a reasonable expectation that the small business concern in behalf of which the guarantee is issued will perform the covenants and conditions of the lease.

(2) The Administration shall, to the greatest extent practicable, exercise the powers conferred by this section in cooperation with qualified surety or other companies on a participation basis.

(b) The Administration shall fix a uniform annual fee for its share of any guarantee under this section which shall be payable in advance at such time as may be prescribed by the Administrator. The amount of any such fee shall be determined in accordance with sound actuarial practices and procedures, to the extent practicable, but in no case shall such amount exceed, on the Administration's share of any guarantee made under this title, 2½ per centum per annum of the minimum annual guaranteed rental payable under any guaranteed lease; provided that the Administration shall fix the lowest fee that experience under the program established hereby has shown to be justified. The Administration may also fix such uniform fees for the processing of applications for guarantees under this section as the Administrator determines are reasonable and necessary to pay the administrative expenses that are incurred in connection therewith.

(c) In connection with the guarantee of rentals under any lease pursuant to authority conferred by this section, the Administrator may require, in order to minimize the financial risk assumed under such guarantee—

(1) That the lessee pay an amount not to exceed one-fourth of the minimum guaranteed annual rental required under the lease, which shall be held in escrow and shall be available (i) to meet rental charges accruing in any month for which the lessee is in default, or (ii) if no default occurs during the term of the lease, for application (with accrued interest) toward final payments of rental charges under the lease.

(2) That upon occurrence of a default under the lease, the lessor shall, as a condition precedent to enforcing any claim under the lease guarantee, utilize the entire period for which there are funds available in escrow for payment of rentals, in reasonably diligent efforts to eliminate or minimize losses, by releasing the commercial or industrial property covered by the lease to another qualified lessee, and no claim shall be made or paid under the guarantee until such effort has been made and such escrow funds have been exhausted.

(3) That any guarantor of the lease will become a successor of the lessor for the purpose of collecting from a lessee in default rentals which are in arrears and with respect to which the lessor has received payment under a guarantee made pursuant to this section, and

(4) Such other provisions, not inconsistent with the purposes of this title, as the Administrator may in his discretion require.

POWERS

Section 402. Without limiting the authority conferred upon the Administrator and the Administration by § 201 of this Act, the Administrator and the Administration shall have, in the performance of and with respect to the functions, powers, and duties conferred by this title, all the authority and be subject to the same conditions prescribed in section 5(b) of the Small Business Act with respect to loans, including the authority to execute subleases, assignments of lease, and new leases with any person, firm, organization, or other entity, in order to aid in the liquidation of obligations of the Administration hereunder.

FUND

Section 403(a). There is hereby established a revolving fund for use by the Administration in carrying out the provisions of this title. Initial capital for such fund shall consist of not to exceed $5 million transferred from the fund established under section 4(c) of the Small Business Act: *Provided,* That the last sentence of such section 4(c) shall not apply to any amounts so transferred. Into the fund established by this section there shall be deposited all receipts from the guarantee program authorized by this title. Moneys in such fund not needed for the payment of current operating expenses or for the payment of claims arising under such program may be invested in bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by the United States; except that moneys provided as initial capital for such fund shall be returned to the fund established by section 4(c) of the Small Business Act, in such amounts and at such times as the Administration determines to be appropriate, whenever the level of the fund herein established is sufficiently high to permit the return of such moneys without danger to the solvency of the program under this title.

(b) Section 201 of such Act is amended by striking out the third sentence and inserting in lieu thereof the following:

The powers conferred by this Act upon the Administration and upon the Administrator, with the exception of those conferred by titles IV and V hereof, shall be exercised through the Small Business Investment Division and through the Deputy Administrator appointed hereunder. The powers conferred by this Act upon the Administration and upon the Administrator by titles IV and V hereof shall be exercised through such division, section, or other personnel as the Administrator in his discretion shall determine.

(c) The table of contents of such Act is amended by inserting after the analysis of title III the following:

TITLE IV—LEASE GUARANTEES

Sec.
401. Authority of the Administration.
402. Powers.
403. Fund.

(d) Section 4(c) of the Small Business Act is amended—(1) by striking out "$1,716,000,000" and inserting in lieu thereof "$1,721,000,000"; and (2) by striking out the period at the end of the fifth sentence and inserting in lieu thereof the following: *"Provided,* That such limitation shall not apply to functions under the title IV thereof."

§ 106.2 Policy.

It is the intent of the Congress to strengthen the competitive free enterprise system by assisting certain qualified small business concerns to obtain leases of commercial and industrial property, where stringent credit requirements tend to exclude such concerns, by authorizing the Small Business Administration to guarantee, directly or in cooperation with others, the payment of rentals under such leases.

§ 106.3 Definitions.

For the purposes of this part:

(a) "Administrator" means the Administrator of the Small Business Administration.

(b) "SBA" means the Small Business Administration.

(c) "Small business concern" means a business concern which would qualify as a small business under § 121.3–10 or § 121.3–11 of this chapter.

(d) A "qualified surety company or other qualified company" means a corporation authorized under applicable State law which agrees to guarantee the payment of the minimum rent provided for in a lease for commercial or industrial property to a small business concern.

(e) "Commercial or industrial property" means any property, personal or real, to be leased and to be used by the small business concern in the conduct of its business.

(f) "Lessor" means the owner of the right to occupancy and possession of the property leased which is the subject of the guarantee.

(g) "Lease" means the agreement between the lessor and the small business concern covering the use of property subject to the guarantee.

(h) "Lessee" means the qualified small business concern which by the terms of the lease uses the leased property subject to the guarantee.

(i) "DBL" means a displaced business loan under section 7(b)(3) of the Small Business Act, as amended.

(j) "EOL" means an economic opportunity loan under Title IV of the Economic Opportunity Act of 1964, as amended.

(k) "Vacant possession" means that the premises subject to the guarantee have been vacated and restored to a condition which will permit immediate releasing.

(l) "Participation" means sharing the responsibility for the payment of the guaranteed rental between SBA and qualified surety company or other qualified company.

§ 106.4 Eligibility.

In order to be eligible for guarantee of a lease, the lessee must be a small business eligible for displaced business loan assistance under § 123.4(c) of this chapter or be eligible for economic opportunity loans under Part 124 of this chapter.[1]

§ 106.5 Procedure for lease guarantee applications.

(a) *Form of application.* An application for a lease guarantee shall be made on SBA-FA Temporary Form 3 or on a similar form approved by SBA and shall include all pertinent information required in supporting schedules and forms. The application and supporting material shall be submitted in duplicate if the request is for a direct lease guarantee. If the lease guarantee is to be made in participation or cooperation with a qualified surety company or other qualified company, the application and supporting material shall be in triplicate.

[1] Copies of the regulations may be obtained from the Small Business Administration, Imperial Building, 1441 L Street NW., Washington, D.C. 20416.

(b) *Place of filing.* Application shall be made in the SBA field office serving the area in which the applicant is located if no participation or cooperation of a qualified surety company or other qualified company is involved. If participation or cooperation is available, the application may be submitted to such qualified surety company or other qualified company which, in turn, will execute the Application for Participation (Reinsurance) on the last page of SBA-FA Temporary Form 3 and transmit two copies of the application and supporting materials to the SBA field office serving the area in which the applicant is located.

§ 106.6 Lease guarantees.

To insure participation or cooperation to the greatest extent practicable of qualified surety companies or other qualified companies in guarantees of leases to small business concerns, the SBA shall require that:

(a) An applicant to the SBA for a guarantee certify that a guarantee meeting the requirements of the applicant is not available on reasonable terms from qualified companies not participating with SBA.

(b) Any agreements to participate (reinsure) with a qualified surety company or other qualified company shall provide that the company shall be responsible for paying all claims arising out of a guarantee covered by the agreement up to an amount equal to 12 times the monthly rent guaranteed and not less than 20 percent of any claim in excess of this amount unless a different percentage of participation be approved by the Administrator. Any agreement for participation shall provide that the premium and all other charges made by the company on account of gurantees covered by the agreement are not unreasonable.

(c) Fees:

(1) *Guarantee fee.* The fee for any guarantee shall be due not later than the effective date of the lease guarantee and shall be paid in advance. The guarantee fee or premium that will be charged by SBA on a lease that it guarantees exclusively shall not exceed 2½ percent of the aggregate of the minimum annual rental payable in accordance with the provisions of the guaranteed lease. The Administrator cannot participate in any guarantee for which the premium and any other charges are unreasonable and SBA's fee on its share of any such participation shall not exceed 2½ percent of the aggregate of the minimum annual rental payable in accordance with the provisions of the guarantee lease. In the event of participation, a portion of this premium shall be paid by the insurance company to SBA as a premium for the coinsurance provided by SBA. The premium payable to SBA will be determined by negotiation and shall depend upon the degree and extent of the participation.

(2) *Application fee.* In the case of a participation, an application fee may be imposed upon the applicant lessee for the lease guarantee. The application fee shall be payable at the time of the acceptance for processing of the application for a lease guarantee.

(d) Amount to be guaranteed: SBA may guarantee a portion of the rental payable under the lease when participating or cooperating with a qualified surety company or other qualified company or, if participation or cooperation is not available, SBA may guarantee the full amount of the minimum rental payable under the lease, or any portion thereof, as the Administrator may find appropriate.

(e) Term of the lease guarantee: The maximum term of the guarantee by SBA may extend for the term of the lease being guaranteed or for 20 years, whichever is the shorter term. The minimum term of a lease eligible for guarantee by SBA shall be 5 years: *Provided, however,* That any deviation from the maximum or minimum term of the lease guarantee may be approved by the Administrator. If application is made for guarantee of three or more leases of premises in a proposed development, the application must be accompanied by a feasibility study provided by the applicant.

(f) Reasonable expectation: No guarantee shall be issued unless the analysis made by the use of the system of risk analysis developed by SBA or a similar system approved by SBA indicates that there exists a reasonable expectation that the small business concern in behalf of which the guarantee is issued will perform the covenants and conditions of the lease.

(g) Minimizing the risk:

(1) In order to minimize the financial risk assumed under a lease guarantee which SBA guarantees, either directly or in cooperation or participation with a qualified surety company or other qualified company, the Administrator requires that:

(i) Upon execution of the lease, the lessee pay an amount not to exceed one-quarter of the minimum guaranteed annual rental required under the lease, which amount shall be held by the Administrator or, in the case of participation, by the qualified surety company or other qualified company, in an escrow interest-bearing account and shall be available (*a*) to meet the rental charges accruing in any month in which the lessee is in default; or (*b*) if no default occurs during the term of the lease, for application (with interest accrued at the rate of 4 percent per annum) toward payments of final rental charges under the lease. If, prior to expiration, the lease term is terminated by mutual consent of the lessor and the lessee, the total funds held in escrow with accumulated interest shall be paid to the lessee upon written notice to the escrowee, signed by both the lessor and the lessee, of the termination of the lease and payment by the lessee of all rents due and payable in accordance with the guarantee to the date of termination of the lease.

(ii) Upon occurrence of a default under the lease:

(*a*) The lessor shall notify the guarantor of a default within 30 days of such default.

(b) The lessor shall, as a condition precedent to enforcing any claim under the lease guarantee, utilize the entire period for which there are funds available in escrow for payment of rentals, in reasonably diligent efforts to eliminate or minimize losses by rerenting the commercial or industrial property covered by the lease to another qualified lessee; and no claim shall be made or paid under the guarantee unless such effort is shown to have been made and such escrow funds have been exhausted. Default by the lessee shall forfeit the funds in escrow and, if any portion of the escrow funds remains unused after the rerenting of the property and settlement has been agreed upon, the remainder shall be paid to the lessor as liquidated damages in order to restore or upgrade the demised property.

(c) When the lessor expects to take resort to the guarantee unless requested by the guarantor within 5 days to delay, he will take prompt action to terminate the occupancy of the lessee and to secure vacant possession of the premises and to make such repairs to the property as are necessary to restore it to its original condition, ordinary wear and tear excepted.

(d) If the lessor or the guarantor, after notification of default, and either before or after the running of the period for which funds are available in escrow for payment of rentals, succeeds in finding a lessee who agrees to enter into a new lease agreement with the lessor of the property covered by the guaranteed lease, the lessor may, by giving prompt notice to the guarantor, enter into such agreement upon such terms and conditions as are acceptable to him, without the consent of the guarantor, provided that the guarantee and the interest of the guarantor in the premises shall terminate on the date the lessor enters into any such agreement and no losses shall be accrued or claim be allowed for losses sustained by the lessor after that date. If the lessor, with the consent of the guarantor, enters into a new lease with a qualified lessee subsequent to a default, a new premium must be paid, as in the initiation of a guarantee de novo.

(e) The lessor, before entering into an agreement with a new lessee, may notify the guarantor of the terms of such a proposed agreement and of his wish to negotiate a lump-sum settlement of his losses, both accrued and prospective, under the terms of the proposed agreement and, upon arriving at agreement in such a negotiation between the guarantor and the lessor, the guarantee may be terminated and final settlement of all claims arising out of the guarantee may be made by payment of the negotiated sum to the lessor by the guarantor.

(f) Upon filing a claim for guaranteed rent in default, the lessor shall give vacant possession to the guarantor as successor in possession to the lessee with the right to rerent the premises to any other lessee and on such terms and conditions as are satisfactory to the guarantor. The lessor will further make reasonably diligent efforts to minimize losses by assisting the guarantor to rerent the premises.

(g) The guarantor of the lease will become a successor to the lessor for the purpose of collecting from the lessee in default rentals which are in arrears and with respect to which the lessor has received payment under a guarantee made pursuant hereto and for the purpose of collecting other damages which have occurred.

(h) If either the lessor or the guarantor succeeds in finding a lessee who agrees to sublease from the guarantor, the lessor agrees to allow the guarantor to assign or to sublease, at such rentals and to any such lessee as are acceptable to the guarantor, provided that no such assignee or sublessee shall use the premises for any purpose for which their use is prohibited by the lease. Any such assignment or sublease, however, shall not terminate the obligation of the guarantor to make payment to the lessor of any rentals subsequently falling due under the terms of the lease.

(iii) If the lessee vacates or surrenders possession of the demised property to the lessor or to any other lessee, with the consent of the lessor, then the guarantee shall be terminated. The interest of the lessee may not be assigned or transferred nor may the lessee enter into a sublease without the consent of the lessor. If the lessor gives such consent without first obtaining the approval of the guarantor to the assignment or sublease, the guarantee shall be terminated. Upon requesting the consent of the guarantor, the lessor shall submit to the guarantor such information concerning the proposed assignee or sublessee as may be required to be submitted by the original lessee of the guaranteed lease. If the guarantor finds, upon examination of this and other information he may secure, that the risk to the guarantor involved in the proposed assignment or sublease is not increased, he shall give consent; if he finds that the risk is increased, he shall give consent only if the lessor agrees to pay a premium consonant with the increased risk.

(iv) No refund of premium will be paid by the guarantor in settlement of any claim, and application for the guarantee of any new lease negotiated by either the lessor or the guarantor subsequent to a default shall be accompanied by the payment of a new premium, as in the initiation of a guarantee de novo.

(v) No claim will be paid for rent falling due after the escrow funds have been exhausted unless the lessor has complied with the previously stated conditions or has presented evidence on the basis of which the Administrator may find that the failure to conform to these conditions was not the fault of the lessor, in which case the Administrator may extend the period for compliance and provide that the guaranteed rent to be paid shall begin on the day when the funds in escrow are exhausted.

(vi) An agreement shall be reached between the lessor and the lessee as to the distribution of any award that may be made to either party as a result of condemnation of the entire property or of a substantial portion of it by public authority or total destruction by casualties against which the lessor and the lessee are insured, and the guarantee shall be terminated as of the date of vesting title in a condemnor or upon final settlement of the total casualty loss. In case of condemnation of a minor portion of the property and an award to the lessor and the lessee, the amount of the guaranteed rent shall be reduced by the ratio which the award bears to the total value of the property before taking.

(vii) An agreement on the part of the lessor that any amount paid as rent to the lessor in excess of the minimum periodic rent specified in the lease (that is, any overages so called on account of a percentage of sales or other basis) shall be deducted from the total rent guaranteed over the term of the lease; such deductions, however, will not have the effect of reducing the minimum amount payable periodically as provided in the lease, but shall in effect shorten the term over which the total rent to be paid is guaranteed.

(2) The Administrator may waive any of the requirements set forth in subparagraph (1) of this paragraph, upon a proper showing that such waiver will not impair the purposes of the guarantee.

§ 106.7 Lease guarantee administration.

(a) *Direct guarantees.* (1) All leases which are guaranteed directly by SBA will be serviced by SBA Washington Office unless otherwise specified by the Administrator.

(2) SBA shall have the right to inspect the lessee's premises and operations and to examine and audit the lessee's books and records at any time during the term of the lease guarantee.

(b) *Participation guarantees.* Lease guarantees which are made in participation or cooperation with a qualified surety company or other qualified company will be serviced by the qualified surety company or other qualified company with which SBA participates.

Effective date: March 31, 1967.

R. C. Moot,
Acting Administrator.

[F.R. Doc. 67-3833; Filed, Apr. 6, 1967; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SLIMICIDES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6H2036) filed by Nalco Chemical Co., 6216 West 66th Place, Chicago, Ill. 60638, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of methylenebisthiocyanate as a slimicide in the manufacture of paper and paperboard that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2505(c) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2505 Slimicides.

* * *

(c) * * *

List of substances	*Limitations*
* * *	* * *
Methylenebisthiocyanate	---
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 30, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3854; Filed, Apr. 6, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

1,2-DIHYDRO-2,2,4-TRIMETHYLQUINOLINE, POLYMERIZED

Sections 121.2520, 121.2526, 121.2562, and 121.2571 of the food additive regulations provide for the use of 1,2-dihydro-2,2,4-trimethylquinoline, polymerized, as a component of certain food-contact articles under prescribed conditions of safe usage that preclude any significant migration of the substance to food.

The Commissioner of Food and Drugs has evaluated newly received information reporting that the substance induces cancer when ingested by test animals and concludes that the food additive regulations should be amended to delete provision for use of said substance as a component of food-contact articles.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409(c)(3)(A), 701(a), 52 Stat. 1055, 72 Stat. 1786, as amended 76 Stat. 785; 21 U.S.C. 348(c)(3)(A), 371(a)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by deleting the item "1,2-Dihydro-2,2,4-trimethylquinoline, polymerized" from the lists in: Paragraph (c)(5) of § 121.2520 *Adhesives;* paragraph (a)(5) of § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods;* paragraph (c)(4)(iii) of § 121.2562 *Rubber articles intended for repeated use;* and paragraph (b)(2) of § 121.2571 *Components of paper and paperboard in contact with dry food.*

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(3)(A), 701(a), 52 Stat. 1055, 72 Stat. 1786, as amended, 76 Stat. 785; 21 U.S.C. 348(c)(3)(A), 371(a))

Dated: March 30, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-3852; Filed, Apr. 6, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ETHYLENE-ACRYLIC ACID COPOLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1944) filed by The Dow Chemical Co., Post Office Box 467, Midland, Mich. 48640, and other relevant material, has concluded that the food additive regulations should be amended to provide for additional use of ethylene-acrylic acid copolymers as articles or components of articles for food-contact use. The Commissioner has further concluded that § 121.2514 should be amended by deleting provision for use of ethylene-acrylic acid copolymers as a component of resinous and polymeric food-contact coatings since § 121.2564, hereinafter set forth, provides for such use of the additive, subject to acidified chloroform-soluble extractives limitations which (new information shows) are necessary to ensure safe use.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended in the following respects:

§ 121.2514 [Amended]

1. In § 121.2514 *Resinous and polymeric coatings*, paragraph (b)(3)(xviii) is amended by deleting from the list of substances the item "Ethylene-acrylic acid copolymer containing * * *."

2. The following new section is added to Subpart F:

§ 121.2564 Ethylene-acrylic acid copolymers.

The ethylene-acrylic acid copolymers identified in paragraph (a) of this section may be safely used as components of articles intended for use in contact with food subject to the provisions of this section.

(a) For the purpose of this section, ethylene-acrylic acid copolymers consist of basic copolymers produced by the copolymerization of ethlene and acrylic acid such that the finished basic copolymers contain no more than 10 weight-percent of total polymer units derived from acrylic acid.

(b) The finished food-contact article, when extracted with the solvent or solvents characterizing the type of food and under the conditions of its intended use as determined from Tables 1 and 2 of § 121.2526(c), yields net acidified chloroform-soluble extractives not to exceed 0.5 milligram per square inch of food-contact surface when tested by the methods prescribed in § 121.2582(c), except that net acidified chloroform-soluble extractives from paper and paperboard complying with § 121.2526 may be corrected for wax, petrolatum, and mineral oil as provided in § 121.2526(d)(5)(iii)(*b*). If the finished food-contact article is itself the subject of a regulation in this Subpart F, it shall also comply with any specifications and limitations prescribed for it by that regulation. (NOTE: In testing the finished food-contact article, use a separate test sample for each extracting solvent.)

(c) The provisions of this section are not applicable to ethylene-acrylic acid copolymers used in food-packaging adhesives complying with § 121.2520.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room

5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 30, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3853; Filed, Apr. 6, 1967; 8:49 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 54—GRANTS FOR SPECIALIZED SERVICE FACILITIES

Subpart A—Grants for Construction of University Affiliated Facilities for the Mentally Retarded

Subpart B—Grants for Construction of Facilities for the Mentally Retarded (General)

EQUIPMENT; COMPETITIVE BIDDING

Notice of proposed rule making, public rule making procedures, and delay of effective date have been omitted as unnecessary in the issuance of the following amendments to Subparts A and B of Part 54, which relate solely to grants for construction of facilities for the mentally retarded. These amendments relate to the definition of the term "equipment" and competitive bidding on fixed equipment.

1. Paragraph (d) of § 54.1 is revised to read as follows:

§ 54.1 Definitions.

* * * * *

(d) "Equipment" includes those items which are necessary for the functioning of the facility, but does not include items of current operating expense such as food, fuel, drugs, paper, printed forms, and soap.

2. Paragraph (c) of § 54.4 is revised to read as follows:

§ 54.4 Terms and conditions.

* * * * *

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment by adequate methods of competitive bidding (including such fixed equipment as is not purchased through the construction contract) and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the Surgeon General, upon written justification by the applicant, to be required by the needs of the program.

* * * * *

3. Paragraph (d) of § 54.101 is revised to read as follows:

§ 54.101 Definitions.

* * * * *

(d) "Equipment" includes those items which are necessary for the functioning of the facility, but does not include items of current operating expense such as food, fuel, drugs, paper, printed forms, and soap.

* * * * *

4. Paragraph (c) of § 54.112 is revised to read as follows:

§ 54.112 Assurances from applicant.

* * * * *

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment by adequate methods of competitive bidding (including such fixed equipment as is not purchased through the construction contract) and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the State agency and the Surgeon General, upon written justification by the applicant, to be required by the needs of the program.

* * * * *

(Sec. 122, 77 Stat. 284; 133, 77 Stat. 287; 42 U.S.C. 2662, 2673; Rev. Stat. sec. 161, 5 U.S.C. 22)

Effective date: February 1, 1967.

Dated: March 23, 1967.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: March 31, 1967.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-3860; Filed, Apr. 6, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 67-WE-12-AD; Amdt. 39-389]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 269 Series Helicopters

There have been failures of the Huck Bolts P/N SALP-T10-7 that attach the main rotor drive shaft coupling to the ring gear carrier in the Main Rotor Gear Drive Assembly P/N 269A5175 of Hughes Model 269 Series helicopters. Such failures can result in total failure of the Assembly. Since this condition is likely to exist or develop in other Hughes Model 269 Series helicopters equipped with Huck Bolts P/N SALP-T10-7, an Airworthiness Directive is being issued to require replacement of the Huck Bolts with fasteners of a different type and to require an inspection of the Main Rotor Gear Drive Assembly to detect damage that may have resulted from operation of the helicopter with the Huck Bolts installed.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

HUGHES. Applies to Model 269A, 269A-1, 269A-2, and 269B Series helicopters equipped with Main Rotor Gear Drive Assembly P/N 269A5175 bearing Serial Nos. 0001 to 1424 inclusive.

Compliance required within the next 25 hours' time in service, unless already accomplished, for helicopters having a Main Rotor Gear Drive Assembly with 1,200 or more hours' time in service on the effective date of this AD; or prior to the accumulation of 1,225 hours' time in service, unless already accomplished, for helicopters having a Main Rotor Gear Drive Assembly with less than 1,200 hours' time in service on the effective date of this AD.

To prevent malfunction of the Main Rotor Gear Drive Assembly P/N 269A5175 caused by failure of the Huck Bolts P/N SALP-T10-7 that attach the main rotor drive shaft coupling to the ring gear carrier, and to detect damage that may have resulted from operation of the helicopter with the Huck Bolts installed, accomplish the following in accordance with Hughes Service Information Notice No. N-29 or later FAA-approved revision unless otherwise specified herein:

(a) Remove Huck Bolts P/N SALP-T10-7 and Collars P/N 6LC-C10 from the Main Rotor Gear Drive Assembly P/N 269A5175. Visually inspect the resulting holes for deformity or other damage and check the vertical and horizontal diameters of the holes by means of a hole gauge. Line ream all out-of-tolerance holes to correspond to the tolerance specified for the holes.

(b) Replace Huck Bolts P/N SALP-T10-7 and Collars P/N 6LC-C10, respectively, with Hi-Lok bolts P/Ns HL-20-PB-10-7, HL-20-PB-10-8, or HL-64-PB-10-7 and Collars P/N HL-87-10.

(c) Inspect the Main Rotor Gear Drive Assembly P/N 269A5175 for defects specified in Hughes Service Information Notice No. N-29, or later FAA-approved revision. If defects are observed, maintain the affected part or parts in accordance with the Hughes Handbook of Maintenance Instructions applicable to the particular helicopter model (including the Overhaul Addendum for the Main Rotor Gear Drive Assembly applicable to all helicopter models) or in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Operators who have not kept records of hours' time in service of individual Main Rotor Gear Drive Assemblies shall substitute in lieu thereof hours' time in service of the helicopter.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those who are served in accordance with section 1005(c) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1485(c)), and upon whom the amendment becomes effective immediately upon receipt.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Los Angeles, Calif., on March 28, 1967.

JOSEPH H. TIPPETS,
Regional Director, FAA Western Region.

[F.R. Doc. 67-3813; Filed, Apr. 6, 1967; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-SO-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Mobile, Ala. (Brookley AFB), control zone.

The Mobile (Brookley AFB) control zone is described in § 71.171 (32 F.R. 2071 and 2440).

Because of the terminating of weather reporting service between the hours 0000 and 0800 local time, it is necessary to alter the control zone by reducing the hours of operation to be effective from 0800 to 2400, local time, daily.

Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Mobile, Ala. (Brookley AFB), control zone (32 F.R. 2440) is amended to read:

MOBILE, ALA. (BROOKLEY AFB)

Within a 5-mile radius of Brookley AFB (latitude 30°37'39" N., longitude 88°04'10" W.); within 2 miles each side of the Brookley VORTAC 150° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC; within 2 miles each side of the Brookley VORTAC 140° radial, extending from the 5-mile radius zone to 4.5 miles southeast of the VORTAC, effective from 0600 to 2400 hours, local time, daily.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on March 28, 1967.

W. B. RUCKER,
Acting Director, Southern Region.

[F.R. Doc. 67-3814; Filed, Apr. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 67-SO-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Elizabeth City, N.C., control zone.

The Elizabeth City control zone is described in § 71.171 (32 F.R. 2071 and 2440).

Extensions to the control zone are described as "* * * within 2 miles each side of the Elizabeth City VOR 068° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR * * *" and "* * * within 2 miles each side of the Elizabeth City VOR 226° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR * * *."

Because of the canceling of AL-617-VOR-RWY-7 and AL-617-VOR-RWY-25 Standard Instrument Approach Procedures, it is necessary to alter the control zone by revoking the above described extensions.

Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Elizabeth City, N.C., control zone (32 F.R. 2440) is amended as follows:

The portions "* * * within 2 miles each side of the Elizabeth City VOR 068° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR * * *" and "* * * within 2 miles each side of the Elizabeth City VOR 226° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR * * *" are deleted.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on March 28, 1967.

W. B. RUCKER,
Acting Director, Southern Region.

[F.R. Doc. 67-3815; Filed, Apr. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 67-SW-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area and Alteration of Transition Area

On February 4, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2453) stating that the Federal Aviation Agency proposed to designate a transition area at Batesville, Ark., and alter the Little Rock, Ark., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. June 22, 1967, as hereinafter set forth.

1. In § 71.181 (32 F.R. 2148) the Batesville, Ark., transition area is designated to read:

BATESVILLE, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Batesville Municipal Airport (latitude 35°43'50" N., longitude 91°38'25" W.), and within 2 miles each side of the 106° bearing from the Batesville RBN (latitude 35°43'44" N., longitude 91°38'17" W.), extending from the 5-mile radius area to 8 miles east of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the 106° bearing, extending from the Batesville RBN to a point 12 miles east, and that airspace within 5 miles each side of the Walnut Ridge VORTAC 236° radial, extending from the Walnut Ridge transition area to the Batesville RBN.

2. In § 71.181 (32 F.R. 2213) the Little Rock, Ark., transition area is amended by adding "and excluding the Batesville, Ark., transition area."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on March 30, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-3816; Filed, Apr. 6, 1967; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8057; Amdt. 530]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 27 APR. 1967, OR UPON DECOMMISSIONING OF FACILITY.

City, Presque Isle; State, Maine; Airport name, Presque Isle Municipal; Elev., 534'; Fac. Class., SMLZW; Ident., SPR; Procedure No. 1, Amdt. 1; Eff. date, 8 Apr. 61; Sup. Amdt. No. Orig.; Dated, 27 Aug. 60

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Grandlake Int	Ashland NDB	Direct	3000	T-dn	300-1	300-1	200-½
Washburn Int	Ashland NDB	Direct	3000	C-d	700-1	700-1	700-1½
				C-n	700-1½	700-1½	700-1½
				S-dn-2	700-1	700-1	700-1
				A-dn	NA	NA	NA

Procedure turn E side of crs, 205° Outbnd, 025° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 1526'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of NDB, make left-climbing turn to 3000' on 205° bearing from NDB within 10 miles.
NOTES: (1) Use Ironwood altimeter setting. When Ironwood altimeter setting not available, use Duluth altimeter setting. (2) Circling and straight-in ceiling minimums are raised 100' when using Duluth altimeter setting.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—3000'; 180°-360°—2600'.

City, Ashland; State, Wis.; Airport name, John F. Kennedy Memorial; Elev., 826'; Fac. Class., MHW; Ident., ASX; Procedure No. NDB (ADF) Runway 2, Amdt. Orig.; Eff. date, 27 Apr. 67

Liberty VHF Int	Prospect VHF Int	Via radar vectors to JFK VOR, R 269° and 043° bearing to LG LOM.	2500	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-2	700-2
				S-dn-4	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
Prospect VHF Int	LG LOM (final)	Via LGA VOR, R 220°.%	1300				
LGA VOR	LG LOM	Direct	2500				

Radar available.
Procedure turn S side of crs, 223° Outbnd, 043° Inbnd, 2500' S of Prospect Int within 10 miles of LG LOM.#
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 043°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LG LOM, climb to 4000' on LGA VOR R 045° to Stamford Int. Cross Scarsdale Int at 3000' or above. Hold NE, Stamford Int, 1-minute left turns, Inbnd crs, 225°.
AIR CARRIER NOTE: Sliding scale not authorized.
CAUTION: Unlighted obstructions in approach zone (Runway 4) protruding 40' above lights at beginning of approach lightlane decreasing to 10' above lights at 1100' from approach end of runway.
#Maintain 2500' Inbnd on final approach crs until crossing Prospect Int.
%LGA VOR, R 220° must be monitored on ADF approach until passing LG LOM.
MSA within 25 miles of facility: 000°-090°—2600'; 090°-180°—1600'; 180°-270°—2600'; 270°-360°—2600'.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Fac. Class., LOM; Ident., LG; Procedure No. NDB (ADF) Runway 4, Amdt. 25; Eff. date, 29 Apr. 67; Sup. Amdt. No. ADF1, Amdt. 24; Dated, 24 Sept. 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Presque Isle VOR	SPR RBn	Direct	2800	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-1#	600-1	600-1	600-1
				A-dn	NA	NA	NA

Radar available.
Procedure turn E side of crs, 190° Outbnd, 010° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 010°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing SPR RBn, make left-climbing turn to 2800' direct SPR RBn. Hold S of SPR RBn, 010° Inbnd, 1-minute right turns.
NOTES: (1) Final approach from a holding pattern not authorized. Procedure turn required. (2) Use Loring altimeter setting.
#Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—2500'; 090°-180°—3100'; 180°-270°—2700'; 270°-360°—2800'.

City, Presque Isle; State, Maine; Airport name, Presque Isle Municipal; Elev., 534'; Fac. Class., MHW; Ident., SPR; Procedure No. NDB (ADF) Runway 1, Amdt. Orig.; Eff. date, 27 Apr. 67 or upon commissioning of facility.

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn*	300-1	300-1	300-1
				C-d	900-1	900-1	900-1½
				C-n	900-2	900-2	900-2
				Minimums with DME:			
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2

Procedure turn N side of crs, 267° Outbnd, 087° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 2200' (1485' over 5-mile DME Fix).
Crs and distance, facility to airport, 087°—7.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.8 miles after passing MBS VOR, climb to 2600' on MBS, R 087° and proceed to Reese Int via MBS, R 087° and FNT, R 003°.
NOTE: Use Saginaw altimeter setting.
CAUTION: Two 779' towers near SE boundary of airport.
MSA within 25 miles of facility: 000°-090°—2200'; 090°-180°—2700'; 180°-270°—2600'; 270°-360°—1900'.

City, Bay City; State, Mich.; Airport name, James Clements Municipal; Elev., 585'; Fac. Class., L-BVORTAC; Ident., MBS; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 27 Apr. 67

				T-d	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				S-d-32*	600-1	600-1	600-1
				A-d#	NA	NA	NA

Procedure turn N side of crs, 125° Outbnd, 305° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 305°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing VOR, make climbing right turn to 2000' and return to VOR, or when directed by ATC, climb to 2000' on Marianna, R 270° to Chipley Int, hold E.
NOTES: (1) Contact Dothan FSS on appropriate frequency and receive on MAI VOR frequency for obtaining or canceling IFR clearance. (2) Use Dothan FSS altimeter setting.
*No reduction authorized.
#No weather reporting facilities available.
MSA within 25 miles of facility: 000°-090°—1500'; 090°-180°—1600'; 180°-270°—2100'; 270°-360°—2600'.

City, Marianna; State, Fla.; Airport name, Marianna Municipal; Elev., 113'; Fac. Class., L-BVOR; Ident., MAI; Procedure No. VOR Runway 32, Amdt. Orig.; Eff. date, 27 Apr. 67

15-mile DME Fix (R 348°)	10-mile DME/Radar Fix or Central Int (final).	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	500-1½
R 073°, MEM VORTAC counterclockwise	R 348°	15-mile DME Arc	2300	S-dn-17#	400-1	400-1	400-1
R 257°, MEM VORTAC clockwise	R 348°	15-mile DME Arc	1800	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 348° Outbnd, 168° Inbnd, 1800' within 10 miles of Central Int/Radar Fix or 10-mile DME.
Minimum altitude over 10-mile DME/Radar Fix or Central Int on final approach crs, 1200'.
Crs and distance 10-mile DME/Radar Fix or Central Int to airport, 168°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing 10-mile DME/Radar Fix or central Int, climb to 1900' on R 348°, proceed direct to MEM VORTAC.
NOTE: TDZ-35, CL 35/17, VASI 27.
#400-¾ authorized, with operative high-intensity runway lights, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°-090°—2400'; 090°-180°—1700'; 180°-270°—1600'; 270°-360°—1800'.

City, Memphis; State, Tenn.; Airport name, Memphis Metropolitan; Elev., 331'; Fac. Class., H-BVORTAC; Ident., MEM; Procedure No. VOR Runway 17, Amdt. 3; Eff. date, 29 Apr. 67; Sup. Amdt. No. VOR Runway 17, Amdt. 2; Dated, 4 Feb. 67

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
IND VOR	Terry DME/Radar Fix (final)	Direct	2400	T-dn	300–1	300–1	300–1
				C-dn	500–1	500–1	500–1½
				S-dn-1	500–1	500–1	500–1
				A-dn	NA	NA	NA

Radar available.
Procedure turn not authorized. Final approach crs, 022°.
Minimum altitude over Terry DME/Radar Fix on final approach crs, 2400'.
Crs and distance, Terry DME/Radar Fix to airport, 022°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing Terry DME/Radar Fix, make climbing left turn to 2400' and proceed direct to IND VOR.
NOTES: (1) Use Indianapolis altimeter setting. (2) DME or radar required.
MSA within 25 miles of facility: 000°–180°—2900'; 180°–360°—2300'.

City, Zionsville; State, Ind.; Airport name, Terry Memorial; Elev., 920'; Fac. Class., H-BVORTAC; Ident., IND; Procedure No. VOR Runway 1, Amdt. Orig.; Eff. date, 27 Apr. 67

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Keansburg VHF Int	Prospect VHF Int	Direct	2500	T-dn	300–1	300–1	200–½
LGA VOR	Prospect VHF Int	Direct	2500	C-dn	700–1	700–2	700–2
Liberty VHF Int	Int SW crs, LGA ILS and JFK, R 269°	Via Radar vectors to JFK, R 269°.	2500	S-dn-4	400–¾	400–¾	400–¾
				A-dn	700–2	700–2	700–2
Int SW crs, LGA ILS and JFK, R 269°	Prospect Int (final)	Direct	2500	With glide slope inoperative: S-dn-4*	600–1	600–1	600–1

Radar available.
Procedure turn S side SW crs, 223° Outbnd, 043° Inbnd, 2500' S of Prospect Int but within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 2500' at Prospect Int.
Altitude of glide slope and distance to approach end of runway at OM, 1325'—3.9 miles; at MM, 290'—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing OM, climb to 4000' on LGA VOR, R 045° to Stamford VHF Int, cross Scarsdale VHF Int at 3000' or above. Hold NE, Stamford Int, 1-minute left turns, Inbnd crs, 225°.
NOTE: Back crs unusable.
CAUTION: Unlighted obstructions in approach zone (Runway 4) protruding 40' above lights at beginning of approach lightiane decreasing to 10' above lights at 1100' from approach end of runway.
*Sliding scale not authorized.
MSA within 25 miles of facility: 000°–090°—2600'; 090°–180°—1600'; 180°–270°—2600'; 270°–360°—2600'.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Fac. Class., ILS; Ident., I-LGA; Procedure No. ILS Runway 4, Amdt. 23; Eff. date, 29 Apr. 67; Sup. Amdt. No. ILS-4, Amdt. 22; Dated, 27 Mar. 65

San Antonio VOR	LOM	Direct	2200	T-dn*	300–1	300–1	200–½
Wetmore Int	LOM	Direct	2200	C-dn	400–1	400–1	500–1½
Locoya Int	LOM	Direct	2200	S-dn-38	200–½	200–½	200–½
Collins Int	LOM (final)	Direct	2100	A-dn	600–2	600–2	600–2

Radar available.
Procedure turn E side of SW crs, 212° Outbnd, 032° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM, 2050'—3.9 miles; at MM, 1000'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb direct to SAT VOR, continue climbing to 3300' on R 353° within 20 miles of SAT VOR, or when directed by ATC, turn right and climb to 3000' on R 158° within 20 miles of SAT VOR, or climb to 3000' on NE crs of SAT ILS within 20 miles of SA LOM.
#400–¾ required when glide slope not utilized.
*RVR 2400' authorized Runway 3.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., ILS; Ident., I-SAT; Procedure No. ILS Runway 3, Amdt. Orig.; Eff. date, 29 Apr. 67

SAT VOR	Wetmore Int	Via R 143°—4.8 miles.	2500	T-dn	300–1	300–1	200–½
				C-dn	400–1	400–1	500–1½
Bracken Int #	Wetmore Int (final) #	Direct	1800	S-dn-21**	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of NE crs, 032° Outbnd, 212° Inbnd, 2500' within 10 miles of Wetmore Int.
Minimum altitude over Wetmore Int on final approach crs, 1800'.#
Crs and distance, Wetmore Int to Runway 21, 212°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing Wetmore Int, turn left, climb to 3000' on R 158° within 20 miles of SAT VOR, or when directed by ATC, turn right, climb direct to SAT VOR, continue climbing to 3300' on R 353° within 20 miles of SAT VOR.
NOTE: No glide slope. No outer marker.
Maintain 2500' until SW of Bracken Int on final approach.
** 400–¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets.

City, San Antonio: State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., ILS; Ident., I-SAT; Procedure No. LOC (BC) Runway 21, Amdt. Orig.; Eff. date, 29 Apr. 67

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Precision approach			
				T-dn-14/32	300–1	300–1	200–½
				C-dn-All	600–1	600–1	600–1½
				S-dn-14/32	300–¾	300–¾	300–¾
				A-dn-All	600–2	600–2	600–2

No terminal area maneuvering altitudes. Radar transitions and vectoring utilizing McChord RAPCON Radar.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 14—turn left, climb to 2000' direct to GRF RBn, Runway 32—climb to 2000' direct to GRF RBn.
Alternate missed approach: All runways—Climb to 3000' on crs, 270° to intercept R 020° OLM VOR, thence to OLM VOR.
NOTE: Authorized for military use only except by prior arrangement.

City, Fort Lewis; State, Wash.; Airport name, Gray AAF; Elev., 301'; Fac. Class., Ident., Gray AAF Radar (PAP) and McChord RAPCON Radar (ASR); Procedure No. 1. Amdt. 6; Eff. date, 29 Apr. 67; Sup. Amdt. No. 1, Amdt. 5; Dated, 31 Oct. 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviaton Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on March 22, 1967.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-3479; Filed, Apr. 6, 1967; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

ASSISTANT COMMISSIONER FOR MULTIFAMILY HOUSING ET AL.

In Part 200 in the Table of Contents § 200.60 is deleted, new §§ 200.58a, 200.58b, 200.58c, 200.58d, and 200.58e are added, and pertinent section headings are amended as follows:

Sec.
200.58 Director of the Project Mortgage Insurance Division and Deputy.
200.58a Chief of the Rental Housing Branch.
200.58b Chief of the Cooperative and Condominium Branch.
200.58c Chief of the Low and Moderate Income Housing Branch.
200.58d Chief of the Elderly, Nursing Homes, and Medical Facilities Branch.
200.58e Chief of the Rent Supplement Branch.
200.59 Director of the Project Mortgage Servicing Division and Deputy.
200.60 [Deleted]
200.73 Director, Audit Division and Deputy.
200.102 Assistant Commissioners, General Counsel, and Director, Audit Division.

In § 200.57 paragraphs (b) and (c) are amended to read as follows:

§ 200.57 Assistant Commissioner for Multifamily Housing and Deputy.

* * * * *

(b) To develop and recommend policies and establish operating plans and procedures for the insurance and servicing of multifamily housing mortgages, including rental housing, cooperative and condominium housing, housing for the elderly, and nursing homes; equity investments in multifamily housing; mortgages for the construction and equipment of group medical facilities; for urban renewal housing rehabilitation loans; and for the administration of the rent supplement program.

(c) To be responsible for the coordination and general supervision of the Project Mortgage Insurance Division, and the Special Assistants for Cooperative Housing and Nursing Homes.

* * * * *

Section 200.58 is amended to read as follows:

§ 200.58 Director of the Project Mortgage Insurance Division and Deputy.

To the position of Director of the Project Mortgage Insurance Division and under his general supervision to the position of Deputy Director of the Project Mortgage Insurance Division there is delegated the following basic authority and functions:

(a) To develop and recommend policies and establish operating plans and procedures for the insurance of multifamily housing mortgages, including rental housing, cooperative and condominium housing, housing for the elderly, and nursing homes; equity investments in multifamily housing; mortgages for the construction and equipment of facilities for the group practice of medicine; for urban renewal housing rehabilitation loans; and for the administration of the rent supplement program.

(b) To provide technical advice and guidance to consumer groups concerning the organization, financing, and management of cooperative housing projects.

In Part 200 new §§ 200.58a, 200.58b, 200.58c, 200.58d, and 200.58e are added to read as follows:

§ 200.58a Chief of the Rental Housing Branch.

To the position of Chief of the Rental Housing Branch there is delegated the authority to develop and recommend policies and establish operating plans and procedures for the insurance of all multifamily housing project mortgages under sections 207 and 220, title VIII, and the insurance of equity investments in multifamily housing under title VII.

§ 200.58b Chief of the Cooperative and Condominium Branch.

To the position of Chief of the Cooperative and Condominium Branch there is delegated the following basic authority and functions:

(a) To develop and recommend policies, procedures, requirements, and methods of operation for the insurance of cooperative housing mortgages and condominum mortgages.

(b) To provide technical advice and guidance to consumer groups concerning the organization, financing, and management of cooperative housing projects.

§ 200.58c Chief of the Low and Moderate Income Housing Branch.

To the position of Chief of the Low and Moderate Income Housing Branch there is delegated the following basic authority and functions:

(a) To develop and recommend policies and establish operating plans and procedures for the insurance of mortgages under section 221.

(b) To be responsible for the allocation of funds under the below-market interest rate program.

§ 200.58d Chief of the Elderly, Nursing Homes, and Medical Facilities Branch.

To the position of Chief of the Elderly, Nursing Homes, and Medical Facilities Branch there is delegated the authority to develop and recommend policies, procedures, requirements, and methods of operation for the insurance of mortgages for elderly housing, nursing homes, and for the construction and equipment of facilities for the group practice of medicine.

§ 200.58e Chief of the Rent Supplement Branch.

To the position of Chief of the Rent Supplement Branch there is delegated the following basic authority and functions:

(a) To develop and recommend policies and establish operating plans and procedures for the administration of the rent supplement program, including, but not limited to:

(1) The reservation of contract authority.

(2) The negotiation of rent supplement contracts.

(3) Tenant eligibility requirements.

(b) To direct and control the reservation of rent supplement contract authority.

Section 200.59 is amended to read as follows:

§ 200.59 Director of the Project Mortgage Servicing Division and Deputy.

To the position of Director of the Project Mortgage Servicing Division and under his general supervision to the position of Deputy Director of the Project Mortgage Servicing Division there is delegated the following basic authority and functions:

(a) To direct all project mortgage servicing operations.

(b) To develop and recommend policies and establish operating plans and procedures for the servicing of project mortgages.

(c) To approve the modification in the terms of and authorize the foreclosure of insured mortgages and mortgages assigned to the Commissioner in exchange for debentures.

(d) To exercise the authority of the Commissioner as holder of the preferred stock in any corporation or under any regulatory agreement or other agreement made for the purpose of controlling or regulating a housing project on which there is a mortgage held or insured by the Commissioner.

In Part 200 § 200.60 is revoked as follows:

§ 200.60 Director of the Cooperative Housing Division and Deputy. [Revoked]

In § 200.73 the heading and the introductory text are amended to read as follows:

§ 200.73 Director, Audit Division and Deputy.

To the position of Director, Audit Division, and under his general supervision to the position of Deputy Director, Audit Division, there is delegated the following basic authority and functions:

* * * * *

In § 200.77 a new paragraph (z) is added as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

* * * * *

(z) To approve the sale and terms of sale of mortgages taken as security in connection with the sale of property acquired in connection with Federal Housing Administration insurance claims.

In § 200.102 the heading and introductory text are amended to read as follows:

§ 200.102 Assistant Commissioners, General Counsel, and Director, Audit Division.

To the position of Assistant Commissioner, and to each of them, to the position of General Counsel, and to the position of Director, Audit Division, in addition to the authority granted under the provisions of section 204(g) of the National Housing Act, there is delegated the following duties and functions:

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., April 3, 1967.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-3821; Filed. Apr. 6, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER C—REGULATIONS PERTAINING TO MILITARY JUSTICE

PART 151—STATUS OF FORCES POLICIES AND INFORMATION

The Deputy Secretary of Defense approved the following:

Sec.
151.1 Purpose.
151.2 Policy.
151.3 Procedures.
151.4 Reports on the exercise of foreign criminal jurisdiction.
151.5 Effective date and implementation.
151.6 Resolution of ratification, with reservations, as agreed to by the Senate on July 15, 1953.
151.7 Fair trial guarantees.

AUTHORITY: The provisions of this Part 151 issued under sec. 133, 76 Stat. 517, 10 U.S.C. 133.

§ 151.1 Purpose.

The purpose of this part is to restate Department of Defense policy respecting trial by foreign courts and treatment in foreign prisons of U.S. military personnel, nationals of the United States serving with, employed by, or accompanying the armed forces, and the dependents of both (hereinafter referred to collectively as U.S. personnel), and to provide for uniform reporting. It is intended that implementing directives and regulations of each of the Services shall be as nearly identical as circumstances permit.

§ 151.2 Policy.

It is the policy of the Department of Defense to protect, to the maximum extent possible, the rights of U.S. personnel who may be subject to criminal trial by foreign courts and imprisonment in foreign prisons.

§ 151.3 Procedures.

(a) *Application of Senate Resolution on Status of Forces.* It is intended to provide herein, inter alia, for the implementation of the Senate Resolution accompanying the Senate's consent to ratification of the Status of Forces Agreement (§ 151.6). Although the Senate Resolution applies only in countries where the NATO Status of Forces Agreement is currently in effect, the same procedures for safeguarding the interests of U.S. personnel subject to foreign jurisdiction will be applied insofar as practicable in all oversea areas where U.S. forces are regularly stationed.

(b) *Orientation of personnel.* The Services shall issue uniform regulations establishing an information and education policy for personnel assigned to foreign areas as to the laws and customs of the host country.

(c) *Designated commanding officer.* Formal invocation of the Senate Resolution procedure shall be the responsibility of a single military commander in each foreign country in which U.S. military forces are regularly stationed (attache personnel and other military personnel serving under the direction of a chief of a diplomatic mission will not be considered U.S. military forces for this purpose), i.e.,

(1) In the geographical areas for which a unified command exists, the commander thereof will designate within each country, the "Commanding Officer" referred to in the Senate Resolution.

(2) In other areas for which a unified command does not exist, a commanding officer in each country shall be nominated by the military departments whose recommendations shall be forwarded by the Judge Advocate General of the Army to the Secretary of Defense, for implementation through the Office of

the Assistant Secretary of Defense (International Security Affairs). In designating the commanding officer to act for all the military departments, consideration should be given to the availability of legal officers and readiness of access to the seat of the foreign government. Such an officer may also be appointed by the military departments for countries where no military forces are regularly stationed.

(d) *Country law studies.* For each foreign country in which U.S. military forces are subject to the criminal jurisdiction of foreign authorities, the designated commanding officer for such country shall make and maintain a current study of the laws and legal procedures in effect. Studies of the laws of other countries shall be made as directed. This study shall be a general examination of the substantive and procedural criminal law of the foreign country, and shall contain a comparison thereof with the procedural safeguards of a fair trial in the State courts of the United States. Copies of these studies should be forwarded to each of the Judge Advocates General of the Services. Principal emphasis is to be placed on those safeguards which are of such a fundamental nature as to be guaranteed by the Constitution of the United States in all criminal trials in State courts of the United States. (See § 151.7 for enumeration of safeguards deemed particularly important.) These country law studies shall be subject to a continuing review, and whenever in any country there is a significant change in its criminal law, the change shall be forwarded by the designated commanding officer to each of the Service Judge Advocates General.

(e) *Waivers of local jurisdiction—military personnel.* (1) In cases where it appears probable that (i) release of jurisdiction over U.S. military personnel will not be obtained and (ii) that the accused may not obtain a fair trial, the commander exercising general court-martial jurisdiction over the accused will communicate directly with the designated commanding officer, reporting the full facts of the case and supplying his recommendation.

(2) The designated commanding officer will determine, in the light of legal procedures in effect in that country, whether there is danger that the accused will not receive a fair trial. A trial shall not be deemed unfair solely for the reason that it may not be identical with trials held in the United States. Due regard, however, should be had to those U.S. trial rights listed in § 151.7 which are relevant to the particular facts and circumstances of the trial in question.

(3) If he determines that there is such danger, he will then decide, after consultation with the Chief of the Diplomatic Mission, whether to press a request for waiver of jurisdiction through diplomatic channels. If he so decides, he shall submit his recommendation through the unified commander, if any, and the Judge Advocate General of the accused's service to the Office of the Secretary of Defense. The objective in each case is to see that U.S. military personnel obtain a fair trial in the receiving state under all the circumstances.

(f) *Request to foreign authorities not to exercise their criminal jurisdiction over civilians and dependents.* The following procedures shall be observed when it appears that foreign authorities may assume criminal jurisdiction over dependents of U.S. military personnel, civilian personnel and their dependents:

(1) In all cases where the local commander determines after a careful consideration of all the circumstances that he can take suitable corrective action under existing administrative regulations, he may request the local foreign authorities to refrain from exercising their criminal jurisdiction.

(2) In cases where it appears possible that release of jurisdiction will not be obtained and that the accused may not obtain a fair trail, the commander exercising general court-martial jurisdiction over the command in which such personnel are located will communicate directly with the designated commanding officer, reporting the full facts of the case and supplying his recommendation.

(3) The designated commanding officer will then determine, in the light of legal procedures in effect in that country, whether there is danger that the accused will not receive a fair trial.

(4) If he determines that there is such danger, he will then decide, after consultation with the Chief of the Diplomatic Mission, whether a request should be submitted through diplomatic channels to foreign authorities seeking their assurances of a fair trial for the accused or, in appropriate circumstances, that they forego their right to exercise jurisdiction over the accused. If he so decides, he shall submit his recommendation through the unified commander, if any, and the Judge Advocate General of the Service concerned to the Office of the Secretary of Defense.

(g) *Trial observers and trial observer reports.* (1) The designated commanding officer shall submit to the Chief of Diplomatic Mission a list of persons qualified to serve as U.S. observers at trials before courts of the receiving state. Nominees will be lawyers, and shall be selected for maturity of judgment. The list will include, where possible, representatives of all Services whose personnel are stationed in that country, to enable the Chief of Diplomatic Mission to appoint an observer from the same Service as the accused. The requirement that nominees will be lawyers may be waived in cases of minor offenses. Incidents which result in serious personal injury or extensive property damage, or which would normally result in sentences to confinement, whether or not suspended, will not be considered minor offenses.

(2) Trial observers shall attend and shall prepare formal reports in all cases of trials of U.S. personnel by foreign courts or tribunals except minor offenses. In cases of minor offenses, the observer shall attend the trial, if any, at the discretion of the designated commanding officer, but shall not be required to make a formal report. These reports need not be classified, but shall be treated as documents "For Official Use Only," and shall be forwarded intact to the designated commanding officer through such agencies as the designated commanding officer may prescribe, for transmission to the Judge Advocate General of the accused's service with the comments, if any, of the appropriate Service commander. These reports will be forwarded immediately upon the completion of the trial in the lower court, and will not be delayed because of the possibility of a new trial, rehearing, or appeal, reports of which will be forwarded in the same manner. Copies shall also be forwarded to the unified commander, if any, and to the Chief of Diplomatic Mission.

(3) The Trial Observer Report shall contain a factual description or summary of the trial proceedings. It should be prepared keeping in mind that its main purpose is to permit an informed judgment to be made regarding (i) whether there was any failure to comply with the procedural safeguards secured by a pertinent status of forces agreement, and (ii) whether the accused received a fair trial under all the circumstances. The report shall specify the conclusions of the Trial Observer with respect to subdivision (i) of this subparagraph, and shall state in detail the basis for his conclusions. Unless the designated commanding officer directs otherwise, the report shall not contain conclusions with respect to subdivision (ii) of this subparagraph.

(4) The designated commanding officer, upon receipt of a Trial Observer Report, shall have the responsibility for determining (i) whether there was any failure to comply with the procedural safeguards secured by the pertinent status of forces agreement, and (ii) whether the accused received a fair trial under all the circumstances. Due regard should be had to those fair trial rights listed in § 151.7 which are relevant to the particular facts and circumstances of the trial in question. However, a trial shall not be deemed unfair for the sole reason that the conduct thereof was not identical with trials held in the United States. If the designated commanding officer is of the opinion that the procedural safeguards specified in pertinent agreements were denied or that the trial was otherwise unjust, he shall submit to the Office of the Secretary of Defense, through the unified commander and the Judge Advocate General of the Service concerned, his recommendations as to appropriate action to rectify the trial deficiencies and otherwise to protect the rights or interests of the accused. This shall include a statement of efforts taken or to be taken at the local level to protect the rights of the accused. An information copy of the recommendation of the designated commanding officer shall be forwarded by him to the diplomatic or consular mission in the country concerned.

(h) *Counsel fees and related assistance.* When the Secretary of the Department concerned or his designee deems such action to be in the best interests of the United States, representa-

tion by civilian counsel, and other assistance described in 10 U.S.C. 1037, may be furnished at Government expense to U.S. personnel tried in foreign countries.

(i) *Treatment of U.S. personnel confined in foreign penal institutions.* (1) Insofar as practicable and subject to the laws and regulations of the country concerned and the provisions of any agreement therewith, the Department of Defense seeks to assure that U.S. military personnel (i) when in the custody of foreign authorities are fairly treated at all times and (ii) when confined (pretrial and posttrial) in foreign penal institutions are accorded the treatment and are entitled to all the rights, privileges and protections of personnel confined in U.S. military facilities. Such rights, privileges and protections are enunciated in present Service directives and regulations, and include, but are not limited to, legal assistance, visitation, medical attention, food, bedding, clothing, and other health and comfort supplies.

(2) In consonance with this policy, U.S. military personnel confined in foreign penal institutions shall be visited at least every 30 days, at which time the conditions of confinement as well as other matters relating to their health and welfare will be observed. The Services will maintain on a current basis records of these visits as reported by their respective commands. Records of each visit should contain the following information:

(i) Names of personnel conducting visit and date of visit.

(ii) Name of each prisoner visited, serial number, and sentence for which he is serving imprisonment.

(iii) Name and location of prison.

(iv) Treatment of the individual prisoner by prison warden and other personnel (include a short description of the rehabilitation program, if any, as applied to the prisoner).

(v) Conditions existing in the prison, i.e., light, heat, sanitation, food, recreation, religious activities.

(vi) Change in status of prisoner, conditions of confinement or transfer to another institution.

(vii) Condition of prisoner, physical and mental.

(viii) Assistance given to prisoner, i.e., legal, medical, food, bedding, clothing, and health and comfort supplies.

(ix) Action taken to have any deficiencies corrected, either by the local commander or through diplomatic or consular mission.

(x) Designation of command responsible for prisoner's welfare and reporting of visits.

(xi) Information as to discharge of a prisoner from the service or termination of confinement.

(3) Should it not be practicable for the individual's commanding officer or his representative to make visits, the designated commanding officer should be requested to arrange that another unit be responsible for such visits or to request that the appropriate diplomatic or consular mission assume responsibility therefor. Whenever necessary, a medical officer should participate in the visits and record the results of his examination. If reasonable requests for permission to visit U.S. military personnel are arbitrarily denied, or it is ascertained that the individual is being mistreated or that the conditions of his custody or confinement are substandard, the case should be referred to the diplomatic or consular mission concerned for appropriate action.

(4) To the extent possible, military commanders should seek to conclude local arrangements whereby the U.S. military authorities may be permitted to accord U.S. military personnel confined in foreign institutions treatment, rights, privileges, and protection similar to those accorded such personnel confined in U.S. military facilities. The details of such arrangements should be submitted to the Judge Advocate Generals of the Services.

(5) The military authorities shall make appropriate arrangements with foreign authorities whereby custody of individuals who are members of the armed forces shall, when they are released from confinement by foreign authorities, be turned over to the U.S. military authorities. In appropriate cases, diplomatic or consular officers should be requested to keep the military authorities advised as to the anticipated date of the release of such persons by the foreign authorities.

(6) In cooperation with the appropriate diplomatic or consular mission, military commanders will, insofar as possible, assure that dependants of U.S. military personnel, nationals of the United States serving with, employed by or accompanying the armed forces, and dependents of such nationals when in the custody of foreign authorities, or when confined (pretrial and posttrial) in foreign penal institutions receive the same treatment, rights and support as would be extended to U.S. military personnel in comparable situations pursuant to the other provisions of this paragraph (i).

(j) *Discharge.* U.S. military personnel confined in foreign prisons shall not be discharged from military service until the completion of the term of imprisonment and the return of the accused to the United States, except that in unusual cases such discharges may be accomplished upon prior authorization of the Secretary of the Department concerned.

(k) *Information policy.* It is the basic policy of the DoD that the general public and the Congress must be provided promptly with the maximum information concerning status of forces matters that is consistent with the national interest. Information shall be coordinated and furnished to the public and the Congress in accordance with established procedures, including DoD Directives 5122.5, "Assistant Secretary of Defense (Public Affairs)," July 10, 1961, and 5148.5, "Assistant to the Secretary of Defense (Legislative Affairs)," November 13, 1961.

§ 151.4 Reports on the exercise of foreign criminal jurisdiction.

The following reporting system which has been implemented by the military departments will be continued after revision in accordance with the provisions herein. The Department of the Army is designated as executive agent within the Department of Defense for maintaining and collating information received on the basis of the reports submitted.

(a) *Annual reports.* Annual reports, based on information furnished by the three military departments covering the period December 1, through November 30, will be prepared by the Department of the Army and submitted within such time as may be required but not later than 120 days after the close of the reporting period. The reports shall be submitted in one reproducible copy to the Office of the General Counsel, DoD, in accordance with departmental implementation of this part. The reporting content of this requirement will be as follows:

(1) A statistical summary (DD Form 838[1]) by country and type of offense of all cases involving U.S. personnel.

(2) A report signed by the appropriate service commander in each country for which DD Form 838 is prepared, concerning his personal evaluation of the impact, if any, the local jurisdictional arrangements have had upon accomplishment of his mission and upon the discipline and morale of the forces, together with specific facts or other information, where appropriate, substantiating his opinion.

(3) A report of the results of visits made and particular actions taken by appropriate service commanders pursuant to § 151.3(i).

(4) A report of the implementation of 10 U.S.C. 1037 showing by country and military service.

(i) The total number of cases in which funds were expended and

(ii) Total expenditures in each of the following categories:

(a) Payment of counsel fees,

(b) Provision of bail,

(c) Court costs and other expenses.

(b) *Quarterly reports.* Quarterly reports for the periods ending November 30, February 28, May 31, and August 31, consisting of lists of U.S. personnel imprisoned and released, will be submitted, in accordance with departmental implementation of this part to the Department of the Army and by the Department of the Army, as executive agent, to the Assistant Secretary of Defense (Administration) in four (4) copies, on or before the fifteenth day following the report quarter as follows:

(1) An alphabetical list of U.S. personnel who were imprisoned during the reporting period pursuant to sentence of confinement imposed by a foreign court, indicating for each individual his home address, grade, and serial number (where applicable), offense of which found guilty, date and place of confinement, length of sentence to confinement imposed, and estimated date of release from confinement.

[1] DD Form 838 filed as part of original document.

(2) A similar list of the names of prisoners released during the reporting period.

An information copy of these lists shall be furnished by the appropriate service commander to the diplomatic or consular mission in the country concerned.

(c) *Other reports.* (1) Each military department will maintain on a current basis, and submit monthly to the Assistant Secretary of Defense (Administration) in four (4) copies, a list of the most important cases pending, with a brief summary of the salient facts in each case. Selection of the cases to be included will be left to the judgment of the appropriate officials of each military department. Instances of deficiency in the treatment or conditions of confinement in foreign penal institutions or arbitrary denial of permission to visit such personnel shall be considered important cases. Lists covering the previous month will be submitted on the sixth (6) day of the month following.

(2) Important new cases or important developments in pending cases will be reported informally and immediately to the Office of the General Counsel, DoD, and confirmed formally,

(d) *Report Control Symbols.* Report Control Symbols are assigned to the reporting requirements in this part as follows:

§ 151.4(a)	DD–SD(A)705
§ 151.4(b)	DD–SD(Q)706
§ 151.4(c)(1)	DD–SD(M)707
§ 151.4(c)(2)	DD–SD(AR)708

§ 151.5 Effective date and implementation.

This part is effective immediately. Two (2) copies of revised regulations shall be forwarded to the General Counsel, DoD, for approval prior to issuance, within (60) days from the effective date hereof.

§ 151.6 Resolution of ratification, with reservations, as agreed to by the Senate on July 15, 1953.

(a) Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive T, Eighty-second Congress, second session, an agreement between the parties to the North Atlantic Treaty Regarding the Status of their Forces; signed at London on June 19, 1951.

(b) It is the understanding of the Senate, which understanding inheres in its advice and consent to the ratification of the Agreement, that nothing in the Agreement diminishes, abridges, or alters the right of the United States of America to safeguard its own security by excluding or removing persons whose presence in the United States is deemed prejudicial to its safety or security, and that no person whose presence in the United States is deemed prejudicial to its safety or security shall be permitted to enter or remain in the United States.

(c) In giving its advice and consent to ratification, it is the sense of the Senate that:

(1) The criminal jurisdiction provisions of Article VII do not constitute a precedent for future agreements;

(2) Where a person subject to the military jurisdiction of the United States is to be tried by the authorities of a receiving state, under the treaty the Commanding Officer of the armed forces of the United States in such state shall examine the laws of such state with particular reference to the procedural safeguards contained in the Constitution of the United States;

(3) If, in the opinion of such Commanding Officer, under all the circumstances of the case, there is danger that the accused will not be protected because of the absence or denial of constitutional rights he would enjoy in the United States, the Commanding Officer shall request the authorities of the receiving state to waive jurisdiction in accordance with the provisions of paragraph 3(c) of Article VII (which requires the receiving state to give "sympathetic consideration" to such request) and if such authorities refuse to waive jurisdiction, the Commanding Officer shall request the Department of State to press such request through diplomatic channels and notification shall be given by the Executive Branch to the Armed Services Committees of the Senate and House of Representatives;

(4) A representative of the United States to be appointed by the Chief of Diplomatic Mission with the advice of the senior U.S. military representative in the receiving state will attend the trial of any such person by the authorities of a receiving state under the agreement, and any failure to comply with the provisions of paragraph 9 of Article VII of the Agreement shall be reported to the Commanding Officer of the armed forces of the United States in such state who shall then request the Department of State to take appropriate action to protect the rights of the accused, and notification shall be given by the Executive Branch to the Armed Services Committees of the Senate and House of Representatives.

§ 151.7 Fair trial guarantees.

The following is a listing of "fair trial" safeguards or guarantees which are considered to be applicable to U.S. state court criminal proceedings, by virtue of the 14th Amendment as interpreted by the Supreme Court of the United States. The list is intended as a guide for the preparation of country law studies prescribed by § 151.3(d), and for the determinations made by the designated commanding officer pursuant to § 151.3 (e) through (g). Designated commanding officers should also consider in this connection other factors which could result in a violation of due process of law in state court proceedings in the United States.

(a) Criminal statute alleged to be violated must set forth specific and definite standards of guilt.

(b) Accused shall not be prosecuted under an ex post facto law.

(c) Accused shall not be punished by bills of attainder.

(d) Accused must be informed of the nature and cause of the accusation and have a reasonable time to prepare a defense.

(e) Accused is entitled to have the assistance of counsel for his defense.

(f) Accused is entitled to be present at his trial.

(g) Accused is entitled to be confronted with witnesses against him.

(h) Accused is entitled to have compulsory process for obtaining witnesses in his favor.

(i) Use of evidence against the accused obtained through unreasonable search or seizure or other illegal means is prohibited.

(j) Burden of proof is on the Government in all criminal trials.

(k) Accused is entitled to be tried by an impartial court.

(l) Accused may not be compelled to be a witness against himself. He shall be protected from the use of a confession obtained by torture, threats, violence, or the exertion of any improper influence.

(m) Accused shall not be subjected to cruel and unusual punishment.

(n) Accused is entitled to be tried without unreasonable (prejudicial) delay.

(o) Accused is entitled to a competent interpreter when he does not understand the language in which the trial is conducted and does not have counsel proficient in the language both of the court and of the accused.

(p) Accused is entitled to a public trial.

(q) Accused may not be subjected to consecutive trials for the same offense which are so vexatious as to indicate fundamental unfairness.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-3812; Filed, Apr. 6, 1967; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Lake Mead and Lake Mohave (Colorado River), Ariz.-Nev.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.645 is hereby prescribed to govern the use and navigation of restricted areas at Hoover Dam, Nev., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.645 Hoover Dam, Lake Mead, and Lake Mohave (Colorado River), Ariz.-Nev.

(a) *Lake Mead and Lake Mohave; restricted areas*—(1) *The areas.* That

portion of Lake Mead extending 700 feet upstream of the axis of Hoover Dam and that portion of Lake Mohave (Colorado River) extending 4,500 feet downstream of the axis of Hoover Dam.

(2) *The regulations.* The restricted areas shall be closed to navigation and other use by the general public. Only vessels owned by or controlled by the U.S. Government and the States of Arizona and Nevada shall navigate or anchor in the restricted areas: *Provided, however,* The Regional Director, Region 3, U.S. Bureau of Reclamation, Boulder City, Nev., may authorize, by written permit, individuals or groups to navigate or anchor in the restricted areas when it is deemed in the public interest. Copies of said permits shall be furnished the enforcing agencies.

(b) *Lake Mead; speed regulation.* In that portion of Lake Mead extending 300 feet upstream of the restricted area described in paragraph (a) of this section, a maximum speed of 5 miles per hour shall not be exceeded.

(c) *Enforcement.* The regulations in this section shall be enforced by the Superintendent, Lake Mead National Recreation Area, National Park Service, and such other agencies as he may designate.

[Regs., Mar. 21, 1967, 1507–32 (Lake Mead and Lake Mohave (Colorado River), Ariz.-Nev.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-3811; Filed, Apr. 6, 1967; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as follows:

PART 122—ENVELOPES

I. In § 122.4, a new paragraph (g) is added to state that window envelopes may not be used for business reply mail.

§ 122.4 Window envelopes.

• • • • •

(g) They may not be used for business reply mail under the provisions of § 131.2 (c) (1) of this chapter.

NOTE: The corresponding Postal Manual section is 122.4g.

PART 148—POSTAGE DEFICIENCIES

II. A new Part 148 is added which relates to postage deficiencies developed by audit of post office records.

§ 148.1 Deficiencies developed by audit.

(a) *Developed by Postal Inspector audit—(1) Amounts of $100 or less.* The postmaster must, upon the request of the inspector, increase the proper revenue account by the amount of the deficiency. If the amount due is not collected at the time of the inspector's request, the postmaster must enter the item in A/C 11919, suspense, and liquidate the item within 30 days by collection from the mailer or with personal funds.

(2) *Amounts over $100.* The report of the deficiency will first be reviewed by the Classification and Special Services Division. By report on Form 3581, Notice of Postage Deficiency, the Classification and Special Services Division will notify the proper postal data center of the amount of the postage deficiency. A Form 813, Statement of Differences, will be issued by the postal data center to the postmaster, accompanied with a copy of Form 3581. When Form 813 is received from the postal data center the postmaster must immediately enter the deficiency in A/C 11935, Audit Difference Due United States, carry the item in A/C 11919, suspense, and take immediate action to collect the amount due from the mailer. If collection is not made within 30 days, the matter must be reported to the regional controller.

(b) *Developed by local financial examination or audit.* Whenever a postage deficiency is developed as result of an examination or audit performed in accordance with § 126.6(f) of this chapter, immediate steps must be taken to collect the deficiency and account for the revenue in the proper account. If the amount is $100 or less, the postmaster must enter the item in A/C 11919, suspense, and liquidate the item within 30 days by collection from the mailer or with personal funds. If the amount is over $100 and collection is not made within 15 days, the matter must be reported to the local inspector in charge. After attention by an inspector, the report of the deficiency will be reviewed by Classification and Special Services Division and handled as provided in paragraph (a) (2) of this section.

NOTE: The corresponding Postal Manual section is Part 148.

PART 149—MATTER DEPOSITED IN MAIL BOXES WITHOUT PREPAYMENT

III. A new Part 149 is added to show regulations regarding mail deposited in mail boxes without prepayment. These regulations were formerly contained in section 335.5 of the Postal Manual, but were not published in Title 39, Code of Federal Regulations.

§ 149.1 Mailable matter found in private mail boxes without prepayment of postage.

(a) *Penalty.* Whoever knowingly and willfully deposits any mailable matter such as statements of account, circulars, sale bills, or other like matter, on which no postage has been paid, in any letterbox established, approved, or accepted by the Postmaster General for the receipt or delivery of mail matter on any route with intent to avoid payment of lawful postage thereon, shall for each such offense be fined not more than $300. (18 U.S.C. 1725.)

(b) *Collection of postage.* Matter found in private mail boxes provided for the receipt of mail matter shall be treated as subject to postage. If the person or firm responsible for improperly depositing matter in mail receptacles is known and is within the delivery area of the post office, the local postmaster shall make demand for the total postage chargeable on all pieces. The postmaster shall also inform the person or firm that the practice is a violation of the law. See paragraph (a) of this section. An equivalent amount of postage due stamps affixed to a sheet of paper and properly canceled as a receipt for money collected shall be given the person or firm. If payment is in form of uncanceled stamps or meter stamps, they will be affixed to a sheet, canceled and returned as a receipt for payment. No other receipt will be issued.

(c) *Report to other office.* If the person or firm making improper use of private mail boxes is located at another post office, send a sample piece with a report of the facts to the postmaster at that location with request that he take the action in paragraph (b) of this section.

(d) *Repeated violations.* If a person or firm continues the improper practice after proper warning, the postmaster shall submit a sample piece and a report of the facts to the postal inspector in charge.

NOTE: The corresponding Postal Manual section is Part 149.

As the foregoing amendments to Title 39, Code of Federal Regulations, relate to a proprietary function of the Government and do not affect substantive rights, public rule making procedures and advance notice as well as a delayed effective date are unnecessary and would be contrary to the public interest.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

MARCH 31, 1967.

[F.R. Doc. 67-3826; Filed, Apr. 6, 1967; 8:46 a.m.]

PART 143—METERED STAMPS

Setting Meters Locally

A notice of proposed revisions to § 143.3 of Title 39, Code of Federal Regulations was published in the FEDERAL REGISTER of December 29, 1966 (31 F.R. 16625), consisting of title changes to paragraphs (a) and (b) to "Sealing meter" and "Setting meter" respectively. Another proposed revision was the renumbering of § 143.3(b)(2) to § 143.3(c) and the modification of the material therein by the addition of a new condition under which the postmaster who serves the place where a mailer is located may, when it will be convenient to the mailer, set a meter for use in paying postage on mail presented at another post office. Interested persons were given 30 days in which to submit written comments concerning the proposal. After consideration of the comments received, the Department has reached the conclusion to adopt the proposed amendments. Accordingly, the amendments to be effective 30 days following the date of publication of this notice read as follows:

§ 143.3 Use of meter.

(a) *Sealing meter.* A patron may not have any postage meter in his possession until it has been set and sealed at the post office that issued the license or, if more convenient, at one of its stations or branches where meters are set. A Meter Record Book, Form 3602-A, is issued at the time of initial setting. When the Meter Record Book is filled, a new one will be issued without charge.

(b) *Setting meter.* A meter licensee must bring the meter and Meter Record Book to the post office or station or branch where it was first set, for resettings and payments of postage. Postage must be paid at time of setting. Advance deposits for meter settings may not be accepted. The postmaster will issue a Meter Setting Receipt, Form 3603, for the amount of postage paid. If a meter is not reset within a 6-month period, it must be presented with Meter Record Book, showing daily register readings, at the post office, station, or branch where last set, for examination.

(c) *Setting meter for use at another post office.* The postmaster who serves the place where a mailer is located may, when it will be a convenience to the mailer, set a meter under the following conditions for use in paying postage on mail to be presented at another post office:

(1) The postmaster must obtain through his Regional Director, from the Regional Director in whose Region the post office of mailing is located, a written statement showing that the post office of mailing has adequate facilities for accepting the mail and that it is served by transportation facilities which will enable the mailings to be effectively and economically handled in the postal transportation patterns.

(2) A meter license must be obtained from the post office where the mailing is to be presented. (See § 143.2(a).) When the license is received, it must be presented to the local post office with the meter for setting. The license will be returned to the licensee.

(3) A separate meter must be used for each post office. The postmark die must show the name of the post office of mailing.

(4) Payment for each meter setting must be made by certified or bank cashier's check payable to the postmaster at the post office where mailings will be made. The check must be presented to the local post office when the meter is set.

(5) The postmaster setting the postage meter will complete Form 3618 in duplicate. The original of this form with the check and a stamped, self-addressed envelope furnished by the mailer for return of Form 3603 will be sent in a post office penalty envelope to the postmaster where mailings are to be made. A record of each setting shall be entered on Form 3610 at the office where the mailings are made.

(6) Mail may not be consigned to the post office in bulk by freight, express, or other carrier. It must be presented at a designated receiving point in the post office by the mailer's representative. The postmaster may not act as the mailer's representative and the Department has no responsibility for the articles until they are actually accepted in the mail. See Part 152 of this chapter concerning carriage of letters outside the mail.

(7) Matter sent to other post offices for mailing must be shipped in private containers. The total weight of pieces placed in containers such as cartons, crates, etc., which are to be handled by postal employees must not exceed 80 pounds. Post offices will not furnish mail sacks for this purpose.

(8) When the use of a meter is discontinued, it must be presented to the post office where it was set, for checking out of service. Any postage adjustment will be made by the postmaster where the mailings have been made.

(d) *Faulty mechanism.* If the printing and recording mechanism is faulty in any way, do not use the meter but take it promptly to the post office, branch, or station where it is regularly set, for checking out of service.

(e) *Discontinuance.* When a licensee discontinues the use of a postage meter, it must be taken with the Meter Record Book to the post office. If the licensee has not notified the manufacturer of his intention to check out the meter, the postmaster must promptly request the manufacturer to call for the meter. The postmaster should also furnish the meter readings at time of check out to the manufacturer's representative to complete his record, since the descending register will have been cleared to zero or the lowest possible setting at that time. Unused postage in the meter may be transferred to another meter used by the licensee and registered at the same post office, or the postmaster may refund the amount in accordance with provisions on the license form. The Meter Record Book is returned to the licensee and should be kept on file for at least 1 year from date of final entry. Application for refund should be made on Form 3533, Application and Voucher for Refund of Postage and Fees, or on a special form furnished by the meter manufacturer.

(f) *Refunds for unused meter stamps.* When complete and legible meter stamps cannot be used because of misprints, spoiled envelopes or cards, and the like the licensee may apply to the postmaster for refund of postage up to 90 percent of postage value. (See § 147.2 of this chapter.)

NOTE: The corresponding Postal Manual section is 143.3.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

APRIL 4, 1967.

[F.R. Doc. 67-3827; Filed, Apr. 6, 1967; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Subchapter E is amended by the addition of a new Part 101–32 to establish a significantly numbered part in Subchapter E to provide for Government policies, procedures, and guidelines related to the management of automated data services and to continue in effect the provisions of Federal Property Management Regulations, Temporary Regulation No. H–3, dated September 26, 1966, providing guidance on the release and acquisition of electrical accounting machines which are leased by the Government from a supplier and the procedures for reporting and acquisition of such machines.

Subchapter E is amended by the addition of new Part 101–32, as follows:

Sec.
101–32.000 Scope of part.

Subpart 101–32.1—Revolving Fund [Reserved]

Subpart 101–32.2—Automatic Data Processing Resources Utilization Program [Reserved]

Subpart 101–32.3—Utilization of Excess

101–32.301 Electrical accounting machines.
101–32.301–1 Definition.
101–32.301–2 Reporting.
101–32.301–3 Transfers.

Subpart 101–32.4—Procurement and Contracting [Reserved]

Subpart 101–32.5—Maintenance and Repair [Reserved]

Subpart 101–32.6—Assistance to Federal Agencies [Reserved]

Subparts 101–32.7—101–32.47 [Reserved]

Subpart 101–32.48—Exhibits

101–32.4800 Scope of subpart.
101–32.4801 Government-wide ADP Resources Utilization Program coordinators and exchanges.

Subpart 101–32.49—Illustrations of Forms [Reserved]

AUTHORITY: The provisions of this Part 101–32 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101–32.000 Scope of part.

This part provides policies, procedures, and guidelines pertaining to the Government-wide management of automated data services including revolving fund, resources utilization, utilization of excess, procurement and contracting, maintenance and repair, and related subjects.

NOTE: As material related to this subject is developed in final form, it will be promulgated in an appropriate subpart of this Part 101–32.

Subpart 101–32.1—Revolving Fund [Reserved]

Subpart 101–32.2—Automatic Data Processing Resources Utilization Program [Reserved]

Subpart 101–32.3—Utilization of Excess

§ 101–32.301 Electrical accounting machines.

Leased electric accounting machines which are determined to be excess pursuant to § 101–43.104–5 of this chapter shall be reported and transferred as provided in this § 101–32.301. This equipment includes:

(a) Government-leased; or

(b) Leased by Government contractors under cost reimbursement contracts and subcontracts when the total costs of such equipment are applied as a direct charge to such contracts (equipment used in performance of multiple contracts and the cost of which constitutes an indirect expense charged to overhead is excluded).

§ 101–32.301–1 Definition.

Electrical accounting machines (EAM) are conventional punchcard equipment such as punches, verifiers, sorters, collators, tabulators, calculators, etc.

§ 101–32.301–2 Reporting.

Except for line items with an acquisition cost of less than $1,500, excess leased EAM shall be reported to the Interagency ADP Resources Utilization Coordinator at the appropriate GSA regional office shown in § 101–32.4801. This shall be accomplished by transmitting a copy of the equipment discontinuation notification to the supplier, together with the name, address, and telephone number of the person to contact in the reporting agency.

§ 101–32.301–3 Transfers.

Prior to acquisition of available excess leased EAM equipment, agencies shall assure that the criteria for selection and acquisition of automatic data processing equipment contained in Bureau of the Budget Circular No. A–54 is met.

(a) Agencies desiring to acquire leased EAM may contact one or more of the Interagency ADP Resources Utilization Coordinators at GSA regional offices shown in § 101–32.4801 for advice on availability of such equipment. The GSA regional office will advise as to the availability of equipment and furnish the name, address, and telephone number of the contact in the releasing activity. The acquiring agency will then arrange with the holding agency for transfer of the equipment and notify the supplier of the proposed action.

(b) When a transfer is arranged, a copy of the correspondence confirming the transfer will be furnished by the transferee to the GSA regional office concerned addressed as shown in § 101–32.4801. The acquiring agency will be responsible for rental charges of equipment while in transit.

(c) The costs of care and handling of leased equipment prior to the release date designated by the holding agency, including movement and temporary storage, shall be borne by the holding agency. Costs incurred in the actual packing, preparation for shipment, loading, and transportation are the responsibility of the acquiring agency.

Subpart 101–32.4—Procurement and Contracting [Reserved]

Subpart 101–32.5—Maintenance and Repair [Reserved]

Subpart 101–32.6—Assistance to Federal Agencies [Reserved]

Subparts 101–32.7—101–32.47 [Reserved]

Subpart 101–32.48—Exhibits

§ 101–32.4800 Scope of subpart.

This subpart provides information concerning the addresses of the Interagency ADP Resources Utilization Coordinators and ADP sharing exchanges.

§ 101–32.4801 Government-wide ADP Resources Utilization Program coordinators and exchanges.

GSA CENTRAL OFFICE, WASHINGTON, D.C.

Chief, Resources Utilization Branch—FTIR, General Services Administration, Office of Automated Data Management Services, FSS, Seventh and D Streets SW., Room 6662D, Washington, D.C. 20407. Telephone: IDS Code 13–35272, FTS 202–963–5272.

GSA REGION 1, BOSTON, MASS.

[1] Regional Interagency ADP Resources Utilization Coordinator—1FT, General Services Administration, Post Office and Courthouse Building, Boston, Mass. 02109. Telephone: FTS 617–223–2663.

GSA REGION 2, NEW YORK, N.Y.

[1] Regional Interagency ADP Resources Utilization Coordinator—2FT, General Services Administration, 30 Church Street, New York, N.Y. 10007. Telephone: FTS 212–264–8349.

Philadelphia ADP Sharing Exchange (2015/00), Veterans Administration, Post Office Box 8079, Philadelphia, Pa. 19101. Telephone: FTS 215–438–5629.

GSA REGION 3, WASHINGTON, D.C.

Regional Interagency ADP Resources Utilization Coordinator—3FTIR, General Services Administration, Seventh and D Streets SW., Washington, D.C. 20407. Telephone: IDS Code 13–35272, FTS 202–963–5272.

Central ADP Sharing Exchange—FTIR, General Services Administration, Seventh and D Streets SW., Room 6662A, Washington, D.C. 20407. Telephone: IDS Code 13–20381, FTS 202–962–0381.

GSA REGION 4, ATLANTA, GA.

[1] Regional Interagency ADP Resources Utilization Coordinator—4FT, General Services Administration, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Telephone: FTS 404–526–5772.

Mississippi, Alabama, and Slidell, La., ADP Sharing Exchange, National Aeronautics and Space Administration, Computation Laboratory (R–COMP–MR), George C. Marshall Space Flight Center, Huntsville, Ala. 35812. Telephone: FTS 205–876–4840.

GSA REGION 5, CHICAGO, ILL.

[1] Regional Interagency ADP Resources Utilization Coordinator—5FT, General Services Administration, U.S. Courthouse and Federal Building, 219 South Dearborn Street, Chicago, Ill. 60604. Telephone: FTS 312–828–5406.

GSA REGION 6, KANSAS CITY, MO.

[1] Regional Interagency ADP Resources Utilization Coordinator—6FT, General Services Administration, Federal Building, 1500 East Bannister Road, Kansas City, Mo. 64131. Telephone: FTS 816–361–7540.

St. Louis ADP Sharing Exchange, General Services Administration, 1640 Federal Office Building, 1520 Market Street, St. Louis, Mo. 63103. Telephone: FTS 314–622–4579.

GSA REGION 7, FORT WORTH, TEX.

[1] Regional Interagency ADP Resources Utilization Coordinator—7FT, General Services Administration, 819 Taylor Street, Fort Worth, Tex. 76102. Telephone: 817–334–2516.

South Texas ADP Sharing Exchange, National Aeronautics and Space Administration, Manned Spacecraft Center, Houston, Tex. 77058. Telephone: FTS 713–483–4688.

GSA REGION 8, DENVER, COLO.

[1] Regional Interagency ADP Resources Utilization Coordinator—8FT, General Services Administration, Building 41, Denver Federal Center, Denver, Colo. 80225. Telephone: FTS 303–233–3611, Extension 8495.

GSA REGION 9, SAN FRANCISCO, CALIF.

[1] Regional Interagency ADP Resources Utilization Coordinator—9FT, General Services Administration, 49 Fourth Street, San Francisco, Calif. 94103. Telephone: FTS 415–556–7877.

Los Angeles ADP Sharing Exchange (C110), Long Beach Naval Shipyard, Long Beach, Calif. 90802. Telephone: Area Code 213–831–9268.

GSA REGION 10, AUBURN, WASH.

[1] Regional Interagency ADP Resources Utilization Coordinator—10FT, General Services Administration, Regional Headquarters Building, Auburn, Wash. 98002. Telephone: FTS 206–833–5281.

Oregon ADP Sharing Exchange, Bonneville Power Administration, Portland, Oreg. 97208. Telephone: FTS 503–234–3513.

[1] Responsibilities include operation of a sharing exchange.

Subpart 101–32.49—Illustrations of Forms [Reserved]

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: March 31, 1967.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 67–3820; Filed, Apr. 6, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular No. 2225]

PART 2240—SALES AND EXCHANGES

Subpart 2244—Exchanges

LANDS SUBJECT TO EXCHANGE

The purpose of this amendment is to incorporate into the regulations the provision of the Act of July 31, 1939 (53 Stat. 1144) which permits either party to an exchange of lands to make reservations of minerals, easements, rights of use, or other interests or rights. This provision applies to lands to which title was revested in the United States by the Act of June 9, 1916 (39 Stat. 218) and to lands reconveyed to the United States by the Act of February 26, 1919 (40 Stat. 1179).

These rules involve matters relating to public property and are not required by law to be published as proposed rule making. Although this Department customarily gives such notice and follows public procedures thereon, that practice is deemed unnecessary in this case because the amendment reflects the provisions of the law and imposes no burden or obligation on any person. Accordingly, this amendment shall become effective on the date of publication in the FEDERAL REGISTER.

Subparagraph (2) of § 2244.9–1(d) is revised to read as follows:

§ 2244.9–1 O and C Lands.

* * * * * *

(d) *Lands subject to exchange.* * * *

(2) Either party to an exchange may make reservations of minerals, easements, rights of use, or other interests and rights.

* * * * * *

STEWART L. UDALL,
Secretary of the Interior.

MARCH 30, 1967.

[F.R. Doc. 67–3822; Filed, Apr. 6, 1967; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Wildlife Refuges in Idaho

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

General conditions:

Fishing shall be in accordance with applicable State regulations except for any special conditions listed.

All areas open to fishing are designated by signs and delineated on maps available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.

Sport fishing is permitted on the entire refuge year round except as stipulated under special conditions.

Special conditions:

1. Fishing is not permitted on the public hunting area during the migratory waterfowl hunting season.

2. Boats with motors may be used during daylight hours only (interpreted here to be 1 hour before sunrise to 1 hour after sunset) from April 10 through September 30, 1967.

3. Shoreline fishing is prohibited between the upper and lower embankments on the north side of the reservoir.

KOOTENAI NATIONAL WILDLIFE REFUGE

Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.

Sport fishing is permitted on Kootenai River, Deep Creek, and Myrtle Creek year round except during the migratory waterfowl hunting season.

MINIDOKA NATIONAL WILDLIFE REFUGE

Minidoka National Wildlife Refuge, Route 4, BSFW, Rupert, Idaho 83350.

Sport fishing is permitted on the entire refuge year round except as stipulated under special conditions.

Special conditions:

1. Fishing is not permitted on Lake Walcott during the migratory waterfowl hunting season.

2. Boats with or without motors may be used during daylight hours only (interpreted here to be 1 hour before sunrise to 1 hour after sunset) from April 10 through September 30, 1967.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through April 30, 1968.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 28, 1967.

[F.R. Doc. 67–3842; Filed, Apr. 6, 1967; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular No. 2225]

PART 2240—SALES AND EXCHANGES

Subpart 2244—Exchanges

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The purpose of this amendment is to incorporate into the regulations the provision of the Act of July 31, 1939 (53 Stat. 1144) which permits either party to an exchange of lands to make reservations of minerals, easements, rights of use, or other interests or rights. This provision applies to lands to which title was revested in the United States by the Act of June 9, 1916 (39 Stat. 218) and to lands reconveyed to the United States by the Act of February 26, 1919 (40 Stat. 1179).

These rules involve matters relating to public property and are not required by law to be published as proposed rule making. Although this Department customarily gives such notice and follows public procedures thereon, that practice is deemed unnecessary in this case because the amendment reflects the provisions of the law and imposes no burden or obligation on any person. Accordingly, this amendment shall become effective on the date of publication in the FEDERAL REGISTER.

Subparagraph (2) of § 2244.9–1(d) is revised to read as follows:

§ 2244.9–1 O and C Lands.

* * * * *

(d) * * *

(2) Reservations of minerals, easements, rights of use, or other interests and rights.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

MARCH 30, 1967.

[F.R. Doc. 67–3822; Filed, Apr. 6, 1967; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

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General conditions:

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All areas open to fishing are designated by signs and delineated on maps available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Deer Flat National Wildlife Refuge, Nampa, Idaho 83651.

1. Fishing is not permitted on the public hunting area during the migratory waterfowl hunting season.

2. Boats with motors may be used during daylight hours only (interpreted here to be 1 hour before sunrise to 1 hour after sunset) from April 10 through September 30, 1967.

3. Shoreline fishing is prohibited between the upper and lower embankments on the north side of the reservoir.

KOOTENAI NATIONAL WILDLIFE REFUGE

Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.

Sport fishing is permitted on Kootenai River, Deep Creek, and Myrtle Creek year round except during the migratory waterfowl hunting season.

MINIDOKA NATIONAL WILDLIFE REFUGE

Minidoka National Wildlife Refuge, Route 4, BSFW, Rupert, Idaho 83350.

Sport fishing is permitted on the entire refuge year round except as stipulated under special conditions.

Special conditions:

1. Fishing is not permitted on Lake Walcott during the migratory waterfowl hunting season.

2. Boats with or without motors may be used during daylight hours only (interpreted here to be 1 hour before sunrise to 1 hour after sunset) from April 10 through September 30, 1967.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through April 30, 1968.

PAUL T. QUICK,
Regional Director, Bureau of

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 989]

[Docket No. AO 198–A 6]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Notice of Hearing With Respect to Proposed Amendment of Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the 10th floor auditorium, Pacific Gas and Electric Building, 1401 Fulton Street, Fresno, Calif., beginning at 9:30 a.m., P.s.t., April 24, 1967, with respect to a proposed amendment of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions which relate to the proposed amendment hereinafter set forth and to any appropriate modifications thereof.

The Raisin Administrative Committee, the administrative agency established pursuant to the amended marketing agreement and order, submitted the following amendatory proposals and requested a hearing thereon.

1. Add a new section, § 989.12a, as follows:

§ 989.12a Cooperative bargaining association.

"Cooperative bargaining association" means a nonprofit cooperative association of raisin producers engaged within the area in selling or arranging for the sale of raisins of its members.

2. Revise § 989.13 to read:

§ 989.13 Processor.

"Processor" means any person who receives or acquires natural condition raisins, off-grade raisins, other failing raisins (as defined in paragraph (f) of § 989.59), or raisin residual material and uses them or it within the area, with or without other ingredients, in the production of a product other than raisins, for market or distribution.

3. Revise § 989.14 to read:

§ 989.14 Packer.

"Packer" means any person who, within the area, stems, sorts, cleans, or seeds raisins, grades stemmed raisins, or packages raisins for market as raisins: *Provided*, That:

(a) No producer with respect to the raisins produced by him, and no group of producers with respect to raisins produced by the producers comprising the group, and not otherwise a packer, shall be deemed a packer if he or it sorts or cleans (with or without water) such raisins in their unstemmed form;

(b) Any dehydrator shall be deemed to be a packer, with respect to raisins dehydrated by him, only if he stems, cleans with water subsequent to such dehydration, seeds or packages them for market as raisins;

(c) The committee may, with the approval of the Secretary, restrict the exceptions in paragraphs (a) and (b) of this section as to permitted cleaning if necessary to cause delivery of sound raisins; and

(d) No person shall be deemed a packer by reason of the fact he repackages for market (including any preparation therefor) raisins which, in the hands of a previous holder, have been stemmed, prepared, and packaged for market, and inspected and certified as meeting the applicable minimum grade standards for packed raisins.

§ 989.26 [Amended]

4. Revise the first sentence of § 989.26 to read: "A Raisin Advisory Board is hereby established consisting of 46 members, of whom 35 shall represent producers, 8 shall represent handlers, 2 shall represent dehydrators, and one shall represent cooperative bargaining associations."

5. Revise § 989.27 to read:

§ 989.27 Eligibility.

No person shall be selected or continue to serve as a member or alternate member of the board, who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: *Provided*, That any handler eligible to represent a particular size group at the time of his selection who later falls in a different size group shall continue to represent for the entire term the size group for which he was selected. The committee shall certify during December and January of each crop year each member's and alternate member's eligibility to continue to serve on the committee.

6. Revise § 989.28 to read:

§ 989.28 Term of office.

(a) *Producer members.* The terms of one-third or approximately one-third of the producer members and producer alternate members of the board shall end on April 30 of each year, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified. The producer members and producer alternate members of the board shall serve for terms of 3 years beginning May 1 and ending April 30 of the third following year.

(b) *Handler, dehydrator, and cooperative bargaining association members.* The handler, dehydrator, and cooperative bargaining association members, and their respective alternates, shall each serve for terms of 1 year, beginning May 1 and ending April 30 of the following year, but each shall continue to serve until his respective successor is selected and has qualified.

7. Revise § 989.29 (a) and (b) (1) and (2) to read:

§ 989.29 Initial members and nomination of successor members.

(a) *Initial members.* Members and alternate members of the board serving immediately prior to the effective date of this amended subpart shall, if thereafter they are also eligible, continue to serve on the board as the initial members and alternate members of the board for their specified terms of office and until their respective successors have been selected and have qualified.

(b) *Nomination for successor members.* (1) The board shall give reasonable publicity of a meeting or meetings of producers, handlers, dehydrators, and cooperative bargaining associations, respectively, for the purpose of making nominations for member and alternate member positions to be filled on the board: *Provided*, That with respect to producer members and producer alternate members, a meeting or meetings shall be held in each district for which nominations are to be made to fill producer member and producer alternate member positions on the board: *And provided further*, That member and alternate member nominations of handlers, dehydrators, and cooperative bargaining associations may be made to the board by mail in lieu of meetings.

(2) Only producers, as defined in § 989.11, engaged as such with respect to the most recent grape crop in the particular district for which nominations are to be made, may nominate, or vote for, any producer member or producer alternate member for such district. Any producer so engaged as such, with respect to the most recent grape crop in the particular district for which nominations are to be made, may be nominated to represent said district as a producer member or producer alternate member of the board; in the event any

of such nominees are engaged as producers in more than one district, he may be a nominee for only one district. One or more eligible producers for each producer member position to be filled on the board may be proposed for nomination and one or more eligible producers for each alternate member position to be filled may be proposed for nomination. Each producer shall cast only one vote with respect to each position for which nomination is to be made. The person receiving a majority of the votes with respect to each producer member or producer alternate member position shall be the person to be certified to the Secretary as the nominee for each such position. In the event no person receives a majority, there shall be a runoff vote between the two persons receiving the largest number of votes. The eligibility of each producer voting in a nomination meeting shall be certified by the committee promptly after the meeting and, in the event one or more who voted was not eligible and this affected the result of the vote, another meeting shall be held and the initial meeting shall be null and void.

* * * * *

8. Revise § 989.30 to read:

§ 989.30 Selection.

The Secretary shall select producer, handler, dehydrator, and cooperative bargaining association members and alternate members in the numbers specified in § 989.26, or pursuant to § 989.26a or § 989.26b, as applicable, and with the qualifications specified in § 989.27. Such selections may be made from the nominations certified pursuant to § 989.29 or from other eligible producers, handlers, dehydrators, and cooperative bargaining association members.

9. Revise § 989.35 to read:

§ 989.35 Meetings.

The board shall meet at the call of its chairman or its vice-chairman when acting as chairman, or at the call of any 3 members.

§ 989.39 [Amended]

10. Revise the second sentence of § 989.39 to read: "Such committee shall consist of 15 members, of whom 8 shall represent producers, 5 shall represent handlers, one shall represent dehydrators, and one shall represent cooperative bargaining associations."

§ 989.40 [Amended]

11. Delete the first sentence of § 989.40.

§ 989.42 [Amended]

12. In the first sentence of § 989.42(a), delete the proviso and change the colon to a period.

13. In § 989.42, reletter paragraphs (d) and (e) to (e) and (f), respectively, and add a new paragraph (d) reading:

(d) *Cooperative bargaining association member.* The cooperative bargaining association member and alternate member on the board shall be the association nominees for member and alternate member of the committee.

14. Revise § 989.43 to read:

§ 989.43 Selection.

The Secretary shall select producer, handler, dehydrator, and cooperative bargaining association members and alternate members of the committee in the numbers specified in § 989.39 or pursuant to § 989.39 (a) or (b), as applicable, and with the qualifications specified in § 989.40. Such selections may be made from the nominations certified pursuant to § 989.42, or from any other eligible producers, handlers, dehydrators, and representatives of cooperative bargaining associations.

15. Revise § 989.57 to read:

§ 989.57 Publicity and notice.

The committee shall promptly give reasonable publicity to producers, dehydrators, handlers, and cooperative bargaining associations of each meeting to consider a marketing policy or any modification thereof, and each such meeting shall be open to them. Similar notice shall be given to producers, dehydrators, handlers, and cooperative bargaining associations of each marketing policy report or modification thereof, filed with the Secretary. Copies of all such reports shall be maintained in the office of the committee, where they shall be made available for examination by any producer, dehydrator, handler, or cooperative bargaining association.

§ 989.58 [Amended]

16. In the first sentence of § 989.58(d)(1), add a new subdivision, subdivision (vi), reading: "(vi) raisins received from a cooperative bargaining association which have been inspected pursuant to subparagraph (3) of this paragraph."

17. Add a new subparagraph, subparagraph (3), to § 989.58(d), reading:

(3) In accordance with rules and procedures established by the committee with the approval of the Secretary, handlers may receive or acquire natural condition raisins from a cooperative bargaining association which have been inspected and certified on the premises of the association. In the event there shall have been compliance with committee requirements, any handler who receives or acquires such inspected and certified raisins shall be deemed to have satisfied the requirements in subparagraph (1) of this paragraph with respect to inspection and certification of natural condition raisins received or acquired by him.

§ 989.59 [Amended]

18. Revise paragraph (c) of § 989.59 to read:

(c) *Publicity and notice.* The committee shall give prompt and reasonable notice to producers, dehydrators, handlers, and cooperative bargaining associations of each recommendation submitted by it to the Secretary and of each regulation issued by the Secretary. Notice of such regulation shall be given to all handlers of record by registered or certified mail.

19. In the first sentence of § 989.59 (f), delete the words "any raisins acquired by a handler as standard raisins which subsequently fail to meet the applicable grade and condition standards for shipment or final disposition as raisins", and substitute therefor "other failing raisins"; and following the first sentence of § 989.59(f), insert "For purposes of disposition and reporting, 'other failing raisins' means any raisins received or acquired by a handler either as standard raisins, or as off-grade raisins, which are processed to a point where they qualify as packed raisins and fail to meet the applicable minimum grade standards for packed raisins."

§§ 989.63, 989.64 [Amended]

20. Amend §§ 989.63, 989.64, and any other provisions as necessary to incorporate a new concept regarding preliminary percentages which would include but not be limited to the following: "During the forepart of any crop year in which the designation of percentages is anticipated, and prior to the effective time of such designations, handlers may be required by the committee, with the approval of the Secretary, to set aside a specified portion of their acquisitions for the account of the committee and under its control."

21. Revise paragraph (c) of § 989.64 to read:

(c) The Secretary shall notify the committee promptly of each such percentage so fixed. The committee shall give prompt and reasonable publicity thereof to producers and shall notify handlers, dehydrators, and cooperative bargaining associations of such percentages by registered or certified mail.

§ 989.65 [Amended]

22. Amend § 989.65 by adding at the end thereof: "However, no handler other than a cooperative association of producers shall ship or otherwise dispose of any free tonnage raisins not of his own production on which he has yet to agree with the producers as to the specific price per ton to be paid, and such agreement shall be in writing and available for examination by the committee. Any shipment or disposition of raisins which exceeds the quantity complying with this requirement as to price agreement shall be a violation of the handler's allotment and, hence, of section 8(a)(5) of the Act."

23. Revise paragraph (f) of § 989.66 to read:

§ 989.66 Reserve and surplus tonnage generally.

* * * * *

(f) Handlers shall be compensated for receiving, storing, handling, and inspection of reserve and surplus tonnage raisins held by them for the account of the committee, in accordance with a schedule of payments established by the committee and approved by the Secretary. A box rental shall be paid by the committee to producers or handlers for boxes used in storing reserve or surplus ton-

nage raisins beyond the crop year of acquisition in accordance with a rental schedule established by the committee and approved by the Secretary. Any handler may request the committee at any time after July 15, by registered or certified mail, to remove all surplus tonnage raisins held for the account of the committee and remaining in his possession from any previous crop year, and at any time after July 15 of any crop year may request removal of all surplus tonnage raisins remaining in his possession from the current crop year, and may request that the committee provide the necessary containers for such removal. In this event, the committee shall make the removal by September 15 of the subsequent crop year, supplying the necessary containers if so requested. If any handler makes such a request, the committee shall immediately give notice thereof to the Secretary.

• • • • •

24. Revise paragraph (a) of § 989.68 to read:

§ 989.68 Disposal of surplus raisins.

(a) The committee shall dispose of all surplus tonnage raisins in such a manner as to achieve, as nearly as may be practicable, complete disposal of such raisins by or before December 1 of the subsequent crop year. Any surplus tonnage raisins held unsold by the committee on December 1 of the subsequent crop year shall be physically disposed of promptly in any available outlet not competitive with normal market channels for free tonnage raisins or sales of surplus tonnage raisins in export: *Provided*, That whenever the Secretary approves a finding by the committee or finds, on the basis of information otherwise available to him that, because of national emergency, crop failure or other major change in economic conditions, retention of surplus tonnage raisins carried over is warranted, the foregoing requirements as to disposal shall not apply and such carried over raisins may be disposed of in any outlet recommended by the committee and approved by the Secretary.

• • • • •

25. Revise § 989.84 to read:

§ 989.84 Disposition limitation.

No handler shall dispose of free, reserve, or surplus tonnage raisins, offgrade raisins, or other failing raisins, except in accordance with the provisions of this subpart of pursuant to regulations and instructions issued by the committee.

§§ 989.26b, 989.96 [Amended]

26. Consider revising §§ 989.26b and 989.96 *Exhibit A* so as to provide, effective with the term of office beginning May 1, 1968, as follows: "The producer membership of the Raisin Advisory Board shall consist of no less than one member and one alternate member for each of the 21 districts. The remaining 14 members and alternate members shall be allocated to the various districts so as to achieve, as nearly as possible, representation by each member and alternate member of one thirty-fifth of the total number of producers. Producer representation shall be reviewed each 5 years and changes made as necessary to maintain this representation. In any district where the representation would be reduced, all members' terms would be terminated and new nominations and selections for the reduced number of positions shall be made."

§§ 989.39, 989.39b [Amended]

27. Consider revising §§ 989.39 and 989.39b to provide: "Effective with the term of office beginning June 1, 1968, each producer member and alternate producer member shall represent, as nearly as possible, one-eighth of the total number of producers. Producer representation shall be reviewed each 5 years and changes made in the nominations and selections so as to maintain this representation."

28. Delete present §§ 989.54, 989.55, 989.56, and insert the following in lieu thereof:

§ 989.54 Marketing policy.

(a) As soon as practicable after February 1 and no later than April 30 for years subsequent to 1967, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the ensuing crop year. In formulating such marketing policy the committee shall consider and shall include in its report to the Secretary, the following estimates and recommendations with respect to any varietal type on which volume regulations is intended:

(1) The likely carryover of free and surplus raisins as of September 1;

(2) The trade demand in free tonnage outlets;

(3) The trade demand in surplus tonnage outlets;

(4) The desirable carryout of free and surplus raisins at the end of the ensuing crop year;

(5) The salable quantity of such raisins to be allowed to be received by handlers;

(6) The producer allotment percentage for the ensuing crop year computed by dividing the salable quantity by the total of all producer allotment bases established pursuant to § 989.63;

(7) The tonnage of standard raisins which handlers may acquire and use as free tonnage (referred to as the "desirable free tonnage");

(8) The free and surplus percentages to be applied to any varietal type; and

(9) Other estimates or recommendations pertinent to the ensuing crop and relating to grade or volume regulation, unfair trade practices or other matters.

(b) The committee shall file with the Secretary, with each report of marketing policy or modification thereof, a verbatim record of the meeting or portion of the meeting relating thereto.

§ 989.55 Modification.

(a) At any time before February 15 of each crop year, the committee shall convene for the purpose of reviewing and to modify it, if appropriate, within the limitations stated hereafter. A report of such review and modification shall be prepared and submitted to the Secretary.

(b) The salable quantity and the producer allotment percentage shall not be modified once established by the Secretary.

(c) A recommendation for modification of the desirable free tonnage shall occur no later than August 15 prior to the crop year to which it applies.

(d) The committee shall recommend an increase in the free percentage and a decrease in the surplus percentage if necessary to supply handlers with a free tonnage equal to the desirable free tonnage.

§ 989.56 Establishment.

(a) If for any crop year the Secretary finds, on the basis of the committee's recommendation or other information, that limiting the quantity of raisins that may be freely marketed from any crop would tend to effectuate the declared policy of the act, he shall determine the salable quantity of raisins of any varietal type which handlers may acquire. The salable quantity shall be prorated among producers by applying an allotment percentage to each producer's base quantity. The allotment percentage shall be established by the Secretary and shall be equal to the salable quantity divided by the total of all producer allotment bases established pursuant to § 989.63.

(b) If on the basis of the committee's recommendation and other information, the Secretary concurs in the likely need for establishment of percentages for any varietal type, he shall establish the desirable free tonnage which handlers may acquire and use as free tonnage. Such establishment of the desirable free tonnage, or modification thereof, shall be made as soon as practicable after receiving the recommendation of the committee.

(c) If on the basis of the committee's recommendation and other information, the Secretary concurs in the need for establishment of free and surplus percentages, or modification thereof, he shall establish them as soon as practicable after receiving the recommendation of the committee. The sum of such percentages for any crop year shall equal 100 percent.

29. Delete present §§ 989.63 and 989.64 and insert in lieu thereof the following:

§ 989.63 Allotment of salable quantity.

(a) *Allotment bases.* (1) An allotment base shall be assigned to each producer. Such allotment base shall be the higher of:

(i) His sales in the 1965 crop year, or

(ii) His sales in the 1966 crop year.

(2) In accordance with this paragraph (a) and based on reports of handlers, producer certifications and other information, the committee shall establish each producer's allotment base and, except as hereinafter provided, assign such base quantity to such producer. The right of each producer, or his legal successor in interest, to receive such base quantity or to retain all or a part of such quantity shall be dependent upon his continuing to make a bona fide effort to produce at least a portion of his annual allotment.

(b) *Additional allotment bases.* Each crop year the committee shall consider the need for granting, and if appropriate grant, with the approval of the Secretary, additional allotment bases, to either a new producer or an existing producer, for such purposes as satisfying the demand for one or more varieties, providing more equitable allotment bases or adjusting the total of all allotment bases to the trade demand. Administration of this provision shall be in accordance with such rules and regulations as the committee, with the approval of the Secretary, may prescribe.

(c) *Issuance of annual allotments.* As early as possible in each calendar year, the committee shall issue to each producer an annual allotment determined by applying the allotment percentage established pursuant to § 989.56 to the producer's allotment base. The committee shall require each producer to qualify for his allotment by filing with the committee an RAC Form wherein the producer states such things as where he intends to produce his annual allotment, the acreage he intends to harvest, changes of location, if any, and such other information as is necessary to administer this part. Where a producer's acreage will be insufficient to produce his computed annual allotment, the committee shall make an appropriate reduction in the allotment it issues. The committee shall recognize any assignment of an annual allotment, or portion thereof, by a producer to a dehydrator or another producer delivering the assignor's allotted quantity, in whole or part, and shall issue authorizations whereby handlers may receive the varietal type from the assignees.

§ 989.64 Transfers.

(a) Of locations: A producer may transfer from the location(s) where he produces his annual allotment to other land which he owns, rents, or leases, except that if he is leasing or renting the original land, no further annual allotments shall be issued unless the owner of such land consents to the transfer. The committee shall, by such means as are provided in § 989.63(c), obtain information as to the location(s) where each producer intends to produce each annual allotment.

(b) To another producer: A producer may transfer all or part of an allotment base from himself to another producer, but if the transferor is not the owner of the producing acreage, the concurrence of the owner shall be required prior to the committee's granting an annual allotment on such allotment base. Also, such a transfer shall be recognized only upon the transferor and transferee so notifying the committee in writing and the transferee submitting evidence of capability to produce and harvest the annual allotment referable thereto.

(c) The committee shall administer this section pursuant to rules and regulations established by the committee with the approval of the Secretary.

§ 989.66 [Amended]

30. Delete those provisions of § 989.66 relating to reserve tonnage.

31. Delete present § 989.67 and insert in lieu thereof the following:

§ 989.67 Excess over allotments.

(a) *General.* Raisins that are in excess of an effective individual producer annual allotment, or the total of such allotments to members of a cooperative marketing association, shall be excess surplus raisins. Such excess raisins may be sold or transferred to producers capable of using them to satisfy a deficiency of production relative to their annual allotment. However, no handler shall acquire or handle excess surplus raisins except for the account of the committee. Any producer, or dehydrator selling or delivering such excess to other than the committee or its designees or to a producer satisfying a deficiency, as provided in this paragraph, shall be a handler relative to such transaction. Any producer may dispose of excess surplus raisins of his own production within his own livestock feeding or other farming operation, or, may deliver them to the committee for inclusion in the excess portion of the surplus pool.

(b) *Pooling.* Excess surplus raisins held by a handler or other designee of the committee and those delivered directly to the committee or its designee shall be disposed of as soon as practicable in nonhuman consumption outlets, at the best terms and conditions obtainable, and the proceeds, after deduction of expenses, shall be returned to the equity holders.

The Raisin Bargaining Association, Fowler, Calif., a nonprofit cooperative association, submitted the following amendatory proposal and requested that it be included in this notice of hearing.

§§ 989.63, 989.64 [Amended]

32. Revise §§ 989.63, 989.64, and other provisions as necessary to achieve volume regulation by providing for free and surplus tonnages as indicated in the following:

a. On or before September 1 of each crop year the committee shall determine the desirable amount of tons to be released through the free tonnage outlet for each crop year. This tonnage shall be designated as "desirable free tonnage".

b. During the forepart of any crop year in which the designation of preliminary percentages is anticipated, and prior to the effective time of such designations, handlers may be required by the committee, with the approval of the Secretary, to set aside a specified portion of their acquisitions for the account of the committee and under its control.

c. On or before October 5 of each crop year the committee shall determine a preliminary free tonnage percentage; this percentage shall release a preliminary free tonnage equal to 85 percent of the "desirable free tonnage." In computing the preliminary free tonnage percentage the committee shall use the latest raisin production estimate as released by the California Crop and Livestock Reporting Service and any other data which normally is used in arriving at the crop estimate.

d. On February 15 (or the following business day) the committee shall determine a final free tonnage percentage based on the latest crop estimate and which will release through the free tonnage outlet that amount of tons equal to the "desirable free tonnage"; and handlers shall purchase such increase of free tonnage at Lot less than the prices paid each respective grower for free tonnage acquired prior to the change of percentage.

C. W. Bonner, President of the Bonner Packing Co., Fresno, Calif., submitted on behalf of certain major raisin packers, the following amendatory proposals and requested that they be included in this notice of hearing.

33. Amend § 989.27 by deleting the first sentence and revising the remainder to read:

§ 989.27 Eligibility.

No person shall be selected or continue to serve as a member or alternate member of the board, who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: *Provided*, That in order to qualify for eligibility a producer shall have produced at least 25 tons of raisins during the calendar year immediately preceding, or shall have produced raisins on _____ percent of his grape acreage during such calendar year: *Provided further*, That any handler eligible to represent a particular size group at the time of his selection who later falls in a different size group shall continue to represent for the entire term the size group for which he was selected.

§ 989.29 [Amended]

34. Revise the second sentence of subparagraph (2), § 989.29(b), to read: "Any such producer so engaged in any of the districts, and qualifying under the proviso of § 989.27, may be nominated to represent any district • • •."

35. Delete all references to the reserve pool throughout the marketing order and make conforming changes where necessary.

36. Revise § 989.54 to read as follows:

§ 989.54 Marketing policy.

No later than August 15 of each crop year, the committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins in the succeeding crop year, and shall recommend to the Secretary a desirable free tonnage applicable to such crop year. The committee shall submit promptly to the Secretary, a report setting forth its marketing policy for the regulation of the handling of raisins in such crop year. The report shall include the data and information used by the committee in formulating the marketing policy, and the recommendation of the board. In developing the marketing policy the committee shall give consideration to the following factors with respect to any varietal type on which volume regulation is intended for the forthcoming crop year:

(a) The estimated tonnage held by producers, handlers and for the account of the committee at the beginning of the crop year;

(b) The expected general quality and any intended modifications of the minimum grade standards;

(c) The estimated tonnage of standard and off-grade raisins which will be produced;

(d) The estimated trade demand for such raisins in free tonnage outlets;

(e) An estimated desirable carryout at the end of the crop year for free tonnage and, if applicable, for surplus tonnage;

(f) The estimated market requirements for such raisins outside free tonnage outlets, considering the estimated world raisin supply and demand situation;

(g) Current prices being received and the probable general level of prices to be received for such raisins by producers and handlers;

(h) The trend and level of consumer income;

(i) The recommendation to the Secretary as to the tonnage of standard raisins which handlers may acquire and use as free tonnage during the crop year (referred to as the "desirable free tonnage");

(j) Any prohibition of trade practices, pursuant to § 989.62, intended for the crop year; and

(k) Any other pertinent factors bearing on the marketing of such raisins including the estimated supply of and demand for other varietal types and regulations applicable thereto.

37. Delete the provisions of § 989.55 and substitute the following:

§ 989.55 Establishment.

If on the basis of the committee's recommendation or other information the Secretary concurs in the likely need for volume regulation, he shall establish the desirable free tonnage which handlers may acquire and use in the crop year.

38. Revise subdivision (i) of § 989.59 (a) (2) to read:

§ 989.59 Regulation of the handling of raisins subsequent to their acquisition by handlers.

(a) *Regulation.* * * * (2) * * * (i) With respect to natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) Sultana and Valencia raisins, "U.S. Grade C" as defined in effective U.S. Standards for Grades of Processed Raisins, except "U.S. Grade B" for the factors of maturity, undeveloped berries, pieces of stem, and capstems; and with respect to artificially dehydrated Sultana, Golden Seedless, Sulphur Bleached, and Soda Dipped raisins, "U.S. Grade C" as defined in effective U.S. Standards for Grades of Processed Raisins, except "U.S. Grade B" for the factors of maturity and undeveloped berries. * * *

* * * * *

§ 989.62 [Amended]

39. At the end of the first sentence of § 989.62 change the period to a colon and add the following: "*Provided*, That handlers shall be prohibited from using such practices during the period September 1, 1967, through August 31, 1969."

40. Amend § 989.63 by designating paragraph (c) as (f), revising paragraphs (a) and (b), and adding new paragraphs (c), (d), and (e) to read:

§ 989.63 Recommendation for designation of percentages.

(a) If the committee concludes, which shall occur no later than October 10 of the crop year, that the tonnage of standard raisins produced, of the applicable varietal type, materially exceeds the desirable free tonnage established by the Secretary, it shall recommend free and surplus percentages to the Secretary. The committee may recommend such percentages separately for each varietal type except that no percentages may be recommended on a varietal type for which a desirable free tonnage was not previously established. The committee also shall submit, together with any recommendation with respect to percentages, the information on the basis of which such recommendation was made, and the recommendation of the board. The committee shall file with its recommendation to the Secretary a verbatim record of that portion of its meeting or meetings relating to the free and surplus percentages.

(b) The committee shall give prompt and reasonable publicity to producers, dehydrators, and handlers of each meeting to consider the recommendation of percentages and each such meeting shall be open to them. The committee shall also give similar notice to producers, dehydrators, and handlers of all such recommendations submitted to the Secretary.

(c) If on the basis of the committee's recommendation and other information, the Secretary concurs as to the need for volume regulation, he shall establish, as soon as practicable, free and surplus percentages, and the sum of such percentages for any crop year shall equal 100 percent.

(d) No later than February 15 of the crop year in which percentages are established, the committee shall determine whether the free percentage is large enough to supply handlers with the desirable free tonnage. If not, the committee shall recommend new free and surplus percentages which will result in a free tonnage equal to the desirable free tonnage. If the Secretary concurs as to the need for such change, appropriate new percentages shall be established: *Provided*, That no such new percentage shall decrease the free percentage initially designated by the Secretary.

(e) The Secretary shall notify the committee promptly of each percentage so fixed. The committee shall give prompt and reasonable publicity thereof to producers and shall notify handlers and dehydrators of such percentages by registered or certified mail.

* * * * *

§ 989.64 [Deleted]

41. Delete § 989.64.

§ 989.66 [Amended]

42. After the second sentence of § 989.66(f), insert a sentence reading: "All handler compensation shall be reviewed annually and shall be paid at least (quarterly) (monthly) as earned."

43. In § 989.68, designate paragraph (h) as paragraph (i), and add a new paragraph (h) reading:

§ 989.68 Disposal of surplus raisins.

* * * * *

(h) If the committee fixes minimum packer resale prices pursuant to provisions of a sales agreement covering surplus tonnage raisins, it shall review annually the packer margin, shrinkage allowance, and other factors which make up the spread between the committee's sale price and the minimum packer resale price. With respect to such packer margin, beginning with the crop year and occurring at least every fifth crop year thereafter, the committee shall cause individual audits to be made of packer costs. Such audits shall be made by a recognized auditing organization and the resulting data shall be considered by the committee in its annual reviews.

* * * * *

§ 989.97 [Amended]

44. Consider modifying § 989.97 *Exhibit B* so as to correlate it with proposed modifications in § 989.59.

45. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to any amendment which may result from this hearing.

Copies of this notice may be obtained from the field offices of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, either at Room 836, 630 Sansome Street, San Francisco, Calif. 94111, or at 3525 East Tulare Street, Fresno, Calif. 93702, or at the offices of the Raisin Administrative Committee, 606 East Belmont Avenue, Fresno, Calif. 93720.

Dated: April 3, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3836; Filed, Apr. 6, 1967; 8:47 a.m.]

[7 CFR Parts 1001–1004, 1015, 1016, 1094, 1096, 1103]

[Docket No. AO 293-A16, etc.]

MILK IN WASHINGTON, D.C., AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island.	AO 14-A38-R02.
1002	New York-New Jersey	AO 71-A52.
1003	Washington, D.C.	AO 293-A16.
1004	Delaware Valley	AO 160-A33.
1015	Connecticut	AO 305-A17.
1016	Upper Chesapeake Bay	AO 312-A12.
1094	New Orleans	AO 103-A25.
1096	Northern Louisiana	AO 287-A15.
1103	Mississippi	AO 346-A5.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C., beginning at 9:30 a.m., local time, on April 14, 1967, to consider proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Washington, D.C., Massachusetts-Rhode Island, New York-New Jersey, Delaware Valley, Connecticut, Upper Chesapeake Bay, New Orleans, Northern Louisiana and Mississippi marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions. With respect to the order regulating the handling of milk in the Massachusetts-Rhode Island marketing area, this hearing represents a reopening for the limited purpose stated herein of the public hearing previously held under Docket No. AO 14-A38.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This notice is issued in response to a request by cooperative associations of producers, dairy farmers, and milk handlers supplying milk to many of these areas in which the handling of milk is regulated by Federal milk orders. These persons have requested that Class I milk price levels established under these orders be reconsidered at this time.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

Signed at Washington, D.C., on April 4, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3865; Filed, Apr. 6, 1967; 8:50 a.m.]

[7 CFR Parts 1005, 1008, 1009, 1011, 1033–1036, 1040, 1041, 1043, 1046–1049, 1090, 1101]

[Docket No. AO 179-A29, etc.]

MILK IN NORTHEASTERN OHIO AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1005	Tri-State	AO 177-A29.
1008	Wheeling	AO 268-A13.
1009	Clarksburg	AO 266-A13.
1011	Appalachian	AO 251-A9.
1033	Cincinnati	AO 166-A34.
1034	Dayton-Springfield	AO 175-A25-R01.
1035	Columbus	AO 176-A22.
1036	Northeastern Ohio	AO 179-A29.
1040	Southern Michigan	AO 225-A18.
1041	Northwestern Ohio	AO 72-A31.
1043	Upstate Michigan	AO 247-A11.
1046	Louisville-Lexington-Evansville.	AO 123-A32.
1047	Fort Wayne	AO 33-A36.
1048	Youngstown-Warren	AO 325-A9.
1049	Indianapolis	AO 319-A9.
1090	Chattanooga	AO 266-A8.
1101	Knoxville	AO 195-A15.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Statler-Hilton Hotel, Euclid and East 12th Street, Cleveland, Ohio, on April 13, 1967, beginning at 9:30 a.m., local time, to consider proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Northeastern Ohio, Tri-State, Wheeling, Clarksburg, Appalachian, Cincinnati, Dayton-Springfield, Columbus, Southern Michigan, Northwestern Ohio, Upstate Michigan, Louisville-Lexington-Evansville, Fort Wayne, Youngstown-Warren, Indianapolis, Chattanooga, and Knoxville marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions.

This hearing represents a reopening for the limited purposes stated herein of the public hearing previously held under Docket No. AO 175-A25 with respect to the order regulating the handling of milk in the Dayton-Springfield marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This notice is issued in response to a request by cooperative associations of producers, dairy farmers, and milk handlers supplying milk to most of the areas in which the handling of milk is regulated by Federal milk orders. These persons have requested that Class I milk price levels established under these orders be reconsidered at this time.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

Signed at Washington, D.C., on April 4, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3864; Filed, Apr. 6, 1967; 8:49 a.m.]

[7 CFR Parts 1031, 1032, 1038, 1039, 1044, 1045, 1050, 1051, 1062–1064, 1067, 1068, 1070, 1071, 1078, 1079, 1097–1099, 1102, 1104, 1106, 1108, 1120, 1126–1130, 1132, 1138]

[Docket No. AO 23-A32-R02, etc.]

MILK IN KANSAS CITY AND CERTAIN OTHER MARKETING AREAS

Supplemental Notice Reopening Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1031	Northwestern Indiana	AO 170-A22-R02.
1032	Southern Illinois	AO 313-A13-R02.
1038	Rock River Valley	AO 194-A16-R02.
1039	Milwaukee	AO 212-A21-R02.
1044	Michigan Upper Peninsula.	AO 299-A12-R02.
1045	Northeastern Wisconsin	AO 334-A11-R02.
1050	Central Illinois	AO 355-A2-R02.
1051	Madison	AO 329-A7-R02.
1062	St. Louis	AO 10-A38-R02.
1063	Quad Cities-Dubuque	AO 105-A26-R02.
1064	Kansas City	AO 23-A32-R02.
1067	Ozarks	AO 222-A22-R02.
1068	Minneapolis-St. Paul	AO 178-A20-R02.
1070	Cedar Rapids-Iowa City	AO 229-A17-R02.
1071	Neosho Valley	AO 227-A20-R02.
1078	North Central Iowa	AO 272-A12-R02.
1079	Des Moines	AO 295-A14-R02.
1097	Memphis	AO 219-A20-R02.
1098	Nashville	AO 184-A25-R02.
1099	Paducah	AO 183-A18-R02.
1102	Fort Smith	AO 237-A15-R05.
1104	Red River Valley	AO 296-A10-R02.
1106	Oklahoma Metropolitan	AO 210-A23-R02.
1108	Central Arkansas	AO 243-A17-R02.
1120	Lubbock-Plainview	AO 328-A7-R02.
1126	North Texas	AO 231-A30-R02.
1127	San Antonio	AO 232-A17-R02.
1128	Central West Texas	AO 238-A19-R02.
1129	Austin-Waco	AO 256-A13-R02.
1130	Corpus Christi	AO 259-A16-R02.
1132	Texas Panhandle	AO 262-A14-R02.
1138	Rio Grande Valley	AO 335-A10-R02.

This notice is supplemental to the notice of hearing which was published in the FEDERAL REGISTER of January 19,

1967 (32 F.R. 613), and the supplemental notice published February 7, 1967 (32 F.R. 2573), with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas designated hereinbefore.

Further notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), that the aforesaid hearing will be reopened at the Gateway Hotel, 822 Washington Boulevard, St. Louis, Mo., beginning at 9:30 a.m., local time, April 12, 1967.

This reopened hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of the fixed differentials used to determine Class I prices without limiting such evidence to the high and low differentials currently contained in the orders. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This supplemental notice is issued in response to a request by cooperative associations of producers, dairy farmers, and milk handlers supplying milk to many of these areas in which the handling of milk is regulated by Federal milk orders. These persons have requested that Class I milk price levels established under these orders be reconsidered at this time.

Signed at Washington, D.C., on April 4, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3863; Filed, Apr. 6, 1967; 8:49 a.m.]

[7 CFR Parts 1060, 1065, 1066, 1069, 1073, 1075, 1076, 1125, 1131, 1133, 1134, 1136, 1137]

[Docket No. AO 326-A12, etc.]

MILK IN EASTERN COLORADO AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1060	Minnesota-North Dakota	AO 360-R02
1065	Nebraska-Western Iowa	AO 86-A22
1066	Sioux City, Iowa	AO 122-A16
1069	Duluth-Superior	AO 153-A14.
1073	Wichita	AO 173-A20.
1075	Black Hills, S. Dak	AO 248-A8.
1076	Eastern South Dakota	AO 260-A11.
1125	Puget Sound	AO 226-A17.
1131	Central Arizona	AO 271-A12-R01.
1133	Inland Empire	AO 275-A16.
1134	Western Colorado	AO 301-A7.
1136	Great Basin	AO 308-A11.
1137	Eastern Colorado	AO 326-A12.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Brown Palace Hotel, Ballroom A, 17th and Tremont Street, Denver, Colo., beginning at 9:30 a.m., local time, on April 11, 1967, to consider proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Eastern Colorado, Minnesota-North Dakota, Nebraska-Western Iowa, Sioux City, Iowa, Duluth-Superior, Black Hills, South Dakota, Eastern South Dakota, Puget Sound, Central Arizona, Inland Empire, Western Colorado, Wichita, and Great Basin marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions. With respect to the orders regulating the handling of milk in the Minnesota-North Dakota and Central Arizona, marketing areas this hearing represents a reopening for the limited purposes stated herein of the public hearing previously held under Docket Nos. AO 360 and AO 271-A12.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This notice is issued in response to a request by cooperative associations of producers, dairy farmers, and milk handlers supplying milk to many of these areas in which the handling of milk is regulated by Federal milk orders. These persons have requested that Class I milk price levels established under these orders be reconsidered at this time.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

Signed at Washington, D.C., on April 4, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3862; Filed, Apr. 6, 1967; 8:49 a.m.]

[7 CFR Part 1128]

[Docket No. AO 238-A20]

MILK IN CENTRAL WEST TEXAS MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area, which was issued March 27, 1967 (32 F.R. 5371), is hereby extended from April 4, 1967, to April 14, 1967.

Signed at Washington, D.C., on April 3, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3835; Filed, Apr. 6, 1967; 8:47 a.m.]

[7 CFR Part 1205]

COTTON RESEARCH AND PROMOTION

Cotton Board Rules and Regulations

The Cotton Research and Promotion Order (31 F.R. 16757), established pursuant to the Cotton Research and Promotion Act (80 Stat. 279; 7 U.S.C. 2101 et seq.), provides in § 1205.327(b) that the Cotton Board shall have the power to make rules and regulations, subject to the approval of the Secretary of Agriculture, to effectuate the terms and provisions of the order, including the designation of the handler responsible for collecting the producer assessment of $1 per bale for cotton research and promotion.

The Cotton Board has formulated and submitted to the Secretary of Agriculture for approval the regulations hereinafter set forth with respect to the $1 per bale assessment, collecting and reporting handlers, refunds of assessments, reports and records, and related matters. The Cotton Board has recommended that the regulations become effective June 1, 1967. The Secretary has not approved these regulations. Prior to such approval, the Secretary desires to give persons subject to the regulations an opportunity to express their views.

The regulations are as follows:

Subpart—Cotton Board Rules and Regulations

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Subpart—Cotton Board Rules and Regulations

DEFINITIONS

§ 1205.500 Terms defined.

As used throughout this subpart, unless the context otherwise requires, the following terms shall mean:

(a) "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

(b) "Cotton Board" means the administrative body established pursuant to the Cotton Research and Promotion Order.

(c) "CCC" means the Commodity Credit Corporation.

(d) "Form A" means Cotton Producer's Note, Form CCC Cotton A.

(e) "Gin code number" means the identification number assigned to each cotton gin by the Cotton Division, Consumer and Marketing Service, U.S. Department of Agriculture.

(f) "Handle" means to harvest, gin, warehouse, compress, purchase, market, transport, or otherwise acquire ownership or control of cotton.

(g) "Handler" means any person who handles cotton, including CCC.

(h) "Marketing" means any sale of cotton, or the pledging of cotton to CCC as collateral for a price support loan.

(i) "Marketing year" means a consecutive 12-month period ending on July 31.

(j) "Person" means any individual, partnership, corporation, association, or any other entity, whether governmental or private.

(k) "Producer" means any person who owns or shares in a cotton crop (or in the proceeds thereof) as landowner, landlord, tenant, or sharecropper.

(l) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

GENERAL

§ 1205.505 Communication.

All reports, requests and applications for refunds and communications in connection with the cotton research and promotion order shall be addressed as follows: Cotton Board, Post Office Box 4948, Memphis, Tenn. 38104.

ASSESSMENTS

§ 1205.510 Levy of assessment.

An assessment of $1 per bale for cotton research and promotion is hereby levied on each bale of upland cotton that is produced from cotton harvested and ginned on and after June 1, 1967. Such assessment shall be payable and collected only once on each bale.

§ 1205.511 Payment and collection.

The assessment shall be paid by the producer of the cotton to the collecting handler designated in § 1205.512. If more than one producer shares in the proceeds received from a bale, each such producer is obligated to pay that portion of the assessment which is equivalent to his proportionate share of the proceeds. Failure of the handler to collect the assessment on each bale shall not relieve the handler of his obligation to remit the assessment to the Cotton Board as required in §§ 1205.512 and 1205.513.

§ 1205.512 Collecting handlers and time of collection.

Collecting handlers and the time of collecting the $1 per bale assessment shall be as follows:

(a) Except as provided in paragraph (b) of this section, any person who purchases a bale of cotton from the producer of the cotton shall be the collecting handler for such cotton. The handler shall collect the assessment at the time the handler first makes any payment or any credit to the producer's account for the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(b) Any cooperative marketing association or other person that accepts a bale of cotton from the producer of the cotton under an oral or written contract or agreement providing for the marketing of the cotton shall be the collecting handler for such cotton. Such association or person shall collect the assessment regardless of whether the cotton is marketed or tendered to CCC for price support loan. The handler shall collect the assessment at the time the handler first makes any cash advance, any payment, or any credit to the producer's account for the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(c) For bales of cotton tendered to CCC for Form A loan, except bales tendered pursuant to paragraph (b) of this section:

(1) The ASCS County Office shall be the collecting handler except as provided in subparagraph (2) of this paragraph. The ASCS County Office shall collect the assessment when it makes disbursement based on the Form A loan documents. The producer's copy of the Cotton Producer's Note (Form CCC Cotton A) shall show payment of the assessment and shall constitute the producer's receipt for payment of the assessment.

(2) Any person (other than an ASCS County Office) who advances to the producer the loan value of the cotton as shown on a Cotton Producer's Note (Form CCC Cotton A) shall be the collecting handler for such cotton. The handler shall collect the $1 per bale assessment at the time the handler makes any advance to the producer on the loan value of the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(d) Any person who purchases cotton in the cotton field where produced or who purchases seed cotton from the producer of the cotton shall be the collecting handler. The handler shall collect the assessment at the time such cotton is ginned. The handler shall give the producer a receipt indicating payment of the assessment.

(e) Any person who consumes domestically or exports cotton of his own production shall be the collecting handler for such cotton. Such handler shall pay the assessment to the Cotton Board at the time the cotton is consumed or exported.

(f) Any person who obtains ownership of a bale of cotton from the producer of the cotton by transfer of any kind or by any means, under conditions other than those described in paragraph (a), (b), (c), or (d) of this section shall be the collecting handler for such cotton. Such handler shall collect the assessment at the time he takes ownership of the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(g) In the event of a producer's death, bankruptcy, receivership, or incapacity to act, the representative of the producer, or his estate, or the person acting on behalf of creditors, shall be considered the producer of the cotton for the purposes of this section and § 1205.520.

§ 1205.513 Remittance to Cotton Board.

Each collecting handler shall transmit assessments and reports on assessments to the Cotton Board as follows:

(a) *Reporting periods.* Each calendar month shall be divided into two reporting periods beginning respectively at the opening of business on the 1st and 16th day of the month and ending respectively at the close of business on the 15th and last day of the month.

(b) *Reports.* Each collecting handler shall make reports on forms made available or approved by the Cotton Board. Each collecting handler shall prepare a separate report form each reporting period for each gin from which such handler handles cotton on which he is required to collect the assessment during the reporting period. Each report shall be mailed in duplicate to the Cotton Board within 10 days after the close of the reporting period and shall contain the following information:

(1) Date of report.

(2) Reporting period covered by report.

(3) Gin code number.

(4) Name and address of handler.

(5) Listing of all producers from whom the handler was required to collect the assessment, their addresses, and total number of bales for each producer on which the handler was required to collect the assessment.

(6) Date of last report remitting assessments to the Cotton Board.

(c) *Remittances.* The collecting handler shall remit all assessments to the Cotton Board with the report required in paragraph (b) of this section. All remittances sent to the Cotton Board by

collecting handlers shall be by check, draft, or money order payable to the order of the "Cotton Board". All remittances shall be received subject to collection and payment at par.

§ 1205.514 Receipts for payment of assessments.

Each collecting handler who is required by § 1205.512 to give the producer a receipt showing payment of the $1 per bale cotton research and promotion assessment shall include such receipt as part of the invoice or settlement sheet for the cotton; or shall give the producer a separate receipt form. The document given to the producer as a receipt shall contain the following information:

(a) Name and address of collecting handler.

(b) Gin code number of gin at which cotton was ginned.

(c) Name and address of producer who paid assessment.

(d) Number of bales on which assessment was paid.

(e) Date on which assessment was paid by producer.

REFUNDS

§ 1205.520 Procedure for obtaining refund.

Each cotton producer against whose cotton any assessment is made and collected pursuant to this subpart may obtain a refund of such assessment only by following the procedures prescribed in this section.

(a) *Application form.* A producer shall obtain a refund application form from the Cotton Board. Such form may be obtained by written request to the Cotton Board and the request shall bear the producer's signature or his properly witnessed mark.

(b) *Submission of refund application to Cotton Board.* Any producer requesting a refund shall mail an application on the prescribed form to the Cotton Board within 90 days from the date the assessment was paid on the cotton. The refund application shall show (1) producer's name and address; (2) collecting handler's name and address; (3) gin code number; (4) number of bales on which refund is requested; (5) date or inclusive dates on which assessments were paid; and (6) the producer's signature or properly witnessed mark. Where more than one producer shared in the assessment payment on cotton, joint or separate refund application forms may be filed. In any such case the refund application shall show the names, addresses and proportionate shares of all such producers. The refund application form shall bear the signature or properly witnessed mark of each producer seeking a refund.

(c) *Proof of payment of assessment.* The receipt given to the producer by the collecting handler, or a copy thereof, or such other evidence satisfactory to the Cotton Board, shall accompany the producer's refund application. Within 60 days from the date the properly executed application for refund is received by the Cotton Board, the Cotton Board shall make remittance to the producer. For joint applications, the remittance shall be made payable jointly to all eligible producers signing the refund application form. Receipts submitted with refund applications shall be returned to the producer with his refund by the Cotton Board.

WAREHOUSE RECEIPTS

§ 1205.525 Entry of gin code number.

Any warehouseman receiving a bale of cotton ginned on or after June 1, 1967, shall enter the gin code number of the gin at which the bale was ginned on the warehouse receipt issued for the bale.

REPORTS AND RECORDS

§ 1205.530 Ginners reports.

Each cotton gin in the United States shall submit reports to the Cotton Board on forms made available or approved by the Cotton Board, as follows:

(a) *Periodic report.* Each gin shall report the cumulative number of bales ginned at the gin as of the close of business on the following dates during its active ginning operations: July 31; August 15; August 31; September 15; September 30; October 17; October 31; November 13; November 30; December 12; January 15; and February 28. Such reports shall be mailed to the Cotton Board not later than 5 days after each such date.

(b) *End-of-season report.* Within 10 days following the close of its ginning operations each year but in no event later than February 28, each gin shall report to the Cotton Board an alphabetical listing of producer names, their addresses and the number of bales ginned for each such producer.

§ 1205.531 Records.

Each handler required to make reports pursuant to this subpart shall maintain such books and records as are necessary to verify the reports.

§ 1205.532 Retention period for reports and records.

Each handler required to make reports pursuant to this subpart shall retain for at least 2 years beyond the marketing year of their applicability: (a) One copy of each report made to the Cotton Board; and (b) such books and records as are necessary to verify such reports.

§ 1205.533 Availability of reports and records.

Each handler required to make reports pursuant to this subpart shall make available for inspection by the Cotton Board, including its designated employees, and the Secretary any reports, books, or records required under this subpart.

CONFIDENTIAL INFORMATION

§ 1205.540 Confidential books, records, and reports.

All information obtained from the books, records, and reports of handlers and all information with respect to refunds of assessments made to individual producers shall be kept confidential in the manner and to the extent provided for in § 1205.336.

All persons who desire to submit written data, views, or arguments in connection with the proposed regulations may file the same in triplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 15 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: April 5, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3895; Filed, Apr. 6, 1967; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 23]

[Docket No. 8070; Notice 67-11]

AIRWORTHINESS STANDARDS

Small Airplanes Capable of Carrying More Than 10 Occupants

The Federal Aviation Agency is considering amending Part 23 of the Federal Aviation Regulations to provide additional airworthiness standards for small airplanes capable of carrying more than 10 persons, and intended for use under Part 135, "Air Taxi Operators and Commercial Operators of Small Aircraft."

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before June 30, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In an advance Notice of Proposed Rule Making 67-9 issued on March 17, 1967 (32 F.R. 4500), the Agency invited comment on updating, in a number of respects, the rules governing operations under Part 135. In addition, in that notice the Agency advised the public that it was considering specific proposals for additional airworthiness standards for small airplanes capable of carrying more than 10 persons, to be used in operations under Part 135.

During recent months the Agency has received several applications for the type certification, in accordance with the current standards of FAR 23, of reciprocating-engine powered airplanes, and turbopropeller powered airplanes, designed to be capable of carrying more than 10 persons and intended for use in Part 135 operation. Upon receiving these applications, the Agency reviewed them in the light of the current rules relating to the certification and operation of small airplanes. As a result of this review, it became apparent that the pertinent airworthiness standards of Part 23 and certain related operating rules of Part 135 would be inadequate for airplanes of that carrying capacity in those operations. As stated in ANPRM 67-9, this stems from the fact that Parts 23 and 135 and their predecessor regulations were originally designed with the certification and operation of lower seating capacity airplanes in mind. The Agency believes that current regulations do not provide the level of safety required by the Federal Aviation Act of 1958 for the types of operations that will, in the future, be conducted by the various Part 135 operators using airplanes of that carrying capacity.

Therefore, to ensure that the airplanes which are capable of carrying more than 10 persons, and for which type certification applications have been received, will provide the required level of safety, the Agency has developed certain special conditions for the type certification of these airplanes. The special conditions which were developed concern the four following areas:

(1) Flight.
(2) Airframe.
(3) Propulsion.
(4) Systems and equipment.

The Agency intends that the additional airworthiness standards proposed herein, which are based on the special conditions referred to in the preceding paragraph, will apply to small airplanes capable of carrying more than 10 persons, and are intended for use in FAR 135 operations. The additional airworthiness standards would apply to any airplane, for which the applicant elects to comply with the requirements for airplanes of that capacity and for those operations, after the date of issuance of this notice. The adoption of these additional standards is not intended to preclude an applicant from manufacturing an airplane of that capacity under the appropriate current airworthiness requirements for small airplanes. Such requirements consist of the applicable provisions of FAR 23 plus special conditions to cover unusual and novel design features. An airplane certificated under those requirements would not, however, continue to be indefinitely eligible for use in FAR 135 operations, since the Agency is also considering a requirement that any airplane capable of carrying more than 10 persons in Part 135 operations, after June 1, 1972, would have to be certificated in accordance with the proposals contained herein, or meet similar requirements that would be contained in Part 135.

The additional airworthiness standards proposed herein would apply to reciprocating-engine powered and turbopropeller powered airplanes and not to turbojet powered airplanes. Additional study will be required with respect to turbojet powered airplanes to determine what additional airworthiness standards are needed for them. Pending such a study, applications under FAR 23 for type certification of turbojet powered airplanes capable of carrying more than 10 persons in operations under Part 135 will be treated individually, and special conditions will be established for them as necessary to insure a level of safety comparable to that intended to be achieved by the standards contained herein.

Concurrently with the issuance of this NPRM, the Agency is considering additional rulemaking in connection with its overall review of FAR 23. There is a possibility that there may be some inconsistency in details or some duplication in the two proposals. Any such inconsistencies or duplication will be eliminated before final rules are adopted by the Agency as a result of either proposal.

In consideration of the foregoing, it is proposed to amend Part 23 of the Federal Aviation Regulations to add the following provisions:

FLIGHT

SUMMARY OF PROPOSED FLIGHT AIRWORTHINESS REQUIREMENTS

The proposed flight requirements are in addition to the flight requirements in FAR 23 and are specifically intended to establish a minimum level of safety for multiengine airplanes which have an occupant capacity of more than 10 persons and are intended for operation under FAR 135. The flight requirements for turbopropeller powered airplanes are the same as for reciprocating-engine powered airplanes except for an additional requirement relating to the demonstration of static longitudinal stability. The additional requirement for turbopropeller airplanes sets forth appropriate power settings for static longitudinal stability in a climb.

Under the proposed performance requirements, affected airplanes would be required to sustain failure of the critical engine any time after beginning of takeoff without hazardous results. A takeoff decision speed V_1 would be determined as the speed from which the airplane could slow to 40 m.p.h. (35 knots) within the length of the available runway or be able to take off, climb, circle the field, and land safely. The takeoff field length would be an operating limitation and would be based on the distance required to accelerate to the V_1 speed and then to slow down to a speed of 40 m.p.h. assuming a decision is made at V_1 to discontinue the takeoff. No operating limitations are being proposed with respect to an overrun or clearway area beyond the runway. Full temperature and altitude accountability would be applied to the takeoff requirement and to the balked landing climb. Temperature accountability would be applied to the en route one-engine-inoperative climb requirements. The landing distance would be based on a power approach at a speed not less than $1.3V_{S1}$.

The airspeed limitations and markings would be shown in terms of V_{MO}/M_{MO} instead of the V_{NO}/V_{NE} notation of FAR 23. Some of the handling qualities requirements are redefined for clarification with respect to the V_{MO}/M_{MO} speed notation. Except for this clarification, the only substantive change would allow static longitudinal stability to be demonstrated over a speed range which is 50 knots above and below the trim speed.

The minimum flight crew for these airplanes would be based on pilot workload, location and accessibility of controls, and command decisions. The flight instruments for attitude, airspeed, altitude and direction would be arranged according to the "basic T."

Performance information and operating procedures needed for safe operation would be included in the Airplane Flight Manual, and a suitable fixed container for storage of the Airplane Flight Manual would be provided in the cockpit accessible to the pilot.

PERFORMANCE

General. (a) Unless otherwise prescribed, compliance with each applicable performance requirement must be shown for ambient atmospheric conditions and still air.

(b) The performance must correspond to the propulsive thrust available under the particular ambient atmospheric conditions and the particular flight condition. The available propulsive thrust must correspond to engine power or thrust, not exceeding the approved power or thrust less—

(1) Installation losses; and

(2) The power or equivalent thrust absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

(c) Unless otherwise prescribed, the applicant must select the takeoff, en route, and landing configurations for the airplane.

(d) The airplane configuration may vary with weight, altitude, and temperature, to the extent they are compatible with the operating procedures required by paragraph (f) of this section.

(e) Unless otherwise prescribed, in determining the critical engine inoperative takeoff performance, the accelerate-stop distance, takeoff distances, changes in the airplane's configuration, speed, power, and thrust, must be made in accordance with procedures established by the applicant for operation in service.

(f) Procedures for the execution of balked landings must be established by the applicant and included in the Airplane Flight Manual.

(g) The procedures established under paragraphs (e) and (f) of this section must—

(1) Be able to be consistently executed in service by a crew of average skill;

(2) Use methods or devices that are in service by a crew of average skill; safe and reliable; and

(3) Include allowance for any time delays, in the execution of the procedures, that may reasonably be expected in service.

Takeoff. (a) The takeoff speed described in paragraph (b), the accelerate-stop distance described in paragraph (c), and the takeoff distance described in paragraph (d), must be determined and shown in the performance information section of the Airplane Flight Manual for—

(1) Each weight, altitude, and ambient temperature within the operational limits selected by the applicant;

(2) The selected configuration for takeoff;

(3) The center of gravity in the most unfavorable position;

(4) The operating engine within approved operating limitations; and

(5) Takeoff data based on smooth, dry, hard-surface runway.

(b) *Takeoff Speeds.* The decision speed V_1 is the calibrated airspeed at which, as a result of engine failure or other reasons, the pilot is assumed to have made a decision to continue or discontinue the takeoff. The speed V_1 must be selected by the applicant but may not be less than—

(1) $1.10V_{s_1}$;

(2) $1.10V_{MC}$ established under FAR 23.149;

(3) A speed that permits acceleration to V_1 and stop in accordance with paragraph (c) allowing credit for an overrun distance equal to that required to stop the airplane from a ground speed of 40 m.p.h. utilizing maximum braking; or

(4) A speed at which the airplane is rotated for takeoff and shown to be adequate to safely continue the takeoff, using normal piloting skill, when the critical engine is suddenly made inoperative.

Other essential takeoff speeds necessary for safe operation of the airplane must be determined and shown in the Airplane Flight Manual.

(c) *Accelerate-Stop Distance.* (1) The accelerate-stop distance is the sum of the distances necessary to—

(i) Accelerate the airplane from a standing start to V_1; and

(ii) Come to full stop from the point at which V_1 is reached allowing credit for a 40 m.p.h. overrun, assuming that the critical engine fails at V_1 and landing gear remains in the extended position. An overrun of 40 m.p.h. is permitted utilizing maximum braking.

(2) Means other than wheel brakes may be used to determine the accelerate-stop distance if that means is available with the critical engine inoperative and—

(i) Is safe and reliable;

(ii) Is used so that consistent results can be expected under normal operating conditions; and

(iii) Is such that exceptional skill is not required to control the airplane.

(d) *Takeoff Distance.* The distances for takeoff to be entered in the Airplane Flight Manual must include:

(1) The horizontal distance required to takeoff and climb to a height of 50 feet above the takeoff surface according to procedures in FAR 23.51.

(2) The accelerate-stop distance as determined under paragraph (c). Credit may be taken for an overrun distance equal to that required to stop the airplane from an indicated airspeed of 40 m.p.h. under zero wind conditions utilizing maximum braking.

Climb—(a) *General.* (1) Performance as required in paragraph (b), must be determined for each weight, altitude, and ambient temperature within the operational limits established for the airplane and with the most unfavorable center of gravity for each configuration, and out-of-ground effect in free air.

(2) The performance information obtained under paragraph (1) must be shown in the performance information section of the Airplane Flight Manual.

(b) *Landing Climb: All-Engines-Operating.* In the landing configuration, determine the weight at which the steady gradient of climb will not be less than 3.3 percent, with:

(1) The engines at the power that is available 8 seconds after initiation of movement of the power or thrust controls from the minimum flight idle to the takeoff position.

(2) A safe climb speed not less than the approved speed established under the section entitled "Landing".

Landing. The following power approach may be used to replace the gliding approach specified in FAR 23.75. The landing must be preceded by a steady approach down to the 50-foot height at a gradient of descent not greater than 5.2 percent (3 degrees) at a calibrated airspeed not less than $1.3V_{s_1}$.

TRIM

Trim—(a) *Lateral and Directional Trim, FAR 23.161(b).* In addition to present requirements, "Lateral and directional trim in level flight at a speed of V_H or V_{MO}/M_{MO}, if lower."

(b) *Longitudinal Trim, FAR 23.161(c).* In addition to present rquirements, "The trim speed need not exceed V_{MO}/M_{MO} with landing gear and wing flaps retracted."

(c) *Longitudinal Trim, FAR 23.161 (c) (6).* In addition to present requirements, "During level flight at any speed from V_H or V_{MO} if lower, to V_X or $1.4V_{s_1}$ with landing gear and wing flaps retracted."

(d) *Longitudinal Trim, FAR 23.161 (c) (3), (4), and (5).* In addition to the trim requirements in FAR 23.161(c) (3), (4), and (5), the airplane must maintain longitudinal trim down to the approach speed used to show the landing distance required by the preceding section entitled "Landing" or $1.4V_{S1}$, whichever speed is lower, with not more than 10 pounds stick force.

STABILITY

Static Longitudinal Stability.—(a) *FAR 23.173(b).* In addition to the present requirement, for showing compliance with FAR 23.175(b), the airspeed must return to within ±7½ percent of the trim speed.

(b) *FAR 23.175*—(1) *Cruise Stability.* In addition to the present requirement, the stick force curve must have a stable slope for a speed range of ±50 knots from the trim speed except that the speeds need not exceed V_{FC}/M_{FC} or be less than $1.4V_{s_1}$. This speed range will be considered to begin at the outer extremes of the friction band and the stick force may not exceed 50 pounds with—

(i) Landing gear retracted;

(ii) Wing flaps retracted;

(iii) The maximum cruising power as selected by the applicant as an operating limitation for turbine engines or 75 percent of maximum continuous power for reciprocating engines except that the power need not exceed that required at V_{MO}/M_{MO};

(iv) Maximum takeoff weight; and

(v) The airplane trimmed for level flight with the power specified in subparagraph (iii) of this paragraph.

V_{FC}/M_{FC} may not be less than a speed midway between V_{MO}/M_{MO} and V_{DF}/M_{DF}, except that, for altitudes where Mach number is the limiting factor, M_{FC} need not exceed the Mach number at which effective speed warning occurs.

(2) *Climb Stability.* (*For turbopropeller powered airplanes only*). In addition to present requirements, the maximum power selected by the applicant as an operating limitation for use during climb at the best rate of climb speed except that the speed need not be less than $1.4V_{s_1}$.

STALLS

Stall Warning FAR 23.207. In addition to the present requirement, if artificial stall warning is required, the use of a visual warning device that requires the attention of the crew within the cockpit is not acceptable by itself.

CONTROL SYSTEMS

Electric Trim Tabs, FAR 23.677. In addition to the present requirement, the airplane must be safely controllable and the pilot must be able to perform all the maneuvers and operations necessary to effect a safe landing following any probable electric trim tab runway which might be reasonably expected in service allowing for appropriate time delay after pilot recognition of runway. This demonstration must be conducted at the critical airplane weights and center of gravity positions.

INSTRUMENTS: INSTALLATION

Arrangement and Visibility, FAR 23.1321. In addition to the present requirements, the following apply:

(a) Each flight, navigation, and powerplant instrument for use by any pilot must be plainly visible to him from his station with the minimum practicable deviation from his normal position and line of vision when he is looking forward along the flight path.

(b) The flight instruments required by FAR 23.1303 and as applicable by FAR 91 must be grouped on the instrument panel and centered as nearly as practicable about the vertical plane of the pilot's forward vision. In addition—

(1) The instrument that most effectively indicates the attitude must be on the panel in the top center position;

(2) The instrument that most effectively indicates airspeed must be adjacent to and directly to the left of the instrument in the top center position;

(3) The instrument that most effectively indicates altitude must be adjacent to and directly to the right of the instrument in the top center position; and

(4) The instrument that most effectively indicates direction of flight must be adjacent to and directly below the instrument in the top center position.

Airspeed Indicating System. FAR 23.1323. In addition to the present requirement:

(a) Airspeed indicating instruments must be of an approved type and must be calibrated to indicate true airspeed at sea level in the standard atmosphere with a minimum practicable instrument calibration error when the corresponding pitot and static pressures are supplied to the instruments.

(b) The airspeed indicating system must be calibrated to determine the system error, i.e., the relation between IAS and CAS, in flight and during the accelerate takeoff ground run. The ground run calibration must be obtained between 0.8 of the minimum value of V_1 and 1.2 times the maximum value of V_1, considering the approved ranges of altitude and weight. The ground run calibration will be determined assuming an engine failure at the minimum value of V_1.

(c) The airspeed error of the installation excluding the instrument calibration error, must not exceed 3 percent or 5 m.p.h. whichever is greater, throughout the speed range from V_{MO} to $1.3V_{s_1}$ with flaps retracted and from $1.3V_{SO}$ to V_{FE} with flaps in the landing position.

(d) Information showing the relationship between IAS and CAS must be shown in the Airplane Flight Manual.

Static Air Vent System, FAR 23.1325. In addition to the present requirement, the altimeter system calibration must be shown in the Airplane Flight Manual.

OPERATING LIMITATIONS AND INFORMATION

Maximum Operating Limit Speed V_{MO}/M_{MO}. (a) The maximum operating limit speed V_{MO}/M_{MO} as established by the applicant is the speed which must not be deliberately exceeded in any regime of flight except where a higher speed is authorized for flight tests or pilot training operations.

(b) The maximum operating limit speed must not exceed the design cruising speed Vc and must be sufficiently below V_D/M_D or V_{DF}/M_{DF} to make it highly improbable that the latter speeds will be inadvertently exceeded in flight.

(c) The speed V_{MO} must not exceed $0.8V_D/M_D$ or $0.8V_{DF}/M_{DF}$ unless flight demonstrations involving upsets as specified by the Administrator indicates a lower speed margin will not result in speeds exceeding V_D/M_D or V_{DF}. Atmospheric variations, horizontal gusts, system and equipment errors, and airframe production variations will be taken into account.

Minimum Flight Crew, FAR 23.1523. In addition to the present requirement, the applicant must establish the minimum number and type of qualified flight crew personnel sufficient for safe operation of the airplane considering—

(a) Each kind of operation for which the applicant desires approval;

(b) The workload on each crewmember considering—

(1) Flight path control;

(2) Collision avoidance;

(3) Navigation;

(4) Communications;

(5) Operation and monitoring of all essential aircraft systems; and

(6) Command decisions; and

(c) The accessibility and ease of operation of necessary controls by the appropriate crewmember during all normal and emergency operations when at his flight station.

Airspeed Indicator, FAR 23.1545. The FAR 23.1545 airspeed notations and markings in terms of V_{NO} and V_{NE} must be replaced by the V_{MO}/M_{MO} notations. The airspeed indicator markings must be easily read and understood by the pilot. A placard adjacent to the airspeed indicator will be an acceptable means of showing compliance with paragraph (c) of FAR 23.1545.

AIRPLANE FLIGHT MANUAL

Operating Limitations, FAR 23.1583. In addition to the present requirement:

(a) Airspeed limitations. The following airspeed limitations must be furnished:

(1) The maximum operating limit speed V_{MO}/M_{MO} and a statement that this speed limit may not be deliberately exceeded in any regime of flight (climb, cruise, or descent) unless a higher speed is authorized for flight test or pilot training.

(2) If an airspeed limitation is based upon compressibility effects, a statement to this effect and information as to any symptoms, the probable behavior of the airplane, and the recommended recovery procedures.

(b) The airspeed limits shown in terms of V_{MO}/M_{MO} replace the V_{NE} notation in FAR 23.

(c) The maximum T.O. weight will be limited to that at which:

(1) The airplane will have an accelerate-stop distance determined in accordance with the paragraph entitled "Accelerate-Stop Distance" and as shown in the Airplane Flight Manual in accordance with the paragraph entitled "Takeoff Distance" within the available runway.

(2) The airplane has a takeoff capability after loss of an engine at or above V_1 as selected by the applicant in accordance with the paragraph entitled "Takeoff Speeds". This capability may be established—

(i) By demonstration of a steady rate of climb which is measurable positive with the airplane in the takeoff configuration; or

(ii) By demonstrating the capability of maintaining flight after engine failure utilizing procedures prescribed by the applicant.

(3) The airplane must also have a steady gradient of climb in the enroute configuration of:

(i) 1.2 percent (or a gradient equivalent to $0.02V_{s_1}^2$, if greater) at 5,000 feet and an ambient temperature of 41° F.; or

(ii) 0.6 percent (or a gradient equivalent of $0.01V_{s_1}^2$, if greater) at 5,000 feet and ambient temperature of 81° F.

(iii) The minimum climb gradient of (i) and (ii) above shall vary linearly between 41° F. and 81° F. and shall change at the same rate up to the maximum operational temperature approved for the airplane.

(d) Sufficient information must be provided in the Airplane Flight Manual so the above takeoff weight limits can be determined for all temperatures and altitudes within the operation limitations selected by the applicant.

Performance Information, FAR 23.1587. In addition the present requirement:

(a) The airspeed at the 50-foot height used to determine landing distances must be provided in the Airplane Flight Manual.

(b) The Airplane Flight Manual must contain the performance information under the applicable provisions (including takeoff distances and landing for the weights, altitudes and temperatures, as applicable) within the operational limits of the airplane, and must contain the following:

(1) The conditions under which the performance information was obtained.

(2) The following performance information (determined by extrapolation and computed for the range of weights between the maximum landing and takeoff weights)—

(i) Climb in the landing configuration; and

(ii) Landing distance.

(3) Procedures established under the preceding flight performance section entitled "General" are related to the limitations and information required by this paragraph. These procedures must be in the form of guidance material including any relevant limitations or information.

(4) An explanation of significant or unusual flight or ground handling characteristics of the airplane.

(5) Airspeeds, as indicated airspeeds, corresponding to these determined for takeoff.

Maximum Operating Altitudes. A maximum operating altitude to which operation is permitted as limited by flight, structural, powerplant, functional, or equipment characteristics must be specified in the Airplane Flight Manual.

Stowage Provision for Airplane Flight Manual. Stowage must be provided for the Airplane Flight Manual in a suitable fixed container readily accessible to the pilot.

AIRFRAME

SUMMARY OF PROPOSED AIRFRAME AIRWORTHINESS REQUIREMENTS

The proposed airframe requirements cover low performance reciprocating-engine powered and turbopropeller powered

airplanes approved for operation below 25,000 feet and for more than ten occupants. High altitude, high performance aircraft, including turbojet powered aircraft will need additional regulations including such items as speed spread, gust loads, speed brakes and windshield and window requirements. Four regulations are proposed which deal with airframe airworthiness aspects of design not now covered by FAR 23 which derive from the use of turbopropeller engines. These cover engine torque, gyroscopic loads, unsymmetrical loads due to engine failure and whirl flutter standards. Dual wheel ground load standards are proposed since dual wheel configurations are not covered by current FAR 23.

More comprehensive fatigue, lightning strike protection, and flap operated landing gear warning criteria are included to reflect the need for new standards indicated by service experience and the specific needs of high density airplanes intended for Part 135 operations.

Standards are also set forth to enhance passenger safety and survivability in accidents due to the specific need of high density airplanes intended for Part 135 operations. These include improved doors and exits, emergency evacuation demonstrations, and protection of passengers from cargo and baggage subject to forward acceleration forces of 9g. In addition, the specific needs of Part 135 operations for deicing protection and a high level of proper maintenance are covered by specific standards in these areas. The aircraft manufacturer would be required to make available to the operator specific technical information that the manufacturer considers essential for the proper maintenance of that aircraft.

Flight Loads

Engine Torque, FAR 23.361 (For turbopropeller powered airplanes only). In addition to the present requirement of FAR 23.361, the following will apply:

(a) The limit engine torque corresponding to takeoff power and propeller speed, multiplied by a factor accounting for propeller control system malfunction, including quick feathering acting simultaneously with 1g level flight loads. In the absence of a rational analysis, a factor of 1.6 must be used.

(b) The limit torque is obtained by multiplying the main torque by a factor of 1.25.

Turbine Engine Gyroscopic Loads (For turbopropeller powered airplanes only). Each engine mount and its supporting structure must be designed for the gyroscopic loads that result, with the engines at maximum continuous r.p.m., under either—

(a) The condition prescribed in FAR 23.351 and 23.423; or

(b) All possible combinations of the following:

(1) A yaw velocity of 2.5 radians per second.

(2) A pitch velocity of 1 radian per second.

(3) A normal load factor of 2.5.

(4) Maximum continuous thrust.

Unsymmetrical Loads Due to Engine Failure (For turbopropeller powered airplanes only). (a) The airplane must be designed for the unsymmetrical loads resulting from the failure of the critical engine. The airplane must be designed for the following conditions in combination with a single malfunction of the propeller drag limiting system, considering the probable pilot corrective action on the flight controls:

(1) At speeds between V_{mc} and V_D, the loads resulting from power failure because of fuel tank flow interruption are considered to be limit loads.

(2) At speeds between V_{mc} and V_C, the loads resulting from the disconnection of the engine compressor from the turbine or from loss of the turbine blades are considered to be ultimate loads.

(3) The time history of the thrust decay and drag buildup occurring as a result of the prescribed engine failures must be substantiated by test or other data applicable to the particular engine-propeller combination.

(4) The timing and magnitude of the probable pilot corrective action must be conservatively estimated, considering the characteristics of the particular engine-propeller-airplane combination.

(b) Pilot corrective action may be assumed to be initiated at the time maximum yawing velocity is reached, but not earlier than 2 seconds after the engine failure. The magnitude of the corrective action may be based on the control forces specified in 23.397 except that lower forces may be assumed where it is shown by analysis or test that these forces can control the yaw and roll resulting from the prescribed engine failure conditions.

Ground Loads

Dual Wheel Criteria—(a) *Pivoting.* The airplane must be assumed to pivot about one side of the main gear with the brakes on that side being locked. The limit vertical load factor must be 1 and the coefficient of friction 0.8. This condition need apply only to the main gear and its supporting structure.

(b) *Unequal Tire Inflation.* A 60–40 percent distribution of the loads established in accordance with FAR 23.471 through FAR 23.483 must be applied to the dual wheels and tires.

(c) *Flat Tire.* (1) Sixty percent of the loads specified in FAR 23.471 through 23.483 must be applied to either wheel in a unit.

(2) Sixty percent of the limit drag and side loads and 100 percent of the limit vertical load established in accordance with FAR 23.493 and 23.485 must be applied to either wheel in a unit except that the vertical load need not exceed the maximum vertical load in paragraph (c)(1).

Fatigue Evaluation

Fatigue. In addition to present requirements of FAR 23.571, the strength, detail design, and the fabrication of those parts of the wing, wing carry-through, and attaching structure whose failure would be catastrophic must be evaluated under either of the following unless it is shown that the structure, operating stress levels, materials and expected use are comparable to a similar design which has had substantial satisfactory service experience:

(a) A fatigue strength investigation in which the structure is shown by analysis, tests, or both to be able to withstand the repeated loads of variable magnitude expected in service.

(b) A fail-safe strength investigation in which it is shown by analysis, tests, or both that catastrophic failure of the structure is not probable after fatigue, or obvious partial failure, of a principal structural element, and that the remaining structure is able to withstand a static ultimate load factor of 75 percent of the critical limit load factor at V_C. These loads must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered.

Design and Construction

Flutter, FAR 23.629 (For turbopropeller powered airplanes only). In addition to FAR 23.629(d), for multiengine airplanes, the dynamic evaluation must include—

(a) The significant elastic, inertia, and aerodynamic forces associated with the rotations and displacements of the plane of the propeller; and

(b) Engine-propeller-nacelle stiffness and damping variations appropriate to the particular configuration.

Landing Gear

Flap Operated Landing Gear Warning Device. In addition to the requirement of FAR 23.729, there must be a warning device that functions continuously when the wing flaps are extended beyond the takeoff position if the landing gear is not fully extended and locked. There may not be a manual shut-off for this warning device. The flap position sensing unit may be installed at any suitable location. The system for this device may use any part of the system (including the aural warning device) for the device required in FAR 23.729(e).

Personnel and Cargo Accommodations

Cargo and Baggage Compartments. In addition to the requirements of FAR 23.787 (a) and (b), means must be provided to protect passengers from injury by the contents of any cargo or baggage compartment when the ultimate forward inertia force is 9g.

Doors and Exits. In addition to the requirements of FAR 23.783 and FAR 23.807 (a)(3), (b), and (e) the following will apply:

(a) There must be a means to lock and safeguard each external door and exist against opening in flight either inadvertently by persons, or as a result of mechanical failure. Each external door must be operable from both the inside and the outside.

(b) There must be means for direct visual inspection of the locking mechanism by crewmembers to determine whether external doors and exits, for which the initial opening movement is outward, are fully locked. In addition, there must be a visual means to signal to crewmembers when normally used external doors are closed and fully locked.

(c) The passenger entrance door must qualify as a floor level emergency exit. Each additional required emergency exit must be located over the wing or each such exit must be provided with acceptable means to assist the occupant in descending to the ground. In addition to the passenger entrance door:

(1) For a total seating capacity of 15 or less, an emergency exit as defined in FAR 23.806(b) is required on each side of the cabin.

(2) For a total seating capacity of 16 to 23, three emergency exits as defined in 23.807(b) are required with one on the same side as the door and two on the side opposite the door.

(d) An evaluation demonstration must be conducted utilizing the maximum number of occupants for which certification is desired. It must be conducted under simulated night conditions and utilizing only the emergency exits on the most critical side of the aircraft. The participants must be representative of average airline passengers with no prior practice or rehearsal for the demonstration. Evacuation must be completed within 90 seconds.

(e) Each emergency exit must be marked with the word "EXIT" by a sign which has white letters one inch high on a red background 2 inches high, be self or independently internally electrically illuminated, and have a minimum luminescence (brightness) of at least 160 microlamberts. The colors may be reversed if the passenger compartment illumination is essentially the same.

(f) Access to window type emergency exits must not be obstructed by seats or seat backs.

(g) The width of the main passenger aisle at any point between seats must equal or exceed the values in the following table.

Total seating capacity	Minimum main passenger aisle width	
	Less than 25 inches from floor	25 inches and more from floor
10 through 23	9 inches	15 inches.

Miscellaneous

Lightning Strike Protection. Parts that are electrically insulated from the basic airframe must be connected to it through lightning arrestors unless a lightning strike on the insulated part is—

(a) Improbable because of shielding by other parts; or

(b) Is not hazardous.

Deicers, FAR 23.1419. In addition to the present requirement of FAR 23.1419, when compliance is shown with the provisions of this section, the type certificate must include certification of that effect. When an airplane is certificated to include ice protection provisions, the recommended procedures for the use of the ice protectior equipment must be set forth in the Airplane Flight Manual. An analysis must be performed to establish, on the basis of the airplane's operational needs, the adequacy of the ice protection system for the various components of the airplane. In addition, tests of the ice protection system must be conducted to demonstrate that the airplane is capable of operating safely in continuous maximum and intermittent maximum icing conditions. (Reference FAR 25, Appendix C.) Compliance with all or portions of this section may be accomplished by reference, where applicable because of similarity of the designs, to analysis and tests performed by the applicant for a type certificated model.

Maintenance Information. The applicant must make available at the time of delivery the information he considers essential for the proper maintenance of the aircraft to include at least the following:

(a) Description of systems such as electrical, hydraulic, fuel controls, etc.

(b) Lubrication instructions setting forth the frequency and the lubricants and fluids which are to be used in the various systems.

(c) Pressures and electrical loads applicable to the various systems.

(d) Tolerances and adjustments necessary for proper functioning.

(e) Methods of leveling, raising, and towing.

(f) Methods of balancing control surfaces.

(g) Identification of primary and secondary structures.

(h) Frequency and extent of inspections necessary to the proper operation of the aircraft.

(i) Special repair methods applicable to the aircraft.

(j) Special inspection techniques that require X-ray, ultrasonic, magnetic particle inspection, etc.

(k) List of special tools.

The maintenance information must be made available for use by operators' maintenance facilities to assist them in developing maintenance procedures for the proper maintenance of their aircraft.

Propulsion

Summary of Proposed Propulsion Airworthiness Requirements

The propulsion requirements set forth for the turbopropeller powered airplanes are necessary because of novel features and unique characteristics associated with the design and operation of turbine engines. These standards cover such areas as safe operating characteristics, fuel system design, engine cooling, in-flight engine restarting and appropriate powerplant instrumentation. A number of regulations are intended to insure powerplant operational reliability of turbine engine installations. These include requirements for independence of powerplants and systems, and protection against such contingencies as engine and fuel system icing, bleed air system failures, inadvertent propeller reversal, and foreign object ingestion. In addition there is a provision requiring fire detection for turbine engine installations. Standards which cater to the Part 135 operations and which apply to reciprocating as well as turbine engines cover engine isolation, lightning protection, fuel flow rate, leakage of flammable fluid in areas other than engine compartments, and accessories which are remotely driven by the engine. Two standards exclusively applicable to reciprocating engine-powered airplanes involve, respectively, additional fire protection for the engine cowling and nacelle skin, and cylinder head temperature and manifold pressure indicators as additional powerplant instruments for increased operational reliability.

General

Vibration Characteristics, FAR 23.901 (For turbopropeller powered airplanes only). Turbine engine installation must not result in vibration characteristics of the engine exceeding those established in accordance with CAR 13 or FAR 33.

In-Flight Restarting of Engine, FAR 23.901 (For turbopropeller powered airplanes only). If the engine cannot be restarted at the maximum cruise altitude, a determination must be made of the altitude below which restarts can be consistently accomplished. Restart information must be provided in the Flight Manual.

Engines, FAR 23.903. (a) For turbopropeller powered airplanes the following will apply:

(1) *Engine isolation.* The powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or of any system that can affect the engine, will not—

(i) Prevent the continued safe operation of the remaining engines; or

(ii) Require immediate action by any crewmember for continued safe operation.

(2) *Control of engine rotation.* There must be a means to individually stop and restart the rotation of any engine in flight unless, for turbine engine installations, continued rotation could not jeopardize the safety of the airplane. Each component of the stopping and restarting system on the engine side of the firewall, and that might be exposed to fire, must be at least fire resistant. If hydraulic propeller feathering systems are used for this purpose, the feathering lines must be at least fire resistant under the operating conditions that may be expected to exist during feathering.

(3) *Engine speed and gas temperature control devices.* The powerplant systems associated with engine control devices, systems, and instrumentation must provide reasonable assurance that those engine operating limitations that adversely affect turbine rotor structural integrity will not be exceeded in service.

(b) For reciprocating-engine powered airplanes, to provide engine isolation, the powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or of any system that can affect the engine, will not—

(1) Prevent the continued safe operation of the remaining engine; or

(2) Require immediate action by any crewmember for continued safe operation.

Reversing Systems (For turbopropeller powered airplanes only). (a) Turbopropeller reversing systems intended for ground operation must be designed so that no single failure or malfunction of the system will result in unwanted reverse thrust under any expected operating condition. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(b) Turbopropeller reversing systems intended for in-flight use must be designed so that no unsafe condition will result during normal operation of the system, or from any failure (or reasonably likely combination of failures) of the reversing system, under any anticipated condition of operation of the airplane. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(c) Compliance with this section may be shown by failure analysis, testing, or both for propeller systems that allow propeller blades to move from the flight low-pitch position to a position that is substantially less than that at the normal flight low-pitch stop position. The analysis may include or be supported by the analysis made to show compliance with the requirements of FAR 35.21 for the propeller and associated installation components. Credit will be given for pertinent analysis and testing completed by the engine and propeller manufacturers.

Turbopropeller-Drag Limiting Systems (For turbopropeller powered airplanes only). Propeller-drag limiting systems must be designed so that no single failure or malfunction of any of the systems during normal or emergency operation results in propeller drag in excess of that for which the airplane was designed. Failure of structural elements of the drag limiting systems need not be considered if the probability of this kind of failure is extremely remote.

Turbine Engine Powerplant Operating Characteristics (For turbopropeller powered airplanes only). Turbine engine powerplant operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flameout) are present to a hazardous degree, during normal and emergency operation within the range of operating limitations of the airplane and of the engine.

Fuel Flow, FAR 955. (a) For turbopropeller powered airplanes:

(1) The fuel system must provide for continuous supply of fuel to the engines for normal operation without interruption due to depletion of fuel in any tank other than the main tank.

(2) The fuel flow rate for turbopropeller engine fuel pump systems must not be less than 125 percent of the fuel flow required to develop the standard sea level atmospheric conditions takeoff power selected and included as an operating limitation in the Airplane Flight Manual.

(b) For reciprocating engine powered airplanes, with reference to paragraph (c) of FAR 23.955, it will be acceptable for the fuel flow rate for each pump system (main and reserve supply) to be 125 percent of the takeoff fuel consumption of the engine.

FUEL SYSTEM COMPONENTS

Fuel Pumps, FAR 23.991 (For turbopropeller powered airplanes only). A reliable and independent power source must be provided for each pump used with turbine engines which do not have provisions for mechanically driving the main pumps. It must be demonstrated that the pump installations provide a reliability and durability equivalent to that intended by FAR 23.991(a).

Fuel Strainer or Filter, FAR 23.997 (For turbopropeller powered airplanes only). (a) There must be a fuel strainer or filter between the tank outlet and the fuel metering device of the engine. In addition, the fuel strainer or filter must be:

(1) Between the tank outlet and the engine—driven positive displacement pump inlet, if there is an engine-driven positive displacement pump.

(2) Accessible for drainage and cleaning and, for the strainer screen, easily removable.

(3) Mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself.

(b) Unless there are means in the fuel system to prevent the accumulation of ice on the filter, there must be means to automatically maintain the fuel flow if ice-clogging of the filter occurs.

(c) The fuel strainer or filter must be of adequate capacity (with respect to operating limitations established to ensure proper service) and of appropriate mesh to ensure proper engine operation, with the fuel contaminated by a degree (with respect to particle size and density) that can be reasonably expected in service. The degree of fuel filtering may not be less than that established for the engine under Part 33.

Lightning Strike Protection (For turbopropeller powered and reciprocating engine powered airplanes). Protection must be provided against the ignition of flammable vapors in the vent system due to lightning strikes or other ignition sources. Compliance with AC 25-3A for fuel vents will be evidence of compliance with this requirement.

COOLING

Cooling Test Procedures for Multi-engine Airplanes (For turbopropeller powered airplanes only) FAR 23.1047. (a) Compliance with FAR 23.1041 must be shown for the takeoff, climb, en route, and landing stages of flight that correspond to the applicable performance requirements. The cooling tests must be conducted with the airplane in the configuration, and operating under the conditions that are critical relative to cooling during each stage of flight. For the cooling tests a temperature is "stabilized" when its rate of change is less than 2° F. per minute.

(b) Temperatures must be stabilized under the conditions from which entry is made into each stage of flight being investigated unless the entry condition is not one during which component and engine fluid temperatures would stabilize (in which case, operation through the full entry condition must be conducted before entry into the stage of flight being investigated in order to allow temperatures to reach their natural levels at the time of entry). The takeoff cooling test must be preceded by a period during which the powerplant component and engine fluid temperatures are stabilized with the engines at ground idle.

(c) Cooling tests for each stage of flight must be continued until—

(1) The component and engine fluid temperatures stabilize;

(2) The stage of flight is completed; or

(3) An operating limitation is reached.

INDUCTION SYSTEM

Air Induction, FAR 23.1091 (For turbopropeller powered airplanes only). (a) There must be means to prevent hazardous quantities of fuel leakage or overflow from drains, vents, or other components of flammable fluid systems from entering the engine intake system.

(b) The air inlet ducts must be located or protected so as to minimize the ingestion of foreign matter during takeoff, landing, and taxiing.

Induction System Icing Protection, FARs 23.1093, 23.1095, 23.1099, 23.1101, 23.1105, 23.1097 (For turbopropeller powered airplanes only). Each turbine engine must be able to operate throughout its flight power range without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of FAR 25. In addition, there must be means to indicate to appropriate flight crewmembers the functioning of the powerplant ice protection system.

Turbine Engine Bleed Air Systems (For turbopropeller powered airplanes only). Turbine engine bleed air systems must be investigated to determine:

(a) That no hazard to the airplane will result if a duct rupture occurs. This condition must consider that a failure of the duct can occur anywhere between the engine port and the airplane bleed service.

(b) That, if the bleed air system is used for direct cabin pressurization, it is not possible for hazardous contamination of the cabin air system to occur in event of lube system failure.

EXHAUST SYSTEM

Exhaust System Drains (For turbopropeller powered airplanes only). Turbopropeller engines exhaust systems having low spots or pockets must incorporate drains at such locations. These drains must discharge clear of the airplane in normal and ground attitudes to prevent the accumulation of fuel after the failure of an attempted engine start.

POWERPLANT CONTROLS AND ACCESSORIES

Engine Controls, FAR 23.1143 (For turbopropeller powered airplanes only). If throttles or power levers are such that any position of these controls will reduce the fuel flow to the engine(s) below that necessary for satisfactory and safe idle operation of the engine while the airplane is in flight, a means must be provided to prevent inadvertent movement of the control into this position. The means provided must incorporate a positive lock or stop at this idle position and must require a separate and distinct operation by the crew to displace the control from the normal engine operating range.

Reverse Thrust Controls (For turbopropeller powered airplanes only). Propeller reverse thrust controls must have a means to prevent their inadvertent operation. The means must have a positive lock or stop at the idle position and must require a separate and distinct operation by the crew to displace the control from the flight regime.

Engine Ignition Systems, FAR 23.1165 (For turbopropeller powered airplanes only). Each turbopropeller airplane ignition system must be considered an essential load.

Powerplant Accessories (For turbopropeller powered and reciprocating-engine powered airplanes). In addition to the requirements of FAR 23.1163, if the continued rotation of any accessory remotely driven by the engine is hazardous when malfunctioning occurs, there must be means to prevent rotation without interfering with the continued operation of the engine.

POWERPLANT FIRE PROTECTION

Fire Detector System (For turbopropeller powered airplanes only). (a) There must be provided a means of ensuring prompt detection of fire in the engine compartment.

NOTE: An overtemperature switch in each engine cooling air exit will be considered adequate to meet this requirement.

(b) Each fire detector must be constructed and installed to withstand the vibration, inertia, and other loads to which it may be subjected in operation.

(c) No fire detector may be affected by any oil, water, other fluids, or fumes that might be present.

(d) There must be means to allow the crew to check, in flight, the functioning of each fire detector electric circuit.

(e) Wiring and other components of each fire detector system in a fire zone must be at least fire resistant.

Fire Protection, Cowling and Nacelle Skin (For reciprocating-engine powered airplanes only). Revise (c) of FAR 23.1193 to require that the engine cowling must be fireproof or designed and constructed so that no fire originating in the engine compartment can enter, either through openings or by burn through, any other region where it would create additional hazards.

Flammable Fluid Fire Protection (For turbopropeller powered and reciprocating-engine powered airplanes). If flammable fluids or vapors might be liberated by the leakage of fluid systems in areas other than engine compartments, there must be means to—

(a) Prevent the ignition of those fluids or vapors by any other equipment; or

(b) Control any fire resulting from that ignition.

EQUIPMENT

Powerplant Instruments, FAR 23.1305 (b). (a) The following additional instruments are required for turbopropeller airplanes:

(1) A gas temperature indicator for each engine.

(2) Free air temperature indicator.

(3) A fuel flowmeter indicator for each turbopropeller engine.

(4) Oil pressure warning means for each engine.

(5) A torque indicator or adequate means for indicating power output for each turbopropeller engine.

(6) Fire warning indicator for each engine.

(7) A means to indicate when the propeller blade angle is below the low-pitch position corresponding to idle operation in flight.

(8) A means to indicate the functioning of the ice protection system for each engine.

(b) For reciprocating-engine powered airplanes, in addition to the requirements of FAR 23.1305, the following will be required:

(1) A cylinder head temperature indicator for each engine.

(2) Manifold pressure indicator for each engine.

Powerplant Instruments, FAR 23.1337 (For turbopropeller powered airplanes only). Add to the present requirements, turbopropeller blade position indicator. Required turbopropeller blade position indicators must begin indicating when the blade has moved below the flight low-pitch position.

AIRPLANE FLIGHT MANUAL

Operating Procedures, FAR 23.1585(c) (For turbopropeller powered airplanes only). Procedures must be included for restarting turbine engines in flight (including the effects of altitude).

SYSTEMS AND EQUIPMENT

SUMMARY OF PROPOSED SYSTEMS AND EQUIPMENT AIRWORTHINESS REQUIREMENTS

The proposed systems and equipment airworthiness requirements are the same for turbopropeller powered airplanes as for reciprocating-engine powered airplanes. These include provisions for crew and passenger comfort and safety by requiring adequate ventilation to insure freedom from certain detrimental contaminants such as carbon monoxide and products of high-temperature oil breakdown. Smoke evacuation is specified because such capability is considered necessary for continued safe flight after a fire. Also included are requirements pertaining to the aircraft electrical system which are intended to provide continued safe flight and landing after any reasonably probable single failure as well as the capability for proper normal operation. In addition, standards are proposed for oxygen equipment and supply. The need for oxygen for crew and passengers use has been recognized for many years, and, in public transport such as with air taxis, the provision for an adequate oxygen system is a reasonable requirement expected by the public.

GENERAL

Function and Installation. In addition to the present requirements of FAR 23.1301, the following will apply:

(a) Each item of additional installed equipment must—

(1) Be of a kind and design appropriate to its intended function;

(2) Be labeled as to its identification, function, or operating limitations, or any applicable combination of these factors, unless misuse or inadvertent actuation cannot create a hazard;

(3) Be installed according to limitations specified for that equipment; and

(4) Function properly when installed.

(b) Systems and installations must be designed to safeguard against hazards to the aircraft in the event of their malfunction or failure.

(c) Where an installation, the functioning of which is necessary in showing compliance with the applicable requirements, requires a power supply, such installation must be considered an essential load on the power supply, and the power sources and the system must be capable of supplying the following power loads in probable operation combinations and for probable durations:

(1) All essential loads after failure of any prime mover, power converter, or energy storage device.

(2) All essential loads after failure of any one engine on two-engine airplanes.

(3) In determining the probable operating combinations and durations of essential loads for the power failure conditions described in subparagraphs (1) and (2) of this paragraph, it is permissible to assume that the power loads are reduced in accordance with a monitoring procedure which is consistent with safety in the types of operations authorized.

Ventilation, FAR 23.831. In addition to the requirements of FAR 23.831, for pressurized aircraft, ventilating air in crew and passenger compartments must be free of harmful or hazardous concentrations of gases and vapors in normal operation and in the event of reasonably probable failures or malfunctioning of the ventilating, heating, pressurization, or other systems, and equipment. If accumulation of hazardous quantities of smoke in the cockpit area is reasonably probable, smoke evacuation must be readily accomplished.

ELECTRICAL SYSTEMS AND EQUIPMENT

General, FAR 23.1351. In addition to the present requirements of FAR 23.1351, the following will apply:

(a) *Electrical system capacity.* The required generating capacity, and number and kinds of power sources must—

(1) Be determined by an electrical load analysis; and

(2) Meet the requirements of FAR 23.1301.

(b) *Generating system.* The generating system includes electrical power

sources, main power busses, transmission cables, and associated control, regulation, and protective devices. It must be designed so that—

(1) The system voltage and frequency (as applicable) at the terminals of all essential load equipment can be maintained within the limits for which the equipment is designed, during any probable operating conditions;

(2) System transients due to switching, fault clearing, or other causes do not make essential loads inoperative, and do not cause a smoke or fire hazard;

(3) There are means accessible, in flight, to appropriate crewmembers for the individual and collective disconnection of the electrical power sources from the system; and

(4) There are means to indicate to appropriate crewmembers the generating system quantities essential for the safe operation of the system, such as the voltage and current supplied by each generator.

Electrical Equipment and Installation. Electrical equipment, controls, and wiring must be installed so that operation of any one unit or system of units will not adversely affect the simultaneous operation of any other electrical unit or system essential to the safe operation.

Distribution System. (a) The distribution system includes the distribution busses, their associated feeders, and each control and protective device.

(b) Each system must be designed so that essential load circuits can be supplied in the event of reasonably probable faults or open circuits, including faults in heavy current carrying cables.

(c) If two independent sources of electrical power for particular equipment or systems are required by this chapter, their electrical energy supply must be ensured by means such as duplicate electrical equipment, throwover switching, or multichannel or loop circuits separately routed.

Circuit Protective Devices, FAR 23.1357. In addition to the requirements of FAR 23.1357, circuits for loads which are essential to safe operation must have individual and exclusive circuit protection.

SAFETY EQUIPMENT

Oxygen Equipment and Supply. For pressurized aircraft, for maximum operating altitude above 15,000 feet, up to and including 25,000 feet, an oxygen dispensing unit and oxygen supply terminal providing at least a 10-minute supply of oxygen must be within reach of each member of the required minimum flight crew and for any one passenger if passenger capacity is 10 or less and for any 2 passengers if passenger capacity is greater than 10 but not more than 20.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

Issued in Washington, D.C., on March 30, 1967.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 67-3816; Filed, Apr. 6, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-35]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Gainesville, Ga., transition area.

The Gainesville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gainesville Municipal Airport (latitude 34°16'23" N., longitude 83°49'45" W.); within 2 miles each side of the 216° bearing from the Gainesville, Ga., RBN (latitude 34°16'29.99" N., longitude 83°49'55.58" W.), extending from the 6-mile radius area to 8 miles SW of the RBN.

The proposed transition area is required for the protection of IFR operations at the Gainesville Municipal Airport. A prescribed instrument approach procedure to this airport utilizing the Gainesville (private) nondirectional radio beacon is proposed in conjunction with the designation of this transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on March 28, 1967.

W. B. RUCKER,
Acting Director, Southern Region.

[F.R. Doc. 67-3819; Filed, Apr. 6, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 032224]

ARIZONA

Notice of Proposed Classification of Public Lands

1. Notice is hereby given of a proposal to classify the lands described below for disposal under the Recreation and Public Purposes Act (43 U.S.C. 869 et seq.). This publication is made pursuant to the Act of September 19, 1964 (43 U.S.C. 1612).

2. The lands in T. 11 N., R. 28 E., situated in Apache County, lie within the proposed Lyman Lake State Park and have an elevation of approximately 6,000 feet above sea level. The Arizona State Parks have evaluated these lands as having excellent recreation potential.

The remaining parcels are within the immediate vicinity of the Tucson urban area and have been identified by the city of Tucson and Pima County as needed to supplement their proposed park and school system.

3. This proposal has been discussed with State, county, and local government agencies, the soil conservation district, and other interested parties of record. Information derived from discussions and other services indicates that these lands meet the criteria of 43 CFR 2410.1-3(c)(3) for nonprofit recreation and public purpose uses proposed by the Arizona State Parks and Recreation Department and the Pima County Parks and Recreation Department. Publication in the FEDERAL REGISTER segregates the described lands from all forms of disposal under the public land laws except the Recreation and Public Purposes Act.

4. Information concerning the lands is available for inspection and study in Room 3010, Federal Building, Phoenxi, Ariz. For a period of 60 days from the date of this publication, interested parties may submit comments to the Manager, Bureau of Land Management, Room 3010, Federal Building, Phoenix, Ariz. 85025. The lands affected by this proposal are located in Pima and Apache Counties and are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 12 S., R. 13 E.,
Sec. 19, lots 3 and 4, E½W½ and E½.
T. 15 S., R. 10 E.,
Sec. 30, lots 1 to 4, inclusive, E½W½ and E½;
Sec. 31, lots 1 to 4, inclusive, E½W½ and E½.
T. 16 S., R. 10 E.,
Sec. 3, lots 1 to 3, inclusive, and lots 5 to 16, inclusive, and S½;
Sec. 4, lot 1 and S½;
Sec. 9, N½;
Sec. 10, N½.
T. 11 N., R. 28 E.,
Sec. 10, NE¼, E½NW¼, NE¼SE¼, and E½NW¼SW¼;
Sec. 14, E½E½, NW¼NE¼, SW¼SE¼, N½SW¼, and SW¼SW¼;
Sec. 15, NE¼NW¼;
Sec. 23, N½NE¼ and SE¼NE¼;
Sec. 26, NW¼, W½NE¼, E½SE¼, and SW¼SE¼;
Sec. 27, W½, NW¼NE¼, and SW¼SE¼.

The lands described aggregate 4943.50 acres.

FRED J. WEILER,
State Director.

MARCH 30, 1967.

[F.R. Doc. 67-3823; Filed, Apr. 6, 1967; 8:46 a.m.]

National Park Service

CUMBERLAND GAP NATIONAL HISTORICAL PARK, KENTUCKY, TENNESSEE, AND VIRGINIA

Proposed Wilderness Establishment; Hearing

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m., on June 8, 1967, in the Middlesboro Junior High School auditorium, 228 North 20th Street, Middlesboro, Ky., and another beginning at 9 a.m., on June 9, 1967, in the Ewing Elementary School auditorium, U.S. Highway 58, Ewing, Va., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of a wilderness area comprising about 8,980 acres within the Cumberland Gap National Historical Park. The proposed wilderness area is located in Bell and Harlan Counties, Ky., and Lee County, Va.

A packet containing a map depicting the preliminary boundaries of the proposed wilderness area and providing additional information about the proposal may be obtained from the Superintendent, Cumberland Gap National Historical Park, Post Office Box 840, Middlesboro, Ky. 40965, or the Regional Director, National Park Service, Federal Building, Box 10008, 400 North Eighth Street, Richmond, Va. 23240.

A description of the preliminary boundaries and a larger map of the area proposed for establishment as wilderness are available for review in the above offices, and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C. The Master Plan for this park, likewise, may be inspected at these three locations.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the hearing officer in care of the Superintendent, Cumberland Gap National Historical Park, Post Office Box 840, Middlesboro, Ky. 40965, by June 6, 1967. Those not wishing to appear in person may submit written statements on the wilderness proposal to the hearing officer at that address for inclusion in the official record concerning the proposal which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An abbreviated oral statement may, however, be supplemented by a more complete written statement which should be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the hearing officer will give others present an opportunity to be heard.

After an explanation of the proposals by a representative of the National Park Service, the hearing officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed wilderness area is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

A. C. STRATTON,
Acting Director,
National Park Service.

MARCH 24, 1967.

[F.R. Doc. 67-3824; Filed, Apr. 6, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 12]

OATS IN IOWA AND WISCONSIN

Extension of Closing Date for Filing of Applications for Insurance for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and

pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for oat crop insurance for the 1967 crop year in all counties in Iowa and Wisconsin where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 14, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3838; Filed, Apr. 6, 1967; 8:47 a.m.]

[Notice No. 13]

TOBACCO IN SOUTH CAROLINA

Extension of Closing Date for Filing of Applications for Insurance for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for tobacco crop insurance for the 1967 crop year on type 13 tobacco in South Carolina counties where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 28, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3839; Filed, Apr. 6, 1967; 8:47 a.m.]

[Notice No. 15]

CANNING AND FREEZING PEAS IN MINNESOTA AND WISCONSIN

Extension of Closing Date for Filing of Applications for Insurance for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for canning and freezing pea crop insurance for the 1967 crop year in all counties in Minnesota and Wisconsin where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 28, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3837; Filed, Apr. 6, 1967; 8:47 a.m.]

[Notice No. 16]

CORN, GRAIN SORGHUM, AND SOYBEANS IN NEBRASKA

Extension of Closing Date for Filing of Applications for Insurance for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for corn, grain sorghum, and soybean crop insurance for the 1967 crop year in all counties in Nebraska where such insurance is otherwise authorized to be offered is hereby extended until the close of business on May 15, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3866; Filed, Apr. 6, 1967; 8:50 a.m.]

Office of the Secretary

PACKERS AND STOCKYARDS ADMINISTRATION

Proposed Transfer of Functions, Delegations of Authority, and Establishment of New Agency

In accordance with Reorganization Plan No. 2 of 1953 (5 U.S.C. 511 (footnote)), which became effective June 4, 1953, under the provisions of the Reorganization Act of 1949, as amended (5 U.S.C. 133z), and in order to afford interested persons and groups an opportunity to place before the Department their views with respect to the proposed actions, the Department is giving advance public notice of a proposed transfer of assigned functions and delegations of authority and the establishment of a new agency.

A continuing objective of the Department is to develop more effective organization. Because of the rapidly changing character of livestock and poultry production and marketing, the increasing importance of these commodities to the Nation's agriculture and general economy, and the accelerating development of new marketing institutions, arrangements and trading practices, greater emphasis is required in administration of the Packers and Stockyards Act, 1921, as amended. It is proposed to establish a new agency within the Department, to be known as the Packers and Stockyards Administration, reporting to the Secretary through the Assistant Secretary for Marketing and Consumer Services, and transfer to it the following functions and related delegations of authority:

(1) From the Consumer and Marketing Service—All of the functions administered by the Packers and Stockyards Division thereof including administration of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181–229).

Changes of functional assignments are made effective by publication in the FEDERAL REGISTER of an appropriate amendment of the Secretary's order dated December 24, 1953 (19 F.R. 74), as amended.

In order to be considered, views and comments of interested persons and groups must be received by the Secretary by May 8, 1967.

Done at Washington, D.C., the 4th day of April 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-3867; Filed, Apr. 6, 1967; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PAINT SPECIALTIES CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Paint Specialties Co., 1336 16th Street, Oakland, Calif. 94607, has withdrawn its petition (FAP 6B1901), notice of which was published in the FEDERAL REGISTER of November 23, 1966 (31 F.R. 14852), proposing an amendment to § 121.2548 *Zinc-silicon dioxide matrix coatings* to provide for the safe use of polyvinyl butyral as a component of zinc-silicon dioxide matrix coatings for food-contact use. It has been determined that the proposed use of the additive is already permitted by the provisions of § 121.2548(b)(2).

Dated: March 30, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3855; Filed, Apr. 6, 1967; 8:49 a.m.]

PENNSALT CHEMICALS CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0570) has been filed by Pennsalt Chemicals Corp., 2901 Taylor Way, Tacoma, Wash. 98401, proposing the establishment of a tolerance of 0.01 part per million for negligible residues of endothall (7-oxabicyclo(2,2,1)heptane-2,3-dicarboxylic acid) in or on the raw agricultural commodity cottonseed, from use of its mono-*N,N*-dimethylalkylamine salt as a defoliant on cotton wherein the alkyl group is the same as in the fatty acids of coconut oil.

The analytical method proposed in the petition for determining residues of the harvest aid is a gas chromatographic technique.

Dated: March 30, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3856; Filed, Apr. 6, 1967; 8:49 a.m.]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0574) has been filed by Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Kans. 66110, proposing the establishment of a tolerance of 0.1 part per million for negligible residues of the insecticide p-chlorophenyl-2,4,5-trichlorophenyl sulfide in or on the raw agricultural commodity apples.

The analytical method proposed in the petition for determining residues of the insecticide is an electron-capture gas chromatographic technique.

Dated: March 30, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3857; Filed, Apr. 6, 1967; 8:49 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0573) has been filed by Union Carbide Corp., Agricultural Products, Post Office Box 8361, South Charleston, W. Va. 25303, proposing the establishment of a tolerance of 0.5 part per million for residues of the insecticide 2-methyl-2-(methylthio) propionaldehyde-*O*-(methylcarbamoyl) oxime in or on the raw agricultural commodity potatoes.

The analytical method proposed in the petition for determining residues of the insecticide is extraction of the residue, conversion to hydroxylamine, oxidation to nitrous acid, diazotization with sulfanilic acid, coupling with naphthylamine, and colorimetric measurement of the resulting dye at 530 millimicrons.

Dated: March 30, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3858; Filed, Apr. 6, 1967; 8:49 a.m.]

VIRGINIA CHEMICALS, INC.

Notice of Withdrawal of Petition for Food Additive Sodium Hydrosulfite

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Virginia Chemicals, Inc., West Norfolk, Va. 23703, has withdrawn its petition (FAP 7A2086), notice of which was published in the FEDERAL REGISTER of October 12, 1966 (31 F.R. 13179), proposing the issuance of a regulation to provide for the safe use of sodium hydrosulfite as a processing aid in sugar production.

Dated: March 30, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3859; Filed, Apr. 6, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18361; Order No. E-24935]

BERMUDA SERVICE INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of March 1967.

On May 27, 1966, the Governments of the United States and the United Kingdom signed amendments to their Air Services Agreement of February 11, 1946, as subsequently amended. The new route annex, among other things, adds Detroit and Chicago to the existing points of Boston, New York, Baltimore, and Washington, D.C., on U.S. Route 8 of the bilateral.[1]

Pan American World Airways, Inc. (Pan American) and Eastern Air Lines, Inc. (Eastern) are certificated to provide service from various gateways to Bermuda. Pan American is authorized to operate between the coterminals New York and Boston and the terminal point Bermuda, while Eastern is certificated to serve between the terminal points New York and Washington, on the one hand, and Bermuda, on the other.

On February 1, 1965, Pan American filed an application, in Docket 15819, for a permanent or temporary amendment of its certificate for Route FAM-17, so as to designate Washington, D.C., Philadelphia, Detroit, and Chicago, as coterminal points, and Baltimore as an additional unrestricted coterminal point. On March 31, 1966, Pan American moved for expedited hearing on that part of its application which seeks authority to operate between the coterminal points Chicago and Detroit and the terminal point Bermuda. Eastern filed an application in Docket 16093, as last amended on May 31, 1966, for permanent or temporary route authority between the coterminals Chicago and Detroit and the hyphenated point Washington-Baltimore,[2] and the terminal point Bermuda. On May 31, 1966, Eastern also filed a motion for expedited hearing on its application.

In Docket 15974 Trans Caribbean Airways, Inc. (TCA) applied for authority to serve the coterminal points Boston, New York-Newark, Philadelphia, Baltimore, and Washington, the intermediate point Bermuda and the terminal point San Juan with rights to overfly or originate flights at the intermediate points.

In view of the recently amended route provided for in the bilateral agreement and the fact that the Board has not reviewed the question of service to Bermuda since the Boston-Bermuda Case, 9 CAB 563 (1948), we believe it appropriate to examine whether a need exists for new or additional route authority between the U.S. gateways provided for in the currently effective air service agreement and Bermuda.

We shall consolidate into the subject Investigation Dockets 16093 and 15819 (other than Philadelphia-Bermuda nonstop service),[3] and so much of Docket 15974 as involves authority between Boston, New York, Baltimore, and Washington, on the one hand, and Bermuda, on the other hand.

In order that the Board may be in a position to broadly examine the service needs between the U.S. points named in the U.S.-U.K. route annex and Bermuda, we shall place in issue three additional questions as follows:

First, we will place in issue whether any applicant should be authorized to engage in interstate air transportation between the coterminals on flights originating and terminating at Bermuda.[4] Historic traffic between most of the coterminals in issue and Bermuda has been relatively thin. Under these circumstances, the support of local traffic may enable one or more carriers to successfully mount a full pattern of service and thus develop and expand the markets. In addition, we will place in issue whether stopover rights should be granted in the event domestic traffic rights are not awarded.

Second, we will explore the question of whether existing New York-Bermuda

[1] The amendment deleted a U.S. carrier route which was not operated for many years between Chicago/Detroit/Washington/Baltimore/Philadelphia/New York/Boston and London via Gander, Bermuda, the Azores, and other intermediate points.

[2] Hyphenation of Washington and Baltimore as an intermediate point would replace the currently designated coterminal point Washington, D.C.

[3] Philadelphia is not designated in the route annex as a gateway to Bermuda.

[4] The existing authority of Pan American and Eastern shall not be in issue under sec. 401(g) of the Federal Aviation Act of 1958, as amended, except in relation to the question of designating New York/Newark as a terminal, the naming of airports at points already served, and whether Eastern's authority to serve Washington should be amended to include Washington/Baltimore.

authority and any newly authorized authority should be designated in such a manner as to permit only turnaround service. Based upon the existing pattern of mainland-Bermuda service it appears that New York traffic is used to support certain of the flights to and from Bermuda. The need for such support, to the extent that it exists, may no longer be required if the successful applicants are permitted to carry local traffic between coterminal points other than New York. To the extent that New York traffic may no longer be required for support purposes the carriers may be able to operate more turnaround service and thereby better serve the market. Moreover, if New York can be bypassed on Bermuda flights originating or terminating at other U.S. points, problems associated with air traffic congestion in the New York area may be alleviated.

Third, because certain of the U.S. points involved are served by more than one airport, we will place in issue the question of whether the Board should designate the airport through which a point should be served. This will permit an evaluation of the relative convenience of airports to the traveling public, whether competitive service should be authorized through different airports in the same area, and whether; if an airport is or is about to become saturated, additional services should only be authorized at a less congested alternative airport in the same area.

Accordingly, it is ordered:

1. That an investigation to be known as the Bermuda Service Investigation be, and it hereby is instituted in Docket 18361, pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment or modification of carrier authorizations so as to certificate one or more air carriers to provide foreign air transportation between the coterminal points Chicago, Detroit, Boston, New York, Washington, Baltimore, and Washington-Baltimore on the one hand, and the terminal point Bermuda, on the other hand;

2. That the existing authority of Pan American and Eastern shall not be reduced by alteration, amendment, modification or suspension pursuant to section 401(g) of the Act except as set forth in 3. below;

3. That the following be considered as specific issues in the proceeding:

(a) Whether, pursuant to section 401 (g) of the Act, the existing New York-Bermuda authority of Pan American and Eastern should be restricted to the provision of turnaround service and whether any new New York-Bermuda authority should be restricted in the same manner;

(b) Whether any awards under the authority in issue which relate to flights originating or terminating at Bermuda shall include the right to engage in interstate air transportation between the coterminals; and whether, if domestic traffic rights are not awarded, the awards should include the right to permit passengers to stopover at the eastern seaboard coterminals;

(c) Whether certificates relating to service at U.S. points should name specific airports for any new authority awarded and, pursuant to section 401(g) of the Act, under the existing authority of Pan American and Eastern;

4. That the following applications or parts thereof be and they hereby are consolidated into Docket 18361, Docket 16093, Docket 15819 (other than Philadelphia-Bermuda nonstop service), and Docket 15974 (other than Philadelphia-Bermuda and San Juan service matters);

5. That motions to consolidate, applications, or petitions seeking modification or reconsideration of this order and petitions for leave to intervene, be filed no later than 20 days after the date of service of this order and that answers to such pleadings be filed no later than 10 days thereafter;

6. That pursuant to Rule 12(d) of the Board's rules of practice those portions of the applications in Dockets 15819 and 15974 not consolidated herein be and they hereby are dismissed without prejudice;

7. That this proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated; and

8. That, except to the extent granted herein, the motions of Pan American and Eastern in Dockets 15819 and 16093, respectively, be and they hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-3843; Filed, Apr. 6, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

APRIL 5, 1967.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on May 12, 1967, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b) (1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 11, 1967, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on May 11, 1967, or (b) the earlier effective cut-off date which a listed application or by any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: March 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Applications From the Top of the Processing Line

BP-17085 New, Macon, Miss.
James W. Eatherton.
Req: 1400 kc, 250 w, U.

BP-17434 New, Page, Ariz.
Lake Powell Broadcasting Co., Inc.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-17435 New, Youngstown, Ohio.
Media, Inc.
Req: 1500 kc, 500 w, 250 w (DA-CH), DA-2, Day.

BP-17437 WSMD, La Plata, Md.
Charles County Broadcasting Co., Inc.
Has: 1560 kc, 250 w, Day.
Req: 1560 kc, 1 kw, 250 w (CH), Day.

BP-17439 New, Greenwood, S.C.
United Community Enterprises, Inc.
Req: 1090 kc, 1 kw, Day.

BP-17445 New, Wayne, Nebr.
Gleason Brothers.
Req: 1590 kc, 500 w, Day.

BP-17446 New, Crossville, Tenn.
Millard V. Oakley Broadcasting Co.
Req: 1520 kc, 250 w, Day.

BP-17449 WECP, Carthage, Miss.
Meredith Colon Johnston.
Has: 1480 kc, 500 w, Day.
Req: 1080 kc, 250 w, Day.

BP-17450 New, Shell Lake, Wis.
Charles R. Lutz and Erwin Gladdenbergk.
Req: 940 kc, 1 kw, Day.

BP-17451 New, Calhoun City, Miss.
Calhoun County Broadcasting Co.
Req: 1530 kc, 250 w, Day.

BP-17452 New, Yadkinville, N.C.
Yadkin Broadcasting Co., Inc.
Req: 1480 kc, 1 kw, DA, Day.

BP-17453 KPUA, Hilo, Hawaii.
Pacific Broadcasting Co., Inc.
Has: 970 kc, 1 kw, U.
Req: 970 kc, 5 kw, U.

BP-17460 New, Prattville, Ala.
Autauga Broadcasting, Inc.
Req: 1410 kc, 5 kw, Day.

BP-17462 KOAG, Arroyo Grande, Calif.
Larson-Irwin Enterprises.
Has: 1280 kc, 1 kw, DA-2, U.
Req: 1280 kc, 1 kw, DA-N, U.

BP-17464 KPWB, Piedmont, Mo.
Wayne County Broadcasting Co., Inc.
Has: 1140 kc, 250 w, Day.
Req: 1140 kc, 1 kw, Day.

BP-17465 New, Chiefland, Fla.
White Construction Co., Inc.
Req: 940 kc, 500 w, Day.

BP-17468 WTBF, Troy, Ala.
Troy Broadcasting Corp.
Has: 970 kc, 500 w, 5 kw-LS, DA-2, U.
Req: 970 kc, 500 w, 5 kw-LS, DA-N, U.

BP-17469 WVAM, Altoona, Pa.
Blair County Broadcasters, Inc.
Has: 1430 kc, 1 kw, DA-N, U.
Req: 1430 kc, 1 kw, 5 kw-LS, DA-N, U.

BP-17471 WCED, Du Bois, Pa.
Tri-County Broadcasting Co.
Has: 1420 kc, 500 w, 5 kw-LS, DA-2, U.
Req: 1420 kc, 500 w, 5 kw-LS, DA-N, U.

BP-17472 WTIV, Titusville, Pa.
Crawford County Broadcasting Co., Inc.
Has: 1230 kc, 250 w, 500 w-LS, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-17473 New, Catskill, N.Y.
Caranje Broadcasting Co., Inc.
Req: 560 kc, 1 kw, DA, Day.

BP-17475 New, Marion, Ky.
Crittenden County Broadcasting Co.
Req: 1500 kc, 250 w, Day.

BP-17476 WPFP, Park Falls, Wis.
Northland Broadcasting, Inc.
Has: 1450 kc, 250 w, 1 kw-LS, U.
Req: 980 kc, 1 kw, Day.

BP-17479 New, Tomahawk, Wis.
Tomahawk Broadcasting Co.
Req: 810 kc, 500 w, Day.

BP-17480 New, Walden, N.Y.
Everette Broadcasting Co., Inc.
Req: 1170 kc, 250 w, Day.

BP-17482 New, Mechanicville, N.Y.
Mechanicville Broadcasting Co.
Req: 1170 kc, 250w, Day.

BP-17485 New, Lakewood, N.J.
Radio New Jersey.
Req: 1170 kc, 5 kw, DA, Day.

BP-17486 WRMF, Titusville, Fla.
WRMF, Inc.
Has: 1050 kc, 500 w, Day.
Req: 1060 kc, 5 kw, 10 kw-LS, DA-2, U.

BP-17487 KRRR, Ruidoso, N. Mex.
Sierra Blanca Broadcasting Co.
Has: 1340 kc, 250 w, 1 kw-LS, U.
Req: 1360 kc, 5 kw, Day.

BP-17493 New, Spray, N.C.
Ray A. Childers.
Req: 1130 kc, 1 kw, Day.

BP-17495 New, Globe, Ariz.
Herb Newcomb.
Req: 1240 kc, 250 w, U.

BP-17496 New, Freehold, N.J.
Molly Pitcher Broadcasting Co., Inc.
Req: 1070 kc, 1 kw, DA, Day.

BP-17497 New, West Hazleton, Pa.
CBM, Inc.
Req: 1300 kc, 1 kw, DA, Day.

BP-17498 New, West Hazleton, Pa.
Broadcasters 7, Inc.
Req: 1300 kc, 5 kw, DA, Day.

BP-17499 New, Pittsfield, Mass.
Taconic Broadcasters.
Req: 1110 kc, 5 kw, DA, Day.

BP-17502 New, Cranston, R.I.
Cranston-Warwick Radio, Inc.
Req: 1170 kc, 5 kw, DA, Day.

BP-17504 New, Cornwall, N.Y.
Radio Cornwall.
Req: 1170 kc, 1 kw, DA, Day.

BP-17505 New, Somerville, N.J.
Somerset Valley Broadcasting Co.
Req: 1170 kc, 1 kw, Day.

BP-17508 WAIK, Galesburg, Ill.
Webster Broadcasting Co.
Has: 1590 kc, 5 kw, DA, Day.
Req: 1590 kc, 500 w, 5 kw-LS, DA-2, U.

BP-17511 New, Show Low, Ariz.
White Mountain Broadcasters, Inc.
Req: 1450 kc, 250 w, 1 kw-LS, Day.

BP-17513 WNRV, Narrows-Pearisburg, Va.
Megan H. McWilliams.
Has: 990 kc, 1 kw, Day.
Req: 990 kc, 5 kw, Day.

BP-17514 New, Lenoir, N.C.
Furniture City Broadcasters, Inc.
Req: 1080 kc, 1 kw, Day.

BP-17516 WLLL, Lynchburg, Va.
Griffith Broadcasting Corp.
Has: 930 kc, 1 kw, Day.
Req: 930 kc, 5 kw, Day.

BP-17517 New, Sioux Falls, S. Dak.
John L. Breece.
Req: 1000 kc, 10 kw, DA, Day.

BP-17520 New, Bayard, N. Mex.
George L. McFarland.
Req: 950 kc, 1 kw, Day.

BP-17521 New, Hurricane, W. Va.
Valley Broadcasting, Inc.
Req: 1080 kc, 1 kw, Day.

BP-17522 New, De Witt, Ark.
De Witt Broadcasting Co., Inc.
Req: 1470 kc, 500 w, Day.

BP-17523 New, Hardinsburg, Ky.
O. C. Carter, Paul Fuqua, and R. D. Ingram.
Req: 1520 kc, 250 w, Day.

BP-17524 KRPL, Moscow, Idaho.
KRPL, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-17526 KBHS, Hot Springs, Ark.
Tim Timothy, Inc.
Has: 590 kc, 5 kw, Day.
Req: 590 kc, 1 kw, 5 kw-LS, DA-N, U.

BP-17527 New, Warrenton, N.C.
Warren County Radio.
Req: 1520 kc, 1 kw, Day.

BP-17528 New, Catlettsburg, Ky.
T. L. Gilbert.
Req: 1600 kc, 5 kw, Day.

BP-17529 New, Saluda, S.C.
Saluda Broadcasting Co., Inc.
Req: 1090 kc, 500 w, Day.

BP-17530 New, Bartow, Fla.
Trans-Florida Radio, Inc.
Req: 1130 kc, 1 kw, Day.

BP-17531 New, Nelsonville, Ohio.
Valley Broadcasting, Inc.
Req: 940 kc, 250 w, DA, Day.

BP-17532 KVWM, Show Low, Ariz.
Peak Broadcasting Co.
Has: 970 kc, 1 kw, Day.
Req: 970 kc, 5 kw, Day.

BP-17534 New, Berea, Ky.
Regional Broadcasting Co.
Req: 1500 kc, 250 w, Day.

BP-17535 KNCB, Vivian, La.
North Caddo Broadcasting Co.
Has: 1600 kc, 500 w, Day.
Req: 1600 kc, 5 kw, Day.

BP-17536 WLKE, Waupun, Wis.
Radio Waupun.
Has: 1170 kc, 250 w, Day.
Req: 1170 kc, 1 kw, Day.

BML-2204 WBMK, West Point, Ga.-Lanett, Ala.
Radio Valley, Inc.
Has: 1310 kc, 1 kw, Day (West Point, Ga.).
Req: 1310 kc, 1 kw, Day (West Point, Ga.-Lanett, Ala.).

[F.R. Doc. 67-3844; Filed, Apr. 6, 1967; 8:48 a.m.]

[Docket Nos. 17258-17260; FCC 67M-554]

GAMMA TELEVISION CORP. ET AL.

Order Continuing Prehearing Conference

In re applications of Gamma Television Corp., Memphis, Tenn., Docket No. 17258, File No. BPCT-3599; John McLendon, trading as Tele/Mac of Memphis, Memphis, Tenn., Docket No. 17259, File No. BPCT-3762; Victor Muscat and Cliff Ford, doing business as Memphis Broadcasting Associates, Memphis, Tenn., Docket No. 17260, File No. BPCT-3787; for construction permit for new television broadcast station.

On the informal request of Memphis Broadcasting Associates, all parties having consented;

It is ordered, This 3d day of April 1967, that the prehearing conference now scheduled for April 4, 1967, is continued to April 12, 1967, at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: April 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3845; Filed, Apr. 6, 1967; 8:48 a.m.]

[Docket No. 14817; FCC 67M-551]

RADIO STATION KQXI (KQXI)

Order Continuing Hearing

In re application of Frances C. Gaguine & Bernice Schwartz, doing business as Radio Station KQXI (KQXI), Arvada, Colo., Docket No. 14817, File No. BMP-9769; for construction permit.

The Chief Hearing Examiner having under consideration a motion filed March 31, 1967, on behalf of the applicant, requesting that the date for exchange of exhibits in this proceeding be continued from April 5 to April 19, 1967; that the date for notification of witnesses be continued from April 19 to May 3, 1967; and that the date of commencement of the hearing be continued from April 25 to May 8, 1967;

It appearing, that due to the heavy workload and complexity of the technical showing, applicant's engineer requires an additional 2 weeks to complete preparation of such exhibits;

It further appearing, that counsel for all parties to this proceeding have no objection to the immediate consideration and grant of this motion, and good cause for the granting having been shown;

It is ordered, This the 3d day of April 1967, that the motion is granted; that the date for exchange of exhibits in the above-entitled proceeding is continued from April 5 to April 19, 1967; that the date for notification of witnesses is continued from April 19 to May 3, 1967; and that the date for commencement of the hearing is continued from April 25 to May 8, 1967, beginning at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: April 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3846; Filed, Apr. 6, 1967; 8:48 a.m.]

[Docket Nos. 16655, 16656; FCC 67M-499]

JONES T. SUDBURY AND NORTHWEST BROADCASTING CO., INC.

Order Rescheduling Hearing

In re applications of Jones T. Sudbury, Martin, Tenn., Docket No. 16655, File No. BPH-5067; Northwest Tennessee Broadcasting Co., Inc., Martin, Tenn., Docket No. 16656, File No. BPH-5174; for construction permits.

The Hearing Examiner has under consideration a petition filed March 17, 1967, on behalf of Jones T. Sudbury requesting that the evidentiary hearing now scheduled to begin March 27, 1967, be continued to May 22, 1967.

The continuance of the evidentiary hearing is desired to give the Commission time within which to act on a pleading filed March 8, 1967, requesting a rule making proceeding looking to the assignment of a second FM channel to the Martin-McKenzie, Tenn., area.

Pleadings addressed to the Review Board and pleadings addressed to the Hearing Examiner are also on file. It will be in the interest of orderly administration to hold a further prehearing conference at which counsel will state in detail the positions of the applicants on the various aspects of this proceeding.

It is ordered, This the 22d day of March 1967, that a further prehearing conference will be held on Monday, March 27, 1967, beginning at 9 a.m. in the offices of the Commission in Washington, D.C.; and

It is further ordered, That the petition for continuance of the evidentiary hearing is granted, and the evidentiary hearing now scheduled to begin on Monday, March 27, 1967, is continued to Monday, May 22, 1967, beginning at 10 a.m., in the offices of the Commission in Washington, D.C.

Released: March 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3847; Filed, Apr. 6, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI67-330]

GULF OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 30, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 10, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-330	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	182	6	H. L. Hunt et al.[1] (Harleton (Whelan) Field, Harrison County, Tex.) (R.R. District No. 6).	$630	2-27-67	[2] 4-1-67	[2] 4-2-67	13.1	[3][4] 13.7	RI64-231.

[1] H. L. Hunt resells the gas under its FPC Gas Rate Schedule No. 4 to Texas Eastern Transmission Corp. at a current effective rate of 16.0 cents, subject to refund in Docket No. RI65-260. Hunt has filed its related increase to 16.2 cents which is currently suspended in Docket No. RI67-92 until Apr. 1, 1967.

[2] The stated effective date is the effective date proposed by Respondent.
[3] The suspension period is limited to 1 day.
[4] Three-step periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.

Gulf Oil Corp. (Gulf) proposes a three-step periodic rate increase to 13.7 cents per Mcf for a sale of gas to H. L. Hunt et al. (Hunt) in Texas Railroad District No. 6. Hunt under its FPC Gas Rate Schedule No. 4 resells the gas to Texas Eastern Transmission Corp. at a current rate of 16.0 cents per Mcf subject to refund in Docket No. RI65-260. Hunt has filed an increase to 16.2 cents, which is currently suspended in Docket No. RI67-97 until April 1, 1967. Gulf's proposed increase of 13.7 cents is directly geared to Hunt's 16.2 cents suspended rate. Although Gulf's proposed rate does not exceed the area increased rate ceiling of 14.0 cents per Mcf for Texas Railroad District No. 6 as announced in the Commission's statement of general policy No. 61-1, as amended, it should be suspended because such ceiling is applicable to Hunt's resale rate, not to Gulf's. In view of the fact that the resale rate of Hunt is suspended in Docket No. RI67-92, we conclude that a 1-day suspension from April 1, 1967, the proposed effective date, is appropriate.

[F.R. Doc. 67-3742; Filed, Apr. 6, 1967; 8:45 a.m.]

[Docket Nos. G-2595 etc.]

LESH CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 30, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 21, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-2595 E 2-27-67 3-20-67 [2]	Lesh Co. (successor to Barron Kidd and C. R. Smith), 509 Riggs Circle, Mesquite, Tex. 75149.	Natural Gas Pipeline Co. of America, Amargosa Field, Jim Wells County, Tex.	14.5	14.65
G-11864 D 3-21-67	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001 (partial abandonment).	Lone Star Gas Co., Doyle Field, Stephens County, Okla.	(3)	-------
G-12994 D 3-20-67	Wilhelmina duP. Rose (Operator) et al., 1306 Petroleum Tower, Shreveport, La. 71101 (partial abandonment).	Texas Eastern Transmission Corp., South Hallsville Field, Harrison County, Tex.	Depleted	-------
G-16376 D 3-13-67	McCommons Oil Co. et al., 1510 Mercantile Securities Bldg., Dallas, Tex. 75221.	Natural Gas Pipeline Co. of America, Boonsville Bend Conglomerate Field, Wise County, Tex.	(3)	-------
CI61-1630 C 3-13-67	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Transcontinental Gas Pipe Line Corp., Vermilion Block 131, Offshore Louisiana.	19.0	15.025
CI62-306 D 3-22-67	Anadarko Production Co., Post Office Box 9317, Forth Worth, Tex. 76101 (partial abandonment).	Colorado Interstate Gas Co., Council Grove Formation, Beaver County, Okla.	(4)	-------
CI63-20 D 3-17-67	Humble Oil & Refining Co. (Operator) et al., Post Office Box 2180, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Haskell County, Okla.	Assigned	-------
CI63-234 D 3-21-67	Mobil Oil Corp. (Operator) et al., (partial abandonment).	Arkansas Louisiana Gas Co., Red Oak Field, Latimer County, Okla.	(3)	-------
CI63-450 C 3-16-67	Gulf Oil Corp. (Operator) et al.[6]	Michigan Wisconsin Pipe Line Co., Northwest Cedardale Field, Woodward County, Okla.	[7] 17.0	14.65
CI63-459 C 3-22-67	Gulf Oil Corp. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Northwest Oakdale Field, Woods County, Okla.	[7][8] 15.0	14.65
CI63-726 C 9-9-63	Davon Drilling Co. et al., Post Office Box 1586, Oklahoma City, Okla. 73101.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[8] 15.0	14.65
CI64-437 D 3-22-67	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76101 (partial abandonment).	Northern Natural Gas Co., Ivanhoe and Mocane-Laverne Fields, Beaver County, Okla.	Depleted	-------
CI66-1310 D 3-23-67	Tidewater Oil Co. (Operator) et al., Post Office Box 1404, Houston, Tex. 77001 (partial abandonment).	Northern Natural Gas Co., Anadarko Basin Area, Ellis County, Okla.	Assigned	-------
CI66-1343 E 1-23-67	Development Services Corp. (Operator) et al. (successor to H.L.M. Drilling Co. (Operator) et al.), 645 Petroleum Club Bldg., Denver, Colo. 80202.	Mountain Fuel Supply Co., Pole Gulch Unit, Moffat County, Colo.	15.0	15.025
CI67-18 C 3-17-67	Union Producing Co., Post Office Box 1407, Shreveport, La. 71102.	Southern Natural Gas Co., Plum Point Field, Lafourche Parish, La.	[9] 20.625	15.025
CI67-90 D 2-21-67	Amax Petroleum Corp., 507 Enterprise Bldg., Tulsa, Okla. 74103 (partial abandonment).	Arkansas Louisiana Gas Co., Arkoma Basin, Latimer County, Okla.	(10)	-------
CI67-381 C 3-20-67	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	Northern Natural Gas Co., acreage in Ellis County, Okla.	[11] 17.0	14.65
CI67-1250 (CS66-62) F 3-10-67	Sunset International Petroleum Corp. (successor to Wolfson Oil Co.), 8920 Wilshire Blvd., Beverly Hills, Calif. 90211.	Northern Natural Gas Co., Tubb and Blinebry Field, Lea County, N. Mex.	11.7943	15.025
CI67-1260 (CI64-575) (CI64-679) F 3-9-67	Exploration & Development, Inc. (successor to Anadarko Production Co. and Livingston Oil Co.) c/o H. B. Watson, Jr., attorney, Walker & Watson, 220 Cravens Bldg., Oklahoma City, Okla. 73102.	Kansas-Nebraska Natural Gas Co., Inc., Bradshew Field, Hamilton County, Okla.	12.5	14.65
CI67-1261 A 3-10-67	Bright & Schiff, 107 Mercantile Continental Bldg., Dallas, Tex. 75201.	Texas Eastern Transmission Corp., Texam, South (Cole) Field, Live Oak County, Tex.	15.0	14.65
CI67-1262 A 3-9-67	Homestead Oil & Gas Co., Inc., Post Office Box 161, Cameron, W. Va. 26033.	The Manufacturers Light & Heat Co., Aleppo Township, Greene County, Pa.	21.5	15.325
CI67-1263 A 3-9-67	do	do	21.5	15.325
CI67-1264 A 3-16-67	TWM Petroleum, Inc., 912-A Goff Bldg., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., McClellan District, Doddridge County, W. Va.	25.0	15.325
CI67-1265 A 3-16-67	Benco Drilling Co., Inc., et al., Post Office Box 599, Charleston, W. Va. 25301.	Consolidated Gas Supply Corp., Otter District, Braxton County, W. Va.	25.0	15.325
CI67-1266 A 3-16-67	Lock 3 Oil, Coal & Dock Co., et al., 415 Porter Bldg., Pittsburgh, Pa. 15219.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	25.0	15.325
CI67-1267 A3-16-67	J. E. Hillier, Post Office Box 67, Pleasanton, Tex. 78064.	Almos Gas Gathering Co., North Mathis Field, San Patricio County, Tex.	[12] 10.0	14.65
CI67-1269 B 3-16-67	Phillips Petroleum Co., Bartlesville, Okla. 74003.	El Paso Natural Gas Co., South Four Lakes Area, Lea County, N. Mex.	(13)	-------
CI67-1270 B 3-17-67	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Texas Eastern Transmission Corp., East Muldon Field, Monroe County, Miss.	Depleted	-------
CI67-1271 A 3-16-67	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	Florida Gas Transmission Co., Vatican Field, Lafayette Parish, La.	20.0	15.025
CI67-1272 A 3-17-67	Salt Lick Corp., Post Office Box 4065, Hammond, Ind. 46324.	Consolidated Gas Supply Corp., acreage in Braxton and Gilmer Counties, W. Va.	[14] 27.0	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-1300..... A 3-22-67	Chandler & Associates, Inc., 1401 Denver Club Bldg., Denver, Colo. 80202.	Colorado Interstate Gas Co., Patrick Draw Area Field, Sweetwater County, Wyo.	14.5	14.65
C167-1301..... A 3-17-67	Homer B. King and Gayle L. King, Wind Ridge, Pa. 15380.	The Manufacturers Light & Heat Co., Richhill Township, Greene County, Pa.	21.5	15.325
C167-1302..... B 3-22-67	Gulf Oil Corp.....	United Gas Pipe Line Co., Bancroft Field, Beauregard Parish, La.	15.0	15.025
C167-1303..... B 3-22-67	....do.....	Lone Star Gathering Co., Karen Beauchamp Field, Goliad County, Tex.	(10)	.....
C167-1277..... (CS66-62) F 3-17-67	Sunset International Petroleum Corp. (successor to Wolfson Oil Co.).	Lone Star Gathering Co., Yorktown Field, De Witt County, Tex.	(10)	.....
C167-1278..... (CS66-62) F 3-17-67	El Paso Natural Gas Co., North Shugart Drinkard Field, Lea County, N. Mex.	11 14.4627	14.65	
C167-1279..... (CS66-62) F 3-17-67	....do.....	12 15.5	14.65	
C167-1280..... A 3-17-67	Fire Oil & Gas Co., c/o Bruce E. Lambert, attorney, 3461 North Lashley Boulevard, Arlington, Va. 22201.	United Fuel Gas Co., acreage in Lincoln County, W. Va.	23.0	15.325
C167-1281..... A 3-17-67	Frying Pan Oil & Gas Co., 3461 North Washington Blvd., Arlington, Va. 22201.	....do.....	23.0	15.325
C167-1282..... A 3-20-67	An-Son Corp., 3814 North Santa Fe, Oklahoma City, Okla.	Panhandle Eastern Pipe Line Co., Northeast Sampel Field, Cimarron County, Okla.	11 17.0	14.65
C167-1283..... B 3-20-67	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	Cities Service Gas Co., Hugoton Field, Finney County, Okla.	Depleted	.....
C167-1284..... B 3-20-67	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	Transcontinental Gas Pipe Line Corp., South Bourg Field, Terrebonne Parish, La.	Depleted	.....
C167-1285..... B 3-20-67	Skelly Oil Co.....	Natural Gas Pipeline Co. of America, Canrick Southeast Pool, Beaver County, Okla.	Depleted	.....
C167-1286..... B 3-20-67	Cities Service Co. (Operator) et al., Cities Service Bldg., Bartlesville, Okla. 74003.	Lone Star Gathering Co., Spoary Field, Karnes County, Tex.	(10)	.....
C167-1287..... B 3-20-67	Morris Cannan (Operator) et al., 1645 Milam Bldg., San Antonio, Tex. 78205.	Texas Eastern Transmission Corp., Kittie West Field, Live Oak County, Tex.	Depleted	.....
C167-1288..... B 3-20-67	Pan American Petroleum Corp....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Wite Field, Victoria County, Tex.	Depleted	.....
C167-1289..... B 3-20-67	Lone Star Producing Co., 301 South Harwood St., Dallas, Tex. 75201.	Lone Star Gathering Co., acreage in De Witt, Goliad, and Victoria Counties, Tex.	(10)	.....
C167-1290..... (C162-106) F 3-16-67	Crystal Oil & Land Co. (Operator) et al. (successor to Harvey Boyd (Operator) et al., 1400 Jackson Bldg., Shreveport, La. 71101.	Texas Gas Transmission Corp., Ruston Field, Lincoln Parish, La.	16.0	15.025
C167-1292..... A 3-2-67	Bissett Construction Co., Box 71, New Freeport, Pa. 15352.	The Manufacturers Light & Heat Co., Liberty District, Marshall County, W. Va., and Springhill and Aleppo Townships, Greene County, Pa.	25.0	15.325
C167-1293..... A 3-2-67	Charles C. Bissett, Box 71, New Freeport, Pa. 15352.	The Manufacturers Light & Heat Co., Union District, Wetzel County, W. Va.	21.5	15.325
C167-1294..... A 3-6-67	J. C. Baker & Son, Inc., Gassaway, W. Va. 26624.	Cumberland & Allegheny Gas Co., Buckhannon District, Upshur County, W. Va.	25.0	15.325
C167-1295..... A 3-2-67	Howard Marcus, D.O., Hundred, W. Va. 26575.	The Manufacturers Light & Heat Co., Battelle District, Monongalia County, W. Va.	20.0	15.325
C167-1296..... A 3-2-67	Masco Drilling & Supply Co., 716 Park Bldg., Pittsburgh, Pa. 15222.	The Manufacturers Light & Heat Co., Benezette Township, Elk County, Pa.	27.5	15.325
C167-1297..... A 3-21-67	Texaco, Inc.....	United Gas Pipe Line Co., Plumb Bob Field, St. Martin Parish, La.	21.25	15.025
C167-1299..... A 3-17-67	Red Bank Gas Co., Rural Delivery No. 1, Rimersburg, Pa. 16248.	The Manufacturers Light & Heat Co., New Bethlehem Field, Armstrong County, Pa.	22.0	15.325

[1] Supplement to application filed.
[2] Low pressure gas cannot enter Buyer's pipe line.
[3] Well ceased to produce.
[4] Uneconomical to connect to well.
[5] Purchaser declined to make connection to Midwest-Henry Unit No. 1 well.
[6] Applicant states its willingness to accept permanent authorization at 17.0 cents per Mcf.
[7] Plus B.t.u. adjustment.
[8] Settlement rate as approved by Commission order issued Mar. 30, 1964, in Docket No. G-19417 et al. for acreage in "Other" Oklahoma area.
[9] Contract provides for initial price of 17.0 cents per Mcf plus B.t.u. adjustment, however, Applicant has agreed to accept authorization conditioned as Opinion No. 350.
[10] Applicant proposes to sell gas from the additional acreage at 20.625 cents per Mcf, pursuant to Settlement Order issued Jan. 7, 1964, in Docket No. C161-466.
[11] Purchaser declines to connect production from the subject acreage due to the relatively minor portion dedicated to it.
[12] Subject to upward and downward B.t.u. adjustment.
[13] For all gas in excess of 800,000 Mcf, the price shall be 11.0 cents.
[14] Due to the declining volume of gas, Applicant proposes to discontinue processing the gas in its own plant and to deliver the gas to Warren Petroleum Co. under a percentage-type contract for sale and delivery to the same Purchaser.
[15] Includes 2.0 cents for transportation until gathering line is paid for.
[16] Contract dated effective at 14.65 cents per Mcf.
[17] Price to be reduced by 0.581 cent per Mcf if compression is required.
[18] Subject to reduction of 0.4467 cent per Mcf for low pressure gas and 2.0 cents per Mcf for compression.
[19] Plus applicable taxes. Seller reimburses Buyer at 2.0 cents per Mcf for compression.
[20] Gas will no longer be sold in interstate commerce.

[F.R. Doc. 67-3743; Filed, Apr. 6, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-690]

COLONIAL EQUITIES

Notice of Application for Order Declaring That Company Has Ceased To Be Investment Company

APRIL 3, 1967.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") by Colonial Equities, Inc. ("applicant") 75 Federal Street, Boston, Mass., for an order of the Commission declaring that Colonial Equities ("Trust"), a Massachusetts business trust and an investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Applicant states that on October 1, 1966, pursuant to authorization by its board of directors and stockholders, and pursuant to the laws of the State of Massachusetts, Trust was merged into it. Applicant is registered under the Act as a management open-end investment company.

Applicant states that pursuant to the agreement of merger: (a) Each outstanding share of Trust's common stock (except treasury shares) was converted into a share of its common stock; (b) each share of Trust's common stock held in its treasury was cancelled and extinguished; (c) all stockholders of Trust became stockholders of applicant; (d) all assets and liabilities became vested in applicant; and (e) the separate existence of Trust ceased, except to the extent it was continued by law or to carry out the purposes of the agreement of merger.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 24, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3828; Filed, Apr. 6, 1967; 8:46 a.m.]

[70-4471]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

APRIL 3, 1967.

Notice is hereby given that Metropolitan Edison Company ("Met-Ed"), 2800 Pottsville Pike, Mulhenberg Township, Berks County, Pa., an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Met-Ed proposes to issue and sell, from time to time prior to June 30, 1968, to the banks named below its promissory notes, each of which will mature not later than 9 months from the date of issue, will be prepayable at any time without penalty, and will bear interest at the prime rate in effect for commercial borrowings at the date of issue of the note at the bank from which such borrowing is made.

Although no commitments or agreements for such borrowings have been made, if this declaration is permitted to become effective by the Commission, Met-Ed expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks, the maximum to be borrowed and outstanding from each such bank being as follows:

First National City Bank, New York, N.Y.	$4,000,000
Marine Midland Grace Trust Co. of New York, N.Y.	4,000,000
Morgan Guaranty Trust Co. of New York, N.Y.	3,000,000
Fidelity-Philadelphia Trust Co., Philadelphia, Pa.	3,500,000
The First Pennsylvania Banking and Trust Co, Philadelphia, Pa.	2,850,000
American Bank and Trust Co. of Pa., Reading, Pa.	2,000,000
Peoples Trust City Bank, Reading, Pa.	800,000
Reading Trust Co., Reading, Pa.	650,000
National Bank and Trust Co. of Central Pennsylvania, York, Pa	2,000,000
York Bank and Trust Co., York, Pa	1,000,000
	23,800,000

Met-Ed will use the proceeds from the sale of the notes for construction expenditures and/or to pay other short-term notes, the proceeds of which have been so applied. The contemplated construction program for 1967 is estimated at approximately $30 million.

The declaration states that the net proceeds from any permanent debt financing effected prior to the maturity of any of the proposed notes will be used to pay part or all of the notes then outstanding, and the maximum amount of indebtedness which may be incurred by Met-Ed under this declaration will be reduced by an amount equal to the net proceeds of the permanent debt financing.

The fees and expenses to be paid by Met-Ed in connection with the issue and sale of the notes are estimated at $4,300, including counsel fees of $4,000. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 24, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3829; Filed, Apr. 6, 1967; 8:48 a.m.]

[812-2090]

SECOND FIDUCIARY EXCHANGE FUND, INC. AND THEODORE T. MILLER

Notice of Filing of Application for Order Exempting Proposed Transaction

APRIL 3, 1967.

Notice is hereby given that Second Fiduciary Exchange Fund, Inc. ("Fund"), 111 Devonshire Street, Boston, Mass. 02109, a registered open-end diversified investment company, and Theodore T. Miller ("Miller"), 200 Berkeley Street, Boston, Mass., have filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the issuance by the Fund of shares of its common stock to Miller in exchange for 1,000 shares of common stock of W. R. Grace & Co. deposited by Miller, a director of the Fund, for inclusion in the Fund's portfolio. The Federal tax basis of such shares is $15,770, and their market value as of March 15, 1967 is $51,500.

Section 17 of the Act, as here pertinent, makes it unlawful for Miller, a director and an affiliated person of the Fund, to sell securities or other property to the Fund unless the transaction is exempted by the Commission after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The Fund has filed a registration statement under the Securities Act of 1933 for the sale of 3,636,364 shares of its common stock, which registration statement became effective on February 14, 1967. The prospectus and registration statement under the Securities Act of 1933 state that the Fund is intended as an investment vehicle for investors who wish to exchange securities which they hold having a low Federal tax basis for shares of the Fund in a simultaneous exchange on a tax-free basis.

The Fund and Miller state that the securities proposed to be accepted in this transaction are readily marketable and that Miller is not an underwriter with respect to the securities or in a control relationship with respect to W. R. Grace & Co. The Fund represents that it intends to accept all deposits of common stock of W. R. Grace & Co. deposited by persons other than Miller; that the proposed transaction between the Fund and Miller will be treated on the same basis, as described in the prospectus, as the transactions between the Fund and any other depositor whose securities are accepted by the Fund; that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that they are consistent with the policy of the Fund and with the general purposes of the Act.

The Fund has undertaken not to effect a redemption or repurchase otherwise than in kind of its shares from Miller if he is affiliated with the Fund at the time of such redemption or repurchase unless the Commission shall first have received written notice.

Notice is further given that any interested person may, not later than April 24, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Fund and upon Miller at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3830; Filed, Apr. 6, 1967; 8:45 a.m.]

[70-4460]

UNITED GAS CORP. ET AL.

Notice of Proposed Issue and Sale of Notes and Guarantee of Loans

APRIL 3, 1967.

Notice is hereby given that United Gas Corp. ("United"), 1525 Fairfield Avenue, Shreveport, La. 71102, a gas utility subsidiary company of Pennzoil Co., a registered holding company, UGC Instruments, Inc. ("Instruments"), a wholly owned subsidiary company of United, and Benson-Lehner Corp. ("Benson"), a wholly owned subsidiary company of Instruments, have filed an application-declaration and an amendment thereto with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12 of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Instruments proposes to issue notes and United proposes to acquire such notes which will not exceed an aggregate amount of $500,000. The notes will be issued from time to time during a period of twelve months following the date of the Commission's order herein. The notes will bear interest at an annual rate of 6¼ percent and will be payable on demand in such installments and at such times as funds may be required and requested by United. The proceeds will be used by Instruments for the acquisition of capital equipment, the investment in equipment leased to others, and additions to working capital.

Benson proposes to issue its 7½ percent unsecured promissory notes to the Security First National Bank, Los Angeles, Calif., in an amount not to exceed an aggregate of $500,000 as a revolving loan, in such installments and at such times as funds may be required by Benson, such notes to be due on demand and not later than December 31, 1967. Instruments will subordinate $1,050,000 of the indebtedness owing to it from Benson to the amount borrowed from Security First National Bank.

Benson will apply $100,000 of the proceeds of its proposed notes to pay a noninterest bearing advance made on open account by Instruments to meet Benson's emergency requirements. Instruments, in turn, will then pay a similar advance made by United to Instruments of $100,000. By letter dated February 1, 1967, United, Instruments, and Benson advised the Commission that United had made such noninterest bearing advance on open account to Instruments and that Instruments, in turn, on February 3, 1967, made a noninterest bearing advance to Benson. Benson will apply the remainder of the proceeds to working capital.

United further proposes to guarantee the payment of principal and interest on a proposed 5-year loan to Benson-Lehner Ltd. ("Limited"), an exempt wholly owned subsidiary company of Instruments, from the Manufacturers Hanover Trust Co., London Branch, in an amount not to exceed 146,000 pounds ($408,000 at the present exchange rate of $2.80), such loan to bear interest at the rate of 1½ percent over the prime rate of the Bank of England (presently 7 percent with a minimum rate of 6 percent per annum. The proceeds of this borrowing will be added to Limited's working capital and used in the construction of new facilities and the acquisition of capital equipment.

It is stated that no legal or other expenses are anticipated in connection with the proposed transactions. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 24, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3831; Filed, Apr. 6, 1967; 8:46 a.m.]

[811-1353]

VIRGINIA MUTUAL FUND, INC.

Notice of Proposal to Terminate Registration

APRIL 3, 1967.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Virginia Mutual Fund, Inc. ("Fund"), c/o Allan P. Mackinnon, 14 Wall Street, New York, N.Y. 10005, formerly Retirement Fund, Inc., a Maryland corporation which registered as an open-end, diversified management company on December 23, 1965, has ceased to be an investment company.

The Commission has been informed that the Fund has no assets, has not sold any securities or conducted any business, and does not intend to offer any shares or conduct any business.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, that upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than April 21, 1967 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-3832; Filed, Apr. 6, 1967; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Abernethy Clarkson Wright, Inc., department store; Head of Church Street, Burlington, Vt.; 3–3–67 to 3–2–68.

Ackemann Bros., Inc., department store; 168 East Highland, Elgin, Ill.; 2–16–67 to 2–15–68.

B & B Super Service, food store; 103 Victoria Street, Kenedy, Tex.; 2–27–67 to 2–26–68.

Baldwin Rexall Drug, drug store; 123 West Frank Phillips, Bartlesville, Okla.; 2–27–67 to 2–26–68.

Better Living Markets, food stores from 3–22–67 to 3–21–68: No. 2, Hattiesburg, Miss.; No. 3, Petal, Miss.

Black and White, Inc., department store; 236 South Main, Yazoo City, Miss.; 3–23–67 to 3–22–68.

Buehler Market, food store; 409 East Main Street, Streator, Ill.; 3–23–67 to 3–22–68.

Burnette's Self Service, food store; Forsyth Street, Barnesville, Ga.; 3–24–67 to 3–23–68.

Byrd Brothers, Inc., food stores from 2–27–67 to 2–26–68: 2011 West Webb Avenue, Burlington, N.C.; 1609 South Church Street, Burlington, N.C.; 329 Harden Street, Graham, N.C.

Carson Pirie Scott and Co., department store; 3232 Lake Avenue, Wilmette, Ill.; 3–1–67 to 2–29–68.

Carter's IGA Foodliner, food store; 138 South Washington, Charlotte, Mich.; 3–23–67 to 3–22–68.

Central Market, Inc., food store; 83 East Main Street, McConnelsville, Ohio; 3–23–67 to 3–22–68.

City Market, Inc., food stores from 3–1–67 to 2–29–68: Nos. 1 and 2, Grand Junction, Colo.; No. 7, Rifle, Colo.

Clays IGA Food Store, Inc., food store; 122 West Texas, Wheeler, Tex.; 2–27–67 to 2–26–68.

H. S. Cohen Co., Inc., apparel store; Shelby, N.C.; 3–23–67 to 3–22–68.

Colby Super Market, Inc., food store; Box 97, Colby, Kans.; 3–24–67 to 3–23–68.

Columbia Shopping Center, variety store; 1200 West Columbia, Evansville, Ind.; 3–22–67 to 3–21–68.

Cortez City Market, food store; Cortez, Colo.; 3–1–67 to 2–29–68.

Craft's Drug Store, drug stores from 3–1–67 to 2–29–68: Nos. 1, 2, 3, and 4, Spartanburg, S.C.

Delta City Market, food store; Delta, Colo.; 3–1–67 to 2–29–68.

Dickson's, hardware store; 201 East Chambers Street, Cleburne, Tex.; 2–27–67 to 2–26–68.

Dorris-Swift Super Market, Inc., food store; 212 Goodlettsville Plaza, Goodlettsville, Tenn.; 3–15–67 to 3–14–68.

Durango City Market, food store; Durango, Colo.; 3–1–67 to 2–29–68.

Eagle Stores Co., Inc., variety stores from 2–1–67 to 1–31–68: 337 Hay Street, Fayetteville, N.C.; 217 East Main Street, Forest City, N.C.

Easter Super Valu, food store; Clear Lake, Iowa; 3–20–67 to 3–19–68.

Erdman Supermarkets, Inc., food store; Chatfield, Minn.; 2–21–67 to 2–20–68.

Fant's Sunflower Food Store, food store; 100 West Claiborne Street, Greenwood, Miss.; 3–27–67 to 3–26–68.

Fedway of Bakersfield, department store; 21st and Chester Avenue, Bakersfield, Calif.; 1–25–67 to 1–24–68.

Food Fair Super Market, food store; 890 Second Street, Macon, Ga.; 2–14–67 to 2–13–68.

Food Giant Super Markets, Inc., food store; 4828 East 22d Street, Tucson, Ariz.; 3–27–67 to 3–26–68.

Foodtown, food store; Hiway 71 South, Rogers, Ark.; 3–9–67 to 3–8–68.

Furrow's, food store; 900 State, Bristol, Tenn.; 3–24–67 to 3–23–68.

Giant Food Market, food stores from 3–1–67 to 2–29–68: Nos. 5 and 6, Bristol, Tenn.; No. 7, Elizabethton, Tenn.; Nos. 2 and 4, Johnson City, Tenn.; No. 3, Kingsport, Tenn.

Gibson General Hospital, Inc., hospital; Box 488, Trenton, Tenn.; 2–11–67 to 2–10–68.

Glenwood City Market, food store; Glenwood Springs, Colo.; 3–1–67 to 2–2968.

W. T. Grant Co., variety stores: 129 Eastland Shopping Center, Lexington, Ky. (2–1–67 to 1–31–68); No. 522, Webster, Mass. (3–21–67 to 3–20–68); 75 Interstate Shopping Center, Ramsey, N.J. (3–6–67 to 3–5–68); 214 North Tryon Street, Charlotte, N.C. (3–9–67 to 3–8–68).

John Gray & Son Big Star, food store; No. 8, Memphis, Tenn.; 2–15–67 to 2–14–68.

Grover Cronin, Inc., department store; 223 Moody Street, Waltham, Mass.; 3–15–67 to 2–1–68.

Harrods Thrift Market and Bakery, food store; Athens, Tenn.; 2–25–67 to 2–24–68.

Hodges Store, food stores from 3–4–67 to 3–3–68: Nos. 1, 2, and 4, Dallas, Tex.; No. 5, Grand Prairie, Tex.

Howland-Hughes Co., department store; 120–140 Bank Street, Waterbury, Conn.; 3–1–67 to 2–29–68.

George F. Kremer Co., Inc., variety store; 323 First Avenue West, Grand Rapids, Minn.; 3–22–67 to 3–21–68.

Jiffy Market, food stores from 3–1–67 to 2–29–68: No. 2, Johnson City, Tenn.; No. 8, Kingsport, Tenn.

Johnson Department Store, department store; Jamestown, Tenn.; 2–13–67 to 2–12–68.

Knopp and Metzger, Inc., food store; 261 West Main Street, Fredericksburg, Tex.; 2–27–67 to 2–26–68.

S. H. Kress and Co., variety store; 1422 Winchester Avenue, Ashland, Ky.; 3-17-67 to 3-16-68.

LaFour Minimax, food store; No. 1, Liberty, Tex.; 3-1-67 to 2-29-68.

Landers Brothers Co., food store; Nowata, Okla.; 2-27-67 to 2-26-68.

Lerner Shops, apparel stores from 3-17-67 to 3-16-68: No. 100, Easton, Pa.; No. 260, Fairview Park, Ohio; No. 258, Hamilton, Ohio; No. 259, Marion, Ohio; No. 107, Tulsa, Okla.; No. 257, Bristol, Tenn.; No. 124, Petersburg, Va.; No. 121, Bluefield, W. Va.; No. 138 Wheeling, W. Va.

Liberty Cash Grocery, food store; No. 17, Memphis, Tenn.; 2-1-67 to 1-31-68.

Mac's Store, food store; 202 Thomas Avenue, Chickamauga, Ga.; 3-1-67 to 1-31-68.

Mission Minimax, food store; 1137 East Ninth Street, Mission, Tex.; 3-1-67 to 2-29-68.

Moab City Market, food store; Moab, Utah; 3-1-67 to 2-29-68.

Montrose City Market, food store; Montrose, Colo.; 3-1-67 to 2-29-68.

Moore's Super Market, food store; 1326 Vultee Boulevard, Nashville, Tenn.; 3-1-67 to 2-29-68.

G. C. Murphy Co., variety stores from 2-13-67 to 2-12-68, except as otherwise indicated: No. 141, Hoopeston, Ill. (3-27-67 to 3-26-68); No. 216, McConnellsburg, Pa.; No. 217, Mercersburg, Pa.

Neisner Brothers, Inc., variety stores: No. 76, Chicago, Ill. (3-24-67 to 3-23-68); No. 77, Cleveland, Ohio (3-1-67 to 2-29-68).

J. J. Newberry, variety stores: No. 157, Keyport, N.J. (2-24-67 to 2-23-68); 102-122 Davis Street, Culpeper, Va. (2-1-67 to 1-31-68).

Bob Nolan's Super Market, Inc., food store; 1029 South Sixth Street, Paducah, Ky.; 2-16-67 to 2-15-68.

Olson's Super Market, food store; Alexandria, Minn.; 2-24-67 to 2-23-68.

P. & T Food Center, food store; Box 185, Alabaster, Ala.; 3-15-67 to 3-14-68.

Pak-A-Sak Food Stores, Inc., food stores: 206 North East Street, Kinston, N.C. (2-13-67 to 1-31-68); 1400 Arendell Street, Morehead City, N.C. (2-1-67 to 1-31-68).

B Peck Co., department store; 184 Main Street, Lewiston, Maine; 3-6-67 to 3-5-68.

Pic N' Pay Supermarket, food store; No. 1, Denia, Fla.; 3-24-67 to 3-23-68.

Piggly Wiggly, Inc., food stores from 2-28-67 to 2-27-68, except as otherwise indicated: 110 North Pine, Vivian, La. (3-22-67 to 3-21-68); 300 Southeast Washington, Idabel, Okla.; 707 West Main Street, Clarksville, Tex.; Washington and Bonham, Commerce, Tex.; 1310 11th Street, Huntsville, Tex.; 1917 Parklake Drive, Waco, Tex.; 1711 Harring, Waco, Tex.; 1404 North 34th Street, Waco Tex.; 3407 Memorial Drive, Waco, Tex.

Pleasant Grove Hospital, hospital; Anchorage, Ky.; 2-14-67 to 2-13-68.

Pleezing Food Store of West Florida, Inc., food store; Box 5008, Pensacola, Fla.; 3-27-67 to 3-26-68.

Pleezing Variety Store of West Florida, Inc., variety store; Box 5008, Pensacola, Fla.; 3-27-67 to 3-26-68.

Portland IGA Foodliner, food store; 228 Bridge Street, Portland, Mich.; 3-23-67 to 3-22-68.

Powers Market, food store; 301 Hillsboro Highway, Manchester, Tenn.; 2-15-67 to 2-14-68.

Puckett's Food Stores, Inc., food store; 124 North Fourth Street, Sayre, Okla.; 2-27-67 to 2-26-68.

Pure Food Store, Inc., food store; 218 East Main Street, Bridgeport, W. Va.; 2-15-67 to 2-14-68.

Regel Baker's IGA Food Store, food store; Highway 79, McKenzie, Tenn.; 2-20-67 to 2-19-68.

Richbourg's Shoppers Fair, Inc., food store; 1400 East River Street, Anderson, S.C.; 3-15-67 to 3-14-68.

Rockford Dry Goods-Park Store, department store; 6321 North Second Street, Loves Park, Ill.; 3-15-67 to 3-14-68.

Rog & Scotty's Super Valu, food stores from 3-22-67 to 3-21-68: Nos. 1, 2, and 3, Council Bluffs, Iowa.

Sterns, Inc., department store; Corner Madison Avenue and Water Street, Skowhegan, Maine; 3-6-67 to 3-5-68.

Sunnyway Foods, food store; 212 North Antrim Way, Greencastle, Pa.; 2-1-67 to 1-31-68.

Sunshine Food Market, food stores from 3-23-67 to 3-22-68: Nos. 5, 6, 7, and 9, Sioux City, Iowa; No. 8, South Sioux City, Nebr.; Nos. 2, 3, 4, 12, 14, 15, and 16, Sioux Falls, S. Dak.

Super Drive Ins, food stores from 2-19-67 to 2-18-68: No. 1, Nashville, Tenn.; No. 3, New Providence, Tenn.

Sureway Food Stores, food stores from 3-15-67 to 3-14-68: No. 4, Henderson, Ky.; No. 9, Madison, Ky.; No. 5, Morganfield, Ky.; No. 8, Princeton, Ky.

Sutton's Food City, food store; 1935 North Topeka Avenue, Topeka, Kans.; 3-20-67 to 3-19-68.

T. A. Turner Co., Inc., department store; 100 West Broadway Street, Pink Hill, N.C.; 2-1-67 to 1-31-68.

The Union Grocery Co., Inc., food store; Box 155, Gary, W. Va.; 2-13-67 to 2-12-68.

West's Red and White, food store; Box 416, Moncks Corner, S.C.; 2-1-67 to 1-31-68.

The A. L. Wilson Co., department store; Quincy, Fla.; 2-10-67 to 1-31-68.

Wood's 5 & 10¢ Stores, Inc., variety store; Laurenburg, N.C.; 4-1-67 to 3-31-68.

Young's Food Market, food store; 614 North Mechanic, El Campo, Tex.; 2-27-67 to 2-26-68.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Baenziger Model Market, food store; 580 Coreth Drive, New Braunfels, Tex.; stock clerk, package boy, carryout; 10 percent for each month; 2-19-67 to 1-31-68.

A. J. Bayless Markets, Inc., food store; No. 56, Tucson, Ariz.; package boy, service clerk; 21.9 percent for each month; 3-4-67 to 3-3-68.

Bayshore Minimax, food store; 1413 Dickinson Avenue, Dickinson, Tex.; sack boy, carryout, stock clerk; 12.4 percent for each month; 3-1-67 to 2-29-68.

Beachway Minimax, food store; Highway 124, Winnie, Tex.; sack boy, carryout, stock clerk; 12.4 percent for each month; 3-1-67 to 2-29-68.

Better Living Market, food stores from 3-22-67 to 3-21-68, service boy; stock clerk, and cleanup, 18.5 percent for each month, except as otherwise indicated: No. 1, Hattiesburg, Miss. (17.5 percent for each month); No. 5, Hattiesburg, Miss.; No. 6, Picayune, Miss.

Big Star, food store; No. 37, Memphis, Tenn.; sack boy, carryout, bottle boy; 19.9 percent for each month; 3-23-67 to 3-22-68.

Byrd Brothers, Inc., food stores from 3-15-67 to 3-14-68, bag boy, carryout, janitor, stock clerk, and cashier, 19.3 percent for each month, except as otherwise indicated: 727 East Davis Street, Burlington, N.C.; 110 Washington Street, Leaksville, N.C. (19.1 percent for each month); 506 Center Street, Nebane, N.C.; 121 North Madison Avenue, Roxboro, N.C. (20 percent for each month); 408 North Second Avenue, Siler City, N.C.

Centers, variety store; 151-159 Main Street, Waterville, Maine; salesclerk, maintenance; 10 percent for each month; 3-1-67 to 2-29-68.

City Market, Inc., food store; No. 11, Basalt, Colo.; caddy boy; 10 percent for each month; 3-1-67 to 2-29-68.

Craft's Drug Store, drug stores from 3-1-67 to 2-29-68, salesclerk, 8 percent for each month: No. 5, Gaffney, S.C.; No. 10, Greer, S.C.; Nos. 6 and 9, Spartanburg, S.C.

Durand IGA, food store; 221 North Saginaw, Durand, Mich.; carryout, stock clerk, checker, bagger; 10 percent for each month; 3-23-67 to 3-22-68.

Easter Super Valu, food stores from 3-20-67 to 3-19-68, stock clerk, bagger, carryout, cashier: 215 South Main, Centerville, Iowa (16 percent for each month); 116 Fifth Street, Southwest, Mason City, Iowa (25 percent for each month).

Edge of the Ledge IGA Foodliner, food store; 512 South Clinton, Grand Ledge, Mich.; carryout, bagger, stock clerk, checker; 10 percent for each month; 3-23-67 to 3-22-68.

Erdman Supermarkets, Inc., food stores from 2-21-67 to 2-20-68, carryout, checker, stock clerk, cleanup: 19 Second Avenue Northwest, Kasson, Minn. (between 4.7 percent and 7.6 percent); 1652 Highway 52 North, Rochester, Minn. (10 percent for each month).

Field-Schlick, Inc., department stores from 3-15-67 to 3-14-68, salesclerk, stock clerk, wrapping, clerical, 3.9 percent for each month: 735 Cleveland Avenue South, St. Paul, Minn.; Corner Road B and Snelling Avenue North, St. Paul, Minn.

First Street City Market, Inc., food store; Grand Junction, Colo.; caddy boy; 10 percent for each month; 3-1-67 to 2-29-68.

Gee Bee, food stores from 3-27-67 to 3-26-68, stock clerk, salesclerk, cashier, wrapper, 1.6 percent for each month: Route 30 East, Greensburg, Pa.; Route 56, Johnstown, Pa.

Gerbes Super Markets, Inc., food stores from 3-22-67 to 3-21-68, checker, cashier, carryout, wrapper, clerk, maintenance, 22.7 percent for each month: No. 311, Columbia, Mo.; No. 309, Camdenton, Mo.; No. 304, Eldon, Mo.; No. 308, Holden, Mo.; No. 312, Jefferson City, Mo.; No. 310, Pleasant Hills, Mo.; No. 301, Tipton, Mo.; No. 302, Versailles, Mo.; No. 303, Windsor, Mo.

Giant Food Market, food stores from 3-1-67 to 2-29-68, carryout, cashier, stock clerk, 20.6 percent for each month, except as otherwise indicated: No. 12, Greeneville, Tenn.; No. 10, Johnson City, Tenn. (20.5 percent for each month); No. 9, Kingsport, Tenn. (20.8 percent for each month); No. 11, Morristown, Tenn.

W. T. Grant Co., variety store; Salisbury Parkway and Cypress Street, Salisbury, Md.; salesclerk, cashier, stock clerk; 11.1 percent for each month; 3-31-67 to 3-30-68.

Jim's IGA Super Market, food store; Olanta, S.C.; bagger, stock clerk; 10 percent for each month; 3-24-67 to 3-23-68.

S. S. Kresge Co., variety stores for the occupation of salesclerk except as otherwise indicated, 10 percent for each month except as otherwise indicated: No. 4131, Englewood, Colo. (stock clerk, salesclerk, checker, clerical, 3-22-67 to 3-21-68); No. 4085, Pensacola, Fla. (4.8 percent for each month, 3-29-67 to 3-28-68); 320 South Lincolnway, Aurora, Ill. (salesclerk, stock clerk, office clerical, 7.7 percent for each month, 3-28-67 to 3-27-68); No. 4039, South Bend, Ind. (1-17-67 to 1-16-68); No. 4020, Detroit, Mich. (2-27-67 to 2-26-68); No. 4082, Troy, Mich. (stock clerk, counter filling, register operation, customer service, sales, bookkeeping, office cashier, display, maintenance, 12.5 percent for each month, 3-6-67 to 3-5-68); No. 4163, Westland, Mich. (maintenance, stock clerk, counter filling, register operation, customer service, salesclerk, bookkeeping, office cashier, display, 18 percent for each month, 3-6-67 to 3-5-68); No. 4175, Canton, Ohio (stock clerk, salesclerk, cashier, maintenance, bookkeeping, display, filing, customer service, cashier, 2-24-67 to 2-23-68); No. 4093, Madison, Tenn. (between 2.1 percent and 10 percent, 2-1-67 to 1-31-68); No. 4084, Lynchburg, Va. (between 2.7 percent and 10 percent, 1-1-67 to 1-31-68).

Lerner Shops, apparel stores from 3-17-67 to 3-16-68, salesclerk, and office clerk, except as otherwise indicated: No. 467, Tucson, Ariz. (14.8 percent for each month); No. 191, Fort Myers, Fla. (16 percent for each month); No. 180, Jacksonville, Fla. (2.9 percent for each month); No. 183, Miami, Fla. (6.2 percent for each month); No. 190, Atlanta, Ga. (11.9 percent for each month); No. 135, Columbus, Ga. (12.2 percent for each month); No. 111, Marietta, Ga. (13 percent for each month); No. 204, Louisville, Ky. (salesclerk, stock clerk, office clerk, 7.7 percent for each month); No. 303, Columbus, Ohio (5.2 percent for each month); No. 312, Dayton, Ohio (8.2 percent for each month); No. 113, Memphis, Tenn. (salesclerk, 11.9 percent for each month); No. 42, Roanoke, Va. (salesclerk, 5.7 percent for each month).

Little Store, food store; West Sullivan Street, Kingsport, Tenn.; carryout, cashier, stock clerk; 20.8 percent for each month; 3-1-67 to 2-29-68.

McCrory-McLellan-Green Stores, variety stores from 3-24-67 to 3-23-68 except as otherwise indicated; salesclerk, stock clerk, office clerk, 10 percent for each month: No. 384, Sanford, Fla.; No. 383, Jacksonville, Ill.; No. 269, Munster, Ind. (3-1-67 to 2-29-68); No. 268, Kinston, N.C.; No. 368, Ormond Beach, Fla.; No. 398, Feasterville, Pa. (3-1-67 to 2-29-68).

Milner-Aycock's Inc., department store; 118 South Broad Street, Monroe, Ga.; salesclerk, cashier; 5.4 percent for each month; 3-9-67 to 3-8-68.

Morgan & Lindsey, Inc., variety store; No. 3115, Angleton, Tex.; stock clerk, salesclerk, clerical; between 3.2 percent and 10 percent; 2-12-67 to 1-31-68.

Moore's Super Market, food stores from 3-1-67 to 2-29-68, sack boy, stock clerk, 8 percent for each month: Hermitage Hills, Hermitage, Tenn.; 157 Lafayette Street, Nashville, Tenn.

G. C. Murphy Co., variety store; No. 311, Altoona, Pa.; salesclerk, office clerk, stock clerk, janitor; 11.6 percent for each month; 3-23-67 to 3-22-68.

Neisner Bros., Inc., variety store; No. 203, Tampa, Fla.; salesclerk, stock clerk, office clerk, maintenance; 16.5 percent for each month; 3-23-67 to 3-22-68.

Pak-A-Sak Food Stores, food store; Highway 24, Swansboro, N.C.; bag boy, carryout; between 8.6 percent and 10 percent; 2-1-67 to 1-31-68.

Pic N' Pay Supermarket, food stores from 3-24-67 to 3-23-68, bagger, stock clerk, 9 percent for each month: No. 2, North Miami Beach, Fla.; No. 3, Pompano Beach, Fla.

Piggly Wiggly, Inc., food stores from 2-28-67 to 2-27-68 except as otherwise indicated, 10 percent for each month except as otherwise indicated, stock clerk, checker, sacker, clerical except as otherwise indicated: No. 24, Arkadelphia, Ark. (3-22-67 to 3-21-68); No. 16, Hot Springs, Ark. (3-22-67 to 3-21-68); 5402 Lillian Highway, Pensacola, Fla. (bag boy, 9.7 percent for each month, 3-6-67 to 3-5-68); Corner Scott and Green, Bainbridge, Ga. (bag boy, 9.7 percent for each month, 3-6-67 to 3-5-68); West Oakland Avenue, Camilla, Ga. (bag boy, 9.7 percent for each month, 3-6-67 to 3-5-68); No. 1, Minden, La. (3-22-67 to 3-21-68); No. 2, Minden, La. (3-22-67 to 3-21-68); No. 38, Barnwell, S.C. (package boy, checker, market clerk, 3-24-67 to 3-23-68); Highway 7 and Rosemary, Bryon, Tex.; 407 South Main, Henderson, Tex.; 1310 Avenue L, Huntsville, Tex.; 532 Commerce Street, Jacksonville, Tex.; No. 10, Rockdale, Tex.; 2905 South General Bruce Drive, Temple, Tex.; East Avenue and Dudley, Texarkana, Tex.; 1521 Texas Avenue, Texarkana, Tex.; No. 9, Waco, Tex.; 3113 Robinson Drive, Waco, Tex.; Highway 6 and Bosque Boulevard, Waco, Tex.

Randall's Food Market, Inc., food stores for the occupations of stock clerk, carryout, 25 percent for each month: 4615 Magnum Road, Houston, Tex. (3-24-67 to 3-23-68); 5550 North Freeway, Houston, Tex. (3-23-67 to 3-22-68).

Sunshine Food Market, food stores from 3-23-67 to 3-22-68, carryout, sacker, 30 percent for each month: No. 19, Mitchell, S. Dak.; No. 18, Yankton, S. Dak.; No. 17, Sioux Falls, S. Dak.

Sureway Food Store, food stores from 3-15-67 to 3-14-68, carryout, checker, stock clerk, 24.9 percent for each month, except as otherwise indicated: No. 1, Calvert City, Ky.; No. 2, Henderson, Ky. (between 25 percent and 30.3 percent); No. 10, Madisonville, Ky. (between 25 percent and 35 percent); No. 6, Marion, Ky.; No. 7, New Eddyville, Ky.; No. 12, Providence, Ky. (between 25 percent and 35 percent); No. 3, Sturgis, Ky.

T.G. & Y. Stores Co., variety stores from 3-23-67 to 3-22-68 except as otherwise indicated, salesclerk, stock clerk, clerical, 29.7 percent for each month except as otherwise indicated: No. 311, Belton, Mo. (24.5 percent for each month); No. 431, Oklahoma City, Okla. (3-24-67 to 3-23-68); No. 441, Oklahoma City, Okla. (30 percent for each month); No. 442, Oklahoma City, Okla.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 31st day of March 1967.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 67-3825; Filed, Apr. 6, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 4, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40967—*Soda ash to Cedar Springs, Ga.* Filed by O. W. South, Jr., agent (No. A5008), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, which carriers are not obligated to furnish, in carloads, from Saltville, Va., to Cedar Springs, Ga.

Grounds for relief—Carrier competition.

Tariff—Supplement 80 to Southern Freight Association, agent, tariff ICC S-517.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3848; Filed, Apr. 6, 1967; 8:48 a.m.]

[Notice 362]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 4, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 33641 (Sub-No. 62 TA), filed March 23, 1967. Applicant: IML Freight, Inc., Post Office Box 2277, Salt Lake City, Utah 84110. Office: 2175 South 3270 West Street. Applicant's representative:

Berol, Loughran & Geernaert, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs and potato products*, not frozen, from Rexburg, Aberdeen, Borah, and American Falls, Idaho, to Pocatello, Idaho; such authority to be tacked at Pocatello, Idaho, with regular-route authority to points on its line in Kansas, Missouri, Illinois, Indiana, Ohio, Iowa, and Kentucky, and where necessary it proposes to interline with other carriers at points and places on its line in these destination States in order to serve off-line destinations, for 180 days. Supporting shipper: Idaho Frozen Foods, Post Office Box FF, Twin Falls, Idaho 83301; Rogers Brothers Co., Post Office Box 2188, Idaho Falls, Idaho 83401; Lamb-Weston, Inc., 2017 Lloyd Center, Post Office Box 12145, Portland, Oreg. 97212; and Idaho Potato Growers, Inc., Post Office Box 978, Idaho Falls, Idaho 83401. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 52751 (Sub-No. 72 TA), filed March 29, 1967. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Post Office Box 1351, Des Moines, Iowa 50305. Applicant's representative: William A. Landau, Post Office Box 1634, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *High density portland cement*, in bags, from West Des Moines, Iowa, to Ripon, Wis., for 180 days. Supporting shipper: Des Moines Concrete Products Co., Box 156, Eighth and Railroad Streets, West Des Moines, Iowa 50265. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 103993 (Sub-No. 267 TA), filed March 29, 1967. Applicant: Morgan Drive Away, Inc., 2800 West Lexington, Avenue, Elkhart, Ind. 46514. Applicant's representative: William G. Starnal (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, designed to be drawn by passenger automobiles, and tent campers*, in initial movements from West Bend, Wis., to points in California, Colorado, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, and Wyoming, for 180 days. Supporting shipper: Mallard Coach Corp., Post Office Box 210, West Bend, Wis. Send protests to: District Supervisor Justus H. Gray, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 268 TA), filed March 29, 1967. Applicant: Morgan Drive Away, Inc., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: William G. Starnal (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable grain dryers* transported on their own wheeled undercarriages equipped with a hitchball connector from Gibson City, Ill., to points in Illinois, Indiana, Michigan, Ohio, New York, Pennsylvania, Kentucky, Missouri, Iowa, Minnesota, Wisconsin, Kansas, Nebraska, North Dakota, for 180 days. Supporting shipper: Grain Drying, Division of M & W Gear Co., Gibson City, Ill. Send protests to: District Supervisor Justus H. Gray, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 114087 (Sub-No. 8 TA), filed March 29, 1967. Applicant: DECATUR PETROLEUM HAULERS, INC., 159 First Avenue NE., Post Office Box 1784, Decatur, Ala. 35601. Applicant's representative: Markstein and Morris, 818–821 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank trailers, from the plantsite of Escambia Chemical Co. in or near Decatur, Ala., to points in Tennessee, Georgia, and Mississippi, for 180 days. Supporting shipper: Escambia Chemical Corp., Post Office Box 467, Pensacola, Fla. 32502. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

No. MC 115092 (Sub-No. 4 TA), filed March 28, 1967. Applicant: WEISS TRUCKING, INC., Post Office Box 11, Rangely, Colo. 81648. Applicant's representative: Stockton, Lewis and Mitchell, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, from points in Moffat and Rio Blanco Counties, Colo., to pipeline head at or near Rangely, Colo., for 150 days. Supporting shipper: Pan American Petroleum Corp., Security Life Building, Denver, Colo. 80202. Send protests to: District Supervisor Luther H. Oldham, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 115904 (Sub-No. 12 TA), filed March 23, 1967. Applicant: Louis Grover, 1710 West Broadway, Route 5, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Missoula County, Mont., and Lemhi and Gem Counties, Idaho, to points in Wyoming, for 180 days. Supporting shipper: Brown Lumber Sales, 444 17th Street, Denver, Colo. 80202. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Eastman Building, Boise, Idaho 83702.

No. MC 119547 (Sub-No. 17 TA), filed March 29, 1967. Applicant: EDGAR W. LONG, Route 4, Zanesville, Ohio 43701. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, from Columbus, Ohio, to Beckley, Charleston, Clarksburg, Huntington, Morgantown, Parkersburg, Webster Springs, and Weirton, W. Va., and *empty used malt beverage containers*, on return, for 180 days. Supporting shipper: August Wagner Breweries, Inc., 605–631 South Front Street, Columbus, Ohio 43216. Send protests to: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 236 New Post Office Building, Columbus, Ohio 43215.

No. MC 126902 (Sub-No. 2 TA), filed March 23, 1967. Applicant: KAY TRANSPORTATION COMPANY, INC., 25 South Cary Street, Baltimore, Md. 21223. Applicant's representative: Leonard Jaskiewicz, Esquire, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, cans, drums, barrels, and pails*, from Linden, N.J., to Baltimore, Md. Supporting shipper: Rheem Manufacturing Co., 7600 South Kedzie Avenue, Chicago, Ill. 60652. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 312 Appraisers' Stores Building, Baltimore, Md. 21202.

No. MC 128961 TA, filed March 29, 1967. Applicant: LAW'S MOVING & STORAGE, INC., 2018 Commerce Avenue, Vero Beach, Fla. 32960. Applicant's representative: Beulah M. Law (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated or uncrated household goods and personal effects*, between points in Indian River, St. Lucie, Brevard, Osceola, Martin, Okeechobee Counties, Fla., for 180 days. Supporting shippers: Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, N.Y.; American Ensign, Post Office Box 2270, Wilmington, Calif. 90744; Sunpak International, 1621 Queen Anne Avenue North, Seattle, Wash. 98109. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 128965 TA, filed March 29, 1967. Applicant: PAUL HEIDE, 746 South Rutan, Wichita, Kans. 67218. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, and fertilizer materials* from Wichita, Kans., to points in Oklahoma, for 180 days. Supporting shipper: W. R. Grace & Co., Agricultural Products Division, Post Office Box 1406, Joplin, Mo. 64801. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 128966 TA, filed March 29, 1967. Applicant: METROPOLITAN CARTAGE AND LEASING, INC., 1005 St. Louis Avenue, Kansas City, Mo. 64101. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, between points in the Kansas City, Mo.-Kans., commercial zone, on the one hand, and, on the other, points in Missouri, on and west of U.S. Highway 63, for 180 days. Supporting shippers: John Morrell & Co., 208 South La Salle Street, Chicago, Ill. 60604; Farmbest, Inc., Denison, Iowa 51442; Oscar Mayer & Co., Inc., 910 Mayer Avenue, Madison, Wis. 53701. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128972 TA, filed March 29, 1967. Applicant: JOHN LOUIE GIBSON, Post Office Box 22, Walnut Cove, N.C. 27052. Applicant's representative: John L. Brown, 6120 Bridgeport Drive, Charlotte, N.C. 28205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and lime*, other than in bulk in tank vehicles, between Austinville, Roanoke, Danville, and Norfolk, Va., on the one hand, and, on the other, Walnut Cove, N.C., and Greensboro, N.C., for 180 days. Supporting shippers: John G. Fulton, Walnut Cove, N.C. 27052, and Yancey C. Hines, Agrico Chemical Co., a division of Continental Oil Co., Randolph Avenue Extension, Greensboro, N.C. 27406. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3849; Filed, Apr. 6, 1967; 8:48 a.m.]

[Notice 1501]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 4, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69426. By order of March 31, 1967, the Transfer Board approved the transfer to Chandler Transportation, Inc., New York, N.Y. 10016, of the operating rights of Merchants Parcel Delivery Co., a corporation, South Kearny, N.J. 07032, in certificate No. MC–106010, issued April 16, 1967, authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between New York, N.Y., and points in New Jersey, within 30 miles of city hall, New York, N.Y., on the one hand, and, on the other, points in New Jersey (not including points in Burlington, Mercer, Hunterdon, Warren, Cape May, Cumberland, Gloucester, Salem, Atlantic and Ocean Counties, N.J.), between points in Philadelphia County, Pa., and between points in Philadelphia County, Pa., on the one hand, and, on the other, Camden, N.J., and furniture, radios, refrigerators, and washing machines, household goods, vending machines, and confectionery, pool and billiard tables, and radiators and boilers, from Philadelphia, Pa., to Newark and Chesilhurst, N.J., varying with the commodities transported. A. David Millner, 1060 Broad Street, Newark, N.J. 07102, attorney for transferor. S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005, Michael F. Rolla, 419 Park Avenue South, New York, N.Y. 10016, attorneys for transferee.

No. MC–FC–69477. By order of March 31, 1967, the Transfer Board approved the transfer to Jack N. Tedford, Inc., 235 East Williams Avenue, Fallon, Nev., of certificate Nos. MC–18038, MC–18038 (Sub-No. 2), and MC–18038 (Sub-No. 4), issued April 19, 1949, April 13, 1951, and September 12, 1963, respectively, to Jack N. Tedford, Jr., 235 East Williams Avenue, Fallon, Nev., authorizing the transportation of: Ore, ore concentrates, hay, mining machinery, and materials, supplies and equipment incidental to, or used in the construction, development, operation, and maintenance of mines, between points within 75 miles of Fallon, Nev., including Fallon, and between Fallon on the one hand, and, on the other, points in Nevada within 85 miles, but not less than 75 miles from Fallon; ore and concentrates, livestock, wool, and mining machinery equipment and supplies, between points in Nevada within 100 miles of and including Ely, Nev.; feed, grain, hay, and ranch supplies, between points in Nevada within 150 miles of and including Ely, Nev.; and tungsten carbide, and materials and supplies used in the manufacture of tungsten carbide, between Fallon, Nev., and the plantsite of Kennemetal, Inc., Nevada Scheelite Division located approximately 40 miles southeast of Fallon, Nev.

No. MC–FC–69518. By order of March 29, 1967, the Transfer Board approved the transfer to Sammons Trucking, a corporation, Missoula, Mont., of the operating rights in certificate Nos. MC–124692 (Sub-No. 1), MC–124692 (Sub-No. 8), and MC–124692 (Sub-No. 11), issued August 24, 1964, November 1, 1965, and February 3, 1967, respectively, to Myron Sammons, Missoula, Mont., authorizing the transportation, over irregular routes, of lumber and lumber products from points in Oregon, Washington, and Idaho, and points in Montana west of the continental divide, to points in North Dakota, South Dakota, Nebraska, and Minnesota; animal and poultry feed and ingredients from points in Iowa and Minnesota to points in Montana, Idaho, and Washington; and bentonite from points in South Dakota within 5 miles of Belle Fourche, S. Dak., to points in Montana, Idaho, and Washington. Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn., attorney for applicants.

No. MC–FC–69521. By order of March 31, 1967, the Transfer Board approved the transfer to Timm Trucking Corp., Long Island City, N.Y., of the operating rights in certificate No. MC–89377, issued October 28, 1965, to Charles Tuzzolino, doing business as C. Tuzzi, Brooklyn, N.Y., authorizing the transportation, over irregular routes, of new furniture from New York, N.Y., to points in that part of New Jersey and New York within 35 miles of New York, N.Y. Morris Honig, 150 Broadway, New York, N.Y., attorney for applicants.

No. MC–FC–69533. By order of March 31, 1967, the Transfer Board approved the transfer to Otisville Bus Service, Inc., village of Otisville, N.Y., of certificate No. MC–66043, issued September 30, 1942, to Deerpark Transportation Co., Inc., Port Jervis, N.Y., authorizing the transportation of: Passengers and their baggage, in charter operations, from Port Jervis, N.Y., and points in New Jersey, New York, and Pennsylvania within 15 miles of Port Jervis, to points in Dutchess, Orange, Nassau, New York, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y., Lackawanna, Monroe, Northampton, Pike, Wayne and Wyoming Counties, Pa., and Bergen, Essex, Morris, Passaic, Sussex, Union, and Warren Counties, N.J. Jerome Markovits, 15 King Street, Middletown, N.Y. 10940, attorney for applicants.

No. MC–FC–69544. By order of March 29, 1967, the Transfer Board approved the transfer to R. Martel Express Limited, a corporation, 29 Visitation Street, Farnham, Quebc, Canada, of the operating rights in permits Nos. MC–116893 and MC–116893 (Sub-No. 6) issued May 23, 1958, and February 18, 1963, respectively, to Martel Express Ltd., 630 Main Street, Farnham, Quebec, Canada, authorizing the transportation of: Wood, flour, and frozen foods, from specified points in New York and New Jersey, to ports of entry on the United States-Canada boundary line, located in New York State.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3850; Filed, Apr. 6, 1967; 8:48 a.m.]

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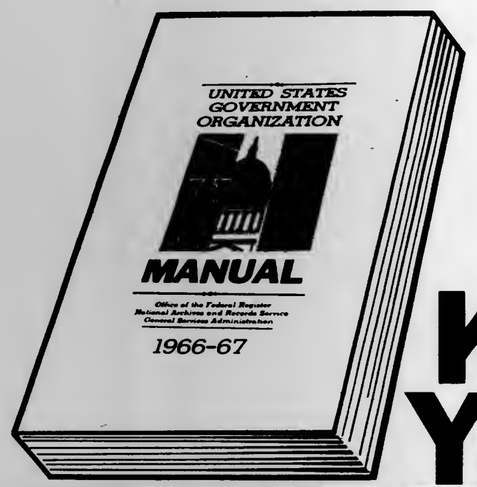
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[Navel Orange Reg. 133]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.433 Navel Orange Regulation 133.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 6, 1967.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 9, 1967, and ending at 12:01 a.m., P.s.t., April 16, 1967, are hereby fixed as follows:

(i) District 1: 520,000 cartons;
(ii) District 2: 480,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 7, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–3983; Filed, Apr. 7, 1967; 11:15 a.m.]

[Valencia Orange Reg. 196]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.496 Valencia Orange Regulation 196.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 6, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 9, 1967, and ending at 12:01 a.m., P.s.t., April 16, 1967, are hereby fixed as follows:

(i) District 1: 53,778 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 225,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 7, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–3984; Filed, Apr. 7, 1967; 11:15 a.m.]

[Lemon Reg. 262]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.562 Lemon Regulation 262.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 4, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 9, 1967, and ending at 12:01 a.m., P.s.t., April 16, 1967, are hereby fixed as follows:

(i) District 1: 2,400 cartons;
(ii) District 2: 204,600 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 6, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3945; Filed, Apr. 7, 1967; 8:47 a.m.]

[Lime Reg. 22, Amdt. 3]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 10, 1967. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 22 (31 F.R. 6102, 7962, 15484) and, unless sooner terminated, will continue to be so regulated until May 1, 1967, determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to April 9, 1967, and in the manner herein provided, were promptly submitted to the Department after an unassembled meeting of the Florida Lime Administrative Committee on April 3, 1967, held to consider recommendations for regulation; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. (1) The provisions of paragraph (b) (1) (ii) of § 911.324 (Lime Reg. 22, 31 F.R. 6102, 7962, 15484) are hereby amended to read as follows during the period beginning at 12:01 a.m., e.s.t., April 10, 1967, and ending at 12:01 a.m., e.s.t., May 1, 1967:

§ 911.324 Lime Regulation 22.

* * * * * * *

(b) *Order.* (1) * * *

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in each container thereof grading at least U.S. No. 1, Mixed Color, and the remainder thereof grading not less than U.S. No. 2, Mixed Color; or

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 6, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3946; Filed, Apr. 7, 1967; 8:47 a.m.]

[Grapefruit Reg. 42]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.342 Grapefruit Regulation 42.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 6, 1967.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., April 10, 1967, and ending at 12:01 a.m., e.s.t., April 17, 1967, is hereby fixed at 175,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 6, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3947; Filed, Apr. 7, 1967; 8:47 a.m.]

[Lime Reg. 3, Amdt. 3]

PART 944—FRUIT; IMPORT REGULATIONS

Limes

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) and subparagraph (2) thereof of § 944.202 (Lime Reg. 3; 31 F.R. 6102, 6962, 15484) are hereby amended to read as follows:

§ 944.202 Lime Regulation 3.

(a) On and after 12:01 a.m., e.s.t., April 14, 1967, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

* * * * * * *

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in each container thereof grading at least U.S. No. 1, Mixed Color, and the remainder thereof grading not less than U.S. No. 2, Mixed Color; or

* * * * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553 (1966)) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under Lime Regulation 22 (§ 911.324), which becomes effective April 10, 1967; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of 3 days, the minimum that is prescribed by section 8e, is given with respect to such regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 6, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3948; Filed, Apr. 7, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 67-EA-28; Amdt. 39-391]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller F-27 and FH-227 Rudder Horn Assembly

There have been reports of cracks discovered in the rudder horn assembly on Fairchild Hiller Model F-27 and FH-227 aircraft. Since this condition is likely to exist or develop in other aircraft of the same design, an airworthiness directive is being issued to require inspection of the rudder horn assembly on Fairchild Hiller Model F-27 and FH-227 aircraft.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

FAIRCHILD. Applies to Model F-27 Series and FH-227 Series Airplanes.

Compliance required as indicated.

To detect cracks in the rubber horn assembly, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 450 hours' time in service, and thereafter at intervals not to exceed 500 hours' time in service from the last inspection, comply with (b).

(b) Visually inspect the rudder horn assembly, P/N 27-243018-11, for cracks, using a glass of at least 10-power, or use an equivalent inspection approved by an FAA Maintenance inspector. If a crack is found comply with (c) before further flight.

(c) Replace a cracked part with a part of the same part number that has been inspected in accordance with (b), or use an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(d) The repetitive inspection required by (a) may be discontinued when a modification, approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, is incorporated.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the initial compliance time and the repetitive inspection interval specified in this AD if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on March 28, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-3871; Filed, Apr. 7, 1967; 8:45 a.m.]

[Docket No. 67-EA-36; Amdt. 39-390]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller F-27 and FH-227 Series Aircraft

There have been many reported incidents of cracks in the subject aircraft rudder components in Fairchild F-27

and FH–227 Series Aircraft that could result in the loss of a rudder and consequent accident. Since this condition is likely to exist or develop in other aircraft of the same design, an airworthiness directive is being issued to require repetitive inspections for cracks in the rudder skin, stiffeners and rear spar flange of the Fairchild F–27A, F–27F, F–27G, F–27J, and FH–227 Series Aircraft.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

FAIRCHILD. Applies to Model FH–227 Series Airplanes, Serial Numbers 501 through 533 and Models F–27A, F–27F, F–27G, and F–27J Airplanes.

Compliance required as indicated:

To detect cracks in the rudder skin, stiffeners, and rear spar flange located between the ribs of the lower section of the rudder, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 150 hours' time in service, and thereafter at intervals not to exceed 200 hours' time in service from the last inspection, comply with (b).

(b) Visually inspect for cracks the left and right rudder skins from stations 10 to 71 between the middle and rear spars. By manual compression of the left and right rudder skins, inspect for indications of cracks in the rudder stiffeners at stations 16, 28, 40, 52, and 64 between the middle and rear spars, and in the rear spar flanges at these stations. An FAA-approved equivalent inspection may be used in lieu of the above inspections. If a skin crack or indications of a crack in the stiffeners or rear spar flanges are found, comply with (c).

(c) Repair cracked parts in an FAA-approved manner or replace them with an unused part of the same part number or an FAA-approved equivalent before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

(d) The repetitive inspection specified in (a) may be discontinued on airplanes modified in accordance with Fairchild Hiller Service Bulletin No. 27–4 (FH–227) dated December 27, 1966, or later FAA-approved revision or Service Bulletin No. 27–42 (F–27) dated December 27, 1966, or later FAA-approved revision or an FAA-approved equivalent modification.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the initial inspection and the repetitive inspection interval specified in this AD if the request contains substantiating data to justify the increase for that operator. FAA-approved modifications and revisions will be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, and FAA-approved inspections and parts will be approved by an FAA Maintenance Inspector or Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment becomes effective upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on March 28, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67–3872; Filed, Apr. 7, 1967; 8:45 a.m.]

[Airspace Docket No. 66–EA–99]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

Correction

In F.R. Doc. 67–3528, appearing at page 5411 of the issue for Friday, March 31, 1967, the words "V–226 is amended" in the penultimate paragraph should read "V–266 is amended".

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–486]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Deletion of Post Flight Reports and Verification of Supporting Statements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of April 1967.

World Airways, Inc. (World) has filed a petition for rule making, Docket 17918, to amend Part 295 by deleting the "transatlantic charter post flight reports" of receipts and expenditures, and the requirements that charter applications must be verified.[1] World points out that the supplemental carriers are the only certificated carriers now subject to such documentation requirements for charter operations, and submits that all air carriers should be placed on an equal basis in this regard. World alleges that verification of the charterer's supporting statement is burdensome and onerous, particularly in Continental Europe. Further, it contends that the post flight report is time consuming and burdensome.

An answer opposing the petition was filed by Trans World Airlines, Inc. (TWA), primarily on the ground that the verification requirements tend to assure the accuracy of representations made to a carrier having no scheduled route operation which would be affected by unauthorized charters.

We have decided to grant World's petition without rule making proceedings. Removal of the two restrictions is in keeping with the Board's policy of reducing documentation of charter operations by certificated supplemental carriers and achieving uniformity of regulations governing charters by all classes of certificated carriers.[2] The supplemental carriers have proved their fitness and compliance disposition in certification proceedings, and there is no longer any good reason for strict surveillance of every aspect of their operations. Moreover, we believe that supplemental carriers may be relied upon to comply with the Board's charter-eligibility requirements and to require prospective charterers to do the same.

The deletion of the verification requirement involves only the amendment of the forms, which are incorporated by reference in Part 295. The deletion of the post flight report, however, requires an appropriate change in §§ 295.12, 295.33, and 295.34 to delete reference of such report.

Since this amendment relieves a restriction, notice and public procedure hereon are unnecessary and the rule may be made effective immediately.

Accordingly, the Board hereby amends Part 295 of the Economic Regulations (14 CFR Part 295), effective April 5, 1967, as follows:

1. By revising § 295.12 to read as follows:

§ 295.12 Pretrip notification.

Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 295.[3] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier the information specified in § 295.35. The carrier shall also require that the charterer and any travel agent involved shall furnish it in due time for review before flight the information required in §§ 295.36 and 295.22, respectively.

2. By revising § 295.33(d) to read as follows:

§ 295.33 Charter costs.

* * * * *

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed $750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers.

3. By deleting paragraph (b) of § 295.34, so that the section reads as follows:

§ 295.34 Statements of charges.

Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge for the charter shall clearly identify the portion of the charges to be separately paid for the air transportation, for the land tour, and for the administrative expenses of the charterer.

4. By deleting all verifications and related footnotes from Part II of the Statement of Supporting Information (incorporated by reference in and appended to Part 295), so that the amended Part II reads as follows:

STATEMENT OF SUPPORTING INFORMATION *

* * * * *

Part II—To be completed for pro rata or mixed charters only.

Section A—To be supplied by travel agent, or, where none, by the air carrier or an affiliate under its control where either of the latter performs or provides any travel agency function or service (excluding air transportation sales but including land tour arrangements).

1. What specific services have been or will be provided by agent to charterer on a group basis? _____

2. What specific services have been or will be provided by agent to individual participants in the proposed charter? _____

3. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any member of the chartering organization in relation either to the proposed charter flight or any land tour? Yes ☐ No ☐

4. Does the agent have any financial interest in any organization rendering services to the chartering organization? Yes ☐ No ☐ If answer is "yes," explain: _____

WARRANTY [1]

I, _____, represent and warrant that
(Name)
I have acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section A) and will act with regard to such operation in a manner consistent with Part 295 of the Board's Economic Regulations.

_____
(Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).)

* This must be retained by the air carrier for two years pursuant to the requirements of Part 249, but open to Board inspection, and to be filed with the Board on demand.

[1] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., § 1001.

[1] The forms for these reports are incorporated by reference in §§ 295.5, 295.22, 295.34, and 295.36, and printed as an appendix to Part 295.

[2] See Order E–23600 and Regulation ER–462, dated Apr. 29, 1966.

[3] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written request to the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

Section B—To be supplied by charterer:

1. Description of chartering organization, including its objectives and purposes: _____

2. What activities are sponsored by the chartering organization? _____

3. When was the organization founded? _____

4. Qualification or requirements for membership in organization and membership fee, if any: _____

5. Has there been any reference to prospective charter flights in soliciting new members for the chartering organization? Yes ☐ No ☐

6. If total membership in the chartering organization is less than 1,000, submit list showing names and addresses of members in good standing.[2] If total membership in the chartering organization is 1,000 or more, state where a list of members is available for inspection. _____

7. Attach list of prospective passengers, showing for each: Name, address, and whether a member of chartering organization or relationship to a member of chartering group. (NOTE: This is a list of prospective passengers and does not necessarily have to represent the passengers actually carried.)

8. Purpose of trip: _____

9. What are requirements for participation in charter? _____

10. How were prospective participants for charter solicited (attach any solicitation material)? _____

11. Will there be any participants in the charter flight other than (1) members of the chartering organization or (2) spouse, dependent children, and parents of a member of the chartering group residing in the same household with the member? Yes ☐ No ☐

12. Will there be any members of the chartering organization participating in the charter who will have been members of the organization for a period of less than six months prior to flight date? [2] Yes ☐ No ☐ If answer is "yes," give names of participants who will not have been members for six months and justify (see § 295.2(k)): _____

13. If there is any intermediary involved in the charter, other than the travel agent whose participation is described in Part II, Section A, submit name, address, remuneration and scope of activity: _____

14. Estimated receipts: _____
(Pro rata charge)
× _____
(No. of passengers)
= $_____
(Estimated receipts from charter)

Estimated receipts from other sources, if any: _____
Explain: _____

(a) Total receipts: $_____

Estimated expenditures, including aircraft charter (separately itemize air transportation, land tour, and administrative expenses):

Item	Amount	Payable to

(b) Total expenditures: $_____

Explain any difference between (a) and (b): _____

15. Are any of the expenses included in Item 14, above, to be paid to any members of the chartering organization? Yes [ ] No [ ] If "yes," state how much, to whom and for what services: _____

16. Is any member of the chartering organization to receive any compensation or benefit directly or indirectly from the air carrier, the travel agent, or any organization providing services in relation to the air or land portion of the trip? Yes [ ] No [ ] If "yes," explain fully: _____

17. Will any person in the group (except children under two years) be transported without charge? Yes [ ] No [ ]

18. Will charter costs be divided equally among charter participants, except to the extent that a lesser charge is made for children under twelve years old? Yes [ ] No [ ]

19. Separately state for the outbound and inbound flights the number of one-way passengers anticipated to be transported in each direction: _____

20. If more than one round trip is contracted for, will each group move as a unit in both directions? Yes [ ] No [ ]

21. If transatlantic charters have been performed for organization during past 5 years, give dates and name of carrier performing charters: _____

22. Has a copy of Part 295, "Transatlantic Supplemental Air Transportation," of the Economic Regulations of the Civil Aeronautics Board been received by the charterer? Yes [ ] No [ ]

WARRANTY OF CHARTERER [1]

I, _____ and _____
(Name) (Name)
represent and warrant that the charterer has acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section B), and will act with regard to such operation, in a manner consistent with Part 295 of the Board's Economic Regulations.

_____
(Signature of person within organization in charge of charter arrangements.)

_____
(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the warranty must be by a school official not directly involved in charter.)

WARRANTY OF AIR CARRIER [1]

To the best of my knowledge and belief all the information presented in this statement, including but not limited to, those parts warranted by the charterer and the travel agent, is true and correct. I represent and warrant that the carrier has acted with regard to this charter operation (except to the extent fully and specifically explained in this statement or any attachment thereto)

[2] Not applicable to college campus or study-group charters, nor to charters limited to employees of a single Government agency, industrial plant or mercantile company.

and will act with regard to such operation in a manner consistent with Part 295 of the Board's Economic Regulations.

(Signature and title of authorized official of air carrier.)

5. By deleting in its entirety "Transatlantic Charter Post Flight Report" form.

(Secs. 204(a), 401(d)(3), 401(n), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 76 Stat. 143, 144; 49 U.S.C. 1324, 1371)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-3888; Filed, Apr. 7, 1967; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1185]

PART 13—PROHIBITED TRADE PRACTICES

Susan Thomas, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Susan Thomas, Inc., New York, N.Y., Docket C-1185, Mar. 20, 1967]

Consent order requiring a New York City wearing apparel firm to cease discriminating in payment of promotional allowances among its retail customers competing in the resale of its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Susan Thomas, Inc., formerly Susan Thomas Specialties, Inc., a corporation, its officers, directors, agents and representatives, and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale, or offering for sale of wearing apparel products manufactured, sold, or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: March 20, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-3882; Filed, Apr. 7, 1967; 8:46 a.m.]

[Docket No. C-1184]

PART 13—PROHIBITED TRADE PRACTICES

C.W.F. Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.140 *Old, reclaimed or reused product being new;* § 13.155 *Prices:* 13.155–10 Bait; § 13.180 *Quantity;* 13.180–30 in stock. Subpart—Misrepresenting oneself and goods—Goods: § 13.1695 *Old, secondhand, reclaimed or reconstructed as new;* § 13.1720 *Quantity;* § 13.1779 *Bait.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, C.W.F. Corp., doing business as Sun Radio Discount Center, etc., Washington, D.C., Docket C-1184, Mar. 16, 1967]

In the Matter of C.W.F. Corp., a Corporation Doing Business as Sun Radio Discount Center and Sun Radio Discount Warehouse, and William Warsaw, Marcus Warsaw and Joseph M. Warsaw, Individually and as Officers of Said Corporation

Consent order requiring a Washington, D.C., appliance dealer to cease using bait advertisements and misrepresenting used items as new.

The order to cease and desist, including further order requiring report or compliance therewith, is as follows:

It is ordered, That respondents C.W.F. Corporation, a corporation, and its officers, and William Warsaw, Marcus Warsaw, and Joseph M. Warsaw, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of electrical appliances, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of merchandise.

2. Making representations purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Discouraging the purchase of, or disparaging, any merchandise which is advertised.

4. Representing, directly or by implication, that any merchandise is offered for sale when such offer is not a bona fide offer to sell such merchandise.

5. Advertising any item of merchandise for sale, which is not available at all stores in sufficiently substantial quantities to meet reasonably anticipated demands: *Provided, however,* That items available only in limited supply may be advertised, if such advertising clearly and conspicuously discloses the number of units available and at which store.

6. Representing as new, articles of merchandise which have been used for demonstration purposes or used in any other manner; or advertising or offering for sale any such article, unless a clear and conspicuous disclosure is made in the advertising in immediate conjunction with any such advertised item, and on the item itself, that it has been so used.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 16, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-3879; Filed, Apr. 7, 1967; 8:46 a.m.]

[Docket No. C-1183]

PART 13—PROHIBITED TRADE PRACTICES

Galaxy Costume Corp. et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act. § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act. § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Galaxy Costume Corp. et al., New York, N.Y., Docket C-1183, Mar. 14, 1967]

In the Matter of Galaxy Costume Corp., a Corporation, and Sam Weil, Individually and as an Officer of Said Corporation, and Louis Baron, Individually and as an Employee of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Galaxy Costume Corp., a corporation, and its officers, and Sam Weil, individually and as an officer of said corporation, and Louis Baron, individually and as an employee of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on an invoice the item number or mark assigned to such product.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 14, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-3880; Filed, Apr. 7, 1967; 8:46 a.m.]

[Docket No. 8710]

PART 13—PROHIBITED TRADE PRACTICES

Francis E. Mastbrook et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–195 Nature; § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–10 Bait; 13.155–40 Exaggerated as regular and customary; 13.155–50 Forced or sacrifice sales; § 13.157 *Prize contests;* § 13.175 *Quality of product or service;* § 13.255 *Surveys.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1490 *Nature;* Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1705 *Prize contests;* § 13.1715 *Quality;* § 13.1757 *Surveys;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1805 *Exaggerated as regular and customary;* § 13.1813 *Forced or sacrifice sales.* Subpart—Using misleading name—Vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Francis E. Mastbrook doing business as Edison Sewing Machine and Vacuum Cleaner Co., etc., Washington, D.C., Docket 8710, Mar. 13, 1967]

In the Matter of Francis E. Mastbrook, Doing Business as Edison Sewing Machine and Vacuum Cleaner Co., Edison Sewing Machine Co., Sewing Machine Exchange, Coles Adjustment Service, Edison Sales, and Consumer Advertising and Research Service

Consent order requiring a Washington, D.C., retailer of sewing machines and vacuum cleaners to cease using deceptive means to sell his merchandise, such as alleging certain items were repossessed and purchasers would save paid-in amount, making false guarantee offers, using bait and switch tactics, using contests, prizes, and certificates in a deceptive manner, fictitiously pricing merchandise, and falsely implying that he was conducting a survey for appliance manufacturers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Francis E. Mastbrook, an individual, doing business as Edison Sewing Machine and Vacuum Cleaner Co., Edison Sewing Machine Co., Sewing Machine Exchange, Coles Adjustment Service, Edison Sales, and Consumer Advertising and Research Service, or under any other name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of sewing machines, vacuum cleaners, or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that merchandise has been repossessed or that it is being offered for the balance of the purchase price unpaid by a previous purchaser; or misrepresenting, in any manner, the status, kind, quality, or price of the merchandise being offered.

2. Using the names or designations "Exch. Credit Dept.", "Credit Mgr. Cole Adj." or "Coles Adj. Serv." or other names or designations of similar import or meaning to designate or refer to respondent's enterprise, or otherwise representing, directly or by implication, that respondent is engaged in the business of collecting debts or of adjusting or settling accounts; or misrepresenting in any manner the nature or status of respondent's business.

3. Representing, directly or by implication, that purchasers save the paid-in amount on repossessed merchandise; or misrepresenting in any manner the savings afforded purchasers of respondent's products.

4. Representing, directly or by implication, that products are guaranteed, unless the nature, conditions, and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

5. Representing, directly or by implication, that any products or services are offered for sale when such offer is not a bona fide offer to sell said products or services on the terms and conditions stated; or using any advertising, sales plan, or procedure involving the use of false, deceptive, or misleading statements to obtain leads or prospects for the sale of other merchandise.

6. Disparaging in any manner or discouraging the purchase of any products advertised.

7. Representing, directly or by implication, that contests are being conducted to determine winners of a prize; or misrepresenting in any manner the way in which names of prospective purchasers are selected.

8. Representing, directly or by implication, that awards or merchandise certificates are of a certain value or worth when recipients thereof are not in fact benefited by or do not save the amount of the represented value thereof.

9. Representing, directly or by implication, that any savings, discount or allowance is given purchasers from respondent's selling price for specified merchandise unless said selling price is the amount at which such merchandise has been sold or offered for sale in good faith by respondent for a reasonably substantial period of time in the recent regular course of his business.

10. Using the name "Consumer Advertising and Research Service", to designate or refer to respondent's enterprise, or representing that he or his representative is conducting a survey; or using any scheme or device, involving the use of false, deceptive or misleading statements, representations, or practices by which the names or addresses of prospective purchasers are obtained or by which they are enticed to place themselves in a position where

respondent can attempt to sell them merchandise.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: March 13, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-3881; Filed, Apr. 7, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 80—DIETARY SUPPLEMENTS AND VITAMIN AND MINERAL-FORTIFIED FOODS

Vitamin and Mineral-Fortified Foods, Identity Standards; Listing of Classes of Such Foods

In the matter of establishing definitions and standards of identity for vitamin and mineral-fortified foods:

On December 14, 1966, there was published in the FEDERAL REGISTER (31 F.R. 15746) a proposal to amend the definition and standard of identity for vitamin and mineral-fortified foods (21 CFR 80.2) established by the order of June 18, 1966 (31 F.R. 8525), as amended, and stayed by the order of December 14, 1966 (31 F.R. 15730), by adding to the end of the table therein the following additional classes of food: Frozen dessert products (containing vegetable fat in lieu of butterfat) made in semblance of ice cream or ice milk; milk fortifiers; and meal substitutes. Interested persons were invited to comment upon the proposal within 30 days. An order was published in the FEDERAL REGISTER of January 28, 1967 (32 F.R. 1055), extending the time for filing comments to February 12, 1967.

The Commissioner has considered the comments submitted in response to the proposal, together with other pertinent information, and has concluded that amending the definition and standard of identity for vitamin and mineral-fortified foods as set forth below will promote honesty and fair dealing in the interest of consumers, in accordance with section 401 of the Federal Food, Drug, and Cosmetic Act, and will promote by regulation label information necessary in order fully to inform purchasers of the value of such foods for special dietary uses, in accordance with section 403(j) of the act.

Accordingly, pursuant to the provisions of the act (secs. 401, 403(j), 701(e), 52 Stat. 1046, as amended, 1048, 1055, as amended; 21 U.S.C. 341, 343(j), 371(e)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120): *It is ordered*, That § 80.2 (b) and (c) be revised to read as follows:

§ 80.2 Vitamin and mineral-fortified foods; identity; label statements.

* * * * * *

(b) Pursuant to the statement of policy in paragraph (a) of this section, definitions and standards of identity are established in this section for classes of foods to which one or more vitamins and minerals have been added, but the following classes of foods to which one or more vitamins and minerals have been added are excluded from the restrictions in paragraph (c) of this section:

(1) Dietary supplements of vitamins and minerals.

Class of food	Added vitamins and minerals	Levels permitted		Designated serving
		Minimum	Maximum	
Fluid or powdered whole milk, fluid or powdered whole milk product (all when purport to be or are represented for beverage purposes).	Vitamin D	100 U.S.P. units	100 U.S.P. units	8 fluid oz., after reconstitution if necessary.
Fluid skimmed milk, fluid skimmed milk product, fluid or powdered low fat milk, fluid or powdered low fat milk product (all when purport to be or are represented for beverage purposes).[1]	Vitamin A Vitamin D	500 U.S.P. units 100 U.S.P. units	500 U.S.P. units 100 U.S.P. units	Do. Do.
Frozen dessert products (containing vegetable fat in lieu of butterfat) made in semblance of ice cream or ice milk.	Vitamin A	265 U.S.P. units (for article containing 10% fat, with vitamin A level increased or decreased in proportion to fat content).	315 U.S.P. units (for article containing 10% fat, with vitamin A level increased or decreased in proportion to fat content).	4 fluid oz.
Fruit or vegetable: Juices, drinks, nectars, drink bases, or imitations of such articles.	Ascorbic acid (vitamin C).	30 mg.	60 mg.	4 to 6 fluid oz.
Infant and junior fruit products.	Ascorbic acid (vitamin C).	30 mg.	60 mg.	4 oz.
Meal substitutes (for use with and without addition of milk or water).[1]	Vitamins and minerals as listed in § 125.1(b) of this chapter, as necessary to reach the limits permitted.	One-fourth recommended dietary allowance for an adult for each vitamin or mineral listed in § 125.1(b) of this chapter.	The recommended dietary allowance for an adult for each vitamin or mineral listed in § 125.1(b) of this chapter: *Provided, however*, That if the food is represented for use as the sole item of the diet, it may also contain the minerals zinc and manganese added at trace levels essential for human nutrition. The maximum level permitted for any vitamin or mineral shall apply only if such vitamin or mineral is added to the meal substitute.	In quantity to be consumed for a meal after addition of milk or water, if necessary, in accord with the label directions for use.
Milk fortifiers [2]	Ascorbic acid (vitamin C) (mandatory).	10 mg.	23 mg.	In quantity to be added to 8 fluid oz. milk or milk product after reconstitution, if necessary.
	Iron (mandatory).	3 mg.	5 mg.	
	Vitamin A (optional).	500 U.S.P. units.	500 U.S.P. units.	
	Vitamin D (optional).	100 U.S.P. units.	100 U.S.P. units.	

See footnotes at end of table.

(2) Foods not listed in paragraph (c) of this section for which standards of identity have been separately established, and imitations of such foods, provided that the addition, if any, of one or more vitamins and minerals to such an imitation is at the same levels as permitted by the standard of identity for the food which it imitates.

(3) [Reserved]

(4) Infant formulas suitable as complete or partial substitutes for human milk.

(5) Infant and junior cereal products.

(6) Foods in bulk intended for further manufacturing.

(c) Vitamins and minerals added to foods to improve nutritive value are limited to the particular vitamins and minerals, in the quantities, with the restrictions, and in the foods indicated, as follows:

Class of food	Added vitamins and minerals	Levels permitted		Designated serving
		Minimum	Maximum	
Processed cereals (breakfast cereals).[1]	Thiamine (vitamin B_1).	0.12 mg.	0.25 mg.	1 oz.
	Riboflavin (vitamin B_2).	0.03 mg.	0.06 mg.	Do.
	Niacin or niacinamide.	1.1 mg.	2.2 mg.	Do.
	Iron.	0.7 mg.	1.5 mg.	Do.
Salt	Iodine.	0.005%	0.010%	Do.

[1] If any vitamin or mineral is added, all of the nutrients shown under "Added vitamins and minerals" must be present in the designated serving of the food.

[2] Both ascorbic acid and iron (mandatory) must be present in the designated serving of the food; both vitamins A and D (optional) may also be present if the label bears the statement that the milk fortifier should not be added to any milk or milk product, whether whole, skimmed, or low fat, that has been fortified.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in six copies. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. Objections may be accompanied by a memorandum or brief in support thereof.

It is unnecessary to repeat objections already made to the final order of June 18, 1966 (31 F.R. 8521), or to the amendments to that order published in the FEDERAL REGISTER of December 14, 1966 (31 F.R. 15730). As they apply, such objections previously filed with the Hearing Clerk will also be made a part of the objections pertaining to this amendment of the final order.

Effective date. Since this order amends the order of June 18, 1966 (31 F.R. 8525), the effective date of which has already been stayed pending a public hearing, the effective date of this order is likewise stayed pending a public hearing, and this order is to be combined with and made a part of the public hearing to be held on Parts 5, 80, and 125, as announced in the FEDERAL REGISTER of December 14, 1966 (31 F.R. 15730). If additional issues are raised by the filing of objections to this order, they will be announced by publication in the FEDERAL REGISTER, after the time for filing objections has passed, at which time also the date of the public hearing will be announced.

(Secs. 401, 403(j), 701(e), 52 Stat. 1046, as amended, 1048, 1055, as amended; 21 U.S.C. 341, 343(j), 371(e))

Dated: March 30, 1967.

JAMES L. GODDARD, *Commissioner of Food and Drugs.*

[F.R. Doc. 67-3851; Filed, Apr. 7, 1967; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 800—EQUAL PAY FOR EQUAL WORK UNDER THE FAIR LABOR STANDARDS ACT

"Male Jobs" and "Female Jobs" Generally

To avoid any intimation that the classification of certain jobs as "male jobs" and others as "female jobs" is necessarily lawful where there is no unlawful pay differential, 29 CFR 800.114(a) is amended by adding the sentence and citation provided below at the end of the present text of the paragraph. As this is an interpretative rule, and is not substantive, the provisions of 5 U.S.C. 553 requiring public procedure and delayed effective date do not apply. Such procedure and delay will not serve a useful purpose here. Accordingly, this amendment shall be effective on publication in the FEDERAL REGISTER. The text to be added is as follows:

§ 800.114 "Male jobs" and "female jobs" generally.

(a) * * * It should be further noted that wage classification systems which designate certain jobs as "male jobs" and other jobs as "female jobs" may contravene Title VII of the Civil Rights Act of 1964 except in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise (78 Stat. 241, 256).

* * * * *

Signed at Washington, D.C., this 4th day of April 1967.

CLARENCE T. LUNDQUIST, *Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.*

[F.R. Doc. 67-3886; Filed, Apr. 7, 1967; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.3—General Policies

STANDARDS

In § 9-1.310-5 *Standards*, the following subparagraph is added to paragraph (a):

§ 9-1.310-5 Standards.

(a) * * *

(2) In determining the adequacy of a prospective contractor's financial resources for the performance of the proposed contract, as required by FPR 1-1.310-5(a)(1), particular attention shall be given to the ability of the contractor to discharge his full financial responsibility for charges and losses of Government-furnished material, such as special nuclear materials, when the contractor has financial responsibility for such material.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 3d day of April 1967.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH, *Director, Division of Contracts.*

[F.R. Doc. 67-3868; Filed, Apr. 7, 1967; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 127.1, *Preparation and handling*, paragraph (e) (1)(iii) and (2) is revised for clarification and to show the proper cross reference. As so revised it now reads as follows:

§ 127.1 Preparation and handling.

* * * * * *

(e) *Airlift mail.* (1) * * *

(iii) Parcels of any class paid at surface postage rates not exceeding 5 pounds in weight and not exceeding 60

inches in length and girth combined. These parcels must be marked with the large letters SAM (space available mail) on the address side, preferably below the postage and above the name of the addressee. Postal employees shall at time of acceptance place these letters on all such parcels.

(2) Second-class publications published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public which are mailed at or addressed to any Armed Forces post office in Vietnam or contiguous waters will be given the airlift service prescribed in subparagraph (1) of this paragraph.

* * * * *

NOTE: The corresponding Postal Manual sections are 127.151c and 127.152 respectively.

§ 127.2 [Amended]

II. In § 127.2 *Conditions prescribed by the Defense Department applicable to mail addressed to certain military post offices overseas*, make the following changes:

A. Insert in proper numerical order the following post office numbers and their accompanying data:

Military post office No.	*See footnotes*
09007	A–B–C–E
09048	B*–C
09049	B*–C
09051	A–B–I
09052	B–C–D
09075	B*–C
09088	B*
09131	B–C–D
09141	B–C–D
09150	B*–C
09511	A–B*–C–J
09515	A–B*–C–J
09522	A–C–I [1]
96201	A–F
96203	A–F
96204	A–F
96205	A–F
96371	A–F
96372	A–F
96373	A–F
96376	A–F
96377	A–F
96381	A–F
96384	A–F
96621	A–F
96622	A–F
96623	A–F
96624	A–F
96625	A–F
96626	A–F
96627	A–F
96629	A–F
96641	A–F
96648	A–F
96651	A–F
96695	A–F
96697	A–F
96699	A–F

B. Amend the data opposite the following post office numbers to read:

Military post office No.	*See footnotes*
09058	B–C–D
09289	A–B–F–I
09668	B–C–F–I
96284	P

C. Delete the following post office numbers and their accompanying data:

Military post office No.	*See footnotes*
09062	A–B–C–E
09083	A–B–C–E
09084	A–B–C–E
09087	A–B–C–E
09115	A–B–C–E
09161	A–B–C–E
09188	A–B–C–E
09247	A–B–C–E
09287	A–B–C–E
09288	A–B–C–E
09533	A–B–C–E
09691	A

D. Footnote F following the tabular material is revised to read:

F. Mail of all classes may not contain firearms of any type or pellet guns which use compressed air or gas as the propellant.

E. Footnote G following the tabular material is revised to read:

G. Mailable firearms may be shipped only by registered air parcel post (see § 125.5 of this chapter concerning concealable firearms). All other parcels may not contain firearms of any type or pellet guns which use compressed air or gas as the propellant.

F. Footnote K following the tabular material is revised to specify that only that mail which includes in the address the words "Dependent Mail Section" is subject to the restrictions of the footnote:

K. Mail which includes in the address the words "Dependent Mail Section" may consist only of letter mail, newspapers, magazines, and books. No parcel of any class containing any other matter may be mailed to Dependent Mail Section. This footnote is not applicable if the address does not include the words "Dependent Mail Section."

G. Footnote N following the tabular material is revised to prohibit all registered mail:

N. No registered mail accepted.

NOTE: The corresponding Postal Manual section is 127.2.

As the foregoing revisions to Part 127 relate to a proprietary function of the Government and do not affect substantive rights, public rule making procedures, advance notice, and a delayed effective date are unnecessary and would be contrary to the public interest.

(5 U.S.C. 301, 39 U.S.C. 501, 505, 705, 706, 712)

TIMOTHY J. MAY,
General Counsel.

APRIL 4, 1967.

[F.R. Doc. 67-3887; Filed, Apr. 7, 1967; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Great Meadows National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations: sport fishing; for individual wildlife refuge areas.

MASSACHUSETTS

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Sport fishing on the Great Meadows National Wildlife Refuge, Concord, Mass., is permitted from the banks of the Concord and Sudbury Rivers and entrance on foot for the purposes of sport fishing is permitted.

These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulations supplement the regulations which govern sport fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 29, 1967.

[F.R. Doc. 67-3883; Filed, Apr. 7, 1967; 8:46 a.m.]

PART 33—SPORT FISHING

Monomoy National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations: sport fishing; for individual wildlife refuge areas.

MASSACHUSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Sport fishing on the Monomoy National Wildlife Refuge, Chatham, Mass., is permitted in tidal waters and entrance to the refuge on foot for the purpose of sport fishing is permitted.

A map of the refuge is available from the Refuge Manager, Great Meadows National Wildlife Refuge, 31 Sudbury Road, Concord, Mass. 01742, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 30, 1967.

[F.R. Doc. 67-3884; Filed, Apr. 7, 1967; 8:46 a.m.]

PART 33—SPORT FISHING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations: sport fishing; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Sport fishing on the Erie National Wildlife Refuge, Guys Mills, Pa., is permitted on areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 29, 1967.

[F.R. Doc. 67-3885; Filed, Apr. 7, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 61]

[Docket No. 8078; Notice No. 67-12]

CERTIFICATION OF CERTAIN FOREIGN MILITARY PILOTS ON DUTY WITH AN ARMED FORCE OF THE UNITED STATES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 61 of the Federal Aviation Regulations to extend the privileges of § 61.31(a) to a foreign military pilot who holds a current civil pilot license issued by a foreign member State of the International Civil Aviation Organization (ICAO) authorizing at least the pilot privileges of the airman certificate he seeks, and who is (or was at any time since the beginning of the twelfth calendar month before he applies) a member of an Armed Force of that State on solo flying status as a rated pilot with an Armed Force of the United States.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before July 7, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 61.31(a) provides that an applicant for a private or commercial pilot certificate is entitled to that certificate if he passes a specified written test and presents satisfactory documents showing that he is a member of an Armed Force of the United States who occupies a designated status or meets certain related requirements. Section 61.31(a) was adopted before military pilot exchange change" pilots were not considered at that time. Therefore, a foreign "exchange" pilot on pilot assignment with an Armed Force of the United States, may not obtain certification on the basis of military competency.

As amended, § 61.31(a) would, under prescribed circumstances, extend privileges and limitations of the section comparable to those extended to United States military pilots to a foreign "exchange" pilot who holds a current civil pilot license issued by a foreign ICAO member State authorizing at least the pilot privileges he seeks. This rule change would give recognition to the technical value of the foreign civil license, in keeping with the "Report on Agenda Item 8" of Doc. 8158, PEL/MED (1961) to which the United States was a party. This report reflected the general agreement among ICAO representative that (in principal) the international acceptance of the technical value of Annex 1 licenses was a desirable objective.

In addition to the technical competency evidenced by the equivalent foreign civil pilot license, the proposed amendment would require the foreign military pilot to be, or to have been at any time since the beginning of the twelfth calendar month before he applies, on duty with an Armed Force of the United States with solo flying status as a rated pilot. This requirement would further serve to assure that the applicant has the technical competency to qualify for the privileges of the section.

In consideration of the foregoing, it is proposed to amend paragraph (a) of § 61.31 of the Federal Aviation Regulations as follows:

1. By striking out the word "or" at the end of subparagraph (3).

2. By striking out the period at the end of subparagraph (4), and inserting a semicolon followed by the word "or" in place thereof.

3. By inserting a new subparagraph (5) to read as follows:

§ 61.31 Military pilots or former military pilots: special rules.

(a) *Written test and evidence.* * * *

(5) He holds a current civil pilot license issued by a foreign contracting State to the Convention on International Civil Aviation authorizing at least the pilot privileges of the airman certificate he seeks, and—

(i) He is a member of an Armed Force of that contracting State on duty with an Armed Force of the United States with solo flying status as a rated pilot; or

(ii) He was, at any time since the beginning of the twelfth calendar month before he applies, a member of an Armed Force of that contracting State on duty with an Armed Force of the United States with solo flying status as a rated pilot, and was not removed from that duty or status, or from solo flying status with an Armed Force of that contracting State, for lack of flying proficiency.

* * * * *

This amendment is proposed under sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422).

Issued in Washington, D.C., on April 4, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-3874; Filed, Apr. 7, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17145]

STATION IDENTIFICATION REQUIREMENTS

Order Extending Time for Filing Comments and Reply Comments

1. In a notice of proposed rule making issued in this proceeding on January 25, 1967, FCC 67-114 (32 F.R. 2384), the Commission invited comments on a proposal looking toward the amendment of Part 73 of the Commission's rules relating to station identification requirements. March 6, 1967, and March 21, 1967, were designated as the dates for filing comments and replies, respectively.

2. On February 24, 1967, an extension of time was granted to April 5, 1967, for the filing of comments and April 19, 1967, for filing reply comments.

3. On April 4, 1967, the law firm of Booth and Lovett requested a further extension in this proceeding to April 19, 1967, for filing comments and May 3, 1967, for filing reply comments. They state that conferences between attorneys and their clients are most desirable before comments are filed but because the NAB Convention is being held on April 2 to 5 inclusive, the interested licensees will be unable to review the instant proposal with their attorneys while attending the NAB Convention.

4. We are of the view that good cause has been shown for the requested extension of time for filing comments. *Accordingly, it is ordered,* This 5th day of April 1967, that the time for filing comments is extended to April 19, 1967, and the time for filing reply comments is extended to May 3, 1967.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Released: April 5, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3890; Filed, Apr. 7, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

OHIO STATE UNIVERSITY AND OREGON REGIONAL PRIMATE RESEARCH CENTER

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket Number: 67-00016-33-90000. Applicant: The Ohio State University, 190 North Oval Drive, Columbus, Ohio 43210. Article: Bennett Stereotaxic Apparatus, with parts and accessories. Manufacturer: Whitby Tool & Engineering Co., Ltd., United Kingdom. Intended use of article: Application states:

This apparatus is designed to enable the Surgeon to perform any operation of stereotaxic surgery with certainty and ease * * *.

Anterior and lateral views define the target in three dimensions, so that the semicircular instrument carrier is readily set to guide to the chosen part of the brain any straight instrument, electrode, needle, cannula, X-ray, or ultrasonic beam.

The carrier and its bearings are marked off in degrees so that instruments or beams can be directed to meet at a single point from any combination of approaches. Three-dimensional patterns of electrodes or radioactive pellets can be set up. Lateral approaches through the temporal area as in the treatment of temporal lobe epilepsy can be made with guide plates mounted on the frame.

For some applications it has been found valuable to use the apparatus to set the direction of single or multiple hole guides fastened subcutaneously to the skull, so that repeated observations or interventions can be made over a period of time. Such guides have been successfully used in the treatment of Parkinson's Disease and in the exploration of the thalamus. The stereotaxic apparatus measures the distance from the surface of the indwelling guides to the target area.

Application received by Commissioner of Customs: March 28, 1967.

Docket Number: 67-00017-33-46040. Applicant: Oregon Regional Primate Research Center of the Medical Research Foundation of Oregon, 505 Northwest 185th Avenue, Beaverton, Oreg. 97005. Article: Electron Microscope Model EM-300 S, No. 30030000; Anticontamination Device No. 38300700, and Desiccator No. 38301000. Manufacturer: Philips Electronic Instruments, Inc., Holland. Intended use of article: Applicant states:

The instrument will be used in conjunction with the medical-biological research programs * * * to combat blindness. The projects include the following diverse activities:

A. The ultrastructure of the fetal, neonatal, and adult Rhesus monkey adrenal cortex with particular reference to cytological expressions of sexual dimorphism and to response to stress.

B. A fine-structural investigation of the ciliation of the oviduct in the Rhesus monkey with emphasis on the control exerted by various gonadal hormones over ciliary atrophy and morphogenesis.

C. A study of the development of the fetal skin, including sweat glands, sebacious glands, and hair follicles.

D. An ultrastructural investigation of the development of epidermal tumors after the administration of carcenogenic agents.

E. A study of developing elastin in ligaments and in the aorta in normal animals and in copper deficient animals.

F. An investigation to describe the ultrastructural features of cardiac and skeletal muscle both in normal animals as well as in animals exposed to special diets (i.e., high fat) or to the effects of various pharmacological agents.

G. A fine structural study of human melanocytes and melanomas, part of these grown in tissue culture.

H. The study of simple photoreseptors with emphasis on the correlation of structure and function of specific cell types.

I. A descriptive study of fetal, neonatal, and adult pituitary under the influence of hormonal manipulation, such as gonadectomy.

J. In addition to the aforementioned, other problems are pursued on a routing service basis for other investigative staff of this Regional Primate Research Center who have projects amenable to the electron microscope program.

Application Received by Commissioner of Customs: March 28, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-3869; Filed, Apr. 7, 1967; 8:45 a.m.]

Maritime Administration

[Report No. 79]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through March 29, 1967, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total, all flags (254 ships)	1,809,578
British (74 ships)	554,457
**Amalia (now Maltese).	
**Amazon River (broken up)	7,234
Antarctica	8,785
Arctic Ocean	8,791
**Ardenode (now Tynlee—Panamanian)	7,036
Ardgem	6,981
**Ardmore (now Kall Elpis—British)	4,664
**Ardpatrick (now Haringhata—Pakistani)	7,054
Ardrossmore	5,820
Ardrowan	7,300
**Ardsirod (broken up)	7,025
**Ardstaffa (trip to Cuba under ex-name Inchstaffa—British).	
**Ardtara (now Hyperion—British)	5,795
**Arlington Court (now Southgate—British).	
Athelcrown (tanker)	11,149
Athelduke (tanker)	9,089
**Athelknight (tanker—broken up)	9,087
Athelmere (tanker)	7,524
Athelmonarch (tanker)	11,162
**Athelsultan (tanker—broken up)	9,149
Aviafaith	7,868
Baxtergate	8,813
Cheung Chau	8,566
**Chipbee (sold for scrap)	7,271

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross tonnage
British—Continued	
**Cosmo Trader (trips to Cuba under ex-name, Ivy Fair—British).	
**Dairen (now Agate—Panamanian)	4,939
**East Breeze (now Maulabaksh—Pakistani).	
Eastfortune	8,789
**Ellcos (broken up)	7,134
Formentor	8,424
Fortune Enterprise	7,284
**Free Enterprise (now Cypriot).	
**Free Merchant (now Cypriot).	
**Garthdale (now Jeb Lee—British)	7,542
**Grosvenor Mariner (now Red Sea—British).	
Hazelmoor	7,907
Helka	2,111
Hemisphere	8,718
Ho Fung	7,121
*Huntsmore	5,678
*Huntsville	9,486
**Hyperion (trips to Cuba under ex-name Ardtara—British).	
**Inchstaffa (now Ardstaffa—British)	5,255
Inchstuart	7,043
**Ivy Fair (now Cosmo Trader—British—broken up)	7,201
**Jeb Lee (trip to Cuba under ex-name, Garthdale—British).	
Jollity	8,660
**Kali Elpis (trips to Cuba under ex-name, Ardmore—British).	
Kinross	5,388
La Hortensia	9,486
Linkmoor	8,236
**Loradore (now Aliartos—Greek)	8,078
Magister	2,339
Nancy Dee	6,597
Nebula	8,924
**Newdene (now Free Navigator—Cypriot).	
**Newforest (now Cypriot).	
Newgate	6,743
Newglade	7,368
**Newgrove (now Cypriot).	
Newheath	7,643
Newhill	7,855
Newlane	7,043
**Newmeadow (now Cypriot).	
Newmoat	7,151
Newmoor	7,168
Oceantramp	6,185
Oceantravel	10,477
Peony	9,037
**Phoenician Dawn (now Maulabaksh — Pakistani — Previous trips to Cuba under ex-name, East Breeze—British)	8,708
**Red Sea (previous trip to Cuba under ex-name, Grosvenor Mariner—British)	7,026
**Redbrook (now E. Evangelia—Greek)	7,388
Ruthy Ann	7,361
**St. Antonio (now Maltese).	
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	8,941
Seasage	4,330
Shienfoon	7,127
**Shun Fung (wrecked)	7,145
**Socivye (now Maltese).	
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British)	9,662
**Suva Breeze (now Cathay Trader—Panamanian)	4,970
**Swift River (now Kallithea—now Cypriot).	
British (51 ships)	347,479
Aioios II	7,256
Ais Giannis	6,997
**Akamas (now Cypriot).	
**Al Amin (now Fortune Sea—Panamanian)	7,186
Alaska	6,989
Anthas	7,044
Antonis	6,259
**Ares (constructive total loss)	4,557
**Areti (now Cypriot)	7,176
**Aristefs (now Tung Yih—Panamanian)	6,995
Astir	5,324
**Athamas (now Cypriot—broken up)	4,729
**Carnation (broken up)	4,884
Claire	5,411
Cris	6,032
**E. Myrtidiotissa (aground, trips to Cuba under ex-name, Kallipoi D. Lemos—Lebanese).	
**Free Trader (now Cypriot).	
Giannis	5,270
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
**Kallipoi D. Lemos (now E. Myrtidiotissa—Lebanese)	5,103
Katerina	9,357
Leftric	7,176
Mantric	7,255
**Maria Despina (broken in two)	7,254
Maria Renee	7,203
Marichristina	7,124
**Marika	7,253
**Marymark (broken up)	4,383
**Mersinidi (broken up)	6,782
Mousse	9,307
Nictric	7,296
Noelle	7,251
**Noemi (aground)	7,070
**Olga (now Greek).	
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
**Reneka (now San Carlo—Panamanian—broken up)	7,250
Rio	7,194
**St. Anthony (broken up)	5,349
**St. Nicolas (broken up)	7,165
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Theodoros Lemos	7,198
Tony	7,176
Toula	6,426
Troyan	7,243
**Vassiliki (now Cypriot)	7,192
**Vastric (broken up)	6,751
Vergolivada	6,339
Yanxilas	10,051
Greek (35 ships)	265,932
Agios Therapon	7,205
**Akastos (now Cypriot).	
**Aliartos (trip to Cuba under ex-name, Loradore—British).	
Alice	7,189
**Ambassade (broken up)	8,800
**Timios Stavros (now Maltese flag—previous trips to Cuba—Greek).	
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Lebanese (51 ships)	347,479
Aioios II	7,256
Ais Giannis	6,997
**Akamas (now Cypriot).	
**Al Amin (now Fortune Sea—Panamanian)	7,186
Alaska	6,989
Anthas	7,044
Antonis	6,259
**Ares (constructive total loss)	4,557
**Areti (now Cypriot)	7,176
**Aristefs (now Tung Yih—Panamanian)	6,995
Astir	5,324
**Athamas (now Cypriot—broken up)	4,729
**Carnation (broken up)	4,884
Claire	5,411
Cris	6,032
**E. Myrtidiotissa (aground, trips to Cuba under ex-name, Kallipoi D. Lemos—Lebanese).	
**Free Trader (now Cypriot).	
Giannis	5,270
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
**Kallipoi D. Lemos (now E. Myrtidiotissa—Lebanese)	5,103
Katerina	9,357
Leftric	7,176
Mantric	7,255
**Maria Despina (broken in two)	7,254
Maria Renee	7,203
Marichristina	7,124
**Marika	7,253
**Marymark (broken up)	4,383
**Mersinidi (broken up)	6,782
Mousse	9,307
Nictric	7,296
Noelle	7,251
**Noemi (aground)	7,070
**Olga (now Greek).	
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
**Reneka (now San Carlo—Panamanian—broken up)	7,250
Rio	7,194
**St. Anthony (broken up)	5,349
**St. Nicolas (broken up)	7,165
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Theodoros Lemos	7,198
Tony	7,176
Toula	6,426
Troyan	7,243
**Vassiliki (now Cypriot)	7,192
**Vastric (broken up)	6,751
Vergolivada	6,339
Yanxilas	10,051
Greek (35 ships)	265,932
Agios Therapon	7,205
**Akastos (now Cypriot).	
**Aliartos (trip to Cuba under ex-name, Loradore—British).	
Alice	7,189
**Ambassade (broken up)	8,800
Americana	7,104
Anacreon (now White Daisey—Panamanian)	7,359
**Anatoli (now Sunrise—Cypriot).	
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek)	6,712
**Antonia (now Amfithea—Cypriot).	
Apollon	9,744
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
**Embassy (broken up)	8,418
**E. Evangelia (trips to Cuba under ex-name, Redbrook—British).	
Eftychia	10,865
*Eretria	7,199
**Gloria (now Helen—Greek).	
**Helen (previous trips to Cuba under ex-name, Gloria—Greek—broken up)	7,128
Irena	7,232
Istros II	7,275
**Kapetan Kostis (broken up)	5,032
**Kyra Hariklia (broken up)	6,888
**Maria Theresa (now Ingrid Anne—South African)	7,245
**Marigo (now Amfitriti—Cypriot)	7,147
**Maroudio (now Thalie—Panamanian)	7,369
**Mastro-Stellos II (now Wendy H.—South African)	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek)	7,199
**Nicolaos Frangistas (now Nicolaos F.—Greek).	
Nikolis M	7,176
*Olga (previous trips to Cuba—Lebanese)	7,199
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek).	
**Presvia (broken up)	10,820
Redestos	5,911
Roula Maria (tanker)	10,608
**Seirios (broken up)	7,239
Sophia	7,030
**Stylianos N. Vlassopulos (now Antonia II—Cypriot)	7,303
**Timios Stavros (formerly British flag—now Maltese).	
Tina	7,362
Western Trader	9,268
Polish (20 ships)	143,460
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	9,148
Chorzow	7,237
Energetyk	10,843
*Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Hutnik	10,897
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,166
Kopalnia Wujek	7,033
Piast	3,184
*Rejowiec	3,401
Transportowiec	10,880

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross tonnage
Cypriot (20 ships)	138,816
Acme	7,159
Adelphos Petrakis	7,170
**Akamas (previous trips to Cuba—Lebanese)	7,285
**Akastos (previous trip to Cuba—Greek)	7,331
**Aktor (sunk)	6,993
Amfiali	7,110
**Amfithea (previous trip to Cuba under ex-name, Antonia—Greek)	5,171
**Amfitriti (trip to Cuba under ex-name, Marigo—Greek).	
Amon	7,229
**Antonia II (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek).	
**Areti (trips to Cuba—Lebanese).	
Artemida	7,247
**Athamas (trips to Cuba—Lebanese—broken up).	
*E. D. Papalios	9,431
El Toro	5,949
**Free Enterprise (previous trips to Cuba—British)	6,807
**Free Merchant (previous trips to Cuba—British)	5,237
**Free Navigator (previous trips to Cuba under ex-name, Newdene—British)	7,181
**Free Trader (previous trips to Cuba—Lebanese)	7,067
**Kallithea (previous trips to Cuba under ex-name, Swift River—British—broken up)	7,251
**Newforest (previous trips to Cuba—British)	7,185
**Newgrove (previous trips to Cuba—British and Haitian—constructive total loss)	7,172
**Newmeadow (previous trips to Cuba—British—sunk)	5,654
**Sunrise (previous trips to Cuba under ex-name, Anatoli—Greek)	7,187
**Vassiliki (trips to Cuba—Lebanese).	
Italian (15 ships)	123,058
Achille	6,950
Agostino Bertani	8,380
**Andrea Costa (tanker—broken up)	10,440
**Aspromonte (broken up)	7,154
Caprera	7,189
Elia (tanker)	11,377
**Geremia (previous trips to Cuba under ex-name, Mariasusanna—Italian)	2,479
Giuseppe Giulietti (tanker)	17,519
**Graziella Zeta (trips to Cuba under ex-name, Montiron—Italian).	
**Mariasusanna (now Geremia—Italian).	
**Montiron (now Graziella Zeta—Italian)	1,595
**Nazareno (broken up)	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (tanker)	12,461
Santa Lucia	9,278
**Somalia (now Chenchang—Nationalist Chinese)	3,352
Yugoslav (8 ships)	53,534
Bar	7,233
Cetinje	7,200
**Dugi Otok (broken up)	6,997
Kolasin	7,217
Mojkovac	7,125
Plod	3,657
**Promina (broken up)	6,960
**Trebisnjica (wrecked)	7,145
French (9 ships)	48,758
**Arsinoe (tanker—sunk)	10,426
**Avranches (now Avranchoise—Panamanian)	7,282
Circe	2,874
Enee	1,232
Foulaya	3,739
Mungo	4,820
Nelee	2,874
**Neve (now Drameoumar—Guinean)	852
Senanque (tanker)	14,659
Moroccan (5 ships)	35,628
Atlas	10,392
**Banora (sunk)	3,082
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Maltese (5 ships)	33,788
**Amalia (previous trips to Cuba—British)	7,304
Ispahan	7,156
**St. Antonio (broken up, previous trip to Cuba—British)	6,704
**Socivye (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Finnish (5 ships)	36,835
Atlas	3,916
Augusta Paulin	7,096
**Hermia (trip to Cuba under ex-name, Amfred—Swedish).	
Margrethe Paulin	7,251
Ragni Paulin	6,823
Sword (tanker)	11,749
Netherlands (2 ships)	999
Meike	500
Tempo	499
Norwegian (2 ships)	10,002
Ole Bratt	5,252
**Tine (now Jezreel—Panamanian flag—wrecked)	4,750
Swedish (2 ships)	9,318
**Amfred (now Hermia—Finnish)	2,828
**Dagmar (now Bali Mariner—Panamanian)	6,490
Monaco (1 ship)	7,314
Saint Lys (broken up)	7,314
Guinean:	
**Drame Oumar (trip to Cuba under ex-name, Neve—French).	
Haitian:	
**Newgrove (now Cypriot).	
Nationalist Chinese:	
**Chenchang (trip to Cuba under ex-name, Somalia—Italian).	
Pakistani:	
**Haringhata (trip to Cuba under ex-name, Ardpatrick—British).	
**Maulabaksh (trips to Cuba under ex-name, Phoenician Dawn and East Breeze—British).	
Panamanian:	
**Agate (trips to Cuba under ex-name, Daifien—British).	
**Avranchoise (trip to Cuba under ex-name Avranches—French).	
**Bali Mariner (trips to Cuba under ex-name, Dagmar—Swedish).	
**Cathay Trader (trips to Cuba under ex-name, Suva Breeze—British).	
**Fortune Sea (trips to Cuba under ex-name, Al Amin—Lebanese).	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian—wrecked).	
**San Carlo (trip to Cuba under ex-name, Reneka—Lebanese—broken up).	
**Thalie (trip to Cuba under ex-name, Maroudio—Greek).	
**Tung Yih (trip to Cuba under ex-name Aristefs—Lebanese).	
**Tynlee (trip to Cuba under ex-name, Ardenode—British).	
**White Daisey (trips to Cuba under ex-name Anacreon—Greek).	
South Africa:	
**Ingrid Anne (trip to Cuba under ex-name, Maria Theresa—Greek).	
**Wendy H. (trip to Cuba under ex-name, Mastro-Stellos II—Greek).	

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry, Name of Ship	Number of ships
a. Since last report.	
None.	
b. Previous reports:	
Flag of registry (total)	104
British	41
Cypriot	2
Danish	1
Finnish	2
French	1
German (West)	1
Greek	27
Israeli	1
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	9
Norwegian	4
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through March 29, 1967.

Flag of registry	Number of trips										
	1963	1964	1965	1966				1967			Total
				Jan.–Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	
British	133	180	126	86	2	10	3	4	7	4	555
Lebanese	64	91	56	22		1	2	1	2		241
Greek	99	27	23	24	2	1		5	4		185
Italian	16	20	24	10		1		1			72
Yugoslav	12	11	13	10						1	49
Cypriot		1	17	22	3		2	2	1	2	50
French	8	9	9	7		2	1				36
Spanish	8	17									25
Norwegian	14	10									24
Moroccan	9	13	1								23
Finnish	1	4	8	8		2	1	1	1	1	24
Maltese		2	6	1					2		11
Netherlands		4	2								6
Swedish	3	3									6
Kuwaiti		2	1								3
Israeli			2								2
Danish	1										1
German (West)	1										1
Haitian			1								1
Japanese	1										1
Monaco				1							1
Subtotal	370	394	290	191	7	17	9	14	17	8	1,317
Polish	18	16	12	8	1		1	1	1	1	59
Grand total	388	410	302	199	8	17	10	15	18	9	1,376

NOTE: Trip totals in this section exceed ship totals in secs. 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data become available.

*Added to Report No. 78, appearing in the FEDERAL REGISTER issue of February 18, 1967.

**Ships appearing on the list that have been sunk, scrapped or have had changes in name and/or flag of registry.

By order of the Acting Maritime Administrator.

Dated: April 4, 1967.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 67-3892; Filed, Apr. 7, 1967; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

MEMORANDUM OF AGREEMENT BETWEEN THE INTERSTATE COMMERCE COMMISSION AND THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF ASSURING AND ACCOMPLISHING CONTINUITY, LIAISON, COORDINATION, AND SUPPORT WITH RESPECT TO PERSONNEL AND FUNCTIONS TRANSFERRED FROM THE ICC TO DOT PURSUANT TO PUBLIC LAW 89–670, CREATING THE DEPARTMENT OF TRANSPORTATION

The Interstate Commerce Commission, pursuant to Public Law 89–670, which created the Department of Transportation, will transfer to the Department personnel and functions concerned with railroad and motor carrier safety, explosives and dangerous articles, and the regulation of standard time.

For the purpose of assuring and accomplishing continuity, liaison, coordination, and support with respect to the personnel and functions transferred from the Commission to the Department, in the interest of providing complete cooperation in providing for safe, adequate, economical, and efficient transportation service, and particularly in the interest of efficient and comprehensive regulation of transportation safety, the Department of Transportation and the Interstate Commerce agree, subject to their respective statutory authorities, as follows:

I. DOT PROVISION OF INFORMATION AND PARTICIPATION IN ICC PROCEEDINGS INVOLVING MOTOR CARRIER SAFETY FITNESS

Public Law 89–670 (DOT Act) transfers jurisdiction from the ICC to DOT for, among other things, the promulgation and the enforcement of safety regulations applicable to motor carriers operating in interstate or foreign commerce. Section 4(c) of the enabling statute in part provides for the investigation of the safety compliance record by DOT of each applicant seeking operating authority from the ICC and the transmission of such findings to ICC; the intervention of DOT in proceedings before the Commission when DOT is not satisfied with an applicant's safety record; and the prompt submittal by DOT to ICC of a statement regarding the safety record of any applicant seeking temporary operating authority.

In the issuance of permanent motor-carrier operating authorities under sections 207 and 209 of the Interstate Commerce Act, ICC has the statutory duty of making an affirmative finding that an applicant is fit. This always has been considered to include applicant's fitness from the point of view of safety of operation. Also, the safety compliance record of an applicant to whom operating authority is transferred always has been one of the factors to be considered in determining if a proposed transfer is consistent with the public interest and the National Transportation Policy pursuant to section 5 of the Interstate Commerce Act, and the same principle has been applied in transfer proceedings arising under section 212(b). Again, in determining if a grant of temporary motor carrier operating authority should be made to an applicant, the carrier's safety compliance record always is considered.

In order to establish effective procedures for the provision by DOT to ICC of information regarding the safety compliance of an applicant for motor carrier operating authority, permanent and temporary, as well as the safety record of applicants seeking transfer of motor carrier operating authorities, DOT and ICC agree, subject to their respective statutory authorities, to the following procedures:

1. *Temporary authorities pursuant to section 210a of the Interstate Commerce Act.* a. Emergency Temporary Authority (ETA) (those issued pursuant to sec. 210a(a) of the Interstate Commerce Act for a period of 30 days or less): Information concerning an applicant's safety compliance will be furnished orally by the Department, Federal Highway Administration (FHA) upon telephone request from the Commission's Temporary Authorities Board, and information so furnished will be confirmed in writing the same day the information was orally conveyed to the ICC.

b. Temporary Authority under section 210a(b) (applications for TA to operate properties of carriers to be acquired): Information concerning the safety compliance record of an applicant under this section of the Interstate Commerce Act will be obtained by the Commission—Office of Proceedings (Section of Finance) orally by phone request to FHA, and information so furnished will be confirmed in writing the same day the information was orally conveyed to the ICC.

c. Long-Term Temporary Authority (Temporary Authority issued under 210a (a) of the Interstate Commerce Act for a period exceeding 30 days):

(1) Upon transmission to Washington by the District Supervisor of the Commission's Bureau of Operations and Compliance (BOC) of a Notice of Filing of Temporary Authority Application—a copy thereof will be sent by the ICC District Supervisor directly to FHA.

(2) A copy of the FEDERAL REGISTER publication of all temporary authority applications will be transmitted by the Office of the Secretary, ICC, to FHA at the same time it transmits a copy thereof to the Director, Office of the Federal Register for publication.

(3) After the time for filing protests has expired, the District Supervisor's report on the temporary authority application is transmitted to Washington together with additional copies of the application. Upon receipt, one copy of the application, from which the Supervisor's confidential report has been detached by the Office of the Secretary, ICC, will be transmitted to FHA.

(4) As soon as possible after Notice of Filing of Temporary Authority Application is received by FHA, but not later than the date when time for filing protests has expired the safety compliance record of the applicant for 30-day TA will be furnished to the ICC in writing.

d. Petitions for reconsideration: If an application for ETA or 30-day TA is denied because of an unsatisfactory safety compliance record and petitions for reconsideration are filed, the TA Board will send a copy of that petition to FHA for comment and recommendation which will be furnished in writing as soon after receipt by FHA as practicable.

e. Conditional Grant:

(1) A TA grant may be issued conditioned upon applicant's maintaining compliance with the Safety Regulations. If applicant fails to do so, this information shall be transmitted by FHA to the Commission (TA Board) for consideration and possible revocation.

(2) If a TA is granted for a period of less than 180 days because of inconclusive safety information, and a request is made to DOT for an additional safety survey in order to clearly establish a carrier's safety status, such survey will be undertaken and a report thereof transmitted to ICC before the specified date of TA termination.

(3) Safety compliance information necessary to process section 212(b) transfer proceedings by the Commission (Office of Proceedings: The Transfer Board) and those before the Motor Carrier Leasing Board (BOC) will be requested by the Commission and furnished by FHA orally, and the information furnished will later be confirmed in writing.

2. *Permanent authority applications filed pursuant to section 5 (transfers), section 207 (certificate as a motor common carrier) and section 209 (permit as a motor contract carrier) of the Interstate Commerce Act.* The FEDERAL REGISTER notice of the filing of applications under these sections of the Interstate Commerce Act will be forwarded by the Commission, Office of the Secretary, to FHA at the same time the notice is sent to the Director, Office of the Federal Register, for publication.

Upon receipt, and during the 30-day period following the date of publication in the FEDERAL REGISTER (protest period), FHA, if it wishes to participate in the proceeding to develop the record in the case with respect to the applicant's compliance with its Safety Regulations, will file a petition for intervention setting forth generally the nature of the evidence it will present. A copy of this petition will be served on applicants, and the petition will so certify. Upon receipt of such petition in a proceeding, all pending certificates will be withheld, and fitness findings in other pending applications of the applicant (with the exception of alternate route and change of gateway applications) will not be made, until the fitness matter is resolved, unless otherwise recommended by DOT and approved by the Commission, or as otherwise determined by the Commission.

3. *Term certificates and permits.* With respect to those operating authorities providing for the transportation of dangerous explosives and other dangerous articles which are limited to a specific period of time and expire on a definite date, upon the filing of a petition by the holder thereof for renewal of the certificate or permit the Commission (Office of Proceedings, Section of Operating Rights) will transmit a request in writing to FHA for a recommendation on the request for renewal, to be returned to ICC (Office of Proceedings) within 10 working days of receipt of the request, or within such time agreed upon by FHA and the Commission (Office of Proceedings).

4. *Investigation and revocation (suspension) proceedings under sections 204(c) and 212(a) of the Interstate Commerce Act.* Hearings on safety violations under section 204(c), on and after the effective date of the establishment of the Department, will be initiated and processed by the Department, including entry of appropriate orders thereunder. Upon violation of such an order, the Department may file a complaint or other pleading with ICC seeking revocation or suspension of the carrier's authority pursuant to section 212(a).

II. TRANSFER TO DOT AND CONTINUITY OF PROCESSING OF PENDING ICC PROCEEDINGS AND RELATED MATTERS

Public Law 89–670 (DOT Act) transfers from the ICC to DOT certain functions and duties under the Interstate Commerce Act and related acts heretofore performed by the ICC. These functions and duties involve the general areas of rail, motor, and pipeline safety, transportation of explosives and dangerous articles, and administration of the Standard Time Act.

For the purpose of insuring continuity and effecting the orderly transfer of all proceedings transferred to DOT by P.L. 89–670, the ICC and DOT agree as follows:

1. *Transfer of pending cases.* The cases listed in Appendix I, "Cases Pending as of February 10, Before the ICC which will Transfer to DOT on the Effective Date of P.L. 89–670," which are pending as of the effective date of transfer and all others which may be instituted pursuant to the same statutory provisions prior to the effective date of transfer will be transferred to and processed to completion by DOT. The ICC will transfer to DOT all official docket material relative to such cases and all appeals, petitions for reconsideration, or other pleadings and correspondence relative to such cases received by the ICC: *Provided*, That the ICC will continue to store such materials until DOT has adequate facilities for storage. All subsequent pleadings in such cases tendered to the Commission will be acknowledged and accepted by ICC, but then will be forwarded to DOT. ICC personnel will cooperate with DOT, as requested, in order to facilitate DOTs disposition of these cases.

2. *Handling of pleadings relative to previously decided cases.* All appeals, petitions for reconsideration, or other pleadings relative to any case decided by the ICC prior to the effective date of transfer under any authority which is transferred to DOT pursuant to P.L. 89–670 which are received on or after the effective date of transfer will be referred to DOT for appropriate action.

3. *Reopening of previously decided cases.* Any case which the ICC has decided prior to the effective date of transfer under any authority which is transferred to DOT pursuant to P.L. 89–670 and which is subsequently reopened or remanded for further consideration by a court will be referred to DOT for appropriate action. All docket and other material relative to such cases will be furnished to DOT upon request. However, the furnishing of inter- and intra-office memoranda will be at the discretion of the ICC.

4. *Continued participation in cases.* The Bureau of Enforcement of the ICC is currently participating as a party relative to the issue of motor carrier safety fitness in each case listed in Appendix II, "Pending Proceedings Before Commission Involving Safety In Which Bureau of Enforcement Is Participating." Responsibility for continued participation in all cases involving exclusively safety violations as indicated in 1(a) (not yet heard) and 1(b) (heard but not yet adjudicated), will be transferred to DOT on the effective date of the establishment of the Department. The Bureau of Enforcement will continue its function as an adversary participant up to the date of transfer to DOT. Materials relevant to such cases will be transferred to DOT with ICC to maintain storage thereof until DOT has adequate storage facilities.

5. *Responsibility for cases involving both safety and economic aspects.* In those cases involving both safety and economic aspects, Appendix II, 2(a) (not yet heard) and 2(b) (heard but not yet adjudicated), DOT will upon transfer of such cases assume responsibility for disposition of the safety aspects and ICC will retain responsibility for the disposition of those portions of such cases which involve economic aspects. These files will be retained by ICC but will be made available for study and appropriate copying by DOT personnel upon request.

6. *Cooperation and cases involving both safety and economic aspects.* In those cases which involve both safety and economic aspects set for hearing after the effective date of P.L. 89–670, DOT will provide both the witnesses to

be questioned on the safety aspects of the case and the attorney to question its witnesses and cross-examine other witnesses on the safety aspects of the cases. However, during the transitional period, DOT and ICC agree to cooperate to the extent of their capabilities, and as requested, in the disposition of such cases. ICC will make available to DOT upon request any of its employees to testify in any such case relative to safety fitness.

7. *Assumption of responsibilities by DOT for ex parte cases.* Four proceedings (included in Appendix I), Ex Parte No. MC–69, Seat Belts in Buses; Ex Parte No. 243, Amendment of Other Than Steam Locomotive Rules; No. 3666, Ex Parte No. MC–13 Amended, Transportation of Nitromenthane; and Ex Parte No. 254, Accident at Everett, Mass., Boston & Maine Corp., are transferred to DOT on the DOT Act's effective date. The Bureau of Enforcement had been directed by the Commission to participate in these cases for the purpose of developing the record. The Bureau files on these proceedings will be transferred to DOT, which will assume responsibility on the Act's effective date.

8. *Adoption of ICC Rules of Practice.* DOT will adopt, insofar as applicable, the ICC Rules of Practice for processing all cases transferred to DOT from ICC until such time as DOT develops and issues its own Rules of Practice. Adoption will be accomplished by publication in the FEDERAL REGISTER by DOT of a notice adopting the ICC Rules of Practice by reference.

III. TRANSFER TO DOT AND CONTINUITY OF DEFENSE OR PROSECUTION OF PENDING COURT CASES TRANSFERRED TO DOT

Section 12(c) (2) of the DOT Act (Public Law 89–670) provides:

(2) If before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) Such department or agency is transferred to the Secretary, or

(B) Any function of such department, agency, or officer is transferred to the Secretary.

Then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the department, agency, or officer which was a party to the suit prior to the effective date of this Act).

In order to arrange for the transfer and continuity of defense or prosecution of pending court cases connected with functions transferred, the ICC and DOT agree as follows:

1. *List of pending cases.* Appendix III, Appendix IV, and Appendix V, list pending enforcement cases and court defense suits, in the following categories, as civil and criminal:

a. Cases pending in Bureau of Enforcement of the Commission.

(1) Motor Carrier Cases (Appendix III).

a. Exclusively Safety Cases.

b. Explosives and Other Dangerous Articles Cases.

c. Cases Involving Explosives and Other Safety Violations.

d. Cases Involving Both Economic and Safety Violations.

(2) Rail Enforcement Cases (Appendix IV).

a. Safety Appliance, Hours of Service, etc.

b. Explosives and Other Dangerous Articles Cases.

b. Safety Court Defense Suits pending in Office of the General Counsel of the Commission (Appendix V).

2. *DOT and ICC responsibility for cases.* All cases involving exclusively safety violations[1] as indicated in the lists referred to in paragraph 1, above, will be transferred to DOT on the effective date of the establishment of the Department. DOT will assume responsibility for and shall have exclusive control of the disposition of those cases and also of the safety aspects of the cases referred to in paragraph 1, above, which involve both economic and safety violations. ICC will retain responsibility for and shall have exclusive control of the disposition of those portions of such cases which involve economic violations. During the transitional period, DOT and ICC agree to cooperate to the extent of their respective capabilities, and as requested, in the disposition of cases involving both economic and safety violations.

3. *Notification of transfer of cases.* DOT will assume complete responsibility for providing notice to the public, courts, U.S. Attorneys, Department of Justice, etc., of the cases transferred to the Department pursuant to paragraph 2 above.

4. *Transfer of files.* ICC will furnish to DOT the working files on all cases to be transferred, which involve exclusively safety violations.

5. *Provision of files involving economic and safety violations.* The files which pertain to cases involving both economic and safety violations will be retained by ICC but will be available for study and appropriate copying by DOT personnel at the headquarters of ICC. Where such files are located at ICC field offices, if the DOT field office and the ICC field office are located in the same city, the files will continue to be located in the ICC office. If the DOT field office is in a city other than the one in which the ICC field office is located, a copy of the portions of such files designated by ICC as pertinent to the safety violations contained therein will be furnished when a DOT representative requires and requests it.

6. *Arrangements to secure files.* The Office of the Secretary of ICC will make available for study, where pertinent, and upon request by DOT personnel, both active and closed files retained by ICC where such files are located in Washington, D.C. Where such files are located in the Commission field offices, arrangements will be made with ICC field offices pursuant to instruction of the Secretary of the Commission.

[1] The words "exclusively safety violations" as used herein shall include also those violations pertaining to explosives and other dangerous articles, safety appliances, hours of service, and similar violations.

IV. CONTINUITY OF SUPPORT AND HOUSEKEEPING OPERATIONS FOR ICC PERSONNEL TRANSFERRED TO DOT

1. *Fiscal functions.* All fiscal functions relating to ICC activities being transferred to DOT will be assumed by DOT on the effective date of the establishment of DOT. These functions are listed in Appendix VI, paragraphs 1 and 2.

2. *Payroll functions.* The payroll functions as set forth in Appendix VI, paragraph 3, will be undertaken by the Federal Highway Administration, DOT, at the beginning of the first pay period beginning after the DOT Act takes effect.

3. *Personnel management functions.* All personnel management functions will be assumed by DOT on the effective date of the establishment of DOT.

4. *Support functions.* The ICC will continue to provide space and property management, administrative telecommunications, mail and messenger services, publishing and graphics services (except printing services in Washington which will be provided by DOT–FAA after April 1) at existing levels, and library service, imprest fund services, and procurement services on an interim basis as long as those employees being transferred remain in ICC space. Any costs to the ICC as a result of providing the above services will be on a reimbursable basis. These support services will be provided in Washington and in field offices.

5. *ADP.* The ICC will continue to provide automatic data processing at the current level for motor carrier safety reports and railroad accident reports until other arrangements can be made.

6. *Issuance of guidelines by DOT.* DOT will issue for the employees transferred guidelines before April 1, 1967, for handling the following matters:

a. Time and attendance administration.

b. Travel vouchers.

c. Control of travel funds.

d. Advance of funds.

7. *Credentials.* Credentials now being utilized by ICC employees who will be transferred to DOT will be withdrawn by ICC on the effective date of the DOT Act.

8. *Travel authorizations.* Travel authorizations outstanding on April 1, 1967, for those personnel being transferred to DOT will remain in effect until superseded or until June 30, 1967, whichever occurs first.

9. *Driver's licenses.* The ICC will provide DOT a list of employees who have valid Government driver's licenses. DOT will advise each such employee that the licenses will be retained and used as though issued by DOT. The DOT will issue new licenses as soon as practical and existing licenses will be collected and returned to the ICC at that time.

10. *Reimbursements.* In order to avoid unduly detailed record keeping, in lieu of actual computation of expenses incurred in connection with the services outlined in paragraphs 4 and 5, supra, the DOT will reimburse the ICC the amounts transferred to DOT relating to those services providing the services required are the amounts transferred to DOT relating to those services providing the services required are within the current levels. The Commission agrees to continue these services beyond June 30, 1967, contingent upon execution of a new agreement for reimbursable services. If the services required in 1968 remain at the 1967 level, reimbursement will be computed by annualization of the amounts transferred for fiscal year 1967.

V. ACCESS BY DOT TO ANNUAL AND OTHER REPORTS, DATA, APPLICATIONS, PETITIONS, AND REQUESTS FILED WITH THE ICC, PROVISION BY DOT OF DOCUMENTS TO ICC

Under provisions of the Interstate Commerce Act, ICC has prescribed rules and regulations governing the compilation and filing of reports of carriers subject to economic regulation, the preparation and filing of valuation reports by railroad companies and pipeline companies and the establishment of uniform systems of accounts.

As a result of these reporting requirements ICC receives various annual, periodic (monthly and quarterly), and one-time reports used in the regulation of surface transportation. In connection therewith, it is agreed:

1. *Provision of published and unpublished data.* ICC uses the individual carrier reports for regulatory purposes. In addition the Commission compiles, summarizes, and publishes data from the reports; however, some of the data are not published or tabulated. Upon request ICC will provide published reports, tabulations, and data. ICC staff will, upon request of DOT, provide information about the availability of unpublished data derived from these sources and the appropriate arrangements by which they may be furnished.

2. *Revision of reporting requirements at DOT request.* In connection with the Commission's continuing review of data requirements, ICC staff will upon request of DOT staff consult with and give consideration to such revisions in reporting requirements as DOT staff may recommend. Upon agreement between ICC and DOT staff, such recommendations for changes in reports shall be proposed for implementation through the ICC's normal rule-making or other procedures as may be appropriate. Absence of agreement shall not, however, limit the rights or duties of either ICC or DOT independently to require or change the requirements for reports.

3. *Exchange of public documents.* In addition, various forms of applications, petitions, filings, and requests are submitted to ICC for review, approval, or for the granting of rights. Also, from time to time, on its own initiative, ICC undertakes proceedings related to economic regulation of carriers. So that DOT, to the extent it is interested, may be informed about such pertinent applications, petitions, filings, requests, proceedings, etc., ICC will provide copies of public documents to DOT. In return, DOT will provide appropriate public documents issued or received which may be of interest to ICC in its functions.

4. *Arrangements for exchange reports, data, and public documents.* As soon as possible after DOT is activated, representatives of DOT and the Office of the Managing Director, ICC, will initiate discussions on the types of reports, data, and public documents to be provided or exchanged.

VI. LIAISON AND COORDINATION BETWEEN DOT AND THE ICC

1. *Enforcement coordinators.* The ICC and DOT will each appoint an Enforcement Coordinator to assure that the procedures described in this agreement at I, II, and III, are effectively and promptly carried out, and that any requirements for changes in the agreement or procedures established thereunder, and any related changes in programs or policies of DOT and ICC, are brought to the attention of their respective agencies.

The ICC Enforcement Coordinator will coordinate the interests and participation relating to fitness in those proceedings pending before the ICC at the time of the establishment of DOT and in those court enforcement actions where both safety and economic aspects are involved.

2. *Field Inspection Coordinator.* The ICC and DOT will each appoint a Field Inspection Coordinator to assure that the procedures described in this agreement are effectively and promptly carried out, and that any requirements for changes in the agreement or procedures established thereunder, and any related changes in programs or policies of DOT and ICC are brought to the attention of their respective agencies.

3. *Other coordinators.* Undoubtedly, close coordination and liaison between the two agencies will be required, in addition to those for subject matters described in 1 and 2 above, in many other areas in different levels and on other subjects. It is agreed as a general objective that communication between DOT and ICC should take place as required at the appropriate Commission or staff levels, in order to expedite actions and the exchange of documents, records, and information. However, each agency will attempt to limit the number of liaison or contact points to a minimum so that actions taken will be as consistent as possible and so that the management of each agency will have knowledge of important actions taken and contacts made.

It is agreed that, with the exception of (1) contacts with Commissioners of the ICC, (2) matters to be handled by coordinators described in 1 and 2 above, and (3) contacts elsewhere specifically authorized in this agreement, contacts and requests for information and assistance will be addressed to the Managing Director, ICC, or telephoned to Code 156, Extension 434. The contactor will then be advised by telephone where the contact or request should be made, arrangements will be made for a return of the call, or written communications will be referred for appropriate action in the Commission. As soon as experience provides a basis for more specific and permanent arrangements, liaison officers at various points in the Commission will be identified and DOT notified.

DOT agrees to identify coordinators, contact points, or liaison officers in the Department, by subject matter or organization, or both, and to advise the Office of the Managing Director, ICC.

Done at Washington, D.C., this 3d day of April, 1967.

For the U.S. Department of Transportation.

ALAN S. BOYD,
Secretary.

For the U.S. Interstate Commerce Commission.

[SEAL] WILLIAM H. TUCKER,
Chairman.

[F.R. Doc. 67–3919; Filed, Apr. 7, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17005, 17006; FCC 67R–126]

ROMAC BATON ROUGE CORP. AND CAPITOL TELEVISION BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In re applications of Romac Baton Rouge Corp., Baton Rouge, La., Docket No. 17005, File No. BPCT–3725; Capitol Television Broadcasting Corp., Baton Rouge, La., Docket No. 17006, File No. BPCT–3809; for construction permits.

1. This proceeding involves the applications of Romac Baton Rouge Corp. (Romac), and Capitol Television Broadcasting Corp. (Capitol), each seeking a construction permit for a new television broadcast station to operate on Channel 33 in Baton Rouge, La. The applications were designated for hearing by Order, FCC 66–1072, released November 30, 1966. Presently under consideration is a petition to enlarge issues, filed on December 19, 1966, by Capitol.[1] The petition requests the Board to add issues to this proceeding to determine whether John M. McLendon, a 50 percent shareholder, president and general manager of Romac, has engaged in trafficking; whether McLendon or Romac have failed to disclose material facts or misrepresented facts in the subject application; and whether McLendon misrepresented facts or failed to disclose facts in three transfer applications filed in 1964 and 1965.

[1] The following related pleadings are also before the Board: (a) Opposition, filed on Feb. 3, 1967, by Romac; (b) comments of the Broadcast Bureau, filed on Feb. 3, 1967; and (c) reply, filed on Feb. 15, 1967, by Capitol.

2. In support of the requested trafficking issue, Capitol alleges that McLendon has participated in 17 different broadcast stations and applications since 1952; that three of nine stations in which McLendon had a direct interest, and one in which his wife had an interest,[3] were held for a period of less than 3 years; that of the nine stations in which McLendon held a direct interest, only two were not transferred; and that substantial profits were realized from the sale of most of these stations. In support of its request regarding misrepresentations in the subject application, Capitol asserts that Romac's application failed to disclose the following broadcast facilities in which McLendon or his wife had a direct interest; WNLA, Indianola, Miss.; KOKA, Shreveport, La.; WENN, Birmingham, Ala. (originally licensed to Bessemer, Ala.); and WKDL, Clarksdale, Miss. In its reply pleading, Capitol states that Romac also failed to disclose the existence of three pending applications for new FM broadcast stations in which McLendon has an interest, filed October 11, 1966; November 11, 1966; and January 5, 1967, respectively. Finally, to support its request for a misrepresentation issue concerning the 1964–65 transfers, Capitol contends that, during this period, McLendon filed applications disposing of three stations (KOKA, Shreveport, La.; KOKY, Little Rock, Ark.; and WYOU, Tampa, Fla.) indicating that poor health was one or the only reason for the sales; that 5 months after filing the transfer application for WYOU, McLendon filed an application for a new UHF television broadcast station to operate in Jackson, Miss.; that within a period of 6 months thereafter, McLendon filed four other applications for new UHF television stations; and therefore that the standard broadcast stations may have been sold in order to obtain funds to invest in UHF television, and a substantial question exists as to whether the reasons stated for transferring these three stations was correct.

3. The Broadcast Bureau, in its comments, urges that the request for misrepresentation issues be denied, but supports the request for a trafficking issue. The Bureau argues that the statements concerning McLendon's health made in the 1964–65 transfer applications, while not sufficient to support the addition of a misrepresentation issue, are significant with regard to the trafficking issue. During this period, the Bureau points out, McLendon filed four transfer applications (the three previously mentioned, and Station WOKJ, sold to comply with a condition of a construction permit for WMOE, Jackson, Miss.); when McLendon filed the transfer application for KOKY on March 16, 1964, no mention was made of McLendon's health disability; but 3 months later, when McLendon filed the transfer application for Station KOKA, poor health was the stated reason; according to his physician, McLendon's poor health existed since 1963; in both of the transfers wherein poor health was stated as a reason, waivers of Rule 1.597 (the "3 year" rule) were necessary; and less than 6 months after the second transfer, McLendon filed the first of five UHF television applications. Absent a complete explanation by McLendon and his physician, these circumstances considered together with those relied upon by Capitol, are sufficient, the Bureau asserts, to warrant the addition of a trafficking issue.

4. In Romac's opposition, McLendon attempts to explain all of the circumstances relied upon by Capitol and the Bureau.[3] First, Romac points out that of the 18 broadcast interests or applications that McLendon or his wife have participated in since 1952 (one more than alleged by Capitol), two involve stations still owned by McLendon (WENN, Birmingham, Ala.; and WOKJ, Jackson, Miss.); one involves a construction permit (BPCT–3647) to operate a UHF television station in Jackson, Miss.; four involve pending applications for UHF television stations (one of which was dismissed without compensation); one involved an application (BP–9434) for a new standard broadcast station at Pine Bluff, Ark., which was dismissed without compensation in 1955; one involved a construction permit for a UHF television station in Jackson, Miss., which was returned to the Commission in 1964, resulting in a loss of over $8,000; and one involved station WKDL, Clarksdale, Miss., in which only Mrs. McLendon had an ownership interest. With regard to WKDL, Romac alleges that it suffered substantial losses in 1955, 1956, and 1957, and that Mrs. McLendon realized a "taxable gain" of only $913.79 when it was sold.[4] Thus, Romac states, there were only eight stations where McLendon's interests could be considered under the trafficking question.

5. Of these eight stations, Romac submits, four were disposed of by McLendon in order to obtain better facilities in the same market, and McLendon still holds interests in two of the three markets involved. The circumstances surrounding the dispositions of these four stations, Romac contends, were as follows: WWUN, Jackson, Miss. (formerly WOKJ), was constructed in 1954 by McLendon and a partner; during the 10-year period that McLendon had an ownership interest in the station it was improved from a 1 kw, daytime only facility to a 5 kw, full-time facility, the transmitter site was changed, and new studios and equipment were added; it was sold in 1965 to comply with a condition in a construction permit for Station WMOE (now WOKJ) which McLendon still retains. WEZB, Bessemer, Ala. (formerly WENN), was acquired by McLendon in 1958, and exchanged in 1959 for the facilities of WEZB, Birmingham, Ala. (changed to WENN), for the sole purpose of acquiring a more powerful station in the Birmingham, Ala., market; and McLendon made substantial improvements to this facility, which he still retains. McLendon entered the Shreveport, La., market in 1957 with the purchase for $81,000 of Station KANV, a 250-watt, daytime only facility, which could not be improved because it operated on a Mexican clear channel (1050 kc/s); this station was sold in 1958 for $85,000 when McLendon acquired Station KZEA (changed to KOKA, now KCIJ), a 5 kw, daytime only facility in Shreveport for $100,000; and McLendon operated this facility until 1962, when he exchanged it for the full-time facilities of Station KREB (changed to KOKA) in Shreveport.

6. With regard to the four remaining transactions, Romac submits the following information: Station WLNA, Indianola, Miss., was sold in 1958 by McLendon after he had held an ownership interest for approximately 5 years, in conjunction with his moving from Indianola to Jackson, Miss., at a profit of about $7,000; Station KOKY, Little Rock, Ark., was sold by McLendon in 1964 (approved June 3, 1964) for a substantial profit, having been owned by McLendon for approximately 8 years, the stated reason being to devote more time and capital to other broadcast interests; Station KOKA, Shreveport, was sold by McLendon in August of 1964 (approved Aug. 6, 1964), for health reasons at a profit of $68,000; and Station WYOU, Tampa, Fla., was sold by McLendon in May of 1965 (approved May 24, 1965), for health and financial reasons, at a profit of approximately $15,000. With regard to WYOU, Romac states that McLendon's disposition of this facility was delayed because of complications with the buyer, and the sale was actually consummated several months later than McLendon had contemplated. Finally, Romac mentions that during 1964, McLendon also disposed of 11 CATV corporations; and the two broadcast interests he retained, WOKJ and WENN, had the most experienced personnel and were close to his place of residence.

7. Attached to Romac's opposition are letters from McLendon's physician, in which he states that in September of 1963, he found McLendon to be suffering from high blood pressure, hypertension, and nervous exhaustion; that in the early part of 1964, he advised McLendon to divest himself of as many business interests as feasible in order to alleviate these conditions; that in the fall of 1965, he found McLendon's condition greatly improved; and that in January of 1967, he found McLendon to be in excellent health. With regard to the alleged failure to disclose broadcast interests, Romac avers that two of the unreported stations, KOKA and WENN, were those involved in swaps and the dates supplied in the application include the dates of ownership of the swapped facilities; that one, WKLD, was owned in part by McLendon's wife, and, although he was general manager, McLendon had no ownership interest in the station; and that one, WLNA, was inadvertently omitted from the application. All of the broadcast interests not reported, except KOKA, were terminated, the Bureau points out, more than 5 years before the filing of the subject application.

8. The essence of trafficking is an intent to profit from the sale of broadcast properties, rather than their operation. Cf. Edina Corp., 4 FCC 2d 36, 7 RR 2d 767 (Rev. Bd. 1966), review denied FCC 66–946, released November 4, 1966. As stated by the Court of Appeals, "licenses cannot be granted in the public interest to those who seek them for sale rather than service." Folkways Broadcasting Co., Inc., v. FCC, ------ F. 2d ------, 8 RR 2d 2089 (D.C. Cir. 1967). In this context, the word "sale" encompasses bartering or trading licenses for profit,[5] and the requisite intent must ordinarily be determined from a consideration of all of the relevant circumstances, past and present.[6] Here, during a 14-year period (1953 through 1966), McLendon and/or his wife held ownership interests which could be traded or sold for profit in 11 broadcast stations,[7] and have retained their interests in two of these stations. Of the nine facilities disposed of, two were actually exchanged for other facilities in the same markets, and two were sold when McLendon purchased other facilities in the same markets. While these circumstances do not insulate the transactions from the trafficking concept, the facts that two of the four facilities involved were held by McLendon for substantial periods of time and improved by him; that in every instance, a better, more powerful facility was obtained; that McLendon realized no profits from the exchanges themselves; and that McLendon has retained his broadcast interests in two of the three markets involved, convince us that these four facilities were not sought for the purpose of selling them for profit. Of the five other sales, one took place in 1956, and involved a station in which McLendon had held an interest for approximately 5 years; one took place in 1956, and involved a station in which only McLendon's wife had an ownership interest; and three took place in 1964–65. Of the facilities sold during the 1964–65 period, two were owned by McLendon for less than 3 years, and poor health was given as one or the only reason for these two sales. In view of these facts,[8] we agree with the Bureau that if a substantial question were raised regarding the accuracy of the reasons given for these sales, a trafficking issue would be warranted.

9. A total of four sales were made by McLendon during the 1964-65 period. The first involved Station KOKY, Little Rock, which McLendon had owned for approximately 8 years. The stated reason for this sale, which was approved by the Commission on June 3, 1964, was McLendon's desire to devote more time and additional capital to other facilities. The second sale, approved on August 6, 1964, involved Station KOKA, Shreveport, and poor health was alleged to be the sole reason for this transfer. WOKJ, Jackson, owned in part by McLendon for approximately 10 years, was sold (approved Jan. 19, 1965) to comply with a condition in a construction permit McLendon had received for WMOE, Jackson. The final sale involved Station WYOU, Tampa, and poor health was stated to be one of the two reasons for this transfer. This sale was approved by the Commission on May 24, 1965. To substantiate the allegation of poor health, McLendon had submitted a letter from his physician, stating that in September of 1963, he found McLendon to be suffering from high blood pressure, hypertension, and nervous exhaustion; and that he advised McLendon in the early part of 1964 to divest himself of as many business interests as feasible. Standing alone, we perceive no valid reason for questioning the legitimacy of any of these sales.[9] Nor do we believe that the reasons given for the sales are inconsistent with McLendon's subsequent entry into the UHF television field, starting with the filing of an application on October 18, 1965, for a station in Jackson.[10] McLendon's doctor, in a letter dated January 19, 1967, states that in the fall of 1965, he found McLendon's health to be greatly improved. This statement supports McLendon's representation that he made the decision to enter the UHF television market in September of 1965, and the approximately 6-month period between the date that McLendon filed the WYOU transfer application (Apr. 9, 1965) and the date he filed the first of his UHF applications is not, of itself, so short as to raise a substantial question regarding the veracity of McLendon's stated reason for the transfer. In sum, although McLendon has been involved in numerous broadcast transactions, his uncontradicted explanations for these transactions are credible, consistent, and adequate to rebut any inference of trafficking.[11]

10. In view of the foregoing, we do not believe an issue to determine whether McLendon made false statements in his 1964–65 transfer applications is warranted. However, Romac concedes that it failed to disclose in its application (sec. II, p. 5, Pt. 19) McLendon's past ownership of Station WLNA, Indianola; it did not specify with particularity the swapped stations in the Shreveport and Birmingham markets; and it did not mention Station WKDL, Clarksdale, in which McLendon's wife had a 50 percent ownership interest, and McLendon was general manager. While these omissions could conceivably have been caused by misinterpretation of the application form or oversight, as Romac suggests, no explanation is offered for Romac's failure to amend its application to disclose McLendon's interests in pending FM applications. Under these circumstances, an issue to determine whether Romac failed to disclose material facts in its application and/or failed to keep its application up to date, as required by § 1.65 of the rules, will be added.[12] In the event this issue is resolved against Romac, but found to be nondisqualifying, the extent to which the facts adduced bear on Romac's comparative qualifications should be considered.

Accordingly, it is ordered, This 30th day of March 1967, that the petition to enlarge issues, filed on December 19, 1966, by Capitol Television Broadcasting Corp. is granted to the extent indicated herein, and denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following issues:

To determine whether Romac Baton Rouge Corp. submitted complete and accurate information in response to the Commission's application form, FCC 301, and has continued to keep the Commission advised of "substantial and significant changes" as required by § 1.65 of the Commission's rules.

To determine in light of the evidence adduced under the foregoing issue whether Romac Baton Rouge Corp. possesses the requisite qualifications to be a broadcast licensee of this Commission.

Released: April 5, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[13]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–3891; Filed, Apr. 7, 1967; 8:47 a.m.]

[3] A list of the stations in which McLendon and/or his wife held an ownership interest between 1953 and 1966 is filed as part of original document.

[3] Attached to Romac's opposition is an affidavit from McLendon, in which he affirms the statements made in the opposition.

[4] Capitol, in its petition, points out that cost of construction was $22,000 and the sale price was $54,000. See Note 11, infra.

[5] Applications for Voluntary Assignments or Transfers of Control (Report and Order in Docket No. 13864), 32 FCC 689, 23 RR 1503 (1962).

[6] Cf. Franklin Broadcasting Co., FCC 62–52, 22 RR 880.

[7] McLendon did not profit from outstanding applications or construction permits. There appears to be no basis for concluding that McLendon was or is attempting to speculate in applications or construction permits, themselves.

[8] When the ownership interest in a station or stations is so short that waiver of the Commission's rules is required in order to effectuate a transfer, it may imply on the part of the seller an improper speculative intent at the time of acquisition. See Edina Corp., supra.

[9] The fact that poor health was not a listed reason for the sales of KOKY and WOKJ, even though McLendon's poor health existed at the time of these sales does not, in our view, create any adverse inferences.

[10] In the Folkways Broadcasting Co., Inc., case, supra, the Court of Appeals ordered a hearing on a trafficking issue based primarily on the following inconsistency: in 1963, the applicant represented that he had disposed of two stations in 1956 because of ill health; however, the applicant did not mention that reason at the time of the transfers, and, at the same time, he was applying for a new station, representing that he was to be a 50-percent partner and general manager.

[11] Although we are unable to determine from the pleadings the exact amount of profit realized by McLendon from the broadcast sales, we have assumed that McLendon did profit substantially from these sales.

[12] Rule 1.65 requires that whenever the information contained in a pending application is no longer substantially accurate and complete in all significant respects, the applicant shall within 30 days, unless good cause is shown, attempt to amend his application so as to provide the correct information.

[13] Review Board Member Nelson abstaining. Board Member Berkemeyer dissenting to the failure to add a trafficking issue.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 413]

JOHN E. KINZIE

Revocation of License

Whereas, by order to show cause served March 21, 1967, the Federal Maritime Commission ordered that John E. Kinzie, Post Office Box 1566, Brownsville, Tex. 78520, on or before March 29, 1967, either (1) submit a valid bond effective on or before April 7, 1967, or (2) show cause in writing or request a hearing to show cause why his license should not be suspended or revoked pursuant to to section 44(d), Shipping Act, 1916 (46 U.S.C. 841(b)); and

Whereas, John E. Kinzie has failed within the time allotted to comply with the Commission's order to show cause.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in its order to show cause served March 21, 1967:

It is ordered, That the independent ocean freight forwarder license of John E. Kinzie be and is hereby revoked, effective 12:01 a.m. April 7, 1967.

It is further ordered, That John E. Kinzie return Independent Ocean Freight Forwarder License No. 413 to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on licensee.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-3889; Filed, Apr. 7, 1967; 8:46 a.m.]

COMPANIA TRANSATLANTICA ESPAÑOLA, S.A., ET AL.

Applications for Certificates of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation

Notice is hereby given that pursuant to the provisions of Section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation.

Compania Transatlantica Española, S.A. (Spanish Line).
Grace Line, Inc.
Aktiebolaget Svenska Amerika Linien (Swedish American Line).
United States Lines, Inc. (United States Lines).
Delta Steamship Lines, Inc. (Delta Line).
Chicago, Duluth and Georgian Bay Transit Co. (Georgian Bay Line).
Giacomo Costa Fu Andrea (Costa Line)—(Lines "C").
Klosters Rederi A/S.
Home Lines, Inc. (Home Lines).
Norddeutscher Lloyd (NDL, NGL).
Victoria Steamship Co., Ltd. (Incres Line).
Rederiaktiebolaget Clipper (Clipper Line).
Europe-Canada Linie G.m.b.H., Bremen (Europe-Canada Line and ECL Shipping Co.).
N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Holland-America Line).
N. V. Mailschip Rotterdam (Holland-America Line).
The Cunard Steam-Ship Co., Ltd. (Cunard).
Commodore Cruise Line, Ltd.
Den norske Amerikalinje A/S (Norwegian America Line).
Alaska Cruise Lines, Ltd.
"Italia" Societa' Per Azioni Di Navigazione (Italian Line).
Evangeline Steamship Co., S/A.
Moore-McCormack Lines, Inc.
Compagnie Generale Transatlantique (French Line).
Transatlantic Shipping Corp. and Transoceanic Navigation Corp. (Greek Line).

Dated: April 7, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-3982; Filed, Apr. 7, 1967; 11:04 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-279]

ST. JOSEPH LIGHT AND POWER CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

APRIL 3, 1967.

Take notice that on March 24, 1967, St. Joseph Light and Power Co. (Applicant), 520 Francis Street, St. Joseph, Mo. 64502, filed in Docket No. CP67-279 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent), to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution within the city of Ravenwood, all in the State of Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a distribution system for the city of Ravenwood, Mo., said city being located within 2½ miles of Respondent's transmission line. Respondent will construct a transmission lateral to a point of connection with Applicant.

Applicant estimates the maximum daily and maximum annual requirements for the first 3 years of operation as follows:

Year	Maximum daily requirements (Mcf)	Maximum annual requirements (Mcf)
First	120	11,700
Second	140	13,500
Third	180	14,400

Applicant states that this is not the first connection between it and Respondent as Applicant serves other communities with natural gas supplied by Respondent.

Applicant estimates the total cost of the proposed facilities at approximately $75,900, said cost to be financed through internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 1, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3875; Filed, Apr. 7, 1967; 8:45 a.m.]

[Docket No. CP67-274]

WILCOX COUNTY GAS DISTRICT AND SOUTHERN NATURAL GAS CO.

Notice of Application

APRIL 3, 1967.

Take notice that on March 23, 1967, The Wilcox County Gas District (Applicant), Pine Hill, Wilcox County, Ala. 36769, filed in Docket No. CP67-274 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Southern Natural Gas Co. (Respondent), to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution within the communities of Pine Hill and Camden, Wilcox County, all in the State of Alabama, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the necessary facilities to render natural gas service to the above-listed towns of Pine Hill and Camden, Wilcox County, and to plants operated by the MacMillan Bloedel United, Inc., located near Pine Hill, all in the State of Alabama. Applicant proposes to connect with Respondent's transmission pipeline in Perry County, Ala., near a point of intersection of said pipeline with Alabama Highway No. 5.

Applicant estimates the maximum daily and maximum annual requirements as follows:

Year	Maximum daily requirements (Mcf)	Maximum annual requirements (Mcf)
First	569	44,473
Second	617	48,256
Third	665	51,913

Applicant estimates the total cost of the proposed construction at approximately $1,650,000, said cost to be financed by the issuance of revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 1, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3876; Filed, Apr. 7, 1967; 8:45 a.m.]

[Docket Nos. RI67-113 etc.]

WILLIAM HARVEY DENMAN ET AL.

Order Consolidating Proceedings and Setting Matters for Hearing

APRIL 3, 1967.

William Harvey Denman, Trustee, et al. v. J. M. Huber Corp., Docket No. RI67-113; Mobil Oil Corp. v. Carl F. Matzen et al., Docket No. RI67-114; Western Natural Gas Co. v. Elmer Hennigh, et al., Docket No. RI67-310.

William Harvey Denman, Trustee, et al. (Denman), has filed a petition inter alia, for a declaratory order (Docket No. RI67-113) that this Commission does not have jurisdiction over the amount of gas royalties payable to them by J. M. Huber Corp. (Huber), their lessee, under the terms of certain oil and gas leases covering land in Hutchison and Carson Counties, Tex. Huber, subject to the Commission's jurisdiction, sells the gas product produced from those leaseholds to the Northern Natural Gas Co. (Northern).

Denman's petition was filed following the Fifth Circuit's decision in Huber Corp. v. Wm. Denman et al., 367 F. 2d 104. In that case the lessors had sought royalty payments computed on the basis of actual "market price," rather than on the basis of the rates that were being collected by Huber from Northern. The court agreed that the lessors, as a contractual matter, were entitled to royalty payments computed on the basis of actual "market value" but held (367 F.2d at 121):

Specifically, the District Court should refer further action including fixing of the actual market price pending invocation by the parties of a ruling by the FPC: (1) (a) As to the jurisdiction of the FPC over payment for royalties for gas sold for resale and transported in interstate commerce, (b) the status of a royalty interest owner's transaction as a sale under the Act where incident to a sale for resale and transportation in interstate commerce, (c) the status of the royalty interest owner's transaction in this case as a sale under the Act; (2) if it should be determined that the FPC has jurisdiction and that at some stage or time the royalty transaction for payment therefor constitutes a sale under the Act (a) the filing requirements, if any, for certification and if required by whom and when, (b) the extent, if any, to which prior application to and approval by FPC is required as to (i) the type, kind or nature of the royalty clause (proceeds, market price, etc.), the percentage thereof (e.g., ⅛, ¼, etc.), (ii) monetary payments which are or will likely be in excess of relevant FPC ceilings. (Footnote omitted.)

Subsequent to the filing of the Denman petition the Mobil Oil Co. and the Western Natural Gas Co. filed complaints raising the same jurisdictional question with respect to their numerous royalty contracts in Kansas' Hugoton field. The complaints were filed in response to suits instituted against Mobil and Western Natural in the Kansas Courts wherein their lessors claim that they are entitled to royalty payments computed on the basis of "values" which exceed the producers' effective rates.

Though there may be certain factual differences, the same basic question is presented by the complaints filed by Mobil and Western Natural and the Denman petition: Can persons contractually entitled to royalty payments for natural gas sold for resale in interstate commerce be classified as "natural-gas companies" within the meaning of the Natural Gas Act and subject to the jurisdiction of the Commission. It is therefore appropriate to consolidate these proceedings for hearing as hereinafter ordered. The issuance of this hearing order should not be viewed as the enunciation of the Commission's tentative position that we have jurisdiction over royalty owners. The Commission has not as yet made any such determination of the jurisdictional question and will not until consideration of this proceeding.

The hearing in these cases shall be confined to resolving whether the Commission has jurisdiction over a landowner's royalty interest in natural gas leaseholds and, if answered in the affirmative, how such jurisdiction should be implemented. More specifically the parties should address themselves to the method which should be used in computing gas royalty payments and what additional filing requirements, if any, should be imposed and upon whom.[1]

The hearing will not be concerned with whether, assuming that the Commission has jurisdiction over royalty interests, such jurisdiction extends to royalty interests owned by a State, the United States, or their agencies. It is sufficient to note here that, even if the Commission has jurisdiction over other holders of royalty interests, there is still a further question as to whether such governmental entities could be classified as persons within the definition of "natural gas companies" in section 2(6) of the Act. Since none of the complaints relate to royalty interests held by such entities, and there is no suggestion that the underlying problem of royalty contract construction relates to such interests, it is not necessary to resolve that jurisdiction question here.

The examiner will consider the questions raised in Docket No. RI67-114 with respect to helium only as the facts on this subject bear upon the royalty interest of landowners in natural gas leaseholds. These will in no way require consideration of any question foreclosed to this Commission's jurisdiction by the Helium Act (74 Stat. 918) 50 U.S.C. section 1671.

Contractual issues relating to the specific royalty payments to which any particular lessor is entitled under this lease agreement will not be the subject of this hearing. Moreover, the hearing will not be concerned with the effective rate problem presented in Western Natural's complaint.

We shall provide for a prehearing conference at which the factual matters to be resolved by formal evidentiary hearing, if any, will be ascertained. It is hoped that all matters which can be resolved without the necessity for a formal presentation will be settled by stipulation.

Denman has requested that the hearing be held in Fort Worth, Tex. Matzen has requested that the hearing be held in Hugoton, Kans. Both requests are predicated on the desirability of having individual landowners in attendance. However, in view of the widesweeping significance of this proceeding and in the expectation that it will be attended by interested groups from all parts of the country, we find that it would be inappropriate to schedule the hearing outside of Washington, D.C.

The State of Texas has filed notices of intervention in Docket Nos. RI67-113 and RI67-114. The State Corporation Commission of the State of Kansas has filed similar notices in Docket Nos. RI67-114 and RI67-310.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, 15, and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), Docket Nos. RI67-113, RI67-114, and RI67-310 are consolidated and a public hearing shall be held on the issues set forth in the body of this order.

(B) A presiding examiner, to be hereinafter designated by the Chief Hearing Examiner, shall preside at both the prehearing conference and the hearing.

(C) Pursuant to the provisions of section 1.18 of the Commission's rules of practice and procedure, a prehearing conference shall commence at 10 a.m., e.d.t., on May 9, 1967, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating this order.

(D) Following the prehearing conference, the Presiding Examiner shall give notice of the date of hearing and shall prescribe such other procedures as he deems appropriate in the disposition of these matters.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 24, 1967. Persons who do not wish to participate formally but nevertheless desire to have

[1] For example, assuming that the lessor-lessee sale is jurisdictional it may, nevertheless, not be necessary for the royalty owners to make any filing with this Commission. See § 154.91(e) of our regulations under the Natural Gas Act.

their views presented may file amicus briefs: *Provided*, That they indicate their intention to file such a brief by the aforementioned date. The presiding examiner shall prescribe the date by which such briefs are to be filed.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-3877; Filed, Apr. 7, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL BANK OF TAMPA AND UNION SECURITY & INVESTMENT CO.

Notice of Applications for Approval of Acquisition of Shares of Bank

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956, by the First National Bank of Tampa and Union Security & Investment Co., which are bank holding companies located in Tampa, Fla., for the prior approval of the Board of the acquisition by Applicants of 50.25 percent of the voting shares of First National Bank of Lakeland, Lakeland, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 4th day of April 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-3878; Filed, Apr. 7, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

MEMORANDUM OF AGREEMENT BETWEEN THE INTERSTATE COMMERCE COMMISSION AND THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF ASSURING AND ACCOMPLISHING CONTINUITY, LIAISON, COORDINATION, AND SUPPORT WITH RESPECT TO PERSONNEL AND FUNCTIONS TRANSFERRED FROM THE ICC TO DOT

CROSS REFERENCE: For joint statement signed by the Secretary of Transportation and the Chairman of the Interstate Commerce Commission, see Department of Transportation, F.R. Doc. 67-3919, supra.

[Notice 363]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 5, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9444 (Sub-No. 5 TA), filed March 29, 1967. Applicant: BILOXI TRANSFER & STORAGE CO., INC., 440 Reynoir Street, Post Office Box 361, Biloxi, Miss. 39533. Applicant's representative: Frank C. Wentzell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods in containerized service*, (1) between Biloxi, Miss., on the one hand, and, on the other hand, points on and south of U.S. Highway 80; (2) between Biloxi, Miss., and New Orleans, La. (metropolitan area); (3) between Biloxi, Miss., and Mobile, Ala. (metropolitan area), for 180 days. Supporting shippers: Home-Pack Transport, Inc., 5748 49th Street, Maspeth, N.Y.; Express Forwarding & Storage Co., Inc., 17 Battery Place, New York, N.Y. 10004; Door to Door International, Inc., 308 Northeast 72d Street, Seattle, Wash. 98115; DeWitt Freight Forwarding, 6060 North Figueroa Street, Los Angeles, Calif. 90042; Mollerup Freight Forwarding Co., 2900 South Main, Salt Lake City, Utah; Martin Van Lines, 17720 Fifth NE., Seattle, Wash.; Karevan, Inc., 419 Third Avenue W., Seattle, Wash. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations and Compliance, 312-A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 35706 (Sub-No. 3 TA), filed March 30, 1967. Applicant: PHILIP KOVLER, 821 East Hortter Street, Philadelphia, Pa. 19119. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, uncrated*, between Bristol, Pa., on the one hand, and, on the other, points in Delaware, and points in Maryland, on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway No. 1 to the Maryland-District of Columbia line, thence along the Maryland-District of Columbia line to the Potomac River, and thence along the Potomac River to the Chesapeake Bay; (2) *household goods* as defined by the Commission, and *new furniture*, between Bristol, Pa., on the one hand, and on the other, points in New Jersey; (3) *new furniture*, homes, hotel and retail store furnishings, from Bristol, Pa., to New York, N.Y., and points in Long Island, N.Y., and points in Delaware, Maryland, Pennsylvania, and the District of Columbia. NOTE: The authority in (1), (2), and (3) above are restricted to service to and from the warehouse site of Beaver Dam Corp. located at Bristol, Pa., for 180 days. Supporting shippers: J. P. (Jerry) Pollack, 8533 Forrest Avenue, Philadelphia, Pa. 19150, representative for United Manufacturing Co., Jasper, Ind., and Flanders Manufacturing Co., Fort Smith, Ark.; Sigmund Barban, Rittenhouse Claridge, Rittenhouse Square, Philadelphia, Pa., representative for Kemp Furniture Co., Goldsboro, N.C.; Broyhill Furniture Factories, Lenoir, N.C.; The Berkline Corp., Post Office Box 100, Morristown, Tenn. 37814; A. G. Leeds & Associates, 120 West Riding Road, Cherry Hill, N.J., representative for Caldwell Furniture Co., Lenoir, N.C., and Peters-Revington Manufacturing Co., Delphi, Ind. Send protests to: F. W. Doyle, District supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 552 TA), filed March 30, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonpressure liquid fertilizer*, in bulk, from Brandon, Iowa, to Hazel Green, Wis., for 180 days. Supporting shipper: Home Gas Co., Inc., 310 Baker Building, Minneapolis, Minn. 55402. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 553 TA), filed March 30, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oils, fish protein meals, fish flours, and blends thereof*, in bulk, in tank and pneumatic vehicles, from Menominee, Mich., to points in Illinois, Ohio, Indiana, New Jersey, Pennsylvania, Virginia, West Virginia, Kentucky, North Carolina, Michigan, Tennessee, New York, Iowa, Missouri, Minnesota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: American Protein Company, Inc., 8828 North Port Washington Road, Milwaukee, Wis. 53217. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 554 TA), filed March 30, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow*, in bulk, in tank vehicles, from Pender, Nebr., to Kansas City, Mo., for 180 days. Supporting shipper: The Davidson Commission Co., Board of Trade Building, 141 West Jackson, Chicago, Ill. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 116045 (Sub-No. 30 TA), filed March 31, 1967. Applicant: NEUMAN TRANSIT CO., INC., Post Office Box 38, Rawlins, Wyo. 82301. Applicant's representative: Leslie R. Kehl, Suite 420, Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent sulphuric acid*, in bulk, in tank vehicles, from Sinclair and Casper, Wyo., to the mine and millsite of Western Chemical & Manufacturing Co., located near La Sal, Utah, for 150 days. Supporting shipper: Western Nuclear, Inc., Suite 1900, 1700 Broadway, Denver, Colo. 80202. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations and Compliance, D & S Building, 255 North Center Street, Casper, Wyo.

No. MC 124236 (Sub-No. 23 TA), filed March 30, 1967. Applicant: CHEMICAL EXPRESS, INC., 3300 Republic National Bank Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete, mix, dry, in bags (a physical mixture in the same bag of cement and aggregate)* from Hart Spur, Tex., to points in Oklahoma, for 180 days. Supporting shipper: Texas Industries, Inc., Post Office Box 400, Arlington, Tex. 76010. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 128967 TA, filed March 29, 1967. Applicant: BRUCE T. REMY and DOUGLAS N. REMY, a partnership, doing business as S.T.C. COMPANY, 44 School Street, Yonkers, N.Y. Applicant's representative: William J. Augello, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pneumatic tires, tubes, advertising material, and such commodities as are ordinarily used or distributed by wholesale or retail suppliers, marketers, or distributors of tires*, from New Brunswick, N.J., to New York, N.Y., and points in Westchester and Nassau Counties, N.Y., for 150 days. Supporting shipper: The Kelly-Springfield Tire Co., 1280 Jersey Avenue, New Brunswick, N.J. Send protests to: Stephen P. Tomany, Assistant Regional Director, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 128968 TA, filed March 29, 1967. Applicant: LESLIE D. WICKLIFF, CLARENCE L. WICKLIFF, a partnership, doing business as WICKLIFF & SON, 516 East 12th Street South, Newton, Iowa 50208. Applicant's representative: Richard Miller, 212 Equitable Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm implements and attachments and electrical generators and attachments*, from Newton, Iowa, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin; (2) *parts, raw materials, electrical equipment* for the manufacture of, and excess, damaged farm implements, and attachments and electrical generators and attachments, from the above destination States to Newton, Iowa, for 180 days. Supporting shipper: Winpower Manufacturing Co., 1207 First Avenue East, Newton, Iowa 50208. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 128974 TA, filed March 30, 1967. Applicant: CLIFFORD R. LATHROP, 487 Barrett Street, Elgin, Ill. 60120. Applicant's representative: Robert T. Lawley, 306-308 Reisch Building, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cattle*, other than ordinary, between points in Illinois, on the one hand, and, points in the continental United States (except Alaska), for 180 days. Supporting shippers: Northern Pump Co., 7313 Keystone Road, Richmond, Ill.; Rancho Regina Coeli, R.F.D. No. 1, Box 63A, Route 59A and Wilson Road, Grayslake, Ill.; Curtiss Breeding Service, Inc., Curtiss Farm, Cary, Ill.; Ray Lake Farm, Rural Route 1, Box 39A, Grayslake, Ill. Send protests to: District Supervisor William E. Gallagher, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

MOTOR CARRIER OF PASSENGERS

No. MC 66582 (Sub-No. 32 TA), filed March 30, 1967. Applicant: ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: Bowes & Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between Fort Lee, N.J., and Yankee Stadium, Bronx, N.Y., and/or Shea Stadium, Flushing, N.Y., for 180 days. Supporting shippers: New York Generals Soccer Club, 1440 Broadway, New York, N.Y. 10018; New York Yankees, Inc., 745 Fifth Avenue, New York, N.Y. 10022; and 29 prospective passengers. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations and Compliance, 1060 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3893; Filed, Apr. 7, 1967; 8:47 a.m.]

[Notice 1502]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 5, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date

of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

FD No. 24463. By order of March 31, 1967, the Transfer Board approved the transfer to Western Transportation Co., Inc., Los Angeles, Calif., of the operating rights in permit No. FF-10, issued August 12, 1946, to Jay Weil, doing business as Dixie Carloaders, New Orleans, La., authorizing the transportation in interstate commerce, as a freight forwarder of commodities generally, from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia, to points in Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, and to St. Louis, Mo. Louis P. Haffer and Andrew P. Goldstein, 703 Ring Building, Washington, D.C. 20036, attorneys for applicants.

No. MC-FC-69514. By order of March 31, 1967, the Transfer Board approved the transfer to David A. Heggie, Aberdeen, Md., of permit No. MC-93903 (Sub-No. 5), issued March 19, 1957, to Anderson's Trucking Corp., East Orange, N.J., and authorizing the transportation, over irregular routes, of concrete pipe, from Perryman, Md., to points in Delaware, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia. Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-69523. By order of March 29, 1967, the Transfer Board approved the transfer to Jo/Kel, Inc., Lincoln, Nebr., of the operating rights in permits Nos. MC-124796 (Sub-No. 7), and MC-124796 (Sub-No. 14) issued March 2, 1965, and October 18, 1966, respectively, to Continental Contract Carrier Corp., Los Angeles, Calif., authorizing the transportation of: Plumbing fixtures and supplies, air conditioning and heating units, between points in Wisconsin, South Carolina, New Jersey, New York, Arizona, California, Nevada, Missouri, Michigan, Illinois, Pennsylvania, Massachusetts, Texas, and Arkansas. Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln Nebr. 68501, attorney for applicants.

No. MC-FC-69525. By order of March 31, 1967, the Transfer Board approved the transfer to Wallace E. Shefland, Baldwin, Wis., of the operating rights in certificate No. MC-115011, issued June 14, 1955, to Robert J. Anderson, doing business as Anderson Trucking Service, Baldwin, Wis., authorizing the transportation of: General commodities, with the usual exceptions, between points in Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC-FC-69526. By order of March 31 1967, the Transfer Board approved the transfer to John Joura, Jr., Staten Island, N.Y., of the operating rights in certificate No. MC-43437, issued September 25, 1961, to B. Santino Moving & Express, Inc., Bronx, N.Y., authorizing the transportation of: Household goods, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points and places in New York, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3804; Filed, Apr. 7, 1967; 8:47 a.m.]

[Notice No. 1502-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 6, 1967.

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC-69579. By application filed April 4, 1967, McGUIRE LUMBER AND SUPPLY, INC., Wylliesburg, Va., seeks temporary authority to lease the operating rights of M. C. BAILEY, doing business as BAILEY'S TRANSPORT CO., Keysville, Va., under section 210a (b). The transfer to McGUIRE LUMBER AND SUPPLY, INC., of the operating rights of M. C. BAILEY, doing business as BAILEY'S TRANSPORT CO., is presently pending.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3941; Filed, Apr. 7, 1967; 8:47 a.m.]

FEDERAL AVIATION AGENCY

NATIONAL AIRSPACE SYSTEM

Notice of Meeting Regarding Aviation Lighting Systems

The Federal Aviation Agency will hold a meeting to brief interested organizations on the status of its aviation lighting systems developed for incorporation in the National Airspace System. The meeting will be held on April 28, 1967, from 10 a.m. to 4 p.m. in Room 910 A, B, and C, Federal Aviation Agency Headquarters Building, 800 Independence Avenue, SW., Washington, D.C., and will include a question and answer period.

The briefing will include the results of developmental and evaluation work on the following:

Medium intensity approach lighting systems.
Runway remaining lighting.
Taxiway centerline lighting systems.
Visual approach slope indicator systems.

Additional information is available, if required, from Mr. P. A. Darmody, WOrth 2-6221.

Issued in Washington, D.C., on March 31, 1967.

JOE D. CONERLY,
Acting Director, Systems Research and Development Service.

[F.R. Doc. 67-3870; Filed, Apr. 7, 1967; 8:45 a.m.]

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LOYALTY DAY, 1967

By the President of the United States of America

A Proclamation

May 1st, in some parts of the world, is marked by demonstrations in support of totalitarian party dictatorships. Since 1959, we in the United States have celebrated it as "Loyalty Day," a time when we are asked to recall the ideals which have nourished our free society.

The contrast between these two types of celebration is striking. We are not demanding unthinking fealty to a party or a doctrine. On the contrary, allegiance to American ideals demands commitment to a ceaseless search for new routes to freedom, justice and equality.

Our flag then is not just a symbol of our nationhood. It signifies more:

—A profound dedication to a community where the rights of minorities are respected as fully as the rights of the majority, where freedom and order are found in harmonious equilibrium.

The patriot leader John Adams thus felt obliged to defend the British officer accused of instigating the "Boston Massacre." And later noted in his diary that it was his proudest contribution to the tradition of freedom.

Similarly, Abraham Lincoln in 1838 called on "every American, every lover of liberty" to swear "never to violate the laws of the country" or to "tolerate their violation by others" through "mob law."

To an American, then, loyalty is not automatic acceptance of authority but consecration to the principles of a free society.

It imposes restraints on the majority and on minorities alike. The majority must have the right to act, but its actions must follow the course of due process.

Minorities must retain the right to dissent, but should never confuse the right to be heard with the right to determine policy, should never assert the undemocratic and arrogant claim to speak for the society as a whole.

In 1967, Loyalty Day has a special meaning. Far away in Vietnam, our young men are demonstrating by their bravery, and commitment to the freedom of others, the ultimate obligations loyalty can impose.

Loyalty Day 1967 thus becomes an opportunity for the vast majority in America—while respecting the right of dissent—to affirm their conviction that freedom is indivisible, their realization that the cruel burden of war must be carried, and their heartfelt gratitude to those who are risking their lives in harsh witness to our ideals.

If we are to be worthy of their sacrifice, it is vital that we demonstrate our active loyalty to the cause for which they fight. The badge of American loyalty should be more than a uniform.

Enlightened loyalty requires that each citizen take the trouble to learn about, to discuss, to think through, the crucial issues of our time.

Enlightened loyalty demands a commitment by the citizen to the daily life of his society. He must constantly strive to bring American practice into accord with American precepts.

Enlightened loyalty obligates every individual to act and speak in behalf of his beliefs, so the world will not mistake the clamor of dissenting activists for the true voice of the nation.

In recognition of these precepts, the Congress by a joint resolution of July 18, 1958 (72 Stat. 369), designated May 1 of each year as Loyalty Day and requested the President to issue a proclamation inviting the people of the United States to observe each such day with appropriate ceremonies.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do call upon the people of the United States, and upon all patriotic, civic, and educational organizations, to observe Monday, May 1, 1967, as Loyalty Day, with appropriate ceremonies in which all of us may join in a reaffirmation of our loyalty to the United States of America.

I also call upon appropriate officials of the Government to display the flag of the United States on all Government buildings on that day as a manifestation of our loyalty to the Nation which that flag symbolizes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of April in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Dean Rusk

Secretary of State.

[F.R. Doc. 67-3988; Filed, Apr. 7, 1967; 2:16 p.m.]

Proclamation 3776

CANCER CONTROL MONTH, 1967

By the President of the United States of America

A Proclamation

Ours is an age of unprecedented progress in the field of medical research. Yet cancer continues to plague our people.

Every minute-and-three-quarters, a man, woman or child in America is struck by one of its many forms. In this year alone, more than 300,000 Americans will die of it.

We have taken giant steps toward defeating it: today more people are being cured of cancer than ever before, and our understanding of its causes and characteristics is growing constantly.

But the incidence of cancer is still increasing more rapidly than our progress in curing it. We must intensify our research efforts, and we are:

—The National Cancer Institute of the United States Public Health Service, with a budget of more than $170 million this year, is striving to discover new facts about the causes and cures of cancer.

—Regional medical programs, under the Heart Disease, Cancer and Stroke Amendments of 1965, will bring the latest advances in diagnosis and treatment to people throughout the Nation.

—Medicare and other programs are helping to assure Americans of the care they need in the fight against cancer and other diseases.

—I have recently directed the Secretary of Health, Education, and Welfare to appoint a lung cancer task force, to supplement the work of task forces on leukemia, cancer chemotherapy, uterine cancer, solid tumor and breast cancer.

These efforts to combat cancer require the continuing cooperation of scientists, physicians, health agencies, and the public.

To impress upon our people the necessity for such cooperation, the Congress by a joint resolution of March 28, 1938 (52 Stat. 148), requested the President to issue annually a proclamation setting aside the month of April as Cancer Control Month.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the month of April 1967 as Cancer Control Month; and I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations.

I also ask the medical and allied health professions, the communication industries, and all other interested persons and groups to unite during the appointed month in public reaffirmation of this Nation's efforts to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of April in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Nicholas deB. Katzenbach

Acting Secretary of State.

[F.R. Doc. 67-4016; Filed, Apr. 10, 1967; 10:30 a.m.]

Executive Order 11341

ESTABLISHING THE PRESIDENT'S COMMISSION ON POSTAL ORGANIZATION

By virtue of the authority vested in me as President of the United States it is ordered as follows:

SECTION 1. *Establishment of the Commission.* (a) There is hereby established the President's Commission on Postal Organization (hereafter referred to as the "Commission").

(b) The Commission shall be composed of not more than ten members appointed by the President from among persons who are not full-time officers or employees of the Federal Government. The members, one of whom shall be designated by the President as Chairman, shall serve at the pleasure of the President.

SEC. 2. *Functions of the Commission.* (a) The Commission shall study the organization and structure of the postal service of the United States, and shall determine and report upon the feasibility and desirability of a transfer of the postal service from the Post Office Department to a Government corporation, or such other form of organization as the Commission may consider desirable. In carrying out this responsibility, the Commission shall consider, among such other factors as it deems relevant, the need for:

(1) Improving the organization, management and efficiency of the postal service to meet the growing burdens placed on the service and to be fully responsive to the public interest;

(2) Maintaining fair and reasonable postal rates, and a proper balance among the interests of different classes of users;

(3) Maintaining a fair and reasonable structure of compensation for postal officers and employees, together with other personnel policies and practices designed to increase their productivity;

(4) providing adequate, timely and economical financing for the costs of operations, plant and equipment and research and development;

(5) modernizing the facilities, equipment and mail handling techniques of the postal service;

(6) attaining such other characteristics and capabilities as the Commission may determine to be necessary for a superior postal service.

(b) If the Commission concludes that the transfer of the postal service to a Government corporation or other form of organization would not be feasible or desirable, it shall so report, stating its reasons and making recommendations for the improvement of the organization, methods and operations of the Post Office Department. If it concludes that such a transfer would be both feasible and desirable, it shall so report, stating its reasons, and shall make specific recommendations with respect to:

(1) the nature, powers and functions of the corporation or other form of organization and its relationship to the President, the Congress and the public;

(2) the composition and method of appointment of its top management;

(3) the policies to be followed in the employment and retention of personnel;

(4) methods of setting postal rates;

(5) methods of determining the compensation and other benefits of officers and employees;

(6) policies to be followed in dealing with representatives of employees;

(7) procurement of transportation for the mails;

(8) financing; and

(9) such other matters as are, in the judgment of the Commission, pertinent to the efficient functioning of the postal service.

SEC. 3. *Cooperation by Executive Departments and Agencies.* The Commission is authorized to request and accept from any executive department or agency any information and assistance deemed necessary to carry out its functions under this order. Each department or agency is authorized, to the extent permitted by law and within the limits of available funds, to furnish information and assistance to the Commission.

SEC. 4. *Compensation and Personnel.* (a) Members of the Commission shall receive such compensation as may hereafter be specified when engaged in the performance of duties pursuant to this order, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons intermittently employed,

(b) The Commission shall have an Executive Director who shall be designated by the President and shall receive such compensation as may hereafter be specified. The functions and duties of the Executive Director shall be prescribed by the Commission. The Commission is authorized to appoint and fix the compensation of such other personnel as may be necessary to enable it to carry out its functions and is authorized to obtain services in accordance with the provisions of 5 U.S.C. 3109.

SEC. 5. *Reports to the President and Termination.* The Commission shall present its final report and recommendations not later than one year from the date of this order. The Commission shall terminate upon presentation of such report and recommendations, or upon such other date as the President may determine.

Lyndon B. Johnson

THE WHITE HOUSE,
April 8, 1967.

[F.R. Doc. 67-4043; Filed, Apr. 10, 1967; 12:01 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 6]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—Cropland Adjustment Program for 1966 Through 1969

ANNUAL ADJUSTMENT PAYMENTS

The regulations governing the 1966–69 Cropland Adjustment Program (31 F.R. 3483) are amended as follows:

Section 751.115 is amended by adding a new subparagraph (f) to read as follows:

§ 751.115 **Annual adjustment payments.**

* * * * *

(f) With respect to agreements approved after the effective date of this regulation, where an adjustment payment has been established on the basis of a diversion from irrigated crops and the producer (1) uses any part of the irrigation water customarily used on such irrigated crops for crops other than conserving crops or fruits or vegetables on the farm or on another farm, or (2) sells or leases such water to another producer, the diversion will be deemed to have been made from nonirrigated crops and the adjustment payment for such year shall be adjusted to reflect a diversion from nonirrigated crops.

(Sec. 602(q), 70 Stat. 1210)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 4, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-3920; Filed, Apr. 10, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Resale Loan Regs., 1965 and Subsequent Storage Periods; Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Reseal Loan Program

ELIGIBILITY REQUIREMENTS

The regulations issued by CCC and published in 30 F.R. 2852 are hereby amended as follows:

Section 1421.3483 (c) and (d) are amended to eliminate the reference to the application for price support and correct language as to type of draft used for disbursing loans for resale. The amended paragraphs will now read:

§ 1421.3483 **Eligibility requirements.**

* * * * *

(c) *New loans.* A producer who has a farm-stored commodity eligible for price support must place such commodity under loan in order for it to be eligible for reseal. Loans for reseal purposes shall be made no later than 2 calendar months after the original maturity date for a loan on the commodity unless a later date is authorized by the State committee.

(d) *Disbursement of loans.* Disbursement of a new loan referred to in paragraph (c) of this section will be made to a producer by ASCS county offices by means of a draft drawn on CCC or by credit to the producer's account. The producer shall not present the loan documents for disbursement unless the commodity covered by the mortgage is in existence. If the commodity was not in existence at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 4, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-3921; Filed, Apr. 10, 1967; 8:47 a.m.]

PART 1430—DAIRY PRODUCTS

Subpart—Milk and Butterfat Price Support Program

The U.S. Department of Agriculture has announced a price support program for milk and butterfat for the marketing year April 1, 1967, through March 31, 1968, through purchases by Commodity Credit Corporation (CCC) of dairy products as provided herein:

§ 1430.281 **Price support program for milk and butterfat.**

(a) (1) The general levels of prices to producers for milk and butterfat will be supported from April 1, 1967, through March 31, 1968, at $4 per hundredweight for manufacturing milk and 68 cents per pound for butterfat.

(2) Price support for milk and butterfat will be through purchases by CCC of butter, nonfat dry milk, and cheddar cheese, offered subject to the terms and conditions of purchase announcements issued by the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(3) Commodity Credit Corporation may, by special announcements, offer to purchase other dairy products to support the price of milk and butterfat.

(4) Purchase announcements setting forth terms and conditions of purchase may be obtained upon request from:

U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, Procurement and Sales Division, Washington, D.C. 20250,

or

U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435.

(b) (1) CCC will consider offers of butter, cheddar cheese, and nonfat dry milk in bulk containers meeting specifications in the announcements, at the following prices:

Commodity and location	Price per pound
Butter:	
U.S. Grade A or higher:	
New York, N.Y., Jersey City and Newark, N.J.	$0.6725
Seattle, Wash., and San Francisco, Calif., Alaska, Hawaii, California	.6650
Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina	.6625
U.S. Grade B, 2 cents less than U.S. Grade A.	
Cheddar Cheese (standard moisture basis, 37.8–39) [1]	.4375
Nonfat Dry Milk, Spray Process:	
Bags with sealed closures [2]	.1960

[1] For cheese which is offered on a "dry" basis (less than 37.8 percent moisture) the price per pound shall be as indicated in Form ASCS–150. Copies are available in offices listed in a–4 above.

[2] If upon inspection the bags do not fully comply with specifications for sealed closures, the price paid will be subject to discount of two-tenths (0.2) of a cent per pound.

(2) Offers to sell butter at any location not specifically provided for in this section will be considered at the price set forth in this section for the designated market (New York, San Francisco, or Seattle) named by the seller, less 80 percent of the lowest published railroad carlot freight rate per pound gross weight in effect when the offer is accepted from such location to such designated market. In the area consisting of Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, CCC will purchase only butter produced in that area; butter produced in other areas is ineligible for offering to CCC in these States.

(c) The butter shall be U.S. Grade B or higher. The nonfat dry milk shall be U.S. Extra Grade, except moisture content shall not exceed 3.5 percent. The cheddar cheese shall be U.S. Grade A.

(d) The products shall be manufactured in the United States from milk produced in the United States, and shall be located in the United States and shall not have been previously owned by CCC. Purchases will be made in carlot weights specified in the announcements. Grades and weights shall be evidenced by inspection certificates issued by the U.S. Department of Agriculture.

(Sec. 4(d), 62 Stat. 1070, as amended; 15 U.S.C. 714b(d))

Signed at Washington, D.C. on April 4, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-3922; Filed, Apr. 10, 1967; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that the position of Deputy Director, Office of Alien Property, is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (i) of § 213.3310 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 67-3896; Filed, Apr. 10, 1967; 8:45 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Corrective Action

Section 550.804 is amended to prohibit an agency from withholding back pay on the basis that an employee who was restored within a 1-year period following his erroneous separation did not seek other employment during that period. A new subparagraph (f) is added to § 550.804 as set out below.

§ 550.804 Corrective action.

* * * * *

(f) In computing the amount of back pay due an employee under this section and section 3 of the act, if the employee has been restored within one year after his erroneous separation, the department may not delete any period from computation on the basis that the employee was under obligation to make an effort to secure other employment during the period covered by the unjustified or unwarranted personnel action.

(Sec. 4 of P.L. 89-380)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 67-3934; Filed, Apr. 10, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 67-EA-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On January 31, 1967, F.R. Doc. 67-1070 was published in the FEDERAL REGISTER (32 F.R. 1086) which amended the Manchester, N.H., control zone to reduce the period of control from 24 hours daily to 16 hours daily. This amendment will become effective April 1, 1967.

Since the publication of this action, it has been brought to the attention of the Administrator by the State Aeronautics Commission of New Hampshire, civil users and the community that 24-hour operation of the control zone should be continued for an additional 30-day period to permit a revaluation of the terminal airspace requirements for Manchester, N.H. In view of the fact that the prime users of the aforementioned airspace are the petitioners for revaluation, it is found in the public interest that the control zone should be continued for a 30-day period.

For the reasons stated above, the Administrator finds that a situation exists requiring immediate action in the public interest, therefore notice and public procedure therein are contrary to said public interest and good cause exists for making this alteration effective immediately.

In consideration of the foregoing, F.R. Doc. 67-1070 is amended, effective immediately as hereinafter set forth.

In numbered paragraph 2, of the text, the date "April 1, 1967," is deleted and "May 1, 1967," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on March 31, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-3900; Filed, Apr. 10, 1967; 8:45 a.m.]

[Airspace Docket No. 67-SW-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On February 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2578) stating that the Federal Aviation Agency proposed to alter the Cotulla, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as herein set forth.

In § 71.181 (32 F.R. 2173) the Cotulla, Tex., transition area is amended to read:

COTULLA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.) and within 8 miles north and 5 miles south of the Cotulla VOR 085° and 265° radials, extending to 5 miles west and 12 miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 28°52'00" N., longitude 99°25'00" W., to latitude 28°54'00" N., longitude 99°05'00" W., to latitude 28°19'00" N., longitude 98°37'00" W., to latitude 28°05'00" N., longitude 98°48'00" W., to latitude 28°06'00" N., longitude 99°08'00" W., to latitude 28°06'20" N., longitude 99°18'20" W., to latitude 28°32'00" N., longitude 99°28'00" W., to point of beginning; and that airspace extending upward from 3,000 feet MSL bounded by a line beginning at latitude 28°54'00" N., longitude 99°05'00" W., to latitude 28°43'30" N., longitude 98°17'30" W., to latitude 28°34'00" N., longitude 98°23'00" W., to latitude 28°27'00" N., longitude 98°14'00" W., to latitude 28°07'00" N., longitude 98°27'00" W., to latitude 28°05'00" N., longitude 98°48'00" W., to latitude 28°19'00" N., longitude 98°37'00" W., thence to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348).

Issued in Fort Worth, Tex., on March 31, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-3901; Filed, Apr. 10, 1967; 8:45 a.m.]

[Airspace Docket No. 67-SW-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On February 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2578) stating that the Federal Aviation Agency proposed to alter the Houma, La., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2200) the Houma, La., transition area is amended to read:

HOUMA, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Houma Municipal Airport (latitude 29°34'10" N., longitude 90°39'40" W.) and within 2 miles each side of the Tibby VORTAC 123° radial, extending from the VORTAC to 27 miles southeast of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on March 31, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-3902; Filed, Apr. 10, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area

On page 2383 of the FEDERAL REGISTER for February 3, 1967, the Federal Aviation Agency published proposed regulations which would alter the Dow Air Force Base, Bangor, Maine, control zone and transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001, e.s.t., May 25, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on March 23, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bangor, Maine control zone in its entirety and substitute the following:

BANGOR, MAINE

Within a 5 mile radius of the center (44°48'20" N., 68°49'32" W.) of Dow AFB, Bangor, Maine excluding the portion within a 1-mile radius of the center (44°49'15" N., 68°43'00" W.) of the Down East Seaplane Base, Brewer, Maine; within 2 miles each side of the Bangor VORTAC 318° radial, extending from the 5-mile radius zone to 7 miles NW of the VORTAC; within 2 miles each side of the extended centerline of Runway 33 extending from the 5-mile radius zone to 4.5 miles NW of the lift-off end of the runway; within 2 miles each side of the Bangor VORTAC 135° radial, extending from the 5-mile radius zone to 12 miles SE of the VORTAC; within 2 miles each side of the Bangor ILS localizer SE course extending from the 5-mile radius zone to 8 miles SE of the OM; and within 2 miles each side of the Bangor VORTAC 053° radial extending from the VORTAC to the Old Town, Maine control zone.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bangor, Maine 700-foot floor transition area in its entirety and substitute the following:

BANGOR, MAINE

That airspace extending upward from 700 feet above the surface within a 7-mile radius arc of the center (44°48'20" N., 68°49'32" W.), of the Dow AFB, Bangor, Maine, extending clockwise from 245° to 093°; within a 12-mile radius arc of Dow AFB extending clockwise from 093° to 245°; within 2 miles each side of the Bangor VORTAC 318° radial extending from the VORTAC to 12 miles NW of the VORTAC; within 5 miles E and 8 miles W of the Bangor ILS localizer SE course extending from the OM to 12 miles SE of the OM; within a 4-mile radius area of the center (44°57'10" N., 68°40'15" W.), of Old Town Municipal Airport, Old Town, Maine, and within 2 miles each side of the Bangor VORTAC 053° radial extending from the Old Town Municipal Airport 4-mile radius area to the VORTAC.

[F.R. Doc. 67-3903; Filed, Apr. 10, 1967; 8:45 a.m.]

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8084]

TECHNICAL AMENDMENTS TO REFLECT TRANSITION TO DEPARTMENT OF TRANSPORTATION

The purpose of these amendments is to make changes in the Federal Aviation Regulations that are necessary because of the taking effect of the Department of Transportation Act (49 U.S.C. 1651 et seq.) on April 1, 1967. On April 1, 1967, the Federal Aviation Agency became the Federal Aviation Administration in the Department of Transportation, and the aviation safety functions of the Civil Aeronautics Board under Titles VI and VII of the Federal Aviation Act of 1958 were transferred to the National Transportation Safety Board.

This rule-making action therefore changes the term "Federal Aviation Agency," wherever it occurs in the Federal Aviation Regulations, to "Federal Aviation Administration," and the word "Agency" when used alone to denote the Federal Aviation Agency to "FAA." For reasons of economy the editions of these regulations that are currently for sale will not be reprinted merely to make these changes. Whenever they are reprinted for other reasons, the printing changes will be made. However, the pages of Part 1 reflecting the changes in definition of the term "Administrator" and the abbreviation "FAA" will be reprinted as soon as possible.

The changes made in the parts containing references to the Civil Aeronautics Board that are affected by the transfer of functions to the National Transportation Safety Board are self-explanatory. Pages containing these changes will also be reprinted as soon as possible.

Notice and public procedure thereon are not required since these amendments merely reflect changes of law, and they may therefore be made effective immediately.

(Secs. 3(e), 6(c), 9(f), Department of Transportation Act (15 U.S.C. 1652(e), 1655(c), 1657(f)); sec. 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1354(a))

In consideration of the foregoing, the Federal Aviation Regulations (14 CFR Chapter I) are amended, effective April 1, 1967, as set forth below.

Issued in Washington, D.C., on April 4, 1967.

D. D. THOMAS,
Acting Administrator.

1. The words "Federal Aviation Agency" are deleted wherever they occur in Chapter I of Title 14, Code of Federal Regulations and the words "Federal Aviation Administration" are inserted in place thereof.

2. The word "Agency" is deleted wherever it occurs in Chapter I of Title 14, Code of Federal Regulations to denote the "Federal Aviation Agency," and the designation "FAA" is inserted in place thereof.

3. Part 1 is amended as follows:

a. The definition of "Administrator" in § 1.1 is amended to read as follows:

"Administrator" means the Federal Aviation Administrator or any person to whom he has delegated his authority in the matter concerned.

b. The definition of "FAA" in § 1.2 is amended to read as follows:

"FAA" means Federal Aviation Administration.

4. Section 11.35 is amended as follows:

a. Paragraph (a) is amended by inserting the words "National Transportation Safety" before the word "Board" at the end of the paragraph.

b. Paragraph (b) is amended by inserting the words "Civil Aeronautics" before the word "Board" wherever it occurs.

5. Sections 13.19(d), 13.59(a), 13.67(c), 21.49, 61.3(e), 61.39(f), 61.41(b), 61.83(a), 61.113(a)(1), 63.3(c), 65.45(a), 65.51(b), 65.89, 65.95(b), 65.105, 65.111(c), 91.173(c)(3), 121.343(c), 121.545(b), 121.547 (a)(2) and (c)(1), 127.19, 127.209(b), 127.211 (a)(2) and (c)(1), and 143.21 are each amended by deleting the words "Civil Aeronautics Board" and inserting the words "National Transportation Safety Board" in place thereof.

6. Part 103 is amended as follows:

a. The introductory paragraph of § 103.1(b) is amended to read as follows:

§ 103.1 Applicability.

* * * * *

(b) For the purposes of this part "dangerous articles" are those articles defined and regulated in 49 CFR Parts 72 through 78, and includes:

* * * * *

b. Section 103.1(c)(3) is amended by striking out the words "of Parts 72 and 73 of the ICC Regulations" and inserting the words "in 49 CFR Parts 72 and 73" in place thereof.

c. The first sentence of § 103.3(b) is amended by striking out the words "the ICC" and inserting the word "that" in place thereof.

d. Section 103.5(a)(9) is amended by striking out the words "of the ICC" and inserting the words "in 49 CFR Parts 72 through 78" in place thereof.

e. Sections 103.7(a) and 103.11 are each amended by striking out the words "Parts 72, 73, and 78 of the ICC Regulations (49 CFR Parts 72, 73, and 78)" and inserting the words "49 CFR Parts 72, 73, and 78" in place thereof.

f. Paragraphs (b), (d), (e), and (f) of § 103.7 are each amended by striking out the words "of Parts 72 and 73 of the ICC Regulations (49 CFR Parts 72 and 73)", wherever they appear, and inserting the words "in 49 CFR Parts 72 and 73" in place thereof.

g. Section 103.7(c) is amended by striking out the words "ICC approved cylinders and at pressures not greater than the pressure allowed by ICC Regulations" and inserting the words "cylinders approved under, and at pressures not greater than the pressure allowed by, 49 CFR Parts 72 through 78" in place thereof.

h. Sections 103.9(a)(1), 103.13, and 103.21 are each amended by striking out the words "ICC Regulations", wherever they appear, and inserting the words "49 CFR Parts 72 through 78" in place thereof.

i. Section 103.9(a)(1) is amended by striking out the words "of Part 72 of the ICC Regulations (49 CFR Part 72)" and inserting the words "49 CFR Part 72" in place thereof.

j. Section 103.13 is amended by striking out the words "ICC labeling requirement because of ICC" and inserting the words "those labeling requirements because of" in place thereof.

7. Part 121 is amended as follows:

a. Section 121.359(e) is amended to read as follows:

§ 121.359 Cockpit voice recorders.

* * * * *

(e) In the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under Part ____ of its regulations (present Part 320 of this title), the certificate holder shall keep the recorded information for at least 60 days or, if requested by the Administrator or the Board, for a longer period. Information obtained from the record is used to assist in determining the cause of accidents or occurrences in connection with investigations under Part ____ (present Part 320 of this title). The Administrator does not use the record in any civil penalty or certificate action.

b. Section 121.703(f) is amended to read as follows:

§ 121.703 Mechanical reliability reports.

* * * * *

(f) Failures, malfunctions, or defects reported under the accident reporting provisions of Part ____ of the regulations of the National Transportation Safety Board (present Part 320 of this title) need not be reported under this section.

8. Section 127.313(f) is amended to read as follows:

§ 127.313 Mechanical reliability reports.

* * * * *

(f) Failures, malfunctions, or defects reported under the accident reporting provisions of Part ____ of the regulations of the National Transportation Safety Board (present Part 320 of this title) need not be reported under this section.

9. Paragraph (b)(4)(i) of Appendix B of Part 141 is amended to read as follows:

APPENDIX B—FLIGHT TRAINING—COMMERCIAL FLYING SCHOOL

* * * * *

(b) **Phase II**—*Navigational and critical situations.* * * *

(4) * * *

(i) Principles and safe flying practices for preflight preparations, operations within airplane's operational limitations, use of FAA facilities and compliance with Part 91 of this chapter and Part ____ of the regulations of the National Transportation Safety Board (present Part 320 of this title) "Notification and Reporting of Aircraft Accidents and Overdue Aircraft", which is on sale at the Government Printing Office for 5 cents).

* * * * *

10. Section 185.17 is amended by inserting a comma and the words "National Transportation Safety Board," after the words "Civil Aeronautics Board".

[F.R. Doc. 67-3916; Filed, Apr. 10, 1967; 8:46 a.m.]

[Docket No. 8085; Amdt. Nos. 11-7, 61-30, 65-10, 141-4, 147-1]

MISCELLANEOUS AMENDMENTS TO CHAPTER

These amendments update certain cross references in the Federal Aviation Regulations and make other miscellaneous corrections.

At the time of the recodification, it was necessary to include in the Federal Aviation Regulations cross references to the Civil Air Regulations or Special Civil Air Regulations where the referenced provision had not yet been recodified. These amendments update those cross references not previously updated. No substantive change is involved in these amendments. In some instances, the cross references as updated herein have been anticipated in compilations and reprints of the respective parts of the regulations.

In addition, the term "Federal Air Surgeon" is substituted for the term "Civil Air Surgeon" in § 11.55 to correctly state the title of that official.

Since this amendment does not involve any substantive change and does not impose a burden on any person, notice and public procedure thereon are unnecessary, and the amendment may be made effective immediately.

In consideration of the foregoing, Chapter I of Title 14 is amended, effective April 10, 1967, as follows:

PART 11—GENERAL RULE-MAKING PROCEDURES

§ 11.55 [Amended]

1. Section 11.55 is amended by striking out the words "Civil Air Surgeon" wherever they occur and inserting the words "Federal Air Surgeon" in place thereof.

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

2. Section 61.143(a) is amended to read as follows:

§ 61.143 Airplane rating; Aeronautical knowledge.

* * * * *

(a) The sections of this part relating to airline transport pilots and Part 121, Subpart C of Part 65, and §§ 91.1 through 91.9 and Subpart B of Part 91 of this chapter, and so much of Parts 21 and 25 of this chapter as relate to the operations of air carrier aircraft;

* * * * *

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

3. Part 65 is amended as follows:

§§ 65.85, 65.87 [Amended]

a. Sections 65.85 and 65.87 are amended by striking out the words "Part ____ of this chapter [Present Part 43]" wherever they occur and inserting the words "Part 91 of this chapter" in place thereof.

b. Paragraph (b) of Appendix A is amended by striking out the words "Civil Air Regulations ____ 15" and "Parts ____, ____, ____, ____, ____, and ____ of this chapter [Present Parts 4b, 40, 41, 42, 43, 49, and 60]." and inserting the words "Federal Aviation Regulations ____ 15" and "Parts 25, 91, 103, and 121", respectively, in place thereof.

PART 141—PILOT SCHOOLS

4. Part 141 is amended as follows:

a. Section 141.47(a) is amended to read as follows:

§ 141.47 Curriculum requirements: Basic ground school.

* * * * *

(a) Instruction in § 23.3 and Parts 21, 45 and 91 of this chapter and so much of Part 61 of this chapter as applies to student and private pilot certificates.

* * * * *

§ 141.49 [Amended]

b. Section 141.49(a) is amended by striking out the words "Part ____ of this chapter [Present Part 42]" and inserting the words "Parts 121 and 135 of this chapter" in place thereof.

PART 147—MECHANIC SCHOOLS

5. Paragraphs (c)(1) and (d)(1) of § 147.21 are amended to read as follows:

§ 147.21 General curriculum requirements.

* * * * *

(c) * * *

(1) Parts 21, 23, 25, 27, 43, 65, 91, and 145 of this chapter as appropriate to the curriculum;

* * * * *

(d) * * *

(1) Parts 21, 23, 25, 27, 43, 65, 91, and 145 of this chapter as appropriate to the curriculum;

* * * * *

(Sec. 313(a), Federal Aviation Act of 1958; 49 U.S.C. 1354(a))

Issued in Washington, D.C., on April 4, 1967.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 67-3917; Filed, Apr. 10, 1967; 8:47 a.m.]

[Docket No. 7958; Amdt. 39-393]

PART 39—AIRWORTHINESS DIRECTIVES

Ratier-Figeac Model FH 76-1 Propellers

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the magnesium pitch change reduction gear housing to be reworked on Ratier-Figeac Model FH 76-1 propellers was published in 32 F.R. 3063.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

RATIER-FIGEAC. Applies to Model FH 76-1 propellers installed on Pilatus PC-6 Series airplanes.

Compliance required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished, or previously modified by Ratier Figeac (Amendment No. 1018).

To prevent failure of the magnesium pitch change reduction gear housing, P/N 76-300-01, rework the housing in accordance with Ratier Figeac Service Bulletin 61-44, dated December 1966, or later SGAC-approved revision.

This amendment becomes effective May 11, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 4, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-3915; Filed, Apr. 10, 1967; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS

Catoctin Mountain Park, Md.

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-I (27 F.R. 6395), as amended, National Park Service Order No. 34 (31 F.R. 4255), Regional Director National Capital Region Order No. 3 (31 F.R. 8500), § 7.24 of Title 36 of the Code of Federal Regulations is amended as set forth below. The purpose of this amendment is to regulate possession and use of firearms and other weapons, to prohibit hunting and the disturbance of wildlife, and to restrict picnicking to locations provided or approved by the Superintendent. Regulations concerning fishing are deleted since they are no longer necessary in view of the provisions of the general regulations.

Since the amendment imposes no restrictions on the public beyond those which have previously been in effect, advance notice to the public is determined to be unnecessary. Therefore, this regulation shall take effect immediately upon publication in the FEDERAL REGISTER. (5 U.S.C. 553).

Section 7.24 is revised to read as follows:

§ 7.24 Catoctin Mountain Park.

(a) *Firearms, traps and other weapons.* The use of traps, seines, hand thrown spears, nets (except landing nets), firearms (including air and gas powered pistols and rifles), blow guns, bows and arrows or crossbows, and any other implements designed to discharge missiles in the air or under the water which are capable of destroying animal life is prohibited. The possession of such objects or implements is prohibited unless they are unloaded, and adequately cased or broken down, or otherwise packed in such a way as to prevent their use while in the park area.

(1) Authorized Federal, State, county, and city law enforcement officers may carry firearms in the performance of their official duties.

(b) *Wildlife; hunting.* The hunting, killing, wounding, frightening, capturing, or attempting to kill, wound, frighten, or capture at any time of any wildlife is prohibited, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury.

(1) The feeding, touching, teasing, molesting, or intentionally disturbing any wildlife or nesting and related activities or phenomena thereof is prohibited except as otherwise provided herein.

(c) *Picnicking.* Unless prior permission is obtained from the Superintendent, picnicking outside of designated picnic areas is prohibited.

WILLIAM J. GRAY,
Acting Superintendent,
Catoctin Mountain Park.

MARCH 27, 1967.

[F.R. Doc. 67-3914; Filed, Apr. 10, 1967; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-318; Order 339]

PART 1—RULES OF PRACTICE AND PROCEDURE

Official Note of Facts

MARCH 31, 1967.

The Federal Power Commission by this order is amending its rules of practice and procedure by clarifying § 1.26(d) concerning the official notice of facts.

The Commission's present rule on official notice states that official notice may be taken of "technical or scientific facts of established character peculiarly within the general knowledge" of the Commission. This rule was promulgated shortly before the Administrative Procedure Act took effect (Order No. 132, 18 CFR 1.26(d)) and appears to be a paraphrase of early drafts of the Act. We believe that § 1.26(d) is ripe for revision.

Experience, court cases and the legislative history of section 7(d) of the Administrative Procedure Act indicate that our present rule on the use of official notice is restrictive. The patterns of growth of both the electric power and natural gas industries challenge us to achieve procedural improvements to ensure the effective performance of the Commission's regulatory functions.

Expeditious proceedings have long been recognized as a means to this end. In the judicial sphere, the doctrine of judicial notice was developed as one tool to meet this need for expedition. The administrative adaptation of judicial notice is commonly called official notice. The use of this different term emphasizes the significant difference between the two doctrines. Professor Davis persuasively argues: "The customary assumption that official notice is merely the administrative counterpart of judicial notice and should therefore be governed by essentially the same principles is fundamentally unsound * * *." Davis, Official Notice, 62 Harv. L. Rev. 537 (1949). The fundamental functional difference between court and agency would appear to be in the role of each as fact-finder. The essence of the judicial process, the adversary system, makes the court a passive arbiter in the search for justice between both parties. An administrative agency on the other hand is charged with an affirmative duty to seek out all relevant and material facts in establishing policy. See Scenic Hudson Preservation Conf. v. F.P.C., 354 F. 2d 608 (2d Cir. 1966). And as the Supreme Court has stated: "The process of keeping informed as to regulated utilities is a continuous matter with commissions." Market Street Ry. Co. v. Railroad Commission of California, 324 U.S. 548, 562 (1945).

As early as 1904, the Supreme Court recognized the unique factfinding needs

of administrative agencies. See I.C.C. v. Baird, 194 U.S. 25, 44. The Attorney General's Committee on Administrative Procedure, whose studies led to enactment of the Administrative Procedure Act, recognized that protection of the public interest "makes it necessary to keep open the channels for the reception of all relevant evidence which will contribute to an informed result." Final Report, S. Doc. No. 8, 77th Cong., 1st sess., 70 (1941). In a similar vein the Attorney General's Manual on the Administrative Procedure Act, pp. 79–80 (1947), explains: "The process of official notice should not be limited to the traditional matters of judicial notice but extends properly to all matters as to which the Agency by reason of its functions is presumed to be expert * * *."

The legislative history of the Administrative Procedure Act, S. Doc. No. 248, 79th Cong., 2d sess., 1946, indicates that Congress intended the permissible scope of official notice to be broader than the Commission's present rule. An early House bill read: "The taking of official notice as to facts beyond the proof adduced * * * shall be unlawful unless of a matter generally recognized or scientific knowledge of established character * * *." Id. at 143. Another version limited official notice to "any matter of generally recognized fact or any technical or scientific fact of established character * * *. Id. at 174.

The Administrative Procedure Act, section 7(d), as passed by Congress, eliminated these restrictive phrases and provides instead that "where any agency decision rests on official notice of a material fact not appearing in the evidence in the record, any party shall on timely request be afforded an opportunity to show the contrary.

The present Commission rule may result in an unnecessarily restrictive approach towards official notice in Commission proceedings. This could increase hearing time to the detriment of practitioners, respondents or applicants, and the public. Agencies may take official notice of facts at any stage in a proceeding—even in the final decision" (Attorney General's Manual on the Administrative Procedure Act, 80 (1947)), however, the earlier in a proceeding notice is taken, the greater the "opportunity to show the contrary" of the noticed fact and the fairer the entire procedure.

Therefore, any participant requesting the taking of official notice subsequent to the conclusion of a hearing will henceforth be required to set forth clearly the reasons asserted as justifying his failure to make the request prior to the close of the hearing. This requirement in no way limits the rights of participants to make such requests before the conclusion of a hearing or of the examiner or the Commission to take official notice after the conclusion of a hearing.

Since we have a duty to consider all relevant facts (see Scenic Hudson Preservation Conf. v. F.P.C., 354 F. 2d 608 (2d Cir. 1966)), while at the same time affording an opportunity to contest all issues (see U.S. v. Pierce Auto Freight Lines Inc., 327 U.S. 615 (1946)) we believe it important that available evidentiary means be fully utilized in developing a record.

The present amendment is intended to permit and encourage the use of official notice to the fullest extent allowed by the Administrative Procedure Act in accordance with the policy of sections 15 (b) of the Natural Gas Act (15 U.S.C. 717n(b)) and 308(b) of the Federal Power Act (16 U.S.C. 825g(b)) and consistent with administrative fairness. The presiding examiners are encouraged to utilize official notice as an expeditious aid in regulating the course of hearings.

Official notice "has no other effect than to relieve one of the parties * * * of the burden of resorting to the usual forms of evidence." (Ohio Bell Tel. Co. v. P.U.C., 301 U.S. 292, 301 (1937)). Therefore, "the matters thus noticed become a part of the record and, unless successfully controverted, furnish the same basis for findings of fact as does 'evidence' in the usual sense" (Attorney Generals' Manual on the Administrative Procedure Act at 80). Of course, the material to be noticed must meet the requirements of § 1.26(a) of the rules of practice and procedure as to relevancy and materiality, against unduly repetitious or cumulative evidence, and as coming within the test of affecting "reasonable and fair-minded men in the conduct of their daily affairs."

The information in the Commission's public files contains material that is often useful in the decision-making process. Such information in the public official records of the Commission should, in appropriate circumstances, be considered pursuant either to paragraph (c) or (d) of § 1.26 of the rules of practice and procedure.

This rule combines both the rule of procedure and of evidence. The Administrative Procedure Act sets out the procedural rule, while this order and the new § 1.26(d) set out evidentiary guidelines for the taking of official notices in a procedurally fair manner.

The Commission finds:

(a) Since the amendment here adopted involves a matter of Commission practice, no prior notice thereof is required by section 4 of the Administrative Procedure Act.

(b) The revision of § 1.26(d), here adopted, is necessary and appropriate for the purposes of the Federal Power and Natural Gas Acts.

The Commission, acting pursuant to the authority granted in sections 15 and 16 of the Natural Gas Act, as amended (52 Stat. 829, 830; 15 U.S.C. 717n, 717o) and sections 308 and 309 of the Federal Power Act, as amended (49 Stat. 858; 16 U.S.C. 825g, 825h), orders:

(A) Paragraph (d) of § 1.26, Part 1, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations is revised to read as follows:

§ 1.26 Evidence.

* * * * *

(d) *Official notice of facts.* Official notice may be taken by the Commission and the presiding examiner of such matters as might be judicially noticed by the courts of the United States, or any matters as to which the Commission by reason of its functions is an expert. Any participant shall, on timely request, be afforded an opportunity to show the contrary. Any participant requesting the taking of official notice after the conclusion of the hearing must set forth the reasons claimed to justify failure to make the request prior to the close of the hearing.

* * * * *

(Secs. 15, 16, 52 Stat. 829, 830; secs. 306, 309, 49 Stat. 858; 15 U.S.C. 717n, 717o; 16 U.S.C. 825g, 825h)

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-3910; Filed, Apr. 10, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

2,4-D

Comments on the proposal to establish tolerances for residues of 2,4-D, published in the FEDERAL REGISTER of November 8, 1966 (31 F.R. 14359), have been received from Hercules, Inc., Wilmington, Del. 19899; Dow Chemical Co., Midland, Mich. 48641; Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94801; Chipman Chemical Co., Post Office Box 1065, Burlingame, Calif. 94010; Thompson-Hayward Chemical Co., 5200 Speaker Road, Post Office Box 2383, Kansas City, Kans. 66110; National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005; Guth Chemical Co., 332 South Center Street, Hillside, Ill. 60162; and the U.S. Department of Agriculture.

The respondents suggested certain changes in designation of 2,4-D compounds and certain additional listings, and also requested a revision to use generic names which would include tolerances for additional compounds that may be marketed in the future.

The U.S. Department of Agriculture has reviewed the comments and endorsed certain of these changes and additions but recommends that tolerances be established only for those compounds for which labels are now registered. Data are not available to support a more generic description of the compounds so as to establish tolerances for additional compounds that may be marketed in the future.

No request has been received for referral of the pesticide proposal to an advisory committee.

Based on available information, the comments received, and other relevant material, the Commissioner of Food and Drugs concludes that the amendments proposed should be issued as set forth below, that the pesticide tolerances established hereby will protect the public health, and that the food additive tolerances established hereby provide for safe residues in feed and food.

1. Accordingly, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated by him to the Commissioner (21 CFR 2.120), § 120.142 is amended by designating its present text as paragraph (a) and adding thereto a paragraph (b) reading as follows:

§ 120.142 2,4-D; tolerances for residues.

* * * * *

(b) Tolerances are established for residues of 2,4-D (2,4-dichlorophenoxyacetic acid) at 0.5 part per million in or on the grain of, and at 20 parts per million in or on the forage of barley, oats, rye, and wheat from application of 2,4-D in acid form, or in the form of one or more of the following salts or esters:

(1) The inorganic salts: Ammonium, lithium, potassium, and sodium.

(2) The amine salts: Alkanolamines (of the ethanol and isopropanol series), alkyl (C-12), alkyl (C-13), alkyl (C-14), alkylamines derived from tall oil, amylamine, diethanolamine, diethylamine, diisopropanolamine, dimethylamine, ethanolamine, ethylamine, isopropanolamine, isopropylamine, linoleylamine, morpholine, methylamine, *N*-oleyl-1,3-propylenediamine, octylamine, oleylamine, propylamine, triethanolamine, triethylamine, triisopropanolamine, and trimethylamine.

(3) The esters: Amyl (pentyl), butoxethoxypropyl, butoxyethyl, butoxypolyethoxypropyl, butoxypropyl, butyl, dipropylene glycol isobutyl ether, ethoxyethoxyethyl, ethoxyethoxypropyl, ethyl, ethylene glycol butyl ether, 2-ethylhexyl (isooctyl), 2-ethyl-4-methylpentyl (isooctyl), isobutyl, isopropyl, methyl, 2-octyl (isooctyl), polyethylene glycol 200, polypropoxybutyl, polypropylene, glycol, propylene glycol, propylene glycol butyl ether, propylene glycol isobutyl ether, tetrahydrofurfuryl, and tripropylene glycol isobutyl ether.

2. Pursuant to the provisions of the act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated as cited above, Part 121 is amended:

a. By adding to Subpart C a new section as follows:

§ 121.300 2,4-D.

A tolerance of 2 parts per million is established for residues of 2,4-D (2,4-dichlorophenoxyacetic acid) in the milled fractions derived from barley, oats, rye, and wheat to be ingested as animal feed or converted into animal feed. Such residues may be present therein only as a result of application to the growing crop of the herbicides identified in § 120.142 of this chapter.

b. By adding to Subpart D a new section as follows:

§ 121.1204 2,4-D.

A tolerance of 2 parts per million is established for residues of 2,4-D (2,4-dichlorophenoxyacetic acid) in the milled fractions (except flour) derived from barley, oats, rye, and wheat to be ingested as food or to be converted to food. Such residues may be present therein only as a result of application to the growing crop of the herbicides identified in § 120.142 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408(e), 409(d), 68 Stat. 514, 72 Stat. 1787; 21 U.S.C. 346a(e), 348(d))

Dated: March 31, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3926; Filed, Apr. 10, 1967; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ETHYL MALTOL; 2-ETHYL-3-HYDROXY-4H-PYRAN-4-ONE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 5A1660) filed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of ethyl maltol (2-ethyl-3-hydroxy-4H-pyran-4-one) as a food flavor. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1164(b) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.1164 Synthetic flavoring substances and adjuvants.

* * * * *

(b) * * *

*	*
Ethyl maltol; 2-ethyl-3-hydroxy-4H-pyran-4-one.	
*	*

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 31, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3927; Filed, Apr. 10, 1967; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

OXIDIZED POLYETHYLENE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1675) filed by Allied Chemical Corp., Plastics Division, Post Office Box 365, Morristown, N.J. 07960, and other relevant material, has concluded that the food additive regulations should be amended to provide for additional uses of oxidized polyethylene as a component of food-contact articles. The Commissioner has further concluded that §§ 121.2526 and 121.2571 should be amended by deleting provision for use of oxidized polyethylene as a component of paper and paperboard intended for

use in contact with foods that are dry solids with surfaces containing no free fat or oil, since new § 121.2517, set forth below, provides for such use of oxidized polyethylene. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended in the following respects:

1. Section 121.2507(e) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2507 Cellophane.

* * * * * *

(c) List of substances:

	Limitations (residue and limits of addition expressed as percent by weight of finished packaging cellophane)
* * *	* * *
Polyethylene, oxidized; complying with the identity prescribed in § 121.2517(a).	----------

* * * * * * *

2. The following new section is added to Subpart F:

§ 121.2517 Polyethylene, oxidized.

Oxidized polyethylene identified in paragraph (a) of this section may be safely used as a component of food-contact articles, in accordance with the following prescribed conditions:

(a) Oxidized polyethylene is the basic resin produced by the mild air oxidation of polyethylene conforming to the density, maximum *n*-hexane extractable fraction, and maximum xylene soluble fraction specifications prescribed under item 2.3 of the table in § 121.2501(c). Such oxidized polyethylene has a minimum number average molecular weight of 1,200, as determined by high temperature vapor pressure osmometry, contains a maximum of 5 percent by weight of total oxygen, and has an acid value of 9 to 19.

(b) The finished food-contact article, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of § 121.2526(c), yields net acidified chloroform-soluble extractives not to exceed 0.5 milligram per square inch of food-contact surface when tested by the methods described in § 121.2582(c), except that net acidified chloroform-soluble extractives from paper and paperboard complying with § 121.2526 may be corrected for wax, petrolatum, and mineral oil as provided in § 121.2526(d)(5)(iii)(b). If the finished food-contact article is itself the subject of a regulation in this Subpart F, it shall also comply with any specifications and limitations prescribed for it by such regulation. (NOTE: In testing the finished food-contact article, use a separate test sample for each extracting solvent.)

(c) The provisions of this section are not applicable to oxidized polyethylene used as provided in §§ 121.2519, 121.2520, and 121.2535. The provisions of paragraph (b) of this section are not applicable to oxidized polyethylene used as provided in §§ 121.2507, 121.2526(a)(5), and 121.2577.

3. Section 121.2526 is amended by revising the item "Polyethylene, air oxidized * * *" listed in paragraph (a)(5) and by alphabetically adding a new item to the list in paragraph (b)(2), as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * *	* * *
Polyethylene, oxidized; complying with the identity prescribed in § 121.2517(a).	For use only as component of coatings that contact food only of the type identified under type VII–B of table 1 in paragraph (c) of this section, and limited to use at a level not to exceed 50 percent by weight of the coating solids.
* * *	* * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * *	* * *
Polyethylene, oxidized---	Complying with § 121.2517.
* * *	* * *

* * * * * *

§ 121.2571 [Amended]

4. Section 121.2571 *Components of paper and paperboard in contact with dry food* is amended by deleting from the list in paragraph (b)(2) the item "Polyethylene, air oxidized (minimum molecular weight 1,200)."

5. Section 121.2577 is amended by adding to paragraph (a) a new subparagraph (5) and by revising paragraph (b)(1), as follows:

§ 121.2577 Pressure-sensitive adhesives.

* * * * * *

(a) * * *

(5) Polyethylene, oxidized; complying with the identity prescribed in § 121.2517(a).

(b) * * *

(1) Substances listed in paragraph (a) (1), (2), (3), and (5) of this section, and those substances prescribed by paragraph (a)(4) of this section that are not identified in subparagraph (2) of this paragraph.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 31, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–3928; Filed, Apr. 10, 1967; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 148w—CEPHALOSPORIN

Sodium Cephalothin

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), the antibiotic drug regulations are amended to provide for the certification of an additional strength vial of sodium cephalothin for intravenous use. Accordingly, § 148w.1(a)(2) is revised to read as follows:

§ 148w.1 Sodium cephalothin.

(a) * * *

(2) *Packaging.* In addition to the requirements of § 148.2 of this chapter, if it is packaged for dispensing and is intended for both intravenous and intramuscular use, each vial shall contain the equivalent of 1 gram of cephalothin; except that if it is packaged for dispensing and is intended solely for intravenous use, each vial shall contain the equivalent of 4 grams of cephalothin.

* * * * * *

This order provides for the certification of an additional dosage size of an antibiotic drug already being marketed and it is in the interest of the public health not to delay in so providing; therefore, notice and public procedure and delayed effective date are not prerequisities to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 3, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–3929; Filed, Apr. 10, 1967; 8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

Exemption for Certain Post Office Contracts With Common Carriers

On January 21, 1967, notice of proposed rule making regarding an exemption from the McNamara-O'Hara Service Contract Act of 1965 (79 Stat. 1035) was published in the FEDERAL REGISTER (32 F.R. 728). After consideration of all relevant matter presented, I find that the exemption proposed will avoid serious impairment of the conduct of Government business, and grant it as proposed by amending 29 CFR 4.6(c)(9) to read as provided below. As this amendment grants an exemption, delay in effective date is not required by 5 U.S.C. 553(d). It does not appear that such delay will serve a useful purpose. Accordingly this amendment shall be effective on publication in the FEDERAL REGISTER.

The amended 29 CFR 4.6(c)(9) reads as follows:

§ 4.6 Labor standards clauses for Federal Service contracts exceeding $2,500.

* * * * * *

(c) * * *

(9) Any of the following contracts, all of which the Secretary of Labor has exempted from all provisions of the McNamara-O'Hara Service Contract Act of 1965 pursuant to its section 4(b) by a finding that such exemption is necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business: (i) Contracts entered into by the United States with common carriers for the carriage of mail by rail, air (except air star routes), bus, and ocean vessel, where such carriage is performed on regularly scheduled runs of the trains, airplanes, busses, and vessels over regularly established routes and accounts for an insubstantial portion of the revenue received therefrom.

(79 Stat. 1035)

Signed at Washington, D.C., this 6th day of April 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 67–3940; Filed, Apr. 10, 1967; 8:49 a.m.]

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE AND INDUSTRIES WITH MARKED SEASONAL PEAKS OF OPERATION

On pages 671 through 674 of the FEDERAL REGISTER of January 20, 1967, there was published a notice of proposed rule making to revise 29 CFR Part 526 and thereby provide the procedure for making determinations for effect under sections 7(c) and 7(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 201) as amended by the Fair Labor Standards Amendments of 1966 (P.L. 89–601) and give effect under section 7(c) of the amended Act to certain seasonal industry determinations theretofore made under section 7(b)(3) of the Act prior to the 1966 amendment.

On pages 674 and 675 of the same issue of the FEDERAL REGISTER separate proposals were made concerning the perishable fresh fruit and vegetable industry and the dairy products industry. Comments have been received concerning these separate proposals which deserve further study, and final action concerning them is not being taken at this time. Meanwhile the special enforcement policy expressed in the final paragraph of each of these proposals will have continued application.

Other requests for findings pursuant to sections 7(c) and 7(d) of the Act have been received, which require an effective regulation such as the proposed 29 CFR Part 526 to provide the procedure for dealing with them. One is treated in another section of this issue of the FEDERAL REGISTER.

After consideration of all relevant matter presented, the proposed revision of 29 CFR Part 526 is hereby adopted as set out below wherein the only departures from the proposal are the correction of three typographical errors noted in the margin. To the extent that these regulations are substantive they grant or recognize exemption, and thus come within the exemption from 5 U.S.C. 553 requiring a delayed effective date. As such delay would serve no good purpose, this revision shall be effective immediately.

Signed at Washington, D.C., this 6th day of April 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

Sec.

526.1 Scope and application.
526.2 Issues.
526.3 Meaning of industry.
526.4 Policies.
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526.6 Initiating proceedings.
526.7 Notice of proceedings.
526.8 Procedures governing oral participation.
526.9 Certification of record.
526.10 Industries of a seasonal nature.
526.11 Industries characterized by annually recurring seasonal peaks of operations.
526.12 Seasonal industries engaged in certain operations on perishable agricultural or horticultural commodities.

AUTHORITY: The provisions of this Part 526 issued under Fair Labor Standards Act of 1938 (29 U.S.C. 201), as amended by the Fair Labor Standards Amendments of 1966 (P.L. 89–601); General Order No. 45–A of the Secretary of Labor (15 F.R. 3290); Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004) are authority for all sections in this part.

§ 526.1 Scope and application.

(a) The provisions of section 7 of the Fair Labor Standards Act of 1938, as amended, providing partial exemptions from its maximum hours provision for employees in industries found to be of a seasonal nature and for employees in some types of industries found to be characterized by marked annually recurring seasonal peaks of operation, are as follows:

(c) For a period or periods of not more than 10 workweeks in the aggregate in any calendar year, or 14 workweeks in the aggregate in the case of an employer who does not qualify for the exemption in subsection (d) of this section, any employer may employ any employee for a workweek in excess of that specified in subsection (a) [which prohibits employment for more than specified numbers of hours without specified overtime compensation] without paying the compensation for overtime employment prescribed in such subsection if such employee (1) is employed by such employer in an industry found by the Secretary to be of a seasonal nature, and (2) receives compensation for employment by such employer in excess of 10 hours in any workday, or for employment by such employer in excess of 50 hours in any workweek, as the case may be, at a rate not less than one and one-half times the regular rate at which he is employed.

(d) For a period or periods of not more than 10 workweeks in the aggregate in any calendar year, or 14 workweeks in the aggregate in the case of an employer who does not qualify for the exemption in subsection (c) of this section, any employer may employ any employee for a workweek in excess of that specified in subsection (a) [which prohibits employment for more than specified numbers of hours without specified overtime compensation] without paying the compensation for overtime employment prescribed in such subsection, if such employee—

(1) Is employed by such employer in an enterprise which is in an industry found by the Secretary—

(A) To be characterized by marked annually recurring seasonal peaks of operation at the places of first marketing or first processing of agricultural or horticultural commodities from farms if such industry is engaged in the handling, packing, preparing, storing, first processing, or canning of any perishable agricultural or horticultural commodities in their raw or natural state, or

(B) To be of a seasonal nature and engaged in the handling, packing, storing, preparing, first processing, or canning of any perishable agricultural or horticultural commodities in their raw or natural state, and

(2) Receives compensation for employment by such employer in excess of 10 hours in any workday, or for employment in excess of 48 hours in any workweek, as the case may be, at a rate not less than one and one-half times the regular rate at which he is employed.

(b) The authority to make the findings contemplated by sections 7(c) and 7(d) of the Act has been delegated to the

Administrator of the Wage and Hour and Public Contracts Divisions (hereinafter called the Administrator). Each of these exemptions shall apply only to those industries which are the subject of currently effective findings.

(c) The regulations in this Part 526 set forth the general policies which will be observed by the Administrator in making, modifying, and revoking the findings on which the exemptions provided in sections 7(c) and 7(d) of the Act depend, provide the procedures whereby the requisite findings are made, amended, and revoked, and publish the lists setting forth each industry for which there exists a currently effective finding resulting in an exemption of either or both types for it.

§ 526.2 Issues.

The exemptions provided in the statutory provisions quoted in § 526.1(a) present three questions of fact which are relevant to the issue whether either or both exemptions has application to a particular industry. They are stated in paragraphs (a), (b), and (c) of this section.

(a) Is the industry of a seasonal nature?

(b) Is the industry engaged in the handling, packing, storing, preparing, first processing, or canning of perishable agricultural or horticultural commodities in their raw or natural state?

(c) If the industry is not of a seasonal nature, is it characterized by marked annually recurring seasonal peaks of operation at the places of first marketing or first processing of perishable agricultural or horticultural commodities from farms?

(d) A determination that an industry qualifies for the exemption in section 7 (c) or 7(d) depends upon affirmative answers to the questions stated in paragraps (a), (b), and (c) of this section. Affirmative answers to both the questions presented in paragraph (a) and paragraph (b) of this section will result in a determination that both exemptions apply, and listing the industry in § 526.12. Affirmative answer to the question presented in paragraph (a), with negative or no answer to the question presented in paragraph (b), will result in a determination that the exemption provided in section 7(c) of the Act has application, but the exemption provided in section 7 (d) of the Act does not, and listing the industry in § 526.10. Affirmative answers to the questions presented by paragraphs (b) and (c), with negative or no answer to the question presented in paragraph (a), will result in a determination that the exemption provided in section 7(d) of the Act, but not the one provided in section 7(c) of the Act, has application, and listing the industry in § 526.11.

§ 526.3 Meaning of industry.

(a) The term "industry" as used in this part means a trade, business, industry, or branch thereof, or group of industries in which individuals are gainfully employed.

(b) In determining whether the operations for which exemption is sought constitute an industry or a separable branch of an industry, the following factors, among others, may be considered: The extent to which the activity carried on and the products under consideration are distinguishable from other activities and products, the geographical locations of the operations, the comparability of techniques and physical facilities with those found in other situations, the extent of integration with other operations, the extent of separation of employees performing the operations involved, established classifications in the industry, and any competitive factors involved.

(c) Affirmative findings on questions presented in § 526.2 (a), (b), and (c), whenever made by the Administrator as provided in this part, will define and delimit the scope of the industry to which they apply. No exemption under section 7(c) or 7(d) of the Act which is dependent on any such finding may be taken with respect to any employee in a workweek when he is employed in any enterprise, operation, or activity not included in the scope of such industry as thus defined and delimited.

§ 526.4 Policies.

(a) *Industries of a seasonal nature.* The Administrator will find an affirmative answer to the question presented in § 526.2(a) if the industry:

(1) Engages in handling, extracting, or processing materials during a season or seasons in a regularly, annually recurring part or parts of the year not substantially greater than 6 months, and ceases production, apart from work such as maintenance, repair, clerical, and sales work, in the remainder of the year, because of the fact that, by reason of climate or other natural conditions, the materials handled, extracted, or processed, in the form in which such materials are handled, extracted, or processed, are not available in the remainder of the year, or

(2) It engages in the handling, preparing, packing, or storing of agricultural commodities in their raw or natural state, and receives 50 percent or more of the annual volume of the products on which its operations are performed in a period or periods amounting in the aggregate to not more than 14 workweeks.

(b) *Perishable agricultural or horticultural commodities.* Pending revision of Part 780 of this chapter responsive to the Fair Labor Standards Amendments of 1966, the Administrator will be guided in finding the answers to the question presented by § 526.2(b) by the principles expressed in the following sections of Part 780 of this chapter where applicable: Handling, § 780.727 through § 780.729; packing, § 780.731; preparing, § 780.742; storing, § 780.732 and § 780.733; canning, §§ 780.758 through 780.764, and 780.950; first processing, § 780.951; and raw or natural state, § 780.743.

(c) *Seasonal peaks of operation.* The Administrator will find an affirmative answer to that portion of the question presented by § 526.2(c) requiring that there be seasonal peaks of operation if, in the industry as a whole, or typically in the establishments therein, there is a period or periods of not less than 1 month nor significantly greater than 3 months during each calendar year in which operations of the establishments in the industry must be adjusted to care for a seasonal influx of commodities in their raw or natural state which is substantially greater in volume than the average inflow of such commodities in the other months of the year. Pending revision of Part 780 of this chapter responsive to the Fair Labor Standards Amendments of 1966, the principles expressed in the following sections of that part, to the extent applicable, will guide the Administrator in applying the terms of the remaining portion of the question presented in § 526.2(c): First marketing, § 780.416; first processing, §§ 780.951 and 780.415; agricultural and horticultural commodities, §§ 780.121, 780.709 through 780.714; and from farms, § 780.414.

§ 526.5 Petitions and requests.

Any person may file with the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, a written petition to initiate proceedings to make, amend, or revoke findings with reference to a defined industry on the questions presented by § 526.2 (a), (b), and (c) and the responsive lists of exempt industries in §§ 526.10, 526.11, and 526.12.

§ 526.6 Initiating proceedings.

(a) The Administrator will consider every petition submitted pursuant to § 526.5. He will initiate proceedings in accordance with this part whenever he determines that such action is justified, and before any change is made in the lists provided in §§ 526.10, 526.11, and 526.12.

(b) The Administrator may also initiate proceedings on his own motion in accordance with this part.

§ 526.7 Notice of proceedings.

Notice of the initiation of proceedings shall be published in the FEDERAL REGISTER. Such notice will (a) refer to section 7(c) or section 7(d) or both such sections of the Fair Labor Standards Act of 1938 (29 U.S.C. 207 (c) and (d)), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290) as authority for the proposal and direct attention to this Part 526 of Title 29 of the Code of Federal Regulations governing the procedure, (b) contain the terms or substance of the proposed finding, or a statement of the subjects and issues involved, and (c) invite interested persons to participate in the proceedings through the submission of pertinent written data, views, and arguments, specifying the time and place for such submissions. If the Administrator decides that the opportunity for written participation is to be supplemented with an opportunity for oral participation, a time and place shall also be specified for oral submissions of evidence.

§ 526.8 Procedures governing oral participation.

Such oral submissions as may be invited by the notice shall be heard at proceedings presided over by an examiner appointed under section 11 of the Administrative Procedure Act. Submissions pursuant to § 526.7 shall be made available for inspection by those participating. Such proceedings shall be reported, and transcripts made available to interested persons on such terms as the hearing examiner may provide. Any pertinent investigations or studies made by the Wage and Hour and Public Contracts Divisions and the support of any proposal it may make shall be presented, through witnesses supplied by the Divisions, by an attorney assigned by the Solicitor of Labor, who may call and examine such other witnesses and undertake such cross examination of witnesses called by others, as may seem appropriate. Subject to such limitations as the hearing examiner may impose to expedite the proceedings, limit the record, and confine it to pertinent matter, every interested person in attendance or represented at the proceedings shall have the opportunity to give evidence through witnesses he may produce, cross examine witnesses produced by others, and make argument based on all the evidence received. The hearing examiner shall regulate the course of the proceedings and dispose of procedural requests, objections, and comparable matters. He shall have power, in his discretion, to administer oaths and affirmations, to enforce his decisions by governing the content of the record and by excluding persons from the room where evidence is received whose presence he considers inappropriate, and to keep the record open for a reasonable stated time after the oral presentations to receive written proposals and supporting reasons, based on the record of the proceedings, from those who have participated in making it.

§ 526.9 Certification of record.

Following the close of the record of any oral proceeding held pursuant to §§ 526.6 and 526.7, the hearing examiner shall certify to the Administrator the transcript of the proceeding, all exhibits received in evidence, and any proposals and supporting reasons that may have been filed pursuant to leave granted at the proceeding, together with any comments he may deem helpful concerning any issue as to credibility of witnesses that may have developed at the proceeding. Following receipt of all written data, views, or argument submitted in accordance with a notice provided in § 526.7 and certification of the record of any oral proceeding held pursuant to § 526.7 and § 526.8, the Administrator shall consider all relevant material presented together with such other pertinent information as may be available to him, and find the answers to the questions listed in § 526.2 which are presented for decision. The Administrator's decision will be expressed in a document signed by him and published in the FEDERAL REGISTER making any necessary amendments to the lists provided in §§ 526.10, 526.11, and 526.12. Such document will incorporate a concise statement of its basis and purpose, and, except to the extent that it relieves a restriction, shall provide an effective date for the change not less than 30 days after the date of publication in the FEDERAL REGISTER, unless a shorter time is provided for good cause found and expressed in the document.

§ 526.10 Industries of a seasonal nature.

The following industries as defined in the FEDERAL REGISTER citation given for each, but no other industries, have been found to be of a seasonal nature within the meaning of section 7(c) of the Fair Labor Standards Act of 1938, as amended, but have not been found to qualify for the exemption in section 7(d) of such Act. An employer operating an establishment in an enterprise in any such industry in which operations named in the finding are carried on may select the workweeks (not more than 14) in each calendar year in which the partial overtime exemption provided by section 7(c) will be applied to employees in such establishment. (See § 516.18 of this chapter.) During each of the workweeks thus selected, any employee may be employed by an employer in such establishment without payment of the overtime compensation prescribed by section 7(a) of the Act, if such employee is not employed in any nonexempt work outside the scope of the industry and is paid overtime compensation at a rate not less than one and one-half times the regular rate at which he is employed for all hours worked in such workweek in excess of 10 in any workday or in excess of 50 in the workweek, whichever is greater. No employer, however, is permitted to employ any employee under the special provisions of section 7(c) in any industry in the following list for more than 14 workweeks in any calendar year.

Industry	Date of finding	Citation
Alfalfa and coastal bermuda grass (Artificial drying, subsequent manufacture of meal, and the making of dehydrated pellets)	Feb. 5, 1964	29 F.R. 1722
	Sept. 7, 1945	10 F.R. 11643
Beet sugar		
Cane sugar:		
Processing and milling branch, Louisiana	(Nov. 16, 1939	4 F.R. 4615
	(July 20, 1951	16 F.R. 7025
Redefinition (bagasse drying)	July 13, 1944	9 F.R. 8175
Redefinition (all operations)	July 7, 1945	10 F.R. 11643
Citrus pulp and waste dehydrating in Texas	(Mar. 25, 1943	8 F.R. 3811
	(Jan. 18, 1956	21 F.R. 337
Clay products, brick manufacturing branch, Maine, Vermont, and New Hampshire	Dec. 27, 1939	5 F.R. 128
Cotton ginning	Feb. 9, 1951	16 F.R. 1500
Cotton, raw, storing	Sept. 19, 1940	5 F.R. 3772
Crushed stone, northern branch [1]	July 8, 1940	5 F.R. 2526
Supplementary determinations:		
No. 1 (The Gottron Bros., Sandusky County, Ohio)	Aug. 29, 1940	5 F.R. 3597
No. 2 (Kelley Island Lime and Transport Co., Erie County, Ohio)	Sept. 5, 1940	5 F.R. 3618
No. 3 (T. P. Rogers Stone Co., Monroe County, Pa.)	Sept. 6, 1940	5 F.R. 3618
No. 4 (LeRoy Lime and Crushed Stone Corp., Genesee County, N.Y.)	do	5 F.R. 3619
No. 5 (General Crushed Stone Co., Genesee County, N.Y.)	Sept. 7, 1940	5 F.R. 3658
No. 6 (General Crushed Stone Co., Luzerne County, Pa.)	do	5 F.R. 3659
No. 7 (Coon Certified Concrete, Luzerne County, Pa.)	(Sept. 13, 1940	5 F.R. 3770
	(Feb. 13, 1957	22 F.R. 895
No. 8 (Abram Cleason, Wayne County, N.Y.)	Sept. 13, 1940	5 F.R. 3848
No. 9 (Genesee Stone Products Corp., Genesee County, N.Y.)	do	5 F.R. 3849
No. 10 (Rowe Contracting Co., Suffolk and Middlesex Counties, Mass.)	do	5 F.R. 3849
No. 12 (Suffern Stone Co., Rockland County, N.Y.)	Feb. 17, 1941	6 F.R. 1051
No. 13 Warren Brothers Roads Company	(Oct. 25, 1960	15 F.R. 7244
	(Apr. 23, 1952	17 F.R. 3581
Decorative greens, certain branches	Mar. 8, 1940	5 F.R. 1020
Flax straw, unloading, weighing, loading, handling, baling and storage:		
Minnesota, North Dakota, South Dakota, and Iowa	(Aug. 1, 1953	18 F.R. 4517
	(Feb. 22, 1955	20 F.R. 1097
Fur, raw, receiving	Jan. 8, 1941	6 F.R. 196
Gold, placer, open-cut mining:		
Alaska	Jan. 15, 1964	29 F.R. 342
Grain; flaxseed, buckwheat, soybeans, rough rice: storing and drying before storage in country grain elevators, public terminal and sub-terminal grain elevators, wheat flour mill elevators, non-elevator type bulk storage establishments, and flat warehouses	(Apr. 3, 1959	24 F.R. 2584
	(May 5, 1959	24 F.R. 3581
Grass, clover, and other forage seed crops, cleaning and preparing	July 17, 1956	21 F.R. 5055
Ice, natural, harvesting and packing	Jan. 27, 1939	4 F.R. 463
Landscape contracting (except in California, Oregon, and Washington)	July 18, 1940	5 F.R. 2616
Lumber:		
Ice and snow road hauling branch, Maine, Massachusetts, New Hampshire, Pennsylvania, Vermont, Michigan, Minnesota, Wisconsin, and New York	May 10, 1939	4 F.R. 2022
Pulpwood sap peeling branch	do	4 F.R. 2022
Spring freshet driving branch:		
Maine, New Hampshire, New York, and Vermont	do	4 F.R. 2022
Michigan, Minnesota, and Wisconsin	Aug. 22, 1939	4 F.R. 3717
United States	Apr. 11, 1940	5 F.R. 1438
Meat curing and packing (Virginia-Smithfield)	Feb. 28, 1940	5 F.R. 815
Nursery stock, storing and packing	Dec. 2, 1940	5 F.R. 4801
Peanut handling, packing, shelling, etc	Dec. 23, 1940	5 F.R. 5262
Peat materials, production, northern branch [2]	Dec. 3, 1940	5 F.R. 4816
Pecan packing	Dec. 19, 1940	5 F.R. 5218
Rabbits, wild and other wild fur-bearing animals, skinning of	Dec. 11, 1942	7 F.R. 10495
Sand and gravel, northern branch [1]	Mar. 8, 1940	5 F.R. 1069
Supplementary determinations:		
No. 1 (Portland Sand and Gravel Co., Northampton County, Pa.)	May 29, 1940	5 F.R. 2123
No. 2 (J. C. O'Connor & Sons, Miami County, Ind.)	Aug. 22, 1940	5 F.R. 3497
No. 3 (Klamath Concrete Pipe Co., Klamath County, Oreg.)	Sept. 19, 1940	5 F.R. 3771
No. 4 (Kickapoo Sand and Gravel Co., Inc., Peru, Ind.)	Nov. 25, 1940	5 F.R. 4670

See footnotes at end of table.

Industry	Date of finding	Citation
Seed:		
Hybrid corn, processing	Oct. 19, 1939	4 F.R. 4311
Garden, and seed corn, cleaning and preparing	Apr. 26, 1940	5 F.R. 1601
Sorgo processing into sorgo sirup in Iowa	Sept. 8, 1943	8 F.R. 12529
Soybeans:		
Receiving for storage by cottonseed crushing mills	Oct. 2, 1950	15 F.R. 6696
Handling by cottonseed crushing mills	Mar. 6, 1954	19 F.R. 1271
Sugar cane processing and milling in the State of Florida	{Oct. 18, 1951 {Apr. 7, 1961	16 F.R. 10807 26 F.R. 3304
Timber operations involving Lodgepole pine, etc., in States of Colorado, Wyoming, and Utah	Sept. 27, 1940	5 F.R. 3905
Tung nuts, milling	July 3, 1954	19 F.R. 4080
Tobacco:		
Auction and loose leaf branch using leaf tobacco of types 11, 12, 13, 14, 21, 22, 23, 24, 31, 35, 36, and 37	Jan. 27, 1939	4 F.R. 463
Green leaf, buying, handling, stemming, redrying, packing, and storing of types 11, 12, 13, 14, 21, 22, 23, 24, 31, 35, 36, and 37	do	4 F.R. 462
Green leaf, buying, handling, sorting, grading, packing, and storing of type 32	May 29, 1940	5 F.R. 2094
Perishable cigar leaf tobacco, buying, handling, stripping, sorting, grading, sizing, packing, and stemming prior to packing, types 41–46, 51–55, 61, and 62	Mar. 7, 1939	4 F.R. 1186
Walnuts and filberts, unshelled, drying, packing, and storing	Aug. 13, 1941	6 F.R. 4132
Wild rice, processing in State of Minnesota	Sept. 13, 1945	10 F.R. 11883
Wool, raw shorn fleece, receiving	June 12, 1941	6 F.R. 2875
Wool, raw shorn, Texas, and/or mohair; receiving for storage in Texas	June 2, 1950	15 F.R. 3518

[1] The northern branch includes counties within the isothermic belt below 25 degrees Fahrenheit or which are touched by the 25-degree isotherm.
[2] The northern branch includes Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Michigan, Wisconsin, Minnesota, Illinois, Iowa, Indiana, North Dakota, South Dakota, Colorado, Utah, Nevada, Montana, Idaho, Oregon, and Washington.

§ 526.11 Industries characterized by annually recurring seasonal peaks of operations.

The following industries as defined in the FEDERAL REGISTER citation given for each, but no other industries, have been found to be of a seasonal nature within the meaning of section 7(d) of the Fair Labor Standards Act of 1938, as amended, but have not been found to qualify for the exemption in section 7(c) of such Act. An employer operating an establishment in an enterprise in any such industry in which operations named in the finding are carried on may select the workweeks (not more than 14) in each calendar year in which the partial overtime exemption provided by section 7(d) will be applied to employees in such establishment. (See § 516.19 of this chapter.) During each of the workweeks thus selected, any employee may be employed by an employer in such establishment without payment of the overtime compensation prescribed by section 7(a) of the Act, if such employee is not employed in any nonexempt work outside the scope of the industry and is paid overtime compensation at a rate not less than one and one-half times the regular rate at which he is employed for all hours worked in such workweek in excess of 10 in any workday or in excess of 48 in the workweek, whichever is greater. No employer, however, is permitted to employ any employee under the special provisions of section 7(d) in any industry in the following list for more than 14 workweeks in any calendar year.

Industry	Date of finding	Citation

§ 526.12 Seasonal industries engaged in certain operations on perishable agricultural or horticultural commodities.

The following industries as defined in the FEDERAL REGISTER citations given for each, but no other industries, have been found to be seasonal in nature and engaged in certain operations on perishable agricultural or horticultural commodities so that both the partial exemptions from the maximum hours requirement of the Fair Labor Standards Act of 1938 provided in its sections 7(c) and 7(d) apply to them. An employer operating an establishment in an enterprise in any such industry in which operations named in the finding are carried on may select the workweeks (not more than 10 for each exemption, or a total of 20 for both exemptions) in each calendar year in which the partial overtime exemptions provided by sections 7(c) and 7(d) will be applied in such establishment. (See §§ 516.18 and 516.19 of this chapter.) During each of the 20 workweeks thus selected, any employee may be employed by an employer in such establishment without payment of the overtime compensation prescribed by section 7(a) of the Act, if such employee is not employed in any nonexempt work outside the scope of the industry and is paid overtime compensation at a rate not less than one and one-half times the regular rate at which he is employed for all hours worked in such workweek in excess of 10 in any workday or in excess of 50 in not more than 10 of the workweeks which may be attributed to section 7(c), or in excess of 10 hours in any workday or in excess of 48 hours in the workweek in not more than 10 of the workweeks which may be attributed to section 7(d), whichever number of hours attributed to daily or weekly overtime work is greater. No employer, however, is permitted to employ any employee under the special provisions of sections 7(c) and 7(d) combined in any industry in the following list for more than 20 workweeks in any calendar year.

Industry	Date of finding	Citation

[F.R. Doc. 67-3951; Filed, Apr. 10, 1967; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 888a—ENLISTMENT OF NONPRIOR SERVICE PERSONNEL IN READY RESERVE UNIT PROGRAMS

Part 888a is revised to read as follows:

Sec.
888a.0 Purpose.

Subpart A—Policy

888a.1 Policy.

Subpart B—Air Force Reserve Units in Training Category A

888a.10 What this program is.
888a.11 Who may enlist.
888a.12 How to enlist.
888a.13 Active duty for training (ACDUTRA).
888a.14 Participation in Reserve training.
888a.15 Action required when a member's unit is inactivated or when he moves from vicinity of unit.
888a.16 Release of members from this program.

Subpart C—Air National Guard of the United States

888a.20 What this program is.
888a.21 Who may enlist.
888a.22 How to enlist.
888a.23 Active duty for training (ACDUTRA).
888a.24 Participation in training.
888a.25 Action required when a member's unit is inactivated or when he moves from vicinity of unit.
888a.26 Release of members from this program.

Subpart D—Miscellaneous Provisions

888a.30 Unsatisfactory participation while on active duty for training.
888a.31 Courts-martial jurisdiction.
888a.32 Retention on active duty for training.
888a.33 Hospitalization and disability.
888a.34 Leave.
888a.35 Promotion.
888a.36 Release from active duty for training.

AUTHORITY: The provisions of this Part 888a issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFM 35-3Q, Feb. 7, 1967.

§ 888a.0 Purpose.

This part describes the purpose and explains Air Reserve Forces airman enlistment programs in Ready Reserve units available to qualified draft eligible applicants without prior military service. It also outlines the policies and procedures that apply.

Subpart A—Policy

§ 888a.1 Policy.

The Department of Defense has directed that the following policies be promulgated by February 1, 1967:

(a) Minimum standards for enlistment in any vacancy in any Reserve component shall be the same as the minimum standards for active duty enlistment in the occupational specialty concerned.

(b) It shall be normal practice to accept the earliest applicant for enlistment who meets the minimum qualifications for a vacancy and whose availability to serve with the unit is assured. Exceptions may be made when, in the best judgment of those responsible for the procurement of Reserve personnel, the individual's significant civilian experience in the occupational skill concerned is considered to warrant it.

Subpart B—Air Force Reserve Units in Training Category A

§ 888a.10 What this program is.

This program provides for the enlistment within available recruiting quotas of selected qualified nonprior service applicants to fill authorized grade and skill vacancies in Category A units organized to serve on active duty as units. Persons enlisting are required to serve on active duty for training for at least 4 months. After completing the initial active duty for training tour, an airman will return to his Air Force Reserve unit of assignment and must participate satisfactorily in Ready Reserve training for the remainder of his enlistment, unless sooner designated a member of the Standby Reserve.

§ 888a.11 Who may enlist.

Individuals without prior military service who are 17 but not yet 26 years old may enlist if:

(a) They meet requirements of AFR 45-47 (Enlistment and Reenlistment in the Air Force Reserve) and certify their understanding of applicable military service obligation and participation requirements.

(b) Before enlistment, they qualify by scoring the minimum aptitude index prescribed in AFM 35-1 (Military Personnel Classification Policy Manual (Officers, Warrant Officers, Airmen)) in the career field subdivision for which considered.

(c) A recruiting quota is available and grade and skill vacancies for which they are qualified exist in the Category A unit.

(d) They do not hold and have never held status as a member of any other armed service including any Reserve component.

(e) They have not been ordered to report for induction. Their draft status must be verified with the local selective service board immediately before enlistment.

§ 888a.12 How to enlist.

Individuals may apply for enlistment to any Category A unit organized to serve on active duty as a unit. Continental Air Command (CAC) will establish appropriate priorities and quotas for recruiting. The Category A unit must have a vacancy within its manning document and within the quotas established for the unit.

(a) Applicants will be enlisted under AFR 45-47 and must be qualified as outlined therein. AFR 45-47 and this part will be cited as authority on DD Form 4, Enlistment Record—Armed Forces of the United States.

(b) Enlistment will be in the grade of Basic Airman (E-1), except that a member of the Civil Air Patrol (CAP) who possesses a Certificate of Proficiency or a letter from CAP headquarters indicating successful completion of the CAP training program may be enlisted in the grade of Airman Third Class (E-2). The notation "CAP Certificate" will be placed in the remarks item on DD Form 4 and will be initiated by the enlistee.

(c) Enlistment as a Reserve of the Air Force for service in the Air Force Reserve will be for 6 years.

(d) Before enlisting, individuals must agree in writing to serve on active duty for training for a minimum of 4 months or for a longer period that would enable completion of any formal technical or other qualifying training applicable to their Air Force specialty.

§ 888a.13 Active duty for training (ACDUTRA).

(a) All nonprior service enlistees will be ordered to ACDUTRA for a minimum period of 4 months and such additional period as may be required to complete technical training and on-the-job training (OJT) appropriate to the specialty for which enlisted.

(b) Air Force Reserve orders for the initial ACDUTRA tour will be issued not earlier than 60 days before the individual's scheduled reporting date. Orders will cite 10 U.S.C. 672(d). A member is required to enter ACDUTRA within 120 days after enlistment. However, he may be delayed beyond 120 days only when approved by CAC. Delays may be authorized for but not limited to the following reasons:

(1) Until the technical training course is available if enlisted for a position requiring a highly specialized skill, or

(2) Until security clearance action is completed if enlisted for a position or if scheduled to attend a technical training course where either or both require access to classified information or equipment, or

(3) Temporary physical disqualification. Member will enter as soon as the physical disqualification is resolved.

NOTE: Delays may be authorized under subparagraph (1), (2), or (3) of this paragraph only for the minimum period necessary and shall in no event exceed 1 year.

(c) The training program consists of basic military training and one of the following until a minimum of 4 months ACDUTRA has been completed:

(1) Basic technical training.

(2) OJT at the member's home station or nearest military installation having OJT capability in the appropriate specialty. OJT will be scheduled only for individuals qualified at the time of enlistment for award of a specialty at the semiskilled level, or for individuals enlisted in a specialty for which no technical training is available.

(3) A combination of technical training and OJT.

§ 888a.14 Participation in Reserve training.

(a) An enlistee is not to participate in Reserve training before entry on his initial ACDUTRA tour.

(b) After completing the initial ACDUTRA tour, the member will be returned to his Category A unit of assignment and must satisfactorily participate in Reserve training. Satisfactory participation of members consists of attendance and satisfactory performance of assigned duties in at least 48 scheduled drills and 15 days of ACDUTRA annually, unless excused therefrom by proper authority. Satisfactory performance includes successful completion of on-the-job upgrade training within maximum allowable time limits.

§ 888a.15 Action required when a member's unit is inactivated or when he moves from vicinity of unit.

If a member's change of residence or inactivation of the unit precludes his further Reserve participation with the unit, the member will:

(a) Be assigned to another Category A Reserve unit, or

(b) Be encouraged to enroll in the Air Force Reserve Officers' Training Corps (AFROTC) if attending an appropriate educational institution, or

(c) If possible, be enlisted for service in the Air National Guard of the United States (ANGUS), or

(d) If an assignment as provided in paragraph (a), (b), or (c) of this section is not available, he will be assigned by CAC to an appropriate major command mobilization augmentation position (Training Category A, Pay Group A—for members on flying status) (Training Category B, Pay Group B—for members not on flying status), or

(e) If an assignment as provided in paragraph (a), (b), (c), or (d) of this section is not available, be assigned by CAC to a major command mobilization augmentation position (Training Category E, Pay Group E).

(f) Be assigned to the Obligated Reserve Section (ORS) if an assignment is not available and remain in this status until assignment action in this section is possible.

§ 888a.16 Release of members from this program.

A member may enlist in the Regular Air Force under Part 888 of this chapter at any time during his Reserve service. After completing his initial ACDUTRA tour, the member may be granted a conditional release under AFR 45-35 (Military Service Obligations and Transfer Between the Armed Services and Between Reserve Components of the Air Force) to serve in the ANGUS or to enlist in a Regular or Reserve component of another armed service.

Subpart C—Air National Guard of the United States

§ 888a.20 What this program is.

This program provides for enlistment and training of qualified nonprior service personnel to fill authorized grade and skill vacancies within ANG units. Persons enlisting are required to serve on ACDUTRA for at least 4 months. Enlistment of nonprior service personnel for service in the ANGUS will not be ac-

cepted other than as a part of this program.

§ 888a.21 Who may enlist.

Individuals without prior military service who are 17 but not yet 36 years of age may enlist if:

(a) They meet the physical, mental, moral, and general qualifications prescribed by ANG regulations and are otherwise acceptable to the Adjutant General of the State in which enlistment is contemplated.

(b) They certify that they understand the applicable military service obligation and participation and training requirements applicable to their age group.

(c) Grade and skill vacancies exist in the ANG unit.

(d) They do not hold status as a member of any other armed service including any Reserve component.

(e) They have not been ordered to report for induction. Their draft status must be verified with the local Selective Service Board immediately before enlistment.

§ 888a.22 How to enlist.

Individuals may apply for enlistment to the Adjutant General of any State, or to the commander of any ANG unit.

(a) Applicants will be enlisted under the appropriate ANG regulation.

(b) Enlistments will be in the grade of Basic Airman (E–1), except that a member of the CAP who possesses a Certificate of Proficiency or a letter from CAP Headquarters, indicating successful completion of the CAP training program may be enlisted in the grade of Airman Third Class (E–2). The notation "CAP Certificate" will be placed in the remarks item in DD Form 4, and initialed by the enlistee.

(c) Enlistment as a Reserve of the Air Force for service in the ANGUS will be for 6 years.

(d) Before enlisting, individuals must agree in writing to serve on ACDUTRA for a minimum of 4 months or for a longer period that would enable completion of any formal technical or other qualifying training applicable to their Air Force specialty.

(e) Upon enlistment, DD Form 44, "Record of Military Status of Registrant," will be prepared and distributed.

(f) When an otherwise qualified applicant questions his denial of enlistment because of nonselection for a quota vacancy, he will be advised:

(1) Of the policy in § 888a.1.

(2) That he may have his name retained on a waiting list pending the availability of another recruiting quota and may check his status at any time.

(3) Of other Reserve units to which he may apply for enlistment.

(4) That in the event he feels additional review of his application is warranted, he may appeal the denial of his immediate enlistment. The appeal will be in writing and will be forwarded to the Adjutant General of the State for final consideration. The unit will offer any necessary assistance in preparing the appeal.

§ 888a.23 Active duty for training (ACDUTRA).

(a) All nonprior service enlistees will be ordered to ACDUTRA in Federal status under the provisions of 10 U.S.C. 672(d), with the consent of the Governor or other appropriate authority of the State for a minimum period of 4 months and such additional period as may be required to complete the technical training and OJT appropriate to the specialty for which enlisted.

(b) Orders for a member's initial ACDUTRA tour will be issued not earlier than 60 days before his scheduled reporting date. A member is required to enter on ACDUTRA within 120 days after enlistment, except that his entry may be delayed:

(1) Until the technical training course is available if enlisted for a position requiring a highly specialized skill, or

(2) Until security clearance action is completed if enlisted for a position or if scheduled to attend a technical training course where either or both require access to classified information or equipment, or

(3) Temporary physical disqualification. Member will enter as soon as the physical disqualification is resolved.

NOTE: Delays may be authorized under subparagraph (1), (2), or (3) of this paragraph only for the minimum period necessary and shall in no event exceed 1 year.

(c) The training program consists of basic military training and one of the following until a total of 4 months ACDUTRA has been completed:

(1) Basic technical training.

(2) OJT at the member's home station or nearest military installation having OJT capability in the appropriate specialty. OJT will be scheduled only for individuals who are qualified at the time of enlistment for award of a specialty at the semi-skilled level, or for those individuals enlisted in a specialty for which no technical training is available.

(3) A combination of technical training and OJT.

(d) Upon completion of or elimination from prescribed ACDUTRA, the member will be returned to his home station.

§ 888a.24 Participation in training.

Satisfactory participation of members consists of attendance and satisfactory performance of training duty.

§ 888a.25 Action required when a member's unit is inactivated or when he moves from vicinity of unit.

(a) If possible, be enlisted in another ANG unit, or

(b) Be discharged from the ANGUS and transferred to the Air Force Reserve for assignment to:

(1) A Category A unit, or

(2) Be encouraged to enroll in AFROTC if attending an appropriate educational institution, or

(3) If an assignment as provided in paragraph (a) of this section or subparagraph (1) or (2) of this paragraph is not available, the member will be assigned by CAC to an appropriate major command mobilization augmentation position (Training Category A, Pay Group A—for members on flying status) (Training Category B, Pay Group B—for members not on flying status), or

(4) If an assignment as provided in paragraph (a) of this section or subparagraph (1) through (3) of this paragraph is not available, be assigned by CAC to a major command mobilization position (Training Category E, Pay Group E).

(5) If no assignment is available, he will be assigned to the ORS and remain in this status until assignment action in this section is possible.

§ 888a.26 Release of members from this program.

(a) *During the initial period of active duty for training.* Members will not be granted conditional releases to enlist in any other component (including USAF or Air Force Reserve) of the armed forces while serving on the ACDUTRA tour.

(b) *After the initial period of active duty for training.* The commander of the unit of assignment, within prescribed policy on releases for this purpose, may permit the conditional release of airmen.

Subpart D—Miscellaneous Provisions

§ 888a.30 Unsatisfactory participation while on active duty for training.

(a) General: Individuals ordered to ACDUTRA under this part must perform duty and training in a satisfactory manner. If a member commits an offense which the commander of the unit of attachment determines to be of sufficient significance to warrant a finding of unsatisfactory participation, a documented report together with a medical evaluation, if applicable, will be forwarded to CAC (for Air Force Reserve members) or to the Adjutant General of the appropriate State (for ANGUS members) for processing and appropriate action. Unless the commander having courts-martial jurisdiction desires to exercise his prerogative under the Uniform Code of Military Justice or unless administrative board action is considered appropriate under AFR 45–43 (Administrative Discharge of Airmen Members of the Air Force Reserve), the commander of the unit of attachment will issue orders to relieve the members from attachment and direct him to proceed to address of entry on ACDUTRA at which time he will revert to inactive duty. Nothing in this section is to be construed as limiting the provisions of § 888a.31. Commanders referred to in § 888a.31 will take action in accordance with the Uniform Code of Military Justice when appropriate.

(1) Typical but not all-inclusive reasons for a finding of unsatisfactory participation are:

(i) Failure to comply with ACDUTRA orders.

(ii) Absence without leave.

(iii) Failure of any training course when the failure is within the control of the member.

(iv) Determining that discharge action is appropriate under AFR 45–43 (see paragraph (b) of this section).

(v) Conviction by courts-martial.

(vi) Lost time, unless made up with the approval of the Commander, CAC (for Air Force Reserve members) or the Adjutant General of appropriate State (for ANGUS members).

(2) A member may be relieved from ACDUTRA because of personal hardship under the criteria outlined in chapter 3, section E, AFM 39–10 (Separation Upon Expiration of Term of Service, for the Convenience of the Government, Minority, Dependency and Hardship). The commander of the active establishment unit of attachment is authorized to take appropriate action.

(i) If so released, the member will be ordered to proceed to the address of entry on ACDUTRA and upon arrival thereat will revert to inactive duty.

(ii) A copy of the correspondence on approved cases will be forwarded to the ARPC, 3800 York Street, Denver, Colo. 80205 (for Air Force Reserve members), or to the Adjutant General of the appropriate State (for ANGUS members) for their use in determining whether or not the hardship conditions would also preclude the member from participating in scheduled Reserve unit training programs.

(3) A member may be relieved from technical training for personal hardship without being relieved from ACDUTRA. The member will be returned to a designated Regular Air Force unit for OJT and completion of the scheduled ACDUTRA tour. The technical training center commander is authorized to take appropriate action.

(b) When the Air Force Reserve member is eliminated from ACDUTRA for any reason or when administrative board action is considered appropriate under AFR 45–43, the unit of attachment will order the member to return to his Air Force Reserve unit of assignment for further duty and disposition.

(c) When an ANGUS member is eliminated from ACDUTRA for any reason or on whom administrative board action is considered appropriate under ANGR 39–10 (Enlisted Personnel—Discharge), he will be ordered by his unit of attachment to return to his ANGUS unit of assignment for further duty and disposition. A documented report, together with a medical evaluation if appropriate is to be forwarded by the unit of attachment to the Chief, National Guard Bureau (NG–AFPM), Washington, D.C. 20310, for processing and action.

§ 888a.31 Courts-martial jurisdiction.

Individuals ordered to ACDUTRA under this part are attached to Regular Air Force organizations for all matters pertaining to military justice, including courts-martial jurisdiction and imposition of punishment under Article 15, Uniform Code of Military Justice.

§ 888a.32 Retention on active duty for training.

Members of Reserve components will serve the specified period of ACDUTRA unless sooner released for cause or unless extended under this section. Major commanders are authorized to retain individuals involuntarily on ACDUTRA under circumstances as indicated in this section. This authority may be delegated to the commander of the unit of attachment (active establishment unit).

(a) Individuals may be retained on ACDUTRA:

(1) To permit members washed back in training through no fault of their own to continue training if such is recommended.

(2) To make up lost time.

NOTE: Must be approved by Commander, CAC (for Air Force Reserve members) or by the Adjutant General of the appropriate State (for ANGUS members).

(3) When such retention is deemed appropriate for reasons not covered in subparagraphs (1) and (2) of this paragraph.

(b) When a member is retained beyond the specified tour date completion, orders announcing the extension will be issued and copies furnished the Air Force Reserve or ANG unit of assignment in accordance with AFM 10–3 (Administrative Orders). If he is a member of the ANGUS, copies of the order will also be furnished the Adjutant General of the appropriate State by the unit of attachment.

§ 888a.33 Hospitalization and disability.

A member on an initial ACDUTRA tour as outlined in this part is entitled to the same medical care as a member of corresponding grade and service in the active military establishment. If the member's ACDUTRA orders specify a period of 30 days or more, his dependents also are eligible for medical care as provided in AFR 168–9 (Dependents Medical Care) and other applicable directives. He is entitled to pay and allowances while undergoing medical treatment, hospitalization, or rehospitalization, including processing under AFM 35–4 (Physical Evaluation for Retention, Retirement and Separation), after the expiration of his ACDUTRA tour (see Part 815 of this chapter and AFM 177–105 (Military Pay)). Chapter 8, AFM 35–4, applies to evaluation of members on ACDUTRA who may have a medical defect that would interfere with worldwide service.

§ 888a.34 Leave.

Members may be granted leave in accordance with AFM 35–22 (Leave) under the same conditions as members of the Regular Air Force. All leave granted must be taken during the ACDUTRA tour. This tour will not be increased to accommodate leaves granted. Members will be compensated for any portion of accrued leave not taken.

§ 888a.35 Promotion.

An airman ordered to ACDUTRA in the grade of Airman Basic (E–1) will be promoted to the permanent grade of Airman Third Class (E–2) upon completion of basic military training or 8 weeks of ACDUTRA in current enlistment, whichever occurs first, unless compelling military reasons prohibit such promotion. The 8 weeks will be computed from date of entry on ACDUTRA. The airman's date of rank and effective date of promotion will be the date of the promotion orders, except that an airman may be promoted on orders that specify a later effective date (but not later than the date of release from ACDUTRA).

(a) When the airman completes the minimum promotion service, the unit of attachment will issue promotion orders.

(b) When a member is considered but not promoted, he will be notified in writing and the reason for denying the promotion will be explained.

§ 888a.36 Release from active duty for training.

(a) A member will be released upon completion of 120 days ACDUTRA unless retained beyond this period to complete required technical or OJT training applicable to his Air Force specialty. A member who completes basic military training and/or technical training and has:

(1) Fifteen or more days remaining to complete the 120-day tour, will be returned to his Air Force Reserve or ANG unit of assignment for OJT and release upon completion of the ACDUTRA tour.

(2) Less than 15 days remaining to complete the 120-day tour is to be retained and released by his unit of attachment upon completion of the ACDUTRA tour.

(b) DD Form 214, "Armed Forces of the United States Report of Transfer of Discharge," will be issued to each individual released from ACDUTRA under this part.

(c) The servicing CBPO of the unit that terminates the member's ACDUTRA tour will be responsible for accomplishing and/or arranging the complete separation processing of the member. In every instance, the member is to be given a physical examination.

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67–3898; Filed, Apr. 10, 1967; 8:45 a.m.]

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart C—General Policies

§ 1001.312–50 [Amended]

1. In § 1001.312–50, the parenthetical phrase in the second and third lines of subparagraph (3) of paragraph (c) is changed to read, "(see subparagraph (2) of this paragraph)".

§ 1001.313–50 [Amended]

2. In § 1001.313–50, in line 13 the symbol is changed from "AFLC (MCSCP)" to "AFLC (MCOP)".

3. Section 1001.313–53 is added; in § 1001.321, the text is deleted; § 1001.321–50 is added; and §§ 1001.325, 1001.325–1 and 1001.325–2 are deleted. These sections now read as follows:

§ 1001.313–53 Aerospace ground equipment (AGE).

When the AGE requiremnt or a portion thereof is known (adequate description and quantities) prior to definitive contract placement, whether for development and/or production contracts or follow-on contracts, these known requirements will be specifically stated as an item of the contract. Conversely, those anticipated AGE requirements which are unknown (inadequate description and/or quantities) at the time of definitive contract placement will be met through use of the provisioning procedures (see Subpart B, Part 1055 of this subchapter).

§ 1001.321 Procurement involving work to be performed in foreign countries.

§ 1001.321–50 Designated coordination focal points.

(a) Coordinations prescribed by § 1.321 of this title will be effected in behalf of contracting officers by the appropriate designated AF oversea procurement activity. For contracts to be performed in the oversea areas listed in this paragraph, the designated activity is:

(1) USAFE: the Air Force Procurement Region European (APRE).

(2) PACAF: the Air Force Procurement Region, Far East (APRFE).

(3) Alaska: the Director of Procurement, Alaskan Air Command (AAC).

(4) USAFSO: the Director of Procurement, Southern Air Command (USAFSO).

(b) 80° east longitude will be considered the dividing line between the APRE and APRFE areas of responsibility.

(c) Responsibilities: (1) The designated activity will:

(i) Secure the coordination of and make necessary arrangements with the other major command, or his command, as is appropriate.

(ii) Obtain and furnish the contracting officer the information set forth in § 1.321(b) of this title.

(2) The contracting officer will furnish the appropriate designated activity the information specified in § 1.321(c) of this title.

§ 1001.325 Variation in quantity. [Deleted]

§ 1001.325–1 Processing variations permitted by the contract. [Deleted]

§ 1001.325–2 Processing variations not permitted by the contract. [Deleted]

Subpart G—Small Business Concerns

4. Section 1001.706–1 is revised to read as follows:

§ 1001.706–1 General.

(a) If circumstances permit the use of Preinvitation Notices (see §§ 2.205–6 of this title and 1002.205–6 of this subchapter) and the Commerce Business Daily prior to issuing IFBs or RFPs, the small business definition for that particular procurement will be included in the Preinvitation Notice and in the transmittal to the Department of Commerce. Prospective suppliers will be required to state in their replies to the Preinvitation Notices whether they qualify as small business according to that definition. In such cases no determination as to the applicability of a set-aside will be made until the replies to the Preinvitation Notices have been reviewed to determine the extent of available competition.

Subpart J—Publicizing Procurement Actions

5. In § 1001.1002, paragraph (a) is amended by deleting subparagraphs (2) through (13) and substituting the following therefor:

§ 1001.1002 Dissemination of information relating to invitations for bids and requests for proposals.

* * * * *

(a) * * *

(2) DCASD, Orlando AFB, Fla. 32813.

(3) All DCASRs.

(For DCAS addresses see DOD 4105.59–H, DOD Directory of Contract Administration Services Components.)

* * * * *

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart D—Opening of Bids and Award of Contract

6. Section 1002.407–9 is amended by adding a new paragraph (a) as follows:

§ 1002.407–9 Protests against awards.

(a) Protest of small business status: Protests of small business status received prior to or after award will be processed per instructions in § 1.703(b) of this title.

* * * * *

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart A—Use of Negotiation

7. Sections 1003.101, 1003.101–50, and paragraphs (a) and (b) of § 1003.103 are deleted as follows:

§ 1003.101 Negotiation as distinguished from formal advertising. [Deleted]

§ 1003.101–50 Requests for proposals (RFPs). [Deleted]

§ 1003.103 Records and reports of negotiated contracts.

(a) [Deleted]

(b) [Deleted]

* * * * *

8. Subpart B is revised to read as follows:

Subpart B—Circumstances Permitting Negotiation

Sec.

1003.204 Personal or professional services.
1003.204–50 Procurement of expert and consultant services by contract.
1003.210 Supplies or services for which it is impracticable to secure competition by formal advertising.
1003.210–2 Application.
1003.210–3 Limitation.
1003.211 Experimental, developmental, or research work.
1003.211–50 Sample format and justification.
1003.212 Classified purchases.
1003.212–50 Format and justification.
1003.213 Technical equipment requiring standardization and interchangeability of parts.
1003.213–4 Record and reports.
1003.213–50 Format and justification.
1003.214 Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.
1003.214–50 Format and justification.
1003.215 Negotiation after advertising.
1003.215–50 Application.
1003.215–51 Format.
1003.216 Purchases in the interest of national defense or industrial mobilization
1003.216–50 Format.
1003.217 Otherwise authorized by law.
1003.217–2 Application.

AUTHORITY: The provisions of this Subpart B issued under sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314, except as otherwise noted.

Subpart B—Circumstances Permitting Negotiation

§ 1003.204 Personal or professional services.

§ 1003.204–50 Procurement of expert and consultant services by contract.

The following procedures will be observed to obtain authority to procure expert and consultant services regardless of the negotiation authority used:

(a) For management-engineering and miscellaneous personal or professional services other than architect-engineer (see AFR 25–4 (Expert and Consultant Services)).

(b) For professional nonpersonal architect-engineer services (see Part 834 of this chapter).

§ 1003.210 Supplies or services for which it is impracticable to secure competition by formal advertising.

§ 1003.210–2 Application.

(a) When considering determinations and findings (D&F), contracting officers and approving officials will exercise due care before a determination is made that a particular item can be obtained from only one person or firm. Complete sole source substantiation must be included in the determination and finding. Merely citing this authority will not suffice.

(b) No implementation.

(c) This authority may be used only if the negotiation is for identical requirements of the Invitation for Bids. If specification deviations are authorized or the delivery requirements or quantities are changed, consideration must be given to advertising for revised requirements or negotiating under some other exception.

(d) through (x) No implementation.

(y) The contemplated procurement is for replenishment spare parts, or components, coded central procurement, and it is not economical to search for data, or review data, beyond the point necessary to identify previous sources. The "not economical" test will be deemed satisfied for the foregoing category of parts and components if the procurement is for:

(1) Spare parts, or components, where the total estimated value of any combination of identical parts, or components, procured under a contract (or order) does not exceed $2,500.

(2) Identical parts or components where the requirement for same would become so urgent if time was expended in searching for and reviewing data prior to taking procurement action, as to justify procurement under 10 U.S.C. 2304(a)(2). (The foregoing exception may be used one time only for a given part or component. Once aware of the situation, research and review of data must be undertaken in time to remove any future requirement from this category.)

§ 1003.210–3 Limitation.

Determinations and findings will set forth the particular reasons why competition by formal advertising is impracticable, and will be approved as provided in § 1003.306(b). Following is approved format for determinations and findings under 10 U.S.C. 2304(a)(10) (§ 3.210 of this title):

DEPARTMENT OF THE AIR FORCE

DETERMINATIONS AND FINDINGS

Authority To Negotiate Contract

1. The Department of the Air Force proposes to purchase _____.

2. I hereby find that the use of formal advertising would be impracticable for the following reasons: (Set forth the peculiar facts and circumstances which will justify clearly the specific determination made. These circumstances must conform to the subparagraph number inserted below).

3. I hereby determine that this procurement is for supplies for which it is impracticable to secure competition by means of formal advertising, and that the negotiation of a contract for these supplies is authorized pursuant to 10 U.S.C. 2304(a)(10) as contemplated by paragraph 3–210.2( )[1] of the Armed Services Procurement Regulation.

(s)_____
(Contracting officer)

PR._____

Approved:_____
(Name and title)

§ 1003.211 Experimental, developmental, or research work.

§ 1003.211–50 Sample format and justification.

(a) Following are formats acceptable for determinations and findings under 10 U.S.C. 2304(a)(11). The first format is for individual determinations and findings. The second format is for class determinations and findings.

(1) DEPARTMENT OF THE AIR FORCE

INDIVIDUAL DETERMINATIONS AND FINDINGS

Authority To Negotiate Contract

I hereby find this procurement is for (set forth description of work to be accomplished and enough specific facts and circumstances to justify the specific determination to be made). (This is a follow on procurement action which was originally placed through competition.) [1]

I hereby determine that the proposed procurement is for (experimental) (developmental) (or research) work (and for furnishing of property for development and test) [2] and is required in the interest of national defense.

I further determine that the use of formal advertising would be impractical because (set forth the basic reason only).

Upon the basis of the determination and findings above, I hereby authorize the negotiation of a contract for this procurement pursuant to 10 U.S.C. 2304(a)(11).

(2) DEPARTMENT OF THE AIR FORCE

DETERMINATIONS AND FINDINGS

Authority To Negotiate Contracts

This procurement will consist of one or more contracts for (set forth cursory description only) _____

I hereby find that the proposed contracts are for the procurement of (set forth description of work to be accomplished and specific facts and circumstances to justify determination to be made) _____

I hereby determine that the proposed contracts are for (experimental) (Developmental) (research) work (or for making or furnishing of property for experiment, test, development, or research) [2] and are required in the interest of national defense.

I further determine that the use of formal advertising would be impractical because (set forth specific reasons). It is to be understood, however, that this determination and findings will not be used to avoid procurement by formal advertising for items which can be procured by that method without impairing the program.

Upon the basis of the determinations and findings above, I hereby authorize the negotiation of contracts for this procurement pursuant to 10 U.S.C. 2304(a)(11). This class determination shall remain in effect until June 30, ____.[3]

(i) For easy identification the lower right-hand side of the D&F will contain the purchase request number or other identifying nomenclature (e.g., project number or weapon system number).

(ii) To relieve undue administrative processing, minimize delays to important major weapon system programs, and to provide for more operational flexibility, class determinations and findings, instead of individual determinations and findings, may be used across the entire exploratory development program or for each major research and development program when there is a good likelihood that more than one contract will be issued during a period (normally not to exceed one fiscal year) in furtherance of such program. The number of individual requests for determinations and findings that will be required should the request for class determinations and findings be disapproved will be noted in the letter of transmittal. Basic criteria which must be met in grouping effort into a class determination and findings package are:

(a) The overall program area should be controlled by "a single point of strong technical management."

(b) There should be a major thread of common technical effort to be undertaken, preferably administered through a single organization.

(c) In addition to being sufficiently definitive to determine that negotiation is, indeed, required, the total effort covered must also be specific enough to insure that only that effort which has been defined is included in the broad authorization.

(d) The total proposed effort described for authorization must fall within available resources and conform to previous program decisions.

§ 1003.212 Classified purchases.

§ 1003.212–50 Format and justification.

(a) Following is approved format for determinations and findings under 10 U.S.C. 2304(a)(12) (§ 3.212 of this title):

DEPARTMENT OF THE AIR FORCE

INDIVIDUAL DETERMINATIONS AND FINDINGS

Authority To Negotiate Contract

The Department of the Air Force proposes to purchase _____

_____

I hereby find that this procurement is for property and services which, because of military considerations, have a security classification of (Secret) (Confidential) (Top Secret) or (the purchase should not be publicly disclosed because of the character of the procurement).

I further find that the use of formal advertising would be impracticable (set forth specific reasons).

I hereby determine that the ingredients and components (character) of this property and services are (is) such that the contract (purchases) should not be publicly disclosed.

Upon the basis of the determinations and findings above, I hereby authorize the negotiation of a contract for this procurement pursuant to 10 U.S.C. 2304(a)(12).

(b) The following information will be shown in the letter of transmittal requesting determinations and findings under section 10 U.S.C. 2304(a)(12):

(1) Description of the supplies or services being purchased.

(2) Grade of classification and authority, e.g., Confidential as per JANAP 140(b).

(3) Statement of how advertising and competitive bidding would reveal security information, such as disclosure of: Specifications, classified source, classified fact that the Air Force is engaged in a project of a particular nature, etc.

(4) Statement that none of the authorities lisied in § 3.212–3 of this title could be used as authority for negotiating the procurement.

(5) Statement that except for security classification the procurement would have been effected by formal advertising or by negotiation pursuant to section 10 U.S.C. 2304(a)( ), whichever of these two methods of procurement is applicable.

§ 1003.213 Technical equipment requiring standardization and interchangeability of parts.

§ 1003.213–4 Record and reports.

The Directorate of Procurement Policy, DCS/S&L (AFSPPB), Hq USAF,

[1] Insert the appropriate subparagraph number.

[1] This statement will be added if applicable.

[2] Use the word or words "experimental," "developmental," "research," or "furnishing of property for development and test," which properly describe the work to be done.

[3] Each class determination and findings will specify an effective period which will normally not exceed 1 year.

will maintain on a current basis a master list of items for which determinations and findings have been made under this authority.

§ 1003.213–50 Format and justification.

(a) The examples for determinations and findings that are in § 1003.210 through § 1003.215 may be used as a guide in the preparation of determinations and findings under § 3.213 of this title. In preparing determinations and findings, the circumstances of the individual case will dictate the content as well as the justification to be included in the letter of transmittal. Each request for determination will include the following information:

(1) A detailed statement as to the interdepartmental coordination effected. (See § 3.213–2(c) of this title.)

(2) The method used in selecting the proposed supplier at the time of the initial procurement including the extent of competition. (See § 3.213–3 of this title.)

(3) The safeguards established to insure fair pricing after approval to standardize is received.

(b) Application: (1) Except as noted in subparagraph (6) of this paragraph, requests for procurement standardization action may be initiated by an individual organization, through appropriate channels, to the Directorate of Supply and Services, Hq USAF (AFSSSDB).

(2) The Directorate of Supply and Services will forward the request to the office of primary responsibility for recommendations on disposition and priority rating to be placed on the item of equipment involved. Recommendations of standardization action with appropriate rating will then be forwarded by the Director of Supply and Services to Air Force Departmental Standardization Office (AFSPDPD).

(3) In arriving at its decision, Hq USAF will apply the criteria and requirements of § 3.213–2 of this title. If it is decided that standardization is warranted, AFSPDPD will forward its recommendations, supported by substantiating data, in quadruplicate, to Hq USAF (AFSSSDB) for coordination with the office of primary responsibility and subsequent submission to the Secretary of the Air Force or his designated representative for findings and determinations.

(4) To facilitate processing, each request will be limited to a single item of supply or group of related items.

(5) In transmitting AF initiated Military Interdepartmental Purchase Requests (MIPRs) requiring procurement of specific technical commercial-type items of equipment for reasons of standardization, the initiating activity will attach a copy of the approved determination to standardize, signed by the Assistant Secretary of the Air Force (Materiel).

(6) Request for approval to standardize fixed-type equipment under Military Construction Programs will be transmitted by the Air Force Regional Civil Engineer (AFRCE) or major command to the Director of Civil Engineering, Hq USAF, for necessary Air Staff action and Secretarial approval.

§ 1003.214 Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.

§ 1003.214–50 Format and justification.

(a) Following is approved format for determinations and findings under 10 U.S.C. 2304(a)(14) (§ 3.214 of this title):

DEPARTMENT OF THE AIR FORCE

INDIVIDUAL DETERMINATIONS AND FINDINGS

Authority To Negotiate Contract

1. This procurement will consist of ------ (describe the items being procured). Supporting items or services will be adequately defined so that, when read in context with the supporting documentation, there is no ambiguity about the scope of authority to negotiate. For example, "certain spare parts," "engineering services required for installation and testing," or "that aerospace ground equipment which is both initial and peculiar" are considered adequate descriptions for purposes of this paragraph 1.

2. Authority To Negotiate for Spare Parts (exclude when not applicable). The authority herein granted to negotiate for spare parts is limited to those spare parts which are determined, not later than 90 days prior to the scheduled acceptance of the last article under the contract, to be necessary to support the end items being procured under authority of this determination and findings and are not identical to parts previously procured by the Air Force on other than the contract to which this determination and finding is applicable.

3. In this paragraph, establish that the property to be procured is of a technical or specialized nature. Set forth the peculiar facts and circumstances which will clearly justify the determination that the supplies are of a technical or specialized nature requiring (either or both): a substantial investment or an extended period of preparation for manufacture.

(a) If it is to be determined that substantial investment is required, set forth an estimate of the dollars specifically expended in preparing for production of the items involved. Further, state the estimated value of the investment which would be duplicated should a source other than the one which has already produced the item be awarded the contract. This determination should not be used to avoid duplication of private investment unless this duplication would be likely to result in additional cost to the Government.

(b) If it is to be determined that an extended period of preparation for manufacture is required, include such facts as (i) the time already spent by the present supplier in acquiring the techniques, know-how, and experience necessary for producing the item, and (ii) the period of preparation time which would have to be duplicated by a source not having the background experience in the item and the impact thereof on the required delivery schedule.

4. Include a statement substantially as follows: Based on the findings above made, I hereby determine that the proposed procurement is for technical or special property requiring (a substantial initial investment) (an extended period of preparation for manufacture)[1] and that formal advertising (would result in additional cost to the Government by reason of duplication of investment) (would result in duplication of necessary preparation already made and would unduly delay procurement).[1]

5. Upon the basis of the determinations and findings above, I hereby authorize the negotiation of a contract for this procurement pursuant to 10 U.S.C. 2304(a)(14).

(b) Two distinct but interrelated categories of information will be set forth in narrative form in the letter of transmittal requesting determinations and findings under 10 U.S.C. 2304(a)(14). The first category will contain facts conclusively demonstrating compliance with the legal requirements for negotiation. The second category will cover the general history of previous procurements of the items as known to the buyer without detailed research and the current procurement plan for the item including actions taken or planned to develop a competitive posture.

(1) Category 1—Legal Sufficiency—will contain the following data:

(i) Adequate description both in layman's terms and by specific nomenclature of principal and supporting items or services to be procured under authority of proposed determinations and findings.

(ii) An explanation of why the basic item being procured constitutes technical and special property.

(iii) The estimated price or cost of the quantities which may be procured under the reasonably firm procurement program as defined in § 1003.306(d).

(iv) Where duplication of a substantial initial investment is relied upon as the basis for satisfying the legal requirement, the analysis of the duplication in investment will cover the following:

(*a*) The elements of cost included in computation of Government's and contractor's original investment, e.g., research, development, facilities, and special tools.

(*b*) How the quantum of the Government's and contractor's investment which would be duplicated was determined.

(v) Where duplication of an extended period of preparation for manufacture is relied upon as a basis or the basis for satisfying the legal requirement, it must be clearly demonstrated that the undue delay created by the use of formal advertising would be prejudicial to the AF mission. Where corrective action for the future is indicated such will be discussed under category 2 below. In addition, the analysis for use of this reason will include the following:

(*a*) Description of major categories of work (e.g., development of a prototype, tooling-up for production, training of personnel) considered to constitute preparation for production.

(*b*) What elements of preparation would have to be duplicated by other qualified but inexperienced producers.

(*c*) How the total preparation time which would be duplicated at this time was generally estimated.

(2) Category 2—History of Previous Procurements for End Items and Current and Future Procurement Plans—will contain the following data, as illustrated in subdivision (vi) of this subparagraph, to the extent readily available without detailed research:

(i) How present producer was initially selected.

(ii) Efforts to establish competitive sources and what impediments must be overcome to develop a competitive posture. (For example: There are many cases where future requirements for an item which is the subject of the request for determinations and findings can be procured competitively if it were possible to live with the procurement lead time of inexperienced but qualified producers. Generally, in this situation funding limitation is the impediment to be overcome and corrective action as shown in subdivision (v) of this subparagraph will be taken.)

(iii) Considerations given to splitting the current procurement into quantities immediately required and those which can be delayed to obtain competition.

(iv) Specific type of contract contemplated as defined in Subpart D, Part 3, Chapter I of this title and Subpart D of this part.

(v) To alert requiring, programing, and procuring activities to bring about an earlier release of future years buying programs and funds therefor, the following information will be acquired and furnished with each D&F request for items which could be competitively procured if it were possible to live with the procurement lead time of a qualified but inexperienced producer:

FORMAT

For information to accompany transmittal letters forwarding Determinations and Findings under 10 U.S.C. 2304(a)(14) for requirements to be procured from a sole source but which can be competed if program release is earlier.

(a) D&F No. (To be assigned by AFSPPCA). Description.

(b) FY–19 Leadtime (mos.) Required Release Date to Compete.

Units -------- Other Producer --------.

Units --------.Present producer --------.

FY–19 Leadtime (mos.) Require Release Date to Compete.

Dollars -------- Other producer --------.

Dollars --------.

(c) Date(s) Requiring Activity questioned on future requirements ----------.

Date(s) Requiring Activity submitted future requirements ----------.

Name(s) of Requiring Activity -------- (Program Destination or Organization).

(d) Date the Programing Activity notified of required Program.

Release date ----------.

(e) Other pertinent information:

The above information as to all known future year requirements will be obtained from the requiring activities at the time the D&F is prepared. These requirements will, in turn, be converted into the required program release dates and submitted to the programing activity for their information and action.

(vi) Digest examples:

(*a*) The X Corporation is presently developing the equipment under a competitively awarded contract which calls for a prototype, 19 production units, and engineering data adequate for competitive procurement. The prototype is scheduled for final acceptance, testing, and evaluation in October 1961 and the procurement data to be delivered in the future will be based on the prototype as finally approved and accepted. It is not possible to defer this procurement until said data is available for competitive procurement because of the critical delivery requirements.

(*b*) The quantities to be negotiated with the X Corporation at an estimated price of $473,610 are the minimum required to meet critical installations and represent only a portion of the current AF requirements. Additional requirements in the estimated amount of $426,645 will be procured competitively. This will be the third production contract for the equipment. The initial contract was awarded to the Y Corporation pursuant to two-step advertising procedures but Y has not yet been able to meet the required reliability requirements. Accordingly, X was asked to conduct the development on a product improvement contract and X was awarded the second production contract.

(*c*) The X Corporation developed the equipment for the Air Force in 1949 and furnished all equipments to satisfy AF requirements through 1957. There were no procurements during 1958 and 1959. In early 1959, responsibility for procurement of the equipment was transferred to the Z Air Materiel Area. This is the second production contract for the equipment to be issued by Z; the first was dated June 30, 1961. By letter dated June 2, 1961, Commander of Z directed his inservice engineering office to develop a specification and procurement package suitable for competitive procurement. The development of said procurement package is underway and it is expected that it will entail one year of effort to complete. It is planned to complete future equipment requirements, possibly as soon as July 1, 1962.

(*d*) The equipment will be procured according to MIL–D–1489 (USAF). This specification is considered adequate for formal advertising; however, it is not possible to place this procurement by formal advertising because it is essential that the required delivery schedule be satisfied. An inexperienced producer could not possibly comply with the schedule because he would, of necessity, have to duplicate preparation already made as set forth under category 1 (subparagraph (1) of this paragraph). To obtain the necessary leadtime for future competitive procurement of this equipment, action will be taken to include this item in the December 1961 request for Pre-Buy release of the FY 63 program requirements. Also, the appropriate AMA has been requested to initiate their FY 62 requirements at the earliest practical date and to forward advance copies of "planning" purchase requests as soon as possible.

(*c*) Note that there are alternative combinations of circumstances which permit negotiation under 10 U.S.C. 2304(a)(14). All elements pertinent to such combinations, which are cited in the determinations and findings, must be substantiated in the accompanying request, otherwise they will not be included in the determinations and findings. In addition, where there has been substantial initial investment or extended period of preparation in the case of more than one supplier the above information will be furnished for each supplier. The authority provided by this section is intended primarily to apply where there is only one such supplier. It will generally not be available where there are more than three suppliers.

§ 1003.215 Negotiation after advertising.

§ 1003.215–50 Application.

The authority of 10 U.S.C. 2304(a)(15) can be invoked for all or only a portion of a specific procurement. Requests for determinations and findings to negotiate under this authority should state: (a) The range of bid prices received and reasons why these prices (or some of them) are deemed unreasonable, or (b) evidence that the bid prices have not been independently arrived at in open competition. The letter of transmittal will set forth the estimated cost of the proposed procurement.

§ 1003.215–51 Format.

Following is approved format for determinations and findings under 10 U.S.C. 2304(a)(15):

DEPARTMENT OF THE AIR FORCE

INDIVIDUAL DETERMINATIONS AND FINDINGS

Authority To Negotiate Contract

1. This procurement is for the modification of 8 B–36 Docks for KC–135 Aircraft.

2. I hereby find that the proposed procurement was solicited by advertising under Invitation for Bid F17600–67–B–1001, August 1, 1967. The only bid received offered a lump price of $268,660 for basic bid and $244,660 for alternate bid, which were considerably higher than the estimated project price. This difference is considered excessive as it exceeds the highest project estimated price by over $100,000.

3. Based on the findings above made, I hereby determine that the lowest rejected bid prices of a reasonable bidder obtained through advertising were $268,660 for basic bid and $244,660 for alternate bid and that such prices for this modification are not reasonable.

4. Upon the basis of the determinations and findings above, I hereby authorize the negotiation of a contract for this procurement pursuant to 10 U.S.C. 2304(a)(15), provided that prior notice of intention to negotiate, and a reasonable opportunity to negotiate, be given to each responsible bidder who submitted a bid in response to the invitation for bids, the negotiated prices be lower than the lowest rejected bids of a responsible bidder, as determined above, and the negotiated prices be the lowest negotiated prices offered by a responsible contractor.

§ 1003.216 Purchases in the interest of national defense or industrial mobilization.

§ 1003.216–50 Format.

There is no approved format for determinations and findings or of letters of transmittal, but those set forth under the other exceptions may be used as a guide. In preparing determinations and findings, the circumstances of the indi-

[1] Insert one or both of the phrases in parentheses, as appropriate.

vidual case will dictate the determinations and findings as well as the justification to be included in the letter of transmittal. The letter of transmittal will show the estimated cost of the proposed procurement.

§ 1003.217 Otherwise authorized by law.

§ 1003.217–2 Application.

(a) Except as indicated in paragraphs (b) through (e) of this section, contracts will be negotiated under this authority only upon approval of the Secretary. Requests for approval will contain a statement of pertinent facts and reasons therefor, and will be transmitted according to § 1003.306.

(b) Transportation services by common carriers will be negotiated under authority of section 321, Part III, Interstate Commerce Act, September 18, 1940, 49 U.S.C. 65.

(c) Procurements negotiated pursuant to section 406 of Title IV of Public Law 345 (84th Congress).

(d) Blind-made supplies purchased through National Industries for the Blind as prescribed in § 5.504–1 of this title, will be negotiated under authority of the Act of June 25, 1938, c. 697, section 3, 52 Stat. 1196 (41 U.S.C. 48).

(e) Procurements negotiated pursuant to section 15, Small Business Act, 15 U.S.C. 644 (Public Law 536, 85th Congress, as amended).

Subpart C—Determinations and Findings

9. Section 1003.305 is amended by revising paragraph (a); and § 1003.306 is amended by revising paragraphs (a), (b), and (c) and adding a new subparagraph (5) to paragraph (d) as follows:

§ 1003.305 Forms of determinations and findings.

(a) *Determinations and findings; authority to enter into contracts by negotiation.* Sample formats for determinations and findings which will be made by the Secretary are included in §§ 1003.211, 1003.212, 1003.214, and 1003.215. These formats may be used for a guide for determinations and findings under §§ 1003.213, 1003.216, and 1003.217 to be made by the Secretary, and determinations and findings to be made by the contracting officer under §§ 1003.202, 1003.207, 1003.208, 1003.210, and 1003.211 (more than $2,500 but not more than $100,000).

* * * * *

§ 1003.306 Procedure with respect to determinations and findings.

(a) No implementation.

(b) Contracting officer's determinations and findings are subject to the following written approvals:

(1) Hq AFSC; AFSC centers and divisions; AFLC AMAs: The Director or Deputy Director of Procurement and Production, the Chief or Deputy Chief of Procurement and Production as applicable. This approval authority may not be redelegated for procurements estimated to be in excess of $350,000 but may be redelegated as follows:

(i) To the contracting officer for procurements estimated not to exceed $50,000. This includes procurements to be negotiated pursuant to §§ 3.202, 3.207, 3.208, and 3.210 of this title (excluding procurement under the authority of § 3.210–2 (m) and (o) of this title which exceed $10,000) and § 1003.211 excluding procurements exceeding $10,000 which are applicable to paragraph (d) of this section.

(ii) To any level higher than the contracting officer for any procurement which is estimated to be (*a*) in excess of $50,000 but not in excess of $350,000 and cites the authority of § 3.202, § 3.207, § 3.208, or § 3.210 of this title; or (*b*) in excess of $10,000 but not in excess of $350,000 and cites the authority of § 3.210–2 (m) or (o) of this title; or (*c*) in excess of $50,000 but not in excess of $100,000 and cites the authority of § 1003.211.

(2) Purchasing activities other than those in subparagraph (1) of this paragraph: The chief or deputy chief of the purchasing office. This approval authority is required for procurements estimated to exceed $10,000.

(c) Purchasing activities other than those stated in paragraph (b)(1) of this section: Chief or deputy chief of the purchasing office—procurements initially estimated to be in excess of $10,000.

(1) and (2) No implementation.

(3) Limitation: No person will exercise the authority redelegated in paragraph (b) (1) (ii) or (2) of this section if he is the contracting officer involved. This limitation does not apply to SPOs at ASD (or comparable organizations) where the chief of the SPO is the only contracting officer appointed for such SPO. In these instances, the determination and finding will indicate that the person executing the determination and finding is both the contracting officer and the chief of the SPO and no further approval of such determination and findings will be required.

(d) * * *

(5) Review and approval of determinations and findings will be forwarded by indorsement through all command levels.

* * * * *

§ 1003.306 [Amended]

10. In § 1003.306, the last sentence in paragraph (d)(3) is deleted.

Subpart D—Types of Contracts

§ 1003.410–2 [Amended]

11. In § 1003.410–2(d)(4), the words "Each fiscal year," are added at the beginning of the first sentence.

Subpart F—Small Purchases

12. Section 1003.608–7 is added; and § 1003.651 is deleted as follows:

§ 1003.608–7 Shipment shortages.

A final shipment may be accepted and the order completed without issuance of a modifying document when variation in quantity is not authorized if the shortage is negligible and the action will not impair the operation of the base (See paragraph 20705c, AFM 177–102 (Commercial Transactions at Base Level)).

§ 1003.651 Credit cards. [Deleted]

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart C—Contracts for Preparation of Household Goods for Shipment, Government Storage and Related Services

13. Section 1004.302–50 is amended by adding paragraph (b)(3) as follows:

§ 1004.302–50 BDO procedure.

* * * * *

(b) * * * (3) a contracting officer located in the transportation office.

(i) Individuals authorized to place calls, when in receipt of Special Orders authorizing movement of household goods and citing funds, will assume that funds have been committed for the packing and crating requirement incident to the movement of the individual named in the Special Orders.

(ii) The person placing oral calls will establish a control record at the beginning of each month indicating the call number, name of individual for whom services are to be performed, date of placement of call, Special Order Number, voucher number, date payment was made, amount and accumulated expenditures. In no event will the sequence of call numbers be interrupted. The accumulated expenditure will be brought forward to the control record for the next month. At the end of each month the amount column should be totaled for reporting purposes.

(iii) [Reserved]

(iv) Prior to contacting the contractor to place a call, the individual authorized to place calls will be furnished a copy of the Special Order indicating the individual for whom services are to be ordered and a form letter in duplicate indicating date and place of pickup, estimated weight of household goods, special markings, destination, and any other information required incident to the services to be performed. On receipt of the above information, he will contact the contractor, establish a firm pickup date, and issue a call number from control records. This information will then be placed on a duplicate copy of the form letter and returned to the transportation officer who will use this information when preparing the Standard Form 1034. In addition, the transportation officer will keep the contracting officer informed of contractor performance on a daily basis to assure contractor compliance.

(v) Wherever possible, calls should be placed in the month in which services are to be performed. Services should be scheduled no more than 48 hours in advance if call is placed during the last 2 days of a month.

* * * * *

PART 1006—FOREIGN PURCHASES

Subpart A—Buy American Act; Supply and Service Contracts

§ 1006.103–2 [Amended]

14. Section 1006.103–2 is amended by deleting paragraph (h).

PART 1007—CONTRACT CLAUSES

Subpart FF—Clauses for Bakery and Dairy Products Contracts

15. Section 1007.3204–10 is deleted as follows:

§ 1007.3204–10 Price adjustments for subsidized ingredients. [Deleted]

Subpart GG—Clauses for Laundry or Dry Cleaning Contracts

16. Section 1007.3304–3 is deleted as follows:

§ 1007.3304–3 Alterations in contract. [Deleted]

PART 1053—CONTRACTS; GENERAL

17. Subpart X is deleted as follows:

Subpart X—Procurement of Recombined, Reconstituted, and Filled Milk at Oversea Installations [Deleted]

PART 1055—LOGISTIC SUPPORT ITEMS

Subpart B—Contractual Provisioning Documents

18. Section 1055.201 is revised; and § 1055.202 is amended by revising paragraph (a) as follows:

§ 1055.201 Applicability of subpart.

This subpart is applicable to all AF central procurement activities, i.e., AFSC Systems divisions/centers and AFLC air materiel areas.

§ 1055.202 Definitions.

(a) "Contractual provisioning document" is an authorized specific document incorporated in AF contracts, by reference or otherwise, to prescribe the procedures, terms, and conditions governing the determination of the range and quantity of items required, and the furnishing of initial support requirements to support and maintain an end article for its initial period of operation.

* * * * *

(Sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314, except as otherwise noted) [AFPI Revision No. 74, Jan. 31, 1967; AF Procurement Circulars No. 1, Feb. 6, 1967, and No. 2, Feb. 13, 1967]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67–3899; Filed, Apr. 10, 1967; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER D—MANAGEMENT OF WILDLIFE RESEARCH AREAS

PART 60—PATUXENT WILDLIFE RESEARCH CENTER

Patuxent Wildlife Research Center, Md.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 60.11 Special regulations; hunting and sport fishing.

Sport fishing will be permitted on the Patuxent Wildlife Research Center, Md. The open area is confined to Snowden Pond, comprising 7 acres as delineated on a map available at the Center headquarters and from the office of the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass and sunfish.

(b) Open season: June 1, 1967, through September 30, 1967; official sunrise to official sunset only.

(c) Daily creel limits: Black bass, 5; sunfish, no limit.

(d) Methods of fishing:

(1) Hook and line tackle and baits permitted by Maryland law, except that no live minnows or other fish may be used for bait.

(2) The use of boats, canoes, and similar floating devices, without motors, is permitted. Launching of boats is permitted only in the area designated by signs.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on the Patuxent Wildlife Research Center which are set forth in Title 50, Code of Federal Regulations, Part 60.

(2) A Federal permit is required to fish. Anyone requesting a Federal permit must show evidence of having a Maryland State fishing license. A total of 150 permits will be issued in order of receipt of requests. Application should be made to the Director, Patuxent Wildlife Research Center, Laurel, Md. 20810. Each permit shall authorize the holder and members of his immediate family to fish.

(3) Each permittee is required to complete a fishing report form for each day fished, which will show the name of permittee, date of fishing, hours fished, type of bait used, and fish taken by species and size.

(4) The provisions of this special regulation are effective to October 1, 1967.

E. H. DUSTMAN,
Director, Patuxent Wildlife Research Center, Bureau of Sport Fisheries and Wildlife.

APRIL 5, 1967.

[F.R. Doc. 67–3912; Filed, Apr. 10, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

SUGAR CANE PROCESSING AND MILLING IN FLORIDA

Operations on Perishable Agricultural Commodities

A determination is published in this issue of the FEDERAL REGISTER that the sugar cane processing and milling industry in the State of Florida as defined on October 18, 1951, in 16 F.R. 10807 and on April 7, 1961, in 26 F.R. 3304 is an industry of a seasonal nature within the meaning of section 7(c) of the Act and 29 CFR 526.2(a), so that it is listed in 29 CFR 526.10 as qualifying for the partial exemption from the overtime compensation provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 208) provided by its section 7(c).

Request has been made on behalf of the industry, citing the facts found in the litigation Wirtz v. Oceola Farms Co. (C.A. 5, 1967; 17 WH Cases 575) for an affirmative finding on the issue presented in 29 CFR 526.2(b) so that it will be determined that the exemption provided in section 7(d) of the Act applies, in addition to the one provided in section 7(c) (which is today determined to apply) and so that the industry will be listed in 29 CFR 526.12, instead of 526.10 as at present.

Pursuant to section 7(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(d)), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), it is proposed to make the determination and amend 29 CFR 526.10 and 526.12 in accordance with the request specified in the last paragraph. Part 526 of Title 29 of the Code of Federal Regulations will govern the procedure on this proposal. Interested persons are invited to participate in the proceedings through the submission of pertinent written data, views, and argument to the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, within 30 days after this notice appears in the FEDERAL REGISTER.

Signed at Washington, D.C., this 6th day of April 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 67–3952; Filed, Apr. 10, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 37]

[Docket No. 8079; Notice No. 67–13]

TECHNICAL STANDARD ORDER

Maximum Allowable Airspeed Indicator; TSO–C46a

The Federal Aviation Administration is considering amending § 37.145 of the Federal Aviation Regulations by revising the Technical Standard Order (TSO–C46) for maximum allowable airspeed indicators. This amendment would establish a Federal Aviation Administration Standard for maximum allowable airspeed indicators which would replace and update the industry standards referenced in the present TSO.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before July 7, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

A Federal Aviation Administration Standard is proposed for maximum allowable airspeed indicators in order to prescribe minimum performance standards for these instruments which are compatible with the increased airspeed of modern aircraft and the range of environmental conditions through which the instruments must perform their intended function.

Under this proposal, the operational speed range, and the temperature, altitude, and vibration ranges set forth in the present TSO would be modified to make these conditions more representative of the ranges through which the instrument must function.

Other changes would establish "knots" as the unit of reference for airspeed, and would permit vertical, horizontal and digital scales in addition to circular dials. In addition, the current requirement for an adjustable stop for limiting the movement of the maximum allowable airspeed pointer and a readily accessible means for setting the Mach Number would not be required under this proposal provided that the instrument was marked to show the stop setting and the value of the permanent Mach Number setting.

The equation for the indicated airspeed pointer set forth in the current TSO would be deleted and the appropriate data set forth in a new Table II of the proposed TSO. A new equation would be added for altitudes where the maximum allowable Mach is the limiting factor. Table II of the present TSO (Proposed Table I) would be revised to specify impact pressure in inches of mercury at 25° C., and to delete, as redundant, pressure in inches of water and pressure in pounds per square inch. In the proposed Table II (Table IV of the present TSO) the list of speeds has been eliminated since the tolerance is constant, and static pressure in inches of mercury corresponding to the specified altitudes has been added for the convenience of the applicant. The pertinent data set forth in present Table V has been incorporated into the performance standards of the proposed TSO and the Table has been eliminated.

The detailed test procedures of the current TSO would also be replaced by an objective standard under which the manufacturer would conduct the tests necessary to demonstrate proper design, and to assure instrument reliability while performing its intended function.

In consideration of the foregoing, it is proposed to amend § 37.145 of the Federal Aviation Regulations to read as follows:

§ 37.145 Maximum allowable airspeed indicators—TSO–C46a.

(a) *Applicability.* This technical standard order prescribes the minimum performance standards that maximum allowable airspeed indicators must meet in order to be identified with the applicable TSO marking. New models of the instrument that are to be so identified, and that are manufactured on or after the effective date of this TSO, must meet the requirements of the "Federal Aviation Administration Standard, Maximum Allowable Airspeed Indicators," set forth at the end of this section.

(b) *Marking.* In addition to the markings required by § 37.7, the instrument must be marked to indicate its range in knots, and, if applicable, the stop setting for limiting the movement of the maximum allowable airspeed pointer, and the value of the permanent Mach Number setting.

(c) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, in the region in which the manufacturer is located, the following technical data:

(1) Seven copies of the manufacturer's operating instructions, equipment limitations, and installation procedures; and

(2) One copy of the test report of the manufacturer.

(d) *Previously approved equipment.* Maximum allowable airspeed indicator models approved prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

FEDERAL AVIATION ADMINISTRATION STANDARD MAXIMUM ALLOWABLE AIRSPEED INDICATORS

1. *Purpose.* This document specifies minimum performance standards for pitot-static type, maximum allowable airspeed indicators which indicate continuously both indicated airspeed and maximum allowable airspeed in the range between 50–650 knots.

2. *Performance requirements*—2.1 *General*—(a) *Materials.* Materials must be of a quality demonstrated to be suitable and dependable for use in aircraft instruments.

(b) *Environmental conditions.* The instrument must be capable of performing its intended function and not be adversely affected during or following prolonged exposure to the environmental conditions stated under section 3.

2.2 *Detail requirements*—(a) *Indicating means.* Indicated airspeed and maximum allowable airspeed must be displayed in such a manner that the numerical values on the scale increase in a clockwise, left to right, or bottom to top direction.

(b) *Case markings.* The outlets in the case must be marked with "P" for the pitot pressure connection, and with "S" for the static pressure connection.

2.3 *Design requirements*—(a) *Adjustable settings*—(1) *Maximum allowable airspeed pointer.* An adjustable stop may be provided in the instrument for limiting the movement of the maximum allowable airspeed pointer. If included, the design of this adjustment must be such that it will not affect the indication of the pointer when the altitude pressure conditions and Mach Number setting are such that the limiting speed will be lower than that set by the adjustable stop. If an adjustable stop is not provided in the instrument, the permanent stop setting must be included in the marking information required under § 37.145(b).

(2) *Mach Number.* If a readily accessible means is provided for setting the instrument to any desired Mach Number, the value of the setting must be visible from the front of the instrument. When the instrument does not contain an external Mach Number setting adjustment, the value of the permanent Mach Number setting need not be visible from the front of the instrument, but must be included in the instrument marking information required under § 37.145(b).

(b) *Visibility.* The indicating means and all markings must be visible from any point within the frustrum of a cone, the side of which makes an angle of at least 30 degrees with the perpendicular to the dial and the small diameter of which is the aperture of the instrument case. The distance between the dial and the cover glass must be a practical minimum.

(c) *Calibration*—(1) *Indicated airspeed pointer.* The indicated airspeed pointer must indicate airspeed in accordance with the values contained in Table I.

(2) *Maximum allowable airspeed pointer.* The maximum allowable airspeed pointer must indicate the maximum allowable airspeed in accordance with the following equations:

(i) Equation for altitudes from sea level to altitude where $V_M = M_M$ (See Figure 1):

$$V_M = C_o\sqrt{\frac{2}{k-1}\left\{\left\{1+\frac{P}{P_o}\left[\left(\frac{V_{EM}^2}{5C_{o}^2}+1\right)^{\frac{k}{k-1}}-1\right]\right\}^{\frac{k-1}{k}}-1\right\}}$$

(ii) Equation for altitudes where M_M is the limiting factor (See Figure 1):

$$V_M = C_o\sqrt{\frac{2}{k-1}\left\{\left\{\frac{P}{P_o}\left[\left(1+\frac{k-1}{2}\cdot M_M^2\right)^{\frac{k}{k-1}}-1\right]+1\right\}^{\frac{k-1}{k}}-1\right\}}$$

(iii) The following values are used:

V_i = Indicated airspeed in knots.
V_M = Maximum allowable indicated airspeed in knots.
V_{EM} = Maximum equivalent airspeed in knots.
M_M = Maximum allowable Mach.
C_o = Sea level speed of sound—661.48 knots.
P_o = Ambient static pressure in inches Hg.
k = Pressure at sea level = 29.92126" Hg.
q_c = Ratio of specific heats = 1.40 for air.
P = Impact pressure in inches Hg = Total pressure—static pressure.
σ = Density ratio at altitude.

(d) *Scale error*—(1) *Instruments with permanent Mach Number setting.* The indicated airspeed scale error and the maximum allowable airspeed scale error must not exceed the tolerances specified in Tables I and II, respectively, with the instrument set at its permanent Mach Number.

(2) *Instruments with means for external Mach Number setting adjustment.* (i) The indicated airspeed scale error must not exceed the tolerances specified in Table I with the instrument set at the lowest Mach Number.

(ii) The maximum allowable airspeed scale error must not exceed the tolerances specified in Table II with the instrument set at the lowest Mach Number and at increasing Mach Number setting of not more than 0.10 to and including the maximum Mach Number.

(e) *Hysteresis.* The reading of the maximum allowable airspeed pointer first at 30,000 feet altitude and then at 10,000 feet altitude must not differ by more than ±2 knots from the corresponding readings obtained for increasing altitudes during tests to assure the instrument complies with the scale error requirements of second 2.3(d)(2)(ii) of this TSO.

(f) *After effect.* To assure the instrument complies with the scale error requirements of section 2.3(d)(2)(ii) of this TSO, the maximum allowable airspeed pointer must return to its original readings, corrected for any change in atmospheric pressure, within ±3 knots, after not less than 1 or more than 5 minutes have elapsed following completion of performance tests.

(g) *Friction*—(1) *Maximum allowable airspeed pointer.* The friction of the pointer must not produce an error exceeding ±4 knots at each point indicated by an asterisk in Table II.

(2) *Indicated airspeed pointer.* The friction of the pointer must not produce an error exceeding ±3 knots at each point indicated by an asterisk in Table I.

(h) *Leak*—(1) *Case leak.* The pressure drop in the case must not exceed 0.05 inches of mercury for a period of one minute after a suction source which has applied a suction of 15 inches of mercury to the pitot and static pressure connections has been disconnected.

(2) *Airspeed diaphragm leak.* There must not be any apparent movement of the indicated airspeed pointer for one minute after a sequence of events in which pressure sufficient to produce full scale deflection of the indicated airspeed pointer is applied to the pitot connection (static pressure connection open to atmosphere), the pressure source is stopped, and the connection tubing pinched.

3. *Environmental conditions*—3.1 *Temperature.* The instrument must perform its intended function over the range of ambient temperature from −30° to 70° C. With the instrument temperature stabilized at the limits of the range, the scale error must not exceed by more than 4.5 knots the tolerances specified in Tables I and II at the points marked with an asterisk. The instrument must not be adversely affected by exposure to the range of ambient temperature from −65° to 70° C.

3.2 *Altitude.* The instrument must perform its intended function and must not be adversely affected when subjected to a pressure/temperature range corresponding to the range between −1,000 feet and 50,000 feet standard altitude per U.S. Table of Standard Atmosphere 1962. The instrument must withstand an external case pressure of 50" Hg absolute when installed properly and vented to an atmospheric pressure of approximately 29.92" Hg absolute.

3.3 *Vibration.* The instrument must perform its intended function and must not be adversely affected when subjected to vibrations of the following characteristics:

Instrument location	Frequency cycles per second	Maximum double amplitude inches	Maximum acceleration
Instrument panel	5–30	0.020	
Instrument panel-shock mounted	30–1000		0.25g
Airframe structure mounted	5–500	.036	10g

3.4 *Humidity.* The instrument must perform its intended function and must not be adversely affected when exposed to any relative humidity in the range from 0 to 95 percent at a temperature of approximately 70° C.

4. *Compliance tests.* As evidence of compliance with this standard, the manufacturer must perform evaluation tests on prototype instruments to demonstrate proper design, reliability in performance of its intended functions, and conformity with the performance standards of section 2. Tests and test procedures employed for this purpose must reasonably demonstrate the absence of any adverse effect on the performance of the instrument due to the following factors: Pressure and altitude changes, humidity changes, high and low temperature conditions, airplane vibrations, and prolonged operational usage.

5. *Individual performance tests.* The manufacturer must conduct such tests as may be necessary on each instrument to assure that it will meet the minimum performance requirements of sections 2.3(b) through 2.3(h).

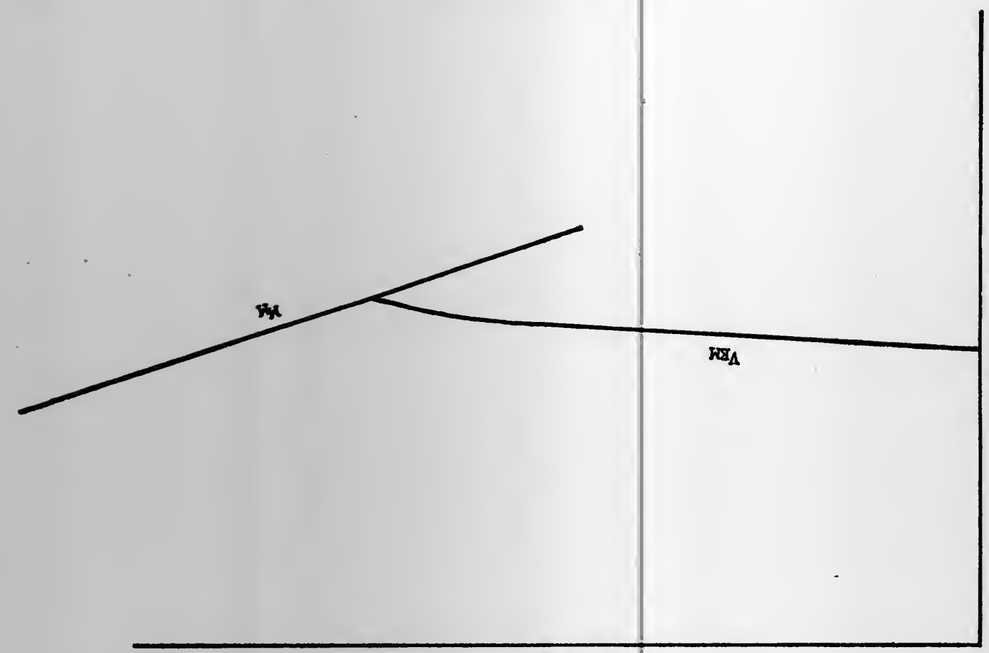


FIGURE 1—Typical curve showing movement of V_{MO} pointer.

TABLE I

Speed knots	Impact pressure inches of mercury at 29° C.	Tolerance knots
50	0.1196	±4.0
*60	0.1727	4.0
80	0.3077	4.0
*100	0.4814	4.0
120	0.6930	4.0
*130	1.091	4.5
160	1.560	5.0
*200	1.959	5.0
*230	2.510	5.0
250	3.110	5.0
280	3.924	5.0
*300	4.834	5.5
320	5.195	5.5
*350	6.286	6.0
370	7.062	6.0
*400	8.385	6.5
420	9.357	6.5
*450	10.67	6.5
480	12.56	7.0
*500	13.78	7.0
520	15.07	7.0
*550	17.16	8.5
570	18.66	8.5
*600	21.17	9.0
630	23.77	9.5
*650	25.79	10.0

TABLE II

Altitude feet	Pressure inches mercury	Max speed pointer tolerance ±knots
0	29.921	**4
*5,000	24.896	**4
10,000	20.577	**4
*15,000	16.886	**4
20,000	13.750	**4
*25,000	11.104	**4
30,000	8.885	**4
*35,000	7.041	**4
40,000	5.538	**4
*45,000	4.355	**4
50,000	3.425	**4

**From indicated airspeed corresponding to maximum equivalent airspeed or maximum mach whichever is the limiting factor.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421).

Issued in Washington, D.C., on April 4, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-3873; Filed, Apr. 10, 1967; 8:45 a.m.]

[14 CFR Part 23]

[Docket No. 8083; Notice 67-14]

SMALL AIRPLANES

Type Certification Standards

The Federal Aviation Administration is considering amending Part 23 of the Federal Aviation Regulations to revise the type certification standards for small airplanes. On October 25 through 29, 1965, the then Federal Aviation Agency held an Agency-Industry conference to review regulations dealing with the manufacture of small airplanes. The conference agenda included numerous type certification items of possible regulatory significance. Those items that the Administrator considers appropriate for immediate rule making action are proposed in this notice, together with proposals developed by the FAA and not covered at the conference.

Interested persons are invited to participate in the making of these proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before July 8, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

FLIGHT PROPOSALS

Proposal 1. Landing demonstration for aircraft of more than 6,000 pounds maximum weight (*§ 23.75(a)*). Section 23.75 (a) would be amended by—

a. Striking out the figure "1.5" between the words "least" and "must" in § 23.75(a)(1) and inserting the figure "1.4" in place thereof;

b. Adding a new § 23.75(a) (4) and (5) reading as follows:

§ 23.75 Landing.

(a) * * *

(4) It must be shown that a safe transition to the balked landing conditions of § 23.77 can be made from the conditions that exist at the 50-foot height.

(5) Changes in configuration, power or thrust, and speed must be made in accordance with procedures established under § 23.1585.

* * * * *

Explanation. The reduction from $1.5V_{s_1}$ to $1.4V_{s_1}$ is proposed because experience has shown that the landing distance can be safely demonstrated and duplicated, without exceptional piloting skill or exceptionally favorable conditions, at speeds down to $1.4V_{s_1}$ provided the selected speed is great enough to allow a safe transition to the balked landing conditions of § 23.77 from the conditions established for the 50-foot height. Since the landing and balked landing procedures may be more critical at the lower airspeed, those procedures would be specifically added to the operating procedures portion of the Airplane Flight Manual (see Proposal 10 amendment of § 23.1585) and the entire paragraph (a) would be made subject to those procedures (proposed (a)(5)).

Proposal 2. Weights and landing conditions for demonstration of flight characteristics (*§ 23.141*). In § 23.141, paragraphs (b) and (c) would be deleted, and paragraph (a) would be editorially revised accordingly.

Explanation. Section 23.21 requires that each requirement in Subpart B must be met at each "appropriate combination of weight and center of gravity within the range of loading conditions for which certification is requested." The quoted words include all critical loading conditions and the highest weight for which certification is requested. Therefore, § 23.141 (b) and (c) are surplus. Further, literal compliance with § 23.141 (b) and (c) would require that certain flight requirements be shown, at the maximum altitude for which certification is requested (which is a "normally expected operation altitude"), with the highest weight for which certification is requested. This is an unnecessary burden that is not intended under § 23.141.

Proposal 3. Propeller position for demonstration of minimum control speed (*§ 23.149(a)*). Section 23.149(a) would be amended by adding the following new subparagraph (5):

§ 23.149 Minimum control speed.

(a) * * *

(5) The propeller of the inoperative engine—

(i) Windmilling, with the propeller speed or pitch control in the takeoff position; or

(ii) Feathered, if the airplane has an automatic feathering device and the feathering function is shown to be reliable.

* * * * *

Explanation. Section 23.149(a) describes the conditions under which the minimum control speed must be determined. Propeller position is an important such condition since the minimum control speed may be reduced if propeller feathering is allowed. Section 23.149 (a) does not specify propeller position. If an automatic feathering device is used, and its feathering function has been shown to be reliable, no adverse effect on safety will result if the minimum control speed is determined with the propeller on the inoperative engine feathered. In other cases, safety requires that the minimum control speed be determined with the propeller windmilling.

Proposal 4. Demonstration of longitudinal trim (*§ 23.161(c)*). Subparagraphs (3), (4), and (5), of § 23.161(c) would be amended to read as follows:

§ 23.161 Trim.

* * * * *

(c) *Longitudinal trim.* * * *

(3) A power approach with a three degree angle of descent, the landing gear extended, flaps retracted and—

(i) A speed of $1.4V_{s_1}$, for airplanes of 6,000 pounds or less maximum weight; or

(ii) The speed used under § 23.75(a), for airplanes of more than 6,000 pounds maximum weight;

(4) A power approach with a 3 degree angle of descent, the landing gear extended, the most forward center of gravity approved for the maximum weight, and—

(i) A speed of $1.4V_{s_1}$ with flaps extended, for airplanes of 6,000 pounds or less maximum weight; or

(ii) The speed and flap position used under § 23.75(a), for airplanes of more than 6,000 pounds maximum weight; and

(5) A power approach with a 3 degree angle of descent, the landing gear extended, the most forward center of gravity approved for any weight, and—

(i) A speed of $1.4V_{s_1}$ with flaps extended, for airplanes of 6,000 pounds or less maximum weight; or

(ii) The speed and flap position used under § 23.75(a) for airplanes of more than 6,000 pounds maximum weight.

* * * * *

Explanation. Two changes would be made under this proposal:

(1) The speed $1.5V_{s_1}$ would be reduced to $1.4V_{s_1}$ for power approaches with airplanes of 6,000 pounds or less maximum weight. Under Proposal 1, above, it is expected that most airplanes with maximum weights of over 6,000 pounds will demonstrate landing distance at the minimum permissible airspeed under that proposal, which is $1.4V_{s_1}$. No approach speed is currently specified for airplanes of 6,000 pounds or less maximum weight. There is no reason to require airplanes with maximum weights over and under 6,000 pounds to demonstrate longitudinal trim at different approach speeds solely because of the weight difference. This is the reason for specifying $1.4V_{s_1}$ for airplanes of 6,000 pounds or less maximum weight.

(2) For airplanes of over 6,000 pounds maximum weight, this proposal would

recognize that, while most airplanes will demonstrate landing distance under § 23.75(a) at $1.4V_{S_1}$, it is possible that a higher airspeed may be necessary for compliance with all of § 23.75(a), particularly the transition-to-balked-landing requirement of proposed (a)(5). For these airplanes, as for airplanes of 6,000 pounds or less maximum weight, the longitudinal trim should be demonstrated at the speed at which the landing distance is determined. In addition, for airplanes of over 6,000 pounds maximum weight, the present requirement for extended flaps does not necessarily reflect the representative power approach flap position. The representative flap position is that used during demonstrations of landing distance under § 23.75 (a). This flap position would therefore be specified for demonstration of longitudinal trim for power approaches with those aircraft.

Proposal 5. Static longitudinal stability (*§ 23.175*). Section 23.175 would be amended to read as follows:

§ 23.175 Demonstration of static longitudinal stability.

Static longitudinal stability must be shown as follows:

(a) *Climb.* The stick force curve must have a stable slope, at speeds between 85 and 115 percent of the trim speed, with—

(1) Flaps in the climb position;

(2) Landing gear retracted;

(3) 75 percent of maximum continuous power for reciprocating engines or the maximum power or thrust selected by the applicant as an operating limitation for use during climb for turbine engines; and

(4) The airplane trimmed for V_Y or the climb speed recommended by the applicant.

(b) *Cruise.* Static longitudinal stability must be shown in the cruise condition as follows:

(1) With the landing gear retracted at high speed, the stick force curve must have a stable slope at all speeds within a range that is the greater of 15 percent of the trim speed plus the resulting free return speed range, or 40 knots plus the resulting free return speed range, above and below the trim speed (except that the speed range need not include speeds that require a stick force of more than 40 pounds), with—

(i) Flaps retracted;

(ii) 75 percent of maximum continuous power for reciprocating engines or, for turbine engines, the maximum cruising power or thrust selected by the applicant as an operating limitation, except that the power need not exceed that required at V_{RR}; and

(iii) The airplane trimmed for level flight.

(2) With the landing gear retracted at low speed, the stick force curve must have a stable slope under all the conditions prescribed in subparagraph (1) of this paragraph except that power for maximum range must be used.

(3) With the landing gear extended, the stick force curve must have a stable slope at all speeds within a range from 15 percent of the trim speed plus the resulting free return speed range below the trim speed, to the trim speed (except that the speed range need not include speeds less than $1.4V_{S_1}$ nor speeds greater than V_{LE}, nor speeds that require a stick force of more than 40 pounds), with—

(i) Flaps retracted;

(ii) Power required for level flight at V_{LE}; and

(iii) The airplane trimmed for level flight.

(c) *Approach and landing.* The stick force must have a stable slope at all speeds between $1.1V_{S_1}$ and $1.8V_{S_1}$ with—

(1) Landing gear extended;

(2) The airplane trimmed at—

(i) $1.4V_{S_1}$, with flaps extended (for airplanes of 6,000 pounds or less maximum weight); or

(ii) The approach speed used under § 23.75(a)(1) with flaps in the approach position used under § 23.75(a) (for airplanes of more than 6,000 pounds maximum weight); and

(3) Enough power to maintain a 3 degree angle of descent.

Explanation. Paragraphs (a) and (b) of § 23.175 now require that a stable stick force be shown over ranges of speed values defined solely in relation to V_{S_1}. For modern high speed airplanes, the specified speed ranges may be so wide as to be unrepresentative of actual operation since the airplane would, in normal operation, be retrimmed at a smaller departure from trim speed. For transport category airplanes, this problem has been satisfactorily met by specifying a representative departure from the trim speed in terms of percent of trim speed. For small airplanes as well as for transport category airplanes, 15 percent above and below trim speed is representative of the departures beyond which the airplane would be retrimmed in the climb condition. For the cruise condition, representative departures include speeds within either 15 percent of the trim speed plus the free return speed or 40 knots plus the free return speed.

Paragraph (a)(1) would be amended by requiring flaps to be in the "climb position" rather than retracted, since some position other than retracted may be more representative of the climb flap position used on airplanes with wide speed ranges.

The reference to "maximum weight" throughout § 23.175 would be deleted as surplus since § 23.21(a) requires compliance at each appropriate combination of weight and center of gravity.

In order to accommodate turbine engines, the present requirement of 75 percent power in paragraphs (a) and (b) of § 23.175 would be specifically restricted to reciprocating engines, and the maximum power or thrust selected by the applicant as an operating limitation for climb would be added for turbine engines.

The trim speed for static longitudinal stability in climb would be changed from $1.4V_{S_1}$ to either V_Y or the recommended climb speed because (1) the speed $1.4V_{S_1}$ may not be representative of the climb speeds of relatively high speed airplanes, and (2) the speed V_Y and the recommended climb speed are by definition representative of the climb speeds of all airplanes, regardless of their speed range.

The investigation of the cruise condition would be further changed by requiring a showing of a stable stick force not only at 75 percent power (or corresponding power or thrust for turbine engines) for high speed cruise, but also at the power for maximum range. Here, again, the speed range of modern airplanes is becoming so great that to require stability to be shown over the whole cruise range when trimmed for one cruise speed is unduly severe and is unrepresentative of actual practice, which typically involves two main cruise conditions, the high speed cruise and the maximum range cruise.

The landing gear extended cruise condition would be amended consistent with the amendment proposed for the high (and low) speed cruise conditions. This invloves incorporation of the speed departure range and the 40-pound stick force factor. The requirement of flaps retracted would involve no substantive change from the present rule nor would the requirement for power and trim for V_{LE} in level flight. Paragraph (c) would be amended in two main respects: First, the speed and flap positions used under § 23.75(a) would be referred to in order to make the approach and landing stability investigation consistent with the approach trim investigation in § 23.161 (c) which, under Proposal 2, would also cross reference § 23.75(a). Second, the 40-pound stick force limit would be deleted since § 23.143 prescribes control force values that prevent excessive stick forces.

Proposal 6. Normal category spin recovery (*§ 23.221(a)*). Paragraph (a) of § 23.221 would be amended by inserting the words "or a 3-second spin, whichever takes longer" between the words "one-turn spin" and the words "in not more than".

Explanation. The purpose of the spin recovery requirement is to ensure that recovery can be accomplished from a point that is as far into the spin as the average pilot would permit a spin to develop inadvertently before recovery use of the controls is begun. When the present rule was adopted, representative turn rates for the first turn were generally low enough so that recovery would normally be begun by completition of the first turn. The trend, however, is for design features that result in greater turn rates in spins. Thus the point for beginning recovery cannot be meaningfully described in terms of the first turn alone, but must also be determined by reference to a time value that is conservatively representative of the expected piloting response to inadvertent spin entry. Three seconds is believed to be such a value.

Proposal 7. Acrobatic category spin recovery (*§ 23.221(c)*). Paragraph (c) of § 23.221 would be amended by—

a. Striking out the words "must be able to spin at least six turns and" between the words "an acrobatic category airplane" and the words "must meet"; and

b. Amending subparagraph (1) to read as follows:

§ 23.221 Spinning.

* * * * *

(c) *Acrobatic category.* * * *

(1) The airplane must recover from any point in a spin, in not more than one and one-half additional turns after normal recovery application of the controls. Prior to normal recovery application of the controls, the spin test must proceed for six turns or 3 seconds, whichever takes longer, with flaps retracted, and one turn or 3 seconds, whichever takes longer, with flaps extended. However, beyond 3 seconds, the spin may be discontinued when spiral characteristics appear with flaps retracted.

* * * * *

Explanation. The main effect of this proposal would be to eliminate the requirement that the airplane be capable of spinning a minimum number of turns. Safety does not require that the airplane be able to spin, but only that recovery be possible from any spin within the ability of the airplane. For airplanes capable of many turns, the present values of six turns and one turn, for flaps retracted and extended, respectively, remain appropriate limits beyond which recovery need not be investigated for intentional spins. However, for inadvertent spins, the time of spin development for acrobatic category airplanes should not be less than that of normal category airplanes which must, under Proposal 6, above, be investigated for a time duration representative of normal piloting response, namely, 3 seconds.

Since the 3-second period is representative of normal piloting response time, this proposal would specify that each spin may be discontinued when spiral characteristics appear beyond the 3-second period where six turns are required (flaps retracted). However, for the flaps extended case, safety requires that the one full turn be performed, even if it takes longer than 3 seconds, regardless of spiral characteristics.

Proposal 8. Stall warning speeds and means (*§ 23.207*). Section 23.207 would be amended to read as follows:

§ 23.207 Stall warning.

(a) There must be a clear and distinctive stall warning, with the flaps and landing gear in any normal position, in straight and turning flight.

(b) The stall warning may be furnished either through the inherent aerodynamic qualities of the airplane or by a device that will give clearly distinguishable indications under expected conditions of flight. However, a visual stall warning device that requires the attention of the crew within the cockpit is not acceptable by itself.

(c) The stall warning must begin at a speed exceeding the stalling speed by a margin of not less than 5 knots but not more than 15 knots. In addition—

(1) For each condition investigated under paragraph (a) of this section, the stall warning margin above the stalling speed for that condition must be within 5 knots of the stall warning margin above the stalling speed for every other condition investigated under paragraph (a) of this section.

(2) When stall warning begins, it must continue until the stall occurs.

Explanation. Section 23.207 now requires that stall warning occur between 5 and 10 miles per hour above the stalling speed for each condition. This results in a spread, between the margins above the stalling speeds for every condition, of not more than 5 miles per hour. This narrow spread is desirable since it gives initial stall warning the same meaning to the pilot under all conditions. Except for the change to knots (consistent with the general change to nautical units being made throughout the regulations) this speed spread would be specifically preserved in proposed § 23.207 (c)(1). However, notwithstanding the desirability of a narrow speed spread between conditions, experience has shown that the range of allowable speed margins above stalling speed for each condition should be broadened for high speed aircraft, for which even a 10-m.p.h. warning may be proportionately very small and of limited value as a true warning. For slow airplanes, on the other hand, a slightly greater margin than that presently allowed would not be inconsistent with safety. For all airplanes, it is believed that an increase in the maximum allowable margin above stall to 15 knots will avoid any unnecessary penalty associated with the present narrow stall warning margins that result from a 10-m.p.h. limit, while providing a margin that is still narrow enough to prevent stall warning from invading the area of normal operation and thus losing its effectiveness as a true warning or alarm.

Proposal 9. Warning, caution, and advisory lights (*new § 23.1322*). New § 23.1322 would be added to read as follows:

If warning, caution, or advisory lights are used, they must be—

(a) Red, for warning lights (lights indicating a hazard requiring immediate corrective action);

(b) Amber, for caution lights (lights indicating the possible need for future corrective action); and

(c) Green, for advisory lights (lights used solely for information not indicating the need for corrective action).

Explanation. The use of lights on airplanes as sources of information is becoming common. There is little color standardization in this area. It is believed that standardization may be necessary for safety.

Proposal 10. Airspeed placards, markings, and information (*§§ 23.1563, 23.1583, and 23.1585*). 1. Section 23.1563 would be amended to read as follows:

§ 23.1563 Airspeed placards.

There must be an airspeed placard in clear view of the pilot and as close as practicable to the airspeed indicator. This placard must list—

(a) The design maneuvering speed V_A; and

(b) The maximum landing gear operating speed V_{LO}.

Explanation. There is generally not enough space, close to the airspeed indicator, for placard information that is not essential for safe operation of the airplane. Regardless of airplane weight (over or under 6,000 pounds maximum weight), the two speeds that are not currently marked on the airspeed indicator but that are essential to safe operation of the airplane are the maximum speed for landing gear operation V_{LO} and the design maneuvering speed (V_A). Safety requires that these speed values remain clearly posted within the pilot's line of vision next to the appropriate instrument. This proposal also deletes the maximum speed with landing gear extended (V_{LE}) from the required airspeed placard. This speed can be safely furnished as an operating limitation solely (see Proposal (2) below). The other speeds now prescribed in § 23.1563 may be safely recorded elsewhere than on valuable placard space.

2. Section 23.1583(a) would be amended to read as follows:

§ 23.1583 Operating limitations.

(a) *Airspeed limitations.* The following information must be furnished:

(1) Information necessary for the marking of the airspeed limits on the indicator as required in § 23.1545, and the significance of each of those limits and of the color coding used on the indicator.

(2) The speeds V_A, V_{LE}, and V_{LO} and their significance.

* * * * *

Explanation. Since V_A and V_{LO} will continue to appear on a placard close to the airspeed indicator, and since these speeds, being the only speeds on the placard, would be prominently displayed on the placard, it is unnecessary to require that these speeds also be marked on the airspeed indicator itself as is now required. However, it is intended that these speeds continue to be furnished as operating limitations, and that the maximum speed with landing gear extended (V_{LE}), which is no longer necessary on the airspeed placard of § 23.1563 (see Proposal (1) above) be similarly furnished.

3. Section 23.1585 would be amended by adding the words "including the demonstrated crosswind velocity and procedures and information pertinent to operation of the airplane in crosswinds" at the end of paragraph (a), and by amending paragraph (b) to read as follows:

§ 23.1585 Operating procedures.

* * * * *

(b) For airplanes of more than 6,000 pounds maximum weight, the airspeeds, procedures, and information pertinent to the use of the following airspeeds must be furnished:

(1) The recommended climb speed;

(2) V_X; and

(3) The approach speeds, including speeds for transition to the balked landing condition.

* * * * *

Explanation. For all airplanes, § 23.1585(a) now requires that the Airplane Flight Manual must contain all pertinent procedures and information "necessary for safe operation." Insofar as crosswind procedures and velocities are necessary for safe operation, this information must already be furnished and no substantive change would result. However, since the demonstrated crosswind velocity is being removed from the placard requirement of § 23.1563, this information would be specifically added to § 23.1585(a) to avoid any inference that pertinent crosswind information is not "necessary for safe operation."

For airplanes of more than 6,000 pounds maximum weight, § 23.1585(b) now requires that the Airplane Flight Manual must contain all pertinent procedures and information concerning the speeds prescribed in the airspeed placard requirement of § 23.1563(b). While the recommended climb speed, V_X, and the approach speeds would be deleted from the airspeed placard (see above), it is not the intent of this proposal to remove them from the Airplane Flight Manual. The reference to speeds for balked landing would be added consistent with flight Proposal 1.

Proposal 11. Airplane Flight Manual: performance information (§ *23.1587*). A new § 23.1587(c)(3) would be added to read as follows:

§ 23.1587 Performance information.

* * * * *

(c) *Multiengine airplanes.* * * *

(3) The calculated approximate effect, on the steady rate of climb determined under § 23.67(b), of variations in—

(i) Altitude from sea level to 8,000 feet in a standard atmosphere; and

(ii) Temperature, at those altitudes, from 60° F. below standard to 40° F. above standard.

Explanation. For multiengine airplanes of 6,000 pounds or less maximum weight, the value of the rate of climb information determined under § 23.67(b) is compromised since there is no requirement that this information be recorded. So far as the calculated effect of altitude and temperature is concerned, this proposal would accomplish, for multiengine airplanes of 6,000 pounds or less maximum weight, what is accomplished for multiengine airplanes of more than 6,000 pounds maximum weight by § 23.1587(b)(6). These calculations are important for the safe operation of the aircraft regardless of weight. Consistent with proposed new § 23.1587(c)(3)(ii), the words "minus" and "plus" would be deleted, as unnecessary, from § 23.1587(b)(6)(ii).

Proposal 12. Flight load factors as information rather than as operating limitations (*New* § *23.1591*). a. Section 23.1581 would be amended by striking out the reference "23.1589" wherever it is used, and inserting the reference "23.1591" in place thereof.

b. Section 23.1583(f) would be deleted, and a new § 23.1591 would be added to read as follows:

§ 23.1591 Flight load factor information.

The positive limit load factors, in g's, must be furnished.

Explanation. While the established positive limit load factors are part of the type design and should continue to be furnished as information concerning the type design, the present requirement that the load factors be listed as operating limitations is not realistic since inflight recording of acceleration loads is not required.

AIRFRAME PROPOSALS

Proposal 1. Minimum weight for turbojet powered airplanes (§ *23.25*(b)(*4*)). Section 23.25(b)(4) would be amended to read as follows:

§ 23.25 Weight limits.

* * * * *

(b) *Minimum weight.* * * *

(4) The weight of—

(i) For turbojet powered airplanes, 5 percent of the standard fuel capacity; and

(ii) For other airplanes, the fuel necessary for one-half hour of operation at maximum continuous power.

Explanation. The current requirement of one-half hour of fuel at maximum continuous power, while satisfactory for turbopropeller and reciprocating engine powered airplanes, is unrealistic and unconservative for turbojet powered airplanes. For those airplanes, this proposal would apply a standard that provides a reasonable relief from the need to consider a zero fuel weight condition and also provides a reasonable minimum weight fuel criterion.

Proposal 2. Design dive and operating speeds (§§ *23.253, 23.335, 23.1505, and 23.1545*). 1. A new § 23.253 would be added to read as follows:

§ 23.253 High speed characteristics.

If a maximum operating speed V_{MO}/M_{MO} is established under § 23.1505(c), the following speed increase and recovery characteristics must be met:

(a) Operating conditions and characteristics likely to cause inadvertent speed increases (including upsets in pitch and roll) must be simulated with the airplane trimmed at any likely cruise speed up to V_{MO}/M_{MO}. These conditions and characteristics include gust upsets, inadvertent control movements, low stick force gradient in relation to control friction, passenger movement, leveling off from climb, and descent from Mach to airspeed limit altitude.

(b) Allowing for pilot reaction time after effective inherent or artificial speed warning occurs, it must be shown that the airplane can be recovered to a normal altitude and its speed reduced to V_{MO}/M_{MO}, without—

(1) Exceptional piloting strength or skill;

(2) Exceeding V_D/M_D, the maximum speed shown under § 23.251, or the structural limitations; or

(3) Buffeting that would cause structural damage.

(c) There may be no control reversal about any axis at any speed up to the maximum speed shown under § 23.251. Any reversal of elevator control force or tendency of the airplane to pitch, roll, or yaw must be mild and readily controllable, using normal piloting techniques.

2. A new § 23.335(a)(3) would be added to read as follows:

§ 23.335 Design airspeeds.

* * * * *

(a) * * *

(3) At altitudes where an M_D is established, a cruising speed M_C limited by compressibility may be selected.

* * * * *

3. Section 23.335(b)(1) would be amended by deleting the words "with $V_{C\,min}$ the required minimum design cruising speed", and §§ 23.335(b)(1)(i) through (iii) would be amended by changing "$V_{C\,min}$" to "V_C".

4. A new § 23.335(b)(3) would be added to read as follows:

§ 23.335 Design airspeeds.

* * * * *

(b) * * *

(3) Compliance with subparagraph (1) of this paragraph need not be shown if V_D/M_D is selected so that V_C/M_C is no greater than 0.8 V_D/M_D, or if V_D/M_D is selected so that the minimum speed margin between V_C/M_C and V_D/M_D is the greater of the following:

(i) The speed increase resulting when, from the initial condition of stabilized flight at V_C/M_C, the airplane is assumed to be upset, flown for 20 seconds along a flight path 7.5 degrees below the initial path, and then pulled up with a load factor of 1.5 (0.5g acceleration increment). At least 75 percent maximum continuous power for reciprocating engines, and maximum cruising power for turbines, or, if less, the power required for V_C/M_C for both kinds of engines, must be assumed until the pullup is initiated, at which point power reduction and pilot-controlled drag devices may be used.

(ii) Mach 0.05.

* * * * *

4. A new § 23.1505(c) would be added to read as follows:

§ 23.1505 Airspeed limitations.

* * * * *

(c) Paragraphs (a) and (b) of this section do not apply to aircraft for which a design diving speed V_D/M_D is established under § 23.335(b)(3). For those aircraft, a maximum operating limit speed (V_{MO}/M_{MO}-airspeed or Mach number, whichever is critical at a particular altitude) must be established as a speed that may not be deliberately exceeded in any regime of flight (climb, cruise, or descent) unless a higher speed is authorized for flight test or pilot training operations. V_{MO}/M_{MO} must be established so that it is not greater than the design cruising speed V_C/M_C and so that it is sufficiently below V_D/M_D and the maximum speed shown under § 23.251 to make it highly improbable that the latter speeds will be inadvertently exceeded in operations. The speed margin between V_{MO}/M_{MO} and V_D/M_D or the maximum speed shown under § 23.251 may not be less than that established between V_C/M_C and V_D/M_D under § 23.335(b)(3), or found necessary in the flight tests conducted under § 23.253.

5. A new § 23.1545(d) would be added to read as follows:

§ 23.1545 Airspeed indicator.

* * * * *

(d) Paragraphs (b)(1) through (3) and (c) of this section do not apply to aircraft for which a maximum operating speed V_{MO}/M_{MO} is established under § 23.1505(c). For those aircraft there must either be a maximum allowable airspeed indication showing the variation of V_{MO}/M_{MO} with altitude or compressibility limitations (as appropriate), or the following markings must be made:

(1) For V_{MO}/M_{MO} a radial red line.

(2) For the normal operating range, a green arc with the lower limit at V_{s_1} at maximum weight and with wing flaps retracted, and the upper limit at V_{MO}/M_{MO}.

Explanation. For high performance aircraft, the current design airspeed requirements are unduly restrictive, particularly the requirement that V_d be no less than 1.40 times V_C. For high performance aircraft, a more rational basis for selecting design speeds is necessary to permit smaller spreads between V_C and V_d. Provision for design speeds limited by compressibility should also be made. This amendment would accomplish this result for high performance aircraft without affecting the current design airspeed requirements for applicants who still wish to comply with them.

Proposal 3. Mass parameter method of gust load investigation (§§ *23.333, 23.341, 23.345, 23.425, 23.443, and A23.3*). 1. Section 23.333 would be amended by striking out paragraph (c), by changing the heading of paragraph (d) to "Gust envelope", and by amending the envelope of paragraph (d) as follows, consistent with the gust envelope in § 25.333(c) of Part 25:

a. Each curve would include the identification "gust line for."

b. The symbols "+30 (fps gust)", "+15K", "−15K", and "−30K" would be amended, respectively, to read "V_G speed", "V_D speed", "V_D speed", and "V_G speed."

2. Section 23.341 would be amended to read as follows:

§ 23.341 Gust loads.

(a) The airplane is assumed to be subjected to symmetrical vertical gusts in level flight. The resulting limit load factors must correspond to the conditions determined as follows:

(1) Positive (up) and negative (down) gusts of 50 fps at V_C must be considered at altitudes between sea level and 20,000 feet. The gust velocity may be reduced linearly from 50 fps at 20,000 feet to 25 fps at 50,000 feet.

(2) Positive and negative gusts of 25 fps at V_D must be considered at altitudes between sea level and 20,000 feet. The gust velocity may be reduced linearly from 25 fps at 20,000 feet to 12.5 fps at 50,000 feet.

(b) The following assumptions must be made:

(1) The shape of the gust is—

$$U=\frac{U_{ds}}{2}\left(1-\cos\frac{2\pi s}{25\bar{C}}\right)$$

where—

s = distance penetrated into gust (ft.);
$\bar{C}$ = mean geometric chord of wing (ft.); and
U_{ds} = derived gust velocity referred to in paragraph (a) (fps).

(2) Gust load factors vary linearly with speed between V_C and V_D.

(c) In the absence of a more rational analysis, the gust load factors must be computed as follows:

$$n=1+\frac{K_g U_{de} V a}{498(W/S)}$$

where—

$K_g=\frac{0.88\mu_g}{5.3+\mu_g}$ = gust alleviation factor;

$\mu_g=\frac{2(W/S)}{\rho\, \bar{C}\, a g}$ = airplane mass ratio;

U_{de} = derived gust velocities referred to in paragraph (a) (fps);
ρ = density of air (slugs/cu. ft.);
W/S = wing loading (psf);
$\bar{C}$ = mean geometric chord (ft.);
g = acceleration due to gravity (ft./sec.²);
V = airplane equivalent speed (knots); and
a = slope of the airplane normal force coefficient curve C_{N_A} per radian if the gust loads are applied to the wings and horizontal tail surfaces simultaneously by a rational method. The wing lift curve slope C_L per radian may be used when the gust load is applied to the wings only and the horizontal tail gust loads are treated as a separate condition.

3. Section 23.345(a)(2) would be amended by changing the gust velocity value from 15 fps to 25 fps.

4. Section 23.425(a)(1) and (2) and (d) would be amended to read as follows:

§ 23.425 Gust loads.

(a) * * *

(1) Gust velocities specified in § 23.341(a) with flaps retracted; and

(2) Positive and negative gusts of 25 fps nominal intensity at V_F corresponding to the flight condition specified in § 23.345(a)(2).

* * * * *

(d) In the absence of a more rational analysis, the incremental tail load due to the gust must be computed as follows:

$$\Delta L_{t_1}=\frac{K_g U_{de} V a_{t_1} S_{t_1}}{498}\left(1-\frac{d\epsilon}{d\alpha}\right)$$

where—

ΔL_{t_1} = incremental horizontal tail load (lbs.);
K_g = gust alleviation factor defined in section 23.341;
U_{de} = derived gust velocity (fps);
V = airplane equivalent speed (knots);
a_{t_1} = slope of horizontal tail lift curve (per radian);
S_{t_1} = area of horizontal tail (ft.²); and
$\left(1-\frac{d\epsilon}{d\alpha}\right)$ = downwash factor.

5. Sections 23.443 (a) and (b) would be amended to read as follows:

§ 23.443 Gust loads.

(a) Vertical tail surfaces must be designed to withstand, in unaccelerated flight, lateral gusts of the values prescribed for V_G in § 23.341(a).

(b) In the absence of a more rational analysis, the gust load must be computed as follows:

$$L_{v_t}=\frac{K_{g_t} U_{de} V a_{v_t} S_{v_t}}{498}$$

where—

L_{v_t} = vertical tail load (lbs.);
$K_{g_t}=\frac{0.88\mu_{g_t}}{5.3+\mu_{g_t}}$ = gust alleviation factor;
$\mu_{g_t}=\frac{2W}{\rho \bar{C}_t g a_{v_t} S_{v_t}}\left(\frac{K}{l_t}\right)^2$ = lateral mass ratio;
U_{de} = derived gust velocity (fps);
ρ = air density (slugs/cu. ft.);
W = airplane weight (lbs.);
S_{v_t} = area of vertical tail (ft.²);
$\bar{C}_t$ = mean geometric chord of vertical surface (ft.);
a_{v_t} = lift curve slope of vertical tail (per radian);
K = radius of gyration in yaw (ft.);
l_t = distance from airplane e.g. to lift center of vertical surface (ft.);
g = acceleration due to gravity (ft./sec.²); and
V = airplane equivalent speed (knots).

* * * * *

6. Section A23.3 of Appendix A of Part 23 would be amended by striking out the term "30 fps" from the definitions of n_3 and t.

Explanation. The present gust load substantiation requirements, prescribed gusts magnitudes, and associated gust load factor formulae are based on airplane wing loading concepts, and do not account for the effect of altitude on gust loads. The several changes under this proposal would substitute gust investigation based on airplane mass parameter concepts in place of the present wing loading concepts. Experience with similar mass parameter derived requirements in Part 25 has shown these requirements to be more accurate than the present requirements at higher altitudes and more representative of actual gust loads sustained at low altitudes. The changes to the gust envelope in § 23.333(d) are proposed in order to represent graphically the variation of investigated gust velocities with altitude that is assumed under the mass approach. Several changes in prescribed values are proposed, such as the increased gust velocity from 15 to 25 fps in change No. 3. These changes appear to be large changes in substance. However, when the proposed values are placed in the proposed formulae, the resultant burdens are similar to those under the present wing loading derived standards.

Proposal 4. Determination of design cruising speed (§ *23.335*). Section 23.335(a)(2) would be amended, (a)(3) added, and (b)(2) amended to read as follows:

§ 23.335 Design airspeeds.

* * * * *

(a) * * *

(2) For values of W/S more than 20, the multiplying factors may be decreased linearly with W/S to a value of 33 where $W/S=100$.

(3) V_C need not exceed 0.9 V_H.

(b) * * *

(2) For values of W/S more than 20, the multiplying factors may be decreased linearly with W/S to a value of 1.35 where $W/S=100$.

* * * * *

Explanation. Two changes are proposed. First, the rule would be changed to make it clear that the specified linear decreases in the multiplying factors determining design cruising speed are allowed but not required. This change

reflects long standing intent with respect to the rule. Second, permission to limit design cruising speed to 0.9 V_H would be extended to all airplanes. For airplanes with wing loadings of 20 or less, as well as those with wing loadings greater than 20, an unnecessary burden may result from requiring that the design cruising speed be determined solely with reference to wing loading and the multiplying factors specified in § 23.335(a)(1). Since V_H is the maximum speed in level flight with rated r.p.m. and power, safety will not be compromised if the design cruising speed is not required to exceed 0.9 V_H.

Proposal 5. Normal category minimum limit maneuvering load factor (*§ 23.337*). Section 23.337(a)(1) would be amended by striking out the words following the number "3.8."

Explanation. The present minimum limit maneuvering load factor of 2.5 is below the minimum that can be obtained using the greatest possible weight under Part 23, namely 12,500 pounds. Since this weight parameter determines the minimum limit maneuvering load factor that can possibly be obtained under the formula, no minimum need be specified.

Proposal 6. Substantiation of high lift devices (*§ 23.345*). Section 23.345 (e) would be amended by striking out the cross reference to § 23.175(c).

Explanation. It is impractical to combine flight test conditions and airload conditions, which is the effect of the cross reference to § 23.175(c).

Proposal 7. Rolling conditions (*§ 23.349*). The term "wing airload" in § 23.349(a) (1) and (2) would be changed to "semispan wing airload."

Explanation. The airloads to which the prescribed percentages apply are the wing airloads on each side of the roll axis, not the total wing airload. Therefore, "wing airload" is too broad. "Semispan wing airload" is more precise.

Proposal 8. Engine torque (*§ 23.361*). 1. The word "and" following § 23.361(a)(1) would be moved to follow § 23.361(a)(2), a semicolon would be inserted to replace the period following § 23.361(a)(2), and a new § 23.361(a)(3) would be added to read as follows:

§ 23.361 Engine torque.

* * * * *

(a) * * *

(3) For turbopropeller installations, in addition to the conditions specified in subparagraphs (1) and (2) of this paragraph, the limit engine torque corresponding to takeoff power and propeller speed, multiplied by a factor accounting for propeller control system malfunction, including quick feathering, acting simultaneously with 1g level flight loads. In the absence of a rational analysis, a factor of 1.6 must be used.

* * * * *

2. Subparagraphs (1) and (2) of § 23.361(b) would be redesignated as subparagraphs (2) and (3), respectively, and a new subparagraph (1) would be added to read as follows:

(1) 1.25 for turbopropeller installations.

Explanation. For turbopropeller installations, the present requirements fail to account for torque loadings transmitted to the engine mount and related structure during a control malfunction, such as sudden feathering of the propeller. These loadings together with 1g flight loads could be critical for the engine mounting structure. The present requirements also fail to recognize that the smooth power impulse characteristics of turbine engines justify a multiplying factor as low as 1.25. This proposal would correct these deficiencies in a manner consistent with the requirements in § 25.361 of Part 25, which have been safely applied.

Proposal 9. Unsymmetrical loads due to turbine engine failure (*new § 23.367*). A new § 23.367 would be added to read as follows:

§ 23.367 Unsymmetrical loads due to engine failure.

(a) The airplane must be designed for the unsymmetrical loads resulting from the failure of the critical engine. Turbopropeller airplanes must be designed for the following conditions in combination with a single malfunction of the propeller drag limiting system, considering the probable pilot corrective action on the flight controls:

(1) At speeds between V_{MC} and V_D, the loads resulting from power failure because of fuel flow interruption are considered to be limit loads.

(2) At speeds between V_{MC} and V_C, the loads resulting from the disconnection of the engine compressor from the turbine or from loss of the turbine blades are considered to be ultimate loads.

(3) The time history of the thrust decay and drag buildup occurring as a result of the prescribed engine failures must be substantiated by test or other data applicable to the particular engine-propeller combination.

(4) The timing and magnitude of the probable pilot corrective action must be conservatively estimated, considering the characteristics of the particular engine-propeller-airplane combination.

(b) Pilot corrective action may be assumed to be initiated at the time maximum yawing velocity is reached, but not earlier than 2 seconds after the engine failure. The magnitude of the corrective action may be based on the control forces specified in § 23.397 except that lower forces may be assumed where it is shown by analysis or test that these forces can control the yaw and roll resulting from the prescribed engine failure conditions.

Explanation. No regulation now provides for substantiation of the airplane for the vertical tail loads resulting from unsymmetrical power conditions due to engine failure in combination with windmilling propeller drag loads. These loads are not critical for reciprocating engines but may be critical for turbopropeller powered airplanes, since windmilling, fixed turbine, turbopropeller installations can develop high drag loads. The proposed standards have been safely applied under Part 25.

Proposal 10. Turbopropeller installation gyroscopic loads (*new § 23.371*). A new §23.371 would be added to read as follows:

§ 23.371 Gyroscopic loads.

For turbopropeller powered airplanes, each engine mount and its supporting structure must be designed for the gyroscopic loads that result, with the engines at maximum continuous r.p.m., under either of the following conditions:

(a) The conditions prescribed in §§ 23.351 and 23.423.

(b) All possible combinations of the following:

(1) A yaw velocity of 2.5 radians per second.

(2) A pitch velocity of 1 radian per second.

(3) A normal load factor of 2.5.

(4) Maximum continuous thrust.

Explanation. The light weight and long overhang characteristics of turbopropeller installations may result in engine mount strength inadequate to withstand gyroscopic loads that result from the pitch and yaw conditions for which the tail surfaces are substantiated. Proposed (a) would require the engine mount structure to be substantiated for those conditions. Proposed (b) would alternatively allow the applicant to use simplified, conservative design conditions to accomplish the same result.

Proposal 11. Speed control devices (*New § 23.373*). A new § 23.373 would be added to read as follows:

§ 23.373 Speed control devices.

If speed control devices (such as spoilers and drag flaps) are incorporated for use in en route conditions—

(a) The airplane must be designed for the symmetrical maneuvers and gusts prescribed in §§ 23.333, 23.337, and 23.341, and the yawing maneuvers and lateral gusts in §§ 23.441 and 23.443, with the device extended at speeds up to the placard device extended speed; and

(b) If the device has automatic operating or load limiting features, the airplane must be designed for the maneuver and gust conditions prescribed in paragraph (a) of this section at the speeds and corresponding device positions that the mechanism allows.

Explanation. En route speed control devices are likely on the coming generation of high performance small airplanes. No provision for such devices is made in Part 23. The proposed standards have been shown to be adequate through long application under Part 25.

Proposal 12. Use of prescribed "maximum" and "minimum" pilot forces for control system design (*§ 23.395*). 1. Section 23.395(a)(1) would be amended by adding the following sentence at the end thereof: "Pilot forces used for design need not exceed the maximum forces prescribed in § 23.397(b)."

2. Section 23.395(a)(2) would be amended by adding the following sentence at the end thereof: "Compliance with this subparagraph may be shown by designing for loads resulting from application of the minimum forces prescribed in § 23.397(b)."

3. Section 23.395(c) would be amended by striking out the first sentence and by striking out the words "these pilot forces" before the words "are assumed" and inserting the words "pilot forces used for design" in place thereof.

Explanation. The only design reference in § 23.395 to the limit pilot forces of § 23.397 is the general reference in § 23.395(c). This reference is a mere editorial one that does not clearly state the regulatory effect of those pilot forces. This proposal would correct this deficiency without substantive change.

Proposal 13. Clarification of wheel control forces (aileron) (*§ 23.397*). 1. The values "53D in-pounds" and "40D in-pounds" in § 23.397(b) would be amended to read "50 pounds" and "40 pounds", respectively.

2. Footnote 4 in § 23.397(b) would be amended to read as follows:

[4] The force must be applied simultaneously to opposite sides of the wheel and in opposite directions.

Explanation. The present terminology based on inch-pounds has been confusing to some persons. The proposed language is intended to prevent further confusion. Except for a rounding of 54D in-pounds to 50 pounds, no substantive change would result from this proposal.

Proposal 14. Design landing weight (*§§ 23.25, 23.473, and 23.1583*). 1. Section 23.25(a) introductory text and subparagraph (1) would be amended to read as follows:

§ 23.25 Weight limits.

(a) *Maximum weight.* The maximum weight is the highest weight at which compliance with each applicable requirement of this part (other than those complied with at the design landing weight) is shown. The maximum weight must be established so that it is—

(1) Not more than—

(i) The highest weight selected by the applicant;

(ii) The design maximum weight, which is the highest weight at which compliance with each applicable structural loading condition of this part (other than those complied with at the design landing weight) is shown; or

(iii) The highest weight at which compliance with each applicable flight requirement is shown, except for airplanes equipped with standby power rocket engines, in which case it is the highest weight established in accordance with Appendix E of this part; or

* * * * *

2. Section 23.473 (a), (b), and the introductory text of (c) would be amended to read as follows:

§ 23.473 Ground load conditions and assumptions.

(a) The ground load requirements of this subpart must be complied with at the design maximum weight except that §§ 23.479, 23.481, and 23.483 may be complied with at a design landing weight (the highest weight for landing conditions at the maximum descent velocity) allowed under paragraphs (b) and (c) of this section.

(b) The design landing weight may be as low as the design maximum weight less the weight of 25 percent of the total fuel capacity.

(c) The design landing weight of a multiengine airplane may be less than that allowed under paragraph (b) of this section if—

* * * * *

3. Section 23.473(c)(1) would be amended by striking out the cross reference "§ 23.67" and inserting the cross reference "23.67 (a) or (b)(1)" in place thereof, and § 23.473(c)(2) (i) and (ii) would be deleted.

4. Section 23.473(g) would be amended by inserting the words "at design maximum weight" after the number "2.0."

5. A new § 23.1583(c)(5) would be added to read as follows:

§ 23.1583 Operating limitations.

* * * * *

(c) *Weight.* * * *

(5) The design landing weight, if less than the maximum weight.

* * * * *

Explanation. Section 23.473(b) now allows a design landing weight as low as 95 percent of the maximum weight. FAA studies have shown that allowing a design landing weight equal to the design maximum weight less 25 percent of the total fuel capacity would be more rational and would not compromise strength for the landing conditions. The 25 percent figure is based on the increasing average time per flight, increasing fuel capacities, increasing fuel consumption rates, and the typical flight missions of modern small airplanes, including IFR alternate field fuel needs, especially for turbine engine powered airplanes. Proposed new § 23.473(a) would make it clear that the design maximum weight is the weight to be used in investigating ground loads unless the design landing weight option is chosen by the applicant. That paragraph would also make it clear that the design landing weight option applies only to the conditions actually representing landing loads, namely the conditions in §§ 23.479, 23.481, and 23.483. Both of these clarifications reflect present practice and would involve no substantive change.

The conditions under which a design landing weight, less than the maximum weight, may be used are specified in § 23.473(b) (1), (2), and (3). The structural condition in (b)(1) would be surplus and would be deleted because of the addition of the words "design maximum weight" to § 23.473(g) in change 6 of this proposal. The one-half hour minimum fuel capacity requirement in (b)(2) would be surplus since the 25 percent fuel figure would be used.

The change to the crossreference in § 23.473(c)(1) is one of precision only, with no substantive change. Section 23.473(c)(2) (i) and (ii) would be deleted because there is no need to incorporate Part 25 standards in addition to ground load and landing gear requirements that have been added to Part 23 since the adoption of § 23.473.

The addition of "design maximum weight" to § 23.473(g) is made because (1) load factors without prescribed weights are meaningless, and (2) the intent of (g) is to prescribe load factors at the highest weight at which compliance with each applicable structural loading condition is shown.

Proposal 15. Limit side force condition for skiplanes (*§ 23.505*). Section 23.505 would be amended to read as follows:

§ 23.505 Supplementary conditions for skiplanes.

In determining ground loads for skiplanes, and assuming that the airplane is resting on the ground with one main ski frozen at rest and the other skis free to slide, a limit side force equal to 0.036 times the design maximum weight must be applied near the tail assembly, with a factor of safety of 1.

Explanation. The present limit side force is based on tail ski design factors. A force appropriate for both tail and nose ski configurations is necessary. The figure 0.036 times the design maximum weight is appropriate for this purpose.

Proposal 16. Substantiation of multiple-wheel landing gear units (*new § 23.511*). A new § 23.511 would be added to read as follows:

§ 23.511 Ground load: unsymmetrical loads on multiple-wheel units.

For dual wheel landing gear units, the following apply:

(a) The airplane is assumed to pivot about one side of the main gear with—

(1) The brakes on the pivoting unit locked; and

(2) A limit vertical load factor of 1, and coefficient of friction of 0.8, applied to the main gear and its supporting structure.

(b) The loads established under §§ 23.471 through 23.483 must be applied, in a 60/40 percent distribution, to the dual wheels and tires in each dual wheel landing gear unit.

(c) For the deflated tire condition—

(1) 60 percent of the loads established under §§ 23.471 through 23.483 must be applied to each wheel in a landing gear unit; and

(2) 60 percent of the limit drag and side loads, and 100 percent of the limit vertical load established under §§ 23.485 and 23.493 or lesser vertical load obtained under subparagraph (1) of this paragraph, must be applied to either wheel in the dual wheel landing gear unit.

Explanation. Part 23 does not provide specific standards for the substantiation of multiple-wheel landing gear units. It now appears that small airplanes having such units are being designed. The proposed standards are believed to be the minimum necessary for substantiation of multiple-wheel units.

Proposal 17. Emergency landing conditions (*§ 23.561*). 1. Section 23.561

(c)(3) and (d) (introductory text) would be amended by adding a comma and the words "in the absence of a more rational analysis—" after the word "assuming."

2. The word "upward" in § 23.561(c)(3)(i) would be deleted and replaced with the word "downward."

Explanation. Change 1 would reflect present intent with respect to allowing the use of rationally determined values of ultimate inertia force and coefficient of friction instead of the specified values. Change 2 is necessary because the term "vertical ultimate acceleration" in the note following former CAR § 3.386(c) was intended to refer to inertia forces that are downward, with respect to the airplane, in the wheels-retracted emergency landing condition. For the turnover condition of § 23.561(d), the CAR language "vertical ultimate acceleration" is properly recodified as "upward," again with respect to the airplane.

Proposal 18. Fatigue evaluation of flight structure (§ 23.571). The present text of § 23.571 would be designated as paragraph (b), present paragraphs (a) and (b) would be designated as subparagraphs (1) and (2), respectively, of paragraph (b), and the following paragraph (a) would be added:

§ 23.571 Pressurized cabin.

(a) The strength, detail design, and fabrication of those parts of the wing, wing carry-through, and attaching structure whose failure would be catastrophic must be evaluated under either of the following unless it is shown that the structure, operating stress level, materials, and expected use are comparable, from a fatigue standpoint, to a similar design that has had extensive satisfactory service experience:

(1) A fatigue strength investigation, in which the structure is shown by analysis, tests, or both, to be able to withstand the repeated loads of variable magnitude expected in service.

(2) A fail safe strength investigation in which it is shown by analysis, tests, or both, that catastrophic failure of the structure is not probable after fatigue failure, or obvious partial failure, of a principal structural element, and that the remaining structure is able to withstand a static ultimate load factor of 75 percent of the critical limit load factor at V_C. These loads must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered.

* * * * *

Explanation. Part 23 does not require an effective fatigue evaluation of the wing and associated structure. Service experience has shown that fatigue effects not adequately covered by present design practice can develop over a period of time. The proposed alternatives of fatigue strength investigation or fail safe strength investigation, limited to wing and associated structure whose failure could be catastrophic, are intended to prevent the hazard of fatigue failures in service while minimizing the burden on the applicant.

Proposal 19. Lightning strike evaluation (New § 23.581). 1. A new center heading entitled "Lightning Evaluation" would be added following § 23.571.

2. A new § 23.581, following the above new center heading, would be added to read as follows:

§ 23.581 Lightning protection of structure.

(a) The airplane must be protected against catastrophic effects from lightning.

(b) For metallic components, compliance with paragraph (a) of this section may be shown by—

(1) Bonding the components properly to the airframe; or

(2) Designing the components so that a strike will not endanger the airplane.

(c) For nonmetallic components, compliance with paragraph (a) of this section may be shown by—

(1) Designing the components to minimize the effect of a strike; or

(2) Incorporating acceptable means of diverting the resulting electrical current so as not to endanger the airplane.

Explanation. Small airplane operations involving potential exposure to lightning strikes are increasing. The hazardous effects of lightning on aircraft are well known. Economically practical means of protecting aircraft from such effects have been under study for several years. In order to prevent undue dictation of design, and yet, on the other hand, avoid an unnecessarily vague standard, this proposal summarizes the design objectives derived from the studies and experience obtained in the field of lightning protection of aircraft structures.

Proposal 20. Self-locking nuts (§ 23.607). Section 23.607 would be amended by adding, at the end thereof, a comma and the words "unless an additional locking means is provided."

Explanation. The present language was originally intended to prevent the use of self-locking nuts incorporating only one locking means. Self-locking nuts are now available with more than one locking means. These nuts may be safely used on bolts subject to rotation in operation.

Proposal 21. Accessibility of parts requiring inspection (§ 23.611). Section 23.611 would be amended to read as follows:

§ 23.611 Accessibility of parts.

There must be means to allow close examination, repair, and replacement of each part requiring maintenance, adjustments for proper alignment and function, or lubrication.

Explanation. Under the present language, the repair and replacement aspects of necessary maintenance may be impaired by the small size or other inadequacy of the access means, since those means need only allow "inspection."

Proposal 22. Design properties (§ 23.615). The words "examples of these items include," in § 23.615(a)(1), and subdivisions (i) through (iv) of (a)(1) would all be deleted.

Explanation. The kinds of structure covered by § 23.615(a)(1) are adequately described therein by the words "where * * * involved". Experience has shown that no need for specific examples exists.

Proposal 23. Interchangeability of seam-welded and seamless steel tubing (§ 23.617). Section 23.617 would be deleted.

Explanation. Experience with the use of steel tubing has progressed far beyond that which existed when the present language was issued. It is no longer necessary to specifically describe kinds of steel tubing. To the contrary, such specification may now have an unnecessarily restrictive effect.

Proposal 24. Use of special factors (§ 23.619). Section 23.619 would be amended to read as follows:

§ 23.619 Special factors.

(a) The factor of safety prescribed in § 23.303 must be multiplied by the special factors of safety prescribed in §§ 23.621 through 23.625 for each part of the structure whose strength is—

(1) Uncertain;

(2) Likely to deteriorate in service before normal replacement; or

(3) Subject to appreciable variability because of uncertainties in manufacturing processes or inspection methods.

(b) Only the highest pertinent special factor need be considered.

Explanation. This proposed change is editorial only. The present language contains redundancies and is unnecessarily different in organization from the equivalent requirement in the other airworthiness parts.

Proposal 25. Bearing factors (§ 23.623). Section 23.623 would be amended to read as follows:

§ 23.623 Bearing factors.

(a) Each part that has clearance (free fit), and that is subject to pounding or vibration, must have a bearing factor large enough to provide for the effects of normal relative motion.

(b) For control surface hinges and control system joints, compliance with the factors prescribed in §§ 23.657 and 23.693, respectively, meets paragraph (a) of this section.

Explanation. Three changes are proposed. First, proposed paragraph (a) would bring Part 23 into conformity with the equivalent requirements in Parts 25, 27, and 29. Second, present paragraph (b) would be deleted as surplus with the general provision in § 23.619 that only the largest special factor need be considered. Finally, proposed new paragraph (b) would reflect present practice with respect to control surface hinges and control system joints. No substantive change would result from these proposals.

Proposal 26. Fitting factors (§§ 23.625, 23.785, and 23.1413(b)). 1. The flush paragraph following § 23.785(f)(3) would be deleted.

2. Section 23.1413(b) would be deleted.

3. The following new § 23.625(d) would be added:

§ 23.625 Fitting factors.

* * * * *

(d) For each seat, berth, and safety belt, its attachment to the structure must be shown, by analysis, tests, or both, to be able to withstand the inertia forces prescribed in § 23.561 multiplied by a fitting factor of 1.33.

Explanation. This proposal would consolidate seat, berth, and belt attachment factor requirements in one section. No substantive change would result.

Proposal 27. Flutter (§23.629). 1. Section 23.629(a) (introductory text) would be deleted.

2. Section 23.629(a)(1) would be redesignated as (a) and would be amended by adding at the end thereof the words ", including all speeds up to V_D selected under § 23.335(b)(1) or 1.2 times the value of V_D selected under § 23.335(b)(3). In addition—"

3. Section 23.629(a)(2), (3), and (4) would be redesignated, respectively, as (a)(1), (2), and (3).

Explanation. Present § 23.629(a) (first sentence) is partially redundant with (a)(1). The proposed consolidation would eliminate this redundancy. The proposed change to current § 23.629(a)(1) is necessary in order to insure an adequate speed margin for flutter when a more rational speed spread between V_D and V_D is selected in place of the arbitrary speed spread of § 23.335(b)(1).

Proposal 28. Turbopropeller installation flutter (§ 23.629). A new § 23.629(d) would be added to read as follows:

§ 23.629 Flutter.

* * * * *

(d) For multiengine turbopropeller powered airplanes, the dynamic evaluation must include—

(1) The significant elastic, inertia, and aerodynamic forces associated with the rotations and displacements of the plane of the propeller; and

(2) Engine-propeller-nacelle stiffness and damping variations appropriate to the particular configuration.

Explanation. Present § 23.629 does not adequately cover turbopropeller installations. For these installations, as opposed to reciprocating engine installations, experience has shown that the resulting inertia, aerodynamic, and elastic forces can have adverse effects on the flutter stability of the wing. Safety requires that variations of propeller axis rigidity in pitch and yaw be prevented from inducing potentially catastrophic wing flutter. This proposal would accomplish this result.

Proposal 29. Rib tests (§ 23.643). Section 23.643 would be deleted.

Explanation. Section 23.643 involves rib test details that are unnecessary in addition to the general proof of structure requirements in § 23.307.

Proposal 30. Trim system operation (§ 23.677). Section 23.677(b) would be amended by striking out the words "normal * * * continued" and inserting the words "adequate control for safe flight and landing is available" in place thereof.

Explanation. The intent of this requirement is that operation of the trim system may not be dependent upon the primary control system and that failures of the primary control system may not prevent safe flight and landing. This proposal would reflect this intent.

Proposal 31. Control system operation tests (§ 23.683). Section 23.683(b)(1) would be amended by adding, at the end thereof, the words "or the limit pilot forces in § 23.397(b), whichever are less".

Explanation. This proposal would preserve consistency with § 23.397 which provides that the airloads on the surfaces need not exceed those that would result from application of the forces in § 23.397(b).

Proposal 32. Pulley specifications (§ 23.689). Section 23.689(b) would be amended by striking out the words "as specified in the pulley specifications" after the words "is used".

Explanation. Correspondence of pulley and cable is prescribed in the first sentence of § 23.689(b). Correspondence may be verified in several ways. The reference to pulley specifications adds nothing.

Proposal 33. General landing gear substantiation (§ 23.721). Section 23.721 would be deleted.

Explanation. Section 23.721 adds nothing to the sections referenced therein.

Proposal 34. Providing for wing lift in drop tests (§§ 23.725 and 23.727). 1. Section 23.725(b) would be amended by striking out the words "wing lift is simulated" and inserting the words "the effect of wing lift is provided for" in place thereof.

2. Section 23.725(c) would be amended to read as follows:

§ 23.725 Limit drop tests.

* * * * *

(c) The limit inertia load factor must be determined in a rational or conservative manner, during the drop test, using a landing gear unit attitude, and applied drag loads, that represent the landing conditions.

* * * * *

3. Section 23.727(b) would be amended by striking out the words "wing lift * * * is simulated" and inserting the words "the effect of wing lift is provided for" in place thereof.

Explanation. Proposals 1 and 3 are made since wing lift is not itself simulated in the drop tests. Rather, the effects of wing lift are provided for. Proposal 3 would also make it clear that the following formula applies in all cases where the effects of wing lift are provided for, not only for wing lift equal to the airplane weight. Proposal 2 is necessary since representative landing gear drag loads, as well as the landing gear unit attitude currently prescribed, must be included in order to determine a rational or conservative limit inertia load factor.

Proposal 35. Ground load dynamic tests (new § 23.726). The following new § 23.726 would be added:

§ 23.726 Ground load dynamic tests.

(a) If compliance with the ground load requirements of §§ 23.479 through 23.483 is shown dynamically by drop test, one drop test must be conducted that meets § 23.725 except that the drop height must be—

(1) 2.25 times the drop height prescribed in § 23.725(a); or

(2) Sufficient to develop 1.5 times the limit load factor.

(b) The critical landing condition for the design conditions specified in §§ 23.479 through 23.483 must be used for proof of strength.

Explanation. For manufacturers who desire to use dynamic methods of landing gear strength substantiation, as allowed under § 23.305(b), this proposal would provide a safe alternative to the preparation of complex and expensive stress analyses and static test programs.

Proposal 36. Yaw substantiation of retractable landing gear (§23.729). Section 23.729(a)(2) would be amended by inserting the words ", including loads resulting from all yawing maneuvers prescribed for the airplane," between the words "flight loads" and the words "with the".

Explanation. Flight loads resulting from yawing maneuvers may be critical for gear doors and other parts of the retractable landing gear. Part 23 does not specifically cover such loads (although they are covered in the general term "flight loads").

Proposal 37. Flap operated landing gear warning device (§ 23.729). Section 23.729(e) would be amended and a new paragraph (f) would be added to read as follows:

§ 23.729 Retracting mechanism.

* * * * *

(e) *Landing gear position.* There must be means to indicate to the pilot when the wheels are secured in the extreme positions.

(f) *Landing gear warning.* For landplanes, the following aural or equally effective landing gear warning devices must be provided:

(1) A device that functions continuously when one or more throttles are closed, if the landing gear is not fully extended and locked. A throttle stop may not be used in place of an aural device.

(2) A device that functions continuously when the wing flaps are extended beyond the takeoff or approach position (whichever is greater), if the landing gear is not fully extended and locked. There may not be a manual shut-off for this warning device. The flap position sensing unit may be installed at any suitable location. The system for this device may use any part of the system (including the aural warning device) for the device required in subparagraph (1) of this paragraph.

Explanation. Landings with wheels retracted are occurring in aircraft having a throttle operated landing gear warning device. These potentially hazardous incidents are occurring primarily because power-on approaches are common. The throttle operated aural warning device, of course, does not function with much power on. Reliance upon landing gear position indicators alone has been shown to be insufficient. For

airplanes with flaps, this proposal would provide a backup aural device, similar to that required for transport category airplanes, that would function, regardless of throttle setting, when more than a determined amount of flap is used.

Proposal 38. Tires (*§ 23.733*). 1. Section 23.733(a) (introductory text) would be amended to read as follows:

(a) Each landing gear wheel must have a tire whose tire rating (assigned by the Tire and Rim Association or the Administrator) is not exceeded—

2. Subparagraphs (1) and (2) of paragraph (a) would be deleted.

(3) Subdivisions (i) and (ii) of subparagraph (2) of paragraph (a) would be redesignated, respectively, as subparagraphs (1) and (2) of paragraph (a).

Explanation. The requirement that the tire be a proper fit on the rim of the wheel is unnecessarily detailed in the light of well established industry practice. This proposal would delete this requirement.

Proposal 39. Brakes (*§ 23.735*). Section 23.735 would be amended to read as follows:

§ 23.735 Brakes.

(a) Brakes must be provided so that the brake kinetic energy capacity rating of each main wheel brake assembly is not less than the kinetic energy absorption requirements determined under either of the following methods:

(1) The brake kinetic energy absorption requirements must be based on a conservative rational analysis of the sequence of events expected during landings at the design landing weight.

(2) Instead of a rational analysis, the kinetic energy absorption requirements for each main wheel brake assembly may be derived from the following formula:

$$KE = \frac{0.044WV_{s_0}^2}{N}$$

where—
KE=kinetic energy per wheel (ft. lb.);
W=design landing weight (lb.);
V_{s_0}=power-off stalling speed in knots, of the airplane at sea level, at the design landing weight, and in the landing configuration; and
N=number of main wheels.

(b) Brakes must be able to prevent the wheels from rolling on a paved runway with takeoff power on the critical engine, but need not prevent movement of the airplane with wheels locked.

Explanation. Part 23 does not provide for the determination of the energy absorption requirements of brakes. The present requirement in § 23.735(b) may not ensure the design of wheel brake combinations adequate for safe operation of the airplane. Proposed § 23.735(a) would therefore provide standards similar to the energy absorption determination requirements for transport category airplanes (§ 25.735(f)). Proposed § 23.735(b) would reflect the fact that, for aircraft with high power-to-weight ratios, it may be impossible to prevent motion, with locked wheels, when takeoff power is applied to the critical engine. Some question has arisen as to whether such motion constitutes "rolling" of the airplane within the meaning of present (a). It is not the intent of present (a) to prevent this motion, but only to ensure that the brakes can prevent the wheels themselves from rolling. The proposed energy absorption requirements reflect current industry practice in the design of small airplanes.

Proposal 40. Pressurized windshields and windows (*§§ 23.775 and 23.1583*). 1. A new § 23.775(e) would be added to read as follows:

§ 23.775 Windshields and windows.

* * * * *

(e) If certification for operation above 25,000 feet is requested, the windshields, window panels, and canopies must be strong enough to withstand the maximum cabin pressure differential loads combined with critical aerodynamic pressure and temperature effects, after failure of any load-carrying element of the windshield, window panel, or canopy.

2. A new § 23.1583(j) would be added to read as follows:

§ 23.1583 Operating limitations.

* * * * *

(j) *Altitude limitations.* Unless compliance with § 23.775(e) is shown, a maximum operating altitude limitation of 25,000 feet must be furnished for pressurized airplanes.

Explanation. Sudden decompression of small cabins due to transparency failure is potentially catastrophic. Experience with transport category airplanes has shown that decompression has been averted in several cases because of the dual element design of transparencies. The value 25,000 feet is believed to represent a reasonable point of demarcation between the altitudes at which sudden decompression is and is not potentially catastrophic, considering the expected cabin sizes and operating altitudes of small airplanes.

Proposal 41. Protection of occupants (*§§ 23.785 and 23.1413*). 1. A new § 23.785(g) would be added to read as follows:

§ 23.785 Seats and berths.

* * * * *

(g) Each occupant must be protected from head injury by—

(1) A safety belt and shoulder harness that will prevent the head from contacting any injurious object;

(2) A safety belt plus the elimination of any injurious object within striking radius of the head; or

(3) A safety belt plus an energy absorbing rest that will support the arms, shoulders, head, and spine.

2. Section 23.1413 would be amended by changing its heading to read "Safety belts and harnesses" and by changing the first sentence of paragraph (b) by inserting the words "and each harness" after the word "belt."

Explanation. Experience indicates that a significant reduction in injuries and fatalities in small airplane accidents may be obtained by the installation and use of effective upper body restraints or by designing airplane interiors to either eliminate injurious objects within striking radius of the head or provide energy absorbing support for the upper torso. This proposal would therefore apply, to small airplanes, standards identical with those long administered for large airplanes under § 25.785(c).

Proposal 42. Emergency exits on multiengine airplanes (*§ 23.807*). Section 23.807(a)(1) would be amended to read as follows:

§ 23.807 Emergency exits.

(a) *Number and location.* * * *

(1) For an airplane with engines mounted on the wings or on the side of the fuselage and that has a seating capacity of less than 16, and for an airplane with one or more engines mounted on the approximate centerline of the fuselage and that has a seating capacity of more than five, but less than 16, at least one emergency exit on the opposite side of the cabin from the main door specified in § 23.783.

* * * * *

Explanation. Section 23.807(a)(1) exempts all airplanes with five-or-less occupants from the requirement to have an emergency exit opposite the main door. For airplanes with engines mounted on the wings or on the side of the fuselage, the main door may be blocked by engine fire regardless of the number of occupants. Therefore the five-or-less exemption would be discontinued for these aircraft but would be continued for single engine airplanes and centerline thrust twins.

Proposal 43. Cabin pressure warning means (*§ 23.841*). Section 23.841(f) would be amended to read as follows:

§ 23.841 Pressurized cabins.

* * * * *

(f) Warning indication at the pilot station to indicate when the safe or preset pressure differential and absolute cabin pressure limits are exceeded. Appropriate warning markings on the cabin pressure differential indicator meet the warning requirement for pressure differential limits and an aural or visual signal (in addition to cabin altitude indicating means) meets the warning requirement for absolute cabin pressure limits.

* * * * *

Explanation. Present § 23.841(f) does not describe what pressure warning devices are acceptable. This proposal would follow the approach of § 25.841(b)(6), that is, that instrument markings are sufficient for safe warning of pressure differential limits, whereas aural or visual means are necessary for safe warning of absolute pressure limits.

Proposal 44. Leveling means (*§ 23.871*). Section 23.871 would be amended to read as follows:

§ 23.871 Leveling means.

There must be means for determining when the airplane is in a level position on the ground.

Explanation. Any means, not just reference marks, are acceptable for leveling the airplane on the ground.

Proposal 45. Equipment function (*§ 23.1301*). Section 23.1301(a) would be amended to read as follows:

§ 23.1301 Function and installation.

(a) Each item of installed equipment essential for safe operation must—

(1) Be of a kind and design appropriate to its intended function;

(2) Be labeled as to its identification, function, or operating limitations, or any applicable combination of these factors;

(3) Be installed according to limitations prescribed for that equipment and in compliance with § 23.1431; and

(4) Function properly when installed.

* * * * *

Explanation. This proposal would remove the unnecessary distinction between radio and other equipment that now exists in § 23.1301(a)(2) and (3), and extend the provisions of § 23.1431 to all equipment, not only radio equipment. There is no basis for distinguishing between radio and other equipment so far as general functioning requirements are concerned. The other changes are intended to bring the sections in closer conformity with the corresponding sections in Parts 25 through 29, without substantive change.

Proposal 46. Aircraft alternators (*§ 23.1351*). 1. Section 23.1351(b)(2) would be amended by adding the following at the end thereof: ", except that alternators may depend on a battery for initial excitation or for stabilization."

2. Section 23.1351(b)(3) would be amended by adding the following at the end thereof: ", except that the operation of an alternator that depends on a battery for initial excitation or for stabilization may be stopped by failure of that battery."

3. Section 23.1351(b)(4) would be amended by adding the following at the end thereof: ", except that controls associated with alternators that depend on a battery for initial excitation or for stabilization need not break the connection between the alternator and its battery."

Explanation. The present electrical system function requirements do not take into account the extensive service experience with aircraft alternators. This experience indicates that it is desirable to have a battery connected to the alternator field for initial excitation and for stabilization of the alternator, and that loss of electrical power (other than battery power) may occur if a heavy load is suddenly applied to an alternator whose field is not connected to a battery. This proposal would amend the electrical system function requirements to reflect this experience.

Proposal 47. Appendix A corrections—1. *Correction 1* (*sec. A23.1*). This section provides that the design load criteria in Appendix A are equivalents of standards in §§ 23.321 "through 23.399." For consistency with former CAR Part 3, this would be changed to read "through 23.459." No substantive change would result.

2. *Correction 2* (*Table 2*). Table 2 of Appendix A in former CAR Part 3 contained a note reading "NOTE: The surface loadings * * * are based * * * (etc)." This note was inadvertently omitted from Table 2, present Appendix A. This note would be added to present Table 2. No substantive change would result.

Proposal 48. Approval of weight and balance data in the Airplane Flight Manual (*§ 23.1583*). Section 23.1583(c) and (d) would be amended to read as follows:

§ 23.1583 Operating limitations.

* * * * *

(c) *Weight.* The maximum weight must be furnished.

(d) *Center of gravity.* The established center of gravity limits must be furnished.

* * * * *

Explanation. This proposal would remove the requirement for approval of those portions of the Airplane Flight Manual that contain the details of load distribution. This would preclude the need for future amendment and reapproval of the Manual as weight and balance details change. Section 23.1519 provides that the weight and center of gravity limitations determined under § 23.23 must be established as operating limitations. Beyond this, separate and continual reapproval of changes in detailed weight and balance information is unnecessary for safety.

Proposal 49. Identification of figures in Appendix A and B. In order to prevent further confusion, the figures in Appendix A would be identified as figures "A1" through "A6" and those in Appendix B would be identified as figures "B1" through "B9." Consistent cross reference changes would be made in §§ 23.421 through 23.455 and in the text of Appendix B.

Proposal 50. Appendix B: Limitation of maximum control surface deflections by pilot effort (*section B23.1*). Appendix B, section B23.1, would be amended by redesignating section B23.1(b) as section B23.1(c) and by adding the following new section B23.1(b):

(b) In the control surface loading conditions of section B23.11, the airloads on the movable surfaces need not exceed those that could be obtained in flight by using the maximum limit pilot forces prescribed in § 23.397(b). If the surface loads are limited by these maximum limit pilot forces, the tabs must be deflected—

(1) To their maximum travel in the direction that would assist the pilot; or

(2) In an amount corresponding to the greatest degree of out-of-trim expected at the speed for the condition being considered.

Explanation. It is the intent of section B23.1 to allow limitation of maximum control surface deflections by pilot effort when the average loadings and distributions of section B23.11 are used

Proposal 51. Tail surface loads as related to net balancing loads (*figure 6 of Appendix B*). A new note (c) would be added to Figure 6 of Appendix B to read as follows:

(c) The load on the fixed surface must be:

(1) 140 percent of the net balancing load for the flaps retracted case of note (a);

(2) 100 percent of the net balancing load for the flaps deflected case of note (a); and

(3) 120 percent of the net balancing load for the case in note (b).

Explanation. Failure of figure 6 to describe assumed loads on the fixed surfaces in terms related to net balancing loads has caused unnecessary administrative problems. These would be eliminated by this proposal. No substantive change from present practice would result from this proposal.

Proposal 52. Basic landing conditions (*Appendix C*). 1. A new NOTE 5 would be added to the table in section C23.1 to read as follows:

NOTE (5). n is the limit inertia load factor, at the c.g. of the airplane, selected under § 23.473 (d), (f), and (g).

2. The figure for the tail wheel type airplane in the level landing attitude in section C23.1 would be amended to indicate that the resultant ground load acts through the wheel axle.

Explanation. These self-explanatory changes are clarifying only, and reflect present practice in administering Appendix C.

POWERPLANT

Proposal 1. Fuel system independence (*§ 23.953*). Section 23.953(b)(1) would be amended by striking out the words "a hazardous amount of fuel" between the words "not contain" and the words "that can" and inserting the words "more than one quart of fuel (or any greater amount shown to be safe)" in place thereof.

Explanation. The present rule allows the shutoff valve for each tank to serve as the required firewall shutoff valve if the line between the valve and the engine compartment does not contain a "hazardous" amount of fuel. For all airplanes, one quart or less has been shown not to be hazardous and would be specified as a general maximum. However, there is no need to preclude showings of safe quantities of more than one quart. This proposal would allow that practice to continue.

Proposal 2. Measurement of required excess fuel flow for pump systems (*§ 23.955*). Section 23.955(c) would be amended to read as follows:

§ 23.955 Fuel flow.

* * * * *

(c) *Pump systems.* The fuel flow rate for each pump system (main and reserve supply) must be 125 percent of the takeoff fuel flow of the engine at the maximum power or thrust approved for takeoff under Part 33 of this chapter or lesser power or thrust selected and approved for takeoff under this part.

* * * * *

Explanation. This proposal would require measurement of excess fuel flow on the basis of percent of takeoff fuel consumption alone. The figure 0.9 pound per hour for each takeoff horsepower has been shown to add no necessary safety to that resulting from 125 percent of takeoff consumption. On the other hand, application of a fixed value of pounds per horsepower hour can produce erratic results from one engine type to another, results that are not meaningfully related to the basic requirement that establishes the fuel flow rate. This proposal also

adapts the excess fuel flow requirement to turbines by specifying power "or thrust," standardizes the use of the word "flow" versus "consumption," and makes it clear that the intended maximum takeoff power or thrust may be either that approved during engine type certification or selected and approved under Part 23.

Proposal 3. Multiple fuel tanks (§§ 23.955 and 23.959). Present § 23.959 (e) would be moved, and restricted to reciprocating engines, as new § 23.955(e) under a paragraph heading of "Multiple fuel tanks."

Explanation. Proposal 4 below would delete the minimum usable fuel requirements of present § 23.959. However, it is not intended to delete the fuel flow requirements of § 23.959(e). See also "Turbine change 4."

Proposal 4. Establishing unusable fuel supply (§ 23.959). Section 23.959 would be deleted and the following new § 23.959 would be inserted in place thereof:

§ 23.959 Unusable fuel supply.

The unusable fuel supply for each tank must be established as not less than that quantity at which the first evidence of malfunctioning occurs under the most adverse fuel food condition occurring under each intended operation and flight maneuver involving that tank.

Explanation. Present § 23.959 (a) through (d) contains detailed conditions for establishing the unusable fuel supply. Potentially critical conditions, and combinations of conditions, may be omitted by limiting the investigation to the specified detailed conditions. This problem of omission could be approached by the addition of more detailed conditions. However, experience in administering the general unusable fuel establishment requirements of Parts 25, 27, and 29 has shown that a general requirement can be safely applied in establishing unusable fuel. This proposal would therefore add an identical general requirement for small airplanes.

Proposal 5. Demonstration of freedom from vapor lock (for reciprocating engines) (§ 23.961). Section 23.961 would be amended by designating the present language as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 23.961 Fuel system hot weather operation.

* * * * *

(b) For reciprocating engines, freedom from vapor lock must be shown, at all altitudes below 8,000 feet, using the main fuel pumps alone and using the emergency pumps alone.

Explanation. Section 23.991 requires that there be emergency pumps to feed the engines after the failure of any engine-driven fuel pump other than a fuel injection pump approved as part of an engine. It is the intent of § 23.991 that each pump alone be able to meet the flow requirements of § 23.955, which means that freedom from vapor lock must be showable with each alone. However, the absence of such a specific requirement has caused some question as to whether freedom from vapor lock may be shown with the combined pumping capacities of main and emergency pumps. This proposal would prevent such a conclusion. The value 8,000 feet is chosen to preclude the need to run the vapor lock test to the maximum operating altitude and is believed to represent a reasonable demarcation altitude below which nearly all airports are located and above which the need for correct equipment and special care in many design areas would make a specific vapor lock requirement unnecessary.

Proposal 6. Fuel tank installation (§ 23.967). A new § 23.967(a)(6) would be added to read as follows:

§ 23.967 Fuel tank installation.

(a) * * *

(6) If the fuel filler must be uncovered manually for refueling, the pressure differential between the inner and outer surfaces of bladder cells, under all operating conditions, may not cause collapse of the cell or loss of fuel when the filler opening is partly or fully uncovered.

* * * * *

Explanation. Emergency landings and similar hazardous incidents may result if the necessary fuel flow from bladder cells is stopped by fuel loss or cell collapse due to improper use of manual means for uncovering fuel fillers for refueling. It is therefore proposed to require the assumption that the filler will be left open in evaluating the tendency of the tank to collapse or lose fuel under all operating conditions.

Proposal 7. Protection of fuel system components from wheels-up landings (New § 23.994). A new § 23.994 would be added to read as follows:

§ 23.994 Fuel system components.

The probability of fuel being released from any fuel system component as a result of a wheels-up landing must be minimized.

Explanation. Release of fuel from damaged fuel system components causes a potential fire hazard. Under present requirements, fuel system components are not specifically required to be protected from damage when the underside of the airplane contacts the ground in a wheels-up landing. This proposal would correct this deficiency.

Proposal 8. Accessibility of fuel valve controls (§ 23.995). Section 23.995(c) would be amended by striking out the word "and" following (c)(1), adding a semicolon and the word "and" following (c)(2), and by adding a new (c)(3) to read as follows:

§ 23.995 Fuel valves and controls.

* * * * *

(c) * * *

(3) Be designed and located so that the pilot can see and reach it regardless of any inflight position, or combination of inflight positions, of the pilot seat or any flight control, and without moving any seat or flight control.

* * * * *

Explanation. Proper fuel management requires that the pilot be able to reach the fuel selector, at any time, without being forced to move the seat or the primary controls (which may be hazardous at low altitudes). Ability to reach the fuel selector under any condition requires that each selector be visible to the pilot with the seat in any normal inflight position.

Proposal 9. Adequacy of oil lines (§ 23.1017). Section 23.1017(a) would be amended to read as follows:

§ 23.1017 Oil lines and fittings.

(a) *Oil lines.* Oil lines must meet § 23.993 and must accommodate a flow of oil at a rate and pressure adequate for proper engine functioning under any normal operating condition.

* * * * *

Explanation. If adequate oil flow can be maintained with oil lines whose inside diameters are less than the diameters of the corresponding engine oil pump inlets and outlets, safety does not require that lines with larger inside diameters be used. The present language relating oil line sizes to corresponding engine inlet and outlet sizes is therefore unnecessary for safety.

Proposal 10. Air induction (§§ 23.1091 and 23.1093). 1. Section 23.1091 would be amended by redesignating paragraphs (c), (d), and (e) as subparagraphs (1), (2), and (3) of paragraph (b), respectively, and by amending paragraph (b) to read as follows:

§ 23.1091 Air induction.

* * * * *

(b) Each reciprocating engine installation must have at least two separate air intake sources and must meet the following:

* * * * *

Explanation. Two changes are proposed. First, paragraph (b) would be amended to exclude the present allowance of a single air induction source for engines having fuel injection pumps and having no air intake screens, filters or other parts on which restrictive ice could form. This allowance is undesirable because (1) it encourages the absence of screens, which is not good design practice, (2) in some cases, induction systems without screens may be as sensitive to ice as systems with some screens of advanced design, and (3) systems without screens may experience duct icing that would require an alternate air source. Second, paragraph (b) would be restricted to reciprocating engines, consistent with proposals made below for turbine engines under § 23.1091.

2. Section 23.1091(e), which would be redesignated as § 23.1091(b)(3) under the above proposal, would also be amended by deleting the words "of the carburetor air preheater".

Explanation. There is no specific requirement for a "carburetor air preheater" if other means of preventing and eliminating icing are furnished.

3. Section 23.1093 would be amended by deleting the present paragraphs and by adding the following:

§ 23.1093 Induction system icing protection.

(a) The air induction system for each engine must have means to prevent the formation of ice in the air inlet system ducts, or on critical engine components, from having an adverse effect on engine operation. It must be impossible for ice removed or dislodged from any duct to adversely affect engine air or fuel flow.

* * * * *

Explanation. The detailed temperature rise requirements in present § 23.1093 are not clearly stated with respect to some types of installation. However, an attempt to give fully detailed, accurate temperature rise requirements for all installations would involve excessive detail. The objective of these standards is icing protection. It is believed that the proposed general requirement can be safely administered to suit individual installation details. Further changes to accommodate turbine engines are proposed below under § 23.1093. See "turbine change 11," below, for proposed § 23.1093(b).

Proposal 11. Open drains on the pressure side of turbosuperchargers (§ 23.1103). Section 23.1103(a) would be amended by striking out the words "no open drain may be on the pressure side of turbosupercharger installations."

Explanation. While the reason for preventing open drains on the pressure side of turbosupercharger installations (i.e., the possibility of fuel or vapor being expelled under pressure and penetrating areas that could ignite it) is valid in many cases, there is no reason for the requirement for installations in which open drains on the pressure side of turbosupercharger installations present no hazard. The requirement is therefore inappropriate as a general requirement. For unsafe installations, the general requirements of § 23.901 would be applied.

Proposal 12. Mixture control (§ 23.1147). Section 23.1147 would be amended by adding the following at the end of the first sentence (following the words "separate control"): ", and each mixture control must have guards or must be shaped or arranged to prevent confusion by feel with other controls."

Explanation. Misuse of the mixture control is increasing in frequency, and is believed to be caused by confusion, by feel, with other controls such as carburetor heat controls, cowl flap controls, and propeller controls.

Proposal 13. Carburetor air temperature controls (§ 23.1157). Section 23.1157 would be amended by adding the following sentence at the end thereof: "Each control must be designed or located so that no possible icing can impair its operation."

Explanation. Some question has arisen as to whether compliance with the requirement to have separate carburetor air temperature controls for each engine may be shown by automatic alternate air source doors or whether manually operated doors are necessary. Question has also arisen as to whether doors with only a fully open-or-shut capability are allowed or whether continuously variable doors are allowed. These questions need not arise since the kind of carburetor air temperature control is not important so long as it is protected against icing. This proposal would make this clear.

Proposal 14. Effect of closed fuel shutoff valve (§ 23.1189). Section 23.1189(b) would be amended by adding the following words after the words "remaining engines": "that would be available to those engines with that valve open."

Explanation. Literally read, the present requirement could be held to require that no on-board fuel be unavailable to the remaining engines when any fuel valve is closed. Such a requirement would require complete crossfeed provisions, which could introduce unnecessary hazards of their own. Under present design practice, many aircraft are designed so that some fuel is unavailable to some engines even with all fuel valves open. This practice is not unsafe in itself. This proposal would make § 23.1189(b) consistent with this permitted practice.

Proposal 15. Fire detectors (New § 23.1203). A new § 23.1203 would be added to read as follows:

§ 23.1203 Fire-detector system.

There must be quick acting fire detectors ensuring prompt detection of fire in the engine compartment of any powerplant that cannot be readily observed from the cockpit in flight.

Explanation. For engines not observable from the cockpit, means other than a direct visual check are necessary in order to prevent the development of engine fires. While this problem is generally a new one caused by the advent of aft-fuselage mounted turbine engines, it is also present in the case of certain reciprocating and turbine engine installations in other locations.

Proposal 16. Fuel quantity indicating means (§ 23.1305). Section 23.1305(a)(1) would be amended to read as follows:

§ 23.1305 Powerplant instruments.

(a) * * *

(1) A fuel quantity indicating means.

* * * * *

Explanation. Section 23.1337(b) requires a fuel quantity indicating "means" to indicate the quantity of fuel in each tank during flight. This may be met with a single indicator plus selector. It is intended that § 23.1305(a)(1) be consistent with § 23.1337(b). The present language wrongly suggests that each tank must have its own "indicator."

Proposal 17. Hydraulic systems (§ 23.1435). Section 23.1435(c) would be amended by adding the words "or propeller" after the words "part of an engine."

Explanation. The words "or propeller" were inadvertently omitted from the issue of Part 23.

Proposal 18. Marking usable fuel capacity near the filler cap (§ 23.1557). Section 23.1557(c)(1) would be amended to read as follows:

§ 23.1557 Miscellaneous markings and placards.

* * * * *

(c) *Fuel and oil filler openings.* * * *

(1) The word "fuel" and the minimum fuel grade or designation for the engines.

* * * * *

Explanation. Marking the fuel capacity near the filler does not serve any function necessary for safety in flight, nor is it essential for proper refueling. This requirement would therefore be deleted as unnecessary.

Proposal 19. Miscellaneous turbine installation requirements. The need for type certification standards for turbine engine powered small airplanes is rapidly increasing. Experience in the type certification of turbine engine powered aircraft in other categories has resulted in the identification of certain specific regulatory changes that are necessary to ensure safe turbine engine installations. These changes have also, where applicable, been applied as special conditions in the case of small turbine engine powered airplanes certificated under Part 23. The following proposals contain these changes, adapted to small turbine engine powered airplanes as a class.

Turbine change 1. Reversing systems (new § 23.933). A new § 23.933 would be added to read as follows:

§ 23.933 Reversing systems.

(a) Reversing systems intended for ground operation only must be designed so that no single failure or malfunction of the system will result in unwanted reverse thrust under any expected operating condition. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(b) Turbojet reversing systems intended for inflight use must be designed so that no unsafe condition will result during normal operation of the system, or from any failure (or reasonably likely combination of failures) of the reversing system, under any anticipated condition of operation of the airplane. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(c) Compliance with this section may be shown by failure analysis, testing, or both, for propeller systems that allow propeller blades to move from the flight low-pitch position to a position that is substantially less than that at the normal flight low-pitch stop position. The analysis may include or be supported by the analysis made to show compliance with the requirements of § 35.21 of this chapter for the propeller and associated installation components.

(d) Each turbojet reversing system must have means to prevent the engine from producing more than idle forward thrust when the reversing system malfunctions, except that it may produce any greater forward thrust that is shown to allow directional control to be maintained, with aerodynamic means alone, under the most critical reversing condition expected in operation.

Explanation. Reversing systems were generally not present in reciprocating engine powered small airplanes and so no reversing system standards have

evolved. The advent of the turbine engine, however, makes consideration of turbopropeller and turbojet reversing systems necessary. The proposed standards are similar to those in § 25.933, which have been safely applied. In addition, proposed § 23.933(d) is similar to § 25.933(d) which was proposed in Notice 65–43 (31 F.R. 93, Jan. 5, 1966), for the reasons stated therein, namely that there have been hazardous incidents involving loss of directional control of turbojet powered airplanes, on the ground, caused by thrust reverser malfunctions that allowed forward thrust to be developed by one engine while the remaining engines produced reverse thrust.

Turbine change 2. Turbopropeller-drag limiting systems (new § 23.937). A new § 23.937 would be added to read as follows:

§ 23.937 Turbopropeller-drag limiting systems.

Turbopropeller powered airplane propeller-drag limiting systems must be designed so that no single failure or malfunction of any of the systems during normal or emergency operation results in propeller drag in excess of that for which the airplane was designed under the structural requirements of this part. Failure of structural elements of the drag limiting systems need not be considered if the probability of this kind of failure is extremely remote.

Explanation. Turbopropeller installations may cause exceptionally high windmilling drag, which may, in turn, cause critical flight or structural conditions. This proposal is similar to § 25.937, which has been safely applied.

Turbine change 3. Turbine engine powerplant operating characteristics (new § 23.939). A new § 23.939 would be added to read as follows:

§ 23.939 Turbine engine powerplant operating characteristics.

(a) Turbine engine powerplant operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flameout) are present, to a hazardous degree, during normal and emergency operation within the range of operating limitations of the airplane and of the engine.

(b) Operation of the airplane within the portion of the flight envelope prescribed in § 23.333 that produces the highest negative acceleration loads may not cause hazardous malfunction of any part of the turbine engine powerplant.

(c) The vibration characteristics of turbine engine components whose failure could be catastrophic may not be adversely affected during normal operation.

Explanation. By special condition, requirements similar to those of § 25.939 have been applied in the type certification of small turbine engine powered airplanes to insure that the turbine engine installation will not be adversely affected by stall, surge, or other characteristics. Proposed (a) is similar to § 25.939. Proposed (b) and (c) are similar to § 25.939 (b) and (c) which are currently proposed in Notice 65–43 and which have been safely applied as special conditions in the type certification of turbine engine powered aircraft to ensure that no adverse vibration characteristics will occur and that extended negative acceleration loads will not interrupt fuel flow.

Turbine change 4. Fuel flow (§ 23.955). 1. A new § 23.955(f) would be added to read as follows:

§ 23.955 Fuel flow.

* * * * *

(f) *Turbine engine fuel systems.* Each turbine engine fuel system must provide at least 100 percent of the fuel flow required by the engine under each intended operation condition and maneuver. The conditions may be simulated in a suitable mockup. This flow must—

(1) Be shown with the airplane in the most adverse fuel feed condition (with respect to altitudes, attitudes, and other conditions) that is expected in operation; and

(2) Be automatically uninterrupted with respect to any engine until all fuel scheduled for use by the engine has been consumed.

Explanation. (See Proposal 3 for § 23.955(e)). Turbine engines are more sensitive to lack of sustained, adequate fuel flow than are reciprocating engines. The danger of flameouts associated with the absence of a continuous ignition source, the difficulty of restarting some turbine engines in flight, and the critical fuel flow rate problems associated with the high flow rates of turbines make it necessary that fuel flow be adequate and uninterrupted under all intended operating conditions and maneuvers.

2. Section 23.955(d) would be amended by striking out the words "paragraphs (b) and (c) of this section apply" and inserting the words "paragraphs (b), (c), and (f) of this section apply."

Explanation. This change is necessary since turbine engine fuel system requirements are intended to apply to turbine engine auxiliary and transfer systems, with the exceptions prescribed in § 23.955(d) (1) and (2).

Turbine change 5. Fuel system hot weather operation (§ 23.961). The present provisions in § 23.961 would be designated as paragraph (a) and new paragraphs (b) and (c) would be added to read as follows:

§ 23.961 Fuel system hot weather operation.

* * * * *

(b) For turbine engines and turbosupercharged reciprocating engines, the ability of the fuel system to perform satisfactorily in hot weather operation must be shown by climbing from the altitude of the airport elected by the applicant to the altitude representing the service ceiling of the airplane. There may be no evidence of vapor lock or other malfunctioning during the climb test conducted under the following conditions:

(1) The engines must operate at takeoff power or thrust for the time interval used for showing the takeoff under § 23.51 and at maximum continuous power or thrust for the rest of the climb.

(2) The weight of the airplane must be the weight with full fuel tanks, minimum crew, and the ballast necessary to maintain the center of gravity within allowable limits.

(3) The speed of climb may not exceed that allowing compliance with the minimum climb requirement specified in § 23.65.

(c) The test prescribed in paragraph (b) of this section may be performed in flight or on the ground under closely simulated flight conditions. If a flight test is performed in weather cold enough to interfere with the proper conduct of the test, the fuel tank surfaces, fuel lines, and other fuel system parts subject to cold air must be insulated to simulate, insofar as practicable, flight in hot weather.

Explanation. For turbine engine powered airplanes, the high altitude capabilities and sustained high rates of climb to altitude require that the fuel system be specifically substantiated throughout the altitude range. These problems are also present for turbosupercharged engine powered airplanes. This proposal would therefore include those airplanes.

Turbine change 6. Fuel pumps (§ 23.991). Section 23.991 (a) and (b) would be amended to read as follows:

§ 23.991 Fuel pumps.

(a) *Main pumps.* For main pumps, the following apply:

(1) For reciprocating engine installations having fuel pumps to supply fuel to the engine, at least one pump for each engine must be directly driven by the engine and must meet § 23.955. This pump is a main pump.

(2) For turbine engine installations, each fuel pump required for proper engine operation, or required to meet the fuel system requirements of this subpart (other than those in paragraph (b) of this section), is a main pump. In addition—

(i) There must be at least one main pump for each turbine engine;

(ii) The power supply for the main pump for each engine must be independent of the power supply for each main pump for any other engine; and

(iii) For each main pump, provision must be made to allow the bypass of each positive displacement fuel pump other than a fuel injection pump approved as part of the engine.

(b) *Emergency pumps.* There must be an emergency pump immediately available to supply fuel to the engine if any main pump (other than a fuel injection pump approved as part of an engine) fails. The power supply for each emergency pump must be independent of the power supply for each corresponding main pump.

* * * * *

Explanation. Section 23.991(a) now requires each main pump to be directly driven by the engine. Experience with small turbine engines has shown that these engines may be safely operated with electric fuel pumps if (1) engine independence exists, and (2) fuel pump independence exists. This proposal contains changes necessary to permit the certification of small turbine engine powered airplanes without fuel pumps directly driven by the engine.

Turbine change 7. Fuel strainer or filter (§ 23.997). A new § 23.997(d) would be added to read as follows:

§ 23.997 Fuel strainer or filter.

* * * * *

(d) For turbine engine fuel systems, unless there are means in the fuel system to prevent the accumulation of ice on the filter, there must be means to automatically maintain the fuel flow if ice-clogging of the filter occurs.

Explanation. Turbine fuels have a high affinity for ice. This requires either that filters and screens be protected from icing or (if icing occurs) that there be means to automatically maintain the fuel flow. This proposal adds language similar to that in § 25.997 (b), and § 27.997(b), and language now also proposed for transport category rotorcraft (§ 29.997) in Notice 65–42, published 30 F.R. 16129, on December 28, 1965.

Turbine change 8. Fuel system lightning protection (new § 23.1003). A new § 23.1003 would be added to read as follows:

§ 23.1003 Fuel system lightning protection.

The design and arrangement of each fuel system must provide protection from lightning strike hazards, including the ignition of fuel vapors inside fuel tanks by—

(a) Direct strokes to areas where direct strokes are highly probable;

(b) Swept strokes on areas where swept strokes are highly probable; and

(c) Corona or streamering at fuel vent outlets.

Explanation. Turbine fuel system lightning hazards have been shown by experience to be significant enough to require regulation. The proposed standards are based on experience gained in applying lightning protection special conditions in the type certification of turbine engine powered aircraft.

Turbine change 9. Cooling tests (§§ 23.1043, 23.1045, 23.1047, and 23.1583). 1. Section 23.1043(a)(4) would be deleted and paragraph (a)(5) would be redesignated as (a)(4).

2. The provisions of § 23.1043(b) would be redesignated as § 23.1043(b)(1) under the present paragraph heading, and its first sentence would be amended by inserting the words "of reciprocating engines" between the words "for cooling tests" and the words "the maximum."

3. A new § 23.1043(b)(2) would be added to read as follows:

(2) For cooling tests of turbine engine installations, the applicant must select a temperature of not less than 100° F. at sea level, decreasing with altitude as prescribed in subparagraph (1) of this paragraph, for conduct of the test.

4. Section 23.1043(c) would be amended to read as follows:

(c) *Correction factor (except cylinder barrels).* Unless a more rational correction applies, temperatures of engine fluids and powerplant components (except cylinder barrels) for which temperature limits are established, must be corrected by adding to them the difference between the maximum ambient atmospheric temperature and the temperature of the ambient air at the time of the first occurrence of the maximum component or fluid temperature recorded during the cooling test.

5. The requirements in §§ 23.1045 and 23.1047 would be specifically restricted to reciprocating engines and would be placed together in § 23.1047 under the section heading "Cooling test procedures for reciprocating engine powered airplanes" with no changes other than appropriate subparagraphing changes, and a new § 23.1045 would be added to read as follows:

§ 23.1045 Cooling test procedures for turbine engine powered airplanes.

(a) Compliance with § 23.1041 must be shown for the takeoff, climb, en route, and landing stages of flight that correspond to the applicable performance requirements. The cooling tests must be conducted with the airplane in the configuration, and operating under the conditions, that are critical relative to cooling during each stage of flight. For the cooling tests, a temperature is "stabilized" when its rate of change is less than 2° F. per minute.

(b) Temperatures must be stabilized under the conditions from which entry is made into each stage of flight being investigated, unless the entry condition normally is not one during which component and engine fluid temperatures would stabilize (in which case, operation through the full entry condition must be conducted before entry into the stage of flight being investigated in order to allow temperatures to reach their natural levels at the time of entry). The takeoff cooling test must be preceded by a period during which the powerplant component and engine fluid temperatures are stabilized with the engines at ground idle.

(c) Cooling tests for each stage of flight must be continued until—

(1) The component and engine fluid temperatures stabilize;

(2) The stage of flight is completed; or

(3) An operating limitation is reached.

6. A new § 23.1583(j) would be added to read as follows:

§ 23.1583 Operating limitations.

* * * * *

(j) *Climb conditions.* For turbine engines, the temperatures and corresponding altitudes used in the climb test in § 23.1043(b)(2) must be furnished.

Explanation. Section –23.1043(a)(4) would be deleted because the sections referenced therein speak for themselves. The requirements now in §§ 23.1043(b), 23.1045, and 23.1047 do not provide adequate cooling substantiation for turbines and would therefore be restricted to reciprocating engines. The cooling test requirements added for turbines, including the requirement that test temperatures be furnished as an operating limitation, are necessary because of the effect of high temperature operation on turbines. Proposed § 23.1045 conforms to test program procedures shown to be necessary for turbine engine powered airplanes.

Turbine change 10. Turbine engine inlet protection (§ 23.1091). A new § 23.1091(c) would be added to read as follows:

§ 23.1091 Air induction.

* * * * *

(c) For turbine engine powered airplanes—

(1) There must be means to prevent hazardous quantities of fuel leakage or overflow from drains, vents, or other components of flammable fluid systems from entering the engine intake system; and

(2) The air inlet ducts must be located or protected so as to minimize the ingestion of foreign matter during takeoff, landing, and taxiing.

Explanation. Protection of turbine engine inlets from flammable fluids and foreign objects is now provided in § 25.1091(d) for transport category airplanes, and is proposed (Notice 65–42) for rotorcraft. The hazard of turbine engine ingestion of these materials is well known and exists in the same degree for turbine engine powered small airplanes. The proposed standards have been applied as special conditions in the type certification of these airplanes. See "Powerplant Proposal 10," above, for disposition of present (c).

Turbine change 11. Continuous maximum and intermittent icing conditions (§ 23.1093). A new § 23.1093(b) would be added to read as follows:

§ 23.1093 Induction system icing protection.

* * * * *

(b) Each turbine engine must be able to operate throughout its flight power range without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of Part 25 of this chapter. In addition, there must be means to indicate to appropriate flight crewmembers the functioning of the powerplant ice protection system.

Explanation. Appendix C of Part 25 defines icing conditions relevant to turbine powerplant icing protection. Present powerplant icing requirements in Part 23 are inappropriate for turbine engine installations. Use of the conditions in Appendix C of Part 25 is now required in Part 27 and is also proposed (Notice 65–42) for Part 29.

Turbine change 12. Turbine engine bleed air ducts (§ 23.1103). A new § 23.1103(c) would be added to read as follows:

§ 23.1103 Induction system ducts.

• • • • •

(c) For turbine engine bleed air systems, the following apply:

(1) No hazard may result if duct rupture or failure occurs anywhere between the engine port and the airplane unit served by the bleed air.

(2) The effect on airplane and engine performance of using maximum bleed air must be established.

(3) For bleed air systems used for direct cabin pressurization, no failure of the engine lubrication system may result in contamination of cabin air systems.

Explanation. Bleed air systems used with turbine engine installations present unique problems with respect to three main hazards: Structural effects of duct failure; adverse performance effects caused by taking engine inlet air for bleed air functions; and cabin air contamination. This proposal would meet these hazards specifically.

Turbine change 13. Turbine engine exhaust system (§ 23.1121). A new § 23.1121(g) would be added to read as follows:

§ 23.1121 General.

• • • • •

(g) If significant traps exist, each turbine engine exhaust system must have drains discharging clear of the airplane, in any normal ground and flight attitude, to prevent fuel accumulation after the failure of an attempted engine start.

Explanation. For turbine engine installations, the potential fire hazard of entrapped fuel in hot exhaust systems after the failure of an attempted engine start is well known. No present rules specifically meet this hazard. The proposed language has been applied as a special condition in the type of certification of turbine engine powered small airplanes.

Turbine change 14. Powerplant controls; general (§ 23.1141). A new § 23.1141(e) would be added to read as follows:

§ 23.1141 Powerplant controls: general.

• • • • •

(e) For turbine engine powered airplanes, no probable failure or combination or failures in any powerplant control system may cause the failure of any function necessary for safety. This must be shown by fault analysis, component tests, and simulated environmental tests.

Explanation. This proposal would, in effect, require that the need for system redundancy, alternate devices, and duplication of functions be determined in the design of turbine powerplant control systems. A similar change is currently being proposed (Notice 65-43) for transport category airplanes.

Turbine change 15. Turbine engine reverse thrust and propeller pitch settings below the flight regime (new § 23.1155). A new § 23.1155 would be added to read as follows:

§ 23.1155 Turbine engine reverse thrust and propeller pitch settings below the flight regime.

For turbine engine installations, each control for reverse thrust and for propeller pitch settings below the flight regime must have means to prevent its inadvertent operation. The means must have a positive lock or stop at the flight idle position and must require a separate and distinct operation by the crew to displace the control from the flight regime (forward thrust regime for turbojet powered airplanes).

Explanation. No reverse thrust or pitch standards have been necessary for reciprocating engine powered small airplanes. However, the advent of the turbine engine powered small airplane makes consideration of reverse thrust and pitch controls necessary for safety. The unique hazard of reversing systems is the possibility of their inadvertent use. These hazards can also result from the inadvertent use of propeller pitch control systems intended to cause high discing drag through the use of pitch settings lower than the flight low pitch limit.

Turbine change 16. Exception to required oil shutoff means (§ 23.1189). The introductory text of § 23.1189 would be redesignated as paragraph (a), present paragraphs (a) through (f) would be redesignated as subparagraphs (1) through (6) of paragraph (a), respectively, and the following new paragraph (b) would be added:

§ 23.1189 Shutoff means.

• • • • •

(b) Turbine engine installations need not have an engine oil system shutoff if—

(1) The oil tank is integral with, or mounted on, the engine; and

(2) All oil system components external to the engine are fireproof.

Explanation. Turbine engine installations have less need for an oil shutoff than do reciprocating engine installations because less oil is involved, the oil is less flammable, the resultant hazard of oil fire has been much less than in reciprocating engines, and the consequent feasibility of protecting against oil fires by the means proposed herein is much greater than for reciprocating engines. Further, since a turbine engine may windmill at high speeds even when not producing power, the closing of an oil shutoff could damage the engine. The section is reorganized because it is not intended that proposed (b) be subject to the limitations contained in the lead-in to present § 23.1189.

Turbine change 17. Powerplant instruments (§ 23.1305). A new § 23.1305 (c) would be added to read as follows:

§ 23.1305 Powerplant instruments.

• • • • •

(c) The following additional powerplant instruments are required for each turbine engine or tank:

(1) A gas temperature indicator.

(2) A fuel flow meter, if pilot action is required to maintain fuel flow within limits.

(3) A fire detector, if required by § 23.1203.

(4) A thrust indicator, or equivalent, for each turbojet engine.

(5) A torque indicator, or equivalent, for each turbopropeller engine.

(6) For each turbopropeller engine, as applicable, a means to indicate to the flight crew when the propeller blade angle is below the flight low pitch position. This means must sense propeller pitch directly.

(7) For each turbopropeller engine, as applicable, a means to indicate to the pilot when the propeller blade angle is in the reverse thrust position.

(8) For each turbojet engine, as applicable, a means to indicate to the pilot when the turbojet thrust reverser is in the reverse thrust position.

Explanation. The powerplant instruments in present § 23.1305 are not appropriate for turbine engine powered airplanes. The instruments in this proposal are those that experience has shown to be necessary for the safe operation of those airplanes.

Turbine change 18. Airplane Flight Manual: inflight restart procedures (§ 23.1585). A new § 23.1585(d) would be added to read as follows:

§ 23.1585 Operating procedures.

• • • • •

(d) For turbine engine powered airplanes, one of the following must be furnished:

(1) A statement that the engines cannot be restarted in flight.

(2) The air start envelope and air start procedures.

Explanation. No inflight restart capability is required for small turbine engine powered airplanes. However, if an engine-out condition occurs, safety requires that no time or attention be wasted in attempting to restart an unstartable engine or in using the wrong procedures to restart an otherwise restartable engine.

Proposal 20. Miscellaneous turbosupercharger installation requirements. The installation of turbosuperchargers in small airplanes is becoming common in both the manufacture of new airplanes and in the alteration of airplanes already in service. Unsafe characteristics may result from improper matching of engine and supercharger. Present Part 23 does not specifically require that these characteristics be investigated and prevented. The changes under this proposal would correct this deficiency. Note that "turbine change 5," above, also affects turbosupercharger installations.

Turbosupercharger change 1. Safe operation at altitude (§§ 23.901 and 23.1041). Sections 23.901(b)(1) and 23.1041 would be amended by inserting the words "to the maximum altitude for which approval is requested" after the word "operation."

Explanation. The wide range of possible operating altitudes made possible by turbosuperchargers may result in altitude effects adversely affecting powerplant operation and cooling. Safety requires that these effects be investigated and that the limits of investigation determine the limits of approval so far as altitude is concerned.

Turbosupercharger change 2. General design (new § 23.909). A new § 23.909 would be added to read as follows:

§ 23.909 Turbosuperchargers.

(a) Each turbosupercharger must be approved under the engine type certificate or it must be shown that the turbosupercharger system—

(1) Can withstand, without defect, an endurance test of 150 hours that meets the applicable requirements of § 33.49 of this subchapter; and

(2) Will have no adverse effect upon the engine.

(b) Control system malfunctions, vibrations, and abnormal speeds and temperatures expected in service may not damage the turbosupercharger compressor or turbine.

(c) Each turbosupercharger case must be able to contain fragments of a compressor or turbine that fails at the highest speed that is obtainable with normal speed control devices inoperative.

(d) Each turbosupercharger and turbosupercharger component close to engine accessories, primary structures, or lines or components carrying flammable fluids must be isolated by fireproof firewalls or shrouds.

Explanation. The proposed design standards for turbosupercharger installations are necessary because (1) the diversion of exhaust gas through the turbosupercharger turbine subjects the exhaust system to extreme pressures and temperatures, (2) failure of high speed rotating components in turbosupercharger installations may cause catastrophic damage to other parts of the airplane, and (3) the turbosupercharger, being operated by hot exhaust gas, may be hot enough to ignite materials close to it.

Turbosupercharger change 3. Cooling test procedures (§ 23.1043). The first sentence of § 23.1043(a) would be amended by adding the following words at the end thereof: "to the maximum altitude for which approval is requested. For turbosupercharged engines, each turbosupercharger must be operated through that part of the climb profile for which operation with the turbosupercharger is requested and in a manner consistent with its intended operation."

Explanation. Several factors may combine to cause cooling problems not present on nonturbosupercharged engines. These include higher intake, engine compartment, and cylinder head temperatures, and high temperature problems associated with the less dense air at altitude, such as reduced cooling capabilities. Present Part 23 does not specifically require consideration of these factors.

Turbosupercharger change 4. Engine power controls (§ 23.1143). Section 23.1143 would be amended to read as follows:

§ 23.1143 Engine power controls.

(a) There must be separate power controls for each engine.

(b) Power controls must be arranged to allow—

(1) Separate control of each engine; and

(2) Simultaneous control of all engines.

(c) Each power control must give a positive and immediate responsive means of controlling its engine.

(d) The power controls for each engine must be independent of those for every other engine.

Explanation. Safety requires that the control systems for turbosupercharger installations in each engine be protected and independent of those for every other engine. The present § 23.1143 includes only "throttle" controls. This proposal would extend present § 23.1143 to include all power controls plus a specific requirement of independence.

Turbosupercharger change 5. Required instruments (§ 23.1307). A new § 23.1307(c) would be added to read as follows:

§ 23.1307 Miscellaneous equipment.

• • • • •

(c) For turbosupercharger installations, the following must be furnished:

(1) A carburetor inlet temperature indicator.

(2) An exhaust gas temperature indicator.

(3) An oil temperature and pressure indicator for each turbosupercharger oil system that is separate from other oil systems.

Explanation. The proposed instruments are necessary to allow monitoring of turbosupercharger installations in order to prevent exceeding engine limitations, and to ensure that separate lubrication systems are monitored.

Turbosupercharger change 6. Required placard (new § 23.1569). A new § 23.1569 would be added to read as follows:

§ 23.1569 Turbosupercharger placard.

There must be a placard in clear view of the pilot that specifies all limitations established for the operation of turbosuperchargers.

Explanation. The possibilities of overheat or overboost conditions in turbosupercharger installations, especially during climb, require that adequate avoidance information be displayed for immediate use by the pilot.

GENERAL PROPOSALS

Proposal 1. Nautical units of speed and distance. Consistent with the gradual transition from statute miles to nautical miles being made throughout the Federal Aviation Regulations, it is proposed, in addition to certain specific changes made in this notice, to amend Part 23 by changing all references to "miles" and "miles per hour," to "nautical miles" and "knots," respectively, wherever the former are used.

Proposal 2. Maximum operating altitude (§§ 23.1501, 23.1527 (new), and 23.1583). 1. A new § 23.1527 would be added to read as follows:

§ 23.1527 Maximum operating altitude.

For turbine engine powered airplanes and turbosupercharged airplanes, the maximum altitude up to which operation is allowed, as limited by flight, structural, powerplant, functional, or equipment characteristics, must be furnished.

2. Section 23.1501(c) would be amended by striking out the reference to "§ 23.1525" and inserting a reference to "§ 23.1527" in place thereof.

3. A new § 23.1583(k) would be added to read as follows:

§ 23.1583 Operating limitations.

• • • • •

(k) *Maximum operating altitude.* For turbine engine powered airplanes and turbosupercharged airplanes, the maximum altitude furnished under § 23.1527 must be included.

Explanation. The increasing use of turbine engine and turbosupercharged engine powered airplanes has resulted in airplanes capable of extremely high altitudes. While certain requirements are now required to be complied with at normally expected operating altitudes, Part 23 does not now require that the highest substantiated altitude become an operating limitation. For airplanes with high altitude capabilities, such a limitation is necessary for safety. See "Turbine changea" for proposed § 23.1583 (j).

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

Issued in Washington, D.C., on April 5, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-3918; Filed, Apr. 10, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Parts 301, 319]

FOREIGN AND DOMESTIC QUARANTINE NOTICES

Postponement of Public Hearing Concerning Unshu (Satsuma) Oranges From Japan

On March 29, 1967, there was published in the FEDERAL REGISTER (32 F.R. 5284) a notice of rule making, under sections 5, 7, 8, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159, 160, 161, 162), proposing a revision of Notice of Quarantine No. 28 (7 CFR 319.28) and the issuance of a Notice of Quarantine No. 83 (7 CFR 301.83); and announcing a public hearing to consider these two proposals to be held in the new U.S. Courthouse, 620 Southwest Main Street, Portland, Oreg., at 10 a.m. April 12, 1967. Interested parties have requested a deferral of the scheduled public hearing in order to afford addi-

tional time for study of the two proposals. Accordingly, the said public hearing is postponed until April 19, 1967, on which date it will be held in the Studio Room, New Heathman Hotel, 712 Southwest Salmon Street, Portland, Oreg., beginning at 10 a.m., P.s.t. At this hearing any interested person may appear and be heard, in person or by attorney, on the proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before April 19, 1967, or with the presiding officer at the hearing.

All written communications received pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 7th day of April 1967.

[SEAL] E. P. REAGAN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 67-3996; Filed, Apr. 10, 1967; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 8080]

AIRWORTHINESS DIRECTIVES

Tost Type Universal 53 Glider Tow Couplings

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Tost Type Universal 53 glider tow couplings, Serial Nos, 1 through 29999 installed on Schempp-Hirth Models Standard Austria S, SH, and SH-1; Scheibe Flugzeugbau Models L-Spatz 55, Bergfalke II 55, and SF 26A; and Alexander Schleicher Models Ka 6 CR, Ka 6 E, K 7, and K 8 B gliders. There have been instances of failure of the Tost Type Universal 53 glider tow couplings to disengage intentionally because of the disengaging force required when the tow cable imposes asymmetrical loads. Therefore it is proposed to add a new airworthiness directive to require the replacement of the bracket type automatic of the tow coupling with the ring type automatic in accordance with Tost Modification No. 2/65.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before May 11, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

Tosr. Applies to Tost Type Universal 53 glider tow couplings with Serial Numbers 1 through 29999, installed on Schempp-Hirth Models Standard Austria S, SH, and SH-1; Scheibe Flugzeugbau Models L-Spatz 55, Bergfalke II 55, and SF 26A; and Alexander Schleicher Models Ka 6 CR, Ka 6 E, K7, and K 8 B, gliders.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To reduce the release load on the glider coupling when the tow cable imposes asymmetrical loads, replace, in accordance with Tost Modification No. 2/65, dated November 9, 1965, the bracket type automatic releases of the tow coupling with ring type automatic releases that conform to the Luftfahrt-Bundesamt approved type certificate 60.290/11 or later approved issue.

Issued in Washington, D.C., on March 31, 1967.

JAMES R. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-3904; Filed, Apr. 10, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release No. 34-8054]

FEES FOR FISCAL 1967 FOR BROKERS AND DEALERS NOT MEMBERS OF NATIONAL SECURITIES ASSOCIATION

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 15b9-1 (17 CFR 240.15b9-1) and to amend Form SECO-4 (17 CFR 249.504) under the Securities Exchange Act of 1934.

Sections 15(b)(8) and 15(b)(9) under the Securities Exchange Act (15 U.S.C. 78*o* (8) and (9)) authorize the Commission to collect such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed with respect to brokers and dealers who are registered with the Commission[1] but are not members of the National Association of Securities Dealers, Inc. ("NASD").[2]

Proposed Rule 15b9-1 (17 CFR 240.15b9-1) establishes fees for the fiscal year ending June 30, 1967 for brokers and dealers who are registered with the Commission on June 15, 1967 and who, for more than 45 days between July 1, 1966, and June 15, 1967, are not members of the NASD.

Under the proposed rule, every broker or dealer registered for at least 45 days on June 15, 1967, and who is not a member of the NASD on that date is required to pay the following fees and to file Form SECO-4-67 (17 CFR 249.504) (the assessment form), which would replace present Form SECO-4 (17 CFR 249.504) on or before June 30, 1967: (1) A base fee of $100 for each nonmember broker or dealer; (2) $5 for each associated person engaged directly or indirectly in securities activities for or on behalf of the broker or dealer at any time during the period July 1, 1966, to June 15, 1967; and (3) $30 for each office[3] of the broker or dealer open at any time during the fiscal year.

The proposed rule provides that in no case shall any broker or dealer be required to pay more than $15,000 by virtue of factors (1) and (2)—the base fee plus the fee for associated persons indicated above. The fee of $30 for each office may not be included in the computation of the $15,000 maximum.

Registered brokers and dealers who are members of the NASD on June 15, 1967, but who were both registered with the Commission and not members of such association for at least 45 days during the period from July 1, 1966, to June 15, 1967, will be required to pay only half these fees. Brokers and dealers who are registered with the Commission for more than 45 days and who are not members of the NASD on June 15, 1967, are required to pay only half these fees if their registration became effective on or after January 1, 1967.

Rule 15b8-2[4] (17 CFR 240.15b8-2) requires that brokers and dealers registering with the Commission after August 1, 1966, who do not become members of the NASD within 45 days after the effective date of their registration pay a fee of $150. The same $150 fee is required of firms whose membership in the NASD is terminated after August 1, 1966, and who continue to be registered with the Commission for a period of at least 45 days after such termination of membership. Form SECO-5 (17 CFR 249.505), the initial assessment form, must be filed when this fee is paid.

Rule 15b8-2 (17 CFR 240.15b8-2) also establishes a fee of $25 for each Form SECO-2 (17 CFR 249.502) filed pursuant to Rule 15b8-1 (17 CFR 240.15b8-1) for each associated person for whom a nonmember broker or dealer has not previously filed such a form. This fee must be paid concurrently with the filing of the forms.[5]

The $150 new firm fee and $25 filing fee contained in Rule 15b8-2 (17 CFR 240.15b8-2) have been continued by paragraphs (e) and (f) of proposed Rule 15b9-1 (17 CFR 240.15b9-1). Therefore, all fees applicable to nonmember brokers and dealers are included in the proposed rule.[6]

Proposed Rule 15b9-1 (17 CFR 240.-15b9-1) imposes an additional fee of $100 upon brokers and dealers who fail to pay any of the fees pursuant to paragraphs (a), (b), (c), or (d) of this rule. This additional fee is to defray the extra administrative costs incurred by the Commission as a result of such failure to comply with the rule.

Finally, proposed Rule 15b9-1 (17 CFR 240.15b9-1) exempts from the fee provisions of paragraphs (a), (b), (c), (d), and (f) of the rule members of a national securities exchange who (1) carry no customer accounts and (2) derive less than $1,000 income from over-the-counter securities transactions. Each such broker or dealer must nevertheless file Form SECO-4-67 (17 CFR 249.504) as appropriate and indicate therein whether he claims this exemption.

The text of the proposed section would read substantially as follows:

§ 240.15b9-1 Fees for registered brokers and dealers not members of a registered national securities association for fiscal 1967.

(a) Every broker or dealer registered with the Commission on June 15, 1967 who on such date has been so registered for at least 45 days and is not a member of a registered national securities association shall, on or before June 30, 1967, file Form SECO-4-67 (17 CFR 249.504) and pay to the Commission a fee for the fiscal year beginning July 1, 1966, and ending June 30, 1967. The total amount of such fee shall be the sum of the following: (1) A base fee of $100; plus (2) $5 for each associated person engaged, directly or indirectly, in securities activities for or on behalf of the broker or dealer at any time between July 1, 1966, and June 15, 1967; plus (3) $30 for each office of the broker or dealer which has been open for business at any time between July 1, 1966, and June 15, 1967.

(b) Every broker or dealer registered with the Commission and a member of a registered national securities association on June 15, 1967, who, for at least 45 days during the period from July 1, 1966, to June 15, 1967, was registered with the Commission and not a member of such an association shall, on or before June 30, 1967, file Form SECO-4-67 (17 CFR 249.504) and pay to the Commission only half the fee provided for in paragraph (a) of this section.

(c) Every broker or dealer subject to paragraph (a) of this section whose registration became effective on or after January 1, 1967, shall pay only half the fee provided for in paragraph (a) of this section.

(d) In no case shall the amount payable by any broker or dealer under items (1) and (2) of paragraph (a) of this section, taken together, exceed $15,000.

(e) (1) Every broker or dealer who becomes registered as a broker or dealer with the Commission and who does not become a member of a registered national securities association within 45 days after the effective date of such registration shall, within such 45-day period, file Form SECO-5 (17 CFR 249.505) and pay to the Commission a fee of $150.

(2) Every registered broker or dealer whose membership in a registered national securities association is terminated for any reason and who continues to be registered with the Commission for 45 days after such termination of membership shall, within such 45-day period, file Form SECO-5 (17 CFR 249.505) and pay to the Commission a fee of $150.

(f) Every broker or dealer who is registered with the Commission and not a member of a registered national securities association shall pay to the Commission a fee of $25 for each Form SECO-2 (17 CFR 249.502) filed by such broker or dealer pursuant to § 240.15b8-1, *Provided, however,* That this paragraph shall not apply to any Form SECO-2 (17 CFR 249.502) filed for any associated person (1) for whom a Form SECO-2 (17 CFR 249.502) previously had been filed by such broker or dealer, or (2) who confines his securities activities to areas outside the jurisdiction of the United States, and who does not deal with any United States resident or national.

(g) Every broker or dealer who fails to pay fees, except those required by paragraphs (e) and (f) of this section, as and when required by this section, shall pay an additional fee of $100 to defray administrative costs incurred by the Commission as a result of such failure.

(h) Any broker or dealer who is a member of a national securities exchange shall not be required to pay the fees pursuant to the foregoing paragraphs (a), (b), (c), (d), and (f) of this section if (1) he carries no accounts of customers, and (2) his annual gross income derived from purchases, sales, and exchanges of securities otherwise than on a national securities exchange is in an amount no greater than $1,000. Each such broker or dealer shall nevertheless file Form SECO-4-67 (17 CFR 249.504) as required by this section.

(i) No broker or dealer subject to this section shall effect any transaction in, or induce the purchase, sale, or exchange of, any security otherwise than on a national securities exchange unless he has complied with the applicable provisions of this section.

(j) For the purposes of this section:

(1) The term "associated person" shall mean any partner, officer, director, or branch manager of a broker or dealer (or any person occupying a similar status of performing similar functions), or any natural person directly or indirectly controlling or controlled by such broker or dealer (other than employees whose functions are clerical or ministerial), and any broker or dealer conducting business as a sole proprietor.

(2) The term "office" shall mean every place or establishment which is owned or controlled by a broker or dealer in or from which the broker or dealer engages in the securities business.

(Secs. 15(b)(8), 15(b)(9), and 23(a); 78 Stat. 572-3, 48 Stat. 901, as amended, 15 U.S.C. 78*o*, 78*w*)

In connection with proposed Rule 15b9-1 (17 CFR 240.15b9-1), it is proposed that Subpart F or Part 249 of Chapter II of Title 17 of the Code of Federal Regulations be changed by amending § 249.504, as follows:

§ 249.504 Form SECO-4-67, 1967 assessment and information form for registered brokers and dealers not members of a registered national securities association.

(Copies of this form have been filed with the original of this document. Additional copies will be available at the Commission's headquarter's office in Washington, D.C., and its regional offices.)

All interested persons are invited to submit their reviews and comments on the above proposals, in writing, to the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before May 8, 1967. Except where it is requested that such recommendations not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 10, 1967.

[F.R. Doc. 67-4008; Filed, Apr. 10, 1967; 8:50 a.m.]

[1] Hereinafter referred to as "registered brokers and dealers."

[2] The NASD is the only such association registered under sec. 15A of the Securities Exchange Act.

[3] The term "office" is defined in the rule to mean every place or establishment owned or controlled by a broker or dealer in or from be deemed to own or control an office if he securities business. A broker or dealer shall be deemed to own or control an office if he pays a substantial portion of the costs thereof, including rent and taxes. The term is not intended to mean the dwelling of an associated person if a broker or dealer does not bear a substantial portion of the cost or expenses of such dwelling. It is intended, however, to including the dwelling of a sole proprietor if he conducts securities business therefrom.

[4] Announced in Securities Exchange Act Release No. 7906 (June 30, 1966) and published in the FEDERAL REGISTER of July 2, 1966 (31 F.R. 9105).

[5] This fee does not apply to Forms SECO-2 (17 CFR 249.502) filed for associated persons who confine their securities activities to areas outside the jurisdiction of the United States and who do not deal with any U.S. residents or nationals.

[6] The reference in Rule 15b8-2 (17 CFR 240.15b8-2) to Forms SECO-2 (17 CFR 249.-502) filed after Aug. 1, 1966, and broker-dealer registrations which become effective after that date are obsolete and are eliminated in Rule 15b9-1 (17 CFR 240.15b9-1).

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Order No. 147-2]

BUREAU OF NARCOTICS

Transfer of Functions

MARCH 23, 1967.

By virtue of the authority vested in the Secretary of the Treasury, and by virtue of the authority vested in me by Treasury Department Order No. 190, Revision 4, it is hereby ordered that staff and operations services will be furnished by the Bureau of Narcotics to the U.S. representative to the International Criminal Police Organization (Interpol). These services will be performed under the supervision of the Commissioner of Narcotics, and will consist of receipt, transmittal, processing, and handling of correspondence, inquiries, investigative referrals and the like from and to the Secretariat of Interpol and its individual national bureaus. Policy questions relating to Interpol dues, Interpol functions, obligations of membership, and agenda of and representation at Interpol Conferences and General Assembly sessions will continue to be referred to the Director, Office of Law Enforcement Coordination, as the U.S. representative to Interpol.

Such positions, records, and equipment which are determined by the Assistant Secretary for Administration and the Commissioner of Narcotics to be necessary to the performance of the staff and operations services described above shall be transferred from the Office of the Secretary to the Bureau of Narcotics. Such funds as are necessary to the performance of the said services shall, for the period July 1, 1967, through June 30, 1968, be transferred to the Bureau of Narcotics, and an appropriate reimbursement to the Bureau of Narcotics shall be made for the current fiscal year by the Office of the Secretary.

[SEAL] JOSEPH W. BARR,
Under Secretary of the Treasury.

[F.R. Doc. 67-3923; Filed, Apr. 10, 1967; 8:47 a.m.]

[Dept. Order No. 147-3]

EXECUTIVE ASSISTANT TO THE SPECIAL ASSISTANT (FOR ENFORCEMENT)

Designation as Acting Director, Office of Law Enforcement Coordination

MARCH 23, 1967.

By virtue of the authority vested in the Secretary of the Treasury, and by virtue of the authority vested in me by Treasury Department Order No. 190, Revision 4, Executive Assistant to the Special Assistant (for Enforcement) Anthony A. Lapham is designated, effective 12:01 a.m., March 27, 1967, to serve as Acting Director, Office of Law Enforcement Coordination, with the authority to perform all functions, without limitation, now authorized to be performed by the Director, Office of Law Enforcement Coordination. Mr. Lapham will continue to serve in this capacity until further notice.

[SEAL] JOSEPH W. BARR,
Under Secretary of the Treasury.

[F.R. Doc. 67-3924; Filed, Apr. 10, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

EXECUTIVE OFFICER ET AL.

Delegation of Authority

APRIL 4, 1967.

The following material is a revision of that portion of the Geological Survey Manual and the numbering system is that of the Manual. (Part 205, General Redelegations, Chapter 4 Procurement) (27 F.R. 2574 and amendment 28 F.R. 3704 are revoked.)

.1 *Delegation.* Under authority delegated to heads of bureaus by the Secretary of the Interior in Departmental Manual, Part 205, General Delegations dated November 30, 1961 (26 F.R. 11748), redelegation of authority to officials and employees of the Geological Survey is hereby made.

.2 *Exercise of authority.* The redelegation hereby made is of authority, on behalf of the United States and the Geological Survey, to enter into contracts for construction, supplies, or services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations; with respect to any such contract, to issue change orders and extra work orders pursuant to the contracts, to enter into modifications of the contract which are legally permissible, and to terminate the contract if such action is legally authorized. This authority is redelegated under categories depending upon the amount involved.

A. Irrespect of the amount involved to:

Executive Officer.

B. With respect to contracts for helicopter services not exceeding $100,000 in amount, to:

Procurement Officer, Management Officer, Denver, Colo., Management Officer, Menlo Park, Calif.

C. With respect to contracts not exceeding $25,000 in amount, to:

Chief, Branch of Service and Supply, Procurement Officer, Contract Specialists.

D. With respect to contracts not exceeding $10,000 in amount, to:

Assistant Procurement Officer, Management Officer, Denver, Colo., Management Officer, Menlo Park, Calif.

E. With respect to contracts not exceeding $5,000 in amount, to:

Management Officer, Anchorage, Alaska.

W. T. PECORA,
Director.

[F.R. Doc. 67-3913; Filed, Apr. 10, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[P. & S. Docket No. 3824]

GREEN CITY AUCTION CO., INC.

Notice of Complaint, Order of Suspension, and Hearing Regarding Respondent's Schedule of Rates and Charges

In re Green City Auction Co., Inc., Green City, Mo., respondent.

Notice is hereby given that on March 21, 1967, the respondent filed a tariff under Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), containing certain changes in its current schedule of rates and charges, to become effective on April 1, 1967. The amended schedule of rates and charges reads as follows:

ITEM No. I—DEFINITIONS, SERVICES

SECTION 1. *Selling commission.* a. The selling commission consists of the charge made by the company for the selling services performed in respect to consigned livestock.

SEC. 2. *Yardage.* a. Includes suitable facilities and services for:

Receiving and handling, safeguarding against loss, feeding, holding, weighing, delivery and shipment of livestock.

SEC. 3. *Veterinary livestock inspection.* a. Includes inspection services of accredited veterinarians under State and Federal livestock sanitary regulations.

SEC. 4. *Feed.* a. All feeding at the market shall be done by the company or under its direction.

b. All feed charges are based on the quantity and type of feed fed.

ITEM No. II—CHARGE CLASSIFICATION

SECTION 1. *Selling commission.* a. All cattle, sheep, and goats.

(1) First $500.00 of each consignment—3 percent of the gross proceeds.

(2) All over $500.00 of each consignment—2 percent of the gross proceeds.

b. All hogs—1 percent of the gross proceeds.

c. Horses and mules—$2.00 per head.

d. Special cattle sales—2 percent of the gross proceeds.

e. Special breeding cow sales—3 percent of the gross proceeds.

SEC. 2. *Yardage.* a. Cattle, horses, and mules, $0.10 per head.

b. Hogs, sheep, and goats, $0.05 per head.

SEC. 3. *Veterinary livestock inspection.* a. All livestock, $0.05 per head.

SEC. 4. *Feed.* a. All feed, as fed, shall be charged for at cost f.o.b. the market.

SEC. 5. *Special or unusual services.* a. Special selling and stockyard services, such as involved in featured registered cattle and calf sales, not usually required in handling livestock for sale and other than specified, will be charged for under special arrangement.

ITEM No. III—BUYING ON COMMISSION

SECTION 1. *Definition.* a. Consists of those services best applied to accomplish the purchase of livestock on a commission basis.

SEC. 2. *Charge classification.* a. Services performed in this respect are without charge.

ITEM No. IV—GENERAL PROVISIONS

SECTION 1. *Code of business standards.* a. The company subscribes to the Code of Business Standards of Certified Livestock Markets, as adopted by them through their business trade association.

SEC. 2. *Allocation of pens.* a. All pens, chutes, and alleys are the property of the company and may not be claimed by any patron for his exclusive use. The management will assign pens and may change such assignment without advance notice.

SEC. 3. *Title to livestock.* a. Title to all animals consigned for sale remains in the consignor until the time sold. Time of sale shall be at the time the highest bid is accepted unless the sale is conditional or unless proof of title in consignor fails.

Notice is given hereby also that on March 30, 1967, the Acting Director of the Packers and Stockyards Division, Consumer and Marketing Service, issued a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondent's rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereafter referred to as the Act.

I. The respondent is now, and at all times mentioned herein was, registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis at the Green City Auction Co., Inc., stockyard, Green City, Mo. (hereinafter referred to as the stockyard), which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the Act.

II. In accordance with the requirements of the Act, the respondent has heretofore filed and presently has in effect a schedule of rates and charges for the stockyard services furnished by it at the stockyard.

III. On March 21, 1967, the respondent filed a tariff effective April 1, 1967, containing certain changes in the current schedule of rates and charges.

IV. Upon an analysis of the information available to the Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, there is reason to believe that such changes are unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondent's schedule of rates and charges as modified by the tariff filed on March 21, 1967, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered, That the operation and use by the respondent of the modifications of the current schedule of rates and charges filed on March 21, 1967, to become effective on April 1, 1967, are hereby suspended and deferred until the expiration of 30 days beyond the time when such tariff would otherwise go into effect.

It is further ordered, That notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Examiner of the Department at a time and place to be specified at a later date, of which the respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 20 days from the date of the publication hereof in the FEDERAL REGISTER.

It is further ordered, That a copy hereof be served upon the respondent.

It is further ordered, That this document be published in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of April 1967.

GLENN G. BIERMAN,
Acting Director, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 67-3949; Filed, Apr. 10, 1967; 8:49 a.m.]

[Docket No. AO 362]

FROZEN CONCENTRATED ORANGE JUICE IN FLORIDA

Determination Relative to Proposed Marketing Agreement

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Lakeland, Fla., on December 19-20, 1966, after notice thereof published in the FEDERAL REGISTER (31 F.R. 15594) upon a proposed marketing agreement regulating the handling of frozen concentrated orange juice in Florida. The decision of the Assistant Secretary setting forth the proposed marketing agreement was published in the FEDERAL REGISTER on January 20, 1967 (32 F.R. 680); and handlers were afforded opportunity to enter into this agreement (32 F.R. 4547).

It is hereby determined that the issuance of the proposed marketing agreement regulating the handling of frozen concentrated orange juice in Florida has not been executed by handlers of the requisite quantity of concentrate produced in Florida during the 1965-66 season.

It is hereby further determined that the proposed marketing agreement as set forth in the Assistant Secretary's decision of January 16, 1967 (32 F.R. 680), will not be entered into.

Done at Washington, D.C., this 5th day of April 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-3950; Filed, Apr. 10, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 22(66)-5]

SCHWEISSTECHNIK G.M.B.H.

Order Denying Export Privileges for Indefinite Period

In the matter of Schweisstechnik G.m.b.H., Rauscherstrasse 23, A-1200, Vienna, Austria; 26 Humboldstrasse, Linz/Donau, Austria; and 56 Annenstrasse, Graz/Styria, Austria; respondent; File No. 22(66)-5.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondent all export privileges for an indefinite period because the said respondent, without good cause being shown, failed to furnish answers to interrogatories, failed to furnish certain records and other writings specifically requested, and failed to make available for inspection certain specific commodities exported to it from

the United States. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an Indefinite Denial Order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent Schweisstechnik G.m.b.H. is a limited liability company with a principal place of business in Vienna, Austria, and with branch offices in Linz/Donau and Graz/Styria, Austria; that the company is selling agent and distributor of welding equipment in Austria and other European countries; that it acts in this capacity for several firms, at least one of which is a U.S. firm; that in the period from February 22, 1965, to about May 24, 1966, the respondent purchased and received from said firm in the United States nine shipments of commodities; that some of said commodities could properly be exported to Austria under General License, but required validated licenses for exportation or reexportation to certain other countries; and that certain of such commodities received by respondent were exported to it from the United States under General License. The aforesaid Investigations Division is conducting an investigation into the disposition by said respondent of said commodities. It is impracticable to subpoena the respondent, and relevant and material interrogatories relating to its disposition of said commodities were served on it pursuant to § 382.15 of the Export Regulations. The respondent also, pursuant to said section, was requested to furnish certain specific documents relating to the disposition of said commodities and, if said commodities were still in its possession, to make them available for inspection. Said respondent has failed to furnish answers to said interrogatories, to furnish the documents requested, or to make said commodities available for inspection as required by said section, and it has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period may properly be entered under section 382.15 of the Export Regulations and that such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, its successors, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents, employees, representatives, and partners and to any other person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon it and makes available for inspection the commodities specified, or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on April 8, 1967.

Dated: April 3, 1967.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 67-3897; Filed, Apr. 10, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHAS. PFIZER & CO., INC.

Notice of Filing of Petition for Food Additives Oxytetracycline, Carbomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017, proposing the issuance of a regulation to provide for the safe use of a combination drug containing oxytetracycline and carbomycin to be administered to chickens in drinking water for the prevention and treatment of complicated chronic respiratory disease (CRD, air-sac infection).

Dated: April 4, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-3930; Filed, Apr. 10, 1967; 8:48 a.m.]

MASONITE CORP.

Notice of Filing of Petition for Food Additive Hemicellulose Extract

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Masonite Corp., 29 North Wacker Drive, Chicago, Ill. 60606, proposing that § 121.275 *Hemicellulose extract* be amended in the following respects:

1. By revising paragraph (b) to read:

(b) The additive may be used in a liquid or dry state with the liquid product containing not less than 55 percent carbohydrate and the dry product not less than 84 percent carbohydrate.

2. By deleting from paragraph (c) the limitation that the additive is to be used at levels not to exceed 10 percent of the total diet.

3. By deleting from paragraph (d) (2) the requirement that the label and labeling of the additive bear suggested feeding levels for various species.

Dated: April 4, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.F. Doc. 67-3931; Filed, Apr. 10, 1967; 8:48 a.m.]

Office of Education

RECEIPT OF PUBLIC LAW 81-815 APPLICATIONS

Notice of Second Cutoff Date, Fiscal Year 1967

Pursuant to the authority vested in me by section 3 of Public Law 81-815 (20 U.S.C. 633) and 45 CFR 114.20, notice is hereby given of the following cutoff date:

For the purposes of sections 3 and 14 of Public Law 81-815, June 26, 1967, is hereby set as the second date during fiscal year 1967 on or before which complete applications for payments to which an applicant may be entitled under the Act from such funds as may be available for such purposes shall be filed.

Dated: April 5, 1967.

HAROLD HOWE II,
U.S. Commissioner of Education.

[F.R. Doc. 67-3925; Filed, Apr. 7, 1967; 12:40 p.m.]

Office of the Secretary

HOSPITAL AND MEDICAL CARE AND TREATMENT

Recovery of Cost; Delegations of Authority

The Statement of Organization and Delegations of Authority of the Office of the Secretary published in 22 F.R. 1045 and amended by 30 F.R. 250 is hereby amended to raise from $5,000 to $20,000 the amounts for which the General Counsel may settle claims for the recovery from tortiously liable third parties of the cost of hospital and medical care furnished by the Department, so that the section will read as follows:

SEC. 2-300.50 *Delegation by the Secretary of authority relating to recovery of the cost of hospital and medical care and treatment under Public Law 87-693.*

(a) Pursuant to the authority granted by P.L. 87-693 (76 Stat. 593, 42 U.S.C. 2651 et seq.) and in accordance with the regulations of the Attorney General (28 CFR Part 43), the General Counsel is authorized, in connection with any claim for the recovery of the reasonable value of hospital and medical care and treatment furnished by this Department to (1) accept the full amount of a claim and execute a release therefore, (2) compromise or settle and execute a release of any claim not in excess of $20,000 which the United States has for the reasonable value of such care or treatment, or (3) waive and in this connection release any claim, not in excess of $20,000, in whole or in part, either for the convenience of the Government, or if he determines that collection would result in undue hardship upon the person who suffered the injury or disease for which the care and treatment were furnished, and (4) with the prior approval of the Department of Justice, compromise, settle, or waive any claim in excess of $20,000 and execute a release therefor.

(b) The General Counsel may redelegate to other attorneys of the Office of the General Counsel any of the authority delegated to him by paragraph (a).

SEC. 2-300.50-1. *Redelegations by the General Counsel.* The General Counsel has redelegated to the Assistant General Counsel and the Assistant Chief of the Public Health Division, Office of the General Counsel, and the attorney in that Division designated as legal advisor to the Division of Direct Health Services, Bureau of Health Services, Public Health Service, the authorities delegated to the General Counsel by section 2-300.50 above.

Dated: April 3, 1967.

[SEAL] WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-3932; Filed, Apr. 10, 1967; 8:48 a.m.]

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD

BORG-WARNER CORP.

Petition for Determination of Eligibility To Apply for Adjustment Assistance by Certain Workers

Determinations of the Board. Pursuant to the Automotive Products Trade Act of 1965 (Public Law 89-283; 79 Stat. 1016) the Automotive Agreement Adjustment Assistance Board determines that:

Dislocation of workers in the Memphis, Tenn., plant of the Mechanics Universal Joint Division, Borg-Warner Corp., has occurred, since a significant number or proportion of the workers have become unemployed.

The operation of the United States-Canadian Automotive Products Agreement has not been the primary factor in causing such dislocation (section 302, Act; section 501.9, Board Regulations).

Background. A petition for a determination of eligibility to apply for adjustment assistance under the Automotive Products Trade Act of 1965 was filed with the Automotive Agreement Adjustment Assistance Board on December 19, 1966, by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America, on behalf of a group of workers who had been employed in the Memphis, Tenn., plant of the Mechanics Universal Joint Division of the Borg-Warner Corp. The petition alleged that the loss of orders from the American Motors Corp. for universal joints was the reason for the layoff of a total of 130 employees in June and July 1966. The petition further alleged, in effect, that the operation of the United States-Canadian Automotive Agreement was the primary factor in causing the layoffs.

On December 27, 1966, the U.S. Tariff Commission, in response to a request from the Automotive Assistance Committee of the Board, instituted an investigation of the facts relating to this petition (31 F.R. 16722, Dec. 30, 1966). A public hearing was not requested by any interested party and none was held.

The Tariff Commission submitted its report on February 15, 1967 (APTA-W-5). The Commission stated that only certain sections of the report could be made public since much of the data it contains were received in confidence (32 F.R. 3070, Feb. 18, 1967). On March 1, 1967, in accordance with section 302(f)(2) of the Act, the Automotive Assistance Committee of the Board requested the Commission to furnish additional information on certain specified matters. A supplemental confidential report was submitted to the Board on March 27, 1967.

The Board also obtained advice from the Departments of the Treasury, Commerce, Labor, and the Small Business Administration under section 302(f)(1) of the Act.

The Borg-Warner Corp. The Borg-Warner Corp. is a diversified company which operates about 55 plants. The Mechanics Universal Joint Division operates plants in Rockford, Ill., and Memphis, Tenn., for the manufacture of universal joint-drive shaft assemblies and parts of such assemblies for motor vehicles. Almost all production at this plant was for use as original equipment in the manufacture of automobiles. During 1966 approximately 84 percent of original equipment production at the Memphis plant was sold to Ford Motor Co. and 15 percent to American Motors Co. (AMC).

Starting with 1967 models, the bulk of the production of universal joints for Ford was transferred to another plant located in the United States. On June 10, 1966, 48 workers were laid off at the Memphis plant and on July 29 an additional 82 workers were laid off.

Beginning with 1967 models, American Motors also switched sources for its universal joints; however, production for 1967 model AMC cars was continued at Memphis until the fourth quarter of 1966 when output began at the new source in Canada. These drive shaft assemblies are currently being produced by the Hayes Steel Products Co. in Ontario, Canada.

At the same time that AMC business was moving to Canada there was a further decline in output of the universal joints being produced for Ford. The de-

cline in non-AMC production was more than 50 percent greater than that for AMC. Between September 1966 and January 1967 net hourly worker employment at Memphis declined by 12 persons.

Conclusions and determinations—Automotive product. The Board concludes that the petitioners were employed in a plant of the Borg-Warner Corp. manufacturing an automotive product as defined by the Act: universal joints primarily for use as original equipment in the assembly of motor vehicles.

Dislocation. Dislocation in the case of a group of workers means actual or threatened unemployment or underemployment of a significant number or proportion of the workers of a firm or an appropriate subdivision thereof. Between January 1966 and January 1967 employment of hourly workers at the Memphis plant of the Borg-Warner Corp, declined from about 285 to approximately 150 persons. Universal joints for Ford and for AMC were made on production lines which could not be separately identified; practically all the workers in the plant were involved in the production of the automotive product concerned.

The Board determines that the entire Memphis plant of the Mechanics Universal Joint Division is the "appropriate subdivision" of the Borg-Warner Corp. and that a significant number or proportion of the workers thereof have been dislocated (section 302(b)(1), Act; section 501.2(i)(2), Board Regulations).

Role of the operation of the Agreement. Pursuant to section 302(b)(2) and (3) of the Act, the Tariff Commission obtained data indicative of U.S. production, U.S. imports from Canada, U.S. exports to Canada, and Canadian production of universal joints for use as original equipment in the assembly of motor vehicles. On the basis of these data the Board determines that recent U.S. production of universal joints is greater than that in model year 1964 and therefore section 302(b)(2) of the Act is not satisfied.

Therefore, the Board considered whether the operation of the Agreement has nevertheless been the primary factor in causing or threatening to cause the dislocation of the group of workers (section 302(d), Act). The Act (section 302(1)(4)) defines the "operation of the Agreement" to include governmental or private action in the United States or Canada directly related to the conclusion or implementation of the Agreement. "Primary factor" means a factor which is greater in importance than any other single factor present in a given case, but which does not have to be greater than any combination of other factors (section 501.2(j), Board Regulations).

The American Motors Corp. switched sources for universal joints for certain models from Borg-Warner to a Canadian manufacturer, but the actual transfer was delayed from the start of the 1967 model year until the fourth quarter of 1966. The Memphis plant continued to manufacture such universal joints through October and November. The sharp decline in production and employment at the plant in June and July, mainly resulted from the transfer of output for the Ford Motor Co. to another plant in the United States. Although there was some decline in employment subsequent to the shift of the AMC business to Canada, there were appreciably greater simultaneous declines in output of universal joints for Ford.

Accordingly, the Board determines that the operation of the United States-Canadian Automotive Products Agreement has not been the primary factor in causing the dislocation of workers at the Mechanics Universal Joint Division plant in Memphis, Tenn.

(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1018, Executive Order 11254, 30 F.R. 13569, the Automotive Agreement Adjustment Assistance Board Regulations, 48 CFR, Part 501; 31 F.R. 827, and Board Order No. 1, 31 F.R. 853)

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD,
EDGAR I. EATON,
Executive Secretary.

APRIL 6, 1967.

[F.R. Doc. 67-3953; Filed, Apr. 10, 1967; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17302, 17303; FCC 67M-564]

BELL TELEPHONE COMPANY OF PENNSYLVANIA AND CONESTOGA TELEPHONE AND TELEGRAPH CO.

Order Continuing Prehearing Conference

In re applications of The Bell Telephone Company of Pennsylvania, Docket No. 17302, File No. 1688-C2-P-66, for a construction permit to modify the facilities of Station KGA585 in the Domestic Public Land Mobile Radio Service at Philadelphia, Pa.; The Conestoga Telephone and Telegraph Co., Docket No. 17303, File No. 679-C2-P-66, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service near Boyertown, Pa.

Upon the Hearing Examiner's own motion: *It is ordered,* This 4th day of April 1967, that the hearing conference now scheduled for April 21, 1967, be and the same is hereby rescheduled for April 27, 1967, 9 a.m., in the Commission's offices, Washington, D.C.

Released: April 5, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3936; Filed, Apr. 10, 1967; 6:48 a.m.]

[Docket No. 17175; FCC 67M-560]

NORMAN W. HENNIG

Order Governing Course of Hearing

In re application of Norman W. Hennig, Tucumcari, N. Mex., Docket No. 17175, File No. BP-15523; for construction permit.

A further prehearing conference was held on March 30, 1967, at which time the absence of counsel for the applicant or the applicant himself was noted on the record. As has been previously stated by the Review Board "one who chooses to proceed without the benefit of counsel must assume responsibility for a full knowledge of the rules or suffer the consequences of failure to comply." (Geoffrey A. Lapping; 24 RR 446)

It was nevertheless decided without opposition that a further prehearing conference would be scheduled at which time all parties would be expected to attend or be represented.

Accordingly, it is ordered, That a further prehearing conference will be held on May 16, 1967 at 2 p.m., and the announced scheduled hearing date of April 19, 1967, is canceled.

Dated: April 3, 1967.

Released: April 5, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3937; Filed, Apr. 10, 1967; 8:48 a.m.]

[Docket Nos. 16609, 16610; FCC 67M-563]

NORTHWEST BROADCASTERS, INC. (KBVU), AND BELLEVUE BROADCASTERS (KFKF)

Order Rescheduling Hearing

In re applications of Northwest Broadcasters, Inc. (KBVU), Bellevue, Wash., Docket No. 16609, File No. BR-4369, for renewal of license of KBVU; F. Kemper Freeman, Elwell C. Case, and Mrs. Florence G. Hayes, doing business as Bellevue Broadcasters (KFKF), Bellevue, Wash., Docket No. 16610, File No. BP-17059, for construction permit.

A prehearing conference having been held on April 4, 1967, whereat certain agreements were reached and certain rulings were made:

It is ordered, This 4th day of April 1967, that:

(1) The parties' direct affirmative cases shall be presented insofar as possible in the form of sworn, written exhibits, but may be supplemented by oral testimony;

(2) Copies of all exhibits will be exchanged informally on or before May 22, 1967: *Provided,* That such exhibits may be modified before the formal exchange established at clause 4, infra.

(3) On or before May 22, 1967, the parties shall exchange a list identifying those witnesses whose oral testimony they propose to offer, together with a general statement as to the facts each witness will be offered to prove;

(4) On or before June 12, 1967, there shall be a formal exchange of exhibits in their final form;

(5) Any party wishing to call for cross-examination any witness sponsoring the exhibit of another party shall

give notification thereof on or before June 15, 1967; and

It is further ordered, That hearing shall commence on June 20, 1967, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: April 5, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3938; Filed, Apr. 10, 1967; 8:48 a.m.]

[Docket Nos. 17384, 17385; FCC 67-391]

SUSQUEHANNA BROADCASTING CO. ET AL.

Memorandum Opinion and Order Instituting Consolidated Hearing

In re petitions by Susquehanna Broadcasting Co., York, Pa., Docket No. 17334, File No. CATV 100-15; D and E Cable TV, Inc., Adamstown, Akron, Denver, Ephrata, Lititz, and Manheim, Pa., File No. CATV 100-63; Peoples Broadcasting Co., Lancaster, Manheim Township, Manor Township, Warwick Township, Lancaster Township, East Lampeter Township, West Lampeter Township, and West Hempfield Township, Pa., File No. CATV 100-76; Valley Video Cable Co., Derry Township, Pa., File No. CATV 100-127; West Shore TV Cable Co., Silver Spring Township, Monroe Township, Mechanicsburg, Upper Allen Township, Shiremanstown, Lower Allen Township, and Fairview Township, Pa., File No. CATV 100-136; Lebanon Valley Cable TV Co., Lebanon, Pa., File No. CATV 100-149; H. C. Ostertag Cable TV Co., Columbia, Pa., Docket No. 17335, File No. CATV 100-158; for authority pursuant to § 74.1107 to serve and operate CATV systems in the Harrisburg-Lancaster-Lebanon-York, Pa., television market (ARB, 29); and D and E Cable TV Inc., Adamstown, Akron, Denver, Ephrata, Lititz, and Manheim, Pa.; Peoples Broadcasting Co., Lancaster, Manheim Township, Manor Township, Warwick Township, Lancaster Township, East Lampeter Township, West Lampeter Township, and West Hempfield Township, Pa.; H. C. Ostertag Cable TV Co., Columbia, Pa., for declaratory ruling on or waiver of the provisions of § 74.1103 of the Commission's rules. In re application of West Shore Cable Co., File No. BPCAR-32, for construction permit to establish a station in the community antenna relay service.

1. The following proposals in the Harrisburg-Lancaster-Lebanon-York, Pa., television market, ranked 29th, are before us for consideration: (a) Susquehanna Broadcasting Co. proposes to operate a CATV system in York, Pa., and to carry in addition to the six market channels and the three Baltimore network affiliated channels, the distant signals of three Philadelphia network channels, two Philadelphia independent channels, one Washington network affiliated channel, one Washington independent channel and one Washington educational channel; (b) D and E Cable TV Inc. intends to operate a CATV system in Adamstown, Akron, Denver, Ephrata, Lititz, and Manheim, Pa., and to carry in addition to market Channels 8, 15, 21, 27, and *33 and local Philadelphia Channels 3, 6, and 10, Philadelphia Channels 48 (distant as to Lititz and Manheim), 17 (distant as to Akron, Denver, Lititz, and Manheim) and 29 (distant as to Manheim); (c) Peoples Broadcasting Co. would operate a CATV system in Lancaster, and Lancaster, Manheim, Manor, Warwick, East Lampeter, West Lampeter, and West Hempfield Townships, and would carry in addition to the six market channels, Philadelphia Channels 3, 6, 10, and 48, Baltimore Channels 2, 11, and 13, the distant signals of two Philadelphia independent channels and one Washington independent channel; (d) Valley Video Cable Co. proposes to initiate a CATV system in Derry Township, Pa., and to carry the six market stations, three Baltimore network affiliates, and to carry distant Philadelphia network affiliated channels and one Philadelphia independent channel; (e) West Short TV Cable Co. would construct a CATV system in Mechanicsburg, Shiremanstown, and Silver Spring, Monroe, Upper Allen, Lower Allen, and Fairview Townships, Pa., and would carry in addition to the six market channels and Baltimore Channel 2, the distant signals of Baltimore Channels 11 and 13, two Philadelphia network channels, one Philadelphia independent channel and one Washington independent channel; (f) Lebanon Valley Cable TV Co. plans to operate a CATV system in Lebanon, Pa., and to carry in addition to local market channels and the Philadelphia network channels, the distant signals of three Philadelphia independent channels; (g) H. C. Ostertag Cable TV Co. proposes a CATV system to serve Columbia, Pa., and would carry, in addition to the six market channels, Baltimore network affiliated channels, and Philadelphia network affiliated Channels 3 and 6, the distant signals of the third Philadelphia network affiliated channel, four Philadelphia independent channels, one Washington independent channel, one prospective Baltimore independent channel, and the Wilmington educational channel. The petitioners (Susquehanna Broadcasting filed on Apr. 15, 1966; D and E Cable first filed on July 5, 1966, and amended on Nov. 1, 1966, and Jan. 20, 1967; Peoples Broadcasting on July 21, 1966; Valley Video on Nov. 4, 1966; West Shore on Nov. 22, 1966; Lebanon Valley on Dec. 28, 1966; and, Ostertag Cable on Jan. 12, 1967) request waiver of the rules to implement their proposals.

2. The Harrisburg-Lancaster-Lebanon-York market has a total 1966 net weekly circulation of 494,200. The market cities themselves form an approximate 20-mile square, with Harrisburg to the northwest, Lebanon to the northeast, Lancaster (about 60 miles west of Philadelphia) to the southeast, and York (about 18 miles north of the Pennsylvania-Maryland border) to the southwest. Harrisburg has Channels 21, 2, and *33 assigned to it. Stations are operating on all three channels. Lancaster has Channels 8 and 15 assigned to it; stations are operating on both channels. Lebanon has Channel 59 assigned to it which has not been applied for. York has Channels 43 and 49 assigned to it; a station is operating on Channel 43, and an application is pending for Channel 49. York, a city of 54,504, of course is within the York Urbanized Area (100,872) and Standard Metropolitan Statistical Area (238,336) which is composed of York County. In northwestern York County is Fairview Township (6,530) and abutting the northwest boundary of York County is Cumberland County (124,816) containing Mechanicsburg (8,123), Shiremanstown (1,212), and Monroe (2,298), Upper Allen (2,631), Lower Allen (11,614), and Silver Spring (4,044) Townships. Cumberland County and Dauphin County (220,255) make up the Harrisburg (79,697) Standard Metropolitan Statistical Area (345,071). About 7 miles east of Harrisburg in Dauphin County is Derry Township (12,388). Mechanicsburg, Shiremanstown, and parts of Lower Allen and Fairview Townships are in the Harrisburg Urbanized Area (209,501). To the northeast of Harrisburg and Derry Township is Lebanon (30,045) in Lebanon County (90,853). South of Lebanon, and midway between York and Lancaster (61,055) in Lancaster County (278,359) is Columbia (12,075), which is also in West Hempfield Township (5,318). To the south, and connecting West Hempfield Township with Lancaster Township (10,020) is Manor Township (6,939). Lancaster Township, West Lampeter Township (5,520), East Lampeter Township (7,399) and Manheim Township (14,855) surround Lancaster on the south, east, and north. Adjoining Manheim Township on the north is Warwick Township (4,716) which contains Lititz (5,987). Still in Lancaster County, Manheim (4,790) is west of Lititz, and east of Lititz is Akron (2,167). Ephrata (7,688) is northeast of Akron, and Denver (1,875) is northeast of Ephrata. Adamstown (1,190) is east of Denver. The Lancaster Standard Metropolitan Statistical Area (278,359) is composed of Lancaster County; and Lancaster, Lancaster Township, and parts of East and West Lampeter, Manor, and Manheim Townships are in the Lancaster Urbanized Area (93,855). The area is shown in the map below.[1a]

3. While the importation of the signals of distant commercial stations by petitioners herein is not opposed by any UHF broadcasters, the oppositions are generally based on contentions that an insufficient factual showing has been made as to prospective impact on television broadcasting in the market, and that implementation of the proposals would have a more serious impact on small UHF stations, e.g., idle Channel 59 in Lebanon, and 49 in York, than on others. The opponents also argue that there is already a wide diversity of signals in the market, and that because of the unique market which has been penetrated extensively by CATVs, the cumulative effect of addi-

[1a] Map filed as part of original document.

tional CATV systems would be greater fragmentation of audiences. Opposition to the importation of distant educational channels is largely based on probable disruption of the Pennsylvania plan for educational television. But the proponents point out that while there are a number of signals in the market, the programing is almost entirely network, and that the proposals would provide diversity of programing as well as improve reception. They argue that the importation of distant independent and other channels are necessary for economic viability in a market which is somewhat unique, having no core city and being dominated by one network VHF broadcast station. They point out that the difficulty of reception of signals, and the desire for expanded variety of programing, have fostered considerable CATV activity in the area, and contend that additional systems will have a minimal impact particularly on independent UHF television broadcast development which has been previously unsuccessful in the market. In fact, they argue, the proposals may well assist in such development. They also believe that the market network stations would be given adequate protection by the carriage and program exclusivity requirements of the Commission's rules, and will not be injured in those instances where declaratory rulings or waivers of those rules are requested.

4. We turn first to the educational facet of this matter. York does not lie within the Grade B contour of any Washington educational station. Columbia does not lie within the Grade B contour of the Wilmington educational station. With respect to the importation of out-of-State educational stations, and notwithstanding the Commission's consistent holdings that the wider dissemination of educational programing is in the public interest, we cannot find in the face of the stated opposition of Pennsylvania educational television broadcast authorities, without the benefit of a full evidentiary hearing, that importation of out-of-State educational television stations would be in the public interest where such importation would cause the disruption of the carefully conceived and implemented Pennsylvania State Plan for Educational Television. Waiver of the hearing provisions of § 74.1107 for importation of the distant Washington educational station by Susquehanna Broadcasting Co., and of the distant Wilmington educational station by H. C. Ostertag Cable TV Co. must therefore be denied.

5. But it appears that with respect to the other requests for waiver of the distant signal rule, other factors are pertinent. The critical consideration is of course what effect the grant of the waiver would have on the establishment and healthy maintenance of television broadcast operations in this market. In this respect, we focus particularly on potential independent UHF operations, since the existing operations are network in nature and therefore our carriage and nonduplication requirements afford substantial protection. See Second Report, paragraph 145. First, we note that in some of the central cities of the market, a plethora of signals is already available. Thus, in Harrisburg and some of its suburban areas, CATV systems already operate with the requested signals. It follows that with respect to proposed CATV systems in Derry Township, Silver Spring Township, Monroe Township, Upper Allen Township, Lower Allen Township, and Fairview Township, and in Mechanicsburg and Shiremanstown, all rural or suburban areas surrounding or close to Harrisburg, hearing would serve no useful purpose. In Lancaster, and in the surrounding area, including Lancaster, Manheim, Manor, Warwick, East Lampeter, West Lampeter, and West Hempfield Townships, the Philadelphia VHF stations and UHF Station (Channel 48) place a Grade B signal, and are required to be carried upon request; under our established policy, carriage of the other Philadelphia UHF stations (Channels 17 and 29) should also be permitted. See Memorandum Opinion and Order, FCC 67-34 (released Jan. 19, 1967), paragraph 33. In view of carriage of these signals and of the Grade B Baltimore signals, we believe that carriage of the one additional distant signal, WTTG (Channel 5, Washington) raises no significant issue under 74.1107 in the circumstances.[1b] For similar reasons, waiver of the hearing requirements of the rule is warranted for the integrated system proposed in Ephrata, Adamstown, Denver, Akron, Lititz, and Manheim (i.e., Philadelphia network affiliated VHFs are required to be carried and in some of the communities the independent Philadelphia UHFs are required to be carried). The same situation obtains with respect to the proposed Lebanon and Columbia CATV systems. In Lebanon, the Philadelphia VHF signals are available as local or Grade B signals, so what is again involved is the promotion of the UHF independents by permitting their carriage. In Columbia, the Baltimore VHF stations and two Philadelphia VHF stations place a Grade B signal. We think that further discussion as to other systems is unnecessary. Essentially, this is an area where there is available a very considerable number of Grade B VHF signals; in the circumstances, carriage of competing UHF signals from the same source (Philadelphia or Baltimore) is called for, and carriage in some instances of the few additional distant signals such as WTTG is of no significant consequence to the 74.1107 issue. While the foregoing is the critical consideration, we would also note that there are, of course, benefits to public interest from the CATV operations, namely, improved reception of UHF and added diversity of programing, particularly of an independent nature, in the listed communities. These benefits are present to a varying degree in every 74.1107 situation, and therefore are not dispositive of the issue (see par. 139, Second Report). But we point out that this market is somewhat unusual in that it is largely dominated by a single Lancaster VHF network affiliated station—with the result that the eastern and western extremes of the CATV proposals are about 55 miles apart; the northern and southern extremes about 35 miles apart. Clearly, in these circumstances (a geographically diffused market, with hilly terrain), CATV can particularly make a significant contribution to improved reception of local UHF stations. In sum, we conclude, based on the foregoing analysis, that waiver is called for on the particular facts of this situation, except with respect to importation of distant educational signals.

6. Turning to requests by D and E Cable, Peoples Broadcasting, and H. C. Ostertag Cable, for declaratory ruling on or waiver of § 74.1103 of the Commission's rules, we cannot find that petitioners have made a sufficient showing which would persuade us to waive the rule. Of course, the provisions of § 74.1103 do apply to the systems as they are constituted after action is taken on their petitions to waive hearing requirements of § 74.1107 of the rules, but only when the systems are operating on a known number of channels. The number of channels which will be provided by the systems when operation is commenced is not known here, and we limit our advisory opinions to situations where the critical facts are explicitly stated without the possibility that subsequent events will alter them. Therefore, we must deny those requests for declaratory rulings on, or waiver of, § 74.1103 of the rules, without prejudice.[2]

7. In considering matters raised by West Shore's application for CAR service (BPCAR 32), the petition to deny filed therein by WGAL Television, Inc., and the subsequent request by West Shore for dismissal of the application without prejudice, we are of the view that West Shore's request for dismissal should be granted and WGAL's petition to deny be denied.

8. WGAL Television, Inc., has moved to consolidate hearing on the applications before us, and opposition thereto has been made. But because the issues are similar, and the proposals' cumulative effect must be ascertained, the motion of WGAL Television, Inc., will be granted and the oppositions thereto will be denied.

9. *Accordingly, it is ordered*, That the provisions of § 74.1107 of the rules are waived in order to permit the Ephrata, Adamstown, Akron, Denver, Lititz, Manheim, Lancaster, Manheim Township, Manor Township, Warwick Township, Lancaster Township, East Lampeter Township, West Lampeter Township, West Hempfield Township, Derry Township, Silver Spring Township, Monroe Township, Upper Allen Township, Lower Allen Township, Fairview Township, Mechanicsburg, Shiremanstown, and Lebanon CATV systems to carry distant signals as proposed, the York CATV system to carry distant signals as proposed except for the distant Washington, D.C., educational station, the Columbia CATV system to carry distant signals as proposed except for the distant Wilmington, Del. educational station; and that the application for CAR service (BPCAR 32) filed by West Shore TV Cable Co. is dismissed and the Petition to Deny filed therein by WGAL Television, Inc., is denied.

It is further ordered, This 29th day of March 1967, pursuant to sections 4(i), 303, 309(b) of the Communications Act and §§ 74.1107 and 74.1109 of the Commission's rules, that the petitions of Susquehanna Broadcasting Co., with respect to carriage of the distant signal of the Washington, D.C., educational station, and of H. C. Ostertag Cable TV Co. with respect to carriage of the distant signal of the Wilmington, Del., educational station, and that the petitions of D and E Cable TV, Inc., Peoples Broadcasting Co., and H. C. Ostertag Cable TV Co. insofar as they request waiver of or declaratory rulings on § 74.1103 of the Commission's rules are denied, and that with respect to the carriage of distant signals of Washington and Wilmington educational stations by Susquehanna Broadcasting Co. and H. C. Ostertag Cable TV Co. a consolidated hearing is ordered on the following issues:

1. To determine the impact of proposed CATV service carrying distant educational stations in the market upon existing, proposed, and potential educational television broadcast stations in the market.

2. To determine whether the CATV proposals are consistent with the public interest.

Susquehanna Broadcasting Co., D and E Cable TV, Inc., Peoples Broadcasting Co., H. C. Ostertag Cable TV Co., Newhouse Broadcasting Corp., Philadelphia Television Broadcasting Co., South Central Educational Broadcasting Council, WGAL Television, Inc., Westinghouse Broadcasting Co., The Hearst Corp., and WIBF Broadcasting Co., are made parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proof is upon the petitioners. A time and place for the hearing will be specified in another order.

Released: March 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3935; Filed, Apr. 10, 1967; 8:48 a.m.]

[1b] As to the possible application of footnote 69, we note that there has been no request under 74.1109 for such application, and that in any event its application would appear inappropriate in circumstances such as this, where the market has considerable existing CATV activity (e.g., Harrisburg) and penetration by the potential "footnote 69" signals (e.g., the availability in Lancaster of Philadelphia VHF signals).

[2] In any event, attention is directed to § 74.1103(b) (1) and (2) of the rules.

[3] Concurring and dissenting statement of Commissioner Bartley and dissenting statement of Commissioner Cox filed as part of original document; Commissioner Loevinger concurring in the order; Commissioner Johnson absent.

[Docket Nos. 17334, 17335; FCC 67M-558]

SUSQUEHANNA BROADCASTING CO. AND H. C. OSTERTAG CABLE TV CO.

Order Scheduling Hearing

In re petitions by Susquehanna Broadcasting Co., York, Pa., Docket No. 17334, File No. CATV 100-15; H. C. Ostertag Cable TV Co., Columbia, Pa., Docket No. 17335, File No. CATV 100-158; for authority pursuant to § 74.1107 to serve and operate CATV systems in the Harrisburg-Lancaster-Lebanon-York, Pa., television market (ARB, 29):

It is ordered, This 31st day of March 1967, that Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 22, 1967, at 10 a.m.; and that a prehearing conference shall be held on April 21, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: April 5, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-3939; Filed, Apr. 10, 1967; 8:48 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

ARLINGTON TRUST CO.

Notice of Application of Exemption From Provisions of Securities Exchange Act of 1934

Pursuant to authority granted the Corporation under sections 12(h) and 12(i) of the Securities Exchange Act of 1934, as amended, notice is hereby given to all interested parties that the Arlington Trust Co., Lawrence, Mass., has applied to the Federal Deposit Insurance Corporation for exemption from certain provisions of that Act. The bank has asked the Corporation to exempt it, its officers, directors, and certain controlling persons from the requirements of sections 12, 13, 14, and 16 of the Act.

Notice is hereby given that interested persons will have opportunity to present their written views or comments on this application within 20 days following the date of publication of this notice in the FEDERAL REGISTER. Communications should be addressed to the Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429.

Dated this 4th day of April 1967.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-3905; Filed, Apr. 10, 1967; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-275]

K. R. AND T. GAS CO. AND CITIES SERVICE GAS CO.

Notice of Application

MARCH 31, 1967.

Take notice that on March 23, 1967, K. R. and T. Gas Co. (Applicant), Elmdale, Kans. 66850, filed in Docket No. CP67-275 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to establish physical connection of its facilities with the facilities of Applicant and to sell and deliver to Applicant volumes of natural gas for resale in Elmdale, Kan., and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests that Respondent be ordered to establish physical connection in Chase County, Kans., of its transmission facilities with the extension facilities to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for distribution and resale through Applicant's existing distribution system in Elmdale, Kans., and environs.

The total estimated third year peakday and annual requirements of Applicant are 125 Mcf and 15,000 Mcf, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 26, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3906; Filed, Apr. 10, 1967; 8:46 a.m.]

[Docket No. CP65-87]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition To Amend

MARCH 31, 1967.

Take notice that on February 21, 1967, Panhandle Eastern Pipe Line Co. (Petitioner), 1 Chase Manhattan Plaza, New York, N.Y. 10005, filed in Docket No. CP65-87 a petition to amend the order issued by the Commission December 8, 1966, by authorizing Petitioner to deliver additional interruptible volumes of natural gas to Union Gas Company of Canada, Ltd. (Union), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner seeks to remove the 50,000 Mcf per day limitation presently contained in paragraph 2(f) of the above-mentioned order so as to conform its export authorization to the similar modification adopted by the Canadian National Energy Board, on February 15,

1967, in the import authorization of Union. Petitioner states that in view of current conditions in Canada, as well as the certainty that Petitioner will have an excess of natural gas available for delivery on some days during the winter, particularly on warmer days and on weekends, Union has requested that the daily limitation be removed from the authorization.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 1, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3907; Filed, Apr. 10, 1967; 8:46 a.m.]

[Docket No. CP67-280]

PENNSYLVANIA GAS CO.

Notice of Application

MARCH 31, 1967.

Take notice that on March 24, 1967, Pennsylvania Gas Co. (Applicant), 213 Second Avenue, Warren, Pa. 16365, filed in Docket No. CP67-280 an application pursuant to section 7 of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon approximately 17.4 miles of 8-inch transmission pipeline between Warren, Pa., and Jamestown, N.Y., that has been replaced by a new 12-inch pipeline.

Applicant also seeks authorization to construct and operate the following facilities on a replacement basis:

(1) Approximately 12.5 miles of 20-inch transmission pipeline in Warren County, Pa., replacing 31.6 miles of 8-inch and 12-inch pipelines now being operated at maximum capacity, and

(2) Three sections totaling approximately 1.8 miles of 12-inch transmission pipeline replacing 10-inch pipeline between Warren, Pa., and Jamestown, N.Y., required by new highway construction and extensive corrosion.

Applicant estimates the total cost of the proposed construction at approximately $1,091,685, said cost to be financed out of available company funds and in part through the issuance of promissory notes and/or stock to its parent company, National Fuel Gas Co.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 1, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3908; Filed, Apr. 10, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

STATE BANK OF ALBANY

Order Approving Merger of Banks

In the matter of the application of State Bank of Albany for approval of merger with The Emerson National Bank of Warrensburg.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89-356), an application by State Bank of Albany, Albany, N.Y., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Emerson National Bank of Warrensburg, Warrensburg, N.Y., under the charter and title of State Bank of Albany. As an incident to the merger, the two offices of The Emerson National Bank of Warrensburg would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order.

Dated at Washington, D.C., this 3d day of April 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-3911; Filed, Apr. 10, 1967; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Vice Chairman Robertson, and Governors Shepardson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Martin.

SECURITIES AND EXCHANGE COMMISSION

[70-4473]

MICHIGAN CONSOLIDATED GAS CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Issue and Sale of Bonds and Stock

APRIL 5, 1967.

Notice is hereby given that American Natural Gas Co. ("American Natural"), Suite 4950, 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and its subsidiary company, Michigan Consolidated Gas Co. ("Michigan Consolidated"), 1 Woodward Avenue, Detroit, Mich. 48226, have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9, 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan Consolidated will issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $35 million principal amount of first mortgage bonds, ------ percent series, due 1992. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which will not be less than 100 percent nor more than 102¾ percent of the principal amount), will be determined by the competitive bidding. The bonds will be issued under a mortgage and deed of trust, dated as of March 1, 1944, between Michigan Consolidated and First National City Bank and Francis M. Pitt, as Trustees, as heretofore supplemented and as to be further supplemented by a 16th supplemental indenture to be dated as of May 15, 1967.

Michigan Consolidated also proposes to (a) amend its articles of incorporation so as to increase the number of its authorized shares of common stock, par value $14 per share, from 9,700,000 shares to 10,060,000 shares, and (b) issue and sell 360,000 shares of such common stock to American Natural for a cash consideration of $5,040,000, the aggregate par value thereof, such cash being received by American Natural as a special dividend to be paid by Michigan Consolidated. The effect of this dividend and its reinvestment will be to convert a portion of Michigan Consolidated's retained earnings to common stock.

Michigan Consolidated will use the net proceeds from the issue and sale of the bonds and common stock to pay its short-term construction loan notes to banks, which are expected to be outstanding in the amount of $17 million, and to retire at maturity $16,500,000 of its 3⅞ percent sinking fund debentures, due July 1, 1967. The balance will be used to finance, in part, its 1967 construction expenditures estimated at $29,500,000. Additional funds which may be required for construction purposes will be obtained by Michigan Consolidated from the sale of additional securities, which will be the subject of future filings with this Commission, and from internal sources.

The fees and expenses to be paid by Michigan Consolidated in connection with the issue and sale of the bonds are estimated at $122,000, including counsel fees of $25,000, and accountant's fees of $6,000; and in connection with the issue and sale of the common stock are estimated at $9,000, including counsel fees of $1,000. The fee of counsel for the bond underwriters, estimated at $12,000, is to be paid by the successful bidders. A statement of the expenses of such counsel will be filed by amendment.

The Michigan Public Service Commission has jurisdiction over the proposed issue and sale of bonds and common stock by Michigan Consolidated, and a copy of that commission's order authorizing the same will be filed by amendment in this proceeding. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 5, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the joint applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-3933; Filed, Apr. 10, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 6, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40968—*Fertilizer to points in western trunkline territory and southern Missouri.* Filed by Western Trunk Line Committee, agent (No. A-2485), for interested rail carriers. Rates on ammonium nitrate fertilizer, dry fertilizer and dry fertilizer materials, in carloads, from Calgary, Fort Saskatchewan, and Medicine Hat, Alberta, Kimberley and Warfield, British Columbia, Brandon, Manitoba, and Wascana, Saskatchewan, Canada, to points in western trunkline territory and southern Missouri.

Grounds for relief—Market competition.

Tariffs—Revised pages to Canadian National Railways tariff ICC W. 766 and Canadian Pacific Railway Co. tariff ICC W. 1091.

FSA No. 40969—*Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 164), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariffs—Supplements 26 and 18 to Southern Motor Carriers Rate Conference, agent, tariffs MF-ICC 1392 and 1403, respectively.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3942; Filed, Apr. 10, 1967; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 6, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40970—*Cement and related articles from Natchez, Miss.* Filed by Southwestern Freight Bureau, agent (No. B-8971), for interested rail carriers. Rates on cement, concrete, cement clinker, and pulverized blast furnace slag, in carloads, from Natchez, Miss., to points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

Grounds for relief—Market competition.

Tariff—Supplement 83 to Southwestern Freight Bureau, agent, tariff ICC 4587.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3943; Filed, Apr. 10, 1967; 8:49 a.m.]

[Notice 1503]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 6, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69509. By order of March 31, 1967, the Transfer Board approved the transfer to Metro Carrier Corp., Clifton, N.J., of the operating rights in certificate No. MC-36997 issued February 23, 1955, to Max Zall, doing business as B & Z Express Co., West New York, N.J., authorizing the transportation of: General commodities, with the usual exceptions, and rayon piece goods, between points in New York, New Jersey, and Pennsylvania. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, representative for transferee. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, representative for transferor.

No. MC-FC-69512. By order of March 27, 1967, the Transfer Board approved the transfer to Reliable Delivery Service, Inc., Paramount, Calif., of the operating

rights in certificate No. MC–120053 (Sub-No. 2), issued April 10, 1961, and the Certificate of registration No. MC–120053 (Sub-No. 3), issued April 20, 1964, both to Hilliard Truck Line, Inc., Los Angeles, Calif., covering the transportation of general commodities, and certain specified commodities, between specified points in California. Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212, attorney for applicants.

No. MC–FC–69528. By order of March 31, 1967, the Transfer Board approved the transfer to Mid-State Express, Inc., Nashville, Tenn., of certificate of registration No. MC–97364 (Sub-No. 1), issued July 22, 1964, to Carl Boswell and Vida Langford Boswell, a partnership, doing business as Boswell Truck Line, Manchester, Tenn., evidencing a right to engage in transportation in interstate and foreign commerce pursuant to certificates of convenience and necessity Nos. 202–A and 202–B, dated May 27, 1949, issued by the Tennessee Public Service Commission. Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. 37201, attorney for applicants.

No. MC–FC–69531. By order of March 31, 1967, the Transfer Board approved the transfer to W. Herlihy and W. Duffy, a partnership, doing business as Duffy Dispatch, Springfield, Mass., of certificate of registration No. MC–57900 (Sub-No. 1), issued October 16, 1963, to Edward Dinerstein, Springfield, Mass., evidencing a right to engage in interstate or foreign transportation pursuant to Irregular Route Common Carrier Certificate No. 2828, dated May 12, 1960, issued by the Massachusetts Department of Public Utilities. William L. Mobley, 1694 Main Street, Springfield, Mass. 01103, attorney for applicants.

No. MC–FC–69555. By order of March 31, 1967, the Transfer Board approved the transfer to R. & M. Freight, Inc., Montclair, N.J., of the operating rights in certificate No. MC–85233, issued May 18, 1942, to Metro Carrier Corp., Clifton, N.J., authorizing the transportation of: General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between New York, N.Y., on the one hand, and, on the other, Bayonne, Clifton, East Paterson, Edgewater, Haledon, Hawthorne, Jersey City, Passaic, Paterson, Totowa, and Weehawken, N.J. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–3944; Filed, Apr. 10, 1967; 8:49 a.m.]

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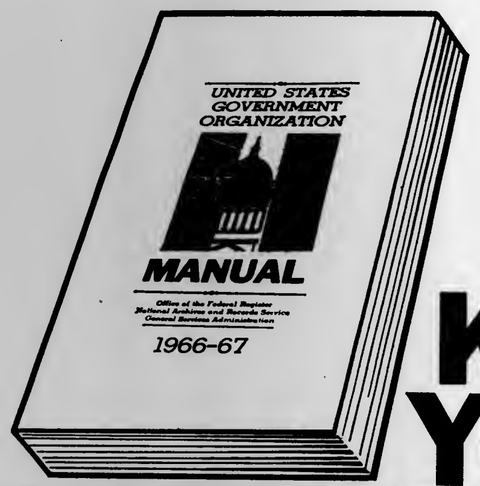
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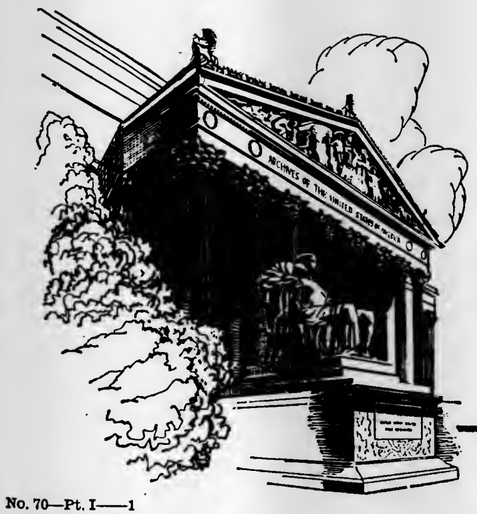
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THE UNIVERSITY OF MICHIGAN
APR 17 1967
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No. 70—Pt. I——1

How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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Title 3—THE PRESIDENT

Executive Order 11342

THE QUETICO-SUPERIOR COMMITTEE

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of the Committee.* There is hereby established a committee which shall be known as the Quetico-Superior Committee (hereinafter referred to as the Committee).

SEC. 2. *Composition of the Committee.* The Committee shall be composed of the following members:

(a) A Chairman who shall be appointed by the President.

(b) Two other members who shall be appointed by the President.

(c) One member who shall be designated by the Secretary of Agriculture from among the personnel of the Department of Agriculture.

(d) One member who shall be designated by the Secretary of the Interior from among the personnel of the Department of the Interior.

SEC. 3. *Functions of the Committee.* (a) The Committee shall promote the protection of the primitive quality of the Quetico-Superior canoe country, which lies in the Rainy River and Pigeon River drainages along the International Boundary between Canada in the province of Ontario and the United States in the State of Minnesota.

(b) In carrying out the provisions of subsection (a) of this section, the Committee shall advise and consult with the appropriate executive departments and agencies of the Government of the United States and of the State of Minnesota, and shall from time to time make such recommendations as it deems proper.

SEC. 4. *Terms; compensation.* (a) The members of the Committee first appointed pursuant to sections 2(a) and 2(b) of this order shall be appointed for terms expiring four years from the date of this order and their successors shall be appointed for terms of four years, except that any vacancy occurring prior to the expiration of a term shall be filled for the unexpired balance of the term.

(b) Members designated under sections 2(c) and 2(d) of this order shall serve during the pleasure of the Secretary of Agriculture and the Secretary of the Interior, respectively.

(c) No compensation shall be paid to appointive members of the Committee by the United States by reason of this order. No additional compensation shall be paid to designated members of the Committee by reason of this order.

SEC. 5. *Transition.* The Committee may carry forward any uncompleted business, and succeed to any records and property, of the Quetico-Superior Committee provided for in Executive Order No. 6783 of June 30, 1934, as amended and supplemented.

SEC. 6. *Prior orders.* The Executive orders listed as follows are hereby superseded:

Executive Order No. 6783 of June 30, 1934
Executive Order No. 7921 of June 30, 1938
Executive Order No. 9213 of August 4, 1942
Executive Order No. 9741 of June 25, 1946
Executive Order No. 9890 of September 6, 1947
Executive Order No. 10134 of June 28, 1950
Executive Order No. 10541 of June 30, 1954
Executive Order No. 10589 of January 15, 1955
Executive Order No. 10767 of May 9, 1958
Executive Order No. 11031 of June 19, 1962

THE WHITE HOUSE,
April 10, 1967.

[F.R. Doc. 67-4050; Filed, Apr. 10, 1967; 4:07 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 194, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provision in paragraph (b)(1) (i) and (iii) of § 908.494 (Valencia Orange Reg. 194, 32 F.R. 5461) are hereby amended to read as follows:

§ 908.494 Valencia Orange Regulation.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: Unlimited movement;

* * * * *

(iii) District 3: Unlimited movement;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 7, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4014; Filed, Apr. 11, 1967; 8:49 a.m.]

[Lemon Reg. 261, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 910.561 (Lemon Regulation 261, 32 F.R. 5495) are hereby amended to read as follows:

§ 910.561 Lemon Regulation 261.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 5,580 cartons;

(ii) District 2: 236,220 cartons;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 6, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-3985; Filed, Apr. 11, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1967 Crop Rice Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967 Crop Rice Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and the 1966 and Subsequent Corps Rice Supplement (31 F.R. 8346) which contain regulations of a general nature with respect to price support operations are further supplemented for the 1967 crop of rice as follows:

Sec.
1421.2780 Purpose.
1421.2781 Availability.
1421.2782 Maturity of loans.
1421.2783 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 62 Stat. 1051, as amended, 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2780 Purpose.

This subpart contains additional program provisions which, together with the applicable provisions of the regulations specified in § 1421.2760 of the 1966 and Subsequent Crop Rice Supplement, and any amendments thereto, apply to loans and purchases for the 1967 crop rice.

§ 1421.2781 Availability.

(a) *Loans.* Producers must request a loan on 1967 crop eligible rice on or before March 31, 1968.

(b) *Purchases.* Producers desiring to offer eligible rice not under loan for purchase must notify the ASCS county office on or before April 30, 1968, of their intent to sell.

§ 1421.2782 Maturity of loans.

Unless demand is made earlier loans on rice will mature on April 30, 1968.

§ 1421.2783 Support rates.

The loan rate for rice placed under a loan other than a loan on rice stored commingled in an approved warehouse, shall be the applicable basic support rate specified in paragraph (a) of this section adjusted as provided in paragraphs (c) and (d) of this section. The support rate for loans on rice stored commingled in an approved warehouse and for settlement of all loans and purchases shall be the applicable basic support rate specified in paragraph (a) of this section, adjusted in accordance with the

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 194, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

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(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this

Dated: April 7, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4014; Filed, Apr. 11, 1967; 8:49 a.m.]

[Lemon Reg. 261, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1967 Crop Rice Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967 Crop Rice Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and the 1966 and Subsequent Corps Rice Supplement (31 F.R. 8346) which contain regulations of a general nature with respect to price support operations are further supplemented for the 1967 crop of rice as follows:

Sec.
1421.2780 Purpose.
1421.2781 Availability.
1421.2782 Maturity of loans.
1421.2783 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 62 Stat. 1051, as amended, 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2780 Purpose.

This subpart contains additional program provisions which, together with the

provisions of this section and §§ 1421.-2770 and 1421.72 and adjusted by such other discounts not specified in this subpart as may be established by CCC to reflect the value of the rice acquired by CCC.

(a) *Basic rates.* The basic support rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety) and round the result to the nearest hundredth. Similarly, multiply the difference between the total yield and the head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents.

VALUE FACTORS FOR HEAD AND BROKEN RICE[1]

Group	Rough rice class or variety	Head rice	Broken rice
		Cents per pound	
I	Patna (except Belle Patna, and Century Patna) and Rexora (except Rexark).	8.93	3.81
II	Bluebelle, Blue Bonnet, Belle Patna, Vegold, Nira, and Rexark.	8.33	3.81
III	Century Patna, Toro, Fortuna, Rex Nira, and Edith.	7.33	3.81
IV	Blue Rose (including Improved Blue Rose, Greater Blue Rose, Kamrose, and Arkrose), Calrose, Gulfrose, Northrose, Lacrosse, Magnolia, Nato, Nova, Zenith (including Gold Zenith and Golden Rose), Prelude, Lady Wright, and Saturn.	6.83	3.81
V	Pearl, Early Prolific, Calady and other varieties.	6.78	3.81

[1] These value factors may be changed. Such changes, if any, will be made by an amendment to this section issued shortly after Aug. 1, 1967.

(b) *Premium.* The basic support rate determined under paragraph (a) of this section shall be adjusted by the following premium:

	Cents per 100 pounds
Grade U.S. No. 1	10

(c) *Discounts.* The basic support rate determined under paragraph (a) of this section shall be adjusted by the following discount:

	Cents per 100 pounds
Grade U.S. No. 3	15
Grade U.S. No. 4	30
Grade U.S. No. 5	50

(d) *Location differentials.* For rice produced in the areas specified below discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic support rate determined under paragraph (a) of this section and shall be in addition to any adjustment under paragraph (b) or (c) of this section: *Provided, however,* That if such rice is transported and stored in a rice producing area where no location differential is applicable, no discount for location shall be applied.

DIFFERENTIAL TABLE

Area	*Discount per 100 pounds*
State of Florida	$0.96
States of North Carolina and South Carolina	.92
Imperial County, Calif., and adjacent counties in Arizona and California	.97
Counties of Holt, Lewis, Lincoln, Marion, Pike, and St. Charles in Missouri and Adams in Illinois	.62
Counties of Lafayette, Little River, and Miller in Arkansas; Bowie in Texas; McCurtain in Oklahoma and Bossier Parish in Louisiana	.255

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 5, 1967.

H.D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-3987; Filed, Apr. 11, 1967; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

[No. 20,544]

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 531—STATEMENTS OF POLICY

Interest Rates on Advances

APRIL 10, 1967.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 531.9 of the regulations for the Federal Home Loan Bank System (12 CFR 531.9) to decrease the minimum interest rate on advances made or outstanding on and after April 1, 1967, hereby revises paragraph (e) of § 531.9 of the regulations for the Federal Home Loan Bank System (12 CFR Part 531.9) to read as follows:

§ 531.9 Interest rates on advances.

* * * * * *

(e) Interest shall be collected by such banks on all advances made or outstanding on and after April 1, 1967, at a rate not less than 5½ percent per annum.

* * * * * *

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and 5 U.S.C. 555.3(b) since such notice and public procedure would prevent the action from becoming effective as promptly as necessary in the public interest, would unreasonably interfere with necessary actions of the Board and would otherwise serve no useful purpose and, for the same reasons, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 555.3(d) is contrary to the public interest and the Board hereby provides that the aforesaid amendment shall be effective upon publication in the FEDERAL REGISTER.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 67-4098; Filed, Apr. 11, 1967; 10:55 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 67-WE-11-AD; Amdt. 39-395]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models 188A and 188C Airplanes

An airworthiness directive was made effective April 5, 1967 (32 F.R. 5545) as to all known operators of Lockheed Models 188A and 188C airplanes. The directive required certain fuselage inspections, including X-ray inspection of the fuselage main frame forgings above the floor line. Since that date the FAA has received reports showing the unreliability of the X-ray inspection. As a result, an amendment to the airworthiness directive was adopted, and made effective immediately, by telegram, to all known operators, on the ground that immediate corrective action was required. Notice and public procedure thereon was impractical and contrary to the public interest. Therefore, good cause existed for making the directive effective immediately. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, and pursuant to the authority delegated to me by the Administrator, Amendment 39-383 is hereby amended by srtiking out the words "X-ray or" in paragraph (c), and by striking out the words "Part IV" in paragraph (h) and inserting the words "Parts III and IV" in place thereof.

This amendment is effective immediately and is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423).

Issued in Washington, D.C., on April 6, 1967.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 67-3979; Filed, Apr. 11, 1967; 8:47 a.m.]

[Airspace Docket No. 66-WA-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Federal Airway and Jet Routes

The purpose of these amendments to Part 71 and 75 of the Federal Aviation Regulations is to realign VOR Federal airway No. 39, Jet Route Nos. 55 and 582 from Presque Isle, Maine, to Mont Joli, Quebec, Canada.

The Canadian Department of Transport has advised that a VOR en route navigation aid will be commissioned in the vicinity of Mont Joli, Quebec, and requests that the VOR airway and Jet Routes from Presque Isle be designated via this new facility. Accordingly, action is taken herein to accommodate this realignment.

Since this action is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

1. In § 71.123 (32 F.R. 2009) V-39 is amended by deleting "12 AGL INT of Presque Isle 356° radial and the United States-Canadian border." and substituting "12 AGL Mont Joli, Quebec, Canada, excluding the portion within Canada." therefor.

2. Section 75.100 (32 F.R. 2341) is amended as follows:

a. In Jet Route No. 55 all after "Presque Isle, Maine;" is deleted and "to Mont Joli, Quebec, Canada, excluding the portion within Canada." is substituted therefor.

b. In Jet Route No. 582 all after "From Presque Isle, Maine," is deleted and "to Mont Joli, Quebec, Canada, excluding the portion within Canada." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 5, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-3980; Filed, Apr. 11, 1967; 8:47 a.m.]

[Airspace Docket No. 67-CE-35]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Advisory Areas

The purpose of these amendments to Part 75 of the Federal Aviation Regulations is to change portions of the jet advisory areas associated with J-107 and J-515 from radar jet advisory areas to nonradar jet advisory areas.

J-107 jet advisory area is presently designated as follows: Radar jet advisory area from the positive control area boundary NE of Dickinson, N. Dak., to 26 nautical miles NE of Pembina, N. Dak.; nonradar jet advisory area from 81 nautical miles NE of Pembina to 93 nautical miles NE of Pembina. J-515 jet advisory area is presently designated as follows: radar jet advisory area from 14 nautical miles S of Pembina, N. Dak., to the United States/Canadian border; nonradar jet advisory area from Fargo, N. Dak., to 14 nautical miles S of Pembina.

It has been determined that radar jet advisory service cannot effectively or efficiently be provided on J-107 from 14 nautical miles southwest of Pembina to the United States/Canadian border, nor on J-515 from 14 nautical miles south of Pembina to the United States/Canadian border. Therefore, action is taken herein to designate these portions of J-107 and J-515 as nonradar jet advisory areas.

The fact that radar jet advisory service cannot be provided in the vicinity of Pembina is a technical determination made after consideration of all relevant factors including radar site locations, system communication capabilities, and safety to air traffic. It appears that safety is derrogated to a significant extent by the present arrangement therefore alteration of these radar jet advisory areas to nonradar jet advisory areas is required in the interest of safety. Notice and public procedure hereon is therefore unnecessary, and for that reason, the amendment may become effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, § 75.200 (32 F.R. 2355) of Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

1. The text of Jet Route No. J-107 Jet Advisory Area is amended to read as follows:

Radar: From the positive control area boundary NE of Dickinson, N. Dak., to 14 nautical miles SW of Pembina, N. Dak.

Nonradar: From 14 nautical miles SW of Pembina, N. Dak., to 26 nautical miles NE of Pembina; from 81 nautical miles NE of Pembina to 93 nautical miles NE of Pembina.

2. The text of Jet Route No. 515 Jet Advisory Area is amended to read as follows:

Nonradar: From Fargo, N. Dak., to the United States/Canadian border.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 5, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-3981; Filed, Apr. 11, 1967; 8:47 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 727—AGRICULTURE INDUSTRY IN PUERTO RICO

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208), and by means of Administrative Order No. 597 (32 F.R. 2953), the Secretary of Labor appointed and convened Industry Committee No. MC7-B for the Agriculture Industry in Puerto Rico, referred to it the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 6(c)(3) and section 8 of the Act, Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. NC7-B are hereby published in this order. Title 29 CFR Chapter V is hereby amended effective April 28, 1967, by adding a new Part 727 as set forth below.

A new Part 727 is established, reading as follows:

Sec.
727.1 Definition.
727.2 Wage rates.
727.3 Notices.

AUTHORITY: The provisions of this Part 727 issued under secs. 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 206, 208. Interpret or apply secs. 5, 8, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 727.1 Definition.

The agriculture industry in Puerto Rico, to which this Part shall apply, is defined as follows: Farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including the preparation for market, delivery to storage or to market or to the carriers for transportation to market; processing, handling, packing, storing, compressing, pasturizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or making cheese or butter or other dairy products; the operation of a country elevator, including such an establishment which sells products and services used in the operation of a farm; the ginning of cotton for market; and the transportation and preparation for transportation of fruits and vegetables, whether or not performed by the farmer, from the farm to a place of first processing or first marketing: *Provided, however,* That the agriculture industry shall not include any activities, included in the definition of the food and related products industry in Puerto Rico (Part 673 of this chapter), the sugar manufacturing in-

dustry in Puerto Rico (Part 689 of this chapter), the tobacco industry in Puerto Rico (Part 657 of this chapter), and the communications, utilities, and transportation industry in Puerto Rico (Part 671 of this chapter): *Provided, further,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

§ 727.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in an activity in the agriculture industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(a) *Sugar cane classification.* (1) The minimum wage for this classification is $0.55 an hour for the period ending January 31, 1968, and $0.57 an hour thereafter.

(2) This classification is defined as all work in the agriculture industry in Puerto Rico in the preparation of the soil, the planting and cultivating of sugar cane (all work related to the growing and maturing of the crop), the harvesting of sugar cane (cutting, piling, loading, transloading, and all transportation by or for the account of the grower to the point at which title to the sugar cane passes to others), and any other work related to the production and delivery of sugar cane by the grower performed on a farm as an incident to or in conjunction with the farming operations of the grower.

(b) *Coffee classification.* (1) The minimum wage for this classification is $0.50 an hour.

(2) This classification is defined as all work in the agriculture industry in Puerto Rico in the planting, replanting and cultivating of coffee trees (including the preparation of the soil), the harvesting of coffee, the removal of the pulp from the coffee bean, the washing, drying, hulling and packing of the bean, and the conditioning of shade trees cultivated in connection therewith.

(c) *Tobacco classification.* (1) The minimum wage for this classification is $0.45 an hour for the period ending January 31, 1968, and $0.47 an hour thereafter.

(2) This classification is defined as all work in the agriculture industry in Puerto Rico in the preparation of the soil, the planting, transplanting, cultivating, harvesting, sowing, drying, packing, preparation, and delivery of tobacco.

(d) *Dairy farms classification.* (1) The minimum wage for this classification is $0.55 an hour for the period ending January 31, 1968, and $0.57 an hour thereafter.

(2) This classification is defined as all work in the agriculture industry in Puerto Rico in the production, handling, packing, bottling, and storage of milk, and in the breeding of cattle for the production of milk.

(e) *Cattle classification.* (1) The minimum wage for this classification is $0.50 an hour.

(2) This classification is defined as all work in the agriculture industry in Puerto Rico in the breeding and raising of cattle for meat.

(f) *Pineapple classification.* (1) The minimum wage for this classification is $0.57 an hour for the period ending January 31, 1968, and $0.59 an hour thereafter.

(2) This classification is defined as all work in the agriculture industry in Puerto Rico in the sowing, cultivation, harvesting, packing, sale, and delivery of pineapple to a warehouse or market.

(g) *Tomatoes and peppers classification.* (1) The minimum wage for this classification is $0.55 an hour for the period ending January 31, 1968, and $0.57 an hour thereafter.

(2) This classification is defined as all work in the agriculture industry in Puerto Rico in the planting, cultivating, harvesting and marketing of tomatoes and peppers.

(h) *Aviculture classification.* (1) The minimum wage for this classification is $0.55 an hour for the period ending January 31, 1968, and $0.57 an hour thereafter.

(2) This classification is defined as all work in the agriculture industry in Puerto Rico in the rearing and care of poultry for the production of meat or eggs, and for the production and rearing of baby chicks, game cocks, or any other birds.

(i) *Floriculture classification.* (1) The minimum wage for this classification is $0.53 an hour for the period ending January 31, 1968, and $0.55 an hour thereafter.

(2) This classification is defined as all work in the agriculture industry in Puerto Rico in the sowing, cultivation and production of flowers, and plants, trees, and grass used for ornamental purposes.

(j) *Other agricultural activities classification.* (1) The minimum wage for this classification is $0.45 an hour for the period ending January 31, 1968, and $0.47 an hour thereafter.

(2) This classification is defined as all work in the agriculture industry in Puerto Rico other than work included in any other classification of this industry.

§ 727.3 Notices.

Every employer subject to the provisions of § 727.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 727.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 7th day of April 1967.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 67-4017; Filed, Apr. 11, 1967; 8:50 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 14; Amdt. 215-3]

PART 215—RULE MAKING; INITIAL SAFETY STANDARDS

Procedure on Reconsideration; Judicial Review

This amendment adds to the procedural rules governing the adoption of the Initial Motor Vehicle Safety Standards rules applicable to petitions for reconsideration and to judicial review of Initial Standards.

This amendment is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. secs. 1392 and 1407); and the delegation of authority of April 6, 1967.

Since this amendment constitutes a procedural regulation, notice and public procedure thereon are not required, and the regulation may be made effective immediately.

In consideration of the foregoing, 23 CFR Part 215 is amended, effective April 7, 1967, as set forth below.

Issued in Washington, D.C., on April 7, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

Part 215 of Title 23 of the Code of Federal Regulations is amended by adding at the end thereof the following new sections:

§ 215.19 Proceedings on reconsideration generally; parties; consolidation.

The Federal Highway Administrator (hereinafter referred to as the Administrator) may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. In the event he determines so to reconsider any standard, he may issue a final decision on reconsideration without further proceedings, or he may provide such opportunity to submit comment or evidence as he deems appropriate. The Administrator may utilize the procedures provided in § 215.21 or § 215.23, or he may provide for such other or different rules of procedure as shall, in his judgment, best tend to promote the expeditious and orderly disposition of the issues raised by the petition. In all proceedings on reconsideration, the petitioner and the Administrator are the parties. Two or more petitions relating to the same standard may be consolidated for purposes of proceedings on reconsideration.

§ 215.21 Proceeding on oral hearing.

The Administrator may provide for an oral hearing on a petition for reconsideration.

(a) *Designation and powers of presiding officer.* A hearing held under this section shall be conducted by a presiding officer designated by the Administrator. The presiding officer may exercise the hearing powers listed in 5 U.S.C. 556(c) (formerly section 7(b) of the Administrative Procedure Act). In addition, he may examine witnesses, rule upon the order of the proceedings and the admissibility of testimony and evidence, and take all other actions and make all other rulings which, in his judgment, will provide for the expeditious and orderly conduct of the hearing. The presiding officer shall not be required to apply judicial rules of evidence.

(b) *Prehearing conference.* The presiding officer may set the matter for a prehearing conference at such time and place as he shall direct. The purpose of the conference shall be to define and simplify the issues as to which evidence is to be taken; to secure admissions or stipulations of fact and of the genuineness of documents; to consider the nature, extent, and order of the evidence to be adduced; and generally to make arrangements for the conduct of the hearing. He may direct the parties to exchange statements as to the issues to be heard, exhibits, statements of testimony (including expert opinion), or other evidence or statements, or replies thereto, in advance of, at, or following the prehearing conference. The presiding officer shall issue an order following the prehearing conference which shall control the subsequent course of the proceeding, subject to amendment by the presiding officer.

(c) *Conduct of hearings.* (1) The hearing shall commence at the time and place directed by the presiding officer, and may be continued by the presiding officer from day to day or adjourned to a later time or date or to a different place without notice other than the announcement thereof at the hearing.

(2) All parties shall be given reasonable opportunity to submit relevant factual evidence. The presiding officer may admit in evidence affidavits as to relevant facts. Without limiting his right to make any ruling with respect to the conduct of the proceeding, the presiding officer may exclude evidence he finds to be cumulative, redundant or relating only to a fact or issue as to which he finds there not to be any substantial controversy, and may limit the number of witnesses to be permitted to testify with respect to any issue.

(3) A transcript of the testimony shall be kept. All exhibits received in evidence shall be numbered and made a part of the record. Any party desiring a copy of the transcript of the testimony or of any written exhibit or brief shall be entitled thereto upon written application and payment of the costs thereof. Any party may, by motion addressed to the presiding officer made within 5 days after the date of the availability of the transcript to him, move to correct the transcript in any respect he believes it to be inaccurate.

(d) *Decisions.* (1) If the presiding officer has been directed to make initial findings of fact, or an initial decision, or both, he may fix, upon conclusion of the hearing, a time for filing briefs which may contain proposed findings of fact and conclusions, and argument. In his discretion he may hear oral argument.

(2) If the officer has been so directed, he shall certify the entire record of the hearing to the Administrator. The Administrator may fix a time for filing briefs which may contain proposed findings of fact and conclusions, and argument; may hear oral argument; and make findings of fact and the final decision, or, if he deems it appropriate, issue tentative findings of fact or a tentative decision, or both.

(3) Within such times as may be fixed in initial or tentative findings of fact or an initial or tentative decision, the parties may file exceptions thereto and their briefs on the exceptions. The Administrator may also decide to review initial findings of fact or an initial decision on his own initiative, and may fix a time for briefs or oral argument, or both, in an appropriate order.

(4) The Administrator shall issue findings of fact and a final decision. He shall rule upon each exception.

(5) Any initial, tentative or final findings of fact or decision shall be based exclusively on the record made in the proceeding on reconsideration and the prior record with respect to the standard under reconsideration.

§ 215.23 Proceeding upon written evidence.

The Administrator may provide for a proceeding upon reconsideration in which the parties may introduce written statements and evidence. In such case, he may direct the parties to serve and file statements, evidence and exhibits in support of their positions, including, but not limited to, the statements, evidence, and exhibits described in § 215.21 (b); may order a conference for the purposes described in § 215.21(b), insofar as applicable to a proceeding upon written evidence; and may designate a presiding officer with the authority set forth in § 215.21 (a) and (b), insofar as applicable to a proceeding upon written evidence. The provisions of § 215.21 (d) shall apply to a proceeding under this section.

§ 215.25 Ancillary matters.

(a) Unless the Administrator or the presiding officer provides otherwise, any document filed in a proceeding under § 215.21 or § 215.23 must, at the same time, be served on all parties or their attorneys, personally or by registered or certified mail.

(b) All documents to be filed in a proceeding on reconsideration shall be filed at such place and in such numbers as the Administrator or presiding officer shall direct.

§ 215.27 [Reserved]

§ 215.29 Certified copies.

The Administrator shall furnish, upon request and payment of the costs thereof, certified copies of proceedings under § 215.19 et seq. as required by section 105(b) of the Act.

§ 215.31 Judicial review.

(a) The Administrator is designated and authorized to receive service of a petition for judicial review filed under section 105(a)(1) of the Act, and to perform the functions required by section 105(a)(1) of the Act and the rules of the court with respect to certification of the record on which the order under review is based.

(b) A hearing to receive additional evidence under section 105(a)(2) of the Act shall be governed by the applicable provisions of § 215.19 et seq. except as the court may direct otherwise.

[F.R. Doc. 67-4013; Filed, Apr. 11, 1967; 8:50 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Importations of and Dealings in Certain Merchandise

Section 500.204, appendix, item (101) is being amended to add to the list therein of commodities from specified countries, "dried eggs from Argentina."

As amended, item (101) shall read as follows:

(101) *Quotas for imports of certain commodities from other countries.* Under certain limited circumstances, quotas have been established for the importation of certain commodities under annual limitations set by the amount determined as currently available for export.

Licenses are issued for:
Cotton manufactures from Poland, Czechoslovakia, and Hungary.
Dried eggs from Argentina, Poland, and South Africa.
Feathers, Asiatic, from Japan, and Malaysia.
Firecrackers from Macao.
Lotus seeds from Thailand.
Lychees from Mexico.
Mung beans from Peru, Thailand.
Silk, raw and waste from Bulgaria.
Tung oil from Malawi.
Vegetables, fresh, Chinese type, from Mexico.
Walnuts from India, Pakistan, Rumania, and Yugoslavia.

Section 500.204, appendix, item (105) is being amended to add the words "and the U.S.S.R." following the words "from Eastern Europe," wherever they appear.

As amended, item (105) reads as follows:

(105) *Physical examination.* The Office of Foreign Assets Control is satisfied that certain types of merchandise subject to § 500.204 can be reliably determined by physical examination not to be of Communist Chinese, North Korean, or North Viet-Namese

origin. Licenses to import these types of merchandise are issued subject to physical examination at the time of entry. Examples are:

Bristles, hog, not dyed, from Japan and Iran.
Camel hair from Outer Mongolia.
Cashmere.
Cassia from Indonesia and Sabah, Malaysia.
Chinaware from Eastern Europe and the U.S.S.R.
Earthenware from Eastern Europe and the U.S.S.R.
Embroidered articles, peasant-type, from Eastern Europe and the U.S.S.R.
Hair, human, from India, Iran, and Pakistan.
Rugs, grass, from Spain and Portugal.
Straw manufactures from Eastern Europe and the U.S.S.R.
Wood articles from Eastern Europe and the U.S.S.R.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-4000; Filed, Apr. 11, 1967; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Cow Bayou, Tex., and Pacific Ocean, California

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (j) subparagraph (27), deleting reference to the Texas Highway Department bridge at Orangefield, Tex., effective on publication in the FEDERAL REGISTER, since the drawbridge has been replaced by a fixed bridge, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

* * * * *

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.*

* * * * *

(27) Cow Bayou, Tex.; Orange County highway bridge on Round Bunch Road and Texas Highway Department bridge at Bridge City. At least 6 hours' advance notice required.

* * * * *

[Regs., Mar. 27, 1967, 1507-32 (Cow Bayou, Tex.)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 3), § 204.-201a, paragraph (b)(1), is hereby amended governing the use and navigation of a danger zone in the Pacific Ocean near Point Mugu, Calif., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.201a Pacific Ocean in the vicinity of Point Mugu, Calif.; naval small arms firing range.

* * * * *

(b) *The regulations.* (1) Range firing will normally take place between 6 a.m. and 6 p.m., Thursday through Monday, and between 6 a.m. and 11:30 p.m., Tuesday and Wednesday of each week. Within the above periods, firing will be conducted as determined by the Commanding Officer, U.S. Naval Construction Battalion Center, Port Hueneme, Calif.

* * * * *

[Regs., Mar. 27, 1967, 1507-32 (Pacific Ocean, California)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 3)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-3955; Filed, Apr. 11, 1967; 8:45 a.m.]

PART 208—FLOOD CONTROL REGULATIONS

Boysen Dam and Reservoir, Bighorn River, Fremont County, Wyo.

Pursuant to the applicable provisions of sections 7 and 9 of the Act of Congress approved December 22, 1944 (58 Stat. 890, 891; 33 U.S.C. 709) the following regulations are hereby prescribed to govern the use of storage capacity for flood control purposes in Boysen Reservoir on Bighorn River, Fremont County, Wyo., and the operation of Boysen Dam for flood control purposes.

§ 208.40 Boysen Dam and Reservoir, Bighorn River, Fremont County, Wyo.

The Bureau of Reclamation, Department of the Interior, represented by the Regional Director in charge of the locality, hereinafter referred to as the Regional Director, shall operate Boysen Dam and Reservoir in the interest of flood control as follows:

(a) The exclusive flood control storage capacity of the reservoir (which initially amounts to 150,000 acre-feet, between elevations 4,725 and 4,732) and during the flood season, February 1 to July 31, that portion of the joint use storage capacity (which initially amounts in whole to 150,000 acre-feet between elevations 4,717 and 4,725) which is determined, as described in detail in paragraph (c) of this section, to have flood control as its current paramount purpose shall be operated with total releases (from the powerplant, gated bypass pipes and under the spillway gates) restricted for maximum flood protection downstream from the dam on the Bighorn, Yellowstone, and Missouri Rivers, in the following manner:

(1) Local flood control: (i) When the Bighorn River is frozen or partially frozen between the dam and Greybull, Wyo., restrict releases to a maximum of 3,000 cubic feet per second.

(ii) When the Bighorn River is free of ice and the Boysen pool is below elevation 4,725, restrict releases to a maximum of 15,000 cubic feet per second.

(iii) When the Bighorn River is free of ice and the Boysen pool is between elevations 4,725 and 4,732, restrict releases to a maximum of 20,000 cubic feet per second.

(2) Coordination with flood conditions and other projects: The above-stated conditions for operation for local flood control will be modified as may be necessary for optimum coordination of the flood control operation of the reservoir with existing and potential flood conditions on the Bighorn, Yellowstone, and Missouri Rivers and with the operation of other reservoirs or flood protection works on these streams.

(3) In no circumstances will water be allowed to overtop the spillway gates.

(b) Whenever necessary in the interest of flood control the Department of the Army, represented by the District Engineer in charge of the locality, hereinafter referred to as the District Engineer, will issue instructions to the Regional Director for coordination of the flood control operation of the reservoir, either for storage or evacuation purposes, with flood conditions and with the operation of other reservoirs or other flood protection projects within the Bighorn, Yellowstone, or Missouri River basins; and the District Engineer shall also issue special directions, if desirable, on the basis of flood conditions at the time, to the Regional Director for temporary modification of such instructions. Oral instructions from the District Engineer to the Regional Director shall be confirmed in writing under date of the day issued.

(c) Storage space in the joint use storage capacity in Boysen Reservoir shall be kept available for flood control purposes, February 1–July 31, inclusive, in accordance with the Flood Control Storage Reservation Diagram currently in force, except when storage of flood water is necessary as prescribed in paragraph (a) of this section. Any flood water temporarily stored in either the exclusive flood control storage space or in that portion of the joint use storage space which currently has flood control as its current paramount purpose shall be released as rapidly as can be safely accomplished without causing downstream flows to exceed the criteria prescribed in paragraph (a) of this section. The Flood Control Storage Reservation Diagram in force as of the promulgation of this section is that dated March 14, 1967, file GM 16-3/1 and is on file in the Office of the Chief of Engineers, Department of the Army, Washington, D.C., and in the Office of the Commissioner of Reclamation, Washington, D.C. Revisions of the Flood Control Storage Reservation Diagram may be developed from time to time as necessary by the Corps of Engineers and the Bureau of Reclamation. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Commissioner of Reclamation and from that date until replaced shall be the Flood Control Storage Reservation Diagram currently in force for the purposes of this section. Copies of the Flood Control Storage Reservation Diagram currently in force shall be kept on file in and may be obtained from the Office of the District Engineer, Corps of Engineers, and the Regional Director, Bureau of Reclamation, in charge of the locality.

(d) The discharge characteristics of the outlet tunnel and the spillway (having a combined capacity of 20,000 cubic feet per second with reservoir level at elevation 4,721.5) shall be maintained in accordance with the as constructed drawings (Bureau of Reclamation Drawings No. 285-D-662 (revised Apr. 8, 1958), No. 285-D-894 (dated Mar. 21, 1951), and No. 285-D-895 (dated Mar. 21, 1951)).

(e) Proposed schedules of irrigation releases and storage changes, if available, and current operating data shall be provided to the District Engineer by the Regional Director. These data shall be tabulated daily and furnished periodically as required and shall include such items as: Reservoir elevation, reservoir storage, inflow, discharge, and pertinent available hydrologic data.

(f) Whenever the reservoir level rises to elevation 4,717 or whenever flood discharges appear imminent, the Regional Director shall report at once to the District Engineer by telephone, telegraph, or radio, and as requested thereafter until the reservoir level falls to elevation 4,717 or below, and flood discharges cease.

(g) Nothing in this section shall be construed to require that releases shall be made at rates or in a manner inconsistent with requirements for protecting the dam and reservoir from major damage, or inconsistent with the safe routing of the spillway design flood.

(h) All elevations stated in this section are at the Boysen Dam and are referred to a datum giving 4,700.00 as the elevation of the spillway crest.

[Regs., Mar. 14, 1967, ENGCW-EY] (Secs. 7 and 9, 58 Stat. 890, 891; 33 U.S.C. 709)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-3956; Filed, Apr. 11, 1967; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Lake Ilo National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to fishing. This open area comprising 400 acres is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations and subject to the following special conditions.

(1) The open season for sport fishing on the refuge extends from May 6, 1967, through September 15, 1967, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1967.

HOMER L. BRADLEY,
Refuge Manager, Lake Ilo National Wildlife Refuge, Dunn Center, N. Dak.

APRIL 5, 1967.

[F.R. Doc. 67-4009; Filed, Apr. 11, 1967; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 50—Division of Public Contracts, Department of Labor

PART 50-204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

Radiation Safety and Health Standards; Application in New Hampshire and Alabama

On September 21, 1966, and September 30, 1966, notices were published in the FEDERAL REGISTER (31 F.R. 12483; 31 F.R. 12794) proposing to make determinations that the programs of the States of New Hampshire and Alabama, respectively, for the control of radiation sources are compatible with the requirements of 41 CFR Part 50-204. The notices also proposed to add the States of New Hampshire and Alabama to the list of States set forth in 41 CFR 50-204.320(c) (1) and (2) (31 F.R. 1075). Interested persons were invited to file statements of data, views, or arguments in regard to the proposals. None were received. I have decided to and do hereby determine that the programs of the States of New Hampshire and Alabama for the control of radiation sources are compatible with the requirements of 41 CFR Part 50-204.

Accordingly, pursuant to authority in sections 1 and 4 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 38), I hereby amend 41 CFR Part 50-204 by adding the States of Alabama and New Hampshire to the list of States set forth in 41 CFR 50-204.320(c) (1) and (2).

This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

(Secs. 1, 4, 49 Stat. 2036, 2038; 41 U.S.C. 35, 38)

Signed at Washington, D.C., this 5th day of April, 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-3975; Filed, Apr. 11, 1967; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4179]

[Oregon 713]

OREGON

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of December 14, 1926, and March 18, 1929, withdrawing lands for the Vale Project, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 19 S., R. 43 E.,
Sec. 20 NW¼, SE¼SW¼, SW¼SE¼;
Sec. 29, NW¼NE¼, NE¼NW¼.
T. 17 S., R. 44 E.,
Sec. 2, SW¼;
Sec. 20, SW¼SW¼.

The areas described aggregate approximately 520 acres in Malheur County.

The lands in T. 19 S., R. 43 E., are located about 14 miles southwest of Vale, Oregon, in the vicinity of Little Valley, and the lands in T. 17 S., R. 44 E., are about 10 miles northwest of Vale, Oregon, in the Willow Creek drainage. Vegetative cover is sagebrush, cheat grass, native shrubs, and forbs.

2. At 10 a.m. on May 12, 1967, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 12, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on May 12, 1967. They have been open to applications and offers under the mineral leasing laws.

The State of Oregon has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 6, 1967.

[F.R. Doc. 67-3965; Filed, Apr. 11, 1967; 8:45 a.m.]

[Public Land Order 4180]

[Oregon 1146]

OREGON

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental order of December 14, 1926, withdrawing lands for the Vale Project, is hereby revoked so far as it affects the following described land:

WILLAMETTE MERIDIAN

T. 19 S., R. 43 E.,
Sec. 6, W½SE¼.

The area described contains approximately 80 acres in Malheur County.

The land is located about about 13 miles west of Vale, Oreg. Vegetative cover is sagebrush, cheat grass and other native shrubs, grasses, and forbs.

2. At 10 a.m. on May 12, 1967, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 12, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to location under the United States mining laws at 10 a.m. on May 12, 1967. It has been open to applications and offers under the mineral leasing laws.

The State of Oregon has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 6, 1967.

[F.R. Doc. 67-3966; Filed, Apr. 11, 1967; 8:46 a.m.]

[Public Land Order 4181]

[Oregon 712]

OREGON

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental orders of March 17, 1916, November 5, 1919, and March 28, 1925, withdrawing lands for the Owyhee Project, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 22 S., R. 45 E.,
Sec. 3, lot 13;
Sec. 4, lots 8 and 9.
T. 17 S., R. 46 E.,
Sec. 23, SW¼SW¼.

The areas described aggregate 75.99 acres in Malheur County.

The lands are near Ontario, Oreg. Vegetative cover is sagebrush, cheat grass, native shrubs, and forbs.

2. At 10 a.m. on May 12, 1967, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 12, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m. on May 12, 1967. They have been open to applications and offers under the mineral leasing laws.

The State of Oregon has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRY ANDERSON,
Assistant Secretary of the Interior.

APRIL 6, 1967.

[F.R. Doc. 67-3967; Filed, Apr. 11, 1967; 8:46 a.m.]

[Public Land Order 4182]

[Idaho 015332]

IDAHO

Powersite Restoration No. 616 Partial Revocation of Powersite Reserve

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive Order of December 19, 1910, creating Powersite Reserve No. 168 is hereby revoked so far as it affects the following-described lands:

BOISE MERIDIAN

T. 12 N., R. 2 W.,
Sec. 19, lots 2, 3, and 4, and E½SW¼.
T. 11 N., R. 3 W.,
Sec. 2, lots 1, 2, 3, and 4, S½N½, and SW¼;
Sec. 3, lots 1 and 2, S½NE¼, and SE¼.
T. 12 N., R. 3 W.,
Sec. 23, SE¼SE¼;
Sec. 24, S½NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 25, E½NE¼, W½, and E½SE¼;
Sec. 26, E½NE¼, and SE¼SE¼;
Sec. 35, NE¼, E½SW¼, and SE¼.

The areas described aggregate 2,335.83 acres in Washington County, of which 513.24 acres are vacant public lands. The remaining lands are either patented or in withdrawals for other purposes.

2. At 10 a.m. on May 12, 1967, the public lands not otherwise withdrawn shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 12, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

The State of Idaho has waived its preference rights under R.S. 2276, as amended (43 U.S.C. 852) and under section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 6, 1967.

[F.R. Doc. 67-3968; Filed, Apr. 11, 1967; 8:46 a.m.]

[Public Land Order 4183]

[Oregon 182]

OREGON

Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of July 15, 1929, as modified by the order of the Bureau of Land Maagement of October 28, 1949, withdrawing the following described land as Air Navigation Site Withdrawal No. 31, is hereby revoked:

WILLAMETTE MERIDIAN

T. 36 S., R. 5 W.,
Sec. 9, SW¼SW¼NW¼SE¼.

The area described contains 2.5 acres in Josephine County.

2. At 10 a.m. on May 12, 1967, the land shall be open to such forms of disposition as may by law be made of revested Oregon and California Railroad grant land.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 6, 1967.

[F.R. Doc. 67-3969; Filed, Apr. 11, 1967; 8:46 a.m.]

[Public Land Order 4184]

[Anchorage 067495]

ALASKA

Exclusion of Land From National Forest

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The following described tract of land in Alaska, occupied as a homesite, is hereby excluded from the Chugach National Forest and restored, subject to valid existing rights, for purchase as a homesite under section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U.S.C. 461), as amended:

Homesite No. 187, Murcheson Creek Group, Lot 2, U.S. Survey 4609, 0.44 acre.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 6, 1967.

[F.R. Doc. 67-3970; Filed, Apr. 11, 1967; 8:46 a.m.]

[Public Land Order 4185]

[Oregon 017362]

OREGON

Withdrawal for National Forest Recreation Area

By virtue of the of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

WILLAMETTE NATIONAL FOREST

WILLAMETTE MERIDIAN

Breitenbush Hot Springs Recreation Area

T. 9 S., R. 7 E.,
Sec. 19, unsurveyed, S½NE¼NE¼, NE¼SW¼NE¼, S½SW¼NE¼, SE¼NE¼, SE¼SE¼NW¼, NE¼NE¼SW¼, N½NW¼SE¼;
Sec. 20, S½NE¼NW¼, NW¼NW¼, N½SW¼NW¼, SE¼NW¼, NE¼SE¼, E½SE¼SE¼;
Sec. 21, unsurveyed, S½NW¼NW¼, SW¼NW¼, W½NE¼SW¼, NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼, N½SE¼SW¼.

The areas described aggregate approximately 480 acres in Marion County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 6, 1967.

[F.R. Doc. 67-3971; Filed, Apr. 11, 1967; 8:46 a.m.]

[Public Land Order 4186]

[Oregon 990]

OREGON

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

The departmental order of August 16, 1905, withdrawing lands for the Umatilla Project, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 5 N., R. 29 E.,
Sec. 31, NW¼NE¼, N½SW¼NE¼, SW¼SW¼NE¼, W½NW¼SE¼.

The areas described aggregate approximately 90 acres in Umatilla County. The lands are in allowed entries.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 6, 1967.

[F.R. Doc. 67-3972; Filed, Apr. 11, 1967; 8:46 a.m.]

[Public Land Order 4187]

[New Mexico 1182]

NEW MEXICO

Addition to National Forest

By virtue of the authority contained in the act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), it is ordered as follows:

Subject to existing valid rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Lincoln National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 S., R. 11 E.,
Sec. 8, E½SW¼, and N½SE¼;
Sec. 21, N½SE¼ and SW¼SE¼;
Sec. 27, W½SE¼ and SE¼SE¼;
Sec. 34, NE¼NE¼.

The areas described aggregate approximately 440 acres in Otero County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 6, 1967.

[F.R. Doc. 67-3973; Filed, Apr. 11, 1967; 8:46 a.m.]

[Public Land Order 4188]

[Fairbanks 034799]

ALASKA

Withdrawal for Administrative Site Revocation of Executive Order No. 5384

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and reserved for an administrative site:

FORT YUKON

U.S. Survey 2760 B, Block 21: Lots 1 to 4, inclusive.

The areas described aggregate 0.96 acre.

2. Executive Order No. 5384 of June 27, 1930, reserving a tract of land, described by metes and bounds, now described as U.S. Survey 2263, containing 0.32 acre, for use of the Alaska Game Commission, is hereby revoked. The land is State owned.

3. The withdrawal made by paragraph 1 of this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 6, 1967.

[F.R. Doc. 67-3974; Filed, Apr. 11, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 601]

CONFERENCE AND PRACTICE REQUIREMENTS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 67-3290 appearing in the issue for Wednesday, March 29, 1967, at page 5278, make the following changes:

1. In the undesignated paragraph following § 601.502(c)(1)(iv), line 9, the word "any" should read "an".

2. In § 601.503(c), line 13, the word following "accountant" should read "evidence".

3. In § 601.505(c)(2)(ii), page 5283, column 1, line 10, the word "of" should read "or".

4. In § 601.506(b)(1), last sentence, the word "well" should read "will".

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 991]

HOPS OF DOMESTIC PRODUCTION

Handling

Notice is hereby given of a proposal, unanimously recommended by the Hop Administrative Committee. The proposal would extend to each producer, for the 1968 crop, permission to retain his allotment base without making a bona fide effort to produce the annual allotment referable thereto; prescribe a reasonable time whereby transfers of allotment bases are to be completed in order to have an annual allotment granted thereunder for the ensuing marketing year; prescribe that to qualify for an annual allotment each producer transferring all or part of his allotment base and each producer acquiring additional allotment bases by transfer, shall submit to the Committee the allotment base certificates theretofore issued to the producer by the Committee; and prescribe reporting requirements. The authorization for the proposals would be pursuant to §§ 991.38, 991.46, and 991.60 of Marketing Order No. 991 (7 CFR Part 991; 31 F.R. 9713, 10072), regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than April 19, 1967. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 991.138a Waiver of requirement as to production of annual allotment—1968 crop.

Pursuant to § 991.38(a)(5), the requirements therein for a producer to make a bona fide effort to produce the annual allotment referable to his allotment base is waived for the 1968 crop for all producers.

§ 991.146 Transfer of allotment bases.

(a) Whenever a producer transfers all or part of this allotment base to another person, the annual allotment referable to such transferred base shall be issued to the transferee for the 1967-68 marketing year only if such transfer is made prior to the issuance of an annual allotment to the transferor or prior to May 1, 1967, whichever is earlier, and for the 1968-69 and subsequent marketing years such date shall be April 1.

(b) Whenever a transfer is made of an allotment base, in whole or in part, to another person, or a producer acquires an additional allotment base, no annual allotment on such transfer or acquisition shall be issued by the Committee until both the transferring and the acquiring producer surrender their allotment base certificates for such adjustment and reissuance as is indicated by the transfer. The reissued certificates shall show the original allotment base plus or minus, as appropriate, the adjustment.

§ 991.160 Reports.

(a) Each handler shall, with respect to each lot of hops acquired from a producer, file a report with the Committee on HAC Form No. 1, not later than the close of the next business day following such acquisition, showing (1) date of acquisition, (2) name of the producer, (3) name of handler, (4) grower number and lot number, (5) inspection certificate number, (6) handler lot identification number, (7) variety of the hops, and (8) number of bales acquired, including the gross and net weights of such bales. The handler shall cause the report to be signed by the producer, or his agent, and shall also be signed by the handler, or his agent, and shall be accompanied by the applicable weight certificate showing the weight of each bale of hops acquired.

(b) Each handler shall, at the time he acquires hops from a producer, record on the back of such producer's annual allotment certificate the date, name of handler, the number and net weight of the bales of hops acquired, and the cumulative weight.

(c) Each producer-handler not delivering his reserve hops by the closing date for pooling, shall report to the Committee, within 5 business days after the closing date of such pool, the quantity, quality, variety, and location of such reserve hops held by him and such other information as is requested by the Committee.

Dated: April 7, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4015; Filed, Apr. 11, 1967; 8:50 a.m.]

[7 CFR Part 1125]

[Docket No. AO 226-A14]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et. seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Puget Sound, Wash., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Seattle, Wash., on August 23-27, 1966, pursuant to notice thereof which was issued August 10, 1966 (31 F.R. 10847).

The material issues on the record of the hearing relate to:

1. The adoption of a Class I base plan;
2. Determination of Class I bases for existing producers and new producers;
3. Incorporation of producer-handlers in the Class I Base Plan.
4. Base rules with respect to:
(a) Transfers,
(b) Forfeitures,
(c) Antidumping provisions,
(d) General rules.
5. Provision for hardship and inequities.
6. Payments on other source milk:
7. Miscellaneous provisions.
(a) Revision of excess milk location differential at District 1 pool plants; and
(b) Continuing provisions in event of lack of approval or expiration of authority.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The adoption of a Class I base plan.* Producers supplying plants regulated by the Puget Sound order should be given opportunity to decide whether returns from the sale of their milk will be apportioned among producers through a Class I base plan.

Returns to Puget Sound producers have since the effective date of the order (1951) been distributed through a "seasonal" base plan. Under this plan each producer establishes a "base" by the average of his deliveries (120 days or more) during the months of August through December of each year. For the following 12 months beginning with February he is paid a base milk price for deliveries not in excess of his base and a lower (excess) price for deliveries in excess of his base. Producers entering the market without a base are paid the base milk price for a specified portion of their current deliveries (varied seasonally from 45 to 70 percent).

The proportion of base milk used in Class I has steadily declined from a high of 86.6 percent in 1952 to 49.1 percent in 1965. While the total volume of Class I use increased 25.7 percent from 1952 to 1965, deliveries of base milk increased 121.4 percent, almost five times as rapidly. An increasing proportion of the base milk delivered by producers has been used for manufactured dairy products and valued at the Class II price. As a consequence the price for base milk has steadily declined relative to the Class I price. In 1952, the base price averaged 23 cents per hundredweight less than the Class I price; in 1965 it averaged 88 cents less.

Producers claim that under the present system, a producer can only maintain his relative share of the higher priced Class I sales of the market by maintaining or increasing his base each year; that as a consequence a "race for base" has developed in which an individual producer must produce increasing quantities of milk for Class II use in order to protect his share of income from Class I milk.

Amendments to the Agricultural Marketing Agreement Act by Public Law 89-321 (Food and Agriculture Act of 1965), effective only through December 1969, are designed to remove the necessity for dairymen to produce surplus milk in order to preserve their individual participation in the markets for milk for fluid consumption. Under these amendments, base forming periods need not be limited to 1 year, marketings during such periods may be adjusted to reflect sales in any use classification or classifications, and producers holding bases so adjusted will not have their history of production and marketing adversely affected for the computation of future bases if they reduce their production. Incorporation of these provisions in an order must be separately approved by producers in a referendum in which each individual producer shall have one vote. Disapproval of such order provisions does not affect other terms of the order.

Producers in the Puget Sound market formed a Class I base plan committee which developed proposed provisions designed to operate under the new authority. The committee was composed of representatives of cooperative associations, general farm organizations and nonmember producers. In developing its proposal it held producer meetings to determine producer sentiment concerning the plan generally and specific provisions to be included in it. Detailed findings concerning the principal elements of this proposal are contained elsewhere in the decision. We are here concerned only with whether or not any such provisions should be adopted for the Puget Sound order if approved by producers in accordance with the terms of the statute. A statutory objective of the authority for use of Class I base plan is that such a plan "seeks to reduce surplus milk production and stabilize the income of dairy farmers in • • • Federal milk order areas by removing the necessity for dairymen to produce surplus milk in order to preserve their individual participation in the markets for milk for fluid consumption" (Conference Report No. 1123, on Food and Agriculture Act of 1965, Oct. 6, 1965).

The substantial quantity of producer milk in excess of the Class I needs of the Puget Sound market appears to be the type of situation which Congress believed could be remedied by effectuation of a Class I Base Plan. Under it each producer is given a more definite basis for making a choice as to whether he will produce milk that he knows will return him the Class II or manufacturing milk price. There was conflicting testimony in the record concerning the need for substantial surplus in the market before use of a Class I base plan could be authorized. The question of authority need not be determined, however, to find that the plan can be expected to have the greatest effect in markets with substantial surplus such as now prevails in the Puget Sound market.

It is concluded that the plan hereinafter set forth should be submitted to Puget Sound producers for their approval.

2. *Determination of Class I bases for producers*—(a) *Determination of Class I base.* For purposes of this decision "production history base" means a daily quantity of milk delivered by a producer during a representative period which is used as such producer's production history: "Class I base" means a production history base modified in relation to Class I sales in the market so as to represent the producer's daily share of the Class I market plus appropriate reserves. It represents the maximum daily quantity of milk for which the producer may receive the base milk price.

(1) *For existing producers.* Each producer delivering milk in the month immediately preceding the effective date of the plan who delivered milk 120 days or more during August-December 1966 will have a production history base computed at the highest of such producer's daily average production in each of the August-December periods of 1964, 1965, or 1966 during which the producer delivered producer milk under the order on 120 days or more.

The production history bases so established as of the effective date of the Class I base plan shall be adjusted uniformly so that their total will equal 120 percent of the average daily Class I disposition of pool milk by regulated handlers during the calendar year 1966. Deliveries within the Class I bases so computed will be those for which existing producers may receive a base price; deliveries in excess thereof (in daily average per month) will be paid for at the excess milk price.

Neither the production history base nor the Class I base should be subject to adjustment for either changes in production of the producer or for changes in the volume of Class I sales of the market.

The Puget Sound Class I Base Plan Committee proposed in the notice of hearing, and advocated at the hearing, a plan wherein production history bases and Class I bases of existing producers would be determined from the higher of such producers' bases effective February 1, 1965, or February 1, 1966, adjusted to equal 1965 daily average Class I sales for the market. This plan was developed early in 1966 with expectation that order amendment might be possible before new bases were formed in August-December 1966, or 1966 daily average Class I sales were available for use. Under this proposal, production history bases would be frozen at the level first determined; "Class I bases", however, would be adjusted annually to the level of the daily average Class I sales of the preceding year. In making this adjustment it was proposed to include in the computation production history bases for "new" producers based on their deliveries of milk in August-December periods different from those used to establish the production history bases of existing producers.

The August-December periods from which production history bases will be computed are the periods of each year under which producers establish annual bases under present order provisions. They are accepted in the market as the period of year that may be considered representative of a producer's production capacity. Use of the highest average daily delivery of the August-December periods of 1964, 1965, or 1966 will eliminate many claims for hardship based upon events of a single year. Use

of the 1966 August–December period will avoid necessity for special provisions for producers of "factory milk" forced to convert to Grade A production without opportunity to make deliveries in either August–December 1964 or 1965. In each of the past 2 years 45 or 46 new producers have entered the market. Since September 1965, the last month in which a new producer could have entered the market and have been issued a base effective February 1966, 27 new producers had entered the market through June 1966. Use of the 1966 August–December period will provide the maximum number of existing producers with opportunity to have production history bases determined at their average daily deliveries in an August–December period. The requirement that a producer shall have delivered 120 days or more in this period of 1966 and be delivering at the effective date of the Class I base plan will restrict issuance of Class I bases to producers with recent production history who are currently serving the market. Only those who have entered the market since September 3, 1966, will not have had opportunity to make such bases under the proposed provisions.

It is concluded elsewhere in this decision that producers without a history of production on the market as of the effective date of the Class I base plan shall participate in the benefits of Class I sales of the market only as there are increased Class I sales. Since the statute authorizing a Class I base plan provides that any increase in Class I sales should first be assigned to such producers (and to the alleviation of hardship and inequity among producers) any such increase must be reserved for this purpose and accordingly is not available for assignment to existing producers as proposed by the committee. Existing producers will, however, benefit through an increase in their base and excess price from any increase in Class I sales greater than that needed to satisfy the prior claims of new producers and hardship cases. While it would be feasible to adjust the Class I bases of existing producers for any decrease in sales, this is not considered necessary for the limited period for which the Class I base plans are authorized.

The principal controversy at the hearing with respect to computations of Class I bases was with reference to the inclusion of a reserve of 20 percent over the daily average Class I sales volume. A number of individual producers wanted Class I bases established without any reserve so that the base price would be the Class I price unless there was a decrease in sales. There are fluctuations in both supplies and sales, so that if bases contained no provision for reserve there inevitably would be days in which excess milk would have to be used for Class I purposes. If Class I base holders are to be given the prior claim provided herein on Class I sales assigned to producer milk, they should be expected to deliver milk in accordance with the daily needs of the market for Class I use. The only way this can be encouraged is by the inclusion of some reasonable reserve in adjusting bases to Class I sales. The 20 precent proposed is a reasonable amount for this purpose. The provisions for prior assignment of actual Class I sales are such as to make allowance for the reserve so included, so that it does not interfere with assignment of any sales increases to new producers and hardship cases.

The "freezing" of the history of production of each existing producer, and the Class I base computed from such history and 1966 average Class I sales of the market provides little opportunity for such producers to further adjust their production to changing needs of the market. Producers proposed that history of production should be frozen at a level determined by deliveries prior to the effective date of a Class I base plan: The elimination of the periodic adjustment to Class I sales is apparently required in providing prior claims to any increased sales for "new" producers who would thus never have an opportunity to develop a history of deliveries in a representative period the same as that used for existing producers and for "hardship cases." In view of the limited period for which the plan may be effective under present legislative authority, it is concluded that rigidities involved in the frozen production history and "Class I" bases will not be so serious as to require the plan to contain opportunity for existing producers to have both production history bases and Class I bases redetermined periodically, subject to the statutory provision that reduction of deliveries would not adversely affect the history of production used for computing such future bases.

In addition to producers supplying plants presently regulated, provision should be made for computing bases for dairymen supplying a plant that hereafter becomes a pool plant fully regulated by the order, if they delivered Grade A milk to such plant in the August–December period in 1966.

If a plant has regularly received Grade A milk from dairy farms without regulation of the Puget Sound order, it has evidently done so to supply Class I outlets outside the marketing area. To achieve pool plant status such a plant must now dispose of specified percentages of its Grade A receipts on routes in the marketing area or to other pool plants. It is to be expected that when such a plant becomes a pool plant, it will add Class I sales to the pool proportionate to its receipts of Grade A milk in prior periods when it operated as a nonpool plant.

It is appropriate therefore that those dairymen who supplied Grade A milk to such plant in the periods which determine the daily bases of existing producers should have production history bases computed from such deliveries if they are supplying the plant when it becomes a pool plant. The production history bases so computed should be adjusted to Class I base by the percentage used in adjusting the daily bases of existing producers.

The proponents proposed that this procedure be applicable only if the plant became a pool plant by amendment of the order. For the reasons stated above it should apply whenever a plant not now regulated becomes a pool plant.

(2) *For "new" producers.* A producer who did not deliver milk for at least 120 days in August–December of 1966, or who begins deliveries of milk after the effective date of the Class I base provisions (a "new" producer) will not establish either a production history base or a Class I base. Instead such a producer will share in Class I sales of the market only if such sales during the month exceed those of the comparable month of 1966. The extent to which any such "new" producer may share with other such producers in any increased Class I sales will be determined by his deliveries during the current month and the amount of increased Class I sales in comparison with total new producer deliveries and adjustment to existing producers to alleviate hardship.

The Puget Sound Class I Base Plan Committee proposed that producers for whom production history bases and Class I bases could not be computed as for existing producers should develop a base history by their deliveries in four successive August–December periods. Until the February following 120 days deliveries in each of two such periods, they proposed that the producer be paid on a portion of his current month's deliveries equal to one-fourth of the percentage used in adjusting daily bases of existing producers. Thereafter, the "new" producer would have a daily base in successive years, equal to 50, 75, and 100 percent of his average daily deliveries in these base-making periods.

The production history bases so established for new producers as of February 1 of each year would have first been adjusted by the percentage applied to such bases of existing producers the preceding year. The total of Class I bases would then have been adjusted to 120 percent of daily average Class I utilization in the preceding year, if such total varied from such utilization by more than 1 percent. By treating the bases (or partial bases) established for new producers equally with old producers, increases in Class I utilization from the preceding year would first be assigned to such bases before any assignment to bases of existing producers; new producers would receive Class I bases determined from their bases or partial bases the same as old producers whether or not any increase in Class I utilization had occurred.

The principal testimony in opposition to the proposals for new producers related to the period of time required for a new producer to establish a "100 percent" base, and the opportunity for a new producer to establish any base higher than the 1,450 pound present average base of existing producers. Some witnesses thought the provisions required to establish 100 percent base too restrictive, and other witnesses believed new producers should be limited to bases no higher than the average of old producers.

It is extremely doubtful, however, if the 1965 amendments to the Act provide for the diverse representative periods for establishing production history presented by the proposals of the Base Plan Committee for existing producers and for new producers to be used at the same time for apportioning the value of milk among producers. The Act apparently provides that, as of any given time, only a single representative period should apply.

The proposal that the only representative period to be used for existing producers be prior to the effective date of the plan means that producers entering the market thereafter can have no history of production in the same period as other producers and thus cannot develop bases. Proponents' testimony at the hearing recognizes the desirability of provisions whereby producers entering the market after adoption of the plan should have opportunity to establish bases on the market determined from their demonstrated ability to supply the market, as contained in their proposals. When, however, the question arose that this might possibly be accomplished only through some modification of their proposals with respect to producers presently supplying the market, the proponents insisted that bases of existing producers remain frozen at the preexisting level. They feared that if existing producers had opportunity to increase their production history, a new production race might result even though each such producer could under the statute maintain his prior history without producing milk at the excess price.

It appears that the only provisions that can be made for producers without base history prior to institution of the plan without also changing provisions for existing producer base contrary to the expressed wishes of the proponents is through the prior assignment of increased sales and forfeited bases. The Act provides that "any increase in class one base resulting from enlarged or increased consumption and any class one base forfeited or surrendered shall first be made available to new producers * * *". A reasonable conclusion is that a new producer is one without a history of production in a representative period provided in the order for which deliveries of producers generally are used in computation of bases. If such most recent period is one prior to adoption of the plan, producers entering the market subsequently will remain new producers so long as the plan is in effect. Under such a provision, such producers will not have any bases representing an assigned share of Class I utilization of the market so long as the plan is in operation.

Under this system the average price realized by new producers (and likewise by existing producers for milk for which "hardship adjustments" may apply) will depend each month entirely upon (1) the extent to which Class I sales increase and (2) the volumes of milk delivered by such producers. Unless Class I sales increases are fairly substantial, there will be opportunity for relatively few new producers to have returns equal to those they might expect under the committee proposal; on the other hand, substantial Class I sales increases might provide opportunity for more new producers to receive returns equal to or greater than under the committee proposal. The relative returns to new producers will be influenced to a much greater degree by the volume of deliveries of all new producers as well as by the extent of Class I sales increase, than would have been the case under the committee proposal. It is of course impossible to predict the course of either of these variables.

A comparison of Class I sales each month with those of the corresponding month of 1966 will provide a reliable means of prompt identification of increased Class I sales which may be assigned to new producers and hardship adjustment that month. Daily average sales in the calendar year 1966 are used in computing the Class I bases of existing producers. A month-to-month comparison will, however, reflect more accurately increases in Class I sales without distortion through the normal seasonal pattern of sales.

The increased sales, if any, determined from this comparison should be converted to a total quantity of milk for which the new producers involved may be paid the same price as other producers are paid for their base milk. This is a price to which location adjustments set forth in the order may be applied. Because 1966 daily average sales were increased by 20 percent in determining Class I bases of existing producers, any amount by which the current month sales exceed those of the same month of 1966 should be increased by the same factor. Forfeiture or surrender of Class I base may be measured on a monthly basis by comparison of the total of adjusted daily bases converted to a monthly total with the actual deliveries of base milk by producers with Class I bases.

The total of the quantities computed for increased sales and bases forfeited or surrendered represents base milk (monthly quantity) for which new producers (and hardship adjustment) may be paid at the same base price as existing producers are paid. This quantity should be prorated among new producers and producers receiving hardship adjustments on the basis of the monthly deliveries of new producers, and deliveries in excess of base milk which are within the adjustment provided for hardship cases.

Any sales not assignable to new producers under these provisions will serve to increase the base milk price up to, but not to exceed, the Class I price. Any values in addition will accrue to the excess milk price. Such provisions are now in the order under the present base plan and will appropriately distribute the values involved.

3. *Incorporation of producer-handlers in the Class I base plan.* Producer-handlers now supplying the market should have Class I bases computed on a basis which will provide for each producer-handler approximately his present level of sales without any substantial equalization with other producer-handlers or producers supplying fully regulated handlers. With bases so established producer-handlers should become fully regulated handlers, and their milk should be pooled under the order.

Producer-handlers, who process and distribute in the marketing area milk of their own production, are exempt from payment provisions of the order. As a condition for such exemption, control of production, processing and distribution facilities, and limitation of sources of milk not of own production are required to maintain producer-handler status for those whose disposition exceeds 110 pounds daily average.

It was proposed that the producer-handler exemption be deleted for all such persons with daily average disposition of more than 110 pounds daily, but that persons now holding producer-handler designation be given preferential treatment in the computation of Class I bases. The proposal would result in the Class I base of each producer-handler equaling his 1965 daily average Class I disposition of milk of his own production. As a group, the Class I bases of producer-handlers under this proposal would approximate 85 percent of their history of production as compared with approximately 53 percent for producers.

Counsel for an association of Puget Sound producer-handlers moved to exclude from the hearing any consideration that would relate to a change in the status of producer-handlers under the order. It was contended that section 104 of the Food and Agriculture Act of 1965 (Public Law 89–321) precluded any such change. Section 104 states that "The legal status of producer-handlers of milk under the provisions of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, shall be the same subsequent to the adoption of the amendments made by this title as it was prior thereto." Section 104 did not purport to change the previous law but merely reaffirmed it. The language is specifically directed to reaffirming legal status under the statute, rather than under the provisions of any order that has been issued under authority of the statute. The Congress rejected an amendment which would have specifically denied authority for regulation of producer-handlers. Thus, producer-handlers who were potentially subject to regulation under the statute prior to the 1965 amendment remain potentially subject to regulation thereafter. The motion to exclude from the hearing consideration of regulation of producer-handlers is therefore denied.

Producer-handlers have each year since 1962 distributed 5 percent or more of the total Class I sales within the Puget Sound marketing area. In 1962 producer-handler disposition was 5 percent of the total; this percentage increased each year through 1965 when it was 7.55 percent. For the first 6 months of 1966 producer-handlers distributed 7.02 percent of all Class I milk disposed of in the marketing area.

The production of producer-handlers has been a substantially smaller percentage of total production than the relationship of their sales to total sales. For 1965 their production was 3.63 per-

cent of the total and for the first 6 months of 1966 it was 3.69. Producer-handlers disposed of about 85 percent of their production as Class I milk in 1965. This percentage has ranged from 83 to 87 percent since 1960. Meanwhile, 43.9 percent of the milk delivered by producers to regulated handlers was classified as Class I in 1965, and this percentage had declined each year since 1960 when it was 50.77.

The number of producer-handlers increased from about 22 in 1959 and 1960 to 43 in 1965, but dropped to 38 in early 1966. In July 1966 there were 39 producer-handlers operating in the market.

Proponents of regulation contended that producer-handler sales were currently a more disruptive factor than in 1965 even though a slightly smaller percentage of total sales in the market than formerly. Most producer-handlers had made no change in resale prices of their milk at a time in which the Class I prices paid by regulated handlers had increased. While the order Class I price increased 83 cents per hundredweight from $4.87 in April 1965 to $5.70 in August 1966, the actual increase to handlers was 50 cents per hundredweight due to elimination of premium pricing (except for a 10-cent service charge) in the market as order prices advanced.

It was also claimed that an increase from 1964 to 1965 in the amount that the order Class I prices exceeded the uniform price for base milk represented an increase in competitive advantage of producer-handler milk over milk priced and pooled under the order. For 1964 this difference was 83 cents, for 1965, 88 cents. For July 1966, however, the difference was only 76 cents. The decrease for July may be attributed to increased Class I sales of pool milk and to change in the Class II price of the order through amendment.

Basically, however, the proponents maintain that incorporation of producer-handlers in the Class I base plan of the order is a necessary complement of such a plan. Producers maintain that if each producer is to have his returns for Class I milk limited to what is essentially his present share of the market, each producer-handler should likewise be limited to the Class I sales that he has made of his own production as his share of the market. They claim that their proposal represents a means whereby producer-handlers may each retain the benefits of their present (1965 average in their proposal) sales, but would not be permitted to increase Class I sales of their own production without recompense to the pool.

It is estimated that the Class I base of existing producers may approximate 53 percent of their 1966 bases under present provisions. These Class I bases will not be subject to adjustment for either future production history or changes in Class I sales of the market. Not all present producers will find their Class I bases equal to their production resources. If present producer-handlers, representing about 2 percent of the total dairymen supplying the market, are free to increase their production and Class I sales, there will be substantial incentive for present producers to seek to become producer-handlers.

In addition, no provision is made for computing Class I bases for new producers. Such producers must either acquire Class I base from existing producers, or depend upon sharing any increase in Class I sales with other new producers and existing producers qualifying for "hardship" adjustment. If new producer-handlers may enter the market without limit beyond the Class I sales they may make of their own production, it may be expected that this avenue of entrance will attract a substantial share of the dairymen hereafter seeking to enter the Puget Sound market.

Under all these circumstances it is concluded that present producer-handlers should be incorporated into the Class I base plan in such manner that they will each retain approximately the same position as they have presently achieved in the market, but will be limited as are producers in expanding their share of the market from their own production. As is concluded with respect to the Class I bases of producers, the highest of the daily average August–December production of 1964, 1965 or 1966 should determine the production history of each producer-handler. Likewise, daily average sales of his own production in 1966 should be used for adjusting production history base to the Class I base.

The Base Committee proposal was that each producer-handler's Class I base should be restricted to his actual daily average sales of milk of his own production in 1965. The Class I bases of existing producers, on the other hand, include a reserve factor of 20 percent over 1966 sales of pool milk. The effect of computing Class I bases in this manner and pooling sales of producer-handlers and other handlers to compute a common base price for milk delivered under such bases would result in requiring some payment to the pool by producer-handlers even when sales of each producer-handler and of other handlers were at the 1965 daily average level.

To the extent that his production history base exceeds his daily average sales of his own production in 1966 by any amount up to 20 percent of such daily average sales, each producer-handler's Class I base should include a reserve similar to that provided in computation of producers' Class I bases. The Class I base should not, however, exceed the production history base. This will decrease or eliminate any payments into the pool by producer-handlers whose Class I sales are not in excess of their 1966 daily average.

Under such provision the present exemptions of producer-handlers from pricing and pooling should be eliminated. The present producer-handler could pool his 1966 daily average sales with no equalization payment if his base production allowed incorporation of a 20-percent reserve in his Class I base, or with a nominal payment if his production was less than his Class I sales plus 20 percent; for sales in excess of his 1966 daily average sales, he would pay the difference between the Class I and Class II prices, if he used his own milk, or he could buy Class I milk from the pool; if his sales dropped below his 1966 average, he could draw from the pool the difference between the Class II price and the base price on the amount of such decrease in sales.

The method used for computation of bases for present producer-handlers should not apply to the own farm production of handlers operating pool plants. One such handler with substantial own farm production proposed that such production history should receive the same treatment as the production of producer-handlers. As indicated above the computation of bases for producers and producer-handlers is intended to preserve for each the respective shares of the Class I market for which they presently receive the return. Own farm production of handlers fully regulated presently shares the market equally with other producers and should retain this position.

4. *Base rules.* It is necessary that the order specify conditions under which bases may be transferred from one producer to another, under which bases will be forfeited, and other conditions required for administration of the Class I base program.

(a) *Transfers.* Class I bases should be transferable in whole and partially in amounts of not less than 100 pounds under conditions that will insure that such bases will be held at all times by bona fide producers. Such transferability will be in the best interest of the public, existing producers and prospective new producers.

The Base Plan Committee proposed that base be transferable only to persons who were producers or become producers within the month of transfer, in minimum amounts of 100 pounds daily (production history) base (unless transferor's daily base was less than 100 pounds). They proposed that producers who had received base by transfer within 1 year be barred from making a further transfer except as they qualify under specified hardship conditions. Producers acquiring base under hardship provisions and new producers would have been ineligible to transfer base for a period of 2 years after it was acquired; new producers could no longer increase their base through deliveries if they acquired base by transfer. Written notice to the market administrator would be required with data sufficient to determine the bona fide nature of the transfer under the limitations proposed.

Proponents maintain that failure to provide relatively free transfer of base would tend to obstruct and delay changes toward more efficient organization of dairy farms and more economical production of milk. They point out that a phenomenal period of production adjustment is now occurring in which the size of production unit is a basic consideration in adopting new techniques for greater efficiency, and that this situation may be expected to continue.

They claim that this situation makes transferability of bases in the interest of the public to provide opportunities for more economical production of milk; in the interest of existing producers because of their immediate concern in adjustment of size of production units, and as a means whereby retirement of marginal producers and expansion of others to more efficient units might be facilitated. The opportunity for new producers to acquire base by transfer instead of by earning it over a period of time as they proposed, was represented as an alternative accommodation to those who may wish to produce only base milk from the start.

The obstructions and delays to economic changes which base transfers might alleviate arise because producer bases are fixed on past history that cannot be changed to accommodate changes needed for more efficient operation. The more difficult it is for existing producers to change production history, or for new producers to establish such history, the greater the difficulty in responding to opportunities for change in size of production units to achieve efficiency.

Transferable bases may become an asset of value, which could be a windfall to existing producers who may wish to decrease production or cease entirely. Likewise the cost of acquiring base by transfer could become a capital cost to producers, either old or new, receiving it, which would tend to offset the economies in production that might result from change in size of production unit.

Despite these considerations, it is concluded that, in association with a Class I base plan such as herein provided, transferability of bases will be in the best interest of the public, existing producers and prospective producers. Under the plan provided existing producer Class I bases are frozen at the levels first computed, and no new producer Class I bases can be computed from future deliveries of milk to the market. There is thus substantial need for another method whereby adjustment of size of production units may be facilitated.

The proposals of the Base Plan Committee with respect to transfers of bases computed for existing producers provide safeguards to insure that bases will be held by bona fide producers. Transfers may be made only to a person who currently is a producer or who becomes a producer within the month of transfer. Producers who have received base by transfer are not eligible to make further transfers within a 12-month period except under circumstances which a Base Committee finds would otherwise result in substantial hardship to such producer. Producers who are issued hardship adjustment because deliveries in the base period were not representative may not transfer base for a 2-year period.

With respect to the production history bases and Class I bases computed for producer-handlers, provision should be made that transfer of a Class I base in its entirety may be made to a successor in interest who will operate both the production and plant facilities of the producer-handler. Transfer of base under other circumstances should involve adjustment of production history base to Class I base by the percentage used for this purpose in computation of the Class I bases of regular producers. Present producer-handlers will thus retain bases computed to preserve their individual share of the market so long as they continue production or a successor in interest operates the production and plant facilities. For transfers to other producers, or other producer-handlers, the Class I base available for transfer, either in whole or in part, by a producer-handler should be the same amount of Class I base as would have been computed for a producer from identical production history.

The Base Plan Committee had proposed that both production history base and Class I base be transferred. Under the plan herein provided production history base serves only for computation of the Class I base which is not thereafter recomputed. Transfer of production history base would serve no purpose under these provisions. It is provided that the producer transferring Class I base shall have his production history reduced in an equivalent amount.

(b) *Forfeitures.* Two circumstances were proposed as a reason for forfeiture of base, failure to deliver producer milk, and delivery of excess milk to other markets.

Failure to deliver. It should be provided that a base holder who discontinues delivery of producer milk for a period of 60 consecutive days shall forfeit Class I base. An exception should be provided with respect to base holders entering the military service, who should be able to retain their bases until 1 year after being released from active duty.

The order presently requires forfeiture of base after 45 consecutive days of nondelivery of producer (Grade A) milk. Under the present plan, producers without a base are paid for substantial proportions (45 to 70 percent depending upon the month) of their current deliveries as base milk, and can reestablish a base in the next August–December period. Producers holding a base should be producers supplying the market currently. A reasonable period of nondelivery should be provided before forfeiture becomes effective to allow for emergency situations such as temporary degrading, quarantines, or loss of barns, etc. In view of the inability to reestablish a base under the Class I base plan proposed, forfeiture should not occur until after 60 consecutive days of nondelivery. Any justifiable reason for nondelivery of Grade A milk beyond this period may be recognized by a Producers' Base Committee through extension of the date of which forfeiture will occur.

Military duty represents a cause for nondelivery for which a producer should not be required to forfeit his base until 1 year after his return from service.

(c) *Antidumping provisions.* Provision should be made for reduction of the quantity of milk for which a producer is paid the base price if milk is sold to another fluid market.

The Act states that "In the case of any producer who during any accounting period delivers a portion of his milk to persons not fully regulated by the order, provision may be made for reducing the allocation of, or payments to be received by, any such producer • • • to compensate for any marketings of milk to such other persons for such period or periods as necessary to insure equitable participation in marketings among all producers".

The evident purpose of this provision is to discourage a producer selling base milk under a Class I base plan and who thus enjoys all the benefits of participation in one market from supplying his excess to another market for fluid use at a blend price or at some other price above the excess price of his own market. The injury would be to producers in the other market whose prices are diluted with or undercut by the producer's excess milk.

It was proposed that under any circumstances in which deliveries were made to plants other than Puget Sound pool plants, a producer should forfeit all base milk for the days on which such deliveries were made and that this forfeiture should permanently affect the Class I base of such producer.

The objective of this provision can be achieved if forfeiture of base occurs only with respect to deliveries to nonpool plants that engage in distribution of fluid milk products to wholesale or retail outlets or in supplying fluid milk products to plants so engaged. Forfeiture equal to the producer's adjusted base for days of delivery to such plants is appropriate as an administratively feasible quantity related to the producer's participation in the Puget Sound market. Such forfeiture, however, should be only for the month in which deliveries are made or in which it is first established that they had been made. Permanent forfeiture is not required to provide protection against dumping.

In order that substantial inequities may not occur under this provision in cases in which producers may not be aware that their milk deliveries are available for fluid use of unregulated plants, provision should be made that upon written application of the producer, the forfeiture may be rescinded or adjusted upon review by a Producer Base Committee.

(d) *General rules.* Certain general base rules should be established for the administration of the Class I base plan.

Provisions comparable to the notification rules concerning bases under the current order are incorporated in the amended order. These provide that the market administrator, will as soon as possible after computation, notify the producer, the handler receiving such producer's milk and the cooperative association of which the producer is a member, of the amount of each producer's daily base and Class I base. Following receipt of such notice, each handler must post, in a conspicuous place in his plant, a list showing the daily

base and Class I base of each producer whose milk is received at the plant.

Only one quantity of base milk should apply where the land, buildings and other production resources are owned or operated jointly. Only one base will be recognized with respect to each farm. This will assist in maintaining the integrity of the plan by lessening the means available by which bases might be manipulated.

5. *Provisions for alleviation of hardship and inequity.* Administrative guidelines should be established for review of hardship claims and the alleviation of hardship and inequities to producers under the Class I base plan.

The 1965 amendments to the Act state briefly that "Any increase in class one base resulting from enlarged or increased consumption and any producer class one bases forfeited or surrendered shall first be made available to new producers and to the alleviation of hardship and inequity among producers".

The Class I Base Plan Committee proposed that any hardship among producers be alleviated whether or not additional Class I sales are available. The Committee proposed certain rules for determining hardship, that full publicity be accorded such cases, and that open hearing be held, which with other information would be used in determining the hardship adjustment. The market administrator, as agent of the Secretary, would be the deciding official in such cases.

Certain provisions are included in the order to define those circumstances in which a producer may apply for relief. A producer may apply for adjustment or alleviation of hardship or inequity if he has not received a Class I base; his production history base is not representative of his level of milk production in the base period because of loss of buildings, herd, or other facilities by fire, flood, or storms; official quarantine, or military service; he is subject to loss of base for failure to deliver or for delivery to other markets; or is limited in his opportunity to transfer base.

Hardship should be considered as any circumstance which was out of the control of a producer including military service obligations. However, conditions over which a producer could have exerted control through prudent precaution should not be cause for hardship adjustment of base. These conditions would include, for example, inability to obtain adequate labor, or equipment failure during the representative base period.

There are limitations on the transfer of base for which producers may apply for relief under certain conditions that may involve inequity. Such inequities might result from these limitations in case of death, disability, military service, sale of production unit, retirement, loss of lease, or other calamity affecting production facilities.

The producer must be responsible for filing a request for review of any hardship condition or inequity affecting him. This would be a written request to the market administrator to review a claimed hardship or inequity stating the conditions that caused such alleged hardship or inequity, the extent of relief or adjustment requested, the basis upon which the amount of adjustment requested was determined, the reasons why the relief or adjustment should be granted.

The market administrator shall establish one or more "Producer Base Committees" consisting of five producers each to be appointed by him. Each committee shall review the requests for relief from hardship or inequity referred to it by the market administrator in a meeting in which the recording secretary shall be the market administrator or his designated representative. Recommendations on each request must be endorsed by at least three of such committee members to represent the action of the committee.

The committee shall either reject the request or indicate the nature and extent of relief granted with respect to requests involving Class I base not issued to a producer, loss or potential loss of Class I base due to deliveries to a nonpool plant for fluid uses or discontinued deliveries, or inability to transfer base. With respect to requests claiming that production history base is not representative of milk production in the base period because of loss of buildings, herds, or other facilities by fire, flood, or storms, official quarantine, or military service, the committee shall either reject the request or provide a daily quantity of "hardship" adjustment milk. Such daily hardship adjustment milk, when delivered in excess of the producer's base, shall be included with deliveries of new producers in the computation of base milk to which increase in Class I sales may be assigned. As pointed out earlier, inadequate labor, or equipment failure will not be considered justification for issuance of a quantity of "hardship" adjustment milk.

Producer Base Committee recommendations to deny any request shall be final upon notification of the producer, subject only to appeal by such producer to the Director, Dairy Division. Recommendations of the committee to grant a request, in whole or in part, shall be transmitted to the Director, Dairy Division, and shall become final unless vetoed by the Director within 15 days after transmitted.

The market administrator is authorized to reimburse committee members for necessary travel and subsistence expenses incurred in carrying out their duties as committee members. Reimbursement to committee members shall be from monies collected under the administrative expense fund for the administration of the order.

6. *Payments on other source milk.* No change should be made in the provisions of the present order which relate to the obligations imposed on (1) unregulated milk distributed in this marketing area or received at a pool plant from a plant not regulated by any Federal order, and (2) milk distributed in this marketing area by a plant under another Federal order or received at a pool plant from a plant regulated under another Federal order.

The present order provisions relating to other source milk are designed to remove any competitive advantage handlers using other source milk in Class I may have over handlers using producer milk for such sales, thereby assuring equity among handlers in the sale of milk in the regulated market. Generally speaking, this objective is considered to be achieved by classified pricing and interorder alignment of Class I prices with respect to milk priced under other Federal orders. With respect to unregulated milk, a combination of allocation sequence, payments at the difference between the Class I and uniform price, and opportunity to demonstrate that dairy farmers have been paid for all their milk at the equivalent of order prices based on class utilization are provided.

The proposals to revise the treatment of other source milk were designed to reserve for Puget Sound producers the returns from all Class I sales in the marketing area (and elsewhere if by Puget Sound pool plants) as long as such sales did not exceed 80 percent of milk from producers. This would be accomplished by requiring a payment on all nonpool milk used in Class I at the difference between the Class I and Class II prices.

The present order provisions relating to other source milk payments were incorporated in the order August 1, 1964. The Supreme Court of the United States on June 4, 1962, issued a decision in the case of Lehigh Valley Cooperative Farms, Inc., et al., versus United States et al., which invalidated certain applications of the "compensatory payment" provisions of the New York-New Jersey milk order. Subsequently, on the basis of hearing in January 1963, revised provisions substantially uniform in all orders were developed to replace former provisions which might have been considered parallel to those invalidated under the New York-New Jersey order.

Other source milk, whether from unregulated plants or from other order plants, has not been a competitive factor in the Puget Sound market. There has been no route distribution of fluid milk products from such plants at least since 1951, the earliest period for which data are in the record. While some nonpool milk eligible for fluid use has been received at pool plants, there is no evidence in the record that any of such milk has been assigned to Class I use. Receipts of such milk have been less in 1963 and subsequent years than in 1961 and 1962. During the period January 1963 through July 1964, no payments were applicable with respect to any other source milk.

The adoption of a Class I base plan as the method of distributing among producers the value of pool milk used by regulated handlers in no way affects the competitive balance between costs of pool milk and nonpool milk. There is no reason to expect that other source milk will enter the market to any greater degree than has previously been the case. It is therefore concluded that no change should be made on the basis of this record in the provisions applicable to such milk.

7. *Miscellaneous provisions*—(a) *Revision of excess milk location differential.* The location adjustment to producers applicable to excess milk at plants in District 1, Kitsap, Mason, or Pierce Counties should be revised.

The order now provides that handlers with plants in District 1 or in these counties using producer milk in such products as ice cream and cottage cheese pay an additional 25 cents per hundredweight for the milk. A corresponding provision increases the excess price on producer milk delivered to such plants by 25 cents more than the price for excess milk received at other plant locations.

When this provision was first incorporated in the order the amounts of producer milk used in such products as ice cream and cottage cheese at District 1 plants was about equal to the amounts of excess milk received at such plants. However, the use of milk in such premium outlets has increased over the years while the receipts of excess milk at these plants have declined. Thus, handlers have paid more monies into the equalization fund on the premium uses than that required to cover the 25 cents per hundredweight location differential on excess milk. The remaining monies have been added to the base milk price paid to all producers.

The proposed Class I base plan will reduce the quantity of base milk assigned to producers. This can easily result in the delivery of a greater quantity of excess milk to handlers' plants in District 1, Kitsap, Mason, or Pierce Counties than the quantity of milk on which such handlers pay the 25 cents differential. This would require that the price for base milk delivered by producers be reduced by an amount necessary to fully cover the plus 25 cents location differential for excess milk at these plants. Reduction of the base milk price of all producers to provide the necessary funds to pay producers of excess milk the 25 cents differential at such plants would tend to destroy the effectiveness of the proposed base plan and would not be in the best interests of all producers on the market.

Handlers operating District 1, Kitsap, Mason, or Pierce County plants will continue to pay into the equalization fund the 25 cents per hundredweight differential on milk used in the higher-valued manufactured product uses. Such monies should be prorated to excess milk delivered to these plants to the extent they are available, but not to exceed the 25 cents per hundredweight maximum. If at any time more monies are available than needed to pay the additional 25 cents for such excess milk, the overage will be added to values used in computing the price for base milk.

(b) *Continuation of present base and excess plan.* The base and excess plan under the present order should continue in the event of producer rejection of the proposed Class I base plan or if the authority for it expires while it is in effect after its incorporation in the present order.

The Class I Base Plan Committee considered whether to retain the present base and excess plan or depend upon a blend pricing system for distributing producer returns for milk in each month if the Class I base plan failed of approval. The Committee proposed retention of the base and excess plan in that event.

The present base and excess plan has reduced the seasonal fluctuation of milk production in relation to fluid needs of the market, although there is some indication that it has contributed to a total increase of producer receipts at plants under the order. However, prior to any revocation of the base and excess plan under this order opportunity should be given for further consideration of such action at a public hearing.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Puget Sound, Wash., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

From the effective date of this amendment through December 31, 1969, the following provisions are substituted for specified order provisions as indicated below:

Class I base plan provisions. 1. In § 1125.8 the introductory text is substituted for the present introductory text as follows:

§ 1125.8 Pool plant.

"Pool plant" means any plant, other than an other order plant, approved by a health authority having jurisdiction in the marketing area for receiving, processing, or packaging of milk qualified for distribution as Grade A milk, which meets the conditions of paragraph (a) or (b) of this section:

* * * * *

2. In § 1125.9 paragraph (b) is substituted for the present paragraph (b) as follows:

§ 1125.9 Nonpool plant.

* * * * *

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order issued pursuant to the Act.

* * * * *

§ 1125.10 [Amended]

3. In § 1125.10, paragraph (d) is revoked.

4. In § 1125.11, paragraph (c) is substituted for the present paragraph (c) as follows:

§ 1125.11 Producer.

* * * * *

(c) Who is not a producer-handler, as defined in any order issued pursuant to the Act; and

* * * * *

5. In § 1125.13, the introductory text of paragraph (a) is substituted for the present introductory text as follows:

§ 1125.13 Other source milk.

* * * * *

(a) Receipts during the month of fluid milk products from any source (including all receipts in fluid form from a producer-handler or the plant of a producer-handler as defined under any other Federal order) except:

* * * * *

§ 1125.14 [Revoked]

6. Section 1125.14 is revoked.

7. Section 1125.110 is substituted for § 1125.17 as follows:

§ 1125.110 Production history base and Class I base.

(a) "Production history base" means a quantity of milk in pounds per day produced by a producer in a past period as computed pursuant to § 1125.120.

(b) "Class I base" means a quantity of milk in pounds per day as computed pursuant to § 1125.121 or § 1125.122 for which a producer may receive the base milk price.

8. Section 1125.111 is substituted for §1125.18 as follows:

§ 1125.111 Base milk and excess milk.

(a) "Base milk" means:

(1) Milk received from a producer which is not in excess of his Class I base times the number of days of production of producer milk during the month;

(2) Milk received from a producer for whom no Class I base is computed in the amount assigned pursuant to § 1125.122 (b) (1); and

(3) Milk received from a producer to whom a Class I base has been issued, in the amount assigned pursuant to § 1125.122(b) (2).

(b) "Excess milk" means milk received from a producer during the month that is in excess of base milk received from such producer during the month.

9. Section 1125.22(k) (2) is substituted for the present § 1125.22(k)(2), as follows:

§ 1125.22 Duties.

* * * * * * *

(k) * * *

(2) On or before the 13th day of each month, the weighted average and uniform prices computed pursuant to §§ 1125.71 and 1125.72, the location adjustment for excess milk computed pursuant to § 1125.81(a) (2), and the butterfat differential computed pursuant to § 1125.82, each applicable to milk received during the preceding month;

* * * * * * *

§ 1125.30 [Amended]

10. In § 1125.30, paragraph (b) is revoked.

§ 1125.33 [Amended]

11. In § 1125.33, the reference to § 1125.14 is deleted.

12. In § 1125.35(a), subparagraph (7) is added as follows:

§ 1125.35 Handler report to producers.

(a) * * *

(7) The Class I and Class II prices for 3.5 percent milk, and the marketwide percentage of producer milk utilized in each class during the month.

* * * * * * *

13. In § 1125.44, paragraph (c) (2) is substituted for the present paragraph (c) (2) as follows:

§ 1125.44 Interplant movements.

* * * * * * *

(c) * * *

(2) As Class I milk, if transferred or diverted to a producer-handler as defined in any order issued pursuant to the Act, or to the plant of such a producer-handler;

* * * * * * *

14. In § 1125.46, paragraph (a) (3) (iii) is substituted for the present (a) (3) (iii) as follows:

§ 1125.46 Allocation of skim milk and butterfat classified.

* * * * * * *

(a) * * *

(3) * * *

(iii) Receipts of fluid milk products from a producer-handler as defined under any other Federal order;

* * * * * * *

15. A new § 1125.125 is substituted for the present § 1125.65 as follows:

§ 1125.125 Department of Institutions, State of Washington.

Sections 1125.30, 1125.31, 1125.40 through 1125.46, 1125.50 through 1125.55, 1125.120 through 1125.124, 1125.70 through 1125.72, and 1125.80 through 1125.89 shall not apply to the Department of Institutions, State of Washington, in months when its receipts of milk for processing or distribution for fluid consumption are limited to milk of its own production, receipts from pool plants, and products used for fortification of fluid milk products, and distribution for fluid consumption is limited to State institutions. Receipts at pool plants from the Department of Institutions shall be treated as a receipt of other source milk from non-Grade A sources.

16. Section 1125.81(a) (2) is substituted for the present § 1125.81(a) (2) as follows:

§ 1125.81 Location adjustment to producers and on nonpool milk.

(a) * * *

(2) There shall be added to the uniform price for excess milk received from producers at plants located in District 1 or in the counties of Kitsap, Mason, or Pierce, a location adjustment not to exceed 25 cents per hundredweight, rounded to the nearest full cent, computed by dividing the amount computed pursuant to § 1125.54(c) by the total hundredweight of excess milk received at such plants.

* * * * * * *

17. Section 1125.120 is substituted for § 1125.60 as follows:

§ 1125.120 Computation of production history base.

The market administrator shall determine for producers and producer handlers production history bases computed as follows:

(a) For each producer delivering milk in the month immediately preceding the effective date of this section who also delivered milk on 120 days or more during the months of August through December 1966, such production history base shall be the highest of:

(1) The total pounds of producer milk delivered by such person to a handler on 120 days or more during the months of August 1966 through December 1966, inclusive, divided by the number of days from the date of his first delivery within such period to the end of such 5-month period;

(2) The amount similarly computed with respect to such person's deliveries, during the months of August 1965 through December 1965, inclusive; or

(3) The amount similarly computed with respect to such person's deliveries during the months of August 1964 through December 1964, inclusive.

(b) For each person who held designation as a producer-handler in the month prior to the date this paragraph becomes effective and who held such designation for 120 days or more in the months of August through December 1966, the production history base shall be the daily average of his own production of milk for 120 days or more in the months of August through December 1964, August through December 1965, and August through December 1966, whichever is highest.

(c) Each person who becomes a producer as a result of a plant to which he delivers milk becoming a pool plant under the order pursuant to § 1125.8 shall have a production history base computed as though his deliveries of Grade A milk to such plant in the prior periods used for determining bases specified in paragraph (a) of this section had been deliveries of producer milk.

(d) With respect to computation of such bases the following rules shall apply:

(1) If a producer operated more than one farm at the same time during any specified August–December period, a separate computation shall be made with respect to producer milk delivered from each such farm for such period.

(2) Only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings and equipment used are jointly owned or operated.

18. Section 1125.121 is substituted for § 1125.61 as follows:

§ 1125.121 Computation of Class I base for producers with production history bases.

(a) Each producer for whom a production history base pursuant to § 1125.120(a) may be computed shall be issued Class I base as follows:

(1) The total of the Class I bases to be issued to persons with production history bases pursuant to § 1125.120(a) shall be the average daily Class I dispositions pursuant to § 1125.41(a) of producer milk for the year of 1966, multiplied by 120 percent;

(2) The Class I base for each such person shall be determined by multiplying his production history base by a percentage rounded to the third decimal place obtained by dividing the total of Class I bases pursuant to subparagraph (1) of this paragraph by the sum of the production history bases issued to such producers.

(b) The Class I base for each person for whom a production history base is computed pursuant to § 1125.120(b) shall be the lesser of such production history base or 120 percent of his average daily Class I dispositions of milk of his own production (Class I disposition less receipts from pool plants) for the year of 1966.

(c) The Class I base of each person for whom a production history base is determined pursuant to § 1125.120(c) shall be his production history base multiplied by the percentage specified in paragraph (a) (2) of this section.

19. A new § 1125.122 is added to read as follows:

§ 1125.122 Computation of base milk for new producer and hardship cases.

For each month a quantity of base milk shall be computed for each producer who was not issued a production history base pursuant to § 1125.120 and a quantity of additional base milk shall be computed for each producer to whom a "hardship" adjustment has been issued as follows:

(a) Compute the sum of:

(1) 1.20 times the pounds by which producer milk classified as Class I for the month exceeds the Class I classification of producer milk and Class I disposition by producer-handlers of their own production in the corresponding month of 1966; and

(2) The pounds by which the current monthly total of Class I bases issued to producers and producer-handlers exceeds the total of base milk delivered in the month.

(b) Assign the resulting pounds, if any, as base milk pro rata to:

(1) The pounds of milk delivered during the month by each producer without a daily base; and

(2) The pounds of milk delivered by a producer to whom a hardship adjustment is issued, that are the lesser of:

(i) The pounds of such adjustment times the number of days production delivered in the month; or

(ii) The pounds by which total deliveries of milk in the month by such producer exceed base milk pursuant to § 1125.111(a).

20. Section 1125.123 is added as follows:

§ 1125.123 Base rules.

The following rules shall be observed in the determination of bases:

(a) A Class I base or a portion of a Class I base may be transferred from one person to another if the conditions listed below are met:

(1) The market administrator is notified in writing by the holder of the Class I base on or before the last day of the month of transfer of the name of the person to whom the Class I base is to be transferred, the effective date of the transfer and the amount of Class I base to be transferred if less than the entire Class I base held by the transferor;

(2) It is established to the satisfaction of the market administrator that the conveyance of such base is bona fide and not for the purpose of evading any provision of this order, and comes within the remaining provisions of this paragraph;

(3) A transfer may be made only to a producer (a person who is currently a producer on the market or who will become a producer under the terms of the order by the last day of the month of transfer);

(4) A transfer of Class I base may not be made in amounts of less than 100 pounds, or the entire base, whichever is smaller;

(5) A transfer of a portion of a Class I base shall be a partial transfer and shall be effective only on the first day of a month. A transfer where the transferee producer will combine the Class I base received with Class I base already held shall be considered a partial transfer;

(6) A transfer of a complete Class I base of a producer to a person who does not already hold a Class I base will be effective on the date of transfer of herd and farm, or on the date specified if no herd and farm is transferred;

(7) A person who has received Class I base by transfer pursuant to subparagraph (5) or (6) of this paragraph within the preceding 12-month period may not further transfer all or a portion of his Class I base except as permitted under the provisions of § 1125.124; and

(8) A person who was issued hardship adjustment pursuant to the provisions of § 1125.124 may not transfer Class I base to another person until 2 years after the hardship adjustment was issued.

(b) Effective for the first month during which it becomes known that a producer has delivered milk for fluid use other than as diverted producer milk to a plant not regulated under this Part 1125, which is engaged in distribution of fluid milk products to wholesale or retail outlets or in supplying fluid milk products to a plant so engaged, such producer shall have his base milk reduced by an amount equal to his Class I base for each day when any such deliveries were made to such nonpool plant.

(c) A person who discontinues deliveries of producer milk for a period of 60 consecutive days after a daily base is issued to him shall forfeit any daily base held pursuant to the provisions of this order, except that a person entering military service may retain his daily base until 1 year after being released from active military duty.

(d) As soon as production history bases and Class I bases are computed by the market administrator after the effective date of these provisions, notice of the amount of each producer's production history base and Class I base shall be given by the market administrator to the producer, to the handler receiving such producer's milk, and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place in his plant a list or lists showing the Class I base of each producer whose milk is received at such plant.

(e) Only one quantity of base milk pursuant to § 1125.111(a) shall be computed with respect to milk produced by one or more persons where the land, buildings and equipment used, are jointly owned or operated.

(f) A producer who transfers Class I base computed pursuant to § 1125.121 (a) or (c) shall have his production history base reduced in the same proportion that the Class I base transferred was of the total Class I base held by the transferor producer.

(g) With respect to transfers of Class I bases computed pursuant to § 1125.121 (b), the following shall apply:

(1) If the transfer is of the entire base to a successor in interest who will operate both the production and plant facilities of the transferor producer, the transferee producer will receive the transferee producer's Class I base; and

(2) If the transfer is of a partial base or to a producer other than one described in subparagraph (1) of this paragraph, the total Class I base available for transfer shall be determined by multiplying the production history base of the transferor by the percentage specified in § 1125.121(a) (2). The production history base of the transferor producer shall be reduced by an amount equal to the quotient obtained by dividing the Class I base transferred by such percentage.

§ 1125.124 Relief from hardship or inequity.

Requests of producers for relief from hardship or inequity arising under the provisions of § 1125.120 through § 1125.123 will be subject to the following:

(a) A producer may request review of the following circumstances because of alleged hardship or inequity:

(1) He was not issued a Class I base pursuant to § 1125.121;

(2) His production history base pursuant to § 1125.120 is alleged to not be representative of his level of milk production in the base period due to a loss of milk production beyond the control of the producer such as loss of buildings, herds, or other facilities by fire, flood, or storms, official quarantine, or military service of the producer or his son;

(3) Loss or potential loss of Class I base pursuant to § 1125.123 (b) or (c); and

(4) Inability to transfer base due to the provisions of § 1125.123(a) (7) or (8).

(b) The producer shall file with the market administrator a request in writing for review of hardship or inequity setting forth:

(1) Conditions that caused the alleged hardship or inequity;

(2) The extent of the relief or adjustment requested;

(3) The basis upon which the amount of adjustment requested was determined; and

(4) Reasons why the relief or adjustment should be granted.

(c) One or more Producer Base Committees shall be established and function as follows:

(1) Each Producer Base Committee shall consist of five producers appointed by the market administrator.

(2) Each committee shall review the requests for relief from hardship or inequity referred to it by the market administrator at a meeting in which the market administrator or his representative serves as recording secretary.

(3) Recommendations with respect to each such request shall be endorsed at the meeting by at least three committee members and shall:

(i) With respect to requests pursuant to paragraph (a) (1), (3), or (4) of this section, either reject such request or in-

dicate the nature and extent to which the producer shall be granted exception to the provisions involved.

(ii) With respect to requests pursuant to paragraph (a)(2) of this section, either reject the request or provide adjustment in the form of a daily quantity of "hardship" adjustment milk which when delivered in excess of such producer's Class I base, may be included in the computation of base milk pursuant to § 1125.122. In considering such requests the loss of milk production due to the following shall not be considered a basis for hardship adjustment:

(a) Loss of milk due to mechanical failure of farm tank or other farm equipment; and

(b) Inability to obtain adequate labor to maintain milk production, except that hardship adjustment may be granted in the case of a producer or the son of a producer who entered into military service directly from employment in milk production;

(4) Recommendation of the Producer Base Committee shall:

(i) If to deny the request, be final upon notification to the producer, subject only to appeal by the producer to the Director, Dairy Division; or

(ii) If to grant the request in whole or in part, be transmitted to the Director, Dairy Division, and shall become final unless vetoed by such Director within 15 days after transmittal.

(5) Committee members shall be reimbursed by the market administrator from the funds collected under § 1125.88 for necessary travel and subsistence expenses incurred in the performance of their duties as committee members.

Signed at Washington, D.C., on April 7, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3986; Filed, Apr. 11, 1967; 8:47 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50-204]

RADIATION SAFETY AND HEALTH STANDARDS

Application in Nebraska

The State of Nebraska has recently entered into an agreement with the Atomic Energy Commission (31 F.R. 11948) pursuant to section 274(b) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021(b)). This agreement makes that State's program for control of radiation sources effective pursuant to 41 CFR 50-204.320(c)(1) (31 F.R. 1075) and eligible for a determination pursuant to 41 CFR 50-204.320(c)(2) that such program is currently compatible with the requirements of the Department of Labor's safety and health standards for Federal supply contracts (41 CFR Part 50-204).

This agreement brings into compliance with 41 CFR Part 50-204 any employer in Nebraska who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has registered such sources with the State of Nebraska, or is operating under a license issued by the State of Nebraska, and in accordance with the requirements of Nebraska's laws and regulations, insofar as his possession and use of such material is concerned, unless the Secretary of Labor after conference with the Atomic Energy Commission, shall determine that the State's program for control of these radiation sources is incompatible with the requirements of 41 CFR Part 50-204. No such determination has been made.

This agreement shall also be deemed to bring into compliance with 41 CFR Part 50-204 any employer who possesses or uses radiation sources other than source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), insofar as his possession and use of such material is concerned, if he has registered such sources with the State of Nebraska, or is operating under a license issued by the State of Nebraska, and if his operation is entirely in accordance with the requirements of Nebraska's laws and regulations, if and when the State's program for control of these radiation sources is the subject of a currently effective determination by the Secretary of Labor that such program is compatible with the requirements of 41 CFR Part 50-204. I hereby propose to make such a determination.

I also propose to add the State of Nebraska to the list of States set forth in 41 CFR 50-204.320(c) (1) and (2) (31 F.R. 1075).

Interested persons may submit written data, views, or argument regarding this proposal by mailing them to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, within 30 days after this notice is published in the FEDERAL REGISTER.

(Secs. 1, 4, 49 Stat. 2036, 2038; 41 U.S.C. 35, 38; Sec. 7, 60 Stat. 241; 5 U.S.C. 1006)

Signed at Washington, D.C., this 5th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-3976; Filed, Apr. 11, 1967; 8:47 a.m.]

[41 CFR Part 50-204]

RADIATION SAFETY AND HEALTH STANDARDS

Application in Washington

The State of Washington has recently entered into an agreement with the Atomic Energy Commission (31 F.R. 16375) pursuant to section 274(b) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021(b)). This agreement makes that State's program for control of radiation sources effective pursuant to 41 CFR 50-204.320(c)(1) (31 F.R. 1075) and eligible for a determination pursuant to 41 CFR 50-204.320(c)(2) that such program is currently compatible with the requirements of the Department of Labor's safety and health standards for Federal supply contracts (41 CFR Part 50-204).

This agreement brings into compliance with 41 CFR Part 50-204 any employer in Washington who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has registered such sources with the State of Washington, or is operating under a license issued by the State of Washington, and in accordance with the requirements of Washington's laws and regulations, insofar as his possession and use of such material is concerned, unless the Secretary of Labor after conference with the Atomic Energy Commission, shall determine that the State's program for control of these radiation sources is incompatible with the requirements of 41 CFR Part 50-204. No such determination has been made.

This agreement shall also be deemed to bring into compliance with 41 CFR Part 50-204 any employer who possesses or uses radiation sources other than source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), insofar as his possession and use of such material is concerned, if he has registered such sources with the State of Washington, or is operating under a license issued by the State of Washington, and if his operation is entirely in accordance with the requirements of Washington's laws and regulations, if and when the State's program for control of these radiation sources is the subject of a currently effective determination by the Secretary of Labor that such program is compatible with the requirements of 41 CFR Part 50-204. I hereby propose to make such a determination.

I also propose to add the State of Washington to the list of States set forth in 41 CFR 50-204.320(c) (1) and (2) (31 F.R. 1075).

Interested persons may submit written data, views, or argument regarding this proposal by mailing them to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, within 30 days after this notice is published in the FEDERAL REGISTER.

(Secs. 1, 4, 49 Stat. 2036, 2038; 41 U.S.C. 35, 38; Sec. 7, 60 Stat. 241; 5 U.S.C. 1006)

Signed at Washington, D.C., this 5th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-3977; Filed, Apr. 11, 1967; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 218]

[Reg. R]

PERMISSIBLE RELATIONSHIPS WITH DEALERS IN SECURITIES

Proposed Exceptions

The Board of Governors is considering amending § 218.2, which delineates permissible personnel relationships between banks that are members of the Federal Reserve System and dealers in securities.

That section exempts from the general prohibition of section 32 of the Banking Act of 1933 (12 U.S.C. 78) interlocking relationships between member banks and firms dealing only in certain types of obligations. The proposed amendment would add to such types of obligations "general obligations of any State or of any political subdivision thereof." The effect of the amendment would be to permit interlocking relationships between member banks and securities dealers that confine themselves to underwriting and dealing in securities which member banks themselves may lawfully underwrite.

The amended § 218.2 would read as follows:

§ 218.2 Exceptions.

Pursuant to the authority vested in it by section 32, the Board of Governors of the Federal Reserve System hereby grants permission for any officer, director, or employee of any member bank of the Federal Reserve System, unless otherwise prohibited, to be at the same time an officer, director, or employee of any corporation or unincorporated association, a partner or employee of any partnership, or an individual, engaged in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation, of any stocks, bonds, or other similar securities, if so engaged only as to the following securities: Bonds, notes, certificates of indebtedness, and Treasury bills of the United States; obligations fully guaranteed both as to principal and interest by the United States; general obligations of Territories, dependencies, and insular possessions of the United States; obligations of Federal Intermediate Credit banks, Federal Land banks, Central Bank for Cooperatives, Federal Home Loan banks, the Federal National Mortgage Association, and the Tennessee Valley Authority; certificates of interest of the Commodity Credit Corporation; general obligations of any State or of any political subdivision thereof; and, subject to specifications contained in paragraph Seventh of section 5136, Revised Statutes (12 U.S.C. 24), obligations of the International Bank for Reconstruction and Development, and Inter-American Development Bank, the Asian Development Bank, local public agencies, public housing agencies, and obligations insured by the Federal Housing Administrator.

This notice is published pursuant to section 553(b), Title 5, United States Code, and section 1(b) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.1(b)).

To aid in consideration of the foregoing matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Such material may be sent directly to the Board or to any Federal Reserve Bank. All such material should be submitted in writing to be received by the Board not later than May 1, 1967.

Dated at Washington, D.C., this 6th day of April 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-3963; Filed, Apr. 11, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—ATS 643.3–c]

PLASTIC CONTAINERS FROM CANADA

Notice of Intent To Discontinue Investigation and of Tentative Determination That No Sales Exist Below Fair Value

APRIL 3, 1967.

Information was received on January 25, 1966, that plastic containers from Canada manufactured by Reliance Products, Ltd., Winnipeg, Canada, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)), in the FEDERAL REGISTER of April 7, 1966, on page 5527 thereof.

On August 31, 1966, the Commissioner of Customs issued a withholding of appraisement notice with respect to such merchandise, which was published in the FEDERAL REGISTER dated September 7, 1966.

Two types of plastic containers were imported from Reliance Products, Ltd., industrial type and consumer type. Purchase price and adjusted home market price were found to be the appropriate basis of comparison for fair value purposes with regard to both types.

In calculating purchase price deductions were made for included freight duty and brokerage. As Canadian sales tax was included in the home market price of the consumer type containers but not in the export price, adjustment was made for this as required by statute.

In calculating adjusted home market price, deduction was made for included freight, and in the instance of all the industrial type containers, for a cost of guarantee, and for technical services. With regard to the 5-gallon industrial containers, savings in material and processing costs resulting from physical differences between the exported product and that sold for home consumption were also deducted. Adjustment was made for differences in commission as applicable.

Purchase price was found to be not lower than adjusted home market price with regard to all except 5-gallon industrial containers. The 5-gallon industrial containers represented the bulk of the imports of this type.

Promptly after being advised of the existing margins, as to these 5-gallon containers, the manufacturer revised its prices and gave assurances that there would be no future sales at less than fair value regardless of the disposition of this case. The complainant was advised of this and subsequently withdrew its complaint.

In view of the foregoing it appears that there are not, and are not likely to be, sales below fair value of plastic containers from Canada manufactured by Reliance Products, Ltd., Winnipeg, Canada.

Unless persuasive evidence or argument to the contrary is presented within 30 days, a determination will be made that there are not, and are not likely to be, sales below fair value.

Any such evidence or argument should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice is published pursuant to §§ 14.7(b)(9) and 14.8(a) of the Customs Regulations (19 CFR 14.7(b)(9) and 14.8(a)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-3999; Filed, Apr. 11, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

APRIL 5, 1967.

The Bureau of Land Management has amended the listing of lands in its revised application for withdrawal, dated March 21, 1967, notice of which was published in the FEDERAL REGISTER on pages 4506–7, of the issue of March 24, 1967, in the following particulars:

Calistoga Geothermal Area. In T. 8 N., R. 7 W., the description "sec. 11" is amended to read "sec. 1."

Lassen Geothermal Area. The description "T. 30 N., R. 16 E.", is amended to read "T. 30 N., R. 6 E."

Wendel-Amedee Geothermal Area. The description "T. 29 N., R. 15 E., secs. 13, 14, 22 through 27, 36", is amended to include sec. 35.

The listing is amended to delete the description "T. 28½ N., R. 16 E., secs. 31 through 33."

Therefore, pursuant to the regulations contained in 43 CFR Subpart 2311, at 10 a.m. on May 10, 1967, the segregative effect of the revised application of March 21, 1967, will be terminated as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 8 N., R. 7 W.,
Sec. 11.
T. 30 N., R. 16 E.,
Secs. 29 through 36.
T. 28½ N., R. 16 E.,
Secs. 31 through 33.

The segregative effect of the revised application as amended will take effect as to the following described lands upon notation of the appropriate records:

MOUNT DIABLO MERIDIAN

T. 8 N., R. 7 W.,
Sec. 1.
T. 30 N., R. 6 E.,
Secs. 29 through 36.
T. 29 N., R. 15 E.,
Sec. 35.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal of the lands described above, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Washington, D.C. 20240.

The determination of the Secretary of the Interior on the amended application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

ROLLO E. CHANDLER,
Acting Assistant Director.

[F.R. Doc. 67-3964; Filed, Apr. 11, 1967; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI67-331, etc.]

SUN OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 31, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 10, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-331	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa. 19103, Attn.: Mr. Charles E. Webber.	91	12	Texas Eastern Transmission Corp., (Hidalgo Field, Hidalgo County, Tex.) (RR. District No. 4).	$180	3-1-67	[2] 4-1-67	9-1-67	[3] 14.6	[3] [4] 15.6	
	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	23	18	Texas Eastern Transmission Corp. (Carthage Field, Panola County, Tex.) (RR. District No. 6).	3,000	3-1-67	[5] 4-1-67	9-1-67	[6] 14.6	[5] [6] 15.6	
RI67-332	Caroline Hunt Sands et al., 1401 Elm St., Dallas, Tex. 75202, Attn.: Donald K. Young, attorney.	2	5	United Gas Pipe Line Co. (Northwest Oberlin Area, Allen Parish, La.) (South Louisiana).	1,800	3-1-67	[7] 4-1-67	9-1-67	[6] 22.375	[5] [8] [9] 22.875	RI64-26.
RI67-333	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	216	4	Lone Star Gas Co. (East Durant Field, Bryan County, Okla.) (Oklahoma "Other" Area).	500	2-27-67	[5] 4-1-67	9-1-67	[11] 15.0	[4] [10] 16.0	
	do	230	1	Arkansas Louisiana Gas Co. (South Marlow Field, Stephens County, Okla.) (Oklahoma "Other" Area).	60,000	2-27-67	[5] 4-1-67	9-1-67	[12] 15.0	[5] [4] [12] 16.0	
	do	255	3	Arkansas Louisiana Gas Co. (North Carter Field, Beckham County, Okla.) (Oklahoma "Other" Area).	500	2-27-67	[5] 4-1-67	9-1-67	[13] 15.0	[4] [12] 16.0	
	do	256	4	Arkansas Louisiana Gas Co. (Northwest Anthon Field, Custer County, Okla.) (Oklahoma "Other" Area).	53	2-27-67	[5] 4-1-67	9-1-67	[14] 15.0	[4] [12] 16.0	
RI67-334	Frederic C. and Ferris F. Hamilton, d.b.a. Hamilton Brothers, Ltd. (Operator) et al., 1517 Denver Club Bldg., Denver, Colo. 80202.	6	1	Cities Service Gas Co. (North Lovedale Field, Harper County, Okla.) (Panhandle Area).	5,164	3-2-67	[7] 4-2-67	9-2-67	[12] 15.0	[5] [4] [12] 16.0	
RI67-335	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	81	7	Michigan Wisconsin Pipe Line Co. (Putnam and Southeast Dacoma Fields, Dewey and Wood Counties, Okla.) (Oklahoma "Other" Area) (Northeast Quinlan Field, Woodward County, Okla.) (Panhandle Area).	4,205 1,500	3-2-67 3-2-67	[5] 4-2-67 [5] 4-2-67	9-2-67 9-2-67	[15] [17] [18] 16.44 [13] [16] [20] 17.32	[4] [13] [15] [17] 19.34 [4] [13] [19] [20] 19.32	
RI67-336	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex. 76107.	69	3	Panhandle Eastern Pipe Line Co. (Hugoton Field, Morton County, Kans.).	103	3-3-67	[5] 5-1-67	10-1-67	13.0	[5] [4] 14.0	RI62-396.
RI67-337	Hurley Oil & Gas Co., et al., 400 Petroleum Bldg., Shreveport, La. 71101.	5	6	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.) (North Louisiana).	1,384	3-1-67	[5] 4-1-67	9-1-67	[21] [22] 15.5956	[5] [21] 17.4417	

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Settlement rate as approved by Commission order issued Dec. 20, 1963, in Docket Nos. G-13316 et al.
[5] Settlement rate as per second amendment to general policy statement No. 61-1 (Sun's settlement order for this rate schedule issued Dec. 20, 1963, in Docket No. G-13316 et al.).
[6] The stated effective date is the first day after expiration of the statutory notice.
[7] Pressure base is 15.025 p.s.i.a.
[8] Inclusive of 1.875 cents tax reimbursement.
[9] "Fractured" rate increase. Gulf is fracturing the contractually due rate of 17.9 cents per Mcf.
[10] Initial permanently certificated rate (initial contract rate is 16.8 cents).
[11] Subject to a downward B.t.u. adjustment.
[12] "Fractured" rate increase. Gulf is fracturing the contractually due rate of 18 cents.
[13] Initial permanently certificated rate (initial contract rate is 17 cents).
[14] Ashland is fracturing the initial contractual rate of 19.5 cents and filing base rates which equal the ceiling rates under the 10th amendment to general policy statement No. 61-1.
[15] For acreage in Dewey and Woods Counties, Okla. (Oklahoma "Other" Area).
[16] Includes base rate of 15 cents before increase and 17.9 cents base rate after increase, plus 1.44 cents upward B.t.u. adjustment (1,144 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[17] Initial permanently certificated rate (initial contract rate is 19.5 cents).
[18] For acreage in Woodward County, Okla. (Panhandle Area).
[19] Includes base rate of 17 cents before increase and 19 cents base rate after increase, plus 0.32 cent upward B.t.u. adjustment (1,032 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[20] Includes 1.75 cents tax reimbursement.
[21] Rate increase from 15.5956 cents to 15.8007 cents currently suspended in Docket No. G-16645.

Caroline Hunt Sands et al. (Sands), request waiver of the statutory notice to permit a retroactive effective date of March 24, 1966, for their proposed rate increase. Frederic C. and Ferris F. Hamilton, doing business as Hamilton Brothers, Ltd. (Operator), et al., (Hamilton) request an effective date of April 1, 1967, for their rate increase filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Sands and Hamilton's rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, sec. 2.56).

[F.R. Doc. 67-3909; Filed, Apr. 11, 1967; 8:45 a.m.]

[Docket No. RI67-338 etc.]

JOHN BRISBEN ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 4, 1967.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before May 17, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-338	John Brisben et al., c/o McKnight, Gasaway & McKnight, Post Office Box 1108, Enid, Okla. 73701.	1	2	Oklahoma Natural Gas Gathering Corp. [2] (Ringwood Area, West Cleo Springs Field, Major County, Okla.) (Oklahoma "Other" Area).	$110	3-6-67	[3] 3-6-67	[4] 3-7-67	11.0	[5] 12.0	
RI67-339	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	[7] 428	2	Cities Service Gas Co. (Hugoton Field, Finney County, Kans.).	71	3-8-67	[3] 4-8-67	[4] 4-9-67	[8] 12.0	[9] 13.0	
RI67-340	Sunset International Petroleum Corp., 8920 Wilshire Blvd., Beverly Hills, Calif. 90211, Attn.: Jack W. Oney, Manager Land Department.	[7] 44	2	Valley Gas Transmission, Inc. (Tres-Encinos Field, Brooks County, Tex.) (R.R. District No. 4).	1,800	[10] 3-10-67	[3] 4-10-67	[4] 4-11-67	[8] 14.0	[9] 15.0	

[2] Oklahoma Natural Gas Gathering Corp. (ONG) classed as a pipeline company in its certificate (CI61-1408) for resale of the gas to Cities Service Gas Co. at an initial rate of 17 cents. ONG's related increase to 18.5 cents has been approved. However, ONG must flow through refunds made by its suppliers.
[3] The stated effective date is the date of filing.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1.
[8] The stated effective date is the 1st day after expiration of the statutory notice.
[9] Subject to a downward B.t.u. adjustment.
[10] Amended by filing submitted Mar. 15, 1967.

Pan American Petroleum Corp. (Pan American) requests that its proposed rate increase be permitted to become effective on April 7, 1967. Sunset International Petroleum Corp. (Sunset) requests a retroactive effective date of February 21, 1967, for its rate increase filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Pan American and Sunset's rate filings and such request are denied.

The contracts related to the rate filings proposed by Pan American and Sunset were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable area ceilings for increased rates but below the initial service ceilings for the areas involved. We believe in this situation, the aforementioned producers' rate filings should be suspended for one day from the date of expiration of the statutory notice, April 8, 1967 (Pan American), and April 10, 1967 (Sunset).

John Brisben et al. (Brisben), proposes a periodic increase in rate from 11 cents to 12 cents per Mcf, amounting to $110 annually, for a wellhead sale of gas to Oklahoma Natural Gas Gathering Corp. (ONG) from the Ringwood Area, Major County, Okla. (Oklahoma "Other" Area). ONG gathers the gas and resells it, after processing, to Cities Service Gas Co. at a rate of 18.5 cents per Mcf.[11] Brisben's proposed rate exceeds the area increased rate ceiling of 11 cents per Mcf for the Oklahoma "Other" Area as announced in the Commission's statement of general policy No. 61-1, as amended. However, since ONG's related resale rate is in effect, we conclude that it would be in the public interest that the 30-day notice requirement provided in section 4(d) of the Natural Gas Act be waived and that Brisben's rate filing be suspended for one day from March 3, 1967, the date of filing.

[11] By order issued Nov. 3, 1966, in Docket No. RP66-19, an increase by ONG from 17 cents to 18.5 cents designed to compensate only for an increase in the cost of purchased gas was accepted for filing and allowed to become effective June 1, 1966, without obligation to refund, except that ONG is required to flow through any refunds received from its procedure-suppliers and to reduce its rates to reflect any rate reductions of such suppliers.

[F.R. Doc. 67-3960; Filed, Apr. 11, 1967; 8:45 a.m.]

[Docket No. RI67-341 etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 4, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 17, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-341	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	261	7	Natural Gas Pipeline Co. of America (Bryans Mill Field, Cass County, Tex.) (RR. District No. 6).	$942	3-8-67	[3] 4-8-67	9-8-67	[4] 16.56	[5][6] 17.0	RI66-14.
RI67-342	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	103	[7] 2	Lone Star Gas Co. (Doyle Field, Stephens County, Okla.) (Oklahoma "Other" Area).	17,627	3-6-67	[3] 4-6-67	9-6-67	5.36	[6][8] 16.50	

[3] The stated effective date is the effective date proposed by Respondent.
[4] "Fractured" rate increase. Shell is contractually due a rate of 19 cents per Mcf.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Unilateral rate increase. Contract dated Apr. 26, 1948, provided that either buyer or seller could cancel same upon 30-days prior written notice after 1 year term.
[8] Filing includes letter dated Feb. 7, 1967, advising buyer of Texaco's intent to cancel contract effective Mar. 15, 1967.

Shell and Texaco's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Pt. 2, sec. 2.56).

[F.R. Doc. 67-3961; Filed, Apr. 11, 1967; 8:45 a.m.]

[Docket No. AR67-1 etc.]

AREA RATE PROCEEDING ET AL.

Order Permitting Withdrawal of Suspended Rate Supplements and Terminating Proceeding

APRIL 4, 1967.

On September 29, 1958, Hurley Oil and Gas Co. (Hurley) tendered for filing a proposed rate increase from 15.5956 cents to 15.8007 cents per Mcf, designated as Supplement No. 4 and Supplement No. 1 to Supplement No. 4 to Hurley's FPC Gas Rate Schedule No. 5, for its jurisdictional sales of natural gas from the Greenwood-Waskom Field, Caddo Parish, La. (North Louisiana), to Texas Eastern Transmission Corp. The Commission suspended such increase until April 1, 1959, and thereafter until made effective pursuant to section 4(e) of the Natural Gas Act. The increased rate has not been made effective pursuant to section 4(e) of the Natural Gas Act and no monies have been collected subject to refund under the rate schedule involved.

Since the proposed rate in Docket No. G-16645 [1] has not been made effective pursuant to section 4(e) of the Natural Gas Act and no monies have been collected subject to refund under the rate schedule involved, we believe that it would be in the public interest to permit Hurley to withdraw its aforementioned rate supplements and to terminate the related suspension proceeding in Docket No. G-16645.

On March 1, 1967, Hurley tendered for filing a proposed rate increase under the rate schedule here involved, from 15.5956 cents to 17.4417 cents per Mcf, plus tax reimbursement. Such rate will supersede the rate filings in Docket No. G-16645. Separate action will be taken by the Commission on this new filing.

The Commission finds: Good cause exists for permitting the withdrawal of Supplement No. 4, and Supplement No. 1 to Supplement No. 4, to Hurley's FPC Gas Rate Schedule No. 5, and for terminating the related suspension proceeding in Docket No. G-16645.

The Commission orders:

(A) Supplement No. 4, and Supplement No. 1 to Supplement No. 4, to Hurley's FPC Gas Rate Schedule No. 5, are permitted to be withdrawn and the suspension proceeding in Docket No. G-16645 is terminated.

(B) The proceeding in Docket No. G-16645 is severed from Appendix B, Docket No. AR67-1 et al., Area Rate Proceeding et al. (Other Southwest Area) and is terminated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] The proceeding in Docket No. G-16645 was consolidated with the Area Rate Proceeding et al. (Other Southwest Area), Docket No. AR67-1 et al., by the Commission's order issued Feb. 28, 1967.

[F.R. Doc. 67-3957; Filed, Apr. 11, 1967; 8:45 a.m.]

[Docket No. G-513 etc.]

SOUTHERN UNION GAS CO. ET AL.

Order Granting Intervention, Establishing Procedure and Fixing a Date for Prehearing Conference

APRIL 4, 1967.

On October 12, 1965, Del Norte Natural Gas Co. (Del Norte) filed in Docket No. CP66-104 an application requesting an order of the Commission authorizing Del Norte to export natural gas from the United States to the Republic of Mexico (Mexico). In Docket No. CP66-106, filed the same day, Del Norte requested a permit authorizing the operation, maintenance and connection of facilities at the International Boundary between the United States and Mexico for the exportation of natural gas to Mexico. By these applications, Del Norte proposed to succeed to Southern Union Gas Co. (Southern Union) in the exportation and sale of natural gas which was authorized by the Commission on January 2, 1945, in Docket No. G-513.[1] Also on October 12, 1965, El Paso Natural Gas Co. (Gas Co.) and El Paso Gas Transportation Corp. (Transportation Corp.) filed in Docket No. CP66-105 a joint application for permission and approval to abandon the sale of natural gas to Southern Union and for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Del Norte. As a result of this new arrangement Del Norte would continue to supply natural

[1] Southern Union filed an application to vacate the related Presidential Permit and Authorization for exportation of gas to Mexico.

gas to Juarez Gas Co., S.A. (Juarez Gas) in Ciudad Juarez, Chihuahua, Mexico, while also serving this area through a new distributor, Gas Natural de Juarez, S.A. (Juarez National).

Notice of these applications was issued on October 28, 1965 (30 F.R. 14022). Juarez Gas' petition to intervene in each docket was denied. On December 29, 1965, the Commission granted the requests made by Del Norte, Southern Union Gas Co., and Transportation Co. in Docket Nos. G–513, CP66–104, CP66–105, CP66–106. An application for rehearing and a stay by Juarez Gas was denied. However, Juarez Gas' petition for review to the U.S. Court of Appeals for the District of Columbia Circuit was granted and by order of March 14, 1967, the court remanded the case to the Commission to reopen the case for further proceedings which would afford Juarez Gas and all proper parties "the opportunity to develop a complete record on all issues bearing on the public interest and public convenience and necessity."

In light of the court's decision it is appropriate that we grant intervention to Juarez Gas and we shall do so.

In order to expedite the proceeding and to crystallize those matters upon which a hearing should be held we shall require each party to the proceeding to file a statement specifying issues in this case. Furthermore, we shall order that a prehearing conference be held thereafter to offer an opportunity to the parties to attempt to further limit the issues in this proceeding, to stipulate as to evidentiary matters, to resolve those issues which are capable of resolution on agreed evidence, and to use any other means possible to dispose of this proceeding in the most expeditious manner consistent with the requirements of due process and the Natural Gas Act. Following such conference, the Presiding Examiner shall set this matter for an early hearing and shall specify such other procedure as he deems necessary to promptly bring this matter to a proper conclusion.

The Commission finds:

(1) It is desirable to allow Juarez Gas Co., S.A. to intervene in these proceedings in order to show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) The processing of this proceeding will be expedited by the filing of statements of proposed issues by the participants herein, and by the convening of a prehearing conference thereafter.

The Commission orders:

(A) Juarez Gas Co., S.A. is permitted to intervene in this proceeding subject to the rules and regulations of the Commission.

(B) The parties to the proceeding shall submit in writing on or before April 10, 1967, a statement specifying the issues which they believe have been raised by the above docketed applications. Said statement of issues shall be served on the other parties to the proceeding and the Commission staff in accordance with the Commission's rules.

(C) A prehearing conference shall be held on April 17, 1967, at 10 a.m., e.s.t., before a presiding examiner of the Commission, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of discussion and limitation of issues, stipulation as to facts, the possible resolution of issues by stipulation, and such other means as may be available to expedite the proceeding.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–3958; Filed, Apr. 11, 1967; 8:45 a.m.]

[Docket Nos. CP65–356, CP66–168]

TENNESSEE GAS PIPELINE CO. AND RED SNAPPER PIPE LINE CO.

Notice Fixing Oral Argument

APRIL 4, 1967.

The Commission has before it the Presiding Examiner's decision, the exceptions thereto, and the replies to such exceptions filed in the above-entitled proceedings. A motion for oral argument has been filed by Tennessee Gas Pipeline Co., a division of Tenneco, Inc.

Take notice that oral argument is scheduled to be heard by the Commission en banc commencing at 10 a.m., e.d.s.t, June 16, 1967, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

All parties desiring to participate in such oral argument shall notify the Secretary of the Commission in writing on or before May 15, 1967, of the amount of time desired for presentation of their respective oral arguments.

By direction of the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–3959; Filed, Apr. 11, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–80]

COLORADO STATE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6, set forth below, to Facility License No. R–26. The license, as previously amended, authorizes Colorado State University to operate its Model AGN–201, Serial No. 109, reactor on its campus in Fort Collins, Colo. This amendment incorporates technical specifications into the license as requested in the application for license amendment dated January 27, 1967.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment, (2) a related safety evaluation prepared by the Division of Reactor Licensing, and (3) the technical specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 5th day of April 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT, *Assistant Director for Reactor Operations, Division of Reactor Licensing.*

[F.R. Doc. 67–3954; Filed, Apr. 11, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17436]

ALLEGHENY AIRLINES ROUTE 97 INVESTIGATION

Notice of Change of Conference Room

Notice is hereby given that the prehearing conference in the above-entitled investigation now assigned to be held in Room 211 at 10 a.m. on April 25, 1967, is hereby reassigned to Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., April 6, 1967.

[SEAL] MILTON H. SHAPIRO, *Hearing Examiner.*

[F.R. Doc. 67–3997; Filed, Apr. 11, 1967; 8:48 a.m.]

[Docket No. 15563 etc.]

SERVICE TO DOUGLAS, ARIZ.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on May 3, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., April 6, 1967.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 67–3998; Filed, Apr. 11, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17333; FCC 67M–571]

CALIFORNIA WATER AND TELEPHONE CO. ET AL.

Order Scheduling Hearing

In the matter of California Water and Telephone Co.; the Associated Bell Systems Cos.; the General Telephone System; and United Utilities, Inc., Cos.; Docket No. 17333; applicability of section 214 of the Communications Act with regard to tariffs for channel service for use by community antenna television systems:

It is ordered, This 6th day of April 1967 that Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 8, 1967, at 10 a.m.; and that a prehearing conference shall be held on April 24, 1967, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: April 7, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67–4002; Filed, Apr. 11, 1967; 8:48 a.m.]

[Docket Nos. 17336, 17337; FCC 67–406]

LOGAN BROADCASTING CO. AND UPPER BROADCASTING CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Logan Broadcasting Co., Logan, Ohio, Docket No. 17336, File No. BP–16820, requests: 1510 kc, 1 kw, 250 w (CH), Day, Class II; Leonard E. Walk, James H. Rich, Bernard M. Friedman, Thomas W. Fletcher, Robert L. Purcell, and Raymond E. Rohrer, doing business as Upper Broadcasting Co., Upper Arlington, Ohio, Docket No. 17337, File No. BP–17039, requests: 1510 kc, 250 w, Day, Class II; for construction permits.

1. The Commission has before it the above-captioned applications which are mutually exclusive in that simultaneous operation of the stations proposed would result in prohibited overlap of contours as defined by § 73.37 of the Commission's rules.

2. Examination of the application of Upper Broadcasting Co. indicates that the proposed 5 mv/m contour penetrates the geographic boundaries of Columbus, Ohio. Upper Arlington, the specified station location, has a population of 28,486 (1960 Census) while the population of Columbus is 471,316. Accordingly, pursuant to the Commission's policy statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities,[1] a presumption arises that the proposal is intended to serve Columbus.

3. At the invitation of the Commission, Upper Broadcasting Co., on January 16, 1967, submitted an amendment containing data intended to rebut the aforementioned presumption. After a review of this material, we find that the applicant has failed to overcome the presumption of intent to serve the larger city and that appropriate issues must be included in hearing to further explore the matter.

4. Upper Broadcasting Co., in its financial proposal, estimates that construction and equipment costs ($32,300) and 1 year operating expenses ($60,000) will amount to $92,300. The applicant proposes to defray these expenses with deferred credit ($13,350) and with an $80,000 loan from Dynamic Broadcasting, Inc., a corporation owned by three of the partners in the applicant. The balance sheet of Dynamic accompanying the loan commitment does not show cash and other current assets sufficient to meet the commitment. It is also noted that the balance sheet is now almost 1½ years old, and for that reason cannot be assumed to accurately represent Dynamic's financial condition at present. Accordingly, a financial issue will be specified.

5. Applicant Upper Broadcasting Co., proposes an antenna site which appears to be located in the vicinity of structures which may cause reradiation. An issue will be specified to determine the suitability of the proposed antenna site.

6. Logan Broadcasting Co. is the licensee of Station WLGN–FM, Logan, Ohio. The basic construction permit application, File No. BPH–4578, was granted February 3, 1965. In constructing its AM station, Logan proposes to use the same land and buildings as the FM station and estimates that equipment costs ($21,336) and first year operating expenses ($6,000) will total $27,336. A letter dated November 10, 1964, from the Logan Federal Savings and Loan Association extending Logan Broadcasting a $50,000 line of credit is contained in Logan's FM application. However, the applicant has not stated whether all or any part of these funds are available to build the AM station, or for that matter, whether this plan of financing will be employed. Accordingly, it will be necessary for Logan to establish its financial qualifications in hearing.

7. Except for the issues specified below, the applicants are qualified to construct, own and operate the facilities proposed. However, in view of the foregoing, and because the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues set forth below:

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Upper Broadcasting Co. will realistically provide a local transmission facility for its specified station location or for another larger community, in the light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs.

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations.

(c) The extent to which the applicant's program proposal will meet the specific, unsatisfied programing needs of its specified station location.

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

3. To determine, in the event it is concluded pursuant to the foregoing issue (a) that the Upper Broadcasting Co. proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service.

4. To determine, with respect to the application of Upper Broadcasting Co.:

(a) Whether Dynamic Broadcasting, Inc., has sufficient cash and/or liquid assets to meet its $80,000 loan commitment to the applicant.

(b) Whether, in the light of the evidence adduced pursuant to the above subissue, the applicant is financially qualified.

5. To determine whether the transmitter site proposed by Upper Broadcasting Co. is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which which would distort the proposed antenna radiation pattern.

6. To determine whether Logan Broadcasting Co. is financially qualified.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

[1] 2 FCC 2d 190, 6 RR 1901.

It is further ordered, That, in the event of a grant of either of the proposals, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event of a grant of the application of Logan Broadcasting Co., the construction permit shall also contain the following condition: Before program tests are authorized, the permittee shall submit sufficient field intensity measurement data to show that the radiation has been reduced to essentially 210 mv/m/kw, as proposed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such notice as required by § 1.594(g) of the rules.

Adopted: March 29, 1967.

Released: April 7, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4003; Filed, Apr. 11, 1967; 8:49 a.m.]

[Docket Nos. 17336, 17337; FCC 67M-574]

LOGAN BROADCASTING CO. AND UPPER BROADCASTING CO.

Order Scheduling Hearing

In re applications of Logan Broadcasting Co., Logan, Ohio, Docket No. 17336, File No. BP-16820; Leonard E. Walk, James H. Rich, Bernard M. Friedman, Thomas W. Fletcher, Robert L. Purcell, and Raymond E. Rohrer, doing business as Upper Broadcasting Co., Upper Arlington, Ohio, Docket No. 17337, File No. BP-17039; for construction permits:

It is ordered, This 31st day of March 1967, that Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 29, 1967, at 10 a.m.; and that a prehearing conference shall be held on April 26, 1967, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: April 7, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4004; Filed, Apr. 11, 1967; 8:49 a.m.]

[Docket No. 11081, etc.; FCC 67-416]

ORANGE NINE, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Orange Nine, Inc., Orlando, Fla., Docket No. 11081, File No. BPCT-1153; Mid-Florida Television Corp., Orlando, Fla., Docket No. 11083, File No. BPCT-1801; Central Nine Corp., Orlando, Fla., Docket No. 17339, File No. BPCT-3697; Howard A. Weiss, Orlando, Fla., Docket No. 17340, File No. BPCT-3736; Florida Heartland Television, Inc., Orlando, Fla., Docket No. 17341, File No. BPCT-3737; Comint Corp., Orlando, Fla., Docket No. 17342, File No. BPCT-3738; Florida 9 Broadcasting Co., Orlando, Fla., Docket No. 17343, File No. BPCT-3739; TV 9, Inc., Orlando, Fla., Docket No. 17344, File No. BPCT-3740; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9, Orlando, Fla. The applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Ordinarily, the Commission requires applicants for a new broadcast station to show the availability of sufficient funds to construct and operate the proposed station for 1 year. Where an applicant relies, in whole or in part, on advertising revenues to meet its costs of operation in the first year, the Commission requires that the applicant demonstrate the validity of its estimate of revenues by a comprehensive showing.[1] In the present case, however, each of the applicants (except Mid-Florida), seeks to replace a station which has an established record of advertising revenues stretching over a prolonged period of time; the availability of revenues is beyond dispute. For this reason, we do not believe that it is necessary to require the applicants to meet the requirements of the Ultravision decision. We will, therefore, apply our former standard which required an applicant to show that it had sufficient funds to construct and operate the proposed station for three months without revenues. Under this standard, we find all of the applicants financially qualified except as follows: [2]

a. In connection with the application of Central Nine Corp.:

(1) Based on information contained in the application, cash of approximately $1,154,000 will be required for the construction and operation of the proposed station.[3] To meet these requirements, the applicant relies upon existing capital of $10,000, stock subscriptions of $90,000, and loans totalling $2 million, for a total of $2,100,000. The applicant relies upon revenues for the remainder.

(2) It appears that the applicant has $9,482 available to it in existing capital and not more than $78,000 available in funds from financially qualified subscribers. No balance sheet or financial statement has been furnished by Mr. J. Rolfe Davis as required by section III, paragraph 4(d), FCC Form 301; [4] Mr. Grover C. Bryan has not shown that he has current and liquid assets (as defined in paragraph 4(d), section III, FCC Form 301) in excess of current liabilities to meet his commitment to the applicant; and Mr. Clarence A. Peterson's balance sheet or financial statement does not disclose the extent of his current liabilities. The letter from Barnett First National Bank, dated November 29, 1965, upon which the applicant relies to support the availability of a loan of $2 million does not set forth the terms or conditions upon which the loan is to be made, but states that "The terms, conditions and security for such loans shall be determined at the time of borrowing and shall be acceptable to us." Moreover, the total of $2 million is to include loans to individual stockholders and, by letter dated January 7, 1966, is to include also funds which may be required in connection with the proposed interim operation of a station on Channel 9. By letter dated February 25, 1966, the bank further qualified its commitment by requiring the joint and several endorsements of all stockholders, but the stockholders have not indicated their willingness to accept such contingent liability.

b. In connection with the application of Florida 9 Broadcasting Co.:

(1) Based on information contained in the application, cash of approximately $1,718,000 will be required for the acquisition of land ($20,000), the acquisition of equipment ($1,073,000), miscellaneous expenses ($300,000) and cost of operation ($325,000). To meet these cash requirements, the applicant relies upon the availability of stock subscriptions of $100,000 and a loan of $2 million from Citizens National Bank of Orlando, totaling $2,100,000.

(2) The applicant's balance sheet shows that $11,700 has been paid in on subscriptions, but no information has been furnished as to the identity of the subscribers who have made payments on their subscriptions nor the amounts thereof. Of the 14 subscribers, only Messrs. Ferran, Nixon, Jewett, and Bryant have shown that they have current and liquid assets (as defined in section III, paragraph 4(d), FCC Form 301) in excess of current liabilities in sufficient amount to meet their commitments. Their commitments total $23,000. If none of them has paid any part of his commitment, $23,000 can be considered to be available to the applicant from subscriptions receivable, but this amount must be reduced to the extent that any of them have paid in part of their subscriptions. Thus, it appears that not more than $34,700 may be available to the applicant from subscriptions.

(3) The letter from Citizens National Bank of Orlando contains no terms or conditions, but the loan is to be made "* * * on suitable collateral, terms and conditions to be arranged at the time of the closing." It cannot be determined, therefore, that such funds will be available to the applicant or, if so, upon what terms, conditions and collateral required. Moreover, the bank's letter (dated February 25, 1966) was written before extensive changes were made by the applicant (July 6, 1966) in its stockholders and their holdings.

c. In connection with the application of TV 9, Inc.:

Based on information contained in the application, cash of approximately $677,000 will be required for the construction and operation of the proposed station.[5] To meet these costs, the applicant relies upon the availability of existing capital of $15,000, stock subscriptions of $285,000, and a loan of $1,500,000 from Citizens National Bank of Orlando. Of the 15 subscribers who are to furnish funds, only Mr. Thompson K. Cassel has shown that he has sufficient current and liquid assets in excess of current liabilities to enable him to meet his commitment to the applicant ($33,000); the other subscribers have furnished letters from banks to enable them to meet their commitments, but none of them has furnished a balance sheet or financial statement as required by section III, paragraph 4(d), FCC Form 301 (see footnote 4, supra). The letter from Citizens National Bank contains no terms or conditions, but these are to be "* * * determined at the time of borrowing and shall be acceptable to us [the bank]."

3. Because of the location of the tower proposed by Orange Nine, Inc., relative to the location of various radio station towers, in the event of a grant of its application, such grant shall be subject to an AM proximity condition. Orange Nine has also requested Commission consent to the location of its proposed main studios at the proposed transmitter site outside the corporate limits of Orlando, pursuant to § 73.613(b) of the Commission's rules, but the applicant has not made the showing required by the rules. An issue will be specified, therefore, to determine whether good cause exists for locating the main studios outside the city limits of Orlando.

4. The transmitter proposed by Mid-Florida Television Corp. has not been type-accepted by the Commission. In the event of a grant of its application, therefore, such grant shall be subject to the condition that, prior to licensing, acceptable data shall be submitted for type-acceptance in accordance with the requirements of § 73.640 of the Commission's rules.

5. As originally filed, the application (BPCT-3736) of Howard A. Weiss specified the present facilities of Station WFTV, which is being operated on a temporary basis by Mid-Florida Television Corp. On April 13, 1966, Florida Heartland Television, Inc., filed a "Petition for Dismissal of Application" requesting dismissal of the Weiss application on the grounds that he had no reason to believe that these facilities would be available to him and that the application was not, therefore, substantially complete. Florida Heartland contended that the application specifying these facilities was not filed with reasonable assurance in good faith that the facilities would be available to it [6] and because the Commission had specified a "cutoff" date [7] within which all applications for permanent authority to operate on Channel 9 in Orlando must be substantially complete and tendered for filing, the Weiss application was fatally defective. On April 29, 1966, Weiss filed his opposition thereto and simultaneously filed an amendment to his application specifying a different site.[8] Weiss contends that the amended proposal moots the petitions requesting dismissal of his application.

6. We think that this is too important a matter to warrant dismissal of bona fide applications on technical grounds; the public interest lies in enabling us to make a choice among these applicants on the basis of merit, rather than by attrition. Charles W. Jobbins et al., FCC 64-743, 3 RR 2d 302. Moreover, since our rules provide an unlimited right to amend prior to designation for hearing, Weiss merely exercised his rights and perfected his application to the extent of eliminating this objection to it. This, too, is in the public interest. The various petitions to dismiss the Weiss application as well as the applications of Florida 9 Broadcasting Co. and TV 9, Inc., will be denied.

7. On March 14, 1966, one Harold E. Scott, purporting to be the chairman of a "Committee for Channel 9," wrote a letter to the Chairman of the Commission, with copies to all applicants, and enclosed a resolution and signature sheets containing signatures of citizens or Orlando. The letter urged the Commission to continue the stewardship of Mid-Florida in the operation of the Channel 9 station. This letter was attacked by the other applicants in this proceeding [9] as being an unlawful effort, inspired, encouraged and condoned by Mid-Florida, to unilaterally influence the Commission. The charge has been categorically denied by Mid-Florida, its denial being supported by affidavits. The Commission, by its Executive Director, responded to the complaint of Central Nine Corp., by letter to Welch and Morgan (counsel for Central 9 Corp.), dated March 21, 1966, in which it was stated that § 1.1223 of the Commission's rules proscribes ex parte communications on the part of interested persons; that Mr. Scott is not an "interested person" as that term is defined in § 1.1201(e) of the rules; and that the letter was served on all parties to the proceeding and it was not, therefore, a prohibited ex parte communication.

8. We have carefully considered the various pleadings filed in connection with this incident. There is no evidence that Mid-Florida solicited, inspired or participated in the preparation of the letter; the pleadings show that Mid-Florida exercised extreme care, upon the advice of counsel, in dealing with Mr. Scott and his proposal to write his letter. Mid-Florida does not deny its knowledge of Scott's intentions nor that Mid-Florida furnished him with the names and addresses of the other applicants and their counsel (a matter of public record) as well as the names of individual citizens who had expressed to Mid-Florida an interest in helping to retain WFTV on the air. The Scott letter was a presentation from a person not an "interested person" as that term is defined in § 1.1201(e) of the rules, and a copy of the letter was served on each of the applicants. Thus, it was not a prohibited ex parte presentation as defined by § 1.1201(g)(1) of the rules.

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[2] Commissioner Johnson absent.

[1] Utravision Broadcasting Co., FCC 65-581, 5 RR 2d 343.

[2] Salter Broadcasting Co. (WBEL), FCC 67-225, released Feb. 21, 1967, Docket Nos. 17209-17219.

[3] Consisting of down payment for equipment ($326,250), curtails and interest ($70,959), down payment on land ($5,800), miscellaneous expenses ($420,000), cost of operation ($330,623). Total: $1,153,632.

[4] Persons who will furnish funds are required to submit balance sheets or financial statements although they may show the availability of bank loans in sufficient amount to meet their commitments to the applicant. Kansas State Network, Inc., FCC 66-977, 5 FCC 2d 572.

[5] Consisting of down payment for equipment ($90,797), curtails ($68,098), interest ($1,475), land ($20,000), buildings ($28,800), other items ($210,350), and costs of operation ($257,538), totaling $677,058.

[6] Citing Milam & Lansman, FCC 65R-20, 4 RR 2d 469.

[7] By order (FCC 65-1020, 1 FCC 2d 1377), the Commission, in WORZ, Inc., provided that new applications may be filed by Mar. 1, 1966, and that qualified parties who had previously filed applications could bring them up to date.

[8] In addition to the petition and opposition thereto, Florida Heartland filed a reply to the opposition on May 5, 1966. Comint Corporation filed, on May 6, 1966, a statement in support of the Florida Heartland petition and included the Florida 9 and TV 9, Inc., applications among those to be dismissed. On May 10, 1966, Mid-Florida filed a statement in support of the petition, indicating that it had no intention of making its facilities available to the other applicants in any event.

[9] The various letters and pleadings filed in connection with this incident are: (1) Letter dated Mar. 16, 1966, from counsel for Central Nine Corp.; (2) letter dated Mar. 21, 1966, from counsel for TV 9, Inc.; (3) response to (1) and (2) above, filed Mar. 29, 1966, by Mid-Florida; (4) comments, filed Apr. 4, 1966, by Central Nine Corp., in connection with (3) above; (5) statement, filed Apr. 7, 1966, by TV 9, Inc., in connection with (3) above; (6) reply, filed Apr. 13, 1966, by Mid-Florida to (4) and (5), above; (7) statement, filed Apr. 14, 1966, by Consolidated Nine, Inc., the corporation formed by and consisting of the applicants for permanent authority for the purpose of applying for an interim operation; and (8) reply, filed Apr. 20, 1966, by Mid-Florida, to (7) above.

While Scott's activities have been questioned by some of the parties, we believe that, when viewed in proper perspective, the incident is seen as an effort by well-meaning citizens to make their views known to the Commission. The pleadings contain nothing to warrant an opposite conclusion.

9. On August 15, 1966, Custom Electronics, Inc., permittee of Television Broadcast Station WPCT, Channel 31, Melbourne, Fla., filed in this proceeding a "Petition to Deny and Statement of Interest" urging that all of the above-captioned applications, except that of Orange Nine, Inc., be denied on the grounds that grant of any of them (including the applications BPCTI–7 and BPCT–3738 of Consolidated Nine, Inc., and Comint Corp. for interim authority) would have an adverse impact on development of UHF television broadcasting in the area. The applicants filed oppositions.[10] Custom alleges standing as a "party in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended, on the grounds that grant of any of the applications (save that of Orange Nine, Inc.) would cause petitioner economic injury because all of the applicants would compete for viewership and revenues in the same area as petitioner's station. We find that petitioner has standing. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 RR 2008. The petition, however, was not timely filed in accordance with the requirements of § 1.580(i) of the Commission's rules. Public notice of the acceptance for filing of the applications was given by the Commission on March 15, 1966. Custom alleges that its construction permit was not granted until June 3, 1966, and until that time it had no standing to file a petition to deny pursuant to section 309(d) of the Communications Act. We need not reach the question of whether Custom's petition, had it been filed within 30 days following grant of its construction permit, would have been timely filed because, in fact, Custom did not file its petition until several months later. The petition will, therefore, be dismissed, but we believe that a sufficient threshold showing has been made by the petitioner to warrant consideration as an informal objection filed pursuant to § 1.587 of the rules.

10. Custom alleges that, with the one exception, its predicted Grade B contour would be completely encompassed by the proposed Grade B contours of the Channel 9 applicants. The present operation of WFTV, petitioner alleges, would not overlap the UHF station's Grade B contour and there is, therefore, no objection to this operation. In view of the showing made by Custom, we believe that the question of whether a grant of any of the applications would adversely affect the ability of UHF stations in the area to compete effectively should be explored in the hearing. We believe that the most efficient way to accomplish this would be to specify a single issue applicable to all applicants. The burden of proof and the burden of proceeding with the introduction of evidence on the issue will be placed upon Custom.

11. Except as indicated by the issues specified below, the Commission finds that the applicants are qualified to construct, own and operate the proposed television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that grant of the applications would serve the public interest, convenience and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. In connection with the application of Orange Nine, Inc., to determine: Whether good cause exists for location of the main studios outside the corporate limits of Orlando, Fla., as proposed, and, if so, whether such location would be consistent with operation of the station in the public interest.

2. In connection with the application of Central Nine Corp., to determine:

(a) Whether J. Rolfe Davis, Grover C. Bryan, and Clarence A. Peterson have current and liquid assets (as defined in section III, paragraph 4(d), FCC Form 301) in excess of current liabilities in sufficient amount to meet their commitments to the applicant.

(b) The terms, conditions, and security required, if any, in connection with the proposed loan from Barnett First National Bank; whether the applicant and its principals can meet such terms and conditions; the extent to which funds from such loan will be available to the applicant as distinguished from the individual stockholders; and whether, in view of the evidence adduced, such loan will be available.

(c) Whether, in the light of the evidence adduced pursuant to the foregoing the applicant is financially qualified.

3. In connection with the application of Florida 9 Broadcasting Co., to determine:

(a) The identity of the subscribers who have paid in funds against their subscriptions and the amounts thereof and, in the light of such information, the total amount receivable from the subscriptions of Harry H. Ferran, Joseph J. Nixon, Eugene L. Jewett, and John J. Bryant.

(b) Whether the subscribers not enumerated in (a) above, have current and liquid assets (as defined in section III, paragraph 4(d), FCC Form 301) in excess of current liabilities in sufficient amount to meet their commitments to the applicant.

(c) Whether the proposed loan from Citizens National Bank of Orlando will be available to the applicant and, if so, the terms, conditions, and collateral required in connection therewith.

(d) Whether, in the light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

4. In connection with the application of TV 9, Inc., to determine:

(a) With the exception of Thompson K. Cassel, the current liabilities of each of the subscribers and the extent to which funds in excess thereof will be available to them to meet their commitments to the applicant.

(b) Whether the proposed loan from Citizens National Bank of Orlando will be available to the applicant and, if so, the terms, conditions, and collateral required in connection therewith.

(c) Whether, in the light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

5. To determine whether a grant of any of the applications would impair the ability of authorized and prospective UHF television broadcast stations in the area to compete effectively.

6. To determine which of the proposals would best serve the public interest.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the petition to deny and statement of interest filed herein by Custom Electronics, Inc., is dismissed, as untimely filed, but considered as an informal objection filed pursuant to § 1.587 of the Commission's rules, is granted to the extent indicated herein.

It is further ordered, That, upon the Commission's own motion Custom Electronics, Inc., is made a party respondent in this proceeding with respect to Issue 5 only.

It is further ordered, That the burden of proof and the burden of proceeding with the introduction of evidence with respect to Issue 5 is placed upon Custom Electronics, Inc.

It is further ordered, That the petitions filed herein requesting dismissal of the applications of Howard A. Weiss, Florida 9 Broadcasting Co., and TV 9, Inc., are denied.

It is further ordered, That the requests filed herein by Consolidated Nine, Inc., Central Nine Corp., and TV 9, Inc., to the extent that they request special issues in connection with the letter of Harold E. Scott, are denied.

It is further ordered, That, in the event of a grant of the application of Orange Nine, Inc., such grant shall be made subject to the following condition: That a skeleton proof shall be submitted on each station to prove that the directional patterns of Stations WKIS, WDBO, and WLOF have not been changed. Proofs shall consist of at least five field intensity measurements on each radial measured in connection with the original proofs of Stations WKIS, WDBO, and WLOF. Data shall include a tabulation of all pertinent meter indications and the measured fields at the monitor locations.

It is further ordered, That, in the event of a grant of the application of Mid-Florida Television Corp., such grant shall be subject to the following condition: That, prior to licensing, the permittee shall submit acceptable data for type-acceptance of its transmitter in accordance with the requirements of § 73.640 of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 29, 1967.

Released: April 7, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[11]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–4005; Filed, Apr. 11, 1967; 8:49 a.m.]

[Docket No. 11081, etc.; FCC 67M–573]

ORANGE NINE, INC., ET AL.

Order Scheduling Hearing

In re applications of Orange Nine, Inc., Orlando, Fla., Docket No. 11061, File No. BPCT–1153; Mid-Florida Television Corp., Orlando, Fla., Docket No. 11063, File No. BPCT–1801; Central Nine Corp., Orlando, Fla., Docket No. 17339, File No. BPCT–3697; Howard A. Weiss, Orlando, Fla., Docket No. 17340, File No. BPCT–3736; Florida Heartland Television, Inc., Orlando, Fla., Docket No. 17341, File No. BPCT–3737; Comint Corp., Orlando, Fla., Docket No. 17342, File No. BPCT–3738; Florida 9 Broadcasting Co., Orlando, Fla., Docket No. 17343, File No. BPCT–3739; TV 9, Inc., Orlando, Fla., Docket No. 17344, File No. BPCT–3740; for construction permit for new television broadcast station (Channel 9):

It is ordered, This 31st day of March 1967, that Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 15, 1967, at 10 a.m.; and that a prehearing conference shall be held on April 28, 1967, commencing at 10 a.m.: *And it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: April 7, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–4006; Filed, Apr. 11, 1967; 8:49 a.m.]

[Docket Nos. 17209–17219; FCC 67M–567]

SALTER BROADCASTING CO. (WBEL) ET AL.

Order Continuing Further Prehearing Conference

In re applications of Salter Broadcasting Co. (WBEL), South Beloit, Ill., Docket No. 17209, File No. BMP-11646; Great River Broadcasting, Inc., St. Louis, Mo., Docket No. 17210, File No. BP–16749; Prudential Broadcasting Co., St. Louis, Mo., Docket No. 17211, File No. BP–16752; Six-Eighty-Eight Broadcasting Co., St. Louis, Mo., Docket No. 17212, File No. BP–16753; St. Louis Broadcasting Co., St. Louis, Mo., Docket No. 17213, File No. BP–16755; Victory Broadcasting Co., Inc., St. Louis, Mo., Docket No. 17214, File No. BP–16758; Home State Broadcasting Corp., St. Louis, Mo., Docket No. 17215, File No. BP–16759; KWK Broadcasting Corp., St. Louis, Mo., Docket No. 17216, File No. BP–16760; Archway Broadcasting Corp., St. Louis, Mo., Docket No. 17217, File No. BP–16761; Clermont Broadcasting Co., St. Louis, Mo., Docket No. 17218, File No. BP–16762; Missouri Broadcasting, Inc., St. Louis, Mo., Docket No. 17219, File No. BP–16763; for construction permits:

It is ordered, This 6th day of April 1967, by the Hearing Examiner on his own motion, that the further prehearing conference now scheduled for April 12, 1967, is continued without date.

Released: April 7, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–4007; Filed, Apr. 11, 1967; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

SOUTHERN ARIZONA BANK AND TRUST CO.

Application for Exemption From Registration

Notice is hereby given that Southern Arizona Bank and Trust Co., Tucson, Ariz., a member State bank of the Federal Reserve System, has applied to the Board of Governors, pursuant to sections 12(h) and 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78l), for exemption from the registration requirements of section 12(g) of said Act.

In determining whether to grant such exemption, the Board is required by section 12(h) to consider whether, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the bank, income or assets of the bank, or otherwise, such action will be consistent with the public interest and the protection of investors.

Any interested person may, not later than 15 days after the publication of this notice in the FEDERAL REGISTER, (i) submit written comments and recommendations with respect to the application, (ii) request the holding of a hearing on the matter, stating the nature of his interest and the reason for such request, or (iii) request to be notified if the Board should order a hearing thereon. Such communication should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. At any time after the expiration of said 15 days, an order disposing of the application may be issued by the Board upon the basis of the information stated therein and other available information, unless an order for a hearing thereon shall have been issued.

Dated at Washington, D.C., this 3d day of April 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67–3962; Filed, Apr. 11, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70–4474]

CONNECTICUT LIGHT AND POWER CO.

Notice of Proposed Issue and Sale of First and Refunding Mortgage Bonds at Competitive Bidding

APRIL 6, 1967.

Notice is hereby given that the Connecticut Light and Power Co. ("CL&P"), Selden Street, Berlin, Conn. 06037, a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

CL&P proposes to issue and sell, subject to competitive bidding requirements of Rule 50 under the Act, $30 million principal amount of first and refunding mortgage bonds ---- percent, series S, due May 1, 1997. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to CL&P (which will be not less than 99 percent nor more than 102¾ percent of

[10] Oppositions were filed on Sept. 15, 1966, by Mid-Florida, Howard A Weiss, Central Nine Corp., Florida Heartland, Florida 9, TV 9, Inc., Comint and Consolidated Nine, Inc. Custom filed a reply on Sept. 27, 1967.

[11] Commissioner Johnson absent.

the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the indenture of mortgage and deed of trust dated May 1, 1921, between CL&P and Bankers Trust Co., trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of May 1, 1967.

The application states that CL&P intends to use the proceeds from the sale of the series S bonds to reduce bank loans, estimated to be outstanding in the aggregate amount of $36,500,000, at the time of such sale. Such bank borrowings have been or will be incurred to finance, in part, CL&P's 1967 construction program and to supply funds for its investment in Connecticut Yankee Atomic Power Co. CL&P expects to issue and sell short-term notes to banks later in the year in the approximate amount of $30 million to finance the balance of its construction program. Such program is expected to require total expenditures of approximately $46,500,000.

The application further states that the issue and sale of the series S bonds is subject to the jurisdiction of the Connecticut Public Utilities Commission. A statement of fees and expenses incident to the issue and sale of the series S bonds will be filed by amendment.

Notice is further given that any interested person may, not later than May 8, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4010; Filed, Apr. 11, 1967; 8:49 a.m.]

[24C-2754]

INDUSTRIAL KINETICS, INC.

Order Permanently Suspending Regulation A Exemption

APRIL 6, 1967.

Industrial Kinetics, Inc. (issuer), 1972 Grand Avenue, St. Paul, Minn., a Minnesota corporation, incorporated February 21, 1961, having its principal and only office at 1972 Grand Avenue, St. Paul, Minn., filed with the Commission on April 6, 1966, a notification on Form 1-A and an offering circular relating to a proposed offering of 165,000 shares of $0.05 par value common stock and 16,500 shares of 5 percent preferred $10 par value noncumulative stock in units of 100 shares of common and 10 shares of preferred stock for a total price per unit of $120.75 and an aggregate offering price of $200,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

The Commission, on January 16, 1967, temporarily suspended the Regulation A exemption pursuant to Rule 261 of the exemption.

At the request of issuer, a hearing was ordered to determine whether to vacate the temporary suspension or make it permanent. Thereafter the issuer submitted three alternative offers of settlement pursuant to Rule 8 of the Commission's rules of practice, one of which the Commission has determined to accept. In the offer of settlement accepted by the Commission, Industrial Kinetics, Inc., consents to the order temporarily suspending the exemption becoming permanent. The offer of settlement provides that such consent is limited to this proceeding and is given solely for purposes of settlement and without admitting any of the allegations contained in the order temporarily suspending the exemption.

It is ordered, On the basis of the temporary suspension order and the issuer's offer of settlement, that the Regulation A exemption with respect to the securities of Industrial Kinetics, Inc., be, and it hereby is, permanently suspended.

It is further ordered, That the hearing in this matter scheduled for April 10, 1967, be and it hereby is canceled.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4011; Filed, Apr. 11, 1967; 8:49 a.m.]

[70-4475]

POTOMAC EDISON CO. ET AL.

Notice of Proposed Issue and Sale, and Acquisition of Common Stock

APRIL 6, 1967.

Notice is hereby given that the Potomac Edison Co. ("Potomac Edison"), 200 East Patrick Street, Frederick, Md., an electric utility company and a registered holding company, and its subsidiary companies, the Potomac Edison Co. of Pennsylvania ("PE-Pa."), the Potomac Edison Co. of Virginia ("PE-Va.") and the Potomac Edison Co. of West Virginia ("PE-W. Va."), have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"). Potomac Edison is a subsidiary company of Allegheny Power System, Inc., also a registered holding company. Applicants-declarants have designated sections 6, 7, 9, 10, and 12 of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

PE-PA., PE-Va., and PE-W. Va. (hereinafter collectively referred to as the "Subsidiary Companies"), in order to provide funds for necessary property additions and improvements, will issue and sell, from time to time prior to December 31, 1967, to Potomac Edison shares of their authorized but unissued common stock, for a cash consideration equal to the aggregate par or stated value thereof, as follows:

Name of company	No. of shares	Cash consideration
PE-Pa.: Common stock, stated value $5 per share	180,000	$900,000
PE-Va.: Common stock, par value $100 per share	12,000	1,200,000
PE-W. Va.: Common stock, par value $100 per share	19,000	1,900,000

Potomac Edison owns all of the outstanding shares of the common stock of the Subsidiary Companies, and has pledged them under the indenture dated as of October 1, 1944, as supplemented, securing its first mortgage and collateral trust bonds. Potomac Edison will similarly pledge the shares of common stock proposed to be acquired.

The fees and expenses to be paid in connection with the issue, sale and acquisition of the shares of common stock of the Subsidiary Companies are estimated to total $670, including counsel fees of $300.

The joint application-declaration states that the Pennsylvania Public Utility Commission has jurisdiction over the issue of the common stock by PE-Pa; the State Corporation Commission of Virginia has jurisdiction over the issue and acquisition of the common stock of PE-Va.; and the Public Service Commission of West Virginia has asserted jurisdiction over the acquisition of all of the common stocks by Potomac Edison. The orders of these commissions, when issued, will be filed herein by amendment. No other State commission, or Federal commission, other than this Commission, has jurisdiction over said transactions.

Notice is further given that any interested person may, not later than May 5, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4012; Filed, Apr. 11, 1967; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 607]

WISCONSIN

Declaration of Disaster Area

Whereas, it has been reported that during the months of March and April 1967, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Wisconsin;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in those counties in western Wisconsin bordering the Mississippi River and its tributaries, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about March 30, 1967, and continuing thereafter.

OFFICES

Small Business Administration Regional Office, 816 Second Avenue South, Minneapolis, Minn. 55402.

Small Business Administration Regional Office, 25 West Main Street, Madison, Wis. 53703.

2. Temporary offices will be established at such other areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to October 31, 1967.

Dated: April 4, 1967.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 67-3978; Filed, Apr. 11, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 7, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, and subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC-4470, Sub 4, filed March 21, 1967. Applicant: POTTER FREIGHT LINES, INC., Post Office Box 418, Sparta, Tenn. Applicant's representative: Clarence Evans, 710 Third National Bank Building, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except used household goods and commodities in bulk), amending certificate No. 296A so as to authorize service at the intermediate point of McMinnville with the certificate as amended to be used in conjunction with all of applicant's other operating authority, and amending certificate No. 296A by eliminating the prohibition against service between Chattanooga and McMinnville. The purpose and effect of this application and these amendments is and will be to authorize service between McMinnville and all other points now served by applicant. Applicant seeks authority in interstate commerce coextensive with that sought in intrastate commerce. Applicant operates, generally, in the Nashville-Chattanooga-Knoxville area, transporting property except used household goods and commodities in bulk (with exceptions and additions not material here), in both intrastate and interstate (by registration) commerce.

HEARING: Tuesday, May 23, 1967, at 9:30 a.m., Tennessee Public Service Commission, Commission's Courtroom, C-1-110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., and should not be directed to the Interstate Commerce Commission.

State Docket No. 8870-CCT, filed March 28, 1967. Applicant: ARTHUR N. LLOYD, INC., Post Office Box 247, Cocoa, Fla. 32923. Applicant's representative: Harry H. Mitchell, Post Office Box 806, Tallahassee, Fla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities,* except those of unusual value, classes A and B explosives, commodities requiring special equipment, such as: (1) Commodities requiring refrigeration, (2) commodities requiring tank trucks or transportation by which the container for the commodity is a part of any motor vehicle or trailer, to, from and between all points and places in the following counties, in Florida, over irregular routes and on irregular schedules: St. Lucie, Indian River, Brevard, Volusia, Seminole, Orange, Polk, Lake, and Osceola. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3990; Filed, Apr. 11, 1967; 8:47 a.m.]

[Notice 441]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 7, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1

(c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 94), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed March 27, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Amity Hall, Pa., over U.S. Highway 11 to the junction of the New Camp Hill Bypass, thence over the New Camp Hill Bypass to Harrisburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Amity Hall, Pa., and Harrisburg, Pa., over U.S. Highway 22.

No. MC 30139 (Deviation No. 1), HOLMES TRANSPORTATION, INC., 550 Cochituate Road, Framingham, Mass. 01706, filed March 29, 1967. Carrier's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Boston, Mass., over Interstate Highway 93 to junction U.S. Highway 3, north of Plymouth, N.H., (2) from junction U.S. Highway 3 and Massachusetts Highway 128, in Burlington, Mass., over relocated U.S. Highway 3 to Tyngsboro, Mass., (3) from Nashua, N.H., over the Everett Turnpike to Manchester, N.H., and (4) from New Haven, Conn., over Interstate Highway 91 to White River Junction, Vt., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Boston, Mass., over U.S. Highway 3 via Plymouth, N.H., to Twin Mountain, N.H. (also from Boston over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 28 to junction U.S. Highway 3 at or near Manchester, N.H.), (2) from junction U.S. Highway 3A (formerly U.S. Highway 3) and Massachusetts Highway 128, over U.S. Highway 3A to Tyngsboro, Mass., (3) from Nashua, N.H., over U.S. Highway 3 to Manchester, N.H., and (4) from New Haven, Conn., over U.S. Highway 5 to White River Junction, Vt., and return over the same routes.

No. MC 69281 (Deviation No. 2), THE DAVIDSON TRANSFER & STORAGE CO., 6201 Pulaski Highway, Baltimore, Md. 21203, filed March 30, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Baltimore, Md., and Harrisburg, Pa., over Interstate Highway 83, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Harrisburg, Pa., and Baltimore, Md., over U.S. Highway 111 (now Maryland Highway 45).

No. MC 69281 (Deviation No. 3), THE DAVIDSON TRANSFER & STORAGE CO., 6201 Pulaski Highway, Baltimore, Md. 21203, filed March 30, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over the John F. Kennedy Expressway (Maryland Northeastern Expressway and Delaware Turnpike, Interstate Highway 95) to junction with the New Jersey Turnpike at the Delaware Memorial Bridge, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore, Md., over U.S. Highway 40 to Pennsville, N.J., thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 69281 (Deviation No. 4), THE DAVIDSON TRANSFER & STORAGE CO., 6201 Pulaski Highway, Baltimore, Md. 21203, filed March 30, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 85 to junction Interstate Highway 26, thence over Interstate Highway 26 to Asheville, N.C., and (2) from Atlanta, Ga., over Interstate Highway 85 to junction U.S. Highway 25, thence over U.S. Highway 25 to junction Interstate Highway 26, thence over Interstate Highway 26 to Asheville, N.C., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Atlanta, Ga., over Georgia Highway 13 to Buford, Ga., and (2) from Buford, Ga., over U.S. Highway 23 to Asheville, N.C., and return over the same routes.

No. MC 116004 (Deviation No. 9), TEXAS OKLAHOMA EXPRESS, INC., 2515 Irving Boulevard, Dallas, Tex. 75221, filed March 30, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 35 and Texas Highway 458 at or near Denton, Tex., over Texas Highway 458 to junction Texas Highway 99 at Pilet Point, Tex., thence over Texas Highway 99 to the Texas-Oklahoma State line, thence over Oklahoma Highway 99 to Ada, Okla., thence over Oklahoma Highway 13 to junction Oklahoma Highway 39, thence over Oklahoma Highway 39 to junction Interstate Highway 35 at Purcell, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Denton, Tex., and Purcell, Okla., over U.S. Highway 77.

MOTOR CARRIERS OF PASSENGERS

No. MC 29957 (Deviation No. 8), CONTINENTAL SOUTHERN LINES, INC., Box 4107, Alexandria, La. 71301, filed March 30, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers or in a separate vehicle, over a deviation route as follows: From Baton Rouge, La., over Interstate Highway 10 to junction Interstate Highway 12, thence over Interstate Highway 12 to junction U.S. Highway 61, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: between Baton Rouge, La., and New Orleans, La., over U.S. Highway 61.

No. MC 29957 (Deviation No. 9) (Cancels Deviations No. 1, No. 2, No. 3 and No. 7), CONTINENTAL SOUTHERN LINES, INC., Box 4107, Alexandria, La. 71301, filed March 30, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers or in a separate vehicle, over a deviation routes as follows: (1) From Memphis, Tenn., over Interstate Highway 40 to junction U.S. Highway 45, (2) from junction Interstate Highway 40 and U.S. Highway 45 over Interstate Highway 40 to Nashville, Tenn., (3) from Memphis, Tenn., over Interstate Highway 40 to junction Tennessee Highway 20, thence over Tennessee Highway 20 to Jackson, Tenn., and (4) from junction Tennessee Highway 20 and U.S. Highway 70 (approximately 5 miles northeast of Jackson, Tenn.), over U.S. Highway 70 to junction Interstate Highway 40, thence over Interstate Highway 40 to Nashville, Tenn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Memphis, Tenn., over U.S. Highway 64 to Whiteville, Tenn., thence over Tennessee Highway 100 to junction Tennessee Highway 18, thence over Tennessee Highway 18 to Jackson, Tenn., thence over Tennessee Highway 20 to Parsons, Tenn., thence over Tennessee Highway 100 to Nashville, Tenn., and (2) from Jackson, Tenn., over U.S. Highway 45 to junction U.S. Highway 45E, thence over U.S. Highway 45E to Milan, Tenn., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3991; Filed, Apr. 11, 1967; 8:48 a.m.]

[Notice 1047]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 7, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 65626 (Sub-No. 18), filed April 4, 1967. Applicant: FREDONIA EXPRESS, INC., 320 Eagle Street, Fredonia, N.Y. 14063. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles) (1) from points in Erie, Genessee, Livingston, Monroe, Niagara, Orleans, and Wyoming Counties, N.Y., to points in Maine, New Hampshire, Vermont, and Rhode Island, and (2) from points in Yates and Ontario Counties, N.Y., to points in Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine.

HEARING: May 2, 1967, in Room 410, Federal Office Building, 121 Ellicott Street, Buffalo, N.Y., before Examiner Richard A. White.

No. MC 97275 (Sub-No. 19) (Republication), filed December 13, 1965, published FEDERAL REGISTER issue of January 19, 1966, and republished this issue. Applicant: ESTES EXPRESS LINES, a corporation, 1405 Gordon Avenue, Richmond, Va. 23224. Applicant's representative: Francis W. McInerny, Suite 602, Solar Building, 1000 16th Street NW., Washington, D.C. 20006. That by order of October 19, 1966, the Commission, Finance Board No. 1, approved in No. MC-F-9292, the purchase by applicant of the operating rights and property of Coastal Freight Lines, Inc., MC 109483, and in MC 97275 (Sub-No. 19) granted a certificate of public convenience and necessity to applicant, authorizing continuance of the operations and services lawfully provided under its certificate of registration. By order of January 5, 1967, the Commission, Finance Board No. 1, reopened the proceedings for reconsideration, and authorized applicant to operate under the operating rights granted in No. MC 109483, as modified, which rights, as so modified, were therein authorized to be unified with the operating rights granted in No. MC 97275 (Sub-No. 19) and to be embraced in a certificate to be issued in its name, with duplications eliminated, subject to the cancellation of the certificate of registration in No. MC 97275 (Sub-Nos. 14, 15, 16, 17, and 18). A supplemental order of the Commission, Finance Board No. 1, dated March 17, 1967, and served March 30, 1967, as modified, finds that the order of October 19, 1966, as modified by order of January 5, 1967 shall remain in full force and effect; therefore, the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a common carrier by motor vehicle, over regular routes, of *general commodities* (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment).

(1) Between Norfolk, Va., and Manteo, N.C.: From Norfolk over Virginia Highway 170 to the Virginia-North Carolina State line, thence over North Carolina Highway 170 to junction North Carolina Highway 34, thence over North Carolina Highway 34 to Barco, N.C., thence over U.S. Highway 158 to Manteo, serving the off-route points on Roanoke Island, N.C.; (2) between Elizabeth City and Sligo, N.C., over North Carolina Highway 170; (3) between Manteo and Stumpy Point, N.C.: From Manteo over North Carolina Highway 345 to Croatan Sound, N.C., thence by ferry to Manns Harbor, N.C., thence over unnumbered highway to Stumpy Point, serving the off-route point of East Lake, N.C.; (4) between Richmond and South Boston, Va.: (a) From Richmond over U.S. Highway 1 (also over U.S. Highway 301, or Interstate Highway 95) to Petersburg, Va., thence over U.S. Highway 1 to South Hill, Va., thence over U.S. Highway 58 to South Boston; (b) from Richmond to South Hill, Va., over routes specified in (a) above, thence over Virginia Highway 47 to Barnes Junction, Va., thence over U.S. Highway 360 to Halifax, Va., thence over U.S. Highway 501 to South Boston; and (c) from Richmond to Petersburg over routes specified in (a) above, thence over U.S. Highway 460 to Blackstone, Va., thence over Virginia Highway 40 to Victoria, Va., or from Blackstone, Va., over U.S. Highway 460 to Nottoway, Va., thence over Virginia Highway 625 to junction Virginia Highway 49, thence over Virginia Highway 49 to Victoria, Va., thence over Virginia Highway 49 to Chase City, Va., thence over Virginia Highway 47 to Barnes Junction, Va., thence over U.S. Highway 360 to junction Virginia Highway 304, thence over Virginia Highway 304 to Boston. Restriction: No freight shall be both originated and delivered between Richmond and Petersburg, Va., and points intermediate thereto.

(5) Between Amelia and Waverly, Va.: From Amelia over Virginia Highway 614 to junction Virginia Highway 625, thence over Virginia Highway 625 to Blackstone, Va., thence over Virginia Highway 40 to Waverly, serving Amelia, and Waverly, for joinder only; (6) between junction U.S. Highway 460 and Virginia Highway 153 and junction U.S. Highway 460 and Virginia Highway 156: From junction U.S. Highway 460 and Virginia Highway 153, over Virginia Highway 153 to junction Virginia Highway 708, thence over Virginia Highway 708 to Sutherland, Va., thence over U.S. Highway 460 to junction Virginia Highway 627, thence over Virginia Highway 627 to Dinwiddie, Va., thence over Virginia Highway 703 to Carson, Va., thence over U.S. Highway 301 to junction Virginia Highway 156, thence over Virginia Highway 156 to junction U.S. Highway 460, serving junction U.S. Highways 460 and Virginia Highway 156 for joinder only, (7) between Blackstone and Wakefield, Va.: From Blackstone, over Virginia Highway 40 to junction Virginia Highway 46, thence over Virginia Highway 46 to Lawrenceville, Va., thence over U.S. Highway 58 to Edgerton, Va., thence over Virginia Highway 712 to junction Virginia Highway 608, thence over Virginia Highway 608 to Jarratt, Va., thence over Virginia Highway 631 to junction Virginia Highway 35, thence over Virginia Highway 35 to junction Virginia Highway 622, thence over Virginia Highway 622 to junction Virginia Highway 620, thence over Virginia Highway 620 to Wakefield, serving Dundas, Va., as an off-route point and serving Wakefield, for joinder only.

(8) Between South Boston and Suffolk, Va.: (a) From South Boston, over U.S. Highway 501 to junction Virginia Highway 96, thence over Virginia Highway 96 to Virgilina, Va., thence over Vir-

ginia Highway 49 to junction U.S. Highway 58, thence over U.S. Highway 58 to Suffolk, and (b) from South Boston, over U.S. Highway 58 to Broadnax, Va., thence over Virginia Highway 659 to junction Virginia Highway 611, thence over Virginia Highway 611 to Emporia, Va., thence over Virginia Highway 730 to junction Virginia Highway 195, thence over Virginia Highway 195 to Boykins, Va., thence over Virginia Highway 35 to junction Virginia Highway 673, thence over Virginia Highway 673 to junction Virginia Highway 684, thence over Virginia Highway 684 to junction U.S. Highway 258, thence over U.S. Highway 258 to Franklin, Va., thence over U.S. Highway 258 to the Virginia-North Carolina State line, thence over U.S. Highway 258 to junction Virginia Highway 189, thence over Virginia Highway 189 to Holland, Va., thence over Virginia Highway 653 to junction Virginia Highway 616, thence over Virginia Highway 616 to Whaleyville, Va., thence over U.S. Highway 13 to Suffolk, serving Hercules, Va., as an off-route point; (9) between Kenbridge, Va., and junction U.S. Highway 360 and Virginia Highway 646: From Kenbridge, over Virginia Highway 637 to South Hill, Va., thence over U.S. Highway 1 to the Virginia-North Carolina State line, thence return over U.S. Highway 1 to junction Virginia Highway 712, thence over Virginia Highway 712 to junction Virginia Highway 4, thence over Virginia Highway 4 to junction Virginia Highway 707, thence over Virginia Highway 707 to Boydton, Va., thence over Virginia Highway 92 to Chase City, Va., thence over Virginia Highway 646 to junction U.S. Highway 360, serving the junction of U.S. Highway 360 and Virginia Highway 646, for joinder only.

(10) Between La Crosse, Va. and junction Virginia Highway 40 and Virginia Highway 635: From La Crosse over Virginia Highway 618 to junction Virginia Highway 637, thence over Virginia Highway 637 to South Hill, Va., thence over U.S. Highway 1 to junction Virginia Highway 664, thence over Virginia Highway 664 to junction Virginia Highway 635, thence over Virginia Highway 635 to junction Virginia Highway 40; (11) between Ford and Lawrenceville, Va.: From Ford over Virginia Highway 622 to junction Virginia Highway 610, thence over Virginia Highway 610 to junction Virginia Highway 40, thence over Virginia Highway 40 to McKenney, Va., thence over U.S. Highway 1 to junction Virginia Highway 712, thence over Virginia Highway 712 to Edgerton, Va., thence over U.S. Highway 58 to junction Virginia Highway 670, thence over Virginia Highway 670 to junction Virginia Highway 46, thence over Virginia Highway 46 to the Virginia-North Carolina State line, thence return over Virginia Highway 46 to Lawrenceville; (12) between Petersburg, Va. and the Virginia-North Carolina State line: Over U.S. Highway 301 (also over Interstate Highway 95); (13) between Petersburg and Windsor, Va.: From Petersburg over U.S. Highway 301 to junction Virginia Highway 35 (also from Petersburg over Interstate Highway 95), thence over Virginia Highway 35 to Courtland, Va., thence over Virginia Highway 616 to junction Virginia Highway 603, thence over Virginia Highway 603 to junction U.S. Highway 258, thence over U.S. Highway 258 to Windsor, serving Windsor for joinder only.

(14) Between Dinwiddie and Wakefield, Va.: From Dinwiddie, over Virginia Highway 619 to Emporia, Va., thence over Virginia Highway 730 to junction Virginia Highway 653, thence over Virginia Highway 653 to junction Virginia Highway 35, thence over Virginia Highway 35 to junction Virginia Highway 628, thence over Virginia Highway 628 to Wakefield, serving Wakefield for joinder only; (15) between Ivor and Windsor, Va.: From Ivor, over Virginia Highways 616, 603, and 641 to junction U.S. Highway 58, thence over U.S. Highway 58 to junction U.S. Highway 258, thence over U.S. Highway 258 to Windsor, serving Ivor and Windsor for joinder only; (16) between Disputanta and Drewryville, Va.: From Disputanta, over Virginia Highway 618 to junction Virginia Highway 627, thence over Virginia Highway 627 to junction Virginia Highway 35, thence over Virginia Highway 35 to junction Virginia Highway 626, thence over Virginia Highway 626 to Sussex, Va., thence over Virginia Highway 735 to junction Virginia Highways 659 and 308, thence over Virginia Highway 308 to junction U.S. Highway 58, thence over U.S. Highway 58 to junction Virginia Highway 659, thence over Virginia Highway 659 to Drewryville (also from junction Virginia Highways 735, 659, and 308, over Virginia Highway 659 to Drewryville), serving Disputanta for joinder only.

(17) Between junction U.S. Highway 460 and Virginia Highway 611 and junction Virginia Highway 610 and Virginia Highway 153: From junction U.S. Highway 460 and Virginia Highway 611 over Virginia Highway 611 to junction Virginia Highway 708, thence over Virginia Highway 708 to junction Virginia Highway 610, thence over Virginia Highway 610 to junction Virginia Highway 153; (18) between Mannboro, Va., and junction Virginia Highways 612 and 153 over Virginia Highway 612; (19) between Darvills, Va., and junction U.S. Highway 1 and Virginia Highway 613 over Virginia Highway 613; (20) between Barnes Junction and Chase City, Va.: From Barnes Junction over U.S. Highway 15 to the Virginia-North Carolina State line, thence return over U.S. Highway 15 to junction Virginia Highway 49, thence over Virginia Highway 49 to Chase City; (21) between junction Virginia Highways 304 and 344 and Staunton River State Park, Va., over Virginia Highway 344; (22) between junction U.S. Highway 58 and Virginia Highway 4 and junction Virginia Highways 4 and 707 over Virginia Highway 4; (23) between junction Virginia Highways 40 and 626 and junction Virginia Highways 626 and 619 over Virginia Highway 626; (24) between Courtland, Va., and junction Virginia Highways 35 and 673 over Virginia Highway 35; (25) between Courtland, Va., and junction Virginia Highways 646 and 641 over Virginia Highway 646; (26) between junction U.S. Highway 58 and Virginia Highway 641 and junction Virginia Highway 641 and U.S. Highway 258 over Virginia Highway 641.

(27) Between Suffolk and Norfolk, Va., (a) over U.S. Highway 460, (b) over U.S. Highway 58, (c) over U.S. Highway 337, and (d) from Suffolk over routes specified in (a), (b), and (c) above to Bowers Hill, Va., thence over U.S. Highway 13 to Norfolk; (28) between Richmond and Norfolk, Va.: From Richmond, over U.S. Highway 60 to Seven Pines, Va. (also from Richmond, over Virginia Highway 33 to Seven Pines), thence over U.S. Highway 60 to Bottoms Bridge, Va., thence over Virginia Highway 33 to Glenns, Va., thence over U.S. Highway 17 to Yorktown, Va., thence over Virginia Highway 238 to junction Interstate Highway 64 and Virginia Highway 168, thence over Interstate Highway 64 and Virginia Highway 168 to junction U.S. Highway 17, thence over U.S. Highway 17 to junction U.S. Highway 13, thence over U.S. Highway 13 to Norfolk (also from junction U.S. Highway 17 over Virginia Highway 168 and Interstate Highway 64 to junction U.S. Highway 60, thence over Virginia Highway 168, Interstate Highway 64, or U.S. Highway 60 to Norfolk).

(29) Between Talleysville, Va., and junction Virginia Highways 156 and 33: From Talleysville over Virginia Highway 609 to junction Virginia Highway 606, thence over Virginia Highway 606 to junction U.S. Highway 360, thence over U.S. Highway 360 to Mechanicsville, Va., thence over Virginia Highway 156 to junction Virginia Highway 33; (30) between Richmond, Va., and the Virginia-District of Columbia State line: From Richmond, over U.S. Highway 360 to Tappahannock, Va., thence over U.S. Highway 17 to Fredericksburg, Va., thence over U.S. Highway 1 to the Virginia-District of Columbia State line (also from Fredericksburg, over Interstate Highway 95 to the Virginia-District of Columbia State line), serving Franconia, Va., as an off-route point. Restriction: No freight shall be both originated and delivered between Fredericksburg, Va., and the Virginia-District of Columbia State line; (31) between Adner, Va., and junction Virginia Highways 30, 168, and 168Y: From Adner over Virginia Highway 14 to St. Stephens Church, Va., thence over U.S. Highway 360 to Aylett, Va., thence over Virginia Highway 600 to junction Virginia Highway 601, thence over Virginia Highway 601 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction Virginia Highway 30, thence over Virginia Highway 30 to junction Virginia Highways 168 and 168Y, serving Walkerton, Va., as an off-route point, and junction Virginia Highways 168 and 168Y, for joinder only.

(32) Between White Stone and St. Stephens Church, Va.: From White Stone, over Virginia Highway 3 to junction Virginia Highway 33, thence over Virginia Highway 33 to junction U.S. Highway 17, thence over U.S. Highway 17 to Glenns, Va., thence over U.S. Highway 17 to Tappahannock, Va., thence over Virginia Highway 627 to junction Virginia Highway 630, thence over Virginia Highway 630 to junction Virginia Highway 721, thence over Virginia Highway 721 to junction U.S. Highway 301, thence return over Virginia Highway 721 to St. Stephens Church, serving junction Virginia Highway 721 and U.S. Highway 301 for joinder only; (33) between Lester Manor, Va., and junction Virginia Highways 30, 633, and 632, over Virginia Highways 632 or 633; (34) between Urbana, Va., and junction Virginia Highways 33 and 227 over Virginia Highway 227; (35) between Bowling Green, Va., and junction Virginia Highways 628 and 600: From Bowling Green over U.S. Highway 301 to Port Royal, Va., thence over U.S. Highway 301 to junction U.S. Highway 17, thence over U.S. Highway 17 to junction Virginia Highway 642, thence over Virginia Highway 642 to junction Virginia Highway 625, thence over Virginia Highway 625 to junction Virginia Highway 628, thence over Virginia Highway 628 to junction Virginia Highway 600. Restriction: No freight to be picked up or delivered at Bowling Green, or the terminal area of Bowling Green, except Camp A. P. Hill, Va., serving Bowling Green for joinder only.

(36) Between Camp A. P. Hill, Va., and junction Virginia Highways 630 and 608 over Virginia Highway 608; (37) between junction U.S. Highway 17 and Virginia Highway 631 and junction Virginia Highways 635 and 627: From junction Virginia Highway 631 and U.S. Highway 17 over Virginia Highway 631 to junction Virginia Highway 635, thence over Virginia Highway 635 to junction Virginia Highway 627; (38) between Falmouth and Stafford Court House, Va.: From Falmouth, over Virginia Highway 664 to junction Virginia Highway 607, thence over Virginia Highway 607 to junction Virginia Highway 608, thence over Virginia Highway 608 to junction Virginia Highway 687, thence over Virginia Highway 687 to Stafford Court House; (39) between junction U.S. Highway 1 and Virginia Highway 611 and Wide Water, Va., over Virginia Highway 611; (40) between junction Interstate Highway 95 and the Marine Corps Trunk Highway, Va., and the Potomac River over the Marine Corps Trunk Highway; (41) between junction U.S. Highway 1 and Virginia Highway 633 and the Potomac River over Virginia Highway 633; (42) between Woodbridge and Occoquan, Va., over Virginia Highway 123.

(43) Between Hollowing Point and Springfield (Garfield), Va.: From Hollowing Point over Virginia Highway 600 to junction Virginia Highway 242, thence over Virginia Highway 242 to junction Virginia Highway 600, thence over Virginia Highway 600 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Virginia Highway 642, thence over Virginia Highway 642 to Lorton, Va., thence over Virginia Highway 642 to Interstate Highway 95, thence over Interstate Highway 95 to junction Virginia Highway 638, thence over Virginia Highway 638 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction Virginia Highway 611, thence over Virginia Highway 611 to junction Virginia Highway 241, thence over Virginia Highway 241 to Alexandria, Va., thence over Virginia Highway 967 to junction Virginia Highway 644, thence over Virginia Highway 644 to Springfield. Restriction: No freight shall be both originated and delivered, between Fredericksburg, Va., and Virginia-District of Columbia State line; (44) between Alexandria and Winchester, Va.: From Alexandria over Virginia Highway 7 to Falls Church, Va. (also from Rosslyn, Va., over Virginia Highway 211 to Falls Church), thence over Virginia Highway 7 to Winchester, serving Ashburn, Gaylord, Hillsboro, Government Weather Bureau Mine, Lovettsville, Lucketts, Waterford, and Wheatland, Va., as off-route points; (45) between Dulles International Airport, Va., and junction Dulles Airport Road and Interstate Highway 66 over Dulles Airport Road.

(46) Between Langley (Fairfax County), Va., and junction Virginia Highways 7 and 606: From Langley over Virginia Highway 193 to Dranesville, Va., thence over Virginia Highway 7 to junction Virginia Highway 28, thence over Virginia Highway 28 to Herndon, Va., thence over Virginia Highway 606 to junction Virginia Highway 7, serving Sunset Hills, Va., as an off-route point; (47) between junction U.S. Highway 522 and the Virginia-West Virginia State line and junction U.S. Highway 50 and the Virginia-West Virginia State line: From the Virginia-West Virginia State line over U.S. Highway 522 to Winchester, Va., thence over U.S. Highway 50 to the Virginia-West Virginia State line, and return over the same routes serving all intermediate points in (1) through (47) above, except where otherwise restricted, and service is authorized in connection with said routes on that portion of Interstate Highway 495 located in Virginia; (48) between Richmond, Va., and junction Virginia Highway 47 and U.S. Highways 15 and 360 over U.S. Highway 360; (49) between Petersburg and Suffolk, Va., over U.S. Highway 460.

(50) Between Richmond and Norfolk, Va., (a) over U.S. Highway 60; (b) from Richmond over U.S. Highway 60 to junction Virginia Highway 168Y, thence over Virginia Highway 168Y to junction Virginia Highway 168, thence over Virginia Highway 168 to junction U.S. Highway 60, thence over U.S. Highway 60 (also from junction Virginia Highway 168 and 168Y, over Interstate Highway 64) to Norfolk; and (c) over Interstate Highway 64; (51) between Tappahannock and Greys Point, Va.: From Tappahannock over U.S. Highway 360 to junction Virginia Highway 3, thence over Virginia Highway 3 to Greys Point; (52) between Richmond and Fredericksburg, Va., (a) over Interstate Highway 95; (b) from Richmond over U.S. Highway 1 to junction Virginia Highway 54, thence over Virginia Highway 54 to junction Interstate Highway 95, thence over Interstate Highway 95 to Fredericksburg; (c) from Richmond over U.S. Highway 1 to junction Virginia Highway 54, thence over Virginia Highway 54 to junction U.S. Highway 301, thence over U.S. Highway 301 to Bowling Green, Va., thence over Virginia Highway 2 to junction U.S. Highway 17, thence over U.S. Highway 17 to Fredericksburg; and (d) from Richmond over Interstate Highway 95 to junction Virginia Highway 54, thence over Virginia Highway 54 to junction U.S. Highway 301, thence over U.S. Highway 301 to Bowling Green, Va., thence over Virginia Highway 2 to junction U.S. Highway 17, thence over U.S. Highway 17 to Fredericksburg; and (53) between Bowling Green, Va., and junction Interstate Highway 95 and Virginia Highway 207 over Virginia Highway 207, and return over the same routes, serving no intermediate points, as alternate routes for operating convenience only in (48) through (53) above.

Service is not authorized to or from points in the District of Columbia or Maryland; that applicant is fit, willing, and able properly to perform such service and conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that a certificate shall be issued subject, however, to the condition that the authority granted, to the extent it authorizes transportation of classes A and B explosives, shall be limited, in point of time, to a period expiring 5 years from the date of the certificate. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111729 (Sub-No. 164) (Republication), filed July 21, 1966, published FEDERAL REGISTER issue of August 25, 1966, and republished this issue. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. By application filed July 21, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of: (1) Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies (consisting of labels, envelopes and packaging materials) and advertising literature moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Cleveland, Ohio, on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Maryland, (b) between Cincinnati, Ohio, on the one hand, and, on the other, points in Kentucky, (c) be-

tween Baltimore, Md., on the one hand, and, on the other, points in Maryland, (d) between Richmond, Va., on the one hand, and, on the other, points in Virginia, (e) between Boston, Mass., on the one hand, and, on the other, Lewiston and Portland, Maine, and Concord, Laconia, and Nashua, N.H., and (f) between Glenside, Pa., on the one hand, and, on the other, Baltimore, Md., and Newark and Trenton, N.J.; (2) dentures, articulators, impressions, models, bites and products relating to restorative dentistry, between Charleston, W. Va., on the one hand, and, on the other, points in Kentucky, Ohio, and Pennsylvania.

(3) Advertising media including layouts, copy, artwork, tearsheets and photos and accompanying documents, between points in Hartford County, Conn., and New York, N.Y.; (4) oil samples and accompanying documents, between La Guardia and John F. Kennedy Airports, N.Y., and Newark, N.J., on the one hand, and, on the other, points in Connecticut; (5) oil samples, small hardware, advertising materials, maps, promotion items limited to shipments not to exceed 50 pounds per shipment, between points in Middlesex County, N.J., on the one hand, and, on the other, points in Hartford and New London Counties, Conn.; Baltimore, Md., and Philadelphia, Pa; (6) checks, business papers, and records, payroll records, audit, and accounting media, and sales and advertising pamphlets moving therewith (excluding plant removals), (a) between points in Middlesex County, N.J., on the one hand, and, on the other, points in Hartford and New London Counties, Conn.; Baltimore, Md.; and Philadelphia, Pa.; (b) between Orange, N.J., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New York, Pennsylvania, and Rhode Island, and the District of Columbia; (c) between Baltimore, Md., and Lancaster, Pa.; (d) between Alexandria, Va., and York, Pa.; (e) between Cleveland, Ohio, on the one hand, and, on the other, points in New York; and (7) ophthalmic goods and commercial papers (excluding plant removals), between Cleveland, Ohio, and Grand Rapids, Mich.

An order of the Commission, Operating Rights Board No. 1, dated March 16, 1967, and served April 3, 1967, as amended, find that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of (1) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theatre and television exhibition), (a) between Cleveland, Ohio, on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Maryland, (b) between Cincinnati, Ohio, on the one hand, and, on the other, points in Kentucky, (c) between Baltimore, Md., on the one hand, and, on the other, points in Maryland, (d) between Richmond, Va., on the one hand, and, on the other, points in Virginia, (e) between Boston, Mass., on the one hand, and, on the other, Lewiston and Portland, Maine, and Concord, Laconia, and Nashua, N.H., and (f) between Glenside, Pa., on the one hand, and, on the other, Baltimore, Md., and Newark and Trenton, N.J.; (2) *dentures, articulators, impressions, models, bites and products relating to restorative dentistry*, between Charleston, W. Va., on the one hand, and, on the other, points in Kentucky, Ohio, and Pennsylvania: (3) *advertising media and accompanying documents*, between points in Hartford County, Conn., and New York, N.Y.

(4) *Oil samples and accompanying documents*, between La Guardia and John F. Kennedy Airports, N.Y., and Newark, N.J., on the one hand, and, on the other, points in Connecticut; (5) *oil samples, small hardware, advertising materials, maps, promotion items*, between points in Middlesex County, N.J., on the one hand, and, on the other, points in Hartford and New London Counties, Conn., Baltimore, Md., and Philadelphia Pa., restricted against the transportation of packages of articles weighing in the aggregate more than 50 pounds from one consignor to one consignee or any one day; (6) *checks, business papers and records, payroll records, audit, and accounting media and sales and advertising pamphlets* moving therewith (except cash letters), (a) between points in Middlesex County, N.J., on the one hand, and, on the other, points in Hartford and New London Counties, Conn., Baltimore, Md., and Philadelphia, Pa.; (b) between Orange, N.J., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New York, Pennsylvania and Rhode Island, and the District of Columbia; (c) between Baltimore, Md., and Lancaster, Pa.; (d) between Alexandria, Va., and York, Pa.; (e) between Cleveland, Ohio, on the one hand, and, on the other, points in New York; and (7) *ophthalmic goods and commercial papers* (except cash letters), between Cleveland, Ohio, and Grand Rapids, Mich.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that subsequent to or concurrently with issuance of certificates to applicant in Nos. MC–111729 (Sub-Nos. 169, 170, and 171), MC–126745 (Sub-No. 19), and MC–127431 (Sub-No. 8), an appropriate certificate should be issued. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, as notice of the common carrier authority of which a need is found in this order will be pubished in the FEDERAL REGISTER, and for a period of 30 days from the date of such publication, any proper party in interest may file an appropriate petition for leave to intervene in this proceeding.

No. MC 117368 (Sub-No. 2EX) (Republication), filed July 18, 1966, published FEDERAL REGISTER issue of August 25, 1966, and republished this issue. Applicant: EDMOUR L. PELLETIER, doing business as IDYLLWILD FREIGHT LINES, Post Office Box 126, Hemet, Calif. Applicant's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. By application filed July 18, 1966, under the provisions of section 204(a)(4a) of the Interstate Commerce Act, applicant seeks a certificate of exemption from compliance with the provisions of Part II of the act in connection with operations as a common carrier by motor vehicle, over regular routes of (A) used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A, (B) automobiles, trucks, and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, truck and trailers combined, buses and bus chassis, (C) livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stage, or swine, (D) commodities requiring the use of special refrigeration or temperature control in specially designed or constructed refrigerated equipment, (E) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles, (F) commodities when transported in bulk, in dump truck or hopper-type trucks, (G) commodities when transported in motor vehicles equipped for mechanical mixing in transit, (H) logs, (I) articles of extraordinary value, as set forth in Rule 3 of Western Classification No. 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.

(J) Commodities likely to contaminate or damage other freight, and (K) explosives, as described in and subject to the regulations of Agent H. A. Campbell's Tariff No. 10, over the routes indicated below. An order of the Commission, Operating Rights Board No. 1, dated March 16, 1967, and served April 5, 1967, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *general commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), (1) between Hemet and Pinyon Flats, Calif., over California Highway 74, (2) between junction Riverside County Highway R1 and California Highway 74 at Mountain Center, Calif., and the Twin Pines Ranch, approximately 8 miles south of the city of Banning, Calif., over Riverside County Highway R1, and (3) between junction California Highways 71 and 74 and Aguanga, Calif., over California Highway 71, serving all intermediate points and off-route points within

10 miles of each route, is of such nature, character, or quantity, as would not, if exempted from regulation under Part II of the Interstate Commerce Act, substantially affect or impair uniform regulation by the Commission of transportation by motor carriers engaged in interstate or foreign commerce in effectuating the national transportation policy, that a certificate exempting such operations should be granted, subject to the coincidental cancellation of the certificate of exemption presently held by applicant in No. MC 117368 (Sub-No. 1EX), dated December 3, 1959. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the exempt operations described in the findings in this order, a notice of the exemption actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124333 (Sub-No. 8) (Republication), filed May 17, 1965, published FEDERAL REGISTER issue of November 4, 1965, and republished this issue. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, Del. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. By order entered May 27, 1966, the Commission, Operating Rights Board No. 1, granted to applicant a permit No. MC 124333 (Sub-No. 8), to conduct operations in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes of asphalt binder, in bulk, in tank vehicles, from the site of the Del Val Asphalt Corp. plant at or near Edgemoor, Del., to points in that part of New Jersey, Pennsylvania (except Bustleton, Philadelphia County), Maryland, and Virginia bounded by a line beginning at Perth Amboy, N.J., and extending along the Raritan River to junction Interstate Highway 287, thence along Interstate Highway 287 to junction U.S. Highway 22, thence west along U.S. Highway 22 to junction U.S. Highway 15 at or near Harrisburg, Pa., thence along U.S. Highway 15 to junction U.S. Highway 211 at or near Haymarket, Va., thence along U.S. Highway 211 to junction Interstate Highway 495, thence southeasterly along Interstate Highway 495 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Atlantic Ocean at or near Ocean City, Md., thence north along the shore of the Atlantic Ocean to the Maryland-Delaware State line, thence along the Maryland-Delaware State line to the Pennsylvania-Delaware State line, thence along the Pennsylvania-Delaware State line to the Delaware River and the Pennsylvania-New Jersey State line, thence along the shores of the Delaware River, Delaware Bay, and Atlantic Ocean to Perth Amboy, N.J., the point of beginning, including points on the above-named highways, and to points in the District of Columbia; under a continuing contract with Del Val Asphalt Corp. of Wilmington, Del.

That by petition filed January 19, 1967, applicant seeks to reopen the proceeding for the purpose of modifying the territorial scope of the authority issued in Permit No. MC 124333 (Sub-No. 8), dated July 25, 1966. A supplemental order of the Commission, Operating Rights Board No. 1, dated March 9, 1967, and served April 3, 1967, finds that the order entered herein on May 27, 1966, be, and it is hereby, vacated and set aside; and that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *asphalt binder*, in bulk, in tank vehicles, from the site of the Del Val Asphalt Corp. plant at or near Edgemoor, Del., to points in that part of New Jersey, Pennsylvania (except Bustleton, Philadelphia County), Maryland, and Virginia bounded by a line beginning at Perth Amboy, N.J., and extending along the Raritan River to junction U.S. Highway 1, thence northeasterly along U.S. Highway 1 to junction New Jersey Highway 529, thence north along New Jersey Highway 529 to junction U.S. Highway 22, thence west along U.S. Highway 22 to junction U.S. Highway 15 at or near Harrisburg, Pa., thence along U.S. Highway 15 to junction U.S. Highway 211 at or near Haymarket, Va., thence along U.S. Highway 211 to junction Interstate Highway 495, thence southeasterly along Interstate Highway 495 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Atlantic Ocean at or near Ocean City, Md., thence north along the shore of the Atlantic Ocean to the Maryland-Delaware State line, thence along the Maryland-Delaware State line to the Pennsylvania-Delaware State line, thence along the Pennsylvania-Delaware State line to the Delaware River and the Pennsylvania-New Jersey State line, thence along the shores of the Delaware River, Delaware Bay, and Atlantic Ocean to Perth Amboy, N.J., the point of beginning, including points on the above-named highways, and to points in the District of Columbia; under a continuing contract with Del Val Asphalt Corp. of Wilmington, Del., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate permit should be issued, subject to the coincidental cancellation at applicant's request of its Permit No. MC 124333 (Sub-No. 8), dated July 25, 1966. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124511 (Sub-No. 5) (Republication), filed November 15, 1965, published FEDERAL REGISTER issue of December 2, 1965, and republished this issue. Applicant: JOHN F. OLIVER, Post Office Box 233, Mexico, Mo. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. In the above-specified proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of refractories and refractory products from Mexico, Mo., to points in Indiana, except those points in Indiana located in the Chicago, Ill., commercial zone, and Portage and its commercial zone, Evansville, Decker, Hazelton, Patoka, Princeton, Fort Branch, Haubstadt, Evansville, and the site of the Alcoa plant near Yankeetown (near Warwick), Ind., subject to the following conditions: (1) That operations conducted by applicant pursuant to the foregoing authority shall be separate and apart from his private carrier operations, (2) that applicant shall maintain separate and distinct accounting systems for each of his respective private carrier operations and his for-hire carrier operations, and (3) the applicant shall not transport property both as a for-hire carrier and as a private carrier in the same vehicle at the same time. A decision and order of the Commission, Operating Rights Review Board Number 1, dated March 28, 1967, and served April 4, 1967, as modified, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *refractories*, from Mexico, Mo., to points in Indiana, except those points in Indiana located in the Chicago, Ill., commercial zone, Portage and its commercial zone, Evansville, Decker, Hazelton, Patoka, Princeton, Fort Branch, Habustadt, Evansville, and the site of the Alcoa plant near Yankeetown (near Warwick), Ind., subject to the following conditions:

(1) That operations conducted by applicant pursuant to the foregoing authority shall be separate and apart from his private carrier operations, (2) that applicant shall maintain separate and distinct accounting systems for each of his respective private carrier operations and his for-hire carrier operations, and (3) the applicant shall not transport property both as a for-hire carrier and as a private carrier in the same vehicle at the same time; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application

as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 125430 (Sub-No. 3) (Republication), filed July 21, 1966, published FEDERAL REGISTER issue of August 25, 1966, and republished this issue. Applicant: CLAUDE W. WAGNER, Route 1, McHenry, Md. 21541. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. By application filed July 21, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of lumber, from points in Garrett County, Md., and points in Fayette and Greene Counties, Pa., to points in North Carolina. An order of the Commission, Operating Rights Board No. 1, dated March 20, 1967, and served April 5, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *lumber*, from points in Garrett County, Md., Fayette and Greene Counties, Pa., and Champion, Pa., to points in North Carolina; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128273 (Sub-No. 2) (republication), filed September 13, 1966, published FEDERAL REGISTER issue September 29, 1966, and republished this issue. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 4, Fort Scott, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. By application filed September 13, 1966, applicant seeks a certificate of public convenience and necessity, authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of defluorinated phosphate, except in tank and hopper vehicles, from the plantsites of the Hooker Chemical Co., at or near Houston, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Oklahoma, and Wyoming. An order of the Commission, Operating Rights Board No. 1, dated March 9, 1967, and served April 4, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *defluorinated phosphate*, from the plantsites of the Hooker Chemical Co., at or near Houston, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Oklahoma, and Wyoming, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128809 (Republication), filed January 12, 1967, published FEDERAL REGISTER issue of February 2, 1967, and republished this issue. Applicant: COYLE ENTERPRISES, INC., 2360 East Elvira, Tucson, Ariz. 85701. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. By application filed January 12, 1967, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of mishandled or delayed baggage, from the Tucson International Airport to points within the commercial zone of Tucson, Ariz., under contract with American Airlines, Inc., Trans-World Airlines, Inc., and Continental Airlines, Inc. NOTE: Applicant states that the above-proposed operations will be restricted to baggage having an immediately prior movement by aircraft from a point outside the State of Arizona. An order of the Commission, Operating Rights Board No. 1, dated March 23, 1967, and served April 4, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *baggage* from the Tucson International Airport to Tucson, Ariz., under a continuing contract or contracts with American Airlines, Inc., Trans-World Airlines, Inc., and Continental Airlines, Inc., restricted to the transportation of shipments having an immediately prior movement by air will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulation thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 115162 (Sub-No. 5) (Notice of Filing of Petition To Modify, Amend, or Correct Certificate), filed March 13, 1967. Petitioner: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Petitioner's representative: Robert E. Tate, 2025–2028 City Federal Building, Birmingham, Ala. 35203. Petitioner states that by application dated September 22, 1955, it sought authority to transport *lumber, poles, and piling*, between points in Alabama, on and south of U.S. Highway 80, on the one hand, and, on the other, points in Florida, Mississippi, Georgia, Louisiana, Tennessee, Kentucky, and Indiana. By order served March 1, 1956, petitioner was granted authority to transport *lumber*, (1) from points in Montgomery, Butler, Conecuh, Escambia, Dallas, and Monroe Counties, Ala., on the one hand, and, on the other, points in Tennessee, Georgia, Kentucky, points in Florida on and north of Florida Highway 50 from Indian River City to Weekiwachee Springs, and points in Mississippi on and south of U.S. Highway 80 from the Alabama-Mississippi State line to Jackson, Miss., and on east of U.S. Highway 51 from Jackson to the Mississippi-Louisiana State line; and

(2) From Mobile, Ala., New Orleans, La., and Pensacola, Fla., points in Santa Rosa, Okaloosa, Walton, and Holmes Counties, Fla., and points in Georgia to Montgomery, Selma, Brewton, and Greenville, Ala., and subsequently issued a certificate reflecting the authority granted. Petitioner states that it recently was advised to check with the Commission as to whether or not the radial authority granted should read *"between"* in lieu of *"from"*, and had its representative check Commission records. By the instant petition, petitioner requests the Commission to correct, amend, or modify its existing Sub 5 certificate in accordance with the authority sought in its original application as stated above. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 59557 (Sub-No. 8), filed March 30, 1967. Applicant: AUCLAIR TRANSPORTATION, INC., 41 McGregor Street, Manchester, N.H. 03102. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of Massachusetts bounded by Interstate Highway 91 on the west, the Massachusetts-New Hampshire State line on the north, Atlantic Ocean on the east to Plymouth, Mass., thence along U.S. Highway 44 to Rhode Island-Massachusetts State line, thence Massachusetts-Rhode Island and Massachusetts-Connecticut State line to points of beginning, including points on the indicated highways. NOTE: This application is directly related to MC–F–9716, published in the FEDERAL REGISTER issue of April 5, 1967. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 77016 (Sub-No. 8) (Correction), filed February 24, 1967, published FEDERAL REGISTER issue of March 30, 1967, and republished as corrected, this issue. Applicant: BUDIG TRUCKING CO., a corporation, 1100 Gest Street, Cincinnati, Ohio 45203. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Goshen, Ohio, and the territory within an 8-mile radius therefrom, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states it intends to tack this proposed authority with other presently held authorized authority serving points in Ohio, Indiana, and Kentucky. This application is a matter directly related to Docket No. MC–F–9684, published FEDERAL REGISTER issue of March 8, 1967. The purpose of this republication is to show this application is directly related to Docket No. MC–F–9684, inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–9709 (Correction) (INDIAN TRAILS, INC.—Purchase (Portion)—VALLEY COACH LINES, INC.), published in the March 29, 1967, issue of the FEDERAL REGISTER, on page 5312. Applicant seeks to *lease* a portion of the operating rights of VALLEY COACH LINES, INC., in lieu of the erroneously stated purchase.

No. MC–F–9717. Authority sought for purchase by ATLAS VAN LINES, INC., 1212 St. George Road, Evansville, Ind., of a portion of the operating rights of ALASKA TRUCK TRANSPORT, INC., Post Office Box 797, Anchorage, Alaska. Applicants' attorney: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Operating rights sought to be transferred: *Household goods*, as a *common carrier*, over irregular routes, between points in Alaska, except points east of an imaginary line constituting a southward extension of the United States (Alaska)-Canada (Yukon Territory) boundary line other than Haines, Alaska. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Arizona, New Mexico, Utah, Wyoming, Idaho, Montana, South Dakota, California, Oregon, Nevada, Washington, North Dakota, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9718. Authority sought for purchase by FALWELL FAST FREIGHT, INC., 3915 Campbell Avenue, Lynchburg, Va., of the operating rights and property of PRATT'S TRANSPORTATION, INCORPORATED, 1929 Central Avenue NW., Roanoke, Va. 24017, and for acquisition by C. W. FALWELL, JR., R.F.D. 2, Lynchburg, Va., L. W. FALWELL, and W. CALVIN FALWELL, both of R.F.D. 3, Lynchburg, Va., of control of such rights and property through the purchase. Applicants' attorney: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Roanoke, Va., and Lynchburg, Va., serving no intermediate points, with restrictions; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Roanoke, Va., and points within 5 miles thereof, on the one hand, and, on the other, points in that part of Virginia located within 100 miles of Roanoke, Va., with restriction. Vendee is authorized to operate as a *common carrier* in Virginia, New York, Maryland, Pennsylvania, New Jersey, West Virginia, North Carolina, Delaware, Georgia, South Carolina, Tennessee, Kentucky, and the District of Columbia.

No. MC–F–9719. Authority sought for control by EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072, of NEW YORK & WORCESTER EXPRESS, INC., 556 Southbridge Street, Worcester, Mass., and for acquisition by NANTAM SYSTEM, INC., and in turn by DANIEL E. SHEVELL and MYRON P. SHEVELL, all also of Carlstadt, N.J., of control of NEW YORK & WORCESTER EXPRESS, INC., through the acquisition by EASTERN FREIGHT WAYS, INC. Applicants' attorney: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Operating rights sought to be controlled: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Boston, Mass., and New York, N.Y., serving certain intermediate and off-route points; between Springfield, Mass., and Worcester, Mass., between Worcester, Mass., and New Bedford, Mass., serving all intermediate and certain off-route points; between Brockton, Mass., and Taunton, Mass., between Bridgewater, Mass., and Taunton, Mass., serving all intermediate points; between Worcester, Mass., and Gardner, Mass., serving all intermediate and certain off-route points, between Worcester, Mass., and Brockton, Mass., serving all intermediate points, and the off-route point of Abington, Mass., between Worcester, Mass., and Brockton, Mass., serving all intermediate and certain off-route points, between Worcester, Mass., and Brockton, Mass., serving all intermediate points, between Worcester, Mass., and Holyoke, Mass., serving all intermediate points, and the off-route points of West Springfield and Chicopee, Mass., between Worcester, Mass., and Holyoke, Mass., serving all intermediate points.

General commodities, except those of unusual value, and except dangerous explosives, livestock, commodities in bulk, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and commodities requiring special equipment, moving at the time on bills of freight forwarders, between New York, N.Y., and Springfield, Mass., serving the intermediate points of Bridgeport and Hartford, Conn.; *brass and brass products*, between Worcester, Mass., and Providence, R.I., serving the intermediate point of Uxbridge, Mass., and the off-route point of Whitinsville, Mass.; and *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between New York, N.Y., on the one hand, and, on the other, certain specified points in New Jersey. EASTERN FREIGHT WAYS, INC., is authorized to operate as a *common carrier* in Vermont, New York, Pennsylvania, New Jersey, Connecticut, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9720. Authority sought for control and merger by HALL'S MOTOR TRANSIT COMPANY, Fifth and Vine Streets, Sunbury, Pa., of the operating rights and property of LAKE SHORE DELIVERY, INC., 219 Brigham Road, Dunkirk, N.Y., and for acquisition by JOHN N. HALL, 1151 South 21st Street, Harrisburg, Pa., and W. LEROY HALL, 300 West Willow Street, Carlisle, Pa., of control of such rights and property through the transaction. Applicants' attorneys and representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa., Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and M. E. Brumner, Fifth and Vine Streets, Sunbury, Pa. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Buffalo, N.Y., and Erie, Pa., between Westfield, N.Y., and Jamestown, N.Y., between Barcelona, N.Y., and Jamestown, N.Y., between Laona, N.Y., and Jamestown, N.Y., serving all intermediate points; between Buffalo, N.Y., and Lewis Run, Pa., serving the intermediate point of Bradford, Pa.; between Jamestown, N.Y., and Buffalo, N.Y., between Jamestown, N.Y., and Dunkirk, N.Y., between Jamestown, N.Y., and Irving, N.Y., between Jamestown, N.Y., and Barcelona, N.Y., serving all intermediate points; between Fredonia, N.Y., and Bradford, Pa., serving no intermediate points, between Fredonia, N.Y., and Warren, Pa., serving no intermediate points, but serving the off-route point of Corry, Pa.; *general commodities*, except those of unusual value, livestock, classes A and B explosives, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Union City, Pa., and Jamestown, N.Y., serving all intermediate and certain off-route points; between Union City, Pa., and Stow, N.Y., between Elgin, Pa., and Findlay Lake, N.Y., between Corry, Pa., and Pittsfield, Pa., serving all intermediate points; between Lottsville, Pa., and Chautauqua, N.Y., serving all intermediate points, and the off-route points of Niobe, N.Y., and Bear Lake, Pa., between North Clymer, N.Y., and Sherman, N.Y., serving all intermediate points.

General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, and oil drilling equipment and supplies and gas drilling equipment and supplies, over irregular routes, between Bradford, McKean County, Pa., on the one hand, and, on the other, certain specified points in Pennsylvania, with restriction; *veneer* and *plywood*, from certain specified points in New York, to Warren, Pa.; *such commodities* as require specialized handling or rigging because of weight or bulk, between points in Chautauqua County, N.Y., on the one hand, and, on the other, points in Pennsylvania and Ohio within 150 miles of city hall, Jamestown, N.Y.; *theatrical properties*, between certain specified points in New York, on the one hand, and, on the other, points in New York, Ohio, and Pennsylvania; *new furniture, metal doors, door frames, door jams, window frames, and interior trimmings*, from points in Chautauqua and Cattaragus Counties, N.Y., to points in Pennsylvania and Ohio; and *rejected or returnable new furniture, metal doors, door frames, door jams, window frames, and interior trimmings*, from points in Pennsylvania and Ohio to points in Chautauqua and Cattaragus Counties, N.Y. HALL'S MOTOR TRANSIT COMPANY is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Ohio, Maryland, Delaware, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: The *household goods* authority of LAKE SHORE DELIVERY, INC., will be proposed to be transferred to another company in the near future.

No. MC–F–9722. Authority sought for control and merger by ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt., of the operating rights and property of P. S. DUBREY TRUCKING CO., INC., 539 Hartford Turnpike, Shrewsbury, Mass., and for acquisition by HARRY ZABARSKY, also of St. Johnsbury, Vt., MILTON J. ZABARSKY and MAURICE ZABARSKY, both of 40 Erie Street, Cambridge, Mass., of control of such rights and property through the transaction. Applicants' attorneys and representative: Francis E. Barrett, Francis P. Barrett, both of 25 Bryant Avenue, East Milton, Mass. 02186, and Harry Zarrow, 507 Main Street, Worcester, Mass. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Worcester, Mass., and Boston, Mass., between Worcester, Mass., and Gloversville, N.Y., serving all intermediate points, between Albany, N.Y., and Walloomsac, N.Y., serving all intermediate and certain off-route points, between Providence, R.I., and Boston, Mass., serving all intermediate and certain off-route points, between New York, N.Y., and Utica, N.Y., between Worcester, Mass., and Newburyport, Mass., serving all intermediate points, between Springfield, Mass., and Windsor, Vt., serving all intermediate points, and the off-route points of Easthampton and Northfield, Mass., those in Massachusetts within 15 miles of Springfield, and those in Vermont within 15 miles of Brattleboro, Vt., between Springfield, Mass., and South Deerfield, Mass., serving all intermediate points, and the off-route points of Easthampton and Northfield, Mass., those in Massachusetts within 15 miles of Springfield, and those in Vermont within 15 miles of Brattleboro, Vt., between junction U.S. Highway 5 and Vermont Highway 11, and Ascutney, Vt., serving all intermediate points, and the off-route points of Easthampton and Northfield, Mass., those in Massachusetts within 15 miles of Springfield, and those in Vermont within 15 miles of Brattleboro, Vt., between Athol, Mass., and Shelburne Falls, Mass., serving all intermediate points, and the off-route points of Turners Falls and Millers Falls, Mass., between Brattleboro, Vt., and Concord, N.H., serving all intermediate points, and off-route points in New Hampshire within 15 miles of Keene, N.H., and those within 15 miles of Concord; between Jaffrey, N.H., and Newport, N.H., between Palmer, Mass., and Amherst, Mass., serving all intermediate points; between junction U.S. Highway 5 and Vermont Highway 103, and Rutland, Vt., serving all intermediate points, and off-route points within 15 miles of Bellows Falls, Vt., and those within 15 miles of Rutland, between Albany, N.Y., and Rutland, Vt., serving all intermediate and certain off-route points, between Albany, N.Y., and points in New York and Vermont, serving intermediate points in New York north of Lake George and Kingsbury, N.Y., including Lake George and Kingsbury, and intermediate points in Vermont north of Burlington, Vt., including Burlington, and certain off-route points; between Sanford, Maine, and Providence, R.I., serving the intermediate points of Newburyport and Boston, Mass., with restriction; between Smithtown, N.H., and South Barre, Mass., serving certain intermediate points, between Boston, Mass., and Waterville, Maine, serving all intermediate and certain off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Albany and Plattsburg, N.Y., on the one hand, and, on the other, certain specified counties in New York, between points in the above New York counties, on the one hand, and, on the other, Burlington, Vt.; between points within 20 miles of Boston, Mass., Providence, R.I., and Sanford, Maine, except points in New Hampshire and certain specified points in Maine, with restriction; *new textile machinery*, between Worcester, Mass., on the one hand, and, on the other, Carolina and Providence, R.I.; *waste* and *rags*, between Worcester, Mass., on the one hand, and, on the other, certain specified points in New York, Philadelphia, Pa., certain specified counties in Rhode Island, and points in Connecticut east of U.S. Highway 5 and north of Connecticut Highway 2, including points on the indicated portions of the highways specified, traversing New Jersey for operating convenience; *used textile machinery, second hand materials, and supplies* used in connection with the manufacture of textile products, and *textile mill waste materials*, between Worcester, Mass., and points within 10 miles of Worcester, on the one hand, and, on the other, points in Rhode Island, that part of New Hampshire on and south of U.S. Highway 4, and certain specified counties in Connecticut; *sash* and *elevator weights*, from Worcester, Mass., to certain specified points in Rhode Island, and Nashua, N.H.; *wool*, from Boston, Mass., and West Warwick, R.I., to Worcester, Mass.; and *petroleum products*, in containers, from Albany, N.Y., to Burlington and White River Junction, Vt. ST. JOHNSBURY TRUCKING COMPANY, INC., is authorized to operate as a *common carrier* in New York, Pennsylvania, Delaware, New Jersey, Rhode Island, Vermont, Connecticut, Massachusetts, New Hampshire, Maine, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9723. Authority sought for purchase by YOURGA TRUCKING, INC., 104 Church Street, Wheatland, Pa. 16161, of the operating rights and property of GEORGE W. CHRISTOFF, doing business as PENN-DEL EXPRESS, Rural Delivery No. 1, West Middlesex, Pa., and for acquisition by JOHN H. YOURGA, also of Wheatland, Pa., of control of such rights and property through the purchase. Applicants' attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *Iron and steel articles* as described in groups I, II, and III of appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, as a *common carrier* over irregular routes from Greenville, Pa., to points in Delaware; and *damaged shipments* of the commodities described above, from points in Delaware to Greenville, Pa. Vendee is authorized to temporarily operate under section 210a(a) in Pennsylvania, Michigan, New York, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–3992; Filed, Apr. 11, 1967; 8:48 a.m.]

[Notice 1049]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 7, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outline below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent of the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 95540 (Sub-No. 693), filed March 27, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, and Pennsylvania. NOTE: Common control may be involved.

HEARING: May 3, 1967, Room 232 U.S. Courthouse, 215 Superior Avenue, Cleveland, Ohio, before Examiner Henry Whitehouse.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–3993; Filed, Apr. 11, 1967; 8:48 a.m.]

[Notice 1050]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 7, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

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SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

That the following special rules of procedure shall apply for the receipt of the testimony of applicant's public witnesses:

1. Each applicant shall present for at least 80 percent of its public witnesses to be heard daily, written statements of such witnesses which shall contain, as a minimum, (1) name and address; (2) company; (3) qualification; (4) description of traffic and special transportation requirements, if any; (5) volume of traffic and points or areas to which it moves or from which it is received; (6) potential traffic requirements, if any; and (7) transportation service not utilized.

2. Such written statements shall be circulated to the opposing parties at the adjournment of the hearing on the date

preceding the day upon which the witnesses are scheduled to testify, or as otherwise directed by the presiding offices.

3. Supplemental testimony by the witnesses for whom the written statements are presented is, of course, permissible.

4. The written statements shall be offered in evidence as exhibits at the hearing in the same manner as any other type of evidence, and the witnesses submitting the statements shall be made available for cross-examination.

5. The admissibility of the evidence contained in the written statements and any appendices thereto will be subject to the same rules as if the evidence were produced in the usual manner.

No. MC 73165 (Sub-No. 233), filed March 31, 1967. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35207. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of the above described commodities, between Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

HEARING: May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Francis A. Welch. This assignment is subject to the rules set forth in the order of March 23, 1967, in No. MC 217 (Sub-No. 10) et al.

No. MC 100666 (Sub-No. 96), filed March 27, 1967. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of the above-described commodities, between Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin.

HEARING: May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Francis A. Welch. This assignment is subject to the rules set forth in the order of March 23, 1967, in No. MC 217 (Sub-No. 10) et al.

By the Commission.

[SEAL] NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3994; Filed, Apr. 11, 1967; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 7, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40971—*Lettuce—points in Colorado to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2497), for interested rail carriers. Rates on lettuce, fresh or green, in boxes, crates, bushel, or half-bushel baskets or hampers, in carloads, minimums 43,000, 46,000, and 50,000 pounds, from specified points in Colorado, to specified points in western trunkline territory.

Grounds for relief—Market competition.

Tariff—Supplement 67 to Western Trunk Line Committee, agent, tariff ICC A-4420.

FSA No. 40972—*Sand from Guion, Ark., and points in Southern Freight Association territory.* Filed by O. W. South, Jr., agent (No. A5012), for interested rail carriers. Rates on sand, industrial, in carloads, as described therein, from Guion, Ark., also points in southern territory, to points in southern territory.

Grounds for relief—Rate relationship.

Tariffs—Supplement 12 to Southern Freight Association, agent, tariff ICC S-675, and supplement 136 to Southwestern Freight Bureau, agent, tariff ICC 4565.

FSA No. 40973—*Bituminous fine coal to Cornell, Wis.* Filed by Illinois Freight Association, agent (No. 324), for interested rail carriers. Rates on bituminous fine coal, in carloads, also in carloads subject to annual volume of 20,000 tons, from mines in Illinois, Indiana, and western Kentucky groups, to Cornell, Wis.

Grounds for relief—Natural gas competition.

Tariffs—Supplement 151 to Illinois Freight Association, agent, tariff ICC 966, and six other tariffs named in the application.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-3995; Filed, April 11, 1967; 8:48 a.m.]

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FEDERAL REGISTER

VOLUME 32 • NUMBER 70

Wednesday, April 12, 1967 • Washington, D.C.

PART II

Department of Agriculture

Consumer and Marketing Service

Milk in Delaware Valley Marketing Area

Decision on Proposed Amendments to Tentative Marketing Agreement and Order



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1004]

[Docket Nos. AO 160-A28, AO 160-A29]

MILK IN DELAWARE VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Philadephia, Pa., on January 18–19, 1965 pursuant to notice thereof issued on December 31, 1964 (30 F.R. 91) and on October 4–5, 7–29, November 3–5, and November 22–24, 1965, pursuant to notice thereof issued on August 27, 1965 (30 F.R. 11214).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on December 8, 1966 (31 F.R. 15670; F.R. Doc. 66–13333) filed with the Hearing Clerk U.S. Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The preliminary statement, material issues, findings and conclusions, rulings, and general findings of the recommended decision (31 F.R. 15670; F.R. Doc. 66–13333) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under the subheading *Preliminary statement*, the first paragraph is deleted.

2. Under issue No. 2, part (a):

(i) Under the subheading *Pool plant:*

a. The second sentence in paragraph 4 is changed.

b. Paragraph 10 is deleted and four new paragraphs are substituted therefor.

c. A new paragraph is added immediately after paragraph 16.

(ii) Under the subheading *Dairy farmer for other markets:*

a. The dates in paragraph four are changed.

3. Under issue No. 2, part (b):

(i) Under the subheading *Shrinkage*, the words "producer milk" are deleted from paragraph 8.

(ii) Under the subheading *Receipts from other order plants*, the first sentence of the third paragraph has been editorially changed.

4. Under issue No. 2, part (c):

(i) Under the subheading *Class I price:*

a. The date at the end of the first paragraph is changed.

b. The third sentence in paragraph 11 is changed.

c. The date in the last sentence in paragraph 19 is changed.

d. The date in the second sentence in paragraph 28 is changed.

e. A new paragraph is added immediately after paragraph 28.

(ii) Under the subheading *Location differentials*, a new paragraph is added after the last paragraph.

5. Under issue No. 2, part (e):

(i) An editorial change is made in the second sentence of paragraph 4.

(ii) Two new paragraphs are added after the sixth paragraph.

(iii) Under the subheading *Payments to individual producers and to cooperative associations:*

a. The date in the first sentence of the third paragraph is changed from the "16th" to the "15th".

b. A new paragraph is added immediately after the last paragraph.

6. Under issue No. 2, part (f), under the subheading *Other provisions and conforming changes*, a new paragraph is added after the last paragraph.

Preliminary statement. Prior to issuance of a decision based on the January hearing, audits of the records of various cooperative associations and proprietary handlers and other investigations by the market administrator revealed widespread practices resulting in the undercutting of the established order prices. Accordingly, on May 19, 1965 (30 F.R. 6947), the Assistant Secretary issued a notice of proposed termination of the order to which interested parties were given 20 days after publication to submit written data, views, or argument.

The notice stated, in part, "The Department has concluded that consideration should be given to immediate termination of the order in its present form on the basis that it provides an economic incentive for cooperatives to obtain Class I outlets for milk which otherwise would be disposed of for surplus use at a Class II value."

At the request of interested parties the Department further scheduled a public meeting on June 8, 1965, in Philadelphia to permit oral presentation of views, data, and argument. On the basis of the views expressed, which were almost unanimously in favor of continuing a Federal milk marketing order program in the market, the Department on June 28 announced that a decision on the termination of the order would be held in abeyance pending consideration at a public hearing of proposals for a different form of pooling (which were submitted as views and argument against termination) and other proposals which might be submitted.

Interested parties were given until August 16 to submit proposals. Three types of proposals were submitted: (1) Proposals to revise the administrative provisions of the order, intended to implement enforcement, (2) proposals to change the pooling procedure to marketwide pooling to eliminate the incentive which has been the cause of widespread price compromising, and (3) proposals to consolidate the order with (a) Order 2 and (b) Order 16.

In issuing the hearing call the proposals for order consolidation were not included. In this regard the notice stated as follows:

> This proceeding follows from an announcement by the Department that the order in its present form may not tend to effectuate the declared policy of the Act. This proceeding therefore is for the purpose of considering proposed amendments to the Delaware Valley order to effectuate the declared policy of the Act.
>
> The above noticed proposals [referring to types (1) and (2)] would amend only the Delaware Valley order. Other proposals have been received which would amend the New York-New Jersey order and the Upper Chesapeake Bay order to incorporate the marketing area of the Delaware Valley order into the marketing area of those respective orders. Consideration of those latter proposals would, because they provide for the expansion of the scope of these respective orders, require a review of all provisions of the respective orders as they relate to an expanded marketing area. This would necessarily result in an extended and complicated hearing procedure. To avoid this difficulty to the degree possible, it has been decided to hear pursuant to this notice, only those proposals which would amend the Delaware Valley order.
>
> If the record made at this hearing on this notice does not provide the basis for amending the Delaware Valley order in a manner which would tend to effectuate the declared policy of the Act, then a subsequent notice will be given of a hearing to consider the proposals already in hand which would amend, respectively, the New York-New Jersey and Upper Chesapeake Bay orders.

Hence, the primary question confronting the Secretary in this proceeding is whether, on the basis of this record, it can be concluded that the order can be revised in a manner which would tend to assure orderly marketing and equitable and full distribution of returns among producers, and if so what specific amendments should be made.

More specifically, the material issues on the record hereunder consideration relate to:

1. Amendment of the order to insure that the declared policy and the purposes of the Act are being carried out in the light of changed marketing conditions:

(a) By adopting marketwide pooling provisions to mitigate marketing problems which result from those conditions; or

(b) By adopting "enforcement aids" to implement more effective administration of the order to meet those conditions.

2. What the provisions of an order providing for marketwide pooling should be concerning:

(a) Scope of regulation.

(b) Classification and allocation of milk.

(c) Level and application of class prices.

(d) Obligations of unregulated plants with route disposition in the marketing area.

(e) Distribution of proceeds to producers.

(f) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Amendment of the order to insure its effectiveness.* It is concluded that the basic problem under the Delaware Valley order stems from the disparity of returns which exists among producers in this and adjacent Federal order markets, and necessarily requires that the Delaware Valley order be appropriately amended to insure orderly marketing. Such problem can be resolved most effectively by providing a marketwide pool arrangement in lieu of existing handler pooling provisions. This change will eliminate or substantially reduce the financial incentive which is the basic cause of the disruptive marketing arrangements contrived to avoid and thereby compromise the minimum order prices for the Delaware Valley market. Short of such a change, there is no effective means, under the existing statutory authority, of insuring the integrity of the regulation, and the prompt, effective and uniform application of pricing provisions to all handlers.

The Delaware Valley milkshed in large measure is coextensive with the New York-New Jersey, Upper Chesapeake Bay and Washington, D.C., milksheds. Essentially all, if not all, of the plants of operating cooperatives in this overlapping supply area are fully regulated under one or another of the orders regulating these markets. There are, in addition, operating cooperatives with plants in western Pennsylvania and in Ohio, for example, which have demonstrated their ability to supply milk on a regular basis to the Delaware Valley market. Nine plants operated by cooperatives have associated with the market in recent years, seven of these since December 1, 1963.

Almost immediately upon the extension of regulation to southern New Jersey effective December 1, 1963, six plants of operating [1] cooperatives, not previously associated with the market, acquired regulated status as supply plants disposing of essentially all of their output for Class I use to proprietary handlers in the market. Within a year, the number of New Jersey producers under the order declined by 25 percent. Some of these producers went out of production, but the greater percentage of them found a market under the New York-New Jersey order (No. 2).

Four of the six plants, immediately preceding their regulation under the Delaware Valley order, had been regulated by Order 2. In each instance nonpool status was requested for the plant under Order 2 in order that it could acquire fully regulated status under Order 4. A fifth plant is owned and operated by the principal cooperative in the Upper Chesapeake Bay market, and prior to its regulation under Order 4 all of the milk now associated with the plant was pool milk (producer milk) under Order 16. The sixth plant, located in Ohio, was previously not regulated by any Federal order. The cooperative operating the plant, however, had members with milk priced under certain Ohio Federal orders and the balance of its supply was committed to a Pittsburgh, Pa., dealer.

In June 1965, following disclosure by the Department that there was evidence of widespread practices of price cutting in the market one cooperative withdrew three of its plants supplying proprietary handlers in this market and they reacquired regulated status under Order 2. However, a very substantial supply of additional milk became associated with the market when another operating cooperative withdrew its plant from the Order 2 pool to supply handlers previously served by the other cooperative. At the same time, the plant of the Ohio cooperative discontinued its shipments to handlers in the Delaware Valley market. The reasons or circumstances prompting its withdrawal are not revealed on the record.

Although the almost simultaneous entry of a number of supply plants into the market in December 1963 coincided with the extension of regulation to southern New Jersey the basic conditions which precipitated the entry of these plants existed much earlier. In his final decision concerning the matter of extension of regulation issued on October 31, 1963 (28 F.R. 11848) the Assistant Secretary set forth the following conclusions:

> The individual-handler pooling arrangement has accommodated the Philadelphia market since the inception of the order and is supported by most producers and handlers * * *. It is not apparent at this time that there are compelling problems resulting from individual-handler pooling which require a different pooling arrangement for the Delaware Valley market. Accordingly, it is concluded that the individual-handler pooling should be provided *at the outset* [italics supplied] of the new regulation.

Notwithstanding this conclusion, there is some question whether the individual-handler pooling arrangement can be expected to accommodate the expanded market for an extended future period. In recent years several plants operated by cooperative associations and located beyond the normal boundaries of the milkshed have been brought under regulation of the Philadelphia order. The milk from these plants has essentially a Class I market, while regular Philadelphia producers, more favorably located, have either lost their market with Philadelphia handlers or have had their blend price materially reduced. Under the terms of the order, milk from these distant plants has not had a pricing advantage over local producer milk. Hence, *it is not clear why such distant sources of supply have been sought by handlers in lieu of using available local supplies* (italics supplied). However, had there been a marketwide pool, the prospects of a market blend price as compared to essentially a Class I price return, might well have resulted in a decision on the part of such cooperatives not to place their plants under the Philadelphia order.

To understand why a substantial number of plants operating cooperatives have associated with this market in recent years, one need only examine the financial gain which accrues to an operating cooperative by virtue of obtaining a Class I outlet in the Delaware Valley market. For example, the cooperative which withdrew three plants from the New York-New Jersey pool when it acquired a Class I market under Order 4 for the milk from those plants, grossed about $1 per hundredweight, on the average, over the Order 2 uniform price it would otherwise have received. The situation was essentially identical in the case of two other cooperative plants which switched from Order 2 to Order 4. Had these plants stayed in the New York pool and supplied milk to Order 4 handlers, the benefit to the cooperatives would have been the very minor increase in the blend price which would have accrued to all Order 2 producers by virtue of the increase in pool Class I sales.

In the case of the cooperative which shifted regulation of its plant from the Upper Chesapeake Bay order to the Delaware Valley order, the financial gain was less than that of the Order 2 cooperatives. On the average, the gain calculated at the difference between the Order 16 blend and the utilization value of the milk disposed of under Order 4, was about 45 cents per hundredweight.

For those cooperatives in western Pennsylvania which have associated otherwise unregulated plants with the Delaware Valley market, it must be concluded that to the extent that the alternative outlet would be manufacturing uses the financial incentive has been the difference between the value of the milk for manufacturing uses and its utilization value in accordance with its classification under Order 4. Using the order Class II price as a measure of value for milk for manufacturing uses, this incentive varied substantially among plants and from month to month from about $1 per hundredweight to slightly in excess of $2 per hundredweight. If the milk had been associated with another Federal order, the Youngstown-Warren order, for example, the amount of the incentive would, of course, have been less; i.e., the difference between that order's blend price and the use value of the milk in the Delaware Valley market.

It is not surprising that operating cooperatives not previously associated with the Philadelphia and/or Wilmington markets have sought Class I outlets in the Delaware Valley market. While the incentive to do so under the previous orders was essentially no different from that which now exists, it must be recognized that most Philadelphia and Wilmington based handlers have had longstanding relationships with their producers which they understandably have been reluctant to disturb, primarily because of certain institutional factors in the market; e.g., marketing arrangements under State milk control. Notwithstanding, a few handlers under the former "Philadelphia" order discontinued receiving milk directly from producers and began receiving milk from distant plants of operating cooperatives. In each case the minimum order prices to producers have been compromised and at the time of the hearing these situations were under investigation.

With the extension of the area of regulation, a number of new handlers, in New Jersey, became subject to the order. Several of these handlers had no regular source of supply and had been securing all or a major part of their supplies out-

[1] A cooperative which operates one or more milk plants at which it receives the milk of its members from which it delivers milk in bulk quantities to distributing plants or which it packages and distributes at wholesale or retail. This in contrast to a cooperative association which does not have receiving or processing facilities and whose function is to arrange for the sale of its members' milk.

side the jurisdiction of the New Jersey Office of Milk Industry at prices unrelated to and substantially below those established under the New Jersey regulation. Since these handlers had no established sources of supply on which they relied, they were free to search for the cheapest source of supply under Federal regulation. In fact, they actively sought such sources of supply among operating cooperatives which were looking for a more remunerative market for their members' milk.

Many of these cooperatives had long complained about the inequities of the individual-handler pooling arrangement in the local market. When the opportunity was presented to share in the Class I sales of the Delaware Valley market, and thus substantially enhance the returns of their members, these cooperatives apparently entered into various arrangements with certain brokers and/or handlers which provided them a Class I market but at the expense of compromising the Class I price. These arrangements also were advantageous to the buying handlers in that they provided the means to maintain a continuing procurement advantage over their competitors.

The current Delaware Valley situation is further complicated by the alarming and disturbing fact that much of the local industry does not regard the practices of price compromising as a manifestation of serious market disorder. Their proposals were characterized as "enforcement aids", intended to help the Department deal more effectively with what they contend are illegal acts, but acts which should, they said, present no enforcement problem. Such proposals are not designed to eradicate the evil but only to facilitate the detection and punishment of offenders.

Despite disclosure by the Department that it seemed likely the extent of price manipulation could be as much as $1 million annually, and that in our preliminary judgment it was possible that some of the many transactions might be found to be technically within the law, the major cooperatives and handlers historically associated with the Delaware Valley market (Philadelphia) have attempted to minimize the gravity of the situation. They contend that since only a minor segment (they estimate 10 percent) of the milk priced under the order is involved, enforcement should be no problem. They maintain that the real problem is the Department's desire to force a marketwide pool upon them against their wishes and its attempt to implement this end by nonenforcement of the existing order. In support of their position they attempted to place on the record the opinion testimony of experts in the field of administrative law to show that the existing order is enforceable. However, the hearing officer correctly rejected the introduction of such testimony.

In addition, they took the position that the "enforcement aids" which they proposed to be incorporated in the order would not extend the Secretary's authority in administration of the order. In fact, they were offered, proponents stated, "in an abundance of caution" with the expectation that their incorporation into the order would relieve the Department of any apprehension it might have concerning its enforcement authority. However, their principal proposals would: (1) Greatly extend responsibility for insuring producer payments for milk to persons who normally could not be regarded as having such financial responsibility, (2) specifically prohibit notes and similar negotiable instruments which could constitute payment to producers for milk, (3) limit the ability of a broker to act for producers in the sale of their milk unless the cost of his services was borne by the buying handler, (4) deny, under certain circumstances, a Capper-Volstead cooperative the "blending" privilege provided in the Act, and deny it the privilege of collecting, as the marketing agent, the proceeds from the sale of its members' milk.

While the Department must pursue and is pursuing all available legal procedures to the extent possible in an effort to enforce the existing order as to any past or current violations, it has attempted to make clear to the industry that there can be no assurance of obtaining full recovery of all monies which should have been paid to producers. In addition, the Department has attempted to make clear that the order cannot be continued if it does not maintain orderly marketing by providing prompt, equitable and full return of order prices to producers.

The fact that operating cooperatives have misused the individual-handler pooling arrangement by cooperating with third party intermediaries and handlers in devious schemes to undercut the minimum order prices has not only created unprecedented enforcement problems, but also has in many circumstances transferred to adjacent Federal order markets with marketwide pooling the unwarranted burden of carrying the necessary reserve associated with their Delaware Valley Class I sales.

The manager of the major cooperative in the upper Chesapeake Bay market testified that he had associated a plant located in the Upper Chesapeake Bay marketing area with the Delaware Valley market and that only milk for which he has an outlet in the Delaware Valley market is moved through the plant. The balance of the supply is moved directly from farms to Order 16 pool plants and is pooled under that order. A dairy farmer thus may be a producer under Order 4 on certain days during the month and a producer under Order 16 on other days. By this means, the cooperative retains solely for its own members the net proceeds of its Delaware Valley Class I sales while forcing on Order 16 producers who are not members of the cooperative the burden of carrying the lower priced necessary reserve for the cooperative's Delaware Valley sales. Although it is done by different means, essentially the same end is accomplished by the former Order 2 plants which have associated with this market.

The evidence strongly suggests that at least one of the cooperatives staunchly supporting the continuation of the present individual-handler pooling arrangement is also exploiting the individual-handler pooling arrangement. This it does by tailoring its Order 4 producer receipts to conform with its Class I sales in this market and carrying the bulk of its necessary reserves in the Order 2 pool. This cooperative, the principal plant of which was placed under Order 2 after the extension of the New York-New Jersey marketing area in 1957, took ownership, on October 1, 1964, of the operations of a very substantial fully regulated handler under Order 4. In the 10 preceding months, that handler's utilization averaged 71.5 percent Class I, which utilization was within 2 percent of the utilization of each of the remaining three largest handlers in the market. In the subsequent months through 1965, the utilization of the operation under control of the cooperative has averaged 90 percent Class I whereas the utilization of the other three largest handlers has remained essentially unchanged or declined slightly.

While some adjustment of producers was made between the cooperative's Order 4 and Order 2 operations, some operational changes were also made which transferred to the Order 2 plant a portion of the Class II operations formerly conducted in the Order 4 plant. Regardless of which procedure or combination of procedures was used to enhance utilization in the Order 4 operation by 20 percentage points, the Order 2 pool ended up carrying most of the reserve supplies of the cooperative.

More recently, one of the cooperatives which shifted regulation of its plant from Order 2 to Order 4, the circumstances of which are still under investigation, has entered into a purchase agreement whereby it has ostensibly acquired ownership of the operations of two of its Delaware Valley buyers. However, it is clear that the arrangement was entered into as a means of assuring retention of Class I outlets which were acquired through selling milk at below order prices. The plant continues to have essentially a 100 percent Class I utilization and since the cooperative also has pool bulk tank units under Order 2 we must conclude that its balancing supplies are pooled under Order 2.

In still another situation, the principal cooperative in the Upper Chesapeake Bay market has taken ownership of the operations of two of its buyers in the Delaware Valley market. In this instance, however, the transaction could have been economically necessary as the only means of recovering payment for milk previously supplied these handlers.

The current situation is quite different from that which was explored at previous hearings when marketwide pooling was an issue. On both previous occasions the proponents' primary arguments were predicated on an historical presentation of plant and producer movements, intended to support their position that the local market did not carry its fair share of the regional reserve.

In his decision (28 F.R. 11847) on this matter the Secretary found as follows:

> While the data clearly indicate that producers have been added to Order 2 in significantly greater numbers than to Order 4 (and this could be argued as evidence that Philadelphia does not carry its proportionate share of the reserve supply), the reasons for this situation must be closely examined.
>
> It is clear in certain cases brought out on the record that some Philadelphia handlers have laid off some producers. It is equally clear that producers without a market have difficulty in finding a ready outlet in the Philadelphia market. However, the individual-handler pooling system has functioned to maintain orderly marketing in the area.
>
> The New York-New Jersey order is unique among the large number of Federal orders. Historically, plants have been able to associate their supply of milk with the "pool" through the "regular" pool plant provisions without shipment of any milk to the fluid market. In this manner plants have been added to the pool with permanent pooling status. As a consequence, for many years there have been strong incentives for actively encouraging dairy farmers to enter that market.

The present problem is not primarily related to the shortcomings of any other Federal order. It is specifically a creation of the Delaware Valley order and is a forceful demonstration of the fact that an individual-handler pool cannot work effectively in a situation such as here presented where it presents incentive for price compromising as a means of associating milk with the market. Under the Federal order system, marketwide pooling has constantly demonstrated its ability to stabilize marketing conditions and insure the orderly marketing of the total volume of milk associated with the market.

The individual-handler pooling arrangement has provided a great financial incentive for operating cooperatives to exploit the local Class I market and at the same time has forced on producers (other than their members) in the adjacent markets the burden of sharing the cost of carrying the necessary reserve supplies associated with their Delaware Valley sales. This situation has been further aggravated because in substantial measure their Class I sales in this market have displaced local Delaware Valley producers who have been forced into Order 2 as the only alternative outlet for their milk.

The success of the milk order program over the years in furthering the aims of the statute in large measure has been the assurance of uniform and impartial application of regulation to all handlers and equitable and full distribution of proceeds for milk among producers.

Proponents of "enforcement aids" contend that there would be no problem with handlers compromising order prices if the Department would but enforce the order. Their proposals are aimed at further control of the activities of handlers, brokers, and other intermediaries, and cooperatives which participate with such persons to compromise order prices.

They also contend that the legality of their proposals is beyond question, in view of the broad powers granted to the Secretary by the Agricultural Marketing Agreement Act. In their view, the only question at issue is whether by accounting and investigation, violations can be uncovered and evidence found to prosecute the offenders. Their proposals, they contend, would ameliorate any problem in this regard by encouraging "voluntary" disclosure of information. But in fact, any such disclosure of information could only be accomplished through Government coercion.

We cannot agree that the detailed controls which were offered by proponents are an appropriate or adequate solution of the problem. The application of extensive Government coercion is time-consuming and expensive. In addition, there is always great uncertainty about its ultimate outcome. We should not incorporate into the order, under the guise of enforcement aids, basic changes (some of which may be of questionable legality), which greatly extend the scope of regulation, and which could unnecessarily inhibit what may in some circumstances be legitimate business arrangements and which would be of doubtful efficacy. Most particularly is this true when the fundamental cause of the current disorder is so readily apparent.

We are concerned, as are virtually all proponents, about the incidence and variety of ways open to handlers, cooperatives, and third party intermediaries to share the available financial incentive to compromise order prices. However, the adoption of the proposed rules and regulations would not, of themselves, assure the prompt, effective, equitable, and uniform application of the order. Under existing circumstances, the financial remuneration which can result from a Class I milk outlet in this market is such that no proliferation of controls could effectively eliminate price compromising as a device for entering the market. In this market it is the disparity in returns to producers as among the several markets and the individual-handler pooling arrangement, which permits retention by the seller of the full proceeds from the sale of his milk which has encouraged the exploitation of the Delaware Valley Class I market as a means of advancing the interests of cooperative members regardless of the debilitating effects on the market as a whole.

The actions of the cooperatives and handlers in compromising the minimum order prices required to be paid as a matter of law cannot, of course, be condoned or excused. It is apparent, however, that a basic flaw exists in the framework of the Delaware Valley order which cannot effectively contain and control the competitive stresses and strains undermining its structure.

The change to marketwide pooling under the provisions of an order as hereinafter set forth will substantially eliminate the financial incentive which has encouraged the employment of schemes intended to conceal the compromising of minimum order prices. This is true because under a marketwide pooling arrangement all handlers, including operating cooperatives, with an above average market utilization must pay the difference in utilization value into a producer-settlement fund. These monies are then distributed by the market administrator to those handlers whose utilization is below the market average. In this manner, all producers in the market receive the same uniform price irrespective of how their milk is utilized by the particular handler to whom they deliver. Under such an arrangement, no group of producers can retain for its sole benefit the increase in utilization value which results when a Class I disposition is made of milk. Hence, the incentive for "buying" a Class I market is greatly reduced or eliminated.

It was argued at the hearing that a marketwide pool would not reduce the incentive to "buy" a market but, conversely, would increase such incentive, since milk with no alternative market except for manufacturing uses would gain the difference between the manufacturing milk price and the order blend price, and that regardless of the specific requirements for pooling which might be provided under a marketwide pool, there would be opportunity to associate a much greater volume of milk with the market than has been possible under individual-handler pooling.

Such a thesis must be viewed as entirely hypothetical in light of the existing market structure here and in adjacent areas. As has been previously indicated, most of the available milk supplies in the milkshed are regulated by some Federal order. To the extent that unregulated supplies exist, the person(s) controlling such milk have elected to keep it outside the orbit of regulation. There is no apparent reason why a change in pooling arrangement under the Delaware Valley order should result in this milk being brought under Federal regulation.

It is, of course, true that to the extent that the Delaware Valley blend price is higher than the blend prices in adjacent markets there will be an incentive for a plant to become pooled under this order. Since much of the supply area overlaps those of adjacent Federal order markets, it is obvious that dairy farmers do have alternative outlets. It must be expected therefore that producers or plants will shift from one market to another in response to blend price differences. However, the order provides specific performance standards, and only plants meeting such performance standards may pool. Plants so performing are an integral part of the marketing system, and have every right to participate fully in the pool.

While it was alleged that a change in pooling procedure would result in Delaware Valley producers losing an estimated 50 cents per hundredweight in the sale of their milk, this position simply cannot be substantiated. Some dairy farmers who have held a preferential position in the market may get less, but dairy farmers in the Delaware Valley market as a whole will receive greater returns because when the price cutting practices are eliminated, a larger total of money will be returned to dairy farmers through the additional substantial sums now being diverted to intermediaries and handlers.

2. *Terms and provisions of the order.* The following findings and conclusions cover not only the issues considered at the October-November 1965 hearing, but also those considered at the January 1965 hearing on which no action has yet been taken, for reasons previously explained.

(a) *Milk to be priced and pooled. Scope of regulation.* Under the individual-handler pooling arrangement, which the existing order has provided, it was essential that only nominal performance standards be established. Otherwise a handler might elect to get a part or all of his supply from plants not meeting the qualifying standards and by so doing, evade effective regulation. Consequently, the order has provided full regulation for any plant which supplied milk to the market, any part of which was allocated to Class I.

The marketwide pooling arrangement herein provided results in a uniform payment to all producers each month, which payment reflects the average utilization value of the milk received by all handlers in the market during the month. Individual handlers whose proportion of Class I utilization is less than the average for the market receive payments from the producer-settlement fund while handlers who have a higher than average utilization in Class I make payments into the fund. By this means, both types of handlers are enabled to pay similar prices to their producers.

Under certain circumstances, operators of plants engaged primarily in manufacture or in supplying other fluid markets on a spot basis have an incentive to come under regulation for the purpose of receiving equalization payments from the producer-settlement fund in order that prices paid to their producers will be comparable with prices received by regular producers. Such plant operators normally would elect to join the pool when they would draw equalization payments from the fund, and would withdraw from the pool when their plant utilization was above the market average and they would be required to make payments to the fund. The distribution of equalization payments to such a plant would reduce the blended price with subsequent adverse effect upon the regular milk supply of the market. The maintenance of an adequate supply of pure and wholesome milk for the market therefore necessitates formulation of specific rules on pooling qualification and the distribution of returns under the order to prevent circumvention of the purposes of the order.

Performance standards should be drawn under a marketwide pool so that the Class I sales of the market will be shared among those dairy farmers who are an essential and regular part of the supply for the area. To this end, the performance standards should be sufficiently flexible to permit intermittent shipments of milk, or route distribution, by plants whose primary business may be in other markets without requiring full regulation of such plants. It is necessary therefore to establish definitive standards of performance for use in determining which plants and what milk constitute the regular and normal source of supply and thereby become fully subject to regulation. Such standards appear in the order and apply uniformly to all plants wherever located. Any plant regardless of location may be brought under regulation by the order or may remain outside the scope of regulation dependent on the mode of operation elected by the operator of such plant. The determination and decision as to how a plant shall be operated remains vested in the plant operator.

The several plant definitions included in the order provide the basis for determining those plants which will be accorded pooling status and the dairy farmers regularly delivering thereto will be entitled to receive the minimum blended price as determined in the distribution of proceeds resulting from the pool.

Plant definition. No substantive change should be made in the "plant" definition as presently provided in the order. A plant is currently defined as "the land, buildings together with their surroundings, facilities, and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment at which milk or milk products are received from dairy farmers or processed or packaged: *Provided,* * * *". It was proposed that the provision be amended by the addition of the words "as determined by the market administrator" immediately following the word "packaged". It was proponents' position that such addition would eliminate any question as to the market administrator's authority to make a determination as to the status of any facility or operation(s) under this definition and hence would tend to eliminate disputes over his determinations in this regard.

The proposed amendment would not add specific criteria on which the market administrator could base his determinations nor would it in any way clarify the present wording of the provision. Since the market administrator has responsibility to administer the terms and provisions of the order, it follows that, unless responsibility for a particular provision is specifically delegated to another person, the market administrator is responsible for its administration. With regard to this provision, he must ascertain the facts and determine whether a group of buildings and/or facilities do, or do not, constitute a plant within the meaning of the definition. No wording of this provision should or could deny a handler the right to seek relief from the market administrator's ruling through the prescribed legal procedures. Accordingly, the requested amendment is denied.

Handler representatives proposed during the hearing that the provision be modified to require the market administrator to furnish an advance determination of plant status upon request of any handler. Such a provision would be impractical and inappropriate. A determination of plant status must be made on the basis of operations during the month which could not be known to the administrator until after the end of the month. Hence, it would be impossible for him to make an advance determination of plant status which would be binding. Since such a provision could not serve a substantial purpose, it is therefore denied.

Pool plant. To qualify for pooling, a "distributing plant" should be required to have total route disposition both inside and outside the marketing area during the month of an amount equal to 50 percent or more during the period of September through February, and 45 percent or more during the period of March through August, of its receipts from dairy farmers, including diverted milk and farm bulk tank milk received for which a cooperative is the responsible handler. In addition, such plant should be required to dispose of as route disposition in the marketing area during the month a minimum of 10 percent of such receipts. A plant meeting both of these standards is sufficiently identified with the regular market supply to require participation in the marketwide pool.

It is desirable that qualification of a pool distributing plant during the short production months be determined on the basis of disposal of at least 50 percent of its receipts from dairy farmers as route disposition. It is not necessary that receipts from "supply" plants be included in the determination of the qualification of distributing plants since the matter here being determined is whether the dairy farmers delivering milk to a distributing plant should have producer status.

Most of the distributing plants regulated under the present order utilize an extremely high percentage of their total receipts as Class I and there is no question but that they each would readily qualify as pool plants under the above standards. A few plants during some of the flush production months have had a Class I utilization slightly under 50 percent. It is not intended that pool status shall be accorded distributing plants with primary disposition in manufacturing uses. Neither is it intended that distributing plants historically associated with the market shall be denied pool status under the amended order. Accordingly, it is concluded that during any of the months of March through August a distributing plant must dispose of at least 45 percent of its receipts from dairy farmers as route disposition to qualify for pooling.

One handler proposed that the requirement be not more than 40 percent during the flush production months, contending that under the individual-handler pooling arrangement he had been forced to drop producers needed in the short production months in order to maintain a satisfactory blend to hold the remainder of his supply and still had under a 50 percent utilization in some months. He suggested that this situation primarily reflected the variation in contract and wholesale business which constitute a large part of his business. Whether this is, in fact, the situation or, whether, as

appears more likely, he relies on his fluid operation as a partial supply for his separate, unregulated cheese operation cannot be determined from the record. In any event, based on his actual reported utilization, the 45 percent standard herein provided would have assured pooling of his plant in each month since November 1963. In addition, since this standard applies only with respect to dairy farmer receipts, the handler has flexibility to accommodate his particular needs by plant transfers from other handlers without affecting the status of his plant.

A plant from which less than the above percentages of receipts from dairy farmers are disposed of as Class I milk should not be considered to be primarily engaged in the fluid milk business and under such circumstances should not be permitted to equalize through the pool.

For reasons later set forth in this decision, a cooperative association is provided handler status with respect to milk of member producers which it causes to be diverted[2] to a noonpool plant for its account. Milk so diverted is deemed to have been received by the cooperative at a pool plant at the location of the pool plant from which such milk was diverted. Notwithstanding, it is intended for purpose of determining the pool status of any plant, that milk so diverted, as well as milk diverted for the account of the plant operator shall be considered as receipts from dairy farmers at such plant. Unless this is done, it would be possible for a cooperative to agree with a proprietary handler to associate milk with the pool, which milk is intended for the handler's unregulated manufacturing operation, while at the same time safeguarding the pool plant status of the handler's distributing plant by acting as the responsible handler on diverted milk.

Essentially all, if not all, of the distributing plants which have held fully regulated status under the Delaware Valley order have the preponderance of their route disposition in the marketing area. Nevertheless, it is possible that some plants located outside the marketing area may have some sales within the area. When marketing area sales constitute only a very minor part of a plant's total route disposition it is not necessary to subject the plant to full regulation to achieve the purposes of the Act. This will permit such plant greater flexibility in meeting competition in its normal unregulated market and at the same time insure the integrity of regulation in the marketing area.

A distributing plant meeting the pooling requirements of more than one order normally should be regulated under the order covering the area in which it has the greater distribution. However, recognition must be taken of the fact that the New York-New Jersey order provides that a plant holding pool status under that order shall continue to hold such status until the fourth consecutive month in which a greater disposition is made in another Federal order marketing area. Since it would not be appropriate to subject a plant to full regulation under two Federal orders, provision must be made to relieve a plant from full regulation under this order in circumstances where regardless of its status under this order it nevertheless is fully regulated under another order.

Under the terms of the New York-New Jersey order it is possible for a regulated plant to receive unregulated milk and dispose of such milk as route disposition outside the Order 2 marketing area with no monetary obligation to the pool, regardless of the price at which such milk might have been procured. To accomplish the purposes of the Act it has been necessary, under the individual-handler pooling arrangement provided by the Delaware Valley order, to regulate the otherwise unregulated supply of any Order 2 pool plant with route disposition in the marketing area.

With a change to marketwide pooling this rather complicated procedure is no longer appropriate. However, inequities would exist among handlers in the sale of milk in this marketing area unless some method is provided for removing the competitive advantage which results from the use of unregulated milk for Class I sales. This can be accomplished by requiring that the operator of an other order plant using unpriced milk for route disposition in the marketing area shall pay to the producer-settlement fund the difference between the Delaware Valley Class I price and the Order 2 uniform price, both applicable at the location of such distributing plant, on each hundredweight of milk so disposed of.

The Deputy Administrator recommended that the applicable payment on such unpriced milk be the difference between the Delaware Valley Class I and uniform prices. Both handlers and producers excepted to this conclusion, pointing out that unpriced milk purchased by an Order 2 regulated handler from nonpool bulk tank units and/or plants is normally purchased in direct competition with Order 2 pool milk and that the dairy farmers supplying such milk customarily are paid a price reflecting the Order 2 uniform price. Handlers further argued that any payment on such unpriced milk should appropriately be based on the Order 2 or Order 4 uniform price, whichever is lower.

Since, as exceptors pointed out, unpriced milk received at an Order 2 pool plant is normally purchased on the basis of the Order 2 uniform price and such milk has unregulated status primarily as a result of the decision of the handler operating the pool plant, it is concluded that the Order 2 rather than the Order 4 uniform price most appropriately represents the price from which the equalization payment should be computed. The proposed amended order has been revised to so provide.

In determining the amount of unregulated milk to which such payment shall apply, it is necessary that the market administrator recognize the assignment under the New York-New Jersey order of all pool and other order receipts at such plant and provide equivalent classification with respect to such milk under this order.

This procedure is necessary because of the special assignment provisions of Order 2 through which unpriced milk may be distributed outside the New York-New Jersey marketing area by an Order 2 pool plant. The resulting payments will minimize the possibility of a procurement advantage on any milk so disposed of in the Delaware Valley marketing area.

"Supply" plants are the second category of plants for which standards for pooling must be provided. While many handlers in the market receive all of their milk directly from producers, there are nevertheless a substantial number of supply plants which have been regularly supplying bulk milk to distributing plants. In addition, it is likely that from time to time supplemental supplies are secured from plants not regularly associated with this market.

A supply plant should be fully regulated in any month of September through February in which 50 percent or more of its receipts from dairy farmers are transferred to distributing plants each of which disposes of as route disposition a volume not less than 50 percent of its total receipts of fluid milk products and which has route disposition in the marketing area of at least 10 percent of such receipts. Such a plant must be considered as substantially associated with the Delaware Valley market and the dairy farmers supplying such plants should therefore participate in the marketwide pool.

During the flush production months it is likely that requirements for supply plant milk will be somewhat less than during the other months of the year. It is appropriate therefore that shipping requirements be lower in such months. Accordingly, it is provided that during any month of March through August a supply plant shall be fully regulated if it transfers 40 percent or more of its receipts from dairy farmers to distributing plants each of which disposes of as route disposition, a volume not less than 45 percent of its total receipts of fluid milk products and which has route disposition in the marketing area of at least 10 percent of such receipts.

Any supply plant meeting the 50 percent shipping requirement in each of the

[2] A movement of producer milk directed by a handler, to an unregulated plant without having first been received at a pool plant.

months of September through February should retain pooling status during each of the following months of March through August in which it does not meet the shipping requirement unless the operator of such a plant elects nonpool status for the plant.

The extent to which a distributing plant draws upon supply plants for milk supplies normally varies considerably according to the season of the year. This is due to the seasonal changes in production and milk sales. Accordingly, a supply plant should not be required to ship as much milk in the months of higher production as in the short production months. A supply plant, the milk supply from which is needed in the short production months is a necessary and integral part of the market supply and this should be recognized by according it pool status during the March through August period even if shipments are not made. This will provide producer status for dairy farmers shipping to plants which are thus recognized as regular suppliers of the market. A plant should be permitted to withdraw from pool status, however, at the operator's option in any of the months of March through August in which it does not meet the current shipping requirement. In such case it would not acquire pool status until it again met such shipping requirement. To protect the integrity of regulation, a plant eligible for automatic pooling status during the flush months should not be permitted to hold such status in any month in which the distributing plant(s) to which it made qualifying shipments in the September-February period are qualifying other supply plants for pooling. This provision is necessary to insure that the pool will not be burdened with milk for manufacturing uses.

Exception was taken to the above conclusions on the basis that a plant which had performed in the short production months should not be jeopardized by possible loss of its automatic pooling status in the flush months. Exceptors contended that supply plants could lose their status solely as a result of decisions on the part of the purchasing handler(s) to buy milk from plants not then holding pooling status. While this is correct, it is nevertheless reasonable to conclude in such circumstance that the plants previously qualified by shipments to such handlers and which are no longer making shipments, in fact, no longer have a bona fide association with the market. It is unlikely that a handler would jeopardize the continuing pool status of his normal supply in the manner suggested. Under normal circumstances a decision to substitute supply plants during the flush season would be made because of the nonavailability of the former supply. In such situation the milk appropriately should not continue to be pooled.

Two multiple plant handlers in the Delaware Valley market operate country plants which have historically been regulated under the order but which, under the procedure of operation now employed, could not be expected to meet the shipping requirements herein provided. These plants are manufacturing plants but the milk of dairy farmers delivering to such plants is approved for fluid use. However, under the system of farm bulk tank handling, to which the market is almost completely converted, milk needed by the handler for Class I use is moved directly from the farm to the city distributing plant. When not so needed it moves to the manufacturing plant.

Under the individual-handler pooling arrangement provision for system pooling has accommodated the pooling of these two plants. To permit continuation of the pooling of this milk supply, which has a long association with the fluid market, it is provided that in the case of a handler operating a pool distributing plant and one or more supply plants the several plants may, for the single purpose of qualifying such supply plants as pool plants, be considered as a unit. If such unit meets the pooling standards provided for distributing plants the supply plants shall be considered to have met the pooling requirements for supply plants. Having met the standard for pooling in the short production season, such plants then have continuing status during the flush season in the same manner and subject to the same conditions applicable to other supply plants.

Since the supply plants here involved are manufacturing plants and do not qualify by shipment it is possible that at times, or on a regular basis, milk could be received at such plants from dairy farmers which does not meet the quality requirements for disposition in the marketing area as fluid milk. As a condition of pooling therefore it is necessary that the handler be required to notify the market administrator each month in filing his reports pursuant to § 1004.30 of any such receipts. Such milk will be considered as milk received from a "dairy farmer for other markets" and assigned to Class II disposition for reasons later set forth in the discussion on allocation procedure.

Nonpool plant. Plants which do not meet the performance standards for pooling, but which enter the orbit of regulation by virtue of shipments of fluid milk products to pool plants, receipt of pool milk or route disposition in the marketing area, are defined as nonpool plants. Such definition is included in the order to facilitate drafting of the several order provisions, and conforms to the provisions adopted in other Federal orders as a result of the joint public hearings held in January 1963 to amend Federal orders to conform with the "Lehigh Decision." The "nonpool plant" definition includes such categories as "other order plant," "producer-handler plant," "partially regulated plant," and "unregulated supply plant." These plants are specifically defined as follows:

(1) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(2) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(3) "Partially regulated distributing plant" means a plant that does not meet the requirements for a pool plant and that is neither an other order plant nor a producer-handler plant, from which fluid milk products are disposed of as route disposition in the marketing area during the month; and

(4) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool distributing plant during the month, but which is neither an other order plant nor a producer-handler plant.

Handler. The impact of regulation under an order is on handlers. The handler definition identifies those persons from whom the market administrator must receive reports, or who have financial responsibility for payment for milk in accordance with its classified use value. To more fully accommodate the effective administration of the order, "handler" should be redefined and broadened to recognize the existing market structure.

As herein defined the definition includes (1) persons operating pool plants; (2) persons operating partially regulated distributing plants; (3) persons operating unregulated supply plants; (4) persons operating other order plants; (5) a cooperative association with respect to milk diverted to a nonpool plant; (6) a cooperative association with respect to milk which is delivered to a pool plant in a bulk tank truck owned and operated by, or under contract to, the association, unless both the cooperative and the operator of the plant have given prior notice to the market administrator that the plant operator intends to be the handler for such milk, and is purchasing the milk on the basis of farm weights determined by farm bulk tank calibrations and butterfat tests based on samples taken at the farm; (7) a producer-handler; and (8) any other person who by purchase or direction causes milk of producers to be picked up at the farm and/or moved to a plant.

The handler who receives milk from producers is held responsible under the terms of the order for reporting receipts and utilization of such milk and for proper payment to producers and to the pool. To implement order administration and to better insure payment to producers, financial responsibility for producer milk under the order is placed on the operator of a pool plant where such milk is received or deemed to have been received, and, under specified circumstances, on cooperative associations. The financial status of such persons in the market is such as to minimize the possibility of nonpayment. In addition, in the event of nonpayment there is reasonable assurance of the existence of assets from which monies may be recovered through appropriate legal processes.

An other order plant which enters the orbit of regulation under this order either through route disposition or by shipment of packaged or bulk milk is potentially subject to regulation under this order. It is necessary that the operator of such a plant be accorded handler status in order that the market administrator may require the necessary reports to determine such plant's status and the operator's obligations, if any, under this order.

Inclusion in the handler definition of any person operating a partially regulated distributing plant or unregulated supply plant, as well as a producer-handler, is necessary in order that the market administrator may require the necessary reports to determine the continuing status of such individuals and in case of distributing plants, the extent of their obligation, if any, to the producer-settlement fund.

Several of the cooperative associations whose members are suppliers of milk for the market assume the responsibility of balancing their buying handlers' supplies with such handlers' needs for fluid milk. Under the individual-handler pooling arrangements which have been provided in the past, a number of handlers have received only that milk necessary to meet their needs and the cooperatives have marketed as nonpool milk that milk for which no outlet was available through their buying handlers. In many situations, such milk undoubtedly was marketed as producer milk under either the Upper Chesapeake Bay or New York-New Jersey order. In the case of one cooperative, agreements with certain of its buyers has permitted the operation of a base plan by which the cooperative markets the "over-base" milk generally to unregulated outlets, and each producer receives a "blended" price computed on the basis of the uniform price of his particular handler for the base milk and the actual returns realized by the cooperative on his "over-base" milk.

Under the marketwide pooling arrangement herein provided, it is desirable that all milk which has established its bona fide association with the local market participate in the equalization pool. The handler definition, therefore, should be sufficiently broad so as to include a cooperative association with respect to producer milk diverted to a nonpool plant for the account of the association. Milk not needed by local handlers can generally be most economically handled by movement directly from the farm to its ultimate destination. Unless the cooperative is permitted to be the handler on such milk it is likely that cooperative members would bear the entire burden of carrying the market's reserve supplies, since handlers could continue to receive only that volume of milk needed to meet their immediate requirements and the cooperatives would be forced to handle the remaining milk as other than pool milk. Providing handler status to a cooperative association with respect to milk which it diverts will not only better insure orderly marketing but also will promote efficient utilization of producer milk in the highest available use class since the arrangement will also permit a cooperative association to divert milk for Class I use to a nonpool plant which milk might otherwise be used or disposed of by the proprietary handler in Class II.

The second role of a cooperative as a handler without a plant is with respect to its operations in delivering the farm bulk tank milk of its producer members directly from the farm to pool plants. Under the current arrangement for marketing the milk of producers using farm bulk tanks, the amount of milk delivered by any such producer, and the butterfat test thereof, can be determined only by measurement at the farm and from butterfat samples taken at the farm. After the milk has been pumped into the tank truck and commingled with the milk of other producers there is simply no opportunity to measure, sample, or reject the milk of an individual producer. Hence, it is essential that the producer be paid on the basis of such weights and tests.

When the pickup is conducted by a cooperative association or by a person under contract to or control of such association it is the association which controls the operation with respect to individual producer weights and tests. Accordingly, the association must appropriately assume the role of responsible handler unless through agreement between the association and the operator of the plant where the milk is received, noticed to the market administrator, the plant operator assumes the role of responsible handler and agrees to purchase the milk on the basis of farm weights and tests. When the cooperative association is the responsible handler, the milk is treated as a receipt of producer milk by the cooperative association at a pool plant in the same location as the pool plant at which the milk was physically received. The milk is then treated as a transfer by the cooperative association to the plant operator.

At the January 1965 hearing where the question of handler status for a cooperative association was one of the issues, the principal cooperative in the market, as well as the major handlers, objected to such a provision. They contended that the market had operated satisfactorily without such a provision and no problems had arisen. For those persons the inclusion of this provision need have no application. As long as the buying handler accepts responsibility and pays on the basis of farm weights and tests there is no problem. However, where this is not the case the cooperative must be made the responsible handler to insure that each producer receives payment for all of his milk picked up at the farm.

The order should specify, however, that handlers shall pay a cooperative association which is a handler pursuant to § 1004.10(c) at the uniform price for the milk received directly from producers' farms. It will simplify order accounting if such milk is paid for by the plant operator at the uniform price. This method of payment will facilitate any adjustments required when audit by the market administrator discloses an error such as an error in classification.

Payments into and out of the producer-settlement fund will be made directly between the regulated handler and the market administrator. This will establish directly the responsibility for accounting for milk and for its payment on the part of the handler. When settlement is made through a cooperative association, i.e., when a handler settles with the cooperative at class prices and the cooperative pays into or out of the producer-settlement fund, an unnecessary third party is intruded into the transaction. By eliminating the cooperative as an intermediary between the regulated handler and the market administrator, with respect to transactions with the producer-settlement fund, problems of financial responsibility, enforcement, and subsequent audit adjustments will be greatly reduced. These are important considerations, particularly in this market, in the context of order evasions previously described.

Finally, for purposes of reporting and verification only, it is necessary that handler status be accorded any other person who by purchase or direction causes milk of producers to be picked up at the farm and/or moved to a plant. In the Delaware Valley market it is not uncommon for brokers and/or dealers with no plant facilities to contract with cooperative associations for a milk supply and to then make subsequent arrangements with proprietary handlers in the market to supply their requirements for milk. In some situations the broker (or dealer) takes title to the milk and in others does not. While the order has held and continues to hold the proprietary handler responsible for reporting and payments to producers in such situations, nevertheless there are obviously circumstances in which he has little, if any, specific knowledge with respect to the pickup and movement of the milk and payments to producers. In such cases the market administrator may find it necessary to review promptly the books and records of persons other than the proprietary handler to satisfactorily verify receipts, utilization and payments.

In investigating the current market problems previously referred to, the market administrator has had considerable difficulty, in some situations being forced to seek court orders, in obtaining access to necessary records. This problem may be circumscribed by adoption of this provision through which the market administrator may require of brokers and dealers involved in the marketing process reports of such nature and at such times as he deems necessary to verify the receipts, disposition and payment for producer milk.

Two of the major cooperatives and the principal handlers, all supporting continuation of the present individual-handler pooling, proposed a further broadening of the handler definition which could be construed to include haulers and all persons (including consumers) purchasing, handling or dealing in milk subsequent to its disposition in packaged form from a pool plant. It cannot be concluded from the record that the extension of responsibility under the order to such an end would serve any useful purpose in administration of the order and accordingly such proposal is denied.

Producer-handler. The producer-handler definition should be modified to limit its application to a person who operates a dairy farm and a distributing plant for which the source of supply for Class I milk is solely own-farm production and transfers from pool plants. To avoid the possibility that a person might attempt to masquerade as a producer-handler in its normal concept through hidden leases, rental arrangements and other corporate devices designed solely to circumvent regulation of the order, it is provided that producer-handler status shall be contingent on furnishing proof satisfactory to the market administrator that the maintenance and management of the herd and other resources necessary to produce the own-farm production and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

Typically, a producer-handler conducts an operation, in which he processes, bottles and distributes preponderantly only own-farm production. Full regulation of such individuals would provide considerable administrative difficulty and is unnecessary under the existing market situation.

There are few producer-handlers operating in the area and the record gives no indication that they have been a disturbing factor in the market. Under the individual-handler pooling arrangement, no useful purpose could have been served by limiting a producer-handler's sources of milk supply in any way other than that which prohibited milk receipts from other dairy farmers. Hence, it is possible that to the extent that producer-handlers have operations in the market, their source of supply other than own-farm production could be milk from unregulated plants. To the extent that producer-handlers have had access to unpriced milk they have had a competitive advantage over other handlers. This situation can be corrected under the marketwide pooling arrangement. While the own-farm production of a producer-handler is not subjected to pricing regulations, such a person should not be entitled to supplement his production by purchases of unpriced milk. To continue to permit producer-handlers the privilege of using unregulated milk also would be inequitable to producers. It would permit use in the fluid market of unregulated milk without such milk being subject to the allocation and payment provisions, which provisions are intended to provide proper apportionment to producers of returns from Class I sales. Accordingly, the order should provide that use for Class I purposes of other than own-farm production and receipts from pool plants would preclude an operator from producer-handler status.

The principal proponent for marketwide pooling proposed that a producer-handler be limited in his disposition of Class I milk to not more than 100,000 pounds monthly. Proponent was unable to describe existing producer-handlers in the market or to assess the possible impact of his proposal. It is concluded that the record of this hearing provides no basis for the adoption of such a limitation and the proposal therefore is denied.

Dairy farmer for other markets. A "dairy farmer" is defined as any person who produces milk which is delivered in bulk to a plant. Milk, however, may be received at a pool plant from dairy farmers who are not part of the regular supply of such plant. In addition, in the case of supply plants which qualify as pool plants pursuant to § 1004.8(d) milk may be received which does not meet the health requirements for disposition as fluid milk. In order to distinguish such milk a "dairy farmer for other markets" definition is provided. The primary problem, however, revolves around the fact that supply plants which meet the prescribed shipping requirements during the short production months have automatic pooling status during the flush months. Under such circumstances a handler operating both pool and nonpool plants and having manufacturing facilities could, without affecting the status of his plant(s), augment his supply during the flush by taking on additional dairy farmers or by receiving shipments from dairy farmers of milk excess to their normal market. Such an arrangement would tend to dilute the pool and place on regular producers the burden of carrying the reserve supply for outside Class I markets for which they do not share in the Class I sales. It would be improper to accord producer status to dairy farmers whose milk is handled under such an arrangement.

Recognition must be given to the possibility that a plant may become pooled for the first time during the flush season. Under such circumstances the dairy farmers supplying such plant should have the same status as other producers in the market. Likewise a producer-handler who regularly had been associated with the market during the short production months, but who elected to change his status and become a regular handler buying from producers should not be denied status as a producer on his own-farm production. Such a change in status would under normal circumstances be an asset to the pool since producer-handlers are usually high Class I utilization handlers.

Recognizing that a handler's requirements for the fluid market may change, some flexibility is needed to permit the adjustment of producers without affecting the status of such producers during the flush production months. Accordingly, the "dairy farmer for other markets" definition is limited to those dairy farmers whose milk does not meet the health requirements or is received by a handler at a pool plant during any of the months of March through August, from a farm from which the handler, an affiliate, or any person who controls or is controlled by the handler received milk other than as producer milk during the preceding months of January and February, unless such dairy farmer held nonproducer status during such months solely because the pool plant at which his milk is currently received was not a pool plant in such months.

Because of the time at which the order will likely become effective it would be inappropriate to have this latter provision operative for the remaining months through August 1967. It is provided therefore that it will be effective on and after January 1, 1968.

Producer. The term "producer" defines those dairy farmers who constitute the regular source of supply for the market and to whom the minimum prices specified under the order must be paid. Under the individual-handler pooling arrangement it was unnecessary to restrict diversion privileges since each handler was in a position to add or release producers to accommodate his particular operation, except as his decisions might result in a blend price to be paid his producers which was unfavorable in comparison to that of other handlers with whom he competed in procurement. Under such circumstances he would likely lose his better producers to other handlers. For this reason there was little possibility that any handler would increase his receipts of producer milk solely for the purposes of obtaining a supply of milk for manufacturing uses.

Under a marketwide pooling arrangement, where all producers receive the same blended price, a decision on the part of any particular handler to increase his milk supply does not affect returns to his producers in relation to other producers on the market. Accordingly, it is necessary to restrict the diversion privilege to deter milk intended solely for manufacturing uses from becoming associated with the pool.

The milk supply for the fluid market is produced under the approval and supervision of the respective health authorities having jurisdiction in the marketing area. It must be presumed, therefore, that milk which is permitted to be received at a pool plant meets the quality standards of the health authorities. Unless milk so received falls in the category of milk received from "dairy farmers for other markets," producer-handlers under any Federal order or producers under another Federal order issued pursuant to the Act, it is intended that it be accorded status as producer milk. For reasons previously stated in this decision relating to "dairy farmer for other markets" it would be inappropriate to permit milk from such source to share in the equalization pool of this market. Similarly, a producer-handler does not share his Class I sales with other producers and accordingly should not be permitted to gain the blend price for his excess milk.

Under the New York-New Jersey order a dairy farmer may have status as a producer by virtue of being included as part of a designated pool bulk tank unit. In such event the fact that the milk of such dairy farmer was moved directly from the farm to a Delaware Valley pool plant would not change its status as producer milk under the New York-New Jersey order. It is necessary therefore to exclude from the producer definition a dairy farmer whose milk is received directly at a pool plant and who notwithstanding his status under this order, would nevertheless be a producer under another Federal order with respect to such milk.

Even though producer status is established on the basis of receipt of milk at a pool plant, it must be recognized that the orderly and efficient handling of reserve milk requires the occasional diversion of the milk of individual producers to nonpool plants. The direct movement of the milk from the producer's farm to the plant of ultimate disposition avoids the expense and handling which would be involved if the milk were required to be first delivered to the pool plant where normally received and then transferred to the nonpool plant.

It is intended that the order shall assure an adequate, but not excessive supply of milk for the fluid market. The order should not be so drafted as to encourage handlers to associate an excessive volume of milk with the pool. This result could come about if unlimited diversions were permitted throughout the year.

During the months of September through February, when milk production is generally lowest, it is necessary to provide diversion privileges only to cover weekend receipts and nominal reserves resulting from day to day variation in Class I sales. It is provided therefore that diversion to a nonpool plant, other than a producer-handler plant or an other order plant, during any month of this period shall be limited to 10 days production of any producer. In addition, as an alternative to the 10-day limitation during the months of September through February and to permit maximum efficiency in handling reserve milk, diversion on a percentage basis should be permitted. A cooperative should be permitted to divert to a nonpool plant up to 15 percent of the milk of its producer members during any such month and a proprietary handler should be permitted to so divert up to 15 percent of the total nonmember producer receipts at his pool plant during any such month.

Under the provisions of the order herein proposed there is little possibility that a handler may take on unneeded milk during the March-August period for the purpose of having milk for Class II use. Hence, there is no need to limit diversions during this period when the problem of economical handling of the market's reserve supply is greatest. Handlers, including cooperative associations, therefore are given unlimited diversion privileges during this period.

If diversions were permitted to a producer-handler plant this could provide the means whereby a handler with own-farm production might evade equalization of his own-farm production while at the same time regularly receiving milk from other dairy farmers. The producer-handler as defined is limited in his source of supply to own-farm production and transfers from pool plants. It is therefore necessary for consistency in the application of the several order provisions to preclude diversions to a producer-handler plant.

Under most Federal orders producer status is determined on the basis of receipt of milk directly from the farm at a pool plant. It is appropriate therefore that the producer definition make no provision for diversion to an other order plant. This will eliminate any uncertainty as to the status under this order of any dairy farmer with respect to milk moved directly from his farm to an other order plant.

While diverted milk is included as producer milk by virtue of being deemed to have been received by the diverting handler at a pool plant at the location of the plant from which diverted, nevertheless, for pricing purposes such milk should be considered to have been received at the location of the nonpool plant to which diverted. Unless this procedure is followed there is a strong incentive for any handler operating an unregulated manufacturing plant in the country to associate an excessive quantity of milk with city distributing plants and then regularly receive the milk at his manufacturing plant as diverted milk up to the limits allowed. Without appropriate safeguards distant producers thus could receive the city blended price when, in fact, their milk was moving on an almost regular basis to a nearby manufacturing plant. Pricing diverted milk at the plant of physical receipt will tend to deter the association of milk intended solely for manufacturing uses and will insure that the pool will not subsidize transportation costs which, in fact, are not incurred.

Producer milk. Producer milk is intended to include only that skim milk and butterfat contained in milk produced by producers and received at pool plants directly from such producers or by a cooperative association as a handler on bulk tank milk. Producer milk also includes diverted milk of producers within the limitations presented in the producer definition.

Other source milk. Other source milk is defined as all skim milk and butterfat utilized by a handler in his operation except producer milk, fluid milk products received from pool plants, milk received from a cooperative in its capacity as a handler on farm bulk tank milk and inventory of fluid milk products on hand at the beginning of the month. It would include all skim milk and butterfat represented by fluid milk products received from plants other than pool plants and all manufactured milk products from any source received during the same or prior months including those from the plants' own manufacturing operation which are reprocessed or converted into another product during the month.

(b) *Classification and allocation of milk. Classification of half and half.* Skim milk and butterfat disposed of as half and half in fluid form should continue to be classified and priced in Class I as presently provided. The fluid milk product definition should be amended, however, to exclude sour half and half and thus provide a Class II classification and pricing for the skim milk and butterfat used to produce such product.

Two handler proposals were considered at the January hearing which would classify half and half as Class II. One proposal supported by a single proponent would apply only to half and half which is sterilized and placed in half-ounce containers. The other proposal, supported by almost all handlers in the market, would apply generally to all milk and cream mixtures with a butterfat content of at least 10 percent but less than 18 percent (the legal minimum butterfat content for cream, presently a Class II product).

Proponents of the broader proposal contended that a Class II classification and pricing is necessary to permit milk and cream mixtures to better compete with similar substitute products made with vegetable fat. It was their position that, unless the requested relief were granted, producers would be in jeopardy of complete loss of their market for milk, skim milk and cream in the form of half and half, which result, they suggested, would reduce overall producer returns. In support of their position, proponents pointed out that the Pennsylvania State Milk Control Commission had, under State orders in certain adjacent areas, responded to a similar request for a Class II classification and pricing and under such lower pricing half and half sales had significantly increased.

The proponent for a Class II classification of half and half in one-half ounce containers supported his proposal on essentially the same grounds as proponents of the broader proposal. In addition, he contended that while he was using local cream and nonfat dry milk solids to make his product, he had access to other approved sources of supply which he could secure at lower prices than those provided in the order. A change in his source of supply, he suggested, would lower producer returns.

Producers opposed a lower classification of half and half on the grounds that it is not compatible with the concept of the classified pricing scheme in that "half and half" is a fluid milk product required

by the appropriate health authorities to be made from milk and milk products from approved sources of supply; and that the product is sold in direct competition with other fluid milk products in Class I.

Market competition from a vegetable base (or any nondairy substitute) product is not an appropriate basis for determining the classification of a fluid milk product. Neither is size of package an appropriate basis for classification. While one proponent requested special consideration because his product is sterilized before packaging and, hence, has longer shelf life, this has no significance since the finished product has the same physical characteristics as similar unsterilized products, is used for the same purposes, and must meet the same quality requirements.

Under the classification scheme employed under Federal orders the fluid milk products classified as Class I are those which are required by the appropriate health authorities in the marketing area to be made from milk or milk products procured from approved sources. The extra cost incurred by producers in producing quality milk and in delivering it to market in the condition and in the quantity needed by the market necessitates a price for milk used in Class I somewhat above the price of milk used in manufactured products. The higher price must be at a level which will provide sufficient incentive to producers, through the uniform price, to encourage the production of those quantities of milk needed for Class I plus the necessary reserve to cover daily fluctuations in market demand.

Milk which is excess to Class I use at any time must be disposed of for use in manufactured products. These products compete with similar products made from unapproved milk on a national market. Milk so used must be classified as Class II milk and priced according to its value in such outlets.

Fluid cream is normally considered a fluid milk product. However, because Philadelphia is an open cream market, butterfat from producer milk must be priced competitively with the price of cream from outside sources. For this reason cream is classified and priced in Class II and the same butterfat differential is applicable to both Class I and Class II milk.

In his decision issued October 31, 1963 (28 F.R. 11847) with respect to the promulgation of the Delaware Valley order, the Assistant Secretary concluded that "Since skim milk and butterfat disposed of as half and half is subject to the same quality production requirements as other products in Class I by each of the respective health authorities having jurisdiction in the marketing area, there is no basis on this record for a lower classification and pricing." There was no evidence adduced at these hearings to permit a different conclusion.

Appropriately, the higher Class I price should apply uniformly to the fluid milk products for which an approved milk supply is required. The exclusion of a particular fluid milk product from Class I, which product is required to be made from the same quality of milk as other products in Class I, would have the effect of placing on consumers of other fluid milk products the burden of the added cost reflected in the higher Class I price needed to insure an adequate milk supply for the fluid milk; i.e., the placing of a lower price on milk used in some fluid milk products would require a higher price on milk used in other fluid milk products to insure adequate returns to producers to produce the needed total milk supply.

Proponent offered no specific evidence to support his position that he could secure approved supplies from outside sources at less than the cost of local milk. The fact that approved supplies may be secured from outside sources at a cheaper price than local milk, under the circumstances existing in this market, is not an indictment of the classification scheme employed. However, it may raise a question as to the appropriateness of the order Class I price level applicable to all fluid milk products. But, as is later pointed out in the Class I price discussion, both producers and handlers firmly endorsed the existing price level as necessary under current supply-demand conditions.

Sour half and half, however, should be classified and priced in Class II because it is not required to be made from skim milk and butterfat procured from approved sources of supply. It competes directly with sour cream which has always been a Class II product in this market. Sour half and half is not widely sold in the market. In fact, it is manufactured and distributed only by one handler who has no fluid distribution and who secures his supplies of milk and cream totally from outside sources, generally in the form of condensed skim milk and cream. Accordingly, local producers have realized no return from this product and, hence, a change in classification will have no effect on their blend prices.

Classification of yogurt. The order should also be revised to provide a Class II classification for skim milk and butterfat used to produce yogurt. Under the existing order provisions yogurt is included as a Class I product. This results from yogurt being a mixture of cream and milk or skim milk containing less than 18 percent butterfat, and not specifically excepted from the fluid milk product definition.

There is no indication in the record that yogurt is manufactured by locally regulated handlers. Essentially, all the yogurt being distributed in the market is manufactured at plants regulated under the New York-New Jersey Federal order, which provides a Class II classification for this product if disposed of in the New York Metropolitan District and a Class III classification if disposed of elsewhere. The product is generally distributed in the local market directly to wholesale accounts through food distributors and jobbers. Much of the yogurt moved to the local market is subsequently reshipped to other areas in Pennsylvania and to Baltimore and/or Washington. The orders regulating the latter markets prescribe a Class II classification for yogurt.

There is no indication on the record that the health departments in the several segments of this market require that yogurt be made from milk of approved sources. As previously indicated, most of the product sold locally originates in Order 2 pool plants and the health departments of the State of New York and New York City do not require that the butterfat and nonfat milk solids used in yogurt come from milk of approved sources.

This change in classification will have little, if any, effect on returns to local producers, since the product as presently handled in this market is generally outside the scope of regulation under this order.

Inventory of fluid milk products. The classification provisions of the order should be revised to provide that inventories of fluid milk products in packaged form on hand at the end of the month shall be classified as Class I. Inventory in bulk will continue to be Class II.

This treatment of inventories will tend to minimize any possible differences in classification between a handler's internal accounting and his reports to the market administrator. Handlers may consider products loaded on trucks parked on or adjacent to the premises as being in inventory. Some also may consider products on hand in distribution depots or in transit as being in inventory. The market administrator, however, may consider as inventory only those items which are physically on hand in the plant. The classification procedure herein recommended should eliminate any difficulties in this respect. In addition, it should tend to minimize month to month fluctuations in the pool obligations of high utilization handlers.

In the first month in which this provision is in effect, the reclassification charge will be applicable in the identical manner as in the past. In subsequent months a reclassification charge will be applicable only on bulk inventory which is assigned to Class I. However, to insure that all handlers pay the current month's Class I price for producer milk disposed of during the month, it is provided that if the Class I price increases, the handler will be charged the difference between the Class I price for the current month and the Class I price for the preceding month on the quantity of ending inventory assigned to Class I in the preceding month. Likewise, if the Class I price decreases the handler will receive a corresponding credit.

Shrinkage. The classification provisions of the order should be revised to provide for a division of shrinkage between plants when interplant transfers occur. The maximum 2 percent Class II shrinkage allowance on producer milk should be retained with a division of one-half percent to the transferor plant and 1½ percent to the transferee plant.

Plant loss of skim milk and butterfat, commonly referred to as shrinkage, represents a disappearance of milk for which the handler must be held accountable. To the extent that such losses are reasonable, it is appropriate that they be classified in the lowest valued use class. The amount of producer milk so classified, however, must be limited; otherwise there would be an incentive for a handler to maintain inadequate and incomplete records solely for the purpose of having milk actually disposed of for Class I use nevertheless classified and priced as Class II.

The present language of the shrinkage provisions is essentially that contained in the former Philadelphia order which provided for system accounting. Because the present order provides for individual-plant accounting, it has been necessary for the market administrator to issue an interpretation in regard to the application of the shrinkage provisions to multiple plant handlers. As currently administered, shrinkages or overages, as the case may be, are determined for each plant on the basis of such plant's reported receipts and utilization. The handler is billed for any overages pursuant to § 1004.70(c). Total shrinkage of skim milk and butterfat, respectively, at each plant is prorated between producer receipts and other source receipts. Shrinkage assigned to producer milk at each of the handler's plants is totaled and compared to total producer receipts of such plants, excluding any of such receipts on which an overage has been computed. To the extent that such shrinkage does not exceed 2 percent of such receipts, it is classified as Class II milk. Shrinkage in excess of this amount is classified as Class I milk.

Handlers requested clarification of the shrinkage provisions to conform with the procedure currently employed. In the alternative and, as their preference, they requested a return to system accounting.

In order to effectuate the purpose of the order, provisions thereof must insure that handlers accurately report the receipts and utilization of all their milk at all their producer milk plants and account for such milk at not less than the minimum prices prescribed by the order. In his decision of October 31, 1963 (28 F.R. 11847), the Assistant Secretary concluded as follows:

> Under the classified use plan of a Federal order it is necessary to insure that all milk and milk products are fully accounted for by the handler who is responsible for accounting and reporting to the market administrator and for making payments to producers on receipts of producer milk. Accounting for milk and milk products on a skim milk and butterfat basis at each individual plant and pricing in accordance with the form in which or the purpose for which such skim milk and butterfat is used or disposed of either as Class I milk or Class II milk is the most appropriate means of securing complete accounting on all milk involved in market transactions.

While handlers may differ with the conclusions of the Secretary in regard to the appropriateness of the accounting procedures prescribed, it is significant that their arguments are primarily concerned with their reluctance to accept responsibility under the order for the volumes and tests of milk which their own records show as movements between plants. Accurate accounting for interplant movements presents no problems substantially different from those of accurate reporting of producer receipts. No two plants are operated with exactly the same degree of efficiency. If plant records, substantiated by audit, show a greater disposition or utilization than reported receipts, it must be presumed that the handler has underreported his receipts and, accordingly, producers should be compensated for the full use value of their milk. Conversely, if receipts exceed reported disposition or utilization by an amount in excess of normal plant shrinkage, such unknown disposition must be considered a Class I disposition. These procedures are essential to insure accurate and complete accounting for milk received and disposed of at each plant and to prevent any handler from obtaining a pricing advantage over his competitors through the maintenance of inadequate records.

Multiple plant handler proponents of system accounting contended that individual plant reporting and accounting results in higher total operating costs to them than would otherwise prevail under the proposed system accounting method. It is impossible here to evaluate the comparative costs of performing the many individual operations involved in a milk business in a single plant versus a multiple plant operation. Obviously, however, a multiple plant handler has more flexibility in handling milk than does a single plant handler. In any case, the choice of a multiple plant or a single plant operation is clearly that of the handler. Administrative problems and operating costs associated with each type of operation obviously must be considered by the handler in making such choice. However, these problems cannot be compelling in deciding upon the appropriate accounting procedure to be provided in the order.

The order should not be revised to provide for system (combined plant) reporting and accounting. However, some change in the shrinkage provision is necessary to better insure equity among handlers in their costs for milk under the terms of the order. The fact that the plant of original receipt experiences an overage rather than shrinkage should not be a basis of denial of shrinkage on milk moved from such plant to a second plant. In addition, in a situation where a handler operates two separate plants with little or no intermovement of milk between them, the unused shrinkage allowance at one plant appropriately should not be available to the second plant. Finally, in the case of transfers of milk between plants operated by different handlers the application of the shrinkage provision should be identical to movements of milk between two plants of the same handler.

The inequities of the present shrinkage provisions can be satisfactorily ameliorated by providing for an appropriate division of the maximum 2 percent allowable shrinkage as Class II milk between transferor and transferee plants whenever interplant movements of bulk fluid milk products occur. The experience under Federal orders generally, substantiated further by testimony at this hearing, is that in a reasonably efficient receiving operation shrinkage should not exceed one-half of 1 percent and in a reasonably efficient processing operation shrinkage experienced should not exceed 1½ percent. It is concluded that any shrinkage in excess of these maximum limits should be classified as Class I milk.

The maximum shrinkage allowance of skim milk and butterfat in Class II therefore should be limited to:

(a) Two percent of producer milk received at a pool plant; plus

(b) One and one-half percent of milk receipts from a cooperative association in its capacity as a handler pursuant to § 1004.10(c); plus

(c) One and one-half percent of milk received in bulk from other pool plants; plus

(d) One and one-half percent of receipts of fluid milk products in bulk from other order plants, exclusive of the quantity for which Class II utilization was requested by the handler (and by the operator of such other order plant if such receipt is fully subject to the classification and pricing of such other order); plus

(e) One and one-half percent of receipts from dairy farmers for other markets pursuant to § 1004.14(b) and receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(f) One and one-half percent of milk moved in bulk from a pool plant to other plants; and plus

(g) One-half of 1 percent in receipts of producer milk by a cooperative association in its capacity as a handler pursuant to § 1004.10(c).

It is appropriate to limit the volume of unregulated milk and other order milk that may be classified in Class II as shrinkage, since these types of receipts are allocated pro rata to class uses along with milk received from other pool plants and from producers. Under the allocation system herein provided, such other source milk will share with producer milk in any Class I quantity computed because of shrinkage in excess of established limits. No specific shrinkage limit is necessary on unregulated or other order milk that does not participate in the pro rata assignment to classes and which is allocated first to Class II, since the allocation procedure insures assignment of such milk to Class II in an amount at least equal to the shrinkage that may be associated therewith.

To insure an equitable assignment of total shrinkage in the two categories of receipts ((1) receipt for which percentage limits are set as to the quantity of shrinkage which may be Class II milk, and (2) receipt for which no shrinkage limit is set), the total shrinkage should be prorated to these two categories.

Transfers. The transfer provisions of the existing order should be modified and adapted to the marketwide pooling arrangement. In substance, however, the rules are essentially those contained in the present order. Classification of any fluid milk product which is moved to another plant should, under usual circumstances, be determined on the basis of its utilization in the plant to which transferred.

Fluid milk products transferred from one pool plant to another should be classified as Class I milk unless utilization as Class II milk is claimed by both handlers on their reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferee plant for such assignment after prior allocation of receipts of unregulated milk, other order milk, inventory, and appropriate assignment of shrinkage. Moreover, if other source milk of the type to which surplus value inherently applies (such as nonfat dry milk) has been received at the transferor plant during the month, the skim milk or butterfat in fluid milk products involved in such transfer should be classified so as to allocate the least possible Class I utilization to such other source milk. In the case of a transferor handler who received other source milk from an unregulated supply plant or other order plant, the transferred quantity, up to the total of such receipts, should not be Class I to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

Fluid milk products transferred or diverted to a nonpool plant (not an other order plant, or a producer-handler plant) should be classified as Class I milk unless certain conditions are met. The pool handler must claim classification as other than Class I in filing his report for the month pursuant to § 1004.30 and the operator of the nonpool plant, if requested, must make his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application of the classification procedures prescribed in the order.

If the above conditions are met, the skim milk and butterfat so transferred or diverted should be assigned as follows: Any route disposition from such nonpool plant in the marketing area should first be assigned to such transfer or diversion, and thereafter pro rata to receipts at such plant from other order plants. Any route disposition from such plant into the marketing area of another Federal order should be assigned first to receipts from fully regulated plants under such order and thereafter pro rata to receipts from pool plants and other order plants not regulated by such other order. Any remaining Class I utilization should first be assigned to receipts at such nonpool plants from dairy farmers who the market administrator determines constitute the regular source of supply for such plant and thereafter pro rata to unassigned receipts from all pool and other order plants. Any remaining unassigned receipts should be assigned to Class II to the extent of such available utilization. However, if on inspection of the books and records of such nonpool plant the market administrator finds that all remaining receipts at the plant exceed available Class II utilization the transfer or diversion shall be classified as Class I up to the amount of such excess.

In the case of fluid milk products transferred from pool plants to fully regulated plants under another order, specific rules should apply to coordinate the classification under both orders. Specifically, fluid milk products transferred to an other order plant in excess of receipts from such plant in the same category (packaged, bulk designated for surplus disposal, or bulk milk not so designated) should be classified in the classes to which allocated as a fluid milk product under the other order. If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form should be classified as Class II to the extent that Class II utilization (or comparable utilization under such other order) is available for such assignment pursuant to the allocation provisions of the transferee order. If, however, information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification should be as Class I, subject to adjustment when such information is available. For these purposes, also if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes should be classified as Class II.

If the form in which a fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification should be in accordance with the form in which it leaves the transferor plant. This would be the case where the classification of a product differs in the shipping and receiving markets and accordingly, identical classification will not be possible. These differences exist primarily because the health authorities in different areas have varying requirements with respect to the quality of milk which must be used in some milk products. Hence, the order provisions must be designed to accommodate the differences in classification which might exist in this order compared to any order market to which such product is transferred.

A product which is defined as a fluid milk product (Class I) in this market, may not be so defined in another market to which shipment is made. In such case, any transfer of such a product to such market would be classified in the class determined by the provisions of this order. The allocation to classes in the other order would be in accordance with the provisions of such other order.

Transfers of fluid milk products to a producer-handler plant should be classified as Class I. Producer-handlers do not equalize their Class I sales with other producers and accordingly to the extent that they rely on pool purchases for balancing supplies producers should be compensated through a Class I return.

Allocation. The order provides for determining the value of milk received from producers each month at a plant on the basis of its classification. It is necessary, therefore, that the order determine assignment of milk from all the various sources to each use classification.

The system of allocation of receipts to class utilization must be similar to the system of allocation set forth in the decisions of the Assistant Secretary issued June 19, 1964 (29 F.R. 9109) with respect to 75 Federal orders. This was designed to integrate into the regulatory plan of each of the orders, milk which is not subject to classified pricing under any order, and to apply the regulatory plan of each of the Federal orders to milk regulated under another order which is disposed of from the other order plant on routes in the marketing area, or is received at a fully regulated plant. Inasmuch as those decisions set forth the standards for dealing with unregulated milk under Federal orders generally, it is desirable that the system of allocation under this order be similar. Further, the treatment of other order milk should conform with the plan stated in those decisions so as to coordinate the applicable regulations on all movements of milk between Federal order markets. Except for relatively minor variations to accommodate this individual market's situations, the general scheme of allocation must be based on the considerations of coordination among markets and uniform treatment of unregulated milk in the several markets.

Milk received at regulated plants from unregulated sources. When unregulated milk eligible for distribution in the market in fluid form is received by a regulated handler at his pool plant, provision must be made for its allocation to the total available classification of the pool plant, and for providing an appropriate rate of payment to the producer-settlement fund on any such milk allocated to Class I.

The order should provide that fluid milk products moved from an unregulated plant to a pool plant or from an other order plant to a pool plant, if such milk is not classified and priced under such other order, be classified as Class II milk if so reported by the operator of the regulated plant. Milk may be purchased by a pool plant operator from such sources either for use in his manufacturing operation or in connection with his Class I requirements. When the purchase is for manufacturing, the order should accommodate this by providing that such milk be allocated to the lowest priced class utilization in the pool plant. This treatment of unregulated milk received at pool plants will further serve

to accommodate unregulated plants which have surplus milk but do not have manufacturing facilities, since it will make available as an outlet the manufacturing facilities of pool plants without involving the unregulated plant in the regulation. When, however, manufacturing utilization in a regulated plant is insufficient for the assignment of all fluid milk products from unregulated plants to the agreed manufacturing use, the remainder, of course, must be allocated to Class I.

Other categories of milk receipts assigned first to Class II use (down allocated) should include receipts from producer-handlers; receipts from dairy farmers whose milk does not meet the health regulations; receipts from unidentified sources and receipts of other source milk in a form other than a fluid milk product. The reasons for such assignment are explained in subsequent findings on these specific types of receipts.

With respect to the general category of milk received which is not regulated by any Federal order (not producer-handlers, however) the order should provide that (within limits) unregulated milk received at a pool plant, which is not specifically designated for manufacturing use, be assigned a classification which is pro rata to regulated milk received by the operator of such plant. This should be provided because classification of bulk milk cannot be determined on the basis of its inherent characteristics as either Class I (i.e., in bottles) or as surplus (i.e., as in manufactured products). Its classification depends upon its utilization by the handler who receives it. Unless the regulated handler accepts the milk for Class II use, a method as described herein must be provided for assigning the unregulated bulk milk to classes of use. By assigning it pro rata with regulated milk (within limits), its indeterminate character as Class I or II will be recognized up to the limit provided.

A limit must be placed on the amount of unregulated milk which may share full classification with regulated milk. The receipt of unregulated milk in a regulated handler's operation is always a source of danger to the regulatory plan. Handlers obtain unregulated milk because it is a cheaper source of supply than regulated milk. Unless some limitation is placed on the volume of unregulated milk that may be prorated, a handler with a supply of regulated milk adequate for his Class I requirements could acquire cheaper unregulated milk to increase his manufacturing uses. This milk would share in his Class I utilization while an equal volume of regulated milk would be assigned to the expanded surplus use. This would impair the effectiveness of the regulation.

The limit placed on the amount of unregulated milk to be assigned pro rata with regulated milk is such that when, as a result of proration or assignment, as much as 20 percent of all regulated milk in the handler's plants is assigned to Class II, all additional unregulated milk will then be assigned to Class II. A reserve of milk for fluid requirements on a marketwide basis more or less than 20 percent of all handlers' receipts may be required, depending upon seasonal and other considerations. An individual handler associated with a regulated fluid market (whose main purpose is to furnish Class I milk to the market) will not need unregulated milk for the purpose of maintaining an adequate supply to service Class I sales in amounts which will increase his reserve above 20 percent of his total receipts in any given month. Whenever a handler has a milk supply such that 20 percent of his receipts are in Class II, he is fully supplied for furnishing a regulated Class I market. Even though a situation could conceivably arise where, because of the disruption of normal supplies, a handler receives milk from unregulated sources in excess of the quantities that may be prorated, the attainment of effective regulation nevertheless requires the imposition of this limit.

It is provided that in assigning unregulated bulk milk for purposes of classification, the overall utilization of the handler at all of his plants regulated under the order [3] (rather than the utilization at a single plant) should be used. This is necessary for the same reasons, set forth later in this decision, which apply to receipts of milk from plants regulated by other orders.

Payment at the difference between the Class I and uniform prices should be made by the receiving handler into the producer-settlement fund on the portion of unregulated milk which is assigned to Class I through proration. There can be no question that the Class I price basically should apply to both regulated and unregulated milk used in a fully regulated plant as Class I milk. To attribute any different valuation on the unregulated milk would automatically result in inequity as compared with regulated milk similarly utilized.

Although there is no room for doubt as to the need to attribute a Class I value for any milk so utilized (the minuend), the proper credit to be allowed to milk from unregulated plants is not clear, i.e., what subtrahend should be used in such a payment formula. It may be expected that in many situations a payment at any lesser rate than the difference between the Class I minimum price and the value of such milk as surplus would give unwarranted price advantage to unregulated milk over producer milk similarly utilized.

Milk at unregulated plants may be purchased from dairy farmers on a flat price basis without regard to use classification. Although most of the milk so purchased by the unregulated plant operator may be intended for local distribution outside the regulated market, excess milk supplies on a daily and seasonal basis will arise as they also do in regulated plants.

[3] Such total utilization would be subject to certain prior deductions for receipts assigned to the surplus classification as mentioned in prior findings.

This frequently leaves excess milk at unregulated plants which is truly surplus to the normal fluid needs of those plants. This situation is accentuated at certain times of the year when there are characteristic seasonal increases in the production of milk without corresponding increases in the demand for milk. If it were not for the sale in the regulated market, such milk would have no higher value to the plant operator than its surplus value. In such circumstances, the operator of such an unregulated plant, including the fringe distributor, has great incentive to "dump" his surplus milk into the regulated market or its supply system at any price higher than a surplus price and thereby obtain a competitive advantage for such milk over regulated milk. Regulated handlers cannot similarly convert otherwise surplus Class II milk into Class I utilization without accounting to the producer-settlement fund at the full difference between these two utilizations, i.e., they account at Class I rather than Class II. There would then appear to be substantial justification for the same rate of charge against milk from unregulated plants obtained and used in similar circumstances.

Notwithstanding the fact that surplus milk is obviously available to handlers from time to time, in the light of the decision of the U.S. Supreme Court in the Lehigh Valley case (Lehigh Valley Cooperative Farmers, Inc., et al. v. United States, 370 U.S. 76), and because of the administrative difficulty in determining whether particular milk from an unregulated plant utilized as Class I in this market actually had only a surplus value or cost at source, it is concluded that the charge should be limited to the difference between the Class I price and the market order uniform price, adjusted for butterfat content and the location of the unregulated plant from which the milk was received. Although the use of the uniform price as the subtrahend will not assure complete removal of the minimum price advantage which may exist for some milk for the reasons just stated, it nevertheless will serve to minimize this advantage in such cases, and generally should be an equitable means of providing a reasonable measure of protection to the regulatory plan. If subsequent experience shows that such payment is not protecting the regulatory plan, then, on the basis of specific evidence, another rate of payment or another plan will need to be devised.

As a means of carrying out the equalization provided by market pooling, regulated handlers are required to pay the minimum uniform price to their own producers and, in addition, are required to pay to the producer-settlement fund the full difference between the Class I price and such uniform price on all regulated milk classified as Class I because of its use as fluid milk. Unregulated milk similarly used as Class I milk by a regulated handler likewise should carry a payment to the producer-settlement fund at least at the same rate as that required of regulated milk. If the han-

dler buys regulated milk at a price in excess of the uniform price, he receives no credit for this excess payment in accounting to the producer-settlement fund. Neither should he receive credit for any amount paid for unregulated milk in excess of the uniform price. Both the regulated and unregulated milk, therefore, will be credited at only the uniform price in accounting to the producer-settlement fund.

These payments are not unfair or burdensome to the dairy farmer supplying the unregulated plant, whose milk is used as Class I milk by a federally regulated handler. The allowance of a credit for unregulated milk used as Class I by the regulated handler at the uniform price level will provide opportunity to the unregulated plant operator to pay his dairy farmers at least the uniform price on these Class I sales. The order cannot, of course, guarantee to the dairy farmer that his purchaser in fact will pay this full uniform price to him.

Milk received from "dairy farmers for other markets", except that which is not qualified for fluid disposition, should be allocated along with and in the same manner as, receipts from unregulated supply plants. Such milk would usually be available to and received by the regulated handler for the identical reasons and under similar circumstance as milk from unregulated supply plants.

The order must contain provisions of this kind which serve to adequately relate to the total scheme of regulation that milk received by regulated handlers which is not subject to full regulation. Otherwise, the very existence of the market pool order may establish the condition which makes impractical the attainment of the regulatory objective of stabilizing the market in the manner prescribed by the statute. Consequently, the Secretary must protect to the extent consistent with the Act the regulatory plan in any marketing area against defeat or impairment because of the introduction into the marketing area of milk from unregulated sources which is not subject to full regulation.

There may be instances where a distributor is subject to State milk control and pays the State minimum price on all of his receipts of milk including some that is assigned as Class I in a federally regulated market. The method of assignment and rate of payment into the producer-settlement fund applicable to other unregulated milk must also be applied to this source of "unregulated" milk even though the State regulated distributor may have paid a price for the Class I milk disposed of in the Federal order market that was higher than the uniform price established by the Federal order. This is necessary for the same reasons as apply to any operator of a plant who, for whatever reasons, pays a price for milk higher than the Federal order uniform price.

Packaged fluid milk products also may under certain circumstances be received from unregulated plants, and in such circumstances it is appropriate to treat it in the identical manner as bulk milk received from such plants.

Producer-handler surplus, reconstituted milk, manufacturing grade milk and unidentified receipts. Certain milk by its very nature must be treated as surplus when received at a pool plant and, therefore, must be assigned a surplus value. One such source is milk received at a regulated plant, in either bulk or packaged form, from a producer-handler (under any Federal order). Another source is milk produced by the reconstitution to fluid form of manufactured dairy products, such as fluid skim milk made by the addition of water to nonfat dry milk. Still another source is milk of manufacturing grade which is not eligible for disposition for fluid consumption in the market. As to milk from these sources, a payment into the producer-settlement fund at the difference between the Class I and surplus prices must be required of the receiving handler when such milk is allocated to Class I, following "down allocation" to the extent it can be absorbed in lower-priced uses.

The producer-handler's exemption from pooling and pricing is based on the principle that the producer-handler assumes the burden of disposing of his milk supplies in excess of his Class I milk needs. Being exempt from these provisions of the orders makes it possible for the producer-handler to retain the full return from his Class I sales of milk on routes even though such sales are in competition with regulated handlers.

Producer-handlers are primarily engaged in the distribution of Class I milk. Normally, they do not maintain facilities for processing and manufacturing any milk produced in excess of their Class I needs. Because of seasonality of milk production and for other reasons, producer-handlers will produce some milk in excess of their Class I needs. The best available outlets for this surplus milk usually are to fully regulated plants in the market. In view of a producer-handler's limited capacity for utilizing excess supplies of milk, it is often economically advantageous for him to dispose of such excess at surplus prices to regulated handlers. Such milk, therefore, would be available to regulated handlers at surplus prices. Under these circumstances, it would not be appropriate to allow the regulated handler credit from the producer-settlement fund at more than a surplus price for any such purchases. If milk received at a regulated plant from a producer-handler is, in any event, assigned to the regulated plant's Class I disposition, the regulated handler should be obligated to the producer-settlement fund on such milk at the difference between the Class I price and the surplus class price.

Inasmuch as a producer-handler's appropriate competitive relationship with other handlers and with other producers depends upon the producer-handler assuming the burden of his own surplus, an equitable relationship among the several groups would not be achieved if a producer-handler were allowed to dispose of his surplus and obtain the uniform price for such surplus. As long as the producer-handler has the advantage of enjoying the full benefit of his own Class I route sales without sharing them with other producers, he should not also receive Class I benefit from the market pool, at the expense of producers, for any of his milk which he is unable to sell as Class I. Surplus milk purchased from producer-handlers operating under another order has the same potential for creating disorderly marketing as surplus from producer-handlers operating under the same order. Therefore, no distinction in treatment for such milk should be provided.

The order should provide, therefore, that milk received from producer-handlers at a pool plant should first be assigned to surplus milk at the pool plant. If any is then assigned to Class I, a payment into the producer-settlement fund at the Class I surplus price difference should be applied. Such rate of payment on receipts by federally regulated handlers of milk from producer-handlers was ratified by Congress at the time provisions of the Agricultural Adjustment Act of 1933, as amended in 1935, authorizing the issuance of milk orders, were reenacted by the passage of the Agricultural Marketing Agreement Act of 1937. During the period between August 24, 1935, and June 3, 1937, the effective date of the latter Act, six Federal milk orders were issued under such Agricultural Adjustment Act. Two of such milk orders (Greater Kansas City, Mo., and Fall River, Mass.), placed in effect during this period, contained provisions requiring handlers who used bulk milk received from producer-handlers in other than the lowest-priced classification to pay the difference between the class use price and the lowest class (surplus) price for such milk as part of the handler's total obligation for milk. Such payment was distributed, together with the classified value of producer milk of the handler, through the market pool.[4]

A surplus value likewise is properly assigned to reconstituted milk (for instance, the result of combining nonfat dry milk or condensed milk with water). The products used in such reconstitution process are made from milk which always carries a manufacturing, or surplus, value. Producer milk used to produce such products is priced as surplus under all Federal orders. Since the milk used to produce these products is originally priced as surplus milk, payment into the producer-settlement fund at the difference between the Class I and surplus price is necessary to insure competitive equity with producer milk when reconstituted milk is used in Class I. No recognition should be given to processing costs involved in the manufacture of the products derived from unregulated milk and used in reconstitution, since similar costs are incurred in processing producer milk into such products.

Nonfat dry milk and condensed milk also may be added to fluid milk products to increase the nonfat solids content thus making so-called "fortified" fluid milk products. The incentive for handlers to use nonfat milk solids to fortify fluid milk products arises from the specific demands of consumers. The increased emphasis on low-fat diets and the high nutritional value of nonfat solids in relation to their weight have contributed to the increased demand for added nonfat solids in fluid milk products. Such products, are distinguished from reconstituted products, however, in that the resulting volume of fluid product is not increased appreciably since no water is added.

In the case of fortified products, the volume by which Class I sales are increased unquestionably relates to the nonfluid products used for fortification. Such products could be assigned first to this Class I volume and then to the surplus class of use. The same result can be obtained by limiting the Class I charge on fortified products to that which would be made for an equal volume of unfortified products. Nonfluid products, then, will be uniformly assigned first to the surplus class, with a payment into the producer-settlement fund at the difference between the Class I and surplus prices on any amount thereof assigned to Class I. Limitation of the Class I volume as described above avoids any payment with respect to use in fortification.

Milk of manufacturing grade is not eligible for fluid (Class I) uses under the requirements of the health authorities having jurisdiction in the marketing area. In certain plants, however, such milk might find its way into Class I. The appropriate value which attaches to such milk is the surplus price because such price accurately reflects its value as manufacturing milk only. The manufacturing value is the price which processors pay for this grade of milk. Receipts of manufacturing grade milk, therefore, should be assigned first to use in the surplus class. But should any manufacturing grade milk be assigned to Class I, a payment into the producer-settlement fund at the difference between the Class I and surplus prices likewise would be necessary to remove the competitive advantage this milk would have in relation to producer milk. Health authorities require that the source of milk eligible for fluid consumption must be identified. Any receipts from unidentifiable sources must therefore be treated as milk of manufacturing grade.

Receipts from other order plants. The order should provide for the assignment to Class I (i.e., to be deducted from gross Class I milk in the receiving plant) of 98 percent of skim milk and butterfat in packaged fluid milk products received from an other order plant if the fluid milk products so received are classified and priced under such other order. The remaining 2 percent should be assigned to Class II. The 2 percent may be considered as a safeguard against possible "over-assignment" of milk to Class I in the originating market (i.e., the assignment to such market of a transferred quantity which is greater, from a practical standpoint than normally can be disposed of as Class I in the receiving market). Since it is reasonable to expect that some route returns will be associated with intermarket transfers just as there are in connection with milk locally processed in the receiving market, an allowance of 2 percent for such returns which must fall into surplus use should be included to avoid such over-assignment in Class I. The above assignment must be conditioned on the milk being classified and priced as Class I, or the equivalent thereof, under the other order in recognition of the provisions of the New York-New Jersey order under which handlers, under certain circumstances, may use unpriced milk for out-of-area sales.

In the case of intermarket transfers of bulk milk a "surplus" classification (Class II milk) should apply whenever the parties involved agree that the shipment is for manufacturing use in this market. A higher classification would result only when it is found, on verification, that some portion of the milk could not have been used for manufacturing uses. This portion would then be reclassified as Class I. Receipts of bulk milk from another order plant which are not classified as Class II by agreement should be classified as Class I and Class II on the basis of the marketwide utilization of producer milk. Such classification should be limited, however, so that the quantity of milk assigned to Class II is not greater than the receiving handler has utilized as Class II.

The order should not provide for marketwide proration of milk received from another order plant if such milk is not classified and priced under such other order or when the receiving handler has a greater proportion of milk in Class II than the average for the market. Marketwide proration of receipts of milk from other markets is designed to deal primarily with milk received by a handler who is supplementing his local supply for Class I use. Marketwide proration would tend to encourage unduly and uneconomically the importation of milk by a handler with a higher proportion of milk in Class II than the market average because it would assign a disproportionate share of local producers' milk to Class II.

The particular classification which is given to bulk transfers from other orders will be within the control of the receiving handler and there will be no monetary obligation placed on him for this milk by the receiving market order. Inasmuch as other Federal orders from which milk might be received have provisions which complement those herein adopted, the situation will not arise where milk transferred would be classified as Class I in the shipping market and Class II in this market since the same classification would apply in both markets.

Assigning the bulk receipts from other order plants to the handler's system utilization will prevent a handler with more than one plant from discriminating against either his own producers or those supplying the other Federal order market by importing milk not serving a bona fide need for Class I use. It should be provided, therefore, that assignments of interorder bulk milk should be made over all utilization of milk at all the handler's regulated plants in the receiving market. In this order, allocation is on a plant-by-plant basis. Accordingly, provision is made herein that the allocation of bulk receipts from other orders at a plant shall be on a system basis, irrespective of individual-plant accounting for other purposes of the order.

Handlers who receive milk from other orders or from unregulated plants should be precluded from transferring such milk to regulated plants of other handlers at a utilization higher than would have resulted from a direct receipt at the second plant. Unless the order so provides, it would be possible to use a plant with high Class I utilization as a conduit for receiving milk from plants subject to other orders and avoid the allocation provisions of the order which apply to milk received directly from other orders and from unregulated plants.

In any month in which bulk milk is received in the market (without agreement as to Class II classification on the part of the handlers involved in the transfer) it will be necessary that the administrator in the shipping market know the classification of such milk on or about the date when handler reports are due under that order. Since the reporting dates under orders are very similar, it is possible the market administrator may not have complete information to compute his exact marketwide utilization of producer milk by the time the classification of a transfer is needed by the administrator in the shipping market. It is provided, therefore, that, when necessary, the market administrator will estimate the marketwide utilization of producer milk for purposes of determining the allocation of bulk milk received from other orders. It is also provided that such estimate will be made and publicly announced to the nearest whole percentage, and for this purpose will be final.

Federal orders generally provide that the administrator of any order receiving bulk milk from an other Federal order will promptly notify the administrator of the shipping market of the allocation of such milk so that a comparable classification on such milk may be applied under the shipping order. Information as to the classification of such milk must be passed on by the respective administrators to the handlers involved so that handlers may know the basis of their obligation on such milk. This order should provide similarly for such interchange of information.

[4] U.S.C. sec. 672, which contains the codified language of sec. 4 of the Agricultural Marketing Agreement Act of 1937, as amended, states in paragraph (a) "Nothing in this Act shall be construed as invalidating any marketing agreement, license, or order, or any regulation relating to or any provision of, or any act of the Secretary of Agriculture in connection with any such agreement, license, or order which has been executed, issued, approved, or done under secs. 601–608, 608a, 608b, 608c, 608d–612, 613, 614–619, 620, 623, 624 of this title, but such marketing agreements, licenses, orders, regulations, provisions, and acts are expressly ratified, legalized, and confirmed."

Situations may arise where plants subject to this and another Federal order ship milk back and forth during the same month (i.e., each plant ships milk to the other plant). If such shipments are of a similar nature (packaged milk, bulk milk designated for surplus disposal, or bulk milk not so designated) only transfers of milk between two plants which are not offset by an equal quantity of milk received from the second plant need be considered. Since the classification of this milk in the shipping market is based upon its allocation in the receiving market, only the net difference in transferred quantities (in terms of butterfat and skim milk separately as may be necessary) need be allocated in the receiving market. Otherwise, from a mechanical standpoint, neither market could allocate receipts of milk to classes until all milk had been classified, including the shipment to the other market.

Certified milk. Certified milk is identified in the present order as a separate category of milk which, in the allocation procedure, is deducted from available Class I utilization in one of the early steps of the procedure. This is intended to remove such milk from the orbit of regulation.

No local handlers produce certified milk. However, a certified milk operation which has producer-handler (hence exempt) status under the New York-New Jersey order does dispose of some such milk in the marketing area either on route or through other handlers. With respect to direct distribution, such handler's status under Order 2 eliminates necessity for any special provision in the order. However, as a producer-handler under an other Federal order, transfers of packaged certified milk to a pool plant under this order would be down allocated unless a different procedure is specifically provided.

Since the handling of certified milk was not an issue at the hearing, there is no basis for considering any change in the treatment of such milk under the revised order. Accordingly, provision is made for its deduction from available Class I utilization in one of the initial steps of the allocation procedure.

(c) *Level and application of class prices. Class I price.* The Class I pricing provisions of the order should be revised: (1) To provide for the use of the U.S. manufacturing milk price series in lieu of the present Midwestern condensery price series as a tie to manufacturing milk values. This will better insure a continuing appropriate relationship of the Class I price to Class I prices in other federally regulated markets and to the value of milk for manufacturing uses. (2) To provide for the use of a comparison of total producer receipts with producer milk classified as Class I as a basis for computing the supply-demand adjustor and to limit the action of the supply-demand adjustor to 20 cents, plus or minus for the first 6 months following the effective date of the amended order. (3) To terminate the Class I pricing provisions on June 30, 1968.

The Delaware Valley Class I price is determined by an economic-type formula initially adopted under the Philadelphia order on April 1, 1951, and subsequently incorporated in the Wilmington, Delaware, order when it was issued on June 1, 1956. The Class I price is established on a quarterly basis and, exclusive of movements in the formula index, the price decreases seasonally 60 cents on April 1 and increases 60 cents on July 1. In addition, the Class I price is related to the Class I price under other Federal orders and to manufacturing milk values through a provision which insures that the price before application of the supply-demand adjustor will not exceed a 12-month average Midwestern condensery price by more than $2.60. Supply-demand adjustments in multiples of 20 cents, but not in excess of 40 cents, plus or minus, are provided whenever producer supplies in relation to Class I sales change from stated norms.

Since its inception, the formula has been modified to accommodate changes made in the reporting of various components of the formula index, to change the seasonality of pricing, to provide better intermarket price alignment, and to insure continuing alignment through a tie to Midwestern manufacturing milk values on which Class I prices in most Federal orders are based. When the Delaware Valley order was promulgated effective December 1, 1963, the U.S. manufacturing milk price series was substituted for the Midwestern condensery price series as a formula component for computing the basic Class I price level. However, the Midwestern condensery price series (plus $2.60) was retained as a limiting factor to insure continuing alignment of the Class I price with the Class I price in other federally regulated markets and to the value of milk for manufacturing uses. In addition, data used in the computation of the index of average daily Class I milk disposition (a formula component for computing the basic Class I price level) and the supply-demand adjustment were limited to disposition of Class I milk and producer receipts by plants fully regulated by the Philadelphia and Wilmington marketing areas. This limitation was necessitated because of the lack of information on receipts and sales for plants not previously regulated.

In his decision of October 31, 1963 (28 F.R. 11847) on the Delaware Valley order, the Assistant Secretary found as follows: "The level of the Class I milk price and alignment of this price with other markets in the Northeast was the subject of a public hearing held in New York City, May 6–23, 1963. Therefore, in respect of any decision resulting from the aforementioned hearing, no action is being taken on the proposals to revise the existing seasonality of the Class I milk pricing or the removal or revision of the provision limiting the level of the Class I milk price in relation to the Midwestern milk price."

In his decision of January 29, 1964 (29 F.R. 1646) on issues considered at the May 6–23, 1963, hearing, the Assistant Secretary concluded that the present seasonality of pricing should be adopted. Except for this change in seasonality of pricing under the Delaware Valley order he concluded that, "The Class I pricing provisions of the 10 Northeastern orders should not be revised at the present time."

The provision tying the Class I price to the Midwest condensery price series was initially incorporated in the Philadelphia order effective January 1, 1961, and was intended to insure that the order Class I price would be maintained in reasonable alignment with other order prices. At that time the Midwestern condensery price series was commonly used as the basis for computing Class I prices under Federal orders. Since its inception, this provision effected a 20-cent lower price than would have otherwise prevailed for each pricing quarter from April 1963 through March 1964, for the last quarter of 1965, and for the first quarter of 1966.

Producer proponents at the January 1965 hearing supported substitution of the U.S. manufacturing price series for the Midwestern condensery price series in this provision. They also supported the changes in the supply-demand adjustor hereinafter adopted. Handlers supported the two proposals and also, in the alternative, proposed removal of the supply-demand adjustor from the Class I price formula. There were no proposals under consideration for revision of any of the components of the formula index or of the existing Class I price level.

In support of their proposal, proponents contended that while prices reported under the condensery price series and the U.S. manufacturing price series were essentially identical during 1963 and 1964, the condensery price series should no longer be relied upon to provide a representative value of milk for manufacturing uses, since it reflects prices paid at only six plants owned and operated by four corporations. The price for milk for manufacturing purposes f.o.b. plants, United States, adjusted in the above manner to reflect the price for milk of 3.5 percent butterfat test, averaged $3.04, $3.11 and $3.19 per hundredweight, respectively, in 1963, 1964, and 1965. During these years, the condensery price for milk of 3.5 percent butterfat test averaged $3.046, $3.103, and $3.208, respectively.

Proponents pointed out that the condensery price series had, by previous amendment action, been replaced by the U.S. manufacturing price series as a formula component for computing the basic Class I price level and that the U.S. manufacturing price series was the basis for establishing the Class II price (Class III in New York-New Jersey) under this order and under the other Northeastern orders. Further, that the condensery price series had generally been replaced in other Federal orders in favor of either the U.S. manufacturing price series or the Minnesota-Wisconsin price series.

It is concluded that the U.S. average manufacturing milk price series should be substituted for the Midwestern condensery price series. A detailed description of the series is contained in the decision for the ten Northeastern markets issued by the Under Secretary on April 25, 1962 (27 F.R. 4115), official notice of which is taken.

Ideally, there are better measures of manufacturing milk values, specifically, the Minnesota-Wisconsin price series. However, the U.S. manufacturing price series is used herein because it is already included in other provisions which were not considered for amendment at the January 1965 hearing. When the Class I price provisions lapse June 30, 1968, consideration might well be given to substituting the Minnesota-Wisconsin price series for the U.S. manufacturing price series where it is used in the Class I price formula.

Because the U.S. manufacturing milk price reflects the price at the average test of the milk received, it is necessary to provide a procedure for adjusting such price to reflect the value of milk of 3.5 percent butterfat test. As previously indicated, the series is presently used as a formula component for computing the Class I price as well as a basis for pricing Class II milk. In both instances, the price is adjusted to reflect a price for milk of 3.5 percent butterfat content by use of the Grade A (92-score) wholesale butter price in the New York market. This procedure is concluded to be equally appropriate for this purpose and the order language so provides.

The supply-demand adjustment mechanism of the Class I pricing formula should be modified to reflect a comparison of total receipts of producer milk and producer milk classified as Class I for the entire market. During the 6-month period from the effective date of this amendment, the supply-demand adjustor should be limited to plus or minus price adjustments to a maximum of 20 cents per hundredweight.

Producer and handler proposals to revise the supply-demand formula were also considered at the January 1965 hearing and directed toward: (1) Providing more appropriate supply-sales data to be used in computing the 12-month utilization percentage factor, and (2) revising the standard norms to limit the resulting price adjustments to 20 cents per hundredweight. In the alternative, handlers proposed elimination of the supply-demand adjustment mechanism, but retention of the existing price level.

The supply-demand adjustment mechanism in the Class I pricing formula is intended to adjust the price either upward or downward, as the case may be, whenever the relationship of supply to Class I sales varies from stated norms. Without a supply-demand adjustment mechanism there is no procedure other than an amendment hearing whereby the Class I price can be adjusted in response to changing supply-sales relationships. While the adjustor is not intended to eliminate the hearing process, it is a necessary component of a Class I pricing mechanism under the Federal order program to insure prompt and appropriate directional Class I price adjustments in response to changing supply in relation to sales.

It was proposed to revise the basis for computing the supply-demand utilization percentage by including receipts and utilization data of those handlers not now included in the computations (i.e., handlers regulated only by virtue of their sales in southern New Jersey) and to further modify the formula by relating total producer receipts to producer milk used in Class I. Under the present order provisions, the supply-demand utilization percentage factor is computed on the basis of a comparison of receipts of producer milk at plants fully regulated because of their sales in the marketing area other than southern New Jersey and total Class I sales of such plants.

Comparison of producer receipts with producer milk classified in Class I is an appropriate basis for computing a supply-demand adjustment. One of the problems involved in the present adjustment mechanism is the fact that the base norms reflect the experience of certain substantial plants which are no longer fully regulated plants under this order. In addition, the comparison of producer receipts with total Class I sales from fully regulated plants tends to distort the true situation on the market, since in many circumstances sales into the adjacent New York-New Jersey market are included. In most instances, the plants making such sales rely on and regularly receive milk from New York-New Jersey pool bulk tank units to cover such sales.

Inclusion in the formula of supply-sales data of those fully regulated handlers not now included in the computations would not likely effect a substantial change in the computation of the 12-month utilization percentage. Accordingly, it is concluded that the adjustor should be revised to reflect supply and demand conditions for the market.

Ideally, new base norms should be computed to reflect the normal supply-demand relationships to be expected in the market under the changes contemplated by this decision. The October-November 1965 hearing did not consider specific changes in the pricing provisions of the order. Neither is there any basis for projecting with certainty what the ratio of producer receipts to Class I sales will be as a result of the recommended change to market pooling. It is concluded therefore, that for the period from the effective date of the amended order through June 1968, the base norms should remain as is presently provided in the order.

Another proposal concerning the supply-demand adjustor which was considered at the January 1965 hearing would limit the resulting price adjustments to 20 cents per hundredweight. Both producers and handlers supported limitation of the amount of the supply-demand adjustment to 20 cents. As an alternative, however, handlers proposed elimination of the supply-demand adjustment mechanism, but retention of the existing price level.

Under the present formula, the Class I price is increased or decreased 20 cents whenever the ratio of producer receipts to total Class I sales is less than 129 or more than 139, respectively. An additional 20-cent adjustment, plus or minus, is effected whenever the ratio drops below 126 or exceeds 142, respectively.

Since adoption of the supply-demand adjustment provision in April 1951 for the Philadelphia market, this provision has operated to reduce the Class I price level 20 cents in only three pricing quarters (third quarter in 1962 and first and second quarters of 1963). However, beginning with October 1964 the supply-demand adjustment mechanism has effected a 20-cent increase in the Class I price because receipts of milk from producers at the specified plants during the 12-month period ending with the second preceding month were less than 129 percent of the total Class I disposition by such plants in the same period.

Based on September and October 1964 handler reports it was expected that the supply-demand adjustor would effect an additional 20-cent price increase for the January–March 1965 quarter, since it appeared certain that producer receipts would fall below 126 percent of Class I sales for the 12-month period ending with the second preceding month. Both producers and handlers requested suspension action to prevent such price increase and requested a hearing to reconsider the supply-demand adjustment mechanism.

On the basis of this request the Secretary issued notice of intention to suspend and invited views, data and arguments from interested parties. Subsequent to the issuance of this notice and on receipt of handler reports for the month of November 1964 the market administrator found that the anticipated 20-cent price increase would not materialize. Accordingly, the suspension action was terminated and the price announcement was issued.

Because the adjustor was expected to add an additional 20 cents to the Class I price on April 1, 1965, suspension action was taken by the Assistant Secretary on March 5, 1965 (30 F.R. 3311), at the request of affected parties in the market.

Under the marketwide pooling arrangement it is expected that some additional milk supplies will be added to the market. It is further expected that price will play a more important role in associating milk with the market than it has under the individual-handler pooling arrangement. For this reason it is desirable that the pricing formula shall insure sufficient price movement in response to changing supply-demand relationships to maintain an appropriate supply-demand balance in the market. Accordingly, provision must be made to permit Class I price adjustment up to 40 cents, plus or minus. For this purpose the two stage adjustor should be retained.

Since the supply-demand adjustment mechanism is constructed on a 12-month comparison of producer receipts and Class I sales any change in the supply situation which might result from the change in pooling procedure will not be immediately reflected in the Class I price. Unless appropriate safeguards are taken, it is likely that the Class I price level would be increased an additional 20 cents

through reinstatement of the two stage supply-demand adjustor. Such a result could seriously impede appropriate interorder price alinement. It is provided therefore that for the first 6 months of operation of the amended order supply-demand adjustments shall be limited to 20 cents plus or minus.

Because of the lack of adequate data in the October–November 1965 hearing and the uncertainties as to the operation of the proposed supply-demand adjustor under market pooling, it is desirable that the Class I pricing procedure be reexamined after a reasonable period of operation. For this reason a termination date of June 30, 1968, is provided in the pricing formula. This will provide sufficient time to accumulate the necessary market information to appraise the effect of the price level herein provided and to promulgate an amendment, if needed.

The Deputy Administrator in his recommended decision concluded that a termination date of December 31, 1967, should be placed on the Class I pricing provisions. However, to provide adequate time in which to appraise the operation of the pricing formula under marketwide pooling it is desirable that this date be extended through June 30, 1968.

Location differentials. No change should be made in the location differentials as prescribed by the present order. However, as previously discussed, milk which is diverted to a nonpool plant should be priced at the location of such plant and producers should be paid for such milk on the basis of that zone location.

Under the terms of the existing order, handler location differentials are applicable at plants located 45 miles or more from the nearer of specified locations in the marketing area. The Class I location differential is 23 cents at the 45-mile location and 1.5 cents is added for each additional 10-mile distance. The Class II location differential is 5 cents at plants located 45 miles but not in excess of 70 miles from the nearer of the specified locations and 1 cent is added for each additional 70-mile distance. Producer location differentials are identical to the handler Class I location differentials.

The principal proponent for marketwide pooling proposed that no location differentials be applicable at points within 125 miles of the specified locations within the marketing area and that a Class I location differential of 12 cents be applicable at plants 125 miles distance with 1.5 cents to be added for each additional 10-mile distance. He would provide no location differential for Class II milk.

Proponent's principal argument was that no location differential should apply within a radius from which milk should normally move directly from the farm to plants in the marketing area. It is presumably for this reason that he chose the 125-mile distance within which no location pricing would apply.

It is not clear why proponent would provide a differential of 12 cents (about 1 cent for each 10 miles distance) at the 125 mile zone and 1.5 cents for each additional 10 miles. However, it was his position, which he supported by his own experience, that milk could be moved for substantially lesser costs than the existing differentials. On the other hand, a number of producer witnesses whose milk is hauled by independent haulers indicated that they were paying rates commensurate with the existing differentials.

At the time of the hearing only one plant regulated under the order was subject to a location differential which plant would not be subject to a differential under proponent's proposal. Location differentials have been a matter of issue at several Order 4 amendment hearings in recent years and such differentials were substantially reduced in the order amendments effective February 1, 1958. It cannot be concluded on the basis of this record that the existing location differentials are inappropriate. However, if there is need for modification of these differentials this matter may appropriately be a consideration at a future hearing.

Exception was taken to the Deputy Administrator's failure to provide for the pricing of farm bulk tank milk at the farm or milkhouse, the zoning of farm milkhouse locations according to township location on the basis of distance from central market basing points, and to provide that no deduction from the producer price be permitted for hauling and other related services. Such a proposal was made and supported by a cooperative association primarily associated with the New York-New Jersey market, but little evidence was introduced relative to the need for such provision in the Delaware Valley market. The cooperative spokesman contended that the proposal should be adopted on the general grounds that it would solve many of the problems being considered at the hearing. The contentions, however, were based primarily on experience in the New York-New Jersey market with little consideration given to the actual effects of such provisions in this market. The record evidence of this hearing does not support the necessity for such provisions in this market and accordingly the request for such pricing is denied.

(d) *Obligations of unregulated plants with route disposition in the marketing area.* Unregulated milk may also enter the regulated market as direct route disposition from an unregulated distributing plant. The operator of such a plant is not required to account for all of his disposition of milk at the established class prices, to return minimum uniform prices to his dairy farmers, or to have his records audited. Thus, such a handler would have a competitive advantage over the operator of fully regulated plants in the disposition of higher valued Class I milk in the regulated marketing area unless some method is provided for removing it.

There is no way to treat unregulated milk equally with regulated milk other than to regulate it fully at the plant of first receipt from producers. This is the stage of the marketing system at which the minimum order prices apply. The average price paid for all milk received at an unregulated plant has significance when compared to the minimum class prices of an order only if the utilization of all such milk is known. Short of full regulation, any treatment of unregulated milk can at best only approach equality of treatment with regulated milk.

Ideally, marketing area boundaries are drawn to encompass that territory where the same handlers compete with each other for route disposition and to minimize overlapping sales areas with unregulated handlers. Improvements in refrigeration, transportation and packaging, however, have encouraged expansion of sales areas to such an extent that it is difficult in any region to delineate an area which wholly accomplishes these objectives. Even if such a delineation were initially possible, it inevitably would be only a temporary situation.

Milk distributors are interested in selling milk. One way of expanding their businesses is to expand geographically. This presents no particular problem for the order program with respect to the fully regulated handler since he is required to pay for his producer milk receipts on a classified use basis at the specified minimum order prices regardless of where his milk is sold. For each additional unit of Class I sales he makes he must pay the higher Class I price, whether such sales are made in or outside the marketing area. He cannot use milk bought at the lower surplus class price to expand his sales in either the regulated market or in other markets. He must report all receipts and utilization of milk and the payments made to producers and maintain records which will substantiate such reports on audit. The butterfat tests upon which he pays producers likewise are subject to verification. He must pay his pro rata share of cost of administration of the order.

The operator of the unregulated distributing plant is in a substantially different situation. He is not required, as are regulated handlers, to purchase his milk on a classified use basis nor is he required to pay his dairy farmers any particular minimum price. Normally, he pays a "flat" price without regard to utilization of the milk. The flat price which such a dealer pays is usually at a level which, in relation to competitive conditions in his area of procurement, will obtain sufficient milk for his needs. The operator of the unregulated distributing plant who competes with Federal order handlers for his supply is, in effect, in competition with the Federal order blend price and usually may procure his supply for an equivalent price. The operator of the unregulated distributing plant thus is in a position to obtain his Class I milk for sale in a regulated market at a lower price than the handler who is fully regulated by the Federal order.

Order provisions therefore are needed to minimize the price advantage an operator of the unregulated distributing plant has on milk sales in a regulated marketing area. It is concluded that such a plant should be subject to partial regulation which provides the operator thereof a choice of options each of which would serve as a means of integrating his plant operations into the regulatory scheme. The options are:

(a) He should be allowed to show that payment for his total dairy farm supply has been at least as much as if his plant were fully regulated. This amount may be paid entirely to his dairy farmers or may be paid in part to his dairy farmers and in part into the producer-settlement funds of regulated markets;

(b) He may show that he has purchased Class I milk priced under some Federal order in an amount at least equivalent to his total Class I sales within the regulated area;

(c) He may make a payment into the producer-settlement fund on the quantity of Class I sales made in the regulated market at a rate equal to the difference between the Class I price and the blend price for such regulated market; or

(d) Any combination of (b) and (c).

If the operator of the unregulated distributing plant elects to show that he has complied with option (a) above, it will be clearly evident that he has paid at least as much for his Class I sales as a fully regulated handler, for in fact he has paid for all his milk as if he were fully regulated. Such an option accords him competitive parity with respect to his minimum class prices with regulated handlers. The regulated handler is required to pay for all his milk sold as Class I, whether inside or outside the marketing area, at the Class I price established by the order. The operator of the unregulated distributing plant will show that he has also paid at least the equivalent of the order Class I and Class II prices for milk utilized in these respective classes. This option provides a meaningful determination of actual pay prices of milk by such an operator for comparison with order values.

The above option has been provided in many Federal orders and a number of operators of unregulated plants with route disposition in regulated markets have found that using this option is advantageous. This option will particularly accommodate such operators who, because of State regulation of milk prices, pay their dairy farmers at least the minimum prices required by the order regulating the handling of milk in the Federal order marketing area where they distribute milk. When he pays for his milk supply as much as if he were fully regulated, this option gives him an opportunity to distribute milk in regulated areas without incurring any additional financial obligations on such milk as the result of the order. At the same time, the fact that he has paid full class prices for his milk will assure that the integrity of the regulatory plan has been protected.

Special provision should be made for an unregulated distributing plant which receives part (or all) of its milk supply from another plant which serves as a supply plant for the unregulated distributing plant. If performance of the supply plant in shipping to the unregulated distributing plant is equivalent to the performance of a regulated supply plant, the operator of the unregulated distributing plant should be permitted, at his election, to show that payments to dairy farmers at the supply plant are in accordance with order accounting and prices. If the necessary information and authority for audit are provided by the unregulated distributing plant, the operations of the supply plant may be included with those of the distributing plant to determine if the payments to dairy farmers are equivalent to payments which would be required under full regulation. Under this option, any amount by which such payments at both plants are less than under full regulation would be owed to the producer-settlement fund. This accords the same conditions to milk from a supply-type plant as is accorded milk received directly from dairy farmers at an unregulated distributing plant.

If the necessary information as to the supply plant is not provided, the obligation of the unregulated distributing plant under this option for milk from the supply plant should be computed in the same manner as the obligation of a regulated plant for a receipt of unregulated milk.

A second option—to purchase milk for his marketing area needs from a source fully regulated under a Federal order—also affords the operator of an unregulated distributing plant an opportunity to sell in a regulated area on a basis of competitive equity with respect to such sales.

The equivalent of the milk which he distributes in the marketing area would be fully priced Class I milk. Presumably, he would purchase it on the same basis as any other handler who purchases milk for Class I sales within the regulated market. Again, since the milk would be fully regulated under some Federal order, it would afford adequate protection to the regulatory plan.

Under certain conditions option (c) also would afford to the operator of an unregulated distributing plant competitive equity with respect to his sales within the regulated marketing area, and would protect the integrity of the regulatory scheme. The rate of payment is the difference between the Class I price and the blend price of the market for the month when the sale is made. This rate is a constant for all locations at a given butterfat test of milk. In essence, the option fixes a value of the sale at the Class I price and assumes payment to dairy farmers at the blend price of the market. It also assumes that all milk purchased by such distributor is for Class I use, i.e., that he has no surplus, or reserve supply.

If the operator of an unregulated distributing plant actually pays as much as the blend price to his dairy farmers and if the milk distributed in the regulated marketing area is not in fact surplus to his normal operations, the payment of a Class I price minus the market blend price on his sales in the marketing area usually will tend to protect the regulatory scheme. In the case of regular everyday distribution of about the same quantities of milk in a regulated area by the operator of an unregulated distributing plant, the supply of milk for such sales normally would be acquired on a regular basis and would not be milk surplus to other fluid operations. In view of the other options afforded the operator of the unregulated distributing plant, he will select this option when it is more advantageous to him than the other options.

(e) *Distribution of proceeds to producers.* Under the marketwide pooling arrangement herein provided all producers will receive payment at the rate of the marketwide uniform price each month. Because the obligation of each handler, computed by the application of the class prices to the actual utilization of his milk, may be more or less than such handler is required to pay to his producer some method of balancing these differences is required. A producer-settlement fund is provided for this purpose. A handler whose utilization value of milk is greater than the amount of his required payment to his producers will pay such difference into the producer-settlement fund. A handler whose utilization value of milk is less than that which he is required to pay his producers will receive such differences from the producer-settlement fund.

The market administrator, in making payment to any handler from the fund, should offset such payments by any amount of payments due to such fund from such handler. This is a recognized sound business practice and insures against the possibility of the market administrator making payments to handlers who are already indebted to the fund and financially unable to discharge his obligations thereto, or to a handler who seeks to obtain or has obtained money from the fund through the filing of incorrect reports.

For efficient functioning of the producer-settlement fund, a reasonable reserve should be set aside each month to cover possible contingencies which might jeopardize the solvency of the fund such as a failure of a handler to make prompt payment to the fund or payment due a handler as a result of an audit adjustment. This reserve should be operated as a revolving fund adjusted each month by adding one-half of the unobligated balance to the pool and withholding from the pool computation an amount equal to not less than 4 cents nor more than 5 cents per hundredweight of producer milk.

If the balance in the producer-settlement fund is insufficient to cover the payments due handlers from the fund the market administrator should uniformly reduce payments per hundredweight to such handlers. Each such handler may then reduce payment to his producers by an equivalent amount per hundredweight. The remaining amount due any handlers should be paid as soon as the balance in the fund is sufficient to meet such payments and such handlers

should then complete payments to producers on or before the date prescribed for making payments to producers. To reduce the likelihood of insufficient balance in the producer-settlement fund, milk received by any handler who has not made required payment to the fund for the preceding month should not be included in the current month's uniform price computation.

The order provides that whenever verification by the market administrator of reports and payments of any handler discloses errors resulting in money due to the market administrator, to the handler, or to the producer of such handler, the market administrator should promptly notify such handler and payment thereof would be required on or before the next date of making payment under the provision under which the error occurred.

It must be recognized that under the individual-handler pooling arrangement provided by the existing order any reclassification charge or other error with respect to the operation of any handler which would result in payment due producers would in fact be payable to the producers of that particular handler. Under the circumstances it is appropriate that any significant payments due producers from any handler as a result of disclosure of errors for any month(s) prior to the effective date of this amended order should be paid to the producers whose milk was involved. To accomplish this, the order provides that payment thus due for any such month shall be paid to the market administrator who in turn shall pay the producers whose milk was involved if the payment exceeds 2 cents per hundredweight. For administrative convenience, lesser amounts should be deposited by the market administrator in the producer-settlement fund for distribution to all producers. This procedure will accommodate the orderly transition from individual-handler to marketwide pooling.

Exception was taken to the Deputy Administrator's failure to provide for a base and excess plan for payment of producers. Such a plan was proposed as an adjunct to the current seasonal pricing arrangement and in recognition of the fact that at least one of the dominant cooperatives in the market has been using a base-excess plan with respect to the supplies of certain of its handler buyers.

A base plan is intended to serve the same function as seasonality of pricing, i.e., to encourage a pattern of production compatible with the fluid requirements of the market. The success of a base-excess plan requires the general support of producers on the market and there was no showing in the record of general support. Further, there was no showing that the proposed plan was compatible with the plan operated on a limited basis by one of the dominant cooperatives. Accordingly, the proposal for such a plan is denied.

Payments to individual producers and to cooperative associations. The present order provides that handlers shall make payment to producers and cooperative associations, for milk received during the month, on or before the last day of the month and on or before the 20th day of the following month. Payment on or before the last day of the month is for milk received during the first 15 days of such month and is at not less than the handler's estimate of his uniform price but not less than the Class II price for the preceding month. Final payment on the 20th day after the end of the month is his total obligation for milk receiving during the preceding month less partial payments made on or before the last day of the month.

It is concluded that the dates of payment to producers as presently provided should be continued. Producers are accustomed to receiving payment on these dates and the record presents no compelling evidence for change. However, when payment is being made to a cooperative association, either in its capacity as the marketing agent of the producer or in its capacity as a handler, such payment should be made two days earlier in order that the cooperative will have the necessary information and monies to pay its members on the same dates that other producers are paid. In this connection, the order provides that in making final payment to producers or to a cooperative as the agent of a producer each handler shall furnish a statement identifying the producer, the pounds of milk delivered and butterfat test thereof, the minimum price required to be paid, and the nature and amount of any deductions. Such information is necessary in order that the producer may verify that the payment is proper, and in the case of payment to a cooperative association is additionally needed for purposes of preparing producer payrolls.

To insure the solvency of the producer-settlement fund, it is provided that payments to the fund will be made on or before the 15th day after the end of the month and payments out of the fund will be made on the 17th day after the end of the month. This sequence of payment will insure that the market administrator has the necessary funds to pay handlers who draw from the fund and that the handlers in turn have monies to pay cooperative associations on the 18th day after the end of the month and producers 2 days later.

The Deputy Administrator recommended that payment to the producer-settlement fund be made on or before the 16th day after the end of the month. It is necessary, however, that such payment be made by the 15th day to insure sufficient time for the market administrator to deposit the monies and to prepare checks for payment from the fund on the 17th. To accommodate this change the date for the announcement of the uniform price is changed from the 14th to the 13th.

Marketing service. Marketing service provisions should not be incorporated in the order on the basis of this record.

Certain cooperative proponents for a marketwide pooling arrangement supported provision for deductions from producer returns to provide funds to the market administrator whereby he could perform marketing services such as check testing and weighing, checking farm bulk tank calibrations and dissemination of market information to all producers who are not now members of cooperative associations performing such services for their members.

In support of their position proponents pointed out that such a provision was contained in all Federal orders except Orders 2 and 4 and that marketing service provisions were an issue at a recent Order 2 amendment hearing on which no decision has yet been issued. In addition, they presented the results of their experience in checking farm bulk tank calibration of members in the State of Pennsylvania who were almost exclusively producers under Order 2. However, responsible officials of the State of Pennsylvania indicated on the record that the State had responsibility in this field and was carrying out such responsibilities.

Delaware Valley producers, however, are not confined to the State of Pennsylvania. The milkshed extends into the States of Delaware, Maryland, New Jersey, New York, Virginia, and West Virginia and for a considerable period milk regularly moved to this market from the State of Ohio. The record does not reveal the activities of responsible agencies in these States with respect to marketing service, nor is it specific with respect to the activities performed by responsible agencies in the State of Pennsylvania.

There can be no question as to the need and value to individual producers of the type of marketing services at issue. However, it would be neither necessary nor appropriate for the market administrator to duplicate services now being provided by the respective States. There is insufficient evidence in this record for determination of the specific needs for a marketing service provision under the order or the extent and cost of such a program. Accordingly, the request for such provision is denied.

(f) *Administrative provisions. Expense of administration.* The Act requires that handlers shall pay the cost of operating an order through an assessment on milk handled. Each handler operating a pool plant should be required to pay to the market administrator, as his pro rata share of the cost of administering the order, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, on all receipts within the month of milk from producers, including milk of such handler's own production, any other source milk allocated to Class I (except milk so assessed under another Federal order), milk received from a cooperative association in its capacity as a handler on farm bulk tank milk, and milk transferred in bulk to a pool plant from a plant owned and operated by a cooperative association. A cooperative association in its capacity as a handler should pay the administrative assessment only on its receipts for which the assessment is applicable, and for which such assessment is not paid by other handlers.

The present order prescribes a maximum assessment rate of 2 cents per hundredweight on producer receipts. This rate, however, has not provided sufficient funds to cover administrative expenses necessarily incurred by the market administrator and a reasonable operating reserve. Experience in the operation of Federal orders has shown the need for maintaining an operating balance in the administrative fund sufficient to cover 6 months' expenses. This is the appropriate time which would be required to complete audits and close out the office in event the order should be withdrawn or terminated.

For 1963, operating expenses exceeded income by $16,336 and for 1964 by $46,602. Official notice is taken of the notice of proposed suspension issued by the Deputy Administrator on November 17, 1965 (30 F.R. 14564) which indicated that consideration was being given to suspension of the present maximum rate of assessment to permit the setting of a rate of 3 cents per hundredweight. While such suspension action has not been taken, the situation is being carefully watched since the operating balance is approaching a level at which administration of the order will be seriously impeded.

Because of the continuing drain on the fund, the 3-cent maximum rate proposed at the January 1965 hearing may no longer be adequate. Consequently, provision is made herein for a maximum rate of 4 cents per hundredweight. However, a final decision concerning the rate needed can only be made at the time the order is made effective. It is the policy of the Department to expend only those funds prudently necessary to properly administer the order. If at any time the reserve fund should exceed that deemed necessary, the effective rate would, of course, be reduced.

This order specifies minimum performance standards which must be met to obtain regulated status. With certain specified exceptions, operators of plants not meeting such standards would, under the provisions of the order, be required to either make specific payments into the producer-settlement fund on route disposition in the marketing area in excess of offsetting purchases of Federal order Class I milk, or otherwise pay into such fund and/or to dairy farmers an amount not less than the full classified use value of receipts.

The market administrator, in administration of the order as it applies to the nonpool distributor, must incur expenses in essentially the same manner as in applying the order to pool handlers. Partial regulation (as prescribed) of such distributor does not, however, provide the same benefits to such handler as accrue to the fully regulated handler; i.e., the privilege of participation in the market pool and assurance of uniform price payments to his dairy farmers. If the nonpool route distributor elects to make a payment on his in-area sales at the difference between the Class I price and the uniform price for the market, the expenses incurred by the market administrator in administration of the order with respect to such handler are nominal and payment of the administrative assessment on his in-area sales reasonably would constitute his pro rata share of administrative cost.

In the situation where the partially regulated distributor elects to pay the full use value of his milk to his dairy farmers, the administrative expense is substantially the same as that in the case of administering the order with respect to a fully regulated handler. However, if the assessment rate were similarly applied it is likely that the assessment might make possible a financial obligation under the order in excess of the handler's total obligation under the alternative of electing to make a payment into the producer-settlement fund. In order to give more meaningful effect to the choice of an alternative, the pro rata share of the administrative expense should be the assessment rate but only with respect to the route disposition in the marketing area which is in excess of Class I receipts from Federally regulated plants, regardless of the option which may be chosen by the unregulated distributor.

Similarly, an other order plant with route disposition in the marketing area which was processed from unpriced milk should be required to pay the administrative assessment rate on each hundredweight of milk so disposed.

In the case of unregulated milk which enters the market through a fully regulated plant for Class I use, it is the regulated handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk as well as for all other milk received and utilized. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. It is concluded that the regulated handler should be responsible for payment of the administrative assessment with respect to such unregulated milk.

The Act clearly provides that the administrative costs of the order shall be borne by regulated handlers who process the milk of producers. Accordingly, this would include milk received from a cooperative association pursuant to § 1004.10(c), and milk transferred in bulk to a pool plant from a plant owned and operated by a cooperative association. A cooperative would pay the administrative assessment on all its producer milk which does not move to pool plants pursuant to § 1004.10(c) or is transferred in bulk from its plant to a pool plant.

Other provisions and conforming changes. In addition to the definitions specifically discussed earlier in this decision, which define the scope of regulation, certain other terms and definitions are included in the interest of brevity and to assure that each use of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

Other changes in the Delaware Valley order, which are not specifically discussed, are conforming changes necessary to implement the conclusions previously set forth herein.

Order language changes from that set forth in the recommended decision, and not heretofore specifically discussed, are typographical corrections or clarifying changes necessary to insure full implementation of the conclusion set forth herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on the exceptions to the rulings of the hearing examiner. Three of the briefs filed in this proceeding assigned numerous rulings by the examiner as error. The two briefs filed by handlers in the market do not comply with the requirements of section 900.9(b) of the rules since they do not set forth a concise statement for each ruling excepted to, however, each and every ruling of the examiner has been carefully reviewed and all rulings of the examiner objected to are hereby affirmed.

Almost all of the rulings to which objections are taken deal with the exclusion of testimony, both written and oral, in the area of order enforcement procedures. The exclusion of all such evidence was clearly proper. It was not the purpose of this hearing to discuss the legal methods available to the Department in the order enforcement area; but to receive evidence with respect to the economic and marketing conditions related to the amendments proposed. This was made clear by the examiner on numerous occasions throughout the hearing. Therefore, after full consideration of the rulings of the examiner, all rulings are affirmed and all requests for the consideration of evidence excluded, for the exclusion of evidence admitted, and for the reopening of the hearing are hereby denied.

Ruling on proposal to take no action on the record. On November 30, 1966, a petition was filed with Hearing Clerk requesting that no action be taken on the hearing record. In support of their position petitioners cited the recent cases in which the Secretary through court action had been successful in obtaining access to books and records of persons other than handlers for the purpose of checking the disposition of moneys by handlers. In addition, they cited three recent New York-New Jersey price hearings and the Secretary's action on increasing support levels which they contend demonstrates that the contentions of the Government and certain parties were incorrect and that the milk supply situation with regard to which testimony was taken in October 1965 has totally changed.

Petitioners' request in this regard is denied. In using the above cited situa-

tions as a basis for abandoning the record of the hearing petitioners fail to recognize the basic problem confronting the Department in the Delaware Valley market; i.e., an effective means, under existing statutory authority, of insuring the integrity of the order and the prompt, effective and uniform application of the pricing provisions to all handlers. This can only be resolved by amendatory action which will eliminate or substantially reduce the financial incentive which underlies the disruptive marketing arrangements contrived to avoid and thereby compromise the minimum order price.

The fact that the Department has successfully obtained access to certain books and records has in no way changed the market situation. Essentially none of the estimated amount (as much as $1 million annually) which the Department found was being expended by producers in this competition for more remunerative outlets has been restored to producers. Prospects for closing off the advantages enjoyed by certain high-use handlers are no more favorable than at the time of the hearing, and many of the practices detrimental to order purposes continue unabated despite the Department's aggressive actions.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Numerous exceptions were filed to the recommended decision, which reiterate the objections in the briefs filed at the close of the hearing. These objections were previously ruled upon in the recommended decision, and after further review in the light of the exceptions filed, such rulings are hereby affirmed.

Exceptions filed by certain parties allege that the decision and the proposed order violate section 10(1) of the Act (7 U.S.C. 610(c)). However, the alleged grounds for such violations are not persuasive and these exceptions are overruled. For example, in Pierce v. Freeman, 238 F. Supp. 947, the District Court for the Eastern District of Louisiana construed section 10(1) of the Act as follows:

> After reading the entire act, the purpose of this section becomes quite obvious. It is certainly not to limit the powers of the Secretary as contended for by plaintiff. To so rule would, in effect, nullify all of the remainder of the act in order to give validity to this section. But such an interpretation is not warranted, because section 610(1) is, in fact, in harmony with the remainder of the act. All of the provisions of the act previously referred to herein permit the Secretary to act on his own initiative in issuing orders to regulate the marketing of milk and other agricultural products moving in interstate commerce. Section 610(1), on the other hand, contemplates a situation where the Secretary has not acted on his own initiative. In such a case he is directed by section 610(1) to act, when requested to do so by a State, in such a way as to assist the State in making its marketing orders effective.
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> This procedure, under section 610(1), comes into play only in instances where, in the particular area involved, the Secretary has not seen fit to regulate marketing activities on the Federal level, but acts only upon the request of the State and as an assist to the State in carrying out its marketing program. But should the Secretary later determine, in accordance with the other provisions of the act that direct regulation by the Federal Government is necessary or advisable, his previous orders, issued under section 610(1) on request of the State, could not preclude him from issuing such new orders in accordance with his findings, made pursuant to the other provisions of the act. And any action previously taken by him pursuant to the provisions of section 610(1) could not, of course, prevent such later orders as are issued by him pursuant to the other provisions of the act from being supreme and from superseding State orders or regulations in the same area. In brief, by the enactment of the Agricultural Marketing Agreement Act of 1937, as amended, Congress has preempted the entire field of marketing of milk in interstate commerce, and has, by this act, properly delegated to the U.S. Secretary of Agriculture the power to promulgate orders and regulations pursuant thereto.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Delaware Valley Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Delaware Valley Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order regulating the handling of milk in the Delaware Valley marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of January 1967 is hereby determined to be the representative period for the conduct of such referendum.

L. S. Iverson is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on April 7, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order [1] Amending the Order Regulating the Handling of Milk in the Delaware Valley Marketing Area

DEFINITIONS

Sec.
1004.1 Act.
1004.2 Secretary.
1004.3 Department of Agriculture.
1004.4 Person.
1004.5 Delaware Valley marketing area.
1004.6 Cooperative association.
1004.7 Plants.
1004.8 Pool plant.
1004.9 Nonpool plants.
1004.10 Handler.
1004.11 Pool handler.
1004.12 Producer-handler.
1004.13 Dairy farmer.
1004.14 Dairy farmer for other markets.
1004.15 Producer.
1004.16 Milk and milk products.
1004.17 Route disposition.
1004.18 Certified milk.

MARKET ADMINISTRATOR

1004.20 Designation.
1004.21 Powers.
1004.22 Duties.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

REPORTS, RECORDS, AND FACILITIES

Sec.
1004.30 Reports of receipts and utilization.
1004.31 Other reports.
1004.32 Records and facilities.
1004.33 Retention of records.

CLASSIFICATION OF MILK

1004.40 Skim milk and butterfat to be classified.
1004.41 Classes of utilization.
1004.42 Shrinkage.
1004.43 Responsibility of handlers and the reclassification of milk.
1004.44 Transfers.
1004.45 Computation of skim milk and butterfat in each class.
1004.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1004.50 Class prices.
1004.51 Butterfat differentials to handlers.
1004.52 Location differentials to handlers.
1004.53 Equivalent prices or indexes.

APPLICATION OF PROVISIONS

1004.60 Producer handler.
1004.61 Plants subject to other Federal orders.
1004.62 Obligations of handler operating a partially regulated distributing plant.

DETERMINATION OF UNIFORM PRICE

1004.70 Computation of the net pool obligation of each pool handler.
1004.71 Computation of uniform price.

PAYMENTS

1004.80 Time and method of payment.
1004.81 Butterfat differential to producers.
1004.82 Location differential to producers.
1004.83 Producer-settlement fund.
1004.84 Payments to the producer-settlement fund.
1004.85 Payments out of the producer-settlement fund.
1004.86 Adjustment of accounts.
1004.87 Expense of administration.
1004.88 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1004.90 Effective time.
1004.91 Suspension or termination.
1004.92 Continuing obligations.
1004.93 Liquidation.

MISCELLANEOUS PROVISIONS

1004.100 Agents.
1004.101 Separability of provisions.

AUTHORITY: The provisions of this Part 1004 issued under secs. 1–19, 48 Stat. 31 as amended, 7 U.S.C. 601–674.

§ 1004.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Delaware Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler (except a cooperative association in its capacity as a handler pursuant to § 1004.10(c) and as the operator of a pool plant with respect to milk which is transferred in bulk to the pool plant of another handler) as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to his receipts of producer milk (including such handler's own production), milk received from a cooperative association pursuant to § 1004.10(c), milk received in bulk as a transfer from a plant of a cooperative association and other source milk allocated to Class I pursuant to § 1004.46(a) (5) and (9) and the corresponding step of § 1004.46(b). The payment shall also apply with respect to any handler in his capacity as the operator of a partially regulated plant or an other order plant with respect to route disposition in the marketing area of unpriced other source milk.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Delaware Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

DEFINITIONS

§ 1004.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1004.2 Secretary.

"Secretary" means the Secretary of Agriculture, or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1004.3 Department of Agriculture.

"Department of Agriculture" means the U.S. Department of Agriculture or any other Federal agency as may be authorized by Act of Congress, or by Executive order, to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1004.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1004.5 Delaware Valley marketing area.

"Delaware Valley marketing area", called the "marketing area" in this part means all the territory in the Commonwealth of Pennsylvania situated within the following boundary line: Beginning at a point in the Pennsylvania State line at the northern boundary of the Lower Makefield township line in Bucks County, thence first westerly, thence southerly along said Lower Makefield township line to the Middletown township line; thence westerly and southerly along the Middletown township line to the Lower Southampton township line; thence northerly and thence westerly along the Lower Southampton township line to the Montgomery County line; thence northerly along the Montgomery County line to the Trenton cutoff of the Pennsylvania Railroad; thence westerly along said railroad to the Upper Dublin township line, thence along the southern and western boundaries of Upper Dublin township to the Whitemarsh township line; thence southerly along the Whitemarsh township line to the lower Merion township line; thence along the northern boundary of lower Merion township to the Delaware County line; thence northerly, westerly and southerly along the Delaware County line to the Pennsylvania State line; thence easterly and northerly along the Pennsylvania State line to the point of beginning; all of that territory situated within and bounded on the north, east, and west by the boundary line of the State of Delaware, and on the south by the Chesapeake and Delaware Canals, all of which area lies within New Castle County, Delaware, and all of the territory in the State of New Jersey within the outer boundaries of the following counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Salem, and Ocean (except the boroughs of Bay Head, Beachwood, Island Heights, Lakehurst, Lavallette, Mantoloking, Ocean Gate, Pine Beach, Point Pleasant, Point Pleasant Beach, Seaside Heights, Seaside Park, South Toms River, and the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted).

§ 1004.6 Cooperative association.

"Cooperative association" means any cooperative marketing association of

producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1004.7 Plants.

(a) "Plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment at which milk or milk products are received from dairy farmers or processed or packaged. However, a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

(b) "Distributing plant" means a plant from which fluid milk products are disposed of during the month in the marketing area as route disposition.

(c) "Supply plant" means a plant from which fluid milk products are shipped during the month to a distributing plant.

§ 1004.8 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a), (b), or (c) of this section.

(a) A distributing plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 45 percent, of the milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c), is disposed of as route disposition, and the volume disposed of as route disposition in the marketing area during the month is not less than 10 percent of such receipts.

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 40 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association), or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) is moved during the month to a distributing plant except an "other order plant" from which a volume of fluid milk products which is not less than 50 percent during any month of September through February, or 45 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations and from other plants is disposed of as route disposition during the month, and the volume disposed of as route disposition in the marketing area during the month is not less than 10 percent of such receipts.

(c) A supply plant that was a pool plant during each of the months of September through February pursuant to paragraph (b) of this section shall be a pool plant during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of any such month, requesting the plant to be designated a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant. However, the automatic pool plant status of a supply plant pursuant to this paragraph shall be canceled for any month during the March through August period that another supply plant is qualified for pooling by shipping fluid milk products to the same distributing plant(s) by which such automatic pooling was accomplished.

(d) A supply plant(s) not otherwise meeting the provisions of paragraph (b) of this section shall be considered to have met such provisions if:

(1) It is owned and operated by a handler who also operates a pool plant pursuant to § 1004.8(a);

(2) It is located outside the marketing area and is not a pool plant under another Federal order;

(3) The handler files a written request with the market administrator on or before the first day of September for pool plant status for such plant;

(4) The plant(s) in combination with the pool distributing plant meet the provisions of § 1004.8(a);

(5) The handler qualifies no other supply plant by actual shipments to such pool distributing plant; and

(6) The handler notifies the market administrator each month at the time of filing reports pursuant to § 1004.30 in the detail prescribed by the market administrator with respect to any receipts from dairy farmers not meeting the health requirements for disposition as fluid milk in the marketing area.

§ 1004.9 Nonpool plants.

"Nonpool plant" means a plant other than a pool plant. The categories of nonpool plants are:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler or an other order plant from which fluid milk products are shipped to a pool plant.

§ 1004.10 Handler.

"Handler" means

(a) Any person in his capacity as the operator of:

(1) A pool plant;

(2) A partially regulated distributing plant;

(3) An unregulated supply plant; and

(4) An other order plant pursuant to § 1004.61.

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of § 1004.15 from a pool plant to a nonpool plant for the account of such cooperative association.

(c) Any cooperative association with respect to the milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association unless both the cooperative association and the handler notify the market administrator in writing prior to the first day of the month that the plant operator will be the handler and is purchasing the milk on the basis of farm weights and tests determined by farm bulk tank calibrations and at butterfat tests based on samples taken at the farm. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which such milk is delivered.

(d) A producer-handler; and

(e) Any other person who by purchase or direction causes milk of producers to be picked up at the farm and/or moved to a plant.

§ 1004.11 Pool handler.

"Pool handler" means any person in his capacity as the operator of a pool plant or a cooperative association qualified as a handler pursuant to § 1004.10 (b) or (c).

§ 1004.12 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant, and whose sole source of supply for Class I milk is his own farm production and transfers from pool plants: *Provided*, That such person furnishes proof satisfactory to the market administrator that the maintenance and management of all dairy animals and other resources necessary to produce the entire amount of Class I milk handled (excluding transfers from pool plants), and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

§ 1004.13 Dairy farmer.

"Dairy farmer" means any person who produces milk which is delivered in bulk to a plant.

§ 1004.14 Dairy farmer for other markets.

"Dairy farmer for other markets" means:

(a) Any dairy farmer with respect to milk reported pursuant to § 1004.8(d)(6); or

(b) Effective on and after January 1, 1968, any dairy farmer whose milk is received by a handler at a pool plant during any of the months of March through August, from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received milk other than as producer milk during the preceding months of January and February, unless such dairy farmer held nonproducer status during such months solely because the pool plant to which he currently ships was not a pool plant in such months.

§ 1004.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, a dairy farmer for other markets, or any person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk which is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.10(c), or is diverted to a nonpool plant other than a producer-handler plant or an other order plant during any month(s) of March through August, or, in accordance with the provisions of paragraphs (a), (b), or (c) of this section, during any month of September through February. If a handler diverting milk pursuant to paragraph (a) of this section diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant. If a handler diverting milk pursuant to paragraphs (b) or (c) of this section diverts in excess of the limits prescribed, all diversions by such handler during the month shall be pursuant to paragraph (a) of this section.

(a) Not more than 10 days' production during the month unless, (1) in the case of a cooperative association, all of the diversions of milk of member producers of the cooperative during the month fall within the limits prescribed in paragraph (b) of this section, or (2) in the case of a pool handler (other than a cooperative association) diverting milk of nonmember producers, all of such diversions from such plant fall within the limits prescribed in paragraph (c) of this section.

(b) The diversion is the milk of a member of a cooperative association diverted for the account of such association and the amount of member milk so diverted does not exceed 15 percent of the volume of milk of all producer members of such cooperative association received at pool plants during such month.

(c) The diversion is the milk of a producer, who is not a member of a cooperative association, which is diverted by a handler in his capacity as the operator of a pool plant from which the quantity of nonmember milk so diverted does not exceed 15 percent of the total nonmember producer milk delivered to such handler during the month.

(d) Milk which is diverted pursuant to paragraphs (a), (b), or (c) of this section shall be deemed to have been received by the handler, for whose account it is diverted, at a pool plant at the location of the plant from which it was diverted, except that, for the purpose of applying location adjustments pursuant to §§ 1004.52 and 1004.82 milk which is diverted from a pool plant to a plant at which a greater location adjustment credit is applicable shall be priced at the latter location.

§ 1004.16 Milk and milk products.

(a) "Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, and any other mixture of cream and milk or skim milk containing less than 18 percent butterfat (other than ice cream, ice cream mixes, ice milk mixes, eggnog, yogurt, sour half and half, and sterilized products in hermetically sealed containers): *Provided*, That when nonfat milk solids are added for "fortification", the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content;

(b) "Producer milk" means any skim milk or butterfat contained in milk:

(1) Received directly at a pool plant from producers;

(2) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1004.10(c); or

(3) Diverted in accordance with the provisions of § 1004.15;

(c) "Other source milk" means all skim milk and butterfat contained in or represented by:

(1) Receipts (including any Class II milk product produced in the handler's plant during a prior month) in a form other than as fluid milk products which are reprocessed, converted, or combined with another product during the month; and

(2) Receipts in the form of fluid milk products from any source other than producers, pool plants, or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c).

§ 1004.17 Route disposition.

"Route disposition" means any delivery of a fluid milk product from a plant to a retail or wholesale outlet (including any delivery by a vendor, from a plant store or through a vending machine) except any delivery to a plant.

§ 1004.18 Certified milk.

"Certified milk" is milk which is produced, packaged and sold under the label of certified milk in accordance with the rules and regulations promulgated by the American Association of Medical Milk Commissions, Inc.

MARKET ADMINISTRATOR

§ 1004.20 Designation.

The market administrator for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1004.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1004.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1004.87:

(1) The cost of his bond and the bonds of his employees,

(2) His own compensation, and

(3) All other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1004.30 and 1004.31, or payments pursuant to §§ 1004.80 through 1004.87;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(h) Verify all reports and payments of each handler, by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and information concerning the operation of this part as do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 5th day of each month the Class II price computed pursuant to § 1004.50(b), and the handler butterfat differentials computed pursuant to § 1004.51, both for the preceding month;

(2) The 13th day of each month, the uniform price computed pursuant to § 1004.71, and the butterfat differential to producers computed pursuant to § 1004.81, both for the preceding month;

(3) The 15th day of the month preceding the start of each calendar quarter, the Class I price computed pursuant to § 1004.50(a); and

(4) The 15th day of each month, the indexes computed pursuant to § 1004.50 (a)(1) for the preceding month, the 12-month average of prices for milk for manufacturing purposes as determined pursuant to § 1004.50(a)(3) for the period ending with the preceding month and the 12-month utilization percentage factor for the period ending with the preceding month calculated in the manner described in § 1004.50(a)(4).

(k) On or before the 15th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in the same ratio as all producer milk received by such handler during such month;

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1004.46(a)(10) and the corresponding step of § 1004.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1004.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS AND FACILITIES

§ 1004.30 Reports of receipts and utilization.

(a) On or before the 5th day after the end of each month each cooperative association in its capacity as a handler and each pool handler with respect to each of his pool plants shall report for the month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in (i) receipts of producer milk (including such handler's own production), (ii) receipts of fluid milk products and cream from other pool plants and milk received from a cooperative association for which it is a handler pursuant to § 1004.10(c), and (iii) receipts of other source milk;

(2) Inventories of fluid milk products and cream on hand at the beginning and end of the month; and

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of milk from dairy farmers shall be reported in lieu of producer milk, such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk; and

(c) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(d) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1004.10 (b) and (c) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat diverted to nonpool plants; and

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler.

§ 1004.31 Other reports.

(a) Each pool handler shall report to the market administrator in detail and on forms prescribed by the market administrator as follows:

(1) On or before the 25th day after the end of the month for each pool plant his producer payroll for such month which shall show for each producer: (i) his name and address; (ii) the total pounds of milk received from such producer; (iii) the average butterfat content of such milk; and (iv) the net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(2) Such other information with respect to receipts and utilization of butterfat and skim milk as the market administrator shall prescribe.

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to a pool handler, the handler shall file with the market administrator a report stating the producer's name and post office address, and the farm and plant locations involved.

(c) In making payments to producers pursuant to § 1004.80(a)(2), or to a cooperative association pursuant to § 1004.80(b), each pool handler shall furnish such producer or cooperative association with respect to each of its producer members from whom the handler received milk during the month, a written statement showing:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate at which payment to the producer is required under the provisions of § 1004.80(a)(2);

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The nature and amount of any deductions made in payments due such producer; and

(6) The net amount of the payment to the producer.

(d) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1004.62(b) shall report the same information as required in paragraph (a) of this section with respect to dairy farmers from whom he receives milk.

(e) On or before the 20th day after the end of the month, each handler pursuant to § 1004.10(e) shall report to the market administrator, in the detail and on forms prescribed by the market administrator, all transactions wherein milk was bought or dealt in, giving the following information:

(1) The name and address of any cooperative association or producer for whom the handler by either purchase or direction caused milk of producers to be moved to a plant;

(2) The total pounds of milk involved in the transaction, and the average butterfat content of such milk; and

(3) Such other information with respect to such transaction as the market administrator may prescribe.

§ 1004.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items in inventory at the beginning and end of each month required to be reported pursuant to § 1004.30(a)(2);

(d) Payments to producers and cooperative associations, including any deductions and the disbursement of money so deducted; and

(e) Other information required to be reported pursuant to § 1004.31(e).

§ 1004.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1004.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to § 1004.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1004.41 through 1004.46.

§ 1004.41 Classes of utilization.

Subject to the conditions set forth in §§ 1004.42 through 1004.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of as a fluid milk product;

(2) Contained in inventory of packaged fluid milk products on hand at the end of the month; and

(3) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of for livestock feed;

(3) Contained in fluid milk products which are dumped, if the handler gives the market administrator such advance notice of intent to dump as the market administrator may prescribe;

(4) Contained in inventory of fluid milk products in bulk which are on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.42(b)(1), but not to exceed the following:

(i) Two percent of producer milk received at a pool plant; plus

(ii) One and one-half percent of milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1004.10(c); plus

(iii) One and one-half percent of milk received at a pool plant in bulk tank lots from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the handler (and by the operator of such other order plant if such receipt is fully subject to the classification and pricing provisions of such other order); plus

(v) One and one-half percent of receipts from dairy farmers for other markets pursuant to § 1004.14(b) and receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of milk moved in bulk tank lots from a pool plant to other plants; and plus

(vii) One-half of one percent in receipts of producer milk by a cooperative association in its capacity as a handler pursuant to § 1004.10(c);

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.42(b)(2);

(7) Disposed of in bulk to any commercial food establishment for use on the premises in the manufacture of soup, candy, bakery products, or any other nondairy commercial food product: *Provided*, That such establishment does not dispose of any fluid milk product;

(8) The weight of skim milk in fortified fluid milk products which is excepted from Class I milk pursuant to paragraph (a) of this section.

§ 1004.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat in receipts described in § 1004.41(b)(5); and (2) skim milk and butterfat in other source milk, exclusive of that specified in § 1004.41(b)(5).

(c) In the case of milk received from producers by a cooperative association handler pursuant to § 1004.10(c), the cooperative association shall be responsible for proving that skim milk and butterfat in such milk which was not received at a pool plant should be classified other than as Class I, and the operator of a pool plant receiving skim milk and butterfat from a cooperative association handler pursuant to § 1004.10(c) shall be responsible for proving that such skim milk and butterfat should be classified other than as Class I.

§ 1004.43 Responsibility of handlers and the reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1004.44 Transfers.

Skim milk and butterfat in the form of any fluid milk product shall be classified:

(a) As Class I milk if transferred from a pool plant or a cooperative association as a handler pursuant to § 1004.10(c) to a pool plant, unless Class II utilization is indicated by the transferee and transferor handlers (or by the handler if such transfer is between two pool plants of the same handler) in their reports pursuant to § 1004.30(a) for the month, subject to the conditions of subparagraphs (1), (2), and (3) of this paragraph:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1004.46(a)(10) and the corresponding step of § 1004.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1004.46(a)(5), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1004.46(a)(9) or (10), and the corresponding steps of § 1004.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1004.30 for the month within which such transaction occurred;

(2) The operator of such nonpool transferee plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk

products so transferred or diverted from pool plants, and thereafter pro rata to receipts from other order plants;

(ii) Any route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, and thereafter pro rata to receipts from pool plants and other order plants not regulated by such order;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to the receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant, and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) Any remaining receipts from pool plants or other order plants shall be assigned to Class II: *Provided*, That if on inspection of the books and records of the nonpool plant the market administrator finds that the remaining unassigned receipts at such plant exceed the available Class II utilization, the transfer shall be classified as Class I up to the amount of such excess.

(d) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1004.41.

§ 1004.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1004.30(a) by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, and the total pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1004.10 (b) and (c) and was not received at a pool plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products plus all the water originally associated with such solids.

§ 1004.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1004.45, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1004.10 (b) and (c) which was not received at a pool plant, and the classification of milk received from producers and from cooperative association handlers pursuant to § 1004.10(c) at each pool plant for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1004.41(b)(5);

(2) Subtract from the total pounds of skim milk in Class I, the pounds of skim milk in receipts of certified milk in packaged form;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows, if the fluid products so received are classified and priced as Class I milk under such order or the equivalent thereof if assigned to Class I milk under this order:

(i) From Class II milk, the lesser of the pounds remaining, or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products from dairy farmers for other markets pursuant to § 1004.14(a) and from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products, for which the handler requests Class II utilization, which were received from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating the plant and from dairy farmers for other markets pursuant to § 1004.14(b), but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(b), if not assigned pursuant to subparagraphs (3) and (6)(i) of this paragraph, to the extent that the total of such receipts is in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1004.10(c), in receipts from Order 2 pool bulk tank units and in receipts in bulk from other order plants which are classified and priced pursuant to the applicable order; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(b), remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II, shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk (and for the first month this order is effective, in packaged fluid milk products) on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from other order plants if not classified or priced pursuant to the order regulating such plant and from dairy farmers for other markets pursuant to § 1004.14(b), that were not subtracted pursuant to subparagraph (6) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from Order 2 pool bulk tank units and in bulk from other order plants (except receipts from other order plants not classified and priced pursuant to the order regulating such plant), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (6)(iii) of this paragraph, pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1004.22(1); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(11) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) according to the classification assigned pursuant to § 1004.44(a); and

(12) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1004.50 Class prices.

Subject to the provisions of §§ 1004.51 and 1004.52 the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk.* For each month in each calendar quarter through June 1968, the price per hundredweight of Class I milk shall be the price computed for such quarter pursuant to subparagraphs (1) through (4) of this paragraph:

(1) Compute the indexes set forth in subdivisions (i) through (v) of this subparagraph for the second, third, and fourth months preceding the first month of the pricing quarter and divide the sum of these indexes by 15. The result shall be the formula index;

(i) Compute an index of wholesale commodity prices, using a 1957–58 base period by dividing by 0.99614, the average of the four latest weekly index figures (those available on the 15th day of the following month) of wholesale commodity prices as reported on a 1957–59 base by the Bureau of Labor Statistics, U.S. Department of Labor;

(ii) Compute an index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed, using a 1957–58 base period, by dividing by 0.03896 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service;

(iii) Compute an index of prices received by Pennsylvania farmers for farm products except dairy, using a 1957–58 base period, by dividing by 2.103 the monthly index published by the Pennsylvania Federal-State Crop Reporting Service;

(iv) Compute an index of prices for milk for manufacturing purposes, f.o.b. plant United States, as reported by the Department of Agriculture, using a 1961–62 base period, by dividing by 0.030707 the monthly average prices determined pursuant to paragraph (b)(1) of this section, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for such month:

January	1.023	July	0.988
February	1.014	August	.997
March	1.006	September	1.000
April	.980	October	1.004
May	.976	November	1.014
June	.984	December	1.014

(v) Compute an index of average daily pounds of Class I milk disposition using a 1957–58 base period, by dividing by 29,476 the daily average for the month of pounds of Class I milk disposition by plants fully regulated as a result of their sales in the marketing area other than in the State of New Jersey and excluding Class I milk disposition (on route or otherwise) outside the marketing area by any handler whose route disposition in the marketing area, exclusive of New Jersey, is less than 5 percent of his total route disposition, and excluding any duplication because of disposition between plants, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for the month:

January	1.009	July	0.948
February	1.023	August	.949
March	1.011	September	1.020
April	1.025	October	1.046
May	1.010	November	1.005
June	.966	December	.990

(2) Subject to the conditions set forth in subparagraphs (3) and (4) of this paragraph the Class I price shall be that price indicated for the pricing quarter in the following Class I price schedule in the line corresponding to the bracket in which the formula index computed pursuant to subparagraph (1) falls, or if such index value is not within a bracket, the price for the calendar quarter shall be determined by the adjacent index bracket which is the same as or nearest to the bracket equivalent to the price in the previous quarter:

CLASS I PRICE SCHEDULE

[Price per hundredweight]

Formula index	1st quarter (January, February, March)	2d quarter (April, May, June)	3d quarter (July, August, September)	4th quarter (October, November, December)
At least but less than: [1]				
80.0–82.0	4.60	4.00	4.60	4.60
83.8–85.8	4.80	4.20	4.80	4.80
87.6–89.6	5.00	4.40	5.00	5.00
91.4–93.4	5.20	4.60	5.20	5.20
95.2–97.2	5.40	4.80	5.40	5.40
99.0–101.0	5.60	5.00	5.60	5.60
102.8–104.8	5.80	5.20	5.80	5.80
106.6–108.6	6.00	5.40	6.00	6.00
110.4–112.4	6.20	5.60	6.20	6.20
114.2–116.2	6.40	5.80	6.40	6.40
118.0–120.0	6.60	6.00	6.60	6.60

[1] If the formula index is more than 120.0 or less than 80.0 this table shall be extended at the same rate as the increase or decrease in the preceding bracket.

(3) If the annual level of the price for any calendar quarter (the price, less 15 cents, indicated for the first quarter for the bracket in which the formula index computed pursuant to subparagraph (1) of this paragraph falls) exceeds by more than $2.60 the simple average of prices for milk for manufacturing purposes, f.o.b. plants United States, reported on a preliminary basis by the Department of Agriculture for each of the 12 months ending with the second month preceding such calendar quarter, as determined at 3.5 percent butterfat content pursuant to paragraph (b)(1) of this section, the Class I price for such quarter shall be adjusted downward (in multiples of 20 cents) to a price at which the annual level price is within such $2.60 variance.

(4) The Class I price for any calendar quarter computed pursuant to subparagraphs (1) through (3) of this paragraph shall be further adjusted as follows: *Provided*, That for each of the 6 months following the effective date of this part, the adjustments pursuant to this subparagraph shall not exceed plus or minus 20 cents:

(i) Increased by 20 cents if the total receipts of producer milk during the 12-month period ending with the second month preceding such calendar quarter is less than 129 percent of the total pounds of such producer milk classified as Class I for the same period, and shall be increased an additional 20 cents if the ratio is less than 126 percent; and

(ii) decreased by 20 cents if the ratio of such receipts to such Class I disposition exceeds 139 and decreased an additional 20 cents if such ratio exceeds 142 percent.

(b) *Class II milk.* The price per hundredweight of Class II milk shall be determined for each month as follows:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the Department of Agriculture for the month, by subtracting for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or adding for each one-tenth of 1 percent of average butterfat content below 3.5 percent an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the Department of Agriculture; and

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

	Amount (cents)		Amount (cents)
January	+16	July	+16
February	+15	August	+23
March	+08	September	+19
April	+04	October	+19
May	+01	November	+19
June	+02	December	+19

§ 1004.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent variation in butterfat content by the appropriate rate, rounded in each case to the nearest one-tenth cent determined as follows:

(a) *Class I milk.* Divide by 35 an amount calculated as follows: Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40-percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the Department of Agriculture, divide by the number of quotations, subtract $2, divide by 9.7143: *Provided*, That such butterfat differential shall not be less than that provided pursuant to paragraph (b) of this section.

(b) *Class II milk.* Multiply by 0.120 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the Department of Agriculture for Grade A (92-score) butter in the New York City market.

§ 1004.52 Location differentials to handlers.

(a) For that milk received from producers and from cooperative association handlers pursuant to § 1004.10(c) at a pool plant located 45 miles or more by shortest highway distance, as determined by the market administrator from the nearest of the City Halls in Philadelphia, Pa.; Trenton or Atlantic City, N.J.; and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the Class I price shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers, subject to the exception contained in § 1004.15(d):

Distance of plant from nearest City Hall:	Rate per hundredweight (cents)
45 miles	23.0
Each additional 10 miles or fraction thereof an additional	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant in an amount not in excess of that by which such Class I disposition exceeds 95 percent of the sum of receipts at such plant from producers, cooperative associations pursuant to § 1004.10(c), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, and from dairy farmers for other markets pursuant to § 1004.14(b). Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) For milk received from producers at a pool plant located 45 to 75 miles by the shortest highway distance as determined by the market administrator from the nearest of the City Halls in Philadelphia, Pa.; Trenton or Atlantic City, N.J.; and classified as Class II milk (except that for which a Class I location differential was assigned pursuant to paragraph (b)), the Class II price shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk was received from producers, subject to the exception contained in § 1004.15(d):

Distance of plant from nearest City Hall:	Rate per hundredweight (cents)
45 to 70 miles	5.0
Each additional 70 miles or fraction thereof an additional	1.0

§ 1004.53 Equivalent prices or indexes.

If for any reason a price or index specified by this part for use in computing class prices or other purposes is not reported or published in the manner described in this part, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified.

APPLICATION OF PROVISIONS

§ 1004.60 Producer-handler.

Sections 1004.40 through 1004.46, 1004.50 through 1004.53, 1004.62, 1004.70, 1004.71, and 1004.80 through 1004.87 shall not apply to a producer-handler.

§ 1004.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1004.30) and allow verification of such reports by the market administrator. In addition, each handler operating an Order 2 pool plant from which any unpriced milk is disposed of as route disposition in the marketing area of this order shall, on or before the 15th day after the end of the month make payments to the producer-settlement fund of the difference between the announced Class I price under this order and the announced uniform price under Order 2, both applicable at his plant location, on the volume of such milk so disposed, and pay the administrative assessment provided in § 1004.87 with respect to such milk.

(a) Any plant qualified pursuant to § 1004.8(a) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant on routes in the Delaware Valley marketing area than in a marketing area regulated pursuant to such other order;

(b) Any plant subject to the classification and pricing provisions of another order issued pursuant to the Act, notwithstanding its status under this order pursuant to § 1004.8 (a) or (b).

§ 1004.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1004.30(b) and 1004.31(d) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1004.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1004.70(e) and a credit in the amount specified in § 1004.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1004.30(b) and 1004.31(d) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1004.8(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk (approved by a duly constituted health authority for fluid disposition) received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

§ 1004.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant and of each cooperative association handler pursuant to § 1004.10 (b) and (c) with respect to milk which was not received at a pool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of milk received from a cooperative association as a handler pursuant to § 1004.10(c) and allocated pursuant to § 1004.46 (a) and (b)(11) and the quantity of producer milk in each class, as computed pursuant to § 1004.46(c), by the applicable class prices (adjusted pursuant to §§ 1004.51 and 1004.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1004.46(a)(12) and the corresponding step of § 1004.46(b) by the applicable class prices;

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.46(a)(7) and the corresponding step of § 1004.46(b) for the current month;

(2) Multiply the difference between the applicable Class I price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.46(a)(4) and the corresponding step of § 1004.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount.

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1004.46(a)(5) and the corresponding step of § 1004.46(b); and

(e) Add an amount equal to the values of skim milk and butterfat determined pursuant to subparagraphs (1) and (2) of this paragraph as follows:

(1) The value at the Class I price of skim milk and butterfat received from dairy farmers for other markets assigned to Class I pursuant to § 1004.46(a)(9) and the corresponding step of § 1004.46(b), adjusted pursuant to § 1004.52;

(2) The value at the Class I price of skim milk and butterfat assigned to Class I pursuant to § 1004.46(a)(9), and the corresponding step of § 1004.46(b), excluding milk from dairy farmers for other markets, adjusted for the location of the nearest plants from which such types of receipts were received.

§ 1004.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1004.70 for all handlers who filed the reports prescribed by § 1004.30 for the month and who made

the payments required pursuant to § 1004.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1004.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1004.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk included pursuant to paragraph (a) of this section; and

(2) The total hundredweight for which a value is computed pursuant to § 1004.70(e); and

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price," per hundredweight of milk of 3.5 percent butterfat received from producers.

PAYMENTS

§ 1004.80 Time and method of payment.

(a) Except as provided in paragraphs (b) and (d) of this section, each handler, except a cooperative association, shall make payment as specified in subparagraphs (1) and (2) of this paragraph to each producer from whom milk is received:

(1) On or before the last day of each month, at not less than the Class II price for the preceding month per hundredweight for his deliveries of producer milk during the first 15 days of the month; and

(2) On or before the 20th of the following month, the applicable uniform price per hundredweight for his deliveries of producer milk during the month subject to the following adjustments:

(i) Proper deductions authorized in writing by such producers;

(ii) Partial payments made pursuant to subparagraph (1) of this paragraph; and

(iii) If by such date such handler has not received full payment from the market administrator pursuant to § 1004.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) In the case of milk received by a handler from a cooperative association in its capacity as the operator of a pool plant such handler shall on or before the second day prior to the date on which payments are due individual producers, pay to such cooperative association for milk so received during the month, an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler.

(d) Each handler who received milk from a cooperative association handler pursuant to § 1004.10(c), shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at the rate specified in paragraph (a)(1) of this section; and

(2) A final payment equal to the value of such milk at the uniform price adjusted by the applicable differentials pursuant to §§ 1004.81 and 1004.82, less the amount of partial payment on such milk.

§ 1004.81 Butterfat differential to producers.

The uniform price to each producer shall be increased or decreased, for each one-tenth of 1 percent by which the average butterfat content of his milk is above or below 3.5 percent, respectively, by the butterfat differential computed pursuant to § 1004.51(a) and rounded to the nearest full cent.

§ 1004.82 Location differential to producers.

(a) Subject to the exception contained in § 1004.15(d), the uniform price for milk received from producers and from cooperative association handlers pursuant to § 1004.10(c) at a pool plant located at least 45 miles from the nearest of the City Halls in Philadelphia, Pa.; Atlantic City or Trenton, N.J., by shortest highway distance as determined by the market administrator shall be reduced 23 cents, plus 1½ cents for each additional 10 miles or fraction thereof, which such plant is located from the nearest of the City Halls in Philadelphia, Pa.; Atlantic City or Trenton, N.J.

(b) For purposes of computations pursuant to §§ 1004.84 and 1004.85 the uniform price shall be reduced at the rates set forth in paragraph (a) of this section applicable at the location of the plant(s) at which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(1) and at the location of the nonpool plant(s) from which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(2).

§ 1004.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1004.61 and 1004.62, 1004.84 and 1004.86 and out of which he shall make all payments from such fund pursuant to §§ 1004.85 and 1004.86: *Provided*, That the market administrator shall offset the payment due to a handler against payment due from such handler.

§ 1004.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1004.70 for such handler;

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1004.10(c) at the uniform price adjusted by producer butterfat and location differentials, less in the case of a cooperative association on milk for which it is a handler pursuant to § 1004.10(c), the amount due from other handlers pursuant to § 1004.80(d); and

(2) The value at the uniform price adjusted by the producer butterfat differential pursuant to § 1004.81 and the location differential on nonpool milk pursuant to § 1004.82(b) (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.70(e).

§ 1004.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1004.84(b) exceeds the amount computed pursuant to § 1004.84(a); *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1004.86 Adjustment of accounts.

(a) Except as provided in paragraph (b) of this section, whenever verification by the market administrator of reports or payments of a handler discloses errors resulting in money due the market administrator from such handler, such handler from the market administrator, or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred;

(b) Whenever verification by the market administrator of the reports or payments of a handler discloses errors resulting in money due any producer or cooperative association from such handler for milk received by such handler prior to the effective date of this amended order, the market administrator shall promptly notify such handler of any amount so due, and payment thereof shall be made promptly to the market administrator. The market administrator shall then pay the producer or cooperative association to whom such monies are due, except that if the amount is not more than 2 cents per hundredweight on the milk involved, the monies shall be deposited in the producer-settlement fund.

§ 1004.87 Expense of administration.

As his pro rata share of the expense of administration, each handler shall pay to the market administrator on or before the 20th day after the end of the month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk handled during the month as follows:

(a) Each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1004.10(c), and a cooperative association as the operator of a pool plant with respect to milk is transferred in bulk to a pool plant) with respect to his receipts of producer milk (including such handler's own-farm production, milk received from a cooperative association pursuant to § 1004.10(c), and milk transferred in bulk from a plant owned and operated by a cooperative association) and other source milk allocated to Class I pursuant to § 1004.46(a)(5) and (9) and the corresponding step of § 1004.46(b);

(b) Each handler in his capacity as the operator of a partially regulated distributing plant with respect to his route disposition in the marketing area in excess of his receipts of Class I milk from pool plants and other order plants; and

(c) Each handler in his capacity as the operator of an other order plant with respect to his route disposition in the marketing area, which milk was not classified and priced under such other order.

§ 1004.88 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin until the 1st day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1004.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1004.91.

§ 1004.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1004.92 Continuing obligations.

If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1004.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

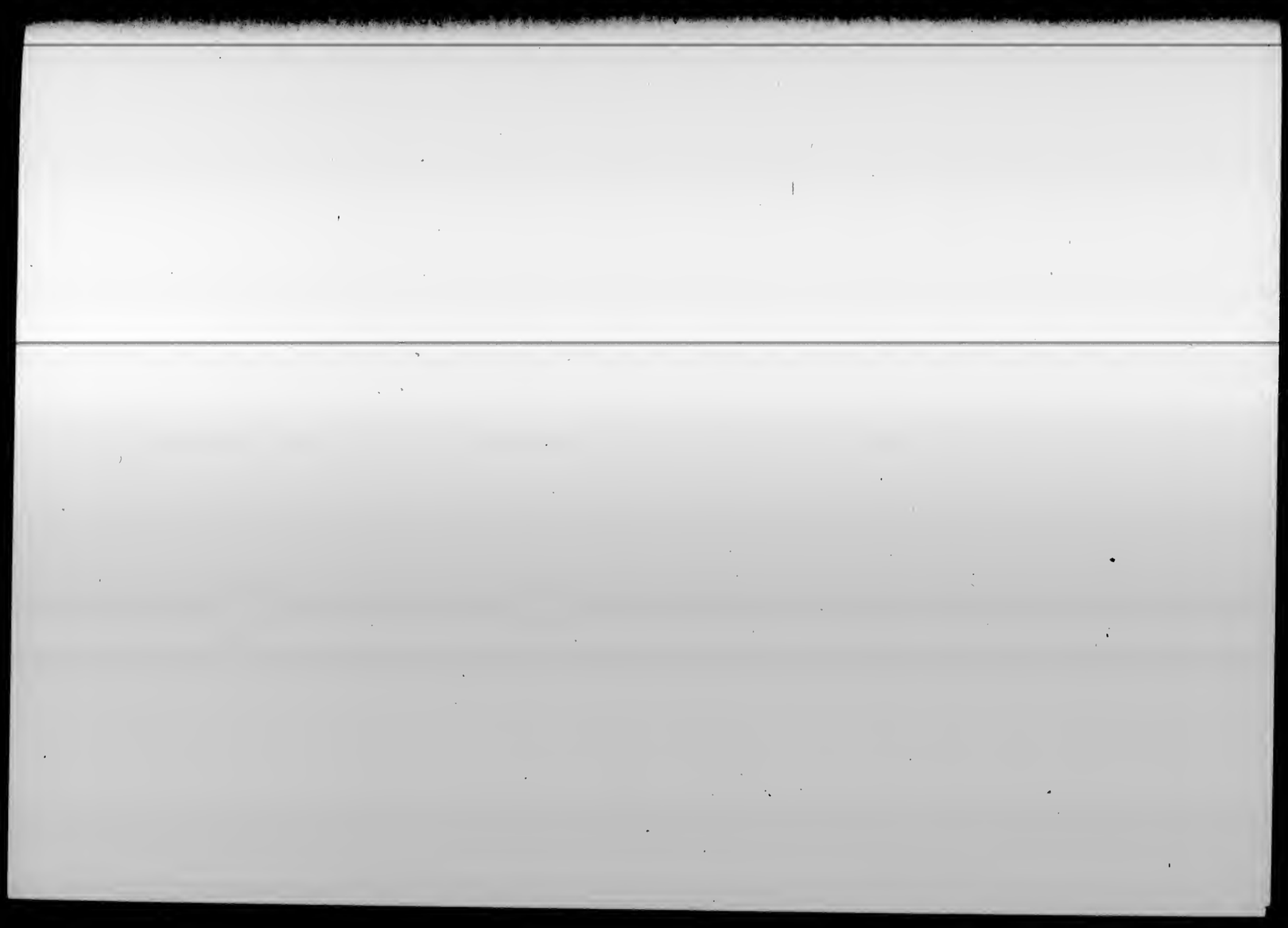
§ 1004.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1004.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 67-4001; Filed, Apr. 11, 1967; 8:45 a.m.]



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Civil Aeronautics Board
Consumer and Marketing Service
Customs Bureau
Federal Aviation Administration
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Food and Drug Administration
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Interstate Commerce Commission
Land Management Bureau
Maritime Administration
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Wage and Hour Division
Water Resources Council

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Title 3—THE PRESIDENT

Proclamation 3777

NATIONAL CARIH ASTHMA WEEK

By the President of the United States of America

A Proclamation

In the United States today, more than three million children live as captives of asthma. It affects two million adult Americans. Each year this disease takes 5,000 lives, and many thousands more suffer debilitating effects at home and on the job.

The asthma victim lives under the constant threat of attack by the disease. It can come from his food, the air he breathes, even from emotional reactions to his environment. In the throes of such an attack, he must have help.

Medical research is valiantly seeking the cause and cure of asthma.

The Children's Asthma Research Institute and Hospital at Denver, Colorado has been in the vanguard of these efforts. It has provided help to children from every region, of every race and creed.

CARIH has set a remarkable record in rehabilitation. It has demanded no payment but the satisfaction of improving the conditions of life for asthma sufferers.

In recognition of this selfless service, the Congress, by a joint resolution approved March 14, 1967, requested the President to issue a proclamation designating the week beginning May 1, 1967 as National CARIH Asthma Week.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week beginning May 1, 1967, as National CARIH Asthma Week; and I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States to join in the observance of that week with activities and ceremonies designed to recognize the outstanding contributions made in asthma treatment, care, and research by the Children's Asthma Research Institute and Hospital.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of April in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

By the President:

Acting Secretary of State.

[F.R. Doc. 67-4121; Filed, Apr. 12, 1967; 10:15 a.m.]

Proclamation 3778

STEELMARK MONTH

By the President of the United States of America

A Proclamation

Steel is the core of industrial America. It has helped to make American productivity and technology the wonder of the world.

This vital product which we produce in unmatched abundance is basic to our economy and essential to our security. It supports our buildings, spans our rivers, arms our fighting men.

It is fundamental to thousands of products which are part of the everyday life of every citizen of this Nation.

It will be increasingly important to us in the years that lie ahead. Research continues to uncover new uses for this durable and versatile product to satisfy exacting military and civilian requirements.

Moreover, the steel industry makes its own vital contribution to the American economy with its demand for raw materials, equipment, and the services of other industries.

The steel industry has created a distinctive symbol for its products—the "steelmark." It is used to identify products made of steel and to increase public awareness of the importance of steel to our national life.

By a joint resolution approved November 2, 1966, the Congress designated the month of May of each year as Steelmark Month and requested the President to issue a proclamation for the observance of such a month.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby call upon all the people of the United States to observe the month of May in this and each succeeding year as Steelmark Month with appropriate proceedings and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of April in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Nicholas deB. Katzenbach

Acting Secretary of State.

[F.R. Doc. 67-4122; Filed, Apr. 12, 1967; 10:15 a.m.]

Proclamation 3779

MODIFYING PROCLAMATION 3279 ADJUSTING IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 2 of the act of July 1, 1954, as amended (72 Stat. 678), and section 232 of the Trade Expansion Act of 1962 (76 Stat. 877), findings and determinations have been made that adjustments in the imports of crude oil, unfinished oils, and finished products were necessary so that such imports would not threaten to impair the national security, such adjustments have been made by Proclamation 3279 [1] (24 F.R. 1781) and modified by Proclamation 3290 (24 F.R. 3527), Proclamation 3328 (24 F.R. 10133), Proclamation 3386 (25 F.R. 13945), Proclamation 3389 (26 F.R. 507, 811), Proclamation 3509 (27 F.R. 11985), Proclamation 3531 (28 F.R. 4077), Proclamation 3541 (28 F.R. 5931), and Proclamation 3693 (30 F.R. 15459); and

WHEREAS I find and determine that it is necessary to provide more flexible authority to the Secretary of the Interior with respect to asphalt:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim that effective immediately a new paragraph (d), reading as follows, is added to section 3 of Proclamation 3279, as amended:

"(d) The Secretary of the Interior shall keep under review the supply-demand situation with respect to asphalt in District I, Districts II–IV, District V, and Puerto Rico, and, as he determines to be consonant with the objectives of this proclamation, he may in his discretion (1) establish, without respect to the levels of imports prescribed in section 2, a maximum level of imports of asphalt for District I, or Districts II–IV, or District V, of Puerto Rico and, notwithstanding the provisions of subparagraph (4) of paragraph (b) of this section 3, establish a special system of allocation of such imports, or (2) permit the entry for consumption or the withdrawal from warehouse for consumption of asphalt in District I, or Districts II–IV, or District V, or Puerto Rico, without allocations or licenses, notwithstanding the provisions of section 1."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of April in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Nicholas deB. Katzenbach

Acting Secretary of State.

[F.R. Doc. 67-4124; Filed, Apr. 12, 1967; 10:46 a.m.]

[1] 3 CFR, 1959–1963, Comp., p. 11; 24 F.R. 1781.

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Modification of Reserve and Surplus Percentages for 1966–67 Crop Year

The Raisin Administrative Committee has unanimously recommended that the reserve percentage and the surplus percentage applicable to standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the 1966–67 crop year (§ 989.224, 31 F.R. 13696) be modified. The modification would reduce the reserve percentage from the present 15 percent to 4 percent, and increase the surplus percentage from the present 35 percent to 46 percent. The committee is established under, and its recommendations are made pursuant to, the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

A free tonnage percentage of 50 percent for natural Thompson Seedless raisins, together with the reserve percentage of 15 percent and the surplus percentage of 35 percent, were designated October 19, 1966. That action was designed to achieve a free tonnage goal of 142,000 tons, estimated to equal trade demand. It provided for enough raisins to be placed in the reserve tonnage—which could be sold to handlers to augment free tonnage or become surplus if not so needed—to protect against failure to achieve the free tonnage goal because of any over or under estimation of production (then estimated to be 237,000 tons). In the notice proposing establishment of the percentage (31 F.R. 13244), it was further proposed that on or about February 1, 1967, on the basis of relevant information then available concerning the 1966 production of such raisins, appropriate modifications in the percentages will be made to retain in the reserve pool a sufficient tonnage to meet any deficit in free tonnage and transfer the remainder to the surplus tonnage. Under this part, reserve and surplus percentages may be modified at any time, and any reserve remaining unsold on August 1 automatically becomes surplus tonnage.

The natural Thompson Seedless raisin production is now known to be approximately 260,000 tons. Handlers' needs for additional free tonnage has been determined as approximately 4 percent of this production, leaving 11 percent (present 15 percent less 4 percent) as reserve tonnage which may now become surplus. A transfer at this time of the excess reserve tonnage to surplus tonnage will remove uncertainty as to its ultimate disposition and so tend to stabilize free tonnage prices.

After consideration of all relevant matter presented, including that in the notice issued in connection with the designation of the free, reserve, and surplus percentages for the 1966–67 crop year, the information and recommendation submitted by the committee, and other available information, it is found that to revise § 989.224 (31 F.R. 13696) so as to modify the reserve and surplus percentages, as set forth below, will tend to effectuate the declared policy of the act.

§ 989.224 Free, reserve, and surplus percentages for the 1966–67 crop year.

The percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1966, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are designated as follows: Free tonnage percentage, 50 percent; reserve tonnage percentage, 4 percent; and surplus tonnage percentage, 46 percent.

It is further found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice of this specific action and engage in public rule making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that: (1) Notice that action of this type would be taken later in the crop year was given last fall in the rule making procedure with respect to the designation of the free, reserve, and surplus percentages for the 1966–67 crop year; (2) full information concerning the need of reserve tonnage raisins for use as free tonnage is now available, and no useful purpose will be served by delaying the transfer of the unneeded quantity to surplus; (3) under this marketing program, the percentages designated for a particular crop year, and any modifications thereof, apply to all standard raisins of the applicable varietal type acquired by handlers from the beginning of the crop year; (4) the current crop year began September 1, 1966, and the modified percentages herein designated will automatically apply to such raisins acquired on and after that date; (5) this action must be taken promptly to achieve its purpose by providing a firm basis for pricing raisins during the remainder of the crop year; and (6) handlers are aware of this action as recommended by the committee and require no advance notice to comply with this regulation.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 7, 1967.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 67-4040; Filed, Apr. 12, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8015; Amdt. 39-400]

PART 39—AIRWORTHINESS DIRECTIVES

Allison-Aero Products Models A6441 FN–606, A6441FN–606A Propellers

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on April 10, 1967, and made effective immediately, by telegram, as to all known operators of Allison-Aero Products Models A6441FN–606 and A6441FN–606A propellers installed on Convair Model 340/440 airplanes modified in accordance with STC SA4–1100 and Lockheed Model L–188 Series airplanes. In order to prevent improper propeller functioning due to an unairworthy condition reported by the manufacturer which may exist in the propeller fixed spline Part No. 6522974 due to possible core hardness below specifications, the directive requires a check of each propeller in which is installed a fixed spline Part No. 6522974, Serial Number 1367 and up, as required by the manufacturer and the correction of any unsatisfactory condition found by removal of the propeller. The check is required within 10 hours in service and thereafter on a daily basis. Previous airworthiness directives and amendments on related problems were issued on March 8, 1967, March 10, 1967, March 17, 1967, March 22, 1967, and March 24, 1967.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of the propellers. These conditions still exist and the airworthiness directive is hereby

published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, § 39.13 is amended by adding the following airworthiness directive:

ALLISON-AERO PRODUCTS. Applies to Models A6441FN-606 and A6441FN-606A propellers installed on Allison-Convair Model 340/440 airplanes modified in accordance with STC SA4-1100 or Lockheed Model L-188 airplanes.

(a) Within the next 10 hours' time in service, each propeller in which is installed a fixed spline Part No. 6522974, Serial Number 1367 and up, must be inspected and marked as required by Allison telegram THO-641W-LOD, dated April 7, 1967, as modified by Allison telegram THO-662W-LOD, dated April 10, 1967. Thereafter, repetitive daily inspections are required as specified in those telegrams.

(b) If, upon inspection, it is determined that a propeller blade is beyond tolerance as set forth in those telegrams, the propeller shall be removed from service and be—

(1) Retained by the operator, with immediate notification to the Chief, Engineering and Manufacturing Branch, FAA Central Region, pending further instructions by him; or

(2) Returned to an approved overhaul base and the Chief, Engineering and Manufacturing Branch, FAA Central Region, notified immediately.

(c) The daily inspection required by this AD may be discontinued when the fixed splines identified in paragraph (a) have been inspected for hardness and determined to meet specifications or have been replaced by other airworthy fixed splines.

(d) Further flight beyond the point where the aircraft is grounded pursuant to this AD may be conducted only in accordance with FAR 21.197.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective by telegram dated April 10, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 11, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-4102; Filed, Apr. 12, 1967; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 31—NONALCOHOLIC BEVERAGES

Soda Water, Identity Standard; Confirmation of Effective Date of Order Changing Labeling Requirements and Listing Dimethylpolysiloxane as an Optional Ingredient

In the matter of amending the standard of identity for soda water (21 CFR 31.1): To permit designation of nonsweetened and nonflavored soda water by names other than those prescribed by the standard; and to list dimethylpolysiloxane (complying with § 121.1099 of the food additive regulations (21 CFR 121.1099)) as an optional ingredient:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of February 16, 1967 (32 F.R. 2940). Accordingly, the amendments promulgated by that order will become effective April 17, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: April 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4057; Filed, Apr. 12, 1967; 8:48 a.m.]

PART 45—OLEOMARGARINE, MARGARINE

Identity Standard; Confirmation of Effective Date of Order Making Optional the Requirement for Culturing Milk Ingredients

In the matter of amending the standard of identity for margarine (21 CFR 45.1), and by cross-reference affecting the standard of identity for liquid margarine (21 CFR 45.2), to make optional the requirement that milk ingredients be subjected to the action of harmless bacterial starters:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of February 15, 1967 (32 F.R. 2893). Accordingly, the amendment promulgated by that order will become effective April 16, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: April 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4058; Filed, Apr. 12, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BOILER WATER ADDITIVES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 7A2109) filed by W. H. Miner, Inc., Rookery Building, 209 South La Salle Street, Chicago, Ill. 60604, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of sodium glucoheptonate as a boiler water additive used in the preparation of steam that will contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1088(c) is amended by inserting alphabetically a new item, as follows:

§ 121.1088 Boiler water additives.

* * * * *

(c) List of substances:

* * *	*Limitations* * * *
Sodium glucoheptonate----	Less than 1 part per million cyanide in the sodium glucoheptonate.
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4062; Filed, Apr. 12, 1967; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6916]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Certain Reacquisitions of Real Property

On August 5, 1965, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 2 of the Act of September 2, 1964 (Public Law 88-570, 78 Stat. 854), relating to certain reacquisitions of real property, was published in the FEDERAL REGISTER (30 F.R. 9768). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below. Except as otherwise specifically provided, such amendment is effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954.

PARAGRAPH 1. Section 1.121-5 is amended by adding a new paragraph (h).

PAR. 2. Paragraph (a) of § 1.1034-1, as set forth in paragraph 4 of the notice of proposed rule making, is revised.

PAR. 3. Section 1038-1, as set forth in paragraph 5 of the notice of proposed rule making, is changed by revising paragraph (a) (2), (3), and (4), paragraph (b)(2)(iv), paragraph (b)(3), paragraph (c) (1) and(4), paragraph (d), paragraph (f) (1) and (2), paragraph (g) (1) and (2) and all of paragraph (h) preceding example 1.

PAR. 4. Section 1.1038-2, as set forth in paragraph 5 of the notice of proposed rule making, is changed by revising paragraphs (d), (e), and (f) (1) and (3) and by revising paragraph (a) in example (1) in paragraph (h).

PAR. 5. Paragraph (a) of § 1.1038-3, as set forth in paragraph 5 of the notice of proposed rule making, is revised.

* * * * *

(Sec. 7605 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: April 7, 1967.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 2 of the Act of September 2, 1964 (Public Law 88-570, 78 Stat. 854), relating to certain reacquisitions of real property, such regulations are amended as follows:

PARAGRAPH 1. Section 1.121-5 is amended by adding a new paragraph (h) thereto as follows:

§ 1.121-5 Special rules.

* * * * *

(h) *Special rules applicable to certain reacquisitions of real property.* For special rules relating to a case where real property with respect to which an election under this section is in effect is reacquired by the seller in partial or full satisfaction of the indebtedness arising from the sale of such property and resold by him within 1 year after the date of such reacquisition, see § 1.1038-2.

PAR. 2. Section 1.166-6 is amended by adding a new paragraph (e) thereto as follows:

§ 1.166-6 Sale of mortgaged or pledged property.

* * * * *

(e) *Special rules applicable to certain reacquisitions of real property.* Notwithstanding this section, special rules apply for taxable years beginning after September 2, 1964 (and for certain taxable years beginning after December 31, 1957), to the gain or loss on certain reacquisitions of real property, to indebtedness remaining unsatisfied as a result of such reacquisitions, and to the basis of the reacquired real property. See §§ 1.1038 through 1.1038-3.

PAR. 3. Section 1.453-5 is amended by revising paragraph (b) to read as follows:

§ 1.453-5 Sale of real property treated on installment method.

* * * * *

(b) *Defaults and repossessions*—(1) *Effective date.* This paragraph shall apply only with respect to taxable years beginning before September 3, 1964, in respect of which an election has not been properly made to have the provisions of section 1038 apply. For rules applicable to taxable years beginning after September 2, 1964, and for taxable years beginning after December 31, 1957, to which such an election applies, see §§ 1.1038 through 1.1038-3.

(2) *Gain or loss on reacquisition of property.* If the purchaser of real property on the installment plan defaults in any of his payments, and the vendor returning income on the installment method reacquires the property sold, whether title thereto had been retained by the vendor or transferred to the purchaser, gain or loss for the year in which the reacquisition occurs is to be computed upon any installment obligations of the purchaser which are satisfied or discharged upon the reacquisition or are applied by the vendor to the purchase or bid price of the property. Such gain or loss is to be measured by the difference between the fair market value at the date of reacquisition of the property reacquired (including the fair market value of any fixed improvements placed on the property by the purchaser) and the basis in the hands of the vendor of the obligations of the purchaser which are so satisfied, discharged, or applied, with proper adjustment for any other amounts realized or costs incurred in connection with the reacquisition.

(3) *Fair market value of reacquired property.* If the property reacquired is bid in by the vendor at a foreclosure sale, the fair market value of the property shall be presumed to be the purchase or bid price thereof in the absence of clear and convincing proof to the contrary.

(4) *Basis of obligations.* The basis in the hands of the vendor of the obligations of the purchaser satisfied, discharged, or applied upon the reacquisition of the property will be the excess of the face value of such obligations over an amount equal to the income which would be returnable were the obligations paid in full. For definition of the basis of an installment obligation, see section 453(d)(2) and paragraph (b)(2) of § 1.453-9.

(5) *Bad debt deduction.* No deduction for a bad debt shall in any case be taken on account of any portion of the obligations of the purchaser which are treated by the vendor as not having been satisfied, discharged, or applied upon the reacquisition of the property, unless it is clearly shown that after the property was reacquired the purchaser remained liable for such portion; and in no event shall the amount of the deduction exceed the basis in the hands of the vendor of the portion of the obligations with respect to which the purchaser remained liable after the reacquisition. See section 166 and the regulations thereunder.

(6) *Basis of reacquired property.* If the property reacquired is subsequently sold, the basis for determining gain or loss is the fair market value of the property at the date of reacquisition, including the fair market value of any fixed improvements placed on the property by the purchaser.

PAR. 4. Section 1.453-6 is amended by revising paragraphs (b) and (c) and by adding a new paragraph (d). These amended and added provisions read as follows:

§ 1.453-6 Deferred payment sale of real property not on installment method.

* * * * *

(b) *Repossession of property where title is retained by vendor*—(1) *Gain or loss on repossession.* If the vendor in sales referred to in paragraph (a) of this section has retained title to the property and the purchaser defaults in any of his payments, and the vendor repossesses the property, the difference between—

(i) The entire amount of the payments actually received on the contract and retained by the vendor plus the fair market value at the time of repossession of fixed improvements placed on the property by the purchaser, and

(ii) The sum of the profits previously returned as income in connection therewith and an amount representing what would have been a proper adjustment for exhaustion, wear and tear, obsolescence, amortization, and depletion of the property during the period the property was in the hands of the purchaser had the sale not been made,

will constitute gain or loss, as the case may be, to the vendor for the year in which the property is repossessed.

(2) *Basis of repossessed property.* The basis of the property described in subparagraph (1) of this paragraph in the hands of the vendor will be the original basis at the time of the sale plus the fair market value at the time of repossession of fixed improvements placed on the property by the purchaser, except that, with respect to repossessions occurring after September 18, 1958, the basis of the property shall be reduced by what would have been a proper adjustment for exhaustion, wear and tear, obsolescence, amortization, and depletion of the property during the period the property was in the hands of the purchaser if the sale had not been made.

(c) *Reacquisition of property where title is transferred to purchaser*—(1) *Gain or loss on reacquisition.* If the vendor in sales described in paragraph (a) of this section has previously transferred title to the purchaser, and the purchaser defaults in any of his payments, and the vendor accepts a voluntary reconveyance of the property, in partial or full satisfaction of the unpaid portion of the purchase price, the receipt of the property so reacquired, to the extent of its fair market value at that time, including the fair market value of fixed improvements placed on the property by the purchaser, shall be considered as the receipt of payment on the obligations satisfied. If the fair market value of the property is greater than the basis of the obligations of the purchaser so satisfied (generally, such basis being the fair market value of such obligations previously recognized in computing income), the excess constitutes ordinary income. If the value of such property is less than the basis of such obligations, the difference may be deducted as a bad debt if uncollectible, except that, if the obligations satisfied are securities (as defined in section 165(g)(2)(C)), any gain or loss resulting from the transaction is a capital gain or loss subject to the provisions of sections 1201 through 1241.

(2) *Basis of reacquired property.* If the reacquired property described in subparagraph (1) of this paragraph is subsequently sold, the basis for determining gain or loss is the fair market value of the property at the date of reacquisition, including the fair market value of the fixed improvements placed on the property by the purchaser. See section 166 and the regulations thereunder with respect to property reacquired by the vendor in a foreclosure proceeding.

(d) *Effective date.* Paragraphs (b) and (c) of this section shall apply only with respect to taxable years beginning before September 3, 1964, in respect of which an election has not been properly made to have the provisions of section 1038 apply. For rules applicable to taxable years beginning after September 2, 1964, and for taxable years beginning after December 31, 1957, to which such an election applies, see §§ 1.1038 through 1.1038–3.

PAR. 5. Section 1.1034–1 is amended by adding a new sentence at the end of paragraph (a) thereof. This amended provision reads as follows:

§ 1.1034–1 Sale or exchange of residence.

(a) *Nonrecognition of gain; general statement.* Section 1034 provides rules for the nonrecognition of gain in certain cases where a taxpayer sells one residence after December 31, 1953, and buys or builds, and uses as his principal residence, another residence within specified time limits before or after such sale. In general, if the taxpayer invests in a new residence an amount at least as large as the adjusted sales price of his old residence, no gain is recognized on the sale of the old residence (see paragraph (b) of this section for definitions of "adjusted sales price", "new residence", and "old residence"). On the other hand, if the new residence costs the taxpayer less than the adjusted sales price of the old residence, gain is recognized to the extent of the difference. Thus, if an amount equal to or greater than the adjusted sales price of an old residence is invested in a new residence, according to the rules stated in section 1034, none of the gain (if any) realized from the sale shall be recognized. If an amount less than such adjusted sales price is so invested, gain shall be recognized, but only to the extent provided in section 1034. If there is no investment in a new residence, section 1034 is inapplicable and all of the gain shall be recognized. Whenever, as a result of the application of section 1034, any or all of the gain realized on the sale of an old residence is not recognized, a corresponding reduction must be made in the basis of the new residence. The provisions of section 1034 are mandatory, so that the taxpayer cannot elect to have gain recognized under circumstances where this section is applicable. Section 1034 applies only to gains; losses are recognized or not recognized without regard to the provisions of this section. Section 1034 affects only the amount of gain recognized, and not the amount of gain realized (see also section 1001 and the regulations issued thereunder). Any gain realized upon disposition of other property in exchange for the new residence is not affected by section 1034. For special rules relating to a case where real property with respect to the sale of which gain is not recognized under this section is reacquired by the seller in partial or full satisfaction of the indebtedness arising from such sale and resold by him within 1 year after the date of such reacquisition, see § 1.1038–2.

* * * * *

PAR. 6. There are inserted immediately after § 1.1036–1 the following new sections:

§ 1.1038 Statutory provisions; certain reacquisitions of real property.

SEC. 1038. *Certain reacquisitions of real property*—(a) *General rule.* If—

(1) A sale of real property gives rise to indebtedness to the seller which is secured by the real property sold, and

(2) The seller of such property reacquires such property in partial or full satisfaction of such indebtedness,

then, except as provided in subsections (b) and (d), no gain or loss shall result to the seller from such reacquisition, and no debt shall become worthless or partially worthless as a result of such reacquisition.

(b) *Amount of gain resulting*—(1) *In general.* In the case of a reacquisition of real property to which subsection (a) applies, gain shall result from such reacquisition to the extent that—

(A) The amount of money and the fair market value of other property (other than obligations of the purchaser) received, prior to such reacquisition, with respect to the sale of such property, exceeds

(B) The amount of the gain on the sale of such property returned as income for periods prior to such reacquisition.

(2) *Limitations.* The amount of gain determined under paragraph (1) resulting from a reacquisition during any taxable year beginning after the date of the enactment of this section shall not exceed the amount by which the price at which the real property was sold exceeded its adjusted basis, reduced by the sum of—

(A) The amount of the gain on the sale of such property returned as income for periods prior to the reacquisition of such property, and

(B) The amount of money and the fair market value of other property (other than obligations of the purchaser received with respect to the sale of such property) paid or transferred by the seller in connection with the reacquisition of such property.

For purposes of this paragraph, the price at which real property is sold is the gross sales price reduced by the selling commissions, legal fees, and other expenses incident to the sale of such property which are properly taken into account in determining gain or loss on such sale.

(3) *Gain recognized.* Except as provided in this section, the gain determined under this subsection resulting from a reacquisition to which subsection (a) applies shall be recognized, notwithstanding any other provision of this subtitle.

(c) *Basis of reacquired real property.* If subsection (a) applies to the reacquisition of any real property, the basis of such property upon such reacquisition shall be the adjusted basis of the indebtedness to the seller secured by such property (determined as of the date of reacquisition), increased by the sum of—

(1) The amount of the gain determined under subsection (b) resulting from such reacquisition, and

(2) The amount described in subsection (b)(2)(B).

If any indebtedness to the seller secured by such property is not discharged upon the reacquistion of such property, the basis of such indebtedness shall be zero.

(d) *Indebtedness treated as worthless prior to reacquisition.* If, prior to a reacquisition of real property to which subsection (a) applies, the seller has treated indebtedness secured by such property as having become worthless or partially worthless—

(1) Such seller shall be considered as receiving, upon the reacquisition of such property, an amount equal to the amount of such indebtedness treated by him as having become worthless, and

(2) The adjusted basis of such indebtedness shall be increased (as of the date of reacquisition) by an amount equal to the amount so considered as received by such seller.

(e) *Principal residences.* If—

(1) Subsection (a) applies to a reacquisition of real property with respect to the sale of which—

(A) An election under section 121 (relating to gain from sale or exchange of residence of an individual who has attained age 65) is in effect, or

(B) Gain was not recognized under section 1034 (relating to sale or exchange of residence); and

(2) Within one year after the date of the reacquisition of such property by the seller, such property is resold by him,

then, under regulations prescribed by the Secretary or his delegate, subsections (b), (c), and (d) of this section shall not apply to the reacquisition of such property and, for purposes of applying sections 121 and 1034, the resale of such property shall be treated as a part of the transaction constituting the original sale of such property.

(f) *Reacquisitions by domestic building and loan associations.* This section shall not apply to a reacquisition of real property by an organization described in section 593(a) (relating to domestic building and loan associations, etc.).

[Sec. 1038 as added by sec. 2, Act of Sept. 2, 1964 (Pub. Law 88–570, 78 Stat. 854)]

§ 1.1038–1 Reacquisitions of real property in satisfaction of indebtedness.

(a) *Scope of section 1038*—(1) *General rule on gain or loss.* If a sale of real property gives rise to indebtedness to the seller which is secured by the real property which is sold, and the seller of such property reacquires such property in a taxable year beginning after September 2, 1964, in partial or full satisfaction of such indebtedness, then, except as provided in paragraphs (b) and (f) of this section, no gain or loss shall result to the seller from such reacquisition. The treatment so provided is mandatory; however, see § 1.1038–3 for an election to apply the provisions of this section to certain taxable years beginning after December 31, 1957. It is immaterial, for purposes of applying this subparagraph, whether the seller realized a gain or sustained a loss on the sale of the real property, or whether it can be ascertained at the time of the sale whether gain or loss occurs as a result of the sale. It is also immaterial what method of accounting the seller used in reporting gain or loss from the sale of the real property or whether at the time of reacquisition such property has depreciated or appreciated in value since the time of the original sale. Moreover, the character of the gain realized on the original sale of the property is immaterial for purposes of applying this subparagraph. The provisions of this section shall apply, except as provided in § 1.1038–2, to the reacquisition of real property which was used by the seller as his principal residence and with respect to the sale of which an election under section 121 is in effect or with respect to the sale of which gain was not recognized under section 1034.

(2) *Sales giving rise to indebtedness*—(i) *Sale defined.* For purposes of this section, it is not necessary for title to the property to have passed to the purchaser in order to have a sale. Ordinarily, a sale of property has occurred in a transaction in which title to the property has not passed to the purchaser, if the purchaser has a contractual right to retain possession of the property so long as he performs his obligations under the contract and to obtain title to the property upon the completion of the contract. However, a sale may have occurred even if the purchaser does not have the right to possession until he partially or fully satisfies the terms of the contract. For example, if S contracts to sell real property to P, and if S promises to convey title to P upon the completion of all of the payments due under the contract and to allow P to obtain possession of the property after 10 percent of the purchase price has been paid, there has been a sale on the date of the contract for purposes of this section. This section shall not apply to a disposition of real property which constituted an exchange of property or was treated as a sale under section 121(d)(4) or section 1034(i); nor shall it apply to a sale of stock in a cooperative housing corporation described in section 121(d)(3) or section 1034(f).

(ii) *Secured indebtedness defined.* An indebtedness to the seller is secured by the real property for purposes of this section whenever the seller has the right to take title or possession of the property or both if there is a default with respect to such indebtedness. A sale of real property may give rise to an indebtedness to the seller although the seller is limited in his recourse to the property for payment of the indebtedness in the case of a default.

(3) *Reacquisitions in partial or full satisfaction of indebtedness*—(i) *Purpose of reacquisition.* This section applies only where the seller reacquires the real property in partial or full satisfaction of the indebtedness to him that arose from the sale of the real property and was secured by the property. That is, the reacquisition must be in furtherance of the seller's security rights in the property with respect to indebtedness to him that arose at the time of the sale. Accordingly, if the seller in reacquiring the real property does not pay consideration in addition to discharging the purchaser's indebtedness to him that arose from the sale and was secured by such property, this section shall apply to the reacquisition even though the purchaser has not defaulted in his obligations under the contract or such a default is not imminent. If in addition to discharging the purchaser's indebtedness to him that arose from the sale the seller pays consideration in reacquiring the real property, this section shall generally apply to the reacquisition if the reacquisition and the payment of additional consideration is provided for in the original contract for the sale of the property. This section generally shall apply to a reacquisition of real property if the seller reacquires the property either when the purchaser has defaulted in his obligations under the contract or when such a default is imminent. This section generally shall not apply to a reacquisition of real property where the seller pays consideration in addition to discharging the purchaser's indebtedness to him that arose from the sale if the reacquisition and payment of additional consideration was not provided for in the original contract for the sale of the property and if the purchaser has not defaulted in his obligations under the contract or such a default is not imminent. Thus, for example, if the purchaser is in arrears on the payment of interest or principal or has in any other way defaulted on his contract for the purchase of the property, or if the facts of the case indicate that the purchaser is unable satisfactorily to perform his obligations under the contract, and the seller reacquires the property from the purchaser in a transaction in which the seller pays consideration in addition to discharging the purchaser's indebtedness to him that arose from the sale and was secured by the property, this section shall apply to the reacquisition. Additional consideration paid by the seller includes money and other property paid or transferred by the seller. Also, the reacquisition by the seller of real property subject to an indebtedness (or the assumption, upon the reacquisition, of indebtedness) which arose subsequent to the original sale shall be considered as a payment by the seller of additional consideration. However, the reacquisition by the seller of real property subject to an indebtedness (or the assumption, upon the reacquisition, of an indebtedness) which arose prior to or arose out of the original sale shall not be considered as a payment by the seller of additional consideration.

(ii) *Manner of reacquisition.* For purposes of applying section 1038 and this section there must be a reacquisition by the seller of the real property itself, but the manner in which the seller so reduces the property to ownership or possession, as the case may be, shall generally be immaterial. Thus, the seller may reduce the real property to ownership or possession or both, as the case may require, by agreement or by process of law. The reduction of the real property to ownership or possession by agreement includes, where valid under local law, such methods as voluntary conveyance from the purchaser and abandonment to the seller. The reduction of the real property to ownership or possession by process of law includes foreclosure proceedings in which a competitive bid is entered, such as foreclosure by judicial sale or by power of sale contained in the loan agreement without recourse to the courts, as well as those types of foreclosure proceedings in which a competitive bid is not entered, such as strict foreclosure and foreclosure by entry and possession, by writ of entry, or by publication or notice.

(4) *Persons from whom real property may be reacquired.* The real property reacquired in satisfaction of the indebtedness need not be reacquired from the purchaser but may be reacquired from the purchaser's transferee or assignee, or from a trustee holding title to such property pending the purchaser's satisfaction of the terms of the contract, so long as the indebtedness that is partially or completely satisfied in the reacquisition of such property arose in the original sale of the property and was secured by the property so reacquired. In such a case, a reference in this section to the purchaser shall, where appropriate, include the purchaser's transferee or assignee. Thus, for example, this section will apply if the seller reacquires the property from

a purchaser from the original purchaser and either the property is subject to, or the subsequent purchaser assumes, the liability to the seller on the indebtedness.

(5) *Reacquisitions not included.* This section shall not apply to reacquisitions of real property by mutual savings banks, domestic building and loan associations, and cooperative banks, described in section 593(a). However, for rules respecting the reacquisition of real property by such organizations, see § 1.595–1.

(b) *Amount of gain resulting from a reacquisition*—(1) *Determination of amount*— (i) *In general.* As a result of a reacquisition to which paragraph (a) of this section applies gain shall be derived by the seller to the extent that the amount of money and the fair market value of other property (other than obligations of the purchaser arising with respect to the sale) which are received by the seller, prior to such reacquisition, with respect to the sale of the property exceed the amount of the gain derived by the seller on the sale of such property which is returned as income for periods prior to the reacquisition. However, the amount of gain so determined shall in no case exceed the amount determined under paragraph (c) of this section with respect to such reacquisition.

(ii) *Amount of gain returned as income for prior periods.* For purposes of this subparagraph and paragraph (c)(1) of this section, the amount of gain on the sale of the property which is returned as income for periods prior to the reacquisition of the real property does not include any amount of income determined under paragraph (f)(2) of this section which is considered to be received at the time of the reacquisition of the property. However, the amount of gain on the sale of the property which is returned as income for such periods does include gain on the sale resulting from payments received in the taxable year in which the date of reacquisition occurs if such payments are received prior to such reacquisition. The application of this subdivision may be illustrated by the following example:

Example. In 1965 S, who uses the calendar year as the taxable year, sells to P for $10,000 real property which has an adjusted basis of $3,000. S properly elects under section 453 to report the income from the sale on the installment method. In 1965 and 1966, S receives a total of $4,000 on the contract. On May 15, 1967, S receives $1,000 on the contract. Because of P's default, S reacquires the property on August 31, 1967. The gain on the sale which is returned as income for periods prior to the reacquisition is $3,500 ($5,000 × $7,000/$10,000).

(2) *Amount of money and other property received with respect to the sale*—(i) *In general.* Amounts of money and other property received by the seller with respect to the sale of the property include payments made by the purchaser for the seller's benefit, as well as payments made and other property transferred directly to the seller. If the purchaser of the real property makes payments on a mortgage or other indebtedness to which the property is subject at the time of the sale of such property to him, or on which the seller was personally liable at the time of such sale, such payments are considered amounts received by the seller with respect to the sale. However, if after the sale the purchaser borrows money and uses the property as security for the loan, payments by the purchaser in satisfaction of the indebtedness are not considered as amounts received by the seller with respect to the sale, although the seller does in fact receive some indirect benefit when the purchaser makes such payments.

(ii) *Payments by purchaser at time of reacquisition.* All payments made by the purchaser at the time of the reacquisition of the real property that are with respect to the original sale of the property shall be treated, for purposes of subparagraph (1) of this paragraph, by the seller as having been received prior to the reacquisition with respect to such sale. For example, if the purchaser, at the time of the reacquisition by the seller, pays money or other property to the seller in partial or complete satisfaction of the purchaser's indebtedness on the original sale, the seller shall treat such amounts as having been received prior to the reacquisition with respect to the sale.

(iii) *Interest received.* For purposes of this subparagraph and paragraph (c)(1) of this section any amounts received by the seller as interest, stated or unstated, are excluded from the computation of gain on the sale of the property and are not considered amounts of money or other property received with respect to the sale.

(iv) *Amounts received on sale of purchaser's indebtedness.* Money or other property received by the seller on the sale of the purchaser's indebtedness that arose at the time of the sale of the real property are amounts received by the seller with respect to the sale of such real property, except that the amounts so received from the sale of such indebtedness shall be reduced by the amount of money and the fair market value of other property paid or transferred by the seller, before the reacquisition of the real property, to reacquire such indebtedness. For example, if S sells real property to P for $25,000, and under the contract receives $10,000 down and a note from P for $15,000, S would receive $22,000 with respect to the sale if he were to discount the note for $12,000. If before the reacquisition of the real property S were to reacquire the discounted note for $8,000, he would receive $14,000 with respect to the sale.

(3) *Obligations of the purchaser arising with respect to the sale.* The term "obligations of the purchaser arising with respect to the sale" of the real property includes, for purposes of subparagraph (1) of this paragraph, only that indebtedness on which the purchaser is liable to the seller and which arises out of the sale of such property. Thus, the term does not include any indebtedness in respect of the property that the seller owes to a third person which the purchaser assumes, or to which the property is subject, at the time of the sale of the property to the purchaser. Nor does the term include any indebtedness on which the purchaser is liable to the seller if such indebtedness arises subsequent to the sale of such property.

(c) *Limitation upon amount of gain*—(1) *In general.* Except as provided by subparagraph (2) of this paragraph, the amount of gain on a reacquisition of real property, as determined under paragraph (b) of this section, shall in no case exceed—

(i) The amount by which the price at which the real property was sold exceeded its adjusted basis at the time of the sale, as determined under § 1.1011–1, reduced by

(ii) The amount of gain on the sale of such real property which is returned as income for periods prior to the reacquisition, and by

(iii) The amount of money and the fair market value of other property (other than obligations of the purchaser to the seller which are secured by the real property) paid or transferred by the seller in connection with the reacquisition of such real property.

(2) *Cases where limitation does not apply.* The limitation provided by subparagraph (1) of this paragraph shall not apply in a case where the selling price of property is indefinite in amount and cannot be ascertained at the time of the reacquisition of such property, as, for example, where the selling price is stated as a percentage of the profits to be realized from the development of the property which is sold. Moreover, the limitation so provided shall not apply to a reacquisition of real property occurring in a taxable year beginning before September 3, 1964, to which the provisions of this section are applied pursuant to an election under § 1.1038–3.

(3) *Determination of sales price.* The price at which the real property was sold shall be, for purposes of subparagraph (1) of this paragraph, the gross sales price reduced by the selling commissions, legal fees, and other expenses incident to the sale of such property which are properly taken into account in determining gain or loss on the sale. For example, the amount of selling commissions paid by a nondealer will be deducted from the gross sales price in determining the price at which the real property was sold; on the other hand, selling commissions paid by a real estate dealer will be deducted as a business expense. Examples of other expenses incident to the sale of the property are expenses for appraisal fees, advertising expense, cost of preparing maps, recording fees, and documentary stamp taxes. Payments on indebtedness to the seller which are for interest, stated or unstated, are not included in determining the price at which the property was sold. See paragraph (b)(2)(iii) of this section.

(4) *Determination of amounts paid or transferred in connection with a reacquisition*—(i) *In general.* Amounts of money or property paid or transferred by the seller of the real property in connection with the reacquisition of such property include payments of money, or transfers of property, to persons from whom the real property is reacquired as well as to other persons. Payments or transfers in connection with the reacquisition of the property do not include money or property paid or transferred by the seller to reacquire obligations of the purchaser to the seller which were received by the seller with respect to the sale of the property or which arose subsequent to the sale. Amounts of money or property paid or transferred by the seller in connection with the reacquisition of the property include payments or transfers for such items as court costs and fees for services of an attorney, master, trustee, or auctioneer, or for publication, acquiring title, clearing liens, or filing and recording.

(ii) *Assumption of indebtedness.* The assumption by the seller, upon reacquisition of the real property, of any indebtedness to another person which at such time is secured by such property will be considered a payment of money by the seller in connection with the reacquisition. Also, if at the time of reacquisition such property is subject to an indebtedness which is not an indebtedness of the purchaser to the seller, the seller shall be considered to have paid money, in an amount equal to such indebtedness, in connection with the reacquisition of the property. Thus, for example, if at the time of the sale the purchaser executes in connection with the sale a first mortgage to a bank and a second mortgage to the seller and at the time of reacquisition the seller reacquires the property subject to the first mortgage which he does not assume, the seller will be considered to have paid money, in an amount equal to the unpaid amount of the first mortgage, in connection with the reacquisition.

(d) *Character of gain resulting from a reacquisition.* Paragraphs (b) and (c) of this section set forth the extent to which gain shall be derived from a reacquisition to which paragraph (a) of this section applies, but the rule provided by section 1038 and this section do not affect the character of the gain so derived. The character of the gain resulting from such a reacquisition is determined on the basis of whether the gain on the original sale was returned on the installment method or, if not, on the basis of whether title to the real property was transferred to the purchaser; and, if title was transferred to the purchaser in a deferred-payment sale, whether the reconveyance of the property to the seller was voluntary. For example, if the gain on the original sale of the reacquired property was returned on the installment method, the character of the gain on reacquisition by the seller shall be determined in accordance with the rules provided in paragraph (a) of § 1.453–9. If the original sale was not on the installment method but was a deferred-payment sale, as described in § 1.453–6(a), where title to the real property was transferred to the purchaser and the seller accepts a voluntary reconveyance of the property, the gain on the reacquisition shall be ordinary income; however, if the obligations satisfied are securities (as defined in section 165(g)(2)(C)), any gain resulting from the reacquisition is capital gain subject to the provisions of subchapter P of chapter 1 of the Code.

(e) *Recognition of gain.* The entire amount of the gain determined under paragraphs (b) and (c) of this section with respect to a reacquisition to which paragraph (a) of this section applies shall be recognized notwithstanding any other provision of subtitle A (relating to income taxes) of the Code.

(f) *Special rules applicable to worthless indebtedness*—(1) *Worthlessness resulting from reacquisition.* No debt of the purchaser to the seller which was secured by the reacquired real property shall be considered as becoming worthless or partially worthless as a result of a reacquisition of such real property to which paragraph (a) of this section applies. Accordingly, no deduction for a bad debt and no charge against a reserve for bad debts shall be allowed, as a result of the reacquisition, in order to reflect the noncollectibility of any indebtedness of the purchaser to the seller which at the time of reacquisition was secured by such real property.

(2) *Indebtedness treated as worthless prior to reacquisition*—(i) *Prior taxable years.* If for any taxable year ending before the taxable year in which occurs a reacquisition of real property to which paragraph (a) of this section applies the seller of such property has treated any indebtedness of the purchaser which is secured by such property as having become worthless or partially worthless by taking a bad debt deduction under section 166(a), he shall be considered as receiving, at the time of such reacquisition, income in an amount equal to the amount of such indebtedness previously treated by him as having become worthless. The amount so treated as income received shall be treated as a recovery of a bad debt previously deducted as worthless or partially worthless. Accordingly, the amount of such income shall be excluded from gross income, as provided in § 1.111–1, to the extent of the "recovery exclusion" with respect to such item. For purposes of § 1.111–1, if the indebtedness was treated as partially worthless in a prior taxable year, the amount treated under this subparagraph as a recovery shall be considered to be with respect to the part of the indebtedness that was previously deducted as worthless. The seller shall not be considered to have treated an indebtedness as worthless in any taxable year for which he took the standard deduction under section 141 or paid the tax imposed by section 3 if a deduction in respect of such indebtedness was not allowed in determining adjusted gross income for such year under section 62.

(ii) *Current taxable year.* No deduction shall be allowed under section 166(a), for the taxable year in which occurs a reacquisition of real property to which paragraph (a) of this section applies, in respect of any indebtedness of the purchaser secured by such property which has been treated by the seller as having become worthless or partially worthless in such taxable year but prior to the date of such reacquisition.

(3) *Basis adjustment.* The basis of any indebtedness described in subparagraph (2)(i) of this paragraph shall be increased (as of the date of the reacquisition) by an amount equal to the amount which, under such subparagraph of this paragraph, is treated as income received by the seller with respect to such indebtedness, but only to the extent the amount so treated as received is not excluded from gross income by reason of the application of § 1.111–1.

(g) *Rules for determining gain or loss on disposition of reacquired property*—(1) *Basis of reacquired real property.* The basis of any real property acquired in a reacquisition to which paragraph (a) of this section applies shall be the sum of the following amounts, determined as of the date of such reacquisition:

(i) The amount of the adjusted basis, determined under sections 453 and 1011, and the regulations thereunder, of all indebtedness of the purchaser to the seller which at the time of reacquisition was secured by such property, including any increase by reason of paragraph (f)(3) of this section,

(ii) The amount of gain determined under paragraphs (b) and (c) of this section with respect to such reacquisition, and

(iii) The amount of money and the fair market value of other property (other than obligations of the purchaser to the seller which are secured by the real property) paid or transferred by the seller in connection with the reacquisition of such real property, determined as provided in paragraph (c) of this section even though such paragraph does not apply to the reacquisition.

(2) *Basis of undischarged indebtedness.* The basis of any indebtedness of the purchaser to the seller which was secured by the reacquired real property described in subparagraph (1) of this paragraph, to the extent that such indebtedness is not discharged upon the reacquisition of such property, shall be zero. Therefore, to the extent not discharged upon the reacquisition of the real property, indebtedness on the original obligation of the purchaser, a substituted obligation of the purchaser, a deficiency judgment entered in a court of law into which the purchaser's obligation has merged, or any other obligation of the purchaser to the seller, shall be zero if such indebtedness constitutes an indebtedness to the seller which was secured by such property.

(3) *Holding period of reacquired property.* Since the reacquisition described in subparagraph (1) of this paragraph is in a sense considered a nullification of the original sale of the real property, for purposes of determining gain or loss on a disposition of such property after its reacquisition the period for which the seller has held the real property at the time of such disposition shall include the period for which such property is held by him prior to the original sale. However, the holding period shall not include the period of time commencing with the date

following the date on which the property is originally sold to the purchaser and ending with the date on which the property is reacquired by the seller. The period for which the property was held by the seller prior to the original sale shall be determined as provided in § 1.1223–1. For example, if under paragraph (a) of § 1.1223–1 real property, which was acquired as the result of an involuntary conversion, has been held for five months on January 1, 1965, the date of its sale, and such property is reacquired on July 2, 1965, and resold on July 3, 1965, the seller will be considered to have held such property for five months and one day for purposes of this subparagraph.

(h) *Illustrations.* The application of this section may be illustrated by the following examples in which it is assumed that the reacquisition is in satisfaction of secured indebtedness arising out of the sale of the real property:

Example (1). (a) S purchases real property for $20 and sells it to P for $100, the property not being mortgaged at the time of sale. Under the contract P pays $10 down and executes a note for $90, with stated interest at 6 percent, to be paid in nine annual installments. S properly elects to report the gain on the installment method. After the second $10 annual payment P defaults and S accepts a voluntary reconveyance of the property in complete satisfaction of the indebtedness. S pays $5 in connection with the reacquisition of the property. The fair market value of the property at the time of the reacquisition is $110.

(b) The gain derived by S on the reacquisition of the property is $6, determined as follows:

Gain before application of limitation:		
Money with respect to the sale received by S prior to the reacquisition	$30	
Less: Gain returned by S as income for periods prior to the reacquisition ($30×[($100−$80)/$100])	24	
Gain before application of limitation		6
Limitation on amount of gain:		
Sales price of real property	100	
Less:		
Adjusted basis of the property at the time of sale	$20	
Gain returned by S as income for periods prior to the reacquisition	24	
Amount of money paid by S in connection with the reacquisition	5	49
Limitation on amount of gain		51
Gain resulting from the reacquisition of the property		6

(c) The basis of the reacquired real property at the date of the reacquisition is $25, determined as follows:

Adjusted basis of P's indebtedness to S ($70−[$70×$30/$100])	$14
Gain resulting from the reacquisition of the property	6
Amount of money paid by S in connection with the reacquisition	5
Basis of reacquired property	25

Example (2). (a) The facts are the same as in example (1) except that S purchased the property for $80.

(b) The gain derived by S on the reacquisition of the property is $6, determined as follows:

Gain before application of limitation:		
Money with respect to the sale received by S prior to the reacquisition	$30	
Less: Gain returned by S as income for periods prior to the reacquisition ($30×[($100−$80)/$100])	6	
Gain before application of limitation		24
Limitation on amount of gain:		
Sales price of real property	100	
Less:		
Adjusted basis of the property at the time of sale	$80	
Gain returned by S as income for periods prior to the reacquisition	6	
Amount of money paid by S in connection with the reacquisition	5	91
Limitation on amount of gain		9
Gain resulting from the reacquisition of the property		9

(c) The basis of the reacquired real property at the date of the reacquisition is $70, determined as follows:

Adjusted basis of P's indebtedness to S ($70−[$70×$20/$100])	$56
Gain resulting from the reacquisition of the property	9
Amount of money paid by S in connection with the reacquisition	5
Basis of reacquired property	70

Example (3). (a) S purchases real property for $70 and sells it to P for $100, the property not being mortgaged at the time of sale. Under the contract P pays $10 down and executes a note for $90, with stated interest at 6 percent, to be paid in nine annual installments. S properly elects to report the gain on the installment method. After the first $10 annual payment P defaults and S accepts a voluntary reconveyance of the property in complete satisfaction of the indebtedness. S pays $5 in connection with the reacquisition of the property. The fair market value of the property at the time of the reacquisition is $50.

(b) The gain derived by S on the reacquisition of the property is $14, determined as follows:

Gain before application of limitation:		
Money with respect to the sale received by S prior to the reacquisition	$20	
Less: Gain returned by S as income for periods prior to the reacquisition ($20×[($100−$70)/$100])	6	
Gain before application of limitation		14
Limitation on amount of gain:		
Sales price of real property	100	
Less:		
Adjusted basis of the property at time of sale	$70	
Gain returned by S as income for periods prior to the reacquisition	6	
Amount paid by S in connection with the reacquisition	5	81
Limitation on amount of gain		19
Gain resulting from the reacquisition of the property		14

(c) The basis of the reacquired real property at the date of the reacquisition is $75, determined as follows:

Adjusted basis of P's indebtedness to S ($80−[$80×$30/$100])	$56
Gain resulting from the reacquisition of the property	14
Amount of money paid by S in connection with the reacquisition	$5
Basis of reacquired property	75

Example (4). (a) S purchases real property for $20 and sells it to P for $100, the property not being mortgaged at the time of sale. Under the contract P pays $10 down and executes a note for $90, with stated interest at 6 percent, to be paid in nine annual installments. S properly elects to report gain on the installment method. After the second $10 annual payment P defaults and S accepts from P in complete satisfaction of the indebtedness a voluntary reconveyance of the property plus cash in the amount of $20. S does not pay any amount in connection with the reacquisition of the property. The fair market value of the property at the time of the reacquisition is $30.

(b) The gain derived by S on the reacquisition of the property is $10, determined as follows:

Gain before application of the limitation:		
Money with respect to the sale received by S prior to the reacquisition ($30+$20)	$50	
Less: Gain returned by S as income for periods prior to the reacquisition ($50×[($100−$20)/$100])	40	
Gain before application of limitation		10
Limitation on amount of gain:		
Sales price of real property	100	
Less:		
Adjusted basis of the property at time of sale	$20	
Gain returned by S as income for periods prior to the reacquisition	40	60
Limitation on amount of gain		40
Gain resulting from the reacquisition of the property		10

(c) The basis of the reacquired real property at the date of the reacquisition is $30, determined as follows:

Adjusted basis of P's indebtedness to S ($50−[$50×$80/$100])	$10
Gain resulting from the reacquisition of the property	10
Basis of reacquired property	20

Example (5). (a) S purchases real property for $80 and sells it to P for $100, the property not being mortgaged at the time of sale. Under the contract P pays $10 down and executes a note for $90, with stated interest at 6 percent, to be paid in nine annual installments. At the time of sale P's note has a fair market value of $90. S does not elect to report the gain on the installment method but treats the transaction as a deferred-payment sale. After the third $10 annual payment P defaults and S forecloses. Under the foreclosure sale S bids in the property at $70, cancels P's obligation of $60, and pays $10 to P. There are no other amounts paid by S in connection with the reacquisition of the property. The fair market value of the property at the time of the requisition is $70.

(b) The gain derived by S on the reacquisition of the property is $0, determined as follows:

Gain before application of the limitation:		
Money with respect to the sale received by S prior to the reacquisition	$40	
Less: Gain returned by S as income for periods prior to the reacquisition ([$10+$90]−$80)	20	
Gain before application of limitation		20
Limitation on amount of gain:		
Sales price of real property	$100	
Less:		
Adjusted basis of the property at time of sale	$80	
Gain returned by S at income for periods prior to the reacquisition	20	
Amount of money paid by S in connection with the reacquisition	10	110
Limitation on amount of gain (not to be less than zero)		0
Gain resulting from the reacquisition of the property		0

(c) The basis of the reacquired real property at the date of the reacquisition is $70, determined as follows:

Adjusted basis of P's indebtedness to S (face value at time of reacquisition)	$60
Gain resulting from the reacquisition of the property	0
Amount of money paid by S in connection with the reacquisition	10
Basis of reacquired property	70

§ 1.1038–2 Reacquisition and resale of property used as a principal residence.

(a) *Application of special rules—(1) In general.* If paragraph (a) of § 1.1038–1 applies to the reacquisition of real property which was used by the seller as his principal residence and with respect to the sale of which an election under section 121 is in effect or with respect to the sale of which gain was not recognized under section 1034, the provisions of § 1.1038–1 (other than paragraph (a) thereof) shall not, and this section shall, apply to the reacquisition of such property if the property is resold by the seller within one year after the date of the reacquisition. For purposes of this section an election under section 121 shall be considered to be in effect with respect to the sale of the property if, at the close of the last day for making such an election under section 121(c) with respect to such sale, an election under section 121 has been made and not revoked. Thus, a taxpayer who properly elects, subsequent to the reacquisition, to have section 121 apply to a sale of his residence may be eligible for the treatment provided in this section. The treatment provided by this section is mandatory; however, see § 1.1038–3 for an election to apply the provisions of this section to certain taxable years beginning after December 31, 1957.

(2) *Sale and resale treated as one transaction.* In the case of a reacquisition to which this section applies, the resale of the reacquired property shall be treated, for purposes of applying sections 121 and 1034, as part of the transaction constituting the original sale of such property. In effect, the reacquisition is generally disregarded pursuant to this section and, for purposes of applying sections 121 and 1034, the resale of the property is considered to constitute a sale of such property occurring on the date of the original sale of such property.

(b) *Transactions not included.* (1) If with respect to the original sale of the property there was no nonrecognition of gain under section 1034 and an election under section 121 is not in effect, the provisions of § 1.1038–1, and not this section, shall apply to the reacquisition. Thus, for example, if in the case of a taxpayer not entitled to the benefit of section 121 there is no gain on the original sale of the property, the provisions of § 1.1038–1, and not this section, shall apply even though a redetermination of gain under this section would result in the nonrecognition of gain on the sale under section 1034. Also, if in the case of such a taxpayer there was gain on the original sale of the property but after the application of section 1034 all of such gain was recognized, the provisions of § 1.1038–1, and not this section, shall apply to the reacquisition.

(2) If the original sale of the property was not eligible for the treatment provided by section 121 and section 1034, the provisions of § 1.1038–1, and not this section, shall apply to the reacquisition of the property even though the resale of such property is eligible for the treatment provided by either or both of sections 121 and 1034.

(c) *Redetermination of gain required—(1) Sale of old residence.* The amount of gain excluded under section 121 on the sale of the property and the amount of gain recognized under section 1034 on the sale of the property shall be redetermined under this section by recomputing the adjusted sales price and the adjusted basis of the property, and any adjustments resulting from the redetermination of the gain on the sale of such property shall be reflected in the income of the seller for his taxable year in which the resale of the property occurs.

(2) *Sale of new residence.* If gain was not recognized under section 1034 on the original sale of the property, the adjusted basis of the new residence shall be redetermined under this section. If the new residence has been sold, the amount of gain returned on such sale of the new residence which is affected by the redetermination of the recognized gain on the sale of the old residence shall be redetermined under this section, and any adjustments resulting from the redetermination of the gain on the sale of the new residence shall be reflected in income of the seller for his taxable year in which the resale of the old residence occurs.

(d) *Redetermination of adjusted sales price.* For purposes of applying sections 121 and 1034 pursuant to this section, the adjusted sales price of the reacquired real property shall be redetermined by taking into account both the sale and the resale of the property and shall be—

(1) The amount realized, which for purposes of section 1001 shall be—

(i) The amount realized on the resale of the property, as determined under paragraph (b)(4) of § 1.1034–1, plus

(ii) The amount realized on the original sale of the property, determined as provided in paragraph (b)(4) of § 1.1034–1, less that portion of any obligations of the purchaser arising with respect to such sale which at the time of reacquisition are secured by such property and is unpaid, less

(iii) The amount of money and the fair market value of other property (other than obligations of the purchaser to the seller secured by the real property) paid or transferred by the seller in connection with the reacquisition of such real property,

reduced by

(2) The total of the fixing-up expenses (as defined in par. (b)(6) of § 1.1034–1) incurred for work performed on such real property to assist in both its original sale and its resale.

For purposes of applying paragraph (b)(6) of § 1.1034–1, there shall be two 90-day periods, the first ending on the day on which the contract to sell is entered into in connection with the original sale of the property, and the second ending on the day on which the contract to sell is entered into in connection with the resale of the property. There shall also be two 30-day periods for such purposes, the first ending on the 30th day after the date of the original sale, and the second ending on the 30th day after the date of the resale. For determination of the obligations of the purchaser arising with respect to the original sale of the property, see paragraph (b)(3) of § 1.1038–1. For determination of amounts paid or transferred by the seller in connection with the reacquisition of the property, see paragraph (c)(4) of § 1.1038–1.

(e) *Determination of adjusted basis at time of resale.* For purposes of applying sections 121 and 1034 pursuant to this section, the adjusted basis of the reacquired real property at the time of its resale shall be—

(1) The sum of—

(i) The adjusted basis of such property at the time of the original sale, with proper adjustment under section 1016(a) in respect of such property for the period occurring after the reacquisition of such property, and

(ii) Any indebtedness of the purchaser to the seller which arose subsequent to the original sale of such property and which at the time of reacquisition was secured by such property,

reduced by

(2) Any indebtedness of the purchaser to the seller which at the time of reacquisition was secured by the reacquired real property and which, for any taxable year ending before the taxable year in which occurs the reacquisition of such property, was treated by the seller as having become worthless or partially worthless by taking a bad debt deduction under section 166(a).

The reduction under the preceding sentence by reason of having treated indebtedness as worthless or partially worthless shall not exceed the amount by which there would be an increase in the basis of such indebtedness under paragraph (f)(3) of § 1.1038–1 if section

1038(d) had been applicable to the reacquisition of such property.

(f) *Treatment of indebtedness secured by the property*—(1) *Year of reacquisition.* No debt of the purchaser to the seller which was secured by the reacquired real property shall be considered as becoming worthless or partially worthless as a result of a reacquisition of such real property to which this section applies. Accordingly, no deduction for a bad debt shall be allowed, as a result of the reacquisition, in order to reflect the noncollectibility of any indebtedness of the purchaser to the seller which at the time of reacquisition was secured by such real property. In addition, no deduction shall be allowed, for the taxable year in which occurs a reacquisition of real property to which this section applies, in respect of any indebtedness of the purchaser secured by such property which has been treated by the seller as having become worthless or partially worthless in such taxable year but prior to the date of such reacquisition.

(2) *Prior taxable years.* For reduction of the basis of the real property for indebtedness treated as worthless or partially worthless for taxable years ending before the taxable year in which occurs the reacquisition, see paragraph (e) of this section.

(3) *Basis of indebtedness.* The basis of any indebtedness of the purchaser to the seller which was secured by the reacquired real property, to the extent that such indebtedness is not discharged upon the reacquisition of such property, shall be zero.

(g) *Date of sale.* Since the resale of the property, by being treated as part of the transaction constituting the original sale of the property, is treated as having occurred on the date of the original sale, in determining whether any of the time requirements of section 121 or section 1034 are satisfied for purposes of this section the date of the original sale is used, except to the extent provided in paragraph (d)(2) of this section.

(h) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). (a) On June 30, 1964, S, a single individual over 65 years of age, sells his principal residence to P for an adjusted sales price of $25,000, the property not being mortgaged at the time of sale. S properly elects to apply the provisions of section 121 to the sale. Under the contract, P pays $5,000 down and executes a note for $20,000, with stated interest at 6 percent, the principal being payable in installments of $5,000 each on January 1 of each year and the note being secured by the real property which is sold. At the time of sale P's note has a fair market value of $20,000. S does not elect to report the gain on the installment method but treats the transaction as a deferred-payment sale, title to the property being transferred to P at the time of sale. S uses the calendar year as the taxable year and the cash receipts and disbursements method of accounting. After making two annual payments of $5,000 each on the note, P defaults on the contract, and on March 1, 1967, S reacquires the real property in full satisfaction of P's indebtedness, title to the property being voluntarily reconveyed to S. On November 1, 1967, S sells the property to T for $35,000. The assumption is made that no fixing-up expenses are incurred for work performed on the principal residence in order to assist in the sale of the property in 1964 or in the resale of the property in 1967. At the time of sale in 1964 the property has an adjusted basis of $15,000. S does not treat any indebtedness with respect to the sale in 1964 as being worthless or partially worthless or make any capital expenditures with respect to the property after such sale. In his return for 1964, S includes in income $2,000 capital gain from the sale of his residence.

(b) The results obtained before and after the reacquisition of the property are as follows:

	Before reacquisition	*After reacquisition*
Adjusted sales price:		
$5,000+$20,000	$25,000	
$15,000+$35,000		$50,000
Less: Adjusted basis of property at time of sale	15,000	15,000
Gain on sale	10,000	35,000
Gain excluded from income under sec. 121:		
$10,000×$20,000/$25,000	8,000	
$35,000×$20,000/$50,000		14,000
Gain included in income after applying sec. 121:		
$10,000−$8,000	2,000	
$35,000−$14,000		21,000

(c) S is required to show the additional inclusion of $19,000 capital gain ($21,000 −$2,000) in income on his return for 1967.

Example (2). (a) The facts are the same as in example (1) except that on April 1, 1965, S purchases a new residence at a cost of $30,000 and qualifies for the nonrecognition of gain under section 1034 in respect of the sale of his principal residence on June 30, 1964. In his return for 1964, S does not include any capital gain in income as a result of the sale of the old residence.

(b) The results obtained before and after the reacquisition of the property are as follows:

Application of sec. 121 (see example (1)):	*Before reacquisition*	*After reacquisition*
Adjusted sales price	$25,000	$50,00
Less: Adjusted basis of property at time of sale	15,000	15,000
Gain on sale	10,000	35,000
Gain excluded from income under sec. 121	8,000	14,000
Gain not excluded from income under sec. 121	2,000	21,000
Application of sec. 1034:		
Adjusted sales price:		
$25,000−$8,000	17,000	
$50,000−$14,000		36,000
Less: Cost of new residence	30,000	30,000
Gain recognized under sec. 1034 on sale of old residence	0	6,000
Gain not recognized under sec. 1034 on sale of old residence:		
($20,000−[$8,000+$0])	2,000	
($35,000−[$14,000+$6,000])		15,000
Adjusted basis of new residence on April 1, 1965:		
$30,000−$2,000	28,000	
$30,000−$15,000		15,000

(c) The $6,000 of capital gain on the sale of the old residence is required to be included in income on the return for 1967. The adjusted basis on April 1, 1965, for determining gain on a sale or exchange of the new residence at any time on or after that date is $15,000, after taking into account the reacquisition and resale of the old residence.

Example (3). The facts are the same as in example (2) except that S sells the new residence on June 20, 1965, for $40,000 and includes $12,000 of capital gain ($40,000−$28,000) on its sale in his income on the return for 1965. S is required to include the additional capital gain of $13,000 ([$40,000−$15,000]−$12,000) on the sale of the new residence in his income on the return for 1967. For this purpose, the assumption is also made that there are no additional adjustments to the basis of the new residence after April 1, 1965.

§ 1.1038–3 Election to have section 1038 apply for taxable years beginning after December 31, 1957.

(a) *In general.* If an election is made in the manner provided by paragraph (b) of this section, the applicable provisions of § 1.1038–1 and § 1.1038–2 shall apply to all reacquisitions of real property occurring in each and every taxable year beginning after December 31, 1957, and before September 3, 1964, for which the assessment of a deficiency, or the credit or refund of an overpayment, is not prevented on September 2, 1964, by the operation of any law or rule of law. The election so made shall apply to all taxable years beginning after December 31, 1957, and before September 3, 1964, for which the assessment of a deficiency, or the credit or refund of an overpayment, is not prevented on September 2, 1964, by the operation of any law or rule of law and shall apply to every reacquisition occurring in such taxable years. The fact that the assessment of a deficiency, or the credit or refund of an overpayment, is prevented for any other taxable year or years affected by the election will not prohibit the making of an election under this section. For example, if an individual who uses the calendar year as the taxable year were to sell in 1960 real property used as his principal residence in respect of the sale of which gain is not recognized under section 1034, and if such property were reacquired by the seller in 1962 and resold within 1 year, he would be permitted to make an election under this section with respect to such reacquisition even though on September 2, 1964, the period of limitations on assessment or refund has run for 1960. An election under this section shall be deemed a consent to the application of the provisions of this section.

(b) *Time and manner of making election*—(1) *In general.* (i) An election to have the provisions of § 1.1038–2 apply to reacquisitions of real property occurring in taxable years beginning after December 31, 1957, and before September 3, 1964, shall be made by filing on or before September 3, 1965, a return, an amended return, or a claim for refund, whichever is proper, for each taxable year in which the resale of such real property occurs. If the return for any such year is not due on or before such date and has not been filed, the election with respect to such taxable year shall be made by filing on or before such date the statement described in subparagraph (2) of this paragraph.

(ii) An election to have the provisions of § 1.1038–1 apply to reacquisitions of real property occurring in taxable years beginning after December 31, 1957, and before September 3, 1964, shall be made by filing on or before September 3, 1965, a return, an amended return, or a claim for refund, whichever is proper, for each taxable year in which such reacquisitions occur. If the return for any such year is not due on or before such date and has not been filed, the election with respect to such taxable year shall be made by filing on or before such date the statement described in subparagraph (2) of this paragraph.

(iii) If the facts are such that § 1.1038–2 applies to a reacquisition of property except that the reacquisition occurs in a taxable year beginning after December 31, 1957, and before September 3, 1964, an election may not be made under this paragraph to have the provisions of § 1.1038–1 apply to such reacquisition.

(iv) Once made, an election under this paragraph may not be revoked after September 3, 1965. To any return, amended return, or claim for refund filed under this subparagraph there shall be attached the statement described in subparagraph (2) of this paragraph.

(2) *Statement to be attached.* The statement described in subparagraph (1) of this paragraph shall indicate—

(i) The name, address and account number of the taxpayer, and the fact that the taxpayer is electing to have the provisions of section 1038 apply to the reacquisitions of real property,

(ii) The taxable years in which the reacquisitions of property occur and any other taxable year or years the tax for which is affected by the application of section 1038 to such reacquisitions,

(iii) The office of the district director where the return or returns for such taxable year or years were or will be filed,

(iv) The dates on which such return or returns were filed and on which the tax for such taxable year or years was paid,

(v) The type of real property reacquired, the terms under which such property was sold and reacquired, and an indication of whether the taxpayer is applying the provisions of § 1.1038–2 to the reacquisition of such property,

(vi) If § 1.1038–2 is being applied to the reacquisition, the terms under which the old residence was resold and, if applicable, the terms under which the new residence was sold, and

(vii) The office where, and the date when, the election to apply section 121 in respect of any sale of such property was or will be made.

(3) *Place for filing.* Any claim for refund, amended return, or statement, filed under this paragraph in respect of any taxable year, whether the taxable year in which occurs the reacquisition of property or the taxable year in which occurs the resale of the old residence, shall be filed in the office of the district director in which the return for such taxable year was or will be filed.

(c) *Extension of period of limitations on assessment or refund*—(1) *Assessment of tax.* If an election is properly made under paragraph (b) of this section and the assessment of a deficiency for the taxable years to which such election applies is not prevented on September 2, 1964, by the operation of any law or rule of law, the period within which a deficiency for such taxable years may be assessed shall, to the extent such deficiency is attributable to the application of section 1038, not expire prior to one year after the date on which such election is made.

(2) *Refund of tax.* If an election is properly made under paragraph (b) of this section and the credit or refund of any overpayment for the taxable years to which such election applies is not prevented on September 2, 1964, by the operation of any law or rule of law, the period within which a claim for credit or refund of an overpayment for such taxable years may be filed shall, to the extent such overpayment is attributable to the application of section 1038, not expire prior to one year after the date on which such election is made.

(d) *Payment of interest for period prior to September 2, 1964.* No interest shall be payable with respect to any deficiency attributable to the application of the provisions of section 1038, and no interest shall be allowed with respect to any credit or refund of any overpayment attributable to the application of such section, for any period prior to September 2, 1964. See section 2(c)(3) of the Act of September 2, 1964 (Public Law 88–570, 78 Stat. 856).

[F.R. Doc. 67–4044; Filed, Apr. 12, 1967; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[3d Rev. S.O. 935]

PART 195—CAR SERVICE

Appointment of Embargo Agents

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 6th day of April A.D. 1967.

It appearing, that the matter of car service (sec. 1, pars. 10–17 inclusive) of the Interstate Commerce Act being under consideration by Division 3 that whenever any carrier by railroad subject to Part I of the Interstate Commerce Act, is for any reason, unable to control freight traffic movement when car accumulations, threatened congestions, or other interference with operations, of a temporary nature compel restrictions against such movement so as to properly serve the public, that car service will be promoted in the interest of the public and the commerce of the people by the appointment of agents with authority to direct the placement of embargoes, and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice:

It is ordered, That:

§ 195.935 Service Order No. 935.

(a) Appointment of embargo agents: R. D. Pfahler, Director, and Martin E. Foley, Assistant Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission and vested with authority to direct the placement of embargoes by railroads at such points where freight cars are being unduly delayed due to accumulations, congestions, or emergency situations.

(b) Embargoes placed under this order shall be at the direction of the Agents of the Commission and shall be published through the Association of American Railroads, Car Service Division, and in conformity with the Association of American Railroads' "Instructions to Govern the Placing and Handling of Embargoes" and the "Code of Car Service and Per Diem Rules—Freight."

(c) Application: The provisions of this order shall apply to cars moving in intrastate and foreign commerce as well as interstate commerce.

(d) Rules, regulations, and practices suspended: The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this order, is hereby suspended.

(e) Effective date: This order shall become effective at 12:01 a.m., April 10, 1967.

(f) Expiration date: The provisions of this order shall expire at 11:59 p.m., December 31, 1967, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10–17), 15(4), 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That a copy of this order and direction shall be served upon each State railroad regulatory body, the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–4064; Filed, Apr. 12, 1967; 8:49 a.m.]

[4th Rev. S.O. 562]

PART 197—ROUTING OF TRAFFIC

Rerouting of Traffic; Appointment of Agents

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 6th day of April A.D. 1967.

It appearing, that the matter of car service (sec. 1, pars. 10–17 inclusive) of the Interstate Commerce Act being under consideration by Division 3 that

whenever any carrier by railroad subject to Part I of the Interstate Commerce Act is, for any reason, unable to transport traffic offered it so as to properly serve the public that car service will be promoted in the interest of the public and the commerce of the people by the appointment of agents with authority to divert and rerout such traffic, and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice:

It is ordered, That:

§ 197.562 Service Order No. 562.

(a) *Rerouting of traffic—appointment of agents.* R. D. Pfahler, Director, and Martin E. Foley, Assistant Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission and vested with authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever, in their opinion, an emergency exists whereby any railroad is unable to move traffic currently over its lines.

(b) *Application.* The provisions of this order shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., April 10, 1967.

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1967, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10–17), 15(4), 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That a copy of this order and direction shall be served upon each State railroad regulatory body, The Association of American Railroads, Car Service Division, and upon the American Short Line Railroad Association as agents of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4065; Filed, Apr. 12, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 166]

[Docket No. FDA-DAC-1]

MEPROBAMATE

Proposed Findings of Fact and Conclusions and Tentative Order Regarding Listing Drug as Subject to Control

In the matter of listing meprobamate as a drug subject to control under the Drug Abuse Control Amendments of 1965:

Acting on a proposal published in the FEDERAL REGISTER of January 18, 1966 (31 F.R. 565), an order was published in the FEDERAL REGISTER of March 19, 1966 (31 F.R. 4679), listing meprobamate, among other drugs, as a drug subject to control under the Federal Food, Drug, and Cosmetic Act as amended by the Drug Abuse Control Amendments of 1965 because of its potential for abuse due to its depressant effect on the central nervous system. Subsequently, Wallace Laboratories, a Division of Carter-Wallace, Inc., Cranbury, N.J., filed objections to such listing of meprobamate and requested a public hearing, and it was concluded that the objections stated reasonable grounds.

Accordingly, an order was published in the FEDERAL REGISTER of May 17, 1966 (31 F.R. 7174), that, among other things, stayed the effectiveness of so listing meprobamate and scheduled a public hearing for the purpose of receiving evidence relevant and material to the issues set forth in that order plus a prehearing conference for certain purposes. An additional prehearing conference in this matter was announced in the FEDERAL REGISTER of May 26, 1966 (31 F.R. 7573).

Prehearing conferences were held on June 14 and 21, 1966, and the public hearing began June 27, 1966, and ended September 16, 1966. The transcript of testimony (4,891 pages) sets forth the testimony of 31 witnesses on behalf of the Government and 31 on behalf of the respondent. Fifty witnesses were medical doctors covering a wide range of medical training, experience, and expertise. On behalf of the Government, 118 exhibits were introduced into evidence, and 24 were introduced by the respondent. Written briefs were timely filed by the respondent and the Government.

On the basis of the evidence received at the hearing, and after consideration of written arguments and proposed findings and conclusions, which are adopted in part or rejected in part as is apparent from the detailed findings herein made, it is proposed that the following order be issued, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120):

Findings of fact.[1] 1. Meprobamate, N.F., is the "established name" for a white crystalline substance having the chemical formula 2-methyl-2-*n*-propyl-1,3-propanediol dicarbamate. It is a carbamate compound which was developed by Berger and Ludwig from an earlier developed short-acting tranquilizer named "mephenesin." Meprobamate was first used in clinical trials in 1952 as an antianxiety agent and has been widely distributed commercially since 1955. (TR. 1679–1681; R. Ex. 47.)

2. Meprobamate is one of a group of drugs known collectively as "tranquilizers." It is recommended by its manufacturer and is widely used for the symptomatic relief of anxiety and tension states. It is used in the treatment of tension headaches, nervousness, muscular tension, various complaints related to the gastrointestinal tract, and nervousness and tension associated with psychoneurotic disorders. It is widely used in the treatment of individuals with neurotic personalities and as an adjunct in psychoanalytical therapy. It is also prescribed by some physicians to relieve the anxiety and tension associated with such physical disorders as coronary diseases, pre- and postoperative care, neuromuscular pain, gastrointestinal disorders, menopausal disorders, ear and throat disorders, and alcoholism. Based on its most frequent use, meprobamate is classified as a "minor" tranquilizer in contradistinction to a group of drugs known as "major" tranquilizers. This latter class of tranquilizers is recommended for use in treating the anxiety states associated with psychotic disorders, whereas the "minor" tranquilizers are recommended for use in treating the anxiety states associated with psychoneurotic disorders. (TR. 793, 945, 1680, 1685, 1966–1967, 2015, 2255, 2300, 2935–2936, 3030–3031, 3099, 3187, 3439, 3519, 3613, 3812; R. Ex. 13.)

3. Since its first introduction into the commercial channels of drug distribution in 1955, meprobamate may be legally dispensed only upon the written prescription of a practitioner licensed by law to administer such drugs, or upon an oral prescription of such practitioner that is reduced promptly to writing and filed by the pharmacist, or by the refilling of any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order that is reduced promptly to writing and filed by the pharmacist. (21 U.S.C. 353(b)(1)(B))

4. Meprobamate is manufactured and distributed by the respondent in these proceedings, Wallace Laboratories, a wholly owned subsidiary of Carter-Wallace, Inc. It is commercially available in two tablet strengths, 200 and 400 milligrams. It is also available in the same strengths in time-release capsule form under the trade name Meprospan. It is most widely marketed by Wallace Laboratories in tablet form under the trade name Miltown. The respondent states that since 1955, it has manufactured approximately 12,500 pounds of meprobamate, which, if all of this material were converted into 400-milligram tablets, would represent approximately 14 billion tablets. It has been estimated that approximately 500 million prescriptions have been written for meprobamate and that it has been prescribed for approximately 100 million patients in the United States. It clearly has been widely distributed in this country for the past 10 years. The usual adult dosage recommended by the respondent is one or two 400-milligram tablets three times daily. The maximum adult dosage recommended is six 400-milligram tablets daily, or 2,400 milligrams of meprobamate. Doses above 2,400 milligrams are not recommended by the respondent. (TR. 1159, 1681–1683, 1751–1752, 1967, 2023, 2036, 2617–2618)

5. The respondent also manufactures and distributes the following drugs in tablet and/or capsule form, which consist of meprobamate combined with other drugs. These drugs have been distributed commercially since the year indicated in the following listing of these products:

Appetrol: Meprobamate plus dextro-amphetamine sulfate; 1959 (1962 in sustained-release form).
Deprol: Meprobamate plus benactyzine hydrochloride; 1958.
Milpath: Meprobamate plus tridihexethyl chloride; 1957.
Milprem: Meprobamate plus conjugated estrogens; 1957.
Miltrate: Meprobamate plus pentaerythrityl tetranitrate; 1958.

(Tr. 1750–1754)

6. Meprobamate is a drug having a "depressant effect on the central nervous system" within the meaning of the Drug Abuse Control Amendments and the regulations promulgated thereunder. (21 U.S.C. 201(v)(3))

In § 166.2 *Criteria applicable to terms used or defined in § 166.1* of the depres-

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing, unless specified otherwise. "TR" refers to the transcript, "G. Ex." refers to exhibits on behalf of the Government, and "R. Ex." refers to exhibits introduced by the respondent.

sant and stimulant drug regulations (21 CFR 166.2), "depressant effect" is explained in paragraph (b) in part as follows:

(b) In determining whether a drug has a "depressant effect" on the central nervous system, the Commissioner will consider, among other relevant factors, whether there is substantial evidence that the drug may produce one of the following:

(1) Calming effect or relief of emotional tension or anxiety.

(2) Drowsiness, sedation, sleep, stupor, coma, or general anesthesia.

(3) * * *

(4) Mood depression or apathy.

(5) * * *

Substantially all of the medical witnesses appearing on behalf of both the respondent and the Government, testified in substance that the major pharmacological effects of meprobamate are to calm the individual, to give relief of emotional tension or anxiety, and to produce drowsiness, sedation, and sleep. The unrebutted testimony of a number of witnesses established that meprobamate in sufficiently large dosages produces stupor and coma and will depress mood and induce apathy.

Meprobamate is classified by its developer as, and is represented by the respondent to be, a tranquilizer belonging to the "central depressant" class of tranquilizers.

It is the respondent's position that meprobamate has a potential for only isolated or occasional abuse and that such abuse is not due to its "depressant effect on the central nervous system." (R. Brief 4, 10, 43–49, 53, 54.)

The substantial evidence of record conclusively establishes that meprobamate acts upon the central nervous system and that such action is a depressant action which results in the calming of individuals who take the drug and the relieving of their anxiety and emotional tension. This drug is known to produce drowsiness, sedation, and sleep. Individuals consuming meprobamate in sufficiently high dosages for extended periods of time have experienced apathy and a depression of mood.

The precise way in which these effects are brought about is the subject of differing medical opinions and views and is not known with precise certitude. Some medical opinions hold that meprobamate exerts "a selective action" in the central nervous system, affecting primarily the subcortical area of the brain. This causes a blocking of the interneuronal transmission of anxiety-producing electrical discharges or stimuli within the various areas of the brain, the cortex, thalamus, and hypothalamus. It is believed that the site of action of this drug is in the subcortical structures of the brain, such as the thalamus and limbic system. These anatomical structures are thought to be the seat of human emotions; however, it is generally recognized that these structures are part of the central nervous system. When taken not in excess of the maximum recommended dose, meprobamate appears not to significantly affect the functions of the upper area of the brain, the cortex, which is associated with intellectual and judgmental functions, nor the hypothalamus, associated with autonomic functions such as circulation and respiration; however, when meprobamate is taken in dosages higher than those recommended, it does affect the hypothalamus and cortex.

Although the precise mechanism of meprobamate is not known with certainty, nor are there adequate clinical studies clearly delineating its mechanisms, what effects this drug does produce are due to its depressant effect on the central nervous system.

Of those drugs whose principal effect is on the central nervous system, only those with a chiefly depressant effect will, upon sudden withdrawal following chronic administration, produce withdrawal symptoms or an abstinence reaction characterized by insomnia, nausea, vomiting, tremors, the twitching of muscles, anxiety, weakness, headaches, anorexia, unsteady gait or motor ataxia, hallucinations, delusions, depression, convulsions, and, in extreme cases, death.

Carefully controlled clinical studies conclusively establish that when meprobamate is given to individuals in dosages of from 8 to 16 400-milligram tablets daily, for a period of 40 days, and a chemically inert substance, a placebo, is abruptly substituted for the meprobamate, the withdrawal symptoms of insomnia, vomiting, tremors, ataxia, overt anxiety, anorexia, muscle twitching, hallucinations, and convulsions occur. These clinical studies have been confirmed by animal studies.

Other widely recognized central nervous system depressant agents, such as the barbiturates and alcohol, if taken at sufficient dosage levels over sufficient periods of time, will cause withdrawal symptoms when abruptly withdrawn from individuals. On the other hand widely recognized central nervous system stimulant drugs, such as the amphetamines, when suddenly withdrawn from individuals after long use at sufficient dosage levels do not cause withdrawal symptoms.

It is therefore concluded that irrespective of the precise mechanisms of meprobamate, the substantial evidence of record conclusively establishes that this drug does have a "depressant effect on the central nervous system" within the meaning of the amendments. (TR. 39–47, 456–481, 1674–1688, 1705–1706, 1708, 1732, 1851, 2061–2062, 2310, 2350–2358, 2381–2383, 2493–2497, 3027–3028, 3396, 3410, 3677–3678, 4690–4699, 4705–4726, 4748–4762; R. Ex. 10, 11, 13, 19, 33, 44, 47; G. Ex. 1, 12, 17, 19, 24, 26, 150, 162.)

7. Section 166.2(e) of the depressant and stimulant drug regulations (21 CFR 166.2(e)) sets forth the criteria for determining whether a substance has a potential for abuse because of its depressant effect on the central nervous system. Subparagraphs (1), (2), and (3) of § 166.2(e) are applicable to this proceeding and the criteria are set forth therein, as follows:

(e) The Commissioner may determine that a substance has a potential for abuse because of its depressant * * * effect on the central nervous system * * * if:

(1) There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or of the community; or

(2) There is significant diversion of the drug or drugs containing such a substance from legitimate drug channels; or

(3) Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice; or

Respondent argues that Congress intended the Drug Abuse Control amendments to apply only to those substances where there is "demonstrated" a "substantial" potential for "significant" abuse (Part I of respondent's brief). The legislative history of the amendments as set forth in Government Exhibits 1, 2, and 3 does support respondent's argument to the extent that Congress intended to bring under the control of the amendments those substances having a "substantial" potential for "significant" abuse. However, the legislative history does not support the argument that a substance may be brought under the control of the amendments only after substantial abuse has taken place.

The following language appearing at page 5 of the report of the Senate Committee on Labor and Public Welfare accompanying the amendments, explicitly states: "The Secretary of Health, Education, and Welfare should not be required to wait until a number of lives have been destroyed or substantial problems have already arisen before designating a drug as subject to controls of the bill." (G. Ex. 3, Sen. Rept. No. 337, 89th Cong., 1st sess., June 21, 1965, p. 5.)

Substantially identical language appears also at page 7 of the report of the House Committee on Interstate and Foreign Commerce accompanying the amendments. (G. Ex. 2, H. Rept. No. 130, 89th Cong., 1st sess., Mar. 2, 1965, p. 7.) Consequently the criterion of "substantial" potential for "significant" abuse has been used in reviewing and evaluating the evidence of record in this matter.

8. The substantial evidence of record establishes that a significant number of individuals have taken meprobamate in amounts sufficient to create a hazard to their health or to the safety of other individuals or to the community.

Included within the term "hazard" are:

a. Use of meprobamate to achieve intoxication;

b. Use of meprobamate to attempt suicide, successfully or unsuccessfully.

Meprobamate when taken by certain types of individuals in amounts in excess of six 400-milligram tablets per day, has

produced in the past and will produce intoxication marked by slurred speech, incoordination, pleasurable feelings simulating alcoholic intoxication (sometimes referred to as euphoria) and nystagmus. While the complex psychological reasons which induce some individuals to ingest intoxicating doses of depressant drugs are not known, it is known that individuals with drug-dependency-prone personalities (immature, neurotic, inadequate, dependent-type personalities) will chronically ingest drugs which produce euphoria, variously described as exaggerated feelings of well-being not in conformity with reality, feelings of happiness or elevation of mood, the relaxation and relief of tensions caused by psychological stress, a general dulling of the sensorium, or a sense of intoxication. Meprobamate causes these effects through its pharmacological action upon the central nervous system. Such effects have been reported by the ingestion of a single dose of meprobamate of 1,200 to 1,600 milligrams; however, with chronic ingestion of meprobamate a tolerance to its effects develops. Tolerance is a physiological process whereby an organism develops insensitivity to a drug, thus requiring the administration of gradually increasing doses in order to achieve the initial effect. It is believed that tolerance occurs when the body gradually adapts to the presence of a drug by altering the functions of certain systems and by increasing the rate at which the drug is metabolized. Thus, in order to achieve the initial physiological response, increasingly larger doses of the drug need to be ingested. Clinical observation together with data derived from animal experiments conclusively establish that meprobamate is a drug to which a tolerance is built when taken over extended periods of time. It is because such a tolerance is established that some individuals, in an attempt to relieve their symptoms of anxiety, will gradually increase the amounts of meprobamate they ingest to the point of intoxication. (TR. 40, 45, 86, 87, 106, 107, 135, 234–244, 261–262, 330–334, 462–463, 469, 484, 499, 504, 511–514, 586, 611–612, 795, 823–842, 875–881, 897–904, 993, 1836, 2744, 4033–4034, 4383–4386, 4698–4721; G. Ex. 19, 29, 49, 68, 71, 83, 97, 171, 179.)

9. The substantial evidence of record establishes that persons have consumed meprobamate in amounts sufficient to cause chronic intoxication. Consumption by individuals of meprobamate in this manner is generally characterized by:

a. Staggering gait, slurred speech, and incoordination as well as temporary loss of memory and dulling of mental capacities. (TR. 504–514, 823–841, 875–881; G. Ex. 29, 49, 78, 83, 171.)

b. Ingestion of the drug in daily dosages in excess of those recommended for therapeutic use and varying generally between 8 and 50 400-milligram tablets daily. (TR. 504–514, 741–780, 823–841, 875–881; G. Ex. 29, 49, 52A, 74, 77, 79.)

c. A gradual elevation by individuals of their drug intake from prescribed dosage levels to levels which cause intoxication. (TR. 234–248, 260–262, 311–316, 504–514, 747, 798, 817–844; G. Ex. 29, 178, 179, 186.)

10. The substantial evidence of record shows that the chronic ingestion of meprobamate at intoxicating dosage levels deprives individuals of the ability to properly operate motor vehicles and to prevent injury to themselves and others. (TR. 190–194, 248, 504–508; G. Ex. 18, 163.)

11. The substantial evidence of record shows that the chronic ingestion of meprobamate at intoxicating dosage levels causes personality changes in the users manifested by anger, antagonism, irrational behavior, and antisocial conduct. Such ingestion of this drug has led to the commission of crimes, neglect of children, and deterioration of marital and family relationships. (TR. 246, 509–510, 767, 1127–1147, 1334–1363, 1364–1390, 1390–1402; G. Ex. 29, 49, 54, 55, 58, 68, 73, 77, 79, 163.)

12. The substantial evidence of record shows that individuals consume meprobamate in intoxicating doses in order to achieve a mental condition that has been described as pleasurable and to achieve a feeling or sense of intoxication or well-being. This condition simulates intoxication caused by the ingestion of excessive amounts of alcohol or barbiturates. A significant number of individuals who have a propensity for becoming dependent on certain types of drugs, have found that they can take meprobamate in increasing doses and obtain somewhat the same effect that they get from alcohol or barbiturates. The most prominent group of such individuals are alcoholics. It has been observed by qualified and reliable experts in the field of alcoholism treatment that alcoholic patients have a particular liking for meprobamate and have repeatedly asked for this drug at more frequent intervals than for other drugs.

Because of these factors, alcoholics tend to become dependent on and to abuse meprobamate. Meprobamate presents special problems for the alcoholic population of this country, which has been estimated to number approximately 6 million. One conservative estimate is that four out of every 100 alcoholics to whom meprobamate is administered develop problems with meprobamate by taking to the point of intoxication more than prescribed. The potentiality for significant abuse presented by these reliable estimates is obvious. (TR. 35–38, 195–197, 234–248, 260–262, 288–289, 296–297, 311–316, 323–334, 488–519, 525–564, 559, 762, 1334–1350, 1523–1548; G. Ex. 20, 79, 171, 178, 179.)

13. Clinical experience shows that the prolonged use of meprobamate, even at therapeutic dose levels, causes or aggravates depressive states in certain individuals suffering from neurotic disorders. Persons who have chronically ingested meprobamate report that the psychological effect of the drug upon them was an aggravation of a feeling of depression to the point of suicidal thoughts and suicidal attempts. Medical experts are of the opinion that meprobamate and other tranquilizing drugs of similar types have a pharmacological effect which may either cause depression or aggravate a preexisting, underlying depressive state that may lead to suicide. (TR. 238–249, 1422–1435, 1453–1455, 2765, 2786, 3370, 3594; G. Ex. 63, 79, 83, 110, 111.)

14. The substantial evidence of record conclusively establishes that a significant number of individuals have used meprobamate as an ingestant, either alone or in combination with other depressant drugs, for the purpose of committing suicide. (TR. 661–699, 1163–1164, 1427, 1430–1456, 2124, 2727–2729, 3114–3115, 3885–3886, 4632–4639; G. Ex. 30–42, 44–47, 86–88, 90, 94, 97, 112, 117, 119, 122, 126, 129, 163, 182.)

15. The substantial evidence of record conclusively establishes that meprobamate either alone or in combination with other depressant drugs has been used by a significant number of individuals in suicidal attempts. (TR. 214–216, 363–366, 2124, 3114–3115; G. Ex. 8, 55, 68, 71, 87–89, 91, 92, 94, 104, 106, 108, 110, 111, 164, 166, 188, 192, 194, 195, 198, 199.)

16. The sociological reasons why meprobamate has been used in the past by a significant number of individuals in successful and unsuccessful suicidal attempts were, in part at least, explained by an expert in the field of public health and preventive medicine. This expert has studied extensively and written on the phenomena of suicide both in this country and many foreign lands.

There are three major sociological or cultural factors that operate in determining the manner and means used by individuals in suicidal gestures. These are the gross availability, accessibility, and fashionability of agents used to commit suicide. Gross availability was explained to mean the presence of the agent in an individual's environment; for example, firearms are grossly available in the United States but not so available in other foreign countries, such as England. Accessibility was defined to mean the degree of ease by which individuals can obtain any given agent which is grossly available. Fashionability was defined as the popularity of any given agent as a suicidal agent which is determined in part by the frequency that an agent is used by society's ostensible leaders and the publicity accorded the suicides of such individuals. As far as pharmaceutical suicidal agents are concerned, factors such as frequency that a drug is prescribed, the length of time that the drug has been available, and the practice of pharmacists in making the drug available, as well as the knowledge of the lay population of these factors, exert influences on the frequency that a pharmaceutical agent is used in suicidal gestures.

The evidence of record clearly establishes that for the past decade in the United States meprobamate has been manufactured and distributed in large quantities; the respondent's estimate is approximately 14 billion tablets. Thus meprobamate has been grossly available. In addition, this drug has been widely prescribed during this time; the respondent estimates that approximately

500 million prescriptions have been written for meprobamate. Further, meprobamate has to a significant extent been prescribed and dispensed with considerable laxity in the past (see Findings Nos. 18, 19, and 21). Meprobamate thus has been accessible. Its use as a suicidal agent has also received publicity, and its use as such an agent is thus known to the lay population.

Based upon the above considerations, as well as past studies of suicidal agents of the ingestant class, this expert made an authoritative prediction, which is reasonable and merits weight in this matter that meprobamate will be used more frequently in the future as a suicidal agent than it has been in the past. This prediction is based in major part on the past history of other pharmaceutical agents, notably the barbiturates. The longer these agents were on the market (grossly available), and the more accessible they became to potential suicidal individuals through lax dispensing and prescribing practices (accessibility), and the more the lay population learned of the use of these agents in suicidal gestures through the publicity afforded such cases (fashionability), the more such agents have been used in suicidal gestures.

It is reasonable to expect that meprobamate will have somewhat the same history as these other agents, notably the barbiturates, unless it is placed under the same controls. Although the barbiturates in the past have been the drugs most frequently used as suicidal ingestants, tranquilizing drugs are being used with increasing frequency and, among the latter, meprobamate is the drug most frequently used by suicide-prone individuals. (TR. 410–453, 712–713; G. Ex. 44, 55, 71, 83, 145, 165, 177, 202.)

17. The second criterion contained in the regulations promulgated under the amendments to be used to determine whether a substance has a potential for abuse because of its depressant effect on the central nervous system states, in substance, that a drug may have a potential for abuse if there is significant diversion of the drug from legitimate drug channels (see Finding No. 7).

Included within the term "diversion" are sales of a drug outside legitimate channels by manufacturers, wholesalers, or retail pharmacies. Thus, the sale of meprobamate by a retail pharmacy without the required prescription and not in complete conformity with the law regulating the sale of drugs restricted to sale only upon prescription (21 U.S.C. 353(b)) constitutes diversion of this drug from legitimate drug channels because such sales are contrary to law and are illegitimate. (G. Ex. 2, p. 2; 21 U.S.C. 331(k), 353(b).)

18. The substantial evidence of record conclusively proves that there has been significant diversion of meprobamate from legitimate drug channels. Substantial amounts of meprobamate have been sold by retail pharmacists without proper prescription authorization and not in conformity with those provisions of law regulating the sale of prescription drugs. The official files of the Food and Drug Administration were reviewed for the 10-year period from 1956 through 1966. The information contained therein relevant to meprobamate was testified to by an Administration official and summarized in Government Exhibit No. 202.

During this 10-year period, there were 1,515 prosecutions for illegal sales of prescription drugs terminated by convictions after initial investigation by the Food and Drug Administration. Of these cases, 173 involved 797 separate illegitimate sales of meprobamate to individuals, the sales being made either without any prescription or by refilling a prescription without proper authorization confirmed by a written record of the transaction as required by law. These illegitimate sales were made at 170 different retail pharmacies throughout the United States, by two peddlers, and by one medical doctor outside a doctor-patient relationship.

At 99 of the 170 retail pharmacies, investigators were permitted to audit the prescription dispensing records required to be maintained by law (21 U.S.C. 353(b)), as well as invoices reflecting the amounts of prescription drugs received at these establishments. These records were audited for approximately a 1-year period prior to the time that this audit inspection took place. In 71 of the retail pharmacies, no audit was conducted because permission to review the necessary records was denied the investigators.

In the 99 drugstores where an audit was conducted, a comparison of the amounts of meprobamate received at the stores (as reflected by drug invoice records) with the amounts on hand at the stores and the amounts accounted for by prescription dispensing records, for the approximate 1-year period, showed that between 22 percent and 100 percent of the meprobamate received by these pharmacies could not be accounted for. Since meprobamate may be legitimately dispensed only upon prescription, and since the law requires the maintenance of records reflecting the dispensing of prescription drugs, the conclusion follows that the unaccounted for meprobamate was either sold without proper prescriptions or no records were maintained of prescription sales as required by law. In either case, the sales were illegitimate and represented a diversion of meprobamate from legitimate drug channels.

An average of 77 percent of the total amount of meprobamate received by these 99 pharmacies could not be accounted for. This 77-percent-average shortage represents over 796,000 tablets of meprobamate. The significance of this shortage is apparent when it is recalled that these audits covered approximately a 1-year period in but 99 retail pharmacies in this country.

Of these unaccounted for drugs, 54,128 meprobamate tablets were purchased by agents of the Food and Drug Administration, posing as ordinary drugstore customers, either without any prescription or by having a prescription illegally refilled. (TR. 1180–1333; G. Ex. 202.)

19. There is substantial evidence of record that some pharmacists have dispensed meprobamate on the basis of invalid prescriptions, or without any prescription at all. (TR. 510–511, 515, 525–564, 823–841, 1127–1161; G. Ex. 54, 135, 137, 138, 165, 180, 181.)

20. There is substantial evidence of record that there are so-called black market sources for meprobamate. These sources, which are not legitimate distributors, are utilized by individuals who have become dependent upon meprobamate to obtain supplies adequate to satisfy their needs. Individuals who report obtaining this drug from these sources are vague and indefinite about these sources and no detailed information is available as to the extent or number of such sources. There is also evidence that meprobamate has been stolen from hospital supplies for purposes of resale, and is bought and sold, illegitimately, by the inmates in penal institutions. (TR. 332–333, 347–349, 993, 996; G. Ex. 49, 131, 132.)

21. The substantial evidence of record shows that a significant number of individuals have obtained meprobamate in amounts in excess of the amounts prescribed for them or without the advice of their physician or in amounts in excess of recommended doses, in the following ways:

a. Through the lax prescribing practices of some physicians in issuing prescriptions which may be refilled for indefinite time periods at the option of the patient and because of the lack of supervision of patients by some physicians. (TR. 509–518, 525–549, 794, 904–907, 994, 1134–1350, 1364–1384, 1404–1421; G. Ex. 44, 55, 71, 83, 165.)

b. By having refilled prescriptions marked "Ad Lib." (Ad Libitum—the amount desired) and "p.r.n." (pro re nata—as circumstances may require) with greater frequency than is consistent with the use of the drug at recommended dosages. (TR. 197–202, 518, 525–549, 904, 1407–1408, 1416; G. Ex. 180, 181.)

c. By establishing a chain or series of drugstores which will sell them the drug. This is accomplished by taking a prescription to one drugstore, having it filled at this store, and then going to a series of other drugstores and asking each successive store to sell meprobamate to them. These additional drugstores are referred to the original store to verify that a prescription has been filed at that store. These successive stores then sell the drug based on the prescription filed at the original store. (TR. 525–549; G. Ex. 21, 29, 55, 180, 181.)

d. By obtaining a number of concurrent prescriptions for meprobamate from several physicians. (TR. 190–194, 245, 514, 518, 766, 875–881, 943, 967; G. Ex. 29, 77, 79.)

e. By obtaining meprobamate from friends or relatives for whom it had been prescribed. (TR. 190–194, 942–943, 1528–1530; G. Ex. 54.)

f. Through theft of the drug and by forging prescriptions for it. (TR. 511, 3006–3007; G. Ex. 58, 67, 68.)

22. The substantial evidence shows that meprobamate has been found in human subjects at autopsy by reliable toxicological examination and that routine, official investigation could not establish that the drug was taken upon the recommendation of a medical practitioner. The evidence further shows that pharmacists are frequently requested to sell meprobamate without any prescription, and individuals have offered to pay physicians for prescriptions for meprobamate without any bona fide doctor-patient relationship being established. Patients admitted to hospitals with meprobamate in their possession have refused to reveal their source for this drug. (TR. 661–710, 716–732, 965–967, 1409–1410, 1416, 1419; G. Ex. 84, 182.)

23. The substantial evidence of record conclusively establishes that a significant number of individuals have taken meprobamate on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer this drug in the course of his professional practice. Thus, the evidence of record complies with the third criterion set forth in the regulations promulgated under the Amendments (see Finding No. 7). Although the exact number of individuals who have abused meprobamate is not known, nor can this number be reasonably ascertained with any degree of reliability for the reasons more fully set forth in Finding No. 27, the number of suicides, attempted suicides, and overdoses of meprobamate reflected in the reliable evidence of record is significant.

An official of the Food and Drug Administration appeared and testified concerning Government Exhibit No. 87. This exhibit is a compilation of date contained in the official files of the Administration. This data includes photographic reproductions of death certificates submitted by the Departments of Health for 34 States, plus reports from approximately 350 of the 500 Poison Control Centers in the United States. The data summarized in Government Exhibit No. 87 shows that for a period of approximately 2 years (1964–65), meprobamate was found to be the exclusive or contributing cause of death in 92 suicides and 784 attempted suicides or accidental overdosages.

In addition, the testimony of the chief toxicologist for only one major city in the United States, Philadelphia, when studied in relation to Government Exhibit No. 182, a compilation of data contained in the official files of that city's Department of Health, reflects that for approximately a 4-year period meprobamate contributed to or was the exclusive cause of death in 37 suicides, plus 4 additional deaths that apparently were suicides but which may have been accidental deaths due to overdosage of drugs including meprobamate. Further, Government Exhibits Nos. 31–42, consisting of copies of the coroner's verdict for Cuyahoga County in Ohio for a 4-year period, reflect an additional 12 cases of suicides caused by the acute intoxication of the deceased by meprobmate alone or in combination with other drugs.

The testimony of these witnesses, together with the exhibits referred to above, when coupled with the testimony of individuals who have become physically dependent upon meprobamate, and the expert opinions and factual testimony of the Government's medical witnesses, establishes beyond any doubt that meprobamate has been abused in the past by a significant number of individuals in that they have taken this drug on their own initiative and contrary to medical advice, to their own detriment to the point of death. (TR. 661–732, 1162–1178, 1334–1389, 1390–1402, 3950–4102, 4256–4444, 4449–4505; G. Ex. 87, 182 (see also G. Ex. 30–42, 44–47, 8, 55, 68, 71, 86, 88, 89–91, 104, 106, 108, 112, 117, 119, 122, 126, 129, 163, 164).)

24. The evidence of record reflects the testimony of medical experts that drugs which depress the activity of the central nervous system when administered over long periods of time may cause certain neuronal systems to adapt their activity to the effect of the drug so that upon abrupt withdrawal of the drug, clinically observable signs and symptoms may result that are associated with acute psychological and physical discomfort or death. This phenomenon, known as an abstinence reaction or withdrawal syndrome, is a sign of a tolerance being established in the body to the drug and is indicative of physical dependence upon the drug. Individuals are motivated to ingest drugs in increasingly larger amounts, upon their own initiative or without medical supervision, in order to avoid experiencing this withdrawal syndrome.

Physical dependence is the result of the chronic ingestion of a drug at sufficiently high dosage levels, and in the case of meprobamate, does not generally manifest itself until after prolonged ingestion in man of daily dosages exceeding eight 400-milligram tablets, although occurrences of withdrawal symptoms at lesser dose levels have been observed. Due to individual variation in convulsion threshold levels, differences in personality structures, metabolic rates and capacities, and other physiological differences, no physically dependent person may display the entire spectrum of withdrawal symptoms upon the abrupt withdrawal of meprobamate. However, the sudden withdrawal of this drug after chronic ingestion at the dosages noted above is generally characterized in cases of mild physical dependence by insomnia, vomiting, tremors, muscle twitching, anxiety, weakness, nausea, headache, hyperpyrexia, anorexia, and ataxia. In cases of moderate physical dependence, the withdrawal symptoms include also hallucinations, delusions, and severe depression. The severe form of withdrawal symptoms additionally include convulsions and in rare instances death. (TR. 34–51, 312, 314, 478–482, 585–605, 796, 917–918, 3370, 3379, 3380, 4690, 4696–4698, 4701–4702, 4704–4706; G. Ex. 12, 19, 20, 24, 28, 29, 131, 133, 150, 162, 200, 201.)

25. The substantial evidence of record shows that individuals who have ingested meprobamate over prolonged periods of time upon their own initiative, or who have on their own initiative increased their dosage of meprobamate to levels in excess of those normally prescribed and recommended, have upon abstinence from the drug suffered the following withdrawal symptoms: Electro-encephalographic changes similar to those observed in barbiturate withdrawal, headaches, insomnia, nervousness and anxiety, agitation and restlessness, sweating, ataxia, nausea, excess salivation and confusion, delirium, delusions and hallucinations, hyperpyrexia, convulsions, and death. (TR. 186–187, 493–494, 508–519, 525–549, 575–587, 823–841, 875–881, 1127–1138, 1334–1350, 1390–1398, 1426, 2397, 4758; G. Ex. 16, 17, 21, 23, 28, 29, 63, 81, 82, 84, 94, 150, 166, 171, 185, 186, 193, 204.)

26. The substantial evidence of record shows that some individuals who are abusing barbiturates or alcohol also concurrently abuse meprobamate, or if their drug of choice becomes unavailable, will turn to meprobamate. The abusive use of meprobamate results from the interaction of two factors, the pharmacological action of the drug and the psychological makeup of the individual. Dependency-prone individuals having immature, neurotic, or inadequate, dependent-type personalities, especially those with a history of dependency upon other drugs, are particularly liable to become dependent upon meprobamate. Thus, alcoholics are particularly susceptible to dependency upon and abusive use of meprobamate.

The likelihood of the cross-substitution of drugs having similar clinical and pharmacological effects may be determined with a reasonable degree of accuracy on the basis of similarity of withdrawal symptoms and the ability of one drug to suppress the withdrawal symptoms caused by the abrupt withdrawal of another. The substantial evidence of record shows that intoxication caused by meprobamate is clinically and, except for minor differences, neurophysiologically indistinguishable from intoxication caused by alcohol or barbiturates. The withdrawal symptoms associated with meprobamate are similar to those associated with drugs causing a barbiturate and alcohol-type physical dependence; such as, the barbiturates, ethyl alcohol, chloralhydrate, paraldehyde, and glutethimide.

It has been demonstrated that barbiturates, if administered in appropriate doses, will completely relieve the withdrawal symptoms caused by the abrupt cessation of meprobamate ingestion and that meprobamate will suppress the withdrawal symptoms caused by the cessation of excessive alcohol ingestion.

There is, therefore, the reasonable likelihood that when drugs of the barbiturate-alcohol type become less accessible because of more strict control of their distribution under the Amendments, individuals who have abused this type of drug will substitute meprobamate in their nontherapeutic, abusive drug practices. (TR. 38, 47, 49, 79–81, 86–87, 195–197, 210, 238–243, 312–313, 330–331, 461–465, 467–468, 473–475, 478–482, 508, 515, 583, 585–586, 590–595, 599–605, 796, 851,

854–855, 918–921, 933–947, 989, 1527–1548, 4690–4695, 4697, 4703–4705, 4724–4725, 4758; G. Ex. 1, 16, 23, 28, 29, 65, 78, 84, 131, 132, 133, 145, 150, 162, 171.)

27. There are at the present time no reliable statistics which indicate with certainty the precise extent to which meprobamate has been or is currently being abused. Hospital records are customarily coded, for purposes of indexing and information retrieval, by discharge diagnoses, not admission diagnoses. In many cases of admission for drug overdose or drug dependence, the discharge diagnosis will show the underlying psychiatric disorder that gave rise to the individual's suicide attempt or chronic use of drugs, but not the drug abuse which led to admission. There are no accurate statistics showing the extent to which meprobamate is used in suicidal attempts, successful or unsuccessful, on either the local, State, or national level. Death certificates, one possible source of such statistics, are issued in many cases immediately after death in order to permit burial of the deceased, but prior to toxicological examination that would reveal the presence of exogenous agents in the vital organs of the deceased. No consistent practice is followed in amending such records where exogenous agents are found upon examination. Thus, the statistics of State bureaus of vital statistics, based upon such death certificates, do not reveal the presence of such agents in a large number of cases. National vital statistics, having as their source the State statistics, are equally inadequate. The lack of trained and experienced personnel, adequate funds, and adequate coding and indexing systems, in the nation's hospitals, bureaus of vital statistics, health departments, and other public and private institutions all contribute to the lack of accurate statistics concerning meprobamate abuse. The statistics that are available grossly understate the frequency with which meprobamate has actually been abused. (TR. 360–369, 383–388, 404–409, 434–435, 608–610, 632–633, 777, 797, 941–942, 958–959, 1428–1430, 1709, 1711–1712, 2771, 2972–2973, 3661–3665, 3671, 3683, 3696, 3709, 3718–3720, 3733, 3744–3747, 3942–3953, 3958–3959, 3968, 3989, 3991, 4059, 4272, 4294–4297, 4367–4375, 4398–4399, 4425–4429, 4441, 4450, 4459; G. Ex. 62, pp. 54–56.)

28. A large part of the evidence adduced by the respondent consisted of the testimony of various physicians to the effect that they had prescribed meprobamate for their patients over varying periods of time and had seen no cases or at most only an occasional case of individuals abusing meprobamate. This evidence does not rebut the evidence introduced by the Government proving the abuse potential of meprobamate within the meaning of the amendments. The doctors appearing on behalf of the respondent were administering meprobamate generally at therapeutic dosage levels not in excess of recommended doses and were closely supervising the drug therapy of their patients. Patients under such close medical supervision do not usually abuse meprobamate. In addition, some physicians appearing as witnesses for the respondent were involved in various specialties of medicine in which meprobamate abuse is rarely if ever seen; such as, cardiology, general surgery, obstetrics, gynecology, endocrinology, gerontology, gastroenterology, otorhinolaryngology, and allergy.

Such evidence tends to confirm the following estimation set forth in the Final Report of the President's Advisory Commission on Narcotic and Drug Abuse of 1963: "Drug abuse is not a uniform problem throughout the country, and even in the areas of the highest incidence few medical practitioners come into contact with the afflicted. It is estimated that most medical practitioners never see a habitual drug abuser" (G. Ex. 1, p. 57). (TR. 1934–1944, 1960–1970, 2339–2346, 3182–3187, 3361, 3429–3433, 3515–3523, 3606–3620.)

29. The legislative history of the amendments reflects the expectation of Congress, in enacting this legislation, that meprobamate and similar tranquilizing drugs would be expeditiously brought under the control of the amendments because of their potential for abuse. Testimony taken before the House Committee on Interstate and Foreign commerce demonstrated the need for bringing meprobamate under these controls. This Committee considered the advisability of listing meprobamate, among others, by name, but decided not to single out this or any other drug. The Committee, however, stated that it expected the Secretary of Health, Education, and Welfare to take early action with respect to the consideration of bringing meprobamate and other drugs within the controls of the amendments. A similar expectation was expressed by the Senate Committee on Labor and Public Welfare. (G. Ex. 62, pp. 24, 26, 33–36, 49–51, 54, 93, 102–103, 115; G. Ex. 2, p. 13; G. Ex. 3, pp. 2 and 3.)

Conclusions. 1. The Drug Abuse Control Amendments of 1965 are intended to protect the public health and safety by establishing special controls for depressant and stimulant drugs. This protection is to be accomplished through increased recordkeeping and inspection requirements, through providing for control over intrastate traffic in these drugs because of its effect on interstate traffic, and through making possession of these drugs (other than by the user) illegal outside the legitimate channels of commerce. The authority of the Department of Health, Education, and Welfare over counterfeit drugs also is increased by the amendments.

2. Meprobamate is a drug with a depressant effect on the central nervous system and may be legitimately dispensed only upon the prescription of a practitioner licensed by law to administer such drugs, and in full conformity with section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).

3. The substantial, probative, and reliable evidence of record establishes that meprobamate, in the past, due to its depressant effect on the central nervous system, has been abused in the following ways:

a. There has been significant use of meprobamate in amounts sufficient to create a hazard to the health of the individual and to the safety of other individuals and the community.

b. There has been significant diversion of meprobamate from legitimate drug channels.

c. There has been significant use of meprobamate by individuals on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice.

4. Due to the history of the abuse of meprobamate and because meprobamate has the capacity to substitute for other drugs known to be abused, which are now subject to the increased controls of the amendments, it is reasonable to conclude that the abuse of meprobamate will continue and increase unless this drug is similarly brought under the controls of the amendments.

5. Meprobamate is a drug which because of its depressant effect on the central nervous system has a substantial potential for significant abuse within the meaning of the amendments (21 U.S.C. 321(v)(3)).

6. Meprobamate is a "depressant or stimulant drug" as defined in the amendments (21 U.S.C. 321(v)), and is therefore subject to control under the amendments (21 U.S.C. 360a). Any drug which contains any quantity of meprobamate is a "depressant or stimulant drug" as defined in the amendments (21 U.S.C. 321(v)(3)) and is also subject to control under the amendments (21 U.S.C. 360a).

Therefore, It is ordered, That the stay of effectiveness announced May 17, 1966 (31 F.R. 7174), on the listing of meprobamate in § 166.3(c)(1) as a drug subject to control under the amendments by the order of March 19, 1966 (31 F.R. 4679), be ended.

NOTE: The preceding sets forth a proposed order that includes findings of fact, conclusions, and the ending of a stay of effectiveness. It is contemplated that the subsequent final order in this matter will have an effective date that will be 90 days from its date of publication in the FEDERAL REGISTER.

Any interested person whose appearance was filed at the hearing may, within 30 days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the findings of fact and proposed order, and shall contain specified references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions and accompanying briefs should be submitted in quintuplicate.

Dated: April 6, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-4063; Filed, Apr. 12, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 7898]

AIRWORTHINESS DIRECTIVES

Model BAC 1–11 200 and 400 Series Airplanes

The Federal Aviation Administration has under consideration a proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive applicable to British Aircraft Corporation, BAC Model 1–11 200 and 400 Series airplanes. Notice of proposed rule making published in 32 F.R. 822 required inspections and if necessary, replacements or modifications of all flaps secondary transmission support bearing assemblies in accordance with BAC 1–11 Alert Service Bulletin No. 27–A–PM 1928, Issue 2. As a result of further investigation, it has been determined that the inspections and modifications should be made in accordance with BAC 1–11 Alert Service Bulletin 27–A–PM 1928, Issue 3, dated November 18, 1966, and Service Bulletin PM–2720 in order to provide improved locking of the flap secondary transmission system bearing housing assembly bolts and to facilitate split pinning of the secondary drive shaft joint nuts. Therefore the original proposal is hereby withdrawn, and a new airworthiness directive is proposed to require the inspections and modifications to be made in accordance with BAC 1–11 Alert Service Bulletin 27–A–PM 1928, Issue 3, and Service Bulletin PM–2720.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before May 15, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1–11 200 and 400 Series airplanes.
Compliance required as indicated.
To detect failures of joints in the secondary flap transmission shafts, accomplish the following:

(a) On BAC 1–11 200 Series airplanes only, within the next 150 hours' time in service after the effective date of this AD, unless already accomplished, inspect all flap secondary transmission support bearing assemblies in accordance with British Aircraft Corporation (BAC) 1–11 Alert Service Bulletin No. 27–A–PM 1928, Issue 3, or later ARB-approved issue. All defective bearing assemblies must be replaced before further flight in accordance with this Service Bulletin. Nondefective bearing assemblies may be continued in service without further inspection.

(b) On BAC 1–11 200 and 400 Series airplanes, within the next 150 hours' time in service after the effective date of this AD, unless already accomplished within the last 450 hours' time in service and thereafter at intervals not to exceed 600 hours' time in service from the last inspection, conduct a functional check of the flap secondary transmission system followed by a visual examination of the transmission shaft joints as detailed in British Aircraft Corporation Alert Service Bulletin No. 27–A–PM 1928, Issue 3, or later ARB-approved issue. Correct defects found before further flight.

(c) The repetitive functional check and inspections required in paragraph (b) may be discontinued if the airplanes are modified in accordance with BAC Service Bulletin 27–PM–1928 paragraphs (a) and (b) and BAC Service Bulletin PM–2720 (a) and (b), or modified in accordance with BAC Service Bulletin PM–2720 (a), (b), (c), and (d).

Issued in Washington, D.C., on April 5, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-4019; Filed, Apr. 12, 1967; 8:45 a.m.]

WATER RESOURCES COUNCIL

[18 CFR Part 702]

RIVER BASIN COMMISSIONS

Criteria and Procedures for Federal Participation

Notice is hereby given that the Water Resources Council, under the authority of section 402 of the Act of July 22, 1965, 79 Stat. 254, 42 U.S.C. 1962d–1, proposes to add a new Part 702 to Chapter VI, Title 18 of the Code of Federal Regulations as set forth below.

The proposed Part 702 would prescribe criteria and procedures for Federal participation in River Basin Commissions, and, from the Federal viewpoint, summarize their relationships to other entities, and define their functions and responsibilities.

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed rules and regulations to the Executive Director, Water Resources Council, Suite 900, 1025 Vermont Avenue NW., Washington, D.C. 20005, within 60 days after date of publication of this notice in the FEDERAL REGISTER.

Dated: April 7, 1967.

HENRY P. CAULFIELD, Jr.,
Executive Director,
Water Resources Council.

PART 702—RIVER BASIN COMMISSIONS

Sec.
702.1 Purpose.
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702.14 Supplemental guidance.
702.15 Other planning entities.

AUTHORITY: The provisions of this Part 702 issued under sec. 402, 79 Stat. 254; 42 U.S.C. 1962d–1.

§ 702.1 Purpose.

(a) The purpose of this part is to prescribe criteria and procedures for establishment of River Basin Commissions, and, from the Federal viewpoint, describe their relationships to the Council, Federal Agencies, and other entities, and define their functions and responsibilities.

(b) Within the scope of the Act and of the Executive Order establishing it, each commission will be expected to establish its own policies and procedures for self-management. It is recognized that the Federal and State participants in a commission will be subject to such policy and procedural direction as the statutes, applicable administrative regulations, and other guidance that their respective governments may provide. It is intended by this part to provide necessary guidance, within the context of the Act, that is acceptable generally for all commissions in the conduct of their functions.

§ 702.2 Definitions.

All terms used in this part shall have the meaning given to them in the Water Resources Planning Act or, in the administration of the Act, as follows:

(a) "Act" means the Water Resources Planning Act (79 Stat. 254);

(b) "Commission" means a river basin water and related and resources commission established under Title II of the Act;

(c) "Commission area" means the geographic area, river basin, or group of related river basins for which a commission is established;

(d) "State" means a State, District of Columbia, Puerto Rico, or the Virgin Islands;

(e) "Council" means the Water Resources Council established by section 101 of the Water Resources Planning Act.

(f) "Executive Director" means the principal executive officer of the Water Resources Council.

(g) "Fiscal year" means a 12-month period ending on June 30, unless otherwise specified.

(h) "Related land resources" means that land on which present or projected use or management practices cause significant effects on the quantity and/or quality of the water resource, and that land the use or management of which is significantly affected by or depends on existing or proposed measures for management, development or use of water resources.

(i) "Comprehensive plan" means a coordinated joint system or arrangement of structural and nonstructural measures and programs, designed to guide and control Federal, State, interstate, local and nongovernmental conservation, development, and use of water and related land resources in a manner that will support and enhance the economic and social activities and general well being in the commission area. Such a plan should include all levels of conservation, development, and use for current and anticipated conditions, and an evaluation of all reasonable alternative means of achieving optimum conservation, development and use of the water and related land resources and of implementing guidance and control thereof. The comprehensive plan may be prepared in stages and should evolve in an orderly manner, consistent with established practices and responsibilities, from elementary reconnaissance reports and inventories, through broad regional analyses of framework scope, to detailed analyses adequate to support authorization for Federal and non-Federal action programs at all levels. The plan should include recommendations with respect to individual projects. The comprehensive plan should be developed so that at any time during the course of its evolution it would provide a source of sound guidance and control for conservation, development, and use commensurate with the physical and economic conditions, policies and constraints prevailing at that time.

§ 702.3 Authority for establishment of commissions.

Establishment of commissions is authorized by Title II of the Act and effected by Executive order of the President.

§ 702.4 Objectives of commissions.

(a) The basic objective of a commission is to encourage the conservation, development, and utilization of water and related land resources in its area on a comprehensive and coordinated basis by the Federal Government, States, localities and private enterprise with the cooperation of all affected Federal Agencies, States, local governments, individuals, corporations, business enterprises and others concerned.

(b) Pursuant thereto, each commission will: (1) Serve as the principal agency for the coordination of Federal, State, interstate, local and nongovernmental plans for the development of water and related land resources within the commission area; (2) prepare and keep up to date, to the extent practicable, a comprehensive plan as defined in § 702.2(i); (3) recommend long-range schedules of priorities for the collection and evaluation of basic data and for investigation, planning and construction of projects; (4) make recommendations to the Council and appropriate States on the relationship of individual projects to the comprehensive plan; (5) include in the comprehensive plan an assessment of the adequacy of the supply of water necessary to meet the water requirement in the commission area and provide the bases for periodic national assessments; and (6) foster and undertake such studies of water and related land resources problems within the commission area as are necessary in preparation of the plan.

§ 702.5 Criteria for establishment of commissions.

In recommending to the President the establishment of commissions, the Council will take into account the following criteria:

(a) *Need.* The interest of the concerned States as demonstrated by requests for establishment and by willingness to provide financial support for a commission are primary considerations in determining if and when a commission should be formed. The Council will also take into account the existing or prospective need for an effective coordinating and planning agency for a proposed commission area and the adequacy of existing entities to perform the functions of a commission.

(b) *Size.* Emphasis will be placed on comprehensive planning for relatively large areas such as major river basins of the Nation or major areas of the Nation which encompass several smaller river basins.

(c) *Boundaries.* The boundary of a commission area should be substantially consistent with surface hydrologic boundaries. Exception may be made for reasons such as obviating the necessity of representation of a State on the commission when the inclusion or exclusion of a marginal area would have an insignificant effect upon the water resources problems of the commission area or of the State, as determined by the Council.

§ 702.6 Establishment and termination of commissions.

Commissions are established by declaration of the President in accordance with the following procedure:

(a) *Requests for establishment.* (1) By a State: Any State, within which all or part of the proposed commission area is located, may request the establishment of a commission. A written request shall be addressed to the Council by the Governor, or as State law provides.

(2) By the Council: The Council may request the establishment of a commission either initially or as a modification of a request received from a State.

(3) The Council will furnish a copy of each request to the Governor of each State concerned for the written concurrence on behalf of the State.

(b) *Contents of the request.* Requests for establishment of a commission should be supported by statements describing:

(1) The need for an adequate Federal-State planning and coordinating agency for the area;

(2) The boundaries of the proposed commission area;

(3) The problems prompting the request and an assessment of their urgency;

(4) Any interstate problems of the proposed commission area.

(c) *Concurrences and views.* (1) Each request for establishment of a commission shall be concurred in, in writing, by not less than one-half of States within which the proposed commission area is located: *Provided,* That in the event the Upper Colorado River Basin is involved, at least three of the four States of Colorado, New Mexico, Utah, and Wyoming shall concur in the request; or in the event the Columbia River Basin is involved, at least three of the four States of Idaho, Montana, Oregon, and Washington shall concur.

(2) Where it is proposed that portions of a State be excluded from, or included in, a commission area as a result of the portions being affected by, or affecting, to an insignificant degree the water and related land resources of the proposed commission area or of the State, the views of the affected State should be solicited.

(d) *Assurances.* Each request or concurrence by a State shall include assurance that the State will participate in the commission, if formed, and share in the financing of the commission's operation.

(e) *Council action.* When the Council has received the necessary requests, concurrences and assurances, it shall:

(1) Place the request for a commission on the Council agenda for preliminary consideration;

(2) Publish in the FEDERAL REGISTER the substance of the request and concurrences for establishment of a commission. Such notice shall provide not less than 60 days during which all interested persons may submit written comments or views on the proposal to the Council for its consideration prior to adoption of any resolution;

(3) Where Council consideration is favorable, adopt an appropriate resolution requesting the President to establish a commission. Recommendations in regard to commission membership, boundaries, and any special conditions relating to establishment shall accompany the resolution for consideration by the President;

(4) Where Council action is not favorable, advise the States concerned and give them an opportunity for further presentation of the merits of the request.

(f) *Termination of commissions.* (1) A commission shall terminate by written agreement of a majority of the Governors of the States composing the commission, or by Presidential order upon the recommendation of the Council. The effective termination date shall be stated in writing.

(2) Upon termination, all property, assets, and records of the commission shall thereafter be turned over to such agencies of the United States and the participating States as are deemed appropriate by the commission and approved by the Council: *Provided,* That all studies, data, and other materials useful in water and related land resources planning shall be kept available to all participants in the commission.

§ 702.7 Organization and operation of commissions.

(a) *Activation of a commission.* Each commission shall organize within 90 days after the President declares its establishment. The Council will request the head of each designated department or independent agency, each Governor, and the head of any interstate agency included, to advise the Council of its respective member and alternate member. Thereafter, notice of any change in individual representation will be directed to the Chairman of the commission. Performance of functions by the commission will be subject to the availability of funds.

(b) *Membership.* Each commission shall be composed of members appointed as follows:

(1) *Federal membership.* (i) A full or part-time chairman, appointed by the President, who shall not, during the period of his service on the commission, hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the Federal Government. During his term of service as chairman, or when serving as chairman on an intermittent basis, he is a Federal employee and subject to laws and regulations relating to such. He shall report to the President through the Council and shall be subject to the direction of the Council. The Council will maintain the personnel records of the Federal chairman and provide him normal personnel support; and

(ii) One member from each Federal department or independent agency determined by the President to have a substantial interest in the work to be undertaken. Each member shall be appointed by and serve at the pleasure of the head of his department or agency, and shall serve as the representative of such department or agency.

(2) *State membership.* One member from each State wholly or partially within the commission area. The appointment of each State member shall be made in accordance with the laws of the State which he represents. In the absence of governing provisions of State law, State members shall be appointed by and serve at the pleasure of the Governor. The State member shall represent all State interests and shall be authorized to speak for and in behalf of the State. State members shall elect a vice chairman to serve on a full-time or part-time basis in accordance with § 702.8(c).

(3) *Interstate membership.* One member from any interstate agency created by interstate compact to which consent of Congress has been given and whose jurisdiction extends to the waters of the commission area, appointed by the agency.

(4) *International commission membership.* When deemed appropriate by the President, one member appointed by the President from the United States section of any international commission created by treaty to which consent of the Senate has been given and whose jurisdiction extends to the waters of the commission area.

(c) *Vacancies.* Vacancies in a commission shall not affect its powers, but shall be filled in the same manner in which the original appointments were made. The chairman and vice chairman may designate alternates to act for them during temporary absences. The alternate to a representative, appointed as prescribed in paragraph (a) of this section, shall act for his respective agency during a temporary absence of the representative.

(d) *Operation.* In the work of the commission, every reasonable endeavor shall be made to arrive at a consensus of all members on all issues, but failing this, full opportunity shall be afforded each member for the presentation, recording, and reporting of individual views: *Provided,* That at any time the commission fails to act by reason of absence of consensus the position of the chairman, acting in consultation with and on behalf of the Federal members, and the vice chairman, acting upon instructions of the State members, shall be set forth in the record.

(e) *Bylaws.* Within the scope and purpose of the Act, and the guidance provided by this part, the commission may adopt bylaws as necessary to regulate its functions. Copies of all bylaws and amendments thereto should be furnished to the Council.

§ 702.8 Authorities and responsibilities.

(a) *Commission.* For the purpose of carrying out objectives in § 702.4, a commission shall, to the extent permitted by law, make all appropriate records and papers of the commission available for public inspection during ordinary office hours; and may:

(1) Hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable;

(2) Acquire, furnish, and equip such office space as is necessary;

(3) Use the U.S. mails in the same manner and upon the same conditions as departments and agencies of the United States;

(4) Employ and compensate the commission staff and such other personnel as it deems advisable, including consultants at per diem rates not to exceed the applicable Federal statutory limitation, and retain and compensate such professional or technical service firms as it deems advisable on a contract basis;

(5) Arrange for the services of personnel from any State or the United States, or any subdivision or agency thereof, or any intergovernmental agency;

(6) Make arrangements, including contracts, with any participating government, except the United States or the District of Columbia, for inclusion in a suitable retirement and employee benefit system of such of its personnel as may not be eligible for or continuing in another governmental retirement or employee benefit system, or otherwise provide such coverage of its personnel.

(7) Purchase, hire, operate, and maintain passenger motor vehicles;

(8) Make arrangements with any governmental or nongovernmental agency for such logistic, administrative, or personnel services as may be deemed appropriate and agreeable;

(9) Keep such records of meetings, actions, and other operations deemed appropriate by the commission;

(10) Incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this Act; and

(11) Keep accurate accounts as provided in § 702.12.

(b) *Chairman.* (1) The chairman shall:

(i) Represent the Federal Government in Federal-State relations on the commission, and act as chairman and coordinating officer of the Federal members;

(ii) At any time the commission fails to act by reason of absence of consensus, set forth his position in the record in consultation with and on behalf of all of the Federal members;

(iii) In the absence of consensus or bylaw, and upon consultation with the vice chairman: Fix times and places for meetings; set deadlines for submission of annual and other reports; establish subcommittees; and decide such other procedural questions as may be necessary for the commission to perform its functions;

(iv) With the concurrence of the vice chairman, appoint and discharge personnel employed by the commission; provide means for administrative review of adverse personnel actions; and require bonding of personnel whose duties require handling of commission funds; and

(v) In accordance with the policies and guidelines established by the commission with respect to the work to be accomplished by it, the timing thereof, and the staff requirement therefor, be responsible for the use and expenditure of funds available to the commission, including employee compensation; the supervision of personnel employed by the commission; and the assignment of duties and responsibilities among such personnel.

(2) The chairman may:

(i) Directly or through any member or employee of the commission designated by him for that purpose, request the head of any Federal department or agency to furnish to the commission such information as may be necessary for carrying out its functions and as may be available to, or procurable by, such department or agency; and to detail to temporary duty with the commission on a reimbursable basis, personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status; and

(ii) Administer oaths or authorize designated members of the commission to administer oaths when it is determined by a majority of the commission that testimony shall be taken or evidence shall be received under oath.

(c) *The Vice Chairman.* The vice chairman shall serve as chairman and coordinating officer of the State members; represent the States in Federal-State relations; and shall, at any time the commission fails to act by reason of absence of consensus, set forth his position in the record, acting upon instructions of the State members.

§ 702.9 Relationships of commissions.

(a) The Council will provide guidance to all commissions in the following forms:

(1) Guidelines, principles, standards, and procedures for water and related land resource planning;

(2) Conditions governing Council approval of a proposal for a commission budget.

(3) Advice with regard to the coordination of programs and budgets for comprehensive river basin planning by Federal agencies.

(4) Review and comment on comprehensive plans, reports, proposals for studies, and such other matters as may be transmitted to the Council for action.

(5) Economic and statistical analyses and projections and other basic data and analyses.

(6) Administrative and technical guidance to the extent desirable in the interest of uniform operation of commissions, through Supplemental Guidance as provided in § 702.14.

(b) Subject to the limitations expressed in section 3 of the Act, and acting as the principal agency for the coordination of Federal, State, interstate, local, and nongovernmental planning for the development of the water and related land resources of the commission area, the commission should be guided by the following in its relationship with other planning activities:

(1) *Federal agencies.* In relation to the field-level offices of Federal agencies, the commission may:

(i) Recommend studies, projects, and other actions for consideration by the Federal agencies;

(ii) Comment at field level on studies, projects and alternative projects proposed or underway by the Federal agencies;

(iii) Review interagency studies and provide comments to the agencies and the Council; and

(iv) Serve as the principal regional agency to facilitate the interchange of data, information, and views among the Federal agencies.

(2) *State agencies.* (i) Each State should determine for itself the degree to which participation by its various agencies will make a useful and desirable contribution to the commission; and

(ii) Each State member should coordinate among the State, metropolitan, and local governmental agencies and serve as the focal point for non-Federal and nongovernmental participation in commission planning from within the State.

(3) *Interstate compact commissions and international commissions.* Each member of the commission representing an Interstate Commission or an International Commission should be responsible for the planning participation by that commission.

(4) *Other river basin commissions.* (i) Liaison among adjoining commissions may be accomplished by or through the respective chairman in consultation with the vice chairman. When mutual agreement cannot be reached in a matter concerning two or more commissions, the problem, together with a resume of the action taken to resolve it, should be presented to the Council for review and guidance.

(ii) Commission activities and intercommission relations shall be regulated in accordance with the provisions of section 3(d) of the Act which provides that: "Nothing in this Act shall be construed as authorizing any entity established or acting under the provisions hereof to study, plan, or recommend the transfer of waters between areas under the jurisdiction of more than one river basin commission or entity performing the function of a river basin commission."

(5) *Other planning entities.* It is incumbent upon the commission to achieve coordination with other planning entities established under authorities other than this Act, such as Regional Commissions for Economic Development under the Public Works and Economic Development Act of 1965, and nongovernmental planning agencies, and afford them opportunity for participation in the commission's water and related land resources planning for the area. Liaison with such entities may be accomplished by or through the chairman in consultation with the vice-chairman.

§ 702.10 Functions and program of commissions.

(a) *Comprehensive planning program.* (1) Based on an assessment of area needs and available planning resources, the commission should recommend annually a program for use by member States and agencies in scheduling and budgeting their participation in studies needed for the preparation and updating of a comprehensive plan as provided by section 201(b) of the Act. That program should include the nature and extent of commission staff participation in such studies and the schedule and budget of estimated costs for such participation; and

(2) A coordinated budget reflecting the input and participation in support of the program will be developed by the commission in accordance with § 702.12 (b) and transmitted to the Water Resources Council and each member State and agency.

(b) *Comprehensive plan.* (1) The commission shall prepare and keep current to the extent practicable, a comprehensive plan as defined in § 702.2(i). As the comprehensive plan develops, the commission should consider all Federal, State, interstate, local, and private plans as they exist and proposals as they are developed, and relate them to the plan by evaluating their effects toward satisfaction of the commission area's water and related land resources development requirements. Where indicated, the commission should undertake or recommend more detailed studies for proper formulation and coordination of elements of the plan; recommend long range schedules of priorities for the collection and evaluation of basic data and for investigation, planning and construction of projects; make recommendations to the Council and appropriate States on the relationship of individual projects to the comprehensive plan.

(2) Processing of the comprehensive plan shall be in accordance with § 702.11.

(c) *Periodic assessment.* Using its comprehensive planning information as a basis, the commission should prepare a periodic assessment of the quality and adequacy of supplies of water necessary to meet the water requirements of its area. The assessment for the commission area should be furnished the Council upon request to assist it in the preparation of the National Assessment.

(d) *Reports*—(1) *Annual report.* An annual report of activities should be submitted by the commission to the Council and the Governor of each participating State by the end of the first quarter of each fiscal year. The report should cover the preceding fiscal year and shall include the report of annual audit required by § 702.12(d). The report should include a section for comments by each commission member regarding commission activities; the status of activities and those planned for the development of the comprehensive plan; and a brief summary of the report for use by the Council in preparation of its annual report to the President.

(i) Each annual report will be reviewed by the Council and transmitted through the President to the Congress; and

(ii) Copies of the report after such transmittal shall be sent by the Council to the heads of such Federal, State, interstate, and international agencies participating in the commisison and in accordance with direction that the President or the Governors of the participating States may provide.

(2) *Other reports and data.* The commission should provide the Council with such other reports and data as may from time to time be requested.

§ 702.11 Processing the comprehensive plan.

(a) *Commission action—agency review—transmittal to Council.* (1) Upon completion of the proposed comprehensive plan or major portion or revision thereof, but prior to final submission to the Council, the commission shall issue a public notice inviting any interested persons to submit comments to the commission within 90 days and shall transmit the proposed plan to:

(i) The Council for its preliminary consideration;

(ii) The head of each Federal department or agency having representation on the commission and of other Federal departments and agencies that have a substantial interest, who shall direct such review within his department or agency as he deems advisable;

(iii) The Governor of each participating State and other affected States;

(iv) Each interstate agency from which a member of the commission has been appointed; and

(v) The head of the United States section of any international commission if the plan deals with a boundary water area, river crossing a boundary, or tributary to either, over which the international commission has jurisdiction or for which it has responsibility.

(2) The Council shall, within 90 days from the date of receipt of the proposed plan (portion or revision), inform the commission of any proposed revision of plans for Federal projects included in the proposed comprehensive plan.

(3) Each department or agency head to whom the comprehensive plan (portion or revision) is transmitted shall be requested to report within 90 days from the date of receipt thereof, after coordination by the Council as necessary and practicable, his or its views, comments and recommendations, if any, to the commission.

(4) Each Governor, interstate agency, and the United States section of an international commission to whom the comprehensive plan (portion or revision) is transmitted should be requested to report within 90 days from the date of receipt thereof, his or its views, comments and recommendations, if any, to the commission.

(5) Not earlier than 100 days after such transmittal for comments, the commission shall consider all comments received and may modify the plan upon consideration of the views submitted.

(6) Following agency review and modification of the plan as the commission may deem desirable, the commission shall transmit the plan to the Council together with all views, comments, and recommendations received during agency review. At the time of this final submission of the plan, the commission shall advise the Council of any recommendations it may have for continuing the functions of the commission and for implementing the plan, including means for keeping the plan up-to-date.

(7) The comprehensive plan may be printed and distributed by the commission for information and action, as appropriate.

(b) *Council action.* (1) Upon receipt of the final plan, the Council will, to the extent it deems useful and appropriate, solicit the views of nonmember States, nonmember Federal agencies, or others, having a substantial interest.

(2) The Council will review the final comprehensive plan with special regard to:

(i) The efficacy of the plan in achieving optimum use of the water and related land resources in the area;

(ii) The effect of the plan on the achievement of other programs for the use and development of the Nation's resources; and

(iii) The contributions which such plan will make in obtaining the Nation's economic and social goals.

(3) Thereafter, the Council shall formulate such recommendations as it deems desirable in the national interest, including any Council revisions of plans for Federal projects and transmit its recommendations together with the plan and the views, comments, and recommendations of any Federal agency, Governor, interstate commission, or United States section of an international commission to the President for his review and transmittal to the Congress with his recommendations.

§ 702.12 Budget and fiscal matters.

(a) *Budget—general.* Each commission shall prepare a budget annually and transmit it to the Council and the States. In formulating the budget, the principle of equity should be observed. Salaries of staff employees and other commission expenses, both in amount and kind, should be comparable to those allowable by the Federal Government or member States in similar circumstances.

(1) In the preparation of its budget, the commission shall annually recommend to the Council what share of its expenses shall be borne by the Federal Government, but such share shall be subject to approval by the Council. The remainder of the commission's expenses shall be otherwise apportioned and budgeted as the commission may determine.

(2) The Council shall budget and account for the salary and expenses of the Federal chairman and the Federal share of the commission expenses.

(3) In addition, the States and Federal Agencies will budget for respective participation in the commission planning program.

(4) During the formative years of a commission, in order to accommodate the schedules of the States' legislative sessions, the Federal share of the budget may include, on approval of the Council, an amount for advance to the commission against anticipated State appropriations. Advances so made shall be reimbursed upon availability of State funds.

(b) *Procedures and timing.* (1) The commission budget will be prepared to best support its program and will include staffing, service and contractual requirements.

(2) In commission budget planning, both Federal and State members should be cognizant of such additional budgetary requirements as may be attendant to their participation in commission activities and the furnishing of input to the comprehensive plan and take timely and appropriate programming action. Members should coordinate such participation and input within the commission as provided in § 702.10. Such participation and input shall be budgeted separately by each member.

(3) The commission budget request should be forwarded to the Council not later than the start of the fiscal year preceding the fiscal year for which the budget request is made.

(c) *Funding.* (1) All sums apportioned to, or otherwise received by, the commission shall be credited to the commission's account in the Treasury of the United States.

(2) A commission may accept for any of its purposes and functions: Appropriations, donations, and grants of money, equipment, supplies, materials, and services from any State or the United States, or any subdivision or agency thereof, or intergovernmental agency, and may receive, utilize, and dispose of the same.

(3) Any member of a commission appointed pursuant to section 202 (b) and (e) of the Act shall receive no additional compensation or allowances for expenses by virtue of his membership on the commission, but shall continue to receive, from appropriations made for the agency from which he is appointed, the salary and expenses of his regular position when engaged in the performance of the duties vested in the commission.

(4) Members of a commission, appointed pursuant to section 202 (c) and (d) of the Act, shall receive such compensation as may be provided by the State or interstate agency which they represent.

(5) The per annum compensation of the chairman of each commission shall be determined by the President, but when employed on a full-time annual basis shall not exceed the maximum scheduled rate for Grade GS–18 of the Classification Act of 1949, as amended; or, when engaged in the performance of the commission's duties on an intermittent basis, such compensation shall be not more than the Federal statutory rate per day and shall not exceed 120 days in each year at this rate.

(d) *Records.* (1) The commission shall keep accurate accounts of all receipts and disbursements together with appropriate accounts of all property. Accounts shall be audited at least annually in accordance with generally accepted auditing standards by an independent public accountant, certified or licensed by a regulatory authority of a member State. The report of the audit shall be included in and become a part of the annual report of the commission to the Council.

(2) The accounts, records, books, and supporting papers of the commission shall be open at all reasonable times for inspection by representatives of the jurisdictions and agencies which make appropriations, donations, or grants to the commission.

§ 702.13 Nondiscrimination in federally assisted programs.

All functions, activities, and operations of a commission shall be conducted so as to comply fully with the provisions of Title VI of the Civil Rights Act of 1964

and Part 705 of this chapter of Title 18, Code of Federal Regulations.

§ 702.14 Supplemental guidance.

As deemed appropriate, the Council may amplify this part by means of supplemental guidance.

§ 702.15 Other planning entities.

Other Federal-State planning entities performing functions of a river basin commission should be governed by their charters and are not subject to the provisions of this part.

[F.R. Doc. 67-4049; Filed, Apr. 12, 1967; 8:47 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice 1048]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

APRIL 7, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 936 (Sub-No. 38), filed March 27, 1967. Applicant: VALLEY MOTOR LINES, INC., 1220 West Washington Boulevard, Montebello, Calif. 90640. Applicant's representative: Theodore W. Russell, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined in Practices of Motor Common Carrier of Household Goods, 17 M.C.C. 467, commodities in bulk, in tank vehicles, and commodities the transportation of which, because of size and weight, require the use of special equipment); (1) between Marysville, Calif., and Bullards Bar Dam, Calif.; (a) from Marysville, Calif., over California Highway 20 to junction California Highway 49 to Grass Valley, Calif., thence over California Highway 49 to junction with unnumbered county highway commonly known as Moonshine Road, approximately 3 miles north of North San Juan, Calif., thence over said unnumbered county highway to Bullards Bar Dam, and return over the same route; (b) from Marysville, Calif., over California Highway 20 to junction with unnumbered county highway commonly known as Marysville Road, approximately 1 mile south of Brown's Valley, Calif., thence over said unnumbered county highway through Brown's Valley and Dobbins, Calif., to Bullards Bar Dam, Calif., and return over the same route, serving all intermediate points and off-route points within 5 miles on either side of the routes described in (1) (a) and (b) above; and (2) between Roseville, Calif., and Bullards Bar Dam, Calif., from Roseville, Calif., over Interstate Highway 80 to junction California Highway 49 near Auburn, Calif., thence over California Highway 49 to junction with unnumbered county highway commonly known as Moonshine Road, approximately 3 miles north of North San Juan, Calif., thence over said unnumbered county highway to Bullards Bar Dam, Calif., and return over the same route, serving all intermediate points. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Sacramento, Calif.

No. MC 1641 (Sub-No. 76), filed March 31, 1967. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. 68327. Applicant's representative: R. B. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite (storage facility) of Armour Agricultural Chemical Co. near Bellevue, Iowa, in Jackson County to points in Iowa, Kansas, Nebraska, South Dakota, Minnesota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 3252 (Sub-No. 41), filed March 29, 1967. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cakes*, in bulk, from Searsport, Maine, to Berlin, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC-11899 (Sub-No. 18) (Correction), filed January 19, 1967, published FEDERAL REGISTER issue of February 9, 1967, and republished as corrected this issue. Applicant: STEVENS TRUCK LINES, INC., 893 Ridge Road, Webster, N.Y. 14580. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than in bulk in tank vehicles, from Holley, N.Y., to points in Ohio. NOTE: The purpose of this republication is to show the correct filed date as January 19, 1967, in lieu of January 19, 1966. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 18202 (Sub-No. 10), filed March 31, 1967. Applicant: R. C. BARSTOW TRUCKING CO., INC., 102 Middle Street, Hadley, Mass. 01035. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*,

fertilizer materials, insecticides and pesticides, and related advertising materials, when moving at the same time from Windsor, N.J., and points within 5 miles thereof, to points in Connecticut, Massachusetts, Rhode Island, and Hillsboro, Cheshire, Merrimack, Sullivan, and Rockingham Counties, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 32367 (Sub-No. 16), filed March 29, 1967. Applicant: TED OCHSNER and H. V. SPIELMAN, a partnership, doing business as RED AND WHITE TRANSFER, 607 South Burlington, Hastings, Nebr. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr., and Ted Ochsner 1714 West Fifth Street, Hastings, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, parts, supplies, and material used in the manufacture of industrial and farm machinery*, between Hastings, Nebr., on the one hand, and, on the other, points in Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 42261 (Sub-No. 93), filed March 27, 1967. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silica gel catalyst*, in bulk, in tank or hopper type vehicles, from the site of the Mobil Oil Corp. refinery at or near Paulsboro, N.J., to El Dorado, Ark., Memphis, Tenn., Purvis, Miss., and Toledo, Ohio. NOTE: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 46165 (Sub-No. 7), filed March 31, 1967. Applicant: STEVE W. STEPNOSKI, doing business as STEVE W. STEPNOSKI MOTOR TRANSPORTATION, Peconic, N.Y. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, insecticides and pesticides, and related advertising materials* when moving at the same time, from Windsor, N.J., and points within 5 miles thereof, to points in Long Island, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 46518 (Sub-No. 11), filed March 23, 1967. Applicant: R. F. C. TRANSPORT, INC., Post Office Box 7927, Rochester, N.Y. 14606. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than in bulk, in tank vehicles, from points in Genesee, Livingston, Monroe, Ontario, and Wayne Counties, N.Y., to points in Maine, New Hampshire, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 51146 (Sub-No. 54), filed March 24, 1967. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between port terminals and port warehouses at Green Bay, Wis., on the one hand, and, on the other, port terminals and port warehouses at Kenosha, Milwaukee, Sheboygan, Manitowoc, Sturgeon Bay, and Marinette, Wis., and Menominee and Escanaba, Mich., restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by ship in foreign commerce. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 55778 (Sub-No. 12), filed March 30, 1967. Applicant: MOTOR DISPATCH, INC., 2700 Sheffield Avenue, Hammond, Ind. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, green hides, animals, poultry, and commodities injurious or contaminating to other lading), between junction U.S. Highways 20 and 127, approximately 2 miles west of Fayette, Ohio, and Cleveland, Ohio, from junction U.S. Highways 20 and 127, approximately 2 miles west of Fayette, Ohio, over U.S. Highway 20 to junction Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59457 (Sub-No. 10), filed March 31, 1967. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, Conn. 06525. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, insecticides and pesticides, and related advertising materials*, when moving at the same time, from Windsor, N.J., and points within 5 miles thereof, to points in Connecticut, Massachusetts, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 59856 (Sub-No. 24), filed March 22, 1967. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 408 Industrial Avenue, Post Office Box 1411, Casper, Wyo. 82601. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, (1) between Cheyenne, Wyo., and the Utah-Wyoming State boundary at its intersection with Interstate Highway 80; from Cheyenne, Wyo., over U.S. Highway 30 and Interstate Highway 80 to Little America, Wyo., thence over U.S. Highway 30S and Interstate Highway 80 to the Utah-Wyoming State boundary line, and return over the same routes, serving all intermediate points, and the sites of the Allied Chemical Co. plant, Stauffer Chemical Co. plant, FMC Corp. plant, and Church & Dwight Co. plant, all located near Westvaco, Wyo., as off-route points in connection with the regular route operations, (2) between Rawlins and Casper, Wyo.; from Rawlins over U.S. Highway 287 to Muddy Gap, Wyo., thence over Wyoming Highway 220 to Casper, and return over the same route, serving all intermediate points and the off-route points of Bairoil, (3) between Muddy Gap, and Fort Washakie, Wyo.; from Muddy Gap over U.S. Highway 287 to Fort Washakie and return over the same route, serving all intermediate points and the off-route point of Ethete, Wyo. Restricted: All service authorized is to be restricted to movement of traffic destined to or originating at points in Wyoming. Service authorized is restricted against traffic moving between the Denver, Colo., commercial zone on the one hand, and, on the other, the Laramie, Wyo., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne or Casper, Wyo.

No. MC 61396 (Sub-No. 185), filed March 27, 1967. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. 68102. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* in bulk, in tank trucks, from the plantsite (storage facility) of Armour Agricultural Chemical Co. near Bellevue (Jackson County), Iowa to points in Iowa, Kansas, Nebraska, South Dakota, Minnesota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 65697 (Sub-No. 37) (Correction), filed January 23, 1967, published in the FEDERAL REGISTER issue of March 23, 1967, and republished as corrected this issue. Applicant: THEATRES SERVICE COMPANY, a corporation, Post Office Box 1695, 830 Willoughby Way NE., Atlanta, Ga. Applicant's representative: William Addams, Room 406, 1776 Peachtree Street, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, livestock, corpses, commodities in bulk, commodities requiring special equipment, and those injurious to other lading; (1) between Nashville, Tenn., and Birmingham, Ala., over Interstate Highway 65 and U.S. Highway 31 (serving no points not now authorized), via Ardmore, Ala.-Tenn., and Decatur, Ala., as an alternate route for operating convenience using such highways as are necessary for ingress and egress of Interstate Highway 65 (now under construction); and (2) between Ardmore, Ala.-Tenn., and Decatur, Ala., as follows, from Ardmore over Alabama Highway 53 to Huntsville, Ala., thence over U.S. Highway 72A to Decatur, serving Huntsville, Ala. (now authorized as an intermediate point). NOTE: The purpose of this republication is to redescribe (2) above. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Birmingham, Ala., or Nashville, Tenn.

No. MC 67450 (Sub-No. 26), filed March 27, 1967. Applicant: PETERLIN CARTAGE CO., 9651 South Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products*, from Mount Vernon, Ind., and Kankakee, Ill., to points in Indiana, Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin. NOTE: Applicant states dual operations not sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 77368 (Sub-No. 3) (Correction), filed March 22, 1967, published in FEDERAL REGISTER issue of April 6, 1967, and republished as corrected, this issue. Applicant: ABEL'S TRANSFER SERVICE, INC., Belle, Mo. Applicant's representative: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in bulk, from points in Osage, Maries, Gasconade, Phelps, Dent, Reynolds, Carter, Texas, and Shannon Counties, Mo., to the plantsite of Cumberland Corp. located approximately 2 miles from Burnside, Ky. NOTE: The purpose of this republication is to show that all of the origin points are located in counties within the State of Missouri, inadvertently shown as within the State of Texas in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Jefferson City or St. Louis, Mo.

No. MC 79142 (Sub-No. 1), filed March 31, 1967. Applicant: JAMES P. TUCCINARDI, doing business as T & T TRUCKING & TRANSPORTATION CO., 43–06 54th Road, Maspeth, N.Y. 11378. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, plain, printed, and embossed, and *commodities* used or useful in a printing plant (except in bulk), between Millbrook, N.Y., on the one hand, and, on the other, points in Bergen; Essex, Passaic, Hudson, Union, and Middlesex Counties, N.J., and New York, N.Y. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 83539 (Sub-No. 209), filed March 24, 1967. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweepers, sweeping machines* self-propelled, from the plantsites of Wayne Manufacturing Co. at or near Pomona, Calif., to points in the United States (excluding Alaska, California, and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 85557 (Sub-No. 3) (Republication), filed January 9, 1967, published FEDERAL REGISTER, issue of February 9, 1967, and republished, this issue. Applicant: PAUL MUSSLEWHITE, Post Office Box 847, Levelland, Tex. 79336. Applicant's representative: Alvin R. Allison, 719 Houston Street, Levelland, Tex. 79336. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Iron or steel articles, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment, as follows: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico and (2) iron or steel articles, weighing 2,000 pounds or more each, requiring the use of special equipment as follows: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex. Special footnote: The above republication reflects the scope of the application as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. The special notice set forth above applies with respect to this republication in the same manner as initial publications. Authority which ultimately may be granted as a result of the application here noticed will not necessarily reflect the phraseology set forth in the application as filed, but will also eliminate any restrictions which are not acceptable to the Commission.

No. MC 89684 (Sub-No. 54) (Republication), filed December 8, 1965, published FEDERAL REGISTER issues of December 29, 1965 and January 27, 1966, and republished as corrected this issue. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, Suite 600, El Paso Natural Gas Bullding, 315 East Second South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in express service, between points in Utah and points in that part of Idaho south of Idaho County. NOTE: Applicant states the proposed service shall be restricted to transportation of packages or articles weighing not more than 250 pounds and no more than 500 pounds in aggregate shall be carried from one consignor at one location to one consignee at one location during a single day. The purpose of this republication is to (1) correctly set forth the restriction above. (2) Advise other parties who have relied upon the notice as previously published, to have an opportunity to protest, appear, and present evidence in opposition. The application was originally set and heard on February 20, 1967, at Salt Lake City, Utah, before Joint Board No. 258, however, in view of the error in the previous publication the joint board continued the case at a time and place to be fixed by the Commission, after this republication.

No. MC 89723 (Sub-No. 47) (Republication), filed March 6, 1967, published FEDERAL REGISTER issue of March 23, 1967, and republished this issue. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robert S. Davis, 2008 Missouri Pacific Building, St. Louis, Mo. 63103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation by general or specialized motor vehicle, in bulk or otherwise of: *ores, concentrates, and all byproducts and finished products of ores and concentrates, machinery, equipment, materials, and supplies* which will be used in the prospecting, construction, and development of mines and the construction, maintenance and operations of mines, mills, smelters, and all buildings in connection therewith, and the furnishings and appurtenances thereto, between points in Washington, Crawford, Perry, St. Francois, Madison, Bollinger, Iron, Reynolds, Shannon,

Dent, Phelps, Wayne, Carter, Butler, Howell, and Oregon Counties, Mo. NOTE: Applicant states it would tack the proposed authority with its regular route to coordinate the two authorities to provide a joint through service between points in the irregualr route area on the one hand, and, rail stations on its regular route authority on the other hand. It also states that no change is sought in the present substitute-truck-for-rail authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Poplar Bluff, Mo. Special footnote: The above republication reflects the scope of the application as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. The special notice set forth above applied with respect to this republication in the same manner as initial publications. Authority which ultimately may be granted as a result of the application here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 95540 (Sub-No. 694), filed March 27, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33802. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods; cream, nondairy, dry, or other than dry; topping, whip, dry or other than dry; nondairy coffee rich and coffee whitener, dry or other than dry; bakery goods, baked or not baked; sour cream, nondairy*, from Buffalo, N.Y., to Pittsburgh, Pa., and to points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 102162 (Sub-No. 4), filed March 23, 1967. Applicant: RED ARROW HEAVY HAULING, INC., Post Office Box 1897, San Antonio, Tex. 78206. Applicant's representative: Wallace H. Nations, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Iron or steel articles, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment, as follows: *plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, and (2) iron or steel articles, weighing 2,000 pounds or more each, requiring the use of special equipment, as follows: *sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 103926 (Sub-No. 19) (Clarification), filed December 19, 1966, published in the FEDERAL REGISTER issue of January 19, 1967, and clarified this issue. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, 3881 Bankhead Highway, Post Office Box 2463, Station D, Atlanta, Ga. 30318. Applicant's representative: R. J. Reynolds, Jr., 403–11 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery and equipment*, such as is used by contractors; (2) *commodities* which because of size or weight require the use of special equipment or handling; (3) *commodities* which do not require the use of special equipment or handling when transported as part of the same shipment with commodities described in (1) and (2); (4) *parts, attachments, accessories, implements, and supplies*, when moving incidentally thereto and as part of the same shipment with commodities described in (1) and (2) between (a) points in Georgia, (b) points in Kentucky and (c) points in Georgia on the one hand, and, on the other, points in Kentucky, (5) *lumber and pallets*, between points in Georgia, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states that if the instant application is granted, as filed, it will be able to the extent that the commodities are identical, to tack the authority applied for at any point in Georgia with the authority presently held in its certificate No. MC 103926 Sub 8 which authorizes (1) contractor's machinery and equipment, between points in Georgia, on the one hand, and, on the other, points in Alabama, Florida, North Carolina, South Carolina, and Tennessee, (2) concrete pipe from Atlanta, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee, with no transportation for compensation on return except as otherwise authorized, and by tacking the two authorities at any point in Georgia, it could then transport such commodities between points in Kentucky on the one hand, and, on the other, points in Alabama, Florida, North Carolina, South Carolina, and Tennessee. The purpose of this republication is to redescribe the routes in (4) above. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 106400 (Sub-No. 67), filed March 28, 1967. Applicant: KAW TRANSPORT COMPANY, a corporation, 701 North Sterling, Sugar Creek, Mo. 64054. Applicant's representative: Robert L. Hawkins, Jr., 312 East Capitol Avenue, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Leavenworth, Kans., to points in Iowa, Kansas, Missouri, and Nebraska. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106760 (Sub-No. 74), filed March 30, 1967. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43613. Applicant's representative: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, complete, knocked down, or in sections, including all component parts, materials, supplies, and fixtures*, and when shipped with such buildings, accessories, used in the erection, construction, and completion thereof, from Houston and points in Harris County, Tex., to points in Alabama, Florida, Georgia, Kansas, Louisiana, Minnesota, Mississippi, Missouri, New Mexico, Nebraska, Oklahoma, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107295 (Sub-No. 106), filed March 27, 1967. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards, building, wall, or insulating, composition boards, and parts and materials and accessories incidental thereto*, from the plantsite of Celotex Corp. located at Marrero, La., to points in Alabama (except Birmingham and 65 miles radius), Arkansas, Florida, Georgia, Kansas, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, and Texas. NOTE: Applicant indicates tacking possibilities at points in Arkansas and Tennessee with its presently held authority, wherein it conducts operations in the States of Montana, Idaho, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico, Iowa, Wisconsin, Michigan, Missouri, Illinois, Indiana, Ohio, Kentucky, West Virginia, Virginia, North Carolina, South Carolina, Maryland, Washington, D.C., New Jersey, Delaware, New York, Connecticut, Vermont, New Hampshire, Rhode Island, Massachusetts, and Maine. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or New Orleans, La.

No. MC 107496 (Sub-No. 557), filed March 30, 1967. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite (storage facility) of Armour Agricultural Chemical Co. at or near Bellevue (Jackson County), Iowa, to points in Iowa, Kansas, Nebraska, South Dakota, Minnesota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, and Missouri. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 107496 (Sub-No. 558), filed March 30, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Leavenworth, Kans., to points in Iowa, Kansas, Missouri, and Nebraska. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108228 (Sub-No. 33), filed March 27, 1967. Applicant: MILES TRUCKING CO., INC., Post Office Box 578, 719 Alexander Street, Plant City, Fla. 33566. Applicant's representative: Thomas F. Kilroy, Suite 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, berries, and vegetables*, from Griffin, Fla., to Philadelphia, Pittsburgh, and Scranton, Pa.; Wheeling, W. Va.; Richmond and Norfolk, Va.; New York, N.Y., and points in New York bounded by a line beginning at the New York-Canada boundary line at Buffalo, N.Y., and extending along Interstate Highway 90 to Syracuse, N.Y., thence northwesterly along New York Highway 57 to the shore of Lake Erie at Oswego, N.Y., and thence along the Lake Erie shore and the New York-Canada boundary line to the point of beginning, including points on the indicated portions of the highways specified; Omaha, Nebr.; Milwaukee, Wis.; Baltimore, Md.; Jersey City and Newark, N.J.; and points in Illinois, Ohio, Georgia, North Carolina, South Carolina, District of Columbia, Alabama, Connecticut, Delaware, Kansas, Rhode Island, Missouri, Michigan, Massachusetts, Tennessee (except Knoxville), Indiana (except Lafayette and Indianapolis), and Kentucky (except Louisville, Lexington, Frankfort, and Middlesboro). Restriction: Service at Griffin restricted to the partial loading of shipments originating at Plant City, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 108228 (Sub-No. 34), filed March 27, 1967. Applicant: MILES TRUCKING CO., INC., Post Office Box 578, Plant City, Fla. 33566. Applicant's representative: Thomas F. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen fruits, vegetables, and berries*, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen fruits, vegetables, and berries, from points in Florida to points in Pennsylvania, New York, Missouri, Illinois, Ohio, Maryland, Georgia, North Carolina, South Carolina, New Jersey, Alabama, West Virginia, Connecticut, Delaware, Indiana, Kansas, Kentucky, Michigan, Rhode Island, Massachusetts, Tennessee, Wisconsin, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 108228 (Sub. No. 35), filed March 27, 1967. Applicant: MILES TRUCKING CO., INC., Post Office Box 578, Plant City, Fla. 33566. Applicant's representative: Thomas F. Kilroy, Suite 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Hamlin, Holley, and Williamson, N.Y., to points in Louisiana and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 108380 (Sub-No. 72), filed March 20, 1967. Applicant: JOHNSTON'S FUEL LINERS, INC., Post Office Box 100, Newcastle, Wyo. 82701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients*, (1) from Laramie, Wyo., and a radius of 25 miles thereof to points in Arizona, Colorado, Idaho, Iowa, Minnesota, Kansas, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah, and Wyoming. NOTE: Applicant indicated tacking possibilities with its lead certificate, wherein it conducts operations in the States of Wyoming, Nebraska, South Dakota, North Dakota, Utah, Idaho, and Colorado. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Cheyenne, Wyo.

No. MC 109637 (Sub-No. 317), filed March 27, 1967. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. Applicant's representative: H. N. Nunnally (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing asphalt (petroleum)*, in packages, from Louisville, Ky., to points on and south of U.S. Highway 40 in Ohio and that portion of West Virginia on and west of highways starting at Wheeling, south on U.S. Highway 250 to junction with U.S. Highway 19 at Fairmont, continuing on and south on U.S. Highway 19 to the Virginia State line at Bluefield. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 110988 (Sub-No. 235), filed March 24, 1967. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids*, in bulk, in tank vehicles, from the plantsite of Central Chemical, Division of Wilson & Co., Inc., located at or near Elwood, Ill., to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111485 (Sub-No. 10) (Amendment), filed October 31, 1966, published in FEDERAL REGISTER issue of November 17, 1966, amended March 29, 1967, and republished as amended this issue. Applicant: PASCHALL TRUCK LINES, INC., Murray, Ky. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Louisville, and Calvert City, Ky., from Louisville over Interstate Highway 65 to Munfordville, Ky., thence over U.S. Highway 31W to Bowling Green, Ky., thence over U.S. Highway 68 to junction Kentucky Highway 95 at or near Palma, Ky., and thence over Kentucky Highway 95 to Calvert City, and return over the same route, serving Grand Rivers, Ky., as an off-route point and points within 5 miles of Grand Rivers and Calvert City, Ky., as intermediate and off-route points, and serving the intermediate point of Draffinville, Ky., for purposes of joinder only, (b) between Louisville and Fulton, Ky., from Louisville over Interstate Highway 65 to Munfordville, Ky., thence over U.S. Highway 31W to Bowling Green, Ky., thence over U.S. Highway 68 to Aurora, Ky., thence over Kentucky Highway 80 to Mayfield, Ky., and thence over U.S. Highway 45 to Fulton, and return over the same route, serving the intermediate points of Aurora, Ky., and Mayfield, Ky., and those within 5 miles of Aurora, Mayfield, and Fulton as intermediate and off-route points, and serving the intermediate point of Hardin, Ky., for purposes of joinder only.

(c) Between Nashville, Tenn., and Calvert City, Ky., from Nashville over Alternate U.S. Highway 41 to Clarksville, Tenn., thence over U.S. Highway 79 to Paris, Tenn., thence over U.S. Highway 641 to junction Kentucky Highway 95, and thence over Kentucky Highway 95 to Calvert City and return over the same route, serving the intermediate and off-route points of Hazel, Murray, Grand Rivers, and Benton, Ky., and points within 5 miles of each and points within 5 miles of Calvert City, Ky., and serving the intermediate point of Hardin, Ky., for purposes of joinder only, and (2) (a) between Aurora and Murray, Ky., over Kentucky Highway 94, (b) between Mur-

ray and Mayfield, Ky., over Kentucky Highway 121, (c) between Murray, and Fulton, Ky., from Murray over Kentucky Highway 94 to junction Kentucky Highway 129, thence over Kentucky Highway 129 to Fulton and return over the same route, (d) between Murray, Ky., and junction Tennessee Highway 119 and U.S. Highway 79, from Murray over Kentucky Highway 121 to the Kentucky-Tennessee State line, thence over Tennessee Highway 119 to junction U.S. Highway 79, and return over the same route, (e) between Hopkinsville, Ky., and junction Alternate U.S. Highway 41 and U.S. Highway 79, over Alternate U.S. Highway 41 and return over the same route, (f) between Calvert City and Wickliffe, Ky., over Kentucky Highway 95 to junction Kentucky Highway 95 and U.S. Highway 62, thence over U.S. Highway 62 to Paducah, Ky., and thence over U.S. Highway 60 to Wickliffe, Ky., and return over the same routes, serving the point of Wickliffe, Ky., for joinder only, (g) between Calvert City, Ky., and Anna, Ill., over Kentucky Highway 95 to junction U.S. Highway 62, thence over U.S. Highway 62 to Paducah, Ky., thence over U.S. Highway 45 to Vienna, Ill., thence over Illinois Highway 146 to Anna, Ill., and return over the same routes, serving the point of Anna, Ill., for joinder only, as alternate routes for operating convenience only in (2) (a), (b), (c), (d), (e), (f), and (g) above, serving no intermediate points. NOTE: The purpose of this republication is to add the points of Grand Rivers and Aurora, Ky., and to describe a 5-mile radius of Calvert City in connection with (1) (c) and to describe the two additional alternate routes shown as (2) (f) and (2) (g), and to change Hazelton to Hazel in (c) and to correct alternate route (e) to conform to the application as filed. If a hearing is deemed necessary, applicant requests it be held at Paducah, Ky.

No. MC 111545 (Sub-No. 95) (Amendment), filed January 13, 1967, published in FEDERAL REGISTER issue of February 2, 1967, amended March 28, 1967, and republished as amended, this issue. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060, also: Post Office Box 6426, Station A. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery and equipment*, such as is used by contractors, (2) *commodities*, which because of size or weight require the use of special equipment or handling, (3) *commodities*, which do not require the use of special equipment or handling when transported as part of the same shipment with commodities described in (2) above; and (4) *parts, attachments, accessories, implements, and supplies*, when moving incidentally thereto and as part of the same shipment with commodities described in (1) and (2) above; between (a) points in Georgia, (b) points in Kentucky, and (c) points in Georgia, on the one hand, and, on the other, points in Kentucky, and (5) *lumber and pallets*, between points in Georgia, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states the authority under paragraphs 1 through 4 could be tacked with its present authority in Kentucky for service from or to points in Iowa, Minnesota, Nebraska, and Wisconsin. Applicant also states it could be tacked in Georgia with present authority to points in Alabama, North Carolina, and South Carolina. The purpose of this republication is to redescribe the routes in (4) above thereby broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 111862 (Sub-No. 16), filed March 27, 1967. Applicant: HENNES TRUCKING CO., a corporation, 338 South 17th Street, Milwaukee, Wis. 53233. Applicant's representative: Frank J. Lang (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in bags, between points in Alabama, Arkansas, Georgia, Iowa, Kansas, Louisiana, Minnesota, Missouri, Mississippi, Nebraska, Oklahoma, Tennessee, and Texas, restricted to shipments having prior rail or water movement from the plantsites and shipping origins of Dundee Cement Co., under a continuing contract or contracts with Dundee Cement Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., and Omaha, Nebr.

No. MC 112520 (Sub-No. 158), filed March 27, 1967. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Purvis, Miss., to points in Escambia County, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Jacksonville or Tallahassee, Fla.

No. MC 113666 (Sub-No. 26), filed March 24, 1967. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractories*, from Bolivar, Pa., to points in Delaware, Indiana, Illinois, Maryland, Michigan, New Jersey, New York, Ohio, West Virginia, and Kentucky; (2) *clay and graphite stopper head*, combined, from Philadelphia, Pa., to Buffalo, N.Y.; Youngstown, Warren, Cleveland, Canton, and Steubenville, Ohio; Weirton, W. Va.; Detroit and Trenton, Mich.; Gary and East Chicago, Ind.; Chicago, Peoria, and Granite City, Ill.; (3) *refractory products*, from Maryland to ports of entry on the international boundary line between the United States and the Province of Ontario, Canada, located in Michigan and New York; (4) *firebrick, fire clay, and furnace lining cement and high temperature bonding mortar*, from Olive Hill and Hitchins, Ky., to ports of entry on the international boundary line between the United States and the Province of Ontario, Canada, located in Michigan and New York; and (5) *refractory products*, from Saxonburg, Pa., to Alabama, Delaware, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 113843 (Sub-No. 128), filed March 24, 1967. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Quincy, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 114045 (Sub-No. 271), filed March 27, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Finley and Belt Line Road, Dallas, Tex. Applicant's representative: R. L. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* and *frozen pizza pies*, in vehicles equipped with mechanical refrigeration, from East St. Louis, Ill., to points in Texas and Oklahoma, serving East St. Louis, Ill., as an interline point only, on traffic originating at points in Ohio, Indiana, Illinois, Pennsylvania, New York and points in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission; restricted against the transportation of *meats, meat products and meat byproducts, dairy products, uncooked bakery products, yeast, and salad dressing* from points in Illinois, Missouri, Michigan, and Indiana (except Martinville, Ind.). NOTE: Applicant states that the purpose of this application is to establish East St. Louis, Ill., as an interline point to serve the States of Texas and Oklahoma on traffic originating at points in Ohio, Indiana, Illinois, Pennsylvania, New York and points in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 114045 (Sub-No. 272), filed March 31, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Finley and Belt Line Road, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Norman, Okla., to Las Vegas, Nev. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 114699 (Sub-No. 38) filed March 27, 1967. Applicant: TANK LINES, INCORPORATED, Post Office Box 9035, Chuckatuck and Old Midlothian, Richmond, Va. 23225. Applicant's representative: E. Stephen Heisley, 529 Transportation, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* in bulk, in tank vehicles, from Crozet, Va., to points in North Carolina, South Carolina, Virginia, District of Columbia, Maryland, Delaware, Pennsylvania (except Philadelphia), and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115331 (Sub-No. 225), filed March 27, 1967. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the plantsite and/or storage facilities of Armour Agricultural Chemical Co. at or near Bellevue, Iowa, in Jackson County, Iowa, to points in Iowa, Kansas, Nebraska, South Dakota, Minnesota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115554 (Sub-No. 8), filed March 27, 1967. Applicant: SCOTT'S TRANSPORTATION SERVICE, INCORPORTED, Post Office Box 1136, Cedar Rapids, Iowa 52406. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators; refrigeration, cooling, heating, and electrical equipment; appliances; and parts, materials, and supplies used in the manufacture, repair, and distribution of such commodities*, between Amana, Iowa, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Minnesota, Michigan, Nebraska, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 116045 (Sub-No. 29), filed March 24, 1967. Applicant: NEUMAN TRANSIT CO., INC., Post Office Box 38, Rawlins, Wyo. 82301. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from the plantsite of the Montana Sulphur & Chemical Co. at or near Billings, Mont., to the plantsite of Western Nuclear, Inc., located off Wyoming Highway 789 approximately 5 miles southwest of Riverton, Wyo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 116725 (Sub-No. 12), filed March 30, 1967. Applicant: INDIAN VALLEY ENTERPRISES, INC., 855 Maple Avenue, Harleysville, Pa. 19438. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, including dairy products*, as described in section B of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except in bulk, in tank or hopper-type vehicles), from points in Ohio, Indiana, Illinois, and New York, to the plantsite of Keller's Creamery, Inc., at Harleysville, Pa., and Franconia Township, Pa., subject to the restriction that the authority granted herein shall not be tacked or joined with any other authority held by applicant for the purpose of performing a through service. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia or Harrisburg, Pa., or Washington, D.C.

No. MC 117344 (Sub-No. 180), filed March 27, 1967. Applicant: THE MAXWELL CO., INC., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and Vegetable oils, and products and blends thereof*, in bulk, in tank vehicles, from Covington, Ky., to points in Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Cincinnati, Ohio.

No. MC 117898 (Sub-No. 20), filed March 21, 1967. Applicant: WILLIAM EARNHARDT, doing business as EARNHARDT TRANSPORT, 205 East Council Street, Post Office Box 376, Salisbury, N.C. Applicant's representative: Francis J. Ortman, 770 Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, faced or not faced with a protective or decorative material, and *board and sheets wood particle*, faced or not faced with a protective or decorative material, moving separately or with hardboard sheets and boards, from Catawba, S.C., and points within 5 miles thereof, to Dover, Del., Fairmont, W. Va., and points in Arkansas, Kentucky (except points in the Cincinnati, Ohio, commercial zone, as defined by the Commission), Louisiana, Maryland (except points in the Baltimore, Md., commercial zone, as defined by the Commission), Mississippi, Missouri, New Jersey (except points in the Trenton, N.J., Philadelphia, Pa., and New York, N.Y., commercial zones, as defined by the Commission), New York (except points in the New York, N.Y., commercial zone, as defined by the Commission), Pennsylvania (except points in the Philadelphia, Pa., commercial zone, as defined by the Commission), Virginia (except points in the Richmond, Va., commercial zone, as defined by the Commission, and points in Culpeper, Madison, and Rappahannock Counties), and that part of Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119226 (Sub-No. 60), filed March 24, 1967. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pyridine*, in bulk, in tank vehicles, from Indianapolis, Ind., to Freeport, Tex. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119399 (Sub-No. 17), filed March 27, 1967. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. 64801. Applicant's representative: Roy F. Reed (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, and fertilizer materials*, from Atlas, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Nebraska, Oklahoma, and Texas (except that no authority is sought to transport dry manufactured fertilizer, in bags, from the plantsite of Davison Chemical Co. at Atlas, Mo., to points in Kansas and Oklahoma). NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Kansas City, Mo.

No. MC 119974 (Sub-No. 15), filed March 31, 1967. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 520 North Roosevelt Street, Green Bay, Wis. 54301. Applicant's representative: Charles E. Dye, 520 North Roosevelt Street, Green Bay, Wis. 54301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat, carcasses and cuts*, from Milwaukee, Wis., to points in the Lower Peninsula of Michigan (except those north of the northern boundary of Muskegon, Kent, Montcalm, Gratiot, Midland, Gladwin, Arenac, and Iosco Counties). NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 123061 (Sub-No. 39), filed March 27, 1967. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, 600 El Paso Gas Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal, meat meal, liver meal, blood meal, kelp, fish oil, condensed fish solubles, brewers yeast, and brewers grain*, from points in California, Oregon, and Washington to

points in Utah and Idaho (including ports of entry on the international boundary line between the United States and Canada located in Washington and Idaho). NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Portland, Oreg.

No. MC 124247 (Sub-No. 11), filed March 28, 1967. Applicant: DAN LODESKY TRUCKING, INC., Post Office Box 236, Gurnee, Ill. 60031. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60639. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products and building materials*, when moved in mixed loads in the same vehicle, at the same time with gypsum and gypsum products, from the plantsite of National Gypsum Co., located at or near Waukegan, Ill., to points in Indiana, that part of Iowa in and east of Lee, Henry, Louisa, Johnson, Linn, Buchanan, Fayette, and Allamakee, and that part of Wisconsin in and south of La Crosse, Jackson, Marathon, Shawano, Oconto, and Marinette. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124661 (Sub-No. 5), filed March 27, 1967. Applicant: GEORGE R. HIX, Rural Delivery No. 1, Reinholds, Pa. Applicant's representative: David R. Eaby, 3 Central Plaza, Lancaster, Pa. 17602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated kitchen units and cabinets*, from Reading (Berks County), Pa., to New Haven, Hartford, and Norwich, Conn., Dover and Wilmington, Del., Boston, Holyoke, and Worcester, Mass., Salisbury, Annapolis, and La Plata, Md., Elmira, Rochester, Niagara, White Plains, Syracuse, Utica, and Binghamton, N.Y., Atlantic City, Cape May, Flemington, Toms River, Hackettstown, and Newton, N.J., Manchester and Lebanon, N.H., Providence, R.I., Bennington and Rutland, Vt., Richmond, Fairfax, Winchester, and Manassas, Va., Morgantown, Elkins, and Clarksburg, W. Va., under contract with Pioneer Craftsman, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg or Philadelphia, Pa.

No. MC 125777 (Sub-No. 108) (Amendment), filed January 25, 1967, published in FEDERAL REGISTER issue of February 16, 1967, amended March 29, 1967, and republished as amended this issue. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in dump vehicles, from Gary, Ind., to points in Ohio. NOTE: The purpose of this republication is to show Gary, Ind., as an origin point, in lieu of points in Indiana, as previously published. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126835 (Sub-No. 13), filed March 27, 1967. Applicant: EDGAR BISCHOFF, doing business as CASKET DISTRIBUTORS, Rural Route 2, West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, casket displays, and funeral supplies* when moving with caskets, (1) from Lancaster, Ky., Erwin and Nashville, Tenn., Cambridge, Mass., Pittsburgh, Pa., and Waco and Dallas, Tex., to points in the United States (except Alaska and Hawaii) and (2) *returned shipments of caskets, and casket displays, and funeral supplies*, from above destinations to above origin points, under continuing contracts with National Casket Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127196 (Sub-No. 7), filed March 22, 1967. Applicant: ZERBIN L. KLINE and JAMES L. KLINE, a partnership, doing business as KLINE TRUCKING, Rural Delivery No. 1, Millville, Pa. 17846. Applicant's representative: S. Berne Smith and Robert H. Griswold, Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Materials, supplies, and component parts* used in the manufacture and assembly of mobile homes, (a) from Millville, Pa., to points in Delaware, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Virginia, and West Virginia; and (b) between Millville, Pa., on the one hand, and, on the other, points in Pennsylvania; (2) *venetian blinds, subassemblies, component parts, accessories, and materials* which have been partially fabricated for exclusive use in the manufacture and assembly of venetian blinds, from Montoursville, Pa., to points in Texas; (3) *artificial Christmas tree parts*, from El Paso, Tex., to Montoursville, Pa.; and, (4) *artificial Christmas trees and component parts of artificial Christmas trees*, from the plantsites of Carey McFall Co., at Montoursville, Williamsport, and Exeter Township (Luzerne County), Pa., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: Applicant indicates that presently held authority in its Sub 1 certificates could be tacked with the authority sought in the instant application at Millville, Pa., to provide service "between Millville, on the one hand, and, on the other, points in Pennsylvania," only on shipments coming from Elkhart, Ind. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 127834 (Sub-No. 10), filed March 27, 1967. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128892, filed February 13, 1967. Applicant: CONRAD INDUSTRIES, INC., 200 East Third Street, Post Office Box 293, Centralia, Wash. 98531. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, between points in Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Lewis, Whatcom, Grays Harbor, Thurston, Pierce, Mason, King, Kitsap, Jefferson, Clallam, Snohomish, Island, Skagit, and San Juan Counties, Wash., and points in Oregon, and (2) *silicon metals*, between points in Lewis County, Wash., and points in Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Lewis, Whatcom, Grays Harbor, Thurston, Pierce, Mason, King, Kitsap, Jefferson, Clallam, Snohomish, Island, Skagit, and San Juan Counties, Wash., and points in Oregon. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Centralia or Seattle, Wash.

No. MC 128909 (Sub-No. 1) (Amendment), filed March 2, 1967, published FEDERAL REGISTER issue of March 23, 1967, amended and republished as amended, this issue. Applicant: COMMODORE CONTRACT CARRIER, INC., 2410 Dodge Street, Omaha, Nebr. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Mobile homes, house trailers* designed to be drawn by passenger autos, and *homes* designed to be drawn by motor vehicle only when partially disassembled, in initial and secondary movement, in towaway and truckaway service: (1) Between Falls City and North Bend, Nebr., Arlington (Shelby County), Tenn., Hamilton, Haleyville, and Red Bay, Ala., Danville, Va., and Roseburg, Oreg.; (2) between Falls City, Nebr., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky. Louisiana, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wyoming, and Wisconsin, and ports of entry on the international boundary line between the United States and Canada, located in Minnesota, North Dakota, Montana, and Washington; (3) between North Bend, Nebr., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, South Dakota, Oklahoma, Oregon, Utah, Tennessee, Texas, Wyoming, Washington, and Wisconsin, and ports of entry on the international boundary line between the United States and Canada located in Minnesota, North Dakota, and Montana.

(4) Between Hamilton, Haleyville, and Red Bay, Ala., and Arlington (Shelby County), Tenn., on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia; (5) between Danville, Va., on the one hand, and, on the other, points in Delaware, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia; (6) between Roseburg, Oreg., on the one hand, and, on the other, points in Washington, California, Nevada, Arizona, New Mexico, Colorado, Utah, Idaho, Montana, and Wyoming, and ports of entry on the international boundary line between the United States and Canada located in Washington and Montana; (B) *wheels, axles, and hitches*, between points in the United States (except Alaska and Hawaii), on the one hand, and, on the other, Falls City and North Bend, Nebr.; Arlington (Shelby County), Tenn.; Hamilton, Haleyville, and Red Bay, Ala.; Danville, Va.; and Roseburg, Oreg. Restriction: All service included herein is to be performed under continuing contracts with The Commodore Corp., Omaha, Nebr., its wholly owned subsidiaries and its divisions, having plants at the specific named points set out in Parts A and B above. NOTE: The purpose of this republication is to add the point of Hamilton, Ala., in A(4) above. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 128914, filed March 2, 1967. Applicant: EDWARD K. WHITE, doing business as WHITE TRUCKING CO., Box 1346 (Kirby Star Route), Sheridan, Wyo. 82801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds, including salt items* in blocks, bags, wrapping, and containers as the manufacturer may provide, from Des Moines and Sioux City, Iowa, and points in Polk and Woodbury Counties, Iowa, Omaha and Albion, Nebr., and points in Douglas and Boone Counties, Nebr., and Hutchinson, Kans., and points in Reno County, Kans., to points in Sheridan, Johnson, Campbell, Big Horn, Crook, and Weston Counties, Wyo., and Yellowstone, Rosebud, Big Horn, and Treasure Counties, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sheridan, Casper, or Cheyenne, Wyo.

No. MC 128932 (Sub-No. 1), filed March 24, 1967. Applicant: ROBERT L. TORRANS, doing business as COMMERCIAL STORAGE & DISTRIBUTION CO., West 26th and Taylor Streets, Texarkana, Tex. 75502. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Household goods*, as defined by the Commission, (1) between points in Milam, Bell, Lampasas, Mills, Brown, Callahan, Shackelford, Throckmorton, Baylor, Wilbarger, Wichita, Archer, Young, Stephan, Eastland, Comanche, Hamilton, Coryell, Robertson, Falls, McLennan, Bosque, Erath, Palo Pinto, Jack, Clay, Montague, Wise, Parker, Somerville, Cooke, Denton, Tarrant, Johnson, Hill, Limestone, Madison, Walker, Leon, Polk, Trinity, Houston, Freestone, Anderson, Navarro, Ellis, Dallas, Collin, Grayson, Fannin, Hunt, Lamar, Delta, Hopkins, Rockwall, Kaufman, Henderson, Van Zandt, Rains, Wood, Red River, Franklin, Titus, Morris, Bowie, Class, Upshur, Smith, Cherokee, Gregg, Marion, Harrison, Rush, Panola, Shelby, Nacogdoches, Angelina, San Augustine, Sabine, Tyler, Jasper, Newton, Camp, and Hood Counties Tex., (2) points in Grawford, Franklin, Johnson, Sebastian, Logan, Pope, Conway, Faulkner, Perry, Yell, Scott, Polk, Montgomery, Garland, Saline, Pulaski, Lonoke, Sevier, Howard, Pike, Clark, Hot Springs, Grant, Jefferson, Arkansas, Little River, Hempstead, Nevada, Ouachita, Dallas, Cleveland, Lincoln, Desha, Drew, Bradley, Calhoun, Miller, Lafayette, Columbia, Union, Ashley, Chicot Counties, Ark., (3) points in Muskogee, Sequoyah, McIntosh, Hughes, Pittsburg, Haskill, Le Flore, Latimer, Pontotoc, Garvin, Stephens, Cotton, Tillman, Jefferson, Carter, Love, Marshall, Johnston, Bryan, Atoka, Choctaw, McCurtain, Pushmataha, Coal and Murray Counties, Okla.; and (4) points in Caddo, Bossier, Webster, Claiborne, Union, Morehouse, West Carroll, East Carroll, Madison, Richland, Ouachita, Lincoln, Bienville, Red River, De Soto, Sabine, Natchitoches, Winn, Franklin, Catahoula, La Salle, Grant, Vernon, Rapides, and Jackson Counties, La.; and (B) *household goods*, as defined by the Commission between Texarkana, Tex., and Dallas, Tex., on the one hand, and, on the other, ports of Galveston, Tex., Houston, Tex., and New Orleans, La., restricted to export-import shipments in containers only. NOTE: Applicant states that the operations in (A) above, will be restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating and decontainerization of such shipments; and, in (B) above, operations will be restricted to export-import shipments in containers only. If a hearing is deemed necessary, applicant requests it be held at Texarkana, Tex., or Washington, D.C.

No. MC 128949, filed March 20, 1967. Applicant: BIGGS OF TEXAS, INC., 8110 La Porte Road, Houston, Tex. 77012. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe*, and (2) *iron and steel articles* weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 128953, filed March 20, 1967. Applicant: HAROLD G. CUTTING, doing business as REPUBLIC MOVING & STORAGE OF OCEANSIDE, 444 Via El Centro, Oceanside, Calif. 92054. Applicant's representative: Earl H. Thompson, 804 Third Street, Oceanside, Calif. 92054. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated household goods*, between points in San Diego, Orange, Imperial, Riverside, and Los Angeles Counties, restricted to foreign commerce only. NOTE: Applicant states that the commodity will be transported in the mode of door to door containers. If a hearing is deemed necessary, applicant requests it be held at San Diego, Santa Ana, or Los Angeles, Calif.

No. MC 128954, filed March 20, 1967. Applicant: EZRA MELVIN HOSTETTER and NELSON M. HOSTETTER, a partnership, doing business as HOSTETTER'S HAULING, 1530 Manheim Pike, Lancaster, Pa. 17600. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Show cattle and sale livestock (excluding race horses, show horses, and polo ponies), which are used for show purposes, and sale cattle going for breeding purposes, personal effects of their attendants, and supplies and equipment used in the care and/or exhibition of such animals*, between points in Pennsylvania, Maryland, New York, Virginia, West Virginia, Ohio, New Jersey, Delaware, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, and the District of Columbia, on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 128959, filed March 23, 1967. Applicant: LEE L. LEVINER, 186 Knickerbocker Road, Ontario, N.Y. 14519. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster,

N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, used pick-up trucks, used panel trucks, and used jeeps*, in truckaway service, between points in Chemung, Monroe, and Wayne Counties, N.Y., on the one hand, and, on the other, Manheim, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 128960, filed March 28, 1967. Applicant: ARNOW TRUCKING CORP., 466 Rockaway Parkway, Brooklyn, N.Y. Applicant's representative: Martin Honig, 570 Seventh Avenue, New York, N.Y. 10018. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gas and electric kitchen appliances*, specifically *clothes washing machines, clothes dryers, stoves, refrigerators, freezers, dishwashers, air conditioners, television receivers, and radio-phonograph combinations*, between Jamaica (Queens County), and Garden City (Nassau County), N.Y., and points in the States of New Jersey, Pennsylvania, and Connecticut, under contract with Cee-Mor Sales Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128964, filed March 24, 1967. Applicant: DEWAYNE REES, doing business as REES TRUCKING CO., Prescott Route, Houston, Mo. 65483. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets, posts, and poles*, from points in Texas, Howell, Shannon, and Wright Counties, Mo., to points in Illinois, Indiana, Iowa, Michigan, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City or St. Louis, Mo.

No. MC 128966 (Sub-No. 1), filed March 27, 1967. Applicant: METROPOLITAN CARTAGE AND LEASING, INC., 1005 St. Louis Avenue, Kansas City, Mo. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and frozen foods*, from points in the Kansas City, Mo.-Kans., commercial zone, to points in Missouri on and west of U.S. Highway 63. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128967 (Sub-No. 1), filed March 27, 1967. Applicant: BRUCE T. REMY and DOUGLAS N. REMY, a partnership, doing business as S. T. C. COMPANY, 44 School Street, Yonkers, N.Y. 10701. Applicant's representative: William J. Augello, Jr., 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pneumatic tires, tubes, advertising material*, and *such commodities* as are ordinarily used or distributed by wholesale or retail suppliers, marketers or distributors of tires, from New Brunswick, N.J., to New York, N.Y., and points in Westchester and Nassau Counties, N.Y., under contract with The Kelly-Springfield Tire Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128973, filed March 24, 1967. Applicant: MAURICE FREDERICK YANEY, 750 Richmond Street, Winchester, Ind. 47394. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal caskets*, between points in Indiana, Ohio, Michigan, Wisconsin, Iowa, Illinois, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Kentucky, Tennessee, Minnesota, Arkansas, Missouri, Kansas, Pennsylvania, Alabama, Mississippi, Oklahoma, Florida, New York, Louisiana, and Texas, under contract for Carlos Casket Shells, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 128980, filed March 28, 1967. Applicant: RAYMOND BOLOGNA, Box 127, Burgettstown, Pa. 15021. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal and slag*, between points in Washington County, Pa., on the one hand, and, on the other, Weirton, W. Va., and points in Jefferson County, Ohio, under a continuing contract with Bologna Coal Co., Burgettstown, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128981, filed March 31, 1967. Applicant: LAND-AIR DELIVERY, INC., 413 Lou Holland Drive, Kansas City, Mo. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in express service, (1) between Kansas City Municipal Airport and Midcontinent International Airport of Kansas City, Mo., and Fairfax Airport of Kansas City, Kans., on the one hand, and, on the other, points in Missouri, Kansas, Nebraska, Oklahoma, and Texas, and (2) between Municipal Airport of Wichita, Kans., on the one hand, and, on the other, points in Kansas, Oklahoma, Texas, Colorado, and Missouri; (1) and (2) above are restricted to movement having an immediately prior or subsequent air haul, and in substituted motor for air service. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

MOTOR CARRIERS OF PASSENGERS

No. MC 287 (Sub-No. 9), filed March 20, 1967. Applicant: PLYMOUTH & CROCKTON STREET RAILWAY CO., a corporation, 112-114 Sandwich Street, Plymouth, Mass. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in special operations in round-trip sightseeing and pleasure tours, beginning and ending at points in applicant's regular routes as follows: Between Boston, and Bourne, Mass.; (1) from Boston over Massachusetts Highway 3 via Hingham, Mass., to Kingston, Mass. (also from junction Massachusetts Highways 3 and 128 in Hingham over Massachusetts Highway 128 in a northerly direction to junction unnumbered highway, thence north and east over unnumbered highway to junction Massachusetts Highway 3A, thence east over Massachusetts Highway 3A to junction unnumbered highway near Hingham-Cohasset town line, thence east and south over unnumbered highway via Scituate, Mass., to junction Massachusetts Highway 3A, thence over Massachusetts Highway 3A to junction Massachusetts Highway 3 in Kingston), thence over Massachusetts Highway 3 to Bourne, and return over the same routes and (2) from the junction Massachusetts Highway 3 and U.S. Highway 6 in Bourne, on the north side of the Sagamore Bridge, over U.S. Highway 6 across the Sagamore Bridge to junction Massachusetts Highway 6A thence over Massachusetts Highway 6A to junction Massachusetts Highway 132, and thence over Massachusetts Highway 132 to Hyannis, and return over the same route; and extending to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 128984, filed April 28, 1966. Applicant: LUCIUS E. YOUNG, Palmer Road, Monson, Mass. Applicant's representative: Arthur M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, beginning and ending at Ware, Palmer, and Monson, Mass., and Stafford, Crystal Lake, and Tolland, Conn., and extending to the site of Pratt & Whitney, division of United Aircraft Corp. plant in East Hartford, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130036, filed March 16, 1967. Applicant: ETHEL G. McLELLAN, doing business as McLELLAN TOURS, 1145 36th Street, Des Moines, Iowa. For a license (BMC 5) to engage in operations as a *broker* at Des Moines, Iowa, in arranging for the transportation of *group of passengers*, and *baggage of passengers* only, in charter operations, between points in the United States.

APPLICATION OF WATER CARRIER

No. W-630 (Sub-No. 27), A. L. MECHLING BARGE LINES, INC.—Extension—Tampa (5), filed March 30, 1967. Applicant: A. L. MECHLING BARGE LINES, INC., 51 North Desplaines Street, Joliet, Ill. 60431. Applicant's representative: J. Richard Hommrich (same address as applicant). Application of A. L. Mechling Barge Lines, Inc., filed March 30, 1967, for a revised certificate authorizing extensions of its operations to include operation as a *common carrier*, in interstate or foreign commerce, by water, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *clay sewer pipe, clay flue lining, and clay wall coping*, from Cairo, Ill., to Tampa, Fla., by way of the Mississippi River, the Gulf of Mexico, and the Gulf Intracoastal Waterway. NOTE: Applicant states that the above-proposed operations will be restricted to traffic originating at Owensboro, Ky.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 103993 (Sub-No. 269), filed March 29, 1967. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46515. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Gloucester County, N.J., to points in the United States (except Alaska and Hawaii).

No. MC 103993 (Sub-No. 270), filed March 29, 1967. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46208. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Moore and Montgomery Counties, N.C., to points in the United States (except Alaska and Hawaii).

No. MC 103993 (Sub-No. 271), filed March 29, 1967. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46515. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Lonoke County, Ark., to points in the United States (except Alaska and Hawaii).

No. MC 114965 (Sub-No. 30), filed March 31, 1967. Applicant: CYRUS TRUCK LINE, INC., Post Office Box 327, Iowa, Kans. 66749. Applicant's representative: Charles H. Apt, Post Office Box 328, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation fuels*, in bulk, in tank vehicles, from Kansas City, Kans., to Centralia and Carbondale, Ill., and Festus and Malden, Mo.

No. MC 128975, filed March 30, 1967. Applicant: KLAMATH MOVING & STORAGE CO., a corporation, Post Office Box 1527, Klamath Falls, Oreg. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to shipments moving on the through bill of lading of a forwarder operating under section 402(b)(2) exemption, and having an immediately prior or subsequent linehaul movement by rail, motor, water, or air carrier. Applicant's proposed service is to be limited to providing a local service for a forwarder of used household goods, between points in Klamath, Lake, and Jackson Counties, Oreg., and points in Siskiyou and Modoc Counties, Calif. NOTE: Common control may be involved. Applicant states that no duplicating authority is being sought.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-3989; Filed, Apr. 12, 1967; 8:45 a.m.]

[Notice 364]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 10, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11207 (Sub-No. 260 TA), filed April 5, 1967. Applicant: DEATON, INC., 3409 10th Avenue North, Birmingham, Ala. 35234, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: Claude N. Knox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottles, carboys, demijohns or jars and closures*, between the plantsites and warehouses of Knox Glass, Inc., located in Rankin County, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Tennessee, and Texas, for 180 days. Supporting shipper: Knox Glass, Inc., Peterson Street, Knox, Pa. 16232, Attention: Mr. L. R. Linnon, General Traffic Manager. Send protests to: District Supervisor B. R. McKenzie, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

No. MC 103993 (Sub-No. 274 TA), filed April 5, 1967. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: John F. Kidd (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, from Butler, Ohio, to points in Oklahoma, Texas, Louisiana, California, Oregon, Montana, Colorado, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Kentucky, Tennessee, Florida, Georgia, Virginia, North Carolina, South Carolina, Michigan, Pennsylvania, and New Mexico, for 180 days. Supporting shippers: The Snyder Trailer Co., Elm Street, Butler, Ohio. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations and Compliance, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 107012 (Sub-No. 66 TA), filed April 3, 1967. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East, Fort Wayne, Ind. 46803. Applicant's representative: Martin A. Weissert (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures*, uncrated, from Salt Lake City, Utah, to points in Washington, Oregon, California, Idaho, Montana, Wyoming, Nevada, Colorado, Arizona, New Mexico, Kansas, and Nebraska, for 180 days. Supporting shipper: Skaggs Drug Centers, Inc., 1467 South Main Street, Post Office Box 658, Salt Lake City, Utah 84110. Send protests to: District Supervisor J. H. Gray, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 107403 (Sub-No. 713 TA), filed April 4, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, dry, in bulk, in tank vehicles, from Pataskala, Ohio, to New Vienna, Ohio, for 150 days. Supporting shipper: Gulf Oil Corp., Dwight Building, Kansas City, Mo. 64105. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 114211 (Sub-No. 107 TA), filed April 3, 1967. Applicant: WARREN TRANSPORT, INC., 213 Witry Street, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Robert Molinaro (same address as applicant). Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, tractors, and implements, industrial and construction machinery and equipment, attachments and parts* of the above-described commodities when moving in mixed loads with such commodities, from the plants and warehouse sites of Deere & Co., located in Dodge County, Wis., to points in New Hampshire, Indiana, Michigan, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Delaware, Maryland, New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Vermont, Maine, Rhode Island, Washington, D.C., Arkansas, and Louisiana, for 180 days. Supporting shipper: Deere & Co., Moline, Ill. Send protests to: Chas. C. Biggers, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 332 Federal Building, Davenport, Iowa 52801.

No. MC 119829 (Sub-No. 22 TA), filed April 3, 1967. Applicant: F. J. EGNER & SON, INC., Post Office Box 216, 3969 Congress Parkway, West Richfield, Ohio 44286. Applicant's representative: R. L. Yates (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contaminated gasoline mixture*, from Columbus and Springfield, Ohio, to Zionsville and Terre Haute, Ind., for 180 days. Supporting shipper: Shell Oil Co., 50 West 50th Street, New York, N.Y. 10020. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations and Compliance, 435 Federal Building, Cleveland, Ohio 44114.

No. MC 128979 TA, filed April 3, 1967. Applicant: SMITH TRANSFER, INC., 1024 East Pike Street, Seattle, Wash. 98122. Applicant's representative: E. L. Hahn (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in King, Kitsap, Island, Pierce, Thurston, Mason, and Snohomish Counties, Wash. Restricted to shipments having a prior or subsequent movement beyond said counties, in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shipper: Northwest Consolidators, Post Office Box 3583, Terminal Annex, Seattle, Wash. 98124; and Martin Van Lines, 17720 15th NE., Seattle, Wash. 98155. Send protests to: District Supervisor F. J. Casey, Interstate Commerce Commission, Bureau of Operations and Compliance, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 128986 TA, filed April 5, 1967. Applicant: DOUGLAS F. WEGNER, doing business as WEGNER TRUCKING, Route No. 3, Adrian, Mich. 49221. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags and in bulk, between Riga, Mich., on the one hand, and, on the other, Sandusky, Delta, Carey, and Columbus, Ohio, and *damaged, refused, or rejected shipments* of above-specified commodities, on return, for 180 days. Supporting shippers: The Borden Chemical Co., Smith-Douglass Division, Post Office Box 419, Norfolk, Va. 23501. Send protests to: District Supervisor C. R. Flemming, Interstate Commerce Commission, Bureau of Operations and Compliance, 221 Federal Building, Lansing, Mich. 48933.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4066; Filed, Apr. 12, 1967; 8:49 a.m.]

[Ex Parte No. MC-64; General Temp. Order 3]

TRANSPORTATION OF PROPERTY BY MOTOR VEHICLE

Grant of Temporary Authority

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 10th day of April 1967.

The Interstate Commerce Commission having under consideration the urgent need for motor carrier services due to the cessation of normal motor carrier transportation occasioned by work stoppages, the national transportation policy, the public interest, and, among others, sections 202(a), 204(a)(6), and 210a(a) of the Interstate Commerce Act, and

It appearing, that due to a labor dispute, certain motor common carriers are unable to transport property tendered to them; and that an emergency exists in all sections of the United States requiring immediate action on the part of the Commission to make provision for adequate transportation service in the interest of the public and the national defense;

It further appearing, that there exists an immediate and urgent need for additional motor carrier service to supplement temporarily the transportation facilities of the Nation for the movement of military and other freight;

And it further appearing, that the present transportation emergency and the immediate need for maximum utilization of motor carrier facilities, equipment, and service have made it necessary for the Commission to provide and authorize a more flexible method whereby motor carriers, and other persons, may obtain temporary authorizations to render the required motor service necessary in the public interest and to the national defense:

It is ordered, That pursuant to section 210a(a) of the Interstate Commerce Act (49 U.S.C. 310a(a)), all persons who shall apply to any Regional Director or District Supervisor of the Commission's Bureau of Operations (30 F.R. 10069) are hereby granted temporary authority to transport property by motor vehicle for a period of not more than 30 days to the extent and scope that such Regional Director or District Supervisor shall certify that due to the existing transportation emergency, there is an immediate and urgent need for the service applied for, and that there is no available carrier service capable of meeting such need;

It is further ordered, That the grant of such temporary authority be, and it is hereby, conditioned upon satisfying the said Regional Director or District Supervisor of full compliance by the grantee with all applicable statutory and Commission requirements concerning tariff publications, evidence of security for the protection of the public, and designation of agents for service of process, and further conditioned upon such tariff publications quoting rates, fares, and charges no lower than those of existing rail, water, or motor carriers in the territory in which the operations are to be authorized;

It is further ordered, That temporary authority granted pursuant to this order shall expire as of the first midnight after motor carrier service shall have been reinstituted, except as to property, the transportation of which was begun prior to that time;

It is further ordered, That this order shall become effective on the 10th day of April 1967;

And it is further ordered, That notice of this order shall be given to motor carriers, other parties of interest and to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4067; Filed, Apr. 12, 1967; 8:49 a.m.]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 19.2]

ASSISTANT ADMINISTRATOR FOR THE FAR EAST

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961, and in accordance with the authority contained in section 632(b) of the Foreign Assistance Act of 1961, I hereby delegate to the Assistant Administrator for the Far East authority to enter into, and to implement agreements with any agency of the Department of Defense to undertake specific projects or programs financed in whole or in part by A.I.D. for the Vietnam program. This delegation does not include authority to make basic agreements.

This delegation of authority may be, at your discretion, redelegated to the Associate Assistant Administrator for Programs. This delegation of authority is effective immediately.

WILLIAM S. GAUD, *Administrator.*

APRIL 6, 1967.

[F.R. Doc. 67-4039; Filed, Apr. 12, 1967; 8:46 a.m.]

Office of the Secretary

[Public Notice 262]

CERTAIN NONIMMIGRANT VISAS

Validity

Public Notice 261 of April 6, 1966, authorized consular offices to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act valid for an indefinite period of time to otherwise eligible nationals of certain countries which offer reciprocal or more liberal treatment to nationals of the United States who are in a similar class. The following countries are being added to the list of countries contained in that notice: Barbados, Cyprus, Finland, Jamaica, Luxembourg, Netherlands Antilles, and Trinidad and Tobago.

This notice amends Public Notice 261 of April 6, 1967 (32 F.R. 5643).

BARBARA M. WATSON, *Acting Administrator, Bureau of Security and Consular Affairs.*

APRIL 10, 1967.

[F.R. Doc. 67-4047; Filed, Apr. 12, 1967; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 67-94]

PRODUCTS OF SOVIET ZONE OF GERMANY OR SOVIET SECTOR OF BERLIN

Marking of Country of Origin

APRIL 6, 1967.

The first paragraph of Treasury Decision 55104 dated April 13, 1960 (25 F.R. 3428), is amended to read as follows:

Articles manufactured or produced in the Soviet Zone of Germany or in the Soviet Sector of Berlin shall be marked under the provisions of section 304, Tariff Act of 1930, as amended, to indicate to the ultimate purchaser the English name of the country of origin by the legend "Germany (Soviet Occupied)" or "Germany (East)."

[SEAL] LESTER D. JOHNSON, *Commissioner of Customs.*

Approved: April 5, 1967.

TRUE DAVIS, *Assistant Secretary of the Treasury.*

[F.R. Doc. 67-4045; Filed, Apr. 12, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 702]

ARIZONA

Notice of Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the areas described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). It also has the effect of further segregating the lands described in paragraphs 3b and 3c from private exchange (43 U.S.C. 315g(b)) and the lands described in paragraph 3c from State exchange (43 U.S.C. 315g(c)). All the described lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands proposed for classification in this notice are shown on maps on file and available for inspection, in the Arizona Strip District Office, Bureau of Land Management, St. George, Utah, and Land Office, Bureau of Land Management, Federal Building, Phoenix, Ariz.

3. The lands involved are in Mohave County and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

a. As provided in paragraph 1 above, the following lands are segregated from entry under the agricultural land laws and from public sale under R.S. 2455:

T. 41 N., R. 2 W.,
Sec. 26;
Sec. 27;
Sec. 33, E½, E½W½ and W½SW¼;
Sec. 34, N½ and SW¼;
Sec. 35, N½N½.

The lands described aggregate 2,480 acres of public lands.

b. As provided in paragraph 1 above, the public lands in the areas described below are segregated from entry under the agricultural land laws, from public sale under R.S. 2455 and from private exchange:

T. 36 N., R. 4 E.,
Secs. 1 to 4, inclusive;
Sec. 5, E½;
Sec. 8, E½;
Secs. 9 to 16, inclusive;
Sec. 17, E½.
T. 36 N., R. 5 E.,
Secs. 1 and 2, that part west of Colorado River;
Secs. 3 to 10, inclusive;
Secs. 11 and 15, that part west of Colorado River;
Secs. 16 to 18, inclusive;
Secs. 19, 20, 21, and 22, that part west of Colorado River and north of Kaibab National Forest irregular boundary.
T. 37 N., R. 4 E.
Secs. 1 to 5, inclusive;
Sec. 6, E½ and NW¼;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 37 N., R. 5 E.
Secs. 1 to 24, inclusive;
Sec. 25, that part west of Colorado River;
Secs. 26 to 35, inclusive;
Sec. 36, that part west of Colorado River.
T. 37 N., R. 6 E.
Sec. 4, that part west of Colorado River;
Secs. 5 to 8, inclusive;
Secs. 9, 16, and 17, that part west of Colorado River;
Secs. 18 and 19;
Secs. 20 and 30, that part west of Colorado River.
T. 38 N., R. 1 W.,
Secs. 2, 3, and 4, that part north of Kaibab National Forest irregular boundary;
Secs. 5 and 6;
Secs. 7, 8, 9, and 11, that part north of Kaibab National Forest irregular boundary;
T. 38 N., R. 2 W.,
Secs. 1, 2, 3, 4, 5, and 6, parts north of Kaibab National Forest irregular boundary.
T. 38 N., R. 3 W.,
Sec. 1, that part north of Kaibab National Forest irregular boundary;
Secs. 2, 3, 9, and 10;
Secs. 11, 12, and 14, parts west of Kaibab National Forest irregular boundary;
Secs. 15, 16, and 21;
Secs. 22, 23, 27, 28, and 33, parts west of Kaibab National Forest irregular boundary.
T. 38 N., R. 3 E.,
Sec. 1;
Sec. 2, NE¼;
Sec. 12, E½.
T. 38 N., R. 4 E.,
Secs. 1 to 36, inclusive.
T. 38 N., R. 5 E.,
Secs. 1 to 36, inclusive.
T. 38 N., R. 6 E.,
Sec. 1, that part west of Colorado River;
Secs. 2 to 11, inclusive;
Secs. 12, 13, 14, and 15, parts west of Colorado River;
Secs. 16 to 21, inclusive;
Secs. 22 and 27, parts west of Colorado River;
Secs. 28 to 32, inclusive;
Secs. 33 and 34, parts west of Colorado River.
T. 39 N., R. 1 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 39 N., R. 2 W.,
Secs. 1 to 36, inclusive.
T. 39 N., R. 3 W.,
Secs. 1 and 2;
Secs. 11 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 39 N., R. 3 E.,
Secs. 1 to 3, inclusive;
Sec. 4, SE¼;
Sec. 9, NE¼, N½SE¼, and SE¼SE¼;
Secs. 10 to 15, inclusive;
Secs. 23 to 26, inclusive;
Sec. 27, E½;
Sec. 28, E½ and NW¼;
Secs. 35 and 36.

T. 39 N., R. 4 E.,
Secs. 1 to 36, inclusive.
T. 39 N., R. 5 E.,
Secs. 1 to 36, inclusive.
T. 39 N., R. 6 E.,
Secs. 1 to 36, inclusive.
T. 39 N., R. 7 E.,
Sec. 4, that part west of Colorado River;
Secs. 5 to 8 inclusive;
Secs. 9 and 16, parts west of Colorado River;
Secs. 17 to 19, inclusive;
Secs. 20, 29, 30, and 31, parts west of Colorado River.
T. 40 N., R. 1 W.,
Secs. 1 to 36, inclusive.
T. 40 N., R. 2 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 31 to 36, inclusive.
T. 40 N., R. 3 W.,
Secs. 35 and 36.
T. 40 N., R. 3 E.,
Secs. 1 and 2;
Sec. 3 E½;
Sec. 10, E½;
Secs. 11 to 14, inclusive;
Sec. 15, E½;
Sec. 22, E½;
Secs. 23 to 26, inclusive;
Sec. 27, E½, E½SW¼ and SE¼NW¼;
Secs. 34 to 36, inclusive.
T. 40 N., R. 4 E.,
Secs. 1 to 36, inclusive.
T. 40 N., R. 5 E.,
Secs. 1 to 36, inclusive.
T. 40 N., R. 6 E.,
Secs. 1 to 36, inclusive.
T. 40 N., R. 7 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 41 N., R. 1 W.,
Secs. 30, 31, 32, 33, and 34, parts south of U.S. Highway 89 Alternate.
T. 41 N., R. 2 W.,
Sec. 25, that part south of U.S. Highway 89 Alternate;
Sec. 34, SE¼;
Sec. 35, S½ and S½N½;
Sec. 36.
T. 41 N., R. 2 E.,
Secs. 1 to 36, inclusive.
T. 41 N., R. 3 E.,
Secs. 1 to 36, inclusive.
T. 41 N., R. 4 E.,
Secs. 1 to 36, inclusive.
T. 41 N., R. 5 E.,
Secs. 1 to 36, inclusive.
T. 41 N., R. 6 E.,
Secs. 1 to 36, inclusive.
T. 42 N., R. 2 E.,
Secs. 31 to 36, inclusive.
T. 42 N., R. 3 E.,
Secs. 31 to 36, inclusive.
T. 42 N., R. 4 E.,
Secs. 31 to 36, inclusive.
T. 42 N., R. 5 E.,
Secs. 31 to 36, inclusive.
T. 42 N., R. 6 E.,
Secs. 31 to 36, inclusive.

The lands described aggregate 481,879 acres of public lands.

c. As provided in paragraph 1 above, the public lands in the areas described below are segregated from entry under the agricultural land laws, from public sale under R.S. 2455, and from private and State exchange:

T. 41 N., R. 1 W.,
Secs. 1 to 29, inclusive;
Secs. 30, 32, 33, and 34, parts north of U.S. Highway 89 Alternate;
Secs. 35 and 36.
T. 41 N., R. 2 W.,
Sec. 1;
Sec. 10, E½, E½W½, W½SW¼, and SW¼NW¼;
Secs. 11 to 15, inclusive;
Secs. 22 to 24, inclusive;
Sec. 25 part north of U.S. Highway 89 Alternate.
T. 41 N., R. 1 E.,
Secs. 1 to 36, inclusive.
T. 42 N., R. 1 W.,
Secs. 31 to 36, inclusive.
T. 42 N., R. 1 E.,
Secs. 31 to 36, inclusive.

The lands described aggregate 65,641 acres of public lands.

The lands described in the three sections above aggregate 550,000 acres of public lands.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 53 North Main, St. George, Utah 84770.

5. A public hearing on the proposed classification will be held at 1 p.m. on May 9, 1967, at the City-County Building in Fredonia, Ariz.

FRED J. WEILER,
State Director.

APRIL 5, 1967.

[F.R. Doc. 67-4046; Filed, Apr. 12, 1967; 8:47 a.m.]

[Montana 1626]

MONTANA

Proposed Classification of Public Lands for Multiple Use Management

APRIL 4, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the unreserved public lands within the area described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Miles City, Mont. 59301.

3. A public hearing on the proposed classification will be held on May 31, 1967, at 2 p.m., in the Ridgway Community Hall, Ridgway, Mont.

4. The public lands proposed for classification are located within the following described area and are shown on maps on file in the Miles City District Office, Bureau of Land Management, Miles City, Mont., and on plats in the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

PRINCIPAL MERIDIAN, MONTANA

CARTER COUNTY

T. 1 S., R. 55 E.
T. 2 S., R. 55 E.
T. 3 S., R. 55 E.
T. 4 S., R. 55 E.,
Secs. 1 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 5 S., R. 55 E.
T. 6 S., R. 55 E.,
Secs. 1 and 2;
Secs. 11 to 15, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 9 S., R. 55 E.
T. 1 S., R. 56 E.
T. 2 S., R. 56 E.
T. 3 S., R. 56 E.
T. 4 S., R. 56 E.
T. 5 S., R. 56 E.
T. 6 S., R. 56 E.,
Secs. 1 to 33, inclusive;
Secs. 35 and 36.
T. 7 S., R. 56 E.
T. 8 S., R. 56 E.
T. 9 S., R. 56 E.
T. 1 S., R. 57 E.
T. 2 S., R. 57 E.
T. 3 S., R. 57 E.
T. 4 S., R. 57 E.
T. 5 S., R. 57 E.
T. 6 S., R. 57 E.
T. 7 S., R. 57 E.
T. 9 S., R. 57 E.
T. 1 S., R. 58 E.,
Secs. 5 and 7;
Secs. 18 and 19;
Secs. 30 to 33, inclusive.
T. 2 S., R. 58 E.
T. 3 S., R. 58 E.
T. 4 S., R. 58 E.
T. 5 S., R. 58 E.
T. 5½ S., R. 58 E.
T. 6 S., R. 58 E.
T. 7 S., R. 58 E.
T. 8 S., R. 58 E.
T. 9 S., R. 58 E.
T. 2 S., R. 59 E.
T. 3 S., R. 59 E.
T. 4 S., R. 59 E.
T. 5 S., R. 59 E.
T. 6 S., R. 59 E.
T. 7 S., R. 59 E.
T. 8 S., R. 59 E.
T. 9 S., R. 59 E.
T. 3 S., R. 60 E.,
Sec. 7;
Secs. 18 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 4 S., R. 60 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 25 to 36, inclusive.
T. 5 S., R. 60 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 36, inclusive.
T. 6 S., R. 60 E.
T. 7 S., R. 60 E.
T. 8 S., R. 60 E.
T. 9 S., R. 60 E.
T. 4 S., R. 61 E.,
Secs. 19 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 5 S., R. 61 E.,
Secs. 2, 10, and 11;
Secs. 14 and 15;
Secs. 19 to 36, inclusive.
T. 6 S., R. 61 E.
T. 7 S., R. 61 E.
T. 8 S., R. 61 E.
T. 9 S., R. 61 E.
T. 5 S., R. 62 E.,
Secs. 30 to 32, inclusive.
T. 6 S., R. 62 E.
T. 7 S., R. 62 E.
T. 8 S., R. 62 E.
T. 9 S., R. 62 E.
T. 6 S., R. 63 E.
T. 7 S., R. 63 E.
T. 8 S., R. 63 E.
T. 9 S., R. 63 E.
T. 1 N., R. 55 E.
T. 2 N., R. 55 E.
T. 3 N., R. 55 E.
T. 4 N., R. 55 E.
T. 1 N., R. 56 E.
T. 2 N., R. 56 E.,
Sec. 31.
T. 3 N., R. 56 E.,
Secs. 6, 7, 18, 19, 29, and 30.

5. The public land in the area described aggregates approximately 490,947 acres.

For the State Director.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 67-4030; Filed, Apr. 12, 1967; 8:46 a.m.]

[New Mexico 596]

NEW MEXICO

Notice of Proposed Classification

APRIL 5, 1967.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange, under the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, for lands within the Upper Pecos Ranger District in the Santa Fe National Forest, N. Mex.

The District Advisory Board, local governmental officials and other interested parties have been notified of this application. Information derived from discussions and other sources indicate that these lands meet the criterion of § 2410.-1-3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501; Albuquerque District Office, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107; and Roswell District Office, 1902 South Main, Roswell, N. Mex. 88201.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Albuquerque or Roswell District Office.

The lands affected by this proposal are located in Torrance, Guadalupe, and Lea Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 5 N., R. 9 E.,
Sec. 14, S½NE¼ and SE¼;
Sec. 23, W½NE¼ anw NW¼SE¼;
Sec. 24, NW¼NE¼ and NW¼;
Sec. 25, N½;
Sec. 26, NE¼.
T. 4 N., R. 10 E.,
Sec. 1, lots 3, 4, and S½NW¼.
T. 5 N., R. 10 E.,
Sec. 9, S½SW¼;
Sec. 10, SW¼SE¼;
Sec. 14, W½SE¼;
Sec. 19, lots 1, 2, 3, 4, 5, 6, NE¼, E½W½, and N½SE¼;
Sec. 20, lot 1, N½, N½S½ and SE¼SE¼;
Sec. 21, N½;
Sec. 30, lots 1, 2, and 3.
T. 2 N., R. 19 E.,
Sec. 3, lots 1, 2, 3, S½NE¼, E½SW¼, and SE¼;
Sec. 5, N½S½ and S½SE¼;
Sec. 6;
Sec. 10, E½ and E½W½;
Sec. 14, NE¼NW¼;
Sec. 15;
Sec. 17, E½;
Sec. 22, NE¼, E½W½, and E½SE¼;
Sec. 23, NW¼ and S½;
Sec. 26, N½N½;
Sec. 29, E½NE¼, SW¼NE¼, and SE¼.
T. 3 N., R. 19 E.,
Sec. 4, SW¼;
Sec. 5, Lot 3, SE¼NW¼ and SE¼;
Sec. 22, W½SW¼;
Secs. 26 and 27;
Sec. 28, S½NE¼, W½, N½SE¼, and SW¼SE¼;
Sec. 29, E½, NE¼NW¼, and E½SW¼;
Sec. 31, SE¼SE¼;
Secs. 34 and 35.
T. 24 S., R. 35 E.,
Sec. 1, lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Secs. 3, 4, and 9;
Sec. 11, NE¼NE¼;
Sec. 12;
Sec. 13, N½NE¼, NW¼, and W½SW¼;
Sec. 14, E½, E½NW¼, SW¼NW¼, and SW¼;
Sec. 23, NE¼, NE¼NW¼, and SE¼SE¼;
Sec. 24, E½NE¼, N½NW¼, and S½S½;
Sec. 25, N½;
Sec. 26, E½E½.
T. 23 S., R. 36 E.,
Sec. 31, lots 3, 4, and E½SW¼.
T. 24 S., R. 36 E.,
Sec. 6, lots 3, 4, 5, and SE¼NW¼;
Sec. 19, lots 3, 4, S½NE¼, E½SW¼, and SE¼;
Sec. 20, SW¼NW¼, W½SW¼, and SE¼SE¼;
Sec. 21, N½NE¼, SW¼NE¼, and W½;
Sec. 22, NW¼NW¼;
Sec. 26, SW¼SW¼;
Sec. 27, SE¼SW¼, and SE¼SE¼;
Sec. 28, SE¼NE¼, N½NW¼, and E½SE¼;
Sec. 30, lots 1, 2, and E½NW¼;
Sec. 35, W½NW¼.
T. 25 S., R. 36 E.,
Sec. 3, lots 3, 4, S½NW¼, and SW¼.
T. 25 S., R. 37 E.,
Sec. 4, lot 3, SW¼NW¼, and NW¼SW¼;
Sec. 5, NE¼SW¼, and S½SW¼;
Sec. 35, S½NE¼, and SE¼.
T. 26 S., R. 37 E.,
Sec. 1;
Sec. 12, NE¼, N½NW¼, and N½SE¼.
T. 23 S., R. 38 E.,
Sec. 33, lot 4, NW¼, and N½SW¼.
T. 24 S., R. 38 E.,
Sec. 21, lots 1, 2, 3, and 4;
Sec. 28, lots 1, 2, 3, and 4;
Sec. 33, lots 1 and 2.
T. 25 S., R. 38 E.,
Sec. 4, lots 5 and 6;
Sec. 5, SW¼;
Sec. 9, lots 1, 2, 3, and 4;
Sec. 21, lots 1, 2, 3, and 4.

The areas described aggregate 20,430.62 acres.

MORRIS A. TROGSTAD,
Acting State Director.

[F.R. Doc. 67-4031; Filed, Apr. 12, 1967; 8:46 a.m.]

Fish and Wildlife Service

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE, ILLINOIS, IOWA, AND WISCONSIN

Notice of Proposed Modification of Boundaries

Pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i) it is proposed to modify as set forth below the boundaries of the Spring Lake and Pleasant Creek closed areas, Pool 13, and the Dago Slough closed area, Pool 11.

ILLINOIS

CARROLL COUNTY

Spring Lake closed area. All the lands and waters laying and being in secs. 14, 15, 16, 22, 23, 25, 26, 27, 34, 35, and 36, T. 24 N., R. 3 E., fourth principal meridian, Carroll County, Ill., which are enclosed by the following-described boundaries: Beginning at the section corner common to secs. 15, 16, 21, and 22; thence west to the east bank of Savanna Slough; thence northerly along the east bank of Savanna Slough to the north line of sec. 15; thence east along the north line of sec. 15 to the south bank of the Plum River; thence easterly along the south bank of the Plum River to the westerly right-of-way of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southerly along the westerly right-of-way of the Chicago, Milwaukee, St. Paul & Pacific Railroad and/or Chicago, Burlington & Quincy Railroad to the west quarter line of sec. 36; thence west along the west quarter line of sec. 36 and east quarter line of sec. 35 to the northeast corner of Tract FI-163; thence southerly along the easterly boundary of Tracts FI-163 and FI-162 to the south toe of the levee of the Carroll County Drainage and Levee District No. 1; thence westerly and northerly along the southerly and westerly toes of said levee through secs. 35, 34, 27, and 22 to the point of beginning.

IOWA

JACKSON COUNTY

Pleasant Creek closed area. All lands and waters owned or controlled by the United States and administered by the U.S. Fish and Wildlife Service and lying and being in secs. 1, 2, 3, 4, 10, 11, and 12, T. 85 N., R. 5 E.; sec. 7, T. 85 N., R. 6 E.; and secs. 33 and 34, T. 86 N., R. 5 E., fifth principal meridian, Jackson County, Iowa, which are enclosed by the following boundaries: Beginning at the intersection of the line between secs. 3 and 10, T. 85 N., R. 5 E., with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad near the northwest corner of sec. 10; thence south-

easterly with said right-of-way boundary to an intersection with the south boundary of the NE¼NW¼ of said sec. 10; thence easterly with the south line of said NE¼NW¼ to the southeast corner thereof; thence southerly with the west boundary of the SW¼NE¼ of said sec. 10 to an intersection with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southeasterly with said right-of-way boundary to an intersection with the line between secs. 10 and 11, T. 85 N., R. 5 E.; thence northerly between said sections to the south one-sixteenth corner of secs. 10 and 11; thence easterly with the south one-sixteenth line of said sec. 11 to the northwest corner of the SE¼SE¼ of sec. 11, which is a corner of Corps of Engineers Tract No. FIa–279; thence southeasterly with the southwest boundary of Tract FIa–279 to the line between secs. 11 and 12; thence southerly with said section line to the corner common to secs. 11, 12, 13, 14, T. 85 N., R. 5 E.; thence easterly with the line between secs. 12 and 13 to the westerly corner of Corps of Engineers Tract FIa–270; thence southeasterly with the southwest boundary of Tract FIa–270 to an intersection with the northwesterly bank of the Maquoketa River diversion channel; thence northeasterly with the west bank of the Maquoketa River diversion channel to an intersection with the west or right bank of the Mississippi River; thence northwesterly with the right bank of the Mississippi River, where it forms the northeasterly boundaries of part of fractional sec. 7, T. 85 N., N., R. 6 E., and of fractional sec. 12, Island 255, and fractional secs. 1 and 2, T. 85 N., R. 5 E., and Island 250 and Corps of Engineers Tract IaIs–50, being the northeasterly boundaries of fractional sec. 3, T. 85 N., R. 5 E., and fractional secs. 34 and 33, T. 86 N., R. 5 E., to the northwesterly point of Island 250, on the easterly bank of the mouth of Pleasant Creek in the southwest corner of the SW¼NE¼ of sec. 33, T. 86 N., R. 5 E.; thence southerly with the easterly bank of Pleasant Creek to an intersection with the east-west centerline of said sec. 33; thence westerly with said centerline to an intersection with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southerly with said right-of-way boundary to the point where the Corps of Engineers project boundary leaves the right-of-way in the NW¼SE¼ of sec. 4, T. 85 N., R. 5 E., approximately 80 feet southeasterly of the Pleasant Creek bridge; thence northeasterly and southeasterly, with said project boundary across the E½ sec. 4 and the W½SW¼ of sec. 3, T. 85 N., R. 5 E., to the point where said project boundary intersects the line common to secs. 3 and 10, T. 85 N., R. 5 E.; thence westerly with said section line to the place of beginning.

WISCONSIN

GRANT COUNTY

Dago Slough closed area. All lands and waters lying and being in secs. 26, 27, 34, 35, and 36, T. 3 N., R. 5 W.; secs. 31, 32, and 33, T. 3 N., R. 4 W.; sec. 1, T. 2 N., R. 5 W., and secs. 4, 5, and 6, T. 2 N., R. 4 W., fourth principal meridian, Grant County, Wis., which are enclosed by the following-described boundaries: Beginning at a point where the west boundary of sec. 26, T. 3 N., R. 5 W., intersects the southerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence southerly with the west boundary of sec. 26 to the northeast corner of Corps of Engineers Tract FW–232, at or near the southwest corner of sec. 26; thence westerly with the northerly boundaries of Corps of Engineers Tracts FW–232 and FW–234, across the S½SE¼ of sec. 27 and the NE¼NE¼ of sec. 34, T. 3 N., R. 5 W., to the northwest corner of Tract FW–234 in the north-south centerline of sec. 27; thence southerly with the north-south centerlines of said secs. 27 and 34 to an intersection with the north or left bank of Jack Oak Slough; thence southeasterly down said north bank of Jack Oak Slough and the north bank of the Mississippi River in secs. 34, 35, and 36, T. 3 N., R. 5 W., fractional sec. 1, T. 2 N., R. 5 W., and fractional secs. 6, 5, and part of sec. 4, T. 2 N., R. 4 W., to an intersection with the west one-sixteenth line of sec. 4, T. 2 N., R. 4 W.; thence northerly with the west one-sixteenth lines of sec. 4 and of sec. 33, T. 3 N., R. 4 W., to the point where said line intersects the southerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence northwesterly with said right-of-way boundary through secs. 33, 32, and 31, T. 3 N., R. 4 W., and secs. 36, 35, and 26, T. 3 N., R. 5 W., to the place of beginning.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections relating to the proposed regulation may present their views in writing to the Regional Director, Bureau of Sport Fisheries and Wildlife, Department of Interior, 1006 West Lake Street, Minneapolis, Minn. 55408. After having considered comments received as a result of this publication, the undersigned officer will modify the boundaries of the above described lands, which modification shall be published in the FEDERAL REGISTER.

Dated: April 5, 1967.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 67-4029; Filed, Apr. 12, 1967; 8:46 a.m.]

National Park Service

[Order No. 1]

ADMINISTRATIVE ASSISTANT, NAVAJO NATIONAL MONUMENT

Delegation of Authority Regarding Purchasing

The Administrative Assistant may issue purchase orders not in excess of $300 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2; Southwest Region Order 4 (31 F.R. 6134))

Dated: March 20, 1967.

JACK R. WILLIAMS,
Superintendent, Navajo National Monument.

[F.R. Doc. 67-4032; Filed, Apr. 12, 1967; 8:46 a.m.]

[Order No. 1]

SUPERVISORS, STEPHEN T. MATHER TRAINING CENTER AND HORACE M. ALBRIGHT TRAINING CENTER

Delegation of Authority Regarding Procurement Activities

1. The Supervisor of the Stephen T. Mather Training Center and the Supervisor of the Horace M. Albright Training Center may execute, approve and administer contracts and issue purchase orders under $2,000 for supplies, equipment or services, in conformity with applicable regulations and statutory authority and subject to the availability of appropriations. This authority may not be redelegated.

2. Revocation: Authority delegated to the Supervisor, Stephen T. Mather Training Center under Order No. 31 (29 F.R. 15660, Nov. 21, 1964) is hereby revoked. (20 F.R. 8582, Nov. 19, 1955; 27 F.R. 7903 and 7904, Aug. 9, 1962)

Dated: March 29, 1967.

C. P. MONTGOMERY,
Assistant Director.

[F.R. Doc. 67-4033; Filed, Apr. 12, 1967; 8:46 a.m.]

ROCK CREEK PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89–249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Super Attractions, Inc., authorizing it to continue to present theatrical productions of cultural and entertaining quality for the public in the Carter Barron Amphitheatre within Rock Creek Park in the National Capital Region for a period of ten (10) years from November 1, 1967, through October 31, 1977.

The foregoing concessioner has performed its obligations under a prior contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Director of the National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 6, 1967.

HOWARD W. BAKER,
Acting Director, National Park Service.

[F.R. Doc. 67-4034; Filed, Apr. 12, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

FROZEN DESSERTS

Standards for Manufacture Recommended for Adoption by State Regulatory Agencies

The Standards for the Manufacture of Frozen Desserts Recommended for Adoption by State Regulatory Agencies, appeared in the February 16, 1967, FEDERAL REGISTER under notices, as an item of public interest.

Prior to this date State regulatory agencies, being most directly concerned, were sent copies of the proposal for their views and comments. However, the views of the restaurant and soft-serve industry groups were not specifically solicited. Such groups now desire to present data, views, or arguments. The recommended standards are intended to give State regulatory agencies an impartial, uniform, and adequate basis for assessing the hygiene and processing methods of all handlers of frozen desserts.

Therefore, notice is hereby given that persons who desire to submit written data, views, or arguments concerning Standards for the Manufacture of Frozen Desserts Recommended for Adoption by State Regulatory Agencies may do so.

Written data, views, or arguments in connection with the aforesaid recommendation shall be filed in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112A, Administration Building, Washington, D.C. 20250, not later than 60 days after publication of this notice in the FEDERAL REGISTER.

All written submissions pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 7th day of April 1967.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 67-4041; Filed, Apr. 12, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF PENNSYLVANIA AND HARVARD UNIVERSITY

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket Number: 67–00015–75–76595. Applicant: University of Pennsylvania, Department of Physics, Philadelphia, Pa. 19104. Article: Broad Range, Multigap magnetic spectrograph, Serial number HR/D 410069. Manufacturer: United Kingdom Atomic Energy Authority, Atomic Weapons Research Establishment, Aldermaston, United Kingdom. Intended use of article: Applicant states:

The instrument is used in experimental research on nuclear structure and nuclear forces. Charged particle products of "atom smashing" nuclear reactions are deflected through a number of gaps in the electromagnet and allowed to strike several nuclear emulsions which record the individual nuclear particles. From the measurement of the positions of the individual tracks the energy and angle of the nuclear particle is determined. Such distributions give information relating to the structure of the "smashed" nuclei of the atoms. Comparison with theoretical calculations then allows confirmation or refinement of the theory.

Application received by Commissioner of Customs: March 28, 1967.

Docket Number: 67–00011–33–46040. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Electron Microscope, Norelco, Model EM–200 with standard components, spare parts, and accessories. Manufacture: Phillips Electronics N.V.D., Holland. Intended use of article: Applicant states:

The studies for which the electron microscope will be utilized deal primarily with the fine structure of cellular junctions and contacts in normal and pathological conditions. Specifically the intercellular junctions in endothelium and mesothelium, and the cell contacts between antigen coated and antibody-producing cells will be investigated. These studies require an electron microscope capable of giving high resolution consistently since the cell junctions and contacts involve distances of 0–20Å—in some of the studies the differences between a complete "tight" junction where there is fusion of cell membranes, and a space of even a few Angstroms becomes very important. These studies on cellular contacts and junctions are being extended to a variety of other cells.

Application received by Commissioner of Customs: March 17, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-4018; Filed, Apr. 12, 1967; 8:45 a.m.]

Maritime Administration

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Application

Notice is hereby given that American Export Isbrandtsen Lines, Inc., has requested approval to modify its 1967 cruise program as previously published in the FEDERAL REGISTER of August 13, 1966 (31 F.R. 10854), and approved by the Maritime Subsidy Board on October 27, 1966, so that beginning with August 21, 1967, the cruise schedule will read as follows:

Vessel	Sails New York	Returns New York	Itinerary
Constitution	Aug. 21	Aug. 25	Bermuda.
Do	Aug. 25	Aug. 29	Bermuda.
Do	Aug. 29	Sept. 2	Bermuda.
Do	Sept. 2	Sept. 7	Bermuda.
Do	Sept. 7	Sept. 12	Bermuda.
Independence	Oct. 16	Oct. 25	St. Thomas, St. Croix.
Do	Oct. 25	Nov. 1	San Juan, St. Thomas.
Do	Nov. 1	Nov. 9	San Juan, St. Maarten, St. Thomas.
Constitution	Nov. 22	Nov. 27	Bermuda.
Do	Dec. 22	Jan. 2, 1968	Barbados, Martinique, Antigua, San Juan, St. Thomas.
	Sails Port Everglades	*Returns Port Everglades*	
Atlantic	[1] Nov. 28	Dec. 1	Freeport.
Do	Dec. 1	Dec. 8	St. Thomas, San Juan.
Do	Dec. 8	Dec. 15	St. Thomas, San Juan.
Do	Dec. 15	Dec. 21	Port-au-Prince, Kingston, Nassau.
Do	Dec. 22	Jan. 4, 1968	Kingston, Curacao, Trinidad, Barbados, Martinique, St. Thomas, San Juan.

[1] Sails from New York.

American Export Isbrandtsen Lines, Inc., has also requested approval of the following cruise schedule for the first quarter of calendar year 1968:

Vessel	Sails New York	Returns New York	Itinerary
Constitution	Jan. 26	Feb. 8	San Juan, St. Croix, Martinique, Trinidad, Barbados, Antigua, St. Maarten, St. Thomas.
Do	Feb. 9 *Sails Port Everglades*	Feb. 21 *Returns Port Everglades*	Curacao, Trinidad, Barbados, Martinique, San Juan, St. Thomas.
Atlantic	Jan. 5	Jan. 12	St. Thomas, San Juan.
Do	Jan. 12	Jan. 19	Port-au-Prince, Kingston, Montego Bay, Nassau.
Do	Jan. 19	Jan. 26	San Juan, St. Thomas, Nassau.
Do	Jan. 26	Feb. 1	Port-au-Prince, Kingston, Nassau.
Do	Feb. 2	Feb. 9	St. Thomas, San Juan.
Do	Feb. 9	Feb. 16	Port-au-Prince, Kingston, Montego Bay, Nassau.
Do	Feb. 16	Feb. 23	St. Thomas, San Juan.
Do	Feb. 23	Feb. 29	Port-au-Prince, Kingston, Nassau.
Do	Mar. 1	Mar. 8	St. Thomas, San Juan, Nassau.
Do	Mar. 8	Mar. 15	Port-au-Prince, Kingston, Montego Bay, Nassau.
Do	Mar. 15	[1] Mar. 18	Freeport.

[1] Returns to New York.

Any person, firm, or corporation having any interest, within the meaning of Public Law 87–45, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by close of business on April 26, 1967.

In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: April 7, 1967.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-4042; Filed, Apr. 12, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18317]

LINEAS AEREAS DE NICARAGUA, S.A.

Notice of Prehearing Conference

Application of Lineas Aereas de Nicaragua, S.A., for a renewal of its foreign air carrier permit authorizing it to engage in foreign air transportation of persons, property, and mail between the terminal points Managua, Nicaragua, and Miami, Fla.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on April 20, 1967, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., April 7, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-4048; Filed, Apr. 12, 1967; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GENERAL TIRE & RUBBER CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2152) has been filed by The General Tire & Rubber Co., 1708 Englewood Avenue, Akron, Ohio 44309, proposing an amendment to § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* to provide for the safe use of styrene-butadiene-acrylonitrile-methacrylic acid copolymers, containing not more than 20 weight percent of total polymer units derived from methacrylic acid, as components of the food-contact surface of paper and paperboard.

Dated: April 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4059; Filed, Apr. 12, 1967; 8:48 a.m.]

CIBA CORP.

Notice of Withdrawal of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), CIBA Corp., Post Office Box 1105, Vero Beach, Fla. 32960, has withdrawn its petition (PP 7F0530), notice of which was published in the FEDERAL REGISTER of October 7, 1966 (31 F.R. 13054), proposing the establishment of a tolerance of 0.1 part per million for residues of the herbicide *N*-(*p*-bromophenyl)-*N'*-methyl-*N'*-methoxyurea in or on potatoes.

Dated: April 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4060; Filed, Apr. 12, 1967; 8:48 a.m.]

UNION CARBIDE CORP.

Notice of Withdrawal of Petitions Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), Union Carbide Corp., Agricultural Products, Post Office Box 8361, South Charleston, W. Va. 25303, has withdrawn its petitions (PP 7F0537, 7F0538), notice of which was published in the FEDERAL REGISTER of October 28, 1966 (31 F.R. 13874), proposing the establishment of a tolerance of 0.5 part per million for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate), including its hydrolysis product 1-naphthol (calculated as 1-naphthyl *N*-methylcarbamate), in or on the raw agricultural commodities eggs, potatoes, and sweetpotatoes.

Dated: April 5, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4061; Filed, Apr. 12, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

ITALY, SOUTH FRANCE/U.S. GULF CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. G. Ravera, Secretary, Italy, South France/U.S. Gulf Conference, Vico San Luca No. 4, Genoa, Italy.

Agreement 9522–5, between the member lines of the Italy, South France/U.S. Gulf Conference, amends the basic agreement to except bulk cargoes (dry and liquid) from the Conference's jurisdiction.

Dated: April 10, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4053; Filed, Apr. 12, 1967; 8:48 a.m.]

OCEANBROKERS, INC. ET AL.

Independent Ocean Freight Forwarder Licenses and Applicants Therefor

Notice is hereby given of the cancellation of the following independent ocean freight forwarder license.

Oceanbrokers, Inc., 500 Sansome Street, San Francisco, Calif. 94111; License No. 1077, Cancelled March 23, 1967.

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses filed pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANT

Kingpak, Inc., Post Office Box 1025, Wichita, Kans.; Application No. 665, Withdrawn March 23, 1967.

NEW APPLICANTS

Cuestas Moving & Express Corp., 204 Ninth Street, Brooklyn, N.Y. 11231; Application denied March 7, 1967.

Waterways Shipping, Inc., 166 East Bay Street, Charleston, S.C. 29401; Application denied March 10, 1967.

Schumm Traffic Agency, Inc., 26 Broadway, New York, N.Y.; Application dismissed March 10, 1967.

Mr. Frank Figuerola, 89–33 Whitney Ave., Elmhurst, N.Y. 11373; Application denied March 20, 1967.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses.

ADDRESS CHANGES

American Express Co. (Branch), Cargo Service Building No. 80, J. F. Kennedy International Airport, Jamaica, N.Y. 11430; License No. 289.

Trade Lanes Shipping Corp., 140 Cedar Street, New York, N.Y. 10006; License No. 658.

Endo International Corp., 35–27 Vernon Boulevard, Long Island City, N.Y. 11106; License No. 1106.

Ohanneson Freight Forwarding Co., 16 California Street, San Francisco, Calif. 94103; License No. 1051.

Salentine & Co., Inc., 734 North Jefferson Street, Milwaukee, Wis. 53201; License No. 462.

H. W. St. John & Co., 33 Rector Street, New York, N.Y. 10006; License No. 1012.

H. W. St. John & Co. (Branch), 708 Mercantile Trust Building, Baltimore, Md. 21202; License No. 1012.

Export-Import Services, Inc., 1 State Street, New York, N.Y.; License No. 888.

D. V. Argiumbau & Co., Inc., 11 Broadway, New York, N.Y. 10004; License No. 759.

Footner & Co., Inc., 706 Mercantile Trust Building, Baltimore, Md. 21202; License No. 10.

Footner & Co., Inc. (Branch), 33 Rector Street, New York, N.Y. 10006; License No. 10.

CHANGE OF NAME

American Oceanic Forwarders to American International Forwarders, 465 California Street, Room 433, San Francisco, Calif.; Applicant.

CHANGE OF OFFICERS

Sea-Lanes Shipping Co., Inc., 39 Broadway, New York, N.Y. 10006; License No. 283, Joseph M. Garcia, vice president.

Ray C. Fischer Co., Inc., 50 Broadway, New York, N.Y.; License No. 222, Gerald L. Huckbody, vice president, Alex Oshinsky, manager.

American Express Co., 65 Broadway, New York, N.Y.; License No. 289, Ralph D'Elia, export manager, Robert Prendergast, assistant export manager, James Walker, manager, Frank Schaefer, assistant manager, Ralph Trankina, sales manager, Charles Petersen, export agent, Roger Mann, acting manager, E. J. Santiestevan, traffic clerk, Annette S. Hyden, manager, Antonio Quintana, traffic clerk, Joseph Di Grazia, manager, Robert Dooley, traffic clerk.

Carmichael Forwarding Service, 406 South Main Street, Los Angeles, Calif. 90013; License No. 52, R. F. Lazier, president, Marjorie L. Lazier, secretary-treasurer, Omar Slayter, director, Enrico Salvo, vice president.

Acme International, Inc., 10 South La Salle Street, Chicago, Ill.; License No. 994, Milo L. Larson, president, treasurer, and director, Julius Groner, secretary, director, H. A. Kim Shin, director.

Geo. S. Bush & Co., Inc., 255–262 Colman Building, Seattle, Wash.; License No. 162, Chas. F. Mims, president, Ben J. Ellis, executive vice president and treasurer, Edward Howe Lee, vice president, Donald L. Patrick, vice president, R. W. McMenamin, secretary.

Seaborne Services, Inc., 67 Broad Street, New York, N.Y.; License No. 585, Emile Heyrman, chairman of board, Eric de Spirlet, president, Jacques Joseph Leblanc, executive vice president, George de Bary, vice president.

W. O. Smith Co., Inc., 109 West Main Street, Norfolk, Va. 23510; License No. 481, Roger A. Massey, president and treasurer, Harold V. Byrne, vice president, Teresa Bianco, secretary.

Baxter Co. Customhouse Brokers, Inc., 527 Canal Street, New Orleans, La. 70130; License No. 140, Fred T. Miller, Jr., president, Jose Ricardo Enriquez, vice president, Eliphlet R. Austin, secretary, Percy J. Heines, Jr., treasurer.

Francesco Parisi Midwest, Inc. (Branch), 327 South La Salle Street, Chicago, Ill.; License No. 770, I. Michael Wolinski, manager.

D. C. Andrews International, Inc., 327 South La Salle Street, Chicago, Ill.; License No. 666, George F. O'Brien, vice president.

Quast & Co., Inc., 327 South La Salle Street, Chicago, Ill.; Applicant, Harry F. Long, vice president.

Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La.; License No. 909, S. B. Turman, chairman and chief executive officer, J. T. Lykes, vice chairman, F. A. Nemec, president, J. M. Lykes, Jr., executive vice president and vice president, W. J. Amoss, Jr., traffic, T. P. Bartle, central Atlantic, J. J. Creevy, administrator, A. W. Lott, west Gulf, W. T. Morris, Jr., eastern, R. T. Reckling, operating, A. J. Sunchey, secretary-controller and assistant division vice president, R. E. Berkefeld, west Gulf, R. J. Brennan, tonnage controller, T. L. Gusman, sales, S. A. LeBlanc, east Gulf, L. J. Fitzpatrick, assistant secretary and assistant controller, F. K. Newman, assistant controller, R. T. Kelly, assistant treasurer.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.

Louis A. Ayala Parisi, Post Office Box 803, Ponce, P.R.; Louis A. Ayala, owner.

Nettles & Co. (Lee Nettle, d.b.a.), 327 South La Salle Street, Chicago, Ill. 60604; Lee L. Nettle, owner, employees, E. F. Osowski, W. J. Mester, M. J. Millon, Jr.

Benson's Forwarding Service (Solomon J. Benson, d.b.a.), Building C, No. 3, Post Office Box 48–354, Miami, Fla.; Solomon J. Benson, owner.

NEW APPLICANTS LICENSED

March 1967

Watson Transfer & Storage Co., Inc., 7019 Katy Road, Houston, Tex. License No. 1146, issued February 28, 1967.

Gilscot Forwarding Co. (Mrs. Helen Guillot Scot, d.b.a.), No. 2 Canal Street, New Orleans, La. 70130. License No. 1147, issued March 10, 1967.

World Trade Forwarding Co. (Jose S. Lopez, d.b.a.), 217 World Trade Building, Houston, Tex. License No. 1148, issued March 14, 1967.

GRANDFATHER LICENSED

Routed Thru-Pac, Inc., 350 Broadway, New York, N.Y. 10013. License No. 731, issued March 23, 1967.

Dated: April 10, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4052; Filed, Apr. 12, 1967; 8:47 a.m.]

[Docket No. 67-26]

U.S. GREAT LAKES/SOUTH AND EAST AFRICA RATE AGREEMENT

Exclusive Patronage (Dual Rate) System; Order of Investigation and Hearing

The Commission has before it the application of the U.S. Great Lakes/South and East Africa Rate Agreement for permission to institute an exclusive patronage (dual rate) contract system, pursuant to section 14b of the Shipping Act, 1916.

Publication of notice of the filing of the petition in the FEDERAL REGISTER failed to elicit any formal protests or requests for a hearing. By letter of January 10, 1967, the conference advised that there had been periodic incursions by outside vessels in the trade and expressed an unsupported opinion that a spread of at least 15 percent would be necessary to induce shippers and/or consignees to sign

its dual rate contract. Thereafter, on March 17, 1967, the conference furnished further information as to its own sailings in the past, the amount of cargo it had carried, and the sailings contemplated during the coming season. Other than the fact that the nonconference operators are offering competitive rates, no evidence has been adduced to show that a contract rate system is necessary to insure continued stability of rates and services in this trade.

Although additional conference sailings are now contemplated, we have no assurance that they will actually materialize. Information available to the Commission indicates that during the 1966 season the conference furnished less than half of the 11 sailings in this trade.

The institution of a dual rate system in this trade might eliminate some nonconference sailings which could result not only in inadequate service to shippers but the diversion of cargo from Great Lakes Ports to such an extent as to have an adverse effect on the growth of this still developing trade. In view of the foregoing, the Commission is of the opinion that a hearing is required for the taking of evidence in order to determine whether the application should be approved and, if so, whether the proposed spread of 15 percent between contract and noncontract rates is reasonable in the circumstances.

Therefore it is ordered, That pursuant to sections 14b and 22 of the Shipping Act, 1916, as amended, an investigation and hearing be instituted for the taking of evidence to determine (1) whether the proposed system meets the requirements of section 14b, or if it will be detrimental to the commerce of the United States, contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, or ports, or between exporters from the United States and their foreign competitors; (2) whether the application of the conference to institute the proposed system should be granted; and, if so, (3) whether the proposed spread between contract and noncontract rates is reasonable in the circumstances.

It is further ordered, That the U.S. Great Lakes/South and East Africa Rate Agreement and its member lines, listed in Appendix A, attached hereto, be made respondents in this proceeding;

It is further ordered, That this matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Presiding Examiner.

It is further ordered, That any person, other than respondents, having any interest in this matter, and desiring to participate in this proceeding, shall file a petition for leave to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 21, 1967; with copy to respondents.

It is further ordered, That this order and notice of hearing be published in the FEDERAL REGISTER, that a copy of such order be served upon respondents and the U.S. Great Lakes/South and East Africa Rate Agreement, and that all future notices, orders and decisions issued in this proceeding, including notice of time and place of hearing and prehearing conference, be mailed directly to each party of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX A

UNITED STATES GREAT LAKES/SOUTH AND EAST AFRICA RATE AGREEMENT

Mr. James C. Pendleton, General Secretary, 25 Broadway, New York, N.Y. 10004.

MEMBERS

Farrell Lines Inc., 1 Whitehall Street, New York, N.Y. 10004.
Moore-McCormack Lines Inc., 2 Broadway, New York, N.Y. 10004.
South African Marine Corp., Ltd., 17 Battery Place, New York, N.Y. 10004.
Christensen Canadian African Lines, c/o Kerr Steamship Co., Inc., agents, 29 Broadway, New York, N.Y. 10006.

[F.R. Doc. 67-4054; Filed, Apr. 12, 1967; 8:48 a.m.]

AMERICAN EXPORT ISBRANDTSEN LINES, INC., AND FIRST ATOMIC SHIP TRANSPORT, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. James N. Jacobi, Kurrus and Jacobi, 2000 K Street NW., Washington, D.C. 20006.

Agreement 9451-2, between American Export Isbrandtsen Lines, Inc. (AEIL) and its wholly owned subsidiary First Atomic Ship Transport, Inc. (FAST), modifies the basic agreement (1) to remove the restrictions on the number of voyages per year to be made by the NS *Savannah* in the North European, Mediterranean or Far East trades; (2) to permit FAST to avail itself of the services of Mr. John F. Bone as consultant; and (3) to increase the compensation payable by FAST to AEIL for services rendered under the terms of the basic agreement.

Dated: April 10, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67-4051; Filed, Apr. 12, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-278]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Notice of Application

APRIL 5, 1967.

Take notice that on March 24, 1967, Columbia Gulf Transmission Co. (Columbia), 3805 West Alabama Avenue, Houston, Tex. 77001, Texas Eastern Transmission Corp. (Texas), Southern National Bank Building, Houston, Tex. 77001, and United Fuel Gas Co. (United), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25325 (jointly called Applicants), filed in Docket No. CP67-278 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the exchange of natural gas between the parties, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants propose to construct and operate an interconnection between the facilities of Columbia and Texas, located at a point where Texas' 30- and 36-inch pipeline system crosses Columbia's 30-inch pipeline in Adair County, Ky. Inasmuch as Columbia transports all of United's natural gas and both United and Texas serve customers in the area, this interconnection, agreed to by Applicants October 3, 1966, will enable Texas or United, through Columbia, to deliver natural gas to the other when a situation arises that could be alleviated by such an exchange. The recipient of the gas would return a like amount to the other at a later date or pay a predetermined price for same. Applicants state that such an interconnection would be beneficial to both their customers and the companies as it will provide added flexibility of operation and continuity of service.

Applicants estimate the total cost of the proposed construction at approximately $23,600 of which $13,900 will be shared equally by Columbia and Texas, the balance being for the construction of taps and side valves which each company will construct at its own expense.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 4, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4020; Filed, Apr. 12, 1967; 8:45 a.m.]

UTAH

Order Vacating Withdrawals in Project No. 236

APRIL 5, 1967.

Application has been filed by the U.S. Forest Service (Applicant) for vacation of the power withdrawals under the provisions of section 24 of the Federal Power Act pertaining to portions (comprising approximately 28.90 acres) of the following described lands of the United States:

SALT LAKE MERIDIAN, UTAH

T. 33 S., R. 22 E.,
Sec. 35, SE¼SE¼;
Sec. 36, S½NE¼, NE¼SW¼, S½SW¼, NW¼SE¼.
T. 33 S., R. 23 E.,
Sec. 26, S½SW¼;
Sec. 31, lots 1, 2, E½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 32, S½S½, NE¼SE¼;
Sec. 33, SE¼NE¼, N½S½;
Sec. 34, SW¼NW¼;
Sec. 35, N½N½.
T. 34 S., R. 23 E.,
Sec. 6, lot 2, SW¼NE¼.

The lands lie near Pole Creek just west of the City of Monticello in San Juan County in southeastern Utah. Some of the lands are within the LaSal Division of the Manti-LaSal National Forest.

The lands are withdrawn pursuant to the filing on July 22, 1921, of an application for license for Project No. 236, and subsequent applications for amendment of the license for the project, pursuant to which filings the Commission gave notices of power withdrawal to the General Land Office, now Bureau of Land Management, by letters dated August 17, 1921, August 18, 1921, April 12, 1949, and October 25, 1949, respectively. The license for the project, having an installed hydroelectric capacity of 40 horsepower, was issued on March 25, 1922, for a period of 50 years.

The project served the inhabitants of Monticello and adjacent areas. However, pursuant to application therefor, the Commission, by order issued August 20, 1952, accepted surrender of the license for the project. The order pointed out that the plant was destroyed by fire on June 13, 1951, and the city had constructed a new Diesel plant within the boundaries of Monticello in lieu of reconstruction of Project No. 236. The order stated that the National Forest lands occupied by the project had been restored to a condition satisfactory to the Forest Service. Our records show that the Utah Power & Light Co. provides all of the city of Monticello's power and the city no longer owns or operates any generating equipment.

The Commission finds: Inasmuch as the subject lands no longer have power value, and the power withdrawal of the lands serves no useful purposes, it should be vacated.

The Commission orders: The power withdrawals pertaining to the subject lands pursuant to the applications for Project No. 236 are hereby vacated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4021; Filed, Apr. 12, 1967; 8:45 a.m.]

WASHINGTON

Order Vacating Withdrawal in Project No. 1128

APRIL 5, 1967.

Application has been filed by the U.S. Forest Service (Applicant) for vacation of the power withdrawal under the provisions of section 24 of the Federal Power Act pertaining to portions (totaling 1.9 acres) of the following described lands of the United States:

WILLAMETTE MERIDIAN, WASHINGTON

T. 27 N., R. 16 E.,
Sec. 33, SE¼SW¼.

The land lies within the Wenatchee National Forest and is located on Ellen Creek, a small tributary of Nason Creek, near the town of Merritt in Chelan County, Wash. Ellen Creek has a drainage area of less than 1 square mile.

The land was withdrawn pursuant to the filing on November 5, 1930; of an application for license for Project No. 1128. Notice of the withdrawal was given to the General Land Office (now Bureau of Land Management) by Commission letter dated November 7, 1930, as modified by letter dated August 1, 1942. Project No. 1128 consisted of a ditch and 4-inch steel pipeline used to divert water from Ellen Creek to a powerhouse containing a 6 horsepower water wheel driving a 4.5 kilowatt generator and a short power line to serve a resort hotel operated by the licensee on land owned by him. The project utilized approximately 1 cubic foot per second of water through a head of 230 feet.

The last license for the project, which was issued without charge, expired on July 6, 1962, and Applicant advises that the resort facilities formerly served by the hydroelectric project works are within an area now served by commercial power, and that the National Forest lands previously occupied by the project works have been restored to a condition satisfactory to Applicant.

The Commission finds: Inasmuch as the subject land no longer has power value, and the power withdrawal of the land serves no useful purpose, it should be vacated.

The Commission orders: The power withdrawal of the subject land pursuant to the application for Project No. 1128 is hereby vacated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4022; Filed, Apr. 12, 1967; 8:45 a.m.]

WASHINGTON

Vacation of Withdrawal in Project No. 1132

APRIL 5, 1967.

Application has been filed by the U.S. Forest Service (Applicant) for vacation of the power withdrawal under the provisions of section 24 of the Federal Power Act of the following described land of the United States comprising about 2 acres:

WILLAMETTE MERIDIAN, WASHINGTON

T. 22 N., R. 11 E.,
Sec. 26, lot 3, W½NE¼.

All portions of the above tracts lying within the project boundaries of the intake and powerhouse sites, and within 15 feet of the centerline of the pipeline location, and within 15 feet of the centerline of the transmission line location, all as shown on a map designated "Exhibit F" and entitled "Hydroelectric Power Project of E. N. Tunin, Hyak, Wash." and filed in the office of the Federal Power Commission on November 20, 1930.

The land is withdrawn pursuant to the filing on November 20, 1930, of an application for license for Project No. 1132. Commission notice of the withdrawal was given to the General Land Office (now Bureau of Land Management) by letter dated December 1, 1930.

The land is located on or near Wolf Creek, a tributary of Keechelus Reservoir, a Bureau of Reclamation nonpower development at the upper end of the Yakima River, in Kittitas County, Wash., and is within the Wenatchee National Forest.

The hydroelectric facilities comprising Project No. 1132, with a powerhouse containing a 25 horsepower water wheel connected to a 15 kilowatt generator, once served a resort hotel. The Forest Service has estimated that the flow of water available for power 90 percent of the time at 1.53 c.f.s. Having been informed by the Forest Service that the project had been inoperative for some time (the resort having been taken over by the State of Washington Highway

Department) and that the National Forest lands involved had been restored to a condition satisfactory to the Service, the Commission, pursuant to application therefor, accepted surrender of the license for the project, effective as of July 26, 1960.

The Commission finds: Inasmuch as the subject land no longer has power value, and the power withdrawal of the land serves no useful purpose, it should be vacated.

The Commission orders: The power withdrawal of the subject land pursuant to the application for Project No. 1132 is hereby vacated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4023; Filed, Apr. 12, 1967; 8:45 a.m.]

[Docket No. CP67-277]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

APRIL 5, 1967.

Take notice that on March 24, 1967, Montana-Dakota Utilities Co. (Applicant), 831 Second Avenue South, Minneapolis, Minn. 55402, filed in Docket No. CP67-277 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas replacement facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following facilities as replacements for the facilities now in place:

(1) Approximately 12 miles of 12¾-inch O.D. transmission main to replace 8⅝-inch O.D. pipe and approximately 3.94 miles of 12¾-inch O.D. transmission main to replace 10¾-inch O.D. pipe on the Elk Basin, Wyo., to Billings, Mont., main line,

(2) Approximately 4.73 miles of 12¾-inch O.D. transmission main to replace 8⅝-inch O.D. pipe on the Cabin Creek to Glendive, Mont., main line,

(3) Approximately 2.36 miles of 3½-inch O.D. transmission lateral to replace 2⅜-inch O.D. pipe on the lateral serving Richardton, N. Dak., and

(4) 1,710 feet of 6⅝-inch O.D. transmission lateral to replace 4½-inch O.D. pipe on the lateral serving Glendive, Mont.

Applicant states that the facilities proposed to be constructed are to replace pipe that is near the end of its useful service life, to reduce maintenance costs, to provide for future increased operating pressure and to increase gas flow capacity.

Applicant estimates the total cost of the proposed facilities at approximately $585,320, said cost to be financed with internally generated funds and/or short term bank loans. Applicant also estimates the salvage value to be approximately $91,879.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 1, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4024; Filed, Apr. 12, 1967; 8:45 a.m.]

[Docket No. CP67-281]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 5, 1967.

Take notice that on March 27, 1967, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP67-281 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, on an equal volume basis, with Colorado Interstate Gas Co. (Colorado) for a period extending to April 1, 1968, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to deliver through existing facilities up to 10,000 Mcf of natural gas per day on an interruptible basis to Cabot Corp. (Cabot) for Colorado's account in return for like volumes which Colorado will redeliver to Applicant. Applicant states that it has entered into an agreement with Colorado dated January 17, 1964, as amended, providing for the proposed exchange of gas.

Applicant also states that the subject transaction is a straight gas-for-gas exchange between it and Colorado and will have no effect upon Applicant's revenues, gas supply, or operation of its mainline facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 25, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4025; Filed, Apr. 12, 1967; 8:45 a.m.]

[Docket No. E-7172]

INTERIOR DEPARTMENT SOUTHWESTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates and Charges

APRIL 5, 1967.

Notice is hereby given that the U.S. Department of the Interior (Interior), on behalf of the Southwestern Power Administration (SWPA), has filed with the Federal Power Commission pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 887), a request for the extension of the confirmation and approval of the following rate schedules and contractual rates and charges applicable to the integrated system of SWPA for a 5-year period from July 1, 1967, to July 1, 1972.

Rate Schedule F-1—Wholesale Firm Power Service. Demand charge: $1.60 per kw of monthly billing demand. Energy charges: 2 mills per kwh for the first 150 kwh per kw of billing demand, and 3 mills per kwh for the next 290 kwh per kw of billing demand, and 5 mills per kwh for energy in excess of 440 kwh per kw of billing demand.

Rate Schedule IC. This system schedule is for interruptible capacity at such times and amounts as the Government determines is available. The capacity charge is $0.45 per kw per day and at the Government's election, energy may be sold at $0.002 per kwh or returned by customer as scheduled by the Government.

Rate Schedule E. This system schedule is for excess energy at such times and in such amounts as the Government determines is available. The rate is $0.0015 per kwh. The approval heretofore granted by the Commission expires July 1, 1967, and it is required that the approval be extended for a 5-year period expiring July 1, 1972.

Rate Schedule P-2. This rate schedule for hydropeaking and seasonal peaking power represents the main transition grid rate. This schedule provides for delivery of power from and at the voltage of 138 kv or the 161 kv transmission systems owned by or available to SWPA, or at lower or intermediate voltages from substations directly connected to such transmission systems. The minimum amount of energy associated with service under this rate schedule shall be 1,200 kilowatt hours per kw of demand during each 12-month contract year, with the annual demand charge of $14.40 per kw and energy charge at $0.002 per kwh. It is requested that the approval be extended to July 1, 1972, at which time the other rates for SWPA will be up for review and approval.

Contractual Rates & Charges. Contained in the following contracts with SWPA.

Texas Power and Light Co. (Contract Ispa-177). The rates and charges set forth in this contract with SWPA expire July 1, 1967.

Oklahoma Companies (Contract Ispa-356). This contract is with the Oklahoma Gas and Electric Co. and the Public Service Company of Oklahoma. The approval of rates and charges set forth in this contract heretofore granted expires July 1, 1967.

Southwestern Electric Power Co. (Contract 14-02-001-782). The rates and charges set forth in this contract with SWPA expire July 1, 1967.

It is requested the confirmation and approval of the above rates and charges and rate schedules be extended to July 1, 1972.

Any person desiring to make comments or suggestions for Commission consideration with respect to the foregoing rates, rate schedules and rates and charges should submit the same in writing on or before April 24, 1967, to the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426. The proposed rate schedules and contractual rates and charges in their entirety are on file with the Commission and are available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4026; Filed, Apr. 12, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

ASSOCIATED BANCORPORATION

Order Granting Petition To Withdraw Application

In the matter of the application of Associated Bancorporation, Milwaukee, Wis., pursuant to section 3 of the Bank Holding Company Act of 1956 (Docket No. BHC-74).

There has come before the Board of Governors a petition by Applicant in the above matter that its application for permission to become a bank holding company, pursuant to section 3 of the Bank Holding Company Act (12 U.S.C. 1842), be considered withdrawn and that the Board enter an order acknowledging withdrawal of the application and terminating the proceeding thereon without prejudice.

The Board being fully advised in the premises: *It is hereby ordered:*

(1) That the petition to withdraw application filed on behalf of Associated Bancorporation is granted.

(2) That the proceeding pending before the Board involving the said application is terminated without prejudice, and the record in the matter closed.

Dated at Washington, D.C., this 5th day of April 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-4027; Filed, Apr. 12, 1967; 8:45 a.m.]

VIRGINIA COMMONWEALTH BANKSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956, by Virginia Commonwealth Bankshares, Inc., which is a bank holding company located in Richmond, Va., for the prior approval of the Board of the acquisition by Applicant of more than 50 percent of the voting shares of National Bank of Commerce of Fairfax County, Falls Church, Va.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration, the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 6th day of April 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-4028; Filed, Apr. 12, 1967; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry and Withdrawal From Warehouse for Consumption

APRIL 11, 1967.

By an exchange of notes dated April 22, 1966, the Governments of the United States and the Republic of China further amended the bilateral agreement between them of October 19, 1963. As contemplated in paragraphs 14 and 15 of the agreement as amended, the two governments have completed arrangements for shifting the control of the trade to an export control basis exercised by the Republic of China. The Government of the Republic of China commenced to control this trade under the new arrangements on June 1, 1966. By letter of August 26, 1966, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, the Commissioner of Customs was directed to maintain controls at designated levels on only those goods exported from the Republic of China prior to June 1, 1966.

Analysis of information concerning cotton textile exports to the United States, made available to the U.S. Government by the Government of the Republic of China, and of information obtained by the U.S. Government through observation of U.S. imports of cotton textiles produced or manufactured in the Republic of China, revealed certain differences concerning the amounts of goods exported prior to June 1, 1966. As a result of these differences certain goods were denied entry for consumption in the United States pursuant to the directive of August 26, 1966.

On March 27, 1967, following consultations between the two governments, an administrative arrangement was established to provide for the appropriate charging of such imports against appropriate levels in the Agreement of October 19, 1963, as amended on April 22, 1966. Accordingly, there is published below a directive of March 27, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs terminating effective as soon as possible, the directive of August 26, 1966, as amended. As a result of this directive import controls have been removed on cotton textiles and cotton textile products produced or manufactured in the Republic of China. Such goods remain subject to

export controls administered by the Government of the Republic of China in accordance with the above Agreement.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230,
March 27, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: On August 26, 1966, the Chairman of the President's Cabinet Textile Advisory Committee directed you, effective as soon as possible, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of certain cotton textiles and cotton textile products, produced or manufactured in the Republic of China, and exported from the Republic of China prior to June 1, 1966, in excess of certain designated levels. The directive of August 26, 1966, replaced all previous directives concerning cotton textiles and cotton textile products produced or manufactured in the Republic of China.

Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and in furtherance of the agreement between the Governments of the United States and the Republic of China of October 19, 1963, as amended on April 22, 1966, the directive of August 26, 1966, as amended by the directive of December 29, 1966, concerning certain cotton textiles and cotton textile products produced or manufactured in the Republic of China is hereby terminated, to be effective as soon as possible.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

J. HERBERT HOLLOMON,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-4055; Filed, Apr. 12, 1967; 8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry and Withdrawal From Warehouse for Consumption

APRIL 11, 1967.

On August 30, 1966, and on December 28, 1966, in each case after discussions with the Government of Malaysia, the U.S. Government requested the Government of Malaysia to restrain for the 12-month periods, beginning on August 30, 1966 (with regard to Category 45) and on December 28, 1966 (with regard to Categories 19, parts of 26, part of 31, 34, and 60), its exports to the United States of cotton textiles and cotton textile products in those categories, produced or manufactured in Malaysia. In furtherance of the objectives of, and under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) relating to non-participants, the U.S. Government is establishing restraints in accordance with those requests. These restraints do not apply to cotton textiles and cotton textile products produced or manufactured in Malaysia and exported to the United States prior to the beginning of the applicable 12-month periods designated above.

There is published below a letter of March 31, 1967 from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 19, parts of 26, part of 31, 34, 45, and 60, produced or manufactured in Malaysia which may be entered or withdrawn from warehouse for consumption in the United States for designated 12-month periods be limited to designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230,
March 31, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible and for the 12-month periods indicated below, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 19, parts of 26,[1] part of 31, 34, 45, and 60, produced or manufactured in Malaysia, in excess of the following designated adjusted levels of restraint:

Category: [a]		*Adjusted 12-month level of restraint* [2]
19	square yards	2,250,000
26 (duck only)[1]	do	1,500,000
31 (T.S. U.S.A. No. 366.2740 only)	pieces	3,150,000
34	do	266,000
60	dozen	23,400
Category: [b]		
45	do	57,692

[a] The 12-month period applicable to these categories shall be that beginning on Dec. 28, 1966 and extending through Dec. 27, 1967.

[b] The 12-month period applicable to this category shall be that beginning on Aug. 30, 1966 and extending through Aug. 29, 1967.

[2] These levels have been adjusted to reflect entries made prior to Feb. 1, 1967. They have not been adjusted to reflect entries made on or after Feb. 1, 1967.

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 19, parts of 26,[1] 31 (T.S.U.S.A. No. 366.2740 only), 34 and 60, produced or manufactured in Malaysia and which have been exported to the United States prior to December 28, 1966, shall not be subject to this directive. Entries of cotton textiles and cotton textile products in Category 45, produced or manufactured in Malaysia and which have been exported to the United States prior to August 30, 1966, shall not be subject to this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

J. HERBERT HOLLOMON,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-4056; Filed, Apr. 12, 1967; 8:48 a.m.]

[1] T.S. U.S.A. Nos.:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4293]

COHU ELECTRONICS, INC.

Notice of Application to Withdraw From Listing and Registration

APRIL 7, 1967.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Pacific Coast Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The limited volume of trading in the common stock of the company on the Pacific Coast Exchange does not warrant continued listing on the Exchange. The common stock is also traded on the American Stock Exchange. Of all the shares traded in the last 4 years, the percentage of shares traded on the Pacific Coast Exchange has never exceeded 4 percent.

Any interested person may, on or before April 24, 1967, submit by letter to the Secretary of the Securities and Exchange Commission, Washington 25, D.C., facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4036; Filed, Apr. 12, 1967; 8:46 a.m.]

ELECTRO-NUCLEONICS, INC.

Order Suspending Trading

APRIL 7, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Electro-Nucleonics, Inc., Caldwell, N.J., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 8, 1967, through April 17, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4037; Filed, Apr. 12, 1967; 8:46 a.m.]

RAND DEVELOPMENT CORP.

Order Suspending Trading

APRIL 7, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 5 cents par value, of Rand Development Corp., Cleveland, Ohio, and the Class B Common Stock, 5 cents par value, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 10, 1967, through April 19, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4038; Filed, Apr. 12, 1967; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Banj-O Mfg., Inc., Scranton, Pa.; 3-15-67 to 3-14-68; 10 learners (men's boys' and ladies' outerwear jackets).

Big Yank Dixie Factory, Hattiesburg, Miss.; 3-21-67 to 3-20-68 (men's and boys' pants and work shirts).

Bishopville Manufacturing Co., Inc., Bishopville, S.C.; 3-18-67 to 3-17-68 (women's wash frocks).

Blue Bell, Inc., Abingdon, Ill.; 4-1-67 to 3-31-68 (men's trousers).

Bowie Manufacturing Co., Bowie, Tex.; 3-23-67 to 3-22-68 (men's and boys' trousers).

Capitol City Manufacturing Co., Inc., West Columbia, S.C.; 3-29-67 to 3-28-68 (women's house dresses).

Carbondale Apparel Co., Carbondale, Pa.; 3-27-67 to 3-26-68 (children's dresses).

Carolina Sportswear Co., Warrenton, N.C.; 3-16-67 to 3-15-68 (men's and boys' sport shirts).

Carolina Underwear Co., Inc., Thomasville, N.C.; 3-16-67 to 3-15-68 (men's, ladies', and children's pajamas).

Charidon Manufacturing Co., Charleston, Miss.; 3-20-67 and 3-19-68 (men's sport shirts).

Charleston Manufacturing Co., Charleston Heights, S.C.; 3-18-67 to 3-17-68 (ladies' dresses).

Chetops Manufacturing Co., Inc., Chetops, Kans.; 3-19-67 to 3-18-68 (men's work clothing).

College Casuals Co., Sheppton, Pa.; 3-25-67 to 3-24-68 (ladies' shorts and slacks).

Cookeville Shirt Co., Cookeville, Tenn.; 3-24-67 to 3-23-68 (men's dress shirts).

Corsicana Co., Corsicana, Tex.; 3-16-67 to 3-15-68 (men's and boys' trousers).

Custom Sportswear, Inc., Reading, Pa.; 3-18-67 to 3-17-68 (women's and children's shirts).

Duquesne Manufacturing Co., New Kensington, Pa.; 4-1-67 to 3-31-68; 10 learners (ladies' dresses).

E & W of LaFayette, Inc., LaFayette, Ga.; 3-31-67 to 3-30-68 (men's work shirts).

E & W of Monterey, Inc., Monterey, Tenn.; 3-30-67 to 3-29-68 (boys' sport shirts).

F & E Garment Co., Ridge Spring, S.C.; 3-9-67 to 3-8-68; 10 learners (army fatigues).

Greenville Pant Manufacturing Co., Greenville, Tex.; 3-20-67 to 3-19-68 (men's and boys' trousers).

Harbor Sportswear, Inc., East Chicago, Ind.; 3-13-67 to 3-12-68 (men's slacks).

Henson Garment Co., Athens, Ga.; 3-23-67 to 3-22-68 (men's and boys' dungarees).

Huntington Manufacturing Co., Inc., Huntington, W. Va.; 3-24-67 to 3-23-68 (women's dresses).

Edward Hyman Co., Prentiss, Miss.; 3-15-67 to 3-14-68 (work pants and work shirts).

Indiana Sportswear Co., Indiana, Pa.; 3-30-67 to 3-29-68 (men's and boys' outerwear jackets).

Kenrose Manufacturing Co., Inc., Buchanan, Va.; 3-9-67 to 3-8-68 (women's dresses).

Ky Manufacturing Inc., Hopkinsville, Ky.; 3-22-67 to 3-21-68; 10 learners (men's and boys' pants, men's outerwear jackets).

The H. D. Lee Co., Inc., Trenton, Ga.; 3-13-67 to 3-12-68 (work pants).

The H. D. Lee Co., Inc., Lebanon, Mo.; 3-14-67 to 3-13-68 (men's and boys' pants).

LGAM Manufacturing Co., Inc., Woodsfield, Ohio; 4-1-67 to 3-31-68; 10 learners (ladies' blouses).

Manchester Industries, Inc., Manchester, Tenn.; 3-25-67 to 3-24-68 (men's and boys' sport shirts).

The Manhattan Shirt Co., Americus, Ga.; 3-16-67 to 3-15-68 (men's dress shirts).

Martin Manufacturing Co., Inc., Martin, Tenn.; 3-28-67 to 3-27-68 (men's uniform shirts and outerwear jackets).

Modern Industries, Inc., Athens, Tenn.; 3-27-67 to 3-26-68; 10 learners (boys' and girls' pajamas and nightwear).

Oberman Manufacturing Co., Fayetteville, Ark.; 3-14-67 to 3-13-68 (men's work pants and outerwear jackets).

Oberman Manufacturing Co., Harrison, Ark.; 3-23-67 to 3-22-68 (men's and boys' pants).

Old Hickory Co., Inc., Hickory, N.C.; 3-16-67 to 3-15-68; 10 learners (men's and boys' dungarees).

Pass Christian Industries, Inc., Pass Christian, Miss.; 3-17-67 to 3-16-68 (men's dress and sport shirts, ladies' blouses).

Peerless Sportswear Manufacturing Co., Wilkes-Barre, Pa.; 3-18-67 to 3-17-68 (women's and girls' slacks).

Pool Manufacturing Co., Sherman, Tex.; 3-20-67 to 3-19-68 (work shirts, work pants, overalls).

Reidbord Brothers Co., Elkins, W. Va.; 3-21-67 to 3-20-68 (men's work trousers and shirts).

J. H. Rutter Rex Manufacturing Co., Inc., Columbia, Miss.; 3-30-67 to 3-29-68 (men's and boys' work shirts).

Salant & Salant, Inc., Obion, Tenn.; 3-28-67 to 3-27-68 (men's and boys' sport shirts).

Sancar Corp., Harrisonburg, Va.; 3–30–67 to 3–29–68 (ladies' underwear).

Seaford Garment Co., Seaford, Del.; 3–27–67 to 3–26–68 (shirts).

Shane Manufacturing Co., Inc., Evansville, Ind.; 4–1–67 to 3–31–68 (men's work clothing).

Henry I. Siegel Co., Inc., Whiteville, Tenn.; 4–1–67 to 3–31–68 (men's and boys' pants, ladies' and girls' pants).

Solomon Brothers Co., Toxey, Ala.; 3–13–67 to 3–12–68 (men's sport shirts).

Southland Manufacturing Co., Benson, N.C.; 3–31–67 to 3–30–68 (men's and boys' sport shirts).

Spartans Industries, Inc., Sparta, Tenn.; 3–26–67 to 3–25–68 (ladies' and girls' shirts and dresses).

Sportee Corp of N.C., Clarkton, N.C.; 3–19–67 to 3–18–68; 10 learners (ladies' blouses, slacks, capris, and jamaicas).

Tex-Togs, Inc., El Paso, Tex.; 3–13–67 to 3–12–68 (children's slacks).

Weaver Pants Co., Corinth, Miss.; 3–18–67 to 3–17–68 (men's slacks).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Bowie Manufacturing Co., Bowie, Tex.; 3–23–67 to 9–22–67; 50 learners (men's and boys' trousers).

College Casuals Co., Sheppton, Pa.; 3–25–67 to 9–24–67; 10 learners (ladies' shorts and slacks).

Johnsonville Manufacturing Co., Johnsonville, S.C.; 3–20–67 to 9–19–67; 50 learners (ladies' jeans).

Rothley, Inc., Taylorville, Ill.; 3–10–67 to 7–7–67; 10 learners (dresses) (supplemental certificate).

Somerville Manufacturing Co., Inc., Vivian, La.; 4–3–67 to 10–2–67; 60 learners (men's slacks).

Levi Strauss & Co., Tyler, Tex.; 3–22–67 to 9–21–67; 70 learners (men's and boys' jeans).

Levi Strauss & Co., Wichita Falls, Tex.; 3–10–67 to 9–9–67; 25 learners (men's and boys' pants).

The Warner Brothers Co., Thomasville, Ga.; 3–28–67 to 9–27–67; 25 learners (corsets and brassieres).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Brookville Glove Manufacturing Co., Inc., Brookville, Pa.; 3–15–67 to 3–14–68; 10 learners for normal labor turnover purposes (work gloves).

Good Luck Glove Co., Metropolis, Ill.; 3–10–67 to 3–9–68; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Good Luck Glove Co., Rosiclare, Ill.; 3–12–67 to 3–11–68; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Good Luck Glove Co., Rosiclare, Ill.; 3–12–67 to 9–11–67; 20 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Sport-Wear Hosiery Mills, Inc., Etowah, Tenn.; 3–10–67 to 3–9–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Sport-Wear Hosiery Mills, Inc., Etowah, Tenn.; 3–10–67 to 9–9–67; 15 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Carolina Underwear Co., Inc., Thomasville, N.C.; 3–16–67 to 3–15–68; 5 percent of the total number of factory production workers engaged in the production of ladies' and children's panties for normal labor turnover purposes (ladies' and children's panties).

Chatham Knitting Mills, Inc., Chatham, Va.; 3–23–67 to 3–22–68; 5 learners for normal labor turnover purposes (outerwear jackets and sweaters).

Hansley, Inc., Paris, Ky.; 3–20–67 to 3–19–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' woven underwear).

Honaker Mills Corp., Honaker, Va.; 3–13–67 to 3–12–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

South Robeson Knitting Mills, Inc., Fairmont, N.C.; 3–9–67 to 9–8–67; 25 learners for plant expansion purposes (knit shirts).

Union Underwear Co., Inc., Bowling Green, Ky.; 3–27–67 to 3–26–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Boqueron Manufacturing Corp., Cabo Rojo, P.R.; 3–1–67 to 8–31–67; 128 learners for plant expansion purposes in the occupations of seaming, preboarding, knitting, each for a learning period of 240 hours at the rate of 71 cents an hour (effective 4–2–67 learner rate increased to 80 cents an hour) (ladies' seamless hosiery).

Ricardo Corp., Hormigueros, P.R.; 3–9–67 to 3–8–68; 15 learners for normal labor turnover purposes in the occupation of machine stitching for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours (effective 4–2–67 learner rates increased to 90 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours) (ladies' dress gloves, leather and fabric).

Isabela Segunda Corp., Vieques, P.R.; 3–13–67 to 9–12–67; 80 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 84 cents an hour (men's and boys' shorts).

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 31st day of March 1967.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 67-4035; Filed, Apr. 12, 1967; 8:46 a.m.]

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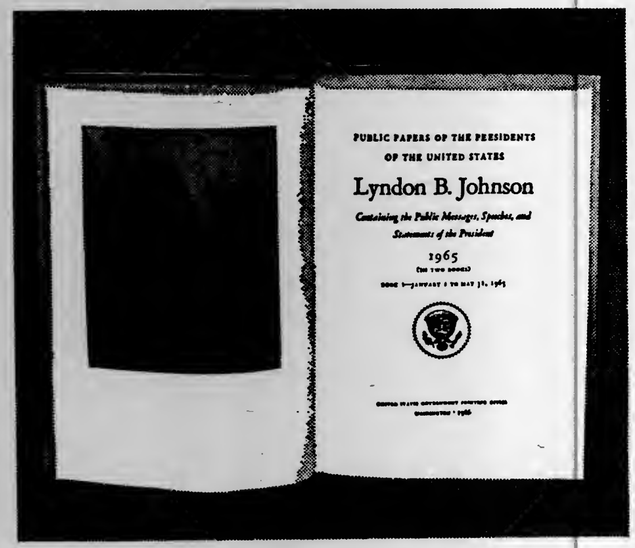
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71 (2 documents) ---------- 5997, 5998

16 CFR
13 (4 documents) ---------- 5990, 5991

18 CFR
2 ---------- 5990
157 ---------- 5990

26 CFR
PROPOSED RULES:
1 ---------- 5993

29 CFR
606 ---------- 5979
612 ---------- 5979
673 ---------- 5979
PROPOSED RULES:
1604 ---------- 5999

Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 17—SALES OF AGRICULTURAL COMMODITIES MADE AVAILABLE UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

Subpart A—Regulations Governing the Financing of Commercial Sales of Agricultural Commodities

MISCELLANEOUS AMENDMENTS

The Regulations Governing the Financing of Commercial Sales of Agricultural Commodities are amended as follows:

1. Section 17.2 (b)(7) and (c)(2) are amended to read as follows:

§ 17.2 Definition of terms.

* * * * * * *

(b) * * *

(7) "Notice of Arrival" means a written notice or copy of a cablegram in accordance with § 17.9(f) reciting that the vessel has arrived at the first port of discharge.

(c) * * *

(2) "Approved applicant" means the bank in the importing country or other agency acceptable to CCC designated by the participant and named in any letter of commitment issued to a banking institution. This term shall include any agent authorized to act on behalf of such an applicant.

* * * * * * *

2. Section 17.7(c) is amended to read as follows:

§ 17.7 Commodity price provisions.

* * * * * * *

(c) *Ineligible selling agents.* If at the time the supplier reports the sale for price approval, it is determined that an agent employed or engaged by the supplier to obtain a contract is not a selling agent as defined in § 17.2(c)(19) the sale will not be approved for financing.

* * * * * * *

3. In § 17.8 paragraph (c) (1) and (2) is amended and a new paragraph (c)(6) is added to read as follows:

§ 17.8 Fees, discounts, commission, brand names.

* * * * * * *

(c) *Commissions.* (1) A commission to a selling agent as defined in § 17.2(c)(19) employed or engaged by the supplier to obtain a contract, except as stated in this paragraph, will be financed to the extent that such commission is included in the contract price.

(2) If the supplier of the commodity or ocean transportation has employed any person or firm, other than a selling agent, to obtain a contract, any commission paid to such person or firm will not be eligible for financing.

* * * * * * *

(6) If a commission is paid in violation of subparagraph (2), (3), or (4) of this paragraph, CCC reserves the right to demand dollar refund of the entire amount financed by CCC under the contract.

* * * * * * *

4. Section 17.9(j)(5) and (m) are amended to read as follows:

§ 17.9 Ocean transportation.

* * * * * * *

(j) *General financing provisions.* * * *

(5) Freight shall not be eligible for financing unless the vessel complies with the provisions of P.L. 87-266. The bank is required to obtain a certification from the carrier that the provision has been complied with but is not responsible for the truth or accuracy of the certification.

* * * * * * *

(m) *Reimbursement for balance of ocean freight or ocean freight differential.* When the charter party or liner booking contract provides for despatch earnings or when Form CCC-106 indicates that a notice of arrival is required and subsequent to the reimbursement of 90 percent of the dollar cost of the ocean freight or ocean freight differential, as appropriate, it is established that a part or all of the final 10 percent is eligible for reimbursement, the supplier of ocean freight is entitled to prompt payment by the participant of that portion of the final 10 percent which is not in dispute. On request of such supplier, the participant must arrange for the prompt submission of the notice of arrival, and when the charter party or liner booking provides for despatch earnings, for signed loading and discharging laytime statements and statements of fact unless waived by the Controller. The participant must also make prompt payment of the undisputed balance due.

* * * * * * *

5. In § 17.10 paragraphs (a)(1), (h)(1), (3), (5), and (6), (l), and (p) are amended to read as follows:

§ 17.10 Letter of commitment method of financing.

(a) *General.* (1) The banking institution to which a letter of commitment is issued by the Controller will be designated by the participant, and must be acceptable to CCC. The letter of commitment will assure reimbursement to the banking institution in accordance with the terms of such letter of commitment, not in excess of the amount specified in the letter of commitment, for payments made or drafts accepted under letters of credit for the account of the approved applicant.

* * * * * * *

(h) *Issuance of letters of credit.* * * *

(1) *General.* The application or request for, and any agreement relating to, any letter of credit issued, confirmed, or advised in connection with a letter of commitment to a banking institution, may contain such provisions as the approved applicant and the banking institution may agree on, and the approved applicant and the banking institution may agree to any extension of the life of, or any other modification of, or variation from, the provisions of any such letter of credit: *Provided,* That such provisions and any such extension, modification or variance shall be in no respect inconsistent with or contrary to the provisions of the letter of commitment; in the event of any such inconsistency or conflict, the provisions of the letter of commitment shall prevail with respect to CCC financing: *And provided further,* That when a letter of credit provides for acceptance of time drafts, such letter of credit (or application therefor) shall specify that the discount and acceptance fees shall be for the account of the importer. Every application for a letter of credit shall provide or shall be deemed to provide for submission to the banking institution of the documentation required by this regulation and by the purchase authorization.

* * * * * * *

(3) *Commodity description.* The commodity description in a letter of credit and the supplier's detailed invoice must correspond with the description as shown on page one of the purchase authorization. In making payment or accepting a time draft under a letter of credit, the banking institution shall, on the basis of the information contained in the required documents, act in accordance with good commercial practice. (As to Form CCC-329 (Reverse), see § 17.15 (a)(3) and (c)(2).)

* * * * * * *

(5) *Deferred opening of letter of credit.* CCC may refuse to finance a transaction under any arrangement to delay opening of a letter of credit; but in any event interest or carrying charges incurred as a result of a delay in opening a letter of credit shall not be eligible for CCC financing. The banking institution will nevertheless be reimbursed for payments made under such letters of credit.

(6) *Delay in presenting documents.* No transaction wherein a letter of credit provides for deferred presentation of documentation required by CCC shall be eligible for financing.

* * * * * * *

(l) *Notice of supplement, modification, or revocation.* A supplement,

modification, or revocation of any purchase authorization or letter of commitment shall become effective as to a banking institution on the receipt by it from the Controller of a written notice of such supplement, modification, or revocation, except that such supplement, modification, or revocation shall in no event affect or impair the right of the banking institution to obtain reimbursement to the extent of any payments made or drafts accepted or irrevocable obligations incurred in reliance on the letter of commitment before receipt of such notice, under a letter of credit issued, confirmed or advised by the banking institution, and for which the banking institution has not been repaid by the approved applicant. The banking institution, however, is under no obligation to obtain such repayment. The term "purchase authorization" as used in a letter of commitment shall be deemed to include each such supplement or modification from and after receipt by the banking institution from the Controller of written notice thereof, subject always, however, to the foregoing terms and provisions preserving the banking institution's right of reimbursement.

* * * * *

(p) *Final date for submission of drafts.* A draft drawn by a banking institution on CCC shall be supported by documents required for reimbursement. Such draft shall be presented not later than 210 days after the expiration of the delivery period specified in the applicable purchase authorization or any extension of such 210-day period granted by the Administrator, except that the draft may be presented subsequent to that date if accompanied by a statement by the banking institution that the documents were received within the 210-day period and that payment to the supplier was made in due course.

6. In paragraph (d) of § 17.13, subparagraphs (1), (3), (6)(i), and (7)(i) are amended and subparagraph (8) is deleted in its entirety as follows:

§ 17.13 Documentation.

* * * * *

(d) *Documents required for reimbursement of ocean freight financed separately from commodity price.* * * *

(1) Signed original of Form CCC–329, Supplier's (ocean carrier or agent) Certificate, and Invoice-and-Contract Abstract to be executed by the carrier or agent, covering the dollar cost of ocean freight or ocean freight differential.

* * * * *

(3) One copy of carrier's detailed invoice, which must not contain costs which are not eligible for CCC financing, marked "paid." Such invoice shall contain the following typed or stamped certification, executed by the supplier:

The undersigned hereby certifies that the vessel named herein and for which ocean freight is claimed, qualifies as a privately owned U.S.-flag commercial vessel within the requirements of P.L. 87–266 and is an eligible U.S.-flag vessel for the purposes of P.L. 664, 83d Congress.

* * * * *

(6) * * *

(i) A copy of the carrier's final invoice, which must not contain costs which are not eligible for CCC financing, marked "paid." When the freight contract does not provide for despatch and the supplier certifies this fact on his final invoice the documents in subdivisions (iii) and (iv) of this subparagraph are not required.

* * * * *

(7) * * *

(i) A copy of the carrier's detailed invoice, which must not contain costs which are not eligible for CCC financing, marked "paid";

* * * * *

(8) [Deleted]

* * * * *

7. Section 17.14 (a) is amended to read as follows:

§ 17.14 Documents in support of drafts drawn on CCC by banking institutions.

* * * * *

(a) *Documents obtained from suppliers.* Documents specified in § 17.13 and such additional or substitute documents as may be required with respect to any particular transaction as specified in the purchase authorization or in the letter of commitment. A banking institution holding a letter of commitment is not required by CCC to obtain any other documents from suppliers.

* * * * *

8. Paragraphs (a)(6), (b)(6)(ii), and (c)(2) of § 17.15 are amended to read as follows:

§ 17.15 Responsibilities of banking institutions for transactions under letters of commitment.

* * * * *

(a) *Full responsibilities.* * * *

(6) *Description.* Section 17.10(h)(3) provides that the commodity description in letters of credit and on the supplier's detailed invoice must correspond with the description on page 1 of the purchase authorization. In making payment or accepting time drafts under letters of credit, the banking institution shall, on the basis of the description contained in the required documents (other than Form CCC–329) act in accordance with good commercial practice.

* * * * *

(b) *Limited responsibilities.* * * *

(6) * * *

(ii) If the Form CCC–106 provides for ocean freight differential financing by CCC, the banking institution shall not make payment or accept a time draft unless a deduction is shown on the invoice for that part of the cost of ocean freight not being financed by CCC. See also subparagraph (8) of this paragraph. The banking institution is not responsible for the accuracy of the deduction.

* * * * *

(c) *No responsibility.* * * *

(2) *Invoice-and-Contract Abstract.* The banking institution is not responsible for the truth or accuracy of information contained in Form CCC–329 (Reverse), Invoice-and-Contract Abstract, for the sufficiency or completeness of such information or for any indication by such information of noncompliance with any provisions of these regulations or the purchase authorization, or for any inconsistency with other required documents.

* * * * *

9. In Appendix A the following amendments are made:

a. Section B(7) is amended to read as follows:

(B) *Wheat flour.* * * *

(7) *Schedule of Discounts on deficient protein and excess moisture or ash and either excess or deficient maltose: (protein, ash and maltose will be on the basis of 14% moisture).* If the flour exported does not meet the contract quality specifications as shown on the Form CCC–362, the approved price shall be reduced by the following schedule of discounts:

Excess ash	Excess moisture	Deficient protein
Per each 100 pounds	*Per each 100 pounds*	*Per each 100 pounds*
0.00–0.009—0 cents.	0.0–0.09—0 cents.	0.0–0.09—0 cents.
0.01–0.019—2 cents.	0.1–0.19—2 cents.	0.1–0.19—2 cents.
0.02–0.029—4 cents.	0.2–0.29—4 cents.	0.2–0.29—4 cents.
0.03–0.039—7 cents.	0.3–0.39—6 cents.	0.3–0.39—6 cents.
0.04–0.049—11 cents.	0.4–0.49—8 cents.	0.4–0.49—8 cents.
0.05—16 cents	0.5—12 cents	0.5—12 cents.
Over 0.05—16 cents plus 16 cents for each 0.01 percent.		

Flour with protein deficiency of more than 0.5 percent, excess moisture more than 0.5 percent, and ash content more than 0.53 percent will not be eligible for financing.

If specified in the terms of the contract, the approved price shall be reduced by the following schedule of discounts:

Excess or deficient diastatic activity (maltose content) below 300 or above 400 mg. for each 10 grams per each 100 lbs.

3 cents for 1–25 mg. maltose.
6 cents for 26–50 mg. maltose.
10 cents for 51–75 mg. maltose.
15 cents for 76–100 mg. maltose.

For each 25 mg. fraction thereof maltose over 100 mg. plus 15 cents.

b. Section (K)(4)(d) is amended to read as follows:

(K) *Tallow (inedible).* * * *

(4) *Sampling and analysis.* * * *

(d) *Tallow in drums.* For tallow in drums, samples must be obtained at the time of filling drums. Samples shall be drawn from at least 5 percent of the drums, but in all cases the higher of 10 drums or 5 percent of the total drums in the lot shall be sampled. The samples from each lot shall be composited and a single sample drawn from the composited sample for analysis.

* * * * *

These amendments shall apply to all purchase authorizations issued on or after the date of filing with the Office of the Federal Register.

Done at Washington, D.C., this 11th day of April 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67–4119; Filed, Apr. 13, 1967; 8:50 a.m.]

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 29—TOBACCO INSPECTION

Subpart C—Standards

FLUE-CURED STANDARD GRADES

On page 3226 of the FEDERAL REGISTER of February 24, 1967, there was published a notice of proposed rule making regarding an amendment to the Official Standard Grades for Flue-cured Tobacco, U.S. Types 11, 12, 13, and 14. Interested persons were given 30 days in which to submit written data, views, or arguments regarding the proposed amendments.

No data, views, or arguments have been received, and the proposed amendment is hereby adopted without change and is set forth below.

Effective date. In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), this amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of April 1967.

ROY W. LENNARTSON,
Associate Administrator.

1. Section 29.1162 is amended by adding grade B3K after grade B6R and its specifications. The addition reads as follows:

B3K—Good Quality Variegated Leaf: Ripe, firm leaf structure, fleshy, oily, normal width, over 16 inches in length. Uniformity 80 percent; injury tolerance, 15 percent.

2. Section 29.1163 is amended by adding grade H3K after grade H6FR and its specifications. The addition reads as follows:

H3K: Good Quality Variegated Smoking Leaf: Mellow, open leaf structure, medium body, lean in oil, strong color intensity, normal width, over 16 inches in length. Uniformity 80 percent; injury tolerance, 15 percent.

3. Section 29.1162 is further amended by deleting grades B1R and B2R.

4. In § 29.1181 the subheading "29 Grades of Leaf" is amended to read "28 Grades of Leaf," and grade symbols under this subheading are amended by adding "B3K" between "B6R" and "B4K" and deleting "B1R" and "B2R."

5. In § 29.1181 the subheading "19 Grades of Smoking Leaf" is amended to read "20 Grades of Smoking Leaf," and grade symbols under the subheading are amended by adding "H3K" between "H6FR" and "H4K."

(49 Stat. 734; 7 U.S.C. 511m)

[F.R. Doc. 67–4115; Filed, Apr. 13, 1967; 8:49 a.m.]

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Canned Spinach [1]

CHOPPED SPINACH

An amendment to the U.S. Standards for Grades of Canned Spinach was published in the FEDERAL REGISTER of March 23 (32 F.R. 4397) and became effective upon date of publication. The aforesaid amendment, in part, included two styles of canned spinach designated as "Whole Leaf" and "Cut Leaf" or "Sliced."

Statement of consideration leading to the supplemental amendment. (1) A third style of "Chopped" was inadvertently omitted from the amendment published in the FEDERAL REGISTER of March 23, 1967.

(2) The addition of the style of "Chopped" would bring the U.S. standards for grades into compliance with recently amended Federal Food and Drug Standards of Identity for Canned Spinach.

A supplemental amendment to the U.S. Standards for Grades of Canned Spinach (7 CFR 52.1901–52.1911) is hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, 7 U.S.C. 1621–1627):

A third style (c) is added to the new § 52.1901a which was inserted by the amendment published in the FEDERAL REGISTER of March 23, 1967 (32 F.R. 4397) as follows:

§ 52.1901a Styles of canned spinach.

* * * * *

(c) "Chopped" consists of leaves and any portions of stems that have been cut into small pieces.

It is hereby found that good cause exists for not postponing the effective date of this amendatory action beyond that herein specified in that:

(1) The processing season for canned spinach is now in progress;

(2) This supplemental amendment will bring the U.S. Standards for Grades of Canned Spinach in line with recent Federal Food and Drug action adding the styles of "Whole leaf," "Cut leaf" or "Sliced," and "Chopped" to the Standards of Identity for Canned Spinach; and

(3) No changes in the packing of canned spinach are required.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: April 10, 1967.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 67–4116; Filed, Apr. 13, 1967; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 606—ELECTRICAL, INSTRUMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 612—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

PART 673—FOOD AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Statutory Wage Increases for Puerto Rico

Correction

In F.R. Doc. 67–3667 appearing in the issue for Saturday, April 1, 1967, at page 5465, make the following changes:

1. In § 606.2(a)(6)(i), "$1.32" should read "$1.325".

2. In § 612.2(e)(1), "$1.75" should read "$1.175".

3. In § 673.2(c)(1), "90.5 cents" should read "94 cents".

4. In § 673.2(d)(1), "$90.5 cents" should read "90.5 cents".

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

District of Columbia Government

Section 213.3153 is added to show that positions of noneducational employees of the Board of Higher Education, the Board of Vocational Education, the Federal City College, and the Washington Technical Institute are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER § 213.3153 is added as set out below.

§ 213.3153 District of Columbia Government.

(a) Positions of noneducational employees of the Board of Higher Education, the Board of Vocational Education, the Federal City College, and the Washington Technical Institute.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–4101; Filed, Apr. 13, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8071; Amdt. 531]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELED, EFFECTIVE 6 MAY 1967.							
City, Augusta; State, Maine; Airport name, Augusta State; Elev., 357'; Fac. Class., MHW; Ident., CCM; Procedure No. 2, Amdt. Orig.; Eff. date, 11 June 66							
Hamilton Int	Lunken RBn	Direct	2700	T-dn#	600-1	600-1	600-1
Alexandria Int	Lunken RBn	Direct	2700	C-dn	900-1	900-1	900-1½
CVG VORTAC	Lunken RBn	Direct	2700	S-dn-20L and 24.	800-1	800-1	800-1
Mason Int	Lunken RBn (final)	Direct	1900	A-dn	900-2	900-2	900-2

Radar available.
Procedure turn N side of crs, 044° Outbnd, 224° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport Runway 20L, 227°—4.5 miles; to Runway 24, 227°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing the Lunken RBn, climb to 2700' to California Int on heading 201° to intercept CVG R 105°; proceed to California Int. Hold E, 1-minute left turns, 285° Inbnd.
#300-1 takeoff authorized Runways 2R and 6; 400-1 takeoff authorized Runway 20L and 24.
MSA within 25 miles of facility: 090°–120°—2200'; 120°–210°—2300'; 210°–300°—2600'; 300°–030°—2600'.

City, Cincinnati; State, Ohio; Airport name, Cincinnati Municipal Lunken Field; Elev., 488'; Fac. Class., H-SAB; Ident., LUK; Procedure No. NDB (ADF) 2, Runways 20L and 24, Amdt. 1; Eff. date, 6 May 67; Sup. Amdt. No. NDB (ADF) Runways 20L and 24, Orig.; Dated, 6 Apr. 67

Salem VOR	LOM	Direct	2600	T-dn	300-1	300-1	200-½
Milan Int	LOM (final)	Direct	2400	C-dn	500-1	500-1	500-1½
				S-dn-5 R & L#	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 230° Outbnd, 050° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 050°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing LOM, make left-climbing turn to 2600' and proceed to Salem VOR on R 170°, or when directed by ATC, make left-climbing turn to 2400' and return to YI LOM.
#Runway 5R sliding scale below ¾ mile not authorized; Runway 5L sliding scale not authorized.
MSA within 25 miles of facility: 000°–090°—2800'; 090°–180°—2400'; 180°–270°—2400'; 270°–360°—2600'.

City, Detroit; State, Mich.; Airport name, Willow Run; Elev., 716'; Fac. Class., LOM; Ident., YI; Procedure No. NDB (ADF) Runways 5R/L, Amdt. 21; Eff. date, 6 May 67; Sup. Amdt. No. ADF 1, Amdt. 20; Dated, 11 June 66

Grandview Intersection	HYR RBn	Direct	3200	T-dn%	300-1	300-1	200-½
				C-d	1100-1	1100-1	1100-1½
				C-n	1100-2	1100-2	1100-2
				S-d-20	800-1	800-1	800-1
				S-n-20	800-1½	800-1½	800-1½
				A-dn	NA	NA	NA

Procedure turn N side of crs, 022° Outbnd, 202° Inbnd, 3200' within 10 miles.
Minimum altitude over facility on final approach crs, 2700'.
Crs and distance, facility to airport, 202°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles of RBn, make right-climbing turn direct to RBn then continue climb to 3200' on 022° bearing from RBn within 10 miles.
NOTES: (1) Runways 15/33 unlighted. (2) Use Duluth, Minn., altimeter setting. (3) Final approach from holding pattern at RBn not authorized. Procedure turn required.
%Departures on Runways 2/20 maintain runway heading until reaching 2200' if intended route of flight is southeastbound; departures on Runway 15 make left turn and climb on heading of 020° until reaching 2300' if intended route of flight is southeastbound due to 1719' tower, 1.3 miles southeast of airport.
MSA within 25 miles of facility: 000°–360°—2800'.

City, Hayward; State, Wis.; Airport name, Hayward Municipal; Elev., 1200'; Fac. Class., HW; Ident., HYR; Procedure No. NDB (ADF) Runway 20, Amdt. 1; Eff. date, 6 May 67; Sup. Amdt. No. NDB (ADF) Runway 20, Orig.; Dated, 2 Feb. 67

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Hyannis VOR	HY LOM	Direct	1500	T-dn*	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-24	500-1	500-1	500-1
				A-dn**	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 245°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing HY LOM, make a left-climbing turn to 1500' returning to the HY LOM. Hold NE of HY LOM, 245° Inbnd, 1-minute left turns.
NOTES: (1) Use Otis APC altimeter setting when control zone not effective. (2) Facility must be monitored aurally during hours control zone not effective.
*Takeoff minimums of 300-1 required for Runway 24.
**When control zone not effective alternate minimums not authorized.
MSA within 25 miles of facility: 000°–360°—1500'.

City, Hyannis; State, Mass.; Airport name, Barnstable Municipal; Elev., 67'; Fac. Class., LOM; Ident., HY; Procedure No. NDB (ADF) Runway 24, Amdt. 3; Eff. date, 6 May 67; Sup. Amdt. No. NDB (ADF) Runway 24, Amdt. 2; Dated, 25 Mar. 67

Tyro Int	IDP NDB	Direct	2600	T-dn	300-1	300-1	200-½
Liberty Int	IDP NDB	Direct	2600	C-dn	700-1	700-1	700-1½
				S-dn-35	700-1	700-1	700-1
				A-dn	NA	NA	NA

Procedure turn E side of crs, 185° Outbnd, 005° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 1,520'.
Facility on airport. Breakoff point to Runway 35, 353°—0.1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, after passing IDP NDB, make right turn, climbing to 2600' on 185° bearing from IDP NDB, within 10 miles make left turn and return to IDP NDB.
NOTES: (1) Lights operating Runways 17/35 only. (2) Use Chanute, Kans., altimeter setting.
MSA within 25 miles of facility: 000°–090°—2300'; 090°–180°—2400'; 180°–270°—2200'; 270°–360°—2600'.

City, Independence; State, Kans.; Airport name, Independence Municipal; Elev., 820'; Fac. Class., MHW; Ident., IDP; Procedure No. NDB (ADF) Runway 35, Amdt. 2; Eff. date, 6 May 67; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 11 June 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d#	1500-1	1500-1	1500-1
				T-n#	1500-2	1500-2	1500-2
				C-d	2300-1	2300-1½	2300-1½
				C-n	2300-2	2300-2	2300-2
				A-dn	2300-2	2300-2	2300-2

Procedure turn E side of crs, 343° Outbnd, 163° Inbnd, 9000' within 10 miles.
Minimum altitude over facility on final approach crs, 7900'.
Crs and distance, facility to airport, 096°—11.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, make right-climbing turn to 9000', in 1-minute holding pattern on R 343°, left hand turns.
NOTE: Final approach from holding pattern at VOR not authorized. Procedure turn required.
#Climb clear of clouds over the airport to at least 7000'. If unable to climb to MEA clear of clouds over the airport, climb to BTM VOR on R 094°, then climb to MEA in 1-minute holding pattern on R 343°, left hand turns.
MSA within 25 miles of facility: 000°–090°—9900'; 090°–180°—11,300'; 180°–270°—11,700'; 270°–360°—11,200'.

City, Butte; State, Mont.; Airport name, Silver Bow County; Elev., 5554'; Fac. Class., L-BVORTAC; Ident., BTM; Procedure No. VOR-1, Amdt. 6; Eff. date, 6 May 67; Sup. Amdt. No. VOR-1, Amdt. 5; Dated, 25 Mar. 67

Windsor VOR	Island Int (final)	Direct	1700	T-dn@	500-1	500-1	500-1
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn not authorized.
Minimum altitude over Island Int on final approach, 1700'.
Crs and distance, Island Int to airport, 323°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing Island Int, climb to 2800' on QG VOR R 328° and proceed to OAK Int, or when directed by ATC, (1) make right-climbing turn to 2000' and proceed to Windsor VOR, or (2) make right-climbing turn to 2000' and proceed direct to QG RBn.
NOTE: VOR and ADF or radar required.
@300-1 authorized Runway 33L.
MSA within 25 miles of facility: 000°–090°—1900'; 090°–180°—1800'; 180°–270°—2400'; 270°–360°—2800'.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 626'; Fac. Class., BVOR; Ident., QG; Procedure No. VOR-1, Amdt. 6; Eff. date, 6 May 67; Sup. Amdt. No. VOR-1, Amdt. 5; Dated, 18 Mar. 67

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn* C-dn S-dn-24 A-dn**	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	200-½ 500-1½ 500-1 800-2

Radar available.
Procedure turn S side of crs, 061° Outbnd, 241° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 241°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing HYA VOR, make left-climbing turn to 1500′, returning to the HYA VOR. Hold NE of HYA VOR, 1-minute, left turns, 241° Inbnd.
NOTES: (1) Approach from a holding pattern not authorized. Procedure turn required. (2) Use Otis APC altimeter setting when control zone not effective.
*Takeoff minimums of 300–1 required for Runway 24.
**When control zone not effective alternate minimums not authorized.
MSA within 25 miles of facility: 000°–360°—1500′.

City, Hyannis; State, Mass.; Airport name, Barnstable Municipal; Elev., 57′; Fac. Class., L-BVORTAC; Ident., HYA; Procedure No. VOR Runway 24, Amdt. 4; Eff. date, 6 May 67; Sup. Amdt. No. VOR Runway 24; Dated, 25 Mar. 67

MSY VOR*	Bayou Int (final)	Direct	1200	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 600-1 800-2	200-½ 500-1½ 800-2

Radar available.
Procedure turn N side of crs, 259° Outbnd, 079° Inbnd, 1500′ within 10 miles of Bayou Int.
Minimum altitude over Bayou Int on final approach crs, 1200′.
Crs and distance, Bayou Int to airport, 079°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing Bayou Int, climb to 2000′ on MSY VOR R 079° within 20 miles, or when directed by ATC, turn left, intercept MSY VOR R 064°, climbing to 1500′ within 20 miles.
NOTE: Night operations not authorized Runways 8–26.
*Procedure turn or radar vector to final approach crs required when Inbnd to MSY VORTAC on R 330° clockwise through R 210°. Procedure turn may be started from MSY VORTAC via Bayou Int. Bayou Int may be determined by dual VOR receivers, DME, or radar. Capability of identifying Bayou Int required for the execution of this approach.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2100′; 180°–360°—1500′.

City, New Orleans; State, La.; Airport name, New Orleans Lakefront; Elev., 9′; Fac. Class., H-BVORTAC; Ident., MSY; Procedure No. VOR-1, Amdt. 8; Eff. date, 6 May 67; Sup. Amdt. No. VOR-1, Amdt. 7; Dated, 25 Dec. 65

				T-dn C-dn S-dn A-dn	400-1 800-1 NA NA	400-1 800-1½ NA NA	NA NA NA NA

Radar required.
Procedure turn not authorized.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 357°—7.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing SWF VOR, make a left-climbing turn to 3100′ proceeding to the SWF VOR. Hold E. 1-minute left turns, 270° Inbnd.
MSA within 25 miles of facility: 000°–090°—4100′; 090°–180°—2800′; 180°–270°—3400′; 270°–360°—4100′.

City, Wallkill; State, N.Y.; Airport name, Kobelt; Elev., 420′; Fac. Class., L-VOR; Ident., SWF; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 6 May 67

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MLS VOR R 271°, MLS VOR clockwise	10-mile DME Fix, R 032° R 032°, MLS VOR	Direct Via 17-mile DME Arc.	4600 5500	T-dn C-dn S-dn-22	300-1 400-1 400-1	300-1 500-1 400-1	200-½ 500-1½ 400-1
R 097°, MLS VOR counterclockwise	R 032°, MLS VOR	Via 17-mile DME Arc.	5500	A-dn	800-2	800-2	800-2
17-mile DME Fix, R 032°	10-mile DME Fix, R 032° (final)	Direct	4200				

Procedure turn N side of crs, 032° Outbnd, 212° Inbnd, 4600′ between 10- and 20-mile DME Fix, R 032°.
Minimum altitude over 10-mile DME Fix, R 032° on final approach crs, 4200′.
Crs and distance, 10-mile DME Fix, R 032° to airport, 212°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.4-mile DME Fix, R 032°, climb to 4600′ on R 212° within 10 miles of MLS VOR.
MSA within 25 miles of facility: 000°–360°—4400′.

City, Miles City; State, Mont.; Airport name, Miles City; Elev., 2628′; Fac. Class., H-BVORTAC; Ident., MLS; Procedure No. VOR/DME Runway 22, Amdt. 5; Eff. date, 6 May 67; Sup. Amdt. No. VOR/DME 2, Amdt. 4; Dated, 10 July 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Opal Int	12-mile DME Fix MSY, R 079°	Direct	1500	T-dn C-dn A-dn	300-1 500-1 NA	300-1 500-1 NA	200-½ 500-1½ NA

Radar available.
Procedure turn not authorized.
Minimum altitude over 12-mile DME Fix on final approach crs, 1500′.
Crs and distance, 12-mile DME Fix to airport, 259°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 7.7-mile DME Fix, turn right, climb to 1500′ on MSY VOR, R 064° within 20 miles.
NOTE: Night operations not authorized Runways 8–26.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2100′; 180°–270°—1500′; 270°–360°—1500′.

City, New Orleans; State, La.; Airport name, New Orleans Lakefront; Elev., 9′; Fac. Class., H-BVORTAC; Ident., MSY; Procedure No. VOR/DME-1, Amdt. 2; Eff. date, 6 May 67; Sup. Amdt. No. VOR/DME 1, Amdt. 1; Dated, 1 Jan. 66

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Salem VOR Milan Int	LOM LOM (final)	Direct Via 020° M. crs and localizer crs.	2600 2400	T-dn* C-dn S-dn-5R#** S-dn-5L$ A-dn	300-1 500-1 200-½ 400-1 600-2	300-1 500-1 200-½ 400-1 600-2	200-½ 500-1½ 200-½ 400-1 600-2

Radar available.
Procedure turn W side of crs, 230° Outbnd, 050° Inbnd, 2400′ within 10 miles.
Minimum altitude of glide slope interception Inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at OM, 2251′—5 miles; at MM, 932′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left turn, climb to 2600′ to Salem VOR on R 170°, or when directed by ATC, make left-climbing turn to 2400′ and return to YI LOM.
*RVR (2400), authorized Runway 5R.
#RVR 2400′, descent below 916′ not authorized unless approach lights are visible.
**400–¾ when glide slope not utilized, reduction below ¾ mile not authorized.
$Reduction not authorized.

City, Detroit; State, Mich.; Airport name, Willow Run; Elev., 716′; Fac. Class., ILS; Ident., I-YIP; Procedure No. 1LS Runway 5R/L, Amdt. 20; Eff. date, 6 May 67; Sup. Amdt. No. 1LS-5 R and L, Amdt. 19; Dated, 11 June 66

Hyannis VOR	HY LOM	Direct	1500	T-dn* C-dn S-dn-24** A-dn***	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Radar available.
Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 245°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing HY LOM, make a left-climbing turn to 1500′, returning to the HY LOM. Hold NE of HY LOM, 245° Inbnd, 1-minute left turns.
NOTES: (1) No glide slope. (2) Back crs unusable. (3) Use Otis APC altimeter setting when control zone not effective.
*Takeoff minimums of 300–1 required for Runway 24.
**400–½ authorized with operative ALS and HIRLs, and 400–¾ authorized with operative HIRLs, except for 4-engine turbojets.
***When control zone not effective alternate minimums not authorized.
MSA within 25 miles of facility: 000°–360°—1500′.

City, Hyannis; State, Mass.; Airport name, Barnstable Municipal; Elev., 57′; Fac. Class., ILS; Ident., I-HYA; Procedure No. Localizer Runway 24, Amdt. 7; Eff. date, 6 May 67; Sup. Amdt. No. Localizer Runway 24, Amdt. 6; Dated, 25 Mar. 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviaton Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on March 31, 1967.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-3817; Filed, Apr. 13, 1967; 8:45 a.m.]

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 8092; Amdt. No. 23-4]

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

Performance of Lazy Eights and Chandelles in Normal Category Airplanes

The purpose of this amendment to § 23.3 of the Federal Aviation Regulations is to make it clear that lazy eights and chandelles, as well as turns, in which the angle of bank is not more than 60 degrees may be performed in normal category airplanes.

Under present § 23.3, normal category airplanes are limited to maneuvers incident to normal flying, to certain stalls, and to turns in which the angle of bank is not more than 60 degrees. Lazy eights and chandelles are referred to only in connection with utility category airplanes. The regulation is not clear as to whether lazy eights and chandelles in which the angle of bank is not more than 60 degrees are permitted in normal category airplanes.

In the past, operators offering flight training generally used training aircraft which were certificated in the utility category for limited acrobatics. However, at the present time many aircraft dealers and distributors are offering flight instruction and desire to use the airplanes for which they are dealers or distributors rather than acquire training aircraft for that specific purpose only. Moreover, many private owners who are interested in obtaining commercial, instrument or flight instructor certificates and rathings desire to use their own airplanes for the necessary flight training.

The FAA considers that lazy eights and chandelles executed with turns involving an angle of bank no greater than 60 degrees would satisfy all the necessary requisites for pilot training. Furthermore, the FAA believes that safety in general aviation would be enhanced if such training could be facilitated and made readily available to all pilots.

Limiting the chandelles and lazy eights to an angle of bank no greater than 60 degrees would result in load factors on the airplane well within the minimum limit maneuvering load factors prescribed for normal category airplanes. Moreover, the basic controllability and other flight characteristic requirements under which normal category airplanes are type certificated ensure that lazy eights and chandelles involving an angle of bank of not more than 60 degrees can be safely performed.

Since this amendment is clarifying in nature and imposes no additional burden on any person, the FAA finds that notice and public procedure on this amendment are unnecessary and that good cause exists for making it effective on less than 30 days' notice.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

In consideration of the foregoing, paragraphs (a) and (b) of § 23.3 of the Federal Aviation Regulations are amended to read as follows, effective upon publication in the FEDERAL REGISTER.

§ 23.3 Airplane categories.

(a) The normal category is limited to airplanes intended for nonacrobatic operation. Nonacrobatic operation includes—

(1) Any maneuver incident to normal flying;

(2) Stalls (except whip stalls); and

(3) Lazy eights, chandelles, and steep turns, in which the angle of bank is not more than 60 degrees.

(b) The utility category is limited to airplanes intended for limited acrobatic operation. Airplanes certificated in the utility category may be used in any of the operations covered under paragraph (a) of this section and in limited acrobatic operations. Limited acrobatic operation includes—

(1) Spins (if approved for the particular type of airplane); and

(2) Lazy eights, chandelles, and steep turns, in which the angle of bank is more than 60 degrees.

* * * * *

Issued in Washington, D.C., on April 7, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-4069; Filed, Apr. 13, 1967; 8:45 a.m.]

[Docket No. 1997; Amdt. 39-399]

PART 39—AIRWORTHINESS DIRECTIVES

Dart 525 Through 529, 531, 532-7 Series Engines, With Rolls Royce Modification 529 (Part 2) Bearing in Rear Position

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require inspection of the oil filters, and repair, if necessary, of the rear bearing on Dart 525 through 529, 531 and 532-7 Series engines with Rolls Royce Modification 529 (Part 2) bearings in the rear position to supersede Amendment 629 (28 F.R. 10868), AD 63-21-7, was published in 32 F.R. 2382.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROLLS ROYCE. Applies to all Dart Series 525, 526, 527, 528, 529, 531, and 532-7 Series engines with Rolls Royce Modification 529 (Part 2) bearing in the rear position.

Compliance required as indicated.

*(a) Inspect the oil filter on all Dart 525, 526, 527, 528, 529, 531, and 532-7 Series engines modified in accordance with Rolls Royce Modification 529 Part 2 Standard at the following times:

(1) Within 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 25 hours, and thereafter at intervals not exceeding 50 hours' time in service from the last inspection; and

(2) Before further flight, when an increase in oil comsumption or a drop in oil pressure is reported.

(b) If metal particles are found in the filters, remove the engine from service and further inspect to determine whether repairs are required.

(c) If the inspection in paragraph (b) indicates that repairs are required, modify the rear bearing in accordance with Rolls Royce Dart Service Bulletin No. Da. 72-232, by implementing any of the following modifications as applicable—

(1) Mod. 1023, Mod. 1030 and DRS. 411;

(2) Mod. 1106 or Mod. 1109; or

(3) Mod. 1167.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This supersedes Amendment 629 (28 F.R. 10868), AD 63-21-7.

This amendment becomes effective May 14, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 10, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-4070; Filed, Apr. 13, 1967; 8:45 a.m.]

[Docket No. 7751; Amdt. 39-398]

PART 39—AIRWORTHINESS DIRECTIVES

BAC 1-11 200 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive on BAC 1-11 200 Series airplanes requiring the replacement of aluminum alloy gland nuts, P/N AB44-229, upon the accumulation of 5,000 hours' time in service with steel gland nuts, P/N AB44-1793, was published in 31 F.R. 14686.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The only comment received in response to the proposal urged that an inspection period be provided for the aluminum alloy gland nuts in the event of a stock shortage of related components during the performance of the modification. In this connection, we have been advised that there are ample parts available at the BAC facility in Arlington, to perform the modification. Moreover, the agency has subsequently determined that it is not necessary in the interest of safety to require that all aluminum gland nuts be replaced by steel gland nuts. The agency now finds that aluminum alloy gland nuts may be used as replacements provided they are retired from service before the accumulation of 5,000 hours' time in service. The proposed AD has been revised accordingly and the compliance times have been changed for airplane hours' time in service to gland nut hours' time in service to accommodate this revision.

Since these changes provide an alternative means of compliance and impose no additional burden on any person, further notice and public procedure hereon are unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. Applies to Model BAC 1-11 200 Series airplanes.

Compliance required as indicated.

To prevent fatigue failure of the nose landing gear steering jack cylinder gland nut, accomplish the following:

(a) Replace aluminum alloy gland nuts P/N AB44-229 having less than 4,900 hours' time in service on the effective date of this AD, with unused aluminum alloy gland nuts of the same part number or with steel gland nuts P/N AB44-1793, before the accumulation of 5,000 hours' time in service.

(b) Replace aluminum alloy gland nuts P/N AB44-229 having 4,900 or more hours' time in service on the effective date of this AD with unused aluminum alloy gland nuts having the same part number or with steel gland nuts P/N AB44-1793, within the next 100 hours' time in service.

(c) Aluminum alloy gland nuts P/N AB44-229 installed as replacement parts in complying with either paragraph (a) or (b) must be replaced before the accumulation of 5,000 hours' time in service.

(British Aircraft Corp. (BAC) One-Eleven Alert Service Bulletin 32-A-PM 2496 pertains to this subject.)

This amendment becomes effective May 14, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 6, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-4071; Filed, Apr. 13, 1967; 8:45 a.m.]

[Docket No. 7932; Amdt. 39-397]

PART 39—AIRWORTHINESS DIRECTIVES

Model BAC 1-11 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the fin top actuator fittings for cracks, and replacement, where necessary, on British Aircraft Corp. Model BAC 1-11 200 and 400 Series airplanes was published in 32 F.R. 2576.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1-11 200 and 400 Series airplanes.

Compliance required as indicated, unless already accomplished.

To detect cracks in the Fin Top Actuator Fitting P/N AB 21A 1009 (pre modification PM 378) for 200 Series airplanes and P/N AK 21A 6283 (post modification PM 378) for 400 Series airplanes, accomplish the following:

(a) Within 6,000 landings, or for aircraft which have exceeded 5,800 landings, within 200 landings after the effective date of this AD, visually inspect the actuator fitting P/N AB 21A 1009 or P/N AK 21A 6283 as appropriate, for cracks in accordance with BAC 1-11 Alert Service Bulletin 55-A-PM 2707, Issue 1, dated November 16, 1966, or later ARB-approved issue.

(b) Repeat the visual inspections of paragraph (a) at intervals not exceeding 600 hours' time in service for aircraft which have no cracks, and at intervals of 100 hours' time in service for aircraft which have cracks that do not exceed either 0.30" for item (1), or 0.45" for item (2) of Figure 1, specified in BAC 1-11 Alert Service Bulletin 55-A-PM 2707, dated November 16, 1966, or later ARB-approved issue.

(c) Actuator fittings which have cracks which exceed the acceptable limitations defined in BAC 1-11 Alert Service Bulletin 55-A-PM 2707 are unserviceable and must be replaced before further flight, in accordance with BAC 1-11 Service Bulletin 55-PM 2707, dated October 18, 1966, or later ARB-approved issue, or FAA-approved equivalent.

(d) Within 10,000 landings after the effective date of this AD, modify actuator fittings P/N AB 21A 1009 or P/N AK 21A 6283, in accordance with BAC 1-11 Service Bulletin 55-PM 2707, dated October 18, 1966, or later ARB-approved issue or an equivalent approved by the Chief, Aircraft Certification Staff, Europe, Africa, Middle East Region.

The repetitive inspections required by paragraphs (a) and (b) of this AD may be discontinued after the actuator fittings are modified in accordance with paragraph (c) or (d) of this AD.

(f) For the purpose of complying with this AD subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

This amendment becomes effective May 14, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 6, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-4072; Filed, Apr. 13, 1967; 8:45 a.m.]

[Docket No. 7925; Amdt. 39-396]

PART 39—AIRWORTHINESS DIRECTIVES

Sud Aviation Model SE3T30 Alouette II Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the tail rotor gear box drive shafts for cracks, and replacement if necessary, on Sud Aviation Model SE3130 Alouette II helicopters was published in 32 F.R. 2451.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SUD AVIATION. Applies to Model SE3130 Alouette II helicopters.

Compliance required as indicated.

To detect cracks in the tail rotor gear box drive shaft, Sud Aviation P/N 3130-66-22-002, accomplish the following:

(a) Within the next 80 hours' time in service after the effective date of this AD, unless already accomplished within the last 100 hours' time in service, and thereafter at intervals not to exceed 180 hours' time in service from the last inspection, inspect the tail rotor gear box drive shaft, Sud Aviation P/N 3130-66-22-002, for cracks using dye penetrant in accordance with Sud Service No. 65-30, or later SGAC-approved issue, or an FAA-approved equivalent.

(b) If cracks are detected during the inspection required by paragraph (a) of this AD, replace tail rotor gear box drive shaft P/N 3130-66-22-002 with new tail rotor gear box drive shaft P/N 3130-66-22-007.

(c) Repetitive inspections required by paragraph (a) of this AD may be discontinued after new replacement tail rotor gear box drive shaft P/N 3130-66-22-007 is installed.

This amendment becomes effective May 14, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 7, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-4073; Filed, Apr. 13, 1967; 8:45 a.m.]

SUBCHAPTER D—AIRMEN

[Docket No. 7201; Amdt. No. 61-31; 121-26]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Flight Maneuvers

This amendment to Parts 61 and 121 of the Federal Aviation Regulations: (1) Clarifies certain provisions of the recent flight maneuvers amendment (Amdts. 61-27, 121-24 published in the FEDERAL REGISTER on January 11, 1967; 32 F.R. 260); (2) postpone for 6 months the effective date for certain maneuvers contained in that amendment insofar as they apply to training and proficiency checks of pilots, other than pilot in command and second in command in a crew of three or more pilots; and (3) conforms

and clarifies § 61.155 as recently adopted in Amendment 61–24 that established standards for the issuance of helicopter instrument ratings.

Postponement of effective date for certain maneuvers. By letter dated March 15, 1967, the Air Transport Association of America (ATA) petitioned the FAA for: (1) An amendment of certain of the rules adopted by the FAA in the recent Flight Maneuvers amendment (Amdts. 61–27, 91–36, and 121–24); and (2) a postponement of the April 15, 1967, effective date of the provisions sought to be amended for 6 months or until disposition of the petition by the FAA.

The primary changes requested by the ATA petition relate to the applicability of four maneuvers to initial and recurrent training and proficiency checks of second in command pilots (other than a second in command in a crew of three or more pilots) under Part 121 of the Federal Aviation Regulations. The four maneuvers (preceded by the paragraph reference to Appendix F of Part 121) are:

1. Item III(c)(2) One ILS approach with a simulated failure of one powerplant.
2. Item III(d) Circling approaches.
3. Item II(e)(2) One missed approach from a simulated instrument approach with a simulated failure of the most critical powerplant.
4. Item IV(a) Steep turns.

The ATA petition requests that the applicability of these four maneuvers for initial and recurrent training and proficiency checks be limited to pilots in command and second in command in a crew of three or more pilots. ATA maintains, among other things, that the FAA did not have adequate cost/benefit data upon which to base its decision that each second in command should be trained and checked in these maneuvers. ATA indicates that its member airlines are gathering detailed information regarding the additional aircraft flight time required by the four items listed above, and that it hopes to submit this data to the FAA by April 15, 1967. However, ATA maintains that unless the effective date of these maneuvers, as they apply to second in command pilots, is postponed pending final action on its petition, the affected airlines will be unduly burdened in complying with the April 15 date and that in some cases complete compliance may result in substantial schedule interruptions. Since final action on the ATA petition for an amendment to the regulations must await the submission of additional data, the reasons stated by ATA for the requested amendment are not discussed herein. Final action on the ATA petition will follow the procedure set forth in Part 11 of the Federal Aviation Regulations. Should the FAA determine that the petition discloses adequate reasons, a notice of proposed rule making will be issued and all interested parties will be able to submit comments thereon.

However, the FAA has determined that the ATA has sufficiently justified its request for a postponement of the effective date of the four maneuvers listed above insofar as they apply to pilots other than pilots in command and second in command of a crew of three or more pilots. In view of the major changes contained in Amendments 61–27 and 121–24, which take effect April 15, 1967, the FAA believes that postponement of this small part of the Part 121 amendment will facilitate an orderly transition to the new requirements on that date. Therefore, Appendix F of Part 121 is being amended to limit the applicability of the four maneuvers listed above, until October 15, 1967, to pilots in command and second in command of a crew of three or more pilots. Since Appendix F is referenced in § 121.418 (a) and (b) and § 121.441(b), this postponement applies to initial and recurrent training and proficiency checks. The flight maneuvers required under Part 61 after April 15, 1967, for an airline transport pilot certificate or associated rating as adopted in Amendment 61–27 are not affected by this postponement.

Clarifying amendments. The preamble to Amendments 61–27 stated that the amendment would authorize the person conducting a practical examination for an ATR or associated class or type rating to waive certain specified maneuvers. However, the words "or type" were omitted from § 61.147(c) as adopted and therefore are being added by this amendment.

Section 61.115(b), as adopted in Amendment 61–24, prescribed the flight maneuvers required for an unrestricted airline transport pilot certificate with a rotorcraft category and helicopter class rating by referencing the maneuvers required in § 61.147. Since § 61.147 was completely revised in Amendment 61–27, it is necessary to revise § 61.155 to specifically set forth therein the maneuvers previously incorporated by reference. The introductory language of paragraph (b) of § 61.155 is being revised to make it clear that an applicant for an unlimited rotorcraft ATR must, in addition to the maneuvers set forth in paragraph (b), perform any additional maneuvers required in paragraph (a) only if he has not previously complied with paragraph (a). In addition, the requirement for climbs and climbing turns is amended to make it clear that this maneuver is not required only where the applicant has previously obtained a limited rating under paragraph (a) and the applicant holds a helicopter instrument rating. Also, a new paragraph (d) is being added to make it clear that the examining inspector has the same authority as under § 61.147 to modify any maneuvers necessary for the safety of the operation.

Section 121.419(a)(3) as contained in Amendment 121–24 was intended to reflect the substance of present § 121.419 (a)(6), including the cross-reference thereto contained in § 121.420(a)(6). However, an unintended substantive change was made by failing to limit the requirement for zero flap landings to a pilot in command or a second in command in a crew requiring three or more pilots. Section 121.419(a)(3) is therefore amended to correct this unintended substantive change.

In adopting the requirements for Takeoffs (Pt. 61, App. A, Item II; Pt. 121, App. F, Item II) a definition of "takeoff" was included. The FAA realizes that the application of this definition to each of the takeoffs described would preclude touch and go takeoffs and would require more full stop landings and standing takeoffs than was intended. In addition, the altitude (or flap retraction) limitation contained in the definition could unnecessarily add to the time required for a flight check by requiring that each takeoff must continue to a given altitude before proceeding to another maneuver. The FAA believes that its basic purpose can be achieved by deleting this definition of "takeoff" and by modifying the requirement for one normal takeoff to make it clear that this takeoff must be from a standing start. The basic purpose of this limitation is to ensure that where more than one pilot is being flight checked in the same operation, each pilot performs at least one takeoff from a standing start.

The requirement for at least one ILS approach with a simulated failure of one powerplant (Item III(c)(2) of both Appendices) contains the following parenthetical statement: "The simulated failure should start before initiating the final approach and must continue to touchdown or to commencement of the missed approach procedure". To avoid any inference that where the ILS approach is followed by a missed approach procedure, the simulated failure could be terminated as soon as the missed approach is started, the words "to the commencement of" are being deleted and the word "through" inserted. The FAA did not intend that this maneuver should be further complicated by an increase in power during the missed approach procedure. In addition, Item III(c) of Appendix F authorizes each instrument approach procedure other than ILS to be performed in a synthetic instrument trainer. However, this item does not contain specific language permitting this maneuver to be observed by any approved check airman or approved instructor of the certificate holder. It was not intended that these maneuvers must be performed before the same approved check airman who observes those maneuvers performed in actual flight and therefore this item is being amended to include an authorization consistent with the comparable provision in Appendix A of Part 61.

As presently written, the requirement for a circling approach (Item III(d) of both appendices) would appear to prohibit a circling approach from being made other than following a complete instrument approach (or simulated instrument approach) and only using an approved procedure for the airport involved. It was not intended to so limit the performance of this maneuver. For example, the FAA would be satisfied with a circling approach maneuver that commenced at any altitude above the circling approach ceiling, provided that instrument conditions are simulated to the circling approach ceiling altitude. Therefore, Item III(d) in both appendices is being amended to remove the language that would preclude acceptance of such a circling approach maneuver. This change would not prevent performance of the maneuver following a complete instrument approach procedure.

The FAA intended that at least two missed approaches be performed in ATR, type rating and proficiency flight checks. However, as set forth in Item III(e) (of both appendices) it is likely that more than two missed approaches would have to be performed or in some cases that, to perform the required missed approaches, an additional ILS approach would be required. These results are possible because inclusion of the word "normal" in subparagraph (1) of paragraph (c) prevents combining the ILS missed approach with the missed approach with a simulated engine failure. Actually, the FAA does not wish to prohibit such a combination provided at least two missed approaches are performed. Thus, if the ILS missed approach is performed with a simulated engine failure, the other required missed approach could be accomplished following a rejected landing as required by Item II(f). Item III(e) is therefore amended to authorize the intended flexibility. In addition, the first sentence of subparagraph III(e)(2) of Appendix F to Part 121 is being revised to be consistent with the description of the same maneuver in Appendix A to Part 61.

In view of the imminence of the effective date of the subject amendments, and since these amendments impose no additional burden on any person, I find that notice and public procedure thereon are impractical and that good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Parts 61 and 121 of the Federal Aviation Regulations are amended, effective April 15, 1967, as follows:

§ 61.147 [Amended]

1. Section 61.147(c) is amended by inserting after the words "airplane class" the words "or type".

2. In § 61.155, paragraph (b) is amended and paragraph (d) is added, to read as follows:

§ 61.155 Rotorcraft rating: aeronautical skill.

• • • • •

(b) An applicant for an airline transport pilot certificate with a rotorcraft category and a helicopter class rating not limited to VFR must perform the maneuvers set forth in this paragraph and if he has not obtained a certificate under paragraph (a) of this section, must perform any additional maneuvers required in that paragraph:

(1) Equipment test (oral).
(2) Preflight check.
(3) Taxiing, or sailing and docking.
(4) Runups.
(5) Takeoffs.
(6) Climbs and climbing turns (not required if applicant holds a helicopter instrument rating and a certificate under paragraph (a) of this section).
(7) Maneuvers at slow speed.
(8) Airport traffic pattern.
(9) Accuracy approaches and spot landings (single-engine rating only).
(10) Landing technique.
(11) Cross-wind takeoff.
(12) Traffic control procedure.
(13) Steep turns.
(14) Timed turns (not required if applicant holds a helicopter instrument rating).
(15) Recovery from unusual attitudes.
(16) Use of radio equipment.
(17) Orientation.
(18) Beam bracketing.
(19) Cone (station) identification.
(20) Instrument approach procedures.
(21) Missed approach procedures.
(22) Use of directional radio.
(23) Rapid descent.
(24) Engine(s)-out procedure (multiengine rating only).
(25) Maneuvering with engine(s)-out (multiengine rating only).
(26) Maneuvering for landing at weather minimums.
(27) Takeoff and landing with simulated engine(s) failure (multiengine rating only).
(28) Emergencies.
(29) Smoothness and coordination.
(30) Judgment.

The maneuvers described in subparagraphs (6), (7), (13), (14), (15), (17), (18), (19), (20), (21), (22), (23), and (25) of this paragraph must be performed solely by reference to instruments. The FAA flight inspector conducting the test may require the maneuvers described in subparagraphs (6), (14), and (15) to be performed on a partial panel.

• • • • •

(d) Any maneuver required by this section may be modified by the examining inspector as necessary for the reasonable and safe operations of the rotorcraft being used.

§ 121.419 [Amended]

3. Section 121.419(a)(3) is amended by inserting after the words "zero flap landings" the parenthetical "(pilot in command and second in command in a crew requiring three or more pilots)".

4. Appendix A of Part 61 is amended as follows:

a. Item II is amended by striking out the first sentence and by amending paragraph (a) to read as follows:

II *Takeoffs.*

(a) One normal takeoff. For the purpose of this maneuver a takeoff begins when the airplane is taxied into position on the runway to be used.

• • • • •

b. The parenthetical in Item III(c)(2) is amended by striking out the words "to commencement of" and inserting in place thereof the word "through".

c. Item III(d) is amended by striking out the words "using an approved procedure for the airport involved" in subparagraph (1); by striking out the word "instrument" the first time it appears in subparagraph (2); and by inserting the words "portion of the" after the word "instrument" in subparagraph (2).

d. Item III(e) is amended by striking out the words "At least two missed" and by inserting the word "Missed" in place thereof; by striking out the word "normal" wherever it appears in subparagraph (1); and by adding the following new flush sentence after subparagraph (2):

III *Instrument Procedures.*
(e) • • •
(1) • • •
(2) • • •

The requirements of subparagraphs (1) and (2) may be combined provided at least two missed approaches are performed.

5. Appendix F of Part 121 is amended as follows:

a. Item II is amended by striking out the first sentence and by amending paragraph (a) to read as follows:

II *Takeoffs.*

(a) One normal takeoff. For the purpose of this maneuver a takeoff begins when the airplane is taxied into position on the runway to be used.

• • • • •

b. Item III is amended: (1) By striking out the words "to commencement of" in subparagraph (c)(2) and inserting in place thereof the word "through"; (2) by adding the following sentence to subparagraph (c)(2) "Until October 15, 1967, this maneuver is required only for a pilot in command or a second in command in a crew requiring three or more pilots"; and (3) by adding the words "if observed by an approved check airman or an approved instructor" before the period at the end of the last sentence of paragraph (c).

c. Item III(d) is amended: (1) By striking out the words "using an approved procedure for the airport involved" in subparagraph (c)(1); (2) by striking out the word "instrument" the first time it appears in subparagraph (2); (3) by inserting the words "portion of the" after the word "instrument" in subparagraph (2); and (4) by adding the following sentence to the flush paragraph "Until October 15, 1967, this maneuver is required only for a pilot in command or a second in command in a crew requiring three or more pilots".

d. Item III(e) is amended by striking out the words "At least two missed" in the introductory sentence and by inserting the word "Missed" in place thereof; by striking out the word "normal" wherever it appears in subparagraph (1); by striking out the words "immediately following" in subparagraph (2) and by inserting the word "with" in place thereof; and by adding the following new flush paragraph after subparagraph (2):

III *Instrument Procedures*
(e) • • •
(1) • • •
(2) • • •

The requirements of subparagraphs (1) and (2) may be combined provided at least two missed approaches are performed. However, until October 15, 1967, subparagraph

(2) and the requirement for at least two missed approaches apply only to a pilot in command or a second in command in a crew requiring three or more pilots.

(c) Item IV(a) is amended by adding the following new sentence at the end thereof: "Until October 15, 1967, this maneuver is required only for a pilot in command or a second in command in a crew requiring three or more pilots".

This amendment is made under the authority of (Secs. 313(a), 601, 602, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1422, 1424).

Issued in Washington, D.C., on April 12, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-4158; Filed, Apr. 13, 1967; 8:50 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-WE-70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Realignment of VOR Federal Airways

On March 2, 1967, there were published in the FEDERAL REGISTER (32 F.R. 3438) amendments to Part 71 of the Federal Aviation Regulations which realigned VOR Federal airways associated with the planned relocation of The Dalles, Oreg., VORTAC. These amendments were to become effective May 25, 1967.

Because of a delay in commissioning the relocated VORTAC, action is taken herein to alter Airspace Docket No. 66-WE-70 by postponing the effective date until August 17, 1967.

In consideration of the foregoing, effective immediately, the following action is taken:

Airspace Docket No. 66-WE-70 is amended by deleting "effective 0001 e.s.t., May 25, 1967," and substituting "effective 0001 e.s.t., August 17, 1967," therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 7, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4074; Filed, Apr. 13, 1967; 8:45 a.m.]

[Airspace Docket No. 66-WE-68]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration and Revocation of Jet Routes

On March 4, 1967, there were published in the FEDERAL REGISTER (32 F.R. 3740) amendments to Part 75 of the Federal Aviation Regulations which realigned Jet Routes associated with the planned relocation of The Dalles, Oreg., VORTAC. These amendments were to become effective May 25, 1967.

Because of a delay in commissioning the relocated VORTAC, action is taken herein to alter Airspace Docket No. 66-WE-68 by postponing the effective date until August 17, 1967.

In consideration of the foregoing, effective immediately, the following action is taken:

Airspace Docket No. 66-WE-68 is amended by deleting "effective 0001 e.s.t., May 25, 1967," and substituting "effective 0001 e.s.t., August 17, 1967," therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 7, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4075; Filed, Apr. 13, 1967; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

PART 119—ECONOMIC OPPORTUNITY LOANS

GENERAL

Sec.
119.1 Statutory provisions.
119.2 Program objectives.
119.11 Definitions.

ECONOMIC OPPORTUNITY LOANS

119.21 Eligibility.
119.31 Terms and conditions.
119.41 Participation.
119.51 Credit requirements.
119.61 Application procedure.
119.71 Applicability of other SBA regulations.

SMALL BUSINESS DEVELOPMENT CENTERS

119.81 Small Business Development Centers (SBDCs).

AUTHORITY: The provisions of this Part 119 are issued under Title IV of the Economic Opportunity Act, as amended, 78 Stat. 526-7; 42 U.S.C. 2901, et seq.

GENERAL

§ 119.1 Statutory provisions.

STATEMENT OF PURPOSE

SEC. 401. It is the purpose of this title to assist in the establishment, preservation, and strengthening of small business concerns and improve the managerial skills employed in such enterprises; and to mobilize for these objectives private as well as public managerial skills and resources.

LOANS, PARTICIPATIONS, AND GUARANTIES

SEC. 402. (a) The Administrator of the Small Business Administration is authorized to make, participate (on an immediate basis) in, or guarantee loans, repayable in not more than 15 years, to any small business concern (as defined in sec. 3 of the Small Business Act (15 U.S.C. 632) and regulations issued thereunder), or to any qualified person seeking to establish such a concern, when he determines that such loans will assist in carrying out the purposes of this title, with particular emphasis on employment of the long-term unemployed: *Provided, however,* That no such loans shall be made, participated in, or guaranteed if the total of such Federal assistance to a single borrower outstanding at any one time would exceed $25,000. The Administrator of the Small Business Administration may defer payments on the principal of such loans for a grace period and use such other methods as he deems necessary and appropriate to assure the successful establishment and operation of such concern. The Administrator of the Small Business Administration may, in his discretion, as a condition of such financial assistance, require that the borrower take steps to improve his management skills by participating in a management training program approved by the Administrator of the Small Business Administration. The Administrator of the Small Business Administration shall encourage, as far as possible, the participation of the private business community in the program of assistance to such concerns.

(b) The Director is authorized to make grants to, or contract with public or private nonprofit agencies, or combinations thereof, to pay all or part of the costs necessary to enable such agencies to provide screening, counseling, management guidance, or similar assistance with respect to persons or small business concerns which receive or may be eligible for assistance under subsection (a). Financial assistance under this subsection shall be subject to the provisions of section 208 of this Act.

(b) [sic] To the extent necessary or appropriate to carry out the programs provided for in this title the Administrator of the Small Business Administration shall have the same powers as are conferred upon the Director by section 602 of this Act.

LOAN TERMS AND CONDITIONS

SEC. 403. Loans made pursuant to section 402(a) (including immediate participation in and guaranties of such loans) shall have such terms and conditions as the Administrator of the Small Business Administration shall determine, subject to the following limitations—

(a) There is reasonable assurance of repayment of the loan;

(b) The financial assistance is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs;

(c) The amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made;

(d) The loan bears interest at a rate not less than (1) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (2) such additional charge, if any, toward covering other costs of the program as the Administrator of the Small Business Administration may determine to be consistent with its purposes: *Provided, however,* That the rate of interest charged on loans made in redevelopment areas designated under the Area Redevelopment Act (42 U.S.C. 2501, et seq.) shall not exceed the rate currently applicable to new loans made under section 6 of that Act (42 U.S.C. 2505); and

(e) Fees not in excess of amounts necessary to cover administrative expenses and probable losses may be required on loan guaranties.

LIMITATION ON FINANCIAL ASSISTANCE

SEC. 404. No financial assistance shall be extended pursuant to this title where the Administrator of the Small Business Administration determines that the assistance will be used in relocating establishments from one area to another or in financing subcontractors to enable them to undertake work theretofore performed in another area by other subcontractors or contractors.

DURATION OF PROGRAM

SEC. 405. The Administrator of the Small Business Administration shall carry out the programs provided for in this title during the fiscal year ending June 30, 1967, and the 3 succeeding fiscal years.

§ 119.2 Program objectives.

(a) The principal purpose of the Economic Opportunity Loan Program is to make funds available on reasonable terms and maturities to small business concerns owned by or planned to be owned by persons with low incomes, or those who have suffered from lack of opportunity and thereby have been denied the chance to compete in business on equal terms, including firms providing employment of the long-term unemployed, and to provide management assistance to such persons.

(b) Although certain of the credit standards used in the regular business loan program have been modified for the Economic Opportunity Loan Program, there must be a reasonable assurance of repayment. The maximum participation of the private business community in all phases of this program is to be encouraged. The program shall be administered to promote and facilitate this private participation.

§ 119.11 Definitions.

For purposes of this part:

(a) "Director" means the Director, Office of Economic Opportunity.

(b) "Administrator" means the Administrator of the Small Business Administration.

(c) "SBA" means the Small Business Administration.

(d) "Small-business concern" means a business concern which would qualify as a small business under § 121.3-10 of this chapter.

(e) The "Act" means the Economic Opportunity Act of 1964, as amended.

(f) "Economic Opportunity Loan" (EOL) means a loan authorized under section 402(a) of the Economic Opportunity Act of 1964, as amended.

ECONOMIC OPPORTUNITY LOANS

§ 119.21 Eligibility.

(a) In order to be eligible for an EOL, a business must qualify under Parts 120 and 121 of this chapter, except where overruled by specific provisions in this part.

(b) Income levels: The applicant must be at least 50-percent owned by a person or persons whose individual annual family income(s) is below that required to meet the basic needs of themselves and those of their immediate family who are dependent upon them, or those who have suffered from lack of opportunity and thereby have been denied the chance to compete in business on equal terms.

(c) Financial assistance may be used to effect a change in ownership of a business where such a change will further the objectives of the EOL program, the provisions of § 120.1(d)(2) of this chapter notwithstanding.

(d) A cooperative association is eligible provided that its members are eligible small business concerns. Consumer cooperatives are not eligible.

(e) Financial assistance shall not be extended when it is determined that the loan funds will be used in relocating establishments from one area to another. (Relocation within a community or local area shall not be considered relocation from one area to another.)

(f) Loan proceeds will not be used to finance subcontractors to enable them to undertake work thertofore performed in another area by another subcontractor or contractor.

(g) Financial assistance shall not be extended if funds are otherwise available on reasonable terms from private sources or other Federal, State, or local programs. The applicant's bank of account, if any, will be contacted to determine its willingness to finance the applicant independently, to participate with SBA, or to make the loan with a guaranty by SBA.

§ 119.31 Terms and conditions.

(a) An EOL shall not be made, participated in, or guaranteed if the total amount of the Government's share of such assistance to a single borrower at any one time exceeds a total outstanding of $25,000. The $25,000 loan limit applies collectively to all EOL loans to business entities owned or controlled by affiliated ownership.

(b) Repayment will be required at the earliest feasible date giving consideration to the use to be made of the funds and indicated ability to repay. Working capital loans will be limited to 10 years. Longer terms up to 15 years may be provided where the proceeds are for acquisition of realty or other fixed assets. Where a combination of purposes is involved, the period for repayment will be adjusted accordingly. When deemed necessary, grace periods for payments of principal may be provided up to 13 months from date of note. Interest payments will be required during such grace period. A fluctuating repayment schedule may be established for seasonal businesses.

(c) (1) Interest on direct loans shall be at the rate of 5½ percent per annum. On immediate participation loans, the interest rate shall be 5½ percent per annum on SBA's share, and shall be a legal and reasonable rate, but not in excess of 8 percent per annum on the participant's share. The interest rate on guaranteed loans shall be at a legal and reasonable rate but not to exceed 8 percent per annum, including SBA guaranty fee of one half of 1 percent.

(2) In EOL loans as in regular business loans the interest rate on SBA's share of a guaranteed loan after purchase by SBA becomes 5½ percent per annum.

(3) In redevelopment areas designated under the Public Works and Economic Development Act, the rate will be the rate currently applicable to new loans made under section 201 of that Act (currently 4⅝ percent per annum). This rate applies to direct loans and to SBA's and the bank's share of participation loans, either immediate or guaranteed.

(d) There are no statutory requirements with respect to collateral for loans. Inadequate collateral shall not be used as a reason to decline unless the applicant refuses to pledge whatever worthwhile collateral is available.

§ 119.41 Participation.

(a) The amount of SBA guaranty may be up to 100 percent of the EOL, but shall not exceed $25,000.

(b) In immediate participation loans, SBA participation shall not exceed $25,000 or 75 percent of the loan, whichever is the lesser. The service fees charged by the bank may equal but not exceed those which it charges on regular business loans.

§ 119.51 Credit requirements.

An applicant must meet certain practical credit requirements established by SBA. Principal requirements are as follows:

(a) An applicant must be of good character as determined by SBA.

(b) There must be evidence of ability to operate the business successfully. When, in the opinion of SBA, an applicant requires management assistance to attain, supplement or improve such ability, SBA may require that the applicant accept such management assistance as SBA may prescribe, as a condition of the loan.

(c) As required by the Act, there must be reasonable assurance of repayment of the loan.

(d) There must be evidence that the loan proceeds, together with other funds available to the applicant, are adequate to assure completion or achievement of the purposes for the loan.

§ 119.61 Application procedure.

(a) An applicant desiring to obtain an EOL shall apply to the regional office serving the area in which the applicant resides. If another SBA office is closer, he may obtain counseling or advice from it. Addresses of regional offices may be obtained from SBA.

(b) If, following a preliminary review of the applicant's case, the SBA finds the applicant's request worthy of further consideration, an SBA loan officer will assist the applicant in the preparation of necessary application forms and supporting documents.

(c) After a loan application has been submitted to SBA and has been approved or declined, the regional office will send a letter of notification to the applicant. In cases of decline, the reasons will be stated. When a bank is participating, the applicant and the bank will be notified at the same time by SBA.

§ 119.71 Applicability of other SBA Regulations.

All applicable provisions of Parts 120 and 122 of this chapter shall apply to EOLs, except where other provision is made in this part.

SMALL BUSINESS DEVELOPMENT CENTERS

§ 119.81 Small Business Development Centers (SBDCs).

In cities where the Office of Economic Opportunity has authorized Small Business Development Centers, SBA will cooperate with such Centers in providing counseling, guidance, and management training to EOL applicants and borrowers. SBDCs shall refer loan applicants to the SBA regional office.

Effective date. This part shall be effective upon publication in the FEDERAL REGISTER.

Dated: April 7, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-4099; Filed, Apr. 13, 1967; 8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-319; Order No. 340]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Independent Producers; Transfer of Producing Acreage

APRIL 6, 1967.

The Commission is aware that in those cases where an independent producer holding a certificate of public convenience and necessity transfers all or part of his producing acreage to another, some questions exist as to whether Commission authority to abandon acreage is needed when the acreage is already dedicated to interstate commerce.

Where a complete succession of interest in properties takes place and a sale is continued by the assignee to the same purchaser, the Commission has held that no application to abandon service need be filed under section 7(b) of the Natural Gas Act since the successor in interest must apply for a certificate of public convenience and necessity to continue the sale because, in effect, there is no abandonment. Kenneth McCullough et al., Docket No. G-11701 et al., issued March 7, 1958. Accordingly, no application to abandon should be filed by the predecessor in interest.

Where there is an assignment of a part of the producing acreage, and the successor is required to obtain Commission certificate authorization, the assignor need not apply to amend his existing certificate; the Commission automatically will amend the certificate of the assignor at the time it issues one to the assignee. However, a producer who transfers part of his acreage to another still must file the instruments of assignment as a supplement to his FPC rate schedule, as provided by § 154.97 of the Commission's regulations under the Natural Gas Act.

In those cases where the assigned acreage is not productive at the time of transfer, the assignor must obtain Commission authorization to delete such acreage, either pursuant to an application to amend his existing certificate to delete the assigned acreage or by filing an application under section 7(b) of the Natural Gas Act to abandon service from that acreage, unless, within one year from the date of the assignment the successor in interest files an application for certificate authorization to sell the gas for resale in interstate commerce.

The Commission finds:

(1) The statement issued herein concerns a matter of procedural policy which does not require notice or hearing under section 4(a) of the Administrative Procedure Act.

(2) It is appropriate and in the public interest in administering section 7 of the Natural Gas Act to set forth the Commission policy with respect to the matter here under consideration.

The Commission, acting under the authority of the Natural Gas Act, as amended, particularly sections 7(c), 7(e), and 16 thereof (52 Stat. 825, 830; 56 Stat. 83; 15 U.S.C. 717f(c), 717f(e), 717o), orders:

(A) Effective upon the issuance of this order, Part 2, General Policy and Interpretations, Chapter I, Title 18 of the Code of Federal Regulations is amended by adding a new § 2.64 to read as follows:

§ 2.64 Independent producers; transfer of producing acreage; procedure.

(a) A natural gas producer who transfers all or part of his producing acreage to another does not have to apply for an amendment to his existing certificate of public convenience and necessity authorizing the sale if the new producer is required to obtain a certificate to sell gas from the property, i.e., in those cases where gas is being produced from the assigned acreage or, if the acreage is nonproductive at the time of transfer if the assignee initiates a sale for resale in interstate commerce. In those cases where the assigned acreage is not productive at the time of transfer, the assignor must obtain Commission authorization to delete such acreage, either pursuant to an application to amend his existing certificate to delete the assigned acreage or by filing an application under section 7(b) of the Natural Gas Act to abandon service from that acreage, unless, within 1 year from the date of the assignment the successor in interest files an application for certificate authorization to sell the gas for resale in interstate commerce.

(b) A producer who transfers part of his acreage to a successor must file the instruments of assignment as supplements to his FPC rate schedules, as required by § 154.97 of this chapter. The successor producer must obtain certificate approval to continue the sale and must file the gas purchase contracts and instruments of assignment as his own rate schedules, as required by §154.92(d) of this chapter.

(B) Part 157 of the said Title 18 is amended by inserting, between the heading and paragraph (a) of § 157.30, the following cross reference:

§ 157.30 Abandonment of service.

(See § 2.64 of this chapter)

* * * * *

(Secs. 7, 16, 52 Stat. 825, 830; 56 Stat. 83; 15 U.S.C. 717f(c), 717f(e), 717o)

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4088; Filed, Apr. 13, 1967; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8100]

PART 13—PROHIBITED TRADE PRACTICES

ATD Catalogs, Inc., et al.

Subpart—Discriminating in price under section 5, FTC Act: § 13.892 *Knowingly inducing or receiving discriminating payments.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Order reopening proceeding, ATD Catalogs, Inc., et al., New York, N.Y., Docket 8100, Mar. 27, 1967]

In the Matter of ATD Catalogs, Inc., a Corporation, et al.

Order reopening proceeding, setting aside consent order and dismissing complaint against The S & M Co., a corespondent in a consent order entered into with ATD Catalogs, Inc., et al. on April 3, 1964, 29 F.R. 6276.

The order setting aside consent order and dismissing complaint as to The S & M Co. is as follows:

It is ordered, That this matter be, and it hereby is, reopened as to The S & M Co.

It is further ordered, That the order of the Commission issued April 3, 1964, adopting the initial decision of the hearing examiner of June 13, 1962, containing an order to cease and desist, be, and it hereby is, set aside as to respondent The S & M Co. and that the complaint as to this respondent be, and it hereby is, dismissed.

Issued: March 27, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-4091; Filed, Apr. 13, 1967; 8:47 a.m.]

[Docket No. 7887]

PART 13—PROHIBITED TRADE PRACTICES

Grand Caillou Packing Co., Inc., et al.

Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.870 *Charges and prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C.) [Modified order to cease and desist, Grand Caillou Packing Co., Inc., et al., New Orleans, La., Docket 7887, Mar. 27, 1967]

In the Matter of Grand Caillou Packing Co., Inc., a Corporation, Emile M. Lapeyre, Individually, and as President and Director of Grand Caillou Packing Co., Inc., and Emile M. Lapeyre, Fernand S. Lapeyre, James M. Lapeyre, Andre C. Lapeyre, Felix H. Lapeyre, and Emile M. Lapeyre, Jr., Individually as Copartners Trading and Doing Business As The Peelers Co., and as Representative of All of the Partners in The Peelers Co.

Order modifying an earlier order, 29 F.R. 7819, dated June 4, 1964, in compliance with a decree of the Court of Appeals, Fifth Circuit, in connection with the sale and lease of patented shrimp-processing machinery, by omitting the prohibition of sales to domestic shrimp processors on the same terms afforded foreign processors, and affirming the prohibition against discriminatory rental terms to domestic processors.

The modified order to cease and desist, is as follows:

It is ordered, That the respondents, Emile M. Lapeyre, Fernand S. Lapeyre, James M. Lapeyre, Felix H. Lapeyre, and Emile M. Lapeyre, Jr., individually, as copartners trading and doing business as The Peelers Co., and as representatives of all of the partners in The Peelers Co., and their agents, representatives, and employees, directly or indirectly, through any existing or succeeding corporation, partnership, sole proprietorship, or other device, in connection with the distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any shrimp peeling, cleaning, and separating machinery or improvements thereto now or hereafter controlled by respondents, do forthwith cease and desist from:

Discriminating between lessees of such machinery by charging higher rental or use rates to any lessee than are charged to any other lessee.

For the purposes of this proceeding, lease or rental terms which result in any lessee paying a higher rate than the rate charged any other lessee for use of respondents' machines for the same period of time or through the same number of mechanical revolutions or operations shall be deemed discriminatory.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: March 27, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-4092; Filed, Apr. 13, 1967; 8:47 a.m.]

[Docket No. 8662]

PART 13—PROHIBITED TRADE PRACTICES

Gulf Coast Aluminum Supply Corp. and Don DePalma

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155-33 Demonstration reduction; § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1715 *Quality;* Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Gulf Coast Aluminum Supply Corp. et al., Tampa, Fla., Docket 8662, Mar. 24, 1967]

Order requiring a Tampa, Fla., distributor and installer of residential aluminum siding materials to cease misrepresenting that purchasers are offered special terms for the use of their premises as model homes, that its products are revolutionary or different, and making deceptive guarantee claims.

The order to cease and desist is as follows:

It is ordered, That respondents Gulf Coast Aluminum Supply, Inc., a corporation, and its officers, and Don DePalma, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, distribution, or installation of residential aluminum siding materials or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the home of any of respondents' customers or prospective customers has been selected as a model home to be used as a point of reference for demonstration or advertising purposes.

2. Representing, directly or by implication, that any special price, allowance, discount, or commission is granted by respondents to purchasers in return for permitting the premises on which respondents' products are installed to be used for model home demonstration purposes.

3. Representing that respondents have opened or are in the process of opening a branch office in any community and need to install siding on several homes in the area for advertising purposes.

4. Representing that respondents' siding materials are entirely new or revolutionary or differ substantially from other siding materials available on the market.

5. Representing that respondents' siding materials will last a lifetime or will not require repainting or repair for the life of the structure on which they are applied.

6. Representing, directly or by implication, that any of respondents' products is guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That Gulf Coast Aluminum Supply, Inc., a corporation (erroneously named in the complaint and caption hereof as "Gulf Coast Aluminum Supply Corporation"), and Don DePalma, individually and as an officer of said corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by each respondent named in this order, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: March 24, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-4093; Filed, Apr. 13, 1967; 8:47 a.m.]

[Docket No. C-1166]

PART 13—PROHIBITED TRADE PRACTICES

Robertson Sales Co. and W. R. Pape

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Robertson Sales Co. et al., Oklahoma City, Okla., Docket C-1166, Mar. 24, 1967]

Consent order requiring an Oklahoma City, Okla., manufacturer of tents and tarpaulins to cease using deceptive pricing claims for its products in catalogs furnished to retailers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Robertson Sales Co., a corporation, and its officers, and W. R. Pape individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of tents, tarpaulins, or other merchandise, in commerce, as "commerce" is defined in the Federal

Trade Commission Act, do forthwith cease and desist from:

1. Advertising, disseminating, or distributing any purported retail price unless (a) it is respondents' bona fide estimate of the actual retail price of the product in the area where respondents do business and (b) it does not appreciably exceed the highest price at which substantial sales of said product are made in said trade area.

2. Misrepresenting in any manner the prices at which respondents' merchandise is sold at retail.

3. Furnishing to others any means or instrumentalities whereby the purchasing public may be misled as to the retail prices of respondents' products.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 24, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-4094; Filed, Apr. 13, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

TREATMENT OF INCOME FROM UNRELATED TRADE OR BUSINESS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC: LR: T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN, *Commissioner of Internal Revenue.*

In order to clarify the meaning of the terms "unrelated business taxable income" and "unrelated trade or business" as they relate to certain exempt organizations, the Income Tax Regulations (26 CFR Part 1) under sections 513 and 512 of the Internal Revenue Code of 1954 are amended as follows:

PARAGRAPH 1. Paragraphs (b) and (c) of § 1.513–1 are respectively redesignated as paragraphs (e) and (f), and § 1.513–1 is otherwise amended to read as follows:

§ 1.513–1 Definition of unrelated trade or business.

(a) *In general.* As used in section 512 the term "unrelated business taxable income" means the gross income derived by an organization from any unrelated trade or business regularly carried on by it, less the deductions and subject to the exceptions, additions and limitations provided in section 512. Section 513 specifies with certain exceptions that the phrase "unrelated trade or business" means, in the case of an organization subject to the tax imposed by section 511, any trade or business the conduct of which is not substantially related (aside from the need of such organization for income or funds or the use it makes of the profits derived) to the exercise or performance by such organization of its charitable, educational or other purpose or function constituting the basis for its exemption under section 501 (or, in the case of an organization described in sec. 511(a)(2)(B), to the exercise or performance of any purpose or function described in sec. 501 (c)(3)). (For certain exceptions from this definition, and a special rule for certain publishing businesses, see paragraphs (e) and (f) of this section. For a special definition of "unrelated trade or business" applicable to certain trusts, see sec. 513(b).) Therefore, unless one of the specific exceptions of section 512 or 513 is applicable, gross income of an exempt organization subject to the tax imposed by section 511 is includible in the computation of unrelated business taxable income if (1) it is income from trade or business, (2) the conduct of such trade or business is not substantially related (other than through the production of funds) to the organization's performance of its exempt functions and (3) such trade or business is regularly carried on by the organization.

(b) *Trade or business.* For the purposes of section 513 the term "trade or business" has the same meaning it has in section 162, and generally includes any activity carried on for the production of income from the sale of goods or performance of services. The term "trade or business" thus is not limited to integrated aggregates of assets, activities and good-will which comprise businesses for the purposes of certain other provisions of the Internal Revenue Code. Activities of producing or distributing goods or performing services from which a particular amount of gross income is derived do not lose identity as trade or business merely because they are carried on within a larger aggregate of similar activities or within a larger complex of other endeavors which may, or may not, be related to the exempt purposes of the organization. Thus, for example, the regular sale of pharmaceutical supplies to the general public by a hospital pharmacy does not lose identity as trade or business merely because the pharmacy also furnishes supplies to the hospital in accordance with its exempt purposes. Similarly, activities of soliciting, selling, and publishing commercial advertising do not lose identity as trade or business even though the advertising is published in an exempt organization periodical which contains editorial matter related to the exempt purposes of the organization.

(c) *Regularly carried on*—(1) *General principles.* In determining whether trade or business from which a particular amount of gross income derives is "regularly carried on," within the meaning of section 512, regard must be had to the frequency and continuity with which the activities productive of the income are conducted and the manner in which they are pursued. This requirement must be applied in light of the fundamental purpose of the unrelated business income tax to place the business activities of exempt organizations upon the same tax basis as commercial endeavors with which they compete. Hence, for example, specific business activities of an exempt organization will ordinarily be deemed to be "regularly carried on" if they manifest a frequency and continuity, and are pursued in a manner, generally similar to comparable commercial activities of nonexempt organizations.

(2) *Application of principles*—(i) *Normal time span of activities.* Where income producing activities are of a kind normally conducted by nonexempt commercial organizations on a year-round basis, the conduct of such activities by an exempt organization over a period of only a few weeks does not constitute the regular carrying on of trade or business. For example, the operation of a sandwich stand by a hospital auxiliary for the 2-week period of an annual state fair would not be the regular conduct of trade or business. However, the conduct of year-round business activities for one day each week would constitute the regular carrying on of trade or business. Thus, the operation of a commercial parking lot on Saturday of each week would be the regular conduct of trade or business. Where income producing activities are of a kind normally undertaken by nonexempt commercial organizations only on a seasonal basis, the conduct of such activities by an exempt organization during a significant portion of the season ordinarily constitutes the regular conduct of trade or business. For example, the operation of a track for horse racing for several weeks each year would be considered the regular conduct of trade or business because it is usual to carry on such trade or business only during a particular season.

(ii) *Commercial attributes of intermittent activities.* In determing whether or not intermittently conducted activities are regularly carried on, the manner of conduct of the activities must be compared with the manner in which commercial activities are normally pursued by nonexempt organizations. In general, exempt organization business activities which are engaged in only discontinuously or periodically will not be considered regularly carried on if they are conducted without the competitive and promotional efforts typical of commercial endeavors. For example, the sale of advertising in programs for

sports events or music or drama performances would not ordinarily be deemed to be the regular carrying on of business where no systematic endeavors are made to develop and promote this class of business in the manner of a commercial publication. Similarly, where the exempt function of an organization involves the sale of certain types of goods or services to a particular class of persons (as, for example, sales of books by a college bookstore to students), casual sales in the course of such activity, which are not related to the exempt function involved, do not generally constitute the regular conduct of unrelated trade or business. On the other hand, where the organization systematically and consistently caters to a customer class unrelated to its exempt functions or sells products unrelated to the performance of such functions, the unrelated selling activities meet the section 512 requirement of regularity.

(iii) *Occasional or sporadic activities.* Income producing activities undertaken only occasionally or sporadically generally will not be regarded as trade or business regularly carried on. For this purpose, an income producing or fund raising event lasting only a short period of time will not be regarded as regularly carried on merely because it is conducted on an annually recurrent basis. Accordingly, income derived from the conduct of an annual dance or similar fund raising event for charity would not be income from trade or business regularly carried on.

(d) *Substantially related*—(1) *In general.* Gross income derives from "unrelated trade or business," within the meaning of section 513(a), if the conduct of the trade or business which produces the income is not substantially related (other than through the production of funds) to the purposes for which exemption is granted. The presence of this requirement necessitates an examination of the relationship between the business activities which generate the particular income in question—the activities, that is, of producing or distributing the goods or performing the services involved—and the accomplishment of the organization's exempt purposes.

(2) *Type of relationship required.* Trade or business is "related" to exempt purposes, in the relevant sense, only where the conduct of the business activities has causal relationship to the achievement of exempt purposes (other than through the production of income); and it is "substantially related," for purposes of section 513, only if the causal relationship is a substantial one. For the conduct of trade or business from which a particular amount of gross income is derived to be substantially related to purposes for which exemption is granted, the production or distribution of the goods or the performance of the services from which the gross income is derived must contribute importantly to the accomplishment of those purposes. Where the production or distribution of the goods or the performance of the services does not contribute importantly to the accomplishment of the exempt purposes of an organization, the income from the sale of the goods or the performance of the services does not derive from the conduct of related trade or business. Whether activities productive of gross income contribute importantly to the accomplishment of any purpose for which an organization is granted exemption depends in each case upon the facts and circumstances involved.

(3) *Size and extent of activities.* In determining whether activities contribute importantly to the accomplishment of an exempt purpose, the size and extent of the activities involved must be considered in relation to the nature and extent of the exempt function which they purport to serve. Thus, where income is realized by an exempt organization from activities which are in part related to the performance of its exempt functions, but which are conducted on a larger scale than is reasonably necessary for performance of such functions, the gross income attributable to that portion of the activities in excess of the needs of exempt functions constitutes gross income from the conduct of unrelated trade or business. Such income is not derived from the production or distribution of goods or the performance of services which contribute importantly to the accomplishment of any exempt purpose of the organization.

(4) *Application of principles*—(i) *Income stemming directly from performance of exempt functions.* Gross income derived directly from the performance of exempt functions does not constitute gross income from the conduct of unrelated trade or business. The following examples illustrate the application of this principle:

Example (1). M, an organization described in section 501(c)(3), operates a school for training children in the performing arts, such as acting, singing, and dancing. It presents performances by its students and derives gross income from admission charges for the performances. The students' participation in performances before audiences is an essential part of their training. Since the income realized from the performances derives from activities which contribute importantly to the accomplishment of M's exempt purposes, it does not constitute gross income from unrelated trade or business. (For specific exclusion applicable in certain cases of contributed services, see section 513(a)(1) and paragraph (e)(1) of this section.)

Example (2). N is a trade union qualified for exemption under section 501(c)(5). To improve the trade skills of its members, N conducts refresher training courses and supplies handbooks and technical manuals. N receives payments from its members for these services and materials. However, the development and improvement of the skills of its members is one of the purposes for which exemption is granted N; and the activities described contribute importantly to that purpose. Therefore, the income derived from these activities does not constitute gross income from unrelated trade or business.

Example (3). O is an industry trade association qualified for exemption under section 501(c)(6). It presents a trade show in which members of its industry join in an exhibition of industry products. O derives income from charges made to exhibitors for exhibit space and admission fees charged patrons or viewers of the show. The show is not a sales facility for individual exhibitors; its purpose is the promotion and stimulation of interest in, and demand for, the industry's products in general, and it is conducted in a manner reasonably calculated to achieve that purpose. The stimulation of demand for the industry's products in general is one of the purposes for which exemption is granted O. Consequently, the activities productive of O's gross income from the show—that is, the promotion, organization and conduct of the exhibition—contribute importantly to the achievement of an exempt purpose, and the income does not constitute gross income from unrelated trade or business.

(ii) *Disposition of product of exempt functions.* Ordinarily, gross income from the sale of products which are a direct result of the performance of exempt functions does not constitute gross income from the conduct of unrelated trade or business if the product is sold in substantially the same state it is in on completion of the exempt functions. Thus, in the case of an organization described in section 501(c)(3) and engaged in a program of rehabilitation of handicapped persons, income from sale of articles made by such persons as a part of their rehabilitation training would not be gross income from conduct of unrelated trade or business. The income in such case would be from sale of products, the production of which contributed importantly to the accomplishment of purposes for which exemption is granted the organization—namely, rehabilitation of the handicapped. On the other hand, if a product resulting from an exempt function is utilized or exploited in further business endeavor beyond that reasonably appropriate or necessary for disposition in the state it is in upon completion of exempt functions, the gross income derived therefrom would be from conduct of unrelated trade or business. Thus, in the case of an experimental dairy herd maintained for scientific purposes by an organization described in section 501(c)(3), income from sale of milk and cream produced in the ordinary course of operation of the project would not be gross income from conduct of unrelated trade or business. On the other hand, if the organization were to utilize the milk and cream in the further manufacture of food items such as ice cream, pastries, etc., the gross income from the sale of such products would be from the conduct of unrelated trade or business.

(iii) *Dual use of assets or facilities.* In certain cases, an asset or facility necessary to the conduct of exempt functions may also be employed in a commercial endeavor. In such cases, the mere fact of the use of the asset or facility in exempt functions does not, by itself, make the income from the commercial endeavor gross income from related trade or business. The test, instead, is whether the activities productive of the income in question contribute importantly to the accomplishment of exempt purposes. Assume, for example, that a museum exempt under section 501(c)(3) has a theater auditorium which is specially designed and equipped for showing of educational films in connection with its program of public education in the arts and sciences. The theater is a principal feature of the museum and is in continuous operation during the hours the museum is open to the public. If the organization were to operate the theater as an ordinary motion picture theater for public entertainment during the evening hours when the museum was closed, gross income from such operation would be gross income from conduct of unrelated trade or business.

(iv) *Exploitation of exempt functions.* In certain cases, activities carried on by an organization in the performance of exempt functions may generate good will or other intangibles which are capable of being exploited in commercial endeavors. Where an organization exploits such an intangible in commercial activities, the mere fact that the resultant income depends in part upon an exempt function of the organization does not make it gross income from related trade or business. In such cases, unless the commercial activities themselves contribute importantly to the accomplishment of an exempt purpose, the income which they produce is gross income from the conduct of unrelated trade or business. The application of this subdivision is illustrated in the following examples:

Example (1). U, an exempt scientific organization, enjoys an excellent reputation in the field of biological research. It exploits this reputation regularly by selling endorsements of various items of laboratory equipment to manufacturers. The endorsing of laboratory equipment does not contribute importantly to the accomplishment of any purpose for which exemption is granted U. Accordingly, the income derived from the sale of endorsements is gross income from unrelated trade or business.

Example (2). V, an exempt university, has a large regularly enrolled student body. During the school year, V sponsors the appearance of professional theater companies and symphony orchestras which present drama and musical performances to the students. V advertises these performances to its students, provides a university theater building for their presentation, and supervises advance ticket sales at various university facilities, including the cafeteria and the university bookstore. V derives gross income from the conduct of the performances. However, the presentation of drama and music events contributes importantly to the overall educational function of the university. Therefore, the income which V receives does not constitute gross income from the conduct of unrelated trade or business.

Example (3). W is an exempt business league with a large membership. Under an arrangement with an advertising agency, W regularly mails brochures, pamphlets, and other commercial advertising materials to its members, for which service W charges the agency an agreed amount per enclosure. The distribution of the advertising materials does not contribute importantly to the accomplishment of any purpose for which W is granted exemption. Accordingly, the payments made to W by the advertising agency constitute gross income from unrelated trade or business.

Example (4). X, an exempt organization for the advancement of public interest in classical music, owns a radio station and operates it in a manner which contributes importantly to the accomplishment of the purposes for which the organization is granted exemption. However, in the course of the operation of the station the organization derives gross income from the regular sale of advertising time and services to commercial advertisers in the manner of an ordinary commercial station. Neither the sale of such time nor the performance of such services contributes importantly to the accomplishment of any purpose for which the organization is granted exemption. Notwithstanding the fact that the production of the advertising income depends upon the existence of the listening audience resulting from performance of exempt functions, such income is gross income from unrelated trade or business.

Example (5). Y, an exempt university, provides facilities, instruction and faculty supervision for a campus newspaper operated by its students. In addition to news items and editorial commentary, the newspaper publishes paid advertising. The solicitation, sale, and publication of the advertising are conducted by students, under the supervision and instruction of the university. Although the services rendered to advertisers are of a commercial character, the advertising business contributes importantly to the university's educational program through the training of the students involved. Hence, none of the income derived from publication of the newspaper constitutes gross income from unrelated trade or business.

Example (6). Z, an exempt trade association, publishes a monthly journal. The publication of the articles and other editorial content of the journal contributes importantly to the accomplishment of purposes for which exemption is granted the organization. Income from the sale of subscriptions to members and others in accordance with the organization's exempt purposes, therefore, does not constitute gross income from unrelated trade or business. In connection with the publication of the journal, Z also derives income from the regular sale of advertising space and services to commercial advertisers. Neither the publication of advertisements nor the performance of services for commercial advertisers contributes importantly to the accomplishment of any purpose for which exemption is granted. Therefore, notwithstanding the fact that the production of income from advertising utilizes the circulation developed and maintained in the performance of exempt functions, such income is gross income from unrelated trade or business. That result follows even though the advertising is of products and services within the general area of professional or business interest of the members and other readers.

* * * * * * *

(e) * * *

(f) * * *

PAR. 2. Section 1.512(a)-1 is amended to read as follows:

§ 1.512(a)-1 Definition.

(a) *In general.* Section 512 defines "unrelated business taxable income" as the gross income derived from any unrelated trade or business regularly carried on, less those deductions allowed by chapter 1 of the Code which are directly connected with the carrying on of such trade or business, subject to certain exceptions, additions and limitations referred to in § 1.512(b)-1. To be deductible in computing unrelated business taxable income, therefore, expenses, depreciation, and similar items not only must qualify as deductions allowed by chapter 1 of the Code, but also must be directly connected with the carrying on of unrelated trade or business. Except as provided in subparagraph (2) of paragraph (d) of this section, to be "directly connected with" the conduct of unrelated business, for purposes of section 512, an item of deduction must have proximate and primary relationship to the carrying on of that business. In the case of an organization which derives gross income from the regular conduct of two or more unrelated business activities, unrelated business taxable income is the aggregate of gross income from all such unrelated business activities less the aggregate of the deductions allowed with respect to all such unrelated business activities.

(b) *Expenses attributable solely to unrelated business.* Expenses, depreciation and similar items attributable solely to the conduct of unrelated business are proximately and primarily related to that business and therefore qualify for deduction to the extent that they meet the requirements of section 162, section 167, or other relevant provisions of the Internal Revenue Code. Thus, for example, salaries of personnel employed full-time in carrying on unrelated business are directly connected with the conduct of the unrelated business and are deductible in computing unrelated business taxable income if they otherwise qualify for deduction under the requirements of section 162. Similarly, depreciation of a building used entirely in the conduct of unrelated business would be an allowable deduction to the extent otherwise permitted by section 167.

(c) *Dual use of facilities or personnel.* Where facilities or personnel are used both to carry on exempt functions and to conduct unrelated trade or business, expenses, depreciation, and similar items attributable to such facilities or personnel (as, for example, items of overhead) shall be allocated between the two uses on a reasonable basis. The portion of any such item so allocated to the unrelated trade or business is proximately and primarily related to that business, and shall be allowable as a deduction in computing unrelated business taxable income in the manner and to the extent permitted by section 162, section 167, or other relevant sections of the Internal Revenue Code. Thus, for example, assume that X, an exempt organization subject to the provisions of section 511, pays its president a salary of $20,000 a year. X derives gross income from the conduct of unrelated trade or business. The president devotes approximately 10 percent of his time during the year to the unrelated business. For purposes of computing X's unrelated business taxable income, a deduction of $2,000 ($20,000 times 10 percent) would be allowable for the salary paid to its president.

(d) *Exploitation of exempt functions*—(1) *In general.* In certain cases, gross income may be derived from unrelated trade or business which exploits an exempt function. Except as specified in subparagraph (2) of this paragraph, in such cases expenses, depreciation and similar items attributable to the conduct of the exempt function are not

deductible in computing unrelated business taxable income. Since such items are incident to a function of the type which it is the chief purpose of the organization to conduct, they do not possess proximate and primary relationship to the unrelated trade or business. Therefore, they do not qualify as directly connected with that business.

(2) *Allowable deductions.* Where unrelated trade or business is of a kind carried on for profit by taxable organizations and where the exempt activity exploited by the business is a type of activity normally conducted by taxable organizations in pursuance of such business, the expenses, depreciation, and similar items which are attributable to the exempt activity qualify as directly connected with the carrying on of the unrelated trade or business to the extent that:

(i) The aggregate of such items exceeds the income (if any) derived from or attributable to the related activities; and

(ii) The allocation of such excess to the unrelated activities does not result in a loss from such unrelated trade or business.

Under the rule of the preceding sentence, expenses, depreciation and similar items paid or incurred in the performance of an exempt function must be allocated first to the exempt function to the extent of the income derived from or attributable to the performance of that function. Furthermore, such items are in no event allocable to the unrelated business activities to the extent that their deduction would result in a loss carryover or carryback with respect to the particular conduct of trade or business involved. Similarly, they may not be taken into account in computing unrelated business taxable income attributable to the conduct of unrelated trade or business not exploiting the same exempt activities.

(3) *Examples.* The provisions of this paragraph are illustrated by the following examples:

Example (1). W is an exempt business league with a large membership. Under an arrangement with an advertising agency W regularly mails brochures, pamphlets and other commercial advertising materials to its members, charging the agency an agreed amount per enclosure. The distribution of the advertising materials does not contribute importantly to the accomplishment of the purpose for which W is granted exemption. Accordingly, the payments made to W by the advertising agency constitute gross income from unrelated trade or business. In computing W's unrelated business taxable income, the expenses attributable solely to the conduct of the business are allowable as deductions in accordance with the provisions of section 162. Such deductions include the costs of handling and mailing, the salaries of personnel used full-time in the unrelated business and an allocable portion of the salaries of personnel used both to carry on exempt functions and to conduct the unrelated business. However, costs of developing W's membership and carrying on its exempt activities are not deductible. Those costs are necessary to the maintenance of the intangible asset exploited in the unrelated business—W's membership—but are incurred primarily in connection with W's fundamental status and functioning as an exempt organization. As a consequence, they do not have proximate and primary relationship to the conduct of the unrelated business, and do not qualify as directly connected with it.

Example (2). Z, an exempt business league, publishes a monthly journal which it sells by subscription to members and others. The articles and other editorial content of the journal contribute importantly to the accomplishment of Z's exempt purposes. Therefore, the subscription income does not constitute gross income from unrelated trade or business. In connection with the publication of the journal, Z derives income from the sale of advertising space to commercial advertisers. Since the provision of commercial advertising space does not contribute importantly to the accomplishment of Z's exempt purposes, Z's income from advertising constitutes gross income from unrelated trade or business. In computing Z's unrelated business taxable income, allowable deductions would (subject to the rules provided in section 162 and other relevant sections of the Internal Revenue Code) include the specific costs of the advertising activity, such as advertising copy and mechanical costs, advertising sales commissions and similar expenses. Also allowable would be items of deduction (such as general overhead expenses and depreciation) allocable to the advertising activity in accordance with the rule of paragraph (c) of this section. In addition, since expenses, depreciation, and similar items related to the production and distribution of the editorial content of the journal are costs generally incurred by taxable organizations publishing journals with advertising, such items will be treated as directly connected with the conduct of the unrelated trade or business. Thus, subject to the limitations of subdivisions (i) and (ii) of subparagraph (2) of this paragraph, they would be allowable as deductions in computing Z's unrelated business taxable income to the extent provided in section 162, section 167, and other relevant sections of the Internal Revenue Code.

[F.R. Doc. 67-4206; Filed, Apr. 13, 1967; 11:16 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 8087]

AIRWORTHINESS DIRECTIVES

BAC 1-11 Model 203/AE, 204/AF, 212/AR, 401/AK, and 410/AQ Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Oxygen Mask Face Pieces (Part Nos. WK 28420, WK 28171, and WK 31342) installed on BAC 1-11 Model 203/AE, 204/AF, 212/AR, 401/AK, and 410/AQ series airplanes. Recent service experience has shown that these oxygen mask face pieces tend to retain a permanent set after being folded for a period of time and the rubber becomes discolored and split due to exposure to ozone, thus rendering the face pieces difficult to use. Since this condition is likely to exist or develop in other oxygen face mask pieces of the same design, the proposed AD would require inspection of the face pieces at intervals not to exceed 600 hours' time in service and, if an inspection discloses deterioration, the replacement of the face piece either by a serviceable face piece of the same part number or by a modified face piece in accordance with BAC Service Bulletin PM 2795.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before May 15, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1-11 203/AE, 204/AF, 212/AR, 401/AK, and 410/AQ series airplanes.

Compliance required as indicated.

To prevent the use of unserviceable drop-out oxygen mask face pieces, accomplish the following.

(a) Within the next 600 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 600 hours' time in service from the last inspection, visually examine all oxygen mask face pieces, Part Nos. WK 28420, WK 28171, and WK 31342, for deterioration in accordance with BAC 1-11 Alert Service Bulletin 35-A-PM 2795, Issue No. 1, dated January 16, 1967, or later ARB-approved issue.

(b) Replace deteriorated oxygen mask face pieces found during the inspections required by paragraph (a) with either serviceable face pieces of the same part number or modified face pieces, Walter Kidde Part Nos. WK 33298, WK 33299 and WK 33300, in accordance with BAC Service Bulletin 35-PM 2795, or later ARB-approved issue, before further flight.

(c) The repetitive inspections required by paragraph (a) may be discontinued when the oxygen face mask pieces are modified in accordance with BAC Service Bulletin 35-PM 2795, or later ARB-approved issue.

Issued in Washington, D.C., on April 6, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-4076; Filed, Apr. 13, 1967; 8:45 a.m.]

[14 CFR Part 45]

[Docket No. 8083; Notice No. 67-15]

ANTIQUE AND EXHIBITION AIRCRAFT

Identification Marking

The Federal Aviation Administration is considering relaxing the identification marking requirements for antique aircraft and aircraft operated for the purpose of motion picture and television productions, airshows, and other exhibitions.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, and arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 13, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 45.21(e) now provides that aircraft manufactured before January 1, 1933, and aircraft having the same external configuration as an aircraft for which a type certificate, airworthiness certificate, license, or other authorization was issued prior to January 1, 1933, are excepted from the general marking requirements of Part 45. The identification marks on these aircraft must be at least 2 inches high and must consist of the letter "N" followed by the registration number.

There is a growing interest in the aviation community in restoring, displaying, and operating the forerunners of modern aircraft. Many of these aircraft are in general use. Others are operated solely at exhibitions, airshows, and for television and motion picture productions. For the sake of authenticity, many operators of these aircraft have requested exemptions from the general marking requirements and also the limitations in § 45.21(e).

The FAA proposes to amend § 45.21(e) to include any aircraft 30 or more years old. If so amended it would automatically cover additional aircraft as the years pass. This section would also be amended to include an aircraft having the same configuration as any aircraft manufactured 30 or more years ago without regard to the date of issue of a type certificate, airworthiness certificate, license, or other authorization. Further, the proposal would allow the display of the airworthiness symbol "C", "R", "X", or "L", as appropriate, as a part of the displayed nationality and registration marks.

The 12-inch fuselage or tail marking requirements of Part 45 were established primarily to ensure adequate air-to-air identification of aircraft. The FAA recognizes that the proposed expansion of § 45.21(e) would cover aircraft of higher performance capability than heretofore. Accordingly, the proposal would limit the operations of an aircraft marked under § 45.21(e) to a speed of less than 180 knots to facilitate adequate identification. In addition, aircraft so marked could not be used in operations conducted for compensation or hire under an operating certificate issued by the Administrator.

The FAA also proposes to exempt an aircraft, regardless of age, from the requirement to display nationality and registration marks if that aircraft is being operated solely for the purpose of a motion picture or television production, airshow, or other exhibition. These aircraft would be limited to operations at (1) the location of the production, show, or exhibition; (2) between those locations; and (3) between such a location and the aircraft's base of operations. Further, these operations could be conducted only with the prior approval of the local General Aviation District Office in the case of flights within a 5-mile radius of the airport of takeoff, or under a flight plan in the case of other flights.

In view of the foregoing, the Federal Aviation Administration proposes to amend Part 45 as follows:

1. By amending § 45.21(a) by deleting the words "(d) and (e)" and inserting in their place the words "(d), (e), and (f)".

2. By amending § 45.21(e) and adding a new paragraph (f) to read as follows:

§ 45.21 General.

* * * * * *

(e) An aircraft may be operated without displaying markings in accord with this subpart under the following conditions.

(1) The aircraft is at least 30 years old, or is an aircraft with the same external configuration as such an aircraft.

(2) It is not operated in a foreign country except with the prior approval of that country.

(3) It is operated at a speed of less than 180 knots.

(4) It is not operated for compensation or hire under an operating certificate issued by the Administator.

(5) It displays marks at least 2 inches high on each side of the fuselage or vertical tail surface, consisting of the Roman capital letter "N", followed by its United States registration number.

The marks required by subparagraph (5) of this paragraph may include the airworthiness symbol "C", "R", "X", or "L", as appropriate.

(f) An aircraft may be operated without displaying nationality and registration marks under the following conditions:

(1) It is operated for the purpose of a motion picture or television production, airshow, or other exhibition.

(2) Except for practice and test flights necessary for that purpose, it is operated only at the location of the motion picture or television production, airshow, or other exhibition; between those locations; and between such a location and the base of operations of the aircraft.

(3) The display of nationality and registration marks would be inconsistent with that purpose.

(4) It is not operated in a foreign country without the prior approval of that country.

(5) For flights within the United States, it is operated—

(i) With the prior approval of the local General Aviation District Office, in the case of a flight solely within a 5-mile radius of the takeoff airport; or

(ii) Under a flight plan filed under § 91.83 of this chapter, in the case of any other flight.

The flight plan required by subparagraph (5)(ii) of this paragraph must include a description of any marks displayed on the aircraft.

§ 45.23 [Amended]

3. By amending § 45.23 by deleting paragraph (b).

This amendment is proposed under the authority of sections 307(c), 313(a), 501, 502, 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1401, 1402, 1421, and 1423).

Issued in Washington, D.C., April 10, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-4077; Filed, Apr. 13, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-16]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration; Supplemental Notice

On February 15, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2898) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Daytona Beach, Fla. transition area.

Subsequent to the publication of this notice, an instrument approach procedure utilizing the Daytona Beach, Fla. VORTAC was developed for the Ormond Beach Municipal Airport. Therefore, the Federal Aviation Administration has determined that the following amendment to the original Notice is necessary to provide additional controlled airspace to protect aircraft executing instrument approach and departure procedures for Ormond Beach Municipal Airport.

1. The Daytona Beach, Fla. control zone, described in § 71.171 (32 F.R. 2071), would be altered to read:

Within a 5-mile radius of the Daytona Beach Municipal Airport (latitude 29°11'05" N., longitude 81°08'20" W.); within a 3-mile radius of the Ormond Beach Municipal Airport (latitude 29°18'00" N., longitude 81°06'49" W.); within 2 miles each side of

the Daytona Beach VORTAC 156° radial, extending from the 3-mile radius zone to the 8-mile radius zone; within 2 miles each side of the Daytona Beach VORTAC 256° radial, extending from the 3-mile radius zone to 8 miles west of the VORTAC; and within 2 miles each side of the 065° bearing from the Daytona Beach LOM, extending from the 8-mile radius zone to the LOM.

2. The Daytona Beach, Fla. 700-foot transition area, described in § 71.181 (32 F.R. 2148) and as proposed in the original notice published in (32 F.R. 2898) would be altered further to read:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Daytona Beach Municipal Airport (latitude 29°11'05" N., longitude 81°03'05" W.); within 8 miles northwest and 8 miles southeast of the Daytona ILS localiser southwest course, extending from the 8-mile radius area to 12 miles southwest of the LOM; within 2 miles each side of the 236° bearing from the Daytona Beach LOM, extending from the LOM to the intersection of the Daytona Beach VORTAC 219° radial and the Orlando, Fla., VORTAC 354° radial; and within a 5-mile radius of the Ormond Beach Municipal Airport (latitude 29°18'00" N., longitude 81°06'40" W.); excluding the airspace outside of the continental limits of the United States.

The portion of the Daytona Beach transition area extending upward from 1,200 feet above the surface would not be altered.

The proposed expansion of the Daytona Beach control zone and further expansion of the Daytona Beach 700-foot transition area would provide controlled airspace protection for IFR aircraft using the Ormond Beach Municipal Airport during climb from the surface to 1,200 feet and during descent below 1,500 feet above the surface.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Miami Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on April 5, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-4078; Filed, Apr. 13, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-38]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would designate the Miami, Fla. (new Tamiami Airport) part-time control zone and alter the Miami, Fla. 700-foot transition area to include the New Tamiami and North Perry, Fla., Airports.

A new Tamiami Airport and FAA Tamiami Control Tower are scheduled to become operational near July 1, 1967. These new facilities will replace the old Tamiami Airport and FAA Tamiami Control Tower. The control tower for the new Tamiami Airport will initially operate from 0700 to 2300 hours, local time, daily. The weather observations and reporting duties will be performed by the FAA Control Tower personnel. In the near future, the FAA plans full-time weather observation and reporting services for the new Tamiami Airport. When the full-time weather observation and reporting services become available the control zone will be changed to 24 hours, daily, designation. During the move of aeronautical activities and services to the new Tamiami Airport, both the old and new Tamiami Airports and FAA Tamiami Control Towers will function until the old Tamiami Airport is closed. A public instrument approach procedure utilizing the Perrine, Fla., RBN is proposed for the new Tamiami Airport.

Additionally, an FAA North Perry Control Tower is scheduled to become operational following July 1, 1967. This control tower will operate 16 hours daily to provide VFR airport traffic control service during the heavy air traffic periods at North Perry Airport. The FAA does not plan any instrument approach procedure for the North Perry Airport at this time. There will not be any weather services for this airport concurrently with the establishing of the FAA control tower.

In consideration of the foregoing, these amendments are proposed as follows:

Miami, Fla. (new Tamiami Airport) part-time control zone Within a 5-mile radius of the new Tamiami Airport, Fla., (latitude 25°-38'49" N., longitude 80°25'59" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The proposed part-time control zone would provide controlled airspace protection for IFR aircraft during climb to 700 feet above the surface and during descent below 1,000 feet above the surface. The peak periods of air traffic activity at the old Tamiami Airport have varied seasonally and are anticipated to vary seasonally at the new Tamiami Airport. In view of the anticipated variation in the heavy air traffic periods, it is desirable to provide flexibility in the designation of the control zone whereby the effective times can be changed by the issuance of a Notice to Airmen.

The Miami, Fla., transition area is described in § 71.181 (32 F.R. 2148 and 3755). The 700-foot portion of this transition area would be altered as follows:

"• • • within a 4-mile radius of the Tamiami Airport, Fla. (latitude 25°-45'15" N., longitude 80°22'35" W.); within a 6-mile radius of Opa Locka Airport, Fla. (latitude 25°54'25" N., longitude 80°16'40" W.); within 2 miles each side of the Miami VORTAC 108° radial, extending from the 6-mile radius area to the VORTAC • • • would be deleted, and "• • • within a 4-mile radius of the old Tamiami Airport, Fla. (latitude 25°-45'15" N., longitude 80°22'35" W.); within an 8-mile radius of the new Tamiami Airport, Fla. (latitude 25°-38'49" N., longitude 80°25'59" W.); within a 6-mile radius of the Opa Locka Airport, Fla. (latitude 25°54'25" N., longitude 80°16'40" W.); within 2 miles each side of the Miami VORTAC 108° radial, extending from the 6-mile radius area to the VORTAC; within a 5-mile radius of the North Perry Airport, Fla. (latitude 26°00'06" N., longitude 80°-14'24" W.) • • •" would be substituted therefor.

The proposed alteration to the Miami, Fla., 700-foot transition area would provide controlled airspace protection for IFR aircraft during descent from 1,500 to 1,000 feet above the surface at the new Tamiami Airport and during climb from 700 to 1,200 feet above the surface at the new Tamiami Airport and at the North Perry Airport. The Miami, Fla., 1,200-foot transition area will provide controlled airspace protection for IFR aircraft during climb and descent above the altitudes specified in the foregoing at the new Tamiami Airport and the North Perry Airport.

When the old Tamiami Airport is closed the Miami, Fla. control zone and 700-foot transition area will be altered to revoke the controlled airspace designated for that airport.

Further, it is FAA policy to include airports served by an FAA control tower within control zones. The FAA plan is to alter the Fort Lauderdale, Fla., control zone to include the North Perry Airport. This plan will be published in another airspace proposal.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Miami Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on April 5, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-4079; Filed, Apr. 13, 1967; 8:45 a.m.]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1604]

GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

Proposed Interpretative Rules

The Equal Employment Opportunity Commission is considering amendments and additions to Part 1604 of its regulations, Guidelines on Discrimination Because of Sex, issued pursuant to section 713(b) of the Civil Rights Act of 1964, 42 U.S.C. 2000e-12(b).

The Commission is not at present prepared to propose the text or substance of such amendments, but desires to obtain the views of interested parties on the principal questions involved. Amendments are being considered to deal with the following subject matter:

(1) *State protective legislation.* The present Commission interpretation of the relationship between Title VII of the Civil Rights Act and State legislation regulating the employment of women is stated at 29 CFR 1604.1 (b) and (c). On August 19, 1966 the Commission stated that in cases where it appeared that an employer could not grant equal employment opportunity without violating State protective legislation the Commission would decline to make a determination of reasonable cause or no reasonable cause but would leave the charging party to pursue judicial remedies. The Commission is presently considering whether to indicate by rule or decision the extent, if any, to which State protective legislation is affected by Title VII.

(2) *Job opportunities advertising.* The present Commission position is set forth at 29 CFR 1604.4. The Commission has before it a petition filed pursuant to 29 CFR 1601.32 proposing that § 1604.4 be revised to read as follows:

§ 1604.4 Job opportunities advertising.

Advertisers covered by the Civil Rights Act of 1964 may not indicate in their help wanted advertising a preference based on sex, or place advertisements for jobs in columns classified by publishers on the basis of sex, unless a bona fide occupational qualification approved by the Commisison makes it lawful to specify sex in the advertisement. The placement by an advertiser of an advertisement for a job in a column which is headed by a word or words indicating sex will be considered as indicating a preference, limitation, specification, or discrimination based on sex.

(3) *Pension and retirement plans.* The Commission has received numerous inquiries and charges of discrimination arising out of differentials based on sex in employee pension and retirement plans. Differentials appearing most frequently are earlier optional and compulsory retirement ages for women, shorter vesting periods for women, and lesser benefits for the survivors of female employees. The Commission has not as yet taken any position on the validity of such differentials, but is considering doing so. Among the questions to which the Commission intends to address itself are the following:

(a) Are differentials on the basis of sex in pension and retirement plans prohibited by Title VII?

(b) What would be the practical effect of a ruling that differences on the basis of sex in the terms and conditions of a plan are permissible provided that the employer's contribution is the same for employees of both sexes?

(c) If some or all sex differentials in pension plans were to be held illegal, what provisions would be appropriate to prevent a retroactive impact upon such plans to the extent they were funded prior to July 2, 1965? Would some other cut-off date be appropriate?

(d) If some or all differentials are held illegal, should the Commission grant a temporary exemption to permit the elimination of differentials through collective bargaining?

Notice is hereby given that the Equal Employment Opportunity Commission will conduct public hearings on the above questions on May 2, and May 3, 1967, in the auditorium of the General Services Administration Building, 19th and F Streets NW, Washington, D.C. The schedule for the hearings is as follows:

May 2, 1967, 9:30 a.m., d.s.t.—State Protective Legislation.

May 2, 1967, 2 p.m., d.s.t.—Job Opportunities Advertising.

May 3, 1967, 9:30 a.m., d.s.t.—Pension and Retirement Plans.

May 3, 1967, 2 p.m., d.s.t.—Additional testimony on all three subjects.

Interested persons are invited to participate in and to present evidence, views, and arguments. Requests for time to testify should be submitted to the General Counsel, Equal Employment Opportunity Commission, Washington, D.C. 20506 at any time prior to 5:30 p.m., e.s.t., April 26, 1967. Written statements submitted for consideration by the Commission should be filed in duplicate with the General Counsel not later than 5:30 p.m., d.s.t., May 12, 1967.

Signed at Washington, D.C., this 10th day of April 1967.

STEPHEN N. SHULMAN,
Chairman.

[F.R. Doc. 67-4123; Filed, Apr. 13, 1967; 8:50 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 562]

[No. FSLIC-S,052]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Application for Insurance of Accounts

APRIL 6, 1967.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1) it is hereby proposed that Part 562 of the rules and regulations for Insurance of Accounts (12 CFR Part 562) be revised to read as follows:

PART 562—APPLICATION FOR INSURANCE OF ACCOUNTS

Sec.

562.1 General provisions.
562.2 Application form.
562.3 Filing and amendment of application.
562.4 Processing of application by supervisory agent; public notice; inspection.
562.5 Hearings.
562.6 Exceptions to foregoing procedure.
562.7 Action by Corporation.
562.8 Costs of examination, audit, and appraisal.
562.9 Effective date of insurance; initial premium payment, issuance of certificate of insurance.
562.10 Prohibition against advertising prospective insurance.

AUTHORITY: The provisions of this Part 562 issued under secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.

§ 562.1 General provisions.

All requests by interested persons for advice or instructions with respect to any matter arising under this part shall be addressed to the Corporation's Supervisory Agent. As used in this part, the term "Supervisory Agent" means the President of the Federal home loan bank of the district in which the insured institution is to be located or any other officer or employee of such bank designated by the Board as agent of the Corporation as provided by § 501.10 of the general regulations of the Federal Home Loan Bank Board (§ 501.10 of this chapter).

§ 562.2 Application form.

An application for insurance of accounts shall be submitted in form pre-

scribed by the Corporation and shall be supported in accordance with the prescribed "Outline of Information to be Submitted in Support of an Application for Insurance of Accounts or a Request for a Commitment to Insure Accounts" (hereinafter in this part referred to as "Outline of Information").

§ 562.3 Filing and amendment of application.

An application for insurance of accounts shall be filed with the Corporation by delivering two copies thereof, together with two copies of all supporting information, to the Supervisory Agent. After an application for insurance of accounts has been filed with the Corporation, and prior to the date of advice by the Supervisory Agent to the applicant to publish notice of the filing of the application pursuant to § 562.4, the applicant may file additional information in support of the application and may amend it; after the date of such advice the applicant may not amend the application or, unless and until a hearing on the application is ordered, file any additional supporting information unless requested by or on behalf of the Corporation.

§ 562.4 Processing of application by supervisory agent; public notice; inspection.

(a) *Public notice.* Upon determination by the Supervisory Agent that an application for insurance of accounts is complete, the Supervisory Agent shall advise the applicant, in writing, to publish, within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community proposed to be served by the applicant as an insured institution, a notice of the filing of the application in the following form:

NOTICE OF FILING OF APPLICATION FOR INSURANCE OF ACCOUNTS

Notice is hereby given that, pursuant to the provisions of Part 562 of the rules and regulations for Insurance of Accounts, (Fill in name of applicant institution or names of organizers who are applicants in cases in which no charter has yet been issued) has (have) filed with the Federal Savings and Loan Insurance Corporation (Fill in either (1) an application for insurance of accounts or (2) a request for a commitment to insure accounts) of an institution located or to be located at, or in the immediate vicinity of, (Street address or street intersection), (City), (State). The application has been delivered to the office of the Supervisory Agent of the Corporation located at the Federal Home Loan Bank of (City), (Street address), (City), (State). Any person may file communications in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 20 days after the date of this publication. Under the said rules and regulations for Insurance of Accounts, a hearing in Washington, D.C., may be held if, pursuant to this notice, any interested person expresses a written protest, which shall be filed in duplicate and supported by specific written objections, to said application and requests a hearing at which he expresses intention to appear, provided such protest and request are received at the aforesaid office of the Supervisory Agent within 20 days after the date of this publication. Any such written protest which is not coupled with a request for hearing will also be considered if received at the aforesaid office of the Supervisory Agent within 30 days of the date of this publication. The application, together with communications in favor or in protest thereof, are available for inspection by interested persons at the aforesaid office of the Supervisory Agent.

(b) *Filing of communications by others.* Within 20 days after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications in favor or in protest of the application.

(c) *Proof of publication.* Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(d) *Inspection.* The application together with communications in favor or in protest thereof shall be available at the office of the Supervisory Agent during regular working hours for inspection by interested persons following the date of publication of the notice as hereinabove provided. Prior to the issuance to the applicant of advice to publish a notice, the application and the fact that it has been filed shall be held as confidential.

§ 562.5 Hearings.

(a) *General provisions.* A hearing shall be held upon an application for insurance of accounts or a request for a commitment to insure accounts in any case in which a hearing is ordered unless it is dispensed with as provided in the order for a hearing. A copy of an order for a hearing shall be mailed to the applicant and to all persons who have filed written statements protesting approval of the application. In any case in which the Corporation has rejected an application or a request without a hearing, a hearing may be held, at the discretion of the Corporation, if such hearing is requested by the applicant within 30 days after receipt of advice that the Corporation has rejected the application or request. Notwithstanding any other provision of this section, the Corporation may at any time, in its discretion and on its own motion, order a hearing on an application for insurance of accounts or a request for a commitment to insure accounts. Any interested person may appear, in person or by attorney, at any hearing held pursuant to this section and submit any evidence pertinent to the questions at issue.

(b) *Procedure.* After a hearing has been ordered, the order for such hearing, the application and supporting information, and any protest and information in support of any protest, shall be available at the Office of the Secretary to the Board for inspection during regular working hours. The hearing shall be held before a hearing officer who shall be a member of the staff of the General Counsel of the Federal Home Loan Bank Board and who shall be designated by the General Counsel or a Deputy or Associate General Counsel. The hearing officer shall have complete charge of the hearing; may receive, admit, allow, exclude, and deny petitions, briefs, and evidence, including the hearing of testimony according to the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States: *Provided, however,* That such rules may be relaxed by the hearing officer in order to expedite the proceedings or promote the just determination of the ultimate issue; may make rulings and note exceptions, but shall not have power to grant any motion to dismiss the proceedings or other motion that involves final determination of the ultimate issue; may hear arguments; may adjourn the said hearing from time to time, if, in his judgment, it is desirable to the orderly conduct of the said hearing or to promote the just determination of the ultimate issue; shall order the preparation of a record, including a transcript of the testimony and evidence presented; and may do all such things and have all such powers as are necessary or proper for the orderly conduct of the hearing or to promote the just determination of the ultimate issue, but shall not have power to finally determine the ultimate issue. The hearing officer shall determine whether the filing of briefs after a hearing will be permitted, and if such filing is permitted, the hearing officer shall restrict the time for filing to a postmark date not later than 30 days after the conclusion of the hearing, unless for good cause a longer period is allowed. The hearing officer shall not permit the filing of reply briefs.

§ 562.6 Exceptions to foregoing procedure.

(a) *Procedure prior to receipt of State charter.* The foregoing sections of this part shall be applicable to an application submitted to obtain insurance of accounts by persons in process of organizing a new institution and who have received a conditional approval of organization from the State, but have not yet received a charter, except that said organizers shall initially submit, in lieu of an application for insurance of accounts, a request for a commitment to insure accounts in form prescribed by the Corporation and supported in accordance with the prescribed Outline of Information. Immediately following the valid incorporation of the institution under State law, the applicant institution shall file an application for insurance of accounts in form prescribed by the Corporation by delivering two copies thereof to the Supervisory Agent.

(b) *Procedure not applicable to Federal savings and loan association.* The procedure prescribed by the foregoing sections of this part shall not be applicable to an application for insurance of accounts by a Federal savings and loan association.

(c) *Procedure not applicable to an operating institution.* Except as the Board may otherwise determine, the procedure prescribed by the foregoing sections of this part, except §§ 562.1 and 562.2 and the first sentence of § 562.3, shall not be applicable to an application for insurance of accounts by an operating institution.

§ 562.7 Action by Corporation.

(a) *Conditional approval.* The Corporation's approval of an application for insurance of accounts or of a request for a commitment to insure accounts may be conditioned by the Corporation upon submission of evidence satisfactory to the Corporation that the applicant has complied in a manner satisfactory to the Corporation with such conditions as are deemed necessary to enable the applicant to qualify for insurance. Failure by an applicant to comply with conditions imposed by the Corporation within the time fixed for such compliance, or within any extended time as the Corporation may fix, will result in the withdrawal of the conditional approval. Any subsequent application from such applicant shall be treated in the same manner as a new application.

(b) *Time.* An application for insurance of accounts or a request for a commitment to insure accounts shall be acted upon by the Corporation within a period not exceeding 9 months after publication of the notice required by § 562.4 unless the Corporation, with respect to a particular application or request, extends such period, and the applicant will be advised of the Corporation's action.

§ 562.8 Costs of examination, audit, and appraisal.

The cost, as computed by the Corporation, of all examinations, including any required eligibility examination, audits, appraisals, and character-credit-financial reports, whether or not the application for insurance of accounts or a request for a commitment to insure accounts is withdrawn or whether or not insurance of accounts is approved, shall be paid by the applicant.

§ 562.9 Effective date of insurance; initial premium payment, issuance of certificate of insurance.

Upon the approval of any application for insurance of accounts, the Corporation will notify the applicant, and upon receipt of the initial premium payment for such insurance, and an admission fee in such amount as the Corporation has determined pursuant to subsection (d) of section 403 of the National Housing Act, as amended, the Corporation will issue to the applicant a certificate of insurance. Insurance becomes effective as of the date of such certificate.

§ 562.10 Prohibition against advertising prospective insurance.

Prospective insurance of accounts by the Corporation may not be advertised or publicized without the written approval of such advertising or other publicity by the Corporation.

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than May 15, 1967, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 67-4106; Filed, Apr. 13, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DISTRICT MANAGER, SPOKANE, WASH., ET AL.

Redelegation of Authority

Pursuant to the authority contained in section 1.1(a) of Bureau Order 701, as amended, the following specific authorities delegated to the State Director in the cited Bureau Order are hereby redelegated to the incumbents of the positions designated. The specific authorities redelegated are those listed in the designated sections of the Bureau Order and are subject to the limitations listed in that order together with any additional limitations outlined below.

SEC. 1.2 *General and miscellaneous matters.* (a)–(i) [Reserved]

(j) *Fire protection.* The District Manager, Spokane, Wash., may take all the actions delegated to the State Director with respect to fire protection matters in the State of Washington.

SEC. 1.3 *Fiscal affairs.* The Area Managers in the district offices may take action within grazing districts on:

(a)–(c) [Reserved]

(d) *Trespass.* Determining liability and issuing notice of grazing trespass; recommend disposition of trespass settlement offer.

SECS. 1.4–1.6 [Reserved]

SEC. 1.7 *Range management.* The Area Managers in district offices may take action on:

(a) Within grazing districts:

(1) Licenses and permits to graze or trail livestock.

(2) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(b) Outside grazing districts:

(1) Grazing leases.

(c) [Reserved]

(d) Soil and moisture conservation; control of halogeton glomeratus.

SEC. 1.8 *Forest management.* The Area Managers in the Salem, Eugene, Roseburg, Medford, and Coos Bay District Offices may take action on:

(a) Disposition of forest products except sales of timber in excess of 1,000,000 board feet.

SEC. 1.9 *Land use.* (a)–(f) [Reserved]

(g) *Materials.* The Area Managers in the Salem, Eugene, Roseburg, Medford, and Coos Bay District Offices and the Chiefs, Division of Resource Management in the Lakeview, Burns, Vale, Prineville, and Baker District Offices may take action on any sale or contract for sale of materials other than forest products, or the free use of materials other than forest products, under 43 CFR Part 3610 except transactions in which the materials are valued in excess of $2,000. The Area Managers in the Lakeview, Burns, Vale, Prineville, Baker, and Spokane District Offices may make such material disposals in which the materials are valued at $100 or less.

All of the above authorities redelegated to the Area Managers or Chief, Division of Resource Management in district offices are to be performed in their respective areas of responsibility and in accordance with existing policies, and regulations and under the direct supervision of the District Manager. The District Manager may at any time temporary reverse, restrict, or withhold any portion of the above delegated authority through use of Bureau Form 1213–1, District Office Authority and Responsibility Guide.

This order will become effective upon publication in the FEDERAL REGISTER.

G. H. RUDD,
Acting State Director.

Approved: April 7, 1967.

JOHN O. CROW,
Associate Director, Bureau of Land Management.

[F.R. Doc. 67–4095; Filed, Apr. 13, 1967; 8:47 a.m.]

National Park Service

SHENANDOAH NATIONAL PARK, VA.

Proposed Wilderness Establishment; Hearing

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on June 14, 1967, in the Luray High School auditorium, 14 Luray Avenue, Luray, Va., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness areas comprising about 61,940 acres within the Shenandoah National Park. Portions of these proposed wilderness areas are located in Albermarle, Augusta, Madison, Page, Rappahannock, and Rockingham Counties, Va.

A packet containing a map depicting the preliminary boundaries of the proposed wilderness areas and providing additional information about the proposal may be obtained from the Superintendent, Shenandoah National Park, Luray, Va. 22835, or the Regional Director, National Park Service, Federal Building, Box 10008, 400 North Eighth Street, Richmond, Va. 23240.

A description of the preliminary boundaries and a larger map of the areas proposed for establishment as wilderness are available for review in the above offices, and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C. The Master Plan for this park, likewise, may be inspected at these three locations.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the hearing officer in care of the Superintendent, Shenandoah National Park, Luray, Va. 22835, by June 12, 1967. Those not wishing to appear in person may submit written statements on the wilderness proposal to the hearing officer at that address for inclusion in the official record concerning the proposal which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An abbreviated oral statement may, however, be supplemented by a more complete written statement which should be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the hearing officer will give others present an opportunity to be heard.

After an explanation of the proposals by a representative of the National Park Service, the hearing officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed wilderness areas are located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

A. C. STRATTON,
Acting Director, National Park Service.

APRIL 7, 1967.

[F.R. Doc. 67–4096; Filed, Apr. 13, 1967; 8:47 a.m.]

Office of the Secretary

JOHN H. KLINE

Report of Appointment and Statement of Financial Interests

MARCH 16, 1967.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: John H. Kline.

Name of employing agency: Department of the Interior, Office of the Assistant Secretary for Water and Power Development.

The title of the appointee's position: Regional Liaison, Defense Electric Power Administration, Region 4.

The name of the appointee's private employer or employers: Board of Water & Light.

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on April 3, 1967, as Regional Liaison, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

None.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

Kline Trio Resort—Onekama, Mich.
Walnut Grove Farm—Onekama, Mich.

JOHN H. KLINE.

APRIL 3, 1967.

[F.R. Doc. 67–4097; Filed, Apr. 13, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

DEPUTY ADMINISTRATORS ET AL. Delegation of Authority Regarding Claims Collection

Pursuant to the authority vested in me by the Administrative Regulations (7 CFR Part 1), I hereby authorize personnel of Agricultural Stabilization and Conservation Service (ASCS) occupying the following positions (including those in an acting capacity), with respect to claims by ASCS arising out of activities under their jurisdiction, to perform all the duties and to exercise all the authority of the Secretary of Agriculture under the Federal Claims Collection Act of 1966, the Joint Regulations of the Attorney General and the Comptroller General (4 CFR Parts 101, 102, 103, and 104) and the aforementioned Administrative Regulations, except that the authority to compromise, terminate, or suspend collection action with respect to any claim is limited to the monetary limitation prescribed below:

1. All deputy administrators—not more than $20,000, exclusive of interest.

2. All directors of divisions and offices and the Deputy Director, Fiscal Division, who is Treasurer, CCC—not more than $20,000, exclusive of interest.

3. All State executive directors—not more than $10,000, exclusive of interest.

4. The Chief, Claims Branch, Fiscal Division, who is Assistant Treasurer, CCC—not more than $10,000, exclusive of interest.

5. Authorized ASCS claims officers, subject to the monetary limitations prescribed in their respective claims officer designations (not less than $2,500 but not more than $5,000, exclusive of interest).

The authority delegated is subject to the provision that with respect to any claim of $250 or more, exclusive of interest, no compromise shall be effected or collection action terminated or suspended except with the advice and counsel of the General Counsel of the Department or his designee.

This delegation does not cover claims of Commodity Credit Corporation serviced by ASCS, such claims being the subject matter of other delegations.

Effective date. This delegation of authority is effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 11, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67–4114; Filed, Apr. 13, 1967; 8:49 a.m.]

Consumer and Marketing Service

VALLEY LIVESTOCK AUCTION ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting
ARIZONA
Valley Livestock Auction, Casa Grande, Jan. 30, 1967.
INDIANA
Lowell Livestock Auction, Inc., Lowell, Jan. 11, 1967.
LOUISIANA
Vernon Livestock Cooperative, Inc., Leesville, Mar. 20, 1967.
OKLAHOMA
Freeman's Livestock Auction, Sulphur, Feb. 1, 1967.
TEXAS
Moore's Livestock Commission Co., Inc., McKinney, Mar. 30, 1967.

Done at Washington, D.C., this 10th day of April 1967.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 67–4117; Filed, Apr. 13, 1967; 8:49 a.m.]

WHITE LIVESTOCK COMMISSION CO., INC., ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

White Livestock Commission Company, Inc., Morris, Ala.
Werline & Halbleib, Rushville, Ind.
Columbus Stock Yards, Inc., Columbus, Miss.
Circle K Livestock Co., Inc., Hudson Falls, N.Y.
Eugene Livestock Auction, Junction City, Oreg.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, 1921, as amended (7 U.S.C. et seq.).

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 10th day of April 1967.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 67-4119; Filed, Apr. 13, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Assignment of Functions Regarding Civil Rights

Notice is hereby given that the assignment of certain enforcement responsibilities of the Department of Commerce under Title VI of the Civil Rights Act of 1964 to the Secretary of Health, Education, and Welfare has been amended to include responsibility for institutions of higher education participating in the federally assisted programs authorized under the State Technical Services Act of 1965. The following is the text of the letter, dated February 17, 1967, assigning these additional responsibilities to the Secretary of Health, Education, and Welfare, which he formally accepted by letter of March 10, 1967.

HON. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare,
Washington, D.C. 20201

DEAR MR. SECRETARY: By letter of May 27, 1966, Secretary Connor assigned to you certain enforcement responsibilities under Title VI of the Civil Rights Act of 1964 for Federally assisted programs of the Department of Commerce involving hospitals, other health facilities, and institutions of higher education. These responsibilities were formally accepted by Acting Secretary Cohen on November 3, 1966.

The aforesaid assignment specifically excepted a program of financial assistance administered by the Department of Commerce which in part involved institutions of higher education, namely, grants and other assistance under the State Technical Services Act of 1965 (P.L. 89-182, 79 Stat. 679).

Recently, our staffs have discussed, and found feasible and appropriate, the amendment of the aforesaid assignment of responsibilities to include therein institutions of higher education participating in the State Technical Services program, insofar as you exercise responsibilities in accord with the Coordinated Enforcement Procedures.

Accordingly, and conditioned upon your acceptance, Secretary Connor's letter to you of May 27, 1966, is hereby amended to delete from the "Exceptions" provision item "2. Grants and other assistance under the State Technical Services Act of 1965 (P.L. 89-182, 79 Stat. 679)", and to include said program as program numbered "B." which I hereby assign to you, subject to the terms of the assignment of responsibilities contained in said letter.

It is understood that you will thereunder assume responsibility in accord with the Coordinated Enforcement Procedures over the practices of those institutions of higher education which solely receive assistance under or otherwise participate in the State Technical Services program, and also handle the Title VI complaints of any person arising out of the conducting by any institution of higher education of a State Technical Services program or project. We will notify you of the specific institutions involved in this program, and Commerce will cover the other aspects of the program under Title VI.

I shall appreciate your reply regarding acceptance of this assignment.

Sincerely yours,

A. E. TROWBRIDGE,
Acting Secretary of Commerce.

Dated: April 7, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-4090; Filed, Apr. 13, 1967; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING REGIONAL ADMINISTRATOR, REGION IV (CHICAGO)

Designation

The officers appointed to the following listed positions in Region IV (Chicago) are hereby designated to serve as Acting Regional Administrator, Region IV (Chicago), during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator, provided that no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Assistant to the Regional Administrator.
3. Regional Counsel.

This designation supersedes the designation effective April 20, 1965 (30 F.R. 5610, Apr. 20, 1965).

(Delegation May 4, 1962, 27 F.R. 4316; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 14th day of April 1966.

JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 67-4120; Filed, Apr. 13, 1967; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18003]

PACIFIC AIR LINES, INC., SERVICE TO MEDFORD, OREG.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on April 27, 1967, at 10 a.m., e.s.t., in Room 211, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., April 7, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-4106; Filed, Apr. 13, 1967; 8:48 a.m.]

[Docket No. 17875 etc.]

SERVICE TO TUCSON CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on May 4, 1967, at 10 a.m. (local time) in the Montezuma Room, Aztec Inn, 102 North Alvernon Way, Tucson, Ariz., before the undersigned examiner.

Dated at Washington, D.C., April 7, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-4104; Filed, Apr. 13, 1967; 8:48 a.m.]

[Docket No. 18283]

TACA INTERNATIONAL AIRLINES, S.A.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on May 2, 1967, at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., April 10, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-4105; Filed, Apr. 13, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17357-17359; FCC 67-422]

AKRON TELERAMA, INC., ET AL.

Memorandum Opinion and Order Instituting Consolidated Hearing

In re petitions by Akron Telerama, Inc., Akron, Ohio, Docket No. 17357, File No. CATV 100-16; Armstrong Utilities, Inc., Orrville and Rittman, Ohio, File No. CATV 100-52; Lorain Cable TV, Inc., Lorain, Ohio, Docket No. 17358, File No. CATV 100-128; Telerama, Inc., Cleveland Heights, Richmond Heights, South Euclid, Beachwood, Oakwood, East Cleveland, Garfield Heights, Euclid, Highland Heights, University Heights, Bedford Heights, Maple Heights, Lyndhurst, Bedford and North Randall; also Shaker Heights, Warrensville Heights and Warrensville Township, Ohio, Docket No. 17359, File No. CATV 100-146; Clear Pictures, Inc., Wooster, Ohio, File No. CATV 100-157; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Cleveland television market.

1. The following proposals in the Cleveland television market, ranked eighth on the basis of a total net weekly circulation of 1,257,100 (American Research Bureau's 1966 "Television Market Analysis"), are before us for consideration:

(a) Akron Telerama, Inc., proposes CATV service to Akron, Ohio, to carry in addition to the Cleveland stations, the Akron ABC affiliate, and the Youngstown CBS and NBC stations, the distant signals of the Wheeling, W. Va. NBC affiliate, the Toledo ABC, CBS, independent, and educational stations, the Columbus ABC, CBS, NBC, and educational stations, Steubenville Channel 9 (CBS, ABC), the Pittsburgh ABC, CBS, NBC, and educational stations, the Detroit ABC, CBS, NBC, and independent stations, the Windsor, Ontario CBC station, the London, Ontario CBC station, and the Erie CBS and NBC affiliates;

(b) Armstrong Utilities, Inc. would operate in Orrville and Rittman, Ohio, and proposes to carry, in addition to the Cleveland and Akron stations, the distant signals of the three network UHF affiliates from Youngstown, the Columbus CBS and NBC affiliates, Steubenville Channel 9 (CBS, ABC), and the Wheeling NBC affiliate;

(c) Lorain Cable TV, Inc., intends to operate in Lorain and to carry, in addition to the Cleveland stations, the Toledo CBS affiliate, and the Windsor, Ontario CBC station, the distant signals of the ABC and independent stations from Toledo, the Detroit independent station and the Akron ABC affiliate;

(d) Telerama, Inc., the operator of CATV systems in Shaker Heights, Warrensville Heights, and Warrensville Township, Ohio, proposes service to the 15 additional suburban Cleveland communities in Cuyahoga County listed above and would carry, in addition to the Cleveland stations, the Youngstown CBS affiliate, and the Akron ABC affiliate, the distant signals of the Detroit ABC, CBS, NBC, and independent stations, the Erie network affiliates, the Youngstown ABC and NBC affiliates, the Toledo ABC and CBS affiliates, the Windsor CBC station, and the London CBC station;[1]

[1] On Feb. 15, 1966, Telerama was providing service to Shaker Heights, Warrensville Heights, and Warrensville Township which included all distant signals noted above with the exception of Channels 24 and 35 from Erie. Telerama requests the Commission to permit the addition of the two Erie UHF stations to its existing systems as well as to its proposed systems. Telerama's pending request is entitled "Conditional Petition for Waiver" which is filed by the petitioner in the event the Commission is unable to act favorably upon a related pleading, also filed on Dec. 22, 1966, and captioned "Petition for Issuance of a Declaratory Order or Other Appropriate Relief." Both pleadings will be discussed herein and appropriate dispositions thereof made.

(e) Clear Pictures, Inc., proposes to operate in Wooster, Ohio, and to carry, in addition to the Cleveland network affiliates and the Akron ABC affiliate, the distant signals of the Cleveland educational station, the three Youngstown network affiliates, the Wheeling NBC affiliate, and Channel 9 (CBS, ABC) from Steubenville.

The § 74.1107 waiver petitions were filed by the various CATV systems on the following dates: Akron Telerama (Apr. 18, 1966; supplemented by letter of Apr. 22, 1966); Armstrong Utilities (June 17, 1966; supplementary filing of Aug. 2, 1966); Lorain Cable (Nov. 4, 1966); Telerama, Inc. (Dec. 22, 1966); and Clear Pictures (Jan. 12, 1967).

2. The Cleveland television market has a total net weekly circulation of 1,257,100. Cleveland is assigned Channels 3 (NBC), 5 (ABC), 8 (CBS), 19 (applications proposing independent operations pending in Docket Nos. 15163-15164), *25 (ETV-CP), and 61 (Independent—CP). Located within the predicted Grade A contours of the Cleveland stations are: Akron, with Channels 23 (engineering data submitted by WAKR-TV, Akron (ABC), to specify Channel 23 in lieu of Chanel 49 approved on Mar. 17, 1967), *49 (application pending), and 55 (application proposing independent operation pending);[2] Lorain, with Channel 43 (Independent—CP); and Canton, with Channels 17 (Independent—CP) and 67 (Independent—CP). The CATV proposals now before the Commission involve 23 separate communities in four counties (Summit—513,569; Wayne—75,497; Cuyahoga—1,647,895; and Lorain—217,500) in the northeastern sector of Ohio and include the principal cities of the market and of several Census Areas. Akron, for example, located about 27 miles southeast of Cleveland, is the central city of the Akron Urbanized Area (458,253) and Standard Metropolitan Statistical Area, the latter coextensive with Summit County, Akron, itself, is currently ranked as the 169th television market based upon a total net weekly circulation of 73,100. Lorain (68,932), about 25 miles west of Cleveland, together with the city of Elyria, comprises the Lorain-Elyria SMSA (Lorain County) and Urbanized Area (142,860). The 18 eastern suburban communities of Cleveland are all contained within Cuyahoga County and within the Cleveland SMSA (1,796,595) and Urbanized Area (1,764,991). Orrville (6,511) and Rittman (5,410), located about 46 and 34 miles south of Cleveland and about 22 and 15 miles southwest of Akron, and Wooster (17,046), the county seat, about 47 miles southwest of Cleveland and 28 miles southwest of Akron, are communities in Wayne County. Wayne County is not contained within any Ohio Census Area. Cuyahoga County (Cleveland's home county) is identified as part of the Metro Area by ARB, along with Geauga, Lake, and Medina Counties.

[2] Prior to Sept. 6, 1966, television allocations in Akron were: Channels 49, *55, and 67. WAKR-TV is presently licensee of Channel 49 and will convert to Channel 23 pursuant to our report and order in Docket No. 16538, adopted July 27, 1966. Currently pending is an application (BPET-142) by the University of Akron for the educational assignment on Channel 49 when it becomes available.

3. Akron Telerama, with a franchise granted on September 14, 1965, proposes a 12-channel system for Akron which would use the distant signals requested to fill empty channels or to provide programing choices on channels blacked out to serve nonduplication protection under our rules. Petitioner claims that it should be accorded grandfather rights because of the advanced stage of the system's construction on February 15, 1966, and that the Cleveland UHF stations will not depend on Akron, a separate urban area some 30 miles away for support. Petitioner also claims that its system will not harm Akron UHF development. Both Storer Broadcasting Co., the licensee of Channel 8 (CBS) Cleveland, and Aben E. Johnson, Jr., applicant for Channel 55, Akron, oppose the proposal and claim that petitioner's system will fractionalize the audience available to support television stations in the area. The applicant for the Akron commercial UHF assignment also claims potential harm to its chances for a network affiliation.[3] At present, Akron receives television service (predicted Grade B or better) from the three Cleveland VHF network affiliates and the UHF educational station, the Akron UHF ABC affiliate, and the Youngstown NBC and CBS affiliates (both UHF). Proposed service to Akron includes pending applications for the two Akron UHF educational and commercial assignments, the two Canton permittees, the proposal of the Lorain UHF permittee, and the proposals for the two remaining Cleveland UHF assignments.

4. Lorain Cable, with a franchise which became effective on December 3, 1965, proposes CATV service to Lorain, another principal city in the Cleveland market. In support of its waiver request, petitioner contends that, with the exception of the Detroit station (Channel 50), all distant signals to be imported are viewable in Lorain, a separate urban area; that the system will only improve the signal quality of stations already watched; and that the overall size of the Cleveland market, in terms of nonnetwork revenues, assures the viability of UHF broadcasting. The permittee of Channel 43, Lorain, and the licensee of Channel 8, Cleveland, oppose the waiver request claiming that the importation of distant independent signals will fragment the audience available for local UHF stations. The permittee of

[3] On Aug. 12, 1966, Akron Telerama filed a motion to strike the comments of the UHF applicant on procedural grounds and, in the same pleading, replied to those comments. Since Akron Telerama has been afforded an opportunity to respond and since the comments of an Akron UHF applicant are relevant here, the motion to strike will be denied.

Channel 43, Lorain, also disputes Lorain Cable's assertion that the Windsor, Ontario, station (Channel 9) places a predicted Grade B signal over Lorain and introduces an engineering affidavit in support thereof which is not rebutted in Lorain Cable's reply. In a letter, dated and filed December 9, 1966, counsel for the Elyria-Lorain Broadcasting Co., licensee of radio station WEOL, Elyria, points out that the organizers of Lorain Cable are principals of the Lorain Journal Co., and that, on the basis of prior Commission findings in other proceedings, a qualifications issue should be added to any CATV hearing or the entire matter should be designated for rule making. Lorain currently receives predicted Grade B or better signals from the operating Cleveland stations and the Toledo VHF CBS affiliate and would receive additional predicted Grade B or better signals from the Lorain UHF proposal and the two UHF proposals for Cleveland.

5. Telerama, Inc., the operator of systems at Shaker Heights (36,460), Warrensville Heights (10,609), and Warrensville Township (2,261), proposes service to 15 additional suburban Cleveland communities in Cuyahoga County (1,647,895) from its tower location in Beachwood.[4] Telerama has contended that it could commence additional CATV service to the 15 political subdivisions which lie within the same general area in which service was being provided on February 15, 1966. By letter, dated April 29, 1966, and addressed to Telerama (3 FCC 2d 585), the Commission stated that its CATV rules required Telerama to obtain prior Commission approval before rendering service to political subdivisions not being served on February 15, 1966. Telerama appealed our ruling to the U.S. Court of Appeals for the Sixth Circuit which, subsequently, granted Telerama's petition for interlocutory relief pendente lite and stayed the effectiveness of our ruling in relation to Telerama's operations in the city of Euclid. The Court of Appeals, in its order, issued on November 23, 1966 in Case No. 17,311, required Telerama, as a condition to the institution of service to Euclid, to apply to this Commission for approval of such service to Euclid and to any other communities in which Telerama desires to commence service. On December 22, 1966, Telerama filed a petition which requests the Commission to issue a declaratory order giving its approval to Telerama's existing and proposed CATV service in the eastern suburban area of Cleveland. Telerama simultaneously filed a conditional petition for waiver under § 74.1107 of the rules (File No. CATV 100–146) in the event the request for the declaratory order is denied.[5]

6. In support of its requests, Telerama notes its extensive efforts and expenditures prior to February 15, 1966, and prior to the Commission's April 29, 1966, letter; the homogeneous nature of the suburban areas involved; and the limited impact of its proposed service upon UHF development in the Cleveland market. Oppositions to the Telerama proposal have been filed by one of the applicants for Channel 19, Cleveland, by the licensee of Channel 8, Cleveland, by the permittee of Channel 43, Lorain, and by the National Football League (letter, dated Jan. 30, 1967). In essence, the oppositions claim the potential fragmentation of viewing audience and the possible adverse impact upon local UHF, and the National Football League claims that the importation of its football games would deprive it of blackout protection afforded by other Federal statutes. The eastern suburbs of Cleveland receive predicted Grade B or better signals from the operating Cleveland stations, the Akron ABC affiliate and the Youngstown CBS affiliate. Proposed service to these communities includes the three UHF proposals for Cleveland and Lorain; the pending applications for the Akron commercial and educational UHF assignments include all or part of the Cleveland area within their proposed service contours.

7. Armstrong Utilities, which received franchises in September 1965, proposes service to Orrville and Rittman in Wayne County. On the basis of claimed substantial efforts after the award of franchises and before February 1966, petitioner argues that it should be accorded grandfather rights. Petitioner also notes the relatively small size of the communities in contrast to the total market and their separation from Cleveland. The only opposition to this proposal is the statement by the licensee of WAKR-TV, Channel 49, Akron, noted infra. Orrville and Rittman receive service from the operating Cleveland and Akron stations and would receive service from the educational and commercial (only Rittman) UHF proposals for Akron, the UHF proposals for Canton, and the Lorain UHF proposal (only Rittman).

8. Clear Pictures, with a franchise received on June 6, 1966, would operate in Wooster, the county seat of Wayne County. Petitioner, in support of its request, points to the unsatisfactory reception of television signals available in Wooster, a community removed from Cleveland; to the need for a diversity of signals; and to the lack of any adverse impact upon UHF development. The licensee of Channel 8, Cleveland, opposes the proposal to import distant network signals, noting the imminent activation of UHF services in the market, but does not oppose the request to carry the distant Cleveland educational station. Wooster receives service from the three Cleveland network affiliates and the Akron ABC affiliate. The pending proposal for the Akron educational assignment includes all or part of Wooster in its service area as does the proposal of the Cleveland UHF permittee. Only one of the applicants for the remaining Cleveland UHF assignment provides predicted Grade B service to Wooster.[6]

9. Operating CATV systems in these communities are Telerama's systems at Shaker Heights, Warrensville Heights, and Warrensville Township, which are presently importing distant signals from Detroit (ABC, CBS, NBC, and Independent), Erie (NBC), Youngstown (ABC and NBC), Toledo (ABC and CBS), Windsor (CBC), and London (CBC). Pursuant to a court stay, Telerama's system in Euclid is also operating and carrying the same signals as the grandfathered systems. On May 13, 1966, Cleveland Area TV, Inc., filed a § 74.1105 notice of its intention to start CATV operations on November 1, 1966, at Lakewood, Ohio, another Cleveland suburb; however, no distant signals were to be imported.

10. As we noted earlier, the CATV proposals now before the Commission involve 23 separate communities in four counties (Summit, Wayne, Cuyahoga, and Lorain) in the northeastern sector of Ohio. Some of the proposals contemplate operations in the principal cities of the Census Areas located in the Cleveland television market (Akron, Lorain, and the 16 eastern suburban communities of Cleveland) where there is demonstrated UHF interest. In regard to these proposals, a consolidated hearing will be ordered to explore the question of the effect of such CATV service upon the existing and proposed UHF television stations in the market. Specifically, the Akron proposal to import multiple-distant network and independent signals will be set for hearing; however, waiver of § 74.1107 will be granted to permit the system's carriage of the only Youngstown station (Channel 33—ABC) which does not provide predicted Grade B service to Akron. Grant of this limited waiver would accord with our prior actions (Greater Television, 5 FCC 2d 699) and would recognize the fact that Youngstown signals, generally, are available in the Cleveland market. In fact, the predicted Grade A contours of both markets' stations overlap substantially. The Lorain proposal to import an independent station from Detroit will also be set for hearing. Carriage of the Akron UHF network affiliate (ABC), however, will be permitted since, under our rules, it is a market station and since it will eventually provide predicted Grade A service to Lorain with its new facilities. Additionally, waiver will be granted to permit the carriage of the other two Toledo stations (13 and 24) in accord with Greater Television, supra. As we indicated earlier, an appropriate issue will be included in the consolidated hearing concerning the coverage of the Canadian signal from Windsor. Since the Commission does not regulate the licensing of CATV systems, we reject the suggestion of the Elyria-Lorain Broadcasting Co. that an issue be designated with regard to the qualifications of the CATV system's principals or that the matter be designated for rule making. The Telerama request to import distant signals from Erie, Detroit, Toledo, Windsor, and London to its systems in suburban Cleveland will be set for hearing. The request to carry the two distant Youngstown stations, however, will be granted for essentially the same reasons outlined above in regard to the Akron and Lorain proposals. No extended treatment is needed in view of our prior discussion in the Second Report and in other recent decisions. We are allowing these systems to operate with the numerous local Cleveland and Akron signals and with all the Youngstown signals. The question of whether the additional distant signals from Erie, Detroit, Toledo, Windsor, and London should be carried must await the determination of the substantial public interest question raised by possible fractionalization of the audience of the numerous UHF proposals in the Cleveland area. We find no equities sufficient to obviate the need to resolve this important public interest question in a full hearing. In the light of our prior ruling and in view of our discussion and action here, Telerama's request for a declaratory order will be denied.

11. The waiver requests by systems in Orrville, Rittman, and Wooster will be granted. These relatively small communities in Wayne County vary in their distances from Cleveland (34 to 47 miles) and from Akron (15 to 28 miles) and none of these three small communities is within any Census Area. It should be noted that these systems do not propose to carry distant independent signals and that their requests to carry the Youngstown stations recognize the presence of Youngstown signals in the Cleveland market generally. In view of the separation of these communities from the principal cities of the market and in light of their small populations, it appears reasonable to conclude that existing and proposed UHF stations would not rely upon these communities for substantial support. Since the proposed CATV systems in Wayne County would have little or no impact upon UHF development in the market, waivers of § 74.1107 are appropriate and will be granted.

Accordingly, it is ordered, This 11th day of April 1967, that the provisions of § 74.1107 of the rules are waived in order to permit the Orrville, Rittman, and Wooster CATV systems to carry distant signals as proposed; the Akron CATV system to carry the distant signal of Channel 33 from Youngstown, Ohio; the Lorain CATV system to carry the distant signals of Channels 49 from Akron, Ohio and 13 and 24 from Toledo; the Cleveland Heights, Richmond Heights, South Euclid, Beachwood, Oakwood, East Cleveland, Garfield Heights, Euclid, Highland Heights, University Heights, Bedford Heights, Maple Heights, Lyndhurst, Bedford, and North Randall CATV systems to carry the distant signals of channels 21 and 33 from Youngstown, Ohio; that the Petition for Issuance of a Declaratory Order or Other Appropriate Relief, filed by Telerama, Inc., on December 22, 1966, is denied; that the Motion To Strike the "Comments of Aben E. Johnson, Jr.", filed by Akron Telerama, Inc., on August 12, 1966, is denied; and that the Motion To Dismiss "Statement in Opposition to CATV Proposals by Summit Radio Corp.", filed by Akron Telerama, Inc., and Telerama, Inc., on March 31, 1967, is denied.

It is further ordered, Pursuant to sections 4(i), 303, 309(b) of the Communications Act and §§ 74.1107 and 74.1109 of the Commission's rules, that the petitions of Akron Telerama, Inc., with respect to carriage of distant signals of Wheeling, W. Va.; Toledo, Columbus, and Steubenville, Ohio; Erie and Pittsburgh, Pa.; Detroit, Mich.; and Windsor and London, Ontario, independent, network and educational stations; of Lorain Cable TV, Inc., with respect to carriage of the distant signal of the Detroit, Mich., independent station; and of Telerama, Inc., with respect to carriage of Erie, Pa.; Detroit, Mich.; Toledo, Ohio; and Windsor and London, Ontario, independent and network stations, on their CATV systems other than Shaker Heights, Warrensville Heights and Warrensville Township, and with respect to the carriage of Erie Channels 24 and 35 on its systems in Shaker Heights, Warrensville Heights and Warrensville Township, are denied; and that, in regard thereto, consolidated hearing is ordered on the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Cleveland market.

2. To determine the effects of current and proposed CATV service in the Cleveland market upon existing, proposed and potential television broadcast stations in the market.

3. To determine (1) the present policy and proposed future plans of petitioners with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (2) the potential for such services; and (3) the impact of such services upon television broadcast stations in the market.

4. To determine whether CKLW–TV, Channel 9, Windsor, Ontario, provides a predicted Grade B signal to Lorain, Ohio, and, in light of the evidence adduced thereto, the action, if any, which should be taken by the Commission.

5. To determine whether the proposals are consistent with the public interest.

Akron Telerama, Inc., Lorain Cable TV, Inc., Telerama, Inc., Storer Broadcasting Co., Aben E. Johnson, Jr., United Artists Broadcasting, Inc., Community Telecasters of Cleveland, Inc., and Summit Radio Corp. are made parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proof with respect to Issues 1, 2, 3, and 4 is upon the petitioning CATV systems. A time and place for the hearing will be specified in another order.

Released: April 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4107; Filed, Apr. 13, 1967; 8:48 a.m.]

[Docket No. 16674; FCC 67M-580]

SANTA ROSA BROADCASTING CO., INC.

Order Continuing Prehearing Conference

In the matter of revocation of license of Santa Rosa Broadcasting Co., Inc., for standard broadcasting station WSRA, Milton, Fla.; Docket No. 16674.

[4] Cleveland Heights (61,813); Richmond Heights (5,068); South Euclid (27,560); Beachwood (6,089); Oakwood (3,283); East Cleveland (37,991); Garfield Heights (38,455); Euclid (62,998); Highland Heights (2,929); University Heights (16,841); Bedford Heights (5,275); Maple Heights (21,867); Lyndhurst (16,805); Bedford (15,223); and North Randall (688).

[5] The letter request of Telerama, dated Mar. 7, 1967, that it be advised of any oral or written communication to the Commission from the General Counsel on this matter, and that Telerama be afforded an opportunity to comment, is denied. The General Counsel is the Commission's advisor, and is not a party to this proceeding. That the General Counsel also represents the Commission in court on appeals arising out of the proceeding does not change his status. Even in adjudicatory cases which have been designated for hearing, the General Counsel's participation in court litigation is entirely compatible with his role in advising the Commission. See Attorney General's Manual on the Administrative Procedure Act, 1947, p. 58, footnote 8. Indeed, section 409 of Communications Act was specifically amended in 1961 to remove a prohibition against the General Counsel performing the role of advisor in adjudicatory cases. See H. Rept. No. 723, 87th Cong., 1st sess., on H.R. 7856; S. Rept. No. 576, 87th Cong., 1st sess., on S. 2084. The presumption of Telerama that the General Counsel has discussed the merits of the proceeding now before the Commission with counsel for Storer in connection with discussions concerning the intervention of Storer in the appeal proceeding now pending in the Sixth Circuit, is incorrect. The counsel in the Office of General Counsel who discussed the intervention with counsel for Storer, and this did not include the General Counsel himself, did not discuss the merits of Telerama's petition CATV 100–146.

[6] On Mar. 24, 1967, Summit Radio Corp., licensee of WAKR–TV, Channel 49, Akron, filed a statement in opposition to all of the CATV proposals listed above. Noting its imminent conversion to new UHF facilities on Channel 23 at substantial cost and the prospect of additional UHF services in the market, the licensee contends that the proposed carriage of distant signals by extensive CATV systems would fractionalize the audience available to support UHF broadcasting. According to an exhibit attached to its pleading all of the CATV communities will receive predicted Grade A service from WAKR-TV with its Channel 23 facilities at Akron. On Mar. 31, 1967, Akron Telerama, Inc., and Telerama, Inc., filed a motion to dismiss the statement of WAKR–TV on the ground of late-filing. Even though filed approximately 2½ months after the filing of the last proposal here, the statement will be accepted for consideration and, accordingly, the motion to dismiss will be denied.

[7] Statements in which Commissioners Bartley and Cox concur in part and dissent in part filed as part of original document; Commissioner Loevinger concurring in result.

The Chief Hearing Examiner having under consideration a request in behalf of respondent herein, filed April 7, 1967, that the prehearing conference in the above-entitled proceeding which, by previous order, was scheduled to be held April 11, 1967, be continued to May 11, 1967;

It appearing, that good cause exists in support of the instant request and it is not opposed by the Commission's Broadcast Bureau, the only other party to the proceeding:

It is ordered, This 10th day of April 1967, that the request is granted, and that the prehearing conference in the above-entitled proceeding is hereby continued from April 11 to May 11, 1967, beginning at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: April 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4108; Filed, Apr. 13, 1967; 8:48 a.m.]

[Docket Nos. 17316, 17317; FCC 67M-579]

ROVAN TELEVISION, INC., AND ROMAC MACON CORP.

Order Rescheduling Prehearing Conference

In re applications of Rovan Television, Inc., Macon, Ga., Docket No. 17316, File No. BPCT-3571; Romac Macon Corp., Macon, Ga., Docket No. 17317, File No. BPCT-3684; for construction permit for new television broadcast station (Channel 24).

On the oral request and April 5 letter (the other parties having apparently consented) of counsel for applicant Rovan Televison, Inc.:

It is ordered, This 10th day of April 1967, that the prehearing conference in the above-entitled proceeding is hereby rescheduled and will convene at 2 p.m., Thursday, April 20, 1967, at the Commission's offices, Washington, D.C.

Released: April 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4109; Filed, Apr. 13, 1967; 8:48 a.m.]

[Docket No. 16990; FCC 67M-593]

TAFT BROADCASTING CO. (WKYT-TV) ET AL.

Order Continuing Further Prehearing Conference

In the matter of petitions by Taft Broadcasting Co. (WKYT-TV) and WLEX-TV, Inc., Lexington, Ky., to stay construction and to prevent expansion of CATV systems in the Lexington market area by Berea Cablevision Co., Inc., Gregg Cablevision, Inc., and Mt. Sterling Antennavision Co.; Docket No. 16990.

The Hearing Examiner having under consideration a motion for continuance filed on April 3, 1967 by WLEX-TV, Inc.;

It appearing, that an extension of time is sought to complete economic studies being made of the area and in preparation of the exhibits based thereon;

It appearing, that Taft Broadcasting Co. joins in the instant petition and that all other parties have consented to immediate consideration and grant:

It is ordered, This 7th day of April 1967 that the said motion is granted and the date for exchange of exhibits herein is continued from April 10, 1967, to April 24, 1967, and the further prehearing conference is continued from April 17, 1967, to May 9, 1967, commencing at 9 a.m. in the offices of the Commission at Washington, D.C.

Released: April 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4110; Filed, Apr. 13, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-276]

CUMBERLAND AND ALLEGHENY GAS CO.

Notice of Application

APRIL 6, 1967.

Take notice that on March 23, 1967, Cumberland and Allegheny Gas Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP67-276 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas replacement facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 2.8 miles of 6-inch pipeline in replacement of 2.8 miles of 4-inch pipe in Line No. 8070 in Philippi District, Barbour County, W. Va. Applicant states that this line is old and in frequent need of repair and that as this is the only line supplying this particular area with natural gas, it is advisable to replace the line with larger line to provide for any future increased requirements in the area.

Applicant estimates the cost of the proposed construction at approximately $84,000, said cost to be financed through the issuance and sale of promissory notes and/or common stock to its parent company, The Columbia Gas System, Inc., Applicant estimates the salvage value of the exposed portion of the old line to be approximately $300.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act ($ 157.10) on or before May 4, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4081; Filed, Apr. 13, 1967; 8:46 a.m.]

[Docket No. RI67-347]

DONNELL DRILLING CO.

Order Accepting Amendatory Agreement, Providing for Hearing on and Suspension of Proposed Change in Rate, and Requiring the Filing of a Rate Schedule Quality Statement

APRIL 6, 1967.

On March 9, 1967, Donnell Drilling Co. (Donnell)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing.

Description: (1) Amendatory Agreement, dated October 26, 1959.[2] (2) Notice of Change, dated March 6, 1967.

Purchaser and producing area: El Paso Natural Gas Co. (Levelland Field, Hockley County, Tex. (RR. District No. 8-A) (Permian Basin Area).

Effective date: (1) April 10, 1967.[3] (2) April 10, 1967.[3]

Rate schedule designation: (1) Supplement No. 8 to Donnell's FPC Gas Rate Schedule No. 1. (2) Supplement No. 9 to Donnell's FPC Gas Rate Schedule No. 1.

[1] Address is: 1220 Denver Club Building, Denver, Colo. 80202.

[2] Amends contract to provide for continuation of delivery of casinghead gas to Levelland Plant; changes pressure base from 16.4 to 14.65 p.s.i.a.; sets forth new pricing schedule and deletes favored-nation provision from the contract; extends term of contract for 20 years from Jan. 1, 1960, and amends tax provision to provide for partial reimbursement for all tax increases after Jan. 1, 1950, instead of date of contract (Oct. 1, 1949).

[3] The stated effective date is the first day after expiration of the statutory notice.

Amount of annual increase: $764.
Effective rate: 10.0 cents per Mcf.
Proposed rate: 18.0 cents per Mcf.[4]

Donnell, a producer respondent in Opinion No. 468, proposes a renegotiated rate increase from 10.0 cents to 18.0 cents per Mcf, amounting to $764 annually, for a sale of residue gas derived from casinghead gas to El Paso Natural Gas Co. from the Levelland Plant in the Permian Basin Area of Texas. The proposed increased rate exceeds the applicable area base rate of 14.5 cents per Mcf prescribed by Opinion Nos. 468 and 468-A. Donnell has not submitted a quality statement establishing the applicable area ceiling rate for the subject sale. Under the circumstances, we believe that Donnell's proposed rate increase to 18.0 cents per Mcf should be suspended for 5 months from April 10, 1967, the date of expiration of the statutory notice, as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Concurrently with the filing of its notice of change in rate, Donnell submitted an amendatory agreement dated October 26, 1959, which deletes the favored-nation provisions in the contract and establishes a new periodic escalation pricing schedule, which provides the basis for the proposed rate increase. The amendatory agreement has been designated as Supplement No. 8 to Donnell's FPC Gas Rate Schedule No. 1. We believe that it would be in the public interest to accept for filing Donnell's aforementioned amendatory agreement to become effective on April 10, 1967, the date of expiration of the statutory notice, but not the proposed rate contained therein which will be suspended as indicated below.

Except for the stay of the moratorium in Opinion No. 468, Donnell's rate filing would be rejectable because the proposed rate is in excess of the applicable area ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review, Donnell's rate increase will be rejected ab initio.

The Commission finds:

(1) Good cause has been shown for accepting for filing Donnell's proposed amendatory agreement dated October 26, 1959, designated as Supplement No. 8 to Donnell's FPC Gas Rate Schedule No. 1, and for permitting such supplement to become effective on April 10, 1967, the date of expiration of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 9 to Donnell's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Donnell's amendatory agreement dated October 26, 1959, designated as Supplement No. 8 to Donnell's FPC Gas Rate Schedule No. 1, is accepted for filing and permitted to become effective on April 10, 1967.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Donnell's FPC Gas Rate Schedule No. 1.

(C) Pending a hearing and decision thereon, the above-designated rate supplement is hereby suspended and the use thereof deferred until September 10, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Donnell shall file with the Commission as a condition of this order within 30 days of the date of issuance of this order a statement setting forth either that the residue gas sold under the subject rate schedule accords with all pipeline quality standards established in Opinion Nos. 468 and 468-A, or in which respects the residue gas deviates from such standards; the agreed cost to the purchaser to bring it to the pipeline quality standards established there with respect to each quality deviation; any upward or downward B.t.u. adjustment; and the resulting applicable area rate for the gas. Such statement shall be signed by both the seller and the purchaser. If the seller and the purchaser are unable to agree upon any or all of the particulars entering into the computation of the applicable area rate, the seller shall file the statement herein required which shall indicate the absence of agreement and supply the information required to compute the applicable area rate as well as the contentions of the parties with respect to the quality and amount of the adjustment for any item in dispute. The purchaser may file a separate statement setting forth its views within the period herein provided.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 24, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4082; Filed, Apr. 13, 1967; 8:46 a.m.]

[4] Renegotiated rate increase.

[Docket No. CP67-282]

EASTERN SHORE NATURAL GAS CO.

Notice of Application

APRIL 6, 1967.

Take notice that on March 28, 1967, Eastern Shore Natural Gas Co. (Applicant), Post Office Box 615, Dover, Del. 19901, filed in Docket No. CP67-282 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of additional volumes of natural gas totalling 560 Mcf, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to increase the contract demands of two of its firm customers as follows:

(1) An increase of 260 Mcf of natural gas per day in the contract demand of Citizens Gas Co. (Citizens), and

(2) An increase of 300 Mcf of natural gas per day in the contract quantity sold to the City of Easton, Md. (Easton).

Applicant states that the increase in deliveries proposed for Citizens is required to supply firm gas to a new shopping center and to a new industrial customer. Applicant also states that the increase in deliveries proposed for Easton is required to supply natural gas to a city-owned electric generating unit which is being converted to gas usage. This conversion was contemplated at the time the contract was initiated but the amount of natural gas required for this operation has been revised and the contract between Applicant and Easton has been amended as part of the instant filing.

Applicant states that the additional gas required to meet the new demands will be obtained from its sole supplier, Transcontinental Gas Pipe Line Corp. (Transco). Transco has sought Commission authority for the sale of the additional gas commencing in the fall of 1967. Until that time, Applicant will make the deliveries to Citizens and Easton on an interim basis by diverting said volumes of natural gas from Stauffer Chemical Co., an industrial customer, which has executed a letter agreement with Applicant releasing the 560 Mcf of natural gas per day from its total daily allocation for the period May 1, 1967, to October 1, 1967.

Applicant states that there will be no additional capital expenditures required to supply the proposed increased service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act ($ 157.10) on or before May 4, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal

hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4083; Filed, Apr. 13, 1967; 8:46 a.m.]

[Docket No. CI67-624]

HUGOTON PRODUCTION CO.

Notice of Change in Hearing Date

APRIL 6, 1967.

Take notice that the hearing previously scheduled to begin May 23, 1967, in the above-entitled proceeding is hereby postponed to commence on June 6, 1967, at 10 a.m. (e.d.s.t.).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4084; Filed, Apr. 13, 1967; 8:46 a.m.]

[Docket No. CP 67-283]

NATURAL GAS BOARD OF THE TOWN OF VINA, ALA., AND TENNESSEE GAS PIPELINE CO.

Notice of Application

APRIL 6, 1967.

Take notice that on March 29, 1967, Natural Gas Board of the town of Vina, Ala. (Applicant), Vina, Ala. 35593, filed in Docket No. CP67-283 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Pipeline Co. (Respondent) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution within the town of Vina, all in the State of Alabama, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a natural gas distribution system from a point of connection with Respondent's gas transmission line, which passes approximately 2 miles east of the town of Vina, Ala., where Respondent will construct and operate a metering and delivery station and make the delivery to Applicant's proposed system.

Applicant estimates the maximum daily and maximum annual requirements for the first 3 years as follows:

Year	Maximum daily requirements (Mcf)	Maximum annual requirements (Mcf)
First	57.6	5,220
Second	92.0	8,102
Third	150.2	12,946

Applicant estimates the total cost of the proposed construction at approximately $80,000, said cost to be financed by the issuance and sale of Natural Gas Revenue Bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 4, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4085; Filed, Apr. 13, 1967; 8:46 a.m.]

[Project No. 2427]

WOODS FALLS B HYDRO, INC.

Amended Notice of Application for Amendment of License for Unconstructed Project

APRIL 6, 1967.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Woods Falls B Hydro, Inc. (correspondence to: Frank E. Peacock, President, Woods Falls B Hydro, Inc., Wilmette, Ill. 60091) for amendment of license for unconstructed Project No. 2427, known as the Woods Falls Project, to be located on the Black River, in the village of Glen Park, Jefferson County, N.Y.

The application seeks amendment of the license for the proposed project to authorize: (1) An increase in the height of the dam from about 13 feet to about 15 feet; (2) elimination of the penstock; and (3) an increase in the turbine capacity from 13,000 horsepower to 14,000 horsepower and in the generator and transformer capacity from 9,000 kilowatts to 10,000 kilowatts.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 22, 1967. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4086; Filed, Apr. 13, 1967; 8:46 a.m.]

[Project No. 2626]

ALABAMA POWER CO.

Notice of Land Withdrawal

APRIL 10, 1967.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power Project No. 2628 for which application for preliminary permit was filed November 7, 1966, by Alabama Power Co., of Birmingham, Ala. On February 8, 1967, the applicant filed map, Exhibit I (FPC No. 2628–2) as part of this application. This exhibit was subsequently revised as authorized by said applicant March 6, 1967. Under said section 24 these lands are from the date of filing of the completed application reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

HUNTSVILLE MERIDIAN, ALABAMA

T. 19 S., R. 11 E.,
Sec. 1, lot G;
Sec. 15, lot F.

The area reserved pursuant to the filing of this application is approximately 58.17 acres.

Copies of the aforementioned project map, Exhibit I (FPC No. 2628–2) have been transmitted to the Bureau of Land Management and the Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4067; Filed, Apr. 13, 1967; 8:46 a.m.]

[Docket Nos. RI67-343 etc.]

HARVEST QUEEN MILL & ELEVATOR CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 6, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until

[1] Does not consolidate for hearing or dispose of the several matters herein.

date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 17, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-343	Harvest Queen Mill & Elevator Co., 4800 Republic National Bank Tower, Dallas, Tex. 75221.	1	6	Panhandle Eastern Pipe Line Co. (Plains Townsite Field, Meade County, Kans.).	$570	3- 7-67	[1] 4- 7-67	9- 7-67	16.0	[2] [4] 17.0	
RI67-344	D. R. Lauck Oil Co., Inc., 301 South Broadway, Wichita, Kans. 67202.	4	2	Northern Natural Gas Co. (Wil Field, Edwards County, Kans.).	630	3-16-67	[3] 4-16-67	9-16-67	[2] 13.5	[2] [4] [5] 14.5	
RI67-345	A. L. Abercrombie (Operator) et al., 801 Union Center Bldg., Wichita, Kans. 67202.	4	4	Panhandle Eastern Pipe Line Co. (Texas County, Okla.) (Panhandle Area).	56	3-13-67	[1] 4-13-67	9-13-67	13.0	[2] [4] 14.0	RI64-557.
RI67-346	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020, Attn: F. C. Sweat, Manager, Gas Utilization.	189	3	Transcontinental Gas Pipe Line Corp. (Big Foot Field, Frio County, Tex.) (R.R. District No. 1).	4,439	3-20-67	[1] 4-27-67	9-27-67	14.69575	[2] [4] 15.70925	RI65-475.

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] The stated effective date is the effective date proposed by Respondent.
[5] Subject to a downward B.t.u. adjustment.

APPENDIX A

D. R. Lauck Oil Co., Inc. (Lauck), requests that its proposed rate increase be permitted to become effective as of March 16, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Lauck's rate filing and such request is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

[F.R. Doc. 67-4069; Filed, Apr. 13, 1967; 8:47 a.m.]

TARIFF COMMISSION

[22-26]

DAIRY PRODUCTS

Notice of Investigation and Date of Hearing

At the request of the President (reproduced herein), the U.S. Tariff Commission, on the 10th day of April 1967, instituted an investigation under subsections (a) and (d) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to determine whether certain articles described in subdivisions (1), (2), (3), and (4) of the President's letter are being, or are practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support programs of the U.S. Department of Agriculture for milk and butterfat, and to determine related questions as outlined in the President's letter.

The text of the President's letter of April 7, 1967 to the Commission follows:

On April 3, 1967, I requested that a study be made by the Tariff Commission with respect to imports of certain dairy products. The Secretary of Agriculture has suggested that I provide you with additional information to facilitate your investigation.

I have been advised by, and agree with, the Secretary of Agriculture that there is reason to believe that cheeses, similar to or processed from types of cheese already under quota, Junex and other variations of this type of article, and cream, are being imported, and are practically certain to be imported, under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price-support programs now conducted by his Department for milk and butterfat.

Specifically, the Secretary has reference to the following articles:

(1) American-type cheese including Colby, washed curd, and granular cheese (but not including Cheddar), and cheese and substitutes for cheese containing, or processed from, such American-type cheese;

(2) Cheese and substitutes for cheese containing, or processed from, Edam and Gouda cheeses;

(3) Italian-type cheeses, made from cows' milk, not in original loaves (Romano made from cows' milk, Reggiano, Parmesano, Provoloni, Provolette, and Sbrinz), and cheese and substitute for cheese containing, or processed from, such Italian-type cheeses, whether or not in original loaves; and

(4) Articles containing over 5.5 percent but not over 45 percent by weight of butterfat, the butterfat of which is commercially extractable, or which are capable of being used for any edible purpose for which products containing butterfat are used (except articles currently subject to quotas under Section 22 of the Agricultural Adjustment Act, as amended, cheeses, and articles packaged for distribution in the retail trade and ready for use by the purchaser at retail for an edible purpose or in the preparation of an edible article).

The U.S. Tariff Commission is therefore directed to make an immediate investigation under Section 22 of the Agricultural Adjustment Act, as amended, to determine whether the above-described articles are being, or are practically certain to be, imported under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the Department's price-support programs for milk and butterfat, and to report its findings and recommendations to me at the earliest practicable date.

If the Tariff Commission finds and recommends that quotas be imposed on any of the aforementioned articles described in subdivisions (1), (2), (3), and (4), it is requested that the Commission also determine—

(a) whether items 950.08, 950.09, and 950.10, Tariff Schedules of the United States (TSUS), can be modified to include any or all of the articles described in the foregoing subdivisions (1), (2), and (3), respectively, with an increase in the existing quotas by the amounts of the recommended quotas for any or all of the articles in the respective subdivisions (1), (2), and (3), and

(b) whether, in lieu of imposing any recommended quotas for the products (except frozen milk and cream) described in the foregoing subdivision (4), the quota quantity specified for the products in item 950.05 of the TSUS can be enlarged by an amount of such products which, in the judgment of the Tariff Commission, would have to the extent practicable a total combined butterfat content approximately equivalent to the total combined butterfat content of the products in subdivision (4) (other than frozen milk or cream) included in any recommended quota therefor—with a corresponding reduction in any such recommended quota for subdivision (4),

without rendering or tending to render ineffective or materially interfering with the said programs of the Department of Agriculture.

The Secretary of Agriculture has also recommended to me that Section 22 quotas on dairy products be changed from the present fiscal-year basis, with allocations of certain quotas being made three times a year, to a calendar-year basis, with semi-annual allocations when the yearly quota is periodically allocated. It is requested that the U.S. Tariff Commission in its investigation consider and report to me its findings and recommendations whether there could be such a change

in the quota year and periodic allocations of certain of the quotas without rendering or tending to render ineffective or materially interfering with the price-support programs for milk and butterfat.

This letter supersedes my letter to you of April 3, 1967, in order to provide the requested technical clarification.

Hearing. A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m. e.d.s.t., on May 15, 1967. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: April 10, 1967.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-4100; Filed, Apr. 13, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 11, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40974—*Liquid caustic soda to Danville, Va.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2884), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Grasselli, N.J., to Danville, Va.

Grounds for relief—Market competition.

Tariff—Supplement 172 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-334.

FSA No. 40975—*Starch to L&N RR common points in SFA territory.* Filed by O. W. South, Jr., agent (No. A5010), for interested rail carriers. Rates on starch, n.o.i.b.n., in carloads, in covered hopper cars, minimum 140,000 pounds, from points in Illinois, official, southwestern, and western trunkline territories, to L&N RR Co., common points in Alabama, Florida, Kentucky, Louisiana, Mississippi, and Tennessee.

Grounds for relief—Carrier competition.

Tariffs—Supplement 34 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-556, and three other tariffs named in the application.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4111; Filed, Apr. 13, 1967; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 11, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40976—*Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 165), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in southwestern territory, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 18 to Southern Motor Carriers Rate Conference, agent, tariff MF-ICC 1403.

FSA No. 40977—*TOFC rates—between points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2496), for interested rail carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in Minnesota and North Dakota, also Superior, Wis., on the one hand, and points in western trunkline territory, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Western Trunk Line Committee, agent, tariff ICC A-4662.

FSA No. 40978—*Coal—southern mines to Sutton and Tampa, Fla.* Filed by O. W. South, Jr., agent (No. A5007), for interested rail carriers. Rates on coal, fine screened, in carloads, from mines in Alabama, Kentucky, Tennessee, and Virginia, to Sutton and Tampa, Fla.

Grounds for relief—Carrier competition.

Tariffs—Supplement 113 to Southern Freight Association, agent, tariff ICC S-39, and three (3) other tariffs named in the application.

FSA No. 40979—*Refractory products to points in North Carolina.* Filed by O. W. South, Jr., agent (No. A5009), for interested rail carriers. Rates on refractory products, in carloads, as described in the application, from points in Maryland, New Jersey, New York, Pennsylvania, and West Virginia, to Cowans Ford, Denver, Mountain Island, Riverbend, and Terrell, N.C.

Grounds for relief—Rate relationship.

Tariff—Supplement 92 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC A-917.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4112; Filed, Apr. 13, 1967; 8:49 a.m.]

[Notice 1504]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 11, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69491. By order of April 10, 1967, the Transfer Board approved the transfer to MacEwan Horse Transportation, Inc., West Chester, Pa., of the operating rights in certificate No. MC-1814 issued April 13, 1965, to Gamecock, Ltd., Post Office Box 45, Monkton, Md., authorizing the transportation of: Livestock, other than ordinary, and effects of attendants, supplies, equipment, and mascots, used in connection with the care and exhibition of same, between points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Lowell S. Thomas, Jr., 2301 Packard Building, Philadelphia, Pa. 19102, attorney for transferee.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4113; Filed, Apr. 13, 1967; 8:49 a.m.]

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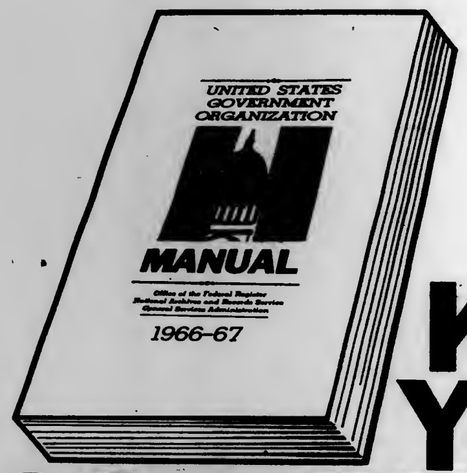
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Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective January 27, 1966, as amended March 19, 1966, April 23, 1966, June 9, 1966, July 15, 1966, August 25, 1966, October 13, 1966, January 27, 1967, and March 1, 1967 (31 F.R. 1052, 4722, 6247, 8113, 9593, 11213, 13203, 32 F.R. 969, 3383), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by deleting from and adding to the "lists" therein as follows:

In § 354.2 *Administrative instructions prescribing commuted travel time:*

WITHIN METROPOLITAN AREA

ONE HOUR

Delete: El Toro MCAS, Calif.

* * * * *

OUTSIDE METROPOLITAN AREA

TWO HOURS

Add: Andrade, Calif. (served from Calexico, Calif.).

* * * * *

THREE HOURS

Delete:
March Field, Calif. (served from El Toro MCAS, Calif.).
Raymond, Oreg. (served from Astoria, Oreg.).
Norton AFB, Calif. (served from El Toro MCAS, Calif.).

Add:
Raymond, Wash. (served from Astoria, Oreg.).
March Field, Calif. (served from Norton AFB, Calif.).
Stockton, Calif. (served from Travis AFB, Calif.).

* * * * *

FOUR HOURS

Add:
Erie, Pa. (served from Cleveland, Ohio).
Antacortes, Wash. (served from Blaine, Wash.).

* * * * *

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561)

This amendment shall become effective April 15, 1967.

Done at Hyattsville, Md., this 11th day of April 1967.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 67-4154; Filed, Apr. 14, 1967; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 134]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.434 Navel Orange Regulation 134.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 907, as amended) regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 13, 1967.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 16, 1967, and ending at 12:01 a.m., P.s.t., April 23, 1967, are hereby fixed as follows:

(i) District 1: 625,000 cartons;
(ii) District 2: 675,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 14, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4255; Filed, Apr. 14, 1967; 11:18 a.m.]

[Valencia Orange Reg. 197]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.497 Valencia Orange Regulation 197.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

this part (Order No. 908, as amended), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 13, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 16, 1967, and ending at 12:01 a.m., P.s.t., April 23, 1967, are hereby fixed as follows:

(i) District 1: 75,128 cartons;

(ii) District 2: 15,183 cartons;

(iii) District 3: 275,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 14, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4256; Filed, Apr. 14, 1967; 11:18 a.m.]

[Lemon Reg. 263]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.563 Lemon Regulation 263.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 910, as amended), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 11, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 16, 1967, and ending at 12:01 a.m., P.s.t., April 23, 1967, are hereby fixed as follows:

(i) District 1: 1,400 cartons;

(ii) District 2: 213,900 cartons;

(iii) District 3: unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 13, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4207; Filed, Apr. 14, 1967; 8:49 a.m.]

[Grapefruit Reg. 43]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.343 Grapefruit Regulation 43.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 912, as amended), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 13, 1967.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., April 17, 1967, and ending at 12:01 a.m., e.s.t., April 24, 1967, is hereby fixed at 230,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 13, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4228; Filed, Apr. 14, 1967; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reseal Loan Regs., 1965 and Subsequent Storage Periods; Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Reseal Loan Program

ELIGIBILITY REQUIREMENTS

Correction

In F.R. Doc. 67-3921, appearing at page 5767 of the issue for Tuesday, April 11, 1967, the word "resale" in the bracketed heading and in the amendatory language for § 1421.3483 should read "reseal".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), and February 14, 1967 (32 F.R. 2843), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

OUTSIDE METROPOLITAN AREA

THREE HOURS

Add: Dallas, Tex. (served from Fort Worth, Tex.).

SIX HOURS

Add: Hilo, Hawaii (served from Kailua-Kona, Hawaii).

Add: Seward, Alaska (served from Anchorage, Alaska).

TEN HOURS

Add: Homer, Alaska (served from Anchorage, Alaska).

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561)

These revised administrative instructions shall be effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 11th day of April 1967.

E. E. SAULMON,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 67-4153; Filed, Apr. 14, 1967; 8:47 a.m.]

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 340—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCT

Definition of Food Article

Under the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624), § 340.2(l) of Part 340, Title 9, Code of Federal Regulations, is hereby amended to read as follows:

§ 340.2 Definitions.

* * * * * *

(l) *Food article.* Any article of human food derived wholly or in part from meat, meat byproducts, or meat food products, which is not subject to the Federal meat inspection laws, and animal casings, for which the mark of Federal meat inspection is requested: *Provided,* That such articles and casings are derived from federally inspected and passed carcasses.

* * * * * *

Statement of considerations. The amendment adds certain animal casings to the definition of a "food article". This authorizes their inspection and certification for wholesomeness and the application of the mark of Federal meat inspection to the containers of the casings under the voluntary Food Inspection Service pursuant to the Agricultural Marketing Act. The amendment is needed because such animal casings are considered in some foreign countries as edible meat products and are required to have such marks on their containers when they are imported into such countries from the United States. For instance, the mark of Federal meat inspection is now required by the British Ministry of Agriculture, Fisheries and Food, to appear on containers of U.S. animal casings exported to the United Kingdom. The amendment permits this arrangement and allows the export of animal casings to the United Kingdom to continue.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment provides for a voluntary inspection service not heretofore available and should become effective as soon as possible in order to be of maximum benefit to persons desiring to use

the service. Accordingly, it is found upon good cause under the administrative procedure provisions in 5 U.S.C. 553 that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of April 1967.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 67-4155; Filed, Apr. 14, 1967; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 14—CHANGES IN CAPITAL STRUCTURE

Exchange of Shares

This amendment is issued pursuant to the authority contained in the national banking laws (R.S. 324, as amended; 12 U.S.C. 1, and R.S. 5142, as amended; 12 U.S.C. 57) and revokes an existing regulation which required that certain information be submitted to the Comptroller in support of an application for his approval for the issuance of additional stock for use in certain transactions. Since the amendment is procedural in nature and relaxes a restriction, notice and public procedure thereon are unnecessary, impractical and contrary to the public interest. Accordingly, this amendment will become effective upon publication.

Chapter I, Title 12, Part 14, of the Code of Federal Regulations of the United States of America is amended as follows:

Section 14.2a of Part 14 of Chapter I of Title 12 of the Code of Federal Regulations is revoked.

Dated: April 11, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-4170; Filed, Apr. 14, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7362; Amdt. 39-394]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Models of Beech Airplanes

Amendment 39-239 (31 F.R. 7170), AD 66-13-1, requires inspection and repair, where necessary, of the elliptical front spar lower cap in the area just inboard of the outboard wing panel attach point on certain models of Beech airplanes, including the Beech Model H18 airplane. Subsequent to the issuance of Amendment 39-239, all Beech Model H18 airplanes commencing with Serial Number BA-731 have been manufactured with caps of increased wall thickness in the affected area. Since the agency has determined that airplanes so manufactured need not comply with the AD, the applicability statement of the AD is being amended to exempt from the operation of the AD all Beech Model H18 airplanes, commencing with Serial Number BA-731.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-239 (31 F.R. 7170), AD 66-13-1, is amended by revising the applicability statement to read as follows:

BEECH. Applies to Model C18S, AT-11, C-45, C-45A, UC-45B, UC-45F, AT-7, AT-7A, AT-7B, AT-7C, JRB-1, JRB-2, JRB-3, JRB-4, SNB-1, SNB-2, SNB-2C, D18S, D18C, C45G, TC-45G, C45-H, TC-45H, TC-45J (SNB-5), JRB-6, E18S, E18S-9700, G18S, and H18 (Serial Numbers BA-580, BA-618 through BA-730) airplanes, and to airplanes originally designated one of these models and subsequently redesignated on a supplemental type certificate.

This amendment becomes effective April 15, 1967.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Kansas City, Mo., on April 6, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-4161; Filed, Apr. 14, 1967; 8:48 a.m.]

[Airspace Docket No. 67-WE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Page 2787 of the FEDERAL REGISTER for February 10, 1967, there was published a notice of proposed rule making to amend Part 71 that would alter controlled airspace in the Montague, Calif., terminal area.

No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective as of 0001 e.s.t., June 22, 1967.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on April 7, 1967.

JOSEPH H. TIPPETS,
Director, Western Region.

Section 71.181 is amended as follows:

MONTAGUE, CALIF.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Siskiyou County Airport, Montague, Calif. (latitude 41°46'55" N., longitude 122°28'00" W.); that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42°04'00" N., on the E by an arc of a 40-mile radius circle centered on the Klamath Falls, Oreg., VORTAC and an arc of a 14-mile radius circle centered on Siskiyou County Airport, on the SE by a line extending from latitude 41°41'00" N., longitude 122°10'00" W. to latitude 41°25'00" N., longitude 122°20'00" W., on the S by latitude 41°25'00" N., and on the W by the E edge of V-23.

[F.R. Doc. 67-4147; Filed, Apr. 14, 1967; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-487]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Charter Costs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of April 1967.

In ER-462, effective May 13, 1966, the Board amended Part 208 by deleting the documentation and reporting requirements, including the post flight report, imposed on domestic charter operations by supplemental air carriers in ER-454, upon reconsideration of that regulation. A reference to post flight reports in § 208.213(d) was overlooked, and it is therefore being deleted at this time. Since this amendment is merely an editorial correction, notice and public procedure hereon are unnecessary.

This regulation is issued by the undersigned, pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.20, and shall become effective 20 days after publication in the FEDERAL REGISTER. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50-385.54).

Accordingly, the Board hereby amends § 208.213(d) of the Economic Regulations (14 CFR 208.213(d)), effective May 5, 1967, to read as follows:

§ 208.213 Charter costs.

* * * * *

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed $750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers.

(Secs. 204(a), 401(d)(3), 401(n), Federal Aviation Act of 1958, as amended; 72 Stat. 743, 76 Stat. 143, 144; 49 U.S.C. 1324, 1371)

By the Civil Aeronautics Board.

[SEAL] JOSEPH B. GOLDMAN,
General Counsel.

[F.R. Doc. 67-4167; Filed, Apr. 14, 1967; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Permissible Period of Time During Which New Product May Be Described as "New"

§ 15.120 Permissible period of time during which new product may be described as "new".

(a) The Commission was requested to render an advisory opinion as to the permissible period of time during which an advertiser could continue to describe a new product as being "new".

(b) The Commission pointed out that the word "new" may be properly used only when the product so described is either entirely new or has been changed in a functionally significant and substantial respect. A product may not be called "new" when only the package has been altered or some other change made which is functionally insignificant or insubstantial.

(c) Assuming that a particular product could truthfully be described as "new" in the first instance, the opinion noted that there is little precedent for determining how long an advertiser may truthfully continue to describe it as "new". The Commission stated it was aware, of course, that the word has been frequently abused and that it is in the interest of all advertisers to have established ground rules for its use. However, the time period during which a particular product may be called "new" will depend upon the circumstances and is not subject to precise limitations; any selection of a fixed period of time or a rigid cut-off date would have to be arbitrary in nature. Further, any such attempt would not only fence in all advertisers without regard to the circumstances, but would fence in the Commission as well, and deprive it of all flexibility in dealing with individual situations.

(d) Instead, the Commission felt it would be preferable, considering the absence of precedents, to establish a tentative outer limit for use of the claim, while leaving itself free to take into consideration unusual situations which may arise. Thus, the Commission's position was that until such a time as later developments may show the need for a different rule, it would be inclined to question use of any claim that a product is "new" for a period of time longer than 6 months. This general rule would apply unless exceptional circumstances warranting a period either shorter or longer than 6 months were shown to exist.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: April 14, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-4138; Filed, Apr. 14, 1967; 8:46 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 301—RULES AND REGULATIONS UNDER FUR PRODUCTS LABELING ACT

Fur Products Name Guide

On February 8, 1966 a notice of proposed rule making was issued by the Federal Trade Commission. Such notice was published in the FEDERAL REGISTER on February 11, 1966. The notice stated that the Federal Trade Commission would at 10 a.m., e.s.t. on the 16th day of March 1966 hold public hearings in accordance with the provisions of the Fur Products Labeling Act and give consideration to amendments of the Fur Products Name Guide (16 CFR 301.0) relating to the Animal Name, Order, Family, and Genus-species of those animals presently designated in the aforesaid Fur Products Name Guide (16 CFR 301.0) as "Mink, China" and "Mink, Japanese."

Such notice provided that views, arguments, and other pertinent data including scientific data could be submitted in writing on or before the date of the public hearing or presented orally at the time of the public hearing and that further written views, arguments, and data would be received for 10 days after the date of the hearing.

The notice specifically provided for consideration of the following matters:

(1) Consideration of the scientific accuracy of the Animal Name, Order, Family, and Genus-species designations of those animals presently designated in the Fur Products Name Guide by the animal names "Mink, China" and "Mink, Japanese" with a view of amending the Fur Products Name Guide if such designations are not accurate.

(2) Specific consideration of an amendment of the Fur Products Name Guide to provide for the use of the animal name "Weasel, China" to designate the animal presently listed in the Fur Products Name Guide under the animal name "Mink, China."

(3) Specific consideration of an amendment of the Fur Products Name Guide to provide for the use of the animal name "Weasel, Japanese" to designate the animal presently listed in the Fur Products Name Guide under the animal name "Mink, Japanese."

(4) As an alternative to paragraphs (2) and (3) above, consideration of an amendment of the Fur Products Name Guide to provide for the designation by the animal name "Weasel, Siberian" or by other appropriate animal name those animals presently listed in the Fur Products Name Guide under the animal names "Mink, China" and "Mink, Japanese."

Interested parties were afforded an opportunity to present their views, arguments and data in writing for the public record in accordance with such notice. An opportunity was afforded all interested parties to present their views, arguments, and other data orally at a public hearing held on the 16th day of March 1966 in accordance with the notice of proposed rule making.

After due consideration of the proposed amendments and suggested revisions, deletions, and modifications thereof together with all views, arguments, and other data submitted and all other information available to the Commission, the Commission has determined to amend the Fur Products Name Guide as follows:

(1) The Fur Products Name Guide (§ 301.0) is amended to provide for the use of the animal name "Weasel, Chinese" to designate the animal presently listed in the Fur Products Name Guide under the animal name "Mink, China" and to delete the animal name "Mink, China" from the Fur Products Name Guide. Accordingly, the name "Mink, China" is deleted from the Fur Products Name Guide and the name "Weasel, Chinese" is inserted in the Fur Products Name Guide immediately following the name "Weasel" as appearing in such Name Guide. Such animal name and designation shall hereafter appear in the Fur Products Name Guide as follows:

Name	Order	Family	Genus-species
• • •	• • •	• • •	• • •
Weasel, Chinese	Carnivora	Mustelidae	Mustela sibirica.
• • •	• • •	• • •	• • •

(2) The Fur Products Name Guide (§ 301.0) is amended to provide for the use of the animal name "Weasel, Japanese" to designate the animal presently listed in the Fur Products Name Guide under the animal name of "Mink, Japanese" and to delete the animal name "Mink, Japanese" from the Fur Products Name Guide. Accordingly, the name "Mink, Japanese" is deleted from the Fur Products Name Guide and the name "Weasel, Japanese" is inserted in the Fur Products Name Guide immediately following the name "Weasel, Chinese" as appearing in such Fur Products Name Guide as amended in paragraph (1) above. Such animal name and designation shall hereafter appear in the Fur Products Name Guide as follows:

Name	Order	Family	Genus-species
• • •	• • •	• • •	• • •
Weasel, Japanese	Carnivora	Mustelidae	Mustela itatsi (also classified as Mustela sibirica itatsi).
• • •	• • •	• • •	• • •

Such amendments are promulgated on the basis of the determination that the animals formerly designated in the Fur Products Name Guide as "Mink, China" and "Mink, Japanese" are separate and distinct animals from the animal designated in the Fur Products Name Guide as "Mink." It is indicated the commercial history of the animal variously designated as "Japanese Mink" and "Japanese Weasel" is to the effect that, prior to the establishment of the Fur Products Name Guide, distinctions between animal pelts designated in the trade as "Japanese Mink" and pelts designated in the trade as "Japanese Weasel" were made on the basis of quality of the skins rather than distinctions in the scientific classifications. It is indicated that distinctions between animal pelts known in the trade as "China Mink" and as "Chinese Weasel" were, before the establishment of the Fur Products Name Guide, made on the basis of the distinctions in the quality of the skins or pelts rather than on the basis of scientific distinctions. Available information also indicates that in addition to the designations "Japanese Mink" or "Japanese Weasel" and "China Mink" or "Chinese Weasel" both animals in certain instances have been designated by the name "Siberian Weasel."

Furthermore, information in the record indicates that animals entitled to the designation "Mink" as that animal is described in the Fur Products Name Guide are presently being produced in the country of Japan. Accordingly, considerable confusion and possible deception of the consumer could result from the fact that both animals designated as "Mink" and animals formerly referred to in the Fur Products Name Guide as "Mink, Japanese" might be described as "Japanese Mink" where pelts from such animals are imported from Japan.

(Paragraph (b), sec. 7, Fur Products Labeling Act; 65 Stat. 179; 15 U.S.C. 69e)

Issued: April 12, 1967.

Effective date: Thirty days after publication in FEDERAL REGISTER.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-4160; Filed, Apr. 14, 1967; 8:47 a.m.]

[1] Commissioner Elman not concurring.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 18—MILK AND CREAM

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

PART 20—FROZEN DESSERTS

PART 25—DRESSINGS FOR FOOD

PART 31—NONALCOHOLIC BEVERAGES

Dioctyl Sodium Sulfosuccinate; Confirmation of Effective Date

In the matter of amending the identity standards for evaporated milk (§ 18.520), cream cheese (§ 19.515), neufchatel cheese (§ 19.520), creamed cottage cheese (§ 19.530), pasteurized process cheese spread (§ 19.775), cream cheese with other foods (§ 19.782), pasteurized neufchatel cheese spread with other foods (§ 19.783), cold-pack cheese food (§ 19.787), ice cream (§ 20.1), fruit sherbets (§ 20.4), water ices (§ 20.5), french dressing (§ 25.2), salad dressing (§ 25.3), and soda water (§ 31.1) to provide for the optional use of dioctyl sodium sulfosuccinate as a solubilizing agent for the gums and colloids permitted as thickening agents in these foods, subject to the limitation that the dioctyl sodium sulfosuccinate is not to exceed 0.5 percent by weight of such gums and colloids, in accordance with § 121.1137 of the food additive regulations:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of February 1, 1967 (32 F.R. 1127). Accordingly, the amendments promulgated by that order became effective April 2, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: April 7, 1967.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 67-4162; Filed, Apr. 14, 1967; 8:48 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATIONS

Hazardous Occupations; Exceptions in Shake and Shingle Mill Operations

On January 6, 1967, notice was published in the FEDERAL REGISTER (32 F.R. 91) of a proposed order, which would amend Hazardous Occupations Order No. 4 (29 CFR 1500.54), by adding thereto four exceptions to the order previously promulgated declaring certain occupations to be particularly hazardous for the employment of minors between 16 and 18 years of age.

Interested persons were given an opportunity to make oral presentations on the proposal on February 15, 1967, and to submit written data, views, and arguments. After consideration of all such relevant matter as was presented, I have decided to adopt the proposed exceptions, with minor changes, and amend Hazardous Occupations Order No. 4 (29 CFR 1500.54).

Accordingly, pursuant to authority in section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1061, as amended, 29 U.S.C. 203), and Reorganization Plan No. 2 of 1946 (3 CFR 1943–48 Comp. p. 1064), the following amendment is made to 29 CFR Part 1500: In 29 CFR 1500.54, subdivisions (vii), (viii), (ix), and (x) are added to paragraph (a)(2) to read as follows:

§ 1500.54 Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill (Order 4).

(a) • • •

(2) • • •

(vii) Clean-up work outside shake and shingle mills, except when the mill is in operation.

(viii) Splitting shakes manually from precut and split blocks with a froe and mallet, except inside the mill building or cover.

(ix) Packing shakes into bundles when done in conjunction with splitting shakes manually with a froe and mallet, except inside the mill building or cover.

(x) Manual loading of bundles of shingles or shakes into trucks or railroad cars, provided that the employer has on file a statement from a licensed doctor of medicine or osteopathy certifying the minor capable of performing this work without injury to himself.

• • • • • •

As the only function of these amendments is to relieve a restriction, delay in effective date is not required by 5 U.S.C. 553(c). Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 3, 52 Stat. 1061, as amended; 29 U.S.C. 203. 3 CFR, 1943–48 Comp., p. 1064)

Signed at Washington, D.C., this 10th day of April 1967.

W. WILLARD WIRTZ, *Secretary of Labor.*

[F.R. Doc. 67-4139; Filed, Apr. 14, 1967; 8:46 a.m.]

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATIONS

Discontinuance of Occupations Chart Applying to Hazardous-Occupations Orders Nos. 4 and 5

Pursuant to authority in section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 203), and Reorganization Plan No. 2 of 1946 (3 F.R. 1943–1948 Comp. p. 1064), I hereby amend 29 CFR Part 1500 by deleting § 1500.56 entitled "Occupations Chart applying to Hazardous-Occupations Orders Nos. 4 and 5 (§§ 1500.54 and 1500.55)."

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because this amendment relates only to an interpretative rule. I do not believe such procedures will serve a useful purpose here. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 10th day of April 1967.

W. WILLARD WIRTZ, *Secretary of Labor.*

[F.R. Doc. 67-4140; Filed, Apr. 14, 1967; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER R—RECORDS

PART 288—USER CHARGES

PART 289—USER CHARGES AND USER CHARGES REPORT

Part 288—"Schedule of Fees and Charges for Copying, Certification and Search of Records," and Part 289, "User Charges and User Charges Report," published at 30 F.R. 7997 and 27 F.R. 403 are hereby superseded. The revision to Part 288, approved by the Assistant Secretary of Defense (Comptroller) on December 20, 1966, as amended April 6, 1967, now reads as follows:

Sec.

288.1 Purpose.
288.2 Applicability.
288.3 Policy.
288.4 Charges and fees.
288.5 Collections.
288.6 Legislative proposals.
288.7 Accounting and reporting.
288.8 Implementation.
288.9 Examples of benefits not to be charged under provisions of § 288.3(d).
288.10 Schedule of fees and rates.

AUTHORITY: The provisions of this Part 288 issued under 5 U.S. Code, sec. 140; Title V, Public Law 137, 82d Cong., Act of Aug. 31, 1951, 65 Stat. 290.

§ 288.1 Purpose.

This part establishes Department of Defense policy and procedures for improved implementation of the policy of the U.S. Government in respect to "user charges," as expressed in Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140) and Bureau of the Budget Circular No. A-25, September 23, 1959, as amended, Subject: "User Charges." It prescribes development and review of an equitable and uniform system of charges for rendering special services and for selling or leasing property to persons or organizations outside the Federal Government and furnishes guidelines and requirements for determination of amounts of user charges, the disposition of receipts, and accounting control of revenue from such charges.

§ 288.2 Applicability.

Provisions of this part apply to all components of the Department of Defense.

§ 288.3 Policy.

(a) *General.* It is Department of Defense policy not to compete with available commercial facilities in providing special services or in the sale or lease of property to private parties and agencies outside the Federal Government. However, when a service or sale is made which conveys special benefits to recipients above and beyond those accruing to the public at large, a reasonable charge shall be made to each identifiable recipient, except for exclusions specifically provided herein or as otherwise authorized by the Secretary of Defense and in those areas which are governed by separate policy.

(b) *Special services.* A charge shall be imposed to recover the full cost to the Federal Government of rendering a special service, or fair market value of such service, whichever is higher. Fair market value will be determined in accordance with commercial rates in the local geographical area. In the absence of a known market value, charges will be made based on recovery of full costs to the Federal Government. A special benefit will be considered to accrue and a charge shall be imposed when the service rendered:

(1) Enables the recipient to obtain more immediate or substantial gain or values (which may or may not be measurable in monetary terms) than those which accrue to the general public, or

(2) Is performed at the request of the recipient and is above and beyond the services regularly received by or available without charge to the general public.

(c) *Lease or sale.* Where federally owned resources are leased or sold, a fair market value shall be obtained. Fair market value will be determined by the application of sound business management principles and, so far as practicable and feasible, in accordance with comparable commercial practices. Charges based on fair market value need not be limited to the recovery of costs; they may produce net revenues to the Government.

(d) *Exclusions and exceptions.* (1) This part does not apply to: (i) Fringe benefits for military personnel and civilian employees, or (ii) sale of disposal property under approved programs.

(2) In general, charges may be waived or reduced when:

(i) The recipient of the benefits is engaged in a nonprofit activity designed for the public safety, health, or welfare;

(ii) Payment of the full costs or fee by a State, local government, or nonprofit group would not be in the interest of the program;

(iii) Furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization, or comparable fees are set on a reciprocal basis with a foreign country;

(iv) The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity.

(3) Examples of exclusions and exceptions are listed in § 288.9.

§ 288.4 Charges and fees.

(a) Special services: Charges for special services will be based on the total costs to perform such services as determined or estimated from the best available records or fair market value, whichever is higher. The maximum charge for a special service will be governed by its total cost or fair market value, whichever is higher, and not by the value of the service to the recipient. Cost accounting systems will not be established solely for the purpose of determining charges. Costs shall include all direct and indirect costs, such as:

(1) Civilian salaries or wages and personnel costs of leave and Government contributions for retirement, medical expense, insurance, etc., and the cost of military personnel services as prescribed in DoD Instruction 7220.15, "Budgeting and Accounting for the Cost of Military Personnel Services," June 1, 1966;

(2) Cost of materials, supplies, travel expense, communications, utilities, equipment and property rental, and maintenance and depreciation of property and equipment;

(3) A proportionate share of management and supervisory costs at the installation where the service is performed;

(4) The cost of research, establishing standards and regulations when directly associated with the service performed.

(b) Fees and rates for the recovery of full costs or fair market value, whichever is higher, of a special service will be established in advance when feasible. All fees and rates established within the Department of Defense shall be reviewed at least once a year, or whenever significant changes in costs occur, and necessary revisions made to ensure recovery of full costs. Section 288.10 provides a schedule of fees and rates for certain services for use throughout the Department of Defense. Recommendations for additions and revisions to the schedule will be made to the Assistant Secretary of Defense (Comptroller).

(c) **Lease or sale of property:** Charges for lease or sale of property will be based on determination of fair market value.

(1) *Sale of material.* In the absence of a known market value, a fair value for sale of material will be determined on the basis of the aggregate of the following:

(i) Standard price of the item carried in inventory or at reduced price when so authorized for sale within the Department of Defense;

(ii) Accessorial and administrative costs as provided for in DoD Instruction 7510.4, "Uniform Policy for Charging Accessorial and/or Administrative Costs Incident to Issues, Sales, and Transfers of Materials, Supplies and Equipment," August 31, 1965.

(2) *Lease or rental of property.* Fair market value for lease or rental of property will be determined to be in accordance with commercial rates for similar property in the local geographical area.

§ 288.5 Collections.

(a) Normally, collection of charges and fees will be made in advance of rendering the service. In some instances, it may be more practical to collect charges and fees at the time of conveying the service or property to the recipient.

(b) Collections of scheduled fees and charges (§ 288.10) will be deposited to the credit of the appropriation or fund responsible for principal financial support of the services in accordance with existing laws and instructions.

(c) When authorized by law, or by law and instructions promulgated pursuant thereto, collections for services charged on bases other than the fees and charges set forth in § 288.10, will be deposited to the applicable financing appropriation or fund; otherwise, such collections will be deposited to miscellaneous receipts of the Treasury. Collections in excess of recovery of full costs, determined pursuant to § 288.4, resulting from charges based on fair market value will be deposited to miscellaneous receipts of the Treasury.

(d) Collections for utilities and services in connection with the lease of property will be deposited to the appropriation or fund responsible for financing the operations of the equipment and facility. When authorized by law, proceeds from sale of property, other than those related to the Disposal Program and the Exchange Sale Program, will be credited to the appropriation or fund responsible for its replacement, and for property not to be replaced, sale proceeds will be deposited to miscellaneous receipts of the Treasury. Proceeds from the Disposal and Exchange Sale Programs will be accounted for and deposited in accordance with existing instructions.

§ 288.6 Legislative proposals.

In cases where collection of fees and charges for services or property is limited or restricted by provisions of existing law, the DoD component(s) concerned will submit appropriate remedial legislative proposals under applicable legislative procedures.

§ 288.7 Accounting and reporting.

(a) *Accounting requirement.* Each military department, agency and other appropriate DoD component will maintain records for each fiscal year on:

(1) All changes in costs or charges for services or property covered by this part, as well as for the establishment of new user charges based on annual review of such costs and charges;

(2) Total collections of user charges during the fiscal year of each DoD component, furnishing the total amount deposited and credited to miscellaneous receipts of the Treasury and to each appropriation and fund account for attachment to Form 4 of BoB Circular A-25;

(3) The collections by categories of activities in the above Form 4;

(4) A complete inventory of all user charges in effect.

(b) *Reporting requirement.* The Assistant Secretary of Defense (Comptroller) will issue a separate DoD Instruction which will provide for direct submission from each DoD component to his office of reports on User Charges. These reports will be consolidated and transmitted by that office to the Bureau of the Budget in order to meet the requirements placed on the Department of Defense by BoB Circular A-25.

§ 288.8 Implementation.

(a) Each military department and Defense agency is responsible for initiating, developing, and adopting schedules of fees and charges consistent with the provisions of this part and shall:

(1) Identify each service or activity covered by this part;

(2) Determine the extent of the special benefit provided;

(3) Determine applicable costs; and

(4) Establish appropriate charges.

(b) The DoD components will publish necessary implementing procedures to accomplish the purpose of this part and submit two copies to the Assistant Secretary of Defense (Comptroller) within 90 days. This part is effective immediately.

§ 288.9 Examples of benefits not to be charged under provisions of § 288.3(d).

(a) Any services requested by members of the Armed Forces when the document or information requested is required by such personnel in their capacity as members of the Armed Forces of the United States.

(b) Any services requested by members of the Armed Forces, who are in a casualty status, or by their next of kin or legal representative; and requests for information from any source relating to a casualty.

(c) The address of record of an active duty member or former member of the Armed Forces when it can be furnished informally through local directory (locator) reference, when requested by a member of the Armed Forces or a relative or legal representative of a member of the Armed Forces, or the address of record requested by any source when the address is required for the purpose of paying monies or forwarding property to a member or former member of the Armed Forces.

(d) Any services requested by or on behalf of a member or former member of the Armed Forces, or if deceased, their next of kin or legal representative, pertaining to requests for:

(1) Information required to obtain financial benefits;

(2) Document showing membership and military record in the Armed Forces if discharge or release was under honorable conditions;

(3) Information relating to a decoration or award or information required for memorialization purposes;

(4) Review or change in type of discharge or correction of records;

(5) Personal documents, e.g., birth certificates, when such documents were required to be furnished by the individual.

(e) Those services which are furnished free in accordance with statutes or Executive orders.

(f) Information from or copies of medical and dental records and/or X-ray films of patients or former patients of military, medical, or dental facilities when such information is required and requests for such data are (1) submitted by an accredited medical facility, physician, or dentist or (2) requested by the patient, his next of kin, or legal representative.

(g) Any services furnished the general public relating to or in furtherance of the Armed Forces recruiting programs and any services furnished representatives of public information media or the general public in the interest of public understanding of the Armed Forces.

(h) Any services involving confirmation of employment, disciplinary, or other records or salaries of active or separated civilian or military personnel when requested by prospective employers or recognized sources of inquiry for credit or financial purposes.

(i) Any services requested by and furnished to a Member of Congress for official use.

(j) Any services requested by a State, territorial, county, or municipal government or an agency thereof which is carrying on a function related to or in furtherance of an objective of the Department of Defense.

(k) Any services requested by a court when the furnishing of such will serve as a substitute for personal court appearance of a military or civilian employee of the Department of Defense.

(l) Any services requested by a nonprofit organization which is carrying on a function related to or in furtherance of an objective of the Federal Government or in the interest of public health and welfare.

(m) Any services requested by an individual or corporation which is carrying on a function related to or in furtherance of an objective of the Federal Government and when the cost of such services would be chargeable directly to a Federal Government contract or grant held by the individual or corporation.

(n) Any services requested by donors with respect to their gifts.

(o) Any request which results in an unsuccessful search of records other than requests to determine the existence or nonexistence of a record.

(p) Requests for services which are occasional and incidental (including any request from a resident of a foreign country), not of a type that is requested often, if it is administratively determined that a fee would be inappropriate in such an occasional case.

(q) Any request from Federal employees for the accomplishment of forms applicable to claims for reimbursement in connection with Federal Employees Health Benefit Act of 1959.

§ 288.10 Schedule of fees and rates.

(a) **Schedule of fees:** The following fees are applicable to authorized services rendered to the public by components of the Department of Defense under the general categories of: copying, certification and search of records; processing claims and litigation actions; sale of photography.

(b) Requests involving:

(1) Training and education:

(i) Transcripts:

	Fee
Original copy	$1.00
Each additional copy	.50

(Includes requests for transcripts of graduation from military academies and schools.)

(ii) Certificates:

Original copy	$0.50
Each additional copy	.25

(Includes all requests for certificates, verification of attendance, and course completion from service schools and other facilities.)

(2) Medical and dental records of civilians (includes requests for information from or copies of medical records, including clinical records, outpatient records, dental records, and loan of X-rays):

Up to and including two typewritten or two reproduced pages	$2.50
Each additional typewritten page	1.25
Each additional photo copy	.25
Loan of each X-ray	1.00

(3) Medical and dental records of uniformed service personnel and their dependents when request is received from other than the member or their dependent (includes requests for information from or copies of medical records, including clinical records, outpatient records, dental records, and loan of X-rays):

Up to and including two typewritten or two reproduced pages	$2.50
Each additional typewritten page	1.25
Loan of each X-ray	1.00
Each additional photo copy	.25

(4) Military membership and record:

(i) Address of record, each	$1.50
(ii) Certificate in lieu, statement of verification of service, or report of separation, each	2.50
(iii) Copy or extract of order or other record (excluding medical, dental and X-ray records), each	2.25
(iv) Furnishing information on decorations and awards to service organizations	2.00

(5) Photography:

(i) Still pictorial or documentary photographic prints, black and white, and not more than three prints may be sold from any individual negative on each order. Unlisted standard sizes of black and white prints may be furnished, if available at proportionate fees.

8 x 10 single weight glossy finish, 1st print	$0.90
2d and 3d prints, each	.40
8 x 10 double weight matte finish, 1st print	.95
2d and 3d prints, each	.45
11 x 14 double weight matte finish, 1st print	1.15
2d and 3d prints, each	.45
16 x 20 double weight matte finish, 1st print	1.35
2d and 3d prints, each	.60
20 x 24 double weight matte finish, 1st print	1.50
2d and 3d prints, each	.70
35 mm color transparencies (cardboard mount), each	1.10
4 x 5 color transparencies or color negative, each	6.00
8 x 10 color transparencies or color negative, each	10.00

(In quantities not to exceed three copies of any one view.) Color prints will not be furnished for public use.

(ii) Aerial photographic prints, contact prints, or exact negative sizes, single weight glossy or double weight semimatte:

7 x 9 or 9 x 9 in quantities:

1–5, $1 each print.
6–100, $5 plus $0.65 for each print over 5 and up to 100.
101–1,000, $65.75 plus $0.65 for each print over 100 and up to 1,000.
Over 1,000, $670.75 plus $0.60 for each print over 1,000.

9 x 18 in quantities:

1–5, $2 for each print.
6–100, $10 plus $1.70 for each print over 5 and up to 100.
101–1,000, $171.50 plus $1.30 for each print over 100 and up to 1,000.
Over 1,000, $1,341.50 plus $1.20 for each print over 1,000.

(iii) Aerial photographic indexes and mosaic copies in any number size 20 x 24, each $1.30.

(iv) Reproduction of cover overlays:

Transparent Foil Film Overlays, each	$1.50
Transparent Paper Overlays, each	.60
Transparent Paper Plot Maps, per square foot	.10
Photostat Plot Maps (maximum size 17½ x 23), each	.65

(v) Motion picture:

16 mm or 35 mm black and white unedited footage and/or optical sound track, per foot	$0.10
Color unedited footage:	
16 mm, per foot	.20
16 mm, internegative	.25
35 mm, per foot:	
Viewing or release print, each	.25
Separation master positive (3 required)	.75
Color, interpositive, each	.55
Color, internegative, each	.55
Magnetic tape (per foot):	
16 mm (Direct Dubb), each	.05
35 mm (Direct Dubb), each	.05
Searching (including overhead) each hour or fraction thereof (per hour)	7.00
All film used in duplication to furnish a requested end product shall be charged for on a per foot basis.	
Minimum charge (including stock search) per order	10.00

(6) Construction and engineering information, copies of aerial photographic maps, specifications, permits, charts, blueprints, and other technical engineering documents:

Searching, per hour or fraction thereof (including overhead costs)	$3.00
First print	.50
Each additional print of same document	.25

(7) Copies of medical articles and illustrations: Standards contained in Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140) will be utilized in computing costs.

(8) Claims and litigations:

(i) Requests from litigants pertaining to private litigation (if not covered in subparagraph (2) or (3) of this paragraph:

Searching per hour or fraction thereof (including overhead costs)	$3.00
Processing per hour—minimum charge ½ hour	3.00
Each photocopy	.25
Certification and validation with seal, each	.75
Certification and validation without seal, each	.50

(ii) Requests pertaining to cases in which the United States is a party and where court rules provide for reproduction of records without cost to the Government:

Searching per hour or fraction thereof (including overhead costs)	$3.00
Processing per hour—minimum charge ½ hour	3.00
Each photo copy	.25
Certification and validation with seal, each	.75
Certification and validation without seal, each	.50

(iii) Furnishing information from Investigative Reports, e.g., automobile collision investigations, safety reports:

Searches, overhead, analysis and preparation of report (per hour—minimum charge ½ hour)	$3.00

(9) General:

Charges for any additional services not specifically provided and consistent with the provisions of this part will be made by the respective DoD components at the following rates:

Searching per hour or fraction thereof (including overhead costs)	$3.00
Processing per hour—minimum charge ½ hour	3.00
Each photocopy	.25
Certification and validation with seal, each	.75
Certification and validation without seal, each	.50
Review of application for authorization to solicit members of the military services for the purchase of life insurance on U.S. military installations in foreign areas	125.00

Hand drawn plots and sketches (see hour minimum charge, $2)..... 3.50

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

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Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 713—NAVAL RESERVE AND MARINE CORPS RESERVE

Subpart A—Naval Reserve

MISCELLANEOUS AMENDMENTS

Scope and purpose. Part 713 is updated to conform to amendments to the Bureau of Naval Personnel Manual included in Change 13 to the manual and distributed to Navy commands in due course.

1. Section 713.211 is revised to read as follows:

§ 713.211 Mailing address.

(a) *Definition.* Mailing address is defined as that address at which a member who is not on active duty can be reached quickly at any time by ordinary mail. Those addresses of banking institutions and the like which some members have designated as the place to which their retired paychecks are to be sent are not mailing addresses for this purpose.

(b) *Scope.* The instructions contained in this section apply to all members of the Naval Reserve not on active duty, retired members of the Navy and Naval Reserve not on active duty, including those in the Fleet Reserve and those on the temporary physical disability retired list.

(c) *Reporting procedure.* Article 1233, U.S. Navy Regulations, requires each member of the naval service not on active duty to keep the custodian of his service record advised of his current mailing address. Therefore, whenever a change in mailing address occurs, it is incumbent upon the member to notify the custodian of his service record by letter of the new mailing address. The proper routing of these notification letters is essential to the maintenance of current address data in the Naval Manpower Information System (NMIS), and to insure that the notification is documented in the member's service record. There are only two input sources for addresses in the NMIS: (1) The Reserve Unit Personnel and Performance Report (RUPPERT) for those naval reservists participating in a Naval Reserve Training Program; and (2) the Naval Reserve Manpower Center for all other members not on active duty. Accordingly, each change of address notification must be processed: (i) By the activity responsible for submitting the RUPPERT as prescribed in the Instructions for the Naval Manpower Information System (NAVPERS 15642), Part I Inactive; and (ii) the activity maintaining the member's service record. In some instances, the same activity is responsible for both tasks. The addresses reported through the NMIS will be provided by the Personnel Accounting Machine Installation, Continental United States (PAMICON US), as a machine run, to the Chief of Naval Personnel for the Inactive Officer Locator System.

(d) *Temporary address changes.* When a member has a temporary change of residence of 6 months or less, and his mail cannot be delivered promptly by means of the existing mailing address, he shall inform the custodian of his service record of his temporary address at the beginning of his temporary residence and again at the end of such residence.

(e) *Noncurrent addresses*—(1) *Undeliverable addresses.* Whenever the address of a member in a drilling unit is determined as "undeliverable," and local search fails to obtain a good address or the new address is outside the area of jurisdiction of the drilling unit, effect transfer as follows:

(i) Enlisted members with a mandatory drilling obligation—to the District Commandant or parent Naval Air Reserve Training Activity.

(ii) All others—to the Naval Reserve Manpower Center.

(2) *Unlocatable personnel.* Upon receipt of the record of a member whose address is undeliverable, the Commandant, Commanding Officer, Naval Air Station/Naval Air Reserve Training Unit, or the Commanding Officer, Naval Reserve Manpower Center, as appropriate, will conduct a thorough search to locate the individual, including but not necessarily limited to:

(i) Inquiry to the postmaster of the last known address regarding a forwarding address.

(ii) Inquiry to next of kin or other relatives.

(iii) Inquiry to employer.

(iv) Inquiry to local Selective Service Board (not in the case of retired members).

(v) Inquiry to U.S. Navy Finance Center if member is receiving retired or retainer pay.

(3) *Report.* If a current address is determined, report the current address as outlined in paragraph (c) of this section. If all efforts to determine a current address are unsuccessful, the member shall be reported as "unlocatable" as outlined in paragraph (c) of this section. Since the designation of unlocatable may result in the member's removal from the rolls, search correspondence directed to the member at his last known address should be sent via "certified mail, return receipt requested."

(4) *Unlocatable officers.* The service records of officers who are reported through the Naval Manpower Information System as unlocatable will be examined periodically by the Naval Reserve Manpower Center. After a reserve officer has been listed as unlocatable for 12 months, and all efforts to locate him are unsuccessful, the Naval Reserve Manpower Center shall submit his name to the Chief of Naval Personnel for referral to the Naval Reserve Office Mobilization Disposition Board for appropriate action.

(5) *Unresponding enlisted members.* See § 713.412 regarding action to be taken in the case of enlisted members who fail to reply to official correspondence and for whom there is no current mailing address.

2. Section 713.213 is revised to read as follows:

§ 713.213 Annual qualifications questionnaire—Inactive Reserve (NAVPERS 319).

(a) *Submission.* Annually, by October 1, the Naval Reserve Manpower Center (NRMC), Bainbridge, Md. 21905, will distribute the Annual Qualifications Questionnaire—Inactive Duty Reserve (NAVPERS 319) to Naval Reserve officers on inactive duty, except retired. Prompt return of the completed questionnaire is required of recipients. Discretion, however, will be exercised to avoid sending the questionnaire to personnel in sensitive areas or positions. If it is known that an officer is not qualified for active duty by reason of physical or mental incapacity, distribution and/or submission of the questionnaire is not required.

(b) *Instructions for completion.* Detailed instructions for completion are included with the multipage, carbon interleaved questionnaire. Because of its use by promotion and disposition boards, mobilization assignment officers, and in the processing of personnel data for planning purposes, accurate and complete preparation of the questionnaire is essential.

(c) *Control of mailing and receipt.* Officers completing the questionnaire should return all pages, except the worksheet, to NRMC. NRMC will separate and distribute the completed pages as indicated at the bottom of each page. For Medical, Dental, Medical Service and Nurse Corps personnel, the copy forwarded to the Chief of Naval Personnel (Officer Records) will be routed via the Chief, Bureau of Medicine and Surgery. NRMC will exert maximum reasonable effort to obtain current information from reserve officers in order to provide for the maintenance of accurate officer records and sound mobilization planning. Should an officer return the questionnaire completed improperly, or make inappropriate or frivolous comments, NRMC will direct him to resubmit a questionnaire. If circumstances exist which prevent an officer from being called to active duty in the event of mobilization, the officer should initiate separate correspondence to the Chief of Naval Personnel immediately, and be prepared to submit documentary evidence, if requested, to support his claim and resolve his status in the Naval Reserve.

3. Section 713.217 is revised to read as follows:

§ 713.217 Naval Reserve drill reports.

(a) Expeditious and accurate reporting of drill attendance and appropriate duty is necessary for recording retirement points and for crediting pay as applicable.

(b) Attendance at scheduled Naval Reserve drills, including NROS, shall be reported monthly on the Reserve Unit Personnel and Performance Report (RUPPERT), NAVPERS 192. For NROS, this is effective in Fiscal Year 1967. An individual may not appear on more than one unit RUPPERT simultaneously, except that NROS students who are also members of other units or on appropriate duty orders shall be reported, for drill attendance purposes only, in an addendum to the NROS RUPPERT captioned "Members Who Drill With Other Units or Perform Appropriate Duty."

(c) Training with the Organized Marine Corps Reserve shall be reported by the Marine Corps on form NAVMC 891-SD.

(d) Cross-service training, other than Marine Corps, shall be reported monthly on the cross-service training RUPPERT by the District Commandant or Chief of Naval Air Reserve Training, based on monthly letter reports from the commanding officers of the units with which Naval Reservists are drilling.

(e) Appropriate duty, other than symposiums, seminars, and translation projects, shall be reported monthly on the appropriate duty RUPPERT by the District Commandant or Chief of Naval Air Reserve Training, based on letter reports from the individuals concerned. Personnel on the appropriate duty RUPPERT who are members of units, except NROS students, shall be listed, for retirement credit only, in an addendum captioned "Members of Drilling Units." Lists (one copy for each attendee) of attendees at approved symposiums/seminars shall be submitted by the Commandant's designated representative in letter form directly to the Reserve Officer Recording Activity, with a copy to the Commandant concerned. Completion of translation projects shall be reported by the Commandant/CNARESTRA in letter form, to RORA or the enlisted recordholder as applicable, giving completion dates and number of retirement points earned.

(f) Procedures for preparation and disposition of the RUPPERT are set forth in Instructions for the Naval Manpower Information System, NAVPERS 15642, Part I (Inactive).

(g) Officer drill attendance information which is more than 11 calendar months old must be submitted by the Commanding Officer on a separate report. A statement signed by the Commanding Officer shall be entered on the face of the report stating the reasons for the report and that substantiating official documents prepared at the time of the purported participation verify the correctness of the information reported. The report will then be submitted to the appropriate Naval District Commandant or CNARESTRA for monitoring. Since the submission of a monitored report is tantamount to approval of the claimed participation, every precaution shall be taken to insure complete substantiation. Monitoring shall consist of, but not be limited to, the following:

(1) Determine that the report contains all required entries.

(2) Compare the information with available records to ascertain whether the officer(s) concerned was (were) duly authorized under competent orders to perform the duty reported.

(3) For units of the Specialists, Composite, and NROS Programs, determine if the unit was certified to be a "Conforming Unit" during the period of the report.

(4) Review available file copies of drill attendance reports, muster cards or other official documents, including individual service records, for the corresponding period to ascertain whether the duty reported had previously been omitted or deleted for any reason.

(5) If necessary return the report to the Commanding Officer for additional certification as to the specific substantiating documents upon which the report is based.

The fact that the report has been monitored will be certified on the face of the drill report which will then be forwarded to the Reserve Officer Recording Activity.

4. Section 713.221 is revised to read as follows:

§ 713.221 Annual report of retirement credits earned.

(a) Officers of the Ready and Standby Reserve may obtain an annual report of retirement credits earned from the Reserve Officer Recording Activity, Omaha, Nebr.

(b) This report will not be furnished officers in the Retired Reserve since they cannot earn retirement points while on inactive duty and the report furnished just prior to retirement remains current for all practical purposes.

(c) The annual report will contain the following information: (1) Retirement points earned for preceding anniversary year; (2) years of satisfactory service and retirement points earned subsequent to July 1, 1949; and (3) total years of satisfactory service.

(d) The annual report will be furnished only once each year in response to an annual request. Form NAVPERS-534 should be used for requesting this report. This form may be obtained from Naval District Headquarters, Naval Reserve Training Centers, Naval Air Stations, and Naval Air Reserve Training Units. While it is desirable that all requests for the annual report be submitted on Form NAVPERS-534, a letter request will suffice in those cases where it is impractical to obtain the form.

(e) Requests should not be submitted until four months after the termination of the anniversary year as complete participation for that year is not recorded before that date. These requests will be answered as time permits during the reserve officer's ensuing anniversary year and will indicate retirement points credited as of his last anniversary date. Followup requests for this information shall not be made as they will serve only to delay processing requests already received.

(f) If a discrepancy between the personal records of the officer and the annual report exists, the following action will be taken for reconciliation.

(1) For active duty or active duty for training, the officer concerned should submit certified copies of orders with all endorsements to the Reserve Officer Recording Activity.

(2) For drills, the officer concerned should check first with the unit in which there was drill attendance during the period in question to resolve discrepancies. If the unit's records show that the number of drills reported to the Reserve Officer Recording Activity does not compare with the annual report received by the officer concerned, a certified copy of the drill report(s) in question should be submitted to the Recording Activity for reconciliation. If the unit's records show that the officer's drills were not properly reported initially, the Commanding Officer should prepare a supplemental or corrected report as outlined in the Instructions for the Naval Manpower Information System, NAVPERS 15642, Part I, Inactive. Supplemental or corrected drill reports covering officer drill attendance which is more than 11 calendar months old shall be certified and monitored as prescribed in § 713.217.

(3) For correspondence courses, if a certificate has been received, the officer concerned should submit a certified copy to the Reserve Officer Recording Activity. If a certificate has not been received, the officer concerned should address an inquiry to the U.S. Naval Correspondence Course Center, Scotia, N.Y., for courses administered by that center, or to the cognizant activity administering the correspondence course. (See articles D-4102 and D-4108 of the Bureau of Naval Personnel Manual.)

5. Section 713.336 is amended by revising paragraphs (a), (c), (d), (e), (f), and (g) to read as follows:

§ 713.336 Reenlistment under continuous service conditions.

(a) The U.S. Navy Recruiting Manual (NAVPERS 15838 series) contains complete information for guidance of Commandants, Chief of Naval Air Reserve Training and the Navy Recruiting Service in processing individuals for reenlistment in the Naval Reserve. It should be noted that in order to retain certain advantages of continuous service, individuals must reenlist within 3 months following discharge. A person who is reenlisted on the same date of the month 3 calendar months from date of discharge is reenlisted "within 3 months." For example, a person discharged on December 7 may be reenlisted on any day up to and including March 7 and retain continuous service.

* * * * *

(c) Naval Reservists on inactive duty may be discharged at any time for the purpose of enlisting or reenlisting in the Regular Navy in accordance with instructions contained in the U.S. Navy Recruiting Manual (NAVPERS 15838 series).

(d) Forms required for immediate reenlistment shall be completed in accordance with the U.S. Navy Recruiting Manual (NAVPERS 15838 series). The Application for Enlistment (NAVPERS 708) will not be required on immediate reenlistment.

(e) Individuals for whom requests for waivers of any nature must be submitted will not be considered to be in the category of those who may be reenlisted immediately. These cases must be submitted for individual consideration in the Bureau of Naval Personnel and must be processed in accordance with the U.S. Navy Recruiting Manual (NAVPERS 15838 series). In lieu of submission of the application for enlistment in the U.S. Naval Reserve, applicants for immediate reenlistment shall be questioned regarding any civil offenses, police and juvenile delinquency records, or convictions having occurred since the date of their previous enlistment. If an applicant indicates that he has been arrested for any reason, he shall be processed in accordance with the U.S. Navy Recruiting Manual (NAVPERS 15838 series).

(f) Individuals who are participating in the drilling program and who are eligible for reenlistment shall be notified at least 90 days prior to expiration of enlistment or service obligation concerning such expiration and procedures established for reenlistment processing.

(g) Individuals in the Active Status Pool may be reenlisted by mail. In lieu of physical examination, the individual must submit a signed statement that, to the best of his knowledge and belief, his physical condition is substantially the same as when he was last physically examined by the Navy. The Oath of Allegiance, which is mandatory, may be administered by a commissioned officer of any component of the Navy, Marine Corps, Army, Air Force, or Coast Guard, active, inactive, or retired.

6. Section 713.351 is amended by deleting paragraphs (e)(2)(vi), (f)(2)(vi), and (h)(2)(iii) and by revising paragraphs (k)(1)(vii), (o), and (t)(1) to read as follows:

§ 713.351 Orders to inactive-duty training.

* * * * *

(e) Attachment of officer and enlisted personnel to Selected Reserve units of the Naval Reserve: * * *

(2) *Enlisted eligibility requirements.* * * *

(vi) [Deleted]

(f) Association of officer and enlisted personnel in a pay status with Selected Reserve units of the Naval Reserve: * * *

(2) *Enlisted eligibility requirements.* * * *

(vi) [Deleted]

* * * * *

(h) Administrative procedures for attachment or association of officer and enlisted personnel in a pay status with Selected Reserve units of the Naval Reserve: * * *

(2) *Enlisted.* * * *

(iii) [Deleted]

* * * * *

(k) Termination policies for officer and enlisted personnel assigned to Selected Reserve units of the Naval Reserve:

(1) *Mandatory.* * * *

(vii) When an officer is selected for promotion to a grade which is higher than the authorized grade for the billet he now occupies. An officer selected to the grade of captain or commander will be transferred to a billet commensurate to or senior to the grade for which selected or be transferred to nonpay status not later than the end of the fiscal year in which selected. An officer selected to the grade of lieutenant commander or below may be retained in the billet to which assigned, provided he is in all other respects qualified, until a qualified relief is available or until the end of the fiscal year following that in which selected, whichever is earlier; he will then be transferred to an appropriate pay billet commensurate to or senior to the grade for which selected or be transferred to drilling nonpay status. The termination will be effected at the time indicated irrespective of whether the officer has accepted the appointment to the higher grade.

* * * * *

(o) Limitations of command and associate pay status billets:

(1) Selected Reserve: (i) The tour of command for all Naval Reserve program commanding officers and officers in charge shall not exceed 3 years. Annual review and early termination of the present incumbents, at any time, to permit the assignment of a better qualified officer are the responsibility of the Commandant/Chief of Naval Air Reserve Training. Except as indicated in (a) and (b) of this subdivision, commanding officers who are relieved of their command, for any reason, are not eligible for attachment to, or association with, their former commands in either pay or nonpay status.

(a) In those cases where no other means for affiliation with a Naval Reserve unit is available within a reasonable commuting distance, the Commandant/Chief of Naval Air Reserve Training may approve the assignment of the commanding officer in nonpay status with his former unit as the needs of the service dictate. Such assignment shall be for a minimum period of 1 year from the effective date of assignment. After this 1-year period the individual shall be eligible for assignment in associate pay status, within the same unit, provided he is otherwise eligible and a quota is available.

(b) Lieutenants and below shall not normally be considered subject to the policy of no reassignment to or within the same unit after completing a commanding officer's tenure. The Commandant/Chief of Naval Air Reserve Training may, as the needs of the service dictate and within the availability of other qualified officers of the proper grade, grant authority for those former commanding officers who served in a grade below lieutenant commander to be reassigned to the same or a like unit without regard to a waiver. This exception is not intended to provide authority for a continuous commanding-officer tenure for lieutenants beyond the normal 3-year limitation, but does provide for the reassignment to a commanding-officer billet at a future date without regard to a former command waiver.

(2) Specialist/Composite/NROS: The tour of command for all programs under this subheading shall not exceed 3 years. Early termination at any time to permit assignment of a better qualified officer is the responsibility of the Commandant. Commanding Officers who are relieved of their command, for any reason, are not eligible to command that same unit again.

(3) The period during which an officer may be in an associate pay status is limited to 3 years and he shall not be eligible for further assignment in associate pay status for a period of 2 years.

* * * * *

(t) Positive identification required for Naval Reserve officer participation: * * *

(1) Require the officer concerned to present an Armed Forces Identification Card, DD Form 2N (Reserve), or in lieu thereof a copy of release-from-active-duty orders. If the officer presents release-from-active-duty orders or an obsolete identification card, establish his current status from his service record and take steps to provide the officer with a valid Armed Forces Identification Card.

* * * * *

7. Section 713.353 is amended by revising paragraph (b) to read as follows:

§ 713.353 Orders to active service.

* * * * *

(b) In time of war, or national emergency, declared by the Congress or proclaimed by the President, or when otherwise authorized by law, orders to both officers and enlisted personnel to perform active naval service will be issued by the Chief of Naval Personnel or, under his instructions, by:

Commandants of naval districts.
Chief of Naval Air Reserve Training.
Fleet or Force Commanders.
Commanding Officers of: Naval Reserve Training Centers, Naval Reserve and Marine Corps Reserve Training Centers, Naval Air Stations, and Naval Air Reserve Training Units.
Commanding Officer, Naval Reserve Manpower Center.
Officers in charge, mobilization stations (when activated), or
Other officers who may be designated by the Secretary of the Navy.

Mobilization orders, issued in time of peace, to be executed in time of war or national emergency or when otherwise authorized by law may be issued in accordance with the provisions of this paragraph.

* * * * *

8. Part 713 is amended by inserting § 713.353a to read as follows:

§ 713.353a Forms Alfa, Bravo, Charlie, Delta, and Easy: use of active-duty message orders for reserve officers.

(a) For the purpose of reducing the length of message orders to reserve officers being ordered to active naval service, the forms set forth in article H-3603A of the Bureau of Naval Personnel Manual will be used by naval district commandants, recruiting offices, or other commands as appropriate, as guides in preparing written orders to be delivered to each officer concerned. Each of these forms is divided into two parts; Part I to be used by the Bureau of Naval Personnel; Part II to be used by the commandants, recruiting offices, or other commands as appropriate in implementing Part I. The combination of Parts I and II will be transmitted to each officer concerned, with ample copies for disbursing officers and movement of dependents and/or household goods.

(b) In cases where message orders are relayed to an officer by telegram the following action will be taken:

(1) The originating authority shall send the complete orders in the prescribed form.

(2) The officer concerned, upon presentation to the disbursing officer, shall endorse on the telegram he received the words "Original Orders Received" and affix his signature. This certification will be sufficient to enable the disbursing officer to make reimbursement for mileage without further confirmation.

9. Section 713.361 is amended by redesignating paragraph (b) as (c) and by inserting new paragraph (b) to read as follows:

§ 713.361 Assignment of personnel to units and transfer to the active status pool.

* * * * *

(b) An officer or enlisted reservist about to be released from active duty may be processed for assignment to a selected reserve and/or specialist unit immediately upon release from extended active duty. When all preliminary application routine for assignment has been accomplished prior to the member's release to inactive duty, the unit, commandant or Naval Air Reserve activity concerned may request the member's service record from the command through which the member is being processed to inactive duty. Such requests shall specify the Reserve unit to which the member will be attached upon release. The releasing activity will then forward the member's record to the requestor and transmit the following data by letter to the Commanding Officer, Naval Reserve Manpower Center, Bainbridge, Md. 21905:

(1) Complete name.
(2) File/service number.
(3) Grade/rate.
(4) Social Security number.
(5) Selective Service number.
(6) Security investigation: date and type (e.g., NAC 12/10/65 by ONI).
(7) Mailing address after release.
(8) Title of Naval Reserve unit to which member will be attached.
(9) Effective date of release from active duty.[1]
(10) Total active service.[1]
(11) Type of enlistment (e.g., USN-Minority).[1]

[1] For enlisted personnel only.

(c) Personnel assigned to units in a pay or nonpay status who are unable to conform to the requirements of the appropriate units, or have demonstrated their unsuitability therefor, or for other authorized reasons may be transferred to the Active Status Pool.

10. Section 713.413 is amended by revising the introductory paragraph to read as follows:

§ 713.413 Physically disqualified reservists.

Commandants of Naval Districts, Commanding Officers of Naval Air Stations (Reserve) and Naval Air Reserve Training Units, and the Commanding Officer, Naval Reserve Manpower Center, Bainbridge, Md., are hereby authorized to take such action as may be recommended/requested by the Chief, Bureau of Medicine and Surgery, with regard to the physical fitness of members of the Naval Reserve on inactive duty. In any case where the member has reported for active duty, the Chief of Naval Personnel (Pers-B222) will be notified of this fact together with return of BUMED recommendation/request. In those cases where the member is determined by Chief, Bureau of Medicine and Surgery, to be not physically qualified for active duty or retention, the following action will be taken:

* * * * *

11. Section 713.444 is amended by revising paragraph (a) to read as follows:

§ 713.444 Military leave.

(a) All officers and employees of the United States or of the District of Columbia who are members of the Naval Reserve are entitled by law to leave of absence from their respective duties without loss of pay, time, or efficiency rating on all days during which they may be employed with or without pay under the orders of competent authority, on active duty or active duty for training, for periods not to exceed 15 days in a calendar year.

* * * * *

12. Section 713.514 is amended by adding paragraph (e) to read as follows:

§ 713.514 Group active duty for training (including air).

* * * * *

(e) For the purpose of recording group active duty for training, copies of orders will be distributed in accordance with the provisions of Chapter 5 of the Instructions for the Naval Manpower Information System, Part I (Inactive), NAVPERS 15642.

13. Section 713.517 is amended by deleting paragraph (g):

§ 713.517 Appropriate duty (including air).

* * * * *

(g) [Deleted]

14. Section 713.521 is revised to read as follows:

§ 713.521 Training overseas.

(a) Naval Reservists residing outside the boundaries of a Naval District are under the jurisdiction of the Area Commander if within the areas assigned to Commander in Chief, U.S. Naval Forces Europe; Commander, Naval Forces, Japan; Commander, Naval Forces, Marianas; or Commander, Naval Forces, Philippines. Otherwise they are under the jurisdiction of the Commandant, Fourth Naval District.

(b) Training of any kind may not be accomplished without the consent of the sovereign in whose territory the training is conducted. Care must be taken that no conflict exists between the position of the individual in the host country, and his training in the U.S. Naval Reserve.

(c) Few drilling units exist outside the United States, by reason of the small number of personnel available in a particular area as well as inaccessibility to the supervision of the Commander, Naval Reserve Training Command.

(d) Active duty for training ashore is authorized only in those countries where the United States is permitted to maintain troops of the active military forces, other than Military Assistance Advisory Groups or attaché personnel, within the boundaries of the country concerned.

(1) A member who holds diplomatic immunity shall not perform active duty for training in the country in which he holds such immunity.

(2) Training shall be in support of the member's mobilization assignment.

(3) Requests shall be forwarded to the District Commandant or Area Commander, having jurisdiction over the member, via the appropriate Naval Attaché in the country where the training is desired. The Attaché shall inform the U.S. Ambassador or Consul, and appropriate officials of the foreign government, of the request and will indicate on the request as to whether the foreign government interposes any objection in the particular instance.

(e) Active duty for training on ships of the U.S. Fleet does not involve international law and avoids possible conflict of interest. It is authorized when appropriate and when approved by the Fleet Commander concerned. Requests shall be forwarded via the Fleet Commander to the District Commandant or Area Commander having jurisdiction over the member.

(f) Correspondence courses may be undertaken only where an agreement has been reached between the United States and the foreign government for the conduct of such training. Applications shall be forwarded to the Correspondence Course Center via the appropriate Naval Attaché and the service-record holder. Where consent has been denied, the application shall be returned to the member by the Naval Attaché. If consent has not been sought, the Naval Attaché shall make appropriate inquiries prior to processing the application.

15. Section 713.522 is amended by revising paragraph (a) to read as follows:

§ 713.522 Cross-service training.

(a) Naval district commandants and other commanders authorized to issue inactive-duty training orders may also authorize naval reservists to participate in training programs of drilling units of other branches of the Armed Forces, except overseas. In addition, members of the reserve components of other branches of the Armed Forces may be authorized to participate in training programs of Naval Reserve drilling units.

• • • • •

(Secs. 280, 5031, 70A Stat. 14, 278, as amended, sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 280, 5031)

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

APRIL 12, 1967.

[F.R. Doc. 67-4126; Filed, Apr. 14, 1967; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 803—DISPOSITION OF PERSONAL PROPERTY

SUBCHAPTER C—PUBLIC RELATIONS

PART 823—INDIVIDUALS AND ORGANIZATIONS AUTHORIZED COMMISSARY STORE PRIVILEGES

Miscellaneous Amendments

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 803.1 is amended by adding a new subparagraph (4) to paragraph (a); § 803.2 is amended by revising paragraph (a) and subparagraphs (1), (2), and (3) of paragraph (b); and § 803.13 is amended by revising subparagraph (2) of paragraph (f) as follows:

§ 803.1 Definitions.

(a) • • •

(4) House trailers and contents thereof, in lieu of the shipment of household goods.

• • • • •

§ 803.2 Authority for shipping property of deceased and missing persons.

(a) AFM 75-4 (Movement of Personnel and Personal Property) and the Joint Travel Regulations contain the authority to ship personal property at Government expense. A military member's property is limited to 11,000 pounds net, exclusive of a privately owned motor vehicle, professional books, papers, and equipment, which are without weight limitation. The maximum amount payable by law for shipment of a house trailer is 51 cents per mile. A civilian employee's property is limited as to weight by Volume II, JTR.

(b) • • •

(1) The motor vehicle was the property of the sponsor involved, or his lawful dependent, and the ownership can be legally established.

(2) The motor vehicle was moved to its current location, or lawfully procured there, by the member or his lawful dependent prior to the date of issuance of the official status report.

(3) The motor vehicle is in a usable condition or is sufficiently valuable to warrant the expenditure of Government transportation funds.

• • • • •

§ 803.13 When legal representative or next of kin is known but not present.

• • • • •

(f) • • •

(2) Of any items which cannot be shipped at Government expense (e.g., more than one motor vehicle, airplanes, boats, outboard motors, buses, trucks in excess of ¾-ton capacity, and items that may be prohibited by U.S. customs law from entry into the United States). Requests that the recipient arrange to dispose of this property, or authorize the Summary Court to sell it by public or private sale.

• • • • •

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 143-6A, May 16, 1966]

2. Section 823.1 is amended by revising paragraph (e), adding a new paragraph (l), and renumbering present paragraphs (l) and (j) as paragraphs (j) and (k), respectively. This section now reads as follows:

§ 823.1 Authorized patrons.

• • • • •

(e) *Honorably discharged veterans.* Honorably discharged veterans who have a service-connected disability classified by the Veterans' Administration as being 100-percent disabled when the unemployability factor is included. Veterans' Administration letters to veterans regarding resale privileges will contain no reference to how the 100-percent rating was determined.

• • • • •

(l) *Office of Economic Opportunity rural camps.* Nonperishable subsistence may be sold to rural camps (100–200 men) established and operated by the Office of Economic Opportunity (OEO). Requisition leadtime, frequency of issue, and firm control to preclude sales for individual use must be determined by the installation commander or the agency selling the subsistence. Transportation for delivery is furnished by or charged to OEO. Sales may be made on a calendar month charge basis. Control of subsistence after acceptance by a rural camp is the responsibility of the camp. Sale of perishable subsistence is not authorized without prior approval of Hq USAF. The Defense Supply Agency (DSA) normally provides the subsistence support required by Urban Training Centers. Subsistence support is not furnished the camps when it will reduce the capability of installations to support the USAF combat readiness objectives, or result in curtailed support for military personnel and dependents, or infringe on required base security measures.

(j) *Others.* • • •

(k) *Agents.* • • •

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 145-15, Mar. 17, 1967]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67-4125; Filed, Apr. 14, 1967; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[Defense Mobilization Order 8540.2]

DMO 8540.2—POLICY GUIDANCE FOR A NATIONAL EMERGENCY BLOOD PROGRAM

1. *Purpose.* This order prescribes the objectives, policies, and responsibilities of the National Emergency Blood Program.

2. *Cancellation.* The National Blood Program Statement of Basic Principles, dated December 1, 1962, is hereby rescinded.

3. *Background.* Provision of adequate blood and related items and activities to meet basic military, civil defense and civilian needs in an emergency is of recognized national importance. Certain government agencies and civilian blood banking systems have developed programs designed to contribute to this end. Coordination of these programs is essential to achieve maximum effectiveness and to avoid duplication of efforts and conflict of activities.

4. *Objectives.* The National Emergency Blood Program is established to develop, prior to a national emergency, the capability and readiness to make optimum use of available resources to meet the Nation's requirements for blood and related products in any such emergency. Actions directed toward this objective include planning and organization for emergency operations, standardization, and stockpiling of supplies and equipment, training of personnel in blood program techniques, and development of donor appeal measures.

5. *Policy*—(a) *Coordination.* No Federal agency shall duplicate the efforts of any other agency participating in this program except in situations where it is clearly recognized that the task in question cannot be otherwise adequately performed. Further, any such duplicating effort shall not be undertaken without prior agreement among the Federal agencies involved and the Office of Emergency Planning. All other agencies participating in the program are urged to coordinate their efforts with all other participants so as to avoid unnecessary duplication.

(b) *Blood collection activities.* (1) The blood collection activities of Federal agencies shall be administered so as to make maximum, efficient use of available sources while assuring minimum impact on provision of normal blood supplies for the civilian community.

(2) The collection facilities of the Department of Defense shall be limited to Armed Services installations and blood shall be drawn only from military personnel or from civilian personnel on military installations.

(c) *Reserves.* (1) Reserves of blood products, artificial plasma volume expanders and related items shall be established and maintained by the Department of Defense and by the Department of Health, Education, and Welfare.

(2) Blood derivative reserves for the National Emergency Blood Program shall be established by contracting with the civilian suppliers for the collection of blood for this purpose, except that the Department of Defense may utilize blood salvaged from its blood collection program for the purpose of adding to the Department of Defense blood derivative reserve.

(3) Blood or blood derivatives going into the reserves shall be allocated according to military and nonmilitary defense requirements to the Department of Defense and the Department of Health, Education, and Welfare by the Director, Office of Emergency Planning.

(4) In the event of a national emergency, the total reserves of blood products, artificial plasma volume expanders and related items shall be subject to immediate reallocation by Executive order.

(d) *Emergency allocation of blood and blood derivatives.* The Director, Office of Emergency Planning, may, in an emergency, allocate blood collected by organizations actively participating in this Program. With modifications dependent on the magnitude and type of emergency, the following priorities will be applied:

(1) First priority shall be given to the allocation of blood to the Armed Services for whole blood transfusion purposes.

(2) Second priority shall be given to the allocation of whole blood and blood derivatives for civilian needs.

(e) *Recruitment of volunteer blood donors.* When directed by the Office of Emergency Planning, the total donor recruitment program shall be geared to soliciting donors for the Blood Program as a whole rather than for specific parts of the whole. The various agencies involved in this program shall unite in a coordinated effort to inform the people clearly of the urgent need for blood. The Office of Emergency Planning shall designate the agency to administer this effort.

6. *Responsibilities.* (a) The Office of Emergency Planning will exercise authoritative coordination of the program. It will develop and promulgate overall policy guidance and will adjudicate conflicts between participating Federal agencies. The Health Resources Advisory Committee, with the assistance of the Committee on Blood, will assist the Director, Office of Emergency Planning, in the discharge of these responsibilities.

(b) The Department of Defense is responsible for administering the military aspects of this program.

(c) The Department of Health, Education, and Welfare is responsible for the nonmilitary aspects of this program as part of its assignment of responsibility for planning the mobilization of the nation's civilian health resources.

(d) The Secretary of Defense shall maintain an interagency committee to coordinate Federal agency funding and programing aspects for research and development projects relating to the National Emergency Blood Program so as to best support that program. However, this mission should not be construed as control or direction of the research of any agency represented on this committee.

(e) The National Research Council shall:

(1) Formulate, evaluate, and recommend programs and projects relating primarily to scientific aspects of the National Emergency Blood Program.

(2) Recommend actions which may be taken by the various agencies involved in the operation of the National Emergency Blood Program based on relevant research determinations.

7. *Interagency research relationships.* (a) Funds shall be provided for the work of the National Research Council in connection with the National Emergency Blood Program by participating agencies in accordance with established practices.

(b) Interested Federal agencies, such as the Office of Emergency Planning, Department of Defense, Public Health Service, and the Food and Drug Administration, shall seek the advice of the National Research Council on problems relating primarily to the scientific aspects of Research and Development for the National Emergency Blood Program.

(c) The National Research Council, the Department of Defense interagency committee, and the Office of Emergency Planning shall keep each other informed of program developments.

8. *Reporting.* (a) Reports of the activities of the Council and the committee shall be submitted when and as requested by the Office of Emergency Planning.

(b) As and when directed by the Office of Emergency Planning, the Department of Health, Education, and Welfare, and the Department of Defense, shall provide the Office of Emergency Planning with reports covering (1) the respective requirements and reserves of blood program items; and (2) related activities.

Dated: April 10, 1967.

FARRIS BRYANT,
Director, Office of Emergency Planning.

[F.R. Doc. 67-4143; Filed, Apr. 14, 1967; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 981]

PART 195—CAR SERVICE

Boxcar Distribution Directions; Appointment of Agents

At a session of the Interstate Commerce Commission, held in Washington, D.C., on the 10th day of April A.D. 1967.

It appearing, that the unprecedented level of the economy is placing tremendous pressures on railroad transportation facilities and is causing such acute shortages of freight cars, particularly boxcars, in all sections of the country as to close industrial plants and to impede the movements of agricultural products and other goods to market; that delays in transportation threaten to cause unwarranted increases in the prices of certain commodities; that notwithstanding the nationwide nature of the boxcar shortage, that shortage is more acute in areas served by certain railroads where such boxcar supply immediately available to meet shipper loading demands is proportionately lower than the ratio of the boxcar supply to demand in other areas; that existing carrier rules, regulations, and practices with respect to the supply and distribution of boxcars to the areas of greatest need are ineffective; and that car service will be promoted in the interest of the public through the issuance of car distribution directions for the handling of empty boxcars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 195.981 Service Order No. 981.

(a) *Boxcar distribution directions—appointment of agents.* In order to meet the needs of those areas having more acute car shortages, as mentioned in the appearing paragraph, R. D. Pfahler, Director, and Martin E. Foley, Assistant Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission and vested with authority to issue car distribution directions with respect to the location and relocation of empty cars, and to make such just and reasonable directions with respect to car service without regard to the ownership as between carriers by railroads as in their opinion will best promote the service in the interest of the public and the commerce of the people.

(b) *Rules, regulations, and practices suspended.* The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 12:01 a.m., April 12, 1967.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1967, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10–17), 15(4), 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–4168; Filed, Apr. 14, 1967; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Tewaukon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,164 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 6, 1967, through September 14, 1967, daylight hours only.

(2) The use of motor boats on Mann Lake is not permitted. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 14, 1967.

HERBERT G. TROESTER, *Refuge Manager, Tewaukon National Wildlife Refuge, Cayuga, N. Dak.*

APRIL 7, 1967.

[F.R. Doc. 67–4135; Filed, Apr. 14, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 27, 28]

REPACKED COTTON

Notice of Proposed Rule Making

Notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service is considering amendments of the Regulations for Cotton Classification under Cotton Futures Legislation (7 CFR Part 27, Subpart A) and the Regulations under the U.S. Cotton Standards Act (7 CFR Part 28, Subpart A), pursuant to authority contained in section 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U.S.C. 4863) and in section 10 of the U.S. Cotton Standards Act (42 Stat. 1519; 7 U.S.C. 61).

Statement of considerations. Repacked cotton, according to the present definition, is a bale of cotton which is composed of factors', brokers' or other samples or of loose or miscellaneous lots of cotton, or a bale which is composed of cotton from two or more bales or parts of bales. Present harvesting and ginning practices result in most cotton gins accumulating remnants of ginned lint (parts of bales) throughout the ginning season. When two or more of these remnants are combined at the gin to make a bale of cotton such bales are repacked cotton under the present definition. It is not possible to identify such bales as repacked unless the ginner so designates them at the time the remnants are combined. These bales are readily merchantable bales of cotton. Under the proposed definition, bales made at the gin by combining remnants (parts of bales) would not be repacked. Bales composed of factors', brokers' or other samples or of loose or miscellaneous lots of cotton, or a bale which is composed of cotton from two or more bales or parts of bales after the cotton leaves the gin, would still be repacked cotton.

Ginners usually combine remnants of similar quality. If remnants of different qualities are combined, the lowest quality in either outer side of the bale will be detected by normal sampling and classing procedures. The definition for false packed cotton will cover those bales where a remnant of inferior quality is placed in the interior of the bale so as not to be detected by usual sampling and classing procedures.

Since bales made of remnants combined at the gin are: (1) Not identifiable; (2) classed and priced on quality within the bale; and (3) readily mechantable, it is proposed under the amendment that the following words will be added at the end of the present definition of repacked cotton: "that are combined after the cotton leaves the gin."

Under the proposed amendments, paragraph (e) of § 27.38 of the Regulations for Cotton Classification under Cotton Futures Legislation and paragraph (e) of § 28.40 of the Regulations Under the U.S. Cotton Standards Act would both be amended to read as follows:

(e) *Repacked cotton.* Cotton that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or cotton in a bale which is composed of cotton from two or more smaller bales or parts of bales that are combined after the cotton leaves the gin.

It is proposed that the amendments would become effective June 1, 1967.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 10 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice of rule-making shall be made available for public inspection in said office during regular business hours and in a manner convenient to the public business (7 CFR 1.27).

Done at Washington, D.C., this 11th day of April 1967.

ROY W. LENNARTSON, *Associate Administrator.*

[F.R. Doc. 67–4156; Filed, Apr. 14, 1967; 8:47 a.m.]

[7 CFR Parts 1030, 1031, 1038, 1039, 1044, 1045, 1051]

[Docket No. AO 361, etc.]

MILK IN CHICAGO, ILL., AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Marketing Agreements and Orders and Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Parts	Marketing area	Docket Nos.
1030	Chicago	AO 361.
1031	Northwestern Indiana	AO 170–A24.
1038	Rock River Valley	AO 194–A17.
1039	Milwaukee	AO 212–A22.
1044	Michigan, Upper Peninsula	AO 299–A13.
1045	Northeastern Wisconsin	AO 324–A12.
1051	Madison	AO 326–A8.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Pick Congress Hotel, 520 South Michigan Avenue, Chicago, Ill., beginning at 10 a.m., local time, on May 3, 1967, at the Airways Inn Hotel, 5311 South Howell Avenue, Milwaukee, Wis., beginning at 10 a.m., local time, on May 16, 1967, and at such other times and places as the Hearing Examiner designates, with respect to proposed marketing agreements and orders to regulate the handling of milk in the Chicago, Ill., marketing area and proposed amendments to tentative marketing agreements and orders, regulating the handling of milk in the Northwestern Indiana, Rock River Valley, Milwaukee, Michigan Upper Peninsula, Northeastern Wisconsin, and Madison marketing areas.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the proposed marketing agreements and orders, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the areas proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in the respective proposed areas, and (3) whether provisions specified in the proposals or some other provisions appropriate under the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposed marketing agreements and orders would regulate under one or more orders, one or more of the areas now regulated under separate orders, along with the area previously regulated by the Chicago, Ill., order (now terminated except for §§ 1030.82 and 1030.83). The areas involved are: Chicago, Rock River Valley, Madison, Milwaukee, Northeastern Wisconsin, Michigan Upper Peninsula, and Northwestern Indiana.

The issues raised by these proposals include whether the declared policy of the Act would tend to be effectuated by:

(a) Consolidation of one or more of the above marketing areas, or any combination thereof, including also the redefinition of marketing areas for separate or combined orders which include part or all of the areas presently defined in the respective orders and in the area previously regulated by the Chicago, Ill., order; and

(b) The adoption of any of the proposed provisions, or appropriate modifications thereof, for any separate order

or any combination of such orders, including a review of the appropriate pricing and pooling structure of the orders whether separate or in any combination. The issue of consolidation of marketing areas also raises the issue of the appropriate disposition of the producer-settlement funds, marketing funds, and administrative funds accumulated under the respective orders.

The proposals, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Pure Milk Association:

Proposal No. 1.

DEFINITIONS

§ 1030.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1030.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 1030.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1030.4 Person.

"Person" means any individual, partnership, corporation, association or other business unit.

§ 1030.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk, or milk products for its members.

§ 1030.6 Northern Illinois-Southern Wisconsin marketing area.

"Northern Illinois-Southern Wisconsin marketing area", hereinafter called the "marketing area" includes the following territory: The counties of Cook, Du Page, Will, Lake, McHenry, Kane, Kendall, De Kalb, Boone, Winnebago, Ogle, Lee, Stephenson, Carroll, Jo Daviess (except the city of East Dubuque) and the townships of Coloma, Hahnaman, Hopkins, Husne, Jordan, Montmorency, Sterling, and Tampico in Whiteside County, all in the State of Illinois; and the counties of Kenosha, Racine, Milwaukee, Ozaukee, Washington, Waukesha, Walworth, Jefferson, Dodge, Columbia, Dane, Rock, Green, Lafayette, Iowa, Grant, Crawford, Richland, Sauk, Juneau, Vernon, Monroe, La Crosse and the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola, and Waupun, the villages of Campbellsport, Eden, and Oakfield and the city of Waupun in Fond du Lac County, all in the State of Wisconsin.

§ 1030.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, fluid filled milk products, sour cream, and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk: *Provided*, That eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk and sterilized products in hermetically sealed containers shall not be fluid milk products pursuant to this section.

§ 1030.8 Route.

"Route" means a delivery, either direct or through any distribution facility other than a plant (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I pursuant to § 1030.41(a)(1).

§ 1030.9 Distributing plant.

"Distributing plant" means a plant from which a Grade A fluid milk product that is processed or packaged in such plant is disposed of during the month in the marketing area on routes.

§ 1030.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product is shipped during the month to a pool plant.

§ 1030.11 Reload point.

"Reload point" means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered a part of the plant operation.

§ 1030.12 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a) or (b) of this section: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered a part of a pool plant pursuant to this section.

(a) A distributing plant from which:

(1) Not less than 50 percent of the total Grade A fluid milk products received during the month is either distributed on routes or moved in the form of packaged fluid milk products to distributing plants that are pool plants; and

(2) Not less than 10 percent of such receipts during the month is either distributed in the marketing area on routes or moved in the form of packaged fluid milk products to distributing plants that are pool plants and distributed in the marketing area on routes from such plants.

(b) A "regular pool supply plant or reload point" is any supply plant or reload point that was a pool plant under order Nos. 30, 38, 39, and 51 for each of the twelve (12) months of May 1965 through April 1966 and meets the following requirements:

(1) For each of the months from April 1966 through the month determined by the Department as the representative month for referendum purposes on this part, the milk received at the plant continues to meet the Grade A milk requirements for use in fluid milk products of the health authority which approved the plant or reload point during the months of May 1965 through April 1966; and

(2) After the effective date of this part at least 20 percent, or the call percentage announced by the market administrator pursuant to paragraph (f) of this section, whichever is greater, of the volume of Grade A milk received from dairy farmers during the month is:

(i) Shipped in the form of fluid milk products to and physically received in pool plants pursuant to paragraph (a) of this section; and

(ii) Shipped as a fluid milk product to a partially regulated distributing plant and assigned to Class I pursuant to § 1030.43(d).

(c) An "other pool supply plant or reload point" is any supply plant or reload point not qualified as a pool plant pursuant to paragraph (b) of this section from which at least 50 percent, or the call percentage announced by the market administrator pursuant to paragraph (f) of this section, whichever is greater, of the volume of Grade A milk received from dairy farmers during the month is:

(1) Shipped in the form of fluid milk products to and physically received in pool plants pursuant to paragraph (a) of this section; and

(2) Shipped as a fluid product to a partially regulated distributing plant and assigned to Class I pursuant to § 1030.43(d).

(d) A plant or reload point which met the requirements of either paragraph (b) or (c) of this section during each of the months of July through December shall be a pool plant for each of the following months of January through June unless:

(1) It fails to meet an announced call percentage for January or February;

(2) The milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area; or

(3) Written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting the plant be designated a nonpool plant for such month and each subsequent month through June during which it would not otherwise qualify as a pool plant.

(e) Two or more supply plants and reload points may be considered as a unit for the purpose of meeting the pool plant requirements specified in paragraphs (b), (c), and (d) of this section if the following conditions are met:

(1) The plants and reload points included in the unit are owned or fully leased and operated by the handler establishing a unit;

(2) During each of the months of July through December each supply plant or reload point described in paragraphs (b) and (c) of this section meets the 20 and 50 percent requirements, respectively, specified therein;

(3) During each of the months of January and February, the unit meets the applicable call percentage announced by the market administrator;

(4) The handler establishing a unit notifies the market administrator in writing of the plants or reload points to be included therein prior to July 1 of each year and no additional plants or reload points shall be added to the unit prior to July 1 of the following year; and

(5) The notification pursuant to subparagraph (4) of this paragraph shall list the plants in the order in which they shall be excluded from the unit if a call percentage announced by the market administrator is not met during the months of July through February, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the call percentage.

(f) A call percentage shall be computed and announced as follows:

(1) Prior to the first day of each of the months of July through February the market administrator shall make the following estimates and computations:

(i) Estimate the pounds of Class I milk for the month which will be utilized by handlers in packaged fluid milk products;

(ii) Subtract from the estimated Class I milk the estimated pounds of milk which will be received at pool distributing plants during the month from (a) producers, and (b) pool supply plants which normally ship most of their milk to pool distributing plants; and

(iii) Divide the remaining pounds of Class I milk by the estimated receipts of producer milk at pool supply plants except those described in subdivision (ii) of this subparagraph, round to the nearest full percent and subtract 10 percentage points;

(2) If the resulting percentage is 25 or more, it shall be announced as the call percentage by the market administrator on or before the first day of the month to which it applies and the announcement shall set forth the data upon which the percentage was based; and

(3) The market administrator may reduce or increase the call percentage at any time during the month if he determines that more or less milk than is needed for Class I purposes is being delivered to distributing plants.

§ 1030.13 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1030.12 and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1030.14 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any person in his capacity as a broker buying from or selling fluid milk products to a person described in paragraph (a) or (b) of this section;

(d) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(e) Any cooperative association with respect to milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association: *Provided*, That such cooperative association shall not be a handler pursuant to this paragraph unless the market administrator and the handler who is the operator of the pool plant where such milk is to be received are notified in writing that it elects to be the handler for such milk: *And provided further*, That such milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which such milk is delivered;

(f) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(g) A producer-handler.

§ 1030.15 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who received no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and packaging business are the personal enterprise and risk of such person.

§ 1030.16 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted pursuant to § 1030.17 from a pool plant to a nonpool plant.

§ 1030.17 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer or a handler pursuant to § 1030.14(e); or

(b) Diverted from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant. Such milk shall be deemed to have been received by the diverting handler at the location of the pool plant from which diverted except that:

(1) In any of the months of July through December, the quantity of milk of any producer so diverted that exceeds that delivered to pool plants shall not be deemed to have been received by the diverting handler and shall not be producer milk; and

(2) In any month when the quantity of a producer's milk is diverted for more than 6 days, the uniform price applicable to the quantity of milk diverted on the seventh day and any subsequent days shall be the price announced for the zone location of the nonpool plant(s) where the milk is actually received.

§ 1030.18 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products from pool plants, (2) producer milk, or (3) fluid milk products in inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month.

§ 1030.19 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1030.20 Designation.

The agency for the administration of this part shall be a market administra-

tor, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1030.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) Administer its terms and provisions;

(b) Receive, investigate, and report complaints of violations to the Secretary;

(c) Make rules and regulations to effectuate its terms and provisions; and

(d) Recommend amendments to the Secretary.

§ 1030.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1030.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1030.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the date upon which he is required to perform such acts, has not made either reports pursuant to §§ 1030.30 and 1030.31 or payments pursuant to §§ 1030.70, 1030.74, 1030.76, 1030.77, and 1030.78.

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate for the benefit of producers, consumers and handlers such statistics and information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month the Class I milk price pursuant to § 1030.51 (a) and the Class I butterfat differential pursuant to § 1030.52(a), both for the current month, and the Class II milk price pursuant to § 1030.51(b) and the Class II butterfat differential pursuant to § 1030.52(b); and

(2) The 14th day after the end of each month the uniform price pursuant to § 1030.62 and the butterfat differential pursuant to § 1030.71;

(k) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1030.45(a)(9) and the corresponding step of § 1030.45(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(l) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1030.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(m) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1030.30 Reports of receipts and utilization.

On or before the 10th day after the end of each month, each handler except a handler pursuant to § 1030.14 (f) and (g) shall report to the market administrator for such month, reporting in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Milk received from producers and from handlers pursuant to § 1030.14(e);

(2) Fluid milk products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1030.17; and

(5) Inventories of fluid milk products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1030.31 Other reports.

(a) Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler pursuant to § 1030.14(e) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 10th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

(d) Each handler shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 25th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1030.32 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1030.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1030.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1030.30 (excluding transfers from a pool plant to an other order plant(s) that are offset by receipts from the other order plant(s) pursuant to § 1030.43(e)) shall be classified each month pursuant to the provisions of §§ 1030.41 through 1030.45: *Provided*, That such skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1030.41 Classes of utilization.

Subject to the conditions of § 1030.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of as a fluid milk product (except as provided in paragraphs (b)(2), (3), and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat in fluid milk products delivered in bulk form to and used at commercial food establishments in the manufacture of bakery products, candy or processed foods in hermetically sealed containers;

(3) Skim milk and butterfat in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(5) Skim milk and butterfat in inventory of fluid milk products at the end of the month;

(6) Skim milk and butterfat, respectively, in shrinkage but not in excess of:

(i) 2 percent of producer milk (except that received from a handler pursuant to § 1030.14(e) or diverted to a nonpool plant pursuant to § 1030.17);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1030.14(e): *Provided*, That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent.

(iii) Plus 1.5 percent of bulk fluid milk products received from pool plants of other handlers;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants, exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants (except pool plants of the same handler); and

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1030.42(b)(2).

§ 1030.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between receipts of skim milk and butterfat contained in:

(1) The net quanity of producer milk and other fluid milk products specified in § 1030.41(b)(6); and

(2) Other source milk exclusive of that specified in § 1030.41(b)(6).

§ 1030.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler: *Provided*, That, the skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1030.45(a)(9) and the corresponding step of § 1030.45(b);

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located outside Illinois, Indiana, and Wisconsin and the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien in Michigan and Van Wert in Ohio;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located inside Illinois, Indiana, and Wisconsin and the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien in Michigan and Van Wert in Ohio, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II in his report submitted pursuant to § 1030.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) As follows, if transferred to an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(f), in excess of receipts from such plant(s) in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1030.41.

§ 1030.44 Computation of skim milk and butterfat in each class.

For each month, each handler shall compute the pounds of skim milk and butterfat in each class in the following manner:

(a) The pounds of butterfat shall be ascertained by multiplying the pounds of milk or milk product disposed of as Class I or used to produce a Class II milk product by its average butterfat content.

(b) The pounds of skim milk shall be ascertained by subtracting the pounds of butterfat computed pursuant to paragraph (a) of this section, from the weight of milk or a milk product disposed of as Class I milk or used to produce a Class II milk product: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

(c) A handler may claim, for classification purposes pursuant to §§ 1030.40 through 1030.45, butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the delivery period filed pursuant to § 1030.30(a) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective.

§ 1030.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1030.44, each handler for each month shall determine the classification of producer milk as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1030.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in receipts of fluid milk products in packaged form from an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(f), in excess of similar transfers to such plant(s), as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(f), in excess of similar transfers to such plant(s), if Class II utilization was requested by both handlers;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (2) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (5)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(f), in excess in each case of similar transfers to such plant(s) that were not subtracted pursuant to subparagraph (5)(ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1030.22(k) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received from pool plants of other handlers according to the classification of such products pursuant to § 1030.43(a); and

(10) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 1030.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the butter price times 0.12 and rounded to the nearest cent.

§ 1030.51 Class prices.

Subject to the provisions of § 1030.52, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be an amount arrived at by computing an economic index with the year 1958 as the base period as follows:

(1) Compute a Midwest per capita income index based upon the latest reported quarterly figures released by the U.S. Department of Commerce, as follows:

(i) Divide the current annual rate of per capita personal income for the State of Missouri by $2,044 and multiply the result by 20.27.

(ii) Divide the current annual rate of per capita personal income for the State of Illinois by $2,451 and multiply the result by 47.69.

(iii) Divide the current annual rate of per capita personal income for the State of Wisconsin by $1,989 and multiply the result by 19.02.

(iv) Divide the current annual rate of per capita personal income for the State of Iowa by $1,921 and multiply the result by 13.02.

(v) Add together the result of subdivisions (i) and (iv) of this subparagraph.

(vi) Multiply the result arrived at in subdivision (v) of this subparagraph by 0.15.

(2) Compute a consumer food price index by dividing the U.S. consumer food price index as reported by the Bureau of Labor Statistics for the most recent month by 1.019 and multiply the result by 0.15.

(3) Compute an index of farm prices received by dividing the index of prices received by farmers in the United States as reported by the U.S. Department of Agriculture for the most recent month by 2.50 and multiply the result by 0.20.

(4) Compute an index of farm prices paid by dividing the index of the prices paid by farmers in the United States as reported by the U.S. Department of Agriculture for the most recent month by 2.93 and multiply the result by 0.20.

(5) Compute an index of Midwest manufacturing milk prices by dividing the Minnesota-Wisconsin price as reported by the U.S. Department of Agriculture for the most recent month by 0.03 and multiply the result by 0.30.

(6) The economic index shall be the sum of subparagraphs (1) through (5) of this paragraph.

(7) Compute an economic index price by multiplying the result of subparagraph (6) of this paragraph by $0.040366 and round to the nearest full cent: *Provided*, That the resulting price shall not exceed the basic formula price by more than $1.40 nor be less than the basic formula price plus $1.

(8) Utilizing the price computed pursuant to subparagraph (7) of this paragraph, determine the appropriate price bracket and the resulting Class I price: *Provided*, That no price change will be made until the price level computed in subparagraph (7) of this paragraph increases to the next highest bracket or drops to the next lowest bracket.

APPLICABLE BRACKETS FOR FINAL PRICE COMPUTATION

Price range	Class I price
$4.35 to $4.35	$4.30
$4.40 to $4.50	4.45
$4.55 to $4.65	4.60
$4.70 to $4.80	4.75
$4.85 to $4.95	4.90
$5.00 to $5.10	5.05
$5.15 to $5.25	5.20
$5.30 to $5.40	5.35

(b) *Class II milk price.* The Class II price shall be the basic formula price for the preceding month projected for the current month.

§ 1030.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1030.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.12.

(b) *Class II price.* Multiply the butter price for the preceding month by 0.12.

§ 1030.53 Location adjustments to handlers.

(a) The market administrator shall determine the zone location of each plant at which milk is to be priced under this part on the following basis and the zone rates shall be as follows:

(1) Zone 1—adjustent rate—none. Zone 1 shall consist of the territory within the townships of Warren, Waukegan, Libertyville, Shields, Vernon, West Deerfield, Deerfield, and the city of Barrington, in Lake County; Cook and Du Page Counties; the townships of Dundee, Elgin, St. Charles, Geneva, Batavia, and Aurora in Kane County; the townships of Wheatland, Du Page, Plainfield, Lockport, Homer, Troy, Joliet, New Lenox and Frankfort in Will County, all in the State of Illinois.

(2) Zone 2—adjustment rate—2 cents per hundredweight of milk. Zone 2 shall consist of the territory outside of Zone 1 but not to exceed 55 miles from the city hall in Chicago.

(3) For plants located beyond Zone 2, the adjustment rate shall be 2 cents per hundredweight of milk for each 15 miles or fraction thereof over 55 miles. The territory beyond 55 miles, but not to exceed 70 miles, shall be Zone 3 and each successive 15-mile area shall be an additional zone.

(b) The mileages applicable pursuant to this section and § 1030.72 shall be determined by the market administrator and shall be the shorter of either the rail or highway distance, arrived at as follows:

(1) The rail distance shall be the sum of the following:

(i) The highway distance between the handler's plant or reload point and the railroad loading point (but not to exceed 25 miles);

(ii) The rail distance by the most direct single rail line between the loading point and the rail terminal in Chicago; and

(iii) The highway distance between the appropriate rail terminal and the Chicago City Hall.

(2) Mileage shall be subject to redetermination at all times. In the event a handler requests a redetermination of the mileage pertaining to any plant, the market administrator shall notify the handler of his findings within 30 days after receipt of such request. Any financial obligations resulting from a change in mileage shall not be retroactive for any period prior to the redetermination announced by the market administrator.

(c) The market administrator shall notify each handler of the zone determination.

(d) A handler who operates a pool distributing plant shall receive a location adjustment credit computed as follows:

(1) Subtract from the handler's total packaged Class I milk the quantity of such milk received from other handlers and nonpool plants, add the quantity of Class I unaccounted-for milk and multiply the result by 110 percent. To the quantity as determined aforesaid add the quantity of the closing inventory in the handler's pool distributing plant(s) and subtract the quantity of opening inventory at such plant(s).

(2) Subtract from the handler's total packaged Class I milk the quantity of such milk received from other handlers and nonpool plants, add the quantity of Class I unaccounted-for milk and multiply the result by 105 percent. To the quantity as determined aforesaid add the quantity of the closing inventory in the handler's distributing plant(s), subtract the quantity of opening inventory at such handler's pool distributing plant(s), subtract the quantity of opening inventory at such plant(s) and add the quantity of skim milk and butterfat used to produce cottage cheese in the handler's pool distributing plant(s).

(3) The quantities of bulk fluid milk products received at the handler's pool distributing plant(s) from producers and pool supply plants shall be assigned to location zones, pursuant to paragraph (a) of this section and the quantity in each zone shall be multiplied by the applicable zone rate unless the sum of such receipts exceeds the greater of the quantities determined pursuant to subparagraph (1) or (2) of this paragraph in which event the latter figure shall be divided by the former, the resulting percentage shall be applied to the quantities of milk assigned to each location zone and the resulting quantities shall be multiplied by the applicable zone rates;

(4) Multiply by the applicable zone rates the quantity of Class I bulk fluid milk products shipped from the handler's pool distributing plant(s) to nonpool plants; and

(5) Add together the values obtained pursuant to subparagraphs (3) and (4) of this paragraph.

fore the 18th day after the end of the month not less than the uniform price pursuant to § 1030.62 adjusted pursuant to §§ 1030.71, 1030.72, and 1030.77, for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section; and

(b) Each handler shall pay a cooperative association on or before the 15th day after the end of the month an amount equal to the sum of the individual payments pursuant to paragraph (a) of this section for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payment for its members and exercises such authority.

§ 1030.71 Butterfat differential to producers.

The uniform price pursuant to § 1030.62 shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the butter price for the month by 0.12.

§ 1030.72 Location differentials to producers and on nonpool milk.

The uniform price pursuant to § 1030.62 shall be adjusted as follows:

(a) For producer milk received at a pool plant outside Zone 1 as described in § 1030.53(a)(1) and within 55 miles of the Chicago City Hall deduct 2 cents per hundredweight.

(b) For producer milk received at a plant which is 55 miles or more from the Chicago City Hall, deduct 4 cents per hundredweight for the first 70 miles or less and 2 cents per hundredweight for each additional 15 miles or fraction thereof that such plant is more than 70 miles from the Chicago City Hall.

§ 1030.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund and out of which he shall make all payments from such fund pursuant to §§ 1030.63, 1030.74, 1030.75, and 1030.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1030.74 Payments to the producer-settlement fund.

On or before the 16th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1030.60 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price; and

(2) The value at the uniform price applicable at the location of the plant from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1030.60(e).

§ 1030.75 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1030.74(b) exceeds the amount computed pursuant to § 1030.60: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1030.76 Adjustment of accounts.

When verification by the market administrator of reports or payment of any handler discloses errors resulting in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1030.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1030.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 18th day after the end of the month. Such monies, shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions as are authorized by such producers and, on or before the 18th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1030.78 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 18th day after the end of each month 2 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to (a) producer milk (including such handler's own farm production), (b) other source milk allocated to Class I pursuant to § 1030.45(a) (4) and (8) and the corresponding steps of § 1030.45(b), and (c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1030.79 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the 1st day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of

the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1030.80 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1030.81 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1030.82 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such other person to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1030.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1030.90 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1030.91 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Proposed by the Association of Operating Dairy Cooperatives: The Association of Operating Dairy Cooperatives supports Proposal No. 1 with the modifications set forth below.

Proposal No. 2. Modify § 1030.12 of Proposal No. 1 as follows:

A. The introductory text of § 1030.12(b): "Regular pool supply plant or reload point" is any supply plant or reload point that was a pool plant under orders No. 30, 38, 39, and 51 for each of the twelve (12) months of May 1965 through April 1966; and after the effective date of this part, meets the following requirements:

B. Section 1030.12(e):

(e) Two or more supply plants and reload points may be considered as a unit for the purpose of meeting the pool plant requirements specified in paragraphs (b), (c), and (d) of this section if the following conditions are met:

(1) The plants and reload points included in the unit are owned or fully leased and operated by the handler establishing a unit, or, in the case of supply plants operated by a cooperative, the plants included in the unit are under the control of a cooperative handler with respect to the marketing of fluid milk received at the plants of such unit pursuant to a written contractual agreement obligating each such plant to ship, at the call of the designated handler, the minimum shipping percentages prescribed by paragraphs (b) and (c) of this section.

(2) During each of the months of July through December each supply plant (except a cooperative supply plant described in subparagraph (1) of this paragraph) or reload point described in paragraphs (b) and (c) of this section meets the 20- and 50-percent requirements, respectively, specified therein.

(5) The notification pursuant to subparagraph (4) of this paragraph shall list the plants in the order in which they shall be excluded from the unit if a call percentage announced by the market administrator is not met by the unit during the months of July through February, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the call percentage.

C. Add § 1030.12(d)(4):

(4) If, during July through December a handler notifies the market administrator in writing that a plant is unable to meet the requirements set forth herein because of a work stoppage due to a labor dispute between employer and employees, the market administrator, upon verification of the handler's claim, shall not include the receipts and utilization of milk at such plant for those days from the date of notification through the last day of the work stoppage in determining the percentage of milk or butterfat shipped pursuant to this paragraph. When the work stoppage includes an entire month, the plant shall be considered to have met the minimum percentage shipping requirements in that month for pool plant status pursuant to this paragraph, but such relief shall not be granted for more than 2 consecutive months.

Proposal No. 3. Modify § 1030.51(b) of Proposal No. 1 as follows:

(b) *Class II milk price.* The Class II price shall be the basic formula price for the preceding month projected for the current month: *Provided*, That such Class II price shall not be more than the sum of subparagraphs (1) and (2) of this paragraph plus 10 cents rounded to the nearest cent:

(1) From the average Chicago butter price for the month as described in § 1030.19 subtract 3 cents and multiply the remainder by 4.2; and

(2) From the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption f.o.b. manufacturing plants in the Chicago area, as published from the 26th day of the immediately preceding month to the 25th day of the current month by the U.S. Department of Agriculture, deduct 5.5 cents and multiply by 8.2.

Proposed by Associated Milk Dealers, Inc.:

Proposal No. 4. Amend § 1030.6 of Proposal No. 1 by including the following territory:

(a) The counties of Brown, Calumet, Kewaunee, Langlade, Lincoln, Manitowoc, Oneida, Outagamie, Portage, Shawano (exclusive of the Menominee Indian Reservation), Sheboygan, Vilas, Waupaca, and Winnebago, all in Wisconsin, including all towns, villages, and cities;

(b) The county of Fond du Lac, Wis., exclusive of the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola, and Waupun, the villages of Campbellsport, Eden, and Oakfield, and the city of Waupun;

(c) The city of Sturgeon Bay in Door County, Wis.

(d) The towns of Bergen, Berlin, Bevent, Easton, Elderon, Franzen, Guenther, Harrison, Hewitt, Knowlton, Kronenwetter, Maine, Marathon, Mosinee, Norris, Plover, Reid, Rib Mountain, Ringle, Stettin, Texas, Wausau, and Weston, the villages of Brokaw, Elderon, Hatley, Marathon, and Rothschild, and the cities of Mosinee, Schofield, and Wausau, all in Marathon County, Wis.

(e) Forest County and Oconto County (exclusive of the Menominee Indian Reservation), Wis.; and

(f) The towns of Cranmoor, Grand Rapids, Port Edwards, Rudolph, Saratoga, and Seneca, the villages of Biron and Port Edwards, and the cities of Nekoosa and Wisconsin Rapids in Wood County, Wis.

Proposed by Sealtest Foods, Division of National Dairy Products Corporation:

Proposal No. 5. If a Northern Illinois-Wisconsin merged order complex is issued, provide that the marketing area of such merged order be specified as follows:

§ 1030.6 Northern Illinois-Wisconsin marketing area.

"Northern Illinois-Wisconsin marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the following named counties, towns and villages: The counties of Cook, Du Page, Will, Lake, McHenry, Kane, Kendall, De Kalb, Boone, Winnebago, Ogle, Lee, Stephenson, Carroll, Jo Daviess (except the city of East Dubuque) and the townships of Coloma, Hahnaman, Hopkins, Hume, Jordan, Montmorency, Sterling and Tampico in Whiteside County, all in the State of Illinois; and the counties of Kenosha, Racine, Milwaukee, Ozaukee, Washington, Waukesha, Walworth, Jefferson, Dodge, Columbia, Dane, Rock, Green, Lafayette, Iowa, Grant, Crawford, Richland, Sauk, Juneau, Vernon, Monroe, La Crosse and the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola and Waupun, the villages of Campbellsport, Eden and Oakfield and the city of Waupun in Fond du Lac County, all in the State of Wisconsin; the counties of Brown, Calumet, Kewaunee, Langlade, Lincoln, Manitowoc, Oneida, Outagamie, Portage, Shawano (exclusive of the Menominee Indian Reservation), Sheboygan, Vilas, Waupaca, and Winnebago, all in Wisconsin, including all towns, villages, and cities; the county of Fond du Lac, Wis., exclusive of the towns of Alto, Ashford, Auburn, Byron, Eden, Oakfield, Osceola, and Waupun, the villages of Campbellsport, Eden, and Oakfield, and the city of Waupun, the city of Sturgeon Bay in Door County, Wis.; the towns of Bergen, Berlin, Bevent, Easton, Elderon, Franzen, Guenther, Harrison, Hewitt, Knowlton, Kronenwetter, Maine, Marathon, Mosinee, Norris, Plover, Reid, Rib Mountain, Ringle, Stettin, Texas, Wausau, and Weston, the villages of Brokaw, Elderon, Hatley, Marathon, and Rothschild, and the cities of Mosinee, Schofield, and Wausau, all in Marathon County, Wis.; Forest County and Oconto County (exclusive of the Menominee Indian Reservation), Wis.; and the towns of Cranmoor, Grand Rapids, Port Edwards, Rudolph, Saratoga, and Seneca, the villages of Biron and Port Edwards, and the cities of Nekoosa and Wisconsin Rapids in Wood County, Wis.

Proposed by Fairmont Foods Co.:

Proposal No. 6. If the marketing area of a merged order includes the marketing area as defined in the Milwaukee order the area should include also the marketing area as defined in the Northeastern Wisconsin order.

Proposed by Gehl Guernsey Farms, Inc.:

Proposal No. 7. Modify Proposal No. 1 by deleting § 1030.12(c) and revising § 1030.12(b) as follows:

(b) A "pool supply plant or reload point" is any supply plant or reload point that meets the following requirements:

(1) Delete entirely.

(2) After the effective date of this part at least 20 percent, or the call percentage announced by the market administrator pursuant to paragraph (f) of this section, whichever is greater, of the volume of Grade A milk received from dairy farmers during the month is:

(i) Shipped in the form of fluid milk products to and physically received in pool plants pursuant to paragraph (a) of this section; and

(ii) Shipped as a fluid milk product to a partially regulated distributing plant and assigned to Class I pursuant to § 1090.43(d).

Proposed by Twin Pines Farm Dairy:

Proposal No. 8. In any proposed order for Northern Illinois and Southern Wisconsin provide a section as follows:

§ 1030.___ Class I milk price for milk sold in another Federal order area.

All Class I milk sold in another Federal order area by a handler in this area (except a route that distributes in two areas) or sold to a handler in another Federal order area for Class I utilization, shall be settled through the pool at the Class I price in the area in which sold or at the location of the purchasing handler, less a transportation allowance (at the rates provided in such order) from the point of origin to the nearest point of the order area in which the delivery is made, but such Class I price shall not be less than the Northern Illinois-Southern Wisconsin price at the point of origin.

Proposed by Pure Milk Products Cooperative:

Proposal No. 9.

DEFINITIONS

§ 1030.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1030.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1030.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1030.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1030.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales, or marketing milk or its products for its members.

§ 1030.6 Chicago, Ill., marketing area.

"Chicago, Ill., marketing area" hereinafter called the "marketing area" includes the following territory: The counties of Cook, Du Page, Will, Lake, McHenry, Kane, and Kendall, all in the State of Illinois; and the counties of Lake, Porter, La Porte, St. Joseph, Elkhart, Kosciusko, Marshall, and Starke, all in the State of Indiana, including all incorporated and unincorporated cities, towns, and villages within such counties.

§ 1030.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, sour cream, and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk: *Provided*, That eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk and sterilized products in hermetically sealed containers shall not be fluid milk products pursuant to this section.

§ 1030.8 Route.

"Route" means a delivery, either direct or through any distribution facility other than a plant (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I pursuant to § 1030.41(a)(1), or a product classified as Class Ia pursuant to § 1030.41(b).

§ 1030.9 Distributing plant.

"Distributing plant" means a plant from which a Grade A fluid milk product, or any other milk product required to be made from Grade A milk by a health authority having jurisdiction within the marketing area, that is processed or packaged in such plant, is disposed of during the month on routes in the marketing area.

§ 1030.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk or Grade A fluid product is shipped during the month to a pool distributing plant, or is qualified to make such shipments.

§ 1030.11 Reload point.

"Reload point" means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered a part of the plant operation.

§ 1030.12 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a), (b), or (c) of this section: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant and is not approved by any health authority for the receiving, processing, or packaging of any milk product for Grade A disposition, it shall not be considered a part of a pool plant pursuant to this section.

(a) A distributing plant as defined in § 1030.9; or

(b) A supply plant which:

(1) During the first 3 months after the effective date of this order holds a permit to sell milk to a distributing plant as defined in § 1030.9 and declares in writing to the market administrator before the 1st day of the month that it wishes to be considered as a pool plant;

(2) Beginning 3 months after the effective date of this order, during the month ships to a distributing plant, as defined in § 1030.9, at least 30 percent of its Grade A producer receipts of butterfat and/or skim milk: *Provided*, That 8.77 pounds of milk solids not fat shall be considered equivalent to 100 pounds of producer receipts of skim milk for purposes of pool plant qualification under this paragraph; or

(c) A supply plant which during each of the preceding three months has qualified as a pool plant and, which:

(1) For each month except March, April, May, and June declares in writing to the market administrator by the 5th day of the month the amount of milk which it is willing to dispose of for use in products required to be made from Grade A milk for sale in the marketing area, which amount shall not be less than 50 percent of the total amount of milk to be pooled by such plant during the month; and

(2) Keeps such control over the sanitary conditions under which milk received at the plant or shipped to a distributing plant is produced and handled that the milk can meet the Grade A requirements of a source in the marketing area: *Provided*, That Grade A approval of the plant by a health authority having jurisdiction over the distribution of milk in any part of the marketing area shall constitute sufficient evidence that this requirement is being met with regard to qualification as a pool plant; and

(3) Has not been suspended as a pool plant for the month in accordance with provisions set forth in § 1030.13; and

(4) Has not notified the market administrator in writing before the 1st day of March, April, May, or June of his withdrawal from the pool as a pool plant.

(d) Two or more supply plants may be qualified as a system of pool plants if they are owned or leased and operated by the same handler and the combined receipts and utilizations meet all requirements otherwise necessary for qualification as a pool plant: *Provided*, That the handler makes written request to the market administrator that such plants be qualified on a system basis prior to the 1st day of the month in which system qualification is to be used.

§ 1030.13 Suspension of pool plants.

No pool plant shall be suspended for failure to meet the requirements of § 1030.12(c) except under the following conditions:

(a) A meeting has been held no sooner than 3 days after notice by the market administrator to all handlers operating pool plants designated pursuant to § 1030.12, for consideration of the desirable utilization of milk received from producers during a period ending not later than the end of the second month after the month during which such meeting is held.

(b) There has been issued by the market administrator following such meeting, and mailed to all handlers operating pool plants as designated in § 1030.12, the market administrator's determination of the desirable utilization of milk received from producers by supply plants designated in § 1030.12 (b) or (c) each month during all or a part of the period set forth in paragraph (a) of this section. Such determination to be known as a "call", shall set forth, by months, the minimum percentage of Grade A milk received from producers to be utilized in products processed and packaged in the marketing area and required to be made from Grade A milk, such determination to be made in the following manner.

(1) The market administrator shall compute his estimate of the total utilization of distributing pool plants in processed and packaged milk products required to be made from Grade A milk, plus an operating margin of 15 percent.

(2) From such estimated gross Grade A requirements of distributing pool plants, inclusive of the 15 percent operating reserve, shall be deducted receipts directly from producers during such month at such distributing plants, and from those supply plants which regularly send their entire supply to such distributing plants during the months of July through November.

(3) The remainder shall be divided by the estimated net available supply (after estimating the amount of milk to be processed and packaged by distributing pool plants in products required to be made from Grade A milk) at supply plants other than those regularly shipping their entire supply as described above, and the result shall be multiplied by 0.75 to determine the appropriate shipping percentage of butterfat and of skim milk solids for each month which shall be issued by the market administrator as a "call" for milk. No "call" for less than 15 percent of either butterfat or skim milk solids shall be announced by the market administrator.

(4) The market administrator's announcement of a "call" shall include the historical data on which his estimates of Grade A milk utilization and the various sources of supply are based, together with appropriate explanatory comments on the computations involved.

(5) At any time during the month when it appears that more milk is being delivered to distributing plants than is needed to fulfill the Grade A requirements of the market the market administrator may reduce the "call" percentage applicable for such month.

§ 1030.14 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates a nonpool distributing or supply plant;

(c) Any person who engages in buying milk in bulk, in a brokerage capacity, from a person described in paragraph (a) or (b) of this section; or

(d) Any cooperative association with respect to the producer milk of its members:

(1) Diverted for the account of such association from a pool plant to a nonpool plant; or

(2) Delivered from the farms of its members to the pool plant of another handler, if the cooperative association on or before the first day of the month in which such milk is received from producers, has notified, in writing, both the market administrator and the handler to whom the milk is delivered, that it wishes to be the handler for such milk.

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(f) A producer-handler.

§ 1030.15 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who received no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and packaging business are the personal enterprise and risk of such person.

§ 1030.16 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted pursuant to § 1030.17 from a pool plant to a nonpool plant.

§ 1030.17 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer or a handler pursuant to § 1030.14(d); or

(b) Diverted from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant. Such milk shall be deemed to have been received by the diverting handler at the location of the pool plant from which diverted except that:

(1) In any of the months of August through November, the quantity of milk of any producer so diverted that exceeds that delivered to pool plants shall not be deemed to have been received by the diverting handler and shall not be producer milk; and

(2) In any of the months of December through July, if the quantity of milk of any producer so diverted exceeds the quantity delivered to pool plants during the month, the milk of such producer delivered to both pool plants and to nonpool plants shall be deemed to have been received at the location of the nonpool plant to which the greatest portion of diverted milk is delivered.

§ 1030.18 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products from pool plants, (2) producer milk, or (3) fluid milk products in inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month.

§ 1030.19 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1030.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1030.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) Administer its terms and provisions;

(b) Receive, investigate, and report complaints of violations to the Secretary;

(c) Make rules and regulations to effectuate its terms and provisions; and

(d) Recommend amendments to the Secretary.

§ 1030.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1030.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1030.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the date upon which he is required to perform such acts, has not made either reports pursuant to §§ 1030.30 and 1030.31 or payments pursuant to §§ 1030.70, 1030.74, 1030.76, 1030.77, and 1030.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate for the benefit of producers, consumers and handlers such statistics and information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month the Class I milk price pursuant to § 1030.51 (a), and the Class Ia price pursuant to § 1030.51(b) butterfat differential pursuant to § 1030.53(a), all for the current month, and the Class II milk price pursuant to § 1030.51(c) and the Class II butterfat differential pursuant to § 1030.53(b), both for the preceding month; and

(2) The 14th day after the end of each month the uniform price pursuant to § 1030.62 and the butterfat differential pursuant to § 1030.71;

(k) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1030.45(a)(9) and the corresponding step of § 1030.45 (b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(l) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1030.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(m) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1030.30 Reports of receipts and utilization.

On or before the 10th day after the end of each month, each handler except a handler pursuant to § 1030.14 (e) and (f) shall report to the market administrator for such month, reporting in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Milk received from producers and from handlers pursuant to § 1030.14(d);

(2) Fluid milk products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1030.17; and

(5) Inventories of fluid milk products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1030.31 Other reports.

(a) Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler pursuant to § 1030.14 (d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 10th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

(d) Each handler shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 25th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1030.32 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1030.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1030.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1030.30 (excluding transfers from a pool plant to an other order plant(s) that are offset by receipts from the other order plant(s) pursuant to § 1030.43(e)) shall be classified each month pursuant to the provisions of §§ 1030.41 through 1030.45: *Provided*, That such skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1030.41 Classes of utilization.

Subject to the conditions of § 1030.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of as a fluid milk product (except as provided in paragraphs (b) and (c) (2), (3), and (4) of this section); and

(2) Not accounted for as Class Ia or Class II milk.

(b) *Class Ia milk.* Class Ia milk shall be all skim milk and butterfat disposed of in ice cream, ice cream mix, frozen dessert mix, eggnog, and cottage cheese made from Grade A milk.

(c) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product or a product classified as provided in paragraph (b) of this section;

(2) Skim milk and butterfat in fluid milk products delivered in bulk form to and used at commercial food establishments in the manufacture of bakery products, candy or processed foods in hermetically sealed containers;

(3) Skim milk and butterfat in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(5) Skim milk and butterfat in inventory of fluid milk products at the end of the month;

(6) Skim milk and butterfat, respectively, in shrinkage but not in excess of:

(i) 2 percent of producer milk (except that received from a handler pursuant to § 1030.14(d) or diverted to a nonpool plant pursuant to § 1030.17);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1030.14(d): *Provided*, That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from pool plants of other handlers;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants, exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants (except pool plants of the same handler); and

(7) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1030.42(b)(2).

§ 1030.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between receipts of skim milk and butterfat contained in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1030.41(b)(6); and

(2) Other source milk exclusive of that specified in § 1030.41(b)(6).

§ 1030.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler: *Provided*, That the skim milk or butterfat as assigned to any class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1030.45(a)(9) and the corresponding step of § 1030.45(b);

(b) As Class II milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located outside Illinois, Indiana, and Wisconsin and the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien in Michigan and Van Wert in Ohio;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located inside Illinois, Indiana, and Wisconsin and the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien in Michigan and Van Wert in Ohio, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification other than Class I in his report submitted pursuant to § 1030.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified in sequence, first as Class Ia and then as Class II milk; and

(e) As follows, if transferred to an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(e), in excess of receipts from such plant(s) in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified according to use as Class Ia, or as Class II; and

(6) If the form in which any fluid milk product transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1030.41.

§ 1030.44 Computation of skim milk and butterfat in each class.

For each month, each handler shall compute the pounds of skim milk and butterfat in each class in the following manner:

(a) The pounds of butterfat shall be ascertained by multiplying the pounds of milk or milk products disposed of as Class I milk or used to produce a Class Ia or Class II milk product by its average butterfat content.

(b) The pounds of skim milk shall be ascertained by subtracting the pounds of butterfat computed pursuant to paragraph (a) of this section, from the weight of milk or a milk product disposed of as Class I milk or used to produce a Class II milk product: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

(c) A handler may claim, for classification purposes pursuant to §§ 1030.40 through 1030.45 butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the delivery period filed pursuant to § 1030.30(a) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective.

§ 1030.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1030.44, each handler for each month shall determine the classification of producer milk as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in each class, pro rata to such quantities, the pounds of skim milk in milk received from such handler's own farm production;

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1030.41(c)(6);

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in receipts of fluid milk products in packaged form from an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(e), in excess of similar transfers to such plant(s), as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) In series from Class Ia to Class I milk, the remainder of such receipts;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(e), in excess of similar transfers to such plant(s), if Class II utilization was requested by both handlers;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of

skim milk subtracted pursuant to subparagraph (2) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s) (under the same order) of a handler pursuant to § 1030.14(e), in excess in each case of similar transfers to such plant(s) that were not subtracted pursuant to subparagraph (5)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1030.22(k) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) In series beginning with Class Ia, the remaining pounds of such receipts;

(10) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received from pool plants of other handlers according to the classification of such products pursuant to § 1030.43(a); and

(11) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

Minimum Prices

§ 1030.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the butter price times 0.12 and rounded to the nearest cent.

§ 1030.51 Class prices.

Subject to the provisions of § 1030.53 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be an amount arrived at by computing an economic index with the year 1958 as the base period as follows:

(1) Compute a Midwest per capita income index based upon the latest reported quarterly figures released by the U.S. Department of Commerce, as follows:

(i) Divide the current annual rate of per capita personal income for the State of Missouri by $2,044 and multiply the result by 20.27.

(ii) Divide the current annual rate of per capita personal income for the State of Illinois by $2,451 and multiply the result by 47.69.

(iii) Divide the current annual rate of per capita personal income for the State of Wisconsin by $1,989 and multiply the result by 19.02.

(iv) Divide the current annual rate of per capita personal income for the State of Iowa by $1,921 and multiply the result by 13.02.

(v) Add together the result of subdivisions (i) through (iv) of this subparagraph.

(vi) Multiply the result arrived at in subdivision (v) of this subparagraph by 0.15.

(2) Compute a consumer food price index by dividing the U.S. consumer food price index as reported by the Bureau of Labor Statistics for the most recent month by 1.019 and multiply the result by 0.15.

(3) Compute an index of farm prices received by dividing the index of prices received by farmers in the United States as reported by the U.S. Department of Agriculture for the most recent month by 2.50 and multiply the result by 0.20.

(4) Compute an index of farm prices paid by dividing the index of the prices paid by farmers in the United States as reported by the U.S. Department of Agriculture for the most recent month by 2.93 and multiply the result by 0.20.

(5) Compute an index of Midwest manufacturing milk prices by dividing the Minnesota-Wisconsin price as reported by the U.S. Department of Agriculture for the most recent month by 0.03 and multiply the result by 0.30.

(6) The economic index shall be the sum of subparagraphs (1) through (5) of this paragraph.

(7) Compute an economic index price by multiplying the result of subparagraph (6) of this paragraph by $0.040366 and round to the nearest full cent: *Provided*, That the resulting price shall not exceed the competitive manufacturing price by more than $1.50 nor be less than the competitive manufacturing price plus $1.

(b) *Class Ia price.* The Class Ia price shall be the basic formula price for the preceding month plus 50 cents.

(c) *Class II price.* The Class II price shall be the basic formula price for the month.

§ 1030.53 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, each class price for the month pursuant to § 1030.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.12.

(b) *Class Ia price.* Multiply the butter price for the preceding month by 0.13.

(c) *Class II price.* Multiply the butter price for the current month by 0.12.

§ 1030.54 Location adjustments to handlers.

(a) The market administrator shall determine the zone location of each plant at which milk is to be priced under this part on the following basis and the zone rates shall be as follows:

(1) Zone 1—adjustment rate—none. Zone 1 shall consist of the territory within the marketing area.

(2) Zone 2—adjustment rate—2 cents per hundredweight of milk. Zone 2 shall consist of the territory outside of the marketing area but not to exceed 70 miles from nearest of the city hall in Chicago, Ill.; the city hall in Gary, Ind.; the St. Joseph County Courthouse in South Bend, Ind.; or the White County Courthouse in Monticello, Ind., which locations shall be known as basing points.

(3) For plants located beyond Zone 2, the adjustment rate shall be 2 cents per hundredweight of milk for each 15 miles or fraction thereof over 70 miles, the territory beyond 70 miles, but not to exceed 85 miles, shall be Zone 3 and each successive 15-mile area shall be an additional zone.

(b) The mileages applicable pursuant to this section and § 1030.72 shall be determined by the market administrator and shall be the shorter of either the rail or highway distance, arrived at as follows:

(1) The rail distance shall be the sum of the following:

(i) The highway distance between the handler's plant or reload point and the railroad loading point;

(ii) The rail distance by the most direct single rail line between the loading point and the rail terminal closest to the nearest basing point; and

(iii) The highway distance between the appropriate rail terminal and the nearest basing point.

(2) Mileage shall be subject to redetermination at all times. In the event a handler requests a redetermination of the mileage pertaining to any plant, the market administrator shall notify the handler of his findings within 30 days after receipt of such request. Any financial obligations resulting from a change in mileage shall not be retroactive for any period prior to the redetermination announced by the market administrator.

(c) The market administrator shall notify each handler of the zone determination.

(d) A handler who operates a pool plant shall receive a location adjustment credit computed as follows:

(e) For milk received from producers at a pool supply plant located outside Zone 1 and which is moved to a pool plant within the marketing area in the form of a fluid milk product or as bulk concentrated skim milk, or otherwise classified as Class I or Class Ia milk, the location adjustment credit to the handler shall be two cents per hundredweight of product moved or otherwise classified as Class I or Class Ia milk for each 15 miles, or fraction thereof over 70 miles that such pool supply plant is located from the nearest basing point. For milk which is moved or classified at a pool plant located outside the marketing area, the mileage as computed shall be reduced by the nearest highway distance in miles which the receiving plant is located from the closest point in the marketing area.

§ 1030.55 Equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price that is required.

§ 1030.56 Skim milk and butterfat prices.

The prices per hundredweight of skim milk and butterfat in each class shall be computed as follows:

(a) *Skim milk price.* Subtract from the applicable class price per hundredweight of milk containing 3.5 percent butterfat the result obtained from multiplying the applicable butterfat differential pursuant to § 1030.53 by 35; and

(b) *Butterfat price.* Add to the applicable class price per hundredweight of milk containing 3.5 percent butterfat the result obtained from multiplying the applicable butterfat differential pursuant to § 1030.53 by 965.

Application of Prices

§ 1030.60 Computation of the net pool obligation (or credit) of each handler.

The net pool obligation (or credit) of each handler, pursuant to § 1030.14 (a) and (d) during each month shall be a sum of money computed as follows:

(a) Multiply the quantity of skim milk and butterfat in producer milk in each class as computed pursuant to § 1030.45 by the applicable skim milk and butterfat prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1030.45(a)(11) and the corresponding step of § 1030.45(b) by the applicable skim milk and butterfat prices;

(c) Add the amount obtained from multiplying the difference between the Class II skim milk and butterfat prices for the preceding month and the applicable Class I and Class Ia skim milk and butterfat prices for the current month by the hundredweight of skim milk and butterfat subtracted from Class I or Class Ia pursuant to § 1030.45(a)(6) and the corresponding step of § 1030.45(b);

(d) Add an amount equal to the difference between the applicable Class I, Class Ia, and Class II skim milk and butterfat price values of the pounds of skim milk and butterfat subtracted from Class I and Class Ia pursuant to § 1030.45(a)(4) and the corresponding step of § 1030.45(b);

(e) Add the value at the appropriate Class I or Class Ia skim milk and butterfat prices (after deducting the location adjustment rate for the zone in which the nonpool plant is located from which an equivalent volume was received) of the skim milk and butterfat subtracted from Class I and Class Ia pursuant to § 1030.45(a)(8) and the corresponding step of § 1030.45(b); and

(f) Subtract an amount equal to the location adjustment credits computed pursuant to § 1030.54.

(g) Add an amount determined by multiplying the total quantity of milk received directly from producers at a pool distributing plant, but not in excess of the total quantity of milk used in Class I and Class Ia by the pool distributing plant, by 20 cents per hundredweight.

§ 1030.61 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall correct for mathematical and obvious errors the reports of handlers submitted pursuant to § 1030.30 and shall compute an aggregate value from which to determine the uniform price as follows:

(a) Combine into one total the values obtained pursuant to § 1030.60 for all handlers who reported pursuant to § 1030.30 for such month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1030.71 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location differential deductions to be made pursuant to § 1030.72;

(d) Subtract an amount equal to the total value of the location differential additions to be made pursuant to § 1030.72;

(e) Subtract an amount equal to the total value determined pursuant to § 1030.63; and

(f) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund.

§ 1030.62 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1030.61 by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1030.60(e); and

(b) Subtract not less than 4 nor more than 5 cents from the price computed pursuant to paragraph (5) of this section.

§ 1030.63 Cooperative service allowance.

By the 25th day of each month the market administrator shall pay to each qualified cooperative an amount equal to 2 cents per hundredweight of all milk marketed from its members to, or diverted from, pool plants during the preceding month, subject to the following conditions by which the market administrator shall determine whether or not the cooperative is eligible for such cooperative service allowance. To be eligible for payment the cooperative must:

(a) Meet the requirements of § 1030.5;

(b) Submit a written application for such allowance to the market administrator;

(c) Maintain adequate facilities and personnel and perform the following services:

(1) Analyze milk marketing problems and their solutions conducting market research and maintaining current information as to market developments, preparing and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data;

(2) Determine the need for the formulation of amendments to the order and propose such amendments or request other appropriate action by the Secretary or the market administrator in the light of changing conditions;

(3) Participate in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and participating, by voting or otherwise, in the referendum relative to amendments;

(4) Participate in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter; and

(5) Conduct a comprehensive education program among producer—i.e., members and nonmembers of cooperatives—and keep such producers well informed for participation in the activities under the regulatory order, and as a part of such program, issue publications that contain relevant data and information about the order and its operation, and distribute such publications to members, and on the same subscription basis, to nonmembers who request it, and hold meetings at which members and nonmembers may attend.

Payments

§ 1030.70 Time and method of payment.

(a) Each handler who operates a pool plant shall pay each producer on or before the 18th day after the end of the month not less than the uniform price pursuant to § 1030.62 adjusted pursuant to §§ 1030.71, 1030.72, and 1030.77, for each hundredweight of producer milk received during such month for which payment is not made to a cooperative association pursuant to paragraph (b) of this section; and

(b) Each handler shall pay a cooperative association on or before the 15th day after the end of the month an amount equal to the sum of the individual payments pursuant to paragraph (a) of this section for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payment for its member and exercises such authority.

(c) In making the payments for producer milk pursuant to this section, each handler who operates a pool plant shall furnish each producer or cooperative association from whom he has received such milk, a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler;

(6) The net amount of payment to such producer or cooperative association; and

(7) In the case of reports or payments or deductions to a cooperative association, the total receipts of milk by the handler and the pounds of milk utilized in each class pursuant to § 1030.41.

§ 1030.71 Butterfat differential to producers.

The uniform price pursuant to § 1030.62 shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the butter price for the month by 0.12.

§ 1030.72 Location differentials to producers and on nonpool milk.

The uniform price pursuant to § 1030.62 shall be adjusted as follows:

(a) Compute a gross location adjustment value equal to the sum of:

(1) The producer milk received at a pool plant outside the marketing area and within 55 miles of the nearest basing point, as described in § 1030.54, multiplied by 2 cents per hundredweight; plus

(2) The producer milk received at a plant which is 55 miles or more from the nearest basing point, multiply by 4 cents for the first 70 miles or less, and 2 cents per hundredweight for each additional 15 miles or fraction thereof that such plant is more than 70 miles from the nearest basing point.

(b) Divide the resulting gross location adjustment value into the total location adjustments to handlers as computed pursuant to § 1030.54 and round to the nearest tenth of a cent, which shall be known as the applicable location adjustment rate to producers for the month.

(c) Reduce the uniform price pursuant to § 1030.62 by the following:

(1) For producer milk received at a plant which is outside the marketing area and within 55 miles of the nearest basing point deduct the applicable location adjustment rate to producers.

(2) For producer milk received at a plant which is 55 miles or more from the nearest basing point deduct twice the applicable location adjustment rate to producers for the first 70 miles and one additional applicable location adjustment rate to producers for each additional 15 miles or fraction thereof that such plant is more than 70 miles from the nearest basing point.

§ 1030.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund and out of which he shall make all payments from such fund pursuant to §§ 1030.63, 1030.74, 1030.75, and 1030.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1030.74 Payments to the producer-settlement fund.

On or before the 16th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1030.60 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price; and

(2) The value at the uniform price applicable at the location of the plant from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1030.60(e).

§ 1030.75 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1030.74(b) exceeds the amount computed pursuant to § 1030.60: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1030.76 Adjustment of accounts.

When verification by the market administrator of reports or payment of any handler discloses errors resulting in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1030.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1030.70 shall deduct 3 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 18th day after the end of the month. Such monies, shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions as are authorized by such producers and, on or before the 18th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1030.78 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 18th day after the end of each month 2 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to (a) producer milk (including such handler's own farm production), (b) other source milk allocated to Class I pursuant to § 1030.45(a) (4) and (8) and the corresponding steps of § 1030.45 (b), and (c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1030.79 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1030.80 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1030.81 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1030.82 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1030.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1030.90 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1030.91 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Proposed by Milwaukee Cooperative Milk Producers, Golden Guernsey Dairy Cooperative, Madison Milk Producers' Association, Midwest Dairymen's Co., Kenosha Milk Producers' Cooperative, Pure Milk Products Cooperative, Racine Milk Producers' Cooperative, La Crosse Milk Producers' Association, and Manitowoc Milk Producers Cooperative:

Proposal No. 10. Consider regulation under an order separate from one regulating the Chicago area for the areas now regulated under the Rock River Valley, Milwaukee, Madison, Michigan Upper Peninsula, and Northeastern Wisconsin orders.

Proposed by Beatrice Foods Company:

Proposal No. 11. Modify Proposal No. 1 as follows:

A. Section 1030.12(a):

(a) A distributing plant from which:

(1) Not less than 30 percent of the total Grade A fluid milk products received during the month is either distributed on routes or moved in the form of packaged fluid milk products to distributing plants that are pool plants;

(2) Not less than 10 percent of such receipts during the month is either distributed in the marketing area on routes or moved in the form of packaged fluid milk products to distributing plants that are pool plants and distributed in the marketing area on routes from such plants; and

(3) Two or more distributing plants may be considered a unit for the purpose of pool plant qualification if the plants are owned and operated by one handler, and the handler notifies the market administrator in writing that it elects to combine its plants in a unit on the first day of any month, to be effective until cancelled by written notice to said market administrator by the handler at least 30 days prior to the beginning of any month. The notification of such election shall list the plants in the order in which they shall be excluded from the unit if minimum requirements are not met, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements, provided, however, if the handler notifies the market administrator in writing that a plant included in its unit is unable to meet the minimum requirements because of a work stoppage due to a labor dispute between employer and employees, the market administrator, upon verification of the handler's claim, shall not include the receipts and utilization of milk at such plant for those days from the date of notification through the last day of work stoppage in determining the minimum requirements for pooling.

B. Section 1030.7:

§ 1030.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, sour cream, and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk: *Provided*, That eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated and condensed milk or skim milk and sterilized products in hermetically sealed containers shall not be fluid milk products pursuant to this section.

C. Section 1030.51(a):

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $0.76.

D. In § 1030.53 provide that prices at pool plants located within the Rock River Valley marketing area be $0.04 less than Chicago; plants located in the Milwaukee and Madison marketing areas be $0.12 less than Chicago. The same adjustments to be made in the price paid

producers shipping to plants located in these zones.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 12. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendment or amendments thereto that may result from this hearing.

Copies of this notice of hearing may be procured from the Market Administrator, Room 814, 72 West Adams Street, Chicago, Ill. 60603, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected. Copies of the respective orders may be procured from: Order No. 38—Room 814, 72 West Adams Street, Chicago, Ill. 60603; Order No. 39—4920 West Burleigh Street, Milwaukee, Wis. 53210; Order No. 45—3034 West Wisconsin Avenue, Post Office Box 1063, Appleton, Wis. 54910; Order No. 51—1821 South Park Street, Post Office Box 3219, Madison, Wis. 53704; Order No. 31—220 South Williams Street, Post Office Box 216, South Bend, Ind. 46624; and Order No. 44—508 Providence Building, Duluth, Minn. 55802.

Signed at Washington, D.C., on April 12, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-4166; Filed, Apr. 14, 1967; 8:48 a.m.]

[7 CFR Part 1096]

[Docket No. AO-257-A13]

MILK IN NORTHERN LOUISIANA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Shreveport, La., on December 6, 1966, pursuant to notice thereof issued on August 23, 1966 (31 F.R. 11318), and a rescheduled notice of hearing which was issued September 8, 1966 (31 F.R. 12023).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on January 13, 1967 (32 F.R. 574; F.R. Doc. 67-589) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 574; F.R. Doc. 67-589) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Classification of ending inventory;
2. Classification of transfers of fluid milk products to a nonpool plant;
3. Level of Class II price;
4. Exemption of milk plants operated by governmental agencies; and
5. Deletion of base and excess plan.

This decision deals with all of the above issues except No. 5. A decision on issue No. 5, deletion of the base and excess plan, was issued January 25, 1967 (32 F.R. 1053), and the amended order was issued January 27, 1967 (32 F.R. 1125), with an effective date of February 1, 1967.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Classification of ending inventory.* Fluid milk products on hand in packaged form at the end of the month should be classified as Class I milk. Fluid milk products on hand at the end of the month in bulk form should continue to be classified as Class II.

The order presently classifies all ending inventory of fluid milk products as Class II milk. This includes both bulk and packaged products on hand in the plant at the end of the month. The Class II classification of these quantities is subject to adjustment in the next month depending on the handler's entire utilization.

Modification of this procedure by classifying ending inventory of packaged fluid milk products as Class I will reduce the amount of declassification in the subsequent month and permit a closer relationship between handlers' internal accounting methods and required order accounting.

Handlers, for their own accounting purposes, may use the term inventory to include packaged products which have left the plant and are in transit or at distribution points. However, current order provisions which classify inventory as Class II would not comport with inclusion of packaged items which have left the handler's plant. Accordingly, handlers have been paying the Class I milk price of 1 month for products held in their distribution systems outside the plant, and the Class I price of the following month for ending inventories of packaged milk held in their processing plants. The proposed modification would remove this difference in pricing.

The adoption of the plan of classifying all packaged fluid milk products on hand at the end of the month as Class I milk will, in the long run, neither affect handlers' costs nor producers' returns. In the first month in which it is effective, it will increase handlers' costs by the difference between the Class I and Class II prices on the volume of packaged milk previously classified as Class II inventory. This amounts to establishing a Class I value at an earlier date for products which would be entirely or very substantially valued at the Class I price in the succeeding month under the present order provisions.

To insure that all handlers pay the current month's Class I milk price for fluid milk disposed of during the month, it is provided that if the Class I milk price increases over the previous month, the handler will be charged the difference between the Class I milk price for the current month and the Class I milk price for the preceding month on the quantity of beginning inventory of packaged products assigned to Class I milk in the current month. Likewise, if the Class I milk price decreases, the handler will receive a corresponding credit.

To accommodate this change in the classification of fluid milk products in packaged form in inventory, the allocation section of the order should provide that inventory of such packaged fluid milk products on hand at the beginning of the month be subtracted from Class I milk utilization immediately after the allocation of shrinkage and packaged fluid milk products from other orders and before making the other assignments therein provided. Inventory of fluid milk products in bulk form would continue to be handled as under the present provisions of the order.

Inventories of packaged fluid milk products and Class II products on hand at the beginning of the first month in which the amendment of the order becomes effective should be allocated to any available Class II utilization of the plant during the month. This is in recognition of the classification of such items in Class II in the month just prior to amendment. This procedure will preserve the priority of assignment to current receipts of producer milk and to current Class I utilization of the plant.

2. *Classification of transfers of fluid milk products to a nonpool plant.* The classification of fluid milk products transferred to a nonpool plant should be modified in the case where the nonpool plant in turn transfers fluid milk products to pool plants.

A handler proposed that the quantity of skim milk and butterfat involved in the double transfer (from a pool plant to a nonpool plant and thence to a pool plant) be treated as a direct transfer between pool plants.

Proponent transfers bulk fluid milk from his pool plant to a nonpool plant for use in the production of sour cream. Milk so used is Class I. The nonpool plant disposes of the packaged sour cream to the pool plant of proponent handler or other pool plants. The packaged sour cream thus becomes a receipt at such pool plants of a fluid milk product from an unregulated supply plant. If any of the packaged sour cream is allocated to Class I in the pool plant, it is subject to a charge at the difference between the Class I price and weighted average price.

In the absence of an administrative determination to the contrary, the proponent handler would be paying both the Class I price on the milk as transferred to the nonpool plant for manufacture of sour cream, and also the charge on receipts from an unregulated source to the extent the sour cream is returned to his plant and allocated to Class I. A similar combination of charges in excess of the Class I price would apply if the sour cream were disposed of to another pool plant. The proposal made by the handler would eliminate the duplication of charges. His proposal was limited to apply only to sour cream.

As adopted herein, the modification would apply in the case of any fluid milk product received from a nonpool plant that receives equivalent quantities of skim milk and butterfat from pool plants in the form of fluid milk products. Products other than sour cream may from time to time be handled in a similar manner which, without this modification, would result in a duplication of charges.

The provision, as adopted, would provide that the transfer between two pool plants (via the nonpool plant) would be Class II unless the total allocation of milk in the transferee plant required a different classification. It further provides that if this classification procedure results in milk from two or more handlers being classified as Class I, such classification shall be shared pro rata between such handlers in ratio to the quantity the handlers transferred to the nonpool plant.

Since the quantities of skim milk and butterfat involved would be treated as direct transfers between pool plants, these items would not be included in the allocation procedure for receipts from nonpool plants.

3. *Level of Class II price.* The Class II price should be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin, as reported by the U.S. Department of Agriculture, adjusted to a 3.5 percent butterfat test, but not to exceed a revised butter-powder formula described herein.

At the present time, the Class II price is based on a butter-powder formula with a deduction of 5 cents for the months of March through June.

The cooperative association proposed that the Class II price be the basic formula price (Minnesota-Wisconsin manufacturing milk price) for the months of August through February, and 10 cents less in the months of March through July. Proponents also requested that the price not exceed the present butter-powder formula price plus 10 cents.

The proponent cooperative association assumes the major responsibility for handling any reserve milk not accepted at pool plants. In 1964 and 1965, milk of the cooperative's members disposed of to nonpool plants amounted to 18.9 and 25.4 million pounds or 53 and 62 percent, respectively, of the Class II milk of the market. Most of the other Class II milk in the market was utilized at pool plants. Milk moved off the market by the association was delivered primarily to a manufacturing plant at Sulphur Springs, Tex.

The association stated that the Minnesota-Wisconsin manufacturing milk price, with proposed modifications, would better represent the value of Class II milk in this market than the present price formula: Prices paid at nonpool plants for milk delivered by the association have exceeded the order Class II prices. Average prices received at the Sulphur Springs plant exceeded the order Class II prices in 1964, 1965 and the first 10 months of 1966, by 24 cents, 34 cents, and 44 cents, respectively.

The formula proposed by the association would have produced prices in 1964, 1965 and the first 10 months of 1966 which would have exceeded the present Class II prices by 6.1 cents, 9.2 cents and 10.6 cents, respectively. The association did not support a Class II formula as high as the prices received at nonpool outlets because of handling charges incurred.

The price level now paid by regulated plants for Class II milk does not reflect the full value of such milk as delivered to plants. The price for manufacturing milk should be at a level which will provide the highest possible returns to producers in the market while at the same time encouraging the orderly marketing of reserve milk. A price formula using the Minnesota-Wisconsin price but not to exceed a representative butter-powder value would provide a price more closely representing the value of the milk than the existing formula, and would allow for orderly disposition of reserve milk.

The particular butter-powder formula here adopted would be the Chicago butter price multiplied by 4.2, plus the spray process nonfat dry milk price per pound multiplied by 8.2, less 48 cents. The Minnesota-Wisconsin series, limited by this butter-powder ceiling would have produced prices of $3.16, $3.22 and $3.72 in 1964, 1965 and the first 10 months of 1966, respectively. These prices would have been higher than the present Class II formula by 9.7 cents, 10.6 cents and 11 cents, respectively.

The use of the Minnesota-Wisconsin manufacturing milk price as a major component of the price formula is founded on the premise that in the highly competitive dairy industry average prices which are paid in areas where there is substantial competition for manufacturing milk provides as good a measure of its value as can be obtained. The Minnesota-Wisconsin price series is representative of prices paid to farmers for about one-half of the manufacturing grade milk sold in the United States. In Minnesota about 84 percent of the milk sold off farms is of manufacturing grade and in Wisconsin, about 58 percent.[1] There are many plants in these States which are competing for such milk supplies. This price series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. Further, it reflects the supply and demand of manufactured dairy products within a highly coordinated marketing system which is national in scale. Milk products which are manufactured by handlers in the Northern Louisiana market compete within this system.

[1] Official notice is taken of the "Supplement for 1963-64 to Dairy Statistics through 1960," Statistical Bulletin No. 303, Economic Research Service, USDA, June 1965.

The use of a butter-powder price as a ceiling on the Class II price would insure that the Class II price will continue to reflect the product values of butter and powder in the event of an undue divergence in the relationship between such values and the Minnesota-Wisconsin prices. Recognition should be given to the possibility that a particular segment of the manufactured milk industry may be influenced occasionally by certain supply-demand conditions not affecting the remainder of the industry. Such conditions may not always be reflected sufficiently in the Minnesota-Wisconsin price series. A comparable price ceiling is used in a number of Federal order markets in connection with the use of the Minnesota-Wisconsin price for pricing milk in manufacturing uses similar to Class II uses in the Northern Louisiana market.[2]

The cooperative association's request that 10 cents be deducted from the basic formula during the months of March through July in determining the Class II price is denied. Proponents were concerned that the milk supplies available during the months of flush production might be great enough to depress the manufacturing milk prices paid by nonpool plants below the butter-powder formula.

A need for a 10-cent deduction in March through July was not established. During March through July 1964 the price received at the nonpool plant exceeded by 10 cents the formula herein adopted, by 19 cents in 1965, and by 31 cents in 1966. The improvement of prices obtainable at nonpool outlets relative to the adopted formula suggests that normally the milk could be disposed of without loss.

4. *Exemption of milk plants operated by governmental agencies.* A milk plant operated by a governmental agency should be exempt from all provisions of this order.

The proponent cooperative association requested that the dairy plant operation of Louisiana Technical College be exempt from the provisions of the Northern Louisiana Federal milk order.

The College maintains a dairy herd and a processing plant in connection with the research and educational functions. Milk that is not needed for research projects is disposed of in fluid form through campus cafeterias or manufactured into ice cream, cottage cheese or other dairy products. During those periods when students are on vacation, the unneeded production is sold to the cooperative association. During the school year relatively small quantities of supplemental milk are needed and are obtained from the cooperative association.

The Technical College is an example of a governmental institution which, inso-

[2] Official notice is taken of Federal Orders No. 131, 9, 35, 47, 49, 36, 41, 40, 43, 134, 8, and 48 for the Central Arizona, Clarksburg, Columbus, Fort Wayne, Indianapolis, Northeastern Ohio, Northwestern Ohio, Southern Michigan, Upstate Michigan, Western Colorado, Wheeling, and Youngstown-Warren markets.

far as its milk production, processing and disposition are concerned, represents a relatively self-contained operation with only small quantities of milk interchanged with the other parties in the market. Thus, its milk production does not represent a supply for the rest of the market, nor does its milk uses represent anything but minor use of market milk supplies. In these circumstances, there is not substantial basis for including the establishment under full regulation.

In most months the College has been exempt from full regulation by virtue of qualifying as a producer-handler. In some months, however, it became fully regulated because of receiving milk from dairy farmers. To maintain status as a producer-handler the College would need to limit its source of supply for Class I milk to its own farm production and transfers from pool plants.

The order should be amended in a manner to exempt the milk handling operation of the Technical College from all regulation. At the same time, it should be provided that the College may dispose of its excess milk to handlers in the market or receive supplemental supplies from pool plants, but in a manner which does not interfere with the operation of the order. The order should provide that milk received at a pool plant from such an institution be assigned first to Class II in the pool plant. This is proper, since it clearly represents surplus to the institution's production, processing, and consumption operations and does not represent a reliable supply for the market.

Further, the Louisiana Technical College (and similar institutions) may at times need to purchase supplemental supplies from handlers who would be regulated by the order. It may reasonably be expected that purchases in the form of fluid milk products would be needed and used for Class I purposes. The order should provide, therefore, that fluid milk products transferred or diverted from pool plants to an exempt plant operated by a governmental agency be classified as Class I.

An exempt plant operated by a governmental agency could receive supplemental milk from regulated handlers either by shipments from pool plants or by a diversion of a producer's milk from the farm. A dairy farmer delivering his milk to an exempt governmental plant would not qualify as a producer, however, unless such delivery was accounted for by a regulated handler as diverted milk.

In addition to the Louisiana Technical College, there are other State agencies which operate milk plants. The record is not clear with respect to their identity or to the operation of these milk plants. Further, governmental agencies at other than the State level may undertake to operate plants that utilize their own herd production and receipts from other sources. Ordinarily milk produced and sold by a governmental agency would be largely for purposes within the agency. Regulation of such an operation could be disruptive to the purposes of such agencies dairy operations and would not serve any useful purpose in effective order regulation for the market. It is concluded, therefore, that the exemption should extend to all dairy plants operated by governmental agencies.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions to the recommended decision were filed.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Northern Louisiana Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Northern Louisiana Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Northern Louisiana marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on April 12, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Northern Louisiana Marketing Area

§ 1096.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northern Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northern Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1096.30(a)(1)(iv) is revised to read as follows:

§ 1096.30 Reports of receipts and utilization.

(a) • • •
(1) • • •
(iv) Inventories of fluid milk products on hand at the beginning and end of the month, separately in bulk and in packaged form.

• • • • • •

2. In § 1096.41, paragraphs (a) and (b)(3) are revised to read as follows:

§ 1096.41 Classes of utilization.

• • • • • •

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraph (b) (2) and (4) of this section;

(2) Contained in inventory of packaged fluid milk products on hand at the end of the month; and

(3) Not specifically accounted for as Class II milk; and

(b) *Class II milk.* • • •

(3) In inventories of fluid milk products in bulk form on hand at the end of the month;

• • • • • •

3. Section 1096.44(b) is revised.

4. Section 1096.44(d)(3) is revised by renumbering subdivisions (iii) and (iv) as (iv) and (v), respectively, and adding a new subdivision (iii) immediately after subdivision (ii).

5. The introductory text of § 1096.44(e) is revised.

Paragraphs (b) and (d)(3)(iii), (iv), and (v) and the introductory text of paragraph (e) of § 1096.44 read as follows:

§ 1096.44 Transfers.

• • • • • •

(b) As Class I milk if transferred from a pool plant to a producer-handler or transferred or diverted to a plant exempt pursuant to § 1096.60(b);

• • • • • •

(d) • • •
(3) • • •

(iii) Remaining quantities of skim milk and butterfat transferred to the nonpool plant shall be assigned next to the skim milk and butterfat in transfers of fluid milk products from the nonpool plant to a pool plant(s), classified as if it were a direct transfer pursuant to paragraph (a) of this section from one pool plant to another pool plant with Class II utilization indicated: *Provided,* That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat covered by this subdivision being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers according to the respective quantities of fluid milk products each handler transferred to the nonpool plant unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

(iv) Class I utilization in excess of that assigned pursuant to subdivisions (i), (ii), and (iii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(v) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat to transferred shall be classified as Class II milk; and

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

• • • • • •

6. In § 1096.46(a), a new subparagraph (2–a) is added immediately following subparagraph (2) and subparagraphs (3)(iii) and (5) are revised, all of which to read as follows:

§ 1096.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(2–a) Except for the first month this provision is effective, subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(3) • • •

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order or from a plant exempt pursuant to § 1096.60(b).

• • • • • •

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products (and, for the first month subparagraph (2–a) of this paragraph is effective, the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

• • • • • •

7. Section 1096.51(b) is revised to read as follows:

§ 1096.51 Class prices.

• • • • • •

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1096.50, but not to exceed a price computed as follows:

(1) Multiply by 4.2 the Chicago butter price;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

8. Section 1096.60 is revised to read as follows:

§ 1096.60 Exemptions.

(a) Producer handler: Sections 1096.40 to 1096.46, 1096.50 to 1096.54, 1096.65 to 1096.67, 1096.70 to 1096.75, 1096.80 to 1096.86, inclusive, shall not apply to a producer handler; and

(b) None of the provisions of this part except § 1096.21 shall apply to a plant operated by a governmental agency.

9. Section 1096.70(c) is revised to read as follows:

§ 1096.70 Computation of the net pool obligation of each pool handler.

• • • • • •

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the appropriate Class II milk price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1096.46(a)(5) and the corresponding step of § 1096.46(b); and

(2) Multiply the difference between the appropriate Class I milk price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1096.46(a)(2–a) and the corresponding step of § 1096.46(b). If the Class I milk price for the current month is less than the Class I milk price for the preceding month, the result shall be a minus amount;

• • • • • •

[F.R. Doc. 67-4157; Filed, Apr. 14, 1967; 8:47 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1500]

[Hazardous-Occupations Order No. 2]

SCHOOL BUS DRIVERS

Extension of Time To Comment

On January 26, 1967, proceedings were commenced by a proposal published in the FEDERAL REGISTER (32 F.R. 931)

inviting public comment on the question of whether Hazardous Occupations Order No. 2 (29 CFR 1500.43) should be revoked or modified insofar as it applies to school bus drivers. The final date for such comment set at April 1, 1967, in that proposal is hereby extended to May 1, 1967.

Signed at Washington, D.C., this 11th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-4141; Filed, Apr. 14, 1967; 8:46 a.m.]

[29 CFR Part 1504]

SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Certification of Shore Based Material Handling Devices

Reexamination of the safety and health regulations for longshoring established pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941, 29 CFR Part 1504) and experience in their administration and enforcement have indicated a need for certain revisions. Accordingly, notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that I propose to amend these regulations as hereinafter set forth.

In order that interested persons may have opportunity to participate in the rule-making process, notice is also given that oral data, views, and argument of interested persons will be received by a duly assigned Hearing Examiner on June 28, 1967, beginning at 10 a.m. in Room 404, Railway Labor Building, First and D Streets NW., Washington, D.C.

Any interested person desiring to participate orally may file a notice of intention with the Director, Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210, not later than 10 days before the schedule date. The notice of intention shall state the name and address of the person who is to appear, specify his interest, the amount of time he requires for such purpose, and identify his counsel or other representative, if any.

Interested persons may also submit written data, views, and argument by mailing them in quadruplicate to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210, not later than 5 days before the above specified date.

The oral proceedings shall be reported, and transcripts will be available to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of the oral presentations, dispose of procedural requests, objections, and comparable matters, and confine the presentation to matters pertinent to the proposal. He shall have discretion to keep the record open for a reasonable stated time to receive written proposals and supporting reasons, or additional data, views, and argument from persons who have participated.

Upon completion of the oral proceedings, the transcript thereof, together with the exhibits, written submissions, and all posthearing proposals and supporting reasons shall be certified to the Secretary of Labor.

After careful consideration is given to all relevant matter presented in these proceedings, and to such other information as may be available, the Secretary will issue such regulations as he deems appropriate and publish them in the FEDERAL REGISTER.

The proposals are set forth below.

1. In order to define the extent of the applicability of new regulations proposed to be established by this document (i.e. § 1504.13), § 1504.3 would be amended by adding paragraph (r) to read as follows:

§ 1504.3 Definitions.

* * * * * *

(r) For the specific purpose of § 1504.13 of this Part, equipment covered therein is defined as follows:

(1) The term "crane" means a mechanical device intended for lifting or lowering a load and moving it radially in a horizontal plane, in which the hoisting mechanism is an integral part of the machine. A crane may be a fixed or mobile machine.

(2) The term "derrick" means a mechanical device for lifting, including a boom which is supported at its head by a topping lift from a mast, "A" frame, or similar structure, and may or may not be controlled in the horizontal plane by vangs (guys). The term shall include shear legs.

(3) The term "bulk cargo spout" means a spout, which may or may not be telescoping and may or may not have removable sections, but is suspended over the vessel from some overhead structure by wire rope or other means. Such a spout is often used with a "thrower" or "trimming machine." A grain loading spout is an example of those covered by this definition.

(4) The term "bulk cargo sucker" means a pneumatic conveyor which utilizes a spout-like device, which may be adjustable vertically and/or laterally, and which is suspended over a vessel from some overhead structure by wire rope or other means. An example of an installation of this nature is the "grain sucker," used to discharge grain from barges.

2. The requirements of the existing § 1504.12 provide protection, by means of certification, for employees aboard vessels who work with and under the vessels' own cargo handling gear. In order to provide equivalent protection to employees aboard vessels in cases where certain shore-based cargo handling equipment is used for the same purpose, a new § 1504.13 would be established. In the implementation of this provision, the assistance of the Bureau of Labor Standards would be available upon the request of any State or subordinate political subdivision affected. Amendments would also be made to Part 1505 of this chapter in order to adjust for technical differences in equipment covered. Pending such amendment to Part 1505 of this chapter, the existing provisions would be used with interim advice to surveyors when necessary.

The new § 1504.13 would read as follows:

§ 1504.13 Certification of shore based material handling devices.

(a) Cranes, derricks, and bulk-cargo loading or discharging spouts or suckers, as defined in § 1504.3(r), which meet the criteria specified in this paragraph, shall not be used in vessel-to-shore, shore-to-vessel, or vessel-to-vessel cargo handling until the employer has ascertained that such devices have been certificated as evidenced by a current and valid cargo gear register and/or certificates meeting the requirements specified in pargaraph (b) of this section.

(1) The device is not part of a vessel's permanent equipment and is located ashore or placed aboard a vessel only temporarily.

(2) The device is used to transfer cargo or materials other than bulk liquids directly between the shore and a vessel or between vessels.

(3) The device is so located that its failure could cause injury to an employee as defined in § 1504.3(d).

(b) Certification required by this section shall meet:

(1) The standards of Part 1505 of this chapter, carried out by persons currently accredited by the Bureau of Labor Standards as set forth therein; or

(2) Currently effective standards established and enforced by the State wherein the device is located, or by a subordinate political subdivision delegated this responsibility by the State, provided such standards have been filed with the Director of the Bureau of Labor Standards, U.S. Department of Labor, have been found by him to be compatible with the standards of Part 1505 of this chapter, and persons performing certification functions to such standards have been designated as competent for the purpose by the cognizant authority, and accepted as such by the Director of the Bureau of Labor Standards, U.S. Department of Labor.

(c) Cranes and derricks shall be tested as a unit, inspected and/or examined, at the intervals required by and in accordance with applicable requirements as set forth in paragraph (b) of this section. Appropriate cargo gear registers and applicable certificates shall be available for inspection.

(d) Bulk cargo loading or discharging spouts or suckers, together with any rigging or outriggers associated therewith which support them vertically, need not be tested, but shall be subject to an annual thorough examination in accordance with applicable requirements as set forth in paragraph (b) of his section. Certificates attesting to the required examinations and acceptable for the purpose shall be available for inspection.

(e) New or replacement loose gear components of devices covered herein, comprising wire or other rope, shackles, swivels, hooks, chains, blocks, etc., shall meet the requirements of paragraph (b) of this section. Appropriate certificates attesting to this fact shall be available for inspection.

(f) Disassembly and reassembly of equipment, which is necessary to move from job to job, or which becomes necessary during the normal course of operations as a routine matter, does not nullify existing certification or require additional certification functions to be carried out.

(g) Where equipment which is certificated to the standards of, and by persons designated by, any State whose procedures have been found compatible with Part 1505 of this chapter, is transferred for use in another State, the then current and valid certification shall remain valid until the next survey becomes due.

Signed at Washington, D.C., this 10th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-4142; Filed, Apr. 14, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Negligible Residues on Commodity-Group Basis

The National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005, has requested that the statement of implementation of the National Academy of Sciences—National Research Council Pesticide Residues Committee's "Report on 'No Residue' and "Zero Tolerance" published in the FEDERAL REGISTER of April 13, 1966 (31 F.R. 5723), be supplemented by providing for the establishment of tolerances for negligible residues on a group basis rather than on a crop by crop basis. The suggested grouping of raw agricultural commodities has been reviewed by scientists in the U.S. Department of Agriculture and the Food and Drug Administration. The U.S. Department of Agriculture has concluded that certifications of usefulness for proposed use of pesticide chemicals may ordinarily be issued for groupings designated in this notice.

The aforesaid Committee suggested publication of analytical methods for determining whether or not foods contain residues in excess of tolerances. Such methods will be made available to the interested persons by publication or reference in the Food and Drug Administration's Pesticide Analytical Manual.

The Commissioner of Food and Drugs has concluded that the hereinafter designated groupings may be used for establishing tolerances for negligible residues. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408, 701(a), 68 Stat. 511, as amended, 52 Stat. 1055; 21 U.S.C. 346a, 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), it is proposed that Part 120 be amended:

1. By revising paragraph (g) of § 120.1 and by adding a new paragraph to that section, as follows:

§ 120.1 Definitions and interpretations.

* * * * * *

(g) For the purpose of computing fees as required by § 120.33, each group of crops listed in § 120.34(e) is counted as a single raw agricultural commodity in a petition or request for tolerances or exemption from the requirement of a tolerance for a nonsystemic pesticide. As a general rule, when considering a petition or request with respect to a systemic pesticide (see § 120.34(c)) crops shall not be grouped; however, when computing fees in connection with establishing tolerances for negligible residues, each group listed in § 120.34(f) is counted as a single commodity without regard as to whether or not the pesticide is systemic.

* * * * * *

(l) The term "negligible residue" means any amount of a pesticide chemical remaining in or on a raw agricultural commodity or group of raw agricultural commodities that would result in a daily intake regarded as toxicologically insignificant on the basis of scientific judgment of adequate safety data. Ordinarily this will add to the diet an amount which will be less than 1/2,000th of the amount that has been demonstrated to have no effect from feeding studies on the most sensitive animal species tested. Such toxicity studies shall include at least 90-day feeding studies in two species of mammals.

2. By adding to § 120.34 a new paragraph, as follows:

§ 120.34 Tests on the amount of residue remaining.

* * * * * *

(f) It may be possible to make a reliable estimate of negligible residues of pesticide chemicals to be expected on each commodity in a designated grouping on the basis of data on a representative number of commodities listed in the following designated groups. Tolerances for negligible residues will be established on the group as a whole following the certification of usefulness by the Secretary of Agriculture (pursuant to section 408(1) of the act) on the group as a whole. This does not affect U.S. Department of Agriculture requirements for data for registration of labels for each commodity or the requirement for Food and Drug Administration review of these labels and the supporting data for the proposed registration, in accordance with the Interdepartmental Agreement. Commodities not listed are not considered as included in the groupings for the purpose of this paragraph.

Group	*Commodities therein*
Citrus fruits	Citrus citron, grapefruit, kumquats, lemons, limes, oranges, tangelos, tangerines, and hybrids of these.
Cucurbits	Cantaloups, casabas, crenshaws, cucumbers, honey balls, honeydew melons, melons, melon hybrids, muskmelons, Persian melons, pumpkins, summer squash, watermelons and their hybrids, winter squash.
Forage grasses	Any grasses (either green or cured) that will be fed to or grazed by livestock, all pasture and range grasses, all grasses grown for hay or silage, corn grown for fodder or silage, sorghum grown for hay or silage, small grains grown for hay, grazing, or silage.
Forage legumes	Any crop belonging to the family Leguminosae that is grown for forage (hay, grazing, silage, etc.), alfalfa, beans (for forage), clovers, cowpeas (for forage), cowpea hay, lespedezas, peanuts (for forage), peanut hay, peas (for forage), pea vine hay, trefoil, velvet beans (for forage), vetch, soybeans (for forage), soybean hay.
Fruiting vegetables	Egg plants, peppers, pimentos, tomatoes.
Grain crops	Barley, buckwheat, corn (field corn, sweet corn, and popcorn), milo, oats, rice, rye, sorghums (grain), wheat.
Leafy vegetables	Anise (fresh leaf and stock only), beet greens (tops), broccoli, broccoli raab, brussels sprouts, cabbage, cauliflower, celery, Chinese cabbage, collards, dandelion, endive, escarole, fennel, kale, kohlrabi, lettuce, mustard greens, parsely, rhubarb, salsify tops, spinach, sugar beet tops, Swiss chard, turnip greens (tops), watercress.
Nuts	Almonds, Brazil nuts, bush nuts, butternuts, cashews, chestnuts, filberts, hazelnuts, hickory nuts, macadamia nuts, pecans, walnuts.
Pome fruits	Apples, crabapples, pears, quinces.
Poultry	Chickens, ducks, geese, guinea, pheasant, pigeons, quail, turkeys.
Root crop vegetables	Beets, carrots, chicory, garlic, green onions, horseradish, Jerusalem artichokes, leeks, onions, parsnips, potatoes, radishes, rutabagas, salsify, shallots, spring onions, sugar beets, sweetpotatoes, turnips, yams.

Group	Commodities therein
Seed and pod vegetables	Black-eyed peas, cowpeas, dill, edible soybeans, field beans, field peas, garden peas, green beans, kidney beans, lima beans, navy beans, okra, peas, pole beans, snap beans, string beans, wax beans, other beans and peas (except dried beans and peas).
Small fruits	Blackberries, blue berries, boysenberries, cranberries, currants, dewberries, elderberries, gooseberries, grapes, huckleberries, loganberries, raspberries.
Stone fruits	Apricots, cherries (sour and sweet), damsons, nectarines, pawpaws, peaches, plums, prunes.
Stored commodities other than fruits, grain, and vegetables.	Cottonseed, dried beans (all), dried peas (all), hay, peanuts.
Stored fruits and vegetables	Same crops as specified in this list for cucurbits, fruits, nuts, and vegetables.
Stored grain	Same crops as specified in this list for grain crops.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 6, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-4163; Filed, Apr. 14, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 66-WE-76]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of North Bend, Oreg., as follows:

1. The North Bend control zone would be redescribed as that airspace within a 5-mile radius of North Bend Municipal Airport (latitude 43°25'00" N., longitude 124°14'45" W.); within 2 miles each side of the North Bend VORTAC 044° True radial, extending from the 5-mile radius zone to 6.5 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 111° True radial, extending from the 5-mile radius zone to 4.5 miles east of the VORTAC, and within 2 miles each side of a 330° True bearing from the North Bend RBN (latitude 43°25'02" N., longitude 124°14'50" W.), extending from the 5-mile radius zone to 8 miles northwest of the airport.

2. The North Bend transition area would be redescribed as that airspace extending upward from 700 feet above the surface within 2 miles each side of the North Bend VORTAC 004° True radial, extending from the VORTAC to 6 miles north of the VORTAC; within 2 miles each side of the North Bend VORTAC 023° True radial, extending from the VORTAC to 8 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 044° True radial, extending from the VORTAC to 11 miles northeast of the VORTAC; within 2 miles each side of the North Bend VOR TAC 090° True radial, extending from the VORTAC to 8 miles east of the VOR TAC; within 2 miles each side of the North Bend VORTAC 111° True radial, extending from the VORTAC to 13 miles east of the VORTAC; within 2 miles each side of the North Bend VORTAC 182° True radial, extending from the VOR TAC to 5 miles south of the VORTAC; within 2 miles each side of the North Bend VORTAC 270° True radial, extending from the VORTAC to 10 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the North Bend VORTAC, extending clockwise from the east edge of V-27 south of the VORTAC to the east edge of V-287 north of the VORTAC, within 5 miles north and 8 miles south of the North Bend VORTAC 090° True radial, extending from the VORTAC to 12 miles east of the VORTAC.

The amended control zone and transition area would provide controlled airspace for aircraft executing the revised prescribed instrument approach and departure procedures for the North Bend Airport.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on April 11, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4148; Filed, Apr. 14, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-WE-87]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Crescent City, Calif., control zone and transition area as follows:

1. The Crescent City control zone would be redescribed as that airspace within a 5-mile radius of Jack McNamara Field Crescent City (latitude 41°46'50" N., longitude 124°14'00" W.), within 2 miles each side of the Crescent City VORTAC 325° True radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 2 miles each side of the Crescent City VORTAC 180° True radial extending from the 5-mile radius zone to 7 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. The Crescent City transition area would be redescribed as that airspace extending upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Crescent City VORTAC 180° True and 360° True radials, extending from 8 miles north to 20 miles south of the VORTAC; within 5 miles each side of the Crescent City VORTAC 234° True radial, extending from the VORTAC to 12 miles southwest of the VORTAC; that airspace north of Crescent City bounded on the east by the east edge of V-27; on the north and northwest by the arc of 16.5-mile radius of Crescent City VORTAC, bounded on the southwest by a line 8 miles southwest of and parallel to the Crescent City VORTAC 325° True radial and bounded on the south by latitude 41°46'00" N.

The control zone and transition area, altered as proposed, would provide the necessary controlled airspace for aircraft executing prescribed instrument approach, missed approach, and departure procedures for the Jack McNamara Airport. Additionally, the transition area would provide the necessary controlled airspace to encompass the holding patterns at the Crescent City VORTAC.

As part of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on April 11, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4149; Filed, Apr. 14, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-20]

TRANSITION AREA

Proposed Alteration

NOTICE OF PROPOSED RULE MAKING

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the 700-foot portion of the Pasco, Wash., transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Airspace action has been initiated as a result of the relocation of The Dalles VORTAC to realign V-520 direct between The Dalles, Oreg., and Pasco, Wash. (ASD 66-WE-70). On-course climb will be authorized for departing aircraft from Tri-Cities Airport, Pasco, Wash., via the realigned airway 250° T (229° M) radial, in addition to climb via the 276° T (255° M) radial of the Pasco VOR. A small amount of additional 700-foot transition area will be required to protect aircraft executing these departure procedures during climb from 700 to 1,200 feet above the surface.

In view of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (32 F.R. 2234) the Pasco, Wash., transition area is amended as follows:

PASCO, WASH.

That airspace extending upward from 700 feet above the surface, within 5 miles southwest and 8 miles northeast of the Pasco VOR 132° radial, extending from the VOR to 12 miles southeast of the VOR, within 5 miles southeast and 8 miles northwest of the Pasco 036° and 216° radials, extending from 12 miles northeast to 3 miles southwest of the VOR, within 2 miles each side of the Pasco 250° radial, extending from the VOR to 12 miles west of the VOR, and within 2 miles each side of the Pasco 276° radial, extending from the VOR to 9 miles west of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles southwest and 8 miles northeast of the Pasco 132° and 312° radials, extending from 8 miles northwest to 18 miles southeast of the VOR, excluding the portion within Restricted Area R-6715.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on April 7, 1967.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 67-4150; Filed, Apr. 14, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[191.8]

REGIONAL COMMISSIONERS OF CUSTOMS AND DISTRICT DIRECTORS OF CUSTOMS

Notice of Distribution of Functions

Bureau of Customs Circular (MAN–9–CC) published in the FEDERAL REGISTER on October 29, 1965 (30 F.R. 13790), and revised by notice (MAN–9–CC) published in the FEDERAL REGISTER on January 25, 1966 (31 F.R. 981), related to the distribution of functions delegated to regional commissioners of customs and district directors of customs. A further revision of this circular was made by a Bureau of Customs Circular of March 3, 1967, which is set forth below.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

TREASURY DEPARTMENT

BUREAU OF CUSTOMS

WASHINGTON

Circular: MAN–9–CC
Date: March 3, 1967.

Subject: MANAGEMENT; Functions of region and district in the processing and review of protests filed under section 514 and applications filed under section 520(c)(1) of the Tariff Act of 1930, as amended.

Reference: CIRCULAR: MAN–9–CC dated October 26, 1965.

1. *Purpose.* To modify the required scope of region activity in the review and processing of protests filed under section 514, Tariff Act of 1930, as amended; to establish general guidelines for region activity in this area; and to require region review in granting applications filed under section 520(c)(1), Tariff Act of 1930, as amended.

2. *Background.* It was stated in Circular: MAN–9–CC, October 26, 1965, that the review of protests is to be performed at the regional level.

Recent studies show that the delegation of responsibility for review of protests to the region requires substantial additional processing of a large volume of documents without any substantial benefit. Thus the protest review function can be best performed initially on a district basis by the commodity teams and review on a regional level should be confined to limited areas.

In addition, the absence of clear guidelines fixing responsibility for the processing of applications filed under section 520(c)(1) of the Tariff Act of 1930, as amended, has led to an absence of uniformity.

3. *Action.*

A. Protests filed under section 514 of the Tariff Act of 1930, as amended, shall be initially processed on the district level and reviewed by the appropriate commodity teams.

B. After review in accordance with the preceding paragraph, protests shall be forwarded by the district directly to the Customs Court except in the following instances where they are, in the absence of contrary instructions from the region, referred to the region for further action:

(1) Validation of the protest is recommended by the district.

(2) Proposed action on the protest raises a question of uniformity on a regional or national basis.

(3) Proposed action on the protest requires interpretation of a specific court decision relied on by the protestant.

(4) Proposed action on the protest requires interpretation of a specific Bureau ruling relied on by the protestant.

(5) The protest raises questions involving administrative procedures and/or practices.

(6) The protestant specifically requests review at a regional level.

(7) Any other case which is determined by the district or region to require coordination or review at the region.

Protests denied at the regional level following review in accordance with this paragraph shall be returned to the district for transmittal to the Customs Court.

C. The appropriate district and regional customs officers shall take steps to assure that the reporting provisions of section 17.3 of the Customs Manual, relating to the referral of information to the Assistant to the Chief Counsel (New York), are observed.

D. All applications under section 520(c)(1) of the Tariff Act of 1930, as amended, shall be filed with and initially processed at the district level and, except for those involving mathematical and/or typographical errors only, shall be reviewed at the region before action in favor of the applicant is taken thereon. The region may also review any actions denying an application filed under section 520(c)(1).

E. Instructions from the region implementing this circular including any provisions considered by the region to be desirable because of local conditions should be coordinated with the Regional Counsel and copies of any such instructions should be furnished to the Assistant to the Chief Counsel.

F. Paragraph A(3) of Circular MAN–9–CC dated October 26, 1965, is hereby superseded to the extent inconsistent herewith.

4. *Effective date.* This circular shall be effective April 3, 1967.

EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 67–4171; Filed, Apr. 14, 1967; 8:49 a.m.]

Internal Revenue Service

[Order No. 23 (Rev. 5)]

ASSISTANT COMMISSIONER (ADMINISTRATION) ET AL.

Delegation of Authority

Settlement of tort claims and claims made by an employee of the Internal Revenue Service for damage to or loss of personal property incident to his service.

1. Pursuant to Treasury Department Order No. 145 (rev. 3), dated February 13, 1967, and Treasury Department Order No. 177–22 (rev. 1), dated October 18, 1965, there is hereby delegated to the Assistant Commissioner (Administration), the Director, Facilities Management Division, the Chief, Protective Programs Branch, and the Safety Management Officer in the Protective Programs Branch:

(a) The authority, under 28 U.S.C. 2672 to consider, ascertain, adjust, determine, compromise, settle, and pay or transmit for payment claims for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Internal Revenue Service;

(b) The authority to consider, ascertain, adjust and determine claims under the Act of December 28, 1922, 42 Stat. 1066;

(c) The authority under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, to settle and pay claims made by an employee of the Internal Revenue Service, for damage to or loss of personal property incident to his service.

2. This authority may not be redelegated.

3. This order supersedes Delegation Order No. 23 (rev. 4) issued February 11, 1966.

Issued: April 11, 1967.

Effective date: April 11, 1967.

[SEAL] SHELDON S. COHEN,
Commissioner.

[F.R. Doc. 67–4172; Filed, Apr. 14, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

DEPARTMENT OF AGRICULTURE ET AL.

Notice of Applications For Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67–00018–01–11000. Applicant: U.S. Department of Agriculture, Agricultural Research Services, Eastern Utilization Research and Development Division, South Agriculture Building, Washington, D.C. 20250. Article: Combined Gas Chromatograph-Mass Spectrometer comprising: Analyzer unit model LKB 9001, Control unit model LKB 9002, Transformer model LKB 9065 with both foreign and domestically manufactured parts and accessories. Manufacturer: LKB Produkter AB, Sweden as the major manufacturer and domestic manufacturers Varian Associates Inc., and Consolidated Electrodynamics Corp. as suppliers for some parts. Intended use of article: Separation and identification of flavor compounds isolated in microgram quantities from dairy products. Application received by Commissioner of Customs: April 4, 1967.

Docket No. 67–00019–25–34095. Applicant: Youngstown University, 410 Wick Avenue, Youngstown, Ohio 44503. Article: Three-phase electrical generalized machine set consisting of generalized machine, a D.C. machine and torque measuring unit with a built-in tachometer-generator. Manufacturer: Mawdsley's Ltd., England.

Intended use of article: Instructional experimentation in electromechanical principles. Application received by Commissioner of Customs: April 4, 1967.

Docket No. 67–00020–65–46040. Applicant: University of California, Lawrence Radiation Laboratory, End of East Avenue, Livermore, Calif. 94550. Article: Electron Microscope-Hitachi Model HU–125. Manufacturer: Hitachi, Ltd., Japan. Intended use of Article: Applicant States:

This instrument will be used for research purposes by the Lawrence Radiation Laboratory under Contract No. W–7405–ENG–48 with the Atomic Energy Commission. Specific use will be in studies of "High Z" materials such as uranium alloys and other materials which, because of their nature, cannot be thinned properly. The behavior of "High Z" materials is such that an electron microscope of 125 KV is needed to provide adequate penetration.

Application Received by Commissioner of Customs: April 4, 1967.

Docket No. 67–00021–65–46040. Applicant: Oregon State University, Department of Engineering, Corvallis, Oreg. 97331. Article: Hitachi Perkin-Elmer Electron Microscope Model HU–11B–3. Manufacturer: Hitachi, Ltd., Japan. Intended use of Article: The electron Microscope will be used in both teaching and research in the laboratories of the School of Engineering. Investigations and Instructions are related to metals and alloys. An Electron Microscope utilizing a high accelerating voltage is required for penetration of thicker specimens. Application received by Commissioner of Customs: April 4, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67–4151; Filed, Apr. 14, 1967; 8:47 a.m.]

Office of the Secretary

[Dept. Order 46; Amdt. 3]

MANAGEMENT CONSULTING SERVICES

Procurement of Contracts

The following amendment to the order was issued by the Acting Secretary of Commerce on March 31, 1967. The material appearing at 29 F.R. 13541–13542 of October 1, 1964, and 31 F.R. 8086 of June 8, 1966, is hereby further amended as follows:

Department Order 46, dated September 16, 1964, is hereby further amended as follows:

SEC. 3. *General Provisions.* Paragraph .04 is amended to read:

.04 *Contracts for Management Consulting Services.*

a. No organizational unit of the Department shall execute any contract, supplement thereto, or significant amendment thereof for management consulting services, nor shall it issue any request for proposals or other form of solicitation for such services, without the prior approval of the Assistant Secretary for Administration, unless the total cost of such services is expected to be less than $10,000. The Assistant Secretary for Administration shall consult with the Program Secretarial Officer concerned prior to acting on requests for approval of proposed management consulting services.

b. For the purpose of this order, the term "management consulting service" shall include any survey, research study, analysis, or consultation concerned primarily with improving the general management or administrative functions of the Department, or of any of its programs or organizational units.

Effective date: March 31, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67–4152; Filed, Apr. 14, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Redelegation of Authority to Area Managers, Anchorage District

Under authority of Bureau Order 701, dated July 23, 1964, and as amended April 26, 1966, the Area Managers administering the Cook Inlet Resource Area, Bristol Bay Resource Area, Glennallen Resource Area, McGrath Resource Area, Southeast Resource Area of the Anchorage District Office are authorized to act on the following matters:

Within their respective areas of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the District Manager, they may exercise the functions of the Bureau Director on the matters specified below subject to the limitations of Bureau Order 701, Part III.

AUTHORITY IN SPECIFIC MATTERS

SEC. 3.3 *Fiscal affairs.* The Area Manager may take action on:

(d) Trespass: Determine liability and issue notice of trespass on the public lands; recommend as to acceptance of settlement offer made.

SEC. 3.7 *Range management.* The Area Manager may take all action on:

(a) The issuance of permits to graze or trail livestock or reindeer.

(3) Permits to construct and maintain range improvements and determine the value of such improvements.

(b) The issuance of grazing leases.

(d) Soil and moisture conservation.

SEC. 3.8 *Forest management.* The Area Manager may take all action on:

(a) Disposition of forest products including sales of timber not exceeding $1,000 in value.

SEC. 3.9 *Land use.* The Area Manager may take all action on:

(g) Disposition of materials other than forest products, not exceeding $1,000 in value.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above-delegated authority through use of Form 1213–1—District Office Authority and Responsibility Guide.

This order will become effective upon date of publication in the FEDERAL REGISTER.

Dated: April 4, 1967.

JAMES W. SCOTT,
District Manager.

Approved: April 4, 1967

LYLE F. JONES,
Acting State Director.

[F.R. Doc. 67–4136; Filed, Apr. 14, 1967; 8:45 a.m.]

TEXAS OUTER CONTINENTAL SHELF

Availability of Official Leasing Maps

The following outer continental shelf official leasing maps as authorized by 43

CFR 3380.2(b) will become available upon the publication of this FEDERAL REGISTER notice.

Map No.	Name	Date
1	South Padre Island Area.	Approved July 16, 1954, revised Jan. 23, 1967
1A	South Padre Island Area East Addition.	Approved May 6, 1965.
2	North Padre Island Area.	Approved July 16, 1954, revised Jan. 23, 1967
2A	North Padre Island Area East Addition.	Approved May 6, 1965.
3	Mustang Island Area.	Approved July 16, 1954, revised Oct. 20, 1961, revised Jan. 23, 1967.
3A	Mustang Island Area East Addition.	Approved Jan. 23, 1967.
4	Matagorda Island Area.	Approved July 16, 1954, revised Jan. 23, 1967
5	Brazos Area	Approved July 16, 1954, revised Jan. 23, 1967.
5B	Brazos Area South Addition.	Approved Sept. 24, 1959, revised Jan. 23, 1967.
6	Galveston Area	Approved July 16, 1954, revised Jan. 23, 1967.
6A	Galveston Area South Addition.	Approved Sept. 24, 1959, revised Jan. 23, 1967.
7	High Island Area	Approved July 16, 1954, revised August 1956, revised Jan. 23, 1967.
7A	High Island Area East Addition.	Approved Jan. 23, 1967.
7B	High Island Area South Addition.	Approved Sept. 24, 1959, revised Jan. 23, 1967.
7C	High Island Area East Addition South Extension.	Approved Sept. 24, 1959, revised Jan. 23, 1967.

Map No. 5A, Brazos Area South Addition, approved September 24, 1959 (not revised), is hereby canceled and a portion of the area previously covered by that map is now included within the areas shown on Map No. 3A, Mustang Island Area East Addition and new Map No. 5B, Brazos Area South Addition listed above.

The complete set of fifteen (15) maps plus a cover sheet may be purchased for five dollars ($5) from Director, Bureau of Land Management, Washington, D.C. 20240; or Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Room T-9003, Federal Office Building, 701 Loyola Avenue, New Orleans, La.; or Post Office Box 53226, New Orleans, La. 70150.

JOHN O. CROW,
Acting Director,
Bureau of Land Management.

APRIL 11, 1967.

[F.R. Doc. 67-4137; Filed, Apr. 14, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-258]

ISOCHEM INC.

Order Granting Withdrawal of Application and Terminating Proceeding

On March 30, 1967, Isochem Inc. (Fission Products Conversion and Encapsulation Plant) filed a motion in accordance with § 2.107 of the Commission's rules of practice to withdraw the application filed initially for a construction permit. The motion asserted that Isochem and the Atomic Energy Commission had now completed the termination agreement which was under negotiation at the time that a motion was filed on January 24, 1967, for a postponement of the hearing. The agreement terminates the contract which Isochem had executed for the construction and operation of a fission products conversion and encapsulation plant.

On March 31, 1967, the Regulatory Staff filed an assent to the motion filed by Isochem.

Wherefore, it is ordered, Pursuant to § 2.107 of the Commission's rules of practice, that the application for licenses filed by Isochem in this proceeding is permitted to be withdrawn by Isochem and this proceeding is terminated.

Issued: April 10, 1967, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[F.R. Doc. 67-4127; Filed, Apr. 14, 1967; 8:45 a.m.]

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Notice of Issuance of Amendment to Provisional Construction Permit

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2, set forth below, to Provisional Construction Permit No. CPPR-19. The construction permit, as previously issued, authorizes Rochester Gas and Electric Corp. (the permittee) to construct a pressurized water nuclear reactor (the reactor) to be located on a site on the shore of Lake Ontario, designated as the Brookwood site, in the township of Ontario, Wayne County, N.Y.

The amendment, as requested in the application dated January 16, 1967, redescribes the reactor as the Robert Emmett Ginna Nuclear Power Plant Unit No. 1. The reactor had previously been described as the Brookwood Nuclear Station Unit No. 1.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application for construction permit amendment, a copy of which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 10th day of April 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[Construction Permit No. CPPR-19; Amdt. 2]

The Atomic Energy Commission having found that:

a. The application for construction permit amendment, dated January 16, 1967, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and

c. Prior public notice of proposed issuance of his amendment is not required since no significant hazards considerations are involved;

Construction Permit No. CPPR-19, issued to Rochester Gas and Electric Corp., is hereby amended as follows:

1. The last sentence of paragraph 1 is revised to read: The Robert Emmett Ginna Nuclear Power Plant Unit No. 1 contains a pressurized water reactor, the facility, designed to operate at 1,300 megawatts thermal and is to be located at the Robert Emmett Ginna Nuclear Power Plant, Brookwood site, Wayne County, N.Y.

2. Subparagraph 2.B. is revised to read: The facility shall be constructed and located at the Brookwood site as described in the application, as amended, at the Robert Emmett Ginna Nuclear Power Plant, Wayne County, N.Y.

This amendment is effective as of the date of issuance.

Date of issuance: April 10, 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-4128; Filed, Apr. 14, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

COMMERCIAL SOLVENTS CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

A food additive petition (FAP 5C1779) was filed by Commercial Solvents Corp., Terre Haute, Ind. 47808, notice of which was published in the FEDERAL REGISTER of September 17, 1965 (30 F.R. 11928), proposing that § 121.233 *Zinc bacitracin* be amended to provide for the safe use of a combination drug containing zinc bacitracin and chlortetracycline or oxytetracycline, with or without amprolium or zoalene, for specified uses in chicken feed. Subsequently, the Commissioner of Food and Drugs requested submission of certain additional information, as provided for in § 121.51(j) of the procedural food additive regulations. Section 121.51(j) also provides that if such requested information is not submitted within 180 days of the filing date of a petition, the petition will be considered to be withdrawn without prejudice.

The requested information has not been received and, therefore, the subject petition is regarded as having been withdrawn without prejudice to a future filing.

Dated: April 7, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-4164; Filed, Apr. 14, 1967; 8:48 a.m.]

W. A. SCHOLTEN'S CHEMISCHE FABRIEKEN N.V.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2153) has been filed by W. A. Scholten's Chemische Fabrieken N.V., Postbus 1, Foxhol, The Netherlands, proposing an amendment to § 121.2506 *Industrial starch—modified* to provide for the safe use of industrial starch modified by treatment with not more than 6.0 percent of phosphoric acid and 20 percent of urea, as a component of articles intended for use in contact with food.

Dated: April 7, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-4165; Filed, Apr. 14, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15574]

REOPENED UNITED-PACIFIC TRANSFER CASE

Notice of Postponement of Hearing

Notice hereby is given that hearing in the above-indicated proceeding, now assigned to be held April 18, 1967, is postponed indefinitely.

Dated at Washington, D.C., April 12, 1967.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 67-4206; Filed, Apr. 14, 1967; 8:49 a.m.]

[Docket No. 18273]

AIRLIFT INTERNATIONAL, INC., ET AL.

Notice of Oral Argument Regarding Exemption of Air Carriers for Short-Notice, Military Contracts and Substitute Service and Statements of General Policy

At the direction of the Board notice is hereby given that oral argument in the above-entitled matter is assigned to be heard before the Board on April 21, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

An hour has been allotted for a joint presentation on behalf of the following air carriers.

Airlift International, Inc.
Braniff Airways, Inc.
Capitol International Airways, Inc.
Continental Air Lines, Inc.
The Flying Tiger Line, Inc.
Northwest Airlines, Inc.
Saturn Airways, Inc.
Seaboard World Airlines, Inc.
Trans Caribbean Airways, Inc.
Trans International Airlines, Inc.
World Airways, Inc.

Time will be allotted to other interested parties upon specific request addressed to the Chief Examiner on or before April 19, 1967.

Dated at Washington, D.C., April 13, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-4220; Filed Apr. 14, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-4533 etc.]

SELLS PETROLEUM, INC., ET AL.

Findings and Orders

APRIL 6, 1967.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, making rate changes effective, accepting agreement and under taking for filing, requiring filing of surety bonds, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of New Mexico and Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Alvin Wilson et al., Applicants in Docket No. G-4846, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to C. D. Davis et al., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicants. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-374.[1] Therefore, Applicants will be made co-respondents in said proceeding, the proceeding will be redesignated accordingly, and Applicants will be required to file a surety bond to assure the refund of any amounts collected by them in excess of the amount determined to be just and reasonable in said proceeding.

Car-Tex Producing Co. (Operator) et al., Applicant in Docket No. CI66-554, proposes inter alia, to continue in part the sale of natural gas heretofore authorized in Docket No. G-4846 to be made pursuant to C. D. Davis et al., FPC Gas Rate Schedule No. 1. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-374.[1] Therefore, Applicant will be made a co-respondent in said proceeding, the proceeding will be redesignated accordingly, and Applicant will be required to file a surety bond to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Amerada Petroleum Corp., Applicant in Docket Nos. CI67-791 and CI67-792, has filed applications for certificates as a nonoperator to cover its own interests in sales of natural gas heretofore authorized in Docket Nos. CI63-759 and CI63-760, respectively, to be made pursuant to Robbins Petroleum Corp. (Operator) et al., FPC Gas Rate Schedule Nos. 3 and 4, respectively. Instruments of ratification of the contracts comprising Robbins' rate schedules have been filed by Applicant as its own rate schedules. On June 3, 1963, Robbins filed with the Commission notices of changes in rate under its FPC Gas Rate Schedule Nos. 3 and 4. By order issued June 20, 1963, in Docket No. RI63-456 et al., the Commission suspended the proposed changes in Docket No. RI63-476[1] until December 4, 1963,

[1] Consolidated with Docket No. AR67-1 et al.

and thereafter until made effective. The changes were designated as Supplement No. 1 to each rate schedule. On February 1, 1967, Applicant filed motions to be made co-respondent in Docket No. RI63–476, motions to make the changes in rate effective subject to refund, and agreements and undertakings to assure the refunds of any amounts collected by Applicant in excess of the amounts determined to be just and reasonable in said proceeding. Therefore, Applicant will be made co-respondent, the proceeding will be redesignated accordingly, the changes in rate will be made effective subject to refund, and the agreements and undertakings will be accepted for filing.

Continental Oil Co., Applicant in Docket No. CI67–514, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G–6669 to be made pursuant to Delhi-Taylor Oil Corp. FPC Gas Rate Schedule No. 43. Tenneco Oil Co., Applicant in Docket No. G–6669, proposes to continue the remainder of the sale authorized in said docket. Continental and Tenneco have each acquired an undivided one-half interest in the producing properties and assets of Delhi-Taylor. By order issued August 5, 1963, in Docket No. G–2721 et al., a certificate was issued to George L. Buckles et al., in Docket No. CI63–678 authorizing the sale by Buckles from the properties theretofore covered by the certificate in Docket No. G–6669 and Delhi-Taylor's FPC Gas Rate Schedule No. 43. Said order vacated the certificate in Docket No. G–6669 with respect to the particular sale. Continental and Tenneco have become aware of the fact that the assignment from Delhi-Taylor to Buckles contained a depth limitation and that, therefore, when Continental and Tenneco acquired the assets of Delhi-Taylor, they acquired interests in production below the depth of 4,000 feet. Accordingly, they have filed the applications herein for authorizations to continue the salesf rom the depths retained by Delhi-Taylor and not assigned to Buckles. It will not be necessary at this time to qualify the vacation of the certificate in Docket No. G–6669 with the depth limitation because the certificate heretofore issued in Docket No. CI63–678 was terminated concurrently with the issuance of a small producer certificate to Buckles in Docket No. CS–66–119 for unspecified sales from the Permian Basin area. Although the order of August 5, 1963, purported to vacate without qualification the certificate issued in Docket No. G–6669 insofar as it pertained to Delhi-Taylor's FPC Gas Rate Schedule No. 43, Buckles could not then and cannot now make any sales from properties which he has not acquired from Delhi-Taylor. Therefore, Continental and Tenneco will be authorized in Docket Nos. CI67–514 and G–6669 to continue the sale of natural gas heretofore authorized to be made by Delhi-Taylor pursuant to its FPC Gas Rate Schedule No. 43 from depths below 4,000 feet.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on March 30, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI67–551 should be canceled and that the application filed therein should be processed as a petition to amend the certificate heretofore issued in Docket No. CI61–1226.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–4533, G–4846, G–6669, G–8743, G–13000, CI60–160, CI61–1226, CI63–215, CI63–759, CI63–760, CI64–175, CI64–1130, and CI66–942 should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the sales heretofore authorized to be made pursuant to the certificates issued in Docket Nos. G–11435, G–13052, and G–13852 should hereafter be made pursuant to the authorization granted in Docket No. G–8743 and that the former certificates should be terminated.

(8) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Alvin Wilson et al., should be co-respondents in the proceeding pending in Docket No. RI65–374, that said proceeding should be redesignated accordingly, and that Alvin Wilson et al., should be required to file a surety bond.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Car-Tex Producing Co. (Operator) et al., should be a co-respondent in the proceeding pending in Docket No. RI65–374, that said proceeding should be redesignated accordingly, and that Car-Tex should be required to file a surety bond.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Amerada Petroleum Corp. should be made a co-respondent in the proceeding pending in Docket No. RI63–476, that said proceeding should be redesignated accordingly, that the proposed changes in rate suspended in said proceeding should be made effective with respect to sales from Applicant's interests, and that the agreements and undertakings submitted by Applicant should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as

Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 8 and 10 in the attached tabulation.

(E) The initial rate for the sale authorized in Docket No. CI66–482 shall be the applicable base area rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rate, whichever is lower; and no increase in rate in excess of said initial rate shall be filed before January 1, 1968.

(F) The rate for sales authorized in Docket Nos. CI67–465 and CI67–466 shall be the initial rate provided in the related rate filings, which does not exceed the applicable area base rate as adjusted for quality, as reflected in the rate schedule quality statements submitted by Applicants; and no increase in rates in excess of said initial rates shall be filed before January 1, 1968.

(G) If the quality of the gas delivered by Applicants in Docket Nos. CI66–482, CI67–465, and CI67–466 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(H) Within 45 days from the date of this order Applicants in Docket Nos. G–6669, CI66–984, and CI67–514 each shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(I) A certificate is issued herein in Docket No. CI67–968, subject to the conditions set forth in paragraphs (E), (F), and (G) of the order accompanying Opinion No. 350 (27 FPC 35), except that said certificate shall not be subject to the Commission's ultimate determination in Docket No. R–200.

(J) Certificates are issued herein in Docket Nos. CI67–653, CI67–881, and CI67–990, authorizing the respective Applicants to continue the sales of natural gas being rendered on June 7, 1954.

(K) Certificates are issued herein in Docket Nos. CI67–965, CI67–966, CI67–989, and CI67–991, authorizing the respective Applicants to continue the sales of natural gas which were initiated without prior Commission authorization.

(L) Certificates are issued herein to Amerada Petroleum Corp. in Docket Nos. CI67–971 and CI67–972, authorizing Applicant to continue the sales of natural gas previously covered by the certificates issued to Robbins Petroleum Corp. (Operator) et al., in Docket Nos. CI63–759 and CI63–760, respectively.

(M) The certificates heretofore issued in Docket Nos. CI63–759 and CI63–760 are amended by deleting therefrom the interest of Amerada Petroleum Corp.

(N) Docket No. CI67–551 is canceled.

(O) The certificates heretofore issued in Docket Nos. G–4533, CI60–160, CI63–215, CI64–175, and CI66–942 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(P) The certificate heretofore issued in Docket No. CI64–1130 is amended to reflect removal of the reserve limitation.

(Q) The certificates heretofore issued in Docket Nos. G–4846, G–6669, G–8743, and CI61–1226 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(R) The sales heretofore authorized to be made in Docket Nos. G–11435, G–13052, and G–13852 are made pursuant to the authorization granted in Docket No. G–8743, in paragraph (Q) above, and the certificates in Docket Nos. G–11435, G–13052, and G–13852 are terminated.

(S) The certificate heretofore issued in Docket No. G–6669 is amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI67–514.

(T) The certificates heretofore issued in Docket Nos. G–4846 and G–13000 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI66–554.

(U) The acceptance for filing of the related rate sechdules in Docket No. CI66–554 is contingent upon Applicant's filing three copies of a billing statement for each rate schedule and letter agreements dated March 20, 1961, between C. D. Davis and Tennessee Gas Transmission Co., and March 19, 1965, between Renappi Corp. and Tennessee Gas Transmission Co., as required by the regulations under the Natural Gas Act.

(V) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(W) The abandonment of service herein permitted and approved in Docket No. CI67–984 does not relieve Applicant of any obligations to make such refunds as may be ordered in the rate suspension proceeding pending in Docket No. RI63–219.

(X) The certificates heretofore issued in Docket Nos. G–10857, G–11599, G–13235, CI63–864, CI64–967, CI65–290, and CI65–646 are terminated.

(Y) Alvin Wilson et al., shall be co-respondents in the proceeding pending in Docket No. RI65–374 and said proceeding is redesignated accordingly.[2]

(Z) Within 30 days from the issuance of this order Alvin Wilson et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable surety bond in Docket No. RI65–374 in the amount of $7,200 to assure the refund of any amounts collected by them, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond shall be deemed to have been accepted for filing.

(AA) Car-Tex Producing Co. (Operator) et al., shall be a co-respondent in the proceeding pending in Docket No. RI65–374 and said proceeding is redesignated accordingly.[2]

(BB) Within 30 days from the issuance of this order Car-Tex Producing Co. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable surety bond in Docket No. RI65–374 in the amount of $13,400 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in ex-

[2] C. D. Davis et al., Car-Tex Producing Co. (Operator) et al., and Alvin Wilson et al.

cess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond shall be deemed to have been accepted for filing.

(CC) Alvin Wilson et al., and Car-Tex Producing Co. (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the surety bonds filed by Alvin Wilson et al., and Car-Tex Producing Co. (Operator) et al., in Docket No. RI65–374 shall remain in full force and effect until discharged by the Commission.

(DD) Amerada Petroleum Corp. shall be a co-respondent in the proceeding pending in Docket No. RI63–476, said proceeding is redesignated accordingly,[2] and the agreements and undertakings submitted by Amerada are accepted for filing. The rates, charges, and classifications set forth in Supplement Nos. 1 to Robbins Petroleum Corp. (Operator) et al., FPC Gas Rate Schedule Nos. 3 and 4 [3] shall be effective subject to refund as of February 1, 1967, with respect to sales from the interests of Amerada. Said effective rates shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI63–476.

(EE) Amerada Petroleum Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by Amerada in Docket No. RI63–476 shall remain in full force and effect until discharged by the Commission.

(FF) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–4533 D 2–3–67	Sells Petroleum, Inc. (Operator), et al.	Arkansas Louisiana Gas Co., South Hallsville Field, Harrison County, Tex.	Notice of partial cancellation 2–21–67. [1] [2]	3	10
G–4846 E 12–20–66	Alvin Wilson et al. (successor to C. D. Davis, et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bethany Field, Panola County, Tex.	C. D. Davis et al. FPC GRS No. 1.	1	
			Supplement Nos. 1–7	1	1–7
			Notice of succession 12–6–66.		
			Conveyance 9–15–66	1	8
			Effective date: 9–15–66		
G–6669 E 9–23–66	Tenneco Oil Co. (successor to Delhi-Taylor Oil Corp.).	El Paso Natural Gas Co., Justis Field, Lea County, N. Mex.	Contract 8–7–39 [3]	210	
			Assignment 6–28–54 [4]	210	1
			Letter agreement 8–4–59	210	2
			Supplemental agreement 12–9–60.	210	3
			Conveyance 9–1–64 [5]	210	4
			Effective date: 1–1–64		
G–8743 E 1–20–67 (G–11435) [6] (G–13052) [6] (G–13852) [6]	C. G. Glasscock, Jr. (successor to C. V. Lyman d.b.a. Lyman Damascus Operations).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Captain Lucy (Bentonville) and North Alice Fields, Nueces and Jim Wells Counties, Tex.	C. V. Lyman d.b.a. Lyman Damascus Operations FPC GRS No. 2.	1	
			Supplement Nos. 1–10	1	1–10
			Notice of succession (undated).		
			Assignment 12–29–66 [7]	1	11
			Effective date: 10–1–66		
C160–160 C 2–1–67 [8]	Merchants Petroleum Co.	Equitable Gas Co., Henry District, Clay County, W. Va.	Letter agreement 6–9–66. [9]	3	1
C163–215 C 2–2–67 [10]	Union Oil Co. of California.	Arkansas Louisiana Gas Co., Arkoma Area, LeFlore, Latimer and Sequoyah Counties, Okla.	Supplemental agreement 11–28–66. [9]	147	5
C164–175 C 2–6–67 [9]	Pan American Petroleum Corp. (operator), et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Letter agreement 12–27–66. [9]	363	16
C164–1130 12–8–66 [11]	Atlantic Richfield Co.	El Paso Natural Gas Co., Gomez Field, Pecos County, Tex.	Supplemental agreement 10–19–66. [9]	287	3
C166–482 A 12–8–65 C 7–8–66 C 7–21–66 [12]	Delta Drilling Co. [13] (operator), et al.	Northern Natural Gas Co., Meybin Ranch Area, Crockett County, Tex.	Contract 10–27–65	34	
			Supplemental agreement 5–30–66.	34	1
			Supplemental agreement 5–19–66. [14]	34	2
A C166–554 (G–4846) F 12–23–65	Car-Tex Producing Co. (operator), et al. (successor to C. D. Davis et al.).	Tennessee Gas Pipeline Co., a Division of Tenneco inc., acreage in Panola County, Tex.	Letter agreement 11–6–65. [14]	1	
			Contract 4–26–54 [15]	1	1
			Assignment 6–28–65	1	2
			Assignment 7–30–65	1	3
			Letter agreement 12–14–65.	1	4
			Effective date: 7–1–65.		
A C166–554 (G–13000) [17] F 12–23–65	Car-Tex Producing Co. (operator), et al. (successor to Renappi Corp. (operator), et al.).	do	Letter agreement 11–5–65. [15]	2	
			Contract 6–1–54	2	1
			Letter agreement 12–14–65.	2	2
			Effective date: 7–1–65.		
C166–942 C 1–30–67 [16]	Pan American Petroleum Corp.	Northern Natural Gas Co., acreage in Ellis County, Okla.	Amended 11–30–66 [9]	449	2
A C166–984 (C163–678) [18] F 4–13–66	Amerada Petroleum Corp. (successor to George L. Buckles (Operator) et al.).	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	Contract 8–7–39 [19]	135	
			Supplemental agreement 3–26–42.	135	1
			Letter agreement 12–7–49.	135	2
			Supplemental agreement 12–9–60.	135	3
			Assignment 11–15–65 [21]	135	4
			Effective date: 9–1–65.		
			Contract 8–7–39 [19]	136	
			Supplemental agreement 4–27–42.	136	1
			Letter agreement 12–7–49.	136	2
			Supplemental agreement 12–9–60.	136	3
			Assignment 11–15–65 [21]	136	4
			Effective date: 9–1–65.		
			Contract 8–7–39 [19]	137	
			Supplemental agreement 4–24–42.	137	1
			Letter agreement 12–7–49.	137	2
			Supplemental agreement 12–9–60.	137	3
			Assignment 11–15–65 [21]	137	4
			Effective date: 9–1–65.		
C167–465 A 10–13–66 [22]	Mobil Oil Corp. [20]	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	Contract 7–15–66	395	
			Quality statement 9–15–66. [9] [20]	395	1
C167–466 A 10–13–66 [22]	Northern Natural Gas Producing Co. [20]	do	Contract 7–15–66	34	
			Quality statement 9–15–66. [9] [20]	34	1

[2] Robbins Petroleum Corp. (Operator) et al., Pan American Petroleum Corp., and Amerada Petroleum Corp.

[3] Instruments of ratification of the contracts comprising Robbins Petroleum Corp. (Operator) et al., FPC Gas Rate Schedule Nos. 3 and 4 are accepted for filing herein as Amerada Petroleum Corp. FPC Gas Rate Schedule Nos. 141 and 142. Supplement Nos. 1 to the latter rate schedules are not identical with Supplement Nos. 1 to the former rate schedules.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
C167–904 (G–13235) B 2–6–67	Edwin L. Cox	Chief Service Gas Co., Lovell-McClain Area, Custer County, Okla.	Notice of cancellation 2–6–67. [1]	#15	#5
C167–906 (G–11999) B 2–6–67	J. F. Deem	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Notice of cancellation 2–6–67. [23]	1	1
C167–907 (C163–1564) B 2–6–67	Robert L. Holland & Judith M. Richardson, Agents, d.b.a. Cole Delight.	Consolidated Gas Supply Corp., Nolan Ridge District, Gilmer County, W. Va.	Notice of cancellation 2–6–67. [24]	6	1
C167–908 A 2–6–67 [1]	Ralph L. Warner	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	Contract 1–13–67 [2]	7	
C167–909 [25] A 2–6–67 [1]	A. M. Snider et al. d.b.a. Hundred Gas Co.	The Manufacturers Light & Heat Co., Church District, Wetzel County, W. Va.	Contract 8–4–64 [1]	8	
C167–910 [1] A 2–6–67 [1]	W. E. Burchett	United Fuel Gas Co., Acreage in Mingo County, W. Va.	Contract 1–26–40	11	
C167–911 [26] A 2–7–67	Harry W. Brunt et al.	The Manufacturers Light & Heat Co., Brush Creek Township, Tioga County, Pa.	Contract 7–9–63 [2]	2	
C167–996 (C164–967) B 2–8–67	Hays and Co., Agent for Ferrell L. Prior, et al. d.b.a. Prior Oil Co.	Consolidated Gas Supply Corp., Central District, Doddridge County, W. Va.	Notice of cancellation 2–6–67. [23]	[27] 18	1
C167–997 (C166–260) B 2–6–67	Creslenn Oil Co., Inc.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	Notice of cancellation 2–6–67. [24]	5	1
C167–998 (C163–646) B 2–6–67	Tuscarora Oil & Gas Corp.,	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Notice of cancellation 2–6–67. [23]	1	1
C167–514 (G–6669) F 10–17–66	Continental Oil Co. (successor to Delhi-Taylor Oil Corp.).	El Paso Natural Gas Co., Justis Field, Lea County, N. Mex.	Contract 8–7–39 [1]	321	
			Assignment 6–28–54 [4]	321	1
			Letter agreement 8–4–59.	321	2
			Supplemental agreement 12–9–60.	321	3
			Conveyance 9–1–64 [5]	321	4
C167–451 [28] (C161–1228) E 10–26–66	Tri Gas Co. (successor to Cleary Petroleum, Inc. (Operator), et al.).	Trunkline Gas Co., Blanconia Field, Bee County, Tex.	Kinder Morgan, Inc. (Operator), et al. FPC GRS No. 1. Supplemental No. 1 Notice of succession 10–24–66.	2	1
			Ratified 10–6–66 [29]	2	2
			Assignment 7–6–66 [30]	2	3
			Assignment 7–6–66 [31]	2	4
			Assignment 7–6–66 [32]	2	5
			Assignment 7–11–66 [33]	2	6
			Assignment 7–12–66 [34]	2	7
			Assignment 7–20–66 [35]	2	8
			Effective date: 6–30–66		
C167–638 [1] A 11–4–66	Eastern Kentucky Exploration Co., Agt., Clara Queen, Agent.	United Fuel Gas Co., Acreage in Martin County, Ky.	Contract 11–21–39	2	1
			Supplemental agreement 10–4–54.	2	2
			Supplemental agreement 12–20–46.	2	3
			Letter agreement 1–20–51. [36]	2	4
			Letter agreement 12–31–53.	2	
C167–681 [1] A 1–18–67 [2]	William D. Lewis, Jr., et al.	United Fuel Gas Co., Duval District, Lincoln County, W. Va.	Contract 7–1–26	1	
C167–691 A 1–31–67 [2]	J. William McElvain	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	Contract 8–28–66 [2]	1	
C1–67–965 [37] A 2–3–67	Lee E. Minter	The Manufacturers Light and Heat Co., Burrell Township, Indiana County, Pa.	Contract 9–17–58 [2]	14	
C167–966 [1] A 2–3–67	Lee E. Minter et al.	The Manufacturers Light and Heat Co., Houston Township, Clearfield County, Pa.	Contract 5–6–60	15	
C167–968 A 2–3–67 [38]	Pan American Petroleum Corp. [39]	Peoples Natural Gas Line Co., N. E. Boiling Field, Dewey County, Okla.	Contract 8–9–56 Amended 11–15–66 [2]	465 465	1
C167–970 A 2–3–67 [38]	Koener Oil Co	Northern Natural Gas Co., Southeast Caleby and Southwest May Fields, Ellis County, Okla.	Contract 1–17–67 [2]	8	
C167–971 A 2–1–67 (C163–759) [38] (C163–760) [38]	Amerada Petroleum Corp.	Lone Star Gas Co., Pearsall Field, Frio County, Tex.	Ratified 2–15–63 [40] Contract 10–1–62. Effective date: 2–1–67. Ratified 2–15–63 [40] Contract 11–12–62. Effective date: 2–1–67.	141 141 142 142	1 1 1 1
C167–976 A 2–6–67 [2]	Smith Drilling Contractors, Inc., et al.	Consolidated Gas Supply Corp., Cremin, W. Va.	Contract 6–2–66 [2]	1	1
C167–977 A 2–6–67 [38]	Mobil Oil Corp.	Panhandle Eastern Pipe Line Co., Mocane Field, Beaver County, Okla.	Contract 12–30–66 [2]	284	
C167–981 A 2–6–67	John M. Sawyer, Agent for Northwestern Oil & Gas Co.	The Manufacturers Light & Heat Co., Benezette Township, Elk County, Pa.	Contract 8–10–54 [1]	1	
C167–982 (C–10857) B 2–3–67	Lyons Petroleum et al.	Texas Eastern Transmission Corp., South Hallsville Field, Harrison County, Tex.	Notice of cancellation 1–26–67. [2] [40]	[41] 2	7

See footnotes at end of table.

[1] Source of gas depleted.
[2] Effective date: Date of this order.
[3] Between Phillips Production Co., predecessor to Delhi-Taylor's FPC GRS No. 43.
[4] Assigns buyers interest from Phillips Petroleum to El Paso Natural Gas Co.
[5] Transfers all property of Delhi-Taylor Oil Corp. to Tenneco Oil Co. and Continental Oil Co. (40 percent each); and the sales will be included thereunder in Docket No. G–6743.
[6] Docket covers sales dedicated to the contract in C. V. Lyman's FPC GRS No. 2. Said dockets will be terminated as Lyman's interest has been assigned.
[7] Jan. 1, 1966, moratorium pursuant to the Commission's statement of general policy No. 61–1, as amended.
[8] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[9] July 1, 1967, moratorium pursuant to the Commission's statement of general policy No. 61–1, as amended.
[10] Amendment to the certificate filed to reflect removal of reserve limitation.
[11] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[12] By letter dated Aug. 26, 1966 (filed Aug. 29, 1966) Applicant advised willingness to accept authorization containing conditions similar to those imposed in Opinion No. 468.
[13] Applicant has advised willingness to accept a permanent certificate containing conditions similar to those imposed in Opinion No. 468.
[14] Initial rate pursuant to Opinion No. 468 for production from the added acreage in lieu of 16.0 cents per Mcf.
[15] Initial rate pursuant to Opinion No. 468 for production from the added acreage in lieu of 16.5 cents per Mcf.
[16] Applicant advised willingness to provide for a rate of 16.5 cents per Mcf for production from the added acreage.
[17] Jan. 1, 1968, moratorium pursuant to the Commission's statement of general policy No. 61–1, as amended.
[18] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[19] July 1, 1967, moratorium pursuant to the Commission's statement of general policy No. 61–1, as amended.
[20] Amendment to the certificate filed to reflect removal of reserve limitation.
[21] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[22] By letter dated Aug. 26, 1966 (filed Aug. 29, 1966) Applicant advised willingness to accept authorization containing conditions similar to those imposed in Opinion No. 468.
[23] Assigns buyers interest from Phillips Petroleum to El Paso Natural Gas Co.
[24] Transfers all property of Delhi-Taylor Oil Corp. to Tenneco Oil Co. and Continental Oil Co. (40 percent each); and the sales will be included thereunder in Docket No. G–6743.
[25] Docket covers sales dedicated to the contract in C. V. Lyman's FPC GRS No. 2. Said dockets will be terminated as Lyman's interest has been assigned.
[26] Jan. 1, 1968, moratorium pursuant to the Commission's statement of general policy No. 61–1, as amended.
[27] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[28] July 1, 1967, moratorium pursuant to the Commission's statement of general policy No. 61–1, as amended.
[29] Amendment to the certificate filed to reflect removal of reserve limitation.
[30] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[31] By letter dated Aug. 26, 1966 (filed Aug. 29, 1966) Applicant advised willingness to accept authorization containing conditions similar to those imposed in Opinion No. 468.
[32] Formerly on file as George L. Buckles et al. FPC GRS No. 4 (Williams Lease), 5 (Mosley Lease) and 6 (Woolworth Lease), respectively.
[33] From George L. Buckles et al. to Amerada Petroleum Corp.
[34] Applicant has advised willingness to accept a permanent certificate containing conditions similar to those imposed in Opinion No. 468.
[35] Applicant has filed a duplicate quality statement pursuant to the provisions of Opinion No. 468.
[36] Application to be deemed assigned Docket No. C167–451 will be cancelled and the application will be treated as a petition to amend the certificate heretofore issued in Docket No. C161–1228.
[37] Transfers interest from Cleary Petroleum, Inc. to B. B. Mangrum, Jesse L. Johnston, and R. M. Silves who are the owners of Tri Gas Co.

[3] Transfers interest from Jack Tway and Lora C. Tway to B. B. Mangum, Jesse L. Johnson, and R. M. Sikes who are the owners of Tri Gas Co.
[4] Transfers interest from James H. Holland to B. B. Mangum, Jesse L. Johnson, and R. M. Sikes who are the owners of Tri Gas Co.
[5] Transfers interest from L & E Investment Co., R. E. Lee and M. S. Lee to B. B. Mangum, Jesse L. Johnson, and R. M. Sikes who are the owners of Tri Gas Co.
[6] Transfers interest from M. Troy Jones to B. B. Mangum, Jesse L. Johnson, and R. M. Sikes who are the owners of Tri Gas Co.
[7] Transfers interest from William Ewing, Jr. to B. B. Mangum, Jesse L. Johnson, and R. M. Sikes who are the owners of Tri Gas Co. (By letter dated Nov. 8, 1966, a representative of Applicant stated that the Tri Gas Co. owns all interest in the subject properties.)
[8] Sale being rendered on June 7, 1954.
[9] Increases price from contract rate of 12.0 cents per Mcf at 60° F. and 15.325 p.s.i.a.
[10] Increases contract price to 16.0 cents per Mcf.
[11] Sale being rendered without prior Commission authorization.
[12] Applicant has indicated willingness to accept a permanent certificate conditioned similarly to the certificates issued under Opinion No. 350.
[13] Applicant is filing to cover its own interests which were previously covered under the certificates issued to Robbins Petroleum Corp. (Operator) et al., in Docket Nos. CI63-759 and CI63-760, respectively.
[14] Ratifies and adopts terms of contracts dated 10-1-62 and 11-12-62, respectively.
[15] Production of gas no longer economically feasible.
[16] Filing made by Lyons Petroleum et al.; rate schedule designated as Lyons & Logan (Operator) et al.
[17] Rate of 12.0 cents collected subject to refund in Docket No. RI63-219.
[18] Formerly designated as Ferrell L. Prior et al. d.b.a. Prior Oil Co., FPC GR8 No. 39.

SURETY BOND

Know All Men by These Presents:

That we (Name and address of the natural gas company) (hereinafter called "Principal"), as Principal, and (Name and address and place of incorporation of Surety Bond Company) (hereinafter called "Surety"), as Surety, are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

Whereas, (Name of Respondent), on (Date of original filing), filed with the Federal Power Commission (herein called the Commission) Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, proposing to increase a rate and charge over which the Commission has exercised jurisdiction; and

Whereas, by order issued (Suspension order issuance date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classification, subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended until date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

Whereas, a hearing has not been held and this proceeding has not been concluded; and (Name of Respondent), pursuant to the provisions of section 4(e) of the Natural Gas Act, having on (Date motion filed), filed a motion to make the change in rate effective as of (Requested effective date); and

Whereas, the Commission, in response to said motion, on (Date of notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, effective as of (Effective date), subject to Respondent's furnishing a bond in the sum of $------, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. ------ not justified;

Now, Therefore, if (Name of Respondent), its corporate surety, (and their heirs, executors, administrators [1]) successors and assigns, in conformity with the terms and conditions of the notice issued (Date of notice) by the Federal Power Commission, Docket No. ------, (Name of Respondent), shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate and charge collected by (Name of Respondent) after (Effective date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of Respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. ------, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

In witness whereof, the parties hereto have placed their hands and seals on this ------ day of ----------.

Attest:

By ----------
Principal

By ----------
Surety

[1] To be included if a noncorporate respondent.

[F.R. Doc. 67-4090; Filed, Apr. 14, 1967; 8:45 a.m.]

[Docket No. CP66-205, CP66-285]

CINCINNATI GAS & ELECTRIC CO. AND TEXAS GAS TRANSMISSION CORP.

Notice of Postponement of Hearing

APRIL 7, 1967.

Upon consideration of the request for postponement of hearing filed on April 5, 1967, by The Cincinnati Gas & Electric Co. (CG&E) in the above-designated matter, on the ground that CG&E has discovered some corrections that should be made in the requirements figures previously submitted in its direct presentation; and further upon consideration of the request of the intervenors, Ohio Fuel Gas Co. and Kentucky Gas Transmission Co. that if CG&E's corrections necessitate revisions in their prepared testimony and exhibits, that a date be fixed not before April 28, 1967, for the service of such revisions;

Take notice that the hearing presently scheduled to commence on April 11, 1967, is hereby postponed to May 9, 1967. Further, Ohio Fuel Gas Co, Kentucky Gas Transmission Co., and any other intervenor opposing the applicants may file and serve on or before April 28, 1967, any revisions to their direct presentations which they deem necessary in view of the corrections in CG&E's requirements figures which the latter states it proposes to serve on or before April 10, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4132; Filed, Apr. 14, 1967; 8:45 a.m.]

[Docket No. CP66-420]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

APRIL 7, 1967.

Take notice that on April 3, 1967, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Petitioner), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP66-420 a petition to amend the order issued by the Commission August 31, 1966, by authorizing Petitioner to deliver additional volumes of natural gas to Iroquois Gas Corp. (Iroquois) for an additional calendar year, 1968, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

In the above-mentioned order, Petitioner was authorized to transport and deliver quantities of natural gas to Iroquois for use in its Buffalo-Niagara Falls distribution area for a period of 1 year commencing January 1, 1967, pending the construction of natural gas facilities authorized in Docket No. CP66-349 by which Iroquois would be able to purchase natural gas from United Natural Gas Co. (United) at the New York-Pennsylvania State line and transport said natural gas to Iroquois' Buffalo load center. Iroquois has informed Petitioner that said construction has been delayed and that due to this delay Iroquois has requested Petitioner to transport natural gas for it during the calendar year 1968. Petitioner will transport said natural gas during the months of January, February, March, April, November, and December 1968, and due to Iroquois' increased customer requirements for the year 1968, it requests a greater peak-day volume and maximum annual quantity than authorized for 1967. Petitioner states that the rendition of this service will not result in a material change in its average cost of service and will not require any additional facilities.

Petitioner states that it has entered into a precedent agreement with Iroquois dated March 21, 1967, to provide the service above mentioned. The maximum daily and maximum annual quantities of natural gas requested by Iroquois are 90,000 Mcf and 8,580,000 Mcf, respectively, and the parties have agreed on a fixed annual transportation charge of $418,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 5, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4133; Filed, Apr. 14, 1967; 8:45 a.m.]

[Docket No. RP67-18]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Proposed Changes in Rates

APRIL 13, 1967.

Take notice that on April 10, 1967, Panhandle Eastern Pipe Line Co. (Panhandle) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective January 1, 1967. The proposed changes reflect a reduction in rates and charges, based on utilization of liberalized depreciation starting in 1967, reduction of rate base by the accumulated deferred taxes in Account 282, and a proposed reduction in rates by a supplier, Trunkline Gas Co., in Docket No. RP67-17. The proposed rate decreases will reduce Panhandle's annual jurisdictional revenues by $3,900,494, based on estimated sales for the year 1967. Panhandle also proposes to refund $1 million plus interest covering the period from October 1, 1965, through December 31, 1966, in accordance with its agreement approved in Docket No. RP66-21 on February 24, 1966.

An "Agreement," submitted for Commission approval concurrently with the proposed tariff changes, provides for Panhandle's adoption of flow-through accounting for liberalized depreciation and amortization of Account 282 on a vintage year basis, subject to the outcome of the proceedings in Docket No. R-264. It also provides for flow-through of supplier refunds and rate reductions.

Copies of the proposed rate changes and the "Agreement" have been mailed by Panhandle to each of its jurisdictional customers and to interested State regulatory commissions. Comments may be filed with the Commission on or before May 4, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4241; Filed, Apr. 14, 1967; 11:18 a.m.]

[Docket No. RP67-17]

TRUNKLINE GAS CO.

Notice of Proposed Changes in Rates

APRIL 13, 1967.

Take notice that on April 10, 1967, Trunkline Gas Co. (Trunkline) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective January 1, 1967. The proposed changes reflect a reduction in rates and charges, based on utilization of liberalized depreciation starting in 1967 and reduction of rate base by the accumulated deferred taxes in Account 282. The proposed rate decreases will reduce Trunkline's annual jurisdictional revenues by $2,682,301, based on estimated sales for the year 1967. Trunkline also proposes to refund $1,200,000 plus interest covering the period from October 1, 1965, through December 31, 1966, in accordance with its agreement approved in Docket No. RP66-20 on February 24, 1966.

An "Agreement," submitted for Commission approval concurrently with the proposed tariff changes, provides for Trunkline's adoption of flow-through accounting for liberalized depreciation and amortization of Account 282 on a vintage year basis, subject to the outcome of the proceedings in Docket No. R-264. It also provides for flow-through of supplier refunds and rate reductions.

Copies of the proposed rate changes and the "Agreement" have been mailed by Trunkline to each of its jurisdictional customers and to interested State regulatory commissions. Comments may be filed with the Commission on or before May 4, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4242; Filed, Apr. 14, 1967; 11:18 a.m.]

FEDERAL MARITIME COMMISSION

PACIFIC FAR EAST LINE, INC. AND SAIPAN SHIPPING CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 7 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Howard C. Adams, Vice President, Pacific Far East Line, Inc., 918 16th Street NW., Washington, D.C. 20006.

Agreement 9570-2, between Pacific Far East Line, Inc. (PFEL), and Saipan Shipping Co. (SAISHIP), modifies Agreement 9570 as follows:

(1) Provides that the through rates under the agreement shall be a combination of the local rates of each party, and,

(2) Deletes Articles 3, 4, and 5 pertaining to SAISHIP's proportion of the through rate and the disposition of transshipment expenses and commercial port charges at port of transshipment.

Dated: April 11, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4129; Filed, Apr. 14, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

UNION COUNTY TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Union County Trust Co. for approval of merger with Hillside State Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89-356), and application by Union County Trust Co., Elizabeth, N.J., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Hillside State Bank, Hillside, N.J., under the charter and title of Union County Trust Co. As an incident to the merger, the sole office of Hillside State Bank would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's statement [1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 10th day of April 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-4134; Filed, Apr. 14, 1967; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York. Dissenting statement of Governors Maisel and Brimmer also filed as part of the original document and available upon request.

[2] Voting for this action: Vice Chairman Robertson, and Governors Shepardson, Mitchell, and Deane. Voting against this action: Governors Maisel and Brimmer. Absent and not voting: Chairman Martin.

SECURITIES AND EXCHANGE COMMISSION

[812-2098]

EXCHANGE GROWTH/INCOME FUND, INC.

Notice of Filing of Application for Order of Exemption

APRIL 11, 1967.

Notice is hereby given that Exchange Growth/Income Fund, Inc. ("Company"), 89 Broad Street, Boston, Mass., a Maryland corporation registered under the Investment Company Act of 1940 ("Act"), as a diversified, closed-end management investment company, has filed an application for an order pursuant to sections 6(c) and 18(i) of the Act (i) exempting from the provisions of section 18(a)(2)(E) of the Act the issuance by the Company of Cumulative Income Shares described below; and (ii) permitting the two classes of security holders of the Company to vote as separate classes on certain matters. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Company has filed a registration statement under the Securities Act of 1933 for 200,000 Cumulative Income Shares ("Income Shares") and a like number of Capital Shares to be offered to investors in exchange for securities of the character of those included in a list set forth in the prospectus. The Company proposes to sell approximately equal dollar amounts of the two classes of stock at a price for either class of $500 per share plus a maximum sales charge of 5 percent of the market value of the securities exchanged. The required minimum deposit will be securities having a market value of $20,000 and the exchange will not be consummated unless the aggregate market value of the deposited securities on the date of the exchange is at least $30 million. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them.

The holders of the Income Shares will be entitled to all of the Company's net investment income and, in any event, to an annual cumulative dividend of $25 per share whether or not earned. Dividends in arrears are payable out of subsequent net investment income. All realized capital gains, other than short-term gains which might be distributed for tax purposes, will be reinvested as long as the Income Shares are outstanding. The Income Shares are not callable prior to January 1, 1982, and, thereafter, should the Company's shareholders vote to change the Company's subclassification to an open-end company, they are to be converted into Capital Shares. Should the Company not be changed into an open-end company on the first full business day after January 1, 1982, the Company will then be terminated and, prior to any distribution to holders of Capital Shares, the holders of the Income Shares will be entitled to $500 per share plus accrued but unpaid dividends, and any undistributed net investment income, less an adjustment reflecting a portion of the unrealized appreciation at the time of the exchange.

The holders of Income Shares, voting separately as a class, are entitled to elect two members of the Board of Directors of the Company and the holders of the Capital Shares, voting separately as a class, are also entitled to elect two directors. All the shareholders voting together will elect any remaining directors. If, at any time, the $25 annual cumulative dividend shall be unpaid in an amount equal to or greater than $50 per share, the holders of the Income Shares will elect a majority of the Board, and will continue to elect such majority until such dividend shall have been paid, or otherwise provided for, in full for all past periods. On all other matters voted upon by shareholders, the holders of the Income Shares and the holders of the Capital Shares will vote together as one class except that each class of shareholders will be entitled to vote as a class (with a two-thirds vote of that class required) on amendments to the Articles of Incorporation that would adversely affect its interests or upon any proposed liquidation other than at the expiration of the Income Shares mentioned above, and that the rights of the holders of the Income Shares to vote as a class on certain other matters as required by section 18(a)(2)(d) of the Act will also be extended to the holders of the Capital Shares.

The Company will pay an advisory fee to Growth/Income Management, Inc., computed at an annual rate of one-quarter of 1 percent of the value of its average net assets up to $100 million (scaled down on larger amounts) plus an amount, not to exceed an additional one-quarter of 1 percent of such assets, equal to 8 percent of the Company's gross annual investment income up to $3 million per year (scaled down to a minimum of 6 percent on gross income over $8 million per year).

Section 18(a)(2)(E) of the Act requires a class of senior security which is a stock to have complete priority over any other class as to payment of dividends, which dividends shall be cumulative. Since the Income Shareholders of the Company are entitled to an annual dividend having a minimum cumulative rate of $25 and to all of the Company's remaining net investment income, the total amount of the dividend is not fixed and thus the entire amount of the dividend is not cumulative as is required by section 18(a)(2)(E). Therefore, the Company has requested an order of exemption to permit the issuance of its Income Shares.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 18(i) of the Act requires shares of stock issued by a registered management investment company to have equal voting rights with every other outstanding voting stock except as provided in section 18(a) of the Act, otherwise required by law or as permitted by order of the Commission. The Company seeks permission to issue the Income and Capital Shares with the respective voting rights described above.

Notice is further given that any interested person may, not later than May 2, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is more than 500 miles from the point of mailing) upon the Company at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4144; Filed, Apr. 14, 1967; 8:46 a.m.]

[812-2085]

FEDERATED-DUAL EXCHANGE FUND, INC.

Notice of Filing of Application for Order of Exemption

APRIL 11, 1967.

Notice is hereby given that Federated-Dual Exchange Fund, Inc. ("Company"), 701 William Penn Place, Pittsburgh, Pa. 15219, a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end diversified investment company, has filed an application pursuant to sections 6(c) and 18(i) of the Act for an order: (i) exempting the Company from the provisions of section 14(a) of the Act; (ii) exempting the issuance by the Company of Income Shares from the provisions of section 18(a)(2)(E) of the Act; and (iii) permitting the two classes of security holders of the Company to vote as separate classes on certain matters. All interested persons are referred to the application on file with the Commission for a statement of the Company's representations, which are summarized below.

The Company has filed a registration statement under the Securities Act of 1933 for 190,000 Income Shares and a like number of Capital Shares to be offered to investors in exchange for securities of the character of those included in a list set forth in the prospectus. The Company proposes to sell equal dollar amounts of the two classes of stock at a price of one Income Share or one Capital Share of the Company for each $500 of market value of securities received by the Company on the effective date of the exchange, plus a maximum sales charge of 5 percent of the market value of the securities exchanged. The minimum deposit the Company will accept from any investor is securities having a market value of $10,000 and the exchange will not be consummated unless the aggregate market value of the deposited securities on the effective date of the planned exchange is at least $10 million. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them.

The holders of the Income Shares will be entitled to all of the Company's net investment income and, in any event, to an annual cumulative distribution of $25 per share whether or not earned. Dividends in arrears are payable out of subsequent net investment income. The Income Shares will remain outstanding until July 1, 1979; on that date all outstanding Income Shares will be converted into Capital Shares at the then net asset value of the Capital Shares. The conversion value of the Income Shares will be $500 plus any accrued and unpaid $25 per share annual cumulative distributions, less the amount of any Federal capital gains taxes per share paid in respect of realized but undistributed preexchange capital gains allocated to the Income Shares since the exchange date. After conversion of the Income Shares into Capital Shares the Company's shareholders will vote upon a proposal that the Company become an open-end investment company.

The holders of Income Shares will be entitled, voting separately as a class, to elect one-half of the members of the Company's 10-man Board of Directors, and the holders of the Capital Shares, voting separately as a class, will elect the balance of the members. If at any time the annual cumulative distributions on the Income Shares are in arrears in an amount equal to 2 full years per share the holders of the Income Shares shall be entitled, voting separately as a class, to elect a majority of the Board and will continue to elect such majority until all arrearages on the annual cumulative distribution have been paid or otherwise provided for. On all other matters voted upon by shareholders, the holders of the Income Shares and the holders of the Capital Shares will vote together as one class, except that each class of shareholders will be entitled to vote as a class on Certificate of Incorporation amendments that would adversely affect its interests, and that the rights of the holders of the Income Shares to vote as a class on certain other matters as required by section 18(a)(2)(D) of the Act will also be extended to the holders of the Capital Shares.

The Company proposes to enter into an investment advisory contract with Dual-Vest Research Corp. ("Research") whereby Research will supervise the investment portfolio of the Company subject to the direction and control of the Company's Board of Directors. As compensation for these services the Company will pay Research a fee equivalent, on an annual basis, to the lesser of one-half of 1 percent of the average value of the net assets of the Company or one-fifth of the Company's gross investment income for such year, excluding capital gains or losses.

Section 14(a) of the Act provides, in pertinent part, that no registered investment company shall make a public offering of its securities unless such company has a net worth of at least $100,000 or unless provision is made as a condition of the registration of its securities under the Securities Act which, in the opinion of the Commission, adequately insures (A) that, after the effective date of such registration statement, it will not issue any security or receive any proceeds of any proceeds of any subscription until no more than 25 responsible persons have made firm agreements to purchase securities in an aggregate net amount which will give the company a net worth of at least $100,000; (B) that said amount will be paid in to such company before subscriptions will be accepted from any persons in excess of 25; and (C) that arrangements will be made whereby any amounts so paid in, plus any sales load, will be refunded to any subscriber on demand in the event the net proceeds so received do not result in the company's having a net worth of at least $100,000 within 90 days after such registration statement becomes effective. The Company presently has one Income Share and one Capital Share outstanding, nominal assets, and no liabilities, and anticipates that it will have only two outstanding shares, nominal assets and no liabilities prior to the planned exchange if the exemption here sought is obtained. Since the planned exchange will not be consummated unless the aggregate market value on the exchange date of all securities deposited by investors is $10 million or more, the Company represents that it will be assured of commencing business as an investment company with assets substantially in excess of $100,000, and that under the circumstances described the exemption sought would be consistent with the purposes intended to be served by section 14(a) of the Act.

Section 18(a)(2)(E) requires a class of senior security which is a stock to have complete priority over any other class as to payment of dividends, which dividends shall be cumulative. Since the holders of the Company's Income Shares are entitled to an annual cumulative distribution of $25 per share, and to all of the Company's remaining net investment income, the total amount of the dividend is not fixed and hence not cumulative as required by section 18(a)(2)(E). Therefore, the Company has requested an order of exemption to permit the issuance of its Income Shares.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 18(i) of the Act requires that every share of stock issued by a registered investment company be voting stock with equal voting rights with every other outstanding voting stock except as provided by section 18(a) of the Act, otherwise required by law or as permitted by order of the Commission. The Company seeks permission to issue its Income and Capital Shares with the respective voting rights described above.

Notice is further given that any interested person may, not later than May 2, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Company at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4145; Filed, Apr. 14, 1967; 8:46 a.m.]

[812-1895]

LIFE INSURANCE INVESTORS, INC., AND CONSOLIDATED AMERICAN LIFE INSURANCE CO.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price

APRIL 11, 1967.

Notice is hereby given that Life Insurance Investors, Inc. ("Investors"), 10 South La Salle Street, Chicago, Ill. 60603, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, and Consolidated American Life Insurance Co. ("Consolidated"), 308 North West Street, Jackson, Miss. 39205, a Mississippi corporation, have filed a joint application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of shares of Investors at net asset value to holders of certain insurance policies issued by a predecessor company of Consolidated. Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in its prospectus. Shares of Investors are offered to the public at a price which includes a sales charge in addition to the net asset value. Since the shares of Investors will be offered to certain policy holders of Consolidated at net asset value; i.e., without a sales charge, an exemption is requested. All interested persons are referred to the application filed with the Commission for a statement of the representations made therein which are summarized below.

From 1960 through 1963 a predecessor company of Consolidated sold participating life insurance policies known as the President's Expander Plans ("PEP") which provide that at the beginning of each year from the second through the 10th policy years a guaranteed Additional Benefit ("Additional Benefit") equal to 40 percent of the annual life premium for the policy will mature under the policy. Under the policies, the insured has the option of receiving the Additional Benefits in cash, having them applied toward the payment of premiums or leaving them on deposit with the insurance company, in which case the monies are paid into a so-called Anti-Inflation Growth Fund ("Fund") which invested in the stocks of life insurance companies.

In order to resolve problems under the Act and the Securities Act of 1933, it is now proposed that the Fund will be liquidated and the holders of interests in the Fund will be given the option of receiving their pro rata share of the proceeds from the liquidation of the Fund in cash or receiving a number of shares of Investors, at net asset value, equal to the cash value of said holder's pro rata share of the proceeds from liquidation of the Fund.

The Additional Benefits will continue to accrue under the existing PEP policies and all the holders of such policies will have the options of having such benefits paid to them in cash, applied to the payment of premiums or left on deposit with the Company at interest. In addition those PEP policy holders who elect to have their pro rata share of the liquidation value of the Fund invested in Investors without a sales charge, will have the additional option of having the Additional Benefit maturing under the policy invested in shares of Investors without a sales charge. In lieu of a sales load on the purchase of such additional shares of Investors, Consolidated will pay, out of its general funds, to Capital Planning Services Inc., the distributor of the capital stock of Investors, a fee equivalent to 1½ percent of the total amount of Additional Benefits used to purchase shares of Investors subsequent to the initial purchase of shares of Investors.

As of November 30, 1966, 1,047 PEP policy holders had Additional Benefits remaining on deposit with the Fund and the market value of the portfolio of securities held by the Fund was $370,221.71.

Investors and Consolidated represent that there are presently no relationships which exist between them as would constitute them or any of their officers, directors or controlling persons "affiliated persons" within the meaning of section 2(a)(3) of the Act.

Investors and Consolidated further represent that Investors, with a diversified portfolio of life insurance stocks, is in a position to offer PEP holders what they anticipated getting when they bought the PEP policy and elected to have their additional benefits paid into the Fund. Investors and Consolidated believe that it would be inequitable to the holders of PEP policies to impose a sales charge in connection with their proposed plan which is designed to resolve the problems under the Act created by the Fund. It is for that reason that they have decided to give those PEP holders wishing to do so, the right to invest their pro rata portion of the Fund and any additional benefits to accrue in the future, in Investors without any sales charge.

Under section 6(c) of the Act the Commission may grant an exemptive order if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 2, 1967 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Investors and Consolidated, at the addresses set forth above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the information stated in the application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4146; Filed, Apr. 14, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1505]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 12, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69346. By order of April 11, 1967, the Transfer Board approved the transfer to Clemmer Moving & Storage, Inc., Souderton, Pa., of the operating rights in certificate No. MC-119121 issued to Norman C. Clemmer and Earl Mininger, doing business as Clemmer Moving & Storage, Souderton, Pa., on October 21, 1965, authorizing the transportation of: Household goods, as defined by the Commission, between Souderton, Pa., and 10 miles thereof, on the one hand, and, on the other, points in New Jersey and New York. Irwin S. Rubin, 15 Washington Avenue, Souderton, Pa. 18964, attorney for applicants.

No. MC-FC-69360. By order of April 11, 1967, the Transfer Board approved the transfer to Nelson's Express, Inc., Millersburg, Pa., of that portion of the certificate in No. MC-44339, issued August 3, 1964, to Donald Lewis Gray, Bloomsburg, Pa., authorizing the transportation, over irregular routes, of general commodities, between points within 20 miles of Bloomsburg, Pa., including Bloomsburg. John W. Frame, Post Office Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011, representative for applicants.

No. MC-FC-69433. By order of April 11, 1967, the Transfer Board approved the transfer to System Transport, Inc., Spokane, Wash., of a portion of certificate No. MC-26707, issued December 21, 1966, as corrected, to Philip J. Groetken, Le Mars, Iowa, authorizing the transportation of: Farm equipment, between Le Mars, Iowa, and points within 25 miles thereof, on the one hand, and, on the other, points in Minnesota, South Dakota, and Nebraska; and farm machinery, between Le Mars, Iowa, and points in Iowa within 25 miles of Le Mars, on the one hand, and, on the other, points in Illinois, Missouri, and Wisconsin. George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101, attorney for applicants.

No. MC-FC-69530. By order of April 10, 1967, the Transfer Board approved the transfer to Earl L. Bonsack and Elaine M. Bonsack, a partnership, doing business as Earl L. Bonsack, La Crosse, Wis., of permit Nos. MC-124987 (Sub-No. 1) and MC-124987 (Sub-No. 3), issued January 18, 1965, and March 15, 1965, respectively, to Earl L. Bonsack, La Crosse, Wis., authorizing the transportation of: Malt beverages, and incidental advertising materials, premiums, and malt beverage dispensing equipment and supplies, from the plantsite of the Theo. Hamm Brewing Co. at St. Paul, Minn., to La Crosse, Wis.; and malt beverages, from La Crosse, Wis., and Sheboygan, Wis., to Red Wing, Minn., and from Sheboygan, Wis., to Winona, Minn. Earl L. Bonsack, 1129 Vine, La Crosse, Wis. 54601, representative for applicants.

No. MC-FC-69522. By order of April 11, 1967, the Transfer Board approved the transfer to Farny Truck Service, Inc., St. Helens, Oreg., of the operating rights in certificates Nos. MC-28517, MC-28517 (Sub-No. 1), and MC-28517 (Sub-No. 2), issued January 12, 1950, September 29, 1950, and October 15, 1953, respectively, to Lewis R. Winkler and Albert T. Carlson, a partnership, doing business as Farny Truck Service, Portland, Oreg., authorizing the transportation, over regular routes, of general commodities, with exceptions, between Portland, Oreg., on the one hand, and, on the other, St. Helens, Rainier, and Birkenfeld, Oreg., and Vancouver, Wash. John G. McLaughlin, 624 Pacific Building, Portland, Oreg., attorney for applicants.

No. MC-FC-69536. By order of April 10, 1967, the Transfer Board approved the transfer to H. J. Culler, Inc., McConnellsburg, Pa., of certificate No. MC-110599, issued July 28, 1949, to Harvey J. Culler, McConnellsburg, Pa., authorizing the transportation of: Fertilizer and oyster shells, over irregular routes, during the season extending from March 1 to May 31, inclusive, and from July 1 to September 30, inclusive, of each year, from Baltimore, Md., to points and places in Fulton County, Pa. John M. Musselman, Rhoads, Simon and Reader, 400 North Third Street, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-69537. By order of April 10, 1967, the Transfer Board approved the transfer to D. J. Mungovan Trucking, Inc., Worcester, Mass., of the certificate of registration in No. MC-56972 (Sub-No. 1), issued November 20, 1963, to Daniel J. Mungovan, Worcester, Mass., and evidencing a right of the holder to engage in operations in interstate or foreign commerce within the limits of irregular route common carrier certificate No. 5400, dated October 28, 1946, issued by the Massachusetts Department of Public Utilities. Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4169; Filed, Apr. 14, 1967; 8:48 a.m.]

[Notice 365]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 12, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 50307 (Sub-No. 39 TA), filed April 6, 1967. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Zelby & Burstein, 160 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture thereof, between points in the New York, N.Y., commercial zone, on the one hand, and, on the other, Parkersburg, W. Va., for 150 days. Supporting shipper: Renmar Manufacturing Corp., 315 Ann Street, Parkersburg, W. Va. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 52579 (Sub-No. 57 TA), filed April 6, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicants representative: Aaron Hoffman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture of wearing apparel*, (1) between Newark, N.J., on the one hand, and, on the other, Hialeah, Fla., and Fayette, Ala., (2) between Hartsville, S.C., and West Hollywood, Fla., and (3) between Newport, Vt., and New York, N.Y., for 150 days. Supporting shippers: Columbia Casual's, Inc., 32 Central Street, Newport, Vt. 05855, Cotton City Wash Frocks, Inc., 1350 Broadway, New York, N.Y. 10018, Neptune Raincoat Co., Inc., 963 Newark Avenue, Elizabeth, N.J., and Little Lisa Sales Co., Inc., 520 Eighth Avenue, New York 18, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 95084 (Sub-No. 61 TA), filed April 7, 1967. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractor cabs*, from Longmont, Colo., to points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Marvin Westrum, president, W. W. Engineering Co., Longmont, Colo. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 101075 (Sub-No. 106 TA), filed April 6, 1967. Applicant: TRANSPORT, INC., Box 396, 1215 Center Avenue, Moorhead, Minn. 56561. Applicants representative: Ronald B. Pitsenbarger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemical fertilizers*, in bulk, from storage facilities of Cominco American at Dilworth, Minn., to points in North Dakota and South Dakota, for 180 days. Supporting shipper: Cominco American, 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1621 South University Drive, Room 213, Fargo, N. Dak.

No. MC 107403 (Sub-No. 714 TA), filed April 7, 1967. Applicant: MATLACK,

INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and plastic materials*, dry, in bulk, in tank vehicles, from Pataskala, Ohio, to Crestline, Ohio, for 180 days. Supporting shipper: Shell Chemical Co., 50 West 50th Street, New York, N.Y. Send protests to: District Supervisor Ross A. Davis, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 107403 (Sub-No. 715 TA), filed April 7, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polypropylene pellets*, dry, in bulk, in tank vehicles, from Neal, W. Va., to Walthourville, Ga., for 150 days. Supporting shipper: Navamont Corp., Post Office Box 189, Kenova, W. Va. 25530. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 107515 (Sub-No. 566 TA), filed April 5, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies*, from Tulsa, Okla., to Anniston, Birmingham, Dothan, Florence, Mobile, Montgomery, and Tuscaloosa, Ala., Fort Lauderdale, Jacksonville, Miami, Orlando, Pensacola, St. Petersburg, Tampa, and West Palm Beach, Fla., Athens, Atlanta, Augusta, Columbus, Dalton, Macon, Moultrie, Rome, Savannah, Statesboro, Thomasville, Tifton, and Valdosta, Ga., Charleston, Clemson, Columbia, Florence, Greenville, and Sumter, S.C., Asheville, Charlotte, Durham, Fayetteville, Greensboro, High Point, Jacksonville, Monroe, New Bern, Raleigh, and Winston Salem, N.C., Athens, Chattanooga, Johnson City, Knoxville, and Nashville, Tenn., Norfolk, Richmond, Roanoke, Salem, and Williamsburg, Va., for 180 days. Supporting shipper: Bama Pie Co., Inc., 2745 East 11th Street, Tulsa, Okla. 74104. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 109382 (Sub-No. 15 TA), filed April 6, 1967. Applicant: JONAS P. DONMOYER, INC., Ono, Pa. 17077. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded shale*, in bulk, from Pier 11, Weehawken, N.J., to the plant of H. E. Millard Lime & Stone Co., Lebanon, Pa., for 150 days. Supporting shipper: H. E. Millard Lime & Stone Co., Annville, Pa. 17003. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 113362 (Sub-No. 133 TA), filed April 7, 1967. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Millwork, hardwood furniture, and hardwood furniture parts*, (1) from plantsite of Davidson-McNair Co., at or near Oil City, Pa., to points in Missouri and Michigan, and (2) from plantsite of Davidson-McNair Co. at or near Peninsula, Ohio, to points in Missouri, Michigan, Arkansas, Illinois, Indiana, Wisconsin, Minnesota, Iowa, and Kentucky, for 180 days. Supporting shipper: Davidson-McNair Co., Frances Davidson, general manager and Fred McNair, general manager, Peninsula, Ohio. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 115620 (Sub-No. 3 TA), filed April 7, 1967. Applicant: LYNN PORTER, 120 West Third North, Preston, Idaho 83263. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Complete buildings*, except in sections or knocked down, from points in Idaho to points in Montana and Oregon, for 180 days. Supporting shipper: Boise Cascade Corp., Post Office Box 7747, Boise, Idaho 83707. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 203 Eastman Building, Boise, Idaho 83702.

No. MC 119767 (Sub-No. 194 TA), filed April 7, 1967. Applicant: BEAVER TRANSPORT CO., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, from New Albany, Ind., to Chicago, Ill., and to points in Illinois within 50 miles of Chicago, for 180 days. Supporting shipper: The Pillsbury Co., Post Office Box 222, Minneapolis, Minn. 55448. E. P. Sweet, division traffic manager. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 135 West Wells Street, Room 807, Milwaukee, Wis. 53202.

No. MC 119777 (Sub-No. 75 TA), filed April 7, 1967. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer 31, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, Suite 202–204, Court Square Office Building, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard, faced or finished with decorative or protective materials and accessories and supplies used in the installation thereof* when moving with shipments of such wood fiberboard, from the plantsite of Prestile Manufacturing Co., 5850 West Ogden, Chicago, Ill., and the plantsite of American Gyrotex, 3636 Carnation Road, Franklin Park, Ill., to points in that part of Alabama on and south of U.S. Highway 80, points in Arkansas, Delaware, District of Columbia, Florida, Kansas, Louisiana, Maryland, Mississippi, Missouri, except for St. Louis and its commercial zone, and points on U.S. Highway 61 between St. Louis, and Iowa, Oklahoma, that part of Pennsylvania on and east of U.S. Highway 19 and south of U.S. Highway 6, Texas, and West Virginia, for 180 days. Supporting shipper: Mr. Earl M. Spiro, president, American Gyrotex, 3636 Carnation Road, Franklin Park, Ill. 60131, and Mr. Walter Sawicki, traffic manager, Prestile Manufacturing Co., 5850 West Ogden, Chicago, Ill. 60650. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 124027 (Sub-No. 3 TA), filed April 7, 1967. Applicant: MIDWEST BULK, INCORPORATED, Route No. 1, Post Office Box 472, Neenah, Wis. 54956. Applicant's representative: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, in bulk, between Berlin, Larson, and Green Lake, Wis., and points within 10 miles of each, on the one hand, and, on the other, Aurora, Ill., and points in the Upper Peninsula of Michigan, and (2) *coated sand*, in bulk, between Aurora, Ill., on the one hand, and, on the other, points in Wisconsin and the Upper Peninsula of Michigan, for 180 days. Supporting shipper: Valley Foundry & Supply Co., 1618 Arizona Street, Oshkosh, Wis. 54901. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 128750 (Sub-No. 2 TA), filed April 3, 1967. Applicant: PITT TRUCK, INC., Post Office Box 172, Augusta, Ill. 62311. Applicant's representative: Oscar Rampley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate fertilizer, and liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Marseilles, Ill., and points within 5 miles thereof, to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: The Borden Chemical Co., Smith-Douglass Division, Post Office Box 419, Norfolk, Va. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128813 (Sub-No. 1 TA), filed April 3, 1967. Applicant: E. R. ENGLAND & SONS, INC., 228 West Fifth South Street, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Filing systems and components thereof, wood waste products to include sawdust, shavings, wood waste soil conditioners, manufactured fireplace logs, sweeping compounds, janitorial supplies to include cleaners, cleaning compounds, protective floor finishes, disinfectants, towels, tissue, and floor wax*, from Salt Lake City, Utah, to points in Arizona, Colorado, New Mexico, Utah, Wyoming, California, Nevada, Idaho, Montana, Oregon, and Washington, and *materials and supplies* used in the manufacture of the commodities set forth above, from points in Arizona, California, New Mexico, Oregon, Colorado, Utah, Wyoming, Nevada, Idaho, Montana, and Washington, to Salt Lake City, Utah, for 180 days. Supporting shipper: Business Controls, Inc., 621 Fulton, Salt Lake City, Utah 84104. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 128968 TA (Correction), filed March 29, 1967, published FEDERAL REGISTER, issue of April 8, 1967, and republished as corrected, this issue. Applicant: CLARENCE L. WICKLIFF, LESLIE D. WICKLIFF, AND KAREN S. WICKLIFF, a partnership, doing business as WICKLIFF & SON, 516 East 12th Street South, Newton, Iowa 50208. Applicant's representative: Richard Miller, 212 Equitable Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm implements and attachments and electrical generators and attachments*, from Newton, Iowa, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin; (2) *parts, raw materials, electrical equipment for the manufacture of, and excess, damaged farm implements and attachments and electrical generators, and attachments*, from the above-destination States to Newton, Iowa, for 180 days. Supporting shipper: Winpower Manufacturing Co., 1207 First Avenue East, Newton, Iowa 50208. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309. NOTE: The purpose of this republication is to show the third partner "Karen S. Wickliff", erroneously omitted in previous publication.

No. MC 128973 (Sub-No. 1 TA), filed April 4, 1967. Applicant: MAURICE FREDERICK YANEY, 750 Richmond Street, Winchester, Ind. 47394. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal caskets*, from Carlos Ind., to points in Indiana, Ohio, Michigan, Wisconsin, Iowa, Illinois, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Kentucky, Tennessee, Minnesota, Arkansas, Missouri, Kansas, Texas, Oklahoma, Pennsylvania, Alabama, Mississippi, Florida, New York, and Louisiana, and *returned or rejected metal caskets*, from points in destination States to Carlos, Ind., for 180 days. Supporting shipper: Carlos Casket Shells, Inc., Carlos, Ind. Send protests to: District Supervisor J. H. Gray, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 128990 TA, filed April 6, 1967. Applicant: LLOYD McVEY, doing business as McVEY TRUCKING, R.F.D. No. 1, Oakwood, Ill. 61858. Applicant's representative: John P. Meyer, Suite 500, 4 North Vermillion Street, Danville, Ill. 61832. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and building blocks*, from Danville, Ill., to points in Indiana, for 90 days. Supporting shipper: Western Brick Co., Division of Illinois Brick Co., Post Office Box 591, Danville, Ind. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1085 U.S. Courthouse and Federal Office Building, Chicago, Ill. 60604.

No. MC 128991 TA, filed April 6, 1967. Applicant: VICTOR VALLEY VAN & STORAGE CO., INC., 14749 Hesperia Road, Victorville, Calif. 92392. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Used household goods moving on a through bill of lading of a forwarder operating under the section 402(B)(2) exemption, such shipments having an immediately prior or subsequent line haul movement by rail, water, motor, or air, between points within a 70-mile radius of Victorville, Calif., for 180 days. Supporting shippers: Home-Pack Transport, Inc., 57–48 49th Street, Maspeth 78, N.Y.; Sunpac International, 1621 Queen Anne Avenue North, Seattle, Wash. 98109. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128992 TA, filed April 6, 1967. Applicant: J. C. SMITH & SONS, INC., 1205 Michigan Avenue, St. Louis, Mich. 48880. Applicant's representative: J. David Sullivan, 704 North State Street, Alma, Mich. 48801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel pipe, plain galvanized, or asphalt coated, and fittings and accessories*, from Alma, Mich., to points in Ohio north of U.S. Highway 36, with return of *rejected, refused, or damaged products*, for 180 days. Supporting shipper: Charles W. Hall, Manager, Planning and Research, Transportation Department, Armco Steel Corp., Middletown, Ohio. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4173; Filed, Apr. 14, 1967; 8:49 a.m.]

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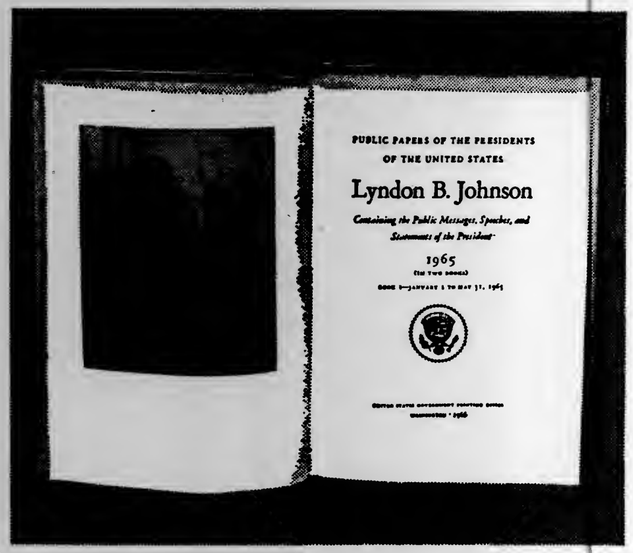
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Executive Order 11343

CREATING AN EMERGENCY BOARD TO INVESTIGATE THE DISPUTES BETWEEN THE LONG ISLAND RAIL ROAD AND CERTAIN OF ITS EMPLOYEES

WHEREAS, three disputes exist between The Long Island Rail Road, a carrier, and certain of its employees represented by the Brotherhood of Railroad Trainmen, International Brotherhood of Electrical Workers and International Association of Machinists and Aerospace Workers, labor organizations; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to such a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to these disputes within 30 days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by The Long Island Rail Road, or by its employees, in the conditions out of which these disputes arose.

Lyndon B. Johnson

THE WHITE HOUSE,
April 12, 1967.

[F.R. Doc. 67-4305; Filed, Apr. 17, 1967; 9:29 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that the position of Deputy Assistant Administrator for Congressional and Public Affairs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (ll) is added to § 213.3322 as set out below.

§ 213.3332 Small Business Administration.

* * * * *

(ll) One Deputy Assistant Administrator for Congressional and Public Affairs.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-4226; Filed, Apr. 17, 1967; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 262, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 910.562 (Lemon Regulation 262, 32 F.R. 5730) are hereby amended to read as follows:

§ 910.562 Lemon Regulation 262.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 2,800 cartons;

(ii) District 2: 251,100 cartons;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 13, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4209; Filed, Apr. 17, 1967; 8:47 a.m.]

[959.307, Amdt. 1]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), both as amended, regulating the handling of onions grown in designated counties in south Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Onion Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of onions grown in the production area.

In § 959.307 (31 F.R. 15530), paragraph (e) is hereby amended to include an additional subparagraph (4) to read as follows:

§ 959.307 Limitation of shipments.

* * * * *

(e) *Special purpose shipments and culls.* * * *

(4) *Export.* Yellow onions handled for export to Western European ports may be 1½ inches to 2 inches in diameter if they are handled in accordance with the safeguard provisions of §§ 959.121–959.125.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Issued April 14, 1967, to become effective upon issuance.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4288; Filed, Apr. 17, 1967; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 327—IMPORTED PRODUCTS

Meat or Meat Food Products; Inspection, Arrival, Time and Place; Movement From Port of Entry

Pursuant to the authority conferred by the import meat provisions in section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), § 327.8 of the Meat Inspection Regulations (9 CFR 327.8) is amended by changing the heading of the section and paragraphs (n) and (q), and adding a new paragraph (r), to read, respectively, as follows:

§ 327.8 Import meat or meat food products; inspection; arrival, time and place; movement from port of entry.

• • • • •

(n) Foreign canned products are required to be sound, healthful, wholesome, and otherwise fit for human food at the time they are offered for importation into the United States. Provided other requirements of this part are met, the determination of the acceptability of the product and the condition of the containers shall be based on the results of an examination of a statistical sample drawn from the consignment in accordance with instructions to inspectors. If the examination of the sample discloses that the product or the containers do not meet the acceptance level prescribed in the instructions, the consignment shall be refused entry. However, a consignment rejected for container defects but otherwise acceptable may be reoffered for inspection under the following conditions: (1) if the number and kinds of container defects found in the original sample do not exceed limits specified for this purpose in such instructions; and (2) if the defective cans in the consignment have been sorted out and reexported or destroyed under supervision of an inspector.

• • • • •

(q) Representative samples of canned product designated by the Director in instructions to inspectors shall be incubated under supervision of such inspectors by holding the samples for at least 10 days at about 95° F. The necessary incubation facilities shall be provided by the importers or their agents.

(r) Pamphlets detailing the sampling plans, acceptance levels, and other requirements in connection with inspection of imported products as set forth in the instructions to inspectors under paragraphs (n) and (q) of this section will be furnished to interested persons upon request.

(Sec. 306, 46 Stat. 689, as amended; 19 U.S.C. 1306; 29 F.R. 16210, as amended; 31 F.R. 13249)

Statement of considerations. Under the import meat provisions of the Tariff Act of 1930 (19 U.S.C. 1306 (b) and (c)) all meats and meat food products imported into the United States are required to be sound, healthful, wholesome, and otherwise fit for human food. In enforcement of this requirement the Consumer and Marketing Service meat inspection regulations require that the imported products have been prepared in approved plants in foreign countries which have a meat inspection system that imposes requirements substantially equivalent to those of the United States. Each consignment must be accompanied by an approved certificate issued by the exporting country certifying the product was derived from animals that have received veterinary antemortem and postmortem inspection and have been found to be healthy and fit for food. Furthermore, to assure that foreign products are acceptable and meet the same standards as domestic products, the regulations provide for examination of the foreign products after their arrival in this country. Such examination is made upon the basis of a sample drawn from each lot offered for entry. The foregoing amendments will require the drawing and evaluation of the samples to be made in accordance with recognized statistical principles. The instructions specify the use of sampling plans adapted from the U.S. Standards for Condition of Food Containers (31 F.R. 4687, 4949) which are used by all Divisions of the Consumer and Marketing Service in examining filled food containers for condition of the containers. Use of such plans will assure that a representative sample is obtained for each lot of canned product and will reduce the number of cans that will have to be examined to determine the soundness of the product and the condition of the containers, thereby facilitating inspection and effecting savings to the Government in manpower utilization. The instructions also specify acceptability levels, sorting procedures, and incubation requirements for the imported canned products which do not involve any substantive change from those heretofore applied.

It does not appear that notice and other public rule-making procedure with respect to the amendments would make additional information available to the Department. The amendments will not constitute any additional burden to importers. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found for good cause that notice and other public rule-making procedure with respect to the amendments are impracticable and unnecessary.

Effective date. These amendments shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of April 1967.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 67-4229; Filed, Apr. 17, 1967; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 2]

PART 109—ADJUDICATIVE PROCEEDINGS; SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Amendments

Pursuant to the authority contained in section 308 of the Small Business Investment Act, Public Law 85-699, 72 Stat. 694, as amended, the Small Business Administration hereby amends, as set forth below, Part 109 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as published in 27 F.R. 459, and amended in 29 F.R. 13518, by amending §§ 109.1 to 109.6, inclusive, § 109.14, §§ 109.20, 109.22, and 109.23.

Information and effective date. The present amendments to SBA's Rules of Practice for Adjunctive Proceedings implement SBA's expanded authority to deal with violations pursuant to the Small Business Investment Act Amendments of 1966, Public Law 89-779, 80 Stat. 1359, approved on November 6, 1966 (hereinafter referred to as the "1966 Amendments"). The procedural changes, set forth below, affect adjudicative proceedings for (1) the revocation or suspension of SBIC licenses and the entry of cease and desist orders under section 309, and (2) the removal of directors or officers of a licensee under section 313 of the Small Business Investment Act (hereinafter referred to as "the Act"), as revised by the 1966 Amendments. For example, SBA's authority in section 309 (a) proceedings has been expanded to include revocation as well as suspension of SBIC licenses, and its jurisdiction in section 309(b) proceedings has been extended to cover incipient as well as completed violations on the part of a licensee "or any other person." The 1966 Amendments also added a new section 313 to the Act authorizing SBA to initiate adjudicative proceedings for the removal of recreant directors or officers of a licensee. Statutory grounds for removal include the willful commission of acts constituting a substantial violation or a substantial breach of fiduciary duty on their part involving personal dishonesty. Whenever necessary to protect the licensee or the interests of the Administration, SBA may serve an immediately effective notice suspending and/or prohibiting the director or officer from further participation in the conduct of licensee's affairs, pending completion of the formal removal proceedings. A copy of the notice must also be furnished to the interested licensee. The respondent director or officer may, within a period of ten (10) days, apply to the U.S. district court for an order staying such suspension and/or prohibition pending completion of SBA's adjudicative proceedings. At the close of such proceedings, SBA may issue its final decision and order, effective thirty (30) days after service thereof on the respondent and the interested licensee, removing the director or officer on the grounds specified in section 313 of the Act. The removal order is subject to judicial review in the U.S. circuit court of appeals for the circuit in which the licensee's principal office is located, or the U.S. Court of Appeals for the District of Columbia.

The amendments to SBA's rules of practice also incorporate, in §§ 109.4 and 109.6(e), a consent order procedure permitting alleged violations to be disposed of by the entry of consent orders based on settlement agreements negotiated with the parties concerned. The required contents of the settlement agreement are set forth in § 109.4(c). These include waivers of a formal hearing, submission of proposed findings and conclusions, issuance of an examiner's initial decision, and judicial review; and admissions constituting the basis on which an effective consent order may be entered. The availability of the consent order procedure reflects the policy of the Administration to afford interested parties an opportunity to settle controversies over alleged violations, without the time and expense of full-dress adjudicative proceedings, when it appears that such procedure adequately safeguards the public interest. Accordingly, the Administration will permit such procedure where time, the nature of the violations and other attendant circumstances indicate that it would be in the public interest to do so. Each settlement agreement will necessarily be subject to express SBA approval.

Since the present amendment relates to rules of practice and procedure which are exempt from the public procedure rule-making requirements of 5 U.S.C. 553 (formerly sec. 4 of the Administrative Procedure Act, 5 U.S.C. 1003), and in view of the determination made by the Administration that it is in the public interest that the amendment shall be promptly applied to the SBIC program, it shall become effective upon publication in the FEDERAL REGISTER.

The Rules of Practice for Adjudicative Proceedings (Part 109—Adjudicative Proceedings; Small Business Investment Companies) are hereby amended as follows:

1. By amending §§ 109.1 and 109.2 to read as follows:

§ 109.1 Scope of rules.

The following rules of practice govern adjudicative proceedings pursuant to sections 309 and 313 of the Act.

§ 109.2 Definitions.

Examiner. "Examiner" means the hearing examiner who presides at the conduct of hearings held pursuant to section 309 and/or section 313 of the Act.

Respondent. "Respondent" means a licensee, a director, or officer of a licensee, or any other person against whom proceedings are instituted pursuant to section 309 and/or section 313 of the Act.

Party. "Party" refers to the Administration and each respondent.

Order to show cause. "Order to show cause" means the formal statement and notice of hearing issued by the Administration under § 109.5 for the purpose of initiating adjudicative proceedings in accordance with section 309 and/or section 313 of the Act. For purposes of convenience, the Administration's notice of intention initiating proceedings for the removal and/or suspension from office of a director or officer of a licensee under section 313 of the Act, is also referred to in these rules of practice as an order to show cause.

Secretary. "Secretary" means the Administrative Secretary of the Administration, Small Business Administration, Washington, D.C. 20416.

Act. "Act" means the Small Business Investment Act, as amended.

2. By amending § 109.3(b) to read as follows:

§ 109.3 Appearances.

• • • • •

(b) *Restrictions as to former employees.* In addition to the provisions of § 105.735-3-1 of this chapter, no former employee of the Administration shall appear as attorney or agent for anyone other than the United States in any proceeding covered by the rules of practice in this part the subject matter of which was pending, or which involves particular matters which were pending, in any manner or form in the Administration while such individual was employed by the Administration, unless and until the Administrator determines upon the written statement of the former employee and a statement from the Associate Administrator for Investment that while so employed with the Administration (1) the matters referred to did not come to the official attention of such former employee and (2) he did not participate personally and substantially as an SBA officer or employee in such pending matters or proceedings through decision, approval, disapproval, recommendation, advice, investigation, or otherwise.

• • • • •

3. By amending § 109.4 to read as follows:

§ 109.4 Consent order procedure.

(a) *General policy; notice of proposed adjudicative proceeding.* It is the policy of the Administration to afford licensees and other persons an opportunity to enter into voluntary settlement agreements pursuant to this section or § 109.6 (e) with regard to alleged violations, when it appears to the Administration that such procedure safeguards the public interest. Accordingly, where time, the nature of the alleged violations, and other attendant circumstances indicate that it would be in the public interest to do so, the Administration may notify a licensee and any other person concerned of its intention to institute formal adjudicative proceedings. Such notice shall be served in the manner provided for in § 109.26, and shall be accompanied by a form of order to show cause which the Administration intends to issue, together with a proposed form of order.

(b) *Reply.* (1) Within 10 days after service of such notice, the party named therein may file with the Secretary of the Administration a reply stating whether or not such party is interested in having the proceeding disposed of by the entry of a consent order.

(2) If the reply is in the negative, or if no reply is filed within the time prescribed, the order to show cause will be issued and served forthwith.

(3) If the reply is in the affirmative, the party served will (as hereinafter set forth) be afforded an opportunity to execute an appropriate settlement agreement. The party may be represented by counsel who has entered an appearance in the manner set forth in § 109.3(c). The party will be afforded an opportunity to negotiate and submit, for the consideration and approval of counsel for the Administration, an executed agreement conforming to the requirements set forth in paragraph (c) of this section. Such agreement must be submitted within 30 days after the filing of the reply.

(c) *Agreements.* Every agreement shall (1) set forth the terms of an appropriate order to be entered by consent; (2) admit all jurisdictional facts; (3) expressly waive (i) further procedural steps, including any hearing, submission of proposed findings and conclusions, or an initial decision by a hearing examiner, (ii) the requirement that the Administration's decision contain findings of fact and conclusions of law, and (iii) all rights to seek judicial review or otherwise to challenge the validity of the consent order; (4) provide that the order to show cause may be used in construing the terms of the consent order; and (5) stipulate that the consent order shall have the same force and effect and shall become final and may be altered, modified, or set aside in the same manner and within the same time as other orders in adjudicative proceedings. In addition, the agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute an admission by any party that the Act or regulations pursuant thereto have been violated as alleged in the order to show cause. The agreement shall not become effective unless expressly approved by the Administration and made a part of the official record of the proceeding.

(d) *Disposition.* After considering the agreement executed and submitted by the party in question, the Administration may (1) approve it and thereupon issue its order to show cause (in such form as the circumstances may require) as well as its decision, including the consent order agreed upon; (2) reject the agreement and issue its order to show cause, setting the matter down for adjudication in regular course; or (3) take such other action as it may deem appropriate.

4. By amending § 109.5 to read as follows:

§ 109.5 Order to show cause and notice of hearing.

(a) *Commencement of proceeding.* Adjudicative proceedings are commenced by the issuance of an order to show cause in the case of proceedings against a license or any other person pursuant to section 309 of the Act, or a notice of intention to remove a licensee's director or officer, in the case of proceedings pursuant to section 313 of the Act. For purpose of convenience, the term, "order to show cause", is used in the rules of practice in this part as also including SBA's notice of intention in section 313 removal proceedings. A copy of the order to show cause will be served upon each respondent and the interested licensee where: (1) Removal or cease and desist proceedings involve any director or officer of such licensee or (2) the licensee may be interested in the subject matter of cease and desist proceedings initiated against any other person.

(b) *Form and notice of hearing.* The order to show cause issued by the Administration shall contain a statement of the matters of fact and law asserted by the

Administration and the legal authority and jurisdiction under which a hearing is to be held, and shall inform the respondent of the time and place of hearing. The date of hearing shall not be earlier than 30 days after service on the respondent and, in the case of removal proceedings pursuant to section 313 of the Act, not later than 60 days after service on the respondent.

(c) *Revised hearing date.* The hearing shall be held on the date set forth in the order to show cause unless a different date is fixed by the Administration or the examiner at the request of any party and for good cause shown. In the case of removal proceedings against a licensee's director or officer pursuant to section 313 of the Act, the hearing date may also be rescheduled at the request of the Attorney General of the United States.

(d) *Motion for more definite statement.* If the statement in the order to show cause as to matters of fact and law, or legal authority and jurisdiction asserted by the Administration is so vague and ambiguous that a party cannot reasonably frame a responsive answer, the respondent may move for a more definite statement before filing an answer. Such motion shall be filed within 15 days after service of the order to show cause and shall point out the defects complained of and the details desired.

(e) *Suspension of director or officer pending removal proceedings.* In accordance with section 313(b) of the Act, the Administration may serve upon a director or officer of a licensee against whom removal proceedings have been instituted, written notice suspending him from office and/or prohibiting further participation in any manner in the conduct of licensee's affairs, pending completion of the removal proceedings. Such suspension and/or prohibition shall become effective upon service of such written notice on the director or officer. A copy of the written notice shall also be served upon the interested licensee.

(f) *Suspension of director or officer pending disposition of criminal indictment.* In accordance with section 313 (e) of the Act, the Administration may serve upon a director or officer of a licensee who has been charged in any indictment, information or complaint authorized by a U.S. Attorney with a felony involving dishonesty or breach of trust, written notice suspending him from office and/or prohibiting further participation in any manner in the conduct of licensee's affairs. Such suspension and/or prohibition shall become effective upon service of such written notice on the director or officer, and shall remain in effect until the indictment, information, or complaint is finally disposed of. A copy of the written notice shall also be served on the interested licensee.

5. By amending paragraph (d) of § 109.6 and adding a new paragraph (e) to § 109.6 to read as follows:

§ 109.6 Answer.

* * * * *

(d) *Signature on answer.* Every answer filed pursuant to this section shall be signed by (1) the individual named as respondent, (2) an officer of the licensee or other corporate respondent, or (3) the attorney who represents the respondent.

(e) *Consent order procedure.* A respondent may, within the time allotted for the submission of its answer or amended answer prior to any hearing, file an executed settlement agreement conforming to the requirements of § 109.4(c), which has been negotiated with and approved by counsel for the Administration. In that event, the examiner shall, without delay or further action on his part, certify the proceedings to the Administrator for decision or other appropriate disposition.

6. By amending paragraph (b)(9) of § 109.14 to read as follows:

§ 109.14 Presiding officials.

* * * * *

(b) *Powers and duties.* * * *

(9) To take action authorized by the rules in this part or in conformance with the provisions of Chapter 5, Administrative Procedure, of Title 5 of the United States Code (5 U.S.C. 551–559).

* * * * *

7. By amending § 109.20(a) to read as follows:

§ 109.20 Initial decision.

(a) *When filed and when effective as agency decision.* Within sixty (60) days after completion of the reception of evidence in any proceeding, or within such further time as the Administrator may allow on the examiner's written request, the examiner shall file an initial decision which shall become the decision of the Administration (i.e., the findings of fact, conclusions of law, and order contained in such initial decision shall become the final agency decision) thirty (30) days after service thereof upon each of the parties and the interested licensee referred to in § 109.5(a) (except in the case of an order issued by consent, which shall become effective at the time specified therein), unless (1) within fifteen (15) days after service of the initial decision a petition for review thereof shall be filed pursuant to § 109.21, or (2) within such 30-day period the Administrator issues an order directing the case to be placed on his docket for review. In that event, a copy of such order in addition to a copy of the initial decision shall be served on each party and each counsel or other representative which has appeared in the proceeding pursuant to § 109.3, and the interested licensee referred to in § 109.5(a).

* * * * *

8. By amending paragraph (g) of § 109.22 to read as follows:

§ 109.22 Administration review.

* * * * *

(g) *Oral argument.* The Administrator may permit oral argument in connection with agency review of any initial decision (1) upon request made by any party at the time of filing its brief and for good cause shown, or (2) on the Administrator's own motion. Oral argument before the Administration shall be reported stenographically unless otherwise ordered by it.

9. By adding a new paragraph (c) to § 109.23 to read as follows:

§ 109.23 Decision on review.

* * * * *

(c) The final decision issued by the Administrator on review of the initial decision shall be served upon each party and each counsel or other representative who has appeared in the proceeding pursuant to § 109.3, and upon the interested licensee referred to in § 109.5(a).

Dated: April 10, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-4198; Filed, Apr. 17, 1967; 8:47 a.m.]

[Amdt. 2]

PART 110—INVESTIGATIONS; SMALL BUSINESS INVESTMENT COMPANIES

Scope of Rules

Pursuant to the authority contained in sections 308 and 310 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, the Small Business Administration hereby amends, as set forth below, Part 110 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as published in 27 F.R. 464 and amended in 29 F.R. 15198, by amending § 110.1.

Information and effective date. As a result of the Small Business Investment Act Amendments of 1966, Public Law 89-779, 80 Stat. 1359, approved on November 6, 1966, the provision in section 308 (c) of the Act authorizing SBA to conduct examinations and to require the submission of reports from Licensees, was transferred to section 310(b) of the Act. The present amendment deletes the reference to section 308(c) of the Act which appears in paragraph (a) of § 110.1 *Scope of rules.* It also incorporates a textual revision of paragraph (b) of § 110.1, summarizing in pertinent detail the various types of enforcement actions which SBA may now institute under sections 308(d), 309, 311, 313, and 315 of the Act, as amended by Public Law 89-779, approved on November 6, 1966.

Since the present amendment relates to procedural matters which are exempt from the rule-making requirements of 5 U.S.C. 553, formerly section 4 of the Administrative Procedure Act (5 U.S.C. 1003), and in view of the determination made by the Administration that it is in the public interest that the amendment shall be promptly applied to the SBIC program, it shall become effective upon publication in the FEDERAL REGISTER.

Section 110.1 of the Rules Governing Investigations (Part 110—Investigations; Small Business Investment Companies) is hereby amended to read as follows:

§ 110.1 Scope of rules.

(a) The following rules govern investigations under section 310(a) of the Act. Where, from examinations made pursuant to section 310(b) of the Small Business Investment Act, as amended, complaints received from members of the public, examination of filings and reports made with the Administration, or otherwise, it appears that there may be a violation of the Small Business Investment Act, as amended, or the regulations thereunder, or where it appears that there is a likelihood that a violation has been or is about to be committed, the Administration may order a formal investigation if it is deemed necessary. Unless otherwise ordered by the Administration, the investigation is nonpublic and the reports thereon are for the Administration's use only.

(b) Where it appears after investigation or otherwise that there has been a violation of the provisions of the Small Business Investment Act, as amended, or SBA regulations pursuant thereto, the Administration is authorized to institute adjudicative proceedings for (1) the revocation or suspension of the license of a licensee for false statements knowingly made or willful and repeated violations, under section 309(a) of the Act; (2) the entry of cease and desist orders against a licensee or other person for completed or incipient violations, under section 309 (b) of the Act; and (3) the entry of an order under section 313 of the Act removing from office a director or officer of a licensee for willfully and knowingly committing a substantial violation or substantial breach of fiduciary duty which involves personal dishonesty (the respondent also being subject to suspenion from office in order to protect the licensee or the interests of SBA, pending completion of formal removal proceedings). By service of written notice under section 313(e) of the Act, SBA may also suspend from office a director or officer of a licensee who is charged with a felony in any indictment, information, or complaint authorized by a U.S. attorney, such suspension from office to remain in effect pending the final disposition of the criminal charges involved. SBA may bring a civil action under section 308(d) of the Act for a judicial determination of licensee's violations as a basis for SBA's revocation of its license. A civil action may be instituted by SBA under section 315(a) of the Act for the recovery of civil penalties based on licensee's failure to file reports required by any regulation or written directive of the Administrator. SBA may institute a civil action under section 311 of the Act for injunctive relief against a licensee or other person which has engaged or is about to engage in acts or practices constituting violations and, wherever appropriate, for the appointment of a receiver to administer the licensee's assets under the direction and pursuant to the exclusive jurisdiction of the court. SBA may also bring a civil action under section 311 or administrative proceedings against a director, officer, or other principal of a licensee who is ineligible to serve for the reasons stated in section 314(c) of the Act.

Dated: April 10, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-4199; Filed, Apr. 17, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7934; Admt. 39-401]

PART 39—AIRWORTHINESS DIRECTIVES

Model BAC 1-11 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the link pin, P/N AB 21-6503, installed on BAC 1-11 200 and 400 Series airplanes between the stabilizer pivot lower link assembly and the fin with a new P/N AB 21-6679, and adjustment of this replacement was published in 32 F.R. 2577.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1-11 200 and 400 Series airplanes.

Compliance required as indicated, unless already accomplished.

To prevent failure of the link pin, P/N AB 21-6503, installed between the stabilizer pivot lower link assembly and the fin, accomplish the following:

(a) Within the next 200 landings for airplanes with 800 or more landings, and before the expiration of 1,000 landings for airplanes with less than 800 landings, remove P/N AB 21-6503 from service, and replace with a new P/N AB 21-6679.

(b) After each installation of a new P/N AB 21-6679, conduct a check of the adjustment and torque loading of the horizontal stabilizer side load transfer mechanism and stabilizer link assembly center pivot in accordance with BAC 1-11 Alert Service Bulletin 55-A-PM 2706, Issue 1, dated November 16, 1966, or later ARB-approved issue.

(c) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

This amendment becomes effective May 18, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 11, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-4203; Filed, Apr. 17, 1967; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 302—RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

Raised Fiber Surfaces of Wearing Apparel

On July 13, 1966, the Federal Trade Commission issued a notice of proposed rule making whereby the Commission proposed to give consideration to an amendment of § 302.6 (Rule 6) of Part 302, rules and regulations under the Flammable Fabrics Act. Such notice appeared on page 9694 of the Saturday, July 16, 1966, issue of the FEDERAL REGISTER.

The matter proposed for consideration was an amendment to § 302.6 (Rule 6) of the rules and regulations under the Flammable Fabrics Act by adding a new paragraph thereto designated as paragraph (e) of § 302.6 (Rule 6) specifying circumstances and conditions under which certain raised-fiber surfaces of articles of wearing apparel would or would not be subject to the provisions of the Flammable Fabrics Act and delineating the application of such Act to such products.

The notice provided that interested parties could participate by submitting in writing to the Federal Trade Commission, Washington, D.C. 20580, on or before the 23d day of August 1966, their views, arguments, or other data, and that written rebuttal could be submitted until September 13, 1966.

On request of certain interested parties for opportunity to orally present their views, arguments and data, an amended notice of proposed rule making was issued by the Commission on September 15, 1966, and published in the FEDERAL REGISTER on September 20, 1966. The amended notice of proposed rule making provided that interested parties could participate by submitting in writing to the Federal Trade Commission, Washington, D.C. 20580, on or before the 12th day of October 1966, their views, arguments, or other data or by presenting such views, arguments and other data orally on that date at 10 a.m., e.d.t., Room 7316, 1101 Building, 1101 Pennsylvania Avenue NW., in the City of Washington, District of Columbia. The amended notice further provided that any person thereafter desiring to submit further views, arguments, or data could do so within 15 days after the date of presentation of oral views.

Pursuant to the September 15, 1966, notice, an oral hearing was held on October 12, 1966. All persons wishing to orally present their views, arguments, and data were afforded an opportunity to do so at that time. The views, arguments, and data submitted pursuant to the July 13, 1966, and October 12, 1966, notices of proposed rule making have been made a part of the public record and have been considered by the Commission.

After consideration of all views, arguments, and data submitted pursuant to the July 13, 1966, and October 12, 1966, notices of proposed rule making and of all pertinent information and material, the Commission has determined to amend § 302.6 (Rule 6) of the rules and regulations by adding a new paragraph thereto designated as paragraph (e) of § 302.6 (Rule 6) specifying the circumstances and conditions under which certain raised-fiber surfaces of articles of wearing apparel will or will not be subject to the provisions of the Flammable Fabrics Act and delineating the application of the Act to such products.

On the basis of the public record and all pertinent information and material available to the Commission, it is determined that the raised-fiber surfaces in certain articles of wearing apparel, including certain athletic shirts or so-called "sweat shirts", are, because of construction and design, capable of being worn with the raised-fiber surface exposed even though apparently originally designed to be worn with such surface on the inner side. It is further determined that in a substantial number of instances the aforesaid athletic shirts or "sweat shirts" are worn with the raised-fiber surface uncovered or exposed by a certain segment of the public.

The Commission has received a considerable number of protests against the promulgation of a regulation on the subject in question. However, in view of the indications as to the usage of certain athletic or so-called "sweat shirts", it is determined that the public interest requires that the raised-fiber surface of "sweat shirts" and similar articles of wearing apparel which surface is capable of being worn as an uncovered or exposed part of an article of wearing apparel should be subject to the testing requirements of the Flammable Fabrics Act, particularly where such articles are actually worn with the raised-fiber surface exposed by a substantial segment of the public.

On the basis of information made available to the Commission by certain affected groups, the Commission is of the opinion that the articles of wearing apparel in question can be manufactured or treated in such a manner that the raised-fiber surface will meet the standards as to flammability specified by the Flammable Fabrics Act and that products of the type in question may be offered to the purchasing public in such a condition as to meet the standards specified by the Flammable Fabrics Act.

Accordingly, § 302.6 (Rule 6) of Part 302, rules and regulations under the Flammable Fabrics Act is amended by adding a new paragraph thereto, designated as paragraph (e), which reads:

§ 302.6 Application of act to particular types of products.

* * * * *

(e) Where an article of wearing apparel has a raised-fiber surface which is intended for use as a covered or unexposed part of the article of wearing apparel but the article of wearing apparel is, because of its design and construction, capable of being worn with the raised-fiber surface exposed, such raised-fiber surface shall be considered to be an uncovered or exposed part of the article of wearing apparel. Examples of the type of products referred to in this paragraph are athletic shirts or so-called "sweat shirts" with a raised-fiber inner side.

Effective date. The aforesaid amendment to Part 302, rules and regulations under the Flammable Fabrics Act, shall become effective January 1, 1968, and shall apply to all products manufactured or imported after that date.

(Sec. 5(c), Flammable Fabrics Act; 67 Stat. 112; 15 U.S.C. 1194)

Issued: April 13, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-4187; Filed, Apr. 17, 1967; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 728—HOTEL AND MOTEL INDUSTRY IN PUERTO RICO

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208), and by means of Administrative Order No. 597 (32 F.R. 2953), the Secretary of Labor appointed and convened Industry Committee No. NC7-C for the hotel and motel industry in Puerto Rico, referred to it the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 6(c)(3) and section 8 of the Act, Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. NC7-C are hereby published in this order. Title 29 CFR Chapter V is hereby amended effective May 5, 1967, by adding a new Part 728 as set forth below.

A new Part 728 is established, reading as follows:

Sec.
728.1 Definition.
728.2 Wage rates.
728.3 Notices.

AUTHORITY: The provisions of this Part 728 issued under secs. 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 206, 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 728.1 Definition.

The hotel and motel industry in Puerto Rico, to which this part shall apply, is defined as follows: The operation of hotels, motels, apartment hotels which provide accommodations for transients, and tourist courts, engaged in providing lodging, with or without meals, for the general public, including all activities incidental to any of the foregoing: *Provided, however,* That the hotel and motel industry in Puerto Rico shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

§ 728.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in an activity in the hotel and motel industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(a) *Hotels, motels, apartment hotels, and tourist courts with 100 or more sleeping rooms classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the hotel and motel industry in Puerto Rico in the operation of hotels, motels, apartment hotels, and tourist courts with 100 or more sleeping rooms.

(b) *Arts and crafts workers in hotels, motels, apartment hotels, and tourist courts with fewer than 100 sleeping rooms classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the hotel and motel industry in Puerto Rico, performed in the operation of hotels, motels, apartment hotels, and tourist courts with fewer than 100 sleeping rooms, by employees in the arts and crafts requiring mechanical or manual skills, such as, but not limited to, cabinetmakers, electricians, painters, upholsterers, designers, mechanics, masons, carpenters, or plumbers.

(c) *Other workers in hotels, motels, apartment hotels, and tourist courts with fewer than 100 sleeping rooms classification.* (1) The minimum wage for this classification is $0.85 an hour for the period ending January 31, 1968, and $1 an hour thereafter.

(2) This classification is defined as all activities in the hotel and motel industry in Puerto Rico other than those activities included in any other classification of this industry.

§ 728.3 Notices.

Every employer subject to the provisions of § 728.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 728.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 13th day of April 1967.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 67-4234; Filed, Apr. 17, 1967; 8:50 a.m.]

PART 729—RESTAURANT AND FOOD SERVICE INDUSTRY IN PUERTO RICO

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208), and by means of Administrative Order No. 597 (32 F.R. 2953), the Secretary of Labor appointed and convened Industry Committee No. NC7-D for the Restaurant and Food Service Industry in Puerto Rico, referred to it the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 6(c)(3) and section 8 of the Act, Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. NC7-D are hereby published in this order. Title 29 CFR Chapter V is hereby amended effective May 5, 1967, by adding a new Part 729 as set forth below.

A new Part 729 is established, reading as follows:

Sec.
729.1 Definition.
729.2 Wage rates.
729.3 Notices.

AUTHORITY: The provisions of this Part 729 issued under secs. 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 206, 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

§ 729.1 Definition.

The restaurant and food service industry in Puerto Rico, to which this part shall apply, is defined as follows: The operation of restaurants and other food service establishments engaged in the preparation or offering of food or beverages for human consumption either on the premises, or by such other services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs: *Provided, however,* That the restaurant and food service industry in Puerto Rico shall not include food service in retail establishments: *Provided, further,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

§ 729.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in an activity in the restaurant and food service industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(a) *Tipped employee classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the restaurant and food service industry in Puerto Rico, performed by any employee in any occupation in which he customarily and regularly receives more than $20 a month in tips.

(b) *Other employees classification.* (1) The minimum wage for this classification is $0.85 an hour for the period ending January 31, 1968, and $1 an hour thereafter.

(2) This classification is defined as all activities in the restaurant and food service industry in Puerto Rico other than those activities included in the tipped employee classification of this industry.

§ 729.3 Notices.

Every employer subject to the provisions of § 729.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 729.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the U.S. Department of Labor and shall give such other notices as the Administrator may prescribe.

Signed at Washington, D.C., this 13th day of April 1967.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 67-4235; Filed, Apr. 17, 1967; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—PUBLIC RELATIONS

PART 820—AIR FORCE BANDS

SUBCHAPTER F—AIRCRAFT

PART 858—ORIENTATION FLIGHTS

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Part 820 is revised to read as follows:

Sec.
820.1 Legal and other restrictions on use of bands.
820.2 Authorized band participation.
820.3 Use of volunteer units.

AUTHORITY: The provisions of this Part 820 issued under secs. 8012, 8634, 8635, 70A Stat. 488, 532; 10 U.S.C. 8012, 8634, 8635.
SOURCE: AFR 190-21, Feb. 28, 1966.

§ 820.1 Legal and other restrictions on use of bands.

The use, employment, or assignment of bands off military installations is governed:

(a) *By U.S.C., Title 10, section 8634.* "No Air Force band or member thereof may receive remuneration for furnishing music outside the limits of an air base in competition with local civilian musicians."

(b) *By U.S.C., Title 10, section 8635.* "No enlisted member of the Air Force on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession."

(c) *By the Secretary of Defense.* The Secretary of Defense establishes policies for the effective and economical use of service bands in public events, demonstrations, ceremonies, and other activities in the civilian domain. Except as stated in this part, he retains the authority to approve participation by Air Force bands:

(1) In public events in the Washington, D.C., area. For explanation see § 824.2(o) of this subchapter.

(2) In events of national or international significance. See exceptions for Unified and Specified Commands in paragraph (d) of this section.

(3) In events outside the United States which have an interest and impact extending beyond the Unified or Specified Command area, or which require assistance from outside the command area.

(4) In aerial, parachute, or simulated tactical demonstrations held off military installations, except those held in areas assigned to oversea Unified and Specified Commands.

(5) In postseason bowl games, sports contests held off base with professional opposition, or formal international competitions. Note exceptions for oversea Unified and Specified Commands.

(6) In any event in public domain which results in additional cost to the Government, except in specified cases.

(d) *By Unified and Specified Commands.* (1) Within the 50 States, coordination will be effected with the Unified and Specified Command on community relations programs and public events significantly affecting that command. In the same manner, Unified and Specified Commands are required by the Department of Defense to coordinate with Hq USAF and/or the Air Force major commands on programs requiring Air Force support.

(2) Overseas, the Secretary of Defense has delegated authority for the approval of public event participation to the Unified and Specified Commands. While Air Force major commands overseas will operate their programs in conformance with this part to the maximum extent possible, the guidance provided by their Unified or Specified Command headquarters takes precedence. Oversea Air Force major commands will also apprise Secretary of the Air Force (SAF–OIC) when any element of public event participation will significantly affect their operations or will require major administrative, financial, or logistical support. Air Force oversea major commands budget in annual financial plans for costs of public event participation in support of their own command community relations programs and for their share of Unified and Specified Command programs as requested by that command.

§ 820.2 Authorized band participation.

Providing entertainment is not authorized for luncheons, dinners, receptions, or dances in the civilian domain sponsored and attended primarily by other than military personnel on active duty. A sponsor's charter or objectives will not be cause for an exception. Military musical participation in public events which otherwise meets such criteria will be limited to patriotic programs, as opposed to pure entertainment, and will not duplicate a performance within the capability of a civilian group. For example, music to accompany the presentation of the national colors, or a performance of military or patriotic music by a military band, drum and bugle corps, or choral group may be authorized. Background, dinner, dance, or other social music is considered "entertainment." This does not preclude concert presentations when done in the traditional concert setting before the general public if performances meet the requirements of this part. In general, band participation is authorized:

(a) Provided that such participation does not directly or indirectly benefit or appear to benefit or favor any private individual, commercial venture, sect, or political or fraternal group.

(b) Provided that such participation is incidental to the event, except for programs of a patriotic nature, celebration of national holidays, or events open to the general public at no charge for admission. A general admission charge need not in itself deny participation. However, no specific or additional charge may be made to observe the authorized participation.

(c) Provided that the admission, seating, and all other accommodations and facilities connected with the event or activity are available to all without regard to race, creed, color, or national origin as stated in Part 886 of this chapter.

(d) Provided that music is part of the occasion officially sponsored and attended by senior Government or military dignitaries in performing their official duties. Music may be broadcast or telecast with other features of the program, but such occasions must not include social activities and entertainment officials attend as guests. For example, dinners and luncheons given by civilians or civic associations.

(e) Provided that broadcasts and telecasts of concerts are not for commercial purposes and originate on military or naval reservations or vessels.

(f) Provided that broadcasts and telecasts originating on or off a military installation or vessel:

(1) Are of value to the service concerned and that all proper clearances concerning musical rights, labor agreements, etc., are obtained by the sponsors and the programs are not for commercial purposes.

(2) Are purely for recruiting drives or to present to the public certain matters the Air Force considers important enough to require radio or television dissemination.

(g) Provided that musical programs at any U.S. Government hospital are to entertain the patients.

(h) Provided that concerts in the Capitol Grounds, Government buildings, and public parks in the Washington, D.C., area are open to the public free of charge.

(i) Provided that free social and entertainment activities conducted exclusively for enlisted personnel and their guests are in service clubs and social centers maintained for enlisted personnel on active duty.

(j) Provided that official occasions and free social and entertainment activities are held on base if sponsored by a military unit for active duty personnel and their guests and if held for the principal purpose of morale or esprit de corps. Participation is appropriate for similar events held off base only if there is no suitable on-base military facility available. A charge levied to defray expenses of food, beverage, and other incidental expenses is not a bar to participation.

(k) Provided that parades and ceremonies incident to patriotic occasions or gatherings of service personnel, veterans, or patriotic organizations are nonpolitical, nonsectarian, and nonprofit community affairs.

(l) Provided that fund-raising events are those federated and joint campaigns recognized by the Department of Defense and all benefits are donated only to these causes. Included are such agencies as local United Funds, Community Chests, Federal Service Campaign for the National Health Agencies, Federal Service Joint Crusade, American Overseas Campaign; such appeals as the President or the Chairman of the Civil Service Commission may authorize; the military aid societies (Army Emergency Relief and Army Relief Society, the Navy Relief Society, and the Air Force Aid Society); and other federated campaigns. Support of fund raising for a single cause although the recipient is a member of one of the joint or federated campaigns is not authorized. Support of fund raising is not authorized if only a part of the proceeds are being donated to an officially recognized charity.

(m) Provided that such participation, not to exceed 3 days, is justified in furtherance of personnel procurement and community relations programs in events, such as local, State, and regional fairs; exhibitors; or similar events. The event must be open to the public at no charge other than the general admission, and the bands must not perform any service for which civilian musicians could have been hired.

(n) Provided that such participation is for a scheduled, regular season, nonprofessional sports event in which a military team competes in the primary interest of the Department of Defense.

(o) Provided that furnishing of music for ROTC military balls is limited to events held on campus or on a military installation for the cadets, faculty members, and their guests.

§ 820.3 Use of volunteer units.

Sections 820.1 and 820.2 apply to volunteer units formed under this part.

2. Part 858 is revised to read as follows:

Sec.
858.1 Purpose.
858.2 Definitions.
858.3 Who may approve flights.
858.4 When Hq U.S. Air Force approval is required.
858.5 Flight requirements.
858.6 Limitations placed on flights.
858.7 Certificates authorized.

AUTHORITY: The provisions of this Part 858 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 190–24, Aug. 17, 1966; AFR 190–24A, Sept. 28, 1966.

§ 858.1 Purpose.

This part authorizes orientation flights for selected passengers in Air Force aircraft and states the limitations and requirements for such flights. It also authorizes certificates of achievement in recognizing such flights.

§ 858.2 Definitions.

For purposes of this part, the following terms apply:

(a) *Orientation flights.* Flights in Air Force aircraft, with takeoffs and landings at the same base, carrying selected passengers to familiarize them with the aircraft, its operation, and concept of employment.

(b) *Selected passengers.* United States and foreign nationals (including Allied military personnel, CAP cadets, AFROTC cadets, etc.) who, because of positions and contacts with various publics, can make positive contributions to public understanding of the roles, missions, and requirements of the Air Force and its contribution to national defense. (See AFR 190–3 (Air Force Cooperation with the Boy Scouts of America) for indoctrination flights for Boy Scouts engaged in the Explorer program.)

§ 858.3 Who may approve flights.

Any major commander and the Chief, National Guard Bureau, may approve an orientation flight for selected passengers, when such a flight will promote greater public understanding of and appreciation for the Air Force mission. The major commander may not delegate this authority. However, the Commander-in-Chief, U.S. Air Forces in Europe (CINCUSAFE) may delegate authority to a subordinate unit to approve an orientation flight for distinguished NATO officers, with the concurrence of the Commander-in-Chief, European Command. Authority to approve an orientation flight of selected passengers other than NATO officers, remains with Commander-in-Chief, U.S. Air Forces in Europe.

§ 858.4 When Hq U.S. Air Force approval is required.

(a) No orientation flight of other than local interest may be authorized without the approval of the Secretary of the Air Force (SAF–OICC and SAF–OIPC, Washington, D.C. 20330). For example, a flight during which a record attempt is made; a first flight on an aircraft just accepted into the Air Force inventory; a first flight over an isolated geographical area; etc.

(b) An orientation flight for any key U.S. Federal official, other than Members of Congress and their staffs, must have the approval of the Secretary of the Air Force (SAF–OICC). Any similar flight for key officials of foreign governments who are visiting the United States must be coordinated with Hq USAF (AFNIN, Washington, D.C. 20330) and be approved by the Secretary of the Air Force (SAF–OICC).

(c) Orientation flights for Members of Congress and their staffs must have the approval of the Secretary of the Air Force (SAF–LL) in accord with AFR 11–7 (Air Force Relations with Congress).

§ 858.5 Flight requirements.

(a) *Selecting crews.* Only highly qualified Air Force personnel and aircraft (as determined by Air Force and major command standards) will be selected to conduct orientation flights.

(b) *Briefing passengers.* Designated officers are responsible for:

(1) Requiring each passenger to sign a release as required by AFRs 76–6 (Responsibilities and Policies for Movement of Traffic on Other Than MATS Scheduled Aircraft) and 190–13 (Use of Military Carriers for Public Affairs Purposes), absolving the Government of liability in case of accident.

(2) Briefing each passenger as specified in AFM 60–16 (General Flight Rules), including any other information that may be pertinent for passenger safety and comfort.

(3) Briefing each passenger on procedures, controls, and instruments, if the passenger is to occupy crew member positions.

§ 858.6 Limitations placed on flights.

The following limitations apply to orientation flights:

(a) Each flight will terminate at the point of origin.

(b) Each flight will be performed during daylight visual flight conditions, with a minimum ceiling of 5,000 feet, and a minimum visibility of 5 miles, which conditions have existed for at least 1 hour before takeoff and are forecast to exist for 1 hour after landing. On any flight of several hours' duration, however, weather minimums will be as prescribed by the appropriate authority.

(c) The policy outlined in AFR 50–27 (AF Physiological Training Program) on flight altitudes and physiological training applies to each passenger receiving an orientation flight in any type aircraft. (Exception: The Commander-in-Chief, Strategic Air Command, may waive physiological training requirements for a normal orientation flight in KC–135 aircraft.)

(d) To insure maximum flight safety during an orientation flight, minimum-interval takeoffs, aerobatics, air refueling and formation flying will not normally be performed. However, when they are necessary to accomplish the objectives of the flight, the approving authority may authorize such maneuvers.

§ 858.7 Certificates authorized.

A certificate of achievement is suggested as an award to a passenger in recognition of his flight. Photographs may also be presented to the passengers as appropriate.

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67–4175; Filed, Apr. 17, 1967; 8:45 a.m.]

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Common Carriers by Water

Section 1453.3(d)(2) *Fiscal years ending on or after December 31, 1953* is amended by deleting, in subdivision (i) thereof, the words "January 1, 1965", and inserting in lieu thereof the words "January 1, 1966".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App., Supp. 1219)

Dated: April 13, 1967.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 67–4211; Filed, Apr. 17, 1967; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4190]

[New Mexico 1461]

NEW MEXICO

Partial Revocation of Withdrawal In Aid of State Exchanges

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 6583 of February 3, 1934, withdrawing lands in New Mexico to aid the State in making exchange selections, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 22 S., R. 12 W.,
Sec. 35, NE¼, N½SW¼, SW¼SW¼, and NW¼SE¼.

The areas described aggregate approximately 320 acres in Luna County.

The lands are located in the southwestern part of the State of New Mexico, some 18 miles northwest of the town of Deming. The topography is rolling. The soils are shallow to medium depth sandy loam. Vegetal cover consists chiefly of tobosa and burro grass with scattered grama grasses, yucca, and mesquite.

2. At 10 a.m. on May 16, 1967, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 16, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location for nonmetalliferous minerals at 10 a.m. on May 16, 1967. They have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

The State of New Mexico has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 10, 1967.

[F.R. Doc. 67–4184; Filed, Apr. 17, 1967; 8:45 a.m.]

[Public Land Order 4191]

[Wyoming 2316]

WYOMING

Partial Revocation of Public Water Reserve

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of December 20, 1916, creating Public Water Reserve No. 44 (Wyoming No. 10), is hereby revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 58 N., R. 82 W.,
Sec. 27, lot 2, and SE¼NW¼ (S½NW¼).

The areas described aggregate 71.16 acres in Sheridan County.

The lands are located approximately 25 miles northeast of Sheridan, Wyo. They are rough and rolling. Vegetation consists of mixed grasses and sagebrush.

2. Until 10 a.m. on October 9, 1967, the State of Wyoming shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 9, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location for nonmetalliferous minerals at 10 a.m. on October 9, 1967. They have been open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 10, 1967.

[F.R. Doc. 67-4185; Filed, Apr. 17, 1967; 8:46 a.m.]

[Public Land Order 4192]

[Utah 0146858]

UTAH

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, including section 1 of the act of April 11, 1956 (70 Stat. 105; 43 U.S.C. 620), it is ordered as follows:

Subject to valid existing rights, the following described lands in the Ashley National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Taskeech Dam and Reservoir, Upalco Unit, Central Utah Project:

UINTAH SPECIAL MERIDIAN

T. 2 N., R. 5 W.,
Sec. 27, S½SW¼, W½SW¼SE¼, SE¼SW¼SE¼;
Sec. 28, SW¼, S½NE¼SE¼, NW¼SE¼, S½SE¼;
Sec. 29, E½E½SE¼;
Sec. 33, NE¼ of lot 1, NE¼, E½NW¼, E½NW¼NW¼, NW¼NW¼NW¼, NE¼NE¼SW¼, NE¼SE¼, N½NW¼SE¼, SE¼NW¼SE¼;
Sec. 34, lots 1 to 4, incl., N½N½N½N½, S½N½NE¼NE¼, S½SW¼NE¼, S½S½NW¼NW¼, S½NW¼, N½SW¼, NW¼SE¼, W½NE¼SE¼;
Sec. 35, W½ of lot 2, SW¼NW¼NW¼, SW¼NW¼, SW¼SE¼NW¼, NE¼SW¼, NE¼NW¼SW¼.

The areas described aggregate 1,471.99 acres in Duchesne County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 10, 1967.

[F.R. Doc. 67-4186; Filed, Apr. 17, 1967; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Sport fishing on the Prime Hook National Wildlife Refuge, Milton, Del., is permitted on the areas owned by the Government and designated by signs as open to fishing. The refuge is delineated on maps available at refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations and the following special conditions and descriptions:

1. Bank fishing is permitted from sunrise to sunset along tidal streams as posted.

2. Boat fishing is permitted from May 15 through October 1, from sunrise to sunset, in Petersfield Ditch, Prime Hook Creek, Slaughter Canal, Slaughter Creek, their tributaries, and connected ponds. Boats may be launched at public roads or at designated access points. Boats may not be left overnight on refuge property.

3. Surf fishing from refuge property on the shore of Delaware Bay is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 6, 1967.

[F.R. Doc. 67-4181; Filed, Apr. 17, 1967; 8:45 a.m.]

PART 33—SPORT FISHING

Arrowwood National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 1,550 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from May 6, 1967, to September 15, 1967, daylight hours only.

(2) The use of boats, without motors, is permitted.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Part 33, and are effective through September 15, 1967.

ARNOLD D. KRUSE,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.

APRIL 10, 1967.

[F.R. Doc. 67-4224; Filed, Apr. 17, 1967; 8:49 a.m.]

PART 33—SPORT FISHING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Sport fishing from the access area on the Missisquoi National Wildlife Refuge, Vt., is permitted from April 15, 1967, through December 31, 1967, where designated by signs as open to fishing. The refuge is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special condition:

(1) Shooting of pickerel from the access area is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 7, 1967.

[F.R. Doc. 67-4182; Filed, Apr. 17, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 21]

[Docket No. 7098; Notice 67-16]

AIRCRAFT, AIRCRAFT ENGINES, AND PROPELLERS

Issue of Special Conditions During Type Certification

The Federal Aviation Administration is considering amending Part 21 of the Federal Aviation Regulations to clarify the status of special conditions issued during type certification of aircraft, aircraft engines, and propellers, and the procedures under which they are issued.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 19, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The airworthiness Standards Evaluation Committee (ASEC) established by the Administrator on December 6, 1965, has conducted an evaluation of the basic principles and concepts underlying the present agency airworthiness standards and has recently made recommendations thereon. In this connection, the Committee conducted a study concerning the agency's use of special conditions in aircraft certification programs. This proposal reflects the findings and recommendations of the Committee concerning that study.

Section 603(a)(2) of the Federal Aviation Act requires the Administrator to find an aircraft, aircraft engine, or propeller to be of proper design, material, specification, construction, and performance for safe operation before he issues a type certificate for it. The Act also empowers the Administrator to prescribe in a type certificate such terms, conditions, and limitations as are required in the interest of safety. Therefore, regardless of whether certain conditions are specifically covered in the Federal Aviation Regulations, the Administrator is required by the Act to take any steps necessary to make the requisite finding.

The Federal Aviation Regulations necessarily follow the state of the art and both the industry and the agency agree that some design features, particularly novel ones, that affect safety cannot be evaluated against an existing regulation. Whenever this occurs, the Administrator is under a duty to develop and apply any conditions that are necessary to cover these design features. This he has done under the general authority of § 21.21(b)(2) of the Federal Aviation Regulations and its predecessor sections of Parts 1, 3, 4b, and others, of the Civil Air Regulations, through the imposition in individual cases of special conditions and the modification of those special conditions as technical information is developed during the design and testing of the products. To do otherwise could delay the certification program while the necessary amendments to the regulations are made under public rule-making procedures and might result in a public rule that would not be applicable in any subsequent case.

Special conditions are private rules imposed in individual cases and do not appear specifically in the Federal Aviation Regulations. They modify or add to the regulations that are applicable to the product being certificated and are intended to ensure that the product has no unsafe features or characteristics.

As stated previously, special conditions have been imposed in airworthiness type certification cases for many years under the general authority of § 21.21 of the FAR's and its predecessor sections in the CAR's. While there is no doubt that the Federal Aviation Act supports the imposition of special conditions, the regulations do not specifically identify the basis for the issuance and amendment of special conditions.

In consideration of the foregoing, it is proposed to amend Part 21 of the Federal Aviation Regulations as follows:

1. By adding a new § 21.16 to read as follows:

§ 21.16 Special conditions.

(a) If the Administrator finds that the existing airworthiness regulations applicable to an aircraft, aircraft engine, or propeller, do not provide complete or appropriate safety standards with respect to a particular product, he prescribes, in the form of private rules, special conditions for the product, and amendments to those special conditions, that are necessary to establish a level of safety equivalent to that established by the airworthiness regulations of this subchapter applicable to that product.

(b) Any special conditions adopted under this section may be subsequently published in the FEDERAL REGISTER in summary form or, if the Administrator determines that the requirements of any special conditions may also apply generally to other aircraft, they may be issued in the form of proposed amendments to the airworthiness parts of the regulations, in accordance with the general rule-making procedures of Part 11 of this chapter.

2. By amending paragraph (a) of § 21.17 to read as follows:

§ 21.17 Designation of applicable regulations.

(a) An applicant for a type certificate (other than for restricted category, import, or surplus military, aircraft) must show that the aircraft, aircraft engine, or propeller concerned meets—

(1) The applicable requirements of this subchapter that are effective on the date of application for that certificate unless—

(i) Otherwise specified by the Administrator; or

(ii) Compliance with later effective amendments is elected or required under this section; and

(2) Any special conditions prescribed by the Administrator.

* * * * *

§ 21.21 [Amended]

3. By amending the introductory paragraph of § 21.21(b) by inserting the words "and any special conditions prescribed by the Administrator" immediately after the words "Federal Aviation Regulations."

4. By amending paragraph (b) of § 21.101 to read as follows:

§ 21.101 Designation of applicable regulations.

* * * * *

(b) If the Administrator finds that a proposed change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation, and that the regulations incorporated by reference in the type certificate for the product do not provide complete standards with respect to the proposed change, the applicant must comply with—

(1) The applicable provisions of this subchapter, in effect on the date of the application for the change, that the Administrator finds necessary to provide a level of safety equal to that established by the regulations incorporated by reference in the type certificate for the product; and

(2) Any special conditions, and amendments to those special conditions, prescribed by the Administrator to provide a level of safety equal to that established by the regulations incorporated by reference in the type certificate for the product.

* * * * *

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423, and 1429).

Issued in Washington, D.C., on April 12, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-4204; Filed, Apr. 17, 1967; 8:47 a.m.]

[14 CFR Part 39]

[Airworthiness Docket No. 67-SW-15]

AIRWORTHINESS DIRECTIVES

Aero Commander Models 500A, 500B, 560F, 680F, 680F (Pressurized), 680FL, 680FL(P) Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Aero Commander Models 500A, 500B, 560F, 680F, 680F (Pressurized), 680FL, and 680FL(P) airplanes. After the issuance of Amendment 676, Part 507, Regulations of the Administrator (29 F.R. 558), AD 64-2-1, requiring the inspection and modification of the main landing gear upper retaining bearing on certain of the above airplanes, it was determined through service experience that the modification was ineffective. The company issued Aero Commander Service Bulletin 83A dated June 25, 1965, to correct this difficulty. Since the main landing gear upper retaining bearing may rotate on airplanes already modified in accordance with the above airworthiness directive and this condition is likely to exist or develop in other airplanes of the same type, the proposed airworthiness directive would require installation of two upper bearing retaining pins on the airplanes involved that have not been modified in accordance with Service Bulletin 83A. Modification in accordance with the proposed airworthiness directive would obviate the modification requirements of AD 64-2-1 on those airplanes not already in compliance therewith.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Administration, Regional Counsel, Post Office Box 1689, Fort Worth, Tex. 76101.

All communications received within 30 days after date of publication of this notice will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be made a part of the official docket and will be available for examination by interested persons, both before and after the closing date for comments at the office of the Regional Counsel, Southwest Region, Fort Worth, Tex.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new Airworthiness Directive:

AERO COMMANDER. Applies to Models 500A, 500B, 560F, 680F, 680F (Pressurized), 680FL, and 680FL(P), airplanes Serial Numbers 871, 875, and 893 through 1535 except 1496, 1515, 1517, 1519, 1527, 1531, 1532, and 1534.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless the modification has already been accomplished in accordance with Aero Commander Service Bulletin 83A dated June 25, 1965.

To prevent the main landing gear upper retaining bearing from rotating, accomplish the following:

Modify the main landing gear in accordance with Aero Commander Service Bulletin 83A dated June 25, 1965, or an equivalent approved by the Director, Southwest Region, Federal Aviation Administration. Stamp the letter "B" after the design number on each landing gear data plate after the modification is made. Modification in accordance herewith obviates modification in accordance with Amendment 676 (29 F.R. 558), AD 64-2-1.

Issued in Fort Worth, Tex., on April 7, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-4205; Filed, Apr. 17, 1967; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 30, 40, 50, 70, 170]

FACILITY AND MATERIALS LICENSES

Proposed Fees; Extension of Time for Filing Comments

By notice of proposed rulemaking published March 11, 1967 (32 F.R. 3995), the Atomic Energy Commission gave notice that it was considering the establishment of fees for facility construction permits and operating licenses issued under 10 CFR, Part 50, and for specific byproduct, source, and special nuclear materials licenses issued under 10 CFR, Parts 30, 32-35, 40 and 70. Interested persons were invited to file comments or suggestions within 60 days after publication of the notice in the FEDERAL REGISTER.

Because of the widespread interest in the proposed rules, the Commission is hereby extending the time for filing comments to July 9, 1967. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received on the proposed rules may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 12th day of April 1967.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 67-4174; Filed, Apr. 17, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17282]

FM BROADCAST STATIONS

Table of Assignments, Rockmart, Ga. et al.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202 *Table of assignments*, FM Broadcast Stations. (Rockmart, Ga., De Witt, Ark., Dover-Foxcroft, Maine, Lenoir City, Tenn., Horseheads, N.Y., Jeffersonville, Ind., Donelson, Tenn., Madisonville, Greenville, Russellville, and Columbia, Ky., Denver, Colo., Mount Sterling, Ky., Stephenville and Eastland, Tex., and Redding, Calif., Docket No. 17282, RM-1081, RM-1086, RM-1089, RM-1090, RM-1102, RM-1092, RM-1097, RM-1109, RM-1108, RM-1110.)

1. On March 10, 1967, the Commission issued a notice of proposed rule making (FCC 67-313) in the above-entitled matter inviting comments on a number of proposals to amend the FM table of assignments, including the assignment of Channel 239 to Jeffersonville, Ind., and Channel 276A to Dover-Foxcroft, Maine. The time for filing comments was given as April 10, 1967, and that for replies as April 25, 1967. On April 11, 1967, two interested parties filed requests for an extension of time, The Radio Voice of Dover-Foxcroft for RM-1089 (Dover-Foxcroft, Maine) and Charles Hammond for RM-1092 (Jeffersonville, Ind.), the former until April 20, and the latter until April 25, 1967. Radio Voice submits that its attorney has been too busily engaged in a complex CATV hearing to prepare its comments and Charles Hammond states that his engineer has had insufficient time to prepare a complicated counterproposal involving three existing stations in the Louisville area.

2. We are of the view that the requested extension is warranted in this case and that it would serve the public proposals, it would be preferable in this proceeding parties have filed counterproposals, it would be preferrable in this case to extend the time for all the petitions involved rather than for the two requesting extensions alone: *Accordingly, it is ordered*, This 12th day of April 1967, that the time for filing comments and replies in this proceeding is extended from April 10 and 25, 1967, to April 25, 1967, and May 10, 1967, respectively.

3. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(D)(8) of the Commission's rules and regulations.

Released: April 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4213; Filed, Apr. 17, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 260]

[Docket No. R-311]

NATURAL GAS COMPANIES

Annual Reports of Natural Gas Purchases; Order Directing Cross-Service of Comments

APRIL 11, 1967.

On November 29, 1966, we issued a notice of proposed rule making in the above docket.[1] We therein proposed certain changes in the reporting of purchases of natural gas. This notice was published in the FEDERAL REGISTER on December 7, 1966 (31 F.R. 15325).

We have received a number of comments from the industry pursuant to paragraph 8 of the notice. One such comment is of particular interest, and has prompted us to issue this order in response. Sun Oil Co., by its motion filed February 9, 1967, requested that we direct all those who have filed comments in the rulemaking, Docket No. R-311, to serve a copy of their comments on all others who have filed comments.

We agree that such a procedure is desirable in this proceeding. It will save interested parties the time and expense of sending a representative to the Commission to review the various comments on file. It will also obviate the time-consuming and expensive necessity of making copies from the Commission's files. We will accordingly so direct all parties who have filed comments in the rulemaking proceeding, Docket No. R-311.[2]

A number of parties request a conference at the Commission for the resolution of the matters involved in this proceeding. We believe that the various procedural and substantive issues involved warrant such a conference of all interested parties, and have directed our staff to so provide at an appropriate time, after all comments have been served, and the parties have had a sufficient opportunity to consider them.

The Commission finds: It is necessary and proper in the public interest that, pursuant to section 16 of the Natural Gas Act, there be a cross-service of comments filed in the rulemaking proceeding, Docket No. R-311, by the parties listed below.

The Commission orders: Each party listed below shall promptly serve on the representative of the other parties listed therein one copy of its comments filed with the Commission in response to the notice of proposed rule making, Docket No. R-311, issued November 29, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Name of company	*Representative to receive service*
Acoma Oil Corp	Mr. R. W. Anderson, President, Acoma Oil Corp., Hamm Building, St. Paul, Minn. 55102.
Amerada Petroleum Corp	Edwin S. Nail, Esquire, Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.
Associated Gas Distributors	John E. Holtzinger, Jr., Esquire, Morgan, Lewis and Bockius, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
Colorado Interstate Gas Co	Mr. Thomas L. Pelican, Senior Vice President, Colorado Interstate Gas Co., Post Office Box 1087, Colorado Springs, Colo. 80901.
Columbia Gas System Service Corp.	Mr. Charles E. Stout, Vice President, Columbia Gas System Service Corp., 120 East 41st Street, New York 17, N.Y. 10017.
El Paso Natural Gas Co	Mr. Travis Petty, Controller, El Paso Natural Gas Co., Post Office Box 1492, El Paso, Tex. 79999.
Independent Natural Gas Association of America.	Harry L. Albrecht, Esquire, 918 16th Street NW., Washington, D.C. 20006.
Iowa-Illinois Gas & Electric Co.	Mr. R. M. Hetherington, Vice President, Iowa-Illinois Gas & Electric Co., 206 East Second Street, Davenport, Iowa 52801.
Marathon Oil Co	Jack Pariss, Esquire, 539 South Main Street, Findlay, Ohio 45840.
Mobil Oil Corp	Charles B. Swanner, Esquire, Post Office Box 2444, Houston, Tex. 77001.
Natural Gas Pipeline Co. of America.	Mr. Nathan L. McClure, Vice President, Natural Gas Pipeline Co. of America, 122 South Michigan Avenue, Chicago, Ill. 60603.
Northern Natural Gas Co	Mr. F. H. Roberts, Controller, Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr. 68102.
Pan American Petroleum Corp	William H. Emerson, Esquire, Post Office Box 591, Tulsa, Okla. 74102.
Panhandle Eastern Pipe Line Co.	Mr. D. A. Robertson, Controller, Panhandle Eastern Pipe Line Co., Post Office Box 1348, Kansas City, Mo. 64141.
Phillips Petroleum Co	Mr. Dan L Mayer, Manager, Natural Gas & Gasoline Department, Phillips Petroleum Co., Bartlesville, Okla. 74003.
Shell Oil Co	Mr. F. C. Sweat, Manager, Gas Utilization, Shell Oil Co., 50 West 50th Street, New York, N.Y. 10020.
Sinclair Oil & Gas Co	Charles E. McGee, Esquire, 1145 19th Street NW., Washington, D.C. 20036.
Sohio Petroleum Co	Richard F. Remmers, Esquire, 970 First National Office Building, Oklahoma City, Okla. 73102.
Southern Natural Gas Co	Mr. William S. Tarver, Executive Vice President, Southern Natural Gas Co., Post Office Box 2563, Birmingham, Ala. 35202.
Sun Oil Co	Philip D. Endom, Esquire, 1608 Walnut Street, Philadelphia, Pa. 19103.
Tennessee Gas Pipeline Co	Mr. William C. Braden, Jr., Post Office Box 2511, Houston, Tex. 77001.
Texaco, Inc	Mr. R. C. Shields, Manager, Gas Division, Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.
Texas Eastern Transmission Corp.	Joseph F. Weller, Esquire, Post Office Box 2521, Houston, Tex. 77001.
Texas Gas Transmission Corp	Robert O. Koch, Esquire, Vice President, Texas Gas Transmission Corp., 3800 Frederica Street, Owensboro, Ky. 42301.
Transcontinental Gas Pipe Line Corp.	Lawrence H. Gall, Esquire, General Counsel, Transcontinental Gas Pipe Line Corp., Post Office Box 1396, Houston, Tex. 77001.
Trunkline Gas Co	Mr. H. W. Cain, Vice President, Trunkline Gas Co., 3000 Bissonnet Avenue, Post Office Box 1642, Houston, Tex. 77006.
United Gas Pipe Line Co	Mr. C. C. Barnett, Vice President, United Gas Pipe Line Co., Post Office Box 1407, Shreveport, La. 71102.
Warren Petroleum Corp	Arthur F. Whitt, Esquire, Post Office Box 1589, Tulsa, Okla. 74102.

[F.R. Doc. 67-4176; Filed, Apr. 17, 1967; 8:45 a.m.]

[1] The notice was captioned, as well, in Docket R-283 only because it terminated that proceeding. (See earlier Orders Nos. 310, 310-A, and 327.)

[2] Sun's request also encompasses all comments filed with the Commission in the rulemaking proceeding, Docket No. 312 (price levels below which refunds will not be ordered, Independent Producers). However, we are limiting our order to Docket No. R-311 at this time.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946-16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, 7597, 7651, 8775, 8900, 11960, 13005, 14095, 14850, 14851, and 31 F.R. 2815, 4954, 4954-4955, 9720, 10114, 13532, and 32 F.R. 2769, by amending §§ 107.11 and 107.902, and adding a new § 107.904. Prior to final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of twenty (20) days of the date of this notice in the FEDERAL REGISTER.

Information. The Small Business Investment Act Amendments of 1966, Public Law 89-779, 80 Stat. 1359, approved on November 6, 1966, added a new section 315(a) to the Act providing for the forfeiture and payment of civil penalties not exceeding $100 per day by any licensee which fails to submit a regular or special report required pursuant to SBA regulation or written directive of the Administrator, "unless it is shown that such failure is due to reasonable cause and not due to willful neglect." The civil penalties, which accrue to the United States, may be recovered in a civil action brought by the Administration. Section 315(b) of the Act states that SBA may administratively exempt a licensee from the civil penalty provisions of section 315(a), upon such terms and conditions and for such period of time as SBA deems necessary where it finds such action not inconsistent with the public interest or the protection of SBA. Section 315(b) also authorizes SBA to make "any alternative requirements appropriate to the situation."

The proposal set forth below incorporates a new § 107.904 *Exemption from civil penalties.* It is designed to afford licensees an opportunity to obtain an administrative exemption from the civil penalty provisions where the occurrence of extraordinary events renders the submission of a required report in proper form, within the prescribed time-limit, impracticable due to no fault of the licensee. SBA may grant an exemption upon the presentation of a written application, prior to the required filing date, which certifies to the intervention of such events. The proposal makes it clear that the term, "impracticable", refers to the existence of conditions which would make it physically impossible or otherwise unreasonable for a prudent businessman to prepare and file the required report on time; for example, the death or serious illness of key personnel, or unavoidable loss or destruction of records by fire, theft, or similar hazards beyond licensee's control. Licensee's application must be filed as promptly as possible after the occurrence of the special conditions relied upon by it to warrant the exemption requested.

Section 107.11 *Scope of part,* merely lists the various amendments to the Act since 1958. Section 107.902 *Enforcement actions,* briefly summarizes the various types of enforcement actions which SBA may institute against licensees and other persons violating the Act or regulations pursuant thereto. By appropriate amendment, the information set forth in §§ 107.11 and 107.902 will be brought up to date to reflect various changes made by the Small Business Investment Act Amendments of 1966.

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By amending paragraph (a) of § 107.11 to read as follows:

§ 107.11 Scope of part.

(a) *The Act.* The Small Business Investment Act of 1958 became law August 21, 1958. Such Act has been amended by the Small Business Investment Act Amendments of 1960, which became effective June 11, 1960, the Small Business Investment Act Amendments of 1961, which became effective October 3, 1961, the Small Business Investment Act Amendments of 1963, which became effective February 23, 1964, section 316 of the Housing and Urban Development Act of 1965, which became effective August 10, 1965, and the Small Business Investment Act Amendments of 1966, which became effective November 6, 1966.

* * * * *

2. By amending § 107.902 to read as follows:

§ 107.902 Enforcement actions.

(a) In accordance with the rules of practice (Part 109 of this chapter), SBA may institute adjudicative proceedings for (1) the revocation or suspension of the license of a licensee for false statements knowingly made or willful and repeated violations, under section 309(a) of the Act; (2) the entry of cease and desist orders against a licensee or other person for completed or incipient violations, under section 309(b) of the Act; and (3) the entry of an order under section 313 of the Act removing from office a director or officer of a licensee for willfully and knowingly committing a substantial violation or substantial breach of fiduciary duty which involves personal dishonesty (the respondent also being subject to suspension from office in order to protect the licensee or the interests of SBA, pending completion of formal removal proceedings). By service of written notice under section 313(e) of the Act, SBA may also suspend from office a director or officer of a licensee who is charged with a felony in any indictment, information, or complaint authorized by a U.S. Attorney, such suspension from office to remain in effect pending the final disposition of the criminal charges involved.

(b) SBA may bring a civil action under section 308(d) of the Act for a judicial determination of licensee's violations as a basis for SBA's revocation of its license.

(c) A civil action may be instituted by SBA under section 315(a) of the Act for the recovery of civil penalties based on licensee's failure to file reports required by any regulation or written directive of the Administrator. SBA may institute a civil action under section 311 of the Act for injunctive relief against a licensee or other person which has engaged or is about to engage in acts or practices constituting violations and, wherever appropriate, for the appointment of a receiver to administer the licensee's assets under the direction and pursuant to the exclusive jurisdiction of the court. SBA may also bring a civil action under section 311 or administrative proceedings against a director, officer, or other principal of a licensee who is ineligible to serve for the reasons stated in section 314(c) of the Act.

3. By adding a new § 107.904, which would read as follows:

§ 107.904 Exemption from civil penalties.

(a) Where it is impracticable for a licensee to submit any report required by any regulation or written directive of the Administrator within the time-limit prescribed therefor, the president or chief executive officer of such licensee may, prior to the required filing date, present a written application to the Administration which (1) identifies such report; (2) certifies to the occurrence of extraordinary events which, according to such certification, make the submission of the report on the prescribed form, on or before the required filing date, impracticable due to no fault on the part of the licensee; and (3) is accompanied by written evidence in support thereof. Such application shall be submitted as promptly as possible after the occurrence of such events. SBA in its discretion may exempt the licensee, in whole or in part, from the civil penalty provisions of section 315(a) of the Act otherwise applicable, for such length of time and upon such conditions as SBA determines reasonable in the circumstances.

(b) For the purpose of this section, the term, "impracticable", refers to the existence of conditions which would make it physically impossible or otherwise unreasonable for a prudent businessman to prepare and file the required report on time. Such conditions include death or serious illness of licensee's key personnel, or unavoidable loss or destruction of books, records, or other data by fire, theft, or similar hazards beyond licensee's control.

Dated: April 10, 1967.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 67-4200; Filed, Apr. 17, 1967; 8:47 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1500]

CHILD LABOR AND HAZARDOUS OCCUPATIONS

Notice of Proposed Rule Making

Critical examination has been made of the regulations and orders outstanding under section 3(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to ascertain what, if any, modifications can be made to provide opportunities for employment to young persons without hazard or detriment to their health or well being. This examination is part of a program to keep all of the youth and hazardous orders and regulations up to date. The modifications proposed here represent the first step and a proposed revision of only three orders, and it is my intention to investigate all of the orders in detail in the near future.

Accordingly, it is proposed pursuant to authority in section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1061, as amended; 29 U.S.C. 203) and Reorganization Plan No. 2 of 1964 (3 CFR 1943–1948 Comp., p. 1064) to amend 29 CFR Part 1500 as set out below. Subpart D of Part 1500 will govern the procedure. Interested persons are invited to participate in the proceedings through the submission of pertinent written data, views, and arguments by mail to the Director of the Bureau of Labor Standards, Railway Labor Building, 400 First Street NW., Washington, D.C. 20210 within 30 days after this notice is published in the FEDERAL REGISTER.

1. Paragraph (f) of § 1500.35 would be amended to refer to the period between 7 a.m. and 9 p.m. instead of the period between 7 a.m. and 7 p.m. so as to permit the employment of minors between 14 and 16 years of age to work until 9 p.m. subject to the other limitations provided in Subpart C of Part 1500.

2. In § 1500.33 *Occupations*, paragraph (d) would be revised to read as follows:

(d) Public messenger service using any means of transportation other than by foot, bicycle, or public transportation.

The effect of this amendment would be to permit the employment of young persons between the ages of 14 and 16 years in public messenger service provided they accomplish this service by foot, bicycle, or public transportation and other limitations in Subpart C of Part 1500 are observed.

3. In § 1500.33, paragraph (f)(2) would be amended to read as follows:

(2) Warehousing and storage except order filling, packaging, shelving, other stock-clerk type operations, and cleanup work in wholesale and mail-order houses.

The effect of this amendment would be to permit young persons between 14 and 16 years of age to work in the excepted occupations subject to the other limitations expresed in Subpart C of Part 1500.

4. In § 1500.33, paragraph (a) would be amended to read as follows:

(a) Manufacturing occupations, mining occupations, processing occupations which are an integral part of operations involving the use of power-driven equipment, including occupations requiring the performance of any duties in workrooms or work places where goods are manufactured, mined, or subject to such processing;

The effect of this amendment would be to permit 14- and 15-year-old minors to be employed in processing occupations except where such processing is an integral part of operations involving the use of power-driven equipment subject to the limitations provided in Subpart C of Part 1500.

5. A new paragraph (d) would be added to § 1500.50 to read as follows:

§ 1500.50 General.

* * * * *

(d) *Specially authorized situations.* Each of the findings and declarations in this subpart that an occupation is particularly hazardous for the employment of children between the ages of 16 and 18 years or detrimental to their health or well-being is subject to an exception for each situation in which the Secretary of Labor or his representative for this purpose has authorized such employment in writing because of his conclusion, upon consideration of the hazards presented in the particular employment situation or program that the hazards which prompted the regulations do not exist or are mitigated to the extent that the particular employment should not be prohibited under the standards provided by the Act.

6. In § 1500.52 the heading, paragraph (a), and paragraph (b)(3) would be amended to read as follows:

§ 1500.52 Motor-vehicle driver and outside helper (order 2).

(a) *Finding and declaration of fact.* The occupations of motor-vehicle driver and outside helper on public roads or highways are particularly hazardous for the employment of minors between 16 and 18 years of age.

(b) *Definitions.* * * *

(3) The term "outside helper" shall mean any individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.

The effect of this amendment would be to permit persons 16 and 17 years of age to drive motor vehicles on private property, such as on the premises of a gasoline service station or garage, and to permit them to work as helper either on or off the highway so long as they do not ride outside the cab. This proposal is unrelated to the separate one presenting the question of what, if any, modification should be made in regard to schoolbus drivers.

7. In § 1500.58 a new paragraph (c) would be added to read as follows:

§ 1500.58 Occupations involved in the operation of power-driven hoisting apparatus (order 7).

* * * * *

(c) *Exception.* This section shall not prohibit operating or riding on passenger elevators, freight elevators, or combination passenger and freight elevators, provided such elevators conform in all respects to the standards provided in 41 CFR 50–204.34 through 50–204.37, both inclusive.

8. In § 1500.64 that portion of paragraph (a) preceding subparagraph (i) would be amended to read as follows:

§ 1500.64 Occupations involved in the manufacture of brick, tile, and kindred products (order 13).

(a) *Findings and declaration of fact.* The following occupations involved in the manufacture of clay construction products and of silica refractory products are particularly hazardous for the employment of minors between 16 and 18 years of age, and detrimental to their health and well being unless prior to such employment, the minor has been examined by a doctor of medicine licensed to practice in the State where the work is to be performed and found by him to be capable of performing such work without injury to himself.

* * * * *

Signed at Washington, D.C., this 14th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-4303; Filed, Apr. 17, 1967; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1966 Rev., Supp. No. 16]

MARYLAND NATIONAL INSURANCE CO.

Termination of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Maryland National Insurance Co., Bel Air, Md., under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13), to qualify as an acceptable surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States, is hereby terminated.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds with acceptable sureties in lieu of bonds executed by the Maryland National Insurance Co.

Dated: April 12, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67-4210; Filed, Apr. 17, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Survey Group 147; ES 01154]

FLORIDA

Notice of Filing of Plat of Survey

APRIL 11, 1967.

The plat of survey of lands in Mosquito Lagoon, described below, was accepted on March 31, 1966. This plat represents a retracement and reestablishment of portions of the north boundary and subdivisional lines, designed to restore the corners in their original positions according to the best available evidence; the survey of lands erroneously omitted from the original survey; and, the survey of thirteen islands. The plat will be officially filed effective at 10 a.m. on May 15, 1967.

The lands are described as:

TALLAHASSEE MERIDIAN, FLORIDA

T. 20 S., R. 36 E.,
Sec. 5, lots 2 and 3;
Sec. 9, lots 3, 4 and 5;
Sec. 15, lots 3 and 4;
Sec. 16, lots 2 and 3; and
Thirteen islands designated as Tracts 1 to 13, inclusive.

The areas described aggregate 629.34 acres.

The character of these lands indicates that they were in existence when Florida was admitted to the Union. They are, therefore, held to be public lands. The elevation of the omitted lands and the islands surveyed is less than 5 feet above mean sea level. The major portion of each new legal subdivision is wet and unfit for cultivation. The lands are determined to be more than 50 percent swamp in character within the meaning of the Swamp Land Act of September 28, 1850, and title thereto inured to the State of Florida under that Act. The lands are therefore not subject to any other form of leasing or disposal.

All inquiries relating to the lands should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Md. 20910.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 67-4183; Filed, Apr. 17, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

AGREEMENT BETWEEN AEC AND ARIZONA

Discontinuance of Certain Commission Regulatory Authority and Responsibility

Notice is hereby given that Chairman Glenn T. Seaborg, on behalf of the Atomic Energy Commission and the Honorable Jack Williams, Governor of the State of Arizona, have signed the Agreement below for discontinuance of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86–373 (sec. 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of Chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150) which was published in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668.

Dated at Germantown, Md., this 13th day of April 1967.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

Agreement Between the United States Atomic Energy Commission and the State of Arizona for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, The U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended, (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, The Governor of the State of Arizona is authorized under Chapter 4, Title 30 of the Arizona Revised Statutes to enter into this Agreement with the Commission; and

Whereas, The Governor of the State of Arizona certified on January 20, 1967, that the State of Arizona (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on March 22, 1967, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article VIII. This Agreement shall become effective on May 15, 1967, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at Phoenix, State of Arizona, in triplicate, this 30th day of March 1967.

For the U.S. Atomic Energy Commission.

[SEAL] GLENN T. SEABORG, *Chairman.*

For the State of Arizona.

[SEAL] JACK WILLIAMS, *Governor.*

[F.R. Doc. 67-4212; Filed, Apr. 17, 1967; 8:48 a.m.]

BUREAU OF THE BUDGET

TENNESSEE VALLEY AUTHORITY

Order Transferring Use, Possession, and Control of Certain Lands From Atomic Energy Commission

By virtue of the authority vested in the President of the United States by section 7(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831f(b)), and delegated to the Director of the Bureau of the Budget by section 1(15) of Executive Order No. 11230 of June 28, 1965, it is ordered that the use, possession, and control of the land hereinafter described be, and it is hereby, transferred from the Atomic Energy Commission to the Tennessee Valley Authority for public recreation development and use, such transfer being deemed necessary and proper for the purposes of TVA as stated in the Tennessee Valley Authority Act of 1933, as amended:

That certain tract of land designated on TVA land records as tract MHR-5, the said land being described as follows:

Land known as the Haw Ridge Area lying in the First Civil District of Anderson County, State of Tennessee, on the north and west shores of Melton Hill Lake, extending from the old Edgemoor Bridge down the lake for a distance of approximately 3 miles, and being more particularly described as follows:

Beginning at a point (Coordinates: N. 594,696; E. 2,543,119) where the 800-foot contour on the west shore of Melton Hill Lake intersects the centerline of the old Edgemoor Road, a corner of the lands previously acquired in fee by the Tennessee Valley Authority from the U.S. Atomic Energy Commission under the designations of Tracts Nos. MHR-1 and MHR-4; thence with the line of the said Tract No. MHR-4 and with the 800-foot contour as it meanders down the lake in a general southerly direction and subsequently in a general westerly direction to a point which is opposite and approximately 25 feet southeast of survey station 12+00 on the surveyed centerline of the relocated Scarboro-Edgemoor Road; thence with a severance line N. 31°35' W., approximately 25 feet to a point in the centerline of the relocated Scarboro-Edgemoor Road at the said survey station 12+00; thence with the centerline of the road as it meanders in a northeasterly direction approximately 3,860 feet to a point; thence, leaving the road, S. 85°15' E., 1,803 feet to a point; thence N. 38°44' E., 1,480 feet to a point; thence N. 0°01' W., 1,337 feet to a point in the southeast line of the right-of-way for the old Edgemoor Road; thence with the said right-of-way line, a line 80 feet southeast of and parallel to the centerline of the old Edgemoor Road, in a southwesterly direction approximately 1,600 feet to a point in the southeast line of the right-of-way for the present Scarboro-Edgemoor Road; thence with the southeast line of the right-of-way for the present Scarboro-Edgemoor Road, a line 60 feet southeast of and parallel to the centerline of the present Scarboro-Edgemoor Road, N. 38°18' E., 300 feet to a point, a corner to the previously mentioned Tract No. MHR-1; thence with the line of the said Tract No. MHR-1, leaving the road right-of-way line, S. 51°42' E., 63 feet to a point in the northwest line of the right-of-way for the old Edgemoor Road; thence with the northwest line of the right-of-way for the old Edgemoor Road, a line 30 feet northwest of and parallel to the centerline of the old Edgemoor Road, in a northeasterly direction approximately 2,750 feet to a point; thence with a severance line, leaving the right-of-way line, S. 27°40' E., 810 feet to a point; thence N. 74°41' E., 973 feet to a point; thence N. 24°28' E., 567 feet to a point; thence N. 35°13' W., 118 feet to a point in the northwest line of the right-of-way for the old Edgemoor Road and in the boundary of the previously mentioned Tract No. MHR-1; thence with the line of the said Tract No. MHR-1 and with the said right-of-way line, a line 30 feet northwest of and parallel to the centerline of the old Edgemoor Road, as it meanders in a northeasterly direction approximately 550 feet to a point; thence, leaving the right-of-way line, N. 36°45' W., 242 feet to a point; thence N. 8°05' W., 189 feet to a point; thence N. 83°04' E., 195 feet to a point; thence S. 29°58' E., 210 feet to a point; thence S. 21°05' E., 202 feet to a point in the centerline of the old Edgemoor Road; thence with the centerline of the old Edgemoor Road in a northeasterly direction approximately 25 feet to the point of beginning. Also a strip of land 60 feet wide, lying 30 feet on each side of the centerline of the old Edgemoor Road, and extending from that course identified in the above metes and bounds description by a bearing and distance of S. 27°40' E., 810 feet in an easterly direction for a distance of approximately 1,490 feet to that course identified above by a bearing and distance of N. 35°13' W., 118 feet.

The land as described above contains a total of 778 acres, more or less.

The directions of lines are referred to the Tennessee Coordinate System.

Such transfer is made subject to:

(1) Such rights as may be vested in the county to rights-of-way for roads.

(2) Such rights as may be vested in third parties to rights-of-way for electric power distribution lines and telephone lines.

(3) Rights of access reserved to the Atomic Energy Commission over the old Edgemoor Road until such time as said road is taken over by a public agency for use as a public road.

CHARLES L. SCHULTZE,
Director of the Bureau of the Budget.

APRIL 11, 1967.

[F.R. Doc. 67-4222; Filed, Apr. 17, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 17869, 18401; Order E-24977]

AIRPORT AUTHORITY OF CITY OF OMAHA AND OMAHA CHAMBER OF COMMERCE

Order Instituting Investigation Regarding Certificated Air Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of April 1967.

Application and petition of Airport Authority of the city of Omaha and the Omaha Chamber of Commerce, Docket No. 17869; for additional certificated air service; Service to Omaha case, Docket No. 18401.

On October 21, 1966, the Airport Authority of the city of Omaha and the Omaha Chamber of Commerce (Omaha parties) filed a joint application and petition [1] for the amendment of existing carrier certificates, or, in the alternative, an investigation with respect to the needs of Omaha for new or improved service between Omaha and a number of cities.[2] On December 16, 1966, the Omaha parties filed a motion for an expedited hearing on this application and petition alleging, inter alia, that (1) improved or competitive service between Omaha and other major U.S. cities has never been considered by the Board; (2) Omaha's service pattern is significantly inferior to that of comparable cities and as a result its traffic growth has been retarded; and (3) no other sizable city in the United States has as much monopoly air service.

Answers in support of Omaha's motion for expedited hearing were filed by American Airlines, Inc. (American), Continental Air Lines, Inc. (Continental), Frontier Airlines, Inc. (Frontier), Northwest Airlines, Inc. (Northwest), Seattle Traffic Association, Trans World Airlines, Inc. (TWA), Western Air Lines, Inc. (Western), and the Nebraska Department of Aeronautics. Braniff Airways, Inc. (Braniff) submitted an answer stating, in effect, that there is no need for competitive service in markets now served by Braniff. United Air Lines, Inc. (United), filed an answer in opposition.

The Board has decided to institute an investigation to be known as the Service to Omaha Case to determine the need for first competitive nonstop service between Omaha, on the one hand, and Chicago, Denver, Kansas City, and Minneapolis/St. Paul, on the other hand. In addition, the proceeding will consider whether one or more additional carriers should be authorized to operate nonstop between Omaha and the coterminals Seattle and Portland as well as between Omaha and St. Louis.

Presently Omaha is served by five carriers, United, Braniff, Ozark Air Lines, Inc. (Ozark), North Central Airlines, Inc. (North Central), and Frontier. United provides Omaha with its only east-west trunk service and Braniff provides the only north-south trunkline service under grandfather route authority.[3] Most of United's flights from Omaha are funneled through either Chicago or Denver with the exception of some nonstop service to Los Angeles, San Francisco, and New York. Northbound from Omaha, Braniff's flights operate nonstop to Minneapolis or via the intermediates of Sioux Falls or Sioux City. Southbound the basic Braniff pattern involves the funneling of all flights through Kansas City with the exception of a nonstop service to St. Louis. Ozark's service gives Omaha entry into Minneapolis and Chicago on flights all of which stop at intermediate points in Iowa. North Central's service via intermediate points proceeds north from Omaha into the Dakotas and to Minneapolis. Frontier's service is in two directions; (1) south to Kansas City either nonstop or via Lincoln, Nebr.; and (2) west to Denver via intermediate points in Nebraska.

Having examined the certificated route pattern at Omaha, the Board has concluded that Omaha's service needs appear to be divisible into two types.

First, three of the four largest city pair markets involving Omaha—Chicago, Denver, and Minneapolis/St. Paul—are served by a single nonstop carrier. Traffic in each of these markets is large and may justify first competitive service. Omaha-Kansas City is served by two nonstop carriers, one of which, Frontier, is restricted to a single round trip a day pursuant to a change of service pattern approval.[4] Accordingly, we will set down for hearing the issue of whether an additional carrier or carriers should be certificated to serve these markets.

Second, direct air service between Omaha and the south and southeast is sparse, and no carrier is authorized to provide effective single-plane service to the southeast; and United, although it is authorized to operate direct service between Omaha, on the one hand, and Seattle and Portland, on the other hand, provides no single-plane service and offers single-carrier service to these points primarily via Denver. Under these circumstances it is our view that the investigation should consider the service needs of Omaha to the south, southeast, and northwest. In the case of the south and southeast, it is clear that present traffic between Omaha and any other single point is not sufficient to warrant the provision of a reasonable pattern of nonstop services. On the other hand, if two or more markets are combined, the consolidated traffic flow may support single-plane service to several points in the south or southeast. Accordingly, we will place in issue the need for competitive service in the Omaha-St. Louis market now served by Braniff. St. Louis is ideally situated geographically to serve as a gateway to points in the southeast and south. Moreover, a carrier now authorized to serve between the latter areas and St. Louis could offer a pattern of service which would provide support for competitive operations in the Omaha-St. Louis market.

We are at this time excluding Omaha's request insofar as it involves nonstop service to Los Angeles, New York, San Francisco, Washington, Baltimore, Philadelphia, Dallas, Detroit, and Boston. United provides nonstop service to Los Angeles, San Francisco, and New York, and provides single-plane or single-carrier services to all other points except Dallas, which I served by Braniff. In our opinion, the present level of traffic in these markets does not appear to justify hearing the question of the need for a second unrestricted carrier at this time. On the other hand, the fact that additional single-plane service could be offered via the terminal points in issue to some of these cities, depending on the applicant selected, will give the applicants, including the Omaha parties, an opportunity to urge the selection of a carrier that could provide one-stop service in competition with United or Braniff to these cities. In spite of the opinion here tentatively expressed, we will receive and consider responses of parties concerning nonstop services to the points mentioned herein.

In order to limit the size of this investigation, we shall impose a pretrial restriction that any new certificate authority awarded herein shall be in the form of a new segment instead of an addition to an existing segment.

There are presently on file applications from carriers in part requesting authority which would be at issue in the investigation as hereinabove described. Rather than sever out and consolidate herein, sua sponte, those portions of these applications which are within the purview of this proceeding, we shall favorably act upon duly filed motions seeking consolidation of applications or parts thereof which are within the scope of the investigation.

Interested applicants, of course, may file amended or additional applications consistent with the scope of the investigation within the time for filing as hereinafter established. However, in the event new or amended applications for new or additional routes consistent with the scope of this case are filed, each applicant should file one new composite application covering clearly and specifically all of the authority sought in this proceeding. This procedure will obviate the confusion resulting from the consolidation of several separately filed applications or portions thereof and will assist the parties, the Examiner, and the Board in analyzing and considering the precise proposals of each applicant.

Accordingly, it is ordered, That:

1. An investigation designated the Service to Omaha Case, be and it hereby is instituted in Docket 18401 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment or modification of carrier authorizations so as to authorize unrestricted nonstop service in the following markets:

Omaha-Chicago.
Omaha-Denver.
Omaha-Kansas City.
Omaha-Minneapolis/St. Paul.
Omaha-Seattle and Portland as coterminals.
Omaha-St. Louis.

2. In the event a carrier is awarded certificate authority in any market at issue and such carrier is not presently authorized to provide service in the market, the new authority will be granted in the form of a separate segment to the carrier's existing certificate;

3. Motions to consolidate, applications, and motions or petitions seeking modification or reconsideration of this order be filed no later than 20 days after the date of service of this order and that

[1] Docket 17869. The same application and petition was filed, together with a motion to consolidate and a petition for reconsideration, in the Gulf States-Midwest Points Service Investigation, Docket 17870.

[2] Chicago, Kansas City, Los Angeles, New York, Minneapolis/St. Paul, Denver, San Francisco, Washington, Baltimore, St. Louis, Philadelphia, Dallas, Detroit, Boston, and Seattle.

[3] Other than byproduct improvements as a result of the Braniff-Mid Continent Merger Case, 15 CAB 708 (1952), new certificate authority involving service to Omaha has been primarily the result of the Seven States Area Case, 28 CAB 680 (1959) in which the three present local carriers gained access to Omaha.

[4] See Order E-22344, effective June 23, 1965. This authority terminates on June 23, 1967.

answers to such pleadings be filed no later than 10 days thereafter;

4. This proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated;

5. The petition and application of the Omaha parties, dated October 21, 1966, insofar as it seeks relief not granted herein and the motion for expedited consideration thereof, dated December 16, 1966, to the extent not granted herein, be and hereby are deferred; and

6. A copy of this order be served upon the cities set forth in ordering paragraph (1), and the carriers certificated to serve such cities.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-4221; Filed, Apr. 17, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17159]

FM BROADCAST TRANSLATOR STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 74 of the Commission's rules and regulations to permit the operation of low-power FM broadcast translator stations, Docket No. 17159, RM-909.

1. In a notice of inquiry, released on February 6, 1967, in this proceeding (FCC 67-152), the Commission invited comments from interested parties by April 5, 1967, and reply comments by April 20, 1967, on the proposal contained therein to permit the use of FM broadcast translators in a manner similar to TV translators.

2. A number of informal requests have been made for an extension of time for filing comments in the proceeding. In addition, on April 7, 1967, McMartin Industries, Inc., Omaha, Nebr., filed a request for a 90-day extension in which to file comments in this proceeding. McMartin states that as a manufacturer of equipment, it is anxious to file comments on the equipment to be used, type acceptance requirements, power, etc., and that it needs the time requested to prepare the necessary engineering data. It further submits that it believes the data will be useful to the Commission in helping it reach a final determination in the proceeding.

3. In view of the interest shown in the proceeding and the request for extension of time, we believe that good cause has been shown and that the public interest would be served by the requested extension.

Accordingly, it is ordered, This 10th day of April 1967, that the time for filing comments is extended from April 5, 1967, to July 5, 1967, and that the time for filing replies to comments is extended from April 20, 1967, to July 20, 1967.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: April 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-4214; Filed, Apr. 17, 1967; 8:48 a.m.]

[Docket No. 16789; FCC 67M-592]

ASHEBORO BROADCASTING CO.

Memorandum and Order Following Further Prehearing Conference

In the matter of revocation of the licenses of Asheboro Broadcasting Co. for Broadcast Station WGWR AM-FM, Asheboro, N.C., Docket No. 16789.

At the first prehearing conference in this case, held on March 1, 1967, the parties agreed to explore the possibility of stipulating various areas of fact. A further prehearing conference was held on March 31, 1967. At that conference it was reported that manpower problems in the Broadcast Bureau had required reassignment of counsel handling the matter. Counsel now representing the Bureau has only recently received the file. At this second prehearing conference the subject of stipulating fact was further pursued. Both current counsel for the Bureau and counsel for the respondent have agreed to thoroughly explore the subject with a view toward introduction of as much evidence as possible into the record by way of stipulation. Counsel at this second conference also agreed on dates for a further prehearing conference and for hearing. These dates are set forth in the ordering clause below:

It is ordered, This 10th day of April 1967, that a further prehearing conference will be held on May 4, 1967, and that hearing will be held on June 14, 1967.

Released: April 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-4215; Filed, Apr. 17, 1967; 8:48 a.m.]

[Docket Nos. 17070-17072; FCC 67M-604]

KLRA, INC., ET AL.

Order for Postponement of Procedural Dates

In re application of KLRA, Inc., Little Rock, Ark., Docket No. 17070, File No. BPH-4707; KAAY, Inc., Little Rock, Ark., Docket No. 17071, File No. BPH-5250; The Valley Corp., Little Rock, Ark., Docket No. 17072, File No. BPH-5403; for construction permits.

It appearing, that on April 7, 1967, the applicants filed pleadings (joint petitions) addressed to the Commission's Review Board looking toward resolution of the proceeding without an evidential hearing, and that, in view of the pendency of these matters before the Review Board, it is appropriate for the Hearing Examiner on his own motion to defer further procedural steps herein until after the disposition of the pleadings now before the Board;

Accordingly, it is ordered, This 12th day of April 1967, on the Hearing Examiner's own motion, that the heretofore scheduled dates of April 3 for Preliminary Exchange of Engineering Exhibits, April 17 for Final Exchange of All Exhibits, April 28 for Notifications re witnesses, and April 18 for Commencement of the second phase of the hearing are postponed indefinitely pending Review Board action on the joint petitions of the applicants filed April 7, 1967.[1]

Released: April 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-4216; Filed, Apr. 17, 1967; 8:48 a.m.]

[Docket Nos. 17345, 17346]

LEE BROADCASTING CORP. AND MID AMERICA BROADCASTING, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Lee Broadcasting Corp., Moline, Ill., Docket No. 17345, File No. BPH-5470; Requests: 104.9 mc, No. 285; 3 kw (H&V); 300 ft.; Mid America Broadcasting, Inc., Moline, Ill., Docket No. 17346, File No. BPH-5569; Requests: 104.9 mc, No. 285; 3 kw (H&V); 300 ft.; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above captioned and described applications for construction permits on April 7, 1967.

2. These applications are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

3. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

[1] By a previous order of the Examiner (FCC 67M-350), released Mar. 2, 1967, the scheduled date of Apr. 7, 1967, for commencement of the first phase of the hearing was also postponed indefinitely.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221 (c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: April 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-4217; Filed, Apr. 17, 1967; 8:48 a.m.]

[Docket Nos. 17209-17219; FCC 67M-594]

SALTER BROADCASTING CO. (WBEL) ET AL.

Order Continuing Hearing

In re applications of Salter Broadcasting Co. (WBEL), South Beloit, Ill., Docket No. 17209, File No. BMP-11646; Great River Broadcasting, Inc., St. Louis, Mo., Docket No. 17210, File No. BP-16749; Prudential Broadcasting Co., St. Louis, Mo., Docket No. 17211, File No. BP-16752; Six-Eighty-Eight Broadcasting Co., St. Louis, Mo., Docket No. 17212, File No. BP-16753; St. Louis Broadcasting Co., St. Louis, Mo., Docket No. 17213, File No. BP-16755; Victory Broadcasting Co., Inc., St. Louis, Mo., Docket No. 17214, File No. BP-16758; Home State Broadcasting Corp., St. Louis, Mo., Docket No. 17215, File No. BP-16759; KWK Broadcasting Corp., St. Louis, Mo., Docket No. 17216, File No. BP-16760; Archway Broadcasting Corp., St. Louis, Mo., Docket No. 17217, File No. BP-16761; Clermont Broadcasting Co., St. Louis, Mo., Docket No. 17218, File No. BP-16762; Missouri Broadcasting, Inc., St. Louis, Mo., Docket No. 17219, File No. BP-16763; for construction permits.

It is ordered, This 10th day of April 1967, by the Hearing Examiner on his own motion, that the further prehearing conference of the above matter heretofore continued without date shall be held commencing at 10 a.m., April 27, 1967, in the Commision's offices, Washington, D.C., and

It is further ordered, That the hearing now scheduled for April 17, 1967, is continued to a date to be set at the prehearing conference of April 27, 1967, and

It is further ordered, That the "Opposition To Motion For Extension Of Time" filed April 4, 1967 by Great River Broadcasting, Inc., and Missouri Broadcasting, Inc. is dismissed.

Released: April 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-4218; Filed, Apr. 17, 1967; 8:48 a.m.]

[Docket No. 16701; FCC 67M-598]

WBLG-TV, INC.

Order Rescheduling Hearing

In re application of WBLG-TV, Inc., Lexington, Ky., Docket No. 16701, File No. BPCT-3642; for construction permit.

The parties having consented: *It is ordered,* This 11th day of April 1967, that the hearing in the above-entitled proceeding which is scheduled for April 12 is hereby rescheduled and will convene instead at 10 a.m., Wednesday, April 26, at the Commission's offices, Washington, D.C.

Released: April 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-4219; Filed, Apr. 17, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Agreement 9450]

AUSTRALIA/U.S. ATLANTIC AND GULF CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement modification filed for approval by:

Mr. Elmer C. Maddy, Esquire, Kirlin, Campbell and Keating, 120 Broadway, New York, N.Y. 10005.

Agreement 9450-1, between the member lines of the Australia/U.S. Atlantic and Gulf Conference, modifies Article 1 of the basic agreement of that conference by inserting the following in lieu of the words "Pacific Islands": "Cook Island, Fiji Islands, New Caledonia, Territories of Papua and New Guinea, New Hebrides, Norfolk Island, British Samoa, Solomon Islands, Society Islands, Thursday Island, Tonga Islands, Gilbert Islands, and Ellice Islands."

Dated: April 13, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67-4231; Filed, Apr. 17, 1967; 8:49 a.m.]

EAST COAST COSTA RICA RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. T. F. Griffin, Secretary, East Coast Costa Rica Rate Agreement, 79 Pine Street, Fifth Floor, New York, N.Y. 10005.

Agreement 9538-1, among the member lines of the East Coast Costa Rica Rate Agreement, operating in the trade between East Coast ports of Costa Rica and U.S. Atlantic and Gulf ports, amends Article 3 of the basic agreement to provide that regular meetings of the members will be held as required or at the request of a member line rather than on the first week of each month. The

amendment also deletes that portion of the Article which requires that "Special Meetings of the Principals shall be held every 3 months."

Dated: April 13, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4232; Filed, Apr. 17, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CS66-41, etc.]

OIL WELL DRILLING CO. ET AL.

Order Granting Relief

April 7, 1967.

The small producers listed in the appendix have requested reinstatement of certain rate schedules and related rates involving sales in the Permian area. Prior to issuance of the small producer certificates each of these producers had rates in effect or under suspension which exceeded the applicable area base rate ceiling determined in Opinion Nos. 468 and 468-A. These producers request relief in conformity with the Commission order issued February 6, 1967, in Rodman and Late et al., Docket Nos. CS66-48 et al.

For the reasons set forth in the Rodman order, we will permit the subject producers to reinstate effective as of the effective date of their respective small producer certificates those above ceiling rates which were in effect prior to the issuance of such certificates as set forth in the appendix. All but one of these rates are involved in rate proceedings. In connection therewith we shall also redesignate the former Texas Crude Oil Co. FPC Gas Rate Schedule No. 4 as Darrell S. Warren FPC Gas Rate Schedule No. 1, and shall designate the assignment of leases by Texas Crude to Warren as Supplement No. 3 thereto.[1]

As noted in the appendix, some of the rates to be reinstated with respect to sales by The Fluor Corp., Ltd., and the rate to be reinstated for J. C. Barnes Oil Co. (Operator) were suspended but never made effective. We shall also reinstate these suspended rates effective as of the date of issuance of this order if Fluor and Barnes file satisfactory refund assurances in accordance with the provisions of this order.[2]

All of the reinstated rates will be subject to rejection, as of the date of reinstatement, in the event the Permian court stay is dissolved or the moratorium provision in Opinion Nos. 468 and 468-A are upheld ultimately upon judicial review. The collection of such reinstated rates is also subject to the refund provisions of paragraph (D) of Opinion No. 468 as well as the refund provisions of any applicable suspension proceeding.

The Commission orders:

(A) Oil Well Drilling Co. et al., FPC Gas Rate Schedule No. 5, Darrell S. Warren's FPC Gas Rate Schedule No. 1, and the Fluor Corp., Ltd., FPC Gas Rate Schedule Nos. 3, 4, 10, 12, 18, and 19 and the related rates set forth in the appendix are reinstated as of the respective dates of the applicable small producer certificate authorization.

(B) The Fluor Corp., Ltd., FPC Gas Rate Schedule Nos. 6, 7, 8, 11, 13, and 16 and J. C. Barnes Oil Co. (Operator), FPC Gas Rate Schedule No. 4 and the related rates set forth in the appendix shall be reinstated and become effective subject to refund in the applicable suspension proceedings as of the date of issuance of this order if satisfactory refund assurance is filed as required by paragraph (C) hereof.

(C) Within 30 days of the issuance of this order, The Fluor Corp., Ltd., in Docket No. RI65-585 and J. C. Barnes Oil Co. (Operator) in Docket No. RI63-296 shall file, in the attached form, as refund assurance either an agreement and undertaking, together with appropriate data evidencing its financial responsibility, or a surety bond (in the amount of $1,800 in Docket No. RI65-585 and $25,000 in Docket No. RI63-296). In the event a surety bond is filed, it shall be accompanied by a certificate to the effect that no other obligation has been assumed in connection with the bond in addition to the payment of the bond premium. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, the refund assurances filed herein shall be deemed to be satisfactory and to have been accepted for filing. The refund assurance filed herein shall remain in full force and effect until discharged by the Commission. Respondents shall comply with the refunding and reporting procedures required by the Natural Gas Act and section 154.102 of the regulations thereunder.

(D) The suspension proceedings in Docket Nos. RI65-585 and RI63-296 are reinstated with respect to the sales listed in the appendix below.

(E) Texas Crude Oil Co. FPC Gas Rate Schedule No. 4 is redesignated as Darrell S. Warren FPC Gas Rate Schedule No. 1 and the related assignment of leases to Darrell S. Warren is designated as Supplement No. 3 thereto.

(F) The rates reinstated in paragraphs (A) and (B) above are subject to rejection as of the effective date of reinstatement in the event the Permian court stay is dissolved or the moratorium provisions in Opinion Nos. 468 and 468-A are upheld ultimately upon judicial review. The collection of such rates is also subject to the refund provisions of paragraph (D) of Opinion No. 468 as well as the refund provisions of any applicable suspension proceeding.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

Line No.	Producer	Reinstated rate schedule No.	Small producer certificate docket No.	Rate to be reinstated	Effective date of small producer authorization	Suspension dockets to be reinstated
	(1)	(2)	(3)	(4)	(5)	(6)
1	Oil Well Drilling Co. et al	5	CS66-41	[3] 15.5	7-20-66	
2	Darrell S. Warren	[2] 1	CS66-100	[4] 16.0	8-15-66	
3	The Fluor Corp., Ltd	3	CS66-128	[4] 15.6488	8-11-66	
4	do	4	CS66-128	[4] 15.6488	8-11-66	
5	do	6	CS66-128	[4] 15.5017	8-11-66	RI65-585.[6]
6	do	7	CS66-128	[4] 15.5017	8-11-66	RI65-585.[6]
7	do	8	CS66-128	[5] 15.5017	8-11-66	RI65-585.[6]
8	do	10	CS66-128	[4] 15.50174	8-11-66	
9	do	11	CS66-128	[4] 15.5017	8-11-66	RI65-585.[6]
10	do	12	CS66-128	[4] 15.50174	8-11-66	
11	do	13	CS66-128	[4] 15.5017	8-11-66	RI65-585.[6]
12	do	16	CS66-128	[4] 15.5	8-11-66	RI65-585.[7]
13	do	18	CS66-128	[4] 15.5	8-11-66	
14	do	19	CS66-128	[4] 14.69675	8-11-66	
15	J. C. Barnes Oil Co. (operator)	[4] 4	CS67-1	[10] 16.0	9-27-66	RI63-296.[8]

[1] Subject to refund in Docket No. RI60-152.
[2] Formerly: Texas Crude Oil Co. FPC Gas Rate Schedule No. 4.
[3] Initial rate.
[4] Subject to refund in Docket No. G-20401.
[5] Rate of 16.8173 cents per Mcf suspended until Oct. 1, 1965.
[6] Rate of 16.6318 cents per Mcf suspended until Oct. 1, 1965.
[7] Rate of 16.5 cents per Mcf suspended until Oct. 1, 1965.
[8] Rate schedule designated as J. C. Barnes (Operator) et al. FPC Gas Rate Schedule No. 4.
[9] Rate of 17 cents suspended until June 17, 1963.
[10] Initial rate.

[F.R. Doc. 67-4130; Filed, Apr. 17, 1967; 8:45 a.m.]

[1] The order issuing a small producer certificate to Warren in Docket No. CS66-100 covered the subject sale previously made by Texas Crude. That order also canceled Texas Crude's rate schedule, and terminated the related certificate in Docket No. CI60-473.

[2] Since the proposed rates were not in effect, the orders issuing small producer certificates terminated these suspension proceedings. In view of the reinstatement of the proposed rates, we shall also reinstate the suspension proceedings relating thereto. However, reinstatement of the suspension proceeding in Docket No. RI65-585 will not apply to Fluor's FPC Gas Rate Schedule No. 9 since Fluor does not request reinstatement (and the contract rate, effective rate, and suspended rate are below the applicable area base rate).

[Docket Nos. G-5671, etc.]

W. B. OSBORN, JR., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 7, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-5671 C 3-10-67	W. B. Osborn, Jr., Post Office Box 6767, 5168 Broadway, San Antonio, Tex. 78209.	Colorado Interstate Gas Co., acreage in Kearny County, Kans.	16.0	14.65
G-10630 D 3-31-67	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Northern Natural Gas Co., Eumont Pool, Lea County, N. Mex.	Declined in pressure	-------
G-17562 C 3-27-67	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	Texas Gas Transmission Corp., Minden Field, Webster Parish La.	18.25	15.025
CI61-1595 E 2-27-67	Kenneth B. Valentine (successor to Davisson A. Benson, Jr.), 7684 Phelan, Clarkston, Mich. 48016.	Equitable Gas Co., Otter District, Clay County, W. Va.	25.096	15.325
CI62-775 C 3-30-67	D. A. Dorward, d.b.a. D. A. Dorward et al., 41 North Chesterfield Rd., Columbus, Ohio 43209.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI62-797 C 3-30-67	Roy G. Hildreth, d.b.a. Four H Drilling Co., Box 118, Spencer, W. Va. 25276.	Consolidated Gas Supply Corp., Spencer District, Roane County, W. Va.	25.0	15.325
CI62-1406 D 3-29-67	Ferrell L. Prior, d.b.a. Prior Oil Co., Hays and Co., agent, Spencer, W. Va. 25276.	Consolidated Gas Supply Corp., New Milton District, Doddridge County, W. Va.	Assigned	-------
CI63-1457 D 3-30-67	Apache Corp., 323 South Detroit, Tulsa, Okla. 74120 (partial abandonment).	Northern Natural Gas Co., Bechtbold (Tonkawa) Field, Lipscomb County, Tex.	Declined in pressure	-------
CI64-418 C 3-23-67	Union Pacific Railroad Co., 5480 Ferguson Dr., Los Angeles, Calif. 90222.	Colorado Interstate Gas Co., Wamsutter Unit Area, Sweetwater County, Wyo.	15.0	14.65
CI65-269 E 3-29-67	Great American Minerals Corp. (Operator) et al. (successor to Worth Exploration Co. (Operator) et al.), 62d Floor, Chry. Bldg., New York, N.Y. 10017.	Southern Natural Gas Co., Northeast Lafitte Field, Jefferson Parish, La.	15.0	15.025
CI65-890 C 3-30-67	E. C. Wilson, et al., 308 Court St., St. Marys, W. Va. 26170.	Consolidated Gas Supply Corp., Glenville and Center Districts, Gilmer County, W. Va.	25.0	15.325
CI66-1190 C 3-30-67	Sunset International Petroleum Corp. et al., 8920 Wilshire Blvd. Beverly Hills, Calif. 90211.	Consolidated Gas Supply Corp., Union District, Upshur County, W. Va.	25.0	15.325
CI66-1291 C 3-30-67	J. M. Huber Corp., 2401 East Second Ave., Denver, Colo. 80206.	Panhandle Eastern Pipe Line Co., Southeast Gage Field, Ellis County, Okla.	[3] 17.085	14.65
CI67-119 C 3-28-67	Pioneer Production Corp., Post Office Box 2542, Amarillo, Tex. 79105.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	[3] 17.0	14.65
CI67-1088 A 2-14-67	Grace I. White, agent for H. E. White Gas Wells No. 1 and 2, 167 Marion Ave., Pasadena, Calif. 91106.	The Manufacturers Light & Heat Co., Porter Township, Clarion County, Pa.	25.0	15.325
CI67-1205 A 3-2-67	Sinclair Oil & Gas Co., Post Office Box 521., Tulsa, Okla. 74102.	El Paso Natural Gas Co., Todd (San Andres) Field, Crockett County, Tex.	15.0	14.65
CI67-1312 A 3-20-67	Duquesne Natural Gas Co., 225 Washington Trust Bldg., Washington, Pa. 15301.	The Manufacturers Light & Heat Co., Morris Township, Washington County, Pa.	21.5	15.325
CI67-1313 A 3-20-67	do	The Manufacturers Light & Heat Co., East Finley and Morris Townships, Washington County, Pa.	21.5	15.325
CI67-1317 A 3-17-67	James Drilling Corp., 250 Newport Rd., Blairsville, Pa. 15717.	The Manufacturers Light & Heat Co., acreage in Westmoreland County, Pa.	25.0	15.325
CI67-1318 A 3-17-67	do	The Manufacturers Light & Heat Co., Jacksonville Field, Indiana County, Pa.	27.5	15.325
CI67-1321 B 3-23-67	Harper-Smith & Associates, Inc., 1818 The 600 Bldg., Corpus Christi, Tex. 78401.	Lone Star Gathering Co., Belitz Field, DeWitt County, Tex.	[5]	-------
CI67-1322 B 3-22-67	W. S. Noble, R. S. Baker, and W. M. Emanuel, Post Office Box 22713, Houston, Tex. 77027.	Natural Gas Pipeline Co. of America, Fairbanks Field, Harris County, Tex.	Depleted	-------
CI67-1323 B 3-23-67	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., South Bourg Field, Terrebonne Parish, La.	Depleted	-------
CI67-1324 B 3-22-67	Cities Service Co., Cities Service Bldg., Bartlesville, Okla. 74003.	Lone Star Gathering Co., Southeast Yorktown Field, DeWitt County, Tex.	[5]	-------
CI67-1326 A 3-24-67	Titan Petroleum Corp., 1355 Skirvin Tower, Oklahoma City, Okla. 73102.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	17.0	14.65
CI67-1328 (G-13870) F 3-24-67	Acco Oil & Gas Co. (successor to CRA, Inc.[6]), No. 1 Briar Dale Court, Houston, Tex. 77027.	United Gas Pipe Line Co., North Indian Hills Field, Montgomery County, Tex.	15.192	14.65
CI67-1330 B 3-27-67	Harkins & Co. (Operator) et al., Post Office Box 1490, Alice, Tex. 78332.	Lone Star Gathering Co., South Marshall Field, Goliad County, Tex.	[5]	-------
CI67-1331 A 3-28-67	Shenandoah Oil Corp., 406 Mutual Savings Bldg., Fort Worth, Tex. 76102.	Cities Service Gas Co., Aetna Field, Barber County, Kans.	14.0	14.65
CI67-1332 A 3-28-67	do	Cities Service Gas Co., Groendyke Field, Barber County, Kans.	14.0	14.65
CI67-1334 A 3-27-67	E. C. Ware (Susie Brewer Lease) c/o John T. Diederich, attorney at law, 600 Price Bldg., Ashland, Ky. 41101.	Kentucky-West Virginia Gas Co., acreage in Pike County, Ky.	12.0	15.225
CI67-1335 A 3-27-67	E. C. Ware (Cassady Heirs Lease)	Kentucky-West Virginia Gas Co., acreage in Martin County, Ky.	12.0	15.225

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-1336 B 3-27-67	Northern Pump Co. (Operator) et al., Box 7277, Camden Station, Minneapolis, Minn. 55412.	Texas Eastern Transmission Corp., West Cocden Field, Bee County, Tex.	Depleted	
C167-1337 B 3-27-67	do	do	Depleted	
C167-1338 B 3-27-67	Harkins & Co. (Operator) et al	Lone Star Gathering Co., Karen Beauchamp Field, Goliad County, Tex.	(4)	
C167-1340 A 3-28-67	J & J Enterprises, Inc., 518 Allegheny Ave., Avonmore, Pa. 15618.	Cumberland & Allegheny Gas Co., Union District, Upshur County, W. Va.	25.0	15.325
C167-1341 A 3-28-67	do	Cumberland & Allegheny Gas Co., Union District, Barbour County, W. Va.	25.0	15.325
C167-1342 A 3-28-67	do	Cumberland & Allegheny Gas Co., Buckhannon District, Upshur County, W. Va.	25.0	15.325
C167-1343 A 3-28-67	do	Cumberland & Allegheny Gas Co., Union District, Barbour County, W. Va.	25.0	15.325
C167-1344 A 3-28-67	do	do	25.0	15.325
C167-1345 A 3-28-67	do	Cumberland & Allegheny Gas Co., Warren District, Upshur County, W. Va.	25.0	15.325
C167-1346 A 3-28-67	do	Cumberland & Allegheny Gas Co., Buckhannon District, Upshur County, W. Va.	25.0	15.325
C167-1347 A 3-28 67	do	Cumberland & Allegheny Gas Co., Union District, Barbour County, W. Va.	25.0	15.325
C167-1348 A 3-28-67	do	do	25.0	15.325
C167-1349 A 3-29-67	Texaco, Inc., Post Office Box Box 52332, Houston, Tex. 77052.	United Fuel Gas Co., Little Pecan Lake Field, Cameron Parish, La.	[7] 20.625	15.025
C167-1350 A 3-29-67	Quaker State Oil Refining Corp., Box 337, Bradford, Pa. 16701.	United Fuel Gas Co., Sheridan District, Lincoln County, W. Va.	23.0	15.325
C167-1351 A 3-29-67	Allegheny Land & Mineral Co. et al., 318 Professional Bldg., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., New Milton District, Doddridge County, W. Va.	25.0	15.325
C167-1353 A 3-27-67	Dasman Pipeline Co., Inc., Post Office Box 7548, Long Beach, Calif. 90807.	El Paso Natural Gas Co., Cisco Dome, et al. Fields, Grand County, Utah.	15.0	15.025
C167-1354 A 3-30-67	Diamond Alkali Co., 300 Union Commerce Bldg., Cleveland, Ohio 44115.	Northern Natural Gas Co., Sheetz Unit, Meade County, Kans.	16.0	14.65

[1] Rate schedule redesignated as Hays & Co., Agent for Ferrell L. Prior, d.b.a. Prior Oil Co.
[2] Includes 6.085 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[3] Subject to upward and downward B.t.u. adjustment.
[4] By letter filed Mar. 2, 1967, Applicant states its willingness to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[5] Gas will no longer be transported and/or sold in interstate commerce.
[6] A portion of the acreage assigned to Acco from C RA was acquired from Mobil Oil Corp., Docket No. G-13943. No certificate filing was ever made by C RA to cover subject acreage.
[7] Subject to 2 cents per Mcf deduction on volumes compressed by Buyer.

[F.R. Doc. 67-4131; Filed, Apr. 17, 1967; 8:45 a.m.]

[Docket No. G-2191 etc.]

ARKANSAS OKLAHOMA GAS CORP.

Notice of Application

APRIL 10, 1967.

Take notice that on January 5, 1967, Arkansas Oklahoma Gas Corp. (Applicant), 115 North 12th Street, Fort Smith, Ark. 72901, filed in Docket No. G-2191 et al. a notice of change in corporate name changing the corporate name from Fort Smith Gas Corp. to Arkansas Oklahoma Gas Corp., said change becoming effective January 1, 1967, and stating that this is a change in name only and that there will be no change in the corporate structure, management, personnel, facilities, or service, all as more fully set forth in the notice of change of corporate name which is on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 8, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4177; Filed, Apr. 17, 1967; 8:45 a.m.]

[Docket No. CP 64-250]

CITIES SERVICE GAS CO.

Notice of Petition To Amend

APRIL 10, 1967.

Take notice that on April 4, 1967, Cities Service Gas Co. (Petitioner), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP 64-250 a petition to amend the order issued by the Commission August 14, 1964, by authorizing Petitioner to extend for 3 years, from the date of termination, of the original authorization, the sale of natural gas to Kansas-Nebraska Natural Gas Co., Inc. (Kansas), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

In the above-mentioned order, Petitioner was authorized to deliver a total of 20 million Mcf of natural gas to Kansas on an interruptible basis with volumes up to 40,000 Mcf of natural gas per day. The authorization was limited to a 3-year period commencing with the issuance of the certificate. This sale assisted Petitioner in reducing accumulated excess allowables for certain natural gas wells.

Petitioner and Kansas, by amendment to the original agreement dated February 3, 1964, have agreed to extend this sale from the time of completion of the originally authorized deliveries until Kansas has purchased an additional 20 million Mcf of natural gas from Petitioner. The extension is further limited to a period of 3 years from the completion of the sale of the originally authorized volumes. Petitioner states that the extension of this sale will further assist in the reduction of accumulated excess allowables.

Petitioner states that no additional investment is required for the extension of this sale and Petitioner does not need these volumes of natural gas to serve its own customers' requirements.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 8, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4178; Filed, Apr. 17, 1967; 8:45 a.m.]

[Docket No. G-104]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

APRIL 11, 1967.

Take notice that on April 4, 1967, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. G-104 pursuant to section 3 of the Natural Gas Act a petition to amend the order issued in said docket on September 10, 1940, as superseded by the order issued November 10, 1947, and amended June 7, 1962, by requesting authorization to export increased quantities of natural gas to the Republic of Mexico, and to extend the term of said order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of September 10, 1940, which was superseded by the order issued November 12, 1947, as amended June 7, 1962, Petitioner is presently authorized to sell to Compania Minera de Cananea, S.A. de C.V. (Compania Minera) 10,000 Mcf of natural gas per day, which gas is delivered by Petitioner to Compania Occidental de Gas, S.A. de C.V. (Compania Occidental) for the account of Compania Minera at a point near Monument 90 on the International Boundary near Naco, Ariz.

By the Presidential Permit issued in the instant docket on September 5, 1940, Petitioner was authorized to operate and maintain pipeline facilities at the International Boundary near Naco, Ariz., and to there make a physical connection between such facilities and the facilities of Compania Occidental for the exportation of natural gas to Compania Minera's predecessor in interest.

Petitioner has made the instant filing to request authorization to amend the above-mentioned order, as superseded and amended, by seeking authorization to increase the daily volumetric obligation of gas to be sold and delivered to Compania Minera from 10,000 Mcf to 14,300 Mcf, on a firm basis, and, on a best efforts basis, to sell and deliver such additional quantities of natural gas as Compania Minera shall request in excess of 14,300 Mcf per day. Petitioner also requests an extension of the period of the export authorization from June 1, 1972, to December 31, 1978.

The rate to be charged Compania Minera is the rate specified to be charged for gas delivered under Petitioner's Rate Schedule B-1, FPC Gas Tariff, Original Volume No. 1.

To implement delivery of the increased volumes Petitioner will use its existing facilities, together with certain additional facilities, authorization for which has been applied for in its application pending in Docket No. CP67-204.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 8, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4179; Filed, Apr. 17, 1967; 8:45 a.m.]

[Docket No. E-7129]

PACIFIC POWER & LIGHT CO.

Notice of Application

APRIL 11, 1967.

Take notice that on March 27, 1967, Pacific Power & Light Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of unsecured promissory notes during a period ending December 31, 1968, in the aggregate principal amount of not to exceed $45 million at any one time.

Applicant is incorporated under the laws of Maine and is engaged in the electric utility business in the States of Oregon, Washington, Idaho, Montana, Wyoming, and California, with its principal place of business office at Portland, Oreg.

The notes are to be issued pursuant to a credit agreement dated as of October 1, 1963, and as amended by two subsequent letter agreements. The Commission previously authorized Applicant to issue up to $45 million of promissory notes under this credit agreement by an order issued February 14, 1964, and extended this authorization by an order issued June 3, 1965. Applicant now desires to extend the revolving credit available to it under the credit agreement so that such credit will be available to Applicant until December 31, 1968.

The proceeds from the issuance of the notes will be used to refund outstanding notes presently estimated at $15 million and will provide Applicant with temporary financing for its construction program, the expenditures for which are estimated to be approximately $43,459,000 for 1967 and approximately $42,473,000 for 1968.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4180; Filed, Apr. 17, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice 17]

GRAPES

Extension of the Closing Date for Filing of Applications for 1967 Crop Year

Pursuant to the authority contained in § 411.3 of Title 7, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for grape crop insurance for the 1967 crop year in all counties where such insurance is otherwise authorized to be offered is hereby extended until the close of business on May 1, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-4230; Filed, Apr. 17, 1967; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 7F0578) has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing the establishment of tolerances for residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoyl methyl) phosphorodithioate) and its oxygen analog in or on raw agricultural commodities, as follows: 2 parts per million in or on melons (except watermelons); and 0.1 part per million in or on potatoes and watermelons.

The analytical method proposed in the petition for determining residues of the insecticide and its oxygen analog consists of a colorimetric method based on hydrolysis and subsequent formation of a complex with 1-chloro-2,4-dinitrobenzene with measurement of absorbance at 520 millimicrons and the method of Steller et al. (Journal of Association of Official Analytical Chemists, vol. 47 (1964), p. 645).

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4223; Filed, Apr. 17, 1967; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

APRIL 12, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 13, 1967, through April 22, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4188; Filed, Apr. 17, 1967; 8:46 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

APRIL 12, 1967.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on

a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 13, 1967, through April 22, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4189; Filed, Apr. 17, 1967; 8:46 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

APRIL 12, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc., and all other securities of Pakco Companies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 13, 1967, through April 22, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4190; Filed, Apr. 17, 1967; 8:46 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

APRIL 12, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period April 13, 1967, through April 22, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4191; Filed, Apr. 17, 1967; 8:46 a.m.]

[812-2105]

SCUDDER DUO-VEST EXCHANGE FUND, INC.

Notice of Filing of Application for Order of Exemption and Permitting Issuance of Stock

APRIL 12, 1967.

Notice is hereby given that Scudder Duo-Vest Exchange Fund Inc. ("Fund"), 320 Park Avenue, New York, N.Y. 10022, a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as a diversified open-end management investment company, has filed an application for an order pursuant to sections 6(c) and 18(i) of the Act (i) exempting from the provisions of section 18(f)(1) of the Act the issuance by Fund of Income Preferred Shares described below; (ii) permitting the two classes of security holders of the Fund to vote as separate classes on certain matters; (iii) exempting the Fund from the provisions of section 14(a) of the Act; and (iv) exempting the Fund and its adviser from the provisions of sections 15(a), 16(a), and 32(a) of the Act until the first annual meeting of shareholders. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Fund proposes to sell units of equal dollar amounts of two classes of stock designated the Income Preferred Shares and the Capital Shares. The units will be offered in exchange for securities considered acceptable for the Fund's portfolio and will be redeemable at the option of holders at net asset value. The holders of the Income Preferred Shares will be entitled to all of the Fund's net investment income and, in any event, to a cumulative cash dividend at the fixed rate of 6 percent per annum of the net proceeds per share to be received by the Fund on the initial public offering from the date of issue through January 31, 1983. Dividends in arrears are payable out of subsequent net investment income. The Income Preferred Shares are subject to reclassification effective January 31, 1983, pursuant to amendment of the charter by shareholder vote, into Capital Shares on the basis of the liquidation preference of the Income Preferred Shares and the then net asset value of the Capital Shares, and it is the intention of the Fund's management to propose such reclassification at that time. As holders of Capital Shares, the former Income Preferred Shareholders will have the right thereafter to receive the net asset value of their shares. If any Income Preferred Shares are outstanding on February 1, 1983, they are to be redeemed The existence of the Fund will terminate on March 31, 1983, unless its charter has been previously amended to extend the Fund's existence.

All net capital appreciation of the Fund's portfolio will accrue to the benefit of the Capital Shares. Following reclassification or redemption of the Income Preferred Shares in 1983, each holder of Capital Shares will have the right to receive the then net asset value of his shares. Except for the possibility of small special dividends required to be paid for tax purposes, no distribution of income or of capital gains will be made on the Capital Shares prior to February 1, 1983.

At the first annual meeting of the shareholders of the Fund, expected to be held not later than September 30, 1967, the holders of the Income Preferred Shares, voting separately as a class, will be entitled to elect two members of the Board of Directors of the Fund and the holders of the Capital Shares, voting separately as a class, will be entitled to elect the balance of the members. If at anytime the fixed cumulative dividend shall be unpaid in an amount equal to two full years' dividends, the holders of the Income Preferred Shares will elect a majority of the Board, and will continue to elect such majority until such dividends shall have been paid, or otherwise provided for, in full for all past periods. On all other matters voted upon by shareholders, the holders of the Income Preferred Shares and the holders of the Capital Shares will vote together as one class except that each class will be entitled to vote as a class on any charter amendment that would adversely affect its interests (a two-thirds vote of the class if the amendment alters the preferences, special rights or powers of such class) and on any plan of reorganization within the meaning of the Act that would adversely affect its interest and on any action requiring a vote of security holders as provided in section 13(a) of the Act. In addition, any charter amendment that shortens or extends the duration of the Fund will require approval of all the Income Preferred Shares and, in certain cases, of the Capital Shares.

The Fund will pay its investment adviser, on a quarterly basis, an annual fee equal to the lesser of (i) one-half of 1 percent of net asset value or (ii) one-sixth of the annual gross investment income. Accordingly, the management fee will be less than one-half of 1 percent of net asset value in any year in which the gross investment income is less than 3 percent of the value of the portfolio.

The contract with the proposed investment adviser will be contingent upon approval by a vote of a majority of the outstanding voting securities at the first annual meeting of shareholders and the entire Board of Directors of the Fund will be elected by the shareholders at that time. The Fund's accountant will be selected by the Board of Directors of the Fund in the manner provided by the Act and such selection will be submitted for ratification to the shareholders at their first annual meeting.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000. Since the Fund will not issue any Income Preferred or Capital Shares unless securities having a market value of at least $25 million are on deposit at the close of the offering, it will have substantial net worth before subscriptions are accepted.

Sections 15(a), 16(a), and 32(a) of the Act, respectively, require shareholder approval of the investment advisory agreement, the election of directors by shareholders, and shareholder ratification of the selection of an independent public accountant. Fund applies for exemption from these provisions until the first annual meeting of shareholders.

Section 18(f)(1) provides that it shall be unlawful for any registered open-end company to issue any class of senior security or to sell any senior security of which it is the issuer, except that any such registered company shall be permitted to borrow from any bank provided there is an asset coverage of at least 300 percent for all borrowings of such registered company. Since the Income Preferred Shares will have priority over the Capital Shares as to the distribution of assets and the payment of dividends they are senior securities within the meaning of section 18(g) of the Act. The Fund represents that its Income Preferred shares will have the essential protections required for senior stock securities of closed-end companies and that since redemptions will be made on the basis of net asset value and in a ratio the same as that of the numbers of outstanding shares of each class, i.e., one to one, redemptions of the Fund's units will not affect the asset coverage for the Income Preferred Shares. Therefore, the Fund has requested an order of exemption to permit the issuance of its Income Preferred Shares.

Section 18(i) of the Act requires shares of stock issued by a registered management investment company to have equal voting rights with every other outstanding voting stock except as provided in section 18(a), otherwise required by law, or as permitted by order of the Commission. The Fund seeks an exemption therefrom to the extent necessary to permit the issuance of Income Preferred Shares and Capital Shares with the respective voting rights as summarized above.

Notice is further given that any interested person may, not later than May 2, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4192; Filed, Apr. 17, 1967; 8:46 a.m.]

[File No. 1-4407]

SPORTS ARENAS, INC.

Order Suspending Trading

APRIL 12, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1 cent par value of Sports Arenas, Inc., and the 6 percent convertible debentures being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 13, 1967, through April 22, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4193; Filed, Apr. 17, 1967; 8:46 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

APRIL 12, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 13, 1967, through April 22, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4194; Filed, Apr. 17, 1967; 8:46 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

APRIL 12, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 13, 1967, through April 16, 1967, both dates inclusive.

By the Commission

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4195; Filed, Apr. 17, 1967; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

APRIL 12, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 13, 1967, through April 22, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4196; Filed, Apr. 17, 1967; 8:46 a.m.]

TARIFF COMMISSION

[TEA-I-EX-4]

DRAWN OR BLOWN FLAT GLASS

Notice of Investigation and Hearing Regarding Probable Effect of Automatic Termination of Increased Tariffs

Investigation instituted. On April 12, 1967, the U.S. Tariff Commission, upon a petition filed on behalf of the domestic industry concerned, instituted an investigation in connection with the preparation of advice to the President, pursuant to section 351(d)(3) of the Trade Expansion Act of 1962, with respect to flat glass of the kinds described in items 923.31–.35 and 923.71–.75 in part 2A of the Appendix to the Tariff Schedules of the United States.

Increased rates of duty were imposed by Presidential proclamation upon imports of certain flat glass in 1962 following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951. On January 11, 1967, the President, pursuant to the provisions of section 351(c)(1)(A) of the Trade Expansion Act, terminated certain of these increased rates and reduced the remainder of them. Pursuant to section 351(c)(1)(B) of the Trade Expansion Act, the escape-clause rates that were reduced will automatically terminate at the close of October 11, 1967, unless extended by the President. The Commission's function under section 351(d)(3) is to advise the President of its judgment as to the probable economic effect that an automatic termination of these rates would have on the industry concerned.

Public hearing ordered. A public hearing, which has been requested by the petitioner in connection with this investigation, will be held at 10 a.m., e.d.s.t., on June 20, 1967, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: April 12, 1967.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-4201; Filed, Apr. 17, 1967; 8:47 a.m.]

[TEA-I-10]

EYEGLASS FRAMES AND MOUNTINGS

Notice of Investigation and Hearing

Investigation instituted. Following receipt on April 7, 1967, of a petition by the International Union of Electrical, Radio, and Machine Workers and its subordinate affiliate, the Optical Council of the IUE, the U.S. Tariff Commission, on the 12th day of April 1967, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether frames and mountings for eyeglasses, lorgnettes, goggles, and similar articles, provided for in item 708.47 of the Tariff Schedules of the United States, are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t., on July 11, 1967, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: April 12, 1967.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-4202; Filed, Apr. 17, 1967; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Recommendations for Appointment

Section 14 of the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 40, 41; 29 U.S.C. 308e) provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" which is to consist of the 13 members to be appointed as follows: One from the insurance field, one from the corporate trust field, two from management, four from labor, and two from other interested groups, all of whom are to be appointed by the Secretary from among persons recommended by organizations in the respective groups. The additional three representatives are to be appointed from the general public by the Secretary. The prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his functions under the Welfare and Pension Plans Disclosure Act, as amended, and to submit to the Secretary recommendations with respect thereto. The Council is required to meet at least twice each year and at such other times as the Secretary requests.

To assure continuity in the handling of the business of the Council, a rotation system is provided whereby the 2-year terms of approximately half the members expire each year. The groups represented by the members whose terms expire on June 30, 1967, are as follows: Labor (2), the insurance field (1), management (2), and the public (1). Appointments of new members will be for 2-year terms, beginning July 1, 1957.

Accordingly, notice is hereby given that any organization desiring to recommend persons for appointment to the "Advisory Council on Employee Welfare and Pension Benefit Plans" may submit recommendations to the Secretary of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, on or before May 15, 1967. The recommendation may be in the form of a letter, resolution, or petition, signed by an authorized official of the organization. Each recommendation shall identify the candidate by name, occupation or position, and address. It shall specify the field or group which he would represent for purposes of section 14 of the Act, and whether he is available and would accept.

Signed at Washington, D.C., this 11th day of April 1967.

THOMAS R. DONAHUE, *Assistant Secretary for Labor-Management Relations.*

[F.R. Doc. 67-4225; Filed, Apr. 17, 1967; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 366]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 13, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1630 (Sub-No. 11 TA), filed April 7, 1967. Applicant: D. D. JONES TRANSFER & WAREHOUSE COMPANY, INCORPORATED, 630 Poindexter Street, Chesapeake, Va. 23506. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, in containers, between Norfolk, Portsmouth, Chesapeake, and Newport News, Va., on the one hand, and, on the other, points in Virginia, Maryland, Delaware, North Carolina, South Carolina, Tennessee, and the District of Columbia, restricted to traffic having an immediately prior or subsequent movement by water, for 180 days. Supporting shippers: CTI-Container Transport International, Inc., Law Building, 147 Granby Street, Norfolk, Va., and Empire Household Shipping Co. of New York, Inc., 160 Broadway, New York, N.Y. 10038. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 3009 (Sub-No. 76 TA), filed April 7, 1967. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Post Office Box 1569, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottles, carboys, demijohns or jars, and closures*, between the plantsites and warehouses of Knox Glass, Inc., located in Rankin County, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Tennessee, and Texas, for 180 days. Supporting shipper: Knox Glass, Inc., Knox, Pa. 16232 (L. R. Linnon, General Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 312–A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 50544 (Sub-No. 58 TA), filed April 7, 1967. Applicant: THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, 210 North 13th Street, St. Louis, Mo. 63103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *REA express traffic*, between Dallas, Fort Worth, and Odessa, Tex., serving the presently authorized intermediate points of Abilene, Sweetwater, Colorado City, Big Spring, Stanton, and Midland, Tex., over applicant's presently authorized interstate routes, this being solely an application to modify the key point of Abilene, Tex., for the transportation of REA Express Traffic on REA billing, for 180 days. Supported by: REA Express. Attention: E. L. Fallman, Vice President and General Manager, 2413 Broadway, Kansas City, Mo. 64108. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 3248–B–1520 Market Street, St. Louis, Mo. 63103.

No. MC 66562 (Sub-No. 2224 TA), filed April 7, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: Robert C. Boozer, 80 Broad Street NW., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service, between Lenoir, N.C., and Boone, N.C., serving the intermediate point of Blowing Rock, N.C., from Lenoir over U.S. Highway 321 to Boone, and return over the same route, for 150 days. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency. Shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts. Supporting shippers: There are nine shippers' supporting statements attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 103993 (Sub-No. 275 TA), filed April 7, 1967. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: John Lesow, 3737 North Meridian Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building*, complete, knocked down, or in sections, and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, from Des Moines, Iowa, to points in North Dakota, Montana, South Dakota, and Wyoming, for 180 days. Supporting shipper: Frank Paxton Lumber Co., 205 Southwest 11th Street, Post Office Box 683, Des Moines, Iowa 50303. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 112520 (Sub-No. 159 TA), filed April 7, 1967. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Occidental, Fla., to points in Georgia, for 150 days. Supported by: Occidental of Florida, Post Office Box 300, White Springs, Fla. 32096. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, 428 Post Office Building, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 113168 (Sub-No. 9 TA), filed April 10, 1967. Applicant: PARK TRUCKING AND SUPPLY, INC., 2025 Railroad Avenue, Post Office Box 43, Glenview, Ill. 60025. Applicant's representative: James F. Flanagan, 111 West Washington, Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in blower-type vehicles, and in bags, from Waukegan, Ill., to points in Indiana, for 150 days. Supporting shipper: Huron Cement, Division of National Gypsum Co., Ford Building, Detroit, Mich., 48226. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 113678 (Sub-No. 277 TA), filed April 7, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Ackile, N.S.E.A. Building, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh carcass pork*, from Harlan, Iowa, to Worcester and Boston, Mass., and New York City, N.Y., and its Commercial Zone, for 180 days. Supporting shipper: Western Iowa Pork, Harlan, Iowa. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC 114939 (Sub-No. 38 TA), filed April 11, 1967. Applicant: BULK CARRIERS LIMITED, Post Office Box 10, Cooksville, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid corn syrup*, in bulk, in tank trailers, from Buffalo, N.Y., to ports of entry on the international boundary line between the United States and Canada, at or near Buffalo, N.Y., for 120 days. Supporting shipper: A. E. Staley Manufacturing Co., Decatur, Ill. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, 324 Federal Office Building, Buffalo, N.Y. 14203.

No. MC 117439 (Sub-No. 27 TA), filed April 10, 1967. Applicant: BULK TRANSPORT, INC., Post Office Box 89, Office: U.S. Highway 190, Port Allen, La. 70767. Applicant's representative: John Schwab, 617 North Boulevard, Baton Rouge, La. 70802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from the plantsite of Pelican State Lime Co., Amelia, La., to points in Mississippi, for 180 days. Supporting shipper: Pelican State Lime Co., Star Route Box 759, Morgan City, La. 70380. Mr. J. D. Brown, Jr., Manager. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, T–4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 118288 (Sub-No. 19 TA), filed April 10, 1967. Applicant: STEPHEN F. FROST, Post Office Box 28, 1201 First Avenue North, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, (1) from points in Wyoming, Montana, Utah, Oregon, Idaho, and Washington, to Billings,

Mont., and (2) from Billings, Mont., to points in Illinois, Michigan, Wisconsin, Indiana, and California, for 180 days. Supporting shipper: Packers Hide Co., 420 North 16th Street, Post Office Box 692, Billings, Mont. 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 124004 (Sub-No. 8 TA), filed April 7, 1967. Applicant: RICHARD DAHN, INC., West Mountain Road, Post Office Box 288, Rural Delivery No. 1, Sparta, N.J. 07871. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in dump vehicles, from Middle Island, N.Y., to Bridgeport, Greenwich, Norwalk, and Stamford, Conn., for 150 days. Supporting shipper: Daddario Services, 515 Boston Avenue, Bridgeport, Conn. 06600. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 124078 (Sub-No. 268 TA), filed April 7, 1967. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid yeast*, in bulk, in tank vehicles, from Peoria Heights, Ill., to Juneau, Wis., for 150 days. Supporting shipper: Pabst Brewing Co., 917 West Juneau Avenue, Milwaukee, Wis. 53201 (N. A. Domrose, General Traffic Manager). Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124083 (Sub-No. 34 TA), filed April 10, 1967. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Steers, Klee, Jay & Sullivan, 45 North Pennsylvania Street, Suite 312, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pelletized litharge*, in bulk, and dump vehicles, from Indianapolis, Ind., to Danville, Ky., for 180 days. Supporting shipper: Western Lead Products Co., Inc., 502 South Harris, Indianapolis, Ind. Send protests to: District Supervisor R. M. Hagarty, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 124111 (Sub-No. 13 TA), filed April 10, 1967. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, Ohio 44870. Applicant's representative: Earl J. Thomas, 5850 North High Street, Worthington, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in list A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Greenfield, Ohio, to points in Connecticut, Baltimore, and Landover, Md., Boston commercial zone, Mass., Elizabeth, Newark, Paterson, Perth Amboy, and Trenton, N.J., Elmsford, Garden City, Kingston, Middletown, Rochester, and New York commercial zone, N.Y., as defined by the Commission, Altoona, Harrisburg, Hatboro, Kimberton, Johnstown, Media, New Castle, Pittsburgh, Philadelphia commercial zone and Williamsport, Pa., Providence, R.I., and the District of Columbia. *Lard*, in tank vehicles, from Greenfield, Ohio, to Buffalo, N.Y., Chicago, Ill., Detroit, Mich., and Fair Lawn, N.J., for 180 days. Supporting shippers: The Selected Meat Co., Box 1489, Sandusky, Ohio 44870, The Collins Packing Co., 618 South Washington Street, Greenfield, Ohio 45123, and Leffler Bros., Inc., 11 Marion Street, Brooklyn, N.Y. 11233. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124530 (Sub-No. 1 TA), filed April 11, 1967. Applicant: BELLMAN MILTON LEVINE, 123 Washington Street, Biloxi, Miss. 39530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from New Orleans, La., to Gulfport, Biloxi, and Moss Point, Miss., with the return of *empty containers*, for 180 days. Supporting shippers: F.E.B. Distributing Co., 1520 29th Avenue, Gulfport, Miss. 39502, and Bellande Beverage Co., Inc., Gulfport, Miss. 39502. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, 312–A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 124539 (Sub-No. 1 TA) (Amendment), filed March 21, 1967, published FEDERAL REGISTER, issue of March 30, 1967, and republished as amended this issue. Applicant: EUGENE STONE, 7535 East 139th Street, Cleveland, Ohio 44125. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings for plastic pipe, and adhesives*, restricted to operations in shipper-supplied semitrailers, from Columbus, Ohio, to Syracuse, N.Y., Milford, Conn., and Boston, Mass., on return: *Plastic granuals*, from Springfield and Leominster, Mass., to Columbus, Ohio, under contract with The Standard Oil Co. and its wholly owned subsidiaries, for 180 days. Supporting shipper: The Standard Oil Co., Midland Building, Cleveland, Ohio 44115. Send protests to: District Supervisor Baccei, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, Cleveland, Ohio 44114. NOTE: The purpose of this republication is to show that the above commodities will be restricted to operations in shipper-supplied semitrailers.

No. MC 125080 (Sub-No. 2 TA), filed April 7, 1967. Applicant: TETON CRANE AND TRANSPORT, INC., 575 West 20th Street, Idaho Falls, Idaho 83401. Applicant's representative: Dennis M. Olsen, 485 E Street, Idaho Falls, Idaho 83401. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete and stone building members*, which because of their size or weight require special equipment, from Boise, Idaho, to points in Oregon, for 180 days. Supporting shipper: Ready-to-Pour Concrete Co., Milligan Road, Idaho Falls, Idaho 83401. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, 203 Eastman Building, Boise, Idaho 83703.

No. MC 125474 (Sub-No. 17 TA), filed April 7, 1967. Applicant: BULK HAULERS, INC., 1901 Wooster Street, Post Office Box 3201, Wilmington, N.C. 28401. Applicant's representative: L. F. Jones (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prelled ammonium nitrate*, from Wilmington, N.C., to Wytheville, Va., and the Max Meadow area of Wythe County, Va., for 180 days. Supporting shipper: Hercules, Inc., Wilmington, Del. 19899. Send protests to: Archie W. Andrews, District Supervsior, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 127625 (Sub-No. 7 TA), filed April 7, 1967. Applicant: SANTEE CEMENT CARRIERS, INC., Holly Hill, S.C. 29059. Applicant's representative: X. O. Bunch, Jr., 2038 Meeting Street, Charleston, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer material*, from Spartanburg and Hartsville, S.C., and points within 10 miles of each, to points in North Carolina, for 180 days. Supporting shipper: International Minerals & Chemical Corp., Hartsville, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, 303A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 128273 (Sub-No. 7 TA), filed April 7, 1967. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Fertilizer*, in bags, sacks, or packages, from Texas City, Tex., to points in Minnesota, North Dakota, South Dakota, and Montana, for 180 days. Supporting shipper: Osborne McMillan Elevator Co., Agri-Market Merchandise Department, 324 Clifton Avenue, Minneapolis, Minn. 55403. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 128751 (Sub-No. 1 TA) (Correction), filed March 27, 1967, published FEDERAL REGISTER, issue of April 4, 1967, and republished as corrected this issue. Applicant: FRED LEE WATSON, doing business as WATSON TRANSPORT COMPANY, 828 Bethsalda Road, Boaz, Ala. 35957. Applicant's representative: Tarter & Wininger, Suite 427, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, in driveaway and towaway service, from Boaz, Ala., to points in Georgia, Florida, Tennessee, Kentucky, Mississippi, Louisiana, and North Carolina, for 180 days. Supporting shipper: Boanza Mobile Homes, Inc., Post Office Box 459, Boaz, Ala. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205. NOTE: The purpose of the republication is to show North Carolina as a destination State in lieu of South Carolina which was shown in error.

No. MC 128982 (Sub-No. 1 TA), filed April 7, 1967. Applicant: BARR GROFF, doing business as BARR GROFF TRUCKING, Route 1, Box 460, Prineville, Oreg. 97754. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Box shook veneer* (box and crate material), from John Day, Oreg., to Prineville, Oreg., for 180 days. Supporting shipper: The Martin Bros. Container & Timber Products Corp., Oakland, Oreg. Send protests to: S. F. Martin, District Supervisor, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 128995 TA, filed April 7, 1967. Applicant: ROBERT S. ZAMBON, doing business as ZAMBON TRUCKING, Pleasant Street, South Ryegate, Vt. 05069. Applicant's representative: Benjamin S. Douglas, 28 Benedict Street, Waterbury, Conn. 06720. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, agricultural insecticides, fungicides, and herbicides*, from plantsite of Kerr-McGee Chemical Corp., at Bradford, Vt., to points in New Hampshire and to points in Androscoggin, Cumberland, Franklin, Kennebec, Lincoln, Oxford, Sagadohoc, Somerset, and York Counties, Maine; between Bradford, Vt., on the one hand, and, on the other, North Walpole, N.H., and South Deerfield, Mass.; and between North Walpole, N.H., and South Deerfield, Mass., for 180 days. Supporting shipper: Kerr-McGee Chemical Corp., Oklahoma City, Okla. Send protests to: District Supervisor Ross J. Seymour, Interstate Commerce Commission, 14 Parkhurst Street, Lebanon, N.H. 03766.

No. MC 128997 TA, filed April 7, 1967. Applicant: VALLEY VAN & STORAGE COMPANY, 504 South Western, Santa Maria, Calif. 93454. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Santa Barbara and San Luis Obispo Counties, Calif., on traffic having a prior or subsequent out-of-State movement, for 180 days. Supporting shipper: Four Winds Forwarding, Inc., 4600 Wheeler Avenue, Post Office Box 9056, Alexandria, Va. 22304. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-4233; Filed, Apr. 17, 1967; 8:49 a.m.]

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Business and Defense Services Administration
Census Bureau
Civil Aeronautics Board
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Defense Department
Emergency Planning Office
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Title 3—THE PRESIDENT

Proclamation 3780

DISCOVER AMERICA PLANNING WEEK

By the President of the United States of America

A Proclamation

The discovery of America began many centuries ago, but it is not yet ended. It is a continuing experience. Each year, more and more Americans—and friends from other lands—are discovering anew our Nation's bountiful store of natural and cultural treasure.

America is blessed with a wealth of scenic beauty of widely varied kinds. It is rich in historical, cultural, educational, and technological attractions. It is abundant in recreational opportunities and facilities. Its people are hospitable.

As the summer of 1967 approaches, more travelers than ever before are preparing for that experience of discovery. It is estimated that 140 million United States citizens will journey this year to some part of our broad and diverse Nation for pleasure. In addition, some 9 million visitors from other lands will come here to share the enjoyments which our country offers.

This travel is good for America and its people. In economic terms, it will bring into circulation an estimated $26 billion. Even more important are the memorable contributions which travel makes to the health, happiness and mutual understanding of all people.

It is appropriate that a period of time be set aside in which attention can be focused on the benefits which travel in the United States will bring to the Nation, its citizens and its visitors.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the period of April 16–22, 1967, to be DISCOVER AMERICA PLANNING WEEK throughout the Nation.

In the interest of making 1967 a better travel year than ever for the United States, I urge all individuals, businesses, industries, and civic and other organizations to give the observance their fullest cooperation and support. This can be done by encouraging Americans and the citizens of other lands to discover and enjoy the scenic, historical, recreational, cultural, educational and industrial attractions of the United States, its territories, and possessions, and the Commonwealth of Puerto Rico.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of April in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Dean Rusk
Secretary of State.

[F.R. Doc. 67-4406; Filed, Apr. 18, 1967; 12:49 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 722—COTTON

Subpart—1967–69 Upland Cotton Program Regulations

ADDITIONAL PROVISIONS RELATING TO TENANTS AND SHARECROPPERS

Section 722.817 of the regulations governing the 1967–69 Upland Cotton Program, 32 F.R. 2931, is hereby amended by adding a new paragraph (c) to read as follows:

§ 722.817 Additional provisions relating to tenants and sharecroppers.

* * * * *

(c) Notwithstanding any other provision of this section, a landlord or operator who in the past had tenants or sharecroppers on his land for purposes of producing cotton may pay these individuals on a wage basis and this action will not be considered as reducing the number of tenants or sharecroppers provided such individuals are classified as employees under the Fair Labor Standards Act.

(Sec. 103(d), 79 Stat. 1194, 7 U.S.C. 1444(d))

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 13, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67–4257; Filed, Apr. 18, 1967; 8:46 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 5]

PART 775—FEED GRAINS

Subpart—1966–69 Feed Grain Program Regulations

ADDITIONAL PROVISIONS RELATING TO TENANTS AND SHARECROPPERS

Section 775.419 of the regulations governing the 1966–69 Feed Grain Program, 31 F.R. 8339, as amended, is hereby further amended by adding a new paragraph (c) to read as follows:

§ 775.419 Additional provisions relating to tenants and sharecroppers.

* * * * *

(c) Notwithstanding any other provision of this section, a landlord or operator who in the past had tenants or sharecroppers on his land for purposes of producing feed grains may pay these individuals on a wage basis and this action will not be considered as reducing the number of tenants or sharecroppers provided such individuals are classified as employees under the Fair Labor Standards Act.

(Sec. 16(i), 79 Stat. 1190, 16 U.S.C. 590p(i); sec. 105(e), 79 Stat. 1188, as amended, 7 U.S.C. 1441 note)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 13, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67–4258; Filed, Apr. 18, 1967; 8:46 a.m.]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Interpretation

The following interpretation of § 777.18 (b) of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502) is issued. In connection with recent examinations of flour processors' plants by representatives of the U.S. Department of Agriculture, the question has arisen as to the meaning of the term "blending" appearing in § 777.18(b) as it applies to the eligibility for refund of the flour second clears so produced. This paragraph reads as follows:

(b) *Blending by the processor.* A processor may blend together quantities of flour second clears produced by him (including quantities of flour second clears produced from different classes of wheat and quantities of flour second clears produced in two or more plants) without the blended lot thereby becoming ineligible for refund. If the processor blends flour second clears with either nonqualifying clears, other types of flour or any other ingredient, or if the processor blends flour second clears produced by him with flour second clears produced by a different processor, the entire blended quantity shall be ineligible for refund unless the blending is accomplished in a plant in which the processor, acting as an industrial user, uses the blended lot in the production of a product not used for human consumption. The processor shall issue only one original Form CCC–165 for each shipment unit of blended flour second clears. If the blend is constituted in whole or in part of flour second clears produced by the processor in a different plant than the plant in which the blending is accomplished, a separate Form CCC–165 must be issued by each plant from which the flour second clears were transferred and such form must be retained in the records of the plant in which the blending is accomplished to identify the use of such flour second clears in the blend.

Blending is considered to have occurred under the regulations if a processor mixes together quantities of flour second clears or mixes together flour second clears with nonqualifying clears, other types of flour or other ingredients in the following circumstances:

1. If the products mixed together were produced from different classes of wheat even though such products were produced in the same plant as where the mixing occurs.

2. If the products mixed together were produced in two or more plants.

3. If one or more of such products had been binned or packaged prior to the mixing operations even though all the products mixed may have been produced in the same plant as where the mixing occurs.

The resulting blended quantities shall qualify for refund if (i) each component in the blend meets the definition of flour second clears (see § 777.3(u)), and (ii) all of the clears in the blend were produced by the processor who blended the clears together. If the processor blends flour second clears with either nonqualifying clears, other types of flour or any other ingredient, or if the processor blends flour second clears produced by him with flour second clears produced by a different processor, the entire blended quantity shall be ineligible for refund unless the blending is accomplished in a plant in which the processor, acting as an industrial user, uses the blended lot in the production of a product not used for human consumption.

On the other hand, blending is not considered to have occurred for the purpose of the regulations, if a product had been processed at a plant from flour streams produced in one or more units at the same plant and from the same class of wheat and the combining of the streams occurs prior to binning or packaging of such streams. In such case the resulting product would qualify as flour second clears if it meets the requirements of § 777.3(u), regardless of whether all of the streams conformed to this definition prior to the time the combining occurred.

Signed at Washington, D.C., on April 13, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67–4259; Filed, Apr. 18, 1967; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 196, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provision in paragraph (b) (1) (i) and (iii) of § 908.496 (Valencia Orange Reg. 196, 32 F.R. 5729) are hereby amended to read as follows:

§ 908.496 Valencia Orange Regulation 196.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: Unlimited movement;

* * * * *

(iii) District 3: Unlimited movement.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 14, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–4260; Filed, Apr. 18, 1967; 8:46 a.m.]

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

PART 1201—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Subpart—Expenses and Rate of Assessment

Notice was published in the FEDERAL REGISTER on March 21, 1967 (32 F.R. 4314), that there were under consideration proposals regarding expenses of the Control Committee (established under the Amended Marketing Agreement and Amended Order No. 195 (7 CFR Part 1201)) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia and related rate of assessment for the fiscal period ending January 31, 1968. The amended marketing agreement and amended order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

After consideration of all relevant matter presented, including the aforesaid notice, it is hereby found as follows with respect to the expenses of the Control Committee for the fiscal period ending January 31, 1968, and the related assessment rate:

§ 1201.300 Expenses and rate of assessment for the fiscal period ending January 31, 1968.

(a) Expenses: Expenses in the amount of $8,500 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1968.

(b) Rate of assessment: The rate of assessment which each handler shall pay, in accordance with the applicable provisions of said amended marketing agreement and amended order, as his pro rata share of the aforesaid expenses is hereby fixed at $1.25 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1968.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (a) the relevant provisions of said amended marketing agreement and amended order require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable tobacco handled during such fiscal period, and (b) the current fiscal period began February 1, 1967, and the rate of assessment herein fixed will automatically apply to all such assessable tobacco beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 13, 1967.

STEPHEN E. WRATHER,
Director, Tobacco Division, Consumer and Marketing Service.

[F.R. Doc. 67–4290; Filed, Apr. 18, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67–SO–27]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment is to modify Restricted Area R–5306C, Cherry Point, N.C.

The Department of the Navy has informed the Federal Aviation Administration that it is necessary to modify R–5306C in order to facilitate helicopter instrument procedures at New River Marine Corps Air Station, N.C. Accordingly, action is taken herein to modify the boundary of R–5306C.

Since this amendment reduces the burden on the public, notice and public procedure hereon are unnecessary and this amendment may be made effective on less than 30 days' notice.

In § 73.53 (32 F.R. 2324) Restricted Area R–5306C is amended, effective upon publication in the FEDERAL REGISTER, by deleting the boundary description and substituting therefore:

Boundaries. Beginning at latitude 34°40'-00" N., longitude 77°22'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°38'12" N., longitude 77°26'00" W.; to latitude 34°40'20" N., longitude 77°22'12" W.; to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 11, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67–4254; Filed, Apr. 18, 1967; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR–18]

PART 387—ORGANIZATION AND OPERATION DURING EMERGENCY CONDITIONS

Deletion of Director, Bureau of Safety, From Order of Succession

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of April 1967.

By Executive Order 11340 (32 F.R. 5453), the Department of Transportation Act became effective as of April 1, 1967, and the Board's safety functions and the Bureau of Safety were transferred to the Department of Transportation. The Director, Bureau of Safety, was among the Board staff members to whom, during emergency conditions, the Board has delegated authority to act in the name of the Board or as Chairman of the Board under certain contingencies specified in § 387.4 (c) and (d) of the Organization Regulations. Since the Director, Bureau of Safety, is no longer a member of the Board's staff, § 387.4 is being amended to reflect this change.

This regulation is issued by the undersigned, pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.20, and shall become effective 20 days after publication in the FEDERAL REGISTER. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50–385.54).

Accordingly, the Board hereby amends paragraphs (c) and (d) of § 387.4 (14 CFR 387.4 (c) and (d)), effective May 9, 1967, to read as follows:

§ 387.4 Organization and delegations of authority.

During emergency conditions:

* * * * *

(c) In the event no Board Member is capable of acting, actions in the name and authority of the Board shall be taken by the following: The Executive Director; the Director, Bureau of Economics; the General Counsel; The Director, Bureau of Operating Rights; and the Director, Bureau of Enforcement. If one or more of them cannot act, his or their deputies or staff in line of succession as provided in paragraph (g) of this section shall act. The authority of the above designees, or their successors, shall mean and include the delegated authority to act for the Board.

(d) The authority of the Chairman, in the event he is incapacitated or incapable of acting, shall be exercised by the Vice Chairman, and in the event he is unable to act, by the other Members of the Board in order of seniority; if any Board Member is unable to act as Chairman, then members of the Board's staff shall act as Chairman in the following order: The Executive Director; the Director, Bureau of Economics; the General Counsel; the Director, Bureau of Operating Rights; the Director, Bureau of Enforcement; their respective deputies or staff in line of succession to the preceding staff members.

* * * * *

(Executive Order No. 11090 (28 F.R. 1841); Reorganization Plan No. 3 of 1961, 75 Stat. 837; 49 U.S.C. 1324 (note); sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] JOSEPH B. GOLDMAN,
General Counsel.

[F.R. Doc. 67–4272; Filed, Apr. 18, 1967; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart C—Standards of Certified Chemical Composition

CHEMICALS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER.

The amendment revises § 230.7–20 Chemicals by dividing the section into two parts: (a) Primary chemicals, and (b) Intermediate purity chemicals. The section as it now appears becomes the first part with the addition of subheading (a) "Primary chemicals" before the present text material. A new paragraph (b) "Intermediate purity chemicals" is added.

The following amends Title 15 CFR Part 230 by revising § 230.7–20 Chemicals to read:

§ 230.7–20 Chemicals.

(a) *Primary chemicals.* * * *

(b) *Intermediate purity chemicals.* This group of materials is intended to bridge the gap between commercial materials available in bulk and materials available in primary or purer grades. They should prove useful to the small research laboratory or individual workers engaged in purification, as a characterized starting material. Such materials are also useful in analytical procedures when a higher-purity primary grade is neither necessary nor available.

Sample No.	Kind	Approximate weight	Price
726	Selenium, intermediate purity	1 lb	$40
727	Rubidium chloride, intermediate purity	1.0 g	20

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: April 7, 1967.

A. V. ASTIN,
Director.

[F.R. Doc. 67–4262; Filed, Apr. 18, 1967; 8:46 a.m.]

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 28]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 373, 379 and 385 of the Code of Federal Regulations are amended as set forth below:

Effective date: April 1, 1967.

RAUER MEYER,
Director, Office of Export Control.

I. *Certification that refined copper is not from the U.S. National Stockpile.*[1] Purpose and effect: To insure that the domestic supply of copper released from the U.S. National Stockpile is not depleted through exports, an application for a license to export refined copper (Export Control Commodity No. 68212) supplied from this source will be denied, except in unusual circumstances. Therefore, all applications shall specify whether they cover refined copper supplied from the U.S. National Stockpile, as follows:

(1) If the application covers refined copper not supplied from the U.S. National Stockpile, the exporter shall enter on the application a certification to this effect (see § 373.43(b) for wording of certification).

(2) If the application covers copper supplied from the U.S. National Stockpile, the exporter shall so state on the application.

(3) If the exporter does not know, or is unable to determine, whether the refined copper described on the application has been, or will be, supplied from the U.S. National Stockpile, he shall so state on the application and include the reason(s) why this information is not available.

Effective date: April 1, 1967.

Accordingly, § 373.43(b) is amended as set forth below.

II. *Uniform multiple statement for electronic computers.* An application for a license to export an electronic computer must include the technical information set forth in § 373.50.

Where the applicant previously has furnished the Office of Export Control the technical specifications for his line of electronic computers, this fact may be referenced in the application instead of furnishing the required technical information with each application. The wording of the statement to be used in making this reference is set forth in the regulation.

Effective date: April 1, 1967.

Accordingly, § 373.50(b) of the U.S. Export Regulations is amended as set forth below.

[1] The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

III. *Iron and steel commodities.* Section 373.19 of the U.S. Export Regulations sets forth some special requirements for completing applications for licenses to export iron and steel products and iron and steel scrap. These special requirements are no longer necessary. Therefore, applications for licenses to export these commodities may now be completed in accordance with the general instructions shown in § 372.5 of said regulations.

Effective date of action: April 1, 1967.

Accordingly, §§ 373.19 (a) and (b), 373.42, 373.46, 374.55, and 373.63 are hereby deleted.

IV. *St. Louis, Mo., airport authorized to clear air shipments for export.* Certain inland airports in the United States have been authorized to clear air shipments for export, as set forth in § 379.12 of the U.S. Export Regulations. St. Louis, Mo., is now added to the list of airports with this authority.

Effective date: April 1, 1967.

Accordingly, § 379.12(c) of the U.S. Export Regulations is amended as set forth below.

V. *Revision of General License GTDU.* Before exporting unpublished technical data relating to certain materials and equipment under the provisions of General License GTDU, the exporter must obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be shipped, directly or indirectly, to a destination in Country Group W, Y, or Z. The list of materials and equipment subject to this requirement for a written assurance is now extended to include technical data relating to "Cold isostatic presses and specially designed parts and accessories therefor (Export Control Commodity No. 71980)."

Effective date of action: May 1, 1967.

Accordingly, § 385.2(c)(4)(iii) of the U.S. Export Regulations Schedule is amended as set forth below.

The amendments to Parts 373, 379, and 385 are as follows:

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

§ 373.19 [Amended]

1.a. Section 373.19 (a) and (b) is deleted.

§§ 373.42, 373.46, 373.55, 373.63 [Deleted]

b. Sections 373.42, 373.46, 373.55, and 373.63 are deleted.

2. In § 373.43(b), the first sentence of subparagraph (2) and the first sentence of subparagraph (3) are revised, and a new subparagraph (4) is added, reading as follows:

§ 373.43 Blister and refined copper, copper-based alloy ingots, master alloys, and semifabricated copper products.

* * * * *

(b) * * *

(2) Subject to the provisions of subpargraph (4) of this paragraph, license applications covering refined copper produced from foreign-origin copper raw materials or refined copper produced from material which was declared as an offset against an equivalent quantity of foreign-origin copper raw materials entered into the United States under a Customs Import Entry, will be considered for licensing without a charge against the refined copper export quota. * * *

(3) Subject to the provisions of subparagraph (4) of this paragraph, refined copper not meeting the provisions of subparagraph (2) of this paragraph will be licensed under the Past Participation in Exports method of licensing (see § 373.8). * * *

(4) Certification regarding U.S. National Stockpile Origin: Except in unusual circumstances, an application for a license to export refined copper supplied from the U.S. National Stockpile will be denied. Therefore, each license application shall specify whether it covers refined copper supplied from the U.S. National Stockpile. This information shall be entered on the application in the space entitled "Additional Information", or on an attachment thereto, as follows:

(i) If the application covers copper not supplied from the U.S. National Stockpile, the exporter shall enter the following certification:

I (we) certify that the refined copper described in this application has not been, and will not be, supplied from the U.S. National Stockpile.

(ii) If the application covers copper supplied from the U.S. National Stockpile, the exporter shall so indicate.

(iii) If the exporter does not know, or is unable to determine, whether the refined copper has been, or will be, supplied from the U.S. National Stockpile, he shall so indicate and include the reason(s) why this information is not available.

* * * * *

3. Subparagraph (5) is added to § 373.50(b), reading as follows:

§ 373.50 Electronic computers.

* * * * *

(b) * * *

(5) Instead of including this information on each application, the applicant may furnish the Office of Export Control with technical specifications and other related data for his line of electronic computers and keep this information current by supplementing it with technical bulletins or other similar publications as they are released. In such cases, an exporter can comply with the requirements of this § 373.50 by identifying the model number and entering the following statement in the commodity description space of the application or on a signed attachment to the application:

The current technical information relating to the commodity(ies) described on this application, as required by § 373.50 of the Export Regulations, has been previously furnished the Office of Export Control.

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

§ 373.12 [Amended]

In § 379.12 *Air cargo clearance at certain ports of origin*, paragraph (c) is amended to include "St. Louis, Mo." after "Portland, Oreg.".

PART 385—EXPORTATIONS OF TECHNICAL DATA

Section 385.2(c)(4)(iii)(ee) is revised to read as follows:

§ 385.2 General licenses.

* * * * *

(c) * * *

(4) * * *

(iii) * * *

(ee) Hot or cold isostatic presses; and specially designed parts and accessories (Export Control Commodity No. 71980); and

* * * * *

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

[F.R. Doc. 67-4263; Filed, Apr. 18, 1967; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8705]

PART 13—PROHIBITED TRADE PRACTICES

Charles A. Olson et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–25 concealed subsidiary, fictitious collection agency, etc.; § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–10 Bait; 13.155–78 Repossession balances; § 13.157 *Prize contests.* Subpart—Misrepresenting oneself and goods—Business status, advantages, or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.;* Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1705 *Prize contests;* § 13.1715 *Quality;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait.* Subpart—Using misleading name—Goods: § 13.2330 *Quality;* Using misleading name—Vendor: § 13.2365 Concealed subsidiary, fictitious collection agency, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Charles A. Olson doing business as Consolidated Sewing Machine Co., etc., Washington, D.C., Docket 8705, Mar. 27, 1967]

In the Matter of Charles A. Olson, an Individual, Doing Business as Consolidated Sewing Machine Co. and Consolidated Sewing Machine Co. of Washington, D.C.

Order requiring a Washington, D.C., retailer of sewing machines and vacuum cleaners to cease misrepresenting the nature of his business, making false pricing, savings, and guarantee claims, conducting fictitious "drawings," and using bait tactics.

The order to cease and desist is as follows:

It is ordered, That respondent Charles A. Olson, an individual, doing business as Consolidated Sewing Machine Co. or Consolidated Sewing Machine Co. of Washington, D.C., or under any other name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of sewing machines, vacuum cleaners, or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that merchandise has been left in layaway or that it is being offered for the balance of the purchase price unpaid by a previous purchaser; or misrepresenting in any manner the status, kind, quality, or price of the merchandise being offered.

2. Using the names "Credit Dept.," "Collection Department," "Consolidated Adj. Office," "National Adj.," or other names of similar import or meaning; or otherwise representing, directly or by implication, that respondent is engaged in the business of collecting debts or of adjusting or settling accounts; or misrepresenting in any manner the nature or status of respondent's business.

3. Representing, directly or by implication, that purchasers save the paid-in amount on unclaimed layaway merchandise; or misrepresenting in any manner the savings afforded purchasers of respondent's products.

4. Representing, directly or by implication, that products are guaranteed, unless the nature, conditions, and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

5. Representing, directly or by implication, that any products or services are offered for sale when such offer is not a bona fide offer to sell such products or services on the terms and conditions stated; or using any advertising, sales plan, or procedure involving the use of false, deceptive, or misleading statements to obtain leads or prospects for the sale of other merchandise.

6. Disparaging in any manner or discouraging the purchase of any products advertised.

7. Representing, directly or by implication, that names of winners are obtained through "drawings" or by chance when all of the names selected are not chosen by lot; or misrepresenting in any manner the method by which names are selected.

8. Representing, directly or by implication, that awards or prizes are of a certain value or worth when recipients thereof are not in fact benefited by or do not save the amount of the represented value of such prizes or awards.

9. Representing, directly or by implication, that any savings, discount, or allowance is given purchasers from respondent's selling price for specified merchandise unless such selling price is the amount at which such merchandise has been sold or offered for sale in good faith by respondent for a reasonably substantial period of time in the recent regular course of his business.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That Charles A. Olson, an individual, doing business as Consolidated Sewing Machine Co. and Consolidated Sewing Machine Co. of Washington, D.C., shall, within sixty (60) days after service of this order upon him, file with the Commission a report in writing, signed by the respondent, setting forth in detail the manner and form of his compliance with the order to cease and desist.

Issued: March 27, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-4243; Filed, Apr. 18, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

FERROUS GLUCONATE; LISTING FOR FOOD USE; EXEMPTION FROM CERTIFICATION

In the matter of establishing regulations listing for food use and exempting from certification the color additive ferrous gluconate:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of February 8, 1967 (32 F.R. 2646), and the Commissioner of Food and Drugs concludes that the amendment should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2), (d)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120): *It is ordered,* That Part 8 be amended by adding to Subpart D the following new section:

§ 8.320 Ferrous gluconate.

(a) *Identity.* The color additive ferrous gluconate is the ferrous gluconate defined in the Food Chemicals Codex, First Edition, Publication 1406 (1966), National Academy of Sciences-National Research Council, Washington, D.C.

(b) *Specifications.* Ferrous gluconate shall meet the specifications given in the Food Chemicals Codex.

(c) *Uses and restrictions.* Ferrous gluconate may be safely used in amounts consistent with good manufacturing practice for the coloring of ripe olives.

(d) *Labeling.* The label of the color additive shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be submitted in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2), (d))

Dated: April 11, 1967.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 67-4275; Filed, Apr. 18, 1967; 8:47 a.m.]

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

CARMINE; LISTING FOR FOOD AND DRUG USE; EXEMPTION FROM CERTIFICATION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b), (c)(2), (d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.120), the Commissioner of Food and Drugs, based on a petition filed by H. Kohnstamm & Co., Inc., 161 Avenue of the Americas, New York, N.Y., 10013, and other relevant

material, finds that carmine is safe for use as a color additive in or on foods and drugs under the conditions prescribed in this order and that certification is not necessary for the protection of the public health. *Therefore, it is ordered,* That Part 8 be amended by adding to Subpart D a new § 8.317 and by adding to Subpart F a new § 8.6009, as follows:

§ 8.317 Carmine.

(a) *Identity.* (1) Carmine is the aluminum or calcium-aluminum lake on an aluminum hydroxide substrate of the coloring principles, chiefly carminic acid, obtained by an aqueous extraction of cochineal (*Dactylopius coccus costa* (*Coccus cacti* L.)).

(2) Color additive mixtures for food use made with carmine may contain only those diluents listed in this Subpart D as safe and suitable in color additive mixtures for coloring foods.

(b) *Specifications.* Carmine shall conform to the following specifications:

Volatile matter (at 135° C. for 3 hours), not more than 20.0 percent.
Ash, not more than 12.0 percent.
Lead (as Pb), not more than 10 parts per million.
Arsenic (as As), not more than 1 part per million.
Carminic acid, not less than 50.0 percent.

Carminic acid shall be pasteurized or otherwise treated to destroy all viable Salmonella micro-organisms. Pasteurization or such other treatment is deemed to permit the adding of safe and suitable substances (other than chemical preservatives) that are essential to the method of pasteurization or other treatment used. For the purposes of this paragraph, safe and suitable substances are those substances that perform a useful function in the pasteurization or other treatment to render the carmine free of viable Salmonella micro-organisms, which substances are not food additives as defined in section 201(s) of the act or, if they are food additives as so defined, are used in conformity with regulations established pursuant to section 409 of the act.

(c) *Uses and restrictions.* Carmine may be safely used for coloring foods generally in amounts consistent with good manufacturing practice, except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act unless added color is authorized by such standards.

(d) *Labeling requirements.* The label of the color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

§ 8.6009 Carmine.

(a) *Identity and specifications.* (1) The color additive carmine shall conform in identity and specifications to the requirements of § 8.317 (a) (1) and (b).

(2) Color additive mixtures for drug use made with carmine may contain only those diluents listed in Subpart F as safe and suitable in color additive mixtures for coloring drugs.

(b) *Uses and restrictions.* Carmine may be safely used for coloring ingested and externally applied drugs in amounts consistent with good manufacturing practice.

(c) *Labeling requirements.* The label of the color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall conform to the requirements of § 8.32.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b), (c)(2), (d))

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4278; Filed, Apr. 18, 1967; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Chloro-*N*-isopropylacetanilide

A petition (PP 7F0524) was filed with the Food and Drug Administration by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of a tolerance of 0.1 part per million for residues of the herbicide 2-chloro-*N*-isopropylacetanilide in or on the raw agricultural commodities cottonseed and sweet corn.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

After consideration of the data submitted in the petition and other relevant material, it is concluded that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Part 120 is amended by adding to Subpart C a new section, as follows:

§ 120.211 2-Chloro-*N*-isopropylacetanilide; tolerances for residues.

A tolerance of 0.1 part per million is established for total negligible residues of the herbicide 2-chloro-*N*-isopropylacetanilide and its metabolites (calculated as 2-chloro-*N*-isopropylacetanilide) in or on the raw agricultural commodities cottonseed and sweet corn (kernels plus cobs with husks removed).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4277; Filed, Apr. 18, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1555) filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of ethyl acrylate-styrene-methacrylic acid copolymers and ethyl acrylate-methyl methacrylate-styrene-methacrylic acid copolymers as modifiers for epoxy resins in resinous and polymeric food-contact coatings. Therefore pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2514 (b)(3)(xx) is amended by inserting alphabetically in the list of substances two new items, as follows:

§ 121.2514 Resinous and Polymeric coatings.

* * * * * *

(b) * * *
(3) * * *
(xx) * * *

Ethyl acrylate-styrene-methacrylic acid copolymers for use only as modifiers for epoxy resins listed in subdivision (viii)(*a*) of this subparagraph.

Ethyl acrylate-methyl methacrylate-styrene-methacrylic acid copolymers for use only as modifiers for epoxy resins listed in subdivision (viii)(*a*) of this subparagraph.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4278; Filed, Apr. 18, 1967; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 6—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS ENFORCING LABOR STANDARDS IN FEDERAL SERVICE CONTRACTS

Pursuant to R.S. 161 (5 U.S.C. 301), section 4 of the Service Contract Act of 1965 (41 U.S.C. 353), and Secretary's Order No. 36-65 (30 F.R. 15305), Title 29 of the Code of Federal Regulations is hereby amended by adding thereto a new part designated Part 6.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable to the promulgation of these rules because they relate only to public contracts. Such procedure and delay will not serve a useful purpose here. These rules shall, therefore, be effective immediately.

The new 29 CFR Part 6 reads as follows:

Sec.
6.1 Applicability of rules.
6.2 Definitions.

PREHEARING PROCEDURES

6.3 Complaints.
6.4 Answer.
6.5 Motions and requests.
6.6 Consent findings and order.
6.7 Prehearing conferences.

HEARINGS AND RELATED MATTERS

6.8 Appearances.
6.9 Hearing.

DECISION AND ORDER

6.10 Decision of the hearing examiner.
6.11 Exceptions.
6.12 Relief from ineligible list.
6.13 Transmission of record.
6.14 Decisions and order of the Administrator or Director.

MISCELLANEOUS

6.15 Service; copies of documents and pleadings.
6.16 Witnesses and fees.
6.17 Depositions.
6.18 Subpoenas.
6.19 Hearing examiners.
6.20 Computation of time.

AUTHORITY: The provisions of this Part 6 issued under sec. 4, 79 Stat. 1035; R.S. 161 (5 U.S.C. 301).

§ 6.1 Applicability of rules.

This part provides the rules of practice for administrative proceedings relating to the enforcement of labor standards in the Service Contract Act of 1965 (79 Stat. 1035). See Part 4 of this subtitle.

§ 6.2 Definitions.

As used in this part:

(a) "Chief Hearing Examiner" means the Chief Hearing Examiner, United States Department of Labor, Washington, D.C. 20210.

(b) "Respondent" means the contractor or subcontractor against whom the proceedings are brought.

(c) "The Act" means the Service Contract Act of 1965 (79 Stat. 1035).

(d) "Administrator" means the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor.

(e) "Director" means the Director of the Bureau of Labor Standards of the Department of Labor.

PREHEARING PROCEDURES

§ 6.3 Complaints.

(a) *Issuance.* The Deputy Solicitor shall institute enforcement proceedings by issuing a complaint and causing the complaint to be served upon the respondent.

(b) *Contents.* The complaint shall contain a clear and concise factual statement sufficient to inform the respondent with reasonable definiteness of the acts or practices he is alleged to have committed in violation of the Act or his contractual obligation.

(c) *Amendments.* At any time prior to the close of the hearing, the complaint may be amended in the discretion of the hearing examiner and on such terms as he may approve.

(d) *Notice of hearing.* The hearing examiner shall notify the parties of the time and place for a hearing within 10 days after the service of the complaint.

§ 6.4 Answer.

(a) *Filing and service.* Within 14 days after the service of the complaint, the respondent shall file an answer with the Chief Hearing Examiner. The answer shall be signed by the respondent or his attorney.

(b) *Contents; failure to file.* The answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, explain, or deny, each of the allegations of the complaint unless the respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all of the allegations of the complaint. The answer may contain a waiver of hearing. Failure to file an answer to or plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) *Procedure upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission of facts, the hearing examiner without further hearing shall prepare his decision in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. The parties shall be given an opportunity to file exceptions to his decision, and to file briefs in support of the exceptions.

§ 6.5 Motions and requests.

Motions or requests shall be filed with the Chief Hearing Examiner, except that those made during the course of the hearing shall be filed with the hearing examiner or shall be stated orally and made part of the transcript. Each motion or request shall state the particular order, ruling, or action desired, and the grounds therefor. The hearing examiner is authorized to rule upon all motions or requests filed or made prior to the filing of his report.

§ 6.6 Consent findings and order.

(a) *General.* At any time after the issuance of a complaint and prior to the reception of evidence in any proceeding, the respondent may move to defer the receipt of any evidence for a reasonable time to permit negotiation of an agreement containing consent findings and an order disposing of the whole or any part of the proceeding. The allowance of

such deferment and the duration thereof shall be in the discretion of the hearing examiner, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement being reached which will result in a just disposition of the issues involved.

(b) *Content.* Any agreement containing consent findings and an order disposing of a proceeding shall also provide:

(1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(3) A waiver of any further procedural steps before the hearing examiner, Administrator, or Director; and

(4) A waiver of any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement.

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement to the hearing examiner for his consideration; or

(2) Inform the hearing examiner that agreement cannot be reached.

(d) *Disposition.* In the event an agreement containing consent findings and an order is submitted within the time allowed therefor, the hearing examiner, within 30 days thereafter, shall accept such agreement by issuing his decision based upon the agreed findings.

§ 6.7 Prehearing conferences.

(a) Upon his own motion or the motion of the parties, the hearing examiner may direct the parties or their counsel to meet with him for a conference to consider:

(1) Simplification of the issues;

(2) Necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitation;

(3) Stipulations, admissions of fact and of contents and authenticity of documents;

(4) Limitation of the number of expert witnesses; and

(5) Such other matters as may tend to expedite the disposition of the proceeding.

(b) The record shall show the matters disposed of by order and by agreement in such pretrial conferences. The subsequent course of the proceeding shall be controlled by such action.

HEARINGS AND RELATED MATTERS

§ 6.8 Appearances.

(a) *Representation.* The parties may appear in person, by counsel, or otherwise.

(b) *Failure to appear.* In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the hearing examiner. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the hearing examiner's decision and to file exceptions thereto.

§ 6.9 Hearing.

(a) *Order of proceeding.* Except as may be determined otherwise by the hearing examiner, counsel supporting the complaint shall proceed first at the hearing.

(b) *Evidence*—(1) *In general.* The testimony of witnesses shall be upon oath or affirmation administered by the hearing examiner and shall be subject to such cross-examination as may be required for a full and true disclosure of the facts. The hearing examiner shall exclude evidence which is immaterial, irrelevant, or unduly repetitious.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made before the hearing examiner may be relied upon subsequently in the proceeding.

(3) *Exceptions.* Formal exception to an adverse ruling is not required.

(c) *Official notice.* Official notice may be taken of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice and also concerning which the Department by reason of its functions is presumed to be expert: *Provided,* That the parties shall be given adequate notice, at the hearing or by reference in the hearing examiner's decision of the matters so noticed, and shall be given adequate opportunity to show the contrary.

(d) *Transcript.* Hearings shall be stenographically reported. Copies of the transcript may be obtained by the parties upon written application filed with the reporter, and upon the payment of fees at the rate provided in the agreement with the reporter.

DECISION AND ORDER

§ 6.10 Decision of the hearing examiner.

(a) *Proposed findings of fact, conclusions, and order.* Within 10 days after receipt of notice that the transcript of the testimony has been filed or such additional time as the hearing examiner may allow, each party may file with the hearing examiner proposed findings of fact, conclusions of law, and order, together with a supporting brief expressing the reasons for such proposals. Such proposals and brief shall be served on all parties, and shall refer to all portions of the record and to all authorities relied upon in support of each proposal.

(b) *Decision of the hearing examiner.* Within a reasonable time after the time allowed for the filing of proposed findings of fact, conclusions of law, and order, or after submission of an agreement containing consent findings and order, the hearing examiner shall make his decision, which shall become the final decision in the administrative process 20 days after service thereof unless exceptions are filed thereto, as provided in § 6.12. The decision of the hearing examiner shall include a statement of findings and conclusions, with reasons and bases therefor, upon each material issue of fact, law, or discretion presented on the record. If the respondent is found to have violated the Act, the hearing examiner in his decision shall make a recommendation to the Secretary of Labor as to whether the respondent should be relieved from the application of the ineligible list as provided in section 5(a) of the Act. If liquidated damages are found due and are unpaid, no recommendation for relief shall be made except on condition that the liquidated damages are paid. The decision shall also include an appropriate order (excluding such issue of ineligibility). The decision of the hearing examiner shall be based upon a consideration of the whole record, including any administrative admissions made under § 6.6. It shall be supported by reliable, probative, and substantial evidence and be made upon the bases of a preponderance of that evidence.

§ 6.11 Exceptions.

Within 20 days after the date of the decision of the hearing examiner, any party aggrieved thereby may file exceptions thereto with supporting reasons. Such party shall transmit his exceptions in writing to the Chief Hearing Examiner, referring to the specific findings of fact, conclusions of law, or order excepted to, the specific pages of transcript relevant to the suggestions, and suggesting corrected findings of fact, conclusions of law, or order.

§ 6.12 Relief from ineligible list.

Application for relief from the ineligible list provision under section 5(a) of the Act may be filed by the respondent with the Secretary of Labor within 20 days from the date of service of the hearing examiner's decision, Administrator's decision, or Director's decision, as the case may be. Notice of the determination of the Secretary on the application of the ineligible list provision of the Act shall be served upon the parties.

§ 6.13 Transmission of record.

If exceptions are filed, the hearing examiner shall transmit the record of the proceeding to the Director for review of all exceptions taken in cases which involve only allegations of violations of the safety and health provisions and for review of exceptions which relate to findings concerning violations of the safety and health provisions in cases which involve both allegations of violations of the safety and health provisions and allegations of violations of other provisions. All other exceptions shall be transmitted to the Administrator for review. The record shall include: The pleadings, motions, and requests filed in written form, rulings thereon, the transcript of the testimony and proceeding taken at the hearing, together with the exhibits admitted in evidence, any documents or papers filed in connection with prehearing conferences, such proposed findings of fact, conclusions of law, orders, and supporting reasons, as may have been filed, the hearing examiner's decision, and such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding.

§ 6.14 Decisions and order of the Administrator or Director.

If exceptions to the decision of the hearing examiner are taken as provided in this part, the Administrator or Director, who is to make the review in accordance with § 6.13 shall upon consideration thereof, together with the record references and authorities cited in support thereof, make his decision, which shall affirm, modify, or set aside, in whole or part, the findings, conclusions, and order contained in the decision of the hearing examiner, and shall include a statement of reasons or bases for the actions taken. With respect to the findings of fact, the Administrator or Director, as the case may be, shall modify or set aside only those findings that are clearly erroneous. Copies of the decision and order shall be served upon the parties. Any such decision shall treat any question of recommendation for relief from the ineligible list under section 5(a) of the Act to the same extent and subject to the same limitations as provided in § 6.10(b) concerning decisions of the hearing examiner.

MISCELLANEOUS

§ 6.15 Service; copies of documents and pleadings.

(a) *Manner of service.* Service upon any party shall be made by the party filing the pleading or document by delivering a copy or mailing a copy to the last known address. If the person upon whom service is made by mail resides 500 miles or more from the party effecting service, such mailing must be by airmail. When a party is represented by an attorney, the service should be upon the attorney.

(b) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of said service shall be proof of the service.

(c) *Service upon Department, number of copies of pleading or other documents.* An original and three copies of all pleadings and other documents shall be filed with the Department of Labor, the original with the officer before whom the case is pending (hearing examiner, chief hearing examiner, Administrator, Director, or the Secretary of Labor) and the copies with the attorney representing the Department during the hearing or the Associate Solicitor in charge of litigation by mail.

§ 6.16 Witnesses and fees.

Witnesses subpoenaed by any party shall be paid the same fees and mileage as are paid for like services in the District Court of the United States. The witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

§ 6.17 Depositions.

(a) *When, how, and by whom taken.* For good cause shown, the testimony of any witness may be taken by deposition in any proceeding, when a complaint has been filed, whether at issue or not. Depositions may be taken orally or upon written interrogatories before any person designated by the hearing examiner and having power to administer oaths.

(b) *Application.* Any party desiring to take the deposition of a witness shall make application in writing to the hearing examiner, setting forth the reasons why such disposition should be taken; the time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; the name and address of each witness; and the subject matter concerning which each witness is expected to testify.

(c) *Notice.* Such notice as the hearing examiner shall order shall be given for the taking of a deposition, but this shall not be less than 5 days' written notice when the deposition is to be taken within the United States and not less than 20 days' written notice when the deposition is to be taken elsewhere.

(d) *Taking and receiving in evidence.* Each witness testifying upon deposition shall be sworn, and the adverse party shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read to the witness, subscribed by him, and certified by the officer. Thereafter, the officer shall seal the deposition, with two copies thereof, in an envelope and mail the same by registered mail to the hearing examiner. Subject to such objections to the questions and answers as were noted at the time of taking the deposition and would be valid were the witness personally present and testifying, such deposition may be read and offered in evidence by the party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for the taking of the deposition in the first instance exist at the time of hearing.

§ 6.18 Subpoenas.

All applications for subpoenas ad testificandum and subpoenas duces tecum shall be made in writing to the hearing examiner. Application for subpoenas duces tecum shall specify as exactly as possible the documents to be produced, showing their general relevancy and reasonable scope.

§ 6.19 Hearing examiners.

(a) *Who presides.* All hearings shall be presided over by a hearing examiner appointed under section 11 of the Administrative Procedure Act.

(b) *How assigned.* The presiding hearing examiner shall be designated by the Secretary or the Chief Hearing Examiner.

(c) *Powers.* Hearing examiners shall have all powers necessary to the conduct of fair and impartial hearings, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpoenas upon proper applications as provided in this § 6.19;

(3) To rule upon offers of proof and receive relevant evidence;

(4) To take or cause to be taken depositions and to determine their scope;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel therein;

(6) To hold conferences for the settlement or simplification of the issues by consent of the parties;

(7) To consider the rule upon procedural requests;

(8) To make and file decisions in conformity with this part;

(9) To take any action authorized by the rules in this part or in conformance with the Administrative Procedure Act.

(d) *Consultation.* The hearing examiner shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

(e) *Disqualification of hearing examiners.* (1) When a hearing examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record directed to the Chief Hearing Examiner.

(2) Whenever any party shall deem the hearing examiner for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, that party shall file with the Chief Hearing Examiner a motion to disqualify and remove such hearing examiner, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. The Chief Hearing Examiner shall rule upon the motion.

(f) *Contemptuous conduct; failure or refusal of a witness to appear or answer.* Contemptuous conduct at any hearing before a hearing examiner shall be ground for exclusion from the hearing. The failure or refusal of a witness to appear at any hearing or to answer any question which has been ruled to be proper shall be ground for the action provided in section 5 of the Act of June 30, 1936 (41 U.S.C. 39) and, in the discretion of the hearing examiner, for striking out all or part of the testimony which may have been given by such witness.

§ 6.20 Computation of time.

Saturdays, Sundays, and holidays shall be included in computing the time allowed for filing any document or paper under this part, but when such time expires on such a day, such period shall be extended to include the next following day which is not such a day.

Signed at Washington, D.C., this 12th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-4252; Filed, Apr. 18, 1967; 8:46 a.m.]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart D—Procedure Governing Hazardous Occupation Determinations

ADAPTATION OF PROCEDURE TO DETERMINATIONS OF HAZARDOUS OCCUPATIONS IN AGRICULTURE

Pursuant to authority in section 13(c) of the Fair Labor Standards Act of 1938 (63 Stat. 918, as amended; 29 U.S.C. 213) and Reorganization Plan No. 2 of 1946 (3 CFR, 1943–48 Comp., p. 1064), 29 CFR Part 1500, Subpart D is amended by revising §§ 1500.41, 1500.42, and 1500.44 to read as set out below. The purpose of this amendment is to make the procedure set forth in Subpart D applicable to determinations of hazardous occupations in agriculture under section 13(c) of the Act, as amended by the Fair Labor Standards Amendments of 1966 (P.L. 89–601, 80 Stat. 830).

As this amendment relates solely to rules of procedure, neither notice, opportunity for public participation in its formulation, nor delay of effective date is required by section 4 of the Administrative Procedure Act (5 U.S.C. 553). I do not believe that such procedure or delay will serve a useful purpose here. Accordingly, this amendment shall be effective upon publication in the FEDERAL REGISTER.

1. Section 1500.41 is revised to read as follows:

§ 1500.41 Administrative responsibility.

The Secretary of Labor shall be assisted by the Bureau of Labor Standards in making studies and investigations to discover (a) the occupations which appear to be particularly hazardous for the employment of children between 16 and 18 years of age or detrimental to their health or well-being; and (b) the occupations in agriculture which appear to be particularly hazardous for the employment of children below the age of 16. All interested persons and organizations are invited to cooperate with the Secretary and the Bureau by making suggestions and requests and providing pertinent information to the Bureau concerning employment hazards to minors. Submissions should be mailed to the Director of the Bureau of Labor Standards, Department of Labor, Washington, D.C. 20210. In addition, the Director of the Bureau of Labor Standards shall have authority to obtain information by holding conferences to which he may invite various persons who have had experience or expert knowledge concerning occupational hazards to children.

2. Section 1500.42 is revised to read as follows:

§ 1500.42 Reports of investigations.

The Director of the Bureau shall from time to time prepare and submit to the Secretary of Labor reports of investigations with respect to (a) any occupations or group of occupations which he has reason to believe should be added to, or deleted from, the list of those found and declared to be particularly hazardous for the employment of children between 16 and 18 years of age or detrimental to their health or well-being; and (b) any occupations or group of occupations in agriculture which he has reason to believe should be added to, or deleted from, the list of those found and declared to be particularly hazardous for the employment of children below the age of 16. Each such report shall contain an explanation of the hazards involved and the reasons why children between 16 and 18 years of age, or children below the age of 16, as the case may be, are, or are not, particularly susceptible to them. Copies of such reports shall be made available to the public at the offices of the Bureau.

3. Section 1500.44 is revised to read as follows:

§ 1500.44 Notice of proceedings.

Notice of the initiation of the proceedings shall be published in the FEDERAL REGISTER. Such notice will (a) refer to section 3(1) or to section 13(c) of the Fair Labor Standards Act of 1938 (52 Stat. 1061, 63 Stat. 918, as amended; 29 U.S.C. 203, 213), as the case may be, and to Reorganization Plan No. 2 of 1946 (3 CFR, 1943–48 Comp., p. 1064) as authority for the proposal and direct attention to this Subpart D governing the procedure; (b) contain the terms or substance of the proposed order or the proposed change in an existing order; (c) invite interested persons to participate in the proceedings through the submission of pertinent written data, views, and arguments, specifying the time and place for such submissions. If it is decided that the opportunity for public written participation is to be supplemented with an opportunity for oral participation, a time and place shall also be specified for oral submissions of data, views, and arguments.

(Sec. 13, 63 Stat. 918, as amended; 29 U.S.C. 213)

Signed at Washington, D.C., this 11th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-4250; Filed, Apr. 18, 1967; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

PART 1—GENERAL PROVISIONS

Price Adjustments in Contracts for Fluid Milk

The following addition to this subchapter is issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2280), as amended, and 10 U.S.C. 2202.

In implementation of Public Law 89–696 (Act of Oct. 19, 1966, 10 U.S.C. 2389), the following §§ 1.328—1.328–6 are added. These sections prescribe regulations for making price adjustments in certain contracts for fluid milk for beverage purposes, to compensate the contractor for losses incurred because of increased prices paid to producers for such milk as a result of actions by the Secretary of Agriculture on or after March 1, 1966, increasing the price of milk.

§ 1.328 Price adjustment of milk contracts.

§ 1.328–1 Scope of §§ 1.328—1.328–6.

(a) Sections 1.328—1.328–5 establish uniform regulations for amending contracts for fluid milk for beverage purposes under the authority granted by the Act of October 19, 1966, P.L. 89–696 (10 U.S.C. 2389).

(b) The Act authorizes, under regulations prescribed by the Secretary of Defense, the amendment of any contract for the procurement of fluid milk for beverage purposes which was being performed on or after March 1, 1966, to provide a price adjustment for losses incurred by a contractor because of increased prices paid to the producers for such milk as a result of action by the Secretary of Agriculture on or after March 1, 1966, increasing the price of milk. The Act further provides that no price adjustment shall be made unless the Department of Defense determines that:

(1) Such amount was not included in the contract price;

(2) The contract does not otherwise contain a provision for price adjustment; and

(3) The contractor will suffer a loss, not merely a diminution of anticipated profit, under the contract because of such increases in producer prices.

(c) For the purposes of §§ 1.328—1.328–6, the term "fluid milk for beverage purposes" means fresh whole milk, skim milk, buttermilk, flavored milk, flavored milk drinks, recombined milk, cream, half and half, and low fat milk.

§ 1.328–2 Delegation of authority.

Heads of Procuring Activities and their designees at a level no lower than the head of a purchasing office are authorized to approve contract amendments authorized by the Act and to make any and all determinations required by the Act and §§ 1.328—1.328–6. When a request for adjustment is filed by the same contractor with more than one Department, the Departments concerned may by agreement assign responsibility for processing the request for adjustment of the contracts to one Department.

§ 1.328–3 Standards for deciding cases.

The following standards shall be applied in deciding cases:

(a) The contract to be adjusted must be a contract which was awarded prior to September 25, 1967, by an element of the Department of Defense, and which was being performed on or after March 1, 1966;

(b) The contractor must have suffered an actual loss, not merely a diminution of anticipated profits, under the contract;

(c) The loss must result from increased milk prices actually paid to producers;

(d) The increased producer price must have been the result of an action by the Secretary of Agriculture on or after March 1, 1966;

(e) The contractor must have been required to pay the increased price either because the price was mandatory under the terms of a Federal Milk Marketing Order, or in the case of an unregulated handler, because the contractor was unable after reasonable effort to obtain the milk at less than the increased price;

(f) The price of the contract to be adjusted must not contain an amount to cover the increase;

(g) The contract to be adjusted must not contain any other provision for price adjustment for the increased price of the milk used to perform the contract; and

(h) The amount of adjustment authorized will be limited to the actual loss incurred under the contract; the adjustment will not provide compensation for diminution of anticipated profits.

§ 1.328–4 Submission of requests by contractor.

A request for adjustment under §§ 1.328—1.328–6 should be filed in duplicate with the purchasing office which awarded the contract. Requests submitted more than 2 years after completion of deliveries on the contract involved or after March 24, 1969, whichever is later, will not be considered.

§ 1.328–5 Forms of request by contractor.

The contractor's request shall normally consist of a letter stating the precise adjustment requested and the contractor's conclusions showing in terms of the standards set forth in § 1.328–3, why the contractor considers himself entitled to the adjustment requested. The contractor's request shall contain a statement of consent to inspection and audit of the contractor's books and records and shall be accompanied by information to support his request including but not limited to the following:

(a) A brief description of the contract under which adjustment is being sought, indicating the contract number, the contract date, the items of fluid milk for beverage purposes on the contract, the contract price or prices of each such item and the quantities actually delivered under the contract;

(b) A statement of payment received and payments due or to become due under the contract in paragraph (a) of this section;

(c) A detailed analysis of the monetary elements of the request, indicating precisely how the actual or estimated dollar amount of the request was reached;

(d) Any evidence available in support of facts alleged by the contractor including contemporaneous memoranda, correspondence, affidavits, receipted bills, or vouchers showing payments to producers or suppliers, and any other material;

(e) Relevant financial statements, cost analysis, or other data, including such additional financial data as are necessary to explain fully and to support monetary elements of the request for adjustment;

(f) A statement of and evidence supporting the contractor's original breakdown of estimated costs of fluid milk for beverage purposes on the contract in paragraph (a) of this section, including the price estimated to be paid to producers;

(g) In the case of regulated dairies, evidence of—

(1) The Federal Milk Marketing Order producer price for fluid milk in effect and forecast for the contract period at the time the contract price for fluid milk was computed and submitted,

(2) The amount of the Federal Milk Marketing Order price at the time fluid milk was purchased for use in performing the contract, and

(3) How the price was changed by action of the Secretary of Agriculture, with an identification of the action/order under which the change was made;

(h) In the case of unregulated dairies, evidence of the circumstances which caused the contractor to have to pay a higher price for the milk used to supply the contract requirements for fluid milk for beverage purposes than was included in the contract price for such milk, identification of the action of the Secretary of Agriculture which caused the increase and how the action of the Secretary of Agriculture affected the price the contractor was required to pay producers for milk;

(i) Statement of total loss suffered under the contract, with detailed supporting analysis;

(j) Statement of total loss resulting from the actions of the Secretary of Agriculture identified in paragraphs (g) and (h) of this section; and

(k) Such other statements or evidence as may be requested by the contracting officer.

§ 1.328–6 Processing cases.

(a) Heads of Procuring Activities are responsible for reviewing and analyzing the requests for price adjustment and taking such action as is necessary to verify the contractor's submission. When an audit of the contractor's books or records is considered necessary, the Defense Contract Audit Agency will conduct such audit and provide an advisory report of its audit.

(b) An adjustment of the contract price will not be authorized unless the contractor has established that he is entitled to an increase in the price under the standards set forth in § 1.328–3.

(c) If it is determined by the Head of the Procuring Activity that the standards set forth in § 1.328–3 have been met, the contracting officer will be authorized to enter into a supplemental agreement adjusting the contract price, after a certification of the availability of funds has been obtained from the Department whose funds were used to pay for the milk delivered under the contract.

(d) In the event of a disagreement between the Head of the Procuring Activity and the contractor, the Head of the Procuring Activity will render a decision to the contractor in writing setting forth the facts determined by the Head of the Procuring Activity and, where applicable, a statement indicating wherein the contractor has failed to meet the standards set forth in § 1.328–3.

(e) The Department whose funds were used to pay for the milk delivered under the contract shall provide the funds necessary for any increase in price granted pursuant to §§ 1.328–1.328–6.

[DPC 52, Mar. 24, 1967] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-4239; Filed, Apr. 18, 1967; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Indian Creek, Fla., and Pacific Ocean, Calif.

1. Pursuant to the Provisions of Section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362, 33 U.S.C. 499), § 203.446d is hereby prescribed governing the operation of a bridge across Indian Creek, Fla., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.446d Indian Creek, Fla.; bridge at 63d Street, Miami Beach.

(a) During the period from December 1 to April 1, inclusive, the owners of or agencies controlling the bridge shall not be required to open the drawspan between 11 a.m. and 6 p.m. except that the drawspan shall be opened each hour on the hour for sufficient time to pass any vessels awaiting passage, and except as provided in paragraph (b) of this section.

(b) The drawspan shall be opened promptly for passage of a vessel in an emergency involving danger to life or property, cruise boats operating on regular schedules and vessels owned and operated by the United States. The proper signal for such openings shall be indicated by four blasts of a whistle, horn or similar device.

(c) The owner of or agency controlling the bridge shall keep a copy of the regulations of this section conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time.

[Regs., Mar. 29, 1967, 1507-32 (Indian Creek, Fla.)-ENGCW-ON]

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.200b is hereby prescribed to govern the use and navigation of a danger zone in the Pacific Ocean, California, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.200b Pacific Ocean, San Clemente Island, Calif.; naval danger zone off China Point.

(a) *The danger zone.* The waters of the Pacific Ocean within an area beginning at China Point Light; extending in a direction of 200° true, 1.59 nautical miles; thence 308° true, 5.25 nautical miles; and thence 050° true to the shoreline.

(b) *The regulations.* (1) This area is used for shore bombardment by the U.S. Navy and vessels shall not enter the area during periods scheduled for firing, as published in local "Notice to Mariners".

(2) The regulations in this section shall be enforced by the Commandant, 11th Naval District and such agencies as he may designate.

[Regs., Mar. 30, 1967, 1507-32 (Pacific Ocean, Calif.)-ENGCW-ON]

(Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-4238; Filed, Apr. 18, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4194]

[Misc. 1695540]

NEW MEXICO

Amendment of Executive Order No. 7743 of November 19, 1937

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Executive Order No. 7743 of November 19, 1937, transferring control and jurisdiction over certain acquired lands hereinafter described, from the Department of Agriculture to the Department of the Interior for conservation purposes in connection with the administration of the Taylor Grazing Act, is hereby amended to the extent necessary to permit use, administration or disposal of the following described lands under the Taylor Grazing Act (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, and other applicable statutes, or under the general land management authority of the Secretary of the Interior including the authority to grant licenses and easements upon such lands, upon such terms as the Secretary of the Interior or his delegate may deem reasonable, and in accordance with appropriate regulations:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 1 E.,
Sec. 30, N½.

Containing 320 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 12, 1967.

[F.R. Doc. 67-4246; Filed, Apr. 18, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17095; FCC 67-456]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations; Port Jervis, N.Y., etc.

First report and order. In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations (Port Jervis, N.Y.; Rockville, Ind.; Waynesville, Mo.; Roanoke Rapids and Goldsboro, N.C.; Thibodeaux, La.; Crossville, Tenn.; Danville, Ill.; Lincoln and Omaha, Nebr.; Clinton, Okla.; Phoenix, Ariz.; Fresno, Calif.; San Antonio, San Marcos, Kenedy-Karnes, Georgetown, and Burnet, Tex.; Columbus, Nebr.; Salt Lake City, Utah; Bemidji, Minn.; Longview, Wash.; and Astoria, Oreg.); Docket No. 17095, RM-1065, RM-1073, RM-925, RM-1034, RM-1042, RM-1051, RM-1059, RM-1061, RM-1062, RM-1066, RM-1067, RM-1071, RM-1073, RM-1074, RM-1075.

1. The Commission has before it for consideration its notice of proposed rule making, issued in this proceeding on January 12, 1967 (FCC 67-54), and published in the FEDERAL REGISTER on January 17, 1967 (32 F.R. 464), proposing a number of changes in the FM Table of Assignments advanced by various interested parties and on the Commission's own motion. A number of comments were filed and all duly filed documents were considered in making the following determinations. Except as noted, the proposals were unopposed. All population figures are those shown in the 1960 U.S. Census, unless otherwise stated. This decision disposes of all petitions except RM-1034, RM-1051, RM-1065, RM-1043, and RM-1066 (Roanoke Rapids, N.C.; Crossville, Tenn.; Port Jervis, N.Y.; Thibodeaux, La.; and Phoenix, Ariz.).

2. *RM-1078; Rockville, Ind.* (Charles R. Banks.) In this case an interested party seeks the assignment of a first Class A channel (285A) in a community not now having such an assignment without requiring any other changes in the table. While the community is small (2,756 persons), there is no AM station or FM assignment in all of Parke County, of which Rockville is the county seat. Parke County has a population of 14,804 persons. We are of the view that the proposal would serve the public interest since it would provide the first local radio outlet for the community of Rockville and its county and that it should be adopted. We are therefore assigning Channel 285A to Rockville, Ind.

3. *RM-995; Waynesville, Mo.* In response to a request for rule making from South Central Broadcasters, Inc., licensee of Station KJPW(AM), Waynesville, Mo., the Commission invited comments on a proposal to assign Channel 272A as a second FM assignment to Waynesville. We denied an earlier request to assign Channel 221A.

4. Waynesville has a population of 2,377 and its county (Pulaski) has a population of 46,567.[1] It has been assigned one Class A Channel (249A) on which Station KFBD operates. The sole AM station in the community (KJPW) is licensed to petitioner and operates daytime-only. South Central urges that there is a clear need for a second assignment to serve the Waynesville-St. Robert-Fort Leonard Wood area. Petitioner points out that Fort Leonard Wood is in the immediate vicinity of Waynesville, has a normal population of over 38,000 persons, and uses Waynesville as its principal community. Petitioner argues that Fort Leonard Wood is an important community in its own right with its own needs and interests but that it must look to Waynesville to have these local needs met. Thus, it submits that there is a common school system for both communities, that Waynesville High School is used by students at the Fort and that the people at the Fort shop in Waynesville and generally look to it to meet their other needs. KJPW, petitioner alleges, provides the residents of the Fort with a local radio outlet during daytime hours only but a full time outlet is necessary to do a complete job. A letter from the commanding officer of the Fort is appended to support these claims. As to other services which are available or planned for the future, petitioner asserts that these stations do not provide local services for the area in question.

5. With respect to the impact that the proposed assignment would have on future needed assignments, petitioner amends its earlier request to the extent that it suggests that Channel 272A be assigned to Waynesville instead of Channel 221A. (It also suggests Channel 244A as an alternative.) It is shown in an attached engineering statement that this assignment would not preclude any future assignments on any of the six adjacent channels due to existing stations and assignments elsewhere. On Channel 272A, it is shown that there is only a small area in which this assignment would preclude assignments on the same channel, that there are only three communities of over 1,000 in it, and that there are other assignments available even for these small communities. Thus, it is argued that the proposed assignment would have little impact on possible future use of any channels affected.

[1] Included in this figure is the 38,000 population of nearby Fort Leonard Wood.

6. Fred Briesacher, Jr., licensee of KFBD, the existing FM station in Waynesville and applicant for a new AM station there (daytime only), opposes the addition of Channel 272A to that community. Mr. Briesacher submits that the proposal would not be conducive to a sound business future and would not serve the public interest. He states that Fort Leonard Wood cannot be compared to a civilian community as far as business is concerned, since little advertising support is available from it and since many of the personnel do their shopping in other communities and not in the immediate Fort Leonard Wood communities. He questions the close relationship between the Fort and Waynesville and cites proposed legislation to separate the school system of the two as an example. Reference is made to newspapers published in the general area as evidence of adequate outlets for self-expression. He cites the recent denial of a second FM assignment to Lebanon, Mo. to show the importance of economics in such requests. Finally, a number of stations are listed, which, Mr. Briesacher states, provide broadcast signals to Waynesville and Fort Leonard Wood.

7. In reply to Mr. Briesacher, South Central states that his question about the ability of the market to support a second Class A station is not based upon any actual estimates of revenue potential, purchasing power or needs of the community, and that the application for another AM station filed by him testifies to the needs and ability of the market to support another station. With respect to the denial of a second assignment to Lebanon, Mo., South Central submits that this case rested upon the fact that the requested assignment would deprive another community of its first FM assignment and in no way applies to the subject request.[2]

8. We have carefully considered the contentions of the petitioner for the proposed second assignment in Waynesville and the opposition arguments of Mr. Briesacher and conclude that the Waynesville-Fort Leonard Wood area merits a second Class A assignment. We are of the view that a sufficient showing has been made as to the relationship between Waynesville and the Fort to warrant a determination that they should be considered together for the purpose of FM station assignments. Nor do we feel the existence of newspapers in the general area and the presence of broadcast signals from other communities to be a bar to the assignment proposed. In the case of the specific assignment requested, petitioner has shown that it would not preclude use of 272A or any of the six adjacent channels in any other community of substantial size in which there may be a future need or where another assignment could not be made. This factor distinguishes this case from others such as the Lebanon, Mo., case mentioned by Mr. Briesacher, wherein a second assignment was denied. In view of the foregoing we are adding the assignment of Channel 272A to Waynesville, Mo.

9. *RM-1059; Danville, Ill.* On November 9, 1966, the Commission invited comments on a request by Paul K. Bresee, prospective applicant for a new FM station in Danville, Ill., for the addition of Channel 256 to Danville as follows:

City	Channel No.	
	Present	Proposed
Danville, Ill.	271, 276A	256, 271, 276A

Danville, located near the east-central border of Illinois, has a population of 41,856, and is the county seat and largest community in Vermilion County, which has a population of 96,176. There are presently two fulltime AM stations in Danville, WITY and WDAN. WDAN-FM holds a construction permit for Channel 271 but no applications have been filed for Channel 276A. Since we did not believe that Danville warrants the assignment of three FM channels, and since we wished to avoid the mixture of Class A and B assignments in the same community in order to assign technically competitive facilities wherever possible, we invited comments on the assignment of Channels 256 and 271 only.

10. Petitioner submits that the current population of Danville is 52,000 and attributes this increase over the 1960 figure to the recent influx of large manufacturing plants. He adds that WDAN-FM will duplicate a substantial portion of the AM programing and that there is a need for an independent broadcasting service. Finally he urges that no new FM station could survive on the available Class A channel due to the severe power and coverage limitations of such a station.

11. We are of the view that the proposed assignment of a second Class B channel to the large and important Danville market will serve the public interest and should be adopted. We are therefore assigning Channel 251 to Danville and deleting 276A in order that the two assignments will be of the same class.

12. *RM-1061; Clinton, Okla.* Western Oklahoma Broadcasting Co., licensee of Station KWOE(AM), Clinton, Okla., filed a petition for rule making on November 10, 1966, requesting the substitution of Channel 295 for 237A at Clinton, Okla., as follows:

City	Channel No.	
	Present	Proposed
Clinton, Okla.	237A	295

At the time of our notice, no applications were on file for Channel 237A. However, since then an application has been filed (BPH-5606) for this assignment at Weatherford, Okla., under the "25 mile rule". Weatherford, a community of 4,499 persons is located about 14 miles from Clinton and in the same county. Clinton, a community of 9,617 persons, is located in the west-central portion of Oklahoma, about 80 miles west of Oklahoma City. It is the largest community (but not the county seat) in Custer County, which has a population of 21,040. KWOE, licensed to petitioner, is a daytime-only station and the sole radio station in the county. Petitioner points out that the western portion of Oklahoma is sparsely populated and that a new FM station, in order to be economically feasible, must draw upon a wide area for listener and advertising support. In view of this, it is urged a Class C operation is necessary and that such an operation would provide service to a wide area now without any AM or FM nighttime radio service.

13. Normally, a community the size of Clinton would be assigned a Class A channel. However, in view of the sparsely populated area around the community and its great distance from centers of population, we are of the view that it merits a departure of our policy in this respect. We believe, therefore, that the assignment of Channel 295 to Clinton, Okla., will serve the public interest. In view of the demand for Channel 237A at Weatherford, we are also of the view that this channel should also be retained at Clinton in order that it may be available for use in the former community. Petitioner urges the assignment of Channel 237A to Weatherford rather than its retention in Clinton. However, since this would require further rule making and would serve no useful purpose, we are retaining it in Clinton where it is available for use at Weatherford.[3]

14. *RM-1062; Lincoln, Nebr.* Comments were invited on a petition for rule making filed jointly on November 14, 1966 by Cornbelt Broadcasting Corp., and Shurtleff-Schorr Broadcasting Corp., competing applicants for Channel 297 at Lincoln, Nebr., requesting the deletion of Channel 270 from Omaha, Nebr., and its assignment to Lincoln, as follows:

[2] On Mar. 6, 1967, after the last day for filing reply comments, Mr. Briesacher filed a reply to the South Central reply comments. No showing was made to justify the additional late-filed pleading. In view of this we are not considering this reply of Mr. Briesacher.

[3] If the applicant for Channel 237A at Weatherford or any other party wishes to petition the Commission for a change in the assignment of this channel to that community instead of Clinton, we will entertain such a request.

City	Channel No.	
	Present	Proposed
Lincoln, Nebr.	237A, 274, 292A, 297	237A, 270, 274, 292A, 297
Omaha, Nebr.	222, 231, 241, 253, 260, 264, 270, 283	222, 231, 241, 253, 260, 264, 283

Omaha has a population of 301,598. Of its eight Class C assignments, five are occupied and three have not been applied for. It also has six AM stations, four of which are fulltime operations. Lincoln has a population of 128,521. Stations are in operation on one of the Class A channels and on one of the Class C channels, 274. Petitioners are applicants for the sole remaining Class C Channel, 297. Cornbelt is also the licensee of KFOR (AM) and Shurtleff-Schorr is the licensee of KLIN(AM), both Class IV AM stations in Lincoln. In addition, Lincoln has another unlimited time AM station and one daytime-only station, or a total of four.

15. Petitioners point out that Channel 270 was previously assigned to Lincoln but was removed to Omaha in order that Channel 279 could be shifted from Omaha to Atlantic, Iowa. See first report and order in Docket No. 15935, 1 FCC 2d 732. They submit that Omaha, with about twice the population, has four times as many wide-area channels as Lincoln, that there is a need and demand for another Class C assignment in Lincoln, and that the proposed addition of Channel 270 would permit resolution of the conflict between the two applicants for Channel 297 at the same time that it would leave two Class C assignments available in Omaha. Finally, petitioners urge that the proposal will serve the public interest in that it would provide for a fair and equitable distribution of available facilities as provided for in section 307(b) of the Communications Act.

16. The proposed amendment would result in a number of assignments in both Lincoln and Omaha which conforms to the criteria used in setting up the table, would bring about additional FM service in Lincoln at an early date, and would represent a fair and equitable distribution of available facilities. We conclude therefore that it would serve the public interest and should be adopted, and we are so doing.

17. *RM–1067; Fresno, Calif.* In a petition filed on November 18, 1966, Radio KYNO, Inc., licensee of Station KYNO (AM), Fresno, Calif., requests the addition of a sixth Class B FM assignment (Channel 238) to Fresno as follows:

City	Channel No.	
	Present	Proposed
Fresno, Calif.	229, 233, 240, 270, 274	229, 233, 238, 240, 270, 274

18. Fresno has a population of 133,929 and its county has a population of 365,945. All of its five FM assignments are in operation. In addition, it has 10 AM stations, five of which are daytime-only operations. Petitioner states that the present population of Fresno is 159,300 and of the county is 412,100. It submits that the city has also grown in retail sales, buying income per household and other similar characteristics. It is urged that for these reasons and because of the remoteness of Fresno from other major markets, Fresno merits an additional FM facility. Finally, petitioner states that it will file for the assignment in the event it is made final.

19. We are of the view that the requested additional FM assignment would serve the public interest and should be adopted. It would provide an additional broadcast service to the public without exceeding the criteria used in making FM assignments in this large and growing community. We are therefore assigning Channel 238 to Fresno, Calif.

20. *RM–1071; San Antonio, Tex.* Our notice invited comments on a petition for rule making filed on November 25, 1966, by Waterman Broadcasting Corp. of Texas, licensee of Station KTSA(AM), San Antonio, Tex., requesting the addition of a Class C channel to San Antonio by making the following necessary changes in other Texas communities:

City	Add	Delete
San Antonio	298	
San Marcos	279	296A
Kenedy-Karnes	232A	296A
Georgetown	244A	280A
Burnet	296A	276A

21. San Antonio has a population of 587,718 and its Standard Statistical Metropolitan Area has a population of 687,151. It has six full-time AM stations and five daytime-only stations. Of the eight Class C channels assigned to San Antonio, all but one (274) have been authorized. There are two applications for the remaining assignment, that of petitioner and that of another party specifying Alamo Heights, Tex., under the "25 mile rule". Waterman submits that the proposed addition of Channel 298 to San Antonio will remove the conflict for 274 and will result in the earlier inauguration of additional FM service to the area. It points out that there has been a 43.9 percent increase in the city population from 1950 to 1960 and that the proposal would not adversely affect any other station or assignment. Finally, Waterman urges that the rate of growth of the area shows the compelling need for an additional assignment in San Antonio.

22. Since the additional assignment requested for San Antonio would not make the total exceed the criteria used in setting up the table of assignments (we attempted to put from 6 to 10 assignments in a city the size of San Antonio) and since the proposal would substitute an equivalent assignment in each of the other communities affected (with the exception of San Marcos, where a Class C is used to replace a Class A) we were of the view that comments should be invited on the Waterman proposal as outlined above.

23. In a counterproposal, The Camel Co., licensee of Station KAML(AM), Kenedy-Karnes, Tex., and a prospective applicant for a new FM station in that community, requests the assignment of Channel 298 to Kenedy-Karnes instead of San Antonio. Kenedy has a population of 4,301 and Karnes City has a population of 2,693. Channel 296A has been assigned to these communities in common. This party states that Kenedy-Karnes is located a substantial distance from present Class C assignments, the closest being in San Antonio and Victoria, about 50 miles distant. It urges that a Class C assignment in Kenedy-Karnes will provide the wide-area coverage needed to obtain broad support, that the area around the communities is a potential "white area" because of its location, and that Channel 298 is technically feasible in the event 296A is deleted from the area.

24. In reply comments Waterman points out certain facts about the Camel proposal for Kenedy-Karnes, noting that the chief stockholder of that corporation is also the principal stockholder in Sound Distributors, Inc., licensee of Class C Station KEEZ, San Antonio (81 kw ERP, 450 ft. a.a.t.) and also an applicant for a Class C station at Victoria (BPH–5731, proposing 38.8 kw ERP and 155 ft. a.a.t.). San Antonio is some 50 miles northwest of the Kenedy-Karnes area, and Victoria some 55 miles east. Therefore, use of a Class C channel in that area by Camel—the only party which has shown an interest in it—would have to be with quite small facilities in order to avoid 1 mv/m overlap of commonly owned stations proscribed by § 73.240 of our rules (it would be limited, in the direction of San Antonio, to 28.5 kw ERP (assuming an antenna height of 250 ft.), putting its 1 mv/m contour about 20 miles from Kenedy-Karnes, and the limitation in the direction of Victoria would be only slightly less). Thus, it is asserted, the facilities possible would not meet the minimum for new Class C stations we propose in pending rule making (50 kw ERP) and would be only slightly larger than the Class A facilities possible on the channel now assigned there. Service to "white area" claimed by Camel—as to which there was no specific showing—would thus be extremely small if it would exist at all, and it is urged that the Commission should adhere to its general policy of not assigning Class C channels to small communities. Finally, Waterman states that the objectives of Camel can virtually be accomplished through the operation of the existing Class A assignment.

25. Upon careful consideration of the comments and the counter-proposal submitted in the proceeding, we are of the view that the petitioner's proposal to assign an additional Class C assignment to San Antonio by the changes required would serve the public interest and should be adopted. It would provide the large and growing metropolitan market with an additional service and bring additional service to the area in a shorter time by eliminating the need for a comparative hearing. It would also provide the fairly large community of San Marcos (12,713) with a first Class C assignment as well. As for the counter-proposal to assign the channel sought to

Kenedy-Karnes, this is the type of community to which we have assigned Class A channels. While the proponent mentions a potential "white area" to be served, no showing was made to support this claim. There are Class C assignments at San Antonio, Seguin, Victoria, Corpus Christi, and Laredo, all of which would serve a portion of the possible service area of a Class C assignment at Kenedy-Karnes. There are also several Class A assignments in the general area. Nor is a showing made that this community would or could afford to install the type of facilities which would provide wide-area coverage. In fact there is a serious question as to the possibility of any "white area" service in the event the party seeking the Class C assignment in Kenedy-Karnes is the successful applicant, in view of the overlap problem discussed by the petitioner. In any event, we believe that the assignment of Channel 298 to San Antonio should be preferred and that this assignment and the assignment of Channel 232A to Kenedy-Karnes represents a fair and equitable distribution of available facilities.

26. *RM–1073; Columbus, Nebr.* On November 28, 1966, City and Farm Broadcasting, Inc., licensee of Station KTTT (AM), Columbus, Nebr., filed a petition for rule making requesting the addition of Channel 228A to Columbus, Nebr., as follows:

City	Channel No.	
	Present	Proposed
Columbus, Nebr.	266	228A, 266

27. Columbus, located in the east central portion of Nebraska, has a population of 12,476. It is the largest community and the county seat in Platt County, which has a population of 23,992. There are two daytime-only AM stations in Columbus, KTTT, licensed to petitioner, and KJSK. KJSK–FM operates on Channel 266. City and Farm states that it desires to provide a fulltime radio service to its audience and believes that a Class A channel would adequately serve its purpose. It urges that the additional assignment requested will not preclude other future assignments in the area and in an accompanying engineering attachment shows that numerous assignments are available to the areas surrounding Columbus.

28. We believe that Columbus needs and warrants the assignment of a second FM channel. This would permit the second daytime-only AM station in the community to provide full-time radio service without depriving any other community of a needed assignment. We are also of the view that the mixture of a Class A and C assignment is warranted under the circumstances presented in this case. We are therefore adding Channel 228A to Columbus, Nebr.

29. *RM–1074; Salt Lake City, Utah.* In a petition filed on November 28, 1966, Salt Lake City Broadcasting Co., Inc., and Granite District Radio Broadcasting Co., jointly request the additional assignment of Channel 274 to Salt Lake City, Utah. These parties are the licensees of Stations KALL(AM) and KNAK(AM), and also applicants for the remaining FM channel (231) in Salt Lake City.

30. Salt Lake City has a population of 189,454 and its Standard Statistical Metropolitan Area has a population of 383,035. It has nine AM stations, four of which are daytime-only operations. It has been assigned seven Class C channels, one over the normal amount assigned to a city of its size, and all but one have been authorized. The pending applications for the remaining channel will have to go through a comparative hearing, in the event the subject request is not granted.

31. Petitioners point out that the Commission last considered the Salt Lake City FM situation in its first report and order issued in Docket No. 16212, 2 FCC 2d 647. In that proceeding a seventh channel was added to Salt Lake City (by making a change in Tooele) but a request from Salt Lake to add an eighth assignment (Channel 274) was denied.[1] It was concluded that the addition of one channel would represent a fair and equitable distribution of available facilities since the city had the number of assignments contemplated by the allocation principals. The decision also stated that it was recognized that a number of unused assignments in the general area existed but that the future need and demand could not be foretold.

32. Salt Lake and Granit now submit additional reasons why they believe an eighth assignment should be made to Salt Lake City in addition to the avoidance of a lengthy and costly comparative hearing. They submit that within a radius of 70 miles of Salt Lake City, as of January 1, 1966, 87.6 percent of the population of Utah reside, that the population growth of the State is within this area, and that there has been a 16.2 percent growth since 1960 in the twelve counties within the radius. On the other hand, they point out that in all but five of the remaining counties in the State there has been a population loss. They show that there are a number of Class A and C channels in most of the listed communities for which no applications have been filed. A showing is also made as to the future availability of assignments in communities throughout Utah in the event the need or demand arises. Thus, petitioners conclude that the proposal would insure additional service to the area having the greatest need without adversely affecting the future needs of other communities.

33. We have expressed concern in the past about assigning additional channels to Salt Lake City and are not convinced by the subject showing that such additions would be wise. Since this city already has one more Class C assignment (seven) than was contemplated for a city of its size, we do not believe that we would be warranted in assigning still another such channel in order to eliminate the need for a comparative hearing. Our principal concern is the fact that the assignment of Channel 274 to Salt Lake City could preclude its assignment (or that of adjacent channels) in communities which do not now have assignments and may need them in the future. Petitioners show that a large part of the population of the State lives within 70 miles of Salt Lake City and that this area is growing. It is for this reason that we should not assign the very few remaining available frequencies in this area to the city which now has a rather large share of them. Petitioners also show that many assignments are available in the southern portion of the State. However, this area is not related to the Salt Lake City area and the fact that many assignments are available to such places as Cedar City and Saint George is of no concern to us here. The area of concern is that in which the proposed assignment could preclude future needed assignments. Since there are fairly large communities, such as American Fork and Clearfield, in which Channel 274 is technically feasible, we believe that we should not adopt the petitioner's proposal but should retain this channel for future needed assignments. Accordingly, we are denying the joint request of Salt Lake City Broadcasting Co., Inc., and Granit District Radio Broadcasting Co.

34. *RM–1075; Bemidji, Minn.* On December 2, 1966, Paul Bunyan Broadcasting Co., licensee of Station KBUN(AM), Bemidji, Minn., filed a petition looking toward the substitution of Channel 266 for 252A and 269A in Bemidji, as follows:

City	Channel No.	
	Present	Proposed
Bemidji, Minn.	252A, 269A	266

Bemidji has a population of 9,958 and Beltrami County (in which it is the county seat and largest community) has a population of 23,425. The only radio station in the county is KBUN, a Class IV AM station, licensed to petitioner. Petitioner urges the assignment of a wide-area Class C channel in view of the rural nature of the area (the population density of the county is 9.3 persons per square mile), the great distance from population centers (the nearest town of comparable size is 75 miles), and the fact that Bemidji is the business center for Beltrami and several adjacent counties. It is also submitted that Bemidji has a number of important industries, tourist resorts, churches and schools. Finally, petitioner points out that, due to the limited coverage of the AM station, there is great need for wide area coverage to provide fire prevention and other safety messages, school closings, sports, news, and educational programs.

35. While we have generally assigned Class A channels to the smaller communities and Class B and C channels to the large cities and metropolitan areas, we believe that Bemidji warrants a departure from this policy in view of the

[1] Another party filed for this new assignment and was granted a construction permit, leaving Salt Lake and Granit still in a hearing situation.

rural nature of the surrounding area and the great distances from population centers. We are therefore adopting the proposal as outlined above. Channel 252A could be retained in Bemidji if desired but there does not presently appear warrant for assigning two channels there and it will be deleted.

36. *Longview, Wash., and Astoria, Oreg.* In addition to the above discussed proposals made by interested parties, the Commission wished to make two additional changes on its own motion. Channel 240A is presently assigned to Longview, Wash., at spacings below the minimums. In order to remove this short-spaced assignment, comments were invited on the following:

City	Channel No.	
	Present	Proposed
Longview, Wash.	240A	288A
Astoria, Oreg.	289	225

In view of the fact that these changes will remove short-spaced assignments and will provide each community with the same type of channel, we are adopting the changes proposed.

37. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

38. In accordance with the determinations made above: *It is ordered*, That effective May 22, 1967, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
California:	
Fresno	229, 233, 238, 250, 270, 274
Illinois:	
Danville	256, 271
Indiana:	
Rockville	285A
Minnesota:	
Bemidji	266
Missouri:	
Waynesville	249A, 272A
Nebraska:	
Columbus	228A, 266
Lincoln	237A, 270, 274, 292A, 297
Omaha	222, 281, 241, 253, 260, 264, 283
Oklahoma:	
Clinton	237A, 295
Oregon:	
Astoria	225
Texas:	
Burnet	296A
Georgetown	244A
Kenedy-Karnes	232A
San Antonio	225, 241, 247, 258, 262, 270, 274, 283, 295
San Marcos	279
Washington:	
Longview	288A

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 12, 1967.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4291; Filed, Apr. 18, 1967; 8:49 a.m.]

[Docket No. 17108; FCC 67-453]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Channels; Short-Spaced Assignment, Lake City, Fla.

Report and order. 1. On January 20, 1967, the Commission issued a notice of proposed rule making in the above-entitled matter, proposing to replace Channel 34 with Channel 41 at Lake City, Fla. Channel 34 may not be used within 60 miles of the transmitter site or standard reference point where Channel 20 is assigned. Channel 20 is assigned to Gainesville, Fla., only 40.263 miles from Lake City. Channel 41 may be assigned to Lake City in full compliance with the geographic separation requirements.

2. Interested parties were invited to comment on or before February 27, 1967, and replies to any such comments could be filed on or before March 10, 1967. No comments were received. There are no pending applications for Channel 34 at Lake City. Channel 41 may be assigned to Lake City without making other changes in the table of assignments.

3. Therefore, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective May 22, 1967, the Table of Assignments in § 73.606(b) of the Commission rules is amended, insofar as the city listed below is concerned, to read as follows:

City	Channel No.
Lake City, Fla.	*41

NOTE: The appropriate offset for Channel 41 will be supplied in a subsequent order.

4. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 12, 1967.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4292; Filed, Apr. 18, 1967; 8:49 a.m.]

[Docket No. 17109; FCC 67-454]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Channels; Short-Spaced Assignment, Lansing, Mich.

Report and order. 1. On January 20, 1967, the Commission issued a notice of proposed rule making in the above-entitled matter, proposing to replace Channel 47 with Channel 36 at Lansing, Mich. Channel 47 at Lansing may not be used within 75 miles of the transmitter site of Station WXON, Channel 62, Detroit, Mich. The actual distance between the standard reference point in Lansing and the transmitter site of WXON is only 65.635 miles. Channel 36 may be assigned to Lansing in full compliance with the separation requirements.

2. Interested parties were invited to comment on or before February 27, 1967, and replies to any such comments could be filed on or before March 10, 1967. No comments were received. There are no pending applications for Channel 47 at Lansing. Channel 36 may be assigned to Lansing without making other changes in the table of assignments.

3. Therefore, pursuant to the authority contained in section 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective May 22, 1967, the Table of Assignments in § 73.606(b) of the Commission rules is amended, insofar as the city listed below is concerned, to read as follows:

City	Channel No.
Lansing, Mich.	8—, 36, 53

NOTE: The appropriate offsets for Channels 36 and 53 will be supplied in a subsequent order.

4. *It is further ordered*, That this proceeding is terminated.

(Secs., 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 12, 1967.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4293; Filed, Apr. 18, 1967; 8:49 a.m.]

[Docket No. 17110; FCC 67-455]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Channels; Short-Spaced Assignment, Temple, Tex.

Report and order. 1. On January 20, 1967, the Commission issued a notice of proposed rule making in the above-entitled matter, proposing to replace Channel 28 with Channel 46 at Temple, Tex., in order to eliminate a short spacing between the standard reference point for the Channel 28 assignment at Temple and the transmitter site of Station KHFI-TV, Channel 42, Austin, Tex. Although the shortage is relatively small, the retention of Channel 28 in Temple would restrict the choice of a transmitter site to a location north of Temple. Channel 46 may be assigned to Temple in full compliance with the geographic separation requirements.

2. Interested parties were invited to comment on or before February 27, 1967, and replies to any such comments could be filed on or before March 10, 1967. No comments were received. There are no pending applications for Channel 28 at Temple. Channel 46 may be assigned to Temple without making other changes in the Table of Assignments.

3. Therefore, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective May 22, 1967, the Table of Assignments in § 73.606(b) of the Commission rules is amended, insofar as the city below is concerned, to read as follows:

City	Channel No.
Temple, Tex.	6, 46

NOTE: The appropriate offset for Channel 46 will be supplied in a subsequent order.

4. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307; 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 12, 1967.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4294; Filed, Apr. 18, 1967; 8:49 a.m.]

[FCC 67-429]

PART 97—AMATEUR RADIO SERVICE

Additional Examination for Holders of Novice, Technician, or Conditional Class Operator Licenses

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of April 1967;

1. The Commission has under consideration § 97.35 of its rules which relates to the additional examination of Novice, Technician, and Conditional Class amateur radio operators by Commission personnel.

2. Paragraph (a) of § 97.35 provides that holders of these classes of licenses are subject to Commission-supervised examination of their qualifications. Paragraph (b) of § 97.35 merely warns these licensees that one of the reasons for which the Commission will direct supervised examination is when the licensee is found to be in violation of certain technical standards. This latter provision has, however, been misinterpreted by some licensees as being intended to qualify and limit the applicability of paragraph (a) of § 97.35.

3. To avoid any further confusion in this regard and since paragraph (b) of § 97.35 is a nonsubstantive provision, it appears to the Commission that it should be deleted hereby.

4. The rule change herein ordered is interpretive and procedural only and, therefore, compliance with the provisions for notice and public procedure is unnecessary and it may be made effective immediately. Authority for this rule change is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, That effective April 21, 1967, paragraph (b) of § 97.35 of the Commission's rules and regulations is deleted and the word "Reserved" inserted in lieu thereof.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Released: April 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4295; Filed, Apr. 18, 1967; 8:49 a.m.]

[1] Commissioner Cox dissenting to the action on Waynesville, Mo.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Elizabeth Alexandra Morton National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; Sport fishing; for individual wildlife refuge areas.

NEW YORK

ELIZABETH ALEXANDRA MORTON NATIONAL WILDLIFE REFUGE

Sport fishing from the shore in tidal waters and access thereto by walking is permitted on the Elizabeth Alexandra Morton National Wildlife Refuge, N.Y., through December 31, 1967. The refuge is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable state regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 12, 1967.

[F.R. Doc. 67-4304; Filed, Apr. 18, 1967; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1500]

HAZARDOUS OCCUPATIONS IN AGRICULTURE

Employment of Children Below Age of 16

Pursuant to authority in section 13(c) of the Fair Labor Standards Act of 1938 (63 Stat. 918, as amended; 29 U.S.C. 213) and Reorganization Plan No. 2 of 1946 (3 CFR, 1943–48 Comp., p. 1064), and in accordance with 29 CFR Part 1500, Subpart D, I hereby propose to issue an interim finding and order in the form set forth below.

Accordingly, notice is hereby given of proceedings to be held on May 18, commencing at 10 a.m., in Conference Room 102 (A, B, C, D) Main Labor Building, 14th Street, and Constitution Avenue, NW., Washington, D.C., to be conducted in accordance with the procedure prescribed in 29 CFR 1500.45. Interested persons are invited to appear and submit data, views, and argument with respect to this proposal. Persons desiring to appear are requested to notify the Director of the Bureau of Labor Standards no later than 2 days prior to the date provided above. Written data, views, and argument with regard to this proposal may also be submitted to the Director of the Bureau of Labor Standards on or prior to the date provided above, and will be made part of the record.

The proposed order reads as follows:

§ 1500.70 Occupations in agriculture.

(a) *Finding and declaration of fact.* The following occupations in agriculture are particularly hazardous for the employment of children below the age of 16:

(1) Handling or applying anhydrous ammonia, any organic arsenic herbicide, organic phosphate pesticide, halogenated hydrocarbon pesticide, or heavy-metal fungicide, including cleaning or decontaminating equipment used in application or mixing of any such chemical.

(2) Handling or using a blasting agent.

(3) Working as—

(i) Driver of a truck, bus, or automobile;

(ii) Helper on a truck when such work involves riding outside the cab on a public road or highway, or riding on a running board, fender, hood, or bumper on the farm proper;

(iii) Flagman for aircraft.

(4) Operating, driving, or riding on a tractor (track or wheel, over 10 horsepower), or attaching or detaching an implement or power takeoff unit to or from such tractors.

(5) Operating or riding on a self-unloading bunk feeder wagon, a self-unloading bunk feeder trailer, a self-unloading forage box wagon, a self-unloading forage box trailer, a self-unloading auger wagon, or a self-unloading auger trailer.

(6) Operating or riding on a dump wagon or hoist wagon, fork lift, rotary tiller (except walking type), or earth-moving equipment or trenching equipment.

(7) Operating or unclogging a combine, field baler, header, windrower, swather, mower, hay conditioner, corn picker or cotton picker, or forage harvester or vegetable harvester.

(8) Operating, feeding, or unclogging any of the following machines when power-driven: stationary baler, thresher, huller, feed grinder, chopper, silo filler, sheller, crop dryer.

(9) Feeding materials into or unclogging a roughage blower or auger conveyor.

(10) Operating a power-driven post-hole digger or power driven post driver.

(11) Operating, adjusting, or cleaning a power-driven saw.

(12) Felling, bucking, skidding, loading, or unloading timber with a butt diameter of more than 4 inches.

(13) Working from a ladder or scaffold at a height over 20 feet.

(14) Working inside a gas-tight type fruit enclosure, gas-tight type grain enclosure or gas-tight type forage enclosure, or inside a silo when a top unloading device is in operating position.

(15) Handling or curing for a dairy bull, boar, stud horse, cow with new-born young, sow with new-born young, mare with new-born young, except cleaning unoccupied pens or stalls, or feeding and watering when done from outside the pen or stall.

(b) *Definition.* As used in this order, the term "agriculture" shall mean farming in all its branches, including among other things the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15(g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carrriers for transportation to market.

(c) *Exception.* This order shall not apply to the employment of a child below the age of 16 by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

(d) This order is issued on an interim basis pending a study in greater depth of the occupations in agriculture particularly hazardous for employment of children below the age of 16. It shall expire June 1, 1969, unless first replaced by further proceedings pursuant to Subpart D of this part.

Signed at Washington, D.C., this 11th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-4251; Filed, Apr. 18, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED ARTIFICIALLY SWEETENED FRUITS

Certain Identity Standards; Additional Optional Ingredients

Notice is given that a petition has been filed by California Canners and Growers, 3100 Ferry Building, San Francisco, Calif. 94106, proposing that the standards of identity for the artificially sweetened canned fruits identified below be amended to list cyclohexylsulfamic acid as an optional nonnutritive sweetener and to list edible organic acids and salts as optional flavor-enhancing ingredients with suitable label declaration.

Grounds set forth in the petition in support of the proposals are that cyclohexylsulfamic acid is an artificial sweetener having properties making it useful as a flavor enhancer and that when used as a nonnutritive sweetener, it is generally recognized by qualified experts as safe in foods. Also, edible organic acids and salts improve the flavor of artificially sweetened canned fruits and make such foods more acceptable to consumers accustomed to the flavor of canned fruits prepared with nutritive sweeteners.

Accordingly, it is proposed that Part 27 be amended in the following respects:

1. By amending §§ 27.6 *Artificially sweetened canned peaches; identity; label statement of optional ingredients,* 27.14 *Artificially sweetened canned apricots* * * *, 27.24 *Artificially sweetened canned pears* * * *, 27.34 *Artificially sweetened canned cherries* * * *, 27.43 *Artificially sweetened canned fruit cocktail* * * *, and 27.73 *Artificially sweetened canned figs* * * *, as follows:

a. By adding "cyclohexylsulfamic acid" to the list of artificial sweeteners in paragraph (a) of each section.

b. By revising the last sentence of paragraph (a) of each section to read "Such packing medium may be thickened with pectin and may contain any mixture of any edible organic salt or salts and any edible organic acid or acids as a flavor-enhancing agent, in a quantity not more than is reasonably required for that purpose."

c. By adding to paragraph (b)(2) of each section a new sentence reading "When any organic salt or acid or any mixture of two or more of these is added, the label shall bear the common or usual name of each such ingredient."

2. By adding to § 27.1 *Definitions* a new paragraph, as follows:

(g) The terms "edible organic acid" and "edible organic salt" refer to any edible organic acid and any edible organic salt added for the purpose of flavor enhancement that either is not a food additive as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act or, if it is a food additive as so defined, is used in conformity with regulations established pursuant to section 409 of the act.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4279; Filed, Apr. 18, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-WE-22]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the 700-foot portion of the Cheyenne, Wyo., transition area.

The FAA proposes to lower the minimum authorized holding altitude on the 029° T (016° M) radial of the Cheyenne VORTAC and the procedure turn altitude for the VOR–1 approach procedure from 7,900 to 7,500 feet MSL. The lowering of these altitudes will provide more efficient control of IFR traffic and expedite the execution of the approach procedure in that the requirement for a procedure turn will be eliminated. Modification of the procedures, as outlined above, will require operation at less than 1,500 feet above the surface; therefore, additional 700-foot transition area will be required.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (32 F.R. 2167) the Cheyenne, Wyo., transition area is amended by deleting all before "* * * that airspace extending upward from 1,200 feet * * *.", and substituting therefor, "That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Cheyenne Municipal Airport (latitude 41°09'20" N., longitude 104°48'-30" W.), and within 6 miles southeast and 8 miles northwest of the Cheyenne VORTAC 029° radial, extending from the 14-mile radius area to 14 miles northeast of the VORTAC * * *."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on April 10, 1967.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67-4258; Filed, Apr. 18, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 17364; FCC 67-431]

RADIO FREQUENCY DEVICES

Low Power Communication Devices

In the matter of amendment of rules in Part 15, Subpart E—Low Power Communication Devices; Docket No. 17364, RM 449, RM 463.

1. Notice is hereby given of proposed rule making in the above-entitled matter to delete the band 26.97–27.27 Mc/s from Subpart E of Part 15 and substitute therefor the band 49.9–50.0 Mc/s.

2. The Communications Act of 1934, as amended, provides for the control for the Federal Government of all the channels of interstate and foreign radio communication. To maintain this control, the Commission has established various classes of service under which radio transmission equipment may be operated and in accordance with Commission regulations and under the terms of a specific license granted by the Commission. Part 15 of the Commission's regulations sets forth the conditions under which a restricted radiation device, not operated in one of the prescribed services, may be used without an individual license.

3. Thus, the Part 15 rules are intended to provide a maximum freedom of operation with a minimum of regulation while at the same time protecting the licensed services from harmful interference. This philosophy is embodied in § 15.3 of Part 15 which states that no person operating any device under Part 15 shall be deemed to have "any vested or recognizable right to the continued use of any given frequency, by virtue of prior registration or certification of equipment." Under this philosophy the operator of a Part 15 device, in return for the privilege of operating without a license and with a minimum of regulation, must protect the licensed services from interference and must accept such interference as he may receive.

4. A low power communication device is defined as a restricted radiation device used for the transmission of signals by radiation of electromagnetic energy. Pursuant to the regulations in Part 15, low power communication devices may be operated in the band 26.97–27.27 Mc/s, among others, without a license with no restriction as to type of modulation or type of message that may be transmitted. These regulations take the form of a requirement (§§ 15.3 and 15.222) that no harmful interference be caused by the operation of these devices and establish specific technical limitations (§ 15.205) applicable to low power communication devices operating in the band 26.97–27.27 Mc/s.

5. The development of transistors and printed circuitry has made it possible to

build low cost, yet efficient, low power communication devices for operation in the band 26.97–27.27 Mc/s using voice communications. These devices may, under favorable conditions, provide reliable communications over distances of a mile or more. Because they are relatively cheap, these devices have caught the public fancy and are being sold by the thousands. A considerable number of these devices are used for essential business communication. By far the larger number, however, are used for hobby communications which are not permissible for Citizens Radio Service licensees.

6. The large number of such devices that are in use has created a chaotic interference condition to the Citizens Radio Service—in particular to the service of Citizens Class C and Class D Stations which are authorized to operate on frequencies between 26.96 and 27.26 Mc/s. This interference situation in turn has been the cause of numerous complaints and has prompted the filing of two petitions. RM 449 filed by Joseph S. Makera, Hartford, Conn., licensee of a Citizens Class C Radio Station, complains of intolerable interference caused by nonlicensed Part 15 voice communications devices operating on the Citizens Class C frequencies and requests that these Part 15 devices be excluded from the Class C frequencies. RM 463, filed by Perma Power Co., Chicago, Ill., a manufacturer of radio controls for garage door operators, argues that the harmful interference created by voice operated equipment in the 27 Mc/s band has rendered this band nearly unusable for radio control of garage door operators, and requests that additional frequencies be made available for such devices for use on a nonlicensed basis.

7. The interference situation thus revealed appears to negate the basis for nonlicensed operation under Part 15. Such nonlicensed operation is authorized on the premise that technical standards can be established which, if met, will preclude the likelihood of interference to the channels of interstate communication. The interference situation that has arisen between the nonlicensed Part 15 devices and the licensed Citizens Radio stations makes it necessary to reappraise the regulations which now permit nonlicensed operation of Part 15 devices in the band 26.97–27.27 Mc/s.

8. This shared use of the 27 Mc/s band has posed a formidable enforcement problem for the Commission. As a first step toward resolving this problem, we propose to separate the nonlicensed Part 15 operation from the licensed Citizens operation. Under the proposal, the 27 Mc/s frequencies would be retained for licensed Citizens Radio Stations. The nonlicensed Part 15 devices, both voice operated and control devices, would be moved to the band 49.9–50.0 Mc/s, which is and would continue to be allocated nationwide for use by the Federal Government. Part 15 devices would be permitted to use this band on a sufferance basis and, like all other devices accommodated under Part 15 of the Commission's rules, would be subject to the conditions of § 15.3 thereof, which reads as follows:

§ 15.3 *General condition of operation.* Persons operating restricted or incidental radiation devices shall not be deemed to have any vested or recognizable right to the continued use of any given frequency, by virtue of prior registration or certification of equipment. Operation of these devices is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by other incidental or restricted radiation devices, industrial, scientific or medical equipment, or from any authorized radio service.

For a discussion of § 15.3 see paragraph 3 above.

9. Regulations permitting the operation of Part 15 devices at 27 Mc/s were intended to provide a short range communication facility for radio toys and hobby use. Experience has shown that the existing Part 15 regulations have not been adequate to control the interference potential of the low-power communication devices and that stricter and more detailed technical regulations are required. Developments in components and in manufacturing techniques in the past decade have demonstrated that not only is it feasible to produce efficient, low-cost equipment at approximately 50 Mc/s and above, but that it also is feasible to meet these stricter technical specifications without any undue increase in cost. The regulations proposed herein therefore specify a frequency tolerance for the devices, and would require stricter limitations on out-of-band radiation, namely, that any emission between 10 and 20 kc/s removed from the carrier be suppressed 25 db, and that any emission more than 20 kc/s removed from the carrier be suppressed at least 60 db. As a further limitation on unnecessary emissions, the use of superregenerative detectors will be prohibited These regulations will also call for type approval of the transmitter part of the device. See Part 2, §§ 2.551–2.567 for information regarding type approval.

10. Attention is called to the fact that the receiver part of any low-power communication device operating in the band 49.9–50.0 Mc/s is subject to the Commission's receiver radiation rules in Subpart C of Part 15. Such a receiver must suppress the emission of radio frequency energy within the limits specified in Subpart C and must be certificated to show compliance with these rules. Notice is hereby given that, pursuant to the Commission's policy, the transmitter section of a low power communication device operating between 49.9–50.0 Mc/s may not be considered for type approval unless an acceptable certificate for the receiver portion of the device pursuant to Subpart C of Part 15 has been filed or accompanies the application for type approval. Furthermore, both the transmitter and the receiver parts of a device which includes a self-contained receiver will be tested. Type approval will be granted only when both the transmitter and the receiver parts of the device comply with the appropriate Part 15 requirements. Failure of the receiver part of the device to meet the receiver requirements in Subpart C will result in denial of type approval.

11. These rules will permit continued operation without a license in the band 26.97–27.27 Mc/s until not later than 7 years after the effective date of the final order that is issued in this proceeding. However, in order to accelerate the shift to the new frequencies, these rules propose to prohibit the operation without a license in the band 26.97–27.27 Mc/s of any devices manufactured more than 2 years after the effective date of the final order. Manufacturers are urged to terminate the manufacture of such Part 15 devices at the earliest possible time and thus help to expedite an orderly transition from 26.97–27.27 Mc/s to 49.9–50.0 Mc/s.

12. The proposed amendments are set out below. Authority for the adoption of the amendments herein proposed is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

13. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 22, 1967, and reply comments on or before June 6, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules of general applicability which are proposed herein, the Commission also may take into account other relevant information before it, in addition to the specific comments invited by this notice.

14. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 12, 1967.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

It is proposed to amend Part 15 as follows:

1. The text of § 15.201(a) is revised to read as follows:

§ 15.201 Frequencies of operation.

(a) A low power communication device may be operated on any frequency in the bands 10–490 kc/s, 510–1600 kc/s and 49.9–50.0 Mc/s. It may be operated in the band 26.97–27.27 Mc/s subject to termination dates in § 15.205.

* * * * *

2. Section 15.205 is amended by the addition of paragraphs (e) and (f) to read as follows:

§ 15.205 Operation within the frequency band 26.97–27.27 Mc/s.

* * * * *

[1] Concurring statement of Commissioner Cox filed as part of original document; Commissioners Wadsworth and Johnson dissenting.

(e) Operation of devices manufactured prior to (see Note 1) must be terminated not later than (see Note 2).

(f) Operation of devices manufactured on or after (see Note 1) is not permitted in this band.

NOTE 1: The date to be inserted will be approximately 2 years after the effective date of the final order that is issued in this proceeding.

NOTE 2: The date to be inserted will be approximately 7 years after the effective date of the final order that is issued in this proceeding.

3. A new § 15.207 is added to read as follows:

§ 15.207 Operation within the frequency band 49.9–50.0 Mc/s.

A low power communication device may be operated within the band 49.9–50.0 Mc/s provided it complies with the following requirements:

(a) The device shall operate on one of the following frequencies:

Mc/s	*Mc/s*	*Mc/s*
49.91	49.95	49.99
49.93	49.97	

Means may be provided for selecting the operating frequency.

(b) The carrier frequency of the device shall be maintained within ±0.01 percent of the operating frequency. For type approval this tolerance must be maintained over the temperature range −20° C. to +50° C. and for a variation in the primary supply voltage from 85 percent to 115 percent of the rated supply voltage.

(c) Except as provided in paragraphs (d) and (e) of this section emissions from the device shall be confined within a 20 kc/s band centered on the operating frequency listed in paragraph (a) of this section.

(d) The mean power of emissions shall be attenuated below the mean output power of the device in accordance with the following schedule:

(1) On any frequency between 10 kc/s and 20 kc/s removed from the carrier: At least 25 db;

(2) On any frequency removed more than 20 kc/s from the carrier: At least 60 db.

NOTE: A definition of mean power output will be found in § 5.3(m) of this chapter.

(e) The power input to the device measured at the battery or the power line terminals shall not exceed 100 milliwatts under any condition of modulation.

(f) The antenna shall be a single element 5 feet or less in length, permanently mounted on the box containing the device.

(g) The device shall be completely self-contained with the antenna permanently attached to the box containing the device. If a microphone is used it shall be built into the box. No remote operating position is permitted.

(h) The receiver associated with or part of this device shall not use superregeneration and shall comply with the radiation requirements in § 15.63. If designed to operate from public utility powerlines, the conducted energy fed back into the powerlines by the receiver shall not exceed 100 microvolts on any frequency below 25 Mc/s.

(i) The device shall be type approved and identified pursuant to the procedure in §§ 15.235–15.238 inclusive.

[F.R. Doc. 67-4296; Filed, Apr. 18, 1967; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 17366; FCC 67-451]

NONCOMMERCIAL, EDUCATIONAL TELEVISION BROADCAST STATIONS

Table of Assignments; Eagle Butte, S. Dak.

In the matter of amendment of the Table of Assignments in § 73.606(b) of the Commission's rules to assign Channel 13 to Eagle Butte, S. Dak., and reserve it for noncommercial, educational use; Docket No. 17366, RM-1076.

1. Notice is hereby given of proposed rule making in the above captioned matter.

2. On December 5, 1966, the South Dakota State Board of Directors for Educational Television filed a petition requesting that Channel 13 be assigned to Eagle Butte, S. Dak. and reserved as a noncommercial, educational station. No oppositions to the petition have been filed.

3. The South Dakota State Board of Directors for Educational Television is a State agency created during the 1965 session of the South Dakota Legislature for the express purpose of promoting and sponsoring a noncommercial educational television network throughout the State of South Dakota. Since its inception, it has taken vigorous steps toward both planning and establishing a Statewide educational network. Its purpose in seeking the assignment at Eagle Butte, is to provide the maximum distribution of educational television network service throughout the north-central portion of South Dakota. In view of this purpose, petitioner emphasizes that the relatively small population of Eagle Butte, according to the U.S. Census of 1960 (495), and of its county, Dewey (5,257), is not and should not be considered significant as the station is not intended to be a program production center.

4. The National Association of Educational Broadcasters, in a comment filed in this proceeding, supports petitioner's statement that "The need for an educational television network operative throughout the State is demonstrated by the fact that in many areas throughout the State, the population is relatively sparse, and the economy is rural in nature, so that these areas do not provide the substantial tax resources for school support found in heavily populated, more industrialized areas. Therefore, in these sparsely populated rural areas it is essential that the local school curricula be supplemented by educational television broadcasting in such areas as In-class instruction at all school levels, particularly in the science and mathematics areas, In-service teacher training, specialized and professional instruction, adult education, etc."

5. In view of the above and the fact that the allocation can be accomplished without deleting any channel from any other community and without modifying or in any way altering any assignment in the present Table of Assignments, we are instituting this rule making proceeding to consider amending § 73.606(b) of the Commission's rules in respect to Eagle Butte, as listed below:

City	Channel No.	
	Present	Proposed
Eagle Butte, S. Dak.	----------	*13+

6. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before May 22, 1967, and reply comments on or before June 1, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

8. Authority for the adoption of the amendment proposed herein is contained in section 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

Adopted: April 12, 1967.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4297; Filed, Apr. 18, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N–1006]

NEVADA

Notice of Proposed Classification of Public Lands for Multiple Use Management

APRIL 11, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands described in paragraph 3 below, together with any lands therein that may become public lands in the future.

2. Publication of this notice has the effect of segregating the public lands described in paragraph 3 from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing or material sale laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The lands proposed to be classified are shown on Maps No. N–1005 on file in the Ely District Office, Bureau of Land Management, Ely, Nev., and the Land Office, Bureau of Land Management, Federal Building, Reno, Nev.

The lands involved are generally described as follows:

All public land in White Pine County with the exception of those lands described in paragraph 4 below.

The areas described aggregate approximately 4,334,000 acres of public land.

4. The following described public lands are not included within this proposed classification. These lands are in need of further study to determine proper classification.

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 N., R. 63 E.,
Sec. 1, Lots 5–20, S½NE¼, S½SE¼;
Sec. 3, Lot 4, SW¼NW¼, NW¼SW¼;
Sec. 9, NE¼SE¼, W½SE¼, excluding app. 8 acres of MS 3903;
Sec. 12, E½;
Sec. 13, E½SE¼, SW¼NW¼, NW¼SW¼;
Sec. 16, W½NW¼, excluding app. 1 acre of ME Patents, NE¼NW¼, excluding approximately 4 acres of MS 3903, NW¼NE¼, excluding approximately 1.5 acres of MS 3903, SW¼NE¼, excluding 12.64 acres of MS 3458;
Sec. 21, Old BLM Yard;
Sec. 22, SW¼SW¼, E½SW¼, W½SE¼, NE¼SE¼;
Sec. 23, S½;
Sec. 24, W½NW¼, E½NE¼;
Sec. 25, W½;
Sec. 26, All;
Sec. 27, N½, NE¼SE¼;
Sec. 28, NE¼, SE¼NW¼, W½NW¼;
Sec. 35, N½N½;
Sec. 36, N½NW¼.
T. 17 N., R. 63 E.,
Sec. 1, S½;
Sec. 2, Lots 2, 3, 4, S½NW¼, SW¼NE¼, N½SW¼;
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 10, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 11, S½NW¼, NW¼SW¼, S½S½, NE¼SE¼, SE¼NE¼;
Sec. 12, N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 13, N½NW¼, NW¼NE¼, S½N½, S½;
Sec. 14, E½, E½W½;
Sec. 15, N½NW¼, NW¼NE¼, SE¼SE¼;
Sec. 16, NE¼, W½SE¼;
Sec. 21, W½, SE¼, NW¼NE¼;
Sec. 22, W½SW¼, E½E½;
Sec. 23, All;
Sec. 24, All;
Sec. 25, NE¼NE¼, SE¼NE¼, excluding 2.5 acres of Patent 1218746, SW¼NW¼NE¼SE¼, NW¼SW¼NE¼SE¼, SW¼SE¼, NW¼SE¼ excluding 5 acres of Patent 1220864;
Sec. 26, N½;
Sec. 27, N½SW¼;
Sec. 28, All;
Sec. 33, All;
Sec. 34, W½;
Sec. 36, SE¼SE¼.
T. 17 N., R. 64 E.,
Sec. 4, Lots 1, 2, S½NE¼, S½;
Sec. 5, SE¼;
Sec. 6, Lots 6, 7, NE¼SW¼;
Sec. 7, Lots 1, E½, E½SW¼;
Sec. 8, NW¼SW¼, SE¼SW¼, E½;
Sec. 9, W½;
Sec. 16, W½;
Sec. 17, All;
Sec. 18, Lots 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, E½NW¼NW¼, E½W½SW¼, E½W½, NW¼NE¼, SE¼NE¼, NE¼NE¼, excluding 5 acres of Patent 1227479, W½SE¼, SE¼SE¼, NE¼SE¼, excluding 5 acres of Patent 27–66–0122;
Sec. 19, Lots 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, E½W½NW¼, E½NW¼, E½, S½NE¼SW¼SW¼, NW¼SE¼SW¼SW¼, W½SW½SE¼SW¼SW¼, S½N½NE¼SW¼, S½NE¼SE¼SW¼, SE¼SE¼SW¼;
Sec. 20, All;
Sec. 29, W½;
Sec. 30, Lots 3, 4, 5, 6, 7, 8, 10, 11, 17, E½, E½SW¼, NE¼NW¼NW¼, S½SE¼SW¼NW¼, N½NE¼NW¼, S½SW¼SE¼NW¼, N½SE¼SE¼NW¼, S½NE¼SE¼NW¼;
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 32, W½.
T. 18 N., R. 63 E.,
Sec. 12, NW¼SW¼, S½SW¼;
Sec. 13, W½, SW¼NE¼, W½SE¼;
Sec. 24, W½, SW¼NE¼;
Sec. 25, W½, NW¼NE¼;
Sec. 35, SE¼;
Sec. 36, NW¼, NW¼SW¼;
T. 18 N., R. 64 E.,
Sec. 7, NE¼SE¼;
Sec. 8, N½SW¼, SE¼;
Sec. 9, W½SW¼, SE¼;
Sec. 10, W½SW¼;
Sec. 15, W½NW¼, NW¼SW¼;
Sec. 33, E½E½, SW¼SE¼.

The lands described aggregate 21,800.52 acres.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Ely District Manager, Bureau of Land Management, Ely, Nev.

6. A public hearing on the proposed classification will be held on May 4, 1967 at 7 p.m. in the Courtroom of the White Pine County Courthouse, Ely, Nev.

MARTIN W. BUZAN,
Acting State Director, Nevada.

[F.R. Doc. 67–4244; Filed, Apr. 18, 1967; 8:45 a.m.]

[OR1499 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

APRIL 7, 1967.

The Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, has filed an application, Serial No. OR1499 (Wash.), for the withdrawal of the public lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws.

The applicant desires to use the land for the management of migratory birds and other wildlife as an extension of the Willapa National Wildlife Refuge.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Sport Fisheries and Wildlife.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

T. 13 N., R. 11 W.,
Sec. 4, lots 1 to 6, inclusive, and SW¼SE¼;
Sec. 5, lot 1;
Sec. 8, lots 1 to 4, inclusive, E½NE¼, and SE¼;
Sec. 9, lots 1 to 11, inclusive, NW¼NE¼, and NE¼NW¼;
Sec. 10, lot 1;
Sec. 16, lots 3 to 7, inclusive, and NW¼SW¼;
Sec. 17, lots 1 to 6, inclusive, NE¼, N½SE¼, and SW¼SE¼.

The area described aggregates 1,433.13 acres.

ERLING A. OLSON,
Chief, Lands Adjudication Section.

[F.R. Doc. 67–4245; Filed, Apr. 18, 1967; 8:45 a.m.]

National Park Service

[Order No. 1]

ADMINISTRATIVE ASSISTANT, EAST NATIONAL CAPITAL PARKS, MD.

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant in behalf of any coordinated area.

(National Park Service Order 34 (31 F.R. 4255) as amended; 39 Stat. 535; 16 U.S.C., 1952, sec. 2. National Capital Region Order 3 (31 F.R. 8500))

Dated: March 28, 1967.

GROVER E. STEELE,
Superintendent,
East National Capital Parks.

[F.R. Doc. 67–4247; Filed, Apr. 18, 1967; 8:45 a.m.]

ROCKY MOUNTAIN NATIONAL PARK AND SHADOW MOUNTAIN NATIONAL RECREATION AREA

Notice of Intention To Issue Concession Permits

Pursuant to the provisions of section 5, Public Law 89–249, public notice is hereby given that the Department of the Interior, through the Superintendent of Rocky Mountain National Park and Shadow Mountain National Recreation Area, National Park Service, proposes, thirty (30) days after the publication of this notice, to issue the following authorizations for the period January 1, 1967, through December 31, 1971: R. Frank Norton, doing business as Norton's Marina and John A. Dillie, doing business as Dillie Docks.

The foregoing concessioners have performed their obligations under prior permits to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above are entitled to be given preference in the renewal of permits and in the negotiations of new permits. However, under the act cited above, the Service is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Superintendent, Rocky Mountain National Park and Shadow Mountain National Recreation Area, Post Office Box 1080, Estes Park, Colo. 80517, for information as to the requirements of the proposed permits.

Dated: March 21, 1967.

FRED J. NOVAK,
Superintendent, Rocky Mountain National Park and Shadow Mountain National Recreation Area.

[F.R. Doc. 67–4248; Filed, Apr. 18, 1967; 8:45 a.m.]

KINGS CANYON NATIONAL PARK, CALIF.

Jurisdiction Over Certain Lands Added to Park

Notice is hereby given that effective as of the first day of March 1967, at 12 m., P.s.t., the United States accepted exclusive jurisdiction over those lands described in, and added to Kings Canyon National Park by the Act of Congress approved August 14, 1958 (72 Stat. 616), and by the Act of Congress approved August 6, 1965 (79 Stat. 446).

This acceptance of legislative jurisdiction was subject to those reservations contained in the Act of the legislature of the State of California of April 7, 1943 (sec. 119 of the Government Code of California). Such acceptance was effected by notifying the Governor of the State of California by a letter signed by Secretary of the Interior Stewart L. Udall and received by the Governor on March 7, 1967. This letter reads as follows:

Hon. RONALD REAGAN,
Governor of California,
Sacramento, Calif. 95814

DEAR GOVERNOR REAGAN: Notice is hereby given in accordance with the requirements of the act of October 9, 1940 (54 Stat. 1083; 40 U.S.C., sec. 255), that, effective as of the 1st day of March 1967, at 12 m., P.s.t., the United States accepts exclusive jurisdiction over all those lands added to Kings Canyon National Park by the act of August 14, 1958 (72 Stat. 616), and by the act of August 6, 1965 (79 Stat. 446), subject to the reservations made in the Act of the Legislature of the State of California of April 7, 1943 (sec. 119 of the Government Code of California), ceding such jurisdiction to the United States. The said lands added to the park are described in the two foregoing acts of Congress.

By letter dated April 21, 1945, to the then Governor of the State of California, the then Secretary of the Interior, Mr. Harold L. Ickes, accepted exclusive jurisdiction over all lands included within the park on that date. This present letter supplements the earlier letter by accepting exclusive jurisdiction over all lands added since that time and is intended to cover all lands presently included within the boundaries of the park not affected by the earlier acceptance.

Copies of the earlier acceptance and of the two aforesaid acts of Congress adding land to the park are enclosed for your reference.

It is requested that you endorse the enclosed duplicate original of this notice of acceptance, indicating the date and time of its receipt, and return it to this Department. There is enclosed for your convenience a self-addressed envelope which requires no postage.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Enclosures 5

Received this 7th day of March 1967, at 11 a.m.

RONALD REAGAN,
Governor of California.

Done at the City of Washington, D.C., this 12th day of April 1967.

GEORGE B. HARTZOG, JR.,
Director, National Park Service.

[F.R. Doc. 67–4249; Filed, Apr. 18, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement No. 146]

PEANUTS

Budget of Expenses of Administrative Committee and Rate of Assessment for 1967 Crop Year

Pursuant to Marketing Agreement No. 146, regulating the quality of domestically produced peanuts, and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1967 and for the crop year beginning July 1, 1967, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1967, shall be in the total amount of $225,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determine to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the Terms and Conditions of Indemnification Applicable to 1967 Crop Peanuts, effective July 1, 1967, are estimated at, but may exceed, $1,350,000.

(c) *Rates of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with section 48 of the Agreement, an assessment at the rate of $1.75 per net ton of

farmers stock peanuts received or acquired other than those described in section 31 (c) and (d) ($0.25 for administrative expenses and $1.50 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to section 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the $1.50 rate and not expended in providing indemnification on 1967 crop peanuts shall be placed in such reserve and shall be available to pay indemnification expenses on subsequent crops.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beginning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments, they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessment for approval; handlers have had knowledge of the foregoing in their recent industry-wide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: April 13, 1967.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 67-4261; Filed, Apr. 18, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

MULTIUNIT COMPANIES

Number of Employees, Taxable Wages, Geographic Location and Kind of Business for Establishment; Notice of Determination for Surveys

In conformity with Title 13, U.S. Code 181, 224, and 225, and due notice of consideration having been published on March 3, 1967 (32 F.R. 3716), I have determined that a First Quarter 1967 Survey of Selected Multiunit Companies is needed to collect information for the 1967 County Business Patterns Report. The Survey is similar to those conducted for previous County Business Patterns Reports and is designed to collect information on number of employees, taxable wages, geographic location, and kind of business for establishments of selected multiunit companies. Only those companies which do not report in sufficient detail to other Federal Agencies will be required to report in this Survey. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

Dated: April 5, 1967.

A. ROSS ECKLER,
Director,
Bureau of the Census.

[F.R. Doc. 67-4237; Filed, Apr. 18, 1967; 8:45 a.m.]

Business and Defense Services Administration

CALIFORNIA INSTITUTE OF TECHNOLOGY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00026-15-91000. Applicant: California Institute of Technology, 1201 East California Boulevard, Pasadena, Calif. 91109. Article: Birefringent Filter for H-Alpha. Manufacturer: Bernhard Halle Nachfl., Optische Werkstatten, Germany. Intended use of article: Applicant states: "Photography of the sun through a telescope * * * For H-Alpha Band Pass 0.5 [0.5A]." Application received by Commissioner of Customs: April 6, 1967.

Docket No. 67-00025-65-46040. Applicant: Pennsylvania State University, Materials Research Laboratory, 1-112 Research Unit No. 1, University Park, Pa. 16802. Article: Scanning Electron Microscope. Manufacturer: Japanese Electron Optical Co., Japan. Intended use of article: Applicant states:

1. Studies of growth features on crystals.
2. Studies of thin film textures and growth phenomena.
3. Examination of powders.
4. Study of relation of domain boundaries to crystallity size in ferromagnetic materials.
5. Studies of nucleation in glasses and single crystals.
6. Studies of composite materials—especially the examination of interfaces and reactions of the phases.
7. Examination of etch pits on single crystals.
8. Examination of microminiature circuits (chips) for continuity of circuit.
9. Studies of fields in region of depletion zone in semiconductor devices.
10. High resolution cathodo-luminescence phenomena.
11. Studies on the structure of cleaved semiconductor surfaces and associated decoration phenomena.
12. Study of diffusion effects and potential profiles at heterojunctions.

Application received by Commissioner of Customs: April 6, 1967.

Docket No. 67-00024-33-46500. Applicant: Veterans Administration Hospital, 5901 East Seventh Street, Long Beach, Calif. 90804. Article: Microtome—Thermal Advance Ultramicrotome, Model-SIDEA "Om U2." Manufacturer: C. Reichert Optische Werke A. G., Austria. Intended use of article: Applicant states: "Prepare ultrathin single and serial sections continuously variable from 0 to 10,000° by means of thermal advance for electron and light microscopy." Application received by Commissioner of Customs: April 5, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-4236; Filed, Apr. 18, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FMC CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 7F0572) has been filed by FMC Corp., Niagara Chemical Division, Middleport, N.Y. 14105, proposing the establishment of a tolerance of 0.05 part per million for residues of the fungicide 1-chloro-2-nitropropane in or on the raw agricultural commodities, beets (garden), cotton seed, cucumbers, melons, onions, and peas.

The analytical method proposed in the petition for determining residues of the fungicide is an electron-capture gas chromatographic technique.

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4280; Filed, Apr. 18, 1967; 8:48 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7B2157) has been filed by Shell Chemical Co., a Division of Shell Oil Co., 110 West 51st Street, New York, N.Y. 10020, proposing the issuance of a regulation to provide for the safe use of tetrahydrophthalic anhydride as a curing agent for epoxy resins used as articles or components of articles for repeated food-contact use.

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4281; Filed, Apr. 18, 1967; 8:48 a.m.]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346 a(d)(1)), notice is given that a petition (PP 7F0581) has been filed by Stauffer Chemical Co., Richmond, Calif. 94800, proposing the establishment of a tolerance of 0.1 part per million for residues of the herbicide *S*-(*O*,*O*-diisopropyl phosphorodithioate) of *N*-(2-mercaptoethyl) benzenesulfonamide in or on the raw agricultural commodities cottonseed, cucumbers, lettuce, melons, and summer squash.

The analytical method proposed in the petition for determining residues of the herbicide consists of first separating the residue by paper chromatography and then analyzing for phosphorus by precipitation and titration of the phosphomolybdate precipitate.

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4282; Filed, Apr. 18, 1967; 8:48 a.m.]

W. R. GRACE & CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), W. R. Grace & Co., Dewey & Almy Chemical Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, has withdrawn its petition (FAP 7B2119), notice of which was published in the FEDERAL REGISTER of November 23, 1966 (31 F.R. 14852), proposing an amendment to § 121.2550 *Closures with sealing gaskets for food containers* to provide for use of polyoxyethylated (20 moles) oleyl alcohol in the manufacture of closure-sealing gaskets for food containers when used at levels not to exceed 1 percent by weight of the gasket composition.

Dated: April 11, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4283; Filed, Apr. 18, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17436]

ALLEGHENY AIRLINES ROUTE 97 INVESTIGATION

Notice of Postponement of Prehearing Conference

Because April 25, 1967, the date presently scheduled for the prehearing conference in the above-entitled proceeding, is the first day of the Passover holiday, the prehearing conference is hereby postponed until April 27, 1967, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., April 13, 1967.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 67-4273; Filed, Apr. 18, 1967; 8:47 a.m.]

[Docket No. 18042; Order No. E-24082]

TRANS-TEXAS AIRWAYS, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of April 1967.

On December 14, 1966, Trans-Texas Airways, Inc. (Trans-Texas), filed an application for an exemption to provide nonstop service between Dallas and Midland-Odessa, Tex., on a subsidy ineligible basis.[1]

In support of its application, Trans-Texas contends that the present Dallas-Midland/Odessa service is not adequate to meet the needs of the traveling public, evidenced by the fact that all flights operated in this market during May 1966 by Continental had an average load factor of 80.5 percent eastbound and 73.8 percent westbound. Trans-Texas estimates that by 1967, O&D traffic in the market will reach 123,789 passengers annually or 170 passengers a day in each direction which will support nonstop services by both Continental and Trans-Texas.

Trans-Texas proposes to improve the service provided in the Dallas-Midland/Odessa market by offering an afternoon, nonstop flight westbound with DC-9 aircraft which will be timed to accommodate connecting passengers in Dallas after Continental's midafternoon departure.[2] Eastbound Trans-Texas flights will be timed to arrive in Dallas for convenient connections with flights departing Dallas between 1700 and 1800.[3] In addition to the DC-9 nonstop service, Trans-Texas proposes to reroute a flight that now operates between points in southeastern New Mexico and Dallas through Midland-Odessa and beyond nonstop to Dallas. This flight, which now operates with CV-240 aircraft, will be operated with faster CV-600 aircraft thereby maintaining the present Dallas arrival time to meet critical midday connections at Dallas.

According to Trans-Texas, the nonstop service which it proposes to offer in the Dallas-Midland/Odessa market will accommodate 24,760 passengers without any appreciable diversion from Continental. Trans-Texas estimates that this volume of traffic will produce commercial revenues of $560,810 with operating expenses of $408,084, for an operating gain of $152,726. After computation of return on investment and tax allowance, the net result is an estimated $56,000 reduction in subsidy need.

The cities and chambers of commerce of Dallas, Midland, and Odessa support Trans-Texas' application and Continental filed an answer in opposition.

In its answer, Continental states that by November 1966 load factors in the Dallas-Midland/Odessa market on westbound flights had declined to 57.5 percent and on eastbound flights the average load factor had dropped to 66.8 percent. Continental also contends that, with a full pattern of DC-9 service in the market,[4] no additional nonstop serv-

[1] Trans-Texas is authorized to provide service between Dallas and Midland-Odessa over segment 9 of Route 82 subject to Condition (4)(c) of its certificate which requires service to at least 1 intermediate point on flights operating between Dallas or Ft. Worth and Midland-Odessa. Order E-23502, April 6, 1966.

[2] Continental's flight 193 departs Dallas at 1330 and Trans-Texas' proposed flight 993 would depart 1415. Four inbound trunkline flights arrive in Dallas at approximately 1944. The minimum interline connecting time at Dallas is 30 minutes. OAG, QRE, April 1967.

[3] Trans-Texas proposed flight 994 will arrive in Dallas at 1625 and Continental's flight 188, which operates 1-stop between Midland-Odessa and Dallas, arrives in Dallas at 1610.

[4] In December 1966, Continental provided 3½ nonstop round trips and one 1-stop round trip in the Dallas-Midland/Odessa market with Viscount aircraft and one-half round trip nonstop with DC-9 aircraft, while Trans-Texas offered two 1-stop flights westbound and two 2-stop flights eastbound with CV-240 and CV-600 equipment. OAG, QRE, December 1966. In April 1967 Continental added an additional nonstop round trip and now provides 5 nonstop round trips and one 1-stop round trip with DC-9 aircraft. However, Trans-Texas still provides two 2-stop flights eastbound and two 1-stop flights westbound with CV-240 and CV-600 aircraft. OAG, QRE, April 1967.

ice is required between Dallas and Midland-Odessa and that there is some doubt that Trans-Texas would have DC-9 time available to operate its proposed turnaround service in the market.[5]

After full consideration of the issues raised by Trans-Texas' application and the responsive pleadings filed, the Board tentatively finds and concludes that Condition (4) (c) in Trans-Texas' certificate for Route 82 should be amended so as to authorize nonstop service between Dallas and Midland-Odessa on segment 9 subject to a condition which would make all nonstop flights operated by Trans-Texas between Dallas and Midland-Odessa ineligible for subsidy.[6] Interested persons will be given 20 days from the service date of this order to show cause why the tentative findings and conclusions reached herein should not be made final.

The Dallas-Midland/Odessa market is a relatively medium-haul market with a 320-mile stage length which, in recent years, has had one of the highest growth rates experienced in domestic markets. From 1959 through 1965 the total local and connecting passengers in the market increased from 41,610 to 86,120, or at an average annual growth rate of 12.9 percent. And, in the period 1963–65, the annual growth rate in the market was 41.8 percent compared to the national average of 35.4 percent. For the third quarter, 1965, there were 238 local and connecting passengers a day in both directions[7] and we tentatively find that this market will generate at least 124,000 passengers annually or 340 passengers a day in both directions.[8]

We are of the tentative view that the traveling public in a market of this size will benefit from competitive nonstop service, and that such service will contribute to the further development of the market, and the maintenance of the high rate of traffic growth. In addition, we believe that the diversion Continental would suffer would be offset by growth in the market, and in any event, would not be so significant as to outweigh the benefits to the public that would be achieved by our proposed action.

We also tentatively find that Trans-Texas will be able to achieve an operating profit of approximately $67,000 in the first year of operations, and that it should be able to realize a full return on its investment within a relatively short time. We have analyzed Trans-Texas' forecast carefully, and differ with the carrier in the estimate of expenses that would be incurred. We believe that the carrier understated aircraft operating expenses by using a cost per block hour which was $50 less than the industry experience, and that in addition Trans-Texas underestimated its servicing expense by approximately $54,000. While we recognize that Continental has added service since the filing of Trans-Texas' application, we consider Trans-Texas' traffic and revenue forecast to be reasonable and attainable.[9]

The action which the Board proposes to take is consistent with our policy to act affirmatively in situations which hold promise for increased benefits to the traveling public as well as for route strengthening for subsidized local service carriers. Since it appears that the proposed service will at least produce an operating gain for Trans-Texas, we will impose a condition in any amended certificate issued to Trans-Texas which will make all nonstop flights operated by Trans-Texas between Dallas and Midland-Odessa ineligible for subsidy.[10]

In granting interested persons the opportunity to show cause why our tentative findings and conclusions should not be adopted, we expect such persons to support their objections with detailed answers specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and supported by legal precedent or detailed economic analysis.

Accordingly, it is ordered, That:

1. A proceeding be and it hereby is instituted in Docket 18042 pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require, and the Board should order the amendment of Condition (4) (c) in the certificate of public convenience and necessity for Route 82 now held by Trans-Texas so as to authorize nonstop service between Dallas or Fort Worth and Midland-Odessa, Tex., subject to a Condition (10) to the aforementioned certificate to read as follows:

Condition (10) The holder's authority to engage in the transportation of mail on all nonstop flights operated between Dallas or Fort Worth and Midland-Odessa, Tex., is limited to the carriage of mail on a nonsubsidy basis, i.e., on a service mail rate to be paid entirely by the Postmaster General, and the holder shall not be entitled to any subsidy with respect to such operations;

2. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue to Trans-Texas a certificate of public convenience and necessity amended in the manner set forth in ordering paragraph 1 above;

3. Any interested persons having objection to issuance of an order making final the proposed findings, conclusions and certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of statistical data and other evidence expected to be relied upon to support the stated objections;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; [11]

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

6. The motion of Midland-Odessa, Tex., for leave to file a reply to Continental's answer is granted; and subject to a Condition (10) to the aforementioned certificate to read as follows:

Condition (10) The holder's authority to engage in the transportation of mail on all nonstop flights operated between Dallas or Fort Worth and Midland-Odessa, Tex., is limited to the carriage of mail on a nonsubsidy basis, i.e., on a service mail rate to be paid entirely by the Postmaster General, and the holder shall not be entitled to any subsidy with respect to such operations;

2. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue to Trans-Texas a certificate of public convenience and necessity amended in the manner set forth in ordering paragraph 1 above;

3. Any interested persons having objection to issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of statistical data and other evidence expected to be relied upon to support the stated objections;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; [11]

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

6. The motion of Midland-Odessa, Tex., for leave to file a reply to Continental's answer is granted; and

7. A copy of this order shall be served on Trans-Texas Airways, Inc., Continental Air Lines, Inc., the cities and chambers of commerce of Dallas, Fort Worth, Midland, and Odessa, Tex., who are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-4274; Filed, Apr. 18, 1967; 8:47 a.m.]

[5] Trans-Texas filed a reply to Continental's answer and Midland-Odessa moved to file a reply. Midland-Odessa's motion to file a reply will be granted. Both replies contend, in substance, that additional seat capacity is required in the market and that this service should be provided by Trans-Texas.

[6] Although, in its application, Trans-Texas did not seek a certificate amendment, the Board has determined to take the action herein on its own initiative pursuant to the provisions of sec. 401(g) of the Federal Aviation Act of 1958, as amended.

[7] Continental's participation in the market during this period was 93.3 percent compared to Trans-Texas' participation of 6.7 percent.

[8] We have examined the T-5 schedules filed by Trans-Texas and the intermediate points on segment 9 between Dallas and Midland-Odessa, Abilene, and Big Spring, appear to be receiving adequate service responsive to their needs. Any additional service in the intermediate markets might result in uneconomic overscheduling of service.

[9] Trans-Texas appears to have overstated its nonpassenger revenue by some $6,300 due to the use of an incorrect ratio. Trans-Texas used a ratio of 9.36 percent, the correct ratio for the year ended Sept. 30, 1966 is 8.12 percent.

[10] Class Rate III–A was reopened as of Jan. 1, 1967 (Order E–24562, Dec. 27, 1966), and as of this date Class Rate IV has not been promulgated. Should the final order in the instant case issue subsequent to promulgation of Class Rate IV, any awards granted in accordance with the tentative findings made herein would, of course, be subject to such ad hoc provisions as are contained in the Class Rate IV order.

[11] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained. Nor shall the filing of any such motions, requests or petitions for reconsideration operate to stay the effectiveness of paragraph 3.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15469, 15470; FCC 67M-613]

ADVANCED ELECTRONICS AND INDUSTRIAL COMMUNICATIONS SYSTEMS, INC.

Order Rescheduling Hearing

In re applications of R. L. Mohr, doing business as Advanced Electronics, Docket No. 15469, File No. 214-C2-P-63; for a construction permit in the domestic public land mobile radio service at Palos Verdes, Calif.; Industrial Communications Systems, Inc., Docket No. 15470, File No. 1050-C2-P-63; for a construction permit for station KMD-990 in the domestic public land mobile radio service at Los Angeles, Calif.

Upon oral request by counsel for Industrial Communications Systems, Inc., made this date and agreed to by the other parties: *It is ordered,* This 11th day of April 1967, that the further hearing in the above matter now scheduled for April 18, 1967 is rescheduled to commence at 10 a.m., April 19, 1967, in the Commission's offices in Washington, D.C.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4298; Filed, Apr. 18, 1967; 8:49 a.m.]

[Docket Nos. 17284-17241; FCC 67M-608]

CATV OF ROCKFORD, INC., ET AL.

Statement and Order After Prehearing Conference

In re petitions by CATV of Rockford, Inc., Rockford, Ill., Docket No. 17234, File Nos. CATV 100-23, 100-39; Rockford Community Television, Inc., Loves Park, Ill., Docket No. 17235, File No. CATV 100-68; TV Cable Company of Stephenson County, Freeport, Ill., Docket No. 17236, File No. CATV 100-105; Beloit Community Television Services, Inc., Beloit, Wis., Docket No. 17237, File No. CATV 100-92; Television Wisconsin, Inc., Whitewater, Wis., Docket No. 17238, File No. CATV 100-26; Whitewater Cable Corp., Whitewater, Wis., Docket No. 17239, File No. CATV 100-37; Jefferson Cable Corp., Jefferson, Wis., Docket No. 17240, File No. CATV 100-51; Total TV, Inc., Janesville, Wis., Docket No. 17241, File No. CATV 100-13; for authority pursuant to § 74.1107 to serve and operate CATV systems in the Milwaukee, Wis., Market (24), Madison, Wis., Market (80), and Rockford, Ill., Market (99).

At today's prehearing conference, among other things, the following schedule was set up:

Parties to exchange written portion of direct cases (at same time sponsoring witnesses shall be specified) by June 28, 1967.

Receipt of notification of witnesses desired for cross-examination by July 10, 1967.

Hearing (rescheduled from April 24) July 17, 1967. So ordered, this 12th day of April 1967.

Released: April 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4299; Filed, Apr. 18, 1967; 8:49 a.m.]

[Docket Nos. 17256, 17257; FCC 67M-615]

EAST ST. LOUIS BROADCASTING CO., INC., AND METRO-EAST BROADCASTING, INC.

Order Following Further Prehearing Conference

In re applications of East St. Louis Broadcasting Co., Inc., East St. Louis, Ill., Docket No. 17256, Filed No. BP-16579; Metro-East Broadcasting, Inc., East St. Louis, Ill., Docket No. 17257, File No. BP-16682; for construction permits.

In accordance with the procedural arrangements made at the prehearing conference held this date: *It is ordered,* This 11th day of April, 1967, that the future course of the proceeding under the existing issues shall be governed by adherence of all parties to the following schedule:

PROCEDURE AND DATE

A. Issue 1 matters:

(1) Preliminary exchange of engineering exhibits re Issue 1, May 15, 1967.

(2) Final exchange of engineering exhibits re Issue 1, May 22, 1967.

(3) Exchange of exhibits re waiver of section 73.188(b), May 22, 1967.

(4) Exchange of any rebuttal engineering exhibits re Issue 1, June 5, 1967.

(5) Notification re cross-examination of witnesses on engineering or waiver of exhibits, June 13, 1967.

B. Standard comparative Issue (No. 2):

(1) Exchange of exhibits re direct cases, June 22, 1967.

(2) Notification re cross-examination of witnesses, July 3, 1967.

It is further ordered, That the date for commencement of hearing heretofore scheduled for April 27 is continued to June 22, 1967, at 10 a.m., in the offices of the Commission at Washington, D.C. (this phase of the hearing to be concerned with Issue 1 matters only), and that further hearing under the standard comparative issue (Issue 2) will commence on July 11, 1967 at 10 a.m. in Washington, D.C.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4300; Filed, Apr. 18, 1967; 8:49 a.m.]

[Docket Nos. 17181-17183; FCC 67M-611]

UNITED TRANSMISSION, INC., ET AL.

Order Regarding Procedural Dates

In re United Transmission, Inc., Russell, Kans., Docket No. 17181; Kays, Inc., Hays, Kans., Docket No. 17182; Cobb & Associates, Inc., Great Bend, Hoisington, and Larned, Kans., Docket No. 17183; requests for special relief filed pursuant to § 74.1109 of the Commission's rules.

A prehearing conference having been held on April 13, 1967, whereat certain agreements were reached and certain rulings were made;

It is ordered, This 13th day of April 1967, that:

(1) The parties' cases shall be presented primarily in the form of sworn, written exhibits, but may be supplemented by oral testimony;

(2) Direct and rebuttal exhibits on Issue No. 1 shall be exchanged on or before June 20, and August 11, 1967, respectively;

(3) Direct and rebuttal exhibits on Issue No. 2 shall be exchanged on or before July 28, and August 22, 1967, respectively;

(4) Direct and rebuttal exhibits on Issue No. 3 shall be exchanged on or before August 11, and September 1, 1967, respectively;

(5) On or before the date scheduled for the exchange of exhibits directed to any issue, any party proposing to supplement its case on such issue by oral testimony shall exchange a list of its witnesses and a brief statement as to the facts to be elicited from each witness;

(6) Any party wishing to call for cross-examination the sponsor of any other party's direct or rebuttal exhibits shall give notification thereof on or before August 30, and September 6, 1967, respectively; and

(7) Hearing shall commence on September 6, 1967, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: April 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4301; Filed, Apr. 18, 1967; 8:49 a.m.]

[Docket Nos. 17117, 17118; FCC 67M-614]

WARD L. JONES AND MARS HILL BROADCASTING CO., INC.

Memorandum of Ruling; Extension of Procedural Dates

In re applications of Ward L. Jones, Syracuse, N.Y., Docket No. 17117, File No. BPH-5314; Mars Hill Broadcasting Co., Inc., Syracuse, N.Y., Docket No. 17118, File No. BPH-5450; for construction permits.

In order to formalize a ruling made in the further prehearing conference held this date, granting an oral request by counsel for Ward L. Jones, over the opposition of counsel for applicant Mars Hill, for extension of the heretofore scheduled procedural dates as reflected below, in connection with the accomplishment by the requestor applicant of a survey pertaining to the programing question and the resulting preparation and exchange of exhibits;

It is ordered, This 13th day of April 1967, that the aforementioned oral request for extension of procedural dates is granted, and such dates are extended as follows:

(1) Exchange of written exhibits, from April 14, to May 16, 1967;

(2) Notifications re cross-examination of witnesses, from April 28, to May 31, 1967; and

(3) Commencement of the hearing, from May 9, to June 13, 1967 at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: April 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4302; Filed, Apr. 18, 1967; 8:50 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

PEOPLES BANK, STARKVILLE, MISS.

Notice of Application; Exemption From Provisions of Securities Exchange Act of 1934

Pursuant to authority granted the Corporation under sections 12(h) and 12(i) of the Securities Exchange Act of 1934, as amended, notice is hereby given to all interested parties that the Peoples Bank, Starkville, Miss., has applied to the Federal Deposit Insurance Corporation for exemption from certain provisions of that Act. The bank has asked the Corporation to exempt it, its officers, directors, and certain controlling persons from the requirements of sections 12, 13, 14, and 16 of the Act.

Notice is hereby given that interested persons will have opportunity to present their written views or comments on this application within 20 days following the date of publication of this notice in the FEDERAL REGISTER. Communications should be addressed to the Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429.

Dated this 12th day of April 1967.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-4240; Filed, Apr. 18, 1967; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

FILLETTE, GREEN & COMPANY OF TAMPA ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working agreements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Fillette, Green & Co. of Tampa, Tampa, Fla., and Atlantis Shipping Co., Ltd., New York, N.Y. ---- FF-3295
Koeller-Struss Co., St. Louis, Mo., and Frank P. Dow Co., Inc., Seattle, Wash. (Branches) ---- FF-3297
Stanley Lindo & Co., Los Angeles, Calif., and Air-Sea Forwarding Service, Inc., Miami, Fla. ---- FF-3298
Stanley Lindo & Co., Los Angeles, Calif., and Hugo Zanelli & Co., Houston, Tex. ---- FF-3299
American Union Transport Forwarding, Inc., New York, N.Y., and McLendon Forwarding Co., Houston, Tex. ---- FF-3300
John S. James, Savannah, Ga., and Fillette, Green & Co. of Tampa, Tampa, Fla. ---- FF-3305
Rohner, Gehrig & Co., Inc., New York, N.Y., and B. A. McKenzie & Co., Inc., Tacoma, Wash. ---- FF-3306
Colonial Shipping Co., Inc., New York, N.Y., and Buckley & Co., New York, N.Y. (Branch) ---- FF-3307
Smith & Kelly Co., Savannah, Ga., and Fred P. Gaskell Co., Inc., New York, N.Y. (Branches) ---- FF-3308
Intra-Mar Shipping Corp., New York, N.Y., and Smith & Kelly Co., Savannah, Ga. ---- FF-3309
Intra-Mar Shipping Corp., New York, N.Y., and Southern Shipping Co., Savannah, Ga. ---- FF-3310
Samuel Shapiro & Co., Inc., Baltimore, Md., and E. A. Jasper, Inc., New York, N.Y. ---- FF-3311

Agreement No. FF-3296 between Export Enterprises, Inc., Philadelphia, Pa., and Saratoga Forwarding Co., Boston, Mass., is a cooperative working arrangement whereunder ocean freight compensation is to be retained by the originating forwarder. The basic fee for passing shipper's export declaration will be: $5 each. Other forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services rendered or to be performed.

Agreement No. FF-3301 between Lunham & Reeve, Inc., New York, N.Y., and George S. Bush & Co., Seattle, Wash., is a cooperative working arrangement whereunder forwarding and service are as arranged. Special services remain subject to negotiation and agreement on each transaction. Ocean freight brokerage: Specially 50 percent to be received by each of both parties signing this agreement.

Agreement No. FF-3302 between F.N.S. Corp., New York, N.Y., and Smith & Kelly Co., Savannah, Ga., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction after giving consideration to extent and value of services to be performed. Ocean freight brokerage between the parties will be divided as follows: One-third of the ocean freight compensation will be retained by Smith & Kelly Co. and two-thirds of the ocean freight compensation will be retained by F.N.S. Corp.

Agreement No. FF-3303 between F.N.S. Corp., New York, N.Y., and Southern Shipping Co., Savannah, Ga., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction after giving consideration to extent and value of services to be performed. Ocean freight brokerage between the parties will be divided as follows: One-third of the ocean freight compensation will be retained by Southern Shipping Co., and two-thirds of the ocean freight compensation will be retained by the F.N.S. Corp.

Agreement No. FF-3304 between (a) T. R. Spedden, New Orleans, La., and (b) Walsh Stevedoring Co., Inc., Pensacola, Fla. (Branches), is a cooperative working arrangement whereunder all forwarding work accomplished by party (a) for party (b) will be on the basis of earning 100 percent of the fee. In turn, party (b) agrees to accomplish like services for party (a) earning 100 percent of the fee. Ocean freight brokerage will be divided equally (50 percent-50 percent) between the parties. This division of ocean freight brokerage will be restricted to those shipments on which one party performs forwarding work for the other.

Dated: April 13, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4284; Filed, Apr. 18, 1967; 8:48 a.m.]

AMERICAN EXPORT ISBRANDTSEN LINES, INC., ET AL.

Security for Protection of Public; Indemnification of Passengers for Nonperformance of Transportation

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation.

American Export Isbrandtsen Lines, Inc.
Matson Navigation Co./The Oceanic Steamship Co. (Matson Lines).
The Chesapeake and Ohio Railway Co.
Aegean Cruises, S.A. and Unitours, Inc. (Aegean: Epirotiki Lines).
The Peninsular and Oriental Steam Navigation Co.
Mitsui-O.S.K. Lines Ltd.
The Peninsular & Occidental Steamship Co. (P&O Steamship Co.).

Dated: April 14, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4285; Filed, Apr. 18, 1967; 8:48 a.m.]

CHICAGO, DULUTH AND GEORGIAN BAY TRANSIT CO.

Security for Protection of Public; Indemnification of Passengers for Nonperformance of Transportation

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) that a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation has been issued to the following:

Chicago, Duluth and Georgian Bay Transit Co. (Georgian Bay Line).

Certificate Number: P-1.
Effective Date: May 5, 1967.

Dated: April 14, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4286; Filed, Apr. 18, 1967; 8:48 a.m.]

UNITED STATES LINES, INC., AND AMERICAN MAIL LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. K. F. Gautier, Vice President, United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

Agreement 9371-1 modifies the Passenger Agency arrangement under Agreement 9371, to appoint American Mail Line as General Passenger Agent for United States Lines in the State of Alaska, the Canadian Provinces of British Columbia, Alberta and Saskatchewan, and in the Yukon Territory, in addition to the four states enumerated in the basic agreement (Washington, Oregon, Idaho, and Montana) under the same terms and conditions.

Dated: April 14, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4287; Filed, Apr. 18, 1967; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

IMPORTS OF ASPHALT AND ASPHALT PRODUCED FROM IMPORTED OILS

Notice of Investigation

Notice is hereby given that Farris Bryant, Director of the Office of Emergency Planning, today announced the public phase of an investigation of the national security implications of controls on imports of asphalt and asphalt produced from imported crude and unfinished oils. This investigation follows a review which led to the conclusion that the national security would not be impaired by a liberalization of the controls on the importation of asphalt for use without further refining.

Subsequent to the Director's advice, the President amended Proclamation 3279 to give the Secretary of the Interior discretionary authority to place asphalt product imports into the United States and Puerto Rico under the general form of control as now applies to the importation of residual fuel oil into District I (the East Coast States). The proposed change will not allow licensed product imports other than asphalt to increase.

The public investigation is under section 232 of the Trade Expansion Act of 1962 and section 6(a) of the Presidential proclamation of March 10, 1959, which assigns to the Director the responsibility for national security surveillance of imports of petroleum and its primary derivatives.

The Secretary of the Interior has asked that the investigation determine the national security implication of relaxing import restrictions on crude and unfinished oils to the extent used to produce asphalt. Currently, all imports for refinery processing are treated alike, and the overall level of crude and unfinished oil imports would increase beyond the amounts now authorized by the proclamation if import allocations were not required for asphalt production.

Asphalt imports will be included in the investigation, as will asphalt produced from imported crude and unfinished oils. The investigation will cover the United States and Puerto Rico with the United States divided into the geographic components of the oil import control program. Subareas and States will be considered where significant.

Initial statements should be filed within 45 days of this announcement. Rebuttal material will be accepted through the following 30 days. All submissions should be on letter-size paper and 25 copies of all material, new and old, should be sent to the Director, Office of Emergency Planning, Washington, D.C. 20504.

Except where confidential treatment is requested, all submissions will be available for inspection at the Office of Emergency Planning Information Office, Room 515, 17th and F Streets NW., Washington, D.C.

Dated: April 17, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-4351; Filed, Apr. 18, 1967; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 14, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40986—*Substituted service—Rocky Mountain.* Filed by Rocky Mountain Motor Tariff Bureau, Inc., agent (No. 20), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between interchange points west of the Rocky Mountains, on the one hand, and interchange points east of the Rocky Mountains, on the other.

Grounds for relief—Motor-truck competition.

Tariff—5th revised page 9 to Rocky Mountain Motor Tariff Bureau, Inc., agent, tariff MF-ICC 162.

FSA No. 40981—*Pig iron—Birmingham, Ala., to Chicago, Ill.* Filed by O. W. South, Jr., agent (No. A5013), for interested rail carriers. Rates on pig iron, in carloads, subject to minimum weight of 1,344,000 pounds or more loaded in not more than 10 cars, from Birmingham, Ala., and points grouped therewith, to Chicago, Ill., and group points.

Grounds for relief—Rail-barge competition.

Tariff—Supplement 70 to Southern Freight Association, agent, tariff ICC S-319.

FSA No. 40982—*Liquid caustic soda to Georgetown, S.C.* Filed by O. W. South, Jr., agent (No. A5015), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, in multiple carload shipments of not less than five tank carloads, from Saltville, Va., to Georgetown, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 81 to Southern Freight Association, agent, tariff ICC S-517.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4265; Filed, Apr. 18, 1967; 8:47 a.m.]

[Notice 442]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 14, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 44592 (Sub-No. 1) (Deviation No. 13), MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, Post Office Box 1296, New Britain, Conn. 06050, filed April 5, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Albany, N.Y., over U.S. Highway 20 to junction U.S. Highway 7, at Pittsfield, Mass., thence over U.S. Highway 7 to Great Barrington, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Albany, N.Y., over U.S. Highway 9 to junction New York Highway 203, thence over New York Highway 203 to junction New York Highway 22, thence over New York Highway 22 to junction New York Highway 71, thence over New York Highway 71 to the New York-Massachusetts State line, thence over Massachusetts Highway 71 to junction Massachusetts Highway 41, thence over Massachusetts Highway 41 to Great Barrington, Mass., and (2) from Albany, N.Y., over U.S. Highway 20 to Pittsfield, Mass., and return over the same routes.

No. MC 69833 (Deviation No. 18), ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502, filed April 5, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Indiana Highways 15 and 120 over Indiana Highway 120 to junction Indiana Highway 13, thence over Indiana Highway 13 to the Michigan-Indiana State line, thence over U.S. Highway 131 to junction U.S. Highway 12, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 20 to junction Indiana Highway 15, thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over Michigan Highway 103 (formerly U.S. Highway 131) to junction U.S. Highway 12 (formerly U.S. Highway 131), thence over U.S. Highway 12 to junction U.S. Highway 131, thence over U.S. Highway 131 to Kalamazoo, Mich., and return over the same route.

No. MC 105458 (Deviation No. 1), DILLIE MOTOR FREIGHT, INC., 178 West Wylie Avenue, Washington, Pa. 15301, filed March 31, 1967. Carrier's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Washington, Pa., over Interstate Highway 70 to junction Pennsylvania Highway 88 at or near Speers, Pa., and (2) from Washington, Pa., over Interstate Highway 70 to junction Pennsylvania Highway 906, thence over Pennsylvania Highway 906 to Belle Vernon, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Washington, Pa., over Pennsylvania Highway 136 (formerly Pennsylvania Highway 31) to junction Pennsylvania Highway 906, thence over Pennsylvania Highway 906 to Belle Vernon, Pa. (also from junction Pennsylvania Highway 136 and Pennsylvania Highway 88 over Pennsylvania Highway 88 to Speers, Pa), and return over the same routes.

No. MC 105458 (Deviation No. 2), DILLIE MOTOR FREIGHT, INC., 178 West Wylie Avenue, Washington, Pa. 15301, filed March 31, 1967. Carrier's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Pittsburgh, Pa., over Interstate Highway 79 to junction Pennsylvania Highway 50, thence over Pennsylvania Highway 50 to junction Interstate Highway 79, thence over Interstate Highway 79 to Washington, Pa., (2) from Pittsburgh, Pa., over Interstate Highway 79 to junction Pennsylvania Highway 50, thence over Pennsylvania Highway 50 to junction Interstate Highway 79 to junction unnumbered highway, thence over unnumbered highway to junction Pennsylvania Highway 519, thence over Pennsylvania Highway 519 to Canonsburg, Pa., and (3) from Canonsburg, Pa., over Pennsylvania Highway 519 to junction unnumbered highway, thence over unnumbered highway to junction Interstate Highway 79, thence over Interstate Highway 79 to Washington, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pittsburgh, Pa., over Pennsylvania Highway 88 to junction unnumbered highway, thence over unnumbered highway via McMurray, Pa., to junction Pennsylvania Highway 519, thence over Pennsylvania Highway 519 to junction U.S. Highway 19, thence over U.S. Highway 19 to Washington, Pa., and return over the same route.

No. MC 105458 (Deviation No. 3), DILLIE MOTOR FREIGHT, INC., 178 West Wylie Avenue, Washington, Pa. 15301, filed March 31, 1967. Carrier's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Uniontown, Pa., over U.S. Highway 40 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 40, at or near the Pennsylvania-West Virginia State line, thence over U.S. Highway 40 to Wheeling, W. Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: between Uniontown, Pa., and Wheeling, W. Va., over U.S. Highway 40.

No. MC 106943 (Deviation No. 6), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47801, filed April 6, 1967. Carrier's representative: Peter M. Witham, same address as above. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Bedford, Pa., over Interstate Highway 70 to junction Interstate Highway 70–S (Pittsburgh bypass), east of Pittsburgh, Pa., thence over Interstate Highway 70–S to junction Interstate Highway 70 west of Pittsburgh, Pa., thence over Interstate Highway 70 to junction Interstate Highway 270 (St. Louis bypass), thence over Interstate Highway 270 to junction Interstate Highway 70, west of St. Louis, Mo., thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from the Bedford, Pa., Interchange over the Pennsylvania Turnpike to Irwin, Pa., thence over U.S. Highway 30 via Pittsburgh, Pa., to Mansfield, Ohio, thence over U.S. Highway 30–N to junction U.S. Highway 30 east of Delphos, Ohio, thence over U.S. Highway 30 to junction Illinois Highway 1–A (formerly Illinois Highway 1), thence over Illinois Highway 1–A to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 54, thence over U.S. Highway 54 to Kingdom City, Mo., thence over U.S. Highway 40 to Kansas City, Mo., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 368), GREYHOUND LINES, INC. (Western Division), Market & Fremont Streets, San Francisco, Calif. 94106, filed April 5, 1967. Applicant's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From Ogden, Utah, over Interstate Highway 15 to junction U.S. Highway 91 (South Layton, Utah), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From the Wyoming-Utah State line over Interstate Highway 80 to junction U.S. Highway 30S (Castle Rock Junction), thence over U.S. Highway 30S to junction Interstate Highway 80 (Emory Interchange), thence over Interstate Highway 80 to junction U.S. Highway 30S (Echo Junction), thence over U.S. Highway 30S to junction Interstate Highway 80N (Devil's Slide Interchange), thence over Interstate Highway 80N to junction U.S. Highway 30S (Uintah Junction), thence over U.S. Highway 30S to Ogden, Utah, thence over Utah Highway 79 to junction Utah Highway 38, thence over Utah Highway 38 to junction Utah Highway 84, thence over Utah Highway 84 to junction U.S. Highway 91 (Roy), thence over U.S. Highway 91 to junction Interstate Highway 15 (North Bountiful), thence over Interstate Highway 15 to Salt Lake City. (Connects with Wyoming Route 1), and return over the same route.

No. MC 1515 (Deviation No. 369), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 6, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Burlington, Vt., over U.S. Highway 7 to junction Interstate Highway 89, north of Burlington, Vt., thence over Interstate Highway 89 to the United States-Canada boundary line, near Highgate Springs, Vt., (2) from St. Albans, Vt., over Vermont Highway 36 to junction Interstate Highway 89, (3) from junction U.S. Highway 7 and access road at a point approximately 1 mile north of St. Albans, Vt., over unnumbered access road to junction Interstate Highway 89, and (4) from Swanton, Vt., over Vermont Highway 78 to junction Interstate Highway 89, and also access and egress to and from Interstate Highway 89 where it junctions with applicant's regular routes as follows: (a) Junction U.S. Highway 7 and Interstate Highway 89, just north of Burlington, Vt., (b) junction U.S. Highway 2 and Interstate Highway 89 (Chimney Corners, Vt.), approximately 8 miles north of Burlington, Vt., (c) junction U.S. Highway 7 and Interstate Highway 89, approximately 2 miles south of Georgia, Vt., and (d) junction U.S. Highway 7 and Interstate Highway 89 at the United States-Canada boundary line, and return over the same routes, for operating convenience only. The notice indicated that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Burlington, Vt., over U.S. Highway 7 to St. Albans, Vt., (2) from Rutland, Vt., over U.S. Highway 7 via Burlington, Vt., to the United States-Canada boundary line, and (3) from Burlington, Vt., over U.S. Highway 2 to Rouses Point, N.Y., thence over U.S. Highway 11 to Champlain, N.Y., and return over the same routes.

No. MC 1515 (Deviation No. 370) (Cancels Deviation No. 172), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 6, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 65 to junction U.S. Highway 52, 0.8 mile west of Lebanon, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 52 to Brookville, Ind., thence over Indiana Highway 1 to Connersville, Ind., thence over Indiana Highway 44 to Rushville, Ind., thence over U.S. Highway 52 via Lebanon, Ind., to Lafayette, Ind. (also from Lebanon over Indiana Highway 39 via Frankfort, Ind., to junction Indiana Highway 38, thence over Indiana Highway 38 to junction U.S. Highway 52 at a point approximately 5 miles southeast of Lafayette; also from junction U.S. Highway 52 at a point approximately two miles east of Thorntown, Ind., over Indiana Highway 47 to Thorntown, thence over unnumbered highway to junction U.S. Highway 52 at a point approximately 2 miles north of Thorntown), thence over U.S. Highway 52 via Templeton, Ind., to Atkinson, Ind. (also from Templeton over Indiana Highway 352 to Oxford, Ind., thence over unnumbered highway to Atkinson), thence over U.S. Highway 52 to Kentland, Ind., thence over U.S. Highway 41

via Cook and Hammond, Ind., to Chicago, Ill., and return over the same route.

No. MC 2866 (Deviation No. 7), EDWARDS MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa. 17701, filed April 7, 1967. Carrier's representative: Robert H. Griswold, 100 Pine Street, Post Office Box 432, Harrisburg, Pa. 17108. Carrier proposes to operate as a *common carrier*, by motor vericle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Inter-Highway 80 and Pennsylvania Highway 93, north of Sybertsville, Pa., over Interstate Highway 80 to junction U.S. Highway 46 east of Columbia, N.J., thence over U.S. Highway 46 to junction New Jersey Highway 69, thence over New Jersey Highway 69 to junction U.S. Highway 22 east of Clinton, N.J., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows:

(1) From New York, N.Y., over U.S. Highway 1 to Newark, N.J., thence over U.S. Highway 22 to Easton, Pa., thence over Pennsylvania Highway 248 (formerly Pennsylvania Highway 45) to junction U.S. Highway 209 (formerly Pennsylvania Highway 29), thence over U.S. Highway 209 via Mauch Chunk (Jim Thorpe) to Tamaqua, Pa., thence over U.S. Highway 309 (formerly Pennsylvania Highway 29) to Hometown, Pa., thence over Pennsylvania Highway 45 via Shenandoah, Pa., to Ashland, Pa., thence over U.S. Highway 122 to Sunbury, Pa., thence over Pennsylvania Highway 14 via Northumberland, Pa., to junction Pennsylvania Highway 405 north of Milton, Pa., thence over Pennsylvania Highway 405 via Montgomery, Pa., to Muncy, Pa., thence over U.S. Highway 220 via Williamsport, Mill Hall, and Milesburg, Pa., to Port Matilda, Pa., thence over U.S. Highway 322 to junction U.S. Highway 219, thence over U.S. Highway 219 to Du Bois, Pa., thence over Pennsylvania Highway 950 to junction U.S. Highway 322, thence over U.S. Highway 322 to junction Pennsylvania Highway 257, thence over Pennsylvania Highway 257 to Oil City, Pa., thence over U.S. Highway 62 to Youngstown, Ohio, also from junction U.S. Highway 209 and Pennsylvania Highway 93 (formerly Pennsylvania Highway 29 and U.S. Highway 309), west of Mauch Chunk (Jim Thorpe), Pa., over Pennsylvania Highway 93 to Hazleton, Pa., thence over Pennsylvania Highway 924 to Shenandoah, Pa.; also from Tamaqua, Pa., over U.S. Highway 209 to Pottsville, Pa., thence over U.S. Highway 122 to Ashland, Pa.; also from Montgomery over unnumbered highway to junction U.S. Highway 15, thence over U.S. Highway 15 to Williamsport, Pa., thence over U.S. Highway 220 via Lock Haven to Hill Hall, thence over Pennsylvania Highway 64 via Hublersburg to Zion, Pa., thence over Pennsylvania Highway 550 to Bellefonte, Pa., thence over Pennsylvania Highway 53 to Milesburg, Pa., and (2) from Milton, Pa., over Pennsylvania Highway 642 to junction Pennsylvania Highway 54, thence over Pennsylvania Highway 54 to Danville, Pa., thence over U.S. Highway 11 to junction Pennsylvania Highway 93 east of Berwick, Pa., thence over Pennsylvania Highway 93 (formerly Pennsylvania Highway 29) to Hazleton, Pa., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4266, Filed, Apr. 18, 1967; 8:47 a.m.]

[Notice 1051]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 14, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications thereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 49387 (Sub-No. 27) (Republication), filed October 28, 1965, published FEDERAL REGISTER issue of November 10, 1965, and republished this issue. Applicant: ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Moberly, Mo. Applicant's representative: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis, Mo. A report of the Commission, division 3, decided March 28, 1967, and served April 5, 1967, finds, in No. MC 49387 (Sub-No. 27) as a matter directly related to the transaction authorized in No. MC-F-9245, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, requiring special equipment, or injurious or contaminating to other lading), between Kansas City, Kans., and Jefferson City, Mo., over U.S. Highway 50, serving Kansas City, Mo., intermediate points between Pittsville and Sedalia, Mo., and the off-route point of Whiteman Air Force Base; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That the authority herein granted shall not become effective until 35 days following its republication in the FEDERAL REGISTER, that it also shall not become effective until and unless the authority granted in No. MC-F-9245 has been consummated.

No. MC 52110 (Sub-No. 93) (republication), filed February 23, 1966, published FEDERAL REGISTER issue of March 10, 1966, and republished this issue. Applicant: BRADY MOTOR-FRATE, INC., 6th and University, Des Moines, Iowa 50314. Applicant's representative: David Axelrod, 39 S. La Salle Street, Chicago, Ill. 60603. By application filed February 23, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, in the manner, and of the commodities, and from and to the points substantially as indicated below, except that (1) applicant did not request authority in part (2)(A)(3) of the application, to transport general commodities (with exceptions) between East Alton, Ill., and the terminal site of Spector Freight System, Inc., and (2) applicant also sought authority (a), in part (2)(A)(3) of the application, to transport general commodities (with exceptions) between the terminal site of Spector Freight System, Inc., on the one hand, and, on the other, points in Iowa, Moline, East Moline, and Rock Island, Ill., Omaha, Lincoln, and South Sioux City, Nebr., Canton, Yankton, Mitchell, and Sioux Falls, S. Dak., and Albert Lea, Rochester, and Chemolite Siding, Minn., and (b) in part (2)(C) of the application, to transport frozen foods from Darien, Wis., to the terminal site of Spector Freight System, Inc.

An Order of the Commission, Operating Rights Board No. 1, dated March 31, 1967, and served April 7, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, (1) over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the terminal site of Spector Freight System, Inc., on Minnesota Highway 49 in Eagan Township, Dakota County, Minn., approximately one-half mile south of junction Minnesota Highways 49 and 55, as an off-route point in connection with applicant's presently authorized regular route operations, and (2) over irregular routes, of (A) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Bloomington, DeKalb, O'Fallon, Peoria, and Waukegan, Ill.; points in Iowa; Kansas City, Wichita, and Topeka, Kans.; Albert Lea, Chemolite Siding, Minneapolis, and Rochester, Minn.; St. Joseph, Mo.; points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone; South Sioux City and Lincoln, Nebr.; and Canton, Mitchell, Sioux Falls, and Yankton, S. Dak., on the one hand, and, on the other, the terminal site of Spector Freight System, Inc., on Minnesota Highway 49 in Eagan Township, Dakota County, Minn., approximately one-half mile south of the junction of Minnesota Highways 49 and 55.

(2) Between Crawfordsville, Evansville, Fort Wayne, Indianapolis, Lafayette, and Richmond, Ind.; and Cincinnati, Columbus, Dayton, Mansfield, and Massillon, Ohio, on the one hand, and, on the other, the terminal site of Spector Freight System, Inc., on Minnesota Highway 49 in Eagan Township, Dakota County, Minn., approximately one-half mile south of junction Minnesota Highways 49 and 55; (3) between East Alton, Ill., on the one hand, and, on the other, the terminal site of Spector Freight System, Inc., on Minnesota Highway 49 in Eagan Township, Dakota County, Minn., approximately one-half mile south of junction Minnesota Highways 49 and 55, (4) between Portage, Ind., on the one hand, and, on the other, the terminal site of Spector Freight System, Inc., on Minnesota Highway 49 in Eagan Township, Dakota County, Minn., approximately one-half mile south of junction Minnesota Highways 49 and 55, and (5) from the plantsite of Container Corporation of America at Carol Stream, Ill., to the terminal site of Spector Freight System, Inc., on Minnesota Highway 49 in Eagan Township, Dakota County, Minn., approximately one-half mile south of junction Minnesota Highways 49 and 55;

(B) *Meats, meat products, and meat byproducts* (except commodities in bulk), and *articles distributed by meat packinghouses* (except commodities in bulk), as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from West Point, Nebr., to the terminal site of Spector Freight System, Inc., on Minnesota Highway 49 in Eagan Township, Dakota County, Minn., approximately one-half mile south of junction Minnesota Highways 49 and 55; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112750 (Sub-No. 76) (Republication), filed November 1, 1961, published FEDERAL REGISTER issues of November 15, 1961, and December 6, 1961, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, Long Island, N.Y. (Reentitled), AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. By application filed November 1, 1961, applicant seeks authority as a contract carrier by motor vehicle over irregular routes, of used punchcards and business papers and records, used or useful in the preparation of such punchcards and other business papers and records involving information obtained from the punchcards or pertaining to the use thereof (excluding plant removals and supplies), under continuing contracts with the Service Bureau Corp., and customers of the Service Bureau Corp., between Boston, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island. On Order of the Commission, Division 1, acting as an Appellate Division, dated March 6, 1967, and served April 7, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *used punchcards and business papers and records* used in the preparation of such punchcards, and other business papers and records involving information obtained from the punchcards or pertaining to the use thereof (except cash letters), between Boston, Mass., on the one hand, and, on the other, points in Maine (except those in Aroostook County), New Hampshire, and Rhode Island; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

That the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. MC 112750, MC 123486, and MC 123304 and subs thereunder, following the issuance of the certificates authorized to be issued in Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), MC 127431 (Sub-No. 8), will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112750 (Sub-No. 100) (Republication), filed April 26, 1962, published FEDERAL REGISTER issue of May 9, 1962, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, Long Island, N.Y. (Reentitled), AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. By application filed April 26, 1962, applicant seeks authority as a contract carrier by motor vehicle, over irregular routes, of the commodities from, to, and between the points indicated below. An Order of the Commission, Division 1, acting as an Appellate Division, dated March 6, 1967, and served April 7, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *exposed film and prints*, (a) from points in Northumberland and Schuylkill Counties, Pa., and Berkeley and Jefferson Counties, W. Va., to Washington, D.C., (b) from points in Marathon, Portage, and Wood Counties, Wis., to Chicago, Ill., (c) from points in Berkshire and Franklin Counties, Mass., to Boston, Mass., and (d) from points in Boyd (except Ashland), Campbell, and Kenton Counties, Ky., to Findlay, Ohio, (2) *processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), (a) from Washington, D.C., to points in Northumberland and Schuylkill Counties, Pa., and Berkeley and Jefferson Counties, W. Va., (b) from Chicago, Ill., to points in Marathon, Portage, and Wood Counties, Wis., (c) from Boston, Mass., to points in Berkshire and Franklin Counties, Mass., and (d) from Findlay, Ohio, to points in Boyd (except Ashland), Campbell, and Kenton Counties, Ky.

(3) *Punchcards and business papers and records* used in the preparation of such punchcards, and reports and other business papers and records containing information obtained from punchcards or pertaining to the use thereof (except cash letters), between Cincinnati, Ohio, on the one hand, and, on the other, points in Anderson, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Fayette, Fleming, Franklin, Gallatin, Garrard, Grant, Greenup, Harrison, Jefferson, Jessamine, Kenton, Lincoln, Madison, Mason, Montgomery, Nicholas, Owen, Pendleton, Robertson, Rowan, Scott, and Woodford Counties, Ky., and points in Kanawha and Cabell Counties, W. Va., and (4) *charge sales tickets, cash sales tickets, charge credit sales tickets, refund slips, cash register tapes, application forms, and accompanying documents* (except cash letters) between Cincinnati, Ohio, on the one hand, and, on the other, points in Anderson, Bath, Boone, Bracken, Carroll, Carter, Fayette, Fleming, Gallatin, Garrard, Grant, Greenup, Harrison, Jessamine, Lincoln, Nicholas, Owen, Pendleton, Robertson, Rowan, and Woodford Counties, Ky., points in Clark County, Ind., and points

in Mingo and Wood Counties, W. Va.: that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. MC 112750, MC 123486, and MC 123304 and subs thereunder, following the issuance of the certificates authorized to be issued in Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), MC 127431 (Sub-No. 8), will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112750 (Sub-No. 106) (Republication), filed July 3, 1962, published FEDERAL REGISTER issue of August 8, 1962, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, Long Island, N.Y., (Reentitled), AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. By application filed July 3, 1962, applicant seeks authority as a contract carrier by motor vehicle, over irregular routes, of the commodities between the points indicated below. An Order of the Commission, Division 1, acting as an Appellate Division, dated March 6, 1967, and served April 7, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *ophthalmic goods and commercial papers* (except cash letters), (a) between points in Worcester County, Mass., on the one hand, and, on the other, points in Fairfield, Hartford, New Haven, and New London Counties, Conn.; Androscoggin, Cumberland, Kennebec, and Penobscot Counties, Maine; Grafton County, N.H.; Union County, N.J.; Albany, Erie, Kings, Nassau, N.Y., Oneida, Onondaga, and Westchester Counties, N.Y.; Philadelphia County, Pa.; Providence County, R.I.; Baltimore, Md., and Washington, D.C.; (b) between points in Philadelphia County, Pa., on the one hand, and, on the other, points in New Castle County, Del.; (c) between Washington, D.C., on the one hand, and, on the other, Baltimore, Md.;

(d) Between points in Allegheny County, Pa., on the one hand, and, on the other, points in Harrison and Ohio Counties, W. Va.; and (e) between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Boyd, Fayette, and Jefferson Counties, Ky.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. MC 112750, MC 123486, and MC 123304 and subs thereunder, following the issuance of the certificates authorized to be issued in Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), MC 127431 (Sub-No. 8), will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111729 (Sub-No. 174) (Republication), filed July 17, 1964, published FEDERAL REGISTER issues of August 5, 1964 and November 10, 1966, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. (Reentitled), AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. By application filed July 17, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of payroll checks, advertising signs, business papers, records, and audit and accounting media of all kinds (except plant removals), (a) between Boston, Mass., on the one hand, and, on the other, New York, N.Y., (b) between Boston, Mass., and New York, N.Y., on the one hand, and, on the other, Branford, East Hartford, and New Britain, Conn., and Manchester and Nashua, N.H., and (c) between Brockton, Mass., on the one hand, and, on the other, East Hartford, Conn., East Providence and Johnston, R.I., and Bangor, Waterville, Lewiston, and Scarborough, Maine. An Order of the Commission, Operating Rights Board No. 1, dated March 31, 1967, and served April 12, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *payroll checks, advertising signs, business papers, business records, and audit and accounting media* (except cash letters), (a) between Boston, Mass., on the one hand, and, on the other, New York, N.Y.

(b) Between Boston, Mass., and New York, N.Y., on the one hand, and, on the other, Branford, East Hartford, and New Britain, Conn., and Manchester and Nashua, N.H., and (c) between Brockton, Mass., on the one hand, and, on the other, East Providence and Johnston, R.I., and Bangor, Waterville, Lewiston, and Scarborough, Maine; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that subsequent to or concurrently with issuance of certificates to applicant in Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), and MC 127431 (Sub-No. 8), an appropriate certificate should be issued. That the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. MC 112750 and subs thereunder, MC 123304 and subs thereunder and MC 123486 and subs thereunder, will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which time any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 114364 (Sub-No. 130) (Republication), filed November 29, 1966, published FEDERAL REGISTER issue of December 15, 1966, and republished this issue. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo. 80202. By application filed November 29, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of grape juice, in bulk, in sealed tanks, from Grandview, Wash., to Oklahoma City, Okla. An order of the Commission, Operating Rights Board No. 1, dated March 31, 1967, and served April 7, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *grape juice*, in bulk, from Grandview, Wash., to Oklahoma City, Okla.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which time any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127829 (Republication), filed December 27, 1965, published FEDERAL REGISTER issue of January 20, 1966, and republished this issue. Applicant: ASHLAND XPRESS, INC., 320 West O Street, Lincoln, Nebr. By order entered January 31, 1967, applicant was granted authority to operate as a common carrier by motor vehicle, over irregular routes, of waste and scrap materials between the facilities of Andreson Scrap and Junk Yard, in Saunders County, Nebr., on the one hand, and, on the other, points in Illinois (except points in the commercial zones of Chicago, Sterling, Rock Falls, and Davenport-Rock Island and Moline), Indiana (except points in the Chicago, Ill., commercial zone), Kansas, Missouri, and South Dakota. That by petition filed March 9, 1967, applicant seeks reconsideration and reopening of the proceeding. A supplemental order of the Commission, Operating Rights Board No. 1, dated March 31, 1967, and served April 7, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *waste and scrap materials, and new metal articles*, between the facilities of Andresen Scrap and Junk Yard, in Saunders County, Nebr., on the one hand, and, on the other, points in Illinois (except points in the commercial zones of Chicago, Sterling, Rock Falls, and Davenport-Rock Island and Moline), Indiana (except points in the Chicago, Ill., commercial zone), Kansas, Missouri, Nebraska, and South Dakota; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128329 (Sub-No. 1) (Republication), filed October 12, 1966, published FEDERAL REGISTER issue of November 3, 1966, and republished this issue. Applicant: SINGERMAN BUS CORP., 3 Railroad Place, Maspeth, N.Y. 11378. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York, N.Y. 10017. By application filed October 12, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of passengers, for the account of Fedders Corp. employees, between the plantsite of Fedders Corp., Maspeth, N.Y. and the plantsite of Fedders Corp., Edison, N.J. An order of the Commission Operating Rights Board No. 1, dated March 20, 1967, and served April 11, 1967, as amended, finds that the service applicant proposes is in the nature of common carriage rather than contract carriage, therefore, the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *passengers*, in special operations, between points in Kings and Queens Counties, N.Y., on the one hand, and, on the other, Edison, N.J., restricted to the transportation of passengers who are picked up or discharged at the plantsite of the Fedders Corp., at Edison, N.J.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128477 (Republication), filed July 21, 1966, published FEDERAL REGISTER issue of August 25, 1966, and republished this issue. Applicant: FREDERICK TRANSPORT LIMITED, Merlin, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. By application filed July 21, 1966, applicant seeks a permit authorizing operations, in foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) agricultural machinery, agricultural implements and parts thereof, from Fort Dodge, Iowa, and Manhattan, Kans., to the ports of entry on the international boundary line between the United States and Canada located at Detroit and Port Huron, Mich., restricted to the transportation of traffic originating at Fort Dodge and Manhattan, and return of rejected, refused, and defective agricultural machinery, agricultural implements and parts thereof, from the ports of entry named above, to Fort Dodge, Iowa, Manhattan, Kans., and Coldwater, Ohio, under a continuing contract with the New Idea Farm Equipment Co., Coldwater, Ohio, and (2) farm machinery, from Hicksville, Ohio, to ports of entry on the international boundary line between the United States and Canada located at Detroit and Port Huron, Mich., and return of rejected, refused, and defective farm machinery, from ports of entry named above, to Hicksville, Ohio, under a continuing contract with the National Ideal Co., Hicksville, Ohio.

An order of the Commission, Operating Rights Board No. 1, dated March 31, 1967, and served April 12, 1967, as amended, finds that applicant has failed to establish that the service proposed, and required by shippers, is that of a contract carrier; and that instead, the evidence clearly indicates that the service proposed and required is *common carriage;* therefore the present and future public convenience and necessity require operation by applicant in foreign commerce only, as a common carrier by motor vehicle, over irregular routes, of (1) *agricultural machinery, agricultural implements, and parts* thereof, from Fort Dodge, Iowa, and Manhattan, Kans., to those ports of entry on the international boundary line between the United States and Canada located at Detroit and Port Huron, Mich., restricted to the transportation of traffic originating at Fort Dodge and Manhattan, and (2) *farm machinery*, from Hicksville, Ohio, to those ports of entry on the international boundary line between the United States and Canada located at Detroit and Port Huron; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Inter-

state Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–9724. Authority sought for control by PAUL W. WILLS, INC., 2535 Center Street, Whiskey Island, Cleveland, Ohio, of BULK CARRIERS, INC., 725 Ford Building, Detroit, Mich., and for acquisition by PAUL W. WILLS, also of Cleveland, Ohio, of control of BULK CARRIERS, INC., through the acquisition by PAUL W. WILLS, INC. Applicants' attorney: Paul F. Beery, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be controlled: *Ferro alloys*, in bulk, in dump vehicles, as a *common carrier*, over irregular routes, from Ashtabula, Ohio, and from the site of the plant of the Electric-Metallurgical Co. (division of the Union Carbide & Carbon Corp.) near Marietta, Ohio, to points in Indiana, Illinois, Kentucky, Maryland, Michigan, Missouri, New York, Pennsylvania, and West Virginia. PAUL W. WILLS, INC. is authorized to operate as a *common carrier* in Ohio, Michigan, Indiana, Pennsylvania, New York, Kentucky, Maryland, Virginia, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9725. Authority sought for purchase by COOGAN-LAKESHORE MOVING & STORAGE, INC., 417 Temple Street, Dunkirk, N.Y., of a portion of the operating rights of LAKE SHORE DELIVERY, INC., 219 Brigham Road, Dunkirk, N.Y., and for acquisition by JOHN W. COOGAN, SR., and JOHN W. COOGAN, JR., both of 219 Brigham Road, Dunkirk, N.Y., of control of such rights through the purchase. Applicants' attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Operating rights sought to be transferred: *Household goods*, as a *common carrier*, over regular routes, between Union City, Pa., and Jamestown, N.Y., serving all intermediate points, and certain off-route points in New York, and Chandlers Valley, Pa., between Union City, Pa., and Stow, N.Y., between Elgin, Pa., and Findlay Lake, N.Y., between Corry, Pa., and Pittsfield, Pa., serving all intermediate points, between Lottsville, Pa., and Chautauqua, N.Y., serving all intermediate points, and the off-route points of Niobe, N.Y., and Bear Lake, Pa., between North Clymer, N.Y., and Sherman, N.Y., serving all intermediate points; *household goods*, over irregular routes, between certain specified points in New York, on the one hand, and, on the other, points in Ohio and Pennsylvania; and between points in that part of Chautauqua County, N.Y., north of New York Highway 17, on the one hand, and, on the other, points in Ohio, Pennsylvania, and New Jersey. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC–F–9720 (HALL'S MOTOR TRANSIT CO.—Control and Merger—LAKE SHORE DELIVERY, INC.), published in the April 12, 1967, issue of the FEDERAL REGISTER, on page 5870.

No. MC–F–9726. Authority sought for purchase by KING VAN LINES, INC., 6800 East Kellogg, Wichita, Kans. 67201, of the operating rights of THE ANDREWS MOVING AND STORAGE CO., 6802 Lexington Avenue, Cleveland, Ohio 44103, and for acquisition by ESTATE OF W. C. KING, c/o Dale Kidwell, 206 Central Building, Wichita, Kans., and B. J. KELSO, 10 Willowdell, Mulvane, Kans., of control of such rights through the purchase. Applicants' attorneys and Representative: George, Greek, King and McMahon, 100 East Broad Street, Columbus, Ohio 43215, Bowes and Millner, 1060 Broad Street, Newark, N.J. 07102, Dale Kidwell, 206 Central Building, Wichita, Kans. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes between points in Alabama, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Tennessee, Wisconsin, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, Maryland, Delaware, Michigan, Kentucky, Connecticut, Rhode Island, Ohio, Vermont, New Hampshire, Massachusetts, Virginia, West Virginia, Illinois, Indiana, Missouri, Nebraska, North Dakota, Oklahoma, Minnesota, Wisconsin, Kansas, Iowa, Colorado, Arizona, New Mexico, Texas, Arkansas, California, Washington, Oregon, Idaho, Montana, Utah, Wyoming, Louisiana, Alabama, Tennessee, Florida, Georgia, North Carolina, South Carolina, and the District of Columbia; and as a *broker* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9727. Authority sought for purchase by LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205, of the operating rights of ABBOT CONSTRUCTION COMPANY, 3809 Virginia Street SE., Charleston, W. Va. 25304, and for acquisition by CHARLES E. CRANMER, also of Louisville, Ky., of control of such rights through the purchase. Applicants' attorneys: Leonard A. Jaskiewicz and J. William Cain, Jr., both of 600 Madison Building, 1155 Fifteenth Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *Bituminous materials* used in the construction, improvement, and maintenance of highways, as a *common carrier*, over irregular routes, between points in West Virginia, Virginia, Maryland, and Kentucky. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Hawaii and Alaska). Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–4267; Filed, Apr. 18, 1967; 8:47 a.m.]

[Notice 1053]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 14, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

It is further ordered, That (a) applicant shall make available at the hearing competent witnesses for examination on all matters or relevant facts recited in the application, (b) testimony adduced by applicant's company witnesses shall be subject to the following Special Rules of Procedure for Hearing: (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated. (2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary. (3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statements as numbered appendices thereto. (4) The admissibility of the evidence contained in the written statements and the appendices thereto will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner. (5) Implementing oral evidence to correct errors or to supply inadvertent omissions in the written statements is permissible.

And it is further ordered, That the following Special Rules of Procedure shall apply for the receipt of the testimony of applicant's public witnesses:

1. Each applicant shall present for at least 80 percent of its public witnesses to be heard daily, written statements of such witnesses which shall contain, as a minimum, (1) name and address; (2) company; (3) qualification; (4) description of traffic and special transportation requirements, if any; (5) volume of traffic and points or areas to which it moves or from which it is received; (6) potential traffic requirements, if any; and (7) transportation service now utilized.

2. Such written statements shall be circulated to the opposing parties at the adjournment of the hearing on the date preceding the day upon which the witnesses are scheduled to testify, or as otherwise directed by the presiding officers.

3. Supplemental testimony by the witnesses for whom the written statements are presented is, of course, permissible.

4. The written statements shall be offered in evidence as exhibits at the hearing in the same manner as any other type of evidence, and the witnesses submitting the statements shall be made available for cross-examination.

5. The admissibility of the evidence contained in the written statements and any appendices thereto will be subject to the same rules as if the evidence were produced in the usual manner.

No. MC 13250 (Sub-No. 89), filed April 3, 1967. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. 77022. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of the above-described commodities, between Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant intends to tack the proposed authority with presently held authority serving points in Illinois, Indiana, Colorado, New Mexico, Arizona, Utah, Nevada, and California.

HEARING: May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Jair S. Kaplan. This assignment is for applicant's complete presentation only.

No. MC 114457 (Sub-No. 63), filed August 17, 1966. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, material, and supplies* used in the manufacture or processing of iron and steel articles, between Chicago Heights, Ill., and the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois, Wisconsin, Minnesota, the Upper Peninsula of Michigan, Iowa, North Dakota, South Dakota, Nebraska, Kansas, and Missouri. NOTE: Applicant states that no duplication of authority is sought. The purpose of this republication is to broaden the authority sought by adding Chicago Heights, Ill., as an origin point.

HEARING: Remains as assigned May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Jair S. Kaplan.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–4268; Filed, Apr. 18, 1967; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 14, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, and subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. C–48, Case No. 6, filed February 8, 1967. Applicant: HUB CARTAGE CO., 1141 Springwells, Detroit, Mich. 48209. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General commodities serving the site of the R. C. Schmidt Industrial Park on 23-Mile Road between U.S. 25 and Fairchild Road, Macomb County, Mich., as an off-route point in connection with otherwise authorized service. Both intrastate and interstate authority sought.

HEARING: May 15, 1967, 9:30 a.m., Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Request for procedural information, including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich. 48913, and should *not* be directed to the Interstate Commerce Commission.

State Docket No. MC 3969 Sub-3, filed March 31, 1967. Applicant: HARPETH FREIGHT LINES, INC., Confederate Drive, Franklin, Tenn. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, between points and places within 8 miles of Arrington, Tenn., including Arrington: Authority is sought to tack the authority sought with applicant's present authority. Both intrastate and interstate authority sought.

HEARING: Friday, May 19, 1967, Commission's Courtroom, C–1–110 Cordell Hull Building, Nashville, Tenn., 9:30 a.m. Request for procedural information, including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. C–5524, Case No. 3, filed February 8, 1967. Applicant: GREEN LINE TRUCKING COMPANY, 608 Harrison, Trenton, Mich. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General commodities serving the site of the R. C. Schmidt Industrial Park on 23-Mile Road between U.S. 25 and Fairchild Road, Macomb County, Mich., as an off-route point in connection with otherwise authorized service. Both intrastate and interstate authority sought.

HEARING: May 15, 1967, 9:30 a.m., Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Request for procedural information, including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich. 48913, and

should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4269; Filed, Apr. 18, 1967; 8:47 a.m.]

[Notice 867]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 14, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER, publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC-3009 Sub-75 TA, filed April 3, 1967. Applicant: West Brothers, Inc., 706 East Pine Street, Post Office Box 1569, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Jackson, Miss., and New Orleans, La., serving all intermediate points in the State of Mississippi: From Jackson to New Orleans over U.S. Highways 51 and 61 and/or Interstate Highway 55, and return over the same route. (2) Between McComb, Miss., and Roxie, Miss., serving all intermediate points: From McComb over Mississippi Highway 24 to Gloster, thence over Mississippi Highway 33 to Roxie, and return over the same route. (3) Between Liberty, Miss., and Woodville, Miss., serving all intermediate points: From Liberty over Mississippi Highway 48 to junction Mississippi Highways 24 and 48, thence over Mississippi Highway 24 to Woodville, and return over the same route. (4) Between Gloster, Miss., and junction Mississippi Highways 33 and 48, serving all intermediate points: From Gloster over Mississippi Highway 33 to junction Mississippi Highways 33 and 48, and return over the same route. (5) Between junction Mississippi Highways 33 and 563, near Crosby, Miss., on the one hand, and Woodville, Miss., on the other, serving all intermediate points: From junction of Mississippi Highways 33 and 563, near Crosby to Wilkerson, Miss., thence over unnumbered highway Wilkerson, Miss., to junction unnumbered highway and U.S. Highway 61, 3 miles north of Woodville, Miss., thence over U.S. Highway 61 to Woodville, and return over the same route. (6) Between Brookhaven, Miss., and Roxie, Miss., serving all intermediate points: From Brookhaven over U.S. Highway 84 to Roxie, and return over the same route. (7) Between Summit, Miss., and junction U.S. Highways 84 and 98 between Bude and Meadville, Miss., serving all intermediate points: From Summit over U.S. Highway 98 to junction U.S. Highways 84 and 98 between Bude and Meadville, and return over the same route. For 180 days. Supporting shippers: There are approximately 70 statements in support thereto attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, 312-A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 59124 (Sub-No. 14 TA), filed April 11, 1967. Applicant: MAIERS MOTOR FREIGHT COMPANY, a corporation, 875 East Huron Avenue, Vassar, Mich. 48768. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic resins*, from Addyston and Kenton, Ohio to Vassar, Mich., for 180 days. Supporting shipper: Eaton, Yale & Towne, Inc., Eaton Foundry Division, 700 Huron Avenue, Vassar, Mich. 48768. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC-66562 (Sub-No. 2223 TA), filed April 4, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. 64108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including classes A and B explosives*, moving in express service, (1) between Chicago, Ill., and New Orleans, La., serving the intermediate and off-route points of Peotone, Manteno, Kankakee, Rantoul, Champaign, Tolono, Tuscola, Mattoon, Effingham, Centralia, Ashley, DuQuoin, Carbondale, Dongola, Ulin, and Cairo, Ill.; Wickliffe, Bardwell, Arlington, Clinton, and Fulton, Ky.; Obion, Trimble, Dyersburg, Halls, Ripley, Covington, and Memphis, Tenn.; Hernando, Senatobia, Como, Sardis, Batesville, Oakland, Grenada, Winona, Durant, Canton, Jackson, Crystal Springs, Hazlehurst, Wesson, Brookhaven, McComb, Fernwood, and Osyka, Miss.; Kentwood, Tangipahoa, Roseland, Amite, Independence, Hammond, Ponchatoula, and New Orleans, La. From Chicago, Ill., over Interstate Highway 94 to junction with Illinois Highway 394 at Lansing, Ill., thence over Illinois Highway 394 to junction with U.S. Highway 30, thence over U.S. Highway 30 to junction with U.S. Highway 54 at Chicago Heights, Ill., thence over U.S. Highway 54 to Kankakee, Ill., thence over U.S. Highway 45 to Effingham, Ill., thence over Interstate Highway 57 to junction with Illinois Highway 37, thence over Illinois Highway 37 to junction with U.S. Highway 50 at Salem, Ill., thence over U.S. Highway 50 to junction with U.S. Highway 51, thence over U.S. Highway 51 to junction with U.S. Highway 61, thence over U.S. Highway 61 to New Orleans, La., and return over the same route.

(2) Between Memphis, Tenn., and New Orleans, La., serving no intermediate points. From Memphis, Tenn., over Interstate Highway 55 to New Orleans, La., where and as when completed, and return over the same route, as an alternate route for operating convenience only; (3) between Clarksdale, Miss., and Marks, Miss., serving no intermediate points. From Clarksdale, over U.S. Highway 61 to junction with Mississippi Highway 6, thence over Mississippi Highway 6 to Marks, Miss., and return over the same route. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested: Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with R E A's existing authority in MC-66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority, for 150 days. Supporting shippers: There are 39 shippers' supporting statements attached to the application that may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 106398 (Sub-No. 346 TA), filed April 11, 1967. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Post Office Box 8096, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages with hitch ball connector, from St. Petersburg, Fla., to points in Georgia, Alabama, Louisiana, Mississippi, Tennessee, District of Columbia, Kentucky, West Virginia, Ohio, Rhode Island, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Oklahoma, Arkansas, and Texas, for 180 days. Supporting shipper: Florida Development Services, Inc., St. Petersburg, Pinellas County, Fla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 108207 (Sub-No. 218 TA), filed April 11, 1967. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from Memphis, Tenn., to points in Arkansas and Texas for 180 days. Supporting shipper: Standard Candy Co., 443 Second Avenue North, Nashville, Tenn. 37202. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 108449 (Sub-No. 258 TA), filed April 11, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass cullet*, in bulk, in dump vehicles, from Chicago, Ill., to Cologne, Minn., for 180 days. Supporting shipper: The Crystal Gem Co., Cologne, Minn. 55322. Send protests to: A. E. Rathert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 111401 (Sub-No. 220 TA), filed April 11, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Leavenworth, Kans., to points in Iowa, Kansas, Missouri, and Nebraska, for 180 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 250, American General Building, 210 Northwest Sixth, Oklahoma City, Okla.

No. MC 111981 (Sub-No. 16 TA), filed April 11, 1967. Applicant: ROBIDEAU'S EXPRESS, INC., Southeast Corner Front and Oregon Avenue, Philadelphia, Pa. 19148. Applicant's representative: Vincent D'Anella, Jr. (address same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, milk products, and fruit juices*, in containers, between Perth Amboy, N.J., and Warminster and Philadelphia, Pa. for 180 days. Supporting shipper: Hernig Milk Co., Inc., 3175 John F. Kennedy Boulevard, Philadelphia, Pa. 19104. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 113855 (Sub-No. 158 TA), filed April 11, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Van Osdel, Foss, Johnson and Miller, Attorneys at Law, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Attachments, accessories, and parts* for tractors (not including trucktractors), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders, road rollers, compacters, and lift trucks*, from the warehouse facilities of Allis-Chalmers located in Du Page County, Ill., to points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, North Dakota, and ports of entry on the international boundary between the United States and Canada in Minnesota for 180 days. Supporting shipper: Allis-Chalmers, 3000 South Sixth Street, Springfield, Ill. 62705. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 116720 (Sub-No. 5 TA) filed April 11, 1967. Applicant: DONALD E. MILLER, 15A Third Street West, Lemmon, S. Dak. 57638. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *supplies, signs, and materials* used in the sale and distribution thereof, from Milwaukee and La Crosse, Wis., to Lemmon and Mobridge, S. Dak., and *empty malt beverage containers* on return, for 180 days. Supporting shipper: Doyle Gossman, Interstate Beverage Co., Lemmon, S. Dak. 57638. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 119493 (Sub-No. 31 TA), filed April 11, 1967. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, Office: West 20th Street Road, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, and fertilizer materials*, from Wichita, Kans., to points in Oklahoma, for 150 days. Supporting shipper: W. R. Grace & Co., Agricultural Products Division, Post Office Box 1406, Joplin, Mo. 64801. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 127036 (Sub-No. 3 TA), filed April 11, 1967. Applicant: FREDDIE E. WIBLE and ALMA L. WIBLE, doing business as HIRAM WIBLE & SON, Three Springs, Pa. 17264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal* from points in Huskin Run, Somerset County, Pa., to points in Amcelle, Allegany County, Md., for 180 days. Supporting shipper: Berwind Coal Sales Co., 600 Two Penn Center Plaza, Philadelphia, Pa. 19102. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

MOTOR CARRIER OF PASSENGERS

No. MC 129005 TA, filed April 11, 1967. Applicant: WILLIAM H. HOGLE, Black Point Road, Ticonderoga, N.Y. 12883. Applicant's representative: Norman Charles, 80 Bay Street, Glens Falls, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter operations beginning and ending in Ticonderoga, N.Y., and extending to port of entry on the international boundary line between the United States and Canada located at or near Champlain, N.Y. (Restriction: Transportation performed hereunder shall be restricted to traffic moving to and from points in Canada in connection with EXPO 67 during its term commencing April 28, 1967, and expiring with October 27, 1967.), for 180 days. Supporting shipper: Black Watch Chapter Order of DeMolay, R. Patterson Strine, Ticonderoga, N.Y.; Ticonderoga Youth Commission, Georgia Cawley, Chairman, Ticonderoga, N.Y.; Cub Scout Pack No. 77, Jon Potter, Ticonderoga, N.Y.; Adirondack Girl Scout Council, Mrs. D. W. Varney, 31 Schuyler Street, Ticonderoga, N.Y.; Catholic Daughters of America 794, Joan Sharrow, Ticonderoga, N.Y.; Employees Mutual Association, Robert Dedrick, President, Ticonderoga, N.Y.; and Ticonderoga Town Board, Charles R. Schwerdtfeger, Supervisor, Ticonderoga, N.Y. Send protests to: Wilmot E. James, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4270; Filed, Apr. 18, 1967; 8:47 a.m.]

[Notice 1506]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 14, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69539. By order of April 11, 1967, the Transfer Board approved the transfer to Gibbs Express, Inc., 369 Main Street, West Haven, Conn. 06516, of the operating rights of William E. Gibbs, doing business as Gibbs Express, 369 Main Street, West Haven, Conn. 06516, in Certificate of Registration No. MC–120488 (Sub-No. 1), issued March 23, 1964, evidencing the right to engage in transportation, as a common carrier, of general commodities (other than household goods and other than commodities which necessitate the use of dump trucks, tank trucks, or special equipment) for hire as a motor common carrier from its headquarters in West Haven, and upon call received at his headquarters, between any points within Connecticut.

No. MC–FC–69540. By order of April 11, 1967, the Transfer Board approved the transfer to Wade Mobile Home Transport, Inc., 402 North 52d Street, Phoenix, Ariz., of the operating rights of Arizona Trailer Convoy, Inc., doing business as Arizona Trailer Convoy, 5301 East Van Buren, Phoenix, Ariz., in Certificate of Registration No. MC–121384 (Sub-No. 1), issued December 20, 1965, evidencing the right to engage in transportation, as a common carrier, of house trailers over the public highway within the State of Arizona, with base of operations at Chandler, Ariz.

No. MC–FC–69546. By order of April 11, 1967, the Transfer Board approved the transfer to Walden's Express, Inc., Old Lyme, Conn., of the operating rights in certificate No. MC–73375, issued May 12, 1949, to Myrick A. Walden, doing business as Walden's Express, Old Lyme, Conn., authorizing the transportation, over irregular routes, of Christmas trees from points in Berkshire and Hampshire Counties, Mass., to Old Saybrook, Conn., and points within 10 miles of Old Saybrook; household goods between Old Saybrook and points in Connecticut within 10 miles of Old Saybrook, on the one hand, and, on the other, points in Massachusetts, Rhode Island, New York, and New Jersey; and sail and motor boats between Old Saybrook, New York, N.Y., and points within 10 miles of Old Saybrook, and those in New York on and south of U.S. Highway 1 between New York, N.Y., and the Connecticut-New York State line, and those on Long Island, N.Y. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., attorney for applicants.

No. MC–FC–69547. By order of April 11, 1967, the Transfer Board approved the transfer to Warren C. Shepard and Raymond Clairmont, a partnership, doing business as C & S Distributors, Missoula, Mont., of the operating rights in permit No. MC–125806, issued December 2, 1965, to William E. Seliski, Missoula, Mont., authorizing the transportation, over irregular routes, of malt beverages from St. Paul, Minn., to Butte, Anaconda, and Missoula, Mont., under contracts with named shippers. William E. Seliski, 665 Woodworth Avenue, Missoula, Mont., representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–4271; Filed, Apr. 18, 1967; 8:47 a.m.]

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Title 3—THE PRESIDENT

Executive Order 11344

CREATING A BOARD OF INQUIRY TO REPORT ON A LABOR DISPUTE AFFECTING THE MILITARY AIRCRAFT INDUSTRY AND THE MILITARY AIRCRAFT ENGINE INDUSTRY OF THE UNITED STATES

WHEREAS, there exists a labor dispute between Avco Corporation, a Delaware corporation, and certain of its employees at the Lycoming Division Plant, Stratford, Connecticut, represented by International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, AFL—CIO, and Locals 376 and 1010 thereof; and

WHEREAS, such dispute threatens to result in a strike affecting a substantial part of an industry or industries of the United States engaged in trade, commerce, transportation, transmission, or communication among the several states or with foreign nations, or engaged in the production of goods for commerce, which strike, if permitted to occur or continue, would, in my opinion, imperil the national safety;

NOW, THEREFORE, by virtue of the authority vested in me by Section 206 of the Labor Management Relations Act of 1947 (61 Stat. 155; 29 U.S.C. 176), I hereby create a board of inquiry, consisting of Mr. Leo C. Brown, Chairman, Mr. James C. Hill and Mr. Clyde W. Summers, whom I appoint to inquire into the issues involved in this dispute.

The board shall have powers and duties as set forth in Title II of such act. The board shall report to the President in accordance with the provisions of Section 206 of such act on or before April 17, 1967.

Upon the submission of its report, the board shall continue in existence to perform such other functions as may be required under such act.

Lyndon B. Johnson

THE WHITE HOUSE,
April 15, 1967.

[F.R. Doc. 67-4464; Filed, Apr. 19, 1967; 1:20 p.m.]

Rules and Regulations

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 7]

PART 121—SMALL BUSINESS SIZE STANDARDS

Revision 7 of Part 121 rescinds Revision 6, including Amendments 1 through 16 thereof.

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby revised to read as follows:

Sec.
121.3 Statutory provisions.
121.3–1 Purpose and method of establishing size standards.
121.3–2 Definition of terms used in this part.
121.3–3 Organization; size functions.
121.3–4 Application for size determination.
121.3–5 Protest of small business status.
121.3–6 Appeals.
121.3–7 Differentials.
121.3–8 Definition of small business for Government procurement.
121.3–9 Definition of small business for sales of Government property.
121.3–10 Definition of small business for SBA loans.
121.3–11 Definition of small business for assistance by small business investment companies or by development companies.
121.3–12 Definition of small business Government subcontractors.
121.3–13 Definition of small business for receiving priority payment under section 213(a) of the War Claims Act of 1948, as amended.
121.3–14 Interpretations.

AUTHORITY: The provisions of this Part 121 issued under Public Law 85–536, sec. 5(b)6, 72 Stat. 385; sec. 121.3–13 issued under Public Law 87–846, sec. 213(a), 72 Stat. 384.

§ 121.3 Statutory provisions.

(a) *Small Business Act, as amended.*

SEC. 3. For the purpose of this Act, a small business concern shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation. In addition to the foregoing criteria the Administrator, in making a detailed definition, may use these criteria, among others: Number of employees and dollar volume of business. Where the number of employees is used as one of the criteria in making such definition for any of the purposes of this Act, the maximum number of employees which a small business concern may have under the definition shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and to take proper account of other relevant factors.

* * * * * *

SEC. 8(b). It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

(6) To determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small business concerns" for the purpose of effectuating the provisions of this Act. To carry out this purpose the Administrator, when requested to do so, shall issue in response to each such request an appropriate certificate certifying an individual concern as a "small business concern" in accordance with the criteria expressed in this Act. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a "small business concern." Offices of the Government having procurement or lending powers, or engaging in the disposal of Federal property or allocating materials or supplies, or promulgating regulations affecting the distribution of materials or supplies, shall accept as conclusive the Administration's determination as to which enterprises are to be designed "small business concerns," as authorized and directed under this paragraph.

(b) *Small Business Investment Act of 1958, as amended.*

SEC. 103. As used in this Act—

* * * * * *

(5) The term "small business concern" shall have the same meaning as in the "Small Business Act." * * *

(c) *War Claims Act of 1948, as amended.*

SEC. 213(a). The Secretary of the Treasury shall pay out of the War Claims Fund on account of awards certified by the Commission pursuant to this title as follows and in the following order of priority:

(1) Payment in full of awards made pursuant to section 202(d) (1) and (2) and thereafter of any award made pursuant to section 202(a) to any claimant certified to the Commission by the Small Business Administration as having been, on the date of loss, damage, or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended. * * *

§ 121.3–1 Purpose and method of establishing size standards.

(a) *Purpose.* This part defines "small business concerns" and establishes standards, criteria, and procedures to determine which concerns are "small business concerns" within the meaning of the Small Business Act, as amended (hereinafter referred to as the "Act"); the Small Business Investment Act of 1958, as amended (hereinafter referred to as the "Investment Act"); and the War Claims Act of 1948, as amended (hereinafter referred to as the "War Claims Act").

(b) *Method of establishing size standards—(1) Use of Standard Industrial Classification Manual.* The Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget, Executive Office of the President, shall be used by SBA in defining industries.

(i) *Exception.* Whenever SBA determines that within an industry, as defined in the SIC Manual, there is a group of establishments manufacturing a class of products which has been given a five-digit code by the Bureau of the Census and such groups of establishments would be recognized as a separate industry except for the fact that it fails to meet the Bureau of the Budget's size of industry criterion for SIC Manual recognition and SBA further determines that the financial assistance size standard for such class of products should be 500 employees rather than 250 employees, SBA shall thereupon adopt a separate size standard for such class of products and shall list it in Schedule A of this Part 121.

(2) *Factors in formulating size standards.* The following factors shall be considered in formulating industry size standards:

(i) Concentration of output;

(ii) Coverage ratio;

(iii) Primary product specialization ratio;

(iv) Absolute number of concerns;

(v) Size of industry (dollar volume);

(vi) Employment size of industry leaders; and

(vii) The SBA program for which the size standard is established.

In formulating industry size standards for the purpose of Government procurement, the additional factor of Government procurement history shall be used. The use of this additional factor may cause the size standards for the purpose of Government procurement and the size standards for the purpose of financial assistance to differ for the same industry.

(3) *Product classification.* For size standards purposes, a product shall be classified into only one industry, even though, for other purposes, it could be classified into more than one industry. In determining the SIC industry into which particular products shall be classified for size standard purposes, consideration shall be given to all appropriate factors, including:

(i) Alphabetic indices published by the Bureau of the Budget, Bureau of the Census, and the Business and Defense Services Administration.

(ii) Description of the product under consideration.

(iii) Previous Government procurements for the same or similar products, and

(iv) Published information concerning the nature of companies which manufacture such product.

(4) *Product classification decision.* The SBA Regional Director or his delegatee of the SBA Region in which the applicant's principal office is located shall determine the appropriate SIC classification except that for procurement purposes the determination shall be made by the official specified in § 121.3–8. Such determination shall be subject to

appeal in the manner provided in § 121.3–6.

§ 121.3–2 Definition of terms used in this part.

(a) "Affiliates": Concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships: *Provided, however,* That restraints imposed on a franchisee by its franchise agreement shall not be considered in determining whether the franchisor controls or has the power to control and, therefore is affiliated with the franchisee, if the franchisee has the right to profit from his effort, commensurate with ownership, and bears the risk of loss or failure.

(b) "Annual sales or annual receipts" means the annual sales or annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year.

(c) "Appeal" means a written communication addressed to the Size Appeals Board requesting it to review a determination relating to a size matter made by an Area Administrator or his delegatee, or by a Contracting Officer.

(d–1) "Area of Substantial Unemployment" for the purpose of small business size determination means a geographical area within the United States which:

(1) Is classified by the Department of Labor either as an "Area of Substantial Unemployment," or an "Area of Substantial and Persistent Unemployment," and such classification has been listed in that Department's publication "Area Labor Market Trends" continuously from September 15, 1961, until a size determination is made; or

(2) Is individually certified by the Department of Labor as an "Area of Substantial Unemployment" and has been eligible for such certification continuously since September 15, 1961. If an area has been removed from the publication, "Area Labor Market Trends," or if an area becomes ineligible for certification at any time, such area is excluded from the above definition and cannot be reinstated for the purpose of size determinations unless it is designated as a Redevelopment Area by the Department of Commerce. (See paragraph (s) of this section.)

(d–2) "Base maintenance" means furnishing at an installation within the several States, Commonwealth of Puerto Rico, Virgin Islands, or the District of Columbia, three or more services which may include but are not limited to such field of maintenance activities as janitorial and custodial services, protective guard services, commissary services, base housing maintenance, fire prevention services, refuse collection services, safety engineering services, messenger services, grounds maintenance and landscaping services, and air-conditioning and refrigeration maintenance: *Provided, however,* That whenever the contracting officer determines prior to the issuance of bids that the estimated value of one of the foregoing services constitutes more than 50 percent of the estimated value of the entire contract, the contract shall not be classified as base maintenance but in the industry in which such service is classified.

(d–3) "Bona fide feed stocks" means crude and any other hydrocarbon material actually charged to refinery processing units, as distinguished from materials used as components in products to be delivered after merely filtering, settling, or blending.

(e) "Crude-oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

(f) "Certificate of Competency" means a certificate issued by SBA pursuant to the authority contained in section 8(b)(7) of the Act stating that the holder of the certificate is competent as to the capacity and credit, to perform a specific Government procurement or sales contract.

(g) "Concern" except for § 121.3–13, means any business entity organized for profit with a place of business located in the United States, including, but not limited to, an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making affiliation findings (see paragraph (a) of this section) any business entity, whether organized for profit or not, and any foreign business entity shall be included. For the purpose of § 121.3–13 a concern need not have a place of business located in the United States.

(h) "Contracting Officer" means the person executing a particular contract on behalf of the Government, and any other employee who is properly designated contracting officer; the term includes the authorized representative of a contracting officer acting within the limits of his authority.

(i) "Convalescent or nursing home" means those facilities for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care but who may require nursing care and related medical services, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(j) "Department store" means a concern employing twenty-five (25) or more persons engaged in the retail sale of some items in each of the following merchandise lines: (1) Furniture, home furnishings, appliances, radio and television sets; (2) a general line of apparel for the family; and (3) household linens and dry goods: *Provided, however,* That sales within any one of the preceding merchandise lines do not exceed eighty percent (80%) of the concern's total sales and the aggregate of such merchandise lines accounts for at least fifty percent (50%) of the concern's total sales.

(k) "Gross leasable area" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the centerline of a joint partition and from outside wall faces.

(l) "Hospital" means a health facility duly licensed as a hospital providing inpatient medical or surgical care of the sick or injured, including obstetrics, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefits of its owners, stockholders, or members.

(m) "Industry" means a grouping of establishments primarily engaged in similar lines of activity as listed and described in the Standard Industrial Classification Manual, as amended (SIC Manual), prepared and published by the Bureau of the Budget, Executive Office of the President.

(n) "Medical and dental laboratory" means those facilities which provide services to doctors, dentists, hospitals, and similar health facilities, which facilities are privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(o) "Nonmanufacturer", means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture or produce the products required to be furnished by such procurement. Nonmanufacturer includes a concern which can manufacture or produce the products referred to in the specific procurement but does not do so in connection with that procurement.

(p) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

(q) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month.

(r) "Protest" means a statement in writing from any bidder or offerer having a valid interest in whether or not another bidder or offerer on the same Government procurement or Government disposal contract is a small business within the meaning of this Part 121. Such statement shall contain the basis for the protest, together with specific detailed evidence supporting the protestant's claim that such bidder or offerer is not a small business. A protest received after the time limits set forth in § 121.3–5(a) shall not be considered nor acted upon.

(s) "Redevelopment Area" for the purpose of small business size determinations means a geographical area within the United States which has been designated as a "Redevelopment Area" in accordance with the Public Works and Economic Development Act of 1965 (Public Law 89–136, sec. 401, 75 Stat. 48).

(t) "Shopping center" means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the property.

(u) "Size determination" means a ruling by SBA that a concern is or is not, or was or was not a small business within the meaning of this part.

(v) "United States" as used in this regulation includes the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

§ 121.3–3 Organization; size functions.

The Associate Administrator for Procurement and Management Assistance shall:

(a) Develop and recommend small business size standards to the Administrator of SBA for promulgation;

(b) Conduct industry hearings pertaining to size matters;

(c) In concert with the Office of General Counsel, issue interpretations of the Size Standards Regulation;

(d) Consider and take appropriate action on written petitions objecting to or requesting amendments or recission of a published size standard;

(e) Establish procedures for the implementation of all size programs; and

(f) Perform such other related functions as may be appropriate to administer the SBA size program.

§ 121.3–4 Application for size determination.

Size determinations shall be made by the Area Administrator, or his delegatee, of the region in which the applicant's principal office is located. The Area Administrator, or his delegatee, promptly shall notify, in writing, the applicant and other interested persons of his decision. Such determination shall be final unless appealed in the manner provided in § 121.3–6. Applications for size determinations shall be submitted on SBA Form 355, Application for Small Business Size Determination, in duplicate, to any SBA Field Office. The SBA Field Office receiving the application shall forward the application to the Regional Office serving the area in which the applicant's principal office is located. SBA Form 355 shall be completed and supporting materials shall be attached thereto. Applications for size determinations made by either a small business investment company or an applicant for assistance from such an investment company shall be submitted on SBA Form 480, together with SBA Form 355. Detailed instructions for completing SBA Form 355 and SBA Form 480 are attached thereto. Copies of such forms may be obtained from any SBA Field Office or from the Small Business Administration, Washington, D.C. 20416.

§ 121.3–5 Protest of small business status.

(a) *How to protest.* Any bidder or offerer on a Government procurement or disposal may challenge the small business status of any other bidder or offerer on the same procurement or disposal. Such challenge shall be made by delivering a protest to the Contracting Officer responsible for the particular procurement or disposal prior to the close of business on the fifth day, exclusive of Saturdays, Sundays, and legal holidays, after bid or proposal opening: *Provided, however,* That a protest received after such time shall be deemed to be timely and shall be considered if, in the case of mailed protests, such protest is sent by registered or certified mail and the postmark thereon indicates that the protest would have been delivered within this time limit but for delays beyond the control of the protestant or, in the case of telegraphed protests, the telegram date and time line indicates that the protest would have been delivered within this time limit but for delays beyond the control of the protestant. Any Contracting Officer who receives such timely protest shall promptly forward such protest to the SBA Regional Office serving the area in which the principal office of the protested concern is located. A Contracting Officer may question the small business status of any bidder or offerer by filing a protest with the SBA Regional Office serving the area in which the principal office of the protested concern is located. Failure to make a timely protest shall not prejudice the right to challenge the small business status of the same or any other concern in the future.

(b) *Notification of protest.* Upon receipt of such protest, the SBA Regional Director or his delegatee shall immediately notify the Contracting Officer and the protestant of the date such protest has been received and that the size of the concern being protested is being considered by SBA. The Regional Director or his delegatee shall also advise the protested bidder or offerer of the receipt of the protest and shall forward to the protested bidder or offerer a copy of the protest and a blank SBA Form 355, Application for Small Business Size Determination, by Certified Mail, Return Receipt Requested. The bidder shall be advised, in writing, that: (1) It must, within three (3) days after receipt of the copy of the protest and SBA Form 355, file the completed form as directed by SBA, (2) it must attach thereto a statement in answer to the allegations of the letter of protest, together with evidence to support such position, and (3) if it does not submit the completed SBA Form 355, SBA will rule that the protested concern is other than a small business.

(c) *Notification of determination.* After receipt of a protest and responses thereto, SBA shall determine the small business status of the protested bidder or offerer and notify the Contracting Officer, the protestant, and the protested bidder or offerer of its decision within 10 working days, if possible.

§ 121.3–6 Appeals.

(a) *Organization.* The Size Appeals Board shall review appeals from size determinations made pursuant to §§ 121.3–4 and 121.3–5 and from product classifications made pursuant to § 121.3–8 and shall make recommendations to the Administrator whether such determinations or classifications should be affirmed, reversed or modified. The Size Appeals Board shall conduct such proceedings as it determines appropriate to enable it to discharge its duties.

(1) The Size Appeals Board shall consist of four members, to wit; The Deputy Administrator, Chairman, the Associate Administrator for Procurement and Management Assistance, the Associate Administrator for Financial Assistance and the Assistant Administrator for Planning, Research and Analysis.

(2) Each member of the Size Appeals Board may designate an alternate to serve in his stead in the event of absence or disability.

(b) *Method of appeal*—(1) *Who may appeal.* An appeal may be taken by any concern or other interested party which has:

(i) Protested the small business status of another concern pursuant to § 121.3–5 and whose protest has been denied by a Regional Director.

(ii) Been adversely affected by a decision of an Area Administrator, or his delegatee, pursuant to §§ 121.3–4 and 121.3–5; or

(iii) Been adversely affected by a decision of a Contracting Officer regarding product classification pursuant to § 121.3–8.

(2) *Where to appeal.* Written notices of appeal shall be addressed to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416.

(3) *Time for appeal.* (i) An appeal from a size determination or product classification by an Area Administrator, or his delegatee, may be taken at any time, except that, because of the urgency of pending procurements, appeals con-

cerning the small business status of a bidder or offerer in a pending procurement may be taken within 5 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a decision by an Area Administrator, or his delegatee. Unless written notice of such appeal is received by the Size Appeals Board before the close of business on this fifth day, the appellant will be deemed to have waived its rights of appeal insofar as the pending procurement is concerned.

(ii) An appeal from a product classification determination by a Contracting Officer may be taken (*a*) not less than 10 days, exclusive of Saturdays, Sundays, and legal holidays, before bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is more than 30 days after the issuance of the invitation for bids or request for proposals or quotations, or (*b*) not less than 5 days, exclusive of Saturdays, Sundays, and legal holidays, before the bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is 30 or less days after the issuance of the invitation for bids or request for proposals or quotations, and

(iii) The timeliness of an appeal under subdivisions (i) and (ii) of this subparagraph shall be determined by the time of receipt of the appeal by the Size Appeals Board: *Provided, however,* That an appeal received after such time limits have expired shall be deemed to be timely and shall be considered if, in the case of mailed appeals, such appeal is sent by registered or certified mail and the postmark thereon indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant, or in the case of telegraphed appeals, the telegram date and time line indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant.

(4) *Notice of appeal.* No particular form is prescribed for the notice of appeal. However, the appellant shall submit to the Board an original and four legible copies of such notice, and, to avoid time consuming correspondence, the notice should include the following information:

(i) Name and address of concern on which the size determination was made;

(ii) The character of the determination from which appeal is taken and its date;

(iii) If applicable, the IFB or contract number and date, and the name and address of the contracting officer;

(iv) A concise and direct statement of the reasons why the decision of an Area Administrator, or his delegatee, or Contracting Officer is alleged to be erroneous;

(v) Documentary evidence in support of such allegations; and

(vi) Action sought by the appellant.

(c) *Notice to interested parties.* The Size Appeals Board shall promptly acknowledge receipt of the notice of appeal and shall send a copy of such notice of appeal to the appropriate Area Administrator, or his delegatee, the Contracting Officer, if a pending procurement is involved, and other interested parties.

(d) *Statement of interested parties.* After receipt of a copy of appellant's notice of appeal, interested parties may file with the Board a signed statement, together with four eligible copies thereof, as to why the appeal should or should not be denied. Such statement shall be accompanied by appropriate evidence. Copies of such statements and appropriate evidence will be furnished to the appellant. Such statements and supporting evidence shall be mailed or delivered to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416, within five (5) days of the receipt of the copy of notice of appeal unless an extension is for cause granted by the Chairman of the Size Appeals Board.

(e) *Consideration by the Size Appeals Board.* The Size Appeals Board shall consider the appeal on the written submission of the appellant, or may, in its discretion, permit oral presentations by interested parties. The Board shall promptly recommend in writing to the Administrator a proposed decision which shall state the reasons for the recommendation.

(f) *Decision of the Administrator.* The Administrator's decision shall be predicated upon the entire record after giving such weight to the recommendation of the Size Appeals Board as he shall deem appropriate: *Provided, however,* That should he not concur with the recommendation of the Size Appeal Board, he shall state in writing the basis for his findings and conclusions.

(g) *Notification of final decision.* The Chairman shall promptly notify, in writing, the appellant and the other interested parties of the Administrator's decision, together with the reasons therefor.

§ 121.3–7 Differentials.

(a) *Alaska.* If an applicant for a size determination is a concern which has fifty percent (50%) or more of its annual sales or receipts attributable to business activity within Alaska then, whenever "annual sales or annual receipts" are used in any size definition contained in this part, said dollar limitation is increased by twenty-five percent (25%) of the amount set forth therein.

(b) *Substantial unemployment and redevelopment areas*—(1) *Business loans under the Small Business Act.* Notwithstanding any other provision of this part, the applicable size standards for the purpose of financial assistance under section 7(a) of the Act are increased by twenty-five percent (25%) whenever the concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area and agrees to use the financial assistance within such area or, if it does not maintain or operate a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area, agrees to utilize the financial assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) *Small business investment companies and development companies.* Notwithstanding any other provision of this part, the size standard for a small business concern receiving assistance from a small business investment company or receiving assistance from a development company in connection with section 501 or section 502 loan are increased by twenty-five percent (25%) whenever such concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area and agrees to use such assistance within such area or, if it does not maintain or operate a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area, agrees to utilize such assistance in connection with the establishment and/or operation of a plant, facility, or other business establishment in such area.

(3) *Government procurement assistance, sales of Government property and Government subcontracting.* This paragraph is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property, or Government subcontracting.

§ 121.3–8 Definition of small business for Government procurement.

A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria set forth in this section. When computing the size status of a bidder or offerer, the number of employees, annual sales or receipts, or other applicable standards of the bidder or offerer and all of its affiliates shall be included. In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the Contracting Officer shall accept the self-certification at face value for the particular procurement involved. If a procurement calls for more than one item the bidder must meet the size standard for each item for which it submits a bid. The determination of the appropriate classification of a product shall be made by the Contracting Officer and his determination shall be final unless appealed in the manner provided in § 121.3–6. If no standard for an industry, field of operation or activity (e.g., animal specialty; fin fish; anthracite mining; management-logistics support to be performed outside of the several States, Commonwealth of Puerto Rico, Virgin Islands, or the Ditsrict of Columbia) has been set forth in this section, a concern bidding on a Government contract is a small business if, including its affiliates, it is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and has 500 employees or less.

(a) *Construction.* Any concern bidding on a contract for work which is classified in Division C, Contract Construction of the Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget, Executive Office of the President, is:

(1) Small if its average annual receipts for its preceding 3 fiscal years do not exceed $7½ million.

(2) Small if it is bidding on a contract for dredging and its average annual receipts for its preceding 3 fiscal years do not exceed $5 million.

(b) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(2) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(3) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(4) As small if it is bidding on a contract for pneumatic tires within Census Classification Codes 30111 and 30112: *Provided,* That (i) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which is manufactured in the United States during the preceding calendar year is more than 50 percent of the value of its total worldwide manufacture, (ii) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured worldwide during the preceding calendar year was less than five percent (5%) of the value of all such tires manufactured in the United States during said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold worldwide during the preceding calendar year is less than ten percent (10%) of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

(5) As small if it is bidding on a contract for passenger cars within Census Classification Code 37171: *Provided,* That (i) the value of the passenger cars within Census Classification Code 37171 which it manufactured or otherwise produced in the United States during the preceding calendar year is more than fifty percent (50%) of the value of its total worldwide manufacture or production of such passenger cars, (ii) the value of the passenger cars within Census Classification Code 37171, which it manufactured or otherwise produced during the preceding calendar year was less than five percent (5%) of the total value of all such cars manufactured or produced in the United States during the said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold during the preceding calendar year is less than ten percent (10%) of the total value of such product manufactured or otherwise produced or sold in the United States during said period.

(c) *Nonmanufacturing.* [Reserved]

NOTE: On April 5, 1963, there was published in the FEDERAL REGISTER (28 F.R. 3358) a proposed new definition of a small business nonmanufacturer. Interested persons were requested to file written comments. The comments filed suggested the need for further study of the proposal. Until such time as a new definition of a small business nonmanufacturer is adopted, the following definition shall be applicable:

Any concern which submits a bid or offer in its own name, other than on a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of paragraph (a) of this section (its number of employees does not exceed 500 persons), and

(2) In the case of Government procurement reserved for or involving the preferential treatment of small businesses, such nonmanufacturer shall furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States; provided, however, if the goods to be furnished are woolen, worsted, knitwear, duck, and webbing, dealers and converters shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear), and, if finishing is required, by a small finisher. If the procurement is for thread dealers and converters shall furnish such products which have been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specifications, but excluding mercerizing, spinning, throwing, or twisting operations.")

If the procurement is for a refined petroleum product, other than a product classified in Standard Industrial Classification Industries No. 2951, Paving mixtures and blocks; No. 2952, Asphalt felts and coatings; No. 2992, Lubricating oils and greases; or No. 2999, Products of petroleum and coal, not elsewhere classified; paragraph (g) of this section is for application.

(d) *Research, development, and testing.* Any concern bidding on a contract for research, development, and/or testing is classified:

(1) As small if it is bidding on a contract for research and/or development which requires delivery of a manufactured product and (i) it qualifies as a small business manufacturer within the meaning of paragraph (b) of this section for the industry into which the product is classified, or (ii) it qualifies as a small business nonmanufacturer within the meaning of paragraph (c) of this section.

(2) As small if it is bidding on a contract for research and/or development which does not require delivery of a manufactured product or on a contract for testing and its number of employees does not exceed 500 persons.

(e) *Services.* Any concern bidding on a contract for services, not elsewhere defined in this section, is classified as small if its average annual sales or receipts for its proceeding three (3) fiscal years do not exceed $1 million.

(1) Any concern bidding on a contract for engineering services other than marine engineering services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $5 million.

(2) Any concern bidding on a contract for motion picture production or motion picture services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $5 million.

(3) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $3 million.

(4) Any concern bidding on a contract for base maintenance is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $5 million.

(5) Any concern bidding on contracts for marine cargo handling services is classified as small if its annual sales or receipts do not exceed $5 million for the preceding three (3) fiscal years.

(6) Any concern bidding on a contract for naval architectural and marine engineering services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $6 million.

(f) *Transportation.* Any concern bidding on a contract for passenger or freight transportation, not elsewhere defined in this section, is classified:

(1) As small if its number of employees does not exceed 500 persons.

(2) As small if it is bidding on a contract for air transportation and its number of employees does not exceed 1,000 persons.

(3) As small if it is bidding on a contract for either trucking (local and long-distance), warehousing, packing, and crating, and/or freight forwarding, and its annual receipts do not exceed $3 million.

(g) *Refined petroleum products.* Any concern bidding on a contract for a refined petroleum product other than a product classified in Standard Industrial Classification Industries No. 2951, Paving mixture and blocks; No. 2952, Asphalt felts and coatings; No. 2992, Lubricating oils and greases; or No. 2999, Products of petroleum and coal, not elsewhere classified; is classified as small if (1) (i) its number of employees does not exceed 1,000 persons; (ii) it does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities; and (iii) the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feed stocks: *Provided, however,* That a petroleum refining concern which meets the requirements in subdivisions (i) and (ii) of this subparagraph may furnish

the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered to the Government which requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes a monetary settlement, and that the products exchanged for the products offered and to be delivered to the Government meet the requirement in subdivision (iii) of this subparagraph: *And, provided further*, That the exchange of products for products to be delivered to the Government, will be completed within 90 days after expiration of the delivery period under the Government contract; or (2) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under subparagraph (1) of this paragraph.

§ 121.3–9 Definition of small business for sales of Government property.

In the submission of a bid or proposal for the purchase of Government-owned property, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular sale involved.

(a) *Sales of Government-owned property other than timber.* A small business concern for the purpose of the sale of Government-owned property, other than timber, is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the following criteria:

(1) *Manufacturers.* Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons: *Provided, however*, That a concern primarily engaged in SIC Industry 2911, Petroleum refining, is small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned or leased facilities.

(2) *Other than manufacturers.* Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its annual sales or annual receipts for its preceding 3 fiscal years do not exceed $5 million.

(3) *Stockpile purchasers.* Any concern primarily engaged in the purchase of materials which are not domestic products is small if its average annual sales or annual receipts for its preceding 3 fiscal years do not exceed $25 million.

(b) *Sales of Government-owned timber.* (1) In connection with the sale of Government-owned timber a small business is a concern that:

(i) Is primarily engaged in the logging or forest products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates, its number of employees does not exceed 500 persons.

(2) In the case of Government sales of timber reserved for or involving preferential treatment of small businesses, when the Government timber being purchased is to be resold, a concern is a small business when:

(i) It is a small business within the meaning of subparagraph (1) of this paragraph, and

(ii) It agrees that it will not sell more than thirty percent (30%) of such timber to a concern which does not qualify under subparagraph (1) of this paragraph as a small business, unless an exemption is granted on sales of mixed stumpage of hardwood and softwood species.

(3) In the case of Government sales reserved for or involving preferential treatment of small businesses, when the Government timber purchased is not to be resold in the form of saw logs to be manufactured into lumber and timbers, a concern is a small business when:

(i) It meets the criteria contained in subparagraph (1) of this paragraph, and

(ii) It agrees that in manufacturing lumber or timbers from such saw logs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under subparagraph (1) of this paragraph as a small business.

§ 121.3–10 Definition of small business for SBA loans.

A small business concern for the purpose of receiving a SBA loan is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the criteria set forth below. A concern which is a small business under § 121.3–8 which has applied for or received a Certificate of Competency is a small business eligible for a SBA loan to finance the contract covered by the Certificate of Competency. If no standard for an industry, field of operation, or activity has been set forth in this section, a concern seeking a size determination shall submit SBA Form 355 to the Associate Administrator for Procurement and Management Assistance, Washington, D.C. 20416. If an applicant for a SBA loan is engaged in the production of a number of products or the providing of a variety of services or other activities which are classified into different industries, the appropriate standard to be used is that which has been established for the industry in which it is primarily engaged. An applicant's primary industry is that which produced the greatest percentage of gross sales or receipts for the past fiscal year. When computing the size status of an applicant, its affiliates' number of employees, annual sales or receipts, or other applicable standards shall be included.

(a) *Construction.* Any construction concern is small if its average annual receipts do not exceed $5 million for the preceding 3 fiscal years.

(b) *Manufacturing.* Any manufacturing concern is classified:

(1) As small if its number of employees does not exceed 250 persons;

(2) As large if its number of employees exceeds 1,500 persons;

(3) Either as small or large depending on its industry and in accordance with the employment size standards set forth in Schedule "A" of this part, if its number of employees exceeds 250 persons, but not more than 1,500 persons;

(4) As small if it is primarily engaged in the food canning and preserving industry and its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Employment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(c) *Retail.* Any retailing concern is classified:

(1) As small if its annual sales do not exceed $1 million;

(2) As small if it is primarily engaged in making retail sales of groceries and fresh meats and its annual sales do not exceed $5 million.

(3) As small if it is primarily engaged in making retail sales of new or used motor vehicles and its annual sales do not exceed $3 million;

(4) As small if it is primarily engaged in the operation of a department store and its annual sales do not exceed $2 million;

(5) As small if it is primarily engaged in making retail sales of aircraft and its annual sales do not exceed $3 million.

(d) *Services.* Any service concern is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the hotel and motel industry and its annual receipts do not exceed $2 million;

(3) As small if it is primarily engaged in the power laundry industry and its annual receipts do not exceed $2 million;

(4) As small if it is primarily engaged in the trailer court and parks industry and its annual receipts do not exceed $100,000; *Provided*, That a minimum of fifty percent (50%) of the annual receipts is derived from the rental of space to tourist trailers for periods not in excess of thirty (30) days;

(5) As small if it is primarily engaged in owning and operating a hospital and its capacity does not exceed 150 beds (excluding cribs and bassinets);

(6) As small if it is primarily engaged in owning and operating a convalescent or nursing home and its annual receipts do not exceed $1 million;

(7) As small if it is primarily engaged in owning and operating a medical or dental laboratory and (i) it is operated in connection with an eligible proprietary hospital or (ii) it is not operated in connection with an eligible proprietary hospital and its annual receipts do not exceed $1 million;

(8) As small if it is primarily engaged in the motion picture production industry and its annual receipts do not exceed $5 million;

(9) As small if it is primarily engaged in the motion picture services industry and its annual receipts do not exceed $5 million.

(e) *Shopping centers.* (1) Any concern primarily engaged in operating shopping centers is small if (i) it does not have assets exceeding $5 million, (ii) it does not have net worth in excess of $2½ million, (iii) it does not have an average net income, after Federal income taxes, for the preceding 2 fiscal years in excess of $250,000 (average net income to be computed without benefit of any carryover loss), and (iv) it does not lease more than twenty-five percent (25%) of the gross leasable area to concerns which do not meet the small business definitions contained in this section.

(2) For the purpose of size determinations, shopping center operators will not be considered affiliated with their tenants merely because of lease agreements.

(f) *Transportation and warehousing.* Any concern primarily engaged in passenger and freight transportation or warehousing is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the air transportation industry and its number of employees does not exceed 1,000 persons;

(3) As small if it is primarily engaged in the storage of grain, it does not have more than 1 million bushels capacity in owned and leased facilities, and its annual receipts do not exceed $1 million;

(4) As small if it is primarily engaged in trucking, warehousing, packing and crating and/or freight forwarding and its annual receipts do not exceed $3 million.

(g) *Wholesale.* Any wholesaling concern is small if its annual sales do not exceed $5 million. Any wholesaling concern also engaged in manufacturing is not a "small business concern" unless it so qualifies under both the manufacturing and wholesaling standards.

§ 121.3–11 Definition of small business for assistance by small business investment companies or by development companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies or development companies is a concern which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $5 million, does not have net worth in excess of $2½ million, and does not have an average net income, after Federal income taxes, for the preceding 2 years in excess of $250,000 (average net income to be computed without benefit of any carryover loss); or

(b) Qualifies as a small business concern under § 121.3–10.

§ 121.3–12 Definition of small business Government subcontractors.

(a) Any concern in connection with subcontracts of $2,500 or less which relate to Government procurements will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(b) Any concern in connection with subcontracts exceeding $2,500 which relate to Government procurements will be considered a small business concern if it qualifies as such under § 121.3–8: *Provided, however*, Until a definition of a small business nonmanufacturer is adopted under § 121.3–8(c), a nonmanufacturer will be considered as small business for the purpose of Government subcontracting if, including its affiliates, its number of employees does not exceed 500 persons.

§ 121.3–13 Definition of small business for receiving priority payment under section 213(a) of the War Claims Act of 1948, as amended.

(a) *Small business claimant.* A small business claimant for the purpose of receiving priority payment from the Secretary of the Treasury under section 213 (a) of the War Claims Act of 1948, as amended, is a concern which on the date of loss, damage, or destruction was a small business concern within the meaning of § 121.3–10 in effect on October 22, 1962 (27 F.R. 9757).

(b) *Request for size determination.* (1) Requests for size determinations shall be accepted only from the Foreign Claims Settlement Commission of the United States.

(2) Determinations of the size status of a claimant shall be made either by the Associate Administrator for Procurement and Management Assistance or, in the case of claimants residing within the United States, by the SBA Regional Director for the region in which the claimant resides and, in the case of claimants residing in foreign countries, by the SBA Regional Director in Washington, D.C.

§ 121.3–14 Interpretations.

(a) *Section 121.3–2(b) of Part 121, "Annual Sales or Annual Receipts."* When computing annual sales or annual receipts, intercompany transactions between affiliated concerns are excluded. To include such inter-company transactions in effect would mean that the receipts of a concern, including its affiliates, would be counted more than once.

(b) *Section 121.3–9(b) of Part 121, "Sales of Government-Owned Timber."* Any concern which self-certifies as a small business concern for the purpose of the sale of Government-owned timber is expected to maintain sufficient documentary evidence to show that it did so in good faith. This means that a concern which sells more than 30 percent (30%) of the purchased timber will have to maintain the names and addresses of the concerns to whom the timber is sold and the size status of such concerns, unless an exemption has been granted on sales of mixed stumpage of hardwood and softwood species. Further, if the timber purchased is not to be resold in the form of saw logs, but is to be manufactured into lumber and timber by a concern other than the bidder, the bidder must maintain records to show the name, address and size status of the concern manufacturing the timber into lumber or timbers.

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: April 10, 1967.

BERNARD L. BOUTIN,
Administrator.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING

(The following size standards are to be used when determining the size status of applicants for SBA business loans, displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans, and SBIC assistance)

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
	Major Group 23—Apparel and Related Products (except Men's dress shirts and nightwear)	250
2321	Men's dress shirts and nightwear	500
	Major Group 28—Chemicals and Allied Products:	
2879	Agricultural chemicals, n.e.c.	500
2873	Agricultural pesticides	500
2812	Alkalies and chlorine	1,000
2831	Biological products	250
2895	Carbon, black	500
2823	Cellulose man-made fibers	1,000
2899	Chemicals and chemical preparations, n.e.c.	250
2814	Cyclic (coal tar) crudes	500
2815	Dyes, dye (cyclic) intermediates, and organic pigments (lakes and toners)	750
2892	Explosives	750
2894	Fatty acids	500
2871	Fertilizers	500
2872	Fertilizers, mixing only	500
2891	Glue and gelatin	250
2861	Gum and wood chemicals	500
2813	Industrial gases	1,000
2819	Industrial inorganic chemicals, n.e.c.	750
2818	Industrial organic chemicals, n.e.c.	1,000
2816	Inorganic pigments	1,000
2833	Medicinal chemicals and botanical products	750
2851	Paints, varnishes, lacquers, and enamels	250
2844	Perfumes, cosmetics, and other toilet preparations	500
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2893	Printing ink	250
2852	Putty, caulking compounds, and allied products	250
2841	Soap and other detergents, except specialty cleaners	750
2842	Specialty cleaning, polishing, and sanitation preparations, except soap and detergents	500
2843	Surface active agents, finishing agents, sulfonated oils and assistants	250
2824	Synthetic organic fibers, except cellulosic	1,000
2822	Synthetic rubber (vulcanizable elastomers)	1,000
	Major Group 36—Electrical Machinery, Equipment, and Supplies:	
3624	Carbon and graphite products	750
3672	Cathode ray picture tubes	750
3643	Current carrying wiring devices	500
3634	Electric housewares and fans	750
3641	Electric lamps	1,000
3611	Electric measuring instruments and test equipment	500
3619	Electric transmission and distribution equipment, n.e.c.	500
3694	Electrical equipment for internal combustion engines	750
3629	Electrical industrial apparatus, n.e.c.	500
3699	Electrical machinery, equipment and supplies, n.e.c.	500
3679	Electronic components and accessories, n.e.c.	500
3639	Household appliances, n.e.c.	500

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
	Major Group 36—Continued	
3631	Household cooking equipment	750
3633	Household laundry equipment	1,000
3632	Household refrigerators and home and farm freezers	1,000
3635	Household vacuum cleaners	750
3622	Industrial controls	750
3642	Lighting fixtures	250
3621	Motors and generators	1,000
3644	Noncurrent carrying wiring devices	500
3652	Phonograph records	750
3612	Power, distribution and specialty transformers	750
3692	Primary batteries, dry and wet	1,000
3651	Radio and television receiving sets, except communication types	750
3671	Radio and television receiving type electron tubes, except cathode ray	1,000
3662	Radio and television transmitting—signaling, and detection equipment, and apparatus [2]	750
3693	Radiographic X-ray, Fluoroscopic X-ray, therapeutic X-ray, and other X-ray apparatus and tubes	500
3636	Sewing machines	750
3691	Storage batteries	500
3613	Switchgear and switchboard apparatus	750
3661	Telephone and telegraph apparatus	1,000
3673	Transmitting, industrial, and special purpose electron tubes	750
3623	Welding apparatus	250
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3449	Architectural and miscellaneous metal work	250
3452	Bolts, nuts, screws, rivets and washers	500
3479	Coating, engraving, and allied services, n.e.c.	250
3496	Collapsible tubes	250
3421	Cutlery	500
3471	Electroplating, plating, polishing, anodizing, and coloring	250
3431	Enameled iron and metal sanitary ware	750
3499	Fabricated metal products, n.e.c.	250
3498	Fabricated pipe and fabricated pipe fittings	250
3443	Fabricated platework (boiler shops)	250
3441	Fabricated structural steel	250
3423	Hand and edge tools, except machine tools and hand saws	250
3425	Hand saws and saw blades	250
3429	Hardware, n.e.c.	250
3433	Heating equipment, except electric	500
3411	Metal cans	1,000
3442	Metal doors, sash, frames, molding, and trim	250
3497	Metal foil and leaf	500
3491	Metal shipping barrels, drums, kegs, and pails	500
3461	Metal stampings	250
3481	Miscellaneous fabricated wire products	250
3432	Plumbing fixture fittings and trim (brass goods)	500
3492	Safes and vaults	500
3451	Screw machine products	250
3444	Sheet metal work	250
3493	Steel springs	500
3494	Valves and pipe fittings, except plumbers' brass goods	500
	Major Group 20—Food and Kindred Products:	
2095	Animal and marine fats and oils, except grease and tallow	250
2063	Beet sugar	750
2052	Biscuit, crackers, and pretzels	750
2045	Blended and prepared flour	500
2086	Bottled and canned soft drinks and carbonated waters	250
2051	Bread and other bakery products, except biscuit, crackers, and pretzels	250
2071	Candy and other confectionery products	250
2061	Cane sugar, except refining only	250
2062	Cane sugar refining	750
2031	Canned and cured seafoods	250
2033	Canned fruits, vegetables, preserves, jams, and jellies	500
2032	Canned specialties	1,000
2043	Cereal preparations	1,000
2073	Chewing gum	500
2072	Chocolate and cocoa products	500
2023	Condensed and evaporated milk	500
2091	Cottonseed oil mills	250
2021	Creamery butter	250
2085	Distilled, rectified, and blended liquors	750
2034	Dried and dehydrated fruits and vegetables	500
2087	Flavoring extracts and flavoring sirups, n.e.c.	500
2041	Flour and other grain mill products	500
2026	Fluid milk	500
2099	Food preparations, n.e.c.	250
20991	Desserts (ready-to-mix)	500
20994	Baking powder and yeast	500
2036	Fresh or frozen packaged fish	250
2037	Frozen fruits, fruit juices, vegetables, and specialties	500
2094	Grease and tallow	250
2024	Ice cream and frozen desserts	500
2098	Macaroni, spaghetti, vermicelli, and noodles	250
2083	Malt	250
2082	Malt liquors	500
2097	Manufactured ice	250
2011	Meatpacking plants	500
2022	Natural cheese	250
2035	Pickled fruits and vegetables; vegetable sauces and seasonings; salad dressings	250
2015	Poultry and small game dressing and packing, wholesale	250
2042	Prepared feeds for animals and fowls	250
2044	Rice milling	250
2013	Sausage and other prepared meat products	500
2096	Shortening, table oils, margarine, and other edible fats and oils, n.e.c.	750
2092	Soybean oil mills	500
2025	Special dairy products	250
2093	Vegetable oil mills, except cottonseed and soybean	1,000
2046	Wet corn milling	750
2084	Wines, brandy, and brandy spirits	250
	Major Group 25—Furniture and Fixtures:	
2599	Furniture and fixtures, n.e.c.	250
2519	Household furniture, n.e.c.	250
2515	Mattresses and bedsprings	250
2514	Metal household furniture	250
2522	Metal office furniture	500
2542	Metal partitions, shelving, lockers, and office and store fixtures	250
2531	Public building and related furniture	250
2591	Venetian blinds and shades	250
2511	Wood household furniture, except upholstered	250
2512	Wood household furniture, upholstered	250
2521	Wood office furniture	250
2541	Wood partitions, shelving, lockers, and office and store fixtures	250
	Major Group 31—Leather and Products:	
3131	Boot and shoe cut stock and findings	250
3141	Footwear, except house slippers and rubber footwear	500
3142	House slippers	250
3121	Industrial leather belting and packing	250
3151	Leather dress, semidress, and work gloves	250
3199	Leather goods, n.e.c.	250
3111	Leather tanning and finishing	250
3161	Luggage	250
3172	Personal leather goods, except handbags and purses	250
3171	Women's handbags and purses	250
	Major Group 24—Lumber and Products, Except Furniture	
	Major Group 35—Machinery, Except Electrical:	
3581	Automatic merchandising machines	250
3562	Ball and roller bearings	750
3564	Blowers, exhaust and ventilating fans	250
3582	Commercial laundry, drycleaning, and pressing machines	250
3571	Computing and accounting machines, including cash registers	1,000
3531	Construction machinery and equipment	750
3535	Conveyors and conveying equipment	250
3534	Elevators and moving stairways	500
3522	Farm machinery and equipment	500
3551	Food products machinery	250
3569	General industrial machinery and equipment, n.e.c.	250
3536	Hoists, industrial cranes, and monorail systems	500
3565	Industrial patterns	250
3567	Industrial process furnaces and ovens	250
3537	Industrial trucks, tractors, trailers, and stackers	250
3519	Internal combustion engines, n.e.c.	1,000
3591	Machine shops, jobbing and repair	250
3545	Machine tool accessories and measuring devices	250
35452	Precision-measuring tools	500
3541	Machine tools, metal cutting types	500
3542	Machine tools, metal forming types	500
3599	Machinery and parts, except electrical, n.e.c.	250
3586	Measuring and dispensing pumps	500
3566	Mechanical power transmission equipment, except ball and roller bearings	500
3548	Metalworking machinery, except machine tools	500
3532	Mining machinery and equipment, except oilfield machinery and equipment	500
3579	Office machines, n.e.c.	500
3533	Oilfield machinery and equipment	500
3554	Paper industries machinery	250
3555	Printing trades machinery and equipment	500
3561	Pumps, air and gas compressors, and pumping equipment	500
3585	Refrigerators; refrigeration machinery, except household; and complete air-conditioning units	750
3576	Scales and balances, except laboratory	250
3589	Service industry machines, n.e.c.	250
3544	Special dies and tools, die sets, jigs, and fixtures	250
3559	Special industry machinery, n.e.c.	250
3511	Steam engines; steam, gas, and hydraulic turbines; and steam, gas, and hydraulic turbine generator set units	1,000
3552	Textile machinery	250
3572	Typewriters	1,000
3594	Vacuum cleaners, industrial	250
3553	Woodworking machinery	250
	Major Group 39—Miscellaneous Manufacturing Industries:	
3991	Brooms and brushes	250
3963	Buttons	250
3964	Candles	250
3955	Carbon paper and inked ribbons	250
3943	Children's vehicles, except bicycles	250
3961	Costume jewelry and costume novelties, except precious metal	250
3942	Dolls	250
3962	Feathers, plumes, and artificial flowers	250
3992	Furs, dressed and dyed	250
3941	Games and toys, except dolls and children's vehicles	250
3912	Jewelers' findings and materials	250

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
	Major Group 39—Continued	
3911	Jewelry, precious metal	250
3987	Lamp shades	250
3913	Lapidary work and cutting and polishing diamonds	250
3952	Lead pencils, crayons, and artists' materials	250
3982	Linoleum, asphalted-felt base, and other hard surface floor coverings, n.e.c.	750
3999	Manufacturing industries, n.e.c.	250
3953	Marking devices	250
3983	Matches	500
3988	Morticians' goods	250
3931	Musical instruments and parts	500
3964	Needles, pins, hooks and eyes, and similar notions	250
3951	Pens, pen points, fountain pens, ball point pens, mechanical pencils and parts	500
3993	Signs and advertising displays	250
3914	Silverware and plated ware	500
3949	Sporting and athletic goods, n.e.c.	250
3995	Umbrellas, parasols, and canes	250
	Major Group 19—Ordnance and Accessories:	
1922	Ammunition loading and assembling	250
1929	Ammunition, n.e.c.	250
1921	Artillery ammunition	250
1911	Guns, howitzers, mortars, and related equipment	250
1999	Ordnance and accessories, n.e.c.	250
1941	Sighting and fire-control equipment	250
1951	Small arms	1,000
1961	Small arms ammunition	1,000
1931	Tanks and tank components	1,000
	Major Group 26—Paper and Allied Products:	
2643	Bags, except textile bags	500
2661	Building paper and building board mills	750
2649	Converted paper and paperboard products, n.e.c.	500
2653	Corrugated and solid-fiber boxes	250
2645	Die cut paper and paperboard; and cardboard	250
2642	Envelopes	250
2655	Fiber cans, tubes, drums, and similar products	250
2651	Folding paperboard boxes	250
2641	Paper coating and glazing	500
2621	Paper mills, except building-paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	750
2652	Set-up paperboard boxes	250
2644	Wallpaper	250
	Major Group 29—Petroleum Refining and Related Industries:	
2952	Asphalt felts and coatings	750
2992	Lubricating oils and greases	500
2951	Paving mixtures and blocks	250
2911	Petroleum refining [3]	1,000
2999	Products of petroleum and coal, n.e.c.	250
	Major Group 33—Primary Metal Industries:	
3361	Aluminum castings	250
3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1,000
3362	Brass, bronze, copper, copper base alloy castings	250
3316	Cold rolled sheet, strip and bars	1,000
3357	Drawing and insulating of nonferrous wire	1,000
3313	Electrometallurgical products	750
3321	Gray iron foundries	500
3322	Malleable iron foundries	500
3369	Nonferrous castings, n.e.c.	250
3392	Nonferrous forgings	250
3399	Primary metal industries, n.e.c.	750
3334	Primary production of aluminum	1,000
3331	Primary smelting and refining of copper	1,000
3332	Primary smelting and refining of lead	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750
3333	Primary smelting and refining of zinc	750
3352	Rolling, drawing, and extruding of aluminum	750
3351	Rolling, drawing, and extruding of copper	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3341	Secondary smelting, refining, and alloying of nonferrous metals and alloys	250
3328	Steel foundries	500
3317	Steel pipe and tubes	1,000
3316	Steel wire drawing and steel nails and spikes	1,000
	Major Group 27—Printing and Publishing Industries	250
	Major Group 38—Professional, Scientific and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks:	
3822	Automatic temperature controls	500
3843	Dental equipment and supplies	250
3811	Engineering, laboratory, and scientific and research instruments and associated equipment	500
3821	Mechanical measuring and controlling instruments, except automatic temperature controls	500
3841	Surgical and medical instruments and apparatus	250
3872	Watchcases	250
3871	Watches, clocks, and parts except watchcases	500
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3069	Fabricated rubber products, n.e.c.	500
3079	Miscellaneous plastics products	250
3031	Reclaimed rubber	750
3021	Rubber footwear	1,000
3011	Tires and inner tubes	1,000
	Major Group 32—Stone, Clay, and Glass Products:	
3291	Abrasive products	250
3292	Asbestos products	750
3251	Brick and structural clay tile	250
3241	Cement, hydraulic	750
3253	Ceramic wall and floor tile	500
3255	Clay refractories	250
3271	Concrete brick and block	250
3272	Concrete products, except block and brick	250
3281	Cut stone and stone products	250
3263	Fine earthenware (whiteware), table and kitchen articles	500
3211	Flat glass	1,000
3221	Glass containers	750
3231	Glass products, made of purchased glass	250
3275	Gypsum products	1,000
3274	Lime	500
3296	Mineral wool	750
3295	Minerals and earths, ground or otherwise treated	250
3297	Nonclay refractories	750
3299	Nonmetallic mineral products, n.e.c.	250
3264	Porcelain electrical supplies	500
3269	Pottery products, n.e.c.	250
3229	Pressed and blown glass and glassware, n.e.c.	750
3273	Ready-mixed concrete	250
3293	Steam and other packing, and pipe and boiler covering	500
3259	Structural clay products, n.e.c.	250
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3262	Vitreous china table and kitchen articles	500
	Major Group 22—Textile Mill Products:	
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics except rubberized	250
2211	Broad-woven fabric mills, cotton	1,000
2221	Broad-woven fabric mills, man-made fiber and silk	500
2231	Broad-woven fabric mills, wool: including dyeing and finishing	250
2279	Carpets, rugs, and mats, n.e.c.	500
2298	Cordage and twine	250
2269	Dyeing and finishing textiles, n.e.c.	250
2391	Felt goods, except woven felts and hats	250
2261	Finishers of broad-woven fabrics of cotton	500
2262	Finishers of broad-woven fabrics of man-made fiber and silk	500
2251	Full-fashioned hosiery mills	250
2256	Knit fabric mills	250
2253	Knit outerwear mills	250
2254	Knit underwear mills	250
2259	Knitting mills, n.e.c.	250
2392	Lace goods	250
2241	Narrow fabrics and other small-wares mills: cotton, wool, silk, and man-made fiber	250
2293	Paddings and upholstery filling	250
2294	Processed waste and recovered fibers and flock	250
2252	Seamless hosiery mills	250
2299	Textile goods, n.e.c.	250
2284	Thread mills	500
2296	Tire cord and fabric	1,000
2272	Tufted carpets and rugs	500
2297	Wool scouring, worsted combing, and tow to top mills	250
2271	Woven carpets and rugs	750
2283	Yarn mills, wool, including carpet and rug yarn	250
2281	Yarn spinning mills, cotton, man-made fibers and silk	500
2282	Yarn throwing, twisting, and winding mills, cotton, man-made fibers and silk	250
	Major Group 21—Tobacco Manufactures:	
2111	Cigarettes	1,000
2121	Cigars	500
2131	Tobacco (chewing and smoking) and snuff	500
2141	Tobacco stemming and redrying	500
	Major Group 37—Transportation Equipment:	
3721	Aircraft [4]	1,500
3722	Aircraft engines and engine parts [5]	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c.[5]	1,000
3723	Aircraft propellers and propeller parts	1,000
3732	Boat building and repairing	250
3741	Locomotives and parts	1,000
3717	Motor vehicles and parts [4]	1,000
3751	Motorcycles, bicycles, and parts	500
3742	Railroad and street cars	750
3731	Shipbuilding and repairing	1,000
3791	Trailer coaches	250
3799	Transportation equipment, n.e.c.	250
3713	Truck and bus bodies	250
3715	Truck trailers	500

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding 4 quarters.

[2] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[3] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

[4] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations:

"'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.

"'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[1] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT

MANUFACTURING

Census classification code	Industry	Employment size standard (number of employees) [1]
	Major Group 19—Ordnance and Accessories:	
1925	Guided missiles and space vehicles, completely assembled	1,000
1931	Tanks and tank components	1,000
1951	Small arms	1,000
1961	Small arms ammunition	1,000
	Major Group 20—Food and Kindred Products:	
2026	Fluid milk	750
2032	Canned specialties	1,000
2043	Cereal preparations	1,000
2046	Wet corn milling	750
2052	Biscuits, crackers, and pretzels	750
2062	Cane sugar refining	750
2063	Beet sugar	750
2085	Distilled, rectified, and blended liquors	750
2093	Vegetable oil mills, except cottonseed and soybean	1,000
2096	Shortening, table oils, margarine and other edible fats and oils, n.e.c.	750
	Major Group 21—Tobacco Manufactures:	
2111	Cigarettes	1,000
	Major Group 22—Textile Mill Products:	
2211	Broad-woven fabric mills, cotton	1,000
2261	Finishers of broad-woven fabrics of cotton	1,000
2271	Woven carpets and rugs	750
2296	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized	1,000
2296	Tire cord and fabric	1,000
	Major Group 26—Paper and Allied Products:	
2661	Building paper and building board mills	750
2621	Paper mills, except building paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	750
	Major Group 28—Chemicals and Allied Products:	
2812	Alkalies and chlorine	1,000
2823	Cellulose man-made fibers	1,000
2815	Dyes, dye (cyclic) intermediates and organic pigments (lakes and toners)	750
2892	Explosives	750
2813	Industrial gases	1,000
2819	Industrial inorganic chemicals, n.e.c.	750
2818	Industrial organic chemicals, n.e.c.	1,000
2816	Inorganic pigments	1,000
2833	Medicinal chemicals and botanical products	750
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2841	Soap and other detergents, except specialty cleaners	750
2824	Synthetic organic fibers, except cellulosic	1,000
2822	Synthetic rubber (vulcanizable elastomers)	1,000
	Major Group 29—Petroleum Refining and Related Industries [4]	
2952	Asphalt felts and coatings	750
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3011	Tires and innertubes	1,000
30111	Passenger car and motorcycle pneumatic tires (casings)	(2)
30112	Truck and bus (and off-the-road) pneumatic tires	(2)
3031	Reclaimed rubber	750
3021	Rubber footwear	1,000
	Major Group 32—Stone, Clay, and Glass Products:	
3211	Flat glass	1,000
3221	Glass containers	750
3229	Pressed and blown glass and glassware, n.e.c.	750
3241	Cement, hydraulic	750
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3275	Gypsum products	1,000
3292	Asbestos products	750
3296	Mineral wool	75
3297	Nonclay refractories	750
	Major Group 33—Primary Metal Industries:	
3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1,000
3313	Electrometallurgical products	750
3315	Steel wire drawing and steel nails and spikes	1,000
3316	Cold rolled sheet, strip and bars	1,000
3317	Steel pipe and tubes	1,000
3331	Primary smelting and refining of copper	1,000
3332	Primary smelting and refining of lead	1,000
3333	Primary smelting and refining of zinc	750
3334	Primary production of aluminum	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750
3351	Rolling, drawing, and extruding of copper	750
3352	Rolling, drawing, and extruding of aluminum	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3357	Drawing and insulating of nonferrous wire	1,000
3399	Primary metal industries, n.e.c.	750
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3411	Metal cans	1,000
3431	Enameled iron and metal sanitary ware	750
	Major Group 35—Machinery, Except Electrical:	
3511	Steam engines; steam, gas, and hydraulic turbines; and steam, gas, and hydraulic turbine-generated set units	1,000
3519	Internal combustion engines, n.e.c.	1,000
3531	Construction machinery and equipment	750
3562	Ball and roller bearings	750
3571	Computing and accounting machines, including cash registers	1,000
3572	Typewriters	1,000
3585	Refrigerators; refrigeration machinery, except household; and complete air-conditioning units	750
	Major Group 36—Electrical Machinery, Equipment and Supplies:	
3612	Power, distribution, and specialty transformers	750
3613	Switchgear and switchboard apparatus	750
3621	Motors and generators	1,000
3622	Industrial controls	750
3624	Carbon and graphite products	750
3631	Household cooking equipment	750
3632	Household refrigerators and home and farm freezers	1,000
3633	Household laundry equipment	1,000
3634	Electric housewares and fans	750
3635	Household vacuum cleaners	750
3636	Sewing machines	750
3641	Electric lamps	1,000
3651	Radio and television receiving sets, except communication types	750
3652	Phonograph records	750
3661	Telephone and telegraph apparatus	1,000
3662	Radio and television transmitting, signaling, and detection equipment and apparatus [4]	750
3672	Cathode ray picture tubes	750
3694	Electrical equipment for internal combustion engines	750
3692	Primary batteries, dry and wet	1,000
3671	Radio and television receiving-type electron tubes, except cathode ray	1,000
3673	Transmitting, industrial, and special purpose electron tubes	750
	Major Group 37—Transportation Equipment:	
3721	Aircraft [4]	1,500
3722	Aircraft engines and engine parts [4] [5]	1,000
3723	Aircraft propellers and propeller parts	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c. [4]	1,000
3741	Locomotives and parts	1,000
3717	Motor vehicles and parts [4]	1,000
37171	Passenger cars (knocked down or assembled)	(2)
3742	Railroad and street cars	750
3731	Ship building and repairing	1,000
	Major Group 39—Miscellaneous Manufacturing Industries:	
3982	Linoleum, asphalted-felt-base, and other hard surface floor coverings, n.e.c.	750

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding 4 quarters.

[2] The size standard for SIC 2911 is set forth in sec. 121.3-8(g).

[3] The size standards for SIC 30111, 30112, and 37171 are set forth in §§ 121.3-8(b)(4) and 121.3-8(b)(5), respectively, of this part.

[4] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[5] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations:

"'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.

"'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[6] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

[F.R. Doc. 67-4197; Filed, Apr. 19, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 67-SO-2; Amdt. 39-375]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-25-235 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the exhaust muffler assembly be removed and a thorough visual inspection of all exhaust system parts be conducted on PA-25-235 airplanes was published in the FEDERAL REGISTER January 26, 1967.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment was received on the proposal which requested a clarification of the intent of the AD with regard to discontinuing the required inspections when a new improved muffler was installed. We agree that the paragraph could be misleading and have revised the wording of paragraph (d) which will further clarify when the inspections can be discontinued.

In consideration of the foregoing, and under the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of the Federal Aviation Regulations is amended by adding the following airworthiness directive.

PIPER. Applies to Model PA-25-235 Aircraft, Serial Numbers 25-2000 to 25-4171 inclusive.

Compliance required as indicated.

To prevent further failures of engine exhaust system components, accomplish the following:

(a) Initial Inspection.

Unless already accomplished, conduct the following inspections within the next 50 hours time in service after the effective date of this AD on aircraft with 150 or more hours total time. On aircraft with less than 150 hours total time, conduct the following inspection before an accumulation of 200 hours total time unless already accomplished.

(1) Inspect the entire exhaust system for signs of cracks, burnthroughs, weld separations, failed internal baffles, etc. Remove the muffler assembly by disconnecting air ducts, stacks, shrouds, etc., as necessary to permit a thorough visual inspection of exterior and interior surfaces with a probe light and mirror. The cabin air heat shroud must also be removed from the muffler.

(2) In addition to the exhaust system inspection, accomplish the following:

(i) Inspect the lower ignition harness for deteriorated insulation.

(ii) Inspect the lower engine mount in the area near the exhaust stack for blistered or burned paint and rust.

(iii) Inspect the rubber engine mount bushings for deterioration and loss of resilience.

(iv) Inspect all flexible air and heat ducting for deterioration and burning.

Parts found damaged or deteriorated as described above must be replaced or repaired prior to further flight.

Extreme care must be exercised when reinstalling the exhaust system components to prevent distortion or preloading any parts.

(b) Recurrent inspections.

Within 50 hours time in service from the initial inspection and every 50 hours time in service thereafter, repeat the initial exhaust system inspection described in paragraph (a)(1) above except that the muffler need not be removed from the aircraft provided visual inspection with probe light and mirror are made through the muffler tail pipe outlet and one end of the muffler at the stack connection.

(c) Compliance time adjustments.

(1) The inspection time intervals may be adjusted up to a maximum of 15 hours to coincide with aircraft annual or 100-hour scheduled inspections.

(2) Inspections, repairs or alterations must be accomplished by authorized individuals or repair facilities. Aircraft log record entry must be made to reflect AD compliance in accordance with FAR 91.173.

(d) The recurrent inspections of the exhaust system as required in paragraph (b) above may be discontinued upon installation of the new improved muffler and exhaust stack clamps included in muffler installation kit, Piper Part No. 753-753.

(Piper Service Bulletin No. 241 covers this same subject.)

This amendment becomes effective May 20, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in East Point, Ga., on March 16, 1967.

JAMES G. ROGERS,
Director, Southern Region

[F.R. Doc. 67-4337; Filed, Apr. 19, 1967; 8:47 a.m.]

[Airspace Docket No. 67-CE-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Grand Forks, N. Dak., control zone.

The Grand Forks, N. Dak. (International Airport), control zone is presently designated as follows:

Within a 5-mile radius of Grand Forks International Airport (latitude 47°57'06" N., longitude 97°11'08" W.), and within 2 miles each side of the Grand Forks VOR 006° and 173° radials extending from the 5-mile radius zone to 8 miles north and south of the VOR.

Since designation of the Grand Forks, N. Dak., control zone, there has been a slight change in the airport coordinates for the Grand Forks International Airport as recited in said designation. Action is taken herein to effect this change.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth:

In § 71.171 (32 F.R. 2071), the Grand Forks, N. Dak., control zone is amended to read:

GRAND FORKS, N. DAK. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.), and within 2 miles each side of the Grand Forks VOR 006° and 173° radials extending from the 5-mile radius zone to 8 miles north and south of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on March 24, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-4338; Filed, Apr. 19, 1967; 8:47 a.m.]

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8104; Amdt. 39-403]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 720 and 720B Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on April 13, 1967, and made effective immediately, by telegram, to all known operators of Boeing 720 and 720B airplanes with more than 8,000 hours' time in service. Because of reports of structural cracks in the wing center section upper forward skin panels, the directive requires inspection of the panels within the next 25 hours' time in service, on aircraft with wing center section bladder fuel cells, and within the next 150 hours' on aircraft without those cells. The directive stated that a revision would follow covering repetitive inspections and additional repair instructions.

Since it was found that corrective action was required within a very short time, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of the airplanes. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, § 39.13 is amended by adding the following airworthiness directive:

BOEING 720 AND 720B AIRPLANES. Applies to all airplanes with more than 8,000 hours' time in service, unless already accomplished in accordance with Boeing Alert Service Bulletin 2590, Revision 1, dated April 6, 1967.

(a) On aircraft without wing center section bladder fuel cells installed in the area described in paragraph (c), accomplish the inspection in paragraph (c) within the next 150 hours' time in service.

(b) On aircraft with wing center section bladder fuel cells installed in the area described in paragraph (c), accomplish the inspection in paragraph (c) within the next 25 hours' time in service.

(c) Inspect the wing center section upper skin panels of Boeing 720/720B aircraft for evidence of cracks between BL 64.38 LH and BL 64.38 RH and between stringer 23 and the front spar in accordance with Boeing Alert Service Bulletin 2590, Revision 1. Before further flight, repair skin panels found cracked in accordance with Boeing Drawing LO 707-W-870 or repair in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

A revision to this airworthiness directive will follow covering repetitive inspection intervals and additional repair instructions.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it

was made effective by telegram dated April 13, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on April 18, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-4409; Filed, Apr. 19, 1967; 8:51 a.m.]

[Airspace Docket No. 67-CE-46]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke the Sioux Ordnance Depot, Nebr., Restricted Area R-4701.

The Department of the Army has advised the Federal Aviation Administration that Restricted Area R-4701 is no longer required. Accordingly, action is taken herein to revoke this restricted area.

Since this amendment reduces the burden on the public, notice and public procedure hereon are unnecessary and the amendment may be made effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.47 (32 F.R. 2317) Restricted Area R-4701 Sioux Ordnance Depot, Nebr., is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 13, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-4339; Filed, Apr. 19, 1967; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

DEHYDRATED BEETS (BEET POWDER)

In the matter of establishing a regulation listing and exempting from certification the color additive dehydrated beets (beet powder) for general use in foods:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of February 15, 1967 (32 F.R. 2897). The Commissioner of Food and Drugs finds that the color additive is safe for use as proposed and that the proposed regulation should be adopted without change.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b), (c)(2), (d),) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120): *It is ordered,* That Part 8 be amended by adding to Subpart D the following new section:

§ 8.321 Dehydrated beets (beet powder).

(a) *Identity.* (1) The color additive dehydrated beets is a dark red powder prepared by dehydrating sound, mature, good quality, edible beets.

(2) Color additive mixtures made with dehydrated beets may contain as diluents only those substances listed in this Subpart D as safe and suitable for use in color additive mixtures for coloring foods.

(b) *Specifications.* The color additive shall conform to the following specifications:

Volatile matter, not more than 4 percent.
Acid insoluble ash, not more than 0.5 percent.
Lead (as Pb), not more than 10 parts per million.
Arsenic (as As), not more than 1 part per million.
Mercury (as Hg), not more than 1 part per million.

(c) *Uses and restrictions.* Dehydrated beets may be safely used for the coloring of foods generally in amounts consistent with good manufacturing practice, except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act, unless the use of added color is authorized by such standards.

(d) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20204, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be submitted in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b), (c)(2), (d))

Dated: April 12, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4370; Filed, Apr. 19, 1967; 8:50 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PLASTICIZERS IN POLYMERIC SUBSTANCES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B2028) filed by the Celanese Plastics Co., division of the Celanese Corp., 744 Broad Street, Newark, N.J. 07102, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of 2,2,4-trimethyl-1,3-pentanediol diisobutyrate as a plasticizer in cellulosic plastics intended for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2511(b) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2511 Plasticizers in polymeric substances.

* * * * * *

(b) List of substances:

	Limitations
* * *	* * *
2,2,4-Trimethyl-1,3-pentanediol diisobutyrate.	For use only in cellulosic plastics in an amount not to exceed 15 percent by weight of the finished food-contact article, provided that the finished plastic article contacts food only of the types identified in § 121.2526 (c), table 1, under categories I, II, VI-B, VII-B, and VIII.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 12, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4372; Filed, Apr. 19, 1967; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7B2102) filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of additional optional substances in the formulation of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting in the list of components a new subitem under the item "Polymers: Homopolymers * * *" and a new item, as follows:

§ 121.2520 Adhesives.

* * * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
Polymers: Homopolymers * * *	----------
* * *	* * *
1,3-Butylene glycol dimethacrylate.	----------
* * *	* * *
Sulfonated octadecylene (sodium form).	----------
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 12, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4371; Filed, Apr. 19, 1967; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYURETHANE RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B2042) filed by Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of 2,2-dimethyl-1,3-propanediol and of polyoxypropylene ethers of 4,4'-isopropylidenediphenol (containing an average of 2-4 moles of propylene oxide), as reactants in the preparation of polyurethane resins that contact dry bulk food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2522(a)(2) is amended by inserting alphabetically in the list of substances two new items, as follows:

§ 121.2522 Polyurethane resins.

* * * * * *

(a) * * *

(2) List of substances:

* * * * * *

2,2-Dimethyl-1,3-propanediol.

* * * * * *

Polyoxypropylene ethers of 4,4'-isopropylidenediphenol (containing an average of 2-4 moles of propylene oxide).

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 12, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4373; Filed, Apr. 19, 1967; 8:50 a.m.]

SUBCHAPTER C—DRUGS

PART 138—DRUGS; OFFICIAL NAMES

The comments and suggestions received in response to the notice published in the FEDERAL REGISTER of August 16, 1966 (31 F.R. 10890), proposing establishment of a new part in which are listed designated official names for certain drugs, have been considered and the Commissioner of Food and Drugs has concluded that the proposed part should be issued as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 508, 76 Stat. 1789; 21 U.S.C. 358) and the Administrative Procedure Act (sec. 4, 80 Stat. 383; 5 U.S.C. 553) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Title 21, Chapter I, is amended by adding thereto the following new part:

Sec.
138.1 Definitions and interpretations.
138.2 Drugs; official names.

AUTHORITY: The provisions of this Part 138 issued under secs. 508, 701(a), 52 Stat. 1055, 76 Stat. 1789; 21 U.S.C. 358, 371(a).

§ 138.1 Definitions and interpretations.

(a) As used in this Part 138, "act" means the Federal Food, Drug, and Cosmetic Act, sections 201-902, 52 Stat. 1040 (21 U.S.C. 321-392), with all amendments thereto.

(b) The definitions and interpretations contained in section 201 of the act shall be applicable to such terms when used in this Part 138.

(c) The term "official name" means, with respect to a drug or ingredient thereof, the name designated in this Part 138 under section 508 of the act as the official name.

§ 138.2 Drugs; official names.

The following are designated official names under section 508 of the act and are "established" names within the meaning of section 502(e) of the act:

Chemical name or description	*Official name*
Alkaloid ($C_{46}H_{54}N_4O_{10}$) from *Vinca roses*, Linn.	Vincristine.
9-Aminoacridine, salt with 4-hexylresorcinol.	Acrisorcin.
6-(D-2-Amino-2-phenylacetamido)-3,3-dimethyl-7-oxo-4-thia-1-azabicyclo-[3.2.0]heptane-2-carboxylic acid.	Ampicillin.
2-Aminopurine-6-thiol, hemihydrate.	Thioguanine.
Bis (dimethylthiocarbamoyl) disulfide.	Thiram.
2-*sec*-Butyl-2-methyl-1,3-propanediol dicarbamate; or 2-methyl-2-*sec*-butyl-1,3-propanediol dicarbamate.	Mebutamate.
1-(*p*-Chlorobenzoyl)-5-methoxy-2-methylindole-3-acetic acid.	Indomethacin.
7-Chloro-1,3-dihydro-3-hydroxy-5-phenyl-2*H*-1,4-benzodiazepin-2-one.	Oxazepam.
7-Chloro-1,3-dihydro-1-methyl-5-phenyl-2*H*-1,4-benzodiazepin-2-one.	Diazepam.
6-Chloro-3,4-dihydro-2-methyl-3-[[(2,2,2-trifluoroethyl)thio]-methyl)-2*H*-1,2,4-benzothiadiazine-7-sulfonamide 1,1-dioxide.	Polythiazide.
6-Chloro-3,4-dihydro-3-(5-norbornen-2-yl)-2*H*-1,2,4-benzothiadiazine-7-sulfonamide 1,1-dioxide.	Cyclothiazide.
l-2-(*p*-Chloro-*α*-[2-(dimethylamino)-ethoxy]-benzyl)pyridine.	Rotoxamine.
Dihydrohydroxycodeinone	Oxycodone.
l-3-(3,4-Dihydroxyphenyl)-2-methylalanine.	Methyldopa.
1-(2,3-Dihydroxypropyl-3,5-diiodo-4(1*H*)-pyridone.	Iopydol.
3,5-Diiodo-4(1*H*)-pyridone	Iopydone.
1-(*p*,*α*-Dimethylbenzyl) camphorate 1:1 salt with 2,2'-iminodiethanol.	Tocamphyl.
α,*α*-Dimethylphenethylamine.	Phentermine.
5-Ethyl-3-methyl-5-phenylhydantoin.	Mephenytoin.
N-Ethyl-2-phenyl-*N*-(4-pyridylmethyl)-hydracrylamide.	Tropicamide.
2-Ethylthiolsonicotinamide.	Ethionamide.
17*β*-Hydroxy-2-(hydroxymethylene)-17*α*-methyl-5*α*-androstan-3-one.	Oxymetholone.
6-Hydroxy-*β*,2,7,-trimethyl-5-benzofuranacrylic acid, *δ*-lactone.	Trioxsalen.
D-3-Mercaptovaline	Penicillamine.
3-Methoxy-19-nor-17*α*-pregna-1,3,5(10)-trien-20-yn-17-ol.	Mestranol.
2-Methyl-2-propyltrimethylene butylcarbamate carbamate; or 2-(hydroxymethyl)-2-methylpentyl butylcarbamate carbamate.	Tybamate.
2,4,7-Triamino-6-phenylpteridine.	Triamterene.
5-[(3,5-Xylyloxy)methyl]-2-oxazolidinone.	Metaxalone.

Effective date. This order shall become effective 30 days from its date of publication in the FEDERAL REGISTER.

(Sec. 508, 76 Stat. 1789; 21 U.S.C. 358)

Dated: April 12, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-4374; Filed, Apr. 19, 1967; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.5, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1967

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926, as amended), hereinafter called the "Act", for the purpose of allotting the 1967 sugar quota for the Mainland Cane Sugar Area among persons who process sugar from sugarcane and market such sugar for consumption in the continental United States.

Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things (1) to prevent disorderly marketing of sugar or liquid sugar and (2) to afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on February 7, 1967 (32 F.R. 2572), of a public hearing to be held in New Orleans, La., at the Monteleone Hotel on February 28, 1967, beginning at 10 a.m., c.s.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary finding of necessity for allotments, (2) to establish a fair, efficient, and equitable allotment of the 1967 quota for the Mainland Cane Sugar Area, (3) to revise or amend the allotment of the quota for the purposes of (a) alloting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, and (c) substituting revised or corrected data where such data becomes a part of the official records of the Department, and (4) to make provision for transfer and exchange of allotments.

The hearing was held at the place and time specified in the notice and testimony was given with respect to all of the issues referred to in the hearing notice. In arriving at the findings, conclusions, and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by the interested persons are inconsistent with the findings and conclusions herein, the specific or implied request to make such findings and reach such conclusions are denied on the basis of the facts found and stated and the conclusions reached as set forth herein.

Omission of a recommended decision and effective date. The record of the hearing shows that the supply of sugar available for marketing is substantially in excess of the quota of 1,100,000 tons and that 1967 marketings of mainland cane sugar, unless restricted, would substantially exceed the 1967 quota for the Mainland Cane Sugar Area. The proceeding to which this order relates was instituted for the purpose of alloting the quota for the Mainland Cane Sugar Area to prevent disorderly marketing and to afford each interested person an equitable opportunity to market sugar within the quota for the area. In view of the need for allotments and the fact that several allottees have ample sugar to market their entire 1967 allotment, it is imperative that these processors know as soon as possible the approximate quantity of sugar each may market within the quota during the balance of the year in order to plan marketings and prevent disorderly marketing that could occur if the effective date of the allotment order is unduly delayed. Accordingly, in order to fully effectuate the purposes of section 205(a) of the Act it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is also hereby further found and determined for the reasons given above for the omission of a recommended decision that compliance with the 30-day effective date requirement of 5 U.S.C. 553 (80 Stat. 378), is impractical and contrary to the public interest, and consequently, this order shall become effective when filed for public inspection in the Office of the Federal Register.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent parts as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugarbeets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. • • • The Secretary is also authorized in making such allotments of a quota for any calendar year to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any nonaffiliated single plant processor of sugarbeets or any processor of sugarcane and as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area: *Provided*, That • • • the marketing allotment of a processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1 of the calendar year for which such allotment is made: • • • *Provided further*, That the total increases in marketing allotments made pursuant to this sentence • • • to processors in the mainland cane sugar area shall be limited to 16,000 short tons of sugar, raw value, for each calendar year. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any general area served by the factory or factories of such person. • • •

The record of the hearing indicated that the prospective supply of mainland cane sugar available for marketing in 1967 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 7, 8).

The Government witness introduced for the record annual data on processings, marketings, and inventories for the most recent 5-year period (R. 8, 9; Ex. 5).

The three factors of "processings," "past marketings," and "ability to market," the adverse effect of storm, freeze, and other similar abnormal conditions and the provision of section 205(a) of the Act added by the Sugar Act Amendments of 1965 which provides for establishing an allotment for any processor as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area have been considered by the allotment method herein adopted as set forth in Finding 5.

The allotment method adopted is the same as that proposed by the Government witness at the hearing except for minor modifications. The substantive features of the method adopted was also supported by the witness representing the eight Florida processors.

The allotment proposal by an industry representative on behalf of the Louisiana processors (R. 33–42) differed in substantive features from the Government proposal in the following respects: (1) The alternative measure of processings would be measured by using the average processings from the 1964 and 1965 crops instead of 85 percent of such average as proposed by the Government witness; (2) the measure of past marketings would be measured by each processor's average annual quota marketings for the years 1964 through 1966 instead of average annual quota marketings for the years each processor had marketings during the period 1964 through 1966 as proposed by the Government witness; and (3) in order to give consideration to the provision in section 205(a) for avoiding unreasonable carryover of sugar by individual processors, the Louisiana proposal would give consideration only to physical inventory carryover, while the Government's proposal gives consideration to effective inventory carryover as well as physical inventory carryover.

The representatives of both the Louisiana and Florida processors proposed as herein adopted that any change in the quota be reflected in processor allotments by reworking the formula and not be prorated on the basis of allotments in effect at that time as proposed by the Government (R. 43, 54, 55).

The representative on behalf of the Florida processors opposed the method used in computing the alternative measure of processings for the Sunshine Processing Co., Inc., since such company did not process sugarcane in 1966 and other processors who processed the cane which Sunshine Processing Co., Inc., would have processed had it operated, have in effect acquired the benefit of the processing history of Sunshine Processing Co., Inc., for allotment purposes (R. 50).

The Government points out however, that if Sunshine Processing Co., Inc., processes cane in 1967 any allotment for such company derived by the formula without some hardship consideration such as the use of the alternative measure of processings would not be fair and equitable. The representatives of the Florida processors also proposed that in the event Sunshine Processing Co., Inc., did not process sugarcane from the 1967 crop, that the allotment established for such company not be treated as a deficit but the entire allotment formula be reworked leaving Sunshine Processing Co., Inc., completely out of all factors. This proposal was not adopted because the Government believes that the handling of such allotment as a deficit is more efficient particularly in view of the small allotment difference derived by the two methods.

An allotment of 100 short tons, raw value, is established for Louisiana State University as in past years as proposed by the witness for the Louisiana processors.

In line with a proposal made by the witness representing the Louisiana processors and concurred in by the witness for all Florida processors, the allotment method adopted herein also includes a provision for increasing the 1967 allotment of an allottee, who late in 1966, underestimated his production of sugar for the balance of 1966, which resulted in the release of 500 short tons of his 1966 allotment in excess of his actual deficiency (R. 30, 52). The 1967 allotment of such allottee is increased to the extent that the declared release of the 1966 allotment by such allottee was in excess of his actual deficiency. This provision is based on the evidence in the record of this proceeding that the allottee, Wm. T. Burton Industries, Inc., released 500 tons of its allotment of the 1966 quota in excess of its actual deficiency, that the excess amount released appears to be a reasonable, bona fide miscalculation, and that the increase in the allotment of Wm. T. Burton Industries, Inc., of 500 tons, raw value, of sugar is congruous with a fair, efficient, and equitable distribution of the 1967 quota in the light of the record of this proceeding. For purposes of this provision, the 1967 basic allotments of individual processors who were recipients of deficit reallocations in 1966 are reduced in total by the amount of 500 short tons, raw value, by reducing each such processor's basic allotment in an amount equal to the same proportion of 500 tons, raw value, as the proportion that the 1966 deficit allocated to the processor was of the total deficit reallocated in 1966.

The primary purpose for using an alternate measure of "processings" is to give some protection against a crop failure or some other unavoidable occurrence which reduced processings of the crop used for the measure of processings. Giving a processor an alternative processing factor of 85 percent of his 1964–65 average crop processings as proposed by the Government recognizes the fact that the 1966 crop of some processors was more seriously affected by adverse crop conditions than others. By using an alternative measure of processings of the average 1964–65 crop processings as proposed by the witness for Louisiana processors would increase allotments unduly for those processors whose supply of sugar available for marketing has been curtailed by reduced processings and would decrease allotments of those processors who have the greatest potential to market sugar during the calendar year 1967.

Using the average marketings for each processor for the years he had marketings during the 3-year period 1964 through 1966 as the measure of "past marketings" as proposed by the Government witness does not penalize any processor for having less than 3 years' marketing history as would the use of a simple 3-year average as proposed by the representative of the Louisiana processors.

The allotment method adopted herein gives consideration to the provision in section 205(a) of the Act which provides for increasing allotments for any processor to avoid unreasonable carryover of sugar in relation to other processors in the area. The adopted method gives consideration to both physical and effective inventory carryovers. The witness for the Louisiana processors proposed that only consideration be given under this provision to processors with excessive physical inventories. The method adopted also reduces the quantity of sugar to be carried in inventory from April 1967 to January 1, 1968, and results in fair and equitable allotments.

The witness for the Louisiana processors stated that the Governments' proposed formula with respect to sugar inventories gave too much consideration to the length of carryover and not enough consideration to the quantity of sugar carried over for a short period of time. Under the terms of the new provision of the 1965 Act, no inventory relief

may be given a processor whose allotment exceeded his effective inventory. The formula adopted provides for increasing the basic allotments of processors with January 1, 1967, effective inventories larger than their 1967 basic allotments.

Under circumstances relating to the allotment of the 1967 quota the measures and weightings of factors and special consideration given to carryover in excess of allotments give consideration to any carryover of sugar whether such carryover was for a short or long duration and whether it was due to an unusually favorable 1966 crop, past marketing patterns, or a combination of these and other factors and results in fair and equitable allotments.

Pursuant to an agreement of the stockholders of Milliken and Farwell, Inc., effective January 1, 1967, a division of the assets of such company has been effected so that Milliken and Farwell, Inc., continues to own and operate its Smithfield factory in West Baton Rouge Parish, La., and a new corporation, Little Texas, Inc., now owns and will operate the Little Texas Factory which was formerly operated by Milliken and Farwell, Inc. At the hearing Milliken and Farwell, Inc., and Little Texas, Inc., requested the Department to divide the allotment which would normally accrue to Milliken and Farwell, Inc., between Milliken and Farkell, Inc., and Little Texas, Inc., on the basis of historical information submitted at the hearing on processings, marketings, and inventories of the two factories. This allotment order establishes allotments for both Milliken and Farwell, Inc., and Little Texas, Inc., based on such division of historical data.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) The quantity of sugar available for marketing in 1967, consisting of January 1, 1967, effective inventories of mainland cane sugar of approximately 750,000 tons plus 1967 crop sugar produced before January 1, 1968, of between 700,000 and 850,000 tons would substantially exceed the current 1,100,000-ton quota established for the area.

(2) The supply situation makes necessary the allotment of the 1967 sugar quota for the Mainland Cane Sugar Area to assure an orderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(3) It is desirable to postpone the allotment of the entire 1967 calendar year sugar quota for the Mainland Cane Sugar Area until final processings from 1966-crop sugarcane are known for all allottees. Therefore, to prevent any allottee from marketing a quantity of sugar larger than eventually may be allotted to it, when the entire 1967 quota is allotted on the basis of final 1966 crop data, allotments herein shall be limited to 95 percent of the allotments determined under finding (5) for all allottees except that the allotment for Cajun Sugar Co-op, Inc., shall be the allotment determined as provided in finding (5) which equals the preliminary allotment of the 1967 quota previously established for such company, the full amount of which may have been marketed.

(4) One hundred short tons, raw value, shall be set aside from the quota and an allotment of 100 short tons, raw value, shall be established for the Louisiana State University.

(5) The remainder of the 1967 Mainland Cane Sugar Area quota for consumption within the continental United States, after setting aside 100 tons as provided in finding (4) shall be allotted to processors other than Louisiana State University by measuring and weighting each of the three factors of "processings," "past marketings," and "ability to market" specified in section 205(a) of the Act; and by giving consideration to the need for establishing an allotment for any processor as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area (within specified limits) as provided in section 205(a) of the Act; and by determining allotments as follows based on data in the hearing record and any revised or corrected final data of which official notice will be taken:

(a) The factor "processings" shall be measured for each processor by either his production of sugar from 1966-crop sugarcane in short tons, raw value, or 85 percent of his average crop-year production from the 1964 and 1965 crops of sugarcane in short tons, raw value, whichever in higher, expressed as a percentage of the total of the measure for all processors and weighted by 60 percent.

(b) The factor "past marketings" shall be measured by each processor's annual marketings within the quotas for the years he had marketings during the period 1964 through 1966 determined in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted 20 percent.

(c) The factor "ability to market" shall be measured by the sum of (i) each processor's January 1, 1967, effective inventory, and (ii) his share of the difference between the 1967 quota in short tons, raw value, for the Mainland Cane Sugar Area after deducting 100 tons set aside under finding (4) and the total of the effective inventories of all processors. Each processor's share of such difference shall be determined by applying to the area total difference the percentage that his average 1964 through 1966 new-crop marketings were of the total average new-crop marketings of all processors for such years. The sum of (i) and (ii) in short tons, raw value, expressed for each processor as a percentage of the total of the measure for all processors shall be weighted 20 percent.

(d) To determine each processor's basic allotment in short tons, raw value, the total percentage for each processor derived by measuring and weighting the three factors as heretofore proposed shall be multiplied by the quota for the Mainland Cane Sugar Area in short tons, raw value, less 100 tons set aside under finding (4).

(e) Five hundred short tons, raw value, of sugar shall be added to the basic allotment established for Wm. T. Burton Industries, Inc., in subparagraph (d) of this finding (5) and such 500 short tons, raw value, represents a reasonable bona fide miscalculation of such processor's 1966-crop sugar production. From the basic allotments of individual processors established in subparagraph (d) of this finding (5), who were recipients of deficit reallocations in 1966 as set forth in Sugar Regulation 814.4, Amendment 3 (31 F.R. 16669), shall be deducted a total of 500 short tons, raw value, by reducing each such processor's basic allotment in an amount equal to the same proportion of 500 tons, raw value, as the proportion that the 1966 deficit allocated to the processor was of the total deficit reallocated in 1966.

(f) Basic allotments established pursuant to paragraph (e) of this finding which are less than the respective processors' January 1, 1967, effective inventories shall be increased by a total of not to exceed 16,000 short tons, raw value, and the basic allotments of other processors (those having January 1, 1967, effective inventories not in excess of their basic allotments) shall be reduced proportionately as necessary to make total adjusted allotments equal to the quota in short tons, raw value, less 100 tons set aside under finding (4). Upward adjustments in allotments (not to exceed a total of 16,000 tons) shall be made, first by increasing the allotment of any processor having a January 1, 1967, physical inventory in excess of his basic allotment to the extent of such excess; and second, the remainder of the 16,000 tons shall be prorated to increase the allotment of other processors having January 1, 1967, effective inventories in excess of their basic allotment in a manner that will permit each affected processor to market the same percentage, but not more than 100 percent, of his January 1, 1967, effective inventory.

(g) Any revision in allotments made to give effect to a release of all or a part of an allotment by an allottee shall be determined proportionately on the basis of adjusted allotments computed pursuant to paragraph (f) of this finding. All or part of the allotment established for Sunshine Processing Co., Inc., and not used shall be prorated to other allottees pursuant to this paragraph.

(h) Any revision in allotments made to give effect to any increase or decrease in the Mainland Cane Sugar Area quota shall be determined by the full application of the formula for determining allotments as provided in paragraphs (a) through (f) of this finding (5).

(6) Final adjustments in the data for the 1966 crop including January 1, 1967, effective inventories, will be made on the basis of sugar production and marketing reports covering the period ending April 30, 1967.

(7) The quantity of sugar and the percentages referred to in paragraph (5) above, based on data involving some estimates for 1966-crop processings and January 1, 1967, inventories which shall be used in determining allotments pending the availability and substitution of revised data are set forth in the following table:

Processor	Processings of sugar [1]		Average quota marketings [2]		Ability to market					Processor's basic allotment [4]		Processor's adjusted allotment, [5] short tons, raw value
					Effective inventory Jan. 1, 1967	New-crop quota marketings		Measures used				
						Average 1964–66	Shares of difference [3]	Col. (5) plus col. (7)	Percent of total	Percent of total	Short tons, raw value	
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Short tons, raw value							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Albania Sugar Co.	10,454	0.861	10,703	1.017	1,137	9,396	6,640	7,777	0.707	0.861	9,465	9,260
Alma Plantation, Ltd.	10,408	.857	10,192	.968	760	10,014	7,077	7,837	.712	.850	9,344	9,141
J. Aron & Co., Inc.	13,653	1.124	15,113	1.436	1	14,935	10,554	10,555	.960	1.154	12,693	12,417
Billeaud Sugar Factory	9,944	.819	10,212	.970	2,680	7,852	5,549	8,229	.748	.835	9,179	8,980
Breaux Bridge Sugar Co-op.	9,427	.776	8,754	.832	2,723	7,137	5,044	7,767	.706	.773	8,498	8,314
Wm. T. Burton Industries, Inc.	6,515	.536	8,923	.848	651	4,963	3,521	4,172	.379	.567	6,736	6,590
Caire & Graugnard	5,648	.465	5,677	.539	479	4,973	3,514	3,993	.363	.460	5,057	4,947
Cajun Sugar Co-op, Inc.	18,639	1.535	19,462	1.849	18,639	38	27	18,666	1.697	1.630	17,918	18,639
Caldwell Sugars Co-op, Inc.	13,792	1.136	12,816	1.217	909	12,505	8,837	9,746	.886	1.102	12,115	11,852
Columbia Sugar Co.	9,010	.742	8,152	.774	2,060	7,302	5,160	7,220	.656	.731	8,036	7,862
Cora-Texas Manufacturing Co., Inc.	9,700	.799	7,176	.682	6,680	3,213	2,271	8,951	.814	.779	8,565	8,379
Dugas & LeBlanc, Ltd.	15,249	1.255	14,545	1.382	1,937	13,924	9,840	11,777	1.071	1.244	13,676	13,379
Duhe & Bourgeois Sugar Co.	10,971	.903	10,133	.963	1,086	9,821	6,940	8,026	.730	.880	9,675	9,465
Erath Sugar Co., Ltd.	6,495	.535	7,416	.704	647	5,927	4,188	4,835	.440	.550	6,045	5,914
Evan Hall Sugar Co-op, Inc.	23,994	1.967	22,130	2.102	2,399	21,756	15,374	17,743	1.613	1.925	21,140	20,681
Frisco Cane Co., Inc.	3,066	.252	2,846	.270	533	2,452	1,733	2,266	.206	.247	2,716	2,657
Glenwood Co-op, Inc.	16,864	1.388	15,663	1.488	1,673	15,438	10,910	12,583	1.144	1.359	14,941	14,617
Helvetia Sugar Co-op, Inc.	13,331	1.098	11,855	1.126	2,431	11,253	7,952	10,383	.944	1.073	11,797	11,541
Iberia Sugar Co-op, Inc.	19,486	1.604	19,621	1.864	6,766	13,437	9,496	16,262	1.478	1.631	17,930	17,541
LaFourche Sugar Co.	19,015	1.566	17,855	1.696	2,679	17,017	12,026	14,705	1.337	1.546	16,995	16,626
Harry L. Laws & Co., Inc.	13,537	1.115	16,523	1.569	2,163	12,392	8,757	10,920	.993	1.181	12,982	12,700
Levert-St. John, Inc.	12,810	1.055	14,736	1.400	0	13,537	9,566	9,566	.870	1.087	11,956	11,696
Little Texas, Inc.	5,609	.462	4,448	.422	2,770	2,908	2,825	5,595	.509	.463	5,091	4,980
Louisa Co-op.	12,180	1.003	11,553	1.097	2,901	9,705	6,858	9,759	.887	.999	10,983	10,745
Louisiana State Penitentiary	4,072	.335	3,057	.290	2,568	1,987	1,404	3,967	.361	.331	3,639	3,560
Meeker Sugar Co-op, Inc.	10,992	.905	10,400	.988	8,936	3,103	2,193	11,129	1.012	.943	10,386	10,141
Milliken & Farwell, Inc.	10,727	.883	9,727	.924	1,770	9,288	6,564	8,334	.758	.866	9,520	9,313
M. A. Patout & Son, Ltd.	17,199	1.416	15,733	1.494	2,983	14,819	10,472	13,455	1.223	1.393	15,315	14,963
Poplar Grove Planting & Refining Co.	9,200	.757	9,161	.870	2,395	6,915	4,887	7,282	.662	.761	8,366	8,184
Savoie Industries	15,470	1.274	14,207	1.350	2,104	13,709	9,688	11,792	1.072	1.250	13,742	13,444
St. James Sugar Co-op, Inc.	21,699	1.786	17,333	1.646	13,253	9,361	6,615	19,868	1.806	1.762	19,372	18,952
St. Mary Sugar Co-op, Inc.	15,320	1.261	14,378	1.366	1,921	13,782	9,739	11,660	1.060	1.242	13,604	13,356
South Coast Corp.	63,907	5.261	71,445	6.787	46,183	12,183	8,609	54,792	4.981	5.510	60,576	59,269
Southdown, Inc.	38,235	3.148	42,560	4.043	11,506	24,523	17,330	28,836	2.622	3.222	35,422	34,653
Sterling Sugars, Inc.	28,226	2.324	25,938	2.464	4,729	24,047	16,993	21,722	1.975	2.282	25,087	24,542
Sunshine Processing Co., Inc.	2,850	.235	3,363	.319	0	9	6	6	.001	.205	2,254	2,205
J. Supple's Sons Planting Co., Inc.	5,626	.463	5,747	.546	1,468	4,145	2,929	4,397	.400	.467	5,134	5,023
Valentine Sugars, Inc.	10,207	.840	12,884	1.224	462	8,781	6,191	6,653	.605	.870	9,564	9,356
Vids Sugars, Inc.	6,157	.507	5,543	.527	821	5,263	3,719	4,540	.413	.492	5,409	5,292
A. Wilbert's Sons Lumber & Shingle Co.	10,812	.890	10,133	.963	1,906	9,330	6,593	8,499	.773	.831	9,085	9,475
Young's Industries, Inc.	6,395	.568	7,429	.706	2,088	5,129	3,626	5,713	.519	.586	6,441	6,301
Louisiana, subtotal	567,300	46.706	565,632	53.730	169,762	399,359	282,216	451,978	41.093	46.988	517,078	506,965
Atlantic Sugar Company	34,960	2.870	31,031	2.947	35,713	58	41	35,754	3.251	2.962	32,563	33,130
Florida Sugar Corp.	20,674	1.702	12,054	1.145	17,049	4,085	2,887	19,936	1.812	1.613	17,734	17,349
Glades County Sugar Growers Co-op. Association	46,210	3.804	33,874	3.218	47,236	0	0	47,236	4.294	3.785	41,610	43,820
Osceola Farms Co.	52,676	4.337	36,056	3.425	53,666	1,360	961	54,627	4.967	4.281	47,066	49,735
South Puerto Rico Sugar Co., Inc.	81,777	6.733	66,975	6.362	75,744	9,709	6,861	82,605	7.510	6.814	74,914	77,862
Sugarcane Growers Co-op. of Florida	115,706	9.531	84,763	8.052	118,027	3	2	118,029	10.731	9.475	104,169	109,490
Talisman Sugar Corp.	51,857	4.269	27,444	2.607	52,727	129	91	52,818	4.802	4.043	44,451	48,913
United States Sugar Corp.	243,501	20.048	194,907	18.514	209,255	39,144	27,662	236,917	21.540	20.039	220,315	215,534
Florida, subtotal	647,321	53.294	487,104	46.270	609,417	54,487	38,505	647,922	58.907	53.012	582,822	592,935
Total, all mainland cane	1,214,621	100.000	1,052,736	100.000	779,179	453,846	320,721	1,099,900	100.000	100.000	1,099,900	1,099,900

[1] The higher of either the production of sugar from the 1966 crop sugarcane or 85 percent of the average production for the 1964 and 1965 crops of sugarcane.

[2] Average annual quota marketing for each processor for years he had such marketing during the period 1964 through 1966.

[3] The difference between 1,099,900 tons (quota for 1967 established by S.R. 811, less 100 tons reserve for Louisiana State University) and the total Jan. 1, 1967, effective inventories for all processors amounting to 779,179 tons. This difference of 320,721 tons prorated on the basis of each processor's average 1964–66 new-crop marketing.

[4] Col. (10) was determined by weighting "processings" col. (2) by 60 percent, "marketings" col. (4) by 20 percent, and "ability" col. (9) by 20 percent. Col. (11) was determined by multiplying the quota, less 100 tons reserved for Louisiana State University, by Col. (10) and revising such resulting allotments by adding 500 tons to the allotment of Wm. T. Burton Industries, Inc., and reducing proportionately by a total of 500 tons the allotments of processors who were recipients of deficit reallocations in 1966 as provided in finding (5)(c). Such reduction can be determined for each individual processor by multiplying the percentage in col. (10) times the quota, less 100 tons reserved for Louisiana State University, and subtracting therefrom the amount shown in col. (11).

[5] Basic allotments col. (11) which were less than the respective processors' Jan. 1, 1967, effective inventories were increased by a total of 16,000 short tons, raw value, and such basic allotments of other processors (those having Jan. 1, 1967, effective inventories not in excess of their basic allotments) were reduced proportionately as necessary to make total adjusted allotments equal to the quota in short tons, raw value, less 100 tons set aside for Louisiana State University. Upward adjustments in allotments (not to exceed a total of 16,000 tons) were made, first by increasing the allotment of any processor having a Jan. 1, 1967, physical inventory in excess of his basic allotment to the extent of such excess; and second, the remainder of the 16,000 tons was prorated to increase the allotments of other processors having Jan. 1, 1967, effective inventories in excess of their basic allotments in a manner that permitted each affected processor to market the same percentage, but not more than 100 percent, of his Jan. 1, 1967, effective inventory.

(8) The order shall be revised without further notice or hearing for the purpose of (a) alloting any quantity of an allotment to other allottees when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, (b) revising allotments by the substitution of revised or corrected data which have become a part of the official records of the Department; and (c) revising allotments to give effect to any increase or decrease in the quota made by the Secretary pursuant to the provisions of the Sugar Act of 1948, as amended. Any revision in allotments made to give effect to (a) above shall be made by increasing proportionately the allotments as provided in finding (5)(g), except that the quantity prorated to any allottee releasing allotments in excess of a specified quantity should be limited in accordance with the written statement of release by any such allottee. In making changes under (b) of this finding (8) allotments shall be computed in the same manner as provided for in this order. Any revision of allotments, made to give effect to changes in the quota under (c) of this finding (8), should be made as provided

in finding (5) (h) subject to limitations in accordance with any written statement of release by any allottee.

(9) Official notice will be taken of (a) written notification to the Agricultural Stabilization and Conservation Service by an allottee that he is unable to fill all or a part of his allotment when the notification becomes a part of the official records of the Department, (b) substitution of revised or corrected data where such data becomes a part of the official records of the Department, and (c) any regulation issued by the Secretary, after publication in the FEDERAL REGISTER, which changes the 1967 Mainland Cane Sugar Area quota.

(10) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest, and under circumstances involving an allottee becoming unable to process sugarcane and such sugarcane as he would normally process, if operating, is processed by other allottees.

(11) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee.

(12) On the basis of an agreement of the stockholders of Milliken and Farwell, Inc., a division of the assets of that company has been effected in that Milliken and Farwell, Inc., continues to own and operate Smithfield factory and Little Texas, Inc., a new corporation now owns and will operate the Little Texas factory formerly owned and operated by Milliken and Farwell, Inc. Separate allotments shall be established in this order for Milliken and Farwell, Inc., and Little Texas, Inc., on the bases of historical production, marketing, and inventory data of their two respective factories.

(13) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of any 1967 Mainland Cane Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205(a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, it is hereby ordered that § 814.5 be amended to read as follows:

§ 814.5 Allotment of the 1967 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* For the period January 1, 1967, until the date allotments of the entire 1967 calendar year sugar quota, for the Mainland Cane Sugar Area are prescribed, 1,045,932 short tons, raw value, of the 1967 quota for the Mainland Cane Sugar Area is hereby allotted to the following processors in the quantites which appear opposite their respective names:

Processors	Allotments (Short tons, raw value)
Albania Sugar Co	8,797
Alma Plantation, Ltd	8,684
J. Aron & Co., Inc	11,796
Billeaud Sugar Factory	8,531
Breaux Bridge Sugar Co-op	7,898
Wm. T. Burton Industries, Inc	6,261
Caire & Graugnard	4,700
Cajun Sugar Co-op, Inc	18,639
Caldwell Sugars Co-op, Inc	11,259
Columbia Sugar Co	7,469
Cora-Texas Manufacturing Co., Inc	7,960
Dugas & LeBlanc, Ltd	12,710
Duhe & Bourgeois Sugar Co	8,992
Erath Sugar Co., Ltd	5,618
Evan Hall Sugar Co-op, Inc	19,647
Frisco Cane Co., Inc	2,524
Glenwood Co-op, Inc	13,886
Helvetia Sugar Co-op, Inc	10,964
Iberia Sugar Co-op, Inc	16,664
LaFourche Sugar Co	15,795
Harry L. Laws & Co., Inc	12,065
Levert-St. John, Inc	11,111
Little Texas, Inc	4,731
Louisa Sugar Co-op, Inc	10,208
Louisiana State Penitentiary	3,382
Louisiana State University	95
Mecker Sugar Co-op, Inc	9,634
Milliken & Farwell, Inc	8,847
M. A. Patout & Son, Ltd	14,234
Poplar Grove Planting & Refining Co	7,775
Savoie Industries	12,772
St. James Sugar Co-op, Inc	18,004
St. Mary Sugar Co-op, Inc	12,690
South Coast Corp	56,297
Southdown, Inc	32,920
Sterling Sugars, Inc	23,315
Sunshine Processing Co., Inc	2,095
J. Supple's Sons Planting Co., Inc	4,772
Valentine Sugars, Inc	8,888
Vida Sugars, Inc	5,028
A. Wilbert's Sons Lumber & Shingle Co	9,001
Young's Industries, Inc	5,986
Louisiana subtotal	482,644
Atlantic Sugar Association	31,474
Florida Sugar Corp	16,482
Glades County Sugar Growers Co-op Association	41,629
Osceola Farms Co	47,296
South Puerto Rico Sugar Co., Inc	71,168
Sugarcane Growers Co-op of Florida	104,015
Talisman Sugar Corp	46,467
United States Sugar Corp	204,757
Florida subtotal	563,288
Unallotted	54,068
Total, all mainland cane	1,100,000

(b) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of § 816.3 of this chapter (23 F.R. 1943).

(c) *Transfer of allotments.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, may permit marketings to be made by one allottee, or other person, within the allotment established for another allottee upon relinquishment by such allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Administrator that (1) a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred, or (2) the allottee receiving such permission will process 1967-crop sugarcane which the allottee relinquishing allotment has become unable to process.

(d) *Exchange of sugar between allottees.* When approved in writing by the Administrator, Agricultural Stabilization and Conservation Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section, may ship, transport, or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it has been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(e) *Delegation.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with findings and conclusions heretofore made, to give effect to (1) the substitution of revised or corrected data, (2) the reallocation of any quantity of an allotment released by an allottee, and (3) any change in the Mainland Cane Sugar Area quota.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Secs. 205, 209; 61 Stat. 926, as amended, 928, as amended; 7 U.S.C. 1115, 1119).

Effective date. This docket will become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 14th day of April 1967.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-4289; Filed, Apr. 19, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 49—POLICIES GOVERNING ASSIGNMENTS OF MILITARY PERSONNEL TO DUTY IN VIETNAM

The Deputy Secretary of Defense approved the following on March 31, 1967:

Sec.
49.1 Purpose and scope.
49.2 Applicability.
49.3 Definitions.
49.4 Policy.
49.5 Procedures.

AUTHORITY: The provisions of this Part 49 issued under 5 U.S.C. 301.

§ 49.1 Purpose and scope.

This part establishes uniform policies and procedures concerning the assignment of military personnel to Vietnam except during periods of war or national emergency hereafter declared by the Congress when the provisions of this part will be superseded.

§ 49.2 Applicability.

The provisions of this part apply to the military departments.

§ 49.3 Definitions.

As used in this part, the following definitions will apply:

(a) "Family members" are considered to include a husband and wife, or the father, mother, sons, and daughters, and all sisters and brothers as defined in section 501, title 37, U.S.C.

(b) "Serving in Vietnam" includes:

(1) Any member assigned to a military unit which is located within the geographic boundaries of South Vietnam.

(2) Any member aboard a nonrotating naval unit operating inshore and based in South Vietnam.

(3) All aircrew members while stationed ashore or afloat in Southeast Asia and normally engaged in flying combat missions.

§ 49.4 Policy.

Assignments to duty in Vietnam will be shared as equitably as practicable by all members of the Armed Forces, except as follows:

(a) *Family service.* (1) Where one member of the Armed Forces is serving with a military unit in Vietnam, another member of the same family, upon his request, will be deferred from assignment to that country until completion of the first member's tour.

(2) Family members will be similarly deferred, upon request, during a period in which another family member is in a captured or missing status incident to Vietnam service.

(3) Deferments are not authorized in those instances where a member is serving in Vietnam on temporary duty orders for a period of less than thirty (30) days.

(b) *Family deaths.* Where a member of a family is killed or dies as a result of Vietnam service, other members of the same family will, upon request, either be deferred from assignment to Vietnam for a period of at least six (6) months following date of death or, if serving in Vietnam, be reassigned therefrom for the same minimum period.

(c) *Age limitations.* Military personnel who are under 18 years of age are not eligible for assignment to service in Vietnam, but may be assigned to sea duty or to duty in other overseas areas.

(d) *Sole surviving sons.* Military personnel who are qualified sole surviving sons as provided in DoD Directive 1315.2, "Sole Surviving Sons," dated July 29, 1966, and who either have requested noncombat duty, or have not waived a request submitted by a parent, may not be assigned to duty in Vietnam.

(e) *Conscientious objectors.* The assignment of valid conscientious objectors to Vietnam shall be subject to the restrictions set forth in DoD Directive 1300.6, "Utilization of Conscientious Objectors and Procedures Based on Conscientious Objection," dated August 21, 1962.

§ 49.5 Procedures.

(a) *Deferment requests.* Only the service member concerned may request an assignment deferment under § 49.4 (a) and (b).

(1) Such requests for deferment should normally be submitted within fifteen (15) days after receipt of orders, assignment instructions, unit alert, or scheduled movement.

(2) A military member who has submitted an application for deferment of his assignment should be retained in place until action on his application is finalized.

(b) *Reassignment from Vietnam.* (1) Where two or more members of the same family are serving in Vietnam and more than one application for reassignment based on family service is received, the member with the longest Vietnam service period should be given priority reassignment consideration.

(2) Where multiple requests for reassignment based on a family death as a result of service in Vietnam are received, all requesting members will be reassigned from Vietnam at the earliest practicable date for a period of at least six (6) months following the date of death.

(3) Reassignments made under this policy may be to other overseas areas in Southeast Asia.

(c) *General.* (1) All requests must be in writing and submitted in accordance with instructions to be prescribed by the military departments in implementation of this part.

(2) All military personnel being processed for assignment to Vietnam will be specifically advised of the assignment deferments for family members established by this part.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-4311; Filed, Apr. 19, 1967; 8:45 a.m.]

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Relief for Members and Former Members Who Lost Interest on Soldiers Deposits

New §§ 536.191–536.198 are added, as follows:

Sec.
536.191 General.
536.192 Circumstances leading to relief legislation.
536.193 Method of computing amounts due.
536.194 Automatic settlement situations.
536.195 Situations requiring the filing of a claim.
536.196 Procedure for filing claims (where necessary).
536.197 Validation of payments previously made.
536.198 Entitlement.

AUTHORITY: §§ 536.191–536.198 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply Public Law 89–738, Nov. 2, 1966.

SOURCE: DA Circular 35-13, Dec. 23, 1966.

§ 536.191 General.

Public Law 89–738, approved November 2, 1966, gives the military departments authority to adjust the deposit accounts of enlisted members and former enlisted members who lost interest on savings under the Soldier's Deposits Program because they did not withdraw their deposits upon discharge and immediate reenlistment or upon retirement and immediate recall to active duty. This law has application in any case where, for the reasons stated above, a member failed to receive interest on his deposits which he would have earned during the period July 15, 1954, through August 13, 1966. The provisions of Public Law 89–738 expire 2 years following the date of its enactment. Claims coming under its purview may not be accepted after that date.

§ 536.192 Circumstances leading to relief legislation.

The words "upon final discharge" contained in the Act of July 15, 1954, were interpreted to mean separation without immediate reentry into the service. Therefore, regulations issued pursuant to that act provided that members who were discharged and immediately reenlisted or who were retired and immediately recalled to active duty were not required to withdraw and redeposit their savings in order to continue to draw interest. However, the Comptroller General of the United States held in his decision of April 15, 1958 (37 Comp. Gen. 681), that interest does not accrue after the date of discharge, and, if the member wishes to continue to draw interest, the money must be withdrawn and redeposited.

§ 536.193 Method of computing amounts due.

In arriving at the amount of adjustment due current depositors or settlements due former depositors (in- or out-of-service), the Finance Center, U.S. Army, will reconstruct the accounts involved, recomputing on the basis that the member actually withdrew and redeposited his deposits on the date of reenlistment or recall to active duty.

§ 536.194 Automatic settlement situations.

If the member is currently serving on active duty and has an active account which was continued after August 13, 1966, under the provisions of paragraph 21322 or 21323, AR 37–104, his account will be automatically credited with any amount computed to be due under Public Law 89–738. This adjustment will be accomplished by the Finance Center, U.S. Army. No action is required of the depositor-member in such case.

§ 536.195 Situations requiring the filing of a claim.

Claim action as prescribed in § 536.196 must be taken by individuals in the following categories in order for them to receive the benefits of Public Law 89–738, November 2, 1966.

(a) Members currently serving on active duty whose claims are based on previous, or closed, accounts. (The

fact that the member is again participating in the program, with a reopened account currently in effect, is immaterial. A claim must be filed, in such case, in order for the member to receive the benefits of Public Law 89–738, Nov. 2, 1966.)

(b) Former members, retired members, and reservists not presently on active duty who participated in the Soldier's Deposits Program during the period they were on active duty.

(c) Designated beneficiaries of deceased personnel who have entitlement under Public Law 89–738, November 2, 1966.

§ 536.196 Procedure for filing claims (where necessary).

Individuals categorized in § 536.195 may be paid amounts due them under Public Law 89–738 provided they file a claim in the form of a personal letter to the Chief, Inquiries and Determinations Divisions, Allotment Operations, Finance Center, U.S. Army, Indianapolis, Ind. 46249, before the expiration of 2 years from the date of enactment of the law. The member's service number and address to which settlement check is to be mailed should be included in the letter.

§ 536.197 Validation of payments previously made.

Under the provisions of Public Law 89–738, all payments heretofore made which would, but for the fact of such payment be payable under this relief legislation, are validated. If, however, the member has refunded the payment he received under such circumstances, he may now make claim for reimbursement of that amount, following the procedure prescribed in § 536.196.

§ 536.198 Entitlement.

The entitlement portion of §§ 536.191–536.198 has been approved by the Department of Defense Military Pay and Allowance Committee under procedures prescribed by the Secretary of Defense in accordance with 37 U.S.C. 1001.

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67–4310; Filed, Apr. 19, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular No. 2226]

PART 2230—SPECIAL USES

Subpart 2232—Recreation and Public Purposes Act

PRICING FOR HISTORIC MONUMENTS

The purpose of this amendment is to rephrase the pricing provisions of the regulations to reflect more accurately the pricing requirements of the Act of June 24, 1926 (44 Stat. 741), as amended (43 U.S.C. 869–869–4). Since these amendments are limited to a clarification of existing regulations and their conformance with the law, notice and public procedure thereon have been deemed unnecessary, and the amendments become effective on the date of publication in the FEDERAL REGISTER.

1. Sections 2232.2–3 (a), (b), and (c) are amended to read as follows:

§ 2232.2–3 Price.

(a) Conveyances under the act for historic monument purposes to a State, county, or other State or Federal instrumentality or political subdivision, will be made without any monetary consideration.

(b) Sales to nonprofit associations or nonprofit corporations will be made at prices fixed through appraisal of the fair market value of the land, taking into consideration the purposes for which the lands will be used.

(c) All other sales will be made at prices fixed through appraisal of the fair market value of the lands or otherwise, taking into consideration the purpose for which the land will be used.

* * * * *

CHARLES F. LUCE,
Under Secretary of the Interior.

APRIL 13, 1967.

[F.R. Doc. 67–4327; Filed, Apr. 19, 1967; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4193]

[Oregon 017510]

WASHINGTON

Withdrawal for National Forest Administrative Site and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, and the provisions of existing withdrawals, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

WILLAMETTE MERIDIAN

WENATCHEE NATIONAL FOREST

Crystal Springs Campground

T. 21 N., R. 12 E.,
Sec. 14, W½NW¼SW¼, N½SW¼SW¼.

Owhi Campground

T. 22 N., R. 13 E.,
Sec. 2, SW¼NW¼NE¼, N½SW¼NE¼, NW¼SE¼NE¼, S½SE¼NE¼, NE¼-NW¼NW¼, NE¼NW¼, N½NE¼SE¼.

Johnny Creek Campground

T. 24 N., R. 16 E.,
Sec. 2, NE¼ lot 13, S½ lot 13, and NW¼SW¼.

Eight Mile Campground

T. 24 N., R. 17 E.,
Sec. 30, NE¼ lot 1, NW¼NE¼NW¼, and S½NE¼NW¼.

Wenatchee River Campground

T. 27 N., R. 17 E.,
Sec. 27, lots 4, 5, and NW¼NW¼.

Nason Creek Campground

T. 27 N., R. 17 E.,
Sec. 33, E½E½NE¼, SW¼NE¼NE¼, NW¼SE¼NE¼.

Company Creek Campground

T. 33 N., R. 17 E., unsurveyed,
Sec. 22, all national foest land lying between HES–205 and Stehekin River.

Tronsen Campground

T. 21 N., R. 18 E.,
Sec. 3, SW¼SW¼NE¼, NE¼NE¼SW¼, S½NE¼SW¼, N½SE¼SW¼, and W½NW¼SE¼.

Bonanza Campground

T. 22 N., R. 18 E.,
Sec. 20, E½SE¼NE¼;
Sec. 21, SW¼SW¼NW¼.

Lake Creek Campground

T. 28 N., R. 18 E., unsurveyed,
Sec. 12, SW¼SW¼SE¼;
Sec 13, NW¼NE¼.

Halfway Spring Campground

T. 29 N., R. 19 E., unsurveyed,
Sec. 31, S½SW¼NE¼, SE¼SE¼NW¼, NE¼NE¼SW¼, and N½NW¼SE¼.

South Navarre Campground

T. 30 N., R. 20 E., unsurveyed,
Sec. 9, E½SE¼.

SNOQUALMIE NATIONAL FOREST

Naches Ranger Station Administrative Site Addition (formerly known as Currants Flat Station)

T. 16 N., R. 14 E.,
Sec. 1, those parts of lot 9 and SE¼SE¼ south and west of the Naches River.

The areas described aggregate 849.44 acres in Kittitas, Chelan, and Yakima Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 10, 1967.

[F.R. Doc. 67–4326; Filed, Apr. 19, 1967; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. K]

PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

Stock Acquisitions

§ 211.103 Acquisition of stock of combination export manager.

(a) The Board of Governors has been presented with the question whether a corporation organized under section 25(a) of the Federal Reserve Act (an "Edge corporation") may acquire and hold a noncontrolling stock interest in a company engaged in the United States in the business of combination export manager.

(b) The company and the clients for which it acts as export sales manager are located in the United States. Through designated agents and distributors abroad, the company obtains foreign orders for its clients in the United States or, against firm orders from abroad, itself purchases merchandise from them and reinvoices it for export. In no case does the company maintain inventories of unsold merchandise, nor does it make any sales in the United States.

(c) The eighth paragraph of section 25(a) of the Federal Reserve Act (12 U.S.C. 615) authorizes an Edge corporation, with the consent of the Board, "to purchase and hold stock or other certificates of ownership in any other corporation organized * * * under the laws of any foreign country or a colony or dependency thereof, or under the laws of any State, dependency, or insular possession of the United States but not engaged in the general business of buying or selling goods, wares, merchandise, or commodities in the United States, and not transacting any business in the United States except such as in the judgment of the Board * * * may be incidental to its international or foreign business".

(d) The Board recognized the closeness of the question whether the company is engaged in the general business of buying or selling goods in the United States. It concluded, however, that the activities of the company in acting as agent or broker for foreign clients where there is no market risk on the part of the company, or in acting as principal where there are offsetting firm orders for foreign clients, would not cause it to be "engaged in the general business of buying or selling goods, wares, merchandise, or commodities in the United States * * *".

(e) While the activities of the company are closely related to those of companies engaged in a commercial business in the United States, the sole business of the company is to act as an intermediary between domestic manufacturers and foreign consumers. Moreover, the company is exclusively concerned with the effecting of international transactions and its activities in the United States are entirely directed to that end. Accordingly, it was the judgment of the Board that the activities of the company in the United States are "incidental to its international or foreign business".

(f) Inasmuch as the activities of the company in the United States conform to the requirements contained in the eighth paragraph of section 25(a) of the Federal Reserve Act, and the acquisition of a stock interest therein by an Edge corporation would otherwise be likely to further the foreign commerce of the United States, the Board concluded that such an acquisition and holding would be permissible and appropriate.

(g) In view of the serious and difficult questions presented by the foregoing application, the Board emphasized that its decision was based on the particular facts of this case, and that applications by Edge corporations for permission to make similar acquisitions will necessarily be decided on their own merits. Because of the closeness of this case, the Board also stated that Edge corporations may wish to obtain the prior specific consent of the Board before making investments of the kind described herein, even though a proposed investment technically might fall within the general consent provisions of § 211.8(a).

(12 U.S.C. 615. Interprets or applies 12 U.S.C. 615)

Dated at Washington, D.C., this 13th day of April 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67–4323; Filed, Apr. 19, 1967; 8:46 a.m.]

PART 224—DISCOUNT RATES

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	4	Apr. 7, 1967
New York	4	Do.
Philadelphia	4	Do.
Cleveland	4	Do.
Richmond	4	Do.
Atlanta	4	Apr. 10, 1967
Chicago	4	Apr. 7, 1967
St. Louis	4	Apr. 14, 1967
Minneapolis	4	Apr. 7, 1967
Kansas City	4	Do.
Dallas	4	Do.
San Francisco	4	Do.

2. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	4½	Apr. 7, 1967
New York	4½	Do.
Philadelphia	4½	Do.
Cleveland	4½	Do.
Richmond	4½	Do.
Atlanta	4½	Apr. 10, 1967
Chicago	4½	Apr. 7, 1967
St. Louis	4½	Apr. 14, 1967
Minneapolis	4½	Apr. 7, 1967
Kansas City	4½	Do.
Dallas	4½	Do.
San Francisco	4½	Do.

3. Section 224.4 is amended to read as follows:

§ 224.4 Advances to persons other than member banks.

The rates for advances to individuals, partnerships, or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	5	Apr. 7, 1967
New York	5½	Dec. 6, 1965
Philadelphia	5	Apr. 7, 1967
Cleveland	5½	Do.
Richmond	5	Do.
Atlanta	6	Apr. 10, 1967
Chicago	5	Apr. 7, 1967
St. Louis	5	Apr. 14, 1967
Minneapolis	5	Apr. 7, 1967
Kansas City	5	Do.
Dallas	5	Do.
San Francisco	5	Do.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

Dated at Washington, D.C., this 13th day of April 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67–4324; Filed, Apr. 19, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 10]

MIGRATORY BIRDS

Hunting Methods and Transportation

Notice is hereby given that pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), it is proposed to amend Part 10, Title 50, Code of Federal Regulations, commonly known as the "basic regulations."

1. Section 10.3 (a) (1) and (3) and (c) are amended to read:

§ 10.3 Hunting methods.

* * * * *

(a) *Permitted methods.* * * *

(1) By the aid of dogs, artificial decoys, with longbow and arrow, or with shotgun (not larger than No. 10 gauge and incapable of holding more than three shells) fired from the shoulder, and by means of falconry; and with the aid and use of bird calls, except recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds.

* * * * *

(3) From floating craft (except a sinkbox) including those with motor attached and any sailboat when beached, resting at anchor, or fastened within or tied immediately alongside of any type of fixed hunting blind: *Provided*, That only on the Great Lakes, including their interconnecting waterways, waterfowl, coots, and gallinules may be taken from a boat with motor attached when (i) the motor has been completely shut off, and (ii) the forward progress of the boat has ceased: *Provided further*, That rails (but not including coots or gallinules) may be taken in all flyways from a boat with motor attached when (iii) the source of power has been completely shut off; (iv) the forward progress of the boat due to the automotive power has ceased; and (v) the boat is immobile or is being propelled by paddle, oars, or pole.

* * * * *

(c) *Exceptions.* The provisions of this section shall not be construed to apply to the taking of migratory birds as permitted by § 10.5; nor to alter the terms of any permit or other authorization issued pursuant to Part 16 of this subchapter.

2. Section 10.6(b) is amended to read:

§ 10.6 Transportation within a State, between States, or to foreign countries.

* * * * *

(b) One fully feathered wing must remain attached to all migratory game birds except doves at all times while being transported by any means whatsoever from the place where taken until they have arrived at the personal abode of the possessor or a commercial preservation facility, whichever occurs first. One fully feathered wing must remain attached to each migratory game bird, including doves, while being transported by any means whatsoever from the United States and/or any of its possessions to any foreign country.

* * * * *

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

APRIL 17, 1967.

[F.R. Doc. 67-4307; Filed, Apr. 19, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Marketing Quota Regulations for 1967 and Subsequent Crop Years

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1351–1356, 1362–1368, 1372–1376), the Department proposes to issue the rice marketing quota regulations for 1967 and subsequent crop years.

It is proposed that the regulations shall be essentially the same as the regulations currently in effect for 1964 and subsequent crop years (29 F.R. 11901), as amended, except that beginning with the 1967 crop of rice the identification of the rice to buyers will be simplified as follows:

1. Buyers of rice will be given appropriate notice of the producers in their area who have excess rice which is subject to the marketing quota penalty and the lien for such penalty.

2. The issuance of marketing cards and marketing certificates will be discontinued.

3. The use of the report and penalty receipt for rice not identified and the intermediate buyer's record report will be discontinued.

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730.34 Records to be kept and reports to be made by warehousemen, mill or elevator operators, other processors, and buyers.
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730.47 Designation of representatives of the Secretary to examine records.
730.48 Approval of reporting and record-keeping requirements.

AUTHORITY: The provisions of this subpart issued under secs. 301, 351–356, 362–368, 372–376, 52 Stat. 38, as amended, 60, as amended, 61, as amended, 62, as amended, 63, as amended, 64, 65, as amended, 66, as amended; 7 U.S.C. 1301, 1351–1356, 1362–1368, 1372–1376.

GENERAL

§ 730.1 Basis and purpose.

The regulations contained in §§ 730.1 to 730.48 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the following provisions for the 1967 and subsequent crops of rice: The establishment of farm normal yields; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the identification of marketings of rice as subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the postponement or avoidance of penalty on excess rice by storage, by underplanting the allotment or producing a less than normal crop in a subsequent year, or by delivery to the Secretary of Agriculture; the records and reports required to be made by rice producers and handlers; and special provisions and exemptions applicable to farms on which the acreage of nonirrigated rice is three acres or less, rice produced by publicly owned experiment stations, and rice planted for wildlife feed.

§ 730.2 Definitions.

(a) *General terms.* In determining the meaning of the provisions in this subpart, unless the context indicates otherwise, words imparting the singular include and apply to several persons or things, words imparting the plural include the singular, words imparting the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present. The definitions of the following terms in Part 719 of this chapter, Reconstitution of Farms, Allotments, and Bases, as amended, shall apply to this subpart:

Community committee.	Operator.
County.	Owner.
County committee.	Person.
County office manager.	Representative of the State committee.
Department.	Secretary.
Deputy Administrator.	Sharecropper.
Farm.	State committee.
Landlord.	State executive director.
OGC representative.	Tenant.

The phrase, expiration of time limitations, is defined in Part 720 of this chapter, General Policy and Interpretations, and shall have the meaning assigned to it therein.

(b) *Rice program terms.* The following terms shall have the following meanings:

(1) "Act" means the Agricultural Adjustment Act of 1938, and any amendments or supplements thereto.

(2) "Actual production" of any number of acres of rice on a farm means the actual average yield per acre for the farm times such number of acres.

(3) "Actual yield" means the number of pounds of rice determined by dividing the number of pounds of rice produced on the farm by the rice acreage on the farm.

(4) "Administrator" means the Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(5) "Buyer" means a person who buys or otherwise acquires rice.

(6) "County office" means the office of the Agricultural Stabilization and Conservation County committee.

(7) "Crop year" means the calendar year in which the rice crop is produced.

(8) "Director" means the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(9) "Excess rice acreage" means the rice acreage determined for the farm which is in excess of the farm rice acreage allotment.

(10) "Farm allotment" means the rice acreage allotment established for the farm in accordance with applicable regulations.

(11) "Farm marketing excess" means the amount of rice determined for any farm under § 730.7 or § 730.10, whichever is applicable.

(12) "Farm marketing quota" means the rice marketing quota established for the farm under § 730.6.

(13) "Market" means to dispose of rice in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

(i) The terms "marketed," "marketing," and "for market" shall have meanings corresponding to the term "market" in the connection in which they are used.

(ii) The term "sale" means any transfer of title to rice by a producer to another person by any means other than barter, exchange or gift inter vivos. The penalty on excess rice is due regardless of what use is made of the excess rice. Rice shall be deemed to be sold when either title to or actual or constructive possession of the rice is delivered by or on behalf of the producer or any part of the purchase price is paid.

(iii) The terms "barter" and "exchange" mean transfer of title to rice by a producer to another person in return for rice or any commodity, service, or property, in cases where the value of the rice or such other commodity, service, or property is not considered in terms of money, or the transfer of title to rice by a producer to another person in payment of a fixed rental or other charge for land, or the payment of an amount of rice in lieu of a cash charge for harvesting or milling rice (commonly called toll rice). Rice shall be deemed to have been marketed by barter or exchange when it is delivered to another person by actual or constructive delivery.

(iv) The term "gift inter vivos" means any transfer of title to rice accompanied by delivery of the rice by a producer to another person during the lifetime of the producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor. Rice shall be deemed to have been marketed by gift inter vivos when there is actual or constructive delivery of the rice to another person during the lifetime of the producer.

(14) "Marketing year" means the period beginning August 1 and ending July 31 of the following year, both dates inclusive.

(15) "Normal production" of any number of acres of rice on a farm means the normal yield of rice for the farm times such number of acres.

(16) "Normal yield" means the number of pounds per acre of rice established as the normal yield per acre for the farm under § 730.4.

(17) "Penalty" means the penalty referred to in § 730.22.

(18) "Producer" means any person who shares in a rice crop at the time of harvest, or is entitled to share in a crop of rice available for marketing, or in the proceeds thereof.

(19) "Review committee" means the committee appointed by the Secretary of Agriculture to review farm marketing quotas as provided in section 363 of the Act.

(20) "Rice" as used in the regulations of this subpart means rough rice with a maximum moisture content of 14 percent. Rice with a moisture content in excess of 14 percent will be adjusted to the equivalent of 14 percent moisture content.

(21) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding (i) any acreage of nonirrigated rice produced on any farm on which such acreage is 3 acres or less, (ii) any acreage of sweet, glutenous, or candy rice, commonly known as Mochi Gomi, (iii) any acreage of rice grown for experimental purposes only by or under contract to a publicly owned agricultural experiment station, (iv) any acreage of rice in excess of the allotment on a wildlife refuge farm consisting solely of Federal- or State-owned land, if such acreage is not harvested, but is left on the land for wildlife feed, (v) any acreage planted to rice in excess of the farm allotment, or, when applicable, the permitted acreage of rice under the conservation and cropland adjustment programs, which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the final date for disposal of excess acreage as provided in Part 718 of this chapter, Determination of Acreage and Compliance, so that rice cannot be harvested therefrom, and (vi) any acreage seeded to rice outside of the field border levee where such levee is bounded by a fence or other barrier which would make it impossible to harvest or destroy the rice from such acreage by mechanical means, and any acreage seeded to rice inside of drainage ditch banks where the topography would make it impossible to harvest or destroy the rice from such acreage by mechani-

cal means, provided the seeding operations have been performed with an end gate seeder or by airplane. A second planting and maturing of rice on a farm on which one crop has been planted and matured in the same crop year shall be considered additional acreage when determining the farm rice acreage.

(22) "State office" means the office of the Agricultural Stabilization and Conservation State Committee.

§ 730.3 Instructions and forms.

The Deputy Administrator shall cause to be prepared and issued such instructions with respect to internal management and such forms as are necessary for carrying out the regulations in this part.

§ 730.4 Normal yields.

(a) *Farms for which normal yields will be determined.* The county committee shall determine a normal yield for each farm for which a farm marketing excess is required to be determined for any crop year, for each farm for which a request is made to the county committee by the operator, either prior to or after seeding, and for each farm as required for the purposes of the provisions of § 730.30 (h) and (i). Determination of farm normal yield shall be documented and such determination, subject to review and revision, shall be approved by the State committee, or by the State executive director, program specialist, or farmer fieldman. No notice of a farm normal yield shall be mailed to a producer until the yield has been approved as provided in this paragraph.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield in pounds per harvested acre for all of the 5 calendar years immediately preceding the calendar year for which the yield is determined are available to the county committee, the normal yield per acre of rice for the farm shall be determined to be the average of such yields, adjusted for abnormal weather conditions, other uncontrollable natural causes, and for trends in yields, as provided in paragraphs (c) and (d) of this section.

(c) *Adjustments for abnormal weather conditions and other uncontrollable natural causes.* If on account of drought, flood, insect pests, plant disease, or other uncontrollable natural causes, the yield determined under paragraph (b) of this section for any year of such 5-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre for the farm. If, on account of abnormally favorable weather conditions, the yield for any year of such period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre for the farm.

(d) *Adjustments for trends in yields.* If the average of the yields, adjusted as provided in paragraph (c) of this section if applicable, determined for the 2 years immediately preceding the calendar year for which the farm normal yield is determined is more than the adjusted 5-year average, the farm normal yield shall be the average of the adjusted 5-year average and the average of the yields determined for the 2 years immediately preceding the calendar year for which the farm normal yield is determined.

(e) *Appraised yields.* If for any year for such 5-year period data are not available or there was no actual yield, then the normal yield (per harvested acre of rice) for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions during such 5-year period, trends in yields, the normal yield for the county, the yields obtained on adjacent farms during such year and the yield in years for which data are available.

Farm Marketing Quota and Farm Marketing Excess

§ 730.5 Marketing quotas in effect.

Marketing quotas when effective with respect to a particular crop of rice shall be applicable in the continental United States. Such quotas shall be applicable to any rice of that crop notwithstanding that it may be available for market prior to the beginning of the marketing year or subsequent to the end of the marketing year.

§ 730.6 Farm marketing quota.

The farm marketing quota for any farm for any crop of rice shall be that number of pounds of rice produced less the amount of the farm marketing excess for the farm.

§ 730.7 Farm marketing excess.

The farm marketing excess for any crop of rice for any farm shall be the normal production of the rice acreage on the farm in excess of the farm allotment therefor: *Provided*, That such excess for any crop shall not be larger than the amount by which the actual production of such crop of rice on the farm exceeds the normal production of the farm allotment if the producer establishes such actual production as provided in § 730.10. The farm allotment used for the purpose of determining the excess pursuant to this section shall be the farm allotment for the farm as determined under the rice acreage allotment regulations in this part. The farm rice acreage used for the purpose of determining the excess pursuant to this section shall be the rice acreage for the farm as determined under Part 718 of this chapter, Determination of Acreage and Compliance.

§ 730.8 Notice of farm marketing excess.

Written notice of the farm marketing quota and farm marketing excess for a farm shall be mailed to the operator of each farm for which an excess is determined. Notice so given shall constitute notice to each producer having an interest in the rice crop produced or to be produced on the farm. A copy of such notice shall also be mailed on the same day to each other rice producer on the farm as shown on county office records. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the Act. A record of each notice containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the county office and upon request a copy thereof shall be furnished without charge to any person who is interested in the rice produced on the farm for which the notice is given. Each notice shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof and shall be signed by a member of the county committee on behalf of the county committee.

§ 730.9 Farms for which proper notice of the farm marketing quota and farm marketing excess of rice was not issued.

Where, for any reason, proper notice of the farm marketing quota and farm marketing excess and of the producer's right to obtain a downward adjustment in the excess for his farm on account of actual production, and of his right to store or deliver to the Secretary the excess established for the farm, was not issued to the producer in sufficient time to allow him 30 days prior to the time in which he was required to make application for a downward adjustment, or to store or deliver to the Secretary the excess, as prescribed by §§ 730.8, 730.10, 730.30, and 730.31, the producer shall be so notified by the county committee and the producer may, within 30 days from the date such notice is mailed to him, apply to the county committee for a downward adjustment in the amount of the excess and may, within 30 days from the date such notice is mailed, store or deliver to the Secretary the excess as provided in §§ 730.10, 730.30, and 730.31. If application for downward adjustment in the farm marketing excess is made by the producer, a revised notice with a copy of the determination of the county committee as provided in § 730.10 (b) shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

§ 730.10 Farm marketing excess adjustment.

(a) *Adjustment in the amount of the farm marketing excess.* (1) Any producer having an interest in the rice produced on any farm for which there is an excess may (i) within 60 days after the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed, as provided in § 730.9, apply in writing to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of rice produced on the farm in the applicable crop year, or (ii) apply in writing to the county office at any time prior to the institution of court proceedings to collect the penalty for a determination that there was no farm marketing excess for the farm because the actual production of rice on the farm was not in excess of the normal production of the acreage allotment.

(2) The date on which the harvesting of rice is normally substantially completed in the county or area in the county shall be as prescribed in subparagraph (3) of this paragraph. Unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed as provided in § 730.9 or unless prior to the institution or court proceedings to collect the penalty with respect to the farm it is determined that there was no farm marketing excess for any farm, the excess for any farm in the county as determined on the basis of the normal production of the excess rice acreage for the farm shall be final as to the producers on the farm. A record of each application so made and the date thereof shall be maintained in the county office. The county committee shall establish a time and a place at which each application will be considered and the applicant shall be notified of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made.

(3) The established date on which rice harvest is normally substantially completed has been determined as aforesaid in rice-producing counties to be as follows:

Arkansas	Nov. 15
California	Nov. 30
Florida	Do.
Illinois	Oct. 15
Louisiana	Nov. 1
Mississippi	Oct. 31
Missouri	Oct. 1
North Carolina	Nov. 1
Oklahoma	Nov. 15
South Carolina	Nov. 1
Tennessee	Do.
Texas	Oct. 20

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* (1) The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant.

(2) The actual production of any farm shall be determined in view of the relevant facts, including the past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, processing, sales, and storage of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of rice on the farm and in the locality in which the farm is situated. In determining actual production, the county committee shall include, in addition to the actual production of the harvested acreage, the estimated production of any unharvested acreage which has been classified as rice acreage, unless the county committee determines that no rice could be harvested in any manner from the unharvested excess acreage after approval of the downward adjustment.

(3) In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence, or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which are available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public.

(4) The county committee shall make its determination in connection with each application not later than 5 calendar days next succeeding the day on which the consideration was concluded. The determination of the county committee shall be in writing and shall contain (i) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (ii) a concise statement of the findings of the county committee upon the questions of fact, and (iii) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A revised notice with a copy of the determination made as aforesaid shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

(5) All county committee determinations made in connection with applications for adjustment in the farm marketing excess, subject to review and revision, shall be approved by the State committee or by the State executive director, program specialist, or farmer fieldman. No notice of the determination shall be mailed to the operator until the determination has been approved as provided in this subparagraph.

(c) *Adjustment where no rice is produced.* Notwithstanding the foregoing provisions of this section, whenever the county committee determines that no rice has been or will be produced in a particular crop year on a farm for which a farm marketing excess has been determined, the county committee may adjust the farm marketing excess and notify the operator of such adjustment as provided in paragraph (b) of this section, without the necessity of an application by the producer.

§ 730.11 Reports of farm marketing excess.

The county committee shall cause to be filed with the State office a written report setting forth for each farm for which a farm marketing excess is determined (a) the farm serial number, (b) the name of each producer who has an interest in the excess for the farm, (c) the farm acreage allotment, (d) the rice acreage, (e) the farm normal yield, and (f) the farm marketing excess in pounds.

§ 730.12 Publication of the farm allotments, marketing quotas, and marketing excesses.

A record of the farm allotments, farm marketing quotas, and farm marketing excesses established for farms in the county shall be made and kept freely available for public inspection in the county office.

§ 730.13 Marketing quotas not transferable.

A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 730.14 Successors in interest.

Any person who succeeds to the interest of a producer in a farm or in a rice crop produced on a farm for which a farm marketing quota and farm marketing excess were established shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of rice. However, a successor to a deceased producer shall not be personally liable for an unpaid marketing quota penalty incurred by the producer prior to his death, but a suit may be brought to enforce the lien for the penalty against the rice.

§ 730.15 Review of quotas.

Any producer who is dissatisfied with the farm allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas, may apply in writing for a review by a review committee of such determination in connection therewith. Application for review and the review committee proceedings shall be in accordance with Part 711 of this chapter, Marketing Quota Review Regulations.

Identification of Rice

§ 730.16 Identification of rice by producer.

Each producer of rice shall, at the time he markets any rice, identify the rice to the person who buys or acquires such rice as being (a) not subject to the penalty provided under this subpart and not subject to the lien for such penalty, or (b) subject to the penalty provided under this subpart and subject to the lien for such penalty. The producer shall furnish to the person who buys or

acquires the rice, in connection with such identification of the rice, the following:

(1) Name and address of producer.

(2) State and county where farm on which the rice was produced is located.

(3) Serial number of farm on which the rice was produced.

(4) Crop year in which the rice was produced.

§ 730.17 Identification of rice by buyer.

Each person who buys or acquires rice from a producer shall obtain from such producer the identification of rice required under § 730.16. In addition, before acquiring any rice, each person who buys or acquires rice shall obtain from the county committee of each county where the rice being offered to him was produced, or from the State executive director, a list showing (a) the serial number of each farm in the county which is subject to a penalty; and (b) the names and addresses of all producers who were engaged in the production of rice on such farm in the year for which the penalty was determined. If there are no farms in the county subject to a penalty for the current year's crop or a previous crop, the list shall so state. The county committee or the State executive director shall furnish such list upon request to any person who buys or acquires rice. The person who buys or acquires any rice shall determine whether the name of the producer and the farm number furnished him by the producer who identifies rice under § 730.16 appear on the list obtained for the applicable county. If the name of the producer and farm number so furnished appear on the list, or if the producer identifies the rice as subject to penalty, the person who buys or acquires the rice shall take such rice as subject to penalty at the applicable rate and to the lien for the penalty.

§ 730.18 Rice sweepings or spillage.

Any person other than a producer offering rice sweepings or spillage for sale shall obtain a certification from the elevator operator, warehouseman, or processor, or other grain dealer who conducts his business in a manner substantially the same as an elevator operator or warehouseman, certifying that the rice had previously been marketed to the person executing the certificate, if such is the fact. Such certification shall be kept as part of the records of the buyer who buys the sweepings or spillage.

§ 730.19 Rice accumulated from samples.

Any person other than a producer offering for sale rice accumulated from samples taken for grading and testing purposes shall obtain a certification from the grader or tester certifying that the rice was an accumulation of samples. Such certification shall be kept as part of the records of the buyer who buys the samples.

§ 730.20 Marketing of penalty free rice.

Each person who buys or acquires rice which is identified in accordance with §§ 730.16 to 730.19 as not subject to the penalty provided under this subpart and not subject to the lien for such penalty, may purchase the rise so identified without the payment of penalty.

§ 730.21 Marketing of penalty rice.

Each person who buys or acquires rice which is identified in accordance with §§ 730.16 to 730.19 as being subject to penalty and the lien for such penalty shall take such rice as subject to penalty at the applicable rates and to the lien for the penalty and such person shall remit the amount thereof to the county committee. In addition, each person who buys or acquires rise shall remit the required penalty to the county committee in each case where such person has not obtained the applicable list as required under § 730.17.

PENALTY

§ 730.22 Rate of penalty.

The rate of penalty on rice shall be 65 per centum of the parity price per pound of rice as of June 15 of the calendar year in which the crop is produced. The rate of penalty applicable to the 1967 and subsequent crops of rice will be published as an amendment to the regulations in this subpart following the announcement of the June 15 parity price annually.

§ 730.23 Lien for penalty.

The entire amount of rice produced in any year on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the penalty is paid in accordance with § 730.25 or § 730.26, or the farm marketing excess is stored in accordance with § 730.30, or delivered to the Secretary in accordance with § 730.31.

§ 730.24 Interest on unremitted penalty.

The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 730.25(b) or § 730.26(b), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 730.25 Payment of penalties by producers.

(a) *Producers liable for payment of penalties.* Each producer having an interest in the rice produced on any farm for which a farm marketing excess is determined shall be liable to pay the amount of penalty on such excess as provided in this section. The amount of the penalty for which any producer is liable shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of rice produced on the farm.

(b) *Time when penalties become due.* To the extent collection has not been made prior thereto, the amount of the penalty with respect to the farm marketing excess for any farm shall be remitted by the producer not later than 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated, as determined in accordance with § 730.10(a)(3), or not later than 30 calendar days after notice of farm marketing quota and farm marketing excess is mailed as provided for in § 730.9: *Provided,* That the penalty on that amount of the farm marketing excess delivered to the Secretary pursuant to § 730.31 or § 730.9 shall not be remitted: *Provided further,* That the penalty on that amount of the farm marketing excess which is stored pursuant to § 730.30 or § 730.9 shall not be remitted until the time, and to the extent, of any depletion in the amount of rice so stored not authorized as provided in § 730.30(g).

§ 730.26 Payment of penalties by buyers.

(a) *Buyers liable for payment of penalty.* Each person within the United States who buys or acquires rice which is subject to the lien for the penalty shall be liable for and shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon.

(b) *Time when penalties become due.* The penalty to be paid by any person who buys or acquires rice pursuant to paragraph (a) of this section shall be due at the time the rice is purchased or acquired and shall be remitted not later than 15 calendar days thereafter.

(c) *Manner of deducting penalties and issuance of receipts.* The person who buys or acquires rice may deduct from the price paid for any rice an amount equivalent to the amount of the penalty to be paid by the person who buys or acquires rice pursuant to paragraph (a) of this section. Any person who buys or acquires rice who deducts an amount equivalent to the penalty shall issue to the person from whom the rice was purchased or acquired a receipt for the amount so deducted.

(d) *Collection by buyer at a sale which depleted stored excess rice.* Any buyer within the United State who purchases rice at a sale which has the effect of depleting stored excess rice, including a sale for storage charges, shall be liable for the penalty due from the producer under § 730.30(g) and shall remit the amount of the penalty to the county office within 15 days after such purchase in the manner provided in § 730.27. Failure to collect from the producer shall not relieve the buyer of his duty to remit the amount of the penalty.

§ 730.27 Remittance of penalties to the county office.

The penalty shall be delivered or mailed to the county office only in legal tender, or by check, draft or money order drawn payable to the order of the Agricultural Stabilization and Conservation Service, USDA. All checks, drafts and money orders tendered in payment of the penalty shall be received in the county office subject to collection and payment at par.

§ 730.28 Deposit of funds.

All funds received in the county office in connection with penalties for rice shall be scheduled and transmitted on the day received or not later than the next succeeding business day, to the State office, where, in accordance with applicable instructions such funds shall be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, such funds shall be deposited in the county committee bank account and a check shall be issued in the amount thereof, payable to the order of the Agricultural Stabilization and Conservation Service, USDA and transmitted to the State office. A record shall be maintained of each amount received in the county office, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the rice in connection with which the funds were remitted.

§ 730.29 Refunds of money in excess of the penalty.

(a) *Determination of refunds.* The county committee, upon its own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the security required for stored excess rice or the penalty due. Any excess amount, if more than $3, shall be refunded. A refund in the amount of $3 or less need not be made unless requested by the person eligible to receive such refund. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess amount shall first be applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount determined by apportioning the excess amount among the producers on the farm in the proportion that each contributed toward the payment, avoidance or security of the penalty on the farm marketing excess or (2) the amount which is in excess of the security required for stored excess rice and the penalty due on that portion of the farm marketing excess for which the producer is separately liable. No refund shall be made to any buyer of any amount which he collected from the producer or another, deducted from the price or consideration paid for the rice, or for which he was liable.

(b) *Certification of refunds.* The county office manager shall notify the State executive director of the amount which the county committee determines may be refunded to each person with respect to the farm, and the State executive director shall cause to be certified to the appropriate Disbursing Officer of the Treasury Department for payment such amounts as are approved by him. No refund of money shall be certified under this section unless the money has been received in the county office and transmitted to the State office but has not been covered into the general fund of the Treasury of the United States.

§ 730.30 Stored farm marketing excess.

(a) *Amount, type and grade of rice to be stored.* The number of pounds of rice in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary, or on which the penalty has not been paid. The amount of the excess for the purpose of storage shall be the amount of the excess as determined at the time of storage under § 730.7 or § 730.10, whichever is applicable. The amount of rice so stored shall be of those classes and grades which are representative of the entire quantity of rice produced on the farm, as determined by the county committee, except that if the rice produced on the farm consists of two or more classes or varieties of rice which mature and are harvested at different and distinct times and the producer stores the excess rice from the class or variety first harvested prior to the harvest of the remaining types or varieties, the stored amount shall be representative of the class or variety first harvested, as determined by the county committee.

(b) *Kinds of storage; commingling and substitution.* Excess rice shall be stored either in an elevator or warehouse duly licensed and authorized to issue warehouse receipts under Federal or State laws, hereinafter referred to as "licensed storage," or in any other place adapted to the storage of rice, hereinafter referred to as "nonlicensed storage." Commingling and substitution of rice shall be permissible in case of licensed storage, but this shall not be construed to permit the substitution of warehouse or elevator receipts deposited in escrow to postpone or avoid payment of penalty under paragraph (c) of this section. In the case of nonlicensed storage, excess rice may, with the prior written approval of the county committee, be commingled with stored excess rice from any other year, and any or all stored excess rice may be replaced by rice from any other year produced by the same producer on the same or any other farm if, (1) the county committee gives prior written approval of such replacement; (2) the rice to be used for substitution is in storage; (3) the county committee determines that the rice to be used for substitution is of a quality equal to or better than the excess rice in storage and for which substitution is to be made; and (4) the requirements of this section with respect to furnishing a bond or depositing funds in escrow are complied with. The removal of stored excess rice from storage without compliance with all conditions precedent or subsequent to such removal shall constitute unauthorized depletion of the storage amount and shall be subject to penalty as provided in paragraph (g) of this section. Rice in which the producer has an interest produced on any farm may be stored in any location to postpone the penalty on any excess rice in which the same producer has an interest provided the rice so stored is determined by the county committee to be of a quality equal to or better than the rice produced on the farm with the excess. The storage of rice in nonlicensed storage shall be effective only if the producer submits a written statement showing the exact location of the stored rice by quarter section or other comparable descriptive location in areas where description is not by quarter section. Excess rice for any year which was properly stored in nonlicensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty may be moved to licensed storage if, prior to the movement of the rice, a written request to do so is filed in the county office and approval of the county committee is granted in writing, and if the rice is moved and stored in licensed storage in accordance with paragraph (c) of this section within 15 days after approval is granted. When all requirements for licensed storage have been met in accordance with the foregoing provisions, the bond or escrow funds held in connection with the nonlicensed storage may be released. The penalty on any stored excess rice removed from nonlicensed storage without the prior written authorization from the county committee shall be due on such removal. Rice produced on a farm by any producer may be placed in nonlicensed storage and substituted for excess rice for any year which was properly stored in licensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty if a written request to do so is filed in the county office and approval of the county committee is granted in writing upon the determination of such committee that the rice to be stored in nonlicensed storage is of a quality equal to or better than the rice in licensed storage, and the rice in an amount equal to the amount in licensed storage for which substitution is desired is stored in nonlicensed storage in accordance with this paragraph (b) and paragraph (d) of this section and is secured by a good and sufficient bond of indemnity or the deposit of funds in escrow, as provided in paragraph (d) of this section. When all requirements for nonlicensed storage have been met in accordance with this section, the warehouse receipt covering the rice in licensed storage shall be returned to the person who deposited it. Rice stored in nonlicensed storage shall be subject to inspection at all times by officers or employees of the Department, or members, officers or employees of the appropriate State or county committee.

(c) *Licensed storage; deposit of warehouse receipts in escrow.* The storage of excess rice in licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective for such purposes only when a warehouse receipt covering the amount of rice so stored is deposited with the county office manager to be held in escrow. The warehouse receipt shall be an endorsed negotiable receipt or a nonnegotiable receipt. In the case of

a nonnegotiable receipt, the warehouseman or elevator operator shall be notified in writing by the owner of the receipt and the county office manager that it has been deposited in escrow and that delivery of the rice covered thereby is to be made under the terms of the deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the rice is stored shall be and shall remain liable for all charges incident to the storage of the rice and that the county committee and the United States in no way shall be liable for such charges. Whenever the penalty with respect to rice covered by the warehouse receipt(s) is paid or otherwise satisfied in accordance with law, the warehouse receipt(s) shall be returned to the person who deposited it. A warehouse receipt covering a farm marketing excess may be accepted in escrow in accordance with this paragraph even though a lien is held by another party against the producer's entire crop. Upon notice of foreclosure proceedings to enforce the lien, the county office manager shall advise the lien holder and the purchaser of the rice at the foreclosure sale that penalty shall become due and payable upon the sale of the rice and of the purchaser's liability to collect and remit the penalty.

(d) *Non-licensed storage bonds.* The storage of excess rice in nonlicensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective only when a good and sufficient bond of indemnity, on a form prescribed for the purpose, is executed and filed with the county office manager in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored, or funds are deposited in escrow as hereinafter provided. Each bond given pursuant to this paragraph shall be executed as principal by the producer storing the rice and either by two persons as sureties who are not producers on the farm and who own real property with an unencumbered value of double the principal sum of the bond, exclusive of homestead exemptions, or by a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds to the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of the depletion of any amount stored which is not authorized under this subpart, and that if at any time any producer on the farm prevents the inspection of rice so stored, the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced from any cause, the county office manager shall furnish the principal and the sureties with a written statement to that effect. Unless the bond in effect permits the commingling or substitution of rice in storage, a new bond covering all excess rice of the producer stored in nonlicensed storage and not covered by funds in escrow shall be required as a condition for commingling rice or permitting substitution of any other year stored excess rice. In such case, upon approval and acceptance of the new bond, the old bond may be released. The bond of indemnity provided for in this paragraph may be waived by the county committee with the approval of the State committee if the excess was produced by a State or State institution or other agency of a State or by a Federal institution or Federal agency: *Provided*, That as a condition of the waiver the head of the State or Federal institution or State or Federal agency shall agree in writing to comply with all the other provisions of this subpart with respect to the stored excess.

(e) *Nonlicensed storage; deposit of funds in escrow.* The storage of excess rice in nonlicensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty, if a bond is not furnished in compliance with the regulations contained in this subpart shall be effective for such purpose only when an amount of money equal to the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty and the right of inspection during the period of storage. All checks, drafts and money orders shall be received in the county office subject to collection and payment at par. Funds in escrow shall be subject to the condition that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized and that, if at any time any producer on the farm prevents inspection of any rice so stored, the penalty on the entire amount stored shall be paid forthwith. In case approval in granted to commingle rice or to substitute rice of any crop for excess rice in storage, there shall be on deposit in escrow, pursuant to the provisions of this paragraph, funds which cover all excess rice for any year stored by the producer in nonlicensed storage pursuant to this section which is not covered by a bond given pursuant to paragraph (d) of this section. Whenever the penalty with respect to rice covered by funds in escrow is paid or otherwise satisfied in accordance with law, the amount of funds covering such rice shall be released to the person who made the escrow deposit.

(f) *Time of storage.* Storage of rice in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraphs (a) and (b), and (c), (d), or (e), of this section are complied with prior to the expiration of the period allowed in accordance with § 730.25(b) for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess rice.* The penalty on the amount of excess rice stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of rice stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) The amount by which the stored excess rice exceeds the farm marketing excess for the farm as determined in accordance with § 730.7 or § 730.10, (2) the amount by which the stored excess rice exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the review committee determination, (3) the amount of any rice destroyed by fire, weather conditions, theft, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him, and (4) the amount of any rice delivered to the Secretary under the provisions of § 730.31. The penalty on the amount of any unauthorized depletion in the storage amount shall be at the rate applicable to the marketing year in which the stored excess rice was produced, except that if the storage amounts of two or more crops are commingled or if the storage amount of one crop is replaced by rice of another crop, as provided in paragraph (b) of this section, the penalty shall be computed first at the rate applicable to the marketing year for the oldest crop involved in the storage amount until the entire penalty for the storage amount of such crop is satisfied and thereafter in turn at the rate applicable to the marketing year for each of the next oldest crops involved in the storage amount until the entire penalty for the storage amount of each crop is satisfied.

(h) *Underplanting the farm allotment for a subsequent crop.* Whenever the rice acreage on any farm for any subsequent crop of rice is less than the farm allotment, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty any rice so stored by them, whether produced in a prior year on the farm or another farm, to the extent of the normal production of the number of acres by which the acreage planted to rice is less than the farm allotment. Such application shall be made in writing not later than December 31 of the crop year in which the underplanted crop is harvested. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice to the extent of their need therefor in accordance with their shares in the acreage which was or could have been planted to rice or in accordance with their agreement as to the apportionment to be made. A producer shall not be entitled to remove rice from storage under this paragraph in connection with any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the end of the rice seeding season for the crop for the area in which the farm is situated, the producer is entitled to share in the rice crop which was or could have been planted on the farm. For the purpose of this paragraph, the farm rice acreage plus any acreage regarded as planted to rice under the conservation and cropland adjustment programs shall be used in determining the underplanting of the farm allotment.

(i) *Producing a subsequent crop which is less than the normal production of the farm allotment.* Whenever in any subsequent year the rice acreage does not exceed the farm allotment and the actual production of rice on the farm is less than the normal production of the farm allotment, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage, without penalty, any rice so stored by them, whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section, exceeds the amount of rice produced on the farm in that year. Such application shall be made in writing not later than 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated as determined in accordance with § 730.10. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice, to the extent of their need therefor in accordance with their proportionate shares in the rice crop planted on the farm, or in accordance with their agreement as to the apportionment to be made. The determination of the amount of rice produced on the farm shall be in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove rice from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the rice crop planted on the farm. For the purpose of this paragraph, any acreage which is considered to be rice acreage under the conservation and cropland adjustment programs shall be deemed to have produced the normal production of rice when determining the actual production for the farm.

§ 730.31 Delivery of the farm marketing excess to the Secretary.

(a) *Amount of the rice to be delivered.* The amount of rice delivered to the Secretary in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined at the time of delivery, in accordance with § 730.7 or § 730.10, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary, the county office manager for the county in which the farm for which the marketing excess is determined is situated shall accept the delivery of any rice tendered to avoid the payment of the penalty. The delivery of the rice for this purpose shall be effective only when the producers having an interest in the rice to be so delivered convey to the Secretary all right, title, and interest in and to the rice by executing a form provided for this purpose and (1) deliver the rice to an elevator or warehouse and tender to the county office manager the elevator or warehouse receipt for the amount of the rice, or (2) show to the satisfaction of the county committee that it is impracticable to deliver the rice to an elevator or warehouse and receive an elevator or warehouse receipt therefor, deliver the rice at a point within the county or nearby and within such time or times as may be designated by the county office manager. None of the rice so delivered shall be returned to the producer. Insofar as practicable, the rice so delivered shall be delivered to the Commodity Credit Corporation of the Department, and any rice which it is impracticable to deliver to such Corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary hereby determines will divert it from the normal channels of trade and commerce: Any Federal relief organization, the American Red Cross, State or county or municipal relief organization, Federal or State wildlife refuge project, or any voluntary relief organization registered with the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration for shipment for relief overseas.

(c) *Time of delivery.* Excess rice may be delivered to the Secretary at any time within 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county as determined in accordance with § 730.10(a) or pursuant to § 730.9. Excess rice may be delivered to the Secretary after such period only if the excess rice was stored in accordance with the provisions of § 730.30 (a) to (f), and the rice has not gone out of condition through any fault of the producer.

(d) *Rice to be unencumbered.* Any rice delivered to the Secretary for the purpose of avoiding the penalty with respect to the farm marketing excess for any farm shall be free and clear of all encumbrances and particularly no rice shall be accepted for such purposes if it is subject to storage charges or liens of any kind.

§ 730.32 Refund of penalty erroneously, illegally, or wrongfully collected.

Whenever, pursuant to a claim filed with the Secretary within 2 calendar years after payment to him of the penalty collected from any person, pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected and the claimant bore the burden of such penalty, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States, such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 730.33 Report of violations and court proceedings to collect penalty.

The county office manager shall report in writing to the State executive director each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 730.25 to 730.27. The State executive director shall report each such case in writing to the Office of the General Counsel of the Department which shall have authority to refer such cases for the institution of proceedings by the U.S. attorney for the appropriate district under the direction of the Attorney General of the United States to collect the penalties, as provided in section 376 of the Act.

RECORDS AND REPORTS

§ 730.34 Records to be kept and reports to be made by warehousemen, mill or elevator operators, other processors, and buyers.

(a) *Necessity for records and reports.* Each warehouseman, mill or elevator operator, processor, and buyer, who buys, acquires, or receives rice from the producer thereof shall, in conformity with section 373(a) of the Act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to rice, the provisions of the Act.

(b) *Nature of records.* Each person required to keep records as provided in paragraph (a) of this section, shall keep as part of or in addition to the records maintained by him in the conduct of his business a record which shall show with respect to the rice purchased, acquired, or received by him from the producers thereof the following information: (1) The name and address of the producer of the rice, (2) the date of the transaction, (3) the amount of the rice, and (4) the amount of any lien for the penalty or of any penalty incurred in connection with the rice purchased, acquired, or received by him.

(c) *Time and manner of submitting reports.* The county office manager for the county in which the rice covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be submitted not later than 15 calendar days next succeeding the day on which the rice was marketed to a warehouseman, mill or elevator operator, processor, or buyer and shall be mailed or delivered directly to the said county office manager.

§ 730.35 Availability of records.

Each person required to keep records as provided in § 730.34, shall make available for examination and inspection by the Secretary or by any authorized representative of the Secretary, the records required by § 730.34 and the records kept in his business concerning such rice, for the purpose of ascertaining the correctness of any reports made or any records kept pursuant to the regulations in this subpart, or of obtaining the information required to be furnished in any report pursuant to the regulations in this subpart, but not so furnished. All such records shall be kept available for examination and inspection by the Secretary or, by any authorized representative of the Secretary for 2 calendar years beyond the calendar year in which the marketing year ends, or longer if requested by the State executive director or by the Director. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, documents, and memoranda.

§ 730.36 Buyer's special report.

If the county committee, the State committee, or State executive director has reason to believe that any buyer failed or refused to comply with the regulations in this subpart, the buyer shall, within 15 days after a written request therefor made by either the county committee, State committee, or State executive director and deposited in the U.S. mails, addressed to him at his last known address, make a report, certified as true and correct to such person with respect to all rice purchased or acquired by him during the period of time specified in the request. The report shall include the information required to be kept under § 730.34 for each lot of rice purchased or acquired from the persons specified or during the period specified.

§ 730.37 Penalty for failure or refusal to keep records and make reports.

Any person required to keep the records or make the reports specified in § 730.34 or § 730.36 who fails to keep any such record or make any such report, or who makes any false report or keeps any false record, shall, as provided in section 373(a) of the Act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 730.38 Records to be kept and reports to be made by producers.

Each producer with respect to any rice crop shall keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to rice, the provisions of the Act. Upon written request of the county committee or county office manager, any producer shall, within 15 days from the date the request was mailed to him, file with the county office manager for the county in which the farm is situated, a report of production and disposition showing for the farm the following information: (a) The total number of pounds of rice produced thereon in the applicable crop year, (b) the name and address of each buyer of any rice, (c) the amount of rice sold to each buyer, (d) the amount equivalent to the penalty which was deducted from the price or consideration for the rice, (e) the amount of unmarketed rice of the applicable crop stored on the farm, (f) the disposition of any rice not otherwise accounted for, and (g) the rice acreage for the applicable crop year.

§ 730.39 Data to be kept confidential.

Except as otherwise provided herein, all data reported to or acquired by the Secretary pursuant to and in the manner provided in this subpart shall be kept confidential by all officers and employees of the Department, members of county committees, other local committees, and State committees, county agents, and officers and employees of such committees or county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any rice, farm, or transaction covered by the particular data, such as records, reports, forms, or other information, and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the Act and then only in a suit or administrative hearing under Title III of the Act.

§ 730.40 Enforcement.

The county office manager shall report in writing to the State executive director each case of failure or refusal to make any report or keep any record as required by §§ 730.34 to 730.38, and to so report each case of making any false report or record. The State executive director shall report each such case in writing to the Office of the General Counsel of the Department which shall have authority to refer such cases for the institution of proceedings by the U.S. attorney for the appropriate district under the direction of the Attorney General of the United States, to enforce the provisions of the Act.

SPECIAL PROVISIONS AND EXEMPTIONS

§ 730.41 Farms on which the only acreage of rice is nonirrigated rice not in excess of 3 acres.

The farm marketing quota of rice for any crop shall not be applicable to any nonirrigated (dry land) farm on which the rice acreage for such crop is not in excess of 3 acres.

§ 730.42 Experimental rice farms.

The penalty shall not apply to the marketing of any rice of any crop grown for experimental purposes only on land owned or leased by any publicly owned agricultural experiment station, and which is produced at public expense by employees of the experiment station, or to rice produced for experimental purposes only by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the rice and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the planting of the rice crop on the farm. The production of foundation, registered, or certified seed rice will not be considered produced for experimental purposes only.

§ 730.43 Rice produced on a wildlife refuge farm.

The penalty shall not apply to any rice produced in excess of the allotment on a wildlife refuge farm consisting solely of Federal or State-owned land: *Provided*, That such acreage is not harvested, but is left on the land for wildlife feed. The exemption from penalty shall be granted by the county office manager upon the written application of the farm operator or responsible executive officer on any such farm, stating that none of the excess rice produced on the farm will be harvested and that such excess will be left on the farm for wildlife feed.

§ 730.44 Erroneous notices.

(a) *Erroneous notice of allotment.* In any case where through error in a county or State office the producer was officially notified in writing of a rice allotment for a crop year which was larger than the finally approved allotment and the county committee and the State executive director find that the producer, acting solely on the information contained in the erroneous notice, planted an acreage to rice in excess of the finally approved allotment, the producer will not be considered to have exceeded the allotment unless he overplanted the allotment shown on the erroneous notice. The farm marketing quota and the farm marketing excess for the farm under the foregoing circumstances will be based on the allotment contained in the erroneous notice, and if the acreage planted to rice on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for disposal of excess acreage, the farm will not be considered to be overplanted. Before a producer can be said to have relied upon the erroneous notice, the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of rice customarily planted; and all other pertinent facts should be taken into consideration. If the county committee determines that the producer was justified in relying on the erroneous notice of rice allotment for the farm, such determination shall be subject to review and approval by the State executive director before the erroneous allotment is used by the county committee to determine the marketing quota and marketing excess for the farm. If any farm allotment is reduced pursuant to the provisions of the rice acreage allotment regulations in this part for reduction of farm allotments where a producer does not engage in the production of rice on the farm, the provisions of this paragraph may be applied only to the farm allotment as so reduced, whether reduced prior or subsequent to the planting of rice on the farm, and not to the farm allotment prior to such reduction.

(b) *Erroneous notice of measured acreage.* The provisions of Part 718 of this chapter, Determination of Acreage and Compliance, relating to notices to farm operators shall be applied when determining whether an erroneous notice of measured acreage is applicable to a particular case.

§ 730.45 Supervisory authority of State committee.

The State committee may take any action required to be taken by the county committee which the county committee fails to take and the State committee may correct or require the county committee to correct any action taken by such county committee which is not in accordance with the regulations in this subpart. The State committee may also require the county committee to withhold taking any action which is not in accordance with the regulations in this subpart.

§ 730.46 Additional authority for determinations.

The Deputy Administrator, a member of the State committee, State executive director, or program specialist in the State office, may make any determination under this subpart which the county committee is authorized to make under this subpart, including, but not limited to, the authority to make required determinations for the issuance of and to issue notices of farm marketing excesses. In any case where the Deputy Administrator, member of the State committee, State executive director, or program specialist elects to exercise the authority vested in him hereunder, the county committee shall not exercise its authority. A copy of each notice issued under this section shall be kept among the permanent records of the appropriate county committee.

§ 730.47 Designation of representatives of the Secretary to examine records.

(a) *Designation of representatives.* In order to carry out the provisions of §§ 730.34 to 730.36, relating to the examination of records, the Deputy Administrator is hereby authorized and directed to designate in writing with the counter signature of the State executive director, an appropriate number of persons from the officers or employees of the Department to act as the authorized representatives of the Secretary for the purpose of said provisions. In addition, investigators, and accountants (special agents), Office of the Inspector General of the Department are hereby designated as authorized representatives of the Secretary for the purposes of said provisions.

(b) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the Secretary is hereby authorized and empowered under 5 U.S.C. 521 to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the rice marketing quota provisions of the Act or the regulations in this subpart.

§ 730.48 Approval of reporting and recordkeeping requirements.

The reporting and recordkeeping requirements contained herein have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Prior to the issuance of the regulations referred to herein, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration provided such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 14, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-4345; Filed, Apr. 19, 1967; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Containers

Consideration is being given to the following proposal submitted by the Florida Lime Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the Agriculture Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is that the current container regulation, Lime Regulation 8 (7 CFR 911.311; 31 F.R. 8539) be terminated and replaced with a container regulation reading as follows:

(a) *Order.* (1) On and after the effective date hereof, no handler shall handle any variety of limes, grown in the production area, in containers having a capacity of more than 4 pounds of limes unless such limes are handled in containers meeting the following specifications and conform to all other applicable requirements of this section:

(i) Containers with inside dimensions of 11 x 16¾ x 10 inches: *Provided*, That any such container shall contain not less than 40 pounds net weight of limes.

(ii) Containers with inside dimensions of 11⅜ x 16 x 11 inches: *Provided*, That any such container shall contain not less than 40 pounds nor more than 42 pounds net weight of limes.

(iii) Containers with inside dimensions of 11⅜ x 16 x 6 inches: *Provided*, That any such container shall contain not less than 20 pounds nor more than 22 pounds net weight of limes.

(iv) Containers with inside dimensions of 11 x 16¾ x 6 inches: *Provided*, That any such container shall contain not less than 20 pounds nor more than 22 pounds net weight of limes.

(v) Containers with inside dimensions of 12 x 9⅝ x 3¾ inches: *Provided*, That any such container shall contain not less than 10 pounds net weight of limes.

(vi) Containers with inside dimensions of 12 x 9⅝ x 5 inches: *Provided*, That any such container shall contain not less than 10 pounds nor more than 12 pounds net weight of limes.

(vii) Such other types and sizes of containers as may be approved by the Florida Lime Administrative Committee, with the approval of the Secretary, for testing in connection with a research project conducted by or in cooperation with said committee: *Provided*, That the handling of each lot of limes in such test containers shall be subject to the prior approval, and under the supervision of, the Florida Lime Administrative Committee.

(2) The limitations set forth in subparagraph (1) of this paragraph shall not apply to master containers for individual packages of limes: *Provided*, That the individual packages within such master container are of a capacity not exceeding 4 pounds and the markings or labels, if any, on such packages do not conflict with the markings or labels on the master container.

(3) The terms "handler," "handle," "limes," and "production area" when used in this section shall have the same meaning as when used in the amended marketing agreement and order (§§ 911.1 to 911.71).

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the

office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: April 14, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4346; Filed, Apr. 19, 1967; 8:48 a.m.]

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Containers

Consideration is being given to the proposal, hereinafter set forth, by the Avocado Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915) regulating the handling of avocados grown in South Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is that § 915.305(a)(1)(i) of the avocado container regulation (Avocado Order 5; 7 CFR 915.305) be revised to permit the use of an additional container with inside dimensions of 11⅜ x 16 x 11 inches and to prescribe that such containers and containers with inside dimensions 11 x 16¾ x 10 inches as currently specified therein, shall each contain not less than 34 pounds net weight of avocados, except that for certain varieties, including unnamed varieties of avocados, these containers shall contain not less than 32 pounds net weight, of avocados.

The proposed revision of said paragraph (a)(1)(i) reads as follows:

§ 915.305 Avocado Order 5.

(a) *Order.* (1) • • •

(i) Containers with inside dimensions of 11⅜ x 16 x 11 or 11 x 16¾ x 10 inches: *Provided,* That (*a*) the net weight of the avocados in such a container shall be not less than 34 pounds, except that for avocados of the Booth 1, Fuchs, and unnamed varieties such weight shall be not less than 32 pounds; (*b*) with respect to each lot of such containers, not to exceed 10 percent, by count, of the individual containers in the lot may fail to meet the applicable specified weight but no container in such lot may contain a net weight of avocados exceeding 2 pounds less than the specified net weight; and (*c*) each avocado in such container in a lot shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in the lot may fail to meet such weight requirement but not more than double such tolerance shall be permitted for an individual container in the lot.

• • • • •

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: April 14, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4347; Filed, Apr. 19, 1967; 8:48 a.m.]

[7 CFR Part 1012]

MILK IN TAMPA BAY MARKETING AREA

Notice of Proposed Termination of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Tampa Bay marketing area is being considered.

The provisions proposed to be terminated are subparagraphs (2), (3), and (4) in § 1012.16(b), relating to the limitation on the diversion of producer milk from pool plants to nonpool plants.

The proposed termination would remove from the order the provisions that limit the quantity of producer milk that may be diverted to a nonpool plant by cooperatives and proprietary handlers. Presently, the order limits the quantity of producer milk that may be diverted by a cooperative association to 25 percent of all milk of its member producers physically received at pool plants during the month. The same percentage limitation to the producer receipts at his plant applies to the operator of a pool plant.

The Independent Dairy Farmers' Association, Tampa Bay Division, which markets about 60 percent of the producer milk in the Tampa Bay area, requested the termination. The association states that the diversion limitation is causing an extreme hardship on the association and disorderly conditions in the market.

The association contends that it performs the role of balancing the milk supplies for the entire market. In doing so, substantial quantities of member milk which have had to be disposed of to surplus outlets have been kept out of the pool because of the diversion limitation. This has resulted in lower returns to the association's members relative to other producers on the market.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 17, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-4348; Filed, Apr. 19, 1967; 8:48 a.m.]

[7 CFR Part 1128]

[Docket No. AO 238-A20]

MILK IN CENTRAL WEST TEXAS MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area, which was issued March 27, 1967 (32 F.R. 5371), is hereby further extended from April 14, 1967, to April 21, 1967.

Signed at Washington, D.C., on April 14, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-4349; Filed, Apr. 19, 1967; 8:48 a.m.]

[7 CFR Part 1134]

MILK IN WESTERN COLORADO MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Western Colorado marketing area is being considered pending a hearing on the matter.

The provisions proposed to be suspended in § 1134.12(b)(1) are the following: "for at least 5 days," and "without limit during the other days of such month," relating to the diversion of milk for the account of a cooperative association.

Petitioner has requested a continuation of a previous action which suspended these provisions for the months of February, March, and April 1967 (32 F.R. 4016). This they state will enable the cooperative to maintain producer status under the order for its membership, pending a hearing it has requested to consider amendment of the diversion provisions to conform to current marketing conditions in the Western Colorado marketing area.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 17, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-4350; Filed, Apr. 19, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SO-46]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Lauderdale, Fla., control zone.

The volume of air traffic activity at the North Perry Airport, Fla., has increased substantially during recent years. Based on current aircraft operations, this airport qualifies for an FAA control tower. An FAA North Perry control tower is scheduled to become operational following July 1, 1967. The control tower will operate 16 hours daily to provide airport traffic control service during the heavy air traffic periods. The FAA does not plan any instrument approach procedure for the North Perry Airport at this time. There will not be any weather services at this airport concurrently with the establishing of the FAA control tower. Therefore, the Fort Lauderdale, Fla., control zone would be altered to include the North Perry Airport. Hourly and special weather observations are a function of the Fort Lauderdale, Fla., control tower personnel.

The Bradley Field Airport, Fort Lauderdale, Fla. (latitude 26°09'15" N., longitude 80°09'50" W.) has been abandoned; therefore, the airspace within 1.5-mile radius of this airport which is excluded in the Fort Lauderdale control zone is no longer necessary.

In consideration of the foregoing, the Fort Lauderdale, Fla., control zone would be amended to read:

Within a 5-mile radius of Fort Lauderdale-Hollywood International Airport (latitude 26°04'25" N., longitude 80°09'10" W.); within a 3-mile radius of North Perry Airport (latitude 26°00'06" N., longitude 80°14'24" W.); within 2 miles each side of the Fort Lauderdale VOR 079° radial, extending from the 5-mile radius zone to 10 miles east of the VOR; within 2 miles each side of the Fort Lauderdale VOR 278° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; within 2 miles each side of the Fort Lauderdale VOR 306° radial, extending from the 5-mile radius zone to the INT of the Fort Lauderdale VOR 306° radial and the Miami, Fla. VORTAC 043° radial; within 2 miles each side of the 135° bearing from the Fort Lauderdale RBN, extending from the 5-mile radius zone to the RBN.

The proposed alteration to the Fort Lauderdale, Fla., control zone would provide controlled airspace protection for IFR aircraft departing the North Perry Airport during climb from the surface to 700 feet above the surface, and controlled airspace for the control of VFR air traffic operating in the vicinity of the airport. Additionally, it is FAA policy to include airports served by an FAA control tower within control zones.

A transition area with a floor of 700 feet above the surface to serve the North Perry Airport has been proposed in Airspace Docket No. 67–SO–35 by altering the Miami, Fla., 700-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Miami Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications received within 20 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on April 10, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-4341; Filed, Apr. 19, 1967; 8:47 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 67-CE-38]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations which would designate a restricted area near Rapid City, S. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Army has requested the establishment of a restricted area in the Badlands Bombing Range southeast of Rapid City, S. Dak. The proposed restricted area would be used annually from June 1 through August 31 by the 147th Artillery, South Dakota Army National Guard for the firing of 105 mm, 155 mm, and 8-inch howitzers during their annual field training. The altitudes required would be surface to 30,000 feet MSL.

If this action is taken, a restricted area will be designated as follows:

R–6102 BADLANDS, S. DAK.

Boundaries: Beginning at latitude 43°-35'00" N., longitude 102°05'00" W.; to latitude 43°35'00" N., longitude 102°25'00" W.; to latitude 43°42'00" N., longitude 102°25'00" W.; to latitude 43°42'00" N., longitude 102°-05'00" W.

Designated altitudes: Surface to 30,000 feet MSL.

Time of designation: June 1 through August 31.

Using agency: The Adjutant General, State of South Dakota (147th Artillery Group, South Dakota Army National Guard).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on April 13, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4344; Filed, Apr. 19, 1967; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 67-CE-42]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Columbia, Mo., and Jefferson City, Mo., terminal areas.

The Columbia, Mo., transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface bounded on the north by latitude 39°09'00" N., on the west by longitude 92°31'00" W., on the south by latitude 38°53'30" N., on the east by longitude 92°14'00" W., and within 2 miles each side of the Columbia VOR 176° radial extending from the VOR to 13 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°38'40" N., longitude 92°31'00" W., thence north along longitude 92°31'00" W., to latitude 38°53'30" N., thence east along latitude 38°53'30" N. to longitude 92°14'00" W., thence south along longitude 92°14'00" W., to latitude 38°43'30" N., thence southeast to latitude 38°39'10" N., longitude 92°06'15" W., thence southwest to latitude 38°29'40" N., longitude 92°14'45" W., thence northwest to the point of beginning.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Columbia, Mo., and Jefferson City, Mo., terminal areas, which revealed a need for revising the designated transition area at Columbia, Mo., proposes the following airspace action:

Redesignate the Columbia, Mo., transition area as that airspace extending upward from 700 feet above the surface bounded on the north by latitude 39°09'00" N., on the west by longitude 92°31'00" W., on the south by latitude 38°53'30" N., on the east by longitude 92°14'00" W., and within 2 miles each side of the Columbia VOR 176° radial extending from the VOR to 13 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°38'40" N., longitude 92°31'00" W., thence north along longitude 92°31'00" W., to the south edge of V-12 thence east along the south edge of V-12 to a line 5 miles southeast of and parallel to the Jefferson City, Mo., VOR 041° radial, thence scutheast along a line 5 miles southeast of and parallel to the Jefferson City VOR 041° and 221° radials to latitude 38°27'30" N., longitude 92°11'00" W., thence northwest to the point of beginning, excluding the airspace that coincides with the Readsville, Mo., transition area.

The proposed 700-foot floor transition area at Columbia, Mo., will remain the same as it is presently designated.

The proposed 1,200-foot floor transition area will provide controlled airspace protection for those portions of arrival and departure procedures at Columbia and Jefferson City, Mo., that are executed by aircraft at or above 1,500 feet above the surface. It will also provide air traffic routing and radar services for aircraft operating between Columbia and Jefferson City, Mo., and transitioning between Victor Airways V-4/V-12 and Jefferson City, Mo.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floors of the transition area.

No procedural changes will be effected in conjunction with the actions proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arugments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on March 27, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-4342; Filed, Apr. 19, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-40]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Allegan, Mich., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Allegan, Mich., terminal area, as a result of the development of a public-use instrument approach procedure at Allegan, Mich., Padgham Field, utilizing the Fullman, Mich., VORTAC as a navigational aid, proposed the following airspace action:

Designate the Allegan, Mich., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Allegan, Mich., Padgham Field (latitude 42°31'45" N., longitude 85°49'00" W.), excluding the portion which coincides with the Battle Creek, Mich., transition area.

The proposed transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. It will also provide controlled airspace protection for departing aircraft during climb from 700 to 1,200 feet above the surface. The controlled airspace proposed herein will underlie existing 1,200-foot floor transition area.

The proposed instrument approach procedure will be made effective concurrently with the designation of the proposed transition area.

The floors of the airways that traverse the proposed transition area will automatically coincide with the floor of the transition area.

Since a new approach procedure is to be established, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on March 24, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-4343; Filed, Apr. 19, 1967; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 20,550]

FEDERAL SAVINGS AND LOAN SYSTEM

Mobile Facilities

APRIL 14, 1967.

Resolved, that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.14-4 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14-4) be revised to read as follows:

§ 545.14-4 Mobile facility.

(a) *General provisions*—(1) *Requests for advice.* All requests by interested persons for advice or instruction with respect to any matter arising under this section shall be addressed to the Board's Supervisory Agent.

(2) *Definition of "Supervisory Agent."* As used in this section, the term "Supervisory Agent" means the President of the Federal home loan bank of the district in which the applicant association is located or any other officer or employee of such bank appointed by the Board as agent of the Board as provided by § 501.11 of the general regulations of the Federal Home Loan Bank Board (§ 501.11 of this chapter).

(b) *Conditions for establishing and operating a mobile facility.* In order to provide savings and loan services in areas which are not otherwise provided with such services locally, a Federal association may establish and operate a mobile facility, subject to the following requirements and limitations:

(1) Prior to the establishment and operation of any such facility, the association shall obtain approval by the Board of an application by the association for permission to do so;

(2) Such facility shall be operated only at locations approved by the Board, each of which shall at all times be appropriately identified at the site, and shall be within the State in which the association's home office is located and within the association's regular lending area;

(3) The mobile facility shall be established and operated at two or more locations, each of which, at the time of filing of the application for permission to establish and operate the mobile facility, shall be more than 10 miles from the locations of any home or branch office or agency of any other institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation;

(4) Any such facility shall be open for business at the same location on the same day or days (not to exceed 2 days) of each week, during such hours, aggregating a total of not less than 4 hours a day, as the association's board of directors may from time to time determine;

(5) Any business of the association, as authorized by its board of directors, may be transacted at such facility, except that loans, other than loans to borrowers on the security of their savings accounts in the association, shall not be approved at such facility, and a detailed record of the transactions of each such facility shall be maintained as provided by § 545.20;

(6) The mobile equipment used in the establishment and operation of such facility shall not remain at any location while such facility is not open for business, except that at any location at which such facility is open for business on 2 successive days, such equipment may remain overnight during the night between the 2 successive days; and

(7) Without prior approval by the Board, operation of such facility shall not be continued at any location after the expiration of such period of time as the Board may prescribe with respect to operation of the facility at such location.

(c) *Application form; supporting information.* An application for permission to establish and operate a mobile facility shall be submitted in form prescribed by the Board and shall be supported in accordance with the prescribed "Outline of Information To Be Submitted in Support of Application for Permission To Establish and Operate a Mobile Facility." Such application shall show that there is a need for such facility at each proposed location and that it is not feasible to establish a full-time office at any such location.

(d) *Filing and amendment of application.* An application for permission to establish and operate a mobile facility shall be filed with the Board by delivering two copies thereof, together with two copies of all supporting information, to the Supervisory Agent. After such application has been filed with the Board, and prior to the date of advice from the Supervisory Agent to the applicant to publish notice of the filing of the application pursuant to paragraph (f) of this section, the applicant may file additional information in support of the application and may amend it; after the date of such advice, the applicant may not amend the application or, unless and until a hearing on the application is ordered, file any additional supporting information, unless requested by or on behalf of the Board.

(e) *Disapproval or deferral for supervisory reasons.* No application for permission to establish and operate a mobile facility shall be approved if, in the opinion of the Board, the policies, condition, or operation of the applicant association afford a basis for supervisory objection to the application.

(f) *Processing of application by Supervisory Agent; public notice; inspection*—(1) *Public notice.* Upon determination by the Supervisory Agent that an application for permission to establish and operate a mobile facility is complete, and if it has been preliminarily determined that there is no basis for supervisory objection to approval of the application, the Supervisory Agent shall advise the applicant, in writing, to publish, within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in each community proposed to be served by the proposed mobile facility, a notice of the filing of the application in the following form:

NOTICE OF FILING OF APPLICATION FOR PERMISSION TO ESTABLISH AND OPERATE A MOBILE FACILITY

Notice is hereby given that, pursuant to the provisions of § 545.14-4 of the rules and regulations for the Federal Savings and Loan System, the _____ Federal Savings and Loan Association _____, _____, has filed with the Federal Home Loan Bank Board an application for permission to establish and operate a mobile facility at the following locations: _____

_____,

_____, _____. The application has been delivered to the office of the Supervisory Agent of the said Board located at the Federal Home Loan Bank of _____,

(City) (State) (City)

_____, _____, _____

(Street Address) (City) (State)

Any person may file communications in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 20 days after the date of this publication. Under the said rules and regulations for the Federal Savings and Loan System, a hearing in Washington, D.C., may be held if, pursuant to this notice, any interested person expresses a written protest, which shall be filed in duplicate and supported by specific written objections, to said application and requests a hearing at which he expresses intention to appear, provided such protest and request are received at the aforesaid office of the Supervisory Agent within 20 days after the date of this publication. Any such written protest which is not coupled with a request for hearing will also be considered if received at the aforesaid office of the Supervisory Agent within 20 days of the date of this publication. The application, together with communications in favor or in protest thereof, are available for inspection by interested persons at the aforesaid office of the Supervisory Agent.

FEDERAL SAVINGS AND LOAN ASSOCIATION,

(2) *Filing of communications by others.* Within 20 days after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications in favor or in protest of the application.

(3) *Proof of publication.* Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(4) *Inspection.* The application together with communications in favor or in protest thereof shall be available at the office of the Supervisory Agent during regular working hours for inspection by interested persons following the date of publication of the notice as hereinabove provided. Prior to the issuance to the applicant of advice to publish a notice, the application and the fact that it has been filed shall be held as confidential.

(g) *Hearings*—(1) *General provisions.* A hearing shall be held upon an application for permission to establish and operate a mobile facility in any case in which a hearing is ordered unless it is dispensed with as provided in the order for a hearing. A copy of an order for a hearing shall be mailed to the applicant and to all persons who have filed written statements protesting approval of the application. In any case in which the Board has rejected an application without a hearing, a hearing may be held, at the discretion of the Board, if such hearing is requested by the applicant within 30 days after receipt of advice that the Board has rejected the application. Notwithstanding any other provision of this section, the Board may at any time, in its discretion and on its own motion, order a hearing on an application for permission to establish and operate a mobile facility. Any interested person may appear, in person or by attorney, at any hearing held pursuant to this section and submit any evidence pertinent to the questions at issue.

(2) *Procedure.* After a hearing has been ordered, the order for such hearing, the application and supporting information, and any protest and information in support of any protest, shall be available at the Office of the Secretary to the Board for inspection during regular working hours. The hearing shall be held before a hearing officer who shall be a member of the staff of the General Counsel of the Federal Home Loan Bank Board and who shall be designated by the General Counsel or a Deputy or Associate General Counsel. The hearing officer shall have complete charge of the hearing; may receive, admit, allow, exclude, and deny petitions, briefs, and evidence, including the hearing of testimony according to the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States: *Provided, however,* That such rules may be relaxed by the hearing officer in order to expedite the proceedings or promote the just determination of the ultimate issue; may make rulings and note exceptions, but shall not have power to grant any motion to dismiss the proceedings or other motion that involves final determination of the ultimate issue; may hear arguments; may adjourn the said hearing from time to time, if, in his judgment, it is desirable to the orderly conduct of the said hearing or to promote the just determination of the ultimate issue; shall order the preparation of a record, including a transcript of the testimony and evidence presented; and may do all such things and have all such powers as are necessary or proper for the orderly conduct of the hearing or to promote the just determination of the ultimate issue, but shall not have power to finally determine the ultimate issue. The hearing officer shall determine whether the filing of briefs after a hearing will be permitted, and if such filing is permitted, the hearing officer shall restrict the time for filing to a postmark date not later than 30 days after the conclusion of the hearing, unless for good cause a longer period is allowed. The hearing officer shall not permit the filing of reply briefs.

(h) *Mobile facility incidental to conversion or merger.* A Federal association into which an existing institution is converted shall not thereafter maintain any mobile facility of the predecessor institution as a mobile facility of such Federal association, and a Federal association shall not maintain any mobile facility of another institution which is absorbed by merger, without prior written approval by the Board of an application by the association for permission to maintain such mobile facility. Such application shall be in form prescribed by the Board and shall be filed at the same time as a preliminary application for conversion is submitted to the Board pursuant to § 543.9 of this chapter or at the same time as an application for approval by the Board of a merger is submitted pursuant to § 546.2 of this chapter, and shall be processed in accordance with the provisions of this section with respect to applications for permission to establish and operate a mobile facility except that the provisions of this section with respect to hearing and public notice shall be applicable only in cases in which it is so determined by or on behalf of the Board, and the Supervisory Agent shall not advise an applicant association to publish notice pursuant to paragraph (f) of this section unless so instructed by or on behalf of the Board.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than May 22, 1967, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 67-4379; Filed, Apr. 19, 1967; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 207, 210]

[Regs. G and J]

COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS

Notice of Proposed Rule Making

The Board of Governors is considering the revocation of Part 207 (Reg. G), relating to the collection of noncash items by Federal Reserve banks, and a revision of Part 210 (Reg. J), relating to check clearing and collection by the Federal Reserve banks.

The purpose of these amendments would be to combine in a single new Part 210, set forth below, all provisions relating to the collection of both cash items (including checks) and noncash items and at the same time to bring such provisions into closer conformity with the Uniform Commercial Code and current banking practices and to spell out in more precise language the terms and conditions under which the Reserve banks receive and handle for collection cash and noncash items.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and section 1(b) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.1(b)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1967.

Dated at Washington, D.C., the 12th day of April 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

PART 210—COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS

Sec.

210.1 Authority and scope.
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210.4 Sending of items to Federal Reserve banks.
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210.9 Remittance and payment.
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210.11 Availability of proceeds of noncash items.
210.12 Return of cash items.
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210.14 Timeliness of action.
210.15 Effect of direct presentment of certain warrants.
210.16 Operating letters.

§ 210.1 **Authority and scope.**

(a) Pursuant to the provisions of section 13 of the Federal Reserve Act, as amended (12 U.S.C. sec. 342), section 16 of the Federal Reserve Act (12 U.S.C. sec. 248(o); 12 U.S.C. sec. 360), section 11(i) of the Federal Reserve Act (12 U.S.C. sec. 248(i), and other provisions of law, the Board of Governors of the Federal Reserve System has promulgated this part governing the collection of checks and other cash items and the collection of noncash items by the Federal Reserve banks.

(b) The Federal Reserve banks, as depositaries and fiscal agents of the United States, handle certain items as cash items or noncash items. To the extent contemplated by regulations issued by, and arrangements made with, the U.S. Treasury Department and other Government Departments, the handling of such items by the Federal Reserve banks is governed by the provisions of this part. The operating letters of the Federal Reserve banks shall include such information regarding the currently effective provisions of those regulations and arrangements (as well as any similar regulations and arrangements hereafter issued or made) as they shall deem necessary and appropriate for the guidance of banks concerned with the collection or payment of such items.

§ 210.2 **Definitions.**

As used in this part, unless the context otherwise requires:

(a) The term "item" means any instrument for the payment of money, whether negotiable or not, which is payable in a Federal Reserve district,[1] is sent by a sender or a nonbank depositor to a Federal Reserve bank for handling under this part, and is collectible in funds acceptable to the Federal Reserve bank of the district in which the instrument is payable; except that the term does not include any check which cannot be collected at par.[2]

(b) The term "check" means any draft drawn on a bank and payable on demand.

(c) The term "draft" means any item which is either a "draft" as defined in the Uniform Commercial Code or a "bill of exchange" as defined in the Uniform Negotiable Instruments Law.

(d) The term "bank draft" means any check drawn by one bank on another bank.

(e) The term "sender" in respect of an item, means a member bank, a nonmember clearing bank, a Federal Reserve bank, an international organization, or a foreign correspondent.

(f) The term "nonmember clearing bank" means a bank, not a member of the Federal Reserve System, which maintains with a Federal Reserve bank the balance referred to in the first paragraph of section 13 of the Federal Reserve Act, and any corporation which maintains an account with a Federal Reserve bank in conformity with the requirements of § 211.7 of Part 211 of this chapter (Reg. K).

(g) The term "international organization" means any international organization for which the Federal Reserve banks are empowered to act as depositaries or fiscal agents subject to regulation by the Board of Governors of the Federal Reserve System and for which a Federal Reserve bank has opened and is maintaining an account.

(h) The term "foreign correspondent" means any of the following for which a Federal Reserve bank has opened and is maintaining an account: A foreign bank or banker, or foreign state as defined in section 25(b) of the Federal Reserve Act (12 U.S.C. sec. 632), or a foreign correspondent or agency referred to in section 14(e) of that Act (12 U.S.C. sec. 358).

(i) The term "cash item" means:

(1) Any check other than a check classified as a noncash item in accordance with paragraph (j) of this section; or

(2) Any other item payable on demand and collectible at par which the Federal Reserve bank of the district in which the item is payable may be willing to accept as a cash item.

(j) The term "noncash item" means any item which the receiving Federal Reserve bank, in its operating letters, shall have classified as an item requiring special handling and any item normally received by the Federal Reserve bank as a cash item if such bank decides that special conditions require that it be handled as a noncash item.

(k) The term "paying bank" means:

(1) The bank by which an item is payable and to which it is presented, unless the item is payable or collectible through another bank and is sent to such other bank for payment or collection; or

(2) The bank through which an item is payable or collectible and to which it is sent for payment or collection.

(l) The term "nonbank payor" means any payor of an item, other than a bank.

(m) The term "nonbank depositor" means any department, agency, instrumentality, independent establishment, or officer of the United States, or any corporation other than a sender, which maintains or uses an account with a Federal Reserve bank. Except as may otherwise be provided by any applicable statutes of the United States or regulations issued or arrangements made thereunder, the provisions of this part and of the operating letters of the Federal Reserve banks applicable to a sender are applicable to a nonbank depositor.

(n) The term "State" means any State of the United States, the District of Columbia, or Puerto Rico, or any territory, possession, or dependency of the United States.

(o) The term "banking day" means any day during which a bank is open to the public for carrying on substantially all its banking functions.

§ 210.3 **General provisions.**

In order to afford both to the public and to the banks of the country a direct, expeditious, and economical system for the collection of items and the settlement of balances, each Federal Reserve bank shall receive and handle cash items and noncash items in accordance with the terms and conditions set forth in this part; and the provisions of this part and the operating letters of the Federal Reserve banks shall be binding upon the sender of a cash item or a noncash item and shall be binding upon each collecting bank, paying bank, and nonbank payor to which the Federal Reserve bank, or any subsequent collecting bank, presents, sends, or forwards a cash item or a noncash item received by the Federal Reserve bank.

§ 210.4 **Sending of items to Federal Reserve banks.**

(a) Subject to the provisions of this part and of the operating letters of the Federal Reserve banks, any sender (other than a Federal Reserve bank) may send to the Federal Reserve bank with which it maintains or uses an account any cash item or noncash item payable in any Federal Reserve district; but, as permitted or required by such Federal Reserve bank, such sender may send direct to any other Federal Reserve bank any cash item or noncash item payable within the district of such other Federal Reserve bank.

(b) With respect to any cash item or noncash item, sent direct by a sender (other than a Federal Reserve bank) in one district to a Federal Reserve bank in another district, in accordance with paragraph (a) of this section, the relationships and the rights and liabilities existing between the sender, the Federal Reserve bank of its district and the Federal Reserve bank to which the item is sent will be the same, and the provisions of this part will apply, as though the sender had sent such item to the Federal Reserve bank of its district and such Federal Reserve bank had forwarded the item to the other Federal Reserve bank.

(c) The Federal Reserve banks shall receive cash items at par.

§ 210.5 **Sender's agreement.**

(a) By its action in sending any cash item or noncash item to a Federal Reserve bank, the sender shall be deemed to authorize the receiving Federal Reserve bank and any other Federal Reserve bank or other collecting bank to which such item may be forwarded, to handle such item subject to the provisions of this part and of the operating letters of the Federal Reserve banks; to warrant its own authority to give such authority; and to agree that such provisions shall, insofar as they are made applicable thereto, govern the relationships between such sender and the Federal Reserve banks with respect to the handling of such item and its proceeds.

(b) The sender shall be deemed to warrant to each Federal Reserve bank handling such item (1) that it has good title to the item or is authorized to obtain

[1] For the purposes of this part, the Virgin Islands and Puerto Rico shall be deemed to be in or of the 2d Federal Reserve District; and Guam shall be deemed to be in or of the 12th Federal Reserve District.

[2] The Board of Governors publishes from time to time a "Federal Reserve Par List", which indicates the banks upon which checks are collectible at par through the Federal Reserve banks, and publishes a supplement thereto each month to show changes subsequent to the last complete list.

payment on behalf of one who has good title, whether or not such warranty is evidenced by its express guaranty of prior endorsements on such item, and (2) such other matters and things as the Federal Reserve bank shall warrant in respect of such item consistently with paragraph (b) of § 210.6; but the provisions of this paragraph shall not be deemed to constitute a limitation upon the scope or effect of any warranty by a sender arising under the law of any State applicable to it; and such sender shall be deemed to agree to indemnify each Federal Reserve bank for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) resulting from the failure of such sender to have the authority to make the warranty and the agreement referred to in paragraph (a) of this section, resulting from any action taken by the Federal Reserve bank within the scope of its authority in handling such item, or resulting from any warranty or agreement with respect thereto made by the Federal Reserve bank consistently with paragraph (b) of § 210.6.

§ 210.6 Status and warranties of Federal Reserve bank.

(a) A Federal Reserve bank will act only as the agent of the sender in respect of each cash item or noncash item received by it from the sender, but such agency shall terminate not later than the time when the Federal Reserve bank shall have received payment for the item in actually and finally collected funds and shall have made the proceeds available for withdrawal or other use by the sender. A Federal Reserve bank will not act as the agent or the subagent of any owner or holder of any such item other than the sender. A Federal Reserve bank shall not have, nor will it assume, any liability to the sender in respect of any such item and its proceeds except for its own lack of good faith or failure to exercise ordinary care.[2]

(b) By its action in presenting, or sending for presentment and payment, or forwarding any cash item or any noncash item, a Federal Reserve bank shall be deemed to warrant to a subsequent collecting bank and to the paying bank and any other payor (1) that it has a good title to the item or is authorized to obtain payment on behalf of one who either has a good title or is authorized to obtain payment on behalf of one who has such title, whether or not such warranty is evidenced by its express guaranty of prior endorsements on such item, and (2) to the extent prescribed by the law of any State applicable either to the Federal Reserve bank as a collecting bank or to the subsequent collecting bank, that the item has not been materially altered; but otherwise the Federal Reserve bank shall not have, and shall not be deemed to assume, any liability (except for its own lack of good faith or failure to exercise ordinary care) to such paying bank or other payor.

§ 210.7 Presentment for payment.

(a) Any cash item or any noncash item may be presented for payment by a Federal Reserve bank or a subsequent collecting bank, or may be sent by a Federal Reserve bank or a subsequent collecting bank for presentment and payment, or may be forwarded by a Federal Reserve bank to a subsequent collecting bank with authority to present it for payment or to send it for presentment and payment, as provided under applicable rules of State law or otherwise as permitted by this section.

(b) Presentment may be made at a place where the bank by which the item is payable has requested that presentment be made. Presentment of an item payable by a nonbank payor, other than through a paying bank, may be made at a place where the nonbank payor has requested that presentment be made. Presentment may also be made pursuant to any special collection agreement not inconsistent with the terms of this part, or may be made through a clearinghouse subject to the rules and practices thereof.

(c) Any cash item or noncash item, payable in the district of the receiving Federal Reserve bank may be presented or sent direct to the paying bank, if any; may be sent direct to any place where the bank through which the item is payable has requested that the item be sent; and, when payable by a nonbank payor other than through a paying bank, may be presented direct to the nonbank payor, but documents, securities or other papers accompanying a noncash item may not be delivered to the nonbank payor thereof before payment of the item, unless the sender has specifically authorized such delivery.

(d) Any cash item or noncash item, payable in a Federal Reserve district other than the district of the receiving Federal Reserve bank, will ordinarily be forwarded to the Federal Reserve bank of the district in which the item is payable: *Provided, however*, That with the concurrence of the Federal Reserve bank of the district in which the item is payable, the receiving Federal Reserve bank may present, send, or forward the item as if it were payable in its own district.

§ 210.8 Presentment of noncash items for acceptance.

Whenever a noncash item provides that it must be presented for acceptance or is payable elsewhere than at the residence or place of business of the drawee, or whenever the date of payment of a noncash item depends upon presentment for acceptance, a Federal Reserve bank or a subsequent collecting bank to which it has been sent by a Federal Reserve bank may, if so instructed by the sender, present the item for acceptance in any manner authorized by law; but no Federal Reserve bank or subsequent collecting bank shall, upon the acceptance of any such item, deliver to the drawee thereof any accompanying documents unless specifically instructed by the sender to do so. Each Federal Reserve bank shall include in its operating letters a statement of the circumstances under which a sender may send such noncash items to the Federal Reserve bank for presentment for acceptance, and of the terms and conditions (which shall not be inconsistent with the provisions of this part) upon which such presentment may be made. Except as herein provided, no Federal Reserve bank shall have or assume any obligation to present any noncash item for acceptance or to send it for presentment for acceptance.

§ 210.9 Remittance and payment.

(a) A Federal Reserve bank may require the paying bank or collecting bank to which it has presented, sent, or forwarded any cash item or noncash item pursuant to § 210.7 to pay or remit for such item in cash, but is authorized, in its discretion, to permit such paying bank or collecting bank to authorize or cause payment or remittance therefor to be made by a debit to an account on the books of such Federal Reserve bank or to pay or remit therefor in any of the following which is in a form acceptable to such Federal Reserve bank: Bank draft, transfer of funds or bank credit, or any other form of payment or remittance authorized by applicable State law. A Federal Reserve bank may require the nonbank payor to which it has presented any cash item or noncash item pursuant to § 210.7 to pay therefor in cash, but is authorized, in its discretion, to permit such nonbank payor to pay therefor in any of the following which is in a form acceptable to such Federal Reserve bank: Cashier's check, certified check, or other bank draft or obligation.

(b) A Federal Reserve bank shall not be liable for the failure of a collecting bank or paying bank or nonbank payor to pay or remit for any such cash item or noncash item, nor for any loss resulting from the acceptance of any form of payment or remittance other than cash authorized in paragraph (a) of this section; nor shall any Federal Reserve bank which acts in good faith and exercises ordinary care be liable for the nonpayment of, or failure to realize upon, any bank draft or other form of payment or remittance which it may accept in accordance with paragraph (a) of this section.

(c) Any bank draft or other form of payment or remittance received by a Federal Reserve bank in payment of, or in remittance for, any cash item may be presented or forwarded by such Federal Reserve bank to a subsequent collecting bank, and to the extent prescribed by the law of any State applicable to such Federal Reserve bank, such Federal Reserve bank shall be deemed to warrant to such subsequent collecting bank and to any paying bank, payor, or other transferee to which such Federal Reserve bank transfers such item or a draft thereon, and to any subsequent indorser, that it has taken all action necessary to entitle it to recover such payment or remittance within the time or times limited thereof by the provisions of this part, by the applicable rules and practices of any clearinghouse through which the item was presented, by the applicable provisions of any special collection agreement pursuant to which it was presented, and, except as a longer time may be afforded by the provisions of this part, by applicable State law; and (2) to agree to indemnify each such subsequent collecting bank, payor, or other transferee, and each such subsequent indorser, for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) resulting from its action in giving such credit or making such refund, or in making any charge to, or obtaining any refund from, the sender. No Federal Reserve bank shall have any responsibility to such paying bank or any subsequent collecting bank or to the sender of the item or any other prior party thereon for determining whether the action hereinabove referred to was timely.

[2] No Federal Reserve bank shall be responsible to the sender of any cash item, or any other owner or holder thereof, for any delay resulting from the action taken by the Federal Reserve bank in presenting, sending, or forwarding the item on the basis of (a) any A.B.A. transit number or routing symbol appearing thereon at the time of its receipt by the Federal Reserve bank, whether inscribed by magnetic ink or by any other means, and whether or not such transit number or routing symbol is consistent with each other form of designation of a paying bank (or nonbank payor) then appearing thereon, or (b) any other form of designation of a paying bank (or nonbank payor) then appearing thereon, whether or not consistent with any A.B.A. transit number or routing symbol then appearing thereon.

payment of, or in remittance for, any noncash item may, at the option of the Federal Reserve bank, be handled either as a cash item or as a noncash item, subject to all the applicable terms and conditions of this part.

§ 210.10 Time schedule and availability of credits with respect to cash items.

(a) Each Federal Reserve bank shall include in its operating letters a time schedule for each of its offices indicating when the amount of any cash item received by it from any sender or sent by any sender to another Federal Reserve office for the account of such Federal Reserve bank will be counted as reserve for the purposes of Part 204 of this chapter (Reg. D) and becomes available for withdrawal or other use by the sender. The sender (other than a foreign correspondent) will be given either immediate credit or deferred credit for such amount in accordance with such time schedule. A foreign correspondent will ordinarily be given credit for such amount only when the Federal Reserve bank has received payment for the item in actually and finally collected funds: *Provided, however*, That the Federal Reserve bank may in its discretion give immediate or deferred credit for such amount in accordance with such time schedule.

(b) Notwithstanding the provisions of its time schedule, a Federal Reserve bank may in its discretion refuse at any time to permit the withdrawal or other use of credit given for any cash item for which the Federal Reserve bank has not yet received payment in actually and finally collected funds.

§ 210.11 Availability of proceeds of noncash items.

(a) Credit will be given for the proceeds of a noncash item when the receiving Federal Reserve bank has received payment for such item in actually and finally collected funds or advice from another Federal Reserve bank of such payment to it, and the amount of such item shall not be counted as reserve for the purposes of Part 204 of this chapter (Reg. D) or become available for withdrawal or other use by the sender prior to the receipt of such payment or advice, except to the extent provided in paragraph (c) of this section.

(b) A Federal Reserve bank shall be deemed to have received payment for a noncash item in actually and finally collected funds as soon as it has received payment therefor in cash or has received any other form of payment or remittance therefor which is, or has become, final and irrevocable.

(c) A Federal Reserve bank may, prior to the time provided in paragraph (a) of this section, give credit for the proceeds of a noncash item received by it from a sender, subject to payment in actually and finally collected funds, in accordance with a time schedule included in its operating letters, indicating when the proceeds of such noncash items will be counted as reserve for the purposes of Part 204 of this chapter (Reg. D) and become available for withdrawal or other use by the sender.

(d) Notwithstanding paragraph (c) of this section, a Federal Reserve bank may, in its discretion, refuse at any time to permit the withdrawal or other use of credit given for any noncash item for which the Federal Reserve bank has not yet received payment in actually and finally collected funds.

(e) Where a Federal Reserve bank receives, in payment or remittance for a noncash item, a bank draft or other form of remittance or payment which, in accordance with paragraph (c) of § 210.9, it elects to handle as a noncash item, the proceeds of the noncash item for which the payment or remittance was made shall neither be counted as reserve for the purpose of Part 204 of this chapter (Reg. D) nor become available for withdrawal or other use until such time as the Federal Reserve bank receives payment in actually and finally collected funds for such bank draft or other form of remittance or payment, in accordance with the provisions of this section.

§ 210.12 Return of cash items.

(a) A paying bank which receives a cash item from or through a Federal Reserve bank, otherwise than for immediate payment over the counter, shall, unless it returns such item unpaid before midnight of the banking day of receipt,[4] either pay or remit therefor on the banking day of receipt, or, if acceptable to the Federal Reserve bank concerned, authorize or cause payment or remittance therefor to be made by debit to an account on the books of the Federal Reserve bank not later than the banking day for such Federal Reserve bank on which any other acceptable form of timely payment or remittance would have been received by the Federal Reserve bank in the ordinary course: *Provided*, That such paying bank shall have the right to recover any payment or remittance so made if, before it has finally paid the item, it returns the item before midnight of its banking day next following the banking day of receipt or takes such other action to recover such payment or remittance within such time and by such means as may be provided by applicable State law: *And further provided*, That the foregoing provisions shall not extend, nor shall the time herein provided for return be extended by, the time for return of unpaid items fixed by the rules and practices of any clearing house through which the item was presented or fixed by the provisions of any special collection agreement pursuant to which it was presented.

(b) Any paying bank which takes or receives a credit or obtains a refund for the amount of any payment or remittance made by it in respect of a cash item received by it from or through a Federal Reserve bank shall be deemed (1) to warrant to such Federal Reserve bank, to a subsequent collecting bank, and to the sender and all prior parties that it took all action necessary to entitle it to recover such payment or remittance within the time or times limited therefor by the provisions of this part, by the applicable rules and practices of any clearinghouse through which the item was presented, by the applicable provisions of any special collection agreement pursuant to which it was presented, and, except as a longer time may be afforded by the provisions of this part, by applicable State law; and (2) to agree to indemnify such Federal Reserve bank for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) resulting from its action in giving such credit or making such refund, or in making any charge to, or obtaining any refund from, the sender. No Federal Reserve bank shall have any responsibility to such paying bank or any subsequent collecting bank or to the sender of the item or any other prior party thereon for determining whether the action hereinabove referred to was timely.

§ 210.13 Chargeback of unpaid cash items and noncash items.

If a Federal Reserve bank does not receive payment in actually and finally collected funds for any cash item or noncash item for which it gave credit subject to payment in actually and finally collected funds, the amount of such item shall be charged back to the sender, regardless of whether or not the item itself can be returned. In such event, neither the owner or holder of any such item nor the sender shall have the right of recourse upon, interest in, or right of payment from, any reserve balance, clearing account, deposit account, or other funds of the paying bank or of any collecting bank, in the possession of the Federal Reserve bank. No draft, authorization to charge, or other order, upon any reserve balance, clearing account, deposit account, or other funds in the possession of a Federal Reserve bank, issued for the purpose of paying or remitting for any cash items or noncash items handled under the terms of this part, will be paid, acted upon, or honored after receipt by such Federal Reserve bank of notice of suspension or closing of the bank making the payment or remittance for its own or another's account.

§ 210.14 Timeliness of action.

If, because of interruption of communication facilities, suspension of payments by another bank, war, emergency conditions or other circumstances beyond its control, any bank (including a Federal Reserve bank) shall be delayed beyond the time limits provided in this part or the operating letters of the Federal Reserve banks, or prescribed by the applicable law of any State in taking any action with respect to a cash item or a noncash item, including forwarding such item, presenting it or sending it for presentment and payment, paying or remitting for it, returning it or sending notice

[4] A cash item received by a paying bank either:
(1) On a day other than a banking day for it or
(2) On a banking day for it, but—
(a) After its regular banking hours, or
(b) After a "cut-off hour" established by it in accordance with applicable State law, or
(c) During afternoon or evening periods when it is open for limited functions only,
shall be deemed to have been received by the bank on its next banking day.

of dishonor or nonpayment, or making or providing for any necessary protest, the time of such bank, as limited by this part or the operating letters of the Federal Reserve banks, or by the applicable law of any State, for taking or completing the action thereby delayed shall be extended for such time after the cause of the delay ceases to operate as shall be necessary to take or complete the action, provided the bank exercises such diligence as the circumstances require.

§ 210.15 Effect of direct presentment of certain warrants.

Whenever a Federal Reserve bank exercises its option to present direct to the payor any bill, note or warrant issued and payable by any State or any county, district, political subdivision or municipality of any State, such bill, note or warrant being a cash item not payable or collectible through a bank, the provisions of §§ 210.9, 210.12, and 210.13 and the operating letters of the Federal Reserve banks shall be applicable to the payor as if it were a paying bank, the provisions of § 210.14 shall be applicable to it as if it were a bank, and each day on which the payor shall be open for the regular conduct of its affairs or the accommodation of the public shall be treated as if it were a banking day for it, within the meaning and for the purposes of § 210.12.

§ 210.16 Operating letters.

Each Federal Reserve bank shall issue operating letters (sometimes referred to as operating circulars or bulletins), not inconsistent with this part, governing the details of its operations in the handling of cash items and noncash items, and containing such other matters as are required by the provisions of this part. Such letters may, among other things, classify cash items and noncash items, require separate sorts and letters, and provide different closing times for the receipt of different classes or types of cash items and noncash items.

[F.R. Doc. 67-4322; Filed, Apr. 19, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[Delegation Order No. 9]

FIRST DEPUTY COMPTROLLER OF THE CURRENCY ET AL.

Order of Succession To Act as Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Rev. No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of the Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency during the absence or disability of the Comptroller of the Currency or when there is a vacancy in such office:

(1) Justin T. Watson, First Deputy Comptroller of the Currency.
(2) Wayne G. Weachman, Administrative Assistant to the Comptroller of the Currency.
(3) Thomas G. DeShazo, Deputy Comptroller of the Currency.
(4) David C. Motter, Deputy Comptroller of the Currency.
(5) John D. Gwin, Deputy Comptroller of the Currency.
(6) Frank H. Ellis, Chief National Bank Examiner.
(7) Dean E. Miller, Deputy Comptroller of the Currency.
(8) Richard J. Blanchard, Deputy Comptroller of the Currency.
(9) E. Radcliffe Park, Deputy Comptroller of the Currency.
(10) Albert J. Faulstich, Deputy Comptroller of the Currency.
(11) Regional Administrator of National Banks at Richmond, Va.
(12) Regional Administrator of National Banks at Philadelphia, Pa.
(13) Regional Administrator of National Banks at New York City, N.Y.
(14) Regional Administrator of National Banks at Cleveland, Ohio.
(15) Regional Administrator of National Banks at Atlanta, Ga.
(16) Regional Administrator of National Banks at Boston, Mass.
(17) Regional Administrator of National Banks at Chicago, Ill.
(18) Regional Administrator of National Banks at Memphis, Tenn.
(19) Regional Administrator of National Banks at Kansas City, Mo.
(20) Regional Administrator of National Banks at Minneapolis, Minn.
(21) Regional Administrator of National Banks at Dallas, Tex.
(22) Regional Administrator of National Banks at Denver, Colo.
(23) Regional Administrator of National Banks at San Francisco, Calif.
(24) Regional Administrator of National Banks at Portland, Oreg.

2. In the event of an enemy attack on the continental United States, all Regional Administrators of National Banks, including any Acting Regional Administrators, are authorized in their respective regions to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

3. Delegation Order No. 8 is hereby repealed.

Dated: March 6, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-4352; Filed, Apr. 19, 1967; 8:48 a.m.]

Office of the Secretary

[Treasury Dept. Order No. 107; Rev. 11]

DIRECTOR OF ADMINISTRATIVE SERVICES ET AL.

Authority To Affix Seal of the Department

By virtue of the authority vested in the Secretary of the Treasury, including the authority conferred by 5 U.S.C. 301, and by virtue of the authority delegated to me by Treasury Department Order No. 190, Revision 4, it is hereby ordered that:

1. Except as provided in paragraph 2, the following officers are authorized to affix the Seal of the Treasury Department in the authentication of originals and copies of books, records, papers, writings, and documents of the Department, for all purposes, including the purposes authorized by 28 U.S.C. 1733(b):

(a) In the Office of Administrative Services:

(1) Director of Administrative Services.
(2) Chief, General Services Division.
(3) Chief, Printing and Procurement Division.
(4) Chief, Directives Control and Distribution Branch.

(b) In the Internal Revenue Service:

(1) Commissioner of Internal Revenue.
(2) Director, and Assistant Director, Collection Division.
(3) Chief, and Assistant Chief, Disclosure and Liaison Branch, Collection Division.

(c) In the Bureau of Customs:

(1) Commissioner of Customs.
(2) Deputy Commissioner of Customs.
(3) Assistant Commissioner of Customs (Administration).
(4) Assistant Commissioner of Customs (Investigations).
(5) Assistant Commissioner of Customs (Operations).
(6) Assistant Commissioner of Customs (Regulations and Rulings).

(d) In the Bureau of the Public Debt:

(1) Commissioner of the Public Debt.
(2) Deputy Commissioner in Charge of the Chicago Office.
(3) Assistant Deputy Commissioner in Charge of the Chicago Office.

2. Copies of documents which are to be published in the FEDERAL REGISTER may be certified only by the officers named in paragraph 1(a) of this order.

3. The Director of Administrative Services, the Commissioner of Internal Revenue Service, and the Commissioner of the Public Debt are authorized to procure and maintain custody of the dies of the Treasury Seal.

The officers authorized in paragraph 1(c) may make use of such dies.

Dated: April 13, 1967.

[SEAL] A. E. WEATHERBEE,
Assistant Secretary for Administration.

[F.R. Doc. 67-4353; Filed, Apr. 19, 1967; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

PORTS OF ENTRY FOR ALIENS

San Diego Border Station and San Ysidro, Calif.

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, Dec. 8, 1954), as amended, is prescribed:

District No. 16—Los Angeles, Calif., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *suboffices* of section 1.51 *Field service* is amended in the following respects:

1. "*San Diego Border station, Calif.," is added in alphabetical sequence.
2. "*San Ysidro, Calif.," is deleted.

Dated: April 13, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67-4331; Filed, Apr. 19, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Colorado 1018]

COLORADO

Notice of Classification of Public Lands for Multiple Use Management

APRIL 10, 1967.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management all of the public lands in the area described below,

together with any lands therein that may become public lands in the future. Publication of this notice has the effect (a) of segregating all the public land in the described area below from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) of further segregating the lands described in paragraph 3 of this notice from the operation of the general mining laws (30 U.S.C. 21). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose. No adverse comments were received following publication of a notice of proposed classification (31 F.R. 16718) or at a public hearing at Craig, Colo., on February 4, 1967. The record showing the comments received and other information is on file and can be examined in the Craig District Office, Craig, Colo.

2. The public lands affected by this classification are located within the following described areas and are shown on maps on file in the Craig District Office, Bureau of Land Management, Craig, Colo.; and in the Colorado Land Office, Bureau of Land Management, Federal Building, Room 15019, 1961 Stout Street, Denver, Colo.

SIXTH PRINCIPAL MERIDIAN, COLORADO

MOFFAT COUNTY

T. 11 N., R. 91 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 12 N., R. 91 W.,
Secs. 13 to 17, inclusive;
Sec. 19, S½;
Secs. 20 to 35, inclusive.
T. 11 N., R. 92 W.,
Secs. 1 to 26, inclusive;
Secs. 35 and 36.
T. 11 N., R. 93 W.,
Secs. 1 to 18, inclusive;
Secs. 20 to 24, inclusive.
T. 12 N., R. 93 W.,
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 11 N., R. 94 W.
Secs. 1 to 20, inclusive.
T. 12 N., R. 94 W.
T. 11 N., R. 95 W.,
Secs. 1 to 16, inclusive;
Sec. 17, lots 18 and 19;
Sec. 18;
Sec. 21, lots 1, 14, 15, 16 and 25;
Secs. 22 to 24, inclusive;
Sec. 26, W½;
Sec. 27;
Sec. 32;
Sec. 34;
Sec. 35, W½.
T. 12 N., R. 95 W.
T. 3 N., R. 96 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 18, inclusive.
T. 4 N., R. 96 W.,
Secs. 26 to 35, inclusive.
T. 6 N., R. 96 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 7 N., R. 96 W.,
Secs. 1 to 12, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
Tps. 8 and 9 N., R. 96 W.
T. 10 N., R. 96 W.,
Sec. 7, SW¼, and W½SE¼;
Sec. 18, W½, and W½E½;
Secs. 19 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 11 N., R. 96 W.,
Secs. 1 to 12, inclusive;
Sec. 17, W½;
Secs. 18 and 19;
Sec. 20, W½.
T. 12 N., R. 96 W.
T. 3 N., R. 97 W.,
Secs. 1 to 18, inclusive.
T. 4 N., R. 97 W.,
Secs. 25 to 36, inclusive.
Tps. 6 to 12 N., R. 97 W.
T. 3 N., R. 98 W.,
Secs. 1 to 18, inclusive.
T. 4 N., R. 98 W.
T. 5 N., R. 98 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
Tps. 6 to 12 N., R. 98 W.
T. 3 N., R. 99 W.,
Secs. 1 to 18, inclusive.
Tps. 4 and 5 N., R. 99 W.
T. 6 N., R. 99 W.,
Secs. 1 to 6, inclusive;
Sec. 8, E½;
Secs. 9 to 16, inclusive;
Sec. 17, NE¼;
Sec. 22, N½ and SE¼;
Secs. 23 to 26, inclusive;
Sec. 27, NE¼, and S½;
Sec. 28, S½;
Sec. 29, SE¼;
Sec. 31, S½;
Sec. 32, NE¼, and S½;
Secs. 33 to 36, inclusive.
Tps. 7 to 12 N., R. 99 W.
T. 3 N., R. 100 W.,
Secs. 1 to 18, inclusive.
Tps. 4 and 5 N., R. 100 W.
T. 6 N., R. 100 W.,
Secs. 1 to 5, inclusive;
Sec. 6, N½;
Sec. 31, S½;
Sec. 32, S½;
Sec. 33, S½;
Sec. 34, S½;
Sec. 35, S½;
Sec. 36, S½.
Tps. 7 to 12 N., R. 100 W.
T. 3 N., R. 101 W.,
Secs. 1 to 18, inclusive.
Tps. 4 and 5 N., R. 101 W.
T. 6 N., R. 101 W.,
Sec. 1, N½;
Sec. 2, N½;
Sec. 31, S½;
Sec. 32, S½;
Sec. 33, S½;
Sec. 34, S½;
Sec. 35, S½;
Sec. 36, S½.
T. 7 N., R. 101 W.,
Secs. 1 to 27, inclusive;
Sec. 28, N½;
Sec. 29, N½;
Sec. 30, N½;
Sec. 34, N½;
Secs. 35 and 36.
Tps. 8 to 12 N., R. 101 W.
T. 3 N., R. 102 W.,
Secs. 1 to 18, inclusive.
Tps. 4 and 5 N., R. 102 W.
T. 6 N., R. 102 W.,
Sec. 31, S½;
Sec. 32, S½;
Sec. 33, S½;
Sec. 34, S½;
Sec. 35, S½;
Sec. 36, S½.
T. 7 N., R. 102 W.,
Secs. 1 to 5, inclusive;
Sec. 6, E½;
Sec. 7, E½;
Secs. 8 to 17, inclusive;
Sec. 18, E½;
Sec. 19, E½;
Secs. 20 to 24, inclusive;
Sec. 25, N½;
Sec. 26, N½;
Sec. 27, N½;
Sec. 28, N½.
T. 8 N., R. 102 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 15, inclusive;
Sec. 16, N½;
Secs. 22 to 27, inclusive;
Sec. 32, SE¼;
Sec. 33, S½;
Secs. 34, 35, and 36.
T. 9 N., R. 102 W.,
Secs. 1 to 15, inclusive;
Sec. 16, E½;
Sec. 18, W½;
Sec. 19, W½;
Sec. 21, E½;
Secs. 22 to 27, inclusive;
Sec. 28, E½;
Sec. 33, E½;
Secs. 34, 35, and 36.
Tps. 10, 11, and 12 N., R. 102 W.
T. 3 N., R. 103 W.,
Secs. 1 to 18, inclusive.
Tps. 4 and 5 N., R. 103 W.
T. 6 N., R. 103 W.,
Sec. 27, S½S½;
Sec. 28, S½NW¼, SW¼, and S½SE¼;
Sec. 29, S½N½, and S½;
Secs. 30 to 34, inclusive;
Sec. 35, S½;
Sec. 36, S½.
T. 7 N., R. 103 W.,
Sec. 6.
T. 8 N., R. 103 W.,
Sec. 2, W½;
Secs. 3 to 10, inclusive;
Sec. 11, W½;
Secs. 16 to 21, inclusive;
Secs. 28 to 31, inclusive.
T. 9 N., R. 103 W.,
Secs. 1 to 35, inclusive.
Tps. 10, 11, and 12 N., R. 103 W.
T. 3 N., R. 104 W.,
Secs. 1, 2, 3, and 10 to 15, inclusive.
Tps. 4 and 5 N., R. 104 W.
T. 6 N., R. 104 W.,
Sec. 23, S½S½;
Sec. 24, S½SW¼;
Secs. 25, 26, 35, and 36.
T. 7 N., R. 104 W.,
Secs. 1 and 2.
Tps. 8 to 12 N., R. 104 W.

The area described aggregates approximately 1,127,678 acres of public land in Moffat County, Colo.

RIO BLANCO COUNTY

T. 2 S., R. 94 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 3 S., R. 94 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 4 S., R. 94 W.,
Sec. 4, W½;
Secs. 5 to 8, inclusive;
Sec. 9, W½;
Sec. 16, W½;
Secs. 17 and 18.
T. 1 N., R. 95 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 34, inclusive.
T. 2 N., R. 95 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 3 N., R. 95 W.,
Secs. 28 to 33, inclusive.
Tps. 1 to 3 S., R. 95 W.
T. 4 S., R. 95 W.,
Secs. 1 to 18, inclusive.
Tps. 1 and 2 N., R. 96 W.
T. 3 N., R. 96 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 3 S., R. 96 W.
T. 4 S., R. 96 W.,
Secs. 1 to 18, inclusive.
Tps. 1 and 2 N., R. 97 W.
T. 3 N., R. 97 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 3 S., R. 97 W.
T. 4 S., R. 97 W.,
Secs. 1 to 18, inclusive.
Tps. 1 and 2 N., R. 98 W.
T. 3 N., R. 98 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 3 S., R. 98 W.
T. 4 S., R. 98 W.,
Secs. 1 to 18, inclusive.
Tps. 1 and 2 N., R. 99 W.
T. 3 N., R. 99 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 3 S., R. 99 W.
T. 4 S., R. 99 W.,
Secs. 1 to 18, inclusive.
Tps. 1 and 2 N., R. 100 W.
T. 3 N., R. 100 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 4 S., R. 100 W.
Tps. 1 and 2 N., R. 101 W.
T. 3 N., R. 101 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 4 S., R. 101 W.
Tps. 1 and 2 N., R. 102 W.
T. 3 N., R. 102 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 4 S., R. 102 W.
Tps. 1 and 2 N., R. 103 W.
T. 3 N., R. 103 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 4 S., R. 103 W.
Tps. 1 and 2 N., R. 104 W.
T. 3 N., R. 104 W.,
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
Tps. 1 to 4 S., R. 104 W.

The area described aggregates approximately 1,104,320 acres of public land in Rio Blanco County, Colo.

3. As provided in paragraph 1 above, the following lands are segregated from appropriation under the mining laws:

SIXTH PRINCIPAL MERIDIAN, COLORADO

MOFFAT COUNTY

Cedar Springs Draw Site

T. 6 N., R. 97 W.,
Sec. 23, E½E½SW¼, W½SE¼;
Sec. 26, W½NW¼NE¼, E½NE¼NW¼.

Cross Mountain Site

T. 6 N., R. 98 W.,
Sec. 13, SE¼NE¼, S½;
Sec. 14, SE¼.

Elk Springs Site

T. 5 N., R. 99 W.,
Sec. 25, NW¼SW¼, SE¼SW¼, S½SE¼.

Divide Creek Site

T. 3 N., R. 100 W.,
Sec. 13, SW¼.

Peterson Draw Site

T. 4 N., R. 100 W.,
Sec. 24, S½NE¼.

Disappointment Gulch Site

T. 5 N., R. 100 W.,
Sec. 12, SE¼;
Sec. 13, E½;
Sec. 24, E½.

Irish Canyon Site

T. 10 N., R. 101 W.,
Sec. 34, NE¼NW¼.

Blue Mountain Site

T. 3 N., R. 102 W.,
Sec. 5, N½SE¼, NE¼.

Goodman Gulch Site

T. 10 N., R. 102 W.,
Sec. 7, W½SW¼NE¼, E½SE¼NW¼, W½NW¼SE¼, NE¼SW¼.

RIO BLANCO COUNTY

Meeker-White River Site

T. 1 N., R. 96 W.,
Sec. 25, lots 16, 17, 20, and 22.

Red Wash Site

T. 2 N., R. 101 W.,
Sec. 11, lots 3, 4, 5, 8, 9, and 10.

Rangely Site

T. 1 N., R. 102 W.,
Sec. 11, SE¼SE¼;
Sec. 12, S½SW¼;
Sec. 13, N½NW¼.

Raven Ridge Site

T. 1 N., R. 103 W.,
Sec. 12, lots 5, 6, and 9.
T. 1 N., R. 102 W.,
Sec. 7, lot 9.

Mellen Hill Site

T. 2 N., R. 103 W.,
Sec. 4, S½.

The areas described aggregate approximately 1,837 acres of public lands.

4. For a period of 30 days after publication of this notice in the FEDERAL REGISTER, the classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior. All comments should be addressed to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-4325; Filed, Apr. 19, 1967; 8:46 a.m.]

[Serial No. N-815]

NEVADA

Notice of Proposed Classification of Public Lands for Multiple Use Management

APRIL 13, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands described in paragraph 3 below, together with any lands therein that may become public lands in the future.

2. Publication of this notice has the effect (a) of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334); from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421–27); exchanges under section 8(b) of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g); from lease or sale under the Recreation and Public Purposes Act of June 14, 1926, as amended (44 Stat. 741; 43 U.S.C. 869) and (b) of further segregating the lands described in paragraph 4 of this notice from the operation of the general mining laws (30 U.S.C. 20). Except as provided in (a) and (b) above, the land shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing or material sale laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The public lands proposed for classification are located within the following described area and are shown on a map and designated by Serial No. 815, in the Carson City District Office, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev., and the Land Office, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev.

MOUNT DIABLO MERIDIAN, NEVADA

LYON COUNTY

T. 7 N., R. 26 E.,
Sec. 25, NE¼, S½;
Sec. 36, NE¼, SE¼NW¼, S½.
T. 9 N., R. 26 E.,
Secs. 1, 12, 13, 24, 25, and 36, unsurveyed.
T. 10 N., R. 26 E.,
Secs. 35 and 36.
T. 7 N., R. 27 E.,
Sec. 1, S½;
Secs. 2 to 18, inclusive;
Sec. 19, NE¼NE¼, NW¼NW¼, S½NW¼, SW¼;
Secs. 20 to 29, inclusive;
Sec. 30, NE¼, W½NW¼, W½SW¼, SE¼;
Secs. 31 to 36, inclusive.
T. 8 N., R. 27 E.,
Secs. 1 to 4, inclusive;
Sec. 5, N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Secs. 6 and 7;
Sec. 8, NE¼NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 9, N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 10, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 11 to 14, inclusive;
Sec. 15, NE¼, NE¼NW¼, NW¼SW¼, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 16, W½NE¼, W½, SE¼;
Sec. 21;
Sec. 22, N½NE¼, SE¼NE¼, W½, SW¼SE¼;
Sec. 23, NE¼, N½NW¼, SE¼NW¼, S½;
Secs. 24 to 28, inclusive;
Secs. 33 and 34;
Sec. 35, W½;
Sec. 36, NE¼, NW¼NW¼, SE¼.
T. 9 N., R. 27 E.,
Secs. 6, 7, 8, 17 and 18;
Sec. 19, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 20, N½, SE¼;
Sec. 21, W½;
Secs. 25 to 28, inclusive;
Sec. 29, NE¼SE¼, S½SE¼;
Sec. 30, W½;
Sec. 31, W½, E½SE¼;
Secs. 32 to 36, inclusive.
T. 10 N., R. 27 E.,
Sec. 31, unsurveyed.

MINERAL COUNTY

T. 6 N., R. 26 E.,
Secs. 1 and 12.
T. 5 N., R. 27 E.,
Sec. 1, NE¼, W½NW¼, NE¼SW¼, SE¼;
Sec. 2, N½NE¼, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 11, NW¼NW¼, S½NW¼, SW¼, S½SE¼;
Sec. 12, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 13;
Sec. 14, W½NE¼, W½, NW¼SE¼, S¼SE¼;
Sec. 23, 24, and 25, inclusive;
Sec. 26, Lots 1 to 7, inclusive, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 36, Lots 1 to 6, inclusive, N½NE¼, SE¼NE¼, NE¼NW¼.
T. 6 N., R. 27 E.,
Secs. 1 and 2;
Sec. 3, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 4, W½, SW¼SE¼;
Sec. 5 to 9, inclusive.
T. 6 N., R. 27 E.,
Sec. 10, NE¼NE¼, S½NW¼, SW¼, S½SE¼;
Sec. 11, N½NE¼, SE¼NE¼, NW¼;
Secs. 12 and 13;
Sec. 14, W½NW¼, S½;
Secs. 15 to 18, inclusive;
Secs. 20 to 23, inclusive;
Sec. 24, NE¼NE¼, S½NE¼, NW¼NW¼, S½NW¼, SW¼, N½SE¼;
Sec. 25, W½;
Sec. 26, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 35, N½NE¼, SE¼NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 36, S½NE¼, NW¼, S½.
T. 7 N., R. 27 E.,
Sec. 30, NW¼SW¼.
T. 8 N., R. 27 E.,
Sec. 5, Lot 4, SW¼NW¼;
Sec. 6, Lot 1;
Sec. 15, S½SE¼;
Sec. 22, SE¼NE¼, SE¼SW¼, SW¼SE¼.
T. 9 N., R. 27 E.,
Sec. 21, Lot 6, NE¼SW¼;
Sec. 28, Lot 1, NE¼NW¼;
Sec. 31, E½SE¼.
T. 4 N., R. 28 E.,
Secs. 1 to 3, inclusive;
Sec. 4, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 5, Lot 5, N½, E½SW¼, SE¼;
Sec. 6, Lots 1 to 9, inclusive, SE¼NE¼;
Sec. 8, Lots 1 and 2, N½NE¼, SE¼NE¼;
Sec. 9, Lots 1 and 2, N½, NE¼SW¼, SE¼;
Secs. 10 to 12, inclusive;
Sec. 13, NW¼;
Sec. 14, N½;
Sec. 15, N½;
Sec. 16, Lots 1 to 4, inclusive, NE¼NE¼.
T. 5 N., R. 28 E.,
Secs. 2 and 3;
Sec. 4, NE¼, S½NW¼, S½;
Sec. 5, W½NE¼, E½NW¼, NW¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 6, N½NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 7, N½SW¼, W½SE¼, exclusive of patented mining claims;
Sec. 8, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 9;
Sec. 10, exclusive of patented mining claims;
T. 5 N., R. 28 E.,
Sec. 11, NE¼, N½NW¼, SW¼NW¼, S½;
Secs. 14 and 15;
Sec. 16, NE¼, E½NW¼, NW¼NW¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 17, N½NE¼, W½, exclusive of patented mining claims, S½SE¼, exclusive of patented mining claims;
Sec. 18, exclusive of patented mining claims;
Sec. 19, exclusive of patented mining claims;
Sec. 20, exclusive of patented mining claims;
Secs. 21 to 23, inclusive;
Sec. 25;
Sec. 26, N½, SW¼, N½SE¼;
Sec. 27, N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 28, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 29, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 30, NE¼, exclusive of patented mining claims, W½, exclusive of patented mining claims, W½SE¼, NE¼SE¼;
Sec. 31, Lots 1 to 4, inclusive, NW¼NE¼, S½NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 32, NE¼NE¼, W½SW¼, SE¼SW¼;
Sec. 33, NE¼, E½NW¼, SW¼NW¼, E½SW¼, N½SE¼, SE¼SE¼;
Sec. 34, N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 35, NW¼, S½.
T. 6 N., R. 28 E.,
Secs. 1 to 18, inclusive;
Sec. 19, N½, N½SW¼, SW¼SW¼, N½SE¼, SE¼SE¼;
Secs. 20 to 22, inclusive;
Sec. 23, N½, SW¼, NE¼SE¼, S½SE¼;
Secs. 24 to 33, inclusive;
Sec. 34, N½NE¼, SE¼NE¼, NW¼, NW¼SW¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 35, N½, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 36.
T. 7 N., R. 28 E.,
Sec. 2, N½, E½SW¼, SE¼;
Secs. 3 to 9, inclusive;
Sec. 10, N½NE¼, SW¼NE¼, W½, SE¼;
Sec. 11, E½, W½SW¼;
Secs. 12 to 36, inclusive.
T. 8 N., R. 28 E.,
Secs. 4 to 9, inclusive;
Sec. 10, W½;
Sec. 15, W½NE¼, SE¼NE¼, W½, SE¼;
Secs. 16 to 22, inclusive;
Sec. 26, N½, SW¼, W½SE¼, SE¼SE¼;
Secs. 27 to 35, inclusive.
T. 9 N., R. 28 E.,
Secs. 28 to 33, inclusive.

The public lands in the areas described aggregate approximately 174,195 acres.

4. As provided in paragraph 2, the following described public lands which are a part of the lands described in paragraph 3 are further segregated from appropriation under the general mining laws but not the mineral leasing or material sale laws.

MOUNT DIABLO MERIDIAN, NEVADA

T. 7 N., R. 26 E.,
Sec. 25, NE¼SE¼, S½SE¼;
Sec. 36, N½NE¼.
T. 7 N., R. 27 E.,
Sec. 3, Lot 4, SW¼NW¼, NW¼SW¼;
Sec. 4, Lots 1 and 2, S½NE¼, E½SW¼, SE¼;
Sec. 5, S½SW¼, SE¼;
Sec. 7, E½E½;
Sec. 8, N½NE¼, NW¼, W½SW¼;
Sec. 9, NW¼NE¼, N½NW¼;
Sec. 17, W½NW¼, NW¼SW¼;
Sec. 18, Lots 3 and 4, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 19, NE¼NE¼;
Sec. 30, Lot 4, N½NE¼, SW¼NE¼, NW¼SW¼.
T. 8 N., R. 27 E.,
Sec. 5, Lot 4, SW¼NW¼, NE¼SW¼;
Sec. 6, Lot 1;
Sec. 8, NE¼NE¼;
Sec. 9, SW¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 15, NE¼NW¼, S½SE¼;
Sec. 22, N½NE¼, SE¼NE¼, SE¼SW¼, SW¼SE¼;
Sec. 27, NW¼, W½SW¼;
Sec. 28, E½E½;
Sec. 33, E½;
Sec. 34, W½W½.
T. 9 N., R. 27 E.,
Sec. 31, Lot 6, NE¼SW¼;
Sec. 28, Lot 1, NE¼NW¼;
Sec. 31, E½SE¼.

The public lands in the areas described aggregate approximately 3,586.80 acres.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701.

6. A public hearing on the proposed classification will be held on May 15, 1967, at 10 a.m., in the Lyon County Courthouse, Yerington, Nev.

MARTIN W. BUZAN,
Acting State Director, Nevada.

[F.R. Doc. 67-4328; Filed, Apr. 19, 1967; 8:46 a.m.]

[New Mexico 1999]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 15, 1967.

The Atomic Energy Commission has filed an application, Serial Number New Mexico 1999 for the withdrawal of lands described below from all forms of appropriation, including the general mining and the mineral leasing laws. The applicant desires the land for the conduct of an experiment called Project Gasbuggy which is for the purpose of stimulating natural gas production by means of nuclear explosives.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Atomic Energy Commission.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 4 W.,
Sec. 36.

The area described aggregates 640 acres.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 67-4329; Filed, Apr. 19, 1967; 8:46 a.m.]

[Wyoming 5697]

WYOMING

Proposed Classification of Public Lands for Multiple Use Management

APRIL 13, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating (a) all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); (b) the lands described in paragraph 3 of this notice from appropriation under the general mining laws (30 U.S.C. 21); and the lands shall remain open to all other applicable forms of appropriation, including the mining laws (except as provided in paragraph 3) and the mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Public lands located within the following described areas are shown on the Uinta and Lincoln County Planning Unit Classification Maps, which are on file in the District Office, Bureau of Land Management, Rock Springs, Wyo., and the Land Office, Bureau of Land Management, Federal Building, Cheyenne, Wyo. The general descriptions of the areas are as follows:

SIXTH PRINCIPAL MERIDIAN

UINTA COUNTY, WYOMING

All public lands within the following described areas, except those lands within Planning Unit 0471, as said planning unit is delineated upon the maps previously referred to:

Beginning at the junction of the Uinta-Lincoln-Sweetwater County lines; thence west along the Uinta-Lincoln County line to the Wyoming-Utah border; thence south along the Wyoming-Utah border to U.S. Highway 89; thence southeasterly along U.S. 89 to its junction with Interstate 80 at Evanston; thence easterly along Interstate 80 to the range line between Rs. 117 and 118 W.; thence south along said range line to the southwest corner of sec. 19, T. 15 N., R. 117 W.; thence east to the northeast corner of sec. 29, T. 15 N., R. 117 W.; thence south to the southeast corner of sec. 8, T. 14 N., R. 117 W.; thence east to the range line between Rs. 116 and 117 W.; thence south along said range line to the Wasatch National Forest Boundary; thence east and south along the Wasatch National Forest Boundary to its intersection with the Wyoming-Utah border in T. 12 N., R. 114 W.; thence east along the Wyoming-Utah border to the Uinta-Sweetwater County line; thence north along the Uinta-Sweetwater County line to the point of beginning.

Also the following described area:
All public lands within T. 12 N., R. 117 W.

LINCOLN COUNTY, WYOMING

All public lands within the following described area, except those lands within Planning Unit 0474, as said planning unit is delineated upon the maps previously referred to:

Beginning at the junction of the Lincoln-Uinta-Sweetwater County lines; thence north along the Lincoln-Sweetwater County line to the Lincoln-Sublette County line; thence west along the Lincoln-Sublette County line to the Green River; thence southerly down the Green River to the township line between Tps. 24 and 25 N., thence west along said township line to the range line between Rs. 115 and 116 W., in T. 25 N.; thence north along said range line to the Bridger National Forest Boundary; thence west and north along the Bridger National Forest Boundary to its intersection with the Wyoming-Idaho border in T. 28 N., R. 120 W.; thence south along the Wyoming-Idaho and Wyoming-Utah borders to the Lincoln-Uinta County lines; thence east along the Lincoln-Uinta County line to the point of beginning.

The total area of the public lands included within the purview of this notice of proposed classification aggregates approximately 1,295,065 acres.

3. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the mining laws (aggregating approximately 23,113 acres):

UINTA COUNTY, WYOMING

T. 12 N., R. 117 W.,
Secs. 10, 14, and 22.
T. 17 N., R. 119 W.,
Sec. 20, SW¼SW¼.

LINCOLN COUNTY, WYOMING

T. 23 N., R. 116 W.,
Sec. 10, SW¼SE¼;
Sec. 15, lot 2.
T. 21 N., R. 117 W.,
Sec. 4, lot 8, SW¼NW¼, and NW¼SW¼;
Secs. 5 and 6;
Sec. 17, W½;
Sec. 18, lots 6, 7, and 8, SE¼NW¼;
Sec. 19, lots 5, 6, 7, and 8, E½W½, W½E½, E½NE¼, and NE¼SE¼;
Sec. 20, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 30, lots 5, 6, 7, and 8, E½W½;
Sec. 31, lots 5, 6, 7, and 8, W½NE¼, and E½W½.
T. 22 N., R. 117 W.,
Sec. 19, lots 14, 15, and 16;
Sec. 29, SW¼SW¼;
Sec. 30, lots 5 to 16, inclusive, S½SE¼;
Sec. 31, lots 5 to 16, inclusive, NE¼, N½SE¼, and SW¼SE¼;
Sec. 32, W½NW¼.
T. 23 N., R. 117 W.,
Sec. 31, N½NE¼NE¼.
T. 25 N., R. 117 W.,
Sec. 7, S½;
Secs. 18 and 19;
Sec. 30, lots 5, 6, 7, and 8, NE¼, and E½W½;
Sec. 31, lots 5, 6, 7, and 8, E½W½.
T. 21 N., R. 118 W.,
Sec. 1, lots 5 and 6, S½NE¼ and SE¼;
Sec. 13, SE¼SW¼ and SE¼;
Sec. 23, SE¼SW¼ and SE¼;
Secs. 24 to 27, inclusive;
Sec. 28, NE¼, NW¼NW¼, S½NW¼, and S½;
Sec. 29, SE¼NE¼ and E½SE¼;
Sec. 34, NE¼, N½NW¼, SE¼NW¼, and N½SE¼;
Sec. 35, N½ and N½S½.
T. 22 N., R. 118 W.,
Sec. 11, SE¼;
Sec. 13, SW¼NW¼, NW¼SW¼, and S½S½;
Sec. 14, NE¼, S½NW¼, and S½;
Sec. 15, S½N½ and S½;
Sec. 23, N½ and E½SE¼;
Secs. 24 and 25;
Sec. 26, E½E½.
T. 23 N., R. 118 W.,
Sec. 26, SE¼SE¼.
T. 24 N., R. 118 W.,
Sec. 4, lot 8.
T. 25 N., R. 118 W.,
Sec. 13;
Sec. 19, lot 38;
Sec. 20, lot 33;
Secs. 23 and 24;
Sec. 25, lots 1, 2, 3, and 4, N½ and N½S½;
Sec. 26;
Sec. 31, lots 11, 12, 21, and 22;
Sec. 35, lots 2, 3, 6, and 7, W½ and W½E½;
Sec. 36, lots 1, 10, 11, 20, 21, 22, and 23.
T. 26 N., R. 119 W.,
Sec. 4, N½NW¼;
Sec. 5, NW¼.
T. 27 N., R. 119 W.,
Sec. 33, SW¼.
T. 28 N., R. 119 W.,
Sec. 19, SW¼NW¼;
Sec. 26, S½NW¼.
T. 28 N., R. 120 W.,
Sec. 24, SE¼NE¼.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Rock Springs District Office, Bureau of Land Management, Post Office Box 1088, Rock Springs, Wyo. 82901.

5. Public hearings on the proposed classification will be held on June 1, 1967 at 10 a.m. in the Courtroom, Uinta County Courthouse, Evanston, Wyo., and on June 2, 1967 at 10 a.m. in the Courtroom, Lincoln County Courthouse, Kemmerer, Wyo.

ED PIERSON,
State Director.

[F.R. Doc. 67-4330; Filed, Apr. 19, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice 18]

SUGARBEETS IN MICHIGAN

Extension of Closing Date for Filing of Applications for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pur-

suant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for sugarbeet crop insurance for the 1967 crop year in all counties in Michigan where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 28, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-4378; Filed, Apr. 19, 1967; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MEIER'S WINE CELLARS, INC.

Notice of Withdrawal of Petition for Food Additive Metatartaric Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Meier's Wine Cellars, Inc., 6955 Plainfield Park, Silverton, Cincinnati, Ohio 45236, has withdrawn its petition (FAP 6A2035), notice of which was published in the FEDERAL REGISTER of August 27, 1966 (31 F.R. 11402), proposing the issuance of a regulation to provide for the safe use of metatartaric acid as a stabilizer in wine.

Dated: April 12, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4375; Filed, Apr. 19, 1967; 8:50 a.m.]

ROHM AND HAAS CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0583) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing the establishment of a tolerance of 1 part per million for residues of the herbicide 2,4-dichlorophenyl-*p*-nitrophenyl ether in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, cauliflower, and kohlrabi.

The analytical methods proposed in the petition for determining residues of the herbicide are:

1. Extraction with methylene dichloride, reduction of the nitro group, diazotization, coupling with *N*-alpha-naphthyl-*N'*-diethylpropylenediamine, and measurement of the absorbance at 565 millimicrons.

2. Gas-liquid chromatography using an electron capture detector.

Dated: April 12, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4376; Filed, Apr. 19, 1967; 8:50 a.m.]

UPJOHN CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0585) has been filed by The Upjohn Co., Kalamazoo, Mich. 49001, proposing the establishment of a tolerance of 1 part per million for residues of the herbicide diphenamid (*N,N*-dimethyl-2,2-diphenylacetamide) in or on the raw agricultural commodity strawberries.

The analytical method proposed in the petition for determining residues of the herbicide is vapor-phase chromatography and flame ionization detection.

Dated: April 12, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4377; Filed, Apr. 19, 1967; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Informal List No. 6/66]

DOMINICAN REPUBLIC BROADCASTING STATIONS

Additions and Changes in Assignments

OCTOBER 6, 1966.

Notification of new Dominican Republic broadcasting stations and of changes in or deletions of existing stations made in conformity with Part III section II of the North American Regional Broadcasting Agreement, Washington, D.C.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		1510 kc/s				
HIPS (new)	Nagua	1 kwD/0.25 kwN.	ND	U	III	11-15-66.
		1400 kc/s				
HIBN (changes in frequency and power, previously 1380 kc/s, 0.5 kwD/0.1 kwN).	Puerto Plata	1 kwD/0.25 kwN.	ND	U	IV	12- 1-66.
		1180 kc/s				
HIBE (increase in power, previously 1 kwD/0.25 kwN).	Santo Domingo	10 kwD/0.250 kwN.	ND	U	II	2-11-67.
		1450 kc/s				
HIDB (change in frequency, previously 1380 kc/s).	San Pedro de Macoris	1 kwDN	ND	U	IV	2-15-67.
		540 kc/s				
HIBW (change in power, previously 1 kwD/0.25 kwN).	Santo Domingo	5 kwD/1 kwN	ND	U	III	12- 1-66.
		1440 kc/s				
HIFS (new)	Nagua	250 Watts DN	ND	U	III	1- 1-67.
		1380 kc/s				
HIST (new)	Santiago	5 kwD/1 kwN	ND	U	III	3- 1-67.
		1430 kc/s				
HIVG (new)	La Vega	1 kwD/0.25 kwN.	ND	U	III	1- 1-67.
		1100 kc/s				
HIMH (new)	do	0.25 kw/ND	ND	U	III	1- 1-67.
		1440 kc/s				
HIAK (increase in power, previously 0.25 kwDN).	Santo Domingo	1 kwD/0.25 kwN.	ND	U	III	11-17-66.
		1450 kc/s				
HIBO (change in power, previously 0.5 kwD/0.25 kwN).	Constanza	1 kwD/0.250 kwN.	ND	U	IV	12- 3-66.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		760 kc/s				
HIBL (changes in frequency and power, previously 1520 kc/s, 1 kwDN).	Santo Domingo	5 kwD/1 kwN	ND	U	II	11- 6-66.
		750 kc/s				
HIZ (changes in frequency and power, previously 740 kc/s, 1 kwDN).	do	5 kwD/1 kwN	ND	U	II	11-10-66.
		600 kc/s				
HIFS (new)	San Francisco de Macoris.	0.250 kwD/0.100 kwN.	ND	U	III	2- 1-67.
		1380 kc/s				
HIJR (new)	Santo Domingo	5 kwD/1 kwN	ND	U	III	1- 6-67.
		1560 kc/s				
HIFP (new)	do	1 kwD/0.250 kwN.	ND	U	II	12-25-66.
		1250 kc/s				
HIBC (increase in power, previously 1 kwD/0.1 kwN).	San Francisco de Macoris.	5 kwD/0.5 kwN.	ND	U	III	1-30-67.
		1070 kc/s				
HIBI (change in frequency, previously 1590 kc/s).	do	1 kwD/0.250 kwN.	ND	U	II	1-25-67.
		650 kc/s				
HIAT (increase in power, previously 5 kwDN).	Santo Domingo	10 kwD/2 kwN	ND	U	II	1-10-67.
		890 kc/s				
HIPJ (increase in power, previously 1 kwD/0.25 kwN).	do	5 kwDN	ND	U	II	2- 5-67.

FCC NOTE: Dominican Republic Change List No. 6/66 has not been received through official channels as of Apr. 11, 1967.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4368; Filed, Apr. 19, 1967; 8:50 a.m.]

[Docket No. 15415; FCC 67-461]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Order Terminating Proceeding

In the matter of acquisition of community antenna television systems by television broadcast licensees, Docket No. 15415.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 12th day of April 1967;

For the reasons stated in our Notice of Inquiry in Docket No. 17371 issued this day: *It is ordered*, That this proceeding is hereby terminated.

Released: April 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4365; Filed, Apr. 19, 1967; 8:49 a.m.]

[Docket No. 17371; FCC 67-460]

CATV INDUSTRY

Notice of Inquiry Regarding Developing Patterns of Ownership

1. The orderly accommodation of CATV into the structure of national communications policy has presented the Commission with a host of problems and will, no doubt, continue to do so. At the same time, the Commission recognizes in CATV an important potential for realizing its overall responsibilities to the public interest in broader dissemination and greater diversification of program sources. This potential of CATV imposes varied obligations on the Commission but the one with which we are here concerned is our duty to take an affirmative role in shaping the development of the CATV industry to maximize its potential for public service.

2. The emerging pattern of growth indicates that CATV is ceasing to be simply a passive reception device of utility solely in outlying areas away from regular television service; rather, it is developing into a significant force in communications on its own merits. Coupled with this development, we observe an increasing trend toward program origination on CATV systems. Taken together, the rapid spread and changing nature of CATV call for consideration by the Commission of the long-range function and role of CATV in the totality of communication services; we are giving this matter continuing consideration. At this time, however, we feel that the promised emergence of CATV systems with programing capability in large metropolitan markets requires that we begin to consider the application of more traditional policies and rules on concentration of control, duopoly, and diversification of mass media.

3. The information now available to us is by no means conclusive, but is sufficient to indicate need for re-examination (see First Report in Docket No. 15415, FCC 65-688 (1965)) of the whole question of CATV ownership and cross-ownership. Consequently, we believe it appropriate to inaugurate general inquiry into the present ownership of the CATV industry and the probable future ownership of the industry. On the basis of the limited information available, we do not believe it appropriate to do more at this time than seek views and suggested courses of action from interested parties; however, if the early responses to this inquiry appear to justify such action, this inquiry may be expanded to include proposed rule making.

4. Without intending to restrict comment, we think it helpful to point out that our main areas of concern at this time are focused on the public interest questions arising from ownership and control of CATV systems by Commission licensees in other communication services, excluding the new Community Antenna Relay Service; and the public interest problems that may be inherent in such cross-ownership. As indicated, we also desire comment on the question of whether our present rules and policies relating to such matters as multiple ownership, duopoly, concentration of control, and diversification of mass media should be adapted to ownership and control of CATV by licensees, or whether other more appropriate standards are indicated.

5. In September of 1966, the Commission sent out to all known CATV operators and also published in the FEDERAL REGISTER (31 F.R. 12811) a CATV information report (Form 325). This report called for information relating to the operations and ownership of CATV systems. These reports are public and available for inspection in the Commission's offices; the information in the reports has also been summarized and published in varying degrees by some trade publications. The Commission is also compiling, summarizing, and analyzing the data contained in the forms. While we recognize that the reports reflected the general state of the industry only as of December 1, 1966, we believe that they are sufficiently comprehensive and contemporaneous to form a helpful basis, at least initially for analysis, comment, and suggestion as to indicated courses of action by the Commission.

6. We recognize that, as this inquiry develops, certain gaps in our information returns may become evident. It may also appear necessary that the information returns be up-dated or required to be filed on a continuing basis to reflect changes and new entry. Comment and suggestion are invited as to these matters. If appropriate, this aspect of the notice of inquiry may be separated and expedited for early consideration and action. Some of the information called for by this notice of inquiry has already been filed in Docket No. 15415. Where relevant, it will be incorporated into this docket and, of course, need not be refiled. In view of

[1] Commissioner Wadsworth absent.

the broader nature of this inquiry, we think it appropriate to terminate Docket No. 15415 at this time and we are simultaneously with the issuance of this notice issuing an order accomplishing that end.

7. In view of the foregoing, we invite comments from interested parties on all aspects of the matters discussed above; in addition, we will be happy to receive comments which indicate other related matters which should be considered in this proceeding.

8. Authority for the adoption of this Notice is contained in section 403 of the Communications Act of 1934, as amended.

9. Pursuant to the procedures contained in § 1.415 of the Commission's rules, interested parties may file comments on or before June 6, 1967, and reply comments on or before June 21, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. The Commission may also consider other relevant information available to it, in addition to the specific comments invited by this Notice.

10. Pursuant to the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: April 12, 1967.

Released: April 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4366; Filed, Apr. 19, 1967; 8:49 a.m.]

[Docket Nos. 15835 etc.; FCC 67M-634]

LEBANON VALLEY RADIO ET AL.

Order Continuing Hearing

In re applications of Arthur K. Greiner, Glenn W. Winter, William W. Rakow, Robert M. Lesher, doing business as Lebanon Valley Radio, Lebanon, Pa., Docket No. 15835, File No. BP-16098; John E. Hewitt, Thomas A. Ehrgood, Clifford A. Minnich, and Fitzgerald C. Smith, doing business as Cedar Broadcasters, Lebanon, Pa., Docket No. 15836, File No. BP-16103; Catonsville Broadcasting Co., Catonsville, Md., Docket No. 15838, File No. BP-16105; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP-16106; for construction permits.

The Hearing Examiner having under consideration a "Petition For Continuance" filed on April 14, 1967, by Cedar Broadcasters;

It appearing, that the two Lebanon, Pa., applicants herein have agreed to merge;

It is ordered, This 17th day of April 1967, that the aforesaid petition for continuance is granted and the hearing scheduled for tody's date is continued to June 19, 1967, at 10 a.m.

Released: April 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4367; Filed, Apr. 19, 1967; 8:49 a.m.]

[Docket No. 16043; FCC 67M-627]

SPORTS NETWORK, INC., AND AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Rescheduling Hearing

Sports Network, Inc., New York, N.Y., complainant, versus American Telephone and Telegraph Co., New York, N.Y., defendant, Docket No. 16043.

On the unopposed oral request of counsel for AT&T, the hearing is rescheduled from April 25 to April 26, 1967.

Dated: April 14, 1967.

Released: April 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4369; Filed, Apr. 19, 1967; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 368]

OESTERREICHISCHE PREMABERG G.M.B.H AND ERICH GORDON

Order Denying Export Privileges

In the matter of Oesterreichische Premaberg G.m.b.H. and Erich Gordon Porzellangasse 19, Vienna IX, Austria, respondents; Case No. 368.

The Director, Investigations Division, Office of Export Control, issued a charging letter against the above respondents on February 9, 1967. The charging letter in substance alleged that on or about December 8, 1965, a blowout preventer and accessory (used in rotary drilling) valued at $26,843, were exported to the respondents from the United States and that without authorization the respondents knowingly caused the reexportation of said commodities from the Federal Republic of Germany to East Germany, and that respondents failed to notify the Office of Export Control of their intention to reexport said commodities to East Germany, which was contrary to their prior representation.

Respondents filed an answer dated February 27, 1967 in which they acknowledged the reexportation of the commodities to East Germany. The answer contained certain allegations which the respondents requested be taken into consideration in mitigation of the violations. The respondents did not request an oral hearing. In accordance with the usual practice where there is no request for an oral hearing, an informal hearing was held before the Compliance Commissioner on March 20, 1967, at which evidence in support of the charges was presented on behalf of the Investigations Division and a record was made.

The Compliance Commissioner has considered the record in the case and he has recommended that remedial action as hereinafter set forth be taken against the respondents. On consideration of the record and of the Compliance Commissioner's Report, I hereby make the following findings of fact:

1. The respondent firm Oesterreichische Premaberg G.m.b.H. (Premaberg) is a limited liability company with a place of business in Vienna, Austria. The firm is an importer and distributor of oilfield equipment and a substantial part of its business is in U.S.-origin goods. The respondent Erich Gordon is part owner of the firm and also its manager and he handled the transaction in question on its behalf.

2. On September 28, 1965, Gordon, on behalf of Premaberg, ordered from a U.S. supplier a blowout preventer and rubber packing unit to be used therewith, having a total value of $26,843. These items are used in connection with drilling equipment for gas or oil. The respondents in writing requested a New York forwarding firm to handle the exportation and to obtain the necessary licenses. The respondents furnished said forwarding firm with a Single Transaction Statement (Form FC-842) signed by an authorized representative of Premaberg.

3. The aforesaid Form FC-842 represented that the equipment in question, for which an export license was sought, would be used in Austria and would not be sold outside of that country. The signed certification on this form stated that the firm would notify the supplier of any changed facts or intentions and, except as specifically authorized by the U.S. Export Regulations or by prior written approval of the U.S. Department of Commerce, would not reexport or resell the commodities to any country not approved for export or to any person if there was reason to believe that it would result in disposition of the commodities contrary to the representations in the statement. In reliance on the representations in the Form FC-842 a validated license was issued by the Office of Export Control authorizing exportation of the commodities to Premaberg for ultimate destination Austria.

4. The goods in question were exported by ocean vessel on or about December 8, 1965, by the aforesaid New York forwarding firm as agent for Premaberg and, as requested by Premaberg, the shipment was consigned to a forwarding firm in Hamburg, West Germany, with arrival notice to be given to Premaberg, Vienna.

5. On December 16, 1965, Gordon, on behalf of Premaberg, wrote to the Hamburg forwarding firm to which the goods were consigned and requested said firm "as agreed" to try and unload the goods at Bremerhaven and to transfer them by truck to a second forwarding firm in Hamburg. With this letter, Premaberg transmitted the original bill of lading which bore the destination control statement showing that the goods were licensed for ultimate destination Austria.

6. The consignee forwarding firm did unload the goods in Bremerhaven and turned them over to the second forwarding firm designated by respondents.

7. Contrary to the representations made by respondents in the Form FC-842, contrary to the conditions of the export license, and contrary to the restriction in the destination control statement on the bill of lading, the respondents sold the equipment in question to the firm DIA-Maschinen-Export, East Berlin, and had the equipment exported to the designee of said firm in East Germany.

8. The respondents knew that the commodities in question were of U.S.-origin and that it was in violation of the U.S. Export Regulations to reexport said commodities to East Germany without first obtaining authorization from the U.S. Government.

Based on the foregoing findings of fact, it is concluded that the respondents violated the following provisions of the U.S. Export Regulations: § 381.6, in that without specific authorization from the Office of Export Control they knowingly caused U.S.-origin commodities to be reexported, transshipped and diverted from the Federal Republic of Germany to East Germany contrary to the provisions of the U.S. Export Regulations; § 381.5, in that prior to the reexportation of the goods in question to East Germany they failed to notify the Office of Export Control of their intention to so reexport, which failure was contrary to the certification made by them before the goods were exported from the United States.

With reference to the culpability of respondents and the sanctions that should be imposed the Compliance Commissioner stated as follows:

> There is no dispute that the goods in question were exported from the United States to West Germany for ultimate destination Austria and, under instructions from respondents, were diverted to East Germany. If the respondents, at the time they ordered the goods from the U.S. supplier, did not intend to divert them to East Germany (as they claim), they did have this intention before the goods were exported from the United States. They could have abandoned their illegal scheme and prevented the exportation. They chose, however, to proceed with the transaction which they knew was in violation of the U.S. Export Regulations. Their profit on this transaction was approximately $5,000.
>
> Turning now to the matter of sanctions that should be imposed. This was a deliberate and knowing violation of the Export Regulations in which the respondents engaged for a substantial profit. At the outset of the investigation they were evasive and uncooperative and gave misleading information to inquiries. However, it is to be noted to their credit that in responding to the interrogatories they admitted the facts concerning their participation in the violative transaction. This is not to say that the violation could not have been proved without their admissions. They have in a sense admitted their guilt and placed themselves at the mercy of the administrative officials. They have not taken a hostile attitude and have given assurance of future compliance with the U.S. export laws. The respondents claim that this is their first offense against U.S. export laws and there is nothing in the files of the Investigations Division to dispute this.
>
> Considering all of the circumstances in the case, I recommend that the respondents be denied export privileges for three years, with conditional restoration of such privileges after nine months while they remain on probation for the balance of the denial period.

After considering the record in the case and the report and recommendation of the Compliance Commissioner and being of the opinion that his recommendation as to the sanctions that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof, the respondents for a period of 3 years from the effective date of this order are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their representatives, agents, partners, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Nine months after the effective date hereof, without further order of the Bureau of International Commerce, the respondents shall have their export privileges restored conditionally and thereafter for the remainder of the three year denial period the respondents shall be on probation. The conditions of such restoration are that the respondents shall fully comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that the respondents have knowingly failed to comply with the requirements and conditions of this order or with the conditions of probation, said official at any time, with or without prior notice to said respondents, by supplemental order, may revoke the probation of said respondents, or any of them, revoke all outstanding validated export licenses to which any of said respondents may be a party, and deny to said respondents all export privileges for a period up to 27 months. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as shall be warranted. On the entry of a supplemental order revoking respondents' probation without notice, they may file objections and request that such order be set aside, and may request an oral hearing, as provided in § 382.16 of the Export Regulations, but pending such further proceedings, the order of revocation shall remain in effect.

VI. During the time when any respondent or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with a respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on April 20, 1967.

Dated: April 12, 1967.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 67-4306; Filed, Apr. 19, 1967; 8:45 a.m.]

[1] Commissioner Wadsworth absent.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., REGION I (NEW YORK)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance and Deputy Assistant Regional Administrator for Renewal Assistance.* The Assistant Regional Administrator for Renewal Assistance and the Deputy Assistant Regional Administrator for Renewal Assistance, Region I (New York, N.Y.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Neighborhood Facilities Grant Program under sections 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

3. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071 et seq.) to the extent applicable to matters redelegated herein.

SEC. B. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and others.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, the Chief, Rehabilitation Loan and Grant Branch, and the Area Rehabilitation Loan Specialists, Region I (New York, N.Y.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b).

SEC. C. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegation of authority to the Regional Director of Urban Renewal, Region I (New York, N.Y.) (30 F.R. 14580, Nov. 23, 1965), insofar as related to the slum clearance and urban renewal program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Redelegation of authority to the Regional Director of Urban Renewal, the Regional Rehabilitation Loan Officer, and the Area Rehabilitation Loan Specialists, Region I (New York, N.Y.) (30 F.R. 11405, Sept. 8, 1965), with respect to rehabilitation loans authorized under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

(Redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966))

Effective date. The redelegations of authority in sections A and B above shall be effective as of November 9, 1966.

JUDAH GRIBETZ,
Regional Administrator, Region I.

[F.R. Doc. 67–4357; Filed, Apr. 19, 1967; 8:49 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., REGION II (PHILADELPHIA)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance and Deputy Assistant Regional Administrator for Renewal Assistance.* The Assistant Regional Administrator for Renewal Assistance and the Deputy Assistant Regional Administrator for Renewal Assistance, Region II (Philadelphia, Pa.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Neighborhood Facilities Grant Program under sections 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

3. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071 et seq.) to the extent applicable to matters redelegated herein.

SEC. B. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and others.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, the Chief, Rehabilitation Loan and Grant Branch, and the Area Rehabilitation Loan Specialists, Region II (Philadelphia, Pa.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b).

SEC. C. *Revocation.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER.

1. Redelegation of authority to the Regional Director of Urban Renewal, Region II (Philadelphia, Pa.), (30 F.R. 14580, Nov. 23, 1965), insofar as related to the slum clearance and urban renewal program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Redelegation of authority to the Regional Director of Urban Renewal, the Regional Rehabilitation Loan Officer, and the Area Rehabilitation Loan Specialists, Region II (Philadelphia, Pa.) (30 F.R. 11405, Sept. 8, 1965), with respect to rehabilitation loans authorized under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

(Redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966))

Effective date. The redelegations of authority in sections A and B above shall be effective as of November 9, 1966.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 67–4358; Filed, Apr. 19, 1967; 8:49 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., REGION IV (CHICAGO)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance and Deputy Assistant Regional Administrator for Renewal Assistance.* The Assistant Regional Administrator for Renewal Assistance and the Deputy Assistant Regional Administrator for Renewal Assistance, Region IV (Chicago, Ill.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Neighborhood Facilities Grant Program under sections 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

3. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071 et seq.) to the extent applicable to matters redelegated herein.

SEC. B. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and others.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, the Chief, Rehabilitation Loan and Grant Branch, and the Area Rehabilitation Loan Specialists, Region IV (Chicago, Ill.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Neighborhood Facilities Grant Program under sections 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

3. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071 et seq.) to the extent applicable to matters redelegated herein.

SEC. C. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegation of authority to the Regional Director of Urban Renewal, Region IV (Chicago, Ill.) (30 F.R. 14580, Nov. 23, 1965), insofar as related to the slum clearance and urban renewal program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Redelegation of authority to the Regional Director of Urban Renewal, the Regional Rehabilitation Loan Officer, and the Area Rehabilitation Loan Specialists, Region IV (Chicago, Ill.) (30 F.R. 11405, Sept. 8, 1965), with respect to rehabilitation loans authorized under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

(Redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966))

Effective date. The redelegations of authority in sections A and B above shall be effective as of November 9, 1966.

JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 67–4356; Filed, Apr. 19, 1967; 8:49 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., REGION V (FORT WORTH)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance and Deputy Assistant Regional Administrator for Renewal Assistance.* The Assistant Regional Administrator for Renewal Assistance and the Deputy Assistant Regional Administrator for Renewal Assistance, Region V (Fort Worth), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Neighborhood Facilities Grant Program under sections 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

3. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071 et seq.) to the extent applicable to matters redelegated herein.

SEC. B. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and others.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, the Chief, Rehabilitation Loan and Grant Branch, and the Area Rehabilitation Loan Specialists, Region V (Fort Worth), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b).

SEC. C. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegation of authority to the Regional Director of Urban Renewal, Region V (Fort Worth) (30 F.R. 14580, Nov. 23, 1965), insofar as related to the slum clearance and urban renewal program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Redelegation of authority to the Regional Director of Urban Renewal, the Regional Rehabilitation Loan Officer, and the Area Rehabilitation Loan Specialists, Region V (Fort Worth) (30 F.R. 11405, Sept. 8, 1965), with respect to rehabilitation loans authorized under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

(Redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966))

Effective date. The redelegations of authority in sections A and B above shall be effective as of November 9, 1966.

LEONARD E. CHURCH,
Acting Regional Administrator, Region V.

[F.R. Doc. 67–4355; Filed, Apr. 19, 1967; 8:48 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., REGION VI (SAN FRANCISCO)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance and Deputy Assistant Regional Administrator for Renewal Assistance.* The Assistant Regional Administrator for Renewal Assistance and the Deputy Assistant Regional Administrator for Renewal Assistance, Region VI (San Francisco), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Neighborhood Facilities Grant Program under sections 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

3. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071 et seq.) to the extent applicable to matters redelegated herein.

SEC. B. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and others.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, the Chief, Rehabilitation Loan and Grant Branch, and the Area Rehabilitation Loan Specialists, Region VI (San Francisco), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b).

SEC. C. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegation of authority to the Regional Director of Urban Renewal, Region VI (San Francisco) (30 F.R. 14580, Nov. 23, 1965), insofar as related to the slum clearance and urban renewal program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Redelegation of authority to the Regional Director of Urban Renewal, the Regional Rehabilitation Loan Officer, and the Area Rehabilitation Loan Specialists, Region VI (San Francisco) (30 F.R. 11405, Sept. 8, 1965), with respect to rehabilitation loans authorized under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

(Redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966))

Effective date. The redelegations of authority in sections A and B above shall be effective as of November 9, 1966.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 67-4360; Filed, Apr. 19, 1967; 8:49 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., REGION VII (SAN JUAN, P.R.)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance and Deputy Assistant Regional Admtnistrator for Renewal Assistance.* The Assistant Regional Administrator for Renewal Assistance and the Deputy Assistant Regional Administrator for Renewal Assistance, Region VII (San Juan, P.R.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 6966–8967, June 29, 1966), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Neighborhood Facilities Grant Program under sections 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

3. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071 et seq.) to the extent applicable to matters redelegated herein.

SEC. B. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and others.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, the Chief, Rehabilitation Loan and Grant Branch, and the Area Rehabilitation Loan Specialists, Region VII (San Juan, P.R.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b).

SEC. C. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER.

1. Redelegation of authority to the Regional Director of Urban Renewal, Region VII (San Juan, P.R.) (30 F.R. 14581, Nov. 23, 1965), insofar as related to the slum clearance and urban renewal program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Redelegation of authority to the Regional Director of Urban Renewal, the Regional Rehabilitation Loan Officer, and the Area Rehabilitation Loan Specialists, Region VII (San Juan, P.R.) (30 F.R. 13477, Oct. 22, 1965), with respect to rehabilitation loans authorized under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

(Redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966))

Effective date. The redelegations of authority in sections A and B above shall be effective as of November 9, 1966.

JOSÉ E. FEBRES-SILVA,
Regional Administrator, Region VII.

[F.R. Doc. 67-4359; Filed, Apr. 19, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-261]

CAROLINA POWER & LIGHT CO.

Notice of Issuance of Provisional Construction Permit

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated April 12, 1967, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-26 to Carolina Power & Light Co. for the construction of a pressurized water nuclear reactor, designated as the H. B. Robinson Unit No. 2, to be located at the company's H. B. Robinson site in Darlington County, about 4.5 miles from Hartsville, S.C.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 13th day of April 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-4308; Filed, Apr. 19, 1967; 8:45 a.m.]

CIVIL SERVICE COMMISSION

PROGRAM ANALYST, TREASURY DEPARTMENT

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective March 30, 1967, that there is a manpower shortage for the single position of Program Analyst, GS-345-15, Office of the Secretary, Treasury Department, Washington, D.C. This finding will terminate when the position is filled.

An appointee to this position may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-4309; Filed, Apr. 19, 1967; 8:45 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on April 26, 1967. The hearing will take place in the top floor conference room of the Pennsylvania State Office Building, Broad and Spring Garden Streets in Philadelphia, beginning at 2 p.m. The subject of the hearing will be proposals to amend the Comprehensive Plan so as to include therein the following projects:

1. *Middle Neck Watershed.* A watershed improvement plan providing for land treatment measures, stream channel improvement, dikes and levées, and construction of a tidegate in the Middle Neck Watershed, Salem County, N.J. The project is proposed by the Salem-Cumberland Soil Conservation District pursuant to Public Law 566.

2. *Livingston Manor Sewer District.* A sewerage system and treatment plant to serve the hamlet of Livingston Manor in the town of Rockland, Sullivan County, N.Y. The plant will provide secondary treatment (86 percent BOD reduction) for a peak flow of 1,050,000 gallons per day. Discharge will be to the Willomemoc Creek, a tributary of the East Branch of the Delaware River.

3. *Philadelphia Suburban Water Co.* A waste treatment plant to provide treatment of filter back-wash waste water at the Crum Creek filtration plant in Springfield Township, Delaware County, Pa. Treated effluent will discharge into Crum Creek.

4. *Philadelphia Fire Department.* A project providing for the construction of a stone and earth dike and fill encroachment into the waterway of the Delaware River at a city-owned wharf at the foot of Allegheny Avenue.

5. *Yardley Water Co.* A well water supply project designed to augment public water supplies within the company's service area in the Borough of Yardley and parts of adjacent Middletown and Falls Townships in Bucks County, Pa. Designated as Well No. 10, the new facility is expected to yield 150 gallons per minute. In addition, it is proposed to include in the Comprehensive Plan seven operating wells previously developed by the company.

6. *Telford Borough Authority.* A well water supply project to augment the Authority's water supply sources in Bucks and Montgomery Counties, Pa. Designated as Wells No. 4 and No. 5, the new facilities are expected to yield 300 and 280 gallons per minute respectively. In addition, it is proposed to include in the Comprehensive Plan three operating wells previously developed by the Borough.

7. *North Wales Water Authority.* A well water supply project designed to augment public water supplies in the Authority's service area in the Borough of North Wales and the townships of Upper and Lower Gwynedd, Montgomery, Worcester, and Whitpain, Montgomery County, Pa. Designated as Well No. 20, the new facility is expected to yield 250 gallons per minute. In addition, it is proposed to include in the Comprehensive Plan 16 operating wells previously developed by the Authority.

8. *Warminster Township Municipal Authority.* A well water supply project to augment public water supplies in the Authority's service area in Warminster Township, Bucks County, Pa. Designated as Well No. 14, the new facility is expected to yield 265 gallons per minute. In addition, it is proposed to include in the Comprehensive Plan 11 wells previously developed by the Authority.

9. *Philadelphia Suburban Water Co.* A well water supply project to augment public water supplies in the Company's service area in Chester, Delaware, and Montgomery Counties, Pa. Designated as the Aideen Lair Well, the new facility is expected to yield 300 gallons per minute.

Documents relating to the above proposed additions to the Comprehensive Plan may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; telephone 609-883-9500.

W. BRINTON WHITALL,
Secretary.

APRIL 14, 1967.

[F.R. Doc. 67-4312; Filed, Apr. 19, 1967; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. P. Gillette, Chairman, Trans-Pacific Freight Conference of Japan, Kindai Bldg., 11, 3-Chome Kyobashi, Chuo-Ku, Tokyo, Japan.

Agreement 150-34 between the member lines of the Trans-Pacific Freight Conference of Japan modifies the basic agreement, as amended, by establishing separate trade groups within the Conference for the Pacific Coast trade and the Hawaii trade respectively. To accomplish the above, the modification makes certain additions, deletions and changes in the language of Articles 1-8, 19, and 20 relating to quorums and decisions.

Dated: April 17, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4354; Filed, Apr. 19, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-290]

COLORADO INTERSTATE GAS CO.

Notice of Application

APRIL 13, 1967.

Take notice that on April 7, 1967, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP67-290 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of miscellaneous gas sales and transportation facilities during the period extending from June 1, 1967, through May 31, 1968, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate various gas meter stations and mainline or lateral taps, for sales to existing resale customers. Applicant also seeks authorization to construct and operate various miscellaneous rearrangements of its existing pipeline system.

Applicant states that the total estimated cost of the proposed construction will not exceed $300,000, with no single project to exceed a total cost of $50,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 11, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its

own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4314; Filed, Apr. 19, 1967; 8:45 a.m.]

[Docket Nos. CS67-58, etc.]

E. A. CULBERTSON ET AL.

Notice of Applications for "Small Producer" Certificates [1]

APRIL 12, 1967.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 1, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No.	Date filed	Name of applicant
CS67-58	3-23-67	E. A. Culbertson and Wallace W. Irwin, Box 1071, Midland, Tex. 79701.
CS67-59	3-30-67	Duncan Drilling Co., Box 109, Big Spring, Tex. 79720.
CS67-60	3-30-67	Robert N. Enfield, Post Office Box 807, Roswell, N. Mex. 88201.
CS67-61	1- 5-67	Nassau Oil & Gas Corp., 44 Wall St., New York, N.Y. 10005.
CS67-62	3-31-67	R. C. Tucker, c/o R. I. Comstock, agent, Great Western Drilling Co., Post Office Box 1659, Midland, Tex. 79701.
CS67-63	3-31-67	K. W. Davis, c/o R. I. Comstock, agent, Great Western Drilling Co., Post Office Box 1659, Midland, Tex. 79701.
CS67-64	4- 3-67	Estate of Leland Pikes, deceased, 1416 Commerce Bldg., Dallas, Tex. 75201.
CS67-65	3-31-67	Flag Oil Corp. of Delaware, Post Office Box 23, Midland, Tex. 79701.
CS67-66	3-31-67	Redfern Oil Co., Post Office Box 1747, Midland, Tex. 79701.
CS67-67	3-31-67	Redfern Development Corp., Post Office Box 1747, Midland, Tex. 79701.
CS67-68	4- 3-67	Elizabeth M. Brown et al., 911 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.

[F.R. Doc. 67-4315; Filed, Apr. 19, 1967; 8:45 a.m.]

[Docket No. CP67-288]

EQUITABLE GAS CO.

Notice of Application

APRIL 12, 1967.

Take notice that on April 5, 1967, Equitable Gas Co. (Applicant), 420 Boulevard of the Allies, Pittsburgh, Pa. 15219, filed in Docket No. CP67-288 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to install and operate one 275 horsepower compressor unit, together with necessary appurtenances, at its existing Central Compressor Station, Doddridge County, W. Va. Applicant states that the present compressor facilities are dependent on an uncertain water supply and this proposed installation will provide the independent pumping capacity required to maintain the same level of gas supply without dependence on said water supply.

Applicant estimates the total cost of the proposed facilities at approximately $57,600, said cost to be financed from general funds available to Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 8, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4316; Filed, Apr. 19, 1967; 8:45 a.m.]

[Docket No. CP65-91]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

APRIL 12, 1967.

Take notice that on April 5, 1967, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP65-91 a petition to amend the order issued by the Commission March 30, 1967 by authorizing Petitioner to construct and operate a 30-inch pipeline and appurtenant facilities in place of the 26-inch pipeline and appurtenant facilities originally authorized, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

In the above-mentioned order, Petitioner was authorized to construct and operate approximately 365 miles of 26-inch pipeline together with appurtenant facilities from the Delaware Basin of Texas to its main transmission system at Beaver, Okla.

In the instant filing, Petitioner requests that the authorization in the abovementioned order be changed to allow Petitioner to construct and operate a 30-inch pipeline and appurtenant facilities in place of the originally proposed facilities. Petitioner states that this is necessary due to the proven reserves which it now has under contract and the decreased cost of service possible with the larger pipeline.

Applicant estimates the total cost of the larger facilities together with appurtenances at approximately $47,653,420, said cost to be financed from the sale of sinking fund debentures and, to the extent required, the use of cash-on-hand, reserve accruals and retained earnings.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before May 8, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4318; Filed, Apr. 19, 1967; 8:46 a.m.]

[Docket No. CP67-285]

NORTHEAST OKLAHOMA GAS AUTHORITY ET AL.

Notice of Application

APRIL 12, 1967.

Take notice that on March 31, 1967, The Northeast Oklahoma Gas Authority (Northeast), The Grove Municipal Service Authority (Grove), and The Jay Utilities Authority (Jay), c/o Wm. Warfield Ross, Wald, Harkrader and Rockefeller, 1225 19th Street NW., Washington, D.C. 20036 (Applicants), filed in Docket No. CP67-285 an application, as amended April 5, 1967, pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to sell and deliver additional volumes of natural gas to Northeast and Grove for resale to Jay for resale and distribution and for resale by Northeast and Grove to consumers along the proposed transmission line between the existing systems of Northeast and Grove and the proposed system of Jay, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants request that Respondent deliver additional volumes of natural gas as follows:

Year	Maximum daily requirements (Mcf) for Jay	Maximum annual requirements (Mcf)		
		Jay	Other	Total
1st	1,103	99,167	5,000	104,167
2d	1,119	99,936	5,000	104,936
3d	1,135	100,697	5,000	105,697

Jay proposes to construct a 5-inch connecting pipeline running from its town border to an interconnection with the system operated by Northeast and Grove, a distance of approximately 13 miles, at Grove, Okla.

Northeast and Grove propose to sell natural gas to rural consumers living along the transmission line between Grove and Jay. Northeast also proposes to install a compressor plant at a point near the connection with Respondent to provide adequate pressure to make deliveries to Jay.

Applicants estimate the total cost of the proposed construction at approximately $528,727, said cost to be financed by means of revenue bond issues.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 11, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4319; Filed, Apr. 19, 1967; 8:46 a.m.]

[Docket No. CP67-287]

TRUNKLINE GAS CO.

Notice of Application

APRIL 12, 1967.

Take notice that on April 4, 1967, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP67-287 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon by sale certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon by sale approximately 5,139 feet of 4-inch O.D. gathering pipeline and two small purchase measuring stations located in Hidalgo County, Tex., to Coastal States Producing Co. Said facilities were installed by Applicant to purchase natural gas from American Petrofina Company of Texas et al. (American) and, pursuant to an agreement between the parties, a change in delivery points was effected. Applicant, therefore, will no longer need or require the above-described facilities.

Applicant states that the agreed price for the facilities is $12,000, the approximate depreciated cost of said facilities to Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 8, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4320; Filed, Apr. 19, 1967; 8:46 a.m.]

[Docket No. CP67-286]

UNITED GAS PIPE LINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

APRIL 12, 1967.

Take notice that on April 3, 1967, United Gas Pipe Line Co. (United), Post Office Box 1407, Shreveport, La. 71102, and Transcontinental Gas Pipe Line Corp. (Transco), Post Office Box 1396, Houston, Tex. 77001 (Applicants), jointly filed in Docket No. CP67-286 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the exchange of natural gas between Applicants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants propose to construct and operate facilities to interconnect their existing pipeline systems in Victoria County, Tex., and Cameron Parish, La., to enlarge the existing facilities in Pike County, Miss., and to use these three points, together with another existing point in Walthall County, Miss., for the exchange of natural gas between Applicants' systems. Applicants, pursuant to an Exchange Agreement dated February 22, 1967, agree that Transco will deliver natural gas to United at the point of interconnection in Victoria County, Tex., and United will redeliver an equivalent quantity to Transco at the point of interconnection in Cameron Parish, La., or, with Transco's approval, at either of the other two existing points of interconnection.

Applicants estimate the total cost of the proposed facilities at approximately $178,866.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 8, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4321; Filed, Apr. 19, 1967; 8:46 a.m.]

[Docket No. RI61-48 etc.]

BIG CHIEF DRILLING CO. ET AL.

Order Substituting Respondents, etc.; Correction

MARCH 23, 1967.

In the order substituting respondents, making successors co-respondents, redesignating proceedings, accepting agreements and undertakings for filing, and requiring filing of agreements and undertakings, issued March 1, 1967 and published in the FEDERAL REGISTER March 9, 1967 (F.R. Doc. 67-2592, 32 F.R. 3906) change the designation of the proceeding pending in Docket No. RI61-48 to read "Big Chief Drilling Co., W. C. Payne, Post Oak Oil Co., and Payne, Inc."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4313; Filed, Apr. 19, 1967; 8:45 a.m.]

[Docket Nos. RI67-272 etc.]

MOBIL OIL CORP. ET AL.

Order Providing for Hearings, etc.; Correction

APRIL 6, 1967.

Mobil Oil Corp. et al., Docket Nos. RI67-272 et al.; Mobil Oil Corp., Docket No. RI67-272.

In the order providing for hearings on and suspension of proposed changes in rates, issued January 31, 1967 and published in the FEDERAL REGISTER February 9, 1967 (F.R. Doc. 67-1430, 32 F.R. 2719), in the chart after Docket No. RI67-272, Rate Schedule No. 328, change Supplement No. "3" to read Supplement No. "4".

In footnote 19 change Supplement No. "2" to read Supplement No. "12" and in footnote 37 change Supplement No. "4" to read Supplement No. "14".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4317; Filed, Apr. 19, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2094]

ATLANTIC RICHFIELD INTERNATIONAL FINANCE CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of Act

APRIL 13, 1967.

Notice is hereby given that Atlantic Richfield International Finance Corp. ("Applicant"), 260 South Broad Street, Philadelphia, Pa. 19101, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the Rules and Regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized by Atlantic Richfield Co. ("Atlantic Richfield") under the laws of the State of Delaware on March 10, 1967. All of the common stock of Applicant, consisting of 2,000 shares, par value $100 per share, will be purchased by Atlantic Richfield for $200,000. Prior to the sale of the notes of Applicant described below Atlantic Richfield will, in addition, make a capital contribution to Applicant of $2,800,000 in order that Applicant's equity capital will be not less than $3 million. Atlantic Richfield may make additional capital contributions to Applicant in the future. Any additional securities which Applicant may issue, other than debt securities, will be issued only to Atlantic Richfield. Atlantic Richfield intends to retain the stock of Applicant which it proposes to acquire and any additional securities of Applicant which it may acquire. Atlantic Richfield will not dispose of any of Applicant's securities except to Applicant or to a fully owned subsidiary of Atlantic Richfield, and Atlantic Richfield will cause each such subsidiary not to dispose of Applicant's securities except to Atlantic Richfield, the Applicant, or another fully owned subsidiary of Atlantic Richfield.

Atlantic Richfield, a Pennsylvania corporation, is engaged in the exploration for and the development, production, purchase, transportation, refining, and sale of crude oil and the transportation and marketing of products derived from crude oil, including petrochemicals.

Applicant has been organized in order to raise funds abroad for use in financing the requirements of Atlantic Richfield's foreign operations in a manner which will not adversely affect the United States balance-of-payments position, in compliance with the voluntary cooperation program instituted by the President in February 1965.

Applicant intends to issue and sell $15 million of its Guaranteed Notes due 1972 ("Notes"). Atlantic Richfield will guarantee the principal, interest payments, and premium, if any, on the Notes. Any additional debt securities of the Applicant which may be issued to or held by the public will be guaranteed by Atlantic Richfield in a manner substantially similar to the guarantee of the Notes.

Applicant intends to invest its assets in stock or debt obligations of foreign or domestic corporations all or substantially all of whose business is conducted abroad, at least 15 percent of whose outstanding equity securities is owned by Atlantic Richfield and which are controlled by Atlantic Richfield and are primarily engaged in a business other than investing, reinvesting, owning, holding, or trading in securities.

Applicant will proceed as expeditiously as practicable with the investment of its assets in such manner. Pending the completion of such investment, and from time to time thereafter, in connection with changes in long-term investments, Applicant may make interim investments in obligations of foreign governments or financial institutions, including interest-bearing deposits in foreign banks or foreign branches of U.S. banks. Applicant will not acquire the securities representing its loans or investments for the purpose of resale and will not trade in securities.

The Notes are to be sold to a group of Underwriters for offering outside the United States. The Notes are to be offered and sold under conditions which are intended to assure that the Notes will not be offered or sold in the United States, its territories, or possessions or to nationals or citizens or residents of the United States, its territories, or possessions. Any additional debt securities of Applicant which may be sold to the public in the future will be sold under substantially similar conditions.

Tax advisers for Atlantic Richfield and the Applicant have advised them that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the Notes, except where a specific statutory exemption is available. The Applicant has applied to the Internal Revenue Service for a ruling to this effect prior to the sale of the Notes. Thus, by financing its foreign operations through the Applicant rather than through the sale of its own debt obligations, Atlantic Richfield will utilize an instrumentality, the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) The basic purpose of the Applicant is to assist in improving the balance-of-payments program of the United States by serving as a vehicle through which Atlantic Richfield may obtain funds in foreign countries for its foreign operations; (2) the public policy underlying the Act is not applicable to the Applicant and the security holders of the Applicant do not require the protection of the Act, because the payment of the Notes, which is guaranteed by Atlantic Richfield, does not depend on the operation or investment policy of the Applicant, for the Noteholders may ultimately look to the business enterprise of Atlantic Richfield rather than solely to that of the Applicant; (3) none of the securities other than debt securities of the Applicant will be held by any person other than Atlantic Richfield or a fully owned subsidiary of Atlantic Richfield; (4) Applicant will not permit any of its debt securities to be issued to or held by the public unless they are fully guaranteed by Atlantic Richfield; (5) the Applicant will not deal or trade in securities; (6) the stock of Atlantic Richfield is listed on the New York Stock Exchange, the offering of the Notes of Applicant will be made pursuant to a prospectus describing Applicant and Atlantic Richfield and containing certified financial statements of Atlantic Richfield, it is expected that the Notes will be listed on the Luxembourg Stock Exchange; (7) the Notes will be offered and sold only to foreign nationals under conditions intended to assure that they will not be reoffered or resold in the United States, its territories, or possessions or to any national, citizen, or resident thereof; and (8) the burden of the interest equalization tax will tend to discourage purchase of the Notes by any U.S. person.

Notice is further given that any interested person may, not later than April 27, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commmission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4332; Filed, Apr. 19, 1967; 8:47 a.m.]

[812-2076]

BROAD STREET INVESTING CORP.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Its Securities at Other Than Public Offering Price

APRIL 13, 1967.

Notice is hereby given that Broad Street Investing Corp. ("applicant"), 65 Broadway, New York, N.Y. 10006, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for the assets of The Larson Corp. ("Larson"). All interested persons are referred to the application on file with the Commission for a statement of the applicant's representations which are summarized below.

Larson, a New York corporation, is an investment company all of whose outstanding stock is owned of record and beneficially by two individuals and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Larson was incorporated in 1946 and prior to 1952 operated a retail automobile dealership. In that year it sold substantially all its business and assets and since such sale it has been engaged primarily in the business of investing and reinvesting its funds, including, until 1961, investing in real estate. Pursuant to an agreement between applicant and Larson substantially all of the cash and securities owned by Larson, with a value of approximately $4,630,375 as of February 6, 1967, will be transferred to applicant in exchange for shares of its capital stock.

The number of shares of applicant to be issued to Larson is to be determined by dividing the aggregate market value (with certain adjustments set forth in the application) of the assets of Larson to be transferred to applicant by the net asset value per share of applicant, both to be determined as of the valuation time, as defined in the agreement. If the valuation under the agreement had taken place on February 6, 1967, Larson would have received 309,899 shares of applicant's stock.

When received by Larson, the shares of applicant are to be distributed to the Larson stockholders on the liquidation of Larson. Applicant has been advised by the management of Larson that the stockholders of Larson do not have any present intention of redeeming or otherwise transferring the shares of applicant to be received on such liquidation following the sale of assets transaction.

No affiliation exists between Larson or its officers, directors or stockholders and applicant, its officers or directors, and the agreement was negotiated at arm's length by the two companies. The Board of Directors of applicant approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account including, among others, the fact that the resulting increase in assets will tend to reduce per share expenses.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 4, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4333; Filed, Apr. 19, 1967; 8:47 a.m.]

[812-2106]

NATIONAL LEAD OVERSEAS CAPITAL CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of Act

APRIL 13, 1967.

Notice is hereby given that National Lead Overseas Capital Corp. ("Applicant"), 100 West 10th Street, Wilmington, Del., a Delaware corporation, has filed an application pursuant to section

6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized by National Lead Co. ("National") under the laws of the State of Delaware on March 23, 1967. All of the outstanding securities of Applicant are owned by National which purchased such stock for $1,000. Prior to the sale of the bonds of Applicant described below, National will acquire additional shares of common stock in exchange for 10 percent of National's stock interest in Titan GmbH ("Titan") a West German corporation principally engaged in the production of titanium dioxide pigments and related products. National's 100 percent stock interest in Titan is valued by its Board of Directors at substantially in excess of its book value of $32,500,000. Any additional securities which Applicant may issue, other than debt securities, will be issued only to National. National will continue to retain its present holdings of Applicant's stock and any additional securities of Applicant which National may acquire, and National will not dispose of any of Applicant's securities except to Applicant or to a fully owned subsidiary of National (which term as used herein means a corporation all of the outstanding securities of which, other than short term paper as defined in section 2(a)(36) of the Act, are owned, directly or indirectly, by National); and National will cause each fully owned subsidiary not to dispose of Applicant's securities except to National, the Applicant, or another fully owned subsidiary of National.

National, a New Jersey corporation with approximately 50,000 shareholders is engaged in the production and sale of pigments (principally titanium dioxide pigments), other products used in the manufacture of paint, die castings, railway journal bearings, components for batteries and oil drilling muds.

Applicant has been organized to raise funds abroad for financing the expansion and development of National's foreign operations while at the same time providing assistance in improving the balance of payments position of the United States in compliance with the voluntary cooperation program instituted by the President in February 1965.

Applicant intends to issue and sell $60 million Deutsche Marks (approximately $15 million) of its Guaranteed Bonds payable over a period 12 years from the date of issue ("bonds"). National will guarantee the principal, interest payments and premium, if any, on the bonds. Any additional debt securities of the Applicant which may be issued to or held by the public will be guaranteed by National in a manner substantially similar to the guarantee of the bonds.

Applicant intends to invest its assets in stock or debt obligations of Titan and other foreign subsidiaries and affiliates of National. Applicant will proceed as expeditiously as practicable with the investment of its assets in such manner and will not trade in securities. In addition and prior to making long-term investments, and from time to time thereafter, in connection with changes in long-term investments, Applicant will make interim investments in obligations of foreign governments or financial institutions, including interest bearing deposits in foreign banks. Applicant will not acquire the securities representing interim investments for purpose of distribution.

The bonds are to be sold through a group of underwriters for offering outside the United States. The bonds are to be offered and sold under conditions which are intended to assure that the bonds will not be offered or sold in the United States, its territories or possessions or to nationals, citizens or residents of the United States, its territories or possessions. The contracts relating to such offer and sale will contain various provisions intended to assure that the bonds will not be purchased by nationals, citizens or residents of the United States, its territories or possessions. Any additional debt securities of Applicant which may be sold to the public in the future will be sold under substantially similar conditions.

Counsel has advised the Applicant that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the bonds, except where a specific statutory exemption is available. Thus, by financing its foreign operations through the Applicant rather than through the sale of its own debt obligations, National will utilize an instrumentality, the acquisition of whose debt obligations by United States persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) A significant purpose of the Applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which National may obtain funds in foreign countries for its foreign operations; (2) the bonds will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States, its territories or possessions or to any U.S. national, citizen or resident in connection with such offering; (3) the burden of the interest equalization tax will tend to discourage purchase of the bonds by any U.S. person; (4) the Applicant will not deal or trade in securities; (5) none of the securities of Applicant, other than debt securities, will be held by any person other than National or a fully owned subsidiary of National; and (6) the public policy underlying the Act is not applicable to the Applicant and the security holders of the Applicant do not require the protection of the Act, because the payment of the bonds, which is guaranteed by National, does not depend on the operations or investment policy of the Applicant, for the bondholders may ultimately look to the business enterprise of National rather than solely to that of the Applicant.

Notice if further given that any interested person may, not later than May 1, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4334; Filed, Apr. 19, 1967; 8:47 a.m.]

[File No. 24D-2691]

SAMANTHA POLLARD INDUSTRIES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 13, 1967.

I. Samantha Pollard Industries, Inc. (issuer), a Colorado corporation with offices at 209 Colorado Building, 1615 California Street, Denver, Colo., filed with the Commission on April 19, 1965, a notification on Form 1–A and an offering circular relating to a public offering of 60,000 shares of its $2 par value common stock at $5 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. According to information filed by the issuer, said offering commenced on or about July 3, 1965. On April 20, 1966, the issuer filed a report of sales reducing the amount of the offering which indicated that $26,700 of the common stock had been sold and that the offering had been discontinued on April 20, 1966.

II. The Commission has reason to believe from information reported to it by its staff that:

A. The notification and offering circular filed pursuant to Rules 255 and 256 of Regulation A of the general rules and regulations under the Securities Act of 1933, as amended, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose that the president of the issuer failed to make a $9,000 payment to the issuer on December 31, 1965, pursuant to a note in the approximate amount of $25,858.82.

2. The failure to disclose that on January 1, 1966, the issuer entered into an agreement to pay its president $25,858.82 plus all interest accrued after July 2, 1965, for his (Waffle Cottage Franchise) ideas, including all designs and architectural drawings.

3. The failure to disclose that the issuer entered into an agreement on December 26, 1965, whereby the issuer would pay a partnership a commission of 1,000 shares of the issuer's common stock plus expenses incurred if the partnership obtained a minimum loan of $150,000 for the issuer.

4. The failure to disclose that certain of the funds received from the public offering were diverted by the president for his own use.

5. The failure to disclose adequately and accurately the purposes for which the proceeds from the sale of securities were to be used and the order of priority in which such would be used.

B. The issuer filed a report on Form 2–A containing false statements.

C. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4335; Filed, Apr. 19, 1967; 8:47 a.m.]

[812-2107]

SOUTHWESTERN RESEARCH AND GENERAL INVESTMENT CO.

Notice of Filing of Application for Order Exempting Proposed Transactions

APRIL 13, 1967.

Notice is hereby given that Southwestern Research and General Investment Co. ("Applicant"), 3620 North Third Avenue, Phoenix, Ariz. 85013, an Arizona corporation and a registered, closed-end, nondiversified management investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Investment Company Act") for an order exempting from the provisions of section 17(a) of the Investment Company Act certain transactions incident to a settlement of a claim against one of the Applicant's directors arising out of transactions falling within the scope of the provisions of section 16(b) of the Securities Exchange Act of 1934 ("Exchange Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The application states that during the period from December 16, 1963, to May 14, 1964, and from March 18, 1965, to August 5, 1965, Y. C. Soda, Chairman of Applicant's Board of Directors, sold and purchased and purchased and sold common stock of the Applicant within 6-month periods.

Section 16(b) of the Exchange Act, as here pertinent, provides that any profit realized by an officer or director of an issuer from any purchase and sale, or any sale and purchase, of any equity securities of such issuer within any period less than 6 months, shall inure to and be recoverable by the issuer.

Section 30(f) of the Investment Company Act, as here pertinent, provides that the duties and liabilities imposed by section 16 of the Exchange Act shall be applicable to officers and directors of a registered closed-end investment company.

As a result of his transactions in the Applicant's common stock, Mr. Soda realized a profit and became indebted to the Applicant in the amount of $45,039.34.

Mr. Soda has agreed to satisfy such indebtedness to the Applicant by depositing with the Valley National Bank of Arizona, a national banking association, the sum of $15,039.34 in escrow for the account of Applicant, and a negotiable promissory note ("note"), in the amount of $30,000, which note is payable in two equal installments, on January 5, 1968, and January 5, 1969, plus interest at 6 percent from the date of said note. The Wells Fargo Bank ("Bank"), a California corporation unaffiliated with Mr. Soda and the Applicant, has agreed to purchase the note from the Applicant for the principal amount of the note without recourse to the Applicant. Thereupon, the Applicant will receive $45,039.34 in cash. In return, the Applicant will release Mr. Soda from all claims pertaining to the above liability.

Section 17(a) of the Investment Company Act, as here pertinent, makes it unlawful for Mr. Soda, a director and an affiliated person of the Applicant, to (1) sell securities or other property to the Applicant; (2) purchase property from the Applicant, and (3) borrow money from the Applicant.

The application states that the above settlement falls within the provisions of section 17(a) of the Investment Company Act because (1) the issuance of Mr. Soda's promissory note to the Applicant may be deemed a sale of a security or property to the Applicant; (2) the release of Mr. Soda from his indebtedness to the Applicant may be deemed a purchase of property from the Applicant and (3) the issuance and delivery of the promissory note to the Applicant would constitute the borrowing of money from the Applicant.

Under section 17(b) of the Investment Company Act the Commission may, upon application, grant an exemption from the provisions of section 17(a) of the Investment Company Act and issue an order of exemption if the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of the Applicant and with the general purposes of the Investment Company Act.

Notice is further given that any interested person may, not later than May 1, 1967, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the

Investment Company Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4336; Filed, Apr. 19, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1052]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 14, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR Part 1, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the Rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 703 (Sub-No. 18), filed February 14, 1967. Applicant: HINCHCLIFF MOTOR SERVICE, INC., 3400 South Pulaski Road, Chicago, Ill. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, cellular, expanded and foamed urethane (polyurethane), foamed, pads, padding, mattress, upholstering, and solid blocks, sheets, planks, and logs and automobile parts* made from plastics and urethane cellular, expanded, and foamed, from Bremen, Ind., to points in St. Clair, Ingham, Kalamazoo, Kent, Lenawee, Livingston, Macomb, Monroe, Oakland, Ottawa, Shiawassee, Washtenaw, Allegan, and Wayne Counties, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 2392 (Sub-No. 58), filed April 3, 1967. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Station, 7722 F Street, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheeler, Post Office Box 14248, West Omaha Station, Omaha, Nebr. 68114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant and storage site of Armour Agricultural Chemical Co., Jackson County, at or near Bellevue, Iowa, to points in Iowa, Kansas, Nebraska, South Dakota, Minnesota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 4405 (Sub-No. 449), filed March 29, 1967. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago, Ill. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign poles, and parts and accessories therefor*, from points in Tennessee to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn., or Washington, D.C.

No. MC 21170 (Sub-No. 253), filed April 5, 1967. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Edgar, Wis., to points in the New York, N.Y., commercial zone, and Newark, N.J., and its commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 30844 (Sub-No. 235) filed March 31, 1967. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from the plantside and storage facilities of Mason Candies, Inc., at or near Mineola, Long Island, N.Y., and Jersey City, N.J., to Chicago, Ill., and Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31024 (Sub-No. 36), filed April 6, 1967. Applicant: NEPTUNE WORLD-WIDE MOVING, INC., 55 Weyman Avenue, New Rochelle, N.Y. 10802. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tabulating machines*, uncrated, between Palm Beach, Broward, and Dade Counties, Fla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 33641 (Sub-No. 63), filed April 7, 1967. Applicant: IML FREIGHT, INC., Post Office Box 2277, 2175 South 3270 West Street, Salt Lake City, Utah 84110. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment other than refrigeration, between Chicago, Ill., and Lima, Ohio; from Chicago, over Interstate Highway 94 to Junction U.S. Highway 30 (near Chicago Heights, Ill.), thence over U.S. Highway 30 to junction U.S. Highways 30N and 30S (near Delphos, Ohio), thence over U.S. Highway 30S to Lima, and return over the same route serving no intermediate points, as an alternate route for operating convenience only, serving Chicago, Ill., and Lima, Ohio, as points of joinder only. Restricted against transporting shipments which have an origin or destination in the Chicago, Ill., commercial zone. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 37896 (Sub-No. 18), filed March 31, 1967. Applicant: YOUNGBLOOD TRUCK LINES, INC., Fletcher, N.C. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Mount Vernon, Ky., and Indianapolis, Ind.: From Mount Vernon over U.S. Highway 150 to Danville, Ky., thence over U.S. Highway 127 to junction Kentucky Highway 151, thence over Kentucky Highway 151 to junction U.S. Highway 60, thence over U.S. Highway 60 to Louisville, Ky., thence over Interstate Highway 65 to Indianapolis, and return over the same route, serving no intermediate points, and serving Mount Vernon, Ky., for purposes of joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Indianapolis, Ind., and Fletcher, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Asheville, N.C.

No. MC 45021 (Sub-No. 4), filed April 6, 1967. Applicant: SPEEDY TRUCKING CO., INC., Page and Schuyler Avenue, Lyndhurst, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocery houses (except in bulk), from Totowa Borough (Passaic County), N.J., to points in Orange, Rockland, Putnam, Dutchess, Ulster, and Sullivan Counties, N.Y., and *refused or damaged items*, on return, under a continuing contract or contracts with Filigree Foods, Inc., of Lyndhurst, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 50307 (Sub-No. 38), filed April 3, 1967. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture thereof*, between points in the New York, N.Y., commercial zone, on the one hand, and, on the other, Parkersburg, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 55236 (Sub-No. 150), filed March 30, 1967. Applicant: OLSON TRANSPORTATION COMPANY, a corportation, 1970 South Broadway, Green Bay, Wis. 54306. Applicant's representative: G. R. Richmond (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids*, in bulk, in tank vehicles, from the plantsite of Central Chemical, Division of Wilson & Co., at or near Elwood, Ill., to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59728 (Sub-No. 19), filed March 28, 1967. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Boulevard, Arkon, Ohio 44306. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading), and *brick and brick products*, between West Lafayette and Marion, Ohio, with service restricted at Marion for purpose of joinder only. NOTE: Applicant states it is presently authorized to operate between West Lafayette and Marion, Ohio, through Newcomerstown, Ohio, with service restricted at Marion for purposes of joinder only. This authority is sought to eliminate the necessity of operating through Newcomerstown, Ohio, (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Columbus, Ohio, to La Place, Ill., points in that part of Illinois bounded by a line beginning at the Mississippi River and extending along U.S. Highway 36 to La Place, Ill., thence along Illinois Highway 32 to Effingham, Ill., thence along U.S. Highway 45 to Brookport, Ill., thence along the Ohio River to the Mississippi River, thence along the Mississippi River to the point of beginning, including points on the indicated portions of the highway specified, and points in Kansas and Missouri, with no transportation for compensation on return except as otherwise authorized. NOTE: Applicant states it may presently provide the above service by operating through Marion, Ohio. Applicant also states that, in addition, in its sub 12 certificate, it presently holds authority on restricted commodities from Columbus, Ohio, to the same destination territory sought herein. The purpose of the requested authority is to eliminate the necessity of operating through Marion, Ohio.

(3) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading), and brick and brick products, between Cleveland, Ohio, on the one hand, and, on the other, Warsaw, Ohio, the plantsites of Cambridge Glass Co., the Andrews Lumber & Box Co., Radio Corp. of America, and the General Electric Distribution Center, all located near Cambridge, Ohio, and all points, including the terminal, on the following described routes in Ohio: (a) From New Philadelphia over Ohio Highway 16 through Tuscarawas to junction U.S. Highway 36; (b) from junction U.S. Highway 250 and Ohio Highway 259 over Ohio Highway 259 to junction Ohio Highway 16; (c) from Zanesville, over Ohio Highway 93 (formerly Ohio Highway 75) through Adamsville, Otsego, and Plainfield, to West Lafayette; (d) from Coshocton over Ohio Highway 76 through Marquand Mills, and Otsego to Bloomfield, thence over Ohio Highway 209 to Cambridge; (e) from Plainfield over Ohio Highway 541 (formerly Ohio Highway 271) through Birds Run and Kimbolton to North Salem; (f) from Zanesville, over Ohio Highway 60 (formerly Ohio Highway 77) to junction Ohio Highway 16, thence over Ohio Highway 16 to Coshocton, Ohio, and thence over Ohio Highway 76 through Millersburg, Ohio, to Wooster; (g) from Coshocton over U.S. Highway 36 to junction Ohio Highway 60 (formerly Ohio Highway 234) thence over Ohio Highway 60 to Killbuck, Ohio, thence over U.S. Highway 62 to Millersburg; (h) from Cambridge over U.S. Highway 22 to Smyrna, Ohio, thence over Ohio Highway 8 through Dennison, Ohio, thence over Ohio Highway 39 through Shanesville, Ohio, to Millersburg; (i) from Cambridge over U.S. Highway 21 to Dover, Ohio; (j) from Coshocton over U.S. Highway 36 through West Lafayette, Ohio, to Dennison, Ohio; and (k) from West Lafayette over Ohio Highway 93 to Shanesville, with service at Cleveland restricted for purpose of joinder only. NOTE: Applicant states it is presently authorized to provide the above service by operating through Columbus, Zanesville, or Newcomerstown, Ohio. The purpose of the requested authority is to eliminate the necessity of operating through Columbus, Zanesville, or Newcomers-

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

town, Ohio. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Chicago, Ill.

No. MC 61396 (Sub-No. 185) (Amendment), filed March 27, 1967, published FEDERAL REGISTER issue of April 13, 1967, amended and republished as amended this issue. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68102. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* in bulk, in tank vehicles, from the plantsite (storage facility) of Armour Agricultural Chemical Co. near Bellevue (Jackson County), Iowa, to points in Iowa, Kansas, Nebraska, South Dakota, Minnesota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, and Missouri. NOTE: The purpose of this republication is to show the commodity description as in tank vehicle in lieu of in tank trucks. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 64932 (Sub-No. 431), filed March 28, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60643. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Charleston, W. Va., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: Applicant states that the purpose of this application is to eliminate the gateway of Ferndale, Mich. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 432), filed April 5, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60643. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydraulic system fluid*, in bulk, in tank vehicles, from Bedford and Kokomo, Ind., and Pontiac, Mich., to points in St. Charles County, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 64932 (Sub-No. 433), filed April 5, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60643. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, from Paulsboro, N.J., to Alma and Bay City, Mich., and Pine Bend, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73688 (Sub-No. 19), filed April 6, 1967. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Road, Post Office Box 7182, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators*, knocked down, and *accessories*, therefor, including *blow pipe*, from Memphis, Tenn., and points in its commercial zone, to points in Arkansas, Louisiana, Kentucky, Texas, Florida, South Carolina, Virginia, Mississippi, Missouri, Oklahoma, Georgia, North Carolina, and Alabama (except Birmingham and points within 65 miles thereof). NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 75406 (Sub-No. 29) filed March 30, 1967. Applicant: SUPERIOR FORWARDING COMPANY, INC., 26 South Fourth Street, St. Louis, Mo. 63118. Applicant's representative: G. M. Rehman, 1230 Boatmen's Bank Building, St. Louis, Mo. 63117. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives and general commodities* (except those of unusual value, and except livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Jonesboro and Blytheville, Ark., from Jonesboro, over Arkansas Highway 18 to Blytheville, and (2) between Jonesboro and Osceola, Ark., from Jonesboro, over Arkansas Highway 18 to junction Arkansas Highway 135, thence over Arkansas Highway 135 to junction Arkansas Highway 136, thence over Arkansas Highway 136 to junction Arkansas Highway 140, thence over Arkansas Highway 140 to Osceola, and return over the same routes as alternate routes for operating convenience only in connection with applicant's presently held authority, serving no intermediate points in (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Little Rock, Ark.

No. MC 75981 (Sub-No. 8), filed April 3, 1967. Applicant: WATT TRANSPORT, INC., 115 Army Road, Providence, R.I. 02905. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, in dump-type vehicles, from Providence, R.I., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or New York, N.Y.

No. MC 78118 (Sub-No. 16), filed April 5, 1967. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pa. 17602. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between points in Indiana County, Pa., on the one hand, and, on the other, points in Ohio and the Lower Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indiana or Harrisburg, Pa.

No. MC 79135 (Sub-No. 37), filed April 6, 1967. Applicant: COSSITT MOTOR EXPRESS, INC., 63 Kendrick Avenue, Hamilton, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies*, sold, used by, or useful in the sale and promotion of a door-to-door merchandising operation, between points in New Jersey, on the one hand, and, on the other, Rye, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 79496 (Sub-No. 4), filed April 6, 1967. Applicant: WHITE STAR VAN AND STORAGE, INC., 3324 Smith Street, Everett, Wash. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 80428 (Sub-No. 62), filed April 6, 1967. Applicant: McBRIDE TRANSPORTATION, INC., Goshen, N.Y. Applicant's representative: Robert V. Glanniny, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Yeast Fermo-30* in bulk in stainless steel tank vehicles, from Paterson, N.J., to Syracuse, N.Y., and (2) *brewery yeast slurrey* in bulk in stainless steel tank vehicles, from Albany, Utica, and Rochester, N.Y., Providence, R.I., and Pittsburgh, and Philadelphia, Pa., to Paterson, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 204) (Republication), filed February 6, 1967, published FEDERAL REGISTER, issue of February 24, 1967, and republished this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) The following iron or steel articles, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars,*

wire mesh, and pipe; from Baytown, Beaumont, Brownsville, Corpus Christi, Eagle Pass, Freeport, Galveston, Hidalgo, Houston, Laredo, Orange, Port Arthur, Port Isabel, Presidio and Victoria, Tex., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, and (2) the following iron or steel articles, weighing 2,000 pounds or more, which require the use of special equipment: *Sheets, beams, plates, and coils*, from Baytown, Beaumont, Brownsville, Corpus Christi, Eagle Pass, Freeport, Galveston, Hidalgo, Houston, Laredo, Orange, Port Arthur, Port Isabel, Presidio, and Victoria, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex. Special footnote: The above republication reflects the scope of the application as filed by applicant, and may include descriptions, restrictions, or limitations, which are not in a form acceptable to the Commission. The special notice set forth above applies with respect to this republication in the same manner as initial publications. Authority which ultimately may be granted as a result of the application here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 87720 (Sub-No. 61), filed March 30, 1967. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hard surface floor coverings*, and *incidental materials and supplies*, used in connection with the installation or laying thereof, when moving in the same vehicle therewith, *plastic garden hose* when moving in the same vehicle with the hard surface floor coverings, from the plant and warehouse sites of American Biltrite Rubber Co., Inc., located at La Mirada, Calif., to points in Texas, Idaho, North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma, and *returned shipments*, on return, under contract with American Biltrite Rubber Co., Inc. Restriction: The service authorized herein is subject to the following conditions. The operations authorized herein are limited to a transportation service to be performed, under continuing contract, or contracts, with American Biltrite Rubber Co., Inc., and said operations are restricted against the transportation of any of the commodities described, in bulk. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 87720 (Sub-No. 62), filed April 10, 1967. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin*, dry, in bulk and in bags, from Flemington and Burlington, N.J., to points in Kentucky, Tennessee, Mississippi, Alabama, Louisiana, Georgia, Florida, South Carolina, and North Carolina, under contract with Tenneco Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 89723 (Sub-No. 48), filed April 7, 1967. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis (same address as applicant). Applicant is presently authorized in its regular route authority certificate MC 89723 Sub 14 to transport *general commodities*, moving in express, between points in Arkansas, Tennessee, Louisiana, and Missouri, and return over the same routes subject to certain key point restrictions as contained in No. MC 89723 Sub 14. NOTE: The purpose of this application is to remove Gurdon, Ark., and Texarkana, Ark.-Tex. as key points, but subject to the remaining key point restrictions and other restrictions in said certificate. Applicant is a wholly owned subsidiary of the Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Texarkana, Ark.-Tex.

No. MC 98088 (Sub-No. 17) filed April 5, 1967. Applicant: LINDLEY TRUCKING SERVICE, INC., 1701 Grand Avenue, Granite City, Ill. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between Alton, Ill., and the St. Louis, Mo., commercial zone on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Tennessee, and Wisconsin. NOTE: Applicant indicates tacking at Granite City, Ill., to serve points in Iowa. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 100666 (Sub-No. 97) filed April 4, 1967. Applicant: MELTON TRUCK LINES, INC., Box 7295, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves*, and *fittings, compound joint sealer, bonding cement*, and *accessories and hand tools* used in the installation of such products, from Mount Vernon, Tex., to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Tennessee. NOTE: Applicant states it could tack at Little Rock, Ark., or Oklahoma City, Okla., with its pending authority in MC 100666 Subs 76, 78, and 84. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., Oklahoma City, Okla., or Dallas, Tex.

No. MC 101868 (Sub-No. 3) filed April 5, 1967. Applicant: EARLE M. GARDNER, Box 255, Pine Plains, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, from the village of Chatham, Columbia County, N.Y., to points in Connecticut, Massachusetts, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 102567 (Sub-No. 119) (Republication) filed February 27, 1967, published in the FEDERAL REGISTER issues of March 23, 1967, April 5, 1967, and republished this issue. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 641 Bettes Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, including anhydrous ammonia, and petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsite of Monsanto Co., at or near Luling, La., to points in the United States (excluding Alaska and Hawaii). Except: (1) petroleum and petroleum products (not including anhydrous ammonia), to points in Utah, Arizona, Wyoming, Colorado, New Mexico, Oklahoma, Texas, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Ohio, Alabama, Georgia, West Virginia, North Carolina, South Carolina, Florida, and Virginia; and (2) *acids and chemicals*, to points in Texas. NOTE: Applicant states that the above proposed operations will be restricted to traffic originating at plantsite of Monsanto Co., at or near Luling, La., and destined to points in the United States (excluding Alaska and Hawaii). The purpose of this republication is to delete the hearing information which was April 17, 1967, and now has been canceled. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Shreveport, La.

No. MC 103378 (Sub-No. 325) filed March 30, 1967. Applicant: PETROLEUM CARRIER CORPORATION, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid alum*, from Cedar Springs, Ga., to points in Alabama and Florida. NOTE: Applicant states it intends to tack at Cedar Springs, Ga., to provide service from Fernandina Beach, Fla., to points in Alabama. If a hearing is deemed necessary, applicant requests it be held at Wilmington, N.C. or Atlanta, Ga.

No. MC 103880 (Sub-No. 384) filed April 3, 1967. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, in tank vehicles, (1) from Riverdale, Ill., to points in Indiana, Michigan, Ohio, and Wisconsin, and (2) from Des Moines and Dubuque, Iowa, to points in Illinois, Wisconsin, North Da-

kota, South Dakota, Kansas, Nebraska, Minnesota, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 104896 (Sub-No. 23), filed March 31, 1967. Applicant: WOMELDORF, INC., Post Office Box 232, Lewistown, Pa. 17044. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, insecticides, and pesticides*, and *related advertising materials*, when moving at the same time, from Windsor, N.J., and points within 5 miles thereof to points in Erie, Orleans, Monroe, Genesee, and Alleghany Counties, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 107002 (Sub-No. 325) (Amendment), filed July 21, 1966, published in FEDERAL REGISTER issues of August 18, 1966, and March 22, 1967, amended March 30, 1967, and republished as amended this issue. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Miss. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals including anhydrous ammonia, and petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsite of Monsanto Co. at or near Luling, La., to points in the United States (except Alaska and Hawaii). Restriction: (1) The authority is restricted to traffic originating at Luling, La., and destined to the States named, and (2) the authority is restricted against the transportation of spent catalyst and barite ore (barytes) to points in Texas. NOTE: The purpose of this republication is to eliminate tacking and interlining, and delete the hearing information which was April 17, 1967, and has now been canceled. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 107012 (Sub-No. 67), filed April 3, 1967. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures*, uncrated, from Salt Lake City, Utah, to points in Washington, Oregon, California, Idaho, Montana, Wyoming, Nevada, Colorado, Arizona, New Mexico, Kansas, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Washington, D.C.

No. MC 107403 (Sub-No. 712), filed March 28, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silica gel catalyst*, in bulk, in tank or hopper vehicles, from the site of the Mobil Oil Corp. refinery at or near Paulsboro, N.J., to Alma and Bay City, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 550), filed March 24, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, (1) from Kansas City, Mo., to points in Kansas, Nebraska, Missouri, and Iowa, (2) from Cairo, Ill., to points in Illinois, Missouri, Kentucky, Tennessee, and Indiana, and (3) from Louisville, Ky., to points in Kentucky, Illinois, Indiana, and Ohio. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., Chicago, Ill., and Des Moines, Iowa.

No. MC 107496 (Sub-No. 551), filed March 24, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from points in Scott County, Minn., to points in Illinois, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., Chicago, Ill., and Des Moines, Iowa.

No. MC 107496 (Sub-No. 555), filed March 30, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Minneapolis and points in Minneapolis-St. Paul, Minn., commercial zone, to points in Minnesota and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., Kansas City, Mo., and Omaha, Nebr.

No. MC 107496 (Sub-No. 556), filed March 30, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk, from Milton Junction (Milton), Wis., and 5 miles thereof, to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., Chicago, Ill., or Des Moines, Iowa.

No. MC 108119 (Sub-No. 18), filed March 27, 1967. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 2330 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers*, or equalizers for air, gas, or liquids, (2) *equipment and machinery* for heating and cooling, conditioning, humidifying, and dehumidifying, and (3) *parts, attachments*, and *accessories* for use in connection with the installation and use of the commodities described in (1) and (2) above, from the plantsites and warehouse facilities of Trane Co. located in Montgomery County, Tenn., Fayette County, Ky., and La Crosse County, Wis., to points in the United States except Alaska, and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 217), filed April 6, 1967. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Memphis, Tenn., and points in its commercial zone, to points in Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Dallas, Tex.

No. MC 108449 (Sub-No. 256), filed April 5, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer, fertilizer ingredients, and fertilizer solutions*, in bulk, from Moorhead, Minn., to points in North Dakota, South Dakota, and Minnesota, and (2) *Liquid fertilizer*, in bulk, in tank vehicles, from Savage, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, Upper Peninsula of Michigan, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 108449 (Sub-No. 257), filed April 5, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from the plantsite (storage facility) of Armour Agricultural Chemical Co., located at Jackson County, near Bellevue, Iowa, to points in Iowa, Kansas, Nebraska, South Dakota, Minnesota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 109637 (Sub-No. 318), filed March 24, 1967. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from the plantsite and storage facilities used by Western Tar Products Corp. at or near Terre Haute, Ind., to Cincinnati, Ohio. NOTE: Applicant states no possibility of tacking to other authority at this time, but much prefer to avoid the encumbrance of a no-tacking provision, if possible. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 109637 (Sub-No. 319), filed April 3, 1967. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. Applicant's representative: H. N. Nunnally (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined vegetable oil*, in bulk, in tank vehicles, from Louisville, Ky., to Tulsa, Okla., and Irving, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 539), filed April 3, 1967. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, (1) from Riverdale, Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin; (2) Des Moines and Dubuque, Iowa, to points in Iowa, Illinois, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, and Missouri; and (3) Depue, Ill., to points in Illinois, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Missouri, Michigan, Ohio, Indiana, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111170 (Sub-No. 118) filed March 27, 1967. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Fred Worsham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids and chemicals and petroleum products*, in bulk (except liquid oxygen, nitrogen, and hydrogen and except liquefied petroleum gases to points in Arkansas, Louisiana, and Texas within 150 miles of Henderson, Tex.), from Sterlington, La., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the above operations will be restricted to traffic originating at plantsites of Commercial Solvent Corp., at or near Sterlington, La., and destined to above-named States. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Shreveport, La.

No. MC 111401 (Sub-No. 219) filed April 3, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. 73701, also Post Office Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Leavenworth, Kans., to points in Iowa, Kansas, Missouri, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 111729 (Sub-No. 221), filed March 24, 1967. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radio-pharmaceuticals, radioactive drugs, and medical isotopes*, limited to shipments not to exceed 50 pounds per shipment, (1) between North Chicago, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, and Wisconsin; (2) between Birmingham, Ala., on the one hand, and, on the other, points in Alabama, restricted to traffic having an immediately prior or immediately subsequent movement by air; (3) between Memphis, Tenn., on the one hand, and, on the other, points in Mississippi, Tennessee, and Arkansas, restricted to traffic having an immediately prior or immediately subsequent movement by air; (4) between New York, N.Y., on the one hand, and, on the other, points in New York, Connecticut, and New Jersey, restricted to traffic having an immediately prior or immediately subsequent movement by air; (5) between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, New Jersey, Maryland, and Virgina, restricted to traffic having an immediately prior or immediately subsequent movement by air; (6) between Fort Lauderdale and Miami, Fla., on the one hand, and, on the other, points in Florida, restricted to traffic having an immediately prior or immediately subsequent movement by air; (7) between Atlanta, Ga., on the one hand, and, on the other, points in Georgia, restricted to traffic having an immediately prior or immediately subsequent movement by air; (8) between Louisville, Ky., on the one hand, and, on the other, points in Kentucky, restricted to traffic having an immediately prior or immediately subsequent movement by air; (9) between New Orleans, La., on the one hand, and, on the other, points in Louisiana, restricted to traffic having an immediately prior or immediately subsequent movement by air.

(10) Between Boston, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont, restricted to traffic having an immediately prior or immediately subsequent movement by air; (11) between St. Louis, Mo., on the one hand, and, on the other, points in Missouri (except points in Cape Girardeau, Miss., Scott, Stoddard, New Madrid, and Butler Counties), restricted to traffic having an immediately prior or immediately subsequent movement by air; (12) between Kansas City, Mo., on the one hand, and, on the other, points in Missouri and Illinois, restricted to traffic having an immediately prior or immediately subsequent movement by air; (13) between Charlotte, N.C., on the one hand, and, on the other, points in North Carolina and South Carolina, restricted to traffic having an immediately prior or immediately subsequent movement by air; (14) between Pittsburgh, Pa., on the one hand, and, on the other, points in Pennsylvania, Ohio, and West Virginia, restricted to traffic having an immediately prior or immediately subsequent movement by air; (15) between Cleveland, and Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio, restricted to traffic having an immediately prior or immediately subsequent movement by air; (16) between Dallas, Tex., on the one hand, and, on the other, points in Oklahoma, restricted to traffic having an immediately prior or immediately subsequent movement by air; (17) between Nashville, Tenn., on the one hand, and, on the other, points in Tennessee, restricted to traffic having an immediately prior or immediately subsequent movement by air. (18) between Washington, D.C. and Richmond, Va., on the one hand, and, on the other, points in Virginia; (19) between Dallas Airport, Tex., on the one hand, and, on the other, Fort Worth, Tex., restricted to traffic having an immediately prior or immediately subsequent movement by air; and (20) between San Antonio and Houston Airports, Tex., on the one hand, and, on the other, points in Texas, restricted to traffic having an immediately prior or immediately subsequent movement by air. NOTE: Applicant indicates tacking possibilities with its presently held authority. Applicant also holds contract carrier authority under MC 112750 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 112520 (Sub-No. 160), filed April 5, 1967. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32202. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from Occidental, Fla., to points in Alabama, Florida, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tallahassee, Fla.

No. MC 112801 (Sub-No. 68), filed April 5, 1967. Applicant: TRANSPORT

SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in pneumatic tank vehicles, from Chicago, Ill., to points in Michigan, Indiana, Wisconsin, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113106 (Sub-No. 23), filed March 31, 1967. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, Md. 21224. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers in packages and empty cartons and partitions*, also articles used or useful in shipping of glass containers, *empty pallets, platforms, or skids*, from Gloucester City and Salem, N.J., to points in Delaware, Maryland, Virginia, and the District of Columbia, and *refused and returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 132), filed March 29, 1967. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from the plantsite and/or storage facilities used by Mason Candies, Inc., at or near Mineola, Long Island, N.Y., and Jersey City, N.J., to Chicago, Ill., and Detroit, Mich., restricted to traffic originating at said plantsite and/or storage facilities and destined to Chicago, Ill., and Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., or Washington, D.C.

No. MC 113362 (Sub-No. 134), filed April 3, 1967. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Millwork, hardwood furniture, and hardwood furniture parts*, (1) from the plantsite of Davidson-McNair Co. at or near Oil City, Pa., to points in Missouri and Michigan, and (2) from the plantsite of Davidson-McNair Co. at or near Peninsula, Ohio, to points in Missouri, Michigan, Arkansas, Illinois, Indiana, Wisconsin, Minnesota, Iowa, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 114019 (Sub-No. 170), filed April 3, 1967. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, coconut oil, vegetable oil, cooking oil, shortening, stearine, stearate, mayonnaise*, and *related advertising matter* when moving in shipments with the specified commodities (except in bulk in tank vehicles), from the Columbus, Ohio to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 114045 (Sub-No. 273), filed April 3, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Finley and Beet Line Road, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, from New York, N.Y., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 114273 (Sub-No. 23), filed April 3, 1967. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Commerce Exchange Building, 2720 First Avenue NE., Suite 315, Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, Alton and Granite City, Ill., on the one hand, and, on the other, points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115556 (Sub-No. 4), filed March 31, 1967. Applicant: DOUGLAS DEWITT, 907 Main Street, Oconto, Wis. 54153. Applicant's representative: Roger Radue, 125 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, rough and/or finished, and *plywood*, from points in Idaho, Montana, Oregon, Washington, and Wyoming to points in Oconto County, Wis., (2) *lumber*, from Eagle River, Wis., and points in Wisconsin within 50 miles thereof, to Ironwood, Mich.; (3) *flooring*, (except wooden flooring) and *lumber*, rough and/or finished, from Ironwood, Mich., to points in Wisconsin, Illinois, Iowa, Indiana and Ohio; (4) *flooring and lumber*, rough and/or finished, between points in Minnesota, on the one hand, and, on the other, Ironwood, Mich.; and (5) *flooring and lumber*, rough and/or finished, from Ironwood, Mich., to points in the Lower Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 115557 (Sub-No. 7), filed April 3, 1967. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, Pa. Applicant's representative: H. Ray Pope, Jr., 10 Grant Street, Clarion, Pa. 16214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dynamic loud speakers*, not in cabinets, from points in Punxsutawney Borough, Jefferson County, Pa., to Milwaukee, Wis., and Nashua, N.H., with no transportation for compensation on return except as otherwise authorized; (2) *dynamic loud speakers* (not in cabinets) *transformers, coils, or yokes used in television sets*, from points in Punxsutawney Borough, Jefferson County, Pa., to points in Arkansas, Connecticut, Illinois, Indiana, Iowa, Massachusetts, Maryland, New Jersey, New York, North Carolina, Tennessee, and Ohio (except Akron, Cleveland, Youngstown, and Warren), and *refused shipments*, on return; (3) *new furniture*, crated and uncrated, from points in Redbank Township, Clarion County, Pa., to points in Delaware, Kentucky, and the Lower Peninsula or Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 115841 (Sub-No. 305), filed March 29, 1967. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West 35204, Post Office Box 2169 35201, Birmingham, Ala. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, Alton and Granite City, Ill., on the one hand, and, on the other, points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Memphis, Tenn., or Detroit, Mich.

No. MC 115841 (Sub-No. 306), filed March 29, 1967. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery bases and mixes* (except in bulk or tank vehicles), from Pittsburgh, Pa., to (1) Los Angeles and Sacramento, Calif.; Salt Lake City, Utah; Seattle and Tacoma, Wash.; and (2) Yuma, Ariz. NOTE: Applicant states it presently holds the authority in (1) above by tacking its Sub 140 (from Pittsburgh, Pa., to points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee) to its Sub 260 (From Birmingham, Ala., to points in California, Oregon, and Washington), by this instant application it seeks to eliminate this gateway authority, and also to serve the additional point of Yuma, Ariz., in (2) above. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 115841 (Sub-No. 307), filed April 7, 1967. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West 35204, Post Office Box 2169 35201, Birmingham, Ala. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles* distributed by meat packinghouses, as described in sections A and C of appendix I to report in Descriptions in *Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., Beardstown, Ill. to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the described plantsite and destined to points in the above named States. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 116077 (Sub-No. 203) (Republication), filed July 21, 1966, published in the FEDERAL REGISTER issues of August 18, 1966, and March 22, 1967, and republished this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: Thomas E. James, 721 Brown Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, including anhydrous ammonia, and petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsite of Monsanto Co., at or near Luling, La., to points in the United States except Alaska and Hawaii. Restriction: The authority is restricted to traffic originating at Luling, La., and destined to the States named. NOTE: The purpose of this republication is to delete the hearing information which was April 17, 1967, and has now been canceled. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 117119 (Sub-No. 398), filed April 3, 1967. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry drugs, tonics, medicines, insecticides, and disinfectants*, and *supplies* used in the preparation and packaging of the commodities specified herein, *feed supplements and poultry equipment*, from Millsboro, Del., to Menlo Park, Calif., Gainesville, Ga., Birmingham, Ala., and Dallas, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 117370 (Sub-No. 16), filed March 31, 1967. Applicant: STAFFORD TRUCKING, INC., Post Office Box 403, Elm Grove, Wis. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bags, from points in La Salle County, Ill., Oregon, Ill., Michigan City, Ind., Bridgman, Mich., and Portage, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 117427 (Sub-No. 61), filed March 31, 1967. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, 770, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer) from points in that part of New York north and east of a line beginning at the New York-Massachusetts State line at or near New Lebanon, N.Y., and extending along U.S. Highway 20 to junction New York Highway 26 at or near Madison, N.Y., and thence along New York Highway 26 to port of entry on the international boundary line between the United States and Canada located at or near Alexandria Bay, N.Y., and points in Nassau and Suffolk Counties, N.Y., and the Boroughs of Brooklyn and Queens, N.Y., to points in Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia. NOTE: Applicant holds contract carrier authority under MC 116145 and Sub 5 thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118989 (Sub-No. 11) filed April 5, 1967. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Richard A. Heilprin, Post Office Box 941, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, partitions, separators, fillers, dividers, pulpboard or fibreboard, corrugated or noncorrugated, set up or knocked down, and containers*, between Chicago, Ill., and Burlington, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 118989 (Sub-No. 12) filed April 5, 1967. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Richard A. Heilprin, Post Office Box 941, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and incidental parts*, between Ripon, Milwaukee and Racine, Wis., on the one hand, and, on the other, Niles, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 119657 (Sub-No. 3) filed April 6, 1967. Applicant: GEORGE TRANSIT LINE, INC., 4610 Hubbell Avenue, Des Moines, Iowa. Applicant's representative: Richard A. Miller, 212 Equitable Building, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, from the plantsites and warehouses of the New Jersey Zinc Co., located at or near Depue and Riverdale, Ill., Des Moines and Dubuque, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 119670 (Sub-No. 12) filed April 3, 1967. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box 115, Winston Place Station, Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Rockdale, Ill., to Bardstown, Frankfort, Lexington, and Louisville, Ky., and Lawrenceburg, Ind., and points within five (5) miles thereof of each. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119767 (Sub-No. 192), filed March 30, 1967. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs*, from points in Wisconsin, except Beaver Dam, Fox Lake, Ripon, and Rosendale, to points in Kentucky, except Louisville and Lexington and (2) *frozen foods*, from (a) Green Bay, Wis., to points in Iowa, Missouri, Kentucky, Ohio, Michigan, and Kansas City, Kans., and (b) from Traverse City, Mich., to points in Illinois, Indiana, Minnesota, Missouri, North Dakota, South Dakota, Wisconsin, Iowa, and Ohio on and west of U.S. Highway 23. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 193) filed March 30, 1967. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from points in North Dakota, South Dakota, Iowa, Missouri, Illinois, Minnesota, Wisconsin and points in that part of Nebraska on and east of U.S. Highway 183, to Milwaukee, Wis. NOTE: Applicant states that only so far as frozen food transported under this application would be a "prepared food" then it could tack to serve points in Illinois and Indiana under its base certificate. If a

hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 120449 (Sub-No. 3) filed April 3, 1967. Applicant: PETER P. DECASPER, JR. AND HERMAN DECASPER, a partnership, doing business as DECASPER DELIVERY, 3 River Street, Bradford, Pa. 16701. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: (1) *General commodities* (except classes A and B explosives, commodities of unusual value, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission) between Jamestown, N.Y. and Bradford, Pa.: (a) from Jamestown over New York Highway 60 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Pennsylvania Highway 59, thence over Pennsylvania Highway 59 to junction U.S. Highway 219, thence over U.S. Highway 219 to Bradford, and (b) from Jamestown over New York Highway 17 to junction U.S. Highway 219, thence over U.S. Highway 219 to Bradford, and return over the same routes, serving the intermediate and off-route points in McKean County, Pa., and points in that part of Warren County, Pa., located north and east of a line beginning at the New York-Pennsylvania State line and extending south along U.S. Highway 62 to Sheffield, Pa., and thence east along U.S. Highway 6 to Warren County-McKean County line, including points on the said highways, in (a) and (b) above, service at Jamestown, N.Y. is restricted to interchange of traffic only. Irregular routes: (2) *composite empty cans and matching tops or bottoms, aluminum, steel, or plastic composition*, from Bradford, Pa., to Dundee, N.Y., and *skids, packing materials, damaged, rejected, and returned shipments*, on return. NOTE: Applicant states the purpose of (1) above is to establish a new point of interchange. If a hearing is deemed necessary, applicant requests it be held at Erie, Pa.

No. MC 123310 (Sub-No. 7), filed April 5, 1967. Applicant: VERNON L. HUNT, doing business as HUNT TRUCKING, 1014 Madison Avenue, Cheyenne, Wyo. 82001. Applicant's representative: Ward A. White, Post Office Box 568, 1600 Van Lennen Avenue, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed*, from Denver, Colo., to points in Sheridan, Roosevelt, Richland, Dawson, Wibaux, Prairie, Fallon, Carter, Powder River, Custer, McCone, Valley, Daniels, Phillips, Petroleum, Garfield, Fergus, Musselshell, Golden Valley, Wheatland, Sweet Grass, Stillwater, Carbon, Rosebud, Treasure, and Yellowstone Counties, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 124078 (Sub-No. 267), filed March 31, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of the Penn-Dixie Cement Corp. at Clinchfield, Ga., to points in North Carolina and that part of Alabama north and west of Cleburne, Clay, Coosa, Elmore, Montgomery, Crenshaw, and Covington Counties, Ala. NOTE: Common control may be involved. Applicant states it could tack the authority sought herein with its presently held authority in MC 124079 Subs 10 and 63, at Birmingham and Demopolis, Ala., to perform a through service to Mississippi and Louisiana. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 269), filed April 4, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Fairmont, W. Va., to points in Ohio, Pennsylvania, and West Virginia. NOTE: Applicant states it would tack the proposed authority with its Sub 225 tacking at Northampton, Pa., to serve points in Connecticut, Massachusetts, New York, and Rhode Island.

No. MC 124722 (Sub-No. 6), filed March 30, 1967. Applicant: EPORT WAREHOUSE & TRANSFER CO., a corporation, 821 East Linden Avenue, Linden, N.J. 08221. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products* (except in bulk), between Bridgeton, N.J., on the one hand, and, on the other, points in New Jersey (except Mercer, Burlington, Camden, Gloucester, Salem, Cumberland, Warren, Cape May, and Atlantic Counties, N.J.) and New York, N.Y., Nassau, Suffolk, Westchester, Orange, Rockland, Sullivan, Delaware, Broome, Putnam, Dutchess, Ulster, Columbia, Greene, Albany, Schnectady, and Rensselaer Counties, N.Y., points in Connecticut, and points in Lancaster, Berks, Philadelphia, Delaware, Montgomery, Bucks, Lehigh, Northampton, Carbon, Luzerne, and Lackawanna Counties, Pa.; (2) *potato chips, pretzels, salted nuts, bakery products* (except in bulk), and *prepared food stuffs*, between Pennsville, N.J., on the one hand, and, on the other, points in New York, Connecticut, New Jersey; and Lancaster, Berks, Philadelphia, Delaware, Montgomery, Bucks, Lehigh, Northampton, Carbon, Luzerne, and Lackawanna, Pa., and *returned shipments*, on return under a continuing contract with Food Fair Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124813 (Sub-No. 38), filed March 24 1967. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, (1) from Depue, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, and (2) from Des Moines and Dubuque, Iowa, and Riverdale, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 118468 and Subs thereunder, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126291 (Sub-No. 8), filed April 4, 1967. Applicant: QUIRION TRANSPORT, INC., La Guadeloupe, County of Frontenac, Quebec, Canada. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bricks*, from the ports of entry on the United States-Canada boundary line located at or near Jackman and Coburn Gore, Maine, Derby Line, Norton Mills, and Highgate Springs, Vt., and Rouses Point, N.Y., to points in Maine, New Hampshire, Vermont, New York, and Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta or Portland, Maine.

No. MC 126514 (Sub-No. 8), filed April 4, 1967. Applicant: HELEN H. SCHAEFFER AND EDWARD D. SCHAEFFER, a partnership, Post Office Box 392, Phoenix, Ariz. 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics, toilet preparations, perfumes, soap, and advertising materials, and displays*, in mechanically refrigerated equipment, from Port Jervis, N.Y., and Mountaintop, Pa., to Los Angeles and San Francisco, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 126681 (Sub-No. 7), filed April 5, 1967. Applicant: RICHARD B. RUDY, INC., 203 Linden Avenue, Frederick, Md. 21701. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and preparations* requiring refrigeration, other than in bulk, from Frederick, Md., to points in Connecticut, Delaware, Massachusetts, Maryland, New York (except New York, N.Y., commercial zone), North Carolina, Ohio, Rhode Island, Virginia (except Fredericksburg, Richmond, Petersburg, and Norfolk), West Virginia, and the District of Columbia, under contract with Capitol Milk Producers Cooperative, Inc. NOTE: If a

hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127100 (Sub-No. 4), filed April 3, 1967. Applicant: B & B MOTOR LINES, INC., 911 Summit Street, Toledo, Ohio 43604. Applicant's representative: Earl F. Boxell, 9th Floor, Toledo Trust Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, consisting of beer and ale*, in bottles and cans, in cases and in kegs and other containers, and *empty bottles in cases, and empty kegs and other empty containers* therefor, from Toledo, Defiance, Lima, and Sandusky, Ohio, to South Bend, Ind., and Peoria, Ill., under contract with Metropolitan Distributing Co.; The Thornburgh Sales Co.; The Defiance Beverage Co., and Shawnee Distributors, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Lansing, Mich., or Indianapolis, Ind.

No. MC 127506 (Sub-No. 3), filed March 24, 1967. Applicant: P. JUDGE & SONS, INC., 117 Metropolitan Avenue, Brooklyn, N.Y. 11211. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business machines and parts, accessories, and supplies therefor* (except articles which, because of size, shape, or weight, require the use of special equipment or special handling), (1) between piers in New York Harbor, N.Y., including Port Newark and Port Elizabeth, N.J., North Branch, Clark, and Somerville, N.J., on the one hand, and, on the other, points in New York, N.Y., points in Orange, Rockland, Westchester, Nassau, and Suffolk Counties, N.Y.; and, (2) between piers in New York Harbor, N.Y., including Port Newark and Port Elizabeth, N.J., and New York, N.Y., on the one hand, and, on the other, Somerville North Branch and Clark, N.J., under contract with Inter-Continental Trading Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127799 (Sub-No. 1), filed April 6, 1967. Applicant: LUPPES TRANSPORT COMPANY, INC., Post Office Box 152, Webster City, Iowa 50595. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite and facilities of Armour Agricultural Chemical Co. at or near Bellevue (Jackson County), Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127864 (Sub-No. 1), filed March 27, 1967. Applicant: PAUL W. WILLS, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in dump vehicles, with *refused, damaged, and rejected shipments* on return, (1) between the port of entry on the international boundary line between the United States and Canada located at or near Port Huron, Mich., on the one hand, and, on the other, points in Michigan, and (2) between points in Michigan, on the one hand, and, on the other, points in Ohio, under a continuing contract with Luntz Iron & Steel Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 128254 (Sub-No. 2), filed April 5, 1967. Applicant: THEODORE SAVAGE, 16061 Warren Lane, Huntington Beach, Calif. 92647. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to traffic having a prior or subsequent movement by air, between the Los Angeles (California) International Airport, on the one hand, and, on the other, points in Orange County, Calif., located south of a line running east and west through El Toro and Newport Beach (including service at El Toro, and restricted against service at Newport Beach), and points in San Diego County, Calif., under contract with W T C Air Freight. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 128480 (Sub-No. 1), filed April 3, 1967. Applicant: H. S. MILES, doing business as DUKE AUTO TRANSPORT, 3203 Colvin Street, Alexandria, Va. 22314. Applicant's representative: Theodore Polydoroff, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, (1) from points in the District of Columbia to Salem and Martinsville, Va., and Leaksville, N.C., (2) from Alexandria, Va., and points in Arlington and Fairfax Counties, Va., to Spray, N.C.; (3) from points in Arlington County, Va., to Bristol, Tenn.; and (4) from Alexandria, Va., and points in Arlington County, Va., to Leaksville, N.C., under contract with Riverside Motor, Spray, N.C., Circle Motors, Leaksville, N.C., Mize Motors, Martinsville, Va., Mize Motors, Leaksville, N.C., Central Motors, Salem, Va., and Valley Auto Sales, Bristol, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Greensboro, Winston-Salem, or High Point, N.C.

No. MC 128569 (Sub-No. 1) filed April 7, 1967. Applicant: GUARDIAN STORAGE INC., 4023 Navy Boulevard, Pensacola, Fla. 32507. Applicant's representative: C. W. Haul (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* having a prior or subsequent movement in interstate commerce, between Pensacola, Fla., and points in Escambia, Santa Rosa, and Okaloosa Counties, Fla., under contract with the Western Electric Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pensacola, Fla., or Mobile, Ala.

No. MC 128690 (Sub-No. 1) filed April 5, 1967. Applicant: JANET RAE BARNES, doing business as JAN PAM'S WESTVIEW BOARDING FARM, Route 1, Frederick, Md. 21701. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, and, in connection therewith, *personal effects of attendants* and *supplies and equipment including mascots*, used in the care or exhibition of such animals, between points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, under contract with Glade Valley Farms, Inc., Pine Ridge Farm, Fairview Farm, O'Sullivan Farms, William Page, William S. Berry, Robert L. Gheen, and Glenn E. Price. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128767 (Sub-No. 1) filed March 30, 1967. Applicant: JAMES L. GROVER 8446 Lockleven, Kings Beach, Calif. Applicant's representative: Wm. J. Crowell, 402 North Carson Street (Post Office Box 1000), Carson City, Nev. 89701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Computer cards, meter readings, processing data, and newspapers*, (1) between Reno, Nev., and Tahoe Vista, Calif.: from Reno over U.S. Highway 395 to Carson City, Nev., thence over U.S. Highway 50 to junction Nevada Highway 28, thence over Nevada Highway 28 to the Nevada-California State line, thence over California Highway 28 to Tahoe Vista, and return over the same route, serving all intermediate points, and (2) between Reno, Nev., and Bijou, Lake Tahoe, Calif.: from Reno, Nev., over U.S. Highway 395 to Carson City, Nev., thence over U.S. Highway 50 to Bijou, Lake Tahoe, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Reno, Nev.

No. MC 128847 (Sub-No. 1), filed April 7, 1967. Applicant: HAROLD J. McTAGGART, doing business as HAROLD J. McTAGGART TRUCKING, 4306 Third Street, Port Hope, Mich. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemical fertilizer*, in bags and in bulk, from Findlay and Toledo, Ohio, to points in Huron, Mountcalm, and Sanilac Counties, Mich., under contract with Bad Axe Grain Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No MC 128894, filed March 30, 1967. Applicant: LOUIS GORNEY REFRIGERATED TRANSPORT, INC., Route 11, Lafayette, N.Y. 13084. Applicant's representative: Charles Andrews, 600 Onondaga County Savings Bank Building, Syracuse, N.Y. 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, in rough, treated, and finished form, and forest products, such as, poles, posts, and similar items*, between Lafayette, N.Y., and points in Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Booher Lumber Co., Inc., Lafayette, N.Y. NOTE: If a hearing in deemed necessary, applicant requests it be held at Syracuse or Rochester, N.Y.

No. MC 128944 (Sub-No. 1), filed March 27, 1967. Applicant: HOOVER FREIGHTWAYS, INC., 710 Third National Bank Building, Nashville, Tenn. 37219. Applicant's representative: Clarence Evans (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commiasion, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (A) between Nashville, Tenn., on the one hand, and, on the other, Florence, Sheffield, and Tuscumbia, and points within ten (10) miles of any of these Alabama points; and also serving Russellville, Ala., as an off-route point; over all of the routes described in Paragraphs B, C, and D hereinafter: (B) From Nashville over U.S. Highway 31 to Columbia, Tenn., thence over U.S. Highway 43 to its junction with U.S. Highway 72, thence over U.S. Highway 72 to Tuscumbia, Ala., and return over the same route; (C) from Nashville over Interstate Highway 65 to Decatur, Ala., and thence over U.S. Highway 72–A to Tuscumbia and return over the same route, and (D) from junction Interstate Highway 65 and U.S. Highway 72 near Athens, Ala., over U.S. Highway 72 to Tuscumbia and return over the same route; with authority to use the aforedescribed route segments, or portions thereof, in conjunction with each other, but with a restriction against service at any point other than those points specified in Paragraph (A). NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Florence. Ala.

No. MC 128962, filed March 23, 1967. Applicant: FRED H. LORENZEN, doing business as A. V. PRICE TRANSFER COMPANY, 1631 Ronan Avenue, Wilmington, Calif. 90746. Applicant's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage and personal effects of steamship passengers*, between points in the Los Angeles Harbor Commercial Zone, California, on the one hand, and, on the other hand, points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 128963, filed March 22, 1967. Applicant: M & M TRANSFER, INC., King Street Extension, Post Office Box 552, Charleston, S.C. 29402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects* in providing local pickup and delivery service for forwarders, (1) between points in Charleston County, S.C.; and (2) between points in Charleston County, S.C. and points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C. or Columbia, S.C.

No. MC 128968 (Sub-No. 1), filed April 6, 1967. Applicant: CLARENCE L. WICKLIFF, LESLIE D. WICKLIFF, and KAREN S. WICKLIFF, a partnership, doing business, as WICKLIFF and SON, 516 East 12th Street, Newton, Iowa 50308. Applicant's representative: Richard A. Miller, 212 Equitable Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements and attachments, and electrical generators and attachments; parts, raw materials, electrical equipment for the manufacture of; and excess or damaged materials*, between Newton, Iowa, and points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is demed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 128970, filed March 24, 1967. Applicant: ROBERT O. YOUNKIN, doing business as ATHERTON TRANSFER AND STORAGE COMPANY, 815 East Second Street, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Used household goods* as defined by the Interstate Commerce Commission, moving on through bill of lading of exempt freight forwarder and having an immediate prior or subsequent line-haul by rail, motor, water, and air, to and between points in Kansas. NOTE: Authority sought is to be used solely in conjunction with the operations of exempt forwarders of used household goods. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 128978, filed March 29, 1967. Applicant: FRANCIS R. MATTHEWS, 7111 Chama Trail, Enon, Ohio 45323, also Rural Route 1, Fairborn, Ohio 45324. Applicant's representative: Kenneth G. Rush, 314 McAdams Building, Springfield, Ohio 45502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unsual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Clark County, Ohio, and Detroit, Mich., Indianapolis, Ind., and Cincinnati and Cleveland, Ohio, under contract with Udylite Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Columbus, or Cincinnati, Ohio.

No. MC 128985, filed March 30, 1967. Applicant: M. L. WILKERSON, doing business as WILKERSON TRUCKING COMPANY, Route No. 5, Lenoir City, Tenn. 37771. Applicant's representative: Walter Hardwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canvas duck, webbing, tents*, and *canvas items* from Knoxville, Tenn., to Memphis, Tenn., and Ogden, Utah; (2) *materials* used in the manufacture of said commodities from points in Michigan, Pennsylvania, and Richmond, Va., to the plantsite of Camel Manufacturing Co., at Knoxville, Tenn., under a continuing contract with Camel Manufacturing Co., Knoxville, Tenn.; (3) *camping trailers* from plantsite of American Duralite Corp. at Loudon, Tenn., to points in the United States (except Alaska and Hawaii); (4) *Aluminum windows and doors*, from the plantsite of American Duralite Corp., Loudon, Tenn., to points in the States which border on the Mississippi River and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada; and (5) (a) *Glass*, from points in Kentucky, Georgia, and Florida; (b) *aluminum* from points in Indiana; and (c) *materials* used in the manufacture of camping trailers from points in Indiana, to the plantsite of American Duralite Corp., Loudon, Tenn., under a continuing contract with American Duralite Corp., Loudon, Tenn. Note: Applicant holds common carrier authority in MC–124632 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128998, filed April 6, 1967. Applicant: VANWAYS, INC., 1230 West River Road, Oscoda, Mich. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in the Upper Peninsula, and the Counties of Emmet and Cheboygan, Mich., and (2) between points in Arenac, Iosco, Ogemaw, Oscoda, Alcona, Alpena, Presque Isle, Cheboygan, and Emmet Counties, Mich., on the one hand, and, on the other, those counties in the lower Peninsula of Michigan in and north of Bay, Midland, Isabella, Mecosta, Newaygo, and Oceana Counties, Mich., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Saginaw, Mich., or Washington, D.C.

No. MC 129002, filed April 7, 1967. Applicant: M. G. M. TRUCKING CORP., 517 Barretto Street, Bronx, N.Y. 10474. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel office furniture and equipment*, from points in the Borough of the Bronx, N.Y., to points in North Carolina, South Carolina, Georgia, and Florida, under a continuing contract or contracts with Art Steel Co., Inc., of the Borough of the Bronx, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129003, filed April 4, 1967. Applicant: MISSOULA CARTAGE CO., a corporation, Box 94, Missoula, Mont. 59801. Applicant's representative: Karl R. Karlberg, % Bonne & Karlberg, First National Bank Building, Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and sawdust*, except in tank vehicles, between points in Lemhi County, Idaho, and Missoula County, Mont., under contract with Hoerner Waldorf Corp. of Montana and Intermountain Lumber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Missoula or Helena, Mont.

MOTOR CARRIERS OF PASSENGERS

No. MC 745 (Sub-No. 11), filed April 5, 1967. Applicant: GERALD S. HAGEY, doing business as HAGEY'S BUS SERVICE, Franconia, Pa. 17011. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in round-trip special operations, beginning and ending at points in that portion of Bucks County, Pa., on and south of U.S. Highway 202, and points in Montgomery County, Pa., on, south, and east of U.S. Highway 309, and extending to points in the United States, including Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 1934 (Sub-No. 24), filed April 5, 1967. Applicant: THE ARROW LINE, INC., 105 Cherry Street, East Hartford, Conn. 06108. Applicant's representative: Dominick T. Bisesti (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in round trip special operations during the racing seasons of each year at each of the race tracks named below, beginning and ending at New Haven, Hartford, and Enfield, Conn., and extending to the sites of the Hinsdale Raceway, Hinsdale, N.H., and Green Mountain Racing Park, Pownal, Vt. NOTE: Applicant states that there is no present service operating, and no carrier authorized to serve the destination points from Connecticut. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 29601 (Sub-No. 9), filed March 21, 1967. Applicant: MIDWEST COACHES, INC., 216 North 2d Street, Mankato, Minn. Applicant's representative: D. C. Nolan, 405 Iowa State Bank Building, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle,, over irregular routes, transporting: *Passengers and their baggage* in special operations, beginning and ending at points on applicant's regular routes as follows: (1) Between Albert Lea, Minn., and Sioux Falls, S. Dak., serving all intermediate points, from Albert Lea over U.S. Highway 16 to junction Minnesota Highway 109, thence over Minnesota Highway 109 to Alden, Minn., thence return over Minnesota Highway 109 to junction U.S. Highway 16, thence over U.S. Highway 16 to Sioux Falls, and return over the same route, (2) from Albert Lea via Alden, Minn., to junction Minnesota Highway 109 and U.S. Highway 16, as shown above, thence over U.S. Highway 16 to junction Minnesota Highway 22, thence over Minnesota Highway 22 to Mankato, Minn., thence over Minnesota Highway 60 via Windom, Minn., to junction Minnesota Highway 86, thence over Minnesota Highway 86 to junction U.S. Highway 16, thence over U.S. Highway 16 to Sioux Falls, and return over the same route, (3) between junction Minnesota Highways 86 and 60, east of Wilder, Minn., and Worthington, Minn., serving all intermediate points, from junction Minnesota Highways 86 and 60 over Minnesota Highway 60 to Worthington, and return over the same route, (4) between Sioux City, Iowa, and Worthington, Minn., serving all intermediate points, from Sioux City over U.S. Highway 75 to junction Iowa Highway 33, thence over Iowa Highway 33 to the Iowa-Minnesota State line, thence over Minnesota Highway 60 to Worthington, and return over the same route.

(5) Between Wells, Minn., and Alden, Minn., serving all intermediate points, from Wells over Minnesota Highway 109 to Alden, and return over the same route, (6) between Le Mars, Iowa, and junction Iowa Highway 33 and Iowa Highway 10 at Alton, Iowa, serving all intermediate points, from Le Mars over U.S. Highway 75 to junction Iowa Highway 10, thence over Iowa Highway 10 to junction Iowa Highway 33, and return over the same route, and (7) between Sioux City, Iowa, and Sioux Falls, S. Dak., serving the intermediate points of Westfield, Akron, Hawarden, and Inwood, Iowa, and Canton and Hudson, S. Dak., from Sioux City over Iowa Highway 12 to Hawarden, Iowa, thence over Iowa Highway 10 to the Iowa-South Dakota State line, thence over South Dakota Highway 46 to junction unnumbered South Dakota highway via Hudson, S. Dak., to the South Dakota-Iowa State line, thence over unnumbered Iowa highway to junction U.S. Highway 18, thence over U.S. Highway 18 to junction U.S. Highway 77, and thence over U.S. Highway 77 to Sioux Falls, and return over the same route, and extending to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mankato, Minn., Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 29854 (Sub-No. 30), filed March 28, 1967. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, N.J. 07306. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers (1) between junction Palisade Avenue with Paterson Plank Road, located on the Jersey City-Union City, N.J., boundary line, and the Lincoln Industrial Park area in Secaucus, N.J.: From junction Palisade Avenue with Paterson Plank Road, over Paterson Plank Road to junction Secaucus Road, thence over Secaucus Road to Secaucus, thence over Secaucus Road to Frozen Food Plaza, thence over Frozen Food Plaza to the northerly terminus thereof; and return over the same route, serving all intermediate points in Secaucus, and (2) between junction Pleasant Avenue ramp with Interstate Highway 495 (elevated highway to Lincoln Tunnel) in Weehawken, N.J., and junction County Avenue with Secaucus Road in Secaucus, N.J., a point on Route (1) above: From junction Pleasant Avenue ramp with Interstate Highway 495, over Interstate Highway 495 to New Jersey Highway 3, thence over New Jersey Highway 3 to Paterson Plank Road in Secaucus, thence over Paterson Plank Road to County Avenue, thence over County Avenue to junction Secaucus Road; and return over the same route, serving intermediate points in Secaucus south of junction County Avenue with Peterson Lane. NOTE: Applicant states it proposes to tack the authority here sought with its existing authority in Docket MC–29854 and sub numbers thereto and to tack routes (1) and (2). Applicant further states that no duplication of authority is here sought. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 115891 (Sub-No. 3), filed April 7, 1967. Applicant: INTER-COUNTY MOTOR COACH, INC., 243 Deer Park Avenue, Babylon, N.Y. 11702. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Nassau, Suffolk, and Westchester Counties, N.Y., and New York, N.Y., and extending to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it now holds authority to perform the described service beginning and ending at points in Nassau and Suffolk Counties, N.Y., and extending to points in the United States. By this application it seeks to add Westchester County, N.Y., and New York, N.Y. at which points it will be able to begin and end round-trip charter operations in conjunction with the authority it already holds. Applicant further states that if the authority sought is granted, it will consent to the revocation of its present certificates Nos. MC 115891 and MC 115891 (Sub-No. 1). If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 123153 (Sub-No. 2) (Correction), filed March 8, 1967, published FEDERAL REGISTER, issue of March 23, 1967, under MC 123480 (Sub-No. 2), and republished as corrected this issue. Applicant: SKINNER SCHOOL BUS LINES LIMITED, Post Office Box 4422, Postal Station C, 1901 Oxford Street East, London, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, restricted to foreign commerce only, from ports of entry on the international boundary line between the United States and Canada located at points in the United States, except Alaska and Hawaii, and return. NOTE: The purpose of this correction is to show that the application has been reassigned No. MC 123153 (Sub-No. 2), in lieu of No. MC 123480 (Sub-No. 2), which was in error. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 128969, filed March 24, 1967. Applicant: FERDINAND ARRIGONI, INC., 3470 Park Avenue, Bronx, N.Y. Applicant's representative: Samuel B. Zinder 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, trarisporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between the George Washington Bridge Bus Terminal, New York, N.Y., and Shea Stadium, Queens, N.Y., over the streets, highways, bridges, and expressways within the city of New York, serving no intermediate points, (2) between the George Washington Bridge Bus Terminal, New York, N.Y., and Yankee Stadium, Bronx, N.Y., over the streets, highways, bridges, and expressways within the city of New York serving no intermediate points, (3) between the George Washington Bridge Bus Terminal, New York, N.Y., and Aqueduct Race Track, Queens, N.Y., over the streets, highways, bridges, and expressways within the city of New York, serving no intermediate points, (4) between the George Washington Bridge Bus Terminal, New York, N.Y., and Yonkers Raceway, Yonkers, N.Y.; from the George Washington Bridge Bus Terminal, New York, N.Y., over streets, highways, and bridges within the city of New York to the New York City-Westchester County boundary line, thence over the Thomas E. Dewey Thruway to Central Avenue, thence over Central Avenue to Yonkers Avenue, thence over Yonkers Avenue to entrance of the Yonkers Raceway, (5) between the George Washington Bridge Bus Terminal, New York, N.Y., and Roosevelt Raceway, Nassau County, N.Y.: From the George Washington Bridge Bus Terminal, New York, N.Y., over streets, highways, and bridges within the city of New York to the New York City-Nassau County boundary line, thence over the Long Island Expressway to Guinea Woods Road south, thence over Guinea Woods Road to Old Country Road, thence over Old Country Road to Roosevelt Raceway.

(6) Between the George Washington Bridge Bus Terminal, New York, N.Y., and Jones Beach, Nassau County, N.Y.: From the George Washington Bridge Bus Terminal, New York, N.Y., over streets, highways, and bridges within the city of New York to the New York City-Nassau County boundary line, thence over the Long Island Expressway to Guinea Woods Road south, thence over Guinea Woods Road south to Old Country Road, thence over Old Country Road to Merrick Avenue, thence over Merrick Avenue to Bellmore Avenue, thence over Bellmore Avenue to Merrick Road, thence over Merrick Road to Wantagh State Parkway, thence over Wantagh State Parkway to Jones Beach, and (7) between the George Washington Bridge Bus Terminal, New York, N.Y., and Belmont Racetrack, Nassau County, N.Y.: From the George Washington Bridge Bus Terminal, New York, N.Y., over streets, highways, and bridges within the city of New York to the New York City-Nassau County boundary line, thence over Hempstead Turnpike to Belmont Racetrack, and return over the same routes, serving no intermediate points in (4) through (7) above. NOTE: Common control may be involved. Applicant states it is the holder of a municipal consent from the city of New York authorizing it to operate between the George Washington Bridge Bus Terminal, on the one hand, and, on the other, Aqueduct Race Track and Shea Stadium, and, Yonkers Raceway, Belmont Race Track, Roosevelt Raceway, and Jones Beach, under temporary authority issued by the New York Public Service Commission pending receipt of a municipal consent. This consent has just been received and an application is being filed with the New York Public Service Commission for permanent authority to and from said points as well as Yankee Stadium. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATION OF BROKERAGE LICENSE

No. MC 12669 (Sub-No. 1), filed March 31, 1967. Applicant: KNOXVILLE TOURS, INCORPORATED, 1708 Charles Drive, Knoxville, Tenn. Applicant's representative: Francis A. Cain, 201 Fidelity Building, Knoxville, Tenn. 37902. For a license (BMC 5) to engage in operations as a *broker* at Knoxville, Tenn., in arranging for the transportation in interstate or foreign commerce, of *passengers and their baggage* in groups, destined for the same destination, in round-trip charter tours, beginning and ending at points in Hamilton, Monroe, McMinn, Loudon, Bradley, Polk, Sequatchie, Bledsoe, Cumberland, Fentress, Morgan, Scott, Campbell, Claiborne, Rhea, Meigs, Roane, Union, Grainger, Hancock, Hamblen, Hawkings, Greene, Jefferson, Cocke, Washington, Carter, and Johnson Counties, Tenn., and extending to points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 52932 (Sub-No. 15), filed March 30, 1967. Applicant: NORTH PENN TRANSFER, INC., Routes 202 and 63, Box 230, Lansdale, Pa. 19446. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Phillipsburg, N.J., as an off-route point in connection with applicant's regular-route authority between Lansdale, Pa. and New York, N.Y. NOTE: Applicant states that upon conversion of Phillipsburg, N.J., to an off-route point, it will request the Commission to eliminate Phillipsburg, N.J., from its irregular route authority.

No. MC 103993 (Sub-No. 272), filed March 29, 1967. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46515. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Faulkner County, Ark., to points in the United States, except Alaska and Hawaii.

No. MC 103993 (Sub-No. 273), filed March 29, 1967. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46515. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Wyandot County, Ohio, to points in the United States (except Alaska and Hawaii).

No. MC 124083 (Sub-No. 33), filed April 3, 1967. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Lee M. LeMay, 45 North Pennsylvania Street, Suite 312, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Jefferson County, Ky., to points in Indiana on and south of Indiana State Highway 28.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 115), filed March 29, 1967. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers* in the same vehicle with passengers, (1) between Hillsville, Va., and junction U.S. Highway 460 and the West Virginia Turnpike near Princeton, W. Va.; from Hillsville, over Virginia Highway 100 to junction Interstate Highway 81 (4 miles south of Pulaski, Va.), thence over Interstate Highway 100 (2 miles south of Dublin, Va.), thence over Virginia Highway 100 to junction U.S. Highway 460, at Pearisburg, Va., thence over U.S. Highway 460 to junction West Virginia Turnpike near Princeton, W. Va., as an alternate route serving no intermediate points; (2) between Stephens City, Va., and junction U.S. Highway 50 and 340 near Boyce, Va.; from Stephens City, over Virginia Highway 277 to junction U.S. Highway 340, at Double Tollgate, thence over U.S. Highway 340 to junction U.S. Highway 50 near Boyce, Va., as an alternate route serving no intermediate points; (3) between Cocoa and Titusville, Fla.; from Cocoa over Florida Highway 520 to Merritt Island, thence over Florida Highway A1A to junction Florida Highway 401, near Cocoa Beach, thence over Florida Highway 401 to junction Florida Highway 528, thence over Florida Highway 528 to junction Florida Highway A1A, thence over Florida Highway A1A to junction Florida Highway 402, thence over Florida Highway 402, to Titusville, as an alternate route serving no intermediate points; (4) between Lake Wales, Fla. and junction U.S. Highway 27 and Florida Highway 17A, over Florida Highway 17A, with service to the Singing Tower and Mountain Lake Sanctuary over an unnumbered highway and to the Great Masterpiece over an unnumbered highway in special operations; (5) between junction unnumbered highway and Florida Highway 17 and the Passion Play Amphitheater over unnumbered highway in special operation; and (6) between Brooksville, Fla., and junction Florida Highway 50 and U.S. Highway 19 (Weeki Wachee Springs) over Florida Highway 50 in special operations.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4264; Filed, Apr. 19, 1967; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 17, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40983—*Joint motor-rail rates—Middlewest Motor Freight*. Filed by Middlewest Motor Freight Bureau, agent (No. 383), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory; between points in middlewest territory, on the one hand, and points in Central States and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 14 to Middlewest Motor Freight Bureau, agent, tariff MF-ICC 498.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4361; Filed, Apr. 19, 1967; 8:49 a.m.]

[Notice 368]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 17, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52579 (Sub-No. 58 TA), filed April 13, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicant's representative: Aaron Hoffman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, and *wearing apparel*, in cartons, when transported in the same vehicle, between Los Angeles, Calif., on the one hand, and, on the other, Phoenix, Mesa, Alhambra, Chandler, Scottsdale, Tempe, Glendale, and Tucson, Ariz., for 150 days. Supporting shippers: There are approximately 100 statements from supporting shippers, which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or at the Field Office listed below. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 56409 (Sub-No. 4 TA), filed April 12, 1967. Applicant: MAJOR TRANSPORT, INC., Post Office Box 204, Palmyra, Wis. 53156. Applicant's representative: John T. Porter, 708 First National Bank Building, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bags and in bulk, from Whitewater, Wis., to points in Allamakee, Benton, Black Hawk, Bremer, Buchanan, Cedar, Chickasaw, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Howard, Iowa, Jackson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Tama, Washington, and Winneshiek Counties, Iowa, for 150 days. Supporting shipper: Federal Chemical Co., State Road 59, Post Office Box 237, Whitewater, Wis. 53190. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 75981 (Sub-No. 9 TA), filed April 11, 1967. Applicant: WATT TRANSPORT, INC., 15 Army Road, Providence, R.I. 02905. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, in dump-type vehicles, from Providence, R.I., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, for 180 days. Supporting shipper: Associated Metals & Minerals Corp., 733 Third Avenue, New York, N.Y. Send protests to: Gerald H. Curry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 187 Westminster Street, Providence, R.I. 02903.

No. MC 77424 (Sub-No. 30 TA), filed April 12, 1967. Applicant: WENHAM TRANSPORTATION, INC., 3200 East

79th Street, Post Office Box 6931, Cleveland, Ohio 44104. Applicant's representative: J. G. Bamer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and farm machinery parts*, from Coldwater, Ohio, to points in Indiana located south of U.S. Highway 24, for 180 days. Supporting shipper: Avco New Idea Farm Equipment Division, Coldwater, Ohio. Send protests to: District Supervisor C. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 435 Federal Building, Cleveland, Ohio 44114.

No. MC 126738 (Sub-No. 1 TA), filed April 11, 1967. Applicant: CENTER DISTRIBUTING COMPANY, 78th and Serum, Ralston, Nebr. 68051. Applicant's representative: Clayton H. Shrout, 1004 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bottled and canned beverages and syrup* (except alcoholic and malt beverages), from Oskaloosa, Iowa, to points in Adair, Des Moines, Carroll, Linn, Scott, Polk, Dubuque, Emmet, Cerro Gordo, Woodbury, Black Hawk, and Webster Counties, Iowa; Shawnee, Montgomery, Ford, Lyon, Rice, Marshall, Decatur, Franklin, Crawford, Saline, and Sedgwick Counties, Kans.; Douglas, Lancaster, Hall, Adams, Richardson, Lincoln, Box Butte, and Madison Counties, Nebr.; and Buchanan, St Louis, Scotland, Jackson, Gentry, Linn, Cape Girardeau, Boone, Dunklin, Greene, Pettis, Franklin, Jasper, St. Francois, and Clay Counties, Mo.; and the city of St. Louis, Mo., for 180 days. Supporting shipper: Pepsi-Cola Bottling Co., City Route 63 South, Oskaloosa, Iowa 52577. Send protests to: Keith P. Kohrs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 128976 (Sub-No. 1 TA), filed April 12, 1967. Applicant: DON THOMPSON, doing business as WOODLAND ELEVATOR, South Main Street, Woodland, Mich. 48897. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed meat and bone scraps*, in bulk, to be used as animal or poultry feed ingredients, from Fort Wayne, Ind., to Battle Creek and Millett, Mich., for 180 days. Supporting shipper: Ralston Purina Co., Grocery Products Division, Post Office Box 197, Battle Creek, Mich. 49106. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 129012 TA, filed April 12, 1967. Applicant: FLEMING TRANSFER & STORAGE CO., INC., 301 Walker Street, Post Office Box 372, Clarksville, Tenn. 37040. Applicant's representative: Harold Seligman, 1204–1808 West End Building, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Clarksville, Tenn., and points in Obion, Dyer, Gibson, Crockett, Carroll, Madison, Henderson, Decatur, Weakley, Chester, Hardin, Wayne, Lawrence, Lewis, Perry, Hickman, Humphreys, Benton, Henry, Houston, Stewart, Montgomery, Dickson, Davidson, Williamson, Maury, Marshall, Lincoln, Giles, Bedford, Coffee, Warren, Cannon, Wilson, Cheatham, Sumner, Macon, Putnam, Smith, Jackson, Clay, White, De Kalb, Rutherford, Trousdale, Robertson, Moore, and Lake Counties, Tenn.; Warrick, Spencer, and Vanderburgh Counties, Ind., including Evansville, Ind.; and Fulton, Hickman, Carlisle, Graves, Calloway, McCracken, Ballard, Marshall, Lyon, Livingston, Caldwell, Trigg, Logan, Christian, Hopkins, Todd, Muhlenberg, McLean, Webster, Henderson, Daviess, Union, Hancock, Breckenridge, Meade, Hardin, Hart, Edmonson, Warren, Barren, Allen, Simpson, Grayson, Ohio, Butler, Monroe, Crittenden, Larue, Green, and Metcalf Counties, Ky.; for 180 days. Supporting shippers: Four Winds Forwarding, Inc., Alexandria, Va., and Purchasing and Contracting Branch, Fort Campbell, Ky. Send protests to: District Supervisor J. E. Gamble, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 129013 TA, filed April 12, 1967. Applicant: DOUGLAS SHIPLEY AND CARL SHIPLEY, a partnership, doing business as SHIPLEY BROTHERS, Tazewell, Tenn. 37879. Applicant's representative: C. Howard Bozeman, 714 Hamilton Bank Building, Knoxville, Tenn. 37901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets, chopped hay, and hay commodities*, from Blissfield and Erie, Mich., to Vero Beach and points in Hillsboro County, Fla., for 180 days. Supporting shipper: Consolidated Mills, Inc., Blissfield, Mich. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-4362; Filed, Apr. 19, 1967; 8:49 a.m.]

[Notice 1507]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 17, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69387. By order of April 14, 1967, the Transfer Board approved the transfer to Cowboy Van Lines, Inc., 2784 Xanadu Street, Aurora, Colo., 80101, of that portion of the operating rights of R. T. Hanson, Box 561, 121 East Sixth Street, Lexington, Nebr. 68850, in certificate No. MC-55895, issued October 18, 1949, in certificate No. MC-55895, authorizing the transportation of household goods, over irregular routes, between Cozad, Nebr., and points in Nebraska within 25 miles of Cozad, on the one hand, and, on the other, points in Iowa, Kansas, and Colorado.

No. MC-FC-69388. By order of April 14, 1967, the Transfer Board approved the transfer to Cowboy Van Lines, Inc., 2784 Xanadu Street, Aurora, Colo. 80101, of that portion of the operating rights of J. S. Byard, 330 East Willow Street, Enid, Okla. 73701, in certificate No. MC-40494, issued August 18, 1958, authorizing the transportation of household goods, over irregular routes, between points in Harper, Grant, Alfalfa, Garfield, and Major Counties, Okla., on the one hand, and, on the other, points in Missouri, Kansas, Texas, and Arkansas, and between points in Woods and Woodward Counties, Okla., on the one hand, and, on the other, points in Kansas.

No. MC-FC-69407. By order of April 14, 1967, the Transfer Board approved the transfer to Cowboy Van Lines, Inc., 2784 Xanadu Street, Aurora, Colo. 80101, of that portion of the operating rights of Ivan Shire, Jefferson, Okla. 73748, in certificate No. MC-74669, issued June 9, 1941, authorizing the transportation, over irregular routes, of household goods, between points in Grant County, Okla., and points within 30 miles of Grant County, on the one hand, and, on the other, points in Kansas.

No. MC-FC-69527. By order of April 14, 1967, the Transfer Board approved the transfer to Blue Bus Lines, a corporation, Trenton, N.J., of the operating rights in certificate No. MC-94858, issued December 6, 1962, to Service Bus Co., Inc., Yonkers, N.Y., authorizing the transportation of: Passengers and their baggage, restricted to traffic originating at the point indicated, in charter operations, from New York, N.Y., to Savin Rock and Roton Point, Conn., points in New Jersey, points in Pennsylvania east of the Susquehanna River, and points in Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y., and return. Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102, attorney for transferee. Sidney J. Leshin, 501 Madison Avenue, New York, N.Y. 10022, attorney for transferor.

No. MC-FC-69534. By order of April 11, 1967, the Transfer Board approved the transfer to Oliver E. Cote, doing business as North Shore Vans and Little Neck Moving & Storage, Wantaugh, N.Y., of that portion of certificate No. MC-19625, issued November 12, 1965, to Thomas Connor, doing business as North Shore Vans and Little Neck Moving & Storage, Whitestone, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New York, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Rhode Island, Ohio, and the District of Columbia. Harold Hyman, 163-18 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for transferee. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for transferor.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-4363; Filed, Apr. 19, 1967; 8:49 a.m.]

[4th Rev. S.O. 562, ICC Order No. 214-A]

ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD

Rerouting and Diversion Traffic

Upon further consideration of ICC Order No. 214 (St. Johnsbury & Lamoille County Railroad) and good cause appearing therefore:

It is ordered, That:

(a) ICC Order No. 214 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 11:59 p.m., April 17, 1967.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 17, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent*.

[F.R. Doc. 67-4364; Filed, Apr. 19, 1967; 8:49 a.m.]

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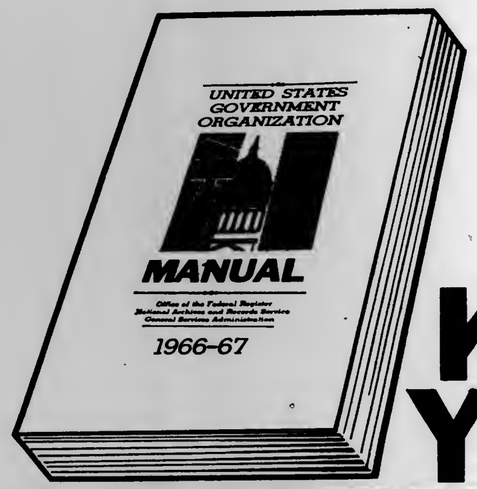
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Pages 6253–6323

(Part II begins on page 6317)

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Automotive Agreement Adjustment Assistance Board
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Deputy for Demonstrations and Intergovernmental Relations is excepted under Schedule C in lieu of the position of Deputy Assistant Secretary for Demonstrations and Intergovernmental Relations and Director of Urban Program Coordination. Effective on publication in the FEDERAL REGISTER paragraph (e) of § 213.3384 is amended by revoking subparagraph (2) and adding a new subparagraph (6) as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(e) *Office of the Assistant Secretary for Demonstrations and Intergovernmental Relations.* * * *

(2) [Revoked]

* * * * *

(6) One Deputy for Demonstrations and Intergovernmental Relations.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-4404; Filed, Apr. 20, 1967; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment

On April 6, 1967, notice of rule making was published in the FEDERAL REGISTER (32 F.R. 5628) regarding proposed expenses and the related rate of assessment for the period beginning November 1, 1966, and ending October 31, 1967, pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 907.206 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period November 1, 1966, through October 31, 1967, will amount to $218,100.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 908.41, is fixed at $0.012 per carton of Valencia oranges.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, (2) shipments of Valencia oranges are currently in progress, and (3) such period began on November 1, 1966, and said rate of assessment will automatically apply to all such oranges beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 18, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4438; Filed, Apr. 20, 1967; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. III, Amdt. 14]

PART 1483—WHEAT AND FLOUR

Subpart—Wheat Export Program (GR–345) Terms and Conditions

MISCELLANEOUS AMENDMENTS

The terms and conditions of the Wheat Export Program—Payment In Kind (GR–345) (27 F.R. 6415), as amended (27 F.R. 10741, 28 F.R. 7120, 29 F.R. 4077, 9431, 12067, 15115, 30 F.R. 532, 4531, 8898, 31 F.R. 4728, 9719, 10072, and 11450) are further amended as follows:

1. A new § 1483.104 is added to read as follows:

§ 1483.104 Transactions eligible for registration.

CCC will consider for registration under the terms and conditions of this subpart commercial sales transactions between an exporter and a foreign buyer as follows: (a) Sales for dollars; (b) sales for foreign currencies and sales for dollars on credit pursuant to the regulations issued under Public Law 480, 83d Congress, as amended; (c) sales under the CCC Export Credit Sales Program regulations involving the exportation of wheat acquired from private stocks; (d) sales for exportation under the Barter Program Terms and Conditions involving wheat acquired from private stocks as defined in such terms and conditions; (e) sales financed with funds authorized by the Agency for International Development; and (f) such other sales as may be determined by CCC to be in the interest of the program. CCC will determine from the information given by the exporter in his Notice of Sale made pursuant to § 1483.125 as to the category in which each sales transaction will be registered After a Notice of Sale is transmitted to CCC and a Notice of Registration has been issued by a Contracting Officer pursuant to § 1483.126, a request by the exporter to change the category of the sale reported to CCC and registered under this subpart will not be approved unless, because of special circumstances, it is determined by the Contracting Officer to be in the best interest of CCC.

2. Section 1483.114 *Notice of sale of Durum wheat* is amended by adding a new paragraph (d) to read as follows:

§ 1483.114 Notice of sale of Durum wheat.

* * * * *

(d) *Sales financed under P.L. 480.* In the case of a sale for foreign currencies or a sale on credit pursuant to the regulations issued under Public Law 480 (83d Congress) as amended, the exporter shall include in his Notice of Sale the additional information required by § 1483.125(b) for such sales. In addition, the exporter shall submit a Declaration of Sale together with supporting evidence of sale as provided in § 1483.127 promptly after receipt of an acknowledgment of the Notice of Sale stating that the price of the wheat has been approved by the General Sales Manager for financing under P.L. 480. The code letters PAF480 shall be used by CCC to advise the exporter of such approval. If the price is disapproved by the General Sales Manager, the exporter will be notified accordingly. In such event the exporter shall have 5 calendar days follow-

ing the date of the Notice of Sale to submit a price which may be approved by the General Sales Manager. During such 5-day period, CCC will not recognize, for the purpose of financing under P.L. 480, any new sale between the same exporter and foreign buyer in substitution of the original transaction. If an acceptable price is not submitted within such 5-day period, the original Notice of Sale, any subsequent notification of price adjustments and the related contract between the exporter and the foreign buyer shall, for the purpose of price review, be considered null and void. Any subsequent negotiations after expiration of such 5-day period which results in a contract between the exporter and the same foreign buyer shall be subject to the submission of a new Notice of Sale and new evidence of sale.

3. Section 1483.115 *Exportation requirements* paragraph (d) is amended to read as follows:

§ 1483.115 Exportation requirements.

* * * * *

(d) If any quantity of Durum wheat exported pursuant to the exporter's contract with CCC is reentered in any form or product into the United States (including Alaska, Hawaii, or Puerto Rico) whether or not such reentry is caused by the exporter, or if any quantity of Durum wheat exported is transshipped or caused to be transshipped in any form or product by the exporter to any country excluded by § 1483.187, the exporter shall be in default, shall refund any payment made by CCC with respect to such quantity of wheat and shall also pay to CCC with respect to any such Durum wheat which is reentered into the United States (including Alaska, Hawaii, or Puerto Rico) liquidated damages of 25 cents per bushel on such wheat. To the extent the exporter establishes that the reentry was not due to his fault or negligence, he shall not be in default and shall not be liable for such liquidated damages but shall return to CCC any payment received with respect to such wheat. If the wheat exported is reentered in some other form or product, the exporter agrees that the wheat equivalent of such reentered wheat shall be determined on such basis as may be specified by CCC. If the reentered wheat is subsequently reexported, it shall be eligible for export payment in accordance with the other provisions of the regulations in this subpart or other regulations which may provide for an export payment on such exportation. To the extent the exporter establishes that such reentered wheat was lost, damaged, or destroyed, the physical condition is such that the reentry into the United States will not impair CCC's price support program, and no person received any export payment with respect to any reexportation which may occur to the wheat in any form or product, the exporter shall not be in default, shall not be liable for such liquidated damages and shall not be required to return to CCC any payment received with respect to such wheat.

§ 1483.121 [Amended]

4. Section 1483.121(d) *Determination of rates* is amended by deleting the words "and/or commission" wherever they appear.

§ 1483.125 [Amended]

5. Section 1483.125 *Notice of Sale* is amended as follows:

a. Paragraph (a)(5) is amended by deleting the words "and/or commission" wherever they appear.

b. Paragraph (b)(1a) is amended to read:

(1a) If the sale involves the exportation of private stocks pursuant to a CCC barter transaction or the CCC Export Credit Sales Program or if the sale is made subject to payment with funds authorized by the Agency for International Development, the CCC barter contract number, the CCC financing approval number or the AID approval number, whichever is applicable. If such number is not available, the exporter must indicate the type of transaction pursuant to which the exportation is to be made and that the number will be furnished when available.

c. Paragraph (b)(17) is amended by deleting the words "and rate of sales commission."

§ 1483.126 [Amended]

6. Section 1483.126 *Notice of Registration* is amended by changing the second sentence of paragraph (a) to read: "If a Notice of Sale is received by CCC which provides for more than one coast of export or more than one class of wheat, with the exporter or foreign buyer having the option to select the coast of export or class of wheat, the Contracting Officer will not issue a Notice of Registration unless otherwise provided in the announcement of export payment rates made pursuant to § 1483.120 or unless, because of special circumstances, it is determined by him to be in the best interest of CCC."

7. Section 1483.126 *Notice of Registration* is amended by changing paragraph (b) to read:

(b) In the telegram of registration the Contracting Officer may utilize the code letters "REP" to indicate Registered as Eligible for Payment and (1) the word "BARTER" if the sale is for exportation under the Barter Program involving wheat acquired from private stocks or (2) the word "CREDIT" if the sale is made pursuant to the CCC Export Credit Sales Program involving the exportation of wheat acquired from private stocks or (3) the word "AID" if payment for the wheat exported is financed by the Agency for International Development. If a contract between the exporter and the foreign buyer specifies an option(s) (two or more classes of wheat, different coast of export, or more than one export period) be exercised by either of the contracting parties and (i) a certificate cost has been announced for a class of wheat, coast of export, or export period given in the Notice of Sale and (ii) an export payment rate under GR-345 has also been announced for another class of wheat, coast of export, or export period given in the Notice of Sale, the Notice of Registration may be issued (subject to the provision of paragraph (a) of this section) showing the sale has been registered under both the regulations in this subpart and the Export Wheat Marketing Certificate Regulations. For example, if a Notice of Sale is given to CCC for 500,000 bushels to be exported to Japan and the Notice of Sale contains Hard Winter wheat as the basic contract class with options for Spring wheat and Soft White wheat with all classes to be exported from the west coast, the Notice of Registration may be issued in the following form showing that the transaction is registered under the regulations in this subpart and the Export Wheat Marketing Certificate Regulations.

Registered	500,000 bushels	K33-44-18	Japan
"REP"	Hard Winter		
"REP"	Spring		
"RLC" (i.e., registered liable for certificates).	White wheat		

In addition, with respect to a sale for foreign currencies and a sale for dollars on credit pursuant to the regulations issued under P.L. 480 (83d Congress) as amended, the code letters PAF480 shall constitute notice to the exporter that the price of the wheat has been approved by the General Sales Manager for financing under such regulations. If the price of the wheat is disapproved by the General Sales Manager, the exporter will be so advised by telegram and the transaction will not be registered for payment.

8. Section 1483.127 *Declaration of Sale and evidence of sale* is amended by changing paragraph (b) (12a) and (17) to read as follows:

§ 1483.127 Declaration of Sale and evidence of sale.

* * * * *

(b) * * *

(12a) If the sale involves the exportation of private stocks pursuant to a CCC barter transaction or the CCC Export Credit Sales Program or if the sale is made subject to payment with funds authorized by the Agency for International Development, the CCC barter contract number, the CCC financing approval number or the AID approval number, whichever is applicable.

* * * * *

(17) Name and address of sales agent, if any.

* * * * *

§ 1483.141 [Amended]

9. Section 1483.141 *Cancellation of sale or failure to export* is amended by adding in paragraph (a) after the word "reentry" the words "in any form or product" and by changing paragraphs (b) and (c) to read as follows:

(b) If, after an exporter has been afforded the opportunity to present evidence, the Vice President determines that the exporter has failed to export in accordance with his agreement with CCC, the exporter shall pay on demand any damages resulting from such failure or at CCC's election the exporter may be required to export a quantity of replacement wheat, within such period as is specified by CCC, to the same designated country as was provided in the sales contract on which exportation was not made, at an export payment rate equal to the lower of (1) the rate applicable to the sale on which exportation was not made or (2) the rate applicable to the sale on which the replacement wheat is exported. If the exporter fails to export the replacement wheat as required, he shall pay CCC as liquidated damages an amount determined by multiplying the number of bushels of wheat involved in such failure by the amount by which the rate applicable to the sale on which exportation was not made is exceeded by the highest rate announced on and after the date of CCC's notice requiring exportation of the replacement wheat, for the exportation to the country and in the period in which the replacement wheat was required to be exported. It is mutually agreed that such amount is a reasonable estimate of the probable actual damages to be incurred by CCC. In addition to his liability under the foregoing provision of this paragraph, the exporter may be suspended or debarred from participating in this program or in any other program of CCC for such period and subject to such terms and conditions as may be provided pursuant to the suspension and debarment regulations of CCC and any amendments thereto. The exporter shall not be liable under this paragraph and shall not be suspended or debarred for such failure if he establishes to the satisfaction of the Vice President that his failure to export was not due to his fault or negligence.

(c) If any quantity of wheat exported pursuant to the exporter's contract with CCC is reentered in any form or product into the United States (including Alaska, Hawaii or Puerto Rico) whether or not such reentry is caused by the exporter, or if any wheat in any form or product is transshipped or caused to be transshipped by the exporter to any country that is not a designated country, the exporter shall be in default, shall refund any payment made by CCC on such wheat and shall comply with the requirements of paragraph (b) of this section. To the extent the exporter establishes that the reentry was not due to his fault or negligence, he shall not be in default but shall return to CCC any payment received with respect to such wheat. If the reentered wheat is subsequently reexported, it shall be eligible for an export payment in accordance with the other provisions of the regulations in this subpart or other regulations which may provide for an export payment on such exportation. To the extent the exporter establishes that such reentered wheat was lost, damaged, or destroyed, the physical condition is such that its reentry will not impair CCC's price support program, and no person received any export payment with respect to any reexportation which may occur to the wheat in any form or product; the exporter shall not be in default and shall not be required to return to CCC any payment received with respect to such wheat. If the wheat exported is reentered in some other form or product, the exporter agrees that the wheat equivalent of such reentered wheat shall be determined on such basis as may be specified by CCC.

10. Section 1483.146 *Export payments*, paragraph (c) is amended to read as follows:

§ 1483.146 Export payments.

* * * * *

(c) *Payee.* Except as provided in § 1483.176, the export payment will be made only to the exporter with whom CCC has an agreement to make an export payment and who has complied with the requirements of this subpart.

* * * * *

11. Section 1483.147 *Documents required as evidence of export*, paragraph (a) is amended to change the second sentence to read:

§ 1483.147 Documents required as evidence of export.

* * * * *

(a) * * * The bill of lading must show (1) the name of the vessel, (2) the date and place of issuance, (3) the weight of the wheat, (4) the number and description of the hold or tank in which the wheat was stowed, (5) that the wheat is destined for the buyer and country of destination identified on the Declaration of Sale or to a different consignee or country determined pursuant to § 1483.106, and (6) the Purchase Authorization number (if exportation is pursuant to Public Law 480, 83d Congress, as amended), the CCC financing approval number (if exportation is pursuant to the CCC credit sales program), the CCC barter contract number (if exportation is made pursuant to a CCC barter transaction) or the AID approval number (if the exportation is financed by the Agency for International Development). * * *

* * * * *

§ 1483.151 [Amended]

12. Section 1483.151 *Refunds on wheat other than Durum wheat* is amended by deleting the words "or commission" and "and commission" wherever they appear in paragraph (c)(1).

13. The undesignated center heading "Redemption of Export Commodity Certificates in Wheat" preceding § 1483.155 is amended to read "CCC Sales of Wheat for Export."

§ 1483.155 [Amended]

14. Section 1483.155 *Submission of offers* is amended by changing the first sentence to read "Offers to purchase CCC wheat under this announcement may be submitted by letter, telegram, or orally to the office shown in the CCC monthly sales announcement from which the exporter desires delivery."

15. Section 1483.158 *Payment terms and financial arrangements* is amended with respect to contracts entered into on and after the effective date of the amendment to read as follows:

§ 1483.158 Payment terms and financial arrangements.

(a) The amount due CCC for wheat purchased hereunder shall be paid by the purchaser to the ASCS Commodity Office in one (or a combination) of the following ways:

(1) By surrender of certificate(s): If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest date of issuance shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a balance certificate which may be used on a subsequent purchase from CCC, or at the request of the purchaser by a payment to him in cash. The date of issuance shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of issuance shown on the balance certificate will be the latest date of issuance shown on a certificate applied to the purchase. A purchaser who wishes to be paid in cash for the excess value of the certificates shall advise the ASCS Commodity Office in writing. The value of the balance certificate or cash payment will be determined by deducting from the value of certificates surrendered to CCC, the purchase price of the wheat.

(2) By payment in cash, certified check or cashier's check.

(3) By requesting CCC to draw a sight draft through a named bank with warehouse receipts attached or by requesting that CCC surrender the warehouse receipts to him in a simultaneous exchange for an acceptable remittance delivered at the ASCS Commodity Office.

(b) Payment for the wheat shall be made (1) prior to delivery of the wheat by CCC on purchases which provide for delivery within five days following the date of the sale, and (2) on all other purchases, not less than five days prior to delivery of the wheat by CCC, but in no event later than 30 days following the date of sale, unless CCC consents in writing to a different period. If the purchaser fails to make such payment within such period, CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

16. The last sentence of § 1483.161 *Export requirements* paragraph (a) is amended to read as follows:

§ 1483.161 Export requirements.

(a) * * * The wheat exported shall not be reentered by anyone in any form or product into the United States, in-

cluding Alaska, Hawaii, or Puerto Rico, nor shall the purchaser cause the wheat exported to be transshipped in any form or product to any country excluded by § 1483.187.

• • • • • •

17. Section 1483.163 *Adjusted contract price* paragraph (b) (1) and (2) is amended to read as follows:

§ 1483.163 Adjusted contract price.

• • • • •

(b) • • •

(1) That the wheat has been reentered in any form or product into the continental United States, Alaska, Hawaii, or Puerto Rico due to causes without the fault or negligence of the purchaser and that an equivalent quantity of wheat was, pursuant to written approval of CCC, subsequently exported to a designated country within the period specified by CCC, and that the purchaser submitted evidence of such exportation in accordance with § 1483.162 hereof; or

(2) That the wheat placed in transit to an export location for export under this announcement or reentered (in any form or product) into the United States including Alaska, Hawaii, or Puerto Rico was lost, damaged, destroyed, or deteriorated and the physical condition thereof was such that its entry into domestic market channels will not impair CCC's price support operation: *Provided*, That if insurance proceeds or other recoveries such as from carriers, exceed the purchase price of the quantity of wheat lost, damaged, or destroyed, plus other costs incurred by the purchaser in connection with such wheat prior to the time of its loss, the amount of such excess shall be paid to CCC.

• • • • • •

§ 1483.189 [Amended]

18. Section 1483.189 *Export and exportation* is amended to change the next to the last sentence to read as follows: "If wheat exported from Canada is reentered into Canada in any form or product and subsequently reexported, or an equivalent quantity of other wheat in any form or product is exported in replacement of such wheat, the wheat shall be considered as having been exported at the time of the reexportation and not at the time of the original exportation."

(Secs. 4 and 5, Stat. 1070 and 1072, sec. 2, 63 Stat. 945, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1641)

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This amendment shall become effective at 3:31 p.m., e.s.t. following the time the amendment is filed with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 18, 1967.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-4407; Filed, Apr. 18, 1967; 2:29 p.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 205—REVOCATION OF APPROVAL OF PETITIONS

The introductory material to § 205.1 is amended to read as follows:

§ 205.1 Automatic revocation.

The approval of a petition made under section 204 of the Act and in accordance with Part 204 of this chapter is revoked as of the date of approval if any of the following circumstances occur before the beneficiary's journey to the U.S. commences or, if the beneficiary is an applicant for adjustment of status to that of permanent resident, before the decision on his application becomes final:

• • • • •

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.1 [Amended]

1. Paragraph (c) *Service* of § 242.1 *Order to show cause and notice of hearing* is amended by adding the following two sentences at the end thereof: "When personal service of an order to show cause is made by an immigration officer, the contents of the order to show cause shall be explained and the respondent shall be advised that any statement he makes may be used against him. He shall also be advised of his right to representation by counsel of his own choice at no expense to the Government."

§ 242.2 [Amended]

2. Paragraph (a) *Warrant of arrest* of § 242.2 *Apprehension, custody, and detention* is amended by adding the following four sentences at the end thereof: "When a warrant of arrest is served under this part, the respondent shall have explained to him the contents of the order to show cause, the reason for his arrest and his right to be represented by counsel of his own choice at no expense to the Government. He shall be advised that any statement he makes may be used against him. He shall also be informed whether he is to be continued in custody or, if release from custody has been authorized, of the amount and conditions of the bond or the conditions under which he may be released. The respondent shall be furnished Form I-286 containing the decision to detain or release and the circumstances under which an appeal from the decision may be taken."

PART 287—FIELD OFFICERS; POWERS AND DUTIES

§ 287.3 [Amended]

Section 287.3 *Disposition of cases of aliens arrested without warrant* is amended by adding the following three sentences at the end thereof: "An alien arrested without warrant of arrest shall be advised of the reason for his arrest and his right to be represented by council of his own choice, at no expense to the Government. He shall also be advised that any statement he makes may be used against him in a subsequent proceeding and that a decision will be made within 24 hours or less as to whether he will be continued in custody or released on bond or recognizance. Unless voluntary departure has been granted pursuant to § 242.5 of this chapter, the alien's case shall be presented promptly, and in any event within 24 hours, to the district director, deputy district director, or acting district director for a determination as to whether there is prima facie evidence that the arrested alien is in the United States in violation of law and for issuance of an order to show cause and warrant of arrest prescribed in Part 242 of this chapter."

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto in alphabetical and numerical sequence:

Form No.	Title and description
I-286	Notification to Alien of Conditions of Release or Detention.

PART 341—CERTIFICATES OF CITIZENSHIP

Section 341.2 is amended by adding paragraph (g) to read as follows:

§ 341.2 Examination upon application.

• • • • • •

(g) *Assignment of additional officer.* The district director may, in his discretion, assign an officer of the Service to examine and cross-examine the applicant and any witnesses produced by the applicant or by the Government, and present evidence pertinent to the applicant's claim to citizenship. The officer of the Service assigned to conduct the examination under this part may take such part in the proceedings as he may deem necessary.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than the amendment to § 205.1, pertain to agency procedure; the amendment to § 205.1 is interpretative in nature and incorporates in the regulations a recent decision of the Board of Immigration Appeals.

Dated: April 14, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67-4395; Filed, Apr. 20, 1967; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMONENCEPHALITIS), AND AFRICAN SWINE FEVER: PROHIBITED AND RESTRICTED IMPORTATIONS

Addition of Italy to List of Countries Where African Swine Fever Exists

Pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), the introductory paragraph of § 94.8 of Part 94, Title 9, Code of Federal Regulations, which relates to the importation of pork and pork products from countries where African swine fever exists, is hereby amended by adding Italy to the list of countries where such disease exists. As amended the introductory paragraph of § 94.8 reads as follows:

§ 94.8 Pork and pork products from countries where African swine fever exists.

African swine fever is potentially the most dangerous and destructive of all communicable swine diseases. The causative virus is highly virulent and may be present in pork and pork products originating in countries where the disease exists. The only known practical method of destroying the contagion of the disease in pork or pork products is by heat treatment. In view of these circumstances and in order to prevent the introduction and dissemination of the contagion of African swine fever, the regulations in this section are promulgated with respect to the importation of pork and pork products from the following countries where the disease exists:

All countries of Africa.	Italy.
France.	Portugal.
	Spain.

• • • • • •

The effect of this amendment is to prohibit the importation into the United States from Italy of all pork and pork products except in accordance with the conditions prescribed in § 94.8 of 9 CFR Part 94.

The protection of the livestock of the United States demands that this amendment be made effective as soon as possible. Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. section 553, it is found upon good cause that notice and other public procedure concerning this amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U.S.C. 111; 29 F.R. 16210, as amended; 30 F.R. 5801; as amended)

Done at Washington, D.C., this 18th day of April 1967.

F. J. MULHERN,
Acting Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 67-4437; Filed, Apr. 20, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 67-EA-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The Federal Aviation Agency is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to modify the description of the Windsor Locks, Conn., control zone and the Hartford, Conn., 700-foot floor transition area.

The name of Bradley Field, Windsor Locks, Conn., has been changed to Bradley International Airport.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In view of the foregoing, the amendment is hereby adopted effective June 22, 1967, as follows:

1. Section 71.171: Windsor Locks, Conn.:

In the text delete "Bradley Field" and insert in lieu thereof, "Bradley International Airport".

2. Section 71.181: Hartford, Conn.:

In the description of the 700-foot floor transition area delete "Bradley Field" wherever it appears and substitute the following in lieu thereof, "Bradley International Airport".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on March 31, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-4386; Filed, Apr. 20, 1967; 8:45 a.m.]

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-EA-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make an editorial change in the description of Control 1145.

Control 1145 is described in part with reference to the Kindley, AFB, Bermuda, radio range. This navigational aid has been changed to a radio beacon, accordingly, action is taken herein to reflect this change in the description of Control 1145.

Since this amendment is editorial in nature and does not alter the extent of control area, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and this amendment may be made effective without regard to the statutory 30-day period preceding effectiveness.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.163 (32 F.R. 2063), Control 1145 is amended by deleting "Kindley AFB, Bermuda RR" and substituting "Kindley AFB, Bermuda RBN" therefor.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on April 7, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4397; Filed, Apr. 20, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Transition Area, and Domestic VOR Federal Airway

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Selma, Ala., control zone, the Selma and Montgomery, Ala., transition areas, and VOR Federal airway V-154.

Federal airway V-154 is described in § 71.123 (32 F.R. 2009); the Selma control zone is described in § 71.171 (32 F.R. 2071); the Selma and Montgomery transition areas are described in § 71.181 (32 F.R. 2148).

In each of these descriptions, reference is made to the Selma VOR and/or the Selma TACAN. Since the name of these navigation facilities has been changed to "Craig VOR" and "Craig

TACAN," respectively, it is necessary to amend the descriptions accordingly.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.123 (32 F.R. 2009), Domestic VOR Federal Airway V–154 is amended as follows: "• • • Selma, Ala. • • •" is deleted and "• • • Craig, Ala. • • •" is substituted therefor.

In § 71.171 (32 F.R. 2071) the Selma, Ala., control zone is amended as follows:

In lines 2, 3, and 4, "• • • Selma • • •" is deleted and "• • • Craig • • •" is substituted therefor.

In § 71.161 (32 F.R. 2148) the Montgomery, Ala., transition area is amended as follows:

In lines 13 and 16, "• • • Selma • • •" is deleted and "• • • Craig • • •" is substituted therefor.

In § 71.181 (32 F.R. 2148) the Selma, Ala., transition area is amended as follows:

In line 4, "• • • Selma • • •" is deleted and "• • • Craig • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on April 12, 1967.

SHELTON B. TAYLOR,
Acting Director, Southern Region.

[F.R. Doc. 67-4398; Filed, Apr. 20, 1967; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8105; Amdt. 95–153]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective May 25, 1967 as follows:

1. By amending Subpart C as follows:

From, to, and MEA

Section 95.1001 *Direct routes—United States* is amended to delete:

Biscayne Bay, Fla., VOR; Guppy INT, Fla., 2,000.
Guppy INT, Fla.; Pineapple INT, Fla.; *3,000. *1,000—MOCA.
Guppy INT, Fla.; Fort Lauderdale, Fla., VOR; *1,500. *1,400—MOCA.
Guppy INT, Fla.; Nimrod INT, Fla.; *2,000. *1,000—MOCA.
Dyersburg, Tenn., VOR, via MEM 036°/DYR 181°—COP 33 miles from DYR; Memphis, Tenn., VOR; 2,000.
Marlow INT, Ga.; Liberty, Ga., RBN; 2,200.
Pike INT, Fla.; Guppy INT, Fla.; 2,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Casper, Wyo., VOR; Billings, Mont., VOR; 15,200. COP 96 CPR MAA—45,000.
Smith-Reynolds LOM (Winston-Salem), N.C.; Int. 221° M rad, Greensboro VOR and 192° M bearing Smith-Reynolds LOM; *2,500. *2,000—MOCA.
Carleton, Mich., VOR; Owosso INT, Mich.; *4,000. *2,200—MOCA.
Owosso INT, Mich.; Saginaw, Mich., VOR; 2,600.
Alma, Ga., VORTAC; via AMG 332°/ATL 130°; Atlanta, Ga., VORTAC; 18,000. MAA—45,000.
Bonefish INT, Fla.; *Pineapple INT, Fla.; **3,000. *3,000—MRA. **1,000—MOCA.
Bonefish INT, Fla.; Nimrod INT, Fla.; *2,000. *1,000—MOCA.
Pike INT, Fla.; Bonefish INT, Fla.; *2,000. *1,000—MOCA.
Bonefish INT, Fla.; Fort Lauderdale, Fla., VOR; *1,500. *1,400—MOCA.
Biscayne Bay, Fla., VOR; Bonefish INT, Fla.; *2,000. *1,300—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Panama Routes

V–2

France Field, C.Z., VOR; 40-mile DME Fix; *3,000. *1,300—MOCA.

V–3

France Field, C.Z., VOR; 40-mile DME Fix; *3,000. *1,300—MOCA.

V–11

Taboga, Panama, VOR; Mike–5; *3,600. *2,700—MOCA.

V–12

France Field, C.Z., VOR; Mike–5; *5,000. *3,500—MOCA.

Puerto Rico Routes

Route 7

San Juan, P.R., VOR; *Greenwater INT, P.R.; 1,300. *2,500—MRA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Salem, Mich., VOR; Dyke INT, Mich.; 2,800.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Chagrin Falls INT, Ohio; Hiram INT, Ohio; 3,000.
Hiram INT, Ohio; Youngstown, Ohio, VOR; 2,900.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Memphis, Tenn., VOR via W alter.; Cuba INT, Tenn., via W alter.; *2,000. *1,700—MOCA.
Cuba INT, Tenn., via W alter.; Malden, Tenn., VOR via W alter.; *2,500. *1,800—MOCA.

From, to, and MEA

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Memphis, Tenn., VOR via W alter.; Dyersburg, Tenn., VOR via W alter.; *2,500. *2,300—MOCA.
Memphis, Tenn., VOR via E alter.; Stanton INT, Tenn., via E alter.; *2,000. *1,700—MOCA.
Stanton INT, Tenn., via E alter.; Dyersburg, Tenn., VOR via E alter.; *2,000. *1,800—MOCA.
Dyersburg, Tenn., VOR via E alter.; Paducah, Ky., VOR via E alter.; 2,000.
Paducah, Ky., VOR; Weston INT, Ky.; 2,600.
Evansville, Ind., VOR; Scotland, Ind., VOR; *2,300. *2,000—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

*Plain City INT, Ohio; **Clyde INT, Ohio; 3,000. *4,000—MRA. **5,000—MRA.
Clyde INT, Ohio; Appleton, Ohio, VOR; 3,000.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

College Station, Tex., VOR via W alter.; Gause INT, Tex., via W alter.; *2,500. *1,800—MOCA.
Gause INT, Tex., via W alter.; Barclay INT, Tex., via W alter.; *2,500. *1,900—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Fisherville INT, Tenn.; Jacks Creek, Tenn., VOR; *2,300. *1,900—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended by adding:

Memphis, Tenn., VOR via N alter.; Stanton INT, Tenn., via N alter.; *2,000. *1,700—MOCA.
Stanton INT, Tenn., via N alter.; Jacks Creek, Tenn., VOR via N alter.; *2,000. *1,800—MOCA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Nunn INT, Colo.; Cheyenne, Wyo., VOR; 8,000.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Mormon Mesa, Nev., VOR; Beryl DME Fix, Utah; 9,800.
Beryl DME Fix, Utah; Milford, Utah, VOR; 10,000.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Pulaski, Va., VOR; Zenith INT, W. Va.; 8,000.
Zenith INT, W. Va.; *Frankford INT, W. Va.; 8,000. *8,000—MRA.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

Augusta, Maine, VOR; Bangor, Maine, VOR; *3,000. *2,700—MOCA.
Bangor, Maine, VOR; Millinocket, Maine, VOR; *2,400. *1,700—MOCA.

Section 95.6055 *VOR Federal airway 55* is amended to read in part:

Dayton, Ohio, VOR; Cory INT, Ohio; 2,800.
Cory INT, Ohio; Fort Wayne, Ind., VOR; *2,600. *2,200—MOCA.

From, to, and MEA

Section 95.6067 *VOR Federal airway 67* is amended to read in part:

Mason City, Iowa, VOR via W alter.; Oakland INT, Minn., via W alter.; 3,000.
Oakland INT, Minn., via W alter.; Rochester, Minn., VOR via W alter.; *3,000. *2,700—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Harrison, Ark., VOR; Reeds INT, Mo.; *3,100. *2,500—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Youngstown, Ohio, VOR; Hadley INT, Pa.; 3,000.
Hadley INT, Pa.; Tidioute, Pa., VOR; 3,500.

Section 95.6089 *VOR Federal airway 89* is amended to read in part:

Nunn INT, Colo., Cheyenne, Wyo., VOR; 8,000.
Gill, Colo., VOR via E alter.; Carpenter INT, Wyo., via E alter.; 7,900.
Carpenter INT, Wyo., via E alter.; Cheyenne, Wyo., VOR via E alter.; 8,000.
Cheyenne, Wyo., VOR; Little Horse INT, Wyo.; 8,000.
Cheyenne, Wyo., VOR via E alter.; Divide INT, Wyo., via E alter.; 8,000.
Divide INT, Wyo., via E alter.; Albin INT, Wyo., via E alter.; 7,900.

Section 95.6103 *VOR Federal airway 103* is amended to read in part:

Covington INT, Va.; *Natural Well INT, Va.; 5,500. *6,000—MRA.

Section 95.6116 *VOR Federal airway 118* is amended to read in part:

Silver Crown INT, Wyo.; Cheyenne, Wyo., VOR; 8,800.

Section 95.6132 *VOR Federal airway 132* is amended to read in part:

Cheyenne, Wyo., VOR; Carpenter INT, Wyo.; 8,000.

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

Wheeler INT, Mich.; *Lake City INT, Mich.; **3,000. *4,000—MRA. **2,500—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to delete:

Dyersburg, Tenn., VOR via S alter.; *Humboldt INT, Tenn., via S alter.; 2,100. *4,000—MRA.
Humboldt INT, Tenn., via S alter.; Graham, Tenn., VOR via S alter.; *4,000. *2,500—MOCA.
Graham, Tenn., VOR via S alter.; Nashville, Tenn., VOR via S alter.; 3,000.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Dyersburg, Tenn., VOR; Burns INT, Tenn.; *3,000. *2,200—MOCA.

Section 95.6207 *VOR Federal airway 207* is amended to read in part:

Gill, Colo., VOR; Pine Bluffs INT, Wyo., 7,400.
Pine Bluffs INT, Wyo.; Scottsbluff, Nebr., VOR; 7,000.

From, to, and MEA

Section 95.6221 *VOR Federal airway 221* is amended to read in part:

Salem, Mich., VOR; Dyke INT, Mich.; 2,800.

Section 95.6253 *VOR Federal airway 253* is amended to read in part:

*Provo, Utah, VOR; **Stansbury INT, Utah; 12,000. *10,500—MCA Provo VOR, northwestbound. **11,000—MCA Stansbury INT, southeastbound.
Stansbury INT, Utah; Bonneville, Utah, VOR; 9,000.

Section 95.6266 *VOR Federal airway 266* is amended to read in part:

Franklin, Va., VOR; Norfolk, Va., VOR; 2,000.

Section 95.6290 *VOR Federal airway 290* is amended to read in part:

Rainelle, W. Va., VOR; *Frankford INT, W. Va.; 6,000. *8,000—MRA.
Frankford INT, W. Va.; *Natural Well INT, Va.; 6,000. *6,000—MRA.
Natural Well INT, Va.; Montebello, Va., VOR; 6,000.

Section 95.6293 *VOR Federal airway 293* is amended by adding:

Mormon Mesa, Nev., VOR; Beryl DME Fix, Utah; 9,800.
Beryl DME Fix, Utah; Wilson Creek, Nev., VOR; 11,300.
Wilson Creek, Nev., VOR; Ely, Nev., VOR; 12,000.
*Elko, Nev., VOR; Twin Falls, Idaho, VOR; 10,600. *12,000—MCA Elko VOR, southbound.

Section 95.6293 *VOR Federal airway 293* is amended to read in part:

Twin Falls, Idaho, VOR; *Gooding INT, Idaho; 6,000. *9,000—MCA Gooding INT, northwestbound.
Gooding INT, Idaho; Hill City INT, Idaho; southbound; 9,200. Northbound; 11,500.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

Honolulu, Hawaii, VOR via S alter.; Ono INT, Hawaii, via S alter., northwestbound; 4,000. Southeastbound; 2,000.
Ono INT, Hawaii, via S alter.; Pansy INT, Hawaii, via S alter.; 2,000.
Pansy INT, Hawaii, via S alter.; Sampan INT, Hawaii, via S alter.; *3,000. *1,000—MOCA.

Section 95.6409 *Hawaii VOR Federal airway 9* is amended to read in part:

Coral INT, Hawaii; Pineapple INT, Hawaii; *2,000. *1,000—MOCA.
Pineapple INT, Hawaii; Honolulu, Hawaii, VOR northbound; 4,000. Southbound; 2,000.

Section 95.6416 *Hawaii VOR Federal airway 16* is amended to read in part:

Honolulu, Hawaii, VOR; Pineapple INT, Hawaii northbound; 4,000. Southbound; 2,000.
Pineapple INT, Hawaii; *Southgate INT, Hawaii; 2,000. *3,000—MCA Southgate INT, eastbound.

From, to, and MEA

Section 95.6438 *VOR Federal airway 438* is amended to read in part:

*Big Lake, Alaska, VOR; Sunshine INT, Alaska; #7,500. *4,700—MCA Big Lake VOR, northbound.
Sunshine INT, Alaska; *Cantwell INT, Alaska; **#10,000. *12,000—MRA. **8,700—MOCA. #MEA is established with a gap in navigation signal coverage.

From, to, MEA, and MAA

Section 95.7071 *Jet route No. 71* is amended to read in part:

Memphis, Tenn., VORTAC; Centralia, Ill., VORTAC; 18,000; 45,000.

Section 95.7074 *Jet route No. 74* is amended to read in part:

Parker, Calif., VORTAC; St. Johns, Ariz., VORTAC; 21,000; 45,000.

Section 95.7082 *Jet route No. 82* is amended to read in part:

Fort Dodge, Iowa, VORTAC; Ward DME Fix, Ill.; 23,000; 45,000.
Ward DME Fix, Ill.; Joliet, Ill., VORTAC; 18,000; 45,000.

Section 95.7084 *Jet route No. 84* is amended to read in part:

Des Moines, Iowa, VORTAC; Ward DME Fix, Ill.; 23,000; 45,000.
Ward DME Fix, Ill.; Northbrook, Ill., VORTAC; 18,000; 45,000.

Section 95.7094 *Jet route No. 94* is amended to read in part:

Fort Dodge, Iowa, VORTAC; Ward DME Fix, Ill.; 23,000; 45,000.
Ward DME Fix, Ill.; Northbrook, Ill., VORTAC; 18,000; 45,000.

2. By amending Sub-part D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From; to—Changeover point: Distance; from

V–37 is amended to read in part:

Pulaski, Va., VOR; Elkins, W. Va., VOR; 45; Pulaski.

V–290 is amended to delete:

Rainelle, W. Va., VOR; Montebello, Va., VOR; 35; Rainelle.

V–293 is amended by adding:

Elko, Nev., VOR; Twin Falls, Idaho, VOR; 66; Elko.

V–307 is amended to delete:

Biorka Island, Alaska, VOR; Sisters Island, Alaska, VOR; 41; Biorka Island.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on April 12, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-4340; Filed, Apr. 20, 1967; 8:45 a.m.]

[Reg. Docket No. 8091; Amdt. 532]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bowie Int	LOM	Direct	2000	T-dn	300–1	300–1	200–½
Baltimore VOR	LOM	Direct	2000	C-dn	500–1	500–1	500–1½
Dayton Int	LOM	Direct	2000	S-dn-10	400–1	400–1	400–1
Clarksville Int	LOM (final)	Direct	1400	A-dn	800–2	800–2	800–2

Radar available.
Procedure turn S side of crs, 282° Outbnd, 102° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 102°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing BA LOM, climb to 2000′ on 102° crs from LOM within 10 miles, proceed to Bodkin Int.
Hold E BAL VOR R 105°, 1-minute left turns.
CAUTION: 340′ tower, 2.2 miles S of airport.
MSA within 25 miles of facility: 000°–090°—2400′; 090°–180°—1900′; 180°–270°—2100′; 270°–360°—2200′.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146′; Fac. Class., LOM; Ident., BA; Procedure No. NDB (ADF) Runway 10, Amdt. 12; Eff. date, 13 May 67; Sup. Amdt. No. ADF 1, Amdt. 11; Dated, 4 Dec. 65

CID VOR	LOM	Direct	2000	T-dn	300–1	300–1	200–½
IOW VOR	LOM	Direct	2500	C-dn	400–1	500–1	500–1½
Watkins Int	LOM (final)	Direct	1900	S-dn-8	400–1	400–1	400–1
Belle Plaine Int	Watkins Int	Direct	2500	A-dn	800–2	800–2	800–2
Vinton Int	LOM	Direct	2700				
Lisbon Int	LOM	Direct	2500				
Solon Int	LOM	Direct	2400				
Guernsey Int	LOM	Direct	2500				

Radar available.
Procedure turn S side of crs, 265° Outbnd, 085° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs 1900′.
Crs and distance, facility to airport, 085°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing LOM, climb to 2500′ on crs, 085° within 10 miles, or when directed by ATC, make right-climbing turn to 2000′ and proceed to LOM.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–270°—2300′; 270°–360°—4000′.

City, Cedar Rapids; State, Iowa; Airport name, Cedar Rapids Municipal; Elev., 863′; Fac. Class., LOM; Ident., CI; Procedure No. NDB (ADF) Runway 8, Amdt. 2; Eff. date, 13 May 67; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 5 Dec. 64

CAE VOR	LOM	Direct	1900	T-dn	300–1	300–1	200–½
White Rock Int	LOM	Direct	2000	C-dn	600–1	600–1	600–1½
Lexington Int	LOM (final)	Direct	1900	S-dn-10°	600–1	600–1	600–1
Blythewood Int	LOM	Direct	1900	A-dn	800–2	800–2	800–2
Steedman Int	LOM	Direct	1900				

Procedure turn S side of crs, 287° Outbnd, 107° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 107°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing CA LOM, climb to 1900′ on the 107° crs from the CA LOM within 10 miles, or when directed by ATC, climb to 1900′ on CAE VOR R 306° within 20 miles.
°Reduction not authorized.
MSA within 25 miles of facility: 000°–090°—2900′; 090°–180°—1800′; 180°–270°—1900′; 270°–360°—2100′.

City, Columbia; State, S.C.; Airport name, Columbia Metropolitan; Elev., 236′; Fac. Class., LOM; Ident., CA; Procedure No. NDB (ADF) Runway 10, Amdt. 13; Eff. date, 13 May 67; Sup. Amdt. No. ADF 1, Amdt. 12; Dated, 8 Oct. 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Johnson City Int	JCY RBn	Direct	3100	T-dn	300–1	300–1	200–½
Fredericksburg Int	JCY RBn	Direct	3100	C-dn	900–1	900–1	900–1½
				A-dn	NA	NA	NA

Procedure turn E side of crs, 166° Outbnd, 346° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 346°—2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing JCY RBn, turn right, climb to 4000′ on 350° crs from JCY RBn. Then proceed to SAT VOR R 353° via the Austin, Tex., VOR R 260° thence to Johnson City Int via SAT VOR R 353°, maintain 4000′, hold N of Johnson City Int in 1-minute right-hand pattern.
NOTES: (1) Air carrier use not authorized. (2) Use Austin altimeter setting when Johnson City tower not in service. (3) 700-foot ceiling authorized when using Johnson City altimeter setting. (4) REIL serves Runway 35.
CAUTION: 1915′ tower, 0.3 mile W of north end of runway.
MSA within 25 miles of facility: 000°–090°—3200′; 090°–180°—3000′; 180°–270°—3300′; 270°–360°—3300′.

City, Johnson City; State, Tex.; Airport name, Johnson City; Elev., 1515′; Fac. Class., MH; Ident., JCY; Procedure No. NDB (ADF) Runway 35, Amdt. 7; Eff. date, 13 May 67; Sup. Amdt. No. NDB (ADF) Runway 35, Amdt. 6; Dated, 4 Mar. 67

Oklahoma City VOR	TWO RBn	Direct	3000	T-dn	300–1	300–1	200–½
Oklahoma City LOM	TWO RBn	Direct	3000	C-dn	400–1	500–1	500–1½
Bethany Int	TWO RBn (final)	Direct	2300	S-dn-17R	400–1	400–1	400–1
Cashion Int	TWO RBn	Direct	3000	S-dn-17L	400–1	400–1	400–1
Edmond Int	TWO RBn (final)	Direct	2300	A-dn	800–2	800–2	800–2

Radar available.
Procedure turn W side crs, 351° Outbnd, 171° Inbnd, 3000′ within 10 miles.
Minimum altitude over TWO RBn on final approach crs, 2300′.
Crs and distance, facility to Runway 17R, 171°—4 miles; to Runway 17L, 160°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles (Runway 17R), or 4.1 miles (Runway 17L) after passing TWO RBn, climb to 2600′ on 171° crs from TWO RBn within 20 miles, or when directed by ATC, turn right, climb to 2500′ direct to OKC VOR.
MSA within 25 miles of facility: 000°–090°—3800′; 090°–180°—2900′; 180°–270°—2600′; 270°–360°—2600′.

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1284′; Fac. Class., MHW; Ident., TWO; Procedure No. NDB (ADF) Runway 17 L/R, Amdt. 11; Eff. date, 13 May 67; Sup. Amdt. No. ADF 2, Amdt. 10; Dated, 10 Apr. 65

OKC VOR	LOM	Direct	2600	T-dn	300–1	300–1	200–½
Bethany Int	LOM	Direct	2600	C-dn	400–1	500–1	500–1½
Cashion Int	TWO RBn	Direct	3000	S-dn-35L	400–1	400–1	400–1
TWO RBn	LOM	Direct	2600	S-dn-35R	400–1	400–1	400–1
Newcastle Int	LOM (final)	Direct	2400	A-dn	800–2	800–2	800–2

Radar available.
Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2600′ within 10 miles.
Minimum altitude over LOM inbnd final, 2400′.
Crs and distance, facility to Runway 35L, 351°—3.8 miles; to Runway 35R, 002°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles (Runway 35L), or 4.3 miles (Runway 35R) after passing LOM, climb to 3000′ on 351° crs within 15 miles, or when directed by ATC, turn left, climb to 2500′ direct to the OKC VOR.
MSA within 25 miles of facility: 315°–045°—3800′; 045°–135°—2900′; 135°–315°—2600′.

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1284′; Fac. Class., LOM; Ident., OK; Procedure No. NDB (ADF) Runways 35L/R, Amdt. 15; Eff. Date, 13 May 67; Sup. Amdt. No. ADF 1, Amdt. 14; Dated, 26 Nov. 66

SUX VOR	JKN RBn	Direct	2800	T-dn	300–1	300–1	°200–½
Jefferson Int	JKN RBn	Direct	2800	C-dn	600–1	600–1	600–1½
Hubbard Int	JKN RBn	Direct	2800	S-dn-13	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 127°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing JKN RBn, climb to 2800′ on 127° magnetic bearing from JKN RBn within 10 miles.
NOTE: For northbound and northeastbound departures when weather is below 2400–2, flight below 2900′ beyond 4 miles from airport and flight below 3800′ beyond 8 miles from airport is prohibited between R 332° and R 025° inclusive of the SUX VOR. Restrictions are due to 2420′ tower, 6½ miles NE and 3369′ tower, 12 miles NE of airport.
°300–1 required for all takeoffs on Runway 4, due to 1318′ terrain, 1.4 miles ENE of airport.
MSA within 25 miles of facility: 090°–090°—4400′; 090°–270°—2000′; 270°–360°—2700′.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097′; Fac. Class., MHW; Ident., JXN; Procedure No. NDB (ADF) Runway 13, Amdt. 6; Eff. date, 13 May 67; Sup. Amdt. No. ADF 2, Amdt. 5; Dated, 22 May 65

SUX VOR	LOM	Direct	2600	T-dn	300–1	300–1	°200–½
				C-dn	600–1	600–1	600–1½
				S-dn-31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 127° Outbnd, 307° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 307°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, climb to 2600′ on 307° magnetic bearing from LOM within 10 miles, or when directed by ATC, turn left and climb to 3700′ on R 266° of SUX VOR within 10 miles.
NOTE: For northbound and northeastbound departures when weather is below 2400–2 flight below 2900′ beyond 4 miles from airport and flight below 3900′ beyond 8 miles from airport is prohibited between R 332° and R 025° inclusive of the SUX VOR. Restrictions are due to 2420′ tower, 6½ miles NE and 3369′ tower, 12 miles NE of airport.
°300–1 required for all takeoffs on Runway 4, due to 1318′ terrain, 1.4 miles ENE of airport.
MSA within 25 miles of facility: 270°–090°—4400′; 090°–270°—2700′.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097′; Fac. Class., LOM; Ident., SU; Procedure No. NDB (ADF) Runway 31, Amdt. 13; Eff. date, 13 May 67; Sup. Amdt. No. ADF1, Amdt. 12; Dated, 7 Jan. 67

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Herndon VOR	GTN RBn	Direct	3000	T-dn	300-1	300-1	200-½
Unity Int	GTN RBn	Direct	3000	C-dn*	900-1	900-1	900-1½
Ironsides Int	GTN RBn	Direct	3000	S-dn-15°¢	900-1	900-1	900-1
DC RBn	GTN RBn	Direct	3000	A-dn	1000-2	1000-2	1000-2

Radar available.
Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 144°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing GTN RBn, climb to 1000′ on crs of 144°, make a right turn and proceed to DC RBn 1800′, hold S DC RBn on bearing 181° Outbnd, 001° Inbnd, 1-minute left turns.
CAUTION: 889′ monument, 1.6 miles N of airport.
¢Reduction not authorized.
*All turbojet aircraft 900-2.
MSA within 25 miles of facility: 270°-080°—2500′; 090°-270°—1700′.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15′; Fac. Class., MHW; Ident., GTN; Procedure No. NDB (ADF) Runway 15, Amdt. 3; Eff. date, 13 May 67; Sup. Amdt. No. ADF2, Amdt. 2; Dated, 11 June 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CSG VOR	LSF VOR	Direct	2000	T-dn	300-1	300-1	300-1
LGC VOR	LSF VOR	Direct	2000	C-dn	600-1	600-1	600-1½
EUF VOR	LSF VOR	Direct	2000	S-dn-32¢	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn not authorized. Enter VOR final approach from holding pattern or radar vectors.
Minimum altitude over Richland Int, 2000′; over Norma Int, 1500′.
Facility on airport, Norma Int to airport, 4.3 miles, via LSF VOR R 137°.
Crs and distance, breakoff point to runway, 323°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles of Norma Int or over LSF VOR turn left climb to 2000′ on LSF VOR R 207° within 15 miles.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: Jump towers 560′, 1½ miles NE; R-3002 E and SE of Lawson AAF.
¢400-¾ authorized with operative ALS, except for 4-engine turbojets. Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°-090°—1800′; 090°-180°—3300′; 180°-270°—1500′; 270°-360°—2200′.

City, Fort Benning; State, Ga.; Airport name, Lawson AAF; Elev., 232′; Fac. Class., T-VOR; Ident., LSF; Procedure No. VOR Runway 32, Amdt. Orig.; Eff. date, 13 May 67

Armstrong Int	Lasara Int	Direct	2000	T-dn	800-1	800-1	200-½
McAllen VOR	Lasara Int	Direct	1600	C-dn	400-1	800-1	800-1½
Lasara Int	Lyford Int	Direct	1600	S-dn-17	400-1	400-1	400-1
Lyford Int	HRL VOR (final)	Direct	1100	A-dn*	NA	NA	NA

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 148°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing HRL VOR, climb to 1600′ on R 148°, HRL VOR, then turn left, proceed direct to HRL VOR, maintain 1600′ on HRL VOR R 328° within 20 miles.
NOTE: Weather service not available to general public.
*AIR CARRIER NOTE: 800-2 authorized for carriers having approval of their arrangements for weather service at this airport.
CAUTION: 853′ TV tower, 4.5 miles and 1049′ TV tower, 5.5 miles SW of airport.
MSA within 25 miles of facility: 090°-270°—2100′; 270°-090°—1500′.

City, Harlingen; State, Tex.; Airport name, Harlingen Municipal (Harvey-Richards Field); Elev., 43′; Fac. Class., L-BVOR; Ident., HRL; Procedure No. VOR Runway 13, Amdt. 3; Eff. date, 13 May 67; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 1 Dec. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-d	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				S-d-17	600-1	600-1	600-1
				A-d	NA	NA	NA
				DME minimums:			
				S-d-17	400-1	400-1	400-1
				C-d	400-1	500-1	500-1½

Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′; over 7-mile DME Fix, R 185°, 1200′.
Crs and distance, facility to airport, 185°—10.4 miles; 7-mile DME Fix to airport, 185°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.4 miles after passing ACT VORTAC, turn right, climb to 2000′ on heading 300°, intercept ACT R 245° and proceed outbnd within 20 miles or when directed by ATC turn right, climb to 2000′, proceed direct to ACT VORTAC.
NOTE: Use FSS, Waco, Tex., altimeter setting.
MSA within 25 miles of facility: 000°-090°—2100′; 090°-180°—2800′; 180°-270°—2500′; 270°-360°—1800′.

City, McGregor; State, Tex.; Airport name, McGregor Municipal; Elev., 575′; Fac. Class., H-BVORTAC; Ident., ACT; Procedure No. VOR Runway 17, Amdt. Orig.; Eff. date, 13 May 67

				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn-19¢	700-1	700-1	700-1
				A-dn	NA	NA	NA
				DME minimums:			
				C-dn	600-1	600-1	600-1½
				S-dn-19¢	600-1	600-1	600-1

Radar available.
Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′; at 2.5-miles DME Fix, 1234′.
Crs and distance, facility to breakoff point, 179°—4.2 miles; breakoff point to runway, 187°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing PQI VOR, make right-climbing turn to 2500′ direct to PQI VOR. Hold N of PQI VOR, 1-minute right turns, 179° inbnd.
NOTES: (1) Use Loring altimeter setting. (2) Final approach from a holding pattern not authorized, procedure turn required.
¢Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—3500′; 090°-180°—3500′; 180°-270°—2700′; 270°-360°—2900′.

City, Presque Isle; State, Maine; Airport name, Presque Isle Municipal; Elev., 534′; Fac. Class., H-BVORTAC; Ident., PQI; Procedure No. VOR Runway 19, Amdt. 3; Eff. date, 13 May 67; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 17 Dec. 66

R 070°, SUX VOR clockwise	R 132°, SUX VOR	Via 10-mile DME Arc.	3000	T-dn	300-1	300-1	*200-½
				C-dn	500-1	600-1	800-1½
R 238°, SUX VOR counterclockwise	R 132°, SUX VOR	Via 10-mile DME Arc.	3000	S-dn-31¢	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
10-mile DME Fix, R 132°, SUX VOR	SUX VOR	Direct	2100				

Procedure turn E side of crs, 132° Outbnd, 312° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 312°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing SUX VOR, climb to 2600′ on R 331° within 10 miles.
NOTE: For northbound and northeastbound departures when weather is below 2400–2 flight below 2900′ beyond 4 miles from airport and flight below 3900′ beyond 8 miles from airport is prohibited between R 332° and R 025° inclusive of the SUX VOR. Restrictions are due to 2420′ tower, 6½ miles NE and 3369′ tower, 12 miles NE of airport.
*300–1 required for all takeoffs on Runway 4, due to 1318′ terrain, 1.4 miles ENE of airport.
¢400–¾ authorized with operative HIRL except for 4-engine turbojets.
€400–½ authorized with operative ALS except for 4-engine turbojets.
MSA within 25 miles of facility: 270°-090°—4400′; 090°-270°—2700′.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097′; Fac. Class., L-BVORTAC; Ident., SUX; Procedure No. VOR Runway 31, Amdt. 13; Eff. date, 13 May 67; Sup. Amdt. No. VOR-1, Amdt. 12; Dated, 10 July 65

Radar vectoring required to R 320° XNA	Georgetown Fix		1800	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn			
				A-dn	800-2	800-2	800-2

Radar required.
Procedure turn not authorized. Inbnd crs, 140°.
Minimum altitude over facility on final approach crs, cross Georgetown Fix 1800′ R 320° (140° Inbnd) 715′ over facility.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished 0 mile of XNA VOR, climb to 1000′ on crs, 140°, make right turn, proceed to DC RBn at 1800′. Hold S 181° Outbnd, 001° Inbnd, 1-minute left turns.
NOTES: (1) Reduction not authorized. (2) All turbojet aircraft 700–2.
CAUTION: Washington Monument 596′, 1.6 miles N of airport.
MSA within 25 miles of facility: 090°-270°—1700′; 270°-090°—2500′.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15′; Fac. Class., VOR/DME; Ident., XNA; Procedure No. VOR-1, Amdt. 1; Eff. date, 13 May 67; Sup. Amdt. No. VOR-1, Orig.; Dated, 8 Apr. 67

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Millinocket VOR	Saddleback DME	Direct	3400	T-dn	300–1	300–1	200–½
Houlton VOR	Saddleback DME	Direct	3400	C-dn	600–1	600–1	600–1½
Saddleback DME	Maple DME Fix, R 181°	Direct	2500	S-dn-18*	600–1	600–1	600–1
Maple DME Fix, R 181°	10-mile DME Fix, R 181°	Direct	1800	A-dn	NA	NA	NA
10-mile DME Fix, R 181°	9-mile DME Fix, R 181° (final)	Direct	1500				
Presque Isle VOR	Maple DME	Direct	2800				

Radar available.
Procedure turn not authorized.
Minimum altitude over Maple DME Fix R 181° on final approach crs, 2500'; over 10-mile DME Fix, 1800'; over 9-mile DME Fix, 1500'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6 DME miles from PQI VOR, climb straight ahead to 2500' direct to PQI VOR. Hold N of PQI VOR, 1-minute right turns, 179° inbnd.
NOTE: Use Loring altimeter setting.
*Reduction not authorized.
MSA within 25 miles of facility: 000°–090°—3500'; 090°–180°—3500'; 180°–270°—2700'; 270°–360°—2800'.

City, Presque Isle; State, Maine; Airport name, Presque Isle Municipal; Elev., 534'; Fac. Class., H-BVORTAC; Ident., PQI; Procedure No. VOR/DME Runway 1, Amdt. 3; Eff. date, 13 May 67; Sup. Amdt. No. VOR/DME, Amdt. 2; Dated, 30 July 66

SUX VOR	8.5-mile DME Fix, R 311°	Direct	2800	T-dn	300–1	300–1	*200–½
R 266°, SUX VOR clockwise	R 311°, SUX VOR	Via 18-mile DME Arc.	3100	C-dn	500–1	500–1	500–1½
R 346°, SUX VOR counterclockwise	R 311°, SUX VOR	Via 18-mile DME Arc.	3100	S-dn-13§	500–1	500–1	500–1
18-mile DME Fix, R 311°	8.5-mile DME Fix, R-311° (final)	Direct	2100	A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 311° Outbnd, 131° Inbnd, 2600' between 8.5- and 18.5-mile DME Fix, R 311°.
Minimum altitude over 8.5-mile DME Fix, R 311° on final approach crs, 2100'.
Crs and distance, 8.5-mile DME Fix, R 311° to airport, 131°—8.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5.1-mile DME Fix, R 311°, climb to 2800' on R 131° within 10 miles of VOR.
NOTES: (1) Final approach from holding pattern at 8.5-mile DME Fix, R 311° not authorized. Procedure turn required. (2) For northbound and northeastbound departures when weather is below 2400–2, flight below 2600' beyond 4 miles from airport and flight below 3900' beyond 8 miles from airport is prohibited between R 332° and R 028° inclusive of the SUX VOR. Restrictions are due to 2420' tower, 6½ miles NE and 3360' tower, 12 miles NE of airport.
*300–1 required for all takeoffs on Runway 4, due to 1318' terrain, 1.4 miles ENE of airport.
§500–½ authorised with operative REIL or HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 270°–090°—4400'; 090°–270°—2700'.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097'; Fac. Class., L-BVORTAC; Ident., SUX; Procedure No. VOR/DME Runway 13, Amdt. 5; Eff. date, 13 May 67; Sup. Amdt. No. VOR/DME 2, Amdt. 4; Dated, 22 May 65

R 196°, XNA VOR/DME clockwise	R 326°, XNA VOR/DME	Via 10-mile Arc	3000	LDIN via river	1100–2	1100–2	1100–2
R 022°, XNA VOR/DME counterclockwise	R 326°, XNA VOR/DME	Via 10-mile Arc	3000				

Radar available.
Procedure turn not authorized. Final approach crs, 146° Inbnd, from 10-mile DME Fix.
Minimum altitude over 10-mile DME Fix, 3000'; 6-mile DME Fix, 1800'; 4-mile DME Fix, 1200'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing XNA VOR, climb to 1800' on crs, 146°, make right turn and proceed to DC RBn at 1800'. Hold S on 181° Outbnd, 001° Inbnd, 1-minute left turns.
NOTE: When visual contact established, arrival aircraft will visually follow the Potomac River to the airport.
MSA within 25 miles of facility: 270°–090°—2500'; 090°–270°—1700'.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., VOR/DME; Ident., XNA; Procedure No. VOR/DME–3, Amdt. 2; Eff. date, 13 May 67; Sup. Amdt. No. VOR/DME 3, Amdt. 1; Dated, 8 Apr. 67

R 196°, XNA VOR/DME clockwise	R 312°, XNA VOR/DME	Via 10-mile Arc	3000	T-dn	300–1	300–1	200–½
R 022°, XNA VOR/DME counterclockwise	R 312°, XNA VOR/DME	Via 10-mile Arc	3000	C-dn§	700–1	700–1	700–1½
				S-dn-15°§	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn not authorized. Final approach 132° Inbnd from the 10-mile DME Fix.
Minimum altitude over 10-mile DME Fix on final approach crs, 3000'; 7-mile DME Fix, 2100'; 5-mile DME Fix, 1500'; 3-mile DME Fix, 900'; over facility, 715'.
Breakoff point to runway, 150'—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing XNA VOR, climb to 1000' on crs, 132°, make right turn and proceed to DC RBn climbing to 1800'. Hold S 181° Outbnd, 001° Inbnd, 1-minute left turns.
CAUTION: (1) Washington Monument 596', 1.6 miles N of airport. (2) 400' antenna, 2.8 miles NW of airport.
*Reduction not authorized.
§All turbojet aircraft 700–2.
MSA within 25 miles of facility: 270°–090°—2500'; 090°–270°—1700'.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., VOR/DME; Ident., XNA; Procedure No. VOR/DME Runway 15, Amdt. 1; Eff. date, 13 May 67; Sup. Amdt. No. VOR/DME Runway 15, Orig.; Dated, 2 Mar. 67

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
R 196°, XNA VOR/DME clockwise	R 332°, XNA VOR/DME	Via 10-mile arc	3000	T-dn	300–1	300–1	200–½
R 022°, XNA VOR/DME counterclockwise	R 332°, XNA VOR/DME	Via 10-mile arc	3000	C-dn§	700–1	700–1	700–2
				S-dn-18§*	700–1	700–1	700–2
				A-dn	1000–2	1000–2	1000–2

Radar available.
Procedure turn not authorized. Inbnd crs, 152°.
Minimum altitude over 10-mile DME Fix on final approach crs, 3000'; 7-mile DME Fix, 2100'; 5-mile DME Fix, 1500'; 3-mile DME Fix, 900'; 715' over facility.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of XNA VOR, climb to 1000' on crs of 152°, make right turn and proceed to DC RBn at 1800'. Hold S 181° Outbnd, 001° Inbnd, 1-minute left turns.
CAUTION: Washington Monument 596', 1.6 miles N of airport.
*Reduction not authorized.
§All turbojet aircraft 700–2.
MSA within 25 miles of facility: 270°–090°—2500'; 090°–270°—1700'.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., VOR/DME; Ident., XNA; Procedure No. VOR/DME Runway 18, Amdt. 2; Eff. date, 13 May 67; Sup. Amdt. No. VOR/DME Runway 18; Dated, 8 Apr. 67

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Bowie Int	LOM	Direct	2000	T-dn***	300–1	300–1	200–½
Baltimore VOR	LOM	Direct	2000	C-dn	500–1	500–1	500–1½
Dayton Int	LOM	Direct	2000	S-dn-10**	200–½	200–½	200–½
Clarksville Int	LOM (final)	Direct	1500	A-dn	600–2	600–2	600–2
				With Glide Slope Inoperative:			
				S-dn-10°	400–¾	400–¾	400–¾

Radar available.
Procedure turn S side of crs, 282° Outbnd, 102° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope intercept inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1423'—3.8 miles; at MM, 380'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000' on back crs of ILS, proceed to Bodkin Int, Hold E R 106°, 1-minute left turns.
NOTE: Glide slope unusable below 346'.
CAUTION NOTE: Tower 340', 2.2 miles S of field.
***RVR 2400' authorized Runway 10.
**RVR 2400'. Descent below 346' not authorized unless approach lights are visible.
*400–½ authorized, with operative ALS, except for 4-engine turbojets.
MSA within 25 miles of LOM: 000°–090°—2400'; 090°–180°—1900'; 180°–270°—2100'; 270°–360°—2200'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., ILS; Ident., I-BAL; Procedure No. ILS Runway 10, Amdt. 16; Eff.date, 13 May 67; Sup. Amdt. No. ILS–10, Amdt. 15; Dated, 4 Dec. 65

CID VOR	LOM	Direct	2000	T-dn*	300–1	300–1	200–½
IOW VOR	LOM	Direct	2500	C-dn	400–1	500–1	500–1½
Watkins Int	LOM (final) via localizer crs	Direct	1900	S-dn-6§§	200–½	200–½	200–½
Belle Plaine Int	Watkins Int	Direct	2500	A-dn	600–2	600–2	600–2
Vinton Int	LOM	Direct	2700				
Lisbon Int	LOM	Direct	2500				
Solon Int	LOM	Direct	2400				
Guernsey Int	LOM	Direct	2500				
R 155°, CID VOR clockwise	R 265°, CID VOR	Via 9-mile DME Arc, CID 253°, lead rad.	2500				
R 321°, CID VOR counterclockwise	R 265°, CID VOR	Via 9-mile DME Arc, CID 278°, lead rad.	2500				
9-mile DME Fix CID R 265°	OM (final)	Via CID Loc	1900				

Radar available.
Procedure turn S side of crs, 265° Outbnd, 085° Inbnd, 2000' within 10 miles.
Minimum altitude a glide slope intercept inbnd, 1900'.
Altitude of glide slope and distance to approach end of runway at OM, 1638'—3.5 miles; at MM, 1047'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500' on 085° bearing from LOM within 10 miles, or when directed by ATC, make right climbing turn to 2000' and proceed to LOM.
NOTE: Glide slope unusable below 1047'.
CAUTION: Back crs unusable.
*RVR 2400' Runway 8.
§400–¾ required when glide slope not utilized, and 400–½ authorized with operative ALS, except for 4-engine turbojets.
§§RVR 2400'. Descent below 1062' not authorized unless approach lights are visible.
MSA within 25 miles of LOM: 000°–090°—3000'; 090°–270°—2200'; 270°–360°—4000'.

City, Cedar Rapids; State, Iowa; Airport name, Cedar Rapids Municipal; Elev., 863'; Fac. Class., ILS; Ident., I-CID; Procedure No. ILS Runway 8, Amdt. 5; Eff. date, 13 May 67; Sup. Amdt. No. ILS–8, Amdt. 4; Dated, 8 Dec. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CAE VOR	LOM	Direct	1900	T–dn#9	300–1	300–1	200–½
White Rock Int	LOM	Direct	2000	C–dn	500–1	500–1	500–1½
Lexington Int	LOM (final)	Direct	1900	S–dn–10@*	200–½	200–½	200–½
Blythewood Int	LOM	Direct	1900	A–dn	600–2	600–2	600–2
Steedman Int	LOM	Direct	1900				

Procedure turn S side of crs 287° Outbnd, 107° Inbnd, 1900′ within 10 miles.
Minimum altitude at glide slope intercept inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM, 1720′—5.5 miles; at MM, 420′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM climb to 1900′ on 107° crs from CA LOM within 10 miles, or when directed by ATC, climb to 1900′ on CAE VOR R 006° within 20 miles.
NOTE: Back crs unusable.
@RVR 2400′ authorized Runway 10.
*500–¾ (RVR 4000′) when glide slope not utilized.
#RVR 2400′. Descent below 436′ not authorized unless approach lights are visible.

City, Columbia; State, S.C.; Airport name, Columbia Metropolitan; Elev., 236′; Fac. Class., ILS; Ident., I–CAE; Procedure No. 1LS Runway 10, Amdt. 3; Eff. date, 13 May 67; Sup. Amdt. No. ILS–10, Amdt. 2; Dated, 8 Oct. 66

Oklahoma City VOR	TWO RBn	Direct	3000	T–dn	300–1	300–1	200–½
Oklahoma City LOM	TWO RBn	Direct	3000	C–dn	400–1	400–1	400–1½
Cashion Int	TWO RBn	Direct	3000	S–dn–17R*	300–1	300–1	300–1
Bethany Int	TWO RBn (final)	Direct	2300	A–dn	800–2	800–2	800–2
Edmond Int	TWO RBn (final)	Direct	2300				

Radar available.
Procedure turn W side crs, 351° Outbnd, 171° Inbnd, 3000′ within 10 miles.
No glide slope.
Minimum altitude over TWO RBn on final approach crs, 2300′.
Crs and distance, TWO RBn to runway 17R, 171°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing TWO RBn, climb to 2600′ on 8 crs ILS within 20 miles, or on crs 171° from TWO RBn within 20 miles, or when directed by ATC, make immediate right turn, climb to 2500′ and proceed direct to OKC–VOR.
*300–¾ authorized with HIRL, except for 4-engine turbojets.

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1284′; Fac. Class., ILS; Ident., I–OKC; Procedure No. LOC (BC) Runway 17R, Amdt. 12; Eff. date, 13 May 67; Sup. Amdt. No. 1LS 17 (Back Course), Amdt. 11; Dated, 30 Oct. 66

OKC VOR	LOM	Direct	2600	T–dn	300–1	300–1	*200–½
Bethany Int	LOM	Direct	2600	C–dn	400–1	500–1	500–1½
Cashion Int	TWO RBn	Direct	3000	S–dn–35L@	200–½	200–½	200–½
TWO RBn	LOM	Direct	2600	A–dn	600–2	600–2	600–2
Newcastle Int	LOM (final)	Direct	2400				

Radar available.
Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2600′ within 10 miles.
Minimum altitude at glide slope intercept inbnd, 2400′.
Altitude of glide slope and distance to approach end of runway at OM, 2337′—3.8 miles; at MM, 1466′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 3000′ on N crs ILS within 20 miles, or when directed by ATC, turn left, climb to 2500′ direct to the OKC VOR.
*RVR 2400′ authorized Runway 35L.
#RVR 2400′. Descent below 1484′ not authorized unless approach lights are visible.
@300–½ (RVR 2400) authorized without glide slope and with operative ALS except for 4-engine turbojets.
MSA within 25 miles of facility: 315°–045°—3800′; 045°–135°—2900′; 135°–315°—2600′.

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1284′; Fac. Class., ILS; Ident., I–OKC; Procedure No. ILS Runway 35L, Amdt. 13; Eff. date, 13 May 67; Sup. Amdt. No. ILS–35L, Amdt. 12; Dated, 26 Nov. 66

SUX VOR	JKN RBn	Direct	2600	T–dn	300–1	300–1	*200–½
Jefferson Int	JKN RBn	Direct	2600	C–dn	500–1	600–1	600–1½
Hubbard Int	JKN RBn	Direct	2900	S–dn–13@	500–1	500–1	500–1
R 286°, SUX VOR clockwise	R 308°, SUX VOR	Via 19-mile DME arc.	3100	A–dn	800–2	800–2	800–2
R 346°, SUX VOR counterclockwise	R 308°, SUX VOR	Via 19-mile DME arc.	3160				
19-mile DME Fix, R 308°	JKN RBn (final)	Direct	2300				

Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2600′ within 10 miles.
Minimum altitude over JKN RBn on final approach, 2300′.
Crs and distance, JKN RBn to approach end of runway, 127°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing JKN RBn, climb to 2600′ on SE crs of ILS within 10 miles.
NOTE: For northbound and northeastbound departures when weather is below 2400–2 flight below 2900′ beyond 4 miles from airport and flight below 3000′ beyond 8 miles from airport is prohibited between R 332° and R 025° inclusive of the SUX VOR. Restrictions are due to 2420′ tower, 6½ miles NE and 3360′ tower, 12 miles NE of airport.
@600–¾ authorized with operative REIL or HIRL, except for 4-engine turbojets.
*300–1 required for all takeoffs on Runway 4, due to 1318′ terrain, 1.4 miles ENE of airport.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097′; Fac. Class., ILS; Ident., I–SUX; Procedure No. LOC(BC) Runway 13, Amdt. 6; Eff. date, 13 May 67; Sup. Amdt. No. ILS–13 (back crs), Amdt. 5; Dated, 22 May 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SUX VOR	LOM	Direct	2600	T–dn*	300–1	300–1	%200–½
R 070°, SUX VOR clockwise	R 125°, SUX VOR	Via 10-mile DME Arc.	3000	C–dn	500–1	600–1	600–1½
R 238°, SUX VOR counterclockwise	R 125°, SUX VOR	Via 10-mile DME Arc.	3000	S–dn–31¾	200–½	200–½	200–½
10-mile DME Fix, R 125°, SUX VOR	OM (final)	Via SUX LOC	2600	A–dn	600–2	600–2	600–2

Procedure turn E side of crs, 127° Outbnd, 307° Inbnd, 2600′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2575′—5.3 miles at MM, 1287′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, climb to 2600′ on NW crs ILS within 10 miles or, when directed by ATC, turn left and climb to 3700′ on R 266° of SUX VOR within 10 miles.
NOTE: For northbound and northeastbound departures when weather is below 2400–2, flight below 2900′ beyond 4 miles from airport and flight below 3000′ beyond 8 miles from airport is prohibited between R 332° and R 025° inclusive of the SUX VOR. Restrictions are due to 2420′ tower, 6½ miles NE and 3360′ tower, 12 miles NE of airport.
$300–¾ required when glide slope not utilized and 800–½ authorized with operative ALS except for 4-engine turbojets.
%300–1 required for all takeoffs on Runway 4, due to 1318′ terrain, 1.4 miles ENE of airport.
*RVR 2400′ authorized Runway 31.
†RVR 2400′. Descent below 1297′ not authorized unless approach lights are visible.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097′; Fac. Class., ILS; Ident., I–SUX; Procedure No. ILS Runway 31, Amdt. 13; Eff. date, 13 May 67; Sup. Amdt. No. ILS–31, Amdt. 12; Dated, 7 Jan. 67

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
000°	360°	Within 25 miles	2900*	Surveillance approach			
				T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–35L@%, 17L, 17R	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 35L and 35R—Turn left, climb to 2500′ direct to OKC VORTAC. Runways 17L and 17R—climb to 2000′, direct LOM and track on crs 171° from LOM within 15 miles; or when directed by ATC, turn right, climb to 2500′, direct to OKC VORTAC.
*All bearings and distances from radar site. Radar control will provide 1000′ vertical clearance within 3-mile radius of TV towers, 2749′, 9 miles NW.
@400–½ authorized, with operative ALS, except for 4-engine turbojets.
%600–¾ authorized, with operative HIRL, except for 4-engine turbojets.

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1284′; Fac. Class and Ident., Oklahoma City Radar; Procedure No. 1, Amdt. 6; Eff. date, 13 May 67; Sup. Amdt. No. 1, Amdt. 6; Dated, 13 Apr. 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775))

Issued in Washington, D.C., on April 6, 1967.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 67–4068; Filed, Apr. 20, 1967; 8:45 a.m.]

SUBCHAPTER G—AIR CARRIER AND COMMERCIAL OPERATOR CERTIFICATION AND OPERATIONS

[Docket Nos. 7271 and 7765; Amdt. 121–27]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Duration of Supplemental Air Carrier Operating Certificates

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to delete the present provision that a supplemental air carrier operating certificate is effective for one year. This amendment was proposed in Notice No. 66–41, that was issued as a notice of proposed rule making and published in the FEDERAL REGISTER on November 26, 1966 (31 F.R. 14956).

The FAA is adopting the amendment proposed in Notice No. 66–41 for the reasons stated therein. As stated in the notice, the Civil Aeronautics Board first required supplemental (then irregular) air carriers to annually renew their operating certificates in 1950 because "experience has shown that operators who satisfactorily show their ability to perform air carrier operations safely at the time of original issuance of an operating certificate often fail to maintain the necessary facilities and personnel thereafter." During the past several years, the overall level of safety in supplemental air carrier operations has increased substantially, and these air carriers now must comply with operating rules that are essentially the same as those applicable to the scheduled air carriers. The minor differences between these rules reflect differences in the kinds of opera-

tions, not differences in the required levels of safety. The FAA believes that the annual expiration and renewal of supplemental air carrier operating certificates is no longer necessary, since the continuous inspection of supplemental air carrier operations enables the FAA to determine whether or not a supplemental air carrier is maintaining the required level of safety. The Civil Aeronautics Board recently recognized the improved status of certain supplemental air carriers by issuing them certificates of public convenience and necessity of indefinite, rather than temporary, duration (Order of Mar. 11, 1966, CAB Docket 13795).

Almost all of the comments received in response to Notice No. 66-41 supported the proposal. One comment supporting the proposal also recommended the deletion of the annual renewal requirement for holders of commercial operator operating certificates. This recommendation is not reflected here, since it is beyond the scope of the notice and disposing of it in this rule-making action would deprive interested persons of the opportunity to make their views known. Another comment supporting the proposal points out that § 121.47(a) should also be amended to delete the reference to renewal of supplemental air carrier operating certificates. This comment is accepted, and § 121.45(a) is also amended to provide that only a commercial operator operating certificate contains a termination date.

The only comment opposing the proposal stated that some supplemental air carriers still need periodic review and renewal of their certificates, that this encourages their stricter adherence to high standards, and that this undoubtedly has contributed to their safety record. FAA inspections of supplemental air carrier operations are no less rigorous than inspections of scheduled air carrier operations. These inspections enable the FAA to determine that each supplemental air carrier is conducting its operations in compliance with the regulations and is maintaining the required level of safety in its overall operations. The FAA does not believe that deleting the annual expiration and renewal provision will adversely affect the high standards or safety record of supplemental air carriers. Nor will the deletion of this provision impair the FAA's ability to initiate appropriate action if a particular supplemental air carrier fails to comply with the applicable regulations or to maintain the required level of safety in its operations. The FAA has concluded that the record of safety and dependability of supplemental air carriers in recent years fully justifies the adoption of the proposed rule.

Interested persons have been given an opportunity to participate in the making of this amendment, and due consideration has been given to all comments received.

In consideration of the foregoing, effective May 21, 1967, Part 121 of the Federal Aviation Regulations is amended as follows:

1. Section 121.45(a) is amended by striking out the words "and the date it terminates" in subparagraph (3) thereof, and by adding the following new subparagraph (4) at the end thereof:

§ 121.45 Contents of certificate and operations specifications.

(a) * * *

(4) The date it terminates in a commercial operator operating certificate.

* * * * * *

2. Section 121.47(a) is amended to read as follows:

§ 121.47 Application for supplemental air carrier and commercial operator certificates.

(a) Each applicant for the original issue of a supplemental air carrier operating certificate or for the original issue or renewal of a commercial operator operating certificate must submit his application in a form and manner prescribed by the Administrator to the FAA Air Carrier District Office in whose area the applicant proposes to establish or has established his principal operations base. Each applicant must submit his application at least 60 days before the date of intended operations (in the case of an original application) or before the date the certificate terminates (in the case of a renewal application).

* * * * * *

3. Section 121.53(a) is amended to read as follows:

§ 121.53 Duration of certificate.

(a) A supplemental air carrier operating certificate issued under this subpart is effective until termination of the certificate of public convenience and necessity or other economic authority issued by the Civil Aeronautics Board to the air carrier or until it is surrendered or the Administrator suspends, revokes, or otherwise terminates it. A commercial operator operating certificate issued under this subpart is effective for 1 year unless the Administrator sooner suspends, revokes, or otherwise terminates it.

* * * * * *

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on April 14, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-4399; Filed, Apr. 20, 1967; 8:46 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1240—INVENTIONS AND CONTRIBUTIONS

Subpart 1—Awards for Scientific and Technical Contributions

Subpart 1 is revised in its entirety as follows:

Sec.
1240.100 Scope.
1240.101 Criteria.
1240.102 Applications for awards.
1240.103 Evaluation of contributions.
1240.104 Hearing procedure.
1240.105 Recommendation to the Administrator.
1240.106 Release.

AUTHORITY: The provisions of this Subpart 1 issued under the authority of 42 U.S.C. 2457 and 2458.

§ 1240.100 Scope.

This Subpart 1 prescribes procedures for the granting of monetary awards by the Administrator of the National Aeronautics and Space Administration for scientific and technical contributions having significant value in the conduct of aeronautical and space activities. This subpart applies to any scientific or technical contribution having significant value in the conduct of aeronautical and space activities for which an application for award has been made.

§ 1240.101 Criteria.

(a) Only those contributions to the Administration having significant value in the conduct of aeronautical and space activities will be recommended for award under this Subpart 1.

(b) In determining the terms and conditions of any award, the following criteria will be considered:

(1) The value of the contribution to the United States;

(2) The aggregate amount of any sums which have been expended by the applicant for the development of such contribution;

(3) The amount of any compensation (other than salary received for services rendered as an officer or employee of the Government) previously received by the applicant for or on account of the use of such contributions by the United States; and

(4) Such other factors as the Administrator shall determine to be material.

§ 1240.102 Applications for awards.

(a) *Eligibility.* Applications for award may be submitted by any person including any individual, partnership, corporation, association, institution, or other entity.

(b) *Information Required.* Applications for award should be addressed to the Inventions and Contributions Board (herein referred to as the Board), National Aeronautics and Space Administration, Washington, D.C., and shall contain:

(1) The name and address of the applicant, his relationship to the contributor if the contribution is made by one other than the applicant, and the names and addresses of any others having an interest in the contribution;

(2) A complete written description of the contribution, in the English language, accompanied by drawings, sketches, diagrams, or photographs illustrating the nature of the contribution and the technical and scientific principles upon which it is based, and any available test or performance data or observations of pertinent scientific phenomena;

(3) The date and manner of any previous submittal of the contribution to any other U.S. Government agency, and the name of such agency;

(4) The aggregate amount of any sums which have been expended by the applicant for the development of the contribution;

(5) The nature and extent of any known use of the contribution by the United States and by any agency of the U.S. Government;

(6) The amount of any compensation (other than salary received for services rendered as an officer or employee of the Government) previously received by the applicant for or on account of the use of such contribution by the United States; and

(7) Identification of any United States and foreign patents applied for or issued relating to the contribution.

(c) *General.* (1) Each contribution should be made the subject of a separate application in order that each may be evaluated individually.

(2) Material constituting a possible hazard to safety or requiring unusual storage facilities should not be submitted, and will not be accepted. In those few cases where models or other intricate exhibits have been submitted pursuant to a request made by the Board the same will be returned to the applicant upon his written request.

(3) It is the policy of the Board to use or disclose information contained in applications for evaluation purposes only. Applications submitted with restrictive legends or statements differing from this policy shall be treated in accordance with the Board's policy.

§ 1240.103 Evaluation of contributions.

(a) The Board will evaluate the contribution on the basis of the material submitted by the applicant.

(b) With respect to each application, the Board will notify the applicant:

(1) In cases where it proposes to recommend to the Administrator the granting of an award, the amount and terms of the award, together with a statement of the reasons for such recommendation;

(2) In cases where it does not propose to recommend to the Administrator the granting of an award, a brief statement of the reasons for such decision; and

(3) That he may, within such period as the Board may set but in no event less than 30 days from notification, request either reconsideration or an oral hearing.

(c) If the applicant requests a hearing within the time set, the Board will set a place and date for such hearing and notify the applicant.

§ 1240.104 Hearing procedure.

Hearings held by the Board shall be in accordance with the following procedures:

(a) The applicant may be represented by attorneys or any other appropriately designated persons.

(b) Hearings will be open to the public unless the applicant requests that a closed hearing be held.

(c) Hearings may be held before the full membership of the Board or before any panel of Board members designated by the Chairman.

(d) Hearings shall be conducted in an informal manner with the objective of providing the applicant with a full opportunity to present evidence and arguments in support of the application. Evidence may be presented through means of such witnesses, exhibits, and visual aids as are arranged for by the applicant. While proceedings will be ex parte, members of the Board, and its counsel may address questions to witnesses called by the applicant, and the Board may, at its option, utilize the assistance of technical advisors or other experts.

(e) Subject to the provisions of § 1240.102(c)(2), the applicant will submit a copy of any exhibit or visual aid utilized unless otherwise directed by the Board. The Board may, at its discretion, arrange for a written transcript of the proceedings and a copy of such transcript will be made available by the recorder for purchase by the applicant.

(f) No funds are available to defray traveling expenses or any other cost to the applicant.

§ 1240.105 Recommendation to the Administrator.

Upon a determination by the Board that a contribution merits an award, the Board will recommend to the Administrator the terms and conditions of the award proposed. The recommendations of the Board to the Administrator will reflect the views of the majority of the Board members. Dissenting views may be transmitted with the majority opinion.

§ 1240.106 Release.

Under subsection 306(b)(1) of the National Aeronautics and Space Act of 1958, no award will be made to an applicant unless he submits a duly executed release, in a form specified by the Administrator, of all claims he may have to receive any compensation (other than the award recommended) from the U.S. Government for use of his contribution or any element thereof by or on behalf of the United States or any foreign government pursuant to any existing or future treaty or agreement with the United States.

Effective date: The provisions of this Subpart 1 are effective April 11, 1967.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 67-4406; Filed, Apr. 20, 1967; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

PART 01—STATEMENT OF PROCEDURES

Subpart A—Federal Employees' Compensation Act

Pursuant to the authority contained in 5 U.S.C. 8124, 8128, 8145, 8149; Reorganization Plan No. 19 of 1950 (64 Stat. 1271, 15 F.R. 3178); and General Order No. 46 (Revised) (24 F.R. 8472), I hereby revise Subpart A of 20 CFR Part 01 to read as set forth below.

As Subpart A of 20 CFR Part 01 relates only to public benefits, the provisions of 5 U.S.C. 553 concerning notice of proposed rule making, public participation therein, and delayed effectiveness of substantive rules, do not apply. I do not believe that such procedure and delay will serve a useful purpose here. Accordingly, the amendment shall be effective on publication in the FEDERAL REGISTER.

The revised Subpart A of 20 CFR Part 01 reads as follows:

Sec.
01.1 Processing of claims.
01.2 Review by the Bureau.
01.3 Review by Employees' Compensation Appeals Board.
01.4 Request for a hearing.
01.5 Time and place of hearing; prehearing conference.
01.6 Conduct of hearing.
01.7 Termination of hearing; decision; review of decision.
01.8 Withdrawal of request for hearing; abandonment.

AUTHORITY: The provisions of this Subpart A issued under 80 Stat. 545, 553, 555; 5 U.S.C. 8124, 8128, 8145, 8149. 80 Stat. 2552 Reorganization Plan No. 19 of 1950, 64 Stat. 1271; 15 F.R. 3178. General Order No. 46 (Revised), 24 F.R. 3472.

§ 01.1 Processing of claims.

Claims for compensation for disability and death are processed by claims examiners of the Bureau of Employees' Compensation, U.S. Department of Labor, whose duty it is to apply the law to the facts as reported, received, or obtained upon investigation. The Federal Employees' Compensation Act, as amended, requires determination of a claim, with findings of fact and a decision for or against the payment of compensation, upon consideration of the claim presented by the claimant, the report by his immediate superior, and the completion of such investigation as the Bureau may deem necessary. There is no required procedure for the production of evidence, and evidence in written form is accepted. The final authority in the Bureau in the determination of a claim is vested in the Director or Acting Director of the Bureau. The decision shall contain findings of fact and a statement of reasons. A copy of the decision, together with information as to the right to a hearing, to a review, and to an appeal to the Employees' Compensation Appeals Board, shall be mailed to the claimant at his last known address.

§ 01.2 Review by the Bureau.

An award for or against the payment of compensation may be reviewed by the Bureau at any time, on its own motion or on application of the claimant. No formal application for review is required, but a written request for review, stating reasons why the decision should be changed, is necessary to invoke action. Such request shall be made to the Director, Bureau of Employees' Compensation, U.S. Department of Labor, Washington, D.C. 20211.

§ 01.3 Review by Employees' Compensation Appeals Board.

Final decisions of the Bureau are subject to review by the Employees' Compensation Appeals Board, U.S. Department of Labor, under the rules of procedure set forth in Part 501 of this title.

§ 01.4 Request for a hearing.

Prior to any review under § 01.2, any claimant for compensation not satisfied with a decision of the Bureau shall, upon written request made within 30 days after the date of issuance of such decision, be afforded an opportunity for a hearing before a Bureau representative designated by the Director or Acting Director of the Bureau. The request for hearing shall be made to the Director, Bureau of Employees' Compensation, Department of Labor, Washington, D.C. 20211. At such hearing, the claimant shall be afforded an opportunity to present evidence in further support of his claim.

§ 01.5 Time and place of hearing; prehearing conference.

The Bureau representative shall set the time and place of the hearing, and shall mail written notice thereof to the claimant at least 10 days prior to the hearing. The hearing will, when practicable, be set at a time and place convenient for the claimant. The Bureau representative may, and when so requested by the claimant shall, afford the claimant a prehearing conference to clarify the issues in his claim and, when necessary, shall postpone the hearing for this purpose. Request for such conference may be made to the Bureau representative orally or in writing.

§ 01.6 Conduct of hearing.

In conducting the hearing, the Bureau representative shall not be bound by common law or statutory rules of evidence, by technical or formal rules of procedure, or by section 5 of the Administrative Procedure Act, but may conduct the hearing in such manner as to best ascertain the rights of the claimant. For this purpose he shall receive such relevant evidence as may be adduced by the claimant and shall, in addition, receive such other evidence as he may determine to be necessary or useful in evaluating the claim. Evidence may be presented orally or in the form of written statements and exhibits. The hearing shall be recorded, and the original of the complete transcript shall be made a part of the claims record.

§ 01.7 Termination of hearing; decision; review of decision.

The Bureau representative shall fix the time within which he will receive evidence, and shall terminate the hearing by mailing a copy of his tentative decision, setting forth the basis therefor, to the claimant at his last known address. Such tentative decision shall become the final decision unless revised within 30 days. A copy of any revision of the tentative decision, setting forth the basis therefor, shall be mailed to the claimant at his last known address within such 30-day period. The provisions for review in §§ 01.2 and 01.3 are applicable to such final decision.

§ 01.8 Withdrawal of request for hearing; abandonment.

A claimant may withdraw his request for a hearing at any time prior to the mailing of the decision, by written notice to the Bureau representative so stating, or by orally so stating at the hearing. A claimant shall be deemed to have abandoned his request for a hearing if he fails to appear at the time and place set for the hearing and does not, within 10 days after the time set for the hearing, show good cause for such failure to appear.

Signed at Washington, D.C., this 14th day of April 1967.

THOMAS A. TINSLEY,
Director,
Bureau of Employees' Compensation.

[F.R. Doc. 67-4416; Filed, Apr. 20, 1967; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-102]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Steel Units for Electrical Transmission Towers From Italy

Information was received in proper form pursuant to the provisions of § 16.24(b) of the Custom Regulations (19 CFR 16.24(b)) alleging that certain rebates or refunds granted by the Government of Italy on the exportation from Italy of galvanized fabricated structural steel units for the erection of electrical transmission towers constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the units to which the refunds apply.

An investigation was conducted pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

After consideration of all information received, the Bureau is satisfied that exports of such steel units for electrical transmission towers from Italy receive bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that galvanized fabricated structural steel units for the erection of electrical transmission towers imported directly or indirectly from Italy (except any such importations which are free of duty under the Tariff Act of 1930, as amended), if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, will be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of such bounty or grant under the information presently available has been ascertained and determined, or estimated, and such net amount is hereby declared to be 13.67 lire per kilo of the product. Effective on the 31st day after the date of publication of this notice in the FEDERAL REGISTER, and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable galvanized fabricated structural steel units for the erection of electrical transmission towers imported directly or indirectly from Italy, which benefit from such bounties or grants there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

The table in § 16.24(f) of the Customs Regulations (19 CFR 16.24(f)) is amended by inserting after the last entry for Ireland the word "Italy" in the column headed "Country," the words "Galvanized fabricated structural steel units for the erection of electrical transmission towers" in the column headed "Commodity," the number of this Treasury decision in the column headed "Treasury Decision," and the words "Bounties declared—Rate" in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: April 17, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-4418; Filed, Apr. 20, 1967; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

MISCELLANEOUS AMENDMENTS

1. In §§ 9-7.5006-9, *Allowable costs and fixed fee (CPFF operating and construction contracts)*; 9-7.5006-10, *Allowable costs and fixed fee (supply contracts and research and development contracts with concerns other than educational institutions)*; and 9-7.5006-12, *Allowable costs and fixed fee (Architect-Engineer Contracts)*, paragraphs (b) and (c) are revised to read as follows:

§ 9-7.5006-9 Allowable costs and fixed fee (CPFF operating and construction contracts).

* * * * *

(b) *Fixed fee.* The fixed fee payable to the contractor for the performance of the work under this contract is $_____. There shall be no adjustment in the amount of the contractor's fixed fee by reason of differences between any estimate of cost for performance of the work under this contract and the actual cost for performance of that work. (NOTE: This provision may be appropriately changed to cover situations where the fee is for a period of time, or different fees are allowed for various phases of the work.)

(c) *Allowable cost.* The allowable cost of performing the work under this contract shall be the costs and expenses that are actually incurred by the contractor in the performance of the contract work in accordance with its terms, that are necessary or incident thereto, and are determined to be allowable pursuant to this paragraph (c). The determination of the allowability of cost hereunder shall be based on: (1) Reasonableness, including the exercise of prudent business judgment, (2) consistent application of generally accepted accounting principles and practices that result in equitable charges to the contract work, and (3) recognition of all exclusions and limitations set forth in this clause or elsewhere in this contract as to types or amounts of items of cost. Allowable cost shall not include cost of any item described as unallowable in paragraph (e) of this clause, except as indicated therein. Failure to mention an item of cost specifically in paragraph (d) or paragraph (e) shall not imply either that it is allowable or that it is unallowable.

* * * * *

§ 9-7.5006-10 Allowable costs and fixed fee (supply contracts and research and development contracts with concerns other than educational institutions).

* * * * *

(b) *Fixed fee.* The fixed fee payable to the contractor for the performance of the work under this contract is $_____. There shall be no adjustment in the amount of the contractor's fixed fee by reason of differences between any estimate of cost for performance of the work under this contract and the actual cost for performance of that work.

NOTE: This provision may appropriately be changed to cover situations where the fee is for a period of time, or different fees are allowed for various phases of the work.

(c) *Allowable cost.* The allowable cost of performing the work under this contract shall be the costs and expenses that are actually incurred by the contractor, are applicable and properly chargeable, either as directly incident or as allocable through appropriate distribution or apportionment, to the performance of the contract work in accordance with its terms and are determined to be allowable pursuant to this paragraph (c). The determination of the allowability of cost hereunder shall be based on: (1) Reasonableness, including the exercise of prudent business judgment, (2) consistent application of generally accepting accounting principles and practices that result in equitable charges to the contract work, and (3) recognition of all exclusions and limitations set forth in this clause or elsewhere in this contract as to types or amounts of items of cost. Allowable cost shall not include cost of any item described as unallowable in paragraph (e) of this clause, except as indicated therein. Failure to mention an item of cost specifically in paragraph (d) or paragraph (e) shall not imply either that it is allowable or that it is unallowable.

* * * * *

§ 9-7.5006-12 Allowable costs and fixed fee (Architect-Engineer Contracts).

* * * * *

(b) *Fixed fee.* The fixed fee payable to the contractor for the performance of the work under this contract is $_____. There shall be no adjustment in the amount of the contractor's fixed fee by reason of differences between any estimate of cost for performance of the work under this contract and the actual cost for performance of that work.

NOTE: This provision may appropriately be changed to cover situations where the fee is for a period of time, or different fees are allowed for various phases of the work.

(c) *Allowable cost.* The allowable cost of performing the work under this contract shall be the costs and expenses that are actually incurred by the contractor, are applicable and properly chargeable, either as directly incident or as allocable through appropriate distribution or apportionment, to the performance of the contract work in accordance with its terms and are determined to be allowable pursuant to this paragraph (c). The determination of the allowability of cost hereunder shall be based on: (1) Reasonableness, including the exercise of prudent business judgment, (2) consistent application of generally accepted accounting principles and practices that result in equitable charges to the contract work, and (3) recognition of all exclusions and limitations set forth in this clause or elsewhere in this contract as to types or amounts of items of cost. Allowable cost shall not include cost of any item described as unallowable in paragraph (e) of this clause, except as indicated therein. Failure to mention an item of cost specifically in paragraph (d) or paragraph (e) shall not imply either that it is allowable or that it is unallowable.

NOTE: This paragraph should be deleted and paragraph (c) of § 9-7.5006-9 inserted in lieu thereof for on-site architect-engineer contracts.

* * * * *

2. In § 9-7.5006-11, *Allowable costs (research and development contracts with educational institutions)*, paragraph (a) is revised to read as follows:

§ 9-7.5006-11 Allowable costs (research and development contracts with educational institutions).

(a) The Commission shall pay to the Contractor for performance of this contract the allowable direct costs incident to its performance plus the allocable portion of the allowable indirect costs of the Contractor, as determined in accordance with:

* * * * *

3. Sections 9-7.5006-14, -15, -16, -17, -18, -19, -20, -21, and -22 are revised to read as follows:

§ 9-7.5006-14 Obligation of funds, estimates of cost (other than operating contracts).

(a) *Obligation of funds.* The amount presently obligated by the Government with respect to the contract is _____ dollars ($_____). Such amount may be increased unilaterally by the Commission by written notice to the Contractor and may be increased or decreased by written agreement of the parties (whether or not by formal modification of this contract). Payments by the Government under this contract on account of allowable costs shall not in the aggregate exceed the amount obligated with respect to this contract, less the Contractor's fixed fee.

(b) *Notices—Contractor excused pending increase when obligation is reached.* Whenever the Contractor has reason to believe that the total cost of the work under this contract (exclusive of the Contractor's fixed fee) will be greater or substantially less than the presently estimated cost of the work, the Contractor shall promptly notify the Contracting Officer in writing. (In contracts which are fully obligated, substitute the words "amount obligated with respect to this contract" for the words "presently estimated cost of the work.") The Contractor shall also notify the Contracting Officer in writing when the aggregate of expenditures plus outstanding commitments and liabilities allowable under this contract, including the Contractor's fixed fee, is equal to ninety percent (90%) (or such other percentage as the Contracting Officer may from time to time establish by notice to the Contractor) of the amount then obligated with respect to this contract. When such expenditures and outstanding commitments and liabilities, including the Contractor's fixed fee, equal one hundred percent (100%) of such amount, the Contractor shall immediately notify the Contracting Officer and shall make no further commitments or expenditures (except to meet existing commitments and liabilities) and shall be excused from further performance of the work unless and until the Contracting Officer thereafter shall increase the amount obligated with respect to this contract.

(c) *Government's right to terminate not affected.* The giving of any notice by either party under this article shall not be construed to waive or impair any right of the Government to terminate the contract under the provisions of the article entitled "Termination."

(d) *Estimates of cost.* The presently estimated cost of the work under this contract is _____ dollars ($_____) exclusive of the Contractor's fixed fee.

NOTE A: The following sentence may be substituted for the second sentence of paragraph (b) above:

"The Contractor shall also notify the Contracting Officer in writing when the aggregate of expenditures plus outstanding commitments and liabilities allowable under this contract, including the Contractor's fixed fee, leaves available funds sufficient to continue contract performance for only _____ days (or such other period as the Contracting Officer may from time to time establish by notice to the Contractor)."

NOTE B: In contracts where revenues and receipts are anticipated and such revenues and receipts are to be available and used for payment of allowable costs, paragraphs (a) and (b) above should be changed with the approval of counsel to provide for such revenues and receipts in a manner similar to paragraphs (a) and (c), respectively, of 9-7.5006-15.

NOTE C: In certain types of contractual situations (e.g., multiperiod or multiphase contracts), it may be necessary to identify a controlling feature (e.g., period or phase) with its related estimated cost; in such event, changes may be made in paragraph (d) above to appropriately identify the controlling feature.

§ 9-7.5006-15 Obligation of funds (operating contracts).

(a) *Obligation of funds.* The amount presently obligated by the Government with respect to this contract is _____ dollars ($_____). Such amount may be increased unilaterally by the Commission by written notice to the Contractor and may be increased or decreased by written agreement of the parties (whether or not by formal modification of this contract). Estimated revenues and receipts from others for work

and services to be performed under this contract are not included in the amount obligated with respect to this contract. Such revenues and receipts, to the extent actually received by the Contractor, shall be available and used for the payment of allowable costs as provided in the article entitled "Payments and advances." Nothing in this paragraph (a) is to be construed as authorizing the Contractor to exceed limitations stated in financial plans established by the Commission and furnished to the Contractor from time to time under this contract.

(b) *Limitation on payment by the Government.* Except as otherwise provided in this contract and except for costs which may be incurred by the Contractor pursuant to the article entitled "Termination" or costs of claims allowable under the contract accruing after completion or termination and not released by the Contractor at the time of financial settlement of the contract in accordance with the article entitled "Payments and advances," payment by the Government under this contract on account of allowable costs shall not in the aggregate exceed the amount obligated with respect to this contract, less the Contractor's fixed fee. Unless expressly negated in this contract, payment on account of those costs excepted in the preceding sentence which are in excess of the amount obligated with respect to this contract shall be subject to the availability of (1) revenues and receipts deposited to the Government's account as provided in the article entitled "Payments and advances," and (2) other funds which the Commission may legally use for such purpose; *Provided*, The Commission will use its best efforts to obtain the appropriation of funds for this purpose if not otherwise available.

(c) *Notices—Contractor excused from further performance.* The Contractor shall notify the Commission in writing whenever the unexpended balance of funds (including revenues and receipts) available under paragraph (a) above, plus the Contractor's best estimate of revenues and receipts to be received during the ------ day period hereinafter specified, is in the Contractor's best judgment sufficient to continue contract operations at the programmed rate for ------ days and to cover the Contractor's unpaid fixed fee, and outstanding commitments and liabilities on account of costs allowable under the contract at the end of such period. Whenever the unexpended balance of funds (including revenues and receipts) available under paragraph (a) above, less the amount of the Contractor's fixed fee then earned but not paid, is in the Contractor's best judgment either sufficient only to liquidate outstanding commitments and liabilities on account of costs allowable under this contract or is equal to zero, the Contractor shall immediately notify the Commission and shall make no further commitments or expenditures (except to liquidate existing commitments and liabilities), and, unless the parties otherwise agree, the Contractor shall be excused from further performance (except such performance as may become necessary in connection with termination by the Government) and the performance of all work hereunder will be deemed to have been terminated for the convenience of the Government in accordance with the provisions of the article entitled "Termination."

(d) *Financial plans; cost and commitment limitations.* In addition to the limitations provided for elsewhere in this contract, the Commission may, through Financial Plans or other directives issued to the Contractor, establish controls on the costs to be incurred and commitments to be made in the performance of the contract work. Such plans and instructions may be amended or supplemented from time to time by the Commission. The Contractor hereby agrees to comply with the specific limitations (ceilings) on costs and commitments set forth in such plans and directives, to use its best efforts to comply with the other requirements of such plans and directives, and to promptly notify the Commission in writing whenever it has reason to believe the authorized financial levels of costs and commitments will be exceeded or substantially underrun.

NOTE: This paragraph (d) may be omitted in contracts which expressly or otherwise provide a contractual basis for equivalent controls in a separate article.

(e) *Government's right to terminate not affected.* The giving of any notice under this article shall not be construed to waive or impair any right of the Government to terminate the contract under the provisions of the article entitled "Termination."

§ 9–7.5006–16 [Reserved]

§ 9–7.5006–17 Patents contractor held harmless.

See AECPR 9–9.5010.

§ 9–7.5006–18 Patent indemnity.

See AECPR 9–9.5009.

§ 9–7.5006–19 Patent provisions Type A.

See AECPR 9–9.5003.

§ 9–7.5006–20 Patent provisions Type B.

See AECPR 9–9.5004.

§ 9–7.5006–21 Patent provisions Type C.

See AECPR 9–9.5005.

§ 9–7.5006–22 Patents—reporting of royalties.

See AECPR 9–9.5011.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 17th day of April 1967.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 67-4380; Filed, Apr. 20, 1967; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 166—FINANCIAL ASSISTANCE FOR ADULT EDUCATION PROGRAMS

The regulations in this part are applicable to the adult education programs authorized by the Adult Education Act of 1966. The adult education programs undertaken pursuant to the Act are subject to the provisions thereof and to the regulations issued by the Commissioner pursuant thereto. The regulations, published as Part 166 under Title 45 of the Code of Federal Regulations, are revised to read as set forth below.

The programs described in this part are subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88–352, 78 Stat. 252, 42 U.S.C. Ch. 21) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Accordingly, payments made pursuant to the regulations in this part are subject to the regulation in 45 CFR Part 80 issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964.

Subpart A—Definitions

Sec.
166.1 Definitions.

Subpart B—State Plan Purposes and Provisions
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166.13 State fiscal control and accounting procedures.
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166.27 Effective dates of State plan and amendments.
166.28 Condition precedent to receiving Federal funds.
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Subpart D—Grants for Special Experimental Demonstration Projects and for Teacher-Training Projects
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166.61 Special projects.
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166.75 Proration of costs.
166.76 Retention of records.
166.77 Disposition of equipment.
166.78 Reports.
166.79 Patents and copyrights.

AUTHORITY: The provisions of this Part 166 issued under sec. 310(c), P.L. 89–750, 80 Stat. 1220.

Subpart A—Definitions

§ 166.1 Definitions.

As used in this part:

(a) "Act" means the Adult Education Act of 1966 (Title III of P.L. 89–750, 80 Stat. 1191; 20 U.S.C. 1201–1213).

(b) "Adult" means any individual who has attained the age of 18 and is not currently enrolled in school.

(c) "Adult basic education" means education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

(d) "Adult education" means services or instruction below the college level (as determined by the Commissioner), for adults who—

(1) Do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and

(2) Are not currently enrolled in schools.

(e) "Commissioner" means the U.S. Commissioner of Education, Department of Health, Education, and Welfare.

(f) "Department" means the Department of Health, Education, and Welfare.

(g) "Fiscal year" means the period beginning on the first day of July and ending on the following June 30, and is designated by the calendar year in which the fiscal year ends.

(h) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools; except that if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

(i) "Private nonprofit agency" means an agency, organization or institution no part of whose net earnings may legally inure to the benefit of any private shareholder or individual.

(j) "Public agency" means an entity established by a State or a political subdivision thereof supported in whole or in part by public funds, and administered and controlled by publicly elected or appointed officials.

(k) "School or department of divinity" means an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion, to enter upon some other religious vocation, or to prepare them to teach theological subjects.

(l) "State" includes the District of Columbia, and (except for the purposes of section 305(a) of the Act) the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(m) "State educational agency" or "State agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools then such agency or officer may be designated for the purposes of the Act by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of the Act by the Governor.

Subpart B—State Plan Purposes and Provisions

§ 166.2 State plan purposes.

The purposes of the State plan are to set forth the manner and procedures under which the State will carry out the State program to encourage the establishment or expansion of basic educational programs for adults to enable them to overcome English language limitations, to improve their basic education in preparation for occupational training and more profitable employment, and to become more productive and responsible citizens, and to provide the basis on which Federal payments are made. Therefore, in order to participate in the program described in this subpart, a State must submit to the Commissioner a State plan which meets the requirements of this subpart applicable to such program.

§ 166.3 State agency.

The State plan shall give the official name of the State educational agency which will be the sole agency for administering the plan, and shall state the title of the official who is authorized to submit the plan and amendments thereto. The State plan shall provide that the State agency will administer the State plan.

§ 166.4 Custody of funds.

The State plan shall provide for the receipt by the State Treasurer (or, if there be no State Treasurer, the officer identified by title exercising similar functions for the State) and for the proper safeguarding of all Federal funds granted to the State under the Act. The State plan shall provide that all Federal funds so received shall be expended solely for the purposes for which granted and that any such funds not so expended, including funds lost or diverted to other purposes, shall be paid to the U.S. Office of Education.

§ 166.5 Organization.

The State plan shall describe, by chart or otherwise, the organization of the State agency, its unit functions, and the lines of authority between the State agency and agencies participating under the State plan in order to assure coordination of this and all other adult basic education programs within the State both in developing and carrying out the programs.

§ 166.6 Personnel.

The State plan shall contain a description of the minimum qualifications of all professional personnel of the State agency engaged in activities for which funds are used under the State plan. Such minimum qualifications shall contain standards of education and experience and other requirements in relation to the duties to be performed. If a merit system exists in the State, the plan shall describe the requirements of such system for such personnel.

§ 166.7 State and local advisory committees.

The State plan shall contain a statement of the policies and procedures to be used in establishing State and local advisory committees on adult basic education in order to improve reporting of State and local administration of programs and to assure that State plan programs are meeting the needs of the Community. The State plan shall indicate whether State and local advisory committees are existing groups or especially established for these purposes and the respective natures thereof.

§ 166.8 Program.

The State plan shall contain a statement of the policies, procedures, criteria, and priorities to be followed by the State agency in approving local educational agency programs which will assure substantial progress (with respect to all segments of the adult population and all areas of the State) in the establishment or expansion of adult basic education programs. Such criteria and priorities shall be designed to assure that first priority will be given to programs which

provide for instruction in speaking, reading, or writing the English language for persons functioning at the fifth grade level or below. Second priority will be given to such instruction for persons functioning above the fifth and through the eighth grade level.

§ 166.9 Program criteria.

In establishing such criteria, the State agency shall give consideration to factors such as the following:

(a) Whether and to what extent a program will serve adults in those geographic areas of the State which have high concentration of adults in need of basic education;

(b) Whether and to what extent a program will serve adults with the greatest basic education deficiencies which are impairing their ability to obtain employment and become more productive and responsible citizens;

(c) Whether and to what extent a program has been planned and/or will be conducted in cooperation with Community Action programs, Work Experience programs, VISTA, Work Study programs, Manpower Development and Training programs, Vocational Education programs, and other programs relating to the antipoverty effort (see § 166.11);

(d) Whether and to what extent a program will utilize qualified instructional staff, adequate facilities, equipment, materials, and guidance and counseling services;

(e) Whether and to what extent a program will provide health information and services to the extent available through cooperative arrangements with State health authorities;

(f) Whether and to what extent a program makes provision for effective recruiting of adults for enrollment;

(g) Whether and to what extent a program will provide for the use of personnel in college work study programs, VISTA, and other antipoverty programs;

(h) Whether and to what extent a program incorporates the results of research, or techniques which have been proven effective;

(i) Whether and to what extent a program incorporates innovative or imaginative instructional methods; and

(j) Whether and to what extent a program provides for effective administration and supervision by the local educational agency to assure efficient and economical operation.

§ 166.10 Cooperative arrangements between State educational agency and State health authority.

The State plan shall provide for cooperative arrangements between the State educational agency and the State health authority authorizing the use of such health information and services for adults as may be available from such agencies and as may reasonably be necessary to enable them to benefit from the instruction provided pursuant to the Act.

§ 166.11 Cooperation in antipoverty efforts.

The State plan shall set forth the policies and procedures which the State agency will follow prior to approving local educational agency programs, and special projects, teacher-training, or research grants to assure maximum cooperation of effort with Community Action programs, Work Experience programs, VISTA, Work Study, and other programs relating to the antipoverty effort and to ascertain that there is no unnecessary duplication of other programs offering adult basic education or teacher training for such programs.

§ 166.12 Special projects, teacher training and research.

The State plan shall describe the policies, procedures, criteria and priorities which the State agency will follow in making grants for adult basic education to public and private nonprofit agencies for special projects, teacher training and research. The State plan shall set forth the criteria and priorities it will use to assure that priority will be given to special projects, teacher training, and research programs related to speaking, reading, or writing the English language at the eighth grade level or below. The State plan shall state whether the State agency is prohibited under State law from making such grants to private nonprofit agencies and, if so, the basis for this determination.

§ 166.13 State fiscal control and accounting procedures.

(a) *General.* The State plan shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of funds paid to the State, including funds paid by the State to local educational agencies; funds paid by the State to public and private nonprofit agencies for special projects, teacher training, and research; and all matching funds. Such procedures shall be in accordance with applicable State laws and regulations which shall be cited in the plan. In addition, the State plan shall specify the particular accounting basis (cash, accrual, or obligation) to be used by the State agency and cite the authority under State and local laws, rules, and regulations for such basis. If the State or local agency utilizes other than a cash accounting basis, the State plan shall indicate the time period or other conditions governing the liquidation of obligations. Accounts and supporting documents relating to any adult basic education programs involving Federal financial participation shall be adequate to permit an accurate and expeditious audit of the program.

(b) *Audit of expenditures.* All expenditures claimed for Federal financial participation shall be audited either by the State, a State-authorized audit agency, or by an independent certified public accountant. The State plan shall indicate how the expenditures of local educational agencies and other agencies participating under the State plan will be audited; and, if the audit is to be carried out by other than the State or its authorized audit agency, how the State agency will secure such information.

§ 166.14 Disbursement of funds.

The State plan shall state whether funds are paid to participating agencies under the plan on the basis of either (a) a reimbursement for actual expenditures already made, (b) an advance prior to the expenditure of funds, or (c) both.

§ 166.15 Policies and procedures for State agency administrative review and evaluation.

The State plan shall contain a statement of the policies and procedures to be followed by the State agency in making periodic, systematic and objective administrative reviews and evaluations in order to evaluate the status and progress of the program in terms of the overall objectives stated in the plan.

§ 166.16 Reports.

The State plan shall provide that the State agency will make and submit to the Commissioner the reports described in § 166.47; and that the State agency will maintain records in support thereof as required under § 166.40.

§ 166.17 Amendment.

The State plan shall provide that it will be amended to reflect any material changes in the program provided for by such plan, any changes in pertinent State law, or any changes in the designation or organization of operations, policies, and methods of administration to be followed by the State agency; and that amendments will be submitted and certified in the same manner as the State plan.

§ 166.18 Certification of the State plan.

(a) *Certification by State agency.* The State plan and all amendments thereto shall include a certification by the officer of the State agency authorized to submit the State plan that the plan or amendment has been adopted by the State agency and that the plan, or plan as amended, will constitute the basis for operation and administration of the program in which there is Federal financial participation.

(b) *Certification by State Attorney General.* (1) The State plan and all amendments thereto shall include a certification by the State's Attorney General, or other official designated in accordance with State law to advise the State agency on legal matters, that all plan provisions and amendment thereto are consistent with State law. He shall further certify the official title of the officer authorized to submit the State plan; that the State agency named in the plan has authority under State law to submit the State plan; that the State Treasurer (or, if here be no State Treasurer, the officer identified by title exercising similar functions for the State) has authority under State law to receive, hold, and disburse Federal funds under the State plan.

(2) There shall be included as part of the plan copies of, or citations to, all pertinent laws and interpretations of laws by appropriate State officials or courts relevant to the State plan provisions. All such copies or citations shall be certified to be correct by the Attorney General or other appropriate State official.

Subpart C—Federal Financial Participation

§ 166.25 Federal payments to a State.

The Commissioner will determine the amount of each State's allotment in accordance with the provisions of section 305(a) of the Act. Payments will be made only after approval of the State plan and the submission of estimates and reports required under section 306(a) (6) of the Act and § 166.47 (a) and (b). Payments will be made in advance or by way of reimbursement, at such time or times and in such installments as the Commissioner may determine, after necessary adjustment on account of any previously made overpayment or underpayment.

§ 166.26 Approval of State plan.

The Commissioner shall approve a State plan which he determines complies with the applicable provisions of the Act and the regulations, and shall so notify the State agency. The Commissioner shall not finally disapprove a State plan or amendment thereto without first affording the State reasonable notice and opportunity for a hearing.

§ 166.27 Effective dates of State plan and amendments.

Federal financial participation is available only with respect to amounts expended under an approved State plan or amendments. Absent any contrary notification, the date on which the State plan or amendments thereto shall be considered to be in effect is the date of approval by the Commissioner, but in no event shall such effective date precede the date on which the State plan or amendment was received by the Commissioner. The State agency will be apprised of the effective date in the notice of approval sent to the State agency by the Commissioner.

§ 166.28 Condition precedent to receiving Federal funds.

Before a State may receive a payment from its allotment under section 304(b) of the Act, the Commissioner must find, pursuant to section 307(b) of the Act, that there will be available for expenditure by the State including its political subdivisions, for basic education for adults, from non-Federal sources during the fiscal year for which the allotment is made, an amount equal to not less than the total amount expended for such purposes from such sources during the preceding fiscal year. The information received under § 166.47 (a) and (b) shall serve as the basis of the Commissioner's finding.

§ 166.29 Limitations.

(a) No payment may be made from a State's allotment under the Act for any educational program, activity or service related to sectarian instruction or religious worship or any adult basic education program provided by a school or department of divinity, as defined in § 166.1(k). An institution which has a school, branch, department or other administrative unit within the definition of "school or department of divinity" is not precluded for that reason from participating in the program described in Subpart B of this part if the adult basic education program is not offered by that school, branch, department, or administrative unit and, as in all other cases, the adult basic education program is not related to sectarian instruction or religious worship.

(b) Adults enrolled in an adult basic education program conducted under Subpart B of this part may not be charged tuition, fees, or any other charges, or be required to purchase any books or any other materials.

§ 166.30 Allotment availability.

Federal allotments to a State under the Act are available with respect to eligible expenditures during the Federal fiscal year for which funds are allotted.

§ 166.31 Reallotments.

The amount of any State's allotment for any fiscal year under section 305(a) of the Act which the Commissioner determines will not be required during that fiscal year for carrying out that State's plan may be reallotted by the Commissioner on such dates during such year as he may fix, to other States for carrying out their plans in the same proportion as the original allotments were made for such purposes to such other States in the manner provided for in section 305(b) of the Act. Any amounts reallotted shall be determined by the Commissioner on the basis of (a) reports filed by the States of the amounts required to carry out the State plan and (b) such other information as he may have available. Any amounts reallotted shall be deemed part of the State's allotment for that fiscal year.

§ 166.32 Federal and State shares of eligible expenditures.

(a) *Federal share.* The Federal share of expenditures to carry out a State plan shall be paid from a State's allotment available for grants to such State; and, for the fiscal year ending June 30, 1967, and the succeeding fiscal year, the Federal share for each State shall be 90 per centum.

(b) *Limitation.* The expenditures which are to be considered in computing the amount of Federal financial participation under a State plan are only those which are made by the State or any participating agency in furtherance of the purpose of the Act and which do not inure to the personal benefit of any donor.

§ 166.33 State laws governing expenditures.

Federal financial participation under the State plan shall be available only for those eligible costs for which State or local funds are expended or authorized to be expended under applicable State and local laws, rules, regulations, and standards.

§ 166.34 Determination of fiscal year's allotment to which an expenditure is chargeable.

An expenditure made under the Act will be charged to that Federal fiscal year in which the expenditure was incurred. State and local laws and regulations shall determine when an expenditure by the State agency or participating entity is incurred.

§ 166.35 Disposition of equipment.

(a) Whenever items of equipment, each initially costing $100 or more, in which cost the Federal Government has participated are sold or no longer used for the purpose authorized by the Act, the Federal Government shall be credited with its proportionate share of the value of such equipment, the value being determined on the basis of the sale price in the case of a bona fide sale or on the fair market value in the case of discontinuance of use or diversion for other than State plan purpose.

(b) Inventories and records are required to be kept for all items of equipment referred to in paragraph (a) of this section. The State agency is responsible for having available in the State agency's office information sufficient for a determination of whether such equipment continues to be used for a purpose provided for under the Act.

§ 166.36 Proration of costs.

Federal financial participation is available only with respect to that portion of any eligible costs as defined in § 166.41 attributable to carrying out the provisions of an approved State plan. Prorated salaries and wages must be documented to show the time spent in carrying out the activities under the State plan and the percentage of time spent on each other activity. The State and all recipients of Federal funds under the State plan shall maintain records, documented on an after-the-fact basis, to substantiate the proration of expenditures for applicable items such as salaries, travel, rental, supplies, and equipment.

§ 166.37 Adjustments.

The State agency shall adjust its accounts, records, and reports to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from Federal or State administrative reviews and audits. Such adjustments shall be set forth in the State's financial reports filed with the Commissioner.

§ 166.38 Interest on Federal funds.

In the event that any interest is earned on Federal funds, such interest

earnings shall be refunded to the U.S. Office of Education. The State agency shall submit as a part of each annual financial report a statement showing the amount of interest earned on Federal funds by the State and participating agencies during that fiscal year.

§ 166.39 Fiscal audits.

Audit agencies representing the Department will audit the program records available at the State agency to determine whether the Federal program funds have been properly accounted for and administered. Audit reports of the participating agencies and State review and other control procedures will be evaluated to determine the adequacy of information upon which to base the audit findings. Only where the available information is deemed to be inadequate will the auditor arrange, through the State agency, to audit the records of the participating agencies.

§ 166.40 Retention of records.

(a) *General rule.* The State agency shall provide for keeping accessible and intact all records supporting claims for Federal grants or relating to the accountability of the State agency or any other agency participating under the plan for the expenditure of such grants, expenditure of matching funds, and records supporting maintenance of effort. Such records shall be kept (1) for 3 years after the close of the fiscal year in which the expenditure was liquidated, (2) until notification that such records are not needed for program administrative review, or (3) until notification of the completion of the Federal fiscal audit, whichever is the latest.

(b) *Questioned expenditures.* The records pertaining to any claim or expenditure which has been questioned at the time of audit shall be maintained until necessary adjustments have been reviewed and cleared by the Department of Health, Education, and Welfare.

§ 166.41 Eligible costs.

To the extent that they are reasonably necessary for and attributable to carrying out the State plan, the eligible costs may at the discretion of the State agency include the following:

(a) Salaries of the professional and clerical staff, including all amounts deducted or withheld as contributions to retirement, health, or other welfare benefit funds maintained for such staff;

(b) Employer's contribution to retirement, health, workmen's compensation, and other welfare funds maintained for employees. For employees of the State agency, the retirement fund contributions may be computed in conformity with State laws or regulations governing the State's share of such contribution;

(c) Fees and approved expenses of consultants and other persons or groups acting in an advisory capacity;

(d) Expenses connected with committees, workshops, and conferences;

(e) Travel expenses of staff and consultants thereto, in accordance with established appropriate State, local, or institutional travel regulations and limitations;

(f) Communications costs;

(g) Supplies, printing, and printed materials, including processed instructional films;

(h) Rental of, or, where economically justified, purchase of office and program equipment;

(i) Rental of space (including the cost of utilities and custodial services) if: The cost does not exceed comparable rental on a square foot basis in the particular locality for the period of occupancy; the expenditures represent an actual cost; and like charges are made to other agencies occupying similar space for similar purposes. Rental for space in any building to the extent constructed with funds obtained from the Federal Government or with funds expended for matching purposes under any Federal program is not an allowable cost beyond the cost of utilities and custodial services;

(j) Minor remodeling of space in publicly owned buildings to the extent that such costs are not included in rental; and

(k) Utilities and custodial services to the extent not included in any other item of this section.

§ 166.42 Effect of Federal payments.

Neither the approval of the State plan, the issuance of a Letter of Credit, the approval of withdrawals thereunder, nor the making of any direct payments to the State shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the State to observe any Federal requirements set out in the Act or regulations related thereto or any other relevant Federal Act or Order, either before or after such administrative action respecting payment.

§ 166.43 Noncompliance.

If the Commissioner finds, after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under the Act, that the State plan has been so changed that it no longer complies with the applicable requirements of the Act or that in the administration of the plan there is a failure to comply substantially with the provisions required to be included in the plan, he will notify such State agency that further payments will not be made to the State under the Act (or, in his discretion, that further payments will not be made with respect to the program under or portions of the State plan affected by such failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to such State for carrying out such State plan (or further payments will be limited to programs under or portions of the plan not affected by such failure).

§ 166.44 Right to hearing and judicial review.

(a) *Hearing.* The Commissioner will not finally disapprove any State plan submitted under the Act, or any modification thereof, without first affording the State submitting the plan reasonable notice and opportunity for a hearing.

(b) *Judicial review.* If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan or with respect to his final action under section 308(a) of the Act, such State shall have the rights of appeal set out in section 308(b) of the Act.

§ 166.45 Termination of program.

If a State desires at any time not to participate in the program, or upon termination of the program, the State shall refund to the U.S. Office of Education any unexpended or unobligated funds which have been paid to the State agency under this Act.

§ 166.46 Transition provisions.

A State plan approved under Title II–B of the Economic Opportunity Act of 1964 (P.L. 88–452) remains in effect through May 15, 1967, unless, prior to that date, a State plan is approved under the regulations in this part or termination date has been extended by the Commissioner for good cause shown in an application therefor by the State agency. After such effective termination date, in order for a State to continue to receive payments under the Act, the State plan must have been revised so as to be in conformity with the regulations in this part and approved by the Commissioner.

§ 166.47 Reports.

(a) A description of the program to be undertaken under the State plan and an estimate of amounts to be expended by the State and its political subdivisions, to be submitted annually;

(b) A certification that expenditures by the State and its political subdivisions for basic educational programs for adults, from non-Federal sources, during the fiscal year for which application is made, will be not less than the amount expended for such purposes from such sources during the preceding fiscal year;

(c) A detailed statement describing the operation of each program, to be submitted immediately upon approval of said program by the State agency;

(d) An annual report to be submitted at the end of each fiscal year, describing the activities, by category, carried out under the State plan and indicating the expenditures from both Federal and non-Federal sources therefor;

(e) An annual report containing an evaluation of the State plan program in terms of the plan provisions and program objectives;

(f) A copy of any independent evaluations of the State plan, its program and objectives, or of any other nature, if obtained by any State, State agency or institution; and

(g) Any other reports containing such information in such form as the Commissioner may, from time to time, require in order to carry out his functions under the Act.

§ 166.48 Patents and copyrights.

(a) Any material of a copyrightable nature produced through a project with financial assistance under the Act shall be subject to the copyright policy of the U.S. Office of Education in effect at the time of project approval.

(b) Any material of a patentable nature produced through a project with financial assistance under the Act shall be subject to the provisions of Parts 6 and 8 of this title which shall be incorporated into the terms and conditions of any approved project.

Subpart D—Grants for Special Experimental Demonstration Projects and for Teacher-Training Projects

§ 166.60 Applicability.

The regulations in this subpart apply to special experimental demonstration project grants (special project grants) and teacher-training grants made by the Commissioner under section 309 (b) and (c) pursuant to his authority under section 309(a) of the Act. The Commissioner is also authorized to provide teacher training (directly or by contract) under section 309(c).

§ 166.61 Special projects.

Special project grants may be made by the Commissioner to eligible applicants in order to further the purpose of the Act (See section 302) where such project will (a) involve the use of innovative methods, systems, materials, or programs which the Commissioner determines may have national significance or be of special value in promoting effective projects under the Act, or (b) will involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with basic educational deficiencies.

§ 166.62 Teacher-training projects.

(a) Teacher-training grants may be made by the Commissioner to eligible applicants in order to provide training to persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of the Act (section 302).

(b) Such teacher-training projects must have a minimum continuous duration of at least 2 weeks and shall last no longer than 1 calendar year. For purposes of this subpart, a week shall consist of 1 calendar week, commencing on any day of the week, which shall include a minimum of 5 days of instruction. Individuals, who receive stipends under such project, may not be charged tuition or any other fees or charges. (See also § 166.67(c).)

§ 166.63 Applicants.

(a) *Special projects.* Any local educational agency or other public or private nonprofit agency, including an educational television station, is eligible to submit an application.

(b) *Teacher-training projects.* Any college or university, State or local educational agency, or other appropriate public or private nonprofit agency or organization is eligible to submit an application.

(c) *Ineligible applicants.* The following are not eligible: (1) Individuals; (2) any agency, institution, or organization whose net earnings lawfully inure or may inure to the benefit of any individual; or (3) any "school or department of divinity" as defined in section 313 of the Act.

§ 166.64 Application procedures.

(a) *General.* Any eligible applicant may submit an application to undertake either a special project or a teacher-training project, or both. A separate application must be submitted for each type of proposed project. The application must be filed on forms supplied by the Commissioner and executed by the applicant, or an official of the applicant, duly authorized to make such application. A certified copy of the authorization to submit the proposal shall be made a part of each application. The Commissioner may establish and announce "cut-off dates" for the receipt of applications where he deems it necessary for the efficient administration of the program.

(b) *Project description.* The application shall describe the nature, duration, purpose, and plan of the proposed project; the qualifications of the project director and of the professional personnel who will be involved in the project; the facilities and resources that will be made available; a justification of the amount of Federal funds requested; the portion of the cost of the project proposed to be contributed by the applicant and any other information and assurances as the Commissioner may require.

(c) *Administrative information.* The application shall contain the following: The name of the official authorized to submit the application; the name of the individual or official who will be responsible for carrying out the project; the individual or official to whom communications shall be directed; the individual or official who shall be responsible for the receipt and disbursement of Federal funds; and, where appropriate, the individual or official who shall have ultimate responsibility for the accounting of such Federal funds.

(d) *Fiscal information.* The application shall state the accounting basis (cash, accrual, or obligation) used by the applicant and, where appropriate, the applicable State or local laws requiring or establishing such accounting procedure. Where the applicant does not operate on the cash system, the application shall contain a statement indicating when, under its accounting system, an expenditure is deemed to have been incurred.

§ 166.65 Evaluation of applications.

Applications will be evaluated on the basis of criteria set forth in § 166.66(a) (special projects) and § 166.66(b) (teacher-training projects). On the basis of his evaluation, the Commissioner may approve the application for negotiation in whole or in part, or disapprove it, and will notify the applicant accordingly. Subsequent to such negotiation, a grant agreement will be entered into, which agreement will set forth the terms and conditions upon which the grant is made. If an applicant wishes to have an application reconsidered for approval during a subsequent fiscal year, the application must be resubmitted.

§ 166.66 Criteria.

(a) *Special projects.* In evaluating applications for special projects, the Commissioner will give consideration to such factors as:

(1) Whether and to what extent the project involves the use of innovative methods, systems, materials, or programs which may have national significance or be of special value in promoting effective programs to encourage and expand basic education for adults to enable them to overcome English language limitations, to improve their basic education in preparation for occupational training and more profitable employment, and to become more productive and responsible citizens;

(2) Whether and to what extent the project is to be carried out in cooperation with other Federal, federally assisted, State or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with basic educational deficiencies;

(3) Whether and to what extent the project has unusual promise in establishing or improving instruction in speaking, reading, or writing the English language at the eighth grade level or below;

(4) Whether and to what extent the project is related to and is carried out in conjunction with a teacher-training project in adult education;

(5) Whether and to what extent the applicant proposes to make periodic, systematic and objective reviews and evaluations in order to determine the status and progress of the project in terms of its overall objective;

(6) Whether and to what extent there will be effective administration and supervision to assure efficient and economical operation;

(7) Whether and to what extent the project is soundly designed and has educational significance; the project will utilize competent and adequate personnel, both professional and administrative; the applicant has and will make available adequate facilities to insure successful carrying out of the project; and

(8) Whether and to what extent the project will result in the development of new materials and methods which may be of value in increasing the effectiveness of basic educational programs for adults.

(b) *Teacher-training projects.* In evaluating applications for teacher-training projects, the Commissioner will give consideration to such factors as:

(1) Whether and to what extent the teacher-training project will include training in the utilization of innovative methods, systems, materials, or programs;

(2) Whether and to what extent the teacher-training project will meet local needs;

(3) Whether and to what extent the teacher-training project can be expected to meet needs for teachers of adult basic

education beyond the geographic region in which the applicant is located;

(4) Whether and to what extent the applicant proposes to make periodic, systematic and objective reviews and evaluations of the teacher-training project;

(5) Whether and to what extent the teacher-training project is related to and carried out in conjunction with a special project under this Act;

(6) Whether and to what extent the teacher-training project is coordinated with the adult basic education program being sponsored under the State plan of the State in which the applicant is located or of any other State from which trainees are drawn or to which trainees may be expected to return;

(7) Whether and to what extent the teacher-training project is soundly designed and has educational significance; the project will utilize competent and adequate personnel, both professional and administrative; the applicant has and will make available adequate facilities to insure successful operation of the proposed teacher-training project; and

(8) Whether and to what extent there will be effective administration and supervision to assure efficient and economical operation.

§ 166.67 Federal financial participation.

(a) *General.* The maximum amount of Federal financial participation in any project will be set out in the grant agreement.

(b) *Special projects.* Recipients of special project grants will be required, whenever feasible, to contribute an amount equal to at least 10 percent of the cost of the project. The amount of such required non-Federal contribution will be stated in the grant agreement and will be determined on the basis of the resources of the institution, the size and scope of the project, the national significance of the project and any other factors bearing on either the value of the project or the ability of the grant recipient to contribute to such project which the Commissioner may determine to be relevant.

(c) *Teacher-training projects—payments to recipients.* Recipients of teacher-training grants will be entitled to receive for purposes of payment to individual trainees enrolled in the full-time program:

(1) The sum of $75 per week (as defined in § 166.62) in the case of a training project lasting no longer than 8 weeks, and an amount to be fixed by the Commissioner in the case of a training project lasting longer than 8 weeks;

(2) The sum of $15 per week for each dependent of a trainee. For purposes of this subpart, a dependent shall be deemed to be an individual who receives or is treated for Federal income tax purposes as having received one-half or more of his support from the trainee and is either (i) his sopuse or (ii) a person for whom the trainee received a dependency allowance for Federal income tax purposes under section 152 of the Internal Revenue Code of 1954;

(3) One travel allowance for each trainee for domestic travel at the lowest class air fare available, from his place of residence to the institution and return, provided his residence is in excess of 50 miles from the institution. No per diem or subsistence payments will be allowed; no travel allowance will be made for dependents; and

(4) Any amounts received under any other Federal program shall be set off against the amount which a trainee would otherwise be eligible to receive under this program. A trainee shall not be precluded from receiving a loan under any Federal loan program and no deduction of such loan from the payment to a trainee is permitted.

§ 166.68 Effective date of approved project.

Federal financial participation is available only with respect to amounts expended under an approved project. The effective date of the grant will be set forth in the grant agreement, but in no event shall such effective date precede the date on which the application was received by the Commissioner.

§ 166.69 Payment procedure.

Federal payment may be made either in advance or by way of reimbursement, to be determined consistent with the nature of the activities and the services involved in the project, and in accordance with the terms and conditions of the grant agreement. Ten percent of the grant amount shall be withheld pending receipt of the final program and fiscal reports. (See § 166.78 (a) and (b).)

§ 166.70 Effect of Federal payments.

Neither the approval of the project proposal nor any payment to the grantee shall be deemed to waive the right or duty of the Commissioner to withhold or recover funds by reason of the failure of the grantee to observe any of the requirements of the Act, the regulations in this part, or the grant agreement.

§ 166.71 Fiscal and auditing procedures.

(a) *Fiscal procedures.* Each grantee receiving Federal funds for an approved project shall provide for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of, and accounting for, the Federal funds paid to it and the non-Federal contribution. Accounts and supporting documents relating to project expenditures shall be adequate to permit an accurate and expeditious audit.

(b) *Auditing procedures.* Each grantee shall make appropriate provision for the auditing of project expenditure records. Such records and audit reports shall be available to auditors of the Federal Government.

§ 166.72 Adjustments.

Each grantee shall, in maintaining program expenditure accounts, records, and reports, make any necessary adjustments to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from Federal or local administrative reviews and audits. Such adjustments shall be set forth in the financial reports filed with the Commissioner.

§ 166.73 Interest on Federal funds.

In the event that any interest is earned on Federal funds, such interest shall be refunded to the Office of Education.

§ 166.74 Eligible costs.

To the extent that they are reasonably necessary for and attributable to carrying out the project, eligible costs may, at the discretion of the grantee, include the following:

(a) *Direct costs.* (1) Salaries of the professional and clerical staff, including all amounts deducted or withheld as contributions to retirement, health, or other welfare benefit funds maintained for such staff;

(2) Employer's contributions to retirement, health, workmen's compensation, and other welfare funds maintained for employees of the grantee;

(3) Fees and approved expenses of consultants and other persons or groups acting in an advisory capacity;

(4) Travel expenses of staff and consultants thereto, in accordance with established appropriate State, local or institutional travel regulations and limitations;

(5) Communications costs;

(6) Supplies, printing, and printed materials;

(7) Rental of, or, where economically justified, purchase of office and program equipment;

(8) Rental of space (including the cost of utilities and custodial services) if: The cost does not exceed comparable rental on a square foot basis in the particular locality for the period of occupancy; the expenditures represent an actual cost; and, like charges are made to other agencies occupying similar space for similar purposes. Rental for space in any building to the extent constructed with funds obtained from the Federal Government or with funds expended for matching purposes under any Federal program is not an allowable cost beyond the cost of utilities and custodial services;

(9) Minor remodeling of space in publicly owned buildings to the extent that such costs are not included in rental;

(10) Utilities and custodial services to the extent not included in any other item of this section; and

(11) In the case of teacher-training grants, fees required to be paid by all students (exclusive of tuition), provided that no part of such fees is to be applied to a building fund, or to the reduction of an institutional construction debt.

(b) *Indirect costs.* Indirect costs, if any, will be determined on the basis of negotiation in accordance with prevailing policies in effect at the time the grant is made.

§ 166.75 Proration of costs.

Federal financial participation is available only with respect to that portion of any eligible costs as defined in § 166.74 attributable to a project approved under this Subpart D. Where salaries and wages are prorated the grantee must document the time spent in carrying out activities related to the project and the percentage of time spent on each nonrelated activity. Each grantee shall maintain records documented on an after-the-fact basis to substantiate the proration of expenditures for applicable items such as salaries, travel, rental, supplies, and equipment.

§ 166.76 Retention of records.

(a) *General rule.* Each grantee shall provide for keeping accessible and intact all records pertaining to the expenditure of the Federal grant and the non-Federal contribution: (1) For 3 years after the close of the fiscal year in which the expenditure was liquidated, (2) until the grantee is notified that such records are not needed for program administrative review, or (3) until the grantee is notified of the completion of the Federal fiscal audit, whichever is the latest.

(b) *Questioned expenditures.* The records pertaining to any claim or expenditure which has been questioned at the time of audit shall be maintained until necessary adjustments have been reviewed and cleared by the Department of Health, Education, and Welfare.

§ 166.77 Disposition of equipment.

(a) Whenever items of equipment, each initially costing $100 or more, in which cost the Federal Government has participated are sold or no longer used for the purpose authorized by the Act, the Federal Government shall be credited with its proportionate share of the value of such equipment, the value being determined on the basis of the sale price in the case of a bona fide sale or on the fair market value in the case of discontinuance of use or diversion for other than a purpose authorized under the Act.

(b) Inventories and records are required to be kept for all items of equipment referred to in paragraph (a) of this section. The grantee is responsible for having available information sufficient for a determination of whether such equipment continues to be used for a purpose provided for under the Act.

§ 166.78 Reports.

The grantee shall submit the following reports:

(a) A report to be submitted at the conclusion of the project, or, if continuing, at the end of each fiscal year, describing the activities conducted under the project;

(b) A final fiscal report of expenditures incurred under the project containing such information as the Commissioner may require;

(c) A report to be submitted at the conclusion of the project, or, if continuing, at the end of each fiscal year, containing an evaluation of the project in terms of the program objectives;

(d) A copy of any independent evaluations of the project, its operation and objectives, or of any other nature, if obtained; and

(e) Any other reports containing such information in such form as the Commissioner may, from time to time, require in order to carry out his functions under the Act.

§ 166.79 Patents and copyrights.

(a) Any material of a copyrightable nature produced through a project with financial assistance under the Act shall be subject to the copyright policy of the U.S. Office of Education in effect at the time of project approval.

(b) Any material of a patentable nature produced through a project with financial assistance under the Act shall be subject to the provisions of Parts 6 and 8 of this title which are hereby incorporated into the terms and conditions of any approved project.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: April 15, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-4442; Filed, Apr. 20, 1967; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-434]

PART 0—COMMISSION ORGANIZATION

Delegations of Authority to Chief, CATV Task Force

This action is taken at a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of April 1967.

The Commission notes that it has received uncontested requests for waiver of § 74.1103 of the Commission's rules from CATV operators which do not indicate that the CATV operators have received § 74.1103 requests from television licensees. These requests are premature and we are amending § 0.289 of the rules in order to delegate authority to the Chief, CATV Task Force, to dismiss premature requests for waiver of § 74.1103 of the rules.

This amendment relates to internal Commission organization and practice so that the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, do not apply and the amendment can be made effective immediately. Authority for the promulgation of this amendment is contained in sections 4(i), 5 (b) and (d), and 303(r) of the Communications Act of 1934, as amended.

Accordingly, it is ordered, Effective April 21, 1967, that Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Released: April 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.289(c) (10) is added, to read as follows:

§ 0.289 Authority delegated.

* * * * * * *

(c) * * *

(10) To dismiss premature requests for waivers of the Commission's rules.

[F.R. Doc. 67-4424; Filed, Apr. 20, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

ORANGE JUICE FROM CONCENTRATE

Standards for Grades; Supplemental Notice [1]

A proposal to issue U.S. Standards for Grades of Orange Juice from Concentrate was published in the FEDERAL REGISTER of December 2, 1966 (31 F.R. 15151). After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, and the data, views, and arguments submitted by interested parties, it now appears that certain major changes not contemplated in the original proposal are necessary and it is determined that interested persons should be afforded additional opportunity to submit written data, views, or arguments with respect thereto.

Therefore, notice is hereby given of a second and revised proposal for issuing U.S. Standards for Grades of Orange Juice from Concentrate pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). These standards, if made effective, will be the first issue by the Department of grade standards for this product as now defined in the standards of identity (21 CFR 27.111) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

Statement of consideration leading to this notice of a second proposed issuance of grade standards. Comments, opinions, objections, and data submitted by interested persons in connection with the aforementioned publication of December 2, 1966, divulged wide differences of opinion concerning appropriate limits for Brix, soluble orange juice solids, and Brix-acid ratios for the various styles and grade levels. There appears to be strong differences of opinion regarding such limits for juices which have been adjusted with sweeteners.

While the revised proposal does not reconcile all divergent views, all have been carefully considered. The communications received appear, in general, to justify substantive changes in the flavor requirements as originally proposed.

The revised proposal contains the following major changes from the proposal of December 2, 1966.

(1) The minimum percent by weight requirements for soluble orange juice solids are the same for all grades and all styles—whether sweeteners have been added or not.

(2) The minimum Brix—acid ratios for U.S. Grade A—both with sweeteners and without sweeteners—are proposed at 12 to 1; except that the requirement for juice produced from California and/or Arizona fruit would remain at 11 to 1.

(3) The minimum Brix—acid ratio for all U.S. Grade B juice is now proposed at 10 to 1.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same in duplicate, not later than June 1, 1967, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (17 CFR 1.27(b)).

The proposed standards are:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.5681 Product description.
52.5682 Styles.
52.5683 Grades.

FILL OF CONTAINER

52.5684 Recommended fill of container.

FACTORS OF QUALITY

52.5685 Ascertaining the grade of a sample unit.
52.5686 Ascertaining the rating for the factors which are scored.
52.5687 Color.
52.5688 Defects.
52.5689. Flavor.

EXPLANATIONS AND METHODS OF ANALYSIS

52.5690 Definitions of terms and methods of analysis.

LOT COMPLIANCE

52.5691 Ascertaining the grade of a lot.

SCORE SHEET

52.5692 Score sheet for orange juice from concentrate.

AUTHORITY: The provisions of this subpart issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.5681 Product description.

Orange juice from concentrate is the product defined in the standards of identity (21 CFR 27.111) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.5682 Styles.

(a) Without sweetener.
(b) With sweetener.

§ 52.5683 Grades.

(a) "U.S. Grade A" (or U.S. Fancy) is the quality of orange juice from concentrate that: (1) Shows no coagulation or no material separation and possesses the appearance of fresh orange juice, (2) has a very good color, (3) is practically free from defects, (4) possesses a very good flavor, and (5) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or U.S. Choice) is the quality of orange juice from concentrate that: (1) Shows no coagulation but may show some separation and possesses the appearance of fresh orange juice, (2) has a good color, (3) is reasonably free from defects, (4) possesses a good flavor, and (5) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of orange juice from concentrate that fails to meet the requirements of U.S. Grade B.

FILL OF CONTAINER

§ 52.5684 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container be as full of orange juice as practicable.

FACTORS OF QUALITY

§ 52.5685 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of orange juice from concentrate is ascertained by considering the degree of any coagulation and separation, and the appearance of the product as compared to fresh juice, which are not scored; the ratings for the factors of color, defects, and flavor which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points.* The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
Color	40
Defects	20
Flavor	40
Total score	100

§ 52.5686 Ascertaining the rating for the factors which are scored

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

§ 52.5687 Color.

(a) *Evaluation of color.* (1) The color of orange juice from concentrate, where applicable, is evaluated by comparing the color of the product with the USDA Orange Juice Color Standards so that these color standards become points of reference.

(2) Such comparison is made under an artificial light source of approximately 150 candela intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7,500 degrees Kelvin, ±200 degrees.

(3) The USDA Orange Juice Color Standards range from yellow-orange to yellow color, with USDA OJ1 being the most orange color in the series.

(b) *Procedure in evaluating color.* (1) Place the juice in a clear glass test tube of 1-inch diameter.

(2) Arrange color standards in a test tube rack or similar device so that light coming from above strikes the standards at a 45 degree angle. The standards are inclined at a 45 degree angle against a neutral grey background. Observe the standards and product at right angles to the tubes.

(3) Classify the juice by inserting the tube of juice where it best fits in the series of color standards. Orange juice differing in color and brightness from the most nearly matching USDA Orange Juice Color Standard is evaluated by considering the amount of difference and its effect on the total appearance of the juice.

(c) *Availability of color standards.* The USDA Orange Juice Color Standards cited in this section are official color standards which may also be applied to other orange juices. Information regarding these color standards, and their availability, may be obtained from:

Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(d) (*A*) *Classification.* Orange juice from concentrate that has a very good color may be given a score of 36 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of fresh orange juice. Orange juice from concentrate that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:	*Score (points)*
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Much better than USDA OJ 4	38
Equal to or slightly better than USDA OJ 4	37
Equal to or better than USDA OJ 5	36

(e) (*B*) *Classification.* If the juice possesses a good color, a score of 32 to 35 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice which may be dull but is not off color for any reason. Orange juice from concentrate that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:	*Score (points)*
Better than USDA OJ 6 but not as good as USDA OJ 5	35
Equal to USDA OJ 6	34
Not as good as USDA OJ 6	33 or 32

(f) (*SStd.*) *Classification.* If the juice fails to meet the requirements of paragraph (e) of this section a score of 0 to 31 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5688 Defects.

(a) *General.* The factor of defects concerns the degree of freedom from small seeds and portions thereof; from discolored specks, harmless extraneous material, and other similar defects; from recoverable oil; and from juice sacs and particles of membrane, core, and peel in excess of that normally present in orange juice.

(b) *Definitions.* (1) "Small seeds and portions thereof" means seed, whether fully developed or not, and particles of seed that could pass readily through round perforations one-eighth inch (3.2 mm.) in diameter.

(2) "Recoverable oil" means oil recoverable by the method outlined in this subpart.

(c) (*A*) *Classification.* Orange juice from concentrate that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any combination of defects present may no more than slightly detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.030 percent by volume of recoverable oil.

(d) (*B*) *Classification.* If the juice is reasonably free from defects, a score of 16 or 17 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any combination of defects present may not seriously detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.040 percent by volume of recoverable oil.

(e) (*SStd.*) *Classification.* Orange juice from concentrate that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5689 Flavor.

(a) (*A*) *Classification.* Orange juice from concentrate that possesses a very good flavor may be given a score of 36 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following requirements:

(1) *Without sweetener style*—(i) *Brix.* Not less than 11.8 degrees.

(ii) *Brix—acid ratio.* Not less than 12:1 nor more than 19.5:1 except that when produced solely or predominantly from fruit grown in California or Arizona the Brix-acid ratio may be not less than 11 to 1 nor more than 17 to 1.

(2) *With sweetener style*—(i) *Soluble orange juice solids.* Not less than 11.8 percent, by weight, of the sweetened product.

(ii) *Brix—acid ratio.* Not less than 12:1 nor more than 19.5:1.

(b) (*B*) *Classification.* If the orange juice from concentrate possesses a good flavor a score of 32 to 35 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following requirements:

(1) *Without sweetener style*—(i) *Brix.* Not less than 11.8 degrees.

(ii) *Brix—acid ratio.* Not less than 10.5:1, nor more than 22:1.

(2) *With sweetener style*—(i) *Soluble orange juice solids.* Not less than 11.8 percent, by weight, of the sweetened product.

(ii) *Brix—acid ratio.* Not less than 10.5:1 nor more than 22:1.

(c) (*SStd.*) *Classification.* If the orange juice fails to meet the requirements of paragraph (b) of this section a score of 0 to 31 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSIS

§ 52.5690 Definitions of terms and methods of analysis.

(a) *Brix.* "Brix" means the degrees Brix of orange juice from concentrate when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.) and to which any applicable temperature correction has been made. The degrees Brix may be determined by any other method which gives equivalent results.

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 ml. of juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) *Brix-acid ratio.* "Brix-acid ratio" means the ratio between the Brix and the acid as defined in this section.

(d) *Recoverable oil.* "Recoverable oil" is determined by the following methods:

(1) *Equipment.* (i) Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.[2]

(ii) Gas burner or hot plate;
(iii) Ringstand and clamps;
(iv) Rubber tubing;
(v) Three-liter narrow-neck flask.

[2] Figures 1 and 2 filed as part of original document.

(2) *Procedure.* (i) Place exactly 2 liters of juice in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Continue boiling for 1 hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

LOT COMPLIANCE

§ 52.5691 Ascertaining the grade of a lot.

The grade of a lot of orange juice from concentrate covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.5692 Score sheet for orange juice from concentrate.

Size and kind of container		
Container mark (packages)		
or		
Identification (cases)		
Label (including ingredient statement, if any)		
Liquid measure (fluid ounces)		
Style		
Brix (degrees)		
Acid (grams/100 ml.: calculated as anhydrous citric acid)		
Brix-acid ratio ( )		
Recoverable oil (% by volume)		
Degree of coagulation	( ) None ( ) Slight ( ) Serious	

Factors		Score points
Color	40	(A) 36–40 (B) [1] 32–35 (SStd.) [1] 0–31
Defects	20	(A) 18–20 (B) [1] 16–17 (SStd.) [1] 0–15
Flavor	40	(A) 36–40 (B) [1] 32–35 (SStd.) [1] 0–31
Total score	100	
Grade		

[1] Indicates limiting rule.

Dated: April 18, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-4439; Filed, Apr. 20, 1967; 8:49 a.m.]

[7 CFR Part 52]

PASTEURIZED ORANGE JUICE

Standards for Grades; Supplemental Notice [1]

A proposal to issue U.S. Standards for Grades of Pasteurized Orange Juice was published in the FEDERAL REGISTER of December 2, 1966 (31 F.R. 15149). After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, and the data, views and arguments submitted by interested parties, it now appears that certain major changes not contemplated in the original proposal are necessary and it is determined that interested persons should be afforded additional opportunity to submit written data, views, or arguments with respect thereto.

Therefore, notice is hereby given of a second and revised proposal for issuing U.S. Standards for Grades of Pasteurized Orange Juice pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). These standards, if made effective, will be the first issue by the Department of grade standards for this product as now defined in the standards of identity (21 CFR 27.107) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

Statement of consideration leading to this notice of a second proposed issuance of grade standards. Comments, opinions, objections, and data submitted by interested persons in connection with the aforementioned publication of December 2, 1966, divulged wide differences of opinion concerning appropriate limits for Brix, soluble orange juice solids, and Brix-acid ratios for the various styles and grade levels. There appears to be strong differences of opinion regarding such limits for juices which have been adjusted with sweeteners.

While the revised proposal does not reconcile all divergent views, all have been carefully considered. The communications received appear, in general, to justify substantive changes in the flavor requirements as originally proposed.

The revised proposal contains the following major changes from those proposed on December 2, 1966:

(1) In U.S. Grade A, the minimum content of soluble orange juice solids is proposed at 11 percent of the weight of the finished product—whether unsweetened or with sweetener.

(2) In U.S. Grade A the minimum Brix-Acid ratio—whether unsweetened or with sweetener—is now proposed at 12 to 1; except that the unsweetened product produced from California and/or Arizona fruit would remain at 11 to 1.

(3) In U.S. Grade B the minimum content of soluble orange juice solids is now proposed at 10.5 percent by weight—whether unsweetened or with sweetener.

(4) The minimum Brix-acid ratio for all U.S. Grade B juice is now proposed at 10 to 1.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same in duplicate, not later than June 1, 1967, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed standards are:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.5641 Product description.
52.5642 Styles.
52.5643 Grades.

FILL OF CONTAINER

52.5644 Recommended fill of container.

FACTORS OF QUALITY

52.5645 Ascertaining the grade of a sample unit.
52.5646 Ascertaining the rating for the factors which are scored.
52.5647 Color.
52.5648 Defects.
52.5649 Flavor.

EXPLANATIONS AND METHODS OF ANALYSIS

52.5650 Definitions of terms and methods of analysis.

LOT COMPLIANCE

52.5651 Ascertaining the grade of a lot.

SCORE SHEET

52.5652 Score sheet for pasteurized orange juice.

AUTHORITY: The provisions of this subpart issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.5641 Product description.

Pasteurized orange juice is the product defined in the standards of identity (21 CFR 27.107) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.5642 Styles.

(a) Without sweetener;
(b) With sweetener.

§ 52.5643 Grades.

(a) "U.S. Grade A" (or U.S. Fancy) is the quality of pasteurized orange juice that: (1) Shows no coagulation or no material separation and has the appearance of fresh orange juice, (2) has a very good color, (3) is practically free from defects, (4) possesses a very good flavor, and (5) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or U.S. Choice) is the quality of pasteurized orange juice that: (1) Shows no coagulation but may show some separation and has the appearance of fresh orange juice, (2) has a good color, (3) is reasonably free from defects, (4) possesses a good flavor, and (5) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of pasteurized orange juice that fails to meet the requirements of U.S. Grade B.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

FILL OF CONTAINER

§ 52.5644 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container be as full of orange juice as practicable.

FACTORS OF QUALITY

§ 52.5645 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of pasteurized orange juice is ascertained by considering the degree of any coagulation and separation, and the appearance of the product as compared to fresh juice which are not scored; the ratings for the factors of color, defects, and flavor which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points.* The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factor	*Points*
Color	40
Defects	20
Flavor	40
Total score	150

§ 52.5646 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.5647 Color.

(a) *Evaluation of color.* (1) The color of pasteurized orange juice, where applicable, is evaluated by comparing the color of the product with the USDA Orange Juice Color Standards so that these color standards become points of reference.

(2) Such comparison is made under an artificial light source of approximately 150 candela intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7,500 degrees Kelvin, ±200 degrees.

(3) The USDA Orange Juice Color Standards range from yellow-orange to yellow color, with USDA OJ 1 being the most orange color in the series.

(b) *Procedure in evaluating color.* (1) Place the juice in a clear glass test tube of 1-inch diameter.

(2) Arrange color standards in a test tube rack or similar device so that light coming from above strikes the standards at a 45 degree angle. The standards are inclined at a 45 degree angle against a neutral grey background. Observe the standards and product at right angles to the tubes.

(3) Classify the juice by inserting the tube of juice where it best fits in the series of color standards. Orange juice differing in color and brightness from the most nearly matching USDA Orange Juice Color Standard is evaluated by considering the amount of difference and its effect on the total appearance of the juice.

(c) *Availability of color standards.* The USDA Orange Juice Color Standards cited in this section are official color standards which may also be applied to other orange juices. Information regarding these color standards, and their availability, may be obtained from:

Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(d) (*A*) *Classification.* Pasteurized orange juice that has a very good color may be given a score of 36 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of fresh orange juice. Pasteurized orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:	*Score (points)*
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Much better than USDA OJ 4	38
Equal to or slightly better than USDA OJ 4	37
Equal to or better than USDA OJ 5	36

(e) (*B*) *Classification.* If the juice has a good color, a score of 32 to 35 points may be given. Pasteurized orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice which may be dull but is not off color for any reason. Pasteurized orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:	*Score (points)*
Better than USDA OJ 6 but not as good as USDA OJ 5	35
Equal to USDA OJ 6	34
Not as good as USDA OJ 6	33 or 32

(f) (*SStd.*) *Classification.* If the pasteurized juice fails to meet the requirements of paragraph (e) of this section a score of 0 to 31 points may be given. Pasteurized orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5648 Defects.

(a) *General.* The factor of defects concerns the degree of freedom from small seeds and portions thereof; from discolored specks, harmless extraneous material, and other similar defects; from recoverable oil; and from juice sacs and particles of membrane, core, and peel in excess of that normally present in orange juice.

(b) *Definitions.* (1) "Small seeds and portions thereof" means seed, whether fully developed or not, and particles of seed that could pass readily through round perforations one-eight inch (3.2 mm.) in diameter.

(2) "Recoverable oil" means oil recoverable by the method outlined in this subpart.

(c) (*A*) *Classification.* Pasteurized orange juice that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any combination of defects present may no more than slightly detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.030 percent by volume of recoverable oil.

(d) (*B*) *Classification.* If the pasteurized juice is reasonably free from defects, a score of 16 or 17 points may be given. Pasteurized orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any combination of defects present may not seriously detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.040 percent by volume of recoverable oil.

(e) (*SStd.*) *Classification.* Pasteurized orange juice that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5649 Flavor.

(a) (*A*) *Classification.* Pasteurized orange juice that possesses a very good flavor may be given a score of 36 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following requirements:

(1) *Without sweetener style*—(i) *Brix.* Not less than 11 degrees.

(ii) *Brix—acid ratio.* Not less than 12:1 nor more than 19.5:1 except that when produced solely or predominantly from fruit grown in California or Arizona the Brix-acid ratio may be not less than 11 to 1 nor more than 17 to 1.

(2) *With sweetener style*—(i) *Soluble orange juice solids.* Not less than 11 percent, by weight, of the sweetened product.

(ii) *Brix—acid ratio.* Not less than 12:1 nor more than 19.5:1.

(b) (*B*) *Classification.* If the pasteurized orange juice possesses a good flavor a score of 32 to 35 points may be given. Pasteurized orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following requirements:

(1) *Without sweetener style*—(i) *Brix.* Not less than 10.5 degrees.

(ii) *Brix—acid ratio.* Not less than 10:1 nor more than 22:1.

(2) *With sweetener style*—(i) *Soluble orange juice solids.* Not less than 10.5 percent, by weight, of the sweetened product.

(ii) *Brix—acid ratio.* Not less than 10:1 nor more than 22:1.

(c) (*SStd.*) *Classification.* Pasteurized orange juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSIS

§ 52.5650 Definitions of terms and methods of analysis.

(a) *Brix.* "Brix" means the degrees Brix of pasteurized orange juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.) and to which any applicable temperature correction has been made. The degrees Brix of pasteurized orange juice may be determined by any other method which gives equivalent results.

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 ml. of pasteurized orange juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) *Brix-acid ratio.* "Brix-acid ratio" means the ratio between the Brix and the acid as defined in this section.

(d) *Recoverable oil.* "Recoverable oil" is determined by the following methods:

(1) *Equipment.* (i) Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.[2]

(ii) Gas burner or hot plate;

(iii) Ringstand and clamps;

(iv) Rubber tubing;

(v) Three-liter narrow-neck flask.

(2) *Procedure.* (i) Place exactly 2 liters of juice in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Continue boiling for 1 hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

LOT COMPLIANCE

§ 52.5651 Ascertaining the grade of a lot.

The grade of a lot of pasteurized orange juice covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.5652 Score sheet for pasteurized orange juice.

Size and kind of container	
Container mark (packages)	
or	
Identification (cases)	
Label (incinding ingredient statement, if any)	
Liquid measure (finid ounces)	
Style	
Brix (degrees)	
Acid (grams/100 ml.: calculated as anhydrous citric acid)	
Brix-acid ratio ( )	
Recoverable oil (% by volume)	
Degree of coagulation: ( ) None; ( ) Slight; ( ) Serious	

Factors		Score points	
Color	40	(A)	36–40
		(B)	[1] 32–35
		(SStd.)	[1] 0–31
Defects	20	(A)	18–20
		(B)	[1] 16–17
		(SStd.)	[1] 0–15
Flavor	40	(A)	36–40
		(B)	[1] 32–35
		(SStd.)	[1] 0–31
Total score	100		
Grade			

[1] Indicates limiting rule.

Dated: April 18, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-4440; Filed, Apr. 20, 1967; 8:49 a.m.]

[2] Figures 1 and 2 filed as part of original document.

[7 CFR Part 1006]

MILK IN UPPER FLORIDA MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Upper Florida marketing area is being considered for the period of April 1 through August 31, 1967.

The provisions proposed to be suspended are in § 1006.16(b), and are as follows:

1. The language in the introductory text which reads "in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant"; and

2. Subparagraphs (2), (3), and (4) in their entirety.

The proposed suspension would permit unlimited diversion of producer milk to nonpool plants from April through August 1967. Presently, the order limits the quantity of producer milk that may be diverted by a cooperative association to 25 percent of all milk of its member producers physically received at pool plants during the month. The same percentage limitation on the diversion of its producer receipts applies to the operator of a pool plant. Also, the order now requires that at least 10 days' production of an individual producer be delivered to a pool plant if diversion of his milk is to be permitted on other days of the month.

Northeast Florida Milk Producers Association requested the suspension and was supported in its request by Dairy Farmers Mutual. These producer groups represent a majority of the producers on the Upper Florida market. The Northeast Florida Milk Producers Association states that the diversion limitations are causing an extreme hardship on the association and disorderly conditions in the market.

Northeast Florida Milk Producers Association contends that it performs the role of balancing the milk supplies for a major portion of the market. In doing so, substantial quantities of its members' milk, which must currently be disposed of to surplus outlets, will have to be kept out of the pool because of the diversion limitations. This will result in lower returns to the association's members relative to other producers in the market.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 18, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-4441; Filed, Apr. 20, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SW-17]

CONTROL ZONE, TRANSITION AREA, AND REVOCATION OF CONTROL AREA EXTENSION

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Enid, Okla., control zone and transition area, and which would revoke the control area extension.

The Enid, Okla., control zone described in § 71.171 (32 F.R. 2091) would be altered by deleting "* * * and within 2 miles each side of the Woodring VOR 011° radial, extending from the 5-mile radius zone to 12 miles north of the VOR; and that airspace within 2 miles each side of the Woodring VOR 191° radial extending from the Woodring Field 5-mile radius zone to 12 miles south of the VOR * * *."

The Enid, Okla., transition area described in Section 71.181 (32 F.R. 2182) would be altered by deleting the last phrase "* * * excluding that airspace within 5 miles each side of a direct line from the Woodring, Okla., VOR to the Gage, Okla., VOR and the Gage transition area."

The Enid, Okla., control area extension presently designated as that airspace bounded on the north by V-190, on the east by V-77, on the south by V-140, on the southwest by V-17 and on the northwest by V-12 would be revoked.

A revised high altitude instrument approach procedure, JAL-135 VOR-2, for Vance AFB has been implemented. This procedure utilizes the Woodring VOR and replaces the two VOR approaches previously used, VOR-1 and VOR-2, each of which necessitated a control zone extension. These extensions are no longer required and the extent of the controlled airspace will be reduced accordingly.

Revocation of the control area extension will remove the corridor which now bisects the existing 5,000-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on April 11, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-4400; Filed, Apr. 20, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-5]

TRANSITION AREA

Proposed Supplemental Alteration

On February 14, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2860) describing the present transition area at Houston, Tex., and which also contained a description of the additional airspace which would be required to accommodate the approach/departure procedures proposed at La Porte Municipal Airport, La Porte, Tex. Mention was made that the additional airspace required would be underlined to denote this change and to avoid a repetition of the lengthy description of the Houston, Tex., transition area; however, the underlining did not appear in the published docket as was anticipated.

To avoid any misunderstanding which may have resulted from the previous publication, pertinent information relative to the proposed alteration of the Houston, Tex., transition area is reiterated in this supplemental notice.

The Houston, Tex., transition area described in § 71.181 (32 F.R. 2200) would be altered by redescribing the 700-foot portion as that airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°25'00'' N., longitude 95°30'00'' W., to latitude 29°30'00'' N., longitude 95°32'-00'' W., to latitude 29°46'00'' N., longitude 95°27'00'' W., to latitude 29°52'00'' N., longitude 95°03'00'' W., to latitude 29°40'00'' N., longitude 94°57'00'' W., to latitude 29°32'00'' N., longitude 95°00'-00'' W., to point of beginning, and that airspace extending upward from 700 feet above the surface within a 4-mile radius of Spaceland Airpark (latitude 29°30'30'' N., longitude 95°03'01'' W.), within 2 miles each side of the 306° bearing (298° magnetic) from the League City RBN (latitude 29°28'00'' N., longitude 94°59'-08'' W.) extending from the 4-mile radius area to the RBN, and within 2 miles each side of the Houston VORTAC 083° radial (075° magnetic) extending from the VORTAC to 28 miles east of the VORTAC.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

This official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on April 11, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-4401; Filed, Apr. 20, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-EA-101]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Palmer, Mass.

A non-Federal radio beacon was recently commissioned at Palmer, Mass. A new NDB (ADF) instrument approach procedure is predicated on this facility. To provide airspace protection for IFR arrival and departure procedures at Metropolitan Airport, Palmer, Mass., designation of a 700-foot floor transition area will be required.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of

Palmer, Mass., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by adding the following transition area:

PALMER, MASS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°13'25" N., 72°18'45" W., of Metropolitan Airport, Palmer, Mass.; within 2 miles each side of the runway 4 centerline extended from the 5-mile radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the runway 22 centerline extended from the 5-mile radius area to 9 miles southwest of the end of the runway, and within 2 miles each side of the 202° bearing from the Palmer, Mass., RBN, 42°13'26" N., 72°18'47" W., extending from the 5-mile radius area to 8 miles south of the RBN, excluding the portion which coincides with the Chicopee Falls, Mass., transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y. on April 3, 1967.

WAYNE HENDERSHOT,
Acting Director,
Eastern Region.

[F.R. Doc. 67-4402; Filed, Apr. 20, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 67-100]

TUNA FISH

Tariff-Rate Quota for 1967

APRIL 17, 1967.

Pursuant to the provisions of Item 112.30, Tariff Schedules of the United States, it has been determined that 69,472,200 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1967 at the rate of 12½ per centum ad valorem under Item 112.30. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 25 per centum ad valorem under Item 112.34 of the tariff schedules.

The above quota is based on the U.S. pack of canned tuna during the calendar year 1966, as reported by the U.S. Fish and Wildlife Service.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 67-4419; Filed, Apr. 20, 1967; 8:48 a.m.]

[T.D. 67-101; Delegation Order No. 29]

COMMISSIONER OF CUSTOMS AND FIELD OFFICERS

Delegations of Authority

APRIL 17, 1967.

Order of Commissioner of Customs establishing an order of succession of persons to act as Commissioner of Customs in the event of an enemy attack and delegation to Customs field officers of authority vested in the Commissioner of Customs by law or delegation from the Secretary of the Treasury.

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officers of the Bureau of Customs, in the order of succession enumerated, shall, in the event of an enemy attack on the continental United States, act as Commissioner of Customs, during the absence or disability of the Commissioner of Customs, or when there is a vacancy in such office:

1. The Deputy Commissioner of Customs;
2. The Assistant Commissioner of Customs, Office of Administration;
3. The Assistant Commissioner of Customs, Office of Investigations;
4. The Assistant Commissioner of Customs, Office of Operations;
5. The Assistant Commissioner of Customs, Office of Regulations and Rulings;
6. The Regional Commissioner of Customs, Region IV;
7. The Regional Commissioner of Customs, Region II;
8. The Regional Commissioner of Customs, Region I;
9. The Regional Commissioner of Customs, Region III;
10. If none of the above officials is available, the remaining Regional Commissioners of Customs in the order of their appointment as Regional Commissioners of Customs.

By virtue of authority vested in me by said Treasury Department Order No. 129 (Rev. No. 2), and Treasury Department Order No. 165, Revised (T.D. 53654; 19 F.R. 7241), there is hereby delegated to the regional commissioners of customs, district directors of customs, and port directors of customs, in the event of an enemy attack on the continental United States, authority to perform any function of the Commissioner of Customs which is necessary to insure continuous performance of essential functions otherwise assigned to such officers. This delegation of authority will remain in effect until notice has been received from proper authority that it has been terminated.

This order supersedes Customs Delegation Order No. 8, dated April 15, 1955 (T.D. 53781; 20 F.R. 2668). This order in no way affects Customs Delegation Order No. 27, dated November 25, 1966 (T.D. 66-265; 31 F.R. 15098).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 67-4420; Filed, Apr. 20, 1967; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SINGLE MANAGER ASSIGNMENT FOR AIRLIFT SERVICE

The Deputy Secretary of Defense approved the following on March 24, 1967:

References:

(a) DoD Directive 1100.9, "Military-Civilian Staffing of Management Positions in the Support Activities," April 24, 1957.

(b) DoD Directive 1100.10, "Control of Manpower Resources in Event of Reorganizations," June 19, 1962.

(c) DoD Directive 4000.19, "Basic Policies and Principles for Interservice Support," March 26, 1960.

(d) DoD Directive 5160.2, "Single Manager Assignment for Airlift Service," December 7, 1956 (canceled herein).

(e) DoD Directive 5160.10, "Single Manager Service Assignment for Ocean Transportation," March 24, 1967.

(f) DoD Directive 5160.12, "Policies for Implementation of Single Manager Assignments," August 10, 1960.

(g) DoD Directive 5160.53, "Single Manager Assignment for Military Traffic, Land Transportation and Common-User Ocean Terminals," March 27, 1967.

(h) DoD Directive 7410.4, "Regulations Governing Individual Fund Operations," March 13, 1967.

(i) DoD Instruction 4410.6, "Uniform Materiel Movement and Issue Priority System (UMMIPS)," August 24, 1966.

(j) DoD Directive 4500.32, "Military Standard Transportation and Movement Procedures (MILSTAMP)," July 7, 1966.

(k) SecDef memorandum, "Mobility Planning and Operations Organization," March 22, 1966.

(l) DoD Instruction 4100.31, "Reports on Single Manager Operations," September 2, 1960.

I. *Purpose.* A. Pursuant to the authority vested in the Secretary of Defense, a Single Manager Service Assignment is hereby directed within the Department of Defense with authority, functions, responsibilities, and relationships as set forth herein.

B. The purposes and objectives of this assignment with respect to DoD airlift are:

1. To eliminate duplication and overlapping of effort between and among military departments, Defense Agencies, and other components of DoD.

2. To improve the effectiveness and economy of airlift service throughout the Department of Defense.

3. To ensure that approved emergency and wartime requirements of the Department of Defense are met.

4. To provide the level of DoD airlift capability and the organization required for 3. above, having due regard to available commercial airlift.

5. To integrate into a single military agency all DoD transport type aircraft engaged in scheduled point-to-point service or aircraft whose operations are susceptible of such scheduling, and such organizational and other transport aircraft as may be specifically designated by the Secretary of Defense.

6. To develop and guide the peacetime employment of airlift services in a manner that will enhance the emergency and wartime airlift capability, achieve greater flexibility and mobility of forces, and increase logistics effectiveness and economy.

7. To procure, control, operate, and administer services related to airlift transportation and, as assigned by the Secretary of Defense, provide services other than transportation.

II. *Cancellation.* This Directive cancels and supersedes reference (d).

III. *Definitions.* For the purpose of this directive, the following definitions, in addition to those set forth in reference

(f) which are relevant to this assignment, will apply:

A. *Administrative Airlift Service.* The airlift service provided by specifically identifiable aircraft assigned to organizations or commands for internal administration.

B. *Airlift Service.* The performance or procurement of air transportation and services incident thereto required for the movement of persons, cargo, and mail.

C. *Airlift Unit.* An organizational unit which provides airlift service or support through the operation of controlled transport aircraft.

D. *Attached Airlift Service.* The airlift service provided to an organization or command by an airlift unit of the Agency attached to that organization or command for operational control.

E. *Channel Traffic.* The movement of personnel and cargo over established worldwide routes, serviced by either scheduled military aircraft or commercial aircraft under contract to and scheduled by the Agency.

F. *Common User Airlift Service.* The airlift service provided on a common basis for all Department of Defense components and, as authorized, for other agencies of the U.S. Government.

G. *CONUS.* The 48 contiguous states and the District of Columbia, excluding Alaska and Hawaii.

H. *Controlled Transport Aircraft.* Transport aircraft designated by the Secretary of Defense for transfer or assignment to the Agency.

I. *DoD Airlift Capability.* The airlift which the Agency is capable of providing for the movement of passengers and cargo through the use of controlled transport aircraft and commercial aircraft.

J. *DoD Components.* For the purposes of this directive, DoD components include the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, the military departments, the Military Services, and the Defense Agencies.

K. *Military Airlift Command (MAC).* The Single Manager Operating Agency for Airlift Service (herein referred to as the Agency or as MAC).

L. *Military Sea Transportation Service (MSTS).* The Single Manager Operating Agency for Sealift Service (reference (e)).

M. *Military Traffic.* DoD personnel and materiel to be transported.

N. *Military Traffic Management and Terminal Service (MTMTS).* The Single Manager Operating Agency for Military Traffic, Land Transportation and Common User Ocean Terminals.

O. *Organizational Airlift Service.* The airlift service provided by DoD aircraft not assigned to the Agency as specified in subsection V.B., below.

P. *Passenger Groups.* Passenger groups are usually composed of 10 or more travelers; however, this is subject to change based upon traffic management considerations.

Q. *Release Unit of Cargo.* Release unit of cargo for surface shipment is usually 10,000 pounds; however, this is subject to change based upon traffic management considerations.

R. *Special Assignment Airlift.* Those airlift requirements, including JCS-directed/coordinated exercises, which require special consideration due to the number of passengers involved, weight or size of cargo, urgency of movement, sensitivity, or other valid factors which preclude the use of channel airlift.

IV. *Applicability and Scope.* A. The operations of the Single Manager for Airlift Service will be conducted between points in the Continental United States and overseas areas, between and within overseas areas, and within the Continental United States when necessary for reasons of national security, and will include those additional functions specifically outlined herein or subsequently assigned by the Secretary of Defense.

B. The provisions of this directive apply to all components of the Department of Defense.

V. *Composition.* A. The Agency shall be composed of Controlled Transport Aircraft together with personnel facilities, and equipment necessary to support the operation.

B. It is not intended that there be assigned to the Agency transport aircraft in the following categories:

1. Those whose design or configuration limits their employment to specialized tasks.

2. Those required by the military departments for Administrative Airlift Service or Combat Readiness Training.

3. Those whose assignment outside of the Agency is required by overriding military considerations.

VI. *Functions of MAC.* A. Within the mission of MAC, provide transportation planning support to the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, the Military Services, and the Department of Defense agencies in support of the plans of the Joint Chiefs of Staff and other military operations as required.

B. Provide airlift service support to the DoD components as required.

C. Develop, establish, and operate an integrated transportation information data system to support the mission of the Agency.

D. Develop plans to assure the efficient use and control of military-owned and commercial air transportation resources and capabilities made available to the DoD under mobilization or other emergency conditions other than LOGAIR/QUICKTRANS.

E. Based on evaluated requirements submitted by the DoD components, prepare long and short range forecasts of airlift requirements and match them with airlift capabilities. In accordance with procedures established by the OJCS (par. VII.B.1. below), submit requirements and capabilities to the OJCS together with recommendations as appropriate to assure a proper balance.

F. Provide necessary information required by MTMTS or other military commands or activities exercising traffic management functions for the diversion of passenger groups or release unit cargo between modes of transportation or to alternate loading points due to changes in capabilities. However, no diversion is to be made without the concurrence of the shipper Service or agency affected.

G. Cooperate with MTMTS in the performance by MTMTS of analytical studies of all overseas outbound passenger patterns within CONUS.

H. Advise MTMTS and the Military Service representatives of any problems encountered at aerial ports of embarkation which prevent passengers from boarding planes due to incomplete preparation for travel.

I. Maintain and operate a DoD airlift service system within limits approved by the Secretary of Defense to

1. Maintain an adequate emergency readiness position;

2. Carry out realistic training programs;

3. Control, operate and administer government-owned aircraft assigned, and control and administer all other aircraft required for the purpose of providing air transportation service for the movement of personnel, cargo and mail;

4. Provide attached airlift service as required to DoD components;

5. Provide channel traffic and special assignment airlift service as required by DoD user components and, as authorized, for other agencies of the U.S. Government.

a. Between points in CONUS and overseas areas,

b. Between and within overseas areas, and

c. Within CONUS when necessary for reasons of national security[1] or to supplement commercial air carrier service based on determinations of MTMTS; and

6. Provide aeromedical evacuation service within CONUS and between and within overseas areas, consistent with assigned resources.

J. Augment the airlift capacity of the Agency as required to meet requirements by the use of commercial airlift service in peacetime on a basis which will contribute to the sound economic development of an increased modern civil airlift capacity and enhance the ability of civil carriers to operate with maximum effectiveness in support of the military forces in time of war.

K. Procure long-term domestic airlift service for LOGAIR and QUICKTRANS.

L. Procure by contract or otherwise all commercial contract airlift service between CONUS and overseas areas and within and between overseas areas, including both (a) charter service and (b) service on scheduled commercial flights where advance space blocking is necessary. Also, negotiate with scheduled air carriers, as appropriate, the terms and conditions and rates for service on scheduled commercial flights without space block; however, such space on specific flights shall be procured by the DoD user components, except as otherwise agreed between a component and the Agency. In coordination with MTMTS and the user components, expand arrangements for the use of scheduled overseas commercial service, minimizing the need for advanced space blocking, to include all major points of origin and destination for DoD traffic.

M. Prepare recommendations for the design, specifications and equipment of transport aircraft. In collaboration with appropriate Government agencies, make studies, analyses, and recommendations for the improvement of air transportation systems.

N. Determine and advise MTMTS regarding the volume and rate of flow of cargo and passenger traffic that can be received into air terminals. (MTMTS will control the movement of release unit cargo, and passenger groups into these terminals in accordance with provisions of reference (g)). Loading plans and the loading and unloading of cargo and passengers (including patients) shall be the responsibility of MAC utilizing, as appropriate, the advice and participation of the DoD user components when required.

O. Operate a world-wide passenger reservation system for all international travel via MAC transport aircraft and commercial contract airlift. Develop procedures in coordination with DoD components for obtaining reservations for such travel.

P. Operate aerial ports/air terminals (including the processing of traffic) at Air Force installations and operate or arrange for operation at civil airfields serving MAC channels flown by scheduled Agency airlift, except as specifically excluded by the Single Manager for Airlift Service or the Airlift Clearance Authority functions assigned to MTMTS by reference (g) regarding the movement of cargo. Operation of terminals at other installations shall be the responsibility of the host Department unless otherwise agreed between the Department and the Agency.

Q. Select routes and negotiate rates for commercial overseas passenger service other than charter flights. MTMTS will participate with MAC in the selection of routes.

R. Provide MTMTS with necessary reports of tonnage on hand at aerial ports of embarkation in accordance with procedures established by MTMTS in coordination with MAC.

S. Provide MTMTS with concurrent copies of reservation confirmations for overseas air passengers.

T. Advise MTMTS with respect to traffic and documentation irregularities regarding CONUS outbound air cargo.

U. Advise MTMTS of receipt of retrograde air cargo.

V. Provide recoopering, repacking, marking, and similar services as required for cargo in transit.

W. Maintain on a current basis and provide to MTMTS a listing of supplemental carriers approved for contract (charter) domestic military passenger operations based on the results of capability and related surveys.

X. Act as a central clearance agency on all matters pertaining to the proposed establishment, amendment or interpretation of such rules and regulations as may be promulgated by air regulatory bodies relating to the movement of dangerous articles aboard MAC assigned aircraft, to include commercial airlift procurement as applicable.

VII. *General Responsibilities and Relationships of DoD Components With Respect to MAC and MAC Functions.* A. The Secretary of the Air Force is designated as the Single Manager for Airlift Service and will:

1. Establish and organize, as a major command of the U.S. Air Force, the Single Manager Operating Agency for Airlift Service which shall have no functions other than those assigned to it in this directive.

2. Designate a general officer as Executive Director for the Agency, subject to the approval of the Secretary of Defense. The Executive Director shall have no other duties but to direct the operations of the Agency, including such Technical Services (nonairlift) which are not subject to industrial funding and which may be included in the Agency at the option of the Secretary of the Air Force. As of the date of this directive the following such Technical Services are included in the Agency:

a. Aerospace audio visual service;

b. Aerospace rescue and recovery service;

c. Air weather service; and

d. Photomapping and geodetic services.

The Executive Director shall be responsible to the Secretary of the Air Force through channels prescribed by the Secretary.

3. Prepare plans for the employment and expansion of the Agency in time of war or national emergency for support of approved Joint War Plans consistent with Joint Chiefs of Staff allocations approved by the Secretary of Defense.

4. Prepare and submit to the Secretary of Defense the annual operating plans and programs of the Agency in support of DoD requirements, consistent with approved requirements of the Joint Chiefs of Staff for the employment of the Agency in time of peace.

5. Accomplish additional missions and specific functions as may be subsequently assigned by the Secretary of Defense.

6. Provide for direct coordination on matters connected with the operation of the Agency, as prescribed by reference (f).

7. Organize, equip, and attach airlift units necessary to meet military requirements as determined by the Joint Chiefs of Staff.

8. Prepare and submit to the Office of the Secretary of Defense those reports provided for in reference (1).

B. The Joint Chiefs of Staff will:

1. Establish procedures and formats in coordination with the appropriate Assistant Secretaries of Defense and the Secretaries of the Military Departments for the submission of transportation requirements by the DoD user components to the appropriate Single Managers and for the submission of evaluated requirements and capabilities by the Single Manager Agencies.

2. Assure the participation of each Single Manager operating agency in the planning cycle, as appropriate.

3. Prescribe a transportation priority system for passengers and for cargo in consonance with the Uniform Materiel Movement and Issue Priority System that will assure responsiveness in movement to meet the requirements of the using forces (reference (1)).

4. Review and evaluate requirements of the DoD components for airlift service and the ability of MAC to meet these requirements.

5. Allocate the capabilities of MAC as required to meet approved plans of the Joint Chiefs of Staff, or upon request by MAC or one of the user components.

6. Review and approve, as appropriate, Agency plans and transportation movement schedules issued in support of general, limited, and cold war plans previously approved by the Joint Chiefs of Staff.

7. Task MAC, singly or jointly with MTMTS, and MSTS to provide such information and assistance, within their respective capabilities, resources and areas of responsibility as may be required to enable the Joint Chiefs of Staff/the Special Assistant for Strategic Mobility to fulfill their movement responsibilities and implement their capability to act effectively as the interface between the Military Services and the Single Manager Operating Agencies, and among the Single Manager Operating Agencies.

C. The Assistant Secretary of Defense (Installations and Logistics) is responsible for issuing policy direction in connection with this single manager assignment except as otherwise specifically designated in this Directive. In developing such policies, ASD (I&L) will collaborate with ASD (Comptroller) to assure maximum utilization of the assignment for budgetary purposes. Similarly he will collaborate with ASD (Systems Analysis) to assure maximum application of the assignment for manpower utilization effectiveness purposes. The ASD (I&L) will also collaborate with other elements of the Office of the Secretary of Defense, as appropriate.

D. All DoD components, as applicable, will:

1. Provide such information and assistance, within their respective capabilities and areas of responsibility, as may be needed by the Secretary of the Air Force and the Executive Director to carry out the single manager assignments as outlined in this Directive.

2. Identify passengers and the specific material and quantities to be moved.

3. Determine the destinations to which passengers and materiel are to be moved.

4. Specify date(s) available for movement and the required date of arrival at destination for passengers and materiel to be moved.

5. Establish transportation priorities for passengers and materiel in accordance with applicable DoD/JCS issuances.

6. Arrange with MTMTS for receipt of necessary data, as required, to determine the status of CONUS originated traffic enroute to or within air terminals.

7. Provide technical advice to MAC.

8. Provide MTMTS with diversion, disposition and/or supply instructions regarding CONUS-originated cargo. Diversion requests regarding cargo already

loaded in an aircraft, if such cargo diversion will result in the diversion of the aircraft, should be sumbitted to MAC.

9. Execute, or arrange for the execution of, necessary documentation and/or data to obtain necessary customs clearances for their materiel.

10. Plan for the movement aspects of special projects and coordinate, as appropriate, with MAC.

11. Assure that materiel offered for shipment is properly packed, marked, certified, and documented.

12. Perform, or arrange for performance of, the acceptance function for vendor-supplied materiel shipped direct to an air terminal, the function to include technical inspection, and preparation or completion of shipping documentation.

13. Plan, program, budget for, and finance the movement of passengers and cargo.

14. Provide liaison officers at MAC headquarters, area commands, and at such activities/installations as mutually agreed with MAC.

15. Submit specific reservation requests for overseas passengers to MAC.

16. Organizations having command jurisdiction over the installation at which the MAC aerial port or delivery point is located will arrange for the prompt onward movement of terminating air cargo. CONUS organizations will provide the data to MTMTS necessary for MTMTS monitoring the movement of retrograde cargo.

17. Identify to MAC or MTMTS, as appropriate, material which should move promptly to meet specific Service requirements.

VIII. *Specific Responsibilities and Relationships of MTMTS and DoD Components With Respect to CONUS Outbound Air Passenger and Cargo Traffic.*—A. *Overseas Outbound Air Passenger Traffic.* 1. MTMTS will: a. Provide for diversions of passenger groups within CONUS between modes of transportation, or to a CONUS port of embarkation other than that originally intended. However no diversion is to be made without the concurrence of the shipper service or shipper agency.

b. In cooperation with MAC and MSTS, perform analytical studies of all overseas outbound passenger travel patterns within CONUS and make appropriate recommendations to the Secretary of Defense through the JCS regarding improvements in passenger traffic management and relationship between CONUS and overseas movements. Copies of reports will be furnished concurrently to the Military Services.

c. Develop, in coordination with the DoD component, joint regulations regarding preparation of air passengers for overseas travel. Based upon the feedback of information from MAC, provide information and advice to the appropriate DoD components as to problems encountered at aerial ports of embarkation which prevent passengers from being processed for overseas travel.

d. Based on space assignments made by MAC, receive specific reservation requests from the Army, receive copies of reservation confirmations from MAC for all overseas passengers and port call Army passengers.

e. Receive requests from the Military Services and other DoD components for desired departure dates and required arrival dates at Aerial Ports of Embarkation (APOE) of passenger group moves and plan, program and manage the flow of CONUS-originated passenger groups to appropriate air terminals.

f. Make necessary arrangements, in accordance with OJCS procedures for air or land transportation of units between inland CONUS points and the APOE and advise the Military Services and other DoD components of the transportation mode, the particular carrier within a mode, or the particular charter to be used, as appropriate, as well as the time and place from which the CONUS portion of the travel will originate.

g. Participate with MAC in the selection of routes for commercial service other than chartered flights.

2. The DoD components will:

a. Submit requirements for passenger travel to MAC in accordance with procedures established by MAC in coordination with the Military Services (and consistent with procedures established in accordance with paragraph VII.B.1.). Concurrently with such submissions, the Military Services will submit copies of CONUS-originated/overseas destined passenger requirements to MTMTS.

b. Submit reservation requests for overseas air travel to MAC in accordance with procedures established by MAC in coordination with the affected DoD components. (Army will submit reservation requests through MTMTS.)

c. Process and transmit, or arrange for transmission of, passports or other documentation to passengers as required.

d. Provide, or arrange for, processing of intransit personnel including arrangements for pay, reassignment orders, and such other services which were not provided prior to movement.

e. Provide required personnel actions prior to movement to port.

f. Port call air passengers. (Army air passengers will be port called by MTMTS.)

B. *CONUS Movement of Outbound Air Cargo.* 1. MTMTS will:

a. Provide for diversion of outbound air cargo within CONUS between transportation modes, to intransit storage or to a CONUS port of embarkation other than that originally intended. However, no diversion is to be made without concurrence of the shipper service or shipper agency. When cargo cannot be cleared for movement to an Aerial Port of Embarkation, provide timely advice to the shipper as prescribed by MILSTAMP (reference (j)).

b. Select the CONUS mode of transportation for release unit shipments that will be responsive to the priority and the delivery date that the DoD component has established. The use of either air or surface movement from CONUS to overseas may be questioned by MTMTS.

c. Acting as the point of contact between the sponsoring agency and the airlift system, perform the following airlift clearance authority (ACA) functions as prescribed by MILSTAMP.

(1) Control the movement of air eligible cargo into the airlift system.

(2) Arrange for diversion of cargo as conditions require in coordination with the shipper service. However, no diversion is to be made without the concurrence of the shipper service or shipper agency.

(3) Initiate necessary corrective action with the shipper service on discrepancies in documentation and shipment identification.

(4) Furnish the terminal operator with an advance transportation Control and Movement Document (TCMD) for each shipment unit prior to shipment arrival.

(5) Monitor retrograde cargo requiring onward movement from the Aerial Port of Debarkation (APOD) to assure shipment to the ultimate consignee.

(6) Respond to requests for movement information, expediting services (including expedited handling shipments—RDD Code "999") and tracer action.

(7) Coordinate the movement of classified and/or courier materiel. When classified materiel is diverted to surface transportation, the Airlift Clearance Authority will insure that the shipment is properly coded and documented.

d. In order to perform its ACA functions in an effective manner, MTMTS is authorized to establish in CONUS a "Military Air Traffic Coordinating Office (MATCO)" at the CONUS aerial ports of embarkation to perform on behalf of all shipper services and agencies those ACA functions requiring physical presence at the air terminals. The MATCO will be jointly staffed. In addition, shipper services or agencies may have logistic officers (APLO) at the CONUS aerial ports of embarkation to take necessary corrective action on cargo packaging, to advise MATCO with respect to diversions, to identify to MAC or MATCO, as appropriate, materiel which should be moved promptly to meet specific service requirements, and to inspect their service shipments received directly from vendors. However, these representatives will not perform MATCO Air Clearance Authority functions; conversely, MATCO will not perform functions assigned to the Service Logistic Officer (APLO) unless requested to do so by the shipper service or agency concerned. Similarly, MATCO will not duplicate the responsibilities of MAC for air terminal operations, nor will MAC duplicate the airlift clearance functions of MTMTS within the United States.

2. The DoD components will:

a. Submit total air cargo lift requirements to MAC in accordance with procedures developed by MAC in coordination with the DoD components and consistent with procedures established in accordance with paragraph VII.B.1. herein. Concurrently with such submissions, the DoD components will submit copies to MTMTS.

b. In CONUS, forward cargo to air terminals in accordance with procedures established by MTMTS in coordination with the DoD components.

c. Submit special assignment airlift requirements direct to MAC, furnishing information copy to MTMTS when CONUS land transportation is involved.

d. Insure air eligibility of cargo entering the airlift system.

e. The Air Force and the Navy respectively will control and administer the operation of LOGAIR and QUICKTRANS.

IX. *Authority.* To discharge the functions and responsibilities prescribed in this directive, the Secretary of the Air Force and Executive Director of the Agency are authorized to:

A. Organize, direct, manage, administer, and control all elements of the Agency.

B. Communicate and coordinate directly with all components of DoD and with other departments and agencies of Government in matters relating to Agency functions.

X. *Administration and Financing.* A. The Agency headquarters and its subordinate elements will be staffed with civilian employees who will be employees of the Department of the Air Force and with military personnel from all Services, as appropriate.

B. Positions within the Agency will be identified as military or civilian based on criteria established by the Secretary of Defense in reference (a).

C. Manpower requirements for the Agency on a phased-basis will be consistent with the transfer of responsibilities and will be provided to the ASD (Systems Analysis) at least 30 days in advance of the effective date of functional transfers to permit the necessary evaluation of realignment of such resources.

D. The transfer of manpower authorizations to the Department of the Air Force from other DoD components will be accomplished in accordance with reference (b). The transfer of personnel resources will be in accord with established policies and procedures.

E. The transfer of financial and other resources will be accomplished in accordance with established DoD procedures and as approved by the appropriate elements of the Office of the Secretary of Defense.

F. Interservice support agreements, assignments or delegations of functions and authority will be executed as required for the performance of assigned responsibilities in accordance with reference (c).

G. The Department of the Air Force will program, budget, and finance for the Agency.

H. Airlift service of the Agency shall be financed under an Air Force Industrial Fund, administered in accordance with reference (h) except as specifically excluded by the ASD (Comptroller).

I. Implementing directives and instructions will be coordinated in accordance with reference (f).

XI. *Effective Date and Implementation.* This directive is effective upon publication. Two (2) copies of implementing instructions shall be forwarded to the Assistant Secretary of Defense (Installations and Logistics) within sixty (60) days.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[F.R. Doc. 67-4383; Filed, Apr. 20, 1967; 8:45 a.m.]

SINGLE MANAGER ASSIGNMENT FOR MILITARY TRAFFIC, LAND TRANSPORTATION, AND COMMON-USER OCEAN TERMINALS

The Deputy Secretary of Defense approved the following on March 24, 1967:

References:

(a) DoD Directive 1100.9, "Military-Civilian Staffing of Management Positions in the Support Activities," April 24, 1957.

(b) DoD Directive 1100.10, "Control of Manpower Resources in Event of Reorganization," June 19, 1962.

(c) DoD Directive 4000.19, "Basic Policies and Principles for Interservice Support," March 26, 1960.

(d) DoD Directive 4500.31, "Traffic Management Assignment for the Transportation of Household Goods of Military and Civilian Personnel of the Department of Defense," September 16, 1963.

(e) DoD Directive 5160.2, "Single Manager Assignment for Airlift Service," March 24, 1967.

(f) DoD Directive 5160.10, "Single Manager Assignment for Ocean Transportation," March 24, 1967.

(g) DoD Directive 5160.12, "Policies for Implementation of Single Manager Assignments," August 10, 1960.

(h) DoD Directive 5160.53, "Single Manager Assignment for Military Traffic, Land Transportation and Common-User Ocean Terminals," June 24, 1965 (cancelled herein).

(i) DoD Directive 7410.4, "Regulations Governing Industrial Fund Operations," March 13, 1967.

(j) DoD Instruction 4410.6, "Uniform Materiel Movement and Issue Priority System (UMMIPS)," August 24, 1966.

(k) DoD Directive 4500.32, "Military Standard Transportation and Movement Procedures (MILSTAMP)," July 7, 1966.

(l) SecDef memorandum, "Mobility Planning and Operations Organization," March 22, 1966.

(m) DoD Directive 3005.7, "Emergency Requirements, Allocations, Priorities, and Permits for DoD Use of Domestic Civil Transportation," October 31, 1964.

(n) DoD Instruction 4100.31, "Reports on Single Manager Operations," September 2, 1960.

I. *Purpose.* A. Pursuant to the authority vested in the Secretary of Defense, a Single Manager Service Assignment is directed within the Department of Defense with authority, functions, responsibilities, and relationships as set forth herein.

B. The purposes and objectives of this assignment with respect to DoD military traffic, land transportation, and common-user ocean terminals are:

1. To eliminate duplication and overlapping of effort between and among Military Departments, Defense Agencies, and other components of DoD.

2. To improve the effectiveness and economy of these operations throughout the DoD.

3. To ensure that the approved emergency and wartime requirements of the DoD are met.

II. *Cancellation.* This directive cancels and supersedes reference (h).

III. *Definitions.* For the purpose of this directive the following definitions, in addition to those set forth in reference (g) which are relevant to this assignment, will apply:

A. *Common-User Ocean Terminals.* A military installation, part of a military installation, or a commercial facility operated under contract or arrangement of the Military Traffic Management and Terminal Service (MTMTS) which regularly provides for two or more Services' terminal functions of receipt, transit storage or staging, processing, loading and unloading of passengers or cargo aboard ships.

B. *CONUS.* The 48 contiguous states and the District of Columbia, excluding Alaska and Hawaii.

C. *DoD Components.* For the purposes of this directive, DoD components include the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, the Military Departments, the Military Services, and the Defense Agencies.

D. *Military Airlift Command (MAC).* The Single Manager Operating Agency for Airlift Service (reference (e)).

E. *Military Land Transportation Resources.* All military-owned transportation resources designated for common-user, over the ground, point-to-point use within the CONUS.

F. *Military Sea Transportation Service (MSTS).* The Single Manager Operating Agency for Sealift Service (reference (f)).

G. *Military Traffic.* DoD personnel and materiel to be transported.

H. *Military Traffic Management.* The direction, control and supervision of all functions incident to the effective and economical procurement and use of freight and passenger transportation service from commercial for-hire transportation companies (including rail, air highway, inland waterway, coastwise and intercoastal carriers). (Reference to coastwise and intercoastal carriers is not intended to affect those responsibilities of ocean carrier functions assigned to MSTS but has reference to the traffic management authority necessary to determine the proper mode of shipment. Reference to air carriers is not intended to affect those responsibilities for procurement of commercial airlift services assigned to MAC.)

I. *Military Traffic Management and Terminal Service (MTMTS).* The Single Manager Operating Agency for military traffic, land transportation, and common-user ocean terminals (herein referred to as the Agency or as MTMTS).

J. *Passenger Groups.* Passenger groups are usually composed of 10 or more travelers; however, this is subject to change based upon traffic management considerations.

K. *Release Unit of Cargo.* Release unit of cargo for surface shipment is

usually 10,000 pounds; however, this is subject to change based upon traffic management considerations.

L. *Water Terminal Clearance Authority.* An activity designated by MTMTS or an overseas theater commander to control and monitor the flow of cargo into water terminals.

IV. *Applicability and Scope.* A. The operations of the Single Manager for Military Traffic, Land Transportation, and Common-User Ocean Terminals will be conducted within the CONUS except for those functions specifically outlined below or subsequently assigned by the Secretary of Defense requiring operations outside the CONUS.

B. The provisions of this directive apply to all components of the Department of Defense.

C. This directive does not modify Department of the Navy responsibility for command and control of its tidewater installations providing ocean terminal services except at the Naval Supply Centers, Oakland, Calif., and Bayonne, N.J., where Military Ocean Terminals have been established.

D. This directive does not modify Department of the Air Force responsibility for command and control of air terminals and aerial ports of embarkation/debarkation worldwide except as otherwise specifically provided for herein.

V. *General Functions of MTMTS.* A. Within the mission of MTMTS, provide transportation planning support to the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, the Military Services, and the DoD Agencies in support of the plans of the Joint Chiefs of Staff and other military operations as required.

B. Provide traffic management and common-user and commercial ocean terminal support for assigned functions and responsibilities to the DoD components as required.

C. Develop, establish, and operate an integrated transportation information data system to support the mission of the Agency.

D. Develop plans to assure the efficient use and control of military-owned and commercial CONUS land transportation resources and capabilities made available to the DoD under mobilization or other emergency conditions.

E. Receive, consolidate, and analyze total overseas passenger and cargo requirements from the DoD components to determine CONUS transportation and terminal capability needed to satisfy the requirements. Advise the OJCS, and other appropriate DoD components of insufficient CONUS transportation and CONUS ocean terminal capabilities with recommendations to the OJCS for appropriate actions when requirements exceed capabilities.

F. Provide for diversions of passenger groups or release unit cargo within CONUS between modes of transportation, to a CONUS port of embarkation other than that originally intended, or to intransit storage in the case of cargo. However, no diversion is to be made without the concurrence of the shipper Service or shipper agency.

G. In cooperation with MAC and MSTS perform analytical studies of all overseas outbound passenger travel patterns within CONUS and make appropriate recommendations to the Secretary of Defense through the JCS regarding improvements in passenger traffic management and relationship between CONUS and overseas movement.

H. Develop, in coordination with the DoD components, joint regulations regarding preparation of air and ocean passengers for overseas travel. Based upon the feed back of information from ocean terminals and MAC provide information and advice to the appropriate DoD components as to problems encountered at Aerial and Ocean Ports of Embarkation which prevent passengers from being processed for overseas travel.

I. Control the use of and, as directed by the Secretary of Defense, operate military-owned CONUS land transportation resources required to supplement the capability of commercial transportation carriers when the land transportation resources of commercial transportation carriers operating within the CONUS are inadequate to meet military requirements.

J. Command oversea Army terminal units providing terminal service in oversea areas in support of the Department of the Air Force and other agencies as assigned.

K. Provide worldwide traffic management for the Department of Defense Household Goods Moving and Storage Program as set forth in reference (d).

L. Command and operate, or arrange for the operation of, holding and reconsignment points and other intransit control activities or installations when required for en route shipments of cargo within the CONUS.

M. Command and operate common-user military ocean terminals assigned to MTMTS by the Secretary of Defense, providing such fleet support requirements to the Navy as are required by the Department of the Navy and delineated in applicable cross-servicing agreements. (Assignments of command and operation of ocean terminals to either Navy or MTMTS will be based upon the concept that the entire terminal operations at any one installation will be conducted by only one DoD activity.)

N. Arrange for the utilization of common-user military ocean terminals operated by any Military Service on a reimbursable basis. The Navy will operate common-user ocean terminals at designated tidewater installations for manifested Department of Defense cargo in accordance with interservice support agreement between MTMTS and the Navy. This function may include responsibility for all manifested DoD cargo moving through the entire port complex, if in accordance with the interservice support agreement in effect between MTMTS and the Navy.

O. Arrange for the operation or use of commercial ocean terminals within the CONUS for the shipment of military manifested cargo.

P. Control and direct the operations of military-owned railway rolling stock registered for interchange service other than that permanently assigned to intrabase or intraplant operations, to include supply accountability and maintenance of the Defense Freight Railway Interchange Fleet.

Q. In coordination with affected DoD components establish the size of passenger groups and release unit cargo.

R. Perform the additional specific functions outlined in Paragraph VII below.

S. Prescribe, under guidance of the Joint Chiefs of Staff, the methods and format for use by the Military Services and other Department of Defense components to develop and forecast their CONUS transportation requirements by mode or modes (including the assumptions and computations on which they are based), which will assure responsiveness to their individual logistic systems, and evaluate the question, where necessary, the validity of the requirements specified.

T. Develop and improve the small shipment consolidation programs and develop and improve the loss and damage prevention program.

VI. *General Responsibilities and Relationships of DoD Components With Respect to MTMTS and MTMTS Functions.* A. The Secretary of the Army is designated as the Single Manager for Military Traffic, Land Transportation and Common-User Ocean Terminals and will:

1. Establish and organize, as a major command of the U.S. Army, the Single Manager Operating Agency which shall have no functions other than those assigned to it in this directive.

2. Designate a general officer as Executive Director for the Agency subject to the approval of the Secretary of Defense. The Executive Director shall have no other duties but to direct the operations of the Agency and shall be responsible to the Secretary of the Army through channels prescribed by the Secretary.

3. Prepare plans for the employment and expansion of the Agency in time of war or national emergency for support of approved Joint War Plans consistent with Joint Chiefs of Staff allocations approved by the Secretary of Defense.

4. Prepare and submit to the Secretary of Defense the annual operating plans and programs of the Agency in support of DoD requirements.

5. Accomplish additional missions and specific functions as may be subsequently assigned by the Secretary of Defense.

6. Provide for direct coordination on matters connected with the operation of the Agency, as prescribed by reference (g).

7. Prepare and submit to the Office of the Secretary of Defense those reports provided for in reference (n).

B. The Joint Chiefs of Staff will:

1. Establish procedures and formats in coordination with the appropriate Assistant Secretaries of Defense and the Secretaries of the Military Departments for the submission of transportation requirements by the DoD user components to the appropriate Single Managers and for the submission of evaluated requirements and capabilities by the Single Manager Agencies.

2. Assure the participation of each Single Manager operating agency in the planning cycle as appropriate.

3. Prescribe a transportation priority system for passengers and for cargo in consonance with the Uniform Materiel Movement and Issue Priority System (reference (j)) that will assure responsiveness in movement to meet the requirements of the using forces.

4. Review and evaluate requirements of the DoD components for CONUS transportation and common-user ocean terminal service and the ability of MTMTS to meet these requirements.

5. Allocate the capabilities of MTMTS as required to meet approved plans of the Joint Chiefs of Staff, or upon request by MTMTS, or one of the user components.

6. Review and approve, as appropriate, Agency plans and transportation movement schedules issued in support of general, limited, and cold war plans previously approved by the JCS.

7. Task MTMTS, singly or jointly with MAC and MSTS to provide such information and assistance, within their respective capabilities, resources and areas of responsibility as may be required to enable the Joint Chiefs of Staff/the Special Assistant for Strategic Mobility to fulfill their movement responsibilities and implement their capability to act effectively as the interface between the Military Services and the Single Manager operating agencies, and among the Single Manager operating agencies.

C. The Assistant Secretary of Defense (Installations and Logistics) is responsible for issuing policy direction in connection with this single manager assignment except as otherwise specifically designated in this Directive. In developing such policies, ASD (I&L) will collaborate with ASD (Comptroller) to assure maximum utilization of the assignment for budgetary purposes. Similarly he will collaborate with ASD (Systems Analysis) to assure maximum application of the assignment for manpower utilization effectiveness purposes. The ASD (I&L) will also collaborate with other elements of the Office of the Secretary of Defense, as appropriate.

D. All DoD Components as applicable, will:

1. Provide such information and assistance, within their respective capabilities and areas of responsibility, as may be needed by the Secretary of the Army and the Executive Director to carry out the single manager assignment as outlined in this directive.

2. Identity passengers and the specific material and quantities to be moved.

3. Determine the destinations to which passengers and materiel are to be moved.

4. Specify date(s) available for movement and the required date of arrival at destination for passengers and materiel to be moved.

5. Establish transportation priorities for passengers and materiel in accordance with applicable DoD/JCS issuances.

6. Arrange with MTMTS for receipt of necessary data, as required, to determine the status of CONUS-originated en route traffic.

7. Provide technical advice to MTMTS.

8. Provide MTMTS with diversion, disposition and/or supply instructions regarding CONUS-originated cargo. Diversion requests regarding cargo already loaded on a ship or aircraft, if such cargo diversion will result in the diversion of the ship or aircraft, should be submitted by the DoD component to MSTS or MAC as appropriate.

9. Execute, or arrange for the execution of, necessary documentation and/or data to obtain necessary customs clearances for their materiel.

10. Plan for the movement aspects of special projects and coordinate as appropriate with MTMTS.

11. Assure that materiel offered for shipment is properly packed, marked, certified, and documented.

12. Perform, or arrange for performance of the acceptance function for vendor-supplied materiel shipped direct to an air or ocean terminal, the function to include technical inspection, and preparation or completion of shipping documentation.

13. Plan, program, budget for, and finance the movement of passengers, cargo, and bulk petroleum.

14. Provide liaison officers at MTMTS headquarters, area commands, and at such activities/installations as mutually agreed with MTMTS.

15. Advise MTMTS on problems of commercial leave travel by military personnel within CONUS.

16. Submit requirements for overseas passenger travel and cargo movement to MAC and MSTS in accordance with procedures established by MAC and MSTS in coordination with the Military Services and consistent with procedures established in accordance with paragraph VI.B.1. Concurrently with such submissions, the Military Service will submit copies of CONUS-originated overseas destined passenger and cargo requirements to MTMTS.

17. Place requests for CONUS movement of passenger group travel from inland CONUS point to air and ocean terminals in accordance with procedures established by MTMTS in coordination with affected DoD components.

18. Submit reservation requests for overseas air travel to MAC in accordance with procedures established by MAC in coordination with affected DoD components. (Army will submit reservation requests through MTMTS.)

19. Submit reservation requests for CONUS-originated/overseas destined passenger ocean travel as follows:

a. The Army and the Air Force will submit reservation requests to MTMTS in accordance with procedures developed by MTMTS in coordination with the Army and Air Force.

b. The Navy and the Marine Corps will submit reservation requests directly to MSTS with copies to MTMTS in accordance with procedures established by MSTS in coordination with the Navy and the Marine Corps.

20. Process and transmit, or arrange for transmission of, passports or other documentation to passengers as required.

21. Provide, or arrange for, processing of in-transit personnel including arrangement for pay, reassignment orders, and such other services which were not provided prior to movement.

22. Provide required personnel actions prior to movement to port.

23. Port-call air passengers. (Army air passengers will be port-called by MTMTS.)

24. The Navy and the Marine Corps will port-call their ocean passengers. (Army and Air Force ocean passengers will be port-called by MTMTS.)

VII. *Specific Responsibilities and Relationships of MTMTS and DoD Components With Respect to the Various Type Movement Operations*—A. *Commercial Freight and Passenger Traffic Movement Between CONUS Points.*

1. MTMTS will:

a. Provide traffic management for freight movements for all components of the DoD (except common-user transportation service procured by MAC under its Single Manager operating authority).

b. Advise and assist, by provision of adequate cost, rate and traffic data services:

(1) Procurement agencies in developing the most economical sources of supply;

(2) Production activities in programming the processing of raw materials and semifinished and finished products through Government-operated facilities;

(3) Distribution agencies in programming the position of stocks;

(4) Site selection authorities in evaluating transportation considerations in the selection of sites for plants and facilities;

(5) Fiscal agencies in the development and improvement of cost data techniques;

(6) Appropriate agencies as to the effect of packing and packaging costs on transportation and distribution costs and the utilization of transportation equipment.

c. Determine or establish proper freight classification and freight and passenger rates, fares, charges, rules, and regulations for DoD traffic.

d. Negotiate, as necessary, with for-hire commercial carriers of cargo or passengers or their rate-making agencies, for the classification, rates, fares, charges, rules, and regulations to carry out the functions assigned in subparagraph c above.

e. Administer the transit management program.

f. Maintain surveillance of reissued freight and passenger tariffs and of tariff supplements to determine changes made which would affect the cost of moving or the routing of military traffic.

g. Review all for-hire commercial carrier (freight and passenger) dockets and other proposals to determine the extent to which military traffic would be affected and the action required.

h. Recommend to the Judge Advocate General, Department of the Army, actions concerning DoD litigation in the transportation and traffic management areas necessary to protect or promote the interests of the DoD.

i. Plan, develop, and monitor the Freight Classification Guide System.

j. Develop and maintain current transportation cost and statistical data necessary to facilitate efficient and effective performance of the functions assigned in subparagraphs c through i above.

k. Maintain tariff files.

l. Obtain and quote rates.

m. Determine the transportation mode and type of service required to move freight in release unit lots.

n. Arrange with carriers for the transportation required for the movement of passenger groups and release unit cargo (except common-user transportation service procured by MAC under its Single Manager operating authority).

o. Route traffic or prescribe rules, regulations, and criteria for the guidance of those assigned routing responsibilities.

p. In coordination with affected DoD components, prescribe regulations and disseminate technical instructions on the issuance and completion of transportation documentation (e.g., bills of lading, and transportation requests).

q. In coordination with affected DoD components, develop and improve procedures for facilitating and assuring control and expeditious movement of traffic within CONUS (except common-user transportation service procured by MAC under its Single Manager operating authority).

r. In coordination with affected DoD components, develop and maintain uniform procedures, regulations, forms and other documents for the movement of traffic within CONUS (except common-user transportation service procured by MAC under its Single Manager operating authority).

s. In coordination with affected DoD components, develop and maintain procedures, regulations, systems, forms, and other documents for monitoring en route traffic within CONUS (except common-user transportation service which is procured by MAC under its Single Manager operating authority).

t. Advise, as required, affected DoD components with respect to status of en route traffic within the CONUS.

u. Based on evaluated requirements submitted by the DoD components, prepare long- and short-range forecasts of CONUS transportation and ocean terminals' requirements and match them with capabilities of CONUS transportation and ocean terminals. In accordance with procedures established by the OJCS, submit requirements and capabilities to the OJCS together with recommendations, as appropriate, to assure a proper balance.

v. In coordination with other affected DoD components, establish specific cargo movement procedures to be followed by the DoD components in requesting routing and release of cargo for movement within the CONUS.

w. In coordination with other affected DoD components, establish specific movement procedures for passenger groups and units for movement within CONUS.

x. Arrange for and manage the flow of passenger groups and units and cargo from point of origin to point of destination within the CONUS. This responsibility excludes cargo movements made on airlift services procured by MAC. Unit moves within CONUS under the auspices of a unified or specified command will be arranged in accordance with instructions of that command.

y. Perform analytical studies of all passenger travel patterns of domestic movements within the CONUS and make appropriate recommendations to the Secretary of Defense regarding improvements in passenger traffic management.

z. Maintain cognizance of, and take appropriate action on, problems of commercial leave travel of military personnel within CONUS.

B. *CONUS Outbound Air Passenger Traffic (Other Than JCS-Directed Deployments or Training Exercises).* 1. MTMTS will:

a. Based on space assignments made by MAC, receive specific reservation requests from the Army, receive copies of reservation confirmations from MAC for all overseas passengers and port-call Army passengers.

b. Receive requests from the Military Services and other DoD components for desired departure dates and required arrival dates at Aerial Ports of Embarkation of passenger group moves and plan, program and manage the flow of CONUS-originated passenger groups to appropriate air terminals.

c. Make necessary arrangements, in accordance with OJCS procedures for air or land transportation of units between inland CONUS points and the Aerial Ports of Embarkation and advise the Military Services and other DoD components of the transportation mode, the particular carrier within a mode, or the particular charter to be used, as appropriate, as well as the time and place from which the CONUS portion of the travel will originate.

d. Participate with MAC in the selection of routes for commercial service other than chartered flights.

C. *Conus Outbound Ocean Passenger Traffic (Other Than JCS-Directed Deployment or Training Exercises).* 1. MSMTS will:

a. Based upon space assignments made by MSTS, receive specific reservation requests from the Army and Air Force and copies of reservation requests from the Navy and Marine Corps.

b. Advise MSTS of Army and Air Force passenger identifications. Port-call Army and Air Force passengers.

c. Provide temporary accommodations of ocean passengers when passenger arrivals at ocean terminals do not coincide with ship availability.

d. Receive requests from the Military Services and other DoD components for desired departure dates and required arrival dates at Ocean Ports of Embarkation of passenger group moves and plan, program, and manage the flow of CONUS-originated passenger groups to and through appropriate ocean terminals.

e. Make necessary arrangements, in accordance with OJCS procedures for air or land transportation of units between inland CONUS points and the ocean terminals and advise the Military Services and other DoD components of the transportation mode, the particular carrier within a mode or the particular charter to be used, as appropriate, as well as the time and place from which the CONUS portion of the travel will originate.

f. Provide or arrange for, with respect to passengers at ocean terminals, information and services as required or requested.

D. *CONUS Movement of Outbound Air Cargo (Other Than JCS-Directed Deployment or Training Exercises).* 1. MTMTS will:

a. Select the CONUS mode of transportation for release unit shipments that will be responsive to the priority and the delivery date that the DoD component has established. The use of either air or surface movement from CONUS to overseas may be questioned by MTMTS.

b. Provide for diversion of outbound air cargo within CONUS between transportation modes, to intransit storage or to a CONUS port of embarkation other than that originally intended. However, no diversion is to be made without concurrence of the shipper Service or shipper agency. When cargo cannot be cleared for movement to an Aerial Port of Embarkation, provide timely advice to the shipper as prescribed by MILSTAMP (reference (k)).

c. Acting as the point of contact between the sponsoring agency and the airlift system, perform the following Airlift Clearance Authority (ACA) functions as prescribed by MILSTAMP:

(1) Control the movement of air eligible cargo into the airlift system.

(2) Arrange for diversion of cargo as conditions require in coordination with the shipper Service. However, no diversion is to be made without the concurrence of the shipper Service or agency affected.

(3) Initiate necessary corrective action with the shipper Service on discrepancies in documentation and shipment identification.

(4) Furnish the terminal operator with an advance Transportation Control and Movement Document (TCMD) for each shipment unit prior to shipment arrival.

(5) Monitor retrograde cargo requiring onward movement from the Aerial Port of Debarkation (APOD) to assure shipment to the ultimate consignee.

(6) Respond to requests for movement information, expediting services (including expedited handling shipments—RDD Code "999") and tracer action.

(7) Coordinate the movement of classified and/or courier materiel. When classified materiel is diverted to surface transportation, the ACA will insure that the shipment is properly coded and documented.

d. In order to perform its ACA functions in an effective manner, MTMTS is authorized to establish in CONUS a "Military Air Traffic Coordinating Office (MATCO)" at the CONUS Aerial Ports of Embarkation to perform on behalf of all shipper Services and agencies those ACA functions requiring physical presence at the air terminals. The MATCO will be jointly staffed. In addition, shipper Services or agencies may have logistic officers (APLO) at the CONUS Aerial Ports of Embarkation to take necessary corrective action on cargo packaging, to advise MATCO with respect to diversions, to identify to MAC or MATCO, as appropriate, materiel which should be moved promptly to meet specific service requirements, and to inspect their service shipments received directly from vendors. However, these representatives will not perform MATCO Air Clearance Authority functions; conversely, MATCO will not perform functions assigned to the Service Logistic Officer (APLO) unless requested to do so by the shipper Service or agency concerned. Similarly, MATCO will not duplicate the responsibilities of MAC for air terminal operations, nor will MAC duplicate the airlift clearance functions of MTMTS within the United States.

2. The DoD Components will:

a. Submit total air cargo lift requirements to MAC in accordance with procedures developed by MAC in coordination with the DoD components and consistent with procedures established in accordance with paragraph VI.B.1. herein. Concurrently with such submissions, the DoD components will submit copies to MTMTS.

b. In CONUS, forward cargo to air terminals in accordance with procedures established by MTMTS in coordination with the DoD components.

c. Submit special assignment airlift requirements direct to MAC, furnishing information copy to MTMTS when CONUS land transportation is involved.

d. Insure air eligibility of cargo entering the airlift system.

3. MAC will:

a. Provide MTMTS with necessary reports of tonnage on hand at Aerial Ports of Embarkation in accordance with procedures established in coordination with MTMTS.

b. Provide recoopering, repacking, marking, and similar services as required for cargo in transit.

c. Provide MTMTS and appropriate DoD agencies current airlift capability information.

E. *CONUS Movement of Outbound Ocean Cargo (Other Than JCS-Directed Deployments or Training Exercises).* 1. MTMTS will:

a. Select the CONUS mode of transportation for release unit shipments that will be responsive to the priority and the delivery date that the DoD component has established. The use of either air or surface movements from CONUS to overseas may be questioned by MTMTS.

b. Provide for diversion of outbound ocean cargo within CONUS between transportation modes, to intransit storage or to a CONUS port of embarkation other than that originally intended. However, no diversion is to be made without concurrence of the shipper Service or shipper agency. When cargo cannot be cleared for movement to an Ocean Port of Embarkation, provide timely advice to the shipper as prescribed by MILSTAMP.

c. Provide traffic management and terminal service incident to the CONUS movement of DoD-sponsored freight/cargo through common-user military and commercial ocean terminals, to include routing via the inland carrier, releasing and control of the input and flow into the terminal, and processing through the ocean terminal. MTMTS services shall be in accordance with program and operational requirements of the DoD components. The foregoing does not modify Navy responsibilities for control over movements within the tidewater installation of fleet support cargo to be lifted via fleet ships.

d. Control the flow of DoD-sponsored traffic into ocean terminal facilities through the Offering, Acceptance and Release procedures.

e. Make cost evaluations, ascertain port-handling capability, select port, offer cargo for booking by MSTS, call cargo forward to designated terminal facilities, provide terminal operator(s) with shipment data, and issue appropriate export release with due dates, rate, route, and tariff or tender information.

f. Operate designated common-user ocean terminals. This function includes responsibility for all manifested DoD cargo moving through the entire port complex and for any fleet support requirements set forth in cross-servicing agreements in effect between MTMTS and the Navy.

g. Establish and command outport detachments or other subordinate activities, as required, or through cross-servicing agreements or contracts, execute MTMTS terminal service operations incident to the transshipment of DoD cargo through commercial ocean facilities.

h. For release-unit freight, determine specific inland mode and carrier, and ocean terminal based on lowest landed cost within priority and delivery data limitations and operational requirements established by the appropriate DoD components.

i. Provide or arrange for terminal service to include receipt, transit storage and marshaling of cargo, loading and discharge of ships, and preparation of required documents.

j. Supervise, direct and control operations, staffing, and physical plant of assigned terminal facilities and activities.

k. Offer cargo to MSTS for booking and accept satisfactory bookings, provide traffic information essential to MSTS planning and operations, serving as the single point of contact with MSTS in regard to booking of DoD sponsored manifested export cargo.

l. Provide movement information tonnage on hand awaiting lift, expediting services and tracer action for the DoD components as required.

m. Provide or arrange for recoopering, repacking and marking service as required for cargo in transit and report discrepancies to DoD components for future correction.

n. Correct, or provide for correction of, and report discrepancies to applicable DoD components in documentation and technical order violations, to include preparation of mechanized TCMDs when required.

o. Arrange for shipment of retrograde cargo requiring onward movement from ocean terminals to inland points.

p. Furnish each DoD component copies of required documents covering all of their sponsored export cargo moved via MSTS.

q. Perform the Water Terminal Clearance Authority functions as prescribed by MILSTAMP.

r. Develop and maintain a terminal selection guide for use by CONUS shipping activities in routing less than release unit shipments to CONUS ports of embarkation in accordance with MILSTAMP (reference (k)).

2. The DoD components will:

a. Submit total cargo ocean lift requirements to MSTS in accordance with procedures developed by MSTS in coordination with the DoD components and consistent with procedures established in accordance with paragraph VI.B.1. herein. Concurrently with such submissions, the DoD components will submit copies to MTMTS.

b. Forward cargo to ocean terminals in accordance with procedures established by MTMTS in coordination with the DoD components.

F. *Overseas JCS-Directed Deployment and Training Exercises.* 1. MTMTS will:

a. Participate in the planning cycle as it affects the mission of MTMTS.

b. Prepare and submit CONUS transportation plans to JCS in support of JCS deployments and training exercises.

VIII. *Authority.* To discharge the functions and responsibilities prescribed in this Directive, the Secretary of the Army and the Executive Director of the Agency are authorized to:

A. Organize, direct, manage, administer, and control all elements of the Agency.

B. Communicate and coordinate directly with all components of the DoD and with other departments and agencies of Government in matters relating to Agency functions.

IX. *Administration and Financing.* A. The Agency shall be jointly staffed in accordance with a Joint Table of Distribution (JTD), developed by the Secretary of the Army in coordination with the Secretaries of the Navy and Air Force and approved by the OSD.

1. The Agency headquarters and its subordinate elements will be staffed with civilian employees who will be employees of the Department of the Army and with military personnel from all Services, as appropriate.

2. Positions within the Agency will be identified as military or civilian based on criteria established by the Secretary of Defense in reference (a).

3. Manpower requirements for the Agency on a phased basis will be consistent with the transfer of responsibilities and will be provided to the Assistant Secretary of Defense (Systems Analysis) at least thirty (30) days in advance of the effective date of functional transfers to permit the necessary evaluation and realignment of such resources.

4. The transfer of manpower authorizations to the Department of the Army from other DoD components will be accomplished in accordance with reference (b). The transfer of personnel resources will be in accord with established policies and procedures.

B. The transfer of financial and other resources will be accomplished in accordance with established DoD procedures and as approved by the appropriate elements of the OSD.

C. Interservice support agreements, assignments, or delegations of functions and authority will be executed as required for the performance of assigned responsibilities in accordance with reference (c).

D. The Department of the Army will program, budget, and finance for the Agency.

E. Operations of the Agency shall be financed under an Army Industrial Fund—MTMTS, administered in accordance with reference (i) except as specifically excluded by the Assistant Secretary of Defense (Comptroller).

F. The MTMTS industrial fund accounting system, in addition to conforming to existing requirements, shall provide separate identification of the costs of operating MTMTS, as between port handling costs (direct and indirect), traffic management costs, intermediate command headquarters costs and MTMTS headquarters costs. Port handling costs will be further identified as necessary in order to provide a basis for negotiating cross-servicing rates, and for making appropriate comparisons with cross-servicing and commercial rates.

G. Implementing directives and instructions will be coordinated in accordance with reference (g).

X. *Effective Date and Implementation.* This directive is effective upon publication. Two (2) copies of implementing instructions shall be forwarded to the Assistant Secretary of Defense (Installations and Logistics) within sixty (60) days.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division O A S D (Administration).

[F.R. Doc. 67-4384; Filed, Apr. 20, 1967; 8:45 a.m.]

SINGLE MANAGER ASSIGNMENT FOR OCEAN TRANSPORTATION

The Deputy Secretary of Defense approved the following on March 24, 1967:

References:

(a) DoD Directive 1100.9, "Military-Civilian Staffing of Management Positions in the Support Activities," April 24, 1957.

(b) DoD Directive 1100.10, "Control of Manpower Resources in Event of Reorganizations," June 19, 1962.

(c) DoD Directive 4000.19, "Basic Policies and Principles for Interservice Support," March 26, 1960.

(d) DoD Directive 5160.2, "Single Manager Assignment for Airlift Service," March 24, 1967.

(e) DoD Directive 5160.10, "Single Manager Assignment for Ocean Transportation," May 28, 1956 (canceled herein).

(f) DoD Directive 5160.12, "Policies for Implementation of Single Manager Assignments," August 10, 1960.

(g) DoD Directive 5160.53, "Single Manager Assignment for Military Traffic, Land Transportation, and Common-User Ocean Terminals," March 24, 1967.

(h) DoD Directive 7410.4, "Regulations Governing Industrial Fund Operations," March 13, 1967.

(i) DoD Instruction 4410.6, "Uniform Materiel Movement and Issue Priority System (UMMIPS)," August 24, 1966.

(j) DoD Directive 4500.32, "Military Standard Transportation and Movement Procedures (MILSTAMP)," July 7, 1966.

(k) SecDef memorandum, "Mobility Planning and Operations Organization," March 22, 1966.

(l) DoD Instruction 4100.31, "Reports on Single Manager Operations," September 2, 1960.

I. *Purpose.* A. Pursuant to the authority vested in the Secretary of Defense a Single Manager Service Assignment is hereby directed within the Department of Defense with authority, functions, responsibilities, and relationships as set forth herein.

B. The purposes and objectives of this assignment with respect to DoD ocean transportation are:

1. To eliminate duplication and overlapping of effort between and among military departments, Defense Agencies, and other components of DoD.

2. To improve the effectiveness and economy of ocean transportation service throughout the Department of Defense.

3. To ensure that approved emergency and wartime requirements of the Department of Defense are met.

4. To provide the level of DoD ocean transportation capability and the organization required for 3. above, having due regard for available commercial ocean transportation.

5. To develop and guide the peacetime employment of ocean transportation in a manner that will enhance the emergency and wartime ocean transportation capability, achieve greater flexibility and mobility of forces, and increase logistics effectiveness and economy.

6. To procure, control, operate, and administer services related to ocean transportation and, as assigned by the Secretary of Defense, provide services other than transportation.

II. *Cancellation.* This directive cancels and supersedes reference (e).

III. *Definitions.* For the purpose of this directive, the following definitions, in addition to those set forth in reference (f) which are relevant to this assignment, will apply:

A. *CONUS.* The 48 contiguous States and the District of Columbia, excluding Alaska and Hawaii.

B. *Controlled Shipping.* Organic ships designated by the Secretary of Defense for assignment to the Agency and ships acquired by the Agency by bare boat, time or voyage charter or by allocation from other Government agencies.

C. *DoD Components.* For the purposes of this Directive, DoD components include the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, the military departments, the Military Services, and the Defense Agencies.

D. *Military Airlift Command (MAC).* The Single Manager Operating Agency for Airlift Service (reference (d)).

E. *Military Sea Transportation Service (MSTS).* The Single Manager Operating Agency for Sealift Service (herein referred to as the Agency or as MSTS).

F. *Military Traffic.* DoD personnel and materiel to be transported.

G. *Military Traffic Management and Terminal Service (MTMTS).* The Single Manager Operating Agency for Military Traffic, Land Transportation, and Common-User Ocean Terminals (reference (g)).

H. *Ocean Transportation Service.* The performance or procurement of ocean transportation and services incident thereto required for the movement of persons, cargo, bulk petroleum, and mail.

I. *Passenger Groups.* Passenger groups are usually composed of 10 or more travelers; however, this is subject to change based upon traffic management considerations.

J. *Release Unit of Cargo.* Release unit of cargo for surface shipment is usually 10,000 pounds; however, this is subject to change based upon traffic management considerations.

K. *Ships and Craft Organic to a Military Service.* Ships and craft assigned to and forming an essential part of a military organization.

L. *Water Terminal Clearance Authority.* An activity designated by MTMTS or an overseas theater commander to control and monitor the flow of cargo into water terminals.

IV. *Applicability and Scope.* A. The operation of the Single Manager for Ocean Transportation will be conducted between points in the Continental United States and overseas areas, between and within overseas areas, and in intercoastal and coastwise service within the Continental United States, and will include those additional functions specifically outlined herein or subsequently assigned by the Secretary of Defense.

B. The provisions of this directive apply to all components of the Department of Defense.

V. *Composition.* The Agency shall be composed of all Government-owned ships of the Department of the Navy (except those ships assigned to the combatant fleets of the Navy); all other ships acquired by MSTS for the purpose of providing transoceanic, intratheater, intercoastal and coastwise transportation of personnel, cargo and mail; and ships and craft utilized for other than transportation purposes assigned by the Secretary of Defense, together with personnel, facilities (exclusive of shoreside facilities of the military departments), and equipment necessary to support the operation.

VI. *Functions of MSTS.* A. Within the mission of MSTS, provide ocean transportation planning support to the Organization of the Joint Chiefs of Staff, the unified and specified commands, the Military Services and the Department of Defense agencies in support of the plans of the Joint Chiefs of Staff and other military operations as required.

B. Provide ocean transportation support to the DoD components as required.

C. Develop, establish, and operate an integrated transportation information data system to support the mission of the agency.

D. Develop plans to assure the efficient use and control of military-owned and commercial ocean transportation resources and capabilities made available to the DoD under mobilization or other emergency conditions.

E. Based on evaluated requirements submitted by the DoD components, prepare long and short range forecasts of sealift requirements and match them with sealift capabilities. In accordance with procedures established by the OJCS (para. VII.B.1. below), submit requirements and capabilities to the OJCS together with recommendations as appropriate to assure a proper balance.

F. Provide necessary information required by MTMTS or other military commands or activities exercising traffic management functions for the diversion of passenger groups or release unit cargo between modes of transportation or to alternate loading points due to changes in capabilities. However, no diversion is to be made without the concurrence of the shipper Service or agency affected.

G. Cooperate with MTMTS in the performance by MTMTS of analytical studies of all overseas outbound passenger travel patterns within CONUS.

H. Maintain and operate a DoD ocean transportation system within limits approved by the Secretary of Defense to:

1. Maintain an adequate emergency readiness position.

2. Carry out realistic training programs.

3. Control, operate, and administer Government-owned ships assigned, and all other ships acquired for the purpose of providing ocean transportation service for the movement of personnel, cargo, bulk petroleum, and mail.

4. Provide ocean transportation service, except that performed by units of the fleet, to all components of the Department of Defense, and as authorized for other agencies of the U.S. Government on a basis consonant with national policy, the need for efficient and economical operations, and responsiveness to military requirements.

I. Procure ships outside the MSTS fleet by bare boat, time, or voyage charter, or by allocation from other Government agencies, and procure passenger (except individual travel which may be procured by the military departments) and cargo space in commercial ships to meet the requirements of the Department of Defense and such other agencies of the U.S. Government as authorized by the Secretary of Defense. The DoD agencies may be authorized by MSTS to purchase passenger space on an individual transportation request basis. In the procurement of cargo space in commercial ships, contract provisions for or relating to the working of cargo, terminal facilities, or other responsibilities of the military departments or MTMTS will be coordinated with the military departments or MTMTS, as appropriate, prior to inclusion in MSTS contracts.

J. In coordination with appropriate Government agencies, prepare recommendations for the design, specifications and equipment of ocean-going ships except combatant types. In collaboration with appropriate Government agencies, make studies, analyses and recommendations for the improvement of ocean transportation systems.

K. Keep MTMTS informed, to the extent mutually agreed necessary, as to the availability of opportune MSTS ocean lift including coastwise and intercoastal lift capacity.

L. Meet all requirements of the Department of Defense and other agencies as authorized for ships and craft for purposes other than transportation, such as research, survey, oceanographic, cable laying, repair facilities, and range instrumentation ships except those met by ships and craft organic to the Military Services and those required in the installation phase of a system by the systems contractor.

M. Provide or arrange for the maintenance, repair and alteration of all Government-owned ships assigned to MSTS, plus the maintenance and repair of any ships acquired through bare boat charter to MSTS.

N. Coordinate with MTMTS in the booking of outbound ocean cargo, passengers, and mail and with the Military Services or the theater commander as appropriate for retrograde, or intra- or inter-theater ocean cargo, passenger, and mail movements.

O. Approve stowage plans and their implementation to insure seaworthiness of the ship, safety of the cargo and efficient use of ship space. (The responsibility of MSTS for cargo normally begins when finally stowed on board and accepted by the Commanding Officer of the ship and terminates when the cargo is accepted free on board at destination.)

P. Book, billet, and exercise control of all passengers aboard MSTS ships and book and billet passengers in commercial space procured by MSTS. Administrative control may be exercised through commander of personnel assigned by the Military Services concerned. (The responsibility of MSTS for passengers begins when the passenger embarks and terminates when the passenger debarks.)

Q. Coordinate MSTS operations with appropriate port authorities.

R. Manage, process, determine and settle claims by or against commercial carriers and/or the Government arising out of MSTS contracts for ocean transportation of personnel, cargo, mail, and bulk petroleum.

S. Provide tankers to meet ocean transportation bulk POL requirements of the military departments.

T. Provide services which are related to the basic ocean transportation service when operationally required or directed by higher authority.

U. Book cargo, passengers, and mail in coordination with MTMTS and the DoD agencies, as appropriate, in accordance with reference (j).

V. Provide information to MTMTS on ship operating costs to enable that Agency to determine the advisability of working ships at overtime rates.

W. Provide ocean transportation rates when requested by the military departments and MTMTS in accordance with policies established by the Secretary of Defense.

X. Serve as single point of contact with ocean carriers in regard to the negotiation of ocean rates, terms, and conditions of ocean transportation and the procurement of ocean shipping capability or ocean transportation services.

VII. *General Responsibilities and Relationships of DoD Components With Respect to MSTS and MSTS Functions.* A. The Secretary of the Navy is designated as the Single Manager for Ocean Transportation and will:

1. Establish and organize, as a major command of the U.S. Navy, the Single Manager Operating Agency for Ocean Transportation which shall have no functions other than those assigned to it in this directive.

2. Designate a flag officer as Executive Director for the Agency, subject to the approval of the Secretary of Defense. The Executive Director shall have no other duties but to direct the operations of the Agency, and shall be responsible to the Secretary of the Navy through channels prescribed by the Secretary.

3. Prepare plans for the employment and expansion of the Agency in time of war or national emergency for support of approved Joint War Plans consistent with Joint Chiefs of Staff allocations approved by the Secretary of Defense.

4. Prepare and submit to the Secretary of Defense the annual operating plans and programs of the Agency in support of DoD requirements, consistent with approved requirements of the Joint Chiefs of Staff for the employment of the Agency in time of peace.

5. Accomplish additional missions and specific functions as may be subsequently assigned by the Secretary of Defense.

6. Provide for direct coordination on matters connected with the operation of the Agency, as prescribed by reference (f).

7. Establish and control such units ashore as may be necessary for the administration and operation of MSTS.

8. Prepare and submit to the Assistant Secretary of Defense (Comptroller) those reports provided for in reference (l).

B. The Joint Chiefs of Staff will:

1. Establish procedures and formats in coordination with the appropriate Assistant Secretaries of Defense and the Secretaries of the military departments for the submission of transportation requirements by the DoD user components to the appropriate Single Managers and for the submission of evaluated requirements and capabilities by the Single Manager Agencies.

2. Assure the participation of each Single Manager Operating Agency in the planning cycle, as appropriate.

3. Prescribe a transportation priority system for passengers and for cargo in consonance with the Uniform Materiel Movement and Issue Priority System (reference (i)) that will assure responsiveness in movement to meet the requirements of the using forces.

4. Review and evaluate requirements of the DoD components for sealift service and the ability of MSTS to meet these requirements.

5. Allocate the capabilities of MSTS as required to meet approved plans of the Joint Chiefs of Staff, or upon request by MSTS or one of the user components.

6. Review and approve, as appropriate, Agency plans and transportation movement schedules issued in support of general, limited and cold war plans previously approved by the JCS.

7. Task MSTS singly or jointly with MTMTS and MAC to provide such information and assistance, within their respective capabilities, resources, and areas of responsibility as may be required to enable the Joint Chiefs of Staff/the Special Assistant for Strategic Mobility to fulfill their movement responsibilities and implement their capability to act effectively as the interface between the Military Services and the Single Manager Operating Agencies, and among the Single Manager Operating Agencies.

C. The Assistant Secretary of Defense (Installations and Logistics) is responsible for issuing policy direction in connection with this single manager assignment except as otherwise specifically designated in this directive. In developing such policies, ASD (I&L) will collaborate with the ASD (Comptroller) to assure maximum utilization of the assignment for budgetary purposes. Similarly he will collaborate with the ASD (Systems Analysis) to assure maximum application of the assignment for manpower utilization effectiveness purposes. The ASD (I&L) will also collaborate with other elements of the Office of the Secretary of Defense, as appropriate.

D. All DoD components, as applicable will:

1. Provide such information and assistance, within their respective capabilities and areas of responsibility, as may be needed by the Secretary of the Navy and the Executive Director to carry out the single manager assignment as outlined in this Directive.

2. Identify passengers and the specific material and quantities to be moved.

3. Determine the destinations to which passengers and materiel are to be moved.

4. Specify date(s) available for movement and the required date of arrival at destination for passengers and materiel to be moved.

5. Establish transportation priorities for passengers and materiel in accordance with applicable DoD/JCS issuances.

6. Arrange with MTMTS for receipt of necessary data, as required, to determine the status of CONUS/originated en route traffic.

7. Provide technical advice to MSTS.

8. Provide MTMTS with diversion, disposition and/or supply instructions regarding CONUS-originated cargo. Diversion requests regarding cargo already loaded in a ship, if such cargo diversion will result in the diversion of the ship, should be submitted by the DoD component to MSTS.

9. Execute, or arrange for the execution of necessary documentation and/or data to obtain, necessary customs clearances for their materiel.

10. Plan for the movement aspects of special projects and coordinate as appropriate with MSTS.

11. Assure that materiel offered for shipment is properly packed, marked, certified and documented.

12. Perform, or arrange for performance of the acceptance function for vendor-supplied materiel shipped direct to an ocean terminal, the function to include technical inspection, and preparation or completion of shipping documentation.

13. Plan, program, budget for, and finance the movement of passengers, cargo, and bulk petroleum.

14. Provide liaison, officers at MSTS headquarters, area commands, and at such activities/installations as mutually agreed with MSTS.

VIII. *Specific Responsibilities and Relationships of MTMTS and DoD Components With Respect to Ocean Passenger, Cargo, and Bulk Petroleum Traffic—A. Overseas Outbound Ocean Passenger Traffic.*

1. MTMTS will:

a. In coordination with the affected DoD component, provide for diversion of within CONUS passenger groups between modes when required by changes in capabilities. However, no diversion is to be made without the concurrence of the shipper Service or agency affected.

b. In cooperation with MAC and MSTS, perform analytical studies of all overseas outbound passenger travel patterns within CONUS and make appropriate recommendations to the Secretary of Defense through the JCS regarding improvements in passenger traffic management and relationship between CONUS and overseas movements. Copies of reports will be furnished concurrently to the Military Services.

c. Develop, in coordination with the DoD components, joint regulations establishing procedures regarding preparation of ocean passengers for overseas travel.

d. Based upon space assignments made by MSTS, receive specific reservation requests from the Army and Air Force and copies of reservation requests from the Navy and Marine Corps.

e. Receive requests from the Military Services and other DoD components for desired departure dates and required arrival dates at ocean Ports of Embarkation of passenger group moves and plan, program and manage the flow of CONUS-originated passenger groups to appropriate ocean terminals.

f. Make necessary arrangements, in accordance with OJCS procedures for air or land transportation of units between inland CONUS points and the ocean terminals and advise the military Services and other DoD components of the transportation mode, the particular carrier within a mode or the particular charter to be used, as appropriate, as well as the time and place from which the CONUS portion of the travel will originate.

g. Provide or arrange for, with respect to passengers at ocean terminals, information and services as required or requested.

h. Advise MSTS of Army and Air Force passenger identifications. Port-call Army and Air Force passengers.

i. Provide temporary accommodations of ocean passengers when passenger arrivals at ocean terminals do no coincide with ship availability.

2. The DoD components will:

a. Submit requirements for passenger travel to MSTS in accordance with procedures established by MSTS in coordination with the military Services (and consistent with procedures established in accordance with para. VII.B.1). Concurrently with such submissions the military Service will submit copies of CONUS originated/overseas destined passenger requirements to MTMTS.

b. Submit reservation requests for overseas ocean travel as follows:

(1) The Army and Air Force will submit reservation requests to MTMTS in accordance with procedures developed by MTMTS in coordination with the Army and Air Force.

(2) The Navy and the Marine Corps will submit reservation requests directly to MSTS with copies to MTMTS in accordance with procedures established by MSTS in coordination with the Navy and Marine Corps.

c. Process and transmit, or arrange for the transmission of, passports or other documentation to passengers as required.

d. Provide, or arrange for, processing of intransit personnel, including arrangements for pay, reassignment orders, and such other services which were not provided prior to movement.

e. Provide required personnel actions prior to movement to port.

f. The Navy and the Marine Corps will port-call their ocean passengers. (Army and Air Force ocean passengers will be port-called by MTMTS.)

B. *CONUS Movement of Outbound Ocean Cargo.* 1. MTMTS will:

a. Provide for diversion of outbound ocean cargo within CONUS between transportation modes, to intransit storage or to a CONUS port of embarkation other than that originally intended. However, no diversion is to be made without concurrence of the Shipper Service or Shipper Agency. When cargo cannot be cleared for movement to an ocean Port of Embarkation, provide timely advice to the shipper as prescribed by MILSTAMP (reference (j)).

b. Select the CONUS mode of transportation for release unit shipments that will be responsive to the priority and the delivery date that the Department of Defense component has established. The use of either air or surface movement from CONUS to overseas may be questioned by MTMTS.

c. Provide traffic management and terminal service incident to the CONUS movement of DoD-sponsored freight/cargo through common-user military and commercial ocean terminals, to include routing via the inland carrier, releasing and control of the input and flow into the terminal, and processing through the ocean terminal. MTMTS services shall be in accordance with program and operational requirements of the Department of Defense components. The foregoing does not modify Navy responsibilities for control over movements within the tidewater installation of fleet support cargo to be lifted via fleet ships.

d. Control the flow of DoD-sponsored traffic into ocean terminal facilities through the Offering, Acceptance and Release procedures.

e. Make cost evaluations, ascertain port handling capability, select port, offer cargo for booking by MSTS, call cargo forward to designated terminal facilities, provide terminal operator(s) with shipment data, and issue appropriate export release with due dates, rate, route, and tariff or tender information.

f. Operate designated common-user ocean terminals. This function includes responsibility for all manifested Department of Defense cargo moving through the entire port complex and for any fleet support requirements set forth in cross-servicing agreements in effect between MTMTS and the Navy.

g. Establish and command outport detachments or other subordinate activities, as required, or through cross-servicing agreements or contracts, execute MTMTS terminal service operations incident to the transshipment of Department of Defense cargo through commercial ocean facilities.

h. For release-unit freight, determine specific inland mode and carrier, and ocean terminal based on lowest landed cost within priority and delivery data limitations and operational requirements established by the appropriate Department of Defense components.

i. Provide or arrange for terminal service to include receipt, transit storage and marshaling of cargo, loading and discharge of ships, and preparation of required documents.

j. Supervise, direct, and control operations, staffing, and physical plant of assigned terminal facilities and activities.

k. Offer cargo to MSTS for booking and accept satisfactory bookings, provide traffic information essential to MSTS planning and operations, serving as the single point of contact with MSTS in regard to booking of Department of Defense-sponsored manifested export cargo.

l. Provide movement information, tracer action, tonnage on hand awaiting lift and expediting services for the DoD components as required.

m. Provide or arrange for recoopering, repacking, and marking service as required for cargo intransit and report discrepancies to DoD components for future correction.

n. Correct, or provide for correction of, and report discrepancies to applicable DoD components in documentation and Technical Order violations, to include preparation of mechanized Transportation Control and Movement Documents (TCMDs) when required.

o. Arrange for shipment of retrograde cargo requiring onward movement from ocean terminals.

p. Furnish each DoD component copies of required documents covering all of their sponsored export cargo moved via MSTS.

q. Perform the water clearance authority functions as prescribed by MIL STAMP (reference (j)).

r. Develop and improve the small shipment consolidation programs and develop and improve the loss and damage prevention programs.

2. The DoD components will:

a. Submit total cargo ocean lift requirements to MSTS in accordance with procedures developed by MSTS in coordination with the DoD components, and consistent with procedures established in accordance with paragraph VII.B.1. herein. Concurrently with such submissions the DoD components will submit copies to MTMTS.

b. Forward cargo to ocean terminals in accordance with procedures established by MTMTS in coordination with the DoD components.

c. Submit total bulk POL ocean lift requirements to MSTS via the Defense Fuel Supply Center (DFSC) in accordance with procedures required by MSTS.

d. Submit all requirements for tanker services other than point-to-point transportation to MSTS with information to DFSC. Requirements for floating storage or special support shuttle services will be submitted to MSTS via the JCS.

3. The Defense Fuel Supply Center, Defense Supply Agency (DFSC, DSA) will:

a. In coordination with the military departments and Joint Petroleum offices submit annual and long-range forecasts of ocean bulk POL lift requirements and revision thereto as required by MSTS.

b. Provide monthly bulk POL cargo lift requirements to MSTS received from the military departments and Joint Petroleum Office, accept satisfactory tanker nominations, provide supplier information essential to MSTS operations, coordinate tanker transportation and serve as the single point of contact with MSTS in regard to the ocean movement of DoD-sponsored bulk POL.

c. Establish, in coordination with the military departments and MSTS, standard procedures of inspection and documentation for ocean bulk POL carriers and cargoes.

d. Provide traffic management of bulk POL ocean movements, consolidate requirements of the military departments.

IX. *Authority.* To discharge the functions and responsibilities prescribed in this directive, the Secretary of the Navy and Executive Director of the Agency are authorized to:

A. Organize, direct, manage, administer, and control all elements of the Agency.

B. Communicate and coordinate directly with all components of the DoD and with other departments and agencies of Government in matters relating to Agency functions.

X. *Administration and Financing.* A. The Agency headquarters and its subordinate elements will be staffed with civilian employees who will be employees of the Department of the Navy and with military personnel from all Services, as appropriate.

B. Positions within the Agency will be identified as military or civilian, based on criteria established by the Secretary of Defense in reference (a).

C. Manpower requirements for the Agency on a phased-basis will be consistent with the transfer of responsibilities and will be provided to the ASD (Systems Analysis) at least 30 days in advance of the effective date of functional transfers to permit the necessary evaluation and realignment of such resources.

D. The transfer of manpower authorizations to the Department of the Navy from other DoD components will be accomplished in accordance with reference (b). The transfer of personnel resources will be in accord with established policies and procedures.

E. The transfer of financial and other resources will be accomplished in accordance with established DoD procedures and as approved by the appropriate elements of the OSD.

F. Interservice support agreements, assignments or delegations of functions and authority will be executed as required for the performance of assigned responsibilities in accordance with reference (c).

G. The Department of the Navy will program, budget, and finance for the Agency.

H. Operations of the Agency shall be financed under a Navy Industrial Fund-MSTS, administered in accordance with reference (h), except as specifically excluded by the ASD (Comptroller).

I. Implementing directives and instructions will be coordinated in accordance with reference (f).

XI. *Effective date and implementation.* This directive is effective upon publication. Two (2) copies of implementing instructions shall be forwarded to the Assistant Secretary of Defense (Installations and Logistics) within sixty (60) days.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[F.R. Doc. 67-4385; Filed, Apr. 20, 1967; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

ASSISTANT TO CHIEF ENGINEER (PROGRAMS MANAGEMENT)

Redelegation of Authority Regarding Contracts for Engineering and Architectural Services

The Redelegations of Authority published in the FEDERAL REGISTER November 14, 1964 (29 F.R. 15295), as amended January 29, 1965 (30 F.R. 957), August 13, 1965 (30 F.R. 10121), April 8, 1966 (31 F.R. 5577), and May 28, 1966 (31 F.R. 7724), are hereby amended by revising section 6.a thereto as follows:

6. *Negotiated contracts.* * * *

a. Assistant to the Chief Engineer (Programs Management) may exercise the authority to execute contracts for engineering and architectural services pursuant to section 302(c) (4) and (10) of the Federal Property and Administrative Services Act of 1949, as amended.

(NOTE: This position was established Oct. 9, 1966.)

* * * * *

Dated: April 14, 1967.

DAVID S. BLACK,
Administrator.

[F.R. Doc. 67-4392; Filed, Apr. 20, 1967; 8:46 a.m.]

Office of the Secretary

LOWELL E. HUNT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 23, 1967.

Dated: March 14, 1967.

LOWELL E. HUNT.

[F.R. Doc. 67-4393; Filed, Apr. 20, 1967; 8:46 a.m.]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Assignment of Compliance Responsibilities Under Title VI of Civil Rights Act of 1964

Notice is hereby given of the assignment of certain responsibilities under Title VI of the Civil Rights Act of 1964 (78 Stat. 241, 252; 42 U.S.C. secs. 2000d—2000d-4) and 43 CFR Part 17 to the Secretary of Health, Education, and Welfare. These assignments are contained in letters from the Secretary of the Interior to the Secretary of Health, Education, and Welfare, which are set forth below.

Dated: April 13, 1967.

PAUL BOYAJIAN,
Director,
Office for Equal Opportunity.

JUNE 2, 1966.

HON. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare,
Washington, D.C. 20201.

DEAR MR. GARDNER: Pursuant to the authority of 43 CFR Part 17.11(c), I hereby assign to you the responsibilities listed below of the Department of the Interior and of the responsible Department of the Interior officials under Title VI and the Department of the Interior's regulations issued thereunder (43 CFR 17) with respect to elementary and secondary schools and school systems.

1. Soliciting, receiving, and determining the adequacy of assurances of compliance, voluntary desegregation plans, and final court orders under 43 CFR 17.4;

2. Mailing, receiving, and evaluating compliance reports under 43 CFR 17.5(b);

3. All other actions related to securing voluntary compliance, or related to investigations, compliance reviews, complaints, determinations of apparent failure to comply, and resolutions of matters by informal means.

The Department of the Interior specifically reserves to itself the responsibilities for the effectuation of compliance under 43 CFR 17.7, 17.8, and 17.9

The responsibilities so designated to you are to be exercised in accordance with the Plan for Coordinated Enforcement Procedures for Elementary and Secondary Schools and School Systems dated May 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department. The Department of the Interior also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department. If you consent to this assignment, please indicate your acceptance by signing in the space provided below.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Accepted: June 22, 1966.

WILBUR J. COHEN,
Acting Secretary, Department of Health, Education, and Welfare.

May 2, 1966.

HON. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare,
Washington, D.C. 20201.

DEAR MR. GARDNER: Pursuant to the authority of 43 CFR Part 17.11(c), I hereby assign to you the responsibilities listed below of the Department of the Interior and of the responsible Department of the Interior officials under Title VI and the Department of the Interior's regulations issued thereunder 43 CFR 17 with respect to institutions of higher education.

1. Compliance Reports, including the mailing, receiving, and evaluation thereof under 43 CFR 17.5(b);

2. Other actions under 43 CFR 17.5;

3. All actions under 43 CFR 17.6 including periodic compliance reviews, receiving of complaints, investigations, determination of recipient's apparent failure to comply, and resolution of matters by informal means.

The Department of the Interior specifically reserves to itself the responsibilities for the effectuation of compliance under 43 CFR 17.7, 17.8, and 17.9.

The responsibilities so designated to you are to be exercised in accordance with the Plan for Coordinated Enforcement Procedures for Higher Education dated February 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department. The Department of the Interior also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department.

If you consent to this assignment, please indicate your acceptance by signing in the space provided below.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Accepted: June 13, 1966.

WILBUR J. COHEN,
Acting Secretary, Department of Health, Education, and Welfare.

[F.R. Doc. 67-4394; Filed, Apr. 20, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILLIAM M. FIRSHING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions:
Unexcelled Chemical.
Montgomery Ward.
Purex.
Flintkote.
Signal Oil "A."
High Voltage Eng.
B. Additions:
Livingston Oil.
American Potash.
United Nuclear.
Niagara Mohawk.

This statement is made as of April 6, 1967.

WILLIAM M. FIRSHING.

APRIL 6, 1967.

[F.R. Doc. 67-4381; Filed, Apr. 20, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Notice of Hearing on Application for Provisional Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 9 a.m., local time, on May 25, 1967, in the Wright County Courthouse, Buffalo, Minn., to consider the application filed under section 104(b) of the Act by the Northern States Power Co., Minneapolis, Minn., for a provisional construction permit for a boiling water nuclear reactor, designed to operate at 1,469 megawatts (thermal), to be located at a site in Wright County, Minn., approximately 3 miles northwest of Monticello, Minn.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission consisting of Dr. David B. Hall, Los Alamos, N. Mex.; Dr. Thomas H. Pigford, Berkeley, Calif.; and Arthur W. Murphy, Esquire, Chairman; New York, N.Y. Mr. Reuel C. Stratton, Hartford, Conn., has been designated as a technically qualified alternate.

A prehearing conference will be held by the Board at 9 a.m., local time, on May 12, 1967, in the Wright County Courthouse, Buffalo, Minn., to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Nos. 1-3 and a negative finding on Item 4 specified below as the basis for the issuance of a provisional construction permit to the applicant substantially in the form proposed in Appendix A hereto.

1. Whether in accordance with the provisions of 10 CFR § 50.35(a)

(a) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's "Rules of Practice," 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Numbers 1 through 4 above as the basis for determining whether a provisional construction permit should be issued to the applicant.

As they become available, the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS), and the Safety Analysis by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of the ACRS report and the regulatory staff's Safety Analysis may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's "Rules of Practice", must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than May 12, 1967, or in the event of a postponement of the specific hearing date, at such time as the Board may specify.

Any person who wishes to make an oral or written statement setting forth his position on the issues specified, but who does not wish to file a petition to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's "Rules of Practice". Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by May 12, 1967.

Answers to this notice, pursuant to the provisions of § 2.705 of the Commission's "Rules of Practice", must be filed by the applicant on or before May 12, 1967.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, or may be filed by delivery to the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's "Rules of Practice", an original and 20 conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 19th day of April 1967.

UNITED STATES ATOMIC ENERGY COMMISSION
W. B. MCCOOL,
Secretary to the Commission.

APPENDIX A

NORTHERN STATES POWER CO.

(Monticello Nuclear Generating Plant)

[Docket No. 50-263]

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. ------

1. Pursuant to § 104(b), of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Northern State Power Co. (the applicant) for a utilization facility (the facility), described in the application and amendments thereto filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as the Monticello Nuclear Generating Plant, will be located at the applicant's site in Wright County, Minn., about 3 miles northwest of Monticello, Minn.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is October 1, 1969, and the latest date for completion of the facility is February 1, 1970.

B. The facility shall be constructed and located at the site as described in the application, as amended, in Wright County, Minn., about 3 miles northwest of Monticello, Minn.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health

and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 67-4459; Filed, Apr. 20, 1967; 8:50 a.m.]

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD

CERTAIN WORKERS OF EATON YALE & TOWNE, INC.

Summary of Final Determinations and Notice of Certification Regarding Petition for Determination of Eligibility To Apply for Adjustment Assistance

Determinations of the Board. Pursuant to the Automotive Products Trade Act of 1965 (Public Law 89-283; 79 Stat. 1016) the Automotive Agreement Adjustment Assistance Board determines that:

Dislocation of workers in the leaf spring department of the Detroit, Mich. plant, Eaton Spring Division, Eaton Yale & Towne, Inc., has occurred or threatens to occur.

U.S. production of the automotive product concerned—flat leaf springs—has decreased appreciably (sec. 302(b)(2), Act), and U.S. imports from Canada of the automotive product concerned have increased appreciably (sec. 302(b)(3)(A), Act).

No factor other than the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing or threatening to cause the dislocation.

Certification. The Board hereby certifies that the workers of the leaf spring department of the Detroit, Mich. plant, Eaton Spring Division, Eaton Yale & Towne, Inc., who became or will become unemployed or underemployed on or after January 7, 1967, are eligible to apply for adjustment assistance.

Background. A petition for a determination of eligibility to apply for adjustment assistance under the Automotive Products Trade Act of 1965 was filed with the Automotive Agreement Adjustment Assistance Board on February 2, 1967, by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (U.A.W.), and its Local 368, of Detroit, Mich., on behalf of a group of workers at the Detroit plant, Eaton Spring Division, Eaton Yale & Towne, Inc. The petition alleged that the transfer of the production of automotive leaf springs from Detroit to a newly established plant in Chatham, Ontario, resulted in the permanent layoff of 166 workers between January 7 and January 21, 1967, and threatens approximately 125 additional permanent layoffs in 1967. The petition further alleged that, had it not been for the United States-Canadian Automotive Products Agreement, the leaf spring production would have remained in Detroit.

On February 7, 1967, the Automotive Assistance Committee of the Board requested the U.S. Tariff Commission to investigate and report on the facts relating to this petition (32 F.R. 2915, Feb. 15, 1967). Although the petitioners had originally indicated the desire for a public hearing, they subsequently withdrew their request. No other parties requested a hearing and none was held.

The Commission submitted its report on March 30, 1967 (APTA-W-7). The Commission stated that only certain sections of the report could be made public since much of the information it contains was received in confidence (32 F.R. 5530, Apr. 4, 1967).

The Board, in addition, obtained advice from the Departments of the Treasury, Commerce, Labor, and the Small Business Administration under section 302(f)(1) of the Act.

Eaton Yale & Towne, Inc., and its Eaton Spring Division. Eaton Yale & Towne, Inc. is a diversified corporation manufacturing, both here and abroad, a variety of components used in the production of transportation and industrial equipment.

The Eaton Spring Division operates plants in Detroit (passenger car springs) and Lackawanna, N.Y. (truck springs). The only other suspension spring facility of Eaton Yale & Towne, Inc., is the recently formed subsidiary, Eaton Springs, Canada, Ltd., in Chatham, Ontario, about 70 miles east of Detroit. Although the Lackawanna and Chatham plants produce leaf springs exclusively, the Detroit plant also makes other types of springs and related articles.

The decision to build the Chatham facility, which would consolidate all leaf spring production of Eaton Yale & Towne, Inc., was made after the United States-Canadian Automotive Products Agreement was signed. Limited production at the Chatham plant began in the last half of 1966, but production in the leaf spring department of the Detroit plant did not cease until January 1967. Production at the Lackawanna plant is expected to be terminated during the first half of 1967.

Conclusions and determinations—Automotive product. The Board concludes that the petitioners were employed in a plant of Eaton Yale & Towne, Inc., manufacturing an automotive product, as defined by the Act: Leaf springs for use primarily as original equipment in the assembly of motor vehicles (sec. 302(1)(1), Act).

Dislocation. Dislocation in the case of a group of workers means actual or threatened unemployment or underemployment of a significant number or proportion of the workers of a firm or an appropriate subdivision thereof.

The Detroit leaf spring department was distinct from other production facilities in the plant. Equipment used in the production of leaf springs was housed in a separate area of the plant.

During 1966 monthly employment in the production of leaf springs at the Detroit plant was fairly steady, averaging slightly over 300 persons per month except during summer model changeover periods. Layoffs resulting from the transfer of leaf spring production to Canada began January 7, 1967, and by April 1, about 270 persons had been laid off. Some workers from the leaf spring department were transferred to other departments from which they "bumped" workers with less seniority.

The Board determines that the leaf spring department of the Detroit, Mich., plant, Eaton Spring Division, is the appropriate subdivision of Eaton Yale & Towne, Inc., and that a significant number or proportion of the workers thereof have been dislocated (sec. 302(b)(1), Act; § 501.2(1)(2), Board Regulations).

Role of the operation of the Agreement. Section 302(c) of the Act provides that if there is appreciable decrease in U.S. production and an appreciable increase in imports from Canada of the automotive product concerned (sec. 302(b)(2) and (b)(3), Act), the group of workers must be certified as eligible to apply for adjustment assistance unless the Board determines that the operation of the Agreement has not been the primary factor in causing the dislocation.

Data obtained by the Tariff Commission show that in each of the months of October 1966 through January 1967 (model year 1967) production in the United States of flat leaf springs has been at least 15 percent less than production during corresponding months in model year 1964, and averaged 20 percent less. The data on U.S. imports from Canada of automotive flat leaf springs indicate that imports in recent months of the 1967 model year are at least 80 percent greater than the same months of the 1964 model year.

The Board therefore determines that the economic criteria in section 302(b) of the Act are met.

On the basis of the Tariff Commission report, the Board determines that no factor other than the operation of the Agreement has been the primary factor causing the dislocation of the workers.

(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1018; Executive Order 11254, 30 F.R. 13569; Automotive Agreement Adjustment Assistance Board regs., 48 CFR Part 501, 31 F.R. 827; Board Order No. 1, 31 F.R. 853)

Dated: April 14, 1967.

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD,
EDGAR I. EATON,
Executive Secretary.

[F.R. Doc. 67-4396; Filed, Apr. 20, 1967; 8:46 a.m.]

[1] "For purposes of determining whether the changes specified in sec. 302(b) have taken place, it is necessary to determine both a current period and a base period. It is believed that 3 to 4 recent consecutive months would usually be representative of the current period, and that the base period should be the model year 1964, except in cases where this year is considered to be an atypical one.

"With respect to the term 'appreciably' in sec. 302(b), a change of 5 percent in production, imports, or exports would normally be an appreciable one * * *".

H. Rpt. No. 537 (Committee on Ways and Means), 89th Cong., 1st sess., on H.R. 9042, pp. 21-22.

CIVIL AERONAUTICS BOARD

[Docket No. 18394]

AIR-INDIA

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 25, 1967, at 10 a.m. (e.s.t.), in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., April 17, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-4421; Filed, Apr. 20, 1967; 8:48 a.m.]

[Docket No. 18408]

ALASKA-ALASKA COASTAL MERGER CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 11, 1967, at 10 a.m. (d.s.t.), in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

In order to facilitate the conduct of the conference, interested parties are instructed to submit on or before May 5, 1967, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., April 17, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-4422; Filed, Apr. 20, 1967; 8:48 a.m.]

[Docket No. 17828; Order No. E-25003]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of April 1967.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements have been adopted by mail votes and have been assigned the CAB Agreement numbers designated Agreement CAB 19395, Agreement CAB 19462, Agreement CAB 19517, Agreement CAB 19519.

The agreements name proportional fares for use in the construction of through fares (1) to and from interior points of the United States and points in the South Pacific, (2) to and from points within the Eastern Hemisphere with respect to transatlantic group inclusive tour basing fares, and (3) to and from interior points in India. Additionally, the agreements provide for the incorporation into the IATA fare structure of student and excursion fares now offered by the British West Indian Airways, Ltd., which recently became a member of IATA.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board finds that Resolution 100 (Mail 484) 092, incorporated in Agreement CAB 19462, does not affect air transportation within the meaning of the Act;

2. The Board does not find the following resolutions, which are incorporated in the agreements indicated and which do not directly affect air transportation within the meaning of the Act, to be adverse to the public interest or in violation of the Act:

CAB Agreement:	*IATA Resolution*
19462	100 (Mail 484) 060.
19519	300 (Mail 240) 053.
	300 (Mail 240) 063.
	JT23 (Mail 174) 055.
	JT23 (Mail 174) 065.

3. The Board does not find the following resolutions, incorporated in the agreements indicated, to be adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions specified below:

CAB Agreement:	*IATA Resolution*
19395	JT31 (Mail 126) 015a.
19462	100 (Mail 484) 014a.
19517	JT12 (Mail 489) 067.
	JT12S (Mail 489) 067.
19519	JT12S (Mail 490) 057a.
	JT12S (Mail 490) 067a.
	JT12S (Mail 490) 080e.
	JT12S (Mail 490) 080f.
	JT12S (Mail 490) 084y.
	JT12S (Mail 490) 087.

Provided that with respect to Resolution JT31 (Mail 126) 015a:

(a) Copies of minutes or reports of meetings shall be submitted to the Board at the conclusion of any meetings which may be held as well as copies of any notices that are circulated at the time of circulation to members.

(b) Agreements reached at meetings shall be filed with the Board under section 412 of the Act and approved prior to being placed in effect. Similarly, all unprotested notices shall be filed as agreements and approved by the Board prior to being placed in effect.

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to that portion of Agreement C.A.B. 19462 described in finding paragraph 1; and

2. Those portions of Agreements C.A.B. 19395, 19462, 19517, and 19519, described in finding paragraphs 2 and 3, are approved subject to the condition stated therein.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-4423; Filed, Apr. 20, 1967; 8:48 a.m.]

CIVIL SERVICE COMMISSION

MANPOWER SHORTAGE

Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective April 5, 1967, that there is a manpower shortage for the positions of Education Officer or Education Specialist, GS-1720-12/15, Washington, D.C. This finding is limited to those positions involved in the education of the handicapped.

The appointees to these positions may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-4405; Filed, Apr. 20, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 67-471]

LAND MOBILE SERVICE

Examination of Frequency Relief

APRIL 14, 1967.

The Commission is undertaking an intensified study of the feasibility of meeting the needs of the land mobile service within spectrum space now allocated to the upper and lower ends of the bands now assigned to UHF television. The

objective is to provide essentially needed spectrum space for the explosive growth of land mobile use with a minimum impact on our nationwide television service.

The Commission will examine the more efficient use of frequencies now assigned to the land mobile services, geographical sharing between television and the land mobile services, reallocation of UHF television frequencies to the land mobile services, and various combinations of the above. The Commission has noted that industry groups contemplate similar studies. By this notice we invite and encourage such studies, and request that they be expedited and the results submitted to the Commission as promptly as possible.

Adopted: April 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4425; Filed, Apr. 20, 1967; 8:48 a.m.]

[Docket Nos. 17357-17359; FCC 67M-641]

AKRON TELERAMA, INC. ET AL.

Order Scheduling Hearing

In re petitions by Akron Telerama, Inc., Akron, Ohio, Docket No. 17357, File No. CATV 100-16; Lorain Cable TV, Inc., Lorain, Ohio, Docket No. 17358, File No. CATV 100-128; Telerama, Inc., Cleveland Heights, Richmond Heights, South Euclid, Beachwood, Oakwood, East Cleveland, Garfield Heights, Euclid, Highland Heights, University Heights, Bedford Heights, Maple Heights, Lyndhurst, Bedford and North Randall; also Shaker Heights, Warrensville Heights, and Warrensville Township, Ohio, Docket No. 17359, File No. CATV 100-146; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Cleveland Television Market.

It is ordered, This 17th day of April 1967, that H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 12, 1967, at 10 a.m.; and that a prehearing conference shall be held on May 10, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: April 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4426; Filed, Apr. 20, 1967; 8:48 a.m.]

[1] Commissioner Lee dissenting and issuing a statement filed as part of the original document and commissioner Johnson concurring in the result.

[Docket No. 16981; FCC 67M-636]

AUGUSTINE L. CAVALLARO, JR.

Order Continuing Hearing

In re application of Augustine L. Cavallaro, Jr., Bayamon, P.R., Docket No. 16891, File No. BP-16182; for construction permit.

The Hearing Examiner having under consideration a petition filed on April 14, 1967 by Augustine L. Cavallaro, Jr., requesting that the further evidentiary hearing in the above-styled proceeding presently scheduled for April 17, 1967 be continued; and

It appearing, that the continuance is needed because of difficulties encountered in the framing of written interrogatories which will be utilized in the case; and

It further appearing, that counsel for the Broadcast Bureau, the only other party now in this proceeding, has consented to a grant of the requested relief;

It is, therefore, ordered, This 17th day of April, 1967, that the petition be and the same is hereby granted and the hearing is accordingly continued to May 15, 1967 at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: April 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4427; Filed, Apr. 20, 1967; 8:48 a.m.]

[Docket No. 16722; FCC 67M-642]

BLACK HAWK BROADCASTING CO. (KWWL-TV)

Order Continuing Hearing

In re application of Black Hawk Broadcasting Co. (KWWL-TV), Waterloo, Iowa, Docket No. 16722, File No. BPCT-3606; for construction permit.

The Hearing Examiner having under consideration the informal request for continuance of hearing filed by Black Hawk Broadcasting Co. under date of April 11, 1967, and supplemented by letter dated April 13, 1967;

It appearing, that the request for approval for construction at a site which would meet Commission spacing requirements is still pending before the Federal Aviation Administration and accordingly good cause for grant is present;

It further appearing, that all parties have consented to immediate consideration and grant of the said request;

It is ordered, This 14th day of April 1967, that the said request is granted and the hearing is continued from April 19, 1967, to June 1, 1967, in the offices of the Commission at Washington, D.C., commencing at 10 a.m.

Released: April 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4428; Filed, Apr. 20, 1967; 8:48 a.m.]

[Docket No. 17373, 17374; FCC 67-450]

DESERT EMPIRE TELEVISION CORP. AND OASIS BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Desert Empire Television Corp., Palm Springs, Calif., Docket No. 17373, File No. BPCT-3848; Oasis Broadcasting Corp., Palm Springs, Calif., Docket No. 17374, File No. BPCT-3877; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 12th day of April 1967;

1. The Commission has before it for consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 36, Palm Springs, Calif.

2. While Desert Empire Television Corp. indicates that it will operate the proposed station by remote control from its studio site in Palm Springs, Calif., it has failed to make a showing as to whether the remote control operation will comply with the requirements of § 73.676 of the Commission's rules. Accordingly, an issue has been specified.

3. Oasis Broadcasting Corp. is qualified to construct, own, and operate the proposed new television broadcast station and, except as indicated by the issue set forth below, Desert Empire Television Corp. is qualified to construct, own, and operate the proposed new television broadcast station. The applications are, however, mutually exclusive, in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Desert Empire Television Corp. and Oasis Broadcasting Corp., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Desert Empire Television Corp.'s proposed remote control operation will comply with the requirements of § 73.676 of the Commission's rules.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: April 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4429; Filed, Apr. 20, 1967; 8:49 a.m.]

[Docket Nos. 17258-17260; FCC 67M-605]

GAMMA TELEVISION CORP. ET AL.

Order Regarding Procedural Dates

In re applications of Gamma Television Corp., Memphis, Tenn., Docket No. 17258, File No. BPCT-3599; John McLendon, trading as Tele/Mac of Memphis, Memphis, Tenn., Docket No. 17259, File No. BPCT-3762; Victor Muscat and Cliff Ford, doing business as Memphis Broadcasting Associates, Memphis, Tenn., Docket No. 17260; File No. BPCT-3787; for Construction permit for new television broadcast station.

A prehearing conference having been held on April 12, 1967, whereat certain agreements were reached and certain rulings were made;

It is ordered, This 12th day of April 1967, that:

(1) The applicants' direct affirmative cases shall be presented primarily in the form of sworn, written exhibits, but may be supplemented by oral testimony;

(2) On or before June 19, 1967, the applicants shall exchange their exhibits informally, and shall also exchange a list of their witnesses to be presented orally together with a brief statement as to the facts to be elicited from each witness;

(3) On or before July 10, 1967, the applicants shall formally exchange their exhibits in final form;

(4) Any party wishing to call for cross-examination the sponsor of any other party's exhibit shall give notification thereof on or before July 17, 1967; and

(5) Hearing shall commence on July 24, 1967, at 10 a.m., in the offices of the Commission in Washington, D.C.; and

It is further ordered, That the foregoing procedural dates shall be adhered to unless the parties advise the Examiner informally on or before April 28, 1967, that they have reached an agreement which will obviate the necessity for hearing, and shall have submitted formally such agreement to the Commission for approval on or before June 19, 1967.

Released: April 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4430; Filed, Apr. 20, 1967; 8:49 a.m.]

[Docket No. 17365; FCC 67-448]

GREAT SOUTHERN BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of William O. Barry trading as Great Southern Broadcasting Co., Donelson, Tenn., Docket No. 17365, File No. BP-16707; requests: 1190kc, 250w, Day, Class II; for construction permit.

1. The Commission has before it for consideration, the above captioned and described application for a construction permit for a new standard broadcast station in Donelson, Tenn.

2. Donelson is an unincorporated community of 17,195 persons according to the 1960 U.S. Census. It is located approximately 6 miles east of Nashville, Tenn., a city of 170,874 persons according to the same census. Recently, Nashville merged with Davidson County to form "The Metropolitan Government of Nashville and Davidson County", a governmental complex approximately 625 square miles in area with a population of 367,545. Within the corporate limits of this new entity are numerous communities, both incorporated and unincorporated, some of which have been assigned radio stations. The population of the Metropolitan Government is concentrated largely in that portion recognized as Nashville and the few separate communities within the county, the rest of the area being largely rural in nature. Since the new municipality is so large and since it encompasses urban areas, small towns, and farmland—all with diverse needs and interest—the Commission, in allocating stations, will continue to recognize the former town and city limits as they existed prior to the merger.

3. The applicant's proposed 5 mv/m contour would cover large portions of Nashville. Since the population of Nashville exceeds 50,000 and is more than twice that of Donelson, a rebuttable presumption that the applicant is realistically proposing to serve that city rather than Donelson arises under the Commission's Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901. In an amendment filed June 10, 1966, the applicant submitted data and arguments in an attempt to rebut the aforementioned presumption. However, after careful study of this material, the Commission finds that the applicant has failed to overcome this presumption and that the matter must be explored further in hearing.

4. Having examined the financial portion of the proposal, we find that the applicant has failed to establish that there are sufficient funds available to construct and operate the proposed station for 1 year. In addition, the applicant states that he presently owns the transmitter, monitors, studio, and office equipment. In view of the fact that no detailed inventory is presented, the Commission is unable to determine whether the equipment owned is suitable for the operation as proposed, and if not, what the additional cost of suitable equipment will be. The applicant needs $41,500 for the construction and operation of the station for 1 year, provided that no additional purchases of equipment are necessary. Since his balance sheet indicates the availability of only $12,837 in liquid assets, an issue will be included to determine whether the additional funds are available.

5. Except as indicated by the issues specified below, the applicant is qualified to construct, own, and operate as proposed, but in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Great Southern Broadcasting Co. and the availability of other primary service and populations.

2. To determine whether the proposal of Great Southern Broadcasting Co. will realistically provide a local transmission facility for Donelson or for Nashville, Tenn., in light of the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which Donelson has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of Donelson are being met by existing standard broadcast stations;

(c) The extent to which the applicant's programing proposal will meet the specific, unsatisfied programing needs of Donelson, Tenn.; and

(d) The extent to which the projected sources of the applicant advertising revenues within Donelson are adequate to support the proposed station as compared with the projected sources from all other areas.

3. To determine, in the event that it is concluded pursuant to issue 2, above, that the proposal of Great Southern Broadcasting Co. will not realistically provide a local transmission service for Donelson, whether the proposal meets all of the technical provisions of the rules for standard broadcast stations assigned to Nashville, Tenn.

4. To determine, with respect to the applicant's financial proposal:

(a) Whether the equipment owned by the applicant will be suitable for use in the proposed station, and, if not, the extent to which additional funds will be necessary for the purchase of equipment.

(b) Whether the applicant has sufficient funds available to construct and operate the proposed station for 1 year.

(c) Whether, in light of the evidence adduced pursuant to item 4 a and b, the applicant is financially qualified.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That, in the event of a grant of the above application, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: April 12, 1967.

Released: April 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4431; Filed, Apr. 20, 1967; 8:49 a.m.]

[Docket No. 17255; FCC 67M-643]

HARRIMAN BROADCASTING CO.

Order Rescheduling Hearing

In re application of F. L. Crowder, trading as Harriman Broadcasting Co., Harriman, Tenn., Docket No. 17255, File No. BP-15122; for construction permit.

On April 14, 1967, counsel for Folkways Broadcasting Co., Inc. (WHBT) filed a motion for continuance of hearing from April 18, 1967, to May 8, 1967, as it is impossible to secure Washington hotel accommodations for witnesses next week. Continuance will also "permit additional time for the compilation and delivery in Washington, D.C. of material requested by the Broadcast Bureau from WHBT for inspection and study prior to the hearing."

The motion is unopposed.

Accordingly, it is ordered, This 14th day of April 1967, that the motion for continuance filed for WHBT on April 14, 1967, is granted, and the hearing is rescheduled from April 18, to May 8, 1967.

Released: April 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4432; Filed, Apr. 20, 1967; 8:49 a.m.]

[Docket Nos. 17345, 17346; FCC 67M-640]

LEE BROADCASTING CORP. AND MID AMERICA BROADCASTING, INC.

Order Scheduling Hearing

In re applications of Lee Broadcasting Corp., Moline, Ill., Docket No. 17345, File No. BPH-5470; Mid America Broadcasting, Inc., Moline, Ill., Docket No. 17346, File No. BPH-5569; for construction permits.

It is ordered, This 17th day of April 1967, that Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 14, 1967, at 10 a.m.; and that a prehearing conference shall be held on May 17, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: April 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4433; Filed, Apr. 20, 1967; 8:49 a.m.]

WBIZ, INC., AND WECL, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WBIZ, Inc., Eau Claire, Wis., Docket No. 17353, File No. BPH-5567; Requests: 100.7 mc, No. 264; 100 kw; 738 ft.; WECL, Inc., Eau Claire, Wis., Docket No. 17354, File No. BPH-5623; Requests: 100.7 mc, No. 264; 100 kw; 314 ft.; for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above captioned and described applications for construction permits on April 14, 1967.

2. These applications are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

3. The areas and populations to be served are markedly different in size and for the purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service of 1 mv/m or greater intensity in such areas will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permits should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: April 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4434; Filed, Apr. 20, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

PORT OF ASTORIA AND WATERWAY TERMINALS CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. G. C. Fulton, Anderson, Fulton and Lovis, Spexarth Building, Astoria, Oreg. 97103.

Agreement No. T-2034 between the Port of Astoria (Port) and Waterway Terminals Co. (Waterway) provides for the lease of certain property which Waterway will operate as a marine terminal, either under the terms of Astoria's effective terminal tariff, or by publishing its own tariff. Waterway will pay Port 2 cents per square foot for rental of the area known as House No. 6, plus all wharfage and dockage fees. Wharfage on cargo transshipped between vessels moored at the facility will be divided equally between the parties.

Dated: April 18, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4410; Filed, Apr. 20, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17371]

MONTANA POWER CO.

Order Fixing Date of Prehearing Conference and Granting Intervention

APRIL 14, 1967.

On December 22, 1966, the Montana Power Co. (Montana Power) filed an application under section 3 of the Natural Gas Act requesting that the Commission issue an order authorizing it to import natural gas from the Province of Alberta, Canada, into the State of Montana.

Montana Power proposes to import gas which it will purchase at the Montana-Alberta border from the Canadian-Montana Pipe Line Co. (Canadian Montana), a wholly owned Canadian subsidiary of Montana Power. Canadian-Montana will purchase gas in Canada from Alberta and Southern Gas Co., Ltd. (Alberta & Southern). The gas that Montana Power proposes to import will in turn be purchased by Alberta and Southern from producers in Canada. This gas will be transported by Alberta Gas Trunk Line Co., Ltd. (Alberta Gas Trunk) to a point near the Alberta-Montana border where it will be sold and delivered by Alberta & Southern to Canadian-Montana. Canadian-Montana will transport the gas approximately 4 miles to the international boundary where it will be sold and delivered to Montana Power.

Montana Power is presently authorized to import gas from Canada at an average daily rate of 50,000 Mcf.[1] It was authorized to import this gas from Canada pursuant to authorizations granted to it by the Federal Power Commission by orders issued on August 5, 1960, and February 8, 1966, in Docket No. G-17371. Montana Power seeks authorization to import an average of 20,000 Mcf per day in addition to the average daily rate of 50,000 Mcf per day it is presently authorized to import from Canada. Montana Power proposes to import the additional gas at the same point of connection on the international boundary through which it presently is importing gas as authorized by the Commission in Docket No. G-17371.

Montana Power has previously constructed facilities necessary for the importation of natural gas pursuant to the authorization granted by the Presidential permit issued to it on September 19, 1960, in Docket No. G-17350. It contends that no change or alteration of such facilities is required.

Montana Power proposes to import the additional natural gas at an average rate of 10,000 Mcf per day commencing on or about November 1, 1968, and at the average rate of 20,000 Mcf per day commencing on or about November 1, 1969. Montana Power contemplates that the maximum daily quantity may exceed the aforementioned 20,000 Mcf per day by approximately 20 percent.

Montana Power estimates that the purchase gas cost per Mcf to Canadian Montana in 1969 will be 24.02 cents per Mcf (Canadian) at 14.73 p.s.i.a. and that the costs per Mcf to it at the U.S. border will be 23.41 cents per Mcf (American) at 14.73 p.s.i.a. without the additional volumes requested herein. The costs to Canadian Montana will be reduced to 22.91 cents per Mcf (Canadian) and 21.34 cents per Mcf (American) to Montana Power at the border in the event that Montana Power is authorized to import the additional volumes it requests herein.

Montana Power contends that it needs this additional supply of natural gas from Canada to meet the requirements of its existing customers.

On February 1, 1967, High Crest Oils, Inc. (High Crest) filed a petition to intervene.

The Commission is of the opinion that a prehearing conference held before the formal hearing will prove beneficial to all the parties and tend to expedite the hearing phase of this proceeding once it has commenced. The Commission will therefore require that a prehearing conference be held with respect to the aforementioned proceeding on May 15, 1967.

The Commission finds:

(1) It appears that the participation in this proceeding by High Crest Oils, Inc., may be in the public interest.

(2) It appears that the scheduling of a prehearing conference prior to the formal hearing may be in the public interest.

The Commission orders:

(A) High Crest Oils, Inc., is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That the participation of High Crest Oils, Inc., shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene: *And, provided further*, That the admission of High Crest Oils, Inc., shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered in this proceeding.

(B) A prehearing conference be convened in the proceeding entitled Montana Power Co., Docket No. G-17371, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. on May 15, 1967, at 10 a.m., e.d.s.t. The Chief Examiner will designate an appropriate officer of the Commission to preside at the prehearing conference and at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4388; Filed, Apr. 20, 1967; 8:45 a.m.]

[Docket No. CP67-289]

SOUTHERN NATURAL GAS CO.

Notice of Application

APRIL 14, 1967.

Take notice that on April 6, 1967, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67-289 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a line tap and a metering and regulating station located at approximately M.P. 159 on its main South Line in Perry County, Ala., and a metering station at the plant of MacMillan Bloedel United Inc. (MacMillan). Applicant also seeks authorization to deliver natural gas on a firm and interruptible basis for use by MacMillan for the manufacture of pulp, linerboard, and wood products at its plants near Pine Hill, Ala. The natural gas will be transported from Applicant's main South Line to MacMillan's plants by Wilcox Gas

[1] Commissioner Johnson concurring in the result.

[1] The above volumes relate solely to the gas that Montana Power is authorized to import through its delivery point near Carway, Alberta.

District (Wilcox) which has filed, in Docket No. CP67-274, an application for an order under section 7(a) of the Natural Gas Act directing Applicant to establish physical connection of its transmission facilities with the facilities proposed to be constructed by Wilcox and to sell and deliver to Wilcox volumes of natural gas for resale and distribution.

MacMillan's estimated natural gas requirements are 28,600 Mcf per day, of which 550 Mcf per day will be firm gas and the balance interruptible.

Applicant estimates the total cost of the proposed facilities at approximately $87,030, said cost to be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 8, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4389; Filed, Apr. 20, 1967; 8:45 a.m.]

[Docket No. CP67-292]

TRANSWESTERN PIPELINE CO.

Notice of Application

APRIL 14, 1967.

Take notice that on April 10, 1967, Transwestern Pipeline Co. (Applicant), First City National Bank Building, Houston, Tex. 77002, filed in Docket No. CP67-292 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Southern Union Gas Co. (Southern) together with the construction and operation of minor facilities incident thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell up to 25,000 Mcf of natural gas per year to Southern for resale to its farm customers, in Loving, Winkler, Ward, Reeves, and Crane Counties, Tex., for domestic and irrigational use.

Applicant also seeks authorization to install and operate minor pipeline tap valves incident to such sales.

Applicant states that the total cost of any facilities incident to such sales will be reimbursed to Applicant by Southern.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 11, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4390; Filed, Apr. 20, 1967; 8:45 a.m.]

[Docket Nos. G-4592 etc.]

ELIZABETH M. BROWN ET AL.

Findings and Order; Correction

APRIL 6, 1967.

Elizabeth M. Brown et al. (successor to H. L. Brown Estate et al.), Docket Nos. G-4592 etc.; James F. Scott doing business as E. Chapman Lease, Docket No. CI62-437; James F. Scott et al., doing business as J. T. Shields Wells No. 1, Docket No. CI67-924.

In the findings and orders after statutory hearing issuing certificates of public convenience and necessity, dismissing application, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successors co-respondents, redesignating proceedings, requiring filing of agreements and undertakings, requiring filing of surety bond, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing, issued March 21, 1967 and published in the FEDERAL REGISTER March 31, 1967 (F.R. Doc. 67-3375, 32 F.R. 5430), in the chart, after Docket No. CI62-437 change FPC Gas Rate Schedule "No. 7" to read FPC Gas Rate Schedule "No. 9".

After Docket No. CI67-924 change Applicant's name to read "James F. Scott" in lieu of "John F. Scott".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4387; Filed, Apr. 20, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Wisconsin Bankshares Corp., Milwaukee, Wis., for approval of the acquisition of 80 percent or more of the outstanding voting shares of Waunakee State Bank, Waunakee, Wis.

There has come before the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), an application by First Wisconsin Bankshares Corp., Milwaukee, Wis., a registered bank holding company, for the Board's approval of the acquisition of 80 percent or more of the outstanding voting shares of Waunakee State Bank, Waunakee, Wis.

As required by section 3(b) of the Act, notice of receipt of the application was given to the Commissioner of Banks for the State of Wisconsin with a request for his views and recommendation. The Commissioner advised that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 15, 1967 (32 F.R. 2915), providing an opportunity for submission of comments and views regarding the proposed acquisition. A copy of the application was forwarded to the Department of Justice for its consideration. The time for filing such comments and views has expired and all those received have been considered by the Board.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day after the date of this Order or (b) later than 3 months after the date of the Order.

Dated at Washington, D.C., this 13th day of April 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-4391; Filed, Apr. 20, 1967; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Vice Chairman Robertson, and Governors Shepardson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Martin.

SECURITIES AND EXCHANGE COMMISSION

ELECTRO-NUCLEONICS, INC.

Order Suspending Trading

APRIL 17, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Electro-Nucleonics, Inc., Caldwell, N.J., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 18, 1967, through April 25, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4417; Filed, Apr. 20, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 18, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40984—*Newsprint paper and ground wood papers to Orlando, Fla.* Filed by O. W. South, Jr., agent (No. A5011), for interested rail carriers. Rates on newsprint paper and ground wood papers, as described in the application, in carloads, from Trois Rivieres, Quebec, Canada, to Orlando, Fla.

Grounds for relief—Water-rail competition.

Tariff—Supplement 17 to Canadian Pacific Railway Co. tariff ICC E.2629.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4411; Filed, Apr. 20, 1967; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 18, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40985—*Class and commodity rates from and to West Dawson, Ga.* Filed by O. W. South, Jr., agent (No. A5014), for interested rail carriers. Rates on property moving on class and commodity rates, between West Dawson, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 40986—*Class and commodity rates from and to Wentz, Va.* Filed by O. W. South, Jr., agent (No. A5016), for interested rail carriers. Rates on property moving on class and commodity rates, between Wentz, Va., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 40987—*Class and commodity rates from and to Snider, Ky.* Filed by O. W. South, Jr., agent (No. A5018), for interested rail carriers. Rates on property moving on class and commodity rates, between Snider, Ky., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 40988—*Chlorine from Brunswick, Ga.* Filed by O. W. South, Jr., agent (No. A5017), for interested rail carriers. Rates on chlorine, in tank carloads, from Brunswick, Ga., to Selma, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 66 to Southern Freight Association, agent, tariff ICC S-600.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4412; Filed, Apr. 20, 1967; 8:47 a.m.]

[Notice 1507-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 18, 1967.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC-69595. By application filed April 17, 1967, D & M BUS CO., 146 Northmont Boulevard, Danville, Va., seeks temporary authority to lease the operating rights of C. W. STEVENS (AMERICAN NATIONAL BANK AND TRUST COMPANY OF DANVILLE, Executor), doing business as DANVILLE-MARTINSVILLE BUS LINE, Main Street, Danville, Va., under section 210a (b). The transfer to D & M BUS CO., of the operating rights of C. W. STEVENS (AMERICAN NATIONAL BANK AND TRUST COMPANY OF DANVILLE, Executor), doing business as DANVILLE-MARTINSVILLE BUS LINE, is presently pending.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4413; Filed, Apr. 20, 1967; 8:47 a.m.]

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PART II

Department of Transportation

Federal Aviation Administration



Proposed Airman Certification System; Proposed Fees

[Notices 67–17 and 67–18]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 37, 43, 121, 127, 133, 135, 137, 141, 145, 147, 149, 187]

[Docket No. 8114; Notice 67-17]

FEES FOR CERTAIN FAA ACTIVITIES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 21, 37, 43, 121, 127, 133, 135, 137, 141, 145, 147, 149, and 187 of the Federal Aviation Regulations to establish a schedule of fees for certain FAA activities conferring special benefits on members of the aviation community that are over and above the benefits accruing to the general public.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 18, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290) states: "It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility preformed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible * * *." To give full effect to this statement of policy, Title V further provides: "The head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts * * *." The statute provides that the amounts collected shall be paid into the Treasury as miscellaneous receipts.

Federal administrative user charges are not new. For instance, during fiscal year 1966, the last annual period for which statistics are available, over 300 actions were taken by Federal agencies to establish new fees or revise existing ones. The President, in his message to Congress on the Budget for fiscal year 1966, stated: "I will continue to press for *other user charges* in Government programs where benefits are provided to specific, identifiable individuals and businesses. Fairness to all taxpayers demands that those who enjoy special benefits should bear a greater share of the costs. Legislation is needed for some of the charges, such as patent and meat inspection fees. In other instances, equitable user charges will be instituted through administrative action."

The Bureau of the Budget issued Circular A-25 on September 23, 1959. Circular A-25 sets forth general policies for developing an equitable and reasonably uniform system of charges for certain Government services and property. The Circular provides that a reasonable charge be made for any Federal activity that conveys special benefits to the recipient over and above those accruing to the public at large. The proposed fee schedules are consistent with the user charge policies set forth in the Circular.

In arriving at the proposed fees, the FAA has considered the cost of issuing certificates and ratings, the factor of value to the recipient, and the fact that the fees proposed would be periodically reviewed and revised consistent with the public interest. In particular the FAA also has considered sections 103 (a) and (b), and 305 of the Federal Aviation Act of 1958 (49 U.S.C. 1303 (a) and (b), and 1346). Section 103 (a) and (b) provides: "In the exercise and performance of his powers and duties under this Act the Administrator shall consider the following, among other things, as being in the public interest: (a) The regulation of air commerce in such manner as to best promote its development and safety and fulfill the requirements of national defense; (b) The promotion, encouragement, and development of civil aeronautics * * *." Section 305 states: "The Administrator is empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad."

The FAA has carefully considered all the ramifications of the proposed fees keeping in mind its obligation to promote air commerce. Every effort has been made to assure that the proposed fees would be reasonable and equitable. In no case has a fee been proposed that the FAA believes would inhibit the growth of aviation. No proposed fee would recover more than the personnel compensation and benefits costs incurred by the FAA for those man-hours directly involved in issuing and processing certificates, based upon FAA records or technical staff estimates in those instances where man-hour data was not available. Where certificates or authorizations are issued through designated examiners, the proposed fees provide only for recovery of FAA processing costs.

It must be emphasized that the proposed fee schedules contained herein are just that—proposals. They are in no way final and are being circulated to provide interested persons with the opportunity to submit comments, suggestions, and recommendations. It is recognized that certain inequities with respect to the extremes within each fee classification can result from the use of a fixed fee based on average costs. These inequities can be minimized by ensuring that applications falling into any one fee classification are reasonably homogeneous. The proposed fee classifications are continuing to be studied by the FAA and any suggestions concerning their further refinement would be welcomed. The fixed fee approach has one definite advantage—an applicant will always know the exact amount he will have to pay. However, as an alternative to the fixed fees that are proposed in this notice, the FAA is also considering the establishment of fees based on a rate of $7.50 for each FAA man-hour actually spent in performing one of the listed services for a particular applicant. The FAA particularly invites the public to comment on the merits of this proposed alternative.

The proposed fees are application processing fees and refunds normally would not be made to unsuccessful applicants. However, particularly with respect to the larger aircraft certification fees, the FAA is studying alternatives such as progressive payments or refunds to ensure that overcompensation for FAA services does not result in the event the application is abandoned before its processing is completed. In addition, the FAA is considering partial fees to cover applications that have been filed but that are still being processed on the effective date of any final rule imposing fees. These partial fees would relate only to the costs of processing incurred by the FAA after that effective date. Comments on these matters are also particularly invited.

In reviewing the FAA's programs to determine which activities fall within the established guidelines, several programs were found to require further separate study. Those FAA services or activities not included in this notice, or in Notice 67-18,[1] will receive further separate study. For example, the fees now charged under Part 47, "Aircraft Registration", under Part 49, "Recording of Aircraft Titles and Security Documents", under Part 171, "Non-Federal Navigation Facilities", and under Part 187, "Fees for Copying and Certifying Federal Aviation Administration Records", have been excluded from this proposal and will receive separate review and study. Also, charges for export airworthiness approvals (Part 21, Subpart L), and for certificates issued by Designated Alteration Stations (Part 21, Subpart M) will receive separate study.

[1] See F.R. Doc. 67-4414 infra.

Finally, charges for the renewal of supplemental air carrier or commercial operator operating certificates, for the requested amendment of air carrier or commercial operator operating certificates, and for the requested issue or amendment of air carrier or commercial operator operations specifications, will receive separate study.

It is anticipated that the proposed fees will result in revenues totaling approximately $2,100,000 a year. The cost of collection should not exceed 1 percent of these revenues. The fee proposals contained in this notice may be issued either as amendments to specific parts, as amendments to Part 187, or as a new part. At that time, they will be issued in appropriate regulatory language.

The FAA does not propose to charge persons for designation as representatives of the Administrator under section 314(a) of the Federal Aviation Act of 1958, since they fall within the exception in Title V of the Independent Offices Appropriation Act of 1952 for those persons "engaged in the transaction of official business of the Government." Circular A-25 states that agencies may consider exceptions from fees when to do so would be an appropriate courtesy to a foreign country or international organization; when the recipient is engaged in a nonprofit activity for public safety, health, or welfare; or when payment of the full fee by a State, municipal agency, or nonprofit group would not be in the interest of the program. The FAA invites comments that specifically suggest and justify additional exceptions from fees on these grounds.

In consideration of the foregoing it is proposed to amend Parts 21, 37, 43, 121, 127, 133, 135, 137, 141, 145, 147, 149, and 187 by adding the schedules of fees, as hereinafter set forth.

This proposal is made under the authority of sections 311, 313(a), 314, 601, 603, 604, 605, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1352, 1354(a), 1355, 1421, 1423, 1424, 1425, and 1427), Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290), and Bureau of the Budget Circular A-25, dated September 23, 1959.

Issued in Washington, D.C., on April 18, 1967.

CLARKE HARPER,
Associate Administrator for Administration.

Proposed Fees

The schedules of fees proposed below are for applications for the approvals, authorizations, certificates, permits, or ratings indicated. Each person desiring to obtain any approval, authorization, certificate, permit, or rating listed would be required to pay the fee proposed. The fee would be paid by check, draft, or money order payable to the "Federal Aviation Administration".

The FAA proposes not to charge a separate fee for a temporary certificate issued under Subchapter H of the Federal Aviation Regulations. The present fees for replacement of a lost or destroyed certificate, under § 187.3 would remain in effect.

An "X" in any column indicates that there is no fee, since the regulations do not provide for the issue of the approval, authorization, certificate, permit, or rating indicated.

SUBCHAPTER C—AIRCRAFT

C-1 SCHEDULE OF APPLICATION FEES

Required by [1]	Aircraft, engine, or propeller	Type certificate		Production certificate or approved production inspection system	
		Original [2]	Change or supplemental [3]	Original [4]	Amendment [5]
Part 21	Glider (§ 21.23)	$6,500	$65	$2,500	$250
Part 23	Unpressurized single reciprocating engine powered airplane.	13,000	130	4,000	400
Part 23	Pressurized single reciprocating engine powered airplane.	16,000	160	6,250	625
Part 23	Unpressurized single turbine engine powered airplane.	19,500	195	7,750	775
Part 23	Pressurized single turbine engine powered airplane.	26,000	260	10,250	1,025
Part 23	Unpressurized multiengine powered airplane	32,000	320	12,250	1,225
Part 23	Pressurized multiengine powered airplane	49,000	490	17,500	1,750
Part 25	Unpressurized airplane	80,000	800	24,500	2,450
Part 25	Pressurized airplane for flight at 25,000 feet, or less:				
	Gross weight under 55,000 pounds	94,000	940	25,000	2,500
	Gross weight 55,000 pounds, and over	169,000	1,690	45,000	4,500
Part 25	Pressurized airplane for flight at over 25,000 to 45,000 feet:				
	Gross weight under 55,000 pounds	131,000	1,310	25,000	2,500
	Gross weight 55,000, and over	244,000	2,400	45,000	4,500
Part 27	Rotorcraft	39,000	390	7,000	700
Part 29	do	65,000	650	13,000	1,300
Part 31	Balloon	180	2	40	
Part 33	Reciprocating engine used in Part 23 or Part 27 aircraft.	1,100	11	350	30
Part 33	Turbine engine used in Part 23 or Part 27 aircraft.	1,800	18	500	50
Part 33	Reciprocating engine used in Part 25 or Part 29 aircraft.	3,000	30	850	85
Part 33	Turbine engine used in Part 25 or Part 29 aircraft.	5,000	50	1,300	130
Part 35	Fixed-pitch or ground adjustable-pitch propeller used in Part 23 airplane engine.	300	3	125	13
Part 35	Variable-pitch propeller used in Part 23 airplane engine.	600	6	200	20
Part 35	Propeller used in Part 25 airplane engine	900	9	450	45

[1] "Required by": Federal Aviation Regulations Part that provides the substantive requirements for the issue of a type certificate or production certificate, or for an approved production inspection system under the procedural rules of Part 21 cited in footnotes 2, 3, 4, and 5.

[2] "Type certificate—original": Proposed fees for each application for a type certificate listed in this schedule and issued under § 21.21, § 21.23, § 21.25 or § 21.27.

[3] "Type certificate—change or supplemental": Proposed fees for each application for a change to a type certificate listed in this schedule and approved under § 21.95 or § 21.97, and for each application for a supplemental type certificate listed in this schedule and issued under § 21.117.

[4] "Production certificate etc.—original": Proposed fees for each application for a production certificate listed in this schedule and issued under § 21.135, or for an approved production inspection system required under § 21.123(c) for production under a type certificate only and listed in this schedule.

[5] "Production certificate etc.—amendment": Proposed fees for each application for an amendment to a production certificate listed in this schedule and issued under § 21.153, or for a change to an approved production inspection system required under § 21.123(c) and listed in this schedule.

C-2 SCHEDULE OF APPLICATION FEES

Issued under [1]	Approval, authorization, certificate, or permit	Fee
§ 21.29	Type certificate for import products [2]	$15 per hour.
§ 21.81 or § 21.83	Provisional type certificate or amendment to provisional type certificate [3]	No fee.
§ 21.85	Provisional amendment to type certificate [3]	Do.
§ 21.127(a)	Approval of production flight test procedure and flight checkoff form	$2.
§ 21.183 through § 21.191	Airworthiness certificate: [4]	
	Issued by FAA Inspector—	
	Original for Part 23 aircraft	$40.
	Renewal for Part 23 aircraft under § 21.195	$10.
	Original for Part 25 aircraft	$150.
	Renewal for Part 25 aircraft under § 21.195	$40.
	Issued by § 183.31 Designated Manufacturing Inspection Representative.	No fee.
§ 21.221 through § 21.225	Provisional airworthiness certificate [4]	Do.
§ 21.199	Special flight permit:	
	For a purpose stated in § 21.197(a)	$5.
	For a purpose stated in § 21.197(b)	$50.
§ 21.231 through § 21.293	Certificate issued under delegation option procedure:	
	Type certificate	$500.
	Amended type certificate	$12.
	Amended production certificate	$12.
	Export airworthiness approval, airworthiness approval tag, or airworthiness certificate.	No fee.
§ 21.303(c)	Parts manufacturing approval of design data for—	
	Individual material, part, process, or appliance	$15.
	Assemblies of two or more materials, parts, processes, or appliances	$30.
§ 21.303(c)	Parts manufacturing approval of fabrication inspection system for—	
	Individual material, part, process, or appliance	$150.
	Assemblies of two or more materials, parts, processes, or appliances	$300.

See footnotes at end of table.

C-2 SCHEDULE OF APPLICATION FEES

Issued under [1]	Approval, authorization, certificate, or permit	Fee
§ 21.303(c)	Parts manufacturing approval of change to fabrication inspection system for—	
	Individual material, part, process, or appliance	$30.
	Assemblies of two or more materials, parts, processes, or appliances	$60.
§ 37.5(a)	TSO authorization	$150.
§ 37.9	Approval for deviation	No fee.
§ 37.11	Approval of design change	$30.
§ 43.7(a)	Approval by FAA Inspector of aircraft, airframe, aircraft engine, propeller, or appliance for return to service after it has undergone maintenance, preventive maintenance, rebuilding or alteration.	$25.

[1] "Issued under": The section of the Federal Aviation Regulations that provides for the approval, authorization, certificate, or permit described.

[2] "Import products": This hourly fee would recover approximately 100 percent of the Agency's costs, direct and indirect.

[3] "Provisional type certificate, etc.": No separate fee is proposed for an application for the issue or amendment of a provisional type certificate issued under § 21.81 or § 21.83, or for the issue of a provisional amendment to a type certificate under § 21.85. However, they would not be issued unless the applicant also had applied for the issue of a type certificate or for approval of a change to a type certificate and paid the fee prescribed in Schedule C-1.

[4] "Airworthiness certificate": The fee proposed for an application for an airworthiness certificate also applies to an application for an experimental airworthiness certificate issued under § 21.191. The fee for "renewal" is for each renewal of an experimental airworthiness certificate that expires under § 21.195(a).

[5] "Provisional airworthiness certificate": No separate fee is proposed for an application for the issue of provisional airworthiness certificate under § 21.221 or § 21.223. However, it would not be issued unless an applicant also had applied for an airworthiness certificate and paid the fee prescribed in this schedule.

SUBCHAPTER G—AIR CARRIER AND COMMERCIAL OPERATOR CERTIFICATION AND OPERATIONS

G SCHEDULE OF APPLICATION FEES

Issued under	Certificate	Fee
Part 121	Domestic air carrier operating certificate	$10,000
Part 121	Flag air carrier operating certificate	10,000
Part 121	Supplemental air carrier operating certificate	2,000
Part 121	Commercial operator operating certificate	2,000
Part 127	Domestic air carrier helicopter operating certificate	5,000
Part 133	Rotorcraft external-load operator certificate:	
	One class of rotorcraft-load combinations under § 133.41 [1]	70
	Two classes of rotorcraft-load combinations under § 133.41 [2]	80
	Three classes of rotorcraft-load combinations under § 133.41	90
Part 135	Air taxi/commercial operator operating certificate	110
Part 137	Agricultural aircraft operator certificate	70

[1] Proposed fee for each application for one original or additional class of rotorcraft-load combinations.

[2] Proposed fee for each application for two original or additional classes of rotorcraft-load combinations.

SUBCHAPTER H—SCHOOLS AND OTHER CERTIFICATED AGENCIES

H SCHEDULE OF APPLICATION FEES [1]

Issued under	Certificate	Original [2]	Added rating [3]
Part 141	Pilot school certificate	$100	$50
	Reissue under § 141.5(a) (after expiration or change in ownership)	$100	X
	Reissue under § 141.5(d) (after change in name)	No fee	X
	Authority under § 141.19 (to give graduates written or flight tests, or both).	do	X
	Approval under § 141.23 (of change of location)	$100	X
Part 145	Repair station certificate (without ratings)	$100	X
	Each rating [4]	$50	$50
	Change under § 145.15(a) (1) (after change in location, or housing and facilities).	$100	X
	Change under § 145.15(a) (2) or § 145.15(a) (3) (after change in responsible officials, or in authorized signatures).	No fee	X
	Change under § 145.15(a) (4) (after request to change or amend rating)	$20	X
	Change under § 145.15(b) (after change of ownership)	$100	X
Part 147	Mechanic school certificate	$100	$50
	Approval under § 147.41 (of change of location)	$100	X
Part 149	Parachute loft certificate	$75	$25
	Approval under § 149.27 (of change of location)	$75	X

[1] "General": An applicant who fails to meet a regulatory requirement would be allowed to meet that requirement within 60 days after the date of original application. Thereafter a new application and fee would be required.

[2] "Original": Proposed fees for each application for a certificate. The proposed fee would include the charge for ratings included in the application for the original certificate, and finally issued with the original certificate, except as stated in footnote 4 below.

[3] "Added rating": Proposed fees for each application for a rating to be added to a certificate in addition to any present ratings on the certificate, except as stated in footnote 4 below.

[4] A separate application and fee would be required for each rating on a repair station certificate, including each rating issued with the original certificate.

[F.R. Doc. 67-4415; Filed, Apr. 20, 1967; 8:45 a.m.]

[14 CFR Parts 61, 63, 65, 67, 143, 187]

[Docket No. 1127; Notice 67-18]

AIRMAN AND GROUND INSTRUCTOR CERTIFICATION SYSTEM AND FEES FOR CERTIFICATION APPLICATIONS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 61, 63, 65, 67, 143, and 187 of the Federal Aviation Regulations to revise the system for issuing airman, medical, and ground instructor certificates; and to establish a schedule of fees for applications for new certificates and ratings, and for conversion of outstanding certificates into the new system. The FAA's consideration of a new certification system was announced in Notices of Proposed Rule Making dated March 28, 1962 (27 F.R. 3141), and May 9, 1963 (28 F.R. 4851), and circulated as Draft Release No. 62-13 and Notice 63-18, respectively.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 18, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

CERTIFICATION SYSTEM

As stated in Notice 63-18, the present certification system is primarily that in effect during the earliest days of the Civil Aeronautics Administration and it no longer serves the needs of the public, the aviation community, or the FAA. It necessarily reflects, and reflects upon, the airman records of the FAA, their currency, the efficiency with which they can be maintained, the nature and value of the recorded information available to the FAA, and the FAA's ability to extract needed information from these records. The problems created by the present system must be corrected. However, correction within the framework of the present certification system is impractical, would at best be only temporary in nature, would invite repetition of current problems in the future, and would not in any event produce the information that is required.

The proposed new program differs in two major respects from that proposed in Notice 63-18. It is proposed that 10 percent of the airmen submit airman activity information annually, rather than 100 percent at 2-year intervals. In addition, it is proposed to charge fees for applications for new certificates and ratings, and for conversion of outstanding certificates and ratings.

Notice 63-18 proposed to require each airman to submit once during each 2-year period information reflecting the extent of his active participation in aviation. Further study has revealed that it is not necessary to require 100-percent airman participation at 2-year intervals. A 10-percent-yearly sample of the airman population should accurately portray the characteristics of that population as a whole. Accordingly, the FAA now proposes to require an annual sample, by mail, of activity information from 10 percent of the certificate holders. The 10-percent cross section, together with other presently available sources of data, is expected to furnish enough information to fulfill the needs stated in Notice 63-18, such as identifying areas of regulatory need and areas where present regulations are no longer appropriate or necessary. This system would ensure a continual flow of vitally needed information to the FAA and yet keep the burden on the individual airman to the absolute minimum consistent with the objectives sought.

The remainder of the program proposed in Notice 63-18 would not be changed substantially. Each present certificate holder would be required to convert his certificate into the new system over a period of 2 years. The date for this conversion would be determined by the holder's birth month, and by whether he was born in an odd or even year. A single consolidated certificate card would be issued listing each certificate and rating held. This card would be wallet size and of durable material.

FEES

Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290) states: "It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self sustaining to the full extent possible * * *." To give full effect to this statement of policy, Title V further provides: "The head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts * * *." The statute provides that the amounts collected shall be paid into the Treasury as miscellaneous receipts.

Federal administrative user charges are not new. For instance, during fiscal year 1966, the last annual period for which statistics are available, over 300 actions were taken by Federal agencies to establish new fees or revise existing ones. The President, in his message to Congress on the Budget for Fiscal Year 1966, stated: "I will continue to press for *other user charges* in Government programs where benefits are provided to specific, identifiable individuals and businesses. Fairness to all taxpayers demands that those who enjoy special benefits should bear a greater share of the costs. Legislation is needed for some of the charges, such as patent and meat inspection fees. In other instances, equitable user charges will be instituted through administrative action."

The Bureau of the Budget issued Circular A-25 on September 23, 1959. Circular A-25 sets forth general policies for developing an equitable and reasonably uniform system of charges for certain Government services and property. The circular provides that a reasonable charge be made for any Federal activity that conveys special benefits to the recipient over and above those accruing to the public at large, and specifically cites airman certificates as an example of a service providing special benefits. The proposed fee schedules are consistent with the user charge policies set forth in the circular.

In arriving at the proposed fees, the FAA has considered the cost of issuing certificates and ratings, the factor of value to the recipient, and the fact that the fees proposed would be periodically reviewed and revised consistent with the public interest. In particular, the FAA also has considered sections 103 (a) and (b), and 305 of the Federal Aviation Act of 1958 (49 U.S.C. 1303 (a) and (b), and 1346). Section 103 (a) and (b) provides: "In the exercise and performance of his powers and duties under this Act the Administrator shall consider the following, among other things, as being in the public interest: (a) The regulation of air commerce in such manner as to best promote its development and safety and fulfill the requirements of national defense; (b) The promotion, encouragement, and development of civil aeronautics * * *." Section 305 states: "The Administrator is empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad."

The FAA has carefully considered all the ramifications of the proposed fees, keeping in mind its obligation to promote air commerce. Every effort has been made to ensure that the proposed fees would be reasonable and equitable. In no case has a fee been proposed that the FAA believes would inhibit the growth of aviation. No proposed fee would recover more than the personnel compensation and benefits costs incurred by the FAA for those man-hours directly involved in issuing and processing certificates, based upon FAA records or technical staff estimates in those instances where man-hour data was not available. Where certificates or authorizations are issued through designated examiners, the proposed fees provide only for recovery of FAA processing costs. It must be emphasized that the proposed fee schedules contained herein are just that—proposals. They are in no way final and are being circulated to provide interested persons with the opportunity to submit comments, suggestions, and recommendations.

The proposed fees are application processing fees, and refunds normally would not be made to unsuccessful applicants. It is anticipated that the proposed fees will result in revenues totaling approximately $2,600,000 a year. The cost of collection should not exceed 3 percent of these revenues. The fee proposals contained in this notice may be issued either as amendments to specific parts, as amendments to Part 187, or as a new part. At that time, they will be issued in appropriate regulatory language.

The proposed certification and conversion fees would not apply to U.S. Government employees who are required to hold an airman certificate by reason of that employment, since they fall within the exception in Title V of the Independent Offices Appropriation Act of 1952 for those persons "engaged in the transaction of official business of the Government."

Circular A-25 states that agencies may consider exceptions from fees when to do so would be an appropriate courtesy to a foreign country or international organization; when the recipient is engaged in a nonprofit activity for public safety, health or welfare; or when payment of the full fee by a State, municipal agency, or nonprofit group would not be in the interest of the program. The FAA invites comments that specifically suggest and justify additional exceptions from fees on these grounds.

In consideration of the foregoing and, in addition, for the reasons outlined in Notice 63-18, it is proposed to amend Parts 61, 63, 65, 67, 143, and 187 by adopting a new certification system and by adding the schedules of fees, as hereinafter set forth.

This proposal is made under the authority of sections 311, 313(a), 601, 602, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1352, 1354(a), 1421, 1422, and 1427), Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 240), and Bureau of the Budget Circular A-25, dated September 23, 1959.

Issued in Washington, D.C., on April 18, 1967.

CLARKE HARPER,
Associate Administrator for Administration.

Proposed Certification System

1. After the effective date of the new system (assumed for purposes of illustration in this notice to be Jan. 1, 1968) each person holding a certificate issued before that date will be required to have that certificate converted into the new system. This conversion will be required before the end of the certificate holder's birth month in 1968, if he was born in an even year, or in 1969, if he was born in an odd year. However, at any time after the effective date of the new system, if the holder of an old form airman or ground instructor certificate applies for a new airman or ground instructor certificate or rating, he will be required at that time, as a condition to the receipt of the new certificate or rating, to convert all certificates that he holds.

2. The conversion will be accomplished by submitting an application and the required fee. No reexamination of competency or medical requalification is involved. Application forms may be obtained at any FAA Office. In order to allow time for processing and to ensure that there will be no lapse in certificate privileges, the application must be filed at least 30 days before the required conversion date.

3. The following examples represent the kind of information that will be requested on the application form:

(a) General information, such as name, address, and social security number.

(b) Name and address of employer, if employed in an airman or ground instructor capacity.

(c) Kinds of certificates held, their numbers and dates of issue.

(d) Class of medical certificate held and its date of issue.

(e) Kind of activity in which the certificate holder engages, e.g., air carrier operations; flying for business or personal pleasure; self-employed mechanic; or employment by manufacturer, repair station, or ground school.

(f) In the case of flying personnel, the make, model, and type of aircraft flown; the number of hours flown; and the kind of flying, e.g., night, cross-country, instrument, pilot, or flight engineer.

(g) In the case of mechanics and repairmen, the principal maintenance activities, e.g., repairs, alterations, overhauls, or inspection; and the types of aircraft and powerplants involved.

(h) In the case of parachute riggers, the number and types of parachutes packed.

(i) After conversion, the information listed in paragraphs (e) through (h) above, will be requested only for the calendar year preceding that in which a certificate holder is required to submit activity information, under paragraph 5 below.

4. Any certificate not converted as required in paragraph 1 will cease to be effective and the holder may not exercise its privileges. However, he may convert it into the new system at any time in the same manner as if he had applied for conversion before the due date. All records relating to present certificate holders will be kept in a current file for the first 4 years after the beginning of the new system. Thereafter, records relating to certificates that have not been converted will be removed from the current file and stored separately. If application for conversion of such a certificate is then made, a search of these stored records to establish eligibility for certificate conversion will entail substantial additional processing over what would otherwise have been required. It is therefore proposed to charge a fee of $5 for this service.

5. After the 2-year conversion period, submission of airman activity information will be required annually of 10 percent of all certificate holders. The 10 percent will be selected to provide a representative cross section of all certificate holders. Each certificate holder in the selected 10 percent for any given year will be required to submit activity information covering the preceding calendar year. A holder who does not comply with this requirement may not exercise the privileges of his certificate until he does so comply. The information form will be mailed to the holder approximately 60 days before the date required for its submission.

6. The new consolidated certificate card will list all certificates and ratings held. However, each certificate listed will retain its separate identity. Medical qualification will be shown on the consolidated card if the medical examination on which it is based was given after January 1, 1967. During the 2-year conversion period. Aviation Medical Examiners will continue to issue separate medical certificates in the old form to accommodate airmen who have not yet converted their certificates. Airmen holding converted certificates will be issued temporary medical certificates valid for not more than 60 days pending final action on their medical examinations. Upon review and approval, the airman will receive without additional cost a new consolidated card including evidence of his medical qualification.

7. The new consolidated certificate card number will be the holder's social security number or, if that number is not made available to the FAA an assigned nine-digit number. A space will also be provided on the card to display the holder's present certificate number if he so requests. If he holds more than one certificate now, the FAA will display his choice of the numbers involved.

8. The FAA will continue to issue temporary certificates to applicants for new certificates or ratings, pending the issue of the permanent certificate card.

9. Inspection authorizations on mechanic certificates, presently renewed each year during the month of March, will not be affected by the new system.

10. Certificates that presently have a limited duration (such as student and special purpose pilot certificates, and certain airmen certificates issued to persons who are not citizens of the United States) will continue to have a limited duration and will not be subject to conversion.

11. The fee for application for conversion of any number of certificates held is as follows:

(a) For conversion before Jan. 1, 1972	$1
(b) For conversion thereafter	5

These fees would not apply to a U.S. Government employee converting a certificate that he is required to hold by reason of his employment.

Proposed Fees

The schedules of fees proposed below are for applications for the certificates or ratings indicated. Each person desiring to obtain any certificate or rating listed would be required to pay the fee proposed. The fee would be paid by check, draft, or money order payable to the "Federal Aviation Administration." These fees would not apply to a U.S. Government employee who is required to hold a certificate or rating by reason of his employment.

In several of the following schedules, fees are proposed for the written or practical tests, rather than for the certificate or rating itself. These certificates or ratings would be issued to successful applicants without any additional charge. Also, there would be no additional charge for a rating that is issued with an original certificate. An applicant who fails a test would be allowed to retake the test within 24 months after the date of original application, in the case of an airman certificate, or within 90 days after the date of original application, in the case of a ground instructor certificate. Thereafter, a new application and fee would be required.

The schedules reflect the fact that an applicant may choose to take his practical tests from either an FAA-employed Inspector or a designated FAA Examiner. However, an applicant would be required to pay the difference between these fees if he originally chooses to take his practical tests from an Examiner, and subsequently comes to an FAA-employed Inspector for any practical test.

Although the fee for a Part 61 written test do not apply to written tests administered by a certificated pilot school (under § 141.19), the fee for Part 61 practical tests in paragraph (d) of that schedule does apply and must be paid before the certificate or rating is issued. The present fees for replacement of a lost or destroyed certificate, under §§ 61.13, 63.16, 65.16, 143.8, and 187.3 would remain in effect.

Part 61—Certification: Pilots and Flight Instructors

Except for a student pilot certificate, the following fees are proposed for an application for the written or practical (oral and flight) tests required before a pilot or flight instructor certificate is issued under this part:

	Fee
(a) Student pilot certificate—	
(1) Issued or reissued by FAA	$2
(2) Issued or reissued by a designated FAA Examiner	1
(b) Written test (if required) administered by the FAA for—	
(1) Certificate issued to military pilot or former military pilot under § 61.31	7
(2) Certificate issued to any other applicant	2
(3) Any added rating	2
(c) Practical tests (oral, or flight, or both) administered by the FAA for—	
(1) Certificate or added rating issued to military pilot or former military pilot under § 61.31	10
(2) Private pilot certificate or added rating	20
(3) Commercial pilot certificate or added rating	20
(4) Airline transport pilot certificate or added rating	35
(5) Flight instructor certificate or added rating, exchange of certificate under § 61.175 or § 61.176, or renewal of expired certificate under § 61.177	30
(6) Renewal of unexpired flight instructor certificate under § 61.177	3
(d) Practical tests (oral, or flight, or both) administered by a designated FAA Examiner for any pilot certificate or added rating	2
(e) There is no fee for:	
(1) A temporary certificate issued under § 61.7.	
(2) A pilot certificate of a lower grade exchanged under § 61.11.	
(3) A special purpose pilot certificate issued under § 61.33.	
(4) A certificate reissued after change of address under § 61.51.	
(5) A rating issued with an original pilot or flight instructor certificate.	

Part 63—Certification: Flight Crewmembers Other Than Pilots

The following fees are proposed for an application for the written or practical (oral and flight) tests required before a certificate is issued under this part:

	Fee
(a) Written test administered by the FAA	$2
(b) Practical tests administered by the FAA	30
(c) Practical tests administered by a designated FAA Examiner	2
(d) There is no fee for:	
(1) A temporary certificate issued under § 63.13.	
(2) A certificate reissued under § 63.15(a).	
(3) A certificate reissued after change of address under § 63.21.	
(4) A rating issued with an original certificate.	

Part 65—Certification: Airmen Other Than Flight Crewmembers

Except for an inspection authorization, the following fees are proposed for an application for the written or practical tests required before a certificate is issued under this part:

	Fee
(a) Inspection authorization—	
(1) Issued under § 65.91	$25
(2) Renewed under § 65.93	3
(b) Written test (if required) administered by FAA for—	
(1) Senior parachute rigger certificate issued to military rigger or former military rigger under § 65.117	6
(2) Certificate issued to any other applicant	2
(3) Any added rating	2
(c) Practical tests (if required) administered by the FAA for—	
(1) Aircraft dispatcher certificate	30
(2) Mechanic certificate	25
(3) Added rating for mechanic certificate	25
(4) Parachute rigger certificate	20
(5) Added rating for parachute rigger certificate	13
(d) Practical tests (if required) administered by a designated FAA Examiner for any certificate or any added rating	2
(e) There is no fee for:	
(1) An air traffic control tower operator certificate or rating.	
(2) A repairman certificate.	
(3) A temporary certificate issued under § 65.13.	
(4) A certificate reissued under § 65.15(b).	
(5) A certificate reissued after change of address under § 61.21.	
(6) A rating issued with an original certificate.	

Part 67—Medical Standards and Certification

The fee proposed for an application for any medical certificate issued under this part is $4.

Part 143—Ground Instructors

The fee proposed for an application for a written test required under § 143.11 before a ground instructor certificate or added rating is issued under this part is $7. There is no fee for:

(a) A temporary certificate issued under § 143.5.

(b) A certificate reissued after change of address under § 143.23.

[F.R. Doc. 67-4414; Filed, Apr. 20, 1967; 8:45 a.m.]

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Title 3—THE PRESIDENT

Executive Order 11345

ESTABLISHMENT OF THE GREAT LAKES BASIN COMMISSION

WHEREAS the Water Resources Planning Act (hereinafter referred to as the Act, 79 Stat. 244, 42 U.S.C. 1962 *et seq.*) authorizes the President to declare the establishment of a river basin water and related land resources commission when a request for such a commission is addressed in writing to the Water Resources Council (hereinafter referred to as the Council) by the Governor of a State within which all or part of the basin or basins concerned are located and when such a request is concurred in by the Council and by not less than one-half of the States within which portions of the basin or basins concerned are located; and

WHEREAS the Council, by resolution adopted March 7, 1966, concurred in the requests of the Governors of the States of Indiana, Michigan, Minnesota, Ohio, and Wisconsin, which have been concurred in by the Governors of Illinois, New York, and Pennsylvania; and did itself request that the President declared the establishment of the Great Lakes Basin Commission under the provisions of section 201 of the Act; and

WHEREAS the requests of the Governors of the States of Indiana, Michigan, Minnesota, Ohio, and Wisconsin, and the resolution of the Council of March 7, 1966, together with written concurrences by the Governors of the States of Illinois, New York, and Pennsylvania, satisfy the formal requirements of section 201 of the Act; and

WHEREAS it appears that it would be in the public interest and in keeping with the intent of Congress to declare the establishment of such a Commission:

NOW, THEREFORE, by virtue of the authority vested in me by section 201 of the Act, and as President of the United States, it is ordered as follows:

SECTION 1. *Great Lakes Basin Commission.* It is hereby declared that the Great Lakes Basin Commission is established under the provisions of Title II of the Act.

SEC. 2. *Jurisdiction of Commission.* It is hereby determined that the jurisdiction of the Great Lakes Basin Commission referred to in section 1 of this order (hereinafter referred to as the Commission) shall extend to those portions of the eight Great Lakes States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin that are drained by the St. Lawrence River system, including the Great Lakes, their tributaries, and tributaries to the St. Lawrence River which reach that river within the United States, in accordance with the requests of the Governors of Indiana, Michigan, Minnesota, Ohio, and Wisconsin, concurred in by the Governors of Illinois, New York, and Pennsylvania, and in accordance with the resolution of the Council.

SEC. 3. *Membership of the Commission.* It is hereby determined that, in accordance with section 202 of the Act, the Commission shall consist of the following:

(1) a Chairman to be appointed by the President,

(2) one member from each of the following Federal departments and agencies: Department of Agriculture, Department of the Army, Department of Commerce, Department of Health, Education, and Welfare, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Transportation, and the Federal Power Commission, such member to be appointed by the head of each department or independent agency he represents,

(3) one member from each of the following States: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and

(4) one member from each interstate agency created by an interstate compact to which the consent of Congress has been given and whose jurisdiction extends to the waters of the area specified in section 2.

SEC. 4. *Functions to be performed.* The Commission and its Chairman, members, and employees are hereby authorized to perform and exercise, with respect to the jurisdiction specified in section 2 of this order, the functions, powers, and duties of such a Commission and of such Chairman, members, and employees, respectively, as set out in Title II of the Act.

SEC. 5. *International coordination.* The Chairman of the Commission is hereby authorized and directed to refer to the Council any matters under consideration by the Commission which relate to the areas of interest or jurisdiction of the International Joint Commission, United States and Canada, and the Great Lakes Fishery Commission. The Council shall consult on these matters as appropriate with the Department of State and with the International Joint Commission and the Great Lakes Fishery Commission through their United States Sections for the purpose of enhancing international coordination.

SEC. 6. *Reporting to the President.* The Chairman of the Commission shall report to the President through the Council.

Lyndon B. Johnson

THE WHITE HOUSE,
April 20, 1967.

[F.R. Doc. 67-4511; Filed, Apr. 20, 1967; 1:23 p.m.]

Executive Order 11346

PLACING AN ADDITIONAL POSITION IN LEVEL V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, and as President of the United States, section 2 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by adding thereto the following:

(14) Deputy Assistant Secretary for Mortgage Credit, Department of Housing and Urban Development.

Lyndon B. Johnson

THE WHITE HOUSE,
April 20, 1967.

[F.R. Doc. 67-4530; Filed, Apr. 20, 1967; 3:17 p.m.]

Executive Order 11347

AMENDMENT OF EXECUTIVE ORDER NO. 11210, ESTABLISHING A TEMPORARY COMMISSION ON PENNSYLVANIA AVENUE

By virtue of the authority vested in me as President of the United States, Executive Order No. 11210 of March 25, 1965, is amended by substituting for subsection (b) of section 1 thereof the following:

"(b) The Commission shall be composed of the Attorney General, the Postmaster General, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Labor, the Secretary of Transportation, the Secretary of the Treasury, the Administrator of General Services, the Chairman of the Commission of Fine Arts, the Chairman of the National Capital Planning Commission, the Director of the National Gallery of Art, the President of the Board of Commissioners of the District of Columbia, the Secretary of the Smithsonian Institution, and such other members as may be appointed by the President. The Chairman shall invite the Architect of the Capitol to be a member of the Commission."

Lyndon B. Johnson

THE WHITE HOUSE,
April 20, 1967.

[F.R. Doc. 67-4529; Filed, Apr. 20, 1967; 3:17 p.m.]

Executive Order 11348

PROVIDING FOR THE FURTHER TRAINING OF GOVERNMENT EMPLOYEES

By virtue of the authority vested in me by section 301 of Title 3 of the United States Code and by section 2 of the Act of July 7, 1958 (72 Stat. 327), it is ordered as follows:

PART I—GENERAL

SECTION 101. (a) As used in this order, the terms "agency", "employee", "Government", and "training" have the meanings given to those terms, respectively, by section 4101 of Title 5, United States Code.

(b) "Intergency training" means training provided by one agency for other agencies or shared by two or more agencies.

SEC. 102. It is the policy of the Government of the United States to develop its employees through the establishment and operation of progressive and efficient training programs, thereby improving public service, increasing efficiency and economy, building and retaining a force of skilled and efficient employees, and installing and using the best modern practices and techniques in the conduct of the Government's business.

SEC. 103. The Civil Service Commission shall provide leadership and guidance to insure that the policy set forth in section 102 is carried out.

PART II—CIVIL SERVICE COMMISSION RESPONSIBILITIES

SEC. 201. The Civil Service Commission shall plan and promote the development, improvement, coordination, and evaluation of training in accordance with chapter 41 of Title 5, United States Code, and with the policy set forth in section 102 of this order.

SEC. 202. In carrying out its responsibilities under chapter 41 of Title 5, United States Code, and section 201 of this order, the Commission shall:

(a) Advise the President on means for furthering and strengthening programs of training;

(b) Counsel heads of agencies and other agency officials on the improvement of training;

(c) Assist agencies to develop sound programs and financial plans for training and provide advice, information, and assistance to agencies on planning, programming, budgeting, operating, and evaluating training programs;

(d) Identify functional areas in which new or expanded interagency training activity is needed and either conduct such training or arrange for agencies having the substantive competence to do so;

(e) Coordinate interagency training conducted by and for agencies (including agencies and portions of agencies excepted by section 4102 (a) of Title 5, United States Code);

(f) Encourage agencies to make appropriate use of non-Government training resources;

(g) Develop, install, and maintain a system to provide the training data needed to carry out its own functions and to provide staff assistance to the President; and

(h) Provide for identification and dissemination of findings of research into training technology and undertake, or assign to other agencies, such research projects as may be needed.

PART III—AGENCY RESPONSIBILITIES AND OPERATIONS

SEC. 301. The head of each agency shall plan, program, budget, operate, and evaluate training programs in accordance with chapter 41 of Title 5, United States Code, and with the policy set forth in section 102 of this order.

SEC. 302. The head of each agency shall:

(a) Foster employee self-development by creating a work environment in which self-development is encouraged, by assuring that opportunities for training and self-study materials are resasonably available where the employee is stationed, and by recognizing self-initiated improvement in performance;

(b) Provide training for employees without regard to race, creed, color, national origin, sex, or other factors unrelated to the need for training;

(c) Establish and make full use of agency facilities for training employees;

(d) Extend agency training programs to employees of other agencies (including agencies and portions of agencies excepted by section 4102(a) of Title 5, United States Code) and assign his employees to interagency training whenever this will result in better training, improved service, or savings to the Government;

(e) Establish interagency training facilities in areas of substantive competence as arranged by the Civil Service Commission; and

(f) Use non-Government training resources as appropriate.

SEC. 303. In carrying out his responsibilities, the head of each agency shall, consonant with chapter 41 of Title 5, United States Code, this order, and regulations of the Civil Service Commission:

(a) Review periodically, but not less often than annually, the agency's program to identify training needed to bring about more effective performance at the least possible cost;

(b) Conduct periodic reviews of individual employee's training needs as related to program objectives;

(c) Conduct research related to training objectives and required for program improvement and effectiveness;

(d) Plan, program, and evaluate training for both short and long-range program needs by occupations, organizations, or other appropriate groups;

(e) Establish priorities for needed training, and provide for the use of funds and manhours in accordance with these priorities;

(f) Utilize the flexibility of work assignments to provide work experience which promotes growth leading to higher quality and greater quantity of work done;

(g) Establish training facilities and services as needed;

(h) Monitor the effectiveness with which self-development is encouraged and on-the-job training is provided at all levels;

(i) Establish criteria for the selection of employees for training; and

(j) Approve the acceptance of any contributions, awards, or payments to employees authorized by section 401(b) of this order and regulations issued by the Civil Service Commission.

PART IV—DELEGATIONS

SEC. 401. The following functions vested in the President are hereby delegated to the Civil Service Commisison:

(a) The authority under section 4102(b)(1) of Title 5, United States Code, to designate any agency or part thereof, or any employee or employees therein, as excepted from any provision of chapter 41 of Title 5, United States Code, other than sections 4102, 4111 (b), and 4112; and to designate any such agency or part thereof, or any employee or employees therein previously excepted, as again subject to chapter 41 of Title 5, United States Code, or any provision of that chapter.

(b) The authority under section 4111(a) of Title 5, United States Code, to fix by regulation the extent to which the contributions, awards, and payments referred to in that section may be made to and accepted by employees.

SEC. 402. The authority vested in the President by section 4101 (6)(B) of Title 5, United States Code, to designate a foreign government or international organization or instrumentality of either as eligible to provide training, is hereby delegated to the head of each agency for his employees except that each such designation shall be made only after the agency head concerned has obtained and given due consideration to the advice of the Department of State thereon prior to the first use of such training facility and thereafter periodically but not less often than once every three years.

PART V—REVOCATION OF PRIOR ORDER

SEC. 501. Executive Order No. 10800 of January 15, 1959, is hereby revoked.

Lyndon B. Johnson

THE WHITE HOUSE,
April 20, 1967.

[F.R. Doc. 67-4556; Filed, Apr. 21, 1967; 9:45 a.m.]

Rules and Regulations

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-104]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation of Empty Cargo Vans and Shipping Tanks by Finnish Vessels

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Finland extends to vessels of the United States in ports of Finland privileges reciprocal to those provided for in § 4.93(a) of the Customs Regulations. Vessels of Finland are therefore entitled to the privileges granted by this section.

Accordingly, § 4.93(b) of the Customs Regulations is amended by the insertion of "Finland" in appropriate alphabetical order in the list of countries in that section.

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 2, 883)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: April 17, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-4471; Filed, Apr. 21, 1967; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 330—FEDERAL PLANT PEST REGULATIONS

Emergency Measures

On February 10, 1967, there was published in the FEDERAL REGISTER (32 F.R. 2787) a notice of rule making concerning a proposed amendment of § 330.106(a) of the Federal Plant Pest Regulations (7 CFR 330.106(a)). After due consideration of all relevant matters presented, and pursuant to the provisions of sections 105 and 106 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ee), said § 330.106(a) is hereby amended to read as follows:

§ 330.106 Emergency measures.

(a) *Procedures to prevent pest dissemination.* Whenever inspection of any means of conveyance, stores, baggage, mail, plants, plant products, earth, stone and quarry products, garbage, or other products or articles of any character whatsoever, arriving in the United States from a place outside thereof, or moving interstate, discloses a plant pest, or provides a reason to believe such a pest is present (other than one moving under permit in accordance with any conditions in the permit and the provisions in this part) which is new to, or not theretofore known to be widely prevalent or distributed within and throughout the United States, the inspector shall employ procedures necessary to prevent the dissemination of the plant pest. Such procedures shall also be employed with respect to means of conveyance or products or articles of any character whatsoever which have moved into the United States or interstate and which the inspector has reason to believe were infested or infected by or contained any such plant pest at the time of such movement. The inspector may follow administrative instructions containing procedures prescribed for certain situations, or he may follow a procedure selected by him from administratively approved methods known to be effective. The procedure may involve seizure, quarantine, treatment, application of other remedial measures, exportation, return to shipping point of origin, destruction, or other disposal, but no means of conveyance, product, article, or plant pest owned by any person shall be destroyed, exported, or returned to shipping point of origin or ordered to be so handled, unless there is, in the opinion of the inspector, no less drastic action adequate to prevent the dissemination of the plant pest. In forming such an opinion that no less drastic action is adequate, the inspector shall be guided by applicable specific and general instructions received from officers of either the Plant Quarantine Division or the Plant Pest Control Division. This section does not authorize action with respect to any means of conveyance, product, article, or plant pest which, at the time of the proposed action, is subject to disposal under the Plant Quarantine Act. In taking action with respect to any means of conveyance, product, article, or plant pest, the inspector shall take cognizance of applicable requirements of the customs and postal laws and regulations.

* * * * *

(Secs. 105, 106, 71 Stat. 32, 33; 7 U.S.C. 150dd, 150ee; 29 F.R. 16210, as amended; 30 F.R. 5799, as amended)

This amendment shall become effective April 22, 1967.

The amendment delegates to inspectors of the U.S. Department of Agriculture authority to employ procedures to prevent the dissemination of plant pests new to or not known to be widely prevalent or distributed within and throughout the United States, where inspection of any means of conveyance, stores, baggage, mail, or other products or articles of any character whatsoever, moving interstate, discloses or provides reason to believe that there is infestation by any of such plant pests; and where the examining inspector has reason to believe that any means of conveyance, products, or articles of any character whatsoever which have moved into the United States, or interstate, were infested or infected by or contained any such plant pest at the time of such movement. Heretofore inspectors had such authority only in respect to means of conveyance, and other products and articles arriving in the United States from a place outside thereof, and in connection with certain specified interstate movements. Also, under the amendment, in determining what measures and procedures are to be followed where inspection discloses infestation or gives reason to believe infestation exists, inspectors will be guided by applicable instructions by officers of both the Plant Quarantine Division and the Plant Pest Control Division. Heretofore, inspectors were guided only by instructions from Plant Quarantine Division officers.

Done at Washington, D.C., this 18th day of April 1967.

[SEAL] E. P. REAGAN,
Acting Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 67-4460; Filed, Apr. 21, 1967; 8:46 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 8]

PART 728—WHEAT

Subpart—Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for the Crop Years 1966 Through 1969

ADDITIONAL PROVISIONS AND REQUIREMENTS RELATIVE TO TENANTS AND SHARECROPPERS

Section 728.507 of the Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for the Crop Years 1966 Through 1969, 31 F.R. 8758, as amended, is hereby further amended by adding a new paragraph (d) to read as follows:

§ 728.507 Additional provisions and requirements relative to tenants and sharecroppers.

* * * * *

(d) Notwithstanding any other provision of this section, a landlord or operator who in the past had tenants or

sharecroppers on his land for purposes of producing wheat may pay these individuals on a wage basis and this action will not be considered as reducing the number of tenants or sharecroppers provided such individuals are classified as employees under the Fair Labor Standards Act.

(Secs. 339(g), 375(b), 379j; 52 Stat. 66, as amended, 76 Stat. 624, 76 Stat. 630; 7 U.S.C. secs. 1339(g), 1375(b), 1379j)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 18, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-4461; Filed, Apr. 21, 1967; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 135]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.435 Navel Orange Regulation 135.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 20, 1967.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 23, 1967, and ending at 12:01 a.m., P.s.t., April 30, 1967, are hereby fixed as follows:

(i) District 1: 550,000 cartons;
(ii) District 2: 700,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 21, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4571; Filed, Apr. 21, 1967; 11:15 a.m.]

[Valencia Orange Reg. 198]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.498 Valencia Orange Regulation 198.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 20, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 23, 1967, and ending at 12:01 a.m., P.s.t., April 30, 1967, are hereby fixed as follows:

(i) District 1: 265,579 cartons;
(ii) District 2: 52,828 cartons;
(iii) District 3: 275,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 21, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4572; Filed, Apr. 21, 1967; 11:15 a.m.]

[Lemon Reg. 264]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.564 Lemon Regulation 264.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 18, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 23, 1967, and ending at 12:01 a.m., P.s.t., April 30, 1967, are hereby fixed as follows:

(i) District 1: 900 cartons;
(ii) District 2: 246,450 cartons;
(iii) District 3: unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 20, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4506; Filed, Apr. 21, 1967; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 73]

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Wichita, Kans., marketing area (7 CFR Part 1073), it is hereby found and determined that:

The following provisions of the order no longer tend to effectuate the declared policy of the Act for the period through November 1967: The provisions contained in § 1073.71 (g), (h), (i), (j), and (k) all relating to the fall incentive payment plan of the order.

Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order is necessary to prevent a 20-cent reduction in the uniform price to be paid producers for milk delivered in each of the months of April, May, and June 1967 at a time when severe drought conditions in the area are contributing to increased feed costs and the threat of forced sale of dairy cows.

(4) This suspension order does not affect costs of milk to handlers, and the suspension will not affect overall returns to producers for the year.

(5) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (32 F.R. 5638). None were filed in opposition to the proposed suspension.

(6) This suspension order was requested by two cooperative associations representing approximately 95 percent of the producers on the market.

Therefore, good cause exists for making this order effective upon FEDERAL REGISTER publication.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period from FEDERAL REGISTER publication through November 1967.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: Upon FEDERAL REGISTER publication.

Signed at Washington, D.C., on April 19, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-4475; Filed, Apr. 21, 1967; 8:47 a.m.]

[Milk Order 133]

PART 1133—MILK IN INLAND EMPIRE MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Inland Empire marketing area (7 CFR Part 1133), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the months of April, May, June, and July 1967 and are hereby suspended: In paragraph (c) of § 1133.12 (producer milk definition), the provision: "and 35 percent in the months of April, May, June, and July," where such provision appears in both subparagraphs (1) and (2) of such paragraph. The provisions relate to the limit on diverting the milk of producers in each of the months of April through July.

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will enable handlers to divert producer milk from a pool plant to a nonpool plant during the months of April through July 1967 without limit. The order presently provides for diversion not in excess of 35 percent for each of the months during the period April through July.

(4) This suspension is needed because producer deliveries have increased in recent months more than usual for this season. It is expected, therefore, that milk in excess of 35 percent (as required for each of the months of April through July) of that delivered to pool plants must be diverted to nonpool plants for manufacture into butter, cheese, nonfat dry milk, etc.

(5) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (32 F.R. 5640). None was filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective April 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period April through July 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1967.

Signed at Washington, D.C., on April 19, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-4474; Filed, Apr. 21, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1966 Crop Rice Supp.; Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 Crop Rice Loan and Purchase Program

MATURITY DATE FOR LOANS AND PURCHASES

The regulations issued by the Commodity Credit Corporation, published in 31 F.R. 9116 and setting forth specific provisions for the price support operations for the 1966 crop of rice, are hereby amended as follows:

Section 1421.2777 is amended to extend the maturity date applicable to loans on and purchases of the variety Pearl at the option of the producer and reads as follows:

§ 1421.2777 Maturity date for loans and purchases.

Unless demand is made earlier loans on rice will mature on, and the maturity date applicable to deliveries with respect to purchases of rice will be, April 30, 1967, except that the maturity date applicable to loans on and deliveries of the variety Pearl will be June 30, 1967, in cases where the producer requests such later maturity date in writing on or before April 30, 1967.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 62 Stat. 1051, as amended, 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C., 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 18, 1967.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-4473; Filed, Apr. 21, 1967; 8:47 a.m.]

[Amdt. No. 13]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities

DECREASE IN INTEREST RATE

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 3614, as amended by 29 F.R. 4991, 8396, 15281 and 16212, 30 F.R. 14310 and 15582, 31 F.R. 474, 10179 and 13641, 32 F.R. 122, 3339 and 5462, containing the terms and conditions for participation of commercial banks in pools of CCC price support loans on certain commodities, are hereby further amended to change from 4.75 to 4.375 percent per annum, effective May 7, 1967, the rate of interest on certificates evidencing participation in financing price support loans.

Section 1421.3825(a) is amended to read as follows:

§ 1421.3825 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.9 percent per annum through and including July 31, 1966, 5.2 percent per annum from August 1, 1966, through and including October 21, 1966, 5.7 percent per annum from October 22, 1966, through and including January 21, 1967, 5.5 percent per annum from January 22, 1967, through and including March 14, 1967, 5.2 percent per annum from March 15, 1967, through and including April 15, 1967, 4.75 percent per annum from April 16, 1967, through and including May 6, 1967, and 4.375 percent per annum thereafter.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, 1072, as amended; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on April 18, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-4435; Filed, Apr. 21, 1967; 8:45 a.m.]

[Amdt. No. 9]

PART 1427—COTTON

Subpart—Participation of Financial Institutions in Cotton Loan Pools

DECREASE IN INTEREST RATE

The regulations issued by the Commodity Credit Corporation published in 30 F.R. 7814, as amended by 30 F.R. 14310 and 15582, 31 F.R. 474, 10179 and 13641, 32 F.R. 122, 3340 and 5462, containing the terms and conditions for participation of financial institutions in pools of CCC price support loans on cotton are hereby further amended to change from 4.75 to 4.375 percent per annum, effective May 7, 1967, the rate of interest on certificates evidencing participation in financing price support loans.

Section 1427.2239(a) is amended to read as follows:

§ 1427.2239 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.9 percent per annum through and including July 31, 1966, 5.2 percent per annum from August 1, 1966, through and including October 21, 1966, 5.7 percent per annum from October 22, 1966, through and including January 21, 1967, 5.5 percent per annum from January 22, 1967, through and including March 14, 1967, 5.2 percent per annum from March 15, 1967, through and including April 15, 1967, 4.75 percent per annum from April 16, 1967, through and including May 6, 1967, and 4.375 percent per annum thereafter.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, 1072, as amended; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on April 18, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-4436; Filed, Apr. 21, 1967; 8:45 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. 1; Amdt. 12]

PART 1483—WHEAT AND FLOUR

Subpart—Flour Export Program—Cash Payment (GR–346) Terms and Conditions

MISCELLANEOUS AMENDMENTS

The Terms and Conditions of the Flour Export Program—Cash Payment (GR–346) (25 F.R. 5816) as amended (25 F.R. 9939, 25 F.R. 10758, 27 F.R. 1753, 27 F.R. 4863, 27 F.R. 10351, 29 F.R. 4667, 29 F.R. 12010, 30 F.R. 6771, 30 F.R. 15319, 31 F.R. 7817, and 31 F.R. 14504) are further amended as follows:

§ 1483.221 [Amended]

1. Section 1483.221 *Determination of rates* paragraph (e) is amended by deleting in the next to the last sentence the words "and/or commission" and changing in the last sentence the words "If within this period, an acceptable price and commission, if any, are submitted" to read "If within this period, an acceptable price is submitted * * *".

2. Section 1483.225 *Notice of Sale* is amended by changing paragraphs (a) (5) and (b) (2) (ix) to read as follows:

§ 1483.225 Notice of Sale.

(a) *Time.* * * *

(5) If the price of the flour in a sale under Public Law 480 (83d Cong.), as amended, is disapproved by the General Sales Manager, the exporter will be so notified by telegram and the transaction will not be registered for payment. In such event the exporter shall have 5 calendar days (See § 1483.221(e)) following the date of the Notice of Sale within which to submit a price which may be approved by the General Sales Manager. During such 5-day period, CCC will not recognize for the purpose of this program either a cancellation of the transaction originally reported to CCC or any new sale between the same exporter and foreign buyer in substitution of the original transaction reported to CCC. If an acceptable price is not submitted within such 5-day period, the original Notice of Sale, any subsequent notification of price adjustments and the related contract between the exporter and the foreign buyer, shall for the purpose of this program, be considered null and void. Any subsequent negotiations after expiration of such 5-day period which results in a contract between the exporter and the same foreign buyer shall be considered a new sale for the purpose of this program and shall be subject to the submission of a new Notice of Sale and new evidence of sale.

(b) *Information required.* * * *

(2) * * *

(ix) Name and address of sales agent, if any.

* * * * *

3. Section 1483.226 *Notice of Registration* paragraph (b) is amended to read as follows:

§ 1483.226 Notice of Registration.

* * * * *

(b) In the telegram of registration, the Contracting Officer may utilize the code letters "REP" to indicate "Registered as Eligible for Payment." In addition, with respect to sales made subject to the regulations issued under Public Law 480 (83d Cong.), as amended, the code letters "PAF480" shall constitute notice to the exporter that the price of the flour has been approved by the General Sales Manager for financing under such regulations. If the price of the flour is disapproved by the General Sales Manager, the exporter will be so advised by telegram and the transaction will not be registered for payment.

* * * * *

4. Section 1483.227 *Declaration of Sale and evidence of sale* is amended by changing paragraph (b) (2) (viii) to read as follows:

§ 1483.227 Declaration of Sale and evidence of sale.

* * * * *

(b) *Information required.* * * *

(2) * * *

(viii) Name and address of sales agent, if any.

* * * * *

5. The undesignated center heading "Redemption of Export Commodity Certificates in Wheat for Export in the Form of Flour" preceding § 1483.260 is amended to read "CCC Sales of Wheat for Export in the Form of Flour."

§ 1483.260 [Amended]

6. Section 1483.260 *Submission of offers* is amended by deleting the first and second sentences and substituting the following: "Offers for the purchase of wheat under this announcement shall be made in the manner as hereinafter set forth."

7. Section 1483.263 *Payment terms and financial arrangements* is amended with respect to contracts entered into on and after the effective date of this amendment to read as follows:

§ 1483.263 Payment terms and financial arrangements.

(a) The amount due CCC for wheat purchased hereunder shall be paid by the purchaser to the ASCS Commodity Office in one (or a combination) of the following ways:

(1) By surrender of certificate(s): If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest date of issuance shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a balance certificate which may be used on a subsequent purchase from CCC or at the request of the purchaser by a payment to him in cash. The date of issuance shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of issuance shown on the balance certificate will be the latest date of issuance shown on a certificate applied to the purchase. A purchaser who wishes to be paid in cash for the excess value of the certificates shall advise the ASCS Commodity Office in writing. The value of the balance certificate or cash payment will be determined by deducting from the value of certificates surrendered to CCC, the purchase price of the wheat.

(2) By payment in cash, certified check, or cashier's check.

(3) By requesting CCC to draw a sight draft through a named bank with warehouse receipts attached or by requesting that CCC surrender the warehouse receipts to him in a simultaneous exchange for an acceptable remittance delivered at the ASCS Commodity Office.

(b) Payment for the wheat shall be made (1) prior to delivery of the wheat by CCC on purchases which provide for delivery within 5 days following the date of the sale, and (2) on all other purchases, not less than 5 days prior to delivery of the wheat by CCC, but in no event later than 30 days following the date of sale, unless CCC consents in writing to a different period. If the purchaser fails to make such payment within such period, CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

(Secs. 4, 5, Stat. 1070 and 1072, 15 U.S.C. 714 b and c)

Effective date. This amendment shall become effective at 3:31 p.m., e.s.t., following the time the amendment is filed with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 18, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-4462; Filed, Apr. 21, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 67-WE-14-AD; Amdt. 39-402]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas Model DC–6 and DC–7 Series Airplanes

Amendment 39–362 (32 F.R. 3691), AD 67–7–4, initially issued telegraphically on February 28, 1967, relaxes the requirements of Amendment 39–360 (32 F.R. 3387), initially issued telegraphically on February 26, 1967, and specifies the maximum permissible cabin pressure differential for all Douglas Model DC–6 and DC–7 Series airplanes depending upon the structural configuration of the particular airplane, the physical determination of the condition of the structure of the particular airplane, and the repair or replacement of parts as necessary. The FAA indicated in AD 67–7–4 that further relief therefrom would be provided as warranted by results of continuing investigations. The FAA has recently completed another portion of these extensive investigations, the results of which indicate that:

1. Refinements in the classification of airplanes according to structural configuration are necessary. Airplanes previously classified in AD 67–7–4 as Configuration A or Configuration B airplanes are reclassified herein as Configuration I or Configuration II airplanes according to whether they were manufactured or modified in service or both to incorporate certain service bulletins issued by the manufacturer. Also, airplanes modified to cargo carriers in accordance with type design data or supplemental type design data have also been classified herein. In complying with this AD, therefore, a redetermination of structural configuration is necessary.

2. Refinements in the methods of physically determining the condition of the structure of the airplane are necessary. In this respect an Internal Inspection and an External Inspection have been devised which differ in certain respects from the Inspection A and Inspection B of AD 67–7–4.

3. All airplanes that have completed an Inspection A and an Inspection B and repair or replacement of parts, as necessary under AD 67–7–4, or an Internal Inspection and an External Inspection and repair or replacement of parts, as necessary under this AD, are able to operate

at normal cabin pressure differential provided the Internal Inspection and the External Inspection are repeated at intervals that vary with the structural configuration of the airplane.

4. Airplanes classified as Configuration A airplanes under AD 67-7-4 that have undergone an Inspection B under that AD may continue to operate at 4.0 p.s.i. for a period of 600 hours' time in service measured from the time of completion of the Inspection B. At the end of the 600-hour period, the airplane must undergo repeated Internal Inspections and External Inspections or continue to operate at a cabin differential pressure of zero p.s.i.

Accordingly, based on the results of the FAA's investigation, AD 67-7-4 is being superseded to incorporate the refinements and findings outlined above.

As to that portion of this amendment that relieves a restriction and imposes no additional burden on any person, I find that notice and public procedure thereon are unnecessary, and the amendment may be made effective in less than 30 days. As to that portion of this amendment that increases the burden on operators of DC-6 and DC-7 Series airplanes, I find that in view of the many requests from these operators for relief from the requirements of AD 67-7-4 and in the interest of safety, notice and public procedure thereon would be impracticable and would not be in the public interest, and again good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

DOUGLAS. Applies to Models DC-6 and DC-7 Series airplanes.

(a) Before further flight, except as provided in paragraphs (e) and (f) of this AD, install an operating limitation placard in the pilot's compartment in clear view of the pilot prohibiting further flight at any cabin pressure differential. For purposes of complying with this AD, the structural configuration of the airplane, physical determination of condition of the structure, and the method of repair or replacement of affected parts, shall be determined in accordance with Paragraphs (b) through (d).

(b) The structural configuration of the airplane shall be determined as follows:

(1) *Configuration I.* (i) DC-6 and DC-7 Series airplanes with fuselage numbers 794 and higher including those DC-6B, DC-7B, and DC-7C airplanes with these fuselage numbers that have been modified to cargo carriers in accordance with Douglas Type Design Data and incorporate a large cargo door on the forward L.H. side of the fuselage.

(ii) Model DC-6 and DC-6A airplanes with fuselage numbers 1 through 768 that have been manufactured, or modified in service, or both to incorporate the modification and replacement provisions of Douglas DC-6 Service Bulletin No. 616 (R.H. side only), No. 617 (Part II), No. 622, and No. 636 (Part III).

(iii) Model DC-6B airplanes with fuselage numbers 174 through 786 that have been manufactured or modified in service, or both to incorporate either the modification and replacement provisions of Douglas Service Bulletin No. 616 (R.H. side only), No. 617 (Part II), No. 622, No. 636 (Part III), and No. 731 (Part III), or the modification and replacement provisions of Douglas Service Bulletin No. 815 (comprising essentially the same information specified in the other Douglas Service Bulletins referred to in this Subdivision). Model DC-6B airplanes described in this Subdivision include those airplanes that have been modified to cargo carriers in accordance with Douglas Type Design Data and incorporate a large cargo door on the forward L.H. side of the fuselage. Model DC-6B airplanes described in this Subdivision do not include those airplanes modified to cargo carriers in accordance with data required for the issuance of a Supplemental Type Certificate.

(iv) Model DC-7 and DC-7B airplanes with fuselage numbers 350 through 791 that have been manufactured, or modified in service, or both to incorporate the modification and replacement provisions of Douglas DC-7 Service Bulletin No. 90, No. 182 (Part III), and No. 218 (Parts I, III, IV, V, and VI). Model DC-7B airplanes described in this Subdivision include those airplanes that have been modified to cargo carriers in accordance with Douglas Type Design Data and incorporate a large cargo door on the forward L.H. side of the fuselage.

(v) Model DC-7C airplanes with fuselage numbers 656 through 792 that have been manufactured, or modified in service, or both to incorporate the modification and replacement provisions of Douglas DC-7 Service Bulletin No. 90 and No. 275. Model DC-7C airplanes described in this Subdivision include those airplanes that have been modified to cargo carriers in accordance with Douglas Type Design Data and incorporate a large cargo door on the forward L.H. side of the fuselage. Model DC-7C airplanes described in this Subdivision do not include those airplanes that have been modified to cargo carriers in accordance with data required for the issuance of a Supplemental Type Certificate.

(2) *Configuration II.* DC-6 and DC-7 Series airplanes other than the Configuration I airplanes specified in Subparagraphs (1)(i-v) of this Paragraph. This includes those DC-6B, DC-7B, and DC-7C airplanes that have been modified to cargo carriers in accordance with Douglas Type Design Data but do not incorporate a large cargo door on the forward L.H. side of the fuselage. This also includes those DC-6B and DC-7C airplanes modified to cargo carriers in accordance with data required for the issuance of a Supplemental Type Certificate.

NOTE: For purposes of complying with this AD, for an airplane to be considered a Configuration I airplane under Paragraph (b)(1)(i-v):

1. All Douglas Service Bulletins described in the pertinent Subdivision must have been complied with;

2. The accomplishment of a repair in accordance with a specified Douglas Service Bulletin, without having accomplished the modification and replacement of parts in accordance with that same service bulletin is not considered compliance with that service bulletin; and

3. Structural components previously replaced or repaired or both in a manner other than that specified in Paragraph (d) of this AD must now be reworked in accordance with that Paragraph.

(c) The physical determination of condition of the structure of DC-6 and DC-7 Series airplanes shall be determined as follows:

(1) *Internal inspection.* An Internal Inspection shall consist of a close visual inspection of all exposed fuselage structure on the R.H. side of the fuselage in the area of the crew door, including an inspection of the fuselage frame, skin and longerons, nose to fuselage attach angles, door jamb, and skin attachments in that area. The area to be inspected shall include that area extending from the nose to fuselage joint to a minimum of 12 inches aft of the aft edge of the crew door opening and from 12 inches below to 12 inches above the door opening. To accomplish this inspection all internal repair doublers, lining, and insulation must be removed, and all visible sealant and paint must be stripped off. Any indication of cracking that cannot be positively identified by the visual inspection technique must be confirmed by the dye penetrant inspection technique.

(2) *External inspection.* An External Inspection shall consist of a close visual inspection of all exposed external portions of the crew door jamb and all of the adjacent fuselage skin from the nose to fuselage joint to a minimum of 12 inches aft of the aft edge of the crew door and from 12 inches below to 12 inches above the door opening. To accomplish this inspection, all external repair doublers that have been installed on the door jambs and the fuselage skin, and the crew door scuff plate must be removed. Any indication of cracking that cannot be positively identified by the visual inspection technique must be confirmed by the dye penetrant inspection technique.

(d) Method of repair or replacement of affected parts: Any structural component that exhibits evidence of corrosion damage, cracking, or fracture, must be replaced with a new part or repaired in accordance with the applicable Douglas Service Bulletin specified in Paragraph (b) of this AD or replaced or repaired in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(e) Configuration I and Configuration II airplanes that have completed both an Internal Inspection and an External Inspection or both an Inspection A and an Inspection B (specified in Paragraphs (b) (1) and (2) of AD 67-7-4) and have accomplished the repair or replacement of structural components as necessary in accordance with Paragraph (d) of this AD may be operated at a pressure differential up to the normal maximum permissible pressure differential (4.16 or 5.46 p.s.i.) for the particular airplane type. When operation at any cabin pressure differential has initially been resumed under this Paragraph, thereafter affected airplanes must be inspected in the manner prescribed in Paragraph (g) of this AD.

(f) Those Configuration I and Configuration II airplanes previously classified as Configuration A airplanes (in accordance with Paragraph (a)(1) of AD 67-7-4), that have also completed an Inspection B under AD 67-7-4, and repair or replacement of structural components in accordance with Paragraph (d) of this AD, may be operated in accordance with an operating limitation placard prescribing a maximum permissible pressure differential of 4.0 p.s.i. When operation under this Paragraph has initially been accomplished, thereafter affected airplanes must be inspected in accordance with Paragraph (g) of this AD.

(g) Repetitive inspections: (1) Configuration I airplanes that have completed both an Internal Inspection and an External Inspection—

(i) Perform an External Inspection within periods not to exceed 1,500 hours' time in service from the last External Inspection.

(ii) Perform an Internal Inspection within periods not to exceed 4,500 hours' time in service from the last Internal Inspection.

(2) Configuration II airplanes that have completed both an Internal Inspection and an External Inspection or both an Inspection A and an Inspection B under AD 67-7-4—

(i) Perform an External Inspection within periods not to exceed 600 hours' time in service from the last External Inspection.

(ii) Perform an Internal Inspection within periods not to exceed 1,200 hours' time in service from the last Internal Inspection.

(3) Configuration I airplanes previously classified as Configuration A airplanes that have completed both an Inspection A and an Inspection B under AD 67-7-4—

(i) Perform an External Inspection within 1,500 hours' time in service from the initial Inspection B and thereafter within periods not to exceed 1,500 hours' time in service from the last External Inspection.

(ii) Perform an Internal Inspection within 1,500 hours' time in service from the initial Inspection A and thereafter within periods not to exceed 4,500 hours' time in service from the last Internal Inspection.

(4) Configuration II airplanes previously classified as Configuration A or Configuration B airplanes that have completed both an Inspection A and an Inspection B under AD 67-7-4—

(i) Perform an External Inspection within 600 hours' time in service after the initial Inspection B and thereafter within periods not to exceed 600 hours' time in service from the last External Inspection.

(ii) Perform an Internal Inspection within 600 hours' time in service from the initial Inspection A and thereafter within 1,200 hours' time in service from the last Internal Inspection.

(5) Configuration I airplanes previously classified as Configuration A airplanes that have completed only an Inspection B under AD 67-7-4—

(i) Perform an External Inspection within 600 hours' time in service after the initial Inspection B and thereafter within periods not to exceed 1,500 hours' time in service from the last External Inspection.

(ii) Perform an Internal Inspection within 600 hours' time in service after the initial Inspection B and thereafter within periods not to exceed 4,500 hours' time in service from the last Internal Inspection.

(6) Configuration II airplanes previously classified as Configuration A airplanes that have completed only an Inspection B under AD 67-7-4—

(i) Perform an External Inspection within 600 hours' time in service after the initial Inspection B and thereafter within periods not to exceed 600 hours' time in service from the last External Inspection.

(ii) Perform an Internal Inspection within 600 hours' time in service after the initial Inspection B and thereafter within periods not to exceed 1,200 hours' time in service from the last External Inspection.

(h) Further relief from this Airworthiness Directive will be provided as warranted by results of continuing investigations.

This supersedes the telegraphic Airworthiness Directive issued on February 28, 1967, and Amendment 39-362 (32 F.R. 3690, AD-67-7-4).

This amendment is effective upon publication in the FEDERAL REGISTER. However, this amendment is effective immediately upon receipt for owners or operators of Models DC-6 and DC-7 Series airplanes who have prior, actual knowledge thereof.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on April 13, 1967.

JOSEPH H. TIPPETS,
Regional Director,
FAA Western Region.

[F.R. Doc. 67-4479; Filed, Apr. 21, 1967; 8:48 a.m.]

[Airspace Docket No. 67-WE-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 3779 of the FEDERAL REGISTER dated March 7, 1967, the Federal Aviation Administration published a proposed regulation that would designate airspace in the Omak, Wash., area. After consideration of such relevant matter as was presented by interested persons, the amendment as so proposed is hereby adopted, subject to the following changes:

In § 71.181, Omak, Wash., transition area description is changed by striking out, "latitude 48°28'10" N.," in the third line, and "119°31'19" W.," in the fourth line, and inserting in place thereof, "latitude 48°27'50" N., longitude 119°31'00" W."

Since these changes are minor in nature, notice and public procedure hereon are unnecessary.

Effective date. This amendment is effective 0001 e.s.t., June 22, 1967.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on April 14, 1967.

LEE E. WARREN,
Acting Director, Western Region.

OMAK, WASH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Omak Airport (latitude 48°27'50" N., longitude 119°31'00" W.), within 2 miles each side of the 177° bearing from the Omak radio beacon (latitude 48°27'30" N., longitude 119°30'45" W.), extending from the 5-mile radius area to 8 miles S of the radio beacon; and that airspace extending upward from 1,200 feet above the surface, within 7 miles E and 10 miles W of the 177° and 357° bearings from the Omak radio beacon, extending from 8 miles N to 20 miles S of the radio beacon.

[F.R. Doc. 67-4456; Filed, Apr. 21, 1967; 8:46 a.m.]

[Airspace Docket No. 67-AL-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the effective hours of the Iliamna, Alaska, Control Zone.

The hours of operation of the Iliamna Flight Service Station are being reduced from 16 to 8 hours per day and from a daily operation to 5 days a week, Friday through Tuesday. Air/ground communications will continue to be available outside the newly established operating hours of the Iliamna Flight Service Station through a remote control communications outlet serviced by the King Salmon, Alaska, Flight Service Station. Additionally, airway weather observations will continue to be provided 7 days a week. However, the hourly and special observations needed for the designation of the control zone will be available only from 0745 to 1545 hours, local time, daily. Therefore, the control zone hours of designation are redescribed to coincide with the weather reporting service.

Since this amendment imposes no additional burden on any person, notice and public procedure requirements of the Administrative Procedure Act are unnecessary and the amendment may be effective on less than 30 days' notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071), the Iliamna, Alaska, Control Zone is amended by deleting "from 0545 to 2145 hours, local time, daily." and substituting therefor, "from 0745 to 1454 hours, local time, daily.".

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on April 13, 1967.

J. R. RULLMAN,
Acting Director, Alaskan Region.

[F.R. Doc. 67-4480; Filed, Apr. 21, 1967; 8:48 a.m.]

[Airspace Docket No. 66-EA-93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segments, Restricted Area, Jet Route, and Transition Areas

On March 29, 1967, F.R. Doc. 67-3358 was published in the FEDERAL REGISTER (32 F.R. 5253) which in part amended Part 71 of the Federal Aviation Regulations by realigning the eastern boundary of the Atlantic City, N.J., transition area.

This amendment realigned the eastern boundary of the Atlantic City transition area by use of geographical coordinate 39°31'45" N., 74°15'15" W., whereas the coordinate should have read 39°31'45" N., 74°15'55" W. Accordingly, action is taken herein to reflect the correct coordinate.

Since this amendment is editorial in nature and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted is retained.

In consideration of the foregoing, effective immediately, F.R. Doc. 67-3358 (32 F.R. 5253) is altered as follows:

Item 2.a. is amended to read:

a. In Atlantic City, N.J., "to 39°32'15" N., 74°16'15" W." is deleted and "to 39°31'45" N., 74°15'55" W." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 19, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4484; Filed, Apr. 21, 1967; 8:48 a.m.]

[Airspace Docket No. 67-AL-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Moses Point, Alaska, Control Zone and the 700-foot floor transition area.

Installation of equipment is now in progress to remotely control the Moses Point Flight Service Station from the Nome, Alaska, Flight Service Station. Air/ground communications and operation and monitoring of air navigation aids will continue to be available on a 24-hour basis. However, hourly and special weather reporting services will not be available to support the control zone designation. Only a limited number of observations will be taken to meet minimum aviation requirements.

Therefore, action is taken herein to revoke the control zone and that portion of transition area having a 700-foot floor, located at the end of the control zone extension. The 1,200-foot floor transition area will remain as currently designated.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure requirements of the Administrative Procedure Act are unnecessary and the amendment may be effective on less than 30 days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

1. In § 71.171 (32 F.R. 2071), the Moses Point, Alaska, Control Zone is revoked.

2. In § 71.181 (32 F.R. 2148), the Moses Point, Alaska, transition area is amended by deleting, "That airspace extending upward from 700 feet above the surface within 2 miles each side of the Moses Point VOR 088° radial, extending from 8 miles to 12 miles east of the VOR; and within 2 miles each side of the Moses Point RR east course, extending from 14 miles to 17 miles east of the RR; and" from the text.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on April 13, 1967.

J. R. RULLMAN,
Acting Director, Alaskan Region.

[F.R. Doc. 67-4485; Filed, Apr. 21, 1967; 8:48 a.m.]

[Airspace Docket No. 67-EA-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of Transition Areas and Revocation of Restricted Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to revoke Restricted Area R-4901, Isle of Shoals, N.H., and to delete the reference to R-4901 from the description of the Portland, Maine, and the Portsmouth, N.H., transition areas.

The Department of the Navy has advised the Federal Aviation Administration that R-4901 was not used during 1966, and that no future usage is anticipated. For this reason, action is taken herein to revoke R-4901.

The Department of the Air Force has advised that the Pease, N.H., radio beacon will be decommissioned shortly. Therefore, editorial action is taken herein to substitute geographical coordinates in the description of the Portland, Maine, transition area in lieu of the Pease, N.H., radio beacon.

Since these amendments will restore airspace to the public use or are editorial in nature, notice and public procedure are unnecessary and these amendments may be made effective on less than 30 days notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

1. In § 71.181 (32 F.R. 2148), the Portland, Maine, transition area is amended by deleting, "the Pease, N.H., RBN excluding the portion within R-4901." and substituting "latitude 42°59'50" N., longitude 70°45'30" W." therefor.

2. In § 71.181 (32 F.R. 2148) the Portsmouth, N.H. (Pease AFB), transition area is amended by deleting, "excluding the portion within R-4901.".

3. In § 73.49 (32 F.R. 2319) R-4901 Isles of Shoals, N.H., is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 18, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-4483; Filed, Apr. 21, 1967; 8:48 a.m.]

[Airspace Docket No. 66-WE-81]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On March 1, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3402) stating that the Federal Aviation Agency was considering amendments to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-2521 at Salton Sea, Calif.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

In § 73.25 (32 F.R. 2297), Restricted Area R-2521 Salton Sea, Calif., the designated altitudes and time of use are amended as follows:

"Designated altitudes: Surface to flight level 400 sunrise to sunset; surface to 4,000 feet MSL sunset to sunrise." and "Time of designation: Continuous."

(Sec. 307(a), the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 18, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-4481; Filed, Apr. 21, 1967; 8:48 a.m.]

[Airspace Docket No. 67-CE-21]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On March 11, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3998) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would alter the designated altitudes of Restricted Area R-4501A, Fort Leonard Wood West, Mo.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments but no comments were received.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

In § 73.45 (32 F.R. 2317), Restricted Area R-4501A Fort Leonard Wood West, Mo., is amended as follows:

"Designated altitudes: Surface to 2,200 feet MSL." is deleted and "Designated altitudes. Monday through Friday, surface to 2,200 feet MSL; Saturday and Sunday, surface to 11,200 feet MSL." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 18, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-4482; Filed, Apr. 21, 1967; 8:48 a.m.]

[Airspace Docket No. 67-WE-6]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On March 4, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3751) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would increase the time of designation of Restricted Area R-3202, Sailor Creek, Idaho.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

In § 73.32 (32 F.R. 2309), Restricted Area R-3202 Sailor Creek, Idaho, is amended as follows: "Time of designation: From sunset to 4 hours thereafter, Monday through Friday." is deleted and "Time of designation. From sunset to 8 hours thereafter, Monday through Friday." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 19, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-4499; Filed, Apr. 21, 1967; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 991]

PART 195—CAR SERVICE

Bessemer and Lake Erie Railroad Co. Authorized to Perform Service Over Tracks of Unity Railways Co. as Agent of Unity Railways Co.

At a Session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 17th day of April A.D. 1967.

It appearing, That the Bessemer and Lake Erie Railroad Company and the Unity Railways Company have filed an application with the Interstate Commerce Commission, Finance Docket No. 24381, requesting authority for the Bessemer and Lake Erie Railroad Company to perform service over tracks of the Unity Railways Company; that the Unity Railways Company is unable to provide service over its line of railroad between Renton Junction and Unity Junction, and a coal mine at Renton, a distance of approximately 5.3 miles; all in Allegheny County, Pennsylvania; that the Unity Railways Company's track is the only access for rail service to this mine; and that the Unity Railways Company has arranged for the Bessemer and Lake Erie Railroad Company to provide rail service over this line as agent of Unity Railways Company. The Commission is of the opinion that there is need for service over this line of railroad pending final decision in Finance Docket No. 24381 and that operation of this line will promote the service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 195.991 Service Order No. 991.

(a) *Bessemer and Lake Erie Railroad Co. authorized to perform service over tracks of Unity Railways Co. as agent of Unity Railways* Co. The Bessemer and Lake Erie Railroad Co. be, and it is hereby, authorized to perform service, as agent of Unity Railways Co., over tracks of the Unity Railways Co. between Renton Junction and Unity Junction, and a coal mine at Renton, a distance of approximately 5.3 miles, all in Allegheny County, Pa.; pending final disposition of the application in Finance Docket No. 24381.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(c) *Rules, regulations, and practices suspended.* The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 12:01 a.m., April 24, 1967.

(e) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1967, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4545; Filed, Apr. 21, 1967; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. C.C.L. 9]

PART 382—ADMINISTRATIVE PROCEEDINGS

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Miscellaneous Amendments

Parts 382 and 399 of the Code of Federal Regulations are amended as set forth below:

(Sec. 8, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.)

Effective date: April 1, 1967.

RAUER MEYER,
Director,
Office of Export Controls.

1. The following persons and firms are hereby deleted from the Table of Denial and Probation Orders in § 382.51:

NAME AND ADDRESS

Aktiengesellschaft fur Technische Augelegenheiten, Holzstrasse 49-51, Munich, West Germany.
Allgemeines & Technische Vertriebs Gesellschaft, Eschen, Liechtenstein, and Lausanne, Switzerland.
Anglo-Canadian Cement Co. Ltd., 540 Burrard St., Vancouver, B.C., Canada.
Arnold, I. K., 27 Canteluope Road, East Grinstead, Sussex, and 14D Sloane Ave. Mansions, London S.W. 3, England.
Auwada Machinery Importation, Piaffeyen, Kt. Fribourg, Switzerland.
Banara A/B, Kungsgatan 4A, Stockholm, C. Sweden.
Bartels, Africanus, Internationale Spedition, Weserstrasse 31, Frankfurt/Main, West Germany.
Burn, W. A., 2 Doughty Street, London, W.C. 2, England.
Chem. Techn. Industrie "Tilburg," N.V., Poststraat 39 Postbox 37, Tilburg, Netherlands.
Christjan's Export Co. AB, Jenny Linds Gata 4, and Valutavagen 72, Hagersten, Sweden.
Chrisjan's Import Co. AB, Jenny Linds Gata 4, and Valutavagen 72, Hagersten, Sweden.
Christjan's Print AB, Jenny Linds Gata 4, and Valutavagen 72, Hagersten, Sweden.
Chunichi Seiyaku K.K., No. 14 Daikancho, Tate, Higashiku, Nagoyashi, Japan.
C.I.C., Jenny Linds Gata 4, and Valutavagen 72, Hagersten, Sweden.
Civilian Aircraft and Procurement Supply Office, Jenny Linds Gata 4, and Valutavagen 72, Hagersten, Sweden.
Deutsche Intertechnik, G.m.b.H., Neue Mainzerstrasse 14-16, Frankfurt, West Germany.
Eastern Steel Supplies, Ltd., % Panchaud-Freres, S.A., 3 Saint-Pierre, Lausanne, Switzerland.
Economic Digest Ltd., 22/32 Copperfield Road, London, E.3, England.
Euro-Union, N.V., 21 Kloveniersburgwal, Amsterdam, Netherlands.
Fortior, De Smet de Nayerlaan 12, Ostend, Belgium.
Galiron Ltd., Buckingham House, 19/21 Palace St., London, S.W. 1, England.
Gold Oil Co., 41 Eendrachtsweg, Rotterdam, Netherlands.
Hollander, E. S., 3 Kaastraat, Baarn, Netherlands.
Impulsora Mexicana, S.A., Pople 44, Apartado Postal 21264, Mexico, D. F., Mexico.
Independent Plastic Industries, 22/32 Copperfield Road, London, E. 3, England.
Industrie-Warenverkehr, Neulinggasse 50, Vienna III, and Strassergasse 43-47, Vienna 19, Austria.
International Cement Corp., Ltd., Vancouver & Chilliwack, B.C., Canada.
International Models AB, Jenny Linds Gata 4, and Valutavagen 72, Hagersten, Sweden.
Intertechnik, G.m.b.H., 1 Liliengasse, Vienna 1, Austria.
Inversiones Mexicanas, S.A., Reforma 87-404, Mexico, D.F., Mexico.
J. W. Transport & Travel Association, 22/32 Copperfield Road, London, E.3, England.
Lijnsaad, Dirk, 7 Duinweg, Wassenaar, Netherlands.
London Wax Refining Co., 22/32 Copperfield Road, London, E.3, England.
Masloumian, Bramall & Co., Post Office Box 130, Aleppo, Syrian Arab Republic.

Metro, N.V. (Midden Europese Transport Onderneming), Strevelsweg 700, Rotterdam, Netherlands.
Meyns, Peter & Co., Gertrudenkirchof 10, Hamburg 1, West Germany.
Midden Europese Transport Onderneming, Strevelsweg 700, Rotterdam, Netherlands.
MIMSA (Materiales Industriales Maquinaria, S.A.), Rhin 75, Mexico, D.F., Mexico.
Nysaters Fabriker A/B, Erik Dahlbergsgatan 4, Goteborg, Sweden.
Pawlitza, Dr. Josef, Hegelgasse 5, Vienna 1, Austria.
Polaris (or Polaro) Chemical Co. AB, Jenny Linds Gata 4, and Valutavagen 72, Hagersten, Sweden.
Prodalco, S.A.R.L., 15 Rue de la Cite, and 7 Place de la Fusteris, Geneva, Switzerland.
Rederi A/B Lauter Shipping, 34–B Artillerigatan, Stockholm, Sweden.
Standard Chemica S.A., Via Piemonte 63, Rome, Italy.
Standard Shemie, 5 Steinhovelstrasse, Ulm/Donau, West Germany.
Stawa Co., 22/32 Copperfield Road, London E.3, England.
Technica Hidromecanica, S.A., Insurgentes Sur-16, Mexico, D.F., Mexico.
Thiel, Reynold, 15 Rue de la Cite, and 7 Place de la Fusteri, Geneva, Switzerland.
Thimet, Gustav, & Co., Holmstrasse 49–51, Munich, West Germany, and Wesserstrasse 31, Frankfurt/Main, West Germany.
Thimet & Jager, Wesserstrasse 31, Frankfurt/Main, West Germany.
Transcontinental, S.A., Avenida Morelos 98, Mexico, D.F., Mexico.
TUC International Corp., Jenny Linds Gata 4, and Valutavagen 72, Hagersten, Sweden.
TUO Svenska Forsaljnings AB, Jenny Linds Gata 4, and Valutavagen 72, Hagersten, Sweden.
United Petrolifera Italiana S.R.L. (formerly United Refineries Corp.), Via Manzoni 41A, Milan, Italy.
Vastlands Fargfabrik AB, successor to Polaro (or Polaris) Chemical Co. AB, Jenny Linds Gata 4, and Valutavagen 72, Hagersten, Sweden.
Waller Estates Ltd., 540 Burrard St., Vancouver, B.C., Canada.
Wemach Maschinen-Chemie-Vertriebs G.m.b.H., 2–10 Hohenzollernring, Cologne, West Germany.
Western Metal A.G., Zurich and Lausanne, Switzerland.

Section 399.1 *Commodity Control List* is amended as set forth below:

The Commodity Control List is amended as set forth below, effective April 1, 1967, unless otherwise specified. Exporters are advised that only the items listed below opposite the specific Export Control Commodity Numbers are affected by these changes. The unumbered captions serve only to identify the broad categories of commodities within which these items are to be found in Schedule B.

Two different types of explanatory numerical references are used at the end of a commodity description:

(a) A numerical reference enclosed in parentheses to indicate the entry being revised. For example, where a revised entry is followed by (1), this indicates that the new entry revises the first entry or the only entry presently on the Commodity Control List under the same Export Control Commodity Number; if the entry is followed by a (2), it revises the second entry on the Commodity Control List, etc.

(b) A footnote reference referring to the footnote which explains the effect of the revision.

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups S	T	V	X	*Special provisions list
Hides, skins, and fur skins, undressed								
211 Hides and skins; and waste and used leather. (1 through 8)[1]	----------	208	SZ----------	500	----------	----------	----------	B.
Crude rubber, including synthetic and reclaimed rubber								
23120 Synthetic rubber, as follows: (a) Ethylenepropylene terpolymer, (b) cis-types (for example, cis-polyisoprene and cis-polybutadiene), (c) copolymers of methyl vinyl-pyridine and butadiene, (d) silicone rubber excluding fluorinated silicone rubber, and (e) other alkyl polysulfide rubbers. (Report fluorinated silicone rubber in Export Control Commodity No. 58110.) (2, 6, 7, and 8)[1]	Lb.	228	SWXYZ----------	----------	----------	----------	100	B.
Crude fertilizers and crude minerals, excluding coal, petroleum, and precious stones								
27624 Magnesium oxide, purity 97 percent or higher, except precipitated. (1)[2]	Lb.	242	STVWXYZ---	500	500	500	----------	
Metalliferous ores and metal scrap								
28303 Tantalum ores and concentrates. (1)[2]	Lb.	262	STVWXYZ---	100	500	100	----------	
28306 Beryllium ores and concentrates. (2)[2]	Lb.	261	STVWXYZ---	500	500	500	----------	
28308 Niobium (columbium) ores and concentrates. (3)[2]	Lb.	262	STVWXYZ---	100	500	100	----------	A.
28309 Rhenium concentrates (salts). (6)[2]	Lb.	262	STVWXYZ---	----------	500	----------	----------	
28401 Tantalum bearing slag containing 60 percent or more tantalum-niobium in combination. (1)[2 3]	Lb.	261	STVWXYZ---	100	500	100	----------	A.
28401 Other tantalum bearing slag. (1)[2 3 4]	Lb.	262	STVWXYZ---	100	500	100	----------	
28401 Niobium (columbium) bearing slag containing 50 percent or more niobium or 60 percent or more niobium-tantalum in combination. (2)[2 3]	Lb.	261	STVWXYZ---	100	500	100	----------	A.
28401 Other niobium (colombium) bearing slag. (2)[2 3 4]	Lb.	262	STVWXYZ---	100	500	100	----------	
Petroleum and petroleum products								
33210 Other gasoline blending agents, hydrocarbon compounds only, n.e.c.; and gasoline, excluding jet fuel. (Report jet fuel in Export Control Commodity No. 33220.) (1 and 3)[1]	Bbl.	258	SWXYZ----------	----------	----------	----------	100	B.
33250 Other lubricating oils and greases. (12 and 18)[1]	Lb.	258	SWXYZ----------	----------	----------	----------	100	B.
33291 Nonlubricating and nonfuel petroleum oils, the following only: Hexanes; hexenes; methyl pentane; normal heptane; normal hexane; normal pentane; octanes (octylenes); pentanes; pentenes; insulating or transformer oils, except polybutene; quenching and cutting oils; standard reference fuels; and white mineral oils in containers of 42 gallon capacity or over. (5 and 6)[1]	Bbl.	258	SWXYZ----------	----------	----------	----------	100	B.
Chemical elements and compounds								
51202 Coal tar and other cyclic chemical intermediates, the following only: Dinitrotoluene solids and oils; diphenylamine; ethylbenzene; N-methylaniline (monomethylaniline); pyromellitic acid and dianhydrides; toluene, all grades; and trimellitic acid and anhydrides. (11 through 16)[1]	Lb.	228	SWXYZ----------	----------	----------	----------	100	B.
51207 Chemicals for flavor and perfumery use, natural origin; and enzymes, except diastefor, rennet, rennin, and thromboplastin. (2 and 5)[1]	Lb.	248	SZ and East Germany.	----------	----------	----------	----------	B.
51207 Other special purpose synthetic organic chemicals, n.e.c., excluding fertilizer. (3 and 4)[1]	Lb.	248	SZ----------	----------	----------	----------	----------	B.
51206 Organic boranes (borines) containing 5 percent or more boron. (8)[1 5]	Lb.	221	STVWXYZ---	------	500	100	------	A E-13.
51209 Organic intermediates containing 10 percent or more of combined fluorine, used in the manufacture of fluorinated elastomeric products (for example, chloropentafluorobutadiene; hexafluoropropylene; and vinylidene fluorides). (4, 9, and 10)[1]	Lb.	221	STVWXYZ---	------	500	500	------	A E-14.
51209 Organic chemicals, the following only: Amyl stran; barium styphnate; cobalt salts of organic compounds (for example, cobalt acetate); dibutyl tin compounds; isopropyl ether; pentaerythritol; 2,4,4 trimethylpentene; thiodiglycol; triethyl aluminum; trimethyl aluminum; and other organic compounds, n.e.c., useable as catalysts in petroleum and chemical processing operations. (41 and 44)[1]	Lb.	228	SWXYZ----------	----------	----------	----------	100	B.

See footnotes at end of table.

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups S	T	V	X	*Special provisions list
51490 Molecular sieves, not loaded (for example, crystalline sodium aluminosilicate). (Specify type and form, such as powder or pellets.) (Report molecular sieves, loaded, in Export Control Commodity No. 69998.) (10)[1]	Lb.	222	STVWXYZ---	1,000	1,000	1,000	----------	E-13.
51490 Molecular sieves, not loaded (for example, crystalline calcium aluminosilicate). (Specify type and form, such as powder or pellets.) (Report molecular sieves, loaded, in Export Control Commodity No. 69998.) (10)[1]	Lb.	222	STVWXYZ---	1,000	1,000	1,000	----------	E-13.
51470 Aluminum metal compounds.	Lb.	241	STVWXYZ---	----------	500	250	----------	A.
51470 Monocrystalline aluminum oxide. (24)[1]	Lb.	242	STVWXYZ---	----------	500	250	----------	A.
51470 Other gallium compounds, n.e.c. (Specify by chemical name.) (Report gallium oxides, hydroxides and peroxides in Export Control Commodity No. 51360.) (25)[1]	Lb.	242	STVWXYZ---	----------	500	250	----------	A.
51470 Germanium compounds, 99.99 percent purity or higher. (1)[1]	Lb.	241	STVWXYZ---	----------	500	250	----------	A.
51470 Germanium oxides, hydroxides and peroxides. (Report germanium oxides, hydroxides and peroxides in Export Control Commodity No. 51360.)[1]	Lb.	242	STVWXYZ---	----------	500	250	----------	A.
51470 Hydride in which lithium is compounded with hydrogen or complexed with other metals or aluminum hydride. (7)[1]	Lb.	241	STVWXYZ---	----------	500	250	----------	A.
51470 Other lithium compounds, including catalysts. (Report lithium oxides, hydroxides and peroxides in Export Control Commodity No. 51360, and isotope enriched compounds in No. 51500.) (23)[1]	Lb.	242	STVWXYZ---	----------	500	25	----------	A.
51470 Tantalum, niobium (columbium), or tantalum-niobium (columbium) alloys containing 20 percent or more of tantalum or niobium. (Specify by name.) (20)[2]	Lb.	241	STVWXYZ---	----------	500	250	----------	A.
51470 Other compounds, n.e.c., of tantalum, niobium (columbium) or tantalum-niobium. (Specify by name.) (20)[2]	Lb.	242	STVWXYZ---	----------	500	250	----------	A.
51470 Zirconium compounds containing less than 10 parts hafnium by weight. (Specify by name.) (Report hafnium oxides in Export Control Commodity No. 51360.) (31)[1]	Lb.	241	STVWXYZ---	----------	500	25	----------	A.
51470 Lead oxide; and mercury (mercuric) fulminate. (32)[1]	Lb.	241	STVWXYZ---	----------	500	25	----------	A.
51470 Ammonium molybdate; sodium molybdate; and potassium molybdate. (37)[1]	Lb.	262	STVWXYZ---	----------	500	25	----------	E-13.
51470 Ammonium metavanadate; silicon carbide less than 99 percent purity; and tungsten carbide powder. (39 and 43)[1]	Lb.	241	STVWXYZ---	----------	500	25	----------	B.
51470 Other molybdenum salts and compounds; titanium carbide; and titanium tetrachloride. (45 and 50)[1]	Lb.	241	STVWXYZ---	----------	500	25	----------	A.
51470 Nickel chloride. (38)[1 2]	Lb.	242	STVWXYZ---	----------	----------	25	100	B.
51470 Synthetic ferrites and garnets as follows: (a) monocrystalline synthetic ferrites and garnets in all forms; and (b) materials suitable for application in electromagnetic devices making use of the electromagnetic resonance phenomenon of synthetic ferrites and garnets and compounded synthetic ferrites in powder and/or undivided and semidivided forms. (Specify by name and form.) (1 and 13)[1]	Lb.	241	STVWXYZ---	----------	----------	500	100	B.
51470 Other synthetic ferrites and garnets, n.e.c. (Specify by name and form.) (41)[1]	Lb.	248	SZXYZ----------	----------	----------	----------	100	B.
51490 Organic boranes (borines) containing less than 5 percent boron. (44)[1 5]	Lb.	221	STVWXYZ---	------	500	100	------	A E-13.
51490 Calcium metal containing less than one hundredth (0.01) percent by weight of impurities other than magnesium and less than 10 parts per million of boron. (2)[1]	Lb.	241	STVWXYZ---	----------	500	100	----------	A.
51229 Silicon of a purity of 99.99 percent or more. (1)[1]	Lb.	241	STVWXYZ---	----------	500	100	----------	A.
51229 Silicon of a purity of 99.9 percent up to but not including 99.99 percent. (Report silicon monocrystalline and polycrystalline in Export Control Commodity No. 69998.) (6)[1]	Lb.	242	STVWXYZ---	----------	500	100	----------	A.
51229 Yttrium metal and powders. (6)[1]	Lb.	242	STVWXYZ---	----------	500	100	----------	A.
51229 Yttrium compounds containing 99.99 percent or more of the following metals: Beryllium; hafnium; molybdenum; niobium (columbium); tantalum; titanium; tungsten; and zirconium. (7)[1]	Lb.	241	STVWXYZ---	----------	500	100	----------	A.
51238 Fluoroboric acid, all concentrations. (1)[1]	Cnt. Lb.	242	STVWXYZ---	----------	500	100	----------	A.
51264 Magnesium oxide, precipitated, purity 97 percent or higher. (1)[1]	Lb.	262	STVWXYZ---	----------	500	100	----------	E-13.
51267 Alumina, all types, 99 percent purity and over. (1)[1]	Lb.	241	STVWXYZ---	----------	500	100	----------	A.
51280 Beryllium oxides, hydroxides, and compounds. (1)[2]	Lb.	241	STVWXYZ---	----------	500	100	----------	A.
51280 Monocrystalline gallium compounds. (Specify by name.) (2)[2]	Lb.	241	STVWXYZ---	----------	500	200	----------	A.
51280 Other gallium compounds. (Specify by name.) (3)[2]	Lb.	241	STVWXYZ---	----------	500	25	----------	A.
51280 Other gallium oxides, hydroxides and peroxides. (Specify by name.) (4)[2]	Lb.	242	STVWXYZ---	----------	500	25	----------	A.
51280 Germanium oxides, hydroxides and peroxides, 99.99 percent or better purity. (5)[2]	Lb.	242	STVWXYZ---	----------	500	500	----------	A.
51280 Hafnium oxides containing more than 15 percent hafnium by weight. (State hafnium content.) (6)[2]	Lb.	241	STVWXYZ---	----------	500	100	----------	A.
51280 Hafnium oxides containing 15 percent or less hafnium by weight. (State hafnium content.) (7)[2]	Lb.	242	STVWXYZ---	----------	500	100	----------	A.
51280 Lithium oxides and hydroxides. (Report lithium oxides and hydroxides in Export Control Commodity No. 51360.) (9)[2]	Lb.	242	STVWXYZ---	----------	500	25	----------	A.
51280 Molybdenum oxide. (Report natural molybdenum oxide in Export Control Commodity No. 28308.) (10)[2]	Lb.	262	STVWXYZ---	----------	500	25	----------	E-13.
51280 Oxides, hydroxides and peroxides of tantalum, niobium (columbium), or tantalum-niobium containing 20 percent or more of tantalum or niobium (12)[2]	Lb.	241	STVWXYZ---	----------	500	25	----------	A.
51280 Other oxides, hydroxides and peroxides of tantalum, niobium (columbium), or tantalum-niobium. (19)[2]	Lb.	242	STVWXYZ---	----------	500	25	----------	A.
51280 Zirconium oxide containing less than one part hafnium to 500 parts zirconium content. (14)[2] (State hafnium content.)	Lb.	241	STVWXYZ---	----------	500	25	----------	A.
51280 Other zirconium oxide, purity 97 percent or higher, or stabilized with lime and/or magnesia. (State hafnium content.) (15)[2]	Lb.	242	STVWXYZ---	----------	500	25	----------	A.
51280 Yttrium oxides, hydroxides and peroxides. (Specify by name.) (16)[2]	Lb.	242	STVWXYZ---	----------	500	25	----------	A.
51400 Other fluoroboric; boraties; boric refined; sodium perchlorate; and potassium perchlorate. (3 and 5)[1]	Lb.	248	SWXYZ----------	----------	----------	----------	100	B.

See footnotes at end of table.

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provisions list
				S	T	V	X	
51500 Deuterium and compounds, mixtures, and solutions containing deuterium, including heavy water and heavy paraffin, in which the ratio of deuterium atoms to hydrogen atoms exceeds 1:5000 by number. (5) [9]	----------	241	STVWXYZ	------	500	------	------	A.
51500 Other deuterium and compounds, mixtures, and solutions containing deuterium, including heavy water and heavy paraffin. (Specify by name.) (4) [9]	----------	242	STVWXYZ	------	500	------	------	
51500 Polonium metal. (5) [9]	Lb.	262	STVWXYZ	------	500	------	------	
51500 Polonium-bearing salts and compounds. (Specify by name.) (5) [9]	----------	242	STVWXYZ	------	500	------	------	
51500 Lithium as follows: (a) Lithium 6 and 7 isotopes, (b) hydrides in which lithium enriched in the 6 isotope is compounded with hydrogen or its isotopes, or complexed with other metals or aluminum hydride, (c) alloys containing any quantity of lithium enriched in the 6 isotope, or (d) any other material containing lithium enriched in the 6 isotope, including compounds, mixtures and concentrates. (5) [9]	----------	241	STVWXYZ	------	500	------	------	A.
51500 Compounds enriched in lithium 7 isotope. (6) [9]	----------	242	STVWXYZ	------	500	------	------	
Essential oils and perfume materials: toilet, polishing, and cleaning preparations								
55420 Other detergents and washing preparations, n.e.c.; and surface-active agents, the following only; Aquarex®; Arsakap 50 and 100; Arlacel®; Arvitex®; BCO; Igepal® CO-403, CO-530, and CO-630; Morpelwet Z®; Neutronyx 300 and 834; NSAE Powder; Sapamine MS and WL®; Sequestrene®A, AA, and NA-2; Span; and Tween®. (1 and 4) [1]	Lb.	248	SZ	500	------	------	------	B.
Chemical materials and products, n.s.e.								
59972 Artificial graphite, whether or not containing other materials to give improved performance at high temperatures, having an apparent relative density of 1.90 or greater, except nonpyrolytic graphite of density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.). (1) [9 10]	Lb.	211	STVWXYZ	------	500	500	------	A E-8.
59972 Other artificial graphite in block, brick, plate, or rod form, smallest dimension 2 inches or over, having a boron content of one part per million or less. (Specify by name, size and boron content in parts per million.) (2) [10]	Lb.	211	STVWXYZ	------	500	500	------	A E-8.
59972 Other pyrolytic graphite and products, n.e.c. (3) [9 10]	Lb.	212	STVWXYZ	------	500	500	------	E-8.
59972 Artificial nonpyrolytic graphite and products, having an apparent relative density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.), in such forms as will not pass through a 2-inch square hole. (4) [10]	Lb.	212	STVWXYZ	------	500	500	------	E-8.
59972 Other artificial graphite products in block, brick, plate, or rod form, smallest dimension 2 inches or over. (Specify by name, size, and boron content in parts per million.) (5) [10]	Lb.	212	STVWXYZ	------	500	500	------	E-8.
59972 Other artificial and colloidal graphite. (6) [10]	Lb.	218	SYZ	------	------	------	------	B.
59975 Additives for fuel oils and petroleum distillates. (2) [1]	----------	248	SXYZ	------	------	------	100	B.
59999 Molecular sieves, loaded (for example, crystalline sodium aluminosilicate or crystalline sodium aluminosilicate). (Specify type and form, such as powder or pellets, and loading material.) (Report molecular sieves, not loaded, in Export Control Commodity Nos. 51460 and 51470.) (1) [9]	Lb.	222	STVWXYZ	------	1,000	1,000	------	E-13.
Textile yarn fabrics, made-up articles and related products								
65354 Used or reject fabric bearing the design of any version of the flag of the United States of America. (1) [13]	Lb.	212	STVWXYZ	------	500	------	------	
Nonmetallic mineral manufactures, n.s.e.								
66280 High temperature refractory cements or bonding mortars, brick and similar shapes, and other refractory construction materials, n.e.c., containing 97 percent or more by weight of magnesium oxide, beryllium oxide, or zirconium oxide, or containing zirconium oxide stabilized with lime and/or magnesium oxide. (Specify type of brick and similar shapes; specify name of other refractories.) (Report nonconstruction refractory materials in Export Control Commodity No. 66370.) (1) [10]	Lb.	212	STVWXYZ	500	1,000	1,000	------	E-5.
66280 Other refractory cements or bonding mortars, brick and similar shapes, and other refractory construction materials, n.e.c. (Specify type of brick and similar shapes; specify name of other refractories.) (Report nonconstruction refractory materials in Export Control Commodity No. 66370.) (2) [10]	Lb.	218	SXYZ	500	------	------	100	B.
66311 Diamond grinding wheels for hand- or pedal-operated machines, fabricated with polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, or polyparaxylylenes, where the value of the contained polymeric substances is 50 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (3) [13]	Carat	211	STVWXYZ	------	500	------	------	A.
66363 Artificial graphite products, n.e.c., in block, plate, or rod form, smallest dimension 2 inches or over, having a boron content of one part per million or less. (Specify by name, size, and boron content in parts per million.) (1) [10]	Lb.	211	STVWXYZ	500	500	500	------	A E-8.
66363 Artificial graphite products, n.e.c., whether or not containing other materials to give improved performance at high temperatures, having an apparent relative density of 1.90 or greater, except nonpyrolytic graphite of density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.). (2) [9 10]	Lb.	211	STVWXYZ	500	500	500	------	A E-8.
66363 Other pyrolytic graphite, and products thereof, n.e.c. (3) [9 10]	Lb.	212	STVWXYZ	500	500	500	------	E-8.
66363 Other artificial graphite products, n.e.c., in block, brick, plate, or rod form, smallest dimension 2 inches or over. Specify by name, size, and boron content in parts per million.) (4) [10]	Lb.	212	STVWXYZ	500	500	500	------	E-8.

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66363 Other articles of carbon or graphite. (Report articles of carbon or graphite for electrical purposes in Export Control Commodity No. 72990.) (5) [10]	----------	218	SYZ	500	------	------	------	B.
66363 Other nonceramic articles of mineral substances, n.e.c. (5) [10]	----------	218	SZ	500	------	------	------	B.
66370 Beryllium oxide ceramic tubes, crucibles, and shapes in semifabricated or fabricated form. (1) [10]	Lb.	212	STVWXYZ	------	500	------	------	E-5.
66370 Crucibles containing 97 percent or more by weight of magnesium oxide, beryllium oxide, or zirconium oxide, or containing zirconium oxide stabilized with lime and/or magnesium oxide. (Specify number of crucibles, types of crucibles by type number, capacity of each in pounds, whether heavy or thin wall, and purity rating (percent).) (2) [9 10]	Lb.	212	STVWXYZ	------	500	------	------	E-5.
66370 Crucibles and other refractories of pyrolytic graphite. (3) [9 10]	Lb.	212	STVWXYZ	------	500	------	------	E-5.
66370 Refractory products other than refractory construction materials, n.e.c., containing 97 percent or more by weight of magnesium oxide, beryllium oxide, or zirconium oxide, or containing zirconium oxide stabilized with lime and/or magnesium oxide. (Specify by name.) (4) [10]	Lb.	212	STVWXYZ	------	500	------	------	E-5.
66370 Crucibles and other refractories made of artificial graphite, whether or not containing other materials to give improved performance at high temperatures, having an apparent relative density of 1.90 or greater, except nonpyrolytic graphite of density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.). (6) [9 10]	Lb.	211	STVWXYZ	------	500	------	------	A E-5.
66370 Other refractories made of nonpyrolytic artificial graphite having an apparent relative density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.), in such forms as will not pass through a 2-inch square hole. (7) [9 10]	Lb.	212	STVWXYZ	------	500	------	------	E-5.
66370 Artificial graphite products, n.e.c., in block, brick, plate, or rod form, smallest dimension 2 inches or over, having a boron content of one part per million or less. (Specify by name, size and boron content in parts per million.) (8) [10]	Lb.	211	STVWXYZ	500	500	500	------	A E-8.
66370 Other carbon or graphite products, n.e.c. (9) [10]	Lb.	218	SYZ	500	------	------	------	B.
66370 Other refractory products, other than refractory construction materials. (5 and 10) [1 10]	Lb.	218	SXYZ	500	------	------	100	B.
66700 Lithium-containing minerals (for example, spodumene). (5) [9]	----------	262	STVWXYZ	25	500	25	------	E-8.
66700 Monocrystals of garnets, synthetic only. (Specify by name.) (6) [10]	----------	261	STVWXYZ	500	500	500	------	A E-13.
Iron and steel								
67160 Ferrosirconium containing more than 80 percent sirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight. (Specify hafnium content.) (2) [1]	Lb.	261	STVWXYZ	------	500	100	------	A.
67160 Other ferrosirconium containing more than 50 percent sirconium. (Specify hafnium content.) (3) [1]	Lb.	262	STVWXYZ	------	500	100	------	
67243 Blooms, billets, ingots, slabs, sheet bars, and roughly forged pieces, alloy steel, special types Class 1. (1 and 2) [13]	Lb.	261	STVWXYZ	------	500	100	------	A E-7.
67273 Coils for rerolling, alloy steel, special types Class 1. (1 and 2) [13]	Lb.	261	STVWXYZ	------	500	100	------	A E-8.
67290 Blanks for tubes and pipes, alloy steel, special types Class 1. (1 and 2) [13]	Lb.	261	STVWXYZ	------	500	100	------	A E-7.
67313 Wire rods, alloy steel, special types Class 1. (1 and 2) [13]	Lb.	261	STVWXYZ	------	500	100	------	A E-8.
67323 Bars and rods, alloy steel, special types Class 1. (1 and 2) [13]	Lb.	261	STVWXYZ	------	500	100	------	A E-8.
67328 Alloy steel bars and rods as follows: (a) containing 6 percent or more cobalt, or (b) hot-rolled projectile or shell steel. (4 and 5) [1]	Lb.	268	SWXYZ	------	------	------	100	B.
67343 Angles, shapes and sections having a maximum cross sectional dimension of 3 inches or more, alloy steel, special types Class 1. (1 and 2) [13]	Lb.	261	STVWXYZ	------	500	100	------	A E-8.
67353 Angles, shapes and sections having a maximum cross sectional dimension of less than 3 inches, alloy steel, special types Class 1. (1 and 2) [13]	Lb.	261	STVWXYZ	------	500	100	------	A E-8.
67355 Other alloy steel angles, shapes, and sections having a maximum cross sectional dimension of less than 3 inches, as follows: (a) Containing 6 percent or more cobalt, or (b) projectile or shell steel. (4 and 6) [1]	Lb.	268	SWXYZ	------	------	------	100	B.
67443 Plates and sheets, alloy steel, special types Class 1. (2 and 3) [13]	Lb.	261	STVWXYZ	------	500	100	------	A E-8.
67480 Plates and sheets, coated, alloy steel, special types Class 1. (2 and 3) [13]	Lb.	261	STVWXYZ	------	500	100	------	A E-8.
67508 Hoop and strip, including skelp, alloy steel, special types Class 1. (2 and 3) [13]	Lb.	261	STVWXYZ	------	500	100	------	A E-8.
67708 Wire, alloy steel, special types Class 1. (1 and 2) [13]	Lb.	261	STVWXYZ	------	500	100	------	A E-8.
67810 Cast iron pipe lined with or covered with polytetrafinoroethylene or polychlorotrifluoroethylene. (1) [9]	Lb.	261	STVWXYZ	------	500	100	------	A E-8.
67860 Pipes and tubes, alloy steel, special types Class 1. (4 and 5) [13]	Lb.	261	STVWXYZ	------	500	100	------	A E-8.
67860 Line pipe, carbon or alloy steel, seamless or welded, of a size greater than 19 inches o.d. and having a yield strength greater than 40,000 p.s.i. as determined by API (American Petroleum Institute) test. (7) [9]	Lb.	262	SVWXYZ	------	------	------	100	E-8.
67860 Standard pipe, steel or wrought iron, black or galvanized, seamless or welded; pressure tubes and tubing, carbon steel, seamless or welded; mechanical tubing, carbon steel; culverts, carbon steel, corrugated or plain, with or without accessories; penstock for conducting water (sections fabricated from rolled steel plate); and electrical conduits, all steel grades. (10 and 11) [1]	Lb.	268	SZ	------	------	------	------	B.
67920 Castings, alloy steel, special types Class 1, except grinding balls. (2 and 3) [13]	Lb.	261	STVWXYZ	------	500	100	------	A E-8.
67980 Forgings, alloy steel, special types Class 1, except grinding balls. (2 and 3) [13]	Lb.	261	STVWXYZ	------	500	100	------	A E-8.
Nonferrous metals								
68223 Copper foil, including paper-backed (Also specify copper content in pounds.) (See § 373.43(d).) (1 and 2) [1]	Lb.	272	STVWXYZ	------	100	100	------	FG.
68310 Nickel alloy metal, unwrought, containing 32 percent or more nickel, except nickel-copper alloys containing not more than 6 percent of other alloying elements. (Specify by name with complete metal analysis.) (2) [13]	Lb.	262	STVWXYZ	------	500	100	------	E-7.

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68322 Bimetallic strip for thermostats; and other plates, sheets, strips, and foil of nickel alloy containing 22 percent or more nickel, except nickel-copper alloys containing not more than 6 percent of other alloying elements, and nickel-chrome electric resistance materials. (Specify by name with complete metal analysis.) (2 and 6) [1]	Lb.	262	STVWXYZ	-----	500	100	-----	E-8.
68710 Tin or tin alloys, unwrought. (1 and 2) [1]	Lb.	268	SZ	-----	-----	-----	-----	B.
68933 Beryllium metal and beryllium alloys containing more than 50 percent beryllium, wrought and unwrought, and waste and scrap. (Specify by name.) (See § 399.2, Interpretations 10 and 12.) (1 through 4) [9 14]	Lb.	261	STVWXYZ	-----	500	500	-----	A E-8.
68942 Molybdenum or molybdenum alloy waste and scrap. (2) [5]	Lb.	262	STVWXYZ	-----	500	100	-----	
68942 Molybdenum or molybdenum alloys, unwrought or wrought, containing 90 percent or more molybdenum, except wire. (1, 3, 4, 5, and 6) [14]	Lb.	261	STVWXYZ	-----	500	100	-----	A E-8.
68942 Molybdenum or molybdenum alloy clean wire not exceeding 500 microns in diameter, and which, after having been fully annealed, has an elongation factor not exceeding 5 percent for diameters up to 200 microns, and not exceeding 10 percent for diameters from 200 to 500 microns. (1, 3, 4, 5, and 6) [14 15]	Lb.	268	SXYZ	-----	-----	-----	100	B.
68942 Other molybdenum or molybdenum alloys, unwrought or wrought, including other wire. (1, 3, 4, 5, and 6) [14 15]	Lb.	262	STVWXYZ	-----	500	100	-----	E-8.
68943 Tantalum metal and tantalum metal alloys containing 60 percent or more tantalum, wrought and unwrought, and waste and scrap. (Specify by name.) (See § 399.2, Interpretations 10 and 12.) (1 through 3) [14 16]	Lb.	261	STVWXYZ	-----	500	100	-----	A E-8.
68943 Other tantalum metal alloys, wrought and unwrought, and waste and scrap. (Specify by name.) (1 through 3) [14 15]	Lb.	262	STVWXYZ	-----	500	100	-----	E-8.
68950 Niobium (columbium) metal and niobium alloys containing 50 percent or more niobium or 60 percent or more niobium-tantalum in combination, wrought and unwrought, and waste and scrap. (Specify by name.) (See § 399.2, Interpretations 10 and 12.) (7 through 9) [4 12 14]	Lb.	261	STVWXYZ	-----	500	100	-----	A E-8.
68950 Other niobium (columbium) alloys, wrought and unwrought, and waste and scrap. (Specify by name.) (See § 399.2, Interpretations 10 and 12) (7 through 9) [14 15]	Lb.	262	STVWXYZ	-----	500	100	-----	E-8.
68950 Other germanium metal and alloys. (12) [15]	Lb.	248	SWXYZ	-----	-----	-----	100	B.
68960 Lithium alloys containing 50 percent or more lithium. (14) [15]	Lb.	241	STVWXYZ	-----	-----	500	-----	A E-7.
68960 Titanium metal and titanium alloys containing 70 percent or more titanium, wrought and unwrought, including intermediate mill shapes, and waste and scrap. (Specify by name.) (See § 399.2, Interpretations 10 and 12.) (21 through 23) [4 14 15]	Lb.	261	STVWXYZ	-----	500	100	-----	A E-8.
68960 Other titanium alloys, wrought and unwrought, including intermediate mill shapes, and waste and scrap. (Specify by name.) (See § 399.2, Interpretations 10 and 12.) (21 through 23) [4 14 15]	Lb.	262	STVWXYZ	-----	500	100	-----	E-8.

See footnotes at end of table.

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68960 Zirconium metal and zirconium alloys containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight, wrought and unwrought, and waste and scrap. (Specify by name.) (See § 399.2, Interpretations 10 and 12.) (26 through 32) [9 17]	Lb.	261	STVWXYZ	-----	500	-----	-----	A E-8.
68950 Other zirconium metal and zirconium alloys containing more than 90 percent zirconium, wrought and unwrought, and waste and scrap. (Specify by name and hafnium content.) (See § 399.2, Interpretations 10 and 12.) (26 through 32) [9 17 18]	Lb.	262	STVWXYZ	-----	500	500	-----	E-8.
Manufacturers of metals, n.e.c.								
69110 Roofing sheets, siding sheets, and perforated sheets, alloy steel, special types Class 1. (1 and 2) [13]	Lb.	261	STVWXYZ	100	500	100	-----	A E-8.
69211 Containers, iron or steel, jacketed only, for the storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multi-laminar-type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) stationary storage tanks with other insulating systems and designed only for liquid oxygen, nitrogen, or argon and having a capacity of 500 tons or more. (1) [10]	No.	211	STVWXYZ	100	500	100	-----	A E-8.
69211 Other containers, iron or steel, jacketed only, for the storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (2) [10]	No.	212	STVWXYZ	500	500	500	-----	E-8.
69211 Septic tanks, iron or steel. (3) [16]	No.	218	SZ and East Germany.	500	-----	-----	-----	B.
69211 Other steel storage tanks, lined. (4) [16]	No.	218	SWXYZ	500	-----	-----	100	B.
69211 Other containers for storage and manufacturing use, lined or unlined, iron or steel, less than 80 gallon capacity in Export Control Commodity No. 69891.) (5) [16]	Lb.	218	SZ	500	-----	-----	-----	B.
69212 Containers, copper or copper alloy, jacketed only, for the storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) stationary storage tanks with other insulating systems and designed only for liquid oxygen, nitrogen, or argon and having a capacity of 500 tons or more. (1) [10]	No.	211	STVWXYZ	100	500	100	-----	A E-8.

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69212 Other containers, copper or copper alloy, jacketed only, for the storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (2) [10]	No.	212	STVWXYZ	500	500	500	-----	E-8.
69212 Gas storage containers, copper. (3) [10]	No.	218	SWXYZ	500	-----	-----	100	B.
69212 Storage bins of copper. (4) [10]	Lb	218	SZ	500	-----	-----	-----	B.
69212 Other containers for storage and manufacturing use, and septic tanks, lined or unlined, copper. (Report containers, copper, less than 80 gallon capacity in Export Control Commodity No. 69892.) (5) [10]	Lb.	218	SXYZ	500	-----	-----	100	B.
69213 Containers, aluminum or aluminum alloys, jacketed only, for the storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) stationary storage tanks with other insulating systems and designed only for liquid oxygen, nitrogen, or argon and having a capacity of 500 tons or more. (1) [10]	No.	211	STVWXYZ	100	500	100	-----	A E-8.
69213 Other containers, aluminum or aluminum alloy, jacketed only, for the storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (2) [10]	No.	212	STVWXYZ	500	500	500	-----	E-8.
69213 Septic tanks, aluminum. (3) [16]	No.	218	SZ and East Germany.	500	-----	-----	-----	B.
69213 Other containers for storage and manufacturing use, lined or unlined, aluminum. (Report containers, aluminum, less than 80 gallons capacity in Export Control Commodity No. 69899.) (4) [16]	Lb.	218	SWXYZ	500	-----	-----	100	B.
69221 Containers, iron or steel, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1) [10]	No.	211	STVWXYZ	100	500	100	-----	A E-8.

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69221 Other containers, iron or steel, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (Report containers for mounting on trucks or trailers in Export Control Commodity No. 73163.) (2) [10]	No.	212	STVWXYZ	500	500	500	-----	E-8.
69221 Other gas shipping containers, iron or steel. (3) [10]	No.	218	SWXYZ	500	-----	-----	100	B.
69221 Milk cans, and other cans used for transport of goods, iron or steel. (4) [10]	Lb.	218	SZ	500	-----	-----	-----	B.
69221 Other shipping containers, iron or steel. (5) [10]	Lb.	218	SZ and East Germany.	500	-----	-----	-----	B.
69222 Milk cans, and other cans used for transport of goods, aluminum. (1) [10]	Lb.	218	SZ	500	-----	-----	-----	B.
69222 Containers, aluminum or aluminum alloy, jacketed only, for transportation of liquefied gases at temperatures below minns 274° F. (minus 170° C.), as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less then 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (2) [10]	No.	211	STVWXYZ	100	500	100	-----	A E-8.
69222 Other containers, aluminum or aluminum alloy, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (Report containers for mounting on trucks or trailers in Export Control Commodity No. 73163.) (3) [10]	No.	212	STVWXYZ	500	500	500	-----	E-8.
69222 Other gas shipping containers, aluminum. (4) [10]	No.	218	SWXYZ	500	-----	-----	100	B.
69222 Other shipping containers, aluminum, including barrels, boxes, chests, and collapsible tubes. (5) [10]	Lb.	218	SZ and East Germany.	500	-----	-----	-----	B.
69231 Compressed gas cylinders, filled or unfilled, iron or steel, jacketed only, for the storage or transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multi-laminar-type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1) [10]	No.	211	STVWXYZ	100	500	100	-----	A E-8.

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups S	T	V	X	*Special provisions list
69231 Other compressed gas cylinders, filled or unfilled, iron or steel, jacketed only, for the storage or transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (2) [15]	No.	212	STVWXYZ...	500	500	500	.....	E-8.
69231 Other compressed gas cylinders, filled or unfilled, iron or steel. (3) [15]	No.	218	SWXYZ.....	500	.....	.....	100	B.
69232 Compressed gas cylinders, filled or unfilled, aluminum or aluminum alloy, jacketed only, for the storage or transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multi-laminar-type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.) and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight. (1) [15]	No.	211	STVWXYZ...	100	500	100	.....	A E-8.
69232 Other compressed gas cylinders, filled or unfilled, aluminum or aluminum alloy, jacketed only, for the storage or transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (2) [15]	No.	212	STVWXYZ...	500	500	500	.....	E-8.
69232 Other compressed gas cylinders, filled or unfilled, aluminum or aluminum alloy. (3) [15]	No.	218	SWXYZ.....	500	.....	.....	100	B.
69299 Containers which are instruments of international trade, filled or unfilled, all metals, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) with multi-laminar-type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1) [15]	No.	211	STVWXYZ...	100	500	100	.....	A E-8.
69299 Other containers which are instruments of international trade, filled or unfilled, all metals, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (2) [15]	No.	212	STVWXYZ...	500	500	500	.....	E-8.
69299 Other gas shipping containers which are instruments of international trade, filled or unfilled, all metals. (3) [15]	No.	218	SWXYZ.....	500	.....	.....	100	B.
69299 Other shipping containers which are instruments of international trade, filled or unfilled, all metals. (4) [15]	.....	218	SZ.....	500	.....	.....	.....	B.
69887 Welding rods and wires, alloy steel, special types Class I. (1 and 2) [15]	Lb.	261	STVWXYZ...	500	500	500	.....	A E-8.
69887 Niobium (columbium) or niobium alloy welding rods, wires, and electrodes, including brazing rods, containing 50 percent or more niobium or 60 percent or more niobium-tantalum in combination. (5) [15]	Lb.	261	STVWXYZ...	500	500	500	.....	A E-8.
69887 Other niobium (columbium) alloy welding rods, wires, and electrodes, including brazing rods. (5) [6]	Lb.	262	STVWXYZ...	500	500	500	.....	E-8.
69887 Magnesium alloy welding rods, wires, and electrodes, including brazing rods, containing 0.4 percent or more zirconium, or 1 percent or more of rare earth metals (cerium misch metal), or 10 percent or more lithium. (Specify by name.) (6) [15]	Lb.	261	STVWXYZ...	100	500	100	.....	A E-8.
69887 Molybdenum or molybdenum alloy welding rods, wires, and electrodes, including brazing rods, containing 90 percent or more molybdenum. (Specify by name.) (7) [8]	Lb.	261	STVWXYZ...	500	500	500	.....	A E-8.
69887 Other molybdenum alloy welding rods, wires, and electrodes, including brazing rods. (Specify by name.) (7) [6]	Lb.	262	STVWXYZ...	500	500	500	.....	E-8.
69887 Tantalum metal or tantalum alloy welding rods, wires, and electrodes, including brazing rods, containing 60 percent or more tantalum-niobium (columbium) in combination. (Specify by name.) (10) [6] [15]	Lb.	261	STVWXYZ...	100	500	100	.....	A E-8.
69887 Other tantalum alloy welding rods, wires and electrodes, including brazing rods. (Specify by name.) (10) [6] [15]	Lb.	262	STVWXYZ...	100	500	100	.....	E-8.
69891 Containers, iron or steel, jacketed only, for the transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), with multilaminar type insulation under vacuum. (2) [15]	No.	211	STVWXYZ...	100	500	100	.....	A E-8.
69891 Other containers, iron or steel, jacketed only, for the storage of liquefied gases, designed to maintain temperatures below minus 202° F. (minus 130° C.). (Report iron or steel storage containers, iron or steel, of 80 gallons capacity or over in Export Control Commodity No. 69211; and shipping containers, iron or steel, regardless of capacity in No. 69221.) (4) [15]	No.	212	STVWXYZ...	500	500	500	.....	E-8.
69891 Other steel storage tanks, lined. (Report containers, iron or steel, with a capacity of 80 gallons or more in Export Control Commodity No. 69211.) (5) [15]	.....	218	SWXYZ.....	500	.....	.....	100	B.
69891 Articles of iron or steel, as follows: body armor; crucibles; cutting electrodes, ceramic-covered, for underwater operations; Dempster Dumpster® containers (for use with Dempster Dumpster® hoisting units); gear blanks; oil seals, steel encased (general purpose); submarine cable protectors; and fabricated wire products, except: cotton bale ties and buckles; grating with wire center; wire nets; and wire rope clamps. (6 and 12) [1]	.....	218	SXYZ.....	500	.....	.....	100	B.

See footnotes at end of table.

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups S	T	V	X	*Special provisions list
69892 Containers, copper or copper alloy, jacketed only, for the transportation or storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as as follows: (a) With multilaminar type insulation under vacuum, (b) with other insulating systems, having a liquid capacity of 250 gallons or more, and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) with other insulating systems, mobile, having a capacity in excess of 1,200 gallons (4,542 liters) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F. (24° C.) and without exposure to direct sunlight. (1) [15]	No.	211	STVWXYZ...	100	500	100	.....	A E-8.
69892 Other containers, copper or copper alloy, jacketed only, for the transportation or storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (Report storage containers, copper or copper alloy, of 80 gallons capacity or over in Export Control Commodity No. 69212.) (2) [15]	No.	212	STVWXYZ...	500	500	500	.....	E-8.
69892 Other gas shipping and storage containers, copper or copper alloy. (Report storage containers, copper or copper alloy, of 80 gallons capacity or over in Export Control Commodity No. 69212.) (3) [15]	.....	218	SWXYZ.....	500	.....	.....	100	B.
69892 Copper or copper-base alloy articles: (a) Fabricated anodes, and (b) cores (mold inserts). (Also specify copper content in pounds.) (5 and 6) [1]	Lb.	272	STVWXYZ...	100	100	100	.....	
69899 Containers, nonferrous metals, n.e.c., jacketed only, for the transportation or storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), as follows: (a) With multi-laminar-type insulation under vacuum, (b) having a liquid capacity of 250 gallons or more and specially designed for use with liquid fluorine or for gases boiling below minus 328° F. (minus 200° C.), and having an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight, or (c) stationary storage tanks, with other insulating systems, designed only for liquid oxygen, nitrogen, or argon and having a capacity of 500 tons or more. (1) [9]	No.	211	STVWXYZ...	100	500	100	.....	A E-8.
69899 Other containers, nonferrous metals, n.e.c., jacketed only, for the transportation or storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. (2) [15]	No.	212	STVWXYZ...	500	500	500	.....	E-8.
69899 Other gas shipping and storage containers of nonferrous metals, n.e.c. (Report copper containers in Export Control Commodity No. 69212 or 69892; aluminum shipping containers in No. 69222 or 69232; and aluminum storage containers of 80 gallons capacity or over in No. 69213.) (3) [15]	.....	218	SWXYZ.....	500	.....	.....	100	B.
69899 Beryllium or beryllium alloy castings and forgings containing more than 50 percent beryllium. (Specify by name.) (6) [1]	Lb.	261	STVWXYZ...	500	500	500	.....	A E-8.
69899 Niobium (columbium) or niobium alloy castings and forgings, containing 50 percent or more niobium, or 60 percent or more niobium-tantalum in combination. (Specify by name.) (12) [6]	Lb.	261	STVWXYZ...	100	500	100	.....	A E-8.
69899 Other niobium (columbium) or niobium alloy castings and forgings. (Specify by name.) (12) [6]	Lb.	262	STVWXYZ...	100	500	100	.....	E-8.
69899 Lithium or lithium alloy castings and forgings, containing 50 percent or more of lithium. (17) [6] [15]	Lb.	241	STVWXYZ...	.....	500	.....	.....	A E-8.
69899 Other lithium or lithium alloy castings and forgings. (17) [6] [15]	Lb.	242	STVWXYZ...	.....	500	.....	.....	E-8.
69899 Molybdenum or molybdenum alloy castings and forgings containing 90 percent or more molybdenum. (Specify by name.) (19) [3]	Lb.	261	STVWXYZ...	100	500	100	.....	A E-8.
69899 Other molybdenum or molybdenum alloy castings and forgings. (Specify by name.) (19) [6]	Lb.	262	STVWXYZ...	100	500	100	.....	E-8.
69899 Tantalum metal or tantalum alloy castings and forgings, containing 60 percent or more tantalum-niobium (columbium) in combination. (Specify by name.) (28) [6]	Lb.	261	STVWXYZ...	100	500	100	.....	A E-8.
69899 Other tantalum or tantalum alloy castings and forgings. (Specify by name.) (23) [6]	Lb.	262	STVWXYZ...	100	500	100	.....	E-8.
69899 Titanium metal or titanium alloy castings and forgings containing 70 percent or more titanium. (Specify by name.) (24) [6]	Lb.	261	STVWXYZ...	100	500	100	.....	A E-8.
69899 Other titanium or titanium alloy castings and forgings. (Specify by name.) (24) [6] [6]	Lb.	262	STVWXYZ...	100	500	100	.....	E-8.
69899 Articles wholly made of beryllium. (24) [3]	Lb.	261	STVWXYZ...	.....	500	.....	.....	A E-8.
69899 Electrical conducting materials specially designed for operation continuously or discontinuously at ambient temperatures below minus 202° F. (minus 130° C.) (57) [3] [10]	.....	211	STVWXYZ...	.....	500	.....	.....	A E-8.
Machinery, other than electric								
71220 Mechanical cotton pickers, and specially designed parts and attachments therefor; beet harvesters, 4-row and larger; and field hay wafering or pelleting machines, and any machines designed for similar operations. (1 and 2) [1]	.....	206	SWYZ.....	500	.....	.....	.....	B.
71250 Other wheel tractors, 125 power takeoff horsepower and over. (4) [3]	No.	202	SVWXYZ.....	.....	.....	.....	.....	E-15.
71810 Presses, as follows: (a) stabilized equipment using rams, for applying high impact energy work forces through use of explosives or compressed gases, including air, (b) presses specially designed or redesigned for the working or forming of metals, alloys, or other materials with a melting point exceeding 1900° C., and (c) hydraulic presses with total rated forces over 10,000 tons. (Specify model and rated tonnage capacity.) (27 and 28) [7]	No.	421	STVWXYZ...	.....	500	500	.....	A.

See footnotes at end of table.

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provisions list
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71510 Other presses, as follows: (a) hydraulic presses with rated capacity over 5,000 tons up to and including 10,000 tons, and (b) mechanical presses with rated capacity over 5,000 tons. (Specify model and rated tonnage capacity.) (27 and 28)[7] [28]	No.	422	STVWXYZ		500	500		
71510 Other metal-cutting and metalworking machines and machine tools. (8 and 37)[1]	No.	428	SWXYZ				100	B.
71842 Asphalt cutters; clay spades; and dirt tampers; and parts, accessories, and attachments therefor. (12)[21]		408	SZ					B.
71851 Equipment for mixing or forming minerals, and accessory equipment as follows: buggies; cutting machines; grout mixers; and plaster and mortar mixers; and parts. (3)[28]		408	SYZ					B.
71913 Cryogenic refrigeration equipment specially designed for maintaining an ambient temperature below minus 202° F. (minus 130° C.), and (a) designed for use in marine, airborne or space applications, (b) ruggedized for mobile ground use, or (c) designed to maintain operating temperatures for electrical, magnetic or electronic equipment or components; and specially designed parts therefor. (2)[18]		211	STVWXYZ		500	500		A E-8.
71915 Cogenic refrigeration equipment consisting of, or containing as components thereof, jacketed containers for storage or transportation at temperatures below minus 274° F. (minus 170° C.) with multilaminar-type insulation under vacuum; and specially designed parts, n.e.c. (3)[9] [10]		211	STVWXYZ		500	500		AE-8.
71915 Other refrigeration equipment specially designed for use of liquified gases as a coolant, capable of creating or maintaining temperatures of below minus 202° F. (minus 130° C.); and specially designed parts, n.e.c. (4)[9] [10]		212	STVWXYZ		500	500		E-8.
71921 Other pumps as follows: (a) centrifugal, designed to operate at speeds of 7,000 r.p.m. or over and to produce pressures of 800 p.s.i. or over and having all flow-contact surfaces made of 10 percent or more chromium or nickel, either separately or combined; (b) specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions; and (c) designed to operate at temperatures below minus 202° F. (minus 130° C.); and specially designed parts and attachments therefor. (Specify operating speeds, pressures and temperatures.) (10, 11, and 13)[1]		408	SWXYZ				100	B.
71922 Other ion vacuum pumps; and specially designed parts and attachments, n.e.c. (5)[1]		412	STVWXYZ		1,000	1,000		E-9.
71922 Other diffusion vacuum pumps, 12 inches in diameter and larger (diameter measured inside the barrel at the inlet jet). (6)[1]	No.	412	STVWXYZ		500			E-9.
71922 Other parts and attachments, n.e.c., specially designed for diffusion vacuum pumps of 12 inches in diameter or larger (diameter measured inside the barrel at the inlet jet). (10)[9]		412	STVWXYZ		1,000	1,000		E-9.
71931 Military-type integral tractor-shovel loaders; and specially designed parts, n.e.c. (Report attachments in Export Control Commodity No. 71842.) (1 and 2)[1]		401	STVWXYZ		500			A.
71931 Non-military-type integral tractor-shovel loaders, 135 horsepower and over; and specially designed parts, n.e.c., except cabs and cab guards (canopy tops). (Specify as nonmilitary, whether wheel or tracklaying type, and horsepower.) (Report attachments in Export Control Commodity No. 71842.) (2 and 4)[28]		402	SVWXYZ			1,000		E-11.
71932 Military-type industrial tractors and lift trucks; and specially designed parts, n.e.c. (1 and 3)[1]		401	STVWXYZ		500			A.
71932 Non-military-type industrial tractors and lift trucks powered by internal combustion engine, 135 horsepower and over; and specially designed parts and accessories, except cabs and cab guards (canopy tops). (Specify as nonmilitary, whether tractor or lift truck, and horsepower.) (2 and 4)[29]		402	SVWXYZ			1,000		E-11.
71954 Parts, accessories, and attachments for: (a) cutting machines for ceramics and similar nonmetallic materials, except glass, quartz crystal, masonry, or stone; and (b) machines for working bone, ebonite, hard plastics, and other hard carving materials. (12 and 16)[1]		418	SZ and East Germany.					B.
71960 Cable-making machinery specially designed for making coaxial cable, as follows: (a) machines for applying insulating separators to the inner conductor of air spaced coaxial electric cable, (b) machines for applying metal strip or sheet to form the outer conductor of coaxial electric cable, and (c) machines for forming, stranding or assembling coaxial cable, with or without conductors other than coaxial tubes; specially designed parts and accessories, n.e.c. (5, 7, and 8)[1]		421	STVWXYZ		500	500		A.
71960 Cable-making machinery capable of making cable, as follows: (a) submarine cable, and (b) cable containing fluorocarbon polymers or copolymers (see § 399.2, interpretation 22); and specially designed parts and accessories, n.e.c. (9 through 14)[34]		421	STVWXYZ		500	500		A.
71960 Other cable-making machinery, n.e.c., as follows: (a) Machines for applying insulating material to conductors of multipair electric telecommunications cable, (b) machines for laying together conductors for multipair telecommunications cable and/or applying insulating, separating, binding, or identifying material thereto, and (c) machines for laying together conductors (pairs, quads, etc.) to form complete cable core or a part thereof; and specially designed parts and accessories, n.e.c. (9 through 14)[34] [35]		422	STVWXYZ		500	500		

See footnotes at end of table.

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provisions list
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71980 Machinery and equipment (specify by name), for the manufacture of semiconductor devices, integrated circuits, and for parts, materials and subassemblies thereof, as follows: (a) Equipment specially designed for the manufacture of semiconductor devices or integrated circuits under Export Control Commodity No. 72930 and subject to the Import Certificate/Delivery Verification procedure, (b) equipment specially designed for the manufacture of silicon transistors, (c) equipment for slicing, dicing, scribing, slice breaking, probing, and/or sorting, (d) bonders and welders, (e) masks, or (f) equipment for the manufacture of masks or the creation of a photosensitive pattern on the surface of a semiconductor or insulating substrate; and specially designed parts and accessories, n.e.c. (17)[28]		411	STVWXYZ		500	100		A.
71980 Machinery and equipment for depositing or printing on insulating materials, or otherwise forming, in situ, component parts other than basic wiring (specify by name); and specially designed parts and accessories, n.e.c. (Report cameras in Export Control Commodity No. 86140.) (28)[1]		411	STVWXYZ		500			A.
71980 Hot or cold isostatic presses, as follows: (a) Capable of achieving a maximum working pressure of 20,000 p.s.i. or greater and possessing a chamber cavity with an inside diameter in excess of 16 inches, or (b) capable of achieving a maximum working pressure of 5,000 p.s.i. or greater and having a controlled thermal environment within the closed cavity, except those possessing a chamber cavity with an inside diameter of less than 5 inches and which are also capable of achieving and maintaining a controlled thermal environment only between plus 176° F. (plus 80° C.) and minus 30° F. (minus 35° C.); and specially designed parts and accessories, n.e.c. (36 and 45)[9] [37]		411	STVWXYZ		500	500		A.
71980 Other hot or cold isostatic presses; and specially designed parts and accessories, n.e.c. (36 and 45)[37]		412	STVWXYZ		500	500		
71922 Valves specially designed for temporary stopping off or plugging a section of steel line pipe of a size greater than 19 inches o.d.; and specially designed parts. (9)[9]	Lb.	412	SVWXYZ			100		
71992 Other steel valves with inlet or outlet diameter 17 inches or greater and designed for a working pressure of over 300 p.s.i.; and specially designed parts. (10)[9]	Lb.	412	SVWXYZ			100		
Electrical machinery, apparatus, and appliances								
72210 Synchronous motors of any rating possessing any of the following characteristics: (a) Of size 30 (3 inches in diameter) and smaller having synchronous speeds in excess of 3,600 r.p.m., (b) designed to operate below minus 25° C. or above plus 100° C., (c) designed to operate from power sources of more than 400 cycles, or (d) of size 11 (1.1 inches in diameter) or smaller. (Specify by name and model number.) (1, 2, and 5)[19] [33]	No.	601	STVWXYZ		500	100		A.
72210 Other synchronous motors of any rating (a) Having synchronous speeds in excess of 3,000 r.p.m., or (b) designed to operate between minus 23° C. and minus 10° C., or between plus 55° C. and plus 100° C. (Specify by name and model number.) (1, 2, and 5)[19] [33]	No.	602	STVWXYZ		500	100		
72210 Other electronic transformers; and other electronic coils, reactors, and chokes made of magnetic materials (specify by name and type number); and parts, n.e.c. (23)[1]		618	SWXYZ				100	B.
72310 Insulated niobium (columbium) or niobium alloy wire containing 50 percent or more niobium or 60 percent more niobium-tantalum in combination. (9)[9]	Lb.	261	STVWXYZ		500	100		A E-8.
72310 Other insulated niobium (columbium) or niobium alloy wire. (9)[4] [6]	Lb.	262	STVWXYZ		500	100		E-8.
72499 Panoramic radio receivers, except ancillary equipment (panoramic adaptors) for commercial receivers, with which the frequency spectrum searched does not exceed either plus or minus 20 percent of the intermediate frequency of the receiver or plus or minus 2 megacycles (specify by name and model number); and specially designed parts and accessories (specify by name). (15)[1]		611	STVWXYZ		500	100		A.
72499 Electronic equipment, n.e.c., containing one or more functional circuits, including integrated circuits, with a component density greater than 75 parts per cubic inch (4.575 parts per cubic centimeter), except radio or television broadcast studio equipment; and specially designed circuit assemblies, subassemblies and parts. (Specify by name and model number.) (34)[1]		611	STVWXYZ		500	250		A.
72499 Other electronic telecommunications equipment, electronic navigational aids, and electronic search and detection apparatus, including radar, n.e.c.; and parts and accessories, n.e.c. (Specify by name and model number.) (8, 25, 29, 32, and 37)[1]		618	SWXYZ				100	B.
72920 Flash discharge tubes specially designed for equipment providing amplification or oscillation by means of stimulated electromagnetic radiation, such as Masers, Lasers, or Irasers, (1)[12]	No.	211	STVWXYZ		500			A.
72920 Photomicrographic arc lamps specially designed for high speed cameras capable of recording in excess of 64 frames per second, or streak cameras having writing speed of 8mm./microsecond and above and/or to be used with photographic microflash equipment capable of giving a flash of 1/100,000 second or shorter duration, at a minimum recurrence frequency of 200 flashes per second. (2)[18]	No.	211	STVWXYZ		500	25		A.
72920 Single coil tungsten filaments; and photo-micrographic arc lamps specially designed for high speed cameras capable of recording at rates in excess of 2,000 frames per second. (3)[18]	No.	218	SWXYZ				100	B.

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72952 Electronic devices for stroboscopic analysis of a signal (i.e., sampling devices), whether subassemblies or separate units, designed to be used in conjunction with an oscilloscope to permit the analysis of recurring phenomena, which increase the capabilities of an oscilloscope to: (a) permit measurements above 30 megacycles per second, or (b) permit the achieving in an oscilloscope of a time-base shorter than 30 nanoseconds (0.03 microseconds) per centimeter. (Specify by name and model number.) (8 and 11) [7]	No.	601	STVWXYZ...	.....	500	100	.....	A.
72952 Other electronic devices for stroboscopic analysis of a signal (i.e., sampling devices), whether subassemblies or separate units, designed to be used in conjunction with an oscilloscope to permit the analysis of recurring phenomena, which increase the capabilities of an oscilloscope to permit measurement above 15, up to and including 30, megacycles per second. (Specify by name and model number.) (8 and 11) [7] [20]	No.	602	STVWXYZ...	.....	500	100	.....	
72952 Automatic equipment for controlling the diameter or the eccentricity of extruded dielectric on wires or cables. (51) [1]	No.	411	STVWXYZ...	.....	500	100	.....	A.
72952 Process control instruments specially designed or modified for monitoring or controlling the processing of irradiated fissionable or fertile materials or irradiated lithium. (53) [1]	No.	411	STVWXYZ...	.....	500	100	.....	A.
72952 Vacuum gauges, ionization type, designed for use with ion vacuum pumps having pumping speeds of 500 or more liters of hydrogen per second at pressures of 10^{-4} mm. of mercury or more. (55) [9]	No.	411	STVWXYZ...	.....	500	.....	.....	A E-9.
72952 Other vacuum gauges, ionization type. (56) [9]	No.	412	STVWXYZ...	.....	1,000	1,000	.....	E-9.
72952 Centrifugal testing apparatus or equipment having any of the following characteristics: (a) driven by a motor or motors having a total rated horsepower greater than 400 horsepower, (b) capable of carrying a payload of 250 pounds or more, or (c) capable of exerting a centrifugal acceleration of 8 or more g. on a payload of 200 pounds or more. (Specify by name.) (59) [9]	No.	411	STVWXYZ...	.....	500	100	.....	A.
72952 Other centrifugal-action testing equipment. (Specify by name.) (59) [9] [21]	No.	412	STVWXYZ...	.....	500	100	.....	
72952 Gear testers designed for the testing of gears of diametral pitch finer than 48. (See § 399.2, Interpretation 3.) (60) [9]	No.	412	STVWXYZ...	.....	500	100	.....	E-9.
72952 Testing devices specially designed for testing electronic assemblies produced by depositing or printing on insulating materials, or otherwise forming, in situ, component parts other than basic wiring. (61) [1]	No.	411	STVWXYZ...	.....	500	.....	.....	A:
72952 Testing equipment specially designed for use in the manufacture and assembly of communication, navigation, direction-finding, and radar equipment. (62) [22]	No.	411	STVWXYZ...	.....	500	.....	.....	A:
72952 Industrial instruments (including sensing elements) capable of operation at, or performing tests at, temperatures below minus 130° C. (minus 202° F.). (67) [9]	No.	412	STVWXYZ...	.....	500	100	.....	E-9.
72952 Instruments specially designed for testing and inspecting nonelectrical characteristics in the production of electron tubes and semiconductor devices or parts and components therefor, of the types included under Export Control Commodity No. 72930 which are subject to the Import Certificate/Delivery Verification procedure. (Specify by name.) (68) [1]	No.	411	STVWXYZ...	.....	500	.....	.....	A:
72952 Electric or electronic instruments designed for testing, inspecting, or certifying magnetic tape (magnetic tape certifiers). (70) [1] [21]	No.	601	STVWXYZ...	.....	500	.....	250	A:
72952 Control equipment specially designed for presses (Export Control Commodity No. 71510) which are subject to the Import Certificate/Delivery Verification procedure. (85) [6] [23]	No.	421	STVWXYZ...	.....	500	500	.....	A:
72952 Control equipment specially designed for presses (Export Control Commodity No. 71510) requiring a validated license to all Country Groups but not subject to the Import Certificate/Delivery Verification procedure. (Report nonelectric control equipment in Export Control Commodity No. 71954.) (85) [23]	No.	422	STVWXYZ...	.....	1,000	1,000	.....	
72952 Control equipment specially designed for hot or cold isostatic presses (Export Control Commodity No. 71980) which are subject to the Import Certificate/Delivery Verification procedure. (85) [6] [23]	No.	411	STVWXYZ...	.....	500	500	.....	A.
72952 Control equipment specially designed for hot or cold isostatic presses (Export Control Commodity No. 71980) requiring a validated license to all Country Groups but not subject to the Import Certificate/Delivery Verification procedure. (Report nonelectric control equipment in Export Control Commodity No. 86197.) (85) [23]	No.	412	STVWXYZ...	.....	1,000	1,000	.....	
72995 Electronic capacitors designed for and/or capable of reliable performance in relation to their electrical and mechanical characteristics and maintaining their design service lifetime while operating: (a) over the whole range of ambient temperatures from below minus 45° C. to above plus 100° C., or (b) at ambient temperatures of 200° C. or higher; and specially designed parts, n.e.c. (Specify by name and type number.) (1 and 3) [16]	.....	611	STVWXYZ...	.....	500	250	.....	A:
72995 Tantalum or niobium electrolytic capacitors as follows: (a) types designed to operate permanently at temperatures over 85° C., (b) sintered types, except those having a casing made of epoxy resin or sealed with epoxy resin, or (c) foil types; and specially designed parts, n.e.c. (Specify by name and type number.) (2 and 3) [16] [24]	.....	611	STVWXYZ...	.....	500	250	.....	A:
72996 Electrical carbons, except carbon brushes, artificial graphite, whether or not containing other materials to give improved performance at high temperatures, having an apparent relative density of 1.90 and greater, except nonpyrolytic graphite of density between 1.90 and 1.95 when compared to water at 60° F. (15.5° C.). (1) [16]	.....	211	STVWXYZ...	.....	500	500	.....	A E-6.

See footnotes at end of table.

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provisions list
				S	T	V	X	
72996 Electrical carbons, except carbon brushes, artificial graphite, smallest dimension 2 inches or over, and having a boron content of 1 part per million or less. (Specify size and boron content in parts per million.) (2) [10]	.....	211	STVWXYZ...	.....	500	500	.....	A E-6.
72996 Other pyrolytic graphite electrical carbons. (2) [6] [16]	.....	212	STVWXYZ...	.....	500	500	.....	E-6.
72996 Other electrical carbons, except carbon brushes, artificial graphite, smallest dimension 2 inches or over. (Specify size and boron content in parts per million.) (4) [16]	.....	212	STVWXYZ...	.....	1,000	1,000	.....	E-6.
72996 Other brush plates; electrical carbon brushes; and lighting carbons. (5) [1] [16]	.....	218	SZ and East Germany.	.....	.....	.....	.....	B.
72996 Other electrical carbons, n.e.c. (Report articles of carbon or graphite for other than electrical purposes in Export Control Commodity No. 66363.) (6) [16]	.....	218	SYZ.....	.....	.....	.....	.....	B.
72999 Other instruments which perform functions similar to synchros or resolvers (for example, Microsyncs®, Synchrotels®, and Inductosyns®), and having any of the following characteristics: (a) A rated electrical error of 10 minutes or less, or of 0.5 percent or less of maximum output voltage, (b) a rated dynamic accuracy for receiver types of 1° or less, except that for units of size 30 (3 inches in diameter) or larger a rated dynamic accuracy of less than 1°, or (c) designed to operate below minus 55° C. or above plus 125° C. (specify by name and model number); and specially designed parts and accessories, n.e.c. (7) [16]	.....	601	STVWXYZ...	.....	500	.....	.....	A:
Transport equipment								
73101 Locomotives. (Report electrical controls in Export Control Commodity No. 72220, and other parts in No. 73170.) (1 and 2) [1]	No.	438	SXYZ.....	500	.....	.....	100	B.
73105 Other railway cars and streetcars, n.e.c. (Report electrical controls in Export Control Commodity No. 72220, and other parts in No. 73170.) (1 and 4) [1] [16]	No.	438	SXYZ.....	500	.....	.....	100	B.
73170 Other parts n.e.c., for locomotives and rolling stock. (1 and 3) [1] [10]	.....	438	SXYZ.....	500	.....	.....	100	B.
73280 Parts and accessories specially designed for wheel tractors of 125 power takeoff horsepower or over, except contractors' off-highway tractors. (1) [9]	.....	202	SVWXYZ.....	.....	.....	.....	.....	E-15.
73280 Functional parts specially designed for automotive vehicles possessing or built to current military specifications differing materially from normal commercial specifications, except parts for off-highway trucks and trailers. (See § 399.2, Interpretation 19.) (10) [1]	.....	431	STVWXYZ...	.....	500	.....	.....	A.
73300 Farm wagons, drays, and trailers; and parts. (2) [24]	.....	206	SZ.....	.....	.....	.....	.....	B.
Professional, scientific, and controlling instruments; photographic and optical goods, watches, and clocks								
86111 Optical elements as follows: (a) specially designed for infrared or ultraviolet communications or detection systems or equipment, or (b) specially designed for equipment providing amplification or oscillation by means of stimulated electromagnetic radiation, such as Masers, Lasers, or Irasers. (Specify by name and type.) (1 and 2) [1]	No.	611	STVWXYZ...	50	500	50	.....	A.
86112 Lenses for high-speed cameras and streak cameras which are subject to the Import Certificate/Delivery Verification procedure under Export Control Commodity Nos. 86140 and 86150. (1) [16]	No.	211	STVWXYZ...	.....	500	.....	.....	A.
86112 Lenses and other optical elements for other high-speed cameras capable of recording at rates in excess of 2,000 frames per second; and lenses and other optical elements for X-ray powder cameras. (2) [16]	No.	218	SWXYZ.....	500	.....	.....	100	B.
86112 Other photographic and projection lenses. (3) [16]	No.	218	SXYZ.....	500	.....	.....	100	B.
86112 Mounted prisms specially designed for high-speed cameras and streak cameras which are subject to the Import Certificate/Delivery Verification procedure under Export Control Commodity Nos. 86140 and 86150. (5) [16]	No.	211	STVWXYZ...	25	500	25	.....	A.
86140 Streak cameras having writing speeds of 8 mm./microsecond and above, capable of recording events which are not initiated by the camera mechanism. (1) [16]	No.	211	STVWXYZ...	.....	500	.....	.....	A.
86140 Streak cameras having writing speeds of less than 8mm./microsecond, capable of recording events which are not initiated by the camera mechanism; and specially designed parts and accessories, n.e.c. (2) [16]	.....	212	STVWXYZ...	.....	500	.....	.....	
86140 High-speed cameras having any of the following characteristics: (a) using film widths 35 mm. or narrower and capable of recording at rates in excess of 3,000 frames per second when using a steady light flow as the lighting source and 10,000 frames per second when using flash equipment connected to the unwinding system as the lighting source, (b) using film widths greater than 35 mm. and capable of recording in excess of 64 frames per second, or (c) capable of recording in excess of 250,000 frames per second. (3) [16]	No.	211	STVWXYZ...	.....	500	.....	.....	A.
86140 Parts and accessories, n.e.c., specially designed for high-speed cameras under Export Control Commodity No. 86140 which are subject to the Import Certificate/Delivery Verification procedure. (4) [16]	.....	211	STVWXYZ....	25	500	25	.....	A.
86140 Other high-speed cameras capable of recording at rates in excess of 2,000 frames per second; and X-ray powder cameras; and specially designed parts and accessories, n.e.c. (5) [16]	.....	218	SWXYZ.....	500	.....	.....	100	B.

See footnotes at end of table.

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provisions list
				S	T	V	X	
86140 Cameras specially designed for the production of electronic printed circuits; and specially designed parts and accessories. (6)[12]	.....	211	STVWXYZ	.....	500	.....	.....	A.
86140 Cameras specially designed for: (a) Use in the manufacture of masks for semiconductor devices, integrated circuits and similar electronic equipment and components, or (b) the creation of a photosensitive pattern on the surface of a semiconductor or insulating substrate; and specially designed parts and accessories. (7)[12]	.....	211	STVWXYZ	.....	500	.....	.....	A.
86140 Photographic microflash equipment capable of giving a flash of 1/200,000 secpnd or shorter duration at a minimum recurrence frequency of 200 flashes per second; and specially designed parts and accessories. (Specify by name.) (9)[10]	.....	211	STVWXYZ	25	500	25	.....	A.
86140 Photographic microflash equipment capable of giving a flash of between 1/100,000 and 1/200,000 second duration, at a minimum recurrence frequency of 200 flashes per second; and specially designed parts and accessories. (Specify by name.) (10)[10]	.....	212	STVWXYZ	25	500	25	.....	
86140 Hand-type still cameras, fixed focus; still camera stands; tripods; flash synchronizers; and parts and accessories, n.e.c. (8 and 11) [1] [10]	.....	218	SZ	.....	500	.....	.....	B.
86140 Other photographic cameras (excludes motion picture), camera parts and accessories, and photographic flashlight apparatus and parts, n.e.c. (12) [10]	.....	218	SYZ	.....	500	.....	.....	B.
86150 High-speed motion picture cameras having any of the following characteristics: (a) Using film widths 35 mm. or narrower and capable of recording at rates in excess of 3,000 frames per second when using a steady light flow as the lighting source, and 10,000 frames per second when using flash equipment connected to the unwinding system as the lighting source, (b) using film width greater than 35 mm. and capable of recording in excess of 64 frames per second, or (c) capable of recording in excess of 200,000 frames per second. (1) [10]	No.	211	STVWXYZ	.....	500	.....	.....	A.
86150 Parts and accessories, n.e.c., specially designed for high-speed motion picture cameras under Export Control Commodity No. 86150 which are subject to the Import Certificate/Delivery Verification procedure. (2) [10]	.....	211	STVWXYZ	25	500	25	.....	A.
86150 Other high-speed motion picture cameras capable of recording at rates in excess of 2,000 frames per second; and specially designed parts and accessories, n.e.c. (3) [10]	.....	218	SWXYZ	500	.....	.....	100	B.
86150 Motion picture cameras, 16 mm. or under, except aerial cameras, and parts therefor; motion picture projectors, silent only, 16 mm. or under, and parts therefor; and motion picture camera tripods and stands, excluding dollies. (4) [10]	.....	218	SZ	500	.....	.....	.....	B.
86150 Other motion picture cameras, motion picture projectors, and motion picture sound recording and reproducing equipment; and parts. (5) [10]	.....	218	SYZ	500	.....	.....	.....	B.
86161 16 mm. miniature still-picture projectors; magic lantern parts, and other still-picture projector parts; and photo scales (enlarger parts). (1) [10]	.....	218	SZ	500	.....	.....	.....	B.
86161 Other photographic projectors, enlargers and reducers (other than motion picture), and parts. (2) [10]	.....	218	SYZ	500	.....	.....	.....	B.
86169 Developing, printing, fixing, or washing tanks or machines for motion picture film; reels for motion picture film; and still-picture equipment as follows: analysers; cutting boards; developing equipment; dry mounting presses, photographic; hangers; photo baths, glass; print rollers; printing frames; printing masks; and shading machines; and parts therefor, n.e.c. (1) [10]	.....	218	SZ	500	.....	.....	.....	B.
86169 Other still picture, motion picture, photographic, and photocopying equipment, n.e.c., and parts. (2) [10]	.....	218	SYZ	500	.....	.....	.....	B.
86191 Cryogenic equipment designed for maintaining an ambient temperature below minus 150° C., designed for use in marine application, ruggedized for mobile ground use, or designed to maintain operating temperatures for electrical, magnetic or electronic equipment or components; and specially designed accessories, subassemblies, parts, or components. (1) [36]	.....	621	STVWXYZ	250	500	250	.....	A.
86191 Parts and accessories specially fabricated for military photothedolites, stereoscopic plotting equipment, and photo interpretation equipment. (10) [37]	.....	621	STVWXYZ	.....	500	.....	.....	A.
86191 Range finders specially designed for cameras under Export Control Commodity Nos. 86140 and 86150 which are subject to the Import Certificate/Delivery Verification procedure. (16) [10]	No.	211	STVWXYZ	25	500	25	.....	A.
86191 Range finders specially designed for (a) other high-speed cameras capable of recording at rates in excess of 2,000 frames per second, and (b) X-ray powder cameras. (17) [10]	No.	218	SWXYZ	500	.....	.....	100	B.
86191 Range finders for other still cameras, except hand-type fixed focus; and motion-picture cameras, except 16 mm. and 8 mm. (18) [10]	No.	218	SYZ	500	.....	.....	.....	B.
86195 Centrifugal testing apparatus or equipment having any of the following characteristics: (a) Driven by a motor or motors having a total rated horsepower greater than 400 horsepower, (b) capable of carrying a payload of 250 pounds or more, or (c) capable of exerting a centrifugal acceleration of 8 or more g. on e payload or 200 pounds or more. (Specify by name.) (1) [2] [38]	.....	411	STVWXYZ	.....	500	100	.....	A.
86195 Other centrifugal-action testing equipment. (Specify by name.) (1) [2] [4]	.....	412	STVWXYZ	100	500	100	.....	
86195 Equipment capable of performing tests at temperatures below minus 202° F. (minus 130° C.) (2) [5]	.....	412	STVWXYZ	100	500	100	.....	E-9.
86195 Testing equipment specially designed for use in the manufacture and assembly of communication, navigation, direction-finding, and radar equipment. (3) [21]	.....	411	STVWXYZ	.....	500	.....	.....	A.
86197 Control equipment specially designed for hot or cold isostatic presses (Export Control Commodity No. 71980) which are subject to the Import Certificate/Delivery Verification procedure. (5) [2] [11] [27]	.....	411	STVWXYZ	.....	500	500	.....	A.
86197 Control equipment specially designed for hot or cold isostatic presses (Export Control Commodity No. 71980) requiring a validated license to all Country Groups but not subject to the Import Certificate/Delivery Verification procedure. (Report electric or electronic control equipment in Export Control Commodity No. 72952.) (8) [11] [27]	.....	412	STVWXYZ	.....	1,000	1,000	.....	
86198 Industrial process instruments capable of operating or performing tests at temperatures below minus 202° F. (minus 130° C.); and specially designed parts, n.e.c. (10) [5]	.....	412	STVWXYZ	100	500	100	.....	E-9.
86198 Centrifugal testing apparatus or equipment having any of the following characteristics: (a) Driven by a motor or motors having a total rated horsepower greater than 400 horsepower, (b) capable of carrying a payload of 250 pounds or more, or (c) capable of exerting a centrifugal acceleration of 8 or more g. on a payload of 200 pounds or more (specify by name); and specially designed parts. (11) [2] [38]	.....	411	STVWXYZ	.....	500	100	.....	A.
86198 Other centrifugal-action testing equipment (specify by name); and specially designed parts. (11) [4]	.....	412	STVWXYZ	100	500	100	.....	
86198 Testing equipment, including components and subassemblies, specially designed for use in the manufacture and assembly of communication, navigation, direction-finding, and radar equipment; and specially designed parts, n.e.c. (12) [21]	.....	411	STVWXYZ	.....	500	.....	.....	A.
86198 Photographic exposure (light) meters, and parts. (15) [10]	.....	218	SYZ	500	.....	.....	.....	B.
86246 Motion picture film under 35 mm., sensitized, unexposed. (1) [10]	Lin. ft.	218	SZ	500	.....	.....	.....	B.
86246 Motion picture film 35 mm. and over, sensitized, unexposed. (2) [10]	Lin. ft.	218	SXYZ	500	.....	.....	100	B.
86246 X-ray film and plates, graphic arts film and plates, and still picture film and plates, sensitized, unexposed. (3) [10]	Sq. ft.	218	SYZ	500	.....	.....	.....	B.
86248 Exposed sensitized plates, and exposed and developed plates, except lantern slides. (1) [10]	Sq. ft.	218	SZ and East Germany.	500	.....	.....	.....	B.
86248 Still picture film, exposed, or exposed and developed, positive or negative; and lantern slides. (2) [10]	Sq. ft.	218	Z	.....	.....	.....	.....	B.
86248 Motion picture films, silent or sound, undeveloped negative, 35 mm. or over. (3) [10]	Sq. ft.	218	SXYZ	500	.....	.....	100	B.
86248 Motion picture films, silent or sound, exposed but not developed. (4) [10]	Sq. ft.	218	SZ	500	.....	.....	.....	B.
86300 Motion picture films, silent or sound, developed. (1) [10]	Lin. ft.	218	None	.....	.....	.....	.....	B.

See footnotes at end of table.

*For explanation, see § 399.1, General Notes to Commodity Control List.

[1] The commodity description is revised with no change in controls.

[2] Effective May 1, 1967, these commodities may no longer be exported under the Periodic Requirements licensing procedure (see § 376.2).

[3] Two entries are substituted for an entry presently on the Commodity Control List under this Export Control Commodity Number.

[4] An Import Certificate is no longer required in support of an application for a license to export these commodities to the countries specified in § 373.2.

[5] A separate entry is established and effective Apr. 10, 1967, a validated license is required for export of these commodities to Country Groups T, V, and W.

[6] Effective May 16, 1967, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export of these commodities to the countries specified in § 373.2.

[7] Two entries are substituted for two entries presently on the Commodity Control List under this Export Control Commodity Number.

[8] Effective Apr. 10, 1967, a validated license is required for export of these commodities to Country Groups T, and V.

[9] These commodities may be exported under the Periodic Requirements licensing procedure (see § 376.2).

[10] The Processing Number is changed.

[11] A separate entry is established and the Processing Number is changed.

[12] The PRL Commodity Group Number is changed (see § 376.2).

[13] A reporting requirement is added.

[14] Three entries are substituted for 5 entries presently on the Commodity Control List under this Export Control Commodity Number.

[15] Two entries are substituted for 3 entries presently on the Commodity Control List under this Export Control Commodity Number.

[16] Two entries are substituted for 7 entries presently on the Commodity Control List under this Export Control Commodity Number.

[17] The GLV Dollar-Value Limit is increased for zirconium and zirconium alloys in unwrought forms and powder and having a ratio of hafnium content to zirconium content in excess of 1 part to 500 parts by weight.

[18] Effective Apr. 10, 1967, a validated license is required to export to Country Groups T, V, and W magnesium alloy welding rods, wires, and electrodes, including brazing rods, containing 10 percent or more lithium; also, effective May 16, 1967, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export of these commodities to the countries specified in § 373.2.

[19] An Import Certificate is no longer required in support of an application for a license to export mechanical presses with rated capacity of over 10,000 tons to the countries specified in § 373.2.

[20] Street flushing units for truck mounting formerly in this entry are included in the fifth entry under Export Control Commodity No. 71994.

[21] Rotary finishers and concrete floor finishing machines formerly in this entry are included in the second entry under Export Control Commodity No. 71980.

[22] The GLV Dollar-Value Limit is increased.

[23] Two entries are substituted for 6 entries presently on the Commodity Control List under this Export Control Commodity Number.

[24] An Import Certificate is no longer required in support of an application for a license to export cable-making machinery for conductors over 0.9 mm. in diameter for multipair telecommunications cable, other than machinery for making submarine cable or cable containing fluorocarbon polymers or copolymers, to the countries specified in § 373.2.

[25] An Import Certificate is no longer required in support of an application for a license to export equipment for lapping and polishing semiconductor devices to the countries specified in § 373.2.

[26] Effective Apr. 10, 1967, a validated license is required for export of cold isostatic presses, and control equipment therefor, to Country Groups T, V, and W.

[27] Effective Apr. 10, 1967, a validated license is required to export to Country Groups T, V, and W synchronous motors designed to operate above plus 100° C.; also, effective May 16, 1967, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export of these motors to the countries specified in § 373.2.

[28] An export license is no longer required for export to Country Groups T, V, and W for synchronous motors having synchronous speeds of 3,000 r.p.m. or less and designed to operate only from minus 10° C. to plus 55° C.

[29] An Import Certificate is no longer required in support of an application for a license to export to the countries specified in § 373.2 electronic devices designed to be used in conjunction with an oscilloscope to (a) increase its amplifier bandwidth to greater than 20 but not greater than 30 megacycles per second, or (b) decrease the time base to shorter than 40 but not shorter than 20 nanoseconds per centimeter.

[30] This entry is deleted and these commodities are included in the 19th entry presently on the Commodity Control List under Export Control Commodity No. 72952.

[31] Effective Apr. 10, 1967, the GLV Dollar-Value Limit is decreased.

[32] A separate entry is established, and effective Apr. 10, 1967, a validated license is required for export of these commodities to Country Groups T, V, W, and X.

[33] Effective May 16, 1967, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export to the countries specified in § 373.2 of instruments which perform functions similar to synchros or resolvers and are designed to operate below minus 55° C. or above plus 125° C.

[34] This entry is deleted, and the commodities are included in the last entry on the Commodity Control List under this Export Control Commodity Number.

[35] Part (b) of this entry is deleted as this equipment is correctly included under other Export Control Commodity Numbers.

[36] This entry is deleted as these commodities require export authorization from the U.S. Department of State (see paragraph 370.8(a), Category XIII).

[37] Effective Apr. 10, 1967, the GLV Dollar-Value Limit is decreased for exports to Country Group S.

Saving clause. **Shipments of commodities removed from general license as a result of changes set forth in Part A above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., April 10, 1967, may be exported under the previous general license provisions up to and including May 1, 1967. Any such shipment not laden aboard the exporting carrier on or before May 1, 1967, requires a validated license for export.**

[F.R. Doc. 67-4227; Filed, Apr. 21, 1967; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Resale Price Maintenance of Books Held on Consignment

§ 15.121 Resale price maintenance of books held on consignment.

(a) The Commission was requested to render an advisory opinion concerning the legality of an agreement between a university press and a scholarly association that the press would not sell the annual publication of the association, which it held on consignment, at less than the minimum resale price stipulated by the association. The book normally sells by mail order for the same amount as is charged by the association for annual dues. Members of the association are entitled to receive a copy of the book at no extra charge. The association wishes to include a provision in the contract prohibiting the press from selling to educational institutions, mainly libraries, at any discount below the usual retail price, its purpose being to prevent such buyers from obtaining the book at a lower price than they could by joining the association. This would mean that the press could not give libraries the normal trade discount.

(b) In addition, the Commission was assured that the relationship between the press and the association was strictly one of agency. The press does not print the books for the association, which subcontracts the printing and simply wishes to use the selling facilities of the press to handle sales to nonmembers. Legal title to the books remains in the association, which owns the copyrights, and the books are being handled by the press on a consignment basis.

(c) The Commission advised that it could see no objection to the inclusion of this provision under the precise factual situation presented. In arriving at this conclusion, the Commission stated that it was mindful of the fact that consignment agreements can, under certain circumstances, be used as a device for illegal resale price maintenance, even where patented or copyrighted articles are involved. However, it was of the opinion that this proposal would not fall within that category in view of the fact that the contemplated consignment agreement containing the clause in question will be with only one consignee and there will be no other outlets competing in the distribution of these books. This view of the law was limited solely to the factual situation involved. Hence, generalizations from this opinion or its extension to other factual situations would not be warranted.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: April 21, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-4444; Filed, Apr. 21, 1967; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Propriety of Publishing Marketing Area Price Lists

§ 15.122 Propriety of publishing marketing area price lists.

(a) The Federal Trade Commission advised a manufacturer who had requested an advisory opinion that there is nothing inherently illegal about area price lists which make only due allowance for differences in the cost of shipment and delivery.

(b) The Commission advised the manufacturer further that price discriminations in sales to customers located in different areas who in fact compete with each other could amount to conduct in violation of section 2(a) of the Clayton Act, unless cost justified or unless the lower price is a good faith meeting of a competitor's equally low price.

(c) The Commission also pointed out that it could be unlawful if area price lists permitted sales producing monopoly profits in one area to subsidize sales at much lower prices in another area or to a particular customer or group of customers to the competitive injury of a competitor of the seller.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: April 21, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-4443; Filed, Apr. 21, 1967; 8:45 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 376-67]

PART 5—ADMINISTRATION AND ENFORCEMENT OF FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

By virtue of the authority vested in me by section 10 of the Foreign Agents Registration Act of 1938, as amended (56 Stat. 257; 22 U.S.C. 620), Part 5 of Chapter I of Title 28 of the Code of Federal Regulations is hereby revised to read as follows:

Sec.
5.1 Administration and enforcement of the Act.
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AUTHORITY: The provisions of this Part 5 issued under sec. 1, 56 Stat. 248, 257; 22 U.S.C. 620.

§ 5.1 Administration and enforcement of the Act.

(a) The administration and enforcement of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611–621), is, subject to the general supervision and direction of the Attorney General, assigned to, conducted, handled, and supervised by, the Assistant Attorney General in charge of the Internal Security Division (§ 0.60(b) of this chapter).

(b) The Assistant Attorney General is authorized to prescribe such forms, in addition to or in lieu of those specified in the regulations in this part, as may be necessary to carry out the purposes of this part.

(c) Copies of the Act, and of the rules, regulations, and forms prescribed pursuant to the Act, and information concerning the foregoing may be obtained upon request without charge from the Registration Section, Internal Security Division, Department of Justice, Washington, D.C. 20530.

§ 5.2 Inquiries concerning application of the Act.

Any inquiry concerning the application of the Act to any person should be addressed to the Registration Section and should be accompanied by a detailed statement containing the following information:

(a) The identity of the agent and the foreign principal involved;

(b) The nature of the agent's activities for or in the interest of the foreign principal;

(c) A copy of the existing or proposed written contract with the foreign principal, or a full description of the terms and conditions of each existing or proposed oral agreement.

§ 5.3 Filing of a registration statement.

All statements, exhibits, amendments, and other documents and papers required to be filed under the Act or under this part shall be submitted in duplicate to the Registration Section. Filing of such documents may be made in person or by mail, and they shall be deemed to be filed upon their receipt by the Registration Section.

§ 5.4 Computation of time.

Sundays and holidays shall be counted in computing any period of time prescribed in the Act or in the rules and regulations in this part.

§ 5.100 Definition of terms.

(a) As used in this part:

(1) The term "Act" means the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611–621).

(2) The term "Attorney General" means the Attorney General of the United States.

(3) The term "Assistant Attorney General" means the Assistant Attorney General in charge of the Internal Security Division, Department of Justice, Washington, D.C. 20530.

(4) The term "Secretary of State" means the Secretary of State of the United States.

(5) The term "Registration Section" means the Registration Section, Internal Security Division, Department of Justice, Washington, D.C. 20530.

(6) The term "rules and regulations" includes the regulations in this part and all other rules and regulations prescribed by the Attorney General pursuant to the Act and all registration forms and instructions thereon which may be prescribed by the regulations in this part or by the Assistant Attorney General.

(7) The term "registrant" means any person who has filed a registration statement with the Registration Section, pursuant to section 2(a) of the Act and § 5.3.

(8) Unless otherwise specified, the term "agent of a foreign principal" means an agent of a foreign principal required to register under the Act.

(9) The term "foreign principal" includes a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal as that term is defined in section 1(b) of the Act.

(10) The term "initial statement" means the statement required to be filed with the Attorney General under section 2(a) of the Act.

(11) The term "supplemental statement" means the supplement required to be filed with the Attorney General under section 2(b) of the Act at intervals of 6 months following the filing of the initial statement.

(12) The term "final statement" means the statement required to be filed with the Attorney General following the termination of the registrant's obligation to register.

(13) The term "short form registration statement" means the registration statement required to be filed by certain partners, officers, directors, associates, employees, and agents of a registrant.

(b) As used in the Act, the term "control" or any of its variants shall be deemed to include the possession or the exercise of the power, directly or indirectly, to determine the policies or the activities of a person, whether through the ownership of voting rights, by contract, or otherwise.

(c) The term "agency" as used in sections 1(c), 1(o), 1(q), 3(g), and 4(e) of the Act shall be deemed to refer to every unit in the executive and legislative branches of the Government of the United States, including committees of both Houses of Congress.

(d) The term "official" as used in sections 1(c), 1(o), 1(q), 3(g), and 4(e) of the Act shall be deemed to include Members and officers of both Houses of Congress as well as officials in the executive branch of the Government of the United States.

(e) The terms "formulating, adopting, or changing," as used in section 1(o) of the Act, shall be deemed to include any activity which seeks to maintain any existing domestic or foreign policy of the United States. They do not include making a routine inquiry of a Government official or employee concerning a current policy or seeking administrative action in a matter where such policy is not in question.

(f) The term "domestic or foreign policies of the United States," as used in sections 1 (o) and (p) of the Act, shall be deemed to relate to existing and proposed legislation, or legislative action generally; treaties; executive agreements, proclamations, and orders; decisions relating to or affecting departmental or agency policy, and the like.

§ 5.200 Registration.

(a) Registration under the Act is accomplished by the filing of an initial statement together with all the exhibits required by § 5.201 and the filing of a supplemental statement at intervals of 6 months for the duration of the principal-agent relationship requiring registration.

(b) The initial statement shall be filed on Form DJ-301.

§ 5.201 Exhibits.

(a) The following described exhibits are required to be filed for each foreign principal of the registrant:

(1) *Exhibit A.* This exhibit, which shall be filed on Form DJ-306, shall set forth the information required to be disclosed concerning each foreign principal.

(2) *Exhibit B.* This exhibit, which shall be filed on Form DJ-304, shall set forth the agreement or understanding between the registrant and each of his foreign principals as well as the nature and method of performance of such agreement or understanding and the existing or proposed activities engaged in or to be engaged in, including political activities, by the registrant for the foreign principal.

(b) Any change in the information furnished in Exhibit A or B shall be reported to the Registration Section within 10 days of such change. The filing of a new exhibit may then be required by the Assistant Attorney General.

(c) Whenever the registrant is an association, corporation, organization, or any other combination of individuals, the following documents shall be filed as Exhibit C:

(1) A copy of the registrant's charter, articles of incorporation or association, or constitution, and a copy of its bylaws, and amendments thereto;

(2) A copy of every other instrument or document, and a statement of the terms and conditions of every oral agreement, relating to the organization, powers, and purposes of the registrant.

(d) The requirement to file any of the documents described in subparagraphs (1) and (2) of paragraph (c) of this section may be wholly or partially waived upon written application by the registrant to the Assistant Attorney General setting forth fully the reasons why such waiver should be granted.

(e) Whenever a registrant, within the United States, receives or collects contributions, loans, money, or other things of value, as part of a fund-raising campaign, for or in the interests of his foreign principal, he shall file as Exhibit D a statement so captioned setting forth the amount of money or the value of the thing received or collected, the names and addresses of the persons from whom such money or thing of value was received or collected, and the amount of money or a description of the thing of value transmitted to the foreign principal as well as the manner and time of such transmission.

§ 5.202 Short form registration statement.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, each partner, officer, director, associate, employee, and agent of a registrant is required to file a registration statement under the Act. Unless the Assistant Attorney General specifically directs otherwise, this obligation may be satisfied by the filing of a short form registration statement.

(b) A partner, officer, director, associate, employee, or agent of a registrant who does not engage directly in activity in furtherance of the interests of the foreign principal is not required to file a short form registration statement.

(c) An employee or agent of a registrant whose services in furtherance of the interests of the foreign principal are rendered in a clerical, secretarial, or in a related or similar capacity, is not required to file a short form registration statement.

(d) Whenever the agent of a registrant is a partnership, association, corporation, or other combination of individuals, and such agent is not within the exemption of paragraph (b) of this section, only those partners, officers, directors, associates, and employees who engage directly in activity in furtherance of the interests of the registrant's foreign principal are required to file a short form registration statement.

(e) The short form registration statement shall be filed on Form DJ-305. Any change affecting the information furnished with respect to the nature of the services rendered by the person filing the statement, or the compensation he receives, shall require the filing of a new short form registration statement within 10 days after the occurrence of such change. There is no requirement to file exhibits or supplemental statements to a short form registration statement.

§ 5.203 Supplemental statement.

(a) Supplemental statements shall be filed on Form DJ-302.

(b) The obligation to file a supplemental statement at 6-month intervals during the agency relationship shall continue even though the registrant has not engaged during the period in any activity in the interests of his foreign principal.

(c) The time within which to file a supplemental statement may be extended for sufficient cause shown in a written application to the Assistant Attorney General.

§ 5.204 Amendments.

(a) An initial, supplemental, or final statement which is deemed deficient by the Assistant Attorney General must be amended upon his request. Such amendment shall be filed upon Form DJ-307 and shall identify the item of the statement to be amended.

(b) A change in the information furnished in an initial or supplemental statement under clauses (3), (4), (6), and (9) of section 2(a) of the Act shall be by amendment, unless the notice which is required to be given of such change under section 2(b) is deemed sufficient by the Assistant Attorney General.

§ 5.205 Termination of registration.

(a) A registrant shall, within 30 days after the termination of his obligation to register, file a final statement on Form DJ-302 with the Registration Section for the final period of the agency relationship not covered by any previous statement.

(b) Registration under the Act shall be terminated upon the filing of a final statement, if the registrant has fully discharged all his obligations under the Act.

(c) A registrant whose activities on behalf of each of his foreign principals become confined to those for which an exemption under section 3 of the Act is available may file a final statement notwithstanding the continuance of the agency relationship with the foreign principals.

§ 5.206 Language and wording of registration statement.

(a) Except as provided in the next sentence, each statement, amendment, exhibit, or notice required to be filed under the Act shall be submitted in the English language. An exhibit may be filed even though it is in a foreign language if it is accompanied by an English translation certified under oath by the translator before a notary public, or other person authorized by law to administer oaths for general purposes, as a true and accurate translation.

(b) A statement, amendment, exhibit, or notice required to be filed under the Act should be typewritten, but will be accepted for filing if it is written legibly in ink.

(c) Copies of any document made by any of the duplicating processes may be filed pursuant to the Act if they are clear and legible.

(d) A response shall be made to every item on each pertinent form, unless a registrant is specifically instructed otherwise in the form. Whenever the item is inapplicable or the appropriate response to an item is "none," an express statement to that effect shall be made.

§ 5.207 Incorporation by reference.

(a) Each initial, supplemental, and final statement shall be complete in and of itself. Incorporation of information by reference to statements previously filed is not permissible.

(b) Whenever insufficient space is provided for response to any item in a form, reference shall be made in such space to a full insert page or pages on which the item number and inquiry shall be restated and a complete answer given. Inserts and riders of less than full page size should not be used.

§ 5.208 Disclosure of foreign principals.

A registrant who represents more than one foreign principal is required to list in the statements he files under the Act only those foreign principals for whom he is not entitled to claim exemption under section 3 of the Act.

§ 5.209 Information relating to employees.

A registrant shall list in the statements he files under the Act only those employees whose duties require them to engage directly in activities in furtherance of the interests of the foreign principal.

§ 5.210 Amount of detail required in information relating to registrant's activities and expenditures.

A statement is "detailed" within the meaning of clauses 6 and 8 of section 2 (a) of the Act when it has that degree of specificity necessary to permit meaningful public evaluation of each of the significant steps taken by a registrant to achieve the purposes of the agency relation.

§ 5.211 Sixty-day period to be covered in initial statement.

The 60-day period referred to in clauses 5, 7, and 8 of section 2(a) of the Act shall be measured from the time that a registrant has incurred an obligation to register and not from the time that he files his initial statement.

§ 5.300 Burden of establishing availability of exemption.

The burden of establishing the availability of an exemption from registration under the Act shall rest upon the person for whose benefit the exemption is claimed.

§ 5.301 Exemption under section 3(a) of the Act.

(a) A consular officer of a foreign government shall be considered duly accredited under section 3(a) of the Act whenever he has received formal recognition as such, whether provisionally or by exequatur, from the Secretary of State.

(b) The exemption provided by section 3(a) of the Act to a duly accredited diplomatic or consular officer is personal and does not include within its scope an office, bureau, or other entity.

§ 5.302 Exemptions under sections 3 (b) and (c) of the Act.

The exemptions provided by sections 3 (b) and (c) of the Act shall not be available to any person described therein unless he has filed with the Secretary of State a fully executed Notification of Status with a Foreign Government (Form D.S. 394).

§ 5.303 Exemption available to persons accredited to international organizations.

Persons designated by foreign governments as their representatives in or to an international organization, other than nationals of the United States, are exempt from registration under the Act in accordance with the provisions of the International Organizations Immunities Act, if they have been duly notified to and accepted by the Secretary of State as such representatives, officers, or employees, and if they engage exclusively in activities which are recognized as being within the scope of their official functions.

§ 5.304 Exemptions under sections 3 (d) and (e) of the Act.

(a) As used in section 3(d), the term "trade or commerce" shall include the exchange, transfer, purchase, or sale of commodities, services, or property of any kind.

(b) For the purpose of section 3(d) of the Act, activities of an agent of a foreign principal as defined in section 1(c) of the Act, in furtherance of the bona fide trade or commerce of such foreign principal, shall be considered "private," even though the foreign principal is owned or controlled by a foreign government, so long as the activities do not directly promote the public or political interests of the foreign government.

(c) For the purpose of section 3(d) of the Act, the disclosure of the identity of the foreign person that is required to be made to the agency or official of the U.S. Government under section 1(q) of the Act shall be made (1) in writing to the agency at least once a year, and (2) orally to each official of such agency at the time the domestic person conducts his activities with the official. In the event of controversy as to whether disclosure was made as required by this section, such disclosure must be proved by the person claiming the exemption.

(d) The exemption provided by section 3(e) of the Act shall not be available to any person described therein if he engages in political activities as defined in section 1(o) of the Act for or in the interests of his foreign principal.

§ 5.305 Exemption under section 3(f) of the Act.

The exemption provided by section 3(f) of the Act shall not be available unless the President has, by publication in the FEDERAL REGISTER, designated for the purpose of this section the country the defense of which he deems vital to the defense of the United States.

§ 5.306 Exemption under section 3(g) of the Act.

For the purpose of section 3(g) of the Act—

(a) Attempts to influence or persuade agency personnel or officials other than in the course of established agency proceedings, whether formal or informal, shall include only such attempts to influence or persuade with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party; and

(b) In the legal representation before any agency of the U.S. Government, if disclosure of the identity of the foreign principal is not otherwise required as a matter of established agency procedure, such disclosure must, in conformity with this section, be made (1) in writing to the agency at least once a year, and (2) orally to each of the personnel or officials of such agency at the time legal representation is undertaken before them. In the event of controversy as to whether disclosure was made as required by this section, such disclosure must be proved by the person claiming the exemption.

§ 5.400 Filing of political propaganda.

(a) The two copies of each item of political propaganda required to be filed with the Attorney General under section 4(a) of the Act shall be filed with the Registration Section.

(b) Whenever two copies of an item of political propaganda have been filed pursuant to section 4(a) of the Act, an agent of a foreign principal shall not be required, in the event of further dissemination of the same material, to forward additional copies thereof to the Registration Section.

(c) Unless specifically directed to do so by the Assistant Attorney General, a registrant is not required to file two copies of a motion picture containing political propaganda which he disseminates on behalf of his foreign principal, so long as he files monthly reports on its dissemination. In each such case this registrant shall submit to the Registration Section either a film strip showing the label required by section 4(b) of the Act or an affidavit certifying that the required label has been made a part of the film.

§ 5.401 Dissemination report.

(a) A Dissemination Report shall be filed with the Registration Section for each item of political propaganda that is transmitted, or caused to be transmitted, in the U.S. mails, or by any means or instrumentality of interstate or foreign commerce, by an agent of a foreign principal for or in the interests of any of his foreign principals.

(b) The Dissemination Report shall be filed on Form DJ-310.

(c) Except as provided in paragraph (d) of this section, a Dissemination Report shall be filed no later than 48 hours after the beginning of the transmittal of the political propaganda.

(d) Whenever transmittals of the same political propaganda are made over a period of time, a Dissemination Report may be filed monthly for as long as such transmittals continue.

(e) A Dissemination Report shall be complete in and of itself. Incorporation of information by reference to reports previously filed is not permissible.

§ 5.402 Labeling political propaganda.

(a) Within the meaning of this part, political propaganda shall be deemed labeled whenever it has been marked or stamped conspicuously at its beginning with a statement setting forth such information as is required under section 4(b) of the Act.

(b) An item of political propaganda which is required to be labeled under section 4(b) of the Act and which is in the form of prints shall be marked or stamped conspicuously at the beginning of such item with a statement in the language or languages used therein, setting forth such information as is required under section 4(b) of the Act.

(c) An item of political propaganda which is required to be labeled under section 4(b) of the Act but which is not in the form of prints shall be accompanied by a statement setting forth such information as is required under section 4(b) of the Act.

(d) Political propaganda as defined in section 1(j) of the Act which is televised or broadcast, or which is caused to be televised or broadcast, by an agent of a foreign principal, shall be introduced by a statement which is reasonably adapted to convey to the viewers or listeners thereof such information as is required under section 4(b) of the Act.

(e) An agent of a foreign principal who transmits or causes to be transmitted in the U.S. mails or by any means or instrumentality of interstate or foreign commerce a still or motion picture film which contains political propaganda as defined in section 1(j) of the Act shall insert at the beginning of such film a statement which is reasonably adapted to convey to the viewers thereof such information as is required under section 4(b) of the Act.

(f) For the purpose of section 4(e) of the Act, the statement that must preface or accompany political propaganda or a request for information shall be in writing.

§ 5.500 Maintenance of books and records.

(a) A registrant shall keep and preserve in accordance with the provisions of section 5 of the Act the following books and records:

(1) All correspondence, memoranda, cables, telegrams, teletype messages, and other written communications to and from all foreign principals and all other persons, relating to the registrant's activities on behalf of, or in the interest of, any of his foreign principals.

(2) All correspondence, memoranda, cables, telegrams, teletype messages, and other written communications to and from all persons, other than foreign principals, relating to the registrant's political activity, or relating to political activity on the part of any of the registrant's foreign principals.

(3) Original copies of all written contracts between the registrant and any of his foreign principals.

(4) Records containing the names and addresses of persons to whom political propaganda has been transmitted.

(5) All bookkeeping and other financial records relating to the registrant's activities on behalf of any of his foreign principals, including canceled checks, bank statements, and records of income and disbursements, showing names and addresses of all persons who paid moneys to, or received moneys from, the registrant, the specific amounts so paid or received, and the date on which each item was paid or received.

(6) If the registrant is a corporation, partnership, association, or other combination of individuals, all minute books.

(7) Such books or records as will disclose the names and addresses of all employees and agents of the registrant, including persons no longer acting as such employees or agents.

(8) Such other books, records, and documents as are necessary properly to reflect the activities for which registration is required.

(b) The books and records listed in paragraph (a) of this section shall be kept and preserved in such manner as to render them readily accessible for inspection pursuant to section 5 of the Act.

(c) A registrant shall keep and preserve the books and records listed in paragraph (a) of this section for a period of 3 years following the termination of his registration under § 5.205.

(d) Upon good and sufficient cause shown in writing to the Assistant Attorney General, a registrant may be permitted to destroy books and records in support of the information furnished in an initial or supplemental statement which he filed 5 or more years prior to the date of his application to destroy.

§ 5.501 Inspection of books and records.

Officials of the Internal Security Division and the Federal Bureau of Investigation are authorized under section 5 of

the Act to inspect the books and records listed in paragraph (a) of § 5.500.

§ 5.600 Public examination of records.

Registration statements, Dissemination Reports, and copies of political propaganda filed under section 4(a) of the Act, shall be available for public examination at the Registration Section on official business days, from 10 a.m. to 4 p.m.

§ 5.601 Copies of records available.

(a) Copies of registration statements and Dissemination Reports may be obtained from the Registration Section upon payment of a fee at the rate of 10 cents per copy of each page of the material requested.

(b) Information as to the fee to be charged for copies of registration statements and Dissemination Reports and the time required for their preparation may be obtained upon request to the Registration Section.

(c) Payment of the fee shall accompany an order for copies, and shall be made in cash, by U.S. postal money order, or by certified bank check made payable to the Treasurer of the United States. Postage stamps will not be accepted.

§ 5.800 Ten-day filing requirement.

The 10-day filing requirement provided by section 8(g) of the Act shall be deemed satisfied if the amendment to the registration statement is deposited in the U.S. mails no later than the 10th day of the period.

§ 5.801 Activity beyond 10-day period.

A registrant who has within the 10-day period filed an amendment to his registration statement pursuant to a Notice of Deficiency given under section 8(g) of the Act may continue to act as an agent of a foreign principal beyond this period unless he receives a Notice of Noncompliance from the Registration Section.

Dated: April 17, 1967.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 67-4458; Filed, Apr. 21, 1967; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims Based on Negligence of Military Personnel or Civilian Employees Under Federal Tort Claims Act

Section 536.29 is revised to read as follows:

§ 536.29 Claims based on negligence of military personnel or civilian employees under the Federal Tort Claims Act.

(a) *Authority.* The statutory authority for this section is the Federal Tort Claims Act (60 Stat. 842; 28 U.S.C. 2671–2680), as amended by the Act of 18 July 1966 (P.L. 89–506; 80 Stat. 306), and as implemented by the Attorney General's regulations (28 CFR 14.1–14.11).

(b) *Definitions.* The definitions of terms set forth in §§ 536.1–536.11c are applicable to this section. In addition, for purposes of this section, the following definitions apply:

(1) *Compromise.* A mutually agreed equitable arrangement having regard to the uncertainties of the facts, the law, or the application of the law to the facts in the area of either liability or damages.

(2) *Settle.* To consider, ascertain, adjust, determine, compromise, and dispose of a claim whether by full or partial allowance, or by disallowance (disapproval).

(3) *Accrues.* Except in medical malpractice cases, a claim accrues on the date on which the alleged wrongful act or omission results in some actionable injury or damage to the claimant or his decedent. In medical malpractice cases, accrual is postponed until such time as the claimant or, if the claimant is a minor, some person acting for him discovers or reasonably should have discovered the acts or omissions which are alleged to be wrongful.

(c) *Scope.* This section prescribes the substantive basis and special procedural requirements for the administrative settlement of claims against the United States under the Federal Tort Claims Act based on death, personal injury, or damage to or loss of property which accrue on or after January 18, 1967. Claims accruing prior to January 18, 1967, will continue to be settled under this section as it existed prior to this revision. The Attorney General's regulations (28 CFR 14.1–14.11) are incorporated by reference and made a part of this section. Should there appear to be a conflict between the provisions of this section and the provisions of the Attorney General's regulations, the latter govern.

(d) *Claims payable.* Unless otherwise prescribed, claims for death, personal injury, or damage to or loss of property (real or personal) are payable under this section when the injury or damage is caused by negligent or wrongful acts or omissions of military personnel or civilian employees of the Department of the Army or civilian employees of the Department of Defense while acting within the scope of their employment under circumstances in which the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(e) *Law applicable.* The whole law of the place where the act or omission occurred including choice of law rules will be applied in the determination of liability and quantum. Where there is a conflict between the local law and an express provision of the Federal Tort Claims Act, the latter governs.

(f) *Subrogation.* Claims involving subrogation will be processed as prescribed in § 536.6(b), except where inconsistent with the provisions of this section or the Attorney General's regulations.

(g) *Indemnity or contribution—(1) Sought by the United States.* If the claim arises under circumstances in which the Government is entitled to contribution or indemnity under a contract or the applicable law governing joint tort-feasors, the third party will be notified of the claim, and will be requested to honor its obligation to the United States or to accept its share of joint liability. If the issue of indemnity or contribution is not satisfactorily adjusted, the claim will be compromised or settled only after consultation with the Department of Justice as provided in paragraph (q) of this section.

(2) *Claims for indemnity or contribution.* Claims for indemnity or contribution from the United States will be compromised or settled under this section, if liability exists under the applicable law, provided the incident giving rise to such claim is otherwise cognizable under this section.

(3) *Setoff.* Except to the extent that such factors are included in a compromise settlement, amounts otherwise to be awarded on account of injury to or death of military personnel, incurred as a result of activities not incident to service, will be reduced by the amount of benefits paid, and the present cash value of benefits to be paid, by the United States. (See Brooks v. United States, 337 U.S. 49 (1949).)

(h) *Claims not payable.* This section does not apply to a claim which—

(1) Is based upon an act or omission of military personnel or a civilian employee, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation is valid, or in the exercise or performance of, or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused;

(2) Arises out of the loss, miscarriage, or negligent transmission of letters or postal matters;

(3) Arises in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or exercise or any other law-enforcement officer;

(4) Is cognizable under the Suits in Admiralty Act (41 Stat. 525, 46 U.S.C. 741–752) or the Public Vessels Act (43 Stat. 1112, 46 U.S.C. 781–790).

(5) Arises out of an act or omission of any employee of the Government in administering the provisions of the Trading with the Enemy Act (40 Stat. 411, 50 U.S.C. app. 1–31);

(6) Is for damages caused by the imposition or establishment of a quarantine by the United States;

(7) Is for personal injury or death of a member of the Armed Forces of the United States incurred incident to service (10 U.S.C. 101(4), 261, 3062(c), 5001 (a) (1) and (2), and 8062(d), and 14 U.S.C. 1), or for damage to his property incurred incident to service. (See Feres v. United States, 340 U.S. 135 (1950); Preferred Insurance Company v. United States, 222 F. 2d 942 (9th Cir. 1955); Zoula v. United States, 217 F. 2d 81 (5th Cir. 1954).)

(8) Arises out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;

(9) Is for damages caused by the fiscal operations of the Department of the Treasury or by the regulation of the monetary system;

(10) Arises out of combat activities of the military forces during time of war;

(11) Arises in a foreign country;

(12) Arises from the activities of the Tennessee Valley Authority;

(13) Arises from the activities of the Panama Canal Company;

(14) Is for damages arising from the activities of a Federal land bank, a Federal intermediate credit bank, or a bank for cooperatives;

(15) Arises from the operations of a nonappropriated fund activity, unless generated by military personnel performing assigned military duties (see AR 230–8);

(16) Is for damage caused from or by floods or flood waters. See the act of May 15, 1928 (45 Stat. 535, 33 U.S.C. 702c);

(17) Is for taking of private property by trespass as by a taking implied under local law resulting from the flight of aircraft. (See § 552.16(b)(3) of this chapter.) Actual physical damage is required. Claims for technical trespass, overflight of aircraft, or a taking of a type contemplated by the Fifth Amendment to the United States Constitution are not payable under this section.

(i) *Claims under other laws and sections.* This section does not apply to any claim which may be settled under—

(1) Sections 536.161–536.170, 536.45 or 536.26;

(2) AR 40–3, or other regulations providing for medical care at Government expense;

(3) The Federal Employees' Compensation Act (39 Stat. 742, 5 U.S.C. 751), or the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 901–50) as made applicable to certain civilian employees of nonappropriated fund instrumentalities of the U.S. Armed Forces (5 U.S.C. 8121–8173).

(j) *Procedures—(1) General.* Unless inconsistent with the provisions of this section, the procedures for the investigation and processing of claims set forth in §§ 536.1–536.11c will be followed.

(2) *Claim—(i) Time prescribed for filing.* A claim may be settled under this section only if presented in writing within 2 years after it accrues.

(ii) *When presented.* For the purpose of the 2-year statute of limitations, a claim shall be deemed to have been presented when a Federal agency receives from a claimant, his duly authorized agent or legal representative, an executed Standard Form 95 or written notification of an incident, together with a claim for money damages, in a sum certain, for damage to or loss of property or personal injury or death. If a claim is received by an official of the Army who is not an approval or settlement authority under this section, the claim will be transmitted without delay to the nearest approval or settlement authority.

(3) *Non-Army claims.* Claims based on acts or omissions of employees of the United States other than military and civilian personnel of the Department of the Army, civilian personnel of the Department of Defense, and employees of nonappropriated fund activities of the Department of the Army will be transmitted forthwith to the nearest official of the employing agency, and the claimant will be advised of the referral.

(4) *Acknowledgment of claim.* Each claim will be acknowledged in writing by the responsible approving or settlement authority. The claimant will be informed of the date his claim was filed.

(5) *Investigation.* Claims cognizable under this section will be investigated and processed on a priority basis in order that settlement may be accomplished within the 6 months prescribed by statute.

(6) *Advice to claimant.* In all cases the claimant or his attorney will be kept advised of the progress of his claim through the administrative process. If final settlement is not achieved within 4 months of the filing, the claimant will be advised that his claim has not been denied, and that his judicial remedy is not extinguished until 6 months subsequent to final denial.

(7) *Notification to claimant of action on claim.* (i) The filing of an administrative claim and its denial are prerequisite to filing suit. A suit may be filed within 6 months after notification by certified or registered mail of the denial of the admininstrative claim. Failure of a settlement authority to take final action on a claim within 6 months may be treated by the claimant as a final denial for the purposes of filing suit.

(ii) Upon final denial of a claim, or upon rejection by claimant of a partial allowance, the settlement authority will inform the claimant of the action on his claim by certified or registered mail. Notification of final denial may include a statement of reasons for the denial and will include a statement that, if the claimant does not accept or is dissatisfied with the action, suit may be instituted within 6 months after the date of mailing of notice of final denial. A copy of this notification will be furnished the Attorney General in each case in which the Department of Justice has opened a file.

(k) *Payment of claims—(1) Awards of $2,500 or less.* Awards of $2,500 or less are paid from Department of Defense claims appropriation citing allotment symbol 01 2504. For procedure see paragraph 7, app, AR 27–20. Payment will be accomplished by forwarding the following documents to the appropriate Finance and Accounting Office:

(i) Standard Form 1145.

(ii) Original claim.

(iii) Original action.

(iv) Original settlement agreement, where appropriate.

(v) Original power of attorney, where appropriate.

(2) *Awards in excess of $2,500 but less than $100,000.* Payment of awards in excess of $2,500 and not more than $100,000 will be accomplished by forwarding the documents listed in subparagraph (1) of this paragraph to the Claims Division, General Accounting Office, 441 G Street NW., Washington, D.C. 20548. When an award is in excess of $25,000, evidence that the award has been approved by the Attorney General or his designee is also required.

(3) *Claims over $100,000.* When the award is in excess of $100,000, the documents listed in subparagraph (1) of this paragraph will be forwarded to the Bureau of Accounts, Department of the Treasury, Washington, D.C. 20226.

(4) *Attorney as payee.* If claimant is represented by an attorney, both the claimant and his attorney will be designated as "payees" on the voucher (SF 1145) and the check will be delivered to the attorney whose address will appear on the voucher.

(l) *Acceptance of award.* The acceptance by the claimant of an award, compromise, or settlement made pursuant to this section shall be final and conclusive for all purposes and shall constitute a complete release of any claim against the United States and against the military or civilian personnel of the Army, or civilian employees of the Department of Defense whose act or omission gave rise to the claim by reasons of the same subject matter.

(m) *Settlement agreement.* See paragraph 7c, appendix, AR 27–20.

(n) *Attorneys' fees.* Attorneys' fees are limited by title 28, United States Code, section 2678, to not more than 20 percent of any award, compromise, or settlement.

(o) *Delegation of authority.* (1) Subject to approval by the Attorney General of any payment in excess of $25,000 and the limitations contained in paragraph (q) of this section, the following officers are delegated authority to adjust, determine, compromise, and settle claims cognizable under this section:

(i) The Judge Advocate General.

(ii) The Chief, U.S. Army Claims Service and all officers of the Judge Advocate General's Corps assigned to that Service, subject to such limitations as may be imposed by The Judge Advocate General or the Chief, U.S. Army Claims Service.

(2) Subject to such limitations as may be imposed by The Judge Advocate General, the staff judge advocate of each of the following commands is delegated authority to—

(i) Approve and pay in part or in full, or disapprove, claims presented for $5,000 or less, and

(ii) Compromise and pay claims regardless of the amount claimed provided an award of $5,000 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(*a*) Each of the numbered armies within the continental United States;

(*b*) Military District of Washington, U.S. Army;

(c) U.S. Army Forces Southern Command;

(d) U.S. Army, Alaska;

(e) U.S. Army, Pacific.

(3) Each of the following is delegated authority to—

(i) Approve and pay in part or in full claims presented for $1,000 or less.

(ii) Compromise and pay claims regardless of the amount claimed provided an award of $1,000 or less, is accepted by claimant in full satisfaction and final settlement of the claim.

(a) The staff judge advocate of any command authorized to exercise general courts-martial jurisdiction;

(b) An officer of The Judge Advocate General's Corps assigned to a maneuver claims service or a disaster claims office when designated by the commander of a command listed in § 536.4a, subject to such limitation as the designating commander may prescribe;

(c) The chief of a command claims service established pursuant to § 536.4b;

(d) A district or division engineer, Corps of Engineers, or the Chief of Engineers.

(4) The judge advocate of any command not authorized to exercise general courts-martial jurisdiction is delegated authority to—

(i) Approve and pay in part or in full claims presented for $500 or less, and

(ii) Compromise and pay claims regardless of the amount claimed, provided an award of $500, or less, is accepted by claimant in full satisfaction and final settlement of the claim.

(5) The Judge Advocate General may delegate settlement authority to other commands where the need for such authority can be demonstrated. Requests for delegation of authority will be forwarded to The Judge Advocate General, Attention: Chief, U.S. Army Claims Service, Fort Holabird, Md. 21219, through command channels, with justification and recommendations.

(p) *Disposition of claims*—(1) *By approving authority (paragraph (o) (3) and (4) of this section).* A claim in any amount received by an approving authority will be investigated and either—

(i) Paid, if determined to be meritorious, and if he can negotiate a settlement for an amount within his jurisdiction; or

(ii) Forwarded to the responsible claims supervisory authority with a complete investigation and a seven-paragraph memorandum.

The Chief, U.S. Army Claims Service may authorize a deviation from one or more of the requirements of subdivision (ii) of this subparagraph, as to particular claims or categories of claims.

(2) *By Claims supervisory authority (§ 536.4a; paragraph (o) (2) of this section).* The Army Staff Judge Advocate of one of the commands specified in paragraph (o) (2) of this section may settle claims in any amount if he can negotiate a settlement for an amount within his monetary jurisdiciton of $5,000; or approve in full or in part or disapprove claims presented for $5,000 or less. He may also through negotiations reach tentative agreement with claimant upon a settlement above his ceiling (if for more than $10,000, then only after prior approval by the Chief, U.S. Army Claims Service) and forward the claim to the Chief, U.S. Army Claims Service for settlement. Claims requiring coordination or consultation with the Department of Justice (para. (q) of this section) and other unsettled claims will be forwarded to the Chief, U.S. Army Claims Service, Fort Holabird, Md. 21219.

(3) *By U.S. Army Claims Service.* The U.S. Army Claims Service takes final action for the Army on all claims not settled in the field.

(q) *Consultation with the Department of Justice.* (1) Consultation with the Department of Justice is required in every case where—

(i) A new precedent or a new point of law is involved;

(ii) In the opinion of the Federal agency a question of policy is or may be involved;

(iii) The United States is or may be entitled to indemnity or contribution from a third party, and the agency is unable to adjust the third party claim;

(iv) The total amount to be paid in all claims arising out of the same transaction will or may exceed $25,000;

(v) For any reason, the compromise of a particular claim, as a practical matter, will control the disposition of related claims in which the amount to be paid may exceed $25,000; or

(vi) Where the United States, an employee, agent, or cost-plus contractor is involved in litigation based on a claim arising out of the same transaction.

Field approving and settlement authorities receiving such claims will forward them through claims channels to the Chief, U.S. Army Claims Service.

(2) Referral to Department of Justice: Claims requiring consultation with, or approval by, the Department of Justice, will be forwarded by the Chief, U.S. Army Claims Service through The Judge Advocate General to the Assistant Attorney General, Civil Division, Department of Justice, Washington, D.C. 20530, in accordance with 28 CFR 14.7, Attorney General's regulations.

(r) *Command claims service.* The commanding general of each of the numbered armies in the continental United States will establish a command claims service as authorized by § 536.4b. He will designate in orders as Chief of the Command Claims Service and Chief, Tort Claims Negotiator a judge advocate officer of the command of grade of lieutenant colonel. The duties of this officer as Chief, Command Claims Service and Tort Claims Negotiator will take precedence over all other duties.

(s) *Litigation.* Upon filing of suit, the investigative report will be prepared and distributed as required by paragraph 8, AR 27–1. The original claims file will be an exhibit to this report. A copy of the letter of transmittal will be furnished the Chief, U.S. Army Claims Service. No documents will be provided the claimant subsequent to the filing of suit.

[AR 27–22, Jan. 18, 1967] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply 60 Stat. 842, as amended by P.L. 89–506, 80 Stat. 306; 28 U.S.C. 2671–2680)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67–4447; Filed, Apr. 21, 1967; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 804—MORTUARY AFFAIRS

SUBCHAPTER C—PUBLIC RELATIONS

PART 835—INFORMATION POLICIES AND PROCEDURES

Miscellaneous-Amendments

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. In Part 804, paragraph (f) of § 804.1 is revised; paragraph (d) of § 804.2 is revised; § 804.3 is revised; paragraph (a) of § 804.4 is revised; and § 804.10 is revised. These sections now read as follows:

§ 804.1 Scope.

* * * * *

(f) *Transportation.* Transportation by rail, commercial air, hearse or other suitable closed vehicle furnished by a funeral director, or by suitable Government vehicle or aircraft, except movement of remains by military aircraft within the CONUS is not authorized. Transportation includes one delivery by funeral director vehicle to common carrier at the on-loading point and one removal of remains by hearse from the common carrier terminal at destination to a mortuary or other place of immediate delivery.

* * * * *

§ 804.2 Eligibility.

* * * * *

(d) *Dependents.* (1) Dependents of members of the Armed Forces who die while the member is on active duty (other than for training).

(2) Dependents of civilian employees of the Armed Forces (paid from appropriated funds) who die while residing with such employee outside the CONUS or while traveling to or from such place of duty.

§ 804.3 Disposition of remains.

Decedents covered	Items and expenses authorized										
	Recovery (§ 804.1 (a))	Communications (§ 804.1 (b))	Mortuary services (§ 804.1(c))	Cremation (§ 804.1 (d))	Clothing (§ 804.1 (e))	Transportation (§ 804.1(f))	Escort (§ 804.1 (g))	Flag (§ 804.1 (h))	Interment Govt cemetery (§ 804.1(i))	Interment allowance (§ 804.1 (j))	Grave marker (§ 804.1 (k))
Military personnel (§ 804.2(a) (1), (2), (3), (5), and (6)).	X	X	X	X	X	To place selected by next of kin.	X	X	X	X	X
Accepted applicants (§ 804.2(a) (4)).	X	X	X	X	X	do	X	X		X	
Civilian employees (§ 804.2(b))	X	X	Cost of these items (exclusive outer case) may not exceed $150 when death occurs in CONUS.			To home, official station or another place no further distant.[1]	[2]		X [3]		X [3]
Contract Technical Services personnel (§ 804.2(c)). Death in CONUS.						To place selected by next of kin.	[2]				
Death outside CONUS			May be furnished on reimbursable basis.			do	[2]				
Dependents (§ 804.2(d)(1)) Death in CONUS.						do	[2]		[4]		[5]
Dependents (§ 804.2(d) (1) and (2)). Death outside CONUS.			May be furnished on reimbursable basis.			do	[2]		[4]		[5]
U.S. Citizens (§ 804.2(e)) Death in foreign country.			do			May be furnished on reimbursable basis to CONUS port.					
Indigent persons (§ 804.2(f))	These items (including expenses for interment and transportation to a cemetery designated by AFSSS, Hq USAF) may be furnished provided disposition cannot otherwise be made.								In base cemetery.		
Military prisoners (other than POW's and internees) (§ 804.2 (g)).	X	X	X	X	X	To place selected by next of kin.	X	[4]	do		[5]
Enemy prisoners and aliens (§ 804.2(h)).	These items (including expenses for interment and transportation to a cemetery designated by AFSSS, Hq USAF) may be furnished at reasonable cost.								do		[5]

[1] An outer case for shipment (including, when necessary, sealing of such case) is authorized as part of transportation expenses.

[2] Travel as escort is not authorized. However, if remains are shipped as baggage by rail, an individual may travel as attendant using one of the two tickets required for shipment of the remains. No return transportation is authorized for the attendant.

[3] If a veteran and honorably separated from military service.

[4] Wife, husband, widow, widower, minor child, and in certain instances an unmarried adult child.

[5] If buried in a Government cemetery.

[6] A military person who dies while in Air Force custody and whose approved sentence includes a discharge is not authorized a flag.

§ 804.4 Person (next of kin) entitled to direct disposition of remains.

(a) The person entitled to direct disposition of the remains of military personnel and Department of the Air Force civilian employees covered by this part is recognized in the order listed below:

* * * * *

§ 804.10 Stopover of remains en route to final destination.

Next of kin may request that arrangements be made for a stopover of remains en route to final destination, either by direct or circuitous routing. Analyze each such request with a view to providing the maximum amount of transportation of remains authorized by law. The total cost to the Air Force will not exceed the amount the Air Force would have paid for direct shipment of remains from the place of death to the destination selected by the next of kin. The next of kin will be required to make advance payment to the shipping installation for any amount in excess of that authorized. In addition, the next of kin will be advised that he is responsible for all costs incurred at the stopover point. For example, if the next of kin wants remains shipped from Philadelphia to Chicago for funeral services, with ultimate burial in Arlington National Cemetery, he should designate Chicago as the destination, rather than Arlington. Government transportation can then be furnished from Philadelphia to Chicago. The next of kin would be required to pay the transportation expenses from Chicago to Arlington National Cemetery. If the next of kin wants remains shipped from Philadelphia to San Francisco, with stopover in Chicago, Government transportation can be furnished from Philadelphia to San Francisco. All expenses incurred in Chicago, such as removal of the remains from the carrier, funeral services and returning the remains to the carrier, would be a responsibility of the next of kin.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFM 143–1A, June 15, 1966]

2. In Part 835, paragraph (d) of § 835.23 is revised, and § 835.24 is revised. These sections now read as follows:

§ 835.23 Contractors' releases.

* * * * *

(d) Specifics on how contractors may obtain clearances and details of their relationship with the Air Force are in AFR 190–12 (Release of Information to the Public).

§ 835.24 Surveys and polls.

Commander will not permit individuals or organizations to conduct attitude research surveys, polls, or opinion studies within his command unless the individual or organization has been specifically authorized to do so by Hq USAF.

(a) As individuals, service members enjoy the same privilege as other citizens—to participate or refrain from participating in surveys and polls. However, as representatives of the military service, they must insure that their answers cannot be erroneously interpreted as reflections of military opinion and attitude, or used as a basis for possible action which would be adverse to the best interest of their service.

(b) It is therefore recommended that military personnel defer their individual responses to questions or questionnaires in such surveys until they have determined from responsible military authorities the exact nature of the project and

any possible implications of their participation.

(c) For projects in which the military service or its units are asked by the sponsor to cooperate by furnishing data, Department of Defense policy states that such cooperation is subject to the following limitations:

(1) Available manpower and funds for the purpose.

(2) Propriety of releasing the information requested (security, invasion of privacy, restrictions on release of medical records, etc.).

(3) Direct value to military services.

(d) Requests for authorization to conduct research activities will be referred to SAP–OI through normal channels. The Air Force will submit these requests, with recommendations, to the Office of the Assistant Secretary of Defense (Manpower) stating what assistance is appropriate.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)
[AFM 190–4B, Dec. 19, 1966]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67-4382; Filed, Apr. 21, 1967; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4; Amdt. 11; Docket No. 67–1]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart B—Duties and Obligations

SECTION 15 AGREEMENTS; EXEMPTION

On January 11, 1967, the Federal Maritime Commission published in the FEDERAL REGISTER (32 F.R. 285) notice of a proposed amendment to § 510.26(b) of the Commission's General Order 4 (46 CFR 510.26(b)). Comments were invited.

Section 510.26 currently requires the filing and approval of agreements between licensed independent ocean freight forwarders which are subject to section 15 of the Shipping Act, 1916. The proposed amendment to this section would exempt from the provisions of section 15 of the Act nonexclusive cooperative working agreements between licensed independent ocean freight forwarders providing for the completion of documentation and performance of other forwarder services on export shipments.

Section 35 of the Shipping Act, 1916, newly enacted as Public Law 89–778 (80 Stat. 1358; 46 U.S.C. 833(a)), authorizes the Commission to exempt certain operations of water carriers or other persons or activities from provisions of the Shipping Act, 1916, where it is found that such exemption will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory, or be detrimental to commerce.

The exemption of nonexclusive cooperative working agreements between licensed forwarders was proposed because the Commission feels that such agreements have little, if any, competitive impact on the shipping industry or the public. Furthermore, the processing of these agreements for section 15 approval is a costly and unnecessary burden on the industry as well as the Commission.

All parties submitting comments agree that the proposed exemption from filing of such agreements should be adopted, inasmuch as the exemption will not affect the Commission's regulatory function and will not be either unjustly discriminatory or detrimental to commerce.

It has been suggested, however, that the Commission, while granting the exemption from filing, should nevertheless still require the parties to such agreements to reduce the terms to writing. We do not see what regulatory purpose would be served by the imposition of such a requirement. Accordingly, we are not imposing such a condition upon the granting of the exemption.

The form agreement is retained in the amendment for the purpose of indicating the type of agreement to which the exemption applies. The inclusion of the form is not meant to suggest that we are requiring the agreements to be reduced to writing. The amendment as adopted here has been changed to reflect this intention.

The second sentence of paragraph 1 of the form agreement as originally proposed permits the parties to the agreement to engage with other forwarders under another agreement approved by the Commission. This clause is being changed to permit the parties to the agreement to also engage with other forwarders under another agreement exempt from Commission approval by reason of this amendment.

The exemption granted herein does not, of course, carry with it any immunity from the antitrust laws of the United States. Such immunity can only be achieved upon the filing and approval of agreements pursuant to the provisions of section 15 of the Shipping Act, 1916.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 15, 35, and 44 of the Shipping Act, 1916 (46 U.S.C. 824, 833(a) and 841(b)), paragraph (b) of § 510.26 of Title 46 CFR is hereby amended to read as follows:

§ 510.26 Section 15 agreements.

* * * * *

(b) All such agreements, or modifications or cancellations thereof, shall not be carried out until approved by the Commission: *Provided, however,* That nonexclusive cooperative working agreements in the form prescribed herein between licensed independent ocean freight forwarders providing for the completion of documentation and performance of other forwarder services on export shipments on behalf of the parties to the agreements, are exempt from the provisions of section 15, of the Shipping Act, 1916, and need neither be filed with the Commission for approval nor reduced to writing.

(1) The typical form of agreement to which the exemption applies is as follows:

NONEXCLUSIVE COOPERATIVE WORKING AGREEMENT

Parties to the agreement are:

(a) A.B.C. Co.	(b) X.Y.Z. Co.
(Street Address)	(Street Address)
(City and State)	(City and State)
F.M.C. No.	F.M.C. No.

(2) Terms of the agreement are:

1. This is a cooperative working arrangement whereunder either of the parties may complete documentation and perform other freight forwarder functions on export shipments on behalf of the other party. It is not an exclusive agreement and either of the above parties may engage or be engaged by other forwarders under another agreement approved by the Federal Maritime Commission, or exempt from the provisions of section 15 of the Shipping Act, 1916, as amended, by reason of 46 C.F.R. 510.26(b).

2. Forwarding and service fees are (the agreed division of freight forwarder fees, or schedule of fees, or that fees are subject to negotiation and agreement on each transaction).

3. Ocean freight compensation is (the agreed division of compensation or that compensation is to be divided between the parties as agreed). This division of brokerage will be restricted to those shipments handled on behalf of each other.

4. The terms of the agreement shall continue unless one party shall notify the other of the desire to terminate the agreement.

Effective date. Since this amendment grants an exemption from current requirements, it shall be effective upon publication in the FEDERAL REGISTER.

By order of the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67-4469; Filed, Apr. 21, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1125]

[Docket No. AO 226–A14]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Wash., marketing area, which was issued April 7, 1967 (32 F.R. 5838), is hereby extended from April 27, 1967, to May 14, 1967.

Signed at Washington, D.C., on April 18, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-4463; Filed, Apr. 21, 1967; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67–CE–50]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from Pawnee City, Nebr., with a 3,500 MSL floor via the intersection of Pawnee City 193° T (184° M) and Emporia, Kans., 336° T (328° M); thence with a 1,200-foot AGL floor via Emporia; to Chanute, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed airway would provide a route with necessary controlled airspace which will permit IFR traffic operating between Pawnee City and Chanute to bypass the Manhattan, Kans., Restricted Area R–3602.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on April 19, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4486; Filed, Apr. 21, 1967; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD INDIAN IRRIGATION PROJECT, MONT.

Operation and Maintenance Charges

Basis and purpose. Notice is hereby given that pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142), and March 7, 1928 (45 Stat. 210), and by virtue of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454–7), it is proposed to amend §§ 221.24, 221.26, and 221.28 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Mont., that are subject to the jurisdiction of the several irrigation districts. The purpose of this amendment is to establish the lump sum assessment against the Flathead, Mission and Jocko Valley Districts within the Flathead Indian Irrigation Project for the 1968 season.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Area Director, U.S. Bureau of Indian Affairs, 316 North 26th Street, Billings, Mont. 59101, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Sections 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Mont., on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929, March 28, 1934, August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1968 an assessment of $282,739.33 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 81,081.34 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Mont., on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1968 an assessment of $50,814.35 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 14,890.61 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Mont., on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed for the season of 1968 an assessment of $21,945.39 for the operation and mainte-

nance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,847.03 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 67-4450; Filed, Apr. 21, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 67-103; Customs Delegation Order 30]

REGIONAL COMMISSIONERS OF CUSTOMS

Delegation of Authority Regarding Settlement of Claims

APRIL 17, 1967.

Delegation to regional commissioners of customs of authority to settle certain claims arising under the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 240-242).

By virtue of the authority vested in me by Treasury Department Order No. 177-22 (20 F.R. 8755), I hereby delegate to regional commissioners of customs the authority to settle and pay claims not in excess of $100 arising under 31 U.S.C. 240-242 made by an employee of the Bureau of Customs for damage to, or loss of, personal property incident to his service, when there is no doubtful question of law or fact.

The payment of claims pursuant to this delegation shall be in accordance with regulations issued by the Assistant Secretary of the Treasury for Administration (Administrative Circular No. 136, dated Oct. 20, 1965).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 67-4472; Filed, Apr. 21, 1967; 8:47 a.m.]

DEPARTMENT OF STATE

[Public Notice 263]

CERTAIN NONIMMIGRANT VISAS

Validity

Public Notice 261 of April 6, 1967, authorized consular officers to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act valid for an indefinite period of time to otherwise eligible nationals of certain countries which offer reciprocal or more liberal treatment to nationals of the United States who are in a similar class. The following countries are being added to the list of countries contained in that notice: Guyana and Morocco.

This notice amends Public Notice 261 of April 6, 1967 (32 F.R. 5643).

[SEAL] BARBARA M. WATSON,
Acting Administrator, Bureau of Security and Consular Affairs.

APRIL 20, 1967.

[F.R. Doc. 67-4514; Filed, Apr. 21, 1967; 8:49 a.m.]

Agency for International Development

INTERNATIONAL INSTITUTE OF RURAL RECONSTRUCTION, INC.

Registration as Voluntary Foreign Aid Agency

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Reg. 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration[1] as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

International Institute of Rural Reconstruction, Inc., 1775 Broadway, New York, N.Y. 10019.

Dated: April 11, 1967.

FRANK R. ELLIS,
Acting Assistant Administrator for War on Hunger.

[F.R. Doc. 67-4455; Filed, Apr. 21, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group No. 412]

ARIZONA

Notice of Filing of Plats of Survey

APRIL 18, 1967.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Ariz., effective at 10 a.m., May 24, 1967:

GILA AND SALT RIVER MERIDIAN

T. 40 N., R. 14 W.,
Secs. 1 to 36 inclusive;
T. 40 N., R. 15 W.,
Sec. 1;
Secs. 11 to 14 inclusive;
Secs. 22 to 28 inclusive;
Secs. 33 to 36 inclusive.

The areas described aggregate 33,673.42 acres of public land.

2. The lands in T. 40 N., R. 14 W., are extremely rough and broken. The soil varies from clay loam and rocky to exposed rock outcrops. There is dense growth of juniper and pinon in the south and east portion of the township, with juniper, pinon, and scattered ponderosa pine on the Virgin Mountains in the west. Sage, blackbrush, cacti, oak, mahogany, and grass grow over most of the township and afford limited grazing for livestock, which is at present the predominating interest.

The lands in T. 40 N., R. 15 W., are steep rolling bench land in the western part of this survey becoming progressively more rough and broken in the east and southeast portions of the township. The soil on the mountains is shallow clay loam with numerous ledges and rock outcrops. The steep rolling bench is alluvial gravel with granite, quartz, and limestone boulders strewn over the surface. Moderate juniper and pinon are found in the higher elevations with manzanita and oak the principal undergrowth. No timber grows at the lower elevations and creosote brush, cacti, and blackbrush are the predominate vegetation. Grazing of livestock on the bench land and along the canyon is the primary interest at present.

3. Subject to valid existing rights, title will pass to the State of Arizona, under the provisions of the Enabling Act, upon acceptance of the plat of survey for the following described lands:

T. 40 N., R. 14 W.,
Secs. 2, 16, 32, and 36.

The areas aggregate 2,438.88 acres.

4. All rights of the State of Arizona as to sec. 36, T. 40 N., R. 15 W., have been conveyed to the United States. Therefore, all surface and mineral rights are vested in the United States.

5. The following described lands are opened to petition, application and selection as outlined in paragraph 6 below:

GILA AND SALT RIVER MERIDIAN

T. 40 N., R. 14 W.,
Sec. 1;
Secs. 3 to 15 inclusive;
Secs. 17 to 31 inclusive;
Secs. 33 to 35 inclusive.
T. 40 N., R. 15 W.,
Sec. 1;
Secs. 11 to 14 inclusive;
Secs. 22 to 28 inclusive;
Secs. 33 to 36 inclusive.

No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 5, are hereby opened to filing of petition-applications and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the

[1] Certificate of registration filed as part of original document.

various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., on May 24, 1967 will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

7. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

KELLY R. JOHNSON,
Acting Manager.

[F.R. Doc. 67-4466; Filed, Apr. 21, 1967; 8:47 a.m.]

National Park Service

HOT SPRINGS NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Saint Joseph's Infirmary authorizing it to provide concession facilities and services for the public at Hot Springs National Park, Hot Springs, Ark., for a period of 1 year from May 1, 1967, through April 30, 1968. The foregoing concessioner has performed its obligations under the contract to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Director of the National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 17, 1967.

HARTHON L. BILL,
Assistant Director, National Park Service.

[F.R. Doc. 67-4451; Filed, Apr. 21, 1967; 8:45 a.m.]

LITTLE MOUNTAIN PARK CENTER, NATCHEZ TRACE PARKWAY

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Mr. C. W. Gary authorizing him to continue to provide concession facilities and services for the public at the Little Mountain Park Center, in Natchez Trace Parkway for a period of five (5) years.

The foregoing concessioner has performed his obligations under a prior contract to the satisfaction of the National Park Service, and, therefore, pursuant to the act cited above, is entitled to be given preference in the negotiation of a new contract. However, pursuant to the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Director of the National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 17, 1967.

HARTHON L. BILL,
Assistant Director, National Park Service.

[F.R. Doc. 67-4452; Filed, Apr. 21, 1967; 8:45 a.m.]

Office of the Secretary

HARRY J. PECKHEISER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 15, 1967.

Dated: April 10, 1967.

H. J. PECKHEISER.

[F.R. Doc. 67-4453; Filed, Apr. 21, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15459 etc.]

REOPENED PACIFIC NORTHWEST-SOUTHWEST SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 11, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

Dated at Washington, D.C., April 18, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-4467; Filed, Apr. 21, 1967; 8:47 a.m.]

[Docket No. 18174]

SOCIEDAD AERONAUTICA DE MEDELLIN CONSOLIDADA, S.A. (SAM)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on May 25, 1967, at 10 a.m. (local time), in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., April 18, 1967.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 67-4468; Filed, Apr. 21, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

SOUTHWEST CENTER FOR ADVANCED STUDIES AND UNIVERSITY OF MISSOURI CURATORS

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00022-90-46040. Applicant: Southwest Center for Advanced Studies, 2400 North Armstrong Parkway, Richardson, Tex. 75080. Article: Scanning Electron Microscope JSM-3. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: Applicant states:

> For the most part, the instrument will be used by students and faculty for research in micropaleontology of radiolaria and foraminifora with emphasis on microstructures • • •.
>
> • • • • •
>
> To a lesser extent, the instrument will be used in studies of surface properties of geological materials including lunar samples to be investigated under a NASA contract. One faculty member will be using the instrument to analyze the orientation and shape of Fe_2O_3 grains in sediments as an adjunct to paleomagnetic studies. Another faculty member and graduate student at Southern Methodist University will utilize the instrument for study of chemical etch pits on polished surfaces of geological specimens.

Application received by Commissioner of Customs: April 5, 1967.

Docket No. 67-00027-75-21540. Applicant: The Curators of the University of Missouri, Columbia, Mo. 65201. Article: Specially designed Double (axis) Neutron Diffractometer — Diffractometer Component Parts and Ancillary Equipment. Manufacturer: Mitsubishi Electric Corp., Japan. Intended use of article: Applicant states:

> The Double Neutron Diffractometer will be used for instruction and research related thereto at the University of Missouri. When installed at one port of our reactor, it will accept from the reactor a beam of neutrons which will be diffracted by samples of solids, liquids, or gases. From the diffraction patterns so obtained we will undertake to determine many of the properties of matter, including chemical structure, magnetic structure, and the thermal motions of atoms.

Application received by Commissioner of Customs: April 10, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-4445; Filed, Apr. 21, 1967; 8:45 a.m.]

Office of the Secretary

[Dept. Order 172-B]

U.S. TRAVEL SERVICE

Organization and Functions

This material supersedes the material appearing at 29 F.R. 13051-13052 of September 17, 1964, and at 30 F.R. 14691-14692 of November 25, 1965.

SECTION 1. *Purpose.* .01 The purpose of this order is to prescribe the organization and assignment of functions within the U.S. Travel Service.

SEC. 2. *Functions of the organization units.* .01 The Director determines policy, directs the programs, and is responsible for all activities of the U.S. Travel Service.

.02 The Deputy Director shall be the principal assistant to the Director and shall perform the duties of the Director during the latter's absence.

.03 The Administrative Office shall direct all administrative management activities including budget, organization planning, and personnel; and secure administrative services provided to the U.S. Travel Service through the staff service offices reporting to the Assistant Secretary for Administration.

.04 The Auditor shall assist the Director and other USTS officials by carrying out independent, objective, and constructive comprehensive internal audits of USTS financial, administrative, and program activities to determine (a) whether these activities are being carried out effectively, efficiently, and economically and in compliance with laws, regulations, and policies and (b) adequacy of management controls and procedures; as necessary, carry out pre- and post-contract audits of firms with whom USTS proposes to or does enter into a contract; report findings and recommendations for corrective action to the Director; and maintain liaison with the Department's Office of Audits.

.05 The Visitor Services Division shall develop programs to assure a friendly welcome in the United States for international visitors and to generally improve the Nation's host services for them. More particularly, the Division shall carry on a campaign in the United States to stimulate an interest in the visitor from abroad; make Americans aware of the importance of visitors to us; encourage the U.S. public to extend a friendly and cordial welcome to our guests; assist communities in attracting more international visitors through community host services activities and help them adapt their facilities to meet the needs of overseas visitors; cooperate with the travel industry—hotels, motels, restaurants, sightseeing and transportation companies—in bolstering its services for visitors from other Nations; and cooperate with Federal agencies at our ports of entry in expediting the entrance formalities of our overseas guests and help make the Nation's reception of our visitors more pleasant and gracious.

.06 The Travel Promotion Division shall direct the sales operations, travel advertising, editorial support, and other promotional campaigns overseas. More particularly, the Division shall conduct market research abroad on attitudes of potential travelers to the United States; provide useful sales promotion tools and materials in foreign languages to U.S. Travel Service overseas offices in order to help the prospective traveler measure the United States against other competitive destinations; develop and place advertising in overseas media to stimulate more travel to the United States; and develop publicity in appropriate media overseas to create an awareness of travel in the United States, including the distribution of stories and pictorial material, photographs and films about travel in the United States to writers, editors, radio and television producers. The Division shall be responsible for supervising and coordinating the activities of U.S. Travel Service overseas offices. Overseas offices are located in strategic cities to cover the major potential markets for increased tourism to the United States.

.07 The Facilitation and Planning Division shall collaborate with officials of the United States and foreign governmental authorities to lessen travel barriers. More particularly, the Division shall cooperate with other agencies of the Federal Government, international organizations, and foreign governments on ways and means of overcoming barriers to travel; lowering of travel costs and improving and developing statistical data on actual tourist movements and tourist expenditures; study the economic effects of tourism and patterns of international travel with a view to planning a long-range travel promotion program; and interpret market research to measure results of the promotion program.

Effective date: April 5, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-4446; Filed, Apr. 21, 1967; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[OE Docket No. 66-SO-4]

BAY VIDEO, INC.

Grant of Additional Extension to Comment Period

On December 22, 1966, a Notice of Petition for and Grant of Review was issued in response to a petition received by the Federal Aviation Administration in opposition to a determination of hazard to air navigation concerning the proposed construction by Bay Video, Inc., of a tower 1,942 feet above mean sea level (1,797 feet above ground) near Woods, Fla.

Since the grant was issued, the proponent has been negotiating with Florida State University in an effort to establish a joint-use structure. Due to procedural problems, the proponent has requested that the comment period be extended once again. To grant this request is considered to be in the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator, notice is hereby given that the comment period for submitting relevant information for consideration in this review is

extended to expire on May 21, 1967. Submission must be filed in triplicate with the Federal Aviation Administration, Obstruction Evaluation Branch, 800 Independence Avenue SW., Washington, D.C. 20590, and must be relevant to the effect of the proposed structure on safe air navigation.

Issued in Washington, D.C., on April 17, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-4457; Filed, Apr. 21, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-291]

MICHIGAN GAS STORAGE CO.

Notice of Application

APRIL 14, 1967.

Take notice that on April 7, 1967, Michigan Gas Storage Co. (Applicant), 212 West Michigan Avenue, Jackson, Mich. 49201, filed in Docket No. CP67-291 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to use its existing facilities for the transportation of natural gas for and in behalf of Consumers Power Co. (Consumers), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to transport, for and in behalf of Consumers, 425,000 Mcf of natural gas per day and additional quantities, up to 50,000 Mcf of natural gas per day, which may be received by Consumers from Trunkline Gas Co. (Trunkline) during Trunkline's periods of reduced market demand. At present, Applicant is authorized to transport natural gas provided by Consumers to Trunkline under an agreement between the parties dated October 29, 1963, as amended. Applicant states that it has been advised that Consumers and Trunkline have entered into a new agreement by which Trunkline will deliver to Applicant, for and in behalf of Consumers, 425,000 Mcf of natural gas per day together with any additional quantities as abovementioned.

Applicant states that this service will not require the construction or operation of any new facilities and that all costs arising from said service will be passed on to Consumers pursuant to Applicant's cost-of-service tariff.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 11, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4448; Filed, Apr. 21, 1967; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 608]

LOUISIANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1967, because of the effects of certain disasters, damage resulted to residences and business property located in East and West Baton Rouge, Acadia, Jefferson Davis, Livingston, Pointe Coupee, and Saint Landry Parishes in the State of Louisiana;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid Parishes and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about April 13, 1967.

OFFICE

Small Business Administration Regional Office, 124 Camp Street, New Orleans, La. 70130.

2. Temporary offices will be established at such other areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1967.

Dated: April 15, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-4454; Filed, Apr. 21, 1967; 8:46 a.m.]

TARIFF COMMISSION

[APTA-W-12]

GROUP OF WORKERS AT GENERAL MOTORS WILMINGTON ASSEMBLY PLANT

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Upon receipt on April 17, 1967, of a request therefor from the Automotive Agreement Adjustment Assistance Board, the Tariff Commission instituted an investigation pursuant to section 302(e), Automotive Products Trade Act of 1965, with respect to a petition filed with the Board by the International Union, United Automobile Workers, on behalf of a group of workers at the General Motors Wilmington Assembly Plant, Wilmington, Del., which assembles Buick and Chevrolet automobiles. The petition alleges that dislocation of the group of workers has occurred and that the operation of the United States-Canadian Automotive Agreement has been the primary factor in causing such dislocation. The Commission is conducting the investigation to provide a factual record on the basis of which the Board may make the determinations required by section 302 of the Act.

No hearing has been scheduled. A hearing will be held on request of any party showing a proper interest in the subject matter of the investigation, provided the request is filed with the Secretary of the Tariff Commission within 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 at the Customhouse.

Issued: April 19, 1967.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 67-4470; Filed, Apr. 21, 1967; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

STAR ROUTE CONTRACTS WITH POST OFFICE DEPARTMENT

Wage Determinations

Wages and fringe benefits governing employment on certain long and short haul star route contracts with the United States acting through the Post Office Department have been prescribed in determinations issued by the Administrator under the McNamara-O'Hara Service Contract Act of 1965 (79 Stat. 1034) during the past year. Substantial question has been raised concerning what wages and fringe benefits prevail for employees performing on such contracts who are covered by the determinations identified below. Insofar as such contracts are concerned (but not in other applications) such determinations are hereby withdrawn until further notice published in the FEDERAL REGISTER. Interested persons are invited to participate in the decision whether such further notice should resume application of such determinations to such contracts, and, if not, what determinations should replace them. Such participation shall be by submission of written data, views, or argument to the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C. 20210 within 30 days after this notice is published in the FEDERAL REGISTER.

The determinations to which this notice has application are as follows. They may be examined or copies obtained from the Administrator at the above address.

LONG HAUL

Wage determination number, and head out point by State

66-94 Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
66-210 New York.
66-229 North Carolina.
66-230 South Carolina.
66-266 Illinois.
66-267 Alabama.
66-268 Nebraska.
66-269 Oklahoma.
66-270 Tennessee.
66-271 Kansas.
66-272 Georgia.
66-273 Michigan.
66-274 West Virginia.
66-275 Wisconsin.
66-276 Texas.
66-277 Florida.
66-278 Missouri.
66-279 South Dakota.
66-294 Ohio.
66-295 Iowa.
66-296 Minnesota.
66-300 North Dakota.
66-301 Arkansas.
66-302 Arizona.
66-303 New Mexico.
66-304 Washington.
66-305 Nevada.
66-306 Wyoming.
66-307 Colorado.
66-308 Idaho.
66-309 California.

SHORT HAUL

Wage determination number, and head out point by Standard Metropolitan Statistical Area

67-1 Chicago, Ill.
67-2 Atlanta, Ga.
67-3 New Haven, Conn.
67-23 Kansas City, Kans.
67-24 Kansas City, Mo.
67-26 San Francisco-Oakland, Calif.
67-27 Denver, Colo.
67-36 Monroe County, Mich.
67-37 Toledo, Ohio.
67-72 Walker County, Ga.
67-73 Chattanooga, Tenn.
67-76 Detroit, Mich.
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Signed at Washington, D.C., this 19th day of April 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 67-4465; Filed, Apr. 21, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

COOPERATIVE AGREEMENTS WITH STATES

Acceptance of Terms

APRIL 19, 1967.

The following State authorities have filed written acceptances with this Commission of the terms for Cooperative Agreements with States as set forth in 49 CFR Part 277a (formerly 49 CFR Part 177a):

State Authority and Filing Date

Florida Public Service Commission, January 10, 1967.
Washington Utilities & Transportation Commission, January 24, 1967.
South Carolina Public Service Commission, February 2, 1967.
Alaska Transportation Commission, February 8, 1967.
Wisconsin Public Service Commission, February 10, 1967.
Georgia Public Service Commission, February 13, 1967.
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Kansas State Corporation Commission, February 20, 1967.
Idaho Public Utilities Commission, February 21, 1967.
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New Jersey Department of Public Utilities, February 24, 1967.
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Public Utilities Commission of Ohio, March 23, 1967.
Virginia State Corporation Commission, March 24, 1967.
Public Service Commission of Montana, March 28, 1967.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4476; Filed, Apr. 21, 1967; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 19, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40989—*Grain and grain products and animal or poultry feed within official territory.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2883), for interested rail carriers. Rates on barley, corn, sorghums, and oats; also animal or poultry feed and feed ingredients, in carloads, between points in official and Illinois territories.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-638.

FSA No. 40990—*Cement and related articles from Minneapolis, Minn. Transfer and St. Paul, Minn.* Filed by Western Trunk Line Committee, agent (No. A-2498), for interested rail carriers. Rates on cement and related articles, in carloads, from Minneapolis, Minn. Transfer and St. Paul, Minn., to points in Michigan, Minnesota, and Wisconsin.

Grounds for relief—Market competition.

Tariff—Supplement 16 to Western Trunk Line Committee, agent, tariff ICC A-4638.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4477; Filed, Apr. 21, 1967; 8:48 a.m.]

[Notice 369]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 19, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official

named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 94265 (Sub-No. 201 TA), filed April 13, 1967. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: Harry G. Buckwalter (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from plantsite of Oscar Mayer, Beardstown, Ill., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, restricted to traffic originating at the described plantsite, for 180 days. Supporting shipper: Richard C. Flesch, General Traffic Manager, Oscar Mayer & Co., Inc., Beardstown, Ill. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 106760 (Sub-No. 76 TA), filed April 13, 1967. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43614. Applicant's representative: O. L. Thee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings and structures*, knocked down or in sections, together with component parts, and *such material and supplies* as used in construction and erection thereof when shipped therewith, from Tulsa, Okla., to points in Arkansas, Kansas, Louisiana, Missouri, Mississippi, New Mexico, and Texas, for 180 days. Supporting shipper: Tandy Homes, Inc., 525 South Trost Street, Tulsa, Okla. 74101. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, 5234 Federal Office Building, Toledo, Ohio 43604.

No. MC 124238 (Sub-No. 3 TA), filed April 4, 1967. Applicant: CEMENT TRANSPORTS, INC., 3300 Republic National Bank Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products*, and when moving in the same vehicle at the same time as gypsum products, *materials* used in connection with the installation of gypsum products, from the plantsite of the Flintkote Co. at or near Sweetwater, Tex., to points in Tennessee, for 180 days. Supporting shipper: The Flintkote Co., East Rutherford, N.J. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 128863 (Sub-No. 1 TA), filed April 13, 1967. Applicant: SANNER BROS. TRUCKING CO., INC., Route 1, Rockwood, Pa. 15557. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Somerset County, Pa., to Hagerstown, Williamsport, and the Celanese Amcelia Plant near Cumberland, Md., for 150 days. Supporting shipper: Sanner Bros. Coal Co., Rural Delivery 1, Rockwood, Pa. 15557. Send protests to: Frank Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, Pittsburgh, Pa. 15222.

No. MC 128998 (Sub-No. 1 TA), filed April 12, 1967. Applicant: VANWAYS, INC., 1230 West River Road, Oscoda, Mich. 48753. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between (a) points in the Upper Peninsula and the counties of Emmet and Cheboygan, Mich., and (b) points in Arenac, Iosco, Ogemaw, Oscoda, Alcona, Alpena, Presque Isle, Cheboygan, and Emmet Counties, Mich., on the one hand, and, on the other, those counties in the Lower Peninsula of Michigan in and north of Bay, Midland, Isabella, Mecosta, Newaygo, and Oceana Counties, Mich., restricted to shipments having a prior or subsequent movement beyond said points in containers and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shippers: Home Pack Transport, Inc., 57–48 49th Street, Maspeth, N.Y. 11378; Door to Door International, Inc., 308 Northeast 72d Street, Seattle, Wash. 98115; Swift Home-Wrap, Inc., 105 Leonard Street, New York, N.Y. 10013; Allstates Van Lines, 350 Broadway, New York, N.Y. 10013; Jet Forwarding Inc., 2945 Columbia Street, Torrance, Calif. 90503; Astron Forwarding Co., Post Office Box 161, Oakland, Calif. 94604. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-4478; Filed, Apr. 21, 1967; 8:48 a.m.]

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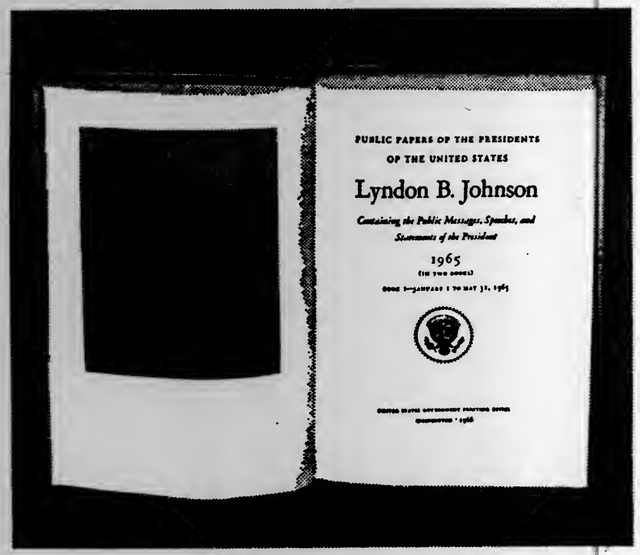
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Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

ADMINISTRATIVE INSTRUCTIONS CONCERNING IMPORTATION OF ELM PLANTS INTO CALIFORNIA, NEVADA, AND OREGON

Pursuant to § 319.37-24 of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37-24), under the authority of sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 162), administrative instructions designated as § 319.37-24c are hereby revised to read as follows:

§ 319.37-24c Administrative instructions concerning nonissuance of permits for importation of elm plants into California, Nevada, and Oregon.

(a) In accordance with § 319.37-24 of the regulations supplemental to the quarantine relating to the importation of nursery stock, plants, and seeds into the United States (7 CFR 319.37-24), the Director of the Plant Quarantine Division has determined that: (1) The Chief of the California Bureau of Plant Quarantine has taken action to suppress the Dutch elm disease caused by the fungus *Ceratocystis ulmi* (Buisman) C. Moreau and has promulgated as Elm Tree Disease Quarantine Proclamation No. 21, as amended April 17, 1963, a plant quarantine prohibiting the entry into California in interstate commerce of propagative material (except seed) of elm (*Ulmus* spp.), and of the related genera *Zelkova* and *Planera;* (2) the Executive Director of the Department of Agriculture of the State of Nevada has likewise taken action to suppress the said Dutch elm disease and has promulgated as Elm Tree Diseases Exterior Quarantine No. 54.06, effective February 1, 1962, as amended June 1, 1963, a plant quarantine prohibiting the entry into Nevada in interstate commerce of plants and all parts thereof (except seed) of elm (*Ulmus* spp.) and of the related genera *Zelkova* and *Planera;* and (3) the Director of the Oregon Department of Agriculture has likewise taken action to suppress the said Dutch elm disease and has promulgated as Administrative Order No. AD 13-66 relating to Dutch elm disease and phloem necrosis virus, effective December 1, 1966, a plant quarantine prohibiting the entry into Oregon in interstate commerce from States infected with the Dutch elm disease of plants and all parts thereof (except seed) of elm (*Ulmus* spp.) and of the related genera *Zelkova* and *Planera*.

(b) Further, the Chief of the California Bureau of Plant Quarantine, the Deputy Director of the Nevada State Department of Agriculture, and the Director of the Oregon Department of Agriculture, severally, have requested that the U.S. Department of Agriculture cooperate in connection with such quarantines by prohibiting the importation into California, Nevada, and Oregon, respectively, of propagative material of the designated genera, from the foreign countries which had been listed in the notice of quarantine concerning the Dutch elm disease (§ 319.70, revoked May 15, 1966, 31 F.R. 5745).

(c) Under authority conferred upon the Director of the Plant Quarantine Division by § 319.37-24, notice is hereby given that when destined for importation into the States of California, Nevada, and Oregon, import permits will be refused for the importation of propagative material (except seed) of elm (*Ulmus* spp.) and of the related genera *Zelkova* and *Planera* from the continent of Europe and the Dominion of Canada and other foreign areas north of the United States, including Newfoundland, Labrador, St. Pierre, Miquelon, and islands adjacent thereto.

(Secs. 1, 5, 9, 37 Stat. 315, 316, 318, as amended; 7 U.S.C. 154, 159, 162; 7 CFR 319.37-24; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended)

These administrative instructions shall become effective April 25, 1967, when they shall supersede 7 CFR 319.37-24c, effective July 27, 1966 (31 F.R. 10109).

The purpose of this revision of the administrative instructions is to cooperate with the State of Oregon by prohibiting the importation into such State, from foreign countries where the Dutch elm disease occurs, of host plants of the disease, in furtherance of action already taken by that State to suppress the disease that might be introduced with such plants. Heretofore the instructions were applicable only in respect to importations of such plants into the States of California and Nevada. The revision should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions of 5 U.S.C., section 553, it is found upon good cause that notice and other public procedure with respect to the revision are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 19th day of April 1967.

[SEAL] T. G. DARLING,
Acting Director,
Plant Quarantine Division.

[F.R. Doc. 67-4508; Filed, Apr. 24, 1967; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 4]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1967

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (31 F.R. 15581, 32 F.R. 2609, 3085, 4015) is to permit the importation of an additional 75,000 short tons, raw value, of sugar during the second quarter of 1967 pursuant to the Sugar Act of 1948, as amended, hereinafter referred to as the "Act".

Trade reports indicate that recent firmness in the Caribbean and certain South American freight markets has caused some difficulties in connection with the arrangement of sugar shipments. Present indications are that receipts of domestic offshore raw sugar during the second quarter will be less than previously anticipated. Due to low beet sugar inventories, in comparison to recent years, beet sugar marketings are expected to continue to be well below those of last year until late in the year when new crop sugar becomes available. Under these circumstances, it is desirable to increase the quantity of foreign raw sugar that may be imported during the second quarter to provide adequate supplies of sugar to refiners and to maintain stable sugar prices.

Accordingly, the limitation on total raw sugar imports from foreign countries during the second quarter of 1967 is hereby increased 75,000 tons to 1,225,000 short tons, raw value.

By virtue of the authority vested in the Secretary of Agriculture by the Act, § 811.53(d) is amended as follows: By amending subparagraph (1), subdivision (ii) of subparagraph (2), subdivision (i) of subparagraph (4) and by adding a new subdivision (vii) to subparagraph (4) to read as follows:

§ 811.53 Quotas for foreign countries.

* * * * *

(d) (1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, only 2,125,000 short tons, raw value, of raw sugar may be authorized for importation from all such foreign countries in accordance with Part 817 of this chapter during the first six months of 1967, and of such 2,125,000 short tons, raw value, 900,000 short tons, raw value, may be authorized for importation during the first quarter of the year.

(2) (i) • • •

(ii) Applications for the importation of sugar during the first quarter received on or before December 19, 1966, will be considered as having been received at the same time. Applications for the importation of sugar during the second quarter received on or before January 13, 1967, will be considered as having been received at the same time. Applications for the importation during the second quarter of 100,000 short tons, raw value, of sugar representing an addition to the initial limitation of 1 million short tons, raw value, received on or before February 27, 1967, will be considered as having been received at the same time. Applications for the importation during the second quarter of 50,000 short tons, raw value, of sugar representing an addition to previous limitations of 1,100,000 short tons, raw value, received on or before March 13, 1967, will be considered as having been received at the same time. Applications for the importation during the second quarter of 75,000 short tons, raw value, of sugar representing an addition to previous second quarter limitations of 1,150,000 short tons, raw value, received on or before May 1, 1967, will be considered as having been received at the same time.

• • • • •

(4) (i) Allocations of second quarter importations among countries will be made in the following manner within the limits of applications received. Allocation among countries of the initial limitation of 1 million short tons, raw value, shall be made as provided in subdivisions (ii), (iii), and (iv) of this subparagraph. Allocation among countries of 100,000 short tons, raw value, representing an addition to the initial limitation of 1,000,000 short tons, raw value, shall be made as provided in subdivision (v) of this subparagraph. Allocation among counties of 50,000 short tons, raw value, representing an addition to previous limitations of 1,100,000 short tons, raw value, shall be made as provided in subdivision (vi) of this subparagraph. Allocation among countries of 75,000 short tons, raw value, representing an addition to previous limitations of 1,150,000 short tons, raw value, shall be made as provided in subdivision (vii) of this subparagraph.

• • • • •

(vii) The 75,000 short tons, raw value, shall be prorated among countries for which applications for importation have been made, on the basis of first-half importations from such countries as set forth in subparagraph (5) of this paragraph.

• • • • •

(Secs. 201, 202, 207, and 403; 61 Stat. 923 as amended, 924 as amended, 927 as amended, and 932 as amended; 7 U.S.C. 1111, 1112, 1117, and 1153)

Effective date. This action raises the limitation on second quarter imports from foreign countries by 75,000 tons. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar for consumption in the continental United States be able as soon as possible to make plans based on changes in the marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and 30-day effective date requirements in 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 21st day of April 1967.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-4587; Filed, Apr. 21, 1967; 1:35 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 263, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553(1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(i) and (ii) of § 910.563 (Lemon Reg. 263, 32 F.R. 6020) are hereby amended to read as follows:

§ 910.563 Lemon Regulation 263.

• • • • •

(b) *Order.* (1) • • •

(i) District 1: 1,860 cartons;

(ii) District 2: 260,400 cartons.

• • • • •

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 20, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4507; Filed, Apr. 24, 1967; 8:46 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 79]

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

Order Terminating Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Des Moines marketing area (7 CFR Part 1079), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act: § 1079.12(c).

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The provision hereby terminated requires that a plant operated by a cooperative association whose members are the majority of the total number of producers shipping to pool plants of other handlers be a pool plant under the Des Moines order.

The Des Moines Cooperative Dairy, a division of Producers Creamery of Springfield, Mo., operates such a plant located at Marion, Iowa. The Marion plant also qualifies as a pool plant under the terms of the Cedar Rapids-Iowa City milk order and has been a pool plant under that order for several years.

Since the plant qualifies as a pool plant under both orders, it is regulated by the order applicable in the area to which the greatest plant shipments for Class I use are made. It is more efficient for this cooperative to supply its Cedar Rapids-Iowa City customers by direct shipment from producers' farms. Hence, there is very little milk moved through the Marion plant to such customers. On the other hand, it is economically feasible to make occasional shipments from the plant to Des Moines handlers for Class I use. Producer members of the cooperative deliver significantly larger quantities of milk to Cedar Rapids-Iowa City handlers, than the quantities of milk shipped from their Marion plant to Des Moines handlers.

By terminating the provision which automatically qualifies the plant as a pool plant because it is operated by a cooperative which is the principal supplier for the Des Moines market the plant would remain pooled in the Cedar Rapids-Iowa City market where it has been pooled historically and where this producer milk supply is primarily associated.

The provision being terminated does not affect the pool status of plants regulated by any handler other than the Des Moines Cooperative Dairy.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this termination (32 F.R. 5639). None were filed in opposition to the proposed termination.

Therefore, good cause exists for making this order effective April 1, 1967.

It is therefore ordered, That the aforesaid provision of the order is hereby terminated.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: April 1, 1967.

Signed at Washington, D.C., on April 20, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-4551; Filed, Apr. 24, 1967; 8:50 a.m.]

[Milk Order 187]

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

Order Amending Order

§ 1137.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Colorado marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued March 16, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued April 3, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1967, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553(d)(1968)).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period, were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Eastern Colorado marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

Section 1137.15 is revised as follows:

§ 1137.15 Route.

"Route" means any delivery to retail or wholesale outlets (including a delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or a nonpool plant: *Provided*, That packaged fluid milk products that are transferred to a distributing pool plant from a plant with route disposition in the marketing area, and which are classified as Class I under § 1137.44(a), shall be considered as a route disposition from the transferor plant, rather than from the transferee plant, for the single purpose of qualifying it as a pool distributing plant under § 1137.7(a)(1).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: May 1, 1967.

Signed at Washington, D.C., on April 20, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-4550; Filed, Apr. 24, 1967; 8:50 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the position of Deputy Assistant to the Secretary (National Security Affairs) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (29) is added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(29) One Deputy Assistant to the Secretary (National Security Affairs).

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-4496; Filed, Apr. 24, 1967; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is added to show that the positions of Deputy Assistant Secretary for Transportation Policy Development and Deputy Under Secretary are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, a new § 213.3394 is added as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* (1) Deputy Assistant Secretary for Transportation Policy Development.

(2) One Deputy Under Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-4513; Filed, Apr. 24, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8116; Amdt. 11-8]

PART 11—GENERAL RULE-MAKING PROCEDURES

Authority of Directors of Aeronautical Center and National Aviation Facilities Experimental Center

The purpose of this amendment is to clarify Subpart C of FAR Part 11 to the effect that the terms "Office or Service" include the Aeronautical Center and the National Aviation Facilities Experimental Center, either of which has the responsibility for developing the substance of certain parts of the Federal Aviation Regulations. Since this amendment is procedural and does not impose a burden on any person, notice and public procedure thereon are not required and the amendment may be made effective immediately.

In consideration of the foregoing, Part 11 of the Federal Aviation Regulations (14 CFR Part 11) is amended as follows, effective April 25, 1967.

§§ 11.25, 11.37 [Amended]

1. Sections 11.25(b)(2) and 11.37 are amended by deleting the words "Washington 25, D.C." and inserting, in place thereof, the words "Washington, D.C. 20590".

2. Section 11.41(a) is amended by adding at the end thereof, the following sentence:

§ 11.41 Scope.

(a) * * * For the purposes of this subpart, the words "Office or Service" include the Aeronautical Center and the National Aviation Facilities Experimental Center.

* * * * *

(Secs. 303(d), 313(a), 1001, Federal Aviation Act of 1958; 49 U.S.C. 1344(d), 1354(a), 1481)

Issued in Washington, D.C., on April 18, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-4497; Filed, Apr. 24, 1967; 8:46 a.m.]

[Airspace Docket No. 66-WA-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Federal Airways, Alteration of Transition Areas

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter certain Federal airways and transition areas.

The airspace actions taken herein are editorial in nature and would extend certain VOR Federal airways via the designated alignment of the airway segments being revoked. In addition transition area boundaries designated in part by those airways being revoked will be redescribed utilizing the new airway segments. The extent of controlled airspace associated with these actions will not be altered.

The airway extensions would provide simplification of airway numbering and provide a longer single numbered airway segment to facilitate flight planning.

Since these amendments are editorial in nature and do not involve the designation of airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

1. Section 71.123 (32 F.R. 2009) is amended as follows:

a. In V-38 "12 AGL Elkins, W. Va." is deleted and "12 AGL Elkins, W. Va.; 12 AGL Gordonsville, Va.; 12 AGL Richmond, Va.; 12 AGL Harcum, Va.; 12 AGL Cape Charles, Va." is substituted therefor.

b. In V-72 "From Akron, Ohio," is deleted and "From Rosewood, Ohio, 12 AGL Mansfield, Ohio; 12 AGL INT Cleveland, Ohio, 138° and Tiverton, Ohio, 017° radials; 12 AGL Akron, Ohio;" is substituted therefor.

c. In V-106 all before "12 AGL INT Johnstown 068° and Selinsgrove, Pa., 259° radials;" is deleted and "From Johnstown, Pa.;" is substituted therefor.

d. In V-139 "From Cape Charles, Va.," is deleted and "From Wilmington, N.C., 12 AGL INT Wilmington 036° and New Bern, N.C., 231° radials; 12 AGL New Bern; 12 AGL Cofield, N.C.; 12 AGL INT Cofield 084° and Norfolk, Va., 209° radials; 12 AGL Norfolk; 12 AGL Cape Charles, Va.;" is substituted therefor.

e. In V-143 "; 12 AGL Front Royal, Va.; 12 AGL Martinsburg, W. Va.; 12 AGL Lancaster, Pa.; 12 AGL Pottstown, Pa.; 12 AGL Yardley, Pa." is added at the end of text.

f. V-156 is revoked.

g. In V-166 "; 12 AGL Woodstown, N.J.; 12 AGL Sea Isle, N.J." is added at the end of text.

h. In V-184 "; 12 AGL Harrisburg, Pa.; 12 AGL INT Harrisburg 132° and West Chester, Pa., 274° radials; 12 AGL West Chester; 12 AGL INT West Chester 120° radial and Philadelphia, Pa., International Airport ILS localizer 256° course; 12 AGL Woodstown, N.J.; 12 AGL Millville, N.J.; 12 AGL Atlantic City, N.J. The airspace within R-5802 is excluded." is added at the end of text.

i. In V-194 ", including a 12 AGL south alternate via INT Cofield 084° and Norfolk 209° radials" is deleted.

j. V-229 is revoked.

k. V-238 is revoked.

l. V-239 is revoked.

m. V-246 is revoked.

n. V-251 is revoked.

o. V-256 is revoked.

p. V-271 is revoked.

2. Section 71.181 (32 F.R. 2148) is amended as follows:

a. In Edenton, N.C., "on the west by V-229." is deleted and "on the west by V-139." is substituted therefor.

b. In Wilmington, N.C., "along the east boundary of V-229" is deleted and "along the east boundary of V-139" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 18, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4500; Filed, Apr. 24, 1967; 8:46 a.m.]

[Airspace Docket No. 66-PC-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Transition Areas

On February 4, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2452) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in Hawaii.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

We had proposed to name the area described in Item 1 of the notice the South Kauai transition area. Further study of the area indicates that it would be more appropriately named Swordfish transition area. Since this change is editorial in nature, notice and public procedure herein are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

Section 71.181 (32 F.R. 2148) is amended as follows:

1. The Swordfish transition area is designated to read:

SWORDFISH, HAWAII

That airspace extending upward from 5,000 feet above the surface bounded on the north and northeast by V-14, on the south by V-12 and the Honolulu Oceanic Control Area, and on the west by longitude 160°00'00" W.; that airspace bounded on the north by V-12 and the Honolulu transition area, on the northeast by V-14, on the south by V-4, and on the west by the Honolulu Oceanic Control Area; and that airspace bounded on the north by V-4, on the east by the Honolulu transition area, on the south by W-319A, and on the southwest by the Honolulu Oceanic Control Area.

2. The Sunrise transition area is designated to read:

SUNRISE, HAWAII

That airspace extending upward from 2,500 feet above the surface bounded on the north by V-12, on the east by the Honolulu Oceanic Control Area, and on the south by V-4; that airspace bounded on the north by V-4, on the east by the Honolulu Oceanic Control Area, on the south by V-8, and on the west by the arc of a 19-mile radius circle centered on the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.); and that airspace bounded on the north by V-8, on the east by the Honolulu Oceanic Control Area, on the south by a line 15 nmi south of and parallel to the Molokai VOR 067° radial, and on the west by the arc of a 30-mile radius circle centered on the Kahului Airport (latitude 20°54'00" N., longitude 156°26'00" W.).

3. The Upolu Point transition area is designated to read:

UPOLU POINT, HAWAII

That airspace extending upward from 1,200 feet above the surface bounded on the north by V-15, on the east by V-6, on the south by V-2, and on the west by V-11; that airspace bounded on the northeast by V-16, on the southeast by V-11, and on the southwest by V-5; and that airspace bounded on the north by a line 4 nmi north of and parallel to the Lanai VOR 110° radial, on the east by V-11, and the south by V-2.

4. The 1,200-foot portion of the Honolulu, Hawaii, transition area is amended by deleting all after "thence to latitude 21°09'00" N., longitude 158°24'45" W." and substituting therefor "; that airspace northwest of Honolulu, extending from the 30-mile radius area bounded on the northeast by W-322D, on the west by the Lihue transition area, and on the southwest by V-2; and that airspace southeast of Honolulu bounded on the northeast by V-16, on the east by longitude 157°-17'00" W., on the south by a line extending from latitude 20°47'15" N., longitude 157°17'00" W. to latitude 20°48'00" N., longitude 157°30'00" W. through latitude 20°52'00" N., longitude 157°50'00" W. to a line 12 miles east of and parallel to the Honolulu VORTAC 180° radial, and on the west by a line 12 miles east of and parallel to the Honolulu VORTAC 180° radial, excluding the portion within W-318, the portion below 4,000 feet MSL within W-322D and the portion within the Kaneohe control zone and the Kaneohe transition area."

5. The 1,200-foot portion of the Molokai, Hawaii, transition area is amended by deleting "thence to point of beginning." and substituting therefor "thence to point of beginning; that airspace bounded on the northwest by V-8, on the northeast by V-6, and on the south by V-15; that airspace bounded on the north by V-15, on the east by V-17, on the south by V-2, and on the west by V-7; and that airspace bounded on the north by V-8, on the east by V-7, and on the southwest by V-2."

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, E.O. 10854 24 F.R. 9565)

Issued in Washington, D.C., on April 17, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4501; Filed, Apr. 24, 1967; 8:46 a.m.]

[Airspace Docket No. 67-AL-4]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter the restricted area at Clear, Alaska, R-2206, to provide a realistic distance protection against possible RF radiation for aircraft and to change the using agency.

The purpose of this restricted area is to protect aircraft and personnel from RF radiation emitted from the Missile Early Warning System (MEWS) tracking radar antennae. An Electromagnetic Radiation Hazard Survey was conducted at Clear AFS during the period October 19–23, 1966, to determine the extent of RF radiation present. Airborne measurements indicated that a radiation hazard is possible to personnel aboard unshielded aircraft in flight, within 3,540 feet of the radar tracking antennae. The results of this survey permit a reduction in the north and west portions of the existing restricted area by approximately 27 square miles in which no RF radiation hazard exists and requires an expansion of the east and south portions by approximately 5 square miles in which an RF radiation hazard does exist.

A notice of proposed modification was circulated to all known interested persons in Alaska. All comments received were favorable.

The Administrator has determined that, in the interest of aeronautical safety, there is an immediate requirement to alter the boundary of R-2206; therefore, notice and public procedure hereon is impracticable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as hereinafter set forth.

In § 73.22 (32 F.R. 2293), R-2206 Clear, Alaska, is amended to read:

Boundaries: Beginning at latitude 64°19'-46" N., longitude 149°10'08" W.; to latitude 64°19'46" N., longitude 149°15'33" W.; to latitude 64°16'19" N., longitude 149°15'33" W.; to latitude 64°16'19" N., longitude 149°-10'05" W.; thence north, 100 feet west of and parallel to the Alaskan railroad to the point of beginning.

Designated altitudes: Surface to 5,000 feet MSL.

Time of designation: Continuous.

Using agency: Commander 13th Missile Warning Squadron, Clear, Alaska.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 17, 1967.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 67-4498; Filed, Apr. 24, 1967; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-107]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

International Organizations

By Executive Order 11334, signed March 7, 1967, the President has designated the Asian Development Bank as an international organization entitled to enjoy certain privileges, exemptions, and immunities conferred by the International Organizations Immunities Act of December 29, 1945.

The list of public international organizations currently entitled to free-entry privileges in § 10.30a(a) of the Customs Regulations is, therefore, amended by inserting in the proper alphabetical order the following:

Organization	Executive order	Date
Asian Development Bank	11334	Mar. 7, 1967

(80 Stat. 379; 5 U.S.C. 301, 19 U.S.C. 66)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 17, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-4509; Filed, Apr. 24, 1967; 8:46 a.m.]

[T.D. 67-108]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Miscellaneous Amendments

As a result of the changes made in the Tariff Schedules of the United States by the enactment of Public Law 89-651, the Educational, Scientific, and Cultural Materials Importation Act of 1966, made effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after February 1, 1967, by the President's Proclamation No. 3754 of November 3, 1966 (31 F.R. 277), Part 10 is amended as follows:

1. Section 10.9 and footnote 7 are deleted.

2. Section 10.45 is deleted.

3. A new § 10.47 is added reading as follows:

§ 10.47 Scientific specimens.

There shall be filed in connection with an entry covering any articles claimed to be free under item 870.27, Tariff Schedules of the United States, a declaration of the importer of record stating that the subject articles are imported for public or private scientific collection for exhibition or other educational or scientific use as the case may be and are not for sale or other commercial use.[42]

4. Section 10.48 is amended as follows:

a. The section heading is amended to read "Engravings, drawings, sculptures, etc."

b. Paragraph (a) is amended by deleting "765.05,".

c. Paragraph (b) is amended as follows: The declaration in subparagraph (1) is amended to read:

I, _____, do hereby declare that I am the producer of certain works of art, namely _____ covered by the annexed invoice dated _____; that any mosaics included in that invoice are originals; that any sculptures or statuary included in that invoice are the original works or models or 1 of the first 10 castings, replicas, or reproductions made from the sculptor's original work or model; and that any etchings, engravings, woodcuts, lithographs, or prints made by other hand-transfer processes included in that invoice were printed by hand from hand-etched, hand-drawn, or hand-engraved plates, stones, or blocks.

5. Footnote 39 appended to § 10.43 is amended to read as follows:

[39] "Articles imported for the use of an institution established solely for religious purposes:

"Drawings, engravings, etchings, lithographs, woodcuts, sound recordings, recorded video tapes, and photographic and other prints, all the foregoing whether bound or unbound, and exposed photographic films (including motion-picture films) whether or not developed * * *." (Item 850.10, Tariff Schedules of the United States.)

"Regalia * * *." (Item 850.40, Tariff Schedules of the United States.)

"Articles imported for the use of an institution organized and operated for religious purposes, including cemeteries, schools, hospitals, orphanages, and similar nonprofit activities staffed and controlled by such institution: Altars, pulpits, communion tables, baptismal fonts, shrines, mosaics, iconostases, or parts, appurtenances, or adjuncts of any of the foregoing, whether to be physically joined thereto or not, and statuary (except granite or marble cemetery headstones, granite or marble grave markers, and granite or marble feature memorials, and except casts of plaster of Paris, or of compositions of paper or papier-mache) * * *." (Item 850.70, Tariff Schedules of the United States.)

"Articles imported for the use of any public library, and other public institutions, or any nonprofit institution established for educational, scientific, literary, or philosophical purposes, or for the encouragement of the fine arts:

"Drawings and plans, reproductions thereof, engravings, etchings, lithographs, woodcuts, globes, sound recordings, recorded video tapes, and photographic and other prints, all the foregoing whether bound or unbound, and exposed photographic films (including motion-picture films) whether or not developed * * *." (Item 851.10, Tariff Schedules of the United States.)

"Regalia * * *." (Item 851.30, Tariff Schedules of the United States.)

"Any textile machine or machinery, or part thereof, solely for the instruction of students * * *." (Item 851.40, Tariff Schedules of the United States.)

"Patterns and models exclusively for exhibition or educational use at any such institution * * *." (Item 851.50, Tariff Schedules of the United States.)

6. Footnote 41 appended to § 10.46 is amended to read as follows:

[41] "Articles for the use of any agency of the United States Government. Engravings, etchings, photographic prints, whether bound or unbound, recorded video tapes, and exposed photographic films (including motion-picture films) whether or not developed * * *." (Item 830.00, Tariff Schedules of the United States.)

"Articles for the Department of State: Sound recordings and recorded video tapes for use by it in the program authorized by the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431–1479) * * *." (Item 831.00, Tariff Schedules of the United States.)

7. A new footnote 42 appended to § 10.47 is added to read as follows:

[42] "Specimens of archeology, mineralogy, or natural history (including specimens of botany or zoology other than live zoological specimens) imported for any public or private scientific collection for exhibition or other educational or scientific use, and not for sale or other commercial use * * *." (Item 870.27, Tariff Schedules of the United States.)

8. Footnote 43 appended to § 10.48 is amended by deleting the quotation of item 765.05, Tariff Schedules of the United States.

9. Footnote 48 appended to § 10.53 is amended to read as follows:

[48] "Ethnographic objects made in the traditional aboriginal styles and made at least 50 years prior to their date of entry; and other antiques made prior to 100 years before their date of entry; all the foregoing articles including such articles which have been repaired or renovated without changing their original form or character: * * * other * * * Free." (Item 766.25, Tariff Schedules of the United States.)

(R.S. 251, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (Gen. Headnote 11), 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 17, 1967.

True Davis,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-4510; Filed, Apr. 24, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

S-Ethyl Cyclohexylethylthiocarbamate

A petition (PP 7F0522) was filed with the Food and Drug Administration by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of a tolerance of 0.05 part per million for residues of the herbicide *S*-ethyl cyclohexylethylthiocarbamate in or on the raw agricultural commodities sugarbeets (roots and tops) and spinach.

Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

After consideration of the data submitted in the petition and other relevant material, it is concluded that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Part 120 is amended by adding to Subpart C a new section, as follows:

§ 120.212 *S*-Ethyl cyclohexylethylthiocarbamate; tolerances for residues.

A tolerance of 0.05 part per million is established for negligible residues of the herbicide *S*-ethyl cyclohexylethylthiocarbamate in or on the raw agricultural commodities spinach, sugarbeet roots, and sugarbeet tops.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 17, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4515; Filed, Apr. 24, 1967; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Simazine

A petition (PP 5F0447) was filed with the Food and Drug Administration by Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y. 10702, proposing the establishment of a tolerance of 30 parts per million for residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino)-*s*-triazine) in or on alfalfa, Bermuda grass, and grass. The petitioner subsequently reduced the proposed tolerance to 15 parts per million.

The Secretary of Agriculture has certified that this herbicide chemical is useful for the purposes for which the tolerance is being established.

After consideration of the data submitted in the petition and other relevant material, it is concluded that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Part 120 is amended by adding the following new section to Subpart C:

§ 120.213 Simazine; tolerances for residues.

A tolerance of 15 parts per million is established for residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino)-*s*-triazine) in or on alfalfa, Bermuda grass, and grass.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 18, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4516; Filed, Apr. 24, 1967; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6A2018) filed by Norse Chemical Corp., 2121 Norse Avenue, Cudahy, Wis. 53110, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of disodium EDTA as a sequestrant in the nonnutritive sweeteners that are listed in § 121.101(d)(4) and that, in addition, are designed for aqueous solution. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1056(b) is amended by adding a new subparagraph, as follows:

§ 121.1056 Disodium EDTA.

* * * * *

(b) * * *

(3) Alone, as a sequestrant in the nonnutritive sweeteners that are listed in § 121.101(d)(4) and that, in addition, are designed for aqueous solution: *Provided*, That the amount of the additive, calculated as anhydrous calcium disodium EDTA, does not exceed 0.1 percent by weight of the dry nonnutritive sweetener.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objection. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 18, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4517; Filed, Apr. 24, 1967; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 86—NOTIFICATION OF ELIGIBILITY FOR RETIRED PAY FOR MEMBERS OF RESERVE COMPONENTS

The Deputy Secretary of Defense approved the following on March 29, 1967:

Sec.
86.1 Purpose and applicability.
86.2 Policy.
86.3 Notification of eligibility for retired pay at age 60.

AUTHORITY: The provisions of this Part 86 issued under Chapters 67 and 71 of Title 10, U.S.C.

§ 86.1 Purpose and applicability.

This part establishes uniform policies requiring the Military Departments to notify members of their reserve components that they have completed the years of service required for eligibility for retired pay.

§ 86.2 Policy.

(a) The Secretary of each Military Department shall provide a notification to each person who has met all of the following conditions for eligibility for retired pay at age 60, under section 1331(a) of Title 10, U.S.C.

(1) Completion of at least 20 years of qualifying service as prescribed in section 1331(a)(2) of Title 10, U.S.C.

(2) Performance of the last 8 years of qualifying service while a member of a reserve component named in section 1332(a)(1) of Title 10, U.S.C.

(3) If the person was a Reserve of an armed force, or a member of the Army without component or other category covered by section 1332(a)(1) of Title 10, U.S. Code (except a regular component) before August 16, 1945, he must have performed active duty after April 5, 1917, and before November 12, 1918, or after September 8, 1940, and before January 1, 1947, or active duty (other than for training) after June 26, 1950, and before July 28, 1953.

(b) The notification will be issued within 1 year after the person concerned has completed all of the above eligibility requirements, or for those persons who have already met these requirements it will be issued prior to July 1, 1968.

(c) After a person has been granted retired pay under Title 10, U.S.C. or has been notified in accordance with this part that he has completed the years of service required for eligibility for retired pay at age 60, this eligibility may not be denied or revoked on the basis of any error, miscalculation, misinformation, or administrative determination of years of service performed, unless it resulted directly from the fraud or misrepresentation by the individual concerned.

(d) The number of years of creditable service upon which retired pay is computed may be adjusted to correct any error, miscalculation, misinformation, or administrative determination, and when such a correction is made the person is entitled to retired pay in accordance with the number of years of creditable service, as corrected, from the date he is granted retired pay.

(e) The format for the notification is in § 86.3. Local reproduction of the notification format is authorized.

(f) In view of the restrictions on denial or revocation of eligibility for retired pay, as stated in paragraph (c) of this section, suitable controls and procedures shall be established to avoid errors, miscalculations, misinformation, and erroneous administrative determinations.

(g) The notification shall be issued in the name of an official having general responsibility for administering the controls and procedures referred to in paragraph (f) of this section, and shall be authenticated by the handwritten signature of the officer or employee immediately responsible for the determination of the eligibility of the member being notified.

(h) The granting of retired pay to a person under Title 10, U.S.C. is conclusive as that person's entitlement to such pay only if the payment of the retired pay is begun after the effective date of Public Law 89–652, October 14, 1966.

(i) A notification that a person has completed the years of service required for eligibility for retired pay under Title 10 U.S.C. is conclusive as to the person's subsequent entitlement to such pay only if the notification is made after the effective date of Public Law 89–652, October 14, 1966.

§ 86.3 Notification of eligibility for retired pay at age 60.

This is to notify you that, having completed the required years of service, you will be eligible for retired pay upon application at age 60 in accordance with the provisions of Title 10, U.S. Code, chapter 67. Your eligibility for retired pay may not be denied or revoked on the basis of any error, miscalculation, misinformation, or administrative determination of years of creditable service performed unless it resulted directly from fraud or misrepresentation on your part. Notwithstanding the foregoing, the number of years of creditable service upon which retired pay is computed may be adjusted to correct any error, miscalculation, misinformation, or administrative determination, and when such a correction is made you will be eligible for retired pay in accordance with the number of years of creditable service, as corrected, from the date retired pay is granted.

Command line or _____
(Name of official having general responsibility for issuance)

_____
(Signature of authenticating officer or employee)

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD(A).

[F.R. Doc. 67–4487; Filed, Apr. 24, 1967; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 401—SEAWAY REGULATIONS AND RULES

Miscellaneous Amendments

The amendments contained herein are of a miscellaneous nature and apply to Subpart B—Rules of 33 CFR Part 401. The Saint Lawrence Seaway Development Corporation is acting jointly with The St. Lawrence Seaway Authority of Canada in issuing these regulations, pursuant to provisions of the Corporation's enabling act (33 U.S.C. 981 et seq.). The present amendments were first published in the FEDERAL REGISTER on March 9, 1967, in a notice of proposed rule making (32 F.R. 3888–3890).

Interested parties were permitted to submit written data, views, or arguments with regard to the proposed changes and no objections having been received, they are hereby adopted by the Corporation.

Subpart B—Rules of 33 CFR Part 401, as revised by 28 F.R. 3754–62 and amended by 29 F.R. 5034–35, 30 F.R. 6580–81 and 31 F.R. 8062–64 are further amended as follows:

I. The rules of Subpart B respecting Condition of Vessels, §§ 401.102–1 to 401.102–25, are amended by revising § 401.102–9 (on landing booms) to increase the length of vessels to which the requirement is applicable from 100 feet to 150 feet; § 401.102–13 (on mooring lines and winches) to eliminate the table of minimum requirements and reduce their applicability from five to three categories of vessels; § 401.102–18 (on propeller direction alarms) to incorporate § 401.102–22 (on r.p.m. indicators) for prospective application to vessels over 260 feet in length, as required equipment rather than recommended equipment, in the alternative; § 401.102–19 (on septic tanks) to change the recommendation for "septic tanks" aboard vessels to a more inclusive recommendation for "sewage disposal systems"; § 401.102–21 (on rudder angle indicators) and § 401.102–25 (on midship draft markings) for prospective application to vessels over 260 feet in length as required rather than recommended equipment; and by deleting § 401.102–22 (on r.p.m. indicators); as follows:

§ 401.102–9 Landing booms.

Vessels in excess of 150 in overall length must be equipped with at least one adequate landing boom on each side.

§ 401.102–13 Requirements for mooring lines and winches.

Minimum requirements with respect to mooring lines and winches and with respect to the location of fairleads on vessels are as follows:

(a) Vessels of 125 feet and less in overall length shall have at least two mooring lines or hawsers, one leading from the break of the bow and one from the quarter. Both lines may be led through closed chocks and may be handheld.

(b) Vessels in excess of 125 feet and up to 200 feet in overall length shall have four mooring lines, two of which (one leading forward from the break of the bow and one leading astern from the quarter, or one leading astern from the break of the bow and one leading forward from the quarter) must be power-operated from winches, capstans, or windlasses and must be led through a type of fairlead acceptable to the Authority. The two remaining lines may be led through closed chocks and may be hand-held.

(c) Vessels in excess of 200 feet in overall length shall have four mooring lines, which must be power-operated from the main drums of adequate power-operated winches, and not from capstans or windlasses. All four mooring lines (two leading from the break of the bow and two from the quarter) must be led through a type of fairlead acceptable to the Authority.

(d) The following table sets out the requirements for the location of fairleads.

TABLE I—LOCATION OF FAIRLEADS

Overall length of vessel in feet	For mooring lines Nos. 1 and 2	For mooring lines Nos. 3 and 4
200 to 300	Between 30 and 80 feet from the stem	Between 30 and 80 feet from the stern.
Over 300 to 400	Between 40 and 100 feet from the stem	Between 50 and 110 feet from the stern.
Over 400 to 500	Between 40 and 110 feet from the stem	Between 50 and 130 feet from the stern.
Over 500 to 600	Between 50 and 130 feet from the stem	Between 60 and 150 feet from the stern.
Over 600 to 730	Between 60 and 160 feet from the stem	Between 70 and 170 feet from the stern.

§ 401.102–18 Propeller direction alarms and r.p.m. indicators.

Effective January 1, 1969, vessels in excess of 260 feet in overall length shall be equipped with propeller direction and shaft r.p.m. indicators or visible and audible wrong-way propeller direction alarms located in the wheelhouse and the engine room.

§ 401.102–19 Sewage disposal systems.

Sewage disposal systems are strongly recommended for vessels not otherwise equipped with containers for ordures.

§ 401.102–21 Rudder angle indicators.

Effective January 1, 1968, vessels in excess of 260 feet in overall length shall be equipped with rudder angle indicators located in the wheelhouse.

§ 401.102–22 [Deleted]

§ 401.102–25 Midship draft markings.

Effective January 1, 1969, vessels in excess of 260 feet in overall length shall be marked on both sides with midship draft markings.

II. The rules of Subpart B respecting Radio Communications, §§ 401.103–1 to 401.103–8 are amended by revising § 401.103–3 (on location of stations) to designate the location of Station VDX22 as "Welland Canal Headquarters" instead of "Guard Gate, Welland Canal"; by deleting § 401.103–6 (on calling-in upon leaving at Montreal) and calling-in-points Nos. 4 and 2 under § 401.103–7 (on calling-in-points) for downbound vessels, to eliminate unnecessary messages contributing to radio congestion; as follows:

§ 401.103–3 Location of stations.

The Seaway stations are for vessel traffic control purposes only, and are located as follows:

VDX20 Upper Beauharnois Lock (Dispatch Area No. 1).
KEF Eisenhower Lock (Dispatch Area No. 2).
VDX21 Iroquois Lock (Dispatch Area No. 3).
VDX22 Welland Canal Headquarters (Dispatch Area No. 4).

§ 401.103–6 [Deleted]

§ 401.103–7 Calling-in points.

* * * * *

Downbound vessels	Dispatch area	Station call sign
No. 16—Three Mile Fairway Buoy—off Port Colborne Harbor—Lake Erie (order of passing through established here).	No. 4	VDX22.
No. 14—Maitland—Fairway Buoy—St. Lawrence River	No. 3	VDX21.
No. 13—Cardinal—St. Lawrence River (order of passing through established here).	No. 3	VDX21.
No. 10—Bradford Island—Light No. 71—Lake St. Lawrence	No. 2	KEF.
No. 9—Richards Point—Light No. 58—Lake St. Lawrence (order of passing through established here).	No. 2	KEF.
No. 6—Pointe Mouillee—Pier Light No. 63F—Lake St. Francis	No. 1	VDX20.
No. 5—Entrance to Beauharnois Canal—Buoy No. 24F—Lake St. Francis (order of passing through established here).	No. 1	VDX20.

III. Rules of Subpart B respecting Transit Instructions, §§ 401.104–1 to 401.104–48, are amended by revising § 401.104–15 (on the limit of approach to a lock) to provide a reference to all signs identifiable as marking the limit of approach, including abbreviations, lights or symbols; and § 401.104–30 (on turning basins) to redescribe and reflect the enlargement of turning basin (b) in the Welland Canal; as follows:

§ 401.104–15 Limit of approach to a lock.

The stem of a vessel approaching a look or guard gate shall not pass the indicated sign signifying the limit of approach until the signal light at the lock shows green.

§ 401.104–30 Turning basins.

* * * * *

Welland Canal:

(a) Opposite St. Catharines Wharf for vessels up to 350 feet.

(b) Between Lock 7 and Bridge 9 for vessels up to 600 feet.

(c) Three thousand feet south of Bridge 12 for vessels up to 600 feet.

(d) North of Lock No. 8 for vessels up to 550 feet.

* * * * *

IV. Rules of Subpart B respecting Dangerous Cargo, §§ 401.105–1 to 401.105–8, are revised in full, to provide procedural and operational requirements for carriage of dangerous cargoes in the Seaway by vessels considered to be in an explosive category; and separate requirements for the carriage of dangerous cargoes of a class and in quantities in vessels considered to be in a hazardous category; as follows:

DANGEROUS CARGO

§ 401.105–1 General conditions.

Vessels carrying fuel oil, gasoline, crude oil, or other flammable goods in bulk, including empty tankers which are not gas free, and vessels carrying dangerous goods to which regulations made under the Canada Shipping Act, or to which the Dangerous Cargo Act of the United States of America or regulations issued pursuant thereto, apply, shall be deemed to carry dangerous cargo, and they may transit only if all requirements of the statutes and regulations cited and of §§ 401.105–2 to 401.105–11 have been fulfilled.

§ 401.105–2 Explosive vessel.

A vessel carrying—

(a) Explosives with a mass explosive risk, including ammonium nitrate when it falls into this classification; or

(b) More than 10 tons of explosives which do not explode en masse; or

(c) More than 100 tons of explosives having a fire hazard with minor or no explosive effects

shall be deemed for Seaway purposes to be an Explosive Vessel.

§ 401.105–3 Explosives permit.

An explosive vessel shall not transit without a Seaway Explosives Permit.

§ 401.105–4 Application for permit.

Written application for a Seaway Explosives Permit may be made to the Director of Operations, The St. Lawrence Seaway Authority, Cornwall, Ontario, or to the Chief Engineer, Saint Lawrence Seaway Development Corporation, Massena, N.Y., and it shall show that the goods are packed, marked, labeled, described, certified, stowed, and otherwise conform with all relevant regulations of the country in which they were loaded and of Canada and the United States of America.

§ 401.105–5 Production of explosives permit.

A signed copy of a Seaway Explosives Permit and a true copy of any certificate as to the loading of dangerous goods shall be kept onboard a vessel in transit and made available to any officer requiring production of same.

§ 401.105–6 Hazardous cargo vessel.

A tanker vessel carrying fuel oil, gasoline, crude oil, or other flammable goods in bulk, including tankers which are not gas free, and also a dry cargo vessel carrying other dangerous cargo, which is:

(a) In excess of 50 tons of gases, compressed, liquified or dissolved under pressure;

(b) In excess of 50 tons of inflammable liquids of the low flashpoint group;

(c) In excess of 50 tons of organic peroxides;

(d) In excess of 100 tons of oxidizing substances;

(e) In excess of 100 tons of inflammable liquids of the intermediate flashpoint group;

(f) In excess of 100 tons of inflammable solids or spontaneously combustible substances;

(g) In excess of 100 tons of substances omitting inflammable gases when wet;

(h) In excess of 100 tons of poisonous (toxic) substances;

(i) In excess of 100 tons of infectious substances;

(j) In excess of 200 tons of corrosive substances; or

(k) In excess of 500 tons of inflammable liquids of the high flashpoint group.

shall be deemed for Seaway purposes to be a Hazardous Cargo Vessel.

§ 401.105–7 Nonmetallic fenders.

An explosive vessel and a hazardous cargo vessel must be equipped with a sufficient number of nonmetallic fenders to prevent any metallic part of the vessel from touching the side of a dock or lock wall.

§ 401.105–8 Signals—explosive vessel.

An explosive vessel must display at the masthead or at an equivalent, conspicuous position, a "B" Flag by day and a red light by night, both visible all around the horizon for a distance of at least 2 miles.

§ 401.105–9 Signals—hazardous cargo vessel.

A hazardous cargo vessel must display at the masthead or at an equivalent, conspicuous position, a "B" Flag superior to numeral pennant No. 1 by day and a red light by night, both visible all around the horizon for a distance of at least 2 miles.

§ 401.105–10 Calling-in.

An explosive vessel shall report the Seaway Explosives Permit number, and both explosive and hazardous cargo vessels shall report the nature of their cargo, in addition to the other required information, when calling-in as provided by §§ 401.103–4 and 401.103–5.

§ 401.105–11 Safety restrictions for passing through.

The passing through of explosive vessels and hazardous cargo vessels may be directed in a special manner by the officer in charge.

V. Part II of § 401.120–1 (Preclearance Form) is revised to provide more complete information as to required and recommended equipment for vessels; as follows:

§ 401.120–1 Preclearance form.

* * * * * *

PART II—INFORMATION ON VESSEL

The furnishing of inaccurate information is an offense under the regulations.

1. Managing Owner or Operator of the Vessel:
(a) Name of Company----------
(b) Address----------
2. Type of Vessel:
(a) Cargo ---------- ☐
(b) Tanker ---------- ☐
(c) Passenger only---------- ☐
(d) Cargo/Passenger ---------- ☐
(more than 12 passengers)
(e) Cargo/Passenger ---------- ☐
(under 12 passengers)
(f) Under tow---------- ☐
(g) Dredge ---------- ☐
(h) Scow ---------- ☐
Barge ---------- ☐
Tank Barge---------- ☐
(i) Tug ---------- ☐
(j) Naval (MIL)---------- ☐
(k) Government ---------- ☐
(l) Other (specify)---------- ☐
3. Type of service for which constructed:
(a) Inland ---------- ☐
(b) Ocean ---------- ☐
4. Specifications:
(a) Gross Tons----------
(b) Net Tons----------
(c) Length (overall)----------
(d) Extreme breadth (including fenders)----------

NOTE: It is of the utmost importance to furnish the precise overall length of all vessels in order that traffic controllers may arrange lockages accordingly.

5. Machinery:
(a) Steam ----------
(b) Diesel ----------
(c) Turbine ----------
Is vessel fitted with—
(a) Adjustable pitch propeller? Yes☐ No☐
(b) Bridge control? Yes☐ No☐
(c) Gyro compass? Yes☐ No☐
(d) Oily-water separator? Yes☐ No☐
(e) Radar? Yes☐ No☐
(f) Rudder angle indicator? Yes☐ No☐
(g) Sewage disposal system? Yes☐ No☐
(h) Stern anchor? Yes☐ No☐
(i) Wrong way propeller direction alarm? Yes☐ No☐

(68 Stat. 93–97, 33 U.S.C. 981–990, as amended)

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] JOSEPH H. MCCANN,
Administrator.

[F.R. Doc. 67-4505; Filed, Apr. 24, 1967; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER H—PASSENGER VESSELS

[CGFR 67-21]

PART 70—GENERAL PROVISIONS
PART 80—DISCLOSURE OF SAFETY STANDARDS

Miscellaneous Amendments

1. Public Law 89–777, approved November 6, 1966, added paragraphs (b) and (c) to section 362 of Title 46, U.S. Code (R.S. 4400, as amended). On and after May 6, 1967, this law requires under certain conditions the disclosure of safety standards of foreign and U.S.-flag passenger vessels that are 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers. The disclosure of safety standards must be in accordance with the regulations in this document and designated 46 CFR Part 80. These regulations implement section 362 of Title 46, U.S. Code, and are also effective May 6, 1967.

2. A notice of proposed rule making setting forth the proposed regulations on disclosure of safety standards of passenger vessels and the announcement of a public hearing by the Merchant Marine Council were published in the FEDERAL REGISTER of February 22, 1967 (32 F.R. 3153–3155). The written comments submitted at or prior to the public hearing and the oral comments made at the Merchant Marine Council Public Hearing held March 20, 1967, were considered and are identified in the record as Item PH 13–67. A number of comments submitted were not responsive to the proposals, but in effect objected to the new statutory requirements. Other comments raised hypothetical questions with respect to application or administration of the law and implementing regulations. Due to the nature of such comments, no actions could be taken with respect thereto.

Application. 3. The amendments to 46 CFR 70.05–1 and 70.05–3 in this document clarify the application of the passenger vessel regulations with respect to the addition of 46 CFR Part 80. These changes are based on the description in 46 CFR 80.05–1 and 80.05–3.

Safety information. 4. It is the intent of the regulations in 46 CFR Part 80 to inform all who are subject thereto as to what needs to be done without obtaining prior approval or clearance from the Coast Guard. In response to comments received, changes were made in 46 CFR 80.10–1, 80.10–10, 80.10–15, and 80.10–20. The important change was to provide in § 80.10–15 for a short safety information statement for those U.S.-flag vessels built subsequent to May 26, 1936.

Promotional literature or advertising. 5. A number of comments recommended that the phrase "promotional literature or advertising" be considered in the alternative rather than an all inclusive descriptive term. These comments were not accepted. The term "promotional literature or advertising" is deemed to be an all inclusive description.

Details of information printed or spoken. 6. The intent of the regulations is to have the safety information when printed, to be readable, easily identified and readily recognized. The safety information in a television broadcast shall be spoken regardless of whether or not it is made available as a part of the picture transmitted. The printing of safety information statements in certain types of promotional literature or advertising is covered in a new paragraph designated 46 CFR 80.10–20(e).

Civil penalties. 7. The provisions of section 362 of Title 46, U.S. Code, provide for civil penalties to be applied when violations of the law and regulations in 46 CFR Part 80 may occur. The navigation and shipping laws have provided for the assessment, mitigation, or remission of civil penalties in cases of alleged violations. The regulations describing the procedures are set forth in 46 CFR 2.50 and the same procedures will be utilized in the enforcement of the regulations in this document. If a person, organization, or company objects to the Coast Guard's findings of a violation of law or regulations and the assessment of a civil penalty by the Coast Guard and refuses to pay the civil penalty assessed, then the matter is referred to the Department of Justice for appropriate action. If the penalty is not paid, the case may be tried in the U.S. District Court having jurisdiction in a civil trial de novo. A reference to these procedures has been added to 46 CFR 80.20–1.

Regulations promulgated and effective dates. 8. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, and Department of Transportation Order 1100.1 delegating authority to prescribe regulations under laws transferred by subsection 6(b)(1) of the Department of Transportation Act, the following actions are ordered:

A. The vessel inspection regulations in 46 CFR Chapter I shall be amended in accordance with the changes and additions in this document.

B. The regulations in this document shall be effective on and after May 6, 1967.

C. On and after November 2, 1968, the safety information based on § 80.10–10 shall show whether or not the particular passenger vessel meets the 1966 fire safety requirements.

D. Promotional literature or advertising printed, filmed, or electronically recorded prior to May 6, 1967, or contracted for prior to that date, may be used without the safety information required by 46 CFR Part 80 until January 31, 1968.

E. All promotional literature or advertising printed, filmed, or electronically recorded and disclosed or utilized after January 31, 1968, shall contain the safety information required for the specific passenger vessel by 46 CFR Part 80.

Subpart 70.05—Application

9. Section 70.05–1 is amended by adding a paragraph (b) reading as follows:

§ 70.05–1 U.S.-flag vessels subject to the requirements of this subchapter.

* * * * * *

(b) The requirements for notification of safety standards to prospective passengers apply to every domestic passenger vessel of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers as set forth in Part 80 of this subchapter. The requirements for safety information in promotional literature or advertising apply to such passenger vessels only on international ocean voyages and U.S. domestic ocean voyages.

10. Section 70.05–3 is amended by revising the introductory text of paragraph (a), but not Table 70.05–1(a) and the subparagraphs thereunder, the introductory text of paragraph (b), but not the subparagraphs thereunder, and by adding a new paragraph (d), which read as follows:

§ 70.05–3 Foreign vessels subject to the requirements of this subchapter.

(a) Except as specifically noted in paragraph (b) of this section, Parts 70 to 78, inclusive, of this subchapter shall be applicable to the extent prescribed by law to all foreign vessels of the following classifications indicated in column 4 of Table 70.05–1(a) that are 100 gross tons or over;

* * * * * *

(b) The provisions of Parts 70 to 78, inclusive, of this subchapter shall not be applicable to those foreign vessels covered by paragraph (a) of this section which are:

* * * * * *

(d) The provisions of Part 80 of this subchapter regarding disclosure of safety standards shall apply to foreign passenger vessels of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers, as well as to the owners, operators, agents, or any persons involved in offering passage or soliciting passengers or selling passage on such vessels, when such vessels embark passengers at U.S. ports; or for such vessels on international ocean voyages anywhere in the world for which any offers of passage or soliciting of passengers is made by or through promotional literature or advertising in or over any medium of communication within the United States.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4421, as amended, 4426, as amended, 4453, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 404, 399, 435, 481, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Department of Transportation Order 1100.1, dated Mar. 31, 1967, 49 CFR 1.4(a)(2), 32 F.R. 5606)

11. Subchapter H is amended by inserting after Part 78 the following new Part 80:

Subpart 80.01—Authority and Purpose

Sec.
80.01–1 Purpose.
80.01–5 Authority.

Subpart 80.05—Application

80.05–1 Passenger vessels embarking passengers at U.S. ports.
80.05–3 Promotional literature or advertising.
80.05–10 Companies, organizations, and persons.

Subpart 80.10—Disclosure of Passenger Vessel Information

80.10–1 General.
80.10–3 Notification of safety to prospective passengers.
80.10–5 Promotional literature or advertising information requirements for international ocean voyages and U.S. domestic ocean voyages.
80.10–10 Safety information requirements for passenger vessels other than U.S. passenger vessels engaged on voyages on U.S. domestic inland and Great Lakes voyages.
80.10–15 Safety information requirements for U.S. passenger vessels engaged on U.S. domestic inland and Great Lakes voyages.
80.10–20 Details of information required to be printed or spoken.

Subpart 80.20—Penalties

80.20–1 Civil penalty assessed.

AUTHORITY: The provisions of this Part 80 issued under R.S. 4400, as amended; 46 U.S.C. 362. Department of Transportation Order 1100.1, dated March 31, 1967; 49 CFR 1.4(a)(2), 32 F.R. 5606.

Subpart 80.01—Authority and Purpose

§ 80.01–1 Purpose.

(a) The purpose of the regulations in this part is to require the disclosure of safety standards of passenger vessels and to specify the manner in which the disclosure shall be made.

§ 80.01–5 Authority.

(a) The regulations in this part regarding disclosure of safety standards of passenger vessels interpret or apply section 362 of 46 U.S. Code (R.S. 4400, as amended).

Subpart 80.05—Application

§ 80.05–1 Passenger vessels embarking passengers at U.S. ports.

(a) The regulations in this part apply to passenger vessels of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers and embarking passengers in:

(1) The United States;

(2) The Commonwealth of Puerto Rico;

(3) The Virgin Islands; or,

(4) Guam; and;

On one or more of the following type voyages:

(i) International voyages;

(ii) U.S. domestic ocean voyages;

(iii) Voyages on the Great Lakes; or

(iv) Coastwise voyages, including those voyages conducted solely on U.S. inland waters.

§ 80.05–3 Promotional literature or advertising.

(a) All promotional literature or advertising in or over any medium of communication within the United States offering passage or soliciting passengers for international ocean voyages anywhere in the world and for U.S. domestic ocean voyages shall comply with regulations in this part.

§ 80.05–10 Companies, organizations, and persons.

(a) Owners, operators, or agents of passenger vessels subject to this part, or persons offering or selling passage on either a foreign or U.S.-flag passenger vessel shall be governed by applicable regulations in this part.

Subpart 80.10—Disclosure of Passenger Vessel Information

§ 80.10–1 General.

(a) All information required by this subpart or furnished voluntarily by or in any means of communication shall be accurate and factual. Owners and operators of passenger vessels subject to this part shall furnish the required information to agents or persons offering or selling passage on foreign or U.S. passenger vessels subject to this part.

(b) Agents or persons offering or selling passage by or through any medium shall be deemed to have complied with this section if they repeat the information furnished them by the owner or operator of the vessel on which they offer or sell passage.

§ 80.10–3 Notification of safety to prospective passengers.

(a) Every prospective passenger shall be given a notification of safety for the passenger vessel on which such person desires to sail which will inform him of the safety standards which the vessel does or does not meet. This information shall be furnished by the owner, operator, or agent selling passage on the vessel and shall include all the information required by § 80.10–10 or § 80.10–15 as appropriate and shall be furnished in writing to each prospective passenger at or prior to his purchase of passage.

(b) This notification of safety shall be furnished separately from any promotional literature or advertising used.

§ 80.10–5 Promotional literature or advertising information requirements for international ocean voyages and U.S. domestic ocean voyages.

(a) All promotional literature or advertising in or over any medium of communication offering passage on/or soliciting passengers for specific vessels, voyages or cruises on international ocean voyages and U.S. domestic ocean voyages shall include all the information required by this part.

NOTE: This requirement shall be applicable on and after May 6, 1967; however, all promotional literature or advertising printed, filmed or electronically recorded prior to May 6, 1967, or contracted for prior to that date, may be utilized until January 31, 1968.

§ 80.10–10 Safety information requirements for passenger vessels other than U.S. passenger vessels engaged on voyages on U.S. domestic inland and Great Lakes voyages.

(a) Information required for notification to a prospective passenger and for promotional literature or advertising in or over any medium of communication shall be as set forth in this paragraph. Select appropriate parenthetical word, phrase or date which accurately describes the vessel. Wording in brackets may be used but will not be required until November 2, 1968.

(1) For vessels meeting 1948 or 1960 International Convention for the Safety of Life at Sea (SOLAS) standards for new vessels:

SAFETY INFORMATION

The _____ registered in
(Name)
_____ meets International
(Country)
Safety Standards for new ships developed in _____ [(and meets)
(1948) (1960)
(but does not meet) the 1966 fire safety requirements].

(2) For vessels in which the hull, decks and deckhouses (except isolated deckhouses containing no accommodations) are of steel or aluminum and which substantially comply with all other safety standards of the 1948 or 1960 SOLAS Convention for new vessels:

SAFETY INFORMATION

The _____ registered in
(Name)
_____ substantially meets
(Country)
International Safety Standards for new ships developed in _____ [(and
(1948) (1960)
meets) (but does not meet) the 1966 fire safety requirements].

(3) For vessels not included in subparagraphs (1) and (2) of this paragraph:

The _____ registered in
(Name)
_____ (meets Interna-
(Country)
tional Standards for new ships developed in 1929) (does not meet any International Safety Standards developed as a result of an International Convention). Vessel's hull is of (combustible) (incombustible) material. Vessel's decks are of (combustible) (incombustible) material. Vessel's deckhouses are of (combustible) (incombustible) material. Vessel's structural bulkheads are of (combustible) (incombustible) material. Internal partitions are of (combustible) (incombustible) (both combustible and incombustible) materials. An automatic sprinkler system (is) (is not) fitted in passenger living and public spaces. [The vessel (meets) (does not meet) the 1966 fire safety requirements].

(b) Additional factual information regarding a passenger vessel's safety may be added separately from the required information.

(c) Descriptive information as to hull structure and partitions of identical materials may be consolidated.

§ 80.10–15 Safety information requirements for U.S. passenger vessels engaged on U.S. domestic inland and Great Lakes voyages.

(a) Information required for notification to a prospective passenger shall be as set forth in this paragraph. Select appropriate parenthetical word, phrase, or date which accurately describes the vessel.

(1) For vessels built on or after May 26, 1936:

SAFETY INFORMATION

The _____ meets U.S. Coast Guard
(Name)
standards for vessels built in _____
(Year)

(2) For vessels built prior to May 26, 1936:

SAFETY INFORMATION

The _____ meets U.S.
(Name)
Coast Guard standards for a vessel built to _____ regulations for inland waters.
(Year)
Vessel's decks are of (combustible) (incombustible materials. Vessel's deckhouses are of (combustible) (incombustible) materials. Vessel's structural bulkheads are of (combustible) (incombustible) materials. Internal partitions are of (combustible) (incombustible) (both combustible and incombustible) materials. An automatic sprinkler system (is) (is not) fitted in passenger living and public spaces.

(b) Additional factual information regarding a passenger vessel's safety may be added separately from the required information providing it is not misleading to a prospective passenger.

(c) Descriptive information as to hull structure and partitions of identical materials may be consolidated.

§ 80.10–20 Details of information required to be printed or spoken.

(a) The information concerning any passenger vessel required by this section on all printed promotional literature or advertising, including notifications, shall be in the same wording and format as set forth in § 80.10–10 or § 80.10–15, as applicable.

(1) The word "text" as used in this section means any portion of the printed matter, including any heading, wherein voyage or vessel description is made.

(b) Information disclosed on any type of electronic communications shall be spoken in the same wording and format as required by the applicable § 80.10–10.

(c) The wording and format in printed media, as required by the applicable § 80.10–10 or § 80.10–15, shall meet the following minimum requirements:

(1) The safety information statement shall be in at least the same size type as the body of text but in no event smaller than 6 point American point system.

(2) The heading "Safety Information" shall be in all caps, bold face type of a size at least as large as that used in the statement itself.

(3) The safety information heading and text shall be separated from other portions of advertisement, promotional literature, notifications, etc. by at least a double spacing or a box ruling.

(d) In promotional literature or advertising listing 2 or more passenger vessels, the safety information may be varied from that required by § 80.10–10 for each vessel to eliminate unnecessary repetition, so long as it is clear what standards each vessel meets. This may be done by inserting in the list of vessels appropriate footnote or asterisk reference after each vessel and in the safety information text have corresponding information which will be easily understood.

(e) In the brochures, pamphlets, schedules, etc., it is only necessary that the safety information for each vessel named therein be given once in each publication. Appropriate references shall be made as to where the safety information statement may be found for each vessel. For example, in a book or pamphlet the safety information statements for all vessels named therein may be printed on one page and the table of contents and notes throughout the text where the vessels are named may refer to such page and thereby eliminate repeating the safety information statement for each vessel on each and every page; or if the reference to safety information statements for all passenger vessels is noted prominently on the cover as to the page or place on which printed therein, the reference or notes about safety information with each vessel named may be omitted.

Subpart 80.20—Penalties

§ 80.20–1 Civil penalty assessed.

(a) For each violation of regulations in this part, the owner, operator, agent, or other person involved shall be subject to a civil penalty of not more than $10,000 for which the vessel on which passage is to be sold shall be liable. If tickets are sold, the owner, operator, agent, or any other person involved in each violation of regulations in this part shall also be subject to a civil penalty of $500 for each ticket sold for which the vessel on which passage is sold shall be liable.

(b) Procedures for assessment, mitigation, or remission of civil penalties in Subpart 2.50 in Part 2 of Subchapter A (Procedures Applicable to the Public) of this chapter will be followed in handling violations of regulations in this part.

Dated: April 20, 1967.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 67–4548; Filed, Apr. 24, 1967; 8:50 a.m.]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4, Amdt. 10; Docket No. 66–31]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart B—Duties and Obligations

OCEANGOING COMMON CARRIERS AND PERSONS SHIPPING FOR OWN ACCOUNT; POSTPONEMENT OF EFFECTIVE DATE

On October 22, 1966, the Commission published final rules in this proceeding in the FEDERAL REGISTER (31 F.R. 13650) effective 30 days after date of publication.

The effective date of the amendments to §§ 510.22(a), 510.23(f), and 510.24 (a) and (f) was subsequently further postponed pending the Commission's disposition of petitions for reconsideration thereof.

By FEDERAL REGISTER publication of March 7, 1967 (32 F.R. 3774), the petitions for reconsideration were denied and the amendments were to become effective 30 days after publication of the notice of denial.

New York Freight Forwarders and Brokers Association, Inc., has petitioned the U.S. Court of Appeals, District of Columbia Circuit, for review of the same four amendments, and for an interlocutory injunction suspending the effectiveness of the amendments pending review by the Court.

To enable the Court to consider and rule on the above-mentioned motion for interlocutory injunction before such time as the rules were to become effective, the effective date of the amendments to §§ 510.22(a), 510.23(f), and 510.24 (a) and (f) was further postponed to April 20, 1967 (32 F.R. 5457; Apr. 1, 1967).

On April 14, 1967, the Court of Appeals ordered that the effectiveness of the Commission's order of October 22, 1966, is stayed insofar as it amends § 510.22(a) of Title 46 of the Code of Federal Regulations, pending final disposition by the Court of the petition for review or until further order of the Court.

Therefore, the effective date of the October 22, 1966, amendment to § 510.22 (a) of Title 46 is postponed until further order of the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67–4533; Filed, Apr. 24, 1967; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 6—MISCELLANEOUS FEES

Yosemite National Park, Calif.

Pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), §§ 6.2(b) and 6.4(c)(1) of Title 36 of the Code of Federal Regulations are amended as set forth below. The purpose of these amendments is to eliminate an unnecessary cross-reference to Part 7 of Title 36 CFR, and to clarify the wording of paragraph (c), subparagraph (1) of § 6.4, Title 36 CFR.

Since the amendments make no substantive change in the applicable fees, remove a restriction on size of trucks which is no longer necessary and otherwise eliminate unnecessary material, public comment thereon is deemed to be unnecessary and they shall become effective immediately upon publication in the FEDERAL REGISTER.

1. Section 6.2, paragraph (b) is amended to read as follows:

§ 6.2 Vehicles; miscellaneous.

* * * * *

(b) *Yosemite National Park.* Motor vehicles driven or moved upon a park road in Yosemite National Park must be registered and properly display current license plates. Such registration may be with a State or other appropriate authority or, in the case of motor vehicles operated exclusively on park roads, with the Superintendent of the park. An annual registration fee of $6 will be charged for vehicles registered with the Superintendent which are not connected with the operation of the park.

2. Section 6.4, paragraph (c), subparagraph (1) is amended to read as follows:

§ 6.4 Trucking permits.

* * * * *

(c) *Yosemite National Park.* (1) The fees for special trucking permits issued by the Superintendent in emergencies pursuant to paragraph (b) of § 5.6 of this chapter shall be based on the licensed capacity of trucks, trailers, or semitrailers, as follows:

$5 for each ton or fraction thereof.

* * * * *

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

KENNETH HOLUM,
Acting Secretary of the Interior.

APRIL 18, 1967.

[F.R. Doc. 67–4490; Filed, Apr. 24, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16946; FCC 67–493]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, UHF Television Broadcast Channels; Knoxville, Tenn.

Report and order. In the matter of a petition for amendment of the table of assignments for UHF television broadcast channels in § 73.606 of the Commission's rules and regulations to change the educational reservation in Knoxville, Tenn., from Channel 43 to Channel 15; Docket No. 16946, RM–975.

1. The notice of proposed rule making herein proposed to amend § 73.606 of the Commission's rules, the Table of Television Assignments, to change the educational reservation at Knoxville, Tenn., from Channel 43 to Channel 15, the lowest UHF channel assigned there (Channels 6, 10+, 15, 26, and *43 are now assigned). The change was sought in a petition filed by South Central Broadcasting Corp. (South Central), licensee of WTVK on Channel 26. The petitioner filed brief comments in support of the notice proposal; no opposing comments were filed.[1] In a letter supporting the petition (July 16, 1966) the Tennessee Department of Education urged the reservation of the lowest UHF channel for educational use, and in a letter filed February 7, 1967, the Department of Broadcasting of the University of Tennessee supports the proposal, asserting the need for additional ETV service in this area even though an educational station on Channel 2 at nearby Sneedville will soon be in operation.

2. As mentioned in the notice, in the original assignments made to Knoxville in the sixth report and order of 1952, UHF Channels 20 and 26 were assigned, with the lower (20) being reserved for education. Thus, as we pointed out in the notice, the reservation of Channel 15 would more nearly approximate the alignment of channels previously assigned, as between commercial and reserved assignments, and might also be of benefit to ETV by giving it a low channel position, one in between VHF and commercial UHF stations.

3. We are of the view that, for reasons mentioned in the notice, the proposal would serve the public interest and should be adopted. In view of the foregoing, and pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, effective May 29, 1967, § 73.606 of the Commission's rules, the Table of Television Assignments, is amended to read as follows with respect to Knoxville, Tenn.:

City	*Channels*
Knoxville, Tenn.	6, 10+, *15, 26–, 43

NOTE: Offsets for Channels 15 and 43 will be supplied in a further order.

4. *It is further ordered*, That, this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: April 19, 1967.

Released: April 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–4534; Filed, Apr. 24, 1967; 8:48 a.m.]

[1] An opposition to the petition, advancing various arguments, was filed by Olympic Broadcasting Company, then an applicant for Channel 15. This application (BPCT–3670) was dismissed August 30, 1966, at the applicant's request. Its arguments therefore need not now be discussed.

[2] Chairman Hyde absent.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Lower Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Lower Souris National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 900 acres or 8 percent of the total water area of the refuge, are delineated on a map and described in a leaflet available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The open season for sport fishing on the refuge extends from May 6, 1967, through September 14, 1967, daylight hours only. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 14, 1967.

JERALD J. WILSON,
Refuge Manager, Lower Souris National Wildlife Refuge, Upham, N. Dak.

APRIL 18, 1967.

[F.R. Doc. 67-4488; Filed, Apr. 24, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1002]

[Docket No. AO 71-A46]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Partial Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at New York City on July 19–23, and August 3–27, 1965, and at Syracuse, N.Y., on July 26–29, 1965, pursuant to notice thereof issued on June 11, 1965 (30 F.R. 7839).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, on January 19, 1967 (32 F.R. 807; F.R. Doc. 67-784) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The material issues, scope of proposals, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 807; F.R. Doc. 67-784) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. A paragraph is added after the listing of material issues.

2. Under the subheading "1. *Basis for continuation of payments.*" the first paragraph is changed.

3. Under the subheading "(a) *The problem for cooperatives":*

(a) The fifth paragraph is changed and a new paragraph is added thereafter.

(b) A sentence is added to the 10th paragraph.

(c) A change is made in the penultimate paragraph and the last paragraph is deleted.

4. All of subheading "(b) Modification of provisions" is deleted and new material is substituted therefor.

5. All of subheading "(c) The "4th cent" plant facilities payment" is deleted.

6. The rulings on proposed findings and conclusions and general findings are deleted.

The material issues on the record of the hearing were:

1. Whether the basis for and rates of payment from the producer-settlement fund (commonly referred to as "cooperative payments") to qualifying cooperatives to perform specified services of benefit to producers on a marketwide basis should be modified or revoked.

2. Whether a nonprofit cooperative council or foundation should be authorized by the order to perform some or all the marketwide services referred to under (1) above, in lieu of their performance directly by individual cooperatives or cooperative federations through cooperative payments.

3. Whether the order should provide for marketing service deductions, as authorized by section 608c(5)(E) of the Agricultural Marketing Agreement Act of 1937, as amended, from payments to individual producers who are not receiving specified marketing services from a cooperative association in order that the specified services may be performed by the market administrator on behalf of such producers.

4. Whether appropriate provisions should be adopted by which the market administrator would guarantee 80 percent of the payment due any producer from any handler who defaults on payment for milk delivered by such producer in any month, such guarantee of payment to be financed by increasing the producer-settlement fund reserve pending collection from the defaulting handler.

With respect to material Issue No. 1, this is a partial decision. The hearing should be reopened to receive further evidence on the basis for determining the amount of the payments to be made, the particular services appropriately performed for such payments, and the manner in which such payments should accrue to cooperatives and federations.

Scope of the proposals. Thirteen proposals were submitted by interested parties for hearing. Such proposals were sponsored by (1) Eastern Milk Producers Cooperative Association, (2) Interstate Milk Producers Cooperative, (3) New England Milk Producers Association, (4) Milk Dealers Association of Metropolitan New York et al., (5) Foster et al., a group of New York-New Jersey market producers, (6) Lehigh Valley Cooperative Milk Producers Association, (7) Sunnydale Farms, (8) The Dairy Farmers of America, Inc., (9) Northeast Dairy Cooperative Federation, and (10) Dairymen's League Cooperative Association, Inc.

Of the 13 proposals submitted, 8 would terminate cooperative payments. The first four proponents listed above would accompany termination of cooperative payments with adoption of "marketing service" provisions, as authorized by section 608c(5)(E) of the Agricultural Marketing Agreement Act of 1937, as amended, for producers not members of a cooperative which performs the specified services. One proposal would establish a cooperative council in lieu of the present method of cooperative payments. The remaining five proposals called for relatively minor modifications in the rates of cooperative payments or in the basis of performance required for such payments, or order revisions not directly related to cooperative payments.

During the course of the hearing, a number of suggestions for revising the basis for and rates of payment were offered by certain public witnesses (faculty members of nearby universities) who have knowledge of and some association with the problems of marketing in the New York-New Jersey milkshed and in the supply areas of other nearby fluid milk markets.

Of the three present recipients of cooperative payments, one was opposed to continuation of the payments.

In opposing the payments, this cooperative contended that the objectives set out for them in the Hedlund Report (included in testimony of the 1953 hearing) and in the Secretary's 1953 decision have not been fulfilled. It contended that cooperative payments have failed to (1) promote the effectiveness of cooperative organizations, (2) increase membership in cooperatives, and (3) improve the representation of producers' interests within the milkshed. It contended further that the present program of cooperative payments has resulted in suspicion of cooperatives.

The other two cooperative groups receiving cooperative payments, one a federation of cooperatives, supported continuance of the present program of payments with some modifications.

One proposed change would give an additional ("5th") cent to cooperatives or federations operating plants which handle 25 percent of their member milk and perform standby and milk "balancing" services. This payment to operating cooperatives would be made for the handling of daily, weekly, and seasonal surpluses of supplies.

Supporting testimony for the present system of cooperative payments contended that the sheer size and longevity of the program calls for an overwhelming showing by its opponents of failure in substantial degree before a sufficient case is made to justify revoking the payments and that no such showing can be made. Proponents also stressed the "uniqueness" of the New York market as evidenced by the numerous issues and problems which have been the subject of hearings since the present cooperative payment plan was adopted in 1953 (from October 1953 to the present there were 21 hearings, 12 suspension actions and three proposed terminations) and alleged that the many order changes required bear out the Secretary's 1953 finding of need for active producer participation in milk hearings. They stated, for example, that without financing from cooperative payments, the cooperatives would not have been able to carry out the tremendous amount

of order activity required to expand the order into Upstate New York and Northern New Jersey in 1957.

In addition to responding to changes in marketing conditions by proposing order amendments, the proponent cooperatives pointed out that they have responded by modifying their cooperative structure and operations.

In support of the proposed additional cent of cooperative payments for operating cooperatives, a proponent testified that the Secretary's 1953 decision found that "operation of marketing facilities" is at least partly associated with performance of standby and balancing services to accommodate variations in Class I sales and reserve requirements and the seasonal and cyclical variations in milk deliveries by producers.

Reference was made to this proponent's plant at Oneida, N.Y., which is designed for this purpose. Proponent stated that while the Oneida operation has achieved a low cost of operation "this extremely low level of plant cost is not enough to enable the Oneida plant to operate on a sound financial basis performing the needed service to all producers under Order No. 2 in processing the milk into butter which proprietary handlers no longer want because of the high Class III price under Order No. 2." Pointing out that currently combined earnings available at its Oneida and Fort Plain plants to cover first plant handling charges of the supplying (member) cooperatives will not average more than 10 cents per hundredweight, it was contended that "another 10 cents of earnings, or a total of 20 cents, is necessary to keep this kind of marketwide service operation on a sound financial basis. Another cent in cooperative payments on Northeast's milk would provide the extra 10 cents in earnings." Also, that standby balancing service is needed "to keep the present Class III prices livable."

The other proponent of cooperative payments supported the present program, maintaining that an impressive record has been made by producers under the program. Among the accomplishments attributed to cooperative payments were several major activities of the cooperatives since the 1953 hearing, including major order amendments, negotiation of superpool premiums and legal defense of the order provisions. The only substantial change from the current order provisions suggested by this proponent was provision for regular meetings of cooperatives under the chairmanship of the market administrator. The purpose of these meetings would be to establish a coordinated program of marketwide services to be undertaken by qualified cooperatives or federations.

Several public witnesses from nearby land-grant universities generally supported continuing some form of cooperative payments. They emphasized that the payments had afforded an effective program of order activities and producer education in the market which had tended to consolidate and strengthen the cooperatives.

Some of these witnesses were particularly apprehensive about completely eliminating cooperative payments. One testified that ending the program probably would cripple the order activity and educational programs of the cooperatives. Another predicted that eliminating the program would "splinter" the cooperative federation into smaller, less effective organizations.

Among the suggestions made by various public witnesses to improve the present provisions were the following:

(1) Establish a producers' market service committee to plan and arrange for needed long-term research as a supplement to work of cooperatives.

(2) Require that member dues be increased gradually to match cooperative payments in order to encourage higher levels of performance and further stimulate member interest.

(3) Require dues to cover those expenditures by cooperatives which benefit only member producers.

(4) Increase payments to operating cooperatives for manufacturing facilities to insure continuous outlets for surplus milk.

(5) Reduce the payment related to operation of plant facilities.

(6) Reimburse cooperatives only for expenditures on order activities and educational and informative services.

(7) Limit payments to the cost of the services.

(8) Provide certain technical revisions to make the provisions more effective.

One such witness opposed the continuation of cooperative payments because the cooperatives "put too much emphasis on maintaining capacity and meeting formal requirements". If cooperative payments were retained, he would limit the payment to one cent, to be made only to a cooperative which represents a majority of all producers under the order.

New York-New Jersey handler objections and testimony were directed to the increase in the cost of the payment from the originally estimated amount of $25 per producer in 1953 to $66 per producer in 1964 and an alleged lack of control on use of the monies by the cooperatives. As to the latter point, they complained particularly of the financing with cooperative payment monies of a cooperative manufacturing facility (the Oneida plant) and contended this plant competes with handlers in the sale of its milk products. Handlers questioned the propriety of investing cooperative payments in this facility and to certain other activities of cooperatives which, they contend, do not have significant benefit for nonmember producers.

A group of individual producers in the New York-New Jersey market opposed cooperative payments, alleging that the nonmember producer is opposed to being compelled to support an organization he doesn't wish to join and to receive market information from groups who are competing among themselves to gain advantages for members. Also, that the present cooperative payments are too costly to the nonmember producer in relation to services received.

These producers proposed as a substitute for cooperative payments a marketing service program for nonmembers or, in the alternative, a "foundation" to conduct research and educational activities in behalf of all producers. Under the committee, or foundation, plan for providing marketing services of an informational and educational character, major cooperative organizations, unaffiliated, or nonmember, producers, the smaller cooperatives, and representatives from the land grant colleges within the milkshed would take part in deciding the activities to be conducted.

Certain cooperatives primarily engaged in marketing under other Federal orders registered objections to the present payments program in the New York-New Jersey market. One such cooperative with some members in the New York-New Jersey market contended that such members receive no benefit from cooperative payment services and at times the activities of cooperatives receiving the payments may even be disadvantageous to its members. This cooperative pointed out that the blend price to its member producers in the market is reduced to the extent of about $50,000 per year in total by the payments. It was stated that this represents double cost for services to member producers since their own cooperative performs all the services specified by the cooperative payment provisions.

Other opposition testimony, offered by cooperatives primarily associated with other markets, stressed that (1) all the marketwide services required to be performed by the New York-New Jersey cooperatives to be eligible for cooperative payments are similarly performed by cooperatives in other markets out of membership dues; (2) the conditions of the New York-New Jersey market are not significantly more complex as to diversity of operations, handler specialization, pricing formulas, or other marketing circumstances so as to warrant cooperative payments in New York-New Jersey but not in other markets; (3) contrarily regional marketing conditions are becoming of increasing significance in solving producers' marketing problems in the New York-New Jersey milkshed; (4) contrary to cost of services, the rate of payment increases as the size of the cooperative of federation increases; (5) membership growth of cooperatives is not encouraged, and (6) cross-solicitation of producers among cooperatives is excessive under the present payments.

Two proponents for revocation of the payments did not appear to testify in support of their proposals.

Another proposal submitted by a New York-New Jersey cooperative group was considered but it is not directly related to cooperative payments. This proposal would set up a reserve fund to pay producers who fail to receive full payment for their milk from handlers. The fund would be financed by increasing the monthly deductions from the blend price for the producer-settlement fund reserve from 8–9 cents to 8.5–9.5 cents per hundredweight. The market administrator would be required to make every possible effort to collect from the defaulting handler on behalf of the reserve fund. This proposal is the subject of separate discussion below (issue 4).

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Basis for continuation of payments.* Certain activities of cooperatives are necessary to effective operation of the regulatory program and consequently benefit alike those producers who are not members of cooperative associations as well as those who are members. Since the inception of the original order in the New York Metropolitan market in 1938, qualified cooperatives have received some amount of payments from the pool to finance services of this kind. By this means, the costs of performing such services have been shared proportionately by members of such cooperatives and by other producers on the market who are not their members. Under the present structure of the market, some payment to qualified cooperatives from the producer-settlement fund should be continued to encourage the efficient performance of such marketwide activities and services.

(a) *The problem for cooperatives.* The New York milkshed has had a long and, at times, turbulent history of producer organization and cooperation. During the decade following World War I, one cooperative could claim the membership of most of the producers in the milkshed. During this period, collective bargaining between producer cooperatives and handlers was frequently used as the method of determining milk prices and the concept of classified pricing, similar to that now used in the order, often was accepted as the basis of such negotiation. Then, faced with a weakening market and an unwanted accumulation of milk supplies, some cooperatives began to operate surplus handling facilities.

As the economic pressures of the Depression became more acute, splintering, disunity and even animosity among producer groups became commonplace. In such an atmosphere of conflict and confusion among producers, the various cooperative associations found a tenuous unity of purpose in the effort which culminated in adoption of the present regulatory program.

Once established, the New York-New Jersey order may appear to many to be an automatic operation. Moreover, because all producers receive a uniform price, the need for expenditure of time and money to protect and promote producer interests under the order becomes even less apparent to the individual producers, especially as the establishment of a uniform price improves marketing conditions. As a result many producers do not participate in the hearings on order changes and do not give even limited support to cooperatives that perform the important function of fostering the interests of producers in connection with the milk order program.

In the presence of the order, a major part of the work of cooperatives manifests itself in order-related activities. The benefits which result affect all producers, member and nonmember alike. For example, cooperative efforts to raise the level of Class I prices because of changed marketing conditions, if successful, affects the uniform price received by all producers.

In the absence of some means of sharing the costs involved, the whole burden of providing these services to all producers falls on the members of the cooperatives that undertake these tasks. Relevant statutes indicate the Congressional intent to foster the growth of cooperatives, not to place them at disadvantage.

Payments to qualified cooperatives for the performance of marketwide services have long been utilized in this order as the means for encouraging the development and maintenance of producer representation in the regulatory process and at the same time correcting any inequities in this regard to producers who are cooperative members. This is consistent with stated Federal public policy to encourage cooperatives, and in fact continues to be necessary.

Moreover, it is the responsibility of the States of New York and New Jersey to foster and promote cooperative associations. These States have in effect marketing orders which are identical and concurrent with the Federal marketing order. The New York State Department of Agriculture and Markets Law states "* * * that it is the policy of this state to promote, foster and encourage the intelligent and orderly marketing of milk through producer owned and operated cooperative associations * * *". The New Jersey State Department of Agriculture Law states "* * * It is hereby declared to be in the public interest and the public policy of this State to establish and support the right of any producer to join voluntarily and belong to cooperative associations * * *".

The Act requires that order amendments must be based on the record of a hearing at which all interested parties have an opportunity to be heard. Moreover, effective participation requires that such interested parties have intimate knowledge of current marketing conditions so that their testimony may be timely and informed. It is not realistic to expect that in light of the diverse interests present among producer groups they will always agree on the proper solution to important issues. It is imperative, however, that effective spokesmen of the various producer groups can actively participate in hearings in order that all viewpoints may be given due consideration in the search for a suitable solution of marketing problems. Insofar as proprietary interests are concerned, the handlers, although relatively small in number, are always well represented in order hearings and activities. This hearing provides eloquent evidence of handler representation.

Milk price regulation is faced with constantly changing conditions. To cope with such changes, hearings are frequently required to consider order amendments and at other times the suspension or termination of order provisions is necessary. In the decade and a half preceding this hearing, order changes were made on 60 different occasions. The issues dealt with in amendment hearings are generally complex and records of the hearings are voluminous. For example, the record of this hearing included 4,506 pages and 177 exhibits.

Effective representation at order hearings is both time consuming and expensive. Few of the nearly 40,000 producers are able to attend the many lengthy hearings, nor will testimony in behalf of producer interests carry adequate weight in the absence of suitable supporting data and analysis. The limited resources of the individual producer do not permit him to maintain the necessary staff and facilities to keep abreast of current marketing conditions, be informed on the complex and changing field of milk marketing, initiate requests for consideration of amendments deemed to be in the interest of producers, or to prepare and present the detailed analysis that often is necessary. While the means of individual producers are too limited to provide for effective participation in hearings and other order-related activities, organizations of producers can and do provide the vehicle for pooling of the resources needed for this purpose.

A relatively large producer cooperative whose membership is drawn from the whole milkshed tends to represent a cross section of order producers. The marketwide nature of the order is thus recognized. The existence of several such organizations further insures that any divergent producer views will have ample opportunity to find capable expression in the order process. Without large and broad-based producer organizations, however, this valuable expression of the views of the producers would be lost to the order program.

Effective efforts by cooperatives on behalf of the interests of producers require heavy expenditures of time and money. On past experience personnel trained in economics, law, public relations, field services, and other specialities are all needed to provide the basis for alert, independent, and informed expression of the producer viewpoint. Under some circumstances the expertise and facilities provided by ownership and management of cooperative milk processing facilities provide a basis for specialized marketing knowledge. Maintenance of an adequate technical staff and facilities can be supported only by substantial producer organizations. Under the present provisions, payments are made from the producer-settlement fund to qualified producer organizations that maintain adequate size, personnel and facilities to perform the needed services.

The qualified cooperatives have performed the marketwide services required by the order in the past. These services include: (1) Analyzing milk marketing

problems and their solutions, conducting market research and maintaining current information as to all market developments, preparing and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data; (2) determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions; (3) participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating, by voting or otherwise, in the referenda relative to amendments; (4) participating in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter; (5) conducting a comprehensive education program among producers—i.e., members and nonmembers of cooperatives—and keeping such producers well informed for participation in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publications to members and, on the same subscription basis, to nonmembers; and (6) under certain circumstances, the operation of marketing facilities.

The basic conclusion reached in the decision of 1953 that cooperative payments to qualified cooperatives or federations of cooperatives for marketwide services rendered by them is as sound and applicable today as in 1953. The record clearly demonstrates the continuing need for such payments in this market. The record also indicates that some modification of the cooperative payment provisions should be made. However, the evidence and facts in the record with respect to the delineation of marketwide services for which payment should be made, the amount of such payment, and its allocation among cooperatives and federations were not fully developed and are deemed insufficient to support a revision of the earlier decision in these respects.

Hence, in the public interest, it is deemed necessary that the hearing be reopened for the limited purpose of receiving any additional pertinent evidence upon which a full and comprehensive reexamination of the marketwide activities and services for which cooperative payments are being made and a precise determination of the methods and the amounts to be paid for such services. The duly authorized representatives of the States of New York and New Jersey concur in this conclusion and have urged that the hearing be reopened on these matters. Two of the cooperatives receiving the payments have also requested the reopening of the hearing.

The proceedings are, therefore, reopened and a notice of hearing shall be issued promptly, fully advising all interested parties of the time and place of the reopened hearing during which any and all additional pertinent evidence which may bear upon and assist in findings and conclusions relative to these unresolved issues may be received.

The hearing will not be reopened with respect to the following issues and findings and conclusions hereinafter set forth with respect thereto.

(b) *Modifications of provisions.* (1) The member dues requirements (a prerequisite for receiving payment) on cooperatives belonging to a federation which receives payment should be changed.

The present cooperative payment provisions require that to be qualified to receive payments a cooperative must collect at least 1-cent-per-hundredweight of milk as dues from its producer members. As stated in the 1953 decision, this requirement was intended as a safeguard against a cooperative's depending upon the cooperative payments to finance activities that are not marketwide in character. In the case of federations, however, the dues so collected by their member cooperatives have been retained by the individual member cooperatives. Thus, cooperative payment funds rather than member dues have generally been used to support the organizational structure of the federation itself.

In continued pursuit of the objective that the members of the cooperatives should finance activities not of marketwide character, the member minimum dues requirement should be continued at not less than 1-cent-per-hundredweight of member producer milk. In the aggregate this rate of dues will yield about $800,000 to the qualified associations. The dues requirement should be modified, however, to provide that, in the case of a federation of cooperatives, dues of not less than 1-cent-per-hundredweight of their member milk shall be paid by member cooperatives to the federation to be used as the federation deems necessary to promote the interests of the member cooperatives and their respective producer members. Since such a requirement represents a burden of organizational support the member cooperatives have not previously had, a higher minimum rate than 1 cent is not proposed.

It is not intended by the latter requirement, however, that a federation should be precluded from returning a portion of its dues back to its member cooperatives to perform certain member and organizational services. The main point is that the federation should receive its basic financing from its members and have authority to dispose of the funds so received as necessary in the interest of the entire organization.

(2) The order should be amended to provide that for participation in the program a cooperative (including its affiliates) or a federation have as members at least 15 percent of the total producers in the market.

A basic need in this market met by the cooperative payment provisions is encouragement of the efficient performance of the specified producer services. There are about 40,000 producers in the market, 28,000 of which belong to cooperatives. To perform the services, a cooperative must be able to reach into important segments of the milkshed and have wide representation among producers. Because of the size of the market and milkshed, only large organizations are in this position.[1]

Two cooperatives expressed strong disapproval of the impact of the present cooperative payment provisions on their respective memberships supplying the market. Neither of these associations has the minimum 4,000 producers to qualify for payments other than on a federated or affiliated basis, but both said that they are capable of keeping their members informed on order matters and providing their representation on order-related activity. These cooperatives complained that even though they are performing such services their producer members are required, under present provisions, to support the major New York-New Jersey cooperatives through having the blend price reduced by cooperative payments to the extent of an average 2.4 cents per hundredweight. The cooperative which has the larger number of members supplying the New York-New Jersey market stated that the cost to such member producers amounts to about $50,000 per year.

Continuing payments to cooperatives differentiated on the basis of size, however, is essential to promote efficiency in the use of the funds and give recognition that only large cooperatives with wide coverage of the milkshed are in position to provide for producers generally the types of services here involved.

Prior to the 1953 amendments which established the minimum producer membership qualification of 4,000 producers there were 77 different associations which received cooperative payments. The adoption of this minimum qualification for a 2-cent-per-hundredweight payment plus the extra 1-cent payment for an organization of 6,000 producers, has resulted, over the years, in three large organizations in the market being qualified for the payments. This obviously minimizes duplication of effort in the performance of marketwide services. It also assures that each qualified organization represents a substantial proportion of the producers in the market.

Currently there are about 110 individual cooperatives in the market, most of which are represented by the three large qualified producer groups each having at least 6,000 producers. In the absence of maintaining such minimum-size standard as one of the criteria for payments, the present large groups in the market could be split into smaller groups with resulting loss of efficiency in performing order-related services. Moreover, encouraging cooperatives to work through large organizations results in

[1] Few Federal order markets have as many as 6,000 producers, while 6,000 producers represent only 15 percent of all producers in the New York-New Jersey market.

the producers themselves resolving many of the problems of the milkshed. The provisions should continue to encourage large organizations.

In this connection, the provisions should be modified to accommodate the cooperative "affiliations" which have developed in the market. Under the current provisions an individually qualified cooperative may contract with a federation authorizing the federation to receive the payments. During the period that the current provisions have been in effect, large qualified cooperatives have devised an affiliation program (other than federation) whereby other smaller cooperatives may join in order to undertake collective action to perform services on a formal and continuing basis.

For the purpose of providing the marketwide services for which payments are made such affiliations are substantially equivalent to a federation. A cooperative which is affiliated with another cooperative thus should be eligible to apply for payments based on the combined membership. Payments should be made on the basis of such aggregate membership provided this arrangement meets qualifying requirements similar to those applicable to a federated type of organization. Thus, cooperatives with less than 6,000 producers may participate in this marketwide program of services by either affiliating or federating with other cooperatives so engaged.

Certain of the public witnesses at the hearing suggested that the minimum producer number requirement be converted into a percentage of producers supplying the market. Over the years there has been a substantial reduction in the number of producers in the market. This is a trend that is taking place primarily due to changing technology which results in fewer but larger farm production units. It can be expected that this trend will continue for some time at least. It is appropriate, therefore, that for participation in the program the cooperative (including its affiliates) or federation have as members at least 15 percent of the total producers in the market (approximately 6,000).

2. *Cooperative foundation or committee, and producer educational program.* The proposal to establish and finance a foundation to perform and coordinate research, order activities and educational activities for producers should not be adopted. Neither should the proposals for a "Producers Market Service Committee" nor a comprehensive producer education program under the auspices of the market administrator be adopted.

A cooperative foundation was proposed by seven producers as an alternative to a marketing service program. Its specific purposes would be to (1) engage in reasearch activities under Order No. 2, (2) present research results and recommendations for order amendments at hearings, and (3) educate producers with respect to the foregoing. Under the mechanics suggested, specialists of cooperatives with over 1,000 members would provide much of the "expertise" required to plan, coordinate, and, in some instances, carry out the work of the organization. Nonmember producers and cooperatives with less than 1,000 members also would be represented within such organization by land-grant college staff members appointed by the Secretary. The association would be financed by a deduction of up to 1 cent from the producer-settlement fund.

A public witness from a nearby land-grant university suggested a different type of organization called a "Producers Marketing Service Committee" to arrange for long-term research on milk marketing problems. The committee would consist primarily of personnel from the qualified cooperatives. Its main functions would be to decide which research projects would be undertaken and to contract with research firms, land-grant colleges and, in some instances, cooperatives to have the work carried out. It would be financed by a 0.1-cent deduction from the pool. Proponent said the organization is needed because the qualified cooperatives, pressed by immediate problems, often do not have time to do long-term economic research.

A dairy farmer witness who formerly headed up an educational program for a qualified cooperative suggested that the Secretary study the feasibility of establishing a comprehensive educational program under the order. He recommended a broad program, supervised by the market administrator, covering the order, milk marketing and related matters. With sessions throughout the milkshed, the program would be open to farmers and others interested in the milk business. Proponent contended that this type program is preferable to the one-night educational programs commonly offered by the qualified cooperatives.

It is not clear from the record what advantages would be gained from establishing the foundation proposed by the seven producers to handle the specified activities. Proponent witness gave few particulars on the need for the organization. He also said little about why the organization would be structured as proposed. Proponent witness indicated that the foundation could research marketing problems "as well as" a major cooperative.

Activities which the proposed foundation would engage in are currently being performed by the qualified cooperatives. The cooperatives maintain competent economic and legal staffs to carry out this work and to handle the business affairs of the individual organizations.

The cooperatives meet from time to time on an informal basis to discuss and cooperate to the extent possible in the solution of market problems. As would be expected, differences in their organizations (bargaining vs. opesating cooperatives, etc.) often cause them to disagree on policy. However, on matters involving the order this is often beneficial since the hearing evidence is more likely to cover all aspects of major issues.

None of the qualified cooperatives, which together represent some 70 percent of the producers, supported the proposals. In the absence of a showing of advantages not now available through the activities of the individual cooperative groups who frequently join forces on matters of common interest, we do not find sufficient reason to compel the cooperatives to join at this time in a formal foundation or council to carry out activities of a research and educational nature as proposed by the seven producers. Neither should the organizations proposed by the two other witnesses be established in view of the lack of more general producer support for them. If producers should decide that additional long-term research and a comprehensive education program would be beneficial, organizations similar to the ones proposed could be established and financed by the cooperatives outside the scope of the order or the universities may be requested, as frequently in the past, to carry on research activity.

3. *Marketing service provisions.* The proposals to introduce a marketing service program should not be adopted.

Several of the eight proposals for the revocation of the cooperative payments section of the order suggested that this section be replaced with a marketing service program modeled after programs in effect in many of the other federally regulated markets. The proposed program essentially would require a comprehensive system of verification for producers of weights, samples and tests of milk, in addition to the dissemination of market information to producers. It was suggested that calibration and recalibration of farm bulk milk tanks might also be provided.

Under the several propositions, cooperative members would be permitted to collectively undertake the verification and information activity deemed necessary. For those producers not receiving the requisite services by virtue of cooperative membership, the market administrator would be charged with the responsibility for instituting a suitable program. The cost of the nonmember program would be paid from a separate fund provided by deductions to be made from the returns of the producers receiving its direct benefits.

The marketing service program has a different purpose from the cooperative payments program. The proposal is not designed to deal with the need of producers in this milkshed for adequate representation in the market and regulatory process, but is directed toward the limited tasks of disseminating market information and verifying weights and tests including bulk tank calibrations. That the latter named services have a different purpose does not mean necessarily that they are not useful nor that it may not be desirable that such a program be undertaken on behalf of producers in this milkshed. But the program should be established only in response to a demonstration of real need for it.

On the basis of the evidence presented at this hearing, a marketing service program is not warranted at this time in the New York-New Jersey milkshed for several reasons: (1) A basic need for

additional market information for producers was not shown; (2) the programs of verification of weights, samples and tests of nonmembers' milk carried on by several States that encompass the milkshed appear to cover satisfactorily the milk marketed by producers under the order; (3) there does not appear to be sufficient justification for a program of calibrating farm bulk milk tanks which essentially would be duplicative or supplemental to those efforts currently conducted by various States; and (4) several of the cooperatives presently receiving payments for marketwide services under the order are already providing some of the proposed services.

There is little indication in the record that more market information needs to be provided for producers. The market administrator presently disseminates certain information to all producers on a regular basis. In addition, the qualified cooperatives are required under the cooperative payments provisions now in effect to make market information available to all producers in the milkshed whether they are cooperative members or not. Several sources of information therefore are readily available to all producers.

The various States are presently conducting an adequate program for checking the tests of producer milk. For example, New York State normally makes an annual check of the milk test of each producer. If necessary, rechecks are made every 2 months or once a month. Although a few producers indicated a desire for more frequent checking of their butterfat tests, there was no general dissatisfaction with the present program.

The receipt of all milk in this milkshed must be conducted by personnel that are licensed weighers and testers. The evidence given at the hearing provides ample demonstration of the fact that the primary function of a check weighing and testing program is one of preventing inadvertent human errors in conducting and recording butterfat tests or in reading and recording milk weights. While the training associated with licensing in conjunction with the periodic checking system now used may not have eliminated such human failing, the evidence demonstrates a satisfactory degree of success.

The evidence concerning the need for a program of checking farm bulk tank calibrations is not so conclusive. The current responsibility for calibration of tanks is apparently that of the County Sealer of Weights and Measures in most areas of the milkshed. In some cases the press of other duties apparently prevents some of these officers from devoting sufficient time to tank calibration to adequately serve the need. But others do a prompt and suitable job.

Even in such cases where an official check of a bulk tank is not immediately available, the producer shipping bulk milk has several checks available to him that are not open to a can producer. It is possible for him, if he so chooses, to buy or borrow a calibrated measure to make an unofficial check on his own. And he can make a daily check of the reading recorded by the driver of the truck picking up his milk. To this extent he has a degree of assurance in the accuracy of his milk weights by virtue of the location of the weighing device at the farm.

In view of the limited data in the record it is difficult to accurately assess the extent to which a supplementary means of checking bulk tank calibrations is needed. It is reasonable to assume, however, that the current need is not so great as it was in other markets where conversion to bulk proceeded more rapidly and at an earlier date. More available knowledge on calibration procedures and the more leisurely pace likely is preventing many of the problems that occurred elsewhere.

In addition, there is evidence that at least one major cooperative in the milkshed has in operation a mobile farm bulk tank calibration unit that is being used to check calibrate the farm tanks of its members. This is a perfectly legitimate activity that any cooperative or federation of cooperatives might engage in if there is a question of the capacity of the State agencies to adequately cope with this problem.

This is not to say that a more comprehensive check testing and weighing program will never be necessary. Producers are depending more and more on volume of delivery to maintain or increase net income. With changes in technology and the number of bulk tanks growing, average daily production has doubled in the market in the last 10 years. This and every other day pickup of bulk tank milk have resulted in a fourfold increase in volume per delivery and in the quantity of milk represented by a single sample of milk. Thus, bulk tank calibration could become a special problem in this market. Concerning the importance of accurate tests to handlers, they contend that the value of one point of butterfat is nearly equal to the profit margin on each hundredweight of milk handled.

While these trends and problems may put severe pressure on existing facilities in the future, there is no substantial indication from producers that a different program is required at this time to provide these marketing services. State authorities have programs to handle producer complaints in this regard. Also, as was pointed out earlier, one cooperative already provides a complete set of marketing services for its members. Other cooperatives also are currently providing some of these services and could expand such activities if the need should increase.

In summary, we believe that in the absence of increased producer interest, existing agencies should continue the principal service which could be obtained by adoption of the marketing service provisions, i.e., the job of verifying the weights and tests of milk purchased from producers.

4. *Insurance fund to guarantee payments to producers.* The proposal by Northeast Dairy Cooperative Federation to establish an "insurance" program financed through the producer-settlement fund to guarantee payments to producers should not be adopted. The guarantee of payments should remain a matter of policy by the cooperative as to whether this is a service member producers desire.

Under the proposal payment from the producer-settlement fund would be made at 80 percent of the blend price to producers shipping milk to any handler who defaults on payment. Any such producer would collect from the fund after signing over his claim for payment (by the handler) to the market administrator.

To fund the proposed insurance plan, proponent would deduct from the pool at the rate of 0.5 cent per hundredweight until about $500,000 is accumulated. Under the mechanics proposed, any withdrawal from the fund would trigger a resumption of the deductions until the fund is built back up to $500,000. The $500,000 fund would be sufficient to guarantee payment to producers at two average size plants or at one large plant in the market.

To show current payment risk to producers, proponent cited the recent financial troubles of Champlain Creameries, Inc., and the United Milk Products Co. which resulted in certain producers not getting full payment for their milk. It was maintained that the State bonding laws, which are designed to secure payments to producers, are inadequate to cope with such situations. In some cases, it was stated, the bonds are inadequate to guarantee payment for all milk delivered to the plants. This problem is accentuated by the fact that producers sometimes extend credit for as much as 56 days for milk delivered to a plant. In other cases the bond required by the State may be adequate, but the time required to collect under it is so great that the producer may have difficulty staying in business until reimbursement is made. Proponent contends that the proposed plan would shorten substantially the time required to get payment into the hands of the producer.

A relatively small number of handlers have defaulted on payments to producers in recent years. From 1957 through March 1965 over 200 handlers went out of business. In only three instances, however, have producers failed to receive full payment for their milk from such handlers.

It is recognized that failure of any plant to pay, and pay promptly, for milk causes severe problems for the producers involved. It is essential, therefore, that the producer receive timely payment for his milk. To date, however, insuring payment for milk is a service, even an opportunity, which the cooperatives have accepted. The circumstances surrounding the recent financial troubles of the plants cited by proponent illustrate this. In the incident involving Champlain Creameries, Inc., several hundred producers faced loss of their milk checks. To prevent this, two cooperatives, the Dairymen's League and the Metropolitan Milk Producers Bargaining Agency, stepped in and made good the checks of all producers involved. In the other case, involving United Milk Products Co., proponent (Northeast Federation) itself loaned money to the producers who were not paid by the handler. These cooperatives thus eased serious financial problems for the producers involved and rendered them a valuable service.

Providing this service gave the cooperatives an opportunity to demonstrate the importance of their presence and service to producers. At least one of the cooperatives was enabled to increase its membership. In the Champlain Creameries incident, the Dairymen's League made good the checks of some non-League producers. In return for the service these producers were required to join that organization. In this connection it is clear that attracting new members has not been an easy task for the cooperatives in the market. Some progress has been made but the percentage of member producers still remains lower than in many Federal order markets. Adoption of the proposal could significantly reduce the incentive for producers to join cooperatives in what is apparently an already difficult recruiting situation.

Proponent contended that guaranteeing payment to producers is such a small element in a cooperative's work that eliminating this service would have negligible effect on serving members. We do not agree that the value of this service by a cooperative should be minimized. Such service is an integral part of the entire package of services which many cooperatives throughout the country use to attract members and to maintain orderly marketing for producers as a whole. A witness from New England Milk Producers Association, a Massachusetts-Rhode Island cooperative which provides this service, pointed out that a number of producers have been attracted to New England from the New York market in part by the formal guarantee of payment offered by the New England cooperatives.

Moreover, guaranteeing payment could lessen the incentive for cooperatives to hedge against loss in selling to handlers. A prudent cooperative dealing with a financially insecure handler takes precautions to insure that it receives payment for milk. For example, it may become necessary in a given instance to deliver each day's supply of milk for the plant only for cash on delivery. In less extreme cases, but where there is still some question of the handler's ability to pay, the cooperative may not demand daily payment but will still require payment at frequent intervals. This reduces the problem of undue extensions of credit on milk deliveries.

Proponent argued that under the plan producers would still have an incentive to check carefully the financial condition of handlers who buy their milk since the insurance fund would guarantee payment at only 80 percent of the blend price. It is true that some incentive still would exist under the proposed plan. However, it cannot logically be argued that with payment guaranteed at the proposed level the incentive would be as great as at present.

As mentioned earlier, proponent also stated that the plan would speed up payments to producers whenever a handler defaults on payment for milk. Obviously, such an insurance fund would hasten payment as compared to collecting on a handler's bond. However, the market administrator still could not put money into the hands of producers as quickly as a cooperative. As an administrative matter the market administrator would be bound, at least to some degree, by restraints similar to those which slow down payment to producers on a handler's bond. In particular, his responsibility to all producers who are eligible to receive money from the fund would require him to take adequate precautions to insure that only authorized payments were made. This would not be a simple or quick task in a bankrupt or near bankrupt firm. Records of such a company may be incomplete or inaccurate.

Similarly, a serious problem could arise under the plan if a handler defaulted on payment because of a dispute over the amount of money owed to producers. Ordinarily, in enforcing payments to producers under the order in such cases, the amount to be paid is determined after an exhaustive examination of the factors causing the dispute. If prompt payment is the determining factor such an investigation of necessity could not be as thorough. If it were determined as a result of the subsequent enforcement action that the handler actually did not owe the money, the market administrator would be saddled with the costly and embarrassing task of collecting from individual producers the money paid out earlier from the insurance fund.

Also, it is possible that the provision could embroil the market administrator in costly and time-consuming court actions. It was contemplated by proponent that the market administrator would enter bankruptcy court to recover from the assets of a bankrupt handler any money paid out to producers from the insurance fund.

Overall, we conclude that the defects in the proposal outweigh its advantages. We are particularly impressed by the way the cooperatives stepped in and paid producers or loaned them money when certain handlers ran into financial trouble. More than anything else, this leads us to conclude that marketing conditions would not be improved by the proposal as compared to the present system of cooperative responsibility and participation in this area.

Matters reserved for later decision. Decision is reserved as to all other findings and conclusions of the recommended decision concerning matters not specifically referred to herein, but the hearing is not reopened with respect thereto.

Rulings on exceptions. In arriving at the findings and conclusions each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto.

To the extent that the findings and conclusions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled.

General findings, determinations, and amendatory order. General findings and determinations and appropriate order language to carry out the conclusions reached are reserved until proceedings are completed on the reopened hearing.

It is hereby ordered, That all of this decision be published in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 20, 1967.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-4552; Filed, Apr. 24, 1967; 8:50 a.m.]

[7 CFR Part 1002]

[Docket No. AO 71-A46-RO1]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Supplemental Notice Reopening Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

This notice is supplemental to the notice of hearing which was published in the FEDERAL REGISTER of June 17, 1965 (30 F.R. 7839), with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area.

Further notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et. seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), that the aforesaid hearing will be reopened at the Market Administrator's Conference Room, 205 East 42d Street, New York, N.Y., beginning at 10 a.m., on May 9, 1967.

This reopening of the hearing is for the limited purpose of receiving any additional pertinent evidence upon which a full and comprehensive re-examination of the marketwide activities and services for which cooperative payments are being made and a precise determination of the methods and amounts to be paid for such services.

Reopening of the hearing for such purpose was requested by two of the cooperatives receiving the payments and the duly authorized representatives of the States of New York and New Jersey, and is pursuant to the decision in this proceeding issued April 20, 1967.

Signed at Washington, D.C., April 20, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-4553; Filed, Apr. 24, 1967; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SO-41]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Brunswick, Ga., transition area.

The Brunswick transition area is described in 32 F.R. 2143.

The Brunswick transition area would be altered by redesignating the 700-foot portion as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAS Glynco (latitude 31°15'30" N., longitude 81°28'00" W.); within a 5-mile radius of the Jekyll Island Airport (latitude 31°04'-21" N., longitude 81°25'39" W.), and within 2 miles each side of the Brunswick VOR 203° radial, extending from the VOR to 8 miles southwest of the VOR, excluding the portion outside of the continental limits of the United States;

The proposed alteration is required for the protection of IFR operations at the Jekyll Island Airport. A prescribed instrument approach procedure utilizing the Brunswick VOR is proposed in conjunction with the designation of this transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on April 13, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-4502; Filed, Apr. 24, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-39]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Eastman, Ga., transition area.

The Eastman transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Eastman-Dodge County Airport (latitude 32°12'51" N., longitude 83°07'42" W.).

The proposed transition area is required for the protection of IFR operations at the Eastman-Dodge County Airport. A prescribed instrument approach procedure to this airport utilizing the Vienna VORTAC is proposed in conjunction with the designation of this transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on April 13, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-4503; Filed, Apr. 24, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-42]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Jefferson, Ga., transition area.

The Jefferson transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Jackson County Airport (latitude 34°10'31" N., longitude 83°33'38" W.).

The proposed transition area is required for the protection of IFR operations at the Jackson County Airport. A prescribed instrument approach procedure to this airport utilizing the Athens VORTAC is proposed in conjunction with the designation of this transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on April 14, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-4504; Filed, Apr. 24, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17145]

STATION IDENTIFICATION REQUIREMENTS

Order Extending Time for Filing Comments and Reply Comments

1. In a notice of proposed rule making issued in this proceeding on January 25, 1967, FCC 67-114, the Commission invited comments on a proposal looking toward the amendment of Part 73 of the Commission's rules relating to station identification requirements.

2. The time for filing comments in this proceeding is now April 19, 1967, and replies thereto, May 3, 1967.

3. On April 19, 1967, Sparks Broadcasting Co. requested that the time for filing comments be extended to April 28, 1967. It states the additional time is needed to permit it to complete its research into pertinent information and file meaningful comments.

4. We are of the view that good cause has been shown for the requested extension of time for filing comments. *Accordingly, it is ordered,* That the time for filing comments is extended to April 28, 1967, and while not requested the time for filing reply comments is extended to May 17, 1967.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: April 20, 1967.

Released: April 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4535; Filed, Apr. 24, 1967; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 17253]

COVERAGE OF TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. In a notice of proposed rule making issued in this proceeding on March 1, 1967 (FCC 67-271), the Commission invited comments on a proposal looking toward the amendment of § 73.684(c) of the Commission's rules relating to prediction of coverage of television broadcast stations, Docket No. 17253, RM-1060. April 14, 1967, and May 1, 1967 were designated as the dates for filing comments and reply comments.

2. On April 13, 1967, WBRE-TV, Inc. requested that the time for filing comments in this proceeding be extended to May 15, 1967. WBRE, Inc. states the preparation of comments revealed that the matter was considerably more complex than originally conceived and that it is studying an alternative method of predicting the distance to Grade A and B signal strength contours which would not penalize the efficient use of a high gain antenna and moderate beam tilt which it employs. Therefore, it urges that additional time is needed to research this method.

3. We are of the view that good cause has been shown for the requested extension of time for filing comments. *Accordingly it is ordered,* This 17th day of April, that the time for filing comments is extended to May 15, 1967, and the time for filing reply comments is extended to May 31, 1967.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Released: April 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4536; Filed, Apr. 24, 1967; 8:48 a.m.]

[47 CFR Part 97]

[Docket No. 17377; FCC 67-477]

AMATEUR RADIO STATIONS

Identification Requirements

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 97.87 of the rules sets forth the station identification procedures and requirements for amateur radio stations. The Commission finds that many of the present requirements are excessive to normal monitoring and investigative needs and merely impose an unnecessary burden upon licensees.

3. Accordingly, the Commission proposes to revise § 97.87 by relaxing and simplifying the station identification requirements, consistent with enforcement needs, in the following manner:

A. For basic identification, it is proposed that identification of the stations being transmitted to be required only at the end of an established telegraphy or telephony communication.

B. For regular portable and mobile operations and for mobile operations not within the United States or any foreign country, it is proposed that additional identification be required only at the end of transmissions. It is further proposed that new simplified location designators be authorized in lieu of certain present designators or location descriptions.

C. For all operations, it is proposed that the requirement for identification by emissions other than telegraphy, using the International Morse Code, or telephony, using the English language, be deleted. It is further proposed that the use of standard phonetic alphabets as an aid for correct telephony identification be encouraged.

4. The specific proposed revision of § 97.87 is set forth below. Authority for this proposed revision is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before June 30, 1967, and reply comments on or before July 17, 1967. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and fourteen copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other relevant information before it in addition to specific comments invited by this Notice.

Adopted: April 19, 1967.

Released: April 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[1] Chairman Hyde absent.

Part 97 of the Commission's rules is proposed to be amended as follows:

Section 97.87 is proposed to be revised to read as follows:

§ 97.87 Station identification.

(a) An amateur station shall be identified by the transmission of its call sign at the beginning and end of each single transmission or exchange of transmissions and every 10 minutes during any single transmission or exchange of transmissions of more than 10 minutes duration. Additionally, at the end of an exchange of telegraphy or telephony transmissions between amateur stations, the call sign (or the generally accepted network identifier) shall be given for the station, or for at least one of the group of stations, with which communication was established.

(b) When an amateur station is operated as a portable or mobile station, the operator shall give the following additional identifiation at the end of each single transmission or exchange of transmissions:

(1) When identifying by telegraphy, immediately after the call sign, transmit the fraction-bar $\overline{DN}$ followed by the number of the call sign area in which the station is being operated.

(2) When identifying by telephony, immediately after the call sign, transmit the word "portable" or "mobile", as appropriate, followed by the number of the call sign area in which the station is being operated.

(c) When an amateur station is operated outside of the 10 call sign areas prescribed in § 97.51(b) and outside of the jurisdiction of a foreign government, the operator shall give the following additional identification at the end of each single transmission or exchange of transmissions:

(1) When identifying by telegraphy, immediately after the call sign, transmit the fraction-bar $\overline{DN}$ followed by the designator R 1, R 2, or R 3, to show the Region (as defined by the International Radio Regulations, Geneva, 1959) in which the station is being operated.

(2) When identifying by telephony, immediately after the call sign, transmit the word "mobile" followed by the designator Region 1, Region 2, or Region 3, to show the Region (as defined by the International Radio Regulations, Geneva, 1959) in which the station is being operated.

(d) The identification required by paragraphs (a), (b), and (c) of this section shall be given on each frequency being utilized and shall be transmitted by telegraphy, using the International Morse Code, or by telephony, using the English language. The use of a nationally or internationally recognized standard phonetic alphabet as an aid for correct telephony identification is encouraged.

[F.R. Doc. 67-4537; Filed, Apr. 24, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

MANOUTCHEHR AADAL ET AL.

List of Ineligible Suppliers

The following "List of Ineligible Suppliers" under A.I.D. Regulation 8 (29 F.R. 9534; 30 F.R. 12941; 31 F.R. 9554) is currently in effect All persons who anticipate A.I.D. financing for a transaction involving any person whose name appears on this list should take special notice of its contents.

LIST OF INELIGIBLE SUPPLIERS

SECTION 1. *Purpose of this list.* This list implements the provisions of A.I.D. Regulation 8, "Suppliers of Commodities and Commodity-Related Service Ineligible for A.I.D. Financing" (29 F.R. 9534). Subject to the conditions described below A.I.D. will not make funds available to finance the cost of commodities or commodity-related services furnished by any supplier whose name appears on this list. A supplier whose name appears in section 3 of this list has been placed thereon for the causes specified in § 208.5 of Regulation 8; a supplier whose name appears in section 4 of this list has been placed thereon for the causes specified in § 208.7 of Regulation 8. A.I.D. has taken such action in accordance with the procedures described in Subpart D of Regulation 8.

With respect to the interest of any U.S. Bank which holds an A.I.D. Letter of Commitment, special attention is called to the fact that this list constitutes a special amendment to every Letter of Commitment to the effect that A.I.D. will not provide reimbursement to a bank for payment to any supplier whose name appears on this list, excepting only (a) a payment made to a supplier on or before the suspension or debarment date indicated for that supplier in section 3 or section 4 of this list under an A.I.D. Letter of Commitment issued prior to that date, and (b) a payment made to a supplier under an irrevocable Letter of Credit opened or confirmed on or before the suspension or debarment date indicated for that supplier in section 3 or section 4 of this list under an A.I.D. Letter of Commitment issued prior to that date. A bank which receives a copy of this list shall be held in its relationship with A.I.D. to the standard of care described in § 201.73(f) of Regulation 1 (29 F.R. 12895–12908) with respect to every transaction governed by an A.I.D. Letter of Commitment issued to that bank.

SEC. 2. *Contents kept current.* A.I.D. will keep the contents of this list current by means of superseding or supplementing issuances which will indicate additions to and deletions from the contents of prior issuance of this list. A.I.D. will bring all such changes to the immediate attention of every U.S. bank holding an A.I.D. Letter of Commitment and shall provide for such other distribution as appears proper under the circumstances.

SEC. 3. *Suppliers debarred from A.I.D. financing.*

Name, Address, and Suspension Date

Aadal, Manoutchehr, 150 Broadway, New York, N.Y. 10038, Mar. 22, 1967.
All American Fabrics Co., 277 Broadway, New York, N.Y. 10007, Mar. 22, 1967.
Amerimpex Trading Co., 277 Broadway, New York, N.Y. 10007, Mar. 22, 1967.
American Asian Lines, 150 Broadway, New York, N.Y. 10038, Mar. 22, 1967.
Aqua International Corp., 29 Broadway, New York, N.Y. 10006, Mar. 22, 1967.
Chi, Chu-Hu, Chung Shan N. Road 18, Lane 11, Sec. 2, Taipei, Taiwan, Apr. 14, 1967.
Chie, C. F., Chun Shan N. Road 18, Lane 11, Sec. 2, Taipei, Taiwan, Apr. 14, 1967.
Chie Ho Industrial Co., Ltd., Chang Teh Road 9–1, Lane 57, Taipei, Taiwan, Apr. 14, 1967.
Darab, Nasrollah, 277 Broadway, New York, N.Y. 10007, Mar. 22, 1967.
Greene, Roy, 415 East 52d Street, New York, N.Y. 10022, Apr. 14, 1967.
Harfa Commercial Co., 170 Broadway, New York, N.Y. 10007, Mar. 22, 1967.
Monarch Processing Corp., 150 Broadway, New York, N.Y. 10038, Mar. 22, 1967.
Monarch Trading Co., 150 Broadway, New York, N.Y. 10038, Mar. 22, 1967.
Monarch Trading Co., Inc., 150 Broadway, New York, N.Y. 10038, Mar. 22, 1967.
Namdar, Faizollah, 277 Broadway, New York, N.Y. 10007, Mar. 22, 1967.
Rafati, Hassen, 277 Broadway, New York, N.Y. 10007, Mar. 22, 1967.
Transasia Marine Corp., 150 Broadway, New York, N.Y. 10038, Mar. 22, 1967.
Transasia Steamship Co., Inc., 150 Broadway, New York, N.Y. 10038, Mar. 22, 1967.
Transasia Transportation Corp., 150 Broadway, New York, N.Y. 10038, Mar. 22, 1967.
United Steel and Wire Corp., 375 Park Avenue, New York, N.Y. 10022, Apr. 14, 1967.
Western National Fabric Co., 277 Broadway, New York, N.Y. 10007, Mar. 22, 1967.
Worldwide Export Co., 79 Wall Street, New York, N.Y. 10005, Mar. 22, 1967.

SEC. 4. *Suppliers suspended from A.I.D. financing.* The following persons have been suspended from A.I.D. financing until further notice pending completion of an A.I.D. investigation of facts which may lead to the eventual debarment of such persons:

Name, Address, and Suspension Date

A-Dong Industrial Co., Ltd., I.P.O. Box 1613, Seoul, Korea, Mar. 31, 1967.
Ando, Hitachi, President, Osaka Koeki Co., Ltd., Dojima Building, 50 Kinugasa—Cho, Kita-Ku, Osaka, Japan, Mar. 31, 1967.
Archifar Pharmaceutical Products, Inc., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
Associated Chemo-Pharm Industries, Inc., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
Bottone, Dr. Caesar, 1209 Anderson Avenue, Fort Lee, N.J. 10022, Nov. 9, 1966.
Cheng Feng Trading Co., Ltd., Chung Shan N. Road 18, Lane 11, Sec. 2, Taipei, Taiwan, June 24, 1966.
Chung Kum Products, Ltd., Taiyang Building, 28 Sokong Dong, Chung-Ku, Seoul, Korea, Mar. 31, 1967.
DAI Industrial Co., Ltd., Room No. 303–306, Tai-Yang Building, 28 Sokong-Dong, Chung-Ku, Seoul, Korea, Mar. 31, 1967.
En Am Machinery Works, 43–3 Chung Haiao Street, Fang Yuan, Taichung Haien, Taiwan, June 24, 1966.
Gedeon Richter Pharmaceutical Products, Inc., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
Gubbay, Clement, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
Han Gook Organ Needle Co., Ltd., No. 478 Onch'on-dong Tongnae-go, Pusan City, Korea, Mar. 31, 1967.
Thomas Edison Higgins Enterprises, Inc., 660 Capri Boulevard, Treasure Island, Fla. 33706, Apr. 5, 1967.
Higgins, Mabel, 660 Capri Boulevard, Treasure Island, Fla. 33706, Apr. 5, 1967.
Higgins, Thomas Edison, 660 Capri Boulevard, Treasure Island, Fla. 33706, Apr. 5, 1967.
*Kyun, Chang Chung, No. 478 Onch'on-dong Tongnae-go, Pusan City, Korea, Mar. 31, 1967.
*K.B.S. Trading Co., Ltd., 1334 Young Street, Honolulu, Hawaii, Mar. 31, 1967.
Kim, B. H., DAI Industrial Co., Ltd., Room No. 303–306 Tai-Yang Building, 28 Sokong-Dong, Chung-Ku, Seoul, Korea, Mar. 31, 1967.
Kwak, William, K.B.S. Trading Co., Ltd., 1334 Yound Street, Honolulu, Hawaii, Mar. 31, 1967.
Lowens, Ernest, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
Meoni, A., 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
Nazarro, Ben, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
Osaka Koeki Co., Ltd., Dojima Building, 50 Kinugasa-Cho, Kita-Ku, Osaka, Japan, Mar. 31, 1967.
Panmed Pharmaceuticals, Inc., 1209 Anderson Avenue, Fort Lee, N.J. 07025, Nov. 9, 1966.
Pharma Scienta, 156, Rue de Damas, Imm. Homsi., Beirut, Lebanon, Dec. 19, 1966.
Shalom, Raleigh, 20 Exchange Place, New York, N.Y. 10005, Nov. 9, 1966.
Societe des Laboratories Reunis (SOLAR), 156, Rue de Damas, Imm. Homsi., Beirut, Lebanon, Dec. 19, 1966.
Spe-D-Magic Co., 660 Capri Boulevard, Treasure Island, Fla. 33706, Apr. 5, 1967.
Szybalsky, S., 1209 Anderson Avenue, Fort Lee, N.J. 07025, Nov. 9, 1966.
United Pharmacal Laboratories, Post Office Box 1718, Lot 28, Foreign Trade Zone, Mayagues, Puerto Rico, Dec. 19, 1966.
White Magic Co., 660 Capri Boulevard, Treasure Island, Fla. 33706, Apr. 5, 1967.

WILLIAM O. HALL,
Assistant Administrator for Administration.

APRIL 18, 1967.

[F.R. Doc. 67-4495; Filed, Apr. 24, 1967; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah 1312, etc.]

UTAH

Order Opening Lands to Mineral Location, Entry and Patenting

APRIL 17, 1967.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN, UTAH

UTAH 1312

T. 12 N., R. 7 E.,
Sec. 22, SE¼NW¼, less R/W for highway known as FA Project No. 108–D across the land.

UTAH 2084

T. 8 S., R. 3 W.,
Sec. 19, lot 1 and NE¼NW¼.
T. 8 S., R. 4 W.,
Sec. 7, S½NE¼;
Sec. 8, NW¼, and S½NE¼;
Sec. 17, N½;
Sec. 18, lots 3 and 4, E½SW¼, and SE¼;
Sec. 19, lots 3 and 4, E½SW¼, and SE¼;
Sec. 21, SW¼SW¼, and E½SE¼;
Sec. 22, S½NW¼, and SW¼;
Sec. 27, NE¼, E½NW¼, and E½SE¼;
Sec. 28, W½NW¼, SW¼, and SW¼SE¼;
Sec. 31, all;
Sec. 33, W½NE¼, NW¼, and N½SW¼.

UTAH 0136574

T. 8 S., R. 7 W.,
Sec. 32, all.
T. 8 S., R. 8 W.,
Sec. 32, all;
Sec. 36, all.
T. 9 S., R. 7 W.,
Sec. 16, all.
T. 9 S., R. 8 W.,
Sec. 2, all;
Sec. 16, NE¼, E½NW¼, and N½SE¼.
T. 10 S., R. 7 W.,
Sec. 36, all.
T. 10 S., R. 10 W.,
Sec. 32, all.

The above listed tracts aggregate 8,104.14 acres.

2. The minerals in exchange Utah 0136574 were reserved to the State of Utah. The minerals in the other tracts were reconveyed to the United States.

3. The land in T. 12 N., R. 7 E., is located in Rich County, about 7 miles north of Randolph, Utah. The remaining lands are in Tooele County, Tract Utah 2084 located about five miles east of Vernon, and Tract Utah 0136574 in an area 10 to 16 miles south of Dugway, Utah.

4. The topography of these lands ranges from flat to mountainous. They are generally desert or semidesert in character and not suitable for farming. They have values for grazing, watershed, wildlife, and recreation which can best be managed under principles of multiple use.

5. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on May 22, 1967, be opened to application, petition, and selection, and, except for lands in exchange Utah 0136574, to location under the U.S. mining and mineral leasing laws. All valid applications received at or prior to 10 a.m. on May 22, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-4489; Filed, Apr. 24, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

MAINLAND CANE SUGAR AREA

1968 Crop Proportionate Shares; Hearing

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended, is preparing to conduct a public hearing to receive views and recommendations from all interested persons on the need for establishing proportionate shares for the 1968 sugarcane crop in the Mainland Cane Sugar Area (Louisiana and Florida).

In accordance with the provisions of paragraph (1), subsection (b) of Section 302 of the Sugar Act of 1948, as amended, the Secretary must determine for each crop year whether the production of sugar from any crop of sugarcane in the area will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determinations may be made only after due notice and opportunity for an informal public hearing.

The hearing on this matter will be conducted at the Casablanca Hotel, Miami Beach, Fla., beginning at 10 a.m. on May 10, 1967.

Views and recommendations are desired on all phases of the proportionate share program. They may be submitted in writing, in triplicate, at the hearing, or may be mailed to the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, so as to be received not later than May 31, 1967. Interested persons will be given the opportunity at the hearing to appear and submit orally data, views and arguments in regard to the establishment of proportionate shares.

Restrictions on the marketing of sugarcane in the area are in effect for the 1967 crop. Estimates of sugar production for that crop indicate that the marketing quota for the area will be exceeded by about 75,000 to 100,000 tons.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 20, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-4549; Filed, Apr. 24, 1967; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0577) has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing the establishment of a tolerance of 5 parts per million for residues of the fungicide dodine (*n*-dodecylguanidine acetate) in or on the raw agricultural commodity peaches.

The analytical method proposed in the petition for determining residues of the fungicide is a colorimetric technique in which the dodine is extracted with carbon tetrachloride and then complexed with bromcresol purple indicator and the complex is extracted into chloroform. The color complex in the chloroform is hydrolyzed and the indicator extracted with aqueous alkali. The absorbance, which is a measure of the bromcresol present, is measured on a spectrophotometer. The amount of absorbance is indicative of the amount of dodine present.

Dated: April 18, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4516; Filed, Apr. 24, 1967; 8:47 a.m.]

AMERICAN VISCOSE DIVISION, FMC CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2159) has been filed by Film Operations, American Viscose Division, FMC Corp., Marcus Hook, Pa. 19061, proposing the issuance of a regulation to provide for the safe use of vinylidene chloride copolymer food-contact coatings on substrates of polycarbonate resins

that comply with § 121.2574 *Polycarbonate resins*.

Dated: April 18, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4519; Filed, Apr. 24, 1967; 8:47 a.m.]

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 7F0582) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances for residues of the insecticide *O,O*-dimethyl *S*-[4-oxol,2,3-benzotriazin-3-(4H)-ylmethyl] phosphorodithioate in or on raw agricultural commodities, as follows: 12.5 parts per million in or on almond hulls; and 0.1 part per million in or on almonds, barley, and rye.

The analytical method proposed in the petition for determining residues of the insecticide in crops is a colorimetric technique based on alkaline hydrolysis of residues to anthranilic acid. The anthranilic acid is then determined colorimetrically by diazotization and coupling with *N*-(1-naphthyl) ethylenediamine dihydrochloride.

Dated: April 18, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4520; Filed, Apr. 24, 1967; 8:47 a.m.]

DODINE

Notice of Extension of Temporary Tolerance

American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, was granted an extension to February 26, 1967, for a temporary tolerance of 5 parts per million for residues of the fungicide dodine in or on the raw agricultural commodity peaches (notice was published Feb. 25, 1966; 31 F.R. 3140). The petitioner has requested another extension of this temporary tolerance for 1 year.

The Commissioner of Food and Drugs has determined that such extension of the temporary tolerance will protect the public health.

A condition under which this temporary tolerance is extended is that the fungicide be used in accord with the temporary permit issued by the U.S. Department of Agriculture.

This temporary tolerance expires February 26, 1968.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 18, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4521; Filed, Apr. 24, 1967; 8:47 a.m.]

GEIGY CHEMICAL CORP.

Notice of Amendment of Petition Regarding Pesticides

Notice was given in the FEDERAL REGISTER of October 27, 1966 (31 F.R. 13812), that a petition (PP 7F0534) had been filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances for residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino)-*s*-triazine) in or on certain raw agricultural commodities.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that the 1 part per million tolerances requested for almonds, corn, pineapple, and sugarcane have been revised by the petitioner in that the raw agricultural commodities are specified as follows: Almond hulls; almond nuts; corn, both kernels and cobs (including field corn, sweet corn, and popcorn); corn, both forage and fodder (including field corn, sweet corn, and popcorn); pineapple fruit; pineapple forage and fodder; sugarcane; and sugarcane forage and fodder.

Dated: April 17, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4522; Filed, Apr. 24, 1967; 8:47 a.m.]

HOOKER CHEMICAL CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Hooker Chemical Corp., Durez Plastics Division, Walck Road, North Tonawanda, N.Y. 14120, has withdrawn its petition (FAP 7B2089), notice of which was published in the FEDERAL REGISTER of October 12, 1966 (31 F.R. 13179), proposing that § 121.2576 *Cross-linked polyester resins* be amended to provide for the safe use of 1,4,5,6,7,7-hexachlorobicyclo-(2.2.1)-5-heptene-2,3 dicarboxylic acid (as a reactant) and 2-methyl hydroquinone (as an inhibitor) in the production of cross-linked polyester resins for repeated food-contact use.

Dated: April 17, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4523; Filed, Apr. 24, 1967; 8:47 a.m.]

I.C.I. (ORGANICS) INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6B1955) has been filed by I.C.I. (Organics) Inc., 55 Canal Street, Providence, R.I. 02901, proposing the issuance of a regulation to provide for the safe use of dodecanolethylene oxide (9.5 moles) condensate as an antistatic agent in polyolefin films for food-contact use.

Dated: April 17, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4524; Filed, Apr. 24, 1967; 8:47 a.m.]

IMPERIAL CHEMICAL INDUSTRIES, LTD.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6B1919) has been filed by Imperial Chemical Industries Ltd., Plastics Division, Bessemer Road, Welwyn Garden City, Hertfordshire, England, proposing the issuance of a regulation to provide for the safe use of *N,N*-bis(2-hydroxyethyl) *n*-alkyl(C_{14}-C_{18}) amine as an antistatic agent in vinylidene chloride copolymer coatings intended for food-contact use.

Dated: April 17, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4525; Filed, Apr. 24, 1967; 8:48 a.m.]

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7B2162) has been filed by Monsanto Co., Hydrocarbons and Polymers Division, 730 Worcester Street, Indian Orchard, Mass. 01051, proposing an amendment to § 121.2566 *Antioxidants and/or stabilizers for polymers* to provide for the safe use of calcium myristate and zinc palmitate as antioxidants and/or stabilizers for polymers intended for food-contact use.

Dated: April 17, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4526; Filed, Apr. 24, 1967; 8:48 a.m.]

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7B2161) has been filed by Monsanto Co., Post Office Box 1531, Springfield, Mass. 01101, proposing an amendment to § 121.2574 *Polycarbonate resins* to provide for the safe use of monochlorobenzene as a solvent in the production of polycarbonate resins intended for food-contact use.

Dated: April 17, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4527; Filed, Apr. 24, 1967; 8:48 a.m.]

SUN CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7B2158) has been filed by Sun Chemical Corp., 750 Third Avenue, New York, N.Y. 10017, proposing the issuance of a regulation to provide for the safe use of cyanoguanidine-formaldehyde resins as a drainage aid in the manufacture of paper and paperboard used for packaging dry, aqueous, and fatty foods.

Dated: April 17, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4528; Filed, Apr. 24, 1967; 8:48 a.m.]

Office of the Secretary

INTERSTATE AIR POLLUTION IN SELBYVILLE, DEL.-BISHOP, MD., AREA

Air Pollution Control; Notice of Public Hearing

Whereas, upon the written request of the Delaware State Air Pollution Authority, the official air pollution control agency of the State of Delaware, the Secretary of Health, Education, and Welfare called a conference pursuant to section 105(c)(1)(A) of the Clean Air Act (42 U.S.C. 1857 et seq.) with respect to air pollution alleged to originate in Bishop, Md., and to endanger the health or welfare of persons in the Selbyville, Del., area, and,

Whereas, such conference was held on November 9 and 10, 1965 in Selbyville, Del., and

Whereas, the conference participants representing the official air pollution control agencies of the States of Maryland and Delaware, Worcester County, Md., and the town of Selbyville, Del., and the representative of the Secretary of Health, Education, and Welfare unanimously agreed:

1. The Bishop Processing Co. of Bishop, Md., is the single source of malodorous pollution which originates in the State of Maryland and flows across the Delaware-Maryland State line into the town of Selbyville, Del., and environs.

2. Such malodorous pollution consists of sickening, nauseating, and highly offensive odors.

3. Such noxious malodors are pervasive in effect to the interstate Selbyville, Del.-Bishop, Md., area. These noxious malodors endanger the health and welfare of persons in the town of Selbyville, Del., and adjacent and contigous areas. They cause nausea, sleeplessness, and revulsive reactions, thereby imposing a physiological and psychological burden on persons subjected thereto; and they adversely affect business conditions, rental and property values, impede industrial development and population growth to the detriment of the entire economy of the Selbyville, Del., area. Such pollution is therefore subject to abatement under subsection 105(c)(1)(A), Title I of the Clean Air Act, Public Law 88-206, as amended by Public Law 89-272 (42 U.S.C. 1857-1857g).

4. The Bishop Processing Co. has not adequately complied with recommendations made by the State of Maryland for remedial action.

5. Because of the interstate aspects of the air pollution, there has been no clear legal basis for effective application of enforcement measures by the States of Delaware and Maryland under existing laws and regulations.

6. Under recently enacted legislation, the State of Maryland is authorized to adopt regulations which would permit control of emission of odors from the Bishop Processing Co. so as to abate the pollution. Such control regulations are in the process of preparation.

7. That Bishop Processing Co. be required to abate the emission, release or discharge of offensive odors from its rendering plant in Bishop, Md., in accordance with the following schedule:

(a) Effective immediately, the company institute a vigorous clean-up program to remove collected animal matter from the interior and exterior of its plant and premises, and that a routine good-housekeeping and sanitation program be initiated and scrupulously followed.

(b) On or before March 1, 1966, the company submit to the Maryland State Department of Health, for review and approval, plans, specifications, and a comprehensive program to implement prevention and control of malodorous emissions.

(c) On or before June 1, 1966, the company submit to the Maryland State Department of Health such evidence as the Department may require to demonstrate binding commitments for the purchase, construction and installation of necessary equipment and the initiation of all other actions necessary to execute the approved plan for prevention and control of offensive odors.

(d) On or before September 1, 1966, the company have in operation all equipment and take all other measures necessary to prevent or control the emission of odors, in accordance with the approved plans, and submit to the Maryland State Department of Health a final report regarding the construction, installation, and effectiveness of equipment and other measures which have been taken to prevent and control malodorous emissions.

8. That the Maryland State Department of Health and Delaware State Board of Health consult with each other and exchange information regarding the adequacy of any plans, specifications, and program submitted by Bishop Processing Co., in accordance with the above recommendation, to abate the emission of odors from its rendering plant.

9. That the Maryland State Department of Health maintain such surveillance as necessary to monitor progress of Bishop Processing Co. in complying with the above time schedule for abatement of its odorous emissions.

10. That the Delaware State Board of Health and the town of Selbyville, from the date of this conference, implement a procedure for the continuous surveillance and the compilation of records to provide documentation of interstate travel of odors from the rendering plant operated by Bishop Processing Co.

11. That the Bishop Processing Co., the Maryland State Department of Health and the Delaware State Board of Health each transmit to the Department of Health, Education, and Welfare, on or before April 1, 1966, July 1, 1966, October 1, 1966, and January 1, 1967, quarterly reports of progress, or lack of progress and the reasons therefor, in implementing the above recommendations.

Whereas, the Secretary of Health, Education, and Welfare on January 12, 1966, recommended to the Maryland State Department of Health that it take necessary remedial action to secure compliance by the Bishop Processing Co. with the recommendations of the conference participants as set out above and recommended to the other conference participants that they take appropriate action to implement such recommendations by the conferees, and,

Whereas, I find that such remedial action has not been taken and that other action reasonably calculated to secure abatement of such pollution has not been taken by the Bishop Processing Co.,

Now, therefore pursuant to section 105(c)(1) of the Clean Air Act (42 U.S.C. 1857d(e)(1)), I hereby call a public hearing to begin at 9 a.m., e.d.t., on May 17,

1967, at the Salem Center in Selbyville, Del., before a hearing board composed of the following named persons:

Louis J. Fuller, Chairman.
James B. Coulter (Representing the State of Maryland).
Floyd I. Hudson (Representing the State of Delaware).
Robert G. Yeck (Representing the Department of Agriculture).
Leon S. Pocinki (Representing the Department of Commerce).

On the basis of the evidence presented at such hearing, the Board shall make findings as to whether the Bishop Processing Co., Bishop, Md., is causing or contributing to air pollution which endangers the health or welfare of persons in the State of Delaware and whether, if it so finds, effective progress toward abatement thereof is being made. If said Board finds that such pollution is occurring and effective progress toward abatement thereof is not being made, said Board shall make its recommendations to me concerning the measures if any, which it finds to be reasonable and suitable to secure abatement of such pollution.

Notice of such public hearing is hereby given to the following:

Maryland State Department of Health, State Office Building, 301 West Preston Street, Baltimore, Md. 21201.
Delaware State Air Pollution Authority, Delaware State Board of Health, Dover, Del. 19901.
Worcester County Department of Health, Snow Hill, Md. 21863.
Town of Selbyville, Del. 19975.
Bishop Processing Co., Bishop, Md. 21812.

Dated: April 21, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67-4613; Filed, Apr. 24, 1967; 9:56 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION, REGION I (NEW YORK)

Designation

The officers appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Assistant Regional Administrator for Administration, Region I during the absence of the Assistant Regional Administrator for Administration, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Administration, provided that no officer is authorized to serve as Acting Assistant Regional Administrator for Administration unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Administration.
2. Chief, Management and Organization Branch.
3. Personnel Officer.

This designation supersedes the designation effective April 27, 1966 (31 F.R. 7357, May 20, 1966).

(Delegation effective May 4, 1962, 27 F.R. 4319, May 4, 1962; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective date. This designation shall be effective as of April 10, 1967.

JUDAH GRIBETZ,
Regional Administrator, Region I.

[F.R. Doc. 67-4544; Filed, Apr. 24, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18214]

EASTERN AIR LINES, INC., AND EASTERN AVIATION SERVICES, INC.

Notice of Proposed Approval of Control Relationships

Application of Eastern Air Lines, Inc. for approval of control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 18214.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the order set forth below under delegated authority. Interested parties are hereby afforded a period of fifteen days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., April 19, 1967.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

By application filed February 27, 1967, as amended, Eastern Air Lines, Inc. (Eastern) requests approval without hearing pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), of control relationships arising from its 100 percent ownership of the issued stock of its newly organized subsidiary, Eastern Aviation Services, Inc. (Services). Eastern is an air carrier certificated by the Board to engage in domestic, overseas, and foreign air transportation. Services has been organized for the primary purpose of continuing the operations of the "fixed base division" of Mackey Airlines, Inc. which was merged into Eastern.[1]

Services is a Florida corporation which is authorized to issue 5,000 shares of its stock, of which 1,000 shares have been issued and are owned by Eastern.[2] Its management consists of three officers/directors, two of whom are also officers of Eastern.[3] The interlocking relationships thus created under section 409 of the Act fall within the exemption provided by § 287.3 of the Board's Economic Regulations. Services' operations at present primarily involve the servicing and maintenance of the DC-6 aircraft acquired by Eastern from Mackey. As these propeller aircraft are replaced by jets, which Services is not equipped to maintain, its facilities will be used for the maintenance of medium and heavy propeller driven transport type aircraft of other operators.[4]

In support of the application Eastern states that, in approving the merger of Mackey with Eastern, the Board in effect has already approved the operation of the Mackey fixed base division by Eastern and that the transfer of such operations (to Services) in no way affects the substance of these relationships. In addition, the assignment of these functions to Services will have positive benefits to Eastern and the Board by permitting the separation of Services' financial reports from those reported by the carrier in connection with its scheduled air carrier operations.

No comments relative to the application or requests for a hearing have been received.

Notice of intention to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that Eastern is an air carrier and that Services is a person engaged in a phase of aeronautics both within the meaning of section 408(a) of the Act and that the control of Services by Eastern is subject to that section. However, it has been further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. Control relationships of the nature here presented have been previously approved by the Board and the relationships involved herein do not present any new substantive issues.[5] It therefore appears that approval of the instant control relationships would not be inconsistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act without a hearing.

Accordingly, it is ordered:

That the control of Services by Eastern be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petition within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board give notice that it will review this order on its own motion.

By: A. M. ANDREWS,
Director,
Bureau of Operating Rights.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-4531; Filed, Apr. 24, 1967; 8:48 a.m.]

[1] The Eastern-Mackey merger became effective Jan. 8, 1967 after Board approval in Docket 16367.

[2] Eastern states that there are no plans for issuing the remaining 4,000 shares or any part thereof.

[3] These are Frank Sharpe, Charles J. Simons and Leonard J. Povey. Messrs. Sharpe and Simons are vice presidents of Eastern.

[4] Other maintenance facilities at the Fort Lauderdale-Hollywood Airport specialize in servicing light aircraft only.

[5] South Pacific Air Lines Inc.—Hangar Four Corp. Orders E-17077 and E-17280, June 30, and Aug. 4, 1961. Docket 12039.

[Docket No. 18433; Order E-25013]

TRANS WORLD AIRLINES, INC.

Order of Investigation and Suspension of Revised Rerouting

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1967.

By tariff provision filed March 28, 1967, marked to become effective April 27, 1967, Trans World Airlines, Inc. (TWA), proposes to revise its rule involving rerouting of air freight. The current rule, which continues to be applicable to essentially all other domestic direct carriers, is as follows:

When carrier determinea that it is necessary to expedite delivery, carrier will deviate from any route shown on the Airbill or forward via any air carrier or other transportation agency at the rate prescribed by such agency, provided that when either of the foregoing actions is taken, the transportation charges shall be no greater than the air freight charges from origin to destination via the route shown on the Airbill.

In the revised rule, it is proposed to substitute the following clause for the one above.

• • • provided that no reduction or refund of charges will be made when, under the provisions of this rule, it becomes necessary to utilize other than air transportation in order to expedite the shipment.

TWA declares that its proposal would clarify the current rule.

Upon consideration of all relevant matters, the Board finds that TWA's proposal may be unjust, unreasonable, or unjustly discriminatory, or unduly preferential, or otherwise unlawful, and should be investigated. Under the current rule, if surface transport is substituted for air carriage, the shipper would pay the surface carrier's charges, but not to exceed the air freight charges. Under the proposed rule, in the same situation, the shipper would pay the air freight rate even when higher.

It appears unjust and inequitable to require a shipper to pay the air freight rate when he is receiving lower-rated surface transport, even though the latter may be more expeditious for a particular movement. Furthermore, such a rule would provide an incentive to the air carrier to substitute surface for air transport although air transport may be speedier, if such substitution is more profitable to air carriers. In view of the foregoing, the Board has further determined to suspend the proposed rule pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the provision reading "(Not applicable to TW)" in Rule No. 42 (B) (1) and the provisions in Rule No. 42 (B) (2) on 4th Revised Page 17 of Airline Tariff Publishers, Inc., Agent, tariff CAB No. 96, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provision reading "(Not applicable to TW)" in Rule No. 42(B) (1) and the provisions in Rule No. 42(B) (2) on 4th Revised Page 17 of Airline Tariff Publishers, Inc., Agent, tariff CAB No. 96, are suspended and their use deferred to and including July 25, 1967, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be filed with the tariff and served upon Trans World Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-4532; Filed, Apr. 24, 1967; 8:48 a.m.]

CIVIL SERVICE COMMISSION

NURSES, NEW YORK CITY, N.Y.

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and E.O. 11073, the Civil Service Commission has increased the minimum rates and rate ranges for positions of Nurse, GS-610-4, 5, 6, 7, 8, and 9, and Public Health Nurse, GS-615-5, 6, 7, 8, and 9. The revised rate ranges are:

PER ANNUM RATES

Grade	1*	2	3	4	5	6	7	8	9	10
GS-4	$5,736	$5,896	$6,056	$6,216	$6,376	$6,536	$6,696	$6,856	$7,016	$7,176
GS-5	6,387	6,563	6,739	6,915	7,091	7,267	7,443	7,619	7,795	7,971
GS-6	6,857	7,055	7,253	7,451	7,649	7,847	8,045	8,243	8,441	8,639
GS-7	7,303	7,516	7,729	7,942	8,155	8,368	8,581	8,794	9,007	9,220
GS-8	7,773	8,008	8,243	8,478	8,713	8,948	9,183	9,418	9,653	9,888
GS-9	8,218	8,479	8,740	9,001	9,262	9,523	9,784	10,045	10,307	10,567

*Corresponding statutory rates: GS-4—Seventh; GS-5—Seventh; GS-6—Sixth; GS-7—Fifth; GS-8—Fourth; GS-9—Third.

The Commission also has increased the minimum rates and rate changes for positions of Nurse, PFS-610-5, 6, 7, and 8. The revised rate ranges are:

PER ANNUM RATES

Level	1*	2	3	4	5	6	7	8	9	10	11	12
PFS-5	$6,843	$7,034	$7,225	$7,416	$7,607	$7,798	$7,989	$8,180	$8,371	$8,562	$8,753	$8,944
PFS-6	7,128	7,331	7,534	7,737	7,940	8,143	8,346	8,549	8,752	8,955	9,158	9,361
PFS-7	7,417	7,635	7,853	8,071	8,289	8,507	8,725	8,943	9,161	9,379	9,597	-------
PFS-8	7,793	8,028	8,263	8,498	8,733	8,968	9,203	9,438	9,673	9,908	-------	-------

*Corresponding statutory rates: PFS-5—Seventh; PFS-6—Sixth; PFS-7—Fifth; PFS-8—Fourth.

Geographic coverage is New York City, N.Y. which includes the counties of Bronx, Kings, New York, Queens, and Richmond.

The effective date will be the first day of the first pay period beginning on or after April 22, 1967.

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335 or 39 U.S.C. 3552.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-4512; Filed, Apr. 24, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17049]

RADIO COMMUNICATIONS TO ENHANCE HIGHWAY SAFETY

Order Extending Time for Filing Comments

In the matter of inquiry into possible use of radio communications to enhance

safety on the highways; Docket No. 17049, RM 732.

1. The American Association of State Highway Officials (ASSHO) has requested the Commission to extend the time for filing comments in the above-captioned matter (FCC 66-1141, released Dec. 19, 1966). Comments were required to be filed on or before March 31, 1967.

2. In support of the requested extension, ASSHO, which represents all the State highway departments, states that because of its primary interest in this field a "Committee on Communications" has been established within the organization; that research has been sponsored and financed in this area through the Highway Research Board of the National Academy of Sciences; and, that a conference is to be scheduled later this year with the Automotive Safety Foundation and the International Association of Chiefs of Police in an attempt to evaluate the needs of emergency communications along our highways. At the present time the Communications Committee is in the process of obtaining information from several of the State highway departments on this matter, and, therefore, requests that the time be extended from March 31, to May 31, 1967, for filing comments.

3. It appearing that the additional time requested by ASSHO would not unduly delay this proceeding and that, in view of its important role in highway safety, the comments of ASSHO would be useful to the Commission in this inquiry.

4. In view of the foregoing: *It is ordered*, This 12th day of April, pursuant to § 0.331(b)(4) of the Commission's rules, that the time for filing comments in the above-captioned proceeding is extended from March 31, 1967, to May 31, 1967.

Released: April 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4536; Filed, Apr. 24, 1967; 8:49 a.m.]

[Docket Nos. 17373, 17374; FCC 67M-647]

DESERT EMPIRE TELEVISION CORP. AND OASIS BROADCASTING CORP.

Order Scheduling Hearing

In re applications of Desert Empire Television Corp., Palm Springs, Calif., Docket No. 17373, File No. BPCT-3848; Oasis Broadcasting Corp., Palm Springs, Calif., Docket No. 17374, File No. BPCT-3877; for construction permit for new television broadcast station (Channel 36).

It is ordered, This 18th day of April 1967, that Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 19, 1967, at 10 a.m.; and that a prehearing conference shall be held on May 18, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: April 19, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4540; Filed, Apr. 24, 1967; 8:49 a.m.]

[Docket Nos. 16965, 16966; FCC 67M-650]

DU PAGE COUNTY BROADCASTING, INC., AND CENTRAL DU PAGE BROADCASTING CO.

Order Continuing Prehearing Conference

In re applications of Du Page County Broadcasting, Inc., Elmhurst, Ill., Docket No. 16965, File No. BP-16292; Howard L. Enstrom and Stanley G. Enstrom, doing business as Central Du Page Broadcasting Co., Wheaton, Ill., Docket No. 16966, File No. BP-16485; for construction permits.

Upon the Hearing Examiner's own motion: *It is ordered*, This 19th day of April 1967, that a further prehearing conference in the above-captioned proceeding will be held on April 27, 1967 at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: April 19, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4541; Filed, Apr. 24, 1967; 8:49 a.m.]

[Docket No. 17365; FCC 67M-649]

GREAT SOUTHERN BROADCASTING CO.

Order Scheduling Hearing

In re application of William O. Barry trading as Great Southern Broadcasting Co., Donelson, Tenn., Docket No. 17365, File No. BP-16707; for construction permit.

It is ordered, This 18th day of April 1967, that Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 19, 1967, at 10 a.m.; and that a prehearing conference shall be held on May 24, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: April 19, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4542; Filed, Apr. 24, 1967; 8:49 a.m.]

[Docket Nos. 17178-17180; FCC 67R-152]

LAWRENCE COUNTY BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Modifying Issues

In re applications of Lawrence County Broadcasting Corp., New Castle, Pa., Docket No. 17178, File No. BP-16602; Brownsville Radio, Inc., Brownsville, Pa., Docket No. 17179, File No. BP-16648; Shawnee Broadcasting Co., Aliquippa, Pa., Docket No. 17180, File No. BP-16880; for construction permits.

1. The above-captioned applicants seek authority to construct new standard broadcast stations at New Castle, Brownsville, and Aliquippa, all in Pennsylvania. Prior to designation, the Commission adopted its Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities.[1] In response to the Policy Statement, Lawrence County Broadcasting Corp. (Lawrence), whose 5 mv/m contour would penetrate the city of Youngstown according to Figure M-3 of the rules, submitted field intensity measurements taken on the signal of Station WKST, New Castle, Pa., showing that the actual ground conductivity was less than that shown on Figure M-3, and therefore that no 5 mv/m penetration of Youngstown would occur. However, in the designation order, FCC 67-185, released February 16, 1967, the Commission rejected these measurements because the site of Station WKST is located 4 miles east of Lawrence's proposed site; and specified issues to determine whether Lawrence's proposal will realistically provide a local transmission service for its specified station location; and, if not, whether the proposal meets all of the technical requirements of the rules for stations assigned to Youngstown (Suburban Community issues). Presently before the Board is a petition to delete issues, filed on March 17, 1967, wherein Lawrence requests that the Board delete these suburban community issues.[2]

2. In support of its request, Lawrence submits an engineering affidavit accompanied by field intensity measurement data taken on signals from a test transmitter located at its proposed site. The measurements were taken on one radial on a bearing of 320° true. According to Lawrence's analysis of the measurements, the ground conductivity in that direction is less than that shown in the Commission's ground conductivity map (Figure M-3); the measured conductivity value is actually on the order of 3 to 4 mmhos/m; and a computation using these values of conductivity indicates that Lawrence's proposed 5 mv/m contour would not penetrate the Youngstown city limits.[3]

3. Shawnee Broadcasting Co. (Shawnee), in opposition, alleges that Lawrence's engineering data is not adequate because the measurements were made only on one radial toward Youngstown, and that there were variations in the plate input power. Shawnee contends that Lawrence understated the soil conductivity value; that the conductivity value should be 5 mmhos/m; and that using the MEOV's (maximum expected operating values of radiation) of the directional antenna pattern, Lawrence's 5 mv/m contour would penetrate Youngstown, and therefore that Lawrence's 5 mv/m contour "may be expected to penetrate Youngstown" to the degree that the radiation exceeds the computed values and approaches the MEOV's. The Broadcast Bureau supports the petition, stating that Lawrence engineering material complies with the Commission's Rules in all significant respects, and that Lawrence's proposed 5 mv/m contour would not penetrate the geographic boundaries of Youngstown, Ohio.

4. The difference of opinion in the analysis of measurement data is a matter of engineering judgment. According to Lawrence, the ground conductivity on the measured radial is on the order of 3 to 4 mmhos/m; while Shawnee claims that it should be 5 mmhos/m. Using Lawrence's values, the proposed 5 mv/m contour would not penetrate the Youngstown city limits. Shawnee shows that, if the computed radiation values are used, Lawrence's proposed 5 mv/m contour would be tangent to the Youngstown city limits, and, if the MEOV's are used, the proposed 5 mv/m contour would penetrate Youngstown. However, since it is a normal practice in determining the area coverage of a station to use computed values, the use of computed values, not MEOV's, is appropriate to determine whether or not the proposed station comes within the Commission's section 307(b) suburban community policy. Thus, even using the higher conductivity of 5 mmhos/m, Lawrence's proposed 5 mv/m contour would not penetrate the Youngstown city limits. In view of the foregoing and the facts that the action specifying said issues was based in part upon an incomplete showing which Lawrence promptly remedied; that Lawrence was unaware that its predesignation showing would be rejected; and that, in the circumstances, retention of the issues would place an unnecessary burden on Lawrence, the Board will grant the petition and the issues will be deleted as requested. C.f. Fidelity Radio, Inc., FCC 65-754, 6 RR 2d 140.

Accordingly, it is ordered, This 17th day of April 1967, That the petition to delete issues filed March 17, 1967, by Lawrence County Broadcasting Corp. is granted, and that the Commission's memorandum opinion and order (FCC 67-185), released February 16, 1967, is modified by the deletion of Issues 2 and 3 with respect to the proposal of Lawrence County Broadcasting Corp.

Released: April 19, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4542; Filed, Apr. 24, 1967; 8:49 a.m.]

[Docket Nos. 17353, 17354; FCC 67M-648]

WBIZ, INC., AND WECL, INC.

Order Scheduling Hearing

In re applications of WBIZ, Inc., Eau Claire, Wis., Docket No. 17353, File No. BPH-5567; WECL, Inc., Eau Claire, Wis., Docket No. 17354, File No. BPH-5623; for construction permits.

It is ordered, This 19th day of April 1967, that Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 20, 1967, at 10 a.m.; and that a prehearing conference shall be held on May 11, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: April 19, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4543; Filed, Apr. 24, 1967; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2110]

FEDERATED DUAL-EXCHANGE FUND, INC.

Notice of Filing of Application for Order of Exemption

APRIL 19, 1967.

Notice is hereby given that Federated Dual-Exchange Fund, Inc. ("Company"), 701 William Penn Place, Pittsburgh, Pa. 15230, a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end, diversified investment company, has filed an application pursuant to section 6(c) of the Act for an order exempting the Company and its adviser from the provisions of sections 15(a), 16(a), and 32(a) of the Act until the first meeting of the Company's shareholders. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Company has filed a registration statement under the Securities Act of 1933 with respect to 190,000 income shares and an equal number of capital shares to be offered to investors in exchange for securities of the character of those included in a list set forth in the prospectus. The Company proposes to sell equal dollar amounts of the two classes of stock at a price of one income share or one capital share of the Company for each $500 of market value of securities received by the Company on the effective date of the exchange, plus a maximum sales charge of 5 percent of the market value of the securities exchanged. The minimum deposit the Company will accept from any investor is securities having a market value of $10,000 and the exchange will not be consummated unless the aggregate market value of the deposited securities on the effective date of the planned exchange is at least $10 million. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them.

The Company proposes to enter into an investment advisory contract with Dual-Vest Research Corp. ("Research") whereby Research will supervise the investment portfolio of the Company subject to the direction and control of the Company's Board of Directors. As compensation for these services the Company will pay Research a fee equivalent, on an annual basis, to the lesser of one half of 1 percent of the average value of the net assets of the Company or one fifth of the Company's gross investment income for such year, excluding capital gains or losses.

The contract with Research will be contingent upon approval by a vote of a majority of the outstanding voting securities of the Company at the first meeting of shareholders and the entire Board of Directors of the Company will be elected by the shareholders at that time. The Company's accountant will be selected by the Board of Directors of the Company in the manner provided by the Act and such selection will be submitted to the shareholders for ratification at their first meeting.

Sections 15(a), 16(a), and 32(a) of the Act require shareholder approval of the investment advisory agreement, the election of directors by shareholders, and shareholder ratification of the selection of an independent public accountant, respectively. Prior to the date on which the exchange of Income Shares and Capital Shares of the Company for securities deposited by investors is consummated ("Exchange Date") the Company's only stockholder will be its investment adviser, Research. It will thus be impossible for persons who will become shareholders of the Company at the Exchange Date to approve or disapprove the Investment Advisory Contract between the Company and Research, to elect directors of the Company, or to ratify or reject the selection of the independent public accountant for the Company, until after the Exchange Date. The Company has undertaken to call a special meeting of shareholders to be held not later than 90 days after the Exchange Date at which

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[1] 2 FCC 2d 190, 5 RR 2d 1901 (1965).

[2] Also before the Review Board are: (a) opposition of Shawnee Broadcasting Co. filed Mar. 30, 1967; (b) Broadcast Bureau's comments, filed Mar. 30, 1967.

[3] Lawrence also states that its failure to file the petition within 15 days after the publication of notice of designation in the FEDERAL REGISTER was due to a malfunction in the test transmitter. The Board finds that a good cause has been shown for the late filing.

the aforementioned matters will be submitted to shareholders, and therefore requests an exemption from sections 15(a), 16(a), and 32(a) of the Act until it holds such special meeting of shareholders.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 9, 1967 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Company at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4491; Filed, Apr. 24, 1967; 8:45 a.m.]

[70-4476]

LOUISIANA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Notes to Banks

APRIL 19, 1967.

Notice is hereby given that Louisiana Power & Light Co. ("Louisiana"), 142 Delaronde Street, New Orleans, La. 70114, a registered holding company and a public-utility subsidiary company of Middle South Utilities, Inc., also a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 (a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transactions.

Louisiana has entered into an agreement, dated February 27, 1967, with The Chase Manhattan Bank, N.A., pursuant to which Louisiana proposes to borrow, as needed, amounts not to exceed an aggregate of $17 million. Such borrowings are to be evidenced by notes maturing on December 31, 1967, and bearing interest at the bank's prime commercial rate (presently 5½ percent per annum) prevailing from time to time during the life of the notes. The notes may be prepaid at any time, in part or in whole, without penalty or premium. Louisiana intends, subject to authorization by this Commission, to effect permanent financing later in the year and to pay the proposed notes with the proceeds therefrom. In such event, the company will issue no further notes hereunder.

The proceeds from the sale of the notes will be used by Louisiana to finance temporarily the company's construction program and for other corporate purposes. The filing indicates that four New Orleans, La., banking institutions (namely, Whitney National Bank of New Orleans, The National American Bank of New Orleans, The National Bank of Commerce, and The Hibernia National Bank) may, if they so desire, become participants in the loans to the total amount of 55 percent of each borrowing made by Louisiana.

There is no commitment or standby fee, and no special and separate expenses are anticipated in connection with this financing other than minor expenses for travel and miscellaneous matters.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 11, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4492; Filed, Apr. 24, 1967; 8:45 a.m.]

RAND DEVELOPMENT CORP.

Order Suspending Trading

APRIL 19, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 5 cents par value, of Rand Development Corp., Cleveland, Ohio, and the Class B Common Stock, 5 cents par value, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 20, 1967, through April 29, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4493; Filed, Apr. 24, 1967; 8:45 a.m.]

[File No. 2-11330 (22-1626), etc.]

U.S. PLYWOOD-CHAMPION PAPERS, INC.

Notice of Application and Opportunity for Hearing

APRIL 19, 1967.

In the matter of U.S. Plywood-Champion Papers, Inc.; File No. 2-11330 (22-1626), File No. 2-12508 (22-1871), File No. 2-16214 (22-2765), File No. 2-23675 (22-3883).

Notice is hereby given that U.S. Plywood-Champion Papers, Inc. ("Plywood"), has filed an applicaiton under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Morgan Guaranty Trust Co. of New York ("Morgan Guaranty") under certain indentures of Plywood is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Morgan Guaranty from acting as trustee under any of such indentures.

Section 310(b) of the Act provides in part that if a Trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the same issuer are outstanding. However, under clause (ii) of section (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under a qualified indenture and another indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

The Corporation alleges that:

(1) U.S. Plywood Corp. ("U.S. Plywood"), has outstanding the following three issues of debentures under which Morgan Guaranty is trustee:

(a) $16,254,000 principal amount of 3.40 percent Sinking Fund Debentures due January 1, 1980, which were issued under an indenture dated as of January 1, 1955 (the "U.S. Plywood 1955 Indenture").

(b) $11,303,000 principal amount of 4¼ percent Sinking Fund Debentures, due June 1, 1981, which were issued under an indenture dated as of June 1, 1956 (the "U.S. Plywood 1956 Indenture").

(c) $21,908,000 principal amount of its 5¼ percent Sinking Fund Debentures due April 1, 1985, which were issued under an indenture dated as of April 1, 1960 (the "U.S. Plywood 1960 Indenture").

(2) Champion Papers, Inc. ("Champion"), had outstanding prior to the merger of Champion into U.S. Plywood, $25 million principal amount of 4⅝ percent debentures, due July 1, 1990, which were issued under an indenture dated as of July 1, 1965 (the "Champion Indenture") executed by Champion with Morgan Guaranty as trustee.

(3) Champion was merged into U.S. Plywood on February 28, 1967, pursuant to a Plan and Agreement of Merger dated as of November 11, 1966, between U.S. Plywood and Champion, the Agreement of Merger having been approved by the stockholders of U.S. Plywood and the stockholders of Champion by the two-thirds affirmative vote of such stockholders, voting as separate classes, as is required under the laws of New York and Ohio, respectively, at meetings of such stockholders held on January 20, 1967.

By the terms of the Agreement of Merger, the name of U.S. Plywood Corp. was changed to U.S. Plywood-Champion Papers, Inc. ("Plywood"), the applicant herein.

The Agreement of Merger provides that on the effective date of merger Plywood would assume and be liable for all the contracts, options, liabilities, obligations, and penalties of U.S. Plywood and Champion.

(4) By reason of the aforesaid merger, Plywood has become the successor obligor under the Champion Indenture and continues to be the obligor under the U.S. Plywood 1955, 1956, and 1960 Indentures ("U.S. Plywood Indentures"). Morgan Guaranty is accordingly Trustee under such U.S. Plywood Indentures and under the Champion Indenture.

(5) Each of the U.S. Plywood Indentures and the Champion Indenture are wholly unsecured and the debentures outstanding under each of such indentures represent general obligations of Plywood ranking in all respects pari passu one with another and without preference or priority of any kind or character one over another. Plywood is not in default under any of said indentures.

(6) It is the opinion of Plywood that the differences between the U.S. Plywood and Champion Indentures are not so likely to involve Morgan Guaranty, as Trustee under the Champion Indenture and under the Plywood Indentures, in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Morgan Guaranty from acting as Trustee under the Champion Indenture and under the U.S. Plywood Indentures.

(7) Plywood waives notice of hearing, waives hearing, and waives any and all rights to specify procedures under the rules of practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person may, not later than May 10, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4494; Filed, Apr. 24, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 370]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 20, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59150 (Sub-No. 32 TA), filed April 17, 1967. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Box 47, Station G, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* having a prior or subsequent movement in interstate commerce, between Jacksonville, Fla., and points in Duval, Nassau, St. Johns, Baker, and Clay Counties, Fla., for 180 days. Supporting shipper: Western Electric Co., Inc., 3300 Lexington Road, Winston-Salem, N.C. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, 428 Post Office Building, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 83217 (Sub-No. 31 TA), filed April 14, 1967. Applicant: DAKOTA EXPRESS, INC., 110 North Reid Street, Post Office Box 1252, Sioux Falls, S. Dak. 57101. Applicant's representative: Henry J. Schuette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, from Plymouth, Ind., to Sioux City, Des Moines, Mason City, Waterloo, Iowa City, Ottumwa, Davenport, Dubuque, West Union, Marshalltown, Carrol, Storm Lake, Spencer, Creston, and

Fort Dodge, Iowa; Sioux Falls and Watertown, S. Dak.; and Omaha, Lincoln, North Platte and Sidney, Nebr., for 180 days. Supporting shipper: Jerry Greenlee, Vice-President and Director of Sales, Weidner Canning Co., Inc., Plymouth, Ind. 46563. Send protests to: District Supervisor J. L. Hammond, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 103993 (Sub-No. 276 TA), filed April 14, 1967. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: John Leslow, 3737 North Meridian, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in truckaway service, from Belzoni, Miss., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shippers: Cree Coaches, Marcellus, Mich. 49067. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 107496 (Sub-No. 559 TA), filed April 14, 1967. Applicant: RUAN TRANSPORT CORPORATION, 3d and Keosauqua Way, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: Henry L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Leavenworth, Kans., to points in Iowa, Kansas, Missouri, and Nebraska, for 180 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10005. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 111729 (Sub-No. 227 TA), filed April 14, 1967. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between points in Hartford County, Conn., on the one hand, and, on the other, points in Atlantic, Cumberland, and Camden Counties, N.J.; (b) between points in Middlesex County, Conn., on the one hand, and, on the other, points in Middlesex County, N.J., Onandaga and Erie Counties, N.Y., New York, N.Y., and Middlesex County, Mass.; (c) between Braintree, Mass., on the one hand, and, on the other, Plainfield, Toms River, Wayne, Cedar Grove, and New Brunswick, N.J., and New York, N.Y.; (d) between Jackson, Mich., on the one hand, and, on the other, Van Wert and Youngstown, Ohio; (e) between Cleveland, Ohio, on the one hand, and, on the other, Buffalo and Rochester, N.Y. (2) *Cotton piece goods*, limited to shipments not to exceed 45 pounds per shipment, between points in Hartford County, Conn., on the one hand, and, on the other, points in Atlantic, Cumberland, and Camden Counties, N.J. (3) (a) *Payroll checks*, between points in Middlesex County, Conn., on the one hand, and, on the other, points in Middlesex County, N.J., Onandaga and Erie Counties, N.Y., New York, N.Y., and Middlesex County, Mass.; (b) between Jackson, Mich., on the one hand, and, on the other, Van Wert and Youngstown, Ohio; (c) between Waterville, Maine, on the one hand, and, on the other, Lowell, Mass.

(4) *Small parts*, limited to shipments not to exceed 75 pounds per shipment, between Jackson, Mich., on the one hand, and, on the other, Van Wert and Youngstown, Ohio. (5) *Exposed and processed microfilm and facsimiles* of all kinds, between Cleveland, Ohio, on the one hand, and, on the other, Buffalo and Rochester, N.Y. (6) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theatre and television exhibition), between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana and Kentucky. (7) *Business papers, records, and audit and accounting media of all kinds* (excluding plant removals), and *occasional garments or swatches of cloth for testing and research purposes* moving therewith, between Waterville, Maine, on the one hand, and, on the other, Lowell, Mass., for 180 days. Supporting shippers: Fas Foto, Inc., 2070 Reading Road, Cincinnati, Ohio 45214, Hathaway Shirts, Waterville, Maine 04901, Bradlees, 1 Bradlees Circle, Braintree, Mass. 02184, Bernard Abrams Associates, Inc., 90 Meadow Road, Wilson, Conn. 06095, Genuine Parts Co., Eastern Division, 1260 Newfield Street, Middletown, Conn. 06458, Aeroquip Corp., Jackson, Mich. 49203, Micro Copy, Inc., 1541 Clifford Avenue, Rochester, N.Y. 14609. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 116927 (Sub-No. 6 TA), filed April 17, 1967. Applicant: SPENCER EQUIPMENT COMPANY, INC., Eighth and Main Streets, Rockport, Ind. 47635. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged clay products*, (1) from Boonville and Rockport, Ind., and Lewisport and Cloverport, Ky., to points in Minnesota, Iowa, Kansas, Arkansas, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, West Virginia, Pennsylvania, and New York; and (2) from Owensboro, Ky., to the above destination States, plus Michigan and Wisconsin, for 180 days. Supporting shippers: Owensboro Brick & Tile Co., Inc., Post Office Box 708, Owensboro, Ky. and American Olean Tile Co., Lewisport, Ky. 42351. Send protests to: District Supervisor R. M. Hagarty, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 118196 (Sub-No. 98 TA), filed April 17, 1967. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, Highway 71 North, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products, not frozen*, from points in Oregon, Washington, and Idaho to points in Missouri, Kansas, Iowa, and Nebraska, for 180 days. Supporting shippers: Lamb-Weston, Inc., 2017 Lloyd Center, Post Office Box 12145, Portland, Oreg. 97212, Idaho Potato Growers, Inc., Post Office Box 978, Idaho Falls, Idaho 83401, North Pacific Canners & Packers, Inc., 5200 Southeast McLoughlin Boulevard, Post Office Box 02113, Portland, Oreg. 97202, Pronto Foods, Inc., Post Office Box 1029, Moses Lake, Wash. 98837 and Stoops & Wilson Brokerage Co., 4601 Madison Avenue, Kansas City, Mo. 64112. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 127129 (Sub-No. 10 TA), filed April 14, 1967. Applicant: AVERY TRUCKING CO., INC., Post Office Box 8164, Boise, Idaho 83707. Applicant's representative: Kenneth G. Bergquist, 404 Idaho Building, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mine ores*, from Pearl, Idaho, to Tooele, Garfield, and Midvale, Utah, East Helena, Anaconda, and Great Falls, Mont., Homestake, S. Dak., and ports of entry on the international boundary line between the United States and Canada at North of Metalline Falls, Wash., and Porthill, Idaho, for 150 days. Supporting shippers: West Vue Mines, Inc., 4606 West State Street, Boise, Idaho 83702, Gemco, Inc., Post Office Box 790, Red Lodge, Mont. 59068, and Kanthackit Mines, Inc., 4606 State Street, Boise, Idaho 83702. Send protests to: C. W. Campbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 203 Eastman Building, Boise, Idaho 83702.

No. MC 127175 (Sub-No. 4 TA), filed April 17, 1967. Applicant: OMER B. WILLIAMS and THOMAS E. WILLIAMS, a partnership, doing business as WHITE OAK MILL, Route 4, Box 200, Vinita, Okla. 74301. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Potash and Boron Compounds*, in bags and/or bulk, straight or mixed truckloads, 40,000 pounds minimum shipments, from points in Eddy and Lea Counties, N. Mex., to points in Nebraska, for 150 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y., Walter Brody, Manager—Motor Analysis. Send protests to: C. L. Phillips, District Supervisor, ICC-Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 127243 (Sub-No. 3 TA), filed April 14, 1967. Applicant: REEH, INC., 208 South 10 Street, Blair, Nebr. 68008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles*, other than expanded, from Ligonier, Ind., to Lima, Ohio, Sioux City, Iowa, Temple, Tex., and Waycross, Ga.; (2) *Beekeeping supplies and equipment*, from Temple, Tex., to points in Colorado, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming, for 180 days. Supporting shipper: Sioux Honey Association, Post Office Box 1107, Sioux City, Iowa 51102. Send protests to: Keith P. Kohrs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 128804 (Sub-No. 2 TA), filed April 17, 1967. Applicant: BLUE FLEET DISTRIBUTORS CORP. 75 Willis Avenue, Bronx, N.Y. 10454. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper tissue, towels, napkins and bags, and freezer wrapping paper*, from the Bronx, N.Y., to points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J., restricted to traffic having a prior interstate movement by rail or motor carrier, for 180 days. Supporting shipper: Hudson Pulp & Paper Corp., 477 Madison Avenue, New York, N.Y. 10022. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 129016 TA, filed April 17, 1967. Applicant: JOH-LAR TRANSPORTATION, INC., 3632 Fritcha Drive, Fort Wayne, Ind. 46803. Applicant's representative: Larry Graves (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and materials and supplies* used in the production and distribution of dairy products, between Indianapolis, Ind., on the one hand, and, on the other, points in Michigan, Ohio, points in Kentucky on and west of U.S. Highway 65, and points in Pennsylvania on and west of U.S. Highway 15, for 180 days. Supporting shipper: Sugar Creek Foods, Division of National Dairy Products Corp., 5251 East Lexington Street, Indianapolis, Ind. 46219. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4546; Filed, April 24, 1967; 8:49 am.]

[Notice 1508]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 20, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69405. By order of April 14, 1967, the Transfer Board, on reconsideration, approved the transfer to Hagerstown Motor Express Co., Inc., Hagerstown, Md., of a portion of the operating rights in certificate No. MC–56388 issued April 5, 1963, to Hahn Transportation, Inc., New Market, Md., authorizing the transportation of: General commodities, with the usual exceptions, between points in Frederick County, Md., and between Baltimore, Md., on the one hand, and, on the other, points in Frederick County, Md. Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005, attorney for applicants.

No. MC–FC–69412. By order of April 18, 1967, the Transfer Board approved the transfer to Howard E. Clarkson and Everett C. Clarkson, a partnership, doing business as Clarkson Brothers, Cowpens, S.C., of a portion of the operating rights in certificate No. MC–11020, issued May 22, 1950, to Eastern Transit-Storage Co., a corporation, Charlotte, N.C., authorizing the transportation, over irregular routes, of textile machinery and parts, and materials, supplies, and equipment, used or useful in the operation and maintenance of such commodities, between Gastonia, N.C., and points within 25 miles of Gastonia, and those in Rowan and Rockingham Counties, N.C., on the one hand, and, on the other, points in Virginia and specified parts of Tennessee, South Carolina, and Georgia. Paul F. Sullivan, 913 Colorado Building, 1341 G Street NW., Washington, D.C., attorney for applicants.

No. MC–FC–69541. By order of April 19, 1967, the Transfer Board approved the transfer to Freezer Express, Inc., Bells, Tenn. 38006, of the operating rights authorized to be issued to The Winter Garden Freezer Co., Inc., Bells, Tenn., by order of the Commission, entered February 14, 1967, in No. MC–118244, authorizing the transportation, over irregular routes, of frozen fruits, frozen berries, and frozen vegetables from points in Tennessee, to Washington, D.C., and points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kansas, Kentucky, Illinois, Indiana, Louisiana, Maryland, Michigan, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, and Wisconsin; from points in Texas to points in Tennessee; from McAllen and Eagle Pass, Tex., to Little Rock, Ark., Newark, N.J., New Orleans, La., and those points in New York, on and south of New York State Highway 55; from points in Stanislaus and Santa Clara Counties, Calif., to Birmingham, Ala., Louisville, Ky., and points in Tennessee; from Salisbury, Md., to points in Tennessee; from Saginaw, Mich., to Knox and Nashville, Tenn.; and from Exmore, Va., to Tampa, Florida, New Orleans, La., and Charlotte, N.C. W. J. Augello, Jr., 2 West 45th Street, New York, N.Y. 10036, attorney for applicants.

No. MC–FC–69561. By order of April 19, 1967, the Transfer Board approved the transfer to Donald J. Triolo, doing business as Tony Victorine Transportation, Gilroy, Calif., of the operating rights in certificates No. MC–10278 and MC–10278 (Sub-No. 1) issued May 26, 1949, and September 21, 1966, respectively, to Tony Victorine, Salinas, Calif., authorizing the transportation of: Various commodities of general commodity nature, between points in California. Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104, attorney for applicants.

No. MC–FC–69564. By order of April 19, 1967, the Transfer Board approved the transfer to Richard L. Huston, Logan, Ohio, of a portion of the operating rights in certificate No. MC–119547 (Sub-No. 7) issued April 26, 1965, to Edgar W. Long, Zanesville, Ohio, authorizing the transportation of: Earthenware, chinaware, stoneware, pottery, metal stands, and glass gazing globes, from Logan, Ohio, and points within 5 miles thereof, to points in Delaware, District of Columbia, Illinois, Indiana, Michigan, Maryland, Virginia, New Jersey, Pennsylvania, New York, Wisconsin, West Virginia, and Kentucky. Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215, attorney for applicants.

No. MC–FC–69565. By order of April 19, 1967, the Transfer Board approved the transfer to Harold E. Trego, Inc., Lionville, Pa., of the operating rights in certificate No. MC–102323, issued July 2, 1964, to Josephine Bono, doing business as Gus Bono, Norristown, Pa., authorizing the transportation of: Bituminous concrete, asphalt, stone, sand, gravel and brick, and limestone, from specified points in Pennsylvania to points in New Jersey, Delaware, and Maryland. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

No. MC–FC–69566. By order of April 19, 1967, the Transfer Board approved the transfer to Abco Trucking Corp., a corporation, Reading, Mass., of the operating rights in certificate No. MC–84219, issued October 14, 1949, to M. J. Doyle Transportation Co., a corporation, Melrose, Mass., authorizing the transportation of: General commodities, with the usual exceptions, between specified points in Massachusetts. Joseph A. Kline, 185 Devonshire Street, Boston, Mass. 02110, attorney for transferee; Joseph E. Kehoe, 470 Atlantic Avenue, Boston, Mass., attorney for transferor.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4547; Filed, Apr. 24, 1967; 8:49 a.m.]

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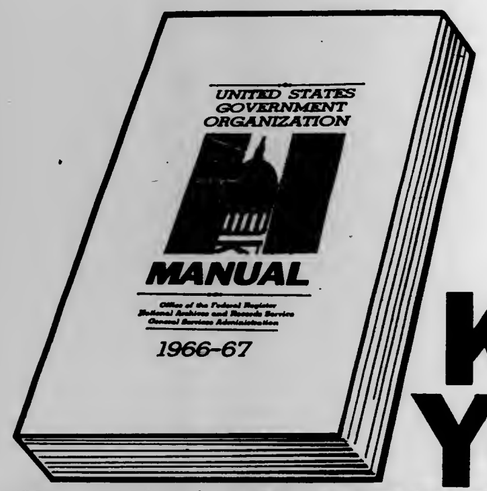
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VOLUME 32 • NUMBER 80

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Presidential Documents

Title 3—THE PRESIDENT

Notice of April 22, 1967

SUPPLEMENTAL NOTICE OF ARTICLES TO BE CONSIDERED FOR TRADE AGREEMENT CONCESSIONS RESULTING FROM RECENT LEGISLATION RELATING PRINCIPALLY TO THE DUTY-FREE TREATMENT OF CERTAIN ARTICLES

In conformity with section 221 of the Trade Expansion Act of 1962, 76 Stat. 874, 19 U.S.C. 1841 (hereinafter referred to as the Act), and as President of the United States, I hereby direct publication in the FEDERAL REGISTER of this notice of articles to be considered for trade agreement concessions under title II of the Act (principally for the continuance of duty-free treatment). This notice supplements the Notice of October 21, 1963, regarding proposed trade agreement negotiations and articles to be considered for negotiation (48 CFR Part 180, 28 F.R. 11251), as supplemented by the notice of February 18, 1965, regarding tropical agricultural and forestry commodities to be considered for trade agreement concessions (48 CFR Part 181, 30 F.R. 2301), and as supplemented by the notice of August 16, 1966 (48 CFR Part 182, 31 F.R. 10949), regarding articles subject to rates of duty affected by recent legislation.

I. *List of Articles To Be Considered for Trade Agreement Concessions.*

The Educational, Scientific, and Cultural Materials Importation Act of 1966 (P.L. 89–651, 80 Stat. 897) and other legislation amending the Tariff Schedules of the United States (TSUS), enacted subsequent to publication of the notice of August 16, 1966, have affected the rates of duty applicable to a number of articles set out in the Notice of October 21, 1963, and have also affected the President's authority under the Act to proclaim changes in the rates of duty or the continuance of duty-free treatment applicable to such articles (principally the authority to proclaim the continuance of duty-free treatment). The relevant legislation is as follows:

P.L. 89–634 (80 Stat. 879) (regarding certain audiovisual materials).
P.L. 89–651 (80 Stat. 897) (Educational, Scientific, and Cultural Materials Importation Act of 1966).
P.L. 89–806 (80 Stat. 1523) (regarding articles assembled abroad and certain educational materials).

(A) All articles the applicable rates of duty for which have been affected by the above legislation will be considered for modification or continuance of the existing duty to the extent permitted by sections 201(b) and 254 of the Act (19 U.S.C. 1821, 1884), continuance of duty-free or excise treatment, continuance or modification of any other import restriction applicable thereto, or imposition of any additional import restriction, pursuant to authority vested in me by section 201 of the Act (19 U.S.C. 1821).

There are identified, in the following list of items in the TSUS as modified by this legislation, certain articles for which the rates of duty were, or may have been, changed by such legislation. This is not necessarily an exhaustive list of the articles whose rates of duty have been affected by such legislation and which will therefore be considered under this subparagraph for trade agreement concessions on the modified basis provided for in the legislation.

Provision of TSUS as modified	Public Law modifying	Supplementary identification of articles affected
270.25	P.L. 89–651, sec. 3(a)(1)(A).	Books.
270.63	P.L. 89–651, sec. 3(b)	Periodicals.
270.70	P.L. 89–651, sec. 3(c)	Tourist literature.
273.10	P.L. 89–651, sec. 3(d)	Music.
273.35	P.L. 89–651, sec. 3(e)	Maps, atlases, charts.
274.73	P.L. 89–651, sec. 3(a)(1).	Printed matter for books.
708.78	P.L. 89–651, sec. (6)(c)(4).	Electron microscopes.
737.52	P.L. 89–651, sec. 3(a)(2).	Toy books.
765.03	P.L. 89–651, sec. 4(a)	Paintings and drawings.
766.20–.25	P.L. 89–651, sec. 4(b)	Antiques.
807.00	P.L. 89–806, sec. 1	Articles assembled abroad.
830.00	P.L. 89–651, sec. 8(b)(3).	Video tapes for U.S. Govt.
831.00	P.L. 89–651, sec. 8(b)(4).	Video tapes for USIA.
840.00	P.L. 89–651, sec. 5	Public documents.
850.10	P.L. 89–651, sec. 8(b)(5).	Video tapes for religious institutions.
851.10	P.L. 89–651, sec. 6(a)	Cultural materials for nonprofit institutions.
851.15	P.L. 89–806, sec. 3	Educational articles.
851.50	P.L. 89–651, sec. 6(b)	Patterns and models for nonprofit institutions.
851.60–65	P.L. 89–651, sec. 6(c)	Scientific instruments for nonprofit institutions.
870.27	P.L. 89–651, sec. 7	Specimens for scientific collections.
870.30	P.L. 89–634	Educational and cultural audiovisual materials.

(B) TSUS items 270.35 and 273.15 are hereby deleted from the list following subparagraph (B)(1) of paragraph II of the Notice of October 21, 1963, by virtue of the duty-free treatment provided by P.L. 89–651 (80 Stat. 897).

(C) The inclusion of any article on the list set out in this paragraph does not necessarily mean that its inclusion is legally required as a prerequisite to negotiation under title II of the Act.

II. *Public Hearings of Trade Information Committee.*

In conformity with section 223 of the Act (19 U.S.C. 1843) as implemented by section 3(g) of Executive Order No. 11075 of January 15, 1963, as amended, the Trade Information Committee of the Office of the Special Representative for Trade Negotiations will hold public hearings for the purpose of affording any interested person an opportunity to present views concerning any article covered by paragraph I above.

III. *Transmission of List to Tariff Commission.*

In conformity with section 221(a) of the Act (19 U.S.C. 1841(a)), I have furnished the Tariff Commission with the list of articles set out in paragraph I above, for the purpose of securing from the Tariff Commission its judgment as to the probable economic effect of modifications of duties or other import restrictions to be considered pursuant to such paragraph on United States industries producing like or directly competitive articles.

Lyndon B. Johnson

THE WHITE HOUSE,
April 22, 1967.

[F.R. Doc. 67–4649; Filed, Apr. 24, 1967; 2:13 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

President's Temporary Commission on Pennsylvania Avenue

Section 213.3195 is added to show that six positions on the President's Temporary Commission on Pennsylvania Avenue are in Schedule A. Effective on publication in the FEDERAL REGISTER, a new § 213.3195 is added as set out below.

§ 213.3195 President's Temporary Commission on Pennsylvania Avenue.

(a) Not to exceed six positions on the Temporary Commission staff.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–4579; Filed, Apr. 25, 1967; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that the Bureau of Far Eastern Affairs is now entitled Bureau of East Asian and Pacific Affairs and the Schedule C listing for the Deputy Assistant Secretary for Far Eastern Economic Affairs is changed to Deputy Assistant Secretary for East Asian and Pacific Economic Affairs. Effective upon publication in the FEDERAL REGISTER the headnote and subparagraph (3) of paragraph (j) of § 213.3304 are amended as set out below.

§ 213.3304 Department of State.

* * * * * * *

(j) *Bureau of East Asian and Pacific Affairs.* * * *

(3) Deputy Assistant Secretary for East Asian and Pacific Economic Affairs.

* * * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–4578; Filed, Apr. 25, 1967; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Second Apportionment of Food Assistance Funds Pursuant to National School Lunch Act Fiscal Year 1967

Pursuant to section 4 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1967, are reapportioned among the States as follows, in order to effect a further apportionment of supplemental funds:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$4,592,156	$4,478,482	$113,674
Alaska	185,579	156,579	
Arizona	1,309,760	1,254,265	55,495
Arkansas	2,756,348	2,674,968	81,380
California	6,078,791	6,078,791	
Colorado	1,449,984	1,340,722	109,262
Connecticut	1,312,669	1,312,669	
Delaware	326,610	323,176	3,434
District of Columbia	223,139	223,139	
Florida	5,854,455	5,727,962	126,493
Georgia	6,484,505	6,484,505	
Guam	103,286	63,531	39,755
Hawaii	939,382	880,618	58,764
Idaho	673,272	652,408	20,864
Illinois	4,465,295	4,465,295	
Indiana	3,393,309	3,393,309	
Iowa	2,829,531	2,478,029	351,502
Kansas	1,990,998	1,990,998	
Kentucky	4,387,814	4,387,814	
Louisiana	6,000,144	6,000,144	
Maine	808,801	717,404	91,397
Maryland	1,906,513	1,925,159	71,354
Massachusetts	3,396,247	3,396,247	
Michigan	3,884,586	3,496,417	388,149
Minnesota	3,363,680	2,948,491	425,189
Mississippi	4,011,860	4,011,860	
Missouri	3,615,030	3,615,030	
Montana	475,118	444,385	30,733
Nebraska	1,118,369	939,340	179,029
Nevada	129,667	128,576	1,091
New Hampshire	411,796	411,796	
New Jersey	1,956,600	1,696,075	260,525
New Mexico	1,088,939	1,088,939	
New York	9,249,950	9,249,950	
North Carolina	7,347,795	7,347,795	
North Dakota	749,409	664,416	84,993
Ohio	5,917,687	5,302,112	615,575
Oklahoma	2,695,343	2,695,343	
Oregon	1,375,516	1,375,516	
Pennsylvania	5,899,199	5,149,616	749,553
Puerto Rico	3,967,296	3,967,296	
Rhode Island	275,295	275,296	
South Carolina	4,562,076	4,511,052	51,024
South Dakota	636,981	636,981	
Tennessee	4,774,022	4,694,616	79,406
Texas	6,916,545	6,631,043	284,502
Utah	1,167,649	1,152,323	5,326
Vermont	265,180	265,180	
Virginia	4,216,093	4,142,329	73,764
Virgin Islands	118,208	118,208	
Washington	1,884,021	1,827,613	56,408
West Virginia	1,846,981	1,826,789	40,192
Wisconsin	2,796,660	2,242,926	553,734
Wyoming	262,467	262,467	
American Samoa	25,000	25,000	
Total	147,686,000	142,672,433	5,012,567

(Secs. 2–12, 60 Stat. 230–233, as amended, 76 Stat. 944; 42 U.S.C. 1751–1760)

Dated: April 20, 1967.

ROY W. LENNARTSON,
Acting Administrator.

[F.R. Doc. 67–4573; Filed, Apr. 25, 1967; 8:45 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 7]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—Cropland Adjustment Program for 1966 Through 1969

TENANTS AND SHARECROPPERS AND MODIFICATION OF AGREEMENT

The regulations governing the 1966–1969 Cropland Adjustment Program (31 F.R. 3483) are amended as follows:

Section 751.123, as amended, is further amended by adding a new paragraph (e) to read as follows:

§ 751.123 Provisions relating to tenants and sharecroppers.

* * * * * * *

(e) Not withstanding any other provision of this section, a landlord or operator who in the past had tenants or sharecroppers on his land for purposes of producing base crops designated under the agreement may pay these individuals on a wage basis and this action will not be considered as reducing the number of tenants or sharecroppers provided such individuals are classified as employees under the Fair Labor Standards Act.

Section 751.129 is amended by adding a new paragraph (i) to read as follows:

§ 751.129 Modification of an agreement.

* * * * * * *

(i) Where a producer obtains a transfer of an allotment or base from the pool under the provisions of Part 719 of this chapter to a farm with respect to which the cropland adjustment program base for the same commodity represented by the transferred allotment or base has been designated as diverted under an agreement, the agreement may be modified to place the additional cropland adjustment program base for such commodity under agreement subject to the following conditions: (1) Eligible land must be available for designation, (2) the per acre payment rate applicable to the cropland adjustment program base under the original agreement shall also

be applicable to the additional cropland adjustment program base designated, and (3) the agreement period for the additional cropland adjustment program base shall expire at the same time as the agreement period for the cropland adjustment program base for such commodity under the original agreement. Approval of the modification shall be effective for the current program year if the date of transfer was prior to the end of the normal planting season for the commodity and for the following program year if the date of transfer was after the normal planting season for such commodity.

(Sec. 602(q), 79 Stat. 1210, 7 U.S.C. 1838(q))

Effective date: Upon Publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 21, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-4600; Filed, Apr. 25, 1967; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[849.2, Rev. 3]

PART 849—DOMESTIC BEET SUGAR PRODUCING AREA PREVENTED ACREAGE CREDIT; 1967 AND SUBSEQUENT CROPS

Prevented Acreage Credit, Scope, Purpose, and Procedure

Pursuant to the provisions of section 302(b) of the Sugar Act of 1948, as amended, the title of Part 849 is amended to read "Part 849—Domestic Beet Sugar Producing Area Prevented Acreage Credit; 1967 and Subsequent Crops", and § 849.2, Revision 2 (29 F.R. 8253), as amended by Amendments 1 and 2 (30 F.R. 2129 and 15203), is revised to read as follows:

§ 849.2 Prevented acreage credit, scope, purpose, and procedure.

(a) *Applicability.* The provisions of this section apply only in the Domestic Beet Sugar Area for the 1967 and subsequent crops when the Secretary determines proportionate shares are not required for any such crop. This regulation is designed to protect the interests of producers in local producing areas whose past production has been adversely, seriously and generally affected by drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions, as provided in section 302(b)(5) of the Sugar Act of 1948, as amended. The designation of sugarbeet crops by years as set forth in Part 891 of this chapter apply to this section for identifying crops by years. When it is determined by the Secretary that proportionate shares are required for a crop identified by year, the provisions of Part 895 of this chapter will apply for purposes of protecting sugarbeet production history as to such crop.

(b) *Definitions.* For the purpose of this section the terms:

(1) "DASCO" means Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(2) "Provisional abandoned acreage" means with respect to the 1967 and subsequent crops the acreage on a farm which was determined by a member of the Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") county committee to be bona fide abandoned acreage to the extent of fulfilling at least the requirements for abandonment payment set forth in paragraph (a) (1) through (5) of § 842.2 of this chapter, as shown by county committee office records.

(3) "Planted acres" means the acreage of sugarbeets harvested for sugar plus any bona fide abandoned acreage.

(4) "Prevented acreage" means the number of acres on a farm in a local producing area approved for prevented acreage credit pursuant to paragraph (d) of this section (i) which the ASC county committee determines would have been seeded to sugarbeets of the 1967 or a subsequent crop for the production of sugar or liquid sugar, but were not seeded to sugarbeets because of drought, flood, storm, freeze, disease, or insects, or upon approval of DASCO because of other similar abnormal and uncontrollable conditions, or (ii) which the ASC county committee upon prior approval of DASCO determines were seeded to sugarbeets of the 1967 or a subsequent crop and were not harvested for the extraction of sugar or liquid sugar because of abnormal and uncontrollable natural conditions such as wild animals or an intervening force of nature, but which could not be determined by a member of the ASC county committee to be provisional abandoned acreage because the reason for abandonment was not drought, flood, storm, freeze, disease, or insects.

(5) "Local producing area" shall be a local producing area as identified or defined under the provisions of Part 842 of this chapter.

(6) "Personal history area" means a State or substantial portion thereof in which the Secretary determines that sugarbeet production is organized generally around persons rather than units of land and where the personal sugarbeet production history of farm operators was used generally prior to 1962 in establishing farm proportionate shares or where proportionate shares were not established prior to 1962.

(c) *Prevented acreage credit.* The ASC county committee shall determine prevented acreage credits in accordance with the provisions of this section as part of the general determination of performance. The following limitations are applicable in determining prevented acreage credit for farms in all areas including personal history areas.

(1) The farm must be located (see § 842.2 of this chapter) in a local producing area approved for prevented acreage credit in accordance with paragraph (d) of this section.

(2) The prevented acreage of a crop to be credited to a farm shall not exceed the difference between (i) the sum of the acreage of such crop on the farm harvested for sugar or liquid sugar plus any provisional abandoned acreage of such crop on the farm and (ii) the largest sum of the harvested acreage, provisional abandoned acreage, prevented acreage and approved released acreage credited pursuant to §§ 895.1 through 895.6 of this chapter for any of the three crops immediately preceding the crop for which prevented acreage is to be credited to the farm.

(d) *Determination and approval of local producing areas for prevented acreage credits.* For the 1967 and subsequent crops the ASC county committees shall determine the local producing areas (1) wherein the planting of sugarbeets for any such crop was adversely, seriously and generally affected by one or more of the conditions specified in paragraph (b)(4) of this section, or (2) wherein acreage seeded to sugarbeets could not be harvested for the extraction of sugar because of abnormal and uncontrollable natural conditions such as wild animals or an intervening force of nature if such cause is approved by DASCO, and such acreage could not be determined by a member of the ASC county committee to be provisional abandoned acreage. The ASC county committee shall approve for a given crop each local producing area wherein the planting and harvesting of sugarbeets was so affected on 10 percent or more of the sugarbeet farms in the area, or on 10 percent or more of the number of planted acres in the area.

(e) *Determining and recording prevented acreage credits.* (1) Subject to the provisions of this section, the ASC county committee shall determine the extent of prevented acreage of the 1967 and subsequent crops to be credited to each farm and in a personal history area to be included in the production records of farm operators, upon the basis of the prevented acreage reported to the committee with respect to such farm by the operator or owner thereof, and information brought to the attention of the ASC county committee.

(2) For all States except California and Arizona information of prevented acreage shall be reported or brought to the attention of the ASC county committee not later than July 15 of the year used to designate the crop involved in the prevented acreage. In the California counties of Imperial, San Diego, Riverside, Orange, San Bernardino, and that part of Los Angeles County lying south of the San Gabriel Mountains, and in the Arizona counties of Maricopa, Pima, Pinal, and Yuma, such information shall be reported or brought to the attention of the committee not later than January 15 of the year following the year used to designate the crop involved in prevented acreage. In the California counties not named above, such information shall be reported or brought to the attention of the committee not later than November 15 of the year used to designate the crop involved in prevented acreage. In the Arizona counties not named above such information shall be reported or brought to the attention of the committee not later than July 15 of the year used to designate the crop involved in the prevented acreage.

(3) The prevented acreage credit for each farm for any given crop as determined by the ASC county committee, together with a brief reference to the basis relied upon by the committee in determining the extent of such credit shall be recorded on the appropriate county office records. The committee shall report to the ASC State Committee the local producing areas approved pursuant to paragraph (d) of this section, together with related data on numbers of farms and the conditions causing the prevented acreages. The ASC State Committee shall record prevented acreage credits in accordance with instructions issued by DASCO.

(f) *Notification.* In each case of denial or reduction of prevented acreage credit for the 1967 or subsequent crops, the ASC county committee shall notify the person reporting the prevented acreage regarding the credit, if any, approved in his case, and inform him of the basis for denial or reduction and of his right to appeal under Part 780 of Chapter VII.

Statement of bases and considerations. The regulations in this amendment are issued pursuant to the provisions of the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and implement the following provisions of section 302(b)(5) of the Act: "Whether farm proportionate shares are or are not in effect, the Secretary shall, insofar as practicable, protect the interests * * * of producers in any local producing area whose past production has been adversely, seriously, and generally affected by drought, storm, flood, freeze, disease, insects, or any other similar abnormal uncontrollable conditions."

This revision consolidates the provisions of § 849.2 (29 F.R. 8253) with those made effective by amendments 1 and 2 thereto (30 F.R. 2129, 15203). Further, it provides that prevented acreage credit will be granted only in years for which the Secretary determines proportionate shares are not to be in effect. Regulations protecting the sugarbeet production records of farm operators in other years are set forth in §§ 895.1 through 895.6 of this chapter.

This revision also provides that any appeal will be conducted in accordance with the provisions set forth in Part 780 of Chapter VII and establishes closing dates for reporting claims for prevented acreages in the sugarbeet States of Arizona and Maine wherein commercial production of sugarbeets commenced in 1966.

Accordingly, I hereby find and conclude that this determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153, sec. 302, 61 Stat. 930, 7 U.S.C. 1132)

Effective date. Date of publication.

Signed at Washington, D.C. on April 20, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-4602; Filed, Apr. 25, 1967; 8:49 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

Exemption of Spark Gap Tubes Containing Promethium 147

On February 7, 1967, the Atomic Energy Commission published in the FEDERAL REGISTER (32 F.R. 2575) proposed amendments to its regulation 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," which would exempt from licensing requirements the possession and use of spark gap tubes containing up to 30 microcuries of promethium 147.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. No comments were received in response to the Notice. The Commission has adopted the proposed amendments and the text of the amendments set out below is identical to the text of the proposed amendments published February 7, 1967.

The exemption set out in the amendment to Part 30 does not apply to the manufacture or import for sale or distribution of the spark gap tubes. Certain criteria for the issuance of a specific license to conduct such activities and certain reporting and quality control requirements are set forth in §§ 32.14, 32.15, 32.16, and 32.110, 10 CFR Part 32, "Specific Licenses To Manufacture, Distribute, or Import Exempted and Generally Licensed Items Containing Byproduct Material." The hazard represented by a defective spark gap tube containing promethium 147 is so small that it is not considered necessary to impose all of the quality control requirements appropriate for the manufacture of the devices exempted by § 30.15, 10 CFR Part 30. Therefore, § 32.15(c), 10 CFR Part 32 has been amended so that spark gap tubes containing promethium 147 would not be subject to visual inspection requirements.

The Commission has determined that spark gap tubes containing promethium 147 are products intended for use by the general public. Accordingly, pursuant to § 150.15(a)(6), 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274," the transfer of their possession or control by the manufacturer, processor, or producer, is subject to the Commission's licensing and regulatory requirements even if the product is manufactured pursuant to an agreement State[1] license. A manufacturer, processor, or producer of spark gap tubes containing promethium 147, when located in an agreement State, would be required to file an application with the Commission for a specific license authorizing the transfer of such tubes. The application should meet the criteria of §§ 32.14 (b), (c), and (d), 10 CFR Part 32.

The exemption of spark gap tubes containing up to 30 microcuries of promethium 147 is consistent with the consumer product criteria published in the FEDERAL REGISTER on March 16, 1965 (30 F.R. 3462), which set out the essential terms of the Commission's policy with respect to the approval of the use of byproduct and source material in products intended for use by the general public without the imposition of regulatory controls on the user. The Commission has found that, under the conditions specified in the amendments, the exemption will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

Since the amendments are intended to provide relief from, rather than to impose restrictions under, regulations currently in effect, they will become effective without the customary 30-day notice. Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 30 and 32, are published as a document subject to codification effective upon publication in the FEDERAL REGISTER.

1. Paragraph (a) of § 30.15 of 10 CFR Part 30 is amended to add a new subparagraph (8) to read as follows:

§ 30.15 Certain items containing tritium or promethium 147.

(a) Except for persons who apply tritium or promethium 147 to, or persons who incorporate tritium or promethium 147 into, the following products, or persons who import for sale or distribution the following products containing tritium or promethium 147, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30–36 of this chapter to the extent that such person receives, possesses, uses,

[1] A State to which the Commission has transferred certain regulatory authority over radioactive material by formal agreement, pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

transfers, exports, owns, or acquires the following products:

* * * * *

(8) Spark gap tubes containing not more than 30 microcuries of promethium 147. The levels of radiation from each spark gap tube containing promethium 147 will not exceed 0.5 millirad per hour at 1 centimeter from any surface when measured through 7 milligrams per square centimeter of absorber.

* * * * *

2. Paragraph (c) of § 32.15 of 10 CFR Part 32 is amended to read as follows:

§ 32.15 Same; quality control.

Each person licensed under § 32.14 shall:

* * * * *

(c) Visually inspect each device, except glow lamps containing tritium and spark gap tubes containing promethium 147, in production lots and reject any device which has an observable physical defect that could affect containment of the tritium or promethium 147.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 17th day of April 1967.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 67-4577; Filed, Apr. 25, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department Of Transportation

[Airspace Docket No. 66-WA-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter certain VOR Federal airways.

The airspace actions taken herein are editorial in nature and would extend certain VOR Federal airways via the designated alignment of airway segments being revoked. The extent of controlled airspace associated with these airway actions will not be altered.

The airway extensions would provide simplification of airway numbering and provide a longer single numbered airway segment to facilitate flight planning.

Since these amendments are editorial in nature and do not involve the designation of airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

1. Section 71.123 (32 F.R. 2009) is amended as follows:

a. V-99 is revoked.

b. In V-112 everything after "28 miles 45 MSL, 12 AGL Spokane, Wash.," is deleted and "including a west alternate from Pendleton 12 AGL via Pasco, Wash., 35 miles, 12 AGL, 35 MSL INT Pasco 035° and Spokane 221° radials, 6 miles, 35 MSL, 12 AGL to Spokane, and an east alternate from Pendleton 12 AGL via INT Pendleton 090° and Walla Walla, Wash., 215° radials, 12 AGL Walla Walla, 22 miles, 12 AGL, 48 miles, 45 MSL, 12 AGL to Spokane, excluding the airspace between the main and west and east alternates." is substituted therefor.

c. In V-113 "From Paso Robles, Calif.," is deleted and "From San Luis Obispo, Calif., 12 AGL Paso Robles, Calif.;" is substituted therefor, and "12 AGL Reno." is deleted and "12 AGL, Reno; 42 miles, 12 AGL, 24 miles, 115 MSL, 95 MSL Sod House, Nev.; 67 miles, 95 MSL, 85 MSL Rome, Oreg.; 61 miles, 85 MSL, 12 AGL to Boise, Idaho." is substituted therefor.

d. V-117 is revoked.

e. In V-135 all between "12 AGL Goffs, Calif.;" and "105 MSL INT Beatty 326°" is deleted and "84 miles, 12 AGL, 105 MSL Beatty, Nev.;" is substituted therefor.

f. In V-137 "From Palm Springs, Calif.," is deleted and "From Imperial, Calif., 12 AGL INT Imperial 350° and Thermal, Calif., 122° radials; 12 AGL Thermal; 12 AGL Palm Springs, Calif.;" is substituted therefor, and "The airspace within R-2521 is excluded." is added to the end of text.

g. In V-138 all before "From Riverton, Wyo.," is deleted.

h. In V-165 "12 AGL Fresno." is deleted and "12 AGL Fresno; 68 miles, 12 AGL, 50 miles, 131 MSL, 12 AGL Reno, Nev.; 40 miles, 12 AGL, 7 miles, 115 MSL, 87 miles, 135 MSL, 12 AGL Lakeview, Oreg.; 5 miles, 12 AGL, 72 miles, 90 MSL, 12 AGL Redmond, Oreg.; 16 miles, 12 AGL, 19 miles, 95 MSL, 24 miles, 75 MSL, 12 miles, 65 MSL, 12 AGL Newberg, Oreg.; 32 miles, 12 AGL, 45 MSL INT Newberg 355° and Olympia, Wash., 195° radials; 12 AGL Olympia; 12 AGL INT Olympia 010° and Seattle, Wash., 249° radials; 12 AGL Seattle." is substituted therefor.

i. V-281 is revoked.

j. V-283 is revoked.

k. In V-287 "12 AGL Newberg, Oreg.;" is deleted and "12 AGL Newberg, Oreg., including a west alternate from North Bend 12 AGL via Newport, Oreg., 12 AGL Newberg;" is substituted therefor.

l. In V-500 "12 AGL to Boise, Idaho." is deleted and "12 AGL Boise, Idaho; 21 miles, 12 AGL, 28 miles, 90 MSL, 48 miles, 95 MSL, 25 miles, 75 MSL, 12 AGL Pocatello, Idaho." is substituted therefor.

m. V-503 is revoked.

n. V-507 is revoked.

o. In V-536 "From Walla Walla, Wash.," is deleted and "From Redmond, Oreg., 32 miles, 12 AGL, 58 miles, 71 MSL, 12 AGL, Pendleton, Oreg.; 12 AGL Walla Walla, Wash.;" is substituted therefor.

(Sec. 307(a) Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 19, 1967.

H. B. Helstrom,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4581; Filed, Apr. 25, 1967; 8:47 a.m.]

[Airspace Docket No. 66-WA-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways and Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter certain Federal airways and transition areas.

The airspace actions taken herein are editorial in nature and would extend certain VOR Federal airways via the designated alignment of airway segments being revoked. In addition transition area boundaries designated in part by those airways being revoked will be redescribed utilizing the new airway segments. The extent of controlled airspace associated with these actions will not be altered.

The airway extensions would provide simplification of airway numbering and provide a longer single numbered airway segment to facilitate flight planning.

Since these amendments are editorial in nature and do not involve the designation of airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

1. Section 71.123 (32 F.R. 2009) is amended as follows:

a. In V-159 "12 AGL Birmingham, Ala." is deleted and "12 AGL Birmingham, Ala.; 12 AGL INT Birmingham 298° and Hamilton, Ala., 122° radials; 12 AGL Hamilton; 12 AGL Holly Springs, Miss., including a 12 AGL north alternate from Birmingham to Holly Springs via INT Birmingham 313° and Holly Springs 099° radials; 12 AGL Memphis, Tenn., including a 12 AGL south alternate from Hamilton to Memphis via INT Hamilton 273° and Memphis 136° radials; 12 AGL Walnut Ridge, Ark.; 12 AGL Dogwood, Mo.; 12 AGL Springfield, Mo.; 12 AGL Blue Springs, Mo.; 12 AGL Kansas City, Mo.; 12 AGL St. Joseph, Mo.; 12 AGL INT St. Joseph 343° and Omaha, Nebr., 124° radials; 12 AGL Omaha; 12 AGL Sioux City, Iowa, including a 12 AGL west alternate via INT Omaha 320° and Sioux City 174° radials." is substituted therefor.

b. V-176 is revoked.

c. In V-191 all before "12 AGL Decatur, Ill.;" is deleted and "From Troy, Ill.;" is substituted therefor.

d. V-205 is revoked.

e. In V-56 all after "12 AGL Florence;" is deleted and "12 AGL Fayetteville, N.C., 41 miles 25 MSL, 12 AGL INT Fayetteville 098° and New Bern, N.C., 256° radials; 12 AGL New Bern. The airspace at and above 9,000 feet MSL between Fayetteville and New Bern is excluded." is substituted therefor.

f. V-525 is revoked.

2. Section 71.181 (32 F.R. 2148) is amended as follows:

a. In Columbus, Miss., "on the north by V-176, and on the east by longitude 87°55'00" W.;" is deleted and "on the north by V-159, and on the east by longitude 87°55'00" W.;" is substituted therefor.

b. Memphis, Tenn. "bounded on the north by the north boundary of V-176," is deleted and "bounded on the north by the north boundary of V-159," is substituted therefor.

c. In Raleigh, N.C. "thence to the intersection of the south boundary of V-525 and longitude 78°30'00" W.," is deleted and "thence to the intersection of the south boundary of V-56 and longitude 78°30'00" W.," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 19, 1967.

H. B. Helstrom,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4582; Filed, Apr. 25, 1967; 8:47 a.m.]

[Airspace Docket No. 66-CE-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Federal Airways

On February 4, 1967, a notice of proposed rule making was published in the Federal Register (32 F.R. 2451) stating that the Federal Aviation Agency was considering realigning V-171 from Bemidji, Minn., direct to Baudette, Minn. All comments received were favorable.

Subsequent to publication of the notice, the Federal Aviation Administration has inaugurated a program to renumber some airway segments. This action is designed to facilitate flight planning. In consonance with this program, the segment of V-171, considered herein, would be redesignated as a segment of V-82. This will result in the revocation of the segment of V-82 from Grand Forks, N. Dak., to Bemidji, Minn., including the north alternate. However, this segment will be renumbered as V-430 and V-430 north alternate by action in Airspace Docket No. 67-CE-85 effective June 22, 1967.

Since renumbering the airway is editorial in nature, the Administrator has determined that notice and public procedure thereon is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows:

1. In V-171 all after "Alexandria, Minn." is deleted.

2. In V-82 all before "12 AGL Minneapolis, Minn.; is deleted and "From Baudette, Minn., 12 AGL Bemidji, Minn.; 20 miles, 12 AGL, 51 miles, 29 MSL, 12 AGL Brainerd, Minn.; 11 miles, 12 AGL, 52 miles, 25 MSL," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 20, 1967.

H. B. Helstrom,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4583; Filed, Apr. 25, 1967; 8:47 a.m.]

[Airspace Docket No. 66-WA-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Federal Airways

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter certain VOR Federal airways.

The airspace actions taken herein are editorial in nature and would extend certain VOR Federal airways via the designated alignment of the airway segments being revoked. The extent of controlled airspace associated with these airway actions will not be altered.

The airway extensions would provide simplification of airway numbering and provide a longer single numbered airway segment to facilitate flight planning.

Since these amendments are editorial in nature and do not involve the designation of airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows:

1. In V-63 everything after "12 AGL Burlington, Iowa" is deleted and "; 12 AGL Moline, Ill.; 12 AGL Cordova, Ill.; 12 AGL Rockford, Ill.; 12 AGL Janesville, Wis.; 12 AGL Milwaukee, Wis." is substituted therefor.

b. In V-129 "From Cordova, Ill.," is deleted and "From Capital, Ill., 12 AGL Peoria, Ill.; 12 AGL Cordova, Ill.;" is substituted therefor.

c. In V-133 "12 AGL Marquette, Mich." is deleted and "12 AGL Marquette, Mich.; 12 AGL Houghton, Mich.; 10 miles, 12 AGL, 26 MSL Lakehead, Ontario, Canada." is substituted therefor.

d. In V-177 "; 12 AGL INT Janesville 344° and Dells, Wis., 143° radials; 12 AGL Dells; 12 AGL Stevens Point, Wis." is added at end of text.

e. In V-210 all between "to Lamar." and "12 AGL Rosewood, Ohio;" is deleted and "From Indianapolis, Ind., 12 AGL Muncie, Ind.;" is substituted therefor.

f. In V-216 "From Janesville, Wis., 12 AGL via" is deleted and "From INT of Polo, Ill., 268° and Janesville, Wis., 238° radials, 12 AGL Janesville; 12 AGL" is substituted therefor.

g. V-233 is revoked.

h. V-255 is revoked.

i. In V-294 "12 AGL Cedar Rapids." is deleted and "12 AGL Cedar Rapids; 12 AGL Cordova, Ill." is substituted therefor.

j. In V-470 all before "25 MSL INT Marquette 067°" is deleted and "From Marquette, Mich., 35 miles, 12 AGL, 20 miles" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 20, 1967.

T. McCormack,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4584; Filed, Apr. 25, 1967; 8:47 a.m.]

[Airspace Docket No. 66-CE-85]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Federal Airways

On February 4, 1967, a notice of proposed rule making was published in the Federal Register (32 F.R. 2451) stating that the Federal Aviation Agency was considering realigning V-161 from Brainerd, Minn., to Hibbing, Minn., via Grand Rapids, Minn.; extending V-430 from Grand Forks, N. Dak., to Duluth, Minn., via Bemidji, Minn., and Grand Rapids; and revoking the segment of V-462 from Bemidji to Duluth. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows:

1. In V-161 all after "Brainerd, Minn.;" is deleted and "12 AGL Grand Rapids, Minn.; 12 AGL Hibbing, Minn." is substituted therefor.

2. In V-430 "12 AGL Grand Forks, N. Dak. From Duluth, Minn.," is deleted and "12 AGL Grand Forks, N. Dak.; 12 AGL Bemidji, Minn., including a 12 AGL north alternate via Thief River Falls, Minn.; 12 AGL Grand Rapids, Minn.; 12 AGL Duluth, Minn.;" is substituted therefor.

3. In V-462 "From Bemidji, Minn., 12 AGL Duluth, Minn." is deleted.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 20, 1967.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4585; Filed, Apr. 25, 1967; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-488]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Study Group Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of April 1967.

In a notice of proposed rule making published in the FEDERAL REGISTER on December 15, 1966 (31 F.R. 15811), and circulated to the industry as EDR-106, Docket 18025, the Board proposed to amend Parts 208, 214 (Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only), and 295 (Transatlantic Supplemental Air Transportation) with respect to a new definition of study group charters. The proposed definition would add an alternative definition to the single standard of ER-450, i.e., that a charterer of a study group must be a bona fide school empowered by State educational authorities to grant college degrees or secondary school diplomas and operated as a school on a year-round basis, which definition the Board stayed.[1] This alternative standard would authorize a nonschool charterer to conduct a study group charter when the study course is for a period of at least 4 weeks' duration at an educational institution abroad and when the charterer furnishes a surety bond which meets the requirements of Part 378 of the Board's Special Regulations (Inclusive Tours by Supplemental Air Carriers and Tour Operators, 14 CFR Part 378). The proposed regulation also includes a self-policing provision prohibiting air carriers from providing air transportation to nonschool charterers of study group charters unless such charterer furnishes a surety bond and files copies thereof with the Board and with the carrier. Interested persons were invited to submit pertinent information and data with respect to the proposed rule.

Pursuant to the above notice, nine comments were received including one from a U.S.-flag carrier,[2] three from U.S. supplemental air carriers,[3] and five from study group charterers.[4] In addition, a joint motion for leave to file an unauthorized document (joint reply comment) was filed by Saturn, Trans International Airlines, Inc., and American Flyers. No answer to the motion has been filed.[4a]

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented. We shall adopt the rule as proposed with two modifications set forth below. Therefore, except as modified herein, the tentative findings set forth in the Explanatory Statement to the proposed rule (EDR-106, supra) are incorporated herein by reference and finalized.

The proposed rule will be modified in the following two respects: (1) The requirement of furnishing a surety bond by nonschool charterers will not be imposed; and (2) an aircraft under charter to one study group charterer may carry a maximum of three study groups, each group consisting of 40 or more study group participants. However, less than planeload charters by a study group charterer will not be allowed.

The principal issue raised in the comments pertains to the proposed requirement that nonschool charterers furnish a surety bond in an amount of not less than twice the amount of the charter price for the air transportation to be furnished in connection with the study group charter pursuant to the surety bond requirement of Part 378 of the Board's Special Regulations[5] (Inclusive Tours by Supplemental Air Carriers and Tour Operators). American Institute maintains that the proposed bonding requirement would have a severe adverse impact upon the development of study group charters because of the difficulty such charterers would encounter in securing a bond in that amount. In lieu of the proposed bonding requirement, American Institute suggests the following: (1) That the charterer be required to file a bond in an amount equal to twice the charter costs, but not to exceed $100,000; and (2) that the charterer be required to deposit all funds obtained from charter participants in a special or trust account with prescribed limitations on withdrawals and certain reports required. Saturn opposes the bond provision due to the alleged heavy cost of securing a bond which, it claims, would prevent new and small study groups from utilizing charter transportation.[6] World[7] also seeks a liberalization of the bond requirement, asking for an alternative arrangement whereby all receipts of the charterer would be placed in an escrow or trustee account to be withdrawn only pursuant to a schedule of payments to be filed with the Board and the carrier, the escrow arrangement to be supplemented by a bonding requirement of more modest proportions.[8] In addition to American Institute, two other study group charterers[9] oppose the bond requirement, one of which (Citizens Exchange Corps) states that it obligated itself in September 1966 to provide transportation for 1,000 of its members for the 1967 program at a purchase price which did not include the monies necessary to purchase the proposed bond.

It is obvious that if we were to impose a bond requirement as set forth in the notice in EDR-106, it could not be implemented during the 1967 season without effecting serious hardship with respect to charter program commitments already incurred. It may be that some type of security arrangement is necessary in the case of study group charters by nonschool charterers to insure the financial responsibility of the charterer and to insure that the transportation and all other accommodations, services, and facilities will be provided in accordance with the contract between the charterer and study group participants, and in this way afford protection to the public from irresponsible charterers. The entire matter of a bond for inclusive tour operators under Part 378 of the Board's Special Regulations,[10] as well as for the nonschool type of study group charterer (Parts 208, 214, and 295 of the Board's Economic Regulations), is under active study by the Board and its staff.

[1] ER-452, adopted February 10, 1966, effective February 10, 1966, 31 F.R. 2681. The petitions for reconsideration of ER-450, supra, were assigned Docket 16953. The rule adopted herein renders moot further action with respect to the petitions for reconsideration of ER-450, and the corresponding docket should be considered closed.

[2] Pan American World Airways, Inc.

[3] American Flyers Airline Corp., Saturn Airways, Inc., and World Airways, Inc.

[4] American Institute for Foreign Study, Inc.; American International Academy (Andrew G. Nokes); Citizens Exchange Corps; Foreign Language League Schools, Inc.; Language Institute of the Americas.

[4a] The document has been accepted and considered by the Board.

[5] Sec. 378.16 (14 CFR 378.16).

[6] Saturn alone maintains that the Board lacks authority to require a bond from study group charterers as a condition for authorizing such charter transportation, apparently on the theory that study group charterers are not indirect air carriers as are inclusive tour operators under Part 378. We see no merit in this contention. The Board has authority to impose a requirement of securing a bond on a study group charterer as a condition on the operating authority of supplemental air carriers with respect to the carriage of study groups in the same manner, for example, as other requirements are imposed in Part 295 on other types of charterers, such as retention of a central membership list, and furnishing the carrier with a passenger manifest and a statement of supporting information.

[7] World's request that the Board amend Part 295 to remove the central membership list requirement of pro rata charters in a manner similar to the waiver granted to Sudflug, Suddeutsche Fluggesellschaft mbH (Order E-24585, dated Dec. 30, 1966) is denied as pertaining to a matter beyond the scope of this proceeding.

[8] American Flyers asks that the Board give favorable consideration on an ad hoc basis to alternative financial arrangements which provide adequate protection to participants in a study group charter.

[9] Citizens Exchange Corps and Language Institute of the Americas.

[10] 14 CFR Part 378.

If security provisions are found to be needed in the case of nonschool study group charterers, they will be made effective prior to the commencement of the 1968 charter season. For the present, however, a bond requirement for nonschool study group charterers will not be imposed.

Two comments[11] suggest that the rule be modified to permit carriage in a single planeload of students destined for more than one educational institution abroad i.e., permission to carry more than one study group on a chartered aircraft. It is pointed out that often not more than 50 places are available at a particular university, and some study group charterers use aircraft with 250 seats.

The proposed rule is not clear as to whether more than one study group may be carried on the same aircraft. Under the inclusive tour regulation (Part 378), an aircraft under charter to one tour operator may carry a maximum of three tour groups, provided that if more than one group is carried each of the groups shall consist of 40 or more tour participants.[12] We see no reason why a similar provision should not be made applicable to study group charters, and we shall so provide. Although this modification in the proposed rule is within the general scope of the rule making proceeding, this specific provision was not set forth in the proposed rule. We shall therefore permit the filing of petitions for reconsideration of this portion of the final rule.

Citizens Exchange Corps seeks a modification of the proposed requirement that the study course, in the case of nonschool charterers, be for a period of at least 4 weeks' duration. It asserts that it conducts a 3 weeks' study course abroad for which four major colleges grant credit, that it made firm arrangements in September 1966, for the transportation in 1967 of 1,000 of its members and that it cannot get the airspace adjustment necessary to comply with the proposed 4 weeks' duration requirement for study courses. It alleges that great expense and inconvenience would be incurred to reprint and redistribute the literature which, inter alia, does not indicate a course of 4 weeks' duration. It states that it will comply with the proposed regulations for 1968 study group charters, but that it is too late to comply for the 1967 season.

We shall not modify the 4 weeks' period of duration for a study course, as the proposed rule requires. Based upon the facts set forth in its comments, Citizens Exchange Corps should seek relief for 1967 charters by having its air carrier apply for a waiver under existing § 295.3 or § 208.3 of the Board's Economic Regulations.

We turn to certain requests for modification of the definition of study group charters. The Foreign Language League would require nonschool charterers to be tax exempt as an educational institution under section 501(c)(3) of the Internal Revenue Code, or, in the alternative, would permit such tax exempt charterers to qualify without the necessity of filing a bond. In the absence of any showing of a direct relationship between tax exemption and financial responsibility, we will reject this proposal.

Pan American would have the Board restrict study group charters to those in which the charterer is a bona fide educational institution (Regulation ER-450, the effectiveness of which the Board stayed), and relegate nonschool charterers of study group charters to qualifying as inclusive tour operators under Part 378. In our view, this course of action would unduly restrict this type of study group charters which we found (EDR-106) have in the past offered a useful service to the public.[13]

Finally, study group charterers are cautioned that the amended regulation does not authorize them to engage in air transportation as that term is defined in the Act. Accordingly, they must conduct their operations in such fashion as to avoid any engagement or holding out as an indirect air carrier.[14]

Accordingly, the Civil Aeronautics Board hereby amends Part 208 of the Economic Regulations (14 CFR Part 208), effective May 26, 1967, as follows:

1. Amend § 208.3 by adding a new paragraph (r) to read as follows:

§ 208.3 Definitions.

For the purposes of this part:

* * * * *

(r) "Study group" means a charter group comprised of bona fide participants in a formal academic study course abroad and in which (1) the charterer is an educational institution or (2) such study course is for a period of at least four weeks' duration at an educational institution abroad. As used in this paragraph, the term "educational institution" means a bona fide school which (1) is empowered to grant college degrees or secondary school diplomas by the government of one of the 50 states of the United States, the District of Columbia, a U.S. territory or possession or a foreign country and (ii) is operated as a school on a year-round basis. An aircraft may carry a maximum of three study groups: *Provided*, That if more than one group is carried each of the groups shall consist of 40 or more study group participants: *And provided, further*, That the entire aircraft is chartered to a single study group charterer.

* * * * *

2. Amend § 208.212 to read as follows:

§ 208.212 Participation of immediate families in charter flights.

The immediate family of any bona fide member of a charter organization may participate in a charter flight: *Provided, however*, That this section shall not apply to study group charters as defined herein (§ 208.3(r)).

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 401, 403, 407 and 417; 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371; 72 Stat. 758, as amended by 74 Stat. 445, 49 U.S.C. 1373; 76 Stat. 766, 49 U.S.C. 1377; 76 Stat. 145, 49 U.S.C. 1387; and sec. 7 of Public Law 87-528, 76 Stat. 146, 49 U.S.C. 1371)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-4595; Filed, Apr. 25, 1967; 8:48 a.m.]

[Reg. ER-489]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Study Group Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of April 1967.

In a notice of proposed rule making published in the FEDERAL REGISTER on December 15, 1966 (31 F.R. 15811), and circulated to the industry as EDR-106, Docket 18025, the Board proposed to amend Parts 208 (Terms, Conditions, and Limitations of Certificates To Engage in Supplemental Air Transportation), 214 and 295 (Transatlantic Supplemental Air Transportation) with respect to a new definition of study group charters. It was proposed to define a "study group" as a charter group comprised of bona fide participants in a formal academic study course abroad and where the charterer is an educational institution (as defined in the rule) or, if the charterer is not an educational institution, where the study course is for a period of at least 4 weeks' duration at an educational institution abroad and where the charterer has furnished a surety bond in a specified amount.

In response to the notice, nine comments were received, including one from

[11] American Institute and World. A related suggestion was made by Saturn to the effect that the definition should embrace study courses conducted at more than one educational institution abroad. It asserts that EDR-106 would exclude a number of bona fide and worthwhile study tours which entail a lengthy program of study conducted over the summer at more than one educational institution. Saturn has not furnished any particulars supporting its assertions as to the "number of bona fide and worthwhile study groups" which would be excluded. It has demonstrated neither the desirability nor necessity of this change, and its request is denied.

[12] Sec. 378.2(b)(5).

[13] Pan American also argues that the Board will have no assurance that the students are in fact "students," or that they will attend a study course of 4 weeks' duration abroad, since no responsibility is imposed on the supplemental air carrier to determine these factors. Pan American is not correct. With respect to study group charters, the supplemental air carriers are under the same responsibility as with other types of charters to determine that the group meets the requirements set forth in the Board's regulations.

[14] See §§ 101 (3), (10), and (20), Federal Aviation Act of 1958, as amended (49 U.S.C. 1301).

a U.S.-flag carrier,[1] three from U.S. supplemental air carriers [2] and five from study group charterers.[3] Also, a joint motion for leave to file an unauthorized document (joint reply comment) was filed by Saturn, Trans International Airlines, Inc., and American Flyers, supplemental carriers.

For the reasons set forth in Regulation ER–488, published simultaneously herewith, we have determined to adopt the rule as proposed with the following two modifications: (1) The surety bond requirement for nonschool charterers will not be imposed; and (2) we shall permit up to three groups to be carried on one aircraft with a minimum of 40 charter participants in each group: *Provided*, That the entire aircraft is chartered to a single study group charterer.

Accordingly, the Civil Aeronautics Board hereby amends Part 214 of the Economic Regulations (14 CFR Part 214), effective May 26, 1967, as follows:

1. Amend § 214.2 by modifying paragraph (k) and by adding a new paragraph (m) defining "study group." As amended, § 214.2 will read in part as follows:

§ 214.2 **Definitions.**

* * * * *

(k) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively, persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans and unless they have actually been members for a minimum period of 6 months prior to the starting flight date. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a single school, and immediate families thereof, (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof, or (3) participants in a study group. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

* * * * *

(m) "Study group" means a charter group comprised of bona fide participants in a formal academic study course abroad and in which (1) the charterer is an educational institution or (2) such study course is for a period of at least 4 weeks' duration at an educational institution abroad. As used in this paragraph, the term "educational institution" means a bona fide school which (i) is empowered to grant college degrees or secondary school diplomas by the government of one of the 50 States of the United States, the District of Columbia, a U.S. territory or possession or a foreign country and (ii) is operated as a school on a year-round basis. An aircraft may carry a maximum of three study groups: *Provided*, That if more than one group is carried each of the groups shall consist of 40 or more study group participants: *And provided, further*, That the entire aircraft is chartered to a single study group charterer.

2. Amend § 214.31 to read as follows:

§ 214.31 **Passengers on charter flights.**

Only bona fide members of the charterer, and their immediate families (except as provided in § 214.32), may participate as passengers on a charter flight. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[4] Where the charterer is engaging round-trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 214.14(c). When more than one round trip is contracted for, intermingling between flights or reforming of planeload groups (or in the case of carriers authorized to operate charter flights under § 214.2(b)(2) one-half planeload groups) shall not be permitted and each such group must move as a unit in both directions.

3. Amend § 214.32 to read as follows:

§ 214.32 **Participation of immediate families in charter flights.**

The immediate family of any bona fide member of a charter organization may participate in a charter flight: *Provided, however*, That this section shall not apply to study group charters as defined herein (§ 214.2(m)).

4. Amend § 214.35(d) to read as follows:

§ 214.35 **Passenger manifests.**

* * * * *

(d) Attached to such manifest must be a certification, signed by a duly authorized representative of the charterer, reading:

The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization at the time the chartering organization first gave notice to its members of firm charter plans, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and educational staff of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household, or (5) is a bona fide participant in a study group charter.

(Signature)

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 402 and 403; 72 Stat. 757, 49 U.S.C. 1372; 72 Stat. 758, as amended by 74 Stat. 445, 49 U.S.C. 1373)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67–4596; Filed, Apr. 25, 1967; 8:48 a.m.]

[Reg. ER–490]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Study Group Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of April 1967.

In a notice of proposed rule making published in the FEDERAL REGISTER on December 15, 1966 (31 F.R. 15811), and circulated to the industry as EDR–106, Docket 18025, the Board proposed to amend Parts 208 (Terms, Conditions and Limitations of Certificates to Engage in Supplemental Air Transportation), 214 (Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation only), and 295 with respect to a new definition of study group charters. It was proposed to define a "study group" as a charter group comprised of bona fide participants in a formal academic study course abroad and where the charterer is an educational institution (as defined in the rule) or, if the charterer is not an educational institution, where the study course is for a period of at least 4 weeks' duration at an educational institution abroad and where the charterer has furnished a surety bond in a specified amount.

In response to the notice, nine comments were received, including one from a U.S.-flag carrier,[1] three from U.S. supplemental air carriers,[2] and five from study group charterers.[3] Also, a joint motion for leave to file an unauthorized document (joint reply comment) was filed by Saturn, Trans International Airlines, Inc., and American Flyers, supplemental carriers.

For the reasons set forth in Regulation ER–488, published simultaneously herewith, we have determined to adopt the rule as proposed with the following two modifications: (1) The surety bond requirement for nonschool charterers will not be imposed; and (2) we shall permit up to three groups to be carried on one aircraft with a minimum of 40 charter participants in each group: *Provided*, That the entire aircraft is chartered to a single study group charterer.

Accordingly, the Civil Aeronautics Board hereby amends Part 295 of the Economic Regulations (14 CFR Part 295) effective May 26, 1967, as follows:

[1] Pan American World Airways, Inc.

[2] American Flyers Airline Corp., Saturn Airways, Inc., and World Airways, Inc.

[3] American Institute for Foreign Study, Inc.; American International Academy (Andrew G. Nokes); Citizens Exchange Corps; Foreign Language League Schools, Inc.; Language Institute of the Americas.

[4] Where the charter is based on employment in one entity or student status at a college, records of the corporation, agency, or college will suffice to meet this requirement.

1. Amend § 295.2 by modifying paragraph (k) and by adding a new paragraph (m) defining "study group."

As amended, § 295.2 will read in part as follows:

§ 295.2 **Definitions.**

As used in this part, unless the context otherwise requires—

* * * * *

(k) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively, persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans and unless they have actually been members for a minimum period of 6 months prior to the starting flight date. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a single school, and immediate families thereof, (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof, or (3) participants in a study group. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

* * * * *

(m) "Study group" means a charter group comprised of bona fide participants in a formal academic study course abroad and in which (1) the charterer is an educational institution or (2) such study course is for a period of at least 4 weeks' duration at an educational institution abroad. As used in this paragraph, the term "educational institution" means a bona fide school which (i) is empowered to grant college degrees or secondary school diplomas by the government of one of the 50 States of the United States, the District of Columbia, a U.S. territory or possession or a foreign country and (ii) is operated as a school on a year-round basis. An aircraft may carry a maximum of three study groups: *Provided*, That if more than one group is carried each of the groups shall consist of 40 or more study group participants; *And provided, further*, That the entire aircraft is chartered to a single study group charterer.

2. Amend § 295.31 to read as follows:

§ 295.31 **Passengers on charter flights.**

Only bona fide members of the charterer, and their immediate families (except as provided in § 295.32), may participate as passengers on a charter flight. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[4] Where the charterer is engaging round-trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 295.14(f). When more than one round trip is contracted for, intermingling between flights or reforming of planeload or one-half planeload groups shall not be permitted and each such group must move as a unit in both directions.

3. Amend § 295.32 to read as follows:

§ 295.32 **Participation of immediate families in charter flights.**

The immediate family of any bona fide member of a charter organization may participate in a charter flight: *Provided, however*, That this section shall not apply to study group charters as defined herein (§ 295.2(m)).

4. Amend § 295.35(d) to read as follows:

§ 295.35 **Passenger manifests.**

* * * * *

(d) Attached to such manifest must be a certification, signed by a duly authorized representative of the charterer, reading:

The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization at the time the chartering organization first gave notice to its members of firm charter plans, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and educational staff of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household, or (5) is a bona fide participant in a study group charter.

(Signature)

5. Rescind Regulation No. ER–450, adopted January 12, 1966, 31 F.R. 557, amendments to 14 CFR Part 295.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 401, 403, 407, and 417; 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371; 72 Stat. 758, as amended by 74 Stat. 445, 49 U.S.C. 1373; 72 Stat. 766, 49 U.S.C. 1377; 76 Stat. 145, 49 U.S.C. 1387; and sec. 7 of Public Law 87–528, 76 Stat. 146, 49 U.S.C. 1371)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67–4597; Filed, Apr. 25, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Endosulfan

A petition (PP 7F0526) was filed with the Food and Drug Administration by FMC Corp., Niagara Chemical Division, 100 Niagara Street, Middleport, N.Y. 14105, proposing the establishment of a tolerance of 2 parts per million for residues of the insecticide endosulfan (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide) in or on beans, brussels sprouts, carrots, cauliflower, celery, collards, corn (sweet), kale, mustard greens, peas (succulent type), pineapples, spinach, sugarcane, sunflower seed, sweetpotatoes, and turnip greens. The petitioner subsequently reduced the proposed tolerance for residues in or on sugarcane to 0.5 part per million and in or on carrots, corn (sweet), and sweetpotatoes to 0.2 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), § 120.182 is revised to read as follows to establish the above-specified tolerances:

§ 120.182 **Endosulfan; tolerances for residues.**

Tolerances are established for residues of the insecticide endosulfan (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide) in or on raw agricultural commodities as follows:

2 parts per million in or on apples, apricots, artichokes, beans, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, collards, cucumbers, eggplants, grapes, head lettuce, kale, melons, mustard greens, nectarines, peaches, pears, peas (succulent type), peppers, pineapples, plums, prunes, pumpkins, spinach, strawberries, summer squash, sunflower seed, tomatoes, turnip greens, watercress, winter squash.

0.5 part per million in or on sugarcane.

0.2 part per million in or on carrots, sweet corn (kernels plus cob with husks removed), sweetpotatoes.

Zero in meat and milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief

sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 406(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: April 19, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4592; Filed, Apr. 25, 1967; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 50—NEIGHBORHOOD YOUTH CORPS PROJECTS

Pursuant to authority contained in section 602 of the Economic Opportunity Act of 1964, as amended (78 Stat. 528, 79 Stat. 973, 80 Stat. 1451, 42 U.S.C. 2701 et seq.) and the delegation of authorities to the Secretary of Labor by the Director of the Office of Economic Opportunity, 32 F.R. 4588, Part 50 of Subtitle A of Title 29 of the Code of Federal Regulations is hereby revised to read as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) which require notice of the proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules involve only matters that relate to public benefits. We do not believe such procedures will serve a useful purpose here. Accordingly, this revised part will become effective immediately.

As revised, 29 CFR Part 50 reads as follows:

Subpart A—General

Sec.
50.1 Definitions.

Subpart B—Enrollees

50.10 Selection and referral of enrollees.
50.11 Enrollee status.
50.12 Proof of eligibility.
50.13 Duration of enrollment.
50.14 Convictions for riots or other violations affecting persons and property.

Subpart C—Neighborhood Youth Corps Projects

50.20 Types of projects.
50.21 Agreements.
50.22 Standards for projects.
50.23 Employment limitations.
50.24 Supervision, counseling and job placement.
50.25 Community action programs.
50.26 Safety and workmen's compensation.
50.27 Work rules.
50.28 Use of private enterprise resources.
50.29 Nondiscrimination.

Subpart D—Financing Projects

50.30 Effective period of Title I, Part B of the Act.
50.31 Allowable costs.
50.32 Limitations on Federal assistance.

Subpart E—Evaluation, Records and Disclosure

50.40 Evaluation of projects.
50.41 Records, reports, and disclosure of information.

AUTHORITY: The provisions of this Part 50 issued under sec. 602, 78 Stat. 526, as amended, 42 U.S.C. 2701 et seq., 32 F.R. 4588.

Subpart A—General

§ 50.1 Definitions.

As used in this part, unless the context clearly indicates otherwise, the term:

(a) "Act" means the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701 et seq.).

(b) "Contribution in kind" means a contribution, in lieu of cash, of any item or service the purchase of which would be an allowable cost, including but not limited to the use of plant and equipment fairly evaluated.

(c) "Enrollee" means a youth enrolled in a project under this part.

(d) "Low-income family" means any family whose income is insufficient to provide it with basic needs. It shall be conclusive evidence that a person is from a low-income family if his family receives or is eligible to receive cash welfare benefits on a needs basis under any public welfare program.

(e) "Permanent resident of the United States" means a person whose principal, actual dwelling place is within a State or any other place, continental or insular, including the Trust territory of the Pacific Islands, which is subject to the jurisdiction of the United States, excluding a nonimmigrant alien as defined in section 101(a)(15) of the Immigration and Nationality Act, but including, for the purposes of this part, any alien who is a native or citizen of Cuba and who has been inspected and admitted or paroled into the United States subsequent to January 1, 1959.

(f) "Project" means an undertaking by a Sponsor pursuant to an agreement between the Secretary and the sponsor which is authorized under Title I-B of the Act (Neighborhood Youth Corps) as implemented by the regulations contained in this part.

(g) "Secretary" means the Secretary of Labor, U.S. Department of Labor, or his authorized representatives.

(h) "Sponsor" means a State or local public agency, or a private profit or nonprofit organization, including Community Action Agencies and Indian tribal groups, with which the Secretary has entered into an agreement to undertake a project.

(i) "State" means a State of the United States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust territory of the Pacific Islands.

(j) "State agency" means the agency of the State which administers the employment security program.

(k) "Unemployed" means not working regularly for remuneration in excess of 20 hours a week.

(l) "Wages" means monies paid to enrollees in projects for time spent in work, training, or education including counseling and other related essential services.

Subpart B—Enrollees

§ 50.10 Selection and referral of enrollees.

(a) As a basis for the selection of a prospective enrollee for a project, the local Community Action Agency, the State agency, other public agency, or organization, designated by the Secretary to select and refer prospective enrollees to projects, shall first determine the work-training experience needs of such prospective enrollees with regard to that person's interests and potentialities. This determination shall be based on a comprehensive evaluation of the individual's achievements, aptitudes, and interests, abilities, personal and social adjustments, work experience, health, financial resources, personal traits, and other adequate pertinent data in order to establish a basis for selection. This may be accomplished through interviewing, testing, counseling, and medical examination, as necessary.

(b) The selection and referral shall be designed to furnish enrollees with useful work-training experience, counseling, education, and other essential supportive services, as may be appropriate to their respective needs.

(c) A youth may be enrolled in an in-school project described in § 50.20(a) if at the time of his selection and during the period of his enrollment he is:

(1) Attending the 9th through 12th grades of school, or its equivalent, or is of the same age as that of students in the 9th through 12th grades, and in need of paid work-training experience in order to resume or maintain school attendance; and

(2) A member of a low-income family; and

(3) A permanent resident of the United States.

(d) A youth may be enrolled in an out-of-school project described in § 50.20 (b) if at the time of his selection he is:

(1) Unemployed out of school and not planning to return to school;

(2) 16 through 21 years of age;

(3) A permanent resident of the United States; and

(4) In need of useful work-training experience, combined where needed with educational and training assistance, including counseling, basic literacy, and occupational training designed to assist such person in developing his maximum occupational potential.

(e) In selecting youths for out-of-school projects, priority shall be given to those from low-income families.

§ 50.11 Enrollee status.

An enrollee in a project shall not be deemed an employee of the Federal Government, and shall not be subject to the provisions of laws relating to Federal employees, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

§ 50.12 Proof of eligibility.

Before a youth may be enrolled in a project, he shall submit such evidence to the sponsor as the Secretary may require to establish his eligibility for enrollment.

§ 50.13 Duration of enrollment.

(a) A period of enrollment may extend beyond the enrollee's 22d birthday, if such extension is approved by the Secretary.

(b) Enrollees in in-school projects described in § 50.20(a) may not be continued in a project after they have completed the 12th grade of school or its equivalent.

§ 50.14 Convictions for riots or other violations affecting persons and property.

No part of the funds appropriated under the Economic Opportunity Amendments of 1966 (80 Stat. 1451) shall be used to provide payments, assistance, or services, in any form, with respect to any individual who is convicted, in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Subpart C—Neighborhood Youth Corps Projects

§ 50.20 Types of projects.

A project authorized under this part shall be one of the following:

(a) An in-school project providing work-training experience for youths who need work-training experience and financial assistance in order to resume or maintain school attendance.

(b) An out-of-school project providing work-training experience, combined where needed with educational and training assistance, including basic literacy, counseling, and occupational training designed to assist the youths to develop their maximum occupational potential.

§ 50.21 Agreements.

A project shall be undertaken upon execution of an agreement between a sponsor and the Secretary, on the basis of specifications which meet the requirements set forth in this subpart. Interested persons may secure information and make submittals or requests concerning such projects by writing to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210. Attention: Bureau of Work Programs.

§ 50.22 Standards for projects.

Priority shall be given to projects with high training potential and high potential for contributing to the upward mobility of the enrollee. No project shall be approved, nor shall any agreement be entered into for a project under this part, providing for the payment by him of part or all of the cost of such project, unless the Secretary has first determined that:

(a) Each project will be carried on in accordance with standards and policies, including rules governing the conduct of officers and employees, to preclude the use of the program funds, the provision of services, or the employment or assignment of personnel in a manner supporting, or resulting in an identification of such program with, any partisan political activity or any activity designed to further the election or defeat of any candidate for public office.

(b) Enrollees will not be employed on projects involving the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(c) The employment of enrollees in the project will not result in the displacement of employed workers or impair existing contracts for services.

(d) The project provides for standards and procedures which meet the Secretary's approval for the selection of enrollees, including, where appropriate, full coordination and cooperation with local authorities and other appropriate agencies or organizations to encourage students to resume or maintain school attendance.

(e) An in-school project will enable enrollees to resume or maintain school attendance, and an out-of-school project will be designed to assist enrollees to develop their maximum occupational potential.

(f) The enrollees' rate of pay and other conditions of employment are appropriate and reasonable in the light of such factors as the types of work performed, the geographical region and the proficiency of the enrollees, and comply with all applicable Federal, State, and local laws, rules, and regulations dealing with or relating to employment conditions. Consistent with this section, the sponsor may set a uniform wage rate for all enrollees on the project.

(g) The project provides for work for which enrollees shall receive wages and, as appropriate, training, education, counseling, and other related supportive services in accordance with this subpart, for which the enrollee may receive wages.

§ 50.23 Employment limitations.

No enrollee shall be employed for more than 40 hours per week except on projects of the type described in § 50.32(b). No enrollee under 18 years of age will be employed in any occupation which the Secretary has found to be particularly hazardous for persons between 16 and 18 years of age (see Subpart E of Part 1500 of this title). Enrollees under 16 years of age will be employed only in accordance with the limitations imposed by Subpart C of Part 1500 of this title.

§ 50.24 Supervision, counseling, and job placement.

(a) The sponsor shall provide competent work supervision of enrollees and such counseling and guidance as may be needed to assist enrollees in adjusting to the work situation and in planning their vocational goals.

(b) The sponsor shall provide enrollee in out-of-school projects with assistance in:

(1) Finding and developing post-project job opportunities;

(2) Referral for placement in suitable jobs or for further education or training; and

(3) Follow-up, as appropriate, to assist them in their adjustment on such jobs.

(c) The services referred to in paragraph (b) of this section shall be secured, wherever possible, through the local Community Action Agency, State agency, or other appropriate public agency or nonprofit or private organizations, as the Secretary shall designate.

§ 50.25 Community action programs.

Sponsors of projects shall assist, utilize, and coordinate with, wherever practicable, community action programs authorized under Title II of the Act. In accordance with section 211 of the Act, preference shall be given, to the extent feasible, to a project proposal constituting a component of a community action program which has been approved pursuant to the provisions of Title II or, if not approved, whose approval is pending and is anticipated within the fiscal year.

§ 50.26 Safety and workmen's compensation.

(a) The sponsor shall provide safe conditions of work, including but not limited to safe equipment and machinery, personal protective equipment, safe transportation to and from the work site where provided, and fire prevention and protection; and provide enrollees instruction; and training in safe work practices, such as proper lifting and handling of materials, working with handtools, and using personal protective equipment.

(b) Acceptable workmen's compensation insurance which meets existing requirements under State law shall be provided for each staff employee engaged at least one-half of his working time on the project and for each enrollee. Such insurance shall provide, notwithstanding the absence of such a requirement under State law, for the payment of medical, surgical, nursing, and hospital services, medical and surgical apparatus and appliances, and medicines which may be reasonably necessary to treat injury or disease arising out of and in the course of employment. Where State law limits the liability of the employer in permanent total disability cases to a maximum total dollar amount or to a specified period of time, the level of benefits provided by State law immediately prior to any expiration of such benefits shall be continued for the full period of such disability without regard to any maximum total dollar limitation. Such insurance shall not be required when State law prohibits a sponsor from providing such benefits, or when the Secretary has determined it is impractical to provide such benefits.

§ 50.27 Work rules.

(a) The sponsor shall establish rules, subject to the approval of the Secretary governing attendance, conduct, and grievances. Such rules shall set forth the grounds for suspension and termination of an enrollee. The enrollee shall be

informed in writing of those rules, which, unless contrary to the purpose and policies of the Act, shall be consistent with any similar rules which are the subject of a collective bargaining contract covering these enrollees.

(b) Grievances of the enrollees which relate to the terms of the agreement or the rules referred to in paragraph (a) of this section shall be resolved by the sponsor, or its duly appointed representative, and shall be subject to review by the Secretary upon request of the enrollee: *Provided, however,* That grievances of an enrollee which relate to the terms of an agreement or the rules referred to in paragraph (a) of this section and which are subject to processing under the grievance procedures of a collective bargaining contract covering the enrollees shall be processed in accordance with such procedures, consistent with the regulations in this part and the terms of the agreement.

§ 50.28 Use of private enterprise resources.

In providing for the conduct of programs described in this part, the Secretary will take such steps as may be desirable and appropriate to insure that the resources of private enterprise are employed to the maximum feasible extent.

§ 50.29 Nondiscrimination.

(a) No person in the United States shall, on the grounds of race, creed, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under Title I, Part E of the Act.

(b) In the administration of a project, the sponsor shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, or national origin.

Subpart D—Financing Projects

§ 50.30 Effective period of Title I, Part B of the Act.

No commitment of funds shall be made pursuant to the authority conferred upon the Secretary under Title I, Part B of the Act after June 30, 1970, unless by Act of Congress the Act is extended beyond that date.

§ 50.31 Allowable costs.

(a) The allowable costs of a project are those costs determined by the Secretary to be allowable in accordance with Part 1–15 of the Federal Procurement Regulations (41 CFR Part 1–15) particularly Subpart 1–15.3 of said part unless otherwise specified in the agreement, and may include the direct costs of the project, plus such indirect costs as are incurred by the Sponsor as a result of undertaking the project: *Provided, however,* That the total costs payable shall not exceed the amount specified in the agreement: *Provided further,* That direct or indirect costs may not include the cost of major construction or renovation.

(b) If a sponsor is a private profit-making organization, reasonable costs of training enrollees, except wages paid to enrollees, will be allowable.

§ 50.32 Limitations on Federal assistance.

The sponsor will bear at least 10 percent of the cost of the project. This requirement may be waived where it can be shown:

(a) The project is sponsored by an Indian tribe whose public facilities (including but not limited to schools, hospitals, and parks and other recreational facilities) are owned by the Federal government or receive more than 75 percentum of revenues from the Federal government; or

(b) The agreement for operation of the project provides that enrollees will be employed only on work which is necessary to cope with the effects of a major disaster, as defined in section 2(a) of the Federal Disaster Act, as amended (81 Stat. 875, 42 U.S.C. 1855–1855g).

Subpart E—Evaluation, Records and Disclosure

§ 50.40 Evaluation of projects.

Pursuant to such standards and criteria as may be established by the Secretary, a continuing and systematic evaluation of the progress and results of a project shall be conducted by the Secretary for the purpose of determining overall effectiveness of projects. The sponsor shall give the Secretary access to and the right to inspect the places of participation of enrollees at reasonable times, in accordance with the agreement for operation of a project.

§ 50.41 Records, reports, and disclosure of information.

(a) The sponsor shall maintain such records and make such reports as required by the Secretary for the purpose of administration of the Act. Such records shall be open for examination by the Secretary in accordance with the provisions of the agreement for operation of the project.

(b) Disclosure of any information contained in the records of the project and secured from enrollees, sponsors, public agencies, or other persons or groups or organizations as an incident to the administration to the project, including selection of enrollees, shall be governed by the disclosure regulations promulgated by the Office of Economic Opportunity and found at 45 CFR 1030.5, except that all information required to be made available by the regulations in this part shall be made available only by sponsors of projects. Information of the type described in this paragraph to which the terms and conditions of 45 CFR 1030.5 do not apply may be divulged only with the approval of the Secretary.

Signed at Washington, D.C., this 6th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

Signed at Washington, D.C., this 17th day of April 1967.

SARGENT SHRIVER,
Director,
Office of Economic Opportunity.

[F.R. Doc. 67-4566; Filed, Apr. 25, 1967; 8:46 a.m.]

PART 51—WORK TRAINING AND EXPERIENCE PROGRAMS

Pursuant to the authority contained in section 602 of the Economic Opportunity Act of 1964, as amended (78 Stat. 528, 79 Stat. 973, 80 Stat. 1451, 42 U.S.C. 2701 et seq.) and the delegation of authorities to the Secretary of Labor by the Director of the Office of Economic Opportunity, 32 F.R. 4588, Subtitle A of Title 29 of the Code of Federal Regulations is hereby amended by the addition of a new Part 51 to read as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) which require notice of the proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules involve only matters that relate to public benefits. We do not believe such procedures will serve a useful purpose here. Accordingly, this new part will become effective immediately.

The new 29 CFR Part 51 reads as follows:

Sec.
51.1 Purpose.
51.2 Definitions.
51.3 Minimum standards for all projects.
51.4 Minimum standards for programs established under section 205(d) of the Act.
51.5 Minimum standards for programs established under section 205(e) of the Act.
51.6 Minimum standards for special programs under section 131 of the Act.
51.7 Enrollee status.
51.8 Work rules.
51.9 Nondiscrimination.
51.10 Use of private enterprise resources.
51.11 Persons not eligible.
51.12 Projects.
51.13 Effective period of the Act.
51.14 Allowable costs.
51.15 Records, reports, and disclosure of information.
51.16 Evaluation of projects.

AUTHORITY: The provisions of this Part 51 issued under sec. 602, 78 Stat. 528, as amended, 42 U.S.C. 2701 et seq., 32 F.R. 4588.

§ 51.1 Purpose.

This part sets forth basic standards and procedures which are required by statute, or policy of the Secretary of Labor in the award of grants, agreements, and contracts for programs under Title I–D and Title II, sections 205 (d) and (e) of the Economic Opportunity Act of 1964, as amended. These programs will involve the following activities:

(a) Programs (1) which involve activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age or otherwise, to secure appropriate employment or training assistance under other programs, and (2) which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation, activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands, and (3) which are conducted in accordance with standards adequate to assure that the program is in the public interest and otherwise consistent with policies applicable under the Act for the protection of employed workers and the maintenance of basic rates of pay and other suitable conditions of employment (section 205 (d) of the Act).

(b) Adult work-training and employment programs for unemployed or low-income persons involving activities designed to improve the physical, social, economic or cultural condition of the community or area served in fields including, but not limited to, health, education, welfare, neighborhood redevelopment, and public safety (section 205(e) of the Act).

(c) Special programs involving activities described in paragraphs (a) and (b) of this section which (1) are directed to the solution of the critical problems existing in particular communities and neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban areas of the Nation having, in the judgment of the Secretary, especially large concentrations of low-income persons; (2) are of sufficient size and scope to have an appreciable impact in such communities and neighborhoods in arresting tendencies toward dependency, chronic unemployment, and rising community tensions; and (3) where feasible and appropriate, are part of a citywide plan for the reorganization of local or State agencies in order to coordinate effectively all relevant programs of social development (section 131 of the Act).

§ 51.2 Definitions.

As used in this part, the term:

(a) "Act" means the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701 et seq.).

(b) "Chronically unemployed" for the purpose of projects described in § 51.1(a) means being unemployed for over 15 consecutive weeks, repeatedly unemployed over the prior 2 years, or employed less than 20 hours per week for more than 26 consecutive weeks.

(c) "Unemployed" for the purpose of projects described in § 51.1(b) means not working regularly for remuneration in excess of 20 hours a week.

(d) "Enrollee" means a person enrolled in a project under this part.

(e) "Secretary" means Secretary of Labor of the U.S. Department of Labor or his authorized representative.

(f) "Low-income family" means any family whose income is insufficient to provide it with basic needs.

§ 51.3 Minimum standards for all projects.

No project will be approved under this part unless:

(a) It will not result in the displacement of other workers or impair existing contracts for services;

(b) It will increase opportunities for enrollees to obtain unsubsidized employment;

(c) Enrollees under 18 years of age will not be employed in any occupation which the Secretary has found to be particularly hazardous for persons between 16 and 18 years of age (see Subpart E of Part 1500 of this title);

(d) Enrollees will be 16 years of age or older;

(e) The sponsor provides enrollees instruction and training in safe work practices, such as proper lifting and handling of materials, working with tools and use of protective equipment;

(f) The sponsor shall provide safe conditions of work, including but not limited to safe equipment and machinery, personal protective equipment, and fire prevention and protection;

(g) Acceptable workmen's compensation insurance which meets existing requirements under State law shall be provided for each enrollee and staff employee. Such insurance shall provide for each staff employee engaged at least one-half of his working time on the project and each enrollee, notwithstanding the absence of such a requirement under State law, for the payment of medical and surgical, nursing, and hospital services, medical and surgical apparatus and appliances, and medicines which may be reasonably necessary to treat injury or disease arising out of and in the course of employment. Where the State law limits the liability of the employer in permanent total disability cases to a maximum total dollar amount or to a specified period of time, the level of benefits provided by State law immediately prior to any expiration of such benefits shall be continued for the full period of such disability without regard to any maximum total dollar limitation. Such insurance shall not be required when State law prohibits a sponsor from providing such benefits, or when the Secretary has determined it is impractical to provide such benefits;

(h) The sponsor maintains records and internal controls needed to achieve and document compliance with all legal requirements and assures that all records bearing exclusively on grants, agreements, and contracts made under this part are available to the General Accounting Office;

(i) The project is carried on in accordance with standards and policies, including rules governing the conduct of officers and employees, to preclude the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting, or resulting in an identification of such project with, any partisan political activity or any activity designed to further the election or defeat of any candidate for public office;

(j) The sponsor has submitted to the Secretary either:

(1) A statement from the appropriate public financial officer of the community or of the public agency which will maintain the accounts of the sponsor, stating that such officer accepts responsibility for providing financial services adequate to insure the establishment and maintenance of an accounting system by the sponsor and other agencies participating in the project, with internal controls adequate to safeguard the assets of the sponsor and such agencies, check the accuracy and reliability of accounting data, promote operational efficiency and encourage adherence to prescribed management policies; or

(2) An opinion from a certified public accountant or a duly licensed public accountant stating that the sponsor has established such an accounting system.

(k) Hourly wages paid to enrollees shall be not less than the Federal minimum rate prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, or the rate required under the State minimum wage law, whichever is higher.

§ 51.4 Minimum standards for programs established under section 205(d) of the Act.

No project which involves the activities described in § 51.1(a) shall be approved unless in addition to meeting the standards set forth in § 51.3:

(a) It involves only enrollees who are chronically unemployed, from low-income families, who have poor employment prospects and are unable to secure appropriate training or assistance under programs other than those described in § 51.1(a).

(b) It will be undertaken by a public agency or nonprofit organization or a combination thereof;

(c) The sponsor will bear a percentage of the cost of the project in accordance with the following criteria which are promulgated pursuant to the authority of the Director of the Office of Economic Opportunity contained in section 208 of the Act;

(1) The sponsor will bear at least 10 percent of the cost of the project incurred on or before December 31, 1968;

(2) The sponsor will bear at least 20 percent of the cost of the project incurred on or after January 1, 1969;

(3) Where a project is sponsored by an Indian tribe whose public facilities (including but not limited to schools, hospitals, parks, and other recreational facilities) are owned by the Federal Government, or receive more than 75 per centum of such revenues from the Federal Government, or where enrollees will be enrolled only on work which is necessary to cope with the effects of a major disaster as defined in section 2(a) of the Federal Disaster Act, as amended (81 Stat. 875; 42 U.S.C. 1855–1855g), the Secretary may bear a percentage of the cost of the project he deems appropriate;

(d) No person employed by a sponsor of a project will be paid in excess of $15,000 per annum from project or from other Federal funds; and

(e) No person, employed by a sponsor of a project, whose income from the project will exceed $6,000 per annum, will be employed at a rate of compensation which exceeds by more than 20 percent the salary he was receiving in his immediately preceding employment, except that this requirement may be waived by the Secretary in exceptional cases.

(f) The expenditures or contributions made from non-Federal sources for a project shall be in addition to the aggregate expenditures or contributions from non-Federal sources which were being made for similar purposes prior to the extension of Federal assistance, except that this requirement may be waived in accordance with criteria promulgated by the Office of Economic Opportunity and found at 45 CFR 1030.15.

§ 51.5 Minimum standards for programs established under section 205(e) of the Act.

No program described in § 51.1(b) shall be approved unless in addition to meeting the stancards set forth in § 51.3;

(a) It will assist in developing entry level employment opportunities;

(b) It will provide maximum prospects for advancement and continued employment without Federal assistance;

(c) It will be combined with necessary educational training, counseling, and transportation assistance and such other supportive services as may be needed;

(d) It will involve only enrollees who are unemployed or members of low-income families;

(e) The sponsor will bear a percentage of the cost of the project in accordance with the following criteria which are promulgated pursuant to the authority of the Director of the Office of Economic Opportunity contained in section 208 of the Act:

(1) The sponsor will bear at least 10 percent of the cost of the project incurred on or before December 31, 1968;

(2) The sponsor will bear at least 20 percent of the cost of the project incurred on or after January 1, 1969;

(3) Where a project is sponsored by an Indian tribe whose public facilities (including but not limited to schools, hospitals, parks, and other recreational facilities) are owned by the Federal Government, or receive more than 75 per centum of such revenues from the Federal Government, or where enrollees will be enrolled only on work which is necessary to cope with the effects of a major disaster as defined in section 2(a) of the Federal Disaster Act, as amended (81 Stat. 875, 42 U.S.C. 1855–1855g), the Secretary may bear a percentage of the cost of the project he deems appropriate.

(f) No person, employed by a sponsor of a project, will be paid in excess of $15,000 per annum from project or from other Federal funds;

(g) No person employed by a sponsor of a project whose income from the project will exceed $6,000 per annum, will be employed at a rate of compensation which exceeds by more than 20 percent the salary he was receiving in his immediately preceding employment, except that this requirement may be waived by the Secretary in exceptional cases.

(h) The expenditures or contributions made from non-Federal sources for a project shall be in addition to the aggregate expenditures or contributions from non-Federal sources which were being made for similar purposes prior to the extension of Federal assistance, except that this requirement may be waived in accordance with the criteria promulgated by the Office of Economic Opportunity and found at 45 CFR 1030.15.

§ 51.6 Minimum standards for special programs under section 131 of the Act.

No program described in § 51.1(c) shall be approved unless:

(a) It complies with the criteria set forth in § 51.3.

(b) It is designed to accomplish purposes specified in § 51.1(c).

(c) The sponsor will bear at least 10 percent of the cost of the project except that this requirement may be waived where it can be shown:

(1) The project is sponsored by an Indian tribe whose public facilities (including but not limited to schools, hospitals, and parks, and other recreational facilities) are owned by the Federal Government or receive more than 75 percentum of their revenues from the Federal Government; or

(2) Enrollees will be employed only on work which is necessary to cope with the effects of a major disaster, as defined in section 2(a) of the Federal Disaster Act, as amended (81 Stat. 875, 42 U.S.C. 1855–1855g).

(d) Work training and employment opportunities are filled by residents of the communities or neighborhoods served and that activities under the project are carried out in such neighborhoods or communities.

§ 51.7 Enrollee status.

An enrollee in a project shall not be deemed an employee of the Federal Government, and shall not be subject to the provisions of laws relating to Federal employees, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

§ 51.8 Work rules.

(a) The sponsor shall establish rules, subject to the approval of the Secretary, governing attendance, conduct, and grievances. Such rules shall set forth the grounds for suspension and termination of an enrollee. The enrollee shall be informed in writing of these rules, which, unless contrary to the purposes and policies of the Act, shall be consistent with any similar rules which are the subject of a collective bargaining contract covering these enrollees.

(b) Grievances of the enrollee which relate to the terms of the grant, agreement, or contract or the rules referred to in paragraph (a) of this section shall be resolved by the sponsor, or a duly appointed representative, and shall be subject to review by the Secretary upon request of the enrollee: *Provided, however,* That grievances of an enrollee which relate to the terms of a grant, agreement, or contract or the rules referred to in paragraph (a) of this section and which are subject to processing under the grievance procedures of a collective bargaining contract covering the enrollees shall be processed in accordance with such procedures, consistent with the regulations in this part and the terms of the grant, agreement or contract for operation of the project.

§ 51.9 Nondiscrimination.

(a) No person in the United States shall, on the grounds of race, creed, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance described in this part.

(b) In the administration of a project, the Sponsor shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, or national origin.

§ 51.10 Use of private enterprise resources.

In providing for the conduct of programs described in this part, the Secretary shall take such steps as may be desirable and appropriate to insure that the resources of private enterprise are employed to the maximum feasible extent.

§ 51.11 Persons not eligible.

No part of the funds appropriated under the Economic Opportunity Amendments of 1966 (80 Stat. 1451) shall be used to provide payments, assistance, or services, in any form, with respect to any individual who is convicted, in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

§ 51.12 Projects.

Projects authorized by this part shall be undertaken upon execution of grants, agreements or contracts between Sponsors and the Secretary on the basis of specifications which meet the requirements set forth in this part. Interested persons may secure information and make submittals or requests concerning such projects by submitting them in writing to the Secretary of Labor, United States Department of Labor, Washington, D.C. 20210, Attention: Bureau of Work Programs.

§ 51.13 Effective period of the Act.

No commitment of funds shall be made pursuant to the authority conferred upon the Secretary under Title I, Part D and sections 205 (d) and (e) of the Act after June 30, 1970, unless by Act of Congress the Act is extended beyond that date.

§ 51.14 Allowable costs.

The allowable costs of a project are those costs determined by the Secretary to be allowable in accordance with Part 1–15 of the Federal Procurement Regulations (41 CFR Part 1–15), particularly Subpart 1–15.3 of said part, unless otherwise specified in the grant, agreement, or contract, and may include the direct costs of a project, plus such indirect costs as are incurred by the Sponsor as a result of undertaking the project: *Provided, however,* That the total costs payable shall not exceed the amount specified in the grant, agreement, or contract: *Provided further,* That unless the project is one authorized under section 131 of the Act, direct or indirect costs may not include the cost of major construction or renovation of facilities used or to be used by the Sponsor in discharging his obligations under the grant, agreement, or contract for operation of the project.

§ 51.15 Records, reports, and disclosure of information.

(a) The sponsor shall maintain such records and make such reports as required by the Secretary for the purpose of administration of the Act. Such records shall be open for examination by the Secretary in accordance with the provisions of the grant, agreement, or contract for operation of the project.

(b) Disclosure of any information contained in the records of the project and secured from enrollees, sponsors, public agencies, or other persons or groups or organizations as an incident to the administration to the project, including selection of enrollees, shall be governed by the disclosure regulations promulgated by the Office of Economic Opportunity and found at 45 CFR 1030.5, except that all information required to be made available by the regulations in this part shall be made available only by sponsors of projects. Information of the type described in this paragraph to which the terms and conditions of 45 CFR 1030.5 do not apply may be divulged only with the approval of the Secretary.

§ 51.16 Evaluation of projects.

Pursuant to such standards and criteria as may be established by the Secretary, a continuing and systematic evaluation of the progress and results of a project shall be conducted by the Secretary for the purpose of determining overall effectiveness of projects. The sponsor shall give the Secretary access to and the right to inspect the places of participation of enrollees at reasonable times, in accordance with the provisions of the grant, agreement, or contract for operation of a project.

Signed at Washington, D.C., this 6th day of April 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

Signed at Washington, D.C., this 17th day of April 1967.

SARGENT SHRIVER,
Director,
Office of Economic Opportunity.

[F.R. Doc. 67-4567; Filed, Apr. 25, 1967; 8:46 a.m.]

Chapter V—Wage and Hour Division, Department of Labor

WAGE RATES FOR CERTAIN INDUSTRIES IN PUERTO RICO

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208), and by means of Administrative Order No. 597 (32 F.R. 2953), the Secretary of Labor appointed and convened Industry Committee No. NC7–E for the Other Newly Covered Activities Industry in Puerto Rico, referred to it the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 6(c)(3) and section 8 of the Act, Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. NC7–E are hereby published in this order. Title 29 CFR Chapter V is hereby amended effective May 12, 1967, as set forth below.

PART 601—SHOE AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

1. Section 601.2 of 29 CFR Part 601 is revised to read as follows:

§ 601.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the shoe and related products industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce, as these terms are defined in section 3 of the Act.

(a) *Previously covered classification.* (1) The minimum wage for this classification is $1 an hour.

(2) This classification is defined as all activities of employees in the shoe and related products industry in Puerto Rico, to which section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the shoe and related products industry in Puerto Rico, to which section 6 of the Act applies only by reason of the Fair Labor Standards Amendments of 1966.

PART 602—LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

2. Section 602.2 of 29 CFR Part 602 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 602.2 Wage rates.

* * * * *

(c) *1966 coverage classifications.* The classifications in this paragraph (c) include only those activities of employees in the leather, leather goods, and related products industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Hide curing, leather tanning, belt, sporting, and athletic goods classification.* (i) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(ii) This classification is defined as the salting and other curing of hides and skins, and operations incidental thereto; the tanning and other processing of hides, skins, leather, or furs, except the processing of such materials in the course of the fabrication of products therefrom; the manufacture of apparel belts made of leather, artificial leather, plastics, paper, or paperboard, or similar materials other than cloth; and the manufacture of sporting and athletic goods, including sport and athletic gloves and mittens, and baseballs, soft baseballs, and basketballs covered with leather, artificial leather, cloth, plastics, or similar materials.

(2) *General classification.* (i) The minimum wage for this classification is $0.985 an hour for the period ending January 31, 1968, and $1.13 an hour thereafter.

(ii) This classification is defined as all activities in the leather, leather goods, and related products industry in Puerto Rico, other than those activities included in the hide curing, leather tanning, belt, sporting, and athletic goods classification of this industry.

PART 603—FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO

3. Section 603.2 of 29 CFR Part 603 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 603.2 Wage rates.

* * * * *

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the fabric and leather glove industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

PART 604—METAL, MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED PRODUCTS INDUSTRY IN PUERTO RICO

4. Section 604.2 of 29 CFR Part 604 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 604.2 Wage rates.

* * * * *

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the metal, machinery, transportation equipment, and allied products industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

PART 606—ELECTRICAL, INSTRUMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

5. Section 606.2 of 29 CFR Part 606 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 606.2 Wage rates.

* * * * *

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the electrical, instrument, and related products industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

PART 608—HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO

6. Section 608.2 of 29 CFR Part 608 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 608.2 Wage rates.

* * * * *

(c) *1966 coverage classifications.* The classifications in this paragraph (c) include only those activities in the handkerchief, scarf, and art linen industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Hand-sewing classifiaction.* (i) The minimum wage for this classification is $0.38 an hour for the period ending January 31, 1968, and $0.425 an hour thereafter.

(ii) This classification is defined as the operations of hand-sewing as well as hand-embroidering, hand-embellishing, ornamental stitching and similar operations involving decorative effects on all products except oblong scarves: *Provided, however,* That mending, repairing, sewing of labels, tacking, and similar operations on articles which are otherwise wholly machine sewn shall not be included.

(2) *Other operations classification.* (i) The minimum wage for this classification is $0.625 an hour for the period ending January 31, 1968, and $0.755 an hour thereafter.

(ii) This classification is defined as all operations in the handkerchief, scarf, and art linen industry in Puerto Rico, other than operations included in any other classification of this industry.

(3) *Hand-sewing on oblong scarves classification.* (i) The minimum wage for this classification is $0.86 an hour for the period ending January 31, 1968, and $0.985 an hour thereafter.

(ii) This classification is defined as the operations of hand sewing as well as hand-embroidering, hand-embellishing, ornamental stitching and similar operations involving decorative effects on oblong scarves: *Provided, however,* That mending, repairing, sewing of labels, tacking, and similar operations on articles which are otherwise wholly machine sewn shall not be included.

(4) *Other operations on oblong scarves classification.* (i) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 thereafter.

(ii) This classification is defined as all operations on oblong scarves in the handkerchief, scarf, and art linen industry in Puerto Rico, except those included in the hand-sewing on oblong scarves classification of this industry.

PART 609—WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE INDUSTRY IN PUERTO RICO

7. Section 609.2 of 29 CFR Part 609 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 609.2 Wage rates.

* * * * *

(c) *1966 coverage classifications.* The classifications in this paragraph (c) include only those activities in the women's and children's underwear and women's blouse industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Blouse classification.* (i) The minimum wage for this classification is $0.85 an hour for the period ending January 31, 1968, and $1 an hour thereafter.

(ii) This classification is defined as the manufacture of women's blouses.

(2) *General classification.* (i) The minimum wage for this classification is $0.90 an hour for the period ending January 31, 1968, and $1.10 an hour thereafter.

(ii) This classification is defined as all activities in the women's and children's underwear and women's blouse industry in Puerto Rico, except those included in the blouse classification of this industry.

PART 610—CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

8. Section 610.2 of 29 CFR Part 610 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 610.2 Wage rates.

* * * * *

(c) *1966 coverage classification.* The classifications in this paragraph (c) include only those activities in the children's dress and related products industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Hand - embroidery classification.* (i) The minimum wage for this classification is $0.895 an hour for the period ending January 31, 1968, and $1.025 an hour thereafter.

(ii) This classification is defined as the operations of hand-embroidering, hand-embellishing, ornamental stitching, and other hand-sewing operations in the industry involving decorative effects.

(2) *Other operations classification.* (i) The minimum wage for this classification is $1.00 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(ii) This classification includes all operations in the children's dress and related products industry in Puerto Rico, except those included in the hand-embroidering classification of this industry.

PART 611—SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

9. Section 611.2 of 29 CFR Part 611 is revised to read as follows:

§ 611.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the sweater and knit swimwear industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as these terms are defined in section 3 of the Act.

(a) *Previously covered classification.* (1) The minimum wage for this classification is $1.31 an hour.

(2) This classification is defined as all activities in the sweater and knit swimwear industry in Puerto Rico to which section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the sweater and knit swimwear industry in Puerto Rico to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

PART 612—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

10. Section 612.2 of 29 CFR Part 612 is amended by deleting the first sentence of the section, and by adding a new paragraph (h) reading as follows:

§ 612.2 Wage rates.

* * * * *

(h) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the needlework and fabricated textile products industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

PART 613—STRAW, HAIR, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

11. Section 613.2 of 29 CFR Part 613 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 613.2 Wage rates.

* * * * *

(c) *1966 coverage classifications.* The classifications in this paragraph (c) include only those activities of employees in the straw, hair, and related products industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Hair piece and doll wig classification.* (i) The minimum wage for this classification is $0.98 an hour for the period ending January 31, 1968, and $1.12 and hour thereafter.

(ii) This classification is defined as the manufacture of hair pieces and doll wigs.

(2) *Artists' brush and native handicraft products classification.* (i) The minimum wage for this classification is $0.83 an hour for the period ending January 31, 1968, and $0.96 an hour thereafter.

(ii) This classification is defined as the manufacture of artists' brushes, hair pencils, and other miscellaneous brushes (excluding house-painting brushes, toothbrushes, shaving brushes, and other toilet, clothes, or household brushes); and the manufacture of hand-made or hand-woven products, including, but without limitation, handbags, mats, coasters, lamp and window shades, blinds, fans, and brooms, made wholly or chiefly of materials originating in Puerto Rico, including straw, raffia, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers, and similar materials.

(3) *Hair and bristles processing and other straw, hair and related products classification.* (i) The minimum wage for this classification is $0.84 an hour for the period ending January 31, 1968, and $0.96 an hour thereafter.

(ii) This classification includes all activities in the straw, hair, and related products industry in Puerto Rico, except those activities included in any other classification of this industry.

PART 614—CORSETS, BRASSIERES, AND ALLIED GARMENTS INDUSTRY IN PUERTO RICO

12. Section 614.2 of 29 CFR Part 614 is revised to read as follows:

§ 614.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the corsets, brassieres, and related garments industry in Puerto Rico, who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as these terms are defined in section 3 of the Act.

(a) *Pre-1961 coverage classification.* (1) The minimum wage for this classification is $1.26 an hour.

(2) This classification is defined as all activities in the corsets, brassieres, and allied garments industry in Puerto Rico, to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1961.

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.40 an hour.

(2) This classification is defined as all activities in the corsets and brassieres and allied garments industry which were brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1961.

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the corsets, brassieres and allied garments industry in Puerto Rico to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

PART 615—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

13. Section 615.2 of 29 CFR Part 615 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 615.2 Wage rates.

* * * * *

(c) *1966 coverage classifications.* The classifications in this paragraph (c) include only those activities in the men's and boys' clothing and related products industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Suits, coats, and similar items classification.* (i) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(ii) This classification is defined as the manufacture of men's, youths' and boys' suits, coats, and similar items.

(2) *Trousers classification.* (i) The minimum wage for this classification is $0.80 an hour for the period ending January 31, 1968, and $1 an hour thereafter.

(ii) This classification is defined as the manufacture of men's, youths' and boys' work pants and separate trousers and slacks.

(3) *General classification.* (i) The minimum wage for this classification is $0.975 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(ii) This classification is defined as all activities in the men's, and boys' clothing and related products industry in Puerto Rico to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966, except those activities included in any other classification of this paragraph (c).

PART 616—BUTTON, JEWELRY, AND LAPIDARY WORK INDUSTRY IN PUERTO RICO

14. Section 616.2 of 29 CFR Part 616 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 616.2 Wage rates.

* * * * *

(c) *1966 coverage classifications.* The classifications in this paragraph (c) include only those activities in the button, jewelry, and lapidary work industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Button and buckle classification.* (i) The minimum wage for this classification is $0.895 an hour for the period ending January 31, 1968, and $1.025 an hour thereafter.

(ii) This classification is defined as the manufacture of buttons and buckles from many materials.

(2) *Rosary and native jewelry classification.* (i) The minimum wage for this classification is $0.67 an hour for the

period ending January 31, 1968, and $0.77 an hour thereafter.

(ii) This classification is defined as the assembling of rosaries and the manufacture of novelty jewelry from materials wholly or in major part of local origin such as seeds, shells, natural fibers, and similar materials.

(3) *Plastic costume jewelry classification.* (i) The minimum wage for this classification is $0.94 an hour for the period ending January 31, 1968, and $1.075 an hour thereafter.

(ii) This classification is defined as the manufacture or assembling of all types of costume jewelry and jewelry findings made wholly or in major part from plastic materials, including the pearlizing of buttons, beads, and costume jewelry, and the stringing of pearlized beads.

(4) *General classification.* (i) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(ii) This classification is defined as all activities in the button, jewelry, and lapidary work industry in Puerto Rico, except those activities included in the button and buckle, rosary and native jewelry and plastic costume jewelry classifications of this industry.

PART 619—ALCOHOLIC BEVERAGE AND INDUSTRIAL ALCOHOL INDUSTRY IN PUERTO RICO

15. Section 619.2 of 29 CFR Part 619 is revised to read as follows:

§ 619.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the alcoholic beverage and industrial alcohol industry in Puerto Rico who in any work week is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce, as these terms are defined in section 3 of the Act.

(a) *Previously covered classification.* (1) The Minimum wage for this classification is $1.40 an hour.

(2) This classification is defined as all activities in the alcoholic beverage and industrial alcohol industry in Puerto Rico, to which section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the alcoholic beverage and industrial alcohol industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

PART 657—TOBACCO INDUSTRY IN PUERTO RICO

16. Section 657.2 of 29 CFR Part 657 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 657.2 Wage rates.

* * * * *

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the tobacco industry in Puerto Rico to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

PART 661—BANKING, INSURANCE AND FINANCE INDUSTRY IN PUERTO RICO

17. Section 661.2 of 29 CFR Part 661 is revised to read as follows:

§ 661.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the banking, insurance and finance industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed by an enterprise engaged in commerce or in the production of goods for commerce, as these terms are defined in section 3 of the Act.

(a) *Previously covered classification.* (1) The minimum wage for this classification is $1.40 an hour.

(2) This classification is defined as all activities in the banking, insurance, and finance industry in Puerto Rico, to which section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the banking, insurance, and finance industry in Puerto Rico to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

PART 670—CHEMICAL, PETROLEUM, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

18. Section 670.2 of 29 CFR Part 670 is amended by deleting the first sentence of the section, and by adding a new paragraph (d) reading as follows:

§ 670.2 Wage rates.

* * * * *

(d) *1966 coverage classifications.* The classifications in this paragraph (d) include only those activities in the chemical, petroleum, and related products industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Salt extraction classification.* (i) The minimum wage for this classification is $0.64 an hour for the period ending January 31, 1968, and $0.79 an hour thereafter.

(ii) This classification is defined as all activities necessary or related to salt extraction.

(2) *General classification.* (i) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(ii) This classification is defined as all activities in the chemical, petroleum and related products industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966, except those included in the salt extraction classification of this industry.

PART 671—COMMUNICATIONS, UTILITIES, AND TRANSPORTATION INDUSTRY IN PUERTO RICO

19. Section 671.2 of 29 CFR Part 671 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 671.2 Wage rates.

* * * * *

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the communications, utilities and transportation industry in Puerto Rico to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966, except those included in the local transit industry.

PART 672—CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRY IN PUERTO RICO

20. Section 672.2 of 29 CFR Part 672 is revised to read as follows:

§ 672.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce, as these terms are defined in section 3 of the Act.

(a) *Previously covered classification.* (1) The minimum wage for this classification is $1.40 an hour.

(2) This classification is defined as all activities in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico to which section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966, except those included in the construction industry in Puerto Rico.

PART 673—FOOD AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

21. Section 673.2 of 29 CFR Part 673 is amended by deleting the first sentence of the section, and by adding a new paragraph (q) reading as follows:

§ 673.2 Wage rates.

* * * * *

(q) *1966 coverage classification.* (1) The minimum wage for this classification is $0.85 an hour for the period ending January 31, 1968, and $1 an hour thereafter.

(2) This classification is defined as all activities in the food and related products industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

PART 675—LUMBER AND WOOD PRODUCTS INDUSTRY IN PUERTO RICO

22. Section 675.2 of 29 CFR Part 675 is amended by deleting the first sentence of the section, and by adding a new paragraph (e) reading as follows:

§ 675.2 Wage rates.

* * * * *

(e) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the lumber and wood products industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

PART 677—PAPER, PAPER PRODUCTS, PRINTING, AND PUBLISHING INDUSTRY IN PUERTO RICO

23. Section 677.2 of 29 CFR Part 677 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 677.2 Wage rates.

* * * * *

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $0.905 an hour for the period ending January 31, 1968, and $1.04 an hour thereafter.

(2) This classification is defined as all activities in paper, paper products, printing, and publishing industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

PART 678—STONE, CLAY, GLASS, CEMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

24. Section 678.2 of 29 CFR Part 678 is amended by deleting the first sentence of the section, and by adding a new paragraph (d) reading as follows:

§ 678.2 Wage rates.

* * * * *

(d) *1966 coverage classifications.* The classifications in this paragraph (d) include only those activities in the stone, clay, glass, cement, and related products industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Terrazzo and marble tiles classification.* (i) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(ii) This classification is defined as the manufacture of terrazzo and marble tiles.

(2) *General classification.* (i) The minimum wage for this classification is $0.84 an hour for the period ending January 31, 1968, and $0.96 an hour thereafter.

(ii) This classification is defined as all activities in the stone, clay, glass, cement, and related products industry in Puerto Rico, except those activities included in the terrazzo and marble tiles classification of this industry.

PART 683—RETAILING, WHOLESALING, AND WAREHOUSING INDUSTRY IN PUERTO RICO

25. Section 683.2 of 29 CFR Part 683 is amended by deleting the first sentence of the section, and by adding a new paragraph (d) reading as follows:

§ 683.2 Wage rates.

* * * * *

(d) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 and hour thereafter.

(2) This classification is defined as all activities in the retailing, wholesaling, and warehousing industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966, except those activities included in the retail trade industry in Puerto Rico.

PART 687—HOSIERY INDUSTRY IN PUERTO RICO

26. Section 687.2 of 29 CFR Part 687 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 687.2 Wage rates.

* * * * *

(c) *1966 coverage classifications.* The classifications in this paragraph (c) include only those activities in the hosiery industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Women's hosiery classification.* (i) The minimum wage for this classification is $0.97 an hour for the period ending January 31, 1968, and $1.11 an hour thereafter.

(ii) This classification is defined as the manufacture and processing of women's hosiery, both seamless and full fashion, including among other processes knitting, seaming, looping, dyeing, clocking, and all phases of finishing.

(2) *All other hosiery classification.* (i) The minimum wage for this classification is $0.94 an hour for the period ending January 31, 1968, and $1.075 an hour thereafter.

(ii) This classification is defined as all activities in the hosiery industry in Puerto Rico, except those activities included in the women's hosiery classification of this industry.

PART 688—ARTIFICIAL FLOWER, DECORATION, AND PARTY FAVOR INDUSTRY IN PUERTO RICO

27. Section 688.2 of 29 CFR Part 688 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 688.2 Wage rates.

* * * * *

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the artificial flower, decoration, and the party favor industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

PART 689—SUGAR MANUFACTURING INDUSTRY IN PUERTO RICO

28. Section 689.2 of 29 CFR Part 689 is revised to read as follows:

§ 689.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by each employer to each of his employees in each of the classifications in the sugar manufacturing industry in Puerto Rico who in any workweek is engaged in commerce or in the

production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as these terms are defined in section 3 of the Act.

(a) *Previously covered classification.* (1) The minimum wage for this classification is $1.24 an hour.

(2) This classification includes all activities in the sugar manufacturing industry in Puerto Rico, to which section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the sugar manufacturing industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

PART 699—TEXTILE AND TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

30. Section 699.2 of 29 CFR Part 699 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 699.2 Wage rates.

* * * * *

(c) *1966 coverage classifications.* The classifications in this paragraph (c) include only those activities in the textile and textile products industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Mattresses without springs, quilts, pillows, and related products classification.* (i) The minimum wage for this classification is $0.90 an hour for the period ending January 31, 1968, and $1.10 an hour thereafter.

(ii) This classification is defined as the manufacture of mattresses without springs, quilts, cushions of all kinds from any material, excluding leather or furs or imitations thereof, pillows (including those made of foam rubber), and other retail products.

(2) *General classification.* (i) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(ii) This classification is defined as all activities in the textile and textile products industry in Puerto Rico, except those activities included in the mattresses without springs, quilts, pillows and related products classification of this industry.

PART 720—RUBBER PRODUCTS INDUSTRY IN PUERTO RICO

31. Section 720.2 of 29 CFR Part 720 is amended by deleting the first sentence of the section, and by adding a new paragraph (c) reading as follows:

§ 720.2 Wage rates.

* * * * *

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1 an hour for the period ending January 31, 1968, and $1.15 an hour thereafter.

(2) This classification is defined as all activities in the rubber products industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(Secs. 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 206, 208)

Signed at Washington, D.C., this 20th day of April 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor.

[F.R. Doc. 67-4580; Filed, Apr. 25, 1967; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart D—Procurement Responsibility and Authority

§§ 1001.402, 1001.453 [Amended]

1. Section 1001.402(b)(3) is amended by changing the reference in the third line from "paragraph 11" to "paragraph 12"; and in § 1001.453, paragraph (j)(3) is amended by deleting "and § 1003.409 of this subchapter" in the third and fourth lines and changing the reference in the fifth line to read "§ 1003.410–3", and in paragraph (m)(3) the reference in the sixth and seventh lines is changed to read "§ 1003.410–3".

2. Section 1001.405 is amended by revising paragraph (b); and § 1001.405–2 is amended by revising the introductory text of paragraph (a)(1) as follows:

§ 1001.405 Selection, appointment, and termination of appointment of contracting officers.

* * * * *

(b) *AFSC authority to designate contracting officers and their representatives.* This authority has been redelegated by the Deputy Chief of Staff, Procurement and Production, Hq AFSC, by letters of delegation to commanders and vice commanders of AFSC divisions, centers, and the Office of Aerospace Research with power of redelegation.

§ 1001.405–2 Appointment.

(a) (1) The commander or deputy commander of a base, division, wing, etc., and, in the case of AFLC activities, the Director of Procurement and Production will review and sign the request for designation of a contracting officer. In the case of AFSC activities the request for designation of a contracting officer will be reviewed and signed by the Director or Chief of Procurement and Production (or equivalent); however, if this individual is the designating authority, the request will be reviewed and signed by the officer (or civilian) immediately subordinate to him. The request will include:

* * * * *

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart F—Small Purchases

3. Section 1003.607–2 is amended by revising paragraph (a)(1)(ii) as follows:

§ 1003.607–2 Establishment of imprest funds.

(a) (1) * * *

(ii) Base medical facility when needed to make immediate purchases.

* * * * *

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

4. A new Subpart YY is added as follows:

Subpart YY—Procurement Support of AF Commissaries

Sec.
1004.5100 Scope of subpart.
1004.5101 Applicability of subpart.
1004.5102 Procedures.

AUTHORITY: The provisions of this Subpart YY issued under sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314.

Subpart YY—Procurement Support of AF Commissaries

§ 1004.5100 Scope of subpart.

This subpart contains instructions for the procurement of issue and resale subsistence items.

§ 1004.5101 Applicability of subpart.

This subpart applies to all CONUS AF bases and bases in Alaska and Hawaii.

§ 1004.5102 Procedures.

(a) Immediate action will be taken by base procurement officers to place physically a duly appointed contracting officer in the commissary office. The contracting officer will remain assigned to and under the jurisdiction of the base procurement officer. He will:

(1) Prepare, execute, and administer, including breach of contract, default, disputes, etc., all purchase orders, delivery orders and blanket delivery orders against both Brand Name contracts (Supply Bulletins) and Nonbrand Name contracts.

(2) Place all calls against BPAs and BDOs except those against prepriced BPAs for fresh fruits and vegetables.

(3) Maintain registers and compile reporting data (i.e., AFPI 3C, DD–1057).

(4) Maintain master Brand Name Contract file.

(5) Utilize verbal ordering of Brand Name Contract items, with confirming delivery orders, for emergency requirements or when a need exists to take advantage of special pricing situations with limited time application.

(6) Maintain source files and vendors performance documents.

(7) Place in the mail within 3 working days after receipt of requirements all delivery orders against Brand Name contracts.

(8) If workload permits, advertise or negotiate, as appropriate; award, distribute, and administer all bilateral contracts.

(b) If the base procurement office is mechanized Brand Name contract (Supply Bulletin) items will be processed to the procurement office on traveling purchase requests and the completed delivery orders will be forwarded to the contracting officer in the commissary for signature, distribution, and administration.

PART 1007—CONTRACT CLAUSES

Subpart A—Clauses for Fixed-Price Supply Contracts

5. Sections 1007.104 and 1007.104–61 are added; and § 1007.106 is deleted as follows:

§ 1007.104 Clauses to be used when applicable.

§ 1007.104–61 Frequency authorization.

The procuring contracting officer will insert instructions in the contract schedule which are compatible with guidance contained in Communications-Electronics Doctrine (CED) 3164.4 and CED 3154.3d, AFM 100–31 (Electromagnetic Compatibility and Frequency Management).

§ 1007.106 Price escalation clauses (established prices). [Deleted]

§ 1007.105–51 [Amended]

6. In § 1007.105–51, the title of the clause is amended to read, "Correction of Deficiencies (June 1966)".

Subpart KK—Clauses and Arrangements for Negotiated Utility Service Contracts

§§ 1007.3706–3, 1007.3706–4 [Amended]

7. In § 1007.3706–3, the dates in the clause titles in paragraphs (a) and (b) are both changed to read "(December 1966)"; and in § 1007.3706–4, the date at the beginning of the clause is changed to read "(December 1966)".

Subpart NN—Special Clauses

8. Section 1007.4043 is amended by revising paragraph (a)(1); § 1007.4054 is amended by revising the introduction and the title date in the clause in paragraph (a); and § 1007.4067 is deleted as follows:

§ 1007.4043 Returnable containers.

(a) * * *

(1) The contract should state whether (i) there will be a charge to the Government for the containers, (ii) the price of the containers is included either in the unit price or as a separate item, or (iii) the contractor will invoice for the containers at a later date. If there will be a charge for the containers, the method in subdivision (ii) of this subparagraph will be used whenever possible. The method in subdivision (iii) of this subparagraph will be used only when the contractor refuses to do business according to subdivision (ii) of this subparagraph.

* * * * *

§ 1007.4054 Limitation of Government's obligation.

According to the criteria and limitations for use, the most appropriate of the clauses in paragraph (a) or (b) of this section may be used:

(a) * * *

LIMITATION OF GOVERNMENT'S OBLIGATION (FEB. 1967)

* * * * *

§ 1007.4067 Frequency authorization for Air Force contractors. [Deleted]

§§ 1007.4048, 1007.4054 [Amended]

9. Section 1007.4048 is amended by changing the date in the clause title in paragraph (a) to read "(December 1966)"; and § 1007.4054 is amended by deleting paragraph (b) and redesignating paragraph (c) as paragraph (b).

PART 1016—PROCUREMENT FORMS

Subpart C—Purchase and Delivery Order Forms

10. A new Subpart C is added as follows:

§ 1016.303 Order for supplies or services/request for quotations (DD Forms 1155, 1155r, 1155r–1, and 1155c–1).

Base procurement activities will not utilize the DD 1155 (Aug. 1, 1966) series forms except for all purchase and delivery orders which are assigned to a DCASR for any purpose such as quality control, inspection, payment, etc. Base procurement activities will utilize the following listed AFPI forms in lieu of the corresponding DD Form 1155 or Standard Form 36 (the former form in the DD 1155 series replaced by the SF 36 is listed in parenthesis) for small purchases that are procured and administered within the same base procurement office:

AFPI form to be used (type of construction is also shown):	In lieu of:
AFPI 93 (H/S)	DD 1155 (H/S).
AFPI 93A (O/M)	DD 1155 (O/M).
AFPI 93B (C/S)	DD 1155r (C/S).
AFPI 93C (C/S)	None.
AFPI 94 (H/S)	SF 36 (DD 1155c (H/S)).
AFPI 94A (O/M)	SF 36 (DD 1155c (O/M)).
AFPI 94B (C/S)	SF 36.

The DD 1155c–1, July 1, 1960, and DD 1155r–1, December 1, 1965, will continue to be used by procurement activities on an optional basis. Oversea base procurement activities will revise the AFPI Form 93A to conform to the DD Form 1155r–1 pending an ASPR revision to the DD Form 1155r–1. AFPI forms of the 94 series will be used as continuation sheets solely for AFPI forms in the 93 series. The clause "Commercial Warranty" of the AFPI forms 93, 93B, and 93C will be physically deleted from the forms when the clause is determined to be inapplicable. Instructions for use of the DD Form 1155 series, contained in § 3.608 of this title, will be followed on use of the AFPI forms listed in this section.

Subpart H—Miscellaneous Forms

11. Sections 1016.815 and 1016.815–2 are added as follows:

§ 1016.815 Contract modification forms.

§ 1016.815–2 Supplemental agreement (DD Form 1320).

See § 1.201–18 of this title.

(Sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314) [AFPI Rev. No. 75, Feb. 28, 1967; AF Procurement Circulars No. 4, Mar. 13, 1967; No. 5, Mar. 23, 1967; No. 6, Mar. 29, 1967]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67-4557; Filed, Apr. 25, 1967; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. 253]

PART 103—CARRIER AGREEMENTS RELATING TO RATES, FARES, ETC.

Contents of Agreement; Notice of Examiner's Recommended Report and Order

Notice of independent action-regulations governing the giving of public no-

tice of tariff publication proposals by individual carriers where publication is to be effected by a rate conference.

On October 15, 1966, notice of this rule-making proceeding to determine whether it is necessary or desirable to adopt regulations requiring rate conferences to establish procedures for giving public notice of proposals initiated by individual members was published in 31 F.R. 13392. After consideration of verified written statements filed by the respondents and other interested parties, the Hearing Examiner issued his recommended report and order proposing the following amendment to be codified as § 103.5 of Chapter I, Subtitle B of Title 49 of the CFR:

§ 103.5 Contents of agreement.

Agreements filed by conferences, bureaus, committees, or other organizations shall contain the following regulation:

When independent action is announced and tariff publication is to be made by any publishing agent, notification thereof will be given to all the same persons and in the same manner followed in the case of agency action.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 1, 62 Stat. 472; 49 U.S.C. 5b)

Absent a stay or postponement by the Commission, or the timely filing of exceptions this amendment shall become effective by operation of law on May 18, 1967.

Copies of the Examiner's recommended report and order were served on all conferences, bureaus, committees, and other organizations which operate pursuant to approval obtained from the Commission under section 5a of the Act. Copies were also mailed to the Governors of every State and to the appropriate State authority having jurisdiction over rates and practices of rail, motor and water carriers, and freight forwarders. A copy is also posted in the Office of the Secretary, Interstate Commerce Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4606; Filed, Apr. 25, 1967; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

PART 5-3—PROCUREMENT BY NEGOTIATION

Subpart 5-3.8—Price Negotiation Policies and Techniques

USE OF STANDARD CONTRACT FORMS

1. Section 5-3.802 is amended to include a reference in paragraph (a) regarding the use of the standard contract forms prescribed in § 1-16.202 for negotiated supply contracts and to delete the text of paragraph (b). As amended, the section reads as follows:

§ 5-3.802 Preparation for negotiation.

(a) Except as provided in paragraph (d) of this § 5-3.802, in cases of public exigency, and in procurements pursuant to § 5-3.450, all solicitations and offers in connection with proposed purchases of supplies in excess of $2,500 shall be in writing. Forms to be used are prescribed in § 1-16.202 of this title.

(b) [Reserved]

* * * * *

§ 5-3.852 [Deleted]

2. Section 5-3.852 is deleted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective March 31, 1967, or upon first use of the July 1966 editions of Standard Forms 18, 26, 30, 33, 33A, and 36, if used prior to March 31, 1967.

Dated: April 19, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67-4588; Filed, Apr. 25, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 992]

[Docket Nos. AO 358, AO 358-RO 1]

GRAPES PRODUCED IN CALIFORNIA AND POSSIBLY ARIZONA

Decision With Respect to Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), hereinafter referred to as the "act", this decision with respect to a proposed marketing agreement and order regulating the handling of grapes produced in California (and possibly Arizona) is issued.

The recommended decision, based on record evidence adduced at the hearing pursuant to notice thereof (31 F.R. 3020) and after consideration of briefs thereafter submitted, was filed March 30, 1967, with the Hearing Clerk, U.S. Department of Agriculture. Notice of the filing of the recommended decision, affording opportunity through April 14, 1967, to file written exceptions was published April 4, 1967, in the FEDERAL REGISTER (32 F.R. 5514). No exceptions to the recommended decision were filed with the Hearing Clerk.

Hearing record evidence both by proponents in justification of, and by opponents in opposition to, a marketing agreement and order for grapes produced in California (and possibly Arizona), as set forth in the hearing notice and later modifications thereof proposed during the hearing, was carefully analyzed and considered together with the recommended decision.

The material issues, findings and conclusions, and rulings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 67-3665; 32 F.R. 5514) are hereby approved and adopted, as hereinafter set forth.

Preliminary statement. A public hearing was held to consider a proposed marketing agreement and order regulating the handling of grapes produced in California (and possibly Arizona) pursuant to notice thereof which was published in the FEDERAL REGISTER of February 22, 1966 (31 F.R. 3020). The notice set forth a proposed marketing agreement and order submitted by the Grape Stabilization Committee, representing a large group of grape producers and handlers. The hearing, pursuant to the above notice, was held in Fresno, Calif., beginning March 14 through 17, and continuing March 21 through 26, 1966.

On December 2, 1966 (31 F.R. 15153), the hearing was reopened to be reconvened at a time and place to be announced by supplemental notice. As stated in the notice of reopened hearing, the principal purpose was to receive additional evidence on the question, not adequately resolved by the record evidence adduced at the initial phase of the public hearing, of how to assure adequate supplies in raisin and fresh shipment outlets while, at the same time, effecting an overall supply adjustment. Another major purpose was to receive up-to-date evidence on economic, marketing, and other conditions relating to the proposed program.

However, no specific proposals or recommendations, other than that the proceeding be terminated, have been received from the industry; and no date has been fixed for reconvening the hearing.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared policy of the act; and

(3) The specific terms and provisions of a proposed marketing agreement and order.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on evidence adduced at the hearing and the record thereof, are as follows:

The evidence adduced at the hearing does not permit recommendation of a sound, workable marketing agreement and order of the general nature proposed. This is particularly so because of the failure of the record evidence adequately to resolve a key regulatory issue—how to assure adequate supplies in raisin and fresh shipment outlets while, at the same time, effecting an overall supply adjustment. Therefore, it is concluded that a marketing agreement and order program cannot be recommended on the basis of this record. Hence, there is no need for further findings or conclusions on issues which relate to Federal jurisdiction, need, or the particular terms or provisions of a proposed regulatory program.

Opportunity having been given for the proposal and discussion of an adequate resolution of the matter which necessitated reopening of the hearing, and no specific proposals or recommendations in connection therewith having been received, it is also concluded that reconvening of the reopened hearing would serve no useful purpose.

Rulings on briefs of interested parties. At the conclusion of the hearing, the Presiding Officer fixed May 6, 1966, as the latest day on which interested parties could file with the Hearing Clerk, U.S. Department of Agriculture, briefs with respect to the testimony presented in evidence at the hearing, and the findings and conclusions to be drawn therefrom.

Each brief filed within the specified time was carefully considered along with the record evidence in reaching the findings and conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with those contained herein, the requests to make such findings or to reach such conclusions are denied.

In view of the aforesaid findings and conclusions, the hearing reopened December 2, 1966 (31 F.R. 15153), will not be reconvened, a marketing agreement will not be entered into, and an order will not be issued at this time for regulating the handling of grapes produced in California (and possibly Arizona), and this proceeding is hereby terminated. This decision shall be published in the FEDERAL REGISTER and there shall be no further action in this proceeding.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 21, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-4604; Filed, Apr. 25, 1967; 8:49 a.m.]

[7 CFR Parts 1030, 1031, 1038, 1039, 1044, 1045, 1051]

[Docket Nos. AO 361 etc.]

MILK IN CHICAGO AND CERTAIN OTHER MARKETING AREAS

Supplemental Notice Amending Notice of Hearing on Proposed Marketing Agreements and Orders and Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing area	Docket No.
1030	Chicago	AO 361.
1031	Northwestern Indiana	AO 170-A24.
1038	Rock River Valley	AO 194-A17.
1039	Milwaukee	AO 212-A22.
1044	Michigan Upper Peninsula.	AO 299-A13.
1045	Northeastern Wisconsin	AO 334-A12.
1051	Madison	AO 329-A8.

This notice is supplemental to the notice of hearing which was published in the FEDERAL REGISTER of April 15, 1967 (32 F.R. 6035) with respect to proposed marketing agreements and orders to regulate the handling of milk in the Chicago, Ill., marketing area and proposed amendments to tentative marketing agreements and orders, regulating the handling of milk in the six other respective marketing areas designated hereinbefore. As previously announced the

hearing will be held at the Pick Congress Hotel, 520 South Michigan Avenue, Chicago, Ill., beginning at 10 a.m., local time, on May 3, 1967, at the Airways Inn Hotel, 5311 South Howell Avenue, Milwaukee, Wis., beginning at 10 a.m., local time, on May 16, 1967, and at such other times and places as the Hearing Examiner designates.

Further notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), that the hearing notice issued April 12, 1967 (32 F.R. 6035), is hereby amended as follows:

1. The document title is amended by deleting the designation of "7 CFR Part 1044, Michigan Upper Peninsula, AO 299–A13";

2. Paragraphs 1 and 3 are amended by deleting the words "Michigan Upper Peninsula";

3. Proposal No. 10 is amended (a) by deleting from the list of proponents the name "Pure Milk Products Co-operative", and (b) by deleting from the body of the proposal the words "Michigan Upper Peninsula"; and

4. The last paragraph is amended by deleting the words "; and Order No. 44, 508 Providence Building, Duluth, Minn. 55802".

Signed at Washington, D.C., on April 21, 1967.

CLARENCE H. GIRARD,
Deputy Administrator
Regulatory Programs.

[F.R. Doc. 67–4605; Filed, Apr. 25, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67–CE–45]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter V–45 W alternate, V–297, V–332, and V–430.

It is proposed to extend V–297 from Saginaw, Mich., via the intersection of Saginaw 353° True (356° Mag.) and Pellston, Mich., 164° True (167° Mag.) to Pellston; designate V–332 from Lansing, Mich., via Mount Pleasant, Mich., to Traverse City, Mich.; designate V–430 from Traverse City via Gaylord, Mich., to Alpena, Mich.; and to realign V–45 W alternate from Saginaw to Alpena via the intersection of Saginaw 353° True (356° Mag.) and Alpena 232° True (236° Mag.) radials. These airways would have a designated floor of 1,200 feet above the surface.

V–297 and V–332 as proposed would provide shorter routes from the central United States to northern Michigan. V–430 as proposed would provide controlled airspace for aircraft operating between Traverse City and Alpena. V–45 W alternate as proposed would bypass the Wurtsmith AFB, Mich., approach control area and thereby reduce coordination between Wurtsmith and the Minneapolis, Minn., ARTC Center.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on April 19, 1967.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 67–4586; Filed, Apr. 25, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 378]

[Docket No. 18436; SFDR–7]

INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS AND TOUR OPERATORS

Tour Operators Utilizing Foreign Air Carriers Authorized by Board To Perform Inclusive Tour Charter Trips

MARCH 3, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration the proposed amendment of Part 378 of the Special Regulations to extend the provisions of the regulation to inclusive tours furnished by tour operators in conjunction with foreign air carriers whose permits authorize the performance of such tours subject to the regulation. This regulation is proposed under authority of sections 101(3), 204(a), 401, 402, 409, and 414 of the Federal Aviation Act of 1958, as amended,

(72 Stat. 737; 49 U.S.C. 1301; 72 Stat. 743; 49 U.S.C. 1324; 72 Stat. 754, as amended by 76 Stat. 143; 49 U.S.C. 1371; 72 Stat. 757; 49 U.S.C. 1372; 72 Stat. 768; 49 U.S.C. 1379; 72 Stat. 770; 49 U.S.C. 1384)

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before May 26, 1967, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

Served: April 21, 1967.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Part 378 of the Special Regulations establishes the terms and conditions governing the furnishing of inclusive tours in interstate, overseas, and foreign air transportation by supplemental air carriers and foreign air carriers. This part also relieves tour operators from various provisions of the Act and the Board's regulations for the purpose of enabling them to provide inclusive tours to members of the general public utilizing aircraft chartered from supplemental air carriers. In our opinion and order on reconsideration in the Caledonian Airways (Prestwick) Ltd. Foreign Permit Case, Docket 16372, Order E–25017, approved by the President of the United States on April 19, 1967, we concluded that Caledonian, a British charter carrier, should be authorized to perform inclusive tour charters originating in the United States and destined for the United Kingdom, and we provided that Caledonian's authority to perform such charters should be governed by Part 378 of the regulations. In order to reflect this decision in the regulation and to provide that tour operators are covered by the regulation when providing inclusive tours in conjunction with foreign charter carriers, it will be necessary to amend Part 378. We propose to effect such change by expanding the definition of "supplemental air carrier" in the regulation to include a foreign air carrier whose permit authorizes the performance of inclusive tour charters, but only to the extent that such permit provides that such tours are to be performed subject to the provisions of this regulation.

Proposed rule. The Civil Aeronautics Board proposes to amend Part 378 of the Special Regulations (14 CFR Part 378) as follows:

1. Change the title of the regulation to read as follows:

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

1. Amend § 378.1 to read as follows:

§ 378.1 Applicability.

This part establishes the terms and conditions governing the furnishing of inclusive tours in interstate, overeas, and foreign air transportation by supplemental air carriers, certain foreign air carriers, and tour operators. This part also relieves tour operators from various provisions of the Act and the Board's regulations for the purpose of enabling them to provide inclusive tours to members of the general public utilizing aircraft chartered from supplemental air carriers and certain foreign air carriers. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board. Nothing contained in this part shall be construed as repealing or amending any provision of any of the Board's regulations, unless the context so requires.

2. In § 378.2 amend the definition of supplemental air carrier to read as follows:

§ 378.2 Definitions.

• • • • •

(f) "Supplemental air carrier" means (1) a supplemental air carrier as defined in § 200.8 of the Board's Economic Regulations and authorized under section 7 of Public Law 87–528 or section 401(d)(3) of the Act to perform inclusive tour charters, or (2) a foreign air carrier which holds a permit issued under section 402 of the Act authorizing it to perform inclusive tour charters but only to the extent that such tours are to be performed subject to the provisions of this regulation.

• • • • •

[F.R. Doc. 67–4598; Filed, Apr. 25, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

IMPORTATION OF FROZEN PEA PODS DIRECTLY FROM TAIWAN (FORMOSA)

Available Certification by Government of Republic of China

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodity:

Pea pods, frozen.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-4599; Filed, Apr. 25, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 702]

ARIZONA

Notice of Proposed Classification of Public Lands for Multiple Use Management

APRIL 18, 1967.

In F.R. Doc. 67-4046 appearing on page 5957 of the issue for April 13, 1967, the following change should be made: In paragraph 3, substitute Coconino County for Mohave County.

FRED J. WEILER,
State Director.

[F.R. Doc. 67-4563; Filed, Apr. 25, 1967; 8:45 a.m.]

[Arizona 903]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, Department of Agriculture, has filed an application, serial number Arizona 903, for a protective withdrawal of the lands described below from location and entry under the mining laws, subject to existing valid claims.

The applicant desires the lands for development of recreation areas in the vicinity of several lakes in the Sitgreaves National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

SITGREAVES NATIONAL FOREST

Canyon Point Campground and Recreation Area

T. 11 N., R. 14 E.,
Sec. 22, SE¼NE¼ (except area included in Withdrawal P.L.O. 2082); E½SE¼;
Sec. 23, SW¼NW¼ (except area included in Withdrawal P.L.O. 2082); W½SW¼ and SE¼SW¼;
Sec. 26, SW¼NE¼, N½NW¼, SE¼NW¼, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 27, NE¼NE¼;
Sec. 35, those portions of N½NE¼, SE¼NE¼, and NE¼NW¼ lying within the Sitgreaves National Forest.

The area described aggregates approximately 780 acres.

Willow Springs Lake Recreation Area

T. 11 N., R. 14 E.,
Sec. 19, S½SE¼;
Sec. 20, S½SW¼ and SW¼SE¼;
Sec. 28, W½W½;
Sec. 29;
Sec. 30, E½;
Sec. 31, N½NE¼;
Sec. 32, N½N½;
Sec. 33, NW¼NW¼ (except area included in Withdrawal P.L.O. 2082).

The area described aggregates approximately 1,600 acres.

Woods Canyon Lake Recreation Area

T. 11 N., R. 13 E.,
Sec. 23, NE¼NE¼, W½NE¼, W½SE¼NE¼, NW¼NE¼SE¼, S½NE¼SE¼, E½NW¼SE¼, and those portions of E½SW¼SE¼ and SE¼SE¼ lying within the Sitgreaves National Forest;
Sec. 24, NE¼NW¼, E½W½NW¼, E½W½SW¼, and SW¼SW¼SW¼;
Sec. 25, NW¼NW¼, and that portion of SW¼NW¼ lying within the Sitgreaves National Forest;
Sec. 26, that portion of NE¼NE¼ lying within the Sitgreaves National Forest.

The area described aggregates approximately 455 acres.

Black Canyon Lake Recreation Area

T. 11 N., R. 15 E.,
Sec. 13, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 14, E½SE¼;
Sec. 23, NE¼ and N½SE¼;
Sec. 24, lot 2, those portions of lot 3 and H.E.S. 190 lying within what would be NW¼SE¼, W½NE¼, NW¼ and N½SW¼.

The area described aggregates approximately 840 acres.

GLENDON E. COLLINS,
Acting State Director.

APRIL 20, 1967.

[F.R. Doc. 67-4589; Filed, Apr. 25, 1967; 8:48 a.m.]

[I-939]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 19, 1967.

The Department of Agriculture has filed an application, Serial No. I-939, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as 4 recreation areas, 1 vista site and 10 administrative sites on the St. Joe National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

ST. JOE NATIONAL FOREST

Big Creek Campground

T. 46 N., R. 3 E.,
Sec. 30, SE¼SW¼SE¼NE¼, SW¼SE¼SE¼NE¼, W½NE¼NE¼SE¼, NW¼NE¼SE¼, N½SW¼NE¼SE¼, and NW¼SE¼NE¼SE¼.
Totaling 27.5 acres.

Lookout Mountain Lookout

T. 43 N., R. 4 E.,
Sec. 9, SW¼SE¼NE¼SW¼.
Totaling 2.5 acres.

Mastodon Mountain Lookout

T. 46 N., R. 4 E.,
Sec. 4, W½SW¼SW¼SW¼;
Sec. 5, E½SE¼SE¼SE¼.
Totaling 10 acres.

Dunn Peak Lookout

T. 46 N., R. 4 E.,
Sec. 36, SW¼SW¼NE¼NW¼, and SE¼SE¼NW¼NW¼.
Totaling 5 acres.

Arid Peak Lookout

T. 46 N., R. 5 E.,
Sec. 1, SE¼SW¼NW¼SE¼, and NE¼NW¼SW¼SE¼.
Totaling 5 acres.

Middle Sister Lookout

T. 44 N., R. 6 E.,
Sec. 12, SE¼NE¼SW¼SW¼, NE¼SE¼SW¼SW¼, SW¼NW¼SE¼SW¼, and NW¼SW¼SE¼SW¼.
Totaling 10 acres.

Surveyors Ridge Lookout

T. 42 N., R. 7 E.,
Sec. 11, E½NE¼SE¼SE¼;
Sec. 12, W½NW¼SW¼SW¼.
Totaling 10 acres.

Snow Peak Lookout

T. 43 N., R. 7 E.,
Sec. 30, NW¼SE¼NW¼.
Totaling 10 acres.

Conrad Peak Lookout

T. 44 N., R. 8 E.,
Sec. 16, E¼SE¼SW¼SW¼.
Totaling 5 acres.

Fly Flat Recreation Area Addition

T. 44 N., R. 8 E.,
Sec. 36, NW¼SE¼NE¼SE¼.
Totaling 2.5 acres.

Simmons Lookout

T. 43 N., R. 9 E.,
Sec. 12, SE¼NE¼NW¼SW¼.
Totaling 2.5 acres.

St. Joe Lake Campground

T. 42 N., R. 11 E.,
Sec. 4, lots 2 and 3.
Totaling 84 acres.

Baldy Mountain Lookout

T. 43 N., R. 2 W.,
Sec. 34, E½NE¼SW¼NE¼.
Totaling 5 acres.

Giant White Pine Campground

T. 42 N., R. 3 W.,
Sec. 2, S½NE¼SW¼SE¼ and SE¼SW¼SE¼;
Sec. 11, N½NE¼NW¼NE¼.
Totaling 20 acres.

Willow Creek Vista Point

T. 43 N., R. 3 W.,
Sec. 13, NW¼SW¼SE¼, less approximately 1.3 acres occupied by U.S. Highway 95A right-of-way.
Totaling 8.7 acres.

The areas described aggregate 207.7 acres within Benewah, Latah, and Shoshone Counties, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 67-4564; Filed, Apr. 25, 1967; 8:45 a.m.]

Office of the Secretary

IMPORTS OF CRUDE OIL, UNFINISHED OILS, AND FINISHED PRODUCTS

Notice of Public Hearing

In order to receive comments and testimony on all phases of the mandatory oil import program relating to imports into Districts I-IV, and District V, of crude oil, unfinished oils, and finished products, a public hearing will be held in Washington, D.C., on Monday, Tuesday, and Wednesday, May 22, 23, and 24, 1967, beginning at 9 a.m., e.s.t. in the Auditorium, Department of the Interior, 19th and C Streets NW.

Written comments (20 copies) should be addressed to: Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240. Persons who desire to testify at the hearing should, by Monday, May 15, 1967, notify the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4715; Filed, Apr. 25, 1967; 11:53 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

April Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein, the CCC Monthly Sales List for April 1967 is amended as set forth below:

Items A and B of the Export section for wheat is amended to read as follows:

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels with payment to be made in cash or export commodity certificates under Announcement GR-345 (Revision III, July 6, 1962, as amended) as follows:

(1) Notice of foreign sale must be furnished CCC within 5 calendar days after purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

B. CCC will sell wheat for export under Announcement GR-261 (Revision III, Jan. 9, 1961, as amended and supplemented) with payment to be made in cash or Export Commodity Certificates and subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

(3) All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.s.t., on August 26, 1966. However, CCC-owned wheat will not be sold for barter at west coast ports nor will evidence of export at west coast ports be acceptable under a sale for barter.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on April 20, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-4603; Filed, Apr. 25, 1967; 8:49 a.m.]

Office of the Secretary

IDAHO

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Idaho natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IDAHO

Jefferson.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of April 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-4574; Filed, Apr. 25, 1967; 8:46 a.m.]

OKLAHOMA AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Oklahoma and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OKLAHOMA

Alfalfa. Grant.

TEXAS

Coryell. Young.
Jack.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of April 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-4575; Filed, Apr. 25, 1967; 8:46 a.m.]

SOUTH CAROLINA

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of South Carolina natural disasters have caused a need for agricultural credit to peach growers not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH CAROLINA

Cherokee. Greenville.
Edgefield.

It also has been determined that in the hereinafter-named counties in the State of South Carolina natural disasters have caused a continuing need for agricultural credit to peach growers not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

South Carolina	*Original designation*
Aiken	31 F.R. 13356
Chesterfield	31 F.R. 13356
Laurens	31 F.R. 13356
Lexington	31 F.R. 13356
Richland	31 F.R. 13356
Saluda	31 F.R. 13356
Spartanburg	31 F.R. 13356
York	31 F.R. 13356

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of April 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-4576; Filed, Apr. 25, 1967; 8:46 a.m.]

TARIFF COMMISSION

[APTA-W-8; Publication 202]

CERTAIN WORKERS OF EATON YALE & TOWNE, INC.

Report to Automotive Agreement Adjustment Assistance Board in Adjustment Assistance Case

APRIL 19, 1967.

The Tariff Commission today reported to the Automotive Agreement Adjustment Assistance Board the results of its investigation No. APTA-W-8, conducted under section 302(e) of the Automotive Products Trade Act of 1965. The Commission's report contains factual information for use by the Board, which determines the eligibility of the workers concerned to apply for adjustment assistance. The workers in this case were employed in the Lackawanna, N.Y., plant of the Eaton Spring Division, Eaton Yale & Towne, Inc.

Only certain sections of the Commission's report can be made public since much of the information it contains was received in confidence. Publication of such information would result in the disclosure of certain operations of individual firms. The sections of the report that can be made public are reproduced on the following pages.

Introduction. In accordance with section 302(e) of the Automotive Products Trade Act of 1965 (79 Stat. 1016), the U.S. Tariff Commission reports the results of its investigation (APTA-W-8) concerning the possible dislocation of certain workers engaged in the production of automotive flat leaf springs produced at the Lackawanna, N.Y., plant of the Eaton Spring Division of Eaton Yale & Towne, Inc. The Commission instituted the investigation on February 28, 1967, upon receipt of a request from the Automotive Assistance Committee of the Automotive Agreement Adjustment Assistance Board. Public notice of the investigation was given in the FEDERAL REGISTER (32 F.R. 3853) on March 8, 1967. The information reported herein is intended to provide a factual record to assist the Automotive Agreement Adjustment Assistance Board in making the determinations required by section 302 of the Act.

The Automotive Assistance Committee's request for the investigation resulted from a petition for determination of eligibility to apply for adjustment assistance filed with the Assistance Board on February 23, 1967, by the United Steelworkers of America, AFL-CIO, on behalf of a group of workers at the Lackawanna, N.Y., plant of Eaton Spring Division of Eaton Yale & Towne, Inc.

The production of leaf springs is primarily a forging and heat-treating process. The ends of the steel bar are tapered and the bar is slightly bowed. Loops or "eyes" are formed at the ends of the main leaf in which bushings are placed later to reduce wear and facilitate movement of the spring about the shackle pin. The leaves are heat-treated to impart resilience and are then assembled into leaf spring units. The forming operations require much handling and the assembly process is done largely by hand in an assembly line.

Both imported leaf springs suitable for motor-vehicle suspension and leaves for such springs are provided for under item number 652.84 of the Tariff Schedules of the United States; both are dutiable at the rate of 8.5 percent ad valorem. Excepted from this tariff treatment are leaf springs and leaves for springs when imported from Canada for use as original motor-vehicle equipment. In such event they are entered duty free under item 652.85.

Eaton Yale & Towne, Inc., and its Eaton Spring Division. Eaton Yale & Towne, Inc., the employer of concern in this investigation has its headquarters in Cleveland, Ohio. It is a large diversified corporation having more than 50 divisions, subsidiaries, and foreign affiliates. Its foreign operations accounted for about 17 percent of its total net sales of $702 million in 1965. In addition, Eaton Yale & Towne, Inc., has licensed 47 other firms to produce 50 products in 13 foreign countries.

The firm was initially incorporated in 1916 in Ohio as the Torbeson Gear and Axle Co.; its name has been changed on several occasions, the most recent of which was on December 31, 1965. Eaton Yale & Towne, Inc., manufactures a wide variety of components used in the production of motor vehicles, machine tools, farm machinery, aircraft, and pleasure boats, and in electrical, material handling, railway, construction, and road-building equipment.

The Eaton Spring Division of Eaton Yale & Towne, Inc., having headquarters in Detroit, Mich., is the immediate employer of the workers herein concerned. This division operates plants in Detroit (where it produces coil springs for passengers cars, mechanical springs, and a limited number of spring-related articles) and Lackawanna, N.Y. (leaf springs for trucks). * * * Eaton Yale & Towne, Inc., decided to construct a new leaf-spring facility at Chatham, Ontario, a city about 7 miles east of Detroit. This plant, now operational, is operated by the newly established subsidiary, Eaton Springs, Canada, Ltd.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 67-4554; Filed, Apr. 25, 1967; 8:45 a.m.]

[APTA-W-13]

GROUP OF WORKERS AT GENERAL MOTORS CHEVROLET ASSEMBLY PLANT

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Upon receipt on April 19, 1967, of a request therefor from the Automotive Agreement Adjustment Assistance Board, the Tariff Commission instituted an investigation pursuant to section 302(e), Automotive Products Trade Act of 1965, with respect to a petition filed with the Board by the International Union, United Automobile Workers, on behalf of a group of workers at the General Motors Chevrolet Assembly Plant, Tarrytown, N.Y., which assembles Chevrolet automobiles. The petition alleges that dislocation of the group of workers has occurred and that the operation of the United States-Canadian Automotive Agreement has been the primary factor in causing such dislocation. The Commission is conducting the investigation to provide a factual record on the basis of which the Board may make the determinations required by section 302 of the Act.

No hearing has been scheduled. A hearing will be held on request of any party showing a proper interest in the subject matter of the investigation, provided the request is filed with the Secretary of the Tariff Commission within 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 at the Customhouse.

Issued: April 20, 1967.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 67-4555; Filed, Apr. 25, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3886]

AMERICAN STEEL & PUMP CORP.

Order Suspending Trading

APRIL 20, 1967.

The 4 percent Income Bonds Series A due December 1, 1994, listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the common stock, 47 cents par value of American Steel & Pump Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 21, 1967, through April 30, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4568; Filed, Apr. 25, 1967; 8:46 a.m.]

[70-4477]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds

APRIL 20, 1967.

Notice is hereby given that Pennsylvania Electric Co. ("Penelec"), 1001 Broad Street, Johnstown, Pa. 15907, an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Penelec proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $26 million principal amount of first mortgage bonds, ------ percent series due June 1, 1997. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under a mortgage and deed of trust dated January 1, 1942, between Penelec and Bankers Trust Co., trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated June 1, 1967.

The proceeds from the sale of the bonds will be used for the purpose of financing its business as a public utility, including the reimbursement of its treasury for a portion of expenditures therefrom prior to June 1, 1967, for construction purposes and the payment of its outstanding short-term bank loans. The 1967 construction program is estimated to cost $50 million, part of which is to be financed from funds generated internally and by a capital contribution from GPU.

Fees and expenses relating to the proposed transaction are estimated at $82,000, including legal fees of $24,000 and accountant's fees of $4,000. A statement of the fee of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of bonds by Penelec. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 19, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is (ordered) will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4569; Filed, Apr. 25, 1967; 8:46 a.m.]

[811-1091]

PLANS FOR THE ACCUMULATION OF SHARES OF CAMBRIDGE GROWTH FUND, INC.

Notice of Proposal To Terminate Registration

APRIL 20, 1967.

Notice is hereby given that the Commission proposes, pursuant to section

8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that plans for the accumulation of shares of Cambridge Growth Fund, Inc. ("Registrant"), c/o Mr. S. George Glanis, Cambridge Financial Corp., Suite 1202, 44 Wall Street, New York, N.Y. 10005, registered under the Act as a unit investment trust, has ceased to be an investment company.

The Commission has been informed that no securities of Registrant were ever issued; that Cambridge Financial Corp., the Sponsor to Registrant, is no longer registered as a broker-dealer under the Securities Exchange Act of 1934 and that Cambridge Growth Fund, Inc., has been merged into another company.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, that upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than May 10, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretray, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Registrant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4570; Filed, Apr. 25, 1967; 8:46 a.m.]

DEPARTMENT OF LABOR

Office of Labor-Management and Welfare-Pension Reports

[No. LMWP-VAR-21]

AMERICAN LIFE CONVENTION AND LIFE INSURANCE ASSOCIATION OF AMERICA

Notice of Proposed Granting of Rule of Variation

Proposed variation. Pursuant to section 5(a) of the Welfare and Pension Plans Disclosure Act (hereinafter, the Act) (72 Stat. 997, as amended; 29 U.S.C. 304(a)) and the provisions of 29 CFR 426.7(c), notice is hereby given that a rule of variation for the period of reporting certain information required to be furnished in Part III, Section C of Annual Report Form D-2 (Revised 1965) is proposed to be granted to petitioners, the American Life Convention, 230 North Michigan Avenue, Chicago, Ill., and the Life Insurance Association of America, 488 Madison Avenue, New York, N.Y., on behalf of certain insurance carriers required to certify information in Part III, Section C, pursuant to section 7(g) of the Act (29 U.S.C. 306(g)) and 29 CFR 461 and on behalf of administrators of pension benefit plans which utilize such carriers and are required to publish an Annual Report Form D-2 (Revised 1965), containing a completed Part III, Section C.

Period for which the reporting of certain information in Part III, Section C of Annual Report Form D-2 (Revised 1965) is proposed to be varied. The instructions to Part III, Section C of Annual Report Form D-2 (Revised 1965) state that the information required to be furnished in that section "must be furnished by the insurance carrier and should be for the period covered by the annual report. If the information is not available for such period, information for the latest completed policy year ending within the Plan year may be provided." Annual Report Form D-2 (Revised 1965) is required to be filed by all employee benefit plans covered under section 7 of the Act (29 U.S.C. 306) with calendar, policy or other fiscal years (i.e., plan years) ending on or after December 31, 1966. (See 29 CFR 460.6.) Pursuant to section 7(g) of the Act (29 U.S.C. 306(g)) and 29 CFR 461, insurance carriers are required to certify to the administrators of such plans, within 120 days after the end of the calendar, policy, or other fiscal year (i.e., plan year), the information necessary to complete Part III, Section C. It has been asserted that because of the established practice of a great part of the industry, it is only practicable for many insurance carriers to certify much of the information necessary to complete items 3 through 6 of Part III, Section C, on the basis of calendar year calculations. Thus, where plan years are not coincident with calendar years, it is not feasible for such insurance carriers to certify to plan administrators, much of the information necessary to complete the above-enumerated items of Part III, Section C, on the basis of the period covered by the annual report or for the latest completed policy year ending within the plan year. Where a plan year is coincident with the calendar year or where a plan year overlaps calendar years but ends on or prior to June 30, a further difficulty arises. The insurance carriers involved do not customarily complete calculations for a given calendar year until sometime in the latter part of the succeeding calendar year. As a result, it is not feasible for such insurance carriers to certify within 120 days after the end of the plan year, information necessary to complete the above-enumerated items of Part III, Section C, on the basis of the previous calendar year. Accordingly, it is proposed to vary the period for the reporting of the above-enumerated items of Part III, Section C, in the following manner: (1) If the plan year is coincident with the calendar year or ends on or prior to June 30 of the calendar year, the information required in the above-enumerated items shall be provided on the basis of the calendar year ending during the immediately preceding plan year, or (2) If the plan year ends on or after July 1 but on or prior to December 30, such information shall be provided on the basis of the calendar year ending within the plan year.

Conditions of variation. 1. Such variation shall only apply to certification and reporting of information necessary to complete items 3 through 6 of Part III, Section C.

2. Such variation shall apply only where the data required from the carrier is calculated on the basis of a calendar year.

3. Such variation shall apply only if all of the information required in items 3 through 6 of Part III, Section C of Form D-2 is provided on the basis of the calendar year.

Pursuant to 29 CFR 462.7(c), any interested person may within 15 days from the date of publication of the proposed variation in the FEDERAL REGISTER file with the Assistant Secretary for Labor-Management Relations objections thereto. Such objections shall be in writing and addressed to the Assistant Secretary for Labor-Management Relations, U.S. Department of Labor, Washington, D.C. 20210, and shall show wherein the person filing will be adversely affected by the proposed variation, and specify with particularity the provisions of the proposed variation deemed objectionable and the grounds for the objections. If such interested person desires a hearing, he shall file a request for a hearing with said objections. Objection may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in triplicate.

Signed at Washington, D.C., this 20th day of April 1967.

THOMAS R. DONAHUE,
Assistant Secretary of Labor.

[F.R. Doc. 67-4565; Filed, Apr. 25, 1967; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

NEW ZEALAND SHIPPING CO., LTD., ET AL.

Security for Protection of Public; Indemnification of Passengers for Nonperformance of Transportation

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation:

The New Zealand Shipping Co., Ltd.
Zim Israel Navigation Co., Ltd. (Zim Line).
American President Lines, Ltd. (APL).

Dated: April 21, 1967.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 67-4590; Filed, Apr. 25, 1967; 8:48 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

D. P. Gillette, Chairman, Trans-Pacific Freight Conference of Japan, Kindai Building, 11, 3-Chome, Kyobashi Chuo-Ku, Tokyo, Japan.

Agreement 150-35, between the member lines of the Trans-Pacific Freight Conference of Japan (TPFCJ), amends Article 5 entitled "Non-Conference Representation", of the basic agreement of the Conference Agreement 150. The purpose of this amendment is to remove any restrictions on agency representation of "carriers in trades within the scope" of the Agreement if they operate as local carriers from Korea and Okinawa to Japan and do not have sailings to U.S. ports of discharge. In effect, a carrier, operating from Korea or Okinawa to Japan, may be represented by an agent of a TPFCJ line without the line becoming liable for "loss or damage" to other member lines, as set forth in Article 5.

Dated: April 20, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4591; Filed, Apr. 25, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3244 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Findings and Orders

APRIL 14, 1967.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, cancelling docket number, dismissing application, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, redesignating proceedings, accepting agreements and undertakings for filing, requiring filing of agreement and undertaking and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of New Mexico and Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

The Stevens County Oil & Gas Co., a copartnership, proposes to continue sales of natural gas heretofore authorized to be made by The Stevens County Oil & Gas Co., a corporation, and by Gas, Inc. The FPC gas rate schedules of the predecessors in interest have heretofore been redesignated as those of the successor. The presently effective rates under these rate schedules are in effect subject to refund in the following proceedings:

Certificate docket No.	The Stevens County Oil & Gas Co. (a corporation) FPC gas rate schedule No.	The Stevens County Oil & Gas Co. (a copartnership) FPC gas rate schedule No.	Rate proceeding docket No.
G-5256	19	19	RI64-704.[1]
G-5256	26	26	RI65-313.
G-5256	28	28	RI65-95.
G-5256	29	29	RI65-95,[2] RI66-291.
G-9744	21	21	RI61-224,[1 2] RI66-66.
G-9744	22	22	RI61-235,[1 2] RI66-68.
G-10104	24	24	G-17327.[1]
	Gas, Inc., FPC gas rate schedule No.		
CI62-454	1	30	RI65-314.
CI62-454	2	31	RI66-217.
CI62-454	3	32	RI63-242.[1]

[1] Consolidated with Docket No. AR64-1 et al.
[2] Increased rate collected for a locked-in period subject to refund in this proceeding.

The successor has requested to be substituted as respondent in all rate proceedings, except in Docket No. RI66-291, and has submitted agreements and undertakings to assure the refunds of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings. With respect to the sale proposed to be continued by the successor pursuant to its FPC Gas Rate Schedule No. 29, the certificate application states that the proposed rate is 12.0 cents per Mcf at 14.65 p.s.i.a., effective subject to refund in Docket No. RI65-95. However, inasmuch as the increased rate of 14.0 cents per Mcf proposed by the predecessor under said rate schedule is in effect subject to refund in Docket No. RI66-291, the successor should charge and collect that rate as provided by the Commission's Opinion No. 408, 30 FPC 1156. Therefore, the successor will be substituted as respondent in each rate proceeding, the proceedings will be redesignated accordingly, the agreements and undertakings submitted by the successor will be accepted for filing, and the successor will be required to file an agreement and undertaking in Docket No. RI66-291.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on April 6, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission and will therefore, be a "natural-gas company" within the meaning of said Act upon the

commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI67–894 should be cancelled and that the application filed therein should be processed as a petition to amend the certificate heretofore issued in Docket No. CI66–1304.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the application to amend filed in Docket No. G–8816 on February 16, 1967, should be dismissed as moot.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–3244, G–5256, G–9744, G–10017, G–10104, G–13017, G–15079, G–18147, G–18191, CI61–445, CI62–454, CI63–1162, CI64–555, CI65–273, CI65–578, CI65–624, CI65–1254, CI66–1304, and CI67–133 should be amended as hereinafter ordered and conditioned.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the sale heretofore authorized to be made pursuant to the certificate heretofore issued in Docket No. CI65–625 should hereafter be made pursuant to the authorization granted in Docket No. CI67–133 and that the former certificate should be terminated.

(9) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that The Stevens County Oil & Gas Co., a copartnership, should be substituted as respondent in the proceedings pending in Docket Nos. G–17327, RI61–224, RI61–235, RI63–242, RI64–704, RI65–95, RI65–313, RI65–314, RI66–68, RI66–217, and RI66–291, that said proceedings should be redesignated accordingly, that the agreements and undertakings submitted by the successor in said proceedings should be accepted for filing and that the successor should be required to file an agreement and undertaking in Docket No. RI66–291.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 8 and 29 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. G–3244, CI65–273, CI65–578, CI65–624, and CI66–905 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicants in Docket Nos. G–3244, CI65–273, CI65–578, CI65–624, and CI66–905 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Within 90 days from the date of initial delivery Applicants in Docket Nos. G–3244, CI65–273, CI65–578, CI65–624, and CI66–905 each shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(H) A certificate is issued herein in Docket No. CI67–1061 authorizing Applicant to continue the sale of natural gas being rendered on June 7, 1954.

(I) Docket No. CI67–894 is canceled.

(J) The application to amend filed in Docket No. G–8816 on February 16, 1967, is dismissed as moot.

(K) The certificates heretofore issued in Docket Nos. G–3244, CI65–273, CI65–578, and CI65–624 are amended by authorizing the respective Applicants to sell additional volumes of residue gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(L) The certificates heretofore issued in Docket Nos. G–13017, CI63–1162, CI64–555, CI66–1304, and CI67–133 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(M) The sale heretofore authorized to be made in Docket No. CI65–625 is made pursuant to the authorization granted herein in Docket No. CI67–133, in paragraph (L) above, and the certificate in Docket No. CI65–625 is terminated.

(N) The certificate heretofore issued in Docket No. CI65–1254 is amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI67–903.

(O) The certificates heretofore issued in Docket Nos. G–5256, G–9744, G–10017, G–10104, G–15079, G–18147, G–18191, CI61–445, and CI62–454 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(P) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(Q) The certificates heretofore issued in Docket Nos. G–4289, G–14255, G–18061, and CI64–1081 are terminated.

(R) The Stevens County Oil & Gas Co., a copartnership, is substituted in lieu of The Stevens County Oil & Co. and Gas, Inc., as respondent in the proceedings pending in Docket Nos. G–17327, RI61–224, RI61–235, RI63–242, RI64–704, RI65–95, RI65–313, RI65–314, RI66–68, RI66–217, and RI66–291; said proceedings are redesignated accordingly; [2] and the agreements and undertakings submitted by the successor in said proceedings, except in Docket No. RI66–291, are accepted for filing.

(S) Within 30 days from the issuance of this order The Stevens County Oil & Gas Co., a copartnership, shall execute, in the form set out below, and shall file with the Secretary of the Commission in Docket No. RI66–291 an acceptable agreement and undertaking to assure the refund of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(T) The Stevens County Oil & Gas Co., a copartnership, shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by said company in the proceedings listed in paragraphs (R) and (S) above shall remain in full force and effect until discharged by the Commission.

(U) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[2] The Stevens County Oil & Gas Co., a copartnership.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–3244 9–6–66 [1 3]	Phillips Petroleum Co. (Operator). [3]	El Paso Natural Gas Co., Winkler Plant, Kermit Area, Winkler County, Tex.	Supplemental agreement 8–5–66. [1 3]	359	17
G–5256 E 1–20–67	The Stevens County Oil & Gas Co. (a copartnership) (successor to The Stevens County Oil & Gas Co. (a corporation)).	Northern Natural Gas Co., Hugoton Field, Seward County, Kans.	The Stevens County Oil & Gas Co. (a corporation), FPC GRS No. 19.	19	------
			Supplement Nos. 1–5	19	1–5
			Notice of succession (undated).	------	------
			Assignment 12–12–66	19	6
			Effective date: 11–1–66	------	------
		Panhandle Eastern Pipe Line Co., acreage in Stevens, Seward, and Morton Counties, Kans.	The Stevens County Oil & Gas Co. (a corporation), FPC GRS No. 26.	26	------
			Supplement No. 1	26	1
			Notice of succession (undated).	------	------
			Assignment 12–12–66	26	2
			Effective date: 11–1–66	------	------
		Northern Natural Gas Co., Hugoton Field, Morton County, Kans.	The Stevens County Oil & Gas Co. (a corporation), FPC GRS No. 28.	28	------
			Supplement Nos. 1–3	28	1–3
			Notice of succession (undated).	------	------
			Assignment 12–12–66	28	4
			Effective date: 11–1–66	------	------
		Northern Natural Gas Co., Permian System, Morton County, Kans.	The Stevens County Oil & Gas Co. (a corporation), FPC GRS No. 29.	29	------
			Supplement Nos. 1–4	29	1–4
			Notice of succession (undated).	------	------
			Assignment 12–12–66	29	5
			Effective date: 11–1–66	------	------
G–8816 [4] D 2–16–67	Humble Oil & Refining Co.	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss.	Assignment 10–27–66 [7]	110	12
			Effective date: 3–19–67	------	------
G–9744 E 1–20–67	The Stevens County Oil & Gas Co. (a copartnership) (successor to The Stevens County Oil & Gas Co. (a corporation)).	Plateau Natural Gas Co., Hugoton Field, Kearny County, Kans.	The Stevens County Oil & Gas Co. (a corporation), FPC GRS No. 21.	21	------
			Supplement Nos. 1–2	21	1–2
			Notice of succession (undated).	------	------
			Assignment 12–12–66	21	3
			Effective date: 11–1–66	------	------
			The Stevens County Oil & Gas Co. (a corporation), FPC GRS No. 22.	22	------
			Supplement Nos. 1–2	22	1–2
			Notice of succession (undated).	------	------
			Assignment 12–12–66	22	3
			Effective date: 11–1–66	------	------
G–10017 E 1–20–67	do	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Kearny County, Kans.	The Stevens County Oil & Gas Co. (a corporation), FPC GRS No. 23.	23	------
			Supplement Nos. 1–4	23	1–4
			Notice of succession (undated).	------	------
			Assignment 12–12–66	23	5
			Effective date: 11–1–66	------	------
G–10104 E 1–20–67	do	Colorado Interstate Gas Co., Sparks Field, Morton County, Kans.	The Stevens County Oil & Gas Co. (a corporation), FPC GRS No. 24.	24	------
			Supplement Nos. 1–7	24	1–7
			Notice of succession (undated).	------	------
			Assignment 12–12–66	24	8
			Effective date: 11–1–66	------	------
G–13017 C 2–17–67 [1]	Barnwell Production Co. (Operator) et al.	United Gas Pipe Line Co., Bethany Field, Harrison County, Tex.	Amendatory Agreement 1–19–67. [4]	1	8
G–15079 E 2–21–67, as amended 3–7–67	Pan American Petroleum Corp. (successor to John H. Trigg d.b.a. John H. Trigg Co.).	Southern Union Gathering Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	John H. Trigg d.b.a. John H. Trigg Co., FPO GRS No. 1.	467	------
			Supplement No. 1	467	1
			Notice of succession 2–17–67.	------	------

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI64-857 (A 1-20-64)	Blanco Oil Co.	Texas Eastern Transmission Corp., Bal Del Rey Field, Hidalgo County, Tex.	Contract 1-17-64	11	2
			Letter 1-17-64 [11]	11	1
CI65-273 (B 7-19-65) [1] (E 9-20-66) [1]	Phillips Petroleum Co. (Operator),[3]	El Paso Natural Gas Co., Eunice Plant, Eunice Field, Lea County, N. Mex.	Supplemental agreement 6-17-65 [11]	406	1
			Letter agreement 8-8-66 [11]	406	4
CI65-578 (C 12-13-65) [1] [11] (C 6-29-66) [1] [11]	Warren Petroleum Corp. (Operator),[12]	El Paso Natural Gas Co., Caliche Plant, Lea County, N. Mex.	Supplemental agreement 11-9-65 [12]	54	4
			Supplemental agreement 9-14-66 [12]	54	5
CI65-634 (6-30-65) [1]	Phillips Petroleum Co. (Operator),[3]	El Paso Natural Gas Co., Ector Plant, Goldsmith Area, Ector County, Tex.	Supplemental agreement 6-19-66 [12]	410	3
CI66-905 (A 3-25-66) [1] (A 6-6-66) [1] [3]	do	El Paso Natural Gas Co., Wilson Plant, Eunice Field, Lea County, N. Mex.	Contract 2-21-66	433	1
			Letter agreement 3-24-66 [12]	433	1
CI67-133 (CI65-625) (C 2-21-67,[13] as amended 3-7-67)	Pan American Petroleum Corp. (successor to John H. Trigg, d.b.a. John H. Trigg Co.),	Natural Gas Pipeline Co. of America, Indian Basin Field, Eddy County, N. Mex.	Assignment 2-20-67 [12]	[17] 444	4
CI67-589 (A 1-25-67) [1]	Dow L. Keever	El Paso Natural Gas Co., Eumont Gas Field, Wheeler County, Tex.	Contract 3-4-58 [3]	1	
CI67-894 [13] (CI66-1304) (C 1-23-67) [13]	Robert E. Aikman, et al., d.b.a. A.I.K., Ltd., No. 2.	Panhandle Eastern Pipe Line Co., Northeast Sampsell Field, Cimarron County, Okla.	Amendment 11-14-66 [3]	13	2
A CI67-903 (CI65-1254) (F 1-24-67)	Robert E. Aikman et al.	Panhandle Eastern Pipe Line Co., Northeast Sampsell Field, Cimarron County, Okla.	Contract 12-15-66 [10]	6	
CI67-905 (A 1-25-67) [1]	Southern Minerals Corp. (Operator) et al.	Valley Gas Transmission, Inc., Buffalo Wallow Northwest (Hockley) Field, Live Oak County, Tex.	Contract 3-30-65 [11]	15	1
			Assignment 7-14-66 [11]	15	2
			Assignment 8-1-66 [11]	15	3
CI67-1005 (A 2-8-67) [3]	Sunray DX Oil Co. (Operator) et al.	Cities Service Gas Co., Southwest Wakita and West Hawley Fields, Grant County, Okla.	Contract 12-30-66	272	
CI67-1063 (G-1961) (B 2-15-67)	Pan American Petroleum Corp.	Mountain Fuel Supply Co., Whiskey Basin Creek Field, Sweetwater County, Wyo.	Notice of cancellation	301	4
CI67-1048 (A 2-15-67) [1]	Lonita Oil Corp., Inc., (Operator) et al.	Wunderlich Development Co., acreage in Cowley County, Kans.	Contract 11-28-66	2	
CI67-1052 (A 2-15-67) [1]	BreKay Co., Inc.	Consolidated Gas Supply Corp., Murphy Dist., Ritchie County, W. Va.	Contract 10-12-66 [1]	1	
CI67-1054 (A 2-15-67) [13]	Jake L. Hamon	Arkansas Louisiana Gas Co., Kinta Field, Seminole County, Okla.	Contract 1-23-67 [1]	51	
CI67-1055 (A 2-15-67) [1]	Gulf Oil Corp.	Natural Gas Pipeline Co. of America, Perryton Field, Ochiltree County, Tex.	Contract 10-14-66 [1]	384	
CI67-1059 (A 2-16-67) [1]	Montlar Oil & Gas Development Co., Inc., et al. d.b.a. Montlar Shalmaker 21 Well, Ltd.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	Contract 1-12-67 [1]	7	
CI67-1061 (A 2-16-67) [1] [15]	French Trimble et al.	Consolidated Gas Supply Corp., Union District, Barbour County, W. Va.	Contract 3-24-47	8	
			Letter agreement 12-29-47 [13]	8	1
			Letter agreement 5-19-52 [27]	8	2
			Letter agreement 3-10-53 [13]	8	3
CI67-1071 (CI64-1081) (B 2-16-67)	Harry Allen Chapman (Operator) et al.	Cities Service Gas Co., acreage in Kay County, Okla.	Notice of cancellation 2-14-67 [12] [29]	1	2
CI67-1074 (A 2-17-67) [1]	The Parade Co. (Operator).	United Gas Pipe Line Co., Giles Plant, Rusk County, Tex.	Contract 1-31-67 [1]	1	
CI67-1090 (A 2-20-67) [1]	P. P. Gunn et al., d.b.a. Gunn and Beecher.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Contract 7-8-66 [1]	26	
CI67-1091 (A 2-20-67) [1]	Arco Industries d.b.a. Arco Petroleum Co.	Consolidated Gas Supply Corp., Center and Glenville Districts, Gilmer County, W. Va.	Contract 10-21-66 [1]	1	
CI67-1093 (O-4289) (B 2-20-67)	Shell Oil Co.	United Fuel Gas Co., Deep Lake Field, Cameron Parish, La.	Notice of cancellation 2-16-67 [13]	27	11
CI67-1097 (A 2-13-67) [1]	Fred Jones	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	Contract 12-21-64 [1]	1	
CI67-1101 (A 2-21-67) [29]	Hall M. Lyons (Operator) et al.	Transcontinental Gas Pipe Line Corp., Ravenswood Field, Pointe Coupee Parish, La.	Contract 2-15-67	2	
CI67-1104 (A 2-23-67) [29]	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Kinta Field, Latimer, Haskell, and Le Flore Counties, Okla.	Contract 2-1-67 [1]	420	
CI67-1108 (A 2-23-67) [1]	Jamsco Properties, Inc. (Operator), et al.	United Fuel Gas Co., Union District, Kanawha County, W. Va.	Contract 1-12-67 [1]	1	
G-17951 (A 2-27-59) (C 8-12-60)	Tidewater Oil Co.	Transwestern Pipeline Co., acreage in Beaver and Ellis Counties, Okla.	Assignment 2-20-67	467	2
			Contract 12-3-58	97	
			Letter 5-8-59	97	1
			Letter 11-20-59	97	2
			Letter 8-1-60	97	3
G-18147 (E 2-21-67, as amended 3-7-67)	Pan American Petroleum Corp. (successor to John H. Trigg, d.b.a. John H. Trigg Co.),	Southern Union Gathering Co., Blanco-Mesa Verde Field, San Juan County, N. Mex.	John H. Trigg Co., FPC GRS No. 2.	468	1-2
			Supplement Nos. 1-2	468	1-2
			Notice of succession		
			2-17-67.		
G-18191 (E 2-21-67, as amended 3-7-67)	do	El Paso Natural Gas Co., Blanco-Mesa Verde Field, San Juan County, N. Mex.	Assignment 2-20-67	468	3
			John H. Trigg d.b.a. John H. Trigg Co., FPC GRS No. 2.		
			Supplement No. 1	469	1
			Notice of succession	469	
			2-17-67.		
CI61-445 (E 1-20-67)	The Stevens County Oil & Gas Co. (a copartnership) et al. (successor to The Stevens County Oil & Gas Co. (a corporation)).	Panhandle Eastern Pipe Line Co., acreage in Stevens, Seward, and Morton Counties, Kans.	Assignment 2-20-67	469	2
			The Stevens County Oil & Gas Co. (a corporation), FPC GRS No. 27.	27	
			Notice of succession (undated).		
CI62-347 (A 9-28-61) (C 6-27-62) (C 1-12-65, 6-17-65) [3]	Monsanto Co. (Operator) et al.	El Paso Natural Gas Co., Flodine Park Area, Montezuma County, Colo.	Assignment 12-12-66	27	1
			Effective date: 11-1-66.		
			Contract 8-31-61	51	
			Amendatory agreement 6-26-62	51	1
			Compliance 8-8-62	51	
			Supplement 12-12-66	51	2
CI62-454 (E 1-20-67)	The Stevens County Oil & Gas Co. (a copartnership) (successor to Gas, Inc.).	Panhandle Eastern Pipe Line Co., acreage in Morton, Seward, and Stevens Counties, Kans.	Assignment 12-12-66	30	3
			Effective date: 11-1-66.		
			Gas, Inc., FPC GRS No. 2.	30	1-2
			Supplement Nos. 1-2	30	1-2
			Notice of succession (undated).		
			Assignment 10-1-66 [10]	30	3
			Assignment 12-12-66 [11]	30	4
			Effective date: 11-1-66.		
		do	Gas, Inc., FPC GRS No. 2.	31	
			Supplement Nos. 1-4	31	1-4
			Notice of succession (undated).		
			Assignment 10-1-66 [10]	31	5
			Assignment 12-12-66 [11]	31	6
			Effective date: 11-1-66.		
		Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans.	Gas, Inc., FPC GRS No. 3.	32	
			Supplement Nos. 1-2	32	1-2
			Notice of succession (undated).		
			Assignment 10-1-66 [10]	32	3
			Assignment 12-12-66 [11]	32	4
			Effective date: 11-1-66.		
CI62-1390 (G-14235) (B 5-24-62)	New Mexico Western Oil & Gas Co.[31]	Ballard (Fictured Cliffs) Field San Juan and Rio Arriba Counties, N. Mex.	Notice of cancellation [32]	1	4
CI63-1182 (D 2-16-67)	Humble Oil & Refining Co.	Northern Natural Gas Co., Como Area, Beaver County, Okla.	Supplemental agreement 1-31-67 [13] [33]	327	9
			Supplemental agreement 2-1-67 [13] [33]	327	10
CI64-555 (D 5-16-66)	Sunray DX Oil Co.	Northern Natural Gas Co., Shattuck Common Field, Beaver County, Okla.	Amendatory agreement 9-22-66 [11]	240	2

See footnotes at end of table.

[1] Amendment to the certificate to increase daily contract quantity.
[2] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[3] Applicant has agreed to accept authorization for additional volumes pursuant to Opinion No. 468.
[4] Increases daily contract quantity from 11,000 to 15,000 Mcf.
[5] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[6] By order issued Jan. 23, 1967, in Docket Nos. G–3395 et al., said certificate was amended to reflect the deletion of the subject acreage concurrently with the issuance of the certificate to the successor, Joseph F. Fritz (Operator) et al., in Docket No. CI66–239; therefore, only the supplement to the rate schedule is being accepted for filing by this order and the application will be dismissed as moot.
[7] Transfers acreage from Humble to Joseph F. Fritz (transfers acreage from a subsea depth of 9,461 feet to a subsea depth of 10,081 feet).
[8] Jan. 1, 1968, moratorium pursuant to the Commission's statement of general policy No. 61–1, as amended.
[9] Amendment adds interest of coowner, Gulf Oil Corp.
[10] Assigns entire acreage from Gas, Inc., to Stevens County Oil & Gas Co. (a corporation).
[11] Assigns entire acreage from The Stevens County Oil & Gas Co. (a corporation) to The Stevens County Oil & Gas Co. (a copartnership).
[12] A wholly owned subsidiary of El Paso Natural Gas Co. was dissolved Aug. 22, 1960 and all assets and liabilities assumed by El Paso.
[13] Effective date: Date of this order.
[14] Decline in pressure to the extent that deliveries cannot be made against buyers line pressure.
[15] Releases acreage described therein with respect to the Morrow Formation only.
[16] Releases acreage described therein with respect to the Upper Morrow Formation only.
[17] Deletes 160 acres in the Tonkawa Formation. Does not fulfill contract provision for connection by buyer, based on available reserves.
[18] Agreement between buyer and seller for sale of surplus gas.
[19] Supplement agreement increased contract quantity from 10,000 to 20,000 Mcf per day (accepted for filing to be effective Aug. 19, 1965.
[20] Increases daily contract quantity from 20,000 to 40,000 Mcf.
[21] Amendment to the certificate to cover sales of additional volumes of residue gas.
[22] By letter dated Dec. 12, 1966 Applicant agreed to accept authorization for additional volumes consistent with Opinion No. 468.
[23] Increases contract volume from 10 to 15 MMcf per day.
[24] Increases contract volume from 15 to 30 MMcf per day.
[25] Increases daily contract quantity from 10,000 to 20,000 Mcf.
[26] Adds acreage acquired from John H. Trigg in Docket No. CI65–625.
[27] Supersedes John H. Trigg d.b.a. John H. Trigg Co. FPC GRS No. 4, as supplemented. The contract comprising Pan American's FPC GRS No. 444 is the same as the one which comprised Trigg's FPC GRS No. 4; therefore, the certificate in Docket No. CI65–625 will be terminated.
[28] Application erroneously assigned Docket No. CI67–894 will be treated as a petition to amend the certificate in Docket No. CI66–1304 and Docket No. CI67–894 will be cancelled.
[29] July 1, 1967, moratorium pursuant to the Commission's statement of general policy No. 61–1, as amended.
[30] Lease provides for a depth limitation of 4,715 feet.
[31] Between Skelly Oil Co. and buyer; on file as Skelly Oil Co. FPC GRS No. 206.
[32] Farmout assignment from Skelly Oil Co. to Matson & Trigg.
[33] Assignment from Matson & Trigg to A.I.K., Ltd. No. 2.
[34] Production of gas no longer economically feasible.
[35] Sale being rendered on June 7, 1954.
[36] Increases contract rate from 14.0 cents to 15.0 cents per Mcf.
[37] Increases contract rate to 16.0 cents per Mcf.
[38] Increases contract rate to 20.0 cents per Mcf.
[39] Source of gas depleted.

[F.R. Doc. 67–4449; Filed, Apr. 25, 1967; 8:45 a.m.]

[Docket No. CP67–293]

CITY OF ADEL, GA., AND SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

APRIL 17, 1967.

Take notice that on April 10, 1967, The City of Adel, Ga. (Applicant), filed in Docket No. CP67–293 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing South Georgia Natural Gas Co. (Respondent), to make physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution within the community of Adel and the area adjacent thereto, all in the State of Georgia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes that Respondent construct and operate a 4½-inch transmission lateral extending from its 10¾-inch O.D. high pressure natural gas pipeline approximately 16.2 miles to the town border of Applicant where connection will be made with Applicant's proposed distribution system. Applicant estimates its natural gas requirements for the first 3 years as follows:

Year	Maximum daily requirements (Mcf)	Maximum annual requirements (Mcf)
First	560	232,800
Second	960	414,800
Third	1,220	511,755

Applicant estimates the total cost of the proposed construction of its distribution system at approximately $540,000, said cost to be financed through the issuance of natural gas revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 12, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67–4558; Filed, Apr. 25, 1967; 8:45 a.m.]

[Docket Nos. G–12135, CP63–41]

EL PASO NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

Order Amending Order Consolidating Application for Certificate of Public Convenience and Necessity With Show Cause Proceeding and Setting Date for Hearing

APRIL 17, 1967.

On March 24, 1967, the Commission issued an order in the above-captioned

proceeding, providing for a public hearing to be held on May 16, 1967, and a prehearing conference on April 25, 1967.

In order to allow for more procedural flexibility, it is desirable that the date for commencement of hearing be left to the discretion of the presiding examiner. Therefore, the order shall be amended as hereinafter provided.

The Commission orders:

The hearing date provided for in ordering paragraph (A) of the order of March 24, 1967, in the above proceeding is hereby deleted, and in lieu thereof the following paragraph shall be added to ordering paragraph (D) of the abovementioned order:

Following such conference the presiding examiner shall set this matter for an early hearing and shall specify such other procedures as he deems necessary to promptly bring this matter to a proper conclusion.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4559; Filed, Apr. 25, 1967; 8:45 a.m.]

[Docket No. E-7347]

NORTHERN STATES POWER CO.

Notice of Application

APRIL 17, 1967.

Take notice that on April 11, 1967, Northern States Power Co. (Applicant), filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $30 million principal amount of First Mortgage Bonds.

Applicant is incorporated under the laws of the State of Minnesota and is qualified to do business in the States of South Dakota and North Dakota with its principal place of business office in Minneapolis, Minn.

Applicant proposes to issue and sell the Bonds at competitive bidding in accordance with the Commission's regulations under the Federal Power Act. The Bonds are to mature on June 1, 1995, and to be issued under and secured by the Trust Indenture dated February 1, 1937, from Applicant to Harris Trust and Savings Bank, Trustee, as supplemented and to be further supplemented on June 1, 1967.

The proceeds from the sale of the New Bonds will be added to the general funds of NSP-MINN and will be used to prepay part of the outstanding bank loans which will be about $37 million as of the date of the issuance and delivery of the New Bonds. These bank loans replenished the general funds of NSP-MINN which had been reduced by construction expenditure payments.

Expenditures during 1967 under the construction program of NSP-MINN are presently estimated at $99.86 million, of which $16 million were expended in the first 2 months. The funds for these expenditures will be obtained from the sale of the New Bonds as stated above, from funds available from operations in 1967, and from additional short-term borrowings presently estimated at $35 million, to be made later in the year. NSP-MINN presently intends to sell an additional $30 million of bonds in the fourth quarter of 1967. The proceeds from the sale of these additional bonds will be used to prepay part of the then outstanding bank loans.

Included in Applicant's 1967 Construction Program are expenditures of approximately $37,174,000 for the Allen S. King Plant in Oak Park Heights, Minn.; $2,500,000 for a nuclear powerplant at Prairie Island near Red Wing, Minn.; $18,300,000 for transmission facilities and $19,400,000 for distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4560; Filed, Apr. 25, 1967; 8:45 a.m.]

[Docket Nos. CP65-157, G-1922]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

APRIL 17, 1967.

Take notice that on April 10, 1967, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Petitioner), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP65-157 pursuant to section 3 of the Natural Gas Act for a petition to amend the order issued in said docket on April 6, 1965, by authorizing the increase in the volume of natural gas to be exported to Canada for sale and delivery to Trans-Canada Pipe Lines, Ltd. (Trans-Canada) at the international boundary near Niagara Falls, N.Y. Petitioner also requested on April 10, 1967, in the same filing that the Presidential permit issued in Docket No. G-1922 on September 11, 1953, and amended on April 6, 1965, be further amended to reflect the increase in the exportation of natural gas to Trans-Canada. The proposal is more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued in CP65-157 on April 6, 1965, Petitioner was authorized to export the following annual volumes of natural gas at 14.73 p.s.i.a. to Trans-Canada:

	MMcf
Until Nov. 1, 1966	25,500
Nov. 1, 1966 to Nov. 1, 1967	20,400
Nov. 1, 1967 to Nov. 1, 1968	15,300
Nov. 1, 1968 to Nov. 1, 1969	10,200
Nov. 1, 1969 to Nov. 1, 1970	5,100

By the instant filing Petitioner, on the basis of a letter agreement with Trans-Canada dated March 8, 1967, seeks authorization to increase the volume of gas exported to Canada by the sum of 10,000 MMcf at 14.73 p.s.i.a. for the contract period commencing April 1, 1967, and ending November 1, 1968, which increase is in addition to the volume already authorized by the order of April 6, 1965. Such gas will be delivered on an interruptible basis at the price of 43.43 cents per Mcf at 15.025 p.s.i.a.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 12, 1967.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4561; Filed, Apr. 25, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

ALLIED BANKSHARES CORP.

Order Denying Application Under Bank Holding Company Act

In the matter of the application of Allied Bankshares Corp., Norfolk, Va., for approval of action to become a bank holding company through the acquisition of more than 50 percent of the voting shares of Virginia National Bank, Norfolk, Va., and The Central National Bank of Richmond, Richmond, Va.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.4 (a)(1) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), an application by Allied Bankshares Corp., Norfolk, Va., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of more than 50 percent of the voting shares of Virginia National Bank, Norfolk, Va., and The Central National Bank of Richmond, Richmond, Va.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 23, 1966 (31 F.R. 14854), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration, and notice of receipt of the application was given to the Commissioner of Banking for the Commonwealth of Virginia. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is denied.

Dated at Washington, D.C., this 18th day of April 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-4562; Filed, Apr. 25, 1967; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond. Dissenting Statement of Governors Shepardson and Daane also filed as part of the original document and available upon request.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 21, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40991—*Sulphuric acid from Copperhill and Tyner, Tenn.* Filed by O. W. South, Jr., agent (No. A5022), for interested rail carriers. Rates on sulphuric acid, in tank carloads, and in shipments of not less than five (5) cars, from Copperhill and Tyner, Tenn., to Cantonment and Gonzalez, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 17 to Southern Freight Association, agent, tariff ICC S-671.

FSA No. 40992—*Sulphuric acid from Copperhill, Tenn.* Filed by O. W. South, Jr., agent (No. A5020), for interested rail carriers. Rates on sulphuric acid, in tank carloads, and in shipments of not less than five (5) cars, from Copperhill, Tenn., to Demopolis, Green Tree, Holt, and Tuscaloosa, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 17 to Southern Freight Association, agent, tariff ICC S-671.

FSA No. 40993—*Sulphuric acid from Augusta, Ga., to Charlotte, N.C.* Filed by O. W. South, Jr., agent (No. A5021), for and on behalf of the Southern Railway Co. Rates on sulphuric acid, in tank carloads, from Augusta, Ga., to Charlotte, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 17 to Southern Freight Association, agent, tariff ICC S-671.

FSA No. 40994—*Vermiculite from Kearney, S.C.* Filed by O. W. South, Jr., agent (No. A5019), for interested rail carriers. Rates on vermiculite, in carloads, from Kearney, S.C., to New Brighton, N.Y.

Grounds for relief—Market competition.

Tariff—Supplement 35 to Southern Freight Association, agent, tariff ICC S-623.

FSA No. 40995—*Returned shipments between points in the United States.* Filed by Illinois Freight Association, agent (No. 326), for interested rail carriers. Rates on property moving in carloads returned to original point of shipment, between points in the United States.

Grounds for relief—Carrier competition.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4607; Filed, Apr. 25, 1967; 8:49 a.m.]

[2] Voting for this action: Chairman Martin, and Governors Robertson, Mitchell, and Brimmer. Voting against this action: Governors Shepardson and Daane. Absent and not voting: Governor Maisel.

[Notice 443]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 21, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 936 (Deviation No. 2), VALLEY MOTOR LINES, INC., 1220 West Washington Boulevard, Montebello, Calif. 93707, filed April 14, 1967. Carrier's representative: Robert R. Hollis, Commonwealth Building, Portland, Oreg. 97204. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Portland, Oreg., and Seattle, Wash., over Inferstate Highway 5, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Portland, Oreg., over U.S. Highway 99 to junction unnumbered highway (formerly portion Washington Highway 1), approximately 5 miles southwest of Toledo, Wash., thence over unnumbered highway via Toledo, Wash., to junction Washington Highway 508 (formerly Washington Highway 1), thence over Washington Highway 508 to junction U.S. Highway 99, thence over U.S. Highway 99 via Grand Mound, Wash., to junction unnumbered highway (formerly portion Washington Highway 1), thence over unnumbered highway via Tenino, Wash., to junction U.S. Highway 99, thence over U.S. Highway 99 via Tacoma, Wash., to Seattle, Wash., and (2) from Portland, Oreg., to Tacoma, Wash., as specified above, thence over U.S. Highway 410 to junction Washington Highway 163 (formerly portion Washington Highway 5), thence over Washington Highway 163 to junction Washington Highway 167 (formerly portion Washington Highway 5), thence over Washington Highway 167 to Seattle, Wash., and return over the same routes.

No. MC 55778 (Deviation No. 1), MOTOR DISPATCH, INC., 202 East Chicago Avenue, East Chicago, Ind. 46321, filed April 13, 1967. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over city streets to junction Indiana Toll Road (Interstate Highway 80 and 90) at or near Gary, Ind., thence over the Indiana Toll Road to the Indiana-Ohio State line, thence over the Ohio Toll Road (Interstate Highways 80 and 90) to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 20 to Mishawaka, Ind. (also from Chicago over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 35 to junction U.S. Highway 20, thence over U.S. 20 to Mishawaka, Ind.), and (2) from South Bend, Ind., over U.S. Highway 20 to junction Ohio Highway 49, thence over Ohio Highway 49 to Edon, Ohio, thence over Ohio Highway 34 via Bryan, Ohio, to junction U.S. Highway 6, thence over U.S. Highway 6 to Sandusky, Ohio, thence over U.S. Highway 250 to Milan, Ohio, thence over Ohio Highway 113 to Elyria, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio, and return over the same routes.

No. MC 55778 (Deviation No. 2), MOTOR DISPATCH, INC., 202 East Chicago Avenue, East Chicago, Ind. 46321, filed April 13, 1967. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Detroit, Mich., and Toledo, Ohio, over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Detroit, Mich., over Michigan Highway 56 to Monroe, Mich., thence over U.S. Highway 25 to Toledo,

Ohio, and (2) from Detroit, Mich., over U.S. Highway 25 to junction U.S. Highway 24, thence over U.S. Highway 24 to Toledo, Ohio, and return over the same routes.

No. MC 55778 (Deviation No. 3), MOTOR DISPATCH, INC., 202 East Chicago Avenue, East Chicago, Ind. 46321, filed April 13, 1967. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From La Porte, Ind., over Indiana Highway 39 to the Indiana-Michigan State line, thence over Michigan Highway 239 to junction Interstate Highway 94, thence over Interstate Highway 94 to Detroit, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Michigan City, Ind., over U.S. Highway 35 to La Porte, Ind., thence over U.S. Highway 20 to South Bend, Ind., (2) from South Bend, Ind., over U.S. Highway 20 to junction Ohio Highway 49, thence over Ohio Highway 49 via Bryan, Ohio, to junction U.S. Highway 6, thence over U.S. Highway 6 to Sandusky, Ohio, thence over U.S. Highway 250 to Milan, Ohio, thence over Ohio Highway 113 to Elyria, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio, and (3) from South Bend, Ind., over U.S. Highway 31 to Niles, Mich., thence over Michigan Highway 40 to junction U.S. Highway 12, thence over U.S. Highway 12 to Detroit, Mich., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 371), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 11, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 6 and U.S. Highway 6A, approximately 2 miles west of South Killingly, Conn., over U.S. Highway 6 to junction U.S. Highway 6A, near East Brooklyn, Conn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Providence, R.I., over U.S. Highway 6 to junction U.S. Highway 6A (formerly U.S. Highway 6), approximately 2 miles west of South Killingly, Conn., thence over U.S. Highway 6A via Danielson, Conn., to junction U.S. Highway 6 near East Brooklyn, Conn., thence over U.S. Highway 6 to Willimantic, Conn., and return over the same route.

No. MC 1515 (Deviation No. 372) (Cancels Deviation No. 330), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 11, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Portland, Maine, over Interstate Highway 95 to Brunswick, Maine, thence over New U.S. Highway 1 to Bath, Maine, with the following access routes: (a) From Portland, Maine, over Interstate Highway 295 to junction Interstate Highway 95, just north of Portland, Maine, and (b) from U.S. Highway 1 over access road to junction Interstate Highways 295 and 95, just north of Portland, Maine, and (2) from Augusta, Maine, over Interstate Highway 95 to junction Maine Highways 6 and 155 (near Howland, Maine), thence over Maine Highways 6 and 155 to junction U.S. Highway 2 (near West Enfield, Maine), with the following access routes: (a) From Waterville, Maine, over Maine Highway 11 to junction Interstate Highway 95, (b) from Waterville, Maine, over Maine Highway 104 to junction Interstate Highway 95, (c) from Fairfield, Maine, over Maine Highway 139 to junction Interstate Highway 95.

(d) From Fairfield, Maine, over U.S. Highway 201 to junction Interstate Highway 95, (e) from Newport, Maine, over unnumbered highway to junction Interstate Highway 95 west of Newport, Maine, (f) from Newport, Maine, over U.S. Highway 2 to junction Interstate Highway 95 east of Newport, Maine, (g) from Bangor, Maine, over city streets to junction Interstate Highway 95, (h) from Old Town, Maine, over U.S. Highway 2 to junction Interstate Highway 95, and (i) from Old Town, Maine over Maine Highway 43 to junction Interstate Highway 95, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Boston, Mass., over U.S. Highway 1 via Newburyport, Mass. (also via bypass route around Newburyport), to the Massachusetts-New Hampshire State line, thence over U.S. Highway 1 via Smithtown, N.H., and Portland and Belfast, Maine, to Stockton Springs, Maine, thence over Alternate U.S. Highway 1 via Bangor and Brewer, Maine, to Ellsworth, Maine, thence over U.S. Highway 1 to the United States-Canada boundary line (also from junction U.S. Highway 1 and Alternate U.S. Highway 1, approximately 1.6 miles south of Portsmouth, N.H., over Alternate U.S. Highway 1, known as the Portsmouth Cut-Off, to junction Maine Turnpike, thence over the Maine Turnpike to junction U.S. Highway 1; also from Portland over Maine Highway 100 via Lewiston, Augusta, and Fairfield, Maine, to Newport, Maine, thence over U.S. Highway 2 to Bangor; and also from Brewer over Maine Highway 9 to junction U.S. Highway 1, thence over U.S. Highway 1 to Calais).

(2) From Norridgewock, Maine, over U.S. Highway 2 to Bangor, Maine, thence over Maine Highway 9 to junction U.S. Highway 1, thence over U.S. Highway 1 to the United States-Canada boundary line (near Calais), (3) from Bangor, Maine, over U.S. Highway 2 to Lincoln, Maine, thence over Maine Highway 6 to Topsfield, Maine, thence over U.S. Highway 1 to junction Maine Highway 9, (4) from Lewiston, Maine, over Maine Highway 196 to Topsham, Maine, thence over U.S. Highway 201 to Brunswick, Maine, (5) from Waterville, Maine, over U.S. Highway 201 to Skowhegan, Maine, (6) from Bangor, Maine, over U.S. Highway 2 to Mattawamkeag, Maine, (7) from Portland, Maine, over Maine Highway 100 to junction unnumbered highway (formerly Maine Highway 100), near Greene, Maine, thence over unnumbered highway via Greene to junction Maine Highway 100, thence over Maine Highway 100 via Winthrop, to Bangor, Maine, (8) from Portland, Maine, over U.S. Highway 1 to junction Maine Highway 88 (formerly U.S. Highway 1), thence over Maine Highway 88 to Yarmouth, Maine, thence over unnumbered highway (formerly U.S. Highway 1) to junction U.S. Highway 1, thence over U.S. Highway 1 to junction unnumbered highway (formerly U.S. Highway 1), thence over unnumbered highway to Rockport, Maine, (9) from junction New U.S. Highway 1 and Old U.S. Highway 1, near Portland, Maine, over U.S. Highway 1 to junction Old U.S. Highway 1 east of Yarmouth, Maine, and (10) from Topsham, Maine, over U.S. Highway 201 to Gardiner, Maine, and return over the same routes.

No. MC 1515 (Deviation No. 373), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 13, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 66 and unnumbered highway, approximately 1 mile north of Mt. Olive, Ill., over U.S. Highway 66 to junction unnumbered highway approximately 1 mile southwest of Mt. Olive, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Bloomington, Ill., over U.S. Highway 66 via Springfield, Ill., to junction unnumbered highway approximately 1 mile north of Mt. Olive, Ill., thence over unnumbered highway via Mt. Olive, to junction U.S. Highway 66 approximately 1 mile southwest of Mt. Olive, Ill., thence over U.S. Highway 66 to junction unnumbered highway approximately 2 miles south of Mt. Olive, Ill., and return over the same route.

No. MC 2890 (Deviation No. 63) (Cancels Deviation No. 41), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha, Nebr. 68102, filed April 11, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Princeton, Ill., over Illinois Highway 26 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Illinois Highway 82, thence over Illinois Highway 82 to Geneseo, Ill., (2) from Geneseo, Ill., over Illinois Highway 82 to junction Interstate Highway 80, thence over Interstate Highway 80 to Davenport, Iowa, (3) from junction Interstate Highway 80 and Interstate Highway 280 over Interstate Highway 280 to junction U.S. Highway 150, thence over U.S. Highway 150 to Moline, Ill., and (4) from junction Interstate Highway 280 and U.S. Highway 150 over Interstate Highway 280 to junction U.S. Highway 67, thence over U.S. Highway 67 to Rock Island, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 20 to junction Illinois Highway 42A, thence over Illinois Highway 42A to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction U.S. Highway 45, thence over U.S. Highway 45 to LaGrange, Ill., thence over U.S. Highway 34 to junction Illinois Highway 65 at Naperville, Ill., thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 275 at Glenwood, Iowa, and (2) from Sheffield, Ill., over U.S. Highway 6 via Geneseo, Ill., to junction unnumbered highway at a point approximately 9 miles west of Geneseo, thence over unnumbered highway via Green River and Colona, Ill., to junction Illinois Highway 92 at the outskirts of Silvis, Ill., thence over Illinois Highway 92 via Silvis, Ill., to junction U.S. Highway 150, thence over U.S. Highway 150 to junction U.S. Highway 67, thence over U.S. Highway 67 to Davenport, Iowa, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4606; Filed, Apr. 25, 1967; 8:49 a.m.]

[Notice 1054]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 21, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 93224 (Sub-No. 20), filed April 6, 1967. Applicant: S & N FREIGHT LINE, INCORPORATED, Post Office Box 12147, Norfolk, Va. 23502. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, from Chesapeake, Va., to points in Maryland and Delaware.

HEARING: May 23, 1967, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry C. Winters.

No. MC 61396 (Sub-No. 148) (Republication), filed December 2, 1965, published FEDERAL REGISTER issue of December 23, 1965, and republished this issue. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. By application filed December 2, 1965, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes, of chemicals (except cryogenic liquids), in bulk, in tank- and hopper-type vehicles, from, and to, points as indicated below. The application was referred to Examiner Charles B. Heinemann for hearing and the recommendation of an appropriate order thereon. Hearing was held on January 19, 1967, at Chicago, Ill. A Report and Order of the Commission, Division 1, served March 16, 1967, which became effective April 17, 1967, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *chemicals* (except cryogenic liquids), in bulk, in tank- and hopper-type vehicles, from points in the Cordova Industrial Park, Rock Island County, Ill., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, restricted against (1) the transportation of fertilizer and fertilizer ingredients from the plant and warehouse sites of Nitrin, Inc., at or near Cordova, Ill., and (2) tacking and/or interlining; that applicant is fit, willing, and able properly to perform such service, and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 72423 (Sub-No. 1) (Republication), filed May 18, 1966, published FEDERAL REGISTER issue of June 9, 1966, and republished this issue. Applicant: R. D. HOUNSHELL, doing business as STERLING TRANSFER CO., 111 East Chestnut Street, Sterling, Colo. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo. By application filed May 18, 1966, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes, of household goods, as defined by the Commission, between points in a described territory in Colorado, on the one hand, and, on the other, points in Wyoming, subject to a specified restriction, as set forth below. The application was referred to Joint Board No. 198 for hearing and the recommendation of an appropriate order thereon. Hearing was held on January 12, 1967, at Denver, Colo.

A report and order of the Commission, Division 1, served March 6, 1967, which became effective April 17, 1967, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *household goods*, as defined by the Commission, between those points in that part of Colorado bounded by a line beginning at the intersection of U.S. Highway 34 and the Colorado-Nebraska State line, thence westerly along U.S. Highway 34 to junction Colorado Highway 52 at Fort Morgan, thence north along Colorado Highway 52 to junction Colorado Highway 14, thence east along Colorado Highway 14 to junction Colorado Highway 71, thence north along Colorado Highway 71 to the Colorado-Nebraska State line, thence east along the southern Nebraska State line to the west Nebraska-east Colorado State line, thence south along the west Nebraska State line to the point of beginning, on the one hand, and, on the other, points in Wyoming; restricted to traffic originating at or destined to points in the above-described Colorado territory; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the

date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 99234 (Sub-No. 2) (Republication), filed April 26, 1965, published FEDERAL REGISTER issue of June 3, 1965, and republished this issue. Applicant: WESTWAY MOTOR FREIGHT, INC., 4350 Kendrick Street, Golden, Colo. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. An order of the Commission, Division 1, dated April 12, 1967, and served April 19, 1967, finds in the above-specified proceeding and order granting the application in part, was entered; that, as pertinent, applicant sought authority to transport general commodities (a) from and to all points within 15 miles of Golden, Colo., including Golden, and (b) from and to all points within said radius, to and from all points in Colorado, provided however, that all shipments shall originate or terminate west of the west boundary of the city and county of Denver, Colo.; but inasmuch as the proposed restriction was ambiguous, applicant was granted authority to transport *general commodities*, with exceptions (a) between Denver, Broomfield, and Littleton, Colo., and those points in Jefferson County, Colo., on and north of U.S. Highway 285, and (b) between the points described immediately above, on the one hand, and, on the other, points in Colorado, restricted to the transportation of shipments which originate at or are destined to those points in Colorado on and west of U.S. Highway 87. That the Certificate No. MC 99234 (Sub-No. 2), dated January 13, 1966, be modified by changing the Restriction set forth on Sheet No. 2 thereof to read as follows: Restriction: The operations authorized immediately above are restricted to the transportation of shipments which originate at or are destined to points in that part of Colorado west of U.S. Highway 87 (not including points in the city and county of Denver). That the matter of whether any portion of Certificate No. MC 99234 (Sub-No. 2) was issued to applicant improperly and without adequate notice be, and it is hereby, assigned for oral hearing, at a time and place hereafter fixed, unless (1) no further petitions are filed, and (2) applicant, within 45 days of the date of said FEDERAL REGISTER publication, agree in writing that the said certificate be modified in the manner described above. Because it is possible that other parties, who have relied upon the notice of the application as originally published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the modified certificate, a notice of the authority so described in the modified certificate will be published in the FEDERAL REGISTER and further processing of this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107496 (Sub-No. 424) Republication), filed November 5, 1965, published FEDERAL REGISTER issue of November 18, 1965, and republished this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). By application filed November 6, 1965, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes, of chemicals (except cryogenic liquids), in bulk, in tank- and hopper-type vehicles, from, and to, points as indicated below. The application was referred to Examiner Charles B. Heinemann for hearing and the recommendation of an appropriate order thereon. Hearing was held on January 19, 1967, at Chicago, Ill. A report and order of the Commission, Division 1, served March 16, 1967, which became effective April 17, 1967, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *chemicals* (except cyrogenic liquids), in bulk, in tank- and hopper-type vehicles, from points in the Cordova Industrial Park, Rock Island County, Ill., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, restricted against (1) the transportation of fertilizer and fertilizer ingredients from the plant and warehouse sites of Nitrin, Inc., at or near Cordova, Ill., and (2) tacking and/or interlining; that applicant is fit, willing, and able properly to perform such service, and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 108449 (Sub-No. 217) (Republication), filed December 10, 1965, published in FEDERAL REGISTER issue of December 29, 1965, and republished this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. By application filed December 10, 1965, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes, of chemicals (except cryogenic liquids), in bulk, from, and to, points indicated below. The application was referred to Examiner Charles B. Heinemann for hearing and the recommendation of an appropriate order thereon. Hearing was held on January 19, 1967, at Chicago, Ill. A report and order of the Commission, Division 1, served March 16, 1967, which became effective April 17, 1967, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *chemicals* (except cryogenic liquids), in bulk, from points in the Cordova Industrial Park, Rock Island County, Ill., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, restricted against (1) the transportation of fertilizer and fertilizer ingredients from the plant and warehouse sites of Nitrin, Inc., at or near Cordova, Ill., and (2) tacking and/or interlining; that applicant is fit, willing, and able properly to perform such service, and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 110988 (Sub-No. 138) (Republication), filed August 12, 1965, published FEDERAL REGISTER issue of September 1, 1965, and republished this issue. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C. 20006. By application filed August 12, 1965, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes, of chemicals (except cryogenic liquids), in bulk, in tank- and hopper-type vehicles, from, and to, points as indicated below. The application was referred to Examiner Charles B. Heinemann for hearing and the recommendation of an appropriate order thereon. Hearing was held on January 19, 1967, at Chicago, Ill. A report and order of the Commission, Division 1, served March 16, 1967, which became effective April 17, 1967, finds that the present and future public convenience and necessity require operation by

applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *chemicals* (except cryogenic liquids), in bulk, in tank- and hopper-type vehicles, from points in the Cordova Industrial Park, Rock Island County, Ill., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, restricted against (1) the transportation of fertilizer and fertilizer ingredients from the plant and warehouse sites of Nitrin, Inc., at or near Cordova, Ill., and (2) tacking and/or interlining; that applicant is fit, willing, and able properly to perform such service, and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111729 (Sub-No. 175) (Republication), filed July 17, 1964, published FEDERAL REGISTER issues of August 5, 1964, and November 10, 1966, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. (Retitled), AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street, NW., Washington, D.C. By application filed July 17, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of payroll checks, advertising signs, business papers, records, and audit and accounting media of all kinds (excluding plant removals), (a) between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and (b) between Philadelphia, Pa., and New York, N.Y., on the one hand, and, on the other, Hazlet and Parsippany Hills, N.J. An order of the Commission, Operating Rights Board No. 1, dated March 31, 1967, and served April 13, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of *payroll checks, advertising signs, business papers, business records, and audit and accounting media* (excluding cash letters), (a) between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and (b) between Philadelphia, Pa., and New York, N.Y., on the one hand, and, on the other, Hazlet and Parsippany Hills, N.J.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that subsequent to or concurrently with issuance of certificates to applicant in Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), and MC 127431 (Sub-No. 8), an appropriate certificate should be issued. That the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. MC 112750 and subs thereunder, MC 123304 and subs thereunder, and MC 123486 and subs thereunder, will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which time any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112801 (Sub-No. 33) (Republication), filed November 10, 1965, published FEDERAL REGISTER issue of November 25, 1965, and republished this issue. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Applicant's representative: Robert H. Levy, 105 West Adams Street, Chicago, Ill. 60603. By application filed November 10, 1965, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes, of chemicals (except cryogenic liquids), in bulk, in tank- and hopper-type vehicles, from and to points as indicated below. The application was referred to Examiner Charles B. Heinemann for hearing and the recommendation of an appropriate order thereon. Hearing was held on January 19, 1967, at Chicago, Ill. A report and order of the Commission, Division 1, served March 16, 1967, which became effective April 17, 1967, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *chemicals* (except cryogenic liquids), in bulk, from points in the Cordova Industrial Park, Rock Island County, Ill., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, restricted against (1) the transportation of fertilizer and fertilizer ingredients from the plant and warehouse sites of Nitrin, Inc., at or near Cordova, Ill., and (2) tacking and/or interlining; that applicant is fit, willing, and able properly to perform such service, and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115331 (Sub-No. 147) (Republication), filed August 23, 1965, published FEDERAL REGISTER issue of September 9, 1965, and republished this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. By application filed August 23, 1965, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes, of chemicals (except cryogenic liquids), in bulk, from, and to, points indicated below. The application was referred to Examiner Charles B. Heinemann for hearing and the recommendation of an appropriate order thereon. Hearing was held on January 19, 1967, at Chicago, Ill. A report and order of the Commission, Division 1, served March 16, 1967, which became effective April 17, 1967, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *chemicals* (except cryogenic liquids), in bulk, from points in the Cordova Industrial Park, Rock Island County, Ill., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, restricted against (1) the transportation of fertilizer and fertilizer ingredients from the plant and warehouse sites of Nitrin, Inc., at or near Cordova, Ill., and (2) tacking and/or interlining; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the

precise manner in which it has been so prejudiced.

No. MC 127215 (Sub-No. 9) (Republication), filed October 29, 1965, published FEDERAL REGISTER issue of November 11, 1965, and republished this issue. Applicant: KENDRICK CARTAGE CO., a corporation, Salem, Ill. Applicant's representative: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C. 20006. By application filed October 29, 1965, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes, of chemicals (except cryogenic liquids), in bulk, from, and to, points indicated below. The application was referred to Examiner Charles B. Heinemann for hearing and the recommendation of an appropriate order thereon. Hearing was held on January 19, 1967, at Chicago, Ill. A report and order of the Commission, Division 1, served March 16, 1967, which became effective April 17, 1967, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *chemicals* (except cryogenic liquids), in bulk, from points in the Cordova Industrial Park, Rock Island County, Ill., points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, restricted against (1) the transportation of fertilizer and fertilizer ingredients from the plant and warehouse sites of Nitrin, Inc., at or near Cordova, Ill., and (2) tacking and/or interlining; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

Nos. MC 92983 (Sub-Nos. 247 and 314) (Petition for Reconsideration Reopening, and Correction of Certificate), filed April 3, 1967. Petitioner: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo. 64141. Petitioner's representative: J. G. Dall, Jr., Federal Bar Building, 1815 H Street NW., Washington, D.C. Petitioner states the following grant of authority is contained in the second paragraph on sheet 2 of petitioner's Certificate No. MC 92983 (Sub-No. 247): "*Liquid chemicals*, and *acids*, in bulk, in tank vehicles, from Muscatine, Iowa, to points in Illinois, Kansas, and Nebraska, with no transportation for compensation on return except as otherwise authorized." Petitioner further states the authority quoted was originally issued in Petitioner's Sub-No. 314 proceeding the application for which was filed September 4, 1958, and sought authority to transport: "Acids and chemicals, in bulk, from Muscatine, Iowa, and points within 10 miles thereof, to points in Illinois, Kansas, and Nebraska," and heard on a consolidated record with its Sub 319 application on December 4, 1958. A certificate was issued in MC 92983 (Sub-No. 314), on September 16, 1959, containing the following description: "*Chemicals*, as defined in the *Maxwell Co. Extension—Addyston*, 63 M.C.C. 677, and *acids*, in bulk, in tank vehicles." Petitioner further states that pursuant to procedure for reforming outstanding certificates containing the Maxwell definition, petitioner filed on December 31, 1961, a petition for modification of its Sub 314 certificate by deleting the reference therein to the Maxwell decision, and the Commission issued a corrected order on October 4, 1962. On January 31, 1963, a new certificate (in Sub-No. 247) was issued containing the above said authority in the second paragraph thereof. By the instant petition, petitioner seeks to reopen these proceedings, reconsider its corrected order of October 4, 1962, and correct petitioner's Certificate No. MC 92983 (Sub-No. 247) by modifying the second grant of authority on page 2 by eliminating the word "liquid" to read "*Acids* and *chemicals*," in bulk, in tank vehicles, from Muscatine, Iowa, to points in Illinois, Kansas, and Nebraska. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in favor of, or against, the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124181 (Sub-No. 6) (Notice of Filing of Petition for Authority to Add Additional Contracting Shipper), filed March 30, 1967. Petitioner: JOSEPH GENOVA, Clayton Road, Williamstown, N.J. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner states that he is operator of permit No. MC 124181 Sub 6, transferred by this Commission on November 18, 1966, in MC–FC 69000, but not as yet issued, to conduct operations as a contract carrier, by motor vehicle, over irregular routes, transporting: Food products, except in bulk, (1) between South Hackensack, N.J., on the one hand, and, on the other, New York, N.Y., and points in Fairfield, Hartford, and New Haven Counties, Conn., and (2) from piers in New York Harbor, N.Y., to points in New Jersey, points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and points in Fairfield, Hartford, and New Haven Counties, Conn., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Buitoni Foods Corp., of South Hackensack, N.J., and Van Leer Chocolate Corp., Jersey City, N.J. By the instant petition, petitioner requests permission to add East Coast Warehouse & Distribution Corp. of Elizabeth, N.J., as an additional contracting shipper to the above authority. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against, the petition within 30 days from the date of publication in the FEDERAL REGISTER. Also, petitioner shall within a period of 30 days from the date of this publication, file verified statements in support of the petition (including appropriate evidence of shipper support for the modification proposed).

No. MC 127584 (Sub-No. 1) (Notice of Filing of Petition To Amend Permit), filed April 11, 1967. Petitioner: AERO TRANSPORTERS, INC., Box 551, Ellenville, N.Y. 12428. Petitioner states that it holds permit MC 127584 (Sub-No. 1), issued August 9, 1966, which authorizes the following transportation: "Irregular routes: Aluminum, aluminum mill products, and materials, supplies, and equipment used in connection with the manufacture, production, or distribution of aluminum and aluminum mill products (except commodities in bulk, in tank vehicles), between points in the town of Wawarsing (Ulster County), N.Y., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts with V.A.W. United Aluminum Works of America, Inc., of the town of Wawarsing, N.Y." By the instant petition, petitioner requests permission to add Kaiser Aluminum & Chemical Corp. as an additional shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against, the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 98945 (Sub-No. 5), filed March 19, 1967. Applicant: THOMAS CARTAGE, INC., 303 North Wilson, Box 2301, Amarillo, Tex. 79105. Applicant's representative: Richard H. Champlin, 3000 West Reno, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Amarillo and Turkey, Tex.: From Amarillo over U.S. Highway 87 to Tulia, Tex., thence over Texas Highway 86 to Turkey, and return over the same route, serving the intermediate points of Silverton and Quitaque, Tex., (2) between Amarillo and the Texas-Oklahoma State line: From Amarillo over U.S. Highway 287 to Stratford, thence over U.S. Highway 54 to the Texas-Oklahoma State line, and return over the same route, serving the intermediate points of Dumas, Etter, Stratford, and Texhoma, Tex., (3) between Amarillo and Sunray, Tex.: From Amarillo over U.S. Highway 287 to junction Texas Farm-to-Market Road 119, approximately 4 miles north of Dumas, to Sunray, and return over the same route, serving the intermediate points of Dumas and Sheerin, Tex., and the off-route points of the Colorado Interstate Gas Co., east on Farm-to-Market Road 1931 at junction Farm-to-Market Road 1913 and U.S. Highway 287 at Four Corners approximately 6½ miles to the said Colorado Interstate Gas Co., the El Paso Natural Gas Co., and Phillips Petroleum Co., plants using Farm-to-Market Road 722, at junction U.S. Highway 287, approximately 4½ miles southwest the said plants, the Panhandle Eastern gasoline plant located approximately 8/10 mile east to Farm-to-Market Road 119 located 8 miles northeast from junction U.S. Highway 287 and Farm-to-Road 119 (also located between Dumas and Sunray, Tex.), and the American Zinc Co., Potash Co. of America, Shamrock Oil Refinery, Southwestern Public Service Co., Northern Natural Gas Plant, Continental Carbon Co., Phillips Oil Co. plant, on Texas Farm-to-Market Road 119, and the Amarillo Helium Co. plant on U.S. Highway 66 approximately 7 miles west of the city limits of Amarillo, Tex., and (4) between Amarillo and Dumas, Tex., over U.S. Highway 287, serving all intermediate points, and the off-route point of Sunray over Farm-to-Market Road 281. NOTE: This application is a matter directly related to Docket No. MC–F–9685, published FEDERAL REGISTER issue of March 8, 1967. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–9724 (Amendment) (PAUL W. WILLS, INC.—Control—BULK CARRIERS, INC.), published in the April 19, 1967, issue of the FEDERAL REGISTER, on page 6162. Amendment filed April 14, 1967, to show the address of BULK CARRIERS, INC., as *Millbury, Ohio*, in lieu of 725 Ford Building, Detroit, Mich.

No. MC–F–9728. Authority sought for purchase by RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203, of a portion of the operating rights of GUIGNARD FREIGHT LINES, INC., Highway 21 North, Post Office Box 26067, Charlotte, N.C. 28206, and for acquisition by INTERNATIONAL UTILITIES, INC., Claymont, Del., and in turn by INTERNATIONAL UTILITIES CORP., of control of such rights through the purchase. Applicants' attorneys: Roland Rice, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004, and H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Charlotte, N.C., on the one hand, and, on the other, points in Tennessee within 225 miles of Concord, N.C. Restriction: The authority granted herein is limited to the transportation of interline traffic originating at or destined to points beyond Charlotte, N.C.; between Concord N.C., on the one hand, and, on the other, points in Tennessee within 225 miles of Concord, N.C. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–2900 Sub-No. 154 is a matter directly related.

No. MC–F–9729. Authority sought for purchase by SALT CREEK FREIGHTWAYS, 408 Industrial Avenue, Post Office Box 1411, Casper, Wyo. 82601, of the operating rights and property of ROBINSON TRANSPORTATION COMPANY, INC., 170 North Third, Lander, Wyo. 82520, and for acquisition by WILLIAM D. UTZINGER, also of Casper, Wyo., and C. E. OGDEN, 2850 Blake Street, Denver, Colo., of control of such rights and property through the purchase. Applicants' attorney: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–98770 Sub-1, covering the transportation of property, in intrastate commerce, as a common carrier within the State of Wyoming. Vendee is authorized to operate as a *common carrier* in Colorado, Montana, and Wyoming. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–59856 Sub-25 is a matter directly related.

No. MC–F–9730. Authority sought for purchase by HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex., of a portion of the operating rights of TAMIAMI FREIGHTWAYS, INC., 2130 South Avenue, La Crosse, Wis., and for acquisition by YOUNG-HALL-WEST EQUIPMENT CORP., also of Houston, Tex., of control of such rights through the purchase. Applicants' attorneys: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202, Joseph Ludden, Gateway Transportation Co., Inc., La Crosse, Wis., and Walter A. Bieneman, One Woodward Avenue, Detroit, Mich. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Atlanta, Ga., and Milledgeville, Ga., serving all intermediate points; and points within 15 miles of Atlanta, between Macon, Ga., and Milledgeville, Ga., serving no intermediate points, between junction Georgia Highways 142 and 11, approximately 11 miles southeast of Covington, Ga., and Macon, Ga., serving all intermediate points; one alternate route for operating convenience only. Restriction: Service at points authorized over the regular routes described above is restricted to traffic moving to, from, or through Memphis, Tenn., or Monroe, New Orleans, or Baton Rouge, La. Vendee is authorized to operate as a *common carrier* in Texas, Louisiana, Florida, Georgia, Mississippi, Alabama, Tennessee, Arkansas, Illinois, Kansas, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9731. Authority sought for purchase by WILSON TRUCKING CORPORATION, New Hope Road, Post Office Box 340, Waynesboro, Va., of a portion of the operating rights and certain property of VIRGINIA FREIGHT LINES, School Street, Kilmarnock, Va., and for

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acquisition by C. G. WILSON, MARY WOOD WILSON, C. W. WILSON, and MARY LOUISE LANTIS, all of Lyndhurst, Va., of control of such rights and property through the purchase. Applicants' attorney: Francis W. McInerny, 1000 16th Street NW., Suite 502, Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Warsaw, Va., and Fredericksburg, Va., serving all intermediate and certain off-route points, with exceptions; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, over irregular routes, between Fredericksburg and Richmond, Va., on the one hand, and, on the other, certain specified counties in Virginia; and *general commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, in tank vehicles, and household goods as defined by the Commission, between certain specified counties in Virginia, and between Richmond, Va., on the one hand, and, on the other, certain specified counties in Virginia. Vendee is authorized to operate as a *common carrier* in Virginia, Maryland, and the District of Columbia. Application has been filed for temporary authority under Section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4609; Filed, Apr. 25, 1967; 8:49 a.m.]

[Notice 1056]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 21, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

Special Rules of Procedure for Hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

It is further ordered, That (a) applicant shall make available at the hearing competent witnesses for examination on all matters or relevant facts recited in the application, (b) testimony adduced by applicant's company witnesses shall be subject to the following Special Rules of Procedure for Hearing: (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated. (2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witness submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary. (3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statements as numbered appendices thereto. (4) The admissibility of the evidence contained in the written statements and the appendices thereto will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner. (5) Implementing oral evidence to correct errors or to supply inadvertent omission in the written statements is permissible.

And it is further ordered, That the following Special Rules of Procedure shall apply for the receipt of the testimony of applicant's public witnesses:

1. Each applicant shall present for at least 80 percent of its public witnesses to be heard daily, written statements of such witnesses which shall contain, as a minimum, (1) name and address; (2) company; (3) qualification; (4) description of traffic and special transportation requirements, if any; (5) volume of traffic and points or areas to which it moves or from which it is received; (6) potential traffic requirements, if any; and (7) transportation service now utilized.

2. Such written statements shall be circulated to the operating parties at the adjournment of the hearing on the date preceding the day upon which the witnesses are scheduled to testify, or as otherwise directed by the presiding officers.

3. Supplemental testimony by the witnesses for whom the written statements are presented is, of course, permissible.

4. The written statements shall be offered in evidence as exhibits as the hearing in the same manner as any other type of evidence, and the witnesses submitting the statements shall be made available for cross-examination.

5. The admissibility of the evidence contained in the written statements and any appendices thereto will be subject to the same rules as if the evidence were produced in the usual manner.

No. MC 111545 (Sub-No. 96), filed April 13, 1967. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of the above-described commodities, between Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin.

HEARING: May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Jair S. Kaplan.

No. MC 116325 (Sub-No. 51), filed April 7, 1967. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 8, Lutesville, Mo. 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes: *Iron and steel, iron and steel articles, and items manufactured from iron and steel*, between Portage, Ind., and Chicago Heights, Ill., and Chicago, Ill., commercial zone, on the one hand, and, on the other, points in Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Minnesota, Ohio, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, Kentucky, Pennsylvania, Michigan, Indiana, Illinois, and Wisconsin.

HEARING: May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Jair S. Kaplan.

No. MC 119936 (Sub-No. 1), filed April 14, 1967. Applicant: FAIRFIELD MOTOR TRANSPORTATION CO., a corporation, 4350 West 123d Street, Alsip, Ill. 60658. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *equipment, material, and supplies* used in the manufacture and processing of iron and steel articles, between Burns Harbor and Portage, Ind. and points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois.

HEARING: May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Joint Board No. 21, or if the Joint Board waives its right to participate before Examiner Jair S. Kaplan.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4610; Filed, Apr. 25, 1967; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 21, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket Number not assigned, filed April 14, 1967. Applicant: GEORGE T. GULLEY, 1141 Northwest 80th Street, Oklahoma City, Okla. Applicant's representative: C. O. Hunt, Professional Office Building, 1405 South Midwest Boulevard, Midwest City, Okla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Freight* (which shall include all kinds of goods, wares, and merchandise), giving daily service (Mondays through Fridays) over and along the following routes: Serving between Oklahoma City, Okla., via U.S. Highway 77 and Interstate Highway 35, and Norman, Lexington, Purcell, and Wayne and all immediate points and places; and to add this authority to and tack it on to the authority now held by the applicant which is represented by Order No. 64910 and certificate of convenience and necessity No. 1142, and both issued by the Corporation Commission of Oklahoma. The order and certificate grant applicant authority to operate a class "A" motor carrier service in the State of Oklahoma over the following routes: "Serving Oklahoma City and Moore, Okla., via U.S. Highway 77 and Interstate Highway 35, serving Noble, Okla., via Highway 77; thence via Highways 77 and 39, serving Dibble, and the off-point of Washington, via Highway 24; thence via Highway 76 serving Blanchard; thence via Highway 62 serving New Castle, and Oklahoma City, Okla., all within the State of Oklahoma." Both intrastate and interstate authority sought.

HEARING: Friday, May 19, 1967, at Purcell, Okla., specific location and time to be announced later. Requests for procedural information, including the time for filing protests concerning this application, should be addressed to the Oklahoma Corporation Commission, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

State Docket No. 8856-CCT, filed March 14, 1967. Applicant: EAGLE TRUCKING, INC., Pier 3, City Docks, Miami, Fla. Applicant's representative: Dubbin, Schiff, Berkman & Dubbin, 514 Dupont Plaza Center, Miami, Fla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except those of unusual value, classes A and B explosives and household goods as defined by the Interstate Commerce Commission, over irregular routes from points and places in Dade County, to points and places in Broward County, Fla., and from points and places in Broward County, to points and places in Dade County, Fla.: *Provided further*, That the authority requested be restricted to freight, cargo, and other traffic having a prior or subsequent movement by water. Both intrastate and interstate authority is sought.

HEARING: Not set. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

State Docket No. 8891-CCT, filed April 11, 1967. Applicant: SPACE, INC., Cidco Park, Post Office Box 982, Cocoa, Fla. Applicant's representative: John T. Bond, 1955 Northwest 17th Avenue, Miami, Fla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, to, from, and between, points and places in Brevard County, Fla., all such items or merchandise having an origin or destination at applicant's storage warehouses, located in the city of Cocoa, Fla. Both intrastate and interstate authority sought.

HEARING: Not yet assigned for hearing. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

State Docket No. 9838 (Amendment), filed May 31, 1966, published FEDERAL REGISTER issue of June 22, 1966, amended April 5, 1967, and republished as amended, this issue to exclude Winnsboro, La., and only apply for Springhill, La., over the same routes. Applicant: KAVANAUGH MOTOR FREIGHT, Box 63, Ruston, La. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, along Louisiana Highway No. 3 to intersection with Louisiana Highway No. 157, between Shreveport, La., and Springhill, La., serving no intermediate points. Both intrastate and interstate authority sought.

HEARING: Not set. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Louisiana Public Service Commission, Baton Rouge, La., and should not be directed to the Interstate Commerce Commission.

State Docket No. C-13718, filed March 3, 1967. Applicant: PAUL E. ARMS, doing business as SALINE CAB CO., 126 East Michigan, Saline, Mich. 48176. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *property*, between Saline and Manchester, Mich., and points within 1 mile thereof, on the one hand, and on the other, points and places within 65 miles thereof, limited to shipments weighing not more than 1,000 pounds, moving to a single consignee and moving in taxicabs, sports wagons, panel or stake trucks. Both intrastate and interstate authority sought.

HEARING: Thursday, June 8, 1967 at 9:30 a.m., Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. 48913. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Public Service Commission of Michigan, Lewis Cass Building, Lansing, Mich., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4611; Filed, Apr. 25, 1967; 8:49 a.m.]

[Notice 371]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 21, 1967.

The following are notices of filing of applications for temporary authority

under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. -MC 67, (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3252 (Sub-No. 42 TA), filed April 14, 1967. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk, from Searsport, Maine, to Berlin, N.H., for 180 days. Supporting shipper: Brown Co., 650 Main Street Berlin, N.H. 03570. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 42537 (Sub-No. 39 TA), filed April 10, 1967. Applicant: CASSENS TRANSPORT COMPANY, a corporation, Post Office Box 468, 1 West State Street, Edwardsville, Ill. 62025. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, and buses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except trailers) in secondary movements, in truckaway and driveaway service, when such vehicles have originated at Chrysler Corp. plants and have had a prior movement by rail or motor carrier, from Venice, Ill., to points in Arkansas; (2) *trucks* and *buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except trailers) in secondary movements, in truckaway and driveaway service, when such vehicles have originated at Chrysler Corp. plants and have had a prior movement by rail or motor carrier, from Venice, Ill., to points in Missouri, for 180 days. NOTE: The effect of Part (1) of this application is to remove a gateway. In MC-42537 (Sub-No. 24) authority to handle "automobiles" in secondary movements by truckaway between points in Illinois and Missouri is granted. In Sub No. 27, the same type of authority is granted from the plantsite of Chrysler in St. Louis County, Mo., to Arkansas. Thus, by tacking, applicant can now perform service from Venice, Ill., to points in Arkansas, via the Missouri plantsite gateway. The effect of Part (2) is simply to add the commodities "trucks and buses" to the authority granted in MC-42537 (Sub-No. 24). Supporting shipper: Chrysler Corp., Detroit, Mich. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 59488 (Sub-No. 25 TA), filed April 14, 1967. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, 733 South Poydras, Dallas, Tex. 75202. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75702. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Lock and Dam No. 5, near Wright, Ark., as an off-route point in connection with carrier's existing regular-route operations, for 180 days. Supporting shipper: Martin K. Eby Construction Co., Inc., Post Office Box 1022, Pine Bluff, Ark. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 106603 (Sub-No. 92 TA), filed April 17, 1967. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum and gypsum products*, (2) *building, wall, and insulating boards*, (3) *insulating materials*, and (4) *materials and supplies* used in the installation of such commodities, except in bulk, from the plantsites of Grand Rapids Gypsum Co., Grand Rapids, Mich., to points in Ohio, for 180 days. Supporting shippers: Grand Rapids Gypsum Co., Post Office Box 1674, Grand Rapids, Mich. 49501, and the Flintkote Co., East Rutherford, N.J. 07073. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 221, Federal Building, Lansing, Mich. 48933.

No. MC 111069 (Sub-No. 43 TA), filed April 14, 1967. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, State Highway 131, Clarksville, Ind. 47130. Applicant's representative: Ollie L. Merchant, 202-140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from plantsite of Davis-Cleaver Co., at Quincy, Ill., to points in Indiana, Ohio, Georgia, and Florida, for 180 days. Supporting shipper: Stouffer's Foods Corp., 3800 Woodland Avenue, Cleveland, Ohio 44115. Send protests to: District Supervisor R. M. Hagarty, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 111401 (Sub-No. 222 TA), filed April 14, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, and fertilizer materials*, in bags, or in bulk, in mixed shipments of bag and bulk, from Wichita, Kans., to points in Oklahoma, for 150 days. Supporting shipper: Riley J. Shepherd, Branch Traffic Manager, W. R. Grace & Co., Box 1406, Joplin, Mo. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 113622 (Sub-No. 8 TA), filed April 17, 1967. Applicant: SAMPSON HAULING CORP., Pavilion, N.Y. 14525. Applicant's representative: Ronald Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, from Erie, Pa., to points in Chautauqua County, N.Y., for 180 days. Supporting shipper: The Buffalo Slag Co., 111 Great Arrow Avenue, Buffalo, N.Y. 14216. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 121 Ellicott Street, Room 324, Buffalo, N.Y. 14203.

No. MC 113784 (Sub-No. 24 TA), filed April 17, 1967. Applicant: CANAL CARTAGE LIMITED, Box 368 Station C, Hamilton, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grinding balls*, in bulk, in dump vehicles, from ports of entry on the international boundary between the United States and Canada on the Niagra River, to Ridgeway, Pa., for 150 days. Supporting shipper: Burlington Steel Co., Division of Slater Steel Industries, Ltd., 681 King Street West, Hamilton, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 121 Ellicott Street, Room 324, Buffalo, N.Y. 14203.

No. MC 116474 (Sub-No. 11 TA), filed April 14, 1967. Applicant: LEAVITTS FREIGHT SERVICE, INC., Route 1, Box 170B, Springfield, Oreg. 97477. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles, posts, and piling*, from Oroville, Calif., to points in Oregon, for

180 days. Supporting shipper: Koppers Co., Inc., Pittsburgh, Pa. 15219. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 117184 (Sub-No. 5 TA), filed April 14, 1967. Applicant: APEX TRUCKING CO., INC., 330 West 42 Street, New York, N.Y. 10036. Applicant's representative: William Traub, 10 East 40 Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Duplicating, copying, and reproducing machines and accessories, components and equipment* used in the operation and maintenance of such machines, between Rockleigh, N.J., on the one hand, and, on the other, New York, N.Y., and points in Westchester, Dutchess, Putnam, Rockland, Orange, Ulster, Sullivan, Nassau, and Suffolk Counties, N.Y., for 150 days. Supporting shipper: Xerox Corp., J. D. Cruickshank, Assistant General Traffic Manager, Rochester, N.Y. Send protests to: Stephen P. Tomany, Assistant Regional Director, Interstate Commerce Commission, Bureau of Compliance, 346 Broadway, New York, N.Y. 10013.

No. MC 117883 (Sub-No. 99 TA), filed April 14, 1967. Applicant: SUBLER TRANSFER, INC., Post Office Box 62, East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., Beardstown, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; restricted to traffic originating at the described plantsite and destined to points in the States named above, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., 910 Mayer Avenue, Madison, Wis. 53701. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 123393 (Sub-No. 180 TA), filed April 17, 1967. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Parts A and C of Appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Dakota City, Nebr., to points in Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Alabama, Georgia, Missouri, and the District of Columbia, for 180 days. Supporting shipper: Iowa Beef Packers, Inc., Dakota City, Nebr. 68731. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOC, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123633 (Sub-No. 3 TA), filed April 13, 1967. Applicant: AHRENS MOTOR TRUCKING, INC., 550 Ninth Street, Hoboken, N.J. 07030. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated boxes and corrugated paper*, in rolls, sheets, and boxes, from the plantsite at Hoboken, N.J., of the West Virginia Pulp & Paper Co., H & D Division, to Bridgeport, Cos Cob, Danbury, Darien, Derby, Devon, Fairfield, Glenbrook, Greenwich, Meriden, New Britain, New Haven, Norwalk, Orange, Shelton, Southbury, Springdale, Stamford, Torrington, Waterbury, and Wauregan, Conn., Albany, Amityville, Babylon, Baldwin, Bellmore, Bethpage, Farmingdale, Franklin Square, Freeport, Garden City, Glen Cove, Goshen, Great Neck, Hastings-on-Hudson, Haverstraw, Hempstead, Hewlett, Hicksville, Huntington, Huntington Station, Islip, Jericho, Lake Success, Larchmont, Lindenhurst, Lyndbrook, Mamaroneck, Manhasset, Massapequa, Laurelton, Mineola, Newburgh, New Hyde Park, New Rochelle, Nyack, Old Westbury, Orangeburg, Oyster Bay, Patchogue, Peekskill, Piermont, Port Chester, Port Jervis, Port Washington, Poughkeepsie, Riverhead, Rockville Center, Roslyn, Rye, Scarsdale, Shoreham, Suffern, Syosset, Troy, Tuckahoe, Valley Stream, Wantagh, Westbury, Woodmere, and White Plains, N.Y., Allentown, Bangor, Bath, Bethel, Bethlehem, Bristol, Chester, East Stroudsburg, Easton, Hamburg, Harrisburg, Hazleton, Lancaster, Lebanon, Lehigh, Lehighton, Lititz, Marcus Hook, Mechanicsville, Nazareh, Palmerton, Philadelphia, Pittston, Quakertown, Reading, Royersford, Scranton, Stroudsburg, Valley Forge, West Pittston, White Haven, and Wilkes-Barre, Pa., with no transportation for compensation on return except as otherwise authorized.

Corrugated boxes and corrugated paper, in rolls, sheets, and boxes, from the plantsite of West Virginia Pulp & Paper Co., H & D Division, at Hoboken, N.J., to points in that part of New York south and east of a line extending from the New York-Vermont State line along the Essex County-Washington County boundary line and Essex County-Warren County boundary line to junction New York Highway 9N, thence along New York Highway 9N to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 30, thence south along New York Highway 30 to junction New York Highway 7 to the New York-Pennsylvania State line (except to Albany, Troy, Newburgh, Poughkeepsie, Port Jervis, Goshen, and Peekskill), with no transportation for compensation on return except as otherwise authorized, for 150 days. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the West Virginia Pulp & Paper Co., H & D Division, New York, N.Y. Supporting shipper: West Virginia Pulp & Paper Co., H & D Division, 230 Park Avenue, New York, N.Y. 10003. Send protests to: District Supervisor Walter J. Grossmann, Interstate Commerce Commission, Bureau of Operations, 1060 Broad Street, Room 363, Newark, N.J. 07102.

No. MC 124073 (Sub-No. 3 TA), filed April 14, 1967. Applicant: ROY S. SARGEANT, INC., Barkers Mill Road, Vienna, N.J. 07880. Applicant's representative: Edward Bowes, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *fresh and/or frozen meat*, from the Polarized Meat Division, Durkee Famous Foods, plantsite of The Glidden Co. at Moosic, Pa., to New York, Mineola, and Huntington, N.Y., (2) *fresh and/or frozen meat*, from New York, N.Y., to the Polarized Meat Division, Durkee Famous Foods, plantsite of The Glidden Co. at Moosic, Pa., (3) (a) *frozen poultry*, cooked and/or breaded, (b) *frozen poultry*, breaded and/or uncooked (when transported in the same vehicle with fresh or frozen poultry cooked, or breaded, or with frozen hors d'oeuvres, frozen prepared dough, or frozen bakery products, or pizza pies, or frozen fish), from the Empire Chicken Industries Division, Durkee Famous Foods, plantsite of The Glidden Co. at Moosic, Pa., to Hoboken, N.J., New York, Farmingdale, Mineola, and Floral Park, N.Y., (4) *frozen hors d'oeuvres, frozen prepared dough, and frozen bakery products*, from the Polarized Meat Division, Durkee Famous Foods, plantsite of The Glidden Co. at Moosic, Pa., to New York, N.Y., and

(5) *Fresh and frozen meat*, from the Beer Products Division, Durkee Famous Foods, plantsite of The Glidden Co. at Pittstown, Pa., to New York and Rockville Centre, N.Y., for 150 days. Restriction: All of the foregoing transportation is restricted to service under contract with The Glidden Co. Supporting shippers: Polarized Meat Division, Durkee Famous Foods, plantsite of The Glidden Co., at Moosic, Pa., Empire Chicken Industries Division, Durkee Famous Foods plantsite of The Glidden Co. at Moosic, Pa., and Beer Products Division, Durkee Famous Foods, plantsite of The Glidden Co. at Pittstown, Pa. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 128989 (Sub-No. 1 TA), filed April 14, 1967. Applicant: ROBERT M. SCHMITZ AND WILLIAM A. SCHMITZ, a partnership, doing business as BONESTEEL TRANSFER, Bonesteel, S. Dak. 57078. Applicant's representative: Don A. Bierle, Suit 4, Law Building, Yankton, S. Dak. 57078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, from the Crystal Chemical Co., South Sioux City, Nebr., to Bonesteel, Herrick, and Fairfax, S. Dak., and to points within a radius of 20 miles (excluding municipalities and Nebraska therefrom); (2) *animal and poultry feed* and *lumber and building materials*, from Sioux City, Iowa, to points within a 20-mile radius thereof (excluding other municipalities and Nebraska therefrom), for 180 days. Supporting shippers: Bonesteel Lumber Co., Bonesteel Grain Co., and Bonesteel Produce, all of Bonesteel, S. Dak., and Howe Lumber Co., of Fairfax, S. Dak. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

MOTOR CARRIER OF PASSENGERS

No. MC 123126 (Sub-No. 2 TA), filed April 11, 1967. Applicant: FRANKLIN BUS SERVICE, INCORPORATED, 309 Roosevelt Street, Franklin, Va. 23851. Applicant's representative: Gurney L. Blunt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and equipment* restricted to individuals who are players, officials, and employees of Tidewater Community Baseball Corp., and Peninsula Baseball Club, from Portsmouth and Newport News, Va., to Asheville, Burlington, Durham, Greensboro, Kinston, Raleigh, Rocky Mount, Wilson, and Winston-Salem, N.C., and return, for 150 days. Supporting shippers: Dave Rosenfield, Tidewater Community Baseball Corp., Post Office Box 145, Portsmouth, Va. 23705; Marshall B. Fox, Peninsula Grays Baseball Club, Post Office Box 145, Portsmouth, Va. 23705. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, 10-502 Federal Building, Richmond, Va. 23240.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4612; Filed, Apr. 25, 1967; 8:49 a.m.]

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Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

[Reg. No. ER-491; Amdt. 6]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Period of Preservation of Records by Supplemental Air Carriers; Deletion of Post Flight Reports

In Regulation ER-486, effective April 5, 1967, the Board amended Part 295 of the Economic Regulations by deleting the requirement that charterers file post flight reports of receipts and expenditures with the supplemental air carrier performing a pro rata transatlantic charter. Section 249.8 requires supplemental carriers to preserve such post flight reports for 2 years. Section 249.8 is therefore being amended to delete this retention requirement.

This regulation is issued by the undersigned, pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.20, and shall become effective 20 days after publication in the FEDERAL REGISTER. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50–385.54).

Accordingly, the Board hereby amends Category 14 of § 249.8 (14 CFR 249.8), effective May 17, 1967, to read as follows:

§ 249.8 Period of preservation of records by supplemental air carriers.

* * * * *

Category of records	*Period to be retained*
* * *	*
14. The following documents pertaining to Part 295 of the Economic Regulations:	
(a) Every "Statement of Supporting Information."	2 years.
(b) Proof of the commission paid to any travel agent by the carrier.	Do.

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

Adopted: April 21, 1967.

By the Civil Aeronautics Board.

[SEAL] JOSEPH B. GOLDMAN,
General Counsel.

[F.R. Doc. 67-4656; Filed, Apr. 26, 1967; 8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. R-304; Order 341]

PART 8—RECREATIONAL OPPORTUNITIES AND DEVELOPMENT AT LICENSED PROJECTS

Prohibition of Discrimination

APRIL 19, 1967.

On June 8, 1966, the Commission gave notice (31 F.R. 8376, June 15, 1966), that it proposed to issue a rule prohibiting discrimination on account of race, creed, color, or national origin in connection with recreation facilities at licensed projects. This notice proposed, in addition to this prohibition, a requirement that employees of the licensee and any persons who lease or manage its recreation facilities be instructed to comply with it and that the licensee post signs informing the public that the facilities would be operated on a nondiscriminatory basis.

Five comments were received on the proposed rule.[1] All agreed with the basic objective of eliminating discrimination at licensed projects, but one expressed doubt as to the propriety of utilizing the Federal Power Act (and particularly its sanctions, such as forfeiture of the license) to promote an antidiscrimination policy. Three of the comments suggested modifications in the posting requirement and while the suggested changes were in part mutually inconsistent we have taken account of these suggestions in the rule as adopted by this order.

The respondent who objected to "the use of Federal power in this manner to enforce an unrelated law * * * however admirable we may regard the law and the policy it embodies" misconceives the basis on which the Commission proposed to issue the rule. We would not be enforcing an unrelated law (such as the Civil Rights Act of 1964), but carrying out the logic and policy of section 10(a) of the Federal Power Act, which gives the Commission responsibility for insuring the fullest practicable use of the Nation's waterway resources for recreational as well as electric energy and navigation purposes. It cannot seriously be argued that a limitation of availability based on race, creed, color, or national origin is consistent with such use of project lands and waters for recreation.

The same respondent argued that it would be bad policy "to draft regulations that are open to the imposition of draconic penalties for minor or accidental infractions." The Commission has always conducted its enforcement activities in the belief that sanctions should be appropriate to the infraction, and expects to observe the same policy in this area.

With respect to the posting requirement, three of the comments suggested changes. Two suggested that no reference need be made to the issues of race, creed, color, or national origin; one suggested that no signs at all were necessary, but that if required they should not exclude (in the respondent's language) "nondiscriminatory rules and regulations * * * (covering) payment of rent or assessments by subleases, keeping properties neat and free from weeds and debris, the misuse of liquors, creating unnecessary disturbances, disobeying the laws of the area, the county, or the State, etc."

We agree that the direct reference to "race, creed, color, or national origin" should be replaced by a general reference to discrimination, which will cover these as well as any other possible ground of discriminatory exclusion. Posting, however, is necessary in order that members of the community who have in the past thought (perhaps wrongly) that they were not welcome to use the facilities will be apprised of their right to do so. We are altering the regulation amending § 8.2(a) so that it will require posting of notice that the recreation facilities are open "to all members of the public without discrimination". The point raised by one respondent regarding compliance with non-discriminatory rules of the licensee and state or local laws is sufficiently covered by the existing language of § 8.2(a) which directs the posting of "permissible times and activities, and other regulations regarding such use". To state specifically that state and local laws are applicable is, therefore, quite unnecessary, and might even raise problems of interpretation where old ordinances requiring segregation are still on the books.

Since the proposed change in the title of Part 8 has been accomplished by Order No. 330 in Docket No. R-276 issued December 12, 1966, 36 FPC ——, 31 F.R. 16201, no further action thereon is necessary.

The Commission finds:

(1) The amendments to the regulations, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act.

[1] Central Nebraska Public Power & Irrigation District, the Commonwealth of Pennsylvania, Philadelphia Electric Co., Elves and Rodgers, Attorneys at Law, Portland, Oreg., and the Commonwealth of Virginia.

(2) The revision made in the amendment originally proposed results from suggestions made by respondents to the notice of proposed rule making herein and since it neither amounts to a substantial change in the original proposal nor imposes a further burden on persons subject to the regulation, no further notice prior to its adoption is necessary.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, and particularly sections 10(a) and 309 thereof (41 Stat. 1068, 49 Stat. 858; 16 U.S.C. 803, 825h), orders:

(A) Part 8 of Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations is amended as follows:

1. In § 8.2, paragraph (a) is revised by adding a new sentence. As amended, § 8.2(a) reads as follows:

§ 8.2 Posting of project lands as to recreational use and availability of information.

(a) Following the issuance or amendment of a license, the licensee shall post and shall maintain at all points of public access which are required by the license (or at such access points as are specifically designated for this purpose by the license) and at such other points as are subsequently prescribed by the Commission on its own motion or upon the recommendation of a public recreation agency operating in the area in which the project is located, a conspicuous sign giving the name of the project and the owner of the project, a statement that it is licensed by the Commission and the project number, directions to the areas of the project which are available for public recreation use, permissible times and activities, and other regulations regarding such use, and advising that further information may be obtained at local offices of the licensee in the vicinity of the project. In addition, the licensee shall post at such locations conspicuous notice that the recreation facilities are open to all members of the public without discrimination.

* * * * *

2. A new § 8.3 is added, as follows:

§ 8.3 Discrimination prohibited.

Every licensee maintaining recreation facilities for the use of the public at a licensed project, or employing or permitting any other person to maintain such facilities, shall permit, or require such other person to permit, equal and unobstructed use of such facilities to all members of the public without regard to race, color, religious creed or national origin.

(Secs. 10(a), 309; 41 Stat. 1068, 49 Stat. 858; 16 U.S.C. 803, 825h)

(B) The caption of this proceeding is amended to read as set out above. These amendments shall be effective May 22, 1967.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4623; Filed, Apr. 26, 1967; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Required Documents

Part 201 of Chapter II, Title 22 (A.I.D. Reg. 1) is amended by making the following changes in § 201.52:

PARAGRAPH 1. Paragraph (a) is amended by deleting in subparagraph 4 the entire text which follows the words in the second sentence "whether or not freight is financed by A.I.D."

PAR. 2. In paragraph (c) insert the number "(1)" after the words "Execution of Certificates" and add the following new subparagraph (2):

(2) The Supplier's Certificate covering the cost of marine insurance may be executed on behalf of the marine insurer by an insurance broker or by a commodity supplier if the commodity supplier is the assured under an open cargo insurance policy issued by the marine insurer and is authorized under such policy to bind the marine insurer by issuing insurance certificates or policies in favor of importers. In each such case, the insurance broker or commodity supplier shall indicate on the Supplier's Certificate the name and address of the insurance company which is acting as the supplier of marine insurance and shall describe himself below his signature as a commodity supplier issuing a certificate under an open cargo insurance policy or as an insurance broker.

The foregoing amendments shall become effective immediately upon publication.

WILLIAM S. GAUD, *Administrator.*

APRIL 20, 1967.

[F.R. Doc. 67-4646; Filed, Apr. 26, 1967; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 110—UNIFORM RATES OF SUBSISTENCE ALLOWANCE AND COMMUTATION IN LIEU OF UNIFORMS FOR ENROLLED MEMBERS OF THE SENIOR RESERVE OFFICERS' TRAINING CORPS (ROTC)

The following revised Part 110 was approved on March 27, 1967:

Sec.
110.1 Purpose and applicability.
110.2 Policy.
110.3 Subsistence allowance and commutation rates.
110.4 Inspection.
110.5 Commutation rates for ROTC Cadet uniforms.

AUTHORITY: The provisions of this Part 110 issued under Chapter 103, title 10, U.S.C.; 37 U.S.C. 209; and 50 App. U.S.C. 456(a).

§ 110.1 Purpose and applicability.

This part establishes (a) criteria for classifying Senior Reserve Officers' Training Corps (ROTC) units maintained by the Military Departments at educational institutions within the meaning of section 456(a) of title 50 App. U.S.C., and (b) uniform rates of subsistence allowance and commutation in lieu of uniforms for enrolled ROTC members as provided for in chapter 103 of title 10, U.S.C.

§ 110.2 Policy.

(a) *Classification of Senior ROTC Units.* Senior ROTC units are classified according to the type of institutions at which such units are established.

(1) *Class MC (military colleges).* Units established in essentially military colleges or universities (Class MC) which, for purposes of qualifying as a military college within the meaning of section 456(a) of title 50 App. U.S.C.—

(i) Confer baccalaureate or graduate degrees at which the average age of the students at the time of graduation is not less than 21 years;

(ii) Require a course in military training throughout the undergraduate course for all qualified undergraduate students;

(iii) Organize their military students as a Corps of Cadets under constantly maintained military discipline;

(iv) Require all members of the Corps including those members enrolled in the ROTC to be habitually in uniform when on campus;

(v) Have as their objectives the development of the military students' character by means of military training and the regulation of their conduct in accordance with principles of military discipline; and

(vi) In general meet military standards similar to those maintained at the Service academies.

(vii) The designation "all qualified undergraduate students" in subdivision (ii) of this subparagraph means all physically fit male students except:

(*a*) Foreign nationals;

(*b*) Individuals who are not liable for induction by virtue of having honorably completed active training and service;

(*c*) Students who are pursuing special undergraduate courses in excess of four (4) years after completion of the required military training; and

(*d*) Certain categories of students who are specifically excused by (Board of Trustees) administrative decisions and approved by the ROTC unit commander.

(2) *Class CC.* Units established at civilian colleges and universities which are not operated on an essentially military basis; which confer baccalaureate or graduate degrees; and at which the average age of the student at graduation is not less than 21 years.

(3) *Class MJC.* Units established at essentially military schools which provide high school and junior college instruction but do not confer baccalaureate degrees. These units meet all other requirements of Class MC and accept and maintain the specially designated program of instruction prescribed by the appropriate Secretary for this class of institution.

(b) *Qualifying for special rate of commutation.* In order to qualify for the special rate of commutation in lieu of uniforms a Class MC or CC institution must meet the following requirements:

(1) Organize and maintain within their undergraduate student bodies a self-contained Corps of Cadets in which not less than 300 male students are enrolled as ROTC members at all times throughout the academic year.

(2) Require all members of the Corps of Cadets to be in appropriate uniform at all times while on the campus.

(3) House all members of the Corps of Cadets in barracks separate from nonmembers of the Corps of Cadets.

(4) Require all members of the Corps of Cadets to be under constantly maintained military discipline on a 24-hour-per-day, 7-days-a-week basis.

(5) Require all physically qualified members of the above Corps of Cadets to be enrolled in the basic course of ROTC, except foreign nationals, individuals who are not liable for induction by virtue of having honorably completed active training and service, certain categories of students who are specifically excused by (Board of Trustees) administrative decisions or other individuals whose enrollment is precluded by provisions of appropriate regulations of the Military Departments.

(6) Only those members of the Corps of Cadets meeting the requirements set forth in subparagraphs (1), (2), (3), (4), and (5) of this paragraph who are enrolled in the ROTC will be entitled to the special rate of commutation. Institutions designated as military colleges may enroll in the ROTC of the appropriate services those students who for various reasons are not required to be members of the Corps of Cadets. These institutions will receive, for such students, only the standard commutation rate.

§ 110.3 Subsistence allowance and commutation rates.

Rates for subsistence allowance and commutation in lieu of uniforms are established as indicated below.

(a) *Subsistence allowances.* Except when on summer field training or practice cruises, the subsistence allowance for each enrolled member of the advanced training program in the Senior ROTC is established as $50 per month effective July 1, 1967.

(1) Nonscholarship cadets shall not receive such allowance for more than twenty (20) months.

(2) Except when on summer field training or practice cruises, a rate of $50 per month for a period not to exceed 4 years, is established for a cadet or midshipman appointed under the financial assistance program for specially selected members, under the provisions of section 2107, chapter 103 of title 10, U.S.C.

(b) *Uniforms.* This paragraph prescribes policies and procedures governing the payment of monetary allowances to educational institutions maintaining Senior ROTC activities which elect to receive commutation in lieu of the issue in kind of Government uniform. Commutation in lieu of uniforms is provided for the procurement, receipt, storage, maintenance and issue of uniforms and will not be used for other purposes.

(1) Rates of commutation of uniforms are announced at § 110.5. Rates are based on climatic zones and level of ROTC instruction being undertaken.

(i) Standard rates announced for the Basic Course (first 2 years) of the Senior ROTC are payable in the indicated amount on an annual basis for not to exceed 2 years at Class CC institutions. Special rates for the Basic Course at Class MC or CC institutions fulfilling the requirements of § 110.2(b) are double the standard amounts.

(ii) Standard rates indicated for the Advanced Course cover the 2-year period that each member is enrolled in advanced training in the Senior ROTC at Class CC institutions and in MST 5 and 6 courses in a Class MJC institution. Commutation of summer camp uniforms, if paid, is in addition to payments for the Advanced Course. Special rates for the Advanced Course at Class MC or CC institutions fulfilling requirements of § 110.2(b) are double the standard amounts, except for commutation of summer camp uniforms.

(2) Commutation of uniform funds may be expended to support only the following activities:

(i) Procurement and related expenses for standard uniform items in quantities as prescribed by the Secretary of the Military Department concerned or distinctive uniforms and insignia as prescribed by those institutions which meet the requirements of § 110.2(b).

(ii) Administration and maintenance of the uniform which is defined as laundry, dry cleaning, renovation, alterations, sizing, and custodial fees. Such custodial fees shall not exceed 20 percent of the commutation funds drawn against actual enrollments for the preceding year.

(iii) Procurement of distinctive uniform items which are authorized for wear with the regulation student uniform.

(iv) Purchasing of hazard insurance to protect uniform inventory against loss.

(3) Unexpended commutation of uniform funds will be disposed of as follows:

(i) The amount of unexpended uniform commutation funds which may be retained from 1 fiscal year to the next for continued financing of the uniform program will be computed as of July 1 of each year as follows:

(*a*) Institutions which have accumulated $10,000 or less may retain their entire accumulation.

(*b*) Institutions which have accumulated more than $10,000 may retain an amount equal to 30 percent of prior year receipts or $10,000, whichever is the larger sum. Accumulated funds which exceed these limitations will be refunded to the government.

(ii) The unexpended balance is defined as the funds remaining after all commitments and/or obligations relating to the immediate past fiscal year have been deducted. Any commitments and/or obligations relating to new year procurement, maintenance and other allowable activities may not be charged against unexpended balance.

§ 110.4 Inspection.

Inspection will be conducted to insure that only those institutions which meet the requirements of § 110.2(a)(1), are awarded or retain the Class MC classification and only those which meet the requirements of § 110.2(b), are authorized the special rate in lieu of uniforms.

(a) At institutions having units of two or more services, a joint inspection will be held.

(b) Membership on the inspection team will be composed of equal ranks and numbers of personnel representing the services concerned; in addition to which each service will on alternate years provide a team chief.

(c) Inspections will be held within 30 days of the opening of the fall term of school.

(d) While final on-the-spot approval authority is vested in the team, disapprovals will be subject to review and resolution or confirmation by the services concerned. The team may advise the institutional authorities of its findings at the conclusion of the inspection. In instances of disapproval the service review and final notification of the institution will be accomplished within the next thirty (30) days.

§ 110.5 Commutation rates for ROTC Cadet uniforms.

The following commutation clothing rates are prescribed effective July 1, 1966:

	Standard rate		Special rate	
	Zone I	Zone II	Zone I	Zone II
Army:				
Basic Course (per year)	$34.00	$34.00	$68.00	$68.00
Advanced Course	113.00	149.00	226.00	298.00
Air Force:				
Basic Course (per year)	31.00	39.00	62.00	78.00
Advanced Course	99.00	134.00	198.00	268.00
Summer Camp	22.00	29.00	22.00	29.00

ZONE I

Alabama.
Arizona.
Arkansas.
California.
Delaware.
District of Columbia.
Florida.
Georgia.
Hawaii.
Kentucky.
Louisiana.
Maryland.
Mississippi.
New Mexico.
North Carolina.
Oklahoma.
Puerto Rico.
South Carolina.
Tennessee.
Texas.
Virginia.

ZONE II

Alaska.
Colorado.
Connecticut.
Idaho.
Illinois.
Indiana.
Iowa.
Kansas.
Maine.
Massachusetts.
Michigan.
Minnesota.
Missouri.
Montana.
Nebraska.
Nevada.
New Hampshire.
New Jersey.
New York.
North Dakota.
Ohio.
Oregon.

ZONE II—Continued

Pennsylvania.	Washington.
Rhode Island.	West Virginia.
South Dakota.	Wisconsin.
Utah.	Wyoming.
Vermont.	

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (A).

[F.R. Doc. 67-4615; Filed, Apr. 26, 1967; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 402—TARIFF OF TOLLS

Division and Schedule of Tolls

On pages 5973 and 5974 of the FEDERAL REGISTER of April 19, 1966, there was published a notice of public hearing concerning a proposed revision of the toll schedule applicable to vessels transiting the St. Lawrence Seaway (Montreal to or from Lake Ontario) and the Welland Canal (Lake Ontario to or from Lake Erie) to take effect upon the opening of the 1967 navigation season for a period of five years. The public hearing was held June 8–10, 1966 at Chicago, Ill. (31 F.R. 7356). On the basis of hearing testimony and data accumulated from other sources, the Saint Lawrence Seaway Development Corporation made recommendations respecting the hearing proposals to the U.S. Government in a report dated December 1, 1966. Thereafter, and following consultations, the Governments of Canada and the United States exchanged notes on March 31, 1967 (Can. Note No. X–124 and U.S. Note No. 240) whereby the St. Lawrence Seaway Tariff of Tolls was changed in the following respects: (1) The provision for payment of tolls for through transit of the Montreal-Lake Ontario section was changed to 73 percent in Canadian dollars and 27 percent in United States dollars; (2) the Schedule of Tolls was changed to allow all vessels the option of using United States or Canadian rules of measurement to calculate gross registered tonnage and (3) a schedule of lockage charges was added to the Tariff for transit of the Welland Canal. Accordingly, the St. Lawrence Seaway Tariff of Tolls established by the Corporation and The St. Lawrence Seaway Authority of Canada in 1959 (24 F.R. 1925–1926) and amended in 1962 (28 F.R. 3975, 5018), is hereby further amended as follows:

I. Paragraph (c) of § 402.3 is revised to read as follows:

§ 402.3 Tolls.

* * * * *

(c) The tolls for the section between Montreal and Lake Ontario shall be paid 73 percent in Canadian dollars and 27 percent in U.S. dollars. Payments for transit through locks in Canada only shall be made in Canadian dollars, and payments for transit through locks in the United States only shall be paid in United States dollars.

* * * * *

II. Section 402.6 is revised to read as follows:

§ 402.6 Schedule of tolls.

(a) For transit of the Seaway:

SCHEDULE

	Tolls	
	Montreal to or from Lake Ontario	Lake Ontario to or from Lake Erie (Welland Canal) [1]
For transit of the Seaway, a composite toll, comprising:		
(1) A charge per gross registered ton, according to national registry of the vessel, applicable whether the vessel is wholly or partially laden or is in ballast. (All vessels shall have an option to calculate gross registered tonnage according to prescribed rules for measurement in either Canada or the United States.)	$0.04	$0.02
(2) A charge per ton of cargo, as certified on ship's manifest, or other document, as follows:		
Bulk cargo	.40	.02
General cargo	.90	.05
(3) A charge per passenger	3.50	4.00
(4) Minimum charges, subject to the provisions of subitems (1), (2) and (3) above:		
Pleasure craft	14.00	16.00
Other vessels	28.00	32.00

[1] The composite toll under § 402.6 (a) and (b) for transit of the Welland Canal was suspended effective July 18, 1962.

(b) For partial transit of the Seaway:[1]

(1) Between Montreal and Lake Ontario, in either direction, 15 percent per lock of the applicable toll;

(2) Between Lake Ontario and Lake Erie in either direction (Welland Canal), 50 percent of the applicable toll; no toll to be assessed unless at least one lock is transited, or with respect to Lock 1 of the Third Canal at Port Dalhousie, Ontario;

(3) Minimum charges:

(i) Pleasure craft, $2 per vessel per lock transited;

(ii) Other vessels, $4 per vessel per lock transited.

(c) For transit Lake Ontario to or from Lake Erie (Welland Canal):

(1) Complete transit: A lockage charge, per lock, which may be shared by cargo or passenger vessels in tandem and is subject to a 50 percent reduction for cargo vessels in ballast:

	1967	1968	1969	1970	1971
(i) Cargo or passenger vessels	$20	$40	$60	$80	$100
(ii) Pleasure craft	3	3	3	3	3
(iii) Other vessels	5	5	5	5	5

(2) Partial transit: Between Lake Ontario and Lake Erie, in either direction, 50 percent of the net lockage charge, per lock, calculated in accordance with paragraph (c)(1) of this section, for cargo or passenger vessels which take on or discharge their entire load of cargo or passengers between Locks 1 and 8 of the Welland Canal, with a charge of $3 per lock for pleasure craft transits and $5 per lock for the transit of other vessels.

(3) Minimum charges: 50 percent reductions for cargo or passenger vessels in tandem, in ballast and making partial transits apply to amount otherwise remaining due. Minimum payment for cargo or passenger vessels would be 12½ percent, per lock, which would apply to a vessel making a partial transit in ballast and in tandem.

Effective date. These amendments in the St. Lawrence Seaway Tariff of Tolls became effective upon the opening of the 1967 navigation season of the St. Lawrence Seaway on April 7, 1967.

(68 Stat. 92–96, 33 U.S.C. 981–990; Agreement between the Government of the United States and of Canada dated Mar. 31, 1967)

Dated: April 10, 1967.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] JOSEPH H. MCCANN,
Administrator.

[F.R. Doc. 67-4648; Filed, Apr. 26, 1967; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 155—CITY DELIVERY

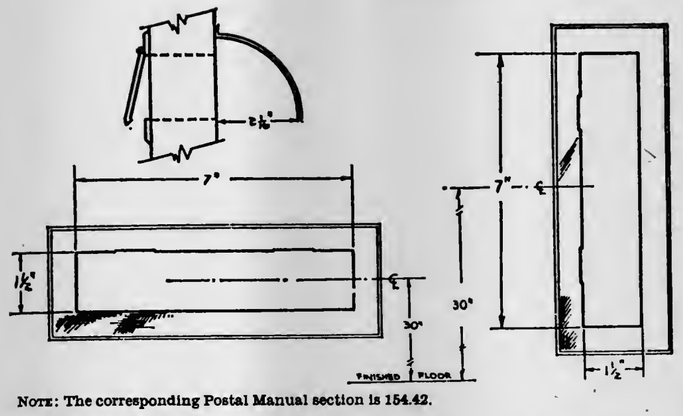
Door Slot Specifications for Mail Receptacles

A revision to § 155.4(b) was published in the FEDERAL REGISTER of February 4, 1967 (32 F.R. 2432–2433), concerning door slot specifications for mail receptacles. In order to illustrate those new specifications, the illustration following the textual material of paragraph (b) under § 155.4 is revised as follows:

§ 155.4 Mail receptacles.

* * * * *

(b) *Door slot specifications.* * * *



NOTE: The corresponding Postal Manual section is 154.42.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

APRIL 21, 1967.

[F.R. Doc. 67-4593; Filed, Apr. 28, 1967; 8:45 a.m.]

PART 171—MONEY ORDERS

Clarification of Money Order Procedures

The regulations of the Post Office Department as codified in Part 171 of Title 39, Code of Federal Regulations, are amended as follows:

I. In § 171.1 *Issuance of domestic money orders,* make the following changes:

A. The illustrations of completed money order forms under paragraph (c)(1) are revised for clarification.

B. Under paragraph (d) *Completion of money order by purchaser,* the introductory text of subparagraph (1) is revised to clarify money order procedures.

C. Under paragraph (e) *Issuance to rural patrons,* subparagraphs (1) and (2) are revised to clarify money order procedures.

D. Under paragraph (g) *Spoiled or lost money orders,* subparagraph (2)(ii) is revised to clarify money order procedures.

The affected portions of § 171.1 read as follows:

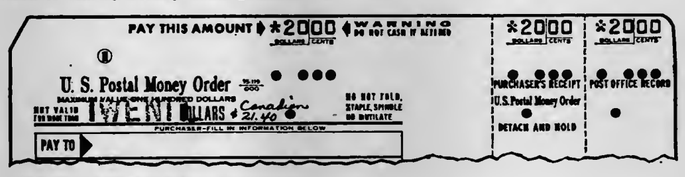
§ 171.1 Issuance of domestic money orders.

* * * * *

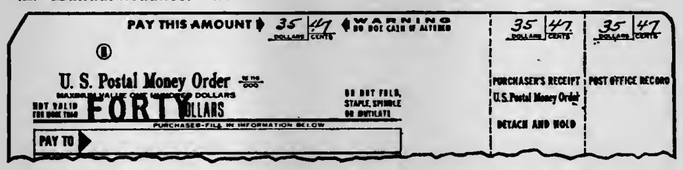
(c) *Putting amount, dating stamp, and initials on money order*—(1) *Amount.* * * *

(i) *Machine issuance.* * * *

(c) * * *



(ii) *Manual issuance.* (a) * * *



* * * * *

NOTE: The corresponding Postal Manual section is 171.131.

(d) *Completion of money order by purchaser.* * * *

(1) *Name of payee and name and address of purchaser.* The patron must fill in his name and address as purchaser and the name of the person to whom it is to be paid. He should do this promptly to protect his rights in the event the order is lost. The Post Office Department is not responsible for money orders lost before completion by the purchaser. Money orders may be payable:

* * * * *

NOTE: The corresponding Postal Manual section is 171.14a.

(e) *Issuance to rural patrons*—(1) *Application form.* A rural patron must obtain from the carrier and complete Form 6001, "Application for Domestic Money Order." When the carrier receives the completed Form 6001 and money, he will give the patron a numbered receipt. If the carrier cannot give the correct change, he will meet and give it to the patron on his next trip. Money must never be deposited in a rural box. When a carrier does find money in a box with completed Form 6001, he will take it to his post office for issuance of the money order. The carrier will deliver the money order, with purchaser's receipt attached, to the patron on his next regular trip. The postmaster shall keep Forms 6001 in a separate file, in money order number sequence.

(2) *Requesting the mailing of order to payee.* If the purchaser wants the money order mailed to the payee, he should furnish the carrier with a stamped, addressed envelope large enough to accommodate the money order without folding. The carrier will take the application form, money, and envelope to the post office where a postal employee will complete the money order and mail it to the payee. No extra charge is made for this service.

* * * * *

NOTE: The corresponding Postal Manual sections are 171.151 and 171.152, respectively.

(g) *Spoiled or lost money orders.* * * *

(2) *Orders lost, mutilated, or void by endorsements.* * * *

(ii) *Issuance of duplicate order.* (a) A duplicate money order will be issued in accordance with the wishes of the purchaser-applicant without the consent of the payee or endorsee, provided that records indicate that payment has not been made. However, the purchaser has no claim on C.O.D. orders.

(b) A mutilated or void order will be sent by the post office to the Money Order Division with a properly completed Form 6401.

(c) If the amount of the money order is not of record, the Money Order Division will forward the duplicate, as well as Forms 6401 and 787, to the post office of issuance of the original order. Form 787 describes the verification required; also the disposition to be made of the replacement order and Form 6401. The employee performing the verification will initial the duplicate, if both the serial number and the amount agree with the post office record (stub). The duplicate money order will then be forwarded to the payee.

(d) If the amount of the money order is of record, the Money Order Division will forward the duplicate to the payee named on Form 6401. Form 6401 will be returned to the applicant.

* * * * *

NOTE: The corresponding Postal Manual section is 171.172b.

§ 171.2 [Amended]

II. In § 171.2 *Issuance of international money orders,* make the following changes:

A. Paragraphs (d) and (e) are revised to clarify money order procedures.

(d) *Preparation of orders*—(1) *When domestic form is used.* Postal employees shall handle in the same manner as for domestic orders. For Canada, the amount on the order must be expressed in both United States and Canadian money. Consult the current conversion table. Put the amount received in U.S. money in the figure block. Write the Canadian amount under the figure blocks and put Canadian before it.

(2) *When international form is used.* Postal employees shall complete the transaction the same way as for a domestic money order, with these exceptions:

(i) Print all particulars of the application on the order, including office of payment, if known.

(ii) Enter amount in U.S. money. If patron requests foreign equivalent of an order payable in one of the following countries, consult Form 6749a, "Conversion Tables for Use in International Money Order Business", and enter that amount also: Great Britain and Northern Ireland, Guyana, Ireland, New Zealand, Republic of South Africa, Belgium, Denmark, France, Luxembourg, Netherlands, Norway, Surinam, Sweden, Switzerland, and Tunis.

(iii) Give receipt to patron, and send order to the International Money Order Branch, Post Office Department, General Accounting Office Building, Washington, D.C. 20260, by ordinary mail. When necessary, also attach any required foreign language advices, Form 6083, "Supplemental International Money Order Advice." (See paragraph (b)(2) of this section.)

(iv) If the patron wishes expedited service, he may purchase an airmail stamp for affixing to the envelope transmitting the order to the International Money Order Branch, Post Office Department, General Accounting Office Building, Washington, D.C. 20260. The money order will be included by that office with others for the same country, and no stamp need be furnished for its onward transmission overseas.

(e) *Refunds.* The amounts of orders sent on the international form may not be repaid here until authorized by the foreign postal administration. Form 6759, "Application for Authority for Repayment of International Money Orders", shall be sent to the International Money Order Branch, Post Office Department, General Accounting Office Building, Washington, D.C. 20260, when purchaser requests repayment on U.S.-issued order.

NOTE: The corresponding Postal Manual sections are 171.24 and 171.25.

B. Under paragraph (g), *Countries where service is available on domestic basis*, add a cross reference to Canada under the country item.

Country and Address
• • • • •
Canada (see § 171.2(d)(1)).
• • • • •

NOTE: The corresponding Postal Manual section is 171.27.

C. Paragraph (h) is revised to update the list of countries where money order service is available on a direct exchange basis:

(h) *Countries where service is available on direct exchange basis.* Direct exchange of international money orders is conducted between the U.S. office and the foreign exchange office of the places named in the following table:

U.S. office	*Foreign country*
International Money Order Branch, Post Office Department, General Accounting Office Building, Washington, D.C. 20260.	Argentina. Australia, Commonwealth of: New South Wales. Queensland. South Australia. Tasmania. Victoria. West Australia. Austria. Belgium. Chile. China, Republic of (Formosa). Colombia. Costa Rica. Czechoslovakia (except Province of Ruthenia). Denmark. Egypt (United Arab Republic). Finland. France. Germany.[1] Great Britain and Northern Ireland. Greece.[2] Guatemala. Guyana. Hungary. Iceland. Ireland. Italy. Japan.[2] Lebanon.[2] Luxemburg. Mexico. Morocco, Kingdom of. Netherlands. Netherlands Antilles (Aruba, Bonaire, Curacao, Saba, St. Eustatius, and southern part of St. Martin). New Zealand. Norway. Peru. Philippines. Poland. Ryukyu Islands (Okinawa). Salvador. South Africa, Republic of. Surinam. Sweden. Switzerland. Syria.[2] Thailand. Tunis. United Arab Republic (Eyptian Territory). Uruguay. Vatican City. Yugoslavia.[2]

NOTE: The corresponding Postal Manual section is 171.28.

D. In paragraph (i) *Countries where service is available on indirect exchange basis*, make the following changes to update the listing:

1. Insert in proper alphabetical order the following country items:

Country or locality	*Basis: Through intermediary of—*
• • •	• • •
Botswana (formerly Bechuanaland Protectorate).	South Africa, Republic of.
• • •	• • •
Lesotho (formerly Basutoland).	South Africa, Republic of.
• • •	• • •

2. The country item "Muscat" and its accompanying data is deleted from the listing.

3. The following country designations and their accompanying data are revised:

Country or locality	*Basis: Through intermediary of—*
Bahrein (and Awali)	Great Britain.
Basutoland (see Lesotho)	South Africa, Republic of.
Bechuanaland Protectorate.	South Africa, Republic of.
Central African Republic (Oubangui-Chari).	France.
Makatea (see Polynesia, French).	France.
Malaysia (Federation of): Jobore, Kedah, Kelantan, Malacca, Negri, Sembilan, Pehang (including Province of Wellesley), Perak, Perlis, Selangor and Trengganu; also Sabah (North Borneo) and Sarawak.	France.
Oceania, French (see Polynesia, French).	France.
Papeete, Tahiti (see Polynesia, French).	France.
Persian Gulf Ports (see Bahrein, Qatar and Trucial States).	Great Britain.
Ralatea (see Polynesia, French).	France.
Singapore	Great Britain.
Somali Republic (Northern Region only): Berbera, Borama, Burao, Erigavo, Hargeisa, Hargeisa Town, Lasanod, Sheikh.	Great Britain.
Tahiti (See Polynesia, French).	France.
Trucial States (Abu Dhabi and Dubai only).	Great Britain.

NOTE: The corresponding Postal Manual section is 171.29.

III. In § 171.3 *Cashing money orders*, paragraphs (a) and (b) are revised to clarify money order procedures:

§ 171.3 Cashing money orders.

(a) *Period of validity.* No money order shall be paid after 20 years from the last day of the month of original issue.

(b) *Where to cash.* (1) A card money order may be cashed at any post office or bank.

(2) Claim for an old-style paper money order should be made on Form 6401, "Inquiry as to Payment of Money Order," accompanied by the order, if available, and sent to the Money Order Division.

(3) Rural carriers will cash money orders for rural patrons including patrons of nonpersonnel rural stations and branches. Money orders must be endorsed in his presence. No fee or compensation is required for this service.

(4) Money orders issued at military post offices are payable only at military post offices and U.S. military banking facilities, or at post offices or banks located in the United States, its possessions, or Territories, and countries with which the U.S. transacts domestic-international money order business. If the purchaser or payee of a money order issued at a military post office transfers ownership by endorsement to another, the endorsee must cash the money order at either a military post office, a U.S. military banking facility, or a post office located in the United States, its possessions, or Territories.

• • • • •

NOTE: The corresponding Postal Manual sections are 171.31 and 171.32.

As the foregoing revisions merely update and clarify money order procedures, relate to a proprietary function of the Government, and do not affect substantive rights, public rule making procedures, advance notice, and a delayed effective date are unnecessary and would be contrary to the public interest.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

APRIL 21, 1967.

[F.R. Doc. 67-4504; Filed, Apr. 26, 1967; 8:45 a.m.]

[1] Money order service is in effect with the American, British, and French zones of Germany and the Western sector of Berlin only.

[2] Money orders to be accompanied by Form 6083, *Supplemental International Money Order Advice.* (See § 172.2(d)(1)(iii).)

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–27—INVENTORY MANAGEMENT

Obtaining Maximum Use of Shelf-Life Materials

Part 101–27 is amended to continue in effect the provisions of Federal Property Management Regulations Temporary Regulation No. E–5, dated September 28, 1966, providing for the identification, designation of useful life, and establishment of controls for shelf-life materials to minimize loss and insure maximum use prior to deterioration.

The table of contents for Part 101–27 is revised to provide for the addition of entries for new Subpart 101–27.2, as follows:

Subpart 101–27.2—Management of Shelf-Life Materials

Sec.	
101–27.201	Scope of subpart.
101–27.202	Applicability.
101–27.203	Program objectives.
101–27.204	Shelf-life codes.
101–27.204–1	Use of standardized codes.
101–27.204–2	Shelf-life codes for GSA stock items.
101–27.205	Procurement of shelf-life materials.
101–27.205–1	General considerations.
101–27.205–2	Identification and shipping requirements.
101–27.205–3	Packaging.
101–27.206	Control and inspection.
101–27.206–1	Agency controls.
101–27.206–2	Types of shelf-life items.
101–27.206–3	Inspection.
101–27.207	Marking containers to show extended shelf life.
101–27.208	Inventory analyses.
101–27.209	Utilization and distribution of shelf-life items.
101–27.209–1	GSA stock items.
101–27.209–2	Items to be reported as excess.
101–27.209–3	Disposition of unneeded property.

AUTHORITY: The provisions of this Subpart 101–27.2 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Part 101–27 is amended by the addition of the following subpart:

Subpart 101–27.2—Management of Shelf-Life Materials

§ 101–27.201 Scope of subpart.

This subpart provides for the identification, designation of useful life, and establishment of controls for shelf-life items to minimize loss and insure maximum use prior to deterioration. A shelf-life item is any item possessing deteriorative or unstable characteristics to the degree that a storage period must be assigned to assure the issuance of material that will perform satisfactorily in service.

§ 101–27.202 Applicability.

This Subpart 101–27.2 is applicable to all executive agencies except the Department of Defense. The principles and objectives prescribed in this subpart are in consonance with those adopted by the Department of Defense in the establishment of shelf-life procedures for use by military activities.

§ 101–27.203 Program objectives.

In order to assure maximum use of shelf-life items, each executive agency shall:

(a) Identify shelf-life items, including any new items to be placed in inventory, which have a limited shelf-life period.

(b) Establish the shelf-life period of such items and procedures for controlling their procurement, storage, and issue.

(c) Inspect or test certain shelf-life items prior to deterioration to determine if the shelf-life period can be extended.

(d) Conduct inventory management analyses to determine if shelf-life stocks are expected to be utilized prior to the expiration of the original or any extended shelf-life period, and, if not, arrange for transfer of such stock in sufficient time to permit usage prior to deterioration.

(e) Make available for Government-wide distribution, through excess property channels, any stocks which cannot be utilized through normal supply channels.

§ 101–27.204 Shelf-life codes.

§ 101–27.204–1 Use of standardized codes.

Shelf-life items shall be identified by use of a one-digit code to provide for uniform shelf-life periods by all agencies participating in the Federal Catalog System.

(a) The code designators for shelf-life periods through 36 months are:

Shelf-life Period	*Code*
1 month	A
2 months	B
3 months	C
4 months	D
5 months	E
6 months	F
7 months	G
8 months	H
9 months	J
10 months	K
11 months	L
12 months	1 (one)
13 months	M
14 months	N
15 months	P
16 months	Q
17 months	R
18 months	S
21 months	T
24 months	2
27 months	U
30 months	V
33 months	W
36 months	3

(b) Agencies may establish controls for items with a shelf life over 36 months if it is determined necessary for effective management of these items within their supply system.

§ 101–27.204–2 Shelf-life codes for GSA stock items.

GSA will furnish agencies, upon request, with a listing and shelf-life codes for those items stocked in GSA supply depots which have a shelf life of 36 months or less.

§ 101–27.205 Procurement of shelf-life materials.

§ 101–27.205–1 General considerations.

Requirements determinations and procurement of shelf-life items should take into consideration the assigned storage time period and the most appropriate contracting techniques for the particular type item involved, including specification requirements, industry practices, and storage and delivery procedures.

§ 101–27.205–2 Identification and shipping requirements.

Supplier shall, whenever practicable, be required to mark the unit or container with the month and year of manufacture or production, and the batch number, on all shelf-life items (36 months or less) procured from other than GSA sources. Arrangements may be made when necessary for a coded "date of manufacture." Whenever practical, the supplier shall be required to ship or deliver material within a given number of months from the date of manufacture or production. These "age on delivery" requirements should not be imposed in

such a manner as would unduly restrict competition at any trade level. The following guidelines are suggested as appropriate for most shelf-life items:

Shelf-life period	*Age on Delivery*
25 months or over	6 months.
19 to 24 months	4 months.
13 to 18 months	3 months.
7 to 12 months	2 months.
6 months or less	1 month.

§ 101–27.205–3 Packaging.

Shelf-life material shall be packaged so as to provide for minimum deterioration to the extent feasible and economical.

§ 101–27.206 Control and inspection.

§ 101–27.206–1 Agency controls.

Agencies shall establish the necessary controls to identify shelf-life items on their stock records (and other appropriate elements of their supply system), and to provide that such items are stored so as to assure that the oldest stock on hand is issued first. For items other than GSA stock items, agencies shall determine the appropriate shelf life.

§ 101–27.206–2 Types of shelf-life items.

Shelf-life items are classified as those (Type I—Nonextendable) which have a definite storage life established by test and experience, and those (Type II—Extendable) for which the expiration date can be extended for a reasonable period of time based upon inspection which indicates the items still conform to the specification. Examples of Type I items would be certain drugs and medicines, while Type II items would be film, paint, and ink.

§ 101–27.206–3 Inspection.

Type II items remaining in stock prior to the expiration of the designated shelf life shall be inspected to determine if the expiration date can be extended, except (a) items having an inventory value of $300 or less or (b) where the cost of inspection or testing is significant in relation to the value of the item. If the material is found suitable for issue on the date of such inspection, the expiration date should be extended for a period equal to 50 percent of the original shelf-life period. Material should be retested at the expiration of each extended period and extended again up to 50 percent of the original shelf life as long as it conforms to the applicable specification.

§ 101–27.207 Marking containers to show extended shelf life.

When the shelf-life period for Type II materials is extended, the package or container shall be annotated by use of preprinted labels or other appropriate methods to reflect the date of inspection or reinspection and the new expiration date.

§ 101–27.208 Inventory analyses.

An inventory analysis shall be conducted for each Type II item with a shelf life of 36 months or less, to determine if the quantity on hand will be issued prior to the expiration of the designated shelf life. This analysis shall be made as follows:

Shelf-life period	*Date of Analysis*
18 to 36 months	6 to 8 months prior to expiration.
12 to 18 months	4 to 6 months prior to expiration.
6 to 12 months	2 to 3 months prior to expiration.
Up to 6 months	No analysis required, but special emphasis should be placed on good requirements determination and proper order quantity.

(a) If, as a result of the analysis, there is an indication that the quantity on hand will not be issued within the shelf-life period and the line item cost is in excess of $300, the item shall be inspected to determine if the shelf-life period can be extended. Inspection is not required where it appears that the quantity on hand will be issued within the shelf-life period, however, such items should be reviewed again during the last month of the shelf-life period and if overages sufficient to warrant inspection are indicated, the procedures in § 101–27.206–3 shall apply. Type I items are subject to inventory analysis, but only for the purpose of determining indicated overages and insuring use before the expiration date.

(b) If an agency does not have an inspection capability and the quantity and value of an indicated overage is sufficiently large to warrant special consideration, arrangements shall be made for qualified inspection or laboratory testing to determine conformance with the applicable specification and extension of the shelf-life period.

§ 101–27.209 Utilization and distribution of shelf-life items.

Where it is determined that specified quantities of Type II shelf-life items will not be used within the shelf-life period and the line item value is $300 or more, such quantities shall be utilized or distributed in accordance with this § 101–27.209.

§ 101–27.209–1 GSA stock items.

The Federal Supply Service in the appropriate GSA regional office shall be notified by letter or telephone of the stock number and quantity of the overage and instructions requested for return to GSA stock. If GSA's stock position and other conditions permit return, the material will be accepted and full credit given at the original requisition price, with transportation to be paid by the holding activity. Normally, at least 6 months remaining shelf life is necessary on returns for credit to permit reissue and use.

§ 101–27.209–2 Items to be reported as excess.

(a) Standard Form 120, Report of Excess Personal Property, shall be prepared and processed as prescribed in § 101–43.311 of this chapter on all items procured from other than GSA supply depots which are reportable in accordance with § 101–43.4901 of this chapter, and on all GSA stock items which are not accepted for return.

(b) If an item is not reportable in accordance with § 101–43.4901 of this chapter, it shall be held for a period of at least 15-calendar days. During this period agencies shall make reasonable efforts to obtain utilization among other agencies. The availability of nonreportable property may also be made known to GSA area utilization officers for screening among other agencies.

§ 101–27.209–3 Disposition of unneeded property.

If no transfer is effected and no donation requested, the property shall be assigned for sale, abandonment, or destruction in accordance with Part 101–45 of this chapter.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: April 20, 1967.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 67–4651; Filed, Apr. 26, 1967; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 18—RECREATION FEES

Designation

Section 18.2(b)(4) of Subtitle A of Title 43 of the Code of Federal Regulations as published January 10, 1967, on page 207, FEDERAL REGISTER, Vol. 32, No. 5, is hereby revised by deleting the last two sentences in their entirety.

Section 18.2(b)(4) should now read:

§ 18.2 Designation.

* * * * * * *

(b) * * *

(4) The nature of the area is such that fee collection is administratively and economically practical.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 14, 1967.

[F.R. Doc. 67–4633; Filed, Apr. 26, 1967; 8:46 a.m.]

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4195]

[Wyoming 056654]

WYOMING

Withdrawal for Reclamation Purposes (Seedskadee Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Seedskadee Reclamation Project:

SIXTH PRINCIPAL MERIDIAN

T. 19 N., R. 109 W.,
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½.
T. 20 N., R. 109 W.,
Sec. 30, lots 1 to 4, inclusive, E½, and E½W½;
Sec. 32.
T. 24 N., R. 109 W.,
Sec. 18, lots 7 to 12, inclusive;
Sec. 19, lots 1 to 12, inclusive;
Sec. 30, lots 1 to 12, inclusive;
Sec. 31, lots 1 to 6, inclusive;
Sec. 36, S½.
T. 20 N., R. 110 W.,
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Secs. 10, 12, and 14.
T. 21 N., R. 110 W.,
Secs. 8, 10, 14, 22, and 26.
T. 24 N., R. 110 W.,
Sec. 13, S½;
Sec. 14, S½;
Sec. 15, S½;
Sec. 21, E½;
Secs. 22 to 26, inclusive;
Sec. 27, N½, and SE¼;
Sec. 28, NE¼;
Sec. 36, NE¼.
T. 22 N., R. 111 W.,
Secs. 24, and 26.
T. 23 N., R. 111 W.,
Secs. 29, and 34.
T. 24 N., R. 111 W.,
Sec. 19, lots 5 to 8, inclusive, E½W½, and SE¼.
T. 23 N., R. 112 W.,
Sec. 13.
T. 25 N., R. 112 W.,
Sec. 4, lots 1, 2, and 3;
Sec. 5, lots 1, 8, 12, and NW¼NW¼, and E½SE¼;
Sec. 8, lot 2, and E½SE¼, and NE¼NE¼;
Sec. 17, lots 4, 5, 7, 8, and E½E½;
Sec. 21, lot 2, SW¼NW¼, N½SW¼; SE¼SW¼, and SE¼;
Sec. 22, S½NE¼, SE¼NW¼, and S½;
Sec. 33, N½NE¼.
T. 26 N., R. 112 W.,
Sec. 33, lots 9, 10, and 11.

The areas described aggregate 19,536.82 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 20, 1967.

[F.R. Doc. 67–4631; Filed, Apr. 26, 1967; 8:46 a.m.]

[Public Land Order 4196]

[Wyoming 0210680]

WYOMING

Withdrawal for Reclamation Purposes (Fontenelle Reservoir, Seedskadee Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Fontenelle Reservoir of the Seedskadee Project:

SIXTH PRINCIPAL MERIDIAN

T. 24 N., R. 111 W.,
Sec. 18, lots 6, 7, 8, SE¼NW¼, and E½SW¼.
T. 24 N., R. 112 W.,
Sec. 18, E½;
Sec. 20, NE¼.

The areas described aggregate 651.76 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 20, 1967.

[F.R. Doc. 67–4632; Filed, Apr. 26, 1967; 8:46 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[Amdt. 1]

PART 1—FUNCTONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Limitation on Reservation of Authority; Federal Highway Administrator

The purpose of this amendment is to limit the reservation imposed in § 1.5 (j)(1) of Part 1 (32 F.R. 5606) on the authority delegated to the Federal Highway Administrator to perform the functions of the Secretary of Transportation contained in the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1381–1425.

The original reservation of authority in § 1.5(j)(1) extended to all of the authority provided by the Safety Act to issue motor vehicle safety standards. This authority is contained in section 103 of the Act and consists of two authorizations: (1) To issue initial Federal motor vehicle safety standards based upon existing standards on or before January 31, 1967, and (2) to issue new and revised standards on or before January 31, 1968, 15 U.S.C. 1392. Under this amendment, the Secretary will retain authority to issue the new and revised Federal motor vehicle safety standards and related procedural rules, and the Federal Highway Administrator will exercise the authority with respect to the issuance of the initial standards on the basis of existing safety standards.

The initial safety standards had been issued on January 31, 1967, in 23 CFR Part 255 (32 F.R. 2408). The issuance of Part 255 evoked several petitions for reconsideration and it is believed the Federal Highway Administrator is the appropriate official to consider these petitions. This amendment will permit this consideration by the Administrator.

This action is taken under the authority of sections 6(a)(6)(A) and 9 of the Department of Transportation Act (P.L. 89–670, 80 Stat. 931). Since this amendment involves a delegation of authority and relates to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective immediately.

In consideration of the foregoing, effective April 6, 1967, 49 CFR 1.5(j)(1) is amended to read as follows:

§ 1.5 Reservations of authority.

* * * * * * *

(j) * * *

(1) Motor vehicle safety, except the initial Federal motor vehicle safety standards and rules or regulations related thereto (15 U.S.C. 1392, 1407).

* * * * * * *

Issued in Washington, D.C., on April 6, 1967.

[SEAL] ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 67–4647; Filed, Apr. 26, 1967; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Certain Wildlife Ranges and Refuges in Alaska

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

General condition. Fishing shall be in accordance with all applicable State regulations.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska 99571.

ARCTIC NATIONAL WILDLIFE RANGE

Arctic National Wildlife Range headquarters: Kenai National Moose Range, Post Office Box 500, Kenai, Alaska 99611.

BERING SEA NATIONAL WILDLIFE REFUGE

Bering Sea National Wildlife Refuge headquarters: Clarence Rhode National Wildlife Range, Post Office Box 346, Bethel, Alaska 99559.

CLARENCE RHODE NATIONAL WILDLIFE RANGE

Clarence Rhode National Wildlife Range, Post Office Box 346, Bethel, Alaska 99559.

IZEMBEK NATIONAL WILDLIFE RANGE

Izembek National Wildlife Range headquarters: Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska 99571.

KENAI NATIONAL MOOSE RANGE

Kenai National Moose Range, Post Office Box 500, Kenai, Alaska 99611.

KODIAK NATIONAL WILDLIFE REFUGE

Kodiak National Wildlife Refuge, Box 825, Kodiak, Alaska 99615.

NUNIVAK NATIONAL WILDLIFE REFUGE

Nunivak National Wildlife Refuge headquarters: Clarence Rhode National Wildlife Refuge, Post Office Box 346, Bethel, Alaska 99559.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through April 30, 1968.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 18, 1967.

[F.R. Doc. 67-4626; Filed, Apr. 26, 1967; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Flag Smut

ADMINISTRATIVE INSTRUCTIONS RELATING TO ENTRY INTO GUAM AND HAWAII OF CERTAIN WHEAT PRODUCTS

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by the proviso in the Flag Smut Quarantine (7 CFR 319.59, as amended), under sections 5 and 7 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159, 160), administrative instructions appearing as 7 CFR 319.59a are hereby revised to read as follows:

§ 319.59a Administrative instructions relating to the entry into Guam and Hawaii of certain wheat products.

Wheat straw, hulls, and chaff may be imported into Guam, and the grain of any and all species and varieties of wheat, Triticum spp., and wheat products of the milling process, such as bran, shorts, thistle sharps, and pollards (but excluding wheat straw, hulls, and chaff) may be imported into Hawaii, without further permit, other than the authorization contained in this section, and without other restriction under this subpart. Notice of arrival for such importations is not necessary inasmuch as there is available to the inspector the essential information normally supplied by the importer at the time of importation. Inspection of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated by any plant pest and is not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

(Secs. 5 and 7, 37 Stat. 316, 317; 7 U.S.C. 159, 160; 7 CFR 319.59(a); 29 F.R. 16210, as amended)

This revision shall become effective April 27, 1967.

This revision relieves restrictions by authorizing the unrestricted importation into Hawaii of the grain of any and all species and varieties of wheat, Triticum spp., and wheat products of the milling process, such as bran, shorts, thistle sharps, and pollards (but excluding wheat straw, hulls, and chaff), from flag smut infected countries. Flag smut disease is specific on wheat and Hawaii does not grow this crop. Accordingly, it should be made effective promptly in order to be of maximum benefit to persons desiring to import the exempted articles into Hawaii. It is, therefore, found under the administrative procedure provisions of 5 U.S.C. § 553 that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making this revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 21st day of April 1967.

[SEAL] T. G. DARLING,
Acting Director, Plant Quarantine Division.

[F.R. Doc. 67-4668; Filed, Apr. 26, 1967; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4)

Sec.
1488.1 General statement.
1488.2 Definition of terms.
1488.3 Submission of applications for financing.
1488.4 Coverage of bank obligations.
1488.5 CCC drafts.
1488.6 Interest charges.
1488.7 Expiration of period for export.
1488.8 Advance payment.
1488.9 Documents required after export.
1488.10 Evidence of export and warranty.
1488.11 Evidence of entry into country of destination.
1488.12 Liability for payment.
1488.13 Assignment.
1488.14 Covenant against contingent fees.
1488.15 Shipment of commodities on vessels calling at Cuban and North Vietnamese ports.
1488.16 Officials not to benefit.
1488.17 Exporter's records and accounts.
1488.18 Communications.

AUTHORITY: The provisions of this Subpart A issued under sec. 5(f), 62 Stat. 1072, 15 U.S.C. 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; sec. 4, P.L. 89-808, 80 Stat. 1538.

§ 1488.1 General statement.

(a) The regulations contained in this Subpart A supersede Announcement GSM–3, Revision II, as amended, and set forth the terms and conditions governing the CCC Export Credit Sales Program. The maximum financing period shall be 3 years.

(b) On approval by CCC of an application for financing under this program, an eligible exporter may, but will not be obligated to, make export sales of agricultural commodities from private stocks on a deferred payment basis in accordance with the applicable financing arrangement. After export and subject to the terms and conditions set forth in this subpart, CCC will purchase for cash the exporter's account receivable arising from such export sale.

(c) The provisions of Public Law 83-664 are not applicable to the exporter's shipments under this program.

§ 1488.2 Definition of terms.

Terms used in this subpart are defined as follows:

(a) "CCC" means the Commodity Credit Corporation, U.S. Department of Agriculture.

(b) "ASCS office" means the New Orleans Commodity Office of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "FAS" means the Foreign Agricultural Service, U.S. Department of Agriculture.

(d) "Vice President, CCC," means the Vice President who is the Administrator, FAS.

(e) "Financing agreement" means the financing approval issued by either the General Sales Manager, FAS, or the Director, ASCS office, and includes the terms and conditions of the regulations in this subpart and any amendments thereto in effect on the date of the issuance of the letter of credit.

(f) "Financing approval" means (1) the exporter's written application for financing as approved by the General Sales Manager or by the Director, ASCS office, or (2) the written confirmation by the Director, ASCS office, of a telephonic application approved by the Director, ASCS office.

(g) "Financing period" means the number of months specified in the financing approval. Such period shall start on the date of delivery, or the weighted average delivery date, of the commodities to be exported under the financing agreement.

(h) "Eligible commodities" means those agricultural commodities which are produced in the United States and which are designated as eligible for export under CCC's Export Credit Sales Program either in the CCC Monthly Sales List or other announcement by CCC in effect for the calendar month in which the financing approval is issued.

(i) "Eligible cotton" means (1) Extra long staple cotton grown in the United States of Grade No. 9 or better under the Official Cotton Standards of the United States for Grades of American-Egyptian Cotton (§§ 28.501 et seq. of this title), or Grade No. 5 or better under the Official Cotton Standards of the United States for Grades of Sea Island Cotton (§§ 28.551 et seq. of this title), and having a staple length of $1\frac{3}{8}$ inches or longer: *Provided, however,* That all (i) reginned or repacked cotton, as defined in regulations of the Department of Agriculture under the U.S. Cotton Standards Act (§ 28.40 of this title), and (ii) cotton which the exporter has any reason to believe may be shorter in staple length than $1\frac{3}{8}$ inches or below grade, shall be eligible for export hereunder only if a Form A certificate or other classification record acceptable to CCC issued by a board of cotton examiners of the U.S. Department of Agriculture covering each such bale shows that all such cotton exported was $1\frac{3}{8}$ inches or longer in staple length and of Grade No. 9 or better for American-Egyptian cotton or Grade No. 5 or better for Sea Island cotton. CCC's determination as to the eligibility of cotton hereunder shall be final. (2) Upland cotton grown in the United States, of a grade named in the Universal Standards for American Upland Cotton (§§ 28.401 et seq. of this title), and having a staple length of $1\frac{3}{16}$-inch or longer: *Provided, however,* That all (i) reginned or repacked cotton, as defined in regulations of the U.S. Department of Agriculture under the U.S. Cotton Standards Act (§ 28.40 of this title), and (ii) cotton which the exporter has any reason to believe may be shorter in staple length than $1\frac{3}{16}$-inch or below grade, shall be eligible for export hereunder only if a Form A or Form M certificate or other classification record acceptable to CCC issued by a board of cotton examiners of the U.S. Department of Agriculture covering each such bale shows that all such cotton exported was $1\frac{3}{16}$-inch or longer in staple and of a grade named in the Universal Standards for American Upland Cotton. (Reginned or repacked cotton (unless proof of export includes an acceptable classification record), cotton shorter in staple length than $1\frac{3}{16}$-inch, below grade cotton, byproducts of cotton such as cotton mill waste, motes, and linters, and any cotton that contains any byproduct of cotton are not eligible for export hereunder.) CCC's determination as to the eligibility of cotton hereunder shall be final.

(j) "Eligible exporter" or "exporter" means a person (1) who is regularly engaged in the business of buying or selling commodities and for this purpose maintains a bona fide business office in the United States, its territories or possessions, and has someone on whom service of judicial process may be had within the United States, (2) who is financially responsible, and (3) who is not suspended or debarred from contracting with or participating in any program financed by CCC on the date of issuance of his financing approval.

(k) "Foreign importer" or "importer" means the foreign buyer who purchases from the exporter the commodities exported under a financing agreement and who executes the instruments evidencing the account receivable assigned to CCC.

(l) "Eligible destination" means the country which is named in the financing approval and which meets the licensing requirements of the U.S. Department of Commerce.

(m) "Date of delivery" means the on-board date of the ocean bill of lading or, if exported by rail or truck, the date of entry shown on an authenticated landing certificate or similar document issued by an official of the government of the importing country.

(n) "Account receivable" means the contractual obligation of the foreign importer to the exporter for the portion of the port value of the commodity exported for which the exporter is extending credit to the importer. The account receivable shall be evidenced by an instrument in form and substance satisfactory to CCC, such as a note, accepted draft or other negotiable obligation, except that when the account receivable is assured by an obligation issued by a U.S. bank or an agency or branch bank it may be evidenced by other instruments evidencing such contractual obligation of the foreign importer. All instruments shall provide for payment in U.S. dollars at a commercial bank in the United States.

(o) "Port value" means the net amount of the exporter's sales price of the commodity to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit or, if transshipped through Canada via the Great Lakes, at ports on the St. Lawrence River. The port value shall not include the ocean freight for a c&f sale or ocean freight and marine and war risk insurance for a cif sale. The net amount of the exporter's sales price means the contract price for the commodities less any payments made by the importer and less any discounts, credits, or allowances to the importer.

(p) "U.S. bank" means a bank organized under the laws of the United States, a State, or the District of Columbia.

(q) "Agency or branch bank" means a foreign agency or branch bank supervised by New York State banking authorities or the banking authorities of any other State providing similar supervision, as approved by the Vice President, CCC, or his designee.

(r) "Foreign bank" means a bank which is neither a U.S. bank nor an agency or branch bank, and includes a foreign branch of a U.S. bank.

(s) "Political risk" means risk of loss due to (1) inability of the foreign bank through no fault of its own to convert foreign currency to dollars, or (2) nondelivery into the eligible destination of the commodity covered by a financing agreement through no fault of the foreign bank or importer or exporter because of the cancellation by the government of the eligible destination of previously issued valid authority to import such shipment into the eligible destination or because of the imposition of any law or of any order, decree, or regulation having the force of law which prevents the import of such shipment into the eligible destination, or (3) inability of the foreign bank to make payment due to war, hostilities, civil war, rebellion, revolution, insurrection, civil commotion, or other like disturbance occurring in the eligible destination, expropriation, confiscation, or other action by the government of the eligible destination.

(t) "Commercial risk" means risk of loss due to any cause other than a political risk.

(u) "Bank obligation" means an obligation, acceptable to CCC, of a U.S. bank, agency or branch bank, or foreign bank to pay to CCC in U.S. dollars the amount of the port value which is being financed by CCC, plus interest in accordance with § 1488.6, on expiration of the financing period if payment is not received from other sources. The bank obligation shall be in the form of an irrevocable letter of credit, acceptable to CCC, issued, confirmed or advised by a U.S. bank or an agency or branch bank.

(v) "Monthly Sales List" means the CCC Monthly Sales List which is published monthly in the FEDERAL REGISTER.

(w) "United States" means the 50 States, the District of Columbia, and Puerto Rico.

(x) "GSN–4" means the regulations contained in this Subpart A setting forth the terms and conditions governing the CCC Export Credit Sales Program.

§ 1488.3 Submission of applications for financing.

(a) An eligible exporter may submit an application for financing. Except as otherwise provided in this paragraph (a), all applications for financing shall be submitted to the General Sales Manager's office, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250. An application for financing export sales of cotton under which the financing period will not exceed 12 months, the amount of financing will not exceed $4 million, and the bank obligation will be issued by a U.S. bank, may be submitted to the Director, ASCS office, as provided in paragraph (e) of this section.

(b) CCC reserves the right to reject any and all applications.

(c) Applications submitted to the General Sales Manager shall be in writing and shall refer to GSM–4, thereby incorporating by reference into the application all the terms and conditions of GSM–4. On approval, the General Sales Manager shall assign a financing approval number and issue the financing approval. The following information shall be included in the exporter's application:

(1) The name of the commodity to be exported, the class, grade or quality, as applicable, and the quantity.

(2) The country of destination.

(3) The approximate port value of the commodity to be exported.

(4) The financing period.

(5) Justification for a financing period in excess of 12 months for cotton and tobacco and 6 months for all other eligible commodities.

(6) Whether the bank obligation assuring payment of the account receivable will be issued by a U.S. bank, an agency or branch bank, or a foreign bank, and if by a foreign bank, its name and address.

(7) The name and address of the foreign importer.

(d) A financing period in excess of 12 months for cotton and tobacco and 6 months for all other eligible commodities, but not in excess of 36 months, may be approved by the General Sales Manager when such longer period will achieve one or more of the following results:

(1) Permit U.S. exporters to meet credit terms offered by competitors from other Free World countries.

(2) Prevent a loss or decline in established U.S. commercial export sales caused by noncommercial factors.

(3) Permit U.S. exporters to establish or retain U.S. markets in the face of penetration by Communist suppliers.

(4) Substitute commercial dollar sales for sales for local currencies and barter transactions.

(5) Result in a new use of the imported agricultural commodities in the importing country.

(6) Permit expanded consumption of agricultural commodities in an importing country and thereby increase total commercial sales of agricultural commodities to the importing country by the United States and other exporting countries.

In considering applications involving export of commodities to countries in a good financial and balance of payments situation, principal reliance will be placed on subparagraphs (1), (2), and (3) of this paragraph (d).

(e) Applications submitted to the ASCS office shall designate that the commodity is cotton and shall specify the financing period, the country of destination, and the approximate port value of the commodity. Application may be made by phone or in writing. On approval of an application, the ASCS office shall assign a financing approval number and issue the financing approval which shall refer to GSM–4, thereby incorporating by reference into the approval all the terms and conditions of GSM–4. For financing approvals issued by the ASCS office, bank obligations must be irrevocable letters of credit issued by a U.S. or agency or branch bank. Confirmed or advised foreign bank obligations are not acceptable under this paragraph (e).

(f) If the General Sales Manager or the ASCS office requires additional information, the applicant shall furnish it on request.

(g) At any time before the issuance of the related bank obligations, the official who approved the financing application may, on written application of the exporter, amend the financing approval provided the provisions of such amendment are in conformity with the regulations in this Subpart A at the time of such amendment and are determined by such official to be in the interest of CCC. Such amendment may include an extension of the period for export required by § 1488.7(a) provided the exporter furnishes to CCC acceptable evidence of an export sale contract requiring deliveries during a longer period not in excess of 365 days from the date of the financing approval.

§ 1488.4 Coverage of bank obligations.

(a) U.S. banks and agency or branch banks shall be liable without regard to risks for payment of bank obligations issued by them.

(b) If the obligation is issued by a foreign bank, it must be confirmed and advised as provided in paragraphs (c), (d), and (e) of this section.

(c) A U.S. bank must confirm the full amount of an obligation issued by its foreign branch. CCC will look to the U.S. bank for payment without regard to risks.

(d) If an agency or branch bank confirms an obligation issued by a bank in the country in which the home office of the agency or branch bank is located, it must confirm the full amount thereof. CCC will look to the agency or branch bank for payment without regard to risks.

(e) Except as provided above in paragraphs (c) and (d) of this section, if a U.S. bank or an agency or branch bank confirms an obligation issued by a foreign bank, it must confirm at least 10 percent pro rata and must advise the remainder of the foreign bank obligation. For the confirmed amount, CCC will hold the U.S. bank or the agency or branch bank liable for commercial risks but not for political risks. For the advised amount, CCC will not hold the U.S. bank or the agency or branch bank liable for commercial or political risks. CCC will hold the foreign bank liable without regard to risks for all amounts not recovered from the U.S. bank or the agency or branch bank.

(f) Under special circumstances, on application in writing, the Vice President, CCC, may reduce or waive the requirement for 10 percent confirmation by a U.S. or agency or branch bank, but a bank will not be relieved from an obligation once it has been undertaken.

(g) Any bank obligation which provides for a bank acceptance of a time draft drawn by CCC (banker's acceptance) shall not be acceptable to CCC.

(h) CCC will consent to cancellation or reduction of a bank obligation to the extent that it receives payment from other sources of amounts otherwise payable under such bank obligation.

§ 1488.5 CCC drafts.

Under those bank obligations which are partially confirmed, CCC will draw separate drafts for the amounts confirmed and the amounts not confirmed, to which CCC will attach the related notes or other instruments evidencing the amount receivable, endorsed to the U.S. bank or agency or branch bank. If a CCC draft is dishonored, the U.S. or agency or branch bank shall return the dishonored draft together with the related note or other instrument reendorsed to CCC and its statement of the reasons for nonpayment. For confirmed amounts, a U.S. or agency or branch bank may request refund from CCC of the amount paid if it certifies to CCC that it is unable to recover funds from the foreign bank due to a stipulated political risk which existed on the date payment was made to CCC under the draft. On approval by CCC of such request, the refund shall be promptly made, together with interest at the Federal Reserve Bank of New York discount rate from the date payment was originally made to CCC to but not including the date of refund by CCC, and the related note or other instrument shall be reendorsed to CCC and returned. For unconfirmed amounts, remittance to CCC shall be considered final, and the U.S. bank or agency or branch bank shall not thereafter have recourse to CCC.

§ 1488.6 Interest charges.

The account receivable assigned to CCC and the related bank obligation(s) shall bear interest until paid. The Vice President, CCC, or his designee, shall from time to time establish rates of interest applicable to financing agreements, which shall be announced in the CCC Monthly Sales List. The interest rate applicable to a particular financing agreement shall be specified in the financing approval. The interest rate applicable to that portion of an account receivable, the payment of which is assured by a bank obligation issued by a U.S. bank or an agency or branch bank, or by a prorata confirmation of a U.S. bank or an agency or branch bank, shall be 1 percent lower than the interest rate established for the remainder of the account receivable. The criteria to be used in determining the rate of interest will be those established in consultation with and after approval by the National Advisory Council on International Monetary and Financial Policies. Interest shall accrue on the account receivable and the related bank obligation(s) from the date of delivery, or the weighted average delivery date, of the agricultural commodities exported under the financing agreement to the date of payment to CCC of such account receivable or related bank obligation(s), and shall be payable as specified in the financing approval.

§ 1488.7 Expiration of period for export.

(a) Unless export is made within a period of 90 days from the date of the financing approval, or such longer export period as may be provided in any amendment of the financing approval or under paragraph (b) of this section, the financing approval will no longer be valid. The date of export shall be the date of delivery.

(b) If the Vice President, CCC, or his designee, determines that delay in export was due solely to causes without the fault or negligence of the exporter, the period of export may be extended by CCC to include the period of such delay.

§ 1488.8 Advance payment.

If, before expiration of the financing period, the exporter or the U.S. bank or the agency or branch bank receives payment from or on behalf of the foreign importer of any part of the account receivable, it shall be remitted promptly to CCC. Such prepayment shall be applied first to interest on the unpaid balance of the account receivable to the date CCC receives such prepayment and then to the principal.

§ 1488.9 Documents required after export.

(a) Within 45 days after date of delivery of the commodities exported under the financing agreement, the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation, Washington, D.C. 20250, telephone number DU 8–4042:

(1) A written application for disbursement, showing the financing approval number and the port value of the commodity exported.

(2) An assignment of the account receivable arising from the export sale, in form and substance acceptable to CCC. When the account receivable is assured by an obligation issued by a U.S. bank or an agency or branch bank, the instrument(s) evidencing the account receivable shall include interest in accordance with § 1488.6 and shall be submitted with the assignment.

(3) A copy of the sales invoke to the foreign importer.

(4) A copy of the document evidencing export as provided in § 1488.10, and, if the consignee is other than the foreign importer, such additional information as CCC may request to show that export was made in accordance with the instructions of, or the export sale contract with, the foreign importer.

(5) A certification by the exporter that the agricultural commodities of the grade, quality, and quantity called for in the exporter's sale to the foreign importer have been delivered and that the exporter knows of no defenses to the account receivable assigned to CCC.

(6) A bank obligation or obligations in accordance with § 1488.4, paragraphs (d) and (e) of this section, and § 1488.11, payable to CCC, in form and substance acceptable to CCC, covering the financing agreement and including interest in accordance with § 1488.6.

(7) For a foreign bank obligation confirmed by a United States or agency or branch bank, two (2) separate instruments evidencing the account receivable, one for the confirmed amount and one for the unconfirmed amount. If installment payments under the bank obligation are required by the financing approval, there shall be furnished two (2) such separate instruments for each such installment. Each instrument evidencing all or a part of the account receivable shall include interest in accordance with § 1488.6 and shall provide that it is assignable free of defenses and that in event of default by the importer or of the bankruptcy, insolvency, or other inability of the importer to meet its obligations or to continue in business on an unrestricted basis, the account receivable shall become immediately due and payable.

(b) On timely receipt of the documents described in paragraphs (a) (1) through (6) of this section, the Treasurer, CCC, will pay promptly to the exporter the port value of the commodity exported or 110 percent of the amount specified in the financing approval, whichever is the lesser.

(c) If an acceptable application for disbursement and the supporting documents described in paragraphs (a) (1) through (6) of this section have not been received by CCC within 45 days from the date of delivery, or any extension thereof approved by the Vice President, CCC, or his designee, the financing agreement shall be void.

(d) If the instruments described in paragraph (a)(7) of this section are not received by CCC within 45 days after date of delivery, and payment has been made by CCC, the account receivable and the bank obligation assuring the account receivable shall at the option of CCC become due and payable.

(e) If for any reason a draft drawn under a foreign bank obligation is dishonored or if the issuing bank is insolvent, is in bankruptcy, receivership, or liquidation, has made an assignment for the benefit of creditors, or for any other reason discontinues or suspends payments to depositors or creditors or otherwise ceases to operate on an unrestricted basis, the obligation issued by that bank to CCC shall become immediately due and payable, and any balance due on the account receivable assured by the obligation issued by such bank shall, at the option of CCC, become immediately due and payable. CCC may permit the substitution of another acceptable foreign bank obligation covering such balance due and confirmed in accordance with § 1488.4.

§ 1488.10 Evidence of export and warranty.

(a) If the commodity is exported by rail or truck, the exporter shall furnish a copy of the bill of lading, certified by the exporter as being a true copy, under which the commodity is exported, and an authenticated landing certificate or similar document issued by an official of the Government of the country to which the commodity is exported, showing the quantity, the place and date of entry, the gross landed weight of the commodity, and the name and address of both the exporter and the importer.

(b) If the commodity is exported by ocean carrier, the exporter shall furnish a nonnegotiable copy of either (1) an on-board ocean bill of lading or (2) an ocean bill of lading with an on-board endorsement dated and signed or initialed on behalf of the carrier. The bill of lading must be certified by the exporter as being a true copy and must show the quantity, the date and place of loading the commodity, the name of the vessel, the destination of the commodity, and the name and address of both the exporter and the importer. If the exporter is unable to supply documentary evidence of export as specified in this paragraph (b) he shall submit such other documentary evidence as may be acceptable to CCC.

(c) By submitting documents evidencing export, the exporter represents and warrants that the commodity covered by such documents was not exported to, and has not and will not be transshipped or caused to be transshipped by the exporter to, any country or area for which an export license is required under the regulations issued by the Bureau of International Commerce, U.S. Department of Commerce, unless a license for such export or transshipment thereto has been obtained from such Bureau.[1]

(d) For commodities transshipped through Canada via the Great Lakes, the exporter shall certify that the commodity transshipped was produced in the United States.

§ 1488.11 Evidence of entry into country of destination.

For a financing agreement under which the financing period is in excess of 12 months for cotton and tobacco, or is in excess of 6 months for all other eligible commodities, within 90 days, or such extension of time as may be granted by the General Sales Manager in writing, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall furnish to the General Sales Manager documentary evidence satisfactory to the General Sales Manager of customs entry of the commodity into the country of destination specified in the financing agreement. A certificate signed or authenticated by a customs official of the country of destination stationed in such country shall be satisfactory if it (a) identifies the agricultural commodity (or permits identification through supplementary documents which are furnished to the General Sales Manager) as that exported under the financing agreement, (b) states the quantity of such commodity entered, and (c) states the date of entry. If the certificate is in other than the English language, the exporter shall also provide the General Sales Manager with an English translation thereof. Within 10 days, or such extension of time as may be granted in writing by the General Sales Manager, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall also furnish to the General Sales Manager copies of all applicable bills of lading properly identified with the financing approval number. If such evidence is not furnished within the time specified, the financing agreement may be terminated by the General Sales Manager and on such termination,

[1] Information to exporters: The Department of Commerce regulations prohibit exportation or reexportation by anyone, including a foreign exporter, of the commodity exported pursuant to the terms of these regulations, to prohibited countries and area. The attention of the exporter is invited to the "Notice to Exporters" which accompanies these regulations.

ceived, at the option of CCC the bank obligation and the account receivable if payment under the bank obligation or account receivable has not yet been reshall become due and payable. The remedy herein provided shall not be exclusive of other rights available to the Federal Government as a result of the entry of a commodity, exported under a financing agreement, into a country other than that specified in the financing agreement.

§ 1488.12 Liability for payment.

If exportation is made within the coverage of the bank obligation(s) submitted in accordance with § 1488.9, CCC will look to the obligating bank or banks and the foreign importer, rather than to the exporter, for payment of all amounts due at maturity of the instruments evidencing the account receivable and of the bank obligation(s), but the exporter shall remain liable for any loss arising from breach of any certification or warranty made by him, any amounts not covered by the bank obligation which are owing to CCC, and any remittance or refund required by §§ 1488.8 and 1488.14, together with interest thereon at the face rate of the related instruments evidencing the account receivable. The liability of the bank and the importer under their respective obligations shall be several.

§ 1488.13 Assignment.

The exporter shall not assign any claim or rights to any amounts payable under the financing agreement, in whole or in part, without written approval of the Vice President, CCC, or his designee.

§ 1488.14 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure the financing agreement on an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right, without limitation on any other rights it may have, to annul the financing agreement without liability to CCC. Should the financing agreement be annulled, CCC will promptly consent to the reduction or cancellation of related bank obligations except for amounts outstanding under a financing agreement. Such outstanding amounts shall, on demand, be refunded to CCC by the exporter.

§ 1488.15 Shipment of commodities on vessels calling at Cuban and North Vietnamese ports.

Any commodity exported under the CCC financing agreement shall not be shipped from the United States on a vessel which has called at a Cuban port on or after January 1, 1963, or at a North Vietnamese port on or after January 25, 1966.

§ 1488.16 Officials not to benefit.

No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the financing agreement or to any benefit that may arise therefrom, but this provision shall not be construed to extend to the financing agreement if made with a corporation for its general benefit.

§ 1488.17 Exporter's records and accounts.

The Vice President, CCC, and his designees, shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the exporter involving transactions related to contracts between the exporter and the importer until the expiration of 3 years after maturity of the related financing agreement.

§ 1488.18 Communications.

Unless otherwise provided, any written requests, notifications, or communications by the applicant pertaining to the financing agreement shall be addressed to the General Sales Manager's office, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The recordkeeping and reporting requirements of the regulations of this subpart have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective Date: Date of publication.

Signed at Washington, D.C., on April 25, 1967.

D. W. RUBEL,
Acting Vice President,
Commodity Credit Corporation.

NOTICE TO EXPORTERS

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 67-4729; Filed, Apr. 26, 1967; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 991]

HANDLING OF HOPS OF DOMESTIC PRODUCTION

Filling Deficiencies in Salable Quantity

Notice is hereby given of a proposal unanimously recommended by the Hop Administrative Committee. The proposal would modify, pursuant to § 991.38(d), the requirements therein with respect to the filling of deficits in producers' annual allotments by prescribing additional requirements. Paragraph (d) now requires that a producer, to be eligible to fill a deficit in his annual allotment, must have had sufficient hops under trellis to produce his allotment, taking into consideration his previous average yields, and must have made a bona fide effort, according to normal commercial practice, to grow and harvest such hops. However, experience has shown that the present requirements, in the absence of additional, more definitive requirements or criteria, are difficult to apply in an equitable and uniform manner to different producers' circumstances. The proposal would improve this situation by prescribing additional requirements, as hereinafter set forth which, together with the present requirements, would provide an equitable and uniform basis for producers to fill deficits in their annual allotments and enable them to plan their cultural practices accordingly and with certainty. The authorization for the proposal would be pursuant to § 991.38 of Marketing Order No. 991 (7 CFR Part 991; 31 F.R. 9713, 10072), regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than May 8, 1967. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 991.138d Filling deficiencies in salable quantity.

Pursuant to § 991.38(d), the requirements therein with respect to the filling of deficiencies in annual allotments are modified as follows:

(a) A producer otherwise eligible pursuant to § 991.38(d) to fill such a deficit in his annual allotment may do so only to the following extent: (1) Such producer experiences conditions beyond his control, as defined in paragraph (c) of this section; (2) he notifies the Committee within 48 hours, or such other time as the Committee may prescribe, of such conditions; (3) he furnishes proof, satisfactory to the Committee, of the conditions beyond his control within the time prescribed by the Committee; and (4) the quantity of hops he acquires to fill the deficit does not exceed the amount specified in paragraph (b) of this section.

(b) The amount of the deficit in any producer's annual allotment that may be filled shall be the difference between his harvested quantity, if any, from acreage affected by conditions beyond his control and the quantity obtained by multiplying the producer's base yield per acre, adjusted by the allotment percentage, by the number of acres so affected.

(c) Conditions beyond his control may include, but are not necessarily limited to, adverse climatic conditions such as frost, hail, excessive wind or heat which are beyond normal hazard of producing hops in the particular location and excesses or shortages of water not due to faulty irrigation practices. In circumstances where production of hops is below normal by industry standards due to an overall "less than normal yield," and such yield was not affected by conditions beyond the control of producers, producers shall not be eligible to fill any deficits in their annual allotment.

Dated: April 24, 1967.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 67-4669; Filed, Apr. 26, 1967; 8:49 a.m.]

[7 CFR Parts 1001–1005, 1008, 1009, 1011, 1015, 1016, 1031–1036, 1038–1041, 1043–1051, 1060, 1062–1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096–1099, 1101–1104, 1106, 1108, 1120, 1125–1134, 1136–1138]

[Docket No. AO 14-A38-R02 etc.]

MILK IN MASSACHUSETTS—RHODE ISLAND AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were convened at Denver, Colo., on April 11, 1967; at St. Louis, Mo., on April 12, 1967; at Cleveland, Ohio, on April 13, 1967; and at Washington, D.C., on April 14, 1967, pursuant to notices thereof issued April 4, 1967 (32 F.R. 5694, 5695, and 5696), on proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in each of the marketing areas specified as follows:

7 CFR Part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island.	AO 14-A38-R02.
1002	New York-New Jersey	AO 71-A52.
1003	Washington, D.C.	AO 293-A16.
1004	Delaware Valley	AO 160-A53.
1005	Tri-State	AO 177-A29.
1008	Greater Wheeling	AO 206-A13.
1009	Clarksburg	AO 268-A13.
1011	Appalachian	AO 251-A9.
1015	Connecticut	AO 305-A17.
1016	Upper Chesapeake Bay	AO 312-A12.
1031	Northwestern Indiana	AO 170-A23-R02.
1032	Southern Illinois	AO 313-A13-R02.
1033	Cincinnati	AO 166-A34.
1034	Dayton-Springfield	AO 175-A25-R01.
1035	Columbus	AO 176-A22.
1036	Northeastern Ohio	AO 179-A29.
1038	Rock River Valley	AO 194-A16-R02.
1039	Milwaukee	AO 212-A21-R02.
1040	Southern Michigan	AO 225-A18.
1041	Northwestern Ohio	AO 72-A31.
1043	Upstate Michigan	AO 247-A11.
1044	Michigan Upper Peninsula.	AO 299-A12-R02.
1045	Northeastern Wisconsin	AO 334-A11-R02.
1046	Louisville-Lexington-Evansville.	AO 123-A32.
1047	Fort Wayne	AO 33-A36.
1048	Youngstown-Warren	AO 325-A9.
1049	Indianapolis	AO 319-A9.
1050	Central Illinois	AO 355-A2-R02.
1051	Madison	AO 329-A7-R02.
1060	Minnesota-North Dakota	AO 360-R02.
1062	St. Louis	AO 10-A38-R02.
1063	Quad Cities-Dubuque	AO 105-A26-R02.
1064	Greater Kansas City	AO 23-A32-R02.
1065	Nebraska-Western Iowa	AO 86-A22.
1066	Sioux City, Iowa	AO 122-A16.
1067	Ozarks	AO 222-22-R02.
1068	Minneapolis-St. Paul, Minn.	AO 178-A20-R02.
1069	Duluth-Superior	AO 153-A14.
1070	Cedar Rapids-Iowa City	AO 229-A17-R02.
1071	Neosho Valley	AO 227-A20-R02.
1073	Wichita	AO 173-A20.
1075	Black Hills, S. Dak	AO 248-A8.
1076	Eastern South Dakota	AO 280-A11.
1078	North Central Iowa	AO 272-A12-R02.
1079	Des Moines	AO 295-A14-R02.
1090	Chattanooga	AO 306-A8.
1094	New Orleans	AO 103-A25.
1096	Northern Louisiana	AO 257-A15.
1097	Memphis	AO 219-A20-R02.
1098	Nashville	AO 184-A25-R02.
1099	Paducah	AO 183-A18-R02.
1101	Knoxville	AO 195-A15.
1102	Fort Smith	AO 237-A15-R05.
1103	Mississippi	AO 346-A5.
1104	Red River Valley	AO 238-A10-R02.
1106	Oklahoma Metropolitan	AO 210-A23-R02.
1108	Central Arkansas	AO 243-A17-R02.
1120	Lubbock-Plainview	AO 328-A7-R02.
1125	Puget Sound	AO 226-A17.
1126	North Texas	AO 231-A30-R02.
1127	San Antonio	AO 232-A17-R02.
1128	Central West Texas	AO 238-A19-R02.
1129	Austin-Waco	AO 256-A13-R02.
1130	Corpus Christi	AO 259-A16-R02.
1131	Central Arizona	AO 271-A12-R01.
1132	Texas Panhandle	AO 262-A14-R02.
1133	Inland Empire	AO 275-A16.
1134	Western Colorado	AO 301-A7.
1136	Great Basin	AO 309-A11.
1137	Eastern Colorado	AO 326-A12.
1138	Rio Grande Valley	AO 335-A10-R02.

Preliminary statement. The aforesaid public hearings were four regional hearings held during the period April 11–15, 1967, at which the matter of appropriate levels of Class I prices in the subject markets was considered.

The material issues on the record of each of the hearings related to:

1. The level of Class I prices in each market.
2. Whether markets which presently have seasonal Class I differentials should have a single differential to be added to the basic formula each month.
3. Need for emergency action.

The hearing at Denver reopened on a limited basis previous hearings on a proposed Minnesota-North Dakota marketing order held at Fargo, N. Dak., in August 1966, and a hearing on proposed amendments to the Central Arizona milk order held at Phoenix, Ariz., February 7–10, 1967. The matter of regulation for the Minnesota-North Dakota marketing area is still under consideration. The evidence at this hearing will be taken into account if it is determined that an order should be issued for such area.

The hearing as St. Louis on April 12 reopened a previous hearing on the same 32 markets held at Kansas City, Mo., January 26, and February 13, 1967.

The hearing at Cleveland on April 13 represented a limited reopening of a hearing held on proposed amendments to the Dayton-Springfield milk order at Dayton, Ohio, on January 10, 1967.

The Washington, D.C., hearing convened April 14 represented a limited reopening of a hearing on proposed amendments to the Massachusetts-Rhode Island milk order held at various locations in New England during the period June 20–July 1, 1966.

Findings and conclusions.—The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1 and 2. *Class I price level and elimination of seasonal differentials.* In each order using a Class I differential (or differentials) over a basic formula price, the level of differential should be increased 20 cents per hundredweight through April 1968. In those orders presently having seasonal Class I differentials, the price adjustment should be accomplished by adding 20 cents to the annual average of the monthly differentials. Also, in all markets using the Minnesota-Wisconsin manufacturing milk price as a basic formula, it should be provided that for the purpose of computing Class I prices through April 1968 such basic formula shall be not less than $4.05. In certain orders using economic formulas, including Connecticut, Massachusetts-Rhode Island, New York-New Jersey, and Delaware Valley, amendments should provide an increase of 20 cents per hundredweight through April 1968 in the price level provided by the formulas. In the Washington, D.C. and Upper Chesapeake Bay markets, the Class I price change would be accomplished by extending the existing relationship to the Delaware Valley price.

Producer representatives in all markets stated that current Class I price levels are not adequate to counter the factors which are tending to discourage or reduce milk production. The primary factors cited as tending to discourage milk production are the rising trend in dairy farmers' costs and alternative opportunities both as to other farm enterprises and nonfarm employment. Because of these factors, the incentive to continue in milk production in face of prospective price levels is substantially threatened.

Producers have interpreted prospective price levels in terms of the decline in Class I prices since the highest level in the latter part of 1966. Part of this decline has been the effect of the seasonal Class I differentials in those orders with seasonal pricing. The basic formula to which the differentials are added has also declined both with respect to the minimum levels established for each month by order amendments and the level of the manufacturing milk price which would be the basic formula if the minimum levels had not been established. The minimum basic formula figures established in the orders currently will expire with the Class I price computation for July this year.

One reason why the outlook as to the future level of the basic formula disturbs producers is that the March $4.01 level of the Minnesota-Wisconsin manufacturing milk value, represents a substantial decline from the average of the basic formula for the last 6 months of 1966 (highest of the minimum in the orders or actual) which was $4.29.

For Class I prices during July–December 1966 period, a minimum basic formula of $4 per hundredweight was initially established in the orders. The manufacturing milk value exceeded this minimum during that period and reached a high of $4.34 in September, which was used as the basic formula for October Class I prices. The following month's (October) Minnesota-Wisconsin price, $4.26, became the minimum basic formula, by order amendments, effective for December 1966, January and February 1967 Class I prices. The same amendments provided minimum basics of $4.15 for March and April Class I prices, and $4.05 for May, June, and July Class I prices.

The concern of producer groups because of the rapid increase in the cost of production factors related particularly to the cost of farm labor, higher prices for dairy feeds, increased cost for farm equipment, and increased cost of capital in terms of a higher rate of interest.

Nationally, the index of farm wage rates in February and March this year was about 8 percent over a year before. An increase of approximately 10 percent in the cost of farm labor has occurred in some Midwest areas of heavy milk production. Hired labor for dairy farms is increasingly difficult to find because of the attractiveness of off-farm employment.

Dairy feed costs have increased compared to a year ago, both as to concentrates and hay. Dairy concentrate ration prices in March 1967, averaged about 5 percent over the level of a year before and high protein meals increased as much as 7 percent. The index of all feeds advanced about 9 percent. Farm stocks of principal feed grains as of April 1 were about 5 percent less than a year ago.

The impact of high dairy feed costs in recent months has been of concern to dairy farmers who are increasingly dependent on the practice of heavier feeding to increase efficiency in milk production. While the higher cost of feed to this time has been met by higher milk prices, prospectively lower milk prices than a year earlier could result in a return to a less favorable milk-feed price ratio.

In the Southwest region, pasture feed available has been reduced by continued drought during the fall and winter season.

On a national basis, the index of cost of farm machinery in December 1966 had advanced about 4 percent over a year before. Dairy farmers' reliance on farm machinery has tended to increase with the higher cost of labor and difficulty in obtaining hired help. This situation has accelerated the trend towards mechanization of dairy farming, but at the same time increased the importance of higher farm machinery prices as a cost factor.

The effect of off-farm opportunities for employment would be felt most in heavily industrialized States. In an area extending from the Atlantic seaboard States through Ohio, Indiana, Michigan, and Illinois, total milk production continues this year under a year ago. While a number of States in other regions had increases in recent months, the most significant in quantity were the States of Wisconsin, Minnesota, and Iowa, representing agricultural areas of heaviest milk production.

Dairy economists in some Midwestern States pointed out that other farm enterprises have been absorbing increasing proportions of land and other production resources, thus diminishing the land and resources available for dairying. This situation therefore limits the potential for a return to former levels of milk production in these States where production has fallen off in recent years.

National milk production in the first 3 months of 1967 continued at about the same level (up about 0.3 percent) as a year ago following the decline in 1965 and 1966. Milk production declined 2.2 percent in 1965 and 3.2 percent in 1966 from the year before.

The potential for possible upturn in milk production is limited by the reduced number of dairy cows now on farms. The number of milk cows on farms is currently at the lowest level in the past 40 years. An immediate increase in production can only come from greater production per cow at a rate beyond what many consider likely. Feeding and management for maximum production will

be required to maintain present levels of production. Proponents assert that this will occur only if producers have confidence their returns will continue at levels at least as high as in the past 12 months.

The decline in the total milk cow population has been a definite trend since 1954 and has continued through 1966. The 6 percent decline in the January 1, 1966, total compared to January 1, 1965, was the largest year-to-year decline since 1954. For January 1, 1967, the number of cows and heifers 2 years old or over kept for milk declined further to 5 percent below a year earlier.

Dairy heifers 1 to 2 years old declined in number 6 percent as of January 1, 1967, compared to a year before. The reduced ratio of numbers of such heifers to milk cows, 23.8 this year compared to 26.0 in 1960 and 1961 (and intermediate ratios in following years) indicates that lesser replacement stock is available.

In terms of milk production, the effect of lower cow numbers has in recent months been offset by increased production per cow. This recent increase in production per cow (about 5 percent over a year ago for the first 3 months of 1967) has been at a more rapid rate than normal, and producer representatives state that it is more than could be reasonably expected to continue. Thus, prospective increases in production per cow cannot be relied upon to result in greater total milk production while cow numbers continue to decline at the same rate as in recent years.

Producer representatives state that current ample production in certain fluid markets is due to price assurances given by previous Department actions, and particularly favorable production conditions except in the Southwest region where drought conditions have affected pastures. Because of the increasing costs and alternative opportunities for dairymen, a higher level of milk prices was held to be necessary for an indefinite period.

Long-term adequacy of milk supply in relation to total milk and dairy product consumption will be affected by the rate of population growth. During recent years milk production has declined, while the population is increasing. The effect of these two trends in opposite directions, if continued, would lead to substantial reduction in milk available on a per capita basis to consumers.

Producer groups asked that the level of Class I prices be raised generally in the several orders in each region considered. The amounts proposed ranged from 40 cents per hundredweight to close to $1. Producer representatives held that such price increases are necessary to give dairy farmers confidence to continue in production and assure an adequate supply for the fluid markets.

The primary reasons given by proponents for a higher level of prices were economic conditions which affect milk production for all markets. There is not any significant basis in the evidence for distinguishing particular markets or areas for different treatment than others. The adjustment herein considered relates rather to conditions which are general.

It is concluded that the previously described economic factors substantiate the need for a price adjustment at this time of 20 cents per hundredweight to be added to Class I price formulas through April 1968. In view of the fact that the national level of milk supplies has recently become stabilized, a higher adjustment is not presently necessary. This adjustment, with also a continuation of a minimum basic formula price will provide assurance to producers of a level of price consistent with conditions described. The adjustment for the period cited will allow time to observe the effect on milk supplies in the Federal order markets.

To remove uncertainty as to the future level of the basic formula, the present minimum of $4.05 effective through July should be continued effective as a minimum basic formula through March 1968 to establish Class I prices through April 1968. The continuation through March 1968 coincides with the term of the presently announced support price. If the Minnesota-Wisconsin manufacturing milk price exceeds $4.05, such higher basic formula would apply.

Since seasonal differentials are being eliminated in the markets where they are now being used, the adjustment can be made in a uniform manner in all markets using a basic formula by increasing the differential level in each market by 20 cents through April 1968.

In markets which have had seasonal differentials, the amount of increase for the last 6 months of this year would be lessened by the leveling of the differentials. Compared to the last 6 months of 1966, the minimum level assured by these amendments would average slightly less (about 6 cents) in these markets which have had seasonal pricing. For all markets herein affected, for the same period, the minimum level assured would average very close to that of the same 6 months of 1966. The above estimates relate only to the "minimum level assured", because the prices could be higher if the basic formula exceeds the minimum of $4.05.

The same temporary increase of 20 cents over the existing Class I formula level should apply in northeastern orders where pricing is dependent on economic formulas. This adjustment in the Delaware Valley, Upper Chesapeake Bay, and Washington, D.C., orders, where seasonal pricing is being eliminated, would apply to the annual level. In the New York-New Jersey, Massachusetts-Rhode Island and Connecticut orders, seasonal pricing was eliminated effective April 1.

To insure continuing price alignment between the New England and New York-New Jersey Class I prices, the New England price prior to supply-demand adjustment is snubbed within a five-cent differential from the New York-New Jersey Class I price adjusted to remove the effect of supply-demand. During the past year the New England order economic price (the price prior to supply-demand adjustment and bracketing) has been reduced an average of 30 cents through action of the snubber.

The purpose of this tie is to provide that a Class I price change under the New York-New Jersey order will be accompanied by a similar change in the Class I price under the New England orders. However, because the New England orders employ a bracketing scheme (which insures Class I price movements in 22-cent increments) this result may not always be achieved. The present annual level of prices in the Massachusetts-Rhode Island and Connecticut orders are $6.15 and $6.62, respectively. To insure that these markets will receive identical treatment with other markets as a result of this hearing it is desirable that these orders specify that the final Class I prices shall be $6.35 and $6.82, respectively, through April 1968. This will negate the bracketing provisions in the Class I pricing formula.

A hearing was held with respect to proposed amendments to the New England orders in June and July 1966 and a decision on that record is still pending. Since changes in the Class I pricing formula and in the zone location differentials were issues at that hearing, and this hearing was a reopening of the June–July 1966 hearing with respect to the Massachusetts-Rhode Island order, it will be necessary that the effect of this amendment with respect to the New England orders be incorporated in any amending orders issued as a result of the earlier hearing. The bracketing provisions of the Class I pricing formula may be dealt with at that time.

The Delaware Valley order requires special treatment in that producer approval or disapproval of a proposed order providing for marketwide pooling contained in the Assistant Secretary's decision of April 7 (32 F.R. 5876) is in the process of ascertainment by referendum. The proposed amending order hereinafter set forth accordingly amends both the order now in effect and the proposed order contained in the Assistant Secretary's decision of April 7 if that order becomes effective. Since Class I prices in both the Upper Chesapeake Bay and Washington, D.C., orders are currently established on the basis of the Delaware Valley Class I price minus 10 cents the intent of the decision can appropriately be accomplished for those two markets by removal of the present June 30, 1967, expiration date with respect to this pricing arrangement.

Prior to December 1, 1966, the Washington, D.C., and Upper Chesapeake Bay orders provided that their Class I price, which was computed by adding or subtracting a supply-demand adjustment to a stated amount, could not differ (after adjusting for seasonality in the two orders) by more than 15 cents of the average of the New York-New Jersey and Delaware Valley Class I prices. Since this decision provides that the Washington, D.C., and Upper Chesapeake Bay Class I prices will be based directly on the Delaware Valley Class I price, the provisions in the Washington, D.C., and Upper Chesapeake Bay orders that provide for the computation of the supply-

demand adjustment and the determination of the monthly average of the seasonally adjusted New York-New Jersey and Delaware Valley Class I prices are no longer applicable and should be deleted from the orders.

Certain evidence was presented concerning alleged improper movements of supply-demand adjustors of certain orders. The records of these general hearings do not provide an adequate basis upon which these matters may be decided. Accordingly no action to modify supply-demand adjustors should be taken on the basis of evidence received in these hearings, except for the deletion of obsolete pricing provisions of the Upper Chesapeake Bay order and Washington, D.C., order as explained in the preceding findings.

Removal of seasonal pricing. Producer groups in most markets presently having seasonal differentials supported a single differential throughout the year. They considered such a level differential preferable to present seasonal differentials for purposes of coordinating prices among several markets. Seasonal differentials it was claimed, give temporary advantage to handlers in a market which has a low seasonal price as compared to nearby markets with a level differential or less seasonal variation.

Producer witnesses stated that the importance of price relationships among markets has grown because of the improved facilities for moving milk between markets. Use of a single nonseasonal differential in each market would result in the normal price relationship being effective each month.

Producers also favored level pricing as a means of maintaining a more satisfactory relationship between changes in farm and retail prices for milk. Producers feel that retail price changes are sometimes related to seasonal change in Class I prices in a manner which is a disadvantage to producers. Retail prices are not always reduced by handlers when the milk price at the farm drops seasonally. On the other hand, a seasonal increase in farm price may be the occasion for a relatively permanent increases in the retail price. These situations may adversely affect consumers' opinions about the farmer's price as a cause of retail milk price changes.

Even if retail price changes are parallel with seasonal changes in the Class I price, it was argued that this has little, if any, beneficial effect on milk consumption or returns to the farmer. Proponents contended that lower retail prices would not in any case induce a sufficiently increased rate of consumption to make up for the farmer's lower price.

In summary, the opinion of producer groups was that seasonal Class I price changes hinder achievement of proper intermarket alignment and may be detrimental to a stable market at the retail level.

There are 39 of the 70 orders considered in these hearings which have seasonally varying Class I differentials. Of these 39, there are 24 which use only 2 levels of differentials. Fourteen others, in Wisconsin, Iowa, Indiana, Illinois, and Missouri use 3 levels. The pattern of seasonal change, which is the same in all the 14 orders uses the annual average in the months of July, December, January, and February; 20 cents higher than the annual average for August through November; and 20 cents less than the annual average for March through June.

Except for the uniform pattern in the 14 Midwest markets, there is considerable variety of seasonal patterns among other markets, both as to amount of seasonal change and the months in which the high and low differentials apply. Seasonal pricing also applies in the Delaware Valley, Upper Chesapeake Bay, and Washington, D.C., orders where pricing is based on an economic formula.

The contrasting seasonal patterns among markets are a factor in competitive relations of handlers in the several markets. Markets with seasonal changes are interspersed with markets with level pricing, and handlers in many of the markets in the group with seasonal pricing compete with handlers regulated in markets with level pricing, or with handlers in markets with different seasonal patterns.

It is concluded that removal of seasonal pricing in these markets would substantially contribute to price alignment among all markets. The removal of certain other differences in pricing technique, such as contraseasonal provisions and use of the current basic formula rather than that of the previous month will also contribute to price alignment.

The single differential to be used each month should be the annual average of the seasonal differentials now contained in the respective order. In arriving at the annual average, a simple average can be computed by weighting each differential by the number of months for which it is now effective. A weighted average may also be computed by weighting each differential by the volume of Class I milk in these months. A comparison of averages computed by these methods shows little difference in result; for 20 markets the weighted average of 1965 and 1966 were each identical with the simple average; for 9 orders the result was identical for 1 year and within 1 cent for the other. In a few markets weighted averages for 1966 showed the result of substantial volumes of milk being under regulation for part of a year. In view of the close correlation in most of the markets, it is concluded that simple averages constitute a satisfactory method of computation of the annual average differential to be used. In markets with seasonal pricing where the annual level is based on an economic formula, the annual level should apply in each month. Such annual average Class I differentials in markets with basic formulas and annual levels in economic formula markets would be adjusted for the period from the effective date of the amendments herein proposed through April 1968 in the manner described in prior findings.

Certain provisions of some orders designed to prevent contraseasonal price changes are no longer desirable in view of the removal of seasonal pricing in all orders now having seasonal changes. Removal of the contraseasonal provisions will further contribute to price alignment among markets.

The Upstate Michigan order, which uses the basic formula price of the current month to determine its Class I price, should be amended to use the basic formula price of the preceding month, as do other Federal orders with basic formula price provisions. Producers in the market desire that this change be made to produce better alignment with the Southern Michigan market. With this change the Class I price may be announced on the 5th day of the current month.

The provisions of the Wichita order which limit the Class I price level within a range of prices based upon the Greater Kansas City order Class I price should be modified to reflect the change from seasonal to flat pricing in the Greater Kansas City order.

Certain testimony was offered requesting changes in price relationships between specified markets. These requests concerned annual average intermarket price relationships as well as seasonal pricing.

Questions involving the relationship of annual levels between individual markets or groups of markets would need to be dealt with on the basis of hearings held for such specific purpose. The records of these hearings are not adequate for such purpose.

Orders for which amendment not required. No amendments are required for certain orders for which Class I prices are maintained in fixed adjustment with another order. Class I prices of the Southern Illinois and Paducah orders are based on those of the St. Louis order; the Red River Valley Class I price is based on that of the Oklahoma Metropolitan order; the Western Colorado Class I price is based on that of the Eastern Colorado order; the Youngstown-Warren Class I price is based on that of the Northeastern Ohio order; Lubbock-Plainview, San Antonio, Central West Texas, Austin-Waco, and Corpus Christi Class I prices are based upon those of the North Texas order.

While evidence was received with respect to the Class I price of an order proposed for a Minnesota-North Dakota marketing area, concerning which a public hearing was held August 15–19, 1966, decision on the record of this hearing with respect to such proposed order is deferred at this time, and the evidence received will be considered in connection with that received at the previous hearing.

2. *Emergency action.* The due and timely execution of the functions of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto. In order that dairy farmers may make necessary production plans for the immediate future and the remainder of the year, the Department's decision in this matter must be issued without delay. It is likewise necessary that milk handlers know promptly and with certainty the basis upon which the Class I prices which they will pay are to be determined.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

At the hearing in Kansas City, Mo., a motion was made to terminate proceedings. After review of the record, the ruling of the hearing officer denying the motion is hereby affirmed.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto;* and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas" and "Order Amending the Order Regulating the Handling of Milk in Certain Specified Marketing Areas", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order set forth below, as amended and as hereby proposed to be amended, regulating the handling of milk in the certain specified marketing areas is approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within each of the aforesaid marketing areas.

Signed at Washington, D.C., on April 25, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the orders listed below and of the previously issued amendments thereto;[2] and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of such orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the below designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the respective hereinafter designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders as amended and as hereby further amended, as follows:

PART 1001—MILK IN MASSACHUSETTS-RHODE ISLAND MARKETING AREA

In § 1001.60, the introductory text of paragraph (e) preceding the table is revised to read as follows:

§ 1001.60 Class I price.

* * * * *

(e) Multiply the economic index price determined under paragraph (b) of this section by the supply-demand adjustment factor determined under paragraph (c) of this section. The Class I price shall be the price set forth in column (3) of the following table opposite the range within which the result of this computation falls, except that from the effective date of this amendment the Class I price each month shall be $6.15 plus 20 cents through April 1968.

* * * * *

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

In § 1002.40, paragraph (a) and subparagraph (1) thereunder are revised to read as follows:

§ 1002.40 Class prices.

* * * * *

(a) For Class I–A milk the price during each month shall be a price computed pursuant to subparagraphs (1) through (11) of this paragraph, plus 20 cents through April 1968.

(1) Divide (with the result expressed to three decimal places) the monthly

*With respect to Delaware Valley the findings and determinations hereinafter set forth are also supplementary and in addition to the findings and determinations set forth in the order amending the order attached to the Assistant Secretary's decision of Apr. 7, 1967 (32 F.R. 5876).

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[2] With respect to Delaware Valley the findings and determinations hereinafter set forth are also supplementary and in addition to the findings and determinations set forth in the order amending the order attached to the Assistant Secretary's decision of Apr. 7, 1967 (32 F.R. 5876).

wholesale price index for all commodities in the second preceding month as reported by the Bureau of Labor Statistics, U.S. Department of Labor, by the average of the monthly indexes reported on the same base for the year 1955: *Provided*, That from the effective date of this amendment through April 1968, the result computed pursuant to this subparagraph shall not be less than 117.596.

* * * * *

PART 1003—MILK IN WASHINGTON, D.C., MARKETING AREA

In § 1003.50, paragraph (a) is revised to read as follows:

§ 1003.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the Class I price pursuant to Part 1004 (Delaware Valley) of this chapter minus 10 cents.

* * * * *

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

§ 1004.50 [Amended]

1. Section 1004.50(a)(2) is revised to read as follows:

(2) Subject to the conditions set forth in subparagraphs (3), (4), and (5) of this paragraph the Class I price shall be that price indicated in the following Class I price schedule opposite the bracket in which the formula index computed pursuant to subparagraph (1) of this paragraph falls except that for the months through April 1968, 20 cents shall be added to such price. If such index value is not within a bracket, the price shall be determined by the adjacent index bracket which is the same as or nearest to the bracket in which the price was established in the previous quarter:

CLASS I PRICE SCHEDULE

[Price Per Hundredweight]

At least but less than: [1] Formula index	Class I price
80.0–82.0	4.45
83.8–85.8	4.65
87.6–89.6	4.85
91.4–93.4	5.05
95.2–97.2	5.25
99.0–101.0	5.45
102.8–104.8	5.65
106.6–108.6	5.85
110.4–112.4	6.05
114.2–116.2	6.25
118.0–120.0	6.45

[1] If the formula index is more than 120.0 or less than 80.0 this table shall be extended at the same rate as the increase or decrease in the preceding bracket.

2. In § 1004.50(a)(3) delete the parenthetical phrase "(the price, less 15 cents, indicated for the first quarter for the bracket in which the formula index computed pursuant to subparagraph (1) of this paragraph falls)".

PART 1005—MILK IN TRI-STATE MARKETING AREA

§ 1005.50 [Amended]

1. In § 1005.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968 the basic formula price shall not be less than $4.05."

2. In § 1005.51(a), subparagraph (1) is changed to read as follows:

§ 1005.51 Class prices.

* * * * *

(a) * * *

(1) Add for plants in each respective district as follows: Charleston-Huntington, $1.60; Gallipolis-Scioto, $1.50; and Athens, $1.40, plus 20 cents for each district through April 1968. At a plant outside the marketing area add the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest such plant:

KENTUCKY

Ashland. Pikeville.
Paintsville.

OHIO

Athens. Marietta.
Gallipolis. Portsmouth.
Jackson.

WEST VIRGINIA

Charleston. Huntington.
Hinton. Williamson.

* * * * *

PART 1008—MILK IN GREATER WHEELING, W. VA., MARKETING AREA

§ 1008.50 [Amended]

1. In § 1008.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968 the basic formula price shall not be less than $4.05."

2. In § 1008.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1008.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.73, and plus 20 cents through April 1968, subject to the adjustment provided in subparagraph (1) of this paragraph:

* * * * *

PART 1009—MILK IN CLARKSBURG, W. VA., MARKETING AREA

§ 1009.50 [Amended]

1. In § 1009.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968 the basic formula price shall not be less than $4.05."

2. In § 1009.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1009.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.98 and plus 20 cents through April 1968, subject to the adjustment provided in subparagraph (1) of this paragraph: *Provided*, That the Class I price shall be not more than 35 cents in excess of, nor less than 15 cents in excess of the average of the Class I prices for the same month pursuant to Part 1008 (Greater Wheeling) of this chapter and at Athens district plants pursuant to Part 1005 (Tri-State) of this chapter:

* * * * *

PART 1011—MILK IN APPALACHIAN MARKETING AREA

§ 1011.50 [Amended]

1. In § 1011.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1011.51 paragraph (a) is changed to read as follows:

§ 1011.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.93 and plus 20 cents through April 1968.

* * * * *

PART 1015—MILK IN CONNECTICUT MARKETING AREA

In § 1015.60, the introductory text of paragraph (e) preceding this table is revised to read as follows:

§ 1015.60 Class I price.

* * * * *

(e) Multiply the economic index price determined under paragraph (b) of this section by the supply-demand adjustment factor determined under paragraph (c) of this section. The Class I price shall be the price set forth in column (3) of the following table opposite the range within which the result of this computation falls, plus 47 cents, except that from the effective date of this amendment the Class I price each month shall be $6.62 plus 20 cents through April 1968.

* * * * *

PART 1016—MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

In § 1016.50, paragraph (a) is revised to read as follows:

§ 1016.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the Class I price pursuant to Part 1004 (Delaware Valley) of this chapter minus 10 cents.

* * * * *

PART 1031—MILK IN NORTHWESTERN INDIANA MARKETING AREA

§ 1031.50 [Amended]

1. In § 1031.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1031.51 the text of paragraph (a) preceding the first proviso is revised to read as follows:

§ 1031.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.16 and plus 20 cents through April 1968.

* * * * *

PART 1033—MILK IN GREATER CINCINNATI MARKETING AREA

§ 1033.50 [Amended]

1. In § 1033.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968 the basic formula price shall be not less than $4.05."

2. In § 1033.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1033.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.34 plus 20 cents through April 1968, and plus or minus a "supply-demand adjustment" of not more than 39 cents computed pursuant to subparagraphs (1) and (2) of this paragraph:

* * * * *

PART 1034—MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

§ 1034.50 [Amended]

1. In § 1034.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968 the basic formula price shall be not less than $4.05."

2. In § 1034.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1034.51 Class I milk prices.

* * * * *

(a) Add $1.24 plus 20 cents through April 1968 to the basic formula price for the preceding month plus or minus a "supply-demand adjustment" of not more than 39 cents computed pursuant to subparagraphs (1) and (2) of this paragraph:

* * * * *

PART 1035—MILK IN COLUMBUS, OHIO, MARKETING AREA

§ 1035.50 [Amended]

1. In § 1035.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1035.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1035.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.25, plus 20 cents through April 1968, and plus or minus a "supply-demand adjustment" computed pursuant to subparagraphs (1), (2) and (3) of this paragraph:

* * * * *

PART 1036—MILK IN NORTHEASTERN OHIO MARKETING AREA

§ 1036.50 [Amended]

1. In § 1036.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1036.51, the language of paragraph (a) preceding subparagraph (1) thereof is changed to read as follows:

§ 1036.51 Class I milk prices.

* * * * *

(a) Add $1.67 plus 20 cents through April 1968 to the basic formula price for the preceding month, and add or subtract a "supply-demand adjustment" computed as follows:

* * * * *

PART 1038—MILK IN ROCK RIVER VALLEY MARKETING AREA

§ 1038.50 [Amended]

1. In § 1038.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1038.51 the text of paragraph (a) preceding the first proviso is revised to read as follows:

§ 1038.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $0.92 and plus 20 cents through April 1968: * * *

* * * * *

PART 1039—MILK IN MILWAUKEE, WIS., MARKETING AREA

§ 1039.50 [Amended]

1. In § 1039.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1039.51 the text of paragraph (a) preceding the first proviso is revised to read as follows:

§ 1039.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $0.88 and plus 20 cents through April 1968: * * *

* * * * *

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

§ 1040.50 [Amended]

1. In § 1040.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1040.51, paragraph (a) is changed to read as follows:

§ 1040.51 Class I milk price.

* * * * *

(a) To the basic formula price for the preceding month add $1.40, add 20 cents through April 1968, and add or subtract a "supply-demand adjustment" of not more than 45 cents computed pursuant to paragraph (b) of this section:

* * * * *

PART 1041—MILK IN NORTHWESTERN OHIO MARKETING AREA

§ 1041.50 [Amended]

1. In § 1041.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through March 1968, the basic formula price shall not be less than $4.05."

2. In § 1041.51, the introductory text and subparagraph (1) of paragraph (a) are changed to read as follows:

§ 1041.51 Class prices.

* * * * *

(a) *Class I milk price.* For the period from the effective date of this paragraph through March 1968, the monthly Class I milk price shall be the basic formula price for the preceding month, plus the sum of the amounts specified under subparagraphs (1) and (2) of this paragraph:

(1) $1.45, subject to adjustment for location pursuant to § 1041.53; and

* * * * *

PART 1043—MILK IN UPSTATE MICHIGAN MARKETING AREA

1. In § 1043.22 subparagraph (1) of paragraph (l) is changed to read as follows:

§ 1043.22 Duties.

* * * * *

(l) * * *

(1) By the 5th day of each month, the Class I price computed pursuant to § 1043.51(a) and the handler butterfat differential computed pursuant to § 1043.52, both for the current month; and the Class II price computed pursuant to § 1043.51(b) for the preceding month; and

* * * * *

§ 1043.50 [Amended]

2. In § 1043.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

3. In § 1043.51, paragraph (a) is changed to read as follows:

§ 1043.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I milk price shall be the basic formula price for the preceding month plus $1.29 and plus 20 cents through April 1968.

* * * * *

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

§ 1044.50 [Amended]

1. In § 1044.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1044.51, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1044.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price for plants located in Zone 1 shall be the basic formula price for the preceding month plus $0.95, plus 20 cents through April 1968, and plus or minus a supply-demand adjustment of not more than 24 cents computed pursuant to this paragraph. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2. The supply-demand adjustment shall be computed as follows:

* * * * *

PART 1045—MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

§ 1045.50 [Amended]

1. In § 1045.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1045.51, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1045.51 Class I milk price.

* * * * *

(a) The basic formula price for the preceding month plus $0.74, plus 20 cents through April 1968, and plus or minus a supply-demand adjustment of not more than 24 cents computed as follows:

* * * * *

PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

§ 1046.50 [Amended]

1. In § 1046.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1046.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1046.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.29, plus 20 cents through April 1968, and plus or minus a supply-demand adjustment of not more than 50 cents computed pursuant to subparagraphs (1) through (6) of this paragraph:

* * * * *

PART 1047—MILK IN FORT WAYNE, IND., MARKETING AREA

§ 1047.50 [Amended]

1. In § 1047.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1047.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1047.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.20, plus 20 cents through April 1968, and plus or minus a "supply-demand adjustment" of not more than 38 cents computed pursuant to subparagraphs (1) and (2) of this paragraph:

* * * * *

PART 1049—MILK IN INDIANAPOLIS, IND., MARKETING AREA

§ 1049.50 [Amended]

1. In § 1049.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1049.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1049.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.27, plus 20 cents through April 1968, and plus or minus a "supply-demand adjustment" of not more than 38 cents computed pursuant to subparagraphs (1) and (2) of this paragraph:

* * * * *

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

§ 1050.50 [Amended]

1. In § 1050.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1050.51, the text of paragraph (a) preceding the proviso is revised to read as follows:

§ 1050.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price applicable at plants at which no location adjustment pursuant to § 1050.53 is applicable, shall, through June 30, 1968, be the basic formula price for the preceding month plus $1.19 and plus 20 cents through April 1968: * * *

* * * * *

PART 1051—MILK IN MADISON, WIS., MARKETING AREA

§ 1051.50 [Amended]

1. In § 1051.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1051.51, the text of paragraph (a) preceding the first proviso is revised to read as follows:

§ 1051.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $0.88; and plus 20 cents through April 1968: * * *

* * * * *

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

§ 1062.50 [Amended]

1. In § 1062.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1062.51(a), the first sentence is revised to read as follows:

§ 1062.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.40, and plus 20 cents through April 1968. * * *

* * * * *

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

In § 1063.50, paragraph (a) and the text of paragraph (b) preceding the first proviso therein are revised to read as follows:

§ 1063.50 Basic formula and class prices.

* * * * *

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula shall be rounded to the nearest cent. For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.10 and plus 20 cents through April 1968. * * *

* * * * *

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

§ 1064.50 [Amended]

1. In § 1064.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1064.51, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1064.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the preceding month plus $1.30, plus 20 cents through April 1968 and plus or minus a supply-demand adjustment of not more than 45 cents, computed as follows:

* * * * *

PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

§ 1065.50 [Amended]

1. In § 1065.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1065.51, paragraph (a) is changed to read as follows:

§ 1065.51 Class prices.

* * * * *

(a) *Class I milk.* The basic formula price for the preceding month plus $1.40 for pool plants located in the Eastern zone; plus $1.55 in the Central zone; and plus $1.80 in the Western zone, plus 20 cents for each district through April 1968.

* * * * *

PART 1066—MILK IN SIOUX CITY, IOWA, MARKETING AREA

§ 1066.50 [Amended]

1. In § 1066.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1066.51, paragraph (a) is changed to read as follows:

§ 1066.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight of Class I milk containing 3.5 percent butterfat shall be the basic formula price for the preceding delivery period, plus $1.40, plus 20 cents through April 1968.

* * * * *

PART 1067—MILK IN OZARKS MARKETING AREA

In § 1067.51, paragraph (a) is changed to read as follows:

§ 1067.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I milk price at pool plants located in the marketing area shall be the Class I price announced for the 0 to 30 mile zone for each month under Part 1062 of this chapter regulating the handling of milk in the St. Louis marketing area less 25 cents, except that at pool plants located in Washington and Benton Counties, Ark., the price shall be 25 cents higher than at other marketing area locations.

* * * * *

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

§ 1068.51 [Amended]

1. In § 1068.51, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. The text of § 1068.53 preceding the proviso is revised to read as follows:

§ 1068.53 Class I price.

Subject to the differentials provided in §§ 1068.55 and 1068.56(a) the price per hundredweight for Class I milk each month shall be the basic formula price for the preceding month computed pursuant to § 1068.51 plus $0.86, and plus 20 cents through April 1968. * * *

* * * * *

PART 1069—MILK IN DULUTH-SUPERIOR MARKETING AREA

§ 1069.50 [Amended]

1. In § 1069.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1069.51, paragraph (a) is changed to read as follows:

§ 1069.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the preceding month plus $0.90 and plus 20 cents through April 1968.

* * * * *

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

In § 1070.50, paragraph (a) and the text of paragraph (b) preceding the first proviso therein are revised to read as follows:

§ 1070.50 Basic formula and class prices.

* * * * *

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula shall be rounded to the nearest cent. For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.10 and plus 20 cents through April 1968: * * *

* * * * *

PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

§ 1071.50 [Amended]

1. In § 1071.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the

effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1071.51, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1071.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.34 and plus 20 cents through April 1968: *Provided,* That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the following:

* * * * *

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

§ 1073.50 [Amended]

1. In § 1073.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1073.51, the text of paragraph (a) which precedes subparagraph (1) is changed to read as follows:

§ 1073.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk at plants located in Zone 1 shall be the basic formula price for the preceding month plus $1.60, plus 20 cents through April 1968, subject to a supply-demand adjustment computed pursuant to subparagraphs (1) through (3) of this paragraph. Such price shall not be less than the Class I price for milk containing 3.5 percent butterfat for the same month pursuant to Federal Order No. 64 (Greater Kansas City), nor more than the Greater Kansas City Class I price (3.5 percent butterfat content) plus 60 cents:

* * * * *

PART 1075—MILK IN BLACK HILLS, S. DAK., MARKETING AREA

§ 1075.50 [Amended]

1. In § 1075.50, the last sentence is changed to read: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1075.51, paragraph (a) is changed to read as follows:

§ 1075.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $2.15, and plus 20 cents through April 1968.

* * * * *

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

§ 1076.50 [Amended]

1. In §1076.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1076.51, paragraph (a) is changed to read as follows:

§ 1076.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.30, and plus 20 cents through April 1968, subject to the following adjustment: In any month in which the Class I price computed pursuant to § 1068.53 of the Minneapolis-St. Paul order (Part 1068 of this chapter) is increased or decreased more than 10.5 cents as a result of the supply-demand ratio computed thereunder, the Class I price shall be increased or decreased by whatever amount such adjustment exceeds 10.5 cents.

* * * * *

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

In § 1078.50, paragraph (a) and the text of paragraph (b) preceding the first proviso are revised to read as follows:

§ 1078.50 Basic formula and class prices.

* * * * *

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula shall be rounded to the nearest cent. For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25, and plus 20 cents through April 1968. * * *

* * * * *

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

In § 1079.50, paragraph (a) and the text of paragraph (b) preceding the first proviso are revised to read as follows:

§ 1079.50 Basic formula and class prices.

* * * * *

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula shall be rounded to the nearest cent. For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25, and plus 20 cents through April 1968. * * *

* * * * *

PART 1094—MILK IN NEW ORLEANS, LA., MARKETING AREA

§ 1094.50 [Amended]

1. In § 1094.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1094.51, the text of paragraph (a) which precedes subparagraph (1) is changed to read as follows:

§ 1094.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $2.65, plus 20 cents through April 1968, and plus or minus a supply-demand adjustment calculated for each month pursuant to subparagraphs (1) through (6) of this paragraph:

* * * * *

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

§ 1096.50 [Amended]

1. In § 1096.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1096.51, paragraph (a) is changed to read as follows:

§ 1096.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $2.27 and plus 20 cents through April 1968.

* * * * *

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

§ 1097.50 [Amended]

1. In § 1097.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1097.51, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1097.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.74 and plus 20 cents through April 1968; and plus or minus a supply-demand adjustment computed as follows:

* * * * *

PART 1098—MILK IN NASHVILLE, TENN., MARKETING AREA

§ 1098.50 [Amended]

1. In § 1098.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1098.51, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1098.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.38 plus 20 cents through April 1968 and plus or minus a supply-demand adjustment calculated for each month as follows:

* * * * *

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

§ 1101.50 [Amended]

1. In § 1101.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1101.51 the text of paragraph (a) preceding subparagraph (2) is changed to read as follows:

§ 1101.51 Class prices.

* * * * *

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.50 and plus 20 cents through April 1968;

* * * * *

PART 1102—MILK IN FORT SMITH, ARK., MARKETING AREA

§ 1102.50 [Amended]

1. In § 1102.50, the last sentence is changed to read as follows:
purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1102.51, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1102.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.75, plus 20 cents through April 1968, and plus or minus a supply-demand adjustment computed as follows:

* * * * *

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

§ 1103.50 [Amended]

1. § 1103.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1103.51, the text of paragraph (a) which precedes subparagraph (1) is changed to read as follows:

§ 1103.51 Class prices.

* * * * *

(a) *Class I milk price.* The minimum Class I price for the month shall be the basic formula price for the preceding month plus $2.27, plus 20 cents through April 1968 and plus or minus a supply-demand adjustment beginning in October 1967 computed pursuant to subparagraphs (1), (2) and (3) of this paragraph:

* * * * *

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

§ 1106.50 [Amended]

1. In § 1106.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1106.51 the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1106.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.78 and plus 20 cents through April 1968. To this price add or subtract a "supply-demand adjustment" of not more than 50 cents computed as follows:

* * * * *

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

§ 1108.50 [Amended]

1. In § 1108.50, the last sentence is changed to read as follows: "For the purpose of computing the Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1108.51 the text of paragraph (a) preceding subparagraph (1) is revised to read as follows;

§ 1108.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.74, plus 20 cents through April 1968, and plus or minus a supply-demand adjustment computed as follows:

* * * * *

PART 1125—MILK IN PUGET SOUND, WASH., MARKETING AREA

§ 1125.50 [Amended]

1. In § 1125.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1125.51, paragraph (a) is changed to read as follows:

§ 1125.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.65, and plus 20 cents through April 1968.

* * * * *

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

§ 1126.50 [Amended]

1. In § 1126.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1126.51 the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1126.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $2.12 and plus 20 cents through April 1968; and subject to

a supply-demand adjustment of not more than 50 cents computed as follows:

• • • • •

PART 1131—MILK IN CENTRAL ARIZONA MARKETING AREA

§ 1131.50 [Amended]

1. In § 1131.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1131.51, the text of paragraph (a) which precedes subparagraph (1) is changed to read as follows:

§ 1131.51 Class prices.

• • • • •

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $2.30 and plus 20 cents through April 1968, and shall be increased or decreased by a "supply-demand adjustment" of not more than 50 cents computed as follows:

• • • • •

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

§ 1132.50 [Amended]

1. In § 1132.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1132.51, paragraph (a) is revised to read as follows:

§ 1132.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $2.05, and plus 20 cents through April 1968.

• • • • •

PART 1133—MILK IN INLAND EMPIRE MARKETING AREA

§ 1133.50 [Amended]

1. In § 1133.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1133.51, paragraph (a) is changed to read as follows:

§ 1133.51 Class prices.

• • • • •

(a) *Class I milk price.* For each month the price for Class I milk shall be the basic formula price for the preceding month plus $1.90 and plus 20 cents through April 1968, adjusted by the amount, but not in excess of 50 cents for any month, computed pursuant to paragraph (d) of this section:

• • • • •

PART 1136—MILK IN GREAT BASIN MARKETING AREA

1. In § 1136.50, the text of paragraph (a) which precedes subparagraph (1) is changed to read as follows:

§ 1136.50 Class prices.

• • • • •

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $2.05, plus 20 cents through April 1968 and plus or minus the supply-demand adjustment with the total rounded to the nearest cent. The supply-demand adjustment shall be not more than 50 cents computed as follows:

• • • • •

§ 1136.51 [Amended]

2. In § 1136.51, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

§ 1137.50 [Amended]

1. In § 1137.50, the last sentence is changed to read: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1137.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1137.51 Class prices.

• • • • •

(a) *Class I milk.* The Class I price shall be the basic formula price for the preceding month plus $2.10, plus 20 cents through April 1968, and plus or minus a supply-demand adjustment calculated for each month as follows:

• • • • •

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

§ 1138.50 [Amended]

1. In § 1138.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1138.51, paragraph (a) is revised to read as follows:

§ 1138.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price at plants located in Zone 1 (comprising all the counties in the marketing area except those specified in § 1138.52 as comprising Zones II and III) shall be the basic formula price for the preceding month plus $2.15 and plus 20 cents through April 1968. This price shall be increased or decreased by a supply-demand adjustment equal to the simple average of the supply-demand adjustments effective for the same month pursuant to the provisions of the Wichita, Kansas (Part 1073 of this chapter); Oklahoma Metropolitan (Part 1106 of this chapter); North Texas (Part 1126 of this chapter); Central Arizona (Part 1131 of this chapter); Great Basin (Part 1136 of this chapter); and Eastern Colorado (Part 1137 of this chapter) milk marketing orders. If the supply-demand adjustment in any of these markets is limited in its effect by another provision of the respective order, the supply-demand adjustment to be used in this computation shall be the net adjustment which determines the Class I price in such market.

• • • • •

[F.R. Doc. 67-4708; Filed, Apr. 26, 1967; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 251]

PAYMENT OF UNCLAIMED INTEREST ON CERTAIN AWARDS OF THE MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY

Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act, as amended (60 Stat. 238; 5 U.S.C. 553), that the Secretary of the Treasury is considering the adoption of regulations, pursuant to section 2(d) of the Settlement of War Claims Act of 1928, as amended (45 Stat. 254), to effect the payment into a trust fund on the books of the Treasury of unpaid and unclaimed interest remaining due on the interest-bearing principal of awards by the Mixed Claims Commission, United States and Germany. The payments covered by these regulations are those which cannot be made because no application for payment has been filed by the person(s) entitled thereto. Therefore, the so-called interest-bearing principal of these awards, established under section 4(c)(8) of the 1928 Act, as amended, is not reduced as intended by that section. The award accounts are credited with a larger share of interest than if payment could be made, thereby reducing the amount available for distribution to the larger group of awardholders to whom payments can be made. The regulations proposed for adoption are intended to correct those long standing inequities by providing for payment of the interest to a trust fund, thereby reducing the interest-bearing principal of awards on which payment of interest to the holders cannot be made.

The regulations would constitute a new part, designated Part 251 entitled as above, of Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations, reading as follows:

Sec.
251.1 Application of regulations.
251.2 Payments not applied for.
251.3 Deposit in trust fund.
251.4 Claims against trust fund.

AUTHORITY: The provisions of this Part 251 issued under sec. 2(d), 45 Stat. 254, as amended, unless otherwise noted.

§ 251.1 Application of regulations.

The regulations in this part govern the disposition of the interest due on the interest-bearing principal of awards of the Mixed Claims Commission, United States and Germany, remaining unpaid because no application for payment has been filed by the person(s) entitled thereto in response to notices of payment mailed by the Bureau of Accounts to awardholders or their successors in interest.

§ 251.2 Payments not applied for.

Where no application form, properly executed by the person(s) entitled to receive an award payment on account of interest, has been received by the Treasury Department for 5 years from the date of the last payment on that award, the current payment due and payments past due but undisbursed shall, in an amount not exceeding the remaining interest-bearing principal of the award, be deemed unclaimed moneys.

§ 251.3 Deposit in trust fund.

Amounts deemed unclaimed moneys under § 251.2 shall be transferred from the German Deposit Fund to the trust fund hereby established on the books of the Treasury Department to receive them. Such transfer and deposit shall constitute payment of interest on any award to reduce its interest-bearing principal as provided in section 4(c)(8) of the Settlement of War Claims Act of 1928, as amended. The amounts so deposited shall be held in trust for the awardholder or the successor(s) in interest of the awardholder.

(Sec. 20, 45 Stat. 1233, as amended; 31 U.S.C. 725s)

§ 251.4 Claims against trust fund.

Claims for amounts deposited in the trust fund under § 251.3 shall be presented in writing to the Investments Branch, Bureau of Accounts, Treasury Department, Washington, D.C. 20226. However, favorable action on any claim will not reestablish the interest-bearing principal on any award.

Prior to the adoption of the proposed regulations set forth above, consideration will be given to any relevant data, views or arguments which are submitted in writing to the Commissioner of Accounts, Treasury Department, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held to consider this matter.

Dated: April 21, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67-4654; Filed, Apr. 26, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 61]

[Docket No. 8078; Notice No. 67-12]

CERTIFICATION OF CERTAIN FOREIGN MILITARY PILOTS ON DUTY WITH AN ARMED FORCE OF THE UNITED STATES

Notice of Proposed Rule Making

Correction

In F.R. Doc. 67-3874, appearing at page 5740 of the issue of Saturday, April 8, 1967, the second sentence of the third paragraph is corrected to read as follows: "Section 61.31(a) was adopted before military pilot exchange programs existed, and foreign 'exchange' pilots were not considered at that time."

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[General Order 16, Amdt. 1; Docket No. 67-29]

RULES OF PRACTICE AND PROCEDURE

Notice of Proposed Rule Making

Notice is hereby given that pursuant to sections 3-7 of the Administrative Procedure Act (5 U.S.C. 552-556) and section 43 of the Shipping Act, 1916 (46 U.S.C. 841(a)), the Federal Maritime Commission is considering the following amendments to its rules of practice and procedure (FMC General Order 16, 46 CFR Part 502).

I. Section 502.5 *Inspection of records* (Rule (1)(e)):

The Commission's rules of practice and procedure do not establish a method whereby relevant data contained in the Commission's files, not privileged, can be made available for inspection or copying by private parties in the course of a docketed proceeding. Therefore, the Commission proposes to amend § 502.5 by designating the introductory paragraph as paragraph (a); redesignating paragraphs (a), (b), and (c) as subparagraphs (1), (2), and (3), respectively, and by adding a new paragraph (b) which would read as follows:

§ 502.5 Inspection of records.

• • • • •

(b) Requests for the production, inspection, or copying of any material contained in the files of the Commission which contains evidence concerning any matter relevant to a formal proceeding under the rules in this part, shall be served on the Chief, Office of Hearing Counsel, at least five (5) days prior to the prehearing conference. Compliance with such request is entirely voluntary and Hearing Counsel shall have the same prerogatives available to other parties in considering these requests.

II. Section 502.23 *Notice of appearance* (Rule 2(c)):

The proposed revision to § 502.23 (Rule 2(c)) would require filing of a notice of appearance by all parties in all types of proceedings. The current rule refers only to respondents in investigations. For purposes of notifying the Commission as to who will appear in a proceeding, there is no basis for distinction between the type of proceeding or the standing of the party. The proposed rule also provides for a form of notice of appearance (Appendix II(6)[1]) which includes an authorization for counsel to be notified immediately of service of decisions of the presiding officer or the Commission by telegram or telephone call. This notice, of course, would be in addition to the normal service of decisions prescribed in § 502.225 (Rule 13(e)). This provision for immediate notice has been formulated at the suggestion of the Maritime Administrative Bar Association.

As proposed to be amended, § 502.23 would read as follows:

§ 502.23 Notice of appearance; written appearance; substitutions.

(a) Within twenty (20) days after service of an order or complaint instituting a proceeding, complainants, respondents and/or petitioners named therein shall notify the Commission of the name and address of the person or persons who will represent them in the pending proceeding. Persons who appear at any hearing shall deliver a written notation of appearance to the reporter, stating for whom the appearance is made. All appearances shall be noted in the record. Petitions to Intervene shall indicate the name and address of the person or persons who will represent the intervener in the pending proceeding if the Petition to Intervene is granted. If an attorney or other representative of record is superseded, there shall be filed a stipulation of substitution signed by both attorneys or representatives and by the party, or a written notice from the client to the Commission.

(b) A form of Notice of Appearance is set forth in Appendix II(6) of the rules in this part.[1] This form also contains an authorization for counsel to be notified immediately of the service of decisions of the presiding officer and the Commission by telephone call or telegram. Copies of this form may be obtained from the Office of the Secretary.

III. Section 502.68 *Declaratory orders* (Rule 5(h)):

The proposed amendment of this rule is intended to require the naming and service upon persons involved in the controversy. If such a controversy is found to exist, the Commission may then proceed to the merits of the dispute. Should the petition name a U.S. Government agency, the pleadings must show

[1] Appendix II(6) filed as part of original document.

the express consent of the Government agency to the petition.

As proposed to be amended, § 502.68 would read as follows:

§ 502.68 Declaratory orders.

(a) The Commission may issue a declaratory order to terminate a controversy or fo remove uncertainty. Petitions for the issuance thereof shall state clearly and concisely the controversy or uncertainty, shall name the persons and cite the statutory authority involved, shall include a complete statement of the facts and grounds prompting the petition, together with full disclosure of petitioner's interest, shall be served upon all parties named therein, and shall conform otherwise to the requirements of Subpart H of this part (Rule 8). Replies thereto shall conform to the requirements of § 502.74 (Rule 5(n)).

(b) Should any petition name the United States or any agency thereof a party, the petition shall plainly show the express consent of the United States or agency to the petition. Failure to show such consent will result in denial of the petition or in the United States or agency not being considered bound by an order issuing as a result of the proceeding, whichever is appropriate.

IV. Section 502.94 *Prehearing conference* (Rule 6(d)):

The purpose of the Commission's rule pertaining to prehearing conferences (Rule 6(d)) is to assist in the expeditious disposition of the proceeding. Parties frequently request voluntary production, etc., of the material contained in the files of other litigants. In order to establish uniformity in this regard, the Commission proposes to amend § 502.94 by adding at the end thereof a new paragraph (c) reading as follows:

§ 502.94 Prehearing conference.

* * * * *

(c) Request for voluntary production, inspection, or copying of any material contained in the files of any party to any proceeding under the rules in this part shall be served upon the presiding officer and all parties to the proceeding at least five (5) days prior to the prehearing conference unless a different time is set by the presiding officer. Requests for information contained in the Commission's files are governed by the requirements of § 502.5 (Rule 1(e)).

V. Section 502.230 *Reopening by presiding officer or Commission* (Rule 13–(j));

The proposed addition of this amendment will work no significant change in a situation currently covered by Subpart P (Rule 16), where a party petitions the presiding officer or the Commission to hold further evidentiary hearings before an initial or final decision is handed down. The rule has been renumbered under Subpart M (Rule 13) for convenience.

A new § 502.230, *Reopening by presiding officer or Commission* (Rule 13(j)) is proposed to be added to Subpart M. Section 502.230 would read as follows:

§ 502.230 Reopening by presiding officer or Commission.

(a) *Petition to reopen.* At any time after the conclusion of a hearing in a proceeding, but before issuance by the presiding officer of a recommended or initial decision, any party to the proceeding may file with the presiding officer a petition to reopen the proceeding for the purpose of taking additional evidence. A petition to reopen shall be served in conformity with the requirements of § 502.114 (Rule 8(d)) and shall set forth the facts claimed to constitute grounds requiring reopening of the proceeding, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing.

(b) *Reply.* Within 10 days following service of a petition to reopen, any party may reply to such petition.

(c) *Reopening by presiding officer.* At any time prior to filing of his decision, the presiding officer may reopen a proceeding for the reception of further evidence upon his own motion.

(d) *Reopening by the Commission.* Where a decision has been issued by the presiding officer or where decision by the presiding officer has been omitted, but before issuance of a Commission decision, the Commission may after petition and reply in conformity with paragraphs (a) and (b) of this section, or upon its own motion, reopen a proceeding for the purpose of taking further evidence.

(e) *Remand by the Commission.* Nothing contained in this section shall preclude the Commission from remanding a proceeding to the presiding officer for the taking of additional evidence or determining points of law.

VI. Subpart P—Reconsideration of Proceedings (Rule 16):

This subpart is proposed to be amended to clarify the remedy available after the Commission has served a final decision. The amendment allows a party to point out alleged errors in the decision but it does not activate comprehensive replies unless the Commission wishes to have them. The amendment is intended to avoid unnecessary briefing by the parties and delay in deciding whether to reconsider.

Subpart P—Reopening of Proceedings (Rule 16) is proposed to be revised in its entirety to read as follows:

Subpart P—Reconsideration of Proceedings (Rule 16)

§ 502.261 Petitions.

Within 30 days after issuance of a final decision or order by the Commission, any party may file a petition for reconsideration. Such petition shall be served in conformity with the requirements of § 502.114 (Rule 8(d)) and shall state concisely the alleged errors in the Commission decision or order. If a petition seeks to vacate, reverse, or modify a Commission decision or order by reason of matters that have arisen since the decision or order, or by reason of a consequence that would result from compliance with a decision or order; the petition shall state concisely the matters relied upon by the petitioner. A petition for reconsideration shall not operate as a stay of any rule or order of the Commission (Rule 16(a)).

§ 502.262 Reply.

No replies to petitions for reconsideration shall be received. If, and to the extent, the Commission by order grants reconsideration, any party may file a reply within 15 days after issuance of the order granting reconsideration in accordance with § 502.74 (Rule 5 (n)). The reply shall be confined to the issues upon which reconsideration has been granted and shall be served in conformity with § 502.114 (Rule 8(d)). [Rule 16(b)]

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 11, 1967, an original and 15 copies of their views or arguments pertaining to the proposed amended rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

The Federal Maritime Commission, Bureau of Compliance, Office of Hearing Counsel shall participate in the proceeding and shall file Reply to Comments on or before May 25, 1967, by serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before June 8, 1967.

By order of the Federal Maritime Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 67-4664; Filed, Apr. 26, 1967; 8:49 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 153]
BEAUTY AND BARBER EQUIPMENT AND SUPPLIES INDUSTRY

Extension of Time for Comments

Public hearings were held on April 3, 7, and 11, 1967, at San Francisco, New York City, and Atlanta, respectively, to consider proposed revision of trade practice rules for the Beauty and Barber Equipment and Supplies Industry. Notice of the hearings was published in the FEDERAL REGISTER, issued March 3, 1967, 32 F.R. 3711.

Notice is hereby given that the Commission has extended the closing date for submission of written views concerning the proposed revised rules until June 30, 1967.

Issued: April 26, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-4650; Filed, Apr. 26, 1967; 8:48 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice 1055]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 21, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 337 (Sub-No. 3), filed April 12, 1967. Applicant: JONES TRANSFER CO., a corporation, 412 18th Avenue, Rockford, Ill. 61108. Applicant's representative: William Biederman, 280 Broadway, New York, N.Y. 1007. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving the plantsite of Cooper-Jarrett, Inc., located on Frontage Road, formerly old U.S. Highway 66, and parallel with U.S. Highway 66 and Interstate Highway 55, approximately one-half mile west of County Line Road, in an incorporated portion of Du Page County, Ill., as an off-route point in connection with applicant's authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Washington, D.C., or Newark, N.J.

No. MC 531 (Sub-No. 226), filed April 10, 1967. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. 77021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice concentrate*, in bulk, in tank vehicles, from Ontario and Corona, Calif., to points in Pennsylvania. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 2202 (Sub-No. 314), filed April 5, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Lufkin, Tex., and St. Louis, Mo., from Lufkin over U.S. Highway 59 to junction Texas Highway 7, thence over Texas Highway 7 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction Louisiana Highway 5 at Logansport, La., thence over Louisiana Highway 5 to junction U.S. Highway 171, thence over U.S. Highway 171 to junction U.S. Highway 79 at Shreveport, La., thence over U.S. Highway 79 to junction Louisiana Highway 9 near Homer, La., thence over Louisiana Highway 9 to junction U.S. Highway 167 at Junction City, La., thence over U.S. Highway 167 to junction Interstate Highway 30 at Little Rock, Ark., thence over Interstate Highway 30 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction Interstate Highway 55, thence over Interstate Highway 55 to St. Louis and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Houston, Tex.

No. MC 3252 (Sub-No. 41) (Correction), filed March 29, 1967, published in FEDERAL REGISTER issue of April 13, 1967, and republished as corrected, this issue. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk, from Searsport, Maine, to Berlin, N.H. NOTE: The purpose of this republication is to show the commodity to be transported as "salt cake" in lieu of "salt cakes" as previously published. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 9325 (Sub-No. 33), filed April 12, 1967. Applicant: K LINES, INC., Post Office Box 216, Lebanon, Oreg. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, in pneumatic equipment, from Gray Rocks, Calif., to points in Lake, Klamath, Deschutes, Jackson, Josephine, and Curry Counties, Oreg. NOTE: If a hearing is deemed necessary,

applicant requests it be held at Portland, Oreg.

No. MC 10761 (Sub-No. 207) (correction), filed March 7, 1967, published in the FEDERAL REGISTER issue of March 23, 1967, corrected and republished as corrected this issue. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue., Detroit, Mich. 48209. Applicant's representatives: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004, and L. G. Naldow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving the plantsite of Art Metal, Inc., located in the town of Busti, Chautauqua County, N.Y., as an off-route point in connection with present authority in MC 10761 (Sub-No. 1). NOTE: The purpose of this republication is to correct irregular routes to regular and to show that Art Metal, Inc., is located in the town of Busti, N.Y., in lieu of Busti, N.Y. Applicant states it intends to tack at New Britain, Conn., to and from points authorized under MC 10761 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Jamestown or Buffalo, N.Y.

No. MC 10761 (Sub-No. 208), filed April 7, 1967. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between Alton and Madison, Ill., on the one hand, and, on the other, points in Indiana, Kansas, Kentucky, Michigan, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 10761 (Sub-No. 209), filed April 7, 1967. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Iowa, West Virginia, Wisconsin, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 11207 (Sub-No. 261), filed April 11, 1967. Applicant: DEATON, INC., 3409 10th Avenue North, Birmingham, Ala. 35234. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos pipe and conduit and accessories*, from the plantsite of Certain-teed Products Corp. at or near St. Louis, Mo., to points in Alabama, Georgia, Florida, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Atlanta, Ga.

No. MC 16334 (Sub-No. 6), filed April 10, 1967. Applicant: ARNOLD E. DEBRICK, doing business as DEBRICK TRUCK LINE, R.F.D. No. 2, Paola, Kans. Applicant's representative: Erle W. Francis, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green and salted hides*, (1) from points in North Dakota, South Dakota, Colorado, Montana, Wyoming, Oklahoma, and Texas, to points in Kansas, Missouri, and Nebraska; and, (2) from points in Kansas and Missouri to points in Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New York, Pennsylvania, Texas, Vermont, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 23441 (Sub-No. 5), filed April 12, 1967. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street, La Porte, Ind. 46350. Applicant's representative: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements and parts* other than hand (except such machinery, implements, and parts which, because of size or weight, require the use of special equipment), as described in appendix XII to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, between La Porte, Ind., on the one hand, and, on the other, points in Indiana, Michigan, Wisconsin, Iowa, Illinois, Missouri, Kentucky, Tennessee, Mississippi, Ohio, Pennsylvania, Minnesota, Nebraska, Kansas, Arkansas, and Georgia. NOTE: Applicant states it intends to tack regular route authority in MC 23441 at La Porte, Ind., with proposed authority serving Chicago, Ill., on the one hand, and, on the other, areas requested in this application. Applicant further states by the instant application it does not seek any duplicating authority and, to the extent the authority sought is duplicated by existing authority, has no objection to the existing authority being canceled concurrently with the issuance of the authority sought herein. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 39161 (Sub-No. 1), filed April 10, 1967. Applicant: CAP MOTOR LINES, INC., 50–08 72d Street, Woodside, N.Y. 11377. Applicant's representative: Michael Capobianco (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such general merchandise* as is usually dealt in by wholesale and retail chain variety stores, (1) from Harrison, N.J., to points in Nassau, Suffolk, and Westchester Counties, N.Y., (2) from New York, N.Y., to points in Passaic, Bergen, Sussex, Somerset, Morris, Mercer, and Middlesex (except Perth Amboy) Counties, N.J., and (3) from points in Nassau and Suffolk Counties, N.Y., to points in Essex, Hudson, Bergen, Passaic, Union, Mercer, Morris, Middlesex, Somerset, and Sussex Counties, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 42487 (Sub-No. 668), filed April 13, 1967. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, 7101 South Cicero Avenue, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment), serving Honeoye Falls, Victor, and Lima, N.Y., as intermediate or off-route points in connection with carrier's authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 52657 (Sub-No. 653), filed April 3, 1967. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers*, (a) from Luzerne County, Pa., to points in the United States, including Alaska, but excluding Hawaii and Pennsylvania, and (b) from points in the United States, including Alaska, but excluding Hawaii, to Luzerne County, Pa.; (2) *materials, supplies, and parts*, used in the manufacture, assembly, or servicing of containers described in paragraph (1) above, when moving in mixed loads with such containers, from Luzerne County, Pa., to points in the United States, including Alaska, but excluding Hawaii, and (3) *materials, supplies, and parts* used in the manufacture, assembly, or servicing of trailers and trailer chassis (except those designed to be drawn by passenger automobiles), when moving in mixed loads with trailers and trailer chassis, from Luzerne County, Pa., to points in the United States, including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 56640 (Sub-No. 24), filed April 10, 1967. Applicant: DELTA LINES, INC., 65th and Eastshore Freeway, Emeryville, Calif. 94608. Applicant's representative: Robert L. La Vine, 41 Sutter Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission in 17 MCC 467, commodities in bulk, and commodities requiring special equipment), between Yuba City, Calif., on the one hand, and, on the other, the site of the Bullards Bar Dam project, located on the Yuba River near Dobbins, Calif., and an area within a 20-mile radius of Dobbins, Calif. NOTE: Applicant states it would tack the proposed authority with its present authority at Yuba City, Calif., and any points within applicant's existing territory, and portion of Nevada to Bullards Bar Dam project, located on the Yuba River near Dobbins, Calif., including an area within a 20-mile radius of Dobbins, Calif. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 59135 (Sub-No. 20) (Clarification), filed March 7, 1967, published in FEDERAL REGISTER issue of March 23, 1967, and republished as clarified, this issue. Applicant: RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, 24–50 Wright Avenue, Auburn, N.Y. Applicant's representative: Leonard A. Jaskiewicz and William Cain, Jr., 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, serving the plantsite of Art Metal, Inc., located in the town of Busti, Chautauqua County, N.Y., as an off-route point in connection with its regular operation from and to Jamestown, N.Y. NOTE: The purpose of this republication is to clarify points to be served. If a hearing is deemed necessary, applicant requests it be held at Buffalo or Syracuse, N.Y.

No. MC 62538 (Sub-No. 14), filed April 10, 1967. Applicant: ASHTON TRUCKING CO., a corporation, 1201 North Broadway, Monte Vista, Colo. Applicant's representative: Edward T. Lyons, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, or engaged in the milling of flour, and in the sale and distribution of feeds and grains, from Fort Collins, Colo., to points in Wyoming and that part of Nebraska on and west of U.S. Highway 83. Restricted to transportation service to be performed under continuing contract or contracts with The Colorado Milling & Elevator Co., Denver, Colo. NOTE: Applicant holds common carrier authority in MC 57880 Sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 64932 (Sub-No. 434), filed April 14, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid acids*, in bulk, in tank vehicles, from the plantsite of Central Chemical Division of Wilson & Co., Inc., located at or near Elwood, Ill., to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 73688 (Sub-No. 18), filed March 29, 1967. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Road, Post Office Box 7182, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Memphis, Tenn., and West Memphis, Ark., to points in Kentucky, Illinois, Indiana, Missouri, and Oklahoma and *damaged and rejected shipments* on return. NOTE: Applicant states it would join at Memphis, Tenn., and West Memphis, Ark., to serve points in Alabama, Louisiana, Arkansas, and Mississippi. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 83539 (Sub-No. 210), filed April 10, 1967. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment or special handling, and *related parts, equipment, materials, and supplies*, when their transportation is incidental to the transportation of commodities which because of size or weight require special equipment or special handling, (1) between points in California, Utah, and Wyoming, on the one hand, and, on the other, points in Idaho, Montana, Oregon, and Washington, and (2) between points in California on the one hand, and, on the other, points in Utah and Wyoming. NOTE: Applicant states it would tack the proposed authority with its Subs 96, 102, and 185, wherein it is authorized to operate in the States of Wyoming, Montana, and Utah. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., Seattle, Wash., or Salt Lake City, Utah.

No. MC 98088 (Sub-No. 17) (Amendment), filed April 5, 1967, published in FEDERAL REGISTER issue of April 19, 1967, and republished, as amended, this issue. Applicant: LINDLEY TRUCKING SERVICE, INC., 1701 Grand Avenue, Granite City, Ill. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between Alton, Ill., and the St. Louis, Mo-East St. Louis, Ill., commercial zone, on the one hand, and, on the other points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Tennessee, Wisconsin, and Kansas. NOTE: Applicant indicates tacking at Granite City, Ill., to serve points in Iowa. The purpose of this republication is to broaden the application. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 105886 (Sub-No. 11), filed April 13, 1967. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, Bessemer, Pa. 16112. Applicant's representative: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, (1) from the Capitol Cement Co., Division of Martin-Marietta Corp., located at or near Pittsburgh, Pa., to points in Trumbull, Mahoning, Columbiana, Jefferson, Harrison, Belmont, Monroe, and Noble Counties, Ohio; and points in Tyler, Wetzel, Harrison, Taylor, and Monongalia Counties, W. Va., and that area in West Virginia north of the named counties; and (2) from the Capitol Cement Co., Division of Martin-Marietta Corp., located at or near Parkersburg, W. Va., to points in Jefferson, Harrison, Belmont, Monroe, Noble, Morgan, Washington, Athens, Meigs, Gallia, and Lawrence Counties, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 106497 (Sub-No. 36), filed April 13, 1967. Applicant: PARKHILL TRUCK COMPANY, a corporation, 4219 South Memorial, Tulsa, Okla. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) The following iron or steel articles, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas, Wyoming, Indiana, Ohio, Illinois, and Kentucky, and (2) the following iron or steel articles weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and

Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 106644 (Sub-No. 79), filed April 17, 1967. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Archie B. Culbreth, 1375 Peachtree Street NE., Suite 693, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, boards or sheets and wood particle*, faced or not faced with protective or decorative materials, from the plantsite of U.S. Plywood-Champion Papers, Inc., located at or near Catawba, S.C., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106760 (Sub-No. 75), filed April 11, 1967. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building components, pipe or duct and fittings unihousing panels, and pipe or duct and fittings and insulating material combined; building sheet metal work, iron or steel baseboard radiation units, radiators or vents, pipes or tubing with metal fins, hardware, doors, aluminum moulding, cabinet or shelves, air cleaners or coolers and humidifiers, and wall facings*, from Holland, and Westerville, Ohio to points in New York, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Texas, Oklahoma, Kansas, Nebraska, Colorado, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 107515 (Sub-No. 567), filed April 12, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799—Station A, Atlanta, Ga. 30310. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies*, from Tulsa, Okla., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 107515 (Sub-No. 568), filed April 12, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, 3901 Jonesboro Road SE., Atlanta, Ga. 30310. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquettes*, from Cookeville, Tenn., to points in Alabama and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Nashville, Tenn.

No. MC 108207 (Sub-No. 219), filed April 11, 1967. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Biological products, including animal vaccines and blood serums*, from Temple, Tex., to points in Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108449 (Sub-No. 259), filed April 10, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: W. A. Mylienbeck (same address as applicant), also Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 109026 (Sub-No. 10) (Amendment), filed March 17, 1967, published FEDERAL REGISTER issue of April 6, 1967, amended April 11, 1967, and republished as amended this issue. Applicant: HALL K. DAVIS AND LELLA H. DAVIS, a partnership, doing business as BURKESVILLE TRANSFER COMPANY, Post Office Box 192, Glasgow, Ky. Applicant's representative: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Nashville, Tenn., and Glasgow, Ky., over U.S. Highway 31E, serving all intermediate points between Glasgow and the Tennessee-Kentucky State line, with service at Glasgow restricted to joinder only. Restriction: Restricted against the handling of traffic originating at, destined to or interchanged at Nashville, Tenn., and points in its commercial zone, on the one hand, and, on the other, traffic originating at, destined to, or interchanged at Glasgow, Ky., and Louisville, Ky., and points in their respective commercial zones, and further restricted against the handling of traffic originating at, destined to, or interchanged at Glasgow, Ky., and points in its commercial zone, on the one hand, and, on the other, traffic originating at, destined to or interchanged at Louisville, Ky., and points within its commercial zone. NOTE: By this application, applicant does not propose to provide service between Nashville, Tenn., and Glasgow and Louisville, Ky., or between Glasgow and Louisville, Ky. Applicant by this application proposes to serve the intermediate points between Glasgow, Ky. (excluding Glasgow), and the Tennessee-Kentucky State line, to and from both Nashville and Louisville. Applicant presently holds authority between Nashville and Louisville, from Nashville over U.S. Highway 31E to Westmoreland, Tenn., and thence over other routes via Burkesville and Glasgow, Ky., to Louisville, and return. No duplicate authority is sought. The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 110380 (Sub-No. 4), filed April 10, 1967. Applicant: BERSCHENS OF MADISON, INC., 241 South Segoe Road, Madison, Wis. 53703. Applicant's representative: John T. Porter, 1 South Pinckney, 708 First National Bank Building, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal culvert pipe, guard rail, water control structures and metal culvert pipe coated, and supplies and accessories incidental to the installation of said commodities*, from Madison, Wis., and points within 10 miles thereof to points in Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis. or Chicago, Ill.

No. MC 110420 (Sub-No. 540), filed April 13, 1967. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant indicates it could tack at Carpentersville, Ill., to serve points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111045 (Sub-No. 55), filed April 10, 1967. Applicant: REDWING CARRIER, INC., 7809 Palm River Road, Post Office Box 426, Tampa, Fla. 33601. Applicant's representative: D. E. Wells (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bagged fertilizer and fertilizer materials* having a prior or subsequent movement by rail or water in interstate or foreign commerce, from points in Orange County, Fla., to points in Florida, and (2) *iron and steel articles, structural steel, angles, bars, beams,*

channels, joists, pipe, plate, reinforcing, sheet, wire, machinery, and heavy industrial equipment of such size and weight as to require specialized equipment, having a prior or subsequent movement by rail or water in interstate or foreign commerce, between points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Orlando, or Jacksonville, Fla.

No. MC 111401 (Sub-No. 221), filed April 12, 1967. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, 2510 Rock Island Boulevard, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, and fertilizer materials*, from Wichita, Kans., to points in Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Oklahoma City, Okla.

No. MC 112520 (Sub-No. 161), filed April 11, 1967. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from Pace, Fla., to points in Kanawha County, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tallahassee, Fla., or Atlanta, Ga.

No. MC 112750 (Sub-No. 242), filed April 12, 1967. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coin, currency, bullion, and negotiable securities) and *audit and accounting media* as are used in the business of banks and banking institutions, between points in Cumberland County, Pa., on the one hand, and, on the other, points in Anne Arundel, Caroline, Kent, Prince Georges, and Talbot Counties, Md., Broome, Chemung, Tioga, and Steuben Counties, N.Y., Augusta, Fauquier, Loudoun, Prince William, Rockingham, Shenandoah, and Warren Counties, Va., and Hampshire and Morgan Counties, W. Va., under contract with banks and banking institutions. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 112801 (Sub-No. 69), filed April 10, 1967. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill., also Post Office Box 272, Cicero Station, Chicago, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant and storage site of Armour Agricultural Chemical Co., Jackson County, at or near Bellevue, Iowa, to points in Iowa, Kansas, Nebraska, South Dakota, Minnesota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113434 (Sub-No. 26), filed April 14, 1967. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials* from Toledo, Ohio, to points in Michigan, and (2) *sauerkraut* in glass or tin from Jonesville, Mich., and Fremont, Ohio, to points in Ohio, Pennsylvania, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.; Chicago, Ill.; or Washington, D.C.

No. MC 113678 (Sub-No. 278), filed April 11, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from Greeley, Colo., to points in Illinois, Indiana, Michigan, Ohio (except Cincinnati), Minnesota, Delaware, Vermont, New Hampshire, and Maine; and, (2) from Denver, Colo., to points in Illinois, Indiana, Michigan, Ohio, Minnesota, Delaware, Vermont, New Hampshire, and Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113828 (Sub-No. 128), filed April 11, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils and fats*, in bulk, in tank vehicles, from (1) the plantsite and facilities of Gwaltney, Inc., at or near Smithfield, Va.; and (2) from the plant facilities of HyGrade Foods, Inc., at or near Richmond, Va., to points in Georgia, Maryland, New Jersey, North Carolina, Pennsylvania, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 113855 (Sub-No. 159), filed April 13, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, agricultural machinery, adapter kits, canopys, cabs, and safety guards;* and (2) *parts* for the commodities listed in (1) above, from Madras, Oreg., and points within 2 miles thereof, to points in Arizona, Arkansas, Colorado, Indiana, Iowa, Illinois, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oregon, Oklahoma, South Dakota, and Texas. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 113855 (Sub-No. 160), filed April 13, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for washing, heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids, and (3) *parts, attachments, and accessories* for use in the installation and operations of items in (1) and (2) above, from La Crosse, Wis., Lexington, Ky., and Montgomery County, Tenn., to points in North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 274), filed April 13, 1967. Applicant: TRANS-COLD EXPRESS, INC., Finley and Belt Line Road 75240, Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, unfit for human consumption, except in bulk, in tank vehicles, from points in Alabama, Georgia, Mississippi, Tennessee, North Carolina, South Carolina, Tampa, and Alachua, Fla., to Golden Meadow, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114045 (Sub-No. 275), filed April 14, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Dunn, N.C., to points in Illinois, Indiana, Ohio, Michigan, Kansas, Missouri, Oklahoma, Montana, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115180 (Sub-No. 39), filed April 10, 1967. Applicant: ONLEY

REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y., Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., located at or near Beardstown, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to traffic originating at the described plantsite and destined to points in the States named above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 115322 (Sub-No. 53), filed April 10, 1967. Applicant: BLYTHE MOTOR LINES, INC., 2939 Orlando Drive, Sanford, Fla. 32771. Applicant's representative: David E. Wells, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from North East, Pa., and Westfield, N.Y., to points in Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 115554 (Sub-No. 9), filed April 10, 1967. Applicant: SCOTT'S TRANSPORTATION SERVICE, INCORPORATED, Post Office Box 1136, Cedar Rapids, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Trailers, semitrailers, trailer chassis, and semitrailer chassis* (except those designed to be drawn by passenger vehicles), in initial movements, in truckaway and driveaway service, (2) *truck bodies and trailer bodies, and containers* (except such of these commodities which because of size or weight require the use of special equipment), and (3) *materials, supplies, and parts* used in the manufacture, assembly, or servicing of the commodities described in (1) and (2) above (except such of these commodities which because of size or weight require the use of special equipment), when moving in mixed loads with such commodities, and (B) *tractors*, in secondary movements, in driveaway service, only when drawing trailers, semitrailers, trailer chassis, or semitrailer chassis, moving in initial movements in driveaway service, between the plantsite and facilities of Fruehauf Corp. in Lee County, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Detroit, Mich.

No. MC 115641 (Sub-No. 304) (Amendment), filed March 8, 1967, published FEDERAL REGISTER issue of March 30, 1967, amended April 17, 1967, and republished as amended this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. 35204. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen carniverous animal feedstuffs*, unfit for human consumption (except in bulk or tank vehicles), from points in Alabama, Georgia, Mississippi, Tennessee, South Carolina, North Carolina, and Tampa and Alachua, Fla., to Golden Meadow, and New Orleans, La. NOTE: The purpose of this republication is to broaden the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 116063 (Sub-No. 98) (Amendment), filed February 20, 1967, published FEDERAL REGISTER issue of March 9, 1967, amended April 12, 1967, and republished as amended, this issue. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Fort Worth, Tex. 76101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, syrup, and blends thereof*, in bulk, from Bonner Springs, Kans., and points within 5 miles thereof, to points in Missouri. NOTE: Applicant states it can tack the above-sought authority with its presently held authority in MC 116063 Subs 52 and 138 at Kansas City, Mo., to serve Dallas, Tex., Oklahoma City, Okla., Little Rock, Ark., and Omaha, Nebr., and points in Colorado, Louisiana, and Texas. The purpose of this republication is to add "and points within 5 miles thereof," to the origin point of Bonner, Kans. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 117883 (Sub-No. 98), filed April 10, 1967. Applicant: SUBLER TRANSFER, INC., East Main Street, Post Office Box 62, Versailles, Ohio 45380. Applicant's representative: Kenneth Subler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., at Beardstown, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the described plantsite and destined to points in the above-named States. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 118290 (Sub-No. 4), filed April 10, 1967. Applicant: EDWARD F. FULLER, doing business as EDDIE FULLER, 2180a NW. 23d Street, Miami, Fla. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocery stores, and *kitchen utensils, dishes, toiletries, perfumes, cosmetics, and patent medicines*, from Miami, West Palm Beach, and Tampa, Fla., to Houston and Dallas, Tex., Los Angeles and San Francisco, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami Fla.

No. MC 119226 (Sub-No. 61), filed April 13, 1967. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Louisville, Ky., to Tulsa, Okla., and Irving, Tex. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 119577 (Sub-No. 14), filed April 13, 1967. Applicant: OTTAWA CARTAGE, INC., Post Office Box 458, Ottawa, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, from the plantsites, warehouses, and facilities of The New Jersey Zinc Co., located at or near Depue and Riverdale, Ill., and Des Moines and Dubuque, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 119583 (Sub-No. 2), filed April 14, 1967. Applicant: L. E. BOLING, 718 Commercial Street, Kewanne, Ill. 66143. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from St. Louis, Mo., to Rock Island, Ill., and Bettendorf, Iowa, and *empty malt beverage containers, bottles, and pallets*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, or Springfield, Ill.

No. MC 119654 (Sub-No. 4), filed April 10, 1967. Applicant: HI-WAY DISPATCH, INC., 26th Street and Bypass, Marion, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sweet cider*, from Belding, Mich., to points in Illinois, Indiana, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Detroit, Mich.

No. MC 119934 (Sub-No. 137), filed April 13, 1967. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, from the plantsite of Cabot Corp. at or near Tuscola, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123075 (Sub-No. 17), filed April 12, 1967. Applicant: HARVEY D. SHUPE, HOWARD YOST AND CHARLES MYLANDER, a partnership, doing business as SHUPE & YOST, North U.S. 85 Bypass, Post Office Box 1123, Greeley, Colo. 80632. Applicant's representative: Michael T. Corcoran, 1360 Locust Street, Denver, Colo. 80220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* and *animal and poultry feed ingredients* and *supplements* (except liquid feed in tank vehicles), from Denver, Colo., to points in Wyoming, under contract with Farmers Marketing Association, Denver, Colo. NOTE: Applicant has a pending common carrier application in MC–127687, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver or Greeley, Colo.

No. MC 123633 (Sub-No. 2), filed April 12, 1967. Applicant: AHRENS MOTOR TRUCKING, INC., 550 Ninth Street, Hoboken, N.J. 07030. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated or paper boxes, and equipment, materials, or supplies*, used or useful in the manufacture of corrugated or paper boxes, except commodities in bulk and commodities which because of size or weight require the use of special equipment or special handling, between the plant and facilities of West Virginia Pulp & Paper Co., H & D Division at Hoboken, N.J., on the one hand, and, on the other, points in New York, Connecticut, and Pennsylvania, under contract with West Virginia Pulp & Paper Co., H & D Division, New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 123819 (Sub-No. 10), filed April 13, 1967. Applicant: ACE FREIGHT LINE, INC., Post Office Box 2103, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags*, from New Orleans, La., to Tampa, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 124078 (Sub-No. 270), filed April 7, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from the plantsite of Armour Agricultural Chemical Co. near Bellevue, Iowa, in Jackson County, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Common control may be involved. Applicant states that it intends to tack at Clinton, Iowa, to provide service to Kentucky and Ohio, in connection with its presently held authority in MC 124078 Sub 50. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 124078 (Sub-No. 271), filed April 10, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, (1) from Fostoria, Ohio, and points within 5 miles thereof, and Decatur, Ind., and points within 5 miles thereof, to points in that portion of Michigan on and south of U.S. Highway 10 extending from Ludington to Bay City, on and south of Michigan Highway 25 extending east from Bay City to Port Austin, on, south, and west of U.S. Highway 25 from Port Austin to Port Huron, and on and west of Michigan Highway 29 from Port Huron to the Michigan State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 124078 (Sub-No. 272), filed April 12, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Clinton, Ill.

No. MC 124236 (Sub-No. 24), filed April 13, 1967. Applicant: CHEMICAL EXPRESS, INC., 3300 Republic National Bank Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Concrete mix*, dry, in bags (a physical mixture in the same bag of cement and aggregate), from Hart Spur, Tex., to points in Oklahoma. NOTE: Applicant states it would tack the proposed authority with its present authority and subs thereunder. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 124373 (Sub-No. 3), filed April 10, 1967. Applicant: NELMAR TRUCKING CO., a corporation, 720 State Street, Perth Amboy, N.J. 08861. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, advertising materials, and displays*, between points in Union County, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, Maine, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, under contract with Custom Canners of Baltimore, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124417 (Sub-No. 10), filed April 10, 1967. Applicant: ALPHONSE HINDERMAN and VINCENT HINDERMAN, a partnership, doing business as HINDERMAN BROTHERS, Dickeyville, Wis. 53808. Applicant's representative: John T. Porter, 1 South Pinckney Street (Room 708), Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, (1) in bags, from Dubuque, Iowa, to points in Illinois, on and north of Illinois Highway 24, points in Minnesota, on and south of U.S. Highway 12, and points in Wisconsin north of Wisconsin Highway 29, except points in Langlade and Shawano Counties; and (2) in bulk, from Dubuque, Iowa, to points in Wisconsin north of Wisconsin Highway 29, except points in Langlade and Shawano Counties. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 126904 (Sub-No. 6) (correction), filed February 23, 1967, published FEDERAL REGISTER issue March 9, 1967, and republished as corrected, this issue. Applicant: H. C. PARRISH TRUCK SERVICE, INC., Rural Route No. 2, Freeburg, Ill. Applicant's representative: B. W. La Tourette, Jr., 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meramec sand and gravel, and rock*, from points in Missouri, to points in Illinois and Kentucky. NOTE: The purpose of this republication is to show the correct sub number, which was inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127834 (Sub-No. 10) (Correction), filed March 27, 1967, published FEDERAL REGISTER issue of April 13, 1967, and republished as corrected, this issue. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue,

Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from points in Davidson and Robertson Counties, Tenn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: The purpose of this republication is to show Davidson and Robertson Counties, Tenn., as the origin points, which were inadvertently omitted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 127960 (Sub-No. 4), filed April 10, 1967. Applicant: GUS VANDER POL AND HENRY VANDER POL, a partnership, doing business as OAK HARBOR FREIGHT LINES, 6314 Seventh Avenue South, Seattle, Wash. 98108. Applicant's representative: Carl A. Jonson, 400 Central Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 MCC 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in King, Snohomish, and Skagit Counties, Wash., on the one hand, and, on the other, points in Whatcom County, Wash. NOTE: Applicant states it would tack the proposed authority with its present authority at Mount Vernon, Wash., to provide service to points in Island County, Wash. Applicant also states it would surrender any duplicating authority in MC 127960 Sub 1, if this application is granted. If a hearing is deemed necessary, applicant requests it be held at Bellingham, Wash.

No. MC 128330 (Sub-No. 1), filed April 14, 1967, Applicant: MORRIS JACOBS, doing business as MORRIS JACOBS TRUCKING, 50-22 72d Street, Woodside, New York, N.Y. Applicant's representative: Jesse Sobol, 150 Broadway, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigeration equipment*, consisting of freezers, refrigerator-freezer combinations, *ice cream machines and custard machines*, from Ozone Park and New York City, N.Y., to points in New Jersey, Connecticut, and Bally, Pa., under contract with Mann Refrigeration Co., Inc., and Nat-Pac Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128688 (Sub-No. 1), filed March 31, 1967. Applicant: STEVEN L. JONES TRUCKING, Box No. 776, Soda Springs, Idaho 83276. Applicant's representative: Leonard O. Kingsford, 176 South Main, Soda Springs, Idaho 83276. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk coal*, from points in Emery and Carbon Counties, Utah, to points in Caribou and Bear Lake Counties, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Soda Springs or Pocatello, Idaho.

No. MC 128804 (Sub-No. 1) (Amendment), filed January 10, 1967, published in FEDERAL REGISTER issue of January 26, 1967, amended April 13, 1967, and republished as amended, this issue. Applicant: BLUE FLEET DISTRIBUTORS, CORP., 75 Willis Avenue, New York, N.Y. 10454. Applicant's representative: William J. Augello, Jr., 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet paper, facial tissue, paper towels and napkins, and new furniture, paper bags, and freezer wrapping paper*, restricted to traffic having a prior interstate movement by rail or motor carrier, from Bronx, N.Y., to points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J., under contract with Craft Associates, Inc., Swanee Paper Corp., and Hudson Pulp & Paper Corp. NOTE: The purpose of this republication is (1) to change the commodity description by adding "paper bags and freezer wrapping paper" and (2) to add Hudson Pulp & Paper Corp., as a contracting shipper. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128813 (Sub-No. 2), filed April 12, 1967. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Johnson, 847 Warner Building, 501 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Filing systems and components thereof, wood waste products to include saw dust, shavings, wood waste soil conditioners, manufactured fireplace logs, sweeping compounds, janitorial supplies to include cleaners, cleaning compounds, protective floor finishes, disinfectants, towels, tissue, floor wax, and soap*, from Salt Lake City, Utah, to points in Arizona, Colorado, New Mexico, Oregon, Utah, Wyoming, California, Nevada, Idaho, Montana, and Washington, and (2) *materials and supplies* used in the manufacture of the commodities set forth in (1) above, from points in Arizona, Colorado, New Mexico, Oregon, Utah, Wyoming, California, Nevada, Idaho, Montana, and Washington, to Salt Lake City, Utah, restricted to service performed under a continuing contract with Business Controls, Inc., of Salt Lake City, Utah. NOTE: Applicant has common carrier authority pending in MC 124679 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 128907 (Sub-No. 1), filed February 28, 1967. Applicant: LEDON CONSTRUCTION COMPANY, INC., doing business as THE SUPERIOR TRANSFER COMPANY, 830 Cherry Street, Chattanooga, Tenn. 37402. Applicant's representative: Don Moore, Jr., 417 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty used tubular cylinders* upon tube trailers (applicant does not seek authority to transport consumable commodities), between Altoona (Juniata-Altoona), McKees Rocks, Conshohocken, Natrona, and Sharon, Pa.; Atlanta, Ga.; Baltimore, Md.; Barberton, Cincinnati, Cleveland, Columbus, Lowellville, Mansfield, and Struthers-Lowellville, Ohio; Belton, Dallas, Richardson, Houston, and Lubbock, Tex.; Billings, Mont.; Buffalo, Stuyvesant Falls, and Niagara Falls, N.Y.; Charlotte, N.C.; Chattanooga, Knoxville, and Memphis, Tenn.; Denver, Grand Junction, and Pueblo, Colo.; Detroit, Saginaw, and Ferndale, Mich.; Fort Smith, Ark.; Hodgkins, La Grange, Peoria, and South Chicago, Ill.; Evansville and Indianapolis, Ind.; Jackson, Miss.; Jacksonville, Tampa, and Miami, Fla.; Kansas City, Kans.; Louisville, Ky.; Milwaukee, Wis.; New Orleans and Bossier City, La.; North Bergen, N.J.; North Grafton, Mass.; Oklahoma City and Tulsa, Okla.; Omaha, Nebr.; Portland, Oreg.; Portsmouth and Waynesboro, Va.; St. Louis, Mo.; St. Paul, Minn.; Salt Lake City, Utah; San Diego, Los Angeles, and San Francisco, Calif.; Seattle, Wash.; and South Meriden, Conn.; under contract with National Cylinder Gas. NOTE: If hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn.

No. MC 128938 (Sub-No. 1), filed April 14, 1967. Applicant: MERLIN C. HARNACK, 206 Boody Street, Postville, Iowa 52162. Applicant's representative: William L. Fairbank, 616 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, feed ingredients, fertilizer, baler twine, and seed*, from Postville, Iowa, to points in Dodge, Fillmore, Freeborn, Houston, Mower, Olmsted, Wabasha, and Winona Counties, Minn., and points in that part of Wisconsin, on and west of U.S. Highway 12, and (2) *feed ingredients* from Minneapolis, Minn., to Postville, Iowa, under contract with Hall Roberts' Son, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128950 (Clarification), filed March 17, 1967, published FEDERAL REGISTER issue April 6, 1967, and republished as clarified, this issue. Applicant: PROVINCIAL WAREHOUSES, INC., Ogdensburg Bridge Plaza, Post Office Box 104, Ogdensburg, N.Y. 13669. Applicant's representatives: Norman M. Pinsky and Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquor, malt beverages, tobacco, and perfumes*, other than in bulk, between the ports of entry on the international boundary line between the United States and Canada located at or near Ogdensburg, Massena, and Alexandria Bay, N.Y.; Derby Line, Vt.; Blaine, Wash.; and Detroit, Mich.; on the one hand, and, on the other, bonded warehouses situated at Ogdensburg, Massena, and Alexandria Bay, N.Y.; Derby Line, Vt.; Blaine, Wash.; and Detroit, Mich.; restricted to traffic originating at or destined to points in Canada. NOTE: The purpose of this republication is to clarify the application. If a hearing is deemed necessary, applicant requests it be held at Syracuse, New York, Albany, Buffalo, or Rochester, N.Y., or Washington, D.C.

No. MC 128971, filed March 24, 1967. Applicant: W. W. TIMBES, doing business as TOM'S DELIVERY SERVICE, 824 North Gloster Street, Tupelo, Miss. Applicant's representative: Rubel L. Phillips, 829 Deposit Guaranty Bank Building, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Peanuts, potato chips, nabs, sandwiches, candy, and other confectionery and snack items*, from the plantsite of Tom Huston Peanut Co., Columbus, Ga., to Tupelo, Miss., under contract with Tom Huston Peanut Co., Columbus, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Jackson, Miss.

No. MC 128983, filed March 29, 1967. Applicant: CHARLES W. KENT, SR. AND CHARLES W. KENT, JR., a partnership, doing business as KENT MOVING AND STORAGE CO., 4319 Factory Hill, Post Office Box 10148, San Antonio, Tex. 78210. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to shipments having a prior or subsequent movement beyond Texas, in specially designed containers, and further restrioted to pickup and delivery service incidental to or in connection with the packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, between San Antonio, Tex., and points within a 30-mile radius thereof. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 128996, filed April 5, 1967. Applicant: RIVERHEAD VAN & STORAGE COMPANY, INC., 412 Flanders Road, Riverhead, N.Y. 11901. Applicant's representatives: Solomon Raffe, 747 East Main Street, Riverhead, N.Y. 11901, also Robert F. Van Houten, Mill Brook Lane, Riverhead, N.Y. 11902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated household goods (furniture)*, between points in Suffolk County, N.Y. NOTE: There is pending in MC 128727, an application of Robert F. Van Houten, doing business as Reliable Moving & Storage Co., seeking motor contract carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129004, filed April 4, 1967. Applicant: BORIS M. PETROFF, doing business as TRANS-WORLD VAN LINES, 1520 West 11th Street, Long Beach, Calif. 90813. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized used household goods*, between points in California, within a 150-mile radius of Port of Los Angeles, Calif., restricted to shipments having a prior or subsequent out-of-State movement, in containers; in providing a pickup and delivery service for exempt forwarders of household goods. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 129006, filed April 10, 1967. Applicant: KAY-D COMPANY, INC., 104 Whitehead Road, Athens, Ga. Applicant's representative: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat* in refrigerated trailers, from Fort Branch, Ind., Omaha, Nebr., and St. Joseph, Mo., to Atlanta, Ga., under contract with the Atlanta Provision Co., Atlanta, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 129008, filed April 10, 1967. Applicant: DESPACHOS DEL NORTE, S. C., a Mexican corporation, 404 Chihuahua Street, Laredo, Tex. 78040. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, and commodities in bulk in tank vehicles), between Laredo, Tex., and points within 5 miles thereof, on the one hand, and, on the other, the port of entry on the international boundary line between the United States and Mexico located at Laredo, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 129009, filed April 10, 1967. Applicant: KITCHEN TRANSPORTATION, INC., 1321 Diamond Springs Road, Virginia Beach, Va. 23455. Applicant's representative: Jno. C. Goddin, 10 South 10th Street, Richmond, Va. 23219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tire tread materials and tire repair materials*, from Pawtucket, R.I., to points in Virginia, North Carolina, South Carolina, and Georgia, under contract with Thompson Apex Co., Division of Continental Oil Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pawtucket, R.I.

No. MC 129011, filed April 10, 1967. Applicant: MRS. LOLA MAE KIKER BARRETT AND JOHN KIKER, a partnership, doing business as PERSONALIZED AGENT SERVICE, 131 Springview Drive, Forest Park, Ga. Applicant's representative: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent transportation by air freight, from the Atlanta Airport located at Atlanta, Ga., to points in Georgia, Alabama, Florida, Tennessee, South Carolina, and North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 129015, filed April 10, 1967. Applicant: CAMIRAND CARTAGE, LTD., 46 Milton Street, Ville St. Pierre, Province of Ontario, Canada. Applicant's representative: Douglas C. Pierson, 181 South Union Street, Burlington, Vt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, ammunition, ingredients and component parts of explosives and ammunition, blasting agents, materials, supplies, and accessories, and powder*, between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant holds contract authority in MC 126439 therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Burlington, Vt.

No. MC 129019, filed April 12, 1967. Applicant: STREET & NADEAU INC., West Enfield, Maine 04493. Applicant's representative: Richard H. Broderick, Lincoln, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dressed or finished lumber*, from Lincoln, Maine, to points in Massachusetts, under contract with Haskell Lumber, Inc., Lincoln Center, Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bangor or Augusta, Maine.

No. MC 129020, filed April 13, 1967. Applicant: JOHN ALBERT RAVEN, doing business as AMERICAN MOTOR SERVICE, 5819 West 109th Street, Chicago, Ridge, Ill. 60415. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, from the plantsites, warehouses, and facilities of the New Jersey Zinc Co., located at or near Depue and Riverdale, Ill., and Des Moines and Dubuque, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 109736 (Sub-No. 28), filed April 12, 1967. Applicant: CAPITOL BUS COMPANY, a corporation, Fourth and Chestnut Streets, Harrisburg, Pa. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Binghamton and New York, N.Y.: From Binghamton over New York Highway 17 to junction New York State Thruway, thence over New York State Thruway to junction Interstate Highway 287, thence over Interstate Highway 287 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to Lincoln Tunnel, thence through Lincoln Tunnel to New York City and return over the same route serving no intermediate points. Restriction: No traffic to be picked up in the city of Binghamton, N.Y., on eastbound trips, and no traffic to be discharged at Binghamton, N.Y., on westbound trips. NOTE: If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 128175 (Sub-No. 2), filed April 12, 1967. Applicant: H. R. WHALEY, doing business as SERVICE CAB COMPANY, Roaring Fork Road, Gatlinburg, Tenn. 37738. Applicant's representative: Wilson S. Ritchie, Ninth Floor, Valley Fidelity Bank Building, Knoxville, Tenn. 37902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special round-trip operations, in sight-seeing and pleasure tours, beginning and ending at Gatlinburg, Tenn., and extending to points in the Great Smoky Mountains National Park. NOTE: If a hearing is deemed necessary applicant requests it be held at Knoxville and Nashville, Tenn., Atlanta, Ga., or Asheville, N.C.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 42487 (Sub-No. 669), filed April 13, 1967. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, 7101 South Cicero Avenue, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, assembled automobiles, livestock, and those injurious or contaminating to other lading), between Rockford, Ill., and El Paso, Ill., over U.S. Highway 51, serving no intermediate points, as an alternate route for operating convenience only.

No. MC 61440 (Sub-No. 110), filed April 14, 1967. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108, also Post Office Box 82488, Exchange Branch, Oklahoma City, Okla. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction of U.S. Highway 60 and U.S. Highway 283 approximately 6 miles west of Arnett, Okla., and the junction of U.S. Highway 60 and Texas State Highway 152 approximately 7 miles east of Pampa, Tex., from junction of U.S. Highway 60 and U.S. Highway 283 approximately 6 miles west of Arnett, Okla., over U.S. Highway 60 to its junction with Texas State Highway 152 approximately 7 miles east of Pampa, Tex., and return over the same route serving no intermediate points as an alternate route for operating convenience only in conjunction with applicants presently authorized service route between Kansas City, Mo., and Amarillo, Tex., restricted against traffic moving between points in Texas on the one hand, and, on the other, points in Oklahoma. NOTE: Common control may be involved.

No. MC 114848 (Sub-No. 34), filed April 10, 1967. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from points in Aiken County, S.C., to Memphis and Gleason, Tenn., and their respective commercial zones.

No. MC 129007, filed April 10, 1967. Applicant: ALLSTATE VAN AND STORAGE, INC., 3662 Costa Bella Drive, Lemon Grove, Calif. 92115. Applicant's representative: C. Douglas Alford, 2100 Electronics Capital Building, 110 West C Street, San Diego, Calif. 92101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in providing a local pickup, delivery, and transfer service, when moving on through bills of lading of an exempt freight forwarder, between points in San Diego County, Calif.

No. MC 129010, filed April 10, 1967. Applicant: ADOLF L. HINTZE, doing business as MOBILE HOME TRANSPORT CO., Route 3, Box 550, North Waldorf, Md. Applicant's representative: Andrew P. Goldstein, 703 Ring Building, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, in secondary movements, in truckaway service, between points in Anne Arundel, Charles, St. Marys, and Prince Georges Counties, Md., on the one hand, and, on the other, points in Florida, Georgia, North Carolina, Pennsylvania, South Carolina, and Virginia.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-4601; Filed, Apr. 26, 1967; 8:45 a.m.]

[Notice 372]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 24, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 108987 (Sub-No. 12 TA), filed April 19, 1967. Applicant: POOLE TRANSFER, INC., 807 East Fourth Street, Muscatine, Iowa 52761. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, commodities in bulk, household goods as defined in Practices of Motor Common Carriers of household goods, 17 MCC 467, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Bloomington and Plymouth, Minn., as off-route points in connection with applicant's regular routes to and from St. Paul and Minneapolis, Minn., for 180 days. Supporting shippers: John Deere Co., Box 855, Minneapolis, Minn. 55440, Toro Mfg. Co., 8111 Lyndale Avenue South, Minneapolis, Minn., 55420, G. E. Mack Co., Inc., 1313 South Clover Drive, Minneapolis, Minn. 55420, Premium Corp. of America, 12715 B State Highway 55, Minneapolis, Minn. 55427, Ziegler, Inc., 901 West 94th Street, Minneapolis, Minn. 55420, Coyner's Marina, Muscatine, Iowa, Quarterback Sports Federation, Inc., 1009 West 80th Street, Minneapolis, Minn., Mammoth Industries, Inc., 13120-B County Road 6, Minneapolis, Minn., Phillips Manufacturing Co., Inc., 8200 Grand Avenue, South Minneapolis, Minn., City of Bloomington, Old Shakpee Road at Penn, Bloomington, Minn., Chaska Chemical Co., Inc., 315 West 86th Street, Minneapolis, Minn., Poly-Tech Corp., 1401 West 94th Street, Minneapolis, Minn., Groves-Kelco, Inc., 7900 Chicago Avenue, Minneapolis, Minn., Roto Press, Inc., 848 West 79th Street, Minneapolis, Minn., Tel-E-Lect, Inc., 9135 Grand Avenue South, Minneapolis, Minn., Spice of Life Co., 7951 Chicago Avenue South, Minneapolis, Minn., Metro Hydraulics, Inc., 1101 West 79th Street, Minneapolis, Minn. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 110098 (Sub-No. 92 TA), filed April 20, 1967. Applicant: ZERO REFRIGERATED LINES, 815 Merida Street, Box 7249, Station A, San Antonio, Tex. 78207. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, lard, tallow, vegetable oils, salad dressings, and table sauces* (except liquid commodities in bulk, in tank vehicles) in temperature controlled vehicles, from points in Fresno County, Calif., to Portland, Milwaukee, La Grande, Bend, Rosenburg, Salem, Klamath Falls, Medford, and Eugene, Oreg., Seattle, Spokane, Rhodes Station, Tacoma, Auburn, Bellevue, Bremerton, Wenatchee, and Yakima, Wash., Great Falls, Helena, Butte, and Billings, Mont., Pocatello, Boise, and Twin Falls, Idaho, Salt Lake City and Ogden, Utah, Denver, Colo., and Sparks, Reno, and Las Vegas, Nev., for 180 days. Supporting shipper: Anderson, Clayton & Co. Foods Division, Gibraltar Life Building, Post Office Box 35, Dallas, Tex. 75221. Send protests to James H. Berry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Manion Building, San Antonio, Tex. 78205.

No. MC 112520 (Sub-No. 162 TA), filed April 20, 1967. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from Bainbridge, Ga., to points in Florida, for 150 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 Post Office Building, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 114939 (Sub-No. 39 TA), filed April 20, 1967. Applicant: BULK CARRIERS, LIMITED, Post Office Box 10, 2421 Cawthra Road, Cooksville, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in dump type equipment, from ports of entry on the international boundary line between the United States and Canada at or near Detroit, Marine City, and Port Huron, Mich., to points in Illinois, Indiana, and Ohio, for 150 days. Supporting shipper: Canadian Industries, Ltd., Montreal, Quebec, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 121 Ellicott Street, Room 324, Buffalo, N.Y. 14203.

No. MC 116646 (Sub-No. 3 TA), filed April 20, 1967. Applicant: FONTANA TRUCKING, INC., 100 Florida Street, Laurium, Mich. 49913. Applicant's representative: John Boeschenstein, Hackley Union National Bank Building, Muskegon, Mich. 49440. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from points in Houghton County, Mich., to points in Oneida, Langlade, Marathon, Shawano, Winnebago, and Washburn Counties, Wis., and on return, for 180 days. Supporting shipper: Bosch Brewing Co., Houghton, Mich., 49931. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 117509 (Sub-No. 26 TA), filed April 19, 1967. Applicant: SCHILLI TRANSPORTATION, INC., 230 St. Clair Avenue, East St. Louis, Ill., 62201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitrocarbo-nitrate*, in containers, from plantsite of Monsanto Co. at or near Midland, Ind., to Gilbraltar minesite, at or near Central City, Ky., River Queen minesite, at or near Greenville, Ky., River View minesite, at or near Beaver Dam, Ky., Sinclair minesite, at or near Drakesboro, Ky., Vogue minesite, at or near Madisonville, Ky., Ken minesite, at or near Beaver Dam, Ky., Homestead minesite, at or near Paradise, Ky., and Green Coal Co. minesite, at or near Panther, Ky., for 120 days. Supporting shipper: Monsanto Co., 800 North Lindberg Boulevard, St. Louis, Mo. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill.

No. MC 128641 (Sub-No. 1 TA), filed April 20, 1967. Applicant: RAINEY NEYRINCK AND ALBERT NEYRINCK, a partnership, doing business as NEYRINCK BROTHERS, Route No. 1, Riga, Mich. 49276. Applicant's representative: Aloysius B. O'Mara, 105 West Jefferson Street, Blissfield, Mich. 49228. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and farm chemicals*, in bags and bulk, between Riga, Mich., and Sandusky, Delta, Carey, and Columbus, Ohio for 150 days. Supporting shipper: The Borden Chemical Co., Smith-Douglass Division, Post Office Box 419, Norfolk, Va. 23501. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

MOTOR CARRIER OF PASSENGERS

No. MC 128753 (Sub-No. 1 TA), filed April 20, 1967. Applicant: ASSOCIATED BUS COMPANY OF OAKLAND, 921 Bergen Avenue, Jersey City, N.J. 07306. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between Manhattan and the Bronx, N.Y., on the one hand, and, on the other, the plantsite of Kohner Bros., Inc., East Paterson, N.J., for the account of Kohner Bros., Inc., for 150 days. Supporting shipper: Kohner Bros., Inc., 1 Paul Kohner Place, East Paterson, N.J. 07407. Send protests to: Walter J. Grossmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1060 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-4660; Filed, Apr. 26, 1967; 8:49 a.m.]

[Notice 1509]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 24, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69572. By order of April 21, 1967, the Transfer Board approved the transfer to J. C. D. Transportation Corp., Syracuse, N.Y., of Permit No. MC-124939 (Sub-No. 6), issued August 9, 1966, to Food Haul, Inc., Columbus, Ohio, authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points in Chemung County, N.Y., on the one hand, and, on the other, points as specified in New York and Pennsylvania. John Andrew Kundtz, 1050 Union Commerce Build-

ing, Cleveland, Ohio 44115, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4661; Filed, Apr. 26, 1967; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 24, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40996—*Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 384), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory (except points within Illinois or within Rocky Mountain territories); between points in middlewest territory, on the one hand, and points in Central States, southwestern and Canadian territories, on the other; between points in Central States and southwestern territories, on the one hand, and points in Canadian territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 14 to Middlewest Motor Freight Bureau, agent, tariff MF-ICC 498.

FSA No. 40997—*Chlorine from Acme, N.C.* Filed by O. W. South, Jr., agent (No. A5023), for interested rail carriers. Rates on chlorine, in tank car loads, from Acme, N.C., to Selma, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 82 to Southern Freight Association, agent, tariff ICC S-517.

FSA No. 40998—*Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 166), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middlewest territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Southern Motor Carriers Rate Conference, agent, tariff MF-ICC 1456.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4662; Filed, Apr. 26, 1967; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 467]

ARIZONA

Notice of Classification of Public Lands for Multiple Use Management

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the public lands described below, together with any lands therein that may become public lands in the future, are hereby classified for multiple-use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose. Publication of this notice has the effect of segregating all public lands described in the notice from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, and 25 U.S.C. 334) and from sale under Section 2455 of the Revised Statutes (43 U.S.C. 1171). All the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. Several comments have been made as a result of the Notice of Proposed Classification (31 F.R. 16326) and the public hearing held January 11, 1967. All comments were carefully considered and only one change was made. The following tracts listed in the proposed classification notice are not classified as they are determined to be needed for the orderly growth and development of the communities in the Safford Valley:

GILA AND SALT RIVER MERIDIAN, GRAHAM COUNTY, ARIZ.

T. 6 S., R. 25 E.,
Sec. 8, NE¼SE¼;
Sec. 15, SE¼SW¼;
Sec. 22, E½NE¼;
Sec. 25, S½NW¼, E½SE¼, and NW¼SE¼;
Sec. 26, E½NE¼, E½NW¼NE¼, NW¼NW¼NE¼, and E½SW¼NW¼NE¼.

The area described aggregates 475 acres of public lands.

The segregative effect of the Notice of Proposed Classification is hereby terminated as to these lands.

3. The files and maps for the described area are on file and are available for inspection at the Bureau of Land Management, Safford District Office, Box 786, U.S. Post Office Building, Safford, Ariz. 85546 and the Bureau of Land Management, Land Office, Federal Building, Phoenix, Ariz. 85025.

4. The lands involved are in Gila and Salt River Meridian, Graham, Greenlee, and Cochise Counties, Ariz., and are described as follows:

T. 1 S., R. 22 E.,
Secs. 35 and 36.
T. 2 S., R. 22 E.,
Secs. 1 and 2;
Secs. 11 to 14 inclusive;
Secs. 23 to 26 inclusive;
Secs. 35 and 36.
T. 3 S., R. 22 E.,
Secs. 1 and 2;
Secs. 11 to 14 inclusive;
Secs. 23 to 26 inclusive;
Secs. 35 and 36.
T. 4 S., R. 22 E.,
Secs. 1, 11, 12, 25 and 36.
T. 5 S., R. 19 E.,
Secs. 13 to 16 inclusive;
Secs. 19 to 31 inclusive;
Secs. 33 to 35 inclusive.
T. 5 S., R. 20 E.,
Secs. 18 and 19.
T. 5 S., R. 21 E.,
Secs. 20, 26, 28 and 29;
Secs. 33 to 35 inclusive.
T. 5 S., R. 22 E.,
Sec. 1;
Secs. 11 to 14 inclusive;
Secs. 23 to 26 inclusive;
Secs. 31, 35 and 36.
T. 6 S., R. 21 E.,
Secs. 1 to 5 inclusive;
Secs. 8 to 13 inclusive.
T. 6 S., R. 22 E.,
Sec. 1;
Secs. 5 to 8 inclusive;
Secs. 12 and 13;
Secs. 17 to 22 inclusive;
Secs. 24 to 26 inclusive;
Sec. 30.
T. 2 S., R. 23 E.,
Sec. 7;
Secs. 17 to 23 inclusive;
Secs. 26 to 36 inclusive.
T. 3 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 4 S., R. 23 E.,
Secs. 1 to 17 inclusive;
Sec. 19;
Secs. 21 to 27 inclusive;
Secs. 29 to 33 inclusive;
Sec. 36.
T. 5 S., R. 23 E.,
Sec. 1;
Secs. 4 to 10 inclusive;
Secs. 15 to 23 inclusive;
Secs. 26 to 35 inclusive.
T. 6 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 7 S., R. 23 E.,
Secs. 1 to 6 inclusive;
Secs. 10 to 12 inclusive.
T. 3 S., R. 24 E.,
Secs. 17 to 36 inclusive.
T. 4 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 5 S., R. 24 E.,
Secs. 1 to 6 inclusive;
Secs. 8 to 17 inclusive;
Secs. 21 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 6 S., R. 24 E.,
Secs. 6 to 8 inclusive;
Sec. 15;
Secs. 17 to 23 inclusive;
Secs. 26 to 35 inclusive.
T. 7 S., R. 24 E.,
Secs. 2 to 24 inclusive;
Sec. 26.
T. 3 S., R. 25 E.,
Secs. 13 to 34 inclusive.
T. 4 S., R. 25 E.,
Secs. 3 to 10 inclusive;
Secs. 13 to 36 inclusive.
T. 5 S., R. 25 E.,
Secs. 1 to 36 inclusive.
T. 6 S., R. 25 E.,
Secs. 1 to 6 inclusive;
Sec. 8, NE¼ and NE¼NW¼;
Sec. 9, N½, N½SW¼ and SE¼;
Secs. 10 to 14 inclusive;
Sec. 15, N½, N½SW¼ and SE¼;
Secs. 23 and 24;
Sec. 25, NE¼ and N½NW¼.
T. 7 S., R. 25 E.,
Sec. 8;
Secs. 17 to 20 inclusive;
Sec. 30.
T. 4 S., R. 26 E.,
Secs. 30 to 32 inclusive.
T. 5 S., R. 26 E.,
Sec. 1;
Secs. 3 to 36 inclusive.
T. 6 S., R. 26 E.,
Secs. 1 to 30 inclusive.
T. 7 S., R. 26 E.,
Secs. 25 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 8 S., R. 26 E.,
Sec. 1;
Secs. 11 to 14 inclusive;
Secs. 23 to 26 inclusive;
Secs. 34 to 36 inclusive.
T. 9 S., R. 26 E.,
Secs. 1 to 5 inclusive;
Secs. 7 to 36 inclusive.
T. 10 S., R. 26 E.,
Secs. 1 to 5 inclusive;
Secs. 8 to 16 inclusive;
Secs. 21 to 28 inclusive;
Secs. 33 to 36 inclusive.
T. 4 S., R. 27 E.,
Secs. 25 to 27 inclusive;
Secs. 33 to 36 inclusive.
T. 5 S., R. 27 E.,
Secs. 1 to 36 inclusive.
T. 6 S., R. 27 E.,
Secs. 1 to 30 inclusive.
T. 7 S., R. 27 E.,
Sec. 12;
Secs. 13 to 15 inclusive;
Secs. 20 to 36 inclusive.
T. 8 S., R. 27 E.,
Secs. 1 to 36 inclusive.
T. 9 S., R. 27 E.,
Secs. 1 to 36 inclusive.
T. 10 S., R. 27 E.,
Secs. 1 to 36 inclusive.
T. 11 S., R. 27 E.,
Secs. 1 to 5 inclusive;
Secs. 8 to 17 inclusive;
Secs. 24 to 29 inclusive.
T. 4 S., R. 28 E.,
Secs. 24 to 35 inclusive.
T. 5 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 6 S., R. 28 E.,
Secs. 1 to 30 inclusive;
Secs. 33 to 36 inclusive.
T. 7 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 8 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 9 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 10 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 11 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 5 S., R. 29 E.,
Secs. 11 to 15 inclusive;
Secs. 18 to 36 inclusive.
T. 6 S., R. 29 E.,
Secs. 1 to 36 inclusive.
T. 7 S., R. 29 E.,
Secs. 1 to 36 inclusive.
T. 8 S., R. 29 E.,
Secs. 1 to 36 inclusive.
T. 9 S., R. 29 E.,
Secs. 1 to 36 inclusive.
T. 10 S., R. 29 E.,
Secs. 1 to 36 inclusive.
T. 11 S., R. 29 E.,
Secs. 1 to 36 inclusive.
T. 12 S., R. 29 E.,
Secs. 1 to 30 inclusive;
Secs. 33 to 36 inclusive.
T. 13 S., R. 29 E.,
Secs. 1 to 4 inclusive;
Secs. 9 to 11 inclusive.
T. 5 S., R. 30 E.,
Sec. 19;
Secs. 28 to 33 inclusive.
T. 6 S., R. 30 E.,
Secs. 3 to 11 inclusive;
Secs. 13 to 36 inclusive.
T. 7 S., R. 30 E.,
Secs. 1 to 36 inclusive.
T. 8 S., R. 30 E.,
Secs. 1 to 36 inclusive.
T. 9 S., R. 30 E.,
Secs. 1 to 36 inclusive.
T. 10 S., R. 30 E.,
Secs. 1 to 36 inclusive.
T. 11 S., R. 30 E.,
Secs. 1 to 36 inclusive.
T. 12 S., R. 30 E.,
Secs. 1 to 36 inclusive.
T. 13 S., R. 30 E.,
Secs. 1 to 7 inclusive;
Secs. 11 to 14 inclusive;
Sec. 23, N½;
Sec. 24.
T. 6 S., R. 31 E.,
Sec. 31.
T. 7 S., R. 31 E.,
Secs. 5 to 8 inclusive;
Sec. 10;
Secs. 13 to 15 inclusive;
Secs. 17 to 20 inclusive;
Secs. 22 to 24 inclusive;
Secs. 26, 27, 30, 34 and 35.
T. 7 S., R. 32 E.,
Secs. 3 to 5 inclusive;
Secs. 7 to 10 inclusive;
Secs. 15 to 22 inclusive;
Secs. 27 to 34 inclusive.
T. 8 S., R. 31 E.,
Secs. 5 to 9 inclusive;
Secs. 15 to 22 inclusive;
Secs. 27 to 34 inclusive.
T. 8 S., R. 32 E.,
Secs. 3 to 10 inclusive;
Sec. 15.
T. 9 S., R. 31 E.,
Secs. 7 and 8;
Secs. 17 to 20 inclusive;
Secs. 30 and 31.
T. 10 S., R. 31 E.,
Secs. 1 to 36 inclusive.
T. 11 S., R. 31 E.,
Secs. 1 to 36 inclusive.
T. 12 S., R. 31 E.,
Secs. 1 to 36 inclusive.
T. 13 S., R. 31 E.,
Secs. 1 to 18 inclusive;
Secs. 21 to 27 inclusive;
Secs. 35 and 36.
T. 14 S., R. 31 E.,
Sec. 1;
Secs. 11 to 13 inclusive.
T. 15 S., R. 31 E.,
Secs. 1 to 27 inclusive.
T. 10 S., R. 32 E.,
Secs. 5 to 34 inclusive.
T. 11 S., R. 32 E.,
Secs. 2 to 35 inclusive.
T. 12 S., R. 32 E.,
Secs. 2 to 35 inclusive.
T. 13 S., R. 32 E.,
Secs. 2 to 35 inclusive.
T. 14 S., R. 32 E.,
Secs. 2 to 18 inclusive;
Secs. 21 to 28 inclusive;
Secs. 33 to 35 inclusive.
T. 15 S., R. 32 E.,
Secs. 2 to 35 inclusive.
T. 16 S., R. 32 E.,
Sec. 2.

The lands described aggregate approximately 972,434 acres of public lands.

5. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

FRED J. WEILER,
State Director.

APRIL 19, 1967.

[F.R. Doc. 67-4627; Filed, Apr. 26, 1967; 8:46 a.m.]

[Colorado 1661]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 19, 1967.

The Bureau of Sport Fisheries and Wildlife of the Fish and Wildlife Service, Department of the Interior, has filed an application, Serial No. Colorado 1661, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws.

The applicant desires the land for a wildlife refuge.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

The Department's regulations (43 CFR 2311.1-3(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

T. 10 N., R. 104 W.,
Sec. 12: Lots 1, 2, 4, 8, 10, 12, 22, 23, 28, 29, 31, 34, NE¼NW¼;
Sec. 13: Lots 1, 2, 5, 16, 18, 20.
T. 10 N., R. 103 W.,
Sec. 7: Lots 7, 8, 14, 15, S½NE¼, SE¼SW¼, SE¼;
Sec. 8: Lots 1, 4, 5, 7, 10, SW¼NE¼, S½NW¼, SW¼;
Sec. 9: Lots 1, 4, 6, 8, 14, 17, 19, SE¼NE¼, E½SE¼;
Sec. 14: Lots 1, 3;
Sec. 15: Lots 1, 3, 7, 9, 11, 13, 22, 24, 27, N½NE¼, SE¼NE¼;
Sec. 16: Lots 1, 3, 5, 7, 14, 15, W½NW¼, W½SW¼;

Sec. 17: Lots 1, 4, 5, 7, 9, 12, SE¼NE¼, W½NW¼, S½;
Sec. 18: Lots 5, 6, 7, E½, E½NW¼, NE¼SW¼;
Sec. 21: Lots 3, 5, 8, SW¼NE¼, N½SE¼;
Sec. 22: Lots 5, 7, 13, 26, 30, 31, 34, 36, SW¼SW¼;
Sec. 23: Lots 1, 9, 10, 12, 14;
Sec. 24: Lots 1, 4, 8, 9;
Sec. 25: Lots 25, 26;
Sec. 26: Lots 10, 11, 14, 17, 19, 22, N½SW¼, NW¼SE¼, SE¼SE¼;
Sec. 27: Lot 2, NW¼NE¼, S½NE¼.
T. 10 N., R. 102 W.,
Sec. 19: Lots 7, 14, 22, 23, 25, N½SE¼;
Sec. 30: Lots 9, 25, 27, 28, 40, 42, NE¼SE¼;
Sec. 31: Lots 9, 43, 45;
Sec. 32: Lots 5, 11, 13, 15, 18, 20, 22, 28, 30, 31, SE¼SE¼.
T. 9 N., R. 102 W.,
Sec. 5: Lots 6, 8, 22, 23, 28, 42, 43, 44;
Sec. 6: Lots 8, 9, 10, 11, 22, 27, 29, 30, SE¼NW¼, E½SW¼, SW¼SE¼;
Sec. 7: Lot 10, NW¼NE¼, S½NE¼, SE¼;
Sec. 8: Lots 1, 2, 3, 4, 11, 12, 16, 17, 20, 22, SE¼NE¼, S½SW¼, NE¼SE¼, S½SE¼.

Total area to be withdrawn is approximately 6,121.88 acres.

J. ELLIOTT HALL,
Land Office Manager.

[F.R. Doc. 67-4628; Filed, Apr. 26, 1967; 8:46 a.m.]

[OR 1572]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

APRIL 17, 1967.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, Serial No. OR1572, for the withdrawal of the public lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws.

The applicant desires the land in order to protect the Alsea Falls Recreation Site for public recreational use and to safeguard the existing and planned Government investments thereon.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 North East Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

T. 14 S., R. 7 W.,
Sec. 25, W½NE¼SW¼NW¼, SE¼SW¼NW¼, W½NW¼NE¼SW¼, SW¼NE¼SW¼, NW¼SW¼, NE¼SW¼SW¼, E½SE¼SW¼SW¼, SE¼SW¼, SW¼NW¼SW¼SE¼, and W½SW¼SW¼SE¼.

The areas described aggregate 132.5 acres.

ERLING A. OLSON,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-4629; Filed, Apr. 26, 1967; 8:46 a.m.]

[OR 1579]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

APRIL 17, 1967.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. OR1579, for the withdrawal of the public lands described below, from all forms of location and entry under the mining laws.

The applicant desires the land in order to protect the area for its scenic attraction, public recreation, seed production, and to safeguard the Government's present and future investments in the area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

SISKIYOU NATIONAL FOREST

Myers Valley Seed Orchard

T. 36 S., R. 8 W.,
Sec. 5, SE¼NE¼SW¼SW¼, SW¼NE¼SE¼SW¼, S½NW¼SE¼SW¼, N½SW¼SE¼SW¼, and NW¼SE¼SE¼SW¼.

Briggs Valley Ponderosa Pine Seed Production Area

T. 36 S., R. 8 W.,
Sec. 18, NW¼NW¼NE¼ within MS-693.

Deer Creek Campground

T. 38, S., R. 8 W.,
Sec. 18, S½NW¼NE¼ and N½SW¼NE¼.

Illinois Bar Campground

T. 37 S., R. 9 W.,
Sec. 8, NW¼ of lot 11.

Store Gulch Campground Addition

T. 38 S., R. 9 W.,
Sec. 3, E½SW¼NW¼, SE¼NW¼SW¼NW¼, and NE¼SW¼SW¼NW¼.

Lower Rogue River Recreational Area Addition

T. 35 S., R. 11 W.,
Sec. 29, lot 4.

Long Ridge Seed Production Area

T. 38 S., R. 12 W.,
Sec. 27, SE¼SW¼NE¼, SW¼SE¼NE¼, W½E½SE¼, and E½W½SE¼;
Sec. 34, W½W½NE¼NE¼ and NW¼NE¼.

Chetco River Gorge Area

T. 38 S., R. 12 W.,
Sec. 28, SW¼SW¼;
Sec. 29, SE¼SE¼;
Sec. 32, NE¼NE¼ and N½SE¼NE¼;
Sec. 33, NW¼NW¼.

The area described aggregates approximately 434.07 acres.

ERLING A. OLSON,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-4630; Filed, Apr. 26, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

CARL W. HASEK, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of April 9, 1967.

CARL W. HASEK, Jr.

APRIL 9, 1967.

[F.R. Doc. 67-4659; Filed, Apr. 26, 1967; 8:49 a.m.]

[Dept. Order 90-B; Amdt. 2]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

The material appearing at 31 F.R. 8083-8086 of June 8, 1966, and 31 F.R. 8961 of June 29, 1966, is hereby further amended as follows:

Department Order 90-B, dated May 16, 1966, is hereby further amended as follows:

1. SEC. 5. *Office of the Associate Director for Administration.* Paragraph .03 and subparagraph .03b. are amended to read:

".03 In addition to the above organizational units, the Executive Officer for Boulder Support (at Boulder, Colo.), reports to the Associate Director for Administration. The activities reporting to the Executive Officer for Boulder Support provide administrative guidance, technical and public information services, physical facilities, management planning, and related technical and administrative services for the NBS organizations at Boulder, Colo., and are responsible for, as needed; the servicing of the Environmental Sciences Administration organizations at Boulder, Colo., and for appropriate field stations of the Boulder organizations of NBS and ESSA. Functions of the administrative and technical support divisions at Boulder, Colo., are:".

"b. The *Instrument Shops Division* designs, constructs, and repairs precision scientific instruments and auxiliary equipment for the NBS and ESSA activities at Boulder, Colo."

2. SEC. 9. *Institute for Applied Technology.* A new paragraph .08 is added to read:

".08 The *Office of Vehicle Systems Research,* as mutually agreed upon by the National Bureau of Standards and the National Traffic Safety Agency, performs for the National Traffic Safety Agency, or under contract or grant obtains the performance of, the research, development, testing and evaluation necessary to provide the technical basis for Federal safety standards for motor vehicles and motor equipment; develops methods of testing to determine compliance with these standards; and performs other related services."

3. The present paragraph "9.08" is renumbered as "9.09."

Effective date: April 5, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-4614; Filed, Apr. 26, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing amendments to the food additive regulations to provide for the safe use in chicken feed of amprolium and ethopabate with chlortetracycline with or without sodium sulfate and with or without 3-nitro-4-hydroxyphenylarsonic acid, for the prevention of coccidiosis and for treatment of certain conditions in chickens in the amounts and for the purposes specified in § 121.208 *Chlortetracycline.*

Dated: April 19, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4670; Filed, Apr. 26, 1967; 8:49 a.m.]

ELANCO PRODUCTS CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0586) has been filed by Elanco Products Co., a Division of Eli Lilly and Co., Indianapolis, Ind. 46206, proposing the establishment of a tolerance of 0.05 part per million for negligible residues of the herbicide trifluralin in or on the raw agricultural commodity potatoes.

The analytical method proposed in the petition for determining residues of trifluralin is a gas chromatographic technique.

Dated: April 19, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4671; Filed, Apr. 26, 1967; 8:50 a.m.]

HODAG CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7L2163) has been filed by Hodag Chemical Corp., 7247 North Central Park Avenue, Skokie, Ill. 60077, proposing the issuance of regulations to provide for the safe use of methyl glucoside-coconut oil ester as a processing aid in the manufacture of starch for food use and starch for use as a component of articles that contact food.

Dated: April 19, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4672; Filed, Apr. 26, 1967; 8:50 a.m.]

MERCK, SHARP AND DOHME RESEARCH LABORATORIES

Notice of Withdrawal of Petition for Food Additives Amprolium, Arsanilic Acid, and Chlortetracycline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

A petition (FAP 5C1679) was filed by Merck, Sharp and Dohme Research Laboratories, Division of Merck and Co., Inc., Rahway, N.J. 07065, notice of which was published in the FEDERAL REGISTER of April 22, 1965 (30 F.R. 5716), proposing the issuance of a food additive regulation to provide for the safe use of amprolium, chlortetracycline, and arsanilic acid in chicken feed. Subsequently, the Commissioner of Food and Drugs requested the petitioner to submit certain additional information, to be received within 180 days of the petition's filing date. The requested information has not been received; therefore, in accordance with § 121.51(j) of the procedural food additive regulations, the subject petition is regarded as withdrawn without prejudice to a future filing.

Dated: April 19, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4673; Filed, Apr. 26, 1967; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Procurement Regs.; Temp. Reg. 11]

EQUAL OPPORTUNITY IN EMPLOYMENT

Extension of Temporary Regulations

To heads of Federal agencies:

1. *Purpose.* This regulation continues in effect the provisions of FPR Temporary Regulations No. 1, October 19, 1965 (30 F.R. 13475), and No. 4, February 28, 1966 (31 F.R. 3511).

2. *Background.* The provisions of FPR Temporary Regulation No. 1 (continued in effect by FPR Temporary Regulations No. 6, April 25, 1966 (31 F.R. 6388), and No. 8, October 3, 1966 (31 F.R. 13450)), revised the terms pertaining to equal opportunity in employment on Government contract forms (Standard Forms 2A, 21, 23A, 32, and 33) as required by Executive Order No. 11246, September 24, 1965 (30 F.R. 12319).

The provisions of FPR Temporary Regulation No. 4 (continued in effect by FPR Temporary Regulations No. 7, July 21, 1966 (31 F.R. 10094), and No. 9, December 19, 1966 (31 F.R. 16504)), provided for the immediate use by Government contractors and subcontractors, subject to the provisions of Executive Order No. 11246, of Standard Form 100, Equal Employment Opportunity, Employer Information Report EEO–1, prescribed by the Office of Federal Contract Compliance, Department of Labor (31 F.R. 863).

3. *Agency implementation.* Pending a formal revision of the Federal Procurement Regulations and/or cancellation of this regulation, agencies shall comply with the provisions of FPR Temporary Regulations Nos. 1 and 4.

4. *Effect on other issuances.* FPR Temporary Regulations Nos. 8 and 9 are canceled.

5. *Effective date.* This regulation is effective immediately.

6. *Expiration date.* This regulation will remain in effect until canceled. It is expected that the provisions of FPR Temporary Regulations Nos. 1 and 4 will be codified in the FPR together with the changes in rules and regulations on equal employment opportunity which are currently being considered by the Secretary of Labor and that this regulation and the provisions of FPR Temporary Regulations Nos. 1 and 4 will be canceled at that time.

Dated: April 20, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67-4652; Filed, Apr. 26, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18439; Order No. E-25016]

DELTA AIR LINES, INC.

Order of Investigation and Suspension Regarding Limitation of Youth Fare Plan to Passenger Traveling at Own Expense

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of April 1967.

By tariff revision[1] marked to become effective April 23, 1967, Delta Air Lines, Inc. (Delta), proposes a revision to its youth fare plan which would limit the applicability of its reduced-rate youth fare to a passenger traveling at his own expense.[2] Delta's youth fare plan is available to persons between the ages of 12 and 22 and offers reserved seat transportation at a discount of approximately one third off the standard coach fare.

A year ago Delta proposed a restriction in its youth fare plan that would have excluded transportation purchased with U.S. Government Transportation Requests. The Board suspended that proposal by Order E–23801, June 9, 1966, and Delta subsequently canceled the proposal. In its order suspending the earlier restriction, the Board noted that a serious question of discrimination was presented by the proposal without apparent justification, and that the proposed rule changes also may be unduly preferential, unduly prejudicial, unjust, and unreasonable. Since the instant proposal raises the same issues, the Board has concluded that this proposal also should be investigated and suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule No. 15, to the extent applicable to Delta Air Lines, Inc., Youth Advance Reservation Fares, appearing on 9th, 10th, and 11th Revised Pages 15 of tariff CAB No. 98 issued by Airline Tariff Publishers, Inc., Agent, including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions of Rule No. 15 on 9th, 10th, and 11th Revised Pages 15 of tariff CAB No. 98 issued by Airline Tariff Publishers, Inc., Agent, are suspended and their use deferred to and including July 21, 1967, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceedings ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order be filed with the aforesaid tariff and be served upon Delta Air Lines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-4657; Filed, Apr. 26, 1967; 8:48 a.m.]

[1] Rule 15(c) of Airline Tariff Publishers, Inc., Local and Joint Passenger Fares Tariff No. PF–6, CAB No. 98.

[2] While this restriction is also applicable to the military furlough fares published in this tariff, it apparently would not affect the military fares since they are limited by their very nature to travel on authorized furlough, leave, or pass, or within 7 days after discharge. This order is therefore directed only to applicability of the restriction to Delta's youth fare passengers.

[1] Dissent of member Adams filed as part of the original document.

[Docket No. 17566]

TRANSAIR, LTD.

Notice of Prehearing Conference

Application for authority to operate charter flights with large aircraft between the United States and Canada.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on May 17, 1967, at 10 a.m., e.d.s.t., in Room 211, 1825 Universal Building, Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., April 21, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-4658; Filed, Apr. 26, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

RECONSIDERATION OF INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 201

Order Regarding Procedural Rules and Dates

The following rules of procedure have been served on each of the parties by certified mail. These rules will govern the below described proceeding only and are promulgated in conformance with 5 U.S.C. 553 and 23 CFR 215.19 pursuant to which the Federal Highway Administrator "may provide for such other or different rules of procedure as shall, in his judgment, best tend to promote the expeditious and orderly disposition of the issues raised by the petition."

Pursuant to section 103 of the National Traffic and Motor Vehicle Safety Act of 1966, Public Law 89–563 (15 U.S.C. 1392), by order dated January 31, 1967, the Initial Motor Vehicle Safety Standards were established and thereafter published in the FEDERAL REGISTER on February 3, 1967 (32 F.R. 2408). Adversely affected parties were permitted to petition for reconsideration on or before March 6, 1967, pursuant to 23 CFR 215.17. Twenty-seven petitions were received concerning Standard No. 201. By order dated March 29, 1967, the Federal Highway Administration consolidated those petitions related to Standard No. 201 (see appendix attached for list of petitioners and their mailing addresses) and ordered that a hearing on reconsideration be held.

In accordance with the intent of Congress that matters affecting motor vehicle safety be administered with all possible speed this order provides procedures under 23 CFR 215.19 to promote the expeditious and orderly disposition of the issues raised by the petitions.

Accordingly, it is ordered that a rulemaking proceeding pursuant to 5 U.S.C. 553 (formerly section 4 of the Administrative Procedure Act) be conducted. Mr. Russell A. Potter is appointed presiding officer for this proceeding. Communications to the presiding officer should be addressed to 1825 Connecticut Avenue NW., Room 729, Universal Building, Washington, D.C. The hearing will be held in accordance with the following schedule and procedure:

(1) On or before May 1, 1967, any party to this proceeding who wishes his position to be considered shall submit to the presiding officer and to each of the parties a brief statement of position showing the portions of Standard No. 201 to which he objects, the reasons for the position or objections, a statement of proposed issues, the kind of evidence he wishes to tender in support of the position or objections and a statement of what portion, if any, of the evidence he considers it essential to submit orally.

(2) Beginning May 4, 1967, the presiding officer shall hold a prehearing conference or conferences to (a) define and simplify issues, (b) seek methods to prevent duplication of efforts by the parties, e.g., arrange for the development of specified areas by a single counsel, and (c) determine the issues as to which cross-examination is essential. The presiding officer shall issue a report of prehearing conference, defining the issues and giving an account of the results of the conference. Such report shall constitute the official account of the conference and shall control the subsequent course of the proceeding, subject to the conditions outlined below, but may be modified at any time to protect the public interest or to prevent injustice.

(3) Copies of written direct testimony shall be furnished all parties and the presiding officer on or before May 12, 1967, in such numbers as the presiding officer shall direct.

(4) Copies of written rebuttal testimony shall be furnished all parties and the examiner on or before May 19, 1967, in such numbers as the presiding officer shall direct.

(5) Such cross-examination on direct and rebuttal evidence as the presiding officer deems appropriate shall be heard beginning May 23, 1967. The hearing shall be held in Washington, D.C. The parties are requested to complete this phase of the proceeding as quickly as possible. The presiding officer shall exclude repetitious examination or inquiry not relevant to the statements of position, and written evidence tendered by the parties.

(6) Briefs and recommended findings of fact may be filed within 10 days after examination of witnesses has been completed.

(7) Reply briefs will not be permitted.

(8) The presiding officer will submit to the Federal Highway Administrator recommended findings of fact as soon as possible after the submission of briefs.

(9) The parties may file written exceptions to the presiding officer's recommended findings with the Federal Highway Administrator within 10 days after their issuance.

(10) The Federal Highway Administrator may in his discretion order oral arguments.

(11) Standard No. 201 will remain in effect, be amended, revised, or revoked, by the Administrator on the basis of information produced in this proceeding, or produced prior to the issuance of Standard No. 201, and other relevant information.

This order is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392 and 1407); 23 CFR 215.19; and the delegation of authority of April 6, 1967. It shall be served on the petitioners or their designated agents by certified mail, return receipt requested.

Issued in Washington, D.C., on April 21, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

APPENDIX

Automotive Industrial Association, Kishimoto Building, 18,2-Chome, Marunouchi, Chiyoda-Ku, Tokyo, Japan.
Rolls-Royce, Ltd., Pyms Lane, Crewe, Cheshire, England.
Alfa Romeo, Societa per Azioni, Via Gattamelata, 45, C.C.I.A., Milano N. 65315, Italy.
Smiths Industries, Ltd., Motor Accessory Division, Witney, Oxon, England.
Societe Des Automobiles Simca, c/o Robert J. Conner, 1700 K Street N.W., Washington, D.C. 20006.
The Society of Motor Manufacturers and Traders, Halkin Street, London S.W. 1, England.
The Avanti Motor Corp., 613 South Michigan, South Bend, Ind.
The British Motor Corp./Hambro, Inc., 734 Grand Avenue, Ridgefield, N.J. 07657.
Ford Motor Co., The American Road, Dearborn, Mich.
American Motors Corp., 14250 Plymouth Road, Detroit, Mich. 48232.
SAAB Motors, Inc., 100 Waterfront Street, New Haven, Conn.
General Motors Corp., General Motors Technical Center, Warren, Mich. 48090.
Chrysler Corp., 341 Massachusetts Avenue, Highland Park, Mich.
The Rover Co., Ltd., c/o Walsh and Frish, 250 Park Avenue, New York, N.Y. 10017.
Automobile Manufacturers Asssociation, Inc., 320 New Center Building, Detroit, Mich. 48202.
Bayerische Motoren Werke, Aktiengesellschaft, 8 Munich, Germany.
Renault, Inc., c/o Mr. Daniel F. Lecomte, 750 Third Avenue, New York, N.Y. 10017.
Rootes Motors, Ltd., c/o Mr. Robert J. Conner, 1700 K Street NW., Washington, D.C. 20006.
Standard-Triumph Motor Co., Inc., 111 Galway Place, Teaneck, N.J.
Morgan Motors Co., Pickersleigh Road, Malvern Link, Worcestershire, England.
S.I.C.A. Peugeot, 75, Avenue de la Grande Armee, Paris XVI, France.
American Honda Motor Co., Inc., 100 West Alondra, Gardena, Calif. 90247.
Mercedes-Benz, Daimler-Benz of North America, Inc., 452 Hudson Terrace, Englewood Cliffs, N.J. 07632.
E–M–T Enterprises, Post Office Box 435, St. Louis, Mo. 63166.
Citroen Cars Corp., 641 Lexington Avenue, New York, N.Y. 10022.
Fiat Motor Co., Inc., 500 Fifth Avenue, New York, N.Y. 10036.
Robert Bosch, G.m.b.H., Postlach 50, 7000 Stuttgart 1, Germany.

[F.R. Doc. 67-4653; Filed, Apr. 26, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17302, 17303; FCC 67M–668]

BELL TELEPHONE COMPANY OF PENNSYLVANIA AND CONESTOGA TELEPHONE AND TELEGRAPH CO.

Order Rescheduling Hearing

In re applications of The Bell Telephone Co. of Pennsylvania, Docket No. 17302, File No. 1688–C2–P–66; for a construction permit to modify the facilities of Station KGA585 in the Domestic Public Land Mobile Radio Service at Philadelphia, Pa.; The Conestoga Telephone and Telegraph Co., Docket No. 17303; File No. 679–C2–P–66; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service near Boyertown, Pa.

On April 19, 1967, The Bell Telephone Co. of Pennsylvania filed a motion to enlarge the issues in this proceeding. In view of the contents of said pleading it is deemed appropriate that the dates now set for a prehearing conference and evidentiary hearing should be rescheduled.

Accordingly, *It is ordered,* That the prehearing conference now scheduled for April 27 be and the same is hereby rescheduled for June 2, 1967, 9 a.m., and the hearing now scheduled for May 29 be and the same is hereby rescheduled for July 6, 1967, 10 a.m., both to be held in the Commission's Offices, Washington, D.C.

Issued: April 24, 1967.

Released: April 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4663; Filed, Apr. 26, 1967; 8:49 a.m.]

[Docket Nos. 16110 etc.; FCC 67-656]

CIRCLE L, INC., ET AL.

Order Rescheduling Further Hearing

In re applications of Circle L, Inc., Reno, Nev., Docket No. 16110, File No. BP–15413; Southwestern Broadcasting Co. (KORK), Las Vegas, Nev., Docket No. 16111, File No. BP–15441; 780, Inc., Las Vegas, Nev., Docket No. 16113, File No. BP–16273; Albert John Williams and Jack M. Reeder, doing business as Radio Nevada, Las Vegas, Nev., Docket No. 16115, File No. BP–16524; for construction permits.

Pursuant to agreements reached at the further prehearing conference held on April 20, 1967: *It is ordered,* That the further hearing heretofore scheduled for May 31, 1967, is continued to June 27, 1967, at 10 a.m. in the offices of the Commission at Washington, D.C., with

exchange of Radio Nevada's proposed exhibits under the financial qualification issue now applicable to its proposal to be made by June 7, 1967, and notifications regarding (1) witnesses desired for cross-examination under this issue, and (2) records and documents for inspection in connection with the same issue, to be given to counsel for Radio Nevada by June 20, 1967.

Issued: April 20, 1967.

Released: April 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4665; Filed, Apr. 26, 1967; 8:49 a.m.]

[Docket Nos. 17316, 17317; FCC 67M-665]

ROVAN TELEVISION, INC., AND ROMAC MACON CORP.

Order After Prehearing Conference

In re applications of Rovan Television, Inc., Macon, Ga., Docket No. 17316, File No. BPCT-3571; Romac Macon Corp., Macon, Ga., Docket No. 17317, File No. BPCT-3684; for construction permit for new television broadcast station (Channel 24).

A prehearing conference in the above-entitled proceeding having been held April 20, 1967;

It is ordered, This 21st day of April 1967, that the hearing herein is hereby rescheduled at the parties' request and will convene at 10 a.m. on Monday, July 24, 1967, at the Commission's offices, Washington, D.C.; and

It is ordered further, That the hearing exhibits, prepared and identified as prescribed during the prehearing conference, will be exchanged amoung counsel (with one copy of each to the Hearing Examiner) by July 12; and that the transcript of the prehearing conference is hereby incorporated by reference herein for the guidance of the parties in their preparations for trial.

Released: April 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4666; Filed, Apr. 26, 1967; 8:49 a.m.]

SALTER BROADCASTING CO. (WBEL) ET AL.

Memorandum Opinion and Order Clarifying Issues

In re applications of Salter Broadcasting Co. (WBEL), South Beloit, Ill., Docket No. 17209, File No. BMP-11646; Great River Broadcasting, Inc., St. Louis, Mo., Docket No. 17210, File No. BP-16749; Prudential Broadcasting Co., St. Louis, Mo., Docket No. 17211, File No. BP-16752; Six-Eighty-Eight Broadcasting Co., St. Louis, Mo., Docket No. 17212, File No. BP-16753; St. Louis Broadcasting Co., St. Louis, Mo., Docket No. 17213, File No. BP-16755; Victory Broadcasting Co., Inc., St. Louis, Mo., Docket No. 17214, File No. BP-16758; Home State Broadcasting Corp., St. Louis, Mo., Docket No. 17215, File No. BP-16759; Archway Broadcasting Corp., St. Louis, Mo., Docket No. 17217, File No. BP-16761; Missouri Broadcasting, Inc., St. Louis, Mo., Docket No. 17219, File No. BP-16763; for construction permits.

1. The Hearing Examiner has under consideration: (1) "Joint Petition for Clarification of Issues" filed March 22, 1967, by Great River Broadcasting, Inc., and Missouri Broadcasting, Inc., (2) "Broadcast Bureau's Comments on Joint Petition for Clarification of Issues" filed March 27, 1967, (3) "Joint Opposition to Joint Petition for Clarification of Issues" filed April 13, 1967, by Prudential Broadcasting Co., Home State Broadcasting Corp., Six-Eighty-Eight Broadcasting Co., St. Louis Broadcasting Co., and Archway Broadcasting Corp (by their attorneys), and (4) "Response to Joint Opposition to Joint Petition for Clarification of Issues" filed April 17, 1967, by the petitioners.

2. The request is that the Hearing Examiner clarify the scope of Issue 15, relating to section 307(b), and Issue 16, the standard comparative issue. Petitioners submit that the evidence relative to the nighttime distinctions between the three types of applications in this case is admissible under both the 307(b) issue and the comparative issue. In the Hearing Examiner's past experience the Review Board and/or the Commission has appeared to favor the view of petitioners. The Broadcast Bureau favors the view of the petitioners. The thrust of the opposition is that the position of petitioners would permit a side-door entrance of the question of interference into the case, which question, the opposition alleges, has been ruled out by prior Commission action in this very matter.

3. The question may be rendered moot by action on other pleadings now before the Review Board. (These same petitioners had previously filed a joint petition to enlarge issues.) The Hearing Examiner does not know the status, timewise, of the petition before the Review Board. Nevertheless, the Review Board stated that even though a like pleading is before it in the same case, it would prefer a ruling from the Hearing Examiner before its own decision.

4. The Hearing Examiner trusts the aggrieved parties will take prompt appeal (if the Review Board has not acted) if they so desire so that the whole case may be expedited. The order to follow herein does not guarantee the competency or any specific weight to be accorded the evidence adduced.

It is ordered, That the joint petition of Great River Broadcasting, Inc., and Missouri Broadcasting, Inc., for clarification of issues is granted.

Issued: April 20, 1967.

Released: April 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4667; Filed, Apr. 26, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-297]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

APRIL 18, 1967.

Take notice that on April 12, 1967, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP67-297 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of volumes of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to transport and deliver volumes of natural gas for the account of Central Hudson Gas & Electric Corp. (Central) which will be delivered to it by Tennessee Gas Pipeline Co. (Tennessee) for Central's account. Tennessee will deliver the natural gas, 8,160 Mcf per day, to Applicant at the existing point of interconnection at Mahwah, N.J., and Applicant will deliver a like amount to Central at a proposed point of interconnection near Somers, N.Y. Central proposes to construct and operate approximately 26 miles of pipeline to connect its pipeline system with that of Applicant. Applicant states that Central would have to transport its natural gas 60 miles if it could not use Applicant's facilities, and further that Central's facilities are operating at or near capacity at the present time.

Applicant estimates the total cost for the interconnection facilities required to perform the abovementioned service at approximately $27,150. All other facilities will be constructed and paid for by Central.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 15, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4616; Filed, Apr. 26, 1967; 8:45 a.m.]

[Docket No. CI67-719]

HARRY C. BOGGS

Notice of Application for Abandonment of Sale

APRIL 18, 1967.

Take notice that on November 28, 1966, Harry C. Boggs, by his attorney, T. D. Kauffelt, Post Office Box 1383, Charleston, W. Va. 25325, filed an application pursuant to section 7 of the Natural Gas Act for authority to abandon a sale of natural gas in interstate commerce for resale, all as more fully described in the application which is on file with the Commission and open to public inspection. Applicant is presently engaged in a sale of natural gas to Consolidated Gas Supply Corp. in Roane County, W. Va. under Harry C. Boggs Rate Schedule No. 1. The Applicant's submittals assert that the acreage is productive. Consolidated Gas Supply Corp. states that it desires to continue purchasing Applicant's gas under the existing rate schedule.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 5, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4617; Filed, Apr. 26, 1967; 8:45 a.m.]

[Docket No. CP63-188]

CITIES SERVICE GAS CO.

Notice of Petition To Amend

APRIL 18, 1967.

Take notice that on April 10, 1967, Cities Service Gas Co. (Petitioner), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP63-188 a petition to amend the order issued by the Commission December 30, 1963, as amended October 15, 1964, and November 1, 1965, by authorizing an increase in the maximum operating storage pressure in Webb Storage Field, Grant County, Okla., and the acquisition of gas storage leasehold interests in acreage located adjacent to leasehold interests previously authorized for acquisition in Webb Field, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

In the above-mentioned order, as amended, Petitioner was authorized to construct, acquire, and operate certain natural gas facilities and to acquire certain leasehold interests and natural gas reserves in order to develop and operate as an underground natural gas storage field the Webb Gas Field, Grant County, Okla.

By the instant filing, Petitioner proposes the following changes in its authorization:

(1) Increase the maximum operating storage pressure in Webb Storage Field, Grant County, Okla., to 2,000 p.s.i.g., and

(2) Acquire natural gas storage leasehold interests in 240 acres in Grant County, Okla., which is located adjacent to leasehold interests previously authorized for acquisition in Webb Field.

Petitioner states that the proposed increase in maximum operating storage pressure will permit it to meet its scheduled annual withdrawals from said storage field and will enable it to meet the estimated peak day demands of its customers during the 1967-68 heating season and thereafter. Petitioner also states the proposed increase in pressure is required to expel encroached water from the storage reservoir to restore it to its original capacity.

Petitioner states further that the proposed acquisition of natural gas storage leasehold interests is necessary to enable it to maintain complete control of the Webb Field storage reservoir.

Petitioner estimates the total cost of the proposed acquisition of leasehold interests at $24,000, said cost to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 15, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4618; Filed, Apr. 26, 1967; 8:45 a.m.]

[Docket Nos. CS67-69 etc.]

LATE OIL CO. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

APRIL 19, 1967.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 11, 1967.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Date filed	Name of applicant
CS67-69	4- 7-67	Late Oil Co., Post Office Drawer 71, San Angelo, Tex. 76901.
CS67-70	4- 6-67	Jerome B. Rosenthal et al., c/o LeClair Operating Co., Inc., 310 North Willis, Abilene, Tex. 79603.
CS67-71	4-12-67	George J. Darneille, 5521 Bordley, Houston, Tex.
CS67-72	4-11-67	George A. Moberly, Post Office Box 629, Midland, Tex. 79701.
CS67-73	4-12-67	E. Constantin, Jr., 2807 Mercantile Bank Bldg., Dallas, Tex.

[F.R. Doc. 67-4619; Filed, Apr. 26, 1967; 8:45 a.m.]

[Docket No. CP67-294[

NORTHERN NATURAL GAS CO.

Notice of Application

APRIL 18, 1967.

Take notice that on April 10, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-294 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following natural gas facilities in lieu of the proposed upgrading of its "A" line which was deleted from Docket No. CP67-148; (1) approximately 10.3 miles of 30-inch loop north of Oakland, Iowa, and (2) approximately 15.7 miles of 36-inch loop north of Beaver, Okla.

Applicant estimates the total cost of the proposed construction at approximately $3,484,500, said cost to be financed from internal sources such as

reserve accruals, retained earnings and cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 15, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4620; Filed, Apr. 26, 1967; 8:45 a.m.]

[Docket No. CP67-295]

NORTHERN NATURAL GAS CO.

Notice of Application

APRIL 18, 1967.

Take notice that on April 10, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-295 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell and deliver to Farmland Industries, Inc. (Farmland), for use in its proposed ammonia fertilizer plant near Dodge City, Kans., 25,000 Mcf of natural gas per day on a firm basis. Said firm gas is to be used primarily for fuel, processing and as a raw material.

Applicant also seeks authority to construct and operate 15.7 miles of 36-inch loop north of its Beaver, Okla., compressor station and 32.2 miles of 14-inch O.D. pipe from its mainline to Farmland's proposed plant. A sales measuring station will also be constructed.

Applicant estimates the total cost of the proposed construction at approximately $3,795,300, said cost to be financed from internal sources such as reserve accruals, retained earnings and cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 15, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4621; Filed, Apr. 26, 1967; 8:45 a.m.]

[Docket No. CP66-349]

UNITED NATURAL GAS CO. AND IROQUOIS GAS CORP.

Notice of Petition To Amend

APRIL 18, 1967.

Take notice that on April 12, 1967, United Natural Gas Co., 308 Seneca Street, Oil City, Pa. 16301, and Iroquois Gas Corp., 10 Lafayette Square, Buffalo, N.Y. 14203 (Petitioners), filed in Docket No. CP66-349 a petition to amend the order issued by the Commission August 31, 1966, by extending the time in which the facilities authorized may be completed from January 1, 1968, to January 1, 1969, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

In the above-mentioned order, Petitioners were authorized to construct and operate certain natural gas facilities, said facilities to be placed in operation by January 1, 1968.

In the instant filing, Petitioners request the Commission to extend the time for the completion of the authorized facilities until January 1, 1969. Petitioners state that since the receipt of authority, they have been studying the possibility of purchasing an existing pipeline in place of constructing the proposed pipeline. They further state that while the study has been progressing, the advisability of purchasing and the date when the purchased pipeline would be available, is yet to be determined. Petitioners therefore request the Commission amend ordering Paragraph (D) of the above mentioned order as set forth above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 15, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4622; Filed, Apr. 26, 1967; 8:45 a.m.]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Trade Information Committee

[Docket No. 67-3]

SUPPLEMENTAL NOTICE OF ARTICLES TO BE CONSIDERED FOR TRADE AGREEMENT CONCESSIONS RESULTING FROM RECENT LEGISLATION RELATING PRINCIPALLY TO THE DUTY-FREE TREATMENT OF CERTAIN ARTICLES

Notice of Public Hearing

Timetable. A. Requests to present oral testimony must be received by Thursday, May 11, 1967.

B. Written briefs must be received by Saturday, May 13, 1967.

C. Hearing begins Saturday, May 13, 1967.

1. *Notice of public hearing.* Pursuant to section 223 of the Trade Expansion Act of 1962 (19 U.S.C. 1843), section 3(g) of Executive Order No. 11075 of January 15, 1963, as amended (48 CFR 1.3(g)), section 3 of Directive No. 1 of the Office of the Special Representative for Trade Negotiations (48 CFR 202.3), and section 2(a) of its Regulations (48 CFR 211.2(a)), the Trade Information Committee (hereinafter referred to as the Committee) in the Office of the Special Representative for Trade Negotiations has ordered a public hearing to be held concerning the supplemental notice of articles to be considered for trade agreement concessions (principally for the continuance of duty-free treatment), published April 26, 1967, by the President in the FEDERAL REGISTER (32 F.R. 6429) (hereinafter referred to as the supplemental notice).

2. *Subject matter of public hearing.* The subject matter of the public hearing will include any matter which pertains to the supplemental notice and is required to be heard by section 223 of the Trade Expansion Act of 1962 (19 U.S.C. 1843).

The supplemental notice provides that all articles for which the applicable rates of duty have been affected by certain specified legislation amending the Tariff schedules of the United States (TSUS) will be considered for trade agreement concessions (principally for the continuance of duty-free treatment) pursuant to the applicable provisions of the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.). Any interested person may present his views to the Committee concerning any article, the rate of duty for which has been affected by legislation amending the TSUS listed in the supplemental notice, whether or not classified under a TSUS item included in the list set out in that notice.

3. *Time and place of public hearing.* The public hearing will begin on Saturday, May 13, 1967. Information concerning the place of the hearing may be obtained from the Chairman of the Committee.

4. *Requests to present oral testimony.* All requests to present oral testimony must be received by the Chairman of the Committee not later than Thursday, May 11, 1967.

Requests to present oral testimony must conform with the Regulations of the Committee (48 CFR Part 211). Requests shall be submitted in an original and three copies and must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request on behalf of the party referred to in subparagraph (a);

(c) The description and TSUS item number (to the extent practicable) of the commodity or commodities in which the party has an interest;

(d) A brief indication of the interest of, and the position to be taken by, the party;

(3) The name, address, and telephone number of the person (or persons) who will present oral testimony; and

(f) The amount of time requested for the presentation of oral testimony, and if more than 15 minutes is requested, the reasons therefor.

Each party submitting a request will be notified of the Committee's disposition thereof. Each party whose request is granted will also be notified of the date on which he is scheduled to appear, the amount of time allotted for his presentation, and the place of the hearing. The Committee reserves the right to restrict the time allotted for the presentation of oral testimony. Any party whose request is denied will be notified of the reasons therefor.

5. *Submission of written briefs.* Any interested party may submit a written brief to the Committee concerning the subject matter of the public hearing. Each party presenting oral testimony must submit a brief. All briefs must be submitted not later than Saturday, May 13, 1967.

Briefs must conform with the Regulations of the Committee (48 CFR Part 211).

Each brief shall clearly designate, on the first page, the name and address of the party submitting the brief, the description and TSUS item number or numbers of the commodities to which the brief pertains, and the subject matter of the brief.

6. *Information exempt from public inspection.* Parties are referred to sections 7 and 8 of the Regulations of the Committee (48 CFR 211.7 and 211.8) for the provisions concerning information exempt from public inspection.

In particular, it should be noted that requests to present oral testimony should contain no confidential information, and that any requests marked "For Official Use Only" will not be accepted. In addition, every written brief must present in nonconfidential form, on separate pages, a statement of the party's position and supporting arguments sufficient to inform any other party of the arguments he must meet in order to oppose the position taken in the brief.

7. *Public inspection of written materials.* Subject to the Regulations of the Committee, and in particular sections 7 and 8 (48 CFR 211.7 and 211.8), all written materials filed with the Committee in connection with the hearing will be open to public inspection, by appointment, at the office of the Chairman, 1800 G Street NW., Washington, D.C. 20506. Transcripts of the hearing will also be available for inspection, but not for reproduction. Transcripts may be purchased from the official reporter.

8. *Communications.* All communications with regard to the hearing should be addressed to: Chairman, Trade Information Committee, Office of the Special Representative for Trade Negotiations, Room 723, 1800 G Street NW., Washington, D.C. 20506.

LOUIS C. KRAUTHOFF II,
Chairman.

[F.R. Doc. 67-4790; Filed, Apr. 26, 1967; 12:28 p.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2682, 7-2683]

AMP, INC., AND WELCH SCIENTIFIC CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 21, 1967.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange, for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
AMP, Inc.	7-2682
The Welch Scientific Co.	7-2683

Upon receipt of a request, on or before May 8, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4634; Filed, Apr. 26, 1967; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

APRIL 21, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 23, 1967, through May 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4635; Filed, Apr. 26, 1967; 8:46 a.m.]

[70-4479]

GULF POWER CO.

Notice of Issuance of Principal Amount of First Mortgage Bonds for Sinking Fund Purposes

APRIL 21, 1967.

Notice is hereby given that Gulf Power Co. ("Gulf"), 75 North Pace Boulevard, Pensacola, Fla. 32501, a public-utility subsidiary company of the Southern Co.,

a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Gulf proposes, on or prior to June 1, 1967, to issue $777,000 principal amount of its first mortgage bonds, 3¼ percent series due 1984, under the provisions of its indenture dated as of September 1, 1941, between Gulf and the Chase Manhattan Bank (N.A.) and the Citizens & Peoples National Bank of Pensacola, as trustees, as amended and supplemented, and to surrender such bonds to the trustees for cancellation in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on June 14, 1954 (Holding Company Act Release No. 12543), and are to be issued on the basis of property additions, thus making available for construction purposes cash which would otherwise be required to satisfy sinking fund provisions or to purchase bonds for such purpose.

The issuance of the bonds has been expressly authorized by the Florida Public Service Commission and it is stated that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be paid in connection with the proposed transaction are estimated at $1,000.

Notice is further given that any interested person may, not later than May 22, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4636; Filed, Apr. 26, 1967; 8:46 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

APRIL 21, 1967.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 23, 1967, through May 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4637; Filed, Apr. 26, 1967; 8:47 a.m.]

MERRILL LYNCH, PIERCE, FENNER AND SMITH, INC.

Notice of Application and Opportunity for Hearing

APRIL 20, 1967.

Notice is hereby given that Merrill Lynch, Pierce, Fenner and Smith, Inc. ("Merrill Lynch" or "Applicant"), 70 Pine Street, New York, N.Y. 10005, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act") for an order of the Commission exempting Merrill Lynch from the provisions of section 12(g) of the Act. Exemption from section 12(g) will have the effect of exempting Merrill Lynch from sections 13 and 14 of the Act and any officer, director or beneficial owner of more than 10 percent of any class of equity security of Merrill Lynch from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity security of every issuer which is engaged in interstate commerce or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding $1 million, and a class of security held of record by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Act if the Commission finds, by reasons of the number of public investors, amount of trading interest in securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

Merrill Lynch's application states, in part:

1. The company, a Delaware corporation, is a broker-dealer registered pursuant to section 15(b) of the Act and a member firm of the New York Stock Exchange (the "Exchange") as of December 31, 1966. It had outstanding 3,075,710 nonvoting shares owned by 505 persons and 2,997,100 voting shares owned by 143 persons out of a combined authorized total of 9 million. These shares are not listed on a national securities exchange and Applicant has never been required to file reports pursuant to section 13 or 15(d) of the Act.

2. a. Shareholders of voting stock are all officers or key employees, or their estates. A rule of the Exchange restricts the holding of voting stock of a member firm to members or allied members of the Exchange, actively engaged in the firm's business, or their estates.

b. Of the 505 shareholders of non-voting stock, 429 are currently employees (the firm has 10,000 employees). The remaining 76 are persons or entities that were either limited partners prior to incorporation in 1958 or voting shareholders who are no longer active in the business. An Exchange rule specifies that no one may become a shareholder of nonvoting stock until he submits a detailed application which must be reviewed and approved by the Board of Governors of the Exchange.

3. With a few exceptions, such as widows of deceased shareholders, shareholders are those who were partners when the firm was originally incorporated or were employees who were offered stock by the Chairman of the Board with the advice of senior management personnel as a recognition for past and anticipated future service. Initially they are offered nonvoting stock. Upon advancement in the firm, and provided they become Exchange members, they may be offered voting stock in exchange for their nonvoting stock.

4. The transferability of the shares is limited both by certain rules of the Exchange and by Applicant's charter. The following briefly summarizes some of these restrictions: Exchange rules restrict issuance or transfer by the issuer or any disposition by the shareholder without prior written approval of the Exchange; the Exchange requires every stockholder to contract with the issuer not to dispose of the stock in any way without Exchange approval; Merrill Lynch's charter gives it a 90 day option period to purchase (or designate purchasers of) any shares upon the happening of certain specified events such as a proposed disposition, resignation, retirement or death; and Applicant's good faith determination that it is desirable for its own welfare that a particular person cease being a stockholder. Applicant's practice has been to exercise its repurchase rights upon the occurrence of such events. The Exchange and Merrill Lynch both require that all certificates bear a legend summarizing these various transfer restrictions.

5. There is no public trading and consequently no market for the stock. Transfers, when approved, take place at net asset value determined as provided in the certificate of incorporation.

6. Subject to net capital requirements (which have never been applicable), a stockholder has the right at any time to require Merrill Lynch to buy back his shares at net asset value.

7. Applicant waives notice of, and opportunity for, a hearing in connection with this matter.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the office of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than May 11, 1967, submit to the Commission, in writing, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the persons submitting such information or requesting a hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued by the Commission unless an order for hearing upon said application be issued upon request or upon the Commission's own notice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4638; Filed, Apr. 26, 1967; 8:47 a.m.]

[70-4478]

MISSISSIPPI POWER CO.

Notice of Issuance of Principal Amount of First Mortgage Bonds for Sinking Fund Purposes

APRIL 21, 1967.

Notice is hereby given that Mississippi Power Co. ("Mississippi"), 2500 14th Street, Gulfport, Miss. 39501, a Maine corporation and a public-utility subsidiary of the Southern Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Mississippi proposes, on or prior to June 1, 1967, to issue $858,000 principal amount of its first mortgage bonds, 4⅝ percent Series due 1987, under the provisions of its indenture dated as of September 1, 1941, between Mississippi and Morgan Guaranty Trust Co. of New York, as trustee, as amended and supplemented, and to surrender such bonds to the trustee for cancellation in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on April 3, 1957 (Holding Company Act Release No. 13437), and are to be issued on the basis of property additions, thus making available for construction purposes cash which would otherwise be required to satisfy sinking fund provisions or to purchase bonds for such purpose.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed issuance of bonds. The fees and expenses to be incurred in connection with the proposed transaction are estimated at $1,000.

Notice is further given that any interested person may, not later than May 22, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4639; Filed, Apr. 26, 1967; 8:47 a.m.]

[File No. 7-2684]

NORTHEAST UTILITIES

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 21, 1967.

In the matter of application of the Boston Stock Exchange, for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Northeast Utilities, File No. 7-2684.

Upon receipt of a request, on or before May 8, 1967, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4640; Filed, Apr. 26, 1967; 8:47 a.m.]

[File No. 0-592]

PAKCO COS., INC.

Order Suspending Trading

APRIL 21, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Cos., Inc., and all other securities of Pakco Cos., Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 23, 1967, through May 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4641; Filed, Apr. 26, 1967; 8:47 a.m.]

FEDERAL REGISTER, VOL. 32, NO. 81—THURSDAY, APRIL 27, 1967

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

APRIL 21, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5¾ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period April 23, 1967, through May 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 67-4642; Filed, Apr. 26, 1967; 8:47 a.m.]

[File No. 1-4467]

SPORTS ARENAS, INC.

Order Suspending Trading

APRIL 21, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1 cent par value of Sports Arenas, Inc., and the 6 percent convertible debentures being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 23, 1967, through May 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVILLE L. DUBOIS, *Secretary*.

[F.R. Doc. 67-4643; Filed, Apr. 26, 1967; 8:47 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

APRIL 21, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 23, 1967 through May 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 67-4644; Filed, Apr. 26, 1967; 8:47 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

APRIL 21, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 23, 1967, through May 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 67-4645; Filed, Apr. 26, 1967; 8:47 a.m.]

NORTHERN INSTRUMENT CORP.

Order Suspending Trading

APRIL 21, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Northern Instrument Corp., Babylon, N.Y., and all other securities of Northern Instrument Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 22, 1967, through May 1, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 67-4655; Filed, April 26, 1967; 8:48 a.m.]

TARIFF COMMISSION

[TEA-221(b)-4]

PRESIDENT'S SUPPLEMENTAL LIST OF ARTICLES FOR POSSIBLE CONSIDERATION IN TRADE AGREEMENT NEGOTIATIONS

Notice of Investigation and Hearings

1. Tariff Commission public hearings will begin on May 13, 1967.

2. The final date for filing requests to testify at the Tariff Commission public hearings is May 11, 1967.

The President, pursuant to section 221(a) of the Trade Expansion Act of 1962 (hereinafter referred to as "the Act"), has furnished the U.S. Tariff Commission (hereinafter referred to as "the Commission") a supplemental list of articles (hereinafter referred to as the "President's list") to be considered for modification or continuance of U.S. duties or other import restrictions, or continuance of U.S. duty-free or excise treatment, in connection with trade-agreement negotiations to be conducted under the Act. The President's list was published in the FEDERAL REGISTER of April 26, 1967 (32 F.R. 6429).

I. *Investigation instituted.* In accordance with Part 205 of the Commission's Rules of Practice and Procedure, the Commission has instituted an investigation for the purpose of obtaining, to the extent practicable, information of the kind described in section 221(c) of the Act for use in connection with the preparation of advice to the President required by section 221(b) of the Act, namely, advice with respect to each article included in the President's list of the Commission's judgment as to the probable economic effect of modifications of duties or other import restrictions on industries producing like or directly competitive articles.

II. *Procedure for conduct of hearings and submission of written views.*

A. Public hearings in connection with the investigation will commence at 10 a.m., e.d.s.t., on Saturday, the 13th day of May 1967, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C.

1. Requests to appear at the public hearings must be filed in writing with the Secretary of the Commission on or before May 11, 1967. Such requests must contain the following information:

a. The item number or numbers in the Tariff Schedules of the United States covering the article or articles on which testimony will be presented.

b. The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

c. A statement indicating whether the testimony to be presented will be on behalf of importer or domestic-producer interests.

d. A careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearances the request is filed.

2. Notification of date of appearance. Persons who have properly filed requests to appear will be individually notified in advance of the date on which they will be scheduled to present oral testimony and of the time allotted for presentation of such testimony.

3. Written statements. Supplemental written statements will be allowed in all cases, and should be submitted at the time of presentation of oral testimony.

4. Questioning of witnesses will be limited to members of the Commission:

B. *Written information and views in lieu of appearance at the public hearings may be submitted by interested persons.* A signed original and nineteen true copies of such statements shall be submitted. Business data which it is desired shall be treated as confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential." All written statements, except for confidential business data, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements in lieu of appearance should be submitted at the earliest practicable date, but not later than May 13, 1967.

III. *Related hearings before the Trade Information Committee.* Published in the FEDERAL REGISTER concurrently with this notice is an announcement by the Trade Information Committee regarding public hearings to be held by the Committee on the articles included in the President's list, and on other matters, to begin on May 13, 1967. Oral testimony and written statements of interested persons received by the Commission in connection with its investigation for the purposes of section 221 of the Act will be made available by the Commission to the Trade Information Committee. Accordingly, as stated in the Trade Information Committee's notice, appearance before the Trade Information Committee for the purpose of submitting the same information, although permissible, will not be necessary.

IV. *Communications to be addressed to Secretary.* All communications regarding the Commission's investigation should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: April 26, 1967.

By direction of the U.S. Tariff Commission.

[SEAL] DONN N. BENT, *Secretary*.

[F.R. Doc. 67-4789; Filed, Apr. 26, 1967; 12:26 p.m.]

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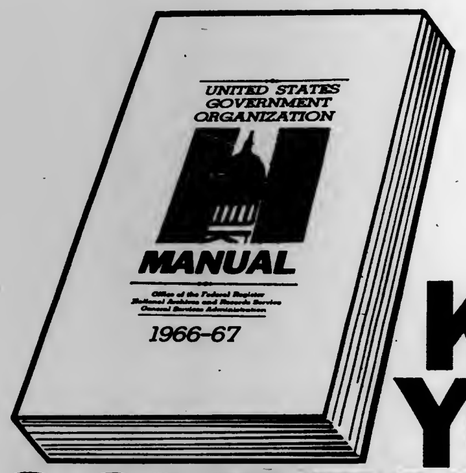
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Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

[Amdt. 4]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Revision in Maximum Reimbursement Rates

The regulations at 30 F.R. 14910 as amended at 31 F.R. 11743, 31 F.R. 14925, and 32 F.R. 4341, governing the operation of a Special Milk Program for children, are hereby amended to revise the maximum rates of reimbursement.

In § 215.7, paragraph (b) is revised to read as follows:

§ 215.7 Reimbursement payments.

* * * * *

(b) In pricing programs, the maximum rate of reimbursement shall be 4 cents per half pint in schools that serve Type A lunches under the National School Lunch Program and in schools that serve breakfasts under the School Breakfast Program, except that for the period May 1, through June 30, 1967 the maximum rate of reimbursement in such schools shall be 5 cents per half pint. For other schools and for child-care institutions having pricing programs, the maximum rate of reimbursement shall be 3 cents per half pint, except that for the period May 1, through June 30, 1967, the maximum rate of reimbursement in such schools and institutions shall be 4 cents per half pint. Schools and child-care institutions having pricing programs shall make maximum use of the reimbursement payments received under the program to reduce the price of milk to children. The full amount of the payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed 1 cent per half pint. Exceptions to this provision may be granted by the State agency, or the Consumer Food Programs District Office, C&MS, where applicable, in instances where the situation in a school or child-care institution justifies distribution costs above 1 cent per half pint, but in no case shall distribution costs be allowed above 1½ cents per half pint.

* * * * *

This amendment shall be effective upon publication.

Approved: April 25, 1967.

[SEAL] GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-4711; Filed, Apr. 27, 1967; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 13]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

TRANSFER OF COTTON ACREAGE AFFECTED BY NATURAL DISASTER

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to designate counties in California that have been affected by a natural disaster within the meaning of section 344 (n) of the act for the 1967 crop.

In order that determinations with respect to transfers of acreage for the 1967 crop may be made prior to the end of the cotton planting season, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.430 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended), is amended by adding a new paragraph (i) at the end thereof as follows:

§ 722.430 Transfer of farm cotton acreage effected by a natural disaster.

* * * * *

(i) *1967 crop—designated States and counties affected by a natural disaster.* It is hereby determined that a natural disaster consisting of flood or excessive rainfall in 1967 has prevented timely planting or replanting of a portion of the 1967 farm allotments on some farms in the following designated State and counties:

CALIFORNIA

Fresno.	Madera.
Kern.	Merced.
Kings.	Tulare.

(Secs. 344(n), 375; 78 Stat. 177, 52 Stat. 66, as amended; 7 U.S.C. 1344(n), 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 25, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-4733; Filed, Apr. 27, 1967; 8:49 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 63]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

MISCELLANEOUS AMENDMENTS

The regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, are hereby further amended as follows:

Section 750.156(d) is amended by adding a new subparagraph (4) to read as follows:

* * * * *

§ 750.156 Conservation reserve contract.

(d) * * *

(4) If the sale or lease of all or any part of a cotton allotment under section 344a of the Agricultural Adjustment Act of 1938, as amended, occurs during a period in which the farm is covered by a conservation reserve contract, the contract shall be subject to an appropriate adjustment in accordance with instructions issued by the Deputy Administrator, but no adjustment shall be made in the contract of the farm to which the allotment is transferred.

* * * * *

Section 750.157(b)(1) is amended by adding at the end thereof the following:

§ 750.157 Designation and use of conservation reserve.

* * * * *

(b) * * *

(1) * * * Notwithstanding any other provision of this subparagraph, the conservation reserve may be planted (i) in the last year of the contract period to small fruit or bush fruit and (ii) in the last 3 years to nut trees, orchard, and vineyard crops.

* * * * *

Section 750.187 *Incorrect information furnished by the Government,* is amended to read as follows:

§ 750.187 Performance based upon advice or action of county or State committee.

The provisions of Part 790 of this chapter relating to performance based upon action or advice of an authorized representative of the Secretary shall be applicable to the conservation reserve program.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 24, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-4735; Filed, Apr. 27, 1967; 8:49 a.m.]

[Amdt. 28]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1960

MISCELLANEOUS AMENDMENTS

The regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, are hereby further amended as follows:

Section 750.511 is amended by adding a new paragraph (c) to read as follows:

§ 750.511 Modification and termination of contracts.

* * * * *

(c) If the sale or lease of all or any part of a cotton allotment under section 344a of the Agricultural Adjustment Act of 1938, as amended, occurs during a period in which the farm is covered by a conservation reserve contract, the contract shall be subject to an appropriate adjustment in accordance with instructions issued by the Deputy Administrator, but no adjustment shall be made in the contract of the farm to which the allotment is transferred.

Section 750.513(b)(1) is amended by adding at the end thereof the following:

§ 750.513 Designation and use of conservation reserve.

* * * * *

(b) * * *

(1) * * * Notwithstanding any other provision of this subparagraph, the conservation reserve may be planted (i) in the last year of the contract period to small fruit or bush fruit and (ii) in the last 3 years to nut trees, orchard, and vineyard crops.

* * * * *

Section 750.541 *Incorrect information furnished by the Government*, is amended to read as follows:

§ 750.541 Performance based upon advice or action of county or State committee.

The provisions of Part 790 of this chapter relating to performance based upon action or advice of an authorized representative of the Secretary shall be applicable to the conservation reserve program.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 24, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-4736; Filed, Apr. 27, 1967; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.8, Amdt. 1]

PART 815—ALLOTMENT OF DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Calendar Year 1967

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act") for the purpose of amending Sugar Regulation 815.8 (32 F.R. 40), which established allotments of the direct-consumption portion of the 1967 mainland quota for Puerto Rico.

This amendment of S.R. 815.8 is necessary to substitute final 1966 data on entries of direct-consumption sugar for estimates of such quantities, and to give effect to Sugar Regulation 811, Amendment 3 (32 F.R. 4015) which established the direct-consumption portion of the 1967 mainland quota for Puerto Rico of 156,000 short tons, raw value, a quantity 3,000 tons greater than the quantity previously established. This order also allots the entire direct-consumption portion of the 1967 quota. Previous 1967 allotments were limited to 90 percent of such quota.

The substitution of final data for estimates of 1966 direct-consumption entries in finding (7) results in the 1962–66 average annual marketings and 1962–66 highest annual marketings as follows, which are used herein in determining the allotments:

Allottee	Average annual marketings 1962–66		Highest annual marketings 1962–66	
	Short tons raw value (1)	Percent of total (2)	Short tons raw value (3)	Percent of total (4)
Central Aguirre Sugar Co., a trust	5,939	3.9534	6,913	4.4227
Central Roig Refining Co	20,719	13.7921	21,883	14.0001
Central San Francisco	1,040	.6923	1,578	1.0096
Puerto Rican American Sugar Refinery, Inc	98,700	65.7019	101,511	64.9488
Western Sugar Refining Co	23,826	15.8603	24,421	15.6238
Total	150,224	100.0000	156,306	100.0000

Findings heretofore made by the Secretary in the course of this proceeding (32 F.R. 40) provide that this order shall be revised without further notice or hearing for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with paragraph (c) of § 815.8 of this chapter, it is hereby ordered that paragraph (a) of § 815.8 be amended to read as follows:

§ 815.8 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1967.

(a) *Allotments.* The direct-consumption portion of the 1967 mainland sugar quota for Puerto Rico, amounting to 156,000 short tons, raw value, is hereby allotted as follows:

Allottee	*Direct-consumption allotment (short tons, raw value)*
Central Aguirre Sugar Co., a trust	6,532
Central Roig Refining Co	21,674
Central San Francisco	1,327
Puerto Rican American Sugar Refinery, Inc	101,884
Western Sugar Refining Co	24,563
Liquid sugar reserve for persons other then named above	30
Total	156,000

* * * * *

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 205, 207, 209; 61 Stat. 926, 927, 928; 7 U.S.C. 1115, 1117, 1119)

Effective date. Allotments established in this order for all allottees are larger than the allotments established in S.R. 815.8 (32 F.R. 40). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement in 5 U.S.C. 553 (80 Stat. 378) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 24th day of April 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-4734; Filed, Apr. 27, 1967; 8:49 a.m.]

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 873.19; Suppl.]

PART 873—SUGARCANE; FLORIDA

Finding and Designation of Price of Raw Sugar for 1966 Crop

Pursuant to the provisions of the Sugar Act of 1948, as amended, and the authority contained in 7 CFR 873.19(a) (31 F.R. 13748), § 873.19 is amended by adding at the end of subparagraph (1) of paragraph (a) thereof the following sentence.

§ 873.19 Fair and reasonable prices for the 1966 crop of Florida sugarcane.

* * * * *

(a) *Definitions.* For the purpose of this section the term:

(1) * * * Pursuant to the foregoing provisions of this subparagraph, the Director of the Policy and Program Appraisal Division has determined that the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange No. 7 domestic contract does not reflect the true market value of raw sugar because trading under such contract has become minimal and the spot price quotations thereunder will cease in the near future; and he designates the daily spot price quotation for raw sugar of the New York Coffee and Sugar Exchange No. 10 domestic contract to be the price which will reflect the true market value of raw sugar for the 1966-crop raw sugar to be sold on and after April 28, 1967.

* * * * *

Statement of bases and considerations. Paragraph (a) of S.D. 873.19, Fair and Reasonable Prices for the 1966 crop of Florida sugarcane, defines the "price of raw sugar" as the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange No. 7 domestic contract, except that if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that such price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, he may designate the price to be effective under this section which he determines will reflect the true market value of raw sugar. Paragraph (b) of such determination provides that the basic price for sugarcane purchased by a processor from producers shall be not less than $1.09 per ton of standard sugarcane for each 1-cent per pound of the season's average price of raw sugar. The "Season's average price of raw sugar" is defined as (i) the weighted average price of raw sugar for the months in which 1966-crop sugar is delivered to the purchaser, determined by weighting the simple average of the daily prices of raw sugar for each month in which sugar is delivered to the purchaser by the quantity of 1966-crop raw sugar or raw sugar equivalent delivered during each corresponding month, or (ii) the average price of raw sugar received by a processor who disposes of all of his sugar under a single contract with a refiner.

On November 21, 1966, the New York Coffee and Sugar Exchange began trading in a new domestic contract designated as No. 10. The new contract added quality standards to the polarization standard provided in contract No. 7. The daily spot quotations for the No. 7 and No. 10 contracts have been identical for each day since trading began in the new contract. In recent weeks trading in the No. 7 contract has become minimal and will cease altogether when the existing open positions of the No. 7 futures contract are liquidated.

Accordingly, the "price of raw sugar" as defined in paragraph (a) of Part 873 shall be determined by using the daily spot price quotations of the No. 10 contract beginning with the effective date of this amendment.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153; Sec. 301, 61 Stat. 929, as amended, 7 U.S.C. 1131, 7 CFR 873.19)

Effective date: Date of publication.

Signed at Washington, D.C., on April 25, 1967.

J. M. THOMPSON,
Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-4710; Filed, Apr. 27, 1967; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 991—HOPS OF DOMESTIC PRODUCTION

Subpart—Administrative Rules and Regulations

HANDLING

Notice was published in the April 12, 1967, issue of the FEDERAL REGISTER (32 F.R. 5838) regarding a proposal based upon the unanimous recommendation of the Hop Administrative Committee to issue Administrative Rules and Regulations with respect to waiving, for the 1968 crop, the requirement that producers make a bona fide effort to produce their annual allotment, transfers of allotment bases, and reporting requirements. The subpart is operative pursuant to Marketing Order No. 991 (7 CFR Part 991; 31 F.R. 9713, 10072), regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. The deadline for filing such comments expired April 19, 1967, and comments were received within the prescribed time from one handler of hops and from an attorney representing a handler of hops. Both requested a modification of proposed § 991.160(a) so that the time by which handlers are required to file a report of their acquisitions of hops to the Committee be extended from 1 business day, as was proposed in the notice, to a more realistic time. Accordingly, an appropriate change is made in the provision to provide 10 business days for filing of such report. The attorney requested in his submission that proposed § 991.138a with respect to waiving for 1968, the requirement that producers make a bona fide effort to produce their annual allotment not be issued. Petitioner contended that said proposal would make marketing policy considerations inaccurate, and could cause an inadequate supply of hops being made available for consumption. However, § 991.36 provides that subsequent to marketing policy considerations, the Committee shall, prior to August 1, review its marketing policy and, if conditions warrant, recommend an appropriate increase in the salable quantity. Also, the reserve pool provisions, § 991.40, permit releasing of pooled reserve hops to handlers when necessary to meet domestic and export trade demand. In view of the appropriate stabilization provisions in the marketing order and the unlikely need for increased stocks of hops, the request is denied.

After consideration of all relevant matter presented, including that in the notice, the written data, views, or arguments submitted pursuant to the notice, the information and recommendations submitted by the Hop Administrative Committee and other available information, it is hereby found that the issuance, as hereinafter set forth, of the Subpart—Administrative Rules and Regulations, is in accordance with this part and will tend to effectuate the declared policy of the act.

Therefore, Subpart—Administrative Rules and Regulations shall be as follows:

Subpart—Administrative Rules and Regulations

Sec.
991.138a Waiver of requirement as to production of annual allotment—1968 crop.
991.146 Transfer of allotment bases.
991.160 Reports.

AUTHORITY: The provisions of this subpart issued under Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 991.138a Waiver of requirement as to production of annual allotment—1968 crop.

Pursuant to § 991.38(a)(5), the requirements therein for a producer to make a bona fide effort to produce the annual allotment referable to his allotment base is waived for the 1968 crop for all producers.

§ 991.146 Transfer of allotment bases.

(a) Whenever a producer transfers all or part of his allotment base to another person, the annual allotment referable to such transferred base shall be issued to the transferee for the 1967–68 marketing year only if such transfer is made prior to the issuance of an annual allotment to the transferor or prior to May 1, 1967, whichever is earlier, and for the 1968–69 and subsequent marketing years such date shall be April 1.

(b) Whenever a transfer is made of an allotment base, in whole or in part, to another person, or a producer acquires an additional allotment base, no annual allotment on such transfer or acquisition shall be issued by the Committee until both the transferring and the acquiring producer surrender their allotment base certificates for such adjustment and reissuance as is indicated by the transfer. The reissued certificates shall show the original allotment base plus or minus, as appropriate, the adjustment.

§ 991.160 Reports.

(a) Each handler shall, with respect to each lot of hops acquired from a producer, file a report with the Committee on HAC Form No. 1, not later than the close of the 10th business day following such acquisition, showing (1) date of acquisition, (2) name of the producer, (3) name of handler, (4) grower number and lot number, (5) inspection certificate number, (6) handler lot identification number, (7) variety of the hops, and (8) number of bales acquired, including the gross and net weights of such bales. The handler shall cause the report to be signed by the producer, or his agent, and shall also be signed by the handler, or his agent, and shall be accompanied by the applicable weight certificate showing the weight of each bale of hops acquired.

(b) Each handler shall, at the time he acquires hops from a producer, record on the back of such producer's annual allotment certificate the date, name of handler, the number and net weight of the bales of hops acquired, and the cumulative weight.

(c) Each producer-handler not delivering his reserve hops by the closing date for pooling, shall report to the Committee, within 5 business days after the closing date of such pools, the quantity, quality, variety, and location of such reserve hope held by him and such other information as is requested by the Committee.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that: (1) This action should become effective promptly so that producers may plan cultural practices accordingly; (2) the provision applicable to transfers requires certain actions, if applicable, to be completed prior to May 1, 1967; (3) handlers should not need any additional time to prepare for or conduct operations under these provisions; and (4) no useful purpose would be served by delaying the effective time hereof.

Dated: April 25, 1967.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 67-4738; Filed, Apr. 27, 1967; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. F]

PART 206—SECURITIES OF MEMBER STATE BANKS

Registration of Additional Class of Securities of a Bank

1. Effective April 20, 1967, § 206.4(a) is amended to read as follows:

§ 206.4 Registration statements and reports of banks.

(a) *Requirement of registration statement.* Securities of a bank shall be registered under the provisions of either section 12(b) or section 12(g) of the Act by filing a statement in conformity with the requirements of Form F–1 (or Form F–10, in the case of registration of an additional class of securities). No registration shall be required under the provisions of section 12(b) or section 12(g) of the Act of any warrant or certificate evidencing a right to subscribe to or otherwise acquire a security of a bank if such warrant or certificate by its terms expires within 90 days after the issuance thereof.

* * * * *

2. Effective April 20, 1967, the following is added:

§ 206.46 Form for registration of additional class of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F–10).

FORM F–10—REGISTRATION STATEMENT FOR ADDITIONAL CLASSES OF SECURITIES OF A BANK

PURSUANT TO SECTION 12(b) OR SECTION 12(g) OF THE SECURITIES EXCHANGE ACT OF 1934

(Exact name of bank as specified in charter)

(Address of principal office)

Securities being registered pursuant to section 12(b) of the Act:

Title of class	*Name of each exchange on which class is being registered*

Title of each class of equity securities being registered pursuant to section 12(g) of the Act:

GENERAL INSTRUCTIONS

1. *Applicability of This Form.*

This form may be used for registration of the following securities pursuant to the Securities Exchange Act of 1934:

(a) For registration pursuant to section 12(g) of the Act of any class of equity securities of a bank which has one or more other classes of securities registered pursuant to either section 12 (b) or (g) of the Act.

(b) For registration on a national securities exchange pursuant to section 12(b) of the Act of any class of securities of a bank which has one or more other classes of securities so registered on the same securities exchange.

2. *Preparation of Registration Statement.* This form is not to be used as a blank form to be filled in but only as a guide in the preparation of a registration statement. Particular attention should be given to the general requirements in section 206.4 of Federal Reserve Regulation F. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted if the answers with respect thereto are prepared in the manner specified in section 206.4(a).

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1. Stock To Be Registered.

If stock is being registered, state the title of the class and furnish the following information (see Instruction 1):

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions, and (8) liability to further calls or to assessment.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the bank while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. If a description of the securities comparable to that required here is contained in any other document filed with the Board, such description may be incorporated by reference to such other filing in answer to this item. If the securities are to be registered on a national securities exchange and the description has not previously been filed with such exchange, copies of the description shall be filed with copies of the registration statement filed with the exchange.

2. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct résumé is required.

3. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the securities to be registered.

Item 2. Debt Securities To Be Registered.

If the securities to be registered hereunder are bonds, debentures or other evidences of indebtedness, outline briefly such of the following as are relevant (see Instruction 2 below):

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement.

(b) Provisions with respect to the kind and priority of any lien, securing the issue, together with a brief identification of the principal properties subject to such lien.

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

Instruction 1. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

(e) The name of the trustee and the nature of any material relationship with the bank or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

(f) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.

Instruction 2. In most cases, debt securities issued by banks need not be registered pursuant to section 12(g) of the Securities Exchange Act; the registration requirements of that section apply only to an "equity security". The term "equity security" is defined by section 3(a)(11) of the Act to mean "any stock or similar security; or any security convertible, with or without consideration, into such a security; or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the (Board) shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as it may prescribe in the public interest or for the protection of investors, to treat as an equity security."

Instruction 3. The instructions to Item 1 also apply to this item.

Item 3. Other Securities To Be Registered.

If securities other than those referred to in Items 1 and 2 are to be registered hereunder, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, and the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 1 also apply to this item.

Item 4. Exhibits.

List all exhibits filed as a part of the registration statement.

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

Date ----------

Name of Bank

By ----------

(Name and Title of Signing Officer)

INSTRUCTIONS AS TO EXHIBITS

Subject to section 206.4(c) of Regulation F regarding the incorporation of exhibits by reference, the exhibits enumerated hereinafter shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits in Item 4.

1. Specimens or copies of each security to be registered hereunder.

2. Copies of all constituent instruments defining the rights of the holders of each class of such securities, including any contracts or other documents which limit or qualify the rights of such holders.

2a. The purpose of these amendments is to authorize use of a simplified form for registration of additional classes of securities of a member State bank where most of the information necessary for the protection of investors in securities of the bank is already publicly available.

b. Notice of proposed rule making with respect to the new form (§ 206.46) was published for comment in the FEDERAL REGISTER of March 21, 1967 (32 F.R. 4316). No notice was published with respect to the amendment to § 206.4(a), which formally authorizes use of the new form. The amendments were adopted by the Board after consideration of all relevant material, including communications received from interested persons. The effective date was not deferred for the 30-day period referred to in section 553(d), Title 5, United States Code, because the amendments have the effect of alleviating the requirements of the general rule with respect to the form for registration of securities.

Dated at Washington, D.C., this 20th day of April 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-4683; Filed, Apr. 27, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 8127; Amdt. 39-406]

PART 39—AIRWORTHINESS DIRECTIVES

Martin Models 202, 202A, and 404 Series Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on April 20, 1967, and made effective immediately, by telegram, to all known operators of Martin Models 202, 202A, and 404 Series airplanes. Because of reports of additional cracking in the wing outer panel lower front spar cap and failure of the outer panel closing rib, the directive requires inspection of these areas within the next 15 hours' time in service and thereafter at intervals not to exceed 200 hours' time in service. This would supersede AD 59–26–5 which covers similar inspections.

Since it was found that corrective action was required within a very short time, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of the airplanes. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, § 39.13 is amended by adding the following airworthiness directive:

MARTIN 202, 202A, and 404 SERIES AIRPLANES.

(a) Within the next 15 hours' time in service after the effective date of this AD unless already accomplished within the last 185 hours' time in service, and thereafter at intervals not to exceed 200 hours' time in service from the last inspection, inspect the following areas in both outer wing panel front spars located at 25 percent of the wing chord for cracks using X-ray or dye penetrant with a glass of at least 10 power, or an FAA approved equivalent inspection.

(1) The lower spar cap in a region 3 inches long from the outer panel closing rib outboard.

(2) The spar web inboard of the outer panel closing rib between the rib and the splice bolts.

(3) The vertical angle that attaches this web to the outer panel closing rib.

(b) If a crack is found, before further flight replace the cracked part with a part of the same part number that has been inspected in accordance with (a) and found free of cracks or with an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) Equivalent inspections may be approved by an FAA maintenance inspector.

(d) All fuel must be drained before X-ray inspection because of lead in the gasoline.

(e) Upon request of the operator, the Chief, Engineering and Manufacturing Branch, FAA Eastern Region may increase the compliance times specified in this AD if the request contains substantiating data submitted through an FAA maintenance inspector to justify the increase for that operator.

(f) This airworthiness directive supersedes AD 59–26–5.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective by telegram dated April 20, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 24, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-4689; Filed, Apr. 27, 1967; 8:46 a.m.]

[Docket No. 7523; Amdts. 47-3, 49-3]

PART 47—AIRCRAFT REGISTRATION

PART 49—RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

Miscellaneous Amendments

The purpose of this action is to dispose of the proceedings instituted by

Federal Aviation Agency notice of proposed rule making 66–27, Changes in Certain FAA Aircraft Registry Procedures (31 F.R. 10282; Docket 7523). Notice 66–27 proposed to limit the activities of the FAA Aircraft Registry to those essential to the discharge of its legally required functions, for the purposes of simplifying and speeding procedures and further increasing the efficiency and reducing the operating costs of the Registry. The principal specific proposals were (1) severance, to the extent possible, of the interrelationship between aircraft registration and recordation of rights in aircraft; (2) permitting registration to continue (for purposes other than operation of the aircraft) in a former owner's name as long as title remained in a U.S. citizen, and correspondingly permitting recordation of documents indicating ownership in a U.S. citizen other than the holder of the last-issued registration certificate; and (3) discontinuation of the "chain of title" requirement. The notice set forth the actual changes proposed in the text of the regulations and explained them in detail.

Certain comments received indicated a belief that the Agency intended the proposed changes to diminish the nationwide notice effect of recordation under section 503(d) of the Federal Aviation Act (49 U.S.C. 1403(d)), and the protection from unrecorded prior claims that section 503(c) (49 U.S.C. 1403(c)) affords to persons acquiring rights in aircraft without actual knowledge of those claims. These changes were not intended, and the FAA has no authority under the Federal Aviation Act to make them. Contrary to suggestions in other comments, the FAA has no authority to require the recording of a lien by a holder in any case in which section 503 (c) and (d) does not induce him to record it.

A number of comments were received that expressed disagreement with the proposals on practical grounds and as a matter of policy. These comments indicated considerable sentiment in the aviation community for an increase rather than a decrease in the level of its services the FAA should perform in this area. Thus, several comments suggested that FAA should issue title certificates or prima facie evidence of title as do the motor vehicle departments of some States. Other comments suggested implementation of section 503(g) of the Federal Aviation Act, which authorizes (but does not require) the Administrator to provide for the endorsement of title information on aircraft certificates and for other facilitation of determining rights in aircraft.

The comments received almost unanimously opposed the proposal to eliminate the chain of title requirement. The proposal to allow aircraft to remain registered in the name of a former owner for nonoperative purposes drew more opposition than support, and the proposal to sever the connection between registration and recordation of rights was also opposed by many of the comments.

In light of these comments, the FAA has determined that a further study of these matters is necessary before determining what policy it will adopt. If, after further study of the matter, the FAA determines to propose further changes to the rules in this area it will issue a new notice of proposed rule making. Those parts of Notice 66–27 that are not adopted as rules by this action are hereby withdrawn.

However, the proposed amendments to §§ 47.13 and 47.47 are substantially adopted at this time. At present § 47.13 (d) requires submission of a copy of an authorization from the Board of Directors of a corporation if a person other than the president, vice president, treasurer, or secretary signs for the corporation, and this requirement is made applicable to the recordation of conveyances by § 49.13(b). The notice proposed deletion of the requirement for submission of an authorization from the Board of Directors and acceptance by the Registry of a conveyance signed by any "authorized person" who has any "title" of an "office" in the corporation. One comment opposed this change on the ground that it could mislead third persons to rely on the action of an agent of a corporation who is actually exceeding his authority. In light of this comment § 47.13(d) is amended to extend the present rule applicable to the four named corporate officers to all persons holding a corporate office or managerial position in the corporation, but not to outside agents.

The proposed amendment of § 47.47(b) is being adopted so far as it codifies the existing practice protecting lien holders in compliance with the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830) of which the United States is a member.

In addition, as an editorial matter, §§ 47.19 of Part 47 and 49.11 of Part 49 are amended to reflect the correct address of the FAA Registry.

(Sec. 313, Title V, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1401 et seq.)

In consideration of the foregoing, FAR Parts 47 and 49 (14 CFR Parts 47 and 49) are amended, effective June 1, 1967, as set forth below.

Issued in Washington, D.C., on April 24, 1967.

WILLIAM F. MCKEE,
Administrator.

1. Section 47.13 is amended by amending paragraph (a), subdivision (1) of subparagraph (3) of paragraph (d), and subparagraph (3) of paragraph (e), to read as follows:

§ 47.13 Signatures and instruments made by representatives.

(a) Each signature on an Application for Aircraft Registration, on a request for cancellation of a Certificate of Aircraft Registration or on a document submitted as supporting evidence under this part, must be in ink.

* * * * *

(d) * * *

(3) * * *

(1) The signer is a corporate officer or holds a managerial position in the corporation and the title of his office is stated in connection with his signature; or

* * * * *

(e) * * *

(3) Have a general partner sign the application or request.

* * * * *

2. Section 47.19 is amended to read as follows:

§ 47.19 FAA Aircraft Registry.

Each application, request, notification, or other communication sent to the FAA under this part must be mailed to the FAA Aircraft Registry, Post Office Box 25082, Oklahoma City, Okla. 73125, or delivered to the Registry at 6400 South MacArthur Boulevard, Oklahoma City, Okla.

3. Section 47.47 is amended by amending paragraph (b), and adding a new paragraph (c), to read as follows:

§ 47.47 Cancellation of certificate for export purpose.

* * * * *

(b) If the aircraft is to be exported to a foreign country that has ratified or adheres to the Convention on the International Recognition of Rights in Aircraft, the holder must also submit evidence satisfactory to the Administrator that each holder of a recorded right has been satisfied, or has consented to the transfer.

(c) The FAA notifies the country to which the aircraft is to be exported of the cancellation by ordinary mail, or by airmail at the owner's request. The owner must arrange and pay for the transmission of this notice by means other than ordinary mail or airmail.

4. Section 49.11 is amended to read as follows:

§ 49.11 FAA Aircraft Registry.

To be eligible for recording, a conveyance must be mailed to the FAA Aircraft Registry, Post Office Box 25082, Oklahoma City, Okla. 73125, or delivered to the Registry at 6400 South MacArthur Boulevard, Oklahoma City, Okla.

[F.R. Doc. 67–4690; Filed, Apr. 27, 1967; 8:46 a.m.]

[Airspace Docket No. 67–WE–23]

SUBCHAPTER E—AIRSPACE

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

A rule was published in the FEDERAL REGISTER on June 17, 1966 (31 F.R. 8492), that altered the description of the Burbank, Calif., control zone (ASD 66–WE–42). This action was necessitated by the proposed decommissioning of the Glendale, Calif., radio beacon and the redesignation of the control zone extension, southeast of the radio beacon, utilizing the 112° radial of the Van Nuys, Calif., VOR. A recent review of the Burbank, Calif., control zone has revealed that the correct radial should be the 111° T (096° M) radial of the Van Nuys, Calif., VOR, and action is taken herein to reflect this change.

Since this change is minor in nature, public notice and procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth:

In § 71.171 (32 F.R. 2080) the description of the Burbank, Calif., control zone is amended by deleting "* * * 112° * * *" where it appears in the text, and substituting "* * * 111° * * *", therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on April 19, 1967.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67–4693; Filed, Apr. 27, 1967; 8:46 a.m.]

[Airspace Docket No. 67–CE–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On February 21, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3102) stating that the Federal Aviation Administration proposed to designate controlled airspace in the Valparaiso, Ind., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

VALPARAISO, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Porter County Airport (latitude 41°27'10" N., longitude 87°00'20" W.) and within 2 miles each side of the 077° bearing from Porter County Airport extending from the 5-mile radius area to 8 miles east of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on April 14, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67–4698; Filed, Apr. 27, 1967; 8:46 a.m.]

[Airspace Docket No. 67–SO–49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Albany, Ga. (Turner AFB), control zone.

The Albany (Turner AFB) control zone is described in § 71.171 (32 F.R. 2071).

An extension to the control zone is described as "* * * within 2 miles each side of the 222° radial of the Turner VOR, extending from the 5-mile radius zone to the VOR * * *".

Because of the scheduled decommissioning of the Turner VOR on April 20, 1967, it is necessary to alter the control zone by revoking the above described extension.

Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 20, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Albany, Ga. (Turner AFB), control zone is amended to read:

Within a 5-mile radius of Turner AFB (latitude 31°35'50" N., longitude 84°05'05" W.); within 2 miles each side of the Turner AFB TACAN 038° radial, extending from the 5-mile radius zone to 10 miles northeast of the TACAN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on April 18, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67–4694; Filed, Apr. 27, 1967; 8:46 a.m.]

[Airspace Docket No. 67–CE–6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On February 21, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3102) stating that the Federal Aviation Administration proposed to alter controlled airspace in the Minneapolis, Minn., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the Minneapolis, Minn., transition area is amended to read:

MINNEAPOLIS, MINN.

That airspace extending upward from 700 feet above the surface within a 23-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'06" N., longitude 93°13'11" W.); within 5 miles north and 8 miles south of the Flying Cloud, Minn., VOR 292° radial, extending from the 23-mile radius area to 12 miles west of the VOR; and within 5 miles each side of the St. Paul, Minn., VOR 037° radial, extending from the 23-mile radius to 13 miles northeast of the VOR; that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Minneapolis-St. Paul International Airport; within 9 miles southwest and 6 miles northeast of the Farmington, Minn., VOR 297° radial extending from the 36-mile radius area to 48 miles northwest of the VOR; that airspace west of Farmington, Minn., bounded on the south by V–26, on the northwest by V–148 and on the northeast by V–171; and that airspace west of Minneapolis bounded on the north by V–78, on the south by V–148 and on the southwest by V–171; and that airspace extending upward from 5,000 feet MSL east of Minneapolis bounded on the southeast by V–26, on the southwest by V–2N, and on the north by V–78.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on April 14, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67–4695; Filed, Apr. 27, 1967; 8:46 a.m.]

[Airspace Docket No. 67–CE–59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition areas at Oshkosh, Wis.; Dubuque, Iowa; Springfield, Ill.; Vandalia, Ill.; Grandview, Mo.; Kansas City, Mo.; St. Joseph, Mo.; Sedalia, Mo.

The Oshkosh, Wis., transition area is described in § 71.181 (32 F.R. 2148), and is presently designated, in part, with reference to Federal airway V–255.

The Dubuque, Iowa, transition area is described in § 71.181 (32 F.R. 2148), as amended March 11, 1967 (32 F.R. 3972), and is presently designated, in part, with reference to Federal airway V–63.

The Springfield, Ill., transition area is described in § 71.181 (32 F.R. 2148), and is presently designated, in part, with reference to Federal airway V–233.

The Vandalia, Ill., transition area is described in § 71.181 (32 F.R. 2148), and is presently designated, in part, with reference to Federal airway V–210.

The Grandview, Mo.; Kansas City, Mo.; St. Joseph, Mo.; and Sedalia, Mo., transition areas are described in § 71.181 (32 F.R 2148), and are presently designated, in part, with reference to Federal airway V–205.

Effective June 22, 1967, as specified in Airspace Docket No. 67–WA–41, V–255 from Dells, Wis., to Stevens Point, Wis., will be renumbered V–177; V–63 from Charlotte, Iowa, to Janesville, Wis., will be renumbered V–216; V–233 from the Capital VOR to the Cordova VOR will be renumbered V–129; V–210 from Kansas City, Mo., to Indianapolis, Ind., will be revoked; and V–205 from Walnut Ridge, Ark., to Sioux City, Iowa, will be renumbered V–159. Alteration of the eight transition areas referred to herein is necessary to reflect these airway changes.

Since this amendment is minor in nature and imposes no additional burden

on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition areas are amended as follows:

(1) The description of the Oshkosh, Wis., transition area is amended by deleting "V–255" each place it appears in the text and substituting "V–177" therefor.

(2) The description of the Dubuque, Iowa, transition area is amended by deleting "V–63" each place it appears in the text and substituting "V–216" therefor.

(3) The description of the Springfield, Ill., transition area is amended by deleting "V–233" each place it appears in the text and substituting "V–129" therefor.

(4) The description of the Vandalia, Ill., transition area is amended by deleting "V–210" each place it appears in the text.

(5) The description of the Grandview, Mo., transition area is amended by deleting "V–205" each place it appears in the text and substituting "V–159" therefor.

(6) The description of the Kansas City, Mo., transition area is amended by deleting "V–205" each place it appears in the text and substituting "V–159" therefor.

(7) The description of the St. Joseph, Mo., transition area is amended by deleting "V–205" each place it appears in the text and substituting "V–159" therefor.

(8) The description of the Sedalia, Mo., transition area is amended by deleting "V–205" each place it appears in the text and substituting "V–159" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on April 17, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67–4696; Filed, Apr. 27, 1967; 8:48 a.m.]

[Airspace Docket No. 67–CE–3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On February 21, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3101) stating that the Federal Aviation Administration proposed to designate controlled airspace in the Trenton, Mo., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

TRENTON, Mo.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Trenton, Mo. Municipal Airport (latitude 40°05'00" N., longitude 93°35'25" W.) and within 2 miles each side of the 172° bearing from Trenton Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 172° bearing from Trenton Municipal Airport, extending from the airport to 12 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on April 14, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67–4697; Filed, Apr. 27, 1967; 8:46 a.m.]

[Airspace Docket No. 66–EA–27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of Federal Airways, Designation and Alteration of Controlled Airspace, and Alteration of Restricted Areas

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to designate Restricted Areas R–4005, R–4006, and R–4007, at Patuxent River, Md., as joint use-restricted areas, to designate a control zone at Patuxent River and to reflect these changes in the descriptions of affected airways and controlled airspace.

These changes are the result of an airspace team review the FAA conducted at Patuxent Naval Air Station, Md. The Department of the Navy has agreed to these amendments. The changes will allow public use of these areas when they are not being used for the purpose for which they are designated and will provide controlled airspace for terminal operations at the Patuxent River Naval Air Station when the area is released to the controlling agency. Since all of these actions are necessary to enable the Navy to release restricted airspace for public use, they will reduce the burden upon the public, therefore notice and public procedure thereon are unnecessary and the amendments may be made effective on less than 30 days notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective immediately, as hereinafter set forth.

Section 71.123 (32 F.R. 2009, 1144) is amended as follows:

1. In V–31 delete "The airspace within R–4007 is excluded."
2. In V–33 delete "The airspace within R–4007 is excluded."
3. In V–93 delete "The airspace within R–4005, R–4006, and R–4007 is excluded."
4. In V–213 delete "The airspace within R–4005, R–4006, and R–4007 is excluded."

Section 71.151 (32 F.R. 2061) is amended by adding:

1. R–4005 Patuxent River, Md.
2. R–4006 Patuxent River, Md.

Section 71.171 (32 F.R. 2071) is amended by adding:

PATUXENT RIVER, MD.

Within a 5-mile radius of NAS Patuxent River Airport (latitude 38°17'15" N., longitude 76°24'30" W.); within 2 miles each side of the Patuxent River VOR 043° radial extending from the 5-mile radius zone to 7 miles northeast of the VOR; within 2 miles each side of the Patuxent River VOR 234° radial extending from the 5-mile radius zone to 7.5 miles southwest of the VOR and within a ½-mile radius of Park Hall, Md., Airport (latitude 38°13'30" N., longitude 76°26'30" W.).

Section 71.181 (32 F.R. 2148) is amended as follows:

1. In Norfolk, Va., delete "excluding the portions within R–4006, R–5309, R–6606, R–6609, R–5301B, W–386, and the portion below 2,000 feet MSL outside the United States." and substitute therefor "excluding the portion within R–5301B, R–5309, R–6606, R–6609, W–386, and the portion below 2,000 feet MSL outside the United States."
2. In NAS Patuxent River, Md., delete "The portions within R–4002, R–4005, R–4006, R–4007, and R–6609 are excluded." and substitute therefor "The portions within R–4002 and R–6809 are excluded."
3. In Salisbury, Md., delete "The portion within R–4006 is excluded."

Section 73.40 (32 F.R. 2313) is amended as follows:

1. In R–4005 Patuxent River, Md., add to the text "Controlling agency: Federal Aviation Administration Washington ARTC Center."
2. R–4006 Patuxent, Md., is amended as follows:

a. Delete the caption "Patuxent, Md.," and substitute therefor "Patuxent River, Md."

b. In the text, add "Controlling agency: Federal Aviation Administration Washington ARTC Center."

3. R–4007 Patuxent, Md., is amended as follows:

a. Delete the caption "Patuxent, Md.," and substitute therefor "Patuxent River, Md."

b. In the text, add "Controlling agency: Federal Aviation Administration Washington ARTC Center."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 20, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67–4692; Filed, Apr. 27, 1967; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8106; Amdt. 533]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Walnut Ridge VOR	Batesville, Ark., RBn	Direct	2500	T–dn C–dn A–dn	300–1 700–1 NA	300–1 700–1 NA	200–1½ 700–1½ NA

Procedure turn N side of crs, 100° Outbnd, 280° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing Batesville RBn, turn right, climb to 2300'; hold E of Batesville RBn on bearing 100°—280° bearing inbnd, 1-minute right turns.
NOTE: Use Walnut Ridge, Ark., altimeter setting.
MSA within 25 miles of facility: 000°180°—1700'; 180°–360°—2600'.

City, Batesville; State, Ark.; Airport name, Batesville Municipal; Elev., 464'; Fac. Class., MHW; Ident., BVX; Procedure No. NDB(ADF)–1, Amdt. Orig.; Eff. date, 20 May 67

CRP VOR	CRP RBn	Direct	1600	T–dn C–dn A–dn	300–1 600–1 800–2	300–1 600–1 800–2	200–½ 600–1½ 800–2

Radar available.
Procedure turn N side of crs, 030° Outbnd, 210° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 216°—2.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles after passing RBn, turn left, intercept CRP VOR, R 182° and proceed to Pogo Int climbing to 2000'.
MSA within 25 miles of facility: 000°–090°—1400'; 090°–180°—1400'; 180°–270°—2100'; 270°–360°—1400'.

City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 43'; Fac. Class., SBH; Ident., CRP; Procedure No. NDB(ADF)–1, Amdt. 5; Eff. date, 20 May 67; Sup. Amdt. No. ADF 2, Amdt. 4; Dated, 14 May 66

MYS VOR Nadine Int	Fort Knox RBn Fort Knox RBn	Direct Direct	2600 2600	T–dn C–dn S–dn–17 A–dn	300–1 600–1 400–1 800–2	300–1 600–1 400–1 800–2	200–½ 800–1½ 400–1 800–2

Radar available.
Procedure turn W side of crs, 353° Outbnd, 173° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 173°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing FTK RBn, make a climbing right turn to 2600', crs 266° to MYS VOR.
Hold NE 1-minute right turns, 212° Inbnd.
NOTE: Authorized for military use only except by prior arrangement.
MSA within 25 miles of facility: 000°–090°—3000'; 090°–180°—2800'; 180°–270°—2100'; 270°–360°—2100'.

City, Fort Knox; State, Ky.; Airport name, Godman AAF; Elev., 753'; Fac. Class., MH; Ident., FTK; Procedure No. NDB(ADF) Runway 17, Amdt. 4; Eff. date, 20 May 67; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 30 Apr. 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Chill Int	MFI H	Direct	3200	T-dn	300-1	300-1	200-½
Junction City Int	MFI H	Direct	3200	C-d	600-1	600-1	600-1½
				C-n	600-1½	600-1½	600-1½
				S-dn-5	500-1	500-1	500-1
				A-dn	NA	NA	NA

Procedure turn S side of crs, 213° Outbnd, 033° Inbnd, 3200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1761′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of H, make right-climbing turn to 3200′, return to H, hold SW on 213° magnetic bearing from H.
NOTE: Use Wausau, Wis., altimeter setting.
CAUTION: 1378′ stack, ½-mile N of airport.
MSA within 25 miles of facility: 270°–180°—2900′; 180°–270°—2500′.

City, Marshfield; State, Wis.; Airport name, Marshfield Municipal; Elev., 1261′; Fac. Class., MHW; Ident., MFI; Procedure No. NDB (ADF) Runway 5, Amdt. 1; Eff. date, 20 May 67; Sup. Amdt. No. ADF 1, Orig.; Dated, 23 June 66

PLN VOR	PLN RBn	Direct	2400	T-dn	300-1	300-1	200-½
				C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2
				Minimums with ADF/VOR receivers:			
				C-d	800-1	800-1	800-1½
				C-n	600-2	600-2	600-2
				S-dn-32	500-1	500-1	500-1

Procedure turn E side of crs, 135° Outbnd, 315° Inbnd, 2400′ within 10 miles.
Minimum altitude over Cedar Int on final approach crs, 1520′.
Facility on airport. Crs and distance, Cedar Int to airport, 315°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing PLN RBn, climb to 2400′ on 315° crs and return to PLN RBn.
CAUTION: 1326′ tower, 2.8 miles SW of airport.
MSA within 25 miles of facility: 000°–360°—2600′.

City, Pellston; State, Mich.; Airport name, Emmet County; Elev., 720′; Fac. Class., BMH; Ident., PLN; Procedure No. NDB (ADF) Runway 32, Amdt. 9; Eff. date, 20 May 67; Sup. Amdt. No. ADF 1, Amdt. 8; Dated, 7 Jan. 67

PAE VOR	BF LOM	Direct	2200	T-dn	300-1	300-1	200-1¼
SEA VOR	BF LOM	Direct	3000	C-d	800-1	800-1	800-1½
Burton VHF Int	BF LOM	Direct	3000	C-n	800-2	800-2	800-2
Lofall VHF Int	BF LOM	Direct	2200	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′; over LMM, 1000′.
Crs and distance, facility to airport, 128°—6.4; LMM to airport, 128°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing BF LOM, climb straight ahead to intercept the 000° bearing from SE LOM, thence turn right, climb to 2000′ direct to SE LOM.
MSA within 25 miles of facility; 000°–180°—5500′; 180°–270°—6800′; 270°–360°—6100′.

City, Seattle; State, Wash.; Airport name, King County (Boeing Field); Elev., 17′; Fac. Class., LOM; Ident., BF; Procedure No. NDE (ADF) Runway 13, Amdt. 7; Eff. date, 20 May 67; Sup. Amdt. No. ADF 1, Amdt. 6; Dated, 9 July 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	NA
				C-dn	700-1	700-1	NA
				S-dn-10	700-1	700-1	NA
				A-dn	800-2	800-2	NA

Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 5000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3200′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb on R 108° to 5000′ within 10 miles and return to the BKW VOR, hold W, 1-minute right turns, 108° Inbnd.
CAUTION: Precipitous terrain underlying this procedure, turbulence of varying intensities may be encountered.
MSA within 25 miles of facility: 000°–090°—5200′; 090°–180°—5200′; 180°–270°—4800′; 270°–360°—4500′.

City, Beckley; State, W. Va.; Airport name, Raleigh County Memorial; Elev., 2504′; Fac. Class., H-BVOR; Ident., BKW; Procedure No. VOR Runway 10, Amdt. 3, Eff. date, 20 May 67; Sup. Amdt. No. Ter VOR R 288°, Amdt. 2; Dated, 25 May 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CRP RBn	CRP VOR	Direct	2000	T-dn	300-1	300-1	200-½
Taft Int	CRP VOR (final)	Direct	1600	C-dn	700-1	700-1	700-1¼
				S-dn-17°	700-1	700-1	700-1¼
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 011° Outbnd, 191° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 191°—7.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing CRP, VOR turn left, intercept CRP VOR R 182° and proceed to Pogo Int, climbing to 2000′.
*Reduction of landing visibility not authorized.
MSA within 25 miles of facility: 000°–090°—1400′; 090°–180°—1400′; 180°–270°—2100′; 270°–360°—1500′.

City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 42′; Fac. Class., H-BVORTAC; Ident., CRP; Procedure No. VOR Runway 17, Amdt. 12; Eff. date, 20 May 67; Sup. Amdt. No. VOR 1, Amdt. 11; Dated, 14 May 66

MYS VOR	FTK VOR	Direct	2600	T-dn	300-1	300-1	200-½
Nadine Int	FTK VOR	Direct	2600	C-dn	800-1	800-1	800-1½
				S-dn-15	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 326° Outbnd, 146° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1260′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing FTK VOR, make a climbing right turn to 2600′, crs 266° to MYS VOR. Hold NE, 1-minute right turns, 212° Inbnd.
NOTE: Authorized for military use only except by prior arrangement.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—2300′; 180°–270°—2100′; 270°–360°—2100′.

City, Fort Knox; State, Ky.; Airport name, Godman AAF; Elev., 753′; Fac. Class., T-VOR; Ident., FTK; Procedure No. VOR Runway 15, Amdt. 4; Eff. date, 20 May 67; Sup. Amdt. No. Ter VOR-15, Amdt. 3; Dated, 30 Apr. 66

MYS VOR	FTK VOR	Direct	2600	T-dn	300-1	300-1	200-½
Nadine Int	FTK VOR	Direct	2600	C-dn	800-1	800-1	800-1½
				S-dn-17	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				If FTK RBn received following minimums apply:			
				S-dn-17	400-1	400-1	400-1

Radar available.
Procedure turn W side of crs, 004° Outbnd, 184° Inbnd, 2300′ within 10 miles.
Minimum altitude over FTK RBn on final approach crs, 1260′.
Facility on airport; crs and distance, FTK RBn to VOR, 184°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing FTK VOR, make a climbing right turn to 2600′, crs 266° to MYS VOR. Hold NE, 1-minute right turns, 212° Inbnd.
NOTE: Authorized for military use only except by prior arrangement.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—2300′; 180°–270°—2100′; 270°–360°—2100′.

City, Fort Knox; State, Ky.; Airport name, Godman AAF; Elev., 753′; Fac. Class., T-VOR; Ident., FTK; Procedure No. VOR Runway 17, Amdt. 4; Eff. date, 20 May 67; Sup. Amdt. No. Ter VOR-17, Amdt. 3; Dated, 30 Apr. 66

MYS VOR	FTK VOR	Direct	2600	T-dn	300-1	300-1	200-½
Nadine Int	FTK VOR	Direct	2600	C-dn	800-1	800-1	800-1½
				S-dn-35	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 166° Outbnd, 346° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1260′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing FTK VOR, make a climbing left turn to 2600′, crs 266° to MYS VOR. Hold NE, 1-minute right turns, 212° Inbnd.
NOTE: Authorized for military use only except by prior arrangement.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—2300′; 180°–270°—2100′; 270°–360°—2100′.

City, Fort Knox; State, Ky.; Airport name, Godman AAF; Elev., 753′; Fac. Class., T-VOR; Ident., FTK; Procedure No. VOR Runway 35, Amdt. 3; Eff. date, 20 May 67; Sup. Amdt. No. Ter VOR-35, Amdt. 2; Dated, 18 Sept. 65

RDR VOR	GFK VOR	Direct	2500	T-dn	300-1	300-1	200-½
R 270°, GFK VOR clockwise	R 357°, GFK VOR	Via 9-mile DME Arc.	2500	C-dn	700-1	700-1	700-1½
				S-dn-17	700-1	700-1	700-1
R 095°, GFK VOR counterclockwise	R 357°, GFK VOR	Via 9-mile DME Arc.	2200	A-dn	800-2	800-2	800-2
				Minimums with DME or dual VOR receivers:			
9-mile DME Fix, R 357°	2.5-mile DME Fix, R 357° (final) (Donna Int)	Direct	1542	C-dn	400-1	400-1	500-1½
				S-dn-17	400-1	400-1	400-1

Radar available.
Procedure turn E side of crs, 357° Outbnd, 177° Inbnd, 2300′ within 10 miles.
Minimum altitude over Donna Int or 2.5-miles DME Fix on final approach crs, 1542′.
Facility on airport.
If visual contact not established upon decent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2400′ on R 164° within 10 miles return to VOR and hold S, 344° Inbnd, right turns.
2400-¾ authorized with operative HIRL except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–360°—2400′.

City, Grand Forks; State, N. Dak.; Airport name, Grand Forks International; Elev., 842′; Fac. Class., L-BVORTAC; Ident., GFK; Procedure No. VOR Runway 17, Amdt. 2; Eff. date, 20 May 67; Sup. Amdt. No. Ter VOR-17, Amdt. 1; Dated, 3 Dec. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
RDR VOR	GFK VOR	Direct	2500	T-dn	300-1	300-1	200-½
R 071°, GFK VOR clockwise	R 164°, GFK VOR	Via 9-mile DME Arc.	2400	C-dn	500-1	500-1	500-1½
				S-dn-8	500-1	500-1	500-1
R 270°, GFK VOR counterclockwise	R 164°, GFK VOR	Via 9-mile DME Arc.	2500	A-dn	800-2	800-2	800-2
				Minimums with DME or dual VOR receivers:			
9-miles DME Fix, R 164°	3.6-miles DME Fix, R 164° (final) (Polly Int)	Direct	1342	C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1

Radar available.
Procedure turn E side of crs, 164° Outbnd, 344° Inbnd, 2400' within 10 miles.
Minimum altitude over Polly Int or 3.6-miles DME Fix on final approach crs, 1342'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR climb to 2400' on R 357° within 10 miles, return to VOR and hold S, 344° Inbnd, right turns.
2400-¾ authorized with operative HIRL or REIL except for 4-engine turbojets.
MSA within 25 miles of facility: 000°-360°—2400'.

City, Grand Forks; State, N. Dak.; Airport name, Grand Forks International; Elev., 842'; Fac. Class., L-BVORTAC; Ident., GFK; Procedure No. VOR Runway 35, Amdt. 2; Eff. date, 20 May 67; Sup. Amdt. No. Ter VOR-35, Amdt. 1; Dated, 3 Dec. 66

Belton Int	HLR VOR	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	NA	NA	NA

Procedure turn E side of crs, 210° Outbnd, 030° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport 030°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 miles after passing HLR VOR, turn right, climbing to 2500' and return to HLR VOR, or when directed by ATC, climb to 2500' on R 030° within 7 miles.
NOTE: Right turn on missed approach must be executed in time to avoid R-6302.
MSA within 25 miles of facility: 000°-090°—2500'; 090°-180°—2400'; 180°-270°—2700'; 270°-360°—2400'.

City, Killeen; State, Tex.; Airport name, Killeen Municipal; Elev., 846'; Fac. Class., L-VORW; Ident., HLR; Procedure No. VOR Runway 1, Amdt. 2; Eff. date, 20 May 67; Sup. Amdt. No. VOR-1, Amdt. 1; Dated, 1 Oct. 66

				T-d	300-1	300-1	200-½
				C-d	900-2	900-2	1000-2
				A-d	NA	NA	NA
				Following minimums authorized when Marfa altimeter setting is received before commencing approach:			
				C-d	400-1	500-1	500-1½
				S-d-30	400-1	400-1	400-1
				A-d	NA	NA	NA

Procedure turn S side of crs, 133° Outbnd, 313° Inbnd, 8000' within 10 miles.
Minimum altitude over facility on final approach crs, 6200'.
Crs and distance, facility to airport, 313°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing MRF VOR, turn left, climb to 8000' direct to MRF VOR, hold SE on R 133°, left turns, 313° Inbnd.
NOTES: (1) If initial arrival over MRF VOR is above 8000', descend to 8000' in holding pattern SE of MRF VOR on R 133°, left turns, 313° Inbnd. (2) Weather service not available. Use Wink altimeter setting when Marfa altimeter setting not available.
MSA within 25 miles of facility: 000°-180°—7900'; 180°-270°—6800'; 270°-360°—9400'.

City, Marfa; State, Tex.; Airport name, Municipal; Elev., 4846'; Fac. Class., L-BVOR; Ident., MRF; Procedure No. VOR Runway 30, Amdt. Orig.; Eff. date, 20 May 67

R 305°, MOT VOR counterclockwise	R 247°, MOT VOR	Via 10-mile DME Arc.	3200	T-dn%	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
R 209°, MOT VOR clockwise	R 220°, MOT VOR	Via 10-mile DME Arc.	4100	S-dn-8	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2
R 220°, MOT VOR clockwise	R 247°, MOT VOR	Via 10-mile DME Arc.	3200	Minimums with DME or radar:			
				C-dn	500-1	500-1	500-1½
10-mile DME Fix, R 247°	4-mile DME Fix, R 247° (final)	Direct	2423	S-dn-8	500-1	500-1	500-1

Radar available.
Procedure turn S side of crs, 247° Outbnd, 067° Inbnd, 3200' within 10 miles.
Minimum altitude over 4-mile DME Fix or Radar Fix on final approach crs, 2423'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MOT VOR climb to 3200' on R 084° within 10 miles.
CAUTION: Runways 18/36 unlighted.
%When weather is less than 500-1, aircraft departing Runways 8 and 12, climb to 2700' on R 116° prior to proceeding southbound. Aircraft departing Runways 18 and 26, climb to 2700' on R 247° prior to proceeding southbound due to towers S of the airport.
MSA within 25 miles of facility: 000°-090°—3200'; 090°-270°—4200'; 270°-360°—3600'.

City, Minot; State, N. Dak.; Airport name, Minot International; Elev., 1723'; Fac. Class., L-BVORTAC; Ident., MOT; Procedure No. VOR Runway 8, Amdt. 1; Eff. date, 20 May 67; Sup. Amdt. No. TerVOR-8, Orig.; Dated, 8 Dec. 66

R 151°, MOT VOR counterclockwise	R 084, MOT VOR	Via 7-mile DME Arc.	3400	T-dn%	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
7-mile DME Fix, R 084°	MOT VOR (final)	Direct	2123	S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side of crs, 084° Outbnd, 264° Inbnd, 3200' within 10 miles.
Minimum altitude over facility on final approach crs, 2123'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MOT VOR, climb to 3200' on R 247°, within 10 miles.
CAUTION: Runways 18/36 unlighted.
%When weather is less than 500-1, aircraft departing Runways 8 and 12, climb to 2700' on R 116° prior to proceeding southbound. Aircraft departing Runways 18 and 26, climb to 2700' on R 247° prior to proceeding southbound due to towers S of the airport.
MSA within 25 miles of facility: 000°-090°—3200'; 090°-270°—4200'; 270°-360°—3600'.

City, Minot; State, N. Dak.; Airport name, Minot International; Elev., 1723'; Fac. Class., L-BVORTAC; Ident., MOT; Procedure No. VOR Runway 26, Amdt. 1; Eff. date, 20 May 67; Sup. Amdt. No. Ter VOR-26, Orig.; Dated, 8 Dec. 66

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MOT VOR	4-mile DME Fix, R 314°	Direct	3300	T-dn%	300-1	300-1	200-½
R 258°, MOT VOR clockwise	R 314°, MOT VOR	Via 10-mile DME Arc.	3600	C-dn	500-1	500-1	500-1½
				S-dn-12	500-1	500-1	500-1
10-mile DME Fix, R 314°	4-mile DME Fix, R 314° (final)	Direct	2700	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 314° Outbnd, 134° Inbnd, 3300' between 4- and 14-mile DME Fix, R 314°.
Minimum altitude over 4-mile DME Fix or Radar Fix on final approach crs, 2700'.
Crs and distance, 4-mile DME Fix to airport, 134°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MOT VOR, climb to 3300' on R 116° within 10 miles.
CAUTION: Runways 18/36 unlighted.
%When weather is less than 500-1, aircraft departing Runways 8 and 12, climb to 2700' on R 116° prior to proceeding southbound. Aircraft departing Runways 18 and 26, climb to 2700' on R 247° prior to proceeding southbound due to towers S of the airport.
MSA within 25 miles of facility: 000°-090°—3200'; 090°-270°—4200'; 270°-360°—3600'.

City, Minot; State, N. Dak.; Airport name, Minot International; Elev., 1723'; Fac. Class., L-BVORTAC; Ident., MOT; Procedure No. VOR/DME Runway 12, Amdt. 1; Eff. date, 20 May 67; Sup. Amdt. No. VOR/DME-2, Orig.; Dated, 8 Dec. 66

MOT VOR	3.3-mile DME Fix, R 116°	Direct	3300	T-dn%	300-1	300-1	200-½
R 151°, MOT VOR counterclockwise	R 116, MOT VOR	Via 10-mile DME Arc.	3400	C-dn	500-1	500-1	500-1½
				S-dn-30	400-1	400-1	400-1
R 060°, MOT VOR clockwise	R 116°, MOT VOR	Via 10-mile DME Arc.	3400	A-dn	800-2	800-2	800-2
10-mile DME Fix, R 116°	3.3-mile DME Fix, R 116° (final)	Direct	2500				

Radar available.
Procedure turn E side of crs, 116° Outbnd, 296° Inbnd, 3300' between 3.3- and 13.3-mile DME Fix, R 116°.
Minimum altitude over 3.3-mile DME Fix or Radar Fix on final approach crs, 2500'.
Crs and distance, 3.3-mile DME Fix to airport, 296°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MOT VOR, climb to 3400' on R 314° within 10 miles.
CAUTION: Runways 18/36 unlighted.
%When weather is less than 500-1, aircraft departing Runways 8 and 12, climb to 2700' on R 116° prior to proceeding southbound. Aircraft departing Runways 18 and 26, climb to 2700' on R 247° prior to proceeding southbound due to towers S of the airport.
MSA within 25 miles of facility: 000°-090°—3200'; 090°-270°—4200'; 270°-360°—3600'.

City, Minot; State, N. Dak.; Airport name, Minot International; Elev., 1723'; Fac. Class., L-BVORTAC; Ident., MOT; Procedure No. VOR/DME Runway 30, Amdt. 1; Eff. date, 20 May 67; Sup. Amdt. No. VOR/DME-1, Orig.; Dated, 8 Dec. 66

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Mentor Int	LOM	Direct	2300	T-dn	300-1	300-1	300-1
Strongsville Int	LOM	Direct	3000	C-dn‡	700-1	700-1	700-1½
Vermillion Int	LOM	Via SUM RBn	2400	S-dn-24R&L*	600-1	600-1	600-1
				A-dn‡	800-2	800-2	800-2

Radar available.
Procedure turn NW side of crs, 062° Outbnd, 242° Inbnd, 2300' within 10 miles.
Minimum altitude over LOM on final approach crs, 1700'.
Crs and distance, LOM to airport, 242°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at the middle marker, make immediate right to turn 330° heading, climb to 2000', intercept CXR, R 285°, climb to 3000', proceed to Crib Int. Hold E, 1-minute left turns, 285° Inbnd, or when directed by ATC, make immediate right-climbing turn to 2300', proceed to LOM. Hold NE, 1-minute right turns, 242° Inbnd.
NOTES: (1) Use Cleveland, Ohio, altimeter setting when control zone not in effect. (2) No glide slope.
CAUTION: Numerous high structures S in immediate vicinity of airport.
‡Circling not authorized SE of Runways 6-24.
‡Alternate minimums not authorized during time control zone not in effect.
*Reduction not authorized.
MSA within 25 miles of LOM: 000°-090°—2600'; 090°-180°—2700'; 180°-270°—3000'; 270°-360°—2100'.

City, Cleveland; State, Ohio; Airport name, Burke Lakefront; Elev., 583'; Fac. Class., ILS; Ident., I-BFT; Procedure No. LOC Runway 24 R and L, Amdt. Orig.; Eff. date, 20 May 67 or upon commissioning of facility

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Sally Int	LOM	Direct	1800	T-dn%	300-1	300-1	200-½
Wave Int	LOM	Direct	1800	C-dn	400-1	500-1	500-1½
Tibby VOR	Turtle Int	Direct	1800	S-dn-10°	200-½	200-½	200-½
MSY VOR	LOM	Direct	1800	A-dn	600-2	600-2	600-2
French Int	LOM	Direct	1800	Category II special authorization required; TDZ elevation 2'; decision heights: S-dn-10, DH 150, RVR 1600, 152' MSL, RA 152'.			
Turtle Int	LOM (final)	Direct	1800				

Radar available.
Procedure turn S side of crs, 279° Outbnd, 099° Inbnd, 1800' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1800'.
Altitude of glide slope and distance to approach end of runway at OM, 1842'—6.6 miles; at MM, 209'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on E crs ILS within 20 miles, or when directed by ATC: (1) Turn left, climb to 1800' on R 064° MSY VOR or (2) turn right, climb to 1800' on R 175° MSY VOR or (3) turn left, climb to 1500' on R 030° MSY VOR, all within 20 miles of MSY VOR.
Category II missed approach: Climb to 2000' on E crs of ILS within 20 miles, or when directed by ATC: (1) Turn left, climb to 1500' on R 064° MSY VOR or (2) turn right, climb to 1500' on R 175° MSY VOR or (3) turn left, climb to 1500' on R 030° MSY VOR, all within 20 miles of MSY VOR if contact with visual guidance system not established at DH.
CAUTION: 409' radio tower, 2.3 miles N of airport.
*400-¾ required when glide slope not utilized; 400-½ authorized with operative ALS except for 4-engine turbojets.
% RVR 2400' authorized Runway 10.
#RVR 2000' 4-engine turbojets; RVR 1800' other aircraft. Descent below 203' not authorized unless ALS visible.

City, New Orleans; State, La.; Airport name, New Orleans International (Moisant Field); Elev., 3'; Fac. Class., ILS; Ident., I-MSY; Procedure No. ILS Runway 10, Amdt. 19; Eff. date, 20 May 67; Sup. Amdt. No. ILS-10, Amdt. 18; Dated, 19 Feb. 66

PAE VOR	BF LOM	Direct	2200	T-dn	300-1	300-1	200-½
SEA VOR	BF LOM	Direct	3000	C-d	800-1	800-1	800-1½
Burien VHF Int	BF LOM	Direct	3000	C-n	800-2	800-2	800-2
Lofall VHF Int	BF LOM	Direct	2200	S-dn-13°	400-¾	400-¾	400-¾
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200'.
Altitude of glide slope and distance to approach end of runway at OM, 2115'—6.4 miles; at MM, 500'—1.6 miles.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 6.4 miles after passing BF LOM or 1.6 miles, after passing FI LMM, climb straight ahead to intercept R 024° SEA VOR, thence turn left, climb to 3100' to Sammamish Int via R 024° SEA VOR, or when directed by ATC, climb straight ahead to intercept the 000° bearing from SE LOM, thence turn right, climb to 2000' direct to SE LOM.
NOTE: Back crs unusable. Localizer unusable beyond 35° either side of front crs. Glide slope unusable beyond 6° E of front crs.
*Circling minimums authorized when glide slope inoperative. MM altitude 1000'.
°AIR CARRIER NOTE: Sliding scale not authorized for landing.
MSA within 25 miles of facility: 000°-180°—5500'; 180°-270°—6800'; 270°-360°—6100'.

City, Seattle; State, Wash.; Airport name, King County (Boeing Field); Elev., 17'; Fac. Class., ILS; Ident., I-BFI; Procedure No. ILS Runway 13, Amdt. 9; Eff. date, 20 May 67; Sup. Amdt. No. ILS-13, Amdt 8; Dated, 9 July 66

Long Lake VHF/DME Int	Elkhart VHF/DME Int	Via GSH, R 018° and E crs ILS.	2400	T-dn#	300-1	300-1	200-½
				C-dn	**400-1	500-1	400-1½
North Liberty VHF/DME Int	LOM	Direct	2900	S-dn-27°##	200-½	200-½	200-½
South Bend VOR	LOM	Direct	2400	A-dn	600-2	600-2	600-2
Bristol VHF/DME Int	Elkhart VHF/DME Int	Via E crs ILS	2400				
Elkhart VHF/DME Int	LOM (final)	Direct	1900				
Goshen VOR	Norman VHF/DME Int	Via R 345°, GSH VOR.	2400				
Norman VHF/DME Int	LOM (final)	Direct	1900				

Procedure turn N side of final approach crs, 089° Outbnd, 269° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope intercept Inbnd 1900'.
Altitude of glide slope and distance to approach end of runway at OM, 1900'—3.8 miles; DME distance 3.9 miles at MM, 975'—0.6 mile; DME distance 0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing OM, make climbing right turn to 2000' and proceed direct to the SBN VOR or make climbing right turn to 2200' and proceed direct to SB LOM.
CAUTION: 1918' tower, 5.6 miles S of LOM.
NOTE: DME distances are predicated on zero reference point abeam SBN ILS (Channel 30) glide slope. DME should not be used to determine aircraft position over MM, runway threshold or runway touchdown point.
*800-¾ required when glide slope not utilized. 800-½ authorized with operative ALS except for 4-engine turbojets.
#RVR (2400'). Descent below 985' not authorized unless approach lights are visible.
##RVR (2400') authorized Runway 27.
**800-1 required when glide slope not utilized.
MSA within 25 miles of SB LOM: 000°-090°—2400'; 090°-270°—3000'; 270°-360°—2200'.

City, South Bend; State, Ind.; Airport name, St. Joseph County; Elev., 785'; Fac. Class., ILS; Ident., I-SBN; Procedure No. ILS Runway 27, Amdt. 21; Eff. date, 20 May 67; Sup. Amdt. No. ILS Runway 27, Amdt. 20; Dated, 28 Jan. 67

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	Radar site	Within 30 miles	2500	T-dn	300-1	300-1	#200-½
				C-dn	400-1	500-1	500-1¼
				S-dn-17L*	400-1	400-1	400-1
				S-dn-35R*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

All bearings and distances from radar site. Radar control will provide 1000' vertical clearance within 3-mile radius of TV/radio towers 9.9 miles W, 2147'; 19.5 miles SSE, 1701', and 19 miles SE, 2849'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished; Runway 35R—Climb to 2600' on R 357°, TUL VOR within 10 miles, or when directed by ATC, turn right and climb to 2500' on R 085°, TUL VOR within 10 miles. Runway 17L—Turn right and climb to 2600' on R 219° TUL VOR within 10 miles, or when directed by ATC, turn left and climb to 2500' on R 113°, TUL VOR within 10 miles.
#300-1 required on Runways 3L, 17R, 35L, 21R.
*400-½ authorized with operative HIRL and 400-½ authorized with operative ALS, except for 4-engine turbojets.

City, Tulsa; State, Okla.; Airport name, Tulsa International; Elev., 674'; Fac. Class. and Ident., Tulsa Radar; Procedure No. 1, Amdt. 6; Eff. date, 20 May 67; Sup. Amdt. No. 1, Amdt. 5; Dated, 11 Feb. 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on April 13, 1967.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-4463; Filed, Apr. 27, 1967; 8:45 a.m.]

SUBCHAPTER G—AIR CARRIER AND COMMERCIAL OPERATOR CERTIFICATIONS AND OPERATIONS

[Docket No. 8126; Amdt. No. 135-4]

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Applicability of Grace Provision to Pilot Checks; Airman's Information Manual

The purpose of this amendment to Part 135 of the Federal Aviation Regulations is to clarify the applicability of the 1 month grace provision of § 135.133 to the initial pilot in command checks required by §§ 135.129(a) and 135.131(a) and to update the references in § 135.39 to the "Airman's Guide" and "Flight Information Manual."

Section 135.133 provides that if a pilot who is required to take a check by § 135.129 or § 135.131 takes that check in the calendar month before or the calendar month after, the month in which it becomes due, he is considered to have taken it during the month it became due. Under this provision a pilot in command is given a grace period of one calendar month before, and 1 calendar month after, the month in which the check is due to pass the periodic multiengine or instrument check required by § 135.129 (a)(2) or § 135.131(a) without changing the anniversary month.

However, it has been brought to the attention of the FAA that this 1 month grace period could be interpreted to permit a pilot in command to legally conduct his initial multiengine or IFR flight provided he passes the required check in the calendar month after the month in which he conducts this initial flight. Such an interpretation obviously defeats the safety purpose of the initial checks required by §§ 135.129(a)(2) and 135.131(a) to determine the competency of a pilot to act as pilot in command of a multiengine airplane, or of any aircraft under IFR, before he makes his initial flight in that capacity.

Therefore, in order to avoid such an erroneous interpretation, this amendment expressly limits the applicability of the grace period provision of § 135.133 to the periodic multiengine or instrument checks which are required by §§ 135.129 and 135.131, respectively, after an appropriate initial check. To accomplish this clarification the periodic check requirements of §§ 135.129 and 135.131 have been separated from the initial check requirements and placed in a new paragraph (b) in each of these sections. In turn, the grace period provision of § 135.133 has been amended to expressly refer to the periodic check requirements of the new paragraph (b) of §§ 135.129 and 135.131.

The meaning of the words "most recent" that modify instrument check in § 135.131(a) has also been clarified in this amendment. To accomplish this, a new sentence has been added to § 135.131 (b) to expressly provide that a pilot who has unsatisfactorily performed an instrument check may not then act as pilot in command of an aircraft under IFR until he has satisfactorily performed the check.

Present § 135.39 requires each ATCO certificate holder to make available to each of its pilots the "Airman's Guide" and "Flight Information Manual." Since the FAA has now consolidated these two manuals into one publication entitled "Airman's Information Manual" (except in the Alaskan and Pacific Regions where it is entitled "Airman's Guide") this section is being amended to reference the current publication. In addition, since the information contained in the Airman's Information Manual may also be obtained in commercial publications this section is amended to permit the use of a commercial publication if it covers the required material.

Since this amendment merely clarifies existing provisions, imposes no additional burden on any person, and is necessary in the interest of safety, I find that notice and public procedure hereon are unnecessary and that good cause exists for making it effective with less than 30 days' notice.

In consideration of the foregoing, Part 135 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective April 28, 1967, as follows:

1. Paragraphs (a) and (c) of § 135.39 are amended to read as follows:

§ 135.39 Informing personnel of operational information.

• • • • • •

(a) Airman's Information Manual (Airman's Guide in Alaskan and Pacific Regions) or a commercial publication that contains the same information.

• • • • • •

(c) Aircraft Equipment Manuals, and Aircraft Owner's Manual, or Owner's or Flight Handbook.

• • • • • •

§ 135.129 [Amended]

2. The first sentence of § 135.129(a) is amended by striking out the word "No" at the beginning thereof and inserting the words "Initially, no" in place thereof.

3. Section 135.129 is amended by redesignating present paragraph (b) as paragraph (c), and by adding the following new paragraph (b):

(b) No person who has passed the initial multiengine check or satisfied the initial pilot-in-command time required by paragraph (a) of this section may thereafter act as pilot in command of a small multiengine airplane unless each 12 calendar months he passes a similar multiengine check or satisfies a similar requirement for pilot-in-command time.

4. Section 135.131 is amended by redesignating present paragraphs (b) through (f) as paragraphs (c) through (g), respectively, by adding a new paragraph (b), and by amending paragraph (a) to read as follows:

§ 135.131 Pilot-in-command: Instrument check requirements.

(a) Initially, no person may act as pilot in command of an aircraft under IFR unless he has passed within the preceding 6 calendar months an instrument check given to him by the Administrator or an authorized check pilot.

(b) No person who has passed the initial instrument check required by paragraph (a) of this section may thereafter act as pilot in command of an aircraft under IFR unless each 6 calendar months he passes a similar instrument check. If a pilot being checked is unable to demonstrate satisfactory performance during the check, the holder of an ATCO certificate may not use him as pilot in command of an aircraft under IFR until he has satisfactorily shown his proficiency.

• • • • •

§ 135.133 [Amended]

5. Section 135.133 is amended by inserting the letter "(b)" immediately after each of the section references, "§ 135.129" and "§ 135.131."

(Secs. 313(a), 307, 601, 604, 607, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1348, 1421, 1424, 1427)

Issued in Washington, D.C., on April 19, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-4691; Filed, Apr. 27, 1967; 8:46 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 7—Collection of Civil Claims of the United States Arising Out of the Activities of the National Aeronautics and Space Administration

A new Subpart 7 is added to Part 1204, reading as follows:

Subpart 7—Collection of Civil Claims of the United States Arising Out of the Activities of the National Aeronautics and Space Administration

Sec.

1204.700 Scope of subpart.
1204.701 Incorporation of 4 CFR Chapter II.
1204.702 Delegation of authority.
1204.703 Consultation with appropriate officials; negotiation.
1204.704 Legal review.
1204.705 Services of Inspections Division.
1204.706 Execution of releases.
1204.707 Fraud, false claims, misrepresentation.

AUTHORITY: The provisions of this Subpart 7 issued under 42 U.S.C. 2473(b)(1).

§ 1204.700 Scope of subpart.

This subpart: (a) Sets forth certain procedures relating to the collection, compromise, suspension or termination of collection action, and referral, of civil claims of the United States arising out of the activities of the National Aeronautics and Space Administration (NASA); (b) designates NASA officials authorized to effect such actions; and (c) incorporates the "Joint Regulations Prescribing Standards for Administrative Collection, Compromise, Termination of Agency Collection Action, and Referral to General Accounting Office, and to Department of Justice for Litigation, of Civil Claims by Government for Money or Property" (4 CFR Chapter II).

§ 1204.701 Incorporation of 4 CFR Chapter II.

The "Joint Regulations Prescribing Standards for Administrative Collection, Compromise, Termination of Agency Collection Action, and Referral to General Accounting Office, and to Department of Justice for Litigation, of Civil Claims by Government for Money or Property" (4 CFR Chapter II) is hereby incorporated in and made a part of this subpart.

§ 1204.702 Delegation of authority.

(a) The following NASA officials are hereby delegated authority to take such action as is authorized by the provisions of this subpart and other applicable laws and regulations, including action to effect the collection, compromise, suspension or termination of collection action, and referral, of claims:

(1) With respect to claims which arise out of the activities of a NASA field installation: The Director of that installation or a designee reporting directly to him. A copy of each such designation, if any, by the Director of the installation shall be sent to the Director of Financial Management, NASA Headquarters, to assist him in fulfilling his functional responsibilities.

(2) With respect to all other claims: The Director, Headquarters Administration Office or a designee reporting directly to him.

(b) For the purposes of this § 1204.702, "claim" means a civil claim of the United States, arising from the activities of NASA, for such an amount, or for such specific property, as has been determined by a cognizant NASA official (e.g., the contracting officer or the NASA Board of Contract Appeals, as may be appropriate, in regard to a claim against a contractor arising under a contract; or a Chief Counsel or the General Counsel or Deputy General Counsel, in regard to a claim arising from tortious injury to Government property).

§ 1204.703 Consultation with appropriate officials; negotiation.

The authority, pursuant to § 1204.702, to determine to forego the collection of interest, to accept payment of a claim in installments, or, as to claims which do not exceed $20,000 exclusive of interest, to compromise a claim or to refrain from doing so, or to suspend or terminate collection action or to refrain from such action shall be exercised only after consultation with the following NASA officials or their designees, who may be requested to negotiate the appropriate agreements or arrangements with the debtor:

(a) With respect to claims against contractors or grantees arising in connection with contracts or grants: The contracting officer.

(b) With respect to claims against commercial carriers for loss of or damage to in-transit NASA freight: The cognizant transportation officer, or the official who determined the amount of the claim, as appropriate.

(c) With respect to claims against employees of NASA incident to their employment: The personnel officer of the installation concerned.

(d) With respect to all other claims: The Chief Counsel of the installation concerned; or, in the case of such claims arising out of the activities of NASA Headquarters, the General Counsel.

§ 1204.704 Legal review.

The installation counsel's office shall review and concur in the following:

(a) All communications to and agreements with debtors relating to claims collection.

(b) All determinations to compromise a claim, or to suspend or terminate collection action.

(c) All referrals of claims, other than referrals to the Department of Justice pursuant to § 1204.707(a).

(d) All documents releasing debtors from liability to the United States.

(e) All other actions relating to the collection of a claim which in the opinion of the official designated in or pursuant to § 1204.702 may affect the rights of the United States.

§ 1204.705 Services of Inspections Division.

At the request of an official designated in or pursuant to § 1204.702, the Inspections Division (including regional inspectors) will, where practicable, conduct such investigations as may assist in the collection, compromise, or referral of claims of the United States, including investigations to determine the location and financial resources of debtors.

§ 1204.706 Execution of releases.

Upon receipt of full payment of a claim, or the amount in compromise of a claim as determined pursuant to this subpart, the official designated in or pursuant to § 1204.702 will, upon demand by the debtor, prepare and execute, on behalf of the United States, an appropriate release, which release shall include the provision that it shall be void if procured by fraud, misrepresentation, the presentation of a false claim, or mutual mistake of fact.

§ 1204.707 Fraud, false claims, misrepresentation.

Any claim as to which, in the opinion of an official designated in or pursuant to § 1204.702 or § 1204.703, there may be an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim, shall be referred by such official to the Director, Inspections Division, NASA Headquarters, or to the nearest NASA regional inspector who after such investigation as may be appropriate shall:

(a) Refer the claim to the Department of Justice in accordance with the provisions of Part 101 of 4 CFR Chapter II; or

(b) If it is found that there is no such indication of fraud, the presentation of a false claim, or misrepresentation, return the claim to the official from whom it was received.

Effective date. The provisions of this Subpart 7 are effective upon publication in the FEDERAL REGISTER.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 67-4688; Filed, Apr. 27, 1967; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1186]

PART 13—PROHIBITED TRADE PRACTICES

Samuel Kamens

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.525 *Wool products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719; as amended; secs. 2-5, 54 Stat. 1128-1130; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68, 69f) [Cease and desist order, Samuel Kamens, Dallas, Tex., Docket C-1186, Mar. 30, 1967]

Consent order requiring a Dallas, Tex., retailer of fur and wool products to cease misbranding and falsely invoicing his fur products and unlawfully removing required labels from his wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Samuel Kamens, individually and as a former copartner in the firm of Peyton & Marcus, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, selling, advertising, or offering for sale in commerce, or transporting or distributing in commerce any fur product; or from selling, advertising, offering for sale, transporting, or distributing any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act:

A. Which is falsely or deceptively labeled or otherwise identified as to the name or designation of the animal or animals that produced the fur contained in such fur product.

B. Unless there is securely affixed to each such product a label showing in words and in figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

C. To which fur product is affixed a label required by section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder:

1. Which sets forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. Which fails to set forth the term "natural" as part of the information required to be included on such label to describe any such product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. That does not comply with the minimum size requirements of 1¾ inches by 2¾ inches.

4. Which sets forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

5. Which fails to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the sequence required by Rule 30 of the aforesaid rules and regulations.

6. Which fails to set forth the item number or mark assigned to each such fur product.

It is further ordered, That respondent Samuel Kamens, individually and as a former copartner in the firm of Peyton & Marcus, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth on an invoice the item number or mark assigned to such fur product.

B. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That respondent Samuel Kamens, individually and as a former copartner in the firm of Peyton & Marcus, and respondent's agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label, or other identification required by the Wool Products Labeling Act of 1939 to be affixed to wool products subject to the provisions of such Act, prior to the time any wool product subject to the provisions of said Act is sold and delivered to the ultimate consumer without substituting therefor labels conforming to section 4(a)(2) of said Act.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: March 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-4723; Filed, Apr. 27, 1967; 8:48 a.m.]

[Docket No. C-1187]

PART 13—PROHIBITED TRADE PRACTICES

Earl Marcus

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.525 *Wool products tags or*

identification. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68, 69f) [Cease and desist order, Earl Marcus, Oklahoma City, Okla., Docket C–1187, Mar. 30, 1967]

Consent order requiring an Oklahoma City, Okla., retailer of fur products and wool products to cease misbranding and falsely invoicing his fur products and unlawfully removing required labels from his wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Earl Marcus, individually and as a former co-partner in the firm of Peyton & Marcus, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, selling, advertising, or offering for sale in commerce, or transporting or distributing in commerce any fur product; or from selling, advertising, offering for sale, transporting, or distributing any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act:

A. Which is falsely or deceptively labeled or otherwise identified as to the name or designation of the animal or animals that produced the fur contained in such fur product.

B. Unless there is securely affixed to each such product a label showing in words and in figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

C. To which fur product is affixed a label required by section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder:

1. Which sets forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. Which fails to set forth the term "natural" as part of the information required to be included on such label to describe any such product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. That does not comply with the minimum size requirements of 1¾ inches by 2¾ inches.

4. Which sets forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

5. Which fails to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the sequence required by Rule 30 of the aforesaid rules and regulations.

6. Which fails to set forth the item number or mark assigned to each such fur product.

It is further ordered, That respondent Earl Marcus, individually and as a former copartner in the firm of Peyton & Marcus, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth on an invoice the item number or mark assigned to such fur product.

B. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That respondent Earl Marcus, individually and as a former copartner in the firm of Peyton & Marcus, and respondent's agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label, or other identification required by the Wool Products Labeling Act of 1939 to be affixed to wool products subject to the provisions of such Act, prior to the time any wool product subject to the provisions of said Act is sold and delivered to the ultimate consumer without substituting therefor labels conforming to section 4(a)(2) of said Act.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: March 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–4724; Filed, Apr. 27, 1967; 8:48 a.m.]

[Docket No. C–1189]

PART 13—PROHIBITED TRADE PRACTICES

Herman Marcus

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.525 *Wool products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68, 69f) [Cease and desist order, Herman Marcus, Dallas, Tex., Docket C–1189, Mar. 30, 1967]

Consent order requiring a Dallas, Tex., retailer of fur and wool products to cease misbranding and falsely invoicing his fur products and unlawfully removing required labels from his wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Herman Marcus, individually and as a former copartner in the firm of Peyton & Marcus, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, selling, advertising, or offering for sale in commerce, or transporting or distributing in commerce any fur product; or from selling, advertising, offering for sale, transporting, or distributing any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act:

A. Which is falsely or deceptively labeled or otherwise identified as to the name or designation of the animal or animals that produced the fur contained in such fur product.

B. Unless there is securely affixed to each such product a label showing in words and in figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

C. To which fur product is affixed a label required by section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder:

1. Which sets forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. Which fails to set forth the term "natural" as part of the information required to be included on such label to describe any such product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. That does not comply with the minimum size requirements of 1¾ inches by 2¾ inches.

4. Which sets forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

5. Which fails to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the sequence required by Rule 30 of the aforesaid rules and regulations.

6. Which fails to set forth the item number or mark assigned to each such fur product.

It is further ordered, That respondent Herman Marcus, individually and as a former copartner in the firm of Peyton & Marcus, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth on an invoice the item number or mark assigned to such fur product.

B. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That respondent Herman Marcus, individually and as a former copartner in the firm of Peyton & Marcus, and respondent's agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label, or other identification required by the Wool Products Labeling Act of 1939 to be affixed to wool products subject to the provisions of such Act, prior to the time any wool product subject to the provisions of said Act is sold and delivered to the ultimate consumer without substituting therefor labels conforming to section 4(a)(2) of said Act.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: March 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–4725; Filed, Apr. 27, 1967; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 53—WEARING OF UNIFORM BY MEMBERS OF AND PERSONS HONORABLY DISCHARGED FROM ARMED FORCES OF UNITED STATES

The Deputy Secretary of Defense approved the following revision to Part 53 on March 29, 1967:

Sec.
53.1 Purpose.
53.2 Policy.

AUTHORITY: The provisions of this Part 53 issued under 10 U.S.C. 772(e).

§ 53.1 Purpose.

This part (a) prescribes limitations upon the wearing of the uniform by members of the Armed Forces; and (b) implements the authority in 10 U.S.C. 772(e), as delegated by Executive Order 10554 dated August 18, 1954, regarding wearing of the uniform by persons honorably discharged.

§ 53.2 Policy.

(a) *For members of the Armed Forces.* The wearing of the uniform of any of the Armed Forces by members thereof (including retired members and members of reserve components) is prohibited under any of the following circumstances:

(1) At any meeting or demonstration which is a function of, or sponsored by any organization, association, movement, group, or combination of persons which the Attorney General of the United States has designated, pursuant to Executive Order 9835, March 21, 1947, as amended by Executive Order 10450, April 27, 1953, as totalitarian, Fascist, Communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of Government of the United States by unconstitutional means.

(2) During or in connection with the furtherance of private employment or commercial interests when an inference of official sponsorship for the activity or interest would be drawn.

(3) Under circumstances which would tend to bring discredit upon the Armed Forces.

(4) Under such other circumstances as may be specified and published by the Secretary of the Military Department concerned.

(b) *For former members of the Armed Forces.* (1) The wearing of the uniform of any of the Armed Forces by former members thereof is permitted under the following circumstances:

(i) Pursuant to 10 U.S.C. 772(e), any person who has served honorably in the Army, Navy, Air Force, or Marine Corps of the United States during war, whether declared or not, and whose most recent service was terminated under honorable conditions, shall, although not in the active military service of the United States, be entitled to wear the uniform of the highest grade held during his or her war service upon the ceremonious occasions listed below. (Authority to wear the uniform includes periods while traveling to or from a ceremony, provided such travel in uniform is performed within 24 hours of the time of the ceremony.)

(*a*) Military funerals, memorial services, and inaugurals.

(*b*) Patriotic parades on national holidays; or other military parades or ceremonies in which any active or reserve U.S. military unit is taking part.

(ii) Persons awarded the Medal of Honor are authorized to wear the uniform at any time, except as prescribed in paragraph (a)(1), (2), and (3) of this section.

(2) Nothing in subparagraph (1)(i) of this paragraph shall prevent the wearing of uniforms when authorized under other provisions of section 772, title 10, United States Code. The proscriptions of paragraph (a)(1), (2), and (3) of this section apply.

(3) When the uniform is so worn by honorably discharged persons who served during World War II, the Honorable Discharge Emblem will also be worn.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67–4679; Filed, Apr. 27, 1967; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–1—GENERAL

Orders From Small Business Concerns Under Federal Supply Schedule Contracts

The table of contents for Part 1–1 is amended to add a new entry as follows:

Sec.
1–1.711 Federal Supply Schedule contracts.

Subpart 1–1.7—Small Business Concerns

Section 1–1.711 is added to provide for preferences for small business in the placing of orders under Federal Supply Schedule contracts.

§ 1–1.711 Federal Supply Schedule contracts.

Where orders are placed under Federal Supply Schedule contracts and one or more of the contractors for an item on a given schedule are small business concerns, the orders shall be placed in accordance with the policies and procedures set forth in § 101–26.408–4(b) of the Federal Property Management Regulations.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: April 24, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67–4717; Filed, Apr. 27, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

DILUENTS IN COLOR ADDITIVE MIXTURES FOR FOOD USE, EXEMPT FROM CERTIFICATION; POLYVINYLPYRROLIDONE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2), (d)) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.120), the Commissioner of Food and Drugs, based on a petition (CADP 2) filed by Colorcon, Inc., Box 24, West Point, Pa. 19486, and other relevant material, finds that polyvinylpyrrolidone may be safely used, under the conditions prescribed in this order, as a diluent in color additive mixtures used in or as food-tablet coatings. *Therefore, it is ordered,* That § 8.300(b) be amended by adding thereto a new subparagraph, as follows:

§ 8.300 Diluents in color additive mixtures for food use exempt from certification.

* * * * * *

(b) * * *

(3) *Miscellaneous special uses.* Items listed in paragraph (a) of this section and the following:

Substances	Definitions and specifications	Restrictions
Polyvinylpyrrolidone	As set forth in § 121.1139 of this chapter.	In or as food-tablet coatings; limit, not more than 0.1 percent in the finished food; labeling of color additive mixtures containing polyvinylpyrrolidone shall bear adequate directions for use that will result in a food meeting this restriction.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2), (d))

Dated: April 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–4745; Filed, Apr. 27, 1967; 8:50 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1415) filed by CIBA Products Co., Division of CIBA Corp., 556 Morris Avenue, Summit, N.J. 07901, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of dibutyl phthalate, 4,4'-methylenedianiline, salicylic acid, and styrene oxide as components of epoxy resins in resinous and polymeric coatings for surfaces of articles that contact food.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2514(b)(3)(viii)(b) is amended by alphabetically inserting in the list of substances new items, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * * *

(b) * * *

(3) * * *

(viii) * * *

(*b*) Catalysts and cross-linking agents for epoxy resins:

* * * * * *

Dibutyl phthalate, for use only in coatings for containers having a capacity of 1,000 gallons or more when such containers are intended for repeated use in contact with alcoholic beverages containing up to 8 percent of alcohol by volume.

* * * * * *

4,4'-Methylenedianiline, for use only in coatings for containers having a capacity of 1,000 gallons or more when such containers are intended for repeated use in contact with alcoholic beverages containing up to 8 percent of alcohol by volume.

* * * * * *

Salicylic acid, for use only in coatings for containers having a capacity of 1,000 gallons or more when such containers are intended for repeated use in contact with alcoholic beverages containing up to 8 percent of alcohol by volume.

Styrene oxide, for use only in coatings for containers having a capacity of 1,000 gallons or more when such containers are intended for repeated use in contact with alcoholic beverages containing up to 8 percent of alcohol by volume.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–4747; Filed, Apr. 27, 1967; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

VINYL CHLORIDE-PROPYLENE COPOLYMERS

The Commissioner of Food and Drugs, having evaluated the data in petitions (FAP 7B2137, 7B2142) filed by Air Reduction Co., Inc., Airco Chemicals and Plastics Division, 150 East 42d Street, New York, N.Y. 10017, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of vinyl chloride-propylene copolymers as components of articles intended for use in contact with all types of foods including foods containing free fat or oil or more than 8 percent of alcohol. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2521 is amended by revising the introduction to the section to read as follows:

§ 121.2521 Vinyl chloride-propylene copolymers.

The vinyl chloride-propylene copolymers identified in paragraph (a) of this section may be safely used as components of articles intended for contact with food, under condition of use D, E, F, or G described in table 2 of § 121.2526(c), subject to the provisions of this section.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–4748; Filed, Apr. 27, 1967; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7B2121) filed by Imperial Chemical Industries, Ltd., Heavy Organic Chemicals Division, Organic House, Billingham, County Durham, England, and other relevant material, has concluded that the food additive regulations should be amended to delete the restriction, specified below, on use of tris(2-methyl-4-hydroxy-5-*tert*-butylphenyl) butane as an antioxidant and/or stabilizer at levels not to exceed 0.1 percent by weight of olefin and/or vinyl chloride polymers used in food-contact articles. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended as follows:

In § 121.2566 *Antioxidants and/or stabilizers for polymers*, paragraph (b), list of substances, limitation number 3 for item "Tris(2-methyl-4-hydroxy-5-*tert*-butylphenyl) butane" is amended by changing the colon to a period and deleting the portion that reads "*Provided*, That such articles are not used for packing or holding food during cooking."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–4746; Filed, Apr. 27, 1967; 8:50 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER A—GENERAL

[Dept. Reg. 108.556]

PART 3—ACCEPTANCE OF GIFTS AND DECORATIONS FROM FOREIGN GOVERNMENTS

Part 3 is added to Title 22 of the Code of Federal Regulations to read as set forth below.

Sec.
3.1 Purpose.
3.2 Applications of this part.
3.3 Definitions.
3.4 Release of gifts and decorations on deposit in the Department of State through October 14, 1966.
3.5 Gifts and decorations received by any person after October 14, 1966.
3.6 Use or disposal of gifts and decorations which become the property of the United States.
3.7 Revocation of previous regulations.

AUTHORITY: The provisions of this Part 3 issued under sec. 7, Foreign Gifts and Decorations Act of 1966, 80 Stat. 952; sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 2626, 5 U.S.C. 151c; E.O. 11320, 31 F.R. 15789.

§ 3.1 Purpose.

The purpose of this part is to establish uniform basic standards for the acceptance of gifts and decorations from foreign governments by U.S. Government officers and employees, including members of the armed forces, and members of their families.

§ 3.2 Application of this part.

This part applies to all persons occupying an office or a position in the Executive, Legislative and Judicial branches of the Government of the United States.

§ 3.3 Definitions.

As used in this part—

(a) The term "person" includes every person who occupies an office or a position in the Government of the United States, its territories and possessions, the Canal Zone Government, and the Government of the District of Columbia, or is a member of the Armed Forces of the United States, or a member of the family and household of any such person. For the purpose of this part, "member of the family and household" means a relative by blood, marriage or adoption who is a resident of the household.

(b) The term "foreign government" includes every foreign government and every official, agent, or representative thereof.

(c) The term "gift" includes any present or thing, other than a decoration, tendered by or received from a foreign government.

(d) The term "decoration" includes any order, device, medal, badge, insignia, or emblem tendered by or received from a foreign government.

(e) The term "gift of minimal value" includes any present or other thing, other than a decoration, which has a retail value not in excess of $50 in the United States.

(f) The term "outstanding or unusually meritorious performance" includes performance of duty by a person determined by the appropriate agency to have contributed to an unusually significant degree to the furtherance of good relations between the United States and the foreign government tendering the decoration.

(g) The term "special or unusual circumstances" includes any circumstances which would appear to make it improper for the donee to receive a gift or decoration, and also includes, in some instances, the very nature of the gift itself.

(h) The term "appropriate agency" means the department, agency, office, or other entity in which a person is employed or enlisted, or to which he has been appointed or elected. If the donee is not so serving, but is a member of the family and household of such a person, then the "appropriate agency" is that in which the head of the household is serving.

(i) The term "approval by the appropriate agency" includes approval by such person or persons as are duly authorized by such agency to give the approval required by these regulations.

(j) The term "Chief of Protocol" means the Chief of Protocol of the Department of State.

§ 3.4 Release of gifts and decorations on deposit in the Department of State through October 14, 1966.

Any gift or decoration on deposit with the Department of State on the effective date of this part shall, following written application to the Chief of Protocol and subsequent approval by the Chief of Protocol and the appropriate agency, be released through the appropriate agency to the donee or his legal representative. Such donee may also, if authorized by the appropriate agency, wear any decoration so released. Approval for release will normally be given unless, from the special or unusual circumstances involved, it would appear to the Chief of Protocol to be improper to release the item. Any gifts or decorations not approved for release will become the property of the U.S. Government and will be used or disposed of in accordance with the provisions of § 3.6.

§ 3.5 Gifts and decorations received by any person after October 14, 1966.

(a) *General policy.* No person shall request or otherwise encourage the tender of a gift or decoration.

(b) *Gifts of minimal value.* Subject to individual agency regulations, table favors, mementos, remembrances, or other tokens bestowed at official functions, and other gifts of minimal value received as souvenirs or marks of courtesy from a foreign government may be accepted and retained by the donee. The burden of proof is upon the donee to establish that the gift is of minimal value as defined by this part.

(c) *Gifts of more than minimal value.* Where a gift of more than minimal value is tendered, the donor should be advised that it is contrary to the policy of the United States for persons in the service thereof to accept substantial gifts. If, however, the refusal of such a gift would be likely to cause offense or embarrassment to the donor, or would adversely affect the foreign relations of the United States, the gift may be accepted and shall be deposited with the Chief of Protocol for disposal in accordance with the provisions of § 3.6.

(d) *Decorations.* Decorations received which have been tendered in recognition of active field service in connection with combat operations, or which have been awarded for outstanding or unusually meritorious performance, may be accepted and worn by the donee with (1) the approval by the appropriate agency and (2) the concurrence of the Chief of Protocol. Within the Department of State, the decision as to whether a decoration has been awarded for outstanding or unusually meritorious performance will be the responsibility of the supervising Assistant Secretary of State or comparable officer for the person involved. In the absence of approval and concurrence under this paragraph, the decoration shall become the property of the United States and shall be deposited by the donee with the Chief of Protocol for use or disposal in accordance with the provisions of § 3.6. Notwithstanding the foregoing, decorations tendered to U.S. military personnel for service in Viet-Nam may be accepted and worn as provided by the Act of October 19, 1965, Public Law 89-257, 79 Stat. 982.

§ 3.6 Use or disposal of gifts and decorations which become the property of the United States.

Any gift or decoration which becomes the property of the United States under this part may be retained for official use by the appropriate agency with the approval of the Chief of Protocol. Gifts and decorations not so retained shall be forwarded to the General Services Administration by the Chief of Protocol for transfer, donation, or other disposal in accordance with such instructions as may be furnished by that officer. In the absence of such instructions, such property will be transferred or disposed of by the General Services Administration in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and the Federal Property Management Regulations (41 CFR Ch. 101, Subchapter H). Standard Form 120, Report of Excess Personal Property, and Standard Form 120A, Continuation Sheet, shall be used in reporting such property, and the Foreign Gifts and Decorations Act of 1966 shall be cited on the reporting document. Such reports shall be submitted to General Services Administration, Region 3, Attention: Property Management and Disposal Service, Seventh and D Streets SW., Washington, D.C. 20407.

§ 3.7 Revocation of previous regulations.

The regulations in this part shall supersede all regulations heretofore in effect concerning the acceptance of gifts and decorations from foreign governments to persons in the service of the United States or to members of their families.

Effective date. These regulations are effective as of October 15, 1966.

Dated: April 14, 1967.

[SEAL] NICHOLAS DEB KATZENBACH,
Acting Secretary of State.

[F.R. Doc. 67-4784; Filed, Apr. 27, 1967; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

In Part 200 in the Table of Contents the heading of § 200.320 is amended to read as follows:

Sec.
200.320 Subdivision report and multifamily, land development, and group practice facilities preapplication analysis.

In Part 200 the title of Subpart I is amended to read "Subpart I—Nondiscrimination and equal opportunity in housing and group practice facilities".

Subpart I—Nondiscrimination and Equal Opportunity in Housing and Group Practice Facilities

Section 200.300 is amended to read as follows:

§ 200.300 Nondiscrimination policy.

The regulations in this subpart are prescribed pursuant to the provisions of Executive Order 11063, issued by the President under date of November 20, 1962, and are designed to assure compliance with the established policy of the United States that housing or related facilities and group practice facilities financed with assistance under the provisions of the National Housing Act will be made available for use without discrimination based on race, color, creed, or national origin.

Section 200.305 is amended to read as follows:

§ 200.305 Notice to public.

Participants in insurance programs of the Federal Housing Administration shall be informed of the established policy on nondiscrimination and equal opportunity in housing and in group practice facilities through all appropriate means and as early as possible in their negotiations or upon indicating interest in the sponsorship or financing of housing, related facilities, and group practice facilities.

In § 200.310 the introductory text is amended to read as follows:

§ 200.310 Definition of "discriminatory practice".

As used in this subpart, the term "discriminatory practice" shall mean any discrimination because of race, color, creed, or national origin in lending practices or in the sale, rental, or other disposition of residential property or related facilities and group practice facilities, or in the use or occupancy thereof, if:

* * * * *

Section 200.320 and the heading thereof are amended to read as follows:

§ 200.320 Subdivision report and multifamily, land development, and group practice facilities preapplication analysis.

All requests for a subdivision report under home mortgage procedures or requests for preapplication analysis of multifamily, land development, and of group practice facilities projects, shall be accompanied by a statement of the applicant in which he agrees to comply with the regulations in this subpart. The statement shall be in a form satisfactory to the Commissioner.

Section 200.325 is amended to read as follows:

§ 200.325 Corporate charters and regulatory agreements.

Corporate charters, regulatory agreements, and other instruments relating to multifamily, land development and group practice facilities projects, insured pursuant to applications received after November 20, 1962, under which the Commissioner exercises controls over rentals or methods of operation of mortgagors participating in the programs of the Federal Housing Administration shall contain provisions requiring compliance with the regulations in this subpart.

Subpart J—Equal Employment Opportunity

Section 200.405 is amended to read as follows:

§ 200.405 Notice to public.

Participants in insured programs of the Federal Housing Administration shall be informed of the established policy of nondiscrimination in employment on work involving the construction, repair, or rehabilitation of housing and group practice facilities through all appropriate means and as early as possible in their negotiations or upon indicating interest in the sponsorship or financing of housing and related facilities.

In § 200.410 paragraph (a) is amended to read as follows:

§ 200.410 Definition of term "applicant".

(a) In multifamily housing and group practice facilities transactions where controls over the mortgagor are exercised by the Commissioner either through the ownership of corporate stock or under the provisions of a regulatory agreement, the term "applicant" as used in this subpart shall mean the mortgagor.

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

In Chapter II a new Subchapter W and a new Part 1100 are added as follows:

SUBCHAPTER W—GROUP PRACTICE FACILITIES INSURANCE

PART 1100—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

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Subpart A—Eligibility Requirements

DEFINITIONS

§ 1100.1 Definitions.

As used in this subpart, the term:

(a) "Act", "Commissioner", "mortgagor", and "mortgagee" shall have the same meaning as prescribed in § 207.251 of this chapter.

(b) "Group practice facility" means an establishment designed for operation primarily by a medical or dental group which provides preventive, diagnostic, and treatment services to ambulatory patients under the professional supervision of persons licensed to practice dentistry, medicine, or optometry in the State.

(c) "Group practice unit" means a private nonprofit organization of one of the following types:

(1) An organization which undertakes to provide (directly or through arrangements with a medical or dental group) complete dental, medical, or optometric care, or any combination thereof. It may also provide health insurance to members or subscribers on a group practice prepayment basis.

(2) An organization established for the purpose of providing dental, medical, or optometric care or for performing functions related to such care through arrangements for the use of the group practice facility by a medical or dental group.

(d) "Medical or dental group" means a partnership or other association of persons licensed to practice dentistry, medicine, or optometry in the State who, as their principal professional activity and as a group responsibility, engage in the coordinated practice of their profession in one or more group practice facilities. The group shall share common overhead expenses, shall jointly establish medical and other records, and shall jointly use substantial portions of the equipment and the services of professional, technical, and administrative staffs. It shall be composed of such types of professional personnel and shall make available such health services as may be required to meet the standards prescribed by the Commissioner.

(e) "Mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located, together with any credit instrument or instruments secured thereby. The mortgage may be in the form of one or more trust mortgages or mortgage indentures or deeds of trust securing notes, bonds, or other credit instruments; and by the same instrument or by a separate instrument, it may create a security interest in initial equipment whether or not the equipment is attached to the realty.

(f) "Nonprofit organization" means a corporation, association, foundation, trust, or other organization no part of the net earnings of which may lawfully inure to the benefit of any private shareholder or individual. The provision by a nonprofit organization of personal health services to members or subscribers or their dependents under a plan which may also provide for other services or insurance benefits, shall not make the organization ineligible under this definition.

(g) "State" includes the several States, Puerto Rico, the District of Columbia, Guam, the Virgin Islands, and American Samoa.

PRELIMINARY EXAMINATION

§ 1100.5 Preliminary examination.

Prior to the filing of an application, the sponsor of a proposed group practice facility may request and shall be given an analysis of the project. A fee of $400 shall accompany the request for analysis.

APPLICATION, FEES, AND CHARGES BY MORTGAGEE

§ 1100.10 Application filing, required fees, and charges by mortgagee.

All of the provisions of §§ 207.1 and 207.2 of this chapter apply to mortgages insured under this subpart. These provisions relate to the filing of an application for insurance, the application fee, the issuance of a commitment, the commitment fee, the inspection fee, the fees on increase in the commitment or mortgage, the reopening fee, the transfer fee, the refund of fees, and the maximum charges that may be collected by the mortgagee from the mortgagor.

§ 1100.12 Unavailability of conventional financing.

The application for insurance shall be accompanied by such evidence as the Commissioner may require to establish that the mortagagor or sponsor has been unable to obtain an uninsured mortgage loan for financing the proposed project with terms comparable to those prescribed in §§ 1100.30 through 1100.50 for a mortgage insured under this subpart.

§ 1100.15 Extension of commitment.

When the mortgagee has failed to take action within the period of time required in order to prevent the expiration of a commitment or in order to reopen an expired commitment, the Commissioner may extend such period and may retroactively reinstate or reopen such commitment.

ELIGIBLE MORTGAGORS

§ 1100.20 Eligible mortgagors.

In order to be eligible as a mortgagor under this subpart, the applicant shall establish to the satisfaction of the Commissioner that it qualifies as a group practice unit as that term is defined in § 1100.1(c).

ELIGIBLE MORTGAGEES

§ 1100.25 Qualifications for lenders.

The provisions of §§ 203.1 through 203.4 of this chapter and §§ 203.6 through 203.9 of this chapter shall govern the eligibility, qualifications and requirements of mortgagees under this subpart.

MAXIMUM MORTGAGE AMOUNTS

§ 1100.30 Maximum mortgage amounts—dollar limitation.

The mortgage shall involve a principal obligation not in excess of $5 million.

§ 1100.32 Maximum mortgage amount—loan to value limitation.

In addition to meeting the dollar limitation set forth in § 1100.30, the mortgage shall involve a principal obligation not in excess of 90 percent of the Commissioner's estimate of the value of the property when construction or rehabilitation is completed. The value of the property may include the land and proposed physical improvements, equipment, utilities within the boundaries of the property, architect's fees, taxes, and interest accruing during construction, and other miscellaneous charges approved by the Commissioner as incident to the construction or rehabilitation.

§ 1100.35 Adjusted mortgage amount—rehabilitation projects.

In addition to meeting the dollar and loan-to-value limitations set forth in §§ 1100.30 and 1100.32, a mortgage financing the rehabilitation of existing improvements shall be subject to the following additional limitations:

(a) *Property held unencumbered.* If the mortgagor is the fee simple owner of the property and the ownership is not encumbered by an outstanding indebtedness, the mortgage shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed rehabilitation.

(b) *Property subject to existing mortgage.* If the mortgagor owns the property subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the mortgage shall not exceed the total of the following:

(1) The Commissioner's estimate of the cost of rehabilitation, plus

(2) Such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the fair market value of such land and improvements prior to rehabilitation.

(c) *Property to be acquired.* If the property is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the mortgage shall not exceed 90 percent of the total of the following:

(1) The Commissioner's estimate of the cost of rehabilitation, plus

(2) The actual purchase price of the land and improvements or the Commissioner's estimate (prior to rehabilitation) of the fair market value of such land and improvements, whichever is the lesser.

§ 1100.37 Reduced mortgage amount—leaseholds.

If the mortgage is on a leasehold estate rather than a fee simple holding, the maximum mortgage amount based upon the limitations of this part is subject to reduction by an amount equal to the capitalized value of the ground rent.

§ 1100.40 Mortgage provisions.

All of the provisions of § 207.3 of this chapter apply to mortgages insured under this subpart. These provisions prescribe the mortgage form and the obligation of the mortgagee for disbursing the mortgage proceeds.

ELIGIBLE MORTGAGES

§ 1100.45 Maximum interest rate.

The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and the mortgagor but in no case shall the interest rate exceed 6 percent per annum.

§ 1100.47 Maximum mortgage maturity.

The mortgage shall have a maturity not to exceed 25 years from the date it becomes effective and shall contain amortization or sinking fund provisions satisfactory to the Commissioner.

§ 1100.50 Payment requirements.

The mortgage shall provide for payments on the first day of each month on account of interest and for payments to principal in accordance with an amortization plan or sinking fund provisions agreed upon by the mortgagor, the mortgagee and the Commissioner.

§ 1100.52 Application of payments.

All payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply each payment received to the following items in the order set forth:

(a) Premium charges under the contract of insurance.

(b) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums.

(c) Interest on the mortgage.

(d) Amortization of the principal of the mortgage.

§ 1100.55 Accumulation of accruals.

All of the provisions of § 207.12 of this chapter apply to mortgages insured under this subpart. These provisions relate to payments to be made by the mortgagor to be accumulated by the mortgagee for paying the annual mortgage insurance premium, ground rents, taxes, water rates, special assessments, and fire and other hazard insurance premiums.

§ 1100.57 Mortgage covenants.

The mortgage shall contain covenants relating to liens, property insurance, and use of property as prescribed in §§ 207.9, 207.10 and 207.16 of this chapter.

§ 1100.58 Racial restriction covenant.

Under the mortgage instrument, the mortgagor shall covenant that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not execute or file for record any instrument which imposes a restriction upon the sale or use of the mortgaged property on the basis of race, color, or creed. This covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof, the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

§ 1100.60 Issuance of bonds secured by trust indenture.

All of the provisions of § 207.15 of this chapter apply to mortgages insured under this subpart. These provisions relate to the issuance of bonds secured by a trust indenture.

§ 1100.62 Mortgage lien.

The mortgagor shall certify at the final endorsement of the mortgage for insurance as to each of the following:

(a) That the mortgage is the first lien upon and covers the entire project including the equipment financed with mortgage proceeds.

(b) That the property upon which the improvement have been made or constructed, and the equipment financed with mortgage proceeds, are free and clear of all liens other than the insured mortgage and such other liens as may be approved by the Commissioner.

(c) That the certificate sets forth all unpaid obligations in connection with the mortgage transaction, the purchase of the mortgaged property, the construction or rehabilitation of the project or the purchase of the equipment financed with mortgage proceeds.

§ 1100.65 Prepayment privilege, prepayment and late charges.

All of the provisions of § 207.14 of this chapter apply to mortgages insured under this subpart. These provisions cover the mortgagor's prepayment privilege, the prepayment charge that may be made by the mortgagee, and the late charge that may be collected by the mortgagee.

§ 1100.67 Insured advances—building loan agreement.

Prior to the initial endorsement of the mortgage for insurance, the mortgagor and mortgagee shall execute a building loan agreement, approved by the Commissioner, setting forth the terms and conditions under which progress payments may be advanced during construction. To be covered by mortgage insurance, each progress payment shall be approved by the Commissioner prior to disbursement.

WAGE STANDARDS

§ 1100.70 Prevailing wage requirements.

Any contract, subcontract, or building loan agreement executed for the performance of construction of the project shall contain provisions requiring compliance with all applicable regulations of the Secretary of Labor relating to the payment of prevailing wages. In addition, a requirement shall be included that each laborer or mechanic employed on the project receive compensation at a rate not less than one and one-half times his basic rate of pay for all work time, in excess of 8 hours during any workday or in excess of 40 hours during any workweek.

§ 1100.72 Prevailing wage determination.

After the filing of the application for insurance and prior to the beginning of construction, the Commissioner shall obtain from the Secretary of Labor a determination as to the wages prevailing for the various classes of laborers and mechanics in the area where the project is to be constructed.

§ 1100.75 Ineligible contracts.

(a) Contracts relating to the construction of the project shall not be made with a general contractor or a subcontractor (or any firm, corporation, partnership, or association in which such contractor or subcontractor has a substantial interest), the name of which is on the ineligible list of contractors or subcontractors established by the Commissioner or by the Comptroller General under the applicable regulations of the Secretary of Labor.

(b) If the Commissioner determines that a contract has been made contrary to the requirements of paragraph (a) of this section and so notifies the mortgagee, the Commissioner may refuse to insure any subsequent advances of mortgage proceeds.

§ 1100.77 Wage certificate.

No advance under the mortgage shall be eligible for insurance unless there is filed with the application for such advance a wage certificate as required by the Commissioner. The certificate shall state that the laborers and mechanics employed in the construction of the project have been paid not less than the prevailing wages determined by the Secretary of Labor and any overtime wages at a rate not less than one and one-half times the basic rate of pay for all work time, in excess of 8 hours during any workday, or in excess of 40 hours during any workweek.

FUNDS AND FINANCES

§ 1100.85 Funds and finances—deposits and letters of credit.

(a) *Deposits.* Where the Commissioner requires the mortgagor to make a deposit of cash or securities, such deposit shall be with the mortgagee or a depository acceptable to the mortgagee. The deposit shall be held by the mortgagee in a special account or by the depository under an appropriate agreement approved by the Commissioner.

(b) *Letter of credit.* Where a letter of credit is acceptable to the Commissioner in lieu of deposit of cash or securities, the letter of credit shall be unconditional and irrevocable. The letter of credit shall be issued to the mortgagee by a banking institution. The mortgagee shall be responsible to the Commissioner for collection under the letter of credit. In the event a demand for payment under the letter of credit is not immediately met, the mortgagee shall forthwith provide a cash deposit equivalent to the undrawn balance of the letter of credit.

§ 1100.87 Funds and finances—offsite utilities and streets.

The Commissioner may require a cash deposit with the mortgagee (or with an acceptable trustee or escrow agent designated by the mortgagee) in such amounts as may be necessary to complete offsite public utilities and streets. The mortgagee may accept, in lieu of a required cash deposit, a letter of credit meeting the requirements of § 1100.85(b).

§ 1100.90 Funds and finances—insured advances—general requirements.

(a) *Establishment of funds.* If the commitment provides for insurance of advances during construction, the mortgagor shall, prior to initial endorsement, make each of the following deposits:

(1) An amount determined by the Commissioner as sufficient (when added to the proceeds of the insured mortgage) to assure completion of the project and to pay the initial service charge, the

carrying charges, and the legal and organization expenses incident to the project. The deposit shall be in cash and shall be held by the mortgagee under an appropriate agreement, approved by the Commissioner, requiring that prior to the advance of any mortgage money, all the cash be disbursed for work and material on the physical improvements, and for any other charges and expenses which are payable.

(2) An amount representing all fees and charges to be paid by the mortgagor in connection with financing which are in excess of the initial service charge and which have been approved by the Commissioner.

(b) *Deposit and use of funds.* Unless other arrangements acceptable to the Commissioner are made, the funds referred to in paragraph (a) of this section shall be subject to the provisions of § 1100.85(a).

(c) *Letter of credit.* The mortgagee may accept, in lieu of a cash deposit required by paragraph (a)(2) of this section, a letter of credit as provided in § 1100.85(b).

§ 1100.92 Funds and finances—insured advances—working capital.

(a) The amount of working capital, if any, required by the Commissioner to be deposited by the mortgagor with the mortgagee or in a depository satisfactory to the mortgagee and under its control, shall not exceed 2 percent of the original amount of the mortgage. Disbursement from such deposit shall be made only in a manner prescribed by the Commissioner.

(b) The mortgagee may accept, in lieu of a cash deposit required by paragraph (a) of this section, an unconditional irrevocable letter of credit issued to the mortgagee by a banking institution. In the event a demand under the letter of credit is not immediately met, the mortgagee shall forthwith provide cash equivalent to the undrawn balance thereunder.

§ 1100.95 Funds and finances—insured advances—assurance of completion.

(a) *In general.* In order to assure completion of the project, the mortgagor shall furnish a bond to the mortgagee, establish an escrow deposit, or furnish the mortgagee with a letter of credit. The bond, escrow deposit or letter of credit shall be in an amount of at least 10 percent of the Commissioner's estimated cost of constructing the project.

(b) *Bond requirements.* The bond shall be on a standard form prescribed by the Commissioner and be that of a surety company satisfactory to him.

(c) *Escrow deposit requirements.* The escrow deposit shall consist of cash, securities of the United States, or securities which are fully guaranteed by the United States as to principal. The deposit shall meet the requirements of § 1100.85(a).

(d) *Letter of credit requirements.* The letter of credit shall meet the requirements of § 1100.85(b).

Supervision of Mortgagor

§ 1100.100 Supervision of mortgagor—form of regulation.

The Commissioner may regulate and restrict the mortgagor as long as the Commissioner is the insurer or reinsurer of the mortgage or while the Secretary is the holder of the mortgage. Such regulation or restriction may be in the form of a regulatory agreement, corporate charter or such other means as the Commissioner approves.

§ 1100.102 Supervision of mortgagor—maintenance of project.

The mortgagor shall maintain the project's grounds and buildings and the equipment financed with mortgage proceeds in good repair. It shall promptly complete such repairs and maintenance as the Commissioner considers necessary and required.

§ 1100.105 Supervision of mortgagor—books and accounts.

The books and accounts of the mortgagor relating to the operation of the physical facilities of the project (exclusive of the books and records relating to the group practice of medicine, dentistry, or optometry) shall be established and maintained in a manner satisfactory to the Commissioner. They shall be kept in accordance with the requirements of the Commissioner so long as the mortgage is insured by the Commissioner or the mortgage is held by the Secretary. The mortgagor shall file with the Commissioner such financial reports as the Commissioner may require.

§ 1100.107 Supervision of mortgagor—inspection of facilities by Commissioner.

The mortgagor's property, equipment, buildings, plans, offices, apparatus, devices, books, contracts, records, documents, and papers relating to the operation of the physical facilities of the project (exclusive of the books and records relating to the group practice of medicine, dentistry or optometry) shall be subject to inspection and examination by the Commissioner or his duly authorized representative at all reasonable times.

§ 1100.110 Supervision of mortgagor—control over surplus cash.

Surplus cash acquired by the mortgagor from the operation of the project may be used only for such specific purposes as may be approved by the Commissioner. The term "surplus cash" as used in this section shall mean the cash legally available and remaining after the payment and allocation of funds as follows:

(a) The payment of each of the following:

(1) Sums currently due under the terms of the mortgage or note insured by the Commissioner or held by the Secretary.

(2) Amounts required to be deposited in the Reserve Fund for Replacements.

(3) Outstanding obligations of the mortgagor arising out of the operation of the project other than those arising out of the mortgage indebtedness, unless funds for payment have been set aside or deferment of payment has been approved by the Commissioner.

(b) The allocation and placement in a separate account of an amount equal to the aggregate of all special funds required to be maintained by the project.

§ 1100.112 Supervision of mortgagor—fund for replacements.

The mortgagor shall deposit and maintain with the mortgagee a reserve fund for replacements. The amount and type of such fund and the conditions under which it shall be accumulated, replenished, and used, shall be specified in the regulatory agreement, corporate charter, or in such other document as the Commissioner may require.

§ 1100.115 Rental of facilities.

Where the mortgagor rents the group practice facilities to a medical or dental group, the terms of the lease and the amount of rental charge shall be subject to the approval of the Commissioner. Provision shall be included in the lease for an annual review of the rental charge and for adjustments to increase or decrease such rental charge with the approval of the Commissioner. The mortgagor shall make an annual report to the Commissioner as to its financial status and adjustments in the annual rental shall be made only with the approval of the Commissioner.

Property Requirements

§ 1100.120 Eligibility of property.

A mortgage to be eligible for insurance shall cover real estate in which the mortgagor has one of the following interests:

(a) A fee simple title.

(b) A lease for not less than 99 years which is renewable.

(c) A lease having a term of not less than 75 years to run from the date the mortgage is executed.

(d) A lease executed by a governmental agency or an Indian or an Indian tribe for the maximum term consistent with the legal authority for the execution of such lease, provided that the term of any such lease shall run for a period of not less than 50 years from the date the mortgage is executed.

§ 1100.122 Special property requirements.

The project shall be designed for use as a group practice facility which the Commissioner finds:

(a) Will be constructed in an economical manner.

(b) Will not be of elaborate or extravagant design or materials.

(c) Will provide adequate and suitable facilities for the group practice of medicine, optometry, or dentistry.

§ 1100.125 Zoning, deed or building restrictions.

The project when completed shall not violate any material zoning or deed restrictions applicable to the project site, and shall comply with all applicable building and other governmental regulations and requirements.

§ 1100.127 Discrimination prohibited.

Any contract or subcontract executed for the construction or rehabilitation of the project shall contain a provision that there shall be no discrimination against any employee, or applicant for employment because of race, color, creed, or national origin. Where the mortgagor is the general contractor, the building loan agreement shall contain the same provision against discrimination.

Cost Certification

§ 1100.140 Certification of cost requirements.

(a) Prior to initial endorsement of the mortgage for insurance, the mortgagor, the mortgagee and the Commissioner shall enter into an agreement approved by the Commissioner for the purpose of limiting the outstanding principal balance of the mortgage, at the time of final endorsement, to the statutory limitations based on the actual cost of the project. The agreement shall require the mortgagor to do each of the following:

(1) Disclose its relationship including any collateral agreements with the general contractor, the subcontractor, and the suppliers.

(2) Enter into a construction contract with the general contractor in a form meeting the requirements of § 1100.145.

(3) Execute a certificate of actual costs upon completion of the construction.

(4) Reduce the outstanding principal balance of the mortgage by applying thereto any excess of mortgage proceeds over statutory limitations based on actual costs.

§ 1100.142 Certificate as to subcontracts.

If the Commissioner determines that the mortgagor or any of its officers, directors, stockholders, partners, or beneficiaries have an interest (financial or otherwise) in a subcontractor or material supplier, the mortgagor shall certify (at such times and in such form as may be prescribed by the Commissioner prior to final endorsement of the mortgage for insurance) that the amounts paid to such subcontractor or material supplier were not more than the rate being paid in the locality for similar type labor and materials.

§ 1100.145 Form of contract.

A cost-plus form of contract between the mortgagor and the general contractor shall be used unless it is established to the Commissioner's satisfaction that such form is not required to protect his interests and the interests of the mortgagor, in which case a lump sum contract may be used.

§ 1100.147 Certificate of actual costs.

Upon completion of the project to the satisfaction of the Commissioner and prior to final endorsement, the mortgagor shall submit a certificate showing the actual costs of the project to the mortgagor. The certificate shall be in a form prescribed by the Commissioner.

§ 1100.150 Certificate of actual costs—general contractor's costs.

Upon completion of the project to the satisfaction of the Commissioner and prior to final endorsement, the general contractor shall submit a certificate of actual costs in a form prescribed by the Commissioner.

§ 1100.152 Certificate of actual costs—subcontractor's costs.

Where the subcontractor, material supplier, or equivalent lessor have an identity of interest either with the mortgagor or the general contractor, the Commissioner may require the mortgagor to submit a certificate showing the actual cost of the labor, supplies, or equipment furnished to the project by any one or all of such entities. The certificate shall be in a form prescribed by the Commissioner.

§ 1100.155 Records.

The mortgagor shall keep and maintain adequate records of all construction costs, or other cost items not representing work under the general contract and shall require the general contractor to keep similar records. Upon request by the Commissioner, such records, together with any collateral agreements, shall be made available for examination.

§ 1100.157 Adjustment of cost—new construction.

In the case of new construction, in order to give effect to land value, the aggregate amount shown in the certificate of actual costs shall be adjusted, prior to final endorsement, as follows:

(a) *Land held in fee.* Where the land included in the mortgage security is owned in fee by the mortgagor, the Commissioner's estimate of the fair market value of such land prior to the beginning of construction shall be added to the total cost shown in the certificate.

(b) *Land held under leasehold.* Where the land included in the mortgage security is held by the mortgagor under a leasehold, the expense of acquiring the leasehold may be added to the aggregate amount shown in the certificate of actual costs. The amount added shall be limited to the Commissioner's estimate, prior to the beginning of construction, of the fair market value of the leasehold or other interest.

§ 1100.160 Adjustment of cost—rehabilitation.

In the case of repair or rehabilitation, in order to give effect to land value, the aggregate amount shown in the certificate of actual costs shall be adjusted, prior to final endorsement, as follows:

(a) *Property already owned.* Where no part of the proceeds of the mortgage is to be used to finance the purchase of the land or the existing improvements, the mortgage shall be reduced to an amount which does not exceed 100 percent of the actual costs (as approved by the Commissioner) of the repair or rehabilitation.

(b) *Property subject to existing mortgage.* Where the proceeds of the mortgage are to be used to refinance an existing mortgage, there shall be added to the actual costs of the repair or rehabilitation the lesser of the following:

(1) The amount of the existing mortgage.

(2) 90 percent of the Commissioner's estimate (prior to repair or rehabilitation) of the fair market value of the land and existing improvements.

(c) *Property to be acquired.* Where the proceeds are to be used to finance the purchase of the land and existing improvements in addition to financing the repair or rehabilitation, there shall be added to the actual costs of the repair or rehabilitation the lesser of the following:

(1) The purchase price of the land and existing improvements.

(2) The Commissioner's estimate (prior to repair or rehabilitation) of the fair market value of the land and existing improvements.

§ 1100.162 Reduction in mortgage amount.

If the principal amount of the mortgage exceeds the total shown by the certificate of actual costs, after adjustment as provided in §§ 1100.157 and 1100.160, the mortgage shall be reduced by the amount of such excess prior to final insurance endorsement.

§ 1100.165 Effect of agreement.

Any agreement, undertaking, statement, or certification required by the Commissioner in connection with the certificate of actual costs shall specifically state that it has been made, presented, and delivered for the purpose of influencing an official action of the Commissioner and that it may be relied upon as a true statement of the facts contained therein.

§ 1100.167 Cost certification incontestable.

Upon the Commissioner's approval of the mortgagor's certification of actual costs, such certification shall be final and incontestable, except for fraud or material misrepresentation on the part of the mortgagor.

Title

§ 1100.180 Eligibility of title.

In order for the mortgaged property to be eligible for insurance, the Commissioner shall determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence shall be examined by the Commissioner and the original endorsement of the credit instrument for insurance shall be evidence of its acceptability.

§ 1100.182 Title evidence.

Upon insurance of the mortgage, the mortgagee shall furnish a survey to the Commissioner which is satisfactory to him, and a policy of title insurance, as provided in paragraph (a) of this section. If, for reasons the Commissioner deems satisfactory, title insurance cannot be furnished under paragraph (a)

of this section, the mortgagee shall furnish evidence of title in accordance with paragraphs (b) or (c) of this section, as the Commissioner may require. Any survey, policy of title insurance, or evidence of title required under this section shall be furnished without expense to the Commissioner. The types of title evidence are:

(a) A title insurance policy, issued by a company and in a form satisfactory to the Commissioner. The policy shall name as the insureds the mortgagee and the Secretary, as their respective interests may appear. The title policy shall provide that, upon acquisition of title by the mortgagee or the Secretary, it shall become an owner's policy protecting the mortgagee or the Secretary, as the case may be.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commission as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens or similar title certificate.

AMENDMENTS

§ 1100.185 Amendment of regulations.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured pursuant to a commitment already issued by the Commissioner.

Subpart B—Contract Rights and Obligations

§ 1100.251 Incorporation by reference.

(a) All of the provisions of §§ 207.251 et seq. (Part 207, Subpart B) of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply to a mortgage covering a group practice facility insured under title XI of the National Housing Act, except the following provision:

Sec.
207.264 Effective date.

(b) For the purposes of this subpart, all references in Part 207 of this chapter to section 207 of the Act shall be construed to refer to title XI of the Act.

(c) All of the definitions in § 1100.1 shall apply to this subpart. In addition, as used in this part, the term "contract of insurance" means the agreement evidenced by the Commissioner's insurance endorsement and includes the provisions of this subpart and of the Act.

Issued at Washington, D.C., April 24, 1967.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-4716; Filed, Apr. 27, 1967; 8:48 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Memo No. 514]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart O—Administrative Division

DELEGATION OF AUTHORITY TO DIRECTOR, BUREAU OF PRISONS, AS TO DISPOSITION OF UNCLAIMED PROPERTY

This memorandum shall be published as an appendix to Subpart O of Title 28 of the Code of Federal Regulations.

This memorandum shall be effective upon its publication in the FEDERAL REGISTER.

Pursuant to the authority vested in me by § 0.84 of Title 28 of the Code of Federal Regulations, I hereby delegate to the Director of the Bureau of Prisons the authority vested in me by § 0.80 of that title to exercise the authority conferred by section 203(m) of the Federal Property and Administrative Services Act of 1949, as amended (1) to take possession of all unclaimed privately owned personal property (including abandoned property) of an estimated value of $100 or less which is now or may hereafter be in the official custody or control of any officer, employee, or agent of the Bureau of Prisons on premises owned or leased by the United States, and which remains unclaimed for a period of 6 months, (2) to determine that title to such property has vested in the United States, (3) to utilize, transfer, or otherwise dispose of such property, (4) to determine, when necessary, the fair value of such property, (5) to receive, examine, and determine claims filed by former owners thereof, and (6) to pay such claims, or any portion thereof, which he shall determine to be due and payable in accord with section 203(m) of that Act.

All proceeds from the property disposed of under this delegation shall, if not paid to the owner thereof under section 203(m), be covered into the United States Treasury as miscellaneous receipts.

The authority herein delegated may be redelegated to any officer or employee of the Bureau of Prisons.

ERNEST C. FRIESEN, Jr.,
Assistant Attorney General for Administration.

APRIL 25, 1967.

[F.R. Doc. 67-4755; Filed, Apr. 27, 1967; 8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 67-26]

PART 23—DISTINCTIVE MARKINGS FOR COAST GUARD VESSELS AND AIRCRAFT

Coast Guard Ensign and Commission Pennant

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, and by 49 CFR 1.4 (32 F.R. 5606), to promulgate regulations in accordance with the laws cited below, the following amendments are prescribed and shall be effective on date of publication of this document in the FEDERAL REGISTER:

1. Section 23.05 is revised to read as follows:

§ 23.05 Where and when displayed.

(a) The Coast Guard Ensign is a mark of authority and is required to be displayed whenever a Coast Guard vessel takes active measures in connection with boarding, examining, seizing, stopping or heaving to of a vessel for the purposes of enforcing the laws of the United States. The distinctive markings of Coast Guard aircraft serve the same purpose.

(b) The Coast Guard Commission pennant indicates a Coast Guard cutter under the command of a commissioned officer or commissioned warrant officer.

(c) When applicable, these distinctive marks shall be displayed, the Coast Guard Ensign at the masthead of the foremast, and the commission pennant at the after masthead. On ships having but one mast the Coast Guard Ensign and commission pennant shall be at the masthead on the same halyard. In mastless ships they shall be displayed from the most conspicuous hoist.

2. Section 23.10 is revised to read as follows:

§ 23.10 Coast Guard emblem.

(a) The distinctive emblem of the Coast Guard shall be as follows:

On a disc the shield of the Coat of Arms of the United States circumscribed by an annulet edged and inscribed "UNITED STATES COAST GUARD 1790" all in front of two crossed anchors.

(b) The emblem in full color is described as follows:

White anchors and white ring all outlined in medium blue (Coast Guard blue), letters and numerals medium blue (Coast Guard blue), white area within ring, shield with medium blue (Coast Guard blue) chief and 13 alternating white and red (Coast Guard red) stripes (7 white and 6 red) with narrow medium blue (Coast Guard blue) outline.

(c) The Coast Guard emblem is intended primarily for use as identification on Coast Guard ensigns, flags, pennants, vessels, aircraft, vehicles, and shore units. It may also be reproduced for use on such items as stationery, clothing, jewelry, etc.

(d) Civilian firms desiring to reproduce the Coast Guard emblem must obtain approval from the Commandant, U.S. Coast Guard, Washington, D.C.

Dated: April 19, 1967.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 67-4709; Filed, Apr. 27, 1967; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Monomoy National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations: recreation; for individual wildlife refuge areas.

MASSACHSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Entrance by walking on the refuge is permitted for the purpose of birdwatching, photography, nature study, hiking, swimming, sunbathing, and digging shellfish, during daylight hours; fishing for 24 hours a day. Pets are permitted on a leash not exceeding 10 feet in length. Fires are permitted on the beach.

The refuge, comprising 2,696 acres, is delineated on a map available from the Refuge Manager, Great Meadows National Wildlife Refuge, 31 Sudbury Road, Concord, Mass. 01742, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1967.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 12, 1967.

[F.R. Doc. 67-4726; Filed, Apr. 27, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Producer Representation on Raisin Advisory Board and Raisin Administrative Committee

Notice is hereby given of a proposal to amend Subpart—Administrative Rules and Regulations by adding new sections, §§ 989.126 and 989.139, in regard to allocating the producer representation on the Raisin Advisory Board and the Raisin Administrative Committee among districts or groups of districts. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal, recommended by the Raisin Administrative Committee, would prescribe the procedure and the basis for reallocating the 35 producer members of the Raisin Advisory Board among the 21 districts into which the area is divided. The reallocation would be based on the tonnages of raisins produced in the respective districts. The reallocation or the actual number of producer member positions for each of the 21 districts would be determined later, for use beginning with the 1968 nominations and selections. The allocation of present producer representation on the board among the districts is the same, except for a minor change in 1960, as that provided in 1949 when the program was established. Since that time, conditions have changed regarding pertinent program provisions and grape and raisin production in the various districts.

The proposal also would group the 21 districts (for which representation on the board is afforded) into three groups, and prescribe the procedure and the basis for allocating the 8 producer members of the committee among the 3 groups of districts. The basis of allocation (raisin production) and, insofar as applicable, the procedure, would be the same as for the board.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed new sections are as follows:

§ 989.126 Changes in producer representation on Raisin Advisory Board.

(a) Commencing with the term of office beginning May 1, 1968, apportionment of the 35 producer members of the Raisin Advisory Board among the 21 districts (as designated in § 989.96 *Exhibit A*) shall be as provided in this section.

(b) Each district shall have one producer member for each quantity of raisins produced therein from 1966 crop grapes that represents, as nearly as possible, one thirty-fifth of the total tonnage of raisins produced in all districts from 1966 crop grapes: *Provided*, That each district shall have at least one member. The producer representation on the board shall be reviewed every 5 years thereafter and any necessary changes made to continue such producer member representation on the basis of one thirty-fifth of the total tonnage of raisins produced. The raisin production to be used in such review or change shall be that of the preceding crop year.

(c) Whenever any change in 1968, or in a subsequent year, causes a reduction in the number of producer members to represent a particular district in the ensuing term of office, the appointment theretofore made of all incumbent producer members representing that district shall be terminated. The reduced number of such members, and the new members for districts gaining representation, shall be nominated and selected, consistent with § 989.28(a), for the ensuing term of office.

§ 989.139 Producer representation on Raisin Administrative Committee.

(a) As used in this section, the term "group of districts" means any one of the following:

(1) "Group I districts" means Districts Nos. 1 through 15, as designated in § 989.96 *Exhibit A*.

(2) "Group II districts" means Districts Nos. 16, 17, and 18, as designated in § 989.96 *Exhibit A*.

(3) "Group III districts" means Districts Nos. 19, 20, and 21, as designated in § 989.96 *Exhibit A*.

(b) Commencing with the term of office beginning June 1, 1968, apportionment of the eight producer members of the Raisin Administrative Committee among the three groups of districts shall be as provided in this section.

(c) Each group of districts shall have one producer member for each quantity of raisins produced in such districts from 1966 crop grapes that represents, as nearly as possible, one-eighth of the total tonnage of raisins produced in all districts from 1966 crop grapes: *Provided*, That each group of districts shall have at least one member. The producer representation on the committee shall be reviewed every 5 years thereafter and any necessary changes made to continue such producer member representation on the basis of one-eighth of the total tonnage of raisins produced. The raisin production to be used in such review or change shall be that of the preceding crop year.

Dated: April 25, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4739; Filed, Apr. 27, 1967; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 67-EA-39]

AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Model Wasp Jr. and R-985 Series Engines

Amendment 39-50, 25 F.R. 6489, AD 65-7-2, requires periodic inspection and rework or replacement of the engine crankshaft flyweights and flyweight liners on Pratt & Whitney Aircraft Wasp Jr. and R-985 series aircraft engines to provide proper crankshaft damper operation and insure engine/propeller compatibility. Subsequent to Amendment 39-50, service experience with certain Hartzell propellers indicates that the frequency of crankshaft damper inspection required by AD 65-7-2 on engines with these propellers is not effective in maintaining adequate damper operation. Therefore, the agency is considering superseding Amendment 39-50 with a new AD that increases the crankshaft inspection frequency for engines equipped with Hartzell propellers. The inspection periods for engines with other eligible propellers remain unchanged.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Eastern Region, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to Models Wasp Jr. and R-985 Series Engines.

Compliance required as indicated.

To forestall propeller blade failures as a result of excessive wear of the engine crankshaft flyweight and flyweight liners, accomplish the following:

(a) For engines with Hartzell propeller Models HC-93Z30, HC-B3Z30, and HC-B3W30 inspect and rework or replace as necessary engine crankshaft flyweights, P/N's 34462 and 34463 and flyweight lines, P/N 34461 in accordance with Pratt & Whitney Aircraft Service Bulletin No. 1758 Revision A dated November 18, 1964, or later FAA approved revision, within the next 50 hours' time in service after the effective date of this AD, unless previously accomplished within the last 950 hours' time in service, and thereafter at intervals not to exceed 1,000 hours' time in service from the last inspection.

(b) For engines with any other eligible propellers inspect and rework or replace as necessary, engine crankshaft flyweights, P/N's 34462 and 34463, and flyweight liners, P/N 34461, in accordance with Pratt & Whitney Aircraft Service Bulletin No. 1758 Revision A dated November 18, 1964, or later FAA approved revision, within the next 50 hours' time in service after the effective date of this AD, unless previously accomplished in accordance with the Pratt & Whitney Aircraft Wasp Jr. Overhaul Manual, P/N 123440 or Pratt & Whitney Aircraft Service Bulletin No. 1758 Revision A dated November 18, 1964, or later FAA approved revision within the last 1,550 hours' time in service, and thereafter at intervals not to exceed 1,600 hours' time in service from the last inspection.

Upon request and with substantiating data submitted through an FAA maintenance inspector, compliance times specified in this AD may be increased upon approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This supersedes Amendment 39-50, 25 F.R. 6489, AD 65-7-2.

Issued in Jamaica, N.Y., on April 17, 1967.

OSCAR BAKKE,
Regional Director.

[F.R. Doc. 67-4699; Filed, Apr. 27, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-EA-97]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Section 71.181 of Part 71 so as to alter the Akron, Ohio, 700-foot floor transition area.

New instrument approach procedures to Andrew W. Paton of Kent State University Airport, Kent, Ohio, have been authorized and will require airspace protection for IFR aircraft.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the terminal airspace requirements for Kent, Ohio, proposes the airspace action hereinafter set forth.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Akron, Ohio, 700-foot floor transition area by adding in the description of the 700-foot floor transition area following the phrase "extending from the Akron-Canton OM to 12 miles south of the OM;" the following:

within a 5-mile radius of the Andrew W. Paton of Kent State University Airport, Kent, Ohio (41°09'05" N., 81°25'05" W.); within 2 miles each side of the Akron VORTAC 285° radial, extending from the Andrew W. Paton of Kent State University Airport 5-mile radius area to the VORTAC; within 2 miles each side of the Akron RBN 344° and 164° bearings, extending from the Andrew W. Paton of Kent State University Airport 5-mile radius area to 8 miles south of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on April 13, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-4706; Filed, Apr. 27, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-44]

TRANSITION AREA

Proposed Alteration and Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the St. Louis, Mo., terminal area and revoke controlled airspace in the Richwoods, Mo., terminal area.

The following transition areas are presently designated in the St. Louis, Mo., and Richwoods, Mo., terminal areas:

(1) The St. Louis, Mo., transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°-21'55" W.), within 5 miles southeast and 8 miles northwest of the Lambert-St. Louis Municipal Airport Runway 24 ILS localizer northeast course extending from the 10-mile radius area to 12 miles northeast of the Runway 24 OM, within 5 miles southwest and 8 miles northeast of the Lambert-St. Louis Municipal Airport Runway 12R ILS localizer northwest course extending from Runway 12R OM to 12 miles northwest, within a 5-mile radius of Civic Memorial Airport, Alton, Ill. (latitude 38°53'28" N., longitude 90°03'02" W.), within 2 miles each side of the 009° bearing from the Civic Memorial Airport, extending from the 5-mile radius area to 7 miles north of the airport, and within 5 miles south and 8 miles north of the 103° bearing from the Civic Memorial Airport, extending from the airport to 12 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within a 33-mile radius of Lambert-St. Louis Municipal Airport, within 6 miles southwest and 9 miles northeast of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles northwest of the VORTAC, within a 40-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°-51'05" W.), and within 5 miles west and 8 miles east of the 009° bearing from Civic Memorial Airport, extending from the airport to 19 miles north of the airport, excluding the airspace within the Vandalia, Ill., transition area and the portion within a 13-mile radius of the Centralia, Ill., VOR.

(2) The Richwoods, Mo., transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Richwoods VOR 230° and 050° radials, extending from 7 miles northeast to 13 miles southwest of the VOR.

The Federal Aviation Administration, having completed a comprehensive review of the terminal airspace structural requirements in the St. Louis, Mo., and Richwoods, Mo., terminal areas, which revealed the need for revising the designated transition area at St. Louis, Mo., and for revoking the designated transition area at Richwoods, Mo., proposes the following airspace actions:

(1) Redesignate the St. Louis, Mo., transition area as that airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'-55" W.), within 5 miles southeast and 8 miles northwest of the Lambert-St.

Louis Municipal Airport Runway 24 ILS localizer northeast course extending from the 10-mile radius area to 12 miles northeast of the Runway 24 OM, within 5 miles southwest and 8 miles northeast of the Lambert-St. Louis Municipal Airport Runway 12R ILS localizer northwest course extending from Runway 12R OM to 12 miles northwest, within a 5-mile radius of Civic Memorial Airport; Alton, Ill. (latitude 38°53'28" N., longitude 90°03'02" W.), within 2 miles each side of the 009° bearing from the Civic Memorial Airport, extending from the 5-mile radius area to 7 miles north of the airport, and within 5 miles south and 8 miles north of the 103° bearing from the Civic Memorial Airport, extending from the airport to 12 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within a 33-mile radius of Lambert-St. Louis Municipal Airport, within 6 miles southwest and 9 miles northeast of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles northwest of the VORTAC, within 5 miles northwest and 8 miles southeast of the Maryland Heights VORTAC 243° radial extending from the 33-mile radius area to 19 miles southwest of the VORTAC, within an area bounded on the west and northwest by the east and southeast boundary of V-148, on the northeast by the arc of a 33-mile radius circle centered on Lambert-St. Louis Municipal Airport, on the southeast by the northwest boundary of V-72, on the south by the north boundary of V-86, within a 40-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 5 miles west and 8 miles east of the 009° bearing from Civic Memorial Airport extending from the airport to 19 miles north of the airport, within an area bounded on the northwest by the arc of a 40-mile radius circle centered on Scott AFB, on the east by the west boundary of V-313, on the southwest by the northeast boundary of V-335; and that airspace extending upward from 2,500 feet above the surface within an area bounded on the north by the arc of a 40-mile radius circle centered on the Scott AFB, on the northeast by the southwest boundary of V-335, on the east by the west boundary of V-313, on the south by the north boundary of V-190, on the west by the east boundary of V-191; and that airspace extending upward from 4,500 feet above the surface within an area bounded on the north by the south boundary of V-88, on the northeast by the southwest boundary of V-9W, on the south by the north boundary of V-190, on the west by a line 5 miles west of and parallel to the St. Louis VORTAC 200° radial, on the northwest by the southeast boundary of V-72; within an area bounded on the north by the south boundary of V-12, on the southeast by the northwest boundary of V-14N, on the southwest by the northeast boundary of V-175, on the northwest by a line 5 miles southeast of and parallel to the Jefferson City, Mo. VOR 041° radial; and within an area bounded on the northeast by the southwest boundary of V-52, on the south by the north boundary of V-4N, on the northwest by the southeast boundary of V-63, excluding that airspace which coincides with the Springfield, Vandalia, and Centralia, Ill., transition areas.

(2) Revoke the Richwoods, Mo., transition area in its entirety.

The proposal contained herein does not change the existing 700-foot floor transition area at St. Louis, Mo.

The proposed 1,200-foot floor and 4,500-foot floor transition area at St. Louis will permit Air Traffic Control to provide more efficient air traffic radar vectoring services to aircraft operating to, from, and within, the St. Louis, Mo., area.

The holding fix airspace at Richwoods, Mo., which the Richwoods transition area was designated to protect, is no longer needed for air traffic control purposes.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floors of the transition area.

No procedural changes will be effected in conjunction with the actions proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on April 12, 1967.

R. O. ZIEGLER,
Acting Director, Central Region.

[F.R. Doc. 67-4705; Filed, Apr. 27, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-49]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Michigan City, Ind., terminal area.

The Michigan City, Ind., transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Michigan City, Ind. Airport (latitude 41°42'10" N., longitude 86°49'23" W.), and within 2 miles each side of the South Bend, Ind. VORTAC 261° radial extending from the 6-mile radius area to 13 miles west of the VORTAC.

A new public-use instrument approach procedure has been developed for the Michigan City, Ind. Airport, utilizing the Michigan City, Ind. "MH" facility as a navigational aid. The Michigan City "MH" facility is located 0.7 nautical mile north of the Michigan City Airport. As a result, and having completed a comprehensive review of the airspace structural requirements at Michigan City, Ind., the Federal Aviation Administration proposes to take the following airspace action:

Redesignate the Michigan City, Ind., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Michigan City, Ind. Michigan City Airport (latitude 41°42'10" N., longitude 86°49'20" W.), within 2 miles each side of the South Bend, Ind. VORTAC 261° radial extending from the 6-mile radius area to 13 miles west of the VORTAC, and within 2 miles each side of the 016° bearing from Michigan City Airport extending from the 6-mile radius area to 9 miles north of the airport.

The proposed 700-foot floor transition area will provide controlled airspace protection for departing aircraft during climb from 700 to 1,200 feet above the surface. It will also provide this protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. Those portions of the arrival and departure procedures executed by aircraft at and above 1,500 feet above the surface will be contained within presently designated 1,200-foot floor transition area.

The floors of the airways that traverse the proposed transition area will automatically coincide with the floor of the transition area.

Since a new approach procedure is being established to serve Michigan City Airport, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details of this proposal and the instrument approach procedure which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this Notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this Notice in order to become part of the record for consideration. The proposal contained in this Notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on April 12, 1967.

R. O. ZIEGLER,
Acting Director, Central Region.

[F.R. Doc. 67-4704; Filed, Apr. 27, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-54]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the Minneapolis, Minn. (Crystal Airport) control zone.

The Minneapolis, Minn. (Crystal Airport), control zone is presently designated as follows:

That airspace within a 3-mile radius of Crystal Airport (latitude 45°21'20" N., longitude 93°21'20" W.), and within 2 miles each side of the Minneapolis VORTAC 169° radial, extending from the 3-mile radius zone to 5 miles north of the airport, from 0600 to 2200 hours, local time, daily.

Since designation of this part-time control zone, the instrument approach procedure for Crystal Airport has been modified. The present control zone does not adequately protect this modified procedure. In addition, due to the present designation of the control zone, any change in the hours during which the control zone is effective requires rule making action which is often time consuming. This requirement will be eliminated by altering the control zone designation to permit its effective hours to be changed by NOTAM. Finally, the alteration contained herein will increase the control zone to the normal 5-mile radius. As a result, and having completed a comprehensive review of the terminal airspace structural requirements at Crystal Airport, Minneapolis, Minn., the Federal Aviation Administration proposes the following airspace action:

Redesignate the Minneapolis, Minn. (Crystal Airport), control zone as that airspace within a 5-mile radius of Crystal Airport (latitude 45°21'20" N., longitude 93°21'20" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

During the times the proposed control zone is in effect, it will provide controlled airspace protection for aircraft executing prescribed arrival and departure procedures at Crystal Airport during descent below 1,000 feet above the surface and during climb to 700 feet above the surface. The control zone will continue to be effective during the hours that the FAA control tower is in operation at Crystal Airport, presently from 0600 to 2200 hours, local time, daily. The FAA will continue to provide weather observations and disseminate weather information during the times that the control zone is in effect. In the event the hours for the operation of the control tower change, the effective times of the control zone will change. When this occurs, notice will be given prior to any such change by a Notice to Airmen, and continuously published thereafter in the Airman's Information Manual.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on April 12, 1967.

R. O. ZIEGLER,
Acting Director, Central Region.

[F.R. Doc. 67-4700; Filed, Apr. 27, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-47]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the North Platte, Nebr., terminal area.

The following controlled airspace is presently designated in the North Platte, Nebr., terminal area:

(1) The North Platte, Nebr., control zone is designated as that airspace within a 5-mile radius of the Lee Bird Field Municipal Airport, North Platte, Nebr. (latitude 41°07'41" N., longitude 100°-41'56" W.); and within 2 miles each side of the North Platte VOR 028° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 186° bearing from the North Platte RBN, extending from the 5-mile radius zone to 8 miles south of the RBN.

(2) The North Platte, Nebr., transition area is designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Lee Bird Field Municipal Airport, North Platte, Nebr. (latitude 41°07'41" N., longitude 100°41'58" W.), and within 2 miles each side of the North Platte VOR 208° radial, extending from the 8-mile radius to 8 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of North Platte VOR.

Since the designation of controlled airspace in the North Platte terminal area, two new instrument approach procedures have been developed and another instrument approach procedure has been modified.

In consideration of the foregoing, and as the result of a comprehensive review of the airspace structural requirements at North Platte, Nebr., the Federal Aviation Administration proposes to alter the control zone and transition area at North Platte, Nebr., as follows:

(1) Redesignate the North Platte, Nebr., control zone as that airspace within a 5-mile radius of Lee Bird Field (latitude 41°07'41" N., longitude 100°-41'58" W.); within 2 miles each side of the North Platte VOR 029° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 186° bearing from North Platte RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; and within 2 miles each side of the 131° bearing from Lee Bird Field, extending from the

5-mile radius zone to 10 miles southeast of the airport.

(2) Redesignate the North Platte, Nebr., transition area as that airspace extending upward from 700' above the surface within a 10-mile radius of Lee Bird Field (latitude 41°07'41" N., longitude 100°41'58" W.); and within 2 miles each side of the North Platte VOR 209° radial, extending from the 10-mile radius area to 8 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the North Platte VOR.

The proposed control zone will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures at Lee Bird Field, North Platte, Nebr., during descent below 1,000 feet above the surface. It will also provide this protection for aircraft departing Lee Bird Field during climb to 700 feet above the surface.

The proposed 700-foot floor transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures at Lee Bird Field during descent from 1,500 to 1,000 feet above the surface. It will also provide this protection for departing aircraft during climb from 700 to 1,200 feet above the surface.

There will be no change in the 1,200-foot floor transition area as presently designated.

The proposed new instrument approach procedures will be made effective concurrently with the designation of the proposed altered control zone and transition area.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floors of the transition area.

Since the action proposed herein was developed to provide controlled airspace protection for new and revised instrument approach procedures, no procedural changes will be effected.

Specific details of this proposal and the procedures which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on April 14, 1967.

R. O. ZIEGLER,
Acting Director, Central Region.

[F.R. Doc. 67-4701; Filed, Apr. 27, 1967; 8:47 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 67-CE-33]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter the Manhattan, Kans., Restricted Area R-3602.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Army has requested the FAA to designate additional restricted airspace adjacent to the north and west boundaries of R-3602. Portions of the southern end of the present R-3602 will be eliminated to improve air traffic control procedures into Manhattan, Kans., Airport and Marshall Army Air Field. The expanded R-3602, would be subdivided into two parts to provide flexibility in releasing all or portions of the restricted airspace for public use when not in use by the using agency.

The area will be used for the firing of various weapons such as artillery, small arms, machinegun, mortar, and rockets. In addition, numerous aircraft, both fixed and rotary wing, will participate in the activities.

If action is taken to adopt this proposal, the Manhattan, Kans., Restricted Area R-3602 would be designated as follows:

R-3602 MANHATTAN, KANS.

SUBAREA A

Boundaries: Beginning at latitude 39°17'45" N., longitude 96°49'50" W.; thence along the southern edge of the Chicago, Rock Island and Pacific Railroad right-of-way to latitude 39°18'33" N., longitude 96°57'39" W.; thence south to the shoreline of the main body of Milford Reservoir at latitude 39°12'27" N., longitude 96°57'39" W.; thence along the shoreline of the main body of Milford Reservoir to latitude 39°10'58" N., longitude 96°55'00" W.; to latitude 39°10'58" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°49'52" W.; thence north along U.S. Highway No. 77 to the point of beginning.

Designated altitudes: Surface to 29,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.

Using agency: Commanding General, Fort Riley, Kans.

SUBAREA B

Boundaries: Beginning at latitude 39°17'45" N., longitude 96°49'50" W.; thence south along U.S. Highway No. 77 to latitude 39°07'54" N., longitude 96°49'52" W.; to latitude 39°04'24" N., longitude 96°52'22" W.; to latitude 39°04'24" N., longitude 96°51'15" W.; thence clockwise along the arc of a four nautical mile radius circle centered on the Marshall Army Air Field RBN at latitude 39°01'34" N., longitude 96°47'40" W.; to latitude 39°05'17" N., longitude 96°45'40" W.; to latitude 39°08'20" N., longitude 96°43'00" W.; to latitude 39°09'23" N., longitude 96°43'00" W.; to latitude 39°10'43" N., longitude 96°40'55" W.; to latitude 39°12'17" N., longitude 96°40'55" W.; to latitude 39°13'00" N., longitude 96°42'35" W.; to latitude 39°13'16" N., longitude 96°42'35" W.; thence along the southerly edge of the Chicago, Rock Island and Pacific Railroad right-of-way to the point of beginning.

Designated altitudes: Surface to 29,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.

Using agency: Commanding General, Fort Riley, Kans.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on April 21, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4702; Filed, Apr. 27, 1967; 8:47 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 67-WE-13]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would extend the time of designation of the Offshore of California Restricted Area R-2518.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Navy has requested a change in the time of designation of the Offshore of California Restricted Area R-2518 from "sunrise to sunset" to "sunrise to 2000 local time." The Navy states that future requirements for this area will include night operations consisting of aerial mining and bomb and rocket missions.

If this proposed action is taken the time of designation of the Offshore of California Restricted Area R-2518 would be changed from "sunrise to sunset" to "sunrise to 2000 local time."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on April 21, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-4703; Filed, Apr. 27, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83]

[Docket No. 17295]

MARITIME MOBILE SERVICE FOR VHF RADIOTELEPHONY

Order Extending Time for Filing Comments

In the matter of amendment of Parts 2, 81, and 83; reduction of channel spacing to 25 kc/s, allotment of channels, establishment of revised technical criteria and categories of communication in the maritime mobile service band 156-162 Mc/s for VHF radiotelephony; Docket No. 17295.

1. A notice of proposed rule making was released in this proceeding March 20, 1967 (32 F.R. 4501). It provided for the filing of comments by April 24, 1967, and reply comments by May 8, 1967. American Telephone and Telegraph Co. (AT&T) has filed a motion for extension of time in which to file comments.

2. AT&T in its motion states that it will be directly and significantly affected by any modification of the Commission's rules which may eventuate from this proceeding. It further avers that a great deal of study and analysis of the numerous and complex issues covered in the notice is required in order to prepare useful comments and the date for filing comments does not permit sufficient time to prepare an appropriate filing. Accordingly, AT&T requests an extension until May 8, 1967, for filing comments and May 22, 1967, for filing reply comments.

3. The Commission recognizes the complexity of some of the issues covered in this notice and their impact on licensees. Some additional time appears warranted and it will not have an adverse effect on this proceeding. *Accordingly, it is ordered,* This 24th day of April 1967, that the time for filing comments and reply comments in this proceeding is extended to May 8, 1967, and May 15, 1967, respectively.

4. This action is taken pursuant to authority contained in sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended and § 0.331(b)(4).

Released: April 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4740; Filed, Apr. 27, 1967; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redelegation Order 1, Amdt. 24]

SUPERINTENDENTS AND PROJECT ENGINEER

Redelegation of Authority Regarding Forestry Matters

APRIL 20, 1967.

Billings Area Office Redelegation Order 1, as amended, is further amended, under Part 2, by the revision of subsection (a) of section 2.230. The revision will give the Flathead Agency Superintendent approval authority for timber sale contracts involving an estimated stumpage volume of not in excess of 100,000 feet, board measure. Subsections (b), (c), (d), and (e) remain unchanged. As so revised, subsection (a) of section 2.230 reads as follows:

SEC. 2.230 *Forest management.* (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed 50,000 feet, board measure, except for the Superintendent of the Flathead Agency who may approve timber sale contracts involving an estimated stumpage volume of not to exceed 100,000 feet, board measure; pursuant to 25 CFR 141.8 and 25 CFR 141.13.

* * * * * *

T. W. TAYLOR,
Acting Commissioner.

[F.R. Doc. 67-4685; Filed, Apr. 27, 1967; 8:45 a.m.]

Bureau of Land Management

MONTANA; CHIEF OF ADMINISTRATION AND DISTRICT MANAGERS

Delegation of Authority Regarding Contracts and Leases

A. Pursuant to delegation of authority contained in Bureau Order No. 698, as amended, the Chief, Division of Administration, State Office, and the District Managers are authorized:

1. To enter into contracts with established sources for supplies and services, excluding capitalized equipment, regardless of amount and,

2. To enter into contracts on the open market for supplies and materials, excluding capitalized equipment, not to exceed $2,500 per transaction ($2,000 for construction), provided that the requirement is not available from established sources.

B. District Managers may redelegate the authority granted above.

EUGENE H. NEWELL,
Acting State Director.

APRIL 24, 1967.

[F.R. Doc. 67-4686; Filed, Apr. 27, 1967; 8:45 a.m.]

National Park Service

CAPE COD NATIONAL SEASHORE

Notice of Intention To Extend Concession Permit

Pursuant to the Provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Superintendent of Cape Cod National Seashore, National Park Service proposes, thirty (30) days after the date of publication of this notice, to issue for the period June 1, 1967, through December 31, 1967, the concession permit under which Joseph R. Whiting provides concession facilities and services for the public at Nauset Light Beach, Cape Cod National Seashore, Eastham, Mass.

The foregoing Concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Superintendent, Cape Cod National Seashore, South Wellfleet, Mass. 02663, for information as to the requirements of the proposed permit.

STANLEY C. JOSEPH,
Superintendent,
Cape Cod National Seashore.

APRIL 10, 1967.

[F.R. Doc. 67-4687; Filed, Apr. 27, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1788]

NORTHERN RAILROAD CAPITAL STOCK

Notice of Application To Withdraw From Listing and Registration

APRIL 24, 1967.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The reasons advanced by the Board of Directors are as stated in the company's application dated April 22, 1967, which is on file with the Commission and has been disseminated to stockholders. The Boston Stock Exchange has no rules or regulations relating to delisting.

Any interested person may, on or before noon, May 8, 1967, submit by letter to the Secretary of the Securities and Exchange Commission, Washington 25, D.C., facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4727; Filed, Apr. 27, 1967; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Final Date for Redemption of Warehouse-Storage Loans Made Under 1966-Price Support Programs

Unless earlier demand is made by CCC, warehouse-storage loans under 1966 Price Support Programs on the agricultural commodities designated in the table below mature and are due and payable on the dates indicated. Unless on or before the final date for repayment specified below such loans are repaid or the producer notifies the ASCS county committee in writing that the funds have been placed in the mail, title to the unredeemed collateral shall immediately vest in CCC without a sale thereof, on the date next succeeding the final date for repayment specified below. This notice applies to all such unredeemed collateral pledged to CCC under warehouse-storage loans. CCC shall have no obligation to pay for any market value which the unredeemed collateral may have in excess of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of the pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the price support value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable support rate provided in the program regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan, or in settlement or deliveries under the loan, the producer shall remain personally liable for the amounts specified in the Warehouse Storage Note and Security Agreement and in the price support program regulations.

Amounts due the producer will be paid to the producer by the appropriate ASCS county office.

	Maturity date	Final date for repayment
	1967	*1967*
Barley:		
In Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	May 31	May 31
In all other States	Apr. 30	May 1
Corn:		
In all States	July 31	July 31
Dry edible beans:		
In Michigan and New York	Apr. 30	May 1
In all other States	June 30	June 30
Flaxseed:		
In Minnesota, Montana, North Dakota, South Dakota, and Wisconsin	May 31	May 31
In all other States	Apr. 30	May 1
Grain sorghum:		
In Oklahoma and Texas	June 30	June 30
In all other States	July 31	July 31
Oats:		
In Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	May 31	May 31
In all other States	Apr. 30	May 1
Rice:		
In all States	Apr. 30[1]	May 1
Rye: In all States	Apr. 30	May 1
Soybeans: In all States	July 31	July 31
Wheat:		
In Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming	May 31	May 31
In all other States	Apr. 30	May 1

[1]Loans on the variety Pearl may be extended at producer's option to June 30, 1967; final date for redemption June 30, 1967.

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 25, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-4785; Filed, Apr. 27, 1967; 8:52 a.m.]

Consumer and Marketing Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (31 F.R. 16724, 32 F.R. 1059, 3715, and 4582) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to calves, sheep, goats, and swine with respect to The Home Pride Provisions, Inc., establishment 1029, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Consolidated Dressed Beef Co., Inc.	47	(*)					
Cash Bros. Packing Co., Inc.	127	(*)	(*)			(*)	
Buffalo Lake Foods, Inc.	201	(*)	(*)			(*)	
Shreveport Packing Corp.	220	(*)				(*)	
Fineberg Packing Co.	428	(*)	(*)	(*)	(*)	(*)	
Roberts Packing Co.	495					(*)	
A. Darlington Strode	718					(*)	
Sioux Beef Co., Division of Needham Packing Co., Inc.	857-O	(*)					
New establishments reporting: 8.							
Hygrade Food Products Corp.	12-T		(*)				
Miller Packing Co., Inc.	76			(*)			
City Packing Co.	80		(*)				
Wilson & Co., Inc.	111				(*)		
Department of Animal Husbandry, New York State College of Agriculture, Cornell University	165				(*)		
Walti, Schilling & Co., Inc.	235			(*)			
Estes Packing Co.	319		(*)				
City Custom Packing Co., Inc.	387		(*)				
Becwar Packing Co.	467			(*)			
B. Zeff Meat Co.	548			(*)			
Texas Meat Packers, Inc.	565		(*)				
White Packing Co.	835			(*)			
Sigman Meat Co., Inc.	901		(*)				
Species added: 13.							

Done at Washington, D.C., this 24th day of April 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection,
Consumer and Marketing Service.

[F.R. Doc. 67-4712; Filed, Apr. 27, 1967; 8:45 a.m.]

HESTER STOCK YARD ET AL.

Notice of Change in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Hester Stock Yard, Russellville, Aug. 25, 1950	White Livestock Commission Company, Inc., Feb. 2, 1965.
ARKANSAS	
Glover Livestock Commission Company, Pine Bluff, June 26, 1957.	Glover Livestock Commission Company, Inc., Jan. 3, 1967.
FLORIDA	
Suwannee Valley Livestock Market, Inc., Live Oak,, Mar. 2, 1960.	Suwannee Valley Livestock Market, Apr. 1, 1967.
IDAHO	
Twin City Sales Yard, Lewiston, Feb. 7, 1947	Twin City Sales Yard, Inc., Feb. 16, 1967.
IOWA	
Tri-State Livestock Auction Company, Sioux Center, Jan. 25, 1967.	Tri-State Livestock Auction Co., Inc., Jan. 25, 1967.
NEBRASKA	
Western Livestock Auction Company Stockyards, North Platte, Dec. 5, 1939.	Western Livestock Auction Co., Mar. 13, 1967.
NEVADA	
Midwest Livestock Commission Company, Inc., Fallon, July 8, 1960.	Nevada Livestock Commission Company, Mar. 7, 1967.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
NORTH DAKOTA	
Home Base Auction Co., Bowman, May 12, 1959	Home Base Auction Market, Inc., Jan. 1, 1967.
Oakes Livestock Terminal, Oakes, May 13, 1959	Oakes Livestock Terminal, Inc., Jan. 30, 1967.
WASHINGTON	
Moses Lake Livestock Auction, Inc., Moses Lake, Sept. 24, 1959.	Moses Lake Livestock Market, Dec. 8, 1966.
Othello Livestock Market, Inc., Othello, Oct. 18, 1963.	Othello Livestock Market, Dec. 8, 1966.
WISCONSIN	
Fennimore Livestock Exchange, Inc., Fennimore, Apr. 29, 1960.	Fennimore Livestock Exchange, Apr. 18, 1966.

Done at Washington, D.C. this 24th day of April 1967.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 67-4713; Filed, Apr. 27, 1967; 8:47 a.m.]

Office of the Secretary

WISCONSIN

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WISCONSIN

Green. Lafayette.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 24th day of April 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-4714; Filed, Apr. 27, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty Free Entry of Scientific Articles

The following is a decision on an application for duty free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce Room 5123, Washington, D.C. 20230.

Docket No. 67-00001-01-77095. Applicant: Massachusetts Institute of Technology, Cambridge, Massachusetts 02139. Article: Electron spectrometer, iron free, double focusing, combining a Beta-ray spectrometer with an X-ray source and Geiger counter detector. Intended use of article: Analytical chemistry—direct determination of elemental ratio in compounds, determination of valence state of elements for structural analysis or organic compounds. Decision: Application approved. No instrument or apparatus of equivalent scientific value to such article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: Such article is a unique instrument which was developed at the Physics Institute of the University of Uppsala, Sweden. The University of Uppsala is the only source for such an article known to the Department of Commerce. No comments have been received by the Department concerning this application.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-4675; Filed, Apr. 27, 1967; 8:45 a.m.]

DREXEL INSTITUTE OF TECHNOLOGY AND NEW ENGLAND INSTITUTE FOR MEDICAL RESEARCH

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00038-65-46040. Applicant: Drexel Institute of Technology, 32d and Chestnut Streets, Philadelphia, Pa. 19104. Article: Electron Microscope Model JEM-120 with accompanying accessories Goniometer Model JEM-AIG, High Resolution Dark Field Model JEM-ABD-2, Transmission Hot Stage, Model JEM-AHT3, Transmission Cold Stage, Model JEM-AC, and Power Control Box, Model JEM-AB. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: Applicant states:

The electron microscope (and accompanying accessories) is intended for use in a wide range of Graduate research programs in Materials Science (i.e.) in the study of metals, ceramics, polymers. Specific Graduate research programs will have as their scientific objective a detailed and quantitative understanding of the role of structure on the following phenomena: (1) Stress corrosion, (2) deformation characteristics of composite materials, (3) high temperature fracture, (4) alloy strengthening, (5) fatigue, (6) creep, (7) deformation processing, (8) magnetic domain behavior.

Application received by Commissioner of Customs: April 18, 1967.

Docket No. 67-00039-33-77040. Applicant: New England Institute for Medical Research, Post Office Box 308, Grove Street, Ridgefield, Conn. 06877. Article: Double-focussing mass spectrometer, AEI Model MS-9 (Nier-Johnson type). Manufacturer: Associated Electrical Industries Ltd., United Kingdom. Intended use of article: The institute will, in general, undertake programs in biology and chemistry. In research in molecular biology, investigations will be made to determine active RES stimulants and to find complete atomic structure of a molecule through fragmentation with particular emphasis on identification of prostaglandins in lipid molecules (shark liver extracts). Studies will also be made with regard to the formation and reaction of ions in gases, extension of investigation of various other scientific groups and contributions to detailed analysis of the implications of the quasi-equilibrium theory of mass spectra through study of metastables. Application received by Commissioner of Customs: April 18, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-4676; Filed, Apr. 27, 1967; 8:45 a.m.]

MELLON INSTITUTE ET AL.

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00029-33-4604. Applicant: Mellon Institute, 4400 Fifth Avenue, Pittsburgh, Pa. 15213. Article: Electron microscope better than 5 Å, type EM 300 model PW 6001. Manufacturer: N. V. Philips Gloeilampenfabrieken, Holland. Intended use of article: Visualization of size, shape and morphological details of the substructure of biological macromolecules. Problems include the details of protein subunit structure involved in the process of contractility of muscle and the morphology of nucleic acids (S-RNA) which held incorporate amino acids into peptides during protein synthesis. Application received by Commissioner of Customs: April 10, 1967.

Docket No. 67-00032-00-46040. Applicant: University of Delaware, Newark, Del. 19711. Article: Anticontamination trap for JEM-6A Electron Microscope. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: Applicant states:

To condense gases on cold surface and reduce concentration of gas molecules near specimen.

Application received by Commissioner of Customs: April 12, 1967.

Docket No. 67-00034-01-77040. Applicant: Austin College, 900 North Grand, Sherman, Tex. 75090. Article: Hitachi Perkin-Elmer Mass Spectrometer System, Double Focusing, Model RMU-6E (Nier-Johnson type). Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

The mass spectrometer will be used to obtain the molecular weights, compare cracking patterns, and determine the chemical structure of organic compounds by comparing fragment peaks with their metastable ion peaks.

This equipment will be utilized as a teaching aid, available to Undergraduate Chemistry and Physics Majors and in Research being conducted by Faculty & Students.

Application received by Commissioner of Customs: April 13, 1967.

Docket No. 67-00036-33-46040. Applicant: University of Pittsburgh, Department of Anatomy and Cell Biology, School of Medicine, 3550 Terrace Street, Pittsburgh, Pa. 15213. Article: Norelco Electron microscope better than 5Å, type EM 300 model PW 6001. Manufacturer: N. V. Philips Gloeilampenfabrieken, Holland. Intended use of article: Applicant states:

Continuing program of research in cell biology. Qualitative and quantitative characterization of lipids and proteins of membranes in different physiological situations.

Application received by Commissioner of Customs: April 17, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-4677; Filed, Apr. 27, 1967; 8:45 a.m.]

Bureau of the Census

TRUCK INVENTORY AND USE SURVEY

Notice of Determination

Pursuant to Title 13, U.S.C. 131, 181, 224, and 225, as amended, and due notice having been published on March 21, 1967 (32 F.R. 4319), I have determined that data to be derived from a Truck Inventory and Use Survey to be taken in advance of the 1967 Census of Transportation are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public. These data are not publicly available from other governmental or nongovernmental sources. A similar survey was conducted in advance of the 1963 Census of Transportation.

The survey will be based on a sample of about 100,000 trucks drawn on a probability basis from State truck license registrations. The information will be obtained by mail questionnaire to owners of the trucks drawn in the sample. Additional copies of the questionnaire are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Data will be obtained on the inventory and use of private and for-hire trucks, such as on the number of trucks by body type, number of axles, type of fuel, area of use, major occupational use, annual vehicle miles, driver man-hours per week, and size of operating fleet, as of a specified inventory date. The inventory date for each State will be either April 1 or October 1, depending on reregistration requirements.

Information from the survey will help to implement a comprehensive public policy on transportation, fill voids in data on highway freight vehicles and their use, and provide data for an inventory of transportation resources.

I have therefore directed that a survey be conducted to collect the data described above.

Dated: April 14, 1967.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 67-4678; Filed, Apr. 27, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GENERAL ANILINE & FILM CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

A petition (FAP 732073) was filed by General Aniline & Film Corp., Dyestuff & Chemical Division, 140 West 51st Street, New York, N.Y. 10020, notice of which was published in the FEDERAL REGISTER of October 5, 1966 (31 F.R. 12967), proposing an amendment to § 121.2527 *Antistatic and/or antifogging agents in food-packaging materials* to provide for the safe use of the following substances as antistatic and/or antifogging agents in polyolefin, polyvinyl chloride, and polystyrene food-contact articles:

Phosphate ester of the reaction product of nonylphenol condensed with 9 moles of ethylene oxide.

Phosphate esters of the reaction product of tridecyl alcohol condensed with 6 or 9 moles of ethylene oxide.

Phosphate ester of the reaction product of lauryl alcohol condensed with 4 moles of ethylene oxide.

Subsequently, the Commissioner of Food and Drugs requested the petitioner to submit certain additional information, to be received within 180 days of the petition's filing date. The requested information has not been received; therefore, in accordance with § 121.51(j) of the procedural food additive regulations, the subject petition is considered withdrawn without prejudice to a future filing.

Dated: April 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4749; Filed, Apr. 27, 1967; 8:51 a.m.]

HERCULES INC.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2164) has been filed by Hercules Inc., Wilmington, Del. 19899, proposing that §§ 121.1059 *Chewing gum base*, 121.1084 *Glycerol ester of wood rosin*, and 121.2592 *Rosins and rosin derivatives* be amended by changing the acid number specification therein for glycerol ester of wood rosin from "5 to 9" to "3 to 9".

Dated: April 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4750; Filed, Apr. 27, 1967; 8:51 a.m.]

PACIFIC RESINS & CHEMICALS, INC.

Notice of Withdrawal of Petition for Food Additive Triethylenetetramine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Pacific Resins & Chemicals, Inc., 3400 13th Avenue SW., Seattle, Wash. 98134, has withdrawn its petition (FAP 6B2048), notice of which was published in the FEDERAL REGISTER of October 19, 1966 (31 F.R. 13484), proposing an amendment to § 121.2542 *Polyamide-epichlorohydrin resins* to provide for use of triethylenetetramine to replace all or part of the diethylenetriamine used in formulating polyamide-epichlorohydrin resins used as components of articles intended for food-contact use.

Dated: April 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4751; Filed, Apr. 27, 1967; 8:51 a.m.]

SCIENTIFIC ASSOCIATION, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7L2155) has been filed by Scientific Associates, Inc., 6200 South Lindbergh Boulevard, St. Louis, Mo. 63123, proposing the issuance of a regulation to provide for the safe use in food and food-contact surfaces of the following synthetic alcohols manufactured by utilizing aluminum, ethylene, hydrogen, and air as raw materials in a series of chemical reactions: Cetyl, decyl, hexyl, lauryl, myristyl, octyl, and stearyl.

Dated: April 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4752; Filed, Apr. 27, 1967; 8:51 a.m.]

[Docket No. FDC-D-101; NDA No. 14-712]

UBIOTICA CORP.

"U" Series Drugs; Notice of Scheduling of Hearing and Prehearing Conference

Notice is hereby given to Ubiotica Corp., 8000 West Seven Mile Road, Detroit, Mich. 48221, that in accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and Part 130, the new-drug regulations (21 CFR Part 130), a hearing will be held in the matter of the proposal of the Commissioner of Food and Drugs to refuse to approve new-drug application No. 14-712 for marketing the drugs "U" Series Drugs. Said hearing will begin at 10 a.m., June 12, 1967, in Room 5131, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201.

Evidence and arguments may be produced at the hearing to show why the proposed order of the Commissioner to refuse to approve said application on the grounds and for the reasons set forth in the Notice of Opportunity for Hearing published in the FEDERAL REGISTER of February 9, 1967 (32 F.R. 2725), should not be issued. The Food and Drug Administration may also produce evidence and argument relevant and material to the subject matter of the hearing.

Notice is further given to Ubiotica Corp. that, in accordance with § 130.18 *Prehearing and other conferences* (21 CFR 130.18), a prehearing conference in this matter will be held beginning at 10 a.m., May 31, 1967, in the same place specified above for the hearing. All documentary evidence to be offered at the hearing shall be submitted to the Hearing Examiner at this prehearing conference.

The hearing and prehearing conference will be open to the public; except that any portion thereof that concerns a method or process which the Commissioner of Food and Drugs finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specified otherwise in his filing appearance.

The undersigned, a duly appointed Hearing Examiner as provided in 5 U.S.C. 3105 (80 Stat. 415), has been designated to conduct the hearing and prehearing conference announced herein, with full authority to administer oaths, to make affirmations, and to do all other things appropriate to the conduct of said proceedings as set forth in Part 130 (21 CFR Part 130).

Dated: April 21, 1967.

WILLIAM E. BRENNAN,
Hearing Examiner.

[F.R. Doc. 67-4753; Filed, Apr. 27, 1967; 8:51 a.m.]

Office of Secretary

BUREAU OF ADULT, VOCATIONAL, AND LIBRARY PROGRAMS

Statement of Organization and Delegations of Authority

Part 6 of the Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare (32 F.R. 4367, dated Mar. 22, 1967) is hereby amended to change the organizational designation of the Bureau of Adult and Vocational Education to the Bureau of Adult, Vocational, and Library Programs. The organization of that Bureau now reads:

BUREAU OF ADULT, VOCATIONAL, AND LIBRARY PROGRAMS

Office of the Associate Commissioner.
Division of Vocational and Technical Education.
Division of Library Services and Educational Facilities.
Division of Adult Education Programs.
Division of Manpower Development and Training.

Dated: April 22, 1967.

[SEAL] WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-4756; Filed, Apr. 27, 1967; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18148]

ABC AIRFREIGHT CO., INC., ET AL.

Notice of Proposed Approval of Control Relationships

Application of ABC Airfreight Co., Inc., et al., for approval of control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 18148.

Notice is hereby given pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., April 24, 1967.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIP

By joint application filed January 30, 1967 and supplemented on April 5, 1967, ABC Air Freight Co., Inc. (ABC Air) ABC Freight Forwarding Corp. (Freight Forwarding), and Midland Forwarding Corp. (Midland), a wholly owned subsidiary of Freight Forwarding, requests the Board to approve pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), the proposed acquisition by Midland of all of the assets and liabilities of ABC Air, an airfreight forwarder.[1]

The application represents that the aforesaid acquisition is a part of a transaction whereby Freight Forwarding is to issue to the shareholders of ABC Air 346,000 shares of Freight Forwarding stock in exchange on a share for share basis, for the present outstanding shares of ABC Air. Freight Forwarding is to issue to its present shareholders, in exchange for their present shares, 1,500,000 new shares of Freight Forwarding. At the conclusion of the foregoing 1,846,000 shares of Freight Forwarding stock will be outstanding, and none of ABC Air's stock. Further, Freight Forwarding, a privately held corporation, will become a publicly held corporation as is ABC Air. The application discloses that the foregoing transaction is an oral agreement among the Boards of Directors of the three applicants which will be submitted to a special meeting of the stockholders of ABC Air for their approval. Inasmuch as Arthur J. Brown and his family hold a majority of the stock of Freight Forwarding and Midland, and the said Arthur J. Brown controls ABC Air by reason of his holding of 43 percent of ABC Air stock, it is expected that the ABC Air stockholders will ratify the transaction.

It is further disclosed that an earlier proposed transaction, approved by the Board in Order E-24523, December 15, 1966, whereby ABC Air was to acquire Freight Forwarding and ABC International, Inc., has been abandoned. Thus, the instant transaction represents an alternative device for the solution of the financial difficulties confronting ABC Air. Further, since ABC Air has long operated as an air freight forwarder, the foregoing transaction would retain ABC Air, as a division of Midland, as a prominent factor in the development of air freight, and would fully protect the creditors and shareholders of ABC Air. It is therefore urged that approval of the proposed transaction would retain the present competitive balance in the air freight forwarding industry, would not result in the creation of a monopoly and would not jeopardize any other air carrier. It is further represented that, save for the described changes in the lines of control, there will be no change in the mode of operation of freight forwarding by Midland, and of ABC Air as a division of Midland.

[1] Concurrently, Midland has filed, on Mar. 31, 1967, an application to the Board for issuance of operating authority as an air freight forwarder in the stead of the operating authority hitherto held by ABC Air. ABC Air is to surrender its operating authority to the Board for cancellation.

No comments relative to the application or requests for a hearing from any party disclosing a substantial interest in the proceeding, have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that ABC Air is an air carrier, and Freight Forwarding and Midland are common carriers, within the meaning of section 408 of the Act, and that the acquisition of ABC Air by Midland is subject to section 408. However, it is further concluded that such relationship does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not restrain competition. Furthermore, no person disclosing a substantial interest is currently requesting a hearing, and the public interest does not require a hearing. The control relationship is similar to others involving the same parties, as noted above, and which have been approved by the Board, and the realignment in control relationship here shown is similar to other such realignments approved by the Board,[2] and does not present any new substantive issues. It therefore appears that approval of the control relationships would not be inconsistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the requests for other or alternative relief should be denied.

Accordingly, it is ordered:

1. That the acquisition by Midland of all of the assets and liabilities of ABC air be and it hereby is approved.

2. That Board jurisdiction over this proceeding shall be retained for the purposes of amending, modifying or revoking this order for such reasons as may appear to the Board to be just and reasonable.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By A. M. ANDREWS,
Director, Bureau of Operating Rights.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-4731; Filed, Apr. 27, 1967; 8:49 a.m.]

[Docket No. 18459; Order No. E-25035]

MOHAWK AIRLINES, INC., AND OZARK AIR LINES, INC.

Order of Investigation and Suspension Regarding Fee for Advancing Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of April 1967.

[2] See, among others, Order E-17480, Sept. 21, 1961, and E-17888, Dec. 29, 1961, and E-24523, Dec. 15, 1966.

By tariff revisions filed on March 29, 1967, marked to become effective April 28, 1967, Mohawk Airlines, Inc. (Mohawk), and Ozark Air Lines, Inc. (Ozark) propose to establish a fee for advancing charges for services performed by others in connection with air freight service. The rule in question provides as follows:

"Upon request, the carrier will advance charges for transportation, cartage, storage, loading, unloading, packaging, and processing not performed by carrier and Government duties and customs fees. A handling charge of 5 percent * * * of the amount advanced subject to a minimum charge of $1, will be assessed."

The charges indicated above are advanced by carriers chiefly to cartage agents, truckers, forwarders, warehousemen, brokers, etc., which have performed services or incurred expenses in connection with a shipment.[1] The charges are advanced for shipments on which the carriers will subsequently collect charges from the consignee. At present, no fees are levied by either Mohawk or Ozark, or by any other direct air carrier for domestic service for advancing charges.

Upon consideration of all relevant matters, the Board finds that the fee proposed by Mohawk and Ozark may be unjust, unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. It is recognized that the advancing of charges is a service over and above that of providing air transportation and one that involves bookkeeping and administrative expenses to the carriers. Such advances—when in cash—require use of carrier funds pending final collection, usually from the consignee, and may involve some degree of risk to the carrier from a consignee defaulting on the reimbursement of the advanced charges.

However, the carriers have not adequately justified the fee scale proposed; they have presented no cost justification at all. Although the fee appears modest for small advances (for a charge of $20, the fee would be $1), if the advances involve larger amounts the fee is large. Thus, if the advance charge is $500, which might cover customs duties for a valuable shipment, the fee would be $25.

The fees would be larger than the schedule approved in Order E-22954, dated December 1, 1965, involving IATA Resolution 509 which established a fee schedule of one percent but not less than $2, provided that the charge need not be made where the amount to be collected

[1] The advanced charges service is provided under two circumstances: (1) The carrier pays cash at the time of acceptance of the traffic for services previously performed by some other party, such as a trucker, with such amount to be reimbursed to the air carrier at destination by the consigee; or (2) the same charge would similarly be shown as an amount to be collected at destination from the consignee, and then reimbursed to the other party at origin for whom such amounts were advanced. In the first instance, there is an actual cash advancement by the air carrier; in the second instance, the transaction does not involve advancement of funds, and in this respect is analogous to a C.O.D. service.

is less than $50. The proposals also are much higher than the C.O.D. service fees, except for minimum fees imposed by all direct carriers, including Mohawk and Ozark. C.O.D. charges are 50 cents per $100 of the amounts collected, subject to a minimum charge of $1. Thus, for an amount of $100, the C.O.D. fee is $1, but the proposed fee for the advance charges is $5.

In view of the foregoing, the Board has decided to suspend the proposal pending investigation. The Board, however, would consider a proposal wherein the fee schedule is shown to be reasonably related to costs for both large and small advancements.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provision reading "MO or OZ" in Rule No. 70(A) and the charges and provisions in Rule No. 70 (C), on 6th Revised Page 37 of tariff CAB No. 96 issued by Airline Tariff Publishers, Inc., agent, and rules, regulations, and practices affecting such charges and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the provision reading "MO or OZ" in Rule No. 70(A) and the charges and provisions in Rule No. 70(C), on 6th Revised Page 37 of tariff CAB No. 96 issued by Airline Tariff Publishers, Inc., agent, are suspended and their use deferred to and including July 26, 1967, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Mohawk Airlines, Inc., and Ozark Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-4732; Filed, Apr. 27, 1967; 8:49 a.m.]

CIVIL SERVICE COMMISSION

PUBLIC HEALTH EDUCATOR

Manpower Shortage

Under the provisions of 5 U.S.C. 5723 the Civil Service Commission has found, effective April 28, 1967, that there is a manpower shortage for the positions of Public Health Educator, GS-1725-9/15, on a nationwide basis.

The appointees to these positions may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 67-4716; Filed, Apr. 27, 1967; 8:48 a.m.]

NURSES, NEW YORK CITY

Notice of Adjustment of Minimum Rates and Rate Ranges

Correction

In F.R. Doc. 67-4512, appearing in the issue for Tuesday, April 25, 1967, at page 6415, in column 9, opposite the entry for GS-9, the figure "10,307" should read "10,306".

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16786, 17008; FCC 67M-670]

MIDWEST TELEVISION, INC. (KFMB-TV) AND AMERICAN TELEVISION RELAY, INC.

Order Scheduling Further Hearing

In the matter of the petition of Midwest Television, Inc. (KFMB-TV), San Diego, Calif., Docket No. 16786; for immediate temporary and for permanent relief against extension of service of CATV systems carrying signals of Los Angeles stations into the San Diego area; in re application of American Television Relay, Inc., Escondido, Calif., Docket No. 17008, File No. 725-C1-P-66; for construction permit for new point-to-point microwave radio station.

A hearing conference having been held on April 24, 1967;

It is ordered, That further hearing shall resume on May 8, 1967, at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: April 24, 1967.

Released: April 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4741; Filed, Apr. 27, 1967; 8:50 a.m.]

[Docket No. 17143; FCC 67M-673]

STOKES COUNTY BROADCASTING CO. (WKTE)

Order Continuing Further Hearing Conference

In re application of Stokes County Broadcasting Co. (WKTE), King, N.C., Docket No. 17143, File No. BP-16610; for construction permit.

The applicant filed on March 6, 1967, a petition for reconsideration which interlocutory pleading is still pending before the Commission. In view of the foregoing, it is deemed feasible that the further hearing conference now scheduled for April 28, 1967, should be continued.

Accordingly, it is ordered, That the further hearing conference now scheduled herein for April 28 be and the same is hereby rescheduled for June 1, 1967, in the Commission's offices, Washington, D.C.

Issued: April 24, 1967.

Released: April 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4742; Filed, Apr. 27, 1967; 8:50 a.m.]

[Docket No. 17050; FCC-67M-672]

WESTERN NORTH CAROLINA BROADCASTERS, INC.

Order Scheduling Prehearing Conference

In re application of Western North Carolina Broadcasters, Inc., Docket No. 17050, File No. BR-2977; for renewal of license of Station WWIT, Canton, N.C.

A hearing session having been held on April 24, 1967;

It is ordered, That a hearing conference shall convene on May 10, 1967, at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: April 24, 1967.

Released: April 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4743; Filed, Apr. 27, 1967; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

UNITED FRUIT CO. AND COMPANIA ANONIMA VENEZOLANA DE NAVIGACION

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Alan F. Wohlstetter, Denning & Wohlsteter, 1 Farragut Square South, Washington, D.C. 20006.

Agreement No. T-2040 between United Fruit Co. (UFC) and Compania Anonima Venezolana De Navigacion (CAVN) is a sublease arrangement covering a portion of Pier 2, North River, New York, N.Y. CAVN will use the premises for the loading, unloading, receipt, and delivery of general cargo. Annual rental will be $200,000 for the first year and is adjustable thereafter according to the terms of the agreement. CAVN will deliver to UFC for payment to the city of New York, 50 percent of wharfage charges collected, which charges are fixed by the Commissioner of Marine and Aviation of the city of New York. CAVN agrees that it will not terminate its present stevedoring arrangement without giving UFC 90 days prior written notice of its intention to do so and will select no new stevedore without the prior written approval of UFC, which approval will not be unreasonably withheld.

Dated: April 25, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4744; Filed, Apr. 27, 1967; 8:50 a.m.]

Written statements will be accepted for the record and should be submitted to the Executive Secretary not later than the date of the hearing.

Confidential statements will be accepted and must be so marked on every page. These statements will be received only at the Commission's offices in Washington, D.C.

For the Commission.

JON W. LINFIELD,
Executive Secretary.

[F.R. Doc. 67-4730; Filed, Apr. 27, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI67-356]

MOBIL OIL CORP.

Order Accepting New Contract, Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

APRIL 20, 1967.

On March 29, 1967, Mobil Oil Corp. (Mobil) [1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: (1) Contract, dated March 1, 1967. (2) Notice of change, dated March 27, 1967.

Purchaser and producing area: United Gas Pipe Line Co. (White Point, Saxet, et al., Fields, San Patricio and Nueces Counties, Tex.) (RR. District No. 4).

Effective date: (1) April 29, 1967.[2] (2) April 29, 1967.[3]

Rate schedule designation: (1) Supplement No. 18 to Mobil's FPC Gas Rate Schedule No. 286. (2) Supplement No. 19 to Mobil's FPC Gas Rate Schedule No. 286.

Amount of annual increase: (2) $68,718.

Effective rate: 8.0346 cents per Mcf.[3 4]

Proposed rate: 14.0 cents per Mcf.[3]

Pressure base: 14.65 p.s.i.a.

Mobil requests that its proposed rate increase be permitted to become effective on April 26, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Mobil's rate filing and such request is denied.

Mobil's present rate of 8.0346 cents per Mcf is the result of a settlement approved by Commission order issued March 5, 1964, as amended, in Docket Nos. G-12193 et al. The moratorium on filing increased rates expired on January 1, 1967. Although the proposed 14.0-cent rate, considered a "fractured" rate since Mobil is contractually entitled to a higher rate of 15.0 cents, does not exceed the 14.0 cents per Mcf increased rate ceiling for Texas Railroad District No. 4 as announced in the Commission's Statement of General Policy No. 61-1, as amended, it is suspended for 1 day from April 29, 1967, the date of expiration of the statutory notice, since Mobil did not submit with the increased rate filing a waiver of its right to file for the remaining increment of its contractually due rate.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Concurrently with the filing of its rate increase, Mobil submitted a new contract dated March 1, 1967, designated as Supplement No. 18 to Mobil's FPC Gas Rate Schedule No. 286, which replaces basic contract dated December 28, 1934, as amended, and provides the basis for the renegotiated rate proposed herein. We believe that it would be in the public interest to accept for filing Mobil's aforementioned new contract to become effective on April 29, 1967, the date of expiration of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered. The acceptance by the Commission of Mobil's new contract does not constitute authorization under section 7 of the Natural Gas Act.

The Commission finds:

(1) Good cause has been shown for accepting for filing Mobil's proposed new contract dated March 1, 1967, designated as Supplement No. 18 to Mobil's FPC Gas Rate Schedule No. 286, and for permitting such supplement to become effective on April 29, 1967, the date of expiration of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 19 to Mobil's FPC Gas Rate Schedule No. 286 is suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Mobil's contract dated March 1, 1967, designated as Supplement No. 18 to its FPC Gas Rate Schedule No. 286, is accepted for filing and permitted to become effective on April 29, 1967.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 19 to Mobil's FPC Gas Rate Schedule No. 286.

(C) Pending a hearing and decision thereon, Supplement No. 19 to Mobil's FPC Gas Rate Schedule No. 286 is hereby suspended and the use thereof deferred until April 30, 1967, and thereafter until such further time as it is

[1] Address is: Post Office Box 2444, Houston, Tex. 77001. Attention: H. H. Beeson, Esquire.

[2] The stated effective date is the first day after expiration of the statutory notice.

[3] Settlement rate as approved by Commission order issued May 5, 1964, as amended, in Docket Nos. G-12193 et al. Moratorium on filing increased rates expired Jan. 1, 1967.

[4] Inclusive of 0.4386 cent gathering charge.

[5] "Fractured" rate increase. Seller is contractually due to 15.0 cents per Mcf.

made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Mobil, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, Mobil shall execute and file under Docket No. RI67-356, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the United Gas Pipe Line Co., the purchaser. Unless Mobil is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 7, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4680; Filed, Apr. 27, 1967; 8:45 a.m.]

[Docket Nos. RI67-348 etc.]

MOBIL OIL CORP. ET AL.

Order Permitting Rate Filing, Accepting Amendatory Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 20, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-348	Mobil Oil Corp. (Operator), Post Office Box 2444, Houston, Tex. 77001. Attn: H. H. Beeson, attorney.	46	[3] 17	Trunkline Gas Co. (Hurricane Creek Field, Beauregard Parish, La.) (south Louisiana).	------	3-24-67	[4] 4-24-67	(Accepted) 10-3-67	[7] [8] 15.5	[9] [7] 18.25	
		46	18		$1,445	3-24-67	[5] 3-3-67				
RI67-349	M. M. Conn, 1304 Wilson Bldg., Corpus Christi, Tex. 78401.	1	4	Florida Gas Transmission Co. (LaReforma Field, Starr County, Tex.) (R.R. District No. 4).	2,160	3-30-67	[6] 7-1-67	12-1-67	[10] 17.0	[9] [10] [11] 18.0	RI62-542.
RI67-350	Placid Oil Co., 2600 First National Bank Bldg., Dallas, Tex. 75202. Attn: Paul W. Hicks, Esquire.	34	4	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Patterson Field, St. Mary Parish, La.) (south Louisiana).	159,158	3-30-67	[6] 5-1-67	10-1-67	[12] 21.25	[9] [13] 23.55	
RI67-351	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052. Attn: Mr. R. C. Shields.	348	2	Transcontinental Gas Pipe Line Corp. (Big Foot Field, Frio County, Tex.) (R.R. District No. 1).	486	4-3-67	[5] 5-4-67	10-4-67	[14] 14.69575	[9] [10] [14] 15.70925	
RI67-352	Ben F. Brack, Brown Bldg., Wichita, Kans. 67202.	3	1	Kansas-Nebraska Natural Gas Co. (Hugoton Field, Kearny and Finney Counties, Kans.).	6,655	3-22-67	[5] 4-22-67	9-22-67	[14] 11.0	[9] [10] [14] 12.0	
RI67-353	A. R. Dillard (Operator) et al., 1600 10th St., Wichita Falls, Tex. 76301.	2	3	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (R.R. District No. 10).	1,130	3-27-67	[6] 4-27-67	9-27-67	[14] 17.0	[9] [10] [14] 18.0	
RI67-354	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	16	16	Natural Gas Pipeline Co. of America (Camrick Southeast Gas Pool, Beaver County, Okla.) (Panhandle Area).	80	3-29-67	[6] 5-10-67	10-10-67	[12] 18.0	[9] [10] [14] 18.2	RI66-363.
	....do	23	16	Natural Gas Pipeline Co. of America (Camrick Southeast Gas Pool, Boyd Area, Beaver County, Okla.) (Panhandle Area).	370	3-29-67	[6] 5-8-67	10-8-67	[14] 17.6	[9] [10] [14] 17.8	RI66-363.
RI67-355	A. L. Abercrombie (Operator), et al., 801 Union Center Bldg., Wichita, Kans. 67202.	16	2	Michigan Wisconsin Pipe Line Co. (Greenough Field, Beaver County, Okla.) (Panhandle Area).	945	3-30-67	[6] 4-30-67	9-30-67	17.0	[9] [15] 19.5	

[2] Amends basic contract by providing for the redetermined rate proposed herein for the remainder of the contract term which expires May 3, 1972.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] The stated effective date is the effective date proposed by Respondent.
[5] Redetermined rate increase.
[6] Pressure base is 14.025 psia.
[7] Inclusive of 1.5¢ tax reimbursement.
[8] Settlement rate as approved by Commission order issued May 5, 1964, as amended in Docket Nos. G-12193, et al. Moratorium on filing increased rates expired January 1, 1967.
[9] Periodic rate increase.
[10] Pressure base is 14.65 psia.
[11] Subject to a downward Btu adjustment.
[12] "Fractured" rate increase. Seller contractually due 24.675¢ per Mcf, but Opinion No. 436 imposed a moratorium on filing increases above 23.55¢ pending outcome of the proceeding in Docket Nos. AR61-2, et al., or July 1, 1967, whichever is earlier.
[13] Initial service rate as conditioned in temporary certificate issued October 9, 1962, in Docket No. CI62-305.

Texaco, Inc. (Texaco) requests that its proposed rate increase be permitted to become effective on April 27, 1967. Ben F. Brack (Brack) requests an effective date of April 1, 1967, for his proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Texaco and Brack's rate filings and such requests are denied.

Placid Oil Co. (Placid) proposes a "fractured" rate increase to 23.55 cents per Mcf for gas being sold pursuant to a rate schedule included in Opinion No. 436 (South Louisiana and adjacent offshore initial "in-line" price certificate proceeding).[14] This sale was initially made under a temporary certificate conditioned to an initial rate of 21.25 cents and contained a Condition (2) prohibiting changes in the initial rate unless ordered by the Commission in the related certificate proceeding, Docket No. CI63-305. Opinion No. 436 granted a permanent certificate to Placid conditioned to an initial rate of 20.0 cents but the reduction in price was stayed pursuant to Opinion No. 436-A. Consistent therewith, Placid has continued to sell the gas at the 21.25 cents conditioned rate authorized in the temporary certificate. Placid requests waiver of the Condition (2) provision to permit the filing of its rate increase. Under the circumstances, we believe that it would be in the public interest that the Condition (2) provision be waived to permit Placid's notice of change in rate to be filed since service was commenced more than 3 years ago (date of initial delivery is Feb. 1, 1963).

[14] Opinion No. 436, currently involved in judicial review proceedings, provides for a moratorium on filing rate increases above a 23.55 cents rate pending the outcome of the AR62-2 proceeding, or July 1, 1967, whichever is earlier. Consistent therewith, Placid, although contractually entitled to a 24.675 cents per Mcf rate, is limiting its increase so as not to be in conflict with the moratorium provision contained in Opinion No. 436.

On March 24, 1967, Mobil Gas Corp. (Operator), (Mobil), tendered for filing an amendatory agreement dated March 3, 1967, which amends the basic contract by providing for the redetermined rate proposed herein for the remainder of the contract term. Such agreement has been designated as Supplement No. 17 to Mobil's FPC Gas Rate Schedule No. 46. We believe it would be in the public interest to accept for filing Mobil's aforementioned amendatory agreement to become effective on April 24, 1967, the date of expiration of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for waiving Condition (2) in the temporary certificate issued in Docket No. CI63-305 with respect to Placid's notice of change, designated as Supplement No. 4 to Placid's FPC Gas Rate Schedule No. 34, and that such notice of change be permitted to be filed as hereinafter ordered.

(2) Good cause exists for accepting for filing Mobil's proposed amendatory agreement dated March 3, 1967, designated as Supplement No. 17 to Mobil's FPC Gas Rate Schedule No. 46, and for permitting such supplement to become effective on April 24, 1967, the date of expiration of the statutory notice.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon public hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Condition (2) in the temporary certificate issued in Docket No. CI63-305 is hereby waived with respect to Placid's notice of change, designated as Supplement No. 4 to Placid's FPC Gas Rate Schedule No. 34, and such rate is permitted to be filed.

(B) Mobil's amendatory agreement dated March 3, 1967, designated as Supplement No. 17 to Mobil's FPC Gas Rate Schedule No. 46, is accepted for filing and permitted to become effective on April 24, 1967.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated rate supplements.

(D) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(E) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 7, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4681; Filed, Apr. 27, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST AT ORLANDO CORP.

Order Extending Period of Time Prescribed by Proviso in Order of Approval

In the matter of the application of First at Orlando Corp., Orlando, Fla., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of five banks in the State of Florida.

Whereas, by order dated January 26, 1967, the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)(1)), and § 222.4(a)(1) of Federal Reserve Regulation Y (12 CFR 222.4 (a)(1)), approved an application on behalf of First at Orlando Corp., Orlando, Fla., for approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following banks in or near Orlando, Fla.: The First National Bank at Orlando; College Park National Bank at Orlando; South Orlando National Bank; First National Bank at Pine Hills; and The Plaza National Bank at Orlando; and said order was made subject to the proviso "that the acquisition so approved shall not be consummated * * * (b) later than 3 months after the date of the order" and

Whereas, First at Orlando Corp. has applied to the Board for an extension of time within which the approved acquisition shall be consummated, and it appearing to the Board that reasonable cause has been shown for the extension of time requested, and that such extension would not be inconsistent with the public interest:

It is hereby ordered, That the Board's order of January 26, 1967, as published in the FEDERAL REGISTER on February 2, 1967 (32 F.R. 1202), be, and it hereby is, amended so that the proviso relating to the date by which the acquisition approved shall be consummated shall read "(b) later than June 30, 1967."

Dated at Washington, D.C., this 21st day of April 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-4684; Filed, Apr. 27, 1967; 8:45 a.m.]

TARIFF COMMISSION

[TC Publication 204; APTA-W-10]

CERTAIN WORKERS OF AMERICAN MOTORS CORPORATION'S KENOSHA, WIS., PLANT

Report to Automotive Agreement Adjustment Assistance Board in Adjustment Assistance Case

APRIL 25, 1967.

The Tariff Commission today reported to the Automotive Agreement Adjustment Assistance Board the results of its investigation No. APTA-W-10, conducted under section 302(e) of the Automotive Products Trade Act of 1965. The Commission's report contains factual information for use by the Board, which determines the eligibility of the workers concerned to apply for adjustment assistance. The workers in this case were employed in the Kenosha, Wisconsin plant of the American Motors Corp.

Only certain sections of the Commission's report can be made public since much of the information it contains was received in confidence. Publication of such information would result in the disclosure of certain operations of individual firms. The sections of the report that can be made public are reproduced on the following pages.

Introduction. In accordance with section 302(e) of the Automotive Products Trade Act of 1965 (79 Stat. 1016), the U.S. Tariff Commission herein reports the results of investigation (APTA-W-10) concerning the possible dislocation of certain workers engaged in the production of automobiles at the Kenosha, Wis., plant of the American Motors Corp. The Commission instituted the investigation on March 8, 1967, upon receipt on March 6, 1967, of a request for investigation from the Automotive Assistance Committee of the Automotive Agreement Adjustment Assistance Board. Public notice of the investigation was given in the FEDERAL REGISTER (32 F.R. 4004) on March 11, 1967.

The Automotive Assistance Committee's request for the investigation resulted from a petition for determination

of eligibility to apply for adjustment assistance that was filed with the Assistance Board on February 28, 1967, by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (U.A.W.) and its Local No. 72, on behalf of a group of workers at the Kenosha plant[1] of American Motors Corp. Neither the petitioners nor any other party requested a hearing before the Commission, and none was held.

The petitioners alleged that the transfer of production of automobiles from the Kenosha plant to the American Motors Corp. plant in Brampton, Ontario, resulted in extensive layoffs at Kenosha during the January 1965–January 1967 period, including a permanent layoff of 2,314 workers on January 6, 1967. The petitioners further alleged that the pre-October 1966 layoffs are attributable to the reduced number of automobiles supplied to the Canadian market from the Kenosha plant, and the layoffs beginning in October 1966 to increased imports into the United States of automobiles produced in Canada. Both of these developments were attributed to the Automotive Products Trade Act of 1965 (APTA).

The Commission conducted investigation APTA–W–10 concurrently with investigation APTA–W–9, relating to the possible dislocation of certain workers engaged in the production of automobile bodies at American Motors Corp.'s Milwaukee, Wis., plant. Much of the information developed in connection with APTA–W–10 is also pertinent to APTA–W–9; because of significant differences in the two investigations, however, separate reports have been prepared.

The information reported herein was obtained from American Motors Corp., the major U.S. automobile manufacturers, the International Union and Local 72, U.A.W., the Commission's files, and through fieldwork by members of the Commission's staff.

Hereafter in this report the American Motors Corp. is referred to as AMC.

The automotive product involved—automobiles. Conventional passenger automobiles are the articles under consideration in this investigation. Special purpose motor vehicles such as the "Jeep" and "Scout", and automobile components that are shipped in K-D (knocked-down) kits for subsequent assembly are not included within the scope of this investigation.

Imported automobiles are dutiable under Item 692.10 of the Tariff Schedules of the United States at the rate of 6.5 percent ad valorem; if imported from Canada, however, they are duty free under Item 692.11.

[1] American Motors Corp. operates two plants in Kenosha—the Main plant and the Lake Front plant—which are about a mile apart. Inasmuch as the hourly employees of these plants are a single bargaining unit in labor negotiations and have interplant seniority rights, the two plants are considered an entity by the Commission in the petition and in this report.

AMC and its Automotive Division. AMC, with headquarters in Detroit, Mich., is a large corporation which had net sales valued at about $1 billion in each of the years 1960–66. AMC's predecessor was incorporated in Maryland in 1916 as Nash Motors Co., which, in turn, was the successor to Jeffrey Motor Co. In 1937 the corporate name was changed to Nash-Kelvinator Corp., after merger with Kelvinator Corp. (a large manufacturer of home appliances). In 1954 the present name was adopted, after merger with Hudson Motor Co.

AMC has two major divisions: Automotive and Appliance. The Appliance Division produces and sells, under the "Kelvinator" and other trade names, major household appliances such as refrigerators, freezers, dehumidifiers, laundry equipment, ranges and room air-conditioners. The principal manufacturing facility of this division is located in Grand Rapids, Mich.

The Automotive Division operates one plant in Milwaukee and two in Kenosha, Wis. (the Main plant and the Lake Front plant), and one in Brampton, Ontario. Although the workers herein concerned were employed in the Kenosha plants; an understanding of the interelationship of the four plants is important.

AMC produces three series of automobiles: The American (the smallest in size), the Rebel (formerly the Classic), and the Ambassador. A separate single-model car—the Marlin, is included with the Ambassador series for the purpose of this report. The three series are produced in a total of 26 models.

* * * * *

United States and Canadian production and trade. Unlike the experience of AMC which attained a record level of production in the 1963 model year, aggregate United States and Canadian production of automobiles increased annually in the 1963–65 model years.[2] Thereafter, U.S. annual production decreased slightly from a record level of 8.8 million units in 1965 to 8.6 million units in 1966. Canadian production attained a record high of 673,000 units in 1966. Both United States and Canadian production was substantially lower in the first 7 months of the 1967 model year than in the like period of 1966 (Table 4, page 6).

The total U.S. output of automobiles in the period November–February of the 1964 model year (2.9 million) was slightly greater than in the comparable period of 1967 (2.8 million). Canadian output was about equal in that period of 1964 to that in 1967 (230,000 and 231,000 automobiles, respectively).

Before the 1965 model year there were no automobiles imported from Canada by the four major U.S. automobile producers. Since then, increasing numbers have been imported—2,000 in 1965, 94,000 in 1966, and 136,000 in the first 7 months of the 1967 model year. U.S. exports of automobiles to Canada increased annually from 7,000 units in the 1963 model year to 59,000 units in 1966, and to 120,000 in the first 7 months in the 1967 model year. As a result of these changes Canada became a net exporter of automobiles to the United States; during the first complete model year after the United States-Canadian automotive agreement became effective, Canada attained a net export balance of 35,000 units. During the first 7 months of the 1967 model year, Canada was a net exporter to the United States of 16,000 automobiles.

* * * * *

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-4722; Filed, Apr. 27, 1967; 8:48 a.m.]

[2] These data are based on conventional passenger automobile production by American Motors Corp., the Chrysler Corp., the Ford Motor Co., and General Motors Corp.; they do not include such special purpose motor vehicles as the "Jeep" and "Scout". If these other motor vehicles had been included, the aggregate data would not be significantly different from those for the four concerns. The data also do not include kits (K-D kits) prepared for export which contain parts for assembly into automobiles in other countries.

[TC Publication 203; APTA–W–9]

CERTAIN WORKERS OF AMERICAN MOTORS CORPORATION'S MILWAUKEE, WIS., PLANT

Report to Automotive Agreement Adjustment Assistance Board in Adjustment Assistance Case

APRIL 25, 1967.

The Tariff Commission today reported to the Automotive Agreement Adjustment Assistance Board the results of its investigation No. APTA–W–9, conducted under section 302(e) of the Automotive Products Trade Act of 1965. The Commission's report contains factual information for use by the Board, which determines the eligibility of the workers concerned to apply for adjustment assistance. The workers in this case were employed in the Milwaukee, Wisconsin plant of the American Motors Corp.

Only certain sections of the Commission's report can be made public since much of the information it contains was received in confidence. Publication of such information would result in the disclosure of certain operations of individual firms. The sections of the report that can be made public are reproduced on the following pages.

Introduction. In accordance with section 302(e) of the Automotive Products Trade Act of 1965 (79 Stat. 1016), the U.S. Tariff Commission herein reports the results of investigation (APTA–W–9) concerning the possible dislocation of certain workers engaged in the production of automobile bodies at the Milwaukee, Wis. plant of the American Motors Corp. The Commission instituted the investigation on March 6, 1967, upon receipt on March 6, 1967, of a request for investigation from the Automotive Assistance Committee of the Automotive Agreement Adjustment Assistance Board. Public notice of the investigation was given in the FEDERAL REGISTER (32 F.R. 4003) on March 11, 1967.

The Automotive Assistance Committee's request for the investigation resulted from a petition for determination of eligibility to apply for adjustment assistance that was filed with the Assistance Board on February 28, 1967, by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (U.A.W.) and its Local No. 75, on behalf of a group of workers at the Milwaukee plant of American Motors Corp. Neither the petitioners nor any other party requested a hearing before the Commission, and none was held.

The petitioners alleged that the transfer of production of automobiles[1] from the Milwaukee plant to the American Motors Corp. plant in Brampton, Ontario, resulted in extensive layoffs at Milwaukee during the January 1965–January 1967 period—including the permanent layoff of 2,000 workers on January 9, 1967. The petitioners further alleged that the pre-October 1966 layoffs are attributable to a decrease in the number of automobiles[2] supplied to the Candian market from the Milwaukee plant and that the layoffs beginning in October 1966 were caused by increased imports into the United States of automobiles produced in Canada. Both of these developments were attributed to the Automotive Products Trade Act of 1965 (APTA).

The Commission conducted investigation APTA–W–9 concurrently with investigation APTA–W–10, relating to the possible dislocation of certain workers engaged in the production of complete automobiles at American Motors Corp.'s, Kenosha, Wis. plant. Much of the information developed in connection with APTA–W–9 is also pertinent to APTA–W–10; because of signficant differences in the two investigations, however, separate reports have been prepared.

The information reported herein was obtained from American Motors Corp., the major U.S. automobile manufacturers, the International Union, U.A.W., the Commission's files, and through fieldwork by members of the Commission's staff.

Hereafter in this report the American Motors Corp., is referred to as AMC.

The automotive product involved—automobile bodies. Built-up bodies for conventional passenger automobiles are the articles under consideration in this investigation. Such bodies may be of either unit-body or perimeter-frame construction; they constitute complete bodies at least to the extent that the major sheet metal components have been welded or bolted together. Bodies for special purpose motor-vehicles, such as the "Jeep" and "Scout", and body components that are shipped in K–D (knock-down) kits for subsequent assembly are not included within the scope of this investigation.

Imported automobile bodies are dutiable under Item 692.22 of the Tariff Schedules of the United States at the rate of 6.5 percent ad valorem; if imported from Canada for use as original motor-vehicle equipment, however, they are duty-free under Item 692.23.

American Motors Corp., and its automotive division. AMC, with headquarters in Detroit, Mich., is a large corporation which had net sales valued at about $1 billion in each of the years 1960–66. AMC's predecessor was incorporated in Maryland in 1916 as Nash Motors Co., which, in turn, was the successor to Jeffrey Motor Co. In 1937 the corporate name was changed to Nash-Kelvinator Corp., after merger with Kelvinator Corp. (a large manufacturer of home appliances). In 1954 the present name was adopted, after merger with Hudson Motor Co.

AMC has two major divisions: Automotive and appliance. The Appliance Division produces and sells, under the "Kelvinator" and other trade names, major household appliances such as refrigerators, freezers, dehumidifiers, laundry equipment, ranges, and room air-conditioners. The principal manufacturing facility of this division is located in Grand Rapids, Mich.

The Automotive Division operates one plant in Milwaukee and two in Kenosha, Wis. (the main plant and the Lake Front plant), and one in Brampton, Ontario. Although the workers herein concerned were employed in the Milwaukee plant, an understanding of the interrelationship of the four plants is important.

AMC produces three series of automobiles: The American (the smallest in size), the Rebel (formerly the Classic), and the Ambassador. A separate single-model car—the Marlin, is included with the Ambassador series for the purpose of this report. The three series are produced in a total of 26 models.

* * * * *

United States and Canadian production and trade. Since the number of automobile bodies produced during any model year is virtually identical to the number of automobiles produced, the data on automobile production in the United States and Canada are used herein as a measure of the number of automobile bodies produced in the two countries.[3]

[1] Although the petition refers to automobiles supplied from the Milwaukee plant, the reference probably should have been to automobile bodies, as complete automobiles are not produced at that plant.

[2] Substitute "automobile bodies" for "automobiles"; see footnote 1.

[3] These data are based on conventional passenger automobile production by American Motors Corp., the Chrysler Corp., the Ford Motor Co., and General Motors Corp.; they do not include such special purpose motor-vehicles as the "Jeep" and "Scout". If these other motor-vehicles had been included, the aggregate data would not be significantly different from those for the four concerns. The data also do not include kits (K–D kits) prepared for export which contain body parts for assembly into automobiles in other countries.

Unlike the experience of AMC which attained a record level of production in the 1963 model year, aggregate United States and Canadian production of automobile bodies increased annually in the 1963–65 model years. Thereafter, U.S. annual production decreased slightly from a record level of 8.8 million units in 1965 to 8.6 million units in 1966. Canadian production attained a record high of 673,000 units in 1966. Both United States and Canadian production was substantially lower in the first 7 months of the 1967 model year than in the like period of 1966 (table 3, p. 7).

The total U.S. output of automobile bodies in the period November–February of the 1964 model year (2.9 million) was slightly greater than in the comparable period of 1967 (2.8 million). Canadian output was about equal in that period of 1964 to that in 1967 (230,000 and 231,000 automobile bodies, respectively).

No trade has occurred in built-up automobile bodies as such between the United States and Canada; such bodies enter the trade between the two countries in the form of completed automobiles. Before the 1965 model year there were no automobiles imported from Canada by the four major U.S. automobile producers. Since then, increasing numbers have been imported—2,000 in 1965, 94,000 in 1966, and 136,000 in the first 7 months of the 1967 model year. U.S. exports of automobiles to Canada increased annually from 7,000 units in the 1963 model year to 59,000 units in 1966, and to 120,000 in the first 7 months in the 1967 model year. As a result of these changes Canada became a net exporter of automobiles to the United States; during the first complete model year after the United States-Canadian automotive agreement became effective, Canada attained a net export balance of 35,000 units. During the first 7 months of the 1967 model year, Canada was a net exporter to the United States of 16,000 automobiles.

* * * * *

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-4720; Filed, Apr. 27, 1967; 8:48 a.m.]

[APTA–W–14]

CERTAIN WORKERS OF GENERAL MOTORS FISHER BODY PLANT, TARRYTOWN, N.Y.

Notice of Investigation Regarding Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance

Upon receipt on April 24, 1967, of a request therefor from the Automotive Agreement Adjustment Assistance Board, the Tariff Commission instituted an investigation pursuant to section 302(e), Automotive Products Trade Act of 1965, with respect to a petition filed with the Board by the International Union, United Automobile Workers, on behalf of a group

of workers at the General Motors Fisher Body Plant, Tarrytown, N.Y., which assembles Chevrolet automobile bodies. The petition alleges that dislocation of the group of workers has occurred and that the operation of the United States-Canadian Automotive Agreement has been the primary factor in causing such dislocation. The Commission is conducting the investigation to provide a factual record on the basis of which the Board may make the determinations required by section 302 of the Act.

No hearing has been scheduled. A hearing will be held on request of any party showing a proper interest in the subject matter of the investigation, provided the request is filed with the Secretary of the Tariff Commission within 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 at the Customhouse.

Issued: April 25, 1967.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 67-4721; Filed, Apr. 27, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 373]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 25, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3560 (Sub-No. 29 TA), filed April 20, 1967. Applicant: GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Kenneth A. Willhite (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., Beardstown, Ill., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restricted to traffic originating at the described plantsite and destined to points in the States named above, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., 910 Mayer Avenue, Madison, Wis. 53701. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo.

No. MC 112669 (Sub-No. 8 TA), filed April 21, 1967. Applicant: FRIESEN TRUCK LINE, INC., 1207 East Second Street, Hutchinson, Kans. 67501. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and ice cream products*, from Hutchinson, Kans., to Springdale, Ark., and Sedalia, Mo., for 150 days. Supporting shipper: Jackson Ice Cream Co., Inc., 416 North Main Street, Hutchinson, Kans. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 906 Schweiter Building, Witchita, Kans. 67202.

No. MC 114290 (Sub-No. 30 TA), filed April 21, 1967. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Weston, Oreg., to Portland, Oreg., restricted to shipments to be stored in transit at Portland for ultimate transportation to California by applicant under its present authority, for 180 days. Supporting shipper: North Pacific Canners & Packers, Inc., 5200 Southeast McLoughlin Boulevard, Portland, Oreg. 97202. Send protests to: S. F. Martin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 117815 (Sub-No. 120 TA), filed April 21, 1967. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: John Burroughs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packing houses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* No. 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., at Beardstown, Ill., to points in Iowa, Minnesota, Missouri, Nebraska, and Wisconsin with restriction at plantsite of Oscar Mayer & Co., for 180 days. Supporting shipper: Oscar Mayer & Co., Richard C. Flesch, General Traffic Manager, 910 Mayer Avenue, Madison, Wis. 53701. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 119066 (Sub-No. 1 TA), filed April 21, 1967. Applicant: CORNIE DE JONG, Sanborn, Iowa 51248. Applicant's representative: Service Inc., Box 854, Downtown Station, Omaha, Nebr. 68101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery, equipment, parts thereof and commercial augers*, from plantsite of Koyker Manufacturing Co., at Hull, Iowa, to distributors, dealers, and elevators in the States of Iowa, Nebraska, South Dakota, North Dakota, Montana, Minnesota, Kansas, Missouri, Colorado, Illinois, Indiana, Ohio, Michigan, Kentucky, and Wisconsin, and (2) *steel and items purchased by Koyker Manufacturing Co.*, at various points in above States to Koyker Manufacturing Co., Hull, Iowa, for 180 days. Supporting shipper: Sioux Steel Co., Koyker Division, 196½ East Sixth Street, Sioux Falls, S. Dak. 57101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 128847 (Sub-No. 2 TA), filed April 21, 1967. Applicant: HAROLD J. McTAGGART, doing business as HAROLD J. McTAGGART TRUCKING, 4306 Third Street, Port Hope, Mich. 48468. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, Kaiser Building, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemical fertilizer*, in bags and in bulk, from Findlay and Toledo, Ohio, to points in Huron, Mountcalm, and Sanilac Counties, Mich., for 180 days. Supporting shipper: Bad Axe Grain Co., Bad Axe, Mich. 48413. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 128937 TA (Republication), filed March 16, 1967, published FEDERAL REGISTER, issue of March 24, 1967, and republished as corrected, this issue. Applicant: ROBERT L. GORDON, doing business as AVON MACHINERY COMPANY, 5720 Side Avenue, Cleveland, Ohio 44102. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, Ohio 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New and used industrial machinery*, between Ecorse, Mich., and Union, N.J., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Connecticut, Masssachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin, for 180 days. Supporting shippers: Elastic Stop Nut Corp. of America, 2330 Vauxhall Road, Union, N.J. 07083, and Ecorse Machinery Sales, Inc., 75 Southfield, Ecorse, Mich. 48229. Send protests to: G. J. Baccel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Building, Cleveland, Ohio 44114.

MC 128983 (Sub-No. 1 TA), filed April 21, 1967. Applicant: CHARLES W. KENT, SR., and CHARLES W. KENT, JR., a partnership, doing business as KENT MOVING AND STORAGE CO., 4319 Factory Hill, Post Office Box 10148, San Antonio, Tex 78210. Applicant's representative: Austin L. Hatchell, Suite 1102, Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to shipments having a prior or subsequent movement beyond Texas, in specially designed containers, and further restricted to pickup and delivery service incidental to or in connection with the packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, between San Antonio, Tex., and points within a 30-mile radius thereof, for 180 days. Supporting shipper: Davidson Forwarding Co., 3180 V Street NE., Washington, D.C. 20018. Send protests to: James H. Berry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Manion Building, San Antonio, Tex. 78205.

No. MC 128993 (Sub-No. 1 TA), filed April 21, 1967. Applicant: CARL L. TOBOLL, doing business as TOBOLL TRUCKING COMPANY, 8003 Haas Lane, Baltimore, Md. 21206. Applicant's representative: Donald E. Freeman, Post Office Box 806, Westminster, Md. 21157. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory furniture and fumehoods*, from Baltimore, Md., to Tarrytown, N.Y., under contract with Vulcan-Hart Corp., Baltimore, Md., for 150 days. Supporting shipper: Vulcan-Hart Corp., 3600 North Point Boulevard, Baltimore, Md. 21222. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 103 South Gay Street, Baltimore, Md. 21202.

No. MC 129023 (Sub-No. 1 TA), filed April 20, 1967. Applicant: JOHN C. MADIGAN, JR., doing business as J. C. MADIGAN, Shaker Road, Harvard Mass. 01451. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, in dump-type and hopper-type vehicles, (1) from Woburn, Mass., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and points in Albany, Columbia, Rensselaer, Saratoga, and Washington Counties, N.Y., and (2) from Billerica, Mass., to points in Maine and New Hampshire on and south of U.S. Highway 302, points in Tolland and Windham Counties, Conn., and points in Rhode Island, for 150 days. Supporting shippers: International Minerals & Chemical Corp., 316 New Boston Street, Woburn, Mass. 01082 and Corenco Corp., 525 Woburn Street, Tewskbury, Mass. 01876. Send protest to: Joseph W. Balin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building, Springfield, Mass. 01103.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 116 TA), Applicant: GREYHOUND LINES, INC., WESTERN GREYHOUND LINES DIVISION, 371 Market Street, San Francisco, Calif. 94105, and 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle, in special operations only, between Athol Junction, Idaho, and Farragut State Park, Idaho, from junction U.S. Highway 95 and Idaho Highway 54 East of Athol (Athol Junction), over Idaho Highway 54 to Farragut State Park, for 14 days, from July 28, 1967, through August 10, 1967. Supporting shippers: Trans Euro Scout, Haarlem, Holland, Official Travel Bureau, The Danish State Railways, Copenhagen, Denmark, Bund Deutscher Pfadfinder, Berlin, Germany (all in connection with the 1967 Boy Scout World Jamboree). Send protests to: Wm. R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4719; Filed, Apr. 27, 1967; 8:48 a.m.]

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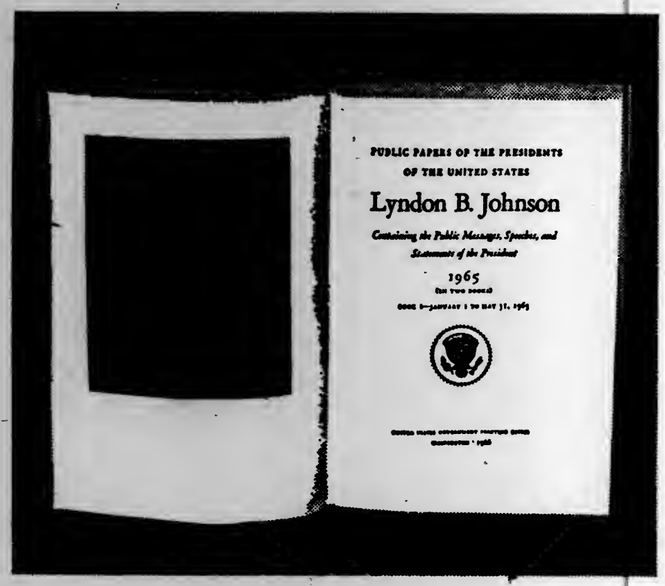
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PART 8–14—INSPECTION AND ACCEPTANCE

Miscellaneous Amendments

1. Section 8–14.102–50 is revoked.

§ 8–14.102–50 Responsibility for collecting coal samples. [Revoked]

2. Section 8–14.105–51 is revised to read as follows:

§ 8–14.105 Places of inspection.

§ 8–14.105–51 Inspection of subsistence.

(a) The contracting officer will determine at time of issuance of the solicitation whether inspection for specification compliance will be made (1) prior to shipment by representatives of the Department of Agriculture or the Department of Interior or, (2) at time of delivery by personnel of the purchasing activity. The place of inspection will be indicated in the solicitation.

(b) When either the Department of Agriculture or the Department of Interior is indicated as the inspection activity, the solicitation will also provide that the contractor is responsible for:

(1) Arranging and paying for inspection services.

(2) Obtaining from the inspection activity a certificate indicating the product complies with specifications. Such certificate, or copy, should accompany the shipment or be furnished to the receiving installation prior to shipment. The contractor shall notify the installation when the certificate is not immediately available.

(3) Seeing that acceptable products are covered by an inspection agency checkloading certificate or stamped by the inspector as prescribed by the contracting officer. Products not so identified shall be rejected.

(4) Furnishing samples for inspection at his expense.

(5) Indicating the address where inspection will be made.

(c) The contracting officer will furnish a copy of the purchase document to the inspecting activity.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: April 25, 1967.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD, *Deputy Administrator.*

[F.R. Doc. 67–4791; Filed, Apr. 28, 1967; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 199]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.499 Valencia Orange Regulation 199.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 908, as amended), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 27, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 30, 1967, and ending at 12:01 a.m., P.s.t., May 7, 1967, are hereby fixed as follows:

(i) District 1: 465,606 cartons;

(ii) District 2: 134,731 cartons;

(iii) District 3: 275,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 28, 1967.

PAUL A. NICHOLSON, *Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 67–4907; Filed, Apr. 28, 1967; 11:18 a.m.]

[Lemon Reg. 265]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.565 Lemon Regulation 265.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice,

engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 25, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 30, 1967, and ending at 12:01 a.m., P.s.t., May 7, 1967, are hereby fixed as follows:

(i) District 1: 2,260 cartons;

(ii) District 2: 251,100 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 27, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4844; Filed, Apr. 28, 1967; 8:50 a.m.]

[Lime Reg. 23]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 1, 1967; determinations as to the need for, and extent of, regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to April 30, 1967, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on April 12, 1967, held to consider recommendations for regulation; the provisions of this section are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective as hereinafter set forth so as to provide for the continued regulation of the handling of limes; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 911.325 Lime Regulation 23.

(a) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., May 1, 1967, and ending at 12:01 a.m., e.s.t., May 1, 1968, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in each container thereof grading at least U.S. No. 1, Mixed Color, and the remainder thereof grading not less than U.S. No. 2, Mixed Color; or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter: *Provided,* That such limes which are of a size smaller than 1⅞ inches in diameter but not of a size smaller than 1⅝ inches in diameter may be handled if such smaller limes have an average juice content of at least 45 percent, by volume, are in one of the containers specified in paragraph (b)(1)(i) and (ii) of § 911.310 (Lime Reg. 8, as amended; 29 F.R. 8461, 30 F.R. 2521, 31 F.R. 8539), and contain the applicable quantity of limes prescribed by such containers.

(2) Notwithstanding the provisions of subdivision (iii) of subparagraph (1), not to exceed 10 percent, by count, of the limes in any lot of containers may fail to meet the applicable minimum size requirement: *Provided,* That no individual container of limes having a net weight of more than 3 pounds may have more than 15 percent, by count, of limes which fail to meet such applicable size requirement.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 26, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4808; Filed, Apr. 28, 1967; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

HANDLING OF MILK IN CERTAIN DESIGNATED MARKETING AREAS, MASSACHUSETTS-RHODE ISLAND ET AL.

Order Amending Orders

7 CFR PART AND MARKETING AREA

1001 Massachusetts-Rhode Island
1003 Washington, D.C.
1004 Delaware Valley

7 CFR PART AND MARKETING AREA—Continued

1005 Tri-State
1006 Upper Chesapeake Bay
1008 Greater Wheeling
1009 Clarksburg
1011 Appalachian
1015 Connecticut
1031 Northwestern Indiana
1033 Cincinnati
1034 Dayton-Springfield
1035 Columbus
1036 Northeastern Ohio
1038 Rock River Valley
1039 Milwaukee
1040 Southern Michigan
1041 Northwestern Ohio
1043 Upstate Michigan
1044 Michigan Upper Peninsula
1045 Northeastern Wisconsin
1046 Louisville-Lexington-Evansville
1047 Fort Wayne
1049 Indianapolis
1050 Central Illinois
1051 Madison
1062 St. Louis
1063 Quad Cities-Dubuque
1064 Greater Kansas City
1065 Nebraska-Western Iowa
1066 Sioux City, Iowa
1067 Ozarks
1068 Minneapolis-St. Paul, Minn.
1069 Duluth-Superior
1070 Cedar Rapids-Iowa City
1071 Neosho Valley
1073 Wichita
1075 Black Hills, S. Dak.
1076 Eastern South Dakota
1078 North Central Iowa
1079 Des Moines
1090 Chattanooga
1094 New Orleans
1096 Northern Louisiana
1097 Memphis
1098 Nashville
1101 Knoxville
1102 Fort Smith
1103 Mississippi
1106 Oklahoma Metropolitan
1108 Central Arkansas
1125 Puget Sound
1126 North Texas
1131 Central Arizona
1132 Texas Panhandle
1133 Inland Empire
1136 Great Basin
1137 Eastern Colorado
1138 Rio Grande Valley

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto*; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above-designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is hereby found and determined that good cause exists for making this order effective as provided herein, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553(d) (1966)).

(2) The nature of the change in Class I prices contemplated herein should affect producer returns beginning with milk delivered in May 1967. In order that dairy farmers may make necessary production plans for the immediate future, this order must be issued without delay. It is likewise necessary that milk handlers know promptly and with certainty the basis upon which the Class I prices which they will pay are to be determined.

(3) The decision of the Assistant Secretary containing all the provisions of this order was issued April 25, 1967. Therefore, the provisions of this order are known to handlers. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers.

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended:

(The following determination is made with respect to the order amending the orders regulating the handling of milk in the Massachusetts-Rhode Island, Washington, D.C., Tri-State, Greater Wheeling, Clarksburg, Appalachian, Connecticut, Upper Chesapeake Bay, Northwestern Indiana, Cincinnati, Dayton-Springfield, Columbus, Northeastern Ohio, Rock River Valley, Southern Michigan, Northwestern Ohio, Upstate Michigan, Northeastern Wisconsin, Louisville-Lexington-Evansville, Fort Wayne, Indianapolis, Central Illinois, Madison, St. Louis, Quad Cities-Dubuque, Kansas City, Nebraska-Western Iowa, Sioux City, Ozarks, Minneapolis-St. Paul, Duluth-Superior, Cedar Rapids-Iowa City, Neosho Valley, Wichita, Black Hills, Eastern South Dakota, Des Moines, Chattanooga, New Orleans, Northern Louisiana, Nashville, Knoxville, Mississippi, Oklahoma Metropolitan, Central Arkansas, Puget Sound, North Texas, Central Arizona, Texas Panhandle, Inland Empire, Great Basin, Eastern Colorado, and Rio Grande Valley marketing areas.)

(3) The issuance of the order amending the order is favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area; and

(The following determination is made with respect to the order amending the orders regulating the handling of milk in the Delaware Valley, Fort Smith, Memphis, Michigan Upper Peninsula, Milwaukee, North Central Iowa marketing areas.)

(4) The issuance of the order amending the order is favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders as amended and as hereby further amended, as follows:

PART 1001—MILK IN MASSACHUSETTS-RHODE ISLAND MARKETING AREA

In § 1001.60, the introductory text of paragraph (e) preceding the table is revised to read as follows:

§ 1001.60 Class I price.

* * * * * *

(e) Multiply the economic index price determined under paragraph (b) of this section by the supply-demand adjustment factor determined under paragraph

*With respect to Delaware Valley the findings and determinations hereinafter set forth are also supplementary and in addition to the findings and determinations set forth in the order amending the order attached to the Assistant Secretary's decision of Apr. 7, 1967 (32 F.R. 5876).

(c) of this section. The Class I price shall be the price set forth in column (3) of the following table opposite the range within which the result of this computation falls, except that from the effective date of this amendment the Class I price each month shall be $6.15 plus 20 cents through April 1968.

• • • • • •

PART 1003—MILK IN WASHINGTON, D.C., MARKETING AREA

In § 1003.50, paragraph (a) is revised to read as follows:

§ 1003.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the Class I price pursuant to Part 1004 (Delaware Valley) of this chapter minus 10 cents.

• • • • • •

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

§ 1004.50 [Amended]

1. Section 1004.50(a)(2) is revised to read as follows:

(2) Subject to the conditions set forth in subparagraphs (3), (4), and (5) of this paragraph the Class I price shall be that price indicated in the following Class I price schedule opposite the bracket in which the formula index computed pursuant to subparagraph (1) of this paragraph falls except that for the months through April 1968, 20 cents shall be added to such price. If such index value is not within a bracket, the price shall be determined by the adjacent index bracket which is the same as or nearest to the bracket in which the price was established in the previous quarter:

CLASS I PRICE SCHEDULE

[Price Per Hundredweight]

At least but less than: [1]

Formula index	*Class I price*
80.0–83.0	4.45
83.2–85.2	4.65
87.6–89.6	4.85
91.4–93.4	5.05
95.2–97.2	5.25
99.0–101.0	5.45
102.8–104.8	5.65
106.6–108.6	5.85
110.4–112.4	6.05
114.2–116.2	6.25
118.0–120.0	6.45

[1] If the formula index is more than 120.0 or less than 80.0 this table shall be extended at the same rate as the increase or decrease in the preceding bracket.

2. In § 1004.50(a)(3) delete the parenthetical phrase "(the price, less 15 cents, indicated for the first quarter for the bracket in which the formula index computed pursuant to subparagraph (1) of this paragraph falls)".

PART 1005—MILK IN TRI-STATE MARKETING AREA

§ 1005.50 [Amended]

1. In § 1005.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968 the basic formula price shall not be less than $4.05."

2. In § 1005.51(a), subparagraph (1) is changed to read as follows:

§ 1005.51 Class prices.

• • • • • •

(a) • • •

(1) Add for plants in each respective district as follows: Charleston-Huntington, $1.60; Gallipolis-Scioto, $1.50; and Athens, $1.40, plus 20 cents for each district through April 1968. At a plant outside the marketing area add the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest such plant:

KENTUCKY

Ashland. Pikeville.
Paintsville.

OHIO

Athens. Marietta.
Gallipolis. Portsmouth.
Jackson.

WEST VIRGINIA

Charleston. Huntington.
Hinton. Williamson.

• • • • • •

PART 1008—MILK IN GREATER WHEELING, W. VA., MARKETING AREA

§ 1008.50 [Amended]

1. In § 1008.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968 the basic formula price shall not be less than $4.05."

2. In § 1008.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1008.51 Class prices.

• • • • • •

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.73, and plus 20 cents through April 1968, subject to the adjustment provided in subparagraph (1) of this paragraph:

• • • • • •

PART 1009—MILK IN CLARKSBURG, W. VA., MARKETING AREA

§ 1009.50 [Amended]

1. In § 1009.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968 the basic formula price shall not be less than $4.05."

2. In § 1009.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1009.51 Class prices.

• • • • • •

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.98 and plus 20 cents through April 1968, subject to the adjustment provided in subparagraph (1) of this paragraph: *Provided*, That the Class I price shall be not more than 35 cents in excess of, nor less than 15 cents in excess of the average of the Class I prices for the same month pursuant to Part 1008 (Greater Wheeling) of this chapter and at Athens district plants pursuant to Part 1005 (Tri-State) of this chapter:

• • • • • •

PART 1011—MILK IN APPALACHIAN MARKETING AREA

§ 1011.50 [Amended]

1. In § 1011.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1011.51 paragraph (a) is changed to read as follows:

§ 1011.51 Class prices.

• • • • • •

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.93 and plus 20 cents through April 1968.

• • • • • •

PART 1015—MILK IN CONNECTICUT MARKETING AREA

In § 1015.60, the introductory text of paragraph (e) preceding this table is revised to read as follows:

§ 1015.60 Class I price.

• • • • • •

(e) Multiply the economic index price determined under paragraph (b) of this section by the supply-demand adjustment factor determined under paragraph (c) of this section. The Class I price shall be the price set forth in column (3) of the following table opposite the range within which the result of this computation falls, plus 47 cents, except that from the effective date of this amendment the Class I price each month shall be $6.62 plus 20 cents through April 1968.

• • • • • •

PART 1016—MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

In § 1016.50, paragraph (a) is revised to read as follows:

§ 1016.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the Class I price pursuant to Part 1004 (Delaware Valley) of this chapter minus 10 cents.

• • • • • •

PART 1031—MILK IN NORTHWESTERN INDIANA MARKETING AREA

§ 1031.50 [Amended]

1. In § 1031.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1031.51 the text of paragraph (a) preceding the first proviso is revised to read as follows:

§ 1031.51 Class prices.

• • • • • •

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.16 and plus 20 cents through April 1968.

• • • • • •

PART 1033—MILK IN GREATER CINCINNATI MARKETING AREA

§ 1033.50 [Amended]

1. In § 1033.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968 the basic formula price shall be not less than $4.05."

2. In § 1033.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1033.51 Class prices.

• • • • • •

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.34 plus 20 cents through April 1968, and plus or minus a "supply-demand adjustment" of not more than 39 cents computed pursuant to subparagraphs (1) and (2) of this paragraph:

• • • • • •

PART 1034—MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

§ 1034.50 [Amended]

1. In § 1034.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968 the basic formula price shall be not less than $4.05."

2. In § 1034.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1034.51 Class I milk prices.

• • • • • •

(a) Add $1.24 plus 20 cents through April 1968 to the basic formula price for the preceding month plus or minus a "supply-demand adjustment" of not more than 39 cents computed pursuant to subparagraphs (1) and (2) of this paragraph:

• • • • • •

PART 1035—MILK IN COLUMBUS, OHIO, MARKETING AREA

§ 1035.50 [Amended]

1. In § 1035.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1035.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1035.51 Class prices.

• • • • • •

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.25, plus 20 cents through April 1968, and plus or minus a "supply-demand adjustment" computed pursuant to subparagraphs (1), (2) and (3) of this paragraph:

• • • • • •

PART 1036—MILK IN NORTHEASTERN OHIO MARKETING AREA

§ 1036.50 [Amended]

1. In § 1036.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1036.51, the language of paragraph (a) preceding subparagraph (1) thereof is changed to read as follows:

§ 1036.51 Class I milk prices.

• • • • • •

(a) Add $1.67 plus 20 cents through April 1968 to the basic formula price for the preceding month, and add or subtract a "supply-demand adjustment" computed as follows:

• • • • • •

PART 1038—MILK IN ROCK RIVER VALLEY MARKETING AREA

§ 1038.50 [Amended]

1. In § 1038.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1038.51 the text of paragraph (a) preceding the first proviso is revised to read as follows:

§ 1038.51 Class prices.

• • • • • •

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $0.92 and plus 20 cents through April 1968: • • •

• • • • • •

PART 1039—MILK IN MILWAUKEE, WIS., MARKETING AREA

§ 1039.50 [Amended]

1. In § 1039.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1039.51 the text of paragraph (a) preceding the first proviso is revised to read as follows:

§ 1039.51 Class prices.

• • • • • •

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $0.88 and plus 20 cents through April 1968: • • •

• • • • • •

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

§ 1040.50 [Amended]

1. In § 1040.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1040.51, paragraph (a) is changed to read as follows:

§ 1040.51 Class I milk price.

• • • • • •

(a) To the basic formula price for the preceding month add $1.40, add 20 cents through April 1968, and add or subtract a "supply-demand adjustment" of not more than 45 cents computed pursuant to paragraph (b) of this section:

• • • • • •

PART 1041—MILK IN NORTHWESTERN OHIO MARKETING AREA

§ 1041.50 [Amended]

1. In § 1041.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through March 1968, the basic formula price shall not be less than $4.05."

2. In § 1041.51, the introductory text and subparagraph (1) of paragraph (a) are changed to read as follows:

§ 1041.51 Class prices.

• • • • • •

(a) *Class I milk price.* For the period from the effective date of this paragraph through March 1968, the monthly Class I milk price shall be the basic formula price for the preceding month, plus the sum of the amounts specified under subparagraphs (1) and (2) of this paragraph:

(1) $1.45, subject to adjustment for location pursuant to § 1041.53; and

• • • • • •

PART 1043—MILK IN UPSTATE MICHIGAN MARKETING AREA

1. In § 1043.22 subparagraph (1) of paragraph (i) is changed to read as follows:

§ 1043.22 Duties.

* * * * *

(i) * * *

(1) By the 5th day of each month, the Class I price computed pursuant to § 1043.51(a) and the handler butterfat differential computed pursuant to § 1043.52, both for the current month; and the Class II price computed pursuant to § 1043.51(b) for the preceding month; and

* * * * *

§ 1043.50 [Amended]

2. In § 1043.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

3. In § 1043.51, paragraph (a) is changed to read as follows:

§ 1043.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I milk price shall be the basic formula price for the preceding month plus $1.29 and plus 20 cents through April 1968.

* * * * *

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

§ 1044.50 [Amended]

1. In § 1044.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1044.51, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1044.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price for plants located in Zone 1 shall be the basic formula price for the preceding month plus $0.95, plus 20 cents through April 1968, and plus or minus a supply-demand adjustment of not more than 24 cents computed pursuant to this paragraph. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2. The supply-demand adjustment shall be computed as follows:

* * * * *

PART 1045—MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

§ 1045.50 [Amended]

1. In § 1045.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1045.51, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1045.51 Class I milk price.

* * * * *

(a) The basic formula price for the preceding month plus $0.74, plus 20 cents through April 1968, and plus or minus a supply-demand adjustment of not more than 24 cents computed as follows:

* * * * *

PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

§ 1046.50 [Amended]

1. In § 1046.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1046.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1046.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.29, plus 20 cents through April 1968, and plus or minus a supply-demand adjustment of not more than 50 cents computed pursuant to subparagraphs (1) through (6) of this paragraph:

* * * * *

PART 1047—MILK IN FORT WAYNE, IND., MARKETING AREA

§ 1047.50 [Amended]

1. In § 1047.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1047.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1047.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.20, plus 20 cents through April 1968, and plus or minus a "supply-demand adjustment" of not more than 38 cents computed pursuant to subparagraphs (1) and (2) of this paragraph:

* * * * *

PART 1049—MILK IN INDIANAPOLIS, IND., MARKETING AREA

§ 1049.50 [Amended]

1. In § 1049.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1049.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1049.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.27, plus 20 cents through April 1968, and plus or minus a "supply-demand adjustment" of not more than 38 cents computed pursuant to subparagraphs (1) and (2) of this paragraph:

* * * * *

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

§ 1050.50 [Amended]

1. In § 1050.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1050.51, the text of paragraph (a) preceding the proviso is revised to read as follows:

§ 1050.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price applicable at plants at which no location adjustment pursuant to § 1050.53 is applicable, shall, through June 30, 1968, be the basic formula price for the preceding month plus $1.19 and plus 20 cents through April 1968: * * *

* * * * *

PART 1051—MILK IN MADISON, WIS., MARKETING AREA

§ 1051.50 [Amended]

1. In § 1051.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1051.51, the text of paragraph (a) preceding the first proviso is revised to read as follows:

§ 1051.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $0.88; and plus 20 cents through April 1968: * * *

* * * * *

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

§ 1062.50 [Amended]

1. In § 1062.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1062.51(a), the first sentence is revised to read as follows:

§ 1062.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.40, and plus 20 cents through April 1968. * * *

* * * * *

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

In § 1063.50, paragraph (a) and the text of paragraph (b) preceding the first proviso therein are revised to read as follows:

§ 1063.50 Basic formula and class prices.

* * * * *

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula shall be rounded to the nearest cent. For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.10 and plus 20 cents through April 1968. * * *

* * * * *

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

§ 1064.50 [Amended]

1. In § 1064.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1064.51, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1064.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the preceding month plus $1.30, plus 20 cents through April 1968 and plus or minus a supply-demand adjustment of not more than 45 cents, computed as follows:

* * * * *

PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

§ 1065.50 [Amended]

1. In § 1065.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1065.51, paragraph (a) is changed to read as follows:

§ 1065.51 Class prices.

* * * * *

(a) *Class I milk.* The basic formula price for the preceding month plus $1.40 for pool plants located in the Eastern zone; plus $1.55 in the Central zone; and plus $1.80 in the Western zone, plus 20 cents for each district through April 1968.

* * * * *

PART 1066—MILK IN SIOUX CITY, IOWA, MARKETING AREA

§ 1066.50 [Amended]

1. In § 1066.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1066.51, paragraph (a) is changed to read as follows:

§ 1066.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight of Class I milk containing 3.5 percent butterfat shall be the basic formula price for the preceding delivery period, plus $1.40, plus 20 cents through April 1968.

* * * * *

PART 1067—MILK IN OZARKS MARKETING AREA

In § 1067.51, paragraph (a) is changed to read as follows:

§ 1067.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I milk price at pool plants located in the marketing area shall be the Class I price announced for the 0 to 30 mile zone for each month under Part 1062 of this chapter regulating the handling of milk in the St. Louis marketing area less 25 cents, except that at pool plants located in Washington and Benton Counties, Ark., the price shall be 25 cents higher than at other marketing area locations.

* * * * *

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

§ 1068.51 [Amended]

1. In § 1068.51, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. The text of § 1068.53 preceding the proviso is revised to read as follows:

§ 1068.53 Class I price.

Subject to the differentials provided in §§ 1068.55 and 1068.56(a) the price per hundredweight for Class I milk each month shall be the basic formula price for the preceding month computed pursuant to § 1068.51 plus $0.86, and plus 20 cents through April 1968. * * *

* * * * *

PART 1069—MILK IN DULUTH-SUPERIOR MARKETING AREA

§ 1069.50 [Amended]

1. In § 1069.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1069.51, paragraph (a) is changed to read as follows:

§ 1069.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the preceding month plus $0.90 and plus 20 cents through April 1968.

* * * * *

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

In § 1070.50, paragraph (a) and the text of paragraph (b) preceding the first proviso therein are revised to read as follows:

§ 1070.50 Basic formula and class prices.

* * * * *

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula shall be rounded to the nearest cent. For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.10 and plus 20 cents through April 1968: * * *

* * * * *

PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

§ 1071.50 [Amended]

1. In § 1071.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the

effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1071.51, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1071.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.34 and plus 20 cents through April 1968: *Provided,* That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the following:

* * * * *

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

§ 1073.50 [Amended]

1. In § 1073.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05."

2. In § 1073.51, the text of paragraph (a) which precedes subparagraph (1) is changed to read as follows:

§ 1073.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk at plants located in Zone 1 shall be the basic formula price for the preceding month plus $1.60, plus 20 cents through April 1968, subject to a supply-demand adjustment computed pursuant to subparagraphs (1) through (3) of this paragraph. Such price shall not be less than the Class I price for milk containing 3.5 percent butterfat for the same month pursuant to Federal Order No. 64 (Greater Kansas City), nor more than the Greater Kansas City Class I price (3.5 percent butterfat content) plus 60 cents:

* * * * *

PART 1075—MILK IN BLACK HILLS, S. DAK., MARKETING AREA

§ 1075.50 [Amended]

1. In § 1075.50, the last sentence is changed to read: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1075.51, paragraph (a) is changed to read as follows:

§ 1075.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $2.15, and plus 20 cents through April 1968.

* * * * *

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

§ 1076.50 [Amended]

1. In §1076.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1076.51, paragraph (a) is changed to read as follows:

§ 1076.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.30, and plus 20 cents through April 1968, subject to the following adjustment: In any month in which the Class I price computed pursuant to § 1068.53 of the Minneapolis-St. Paul order (Part 1068 of this chapter) is increased or decreased more than 10.5 cents as a result of the supply-demand ratio computed thereunder, the Class I price shall be increased or decreased by whatever amount such adjustment exceeds 10.5 cents.

* * * * *

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

In § 1078.50, paragraph (a) and the text of paragraph (b) preceding the first proviso are revised to read as follows:

§ 1078.50 Basic formula and class prices.

* * * * *

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula shall be rounded to the nearest cent. For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.05, and plus 20 cents through April 1968. * * *

* * * * *

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

In § 1079.50, paragraph (a) and the text of paragraph (b) preceding the first proviso are revised to read as follows:

§ 1079.50 Basic formula and class prices.

* * * * *

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula shall be rounded to the nearest cent. For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25, and plus 20 cents through April 1968. * * *

* * * * *

PART 1090—MILK IN CHATTANOOGA, TENN., MARKETING AREA

§ 1090.50 [Amended]

1. In § 1090.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1090.51(a), the introductory text and subparagraph (1) are changed to read as follows:

§ 1090.51 Class prices.

* * * * *

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.75, and plus 20 cents through April 1968.

* * * * *

PART 1094—MILK IN NEW ORLEANS, LA., MARKETING AREA

§ 1094.50 [Amended]

1. In § 1094.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1094.51, the text of paragraph (a) which precedes subparagraph (1) is changed to read as follows:

§ 1094.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $2.65, plus 20 cents through April 1968, and plus or minus a supply-demand adjustment calculated for each month pursuant to subparagraphs (1) through (6) of this paragraph:

* * * * *

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

§ 1096.50 [Amended]

1. In § 1096.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1096.51, paragraph (a) is changed to read as follows:

§ 1096.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $2.27 and plus 20 cents through April 1968.

* * * * *

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

§ 1097.50 [Amended]

1. In § 1097.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1097.51, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1097.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.74 and plus 20 cents through April 1968; and plus or minus a supply-demand adjustment computed as follows:

* * * * *

PART 1098—MILK IN NASHVILLE, TENN., MARKETING AREA

§ 1098.50 [Amended]

1. In § 1098.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1098.51, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1098.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.38 plus 20 cents through April 1968 and plus or minus a supply-demand adjustment calculated for each month as follows:

* * * * *

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

§ 1101.50 [Amended]

1. In § 1101.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1101.51 the text of paragraph (a) preceding subparagraph (2) is changed to read as follows:

§ 1101.51 Class prices.

* * * * *

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.50 and plus 20 cents through April 1968;

* * * * *

PART 1102—MILK IN FORT SMITH, ARK., MARKETING AREA

§ 1102.50 [Amended]

1. In § 1102.50, the last sentence is changed to read as follows:
purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1102.51, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1102.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.75, plus 20 cents through April 1968, and plus or minus a supply-demand adjustment computed as follows:

* * * * *

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

§ 1103.50 [Amended]

1. § 1103.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1103.51, the text of paragraph (a) which precedes subparagraph (1) is changed to read as follows:

§ 1103.51 Class prices.

* * * * *

(a) *Class I milk price.* The minimum Class I price for the month shall be the basic formula price for the preceding month plus $2.27, plus 20 cents through April 1968 and plus or minus a supply-demand adjustment beginning in October 1967 computed pursuant to subparagraphs (1), (2) and (3) of this paragraph:

* * * * *

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

§ 1106.50 [Amended]

1. In § 1106.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1106.51 the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1106.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.78 and plus 20 cents through April 1968. To this price add or subtract a "supply-demand adjustment" of not more than 50 cents computed as follows:

* * * * *

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

§ 1108.50 [Amended]

1. In § 1108.50, the last sentence is changed to read as follows: "For the purpose of computing the Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1108.51 the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1108.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.74, plus 20 cents through April 1968, and plus or minus a supply-demand adjustment computed as follows:

* * * * *

PART 1125—MILK IN PUGET SOUND, WASH., MARKETING AREA

§ 1125.50 [Amended]

1. In § 1125.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1125.51, paragraph (a) is changed to read as follows:

§ 1125.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.65, and plus 20 cents through April 1968.

* * * * *

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

§ 1126.50 [Amended]

1. In § 1126.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1126.51 the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1126.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $2.12 and plus 20 cents through April 1968; and subject to

a supply-demand adjustment of not more than 50 cents computed as follows:

* * * * *

PART 1131—MILK IN CENTRAL ARIZONA MARKETING AREA

§ 1131.50 [Amended]

1. In § 1131.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1131.51, the text of paragraph (a) which precedes subparagraph (1) is changed to read as follows:

§ 1131.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $2.30 and plus 20 cents through April 1968, and shall be increased or decreased by a "supply-demand adjustment" of not more than 50 cents computed as follows:

* * * * *

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

§ 1132.50 [Amended]

1. In § 1132.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1132.51, paragraph (a) is revised to read as follows:

§ 1132.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $2.05, and plus 20 cents through April 1968.

* * * * *

PART 1133—MILK IN INLAND EMPIRE MARKETING AREA

§ 1133.50 [Amended]

1. In § 1133.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1133.51, paragraph (a) is changed to read as follows:

§ 1133.51 Class prices.

* * * * *

(a) *Class I milk price.* For each month the price for Class I milk shall be the basic formula price for the preceding month plus $1.90 and plus 20 cents through April 1968, adjusted by the amount, but not in excess of 50 cents for any month, computed pursuant to paragraph (d) of this section:

* * * * *

PART 1136—MILK IN GREAT BASIN MARKETING AREA

1. In § 1136.50, the text of paragraph (a) which precedes subparagraph (1) is changed to read as follows:

§ 1136.50 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $2.05, plus 20 cents through April 1968 and plus or minus the supply-demand adjustment with the total rounded to the nearest cent. The supply-demand adjustment shall be not more than 50 cents computed as follows:

* * * * *

§ 1136.51 [Amended]

2. In § 1136.51, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

§ 1137.50 [Amended]

1. In § 1137.50, the last sentence is changed to read: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1137.51, the text of paragraph (a) preceding subparagraph (1) is changed to read as follows:

§ 1137.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the preceding month plus $2.10, plus 20 cents through April 1968, and plus or minus a supply-demand adjustment calculated for each month as follows:

* * * * *

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

§ 1138.50 [Amended]

1. In § 1138.50, the last sentence is changed to read as follows: "For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05."

2. In § 1138.51, paragraph (a) is revised to read as follows:

§ 1138.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price at plants located in Zone 1 (comprising all the counties in the marketing area except those specified in § 1138.52 as comprising Zones II and III) shall be the basic formula price for the preceding month plus $2.15 and plus 20 cents through April 1968. This price shall be increased or decreased by a supply-demand adjustment equal to the simple average of the supply-demand adjustments effective for the same month pursuant to the provisions of the Wichita, Kansas (Part 1073 of this chapter); Oklahoma Metropolitan (Part 1106 of this chapter); North Texas (Part 1126 of this chapter); Central Arizona (Part 1131 of this chapter); Great Basin (Part 1136 of this chapter); and Eastern Colorado (Part 1137 of this chapter) milk marketing orders. If the supply-demand adjustment in any of these markets is limited in its effect by another provision of the respective order, the supply-demand adjustment to be used in this computation shall be the net adjustment which determines the Class I price in such market.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 1, 1967.

Signed at Washington, D.C., on April 26, 1967.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 67-4806; Filed, Apr. 28 1967; 8:50 a.m.]

[Milk Orders 106, 126]

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Oklahoma Metropolitan and North Texas marketing areas (7 CFR Parts 1106 and 1126), it is hereby found and determined that:

(a) The following provisions of the orders no longer tend to effectuate the declared policy of the Act for the month of May 1967.

(1) In § 1106.51(a) of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area, the last sentence of the introductory text reading as follows: "To this price add or subtract a 'supply-demand adjustment' of not more than 50 cents (no supply-demand adjustment shall apply for each of the months of January through March 1967), computed as follows:" and subparagraphs (1), (2), and (3).

(2) In § 1126.51(a) of the order regulating the handling of milk in the North Texas marketing area, that portion of the last sentence of the introductory text reading as follows: "and subject to a supply-demand adjustment of not more than 50 cents (no supply-demand adjustment shall apply for each of the months of January through March 1967) computed as follows:" and subparagraphs (1), (2), (3), (4), (5), and (6).

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will continue for the month of May 1967 the elimination of the effect of supply-demand adjustors in the Oklahoma Metropolitan and North Texas orders that was provided for January through March 1967 by amendment issued December 28, 1966, on the basis of a public hearing held November 9, 1966, and for April 1967 by suspension order that was issued March 23, 1967. No interested party in these markets indicated opposition to the proposed action either at the hearing or in response to proposed suspension for the month of April. An industry group has completed its study of proposed improvements in the supply-demand adjustors. However, a hearing on proposed revisions to the orders has been delayed because of the workload of other hearings on emergency amendments to Class I prices.

Therefore, in view of the foregoing reasons, good cause exists for making this order effective May 1, 1967.

It is therefore ordered, That the aforesaid provisions of the orders are hereby suspended for the period May 1, 1967, through May 31, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 1, 1967.

Signed at Washington, D.C., on April 26, 1967.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 67-4809; Filed, Apr. 28, 1967; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1967 Crop Oat Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967 Crop Oat Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and the 1966 and Subsequent Crops Oats Supplement (31 F.R. 4581), which contain regulations of a general nature with respect to price support loans and purchase operations, are further supplemented for the 1967 crop oats as follows:

Sec.
1421.2666 Purpose.
1421.2667 Availability.
1421.2668 Maturity of loans.
1421.2669 Deduction of storage charges.
1421.2670 Support rates and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2666 Purpose.

This supplement contains additional program provisions which, together with the applicable provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops and any amendments thereto and the oat supplement to such regulations for 1966 and subsequent crops, apply to loans and purchases for the 1967-crop oats.

§ 1421.2667 Availability and disbursement.

A producer desiring price support must request a loan on his eligible oats on or before April 30, 1968, in Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and by March 31, 1968, in all other States. To obtain price support through sales, a producer must give the appropriate ASCS county office notice of his intent to sell the oats to CCC on or before May 31, 1968, in the States named in this section and on or before April 30, 1968, in all other States.

§ 1421.2668 Maturity of loans.

Unless demand is made earlier, loans on oats stored in Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, mature on May 31, 1968, and loans on oats stored in all other States mature on April 30, 1968.

§ 1421.2669 Deduction of storage charges.

The following tables are for use in computing deductions for storage charges for oats delivered to UGSA warehouses prior to maturity in accordance with the provisions of § 1421.2658.

Maturity date Apr. 30, 1968	Deduction (cents per bushel)	Maturity date May 31, 1968
(1)		
Prior to May 15, 1967	10	Prior to June 15, 1967.
May 15–June 20	9	June 16–July 21.
June 21–July 27	8	July 22–Aug. 27.
July 28–Sept. 2	7	Aug. 28–Oct. 3.
Sept. 3–Oct. 9	6	Oct. 4–Nov. 9.
Oct. 10–Nov. 15	5	Nov. 10–Dec. 16.
Nov. 16–Dec. 22	4	Dec. 17, 1967–Jan. 22, 1968.
Dec. 23, 1967–Jan. 28, 1968	3	Jan. 23–Feb. 29.
Jan. 29–Mar. 5	2	Mar. 1–Apr. 5.
Mar. 6–Apr. 30, 1968	1	Apr. 6–May 31, 1968.

[1] Dates storage charges start, all dates inclusive.

§ 1421.2670 Support rates.

(a) *Basic support rates.* The basic county support rates for use in making loans and for use in settling loans and for purchases are listed below. Farm stored loans shall be made at the basic support rate for the county in which the oats were produced, adjusted by the Weed Control discount where applicable. Warehouse stored loans, farm stored loan settlements and purchases shall be made on the basis of the basic support rate for the county in which the oats were produced adjusted by the premiums and discounts shown in paragraph (b) of this section and any other discounts established by CCC, applicable to the grade and quality of the oats on which the loan or settlement is made. The basic county support rate applies to oats grading No. 3, having moisture not in excess of 14 percent.

	Rate per bushel
ALABAMA	
All counties	$0.74
ALASKA	
All counties	$1.23
ARIZONA	
All counties	$0.82
ARKANSAS	
All counties	$0.72
CALIFORNIA	
Alameda	$0.77
Alpine	.75
Amador	.75
Butte	.74
Calaveras	.75
Colusa	.76
Contra Costa	.77
Del Norte	.73
El Dorado	.75
Fresno	.76
Glenn	.74
Humboldt	.75
Imperial	.77
Inyo	.77
Kern	.77
Kings	.76
Lake	.75
Lassen	.72
Los Angeles	.78
Madera	.76
Marin	.77
Mariposa	.76
Mendocino	.75
Merced	.76
Modoc	.71
Mono	.76
Monterey	.76
Napa	.76
Nevada	.73
Orange	.77
Placer	.74
Plumas	$0.73
Riverside	.77
Sacramento	.75
San Benito	.76
San Bernardino	.77
San Diego	.77
San Francisco	.77
San Joaquin	.76
San Luis Obispo	.76
San Mateo	.77
Santa Barbara	.76
Santa Clara	.77
Santa Cruz	.76
Shasta	.72
Sierra	.73
Siskiyou	.71
Solano	.77
Sonoma	.76
Stanislaus	.76
Sutter	.75
Tehama	.73
Trinity	.75
Tulare	.76
Tuolumne	.75
Ventura	.77
Yolo	.76
Yuba	.74
COLORADO	
All counties	$0.69
CONNECTICUT	
All counties	$0.72
DELAWARE	
All counties	$0.73
FLORIDA	
All counties	$0.78
GEORGIA	
All counties	$0.74
IDAHO	
Ada	$0.69
Adams	.67
Bannock	.67
Bear Lake	.67
Benewah	.67
Bingham	.65
Blaine	.67
Boise	.69
Booner	.65
Bonneville	.65
Boundary	.68
Butte	.65
Camas	.68
Canyon	$0.69
Caribou	.66
Cassia	.68
Clarke	.65
Clearwater	.67
Custer	.65
Elmore	.69
Franklin	.67
Fremont	.65
Gem	.69
Gooding	.68
Idaho	.66
Jefferson	.65

IDAHO—Continued

County	Rate per bushel	County	Rate per bushel
Jerome	$0.68	Oneida	$0.67
Kootenai	.67	Owyhee	.69
Latah	.68	Payette	.69
Lemhi	.65	Power	.67
Lewis	.67	Shoshone	.65
Lincoln	.68	Teton	.65
Madison	.65	Twin Falls	.68
Minidoka	.68	Valley	.67
Nez Perce	.68	Washington	.68

ILLINOIS

Adams	$0.65	Lee	$0.65
Alexander	.66	Livingston	.65
Bond	.66	Logan	.65
Boone	.65	McDonough	.65
Brown	.65	McHenry	.65
Bureau	.65	McLean	.66
Calhoun	.66	Macon	.65
Carroll	.65	Macoupin	.66
Cass	.65	Madison	.67
Champaign	.65	Marion	.67
Christian	.65	Marshall	.65
Clark	.66	Mason	.65
Clay	.67	Massac	.66
Clinton	.67	Menard	.65
Coles	.65	Mercer	.65
Cook	.67	Monroe	.68
Crawford	.67	Montgomery	.66
Cumberland	.66	Morgan	.65
De Kalb	.65	Moultrie	.65
De Witt	.65	Ogle	.65
Douglas	.65	Peoria	.65
Du Page	.65	Perry	.66
Edgar	.65	Piatt	.65
Edwards	.68	Pike	.65
Effingham	.66	Pope	.69
Fayette	.68	Pulaski	.68
Ford	.65	Putnam	.65
Franklin	.66	Randolph	.68
Fulton	.65	Richland	.67
Gallatin	.69	Rock Island	.65
Greene	.66	Saint Clair	.68
Grundy	.65	Saline	.69
Hamilton	.68	Sangamon	.65
Hancock	.65	Schuyler	.65
Hardin	.69	Scott	.65
Henderson	.65	Shelby	.65
Henry	.65	Stark	.65
Iroquois	.65	Stephenson	.65
Jackson	.68	Tazewell	.65
Jasper	.67	Union	.68
Jefferson	.68	Vermilion	.65
Jersey	.66	Wabash	.68
Jo Daviess	.65	Warren	.65
Johnson	.68	Washington	.68
Kane	.65	Wayne	.68
Kankakee	.65	White	.68
Kendall	.65	Whiteside	.65
Knox	.65	Will	.66
Lake	.66	Williamson	.68
La Salle	.65	Winnebago	.65
Lawrence	.67	Woodford	.65

INDIANA

Adams	$0.66	Floyd	$0.68
Allen	.66	Fountain	.65
Bartholomew	.67	Franklin	.68
Benton	.65	Fulton	.66
Blackford	.66	Gibson	.68
Boone	.68	Grant	.66
Brown	.68	Greene	.68
Carroll	.66	Hamilton	.66
Cass	.66	Hancock	.66
Clark	.68	Harrison	.68
Clay	.66	Hendricks	.66
Clinton	.66	Henry	.66
Crawford	.68	Howard	.66
Daviess	.68	Huntington	.66
Dearborn	.69	Jackson	.68
Decatur	.67	Jasper	.65
De Kalb	.66	Jay	.66
Delaware	.66	Jefferson	.69
Dubois	.68	Jennings	.69
Elkhart	.67	Johnson	.66
Fayette	.66	Knox	.68

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Kosciusko	$0.66	Randolph	$0.66
Lagrange	.67	Ripley	.69
Lake	.66	Rush	.66
La Porte	.67	Saint Joseph	.67
Lawrence	.68	Scott	.69
Madison	.66	Shelby	.66
Marion	.66	Spencer	.68
Marshall	.66	Starke	.66
Martin	.68	Steuben	.67
Miami	.66	Sullivan	.67
Monroe	.68	Switzerland	.69
Montgomery	.66	Tippecanoe	.66
Morgan	.66	Tipton	.66
Newton	.65	Union	.66
Noble	.66	Vanderburgh	.68
Ohio	.69	Vermillion	.65
Orange	.68	Vigo	.66
Owen	.66	Wabash	.66
Parke	.65	Warren	.65
Perry	.68	Warrick	.68
Pike	.68	Washington	.68
Porter	.66	Wayne	.66
Posey	.68	Wells	.66
Pulaski	.66	White	.66
Putnam	.66	Whitley	.66

IOWA

Adair	$0.65	Jefferson	$0.65
Adams	.65	Johnson	.65
Allamakee	.65	Jones	.65
Appanoose	.65	Keokuk	.65
Audubon	.64	Kossuth	.64
Benton	.65	Lee	.65
Black Hawk	.65	Linn	.66
Boone	.64	Louisa	.65
Bremer	.65	Lucas	.65
Buchanan	.65	Lyon	.62
Buena Vista	.64	Madison	.65
Butler	.64	Mahaska	.65
Calhoun	.64	Marion	.65
Carroll	.64	Marshall	.64
Cass	.65	Mills	.65
Cedar	.65	Mitchell	.64
Cerro Gordo	.64	Monona	.63
Cherokee	.63	Monroe	.65
Chickasaw	.65	Montgomery	.65
Clarke	.65	Muscatine	.65
Clay	.64	O'Brien	.63
Clayton	.65	Osceola	.62
Clinton	.65	Page	.65
Crawford	.63	Palo Alto	.64
Dallas	.64	Plymouth	.63
Davis	.66	Pocahontas	.64
Decatur	.65	Polk	.64
Delaware	.65	Pottawattamie	.65
Des Moines	.65	Poweshiek	.64
Dickinson	.63	Ringgold	.65
Dubuque	.65	Sac	.64
Emmet	.63	Scott	.65
Fayette	.65	Shelby	.64
Floyd	.64	Sioux	.62
Franklin	.64	Story	.64
Fremont	.65	Tama	.64
Greene	.64	Taylor	.65
Grundy	.64	Union	.65
Guthrie	.64	Van Buren	.65
Hamilton	.64	Wapello	.65
Hancock	.64	Warren	.65
Hardin	.64	Washington	.65
Harrison	.64	Wayne	.65
Henry	.65	Webster	.64
Howard	.65	Winnebago	.64
Humboldt	.64	Winneshiek	.65
Ida	.63	Woodbury	.63
Iowa	.65	Worth	.64
Jackson	.65	Wright	.64
Jasper	.64		

KANSAS

Allen	$0.68	Bourbon	$0.69
Anderson	.68	Brown	.67
Atchison	.68	Butler	.70
Barber	.71	Chase	.69
Barton	.69	Chautauqua	.70

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Cherokee	$0.70	Marshall	$0.67
Cheyenne	.66	Meade	.71
Clark	.71	Miami	.68
Clay	.67	Mitchell	.67
Cloud	.67	Montgomery	.70
Coffey	.68	Morris	.68
Comanche	.71	Morton	.71
Cowley	.70	Nemaha	.67
Crawford	.69	Neosho	.69
Decatur	.67	Ness	.69
Dickinson	.68	Norton	.67
Doniphan	.68	Osage	.68
Douglas	.68	Osborne	.67
Edwards	.69	Ottawa	.67
Elk	.69	Pawnee	.69
Ellis	.68	Phillips	.66
Ellsworth	.68	Pottawatomie	.67
Finney	.70	Pratt	.70
Ford	.70	Rawlins	.68
Franklin	.68	Reno	.69
Geary	.68	Republic	.66
Gove	.69	Rice	.69
Graham	.68	Riley	.67
Grant	.70	Rooks	.67
Gray	.70	Rush	.69
Greeley	.69	Russell	.68
Greenwood	.69	Saline	.68
Hamilton	.70	Scott	.69
Harper	.71	Sedgwick	.70
Harvey	.69	Seward	.71
Haskell	.70	Shawnee	.68
Hodgeman	.69	Sheridan	.68
Jackson	.68	Sherman	.68
Jefferson	.68	Smith	.66
Jewell	.66	Stafford	.69
Johnson	.69	Stanton	.70
Kearny	.70	Stevens	.71
Kingman	.70	Sumner	.71
Kiowa	.70	Thomas	.68
Labette	.70	Trego	.68
Lane	.69	Wabaunsee	.68
Leavenworth	.69	Wallace	.69
Lincoln	.67	Washington	.66
Linn	.68	Wichita	.69
Logan	.69	Wilson	.69
Lyon	.68	Woodson	.68
McPherson	.69	Wyandotte	.69
Marion	.69		

KENTUCKY

All counties $0.74

LOUISIANA

All parishes $0.74

MAINE

All counties $0.72

MARYLAND

All counties $0.73

MASSACHUSETTS

All counties $0.72

MICHIGAN

Alcona	$0.65	Delta	$0.66
Alger	.67	Dickinson	.66
Allegan	.67	Eaton	.66
Alpena	.65	Emmet	.66
Antrim	.66	Genesee	.65
Arenca	.65	Gladwin	.65
Baraga	.66	Gogebic	.66
Barry	.67	Grand Traverse	.66
Bay	.65	Gratiot	.66
Benzie	.66	Hillsdale	.67
Berrien	.66	Houghton	.66
Branch	.66	Huron	.65
Calhoun	.66	Ingham	.66
Cass	.66	Iona	.66
Charlevoix	.66	Isoco	.65
Cheboygan	.66	Iron	.66
Chippewa	.67	Isabella	.66
Clare	.66	Jackson	.66
Clinton	.66	Kalamazoo	.67
Crawford	.65		

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Kalkaska	.66	Newaygo	.67
Kent	.67	Oakland	.66
Keweenaw	.66	Oceana	.67
Lake	.67	Ogemaw	.65
Lapeer	.65	Ontonagon	.66
Leelanau	.66	Osceola	.66
Lenawee	.67	Oscoda	.65
Livingston	.66	Otsego	.66
Luce	.67	Ottawa	.67
Mackinac	.67	Presque Isle	.65
Macomb	.66	Roscommon	.65
Manistee	.67	Saginaw	.65
Marquette	.66	Saint Clair	.66
Mason	.67	Saint Joseph	.66
Mecosta	.66	Sanilac	.65
Menominee	.66	Schoolcraft	.67
Midland	.65	Shiawassee	.65
Missaukee	.66	Tuscola	.65
Monroe	.67	Van Buren	.67
Montcalm	.66	Washtenaw	.66
Montmorency	.65	Wayne	.66
Muskegon	.67	Wexford	.67

MINNESOTA

Aitkin	$0.61	Marshall	.55
Anoka	.63	Martin	.61
Becker	.57	Meeker	.61
Beltrami	.56	Mille Lacs	.61
Benton	.61	Morrison	.60
Big Stone	.58	Mower	.62
Blue Earth	.62	Murray	.59
Brown	.61	Nicollet	.62
Carlton	.62	Nobles	.60
Carver	.63	Norman	.55
Cass	.59	Olmsted	.62
Chippewa	.59	Otter Tail	.58
Chisago	.63	Pennington	.55
Clay	.56	Pine	.62
Clearwater	.56	Pipestone	.59
Cook	.63	Polk	.55
Cottonwood	.60	Pope	.59
Crow Wing	.60	Ramsey	.63
Dakota	.63	Red Lake	.56
Dodge	.62	Redwood	.60
Douglas	.59	Renville	.61
Faribault	.62	Rice	.62
Fillmore	.63	Rock	.60
Freeborn	.62	Roseau	.55
Goodhue	.62	Saint Louis	.62
Grant	.58	Scott	.63
Hennepin	.63	Sherburne	.62
Houston	.63	Sibley	.62
Hubbard	.58	Stearns	.61
Isanti	.62	Steele	.62
Itasca	.59	Stevens	.56
Jackson	.61	Swift	.59
Kanabec	.62	Todd	.60
Kandiyohi	.61	Traverse	.57
Kittson	.54	Wabasha	.62
Koochiching	.58	Wadena	.59
Lac Qui Parle	.59	Waseca	.63
Lake	.63	Washington	.63
Lake of the Woods	.56	Watonwan	.61
Le Sueur	.62	Wilkin	.57
Lincoln	.59	Winona	.63
Lyon	.59	Wright	.62
McLeod	.62	Yellow Medicine	.59
Mahnomen	.56		

MISSISSIPPI

All counties $0.73

MISSOURI

Adair	$0.67	Buchanan	.69
Andrew	.67	Butler	.69
Atchison	.66	Caldwell	.69
Audrain	.66	Callaway	.68
Barry	.70	Camden	.69
Barton	.69	Cape Girardeau	.68
Bates	.68	Carroll	.68
Benton	.68	Carter	.69
Bollinger	.69	Cass	.68
Boone	.68		

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Cedar	.68	Moniteau	.66
Charlton	.68	Monroe	.66
Christian	.70	Montgomery	.68
Clark	.65	Morgan	.69
Clay	.69	New Madrid	.69
Clinton	.69	Newton	.69
Cole	.69	Nodaway	.66
Cooper	.69	Oregon	.70
Crawford	.69	Osage	.69
Dade	.68	Ozark	.70
Dallas	.69	Pemiscot	.69
Daviess	.68	Perry	.68
De Kalb	.68	Pettis	.69
Dent	.69	Phelps	.69
Douglas	.70	Pike	.65
Dunklin	.69	Platte	.69
Franklin	$0.69	Polk	.68
Gasconade	.69	Pulaski	.69
Gentry	.67	Putnam	.67
Greene	.69	Ralls	.65
Grundy	.67	Randolph	.67
Harrison	.67	Ray	.69
Henry	.68	Reynolds	.69
Hickory	.68	Ripley	.70
Holt	.67	Saint Charles	.67
Howard	.68	Saint Clair	.68
Howell	.70	Sainte Genevieve	.68
Iron	.69	St. Francois	.69
Jackson	.68	Saint Louis	.68
Jasper	.69	Saline	.68
Jefferson	.68	Schuyler	.67
Johnson	.68	Scotland	.66
Knox	.66	Scott	.68
Laclede	.69	Shannon	.69
Lafayette	.68	Shelby	.66
Lawrence	.69	Stoddard	.69
Lewis	.65	Stone	.70
Lincoln	.67	Sullivan	.67
Linn	.68	Taney	.70
Livingston	.68	Texas	.69
McDonald	.70	Vernon	.68
Macon	.67	Warren	.68
Madison	.69	Washington	.69
Maries	.69	Wayne	.69
Marion	.65	Webster	.69
Mercer	.68	Worth	.66
Miller	.69	Wright	.69
Mississippi	.68		

MONTANA

Beaverhead	$0.64	McCone	.53
Big Horn	.58	Madison	.62
Blaine	.55	Meagher	.59
Broadwater	.60	Mineral	.64
Carbon	.59	Missoula	.63
Carter	.56	Musselshell	.57
Cascade	.59	Park	.60
Chouteau	.57	Petroleum	.56
Custer	.55	Phillips	.54
Daniels	.52	Pondera	.58
Dawson	.52	Powder River	.58
Deer Lodge	.62	Powell	.62
Fallon	.53	Prairie	.54
Fergus	.57	Ravalli	.63
Flathead	.62	Richland	.52
Gallatin	.60	Roosevelt	.51
Garfield	.54	Rosebud	.56
Glacier	.59	Sanders	.64
Golden Valley	.58	Sheridan	.51
Granite	.63	Silver Bow	.62
Hill	.56	Stillwater	.59
Jefferson	.61	Sweet Grass	.59
Judith Basin	.58	Teton	.58
Lake	.63	Toole	.58
Lewis and Clark	.61	Treasure	.57
Liberty	.57	Valley	.53
Lincoln	.64	Wheatland	.58
		Wibaux	.53
		Yellowstone	.59

NEBRASKA

Adams	$0.64	Arthur	.62
Antelope	.61	Banner	.62

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Blaine	.61	Kearney	.64
Boone	.62	Keith	.63
Box Butte	.62	Keya Paha	.60
Boyd	.60	Kimball	.63
Brown	.61	Knox	.61
Buffalo	.63	Lancaster	.65
Burt	.63	Lincoln	.63
Butler	.64	Logan	.62
Cass	.65	Loup	.61
Cedar	.62	McPherson	.62
Chase	.65	Madison	.62
Cherry	.61	Merrick	.62
Cheyenne	.63	Morrill	.62
Clay	.64	Nance	.62
Colfax	.63	Nemaha	.66
Cuming	.63	Nuckolls	.65
Custer	.62	Otoe	.65
Dakota	.63	Pawnee	.66
Dawes	.62	Perkins	.64
Dawson	.63	Phelps	.64
Deuel	.63	Pierce	.61
Dixon	.63	Platte	.62
Dodge	.64	Polk	.63
Douglas	.65	Red Willow	.65
Dundy	.66	Richardson	.66
Fillmore	.64	Rock	.61
Franklin	.65	Saline	.65
Frontier	.64	Sarpy	.65
Furnas	.65	Saunders	.65
Gage	.66	Scotts Bluff	.62
Garden	.62	Seward	.64
Garfield	.61	Sheridan	.62
Gosper	.64	Sherman	.62
Grant	.61	Sioux	.62
Greeley	.62	Stanton	.62
Hall	.63	Thayer	.65
Hamilton	.63	Thomas	.61
Harlan	.65	Thurston	.63
Hayes	.66	Valley	.62
Hitchcock	.66	Washington	.64
Holt	.61	Wayne	.62
Hooker	.61	Webster	.65
Howard	.62	Wheeler	.61
Jefferson	$0.65	York	.63
Johnson	.66		

NEVADA

All counties $0.79

NEW HAMPSHIRE

All counties $0.72

NEW JERSEY

All counties $0.73

NEW MEXICO

All counties $0.76

NEW YORK

All counties $0.74

NORTH CAROLINA

All counties $0.74

NORTH DAKOTA

Adams	$0.52	Hettinger	.51
Barnes	.54	Kidder	.53
Benson	.52	La Moure	.54
Billings	.51	Logan	.53
Bottineau	.50	McHenry	.50
Bowman	.52	McIntosh	.53
Burke	.49	McKenzie	.50
Burleigh	.52	McLean	.50
Cass	.54	Mercer	.50
Cavalier	.52	Mountrail	.49
Dickey	.54	Morton	.51
Divide	.49	Nelson	.53
Dunn	.50	Oliver	.51
Eddy	.53	Pembina	.52
Emmons	.52	Pierce	.51
Foster	.53	Ramsey	.52
Golden Valley	.51	Ransom	.54
Grand Forks	.53	Renville	.50
Grant	.51	Richland	.55
Griggs	.53	Rolette	.50

NORTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Sargent	.54	Towner	.51
Sheridan	.51	Traill	.53
Sioux	.52	Walsh	.52
Slope	.51	Ward	.50
Stark	.51	Wells	.52
Steele	.53	Williams	.49
Stutsman	.54		

OHIO

Adams	$0.72	Licking	.69
Allen	.68	Logan	.69
Ashland	.69	Lorain	.70
Ashtabula	.73	Lucas	.68
Athens	.73	Madison	.69
Auglaize	$0.68	Mahoning	.73
Belmont	.74	Marion	.69
Brown	.71	Medina	.71
Butler	.68	Meigs	.73
Carroll	.73	Mercer	.66
Champaign	.69	Miami	.68
Clark	.69	Monroe	.74
Clermont	.70	Montgomery	.68
Clinton	.70	Morgan	.73
Columbiana	.73	Morrow	.69
Coshocton	.71	Muskingum	.72
Crawford	.69	Noble	.73
Cuyahoga	.71	Ottawa	.69
Darke	.67	Paulding	.67
Defiance	.67	Perry	.71
Delaware	.69	Pickaway	.69
Erie	.69	Pike	.72
Fairfield	.69	Portage	.72
Fayette	.69	Preble	.67
Franklin	.69	Putnam	.68
Fulton	.68	Richland	.69
Gallia	.73	Ross	.70
Geauga	.72	Sandusky	.69
Greene	.69	Scioto	.72
Guernsey	.73	Seneca	.69
Hamilton	.69	Shelby	.68
Hancock	.68	Stark	.72
Hardin	.68	Summit	.71
Harrison	.73	Trumbull	.73
Henry	.68	Tuscarawas	.72
Highland	.71	Union	.69
Hocking	.71	Van Wert	.67
Holmes	.71	Vinton	.72
Huron	.69	Warren	.69
Jackson	.72	Washington	.74
Jefferson	.74	Wayne	.71
Knox	.69	Williams	.68
Lake	.72	Wood	.68
Lawrence	.72	Wyandot	.69

OKLAHOMA

All counties	$0.72

OREGON

Baker	$0.68	Lake	.70
Benton	.73	Lane	.72
Clackamas	.73	Lincoln	.73
Clatsop	.73	Linn	.72
Columbia	.73	Malheur	.68
Coos	.72	Marion	.73
Crook	.71	Morrow	.70
Curry	.72	Multnomah	.73
Deschutes	.71	Polk	.73
Douglas	.72	Sherman	.71
Gilliam	.71	Tillamook	.73
Grant	.70	Umatilla	.69
Harney	.69	Union	.69
Hood River	.73	Wallowa	.68
Jackson	.72	Wasco	.71
Jefferson	.71	Washington	.73
Josephine	.71	Wheeler	.71
Klamath	.70	Yamhill	.73

PENNSYLVANIA

All counties	$0.74

RHODE ISLAND

All counties	$0.72

SOUTH CAROLINA

All counties	$0.74

SOUTH DAKOTA

Aurora	$0.57	Jackson	.56
Beadle	.57	Jerauld	.57
Bennett	.57	Jones	.56
Bon Homme	.59	Kingsbury	.57
Brookings	.56	Lake	.57
Brown	.55	Lawrence	.55
Brule	.57	Lincoln	.60
Buffalo	.57	Lyman	.56
Butte	.55	McCook	.58
Campbell	.54	McPherson	.54
Charles Mix	.58	Marshall	.55
Clark	.56	Meade	.55
Clay	.61	Mellette	.57
Codington	.57	Miner	.57
Corson	.54	Minnehaha	.59
Custer	.58	Moody	.58
Davison	.57	Pennington	.56
Day	.56	Perkins	.54
Deuel	.58	Potter	.55
Dewey	.55	Roberts	.56
Douglas	.58	Sanborn	.57
Edmunds	.55	Shannon	.58
Falls River	.58	Spink	.56
Faulk	.55	Stanley	.56
Grant	$0.58	Sully	.56
Gregory	.57	Todd	.57
Haakon	.56	Tripp	.57
Hamlin	.57	Turner	.60
Hand	.56	Union	.61
Hanson	.57	Walworth	.55
Harding	.54	Washabaugh	.57
Hughes	.56	Yankton	.60
Hutchinson	.59	Ziebach	.55
Hyde	.56		

TENNESSEE

All counties	$0.74

TEXAS

All counties	$0.74

UTAH

All counties	$0.76

VERMONT

All counties	$0.72

VIRGINIA

All counties	$0.73

WASHINGTON

Adams	$0.68	Lewis	$0.73
Asotin	.68	Lincoln	.68
Benton	.70	Mason	.73
Chelan	.71	Okanogan	.71
Clallam	.73	Pacific	.73
Clark	.73	Pend Oreille	.66
Columbia	.68	Pierce	.73
Cowlitz	.73	San Juan	.73
Douglas	.70	Skagit	.73
Ferry	.69	Skamania	.73
Franklin	.68	Snohomish	.73
Garfield	.68	Spokane	.67
Grant	.69	Stevens	.67
Grays Harbor	.73	Thurston	.73
Island	.73	Wahkiakum	.73
Jefferson	.73	Walla Walla	.68
King	.73	Whatcom	.73
Kitsap	.73	Whitman	.67
Kittitas	.71	Yakima	.71
Klickitat	.71		

WEST VIRGINIA

All counties	$0.74

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.65	Marathon	$0.65
Ashland	.65	Marinette	.66
Barron	.63	Marquette	.65
Bayfield	.64	Menominee	.65
Brown	.64	Milwaukee	.67
Buffalo	.63	Monroe	.65
Burnett	.63	Oconto	.65
Calumet	.64	Oneida	.66
Chippewa	.64	Outagamie	.64
Clark	.64	Ozaukee	.66
Columbia	.65	Pepin	.63
Crawford	.66	Pierce	.63
Dane	.66	Polk	.63
Dodge	.65	Portage	.65
Door	.64	Price	.65
Douglas	.63	Racine	.67
Dunn	.64	Richland	.66
Eau Claire	.64	Rock	.66
Florence	.66	Rusk	.64
Fond du Lac	.64	Saint Croix	.63
Forest	.66	Sauk	.66
Grant	.66	Sawyer	.64
Green	.66	Shawano	.65
Green Lake	.65	Sheboygan	.65
Iowa	.67	Taylor	.65
Iron	.66	Trempealeau	.64
Jackson	.65	Vernon	.65
Jefferson	.66	Vilas	.66
Juneau	.65	Walworth	.66
Kenosha	.67	Washburn	.63
Kewaunee	.64	Washington	.66
La Crosse	.64	Waukesha	.67
Lafayette	.67	Waupaca	.65
Langlade	.65	Waushara	.65
Lincoln	.65	Winnebago	.64
Manitowoc	.64	Wood	.65

WYOMING

All counties	$0.66

(b) *Premiums and discounts.*

	Cents per bushel
Premiums: [1]	
Grade No. 2 or better	1
Test weight:	
Heavy	1
Extra heavy	2
Discounts:	
Grade No. 4 on the factor of test weight only but otherwise No. 3 or better	3
Grade No. 4 because of being "badly stained or materially weathered"	7
No. 4 on the factor of test weight and because of being badly stained" or "materially weathered"	10
Garlicky [2]	3
Weed control discount (where required by § 1421.74) [2]	10

[1] Premiums shall not be applicable to "badly stained or materially weathered oats."

[2] These discounts shall be in addition to other applicable discounts established by CCC to reflect the value of oats delivered to or acquired by CCC.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 24, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-4737; Filed, Apr. 28, 1967; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—LABORATORY ANIMAL WELFARE

PART 2—REGULATIONS

Demonstration of Compliance With Standards

Pursuant to the provisions of the Act of August 24, 1966, § 2.3 of Part 2, Subchapter A, Chapter I, Title 9, Code of Federal Regulations, is amended to read as follows:

§ 2.3 Demonstration of compliance with standards.

Each applicant must demonstrate that his facilities comply with the standards set forth in Part 3 of this subchapter. This may be done in any manner which the Director deems adequate to effectuate the purposes of the act, such as the examination of the applicant's facilities by a Division representative or the submission of an affidavit by the applicant to the effect that his facilities comply with such standards. Any such affidavit shall be subject to such verification as the Director shall prescribe. Upon request by the Veterinarian in Charge, the applicant must make his facilities available at a time or times mutually agreeable to said applicant and the Division for inspection by a Division representative for the purpose of ascertaining compliance with said standards. If the applicant's facilities do not meet the requirements of the standards, the applicant will be advised of existing deficiencies and the corrective measures that must be taken before such facilities will be in compliance with the standards.

(Secs. 3 and 21, 80 Stat. 351 and 353; 7 U.S.C. 2133, 2151)

The Laboratory Animal Welfare Act becomes effective as to dealers on May 25, 1967. To avoid disrupting the operations of dealers subject to the act and interfering with the supply of dogs and cats for research purposes, it is essential that all eligible dealers subject to the act be licensed on or before that date. It has been found that the Department will be unable to inspect the facilities of all dealers subject to the act in time to complete the licensing of all such dealers within the specified period. The amendment will permit the initial licensing of dealers under alternate procedures which the Director deems adequate to effectuate the purposes of the act.

In view of the foregoing, it is found upon good cause that notice and other public procedure on this amendment are impracticable and contrary to the public interest, and the amendment may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER.

The amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of April 1967.

R. J. ANDERSON,
Acting Administrator.

[F.R. Doc. 67-4815; Filed, Apr. 28, 1967; 8:50 a.m.]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, and Winston Counties;

Alaska. The entire State except Kodiak, Sitkalidak, and Chirikof Islands;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Teller, Washington, Weld, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Manatee, Nassau, Okaloosa, Santa Rosa, Sarasota, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Hawaii. Honolulu, Kauai, and Maui Counties;

Idaho. The entire State;

Illinois. The entire State;

Indiana. The entire State;

Iowa. The entire State;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Ascension, Assumption, Bienville, Claiborne, Jackson, Jefferson, Lafourche, Lincoln, Livingston, St. Charles, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, and Winn Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clarke, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Montgomery, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tate, Tippah, Tishomingo, Union, Walthall, Wayne, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;

Montana. The entire State;

Nebraska. Adams, Antelope, Banner, Boone, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Sioux, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. The entire State;

Ohio. The entire State;

Oklahoma. Adair, Alfalfa, Atoka, Bryan, Canadian, Cherokee, Choctaw, Cimarron, Coal, Craig, Delaware, Garfield, Grant, Greer, Harmon, Harper, Haskell, Jackson, Johnston, Kay, Kingfisher, Kiowa, Latimer, McCurtain, McIntosh, Major, Mayes, Noble, Nowata, Oklahoma, Okfuskee, Osage, Ottawa, Payne, Pushmataha, Texas, Washington, and Woods Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Bennett, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Edmunds, Fall River, Faulk, Grant, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Meade, Miner, Minnehaha, Moody, Pennington, Perkins,

Roberts, Sanborn, Shannon, Spink, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Armstrong, Bailey, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Brewster, Briscoe, Brooks, Brown, Caldwell, Callahan, Cameron, Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Duval, Eastland, Ector, Edwards, El Paso, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Gray, Guadalupe, Hale, Hansford, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Hood, Howard, Hutchinson, Irion, Jack, Jeff Davis, Jim Wells, Jones, Karnes, Kendall, Kent, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee Lipscomb, Live Oak, Llano, Lubbock, Martin, Mason, Medina, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Stephens, Sterling, Stonewall, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Williamson, Wilson, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area;

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come with the definition of § 78.1(l); the entire State of Alaska except Kodiak, Sitkalidak, and Chirikof Islands; Clay and Citrus Counties in Florida; Lafourche and St. Charles Parishes in Louisiana; Sioux and Red Willow Counties in Nebraska; Craig, Oklahoma, and Harper Counties in Oklahoma; Bennett, Haakon, Washabaugh, and Kingsbury Counties in South Dakota; Dallam, Deaf Smith, Glasscock, Hartley, Irion, Kimble, Llano, Menard, Midland, Reagan, Schleicher, Shackelford, Stonewall, and Terrell Counties in Texas.

The 14 above-named counties in Texas were deleted from the list of areas designated as modified certified brucellosis areas on March 17, 1967. Since that time, it has been determined that such counties again come within the definition of § 78.1(l); and therefore, they have been redesignated as modified certified brucellosis areas.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(l): Andrews, Hall, McCulloch, Real, and Reeves Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C., § 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of April 1967.

G. H. WISE,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 67-4807; Filed, Apr. 28, 1967; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that the Assistant Administrator for Program Planning, Evaluation, and Research is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (f) of § 213.3332 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-4812; Filed, Apr. 28, 1967; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Office of Emergency Planning

Section 213.3326 is amended to show that the position of Director, Economic Affairs Office is no longer excepted under Schedule C and that the new position of Director, National Resource Analysis Center, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, § 213.3326 is amended by revoking paragraph (g) and adding a new paragraph (o) as set out below.

§ 213.3326 Office of Emergency Planning.

* * * * *

(g) [Revoked]

* * * * *

(o) *National Resource Analysis Center.* (1) Director.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-4853; Filed, Apr. 28, 1967; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 24 (Rev. 3)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Surrender of License

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946–16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, 7597, 7651, 8775, 8900, 11960, 13005, 14095, 14850, 14851, and 31 F.R. 2815, 4954, 4954–4955, 9720, 10114, 13532, and 32 F.R. 2769, by amending §§ 107.102, 107.205, 107.301, 107.402, and 107.704, and deleting § 107.1009.

Information and effective date. The present amendment provides a simplified procedure governing surrender of an SBIC license with prior SBA approval. Section 107.205 is revised to eliminate a number of conditions limiting a Licensee's eligibility for such SBA approval. For example, at present a Licensee is ineligible for SBA approval under § 107.205 unless it submits a plan of dissolution providing for liquidation of its assets, distribution of the proceeds to shareholders, surrender of its charter, and termination of Licensee's existence as a corporate entity. Other conditions of § 107.205 include, in the case of Licensees with private capital of $300,000 or more, that there has been no major change in Licensee's board of directors, or parties owning 10 or more percent of its stock, within 1 year preceding the proposed surrender of license; no reduction in paid-in capital and paid-in surplus by an offer for tenders addressed to shareholders within the preceding 2 years; a showing that substantial efforts have been made to operate successfully, but due to special circumstances Licensee has been unable to accomplish the purposes of the Act, and the establishment

of a 20 percent cash reserve against Licensee's outstanding investments for the purpose of meeting possible additional financing requirements of portfolio concerns.

The foregoing conditions are eliminated as part of the simplified procedure set forth in revised § 107.205. Under this procedure, any Licensee may request SBA approval with respect to the proposed surrender of its license. Its application for approval must be accompanied by payment in full of all debts owing to SBA, or the submission of a satisfactory plan for the fair and orderly liquidation and discharge of such debts within a reasonable period of time. Upon receipt of such application, SBA may remove Licensee's name from the published lists of Licensees and may, in its discretion, conduct an examination of Licensee's affairs. The Licensee may be required to take corrective measures for the elimination of existing violations, if any, before surrender of its license becomes effective. SBA's approval may be granted upon such reasonable terms and conditions as may be necessary or appropriate to safeguard the best interests of the SBIC program.

Section 107.704, *Voluntary capital decreases*, is also amended to eliminate the reference in paragraph (a) to dissolution under § 107.205, and the statement in paragraph (b)(2) that SBA will not approve a plan of dissolution under § 107.205 within 2 years after Licensee's consummation of a voluntary reduction of capital by an offer of tenders addressed to shareholders.

Recent administrative experience in areas affecting surrender of SBIC licenses indicates that the conditions set forth in § 107.205 are not reasonably necessary at the present time for the protection of small business and of the SBIC program. In the judgment of the Administration, a more flexible approach is appropriate in the present condition of the SBIC industry and fully consonant with the effective accomplishment of statutory objectives. This determination was made after careful reconsideration of the policy, and in the light of recent legislation.

Congress conferred on SBA administrative authority to revoke licenses in formal adjudicative proceedings instituted pursuant to section 309(a) of the Act (Small Business Investment Act Amendments, Public Law 89-779, approved on Nov. 6, 1966). It is noteworthy that Congress did not condition the exercise of SBA's administrative revocation powers on the requirement that the order of revocation impose conditions relating to the forfeiture of its franchise etc., or otherwise specific conditions. SBA was left free to determine, on a case-by-case basis, the reasonable terms and conditions appropriate to the situation of the Licensee, the license of which is being revoked. In view of the foregoing, it would appear that SBA's authority to approve license surrender should proceed on a case-by-case determination of reasonable conditions appropriate to the situation of a particular Licensee.

The use of multiple instruments to evidence the Licensee's indebtedness for §§ 107.301 and 107.402 funds was provided for in the last sentence of § 107.301(e), *Terms of subordinated debentures*, and § 107.402(a–1), *Operating loans*. These provisions specified that (1) subordinate debentures purchased by SBA shall, to the extent practicable, be issued in multiples of $50,000; and (2) operating loans shall, to the extent practicable, be granted in multiples of $50,000. Since SBA has determined that it is no longer necessary or desirable to have instruments suitable for substitution, the references in question to "multiples of $50,000" are being deleted.

Subparagraph (4) of § 107.102(d) incorporates a diversity-of-ownership requirement as part of the licensing standards applicable to new SBIC's. It provides, in pertinent part, that at least three (3) stockholders shall each own 10 or more percent of the Proposed Operator's voting stock. SBA has determined, after careful study of the matter, that it is advisable to eliminate the existing requirement as to diversity of ownership. Safeguards tending to alleviate potential problems related to single-ownership of new Licensees are provided by (1) the existing requirement for independent board members in § 107.102(d)(3) and (2) closer examination and surveillance procedures. Moreover, SBA's objective of encouraging increased capitalization on the part of Licensees may be hampered by a strict application of the present diversity-of-ownership rule.

The present amendment removes a number of existing restrictions in the present Regulation. It does not impose new burdens or requirements on Licensees. In the judgment of the Administration, public notice and proposed rule-making procedures would not serve a meaningful purpose.

In view of the further determination that it is necessary in the public interest that the present amendment shall be promptly applied in the administration of the SBIC program, said amendment shall become effective upon publication in the FEDERAL REGISTER.

The regulations Governing Small Business Investment Companies are hereby amended as follows:

§ 107.102 [Amended]

1. By deleting paragraph (d)(4) of § 107.102, *Filing and processing of proposal.*

2. By deleting § 107.205 in its entirety, and substituting therefor a new § 107.205, which shall read as follows:

§ 107.205 License surrender.

A Licensee shall not surrender its license without prior written approval of SBA. Requests for such approval shall be accompanied by Licensee's offer of immediate payment of all monetary obligations owing to SBA, or by a plan satisfactory to SBA for the fair and orderly liquidation and discharge of such obligations within a reasonable period of time. Upon receipt of Licensee's request for approval of its surrender of license, SBA may remove Licensee's name from its published lists of Licensees and may, in its discretion, conduct an examination of the Licensee to determine the existence of possible violations and to ascertain or verify, wherever necessary, the state of its affairs. Licensee may be required to eliminate existing violations of the Act or regulations before surrender of its license becomes effective. In granting its approval with respect to a proposed surrender, SBA may impose such reasonable terms and conditions as it may determine in the best interest of the SBIC program.

3. By deleting the last sentence of § 107.301(e) so that § 107.301(e) shall read as follows:

§ 107.301 Subordinated debentures; minimum capital.

* * * * *

(e) *Terms of subordinated debentures.* Such subordinated debentures shall contain such terms, conditions and interest rate as shall be determined by SBA. Maturities shall not exceed 20 years. Amortization of the debentures shall commence not later than the second half of their term, at a rate set by SBA.

* * * * *

§ 107.402 [Amended]

4. By deleting paragraph (a–1) of § 107.402.

5. By deleting paragraphs (a) and (b) of § 107.704 and substituting therefor as follows:

§ 107.704 Voluntary capital decreases.

(a) *Basic limitation.* A Licensee voluntarily may reduce its paid-in capital and paid-in surplus by an amount not exceeding one-third thereof at any time prior to August 1, 1966, and thereafter voluntarily may reduce its paid-in capital and paid-in surplus by an amount not exceeding one-third thereof at any time during each 2-year period immediately subsequent thereto: *Provided, however*, That a Licensee shall not voluntarily reduce its paid-in capital and paid-in surplus from private sources below $300,000. The largest amount of Licensee's paid-in capital and paid-in surplus ever outstanding shall be used in computing and applying the one-third limitation hereunder.

(b) *Manner of reduction.* Any voluntary reduction in paid-in capital and paid-in surplus consummated prior to July 29, 1964, shall be subtracted from the one-third amount permitted during the first 2 years prior to August 1, 1966. The one-third limitation specified hereunder may be exceeded in order to redeem any outstanding preferred stock, or to qualify as a regulated investment company pursuant to § 851 of the Internal Revenue Code of 1954, as amended, or to consummate a quasi-reorganization approved by SBA, or to comply with any contractual arrangements between the Licensee and its stockholders approved by SBA prior to July 29, 1964. Any voluntary reduction in paid-in capi-

tal and paid-in surplus permissible within the limitations set forth herein may be accomplished only by:

(1) A pro rata distribution; or

(2) An offer for tenders addressed to all shareholders.

* * * * *

§ 107.1009 [Deleted]

6. By deleting § 107.1009.

Dated: April 24, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-4801; Filed, Apr. 28, 1967; 8:49 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. R-320; Order 342]

PART 32—INTERCONNECTION OF FACILITIES; EMERGENCIES; TRANSMISSION TO FOREIGN COUNTRY

Multiple Copies of Applications Required To Be Filed by Public Utilities

APRIL 21, 1967.

A recent survey within the Commission of the use to which copies of applications and other filings are put has disclosed that in several instances more copies are required to be filed than are actually needed. Accordingly, we are reducing the number of copies which will hereafter be required with respect to the following classes of applications:

Application under section 202(b) to establish physical connections.
Application for emergency connections of facilities.
Application to export electric energy.
Application for Presidential permit to maintain facilities at the international boundary.

The Commission finds:

(1) Since the amendments herein ordered reduce the number of copies of applications and other documents required to be filed with the Commission for its own use, it is unnecessary to comply with the notice and effective date provisions of section 4 of the Administrative Procedure Act.

(2) These amendments to the Commission regulations under the Federal Power Act are necessary and appropriate to the administration of that Act.

The Commission, acting pursuant to sections 308 and 309 of the Federal Power Act, as amended (49 Stat. 858; 16 U.S.C. 825g, 825h), orders:

(A) Effective upon the issuance of this order, Part 32, Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations is amended as follows:

1. Section 32.4 is revised to read as follows:

§ 32.4 Form and style; number of copies.

An original and six conformed copies of an application under §§ 32.1 to 32.4 must be filed and must conform, in all other respects, to the requirements of §§ 1.15 through 1.17 of this chapter.

2. In § 32.22, the heading is revised to read as follows:

§ 32.22 Application for permanent connection for emergency use; contents; form and style; number of copies.

* * * * *

§ 32.24 [Revoked]

3. Since § 32.24, by virtue of the provisions of § 32.22 as revised in item 2, above, is repetitious, it is revoked.

4. Section 32.37 is revised to read as follows:

§ 32.37 Form and style; number of copies.

An original and six conformed copies of an application under §§ 32.30 through 32.37 must be filed and must conform, in all other respects, to the requirements of §§ 1.15 through 1.17 of this chapter.

5. In § 32.50, paragraph (a) is revised to read as follows:

§ 32.50 Who shall apply.

(a) Any person, firm, or corporation contemplating the construction of, or who is operating or maintaining facilities at the borders of the United States, for the transmission of electric energy between the United States and a foreign country, shall file with the Commission an original and eight conformed copies of an application for a Presidential permit, in compliance with Executive Order No. 10485, dated September 3, 1953 (3 CFR, 1949–53 Comp., p. 970).

* * * * *

(Secs. 308, 309, 49 Stat. 858; 16 U.S.C. 825g, 825h)

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4792; Filed, Apr. 28, 1967; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-102]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Steel Units for Electrical Transmission Towers From Italy; Correction

Treasury Decision 67-102, published in the FEDERAL REGISTER on April 21, 1967 (32 F.R. 6274), gave notice that exports of galvanized fabricated structural steel units for the erection of electrical transmission towers from Italy receive bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), and that such units will be subject to the payment of countervailing duties.

The statement in the fourth paragraph of the notice "after the expiration of 30 days after publication of this notice in the FEDERAL REGISTER" is corrected to read "after the expiration of 30 days after publication of this notice in the Customs Bulletin." The statement in the fifth paragraph of the notice "on the 31st day after the date of publication of this notice in the FEDERAL REGISTER" is corrected to read "on the 31st day after the date of publication of this notice in the Customs Bulletin."

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: April 26, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-4857; Filed, Apr. 28, 1967; 8:50 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

[Reg. T-5]

PART 261—TRESPASS

Timber Uses Restricted

Section 261.6 of Title 36, Code of Federal Regulations, is amended, effective upon publication in the FEDERAL REGISTER, to read as follows:

§ 261.6 Timber uses restricted.

The following acts are prohibited on lands of the United States within National Forests:

(a) Cutting, killing, destroying, girdling, chipping, chopping, boxing, injuring, or otherwise damaging, or removing any timber or other forest product, except as authorized by law or regulation of the Secretary of Agriculture.

(b) Damaging or cutting under any contract of sale or permit, any living tree before it is marked or otherwise designated for cutting by a forest officer.

(c) Removing any timber or other forest product cut under contract of sale or permit, except to a place designated for scaling, or removing it from that place before scaled, measured, counted, or otherwise accounted for by a forest officer.

(d) Stamping, marking with paint or otherwise identifying any timber or other forest products belonging to the United States, in a manner similar to that employed by forest officers to mark or designate timber or other forest products for cutting or removal.

(30 Stat. 35 as amended, 16 U.S.C. 551)

Done at Washington, D.C., this 25th day of April 1967.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 67-4787; Filed, Apr. 28, 1967; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 577—MEDICAL AND DENTAL ATTENDANCE

Dependents' Medical Care

Sections 577.60–577.72 are revoked and the following substituted therefor:

Sec.
577.60 General.
577.61 Eligibility.
577.62 Identification forms and procedures.
577.63 Sources of health benefits for dependents and retired members.
577.64 Health benefits at facilities of the uniformed services.
577.65 Civilian health benefits for dependents and retired members.
577.66 Health benefits in miscellaneous circumstances.
577.67 Handicapped program.
577.68 Transportation.
577.69 The Federal Medical Care Recovery Act (42 U.S.C. 2651–2653).
577.70 Fiscal agents for payment of outpatient charges and claims for reimbursement for costs of inpatient and outpatient care in the United States, Puerto Rico, Canada, and Mexico.

AUTHORITY: The provisions of §§ 577.60 to 577.70 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 1071–1085, 72 Stat. 1445–1450, as amended; 10 U.S.C. 1071–1085.

SOURCE: AR 40-121, Feb. 13, 1967.

§ 577.60 General.

(a) *Purpose and scope.* (1) Sections 577.60–577.70 prescribe policies and procedures for administering the Uniformed Services Health Benefits Program authorized by chapter 55, title 10, United States Code for the following beneficiaries:

(i) Retired members of the uniformed services.

(ii) Dependents of active duty and retired members of the uniformed services.

(iii) Dependents of persons who at the time of their death were active duty or retired members of the uniformed services.

(2) Sections 577.60–577.70 are applicable to the uniformed services and is to be used in conjunction with the joint regulation, "Fiscal Policies—Uniformed Services Health Benefits Program" (AR 40-122/SECNAV Instruction 6320.9 series/AFR 170-18/PHS Division of Finance Circular No. 41/Coast Guard Commandant Instruction No. 6320.3).

(3) Sections 577.60–577.70 are effective as of 1 January 1967.

(b) *Definitions.* When used in §§ 577.60–577.70, the following terms have the meanings indicated:

(1) "Uniformed services" means the Army, the Navy, the Marine Corps, the Air Force, the Coast Guard, the Commissioned Corps of the Public Health Service, and the Commissioned Corps of the Environmental Science Services Administration.

(2) "Active duty member" means a person who is serving on active duty (or active duty for training) in a uniformed service pursuant to a call or order that does not specify a period of 30 days or less.

(3) "Retired member" means a member or former member of a uniformed service who is entitled to retired, retainer, or equivalent pay as a result of service in a uniformed service.

(4) "Deceased member" means a person who died while he was an active duty member or retired member as these terms are defined in subparagraphs (2) and (3) of this paragraph.

(5) "Dependent" means a person who bears any of the following relationships to an active duty or retired member of a uniformed service, or to a person who at the time of his death was an active duty or retired member of a uniformed service:

(i) The wife, regardless of whether or not actually dependent on the active duty or retired member.

(ii) The unremarried widow, regardless of whether or not actually dependent on the active duty or retired member at the time of his death.

(iii) The husband, if he is dependent on the active duty or retired member for over one-half of his support.

(iv) The unremarried widower, if he was dependent on the active duty or retired member at the time of her death for over one-half of his support because of a mental or physical incapacity.

(v) An unmarried legitimate child, including an adopted child or stepchild, who either—

(*a*) Has not passed his 21st birthday, regardless of whether or not he is dependent on the active duty or retired member; or

(*b*) Has passed his 21st birthday but is incapable of self-support because of a mental or physical incapacity that existed before his 21st birthday and is, or was at the time of death of the active duty or retired member, dependent on him for over one-half of his support; or

(*c*) Has not passed his 23d birthday and is enrolled in a full-time course of study in an institution of higher learning approved by the Secretary of Defense or Secretary of Health, Education, and Welfare, as the case may be, and is, or was at the time of death of the active duty or retired member, dependent on him for over one-half of his support. (Institutions meeting the above criteria are listed in "Education Director, Part 3, Higher Education," and/or "Accredited Higher Institutions" issued periodically by the Office of Education, U.S. Department of Health, Education, and Welfare. For determination as to approval of an institution not listed in either of the above directories or of a foreign institution of higher learning, a statement may be obtained from the Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20202.)

(vi) A parent or parent-in-law who either—

(*a*) Is dependent on the active duty or retired member for over one-half of his support and is residing in a dwelling place provided or maintained by the member; or

(*b*) Was at the time of death of the member dependent on him for over one-half of his support and was residing in a dwelling place provided or maintained by the member.

(6) "Secretary" means the Secretary of the Army, Navy (for the Navy and Marine Corps), or Air Force. For the other uniformed services (Coast Guard, the Commissioned Corps of the Public Health Service, and the Commissioned Corps of the Environmental Science Services Administration), this term means the Secretary of Health, Education, and Welfare.

(7) "United States" means all of the States and the District of Columbia.

(8) "Contractor" means the legal entity or agency with which the Government enters into a contract under the provisions of the Civilian Health and Medical Program of the Uniformed Services such as a State medical society, an insurance company, Blue Shield, or Blue Cross.

(9) Miscellaneous medical and technical terminology:

(i) "Inpatient care" is that care provided a patient in a hospital where he is carried on the records of the hospital as an inpatient.

(ii) "Outpatient care" means medical and medically related services and supplies which are provided to a patient who is not carried as an inpatient in a hospital.

(iii) "Maternity and infant care" means medical and surgical care for a mother incident to pregnancy, including prenatal care, delivery, postnatal care, care of an infant, and treatment of complications of pregnancy.

(iv) "Domiciliary or custodial care" means care which normally is given in a nursing home, convalescent home, or similar institution to a patient who requires personal care rather than active and definitive treatment in a hospital for a medical or surgical condition. It includes nursing care required as a result of old age.

(v) "Dental care as an adjunct to medical or surgical treatment" means that dental care which is determined by the cognizant physician and dentist to be an additional requirement in the proper treatment of a medical or surgical condition.

(c) *Administration*—(1) *Civilian health benefits in the United States, Puerto Rico, Canada, and Mexico.* (i) The Secretary of the Army, acting as executive agent for the Secretary of Defense and the Secretary of Health, Education, and Welfare, has the responsibility of contracting for health benefits from civilian sources, or otherwise arranging for payment to civilian sources of care, in the United States, Puerto Rico, Canada, and Mexico for persons authorized benefits under §§ 577.60–577.70. This responsibility has been delegated to The Surgeon General, Department of the Army.

(ii) The Executive Director, Office for the Civilian Health and Medical

Program of the Uniformed Services (OCHAMPUS), Office of The Surgeon General, Department of the Army, Denver, Colo. 80240, hereinafter referred to as the Executive Director, administers the portion of the Uniformed Services Health Benefits Program referred to in subdivision (i) of this subparagraph.

(2) *Civilian health benefits outside the United States, Puerto Rico, Canada, and Mexico.* The Secretary of each of the uniformed services is responsible for health benefits provided in the medical facilities of his service worldwide and for providing for payment for authorized civilian health benefits for beneficiaries of his service in areas other than the United States, Puerto Rico, Canada, and Mexico. The Secretaries of the uniformed services have delegated authority to major oversea commanders (or commanders with comparable responsibility) to administer the Uniformed Services Health Benefits Program in areas outside the United States, Puerto Rico, Canada, and Mexico. In addition to §§ 577.60–577.70, such commanders will be guided by the following regulations of the individual services:

(i) *Army.* AR 40–123 (Fiscal Procedures—Uniformed Services Health Benefits—Outside the United States, Puerto Rico, Canada, and Mexico).

(ii) *Navy.* BUMED Instruction 6322.6 series.

(iii) *Air Force.* AFR 168–4 (Civilian Medical Care for Eligible Beneficiaries in Areas Other Than CONUS, Alaska, Hawaii, Puerto Rico, Canada, and Mexico).

(iv) *Coast Guard.* Commandant Instruction 6320.4 series (Uniformed Services Health Benefits Outside the United States, Puerto Rico, Canada, and Mexico; Payment of Charges).

(3) *Disqualification of facilities.* If the Executive Director or the oversea commander determines that services provided by a hospital, institution, or other facility are substandard or the charges for services excessive, he may notify such facility that it is no longer qualified to participate in the program and deny payment by the Government for any services provided thereafter in that facility, except that institutionalized patients may remain at Government expense until arrangements can be made for their transfer to another institution or facility.

§ 577.61 Eligibility.

(a) *Persons eligible for health benefits*—(1) *Persons eligible for health benefits both in uniformed services facilities and from civilian sources.* (i) Spouses and children of active duty members.

(ii) Retired members who are not entitled to hospital insurance benefits under the Social Security Health Insurance Program for the Aged.

(iii) Spouses and children of retired and deceased members who are not entitled to hospital insurance benefits under the Social Security Health Insurance Program for the Aged.

(2) *Persons eligible for health benefits in uniformed services facilities only.* (i) Retired members who are entitled to hospital insurance benefits under the Social Security Health Insurance Program for the Aged.

(ii) Spouses and children of retired and deceased members who are entitled to hospital insurance benefits under the Social Security Health Insurance Program for the Aged.

(iii) Parents and parents-in-law of an active duty, retired, or deceased member who meet the dependency and residency requirements.

(3) *Exclusions.* (i) Family members who do not bear one of the relationships listed in subparagraphs (1) or (2) of this paragraph to a member, retired member, or deceased member are not eligible for health benefits even if they are or were at the time of his death totally dependent on the member or retired member.

(ii) A parent or parent-in-law is not entitled to medical care from civilian sources under the Uniformed Services Health Benefits Program regardless of the circumstances under which such care is received.

(b) *Beginning date of eligibility*—(1) *Spouses and children of active duty members.* (i) Spouses and children of active duty members have been eligible for civilian medical care authorized by the Dependents' Medical Act since December 7, 1956. Payment for civilian outpatient care received by such dependents prior to October 1, 1966 and civilian hospitalization received by such dependents prior to January 1, 1967 will be governed by the provisions of chapter 55, title 10, United States Code, in effect at that time.

(ii) Spouses and children of active duty members are eligible for the health benefits authorized by the Military Medical Benefits Amendments of 1966 (Public Law 89–614) on the dates indicated below:

(*a*) For civilian outpatient care—October 1, 1966.

(*b*) For the new types of civilian inpatient care—January 1, 1967.

(*c*) For the new types of care in uniformed services facilities—January 1, 1967.

(*d*) For the civilian benefits authorized for the mentally retarded and physically handicapped—January 1, 1967.

(*e*) On the date the member enters on active duty if after the above effective dates.

(*f*) On the date an event occurs after the above effective dates which places an individual in the status of a dependent spouse or child as defined in § 577.60(b)(5) (e.g., marriage to a service member).

(2) Retired members and their spouses and children are eligible on the dates indicated below:

(i) For civilian inpatient and outpatient care—January 1, 1967.

(ii) For the new types of care authorized in uniformed services facilities—January 1, 1967.

(iii) A member who retires on or after January 1, 1967 becomes eligible for the civilian medical benefits authorized by Public Law 89–614 on midnight of the last day of his active duty. The retirement of a member on or after January 1, 1967, does not affect the eligibility of his spouse and children for civilian health benefits but does increase the portion of the charges which they must pay.

(3) Spouses and children of deceased members are eligible on the dates indicated below:

(i) If the sponsor's death occurred prior to January 1, 1967, his spouse and children are eligible for civilian inpatient and outpatient care and the new types of care authorized in uniformed services facilities on January 1, 1967.

(ii) The death of a member or retired member on or after January 1, 1967, does not affect the eligibility of his spouse and children for civilian health benefits. In the case of death of an active duty member, however, the portion of the charges which they must pay for civilian care increases.

(4) Parents and parents-in-law are eligible for the new types of care authorized in uniformed services facilities on January 1, 1967.

(c) *Changes in and termination of eligibility of beneficiaries*—(1) *Change in status of active duty or retired member.* (i) When a member's period of active duty ends (for any reason other than retirement or death) or he is officially placed in a desertion status, his dependents lose their eligibility for care in both civilian facilities and uniformed services facilities.

(ii) If a retired member ceases to be entitled to retired or retainer pay, or equivalent pay, for any reason, he and his dependents lose their eligibility for medical care in both uniformed services and civilian facilities.

(iii) The dependents of a military prisoner under a sentence to a punitive discharge retain their eligibility for care until such time as the discharge is executed.

(iv) A widower to be eligible for care must not only have been dependent on the service wife at the time of her death for over one-half of his support but the dependency must have been caused by a mental or physical incapacity. In contrast, during her lifetime the only requirement is that he be dependent on her for over one-half of his support.

(2) *Change in status of dependent.* (i) A wife or dependent husband who is divorced from a member loses eligibility for care in both civilian facilities and uniformed services facilities on the date the divorce becomes final. A wife does not lose eligibility through issuance of an interlocutory decree of divorce even when the court has approved a property settlement releasing the service member from responsibility for her support. A wife's eligibility for care depends on her relationship alone and she remains eligible so long as the relationship of husband and wife is not terminated by a final divorce decree. The eligibility of children is not affected by the divorce (except that a stepchild relationship would cease upon divorce of parent and stepparent), nor does the fact that the divorced wife of a service member remarries necessarily terminate a child's eligibility for care. However, adoption of the child by a third party (other than a person whose dependents are eligible for care under the Uniformed Services Health Benefits Program) terminates the child's eligibility.

(ii) With the exception of children who are mentally or physically incapacitated and those who are enrolled in an approved institution of higher learning, children lose eligibility upon reaching age 21. If a child is married before reaching age 21 to a person whose dependents are not eligible for care under the Uniformed Services Health Benefits Program, eligibility ceases on the date of marriage. However, should the marriage be terminated, the child may again be entitled to care as a dependent child provided the eligibility requirements of paragraph (a) of this section are met.

(3) *Attainment of age 65.* Retired members and their spouses and children and the spouses and children of deceased members who become entitled to hospital insurance benefits under the Social Security Health Insurance Program for the Aged on attainment of age 65 lose their eligibility for benefits from civilian sources under the Civilian Health and Medical Program of the Uniformed Services. This includes civilian health benefits obtained outside the United States even though such benefits are not payable under the social security program. Entitlement to social security hospital insurance benefits does not affect the eligibility of these beneficiaries for care in uniformed services facilities.

(d) *Notice of termination of eligibility or change in eligibility status.* (1) Members being processed for separation or release from active duty, including those being retired, are required to complete section I, DD Form 1407 Dependent Medical Care and DD Form 1173 Statement), indicating whether or not they have a dependent receiving health benefits in a uniformed services facility or from civilian sources under the Uniformed Services Health Benefits Program. If a dependent is receiving care from civilian sources, the form will show whether he is receiving inpatient care, outpatient care, or care for the handicapped. The Public Health Service uses Form PHS–3209 for this purpose.

(2) When the DD Form 1407 (or Form PHS–3209) indicates that a member has a dependent receiving health benefits, the commander processing the member for separation or release from active duty will take the following action at the earliest possible time during processing and in no event any later than the date of release unless the member continues on active duty through reenlistment, commissioning, or other similar personnel action.

(i) When health benefits are being received from civilian sources by a dependent, notify the Executive Director, Office for the Civilian Health and Medical Program of the Uniformed Services, Office of The Surgeon General, Department of the Army, Denver, Colo. 80240, when the patient is in the United States, Puerto Rico, Canada, or Mexico, or the appropriate oversea commander when the patient is in an area other than those listed. Notice will be sent by message communication or other expeditious means, furnishing the name of the dependent; the name, grade, and service number of the member; date of the member's separation or release from active duty; the names and addresses of all known civilian sources of care; and whether the dependent is receiving inpatient care, outpatient care, or care for the handicapped.

(ii) When health benefits are being received in a uniformed services facility by a dependent of a member being processed for separation or release from active duty (other than retirement), notify the uniformed services facility concerned by message communication or other expeditious means, furnishing the name of the dependent; the name, grade, and service number of the member; and the date of the member's separation or release from active duty.

(3) When a member is officially placed in a desertion status, the commander effecting such action and who has reason to believe that the member has a dependent receiving health benefits shall accomplish the notification prescribed in subparagraph (2) of this paragraph, if he has or can readily obtain the pertinent information.

(4) When a commander learns that a dependent of a member of his command is receiving health benefits and that the status of the dependent has changed so that the said dependent is no longer entitled to such benefits, he will effect the notification prescribed in subparagraph (2) of this paragraph.

(5) Upon death of a member, his organization commander shall accomplish notification prescribed in subparagraph (2) of this paragraph, if he has reason to believe that the member has a dependent receiving care from civilian sources.

(6) When a retired member ceases to be entitled to retired or retainer pay, or equivalent pay, the official making such a determination will notify the Executive Director, or appropriate oversea commander that he and his dependents are no longer entitled to health benefits. Notification will include the name, grade, and service number of the retired member and his last known address and the names and relationships of his dependents and their address of record.

(7) When the Executive Director or the oversea commander receives a notice of eligibility termination or change in eligibility status on a beneficiary who is receiving civilian health benefits, he will notify the contractors and all civilian sources of health benefits by any expeditious means deemed appropriate that the dependent's eligibility for health benefits under the program terminated or will terminate on a specified date, or that the portion of the charges which is the patient's responsibility has increased because of retirement of the sponsor. Additionally, when the Executive Director receives information that a retired member and his dependents are no longer entitled to health benefits because the member has ceased to be entitled to retired pay, he will forward this information to the appropriate contractor or contractors.

§ 577.62 Identification forms and procedures.

(a) *Identification forms.* (1) DD Form 2 (Ret) (Gray), Armed Forces Identification Card, is prescribed for identification of retired members of all of the uniformed services except the Commissioned Corps of the Public Health Service. Form PHS–1866–3 (Ret) (Gray), Public Health Service Identification Card, is prescribed for retired members of the Commissioned Corps of the Public Health Service.

(2) DD Form 1173 (Uniformed Services Identification and Privilege Card) is prescribed for identification of dependents seeking health benefits either in uniformed services facilities or from civilian sources. Application for a DD Form 1173 will be made by submitting a DD Form 1172 (Application for Uniformed Services Identification and Privilege Card) as prescribed by the directives listed in paragraph (b) of this section. It is incumbent upon each member and retired member of the uniformed services to insure that his eligible dependents obtain and keep in their possession a DD Form 1173 and that a new DD Form 1173 is obtained upon expiration date shown on the form for those dependents whose eligibility continues beyond that date.

(b) *Determination of eligibility.* Determination of a person's eligibility for care is a responsibility of the uniformed service of which the retired member or sponsor is, or was at the time of his death, a member. Procedures for determination of eligibility and issue of DD Form 2 (Ret) (Gray), Form PHS–1866–3 (Ret) (Gray), and DD Form 1173 are prescribed by the following directives of the individual services:

(1) *Army.* AR 606–5 (Identification Cards, Tags, and Badges).

(2) *Navy.* (i) BUPERS Manual, article B–2104 (identification cards for members entitled to retired pay, DD Form 2N (RETIRED); BUPERS directives in the 5512 series concerning identification cards.

(ii) BUPERSINST 1750.5 series, Uniformed Services Identification and Privilege Card (DD Form 1173); regulations governing.

(3) *Marine Corps.* MARCORPS PERSMAN (MCO P5000.3), paragraph 11051.

(4) *Air Force.* AFR 30–20 (Issue and Control of Identification Cards).

(5) *U.S. Public Health Service.* (1) CC 26.1b, Personnel Guide 1, Public Health Service Commissioned Corps Personnel Manual.

(2) Dependents' Medical Care Circular No. 2.

(6) *Coast Guard.* Personnel Manual (CG 207, ch. 16, sec. L, and ch. 18).

(7) *Environmental Science Services Administration.* No published regulations. Identification cards are issued by Headquarters, ESSA, or the applications are verified by Headquarters, ESSA, and

presented to any uniformed services facility for issuance of a card.

NOTE: See changes to the regulations listed in paragraph (b) of this section for persons who must obtain new identification cards showing eligibility for medical benefits effective January 1, 1967.

(c) *Procedures.* Except as indicated in subparagraphs (1) and (2) of this paragraph, when requesting health benefits from uniformed services facilities or from civilian sources under the Uniformed Services Health Benefits Program, dependents 10 years of age or older will be required to show DD Form 1173 to the cognizant medical authority or his designee. Normally, DD Form 1173 is not issued to children under 10 years of age. Certification and identification of such children for health benefits will be the responsibility of the member or retired member, accompanying parent, legal guardian, or acting guardian. Either the DD Form 1173 issued the spouse of a service member or the identification card of the service member (DD Form 2) or retired member (DD Form 2 (Ret) (Gray)) is acceptable identification for the purpose of establishing the eligibility of a child under 10 years of age. The fact that the word "indefinite" may appear in the space for the expiration date on DD Form 2 or DD Form 2 (Ret) (Gray) would not lessen its acceptability for identification of the child. Under extenuating circumstances, a DD Form 1173 may be issued children under 10 years of age as authorized by the directives of the individual services.

(1) In an emergency, satisfactory collateral identification may be accepted in lieu of DD Form 1173 or DD Form 2 (Ret) (Gray); for example, official orders, letters, or other documents establishing the individual's status as a member or retired member of the uniformed services, and in the case of dependents, showing clearly the relationship of the individual to an active duty, retired, or deceased member of the uniformed services.

(2) Where DD Form 1173 or DD Form 2 (Ret) (Gray) is not available and no emergency exists—

(i) The patient may be provided civilian health benefits as a potential beneficiary of the Civilian Health and Medical Program of the Uniformed Services. Payment in such cases will be made only if the claim form is supported by a statement from an official of the appropriate uniformed service who has access to the patient's or sponsor's records indicating that the patient was entitled to health benefits from civilian sources under the CHAMPUS during the period covered.

(*a*) The statement will include the name, rank or grade, and position of the issuing official.

(*b*) The statement required by this paragraph may be used in lieu of the eligibility information required on the claim form.

(ii) Uniformed services facilities may accept a statement from the patient, parent, sponsor, legal guardian, or acting guardian attesting to the fact that eligibility has been established in accordance with the appropriate uniformed services regulations and giving the reason why the DD Form 1173 or DD Form 2 (Ret) (Gray) is not in their possession. This statement will be affixed to the patient's medical record.

(3) In all cases where health benefits are obtained from civilian sources, the patient, parent, sponsor, or guardian, as appropriate, will be required to execute the applicable certificate on the claim forms, DA Form 1863–1 (Services by Civilian Hospitals, Private Nurses, Anesthetists, Physical Therapists—Medicare) and DA Form 1863–2 (Services by Civilian Physicians and Dentists—Medicare).

§ 577.63 Source of health benefits for dependents and retired members.

(a) *Election of facilities.* (1) The following beneficiaries may elect to obtain authorized health benefits in uniformed services facilities or from civilian sources:

(i) Retired members and their spouses and children.

(ii) Spouses and children of deceased members.

(iii) Spouses and children of active duty members who are residing apart from their sponsor.

(2) Spouses and children of active duty members who are residing with their sponsor may elect to obtain authorized outpatient care and drugs from uniformed services or civilian facilities. They are, however, required to obtain inpatient care in uniformed services facilities when such facilities are within reasonable distance of their residence and capable of providing the needed care, except as follows:

(i) In an emergency when certified as such by the attending physician. For the purpose of §§ 577.60–577.70, an emergency is defined as a serious illness following an accident or an illness of sudden onset requiring immediate hospitalization at the nearest available medical facility to preserve life or health or to prevent undue suffering.

(ii) When the status of a spouse or child is changed from "residing apart from sponsor" to "residing with sponsor" while hospitalized in a civilian facility or while a spouse is obtaining maternity care and does not change physicians.

(iii) During a period of absence from the area of the sponsor's household on a trip.

NOTE: The limitation on civilian inpatient care prescribed by this paragraph does not apply to civilian inpatient services provided a spouse or child for a mental or physical handicap under the provisions of § 577.67.

(3) For the purpose of §§ 577.60–577.70, the term "spouses and children of active duty members residing with their sponsor" includes those who reside in an area to which their sponsor is assigned; e.g., those who reside in the household of the sponsor in the area of his permanent duty station, or the home port or home yard of a ship, even though the sponsor may be temporarily absent by reason of temporary duty with his unit or ship or absent on individual temporary duty orders. Therefore, the DA Form 1863 for a dependent residing in an area to which the sponsor is assigned should indicate that the dependent is residing with the sponsor, except in the case of spouses and children who are not living with their sponsor. This includes cases where a service member and his spouse are legally separated but a final divorce decree has not been granted and the children are residing with the parent who is not a service member. In such cases, the spouses and children are considered to be residing apart from their sponsor.

(b) *Administration of limitation on civilian inpatient care*—(1) *In the United States and Puerto Rico.* A DD Form 1251 (Nonavailability Statement—Dependents Medical Care Program) normally will be furnished spouses and children of active duty members residing with their sponsor in the United States or Puerto Rico when needed inpatient care cannot be provided them in a uniformed services facility within reasonable distance of their residence. The form (four part set) will be signed by the issuing officer. Three copies will be furnished the patient: one to be given to the attending physician, one to the civilian hospital, and one to be retained by the patient. The remaining copy will be retained by the issuing authority.

(i) The issuing authority will explain to the patient that the DD Form 1251 is for immediate use and must be presented to the civilian sources of care if the dependent chooses to seek civilian inpatient care under the program.

(ii) A commander of a uniformed services installation or activity, or any member of his command, will not make any commitment to a civilian physician or civilian hospital that the health benefits provided in a specific case will be authorized for payment under the Civilian Health and Medical Program of the Uniformed Services.

(iii) When residing in an area where there is a uniformed services medical facility, the dependent will apply for inpatient care at that facility. If it is determined that the needed inpatient care cannot be provided by a uniformed services medical facility within reasonable distance of the dependent's residence, it is the responsibility of the commander of the medical facility, or his designee, to furnish the dependent or sponsor a DD Form 1251. Dependents will not be referred to a specific hospital or physician.

(iv) In areas where there are medical facilities of two or more uniformed services and the inpatient care required by a dependent cannot be furnished at the medical facility to which the dependent applies, the other uniformed services medical facilities in the area will be contacted to determine whether the care can be provided at such facilities. A DD Form 1251 will be issued only after it is determined that the inpatient care is not available at any of the uniformed services medical facilities in the area. See § 577.64(1) on cross utilization of service facilities.

(v) When residing in an area where there is no uniformed services medical facility, the sponsor or dependent may request a DD Form 1251 from the nearest uniformed services installation or off-post activity (except installations and off-post activities of the Environmental Science Services Administration) in order to obtain civilian inpatient care. It is the responsibility of the commander of such installation or off-post activity, or his designated representative, to furnish the sponsor or dependent with a DD Form 1251 if he determines that the inpatient care cannot be furnished by a medical facility of the uniformed services within reasonable distance of the dependent's residence.

(vi) In determining what constitutes reasonable distance, in addition to the distance factor, consideration will be given to time required to normally complete the trip, unusual geographic and transportation factors, such as availability of private or public transportation, and the presence of toll bridges or ferries which would increase unreasonably the time and expense of travel. The fact that a uniformed services medical facility is located in another geographic area, as delineated by a State, county, city, town, or similar boundary, does not in and of itself, place the facility outside the area of the dependent's residence. Doubtful or borderline cases will be resolved in the dependent's favor.

(vii) An issuing authority may issue a DD Form 1251 on a retroactive basis to cover civilian inpatient care already commenced or completed when it is determined that the DD Form 1251 could have been issued before the inpatient care was commenced if application had been made. DD Form 1251 issued under these circumstances will bear a statement in the "Remarks" section of the form that it was issued on a retroactive basis with an effective date of (_____).

(viii) Surgeons General or their designees are also authorized to issue DD Form 1251 in special and unusual cases.

(2) *In Canada and Mexico.* DD Forms 1251 are not required for civilian inpatient care obtained by dependents in Canada or Mexico.

(3) *Outside the United States, Puerto Rico, Canada, and Mexico.* In areas where medical facilities of the uniformed services are either nonexistent or incapable of providing required inpatient care, spouses and children who are residing with their sponsor will be provided civilian health benefits in accordance with §§ 577.60–577.70. The oversea commander will determine whether a uniformed services medical facility is near enough to the dependent's residence to be considered "in the area," and if so, whether the facility can provide what he considers to be adequate inpatient care. See § 577.68 for authorized transportation of a spouse or child outside the United States for the purpose of obtaining medical care.

§ 577.64 Health benefits at facilities of the uniformed services.

(a) *Eligibility for health benefits in uniformed services facilities.* Personnel eligible for care in uniformed services facilities are listed in § 577.61(a) (1) and (2).

(b) *Authority for providing health benefits.* (1) Whenever requested, and except as indicated in subparagraph (2) of this paragraph, authorized health benefits will be provided eligible beneficiaries in uniformed services facilities subject to the availability of space and facilities and the capabilities of the professional staff.

(2) The following facilities of the Public Health Service are not considered uniform services facilities for the purpose of §§ 577.60–577.70:

(i) Outpatient offices.

(ii) Designated physician's offices.

(iii) Indian or Alaska native service medical facilities.

(3) Determinations made by the medical or dental officer in charge of the uniformed services facility, or by his designee, as to the availability of space and facilities and the capabilities of the professional staff, will be conclusive. A person requesting health benefits will not be denied such benefits on the basis of service affiliation or assignment, or on the basis of the location.

(4) The furnishing of health benefits to beneficiaries of this program will not be permitted to interfere with accomplishment of the primary mission of the facility.

(5) When the person in charge of the uniformed services facility does not have sufficient space, facilities, or professional staff to provide nonemergency care to all persons covered by §§ 577.60–577.70, nonemergency care will be furnished in the order of priority listed below:

(i) Dependents of members of the uniformed services who are serving on active duty for more than 30 days and dependents of members who died while serving on such duty.

(ii) Retired members and their dependents and the dependents of members who died while in a retired status.

(c) *Determination of availability of facilities.* In determining whether or not a uniformed services facility is available to provide required health benefits, consideration will be given to the following:

(1) Primary mission of the facility.

(2) Adequacy of professional care available.

(3) Optimum number of patients who can be treated without sacrificing high professional standards.

(4) Optimum utilization of the facility.

(d) *Health benefits authorized retired members.* Retired members are entitled to the same health benefits in uniformed services facilities as active duty members, subject to the availability of space and facilities and the capabilities of the professional staff; the provisions of Executive Order 10122, April 14, 1950, as amended by Executive Order 10400, September 19, 1952; and the priorities established in paragraph (b)(5) of this section. See individual service regulations for details.

(e) *Health benefits authorized dependents.* Subject to the availability of space and facilities and the capabilities of the professional staff and to the priorities established in paragraph (b)(5) of this section, dependents are authorized the following health benefits in uniformed services facilities:

(1) Hospitalization, including services and supplies normally furnished by the hospital.

(2) Outpatient treatment and services.

(3) Drugs: Prescriptions written by either uniformed services or civilian physicians will be filled at uniformed services facilities, subject to the availability of pharmaceuticals, and consistent with control procedures.

(4) Treatment on an inpatient or outpatient basis of:

(i) Medical and surgical conditions.

(ii) Nervous, mental, and emotional disorders.

(iii) Chronic conditions and diseases.

(iv) Contagious diseases.

(5) Physical examinations, including eye examinations and hearing evaluation, and all other tests and procedures necessary for a complete physical examination.

(6) Immunizations.

(7) Maternity and infant care: Complete maternity care is authorized, including prenatal and postnatal care, and routine care and examination of the newborn infant.

(8) Diagnostic tests and services, including laboratory and X-ray examinations.

(9) Family planning services and supplies, including counseling and guidance. These services and supplies will be provided in accordance with sound medical practice to any eligible dependent upon request.

(10) Dental care, as follows:

(i) Emergency dental care worldwide.

(ii) Dental care worldwide as a necessary adjunct to medical, surgical, or preventive treatment.

(iii) Routine dental care outside the United States and at those stations within the United States which have been specifically designated to provide such dental care to dependents in accordance with the provisions of paragraph (h) of this section.

NOTE: The above limitation on dental treatment does not preclude the carrying out of preventive measures such as fluoridation of water, instructions in oral hygiene, etc., under preventive dentistry programs of the individual services. Nor does it preclude the taking of appropriate X-rays.

(11) Government ambulance service: Government ambulance service to transport dependents to, from, or between medical facilities when determined by the medical officer in charge to be medically necessary. (When a Government ambulance is not available, local non-Government ambulance service may be provided spouses and children under the civilian portion of the program.)

(12) Home calls, when determined by the medical officer in charge to be medically necessary.

(13) Artificial limbs and artificial eyes, including their initial issue, fitting, repair, replacement, and adjustment.

(14) Durable equipment, such as wheelchairs, iron lungs, and hospital

beds, may be issued on a loan basis when available from Government stocks.

(15) Orthopedic braces (except orthopedic footwear), crutches, walking irons, elastic stockings, and similar orthopedic aids.

(f) *Health benefits not authorized dependents.* The following health benefits may not be provided dependents in uniformed services facilities:

(1) Domiciliary or custodial care.

(2) Prosthetic devices (other than artificial limbs and artificial eyes), hearing aids, orthopedic footwear, and spectacles. If available from Government stocks, these items may be sold to dependents at cost to the Government at the following locations:

(i) Outside the United States.

(ii) At specific stations within the United States where adequate civilian facilities are unavailable which have been designated to sell these items to dependents by the Secretary of the Army, Navy, or Air Force after approval by the Secretary of Defense, or by the Surgeon General of the Public Health Service after approval by the Secretary of Health, Education, and Welfare. Requests from stations in the United States for designation to provide these items will contain justification similar to that listed in paragraph (h) of this section.

(3) Dental treatment except as listed in paragraph (e)(10) of this section.

(g) *Care beyond the capabilities of the medical facility.* When a retired member or a dependent requires care beyond the capabilities of the medical facility, the commanding officer or officer in charge of the facility is authorized to arrange for the required care by one of the following means:

(1) Transfer the patient, if he agrees to such transfer, to the nearest medical facility of the uniformed services where the required care is available. See § 577.68 for transportation authorized for movement of patients.

(2) Procure from civilian sources the necessary supplemental material and professional and personal services required for the proper care and treatment of the patient in his facility. Charges for such material or services will be paid from funds available to operate the uniformed services facility furnishing the care.

(3) If eligible for civilian care, arrange for transfer of the patient to a civilian hospital or referral to a civilian physician. Upon transfer to a civilian hospital or referral to a civilian physician, the patient will be required to pay the amounts specified in § 577.65(i).

(h) *Routine dental care for dependents in the United States.* Dependents are not authorized routine dental care at uniformed services facilities in the United States except at stations where adequate civilian facilities are unavailable. Stations in the United States where dependents may be provided routine dental care will be designated on an individual basis by the Secretary of the Army, Navy, or Air Force upon approval by the Secretary of Defense, or by the Surgeon General of the Public Health Service upon approval by the Secretary of Health, Education, and Welfare. Normally, a station will not be so designated unless it is more than 30 miles from a community with adequate civilian dental facilities. Consideration will be given to unusual geographic and transportation factors such as toll bridges or ferries which would unreasonably increase the time and expense of travel. A community's dental facilities ordinarily will not be considered adequate for the purpose of §§ 577.60–577.70 unless an average of at least one civilian dentist is in private civilian practice per 2,000 population. Notwithstanding the foregoing criteria, a local commander may request designation of a station to provide routine dental care to dependents when he believes justification exists. All requests for such designations will include the following:

(1) Distance of the dental facility from a community with adequate civilian dental facilities (in miles and time) including unusual transportation factors, if any, which must be considered.

(2) The number of civilian dentists engaged in active practice within 30 miles of the station.

(3) The civilian population within 30 miles of the station.

(4) The dependent population residing on or adjacent to the station.

(5) The total number of dependents who would be eligible for dental care at the uniformed services dental facility if the station were designated to provide routine dental care.

(6) The availability of specialized dental services within the civilian community.

(7) The capability of the uniformed services dental facility to provide dental care to dependents in the area.

(8) Statement concerning excessive costs, if any, for civilian dental service in the community.

(9) Examples of unusual delays, if any, in obtaining civilian dental service.

(10) Statement from the State dental society setting forth its position concerning the proposed designation of the station to provide routine dental care to dependents. If opposed, the dental society will be requested to furnish detailed information on so many of the above items as are applicable.

(i) *Cross-utilization of uniformed services facilities.* To provide effective cross-utilization of medical and dental facilities of the uniformed services, eligible persons, regardless of service affiliation, will be given equal opportunity for health benefits. In areas where facilities of two or more uniformed services are available, the appropriate officials of each service will participate jointly in determining capabilities and establishing areas of responsibility for care. Delineation of such areas will include:

(1) Zone boundaries and the facility serving each zone.

(2) Provision that beneficiaries who reside in a zone served by a facility not of the beneficiary's own service may obtain care at that facility or at a facility of his own service located in another zone.

(3) Provision that if the facility to which the beneficiary applies cannot furnish the needed care, the other facility or facilities in the area will be contacted to determine whether care can be provided at such facility.

(4) Listing by position and telephone number of an individual at each facility as the point of contact to determine whether a patient can be accepted.

(j) *Charges for health benefits in uniformed services facilities.* The patient will be charged as follows:

(1) *Inpatient care*—(i) *Retired officers and warrant officers.* The subsistence rate applicable during the period of hospitalization.

(ii) *Retired enlisted members.* No charge.

(iii) *Dependents.* $1.75 a day. No charge will be made for newborn infants while the mother is a patient in the hospital. In cases where the mother is discharged from the hospital and the infant remains as a patient, charges will be $1.75 a day.

(2) *Outpatient care.* No charge will be made for outpatient care.

(k) *Beneficiaries who become ineligible for health benefits.* (1) In case a beneficiary is an inpatient in a uniformed services facility at the time his status changes so that he is no longer an eligible beneficiary, the Government's responsibility for furnishing such a person health benefits under the Uniformed Services Health Benefits Program ceases at midnight on the date of such event.

(2) If continuation of the hospitalization of such a patient in a uniformed services facility after the date of such change in status is deemed necessary by the medical officer in charge (until proper disposition of the patient can be made), charges will be at the pay-patient rate applicable at the time of hospitalization.

§ 577.65 Civilian health benefits for dependents and retired members.

(a) *Eligibility for civilian health benefits.* (1) Persons eligible to receive health benefits from civilian sources under the Civilian Health and Medical Program of the Uniformed Services are listed in § 577.61(a)(1). Persons requesting health benefits from civilian sources will be required to observe the identification procedures prescribed by the uniformed services (§ 577.62). In addition, in the United States and Puerto Rico spouses and children of active duty members who are residing with their sponsor are required to provide civilian sources of hospitalization with a DD Form 1251 under the conditions outlined in § 577.63(b)(1).

(2) When seeking civilian health benefits, the eligible person should ascertain that the source of care desires to participate in the Civilian Health and Medical Program of the Uniformed Services. Following acceptance of the patient under the program by the civilian source of health benefits, the patient is not responsible for payment of any amount for authorized benefits except as specified in paragraph (i) of this section.

(b) *Civilian health benefits authorized dependents and retired members.* Authorized civilian health benefits include but are not limited to—

(1) *Hospitalization.* Hospitalization is authorized for all types of care, except that with respect to dental care only that treatment required as a necessary adjunct to medical or surgical care is authorized. The necessary services and supplies furnished by the hospital to a patient in an inpatient status are considered part of hospitalization.

(2) *Hospital accommodations.* Hospitalization normally will be provided in semiprivate accommodations. A private room is an allowable benefit, however, when medically indicated, when the patient is admitted to a hospital having only private rooms, or when all semiprivate rooms are filled in the hospital to which the patient is admitted. When a private room is provided other than under the foregoing circumstances, the patient will be required to pay the difference between the cost of the private room and the hospital's average daily charge for semiprivate accommodations.

(3) *Services and supplies.* The following services and supplies are authorized on either an inpatient or outpatient basis:

(i) Services of a physician for treatment of:

(*a*) Medical and surgical conditions.

(*b*) Nervous, mental, and emotional disorders. See paragraph (d) of this section for review requirement.

(c) Chronic conditions and diseases. See paragraph (d) of this section for review requirement.

(d) Contagious diseases.

(e) Maternity and infant care.

(ii) Diagnostic tests and services, including X-ray, laboratory basal metabolism, electrocardiogram, electroencephalogram, and radioisotope examinations.

(iii) Anesthetics and oxygen and their administration.

(iv) Blood transfusions, including the cost of blood and blood plasma except when donated or replaced, and blood plasma expanders. Any person providing blood for a patient undergoing treatment at Government expense may be paid therefor at the local prevailing rate provided the sum of $50 for each withdrawal is not exceeded.

(v) Radiation therapy.

(vi) Physical therapy.

(vii) Orthopedic braces (except orthopedic shoes) and crutches.

(viii) Dental care required as a necessary adjunct to medical or surgical treatment.

(ix) Artificial limbs and artificial eyes.

(x) Services of persons specializing in a science allied to the practice of medicine when ordered by a physician. Includes services of physical therapists, anesthetists, psychologists, and similar practitioners.

(xi) Immunizations when required as a part of medical treatment.

(xii) Routine physical examinations and immunizations only when required by spouse and children of active duty members who are under orders to perform travel outside the United States as a result of the member's duty assignment.

(xiii) Use of hospital outpatient facilities.

(xiv) Family planning services.

(xv) Drugs as follows:

(*a*) Insulin.

(*b*) Drugs and medicines obtainable only by written prescription and procured from civilian sources.

(xvi) Rental of durable equipment, such as wheelchairs, iron lungs, and hospital beds.

(xvii) Home calls when medically necessary.

(4) *Non-Government ambulance service.* Non-Government ambulance service is authorized as follows, when medically necessary:

(i) As an inpatient benefit when an ambulance is used to move a person to, from, or between hospitals when such person is admitted to a hospital.

(ii) As an outpatient benefit in all cases other than those covered by subdivision (i) of this subparagraph.

(iii) When a Government ambulance is not available, the provisions of subdivisions (i) and (ii) of this subparagraph apply to movement of a patient to, from, or between uniformed services medical facilities. Claims for non-Government ambulance service in such cases will be submitted to the appropriate fiscal agent (see § 577.70).

(c) *Christian Science services.* The following Christian Science services qualify as authorized benefits under the Civilian Health and Medical Program of the Uniformed Services.

(1) Hospitalization in sanatoriums operated, or listed and certified by, the First Church of Christ, Scientist, Boston, Mass.

(2) Services of Christian Science practitioners listed as such in the Christian Science Journal current at the time the service is provided. Such services may not include so-called absent treatment.

(3) Services of Christian Science nurses who are listed in the Christian Science Journal current at the time the service is provided.

(4) Necessary services and supplies ordered by the attending Christian Science practitioner.

(d) *Plans for the management of patients with chronic conditions and nervous, mental, and emotional disorders.* All beneficiaries who require continuous hospitalization in excess of 45 days for care of a chronic condition or a nervous, mental, or emotional disorder must have a plan for management of the condition approved by the Executive Director or oversea commander for hospitalization in excess of 45 days to qualify as an authorized benefit under the CHAMPUS. Factors to be considered by the approving official include: Whether the care could be provided more effectively or economically elsewhere under the program, and whether the dependent will significantly benefit from the proposed plan.

(1) When a patient has been admitted to a hospital for treatment of such conditions and in the opinion of the attending physican hospitalization will be required for more than 45 days, he will furnish the sponsor or other responsible family member the following information in writing concerning the patient:

(i) Diagnosis.

(ii) History of patient's disability, present condition, prognosis, and expected duration of treatment.

(iii) Proposed plan for management of the condition, including estimated costs.

(2) Normally, the sponsor or other responsible family member will forward a request for approval of the plan to the Executive Director, OCHAMPUS, or oversea commander with the above information from the attending physician attached. The request will include the following information:

(i) Name, grade, service number, branch of service, and duty assignment of the sponsor when the patient is a dependent; or name, grade, service number, branch of service, and home address when the patient is a retired member.

(ii) When the patient is a dependent, the name, address, age, and relationship of the patient to the sponsor.

(iii) Name and address of hospital in which care is being provided.

(3) Payment for hospitalization in excess of 45 days may be made without an approved plan under the following conditions:

(i) When a plan for management of the condition has been filed within the 45-day period referred to above, payment of the Government's portion of the cost may continue, in the case of a plan which is not approved, through the day on which the civilian hospital is notified of the disapproval.

(ii) When the review process is not completed within the 45-day period in the case of a plan that is subsequently approved, payment may be made for the Government's portion of the cost on a retroactive basis for the interim period.

(iii) When a plan for management of the condition is received by the Executive Director, OCHAMPUS, or oversea commander after the 45-day period and it is determined that had it been received at the proper time, extension of the period of hospitalization would have been authorized, payment of the Government's portion of the cost may be made on a retroactive basis for the interim period.

(iv) The Executive Director, OCHAMPUS, or oversea commanders, or their designees, may make exceptions to the requirement for an approved plan within 45 days in order to avoid undue hardship in a particular case or in order not to penalize a source of care which has acted in good faith.

(4) In long-term cases, the plan for management of the condition will be reviewed by the Executive Director, OCHAMPUS, or oversea commander on an annual basis. Treatment will not be discontinued in such cases without prior coordination with the appropriate Surgeon General.

(5) The Executive Director, OCHAMPUS, or oversea commander will notify the individual submitting the request for approval of the management plan of his decision and of any changes in an approved plan which are made as the result of the annual review.

(e) *Civilian health benefits not authorized.* The following health benefits are not authorized:

(1) Domiciliary or custodial care.

(2) Routine physical examinations and routine immunizations, those not for diagnostic or treatment purposes, except in the case of spouses and children of active duty members who are under orders to perform travel outside the United States.

(3) Routine care of the newborn and well-baby care.

(4) Spectacles or examinations for them.

(5) Prosthetic devices (other than artificial limbs and artificial eyes), hearing aids, and orthopedic shoes.

(6) Dental care except dental care required as a necessary adjunct to medical or surgical treatment.

NOTE: See § 577.67 for additional civilian benefits for handicapped spouses and children of active duty members of the uniformed services.

(f) *Transfer to a uniformed services facility.* Any patient hospitalized under the program in a civilian hospital may be transferred to a hospital of the uniformed services, subject to the availability of space and facilities and the capabilities of the professional staff. Government transportations may be utilized for transfer. When Government transportation is not available, local non-Government ambulance service may be provided under the Civilian Health and Medical Program of the Uniformed Services.

(g) *Special definitions and policies.* In determining the extent of health benefits to be provided eligible persons under the Civilian Health and Medical Program of the Uniformed Services, the following special definitions and policies will apply. (These definitions and policies may be modified for use outside the United States and Puerto Rico by the appropriate oversea commander or other commander with comparable responsibility. Additionally, they may be modified for use in Mexico by the Executive Director.)

(1) *Special definitions*—(i) *Hospital.* The word "hospital" as used in this section means a facility operated in accordance with the laws of the jurisdiction in which it is located and is engaged primarily in providing diagnostic and therapeutic facilities for surgical and medical diagnosis, treatment and care of injured and sick persons by or under the supervision of one or more licensed doctors of medicine or licensed doctors of osteopathy, and which continuously provides 24-hour-a-day professional registered nursing service. For the purpose of this section, infirmaries operated in conjunction with medical schools are recognized as hospitals. For the purpose of this section, an institution for the treatment of nervous, mental, or emotional disorders may also be considered a hospital so long as it is operated in accordance with the laws of the jurisdiction in which it is located and has a professional staff including one or more licensed physicians who are qualified psychiatrists (i.e., who have completed 3 years or more of approved residency training or are board qualified or certified) in addition to such ancillary psychiatric personnel as psychologists, psychiatric or other social workers, psychiatric aides, occupational or vocational therapy personnel, teachers, and nursing personnel, as appropriate.

NOTE: The Executive Director may waive the provisions of this subdivision in order to avoid hardship in individual cases.

(ii) *Private accommodations.* The term "private accommodations" means one patient bed in a room.

(iii) *Semiprivate accommodations.* The term "semiprivate accommodations" means two, three, or four patient beds in a room.

(iv) *Ward accommodations.* The term "ward accommodations" means five or more patient beds in a room.

(v) *Necessary services and supplies.* Those services and supplies ordered by the attending physician, including ancillary professional care, supportive devices, artificial limbs, and artificial eyes.

(vi) *Physician.* Physician means a doctor of medicine or doctor of osteopathy who is legally qualified without limitation and licensed to practice medicine and perform surgery at the time and place the service is provided. For the services authorized by this regulation, doctors of dental surgery, doctors of dental medicine, and doctors of surgical chiropody, when acting within the scope of their licenses, are deemed to be physicians.

(vii) *Private-duty nurse.* Private-duty nurse includes—

(a) A professional registered nurse (RN).

(b) A technical registered nurse.

(c) A licensed practical nurse.

(viii) *Full-payment concept.* The full-payment concept means that payment by the Government and acceptance by the source of care of the amount paid by the Government under the program shall be payment in full for the authorized services reflected on the claim form and no further amount shall be due the source of care from the Government, the patient, or the service member, except for any amount payable by the patient as prescribed in paragraph (i) of this section.

(ix) *Schedule of allowances.* The term "schedule of allowances" means the maximum amounts used as a guide for payment of physicians' services applicable to the local area where the services were provided.

(x) *Charges.* Charges means the amount billed by the source of care.

(2) *Policies*—(i) *Use of ward accommodations.* Although hospitalization is provided in semiprivate accommodations, ward accommodations may be furnished under certain circumstances. Ward facilities may be used for pediatric cases whenever this is the normal medical practice and the parent or guardian willingly accepts such accommodations. Further, when the attending physician admits his patient to a hospital in which all semiprivate accommodations are occupied, care furnished in ward accommodations will be considered authorized care, but the patient should be transferred to a semiprivate room as soon as possible. Also when a patient is admitted to an otherwise acceptable institution which furnishes only ward accommodations, care furnished therein shall be considered authorized care.

(ii) *Professional services.* Payment of the Government's portion of the charges for professional services is authorized as follows:

(a) Payment of physicians, including necessary consultants, in the United States and Puerto Rico at their usual charge for the service provided but not exceeding the charge listed therefor in the local schedule of allowances incorporated in the applicable contract unless warranted by individual consideration. In other areas the standard charge for such services in the locality concerned will be used as a guide in determining the amount payable.

(b) Payment for services of private-duty nurses when the attending physician certifies that such services were required for the proper care and treatment of the patient.

(c) Payment for services of persons specializing in the sciences allied to the practice of medicine when ordered by the attending physician.

(iii) *Drugs.* In the United States and Puerto Rico, payment for drugs will be in accordance with local professional fee schedules. In other areas the standard charge in the locality concerned will be used as a guide in determining the amount payable.

(h) *Administrative procedures for patients who become ineligible for civilian benefits.* (1) In cases of spouses and children or retired members receiving treatment from civilian sources under the Civilian Health and Medical Program of the Uniformed Services at the time entitlement to receive health benefits ceases, the Government's responsibility for payment for such benefits ceases, so far as the source of civilian care is concerned, as of midnight on the date of receipt of notice by the source of care that the dependent's entitlement to benefits from civilian sources has terminated, or the expiration date of the DD Form 1173, or DD Form 2 (Ret) (Gray) whichever is earlier. The Government's responsibility ceases, so far as the beneficiary is concerned, as of midnight on the date the beneficiary, for any reason, ceases to be entitled to receive care from civilian sources under the Civilian Health and Medical Program of the Uniformed Services. Examples of instances in which the Government's responsibility for payment of health benefits ceases are given in § 577.61(c).

(2) If a retired member, the spouse or child of a retired member, or the spouse

or child of a deceased member becomes entitled to hospital insurance benefits under the Social Security Health Insurance Program for the Aged on reaching age 65, the Government's responsibility for payment for civilian benefits under the Civilian Health and Medical Program of the Uniformed Services ceases as of midnight of the day preceding the beneficiary's 65th birthday.

(i) *Payment for health benefits.* Payment for authorized health benefits will be made by the Government to providers of benefits subject to the deduction of any portion of the charge payable by the patient as outlined below.

(1) *Cost-sharing formula.* The patient and the Government will share the cost of inpatient and outpatient services authorized under the CHAMPUS as outlined below:

INPATIENT SERVICES

	Payment by the patient	Payment by the Government
Dependents of active duty members.	The 1st $25 of the hospital's charges or $1.75 a day, whichever amount is greater.	The remainder of the hospital's charges and the fees of professional personnel for medical care furnished on an inpatient basis.
Retired members and their dependents and the dependents of deceased members.	25 percent of the hospital's charges and fees of professional personnel for medical care furnished on an inpatient basis.	The remainder of the hospital's charges and the remainder of the fees of professional personnel for inpatient medical care.
Dependents of active duty members.	The 1st $50 of expenses incurred by the beneficiary for outpatient services each fiscal year (not to exceed $100 per family) plus 20 percent of the charges in excess of $50 or $100, as appropriate.	80 percent of the charges for outpatient services in excess of the annual deductible of $50 or $100.
Retired members and their dependents and the dependents of deceased members.	The 1st $50 of expenses incurred by the beneficiary for outpatient services each fiscal year (not to exceed $100 per family) plus 25 percent of the charges in excess of $50 or $100, as appropriate.	75 percent of the charges for outpatient services in excess of the annual deductible of $50 or $100.

(2) *Special provisions.* (i) When a maternity patient is hospitalized for delivery or is otherwise hospitalized for proper management of the pregnancy, including treatment of complications thereof, all care related to that pregnancy shall be considered as inpatient care for the purpose of computing the patient's share of the charges. The patient will pay only her portion of the charges for inpatient care as set forth in subparagraph (1) of this paragraph.

(ii) When a patient is hospitalized for surgery, the following services shall be considered as inpatient care for the purpose of computing the patient's share of the charges:

(a) Services required of a physician during a period not to exceed 30 days before and 120 days after the hospitalization which are directly related to the surgery.

(b) Diagnostic tests and procedures performed or authorized by the attending physician during a period not to exceed 30 days before and 120 days after the hospitalization and directly related to the surgical procedure.

(iii) When a patient receives both inpatient and outpatient care for treatment of a bodily injury, all services and supplies provided for treatment of the injury during a period not to exceed 30 days before and 120 days after the hospitalization shall be considered as inpatient care for the purpose of computing the patient's share of the charges. Post-hospitalization services are limited to immediate and necessary followup treatment of the injury itself. This provision does not apply to admission or readmission for care of complications (e.g., sequelae) arising out of the injury.

(iv) Drugs and medicines provided on an outpatient basis in connection with the care described in subdivisions (i) through (iii) of this subparagraph, are payable by the Government as follows:

(a) Drugs furnished by the physician are payable at the cost to the physician.

(b) Drugs prescribed by the physician and procured by the patient are payable as outpatient benefits.

(v) When a spouse or child who is an inpatient is transferred to another hospital for necessary treatment not available in the first hospital and no break in hospitalization occurs except for time in transit, it will be considered as one admission for the purpose of payment of charges by the patient in accordance with this paragraph.

(3) *Payment for inpatient benefits.* Beneficiaries will pay their share of the charges for inpatient care directly to the sources of care. Providers of inpatient benefits normally will submit claims for the Government's share of the charges to the appropriate contractor, the appropriate oversea commander, or to the Executive Director, OCHAMPUS. Pending revision of existing claim forms, claims for inpatient care will be submitted on DA Form 1863–1 (Hospital) or DA Form 1863–2 (Physician), as appropriate. When the new form becomes available, it will be used by both hospitals and physicians in submitting claims for inpatient care.

(4) *Payment of deductible for outpatient benefits.* Each individual or family group will pay directly to the source of outpatient services until the annual deductible is met each fiscal year. A fiscal year is from July 1, each year to June 30, of the following year. Services not authorized under the Civilian Health and Medical Program of the Uniformed Services cannot be applied against the deductible. For the purpose of computing the deductible, an expense is "incurred" on the date the service or supply for which a charge is made is received, regardless of the date on which payment is made.

(i) For the fiscal year ending June 30, 1967, only the following may be applied against the deductible:

(a) Outpatient services authorized under the program and obtained by dependents of active duty members on or after October 1, 1966.

(b) Outpatient services authorized under the program and obtained by retired members and their dependents and the dependents of deceased members on or after January 1, 1967.

(ii) Receipted bills should be obtained for all payments. When a payment is made which, together with previous payments, if any, exceeds the deductible for the fiscal year, the patient will submit a claim for reimbursement with receipted bills attached to one of the following:

(a) Fiscal agent for the area concerned (see appendix) for outpatient services obtained in the United States and Puerto Rico.

(b) Executive Director, OCHAMPUS, for outpatient services obtained in Canada and Mexico.

(c) The appropriate oversea commander for outpatient services obtained in areas other than the United States, Puerto Rico, Canada, and Mexico.

(iii) Pending revision of existing claim forms, claims may be submitted on DA Form 1863–1 or DA Form 1863–2. When the new form becomes available, it will be used for submitting claims for all types of benefits. All health benefits for which the claim is being submitted will be listed on the same claim form. The beneficiary will be reimbursed in an amount equal to the total payment less the deductible and 20 or 25 percent, as appropriate, of charges in excess of the deductible. The agency reimbursing the patient will provide him a certificate indicating that the deductible has been satisfied for the fiscal year in question. The patient will show this certificate to the source of care when seeking further outpatient services during that fiscal year.

(5) *Payments for outpatient benefits after deductible has been met.* (i) The patient will pay the source of care 20 or 25 percent, as appropriate, of the charges for services and supplies furnished on an outpatient basis. These payments cannot be applied against the second $50 deductible payable by a family group.

(ii) The source of care will submit a claim to the appropriate fiscal agent, the appropriate oversea commander, or the Executive Director, OCHAMPUS, for payment of the balance of the charges. The administrative instructions and guidance furnished the civilian sources of benefits by the Executive Director and oversea commanders will encourage the submission of claims for outpatient care based on accumulation of charges for a period of 1 month or more. In the United States and Puerto Rico, payment will be in accordance with the schedule of allowances applicable to the local area. Pending revision of existing claim forms, all sources of outpatient care, except hospitals and pharmacists, may submit their claims on either DA Form 1863–1 or DA Form 1863–2. In the United

States and Puerto Rico, pharmacists will submit their claims on the form provided by the appropriate fiscal agent. In other areas, pharmacists will submit claims on DA Form 1863–1 or DA Form 1863–2. Hospitals will submit claims on DA Form 1863–1.

(iii) In completing his portion of the claim form, the patient will insert the following statement: "Outpatient deductible satisfied in _____ (insert State or other geographical area)."

(iv) In the event that the patient has paid the source of care more than 20 or 25 percent, as appropriate, of the allowable amount, the fiscal agent, oversea commander, or Executive Director will reimburse the patient to the extent of such overpayment. In the United States and Puerto Rico, the allowable amount for physician's fees is reflected in the schedule of allowances and for drugs in the professional fee guide. Amounts of less than $1 due the patient will not be paid.

(v) It is emphasized that, except for the deductible and 20 or 25 percent, as appropriate, of outpatient charges in excess of the deductible, the patient should not pay the source of care directly. In the event he does so, he may seek reimbursement.

(6) *Documentation of claims.*—(i) *Drugs and medicines.* Claims for drugs submitted on DA Form 1863–1 or DA Form 1863–2 must be supported by a copy of the prescriptions.

(ii) *Physical examination and immunizations for dependents on oversea orders.* A claim for routine physical examinations and immunizations furnished spouses and children of active duty members must be supported by a copy of orders to perform travel outside the United States.

(iii) *Non-Government ambulance service.* Claims for non-Government ambulance service must be supported by a statement from a physician that the service was medically necessary.

(7) *Claims for reimbursement.* The beneficiary will not normally pay for authorized benefits received from civilian sources except that portion of the charge which is his responsibility. However, in cases where a beneficiary received authorized benefits and paid the complete charge, reimbursement may be made to the beneficiary or the sponsor. A claim for reimbursement may be submitted to the appropriate fiscal agent (see § 577.70), oversea commander, or the Executive Director upon completion of the period of treatment. The amount of reimbursement will be that portion of the charges for which the Government is responsible.

(i) Claims for reimbursement for civilian care and Christian Science services (both inpatient and outpatient) obtained in the United States or Puerto Rico will be submitted to the fiscal agent (see § 577.70). Claims for reimbursement for benefits obtained in Canada and Mexico and claims for benefits obtained aboard commercial vessels en route to the United States, Puerto Rico, Canada, or Mexico will be submitted to the Executive Director.

(ii) Claims for reimbursement for civilian care and Christian Science services (both inpatient and outpatient) obtained in areas other than the United States, Puerto Rico, Canada, and Mexico will be submitted to the appropriate oversea commander. Claims for reimbursement for benefits obtained aboard commercial vessels en route to such areas will be submitted to the oversea commander having jurisdiction over the area in which the patient debarks.

(8) *Documentation of claims for reimbursement.* In addition to the documents listed in subparagraph (6) of this paragraph, claims for reimbursement will include the following documents:

(i) DA Form 1863–1 or DA Form 1863–2, with all pertinent items completed.

(ii) When appropriate, a DD Form 1251 (§ 577.63(b)(1)).

(iii) An itemized bill marked "paid" signed by an authorized person, including his business title or designation.

(iv) When a claim includes charges for services and supplies furnished by other than a physician, a Christian Science practitioner, or a hospital, a statement from the attending physician or Christian Science practitioner that such services and supplies were necessary for the proper care and treatment of the patient. This statement is also required when the claim includes charges for a hospital private room. For drugs and medicines purchased from a pharmacy, a copy of the prescription will suffice.

(9) *Forms.* A new form is being developed and will be used in submitting claims for all types of civilian benefits authorized herein as soon as it becomes available. The new form will be furnished civilian sources of benefits in the United States and Puerto Rico through the fiscal agent for the area concerned, in Canada and Mexico by the Executive Director, and in other areas by the oversea commander. Pending receipt of the new form, claims will be submitted on DA Form 1863–1 or DA Form 1863–2 in accordance with the following instructions:

(i) *Item 3, DA Form 1863–1 and DA Form 1863–2.* Completion of this item is required only for dependents of active duty personnel for inpatient care from civilian sources.

(ii) *Item 11, DA Form 1863–1 and DA Form 1863–2.* The individual completing the form will indicate in item 11 the status of the service member as active duty, retired, or deceased.

(iii) *Item 13, DA FORM 1863–1 and DA Form 1863–2.* On claims for care for retired members, their dependents, and the dependents of deceased members, the second paragraph will be lined out in its entirety.

(iv) *Items 20 b and c, DA Form 1863–2 and items 32 e and f, DA Form 1863–1.* Leave blank.

(v) *Item 21, DA Form 1863–1 and item 22, DA Form 1863–2.* Where benefits are being provided a mentally retarded or physically handicapped dependent under the provisions of § 577.67, the source of care will indicate this in these items.

(vi) *Item 29, DA Form 1863–2 and item 33, DA Form 1863–1.* Where a service provided under the handicapped program (§ 577.67) does not require authorization of the attending physician or dentist, these items will be modified as follows:

(a) So much of lines 4, 5, and 6 of item 29, DA Form 1863–2 as reads "As the attending physician or dentist or were performed by me as authorized by the attending physician or dentist" will be deleted.

(b) Paragraph (1) of item 33, DA Form 1863–1 which reads "This statement is for services furnished the patient as authorized by the attending physician or dentist" will be deleted.

(vii) *Instructions on reverse of forms.* Instructions on the reverse of DA Form 1863–1 and DA Form 1863–2 which conflict with the provisions of the new program will be disregarded.

(j) *Coverage under other health benefits programs.* No benefits shall be payable under the Civilian Health and Medical Program of the Uniformed Services in the case of retired members and their dependents and the dependents of deceased members enrolled in any other insurance plan, medical service plan, or health plan provided by law or through employment, except for benefits not payable under the other plan. Retired members and their dependents and the dependents of deceased members shall be required to state on the face of any claim, or in any attachment thereto, submitted by the patient or by the source of benefits whether or not they possess such coverage. If they have such coverage, they must also state that the benefits covered by the claim are not payable under the other plan in order for such benefits to be payable under the Civilian Health and Medical Program of the Uniformed Services.

(k) *Government liability for payment of civilian health benefit costs.* (1) As prescribed in § 577.62, the uniformed services will provide eligible beneficiaries with means of identification. When sources of civilian benefits exercise reasonable care and precaution in identifying persons claiming to be eligible beneficiaries and furnish authorized benefits to those persons in good faith, payment is authorized. When benefits have been provided in good faith by the source of civilian care and it is subsequently determined that the persons concerned were not in fact entitled to health benefits at Government expense under the Civilian Health and Medical Program of the Uniformed Services, collection and other legal action will be taken only against the sponsor, guardian, or individual who was not entitled to the benefits. Collection action in individual cases will be the responsibility of the uniformed service whose appropriations reimbursed the Executive Agent or whose appropriations were used in payments made on behalf of persons not entitled to care under the program. Where fraud is suspected, the matter may be referred to the Attorney General of the United States with appropriate recommendation.

(2) Notwithstanding the foregoing, the Government will not be responsible for payment for health benefits furnished spouses and children of active duty members residing with their sponsor in the United States and Puerto Rico without a DD Form 1251 except under the circumstances described in § 577.63(a)(2). Where representations are made by the source of civilian care that it was not aware of the requirement for a DD Form 1251 and that if furnished health benefits authorized under §§ 577.60–577.70 to a spouse or child possessing a valid DD Form 1173, and efforts by the physician or hospital to obtain a DD Form 1251 through the sponsor or dependent had failed, the matter will be brought to the attention of the Executive Director. The uniformed service concerned will be notified and the matter will be brought to the attention of the responsible service member as an unpaid debt. In special circumstances where the source of civilian health benefits shows that collection has not been possible, the contracting officer, OCHAMPUS, may authorize payment provided the claim covers health benefits authorized under §§ 577.60–577.70 and was otherwise in accordance with all requirements except those concerning a DD Form 1251.

(3) The contracting officer, OCHAMPUS, or appropriate oversea commander may authorize certain claims for payment where the procedures in §§ 577.62 and 577.63 have not been followed if it is established that authorized health benefits were furnished to an eligible beneficiary. The Secretary of each uniformed service (or his designee) will, upon request of the contracting officer, OCHAMPUS, or the oversea commander, make a determination of eligibility of the patient and inform the contracting officer, OCHAMPUS, or oversea commander thereof in writing.

(4) In order to provide effective contract administration, including retirement of contract files within a specified period, a time limitation for submitting claims by a civilian source of health benefits is hereby prescribed.

(i) Any claim for health benefits provided from civilian sources under §§ 577.60–577.70 normally will not be paid if received by bill-paying contractors more than 5 years after the benefit reflected on the claim form was completed.

(ii) Notwithstanding the provisions of subdivision (i) of this subparagraph, any claim submitted more than 5 years after the health benefit was completed shall be forwarded to the Executive Director who may at his absolute discretion allow or disallow the claim.

§ 577.66 Health benefits in miscellaneous circumstances.

(a) *Health benefits in Federal medical facilities other than those of the uniformed services.* (1) When dependents eligible for civilian health benefits receive benefits authorized by §§ 577.60–577.70 in a Federal medical facility other than a uniformed services facility, the dependent will pay the charges listed in § 577.65(1). The Government will pay the difference between the amount payable by the patient and the rate established for reimbursement among Federal agencies for health benefits furnished dependents. The Executive Director will reimburse the department or agency concerned if the benefit is obtained in the United States or Puerto Rico. For benefits provided outside the United States and Puerto Rico, reimbursement will be made by the appropriate oversea commander of the department of which the sponsor is a member.

(2) The provisions of subparagraph (1) of this parabraph are applicable to health benefits obtained by retired members except those obtained in a Veterans' Administration facility. Reimbursement to the Veterans' Administration for medical and dental care furnished retired members for non-service-connected disabilities at the expense of the military department concerned will be made by the individual departments at rates approved by the Bureau of the Budget. Procedures for reimbursement will be prescribed by regulations of the individual departments.

(3) The provisions of this paragraph do not apply to health benefits obtained in Canal Zone facilities (paragraph (b) of this section).

(b) *Health benefits in medical facilities of the Canal Zone Government.*—(1) *Eligibility.* All persons listed in § 577.61(a) as eligible for care in uniformed services facilities are eligible for health benefits in medical facilities of the Canal Zone Government.

(2) *Scope of benefits.* The benefits for which beneficiaries are eligible in medical facilities of the Canal Zone Government are comparable in all respects to those which are furnished such individuals in uniformed services medical facilities outside the United States.

(3) *Charges.* When hospitalized in a medical facility of the Canal Zone Government, a dependent will pay $1.75 a day. Retired officers and warrant officers will pay applicable subsistence charges and no charge will be made of retired enlisted members. Outpatient care will be furnished without charge to the patient. The Canal Zone Government is reimbursed by the uniformed service with which the beneficiary is affiliated for health benefits furnished on an outpatient basis and for hospitalization, less the amount required to be paid by the patient or sponsor. Rates for departmental reimbursement will be established annually by the Canal Zone Government.

(c) *Health benefits in medical facilities of a foreign government.* When eligible beneficiaries receive health benefits authorized by §§ 577.60–577.70 in the medical facilities of a foreign government, reimbursement will be as follows:

(1) Except as indicated in subparagraph (2) of this paragraph, the patient will pay the charges listed for civilian health benefits in § 577.65(1). The difference between the total bill and the beneficiary's payment will be paid by the appropriate oversea commander in accordance with the individual service regulations (§ 577.60(c)(2)).

(2) In instances where a reciprocal agreement between a foreign government and the United States is in effect which provides for no charge or a lesser charge to the patient than those listed for civilian health benefits in § 577.65(1), the charges, if any, prescribed in the reciprocal agreement will prevail.

§ 577.67 Handicapped program.

(a) *General.* Effective January 1, 1967, a civilian program of health services, training, special education, and rehabilitation is established for the handicapped spouses and children of members of the uniformed services who are serving on active duty or active duty for training for a period of more than 30 days.

(b) *Definitions.*—(1) *Serious physical handicap.* A chronic condition markedly limiting capability to engage in pursuits along with one's peers. Examples of conditions from which a serious physical handicap may arise include, but are not limited to—

(i) Any acute or chronic disease or malfunction, either congenital or acquired, or injury involving any of the following systems: Cardiovascular, respiratory, genitourinary, endocrine, musculoskeletal, nervous, gastrointestinal, integumentary, hematopoietic or body metabolism.

(ii) Seriously impaired dental functioning, or serious dental defects and deficiencies, contributing to the limiting capability to a significant degree.

(iii) Serious impairment of special senses and speech; vision defects and deficiencies which seriously impair functional capability.

(2) *Moderate or severe mental retardation.* A condition characterized by significant impairment in development of motor, speech, and self-care skills; significant impairment of intelligence and learning capacity; and inability to learn social and vocational skills without special education and training. It excludes those who are mildly retarded.

(3) *Institutions and facilities.* The following institutions and facilities operated in accordance with the laws of the jurisdiction in which located:

(i) *Public institutions and facilities.* Institutions and facilities supported and operated by Federal, State, county, or local governments.

(ii) *Private nonprofit institutions and facilities.* Institutions and facilities sponsored by voluntary agencies, religious groups, and other nonprofit organizations to provide services to physically or mentally handicapped persons which are listed as nonprofit organizations in the Internal Revenue Service Cumulative List of Organizations (GPO Publication No. 78).

(iii) *Day schools.* Schools which provide special education for handicapped children who reside at home and attend classes during the day.

(iv) *Occupational day centers and schools.* Occupational day centers and schools which provide rehabilitation service for physically and mentally

handicapped persons, enabling them to live with less dependence on others.

(c) *Eligibility.* To be eligible for the civilian benefits authorized by this section, the sponsor and the dependent must meet the requirements specified below.

(1) *Dependent.* The dependent must be a wife, a child, or a dependent husband as these terms are defined in § 577.60(b)(5) and be moderately or severely retarded mentally or have a serious physical handicap.

(2) *Sponsor.* The sponsor must be an active duty member of the uniformed services as that term is defined in § 577.60(b)(2).

(d) *Services authorized.* The following services are authorized with respect to the dependent's handicapping condition:

(1) *Diagnosis.* Diagnostic evaluation on an inpatient or outpatient basis by a physician. Includes hospitalization or institutionalization solely for the purpose of conducting diagnostic studies performed by, or under the supervision of, a physician.

(2) *Inpatient treatment.* Services provided in a hospital, nursing home, convalescent hospital, or similar facility for the handicapping condition where the individual is admitted for treatment. Includes private room when ordered by the physician.

(3) *Institutional care.* Care provided in private nonprofit, public, and State institutions and facilities. Normally, this is residential care with the individual living in the institution or facility. Such institutions and facilities include, but are not limited to, schools for the deaf and blind and institutions for physically and mentally handicapped persons. Includes private room when ordered by the physician. Institutional care is not authorized in a private facility operated for profit.

(4) *Outpatient treatment.* Services provided on a visit basis in the hospital, clinic, institution, agency, or office where the professional or professionals providing the service are located. Includes therapy, diagnostic and therapeutic tests and procedures, and posthospitalization and postinstitutional care needed to continue treatment or rehabilitation.

(5) *Training and special education.* Education, exercise, or practice needed to gain a skill to alleviate, overcome, or adjust to a physical or mental handicap. Includes, but is not limited to, remedial reading, speech training, use of artificial aids, and education provided physically or mentally handicapped children that goes beyond that given normal children in the public school system. These services may be provided on either an inpatient or outpatient basis.

(6) *Home treatment.* Services provided to a mentally or physically handicapped individual in the home. Home treatment includes, but is not limited to, such services as speech therapy, occupational therapy, physiotherapy, and remedial reading. Any of the services authorized by this section may be provided in the home when the responsible professional person certifies that it can be provided most appropriately in the home.

(7) *Surgery and medical care.* Surgery and medical care necessary to treat, correct, or aid a mental or physical handicap is authorized on either an inpatient or outpatient basis.

(8) *Dental care.* Surgery, orthodontia, and other dental procedures which are needed to correct, overcome, or aid in adjustment to, a handicapping condition.

(9) *Prosthetic devices and orthopedic appliances.* Artificial limbs, artificial eyes, braces, hearing aids, and other such devices and appliances are authorized when needed to treat a handicapping condition.

(10) *Special optical devices.* Special optical devices are authorized such as:

(i) Contact lenses necessary to correct a handicapping condition not correctible by spectacles.

(ii) Subnormal visual corrective devices such as, but not limited to, telescopic and iseiknoic lenses.

(iii) Optical aids to help the near blind, such as, but not limited to, handheld optical devices.

(11) *Durable equipment.* When certified as needed in the treatment or training of a handicapped dependent, the purchase or rental (whichever is more appropriate) of durable equipment is authorized. Durable equipment includes, but is not limited to, wheelchair, iron lung, and hospital bed.

(12) *Drugs, as follows.* (i) Insulin.

(ii) Drugs and medicines obtainable only by written prescription and procured from a civilian pharmacy. (Prescriptions written by a civilian physician may be filled at uniformed services pharmacies at no cost to the patient, subject to the availability of pharmaceuticals.)

(13) *Transportation.* Transportation is authorized by Government, commercial, or private means to and from facilities in which the dependent is to receive or has received institutional care. If the patient is unable to travel alone, transportation of necessary attendants is also authorized. Normally this authority applies to local transportation. However, distant movement of handicapped dependents may be furnished by Government transportation. When distant movement is considered necessary and Government transportation is not available, approval for movement by non-Government transportation may be requested from the Executive Director, OCHAMPUS, or appropriate oversea commander.

(14) *Other services.* Any other treatment or services when necessary to treat, rehabilitate, or educate a handicapped spouse or child in his total treatment program is authorized.

(15) *Related therapy.* Therapy, such as family counseling for parents of a handicapped child, is authorized when needed as part of the treatment for the child.

(16) *Professional services authorized.* The following professional services are authorized handicapped dependents on either an inpatient or outpatient basis:

(i) *Services of professional personnel.* These include, but are not limited to, the services of physicians, dentists, optometrists, speech therapists, speech pathologists, audiologists, psychologists, social workers, physical therapists, occupational therapists, and nurses. These professional personnel must be licensed if the jurisdiction in which located so requires, or must be eligible for membership in the national association setting the standards for their respective professional group.

(ii) *Services of teachers.* Services of teachers who meet the standards of the school system in the jurisdiction in which located and who provide special education such as, but not limited to, remedial reading, speech training, or special classes for retarded children.

(iii) *Services of vocational instructors.* Services of vocational instructors who teach handicapped persons a trade or occupation that will aid in overcoming or adjusting to a handicapping condition, such as teaching a blind person to be a mechanic. These instructors must meet the standards required in the school system where the training is being conducted.

NOTE: Under the handicapped program, diagnosis must be by a physician. Subsequent benefits may be furnished without being ordered or prescribed by a physician provided a professional person competent in the disciplines involved orders or prescribes them.

(e) *Services not authorized.* The following services are not authorized dependents under the handicapped program:

(1) Ordinary spectacles.

(2) Dental care except when required to correct the handicapping conditions (paragraph (d)(8) of this section).

(3) Treatment for acute medical or surgical conditions of a temporary nature and treatment for nervous and mental disorders and chronic conditions which are covered under the provisions of § 577.65.

(f) *Use of public facilities.* To qualify for benefits under the handicapped program, public facilities must be used to the extent they are available and adequate. Determination of adequacy of public facilities will be made by the Executive Director or appropriate oversea commander. When public facilities are unavailable or inadequate, services may be provided in private facilities, except that institutional (residential) care may not be provided in private facilities operated for profit.

(g) *Health, Education, and Welfare programs for the handicapped.* In administering the handicapped portion of the Uniformed Services Health Benefits Program, the Executive Director and oversea commanders, or their designees, will make full use of all similar programs administered by or under the cognizance of the Department of Health, Education, and Welfare and determined by appropriate officials of that department to be available for such use.

(h) *Plans for the management of dependents with handicapping conditions—*

(1) *Approval of plans.* A plan for management of the handicapping condition, including estimated costs, must be reviewed and approval by the Executive Director or appropriate oversea commander before services are provided under the handicapped program. Factors to be considered by the approving official include—

(i) Whether the services could be provided more effectively or economically elsewhere under the program.

(ii) Whether the handicapped dependent will significantly benefit from the proposed plan.

(2) *Procedure for obtaining benefits for handicapped dependents.* (i) Normally, the sponsor or other responsible family member will forward a request for acceptance of the dependent under the handicapped program to the Executive Director or oversea commander. The request will include the following information:

(a) Name, grade, service number, branch of service, and duty assignment of the sponsor.

(b) Name and address of the dependent. If in an institution, the name and address of the institution.

(c) Age and relationship of the dependent to the sponsor.

(d) A signed statement by a physician giving the diagnosis, history of the dependent's disability, present condition, prognosis, and a recommended plan for management of the condition, including estimated costs.

(ii) The Executive Director or oversea commander will review the case, determine whether the dependent qualifies for handicapped benefits, and notify the sponsor or family member of his decision. In approved cases, a list of appropriate facilities capable of providing the required services will be included when indicated.

(iii) For services in other than a public facility in the United States to be payable under the program, the sponsor or other responsible family member must obtain a statement from a public official that the services are not available in public facilities and the statement attached to the claim for services provided by the private facility. Statements by public officials that public facilities are not available shall continue in effect as follows:

(a) For 1 year from the date of issuance (at that time, application must be made for a new statement); or

(b) Upon declaration by a public official that public facilities are available at an earlier date; or

(c) Upon transfer of the service member from a State or area, provided the handicapped dependent departs with the sponsor. In such cases, if continued care for the handicapped dependent is required, the sponsor or other responsible family member must reapply to the Executive Director or oversea commander as outlined in subdivision (i) of this subparagraph.

(iv) Payment for services obtained prior to approval of a plan for management of the handicapping condition may be made under the following conditions:

(a) When a plan is approved subsequent to January 1, 1967, and it is determined that it could have been approved on that date, payment may be made for the Government's portion of the cost of services on a retroactive basis to January 1, 1967.

(b) The Executive Director or oversea commanders, or their designees, may make exceptions to the requirement for approval of a plan prior to the beginning of such services in order to avoid undue hardship in a particular case or in order not to penalize a source of care which has acted in good faith.

(v) In long-term cases, the plan for management of the condition will be reviewed by the Executive Director or the oversea commander on an annual basis. Services will not be discontinued in such cases without prior coordination with the appropriate Surgeon General. The sponsor or other responsible family member will be notified of any changes in an approved plan which are made as the result of such review.

(3) *Exception.* The requirements of subparagraphs (1) and (2) of this paragraph are not applicable when services for the handicapped are obtained through one or more programs operated by or under the cognizance of the Department of Health, Education, and Welfare.

(i) *Payment for services.* Providers of authorized services and supplies under the handicapped program normally will submit claims, including transportation charges incident to the institutional care, to the appropriate fiscal agent (see § 577.70), the appropriate oversea commander, or the Executive Director. Pending revision of existing claim forms, claims for inpatient services will be submitted on DA Form 1863–1 and claims for outpatient services on DA Form 1863–2. Claims for prescription drugs must be supported by a copy of the prescription. When the new form becomes available, it will be used by all sources of benefits for submitting claims.

(1) *Government's share of costs.* The Government's share of the cost of benefits provided a particular dependent under the handicapped program shall not exceed $350 per month except as provided in subparagraph (2)(ii) of this paragraph.

(2) *Member's share of costs.* (i) If the cost of services provided his dependent under the handicapped program in a particular month is less than the amount shown for his pay grade in figure 1, the entire transaction shall be a matter between the member and the source of benefits. When the cost exceeds that amount, the service member shall be required to pay the amount shown for his pay grade in figure 1, plus that amount, if any, in excess of the total of his payment plus the Government's payment of $350.

(ii) When a service member has two or more dependents incurring expenses in a given month under the handicapped program, he shall not be required to pay an amount greater than he would be required to pay if he had but one such dependent. Such a member shall be charged on the basis of his dependent incurring the least expense under the handicapped program.

(iii) The amount as computed above shall be paid by the service member to the primary source of care. If the dependent is institutionalized, the primary source of care is the institution. If the dependent is not institutionalized, the primary source is the individual or facility responsible for directing the regimen of treatment being received by the dependent (e.g., day school, occupational day center, or attending physician).

(iv) If no single source of care provides services for which the charges in 1 month are equal to, or greater than, the monthly amount payable by the service member, the member shall pay the respective sources of care until he has satisified his liability and shall obtain a receipt therefor which shall be attached to the claim by one of the sources of supplies and services whose charges have not been paid by the member.

FIGURE 1—SLIDING SCALE OF MONTHLY PAYMENTS BY ACTIVE DUTY MEMBER FOR CARE OF HANDICAPPED DEPENDENTS

Pay grade	Amount
E–1	$25
E–2	25
E–3	25
E–4	25
E–5	25
E–6	30
E–7	35
E–8	40
E–9	45
W–1	45
W–2	45
W–3	50
W–4	50
O–1	35
O–2	40
O–3	45
O–4	50
O–5	65
O–6	75
O–7	100
O–8	150
O–9	200
O–10	250

(3) *Care for other than the handicapping conditions.* When a dependent who is receiving civilian benefits under the handicapped program requires authorized care from civilian sources which is not specifically required because of his handicapping condition, the normal cost-sharing provisions of § 577.65(1) apply for such care. Exceptions to the foregoing may be made by the Executive Director or oversea commander in unusual cases, using the cost-sharing arrangements of subparagraph (2) of this paragraph, with due regard being given to the best interests of the Government and the service member and the efficient administration of the program.

(4) *Claims for reimbursement.* If the service member pays the source of care for services and supplies and thereafter seeks reimbursement, he will follow the procedure outlined in § 577.65(1) (7) and (8), except that—

(i) Claims for reimbursement for treatment of physically and mentally

handicapped dependents shall be submitted separately from claims for other authorized care under the Civilian Health and Medical Program of the Uniformed Services; and

(ii) The amount reimbursable to the service member shall be computed, subject to the amount payable by him, on a monthly basis as set forth in subparagraph (2) of this paragraph. Claims for reimbursement submitted by service members for treatment of handicapped dependents will reflect that the supplies and services for which the member paid specifically relate to such care.

(iii) When submitting a claim for reimbursement for the use of public commercial or private transportation as authorized by paragraph (d)(13) of this section, the service member will document his expenses and initially obtain a statement from the institution in which his dependent is receiving institutional care to the effect that transportation is required for the care of the patient. For private transportation, speedometer readings must be shown.

(j) *CHAMPUS Information Center.* (1) The Executive Director, Office for the Civilian Health and Medical Program of the Uniformed Services, maintains a current directory of specialized care programs, facilities, and services for the handicapped in the United States, Puerto Rico, Canada, and Mexico. To the extent possible, the directory includes the name and address of the facility, the types of services provided, handicapping conditions treated, admission or eligibility requirements, and estimated charges.

(2) Information may be obtained from the directory, upon request, by service families, uniformed services facilities, and authorized private and public agencies.

(3) The directory will serve as a central source of information for the uniformed services, civilian personnel, and voluntary workers in community service programs operating at the local level.

(k) *Special educational services overseas.* Oversea commanders are authorized to contract with qualified personnel under the Uniformed Services Health Benefits Program for special educational services for mentally retarded and physically handicapped spouses and children of active duty military personnel as an adjunct to the educational program in oversea dependent schools.

§ 577.68 Transportation.

(a) *Aeromedical evacuation.* Movement of uniformed services patients by aeromedical evacuation is governed by the following regulations:

(1) AR 40–350/BUMEDINST 6320.1B/AFR 160–107/PHS GEN CIR NO. 14 (Medical Regulating to and Within the Continental United States).

(2) AFR 164–1/AR 40–535/OPNAVINST 4630.9B/MCO P4630.9 (Worldwide Aeromedical Evacuation).

(3) AFR 76–15/AR 59–12/OPNAVINST 4630.12B/MCO 4630.7 (Movement of Traffic by the Single Manager Operating Agency for Airlift Service (MATS)).

(4) AR 96–20/OPNAVINST 4630.10/AFR 76–6A (Responsibilities and Policies for Movement of Traffic on Other Than Military Air Transport Service Scheduled Aircraft).

(b) *Ambulance service.* Retired members and dependents are authorized ambulance service in accordance with the provisions of § 577.64(e)(11) and § 577.65(b)(4).

(c) *Transportation for the purpose of obtaining medical care.* Transportation of dependents of active duty members of the uniformed services who are accompanying their sponsor outside the United States is authorized for the purpose of obtaining medical care not locally available, including transportation of necessary attendants, in accordance with the provisions of the Joint Travel Regulations, volume 1, chapter 6, part I, and chapter 7, part C, paragraph M 7107.

(d) *Transportation for handicapped dependents.* Transportation of spouses and children of active duty members of the uniformed services in connection with institutional care is authorized in accordance with the provisions of § 577.67(d)(13).

§ 577.69 The Federal Medical Care Recovery Act (42 U.S.C. 2651–2653).

(a) *Special notification—injury cases.* Sections 2651 through 2653, title 42, United States Code, require the Government to recover from third persons the reasonable cost of hospital, medical, surgical, or dental care which is provided at Government expense to persons who are injured under circumstances creating tort liability upon some third person.

(b) *Notification by member.* All uniformed services personnel will be instructed to notify their commanding officers of all accidents involving injury to themselves or their dependents by a third person when the individual is treated for such injury in a uniformed services medical facility or in a civilian medical facility at Government expense. The service member will provide all facts and circumstances pertaining to such incidents. In addition, the commander of a uniformed services medical facility where an injured beneficiary of the uniformed services is treated will notify the appropriate staff judge advocate, or in the case of beneficiaries of the Public Health Service, the General Counsel, Department of Health, Education, and Welfare, as prescribed in regulations of the individual services.

§ 577.70 Fiscal agents for payment of outpatient charges and claims for reimbursement for costs of inpatient and outpatient care in the United States, Puerto Rico, Canada, and Mexico.

ALABAMA

Mutual of Omaha Insurance Co., Post Office Box 1298, Omaha, Nebr. 68101.

ALASKA

Washington Hospital Service Association, 601 Broadway or Post Office Box 327, Seattle, Wash. 98111.

ARIZONA

Arizona Blue Shield Medical Service, 331 West Indian School Road or Post Office Box 13466, Phoenix, Ariz. 85002.

ARKANSAS

Arkansas Medical Society, 218 Kelley Building or Post Office Box 1208, Fort Smith, Ark. 72902.

CALIFORNIA

California Physicians' Service, 720 California Street, San Francisco, Calif. 94108.

CANADA

Executive Director, Office of the Civilian Health and Medical Program of the Uniformed Services, Office of The Surgeon General, U.S. Army, Denver, Colo. 80240.

COLORADO

Colorado Medical Service, Inc., 244 University Boulevard, Denver, Colo. 80206.

CONNECTICUT

Connecticut Medical Service, Inc., 221 Whitney Avenue or Post Office Box 755, New Haven, Conn. 06503.

DELAWARE

Blue Cross & Blue Shield of Delaware, Inc., 201 West 14th Street, Wilmington, Del. 19899.

DISTRICT OF COLUMBIA

(Includes District of Columbia, Prince Georges, and Montgomery Counties, Md., and Arlington and Fairfax Counties, Va., and the city of Alexandria, Va.)
Medical Service of the District of Columbia, 1021 14th Street NW., Washington, D.C. 20005.

FLORIDA

Blue Shield of Florida, Inc., 532 Riverside Avenue or Post Office Box 1798, Jacksonville, Fla. 32201.

GEORGIA

Medical Association of Georgia, 938 Peachtree Street NE., Atlanta, Ga. 30309.

HAWAII

Hawaii Medical Service Association, 1504 Kapiolani Boulevard or Post Office Box 860, Honolulu, Hawaii 96814.

IDAHO

North Idaho District Medical Service Bureau, Inc., 201 Breier Building, Lewiston, Idaho 83501.

ILLINOIS

Mutual of Omaha Insurance Co., Post Office Box 1298, Omaha, Nebr. 68101.

INDIANA

Indiana State Medical Association, 3935 North Meridian Street, Indianapolis, Ind. 46208.

IOWA

Iowa Medical Society, 1001 Grand Avenue, West Des Moines, Iowa 50265.

KANSAS

Kansas Physicians' Service, 1133 Topeka Boulevard, Topeka, Kans. 66601.

KENTUCKY

Kentucky Physicians' Mutual, Inc., 3101 Bardstown Road, Louisville, Ky. 40205.

LOUISIANA

Continental Service Life & Health Insurance Co., 5353 Florida Boulevard or Post Office Drawer 2906, Baton Rouge, La. 70821.

MAINE

Associated Hospital Service of Maine, 509 Forest Avenue, Portland, Maine 04101.

MARYLAND

(Excludes Prince Georges and Montgomery Counties which are served by the fiscal agent for the District of Columbia.)
Maryland Medical Service, Inc., 7800 York Road, Baltimore, Md. 21208.

MASSACHUSETTS

Massachusetts Medical Service, 133 Federal Street, Boston, Mass. 02106.

MEXICO

Executive Director, Office for the Civilian Health and Medical Program of the Uniformed Services, Office of The Surgeon General, U.S. Army, Denver, Colo. 80240.

MICHIGAN

Michigan Medical Service, 441 East Jefferson Avenue, Detroit, Mich. 48226.

MINNESOTA

Minnesota State Medical Association, 496 Lowry Medical Arts Building, St. Paul, Minn. 55102.

MISSISSIPPI

Mississippi State Medical Association, 735 Riverside Drive, Jackson, Miss. 39216.

MISSOURI

Missouri Medical Service, 3615 Olive Street, St. Louis, Mo. 63108.

MONTANA

Montana Physicians' Service, 404 Fuller Avenue or Post Office Box 1677, Helena, Mont. 59601.

NEBRASKA

Nebraska Medical Service, 518 Kilpatrick Building, Omaha, Nebr. 68102.

NEVADA

Nevada State Medical Association, 3660 Baker Lane, Reno, Nev. 89502.

NEW HAMPSHIRE

New Hampshire-Vermont Physician Service, 1 Pillsbury Street, Concord, N.H. 03301.

NEW JERSEY

Medical-Surgical Plan of New Jersey, 500 Broad Street or Post Office Box 262, Newark, N.J. 07102.

NEW MEXICO

Surgical Service, Inc., of New Mexico, 202 Morningside Drive SE., Albuquerque, N. Mex. 87108.

NEW YORK

Medical Society of the State of New York, 750 Third Avenue, New York, N.Y. 10017.

NORTH CAROLINA

Hospital Saving Association of North Carolina, Inc., Chapel Hill, N.C. 27514.

NORTH DAKOTA

State Medical Society of Wisconsin, 330 East Lakeside Street, Madison, Wis. 53705.

OHIO

Mutual of Omaha Insurance Co., Post Office Box 1298, Omaha, Nebr. 68101.

OKLAHOMA

Oklahoma Physicians' Service, 1215 South Boulder Avenue or Post Office Box 1738, Tulsa, Okla. 74102.

OREGON

Executive Office, Oregon Physicians' Service, 619 Southwest 11th Avenue, Portland, Oreg. 97205, or Post Office Box 1071, Portland, Oreg. 97207.

PENNSYLVANIA

Medical Service Association of Pennsylvania, Blue Shield Building, Camp Hill, Pa. 17011.

PUERTO RICO

Mutual of Omaha Insurance Co., Post Office Box 1298, Omaha, Nebr. 68101.

RHODE ISLAND

Mutual of Omaha Insurance Co., Post Office Box 1298, Omaha, Nebr. 68101.

SOUTH CAROLINA

Mutual of Omaha Insurance Co., Post Office Box 1298, Omaha, Nebr. 68101.

SOUTH DAKOTA

South Dakota Medical Service, Inc., 711 North Lake Avenue, Sioux Falls, S. Dak. 57104.

TENNESSEE

Tennessee Hospital Service Association, 707 Chestnut Street, Chattanooga, Tenn. 37402.

TEXAS

Mutual of Omaha Insurance Co., Post Office Box 1298, Omaha, Nebr. 68101.

UTAH

Blue Shield of Utah, 2455 Parley's Way or Post Office Box 270, Salt Lake City, Utah 84110.

VERMONT

New Hampshire-Vermont Physician Service, 1 Pillsbury Street, Concord, N.H. 03301.

VIRGINIA

(Excludes Arlington and Fairfax Counties, and the city of Alexandria which are served by the fiscal agent for the District of Columbia.)
Virginia Medical Service Association, 4010 West Broad Street, Richmond, Va. 23230.

WASHINGTON

Washington Physicians' Service, 1800 Terry Avenue, Seattle, Wash. 98101.

WEST VIRGINIA

Medical-Surgical Care, Inc., 208 Union Trust Building, Parkersburg, W. Va. 26101.

WISCONSIN

State Medical Society of Wisconsin, 330 East Lakeside Street, Madison, Wis. 53705, or Post Office Box 1109, Madison, Wis. 53701.

WYOMING

Wyoming Medical Service, Inc., 1420 House Avenue or Post Office Box 2266, Cheyenne, Wyo. 82001.

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67–4759; Filed, Apr. 28, 1967; 8:45 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER M—RULES AND REGULATIONS FOR THE ADMINISTRATION OF GRANTS

PART 52—GRANTS FOR SUPPORT OF RESEARCH RELATED TO AUTHORIZED BUREAU OF MINES PROGRAMS

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of this Part 52 since it relates solely to grants for scientific research and development projects.

Effective date. These regulations shall become effective on the date of publication in the FEDERAL REGISTER.

WALTER R. HIBBARD, Jr.,
Director, Bureau of Mines.

The new Part 52 reads as follows:

Subpart A—General

Sec.
52.1 Purpose.
52.2 Bureau of Mines' responsibility.
52.3 Definition of terms.
52.4 Purpose of making, and entities eligible to receive grants.

Subpart B—Applications for Grants

52.5 Manner of submission.

Subpart C—Approval of Applications and Limitations

52.6 Return of defective submissions.
52.7 Requirements for approval.
52.8 Limitations.

Subpart D—Fiscal and Accounting

52.9 Procedure for obtaining payments.
52.10 Cost computation principles.
52.11 Title to property.
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Subpart E—Progress and Accomplishment Reports

52.13 Project completion or termination reports.
52.14 Special reports.
52.15 Acknowledgment of Federal Government participation.

Subpart F—Consultation and Coordination

52.16 Cooperation.
52.17 Advice, assistance, and coordination.

Subpart G—Audits and Inspections

52.18 Introduction.
52.19 Audits.
52.20 Inspections.

AUTHORITY: The provisions of this Part 52 issued under P.L. 89–672, 80 Stat. 951, and P.L. 85–934, 72 Stat. 1793, 42 U.S.C. 1891–1893.

Subpart A—General

§ 52.1 Purpose.

The regulations in this part are issued pursuant to P.L. 85–934 (72 Stat. 1793, 42 U.S.C. 1891) to provide uniform procedures for the award and administration of grants for scientific research in furtherance of the Bureau's programs as authorized by the Acts.

§ 52.2 Bureau of Mines' responsibility.

The Secretary of the Interior has delegated to the Director, Bureau of Mines, authority to take the actions and make the determinations that are the responsibility of the Secretary.

§ 52.3 Definition of terms.

As used in this subchapter, the terms:

(a) "Secretary" means the Secretary of the Interior.

(b) "Director" means the Director, Bureau of Mines.

(c) "Bureau" means the Bureau of Mines.

(d) "Fiscal year" means a 12-month period ending on June 30.

(e) "Act" means Public Law 85-934 (72 Stat. 1793, 42 U.S.C. 1891-1893).

§ 52.4 Purpose of making, and entities eligible to receive grants.

(a) Subject to the availability of appropriated funds, grants may be made pursuant to section 1 of the Act, for the conduct of scientific or technological research into any aspect of the problems related to the programs of the Bureau which are authorized by statute.

(b) Grants may be made to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research.

Subpart B—Applications for Grants

§ 52.5 Manner of submission.

(a) An application should be submitted in an original and five copies to the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240. A separate application must be submitted for each project.

(b) The application should include a statement as to the nature of the organization, its officers, principal business, experience, and special qualifications for conducting the project for which application is being made.

(c) Information required with application: Applications shall be in the form of proposals to undertake specific projects. Such proposals shall set forth for each project:

(1) The nature and scope of the project to be undertaken.

(2) The period during which it shall be pursued.

(3) The name and qualifications of the person who will direct the project.

(4) The number and general qualifications of the personnel who will work on the project, with the name, education, experience, and accomplishments of the principal scientist who will be assigned to it.

(5) The location or locations at which the project will be pursued.

(6) The relation of the project to other known research projects theretofore pursued or currently being pursued by the applicant and by others.

(7) The extent to which the project will provide opportunity for the training of scientists.

(8) A financial plan setting forth cash requirements subdivided between grant and non-Federal funds:

(i) For each quarter of the first fiscal year, and

(ii) For each subsequent fiscal year during the proposed life of the project.

(9) The financial plan will include:

(i) The amount requested for direct expenses, by category of direct expense.

(ii) The amount requested for indirect expenses related to the requested direct expenses.

(iii) The total grant request.

(iv) The additional amount which the grantee proposes as its contribution from non-Federal sources.

(10) The facilities that will be devoted to the project.

(11) The salient points of the plan that will be followed in pursuing the project, including a financial plan in which expenditures are related to activity and rate of effort to be expended.

(12) The intended method of publishing the results of the project on a timely basis.

(13) The basis for a determination that the project could not be undertaken without the grant for which application is made.

(14) Assurance that, if the grant is made, the required funds from the non-Federal sources will be forthcoming.

(15) Information as to whether the project or part of the project has been or will be submitted to organizations other than the Bureau for the purpose of obtaining a grant.

Subpart C—Approval of Applications and Limitations

§ 52.6 Return of defective submissions.

Upon receipt of an application for a grant pursuant to the Act, the Director shall determine whether the submission conforms to the requirements of § 52.5. Nonconforming submissions will be returned with statements of the reasons for their return.

§ 52.7 Requirements for approval.

The Director may approve proposals submitted under this Part 52 after determining:

(a) The applicant is a bona fide organization that has qualifications necessary to perform the work.

(b) The proposal was properly signed by the applicant or its duly authorized agent.

(c) The research to be undertaken is related to the programs of the Bureau.

(d) Such research is desirable and covers aspects of problems not otherwise being studied.

(e) A reasonable relationship exists between the cost to the Government and the probable results to be achieved.

(f) The applicant has expressed a willingness to enter into a research project agreement acceptable to the Director.

§ 52.8 Limitations.

(a) Any grant made under the Act shall contain provisions effective to insure that all information, uses, processes, patents, and other developments resulting from any activity taken pursuant to such grant will be made readily available on fair and equitable terms to industries engaging in furnishing devices, facilities, equipment, and supplies to be used in connection with such developments. In carrying out this provision, the Bureau will make use of and adhere to the Statement of Government Patent Policy promulgated by the President's memorandum of October 10, 1963.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88-352) which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (sec. 601) and to the implementing regulation issued by the Secretary of the Interior with the approval of the President (43 CFR Part 17).

(c) Any grant for a project which involves a federally assisted construction contract, as defined in Executive Order 11246, September 24, 1965 (30 F.R. 12319), shall be subject to the condition that the grantee shall comply with the requirements of said Executive order and with applicable rules, regulations, and procedures prescribed pursuant thereto.

(d) Any grant made under the Act shall contain provisions effective to insure that the Bureau may from time to time disseminate in the form of reports or publications to public or private agencies or organizations, or individuals such information as the Director deems desirable on the research carried out pursuant to such grant.

Subpart D—Fiscal and Accounting

§ 52.9 Procedure for obtaining payments.

(a) After the grant agreement has been formally signed, payments of grant funds to the grantee will be made on public vouchers prepared, signed, and submitted by the grantee in three copies to the Director. Such vouchers will provide for amounts to be paid to the grantee as funds are required for expenditures under an approved financial plan.

(b) In the case of matching grants, the grantee will also submit evidence that a proper relationship is being maintained between expenditures of grant and non-Federal funds.

(c) When applicable, payments will be made under Letter of Credit procedures prescribed by Treasury Circular No. 1075.

§ 52.10 Cost computation principles.

(a) The cost computation principles prescribed in this section shall be utilized in the cost accounting required with respect to grants under the Act to provide evidence that the recipient has discharged the obligation it assumed, when accepting these funds, to expend them solely for costs necessary for the accomplishment of the work for which they were received. These principles will also be applied in accounting for costs financed with non-Federal funds where those costs pertain to programs financed in part by grants under the Act.

(b) Basic cost formulas: Costs will be computed:

(1) By educational institutions, in accordance with Bureau of the Budget Circular A-21, as revised.

(2) By all entities other than educational institutions, in accordance with the Federal Procurement Regulations (second edition) (41 CFR 1-15.2).

§ 52.11 Title to property.

(a) Title to property purchased with funds from non-Federal sources used in the research activity under the Act shall be vested in the grantee.

(b) Title to property purchased with grant funds shall vest in the Government unless the Director determines, in accordance with section 2 of the Act, that vesting title in the grantee would further the objectives of the Bureau.

§ 52.12 Accounting records.

(a) Recipients of funds under the Act, shall be responsible for maintaining books of account that clearly, accurately, and currently reflect the financial transactions involving grants financed under the Act and also transactions financed with matching funds from sources other than the Federal Government. In addition, they shall maintain files of all papers necessary to explain and prove the validity of the transactions recorded.

(b) Such records, with all supporting and related documents shall, at all reasonable times, be made available, upon request, for inspection and audit by representatives of the Secretary and of the Comptroller General of the United States.

(c) Records relating to each grant shall be retained and made available until the expiration of 3 years after the grantee's last disbursement of such funds.

(d) The books and records maintained shall include a record of all property:

(1) Received from the Federal Government.

(2) Charged as a cost of activities financed with funds provided by the Act.

(3) Included in costs paid with non-Federal funds to match grant funds.

(e) An accountability record shall be maintained for all items of property that have expected useful service life of more than 1 year and have an acquisition cost of $100 or more.

(f) Grantees shall include the following provision in any contract for services, equipment, or supplies they make that requires payments exceeding $2,500 from funds furnished under the Act or non-Federal funds used to match such Federal funds:

> Representatives of the Secretary of the Interior or of the Comptroller General of the United States shall, until the expiration of 3 years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers, and records relating to this contract.
>
> For the purposes of this requirement, contracts for public utility services at rates established for uniform applicability to the general public are excluded.

Subpart E—Progress and Accomplishment Reports

§ 52.13 Project completion or termination reports.

(a) Recipients of funds under the Act are encouraged to publish as technical literature, the findings, results, and conclusions relating to separately identifiable projects. Five copies of such documents shall be furnished to the Director, together with supplementary information suitable for project documentation purposes.

(b) If a publication such as is described in paragraph (a) of this section has not been prepared with respect to a specific research project, recipients of the Act shall, in conjunction with the completion or termination of the project, prepare a report which sets forth the findings, results, and conclusions relating to such project. Five copies of the report shall be furnished to the Director, together with supplementary information suitable for project documentation purposes.

§ 52.14 Special reports.

All organizations and individuals receiving funds under grants made pursuant to the Act shall submit such reasonable special or interim reports as may from time to time be specifically requested by the Director.

§ 52.15 Acknowledgment of Federal Government participation.

Appropriate acknowledgment shall be given by grantees to the Bureau of Mines' participation in financing research carried out under provisions of the Act. Such acknowledgment shall be included in publications, news releases, and other information media developed to publicize, describe, or report upon research activities and accomplishments carried out in whole or part with funds received under provisions of the Act.

Subpart F—Consultation and Coordination

§ 52.16 Cooperation.

The Director shall encourage and assist in the establishment and maintenance of cooperation by and between grantees and between them and other research organizations, the U.S. Department of the Interior, and other Federal establishments.

§ 52.17 Advice, assistance, and coordination.

The Director shall furnish such advice and assistance as he believes will best carry out the mission of the Bureau, participate in coordinating all research initiated under this Act, and indicate the lines of inquiry which seem to him most important.

Subpart G—Audits and Inspections

§ 52.18 Introduction.

Representatives of the Secretary and of the Comptroller General of the United States may conduct on-site audits and inspections of grantees which have received Federal funds pursuant to the Act.

§ 52.19 Audits.

Audits conducted at the direction or on behalf of the Secretary will extend to a determination and appropriate finding of fact concerning compliance with the provisions of the grant, the regularity and accuracy of financial transactions and recording, adequacy of property accountability and internal control, and reliability of financial reporting. As a part of such audits, examinations will be made on a selective basis to determine that matching funds have been received and properly expended by recipients of matching-fund grants under the Act and that grantees maintain a proper relationship between costs paid with funds provided under the Act. Professional audit techniques will be applied, and accepted principles of business administration will be the governing criteria.

§ 52.20 Inspections.

In relation to the substantive scientific research operations of grantees the Director may, with such personnel as he considers qualified and with such procedures as he determines to be suitable, perform inspections of activities authorized and financed pursuant to the Act. Such inspections will cover acceptability of progress, consistency with approved plans, and other factors the Director deems important to enable him to discharge his responsibilities for achievements consistent with purposes of the Act.

[F.R. Doc. 67-4758; Filed, Apr. 28, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4197]

[Washington 05200]

WASHINGTON

Partial Revocation of Lighthouse Withdrawal

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Except as provided in paragraph 4, Executive Order No. 5630 of May 25, 1931, reserving lands for lighthouse purposes, is hereby revoked so far as it affects the following described land:

WILLAMETTE MERIDIAN

T. 34 N., R. 2 W.,
Sec. 8, lot 7.

The area described contains 33.75 acres in San Juan County.

2. Until 10 a.m. on October 23, 1967, the State of Washington shall have a preferred right of application to select the land as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 23, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location for nonmetalliferous minerals at 10 a.m. on October 23, 1967. They have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

4. A lighted aid to navigation has been erected by the United States upon the lands. This improvement, together with 1 acre, more or less, necessary for the maintenance and operation thereof and an access way thereto, are retained by the United States from the foregoing revocation of Executive Order No. 5630. This tract, together with the access way thereto, is identified upon the records of the Bureau of Land Management at Portland, Oreg., and at Spokane, Wash., and is delineated upon the ground.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4760; Filed, Apr. 28, 1967; 8:45 a.m.]

[Public Land Order 4198]

[Idaho 834]

IDAHO

Revocation of Withdrawals for National Forest Administrative Sites and Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental order of October 26, 1908, Public Land Order 1374, of December 20, 1956, and Public Land Order No. 1564, of December 12, 1957, withdrawing national forest lands as administrative sites and a recreation area are hereby revoked so far as they affect the following described lands:

BOISE MERIDIAN

PAYETTE NATIONAL FOREST

Hays Station Administrative Site

T. 22 N., R. 7 E.,
In secs. 13, 14, 23, and 24, a tract of land described by metes and bounds, as described in D.O. of 1908, and containing approximately 54 acres.

Nelson Point Lookout Administrative Site

T. 23 N., R. 7 E.,
Sec. 10, NE¼ (unsurveyed).

Pilot Peak Lookout Administrative Site

T. 21 N., R. 8 E.,
Sec. 7, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼ (unsurveyed).

SALMON NATIONAL FOREST

Sheep Horn Lookout Administrative Site

T. 18 N., R. 20 E.,
Sec. 15, NE¼NW¼SW¼.

Horse Creek Hot Springs Recreation Area

T. 25 N., R. 17 E.,
Sec. 15, W½NE¼, E½NW¼SE¼, W½NE¼SE¼, E½SW¼SE¼, and W½SE¼SE¼;
Sec. 22, NE¼NE¼.

The areas described aggregate approximately 584 acres in Idaho, Lemhi, and Valley Counties.

2. Subject to the provisions of existing withdrawals, at 10 a.m. on May 30, 1967, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4761; Filed, Apr. 28, 1967; 8:45 a.m.]

[Public Land Order 4199]

[Anchorage 063868]

ALASKA

Partial Revocation of Public Land Order No. 47 of October 12, 1942

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 47 of October 12, 1942, withdrawing public lands in Alaska for military purposes is hereby revoked so far as it affects the following described lands:

SEWARD MERIDIAN

T. 12 N., R. 4 W.,
Sec. 5, E½;
Sec. 8, W½NE¼ and lots 1 and 4 to 7, inclusive.

The areas described aggregate 549.55 acres. A microwave repeater station, access roads, and power distribution lines have been constructed by the United States upon the lands. These improvements, together with sufficient land necessary for the maintenance, and operation thereof, are retained by the United States from the foregoing revocation of Public Land Order 47. These tracts are identified in the records of the Bureau of Land Management in Anchorage, Alaska, and are delineated upon the ground.

2. Until 10 a.m. on July 24, 1967, the State of Alaska shall have a preferred right to select the lands as provided by Section 6(g) of the Alaskan Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9. After that time the lands shall be open to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 24, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4762; Filed, Apr. 28, 1967; 8:45 a.m.]

[Public Land Order 4200]

[Oregon 590]

OREGON

Powersite Restoration No. 666; Powersite Cancellation No. 255; Partial Revocation of Certain Powersite Withdrawals and Opening of Land

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, Note), and in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-519-Oregon, it is ordered as follows:

1. The Executive Orders of March 17, 1913, and May 19, 1913, establishing Powersite Reserve No. 344, and the departmental order of November 24, 1922, creating Powersite Classification No. 51, Oregon No. 5, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 30 S., R. 33 E.,
Sec. 10, NE¼SE¼;
Sec. 23, NE¼NW¼ and SW¼SE¼;
Sec. 25, SE¼NW¼, NW¼SW¼SW¼, S½SW¼SW¼, S½NE¼SE¼, and NW¼SE¼;
Sec. 26, W½NW¼NE¼, NW¼NE¼SE¼, and S½NE¼SE¼.
T. 31 S., R. 33 E.,
Sec. 2, lots 2, 3, and 4;
Sec. 3, lots 1, 2, 3, 7, and 8;
Sec. 10, N½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 11, lots 1, 2, 3, 4, 6, and 7;
Sec. 14, lot 2;
Sec. 26, lots 1, 4, and 5.
T. 30½ S., R. 34 E.,
Sec. 29, lot 2 and SW¼NE¼;
Sec. 30, lot 1;
Sec. 31, lots 2, 3, and 4, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼.
T. 31 S., R. 34 E.,
Sec. 6, lots 2, 5, 6, and 7, SW¼NE¼, E½SW¼, and W½SE¼;
Sec. 7, lots 1, 2, 3, and 4, W½E½, and E½W½;
Sec. 18, lots 1, 2, 3, and 4, W½E½, and E½W½;
Sec. 19, E½ and E½W½;
Sec. 20, W½SW¼;
Sec. 30, lots 2 and 3, NE¼, E½NW¼, and W½SE¼;
Sec. 31, lot 3 and E½NW¼.

The areas described, including the public and nonpublic lands, aggregate 3,750.94 acres in Harney County, of which the SW¼SE¼, sec. 23, T. 30 S., R. 33 E., and lots 2, 3, 4, and E½SW¼, sec. 31, T. 30½ S., R. 34 E., are patented lands.

The lands are situated about 50 miles southeast of Burns, Oreg. Soils are silty clay loam mixed with rock and gravel. Vegetation consists of western juniper, bluebunch wheatgrass, sagebrush and other native shrubs, forbs, and grasses.

2. In DA-519-Oregon, the Federal Power Commission determined that the power value of the following described lands, withdrawn in Powersite Reserve No. 344, will not be injured or destroyed by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act:

WILLAMETTE MERIDIAN

T. 30 S., R. 33 E.,
Sec. 25, N½NE¼SE¼ and NE¼SW¼SW¼;
Sec. 26, E½NW¼NE¼ and NE¼NE¼SE¼.

The areas described aggregate 60 acres in Harney County.

3. At 10 a.m. on May 30, 1967, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 30, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Any disposals of the lands described in paragraph 2, above, shall be subject to the provisions of section 24 of the Federal Power Act of June 10, 1920, supra, as specified by the Federal Power Commission in its determination DA-519-Oregon.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

The State of Oregon has waived the preference rights granted under R.S. 2276, as amended (43 U.S.C. 852), and under section 24 of the act of June 10, 1920 (16 U.S.C. 818), as amended.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4763; Filed, Apr. 28, 1967; 8:45 a.m.]

[Public Land Order 4201]

[Sacramento 079554]

CALIFORNIA

Powersite Cancellation No. 228; Partial Cancellation of Powersite Classification No. 117

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, Note), it is ordered as follows:

1. The departmental order of October 1, 1925, establishing Powersite Classification No. 117 is hereby cancelled so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 9 W.,
Sec. 6, lots 6 and 7, lot 8 (now lots 18 and 19), lots 11, 13, 14, 15, and 16, N½NE¼SW¼, SW¼NE¼SW¼, and NW¼SE¼SW¼.
Sec. 7, lots 20, 22, and 23, N½NE¼NW¼, and SW¼NE¼NW¼ (formerly lot 2).
T. 34 N., R. 9 W.,
Sec. 31, lot 5, M.L. No. 37, and SW¼SE¼ (S½SE¼), and NE¼SE¼.

The areas described, including the public and nonpublic lands, and lands in the Trinity National Forest, aggregate approximately 343 acres.

The lands are located on the outskirts of Weaverville, Calif. Elevation ranges from 2,200 to 2,500 feet.

2. Until 10 a.m. on October 23, 1967, the State of California shall have a preferred right of application to select the public lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 23, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on May 30, 1967, the national forest lands shall be open to such forms of disposition as may by law be made of such lands.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws, subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4764; Filed, Apr. 28, 1967; 8:45 a.m.]

[Public Land Order 4202]

[Wyoming 0317703]

WYOMING

Revocation of Air Navigation Withdrawal No. 218

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of June 3, 1944, which withdrew the following described public lands as Air Navigation Site Withdrawal No. 218, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 20 N., R. 100 W.,
Sec. 32, E½SW¼SW¼.

Containing 20 acres in Sweetwater County.

The lands are located about 30 miles northeast of Rock Springs near a prominent landmark known as Point of Rocks. The topography is rough and broken. Vegetative cover is primarily a sagebrush-grass association.

2. Until 10 a.m. on October 23, 1967, the State of Wyoming shall have the preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 23, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m. on October 23, 1967. They have been open to applications and offers under the mineral leasing laws.

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo. 82001.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4765; Filed, Apr. 28, 1967; 8:45 a.m.]

[Public Land Order 4203]

[New Mexico 1460, 1452]

NEW MEXICO

Partial Revocation of Public Water Reserve No. 107

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Department of the Interior Interpretation No. 140 of November 11, 1930, is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 S., R. 9 W.,
Sec. 25, S½SW¼.

The area described contains 80 acres in Grant County.

The land is located some 35 miles southeast of Silver City, N. Mex. The terrain is submountainous and the soils are shallow. Vegetal cover consists of mixed grama grasses with scattered oak brush.

2. This revocation so far as it affects the SE¼SW¼, is made in furtherance of an exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), by which the offered lands will benefit a Federal Land Program. This restoration of the SE¼SW¼ is therefore not subject to R.S. 2276 as amended (43 U.S.C. 852), granting the State of New Mexico a preference right to select the lands or any portion thereof.

3. At 10 a.m. on May 30, 1967, the SW¼SW¼ shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 30, 1967, shall be considered as simultaneously filed at that time.

Those received thereafter shall be considered in the order of filing.

4. The SW¼SW¼ will be open to location for nonmetalliferous minerals at 10 a.m. on May 30, 1967. It has been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

The State of New Mexico, as to the SW¼SW¼, has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4766; Filed, Apr. 28, 1967; 8:45 a.m.]

[Public Land Order 4204]

[Anchorage 059534]

ALASKA

Partial Revocation of Public Land Order No. 1552

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1552 of November 7, 1957, withdrawing lands for administration or transfer under the act of May 4, 1956 (70 Stat. 130), is hereby revoked so far as it affects the following described lands:

SEWARD MERIDIAN

DANIELS LAKE

T. 8 N., R. 11 W.,
Sec. 27, lots 4 and 5.

The areas described aggregate 7.63 acres.

2. Until 10 a.m. on July 24, 1967, the State of Alaska shall have a preferred right to select the lands as provided by section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9. After that time the lands shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 24, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Bureau of Land Management, District and Land Office, Anchorage, Alaska.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4767; Filed, Apr. 28, 1967; 8:46 a.m.]

[Public Land Order 4205]

[Nevada 051784]

NEVADA

Revocation of Air Navigation Site Withdrawal No. 235

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of August 18, 1947, which withdrew the following described public lands as Air Navigation Site Withdrawal No. 235, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 24 S., R. 58 E.,
Sec. 23, S½SE¼SE¼.

Containing 20 acres in Clark County.

The lands are located north of Goodsprings, Nev., and are accessible by a dirt road. Topography is nearly level to gently sloping. Vegetative cover consists of typical desert shrubs.

2. At 10 a.m. on May 3, 1967, the lands shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 30, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

[F.R. Doc. 67-4768; Filed, Apr. 28, 1967; 8:46 a.m.]

[Public Land Order 4206]

[New Mexico 1240]

NEW MEXICO

Partial Revocation of Public Land Order No. 2198 of August 26, 1960

By virtue of the authority contained in section 4 of the Act of March 3, 1927 (44 Stat. 1347; 25 U.S.C. 398d) it is ordered as follows:

1. Public Land Order No. 2198 of August 26, 1960, which withdrew lands for Indian use, is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 N., R. 5 W.,
Sec. 35, all.

The area described contains 640 acres.

2. This revocation is made in furtherance of an exchange under Section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by Section 3 of the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g) by which the offered lands will benefit a Federal land program. This restoration is therefore not subject to the provisions of R.S. 2276 as amended (43 U.S.C. 852), granting the State of New Mexico a preference right of application to select the lands or any portion thereof upon revocation of an order of withdrawal.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4769; Filed, Apr. 28, 1967; 8:46 a.m.]

[Public Land Order 4207]

[Sacramento 080349]

CALIFORNIA

Powersite Restoration No. 655; Partial Revocation of Powersite Reserve No. 710

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Executive order of August 22, 1919, creating Powersite Reserve No. 710 is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

All portions of the following described lands within 50 feet of the centerline of the transmission line location of the Pacific Gas & Electric Co.:

T. 22 N., R. 2 E.,
Sec. 36, NW¼NW¼.
T. 22 N., R. 3 E.,
Sec. 6, SE¼SW¼NE¼, unpatented mineral land in NE¼NW¼NE¼, NE¼SE¼SW¼, and W½NW¼SE¼.
T. 19 N., R. 4 E.,
Sec. 7, unpatented land in SW¼;
Sec. 18, unpatented land in NW¼.
T. 18 N., R. 5 E.,
Sec. 21, E½NW¼.
T. 16 N., R. 6 E.,
Sec. 2, N½NE¼ (lots 1 and 2);
Sec. 26, lot 17.
T. 12 N., R. 7 E.,
Sec. 12, lots 2, and 12 (lots 13, 14, 15, and portion M.S. 4598), and mineral lots 49A and 49B.
T. 17 N., R. 7 E.,
Sec. 23, N½;
Sec. 24, lot 1 (lot 9 and E½NW¼NW¼).
T. 10 N., R. 8 E.,
Sec. 20, NW¼NE¼.
T. 12 N., R. 8 E.,
Sec. 17, unpatented land in lot 11 (lots 21 and 24 and portion M.S. 5432).
T. 15 N., R. 8 E.,
Sec. 1, lot 3, unpatented land in lot 4;
Sec. 26, SW¼SW¼.
T. 16 N., R. 6 E.,
Sec. 12, lot 1;
Sec. 31, SE¼SE¼;
Sec. 32, W½W½SW¼SW¼;
Sec. 35, lot 9 and unpatented mineral land in SE¼SW¼.
T. 17 N., R. 8 E.,
Sec. 11, NE¼NW¼NE¼;
Sec. 20, SE¼;
Sec. 22, lot 10.
T. 15 N., R. 9 E.,
Sec. 2, lots 8 and 10.
T. 7 N., R. 10 E.,
Sec. 25, SW¼NE¼.
T. 15 N., R. 10 E.,
Sec. 3, unpatented land in W½ lot 5 in NW¼;
Sec. 4, lots 5 (of NE¼), 9, 18, 19, and 21.

T. 16 N., R. 10 E.,
Sec. 13, lot 9 (unpatented land in SW¼SW¼);
Sec. 23, lots 10, 11, 12, 13, and 14, and NW¼SW¼.
T. 5 N., R. 11 E.,
Sec. 1, lot 11, and unpatented land in W½NW¼ (lot 13);
Sec. 10, lot 2;
Sec. 13, E½NE¼SE¼;
Sec. 25, W½SW¼NW¼ and W½NW¼SE¼;
Sec. 26, lot 10;
Sec. 27, W½SE¼NE¼;
Sec. 36, NW¼NE¼ (lot 2), E½NW¼ (lots 3 and 4, M.S. 5536 and portion M.S. 6517), and E½E½NE¼SW¼.
T. 3 N., R. 12 E.,
Sec. 4, lot 5.
T. 4 N., R. 12 E.,
Sec. 6, lot 7;
Sec. 7, lots 1, 6, and 7.
T. 6 N., R. 12 E.,
Sec. 29, SE¼SW¼.
T. 2 N., R. 13 E.,
Sec. 11, lot 4;
Sec. 13, lots 8 and 9.
T. 3 N., R. 13 E.,
Sec. 19, M.S. 4079–B (lot 10);
Sec. 30, unpatented mineral land in SW¼SE¼;
Sec. 33, lots 5, 7, 9, and 24, and mineral lot 40.
T. 1 N., R. 14 E.,
Sec. 5, lots 2 (lots 17 to 24, inclusive), 3, 6 (lots 29, 30, and 31), 7 (lots 32 to 36, inclusive), and 11;
Sec. 9, lots 9, 15, and 17, and mineral lot 46B, and mineral lot 4 in the NE¼SW¼ and NW¼SE¼;
Sec. 16, lots 1 and 2.
T. 2 N., R. 14 E.,
Sec. 31, lot 13 (portions of lots 15, 16, 19, and M.S. 6307 in NE¼NE¼);
Sec. 32, lots 1, 2 (lot 20), 3 (lot 21), 7, and 9.
T. 1 S., R. 14 E.,
Sec. 2, lots 6, 11, 20, 22, and 23;
Sec. 11, NE¼SE¼ (lot 9);
Sec. 12, NW¼SW¼ (lots 7 and 8 and portion mineral lot 49);
Sec. 13, lots 1, 4, and 5, and SW¼NE¼.
T. 2 S., R. 15 E.,
Sec. 2, NE¼NE¼ (lot 1 and portion mineral lot 39), S½NE¼, E½NW¼ (lot 3 and SE¼NW¼), W½SE¼, and SE¼SE¼;
Sec. 12, lot 3, E½NW¼, W½SE¼, and SE¼SE¼;
Sec. 13, E½NE¼.
T. 1 S., R. 16 E.,
Sec. 20, lots 7, 8, and 9, and SE¼SE¼ (lots 9, 14 to 18, inclusive, and Good Luck Quartz Mine and portion M.S. 5620 A and B);
Sec. 29, NE¼NE¼ (lot 4 and portion M.S. 5620 A and B), and NW¼NE¼ (lot 1);
Sec. 30, SE¼NE¼ (lots 13, 14, and 16), and W½SW¼ (lots 5 and 6) (except patented mineral entries);
Sec. 31, NW¼NW¼ (lot 1).
T. 2 S., R. 16 E.,
Sec. 18, lots 1, 4, and 5, E½SW¼, and SW¼SE¼;
Sec. 19, lots 7, 8, and NW¼NE¼ (lot 10 and portion M.S. 3602);
Sec. 20, lots 1 and 2;
Sec. 29, lot 8.

The area described contains approximately 178 acres.

The lands have either been patented, or are included in other withdrawals, or have been subject to the General Determination of the Federal Power Commission issued April 17, 1922.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4770; Filed, Apr. 28, 1967; 8:46 a.m.]

[Public Land Order 4208]

[New Mexico 0556601]

NEW MEXICO

Withdrawal for Ecological Plot; Partial Revocation of Public Land Order No. 4038

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for an ecological plot:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 S., R. 18 W.,
Sec. 9, SE¼NE¼.

The area described contains 40 acres in Hidalgo County.

2. Public Land Order No. 4038 of June 6, 1966, withdrawing lands under the jurisdiction of the Department of the Interior for ecological plots and a demonstration area is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 S., R. 8 W.,
Sec. 9, SE¼NE¼.

The area described contains 40 acres of nonpublic land.

3. The withdrawal made by paragraph 1 of this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4771; Filed, Apr. 28, 1967; 8:46 a.m.]

[Public Land Order 4209]

[Montana 22 (Minn.)]

MINNESOTA

Restoration of Lands to Tribal Ownership

Whereas, pursuant to the authority contained in R.S. 2382 to 2385 (43 U.S.C. 713–715, 717), the townsite of Sawyer was established upon lands ceded to the United States by the Minnesota Chippewa Tribe (Fond du Lac Band), and

Whereas, there are certain undisposed of lands within the townsite, and

Whereas, the Minnesota Chippewa Tribe and the Commissioner of Indian Affairs have recommended restoration of the townsite lands involved to tribal ownership,

Now, therefore, by virtue of the authority contained in sections 3 and 7 of the act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463a), I hereby find that the restoration to tribal ownership of the lands described below will be in the public interest, and the said lands are hereby restored to tribal ownership of the Minnesota Chippewa Tribe, Minnesota, subject to any valid existing rights:

FOURTH PRINCIPAL MERIDIAN

Townsite of Sawyer

T. 48 N., R. 18 W.,
Block 1, lots 1 and 2;
Block 4, lots 4, 5 and 6;
Block 5, lots 1, 3 and 4;
Block 6, lots 1 to 8, incl.;
Block 7, lots 1, 2 and 3;
Block 9, lots 1 to 6, incl.;
Block 10, lots 3 to 7, incl.

The areas described aggregate 3.87 acres in Carlton County, being a portion of the S½N½SW¼ of section 4.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4772; Filed, Apr. 28, 1967; 8:46 a.m.]

[Public Land Order 4210]

[Oregon 016899, Oregon 017527 (Wash.)]

OREGON AND WASHINGTON

Withdrawal for John Day Wildlife Management Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the John Day Wildlife Management Area of the John Day Lock and Dam Project:

OREGON 016899

WILLAMETTE MERIDIAN, OREGON

T. 5 N., R. 26 E.,
Sec. 28, S½;
Sec. 30, S½SE¼SE¼, and that portion of SW¼SE¼ lying southeasterly of the northwesterly right-of-way line of U.S. Highway 730.

The areas described aggregate approximately 348.37 acres in Morrow County.

WILLAMETTE MERIDIAN, WASHINGTON

T. 5 N., R. 24 E.,
Sec. 34, N½S½SW¼ and N½S½S½SW¼.

T. 5 N., R. 26 E.,
Sec. 12, N½SE¼NW¼, SE¼SE¼NW¼, NE¼SW¼SE¼NW¼, N½NE¼SE¼, E½SE¼NE¼SE¼, NW¼SE¼NE¼SE¼, and NE¼SW¼NE¼SE¼.

The areas described aggregate 122.50 acres in Benton County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the Corps of Engineers, Department of the Army, finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4773; Filed, Apr. 28, 1967; 8:46 a.m.]

[Public Land Order 4211]

[Utah 0149107]

UTAH

Partial Revocation of Phosphate Reserve No. 24

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Executive Order of May 11, 1915, creating Phosphate Reserve No. 24, Utah No. 3, is hereby revoked so far as it affects the following described lands:

UINTAH SPECIAL MERIDIAN

T. 1 N., R. 8 W.,
Secs. 29 to 32, inclusive.

The areas described aggregate approximately 2,560 acres. They are within and a part of the Uintah and Ouray Indian Reservation.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4774; Filed, Apr. 28, 1967; 8:46 a.m.]

[Public Land Order 4212]

[ES-1756]

INDIANA

National Forest Addition and Deletion

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471), and section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby added to and reserved as parts of the national forest as indicated, and shall hereafter be subject to all laws and regulations applicable thereto:

SECOND PRINCIPAL MERIDIAN

HOOSIER NATIONAL FOREST

T. 6 N., R. 3 E.,
Sec. 6, SW¼SW¼.
Containing 40 acres.

2. Public Land Order No. 4160 of February 13, 1967, adding lands to the Hoosier National Forest in Indiana is hereby revoked so far as it affects the following described patented lands:

SECOND PRINCIPAL MERIDIAN

T. 6 N., R. 3 E.,
Sec. 6, SE¼SE¼.
Containing 40 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4775; Filed, Apr. 28, 1967; 8:46 a.m.]

[Public Land Order 4213]

[Oregon 018138 (Wash.)]

WASHINGTON

Revocation of Public Land Order No. 1067

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 1067 of February 9, 1955, which withdrew the following described lands for use of the Department of the Air Force for aviation purposes, as modified by Public Land Order No. 1191, of July 19, 1955, is hereby revoked:

WILLAMETTE MERIDIAN

T. 19 N., R. 28 E.,
Sec. 4, lots 3, 4, S½NW¼, N½SW¼.
T. 20 N., R. 28 E.,
Sec. 28;
Sec. 30, lots 3, 4, NE¼, E½SW¼;
Sec. 32, N½NW¼, SE¼NW¼.

The areas described aggregate 1,319.57 acres in Grant County, of which lots 3, 4, NE¼ and E½SW¼, section 30, T. 20 N., R. 28 E., W.M., are included in a withdrawal application (Ore-018727-Wash.) of the Bureau of Reclamation, as to which the regulations in 43 CFR 2311.1-2 (a) are applicable. The remaining lands and minerals have been transferred to the jurisdiction of the General Services Administration as property subject to disposition under the Federal Property and Administrative Services Act of 1949 (63 Stat. 378; 40 U.S.C. 471), as amended.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4776; Filed, Apr. 28, 1967; 8:46 a.m.]

[Public Land Order 4214]

[Idaho 017112]

IDAHO

Withdrawal for National Forest Administrative Site and Recreational Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

BOISE MERIDIAN

CARIBOU NATIONAL FOREST

Swan Lake Campground

T. 9 S., R. 43 E.,
Sec. 30, SW¼NW¼SE¼, SW¼SE¼ and SW¼SE¼SE¼.
Totaling 60 acres.

CHALLIS NATIONAL FOREST

Pole Flat Campground

T. 11 N., R. 15 E., unsurveyed,

When surveyed will probably be in the NE¼, sec. 8, more particularly described as:

Beginning at a reference point, being an iron stake set in the ground with 3.5 feet exposed and a pile of rocks raised 1.8 feet high around the stake and which is located on the north bank of the mouth of Pole Creek at the high water mark on the east bank of the Yankee Fork of the Salmon River, thence N. 12°45' E., 1,385 feet to corner No. 1 from whence a pile of rocks, raised 2.5 feet, bears S. 81° E., 3 feet; thence by metes and bounds: N. 12° E., 734 feet along Yankee Fork to corner No. 2; N. 82° E., 1,477 feet to corner No. 3; S. 5° W., 388 feet to corner No. 4; N. 80° W., 672 feet to corner No. 5; S. 38° W., 496 feet to corner No. 6; S. 70° W., 675 feet to corner No. 1, the point of beginning.

Totaling 15 acres, more or less.

All corners established by placing a Forest Service sign No. 394-C on an iron stake exposed 4.5 feet above ground at each corner.

Jerrys Creek Campground

T. 12 N., R. 15 E., unsurveyed,

When surveyed will probably be in the NE¼, sec. 32, more particularly described as:

Beginning at reference point U.S. Geodetic Survey Marker T. 232, thence N. 34° W., 275 feet to corner No. 1 the true point of beginning, thence by metes and bounds: N. 76° E., 1,070 feet to corner No. 2; S. 29° E., 300 feet to corner No. 3; S. 75° W., 856 feet to corner No. 4; S. 871 feet to corner No. 5; S. 85° W., 380 feet to corner No. 6; N. 7° W., 172 feet to corner No. 7; N. 10° W., 455 feet to corner No. 8; N. 387 feet to corner No. 9; N. 8° W., 165 feet to corner No. 1, the point of beginning.

Totaling 18 acres, more or less.

All corners were established by placing a green iron fence post in the ground and Forest Service sign, form 394-C on each post.

West Fork Campground

T. 12 N., R. 15 E., unsurveyed.

When surveyed will probably be in the W½, sec. 18, more particularly described as:

Beginning at a reference point, being an iron stake set in the ground with 4 feet exposed and which is located 45 feet above high water line on the south bank of the mouth of Sawmill Creek which is on the west bank of the West Fork of the Salmon River, thence N. 29° W., 4,750 feet along the West Fork to corner No. 1 the true point of beginning; thence by metes and bounds: N. 82° W., 450 feet along West Fork to corner No. 2; N. 54° W., 527 feet along West Fork to corner No. 3; N. 27° W., 711 feet along West Fork to corner No. 4; S. 88° W., 295 feet along West Fork to corner No. 5; S. 82° W., 286 feet along West Fork to corner No. 6; N. 17° W., 521 feet across West Fork Road to corner No. 7; S. 81° E., 2,130 feet to corner No. 8; S. 4° E., 859 feet to corner No. 9; S. 39° W., 384 feet to corner No. 1, the point of beginning.

Totaling 39 acres, more or less.

Custer Campground

T. 12 N., R. 15 E., unsurveyed.

When surveyed will probably be in the NE¼, sec. 2, more particularly described as:

Beginning at reference point U.S. Coast and Geodetic Survey Marker No. F 234, thence S. 50° E., 237 feet to corner No. 1 the true point of beginning, thence by metes and bounds: N. 8° W., 397 feet to corner No. 2; N. 47° E., 335 feet to corner No. 3; N. 78° E., 425 feet to corner No. 4; S. 53° E., 235 feet to corner No. 5; N. 78° E., 199 feet to corner No. 6; S. 39° E., 130 feet to corner No. 7; S. 41° W., 403 feet to corner No. 8; S. 75° W., 225 feet to corner No. 9; N. 88° W., 223 feet to corner No. 10; S. 84° W., 367 feet to corner No. 1; the point of beginning.

Totaling 11 acres, more or less.

All corners established by placing Forest Service sign form 394-C on a green iron fence post exposed 54 inches above ground.

PAYETTE NATIONAL FOREST

Chamberlain Administrative Site

T. 24 N., R. 10 E., unsurveyed,

When surveyed will probably be in secs. 26, 27, 34, 35, and 36, more particularly described as:

Commencing at U.S.L.M. No. 344 thence S. 83°09'52" W., 4,319.42 feet to corner No. 1 the real point of beginning; thence by metes and bounds: N. 76°45' W., 929.28 feet to corner No. 2; N. 33°18' W., 1,537.80 feet to corner No. 3; S. 46°49' W., 1,474.44 feet to corner No. 4; S. 4°30' E., 2,730.25 feet to corner No. 5; S. 12°56' E., 2,949.88 feet to corner No. 6; S. 86°28' E., 906.82 feet to corner No. 7; S. 61°06' E., 1,075.14 feet to corner No. 8; E. 2,046.00 feet to corner No. 9; N. 22°36' W., 1,309.44 feet to corner No. 10; N. 71°52' E., 1,626.24 feet to corner No. 11; N. 50°17' E., 1,896.82 feet to corner No. 12; N. 58°12' W., 5,230.44 feet to corner No. 1, the point of beginning.

The areas described aggregate 657.644 acres in Caribou, Custer, and Idaho Counties, Idaho.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4777; Filed, Apr. 28, 1967; 8:46 a.m.]

[Public Land Order 4215]

[Idaho 51]

IDAHO

Withdrawal for National Forest Historic Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

CHALLIS NATIONAL FOREST

BOISE MERIDIAN

Custer Historic Site

T. 12 N., R. 15 E., unsurveyed,
A tract of land in the NE¼ of sec. 9, and the NW¼ of sec. 10, more particularly described as beginning at a point which is a scribed cross in a 3-inch pipe cap set in the center of a concrete and rock mound 18 inches high by 4 feet in diameter which bears N. 49° E., 615 feet from USGS Bench Mark H 234, 1960: Thence N. 28° W., 79.5 feet to Corner No. 1; thence S. 64° W., 1682 feet to Corner No. 2; thence S. 16° W., 231 feet to Corner No. 3, which is the mean high water line on the south bank of the Yankee Fork of the Salmon River; thence in a northeasterly direction along said mean high water line about 3,300 feet to Corner No. 4; thence N. 35° W., 415 feet to corner No. 5; thence S. 48° W., 1,168 feet to corner No. 1, the point of closure; thence S. 28° E., 79.5 feet to the concrete and rock mound, the point of beginning.

The area described contains approximately 29 acres in Custer County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4778; Filed, Apr. 28, 1967; 8:47 a.m.]

[Public Land Order 4216]

[Arizona 035160]

ARIZONA

Protective Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described Kofa Game Range lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for the protection of recreation and other public resource values:

CRYSTAL HILL RECREATION AREA

GILA AND SALT RIVER MERIDIAN

T. 2 N., R. 18 W.,
Sec. 2, lots 3 and 4, S½NW¼ and SW¼;
Sec. 3, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½ and S½;
Secs. 9 and 10;
Sec. 11, W½;
Sec. 14, NW¼;
Sec. 15, N½.

The areas described aggregate 3,684.39 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4779; Filed, Apr. 28, 1967; 8:47 a.m.]

[Public Land Order 4217]

[Wyoming 2796]

WYOMING

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Pathfinder Reservoir of the North Platte Project:

SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 84 W.,
Sec. 26, NE¼SW¼, N½SE¼.

The area described contains 120 acres in Natrona County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4780; Filed, Apr. 28, 1967; 8:47 a.m.]

[Public Land Order 4218]

[Oregon 6]

WASHINGTON

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

GIFFORD PINCHOT NATIONAL FOREST

WILLAMETTE MERIDIAN

Spirit Lake Recreation Area Addition

T. 9 N., R. 5 E.,
Sec. 3, SE¼SE¼;
Sec. 11, lots 1 to 7, inclusive, W½NE¼.

The areas described aggregate 354.80 acres in Skamania County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4781; Filed, Apr. 28, 1967; 8:47 a.m.]

[Public Land Order 4219]

[Anchorage AA-124]

ALASKA

Revocation of Executive Order No. 4294 of August 25, 1925

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Executive Order No. 4294 of August 25, 1925, withdrawing lands in the Chugach National Forest at Cordova, described by metes and bounds, for a boathouse site, is hereby revoked:

The tract contains approximately 0.23 acre of nonpublic land.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4782; Filed, Apr. 28, 1967; 8:47 a.m.]

[Public Land Order 4220]

[Riverside 07193]

CALIFORNIA

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

CLEVELAND NATIONAL FOREST

SAN BERNARDINO MERIDIAN

State Highway No. 74 Roadside Zone

A strip of land 300 feet wide on each side of the centerline of California Highway No. 74 through the following described legal subdivisions:

T. 6 S., R. 5 W.,
Sec. 31, lots 2, 3 and NE¼SW¼.

Upper San Juan and Bear Brook Campgrounds, Reposa Creek Small Water Development

T. 6 S., R. 5 W.,
Sec. 31, SW¼NE¼NE¼, S½SW¼NE¼, and W½SE¼NE¼;
Sec. 32, NE¼NW¼, E½NW¼NW¼, and N½SE¼NW¼.

The areas described aggregate approximately 140.4 acres.

The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 24, 1967.

[F.R. Doc. 67-4783; Filed, Apr. 28, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1099]

[Docket No. AO183-A19]

MILK IN PADUCAH, KY., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Paducah, Ky., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the second day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Paducah, Ky., on February 16, 1967, pursuant to notice thereof which was issued February 1, 1967 (32 F.R. 2448), and February 8, 1967 (32 F.R. 2820).

The material issues on the record of the hearing relate to:

1. The price for Class I milk.
2. Seasonal production incentive plan.

This recommended decision deals with only issue No. 2, the seasonal production incentive plan. Issue No. 1, Class I prices, will be dealt with in a further decision on this record.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2. Seasonal production incentive plan. The "Louisville" plan of seasonal adjustment should be modified to set aside fifty cents (instead of twenty cents) per hundredweight of producer milk during each of the months of April through July, for payment to producers during the following months of October through January.

A Louisville plan for seasonal adjustment of payments to producers was adopted in this order effective May 1, 1966. The purpose of the plan is to provide incentive for producers to achieve more even production through the year.

The order provides for retaining in the producer-settlement fund 20 cents for each hundredweight of producer milk delivered during the months of April through July. This money is distributed to producers during the following months of October through January. During each of the months of October, November, and December 1966, and January 1967, the amount paid back under the plan was approximately 21 cents per hundredweight. This amount was included in the uniform price for these months.

The proponent cooperative association claimed that the various amendments which in recent years have reduced the seasonality of Class I prices have increased the need for other means of providing seasonal changes in producer returns. The association favored a seasonal range in producer prices of at least $1 per hundredweight between spring take-out months and fall pay-back months.

For this purpose the association requested that at least 40 cents per hundredweight be retained in the months of April through July for payment in the following October–January period. The association said that such a rate of take-out would provide a satisfactory incentive for evening production if applied in conjunction with the seasonal changes in Class I prices which have been effective in the order. The association requested, however, that if seasonal changes in Class I differentials were removed as a result of the hearing held in Kansas City January 26 and February 13 (pursuant to notices issued on January 16 and February 3, 1967, 32 F.R. 613 and 32 F.R. 2573) the take-out in April through July should be 50 cents per hundredweight.

Official notice is taken of a decision issued April 25, 1967, based on regional hearings held during the period of April 11–15, in which it was decided that a single Class I differential should apply in each of the markets which now have seasonally varying differentials. The effect upon the Paducah order is through its Class I price provision which establishes the Paducah Class I price at 15 cents over the St. Louis Class I price. Under these circumstances the cooperative association desired that the 50-cent rate of take-out apply.

The problem that the Louisville plan is intended to correct is the seasonal changes in production which aggravate the problem of handling reserve milk in some periods and the problem of providing an adequate supply in other periods. Spring milk production per farm tends to be higher than fall production. Production per farm in the spring-summer months (April–July) in 1961 was 132 percent of the subsequent fall-winter months (October–January). This relationship of spring to fall production has steadily narrowed so that in 1966 production in April–July was 103 percent of subsequent October–January production.[1]

Part of this narrowing of difference between spring and subsequent fall production reflects the long-term upward trend in milk production per farm for this market. Production per farm averaged 840 pounds daily in 1966 compared to 556 pounds daily in 1961.

On the other hand, spring production per farm in this market tends to be substantially higher than in the prior fall months, again reflecting the upward trend in production. Thus, the April–July production in 1966 was about 115 percent of the prior October–January level.

The association believes that further inducement for leveling production is needed. Within the context of a continuation of the upward trend of production per farm, the leveling of production could be attained if more of the annual increase occurred in fall and winter months rather than in spring months. The plan proposed by the association appears appropriately designed for this purpose.

The take out-pay back plan of distributing returns to producers does not affect handlers' costs or change the total amount of money received by producers for a year's milk production. The plan does change the time of the year at which producers receive certain portions of the money for their milk. In these circumstances, where producers desire that their money be paid to them in this fashion, it would be most likely that producers would respond in accord with the purpose of attaining relatively even production. Further, since it is well understood among producers that the total amount of money they are paid for their milk is unchanged, the plan would be expected to affect only seasonal production and not the average level of production of milk for the entire year.

Since practically all producers supplying this market are members of a cooperative association which is the proponent of the change in the seasonal pricing plan, it may be expected that the membership of association will be completely informed as to the operation of the plan. It is concluded that the 50-

[1] Official notice is taken of data published by the market administrator from the period 1961 through 1966.

cent rate of take-out proposed by the association is appropriate under the circumstances and is adopted.

It is desirable that the change in rate of take-out be made effective as soon as possible.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Paducah, Ky., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1099.71, paragraph (h) is revised to read as follows:

§ 1099.71 Computation of the uniform price.

* * * * *

(h) For each of the months of April, May, June, and July, subtract an amount equal to 50 cents per hundredweight on the total amount of producer milk in these computations, which amount is to be retained in the producer-settlement and disbursed according to the provision of paragraph (i) of this section;

* * * * *

Signed at Washington, D.C., on April 27, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-4868; Filed, Apr. 28, 1967; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 37, 43, 121, 127, 133, 135, 137, 141, 145, 147, 149, 187]

[Docket No. 8114; Notice 67-17]

FEES FOR CERTAIN FAA ACTIVITIES

Notice of Proposed Rule Making

Correction

In F.R. Doc. 67-4415, published at page 6318 in the FEDERAL REGISTER of Friday, April 21, 1967, the following corrections should be made in the last column of "C-1 Schedule of Application Fees":

1. The 15th entry, now reading "30", should read "35".

2. Immediately preceding such corrected entry, a figure was inadvertently omitted; the omitted entry should read "4".

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-1292; Classification No. 11-01-1-67]

IDAHO

Notice of Proposed Classification of Public Lands for Multiple Use Management

APRIL 24, 1967.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management all of the public lands in the area described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect (a) of segregating all the public land in the described area below from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) of further segregating the lands described in paragraph 3 of this notice from the operation of the general mining laws (30 U.S.C. 21). Except as provided in (a) and (b) above the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands affected are located within the following described area and are shown on maps designated I-1-607(1), on file in the Boise District Office, Bureau of Land Management, and in the Land Office, Bureau of Land Management, Boise, Idaho.

BOISE MERIDIAN, IDAHO

T. 9 S., R. 3 W.,
Secs. 13 and 14;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 10 S., R. 3 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 11 S., R. 3 W.,
Secs. 1 to 4, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 26, inclusive;
Secs. 35 and 36.
T. 12 S., R. 3 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 24, 25, and 36.
T. 13 S., R. 3 W.,
Secs. 1, 12, 13, 24, and 25.
T. 9 S., R. 2 W.,
Secs. 13 to 36, inclusive.
Tps. 10, 11, 12, and 13 S., R. 2 W.
T. 14 S., R. 2 W.,
Secs. 1 to 5, inclusive;
Secs. 9 to 13, inclusive;
Secs. 24 and 25.
T. 6 S., R. 1 W.,
Sec. 1;
Secs. 11 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 7 S., R. 1 W.,
Secs. 1 to 3, inclusive;
Secs. 9 to 16, inclusive;
Secs. 19 to 36, inclusive.
Tps. 8, 9, 10, 11, 12, 13, and 14 S., R. 1 W.
T. 15 S., R. 1 W.,
Secs. 1 to 13, inclusive;
Sec. 24.
T. 5 S., R. 1 E.,
Secs. 20 to 29, inclusive;
Secs. 31 to 36, inclusive.
Tps. 6, 7, 8, 9, 10, 11, 12, 13, and 14 S., R. 1 E.
T. 5 S., R. 2 E.,
Secs. 19 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 6 S., R. 2 E.,
Secs. 4 to 9, inclusive;
Secs. 14 to 36, inclusive.
T. 7 S., R. 2 E.,
Secs. 1 to 11, inclusive;
Sec. 13, S½;
Secs. 14 to 36, inclusive.
Tps. 8, 9, 10, 11, 12, 13, and 14 S., R. 2 E.
T. 6 S., R. 3 E.,
Secs. 19, 30, and 31.
T. 7 S., R. 3 E.,
Sec. 6, W½;
Secs. 13 to 17, inclusive;
Sec. 18, E½, SW¼;
Secs. 19 to 36, inclusive.
Tps. 8, 9, 10, 11, 12, 13, and 14 S., R. 3 E.
T. 7 S., R. 4 E.,
Secs. 17 to 20, inclusive;
Secs. 29 to 33, inclusive.
Tps. 8, 9, 10, 11, 12, 13, and 14 S., R. 4 E.
T. 15 S., R. 4 E.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 15 and 16;
Sec. 9, lots 6, 7, and 8;
Secs. 10 to 15, inclusive;
Sec. 21, lots 5 and 7;
Secs. 22 to 27, inclusive;
Sec. 33, lots 6, 7, and 8;
Secs. 34 to 36, inclusive.
T. 16 S., R. 4 E.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 5, 6, and 7;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive.
T. 7 S., R. 5 E.,
Secs. 34 to 36, inclusive.
Tps. 8, 9, 10, 11, 12, 13, 14, 15, and 16 S., R. 5 E.
T. 7 S., R. 6 E.,
Secs. 31 to 35, inclusive.
Tps. 8, 9, 10, 11, 12, 13, 14, 15, and 16 S., R. 6 E.
T. 8 S., R. 7 E.,
Secs. 19, 30, 31, and 32.
T. 9 S., R. 7 E.,
Sec. 19;
Secs. 29 to 32, inclusive.
T. 10 S., R. 7 E.,
Secs. 4 to 9, inclusive;
Secs. 14 to 35, inclusive.
T. 11 S., R. 7 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 34, inclusive.
T. 12 S., R. 7 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 13 S., R. 7 E.,
Secs. 3 to 9, inclusive;
Secs. 16 to 20, inclusive;
Secs. 30 and 31.
T. 14 S., R. 7 E.,
Secs. 6, 7, 18, and 19;
Secs. 29 to 32, inclusive.
T. 15 S., R. 7 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 33, inclusive.
T. 16 S., R. 7 E.,
Secs. 4 to 9, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.

The area described contains approximately 1,424,300 acres of public land.

3. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the general mining laws:

BOISE MERIDIAN, IDAHO

MUD FLAT SITE

T. 9 S., R. 2 W.,
Sec. 35, W½NW¼.

CAMAS CREEK SITE

T. 10 S., R. 2 W.,
Sec. 24, lot 4;
Sec. 25, lots 1 and 2, S½NW¼NE¼, N½SW¼NE¼, S½NE¼NW¼, SE¼NW¼NW¼, SW¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼.
T. 10 S., R. 1 W.,
Sec. 30, lot 1.

HOLE-IN-ROCK SITE

T. 8 S., R. 4 E.,
Sec. 26, W½SE¼NW¼, SW¼NW¼, N½NW¼SW¼, NW¼NE¼SW¼.

INDIAN BATHTUB SITE

T. 8 S., R. 6 E.,
Sec. 3, lot 3, SW¼, NW¼SE¼.

DEER WATER SITE

T. 8 S., R. 6 E.,
Sec. 29, SW¼SW¼SE¼, SE¼SE¼SW¼;
Sec. 30, NW¼NW¼NE¼, NE¼NE¼NW¼.

BRUNEAU CANYON OVERLOOK SITE

T. 8 S., R. 7 E.,
Sec. 31, E½NE¼;
Sec. 32, W½NW¼.

INDIAN HOT SPRINGS SITE

T. 12 S., R. 7 E.,
Sec. 32, E½E½SE¼, SW¼SE¼SE¼;
Sec. 33, NE¼NW¼, E½NW¼NW¼, SW¼NW¼NW¼, SW¼NW¼, NW¼SE¼NW¼.
T. 13 S., R. 7 E.,
Sec. 5, lots 1 and 2.

The total area of these sites is approximately 1,168 acres.

4. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections concerning the proposed classification may present their views in writing to the Boise District Manager,

Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702.

5. A public hearing on this proposed classification will be held at 10 a.m. on May 25, 1967, in the Owyhee County Courthouse, Murphy, Idaho.

JOE T. FALLINI,
State Director.

[F.R. Doc. 67-4800; Filed, Apr. 28, 1967; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

KANSAS LIVESTOCK ASSOCIATION

Inspection of Livestock; Notice of Termination of Authorization

On July 9, 1948, the Kansas Livestock Association, Topeka, Kans., pursuant to the provisions of section 317(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 217(a)), was authorized, with respect to livestock originating in the State of Kansas, to charge and collect, at those stockyards posted under the Packers and Stockyards Act at which the said Kansas Livestock Association may register as a market agency to perform such inspection, reasonable and nondiscriminatory fees for the inspection of brands, marks, and other identifying characteristics of livestock for the purpose of determining the ownership of such livestock. This authorization became effective August 5, 1948 (13 F.R. 3967). By letter dated December 16, 1966, the Kansas Livestock Association requested that such authorization be terminated. Notice is hereby given that such request is granted and the authorization is terminated effective upon publication hereof in the FEDERAL REGISTER.

Done this 25th day of April 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-4786; Filed, Apr. 28, 1967; 8:48 a.m.]

STATE OF KANSAS

Authorization for Inspection of Livestock

The State of Kansas, and/or State Livestock Sanitary Commissioner and State Brand Commissioner, has, pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 217), made written application to the Secretary of Agriculture for authorization to charge and collect at posted stockyards a reasonable and nondiscriminatory fee for the inspection of brands, marks, and other identifying characteristics of livestock originating in the State of Kansas for the purpose of determining the ownership of such livestock and the Secretary proposes to issue such an authorization to the Kansas Livestock Association in accordance with the provisions of the act referred to.

Therefore, notice is hereby given that any interested person who desires to do so may submit within 15 days after the publication of this notice any data, views, or argument in writing on the proposed rule to the Director, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Done at Washington, D.C., this 25th day of April 1967.

GLENN G. BIERMAN,
Acting Director, Packers and Stockyards Division.

[F.R. Doc. 67-4810; Filed, Apr. 28, 1967; 8:50 a.m.]

Office of the Secretary

FARMERS HOME ADMINISTRATION

Assignment and Reservation of Functions

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953 (5 U.S.C. 133z-15), sections 145 and 146 of the Secretary's orders dated December 3, 1964, November 3, 1965, February 25, 1966 (29 F.R. 16840, 30 F.R. 14049, 31 F.R. 3352), are amended to delete one function and to add additional functions and reservations, and are revised to read as follows:

SEC. 145. *Assignment of functions.* Subject to the reservations in section 146, there are hereby assigned and transferred to the Farmers Home Administration all of the functions, powers, duties, and assets under or with respect to:

(a) The Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), except those contained in section 342 of said Act (7 U.S.C. 1013a). These assigned functions, powers, duties, and assets pertain to programs authorized under said Act as well as to prior programs and authorities of the Farmers Home Administration and its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loan Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporation of Washington, D.C.

(b) Title V of the Housing Act of 1949 (42 U.S.C. 1471), except those pertaining to research.

(c) The Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440), and under the trust, liquidation, and other agreements entered into pursuant thereto.

(d) Section 8, and those with respect to repayment of the obligations under section 4 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a, 1004).

(e) Assisting in implementing the "outreach" functions of the Secretary of Agriculture by providing leadership in the field through (1) taking the initiative in identifying problems of rural communities which require the coordinated efforts of various departments and agencies for their effective solution, and (2) devising means by which all of the facilities of the Department of Agriculture field offices can be utilized in the task of assisting other Federal agencies in making their programs effective in rural areas (Sec. Memorandum No. 1610, Feb. 27, 1967).

(f) Rural Renewal Program activities consisting of making loans, making advances for technical assistance, coordination, direction, and supervision of rural renewal projects, and assistance in planning, developing and carrying out such projects in designated rural areas under section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)).

(g) Resource Conservation and Development loan program to assist in carrying out resource conservation and development projects in rural areas under section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(e)).

(h) Section 51(a) of the Alaska Omnibus Act (Note preceding 48 U.S.C. 21).

(i) Loan programs under Part A of Title III and the necessarily related functions in Title VI of the Economic Opportunity Act of 1964 (42 U.S.C. 2841-2854, 2942, 2946) delegated by the Director of the Office of Economic Opportunity to the Secretary of Agriculture (29 F.R. 14764).

(j) Loan programs in the Appalachian region under sections 203 and 204 of the Appalachian Regional Development Act of 1965 (40 U.S.C. Appendix 203, 204).

(k) Farmers Home Administration assets conveyed in trust under the Participation Sales Act of 1966 (12 U.S.C. 1717).

(l) The Federal Claims Collection Act of 1966 and joint regulations issued pursuant thereto by the Attorney General and the Comptroller General with respect to claims of the Farmers Home Administration (31 U.S.C. 951, 952; 4 CFR Ch. II).

(m) Servicing, collection, settlement, and liquidation of:

(1) Deferred land purchase obligations of individuals under the Wheeler-Case Act of August 11, 1939, as amended (16 U.S.C. 590y), and under the item, "Water Conservation and Utilization Projects" in the Department of the Interior Appropriation Act, 1940 (53 Stat. 719), as amended.

(2) Puerto Rican Hurricane Relief loans under the Act of July 11, 1956 (70 Stat. 525).

(3) Loans made in conformance with section 4 of the "Southeast Hurricane Disaster Relief Act of 1965." (79 Stat. 1301).

(n) Disposal of surplus property under the jurisdiction of the Farmers Home Administration which the Secretary of Agriculture is authorized to dispose of by the Administrator of the General Services Administration (40 U.S.C. 484, 486).

SEC. 146. *Reservations.* (a) Making and issuing notes to the Secretary of the Treasury for the purposes of the Agricultural Credit Insurance Fund as authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929) and the Rural Housing Insurance Fund as authorized by Title V of the Housing Act of 1949 (42 U.S.C. 1487) and requesting advances of funds evidenced by said notes, where such notes or requests for advances thereunder would cause the aggregate outstanding unpaid principal balances thereon to exceed $400 million for the particular fund.

(b) With respect to the functions assigned in section 145(1):

(1) Prescribing rules and regulations jointly with the Director of the Office of Economic Opportunity.

(2) Requesting the Director of the Office of Economic Opportunity to make advances to the revolving fund established pursuant to section 606 of the Economic Opportunity Act of 1964.

(3) Requesting reimbursements from the Director of the Office of Economic Opportunity for the performance of such assigned functions.

(c) Execution of Conveyance in Trust instruments under the Participation Sales Act of 1966 (12 U.S.C. 1717).

(d) Designation of areas in which Emergency loans may be made (7 U.S.C. 1961).

(e) Designation of areas in which Rural Renewal loan and technical assistance programs may be carried on (7 U.S.C. 1011(e)).

Done at Washington, D.C., this 26th day of April 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-4788; Filed, Apr. 28, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

MEYER LINE, INC., AND AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. James N. Jacobi, Kurrus and Jacobi, 2000 K Street NW., Washington, D.C. 20006.

Agreement 9627, between Meyer Line, Inc., and American Export Isbrandtsen Lines, Inc., provides for the interchange of cargo containers and/or related equipment in the trades between ports in Europe and United States North Atlantic ports in accordance with the terms and conditions set forth therein.

Dated: April 26, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4813; Filed, Apr. 28, 1967; 8:50 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry or Withdrawal From Warehouse for Consumption

APRIL 26, 1967.

On February 23, 1967, following discussions with the Government of Malaysia, the U.S. Government requested the Government of Malaysia to restrain for the 12-month period beginning on February 23, 1967, its exports to the United States of cotton textile products in Category 46, produced or manufactured in Malaysia. In furtherance of the objectives of, and under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, the U.S. Government is establishing a restraint in accordance with that request. This restraint does not apply to cotton textile products produced or manufactured in Malaysia and exported to the United States prior to February 23, 1967.

There is published below a letter of April 25, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 46, produced or manufactured in Malaysia which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning on February 23, 1967, be limited to 18,000 dozen.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
WASHINGTON, D.C. 20230,
April 25, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended, by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible and for the 12-month period beginning on February 23, 1967, and extending through February 22, 1968, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 46, produced or manufactured in Malaysia, in excess of a 12-month level of restraint of 18,000 dozen.[1]

In carrying out this directive, entries of cotton textile products in Category 46, produced or manufactured in Malaysia and which have been exported to the United States prior to February 23, 1967, shall not be subject to this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-4757; Filed, Apr. 28, 1967; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 67-103]

[Customs Delegation Order No. 30]

REGIONAL COMMISSIONERS OF CUSTOMS

Delegation of Authority; Correction

APRIL 27, 1967.

In the matter of delegation to regional commissioners of customs of authority to settle certain claims arising under the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 240-242).

In the first paragraph of the order "Treasury Department Order No. 177-22 (20 F.R. 8755)" is corrected to read "Treasury Department Order No. 177-22, Revision 1 (30 F.R. 13548)."

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 67-4898; Filed, Apr. 28, 1967; 11:09 a.m.]

[1] This level has not been adjusted to reflect entries made on or after Feb. 23, 1967.

FEDERAL POWER COMMISSION

[Docket Nos. G-4713, etc.]

ROBERTS AND MURPHY, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 18, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 8, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and Location	Price per Mcf	Pressure base
G-4713 E 3-29-67	Roberts and Murphy, Inc. (successor to J. I. Roberts and C. H. Murphy, d.b.a. Roberts and Murphy), c/o H. Y. Rowe, attorney, 200 Jefferson Ave., El Dorado, Ark. 71730.	Arkansas Louisiana Gas Co., Waskom Field, Harrison County, Tex.	[1] 12.2398	14.65
G-4714 E 3-29-67	....do....	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	[2] 11.86	14.65
G-7241 D 1-9-67 [3]	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Northern Natural Gas Co., Eumont Gas Pool, Lea County, N. Mex.	(2)	
G-7500 C 3-6-67 [4]	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	[6] 17.2295	14.65
G-11389 E 2-27-67 [5]	Western Oil Fields, Inc. (Operator), et al., 1220 Denver Club Bldg., Denver, Colo. 80202.	Cities Service Gas Co., North Whelan Field, Barber County, Kans.	[7] 14.0	14.65
G-12848 E 3-29-67	Roberts and Murphy, Inc. (successor to J. I. Roberts and C. H. Murphy), d.b.a. Roberts and Murphy).	Northern Natural Gas Co., Fincham Gas Field, Meade County, Kans.	[8] 15.0	14.65
G-13633 C 3-31-67	Union Producing Co., Post Office Box 1407, Shreveport, La. 71102.	United Gas Pipe Line Co., Sligo Field, Bossier Parish, La.	12.5252	15.02
C160-175 C 4-5-67	Pubco Petroleum Corp. (Operator), et al., Post Office Box 869, Albuquerque, N. Mex. 87103.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex	13.0	15.025
C161-273 E 2-27-67 [6]	Western Oil Fields, Inc. (Operator), et al.	Transwestern Pipeline Co., Parsell Field, Roberts County, Tex.	[9] 19.5	14.65
C161-901 E 3-28-67	Freda M. Davisson (successor to A. T. Carr Drilling Co.), Vadis, W. Va. 26445.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	25.0	15.325
C161-1806 E 2-27-67	Rocanville Corp. (Operator) et al. (successor to W. H. Hudson (Operator), et al.), 1126 Mercantile Securities Bldg., Dallas, Tex. 75201.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	[10] 14.0	15.02
C163-20 D 4-3-67 [11]	Humble Oil & Refining Co. (Operator) et al., Post Office Box 2180, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg County, Okla.	Assigned	
C163-20 D 4-3-67 [12]	....do....	....do....	Assigned	
C163-547 A 10-24-62	An-Son Corp, et al., 3814 North Santa Fe, Oklahoma City, Okla. 73118.	Cities Service Gas Co., acreage in Woods County, Okla.	13.0	14.65
C163-1211 1-16-67 [13] [14]	Joseph S. Gruss (Operator) et al. (successor to Chase Petroleum Co. et al.), c/o Raymond A. Lynch, attorney, Lynch, Chappell and Allday, 230 Wall Bldg., Midland, Tex. 79701.	El Paso Natural Gas Co., Spraberry Trend Area Field, Upton County, Tex.	16.0	14.65
C164-820 [13] 1-16-67 [14]	Joseph S. Gruss (Operator) et al. (successor to Chase Petroleum Co. (Operator) et al.).	....do....	16.0	14.65
C165-116 D 2-27-67 [15]	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa. 19103.	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	(15)	
C165-333 C 4-5-67	Lubell Oil Co., 1033 Mayo Bldg., Tulsa, Okla. 74103.	Arkansas Louisiana Gas Co., Arpelar Field (South Pine Hollow) Pittsburg County, Okla.	15.0	14.65
C165-750 C 3-10-67	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	Arkansas Louisiana Gas Co., Red Oak Field, Le Flore County, Okla.	15.0	14.65
C165-753 1-16-67 [14]	Joseph S. Gruss (Operator) et al. (successor to Chase Petroleum Co. et al.).	El Paso Natural Gas Co., Spraberry Trend Area Field, Upton County, Tex.	16.0	14.65
C165-941 1-16-67 [14]	Joseph S. Gruss (Operator), agent (successor to Chase Petroleum Co. (Operator), agent for John M. Clark et al.)	....do....	10.0	14.65
C165-948 1-16-67 [14]	....do....	....do....	10.0	14.65
C165-1217 C 2-27-67	Kirby Royalties, Inc. (Operator), et al., Post Office Box 1745, Houston, Tex. 77001.	Mountain Fuel Supply Co., West Side Canal Field, Carbon County, Wyo.	15.0	15.025
C165-1326 C 4-3-67	Jas. F. Smith, Post Office Box 10005, Avonbell Station, Amarillo, Tex. 79106.	Cities Service Gas Co. Acreage in Woods County, Okla.	14.0	14.65
C166-481 C 4-5-67	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Acreage in Le Flore and Sequoyah Counties, Okla.	15.0	14.65
C167-554 E 3-27-67	Amos Newsom Coal Co., Inc. (successor to United Mineral Development Co.), Route No. 2, Pikeville, Ky. 41501.	United Fuel Gas Co., acreage in Pike County, Ky.	16.0	15.325
C167-833 12-28-66 [16]	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.	El Paso Natural Gas Co., South Penrose Skelly Unit, Langlie-Mattix Field, Lea County, N. Mex.	[17] 16.8882	14.65
C167-864 A 2-2-67 3-13-67 [18]	Victor E. Doman, agent, Rural Delivery No. 3, Box 66, Cameron, W. Va. 26033.	The Manufacturers Light & Heat Co., acreage in Greene County, Pa.	19.23	15.025
C167-904 A 2-3-67	Sun Oil Co.[19] (Southwest Division).	Transwestern Pipeline Co., Hamon-Ellenburger Field, Reeves County, Tex.	16.5	14.65
C167-1160 A 2-27-67	Monsanto Co.,[20] 1300 Main St., Houston, Tex. 77002.	Transwestern Pipeline Co., Worsham Field, Reeves County, Tex.	[21] 16.5 [21] 14.5	14.65
C167-1249 B 3-13-67	Estate of L. C. Hoffman, Post Office Box 1368, Longview, Tex. 75603.	Southern Natural Gas Co., Logansport Field, De Soto Parish La.	Depleted	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and Location	Price per Mcf	Pressure base
C167-1309 A 3-31-67	Gulf Oil Corp....	United Gas Pipe Line Co., West Cameron Block 45 Field, Gulf of Mexico, offshore Cameron Parish, La.	16.0	15.05
C167-1370 F 4-4-67 (C161-1405)	Southland Royalty Co. (successor in interest to Stanolind Oil & Gas Co.), 1100 First National Bldg., Fort Worth, Tex. 76101.	Arkansas Louisiana Gas Co. acreage in Hall-Gilmer, Flore, and Pittsburg Counties, Okla.	16.0	14.65
C167-1371 (C161-476) F 4-3-67	Humble Oil & Refining Co. (successor to Fitzpatrick Drilling Co. et al.),	United Gas Pipe Line Co., Karen Beauchamp Field, Goliad County, Tex.	13.1664	14.65
C167-1372 A 4-4-67	W. H. Mosser et al., 101 East Main Street, Harrisville, W. Va. 26362.	Consolidated Gas Supply Corp., Wayne District, Gilmer County, W. Va.	.25.0	15.325
C167-1373 A 4-4-67	An-Son Corp. et al.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	[6] 17.0	14.65
C167-1374 A 4-4-67	Will-Ray Oil & Gas Co. et al., c/o Lou Fabian, agent, Greenbrier Bldg., 18th and Quincy Sts., Charleston, W. Va. 25302.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	25.0	15.325
C167-1375 A 3-31-67	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Lone Star Gas Co., North Henderson Field, Rusk County, Tex.	[22] 16.55 [22] 16.455	14.65
C167-1376 (C165-1310) F 4-3-67	J. M. Huber Corp. (successor to Tidewater Oil Co. (Operator) et al.), 2401 East Second Ave., Denver, Colo. 80206.	Northern Natural Gas Co., Southeast Gage Field, Ellis County, Okla.	[6] 17.085	14.65
C167-1377 A 3-29-67	Dresser Gas Products, Oil Co. 705 Benedum-Trees Bldg., Pittsburgh, Pa. 15222.	Consolidated Gas Supply Corp. Union Township, Greenfield	27.5	15.325
C167-1378 A 3-24-67	....do....	Consolidated Gas Supply Corp., Huston Township, Clearfield County, and Jay Township, Elk County, Pa.	27.5	15.325
C167-1379 A 3-24-67	....do....	Consolidated Gas Supply Corp. Huston Township, Clearfield County, Pa.	27.5	15.325
C167-1380 B 3-29-67	E. G. Bamberger Lease....	The Manufacturers Light & Heat Co., Amwell Township, Washington County, Pa.	Depleted	
C167-1381 B 4-5-67	Edwin M. Jones Oil Co....	Texas Eastern Transmission Corp., Dunn Field, Live Oak County, Tex.	Depleted	
C167-1384 B 3-29-67	Kentucky Ohio Gas Co., 2500 Hoods Creek Pike, Ashland, Ky. 41101.	United Fuel Gas Co., Acreage in Boyd County, Ky.	(23)	
C167-1385 A 3-29-67	D. A. Null et al., Hundred, W. Va. 26575.	Carnegie Natural Gas Co., Acreage in Marion County, W. Va.	20.0	15.325
C167-1388 B 4-3-67	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Transcontinental Gas Pipe Line Corp., Mesquite Bay Area, Terre-bonne Parish, La.	Depleted	
C167-1389 A 4-4-67	W. C. Wilson Gas Co. et al., c/o W. C. Wilson, agent, 819 Campbell Dr., Bolpre, Ohio 45714.	Consolidated Gas Supply Corp., Warren District, Upshur County, W. Va.	25.0	15.325
C167-1390 A 4-4-67	Lodi 3 Oil, Coal & Dock Co. et al., 415 Porter Bldg., Pittsburgh, Pa. 15219.	Consolidated Gas Supply Corp., Union District, Upshur County, W. Va.	25.0	15.325
C167-1391 A 4-4-67	Lou Fabian Oil & Gas, Greenbrier Bldg., 18th and Quincy Sts., Charleston, W. Va. 25302.	Consolidated Gas Supply Corp., Mcelroy District, Ritchie County, W. Va.	25.0	15.325
C167-1392 (C167-186) F 3-6-67	Payne, Inc. (successor to Big Chief Drilling Co), Post Office Box 14837, Oklahoma City, Okla. 73114.	Oklahoma Natural Gas Gathering Corp.,[24] Ringwood Field, Major County, Okla.	[6] 12.0	14.65
C167-1229 (G-13633) F 2-14-67	Crystal Oil & Land Co. (Operator) et al. (successor to Union Producing Co.), 600 Beck Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Greenwood-Waskom Field, Caddo Parish, La.	[6] 11.25	15.025
C167-1310 A 3-20-67	Mack Developing Co., c/o Daniel Mack, agent, Post Office Box 6357, Charleston, W. Va. 25362.	The Ohio Fuel Gas Co., Lebanon District, Meigs County, Ohio.	20.0	15.0
C167-1314 B 3-23-67	Melvin O. Garlow and Mary T. Garlow, 6212 Artondale Rd., Alexandria, Va. 22307.	Home Gas Co., Gas District, Monongalia County, W. Va.	(24)	
C167-1316 A 3-14-67	S. W. Reed, Rural Delivery No. 4, Box 312, Burgettstown, Pa. 15021.	The Manufacturers Light & Heat Co., Hanover Township, Washington County, Pa.	21.5	15.325
C167-1319 A 3-14-67	....do....	....do....	21.5	15.325
C167-1319 A 3-17-67	Jack R. Lingenfelter, Rural Delivery No. 3, New Bethlehem, Pa. 16242.	The Manufacturers Light & Heat Co., Mayport Field, Redbank Township, Armstrong County, Pa.	20.0	15.325
C167-1320 A 3-20-67	Herbert L. Kitz and Lewis J. Varner, c/o Herbert L. Kitz, agent, 46 Campbell Ave., Clarion, Pa. 16214.	The Manufacturers Light & Heat Co., New Bethlehem Field, Clarion County, Pa.	25.0	15.325
C167-1325 (C-20085) F 2-23-67	Humble Oil & Refining Co. (successor to J. H. Vandenbark (Operator) et al.), Post Office Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	[6] 17.2295	14.65
C167-1329 B 3-27-67	Hilcorp Energy Co., 1100 Production Co. (Operator) et al., Post Office Box 1186, Houston, Tex. 77001.	Lone Star Gathering Co., Southeast York town Field, De Wit County, Tex.	(25)	
C167-1333 B 3-27-67	Heep Oil Corp. (Operator) et al., c/o W. H. Drnabel, Jr., Vinson, Elkins, Weems & Searls, 2100 First City National Bank Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., May Field, Kleberg County, Tex.	(25)	
C167-1339 (C161-346) 3-23-67 [26]	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Southern Natural Gas Co., Franklin Field, St. Mary Parish, La.	[6] 20.625	15.025
C167-1335 A 3-29-67	Crystal Oil & Land Co. (Operator), et al., c/o William Greene, attorney, 806 Beck Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Greenwood-Waskom Area, Caddo Parish, La.	[6] 13.25	15.025
C167-1356 A 3-29-67	Stuart Oil Co., Inc., 2117 First National Bank Bldg., Denver, Colo. 80202.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Logan County,	[6] 10.0	16.4
C167-1357 A 3-31-67	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Texas Gas Transmission Corp., North Bosco Field, Acadia Parish, La.	16.75	15.025
C167-1358 B 4-3-67	Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver, Colo. 80202.	Transwestern Pipeline Co., North Hansford Gas Area Field, Hansford County, Tex.	Depleted	
C167-1360 A 4-3-67	The Superior Oil Co....	United Gas Pipe Line Co., Kent Bayou Field, Terrebonne Parish, La.	21.25	15.025
C167-1362 A 4-3-67	Southwestern Oil & Refining Co. (Operator), et al., Post Office Box 808, Corpus Christi, Tex. 78403.	Texas Eastern Transmission Corp., State Park Field, Hidalgo County, Tex.	16.0	14.65
C167-1363 A 4-3-67	The Dow Chemical Co., Post Office Box 22466, Houston, Tex. 77027.	Michigan Wisconsin Pipe Line Co., Southwest Lake Arthur Field, Cameron Parish, La.	[6] 20.625	15.025
C167-1364 A 3-31-67	Exchange Oil & Gas Co., et al., 1200 Oil & Gas Bldg., New Orleans, La. 70112.	United Fuel Gas Co., Twin Island Field, Cameron Parish, La.	13.375	15.025
C167-1365 A 4-3-67	Elf Chemical Products Co., Post Office Box 3068, Odessa, Tex. 79760.	Northern Natural Gas Co., Chaney South Field and Northeast Catesby Field, Ellis County, Okla.	17.0	14.65
C167-1367 A 4-3-67	Pioneer Petroleum, Inc., et al., Empire Bank Bldg., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., Freeman's Creek District, Lewis County, W. Va.	25.0	15.325
C167-1366 (C166-776) F 2-27-67	Shelby Oil Co., 46 Mutual Savings Bldg., Fort Worth, Tex. 76102.	Texas Gas Marketing System, Inc., Midway Field, Bee County, Colo.	12.0	14.65

[1] Subject to deduction for compression (up to 1.5 cents per Mcf). Price also reduced 5/10¢ per Mcf if taken into Buyer's new line.
[2] Subject to deduction for compression (up to 1.5 cents per Mcf).
[3] Renegotiated contract—deletes 2 wells reclassified as oil wells (Bark No. 2 and Maxwell State No. 1 wells) and provides for a decreased rate.
[4] Adds acreage acquired from Rodman and Late, Docket No. G-14752, PPC GRS No. 1.
[5] Predecessor's rate effective subject to refund in Docket No. G-13752, PPC GRS No. 1.
[6] Operator has acquired co-owners' interest previously covered under the certificate and rate schedule in said docket.
[7] Rate in effect subject to refund in Docket No. RI67-466.
[8] Subject to upward and downward B.t.u. adjustment.

See footnotes at end of table.

[9] Rate in effect subject to refund in Docket No. RI66-54.
[10] Includes 1.0 cent minimum for liquids; Rate effective subject to refund in Docket No. R164-605.
[11] Deletes acreage assigned to Apache Corp.
[12] Deletes acreage assigned to Sunray DX Oil Co.
[13] Pending—no permanent certificate issued.
[14] Amendment to the certificate filed by Gruss to succeed Chase Petroleum Co. as Operator. No transfer or change of interest is involved.
[15] Deletes the C. T. Palmer Lease covered by Supp. No. 1 to FPC GRS No. 175 due to economic infeasibility to construct facilities. (Application filed as a notice of withdrawal of the amendment filed Oct. 14, 1966, covering additional acreage; however, action had already been taken on the amendment by order issued Dec. 6, 1966 in Docket Nos. G-13279 et al., therefore, said notice of withdrawal will be construed as an amendment to delete subject acreage.)
[16] Applicant is filing on behalf of itself and othr co-owners to cover its interest in the Greenwood Well No. 5. (Previously all interest in the Greenwood Well No. 5 was held by Humble Oil & Refining Co. under its FPC GRS No. 31, Docket No. G-3113.)
[17] Rate in effect subject to refund in Docket No. RI65-25.
[18] Filing completed.
[19] By letter filed Mar. 29, 1967, Applicant agreed to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[20] By letter filed Mar. 23, 1967, Applicant agreed to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[21] For gas-well gas.
[22] For casinghead gas.
[23] Includes 1.5 cents per Mcf tax reimbursement.
[24] Source of gas depleted.
[25] Rate in effect subject to refund in Docket No. RI61-467.
[26] Gas will no longer be transported and/or sold in interstate commerce.
[27] The properties covered by subject contract have been sold or have been certificated pursuant to other applications.
[28] Applicant seeks certificate to sell and deliver gas from its own interest which is presently covered under its Operator's (The California Co., a Division of Chevron Oil Co.) certificate in Docket No. CI61-348.
[29] Settlement rate as approved by the Commission order issued in Docket Nos. G-13221 et al.
[30] Includes 1.50 cents per Mcf tax reimbursement.
[31] Purchaser to retain 7.0 cents per Mcf until its total investment in gathering facilities installed to take delivery of low pressure gas has been recovered.
[32] Production from Laird Unit. Includes 0.56 cent per Mcf tax reimbursement.
[33] Production from Busby Unit. Includes 0.455 cent tax reimbursement on 13.0 cents per Mcf, net price to Amerada after compression charge of 3.0 cents per Mcf by Operator.
[34] Includes 0.085 cent upward B.t.u. adjustment.
[35] National Fuels Corp. purchases liquids extracted from Applicant's gas at the Ringwood Gasoline Plant.
[36] Rate in effect subject to refund in Docket No. RI67-135.

[F.R. Doc. 67-4624; Filed, Apr. 28, 1967; 8:45 a.m.]

[Docket Nos. G-4831 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Findings and Orders

APRIL 19, 1967.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, making successor co-respondent, redesignating proceeding, accepting agreement and undertaking for filing and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

J. Lee Youngblood (Operator) et al., Applicant in Docket No. CI63-826, proposes to continue the sale of natural gas heretofore authorized to be made in said docket pursuant to L. S. Youngblood (Operator) et al., FPC Gas Rate Schedule No. 2. Said rate schedule is being redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-570. Applicant has filed a motion to be made co-respondent in said proceeding, together with an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made co-respondent, the proceeding will be redesignated accordingly, and the agreement and undertaking will be accepted for filing.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on April 12, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI67-1080 should be canceled and that the application filed therein should be processed as a petition to amend the certificate heretofore issued in Docket No. CI66-939.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-4831, G-18142, G-19293, CI61-516, CI61-1711, CI63-826, CI65-333, CI66-939, CI66-988, CI67-90, and CI67-351 should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the sales heretofore authorized to be made pursuant to the certificate heretofore issued in Docket No. G-11743 should hereafter be made pursuant to the authorization granted in Docket No. G-4831 and that the former certificate should be terminated.

(8) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding pending in Docket No. RI64-721 [1] should be terminated only with respect to Tidewater Oil Co.'s FPC Gas Rate Schedule No. 87.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that J. Lee Youngblood (Operator) et al., should be co-respondent in the proceeding pending in Docket No. RI65-570, that said proceeding should be redesignated accordingly, and the agreement and undertaking submitted by J. Lee Youngblood (Operator) et al., should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 11 and 14 in the attached tabulation.

(E) The initial price for the sale authorized in Docket No. CI67-963 is 15.0 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement; however, in the event that the Commission amends its policy statement No. 61-1 by adjusting the boundary between the Panhandle area and the "Other Oklahoma" area so as to increase the initial wellhead price for new gas in the area involved herein, Applicant thereupon may substitute the new rate consistent with its contract reflecting the amount of such increase, and thereafter collect the new rate prospectively in lieu of the initial rate herein required.

(F) A certificate is issued herein in Docket No. CI67-1098, subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449).

(G) Certificates are issued herein in Docket Nos. CI66-928, CI67-1067, CI67-1068, CI67-1070, and CI67-1107 authorizing the respective Applicants to continue the sales of natural gas which were initiated without prior Commission authorization.

(H) Certificates are issued herein in Docket Nos. CI67-94, CI67-1017, CI67-1063, CI67-1069, CI67-1078, CI67-1087, CI67-1153, and CI67-1176 authorizing the respective Applicants to continue the sales of natural gas being rendered on June 7, 1954.

(I) Applicant in Docket No. CI67-1017 shall file a billing statement reflecting the rate in effect on June 7, 1954.

(J) The acceptance for filing of the related rate schedules in Docket Nos. CI67-1078 and CI67-1187 are contingent upon Applicants' filing of a billing statement for the first month's service as required by the regulations under the Natural Gas Act.

(K) A certificate is issued herein to Sue Trammell Whitfield and W. B. Trammell, Jr., in Docket No. CI67-1103, authorizing Applicants to continue the sale of natural gas previously covered by the certificate issued to Pan American Petroleum Corp. (Operator) et al., in Docket No. G-4831.

(L) The certificate heretofore issued in Docket No. G-4831 is amended by deleting therefrom the interests of Sue Trammell Whitfield and W. B. Trammell, Jr.

(M) Docket No. CI67-1080 is canceled.

(N) The initial price for the sale authorized in Docket No. CI66-988, attributable to acreage in Roger Mills County, Okla., shall be 15.0 cents per Mcf at 14.65 p.s.i.a., subject to B.t.u. adjustment, and Applicant shall file a revised billing statement reflecting the 15.0 cents price as required by the regulations under the Natural Gas Act.

(O) The certificates heretofore issued in Docket Nos. G-4831, G-18142, CI61-1711, CI65-333, CI66-939, CI66-988, CI67-90, and CI67-351 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(P) The sale heretofore authorized to be made in Docket No. G-11743 is made pursuant to the authorization granted herein in Docket No. G-4831, in paragraph (O) above, and the certificate heretofore issued in Docket No. G-11743 is terminated.

(Q) The acceptance for filing of the related rate schedule in Docket No. CI65-333 is contingent upon Applicant's filing of a billing statement for the first month's service as required by the regulations under the Natural Gas Act.

(R) The certificate heretofore issued in Docket No. CI61-516 is amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI67-1098.

(S) The certificates heretofore issued in Docket Nos. G-19293 and CI63-826 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(T) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(U) The certificate heretofore issued in Docket No. G-3210 is terminated only insofar as it relates to Southeastern Gas Co.'s FPC Gas Rate Schedule Nos. 28 and 29, respectively.

(V) The rate suspension proceeding pending in Docket No. RI64-721 is terminated only with respect to Tidewater Oil Co.'s FPC Gas Rate Schedule No. 87.

(W) The certificates heretofore issued in the following dockets are terminated:

G-4896	CI64-25	CI64-511
G-4983	CI64-141	CI64-512
G-5121	CI64-153	CI64-513
G-5958	CI64-421	CI64-515
G-7281	CI64-480	CI64-548
G-16776	CI64-493	CI64-606
G-18368	CI64-494	CI64-627
G-19174	CI64-495	CI64-630
G-20024	CI64-496	CI64-744
CI60-474	CI64-497	CI64-753
CI61-454	CI64-504	CI64-762
CI61-868	CI64-505	CI64-763
CI61-1313	CI64-506	CI64-779
CI62-678	CI64-507	CI64-874
CI62-1288	CI64-508	CI64-975
CI63-600	CI64-509	CI64-1520
CI63-795	CI64-510	CI65-33

(X) J. Lee Youngblood (Operator) et al., shall be co-respondent in the proceeding pending in Docket No. RI65-570, said proceeding is redesignated accordingly," and the agreement and undertaking submitted by J. Lee Youngblood (Operator) et al., in said proceeding is accepted for filing.

(Y) J. Lee Youngblood (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking submitted by him in Docket No. RI65-570 shall remain in full

[1] Consolidated in the proceeding on the order to show cause issued Aug. 5, 1965, in Docket No. AR61-1 et al., 34 FPC 424.

[1] L. S. Youngblood (Operator) et al., and J. Lee Youngblood (Operator) et al.

force and effect until discharged by the Commission.

(Z) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-4831 (G-11743) [1] C 2-23-67	Pan American Petroleum Corp. (Operator) et al. (successor to Shell Oil Co.).	Natural Gas Pipeline Co. of America, Old Ocean Field, Brazoria and Matagorda Counties, Tex.	Assignment 9-1-66 [2]	[3] 69	12
G-18142 D 6-7-63	Sunray DX Oil Co.	Transwestern Pipeline Co., acreage in Beaver County, Okla.	Letter Agreement 5-8-63 [4]	206	11
			Effective date: 7-8-63		
G-19293 E 2-23-67	Horizon Oil & Gas Co. of Texas (successor to Andrew A. Bradford et al.).	Panhandle Eastern Pipe Line Co., Wildcat Field, Hansford County, Tex.	Andrew A. Bradford et al., FPC GRS No.1.	4	
			Supplemental No. 1	4	1
			Notice of succession 2-17-67.		
			Assignment 6-2-66 [5]	4	2
			Assignment 6-3-66 [6]	4	3
			Effective date: 6-1-66		
CI61-1711 D 2-27-67	Gulf Oil Corp.	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	Letter Agreement 12-20-66 [7] [8]	222	4
CI62-826 E 2-16-67	J. Lee Youngblood (Operator) et al. (successor to L. S. Youngblood (Operator) et al.).	Cities Service Gas Co., Eureka Field, Grant County, Okla.	L. S. Youngblood (Operator) et al., FPC GRS No. 2.	3	
			Supplemental Nos. 1-2	3	1-2
			Notice of succession 2-9-67.		
			Assignment 8-1-66 (13-517, 518) [10]	3	3
			Assignment 8-1-66 (13-519, 520) [10]	3	4
			Effective date: 8-1-66		
CI65-333 C 2-27-67 [11]	Lubell Oil Co.	Arkansas Louisiana Gas Co., Arpelar Area, Pittsburg County, Okla.	Supplemental Agreement 12-12-66 [12]	1	4
CI66-928 [13] A 3-31-66 [14]	John T. Stanley, agent for S. and B. Oil & Gas Co.	Carnegie Natural Gas Co., Union District, Ritchie County, W. Va.	Contract 11-15-67 [15]	1	
CI66-988 C 1-25-67 [11]	Shell Oil Co. (Operator) et al. [15]	Panhandle Eastern Pipe Line Co., South Bishop Field, Ellis and Roger Mills Counties, Okla.	Amended Agreement 11-21-66.	332	3
			Ratified 8-26-66 [16]	332	4
			Ratified 9-16-66 [16]	332	5
			Ratified 9-1-66 [13] [16]	332	6
CI67-90 D 10-25-66	Amax Petroleum Corp.	Arkansas Louisiana Gas Co., acreage in Haskell County, Okla.	Contract release 8-23-66. [17]	24	21
			Contract release 9-26-66. [17]	24	22
CI67-94 [13] A 7-25-66	James E. Siar	United Natural Gas Co., Eldred and Rose Townships, Jefferson County, Pa.	Contract 6-14-23 [18]	1	
			Letter 9-25-52 [20]	1	1
			Letter 2-14-55 [21]	1	2
CI67-351 C 2-20-67 [11]	Amerada Petroleum Corp. (Operator) et al.	Panhandle Eastern Pipe Line Co., N. E. Waynoka Field, Woods County, Okla.	Amendment 1-9-67 [13] [22]	139	1

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at and of table.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI67-852 A 1-12-67 [11]	Delta Corp.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 12-12-66	9	
CI67-857 A 1-13-67 2-10-67 [13] [23]	Earl Clayton (Operator) et al.	Phillips Petroleum Co., West Panhandle Field, Gray County, Tex.	Contract 12-18-66 [13]	2	
CI67-872 A 1-16-67 [11]	Wessely Petroleum, Ltd.	Michigan Wisconsin Pipe Line Co., Mocane-Laverne Field, Harper County, Okla.	Contract 12-5-66	4	
CI67-955 A 2-1-67 [24]	Pan American Petroleum Corp. (Operator) et al.	Texas Gas Transmission Corp., Shiloh Field, Union Parish, La.	Contract 1-17-67	464	
CI67-974 A 2-6-67 [11]	Wessely Petroleum, Ltd.	Michigan Wisconsin Pipe Line Co., Mocane-Laverne Field, Harper County, Okla.	Contract 1-4-67	3	
CI67-983 A 2-6-67 [11]	Jones & Pellow Oil Co., et al.	Panhandle Eastern Pipe Line Co., acreage in Dewey County, Okla.	Contract 11-28-66	3	
			Compliance (Undated). [13] [25]	3	1
CI67-995 A 2-8-67 [11]	Jones & Pellow Oil Co., et al.	Panhandle Eastern Pipe Line Co., Southeast Arnett Field, Ellis County, Okla.	Contract 11-15-66	4	
CI67-1000 (CI61-1313) B 2-6-67	William K. Davis (Operator) et al.	Texas Eastern Transmission Corp., Southeast Rhode Ranch Field, McMullen County, Tex.	Notice of cancellation 2-2-67. [2] [26]	3	2
CI67-1003 A 2-9-67 [11]	National Cooperative Refinery Association (Operator), et al.	Panhandle Eastern Pipe Line Co., acreage in Texas County, Okla.	Contract 11-18-66	15	
CI67-1017 A 2-21-66 [13] [23a]	W. F. Ryan, for the Estate of James A. May.	Kentucky-West Virginia Gas Co., Beaver Creek Area, Floyd County, Ky.	Contract 1-14-44	1	
CI67-1019 A 2-10-67 [11]	Robert E. Aikman et al., d.b.a. A.I.K., Ltd., No. 2 (Operator) et al.	Natural Gas Pipeline Co. of America, North Lovedale Field, Harper County, Okla.	Contract 11-1-66	16	
CI67-1022 A 2-9-67 [14]	Sun Oil Co. (Rocky Mountain Division).	Mountain Fuel Supply Co., North Craig Field, Moffat County, Colo.	Contract 10-1-66	214	
			Supplemental Agreement 10-1-66. [13]	214	1
CI67-1023 A 2-10-67	Paul E. Shaffer Co.	The Manufacturers Light & Heat Co., Porter Township, Clarion County, Pa.	Contract 1-9-56 [28]	1	
			Assignment 12-9-66 [27]	1	1
			Effective date: 12-9-65		
		Mahoning Township, Armstrong County, Pa.	Contract 8-26-64 [28]	2	
			Assignment 12-9-65 [27]	2	1
			Effective date: 12-9-65		
		do	Contract 8-26-64 [28]	3	
			Assignment 12-9-65 [27]	3	1
			Effective date: 12-9-65		
CI67-1025 (G-5121) B 2-10-67	Trigood Oil Co. (successor to Fred Goodstein).	Colorado-Wyoming Gas Co., Berthoud Field, Larimer County, Colo.	Notice of cancellation 2-18-67. [2] [29]	2	6
CI67-1026 A 2-13-67 [11]	Robert Mosbacher (Operator) et al.	Trunkline Gas Co., East Mulvey Field, Vermilion Parish, La.	Contract 12-6-66 [30]	24	
CI67-1039 A 2-10-67 [11]	W. G. Rogers et al.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Area, Beaver County, Okla.	Contract 1-6-67	1	
CI67-1042 (CI62-1288) B 2-13-67	Robert Mosbacher (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., North Texana Field, Jackson County, Tex.	Notice of cancellation 2-9-67. [2] [31]	21	2
CI67-1043 A 2-13-67 [11]	Vernon J. Main, Jr.	Texas Gas Transmission Corp., Oberlin Field, Allen Parish, La.	Contract 2-7-67	2	
CI67-1053 A 2-15-67 [14]	Union Pacific Railroad Co.	Colorado Interstate Gas Co., Point of Rocks Field, Sweetwater County, Wyo.	Contract 11-15-66 [13]	9	

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI67-1057 A 2-16-67 [14]	North Star Petroleum Corp.	Phillips Petroleum Co., acreage in Hutchison County, Tex.	Contract 2-13-67 [13]	1	
CI67-1058 A 2-16-67 [13]	Martha Fordyce	The Manufacturers Light & Heat Co., South Franklin Township, Washington County, Pa.	Contract 9-10-24 [32]	1	
			Assignment 11-3-44 [33]	1	1
			Assignment 12-30-59 [21]	1	2
CI67-1067 A 2-16-67 [13]	Dunn-Mar Oil & Gas Co.	The Manufacturers Light & Heat Co., Cumberland Township, Greene County, Pa.	Contract 4-27-64 [13]	23	
CI67-1068 A 2-16-67 [13]	do	The Manufacturers Light & Heat Co., Morris Township, Greene County, Pa.	Contract 4-14-56 [13]	22	
CI67-1069 A 2-16-67 [13]	do	The Manufacturers Light & Heat Co., Grey Township, Greene County, Pa.	Contract 7-29-43 [13]	21	
			Assignment 11-15-52 [21]	21	1
CI67-1070 A 2-16-67 [13] [34]	do	The Manufacturers Light & Heat Co., Aleppo and Richhill Townships, Greene County, Pa.; and Cameron District, Marshall County, W. Va.	Contract 6-2-65 [13]	24	
CI67-1072 A 2-16-67 [14]	Sydney Spofforth et al.	Equitable Gas Co., West Union District, Doddridge County, W. Va.	Contract 1-13-67 [13]	6	
CI67-1078 A 2-17-67 [13]	A. C. Renner et al.	The Manufacturers Light & Heat Co., Amwell Township, Washington County, Pa.	Contract 9-14-49	1	
CI67-1080 [13] (CI66-930) C 2-20-67 [14]	D. R. Lauck Oil Co., Inc. (Operator) et al.	Northern Natural Gas Co., Wil Field, Edwards County, Kans.	Amendatory agreement 1-9-67. [13]	5	1
CI67-1082 A 2-17-67 [13]	Sinclair Oil & Gas Co.	El Paso Natural Gas Co., Mickelson Creek Field, Sublette County, Wyo.	Contract 12-20-66 [13]	373	
CI67-1087 A 2-8-67 [14]	Louden Production Co. et al.	The Manufacturers Light & Heat Co., Red Bank Field, Armstrong County, Pa.	Contract 10-5-27	1	
			Letter agreement 11-7-35.	1	1
			Letter agreement 9-9-35.	1	2
			Assignment 11-18-65 [34]	1	3
CI67-1089 A 2-16-67 [14]	General Petroleum Corp. et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Contract 1-2-67 [13]	5	
CI67-1092 A 2-20-67 [14]	Lyle K. Baker, agent	Equitable Gas Co., Short Run Community, Tyler County, W. Va.	Statement (undated) [27]	1	
CI67-1094 A 2-20-67 [14]	Loyce Phillips (Operator) et al.	United Gas Pipe Line Co., Pettit Field, Harrison County, Tex.	Contract 2-6-67	3	
A CI67-1096 (CI61-616) F 2-16-67	Ashland Oil & Refining [35] Co. (successor to Pan American Petroleum Corp. (Operator) et al.).	Michigan Wisconsin Pipe Line Co., N. E. Selling Field, Major County, Okla.	Contract 8-25-60 [36]	184	
			Assignment 8-1-62 [36]	184	1
			Letter 3-1-67 [21]	184	2
			Effective date: 8-1-62		
CI67-1108 A 2-16-67 [36] (G-4831)	Sue Trammell Whitfield and W. B. Trammell, Jr.	Natural Gas Pipeline Co. of America, Old Ocean Field, Brazoria and Matagorda Counties, Tex.	Contract 1-23-59	1	
CI67-1107 A 2-10-67 [13]	C. L. Sample	The Manufacturers Light & Heat Co., Richhill Field, Greene County, Pa.	Contract 2-15-39	5	
			Letter Agreement 1-22-42 [13]	5	1
CI67-1109 (CI64-1520) B 2-13-67	Crystal Oil & Land Co.	Texas Eastern Transmission Corp., Elm Grove Field, Bossier Parish, La.	Notice of cancellation 2-10-67. [2] [26]	3	1

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI67-1110 (G-3210) [13] B 2-16-67	Southeastern Gas Co.	Cabot Corp., acreage in Calhoun County, W. Va.	Notice of cancellation 3-26-65. [2] [13]	28	3
CI67-1111 (G-3210) [13] B 2-16-67	do	do	Notice of cancellation 3-26-65. [2] [13]	29	1
CI67-1112 (G-4983) B 2-16-67	Kidd Oil & Gas Co.	do	Notice of cancellation (undated). [2] [13]	1	4
CI67-1113 (G-5958) B 2-16-67	Okmar Oil Co.	do	Notice of cancellation (undated). [2] [13]	4	1
CI67-1114 (G-20024) B 2-16-67	C. I. West Virginia Corp.	Cabot Corp., Reedy District, Wirt County, W. Va.	Notice of cancellation (undated). [2] [13]	2	1
CI67-1115 B 2-16-67 (G-7261) (CI64-753)	Holly Nester, agent	Cabot Corp., acreage in Calhoun County, W. Va.	Notice of cancellation (undated). [2] [13]	6	3
		Holly Nester, agent for Starkey Gas Co.	Center District, Calhoun County, W. Va.	27	1
CI67-1116 (CI60-474) B 2-16-67	C. I. West Virginia Corp.	Cabot Corp., Burning Springs District, Wirt County, W. Va.	Notice of cancellation (undated). [2] [13]	4	1
CI67-1117 (CI61-454) B 2-16-67	do	Cabot Corp., Reedy District, Wirt County, W. Va.	Notice of cancellation (undated). [2] [13]	6	1
CI67-1118 (CI62-676) B 2-16-67	Emmett Cronin, agent for White Rock Oil & Gas Co.	Cabot Corp., Murphy District, Ritchie County, W. Va.	Notice of cancellation (undated). [2] [13]	1	1
CI67-1119 (CI63-600) B 2-16-67	Grass Run Oil & Gas Co.	Cabot Corp, acreage in Ritchie County, W. Va.	Notice of cancellation (undated). [2] [13]	2	1
CI67-1120 (CI63-796) B 2-16-67	H & H Oil & Gas Co.	Cabot Corp., Washington District, Calhoun County, W. Va.	Notice of cancellation (undated). [2] [13]	1	1
CI67-1121 (CI64-141) B 2-16-67	Walter E. Smith et al.	Cabot Corp., Sherman District, Calhoun County, W. Va.	Notice of cancellation (undated). [2] [13]	16	1
CI67-1122 (CI64-421) B 2-16-67	D. L. Geiner, d.b.a. Gunn-Stevens et al.	Cabot Corp., Sheridan District, Calhoun County, W. Va.	Notice of cancellation (undated). [2] [13]	6	1
CI67-1123 (CI64-480) B 2-16-67	W. E. Smith et al.	Cabot Corp., Sherman District, Calhoun County, W. Va.	Notice of cancellation (undated). [2] [13]	18	1
CI67-1124 (CI64-493) B 2-16-67	I. Dolph Fowler, agent for Fowler Gas Co.	Cabot Corp., Lee District, Calhoun County, W. Va.	Notice of cancellation 3-27-65. [2] [13]	5	1
CI67-1125 (CI64-494) B 2-16-67	do	Cabot Corp., Sherman District, Calhoun County, W. Va.	Notice of cancellation 3-27-65. [2] [13]	3	1
CI67-1126 (CI64-495) B 2-16-67	do	Cabot Corp., Lee District, Calhoun County, W. Va.	Notice of cancellation 3-27-65. [2] [13]	4	1
CI67-1127 (CI64-496) B 2-16-67	do	Cabot Corp., Sherman District, Calhoun County, W. Va.	Notice of cancellation 3-27-65. [2] [13]	2	1
CI67-1128 (CI64-497) B 2-16-67	do	Cabot Corp., Center District, Calhoun County, W. Va.	Notice of cancellation 3-27-65. [2] [13]	1	1
CI67-1129 (CI64-504) B 2-16-67	C. O. Poling et al. d.b.a. Smith & Poling Gas Co.	Cabot Corp., Center District, Calhoun County, W. Va.	Notice of cancellation 3-22-65. [2] [13]	2	1
CI61-1130 (CI64-505) B 2-16-67	do	Cabot Corp., Lee District, Calhoun County, W. Va.	Notice of cancellation 3-22-65. [2] [13]	3	1
CI67-1131 (CI64-506) B 2-16-67	do	Cabot Corp., Sheriden District, Calhoun County, W. Va.	Notice of cancellation 3-22-65. [2] [13]	4	1
CI67-1132 (CI64-507) B 2-16-67	do	Cabot Corp., Sherman District, Calhoun County, W. Va.	Notice of cancellation 3-22-65. [2] [13]	5	1
CI67-1133 (CI64-508) B 2-16-67	do	Cabot Corp., Lee District, Calhoun County, W. Va.	Notice of cancellation 3-22-65. [2] [13]	6	1

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
C167-1134 A 2-27-67 [14]	....do	Cabot Corp., Burning Springs District, Wirt County, W. Va.	Contract 9-7-67 [12]	8	1
C167-1135 B 2-16-67	Francis Cain	Cabot Corp., Center District, Calhoun County, W. Va.	Notice of cancellation (undated), [3] [4]	16	1
C167-1136 (C164-510) B 2-24-67	Kansas-Nebraska Natural Gas Co., Inc., Dolls Hill Field, Fremont County, Wyo.	Notice of cancellation 2-24-67, [3] [4]	299	2	1
C167-1138 (C164-511) B 2-16-67	Cabot Corp., Sherman District, Calhoun County, W. Va.	Contract 1-31-67	1		1
C167-1137 (C164-512) B 2-16-67	....do	Cabot Corp., Center District, Calhoun County, W. Va.	Notice of cancellation (undated), [3] [4]	17	1
C167-1138 (C164-513) B 2-16-67	....do	Cabot Corp., Sheridan District, Calhoun County, W. Va.	Notice of cancellation (undated), [3] [4]	19	1
C167-1139 (C164-674) B 2-16-67	....do	Cabot Corp., Center District, Calhoun County, W. Va.	Notice of cancellation (undated), [3] [4]	22	1
C167-1140 (C164-548) B 2-24-67	Philip Lemon, agent for Frank Nickolich et al.	Cabot Corp., Murphy District, Ritchie County, W. Va.	Notice of cancellation (undated), [3] [4]	15	1
C167-1141 (C164-668) B 2-16-67	Grant Fowler, agent for S. P. Bell Heirs Tract.	Cabot Corp., Sherman District, Calhoun County, W. Va.	Notice of cancellation (undated), [3] [4]	7	1
C167-1142 (C164-627) B 2-16-67	Paul Fleming et al., d.b.a. Fleming Oil & Gas Co.	Cabot Corp., Washington District, Calhoun County, W. Va.	Notice of cancellation 3-22-65, [3] [4]	1	1
C167-1143 (C164-680) B 2-16-67	Star Gas Co	Cabot Corp., Sherman District, Calhoun County, W. Va.	Notice of cancellation (undated), [3] [4]	22	1
C167-1144 (C164-744) B 2-16-67	Francis E. Cain	Cabot Corp., Center District, Calhoun County, W. Va.	Notice of cancellation (undated), [3] [4]	21	1
C167-1145 (C164-702) B 2-16-67	O. D. Smith Gas Co	Cabot Corp., acreage in Calhoun County, W. Va.	Notice of cancellation 2-22-65, [3] [4]	1	1
C167-1146 (C164-783) B 2-16-67	....do	Cabot Corp., acreage in Wirt and Calhoun Counties, W. Va.	Notice of cancellation 2-22-65, [3] [4]	2	1
C167-1147 (C164-779) B 2-16-67	P. P. Gunn et al	Cabot Corp., Lee District, Calhoun County, W. Va.	Notice of cancellation (undated), [3] [4]	19	1
C167-1148 (C164-515) B 2-16-67	Francis Cain d.b.a. Rose Evelyn Gas Co.	Cabot Corp., Lee District, Calhoun County, W. Va.	Notice of cancellation (undated), [3] [4]	20	1
C167-1149 (C164-675) B 2-16-67	Clarence Mace	Cabot Corp., Sherman District, Calhoun County, W. Va.	Notice of cancellation (undated), [3] [4]	1	1
C167-1150 (C164-683) B 2-16-67	C. W. Beecher, agent for Graham Stutler et al.	Cabot Corp., Lee District, Calhoun County, W. Va.	Notice of cancellation (undated), [3] [4]	1	1
C167-1151 (O-4990) (C164-153)	Smith & Barker Oil & Gas Co., Inc. d.b.a. Leach Oil & Gas Co.	Cabot Corp., acreage in Calhoun County, W. Va.	Notice of cancellation (undated), [3] [4]	11	1
C167-1153 A 2-24-67 [14]	Smith & Barker Oil & Gas Co., Inc. Charles T. Bryner	Lee District, Calhoun County, W. Va.	Notice of cancellation (undated), [3] [4]	24	1
		The Manufacturers Light & Heat Co., North Fork District, Washington County, Pa.	Contract 7-1-25 [16]	1	1
			Assignment 9-14-61 [17]	1	
C167-1155 A 2-24-67 [14]	U.S. Smelting Refining & Mining Co.	Mountain Fuel Supply Co., North Craig Field, Moffat County, Colo.	Contract 10-1-66	18	1
			Supplemental Agreement 10-1-66 [11]	18	
C167-1158 A 2-22-67 [11]	Mack Oil Co	Arkansas Louisiana Gas Co., Drummond Area, Major County, Okla.	Contract 1-24-67 [18]	5	1
			Contract 7-2-62 [19]	6	
C167-1162 (G-19174) B 2-27-67	Tidewater Oil Co	Texas Eastern Transmission Corp. Chalk Hill Field, Rusk County, Tex.	Notice of cancellation 2-23-67, [3] [4]	[20] 67	7
C167-1163 A 2-27-67 [14]	Allegheny Land & Mineral Co.	Consolidated Gas Supply Corp., Murphy and Grant Districts, Ritchie County, W. Va.	Contract 4-5-66 [21]	12	

See footnotes at end of table.

[1] Pan American acquired all of Shell Oil Co.'s interest heretofore covered under Shell's FPC GRS No. 149 and certificate in Docket No. G-11743; therefore, the certificate heretofore issued in Docket No. G-11743 will be terminated.

[2] Assignment of Shell's interest to Pan American Petroleum Corp. A letter agreement dated Nov. 4, 1966 whereby Pan American and the buyer agree to cancel Shell's contract and include the interest in Pan American's related contract is made a part of this supplement.

[3] Supersedes Shell Oil Co.'s FPC GRS No. 149, as supplemented.

[4] Deletes a portion of the dedicated acreage; purchaser has not connected its gathering system to any of the leases proposed to be deleted. Pursuant to Order No. 225, a limited-term certificate was issued Apr. 15, 1968 in this docket.

[5] Assignment from Andrew A. Bradford and J. C. Armstrong to Applicant.

[6] Assignment from Steed and Steed to Applicant.

[7] Letter from buyer dated Mar. 7, 1967 states that the reserves and daily volumes attributable to Gulf's interest in the Frantz Unit were not sufficient to justify the three miles of pipeline needed to connect the well.

[8] Effective date. Date of this order.

[9] Omitted.

[10] Identified by lease numbers.

[11] July 1, 1967, moratorium pursuant to the Commission's Statement of General Policy No. 61-1, as amended.

[12] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).

[13] Sale being rendered without prior Commission authorization.

[14] Jan. 1, 1968, moratorium pursuant to the Commission's Statement of General Policy No. 61-1, as amended.

[15] Sales from Oklahoma "Panhandle" Area at 17.0 cents; Applicant by letter dated Feb. 27, 1967 stated willingness to accept authorization at 15.0 cents for sales from the Oklahoma "Other" Area.

[16] Ratification by "et al." parties of contract dated Jan. 20, 1966 between buyer and Shell Oil Co.

[17] (Supp. No. 23) cost to connect is $13,200 for 661 MMcf of reserves or $14,666/MMMcf, which exceeds the contract provisions of $5,000/MMMcf of reserves; (Supp. No. 22) cost to connect is $110,400 for 4,655 MMcf of reserves or $23,716/MMMcf, which exceeds the contract provisions of $5,000/MMMcf of reserves.

[18] Sale being rendered on June 7, 1964.

[19] Between George M. Gardner and United Natural Gas Co.

[20] Establishes price at 29.46 cents per Mcf at 14.73 p.s.i.a.

[21] Shows evidence of Applicant's ownership of contract.

[22] Limited to depths above the Mississippian System.

[23] Amendment to the application to reflect a total initial price of 8.0 cents in lieu of the original proposed price of 12.0 cents.

[24] Complies with temporary certificate issued Feb. 27, 1967. Applicant states willingness to accept a permanent certificate as conditioned in the temporary.

[25] Source of gas depleted.

[26] Additional material submitted on Nov. 18, 1966 and Jan. 24, 1967. Rate filing completed Feb. 3, 1967.

[27] Between Paul E. Shaffer Co. and The Manufacturers Light & Heat Co.

[28] From Paul E. Shaffer to R. B. Robertson and Arthur V. Shaffer, partners in Paul E. Shaffer Co. (no certificate or rate filings made by predecessor).

[29] Leases provide for various depth limitations.

[30] Between New Oil and Gas Co. and The Manufacturers Light & Heat Co.

[31] From New Oil and Gas Co. to Dunn-Mar Oil & Gas Co.

[32] From Dunn-Mar Oil & Gas Co. to Martha Fordyce (no certificate or rate filings made by predecessors).

[33] Contract between The Orndorff Co. and The Manufacturers Light & Heat Co.

[34] From Orndorff to Dunn-Mar Oil & Gas Co.

[35] Jan. 1, 1968, moratorium applicable only to sales in West Virginia.

[36] Application erroneously assigned Docket No. CI67-1080 will be treated as a petition to amend the certificate heretofore issued in Docket No. CI66-930 and Docket No. CI67-1080 will be canceled.

[37] Assigns interest of C. E. Louden, Sr. (deceased), to C. E. Louden, Jr.

[38] Statement filed pursuant to section 154.92(e). Contract dated Jan. 13, 1967 (No. 6167).

[39] Applicant has expressed willingness to accept a permanent certificate conditioned similarly to the certificates issued in Opinion No. 353.

[40] On file as Pan American Petroleum Corp. (Operator) et al., FPC GRS No. 330.

[41] Assigns acreage from Pan American Petroleum Corp. to Applicant.

[42] Provides for downward Btu adjustment.

[43] Applicant is filing to cover its own interest. Applicant's interest previously covered by Pan American Petroleum Corp. FPC GRS No. 29 and certificates in Docket No. G-4881.

[44] Increases contract rate to 21.5 cents per Mcf at 60° F. and 15.325 p.s.i.a.

[45] Other sales authorized in Docket No. G-3210; therefore, the certificate in said docket will be terminated only insofar as it relates to FPC GRS Nos. 28 and 29, respectively.

[46] Gas will no longer be sold in interstate commerce. All production now sold intrastate. Order authorizing abandonment by Cabot Gas Corp. issued June 11, 1964, in Docket No. CI64-1198.

[47] Between Grayson Oil Co. and The Manufacturers Light & Heat Co.

[48] Instrument by which Charles T. Bryner acquired his interest in contract (no certificate or rate filings made by predecessor).

[49] Adopts terms of contract dated July 2, 1962.

[50] 15.6-cent rate in effect subject to refund in Docket No. RI64-721; therefore, the rate suspension proceeding pending in Docket No. RI64-721 will be terminated only with respect to FPC GRS No. 87.

[51] Between G. S. Coon (deceased) and buyer.

[52] Establishes Sybil C. Bradford et al., as Heirs to the Estate of G. S. Coon.

[53] Increases contract price from 12.0 cents per Mcf to 15.0 cents per Mcf.

[54] Increases price to 16.0 cents per Mcf.

[55] Increases price to 20.0 cents per Mcf.

[F.R. Doc. 67-4625; Filed, Apr. 28, 1967; 8:45 a.m.]

[Docket No. RI67-357 etc.]

W. C. McBRIDE, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 21, 1967.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 7, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-357	W. D. McBride, Inc., 25 North Brentwood Blvd., St. Louis, Mo. 63105.	10	7	Phillips Petroleum Co.[3] (Panhandle Field, Moore County, Tex.) (R.R. District No. 10).	$611	4- 3-67	[3] 5- 4-67	[4] 5- 5-67	[7] 10.5	[8] [7] 11.0	
		11	7		611	4- 3-67	[3] 5- 4-67	[4] 5- 5-67	[7] 10.5	[8] [7] 11.0	
RI67-358	LaGloria Oil & Gas Co.,[12] Post Office Box 2521, Houston, Tex. 77001.	2	10	Texas Eastern Transmission Corp. (Waskom Field, Harrison County, Tex.) (R.R. District No. 6).	12,931	3-24-67	[3] 4-24-67	[4] 4-25-67	[11] 12.9808	[8] [10] 14.0	

[3] Phillips gathers and processes the gas in its Dumas Gasoline Plant and resells the residue gas under its FPC Gas Rate Schedule No. 32 to El Paso Natural Gas Co. at a present effective rate of 19.76625 cents which is subject to refund in Docket No. G-22403.

[4] The stated effective date is the first day after expiration of the statutory notice.

[5] The suspension period is limited to 1 day.

[6] "Fractured" rate increase. Contractually due a rate of 11.5 cents on May 1, 1967.

[7] Pressure base is 14.65 p.s.i.a.

[8] Subject to a deduction of 0.5 cent per Mcf for sour gas.

[9] The stated effective date is the effective date proposed by Respondent.

[10] "Fractured" rate increase. Contractually due rate is 14.8 cents plus tax reimbursement.

[11] Seller waives right to any amount above 14.0 cents during remainder of relevant contract period which expires on Nov. 1, 1967.

[12] Includes base rate of 12.8 cents plus tax reimbursement (seller deducts its cost of transmission and compression before computing tax).

[13] LaGloria Oil & Gas Co. is a fully owned subsidiary of the buyer, Texas Eastern.

W. C. McBride, Inc. (McBride), requests that its proposed rate increase be permitted to become effective on May 1, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for McBride's rate filing and such request is denied.

McBride proposes two "fractured" rate increases from 10.5 cents to the area increased rate ceiling of 11.0 cents per Mcf for wellhead sales of gas to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10. Phillips gathers the gas and after processing in its Dumas Gasoline Plant resells the residue gas at the plant tailgate to El Paso Natural Gas Co. under its FPC Gas Rate Schedule No. 32 at a rate of 19.76325 cents which is in effect subject to refund in Docket No. G-22403. McBride's rate schedules are subject to a moratorium for filing rate increases in excess of the area ceiling until November 1, 1968, pursuant to the Commission's order issued March 4, 1966, which conditionally approved McBride's settlement proposal in Docket Nos. G-16890 et al. Under the order McBride has the right to file for any increased rates, if contractually authorized, up to the applicable ceiling levels. Although the proposed 11.0-cent rate, considered a "fractured" rate since McBride is contractually entitled to a higher rate of 11.5 cents per Mcf on May 1, 1967, does not exceed the 11.0-cent increased rate ceiling for Texas Railroad District No. 10 as announced in the Commission's Statement of General Policy No. 61-1, as amended, it is suspended for 1 day from May 4, 1967, the date of expiration of the statutory notice, because such ceiling is applicable to Phillips' rate, not to McBride's rate.

LaGloria Oil and Gas Co. (LaGloria) proposes a "fractured" rate increase to its fully owned affiliate, Texas Eastern Transmission Corp. (Texas Eastern) for a sale of gas in Waskom Field, Harrison County, Tex. (Railroad District No. 6). Although LaGloria is contractually due a periodic increase to 14.8 cents plus tax reimbursement it has waived its right to file for any increase above 14.0 cents per Mcf during the remainder of the period that the 14.8-cent rate is due (until Nov. 1, 1967). LaGloria also retains its right to file for any increase to the area ceiling if such ceiling is increased during such period. Consistent with prior Commission action in suspending for 1 day sales to affiliates which would be otherwise acceptable (at or below the area ceiling) we conclude that LaGloria's proposed 14.0 cents per Mcf rate, even though it does not exceed the area increased rate ceiling for Texas Railroad District No. 6, should be suspended for 1 day from April 24, 1967, the proposed effective date.

[F.R. Doc. 67-4793; Filed, Apr. 28, 1967; 8:48 a.m.]

[Docket Nos. G-19952, G-19994]

RODMAN, LATE & NOEL ET AL.

Order Granting Relief

APRIL 21, 1967.

Rodman, Late & Noel and Rodman Petroleum Corp., Docket No. G-19952; and E. G. Rodman (Operator) et al., and C. G. Campbell and Rodman Petroleum Corp., Docket No. G-19994.

Rodman Petroleum Corp. (Rodman) filed on December 12, 1966, and January 16, 1967 two certificate applications, together with related rate filings, to succeed to certain services previously rendered by E. G. Rodman in Docket No. G-14518 and Rodman and Late in Docket No. G-14752. Rodman states that it has acquired the interest of E. G. Rodman covered by the certificate and related rate schedule in Docket No. G-14518 (Docket No. G-19994) and a portion of E. G. Rodman's interest covered by the certificate and rate schedule in Docket No. G-14752 (Docket No. G-19952).

Rodman, E. G. Rodman and Rodman and Late have small producer certificates and the certificates granted in Docket Nos. G-14518 and G-14752 have been terminated. In these circumstances no certificate action with respect to the succession by Rodman is necessary.

However, Rodman desires to continue collection of rates in excess of the rates authorized in its small producer certificate in the same manner that its predecessors were permitted to do by order issued February 6, 1967 in Rodman and Late et al., Docket Nos. CS66-48 et al. It is therefore necessary to redesignate and accept for filing the related rate schedules and supplements thereto effective as of September 1, 1966, the date of transfer of the properties involved.[1] It will also be necessary to make Rodman a co-respondent in the related suspension proceedings in Docket Nos. G-19994 and G-19952. In this connection, we shall require Rodman to file surety bonds in the amount of $2,200 in Docket No. G-19994 and $1,200 in Docket No. G-19952. E. G. Rodman will retain any refund obligation incurred by him in these proceedings with respect to the assigned acreage for the period prior to the transfer of his interest, and as to the acreage not assigned, his refund obligation, of course, will continue.

Rodman's above ceiling rates herein will be subject to the same conditions imposed upon E. G. Rodman and Rodman and Late in the above-mentioned February 6, 1967 order.

The Commission orders:

(A) E. G. Rodman's FPC Gas Rate Schedule No. 1, as supplemented, is redesignated as Rodman Petroleum Corp.'s FPC Gas Rate Schedule No. 3, as supplemented, and such rate schedule, together with Supplement Nos. 1 through 11 thereto, are accepted for filing effective as of September 1, 1966, but the 15.5599-cent rate contained therein is effective subject to refund in Docket No. G-19994.

(B) The acreage covered by Rodman and Late FPC Gas Rate Schedule No. 1, which has been assigned herein is designated as Rodman Petroleum Corp. and Late, et al. FPC Gas Rate Schedule No. 1, as supplemented, and such rate schedule with Supplement Nos. 1 through 8 thereto are accepted for filing effective as of September 1, 1966, but the 17.2295-cent rate contained therein is effective subject to refund in Docket No. G-19952.

(C) Rodman Petroleum Corp. is made a co-respondent in the proceedings in Docket Nos. G-19994 and 19952.

(D) The above-ceiling rates referred to in paragraphs (A) and (B) above are subject to rejection as of September 1, 1966, in the event the Permian court stay is dissolved or the moratorium provisions in Opinion Nos. 468 and 468-A are upheld ultimately upon judicial review. The collection of such rates is also subject to the refund provisions of paragraph (D) of Opinion No. 468 as well as the refund provisions of the applicable suspension proceeding.

(E) Within 30 days of the issuance of this order, Rodman Petroleum Corp. shall file, in the attached form, executed surety bonds in the amount of $1,200 in Docket No. G-19952 and $2,200 in Docket No. G-19994 (signed by a responsible officer of the corporation and evidenced by proper authority from the board of directors). Said bonds shall be accompanied by a certificate to the effect that no other obligation has been assumed in connection with the bonds in addition to the payment of the bond premiums. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, such bonds shall be deemed to be satisfactory and to have been accepted for filing. The bonds filed herein shall remain in full force and effect until discharged by the Commission. Rodman Petroleum Corp. shall comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

SURETY BOND

Know All Men by These Presents,

That we (Name and address of the natural gas company) (hereinafter called "Principal"), as Principal, and (Name and address and place of incorporation of Surety Bond Company) (hereinafter called "Surety"), as Surety, are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

WHEREAS, (Name of Respondent), on (Date of Original Filing), filed with the Federal Power Commission (herein called the Commission) Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, proposing to increase a rate and charge over which the Commission has exercised jurisdiction; and

WHEREAS, by order issued (Suspension Order Issuance Date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classification, subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended Until Date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

WHEREAS, a hearing has not been held and this proceeding has not been concluded; and (Name of Respondent), pursuant to the provisions of Section 4(e) of the Natural Gas Act, having on (Date Motion Filed), filed a motion to make the change in rate effective as of (Requested Effective Date); and

WHEREAS, the Commission, in response to said motion, on (Date of Notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, effective as of (Effective Date), subject to Respondent's furnishing a bond in the sum of $----------, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. ---------- not justified;

NOW, THEREFORE, if (Name of Respondent), its corporate surety, (and their heirs, executors, administrators[1]) successors and assigns, in conformity with the terms and conditions of the notice issued (Date of Notice) by the Federal Power Commission, Docket No. ----------, (Name of Respondent), shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate and charge collected by (Name of Respondent) after (Effective Date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of Respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. ----------, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have placed their hands and seals on this ------ day of ----------.

Attest:

By ----------
Principal

By ----------
Surety

[F.R. Doc. 67-4794; Filed, Apr. 28, 1967; 8:48 a.m.]

[Docket No. CP66-198]

UNITED FUEL GAS CO.

Notice of Continuance of Prehearing Conference

APRIL 21, 1967.

Upon consideration of the request for continuance filed in Docket No. CP66-198 by United Fuel Gas Co. on April 17, 1967;

Notice is hereby given that the prehearing conference presently scheduled for April 27, 1967, in the above-designated matter is postponed until June 1, 1967.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4795; Filed, Apr. 28, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17308]

PACIFIC WESTERN AIRLINES, LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on May 25, 1967, at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., April 25, 1967.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 67-4811; Filed, Apr. 28, 1967; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 609]

ILLINOIS

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Boone, Cook, and Lake Counties, in the State of Illinois;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about April 21, 1967.

OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, Ill. 60604.

2. Temporary offices will be established at Belvidere, Lake Zurich, and Oaklawn, Ill., as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1967.

Dated: April 22, 1967.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 67-4802; Filed, Apr. 28, 1967; 8:49 a.m.]

[Declaration of Disaster Area 610]

MICHIGAN

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Kent County, in the State of Michigan;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about April 21, 1967.

OFFICE

Small Business Administration Regional Office, 1249 Washington Boulevard, Detroit, Mich. 48226.

2. A temporary office will be located at city hall, Wyoming, Mich.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1967.

Dated: April 24, 1967.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 67-4803; Filed, Apr. 28, 1967; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 25, 1967.

Protests to the granting of an application must be prepared in accordance with

[1] E. G. Rodman FPC Gas Rate Schedule No. 1, as supplemented, will be redesignated as Rodman Petroleum Corp.'s FPC Gas Rate Schedule No. 3, and such rate schedule together with Supplement Nos. 1 through 11 thereto will be accepted for filing. The 15.5599-cent rate contained therein will continue in effect subject to refund in Docket No. G-19994. The acreage involved in Rodman and Late FPC Gas Rate Schedule No. 1 which has been assigned is designated as Rodman Petroleum Corp. and Late, et al. FPC Gas Rate Schedule No. 1, and such rate schedule together with Supplement Nos. 1 through 8 thereto will be accepted for filing. The 17.2295-cent rate contained therein will continue in effect subject to refund in Docket No. G-19952.

[1] To be included if a noncorporate respondent.

Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40999—*Chlorine to Calvert, Ky.* Filed by Southwestern Freight Bureau, agent (No. B–8974), for interested rail carriers. Rates on chlorine, in tank carloads, and in shipments of not less than five (5) carloads, from specified points in Louisiana and Texas, also Wichita, Kans., to Calvert, Ky.

Grounds for relief—Market competition.

Tariffs—Supplements 157 and 61 to Southwestern Freight Bureau, agent, tariffs ICC 4534 and 4668, respectively, and supplement 43 to Western Trunk Line Committee, agent, tariff ICC A–4620.

FSA No. 41000—*Petroleum products from, to, and between points in southwestern and midcontinent territories.* Filed by Southwestern Freight Bureau, agent (No. B–8978), for interested rail carriers. Rates on petroleum rubber extender or rubber processing oil, in barrels, or in metal cans in wooden boxes or cases, or in tank carloads, from, to, or between, points in southwestern and midcontinent territories, and returned shipments from original destinations to original points of shipment.

Grounds for relief—Carrier competition.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–4796; Filed, Apr. 28, 1967; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 26, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41001—*Clay—Refused or rejected shipments—Returned to southern territory.* Filed by O. W. South, Jr., agent (No. A5024), for interested rail carriers. Rates on clay, in carloads, refused or rejected at destination and not unloaded or partially unloaded, returned, between points in southern territory, including St. Louis, Mo., and intermediate points on southern lines; also, from points in Illinois, official, southwestern, and western trunkline territories and points in Canada, to points in southern territory.

Grounds for relief—Carrier competition.

Tariffs—Supplements 258 and 21 to Southern Freight Association, agent, tariffs, ICC S–40 and S–438, respectively.

FSA No. 41002—*Chlorine to Norco, La.* Filed by O. W. South, Jr., agent (No. A5025), for interested rail carriers. Rates on chlorine, in tank carloads, from LeMoyne, Ala., to Norco, La.

Grounds for relief—Market competition.

Tariff—Supplement 69 to Southern Freight Association, agent, tariff ICC S–600.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–4797; Filed, Apr. 28, 1967; 8:48 a.m.]

[Notice 374]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 26, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR of Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 128932 TA (Correction), filed March 15, 1967, published FEDERAL REGISTER issue of March 25, 1967, republished as amended April 1, 1967, and republished as corrected, this issue. Applicant: ROBERT L. TORRANS, doing business as COMMERCIAL STORAGE & DISTRIBUTION CO., West 26th and Taylor Streets, Texarkana, Tex. 75501. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points within a 175-mile radius of Texarkana, Tex., and (2) between points within a 150-mile radius of Dallas, Tex., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, and (3) *household goods* as defined by the Commission, between Texarkana, Tex., and Dallas, Tex., on the one hand, and, on the other, the ports of Galveston and Houston, Tex., and New Orleans, La., restricted to export-import shipments in containers only, for 180 days.

NOTE: The area in (1) and (2) above includes points in the counties of Milam, Bell, Lampasas, Mills, Brown, Callahan, Shackelford, Throckmorton, Baylor, Wilbarger, Wichita, Archer, Young, Stephan, Eastland, Comanche, Hamilton, Coryell, Robertson, Falls, McLennan, Bosque, Erath, Palo Pinto, Jack, Clay, Montague, Wise, Parker, Somerville, Cooke, Denton, Tarrant, Johnson, Hill, Limestone, Madison, Walker, Leon, Polk, Trinity, Houston, Freestone, Anderson, Navarro, Ellis, Dallas, Collin, Grayson, Fannin, Hunt, Lamar, Delta, Hopkins, Rockwall, Kaufman, Henderson, Van Zandt, Rains, Wood, Red River, Franklin, Titus, Morris, Bowie, Class, Upshur, Smith, Cherokee, Gregg, Marion, Harrison, Rusk, Panola, Shelby, Nacodoches, Angelina, San Augustine, Sabine, Tyler, Jasper, Newton, Camp, and Hood, Tex.; Crawford, Franklin, Johnson, Sebastian, Logan, Pope, Conway, Faulkner, Perry, Yell, Scott, Polk, Montgomery, Garland, Saline, Pulaski, Lonoke, Sevier, Howard, Pike, Clark, Hot Springs, Grant, Jefferson, Arkansas, Little River, Hempstead, Nevada, Ouachita, Dallas, Cleveland, Lincoln, Desha, Drew, Bradley, Calhoun, Miller, Lafayette, Columbia, Union, Ashley, and Chicot, Ark.; Muskogee, Sequoyah, McIntosh, Hughes, Pittsburg, Haskill, Le Flore, Latimer, Pontotoc, Garvin, Stephens, Cotton, Tillman, Jefferson, Carter, Love, Marshall, Johnston, Bryan, Atoka, Choctaw, McCurtain, Pushmataha, Coal, and Murray, Okla.; Caddo, Bossier, Webster, Claiborne, Union, Morehouse, West Carroll, East Carroll, Madison, Richland, Ouachita, Lincoln, Bienville, Red River, De Soto, Sabine, Natchitoches, Winn, Franklin, Catahoula, La Salle, Grant, Vernon, Rapides, and Jackson, La. The purpose of this republication is to set forth all of the authority requested in the application. Supporting shippers: Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119; Home-Pack Transport, Inc., 57–48 49th Street, Maspeth 78, N.Y.; Higa Fast Pac, Inc., 465 California Street, Suite 530, San Francisco, Calif. 94104; Jet Forwarding, Inc., 2945 Columbia Street, Torrance, Calif. 90503; Trans Ocean Van Service, Post Office Box 7331, Long Beach, Calif. 90807. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–4798; Filed, Apr. 28, 1967; 8:49 a.m.]

[Notice 1510]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 26, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69569. By order of April 21, 1967, the Transfer Board approved the transfer to Moore's Moving & Storage Co., Inc., Andover, N.J., of the operating rights in certificate No. MC–74656 issued January 10, 1950, to Scott's Express, a corporation, Rutherford, N.J., authorizing the transportation of: Household goods, as defined by the Commission, between specified counties in New Jersey and points in Rhode Island, New York, New Jersey, Connecticut, Massachusetts, and Pennsylvania, in a radial movement, and paper products and newspapers and printed circulars, between Tenafly, N.J., and New York, N.Y., and Stamford, Conn. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, representative for transferor. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, representative for transferee.

No. MC–FC–69570. By order of April 21, 1967, the Transfer Board approved the transfer to Springbank Bus Lines Ltd., a corporation, London, Ontario, Canada, of the operating rights in certificate No. MC–123154 issued December 14, 1964, to John Greenwood and Roy Norton, doing business as Springbank Bus Lines, London, Ontario, Canada, authorizing the transportation of: Passengers and their baggage, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at ports of entry on the United States-Canada boundary line, at Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., and extending to points in Michigan, Indiana, Ohio, Pennsylvania, New York, Maryland, Virginia, and the District of Columbia. S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C., attorney for applicants.

No. MC–FC–69571. By order of April 20, 1967, the Transfer Board approved the transfer to North Central Van Lines, Inc., Lincoln, Nebr., of the operating rights in certificate No. MC–40030, issued September 28, 1953, to El Reno Transfer & Storage Co., a corporation, El Reno, Okla., authorizing the transportation, of: Household goods, as defined by the Commission, and emigrant movables, between points in Canadian County, Okla., on the one hand, and, on the other, points in Texas, New Mexico, Missouri, Kansas, and Arkansas. Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, attorney for applicants.

No. MC–FC–69573. By order of April 20, 1967, the Transfer Board approved the transfer to Chet's Transport, Inc., Charlotte, Maine, of certificates Nos. MC–127337 and MC–127337 (Sub-No. 1), both issued August 8, 1966, to Chester P. Sherrard, doing business as Chet's Transport, Charlotte (West Pembroke), Maine, and authorizing the transportation of bananas, and fresh fruit, fresh vegetables, and fresh berries, from Boston, Mass., to ports of entry on the United States-Canada boundary line at or near Houlton, Vanceboro, and Bar Harbor, Maine, restricted to traffic moving to points in specified Canadian provinces; smoked, cured, and processed fish, and frozen fish, from ports of entry on the United States-Canada boundary line at or near Vanceboro, Calais, Houlton, and Bar Harbor, Maine, to Boston and Gloucester, Mass., and fish wrapping paper and repair parts for fishing boats or fish processing machines, from Boston and Gloucester, Mass., to ports of entry on the United States-Canada boundary line at or near Vanceboro, Calais, Houlton, and Bar Harbor, Maine.

No. MC–FC–69574. By order of April 21, 1967, the Transfer Board approved the transfer to Bill Rogers Trucking Co., Inc., Odessa, Tex., of certificate No. MC–34209, issued March 20, 1943, to J. S. Brimberry, doing business as Oilfield Transportation Co., Odessa, Tex., and acquired by William Owen Rogers, doing business as Bill Rogers Trucking Co., Odessa, Tex., pursuant to No. MC–FC–68334, approved November 30, 1965, and consummated January 3, 1966. The said certificate authorizes the transportation of machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, over irregular routes, between Ranger, Tex., and points and places within 100 miles thereof, on the one hand, and, on the other, points and places in Lea and Eddy Counties, N. Mex., and between Big Springs, Tex., and points and places in Texas within 120 miles thereof, except those within 100 miles of Ranger, Tex., on the one hand, and, on the other, Hobbs, N. Mex., and points and places in New Mexico within 50 miles of Hobbs. George W. Svanas, 418 West Fourth Street, Odessa, Tex. 79760, attorney for applicants.

No. MC–FC–69575. By order of April 20, 1967, the Transfer Board approved the transfer to Sanford Transfer, Inc., an Illinois corporation, Terre Haute, Ind., of certificate No. MC–106134, issued October 21, 1949, to Toler Trucking Co., Inc., Clay City, Ill., and authorizing the transportation of oilfield machinery, materials, supplies, and equipment, over irregular routes, between points and places in Illinois, Indiana, Kentucky, and Tennessee. W. L. Jordan, 201 Merchants Savings Building, Terre Haute, Ind. 47801, representative for applicants.

No. MC–FC–69576. By order of April 20, 1967, the Transfer Board approved the transfer to Fred Braunsroth and Gilbert Braunsroth, a partnership, Bloomfield, Nebr., of certificate No. MC–100256, issued January 3, 1949, to Ray Hagge, Bloomfield, Nebr., authorizing the transportation of livestock, between points and places in Hill, Herrick, Harrison, and Peoria Townships, Knox County, Nebr., on the one hand, and, on the other, Sioux City, Iowa, and Yankton, S. Dak.; commercial feed, from Sioux City, Iowa, and Yankton, S. Dak., to the specified Nebraska points; livestock and grain, from Bloomfield and Omaha, Nebr., and points and places in the vicinity of Bloomfield, to Sioux City, and Council Bluffs, Iowa, and feed, lumber, farm machinery, and coal from Sioux City and Council Bluffs, Iowa, to these specified Nebraska points. Gilbert Braunsroth, Bloomfield, Nebr. 68718, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–4799; Filed, Apr. 28, 1967; 8:49 a.m.]

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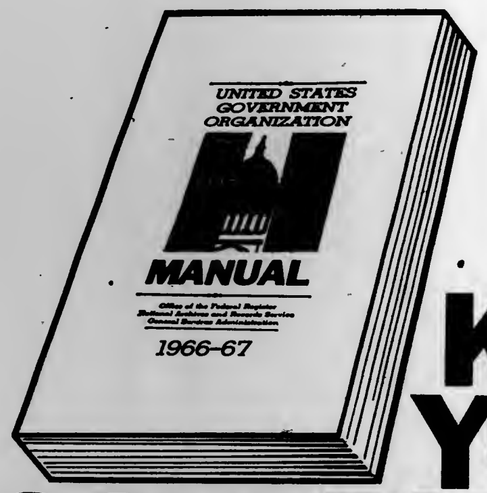
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SUBJECT INDEX

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THE FEDERAL REGISTER SUBJECT INDEX

The Subject Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

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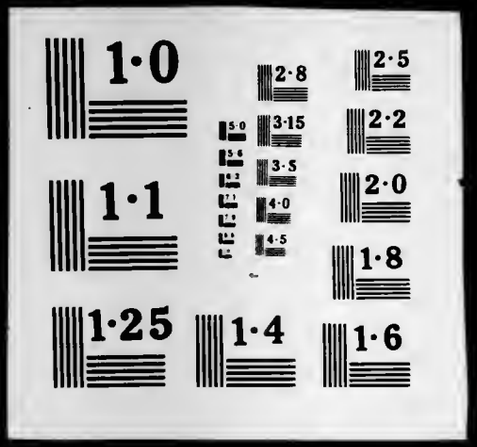
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U.S. GOVERNMENT PRINTING OFFICE: 1967

RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in this chart indicate the number of lines per millimeter in adjacent "L-shaped" groupings.

In microfilming it is necessary to determine the reduction ratio and multiply by the number adjacent to the group in which it can be decerned that the lines are either horizontal or vertical. As an aid in determining the reduction ratio the line below is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 10 millimeters long in the film image and 100/10 = 10.

Examine the "L-shaped" line groupings in the film with a forty power microscope and note the number adjacent to the group in which it is possible to decern that the lines are either horizontal or vertical. It is only necessary to determine that there are lines in both directions regardless of the number of lines. Under these conditions it is considered that the group in question is resolved. Example: the lines in 7.9 group are discernible horizontally and vertically while the lines in the 8.9 group are not discernible. Reduction ratio is 10 and 7.9 × 10 = 79 lines per millimeter recorded satisfactorily. 8.9 × 10 = 89 lines per millimeter which are not recorded satisfactorily. Under the particular conditions maximum resolution is between 79 and 89 lines per millimeter.

In order to check the camera for vibration several exposures should be made with the chart in the center of the field in one orientation and then turn it through an angle of 45° and make several more exposures. If the lines in both directions at both orientations are equally resolved the camera is free from vibrations.

Resolution as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. It is recommended the resolution charts be placed on every roll of microfilm, at the beginning of the roll or preferably at both ends of the roll. This practice will provide a convenient means of continually checking both the operation and performance of the system which can be referred to at any time.